

Agenda

Council Meeting
Wednesday 27 July 2022 at 7pm
Gisborne Administration Centre
40 Robertson Street, Gisborne

Agenda updated to reflect changes to report 10.1 outlined in the minutes of the meeting.

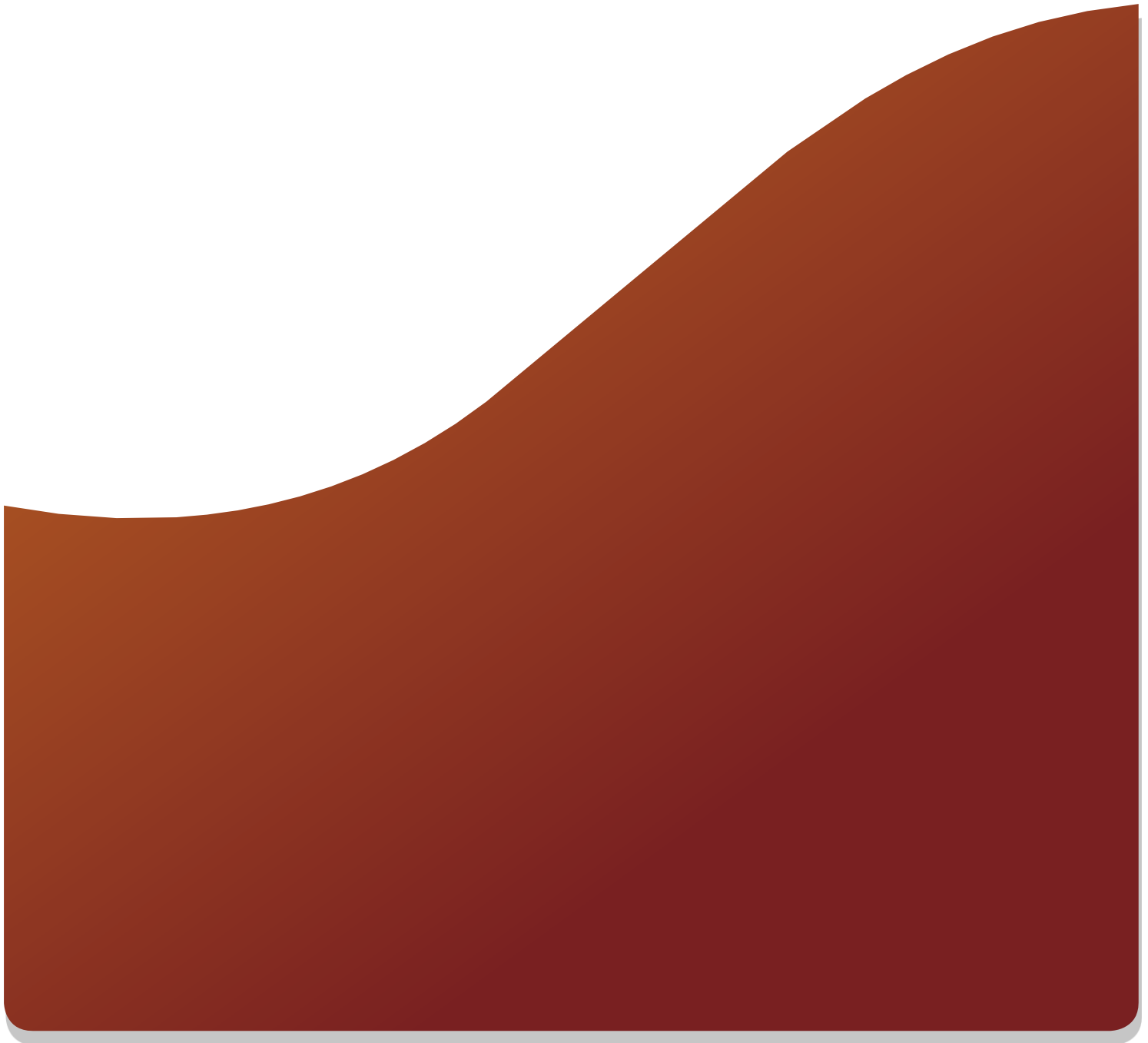


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1 ACKNOWLEDGEMENT OF COUNTRY

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

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

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 22 June 2022, as circulated.

9 MAYOR'S REPORT**9.1 MAYOR'S REPORT - JUNE TO JULY 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

Another busy month for Council and Councillors with much to celebrate. A sample is listed below with some events being highlighted in more detail. All involve a great sense of collaboration, acknowledgement of achievements, a community focus and many a commitment to a deeper understanding of our traditional owner groups.

Invitations to Events and Councillor Delegate meetings

Councillors were pleased to be invited to the following events/meetings:

- North Central Catchment Management Strategy Launch, Hepburn Springs, attended by Deputy Mayor Rob Guthrie, Thursday 23 June.
- Municipal Association of Victoria State Council, Melbourne Friday 24 June.
- Municipal Emergency Management Planning Committee meeting, Tuesday 28 June.
- Social and Affordable Housing Compact Municipal Association of Victoria, Zoom Thursday 29 June.
- Opening of the National Entomology Insect Expo in Woodend, Friday 1 July
- Kyneton Rotary changeover lunch, Sunday 3 July.
- 1st Woodend Venturers Queen's Scouts Presentations in Woodend on Saturday 9 July for Tess Jackman, Andrew McClean, Ilise Laidlaw-Grealy and Reuben Savona Holmes.
- Old Kyneton Primary School site visit and launch of expression of interest from community groups and businesses, Monday 4 and Friday 8 July.
- Media event and tour of Rationale Skincare headquarters in Kyneton, Monday 11 July.
- Upper Coliban Shelter Opening, Upper Coliban Reservoir Spillway, Friday 15 July with Mary Anne Thomas, MP, representatives from DJAARA and Coliban Water to celebrate the creation of a walking trail and shelter with indigenous signage and historical information.
- Macedon Ranges Local Safety Committee meeting, Monday 25 July.
- Launch of the new community share ride and Feed-it-Forward lunch in Lancefield, Tuesday 26 July.
- Plastic Free July events throughout July.

Lancefield Park Oval Lighting Upgrade

The formal turning on of the lights to recognise the Lancefield Park Oval Lighting Upgrade was held at Lancefield Park on 8 July. This was made possible through generous funding through the 2021/22 Local Sports Infrastructure Fund.

NAIDOC Week Celebration

The screening of 'The Drover's Wife – The Legend of Molly Johnston' was held on 10 July at the Kyneton Town Hall. This screening was in celebration of NAIDOC Week which recognises the history, culture and achievements of Aboriginal and Torres Strait Islander peoples. NAIDOC Week (which is held across Australia in the first week of July each year) is an opportunity for all Australians to learn about First Nations cultures and histories and participate in celebrations. The theme for this year's NAIDOC Week was 'Get Up! Stand Up! Show Up!'

Planning Delegated Committee Meeting

A Planning Delegated Committee meeting was held online on 13 July 2022. This forum provided an opportunity for Councillors to hear from applicants/landowners and objectors/submitters and to make decisions on statutory planning applications.

Citizenship Ceremony

36 residents made a formal pledge to become Australian citizens on 19 July 2022. Our new citizens have originally come from United Kingdom, New Zealand, Philippines, India, Brazil, Scotland, United States of America, Canada and Cambodia.

Street planting in Riddells Creek

Approximately 400 new trees (purchased from local nurseries) will continue to be planted on nature strips in Riddells Creek in the coming months as part of Council's annual tree planting program. Street planting has previously taken place in Lancefield, Tylden, Malmsbury, Darraweit Guim and New Gisborne. Council has a shire-wide strategy for planting, however cost efficiencies can be achieved by focusing on planting locations each year.

Youth Award Nominations

Since 2006 hundreds of young people have been recognised by Council's Youth Awards. The awards celebrate the significant contribution young people make to the life of the community and society more broadly. The 2022 award categories include willpower, good deeds, pure imagination, nicely played, skilling it and well aware. I encourage you all to look to nominate any young person or group of young people aged 12-25 years who live, work or attend school in the Macedon Ranges who is deserving of such an award. Nominations close on 31 July 2022 (and winners will be announced and celebrated on 6 October in the Kyneton Town Hall).

Stanley Park Community Asset Committee

I also take this opportunity to encourage any community members who are passionate about Stanley Park in Mount Macedon to express interest in joining the Stanley Park Community Asset Committee. Further details are available on Council's website, however noting that nominations close on 29 July.

Mayor Anderson

Macedon Ranges Shire Council

10 RECORD OF MEETINGS OF COUNCILLORS AND COUNCIL STAFF**10.1 RECORD OF MEETINGS OF COUNCILLORS AND COUNCIL OFFICERS - JUNE - JULY 2022****Summary**

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

Recommendation

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

Record of meetings

| | |
|-------------------------|--|
| Type of meeting | Councillor Briefing |
| Date and time | 21-Jun-2022 at 9:00am |
| Venue | Gisborne Administration Centre |
| Present - Councillors | <ul style="list-style-type: none"> • Cr Jennifer Anderson (Mayor) • Cr Rob Guthrie (Deputy Mayor) • Cr Dominic Bonanno • Cr Annette Death • Cr Geoff Neil • Cr Janet Pearce (via Zoom) • Cr Bill West • Cr Mark Ridgeway |
| Apologies - Councillors | <ul style="list-style-type: none"> • Cr Anne Moore |
| Present - officers | <ul style="list-style-type: none"> • Bernie O'Sullivan, Chief Executive Officer • Rebecca Stockfeld, Director Planning and Environment • Adele Drago-Stevens, Director Corporate • Maria Weiss, Director Community • Colin Marshall, Acting Director Assets and Operations • Rob Ball, Manager Strategic Planning and Environment • Travis Harling, Manager Finance & Reporting |

| | |
|---|---|
| | <ul style="list-style-type: none"> • Stephen Pykett, Manager Economic Development and Visitor Economy (via Zoom) • Evert Grobbelaar, Manager Statutory Planning • Amy Holmes, Manager Community Strengthening • Krista Patterson-Majoor, Coordinator Environment • Nicole Pietruschka, Coordinator Visitor Economy (via Zoom) • Susan Henry, Coordinator Emergency Management • Isobel Maginn, Senior Strategic Planner • Lucy Webb-Wilson, Senior Officer Governance (Council Business) • Jack Wiltshire, Strategic Planner • Danni Findlay, Business Development Officer • Simon Purves, Conservation Reserves Officer |
| Apologies officers | Shane Walden (Director Asset and Operations) |
| Presenters | Nil |
| Items discussed | <ul style="list-style-type: none"> • Annual Budget 2022/23 discussions • Woodend Community Centre Redevelopment Project Update • Dalton Street Environmental Management Plan • Gisborne Futures – Final Consultation Report • Planning Matters • Annual Grants – Panel Recommendations 2022-23 Events & Festival Grant Program • Agenda Review for 22 June Council Meeting • Municipal Resilience Progress Update |
| Conflicts of interest declared by Councillors and record of them leaving the meeting when the matter about which they declared the conflict of interest was discussed | <p>Cr Rob Guthrie declared a material conflict - PLN/2021/616 AND DP/2021/1 89 Ross Watt Road. Did they leave the meeting? Yes (12:09pm – 12:26pm)</p> <p>Cr Geoff Neil declared a conflict with Annual Grants – Panel Recommendations 2022-23 Events & Festival Grant Program, with the grant approval for the Romsey Ecotherapy Park Grand Opening due to being the treasurer of the Romsey Ecotherapy Park committee. Did they leave the meeting? No</p> |
| Conflicts of interest declared by officers | NIL |

| | |
|-------------------------|---|
| Type of meeting | Councillor Briefing |
| Date and time | 28-Jun-2022 at 9:00am |
| Venue | Gisborne Administration Centre |
| Present - Councillors | <ul style="list-style-type: none"> • Cr Jennifer Anderson (Mayor) • Cr Rob Guthrie (Deputy Mayor) • Cr Annette Death • Cr Anne Moore (via Zoom) • Cr Geoff Neil • Cr Janet Pearce • Cr Bill West • Cr Mark Ridgeway |
| Apologies - Councillors | <ul style="list-style-type: none"> • Cr Dominic Bonanno |
| Present - officers | <ul style="list-style-type: none"> • Bernie O'Sullivan, Chief Executive Officer • Rebecca Stockfeld, Director Planning and Environment • Adele Drago-Stevens, Director Corporate • Maria Weiss, Director Community • Colin Marshall, Acting Director Assets and Operations (partial attendance via Zoom) • Rob Ball, Manager Strategic Planning and Environment • Isobel Maginn, Senior Strategic Planner • Lucy Webb-Wilson, Senior Officer Governance (Council Business) • Silvana Predebon, Environment Policy and Sustainability Officer • Justin Walsh, Sustainability Officer |
| Apologies officers | <ul style="list-style-type: none"> • Shane Walden (Director Asset and Operations) • Emma Harvey (Working Heritage) |
| Presenters | <ul style="list-style-type: none"> • Ross Turnbull, (Working Heritage) • Sarah McQuillan, (Echelon Planning) • Daisy Ager, (Echelon Planning) • Matt Hogg (Banner Asset Management) |
| Items discussed | <ul style="list-style-type: none"> • Register of Policies, Plans & Strategies • Romsey Councillor Reference Group • Kyneton Primary School |

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|---|---|
| | <ul style="list-style-type: none"> Amess Road Precinct Structure Plan – Draft Precinct Structure Plan for Councillor Feedback Outcomes of Open Space Strategy Community Assembly Developing a Climate Emergency Response Plan Planning Delegated Committee Agenda Review for 13 July 2022 Other business |
| Conflicts of interest declared by Councillors and record of them leaving the meeting when the matter about which they declared the conflict of interest was discussed | <p>Cr Annette Death declared a conflict of interest in relation to planning permit PLN/2021/524. Did they leave the meeting? Yes (2:26pm – 2:42pm)</p> <p>Cr Rob Guthrie declared a material conflict - PLN/2021/616 AND DP/2021/1 89 Ross Watt Road. Did they leave the meeting? Yes (3:20pm – 3:24pm)</p> |
| Conflicts of interest declared by officers | NIL |

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|-------------------------|--|
| Type of meeting | Councillor Briefing |
| Date and time | 05-July-2022 at 9:00am |
| Venue | Gisborne Administration Centre |
| Present - Councillors | <ul style="list-style-type: none"> Cr Jennifer Anderson (Mayor) Cr Rob Guthrie (Deputy Mayor) Cr Dominic Bonanno Cr Anne Moore Cr Geoff Neil Cr Janet Pearce Cr Bill West Cr Mark Ridgeway |
| Apologies - Councillors | <ul style="list-style-type: none"> Cr Annette Death |
| Present - officers | <ul style="list-style-type: none"> Bernie O'Sullivan, Chief Executive Officer Rebecca Stockfeld, Director Planning and Environment Adele Drago-Stevens, Director Corporate (via Zoom) Maria Weiss, Director Community Shane Walden, Director Assets and Operations Rob Ball, Manager Strategic Planning and Environment (via Zoom) |

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| | <ul style="list-style-type: none"> • Naomi Scrivener, Manager Community Wellbeing • Leanne Khan, Coordinator Strategic Planning (via Zoom) • Lucy Webb-Wilson, Senior Officer Governance (Council Business) • Dannielle Orr, Heritage Planner |
| Apologies officers | Nil |
| Presenters | <ul style="list-style-type: none"> • Craig Kenny (Mach2 Consulting) |
| Items discussed | <ul style="list-style-type: none"> • Aged Care Reform Briefing #2 • Planning Application Statistics • Thematic Environmental History – Draft Report • Mollison Street, Malmsbury – Application to Rezone from C2Z to NRZ • Planning Matters • Other business |
| Conflicts of interest declared by Councillors and record of them leaving the meeting when the matter about which they declared the conflict of interest was discussed | NIL |
| Conflicts of interest declared by officers | NIL |
| Type of meeting | Councillor Briefing |
| Date and time | 12-July-2022 at 9:00am |
| Venue | Gisborne Administration Centre |
| | <ul style="list-style-type: none"> • Cr Jennifer Anderson (Mayor) • Cr Rob Guthrie (Deputy Mayor) • Cr Dominic Bonanno • Cr Annette Death • Cr Geoff Neil • Cr Janet Pearce • Cr Bill West • Cr Mark Ridgeway (via Zoom) • Cr Moore (via Zoom (workshop only)) |
| Apologies - Councillors | <ul style="list-style-type: none"> • NIL |
| Present - officers | <ul style="list-style-type: none"> • Bernie O'Sullivan, Chief Executive Officer |

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| | <ul style="list-style-type: none"> • Rebecca Stockfeld, Director Planning and Environment • Adele Drago-Stevens, Director Corporate • Maria Weiss, Director Community • Shane Walden, Director Assets and Operations • Lauren Wall, Manager Communications and Engagement • Rob Ball, Manager Strategic Planning and Environment • Leanne Khan, Coordinator Strategic Planning • Lucy Webb-Wilson, Senior Officer Governance (Council Business) • Jack Wiltshire, Strategic Planner |
| Apologies officers | NIL |
| Presenters | <ul style="list-style-type: none"> • David Bergin (DaB) |
| Items discussed | <ul style="list-style-type: none"> • Romsey Structure Plan workshop • Community Satisfaction Survey Results • Planning Matters • Turner Lane, Kyneton • Planning Delegated Committee Meeting Agenda Review 13 July • Agenda Review for 27 July Council Meeting (2 weeks prior to the meeting) • Other business |
| Conflicts of interest declared by Councillors and record of them leaving the meeting when the matter about which they declared the conflict of interest was discussed | <p>Cr Annette Death declared a conflict of interest in relation to planning permit PLN/2021/524.</p> <p>Did they leave the meeting? Yes (2:30pm – 2:33pm)</p> |
| Conflicts of interest declared by officers | <p>Rebecca Stockfeld (Director Planning and Environment) declared an indirect conflict of interest in relation to the consideration of bequest.</p> <p>Did they leave the meeting? Yes (3:05pm – 3:08pm)</p> |

| | |
|-------------------------|---|
| Type of meeting | Councillor Briefing |
| Date and time | 19-July-2022 at 9:00am |
| Venue | Gisborne Administration Centre |
| Present - Councillors | <ul style="list-style-type: none"> • Cr Jennifer Anderson (Mayor) • Cr Rob Guthrie (Deputy Mayor) • Cr Dominic Bonanno • Cr Annette Death • Cr Anne Moore (via Zoom) • Cr Geoff Neil • Cr Janet Pearce • Cr Bill West • Cr Mark Ridgeway |
| Apologies - Councillors | NIL |
| Present - officers | <ul style="list-style-type: none"> • Bernie O'Sullivan, Chief Executive Officer • Rebecca Stockfeld, Director Planning and Environment • Adele Drago-Stevens, Director Corporate • Maria Weiss, Director Community • Shane Walden, Director Assets and Operations • Bob Elkington, Manager Economic Development and Visitor Economy (via Zoom) • Evert Grobbelaar, Manager Statutory Planning • Eng Lim, Manager Engineering and Resource Recovery • Rob Ball, Manager Strategic Planning and Environment • Awais Sadiq, Coordinator Statutory Planning • Patricia Clive, Coordinator Governance • Nicole Pietruschka, Coordinator Visitor Economy (via Zoom) • Lucy Webb-Wilson, Senior Officer Governance (Council Business) |
| Apologies officers | NIL |
| Presenters | NIL |

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| <p>Items discussed</p> | <ul style="list-style-type: none"> • Autumn Festival 2022 Wrap Up and Proposed 2023 Plan • Social and Affordable Housing • Riddells Creek Movement Network Study • Planning Matters • Other business |
| <p>Conflicts of interest declared by Councillors and record of them leaving the meeting when the matter about which they declared the conflict of interest was discussed</p> | <p>Cr Rob Guthrie declared a material conflict - PLN/2021/616 AND DP/2021/1 89 Ross Watt Road. Did they leave the meeting? Yes (12:46pm – 12:53pm)</p> |
| <p>Conflicts of interest declared by officers</p> | <p>NIL</p> |

11 DIRECTOR PLANNING AND ENVIRONMENT REPORTS

| | |
|-----------------------------------|---|
| PE.1 | LANCEFIELD MEGAFUNA FEASIBILITY STUDY |
| Officer: | Stephen Pykett, Manager Economic Development and Visitor Economy |
| Council Plan relationship: | 4. Delivering strong and reliable government |
| Attachments: | Nil |

Summary

The Lancefield Megafauna Interpretation Centre (LMIC) feasibility study was a funded action in the 2019/20 Council Plan and currently has not been endorsed by Council. Some Community members and Businesses in Lancefield have requested Council make the study available to them.

Recommendation

That Council release the Draft Lancefield Megafauna Interpretation Centre (LMIC) feasibility study, provided separately to Councillors, with financial, visitation and operating revenue projections redacted.

Background

The Lancefield Megafauna Interpretation Centre (LMIC) feasibility study was a funded action in the *2019/20 Council Plan*. The project relates to the Lancefield Swamp as a megafauna fossil site, situated less than a kilometre south of the township of Lancefield. Its nondescript appearance does not reflect its scientific importance and it has been recognised as the best megafauna site in Victoria and one of the top five in Australia.

Fossils were originally uncovered there in 1843, and to date there have been excavations at three sites within the dig grounds. The extent of the whole site is unknown; however, the consensus is that only twenty percent of the site has been excavated to date.

The *2019/20 Council Plan* action was to investigate the feasibility of constructing a Megafauna Interpretation Centre in Lancefield that would enable visitors to experience the significance of the site.

A consultant was engaged to explore the concept of a Megafauna Interpretive Centre at Lancefield which would identify partnerships, estimate financial outcomes, economic impacts, governance and funding models.

Discussion

The Draft Lancefield Megafauna Interpretation Centre (LMIC) feasibility study was finalised on May 2020. The feasibility study was not presented to a Council meeting as further investigations and evaluations were identified as necessary to confirm financial modelling and visitation assumptions made in the plan. The assumptions the financial model was based on were considered optimistic and further detailed analysis would be required to ensure a level of rigour to base any further decisions on.

Significant changes in visitor behaviour and expenditure have occurred since the onset of pandemic restrictions. Additionally construction cost increases and labour force challenges

have emerged as ongoing issues. All of these factors have rendered the financial and visitor modelling aspects of this draft study needing a complete review.

Releasing the draft study with financial, visitation and operating revenue projections redacted will enable the community and businesses to engage in further discussions regarding the concept without focusing on aspects that are known to be outdated and in need of revision. It would also ensure that any costings that may be commercially sensitive are not made available at this time.

Consultation and engagement

The Draft Lancefield Megafauna Interpretation Centre (LMIC) feasibility study was completed with community and subject matter expert consultation. Input was sought from Traditional Owners, the Lancefield Community, Education and Museum specialists. Internally a working group was formed including representatives from Community and Culture (lead area), Economic Development and Tourism, Strategic Planning and Environment, and Communications.

Collaboration

Collaboration was not required in relation to this report.

Innovation and continuous improvement

Releasing the Draft Lancefield Megafauna Interpretation Centre (LMIC) feasibility study will enable and facilitate ongoing discussion and engagement.

Relevant law

No legal advice has been sought in relation to this report.

In accordance with the *Gender Equality Act 2020*, a Gender Impact Assessment was not required in relation to the subject matter of this report.

Relevant regional, state and national plans and policies

No relevant plans or policies identified.

Relevant Council plans and policies

The Draft Lancefield Megafauna Interpretation Centre (LMIC) feasibility study concept relates to the Council Plan in relation to Healthy Environment, Healthy People. Particularly protecting the natural environment and to provide opportunities to experience open space and bushland reserves. Releasing the draft study will facilitate community conversations and build trust that will work towards delivering a strong and reliable government.

The Macedon Ranges Shire Council *Arts and Culture Strategy 2018-2028* has a specific action;

3.1.9. Support the Lancefield Megafauna Group with their vision of a permanent interpretative centre in Lancefield.

Financial viability

Releasing the Draft Lancefield Megafauna Interpretation Centre (LMIC) feasibility study does not commit Council to use of any additional resources.

Sustainability implications

Releasing the Draft Lancefield Megafauna Interpretation Centre (LMIC) feasibility study will facilitate ongoing community engagement.

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.2 | DALTON STREET RESERVE ENVIRONMENTAL MANAGEMENT PLAN |
| Officer: | Krista Patterson-Majoor, Coordinator Environment |
| Council Plan relationship: | 2. Healthy environment, healthy people |
| Attachments: | Dalton Street Reserve Environmental Management Plan (under separate cover) |

Summary

The Dalton Street Reserve Network contains areas of public open space, remnant vegetation and a section of Marram Bulok Creek nestled around a residential subdivision on the south-western edge of Gisborne. In response to increasing resident requests regarding management of the reserve network, an Environmental Management Plan (Attachment 1) was developed to guide future revegetation projects and bushland enhancement works over the next ten years or more.

Recommendation

That Council

1. **Adopt the Dalton Street Environmental Management Plan;**
2. **Commence implementation of the short term actions identified in the plan within existing resources; and**
3. **Support the formation of a local residents “Friends” group to participate in the management of the reserve network.**

Background

The Dalton Street Reserve network comprises the public open space components of a residential subdivision located in the south western edge of Gisborne. The network contains areas of remnant vegetation in the landscape and high canopy cover with a section of Marram Bulok Creek running through sections of the reserve. Environmental values vary, some sections support mature trees with patches of remnant native vegetation that have good ecological values with the potential to be enhanced further.

In response to increasing resident requests regarding the management of the reserve network, it was identified that an Environment Management Plan would help to engage the neighbouring residents and improve the biodiversity values of the area by guiding revegetation projects and bushland enhancement works over the next ten years or more.

The objectives of the Dalton Street Reserve Environmental Management Plan are to:

- Develop a long-term vision for the reserve
- Confirm the existing ecological values of the reserve
- Identify management objectives for the reserve in collaboration with residents and the community
- Develop a ten year Environmental Action Plan

Ecological consultants, Ranges Environmental, were selected to undertake field assessments, attend community workshops, and develop the Environmental Management Plan. The recommendations identified in the plan are the result of input from community

members, background knowledge of Council operational staff and the observations by ecological consultants.

Discussion

The Dalton Street Reserve Environmental Management Plan aims to achieve incremental improvements for Dalton Street Reserve over the next ten years including:

- Enhancement of the sites natural values including bushland, wetland and open space areas.
- Improved biodiversity protection through conservation management, weed control and pest animal management.
- Collaborative relationships between Council, Community and Stakeholders where knowledge and resources are shared.
- Build community capacity including support for a 'Friends' group that actively participates in the management of the reserve network.
- Ongoing management of the functionality of the reserve and user facilities.

The ecological assessment of Dalton Street Reserve revealed a high diversity of native vegetation and habitat types in a high profile location that is enjoyed by local residents. Of note is a total of 14 significant plant species including three listed as threatened under the *Flora and Fauna Guarantee Act 1988*, three species of regional significance within the Port Phillip and Westernport region and eight species which are considered to be of local significance to the Gisborne area. The reserve network also hosts diversity of habitat types for fauna species including a range of bird species, arboreal mammals, micro-bats and frogs.

A range of threats to these ecological values including environmental weeds, pest animals and inappropriate uses have been identified and a range of management solutions have been prescribed to counter these threats.

Fourteen separate zones have been identified and categorised by vegetation type which form five broad management areas:

- Remnant Vegetation and Revegetation (Zone 1)
- Ephemeral Wetlands (Zone 2-3)
- Revegetation (Zone 6-8 and 14)
- Remnant Trees with landscaping (Zone 4)
- Remnant Vegetation (Zone 5, 9-13)

Management actions to address ecological threats are expected to be undertaken annually for a ten year period and then reviewed thereafter. In addition to management actions that aim to protect and enhance biodiversity, this plan also identified opportunities to enhance user facilities and the functionality of the reserve, while also upholding Councils obligations to undertake fire prevention and tree hazards management.

Consultation and engagement

Two stages of community consultation were undertaken as a part of the project:

- Stage 1: Informing residents and stakeholders of the project and gathering input to develop a draft plan.
- Stage 2: Gathering feedback on the draft plan.

Consultation took place via Council’s website, media releases, letters to residents, social media, and two drop-in sessions on site.

The Stage 1 consultation process resulted in six written submissions and many verbal contributions offered during an on-site consultation meeting. Several objectives were identified in relation to biodiversity protection, conservation management and pest plant and animal management. Residents also expressed an interest to form a ‘Friends Group’ to help facilitate these objectives. In general, the majority of feedback was received from residents of the estate who were supportive of the actions proposed. A summary of this feedback is detailed in 5.1 Community Consultation in the Dalton Street Reserve Environmental Management Plan, Attachment 1.

Stage 2 involved the release of a draft Environmental Management Plan for community consultation for a period of four weeks in May/June 2022. It was promoted through a direct mail-out to surrounding residents, signage and information at the Council office in Gisborne, use of local print and social media, and a resident drop-in session held on-site in June.

Written responses were received by two local community groups who provided support for the plan. The Friends of Daly Nature Reserve “sees this EMP as an important document proposing environmentally friendly outcomes into the future and thanks the Environment Team for delivering this EMP.” The other submission from a Gisborne resident stated “it appears to be a well written document which covers a lot of important information.”

Verbal feedback was also provided at a site meeting from four local residents.

All suggestions and officer responses are included in the table below.

| Comment | Response |
|---|--|
| <p>Naming of reserve – Recommend naming the reserve network “Marrum Bulok Nature Reserve” or “Marrum Bulok Conservation Reserve” would be more appropriate. This aligns with the sentiment of the Macedon Ranges Reconciliation Action Plan and in the “Wurundjeri Cultural Values of Gisborne” report for the Macedon Ranges Shire Council – page 24 under the heading of A Summary of Recommendations from this work: “* <i>On-going involvement in landscape management in urban design, naming, as part of the effort to appropriately emphasise the Wurundjeri cultural footprint.</i>” (amongst other recommendations).</p> <p>An indigenous name would apply to current thoughts on naming new conservation areas within Wurundjeri Woi wurrung country.</p> <p>- 2 responses</p> | <p>Support this suggestion.</p> <p>Added a new section 5.1.9 Community submission raising issue of the name of the reserve network.</p> <p>New action included: “Investigate officially naming the reserve network after the Marrum Bulok Creek and, if supported by Wurundjeri, agencies and community, seek to undertake name change with the Register of Geographic Names”</p> <p>Added to 5.1.4 “Consider signage that names the reserve network”.</p> <p>Pg 68 – Table 10– added as a new item:</p> <p>7. Determine reserve name.</p> |
| <p>Aboriginal Cultural Heritage – there is no mention of the Aboriginal Cultural Heritage sensitivities and values of the reserve network – this is a disappointing omission, especially with a named waterway in the study area. The generic acknowledgement doesn’t even recognise that the reserve is on Wurundjeri Woi-wurrung country, this is not at all acceptable.</p> | <p>Updated Acknowledgement and included additional information about Aboriginal Cultural Heritage in the “Study Area” section.</p> |
| <p>Zoning – the current zoning of this land is GRZ (General Residential Zone). The zoning needs to</p> | <p>Out of scope – the ecologists were not asked to consider changes to the planning scheme. This</p> |

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| <p>be changed to PCRZ (Public Conservation and Resource Zone). Dalton Street forms part of the wildlife corridor, taking in the golf course, the pine plantation, the cemetery, Daly Nature Reserve, Bunjil and Jacksons Creeks. It is therefore worthy of maximum protective zoning.</p> <p>- 2 responses</p> | <p>suggestion will be provided to the current Gisborne Futures process to consider.</p> |
| <p>Tree management - Will the trees in the waterways (behind houses) be thinned/trimmed? Are the dead trees going to be removed?</p> | <p>This is addressed under section 5.1.1. In addition to strategic thinning of overabundant canopy, Council will continue its tree audit program in high use areas (a 3 year cycle by a qualified Arborist). A new 3-year cycle is to commence in July 2022. Following the initial audit, timely pruning or removal will then follow if a legitimate safety concern is identified. Unless deemed unsafe, the dead trees will be left as habitat for local fauna.</p> |
| <p>Foxes - Are foxes going to be controlled?</p> | <p>This addressed under section 4.13. Rabbits and Foxes have been identified as the primary pest animal threats to vegetation and fauna habitats in the local area. Reducing fox activity generally relies on multiple methods ranging from den destruction, baiting and trapping. Given the urban nature of the reserve network, baiting not preferred control option. As a minimum, regular monitoring, location and destruction of dens should be undertaken. Rabbits are a main food source for Foxes so an integrated rabbit control program will assist in discouraging fox activity within the reserve network.</p> |
| <p>Lane to Melton Road- Is the connection behind the reserve and Gisborne/Melton Rd part of this plan?</p> | <p>No, this area was out of scope of this study. Refer to Gisborne Futures process.</p> |
| <p>Road safety - Can the vision on Dalton Street (nth) be maintained better by slashing grass along roadside?</p> | <p>This is addressed in section 5.1.8. Council will undertake annual reviews of vegetation on the road reserve including overhanging branches or any vegetation that has an existing or potential visual obstruction to road users and remove or prune vegetation as necessary.</p> |
| <p>Zone 4 - Zone 4 has been maintained by residents for many years because council wasn't present & what is planned now?</p> | <p>This is addressed in section 5.1.5. The planted species in this area will be assessed and any weedy species will be removed. We will seek to educate local residents on the use of appropriate plants and value their ongoing involvement in the management of the area.</p> |
| <p>Zone 5 - What is planned for zone 5 to keep cars out?</p> | <p>This is addressed in section 5.1.6. A natural physical barrier (eg. tree log) will be installed that will limit vehicle access but still allow for pedestrian access.</p> |
| <p>Page 5 – Ecological protection – point two – the current wording: <i>“Allow for natural regeneration to ensure ecological succession of all plant species”</i> this needs to be changed to: <i>“Allow for natural regeneration to ensure ecological succession of all indigenous plant species”</i></p> | <p>Pg 5. Updated text to read <i>“Allow for natural regeneration to ensure ecological succession of all indigenous plant species”</i></p> |

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| <p>this is to reflect that not all plant species should be looked after eg: weeds and introduced species.</p> | |
| <p>Page 10 – Criteria 1 - Community Value – “a community group (non-active)”. As this is a long-term EMP it is inappropriate to label the community group as non-active and request that the words “non-active” be removed</p> | <p>Pg. 10. Removed text “(non-active)”</p> |
| <p>Page 11 and 13 – Victorian Biodiversity Atlas references – review plant list available on iNaturalist as well as the Victorian Biodiversity Atlas for a more complete list.</p> | <p>Noted. Consultants requested to review iNaturalist for any records of additional native plants, especially threatened species.</p> |
| <p>Page 23/24 – Landscape Context – please add the bolded sentence to this section:</p> <p>Although the reserve and surrounding housing estate has been heavily fragmented, there is still significant canopy connectivity extending throughout the local area including the road reserve corridor of Melton Road and adjoining private lands. The Gisborne Golf Club occurs to the immediate west of the reserve and contains a mosaic of open, mown areas and patches of trees. To the north-east there are important habitat and canopy linkages through the current pine plantation and cemetery to Daly Nature Reserve and beyond to Bunjil Creek.</p> | <p>Pg. 23/24 add suggested text</p> |
| <p>Page 46 – paragraph 2 – Please include all local community groups in the area. - 2 responses</p> | <p>Pg. 46 Replace text outlining community groups with the following:</p> <p><i>There are several community driven environmental groups operating locally within the Gisborne Area such as Friends of Daly Nature Reserve, Friends of Mount Gisborne Bushland Reserve, Friends of Gisborne Botanic Gardens, Gisborne Landcare, Federation of Environment and Horticulture in the Macedon Ranges, Jacksons Creek EcoNetwork and Friends of Jacksons Creek.</i></p> |

Collaboration

Melbourne Water is a key partner in the development and implementation of this plan. Melbourne Water reviewed the project briefing and draft plan when completed.

Innovation and continuous improvement

Ecological consultants were engaged to provide expert advice for the management of the reserves.

Relevant law

The reserve network is zoned General Residential zone under the Macedon Ranges Planning Scheme and it has no relevant overlays.

Fourteen significant plant species were recorded in the reserve including three listed as threatened under the *Flora and Fauna Guarantee Act 1988*, three species of regional significance within the Port Phillip and Westernport region and eight species which are considered to be of local significance to the Gisborne area.

Council is obliged to manage weed species as outlined in the *Catchment and Land Protection Act 1994*.

In accordance with the *Gender Equality Act 2020*, a Gender Impact Assessment was not required in relation to the subject matter of this report.

Relevant regional, state and national plans and policies

This plan helps achieve the targets set in Melbourne Water's *Healthy Waterways Strategy 2018-28*.

Relevant Council plans and policies

This plan aligns with the Council Plan Strategic Objective 2 "Healthy environment, healthy people" which includes an action to "protect, preserve and enhance bushland and biodiversity".

It also implements actions identified in Council's *Biodiversity Strategy 2018* and in the *Environmental Works Plan for Council Managed Waterway Reserves in the Port Phillip Catchment* (endorsed by Council on 26 May 2021) for Marram Bulok Creek Waterway Reserve.

Financial viability

The implementation of the Environment Management Plan is dependent on the provision of funding to undertake the works.

Council and the community can use the plan to apply for different funding streams available through Council, State and Federal Governments, Melbourne Water, community environment grants, or other funding programs.

Residents will be supported to establish a 'Friends' group and will be encouraged to take ownership in progressing the plan such as through hosting information sessions or working bees.

Sustainability implications

The Environmental Management Plan will ensure the reserve network is managed in a sustainable manner and ensure protection of the natural environment.

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 | ANNUAL GRANTS - PANEL RECOMMENDATIONS 2022-2023 EVENTS AND FESTIVALS GRANT PROGRAM |
| Officer: | Nicole Pietruschka, Events and Filming Officer |
| Council Plan relationship: | 1. Connecting communities 3. Business and tourism |
| Attachments: | Guidelines - Events and Festivals Grant Program - 2022 (under separate cover) |

Summary

The Macedon Ranges Events and Festivals Grant Program provides support to events that deliver social and economic benefit to the community.

The 2022-2023 program has an approved \$75,000 and a range of in-kind support.

This report details the process of evaluation in accordance with the program guidelines and lists the events recommended to receive funding and in-kind support from the 2022-2023 program.

The final assessment and recommendation is presented to Council for endorsement.

Recommendation

That Council:

1. **Receive the 2022-2023 Events and Festivals Grant Program Assessment;**
2. **Endorse the Assessment Panel recommendations to allocate, according to the Schedule 1 in this report;**
 - (a) **\$71,650 Events and Festivals Grant Program budget;**
 - (b) **One Tier 1 Triennial Agreement (Woodend Winter Arts Festival);**
3. **Endorse the Assessment Panel recommendations to allocate, according to the Schedule 2 in this report;**
 - (a) **\$3,350 Events and Festivals Grant Program budget;**
 - (b) **In-kind support; and**
4. **Write to all applicants thanking them for submitting an application and advising them of the outcomes.**

Background

The Macedon Ranges Events and Festivals Grant Program is an annual program designed to support events and festivals within the shire through funding, in-kind services and venue hire of Council run facilities.

The Events and Festival Grant Program was adopted at the Ordinary Council Meeting 24 February 2020. At that meeting, Council resolved:

That Council:

1. **Endorse the 2020-2021 Events and Festivals Grant Program Guidelines with the following changes to the program:**

- a. Updated program objectives
 - b. Revised criteria for the classification of events
 - c. Addition of triennial agreements with increased financial support available to Tier 1 and 2 events
2. Consider increasing program funding from \$75,000 to \$90,000 as part of the 2021-2022 budget process.
 3. Explore and/or consider establishing an EOI process to enable unique event opportunities of state or national significance to seek Council support on an ad-hoc basis.

The 2022-2023 program was open for applications from the 28 March 2022 to 2 May 2022, and again for a second round of applications from 17 May 2022 to 30 May 2022. A total of twelve eligible applications were received.

There were two fewer applications received this year compared with 2021. This is partly due to several successful recipients from 2020-2021 and 2021-2022 program postponing their events due to the COVID pandemic. These recipients have retained funding support to deliver their event by 30 June 2023 via a variation agreement with Council.

Discussion

Program overview

The program is designed so events and festivals apply to the tier that matches their classification for size and focus. Each tier offers a different level of funding support commensurate to the size and scale of the event. In-kind support is available to all tiers.

Events must be delivered between 1 July 2022 and 31 December 2023.

The 2022-2023 program includes both one-year or triennial agreements for Tier 1 and 2 events.

TIER 1 Signature event

Support for events that have the capacity to attract intrastate and interstate visitation and showcase the Macedon Ranges tourism branding strengths.

One-year Up-to \$10,000

Triennial Year 1 up-to \$15,000

Year 2 up-to \$12,000

Year 3 up-to \$10,000

TIER 2 Regionally significant event

Support for events of regional significance that attract visitation from outside the township it's held.

One-year Up-to \$6,000

Triennial Year 1 up-to \$10,000

Year 2 up-to \$8,000

Year 3 up-to \$6,000

TIER 3 Community event

Support for events that primarily attract local attendance and reinforce community connectedness.

One-year Up-to \$2,000

In-kind support

In-kind support is available to all tiers of the grant program, providing access to the following services that would normally come at a cost.

- Waiver of activity on a road permit fee
- Assistance with the development of an event plan
- Bin hire
- Additional cleaning of public toilets

In-kind venue hire of Council managed facilities

In-kind venue hire is available to all tiers of the grant program, providing access to council managed venues and reserves that would normally come at a cost. In-kind venue hire does not include associated staffing costs, cleaning or additional equipment hire required for venue operations.

The following venues are excluded from in-kind venue hire due to their unique operational requirements:

- (1) Hanging Rock
- (2) Kyneton Town Hall

Schedule 1 - funding recommendation

| EVENT NAME | FUNDING RECOMMENDATION |
|--|-------------------------------|
| Tier 1 - Signature event | |
| Woodend Winter Arts Festival (Triennial funding) | \$15,000 |
| TOTAL TIER 1 | \$15,000 |
| Tier 2 - Regionally significant event | |
| Spring Bliss Festival | \$6,000 |
| Kyneton Agricultural Show | \$6,000 |
| Mountain Writers Festival | \$5,000 |
| Eastern Ranges Progressive Dinner | \$2,000 |
| Lancefield Megafauna Festival | \$4,500 |
| Mt Macedon/Macedon Community Hall Spring event | \$3,500 |
| Australian Orienteering Championships | \$2,000 |
| Calder Fly Fishing Association | \$1,000 |
| TOTAL TIER 2 | \$30,000 |
| Tier 3 - Community event | |
| Movie Session at the Tyden Town Hall | \$1,000 |

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|--|-----------------|
| Woodend Rotary Halloween | \$1,650 |
| TOTAL TIER 3 | \$2,650 |
| 2020-2021 Events and Festival Grant Program - Triennial Funding | |
| Tier 1 Garden Lovers Fair | \$6,000 |
| Tier 1 Kyneton Daffodil Festival | \$6,000 |
| 2021-2022 Events and Festival Grant Program - Triennial Funding | |
| Tier 2 Lancefield Agricultural Show | \$4,000 |
| Tier 2 Macedon Ranges Sustainability Group | \$8,000 |
| TOTAL TRIENNIAL COMMITMENT | \$24,000 |
| OVERALL SCHEDULE 1 TOTAL | \$71,650 |

Schedule 2 - funding recommendation

| EVENT NAME | FUNDING RECOMMENDATION |
|--|-------------------------------|
| Tier 2 - Regionally significant event | |
| Romsey Ecotherapy Park Grand Opening | \$3,350 |
| OVERALL SCHEDULE 2 TOTAL | \$3,350 |

In kind

| EVENT NAME | Total value of in-kind support |
|--|---------------------------------------|
| EVENT BIN HIRE | |
| Woodend Winter Arts Festival | \$144 |
| Kyneton Agricultural Show | \$144 |
| Mountain Writers Festival | \$144 |
| Romsey Ecotherapy Park Grand Opening | \$144 |
| Lancefield Megafauna Festival | \$144 |
| Mt Macedon/Macedon Community Hall Spring event | \$144 |
| Australian Orienteering Championships | \$144 |
| Woodend Rotary Halloween | \$144 |
| Tylden Town Party | \$144 |
| Garden Lovers' Fair (triennial agreement year 2) | \$144 |
| Kyneton Daffodil and Art Festival (triennial agreement year 2) | \$144 |
| TOTAL – EVENT BIN HIRE | \$1,584 |
| WAIVER OF ACTIVITY ON A ROAD PERMIT FEES | |
| Eastern Ranges Progressive Dinner | \$176 |
| Australian Orienteering Championships | \$176 |

| | |
|--|-----------------|
| Kyneton Daffodil and Art Festival (triennial agreement year 2) | \$176 |
| TOTAL – WAIVER OF ACTIVITY ON A ROAD PERMIT FEES | \$528 |
| ADDITIONAL CLEANING OF TOILET FACILITIES | |
| Woodend Winter Arts Festival | \$150 |
| Mountain Writers Festival | \$150 |
| Romsey Ecotherapy Park Grand Opening | \$150 |
| Eastern Ranges Progressive Dinner | \$150 |
| Mt Macedon/Macedon Community Hall Spring event | \$150 |
| Australian Orienteering Championships | \$150 |
| Tylden Town Party | \$150 |
| TOTAL | \$1,050 |
| EVENT PLAN ASSISTANCE | |
| Romsey Ecotherapy Park Grand Opening | \$400 |
| TOTAL – EVENT PLAN ASSISTANCE | \$400 |
| IN-KIND VENUE HIRE | |
| Kyneton Daffodil and Art Festival (triennial agreement year 3) | \$5,000 |
| Woodend Winter Arts Festival | \$1,000 |
| Calder Fly Fishing Association | \$927 |
| TOTAL – IN-KIND VENUE HIRE | \$6,927 |
| TOTAL VALUE IN-KIND SUPPORT | \$10,489 |

Consultation and engagement

Applicants are invited to provide feedback on the program when the outcome of their submission is provided.

Collaboration

Collaboration was not required in relation to this report.

Innovation and continuous improvement

The Events and Festival Grant program is reviewed annually and considers feedback provided by the previous year's applicants.

Relevant law

No issues identified that would affect Council's compliance with the Human Rights Charter. In accordance with the *Gender Equality Act 2020*, a Gender Impact Assessment was not required in relation to the subject matter of this report.

Relevant regional, state and national plans and policies

Successful recipients are required to comply with relevant permits related to the delivery of their event.

Relevant Council plans and policies

The Events and Festivals Grant Program supports the priorities of the 2021-2031 Council Plan to:

- 1. Connecting communities**
- 5. Business and tourism**

Financial viability

The Events and Festival Grant Program has an allocated budget of \$75,000.

Due to the COVID-19 pandemic, several recipients of the 2020-2021 and 2021-2022 Events and Festival Grant Program postponed their events. These recipients have a variation agreement with Council to provide funding for their event delivery by 30 June 2023. The total funds carried from the 2020-2021 and 2021-2022 programs to support these events is \$77,500.

The triennial agreements will also reduce the total funding available in future program years.

An increase in program funding should be considered as part of the normal 2022-2023 budget process.

Sustainability implications

Not relevant to this report.

Officer declaration of conflicts of interest

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

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| PE.4 | PLN/2021/535/A - 13 PIONEER WAY GISBORNE - USE AND DEVELOPMENT OF THE LAND FOR INDOOR RECREATION FACILITY (SWIMMING POOL) AND DEVELOPMENT OF ONE WAREHOUSE |
| Officer: | Awais Sadiq, Coordinator Statutory Planning |
| Council Plan relationship: | 3. Improve the built environment |
| Attachments: | Plans ↓ |
| Applicant: | Bill Jacobs |
| Date of receipt of application: | 2 March 2022 |
| Trigger for report to Council | Councillor Call-in |

Summary

Planning Permit PLN/2021/535 was issued on 8 December 2021 allowing the development of the land for two warehouses.

It is proposed to amend this planning permit to allow the change of use of one of the warehouses to an indoor recreation facility (swimming centre) and development of one warehouse, and to amend the conditions on the existing permit.

The application was advertised and no objections have been received to date.

Key issues to be considered relate to the appropriateness of a non-industrial use on an industrial zoned land, the compatibility of the land uses on the site and safety concerns in association with the pedestrian and vehicle movement.

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

Recommendation

That Council issue a Notice of Decision to Refuse to Grant to Amend a Permit PLN/2021/535/A for the use and development of the land for an indoor recreation facility (swimming centre) and development of one warehouse for the land at Lot 11 PS 805807P P/Gisborne, 13 Pioneer Way New Gisborne VIC 3438, on the following grounds:

- 1. The proposal is contrary to Clause 11 (Settlement) of the Macedon Ranges Planning Scheme, as planning seeks to prevent environmental, human health and amenity problems created by siting incompatible land uses together. The proposal would create a conflict between a Section 1 use (Warehouse) sharing a site with a Section 2 (non-industrial) use.**
- 2. The proposal is contrary to Clause 13.07-1S (Land use compatibility) of the Macedon Ranges Planning Scheme, as it will result in community amenity and safety issues through the siting of a recreational facility within an area having potential adverse off-site impacts. The use proposed also has a potential to create land use conflict for surrounding industrial infrastructure as it evolves, including general functionality.**

3. The proposal is contrary to Clause 17.03-1S (Industrial land supply) of the Macedon Ranges Planning Scheme, as it will reduce the availability of land for industrial use.
4. The proposal is contrary to Clause 18 (Transport) of the Macedon Ranges Planning Scheme, as it will not promote a safe walking network for the recreational use due to the shared nature of the car park with a warehouse.
5. The proposal is contrary to Clause 21.02-6 (Economic Development) of the Macedon Ranges Planning Scheme, of the Macedon Ranges Planning Scheme, as the industrial areas are an important source of employment and the application invites a recreational use whilst reducing industrial site availability.
6. The proposal is contrary to Clause 21.10-1 (Commercial and Industry) of the Macedon Ranges Planning Scheme, which has a strategy that aims to maintain Kyneton and Gisborne as the main industrial centres in the shire, and to avoid approving non-industrial land uses, which will prejudice the availability of land for future industrial requirements, in identified industrial areas. The proposal would prejudice the availability of land for future industrial requirements.
7. The proposal is contrary to Clause 21.13-1 (Gisborne and New Gisborne) of the Macedon Ranges Planning Scheme, as it will not result in retaining Gisborne Town Centre as the primary activity centre for New Gisborne and fails to protect industrial uses.
8. The proposal is contrary to Clause 22.06 (Design of Industrial and Commercial development) of the Macedon Ranges Planning Scheme, as it will be unable to support functionality of industrial areas, particularly in terms of access and circulation.
9. The proposal is contrary to the purpose of the zone as it will not provide for an industrial use and will create potential for impacts to the safety and amenity of the local community.
10. The internal access layout will not result in safe movement of traffic and pedestrians.

Existing conditions and relevant history

Subject land

The subject site is located on the west side of Pioneer Way in the New Gisborne Industrial Estate. The land is situated approximately 3km north-east of the Gisborne Town Centre, and 900m south-east of the Gisborne Train Station. The subject land is rectangular in shape having an area of 2384m² and is currently vacant and has a frontage to Pioneer Way of 26.49 metres.

Surrounds

Surrounding area is zoned industrial, comprising similar sized allotments with some of them being developed for industrial purposes. Land to the further east and south is zoned Rural Living containing larger lots having single dwelling with associated outbuildings. Bendigo-Melbourne railway line is located approximately 150m north of the site.

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

The title is encumbered by a Section 173 Agreement (AU295632Q) which protects the landscape buffer from being encroached by buildings and works. It also ensures Lots 1, 2 and 3 are developed in accordance with the endorsed plans. The proposal will not

contravene the 173 Agreement as the subject site is Lot 11 and no requirements have been stipulated for Lot 11.

Previous planning permit history

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

| Permit No. | Description |
|-------------------|---|
| PLN/2021/535 | Development of the Land for Two (2) Warehouse |
| PLN/2021/535/B | Development of the Land for Two (2) Warehouse (Secondary Consent to seek minor variations to the plans) |

Proposal

In 2021, a planning permit was approved by Council and allowed for the development of the land for two warehouses at the subject site. Warehouse 1 has been approved at the front of the site and Warehouse 2 to the rear, accessible via a shared crossover and access driveway. Each warehouse included an ancillary office with a total of 32 car parking spaces on site.

The proposal is for an amendment to the existing permit to allow for the change of the use of one of the warehouse (front) to an indoor recreation facility (swimming centre) with associated works.

The floor plan for the proposed use show that the building will comprise two swimming pools, a Pilates studio, change room facilities and a reception area with associated car parking.

The propped use will operate as follows:

- Monday to Friday: 8.00am - 12.00pm (8 students)
- Monday to Friday: 3.30pm - 7.00pm (12 students)
- Saturday: 7.30am - 12.00pm (8 students)
- Saturday: 12.00pm - 3.00pm (12 students)
- Sunday: Closed

Average staff numbers: 4 staff

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.

Planning Policy Framework

| Clause no. | Clause name |
|-------------------|---------------------------------|
| 11 | Settlement |
| 13 | Environmental Risks and Amenity |
| 15.01 | Built Environment |
| 17.03-1S | Industrial Land Supply |
| 18 | Transport |

Local Planning Policy Framework

| Clause no. | Clause name |
|------------|---|
| 21 | Municipal Strategic Statement |
| 21.02-6 | Economic Development |
| 21.08-3 | Built Environment |
| 21.10-1 | Commercial and Industry |
| 21.13-1 | Gisborne and New Gisborne |
| 22.06 | Design of Industrial and Commercial Development |

Zoning

| Clause no. | Clause name |
|------------|------------------------------|
| 33.01 | Industrial 1 Zone (Schedule) |

Overlay

| Clause no. | Clause name |
|------------|---|
| 45.06 | Development Contributions Plan Overlay (Schedule 2) |

Particular provisions

| Clause no. | Clause name |
|------------|---|
| 51.07 | Macedon Ranges Statement of Planning Policy |
| 52.06 | Car Parking |
| 52.34 | Bicycle Facilities |

General provisions

| Clause no. | Clause name |
|------------|----------------------------|
| 65 | Decision Guidelines |
| 71.02-3 | Integrated Decision Making |

Cultural Heritage Management Plan assessment

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

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

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

The process to date

Referral

| Authority (Section 55) | Response |
|------------------------|----------|
| Nil | |

| Authority (Comment) | Response |
|---------------------|-------------------------------------|
| MRSC Engineering | No objection subject to conditions. |

Advertising

Pursuant to Section 52 of the *Planning and Environment Act 1987*, the application was advertised. No objections have been received to date.

Officer assessment

Clause 11 (Settlement) seeks that planning is to anticipate and respond to the needs of existing and future communities through provision of zoned and serviced land for housing, employment, recreation and open space, commercial and community facilities and infrastructure. Planning is to prevent environmental, human health and amenity problems created by siting incompatible land uses close together. The proposal will unable to meet this clause as it will result in two land uses that are not compatible with each other.

Clause 13.07-1S (Land use compatibility) has an objective “*to protect community amenity, human health and safety while facilitating appropriate commercial, industrial, infrastructure or other uses with potential adverse off-site impacts.*”

Relevant strategies to achieve this objective 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.*

Whilst it is acknowledged that the proposed use can be considered under the zone (permit required use), the location of the proposal being within the industrial area will not result in orderly planning of the area. Such uses are more akin to main activity centres rather than within industrial areas. The proposal will compromise the existing industrial uses in the area through an increase in activities on the subject site.

The proposed use of indoor recreation facility will also be incompatible with the warehouse use on site. The warehouse use will operate from the site at the rear while the indoor recreation facility will operate at the front with a common driveway for both facilities. This will result in traffic and safety issues between an industrial and non-industrial use on the same site. The proposal will therefore be unable to protect an industrial use by resulting in an encroachment by a non-industrial use that will compromise its functionality, safety and effectivity.

Clause 17.03-1S relates to supply of industrial land supply and has an *objective* “to ensure availability of land for industry.” The relevant strategy applicable to the proposal to achieve this objective is:

- *Avoid approving non-industrial land uses that will prejudice the availability of land in identified industrial areas for future industrial use.*

The use of the building for indoor recreation facility will be contrary to the above strategy as it is a non-industrial use in an industrial zone that has the ability to prejudice the availability of land in industrial areas for future industrial uses particularly in relation to traffic and safety.

Clause 18.02-1S relates to walking and has an objective “to facilitate an efficient and safe walking network and increase the proportion of trips made by walking.” Relevant strategy applicable to the proposal to achieve this objective is:

Plan and develop walking networks to:

- *Provide pedestrian routes that are safe, direct and comfortable to use.*
- *Enable walking as a part of everyday life.*
- *Enable people to meet more of their needs locally and rely less on their cars.*
- *Be accessible to vehicles that use footpaths, including wheelchairs, prams and scooters.*
- *Accommodate emerging forms of low-emission, low-speed personal transport.*

The warehouse and indoor recreation use will share the same access to the site. A driveway will be located between the car parking (adjacent to the northern boundary) and the buildings. Pedestrians in association with the indoor facility have to cross the driveway to access the building which will generate conflict between pedestrians and traffic accessing the warehouse to the rear of the site. The proposal will be unable to provide a safe pedestrian route and will create discomfort for the vehicles accessing the warehouse.

Clause 21.02-6 (Economic Development) includes following relevant key influences:

- *Local industrial areas are an important source of employment in some towns.*
- *There is a need to create local employment opportunities and reduce the reliance on commuting.*

Whilst it is acknowledged that the proposal will result in employment opportunities, the use is not industrial in nature.

Clause 21.10-1 (Commercial and Industry) has following relevant objective with associated strategies:

- *To increase local commercial and industrial employment opportunities within the Shire.*

Relevant Strategies

- *Maintain Kyneton and Gisborne as the main industrial centres in the Shire.*

- *Facilitate adequate industrial land supply in the Shire's major urban centres to readily meet the needs of new industries. This land supply should comprise appropriate lot size, location, quality and services with sufficient stocks of large sites for strategic investment.*
- *Avoid approving non-industrial land uses, which will prejudice the availability of land for future industrial requirements, in identified industrial areas.*
- *Protect industrial and commercial zoned land, industries or other activities with significant off site impacts from encroachment from commercial, residential and other sensitive uses which would adversely affect business viability.*

Clause 21.13-1 (Gisborne and New Gisborne) has following relevant objectives and strategies in association with the proposal:

- *To retain Gisborne town centre as the primary activity centre for Gisborne and New Gisborne.*
- *To provide for future employment, and industrial and commercial development opportunities that complement Gisborne and New Gisborne's role as one of the Shire's major urban centres, whilst maintaining the semi-rural nature of the township environs.*

Relevant Strategy

- *Manage future expansion of the New Gisborne Industrial Estate to ensure improved pedestrian and vehicle connectivity, safe access and limited residential amenity impact outcomes.*

As discussed above, the proposed use is not industrial in nature and it will have impact on the function of industrial uses operating on site and in the area. The area is predominantly vacant as the land has been recently subdivided, however applications have been received in relation to warehouses in the surrounding area. Once developed with industrial uses, the proposed use will generate conflict with the surrounding industrial uses.

Clause 22.06 relates to the design of commercial and industrial development and primarily seeks to ensure that new commercial and industrial development exhibits a high quality built form which considers functionality and amenity, and reinforces the preferred visual character of townships.

The document Design Guidelines for Industrial & Commercial Development for the Macedon Ranges Shire is an incorporated document. Complete assessment against the guidelines was done as part of the original application (PLN/2021/535). The current application mainly seeks to change the use of one of the warehouse to an indoor recreation facility with some minor works in association with car parking and access. The proposal overall is consistent with the original permit in relation to design of the building. The proposal generally meets the guidelines except for the following:

Access and Circulation

Pedestrian and Cyclist Access

- *To provide safe and convenient access for pedestrians and cyclists within industrial and business sites.*
- *To provide adequate walking and cycling facilities within industrial and business sites.*
- *To provide walking and cycling as suitable transport alternatives in order to minimise the numbers of vehicle trips.*

The pedestrian circulation between the building and the car parking area will be in direct conflict with vehicles. It will create safety issues between the vehicles entering/exiting and pedestrians' movement.

Vehicle Access

- *To provide safe, convenient and efficient access for all vehicles to and from industrial and business sites.*
- *To minimise the impacts of traffic on surrounding sensitive land uses.*
- *To provide access and car parking arrangements that are logical and legible to visitors and employees.*
- *To minimise the impacts of driveway crossovers on pedestrian / cyclist access and streetscapes.*

Access to the site will not be generally consistent with the above objectives as there is a conflicting point for traffic within the development which can cause safety issues. The site will have one access (entry/exit) from Pioneer Way. The access arrangements do not comply with the above objectives. The pedestrian route is within the vehicle route area which will cause safety issues.

Car Parking Provision

- *To provide sufficient car parking for the needs of the business or industry within the site without adverse impacts on streetscapes.*

The applicant has provided 32 dedicated car parking spaces within the site which is compliant with Clause 52.06.

The car parking requirement for 'swimming pool - other than in conjunction with a dwelling' has been specified under Clause 52.06. Swimming pool requires 5.6 car parking spaces per 100m². A total of 25 car spaces will be therefore required for the proposed use. The warehouse at the back would require 7 car parking spaces. Site plan shows the provision of 32 car parking spaces which is in accordance with the planning scheme requirement.

Industrial 1 Zone

The purpose of the Industrial 1 Zone is to provide for manufacturing industry, the storage and distribution of goods and associated uses in a manner which does not affect the safety and amenity of local communities.

The proposed use for indoor recreation facility is contrary to the purpose of the zone as it is not an industrial use and it is not a use that could be considered as an ancillary use to the industrial use. Two uses on-site will not complement each other in relation to the functionality and safety.

It is acknowledged that three gymnasiums have been approved in the industrial area of New Gisborne which are operational now.

- Gymnasium approved at 1/3 Newry Drive is a low key use as it involves a maximum of 13 person on site at any one time. The total area for the facility is also small (230m² approximately).
- Gymnasiums approved at 12-14 Newry Drive and 4/52 Barry Road in New Gisborne operates with higher number of persons (more than 20). Both these gymnasiums have separate access points from the other warehouse uses on site therefore avoiding conflict between the industrial and light vehicle traffic and not causing any safety concerns.

Notwithstanding the approval of these uses in the established industrial area, the new industrial area extension in New Gisborne provide an ideal opportunity to limit any non-industrial uses to safeguard the future supply of industrial uses in this area.

Use

The decision guidelines of the zone in relation to use are addressed in turn below:

- *The effect that the use may have on nearby existing or proposed residential areas or other uses which are sensitive to industrial off-site effects, having regard to any comments or directions of the referral authorities.*

There are no sensitive land uses being located within the close proximity of the site.

- *The effect that nearby industries may have on the proposed use.*

The area comprises industrial lots with some industrial/warehousing development being approved and is currently developing in terms of industrial uses. The industrial uses will be impacted by this non-industrial use in relation to traffic and safety.

- *The drainage of the land.*

The application was referred to MRSC Engineering Department who did not raise any concerns in relation to drainage.

- *The availability of and connection to services.*

The site is located within industrial area. Services are available if required.

- *The effect of traffic to be generated on roads.*

It is considered that the use would result in increase of traffic. The proposal will generate light vehicular traffic in the area where the expectations are for heavy traffic thereby generating conflict.

- *The interim use of those parts of the land not required for the proposed use.*

The front warehouse will be used for swimming centre and the warehouse to the rear will be used for industrial purposes.

Buildings and Works

The decision guidelines of zone in relation to buildings and works are addressed in turn below:

- *Any natural or cultural values on or near the land*

The site is not located within an Aboriginal Heritage Sensitive Area. No vegetation removal is required for the proposal.

- *Streetscape character.*

This has been discussed in details under the industrial and commercial guidelines assessment as part of the original planning permit. Works under this proposal are limited to driveway and car parking areas which are considered reasonable in relation to streetscape character.

- *Built Form*

This has been discussed in details under the industrial and commercial guidelines assessment as part of the original planning permit.

- *Landscape Treatment*

Submitted plans show the landscaping areas.

- *Interface with non-industrial areas*

The subject site is located within an industrial area and has an interface with the Rural Living Zone. Works in association with car parking will not impact the interface with non-industrial areas.

- *Parking and site access*

This has been discussed in under the access and circulation section of the guidelines. The proposal will result in conflict between traffic, pedestrians and delivery vehicles, as discussed above.

- *Loading and service areas*

The loading and unloading bays and bin storage areas will be provided and their location and appropriateness has been discussed in the assessment against the guidelines as part of the original permit.

- *Outdoor storage*

No outdoor storage area has been proposed in association with the proposal.

- *Lighting*

It is considered that this could be appropriately managed with suitable condition.

- *Stormwater Discharge*

The application was referred to MRSC Engineering Department who did not raise any concerns in relation to stormwater.

Bicycle Facilities

Clause 52.34 does not specify the bicycle requirements for the indoor recreation facility or the warehouse.

65.01 Approval of an application or a plan

The proposal in contrary to the following decision guidelines:

- *The purpose of the zone, overlay or other provision.*
- *Any matter required to be considered in the zone, overlay or other provision.*

The reasons for non-compliance with the zone has been discussed above under the zone consideration.

- *The orderly planning of the area.*

The proposal will result in a non-industrial use within the newly developed industrial area therefore not resulting in orderly planning of the area.

- *The adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts.*
- *The impact the use or development will have on the current and future development and operation of the transport system.*

All issues in relation to traffic and safety have been discussed above in the report.

71.02-3 (Integrated Decision Making)

Society has various needs and expectations such as land for settlement, protection of the environment, economic wellbeing, various social needs, proper management of resources and infrastructure. Planning aims to meet these needs and expectations by addressing

aspects of economic, environmental and social wellbeing affected by land use and development.

Responsible authorities should endeavour to integrate the range of planning policies relevant to the issues to be determined and balance conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations. However, in bushfire affected areas, planning and responsible authorities must prioritise the protection of human life over all other policy considerations.

A responsible authority must take into account and give effect to the Planning Policy Framework when it makes a decision under this planning scheme. This does not apply to policy guidelines and policy documents.

It is considered that the proposal will be unable to balance conflicting objectives and will not result in reasonable use of the land. The objectives in relation to the land use compatibility will outweigh the economic development objectives within the planning scheme.

Officer declaration of conflicts of interest

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

Conclusion

The proposal will result in a non-industrial use in an industrial zone which will be contrary to the purpose of the zone.

The local policy regime as described above seeks to ensure that the primacy of the industrial area; an area that provides core employment opportunities, is maintained through the promotion of industrial uses, and the location of non-industrial uses in areas located on main roads, away from the inner sanctum of the industrial area. The site is located within an area that has been identified as playing an important role in providing industrial employment at a local and regional level. The location of a non-industrial use at this location will unreasonably impede the opportunity to freely conduct industrial uses in the area in a viable manner and is not an appropriate use for this Industrial Zone.

For the above reasons it is recommended that the application not be supported, and that Council issue a Notice of Decision to Refuse to Grant to Amend a Permit.

AREA ANALYSIS:

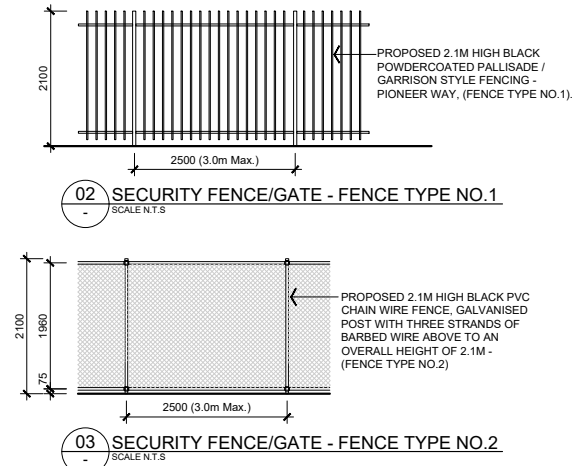
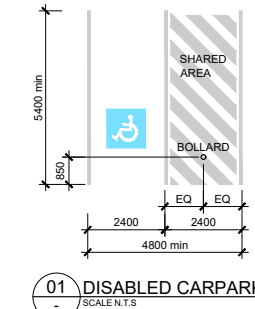
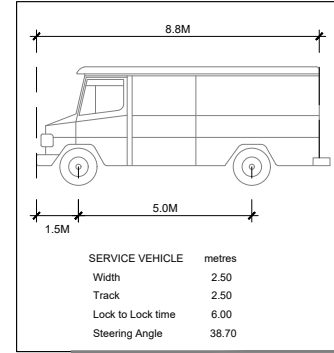
| | |
|---|--------------------|
| TOTAL SITE AREA= | 2385m ² |
| SWIMMING CENTRE FLOOR AREA | 465 m ² |
| TOTAL USABLE AREA (LESS PLANT / EQUIPMENT AREA & ACCESSIBLE RAMP) | 430 m ² |
| CARS REQUIRED = 5.6 CARS / 100sq.M | 24 cars |
| CARS PROVIDED = | 24 cars |
| WAREHOUSE NO.1 GROUND FLOOR AREA | 465 m ² |
| FIRST FLOOR OFFICE AREA | 60 m ² |
| TOTAL BUILDING AREA | 525 m ² |
| TOTAL USABLE AREA (LESS LOADING / MARSHALLING AREA & STAIR VOID) | 460 m ² |
| CARS REQUIRED = 1.5 CARS / 100sq.M + 2 CARS PER TENANCY | 8 cars |
| CARS PROVIDED = | 8 cars |
| TOTAL BUILDING AREA = | 990 m ² |
| TOTAL USABLE AREA = | 890 m ² |
| % SITE COVERAGE | 41.5 % |
| TOTAL CARS REQUIRED = | 32 cars |
| TOTAL CARS PROVIDED = | 32 cars |

GENERAL SITE NOTES:

NO WATER RUN OFF FROM EXTERNAL PAVED AREAS TO CROSS TITLE BOUNDARIES
 ALL EXTERNAL CONCRETE DRIVEWAYS AND CAR SPACES TO BE GRADED TO STORMWATER COLLECTION PITS
 PROPOSED BUILDINGS AND EXTERNAL CAR PARK AREA TO BE PROVIDED WITH ADEQUATE SECURITY LIGHTING AS REQUIRED. ALL EXTERNAL SECURITY LIGHTING WILL BE BAFFLED AND NO GLARE WILL SPILL BEYOND SITE BOUNDARIES.
 PROVIDE 2 x COMMON BICYCLE PARKING SPACES- 0.7m WIDE x 1.7m LONG EACH. PROVIDE SECURING HOOPS TO GROUND INSTALLED TO MANUFACTURER'S SPECIFICATIONS
 ALL NEW CAR SPACES- 2600 WIDE x 4900 LONG LINE MARKED AND GRADED TO STORMWATER COLLECTION PITS
 ALL NEW CAR SPACES ACCESSWAYS TO BE MINIMUM 6400mm WIDE AND BE GRADED TO STORMWATER COLLECTION PITS
 DENOTES VISIBILITY SPLAY- 2M ALONG FRONTAGE x 2.5M ALONG ACCESS LANE.
 LANDSCAPE TO THIS AREA TO BE LESS THAN 900mm HIGH
 LANDSCAPING SHOWN INDICATIVELY ONLY. (LANDSCAPE DESIGN, PLANTING SCHEDULE & SPECIFICATION BY OTHERS).

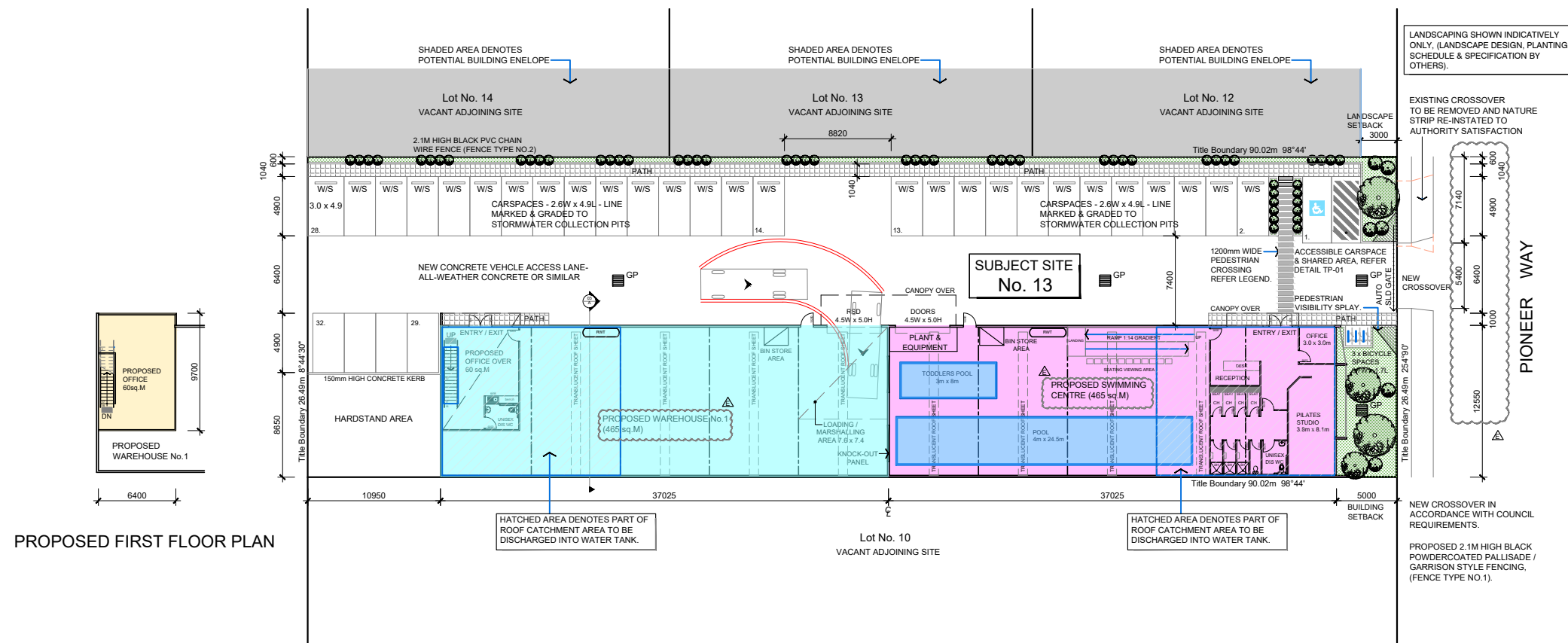
LEGEND:

- SWIMMING CENTRE
- WAREHOUSE AREA
- FIRST FLOOR OFFICE
- LANDSCAPE AREA
- HARDSTAND AREA
- PEDESTRIAN PATH
- DENOTES PINNED DOWN WHEEL STOPS
- 1200mm WIDE PEDESTRIAN CROSSING PAINTED YELLOW IN ACCORDANCE WITH COUNCIL REQUIREMENTS
- EXISTING TREE TO REMAIN
- EXISTING TREE TO BE REMOVED



SUSTAINABLE DESIGN NOTES:

- PROVIDE IMPROVEMENTS TO BUILDING AS FOLLOWS:
 - KITCHEN BASIN AND TAPS TO BE 5 STAR RATED
 - TOILETS TO BE 4 STAR RATED
 - PROVIDE 10% IMPROVEMENT ON NCC SECTION J REQUIREMENTS FOR BUILDING FABRIC AND GLAZING
 - HEATING, COOLING & HOT WATER SYSTEMS TO BE WITHIN 1 STAR OF THE MOST EFFICIENT EQUIVALENT UNIT AVAILABLE
 - PROVIDE 20% IMPROVEMENT ON MINIMUM NCC ILLUMINATION DENSITY POWER (LIGHTING) REQUIREMENTS
 - PROVIDE LASERLIGHT TRANSLUCENT ROOF SHEETING TO A MINIMUM OF 10% OF THE FLOOR AREA (EXCLUDING OFFICE)
 - PROVIDE DAYLIGHT MOVING SENSORS TO ALL EXTERNAL LIGHTING
- RWT DENOTES 3000 LITRE WATER TANK
- RAINWATER RUNOFF FROM ROOFS TO EACH UNIT TO BE COLLECTED AND STORED IN (x1) 3000 LITRE SLIM LINE RAINWATER TANKS. THE RAINWATER TANKS TO BE CONNECTED TO AMENITIES TO EACH BUILDING FOR TOILET FLUSHING WITH OVERFLOW CONNECTED TO STORMWATER SYSTEM. REFER SITE PLAN FOR LOCATION.
- REFER TO WATER SENSITIVE URBAN DESIGN REPORT.
- Denotes Grated Junction Pit



PROPOSED FIRST FLOOR PLAN

PROPOSED SITE / FLOOR PLAN

| DATE | ISSUE | REVISION |
|----------|-------|---|
| 22.11.21 | A | TOWN PLANNING ISSUE |
| 07.02.22 | B | TOWN PLANNING ISSUE |
| 08.02.22 | C | TOWN PLANNING ISSUE |
| 26.04.22 | D | AMENDED AS PER COUNCIL REQUEST FOR FURTHER INFORMATION. |
| 16.05.22 | E | AREA ANALYSIS AMENDED |

| DATE | ISSUE | REVISION |
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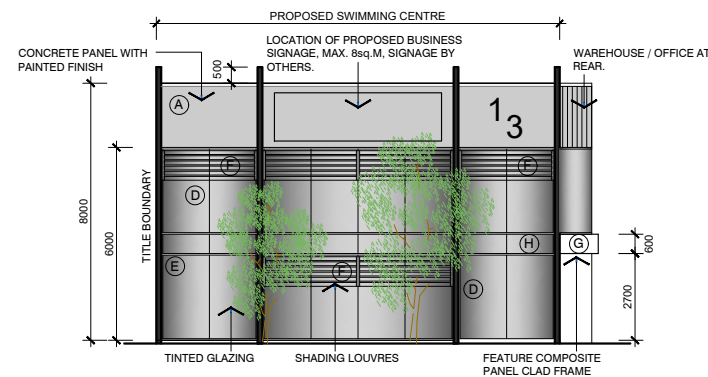
Issued for:
TOWN PLANNING

Client:
HANELLA HOLDINGS
 Project Address:
13 PIONEER WAY, NEW GISBORNE

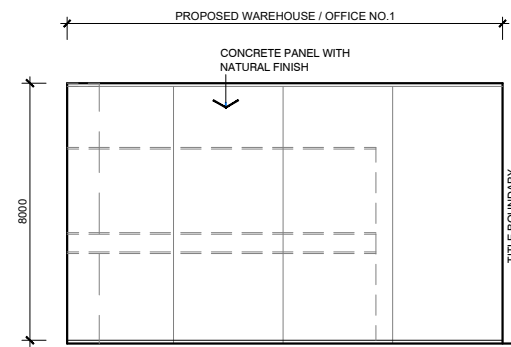
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PROPOSED WAREHOUSE / OFFICE DEVELOPMENT
 Dwg Title:
SITE / FLOOR PLAN

Drawn: P.A
 Checked: WBJ
 Scale: 1:200
 Date: NOV 21
 Sheets in Set: 3
 Sheet No: TP-01

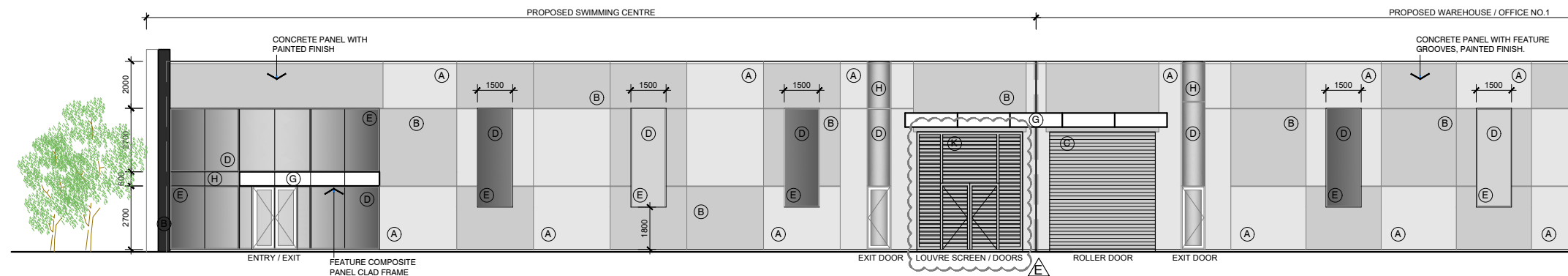
Job No:
210808
 Revision:
E
BILL JACOBS PTY LTD
 121 BUCKLEY STREET
 ESSENDON, VICTORIA, 3084
 TELEPHONE : (03) 9331-4444
 EMAIL: info@billjacobs.com.au ABN: 19 007 453 401



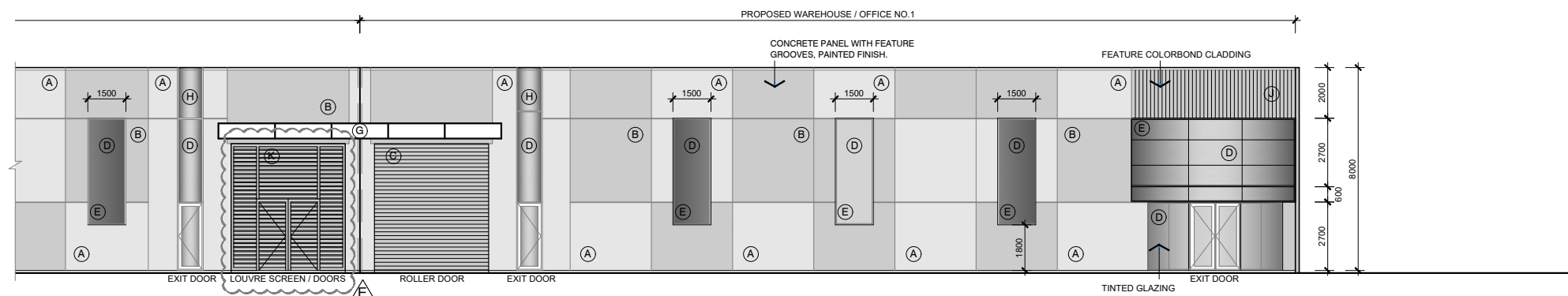
EAST ELEVATION



WEST ELEVATION



NORTH ELEVATION



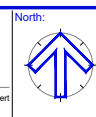
NORTH ELEVATION CONTINUED

| DATE | ISSUE | REVISION |
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| 02.02.22 | B | TOWN PLANNING ISSUE |
| 08.02.22 | C | TOWN PLANNING ISSUE |
| 26.04.22 | D | AMENDED AS PER COUNCIL REQUEST FOR FURTHER INFORMATION |
| 16.05.22 | E | AREA ANALYSIS AMENDED |

| DATE | ISSUE | REVISION |
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Client:
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 Project Address:
**13 PIONEER WAY,
 NEW GISBORNE**

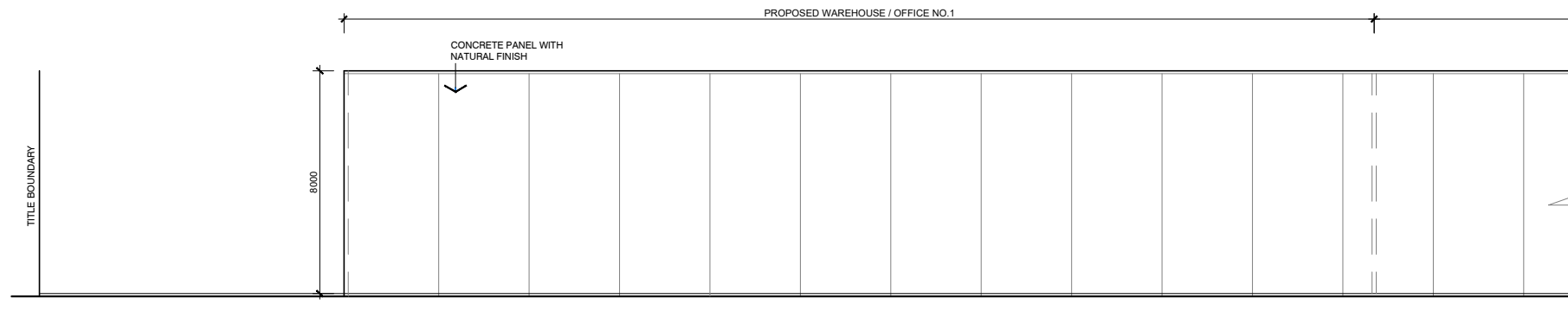
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**PROPOSED WAREHOUSE / OFFICE
 DEVELOPMENT**
 Dwg Title:
ELEVATIONS

Drawn: P.A.
 Checked: WBJ
 Scale: 1:100

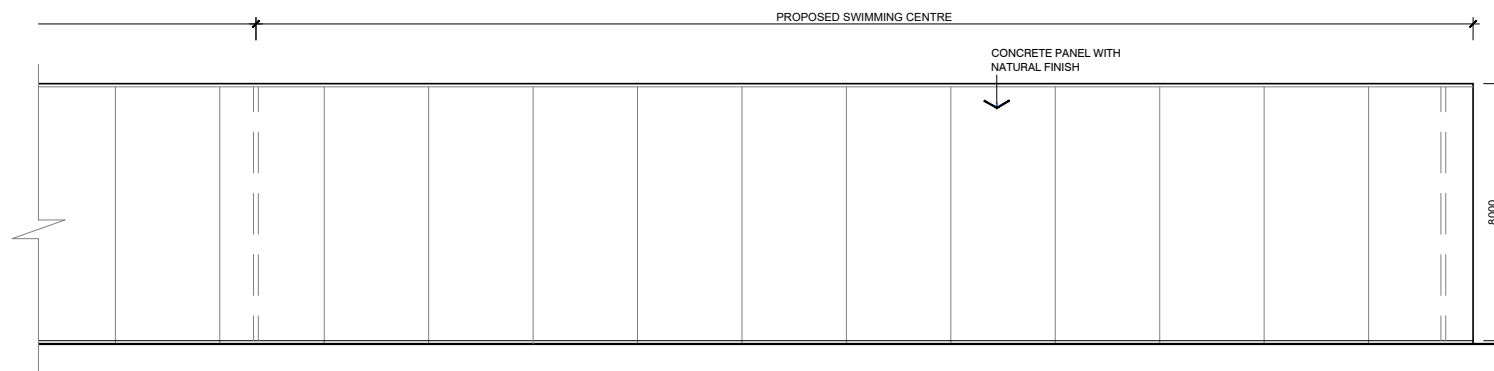
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 Sheet No:
TP-02

Job No:
210808
 Revision:
E

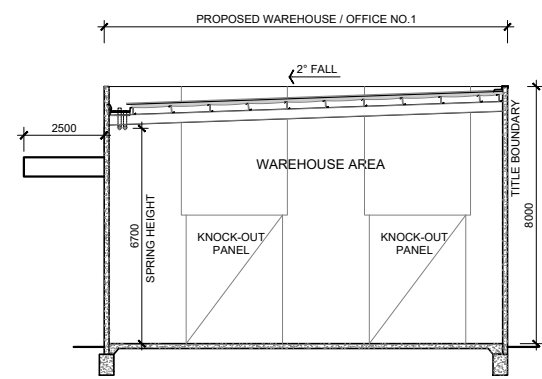
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 EMAIL: info@billjacobs.com.au ABN: 19 007 453 401



SOUTH ELEVATION



SOUTH ELEVATION CONTINUED



SECTION A - A

| COLOUR / FINISHES SCHEDULE | BUILDING PART | | | SYMBOL FINISH | | COLOUR SPECIFICATION | |
|----------------------------|---------------|--------------|----------------------------------|------------------|--------|----------------------|-----------------------------|
| | Symbol | Finish | Colour Specification | Symbol | Finish | Colour Specification | Colour Specification |
| [Light Blue Box] | (A) | PAINTED | DULUX 'TIMELESS GREY' OR SIMILAR | [Light Blue Box] | (B) | PAINTED | DULUX 'MONUMENT' OR SIMILAR |
| [Medium Blue Box] | (C) | COLORBOND | 'MONUMENT' OR SIMILAR | [Dark Blue Box] | (D) | TINTED | EVANTAGE GREY #2 |
| [Dark Blue Box] | (E) | COLORBOND | 'MONUMENT' OR SIMILAR | [Hatched Box] | (F) | ALUMINIUM | NATURAL ALUMINIUM |
| [White Box] | (G) | PRE-FINISHED | WHITE | [Light Blue Box] | (H) | BLOCKOUT | EVANTAGE GREY #2 |
| [Medium Blue Box] | (J) | COLORBOND | 'MONUMENT' OR SIMILAR | [Light Blue Box] | (K) | COLORBOND | 'MONUMENT' OR SIMILAR |

| DATE | ISSUE | REVISION |
|----------|-------|---|
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TOWN PLANNING
 ORIGINAL SHEET SIZE A1 - 841 mm x 594 mm
 WHEN PRINTED AT ORIGINAL SCALE.

North:

 Client:
HANELLA HOLDINGS
 Project Address:
**13 PIONEER WAY,
 NEW GISBORNE**

Project:
**PROPOSED WAREHOUSE / OFFICE
 DEVELOPMENT**
 Dwg Title:
ELEVATIONS

Drawn: P.A
 Checked: WBJ
 Date: NOV 21
 Sheets in Set: 3
 Scale: 1:100
 Sheet No:
TP-03
 Revision:
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 EMAIL: info@billjacobs.com.au ABN: 19 007 453 401

| | |
|--|---|
| PE.5 | PLN/2021/447 - 78 MULLALYS ROAD BOLINDA - USE AND DEVELOPMENT OF THE LAND FOR A DWELLING |
| Officer: | Awais Sadiq, Coordinator Statutory Planning |
| Council Plan relationship: | 3. Improve the built environment |
| Attachments: | <ol style="list-style-type: none"> 1. Assessment Statement of Planning Policy ↓ 2. Plans ↓ 3. Farm Management Plan (under separate cover) 4. Land Capability Assessment Report (under separate cover) 5. Agriculture Victoria Referral Response ↓ |
| Applicant: | Roy Costa |
| Date of receipt of application: | 19 October 2021 |
| Trigger for report to Council | Councillor Call-in |

Summary

The proposal is for the use and development of the land for a dwelling in a farming zone.

The application was advertised. No objections have been received to date.

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

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

Recommendation

That Council

Issue a Notice of Decision to Refuse to Grant a Permit to use and development of the land for a dwelling for the land at 78 Mullalys Road, Bolinda LOT 1 TP 833680Q P/Kerrie, on the following grounds:

1. **The agricultural uses proposed are not sufficient to justify the need for a permanent dwelling on site. The farm management plan fails to provide an adequate justification to warrant a permanent dwelling on the site for management.**
2. **The proposal is contrary to Clause 14.01 (Agriculture) of the Planning Policy Framework, as it does not protect productive farmland due to inappropriate fragmentation which will compromise the long-term capacity of the land to be used for agriculture.**
3. **The proposal is contrary to one of the strategies under Clause 14.01 (Agriculture) of the Planning Policy Framework, which seeks to encourage the consolidation of existing isolated small lots in rural zones.**

4. The proposal is contrary to Clause 21.07-1 (Agriculture) of the Local Planning Policy Framework as it fails to demonstrate and provide adequate justification that the dwelling is required for sustainable agricultural pursuits.
5. The proposal is contrary to Clause 21.09-2 (Rural Residential) of the Local Planning Policy Framework as it will result in rural residential development which would adversely impact current and future agricultural and economic activities.
6. The proposal is contrary to the purposes and decision guidelines of the Farming Zone as the dwelling will exacerbate the fragmentation of existing farming land and holdings; remove land from agricultural use; and facilitate an opportunity of a non-agricultural use (dwelling), that would be incompatible with and adversely affect the adjoining and nearby land uses for agriculture.
7. It is considered that the use of the land for a dwelling is not consistent with the MSS requirement to protect agricultural land, facilitate productive agricultural activity and ensure new development is related to the ongoing, productive use of the land for agriculture.
8. The proposal would result in the proliferation of dwellings, and degradation of agricultural land (by fragmentation).
9. The proposal is contrary to Clause 51.07 (Macedon Ranges Statement of Planning Policy) as it will be unable to support and encourage agricultural land use.
10. The proposal contradicts the decision guidelines of Clause 65 of the Macedon Ranges Planning Scheme due to not resulting in orderly planning of the area.

Existing conditions and relevant history

Subject land

The subject site is 22.534ha in size and is located on the north side of Mullalys Road, approximately 320m south-east of its intersection with Kilmore Road. The site is irregular in shape and currently contains a machinery shed. The building is located on clear ground, setback approximately 200m from Mullalys Road. The site is undulating with the highest point at 384m and the lowest point at 361m. Bolinda Creek runs through the property in north-south direction. The site is sparsely vegetated with the exception of the banks along Bolinda Creek. Access to the site is via an existing crossover from Mullalys Road. The land is currently used for grazing animal production. A water dam is also located to the north-west of the existing building.

Surrounds

Surrounding properties are generally of a rural nature and used for agriculture. Most of the properties contain dwellings with the nearest dwelling being approximately 390 metres to the south-east. Some of the allotments are vacant in terms of buildings and used for agricultural activities. Bolinda Creek continues to flow south of the subject site through nearby properties creating a valley within the landscape. Similar to the subject site, the surrounding area is undulating.

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

The title provided with the application shows that the property is encumbered by drainage and water supply easements. The proposal will not contravene these easements.

Previous planning permit history

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

| Permit No. | Description |
|--------------|---|
| PLN/2017/457 | Use and development of land for a dwelling and associated outbuilding |
| PLN/2019/104 | Outbuilding (Machinery Shed) |
| PLN/2021/99 | Use and Development of the Land for a Dwelling (Withdrawn) |

Proposal

The proposal is for the use and development of the land for a dwelling in association with agricultural use (horse husbandry and cattle/sheep grazing).

The dwelling will have a total area of approximately 353.67m². The proposed dwelling will have 4 bedrooms, an ensuite, kitchen, living, bathroom, alfresco and a double garage. The dwelling will be setback 64.33m from the northern boundary and 257m from the eastern boundary. The roof of the dwelling will be made from Colorbond "Paperbark" and the walls will be made from bricks.

A farm management plan has been provided with the application to support the dwelling, which will include keeping of horses (six brood mares) and grazing animal production.

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

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

Planning Policy Framework

| Clause no. | Clause name |
|------------|-----------------------------------|
| 11 | Settlement |
| 11.03-3S | Peri-Urban Areas |
| 14.01-1S | Protection of Agricultural Land |
| 14.01-2S | Sustainable Agricultural Land Use |

Local Planning Policy Framework

| Clause no. | Clause name |
|------------|-------------------------------------|
| 21 | Municipal Strategic Statement (MSS) |
| 21.03 | Vision-Strategic Framework Plan |
| 21.04 | Settlement |
| 21.07 | Natural Resource Management |

Zoning

| Clause no. | Clause name |
|------------|-------------------------|
| 35.07 | Farming Zone (Schedule) |

Overlay

| Clause no. | Clause name |
|------------|-------------|
| Nil | |

Particular provisions

| Clause no. | Clause name |
|------------|--|
| 51.07 | <i>Macedon Ranges Statement of Planning Policy</i> |

General provisions

| Clause no. | Clause name |
|------------|----------------------------|
| 65 | Decision Guidelines |
| 71.02-3 | Integrated Decision Making |

Cultural Heritage Management Plan assessment

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

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

The process to dateReferral

| Authority (Section 55) | Response |
|------------------------|----------|
| Nil | |

| Authority (Section 52) | Response |
|---------------------------|-------------------------------------|
| MRSC Engineering | No objection subject to conditions. |
| MRSC Health | No objection subject to conditions. |
| Department of Agriculture | Comments provided. |
| Melbourne Water | No response has been received. |

Advertising

The application was advertised pursuant to Section 52 of the *Planning and Environment Act 1987*. No objections for the application have been received.

Officer assessment

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

The proposal is not in keeping with the purposes of the zone and is inconsistent with the objectives of both planning and local policy. The information submitted with the application does not reasonably demonstrate the need for a dwelling on site to operate agricultural uses.

Planning Policy Framework

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

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

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

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

It is also the intent of planning policy to encourage consolidation of existing rural settlements rather than facilitating dispersed and isolated development. The associated strategies are intended to protect land for agriculture and to ensure that housing development is limited to that which is required to improve agricultural production. One of the strategies under Clause 14.01-1S is to "*encourage consolidation of existing isolated small lots in rural zones.*" The aim for this strategy is to avoid the fragmentation of farming land by allowing the consolidation into other parcels to make land viable for agriculture.

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

"Planning policy at a state and local level seeks for land to be available for consolidation into larger enterprises consistent with a vision for broad acre agricultural

activity. Allowing a dwelling on this land would mean future consolidation into larger land holdings would be unlikely. The effect of the dwelling would be to de- couple this land from its agricultural value and hence the purposes of the zone.”

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

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

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

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

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

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

The submitted Farm Management Plan is not adequate to justify the need for a dwelling on the site and this will be discussed in detail under the zone consideration. The dwelling does not relate to a genuine need to facilitate agriculture and operation of proposed agricultural uses.

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

Local Planning Policy Framework

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

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

The vision for this area (site) is a productive, broad acre farming area for stock raising, intensive and extensive cropping, and continue to be used for sustainable and productive agriculture and not developed in a way that would prejudice agricultural activity.

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

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

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

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

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

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

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

Riddells Creek Township is located within approximately 7km to the south-west of the site. The site is also located approximately within 10km of Romsey. The applicant justifies that a dwelling is required in association with grazing animal production and horse husbandry. Given the location of the site in close proximity to Romsey and Riddells Creek and the availability of residential land in the towns, a dwelling is not required for the operation of agricultural use. In *Andrews v Hepburn SC & Anor [2013] VCAT 408*, Member Potts refused

a dwelling in the farming zone based on the location of the site being in close proximity to the township (similar scenario):

“Given the scale and nature of proposed agricultural activities operation, I am not persuaded that a fulltime presence is required on the property..., however it is clear that the property is close to Trentham... described its location as a comfortable walk from the town centre. Given such a location, I am not persuaded that living off site, in Trentham, would not be an unworkable or present a substantial inconvenience.”

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

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

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

Farming Zone

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

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

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

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

The agricultural uses proposed are not sufficient to justify the need for a permanent dwelling on site. The agricultural uses proposed reflect a small scale and low intensity rural use, rather than a substantial bona-fide agricultural pursuit.

It is therefore not considered that the applicant has demonstrated that the agricultural uses proposed requires a permanent dwelling to support it. Agriculture Victoria considers that a land use of grazing animal production and horse husbandry can be carried without on-site supervision given the close proximity of the towns, however, regular visits would be required to ensure against any animal welfare issues.

The Farm Management Plan does not identify the area set aside for the domestic envelope and without the establishment of a domestic building envelope, there is a risk of further loss of agricultural land over time. Domestic effluent disposal area will be located in horse paddock number 5. No area details have been provided for each of the eight paddocks and the paddocks will encroach within the 20m Bolinda Creek drainage easement.

No details have been provided in relation to the location, design and footprint of the proposed horse stables. Documents provided with the application states that the necessary agricultural infrastructure will be constructed after the approval of the dwelling application. The location of the dwelling and the driveway will maximise the loss of land to be used for agriculture.

Agriculture Victoria considers that with a 690.4mm annual rainfall figure would equate to a sustainable carrying capacity of 17 DSE/ha. Of the total land area, it is considered that up to approximately 14 ha may be available for the purpose of pasture production and grazing. In the absence of any details pertaining to the cattle weights and time spent on the property, it is considered that a 200 kg steer, growing at 1 kg per day would be equivalent to 6.6 DSE and 400 kg steer, growing at 1 kg per day would be equivalent to 11.3 DSE. This would equate to between 12 and 21 steer carrying capacity after the allowances for horses and at the proposed 10 DSE average this would allow a carrying capacity of 14 steers. As discussed above agricultural uses are not at a scale to warrant a dwelling for their operation and management.

Agriculture Victoria also considers that horse husbandry and grazing animal production systems require regular supervision and management, but the need for a permanent dwelling on site is not always justified, especially where there is close proximity to residential townships.

Land Capability Assessment establishes the extent of the area set aside for wastewater disposal areas, and provides recommendations regarding buffers and access. Further to this the disposal area including a buffer and any equivalent reserve area set aside should be effectively fenced to exclude stock and in this case effluent area will be located within one of the horse paddock.

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

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

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

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

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

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

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

In *Bourke-Finn v Ballarat CC & Anor* [2013] VCAT 908, a dwelling was refused in association with 6 horses (breeding and keeping operation on the property). Member Potts made following comments while making distinction between hobby farming and bona-fide agricultural pursuits where the information provided with the application was not adequate (similar to current application):

“The only detail about the proposed thoroughbred activity provided in the application is that up to a maximum of six mature age horses would be kept on the land and that training would include use of the Dowling Forest racecourse. The application is short on the specifics such as the level of breeding, training or other thoroughbred activities or programs, workforce needs or inputs, day to day operations and the like.

The application plans show a limited extent of facilities, with the scale of the stable, yarding and paddocks akin to supporting a personnel or hobby level of activity. The scale and layout of facilities for this proposal is to be contrasted with examples of full time thoroughbred businesses

Based on the information before me, the proposed nature of the thoroughbred horse keeping activity has the hallmarks of horse keeping activity at a personnel interest or hobby level rather than a full time thoroughbred enterprise. Thus while the proposal may have a similar character to that of an agricultural enterprise, I am not persuaded that what is proposed represents the level of agricultural enterprise intended to be supported by the Farming Zone and rural land use policy. It has the character of a lifestyle ‘horse’ property rather than a bona-fide thoroughbred husbandry enterprise.”

In *Brady & Anor v Macedon Ranges SC* [2011] VCAT 5, Member Fong refused a dwelling in association with animal husbandry (thoroughbred horse breeding and keeping of up to 12 to 14 horses) in Bolinda by making following comments:

“In this case, I am not satisfied that there is confirmation of the proposed agricultural use and the nexus between the residence and the operation established. The information about the proposed thoroughbred horse breeding and keeping business to date is the possible sale of land to a prospective purchaser who has an interest in such an operation. ...

It will contrary to the intent of the zoning of the land and related policies in the Scheme if a permit is granted for a dwelling and the purported agricultural activity either does not succeed or become a by-product of the dwelling. In that case, the dwelling becomes the primary use instead of a use to support an agricultural use.

...

The proposal is submitted with a Farm Plan. It was argued that the use and development of a dwelling is consistent with the existing land use pattern of the area (that is there are dwellings on other smaller lots), and that the land is close to services (such as a primary school) and towns such as Riddles Creek.

I am not satisfied that the change of use of land to dwelling in this case meets the purpose and objectives of the Farming Zone and the policies in the State and Local Planning Policy Frameworks regarding protection of agricultural land.

A permit is not granted.”

These relevant VCAT decisions specifically in relation to horse husbandry demonstrate that simply because a dwelling can be considered under the zone, it does not follow that every application that can meet these requirements should be approved. The application must be able to demonstrate how the purpose of the zone is fulfilled and the guiding policies addressed for approval to be a real option. In this instance it is not considered that this application achieves this.

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

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

71.02-3 Integrated Decision Making

Society has various needs and expectations such as land for settlement, protection of the environment, economic wellbeing, various social needs, proper management of resources and infrastructure. Planning aims to meet these needs and expectations by addressing aspects of economic, environmental and social wellbeing affected by land use and development.

Planning and responsible authorities should endeavour to integrate the range of planning policies relevant to the issues to be determined and balance conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations. However, in bushfire affected areas, planning and responsible authorities must prioritise the protection of human life over all other policy considerations.

Planning authorities should identify the potential for regional impacts in their decision making and coordinate strategic planning with their neighbours and other public bodies to achieve sustainable development and effective and efficient use of resources.

It is considered that the proposal will be unable to balance conflicting objectives and will not result in sustainable development of the land. The objectives in relation to the protection of agricultural land will outweigh the development objectives within the planning scheme. The proposed use and development will be contrary to Planning and local policy. The permit application does not result in net community benefit.

Officer declaration of conflicts of interest

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

Conclusion

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

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

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

| 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 | The sight is not located within significant landscape overlay. The dwelling will be setback reasonably from the road. |
| | | 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 | | | | N/A | No native vegetation will be removed to facilitate the proposal. |
| | | Conserve and enhance high-value native vegetation and biodiversity and their ecological integrity by undertaking responsible environmental management, planning, procedures and practices. | | | | |
| | | Utilise appropriate historical ecological knowledge and practices from Traditional custodians of the land in the management of biodiversity and ecological and environmental values. | | | | |
| | | Encourage ecological restoration works in areas of identified state, regional and locally significant biodiversity value | | | | |
| | | Establish and improve bio links to connect high-value ecological areas, including areas along waterways and areas within and between towns. | | | | |
| | | Minimise the effects of weeds and pest animals on biodiversity values by establishing and implementing best practice land management plans. | | | | |

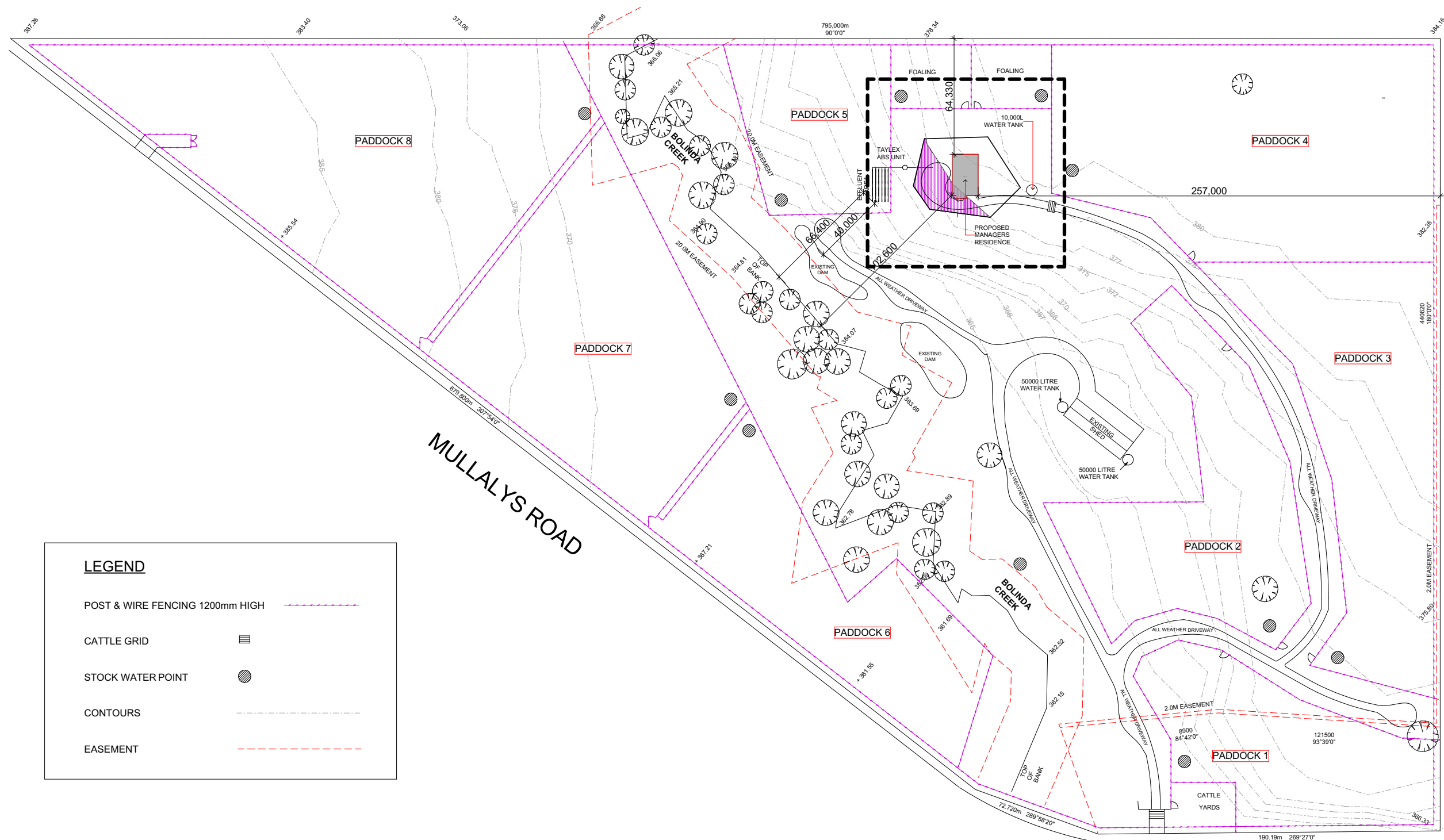
| Objective number | Objective in the SoPP (Direct quote) | Strategies to deliver the objective (Direct quote) | Meets | Does not meet | N/A | Planner's Comment |
|------------------|--|---|-------|---------------|-----|--|
| 3. | To prioritise the conservation and use of the declared area's water catchments to ensure a sustainable local, regional and state water supply, and healthy environment. | | | | N/A | The subject site is not located within Special Water Supply Catchment Area. The application was referred to Melbourne Water in relation to the presence of waterway on the site. No response has been received from Melbourne Water. |
| | | Protect water quality and natural systems by discouraging development that contributes to the degradation of water quality and quantity. | | | | |
| | | Manage land use and development, including dams, in Declared Water Supply Catchments to retain and improve water quality and improve yield to support regional water needs and to increase system-wide capacity to Respond to demand. | | | | |
| | | Reinforce the role of waterways as biodiversity Linkages and as corridors for native plants and animals. | | | | |
| | | Ensure water supply and land use planning policies are integrated, to realise efficiencies in regional catchment management and best practice, water-sensitive urban design. | | | | |
| | | Address the expected impacts of climate change, including changes in the duration and frequency of rainfall events and changes in the intensity and frequency of bushfire events. | | | | |
| | | Review and improve regulation and monitoring of groundwater licences and surface water diversions. | | | | |
| 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 located within area of Aboriginal cultural sensitivity however proposal does not require a Cultural Heritage Management Plan. |
| | | With Traditional Owners, identify, protect, conserve and enhance sites, landscapes and views of Aboriginal cultural significance, consistent with the Aboriginal Heritage Act 2006 and Cultural Heritage Management Plans. | | | | |
| | | With Traditional Owners, acknowledge, protect, promote and interpret tangible and intangible Aboriginal cultural values, heritage and knowledge | | | | |

| Objective number | Objective in the SoPP (Direct quote) | Strategies to deliver the objective (Direct quote) | Meets | Does not meet | N/A | Planner's Comment |
|------------------|--|--|-------|---------------|-----|--|
| | | when planning and managing land use and development, water and other environmental resources. | | | | |
| 5. | To recognise, conserve and enhance the declared area's significant post-contact cultural heritage values. | | | | N/A | |
| | | Conserve and enhance the character of state and/or nationally significant post-contact cultural heritage values (including aesthetic, historic, scientific, social and spiritual values) in the declared area's heritage places, precincts and landscapes, including sequences of views along main road and rail routes. | | | | |
| | | Acknowledge, promote and interpret significant post-contact cultural heritage values in the planning, design, development and management of land uses, including infrastructure. | | | | |
| 6. | To support and encourage agricultural land uses that strengthen the declared area's economy and contribute to the rural landscape. | | | X | | The proposal does not meet this objective as a dwelling is proposed on an agricultural land. The proposal is not specifically aimed at enhancing the agricultural capacity of the land. The proposal does not reasonably demonstrate a nexus between agricultural land use and the necessity of a dwelling as well as how a dwelling would be ancillary or secondary to agricultural pursuits on the land. |
| | | Encourage the use of rural-zoned land for agricultural purposes and encourage the use of high-quality soils for soil-based agriculture. | | X | | The proposal will not meet this strategy as the proposed use will be predominantly residential and will be unable to support agricultural uses on site. A farm management plan has been submitted to justify the dwelling which was referred to Department of Agriculture. The proposed agricultural uses can be operated without having a dwelling as the site is located within close proximity of Riddells Creek and Romsey. |
| | | 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). | | X | | Agricultural uses being proposed can operate without the dwelling. |

| Objective number | Objective in the SoPP (Direct quote) | Strategies to deliver the objective (Direct quote) | Meets | Does not meet | N/A | Planner's Comment |
|------------------|---|---|-------|---------------|-----|--|
| | | Support agricultural practices that improve soil health and respond to and encourage adaptation to climate change. | | X | | |
| | | Encourage measures to ensure agricultural practices protect and enhance soil quality, water quality, biodiversity and native plants and animals. | | X | | |
| | | Manage the effects of rural land use and development on important environmental and cultural values. | | | N/A | |
| | | Restrict the supply of rural-living-zoned land to conserve and protect agricultural practices. | | X | | The proposal will result in a permeant land use change on an agricultural land which is contrary to this strategy. |
| | | 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. | | | | N/A | |
| | | Support and facilitate sustainable and responsible tourism and recreation-related land uses and developments (such as agritourism) in keeping with the declared area's significant landscapes, environmental and cultural values. | | | | |
| | | Facilitate tourism-related land use and development that encourages people to recognise and understand Aboriginal and post-contact cultural heritage. | | | | |
| | | Ensure the conservation and enhancement of Declared Water Supply Catchment Areas of regional or state significance in the planning of tourism and recreational land uses. | | | | |
| | | Protect the unique rural character of towns in the declared area. | | | | |
| 8. | To plan and manage growth of settlements in the declared area consistent with protection of the area's significant | | | X | | |

| Objective number | Objective in the SoPP (Direct quote) | Strategies to deliver the objective (Direct quote) | Meets | Does not meet | N/A | Planner's Comment |
|------------------|---|---|-------|---------------|-----|--|
| | landscapes, protection of catchments, biodiversity, ecological and environmental values, and consistent with the unique character, role and function of each settlement. | | | | | |
| | | Direct urban development to a hierarchy of settlements identified for growth, through clearly defining long-term settlement boundaries. | | X | | It is considered that a residential development is contradictory to the primary purpose of the zone which seeks to protect the agricultural land. The strategy is to allow such uses within the built up residential areas where all the facilities are available. |
| | | 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). | | X | | As discussed above the proposal will result in rural residential development outside the Rural Living Zone. |
| | | Encourage infill development that respects the townships' character. | | | N/A | |
| | | Limit the expansion of settlements in high risk locations, actively reducing the risks associated with natural hazards. | | | N/A | |
| | | Encourage a range of housing types within settlement boundaries to support a diverse range of housing needs. | | X | | The site is not located within an urban residential zone and there are adequate residential options available in the nearby townships for such development. |
| | | Encourage provision of an adequate supply of well-serviced employment land within settlement boundaries to support local and regional jobs and services. | | | N/A | |
| | | Encourage the use of voluntary Cultural Heritage Management Plans. | | | N/A | |
| 9. | To manage the provision of infrastructure consistent with protection of the area's significant landscapes and protection of environmental values to support the social and economic needs of communities and increase resilience to climate change effects. | | | | N/A | |

| Objective number | Objective in the SoPP (Direct quote) | Strategies to deliver the objective (Direct quote) | Meets | Does not meet | N/A | Planner's Comment |
|------------------|---|--|-------|---------------|-----|--|
| | | 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. | | | | |
| | | Reduce use of fossil fuels and reduce greenhouse gas emissions by prioritising active transport and public transport modes. | | | | |
| | | Maintain view lines of state-significant landscape features from the main road and rail transport corridors. | | | | |
| | | 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. | | | | |
| | | 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. | | | | |
| 10. | Respond to the challenges and threats of climate change and natural hazards with careful 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 site is located within bushfire prone area however it can meet the bushfire measures in relation to access, water supply and BAL rating. |
| | | 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. | | | N/A | |



| LEGEND | |
|---------------------------------|--|
| POST & WIRE FENCING 1200mm HIGH | |
| CATTLE GRID | |
| STOCK WATER POINT | |
| CONTOURS | |
| EASEMENT | |

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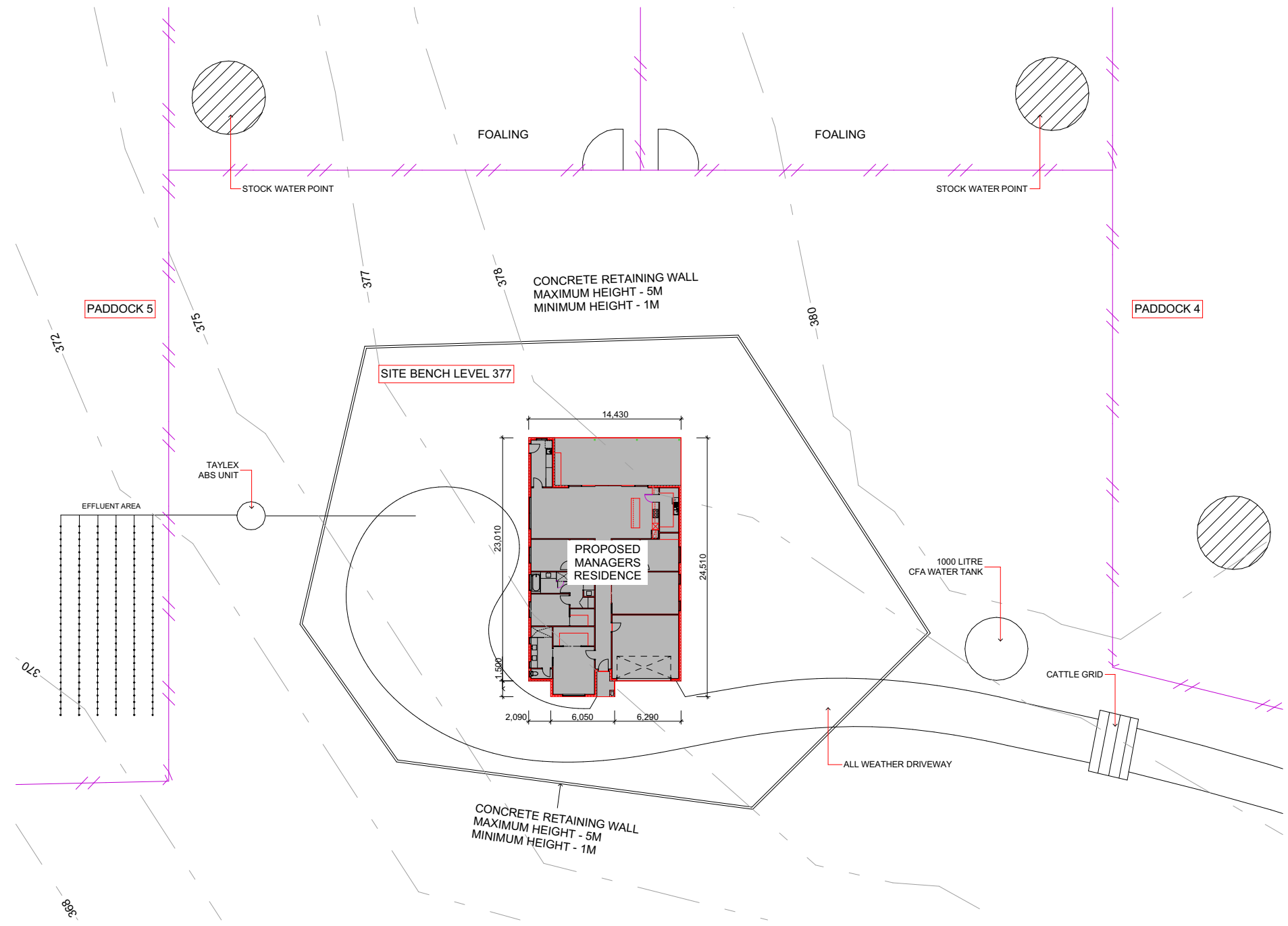
| REV. | DATE | REV. DETAILS |
|------|------------|---------------------------------------|
| A | 07.04.2022 | HORSE SHELTERS REMOVED, SETBACK ADDED |

| AREAS |
|-------|
| |



| |
|---|
| CLIENT ROY COSTA & ASSOCIATES |
| PROJECT PROPOSED MANAGERS RESIDENCE |
| LOT 1 MULLALYS ROAD BOLINDA VIC 3432 |

| | |
|-------------------------------------|-------------------------|
| DRAWING OVERALL SITE PLAN | |
| SCALE 1:1000 | DRAWN M.O. |
| CHECKED G.S. | |
| FOR APPROVAL | |
| PROJECT NO. 21-039 | DESIGN NO. 01 |
| REVISION A | |
| ORIGINAL SHEET SIZE A1 | PRINT DATE 7/4/2022 |



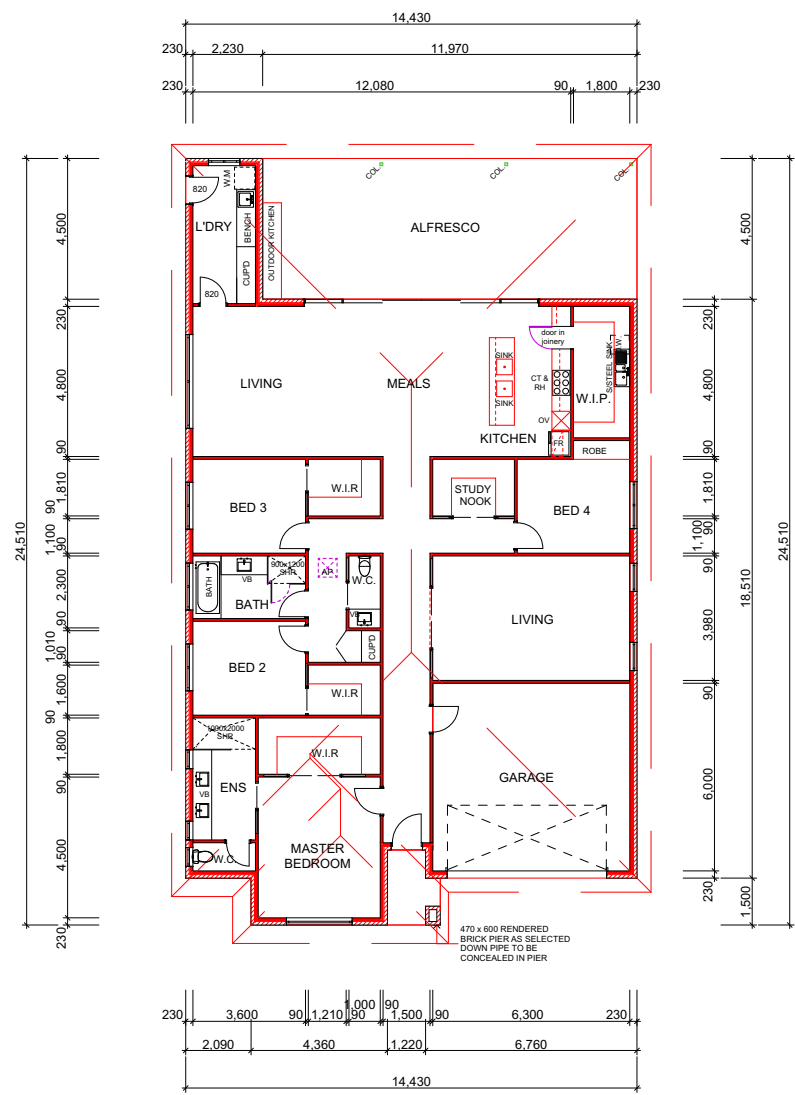
PART SITE PLAN 1:200

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|---|------------|------------------------|
| REV. | DATE | REV. DETAILS |
| A | 07.04.2022 | HORSE SHELTERS REMOVED |
| AREAS | | |

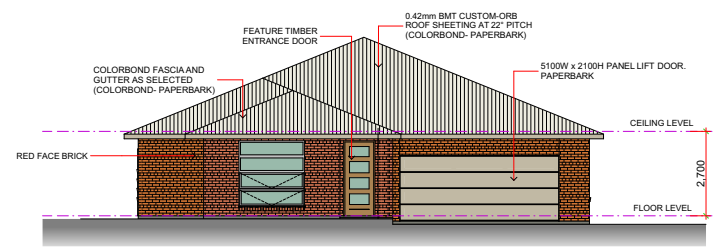


| | |
|---------|---|
| CLIENT | ROY COSTA & ASSOCIATES |
| PROJECT | PROPOSED MANAGERS RESIDENCE |
| | LOT 1 MULLALYS ROAD BOLINDA VIC 3432 |

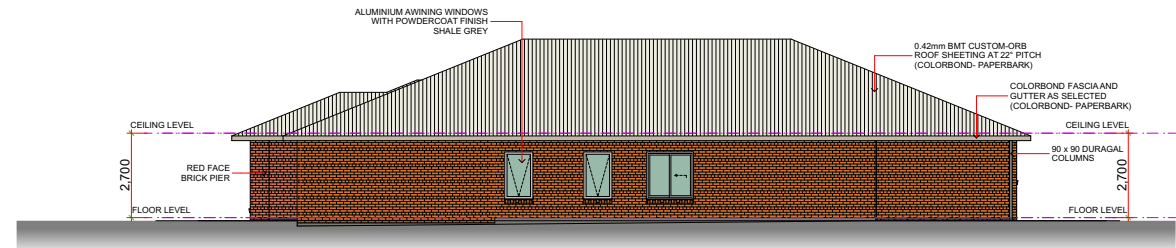
| | | | |
|---------------------|-----------|----------------|----------|
| DRAWING | | PART SITE PLAN | |
| SCALE | | DRAWN | |
| 1:200, 1:100 | | M.O. | |
| CHECKED | | G.S. | |
| FOR APPROVAL | | | |
| PROJECT NO. | DWG. NO. | REVISION | |
| 21-039 | 02 | A | |
| ORIGINAL SHEET SIZE | A1 | PRINT DATE | 7/4/2022 |



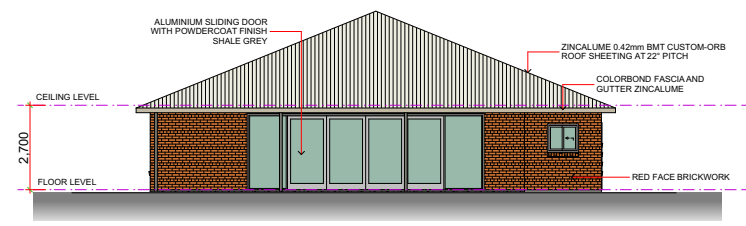
FLOOR PLAN 1:100



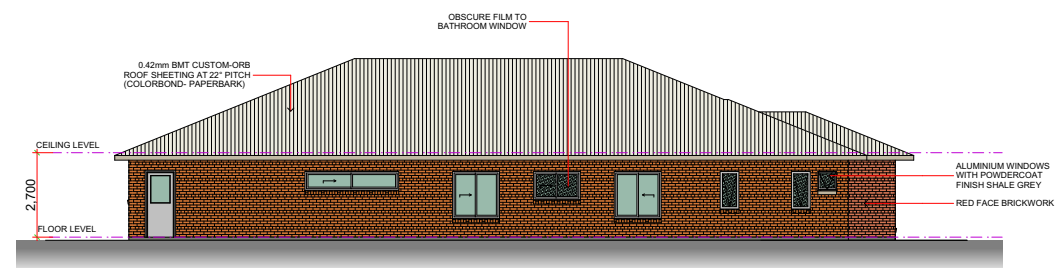
SOUTH ELEVATION 1:100



EAST ELEVATION 1:100



NORTH ELEVATION 1:100



WEST ELEVATION 1:100

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| REV. | DATE | REV. DETAILS |
|------|------------|-----------------|
| A | 07.04.2022 | COLOURS AMENDED |

| AREAS |
|-------|
| |



111 Madden Avenue Mildura VIC 3500
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reception@gda.com.au | www.gda.com.au
ABN: 62 189 285 626 ACN: 007 266 024

CLIENT
ROY COSTA & ASSOCIATES

PROJECT
PROPOSED MANAGERS RESIDENCE

LOT 1 MULLALYS ROAD
BOLINDA VIC 3432

| DRAWING | | |
|----------------------------|----------|------------|
| PROPOSED MANAGERS DWELLING | | |
| SCALE | 1:100 | DRAWN |
| | | M.O |
| | | CHECKED |
| | | G.S. |
| FOR APPROVAL | | |
| PROJECT NO. | DWG. NO. | REVISION |
| 21-039 | 03 | A |
| ORIGINAL SHEET SIZE | A1 | PRINT DATE |
| | | 7/4/2022 |



Agriculture Victoria

Department of Jobs, Precincts and Regions

30 May 2022

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

Email: mrsc@mrsc.vic.gov.au

Dear Awais,

RE: Use and development of the land for a dwelling**Land at: 78 Mullays Road Bolinda VIC 3432, LOT 1 TP833680****Your Ref: PLN/2021/447**

Thank you for the opportunity to provide comment pursuant to a notice of application under Section 52 of the *Planning and Environment Act, 1987*.

Council has requested comment on the planning application for the use and development of land for dwelling.

The advice provided in this letter relates to:

1. Planning context
2. Application review.
3. Strategic objectives and protection of agricultural land

1. Planning context

The subject land is zoned Farming Zone, Clause 35.07 of the Macedon Ranges Planning Scheme, and is affected by;

- Areas of Aboriginal Cultural Heritage Sensitivity (Whole Site)
- Waterways

The proposal includes a dwelling in association with horse husbandry on approximately 22.53 hectares. Within the Schedule to Clause 35.07 Farming Zone, land of less than 40 hectares, requires a permit for a dwelling as a Section 2 Use.

Clause 73.03 Land use terms defines Horse husbandry as: *Land used to keep, breed, board or train horses* and is included under the general land use term, Animal Husbandry, Agriculture. Along with the proposed cattle grazing (Grazing animal production) the activity is considered a Section 1 Use, Agriculture in the Farming Zone, no permit required.

The title plan TP833680 shows a drainage easement along each side of the water of 20 m.

1

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2. Application review.

Council has referred the application to Agriculture Victoria requesting any comments on the application. Agriculture Victoria has considered the following documents:

The Farm Plan PLN/2021/447 by Chris Alderton of Green Edge Environmental, Rev 0 dated 25 February 2022, states;

- *Green Edge Environmental Pty Ltd has been engaged by Roy Costa Planning and Development, to update the farm management plan developed in 2018 by Plan-it Rural Pty Ltd. (Page 1)*
- *Farm Management is also required to be amended to provide more details in relation to horse husbandry use and number of cattle and grazing details. (Page 1)*
- *The climatic details are provided in Table 1 for the Wallan (Kilmore Gap AWS): Mean Annual rainfall 690.4 mm. (Page 1)*
- *Their ambition is to establish a mixed farming enterprise based primarily on the breeding of Thoroughbred racehorses. (Page 2)*
- *The property was previously used for cattle and sheep grazing and has largely been run down with little infrastructure of value remaining. (Page 4)*
- *Allowing for the variation of cattle types and applicable DSE, an average of 10 DSE will be taken, giving a maximum stocking rate of 20 dry cows / steers grazing the property. (Page 6)*
- *This plan indicates a mix of stock is proposed by the landholder, therefore stock numbers should be assessed so the stocking rate does not exceed the 209.25 DSE outlined in this plan. Note: This does not include horses managed in stables or yardings, but does include grazing horses, which should be accounted at 10-15 DSE depending of work/pregnancy status. (Page 6)*
- *The breeding of thoroughbred horses will commence once the Planning Permit is approved, the owners currently have three on agistment at another property. (Page 7)*
- *Six brood mares will be housed at the property and taken to stud as required. (Page 7)*
- *Stables to be developed in the longer term. (Page 7)*
- *Boundary fences will be refurbished as required to ensure stock containment. (Page 7)*
- *The rotational paddocks will be established in stages over subsequent the 12 – 24 months. (Page 7)*
- *Shelter belt plantings are to be a minimum on 10m wide with at least three rows of plants (although straight lines are not recommended for natural plantings). (Page 8)*

Appendix A: Farm Plan, GSD Architects, Proposed Managers Residence 21-039 – 01

Overall Site Plan, shows:

- A 4 bedroom dwelling + study
- Domestic effluent disposal located in horse paddock no.5
- Cattle yards
- Horse shelters
- No proposed location and footprint of the horse stables

Land Capability Assessment Report, 32 Mullalys Road (Lot 1 TP833680) Bolinda VIC, prepared by RH Krainz Eco Vision Australia for Greenedge Environmental, Ref No. 14B022 LCA dated 28 Feb 2022, states:

- *The hydraulic load is based on a maximum five bedroom capacity – 6 person. (Page 3)*
- *We have considered a number of options for both the treatment system and land application area (LAA). Above all, effluent should be treated to secondary level and Land Application by sub surface irrigation sized at 368m². (Page 4)*

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- *Anticipated wastewater load per allotment: 4 bedroom residence @ 6 person per residence maximum occupancy domestic design wastewater load is 150 L/person/day therefore domestic wastewater design load = 900 L/day. (Page 5)*
- *As well as providing area for application of effluent, it is important that buffer distances be adhered to. (Page 14)*
- *Irrigation areas should not be subject to high traffic movement, especially vehicles, otherwise compaction around emitters can lead to premature failure. (Page 14)*
- *7.6 Buffer distances, 3 m nominal around design area (Page 15)*

3. Strategic objectives and protection of agricultural lands.

The following clauses of the Macedon Ranges Planning Scheme are relevant to this application;

- Clause 14.01-1S Protection of agricultural land, objective: To protect the state's agricultural base by preserving productive farmland, and strategies to:
 - *Protect productive agricultural land from unplanned loss due to permanent changes in land use.*
 - *Prevent inappropriately dispersed urban activities in rural areas.*
 - *Limit new housing development in rural areas by:*
 - *Discouraging development of isolated small lots in the rural zones from use for dwellings or other incompatible uses.*
 - *In considering a proposal to use, subdivide or develop agricultural land, consider the:*
 - *Desirability and impacts of removing the land from primary production, given its agricultural productivity.*
 - *Impacts on the continuation of primary production on adjacent land, with particular regard to land values and the viability of infrastructure for such production.*
 - *Compatibility between the proposed or likely development and the existing use of the surrounding land.*
 - *Avoid the subdivision of productive agricultural land from diminishing the long-term productive capacity of the land.*
- Clause 14.02-1S Catchment planning and management, strategies including:
 - *Retain natural drainage corridors with vegetated buffer zones at least 30 metres wide along each side of a waterway to:*
 - *Maintain the natural drainage function, stream habitat and wildlife corridors and landscape values,*
 - *Minimise erosion of stream banks and verges, and*
 - *Reduce polluted surface runoff from adjacent land uses.*
- Clause 16.01-3S Rural residential development, strategies to:
 - *Manage development in rural areas to protect agriculture and avoid inappropriate rural residential development.*
 - *Discourage development of small lots in rural zones for residential use or other incompatible uses.*

Conclusion

Macedon Ranges Shire Council as the responsible authority will have to make a determination as to whether the application for the use and development of the dwelling provides for enhanced agricultural potential and the productive capacity of the land, and generally meets the purpose, objectives and strategies of the Macedon Ranges Planning Scheme.

Agriculture Victoria notes that the Appendix A Farm Plan, shows:

- No defined domestic envelope.
- Domestic effluent disposal located in horse paddock no.5.

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- The proposed 10 m wide tree/shelter belt plantings not drawn to scale.
- No area defined to each of the eight (8) proposed paddocks.
- The encroachment of the paddocks into the 20 m Bolinda Creek drainage easement.
- No location and or footprint for the proposed horse stables.
- A dwelling location and resulting driveway network which appears to maximise the loss of land to be used for agriculture.

Carrying capacity

Based on a Mean Annual rainfall of 690.4 mm along with good pasture and grazing management the area would be considered to have a 17 DSE per ha carrying capacity.

Of the total land area of 22.53 ha it is considered that up to approximately 14 ha may be available for the purpose of pasture production and grazing.

In the absence of any details pertaining to the cattle weights and time spent on the property, it is considered that a:

- 200 kg steer, growing at 1 kg per day would be equivalent to 6.6 DSE,
- 400 kg steer, growing at 1 kg per day would be equivalent to 11.3 DSE, and;
- This would equate to between 12 and 21 steer carrying capacity after the allowances for horses are considered and at the proposed 10 DSE average this would allow a carrying capacity of 14 steers.

Agriculture Victoria considers that horse husbandry and grazing animal production systems require regular supervision and management, but the need for a permanent dwelling on site is not always justified, especially where there is close proximity to residential centres.

Domestic envelope

The proposal does not appear to effectively establish a domestic building envelope to minimise the domestic use impact on the land and, ensure maximising and maintaining the use of the land for agriculture.

Agriculture Victoria considers that without the establishment of a domestic building envelope there is a risk of further loss to available productive land over time. The area set aside for the domestic envelope, including the dwelling, should include any domestic outbuildings, yards, pool, garden, primary and secondary wastewater envelopes etc. and accessway.

Agriculture Victoria notes that the Land Capability Assessment establishes the extent of the area set aside for wastewater disposal areas, and provides recommendations regards buffers and access. Further to this the disposal area including a buffer and any equivalent reserve area set aside should be effectively fenced to exclude stock.

Recommendation

If Council determines a permit was to be granted to allow the dwelling, Agriculture Victoria makes the following recommendations:

- That any permit issued that allows the use and development of a dwelling in the Farming Zone is in association with agricultural production, protects against the potential for further subdivision of the land and ensures the use does not compromise farming activity in the area.
- That the site plan be amended to include:
 - Wastewater disposal areas to be contained within a domestic envelope and effectively fenced to exclude stock.
 - Vegetated buffer zones at least 30 metres wide along each side of a waterway.
 - The area set aside for:
 - Domestic use of the land.
 - Waterway and environmental protection.
 - 10 metre wide shelter belt plantings.

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- All proposed buildings and works, including the horse stables.
 - Animal husbandry and grazing animal production.
- That the domestic development be contained within a nominated envelope designed to maximise the available land for agricultural use, shown on any approved plan as part of any permit issued.
- That prior to the development of the dwelling, all buildings and works for the use of the land for horse husbandry and grazing animal production are completed to the satisfaction of the responsible authority.
- That conditions be placed on the permit to protect agricultural land through a binding agreement on title which ensures:
 - The development and continued use of a dwelling in the Farming Zone has been permitted on the basis that the dwelling is reasonably required for the operation of the agricultural activity conducted on the land in accordance with an endorsed business plan or approved alternative, and the dwelling will only be used on that basis.
 - The dwelling must not be subdivided from the lot in the future, and the lot must not be subdivided to increase the number of lots, by excision or otherwise.
 - That the owner acknowledges and accepts the possibility of nuisance from adjoining agricultural operations including animal production, spray drift, agricultural machinery use, pumps and associated hours of operation necessary for agricultural production.

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

Please provide a copy of the outcome for our records.

Please contact me if you require any further clarification.

Regards

**Steve Hicks**

Agriculture Victoria Planning and Advisory Service
Biosecurity and Agriculture Services | Agriculture Victoria
Department of Jobs, Precincts and Regions
255 Ferguson Road, Tatura, Victoria 3616
M: 0436 934 574 | E: steve.hicks@agriculture.vic.gov.au

12 CHIEF EXECUTIVE OFFICER REPORTS

Nil

13 DIRECTOR CORPORATE REPORTS

| | |
|-----------------------------------|---|
| COR.1 | CONTRACTS TO BE AWARDED AS AT JULY 2022 |
| 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) **C23.1170 Barkly Square Sportsfield Reconstruction**

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.

C23.1170 Barkly Square Sportsfield Reconstruction

The reconstruction of the Barkly Square sportsfield will improve the performance of the playing surface, increase the facilities capacity for use and reduce the maintenance required to keep the sportsfield in acceptable repair. The works include the reshaping of the surface, installation of new drainage and irrigations systems, the construction of a new synthetic grass covered cricket pitch and reinstatement of existing soccer infrastructure.

The CEO has delegated authority to award this contract.

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.

In accordance with the *Gender Equality Act 2020*, a Gender Impact Assessment was not required in relation to the subject matter of this report.

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 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.

14 DIRECTOR COMMUNITY REPORTS

| | |
|-----------------------------------|--|
| COM.1 | MUNICIPAL RESILIENCE PROGRESS UPDATE |
| Officer: | Susan Henry, Coordinator Emergency Management |
| Council Plan relationship: | 1. Connecting communities |
| Attachments: | Nil |

Summary

This report provides Councillors with an update on community capacity building and practical preparation in relation to the fire risk season. These activities are either directly delivered, or supported by Council, in partnership with local emergency response and support organisations.

Recommendation**That Council:**

- 1. Notes the activities undertaken to support community capacity building and preparedness for emergency events, directly by Council and in partnership with local emergency response and support organisations.**
- 2. Confirms that the outstanding Council resolution made at the 27 January 2021 Scheduled Meeting regarding Country Fire Authority (CFA) Community Information Guides can be closed, noting advice from the CFA that these resources are now delivered through other means.**

Background

The *Emergency Management Act 2013* (as amended by the *Emergency Management Legislation Amendment Act 2018*) transferred responsibility for municipal level emergency management planning from councils to Municipal Emergency Management Planning Committees.

As such, Council chairs and provides administration support for the Macedon Ranges Municipal Emergency Management Planning Committee (MRMEMPC), which facilitates a partnership approach to achieve efficient and effective planning outcomes for the municipality. Council has a strong commitment to work in partnership with key organisations and the community to promote preparedness in the event of an emergency.

Community Information Guides

One partnership activity previously undertaken by Council was the provision of support to aid in the development and delivery of Community Information Guides (CIGs) by the Country Fire Authority (CFA). CIGs contained important local fire and emergency information to support residents in a locality before, and during, a fire. They also helped residents to identify and reduce their fire risk. Some of the information contained within CIGs included Neighbourhood Safer Places (Places of Last Resort) and Community Fire Refuges (if available in the area), where people could shelter from fire as a last resort, as well as fire safety information for members of the local community.

As at October 2020, CIGs had only been developed for four Macedon Ranges townships: Macedon, Mount Macedon, Woodend and Riddells Creek. The CFA determined which towns required a CIG, based on a formula which utilised risk assessments and scientific evidence to identify the most vulnerable areas.

At its Scheduled Meeting held on 21 October 2020, Council resolved to:

- 5. Direct the Chief Executive Officer to write to the Country Fire Authority (CFA) and Fire Rescue Victoria (FRV) to:**
 - a) Request the CFA/FRV to review whether any additional towns in the Macedon Ranges Shire require a Community Information Guide (CIG);**
 - b) Encourage the CFA/FRV to initiate and develop CIGs for towns within the Macedon Ranges Shire that do not currently benefit from one; and**
 - c) Encourage the CFA/FRV to work with the community including Libraries, Neighbourhood Houses, Council and businesses in developing new CIGs and reviewing existing CIGs for the Shire and providing an avenue for publishing CIGs once completed.**
- 6. Direct the Chief Executive Officer to bring a report to Council by no later than the first Scheduled Council Meeting of 2021 outlining the cost and process for Council in reviewing and contributing to CIGs.**

In response to the above resolution, a further report was presented to Council's Scheduled Meeting held on 27 January 2021, where Council resolved to:

- 1. Note that officers wrote to the Country Fire Authority (CFA) on 9 November 2020 regarding the development of further Community Information Guides for the Macedon Ranges Shire; and**
- 2. Note, that upon receipt of CFA's reply to Council's letter of 9 November 2020, officers will bring a report to a future Scheduled Council Meeting outlining the cost and process for Council in reviewing and contributing to CIGs; and**
- 3. Give the Chief Executive Officer permission to bring a report regarding the cost and process for Council in reviewing and contributing to Community Information Guides to a future Council Meeting, when officers have received sufficient information to allow this to occur.**

In reply to Council's correspondence sent on 9 November 2020, the CFA advised that it no longer produces paper-based CIGs, as these resources were not well utilised by the community. Advice from the CFA also indicated that the CIGs were challenging to maintain with up-to-date information and were costly to produce.

In 2021, the information contained within CIGs was moved online to the *CFA Local* website, which significantly improved both the accuracy and currency of the information. The information provided via this website is more comprehensive and time-sensitive than the previous paper-based guides. The website allows individuals to search the postcode of where they reside as well as places they may be visiting.

Council currently undertakes a number of activities to support community knowledge of the site and the information it contains. A link to the page has been included on Council's website, and will be strategically promoted through the Emergency Alerts Facebook page.

Noting this advice that paper-based CIGs are now delivered through other means, it is recommended that the outstanding Council resolution of 27 January 2021 be closed.

Discussion

Below is a summary of activities that have been undertaken to support community knowledge, resilience and capacity in the event of an emergency, along with a range of future activities targeted to ensure conversations continue.

Information and direct community support

In partnership with the CFA, Council has been working with the community to build and support resilience through a range of activities before, and after, the fire season. This has included:

Prior to and during the fire season:

- Delivering online engagement and information sessions with the CFA
- Working with residents to reduce the fuel load in the landscape
- Engaging with community organisations to further support community engagement (e.g. Neighbourhood Houses)
- Promoting CFA engagement sessions and messaging through the Emergency Alerts Facebook page

Following the fire season:

- Council officers met with CFA officers to review actions taken during the season and to acknowledge opportunities to make improvements to our processes.

Ongoing resilience programs:

- Nurturing relationships with community partners to increase capacity for community-led recovery — these include neighbourhood houses, foodbanks, men's sheds, and key organisations such as Sunbury Cobaw Community Health
- Continued community education about the roles of various organisations and government agencies in fire prevention and management, with a view to build community knowledge of who to contact in times of emergency
- Advocating to electricity and telecommunications providers for improved and reliable services
- Supporting the local agricultural industry through storm waste products
- Encouraging residents to build a new and supported relationship with the natural environment
- Education and training programs, including:
 - Chainsaw use and maintenance workshops
 - Grant writing for community programs
 - Mental Health First Aid training

Fire management and planning:

- The Community-Based Bushfire Management program has begun with a collaboration between Council and CFA — this initial project is focused on the Macedon and Mt Macedon townships, and is a grassroots collaboration

Capability building and practical preparation

Enhancing Council's capability and capacity in emergency management is ongoing, with the following programs both underway and planned:

Capability development within Council:

- Monthly discussion exercises with key staff
- Online training offered in Crisisworks software
- Multi-agency exercise planned for October 2022
- Monthly discussions with on-call Municipal Emergency Management Officer (MEMO) and Municipal Recovery Management (MRM) staff

Cross-council emergency management roles:

- Internal processes will shortly be underway to establish personnel for the following positions in preparation for the upcoming fire and storm season:
 - Emergency Management Liaison Officers
 - Emergency Relief Centre Coordinators
 - Emergency Relief Centre staff
 - Secondary Impact Assessment staff

Plan and process reviews in:

- Readiness preparation
- Emergency Relief Centres
- Secondary Impact Assessment
- Guidance for on-call MEMO and MRM staff
- Municipal flood planning

Fire management and planning:

- The Strategic Roadsides project is underway with Regional Roads Victoria and CFA to plan for collaborative fuel reduction along the key thoroughfares in the shire
- Annually, we undertake the following activities:
 - Engage contractors to slash 1,000 kilometres of roadsides for fire prevention purposes, to reduce the risks of a fire starting and spreading
 - Conduct fire inspections and work with landholders to reduce their risk on private properties
 - Conduct summer preparation sessions in a cross-Council collaboration with vulnerable groups
 - Manage and audit the Neighbourhood Safer Places across the shire
 - Engage in the Fire Ready community meetings alongside the CFA

Consultation and engagement

Not applicable in relation to this report.

Collaboration

Council staff work in partnership with key stakeholders, including specialised organisations and community to deliver relevant supports, information and activities.

Innovation and continuous improvement

The MRMEMPC and Council staff continue to work collaboratively to improve engagement activities and information provision regarding emergency preparedness and risks to the broader community. A review of relevant plans is undertaken periodically to ensure best practice.

Relevant law

The *Emergency Management Act 2013*, as amended by the *Emergency Management Legislation Amendment Act 2018*.

Relevant regional, state and national plans and policies

Not applicable in relation to this report.

Relevant Council plans and policies

Not applicable in relation to this report.

Financial viability

All activities are undertaken within the approved operating budget.

Further to this, Council has been successful in applying for Bushfire Recovery Victoria grants over the past financial year, which has increased its capacity to respond to community needs resulting from the severe storm event on 9 and 10 June 2021.

Sustainability implications

Nil 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.

15 DIRECTOR ASSETS AND OPERATIONS REPORTS

| | |
|-----------------------------------|--|
| AO.1 | DIXON FIELD MASTER PLAN |
| Officer: | Dean Frank, Coordinator Recreation |
| Council Plan relationship: | 2. Healthy environment, healthy people 1. Connecting communities |
| Attachments: | 1. Dixon Field Master Plan (under separate cover) 2. Consultation Submission Summary (under separate cover) |

Summary

This report presents the draft Dixon Field Master Plan (Attachment 1) to Council for consideration and adoption.

The community reviewed the draft Dixon Field Master Plan (the draft Master Plan) during community consultation, with feedback considered and incorporated into the final version.

Recommendation

That Council adopts the Dixon Field Master Plan (2022) effective from 28 July 2022.

Background

Dixon Field is a multi-purpose open space and recreation reserve located in Gisborne. Jacksons Creek, Council's Gisborne Administration Centre, and Robertson Street border the reserve.

Dixon Field is home to the following tenant sporting clubs:

- Gisborne Soccer Club
- Gisborne Tennis Club
- Macedon Ranges Croquet Club
- Gisborne Little Athletics Club
- Gisborne Cricket Club

Council is the landowner and manager of the reserve. In addition to formal sports use, it caters for many casual users, including walkers, runners, dog walkers and casual sports use. There is an emergency services helipad on the eastern side of the reserve.

Council's *Dog and Cat Order 2019 – Domestic Animals Act 1994* (Schedule One) designates the Dixon Field Ovals as a dog off-leash area when sporting events are not in progress.

Discussion

Council allocated funding in the 2019/20 Budget to develop a master plan for Dixon Field.

The need for a master plan is due to the significant number of users, the competing requests to undertake improvements, and the need to have a collaborative and planned approach to provide direction for Council and the community on future improvement options.

As described in this report's Consultation and engagement section, officers undertook the initial consultation in 2020. Councillors noted that the soccer club had not provided feedback and requested officers reach out to the club seeking comment. Officers approached the soccer club and received feedback and added this to the original community consultation feedback provided.

Consultation and engagement

Officers presented the 2020 draft Dixon Field Master Plan to a Special Council Meeting on 1 May 2020, where Council resolved:

'That Council approve the draft Dixon Field Master Plan to be released for a four week period of community consultation in May/June 2020.'

The 2020 draft Master Plan was publicised for community consultation over four weeks from 1 June to 30 June 2020, which included:

- Comments sought on Council's 'Have your say' web page;
- Direct emails and online meetings with tenant clubs;
- Promotion via Council's social media;
- On-site signage;
- Local media release; and
- Direct mail out to residents and ratepayers in the vicinity of Dixon Field.

Officers made the following changes to the draft Master Plan as a result of feedback from the community and Council officers:

| Contents reference | Sub-section | Summary of change |
|-----------------------------|--------------------------------------|--|
| 3. Background Documents | Council Plan | Updated information to Year 3 (2019-2020) |
| | Sport and Active Recreation Strategy | Additional information provided regarding the synthetic soccer pitch proposal |
| | Climate Change Action Plan | Included reference to this document |
| 6. Issues and Opportunities | Overall | Addition of a statement regarding 'improving environmental outcomes at the site through use of best practice sustainable design and enhancement of site's natural features' and 'detailed designs for individual projects to consider geotechnical requirements' |
| | Tennis | Added updated information regarding the resurfacing of four courts and lighting on two additional courts. |
| | Soccer | Added a comment about maximising the energy efficiency of sports ground lighting |

| Contents reference | Sub-section | Summary of change |
|------------------------------|-----------------|---|
| | Other | Added a comment about maximising permeability and/or treating stormwater runoff through water sensitive urban design (WSUD) infrastructure related to road and car parking. |
| 8. Indicative Implementation | A3 | Included 'woody weeds' for removal and added viewing platform investigation |
| | A4 | Broadened signage description |
| | A6 | Inclusion of a statement around undertaking geotechnical assessments where required |
| | B2 | Inclusion of croquet storage facility |
| | C1 | Inclusion of water runoff treatment considerations |
| | C2 | Inclusion of sheltered seating |
| | D1, E1, F3 & G3 | Inclusion of water treatment design |
| | G2 | Undertake environmental assessment and feasibility of wetlands enhancement |
| | G4 | inclusion of WSUD to maximise permeability of car park during detailed design |
| | G6 | inclusion of statement around potential path lighting requiring automatic timers |

Note: During the community consultation of the draft Master Plan on the Council's 'Have Your Say' webpage, officers noted that the landing page had the description of "Dixon Field in Five years - Have your say."

The draft Dixon Field Master Plan has been developed as a long term (20+ year) vision for this reserve, as stated in the document.

This wording created some confusion; one submitter was concerned about the achievability of the plan within five years. The submitter was contacted to correct the misunderstanding and provided an opportunity to make another submission based on this clarification. The submitter chose to have their original comments remain for consideration.

Council Briefing 12 August 2020

Council officers presented the outcomes of the 2020 draft Master Plan consultation and engagement process at a Council Briefing on 12 August 2020.

Despite several attempts by officers, Gisborne Soccer Club did not participate in the initial consultation. As a result, Councillors requested officers obtain feedback from the Soccer Club before presenting the draft Master Plan to a future Scheduled Council Meeting for consideration of adoption.

The Gisborne Soccer Club submitted their feedback in December 2020, which officers considered and incorporated into the submission summary document (Attachment 2).

Council Briefing 26 October 2021

Council officers presented an updated draft Master Plan to the Council Briefing of 26 October 2021.

The updated draft Master Plan considered feedback received from the Gisborne Soccer Club and Councillors at the 12 August 2020 Council briefing.

Officers made the following changes to the draft Master Plan (Attachment 2 outlines these changes in detail):

| Contents reference | Sub-section | Summary of change |
|------------------------------|--------------------|--|
| 8. Indicative Implementation | A1 | Addition of storage space at the new shelter/toilet building |
| | B3 | Inclusion of behind the goal safety netting as part of proposed works on pitch/oval2 |
| | F2 | Inclusion of behind the goal safety netting as part of proposed works on the main soccer pitch, as well as the removal of existing athletics track concrete edge strip (with alternate on-field athletics track line marking reference points to be installed) |
| | G3 | Remove additional future tennis courts to protect the wetlands environment |

Due to the time elapsed since the initial consultation period, Council supported the officer's recommendation to re-engage with user groups and previous submitters about their original submissions (officers presented this information to the Council Briefing in October 2021).

Between the submission received from the Gisborne Soccer Club in December 2020 and the re-engagement process held in November 2021, the committee of the Gisborne Soccer Club underwent significant personnel change.

The Gisborne Soccer Club made an additional submission during the November 2021 re-engagement process with several suggested changes to the draft Master Plan.

Due to the level of detail provided in the Gisborne Soccer Clubs submission, a meeting with officers and club representatives took place on 4 April 2022 to discuss their submission in detail. The parties reached an amicable agreement on some of the suggested changes.

Officers also undertook additional consultation on the proposed relocation of the helipad. CASA confirmed they do not regulate helicopter landing sites outside of an aerodrome. The master plan consultant originally received feedback from CASA, SES, Ambulance Victoria, Victoria Police, CFA, and Aviation Australia in June 2020. This feedback informed the proposed new site for the helipad in the draft Master Plan.

Officers received seven responses during the re-engagement period conducted in November 2021; these are provided in Attachment 2.

The re-engagement feedback from user groups and previous submitters resulted in the following changes to the draft Master Plan:

| Contents reference | Sub-section | Summary of change |
|--------------------------------------|---|--|
| 3. Background Documents | Council Plan | Updated Council Plan 2021-2031 |
| | Open Space Strategy | Included note that Council is developing a new Open Space Strategy in 2022 |
| | Macedon Ranges Strategic Environmental Works Plan | Included reference document for Council managed waterway reserves in the Port Phillip and Westernport Catchment |
| 6. Issues and Opportunities | Little Athletics | Update wording for item 16 to reflect two existing long jump run-ups, with one needing renewal; the other being relatively new |
| 7. Long Term Master Plan (20+ years) | Plan Legend | Update to include all elements shown on the plan. |
| | B3 | Pitch/oval 2 cricket pitch is now indicated as a yellow dotted line (and not a solid line) on the plan to reflect it is a potential future item |
| | B3 and F2 | Include 'LED' in the lighting description |
| | B4 | Half pitch to include synthetic grass surface and fencing for a five-a-side pitch with the option of LED lighting |
| | C | Indicate on plan the new tennis court lighting infrastructure (new switchboard and light pole locations) - will require some adjustment to the car park area indicated in F3 |
| | F1 | Soccer pitch 3 is indicated as a dotted white line on the plan (and not a solid line). It will not have permanent soccer infrastructure installed and will be used for various junior pitch configurations |
| | F2 | Consider moving the soccer pitch and little athletics infrastructure closer to the pavilion as part of any playing surface re-construction works |
| | G1 | Adjustment of space allowance on the plan for little athletics throwing cages and future additional croquet green |

| Contents reference | Sub-section | Summary of change |
|------------------------------|-------------------|---|
| | G2 | Update wording to 'undertake environmental assessment and feasibility of wetlands enhancement, considering the replacement of the former 'boardwalk' |
| | G4 | Remove the proposed inclusion of six new trees indicated on the plan north of F1 as they impede the junior soccer configuration / playing area |
| 8. Indicative Implementation | Introductory text | Include paragraph 'To support Council's commitment to achieving zero net emissions by 2030; any future developments should ensure sustainable design features are included' |
| | Costings | Updated costings (and wording where required) to reflect the changes outlined under item 7 |

Collaboration

Collaboration was undertaken with the current formal tenants of Dixon Field during the initial information gathering phase of the draft Master Plan development and following the development of initial concept plans.

Innovation and continuous improvement

The draft Dixon Field Master Plan represents continuous improvement as it identifies a long term planned approach to future improvement options.

Relevant law

Following the *Gender Equality Act 2020*, officers conducted a Gender Impact Assessment relating to the subject matter of this report. If Council adopts the draft Dixon Field Master Plan, officers recommend that, as far as is practical, any future facility provision and upgrades are planned to provide equity of access for all current and future users.

Specifically, it is recommended that:

- The costs associated with implementing the draft Dixon Field Master Plan are populated into Council's 10 year financial plan. Council considers on an ongoing annual basis the opportunities to implement the plan.
- Implementation of the draft Dixon Field Master Plan will continue to provide increased opportunities for participation in formal sport and recreation through the provision of suitable facilities, and passive recreation through the provision of improved public open space for all genders.

This recommendation will deliver a planned and well considered range of equitable and accessible improvement to Dixon Field that provides an important community health and wellbeing function for the community.

Relevant regional, state and national plans and policies

Not applicable to this matter.

Relevant Council plans and policies

The draft Dixon Field Master Plan relates to the strategic objectives of the *Council Plan 2021-2031*.

Connecting Communities: Council will continue to maintain all the roads, paths, buildings and open spaces in our built environment in a financially, environmentally and socially sustainable way.

Healthy environment, healthy people: to promote a healthy environment, healthy people, Council aims to support mental health, prevent violence against women, and improve healthy lifestyles, social connection and inclusion, community safety, and arts and culture.

Other relevant Council plans and strategies that relate to the draft Dixon Field Master Plan include:

- *Sport and Active Recreation Strategy 2018-28*
- *Open Space Strategy 2013*
- *Macedon Ranges Regional Sports Precinct*
- *Walking and Cycling Strategy 2014*
- *Gisborne Botanic Gardens Master Plan 2017*

Financial viability

The draft Master Plan provides many directions for the long term (20+ years) improvement and development of Dixon Field, grouped into 'components'. These components will inform future grant funding applications and/or funding considerations via the Council's budget processes. Officers will need to review cost estimates during the life of the Master Plan to ensure that each component is accurately costed at its proposed time for funding and delivery.

The total indicative cost for implementing the draft Dixon Field Master Plan is \$8,775,000, and this sum or part thereof should be factored into Council's 10 year financial plan.

Sustainability implications

The draft Master Plan identifies environmental improvements and an expansion of the riparian zone along Jacksons Creek. These actions include the staged removal of poplars and other woody weeds, replacement with indigenous vegetation, and improvements to walking paths to provide circular routes around the reserve.

To support Council's commitment to achieving zero net emissions by 2030, any future developments identified in the Master Plan should ensure sustainable design features are included.

In addition, the current wetland/stormwater pond has been identified for potential enhancement and improvement works.

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 | PUBLIC TOILET AND BBQ STRATEGY |
| Officer: | Carina Doolan, Acting Manager Facilities and Operations |
| Council Plan relationship: | 1. Connecting communities 2. Healthy environment, healthy people 3. Business and tourism |
| Attachments: | Nil |

Summary

This report informs Council of the progress of the draft Public Toilet and BBQ Strategy.

The draft Public Toilet and BBQ Strategy sets out a framework to guide the future planning and provision of public toilets and BBQ facilities throughout the shire.

Recommendation

That Council notes the presentation of the draft Public Toilet and BBQ Strategy for consultation is deferred until the October Scheduled Council Meeting.

Background

Council currently manages 55 public toilets and 45 BBQs across the shire, supporting the community's use of public open space and recreation areas. The draft strategy addresses the public toilet facilities and BBQs within the shire, except those located in Council buildings, such as public libraries, maternal and child health centres, and customer service centres.

At the Scheduled Council meeting of 21 August 2021, Council's resolution was as follows:

"That Council:

- 1. Requests a business case be prepared for consideration in the 2022/23 financial year budget to design and plan a new toilet block providing a unisex All Abilities toilet and two other toilets with services and connecting pathways at St Agnes Place Kyneton.*
- 2. Requests a business case be prepared for consideration in the 2022/23 financial year budget to design and plan a new toilet block providing a unisex DDA toilet and two other toilets, services and connecting pathways at Quarry Reserve Kyneton.*
- 3. Requests a business case be prepared for consideration in the 2022/23 financial year budget for sealing Campaspe Crescent, Kyneton, to address the expected increase of traffic to the park, due to recommendation 2 above.*
- 4. Requests the presentation of the draft Public Toilet Strategy to Council at the February 2022 Scheduled Council Meeting for consideration, noting this will inform recommendations 1, 2 and 3 above."*

The April 2022 Scheduled Council Meeting resolution deferred the requested report until the July 2022 meeting.

"That Council notes the delay in presenting the draft Public Toilet and Barbeque Strategy, and that it will now be presented at the April 2022 Scheduled Council Meeting."

Discussion

The provision of Council's public toilet and BBQ facilities supports the use of open space and recreational precincts. They play a role in supporting tourism and visitation and contribute to the economic sustainability of the many communities within the shire.

Council appointed a suitably experienced consultant to audit and review the existing facilities' services, conditions and locations.

The officer's preference is to provide a draft Public Toilet and BBQ Strategy of quality. The current draft provides the basis of a good strategic document, but is not yet ready for consultation. COVID health issues and staff attrition have hampered the preparations.

Officers will invest more time into improving the document, not to meet a minimum requirement, but to create a strategy that we are proud to release for consultation.

The updated strategy will focus on the strategic intent of providing toilet and BBQ facilities for community use, provide a level of service for their provision, design and operations, and provide an indication of the potential future budget impact (if any) for these levels of service.

Consultation and engagement

Community consultation commenced in October 2021 for six weeks to understand issues and opportunities. A survey was open to all residents and visitors to the Macedon Ranges Shire and asked questions regarding public toilets and BBQ facilities, including usage patterns, location, design and other related considerations. The consultation received 285 public toilet responses and 110 BBQ responses via an online survey.

Sunbury/Cobaw Community Health demonstrated interest in this strategy development, providing a submission expressing their support for more accessible and gender-neutral facilities.

Collaboration

This report did not require collaboration.

Innovation and continuous improvement

The Macedon Ranges Planning Scheme includes a Settlement Strategy as a policy position of Council. The Settlement Strategy informs the strategic basis of this draft Public Toilet and BBQ Strategy, outlining the most significant anticipated population growth areas within the Shire.

Council appointed an Urban Planning and Design consultant to identify facility requirements given the expected population growth, community requests and the financial impact of ongoing facility renewals and operational costs.

This strategy will respond to Council's current and future needs to provide a healthier, safer and equitable provision of public toilet and BBQ facilities for the community in public places and spaces.

Relevant law

Nil

Relevant regional, state and national plans and policies

Nil

Relevant Council plans and policies

The proposed strategy relates to the strategic objectives of the *Council Plan 2021-2031*

Connecting communities: Council will continue to maintain all the roads, paths, **buildings and open spaces in our built environment** in a financially, environmentally and socially sustainable way.

Healthy environment, healthy people: to promote a healthy environment, healthy people, Council aims to support mental health, prevent violence against women, and improve healthy lifestyles, social connection and **inclusion, community safety**, and arts and culture.

Business and tourism: Council will provide an economic environment that promotes business diversity, **tourism**, housing, transport, information technology and communications, and employment opportunities.

The strategy will also support the Gender Equality action plan currently being drafted, to promote diversity and inclusion and offer equal opportunities for all genders.

Financial viability

The strategy will set service levels for the provision, design and operation of toilet and BBQ assets. This service level may have a budgetary impact to ensure fair and equitable access to a common standard for the community across the municipality. The final document will articulate any financial impacts.

Sustainability implications

The long term delivery of the proposed strategy will support social issues such as gender equality in promoting diversity and inclusion and offering equal opportunities for all genders.

The proposed strategy will also guide Council in its planning and renewal of public amenities in preparation for advances in design, sustainability and technology, which have led to different approaches to design, location and the function of public toilets and BBQs.

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.

16 NOTICES OF MOTION AND RESCISSION

Nil

17 URGENT BUSINESS

18 CONFIDENTIAL REPORTS**Recommendation**

That pursuant to section 66(1) and (2)(a) of the *Local Government Act 2020*, Council closes the meeting to the public to consider the confidential report(s) listed below, which are confidential on grounds provided in Section 3(1) of the *Local Government Act 2020*:

18.1 Kyneton Early Years' Service Planning**18.2 Naming of Turner Lane, Kyneton**

Confidential reasons**18.1 Kyneton Early Years' Service Planning**

This matter is considered to be confidential under Section 3(1) - a of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released.

Could result in service changes that have not yet been communicated to staff or tenants.

18.2 Naming of Turner Lane, Kyneton

This matter is considered to be confidential under Section 3(1) - a, e and f of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released, legal privileged information, being information to which legal professional privilege or client legal privilege applies and personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs.

There are portions of this report that include current interactions with legal representatives from a number of parties, personal information of individuals details and commercial-in-confidence arrangements.

