

# Council Meeting Agenda

**Ordinary Council Meeting  
Wednesday 27 March 2019 at 7.00pm  
Gisborne Administration Centre  
40 Robertson Street, Gisborne**

**Public Question Time:**

Written questions submitted by the public will be considered at 7.45pm. Question forms will be available at the entrance to the meeting room and will be collected at approximately 7.30pm.

**Attachments:**

All attachments are available for viewing or downloading from Council's website, [mrsc.vic.gov.au](http://mrsc.vic.gov.au)

**Recording of Council Meetings:**

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

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pages at the  
back of Notice  
Paper

## **ACKNOWLEDGEMENT OF COUNTRY**

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

### **1. RECORDING AND LIVE STREAMING OF THIS COUNCIL MEETING**

Ladies and gentlemen

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

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

All care is taken to maintain your privacy; however, as a visitor in the public gallery, your presence may be recorded.

By remaining in the public gallery, it is assumed your consent is given if your image is inadvertently broadcast.

I also remind all present that Local Government decision making, unlike State and Federal Government, does not afford the benefit of parliamentary privilege and hence no protection is afforded to Councillors, Council officers and the public for comments made during meetings which are subsequently challenged in a court of law and determined to be slanderous.

Thank you

### **2. PRESENT**

### **3. APOLOGIES**

### **4. DECLARATION OF CONFLICT OF INTERESTS**

Councillors' attention is drawn to Division 1A Sections 76-81 of the Local Government Act 1989 regarding interests. The relevant sections are reproduced and attached to the back of this Notice Paper.

Councillors are reminded that:

1. Disclosures of Conflicts of Interest must be declared immediately before the consideration of the item Section 79 (2) (a) (i); and
2. They should classify the type of interest that has given rise to the conflict of interest, and describe the nature of the interest Section 79 (2) (b) (c).

## **5. MAYOR'S REPORT**

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

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

**Recommendation:**

**That the Mayor's report be received.**

## **6. PETITIONS**

Pursuant to Council's Meeting Procedure Local Law No. 11, a Councillor may present a petition or joint letter to the Council. A petition or joint letter tabled at a Council Meeting may be dealt with as follows:

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

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

## **7. ADOPTION OF MINUTES**

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

Ordinary Council Meeting: Wednesday 27 February 2019

### **Recommendation:**

**That the minutes of the Ordinary Meeting of the Macedon Ranges Shire Council held on Wednesday 27 February 2019 as circulated be confirmed.**

## **8. RECORD OF ASSEMBLIES OF COUNCILLORS – MARCH 2019**

### **1. Summary / Purpose**

The purpose of this report is to provide the record of any assembly of Councillors, which has been held since the last Council Meeting, so that it can be recorded in the minutes of the formal Council Meeting.

### **2. Policy Context**

An amendment to the Local Government Act 1989, which came into effect on 24 September 2010 requires the record of any assembly of Councillors to be reported to the next practicable Council Meeting and recorded in the minutes (Refer Local Government and Planning Legislation Amendment Act 2010 – No. 58 of 2010 – Section 17).

### **3. Background Information**

The Local Government Act provides a definition of an assembly of Councillors where conflicts of interest must be disclosed.

A meeting will be an assembly of Councillors if it considers matters that are likely to be the subject of a Council decision, or the exercise of a Council delegation and the meeting is:

1. A planned or scheduled meeting that includes at least half the Councillors (5) and a member of Council staff; or
2. Is an Advisory Committee of the Council where one or more Councillors are present.

Note: Advisory Committee means any committee established by the Council, other than a special committee, that provides advice to (a) the Council, or (b) a special committee, or (c) a member of Council staff who has been delegated a power, duty or function of the Council under Section 98.

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

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

#### **4. Report**

Outlined below are the details of assemblies of Councillors held since the last meeting.

<b>1.</b>	<b>Date / Time</b>	<b>Type of Assembly</b>
	27 February 2019 1.00pm – 6.00pm	Councillor Briefing
	Venue	Gisborne Administration Centre
	Present – Councillors	Crs Anderson, Bleeck, Gayfer, Jukes, Pearce, Radnedge, Twaits and West
	Present – Officers	Margot Stork, Mark Goode, Karen Stevens, John Hausler, Angela Hughes, Lauren Reader, Michelle Wyatt, Anne-Louise Lindner, Gary Randhawa, Leanne Manton, Leanne Khan, Scott Gilchrist, Matthew Irving, Jayde Hayes, Rod Clough, Leon Den Dryver, Alison Blacket, Jill Karena
	Presenters	Darren Lee, Wendy Scroggie, Sector Advantage; Samantha Walsh, Angela Walter, Chatterbox Projects



Items discussed	<ul style="list-style-type: none"> <li>• 5 Ripplebrook Way, Kyneton</li> <li>• Environment and Sustainability Committee</li> <li>• Riddells Creek Precinct Structure Plan</li> <li>• Roadside/Nature Strip Slashing and Maintenance</li> <li>• Councillor Support Policy</li> <li>• Community Consultation Framework Review Workshop</li> <li>• Councillor Items / Officer updates             <ul style="list-style-type: none"> <li>- Drainage works on Aitken Street</li> <li>- Senior Citizens Ambassadors</li> <li>- Libraries</li> <li>- Kyneton Primary School</li> <li>- Recycling and waste</li> <li>- Aged care services</li> <li>- Kyneton squash club</li> <li>- Gisborne aquatic centre pool</li> <li>- Waterways of the West Reference Group</li> <li>- EPA legislative changes</li> <li>- Daylesford Macedon Tourism</li> </ul> </li> <li>• Agenda Review             <ul style="list-style-type: none"> <li>- Alternative motions</li> <li>- Award for Robert Marsh</li> <li>- 125 McGeorge Road, Gisborne</li> <li>- 27 Victoria Street, Macedon</li> <li>- Planning Scheme Review</li> <li>- Sister City Agreement</li> <li>- Acting Mayor</li> <li>- Riddells Creek Tennis Club Redevelopment</li> <li>- Kyneton Tip Shop</li> <li>- Roads Register</li> </ul> </li> </ul>
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 Twaits declared an indirect conflict of interest in relation to the Riddells Creek Tennis Courts Redevelopment item due to his employment with Bendigo and Adelaide Bank.</p> <p>Did they leave the assembly? Yes</p>
Conflicts of interest declared by officers	<p>Nil</p> <p>Did they leave the assembly? N/A</p>

<b>2.</b>	<b>Date / Time</b>	<b>Type of Assembly</b>
	13 March 2019 1.30pm – 5.30pm	Councillor Briefing
	Venue	Gisborne Administration Centre
	Present – Councillors	Crs Anderson, Bleeck, Jukes, Mees, Radnedge, Twaits and West
	Present – Officers	Margot Stork, Mark Goode, Karen Stevens, John Hausler, Sue LaGreca, Lauren Reader, Matthew Irving, Fiona Alexander, Jill Karena, Jodie Turner, Anne-Louise Lindner, Will Rayner, Leanne Khan, Christo Crafford, Isobel Maginn, Alison Blacket, Allie Jalbert, Louise Dewberry, Jayde Hayes
	Presenters	Chris Karagiannis and Kelly Milne, Benetas; Andrew Grey, ARG Planning; Michael Jefferson, Demaine Partnership; Craig Kenny, Mach2 Consulting; Brian Westley and Daya Govender, Regional Roads Victoria
	Items discussed	<ul style="list-style-type: none"> <li>• Presentation by Benetas &amp; Macedon Ranges Health – Gisborne Oaks</li> <li>• Regional Roads Victoria (VicRoads) presentation on upcoming projects</li> <li>• Home Care Market Assessment</li> <li>• Victoria Tavern Contribution to Community Grants</li> <li>• Dog On and Off Leash and Cat Curfew Review</li> <li>• Visitor Economy Strategy</li> <li>• Planning matters               <ul style="list-style-type: none"> <li>- Rural Land Use Strategy &amp; Planning Options in the Farming Zone</li> <li>- Engineering update – laneway adjacent to 34 Clowes Street Malmsbury</li> <li>- 5 Ripplebrook Way, Kyneton</li> </ul> </li> <li>• Agenda review:               <ul style="list-style-type: none"> <li>- 34 Clowes Street, Malmsbury</li> <li>- 5 Ripplebrook Way</li> <li>- Visitor Economy Strategy</li> <li>- Consideration of planning panel C117</li> <li>- Small Project Grants</li> <li>- Councillor Support Policy</li> <li>- 47 Victoria Street</li> <li>- Discontinuation of road reserve in Newry Drive, Gisborne</li> <li>- Sealing of Batters Lane</li> <li>- General purpose and amenity local law amendments</li> <li>- Draft Kyneton Network Movement Study</li> <li>- Draft tree management policy</li> <li>- Dog on and off lead cat curfew review</li> </ul> </li> </ul>

	<ul style="list-style-type: none"> <li>- Section 223 Committee Report – Kyneton Airfield</li> <li>- Kyneton Airfield Local Law 12</li> <li>- Recycling interim arrangements (confidential)</li> <li>- Motions for debate at 2019 general assembly</li> <li>• Councillor Items / Officer updates:             <ul style="list-style-type: none"> <li>- Gardiner Reserve Netball Court</li> <li>- Sports Pavilion</li> <li>- 1261 Kilmore-Lancefield Road</li> <li>- Wind farms</li> <li>- SPP Guidelines</li> <li>- Yalonga Road – telecommunications tower</li> <li>- Councillor-only budget session on 27 March</li> <li>- Building Better Regions announcement</li> <li>- Council Health Broker appointment</li> <li>- Hanging Rock Strategic Advisory Committee</li> <li>- Daylesford Macedon Tourism</li> </ul> </li> </ul>
Conflicts of interest declared by Councillors and record of them leaving the meeting when the matter about which they declared the conflict of interest was discussed	<p>Nil</p> <p>Did they leave the assembly? N/A</p>
Conflicts of interest declared by officers	<p>Nil</p> <p>Did they leave the assembly? N/A</p>

<b>3.</b>	<b>Date / Time</b>	<b>Type of Assembly</b>
	13 March 2019 7.00pm – 9.30pm	Health and Wellbeing Advisory Committee
	Venue	Gisborne Administration Centre
	Present – Councillors	Crs Anderson and Radnedge
	Present – Officers	Margot Stork, Karen Stevens, Rod Clough, Jill Karena, Fiona Alexander, Elaine Pulleine
	Items discussed	<ul style="list-style-type: none"> <li>• Community Wellbeing Directorate Overview</li> <li>• Disability Action Plan</li> <li>• Macedon Ranges Shared Trails</li> <li>• Introduction/Induction</li> </ul>
	Conflicts of interest declared by Councillors and record of them leaving the meeting when the matter about which they declared the conflict of interest was discussed	<p>Nil</p> <p>Did they leave the assembly? N/A</p>

Conflicts of interest declared by officers	Nil  Did they leave the assembly? N/A
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<b>4.</b>	<b>Date / Time</b>	<b>Type of Assembly</b>
	20 March 2019 12.30pm – 5.30pm	Councillor Briefing
	Venue	CWA, 662 Mount Macedon Road, Mount Macedon
	Present – Councillors	Crs Anderson, Bleeck, Gayfer, Jukes, Mees, Pearce, Radnedge and West
	Present – Officers	Margot Stork, Mark Goode, Karen Stevens, John Hausler, Sue LaGreca, Lauren Reader, Leon Den Dryver, Matthew Irving, Cam Macfarlane, Gary Randhawa, Tom Bloomfield, Ray Trevorah, Alison Blacket, Evan Krausgrill, Leanne Khan, Awais Sadiq, Rhiannon Biezen, Jack Wiltshire, Christo Crafford, Damien Hodgkins, Will Rayner, Jayde Hayes, Anne-Louise Lindner, Allie Jalbert
	Items discussed	<ul style="list-style-type: none"> <li>• 2019/20 Budget – Councillor Workshop No. 2</li> <li>• Draft Road Asset Management Plan</li> <li>• Update on Food Organics and Garden Organics</li> <li>• C117 Lancefield Development Plan Overlay Amendment Report</li> <li>• Planning Matters including <ul style="list-style-type: none"> <li>- Protecting Melbourne’s Strategic Agricultural Land Consultation</li> <li>- 556 Boundary Road, Rochford</li> <li>- 16 Clowes Street, Malmsbury</li> <li>- 19 Shannon Court, Woodend</li> <li>- 17 Ladye Place, Woodend</li> </ul> </li> <li>• Agenda Review: <ul style="list-style-type: none"> <li>- 34 Clowes Street</li> <li>- 5 Ripplebrook Way, Kyneton</li> <li>- C117 Lancefield DPO</li> <li>- Macedon Ranges Visitor Economy Strategy</li> <li>- Small Project Grants</li> <li>- Councillor Support Policy Review</li> <li>- 47 Victoria Street</li> <li>- Newry Drive</li> <li>- Sealing of Batters Lane</li> <li>- Draft General Purpose Amenity Local Law</li> <li>- Draft Kyneton Network Movement Study</li> <li>- Review of Tree Management Policy</li> <li>- Dog and cat on and off lead curfew review</li> <li>- Section 223 Committee Report and Kyneton Airfield Local Law</li> <li>- Interim recycling arrangements (confidential)</li> <li>- Notices of Motion</li> </ul> </li> </ul>

	<ul style="list-style-type: none"><li>• Councillor Items / Officer updates<ul style="list-style-type: none"><li>- ALGWA Conference</li><li>- Gardiner Reserve</li><li>- Farm Zone</li><li>- Safety Committee – planning day</li><li>- Asset Management – strategic approach</li></ul></li></ul>
Conflicts of interest declared by Councillors and record of them leaving the meeting when the matter about which they declared the conflict of interest was discussed	Nil  Did they leave the assembly? N/A
Conflicts of interest declared by officers	Nil  Did they leave the assembly? N/A

**Officer Recommendation:**

**That Council endorse the record of assemblies of Councillors as outlined in this report.**

**9. DEPUTATIONS AND PRESENTATIONS TO COUNCIL**

Generally there is no opportunity for members of the public to address an Ordinary Council Meeting. In specific circumstances including where a planning matter is being considered at an Ordinary Council Meeting for the first time or a prior request to the Mayor has been made and approved, a member of the public may be provided the opportunity to address the Council. In such circumstances the presentation will be limited to three minutes unless otherwise approved.

**10. PE.1 APPLICATION FOR PLANNING PERMIT PLN/2018/348 – USE AND DEVELOPMENT OF THE LAND FOR A DWELLING AND GROUP ACCOMMODATION, OFFICE AND STORE, AND BUSINESS IDENTIFICATION SIGNS – 34 CLOWES STREET, MALMSBURY VIC 3446**

**Officer:** Damien Hodgkins, Senior Statutory Planning Officer

**File Ref:** PLN/2018/348

**Council Plan Relationship:** Relates to priority area:  
Improve the built environment

**Attachment:** Plan

**Applicant:** B J Graham

**Date of receipt of application:** 14 August 2018

**Trigger for report to Council:** Councillor Call In

**Synopsis:**

The application proposes the development of a dwelling, a pair of one-bedroom bed and breakfast accommodation units, and an office and store building to be used for a home based business involving the installation of electronic components of automatic gates. A small car park is also proposed along with driveway access to Clowes Street and the rear laneway, as well as a landscaped area within the front corner of the site.

The application was advertised and four (4) objections were received.

Key issues to be considered relate to the residential, accommodation and business uses, the impact of the proposal on the amenity of the area, the design and form of the buildings within a heritage precinct, and vehicle access arrangements including the use of the rear bluestone laneway by commercial vehicles.

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

**10. PE.1 APPLICATION FOR PLANNING PERMIT PLN/2018/348 –  
USE AND DEVELOPMENT OF THE LAND FOR A DWELLING  
AND GROUP ACCOMMODATION, OFFICE AND STORE,  
AND BUSINESS IDENTIFICATION SIGNS – 34 CLOWES  
STREET, MALMSBURY VIC 3446 (Continued)**

**Officer Recommendation:**

**That a Notice of Decision to grant a planning permit is issued for the Use and Development of the subject land for a Dwelling and Group Accommodation, Office and Store, and business identification signs for the land at 34 Clowes Street MALMSBURY VIC 3446 CA 8 Section 7 P/Edgecombe subject to the following conditions:**

- 1. Before the development and uses commence, three copies of amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be generally in accordance with the plans received on 14 August 2018 and prepared by Dennis Doricic Design but modified to show:
  - (a) A full schedule of external building materials and colours for all buildings.**
  - (b) The requirements of MRSC Engineering Condition 11 of this permit.**
  - (c) The requirements of MRSC Parks and Gardens Conditions 20 and 21 of this permit.****
- 2. The development and uses as shown on the endorsed plans must not be altered unless with the prior written consent of the Responsible Authority.**
- 3. Unless with the prior written consent of the Responsible Authority, the landscaping works shown on the endorsed plans must be carried out, completed and thereafter maintained to the satisfaction of the Responsible Authority within six (6) months after the occupation of the group accommodation buildings. The landscaping works may be completed in stages prior to the specified completion time in accordance with the scheduling of development works.**
- 4. In the event of the detailed engineering design details for the construction of the laneway access within the road reserve to the north side of the subject land incorporating any extent of earthworks resulting in cutting or other works below the existing ground surface level, all relevant Council consents in respect to the Heritage Overlay as well as Council's Engineering Services must be granted prior to the commencement of works. The driveway construction works within road reserves adjacent to the subject land must not modify any bluestone road or drainage infrastructure without the prior written consent of the Responsible Authority.**

**10. PE.1 APPLICATION FOR PLANNING PERMIT PLN/2018/348 –  
USE AND DEVELOPMENT OF THE LAND FOR A DWELLING  
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STREET, MALMSBURY VIC 3446 (Continued)**

5. Vehicles accessing the subject land along the rear laneway along the north side of the subject land from Barker Street must not exceed the 6.4m long Small Rigid Vehicle (SRV) design vehicle in accordance with relevant traffic engineering standards, unless with the prior written consent of the Responsible Authority.
6. Unless with the prior written consent from the Responsible Authority, the use hereby permitted may only operate between the following hours:
  - Mondays to Saturdays - 7am until 6pm
7. The development and uses hereby permitted must be managed so that the amenity of the area is not detrimentally affected, through the:
  - (a) Transport of materials, good or commodities to or from the land;
  - (b) Appearance of any building, works or materials;
  - (c) Emissions of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil; or
  - (d) Presence of vermin.
8. All external lighting must be designed, baffled and located so as to prevent adverse effect on adjoining land, to the satisfaction of the Responsible Authority.

**Signage Conditions**

9. The location and details of the approved signs, as shown on the endorsed plans, must not be altered unless with the prior written consent of the Responsible Authority.
10. The signs must not be illuminated by external or internal light unless with the prior written consent of the Responsible Authority.
11. The approval for signs approved by this permit expires 15 years from the date of this permit.

**MRSC Engineering Conditions**

12. Prior to the commencement of the works, three copies of amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be modified to show:



- 10. PE.1 APPLICATION FOR PLANNING PERMIT PLN/2018/348 – USE AND DEVELOPMENT OF THE LAND FOR A DWELLING AND GROUP ACCOMMODATION, OFFICE AND STORE, AND BUSINESS IDENTIFICATION SIGNS – 34 CLOWES STREET, MALMSBURY VIC 3446 (Continued)**
- (a) Upgrade of the Laneway, entire carpark and associated vehicle crossover to the Laneway is shown in Stage 1.
  - (b) The Crossover is aligned generally perpendicular to the Laneway.
  - (c) A separate waste storage area for non-residential component of the development.
- 13. Prior to the commencement of works, an “Asset Protection Permit” must be obtained from Council for any of the following circumstances:**
- (a) Entering a building site by means of a motor vehicle having a gross weight exceeding two tonnes.
  - (b) Occupying a road for works.
  - (c) Connecting any Council land to a stormwater drain.
  - (d) Opening, altering or repairing a Council road.
  - (e) Opening, altering or repairing a Council drain.
  - (f) Accessing a building site from a point other than a crossover.
  - (g) Construct/repair/widen/remove any crossover
- 14. Prior to the commencement of the works, Engineering Plans must be submitted to and approved by Responsible Authority including payment of plan checking and supervision fees. The plans must include:**
- (a) All necessary computations and supporting design documentation for any structure, civil and drainage infrastructure and geotechnical investigation report.
  - (b) Details of any cut and fill earthworks including retaining walls.
  - (c) Upgrade/Reconstruction of the Laneway to provide all weather access to the site, from the edge of Barker Street to the western end of the property boundary. This must be supported by a feature and level survey and section drawings to demonstrate that adjacent property accesses and drainages are not adversely affected by the Laneway upgrade works. Survey must be sufficiently extended to all adjacent properties and road reserves to cover the above issues. All levels must be adjusted inside the property to match the Laneway levels so that no vehicle scraping occurs underside.
  - (d) Provision for all services and conduits (underground) including alignments and offsets.
  - (e) New crossover for the carpark within the Laneway.
  - (f) Existing 150mm diameter pipelines from the Junction Pit at the rear of No. 75 Mollison Street property must be upgraded and extended to the subject property frontage within the Laneway, where the site drainage system will discharge.

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AND BUSINESS IDENTIFICATION SIGNS – 34 CLOWES  
STREET, MALMSBURY VIC 3446 (Continued)**

- (g) Underground stormwater drainage for the site including a litter trap prior to discharging into the public drainage system.
- (h) An on-site detention system demonstrating 10 year ARI post development flow is restricted to 10 year ARI pre development levels.
- (i) Survey details of the canopy trunk location and size of trees to be retained and associated Tree Protection Zone.

Engineering Plans must show the required works for each relevant stages of the development.

- 15. Prior to the commencement of use for each Stages, all works shown on the approved Engineering Plans must be constructed or carried out all to the satisfaction of the Responsible Authority.
- 16. Prior to the commencement of works, a Construction Management Plan must be submitted to and approved by the Responsible Authority. The management plan must show:
  - (a) Measures to control erosion and sediment and sediment laden water runoff including the design details of structures.
  - (b) Dust control.
  - (c) Where any construction wastes, equipment, machinery and/or earth is to be stored/stockpiled during construction.
  - (d) Where access to the site for construction vehicle traffic will occur.
  - (e) The location and details of a sign to be erected at the entrance(s) of the site advising contractors that they are entering a 'sensitive site' with prescribed tree protection zones and fences.
  - (f) The location of any temporary buildings or yards.

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

- 17. Stormwater runoff from all buildings, tanks and paved areas must be drained to a legal point of discharge to the satisfaction of the Responsible Authority.

All drainage courses or outfall drainage lines required to the legal point of discharge and which pass through lands other than those within the boundaries of the subject site must be constructed at no cost to the Responsible Authority.

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**18. Prior to the commencement of use of Stage 1, the areas set aside for the parking of vehicles and access driveways as shown on the endorsed plans must be:**

- (a) Constructed in to the satisfaction of the Responsible Authority.**
- (b) Properly formed to such levels that they can be used in accordance with the plans.**
- (c) Drained and maintained.**

**Car parking spaces and driveways must be kept available for these purposes at all times.**

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

**20. No polluted and/or sediment laden runoff is to be discharged directly or indirectly into drains or watercourses. Soil erosion control measures must be employed throughout the development works in accordance with Construction Techniques for Sediment Pollution Control (EPA 1991) to the satisfaction of the Responsible Authority**

**MRSC Parks and Gardens Conditions**

**21. Prior to the commencement of development, the site layout and landscaping plans must be amended to incorporate Tree Protection Zones for the retention and protection of all trees located within the adjacent road reserves or that encroach from adjacent properties within the boundaries of the subject land or the adjacent road reserve along the northern side of the subject land.**

**22. Prior to the commencement of development, a Tree Protection Management Plan (TPMP) for the road reserve tree identified in the Arboricultural Assessment Report prepared by Tree Checks Tree Management Systems, 02/08/2018 must be submitted in accordance with AS 4970-2009. The TPMP must include:**

- (a) How the protection recommendations contained in the Arboricultural Assessment Report will be implemented during construction.**
- (b) A clear photograph of each tree.**
- (c) The general condition and overview of each - Any specific damage/faults evident must be recorded for each tree prior to works commencing.**

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- (d) A statement that canopy pruning of the road reserve trees shall only be undertaken by Macedon Ranges Shire Council, if deemed appropriate, a contractor approved by Council's Parks and Gardens Unit.
- (e) An inspection timeframe, with a compliance check list to be signed and dated by the applicant's project arborist and project manager/foreman and submitted to Council's Parks and Gardens Unit. Inspections must be scheduled at all stages of construction determined to be critical to ensuring the ongoing protection of and retention of the trees and are to be undertaken before, during and after the completion of the works.
- (f) A statement that the developer will be liable for any damage caused to the trees during the construction process, including damage by privately engaged contractors.

**Expiry of Permit - Development and Use**

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

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

**Permit Notes:**

- Future owners of the land must be made aware of the existence of this permit.

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**Existing conditions and relevant history**

Subject Land

The subject site is vacant and rectangular in shape being 52.3 metres deep and 40.1 metres wide, and a total area of 2139m<sup>2</sup>. The site has a downhill slope from south to north. Vegetation on the site is limited to grass cover, whilst a number of mature oak trees align the road reserve along Barker Street on the east side of the site. The site otherwise abuts Clowes Street on its southern side and a narrow unnamed road reserve constructed as an informal rear laneway on its north side.

Surrounds

The property abutting immediately to the west side is vacant similar to the application site. Mollison Street is located 50m north of the site, with the main cluster of commercial properties within Malmsbury aligning the southern side of that road between Ellesmere Place and Barker Street. The rear boundaries of properties fronting to Mollison Street align the rear laneway at the north of the site. Residential properties are located opposite the site to the south side of Clowes Street and to the east side of Barker Street. The Malmsbury Botanical Gardens are located 200 metres west of the site with the Coliban River another 200 metres further west.

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

Nil

Previous planning permit history

A search of Council's records has found no previous planning permit history for this property.

**The Proposal**

The proposal comprises a mixed use development of the subject land, comprising a dwelling, two single bedroom group accommodation units, and an office and store building associated with an automatic gate business proposed to operate from the land.

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The dwelling would occupy the south-west portion of the land and would contain three bedrooms, living rooms and amenities as well as a double garage. The design of the dwelling is traditional incorporating pitched roofing, gable walls, verandahs and eaves, and would be constructed with brick, weatherboard and rendered panel wall cladding (the limestone block cladding shown on the plans is no longer proposed and so amended plans would be required by permit condition to show approved materials), and galvanised iron corrugated roofing.

The two group accommodation units would be constructed as a pair with a common side wall and would be located within the eastern side of the site. Each unit would incorporate an open plan bedroom and living room (bedsit type layout) as well as bathroom facilities, and are proposed with a traditional dwelling design with pitched roofing, gable walls, porch entries and eaves, and would be constructed with rendered panel and weatherboard walls, and coloured corrugated metal roofing.

A small office is proposed located centrally along the rear boundary of the site and would be a compact building comprising an office and staff room, along with kitchen, bathroom and store room. This building would be constructed with a simple design with pitched roofing clad with corrugated metal, and external walls clad with weatherboard. A store building is proposed within the north-west corner of the site and would be used for loading of storage of goods, servicing and assembly of electrical and mechanical equipment, and loading of vehicles. The store would incorporate similar design and construction as the office building with pitched roofing clad with coloured corrugated metal and weatherboard wall cladding (some Colorbond wall cladding would face within the site), with a tilt panel door facing to the rear laneway for vehicle access. Signs are proposed on the side and rear elevations of the store building detailing the business name on a purple background. The office and store are proposed with muted cladding utilising dark and medium grey colour finishes.

The business proposing to operate from the office and store is an automatic gate installer specialising in electronic and mechanical parts which would be delivered by post and courier to the site for unpacking, some assembly of parts, and then loading into the trade van for delivery to customer's properties. No manufacturing and assembly of gates would be done on premises. A small shared car park providing five spaces for the use of both the group accommodation and business uses is proposed within the north-eastern part of the site, accessed from the rear laneway.

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Other separate driveway accesses for the dwelling and business are proposed from Clowes Street and the rear laneway respectively. The south-eastern front corner of the site would be a landscaped garden area with formal plantings as well as garden beds.

**Relevant Macedon Ranges Planning Scheme controls**

State Planning Policy Framework

Clause No.	Clause name
11	Settlement
12	Environmental and Landscape Values
13	Environmental Risks and Amenity
15	Built Environment and Heritage
16	Housing
17	Economic Development
18	Transport

Local Planning Policy Framework

Clause No.	Clause name
21	Municipal Strategic Statement
21.04	Settlement
21.05	Environment and Landscape Values
21.06	Environmental Risks
21.08	Built Environment and Heritage
21.09	Housing
21.10	Economic Development and Tourism
21.13	Local Areas and Small Settlements

Zoning

Clause No.	Clause name
34.01	Commercial 1 Zone (C1Z)

Overlay

Clause No.	Clause name
42.01	Environmental Significance Overlay (ESO4)
43.01	Heritage Overlay (HO148)
44.01	Erosion Management Overlay (EMO1)

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Particular Provisions

Clause No.	Clause name
52.06	Car parking

General Provisions

Clause No.	Clause name
65	Decision Guidelines

**Cultural Heritage Management Plan Assessment**

	Assessment Criteria	Assessment Response
1	Is the subject property within an area of cultural heritage sensitivity as defined within the cultural heritage sensitivity mapping or as defined in Part 2 Division 3 or 4 of the <i>Aboriginal Heritage Regulations 2007</i> ?	No
2	Does the application proposal include significant ground disturbance as defined in Regulation 4 <i>Aboriginal Heritage Regulations 2007</i> ?	N/A
3	Is the application proposal an exempt activity as defined in Part 2 Division 2 <i>Aboriginal Heritage Regulations 2007</i> ?	N/A
4	Is the application proposal a high impact activity as defined in Part 2 Division 5 <i>Aboriginal Heritage Regulations 2007</i> ?	N/A

Based on the above assessment, a cultural heritage management plan is not required in accordance with Part 2 Division 1 Regulation 6 *Aboriginal Heritage Regulations 2007*.

**The process to date**

Referral

Authority (Section 55)	Response
Nil	



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<b>Authority (Section 52)</b>	<b>Response</b>
MRSC Engineering	No objection, subject to conditions.
MRSC Heritage	No objection, subject to conditions.
MRSC Parks & Gardens	No objection, subject to conditions.
MRSC Economic Development	No objection, no conditions.

Advertising

Pursuant to Section 52 of the Planning and Environment Act 1987, the application was advertised by sending notices to the owners and occupiers of surrounding/adjoining land and by requiring a notice to be erected on the land for a period of 14 days. Four (4) objections have been received.

In summary the objections raise the following concerns:

- Building materials and colours inappropriate within Malmsbury heritage precinct.
- Potential noise and amenity impacts from workshop operation in a quiet locality and at quite times on weekends and early/late hours.
- Small accommodation units would not cater for families.
- Detrimental impacts to bluestone crossing/drain within road accessing to laneway at rear of subject site by commercial vehicles.
- The applicant's proposal for naming of the rear laneway (currently unnamed), alternative names proposed by submitters.

Following advertising, the applicant amended the proposal to remove the naming of the laneway.

**Officer Assessment**

Planning Policy Framework (PPF)

The PPF contains policies generally aimed at the protection and enhancement of natural and built environments including erosion, water quality, significant landscapes, heritage, housing, commercial development.

Relevant policies relating to the protection of the environment and natural resources relevant to this application are Clauses 13.04-2S (Erosion and Landslip), 14.02-1S (Catchment planning and management) and 14.02-2S (Water quality) require development to avoid erosion and ensure the protection of water catchments and water quality.

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Clauses 15.02-1S (Building design), 15.01-5S (Neighbourhood character) and 15.03-1S (Heritage conservation) promote good design and visual presentation of development, consideration of neighbourhood character, and protection and enhancement of heritage values.

Consideration of the compatibility of land uses is specified by Clause 13.07-1S (Land use compatibility) which aims to safeguard amenity and avoid conflict between adjacent land uses. Clause 16.01-3S (Housing diversity) and 16.01-1S (Integrated housing) promote diversity of and supply of housing.

The facilitation of business and tourism development is encouraged by Clause 17 (Economic development), and particularly Clauses 17.01-1R (Diversified economy - Loddon Mallee South), 17.02-1S (Business) and 17.04-1S (Facilitating Tourism). These policies encourage diversity of business and economy as well as promotion of tourism.

Clause 18.02-4S (Car parking) aims to ensure an adequate supply of car parking that is appropriately designed and sited, is provided with any new use and development. Protecting the role and function of roads is also encouraged.

The proposal is considered to accord with the relevant objectives within the PPF. The development is appropriately designed and laid out in respect to its commercial zoning and location adjacent to residential properties, as well as its location within a heritage area. The mix of uses is suitable for a large parcel of land within the township and would add to the viability and diversity of business and tourism within Malmsbury and the surrounding locality. Environmental impacts are suitably avoided by the proposal.

Local Planning Policy Framework

Relevant statements within Clause 21.03-2 (Land use vision) state that development and land use planning in the Shire will be guided by the following principles:

- Protection of water quality, especially potable water supply, is fundamental. Land use and development, particularly un-serviced development in open water supply catchments, is minimised and managed to ensure water quality is not compromised.

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- Development occurs in an orderly and sustainable manner, maintaining clear distinctions and separations between settlements. A diverse range of residential and commercial opportunities are provided in appropriate locations, including appropriately zoned and serviced land to meet the needs of the Shire's changing demographic. Growth is generally directed to the transport corridors, in-line with infrastructure provision and cognisant of constraints.
- Economic growth and development is encouraged to deliver jobs and reduce escape expenditure. This occurs in appropriate locations within the settlement boundaries, apart from agriculture based business.

Malmsbury is identified as a "small town" in Clause 21.04, with no significant change anticipated to the population to 2036. The clause notes that in the smaller settlements there may be occasional opportunities for small infill development, but essentially these settlements will retain their existing role, size, services and character. The development and use proposed by this application is considered to be an infill development of land appropriately zoned for commercial use within the township boundary that would enhance the mix of business and accommodation that would add to the viability and vitality of other businesses and Malmsbury itself.

Clause 21.06-2 includes an aim to avoid environmental risks that may result from erosion resulting from development of land. An issued permit would include a condition requiring approval of a sediment control plan for development.

Clause 21.07-3 relates to the protection of water quality yield in Special Water Supply Catchments, waterways and groundwater. Reticulated sewerage is available to the subject land to ensure appropriate effluent disposal and avoid potential detrimental impacts to the water supply and quality within this catchment area.

Clause 21.08-1 incorporates objectives and strategies aimed at the protection and enhancement of heritage places. The proposal has been designed in accordance with advice from Council's Heritage Advisor and is considered to incorporate design and form appropriate for the Malmsbury Heritage Precinct.

Clause 21.09-1 aims to provide for diversity and supply of housing within towns that is appropriately designed for its locality. The proposed dwelling would provide an additional dwelling suitable for a larger household type within the Malmsbury township and is considered to be suitably designed for its location within a heritage precinct and adjacent to other residential land.

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Clause 21.10-1 promotes commercial development within the Shire including home based businesses compatible with the surrounding amenity. The proposed low impact trade business and short stay accommodation components of this proposal would be operated from the same property as the owner's main residence and would have minimal amenity impacts to nearby residential properties.

Clause 21.10-2 states that tourism is an important sector of the Shire's economy, with attractions such as Hanging Rock, food and wine, events, historic townships and boutique accommodation particularly noted. There is a shortage of tourism accommodation in the Shire. The associated objectives aim to enhance the tourism potential of towns within the municipality, including encouraging accommodation facilities in areas that have tourism, recreation or environmental attractions.

Clause 21.13-9 is specific to Malmsbury and aims to maintain its role as a small town, but with potential for a gradual increase in population within the township.

Objective 1 within this clause includes associated strategies relating to orderly development including:

- The location, form and design of new development in the town should be consistent with the Malmsbury Township Framework Plan
- Restrict new development to within the town boundary and the township sewerage district
- Encourage development that maximises access to existing services and facilities within Malmsbury
- Ensure development has a minimal impact on water quality within the area and minimises stormwater run-off.

Objective 2 relates to protection of heritage buildings, streetscapes and gardens in regard to the tourism and presentation of Malmsbury and includes the following strategies:

- Ensure new development improves the streetscape.
- Encourage new development to retain and reflect the heritage characteristics of the township, including its grid street layout and strip based commercial area.
- Encourage development to be limited in scale so as to retain the prominence of key buildings, the exotic treed avenue and the township feel.
- Require landscaping including the provision of canopy trees to be a feature of all residential development.
- Ensure development around the botanic gardens reflects the garden's heritage characteristics and maintains its prominence in the area.

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- Protect the landscape and built form characteristics and qualities of residential areas in Malmsbury by promoting the theme of a rural village.
- Promote tourism development which utilises and capitalises on the town's heritage values.
- Maximise retail and boutique tourism opportunities from the Calder Freeway bypass of the town.

The use and development proposed are considered to meet the objectives and strategies contained within the LPPF. The proposal would provide a mix of residential and business uses that would add to the variety and vitality of business and tourism within Malmsbury that is appropriately designed for the residential character and heritage values of the site and surrounds, and would avoid detrimental amenity impacts to surrounding residences, as well as ensuring suitable avoidance of environmental impacts.

The development would provide for an additional permanent residence within Malmsbury, as well as short term accommodation which would cater to local and regional tourism needs. The trade business proposed would provide a service as well as employment within this locality and the surrounding area. The proposal will provide positive outcomes to Malmsbury in respect of employment, business and tourism as well as the broader Macedon Ranges area.

The proposal makes a positive contribution by responding to the heritage and neighbourhood character of Malmsbury, as well as adding to the mix of business and accommodation, and housing supply within the township.

#### Commercial 1 Zone

The purpose of the Commercial 1 Zone (C1Z) is to provide for a mix of retail, office, business, entertainment and community uses, as well as residential uses appropriate within a commercial centre. A planning permit is required to use land for accommodation (including a dwelling and group accommodation) and as a store (being land used to store goods, vehicles or machinery), and for buildings and works. Use of land for an office is exempt from planning permit requirement.

Sensitivity in regard to consideration of business uses suitable for this location is important in assessing this application, given the site's interface with residentially used and zoned properties.

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The proposed development of a dwelling and group accommodation units close to the two frontages of the site is considered to be a suitable outcome in providing for a buffer between the business use of the land and properties opposite. Although a single storey detached dwelling is relatively uncommon within a Commercial 1 Zone, the larger size of this site along with the low density of development within the small and quiet township of Malmsbury means that flexibility is important.

The group accommodation units would provide for additional short stay accommodation supply within Malmsbury, which would provide beneficial outcomes for tourism and business within the town as well as the surrounding area. The normal occupation of the dwelling and accommodation units would be unlikely to generate detrimental impacts to the surrounding locality, particularly with the property owners in residence to manage visitors to the accommodation.

The location of the business uses proposed on this site adjacent to and accessed via the rear laneway is also considered appropriate in locating the office and store building uses away from neighbouring residential properties. The business activities proposed would be unobtrusive. The office activity would be sensitive to surrounding residential properties. The operation of the main business involving the installation of electronic components for automatic gates would be mostly conducted away from the property, other than storage of goods and minor assembly of parts within the store building, as well as the loading and unloading of the commercial van used for the business.

The proposed hours of operation between 7am and 6pm Mondays to Saturdays for the office and store are reasonable and would be specified as a condition of an issued permit, in addition to conditions relating to protection of the amenity of this locality. Given the nature of the business with most activities conducted off-site, significant impacts from noise and vehicle movements would be unlikely. On most days the van would be loaded and would leave in the morning, usually returning only at the end of the day. Deliveries to the site would likely be one or two visits by postal or courier vans per week.

The proposed design of the dwelling, group accommodation, office and store buildings and the site layout are appropriate in context of the site being a Commercial 1 Zone property located along a quiet back street opposite residential properties in Malmsbury. Suitable setbacks from front boundaries opposite residential properties have been incorporated into the site layout.

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The buildings proposed are domestic in scale and form, particularly the dwelling and accommodation buildings that align the front boundaries of the site, whilst the commercial buildings are located away from prominent view toward the rear of the site adjacent to other commercial properties fronting Mollison Street.

Car parking provision is detailed below in respect to Clause 52.06. The proposed layout is functional with access to the car parking area providing 5 spaces for the accommodation unit and the office. The dwelling will be accessed separately from Clowes Street. Council's Engineers are satisfied with this arrangement subject to minor amendments to the site layout for access to the accommodation and office parking, as well as other conditions relating to upgrading of the laneway construction (see heritage considerations below), stormwater drainage, maximum vehicle size along the rear laneway, and sediment control during development.

Permit conditions are also recommended to require tree protection zones (TPZs) for trees on adjacent land that encroaches into the application site or the rear laneway reserve proposed for access to the site. A tree protection management plan is also required.

The proposal is an innovative and sensitive mixed use approach to a property that is commercially zoned and which would add to the mix and viability of business in Malmsbury. The development is responsive to its location on a quiet street opposite residential properties. The proposal is appropriately compliant with the purpose and provisions of the Commercial 1 Zone.

Environmental Significance Overlay (ESO4)

The Environmental Significance Overlay (ESO4) relates to protection of water catchment quality and supply within the Eppalock Proclaimed Catchment. This application is exempt from planning permit under this requirement with the site being connected to reticulated sewerage.

Erosion Management Overlay (EMO1)

The Erosion Management Overlay (EMO1) relates to protection of areas prone to erosion, landslip or other land degradation processes, in particular within the Malmsbury Township. A planning permit is required for buildings and works. This overlay provision requires the submission of a Soil and Water Report to ensure that the Malmsbury Reservoir is not detrimentally impacted by development.

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Council's Engineers are satisfied with the Soil and Water Report and have requested conditions to be applied to a planning permit in respect to construction management, sediment control and other matters to avoid detrimental environmental impacts to the Malmsbury Reservoir.

Heritage Overlay (HO148 – Malmsbury Heritage Precinct)

The purpose of the Heritage Overlay is to conserve and enhance heritage places and ensure that new development does not detrimentally impact on the significance of heritage places. The site is located within the Malmsbury Heritage Precinct (HO148) which applies to the majority of the Malmsbury township area. A planning permit is required for buildings and works, and for signage.

The applicant met with Council's Heritage Advisor prior to lodgement of this application and has incorporated advice relating to design, layout and colour finishes into the submitted proposal. Council's Heritage Advisor is satisfied with the proposed design and layout but considers that some of the colours as proposed need to be revised to ensure that the final development format is appropriate to avoid detrimental impacts to the Malmsbury Heritage Precinct. A permit condition is recommended to specify the submission of a schedule of building materials and colours to be approved by Council's Heritage Advisor.

The proposed buildings incorporate suitable architectural elements including use of pitched roofing, eaves and verandahs/porches, articulation and otherwise, and are suitably set back from street frontages and sited so as to sit comfortably on the subject site and within the surrounding streetscape. The design of the buildings proposed are suitably modest and would avoid being visually intrusive within the heritage precinct. Signs are proposed on the rear and side elevations of the store building adjacent to the driveway alignment, which would be appropriately dimensioned for the buildings to provide for business identification but avoid visual detriment and obtrusiveness. No illumination of the signage is proposed. The mature street trees along the Barker Street frontage would provide immediate visual screening of the site prior to the establishment of landscape planting within the site.

There is a laneway to the rear of the site. The site has carriageway access of this laneway, but it does not form part of the application site. Council's Heritage Advisor has advised that the bluestone be retained in situ to avoid detrimental impacts to this historic infrastructure.



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Council's Engineers have recommended a permit condition requiring engineering details to be submitted for the upgrading of the laneway for all weather access. A further condition would require that in the event of the earthworks for the laneway construction incorporating any extent of cutting below the existing surface levels be approved by Council's Heritage Advisor in addition to Engineering approval. Any laneway works involving driveway construction above the existing surface levels would by default result in the protection of any potential subsurface heritage items.

Clause 52.06 (Car Parking)

Under the provisions of this clause, the following standard parking provision is required for each proposed use of the subject land:

<b>Proposed Use</b>	<b>Car Parking Required</b>	<b>Car Parking Proposed</b>
Dwelling with three or more bedrooms	2 parking spaces	2 parking spaces
Dwelling with one or two bedrooms	1 parking space	1 parking space
Office (3.5 spaces per 100m <sup>2</sup> floor area)	2 parking spaces	2 parking spaces
Store (10% of site area)	2 parking spaces	2 parking spaces

A double garage is proposed for the dwelling. Two spaces are proposed within the shared parking area in the north-east part of the site providing one space for each one bedroom group accommodation unit. The remaining three spaces within this car park are provided for the office use which at 50m<sup>2</sup> floor area requires two spaces only. For the store building, two spaces equates to 10% of the area of the floor area of this building.

The proposed parking would easily cater for the business operation of the site, with only one vehicle being an oversized trade van parking on the site in conjunction with the use of the store building. For the business, most interaction with customers will be done by phone or email. The proposed car parking arrangements will easily cater for the mix of uses proposed by this application and would provide flexibility for this property in the long term.

Matters Raised by Objectors

A response to the matters raised by the objectors is as follows:

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Concern	Response
Building materials and colours inappropriate within Malmsbury heritage precinct.	Council's Heritage Advisor considers that some of the proposed colour finishes are not appropriate within this heritage precinct and has specified that final colour details would be required as a permit condition. The building materials proposed are considered appropriate.
Potential noise and amenity impacts from workshop operation in a quiet locality and at quiet times on weekends and early/late hours.	The site is in a commercial zone, where use of the site for a business is "as of right". Noise and other amenity impacts are not considered likely, with activities associated with the business likely to comprise the trade van leaving the site at the start of each day and returning at the end of the day with few visits likely in between, occasional deliveries, loading and unloading activity, unpacking of delivered goods and assembly of parts. Although the hours of operation proposed include early morning and evening times as well as Saturdays, detrimental impacts are considered unlikely. It is considered reasonable to apply permit conditions protecting the amenity of nearby property owners and occupiers.
Small accommodation units would not cater for families.	The type of accommodation proposed is not a relevant consideration in determining this application.
Detrimental impacts to bluestone crossing/drain within road accessing to laneway at rear of subject site by commercial vehicles damaging bluestone infrastructure.	The upgrading of the laneway would need to be undertaken in a suitable manner to avoid disturbance of any bluestone within the laneway alignment. Larger vehicles than a commercial van would be disallowed.

**10. PE.1 APPLICATION FOR PLANNING PERMIT PLN/2018/348 –  
USE AND DEVELOPMENT OF THE LAND FOR A DWELLING  
AND GROUP ACCOMMODATION, OFFICE AND STORE,  
AND BUSINESS IDENTIFICATION SIGNS – 34 CLOWES  
STREET, MALMSBURY VIC 3446 (Continued)**

<p>The applicant's proposal for naming of the rear laneway (currently unnamed), alternative names proposed by submitters.</p>	<p>The applicant has withdrawn a proposal to name the rear laneway. Naming of places is not a planning matter. There is a separate statutory process for naming places including laneways.</p>
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**Conclusion**

The proposed development and uses are appropriate for the commercial zoning of the land and sensitive to the surrounding residential area. The development is appropriate in its design and form for the heritage precinct within which the site is located as well as the residential character of this part of Malmsbury. The proposal would result in a combination of commercial and residential uses that would improve the viability and vitality of business and tourism within Malmsbury and the surrounding locality, as well as an additional residence within the township. It is therefore recommended the application be supported.

**10. PE.2 APPLICATION FOR APPROVAL OF A DEVELOPMENT PLAN  
DP/2017/5 – PROPOSED DEVELOPMENT PLAN FOR THE  
LAND AT 5 RIPPLEBROOK WAY, KYNETON**

**Officer:** Christo Crafford, Coordinator Statutory Planning

**File Ref:** DP/2017/5

**Council Plan Relationship:** Relates to priority area:  
Improve the built environment

**Attachments:** Plans

**Applicant:** Conceptz Pty Ltd

**Date of Receipt of Application:** 21 December 2017

**Trigger for Report to Council:** Approval of a Development Plan

**Synopsis:**

The application proposes the approval of a Development Plan (DP). The approved DP will facilitate the subdivision of the site at 5 Ripplebrook Way, Kyneton into 43 residential lots.

The application was not advertised as there are no statutory mechanisms which require public notification of a Development Plan.

Key issues to be considered relate to the appropriateness of the lot sizes and road widths, open space provision and how the proposal meets the character of the area in general.

The application has been assessed against the Macedon Ranges Planning Scheme and is considered appropriate. It is recommended that the Development Plan be approved.

**Officer Recommendation:**

**That Council approves the Development Plan prepared by Terraco Pty Ltd, Version 13, covering the Development Plan Overlay area affecting the land at 5 Ripplebrook Way Kyneton, prepared for the purposes of Clause 43.04, Schedule 1 of the Macedon Ranges Planning Scheme subject to the following changes being made to the plans:**

- 1. The comment “*Proposed Bio Retention Basin*” is required to be amended to read “*Bio Retention Basin details to be confirmed in Engineering Plans*”;**
- 2. The drainage channel and easement must be deleted;**

**10. PE.2 APPLICATION FOR APPROVAL OF A DEVELOPMENT PLAN  
DP/2017/5 – PROPOSED DEVELOPMENT PLAN FOR THE  
LAND AT 5 RIPPLEBROOK WAY, KYNETON (Continued)**

- 3. The typical road cross sections must be amended by the deletion of the details relating to footpath offset, gradient, footpath and pavement detail;**
- 4. The typical road cross section for Clarke Crescent must be amended to show a 7.3m wide carriageway width instead of a 6.6m width;**
- 5. The typical road cross section for Riverwalk Boulevard extension must be shown as a 7.3m wide carriageway width up to the intersection with Clarke Crescent; and**
- 6. Amendment of the Staging Plan to include the Reserve as part of Stage 3.**

**10. PE.2 APPLICATION FOR APPROVAL OF A DEVELOPMENT PLAN  
DP/2017/5 – PROPOSED DEVELOPMENT PLAN FOR THE  
LAND AT 5 RIPPLEBROOK WAY, KYNETON (Continued)**

**Existing conditions and relevant history**

Subject land and surrounds

The subject land is located approximately 1.5km to the south east of High Street, Kyneton. The subject land consists of two parcels described as PC370260U and Lot 1 on PS 623096.

Lot 1 is located at the northern end of the site and has an area of 9750m<sup>2</sup> and a frontage of 87m to High Street. The larger adjoining lot is to the south, has an area of 9.62ha and extends to the Campaspe River at the south.

Together the two lots have a total area of 10.6ha and extend 635m from High Street at the northern end to the Campaspe River to the south.

The subject land is zoned Neighbourhood Residential Zone Schedule 12 (NRZ12). Land to the west is developed as part of the Riverwalk Estate and is similarly zoned NRZ12 and NRZ11. Land further to the south east across the river is zoned General Residential (GRZ1). The eastern boundary abuts land in the Low Density Residential Zone which is developed accordingly. In the south eastern corner a small portion of the site abuts land in the Farming Zone. Land to the north of High Street is zoned for commercial purposes (C2Z).

The majority of the land is affected by a Development Plan Overlay Schedule 1 (DPO1). Only the lot (one existing lot) along High Street is not affected by the DPO1.

The width of the land varies from 90m to 240m. The land is generally orientated north-south along its longest axis. The site is undulating and has a fall towards the Campaspe River. The change in level from this northern section to the riverbank is approximately 20m in total.

There is no significant vegetation on this site however there are some trees within the river corridor.

No restrictive covenants and/or Section 173 Agreements affect the site.

**10. PE.2 APPLICATION FOR APPROVAL OF A DEVELOPMENT PLAN  
DP/2017/5 – PROPOSED DEVELOPMENT PLAN FOR THE  
LAND AT 5 RIPPLEBROOK WAY, KYNETON (Continued)**

Previous planning permit history

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

<b>Permit No.</b>	<b>Description</b>
PLN/2004/304	99 lot subdivision for the land and adjoining land (Permit approved but lapsed)
PLN/2008/412	Development of a retirement village including 100 independent living units, an independent living apartment building, three assisted care living blocks and a community centre on the land and adjoining land (Application was refused)

**The Proposal**

The application seeks approval for a Development Plan to facilitate further the subdivision of the land into 43 lots, over four stages.

The submitted development plan includes an indicative subdivision layout comprising 43 residential allotments.

The proposed Development Plan has the following features and will allow for:

- The lot sizes will range between 822m<sup>2</sup> and 2102m<sup>2</sup> with one of the lots (Lot 16) 1.056ha in size.
- The existing smaller northern lot fronting onto High Street will remain as a separate lot (Lot 16) with the only change being new vehicular access from the new internal road provided to the lot. This will avoid vehicle access and works over the identified Cultural Sensitive area that forms part of the lot.
- Lots typically in the 800m<sup>2</sup> to 1,100m<sup>2</sup> range are located at the southern end of the development, presenting to Riverwalk Boulevard / the Campaspe River.
- Larger lots, typically ranging from 1200m<sup>2</sup> to 2000m<sup>2</sup> have been located along the eastern boundary of the site, at the interface of the adjoining land zoned Low Density Residential.
- Extension of existing road networks that abut the site.
- At the southern end of the site, Riverwalk Boulevard will be extended from the west through to the south east of the site. A new section of Clarke Crescent will be constructed from Riverwalk Boulevard at the west to the existing alignment of Clarke Crescent at the east.
- Ripplebrook Way will be extended into the site from the west, and loop back down to Riverwalk Boulevard to the south.

**10. PE.2 APPLICATION FOR APPROVAL OF A DEVELOPMENT PLAN DP/2017/5 – PROPOSED DEVELOPMENT PLAN FOR THE LAND AT 5 RIPPLEBROOK WAY, KYNETON (Continued)**

- The land on the southern side of Riverwalk Boulevard is low lying land that will form part of a reserve / drainage wetland, and re-vegetation area undertaken in partnership with the North Central Catchment Management Authority (NCCMA).

**Referral**

The application was referred to the following external authorities and MRSC units:

- MRSC Engineering
- MRSC Recreation
- MRSC Parks and Gardens
- MRSC Environment
- VicRoads
- Country Fire Authority - Region 2
- Coliban Region Water Authority
- North Central Catchment Management Authority
- Powercor Bendigo
- Tenix Networks Pty Ltd

No objection to the proposed development plan was received subject to conditions.

The Engineering Unit requires the following minor amendments to be made to the proposed Development Plan in the event that the plan is approved:

1. The Bio Retention Basin is subject to detailed engineering and is to include maintenance vehicle access. The Development Plan comment "*Proposed Bio Retention Basin*" is required to be amended to read "*Bio Retention Basin details to be confirmed in Engineering Plans*".
2. The drainage channel and easement as shown on the Development Plans must be deleted as it will be addressed in the Planning Permit.
3. The typical road cross sections showing detailed engineering items including footpath offset, gradient, footpath and pavement detail, must be deleted from the Development Plans as this will be determined in the engineering plans to be provided as a condition of the planning permit.
4. The typical road cross section for Clarke Crescent must be amended to show a 7.3m wide carriageway width instead of a 6.6m width.
5. The typical road cross section for Riverwalk Boulevard extension must be shown as a 7.3m wide carriageway width up to the intersection with Clarke Crescent.
6. Amendment of the Staging plan to include the Reserve as part of Stage 3.



**10. PE.2 APPLICATION FOR APPROVAL OF A DEVELOPMENT PLAN  
DP/2017/5 – PROPOSED DEVELOPMENT PLAN FOR THE  
LAND AT 5 RIPPLEBROOK WAY, KYNETON (Continued)**

These changes will be requested in the form of amended plans to be provided for endorsement.

**Advertising**

The application was not advertised as there are no statutory mechanisms which require public notification of a Development Plan (and there are no third party review rights) under the Macedon Ranges Planning Scheme.

**Officer Assessment**

General

The subject site is included in the Development Plan Overlay – Schedule 1. The submitted development plan generally satisfies the requirements of this overlay as it shows:

- A clear indication of all proposed land uses within the plan area.
- A traffic management plan and a functional road layout plan that provides for a safe, pedestrian-orientated principle road network, typical road cross sections and integration with the existing and proposed road network; provision for a bicycle and pedestrian network with links to adjoining land and networks.
- A variety of lot sizes and densities including location, dimension and areas of all lots.
- Consideration of the topography of the land, particularly with regard to the provision of useable open space, site elements such as vegetation, waterways or other significant features, and physical infrastructure such as roads and reticulated services (water, sewer, drainage).
- Appropriate staging.
- A construction and environment management plan.
- A stormwater management plan.
- A services report.
- An indicative landscape concept plan.

Residential Lot size

The subject land is zoned Neighbourhood Residential Zone Schedule 12 (NRZ12). No minimum lot size is specified in the Schedule.

The subdivision layout allows for the provision of 43 residential lots with lot sizes ranging between 822m<sup>2</sup> and 2102m<sup>2</sup> with one lot 1.056ha in size. Larger lots have been provided along the eastern boundary of the site, adjacent the abutting Low Density Residential zoned land. This provides a transition of lot sizes between more conventional lot sizes to the large lot sizes (land to the east).

**10. PE.2 APPLICATION FOR APPROVAL OF A DEVELOPMENT PLAN  
DP/2017/5 – PROPOSED DEVELOPMENT PLAN FOR THE  
LAND AT 5 RIPPLEBROOK WAY, KYNETON (Continued)**

Smaller lots in the 800m<sup>2</sup> to 1100m<sup>2</sup> range are located at the southern end of the development, presenting to Riverwalk Boulevard / the Campaspe River. The existing lots on the eastern side of Sanctuary Drive are in the 1200m<sup>2</sup> to 2000m<sup>2</sup> range will have their rear boundaries fronting the new smaller lots. The proposed smaller lots are still sufficiently large enough to be generally consistent with the character of the area, particularly given that they are adjacent to the rear boundaries of the existing larger lots.

Access Roads

The subdivision road layout was strongly influenced by the existing road network that abuts the site:

- At the southern end of the site, Riverwalk Boulevard will be extended from the west through to the south east of the site.
- A new section of Clarke Crescent will be constructed from Riverwalk Boulevard at the west to the existing alignment of Clarke Crescent at the east.
- Ripplebrook Way will be extended into the site from the west, and loop back down to Riverwalk Boulevard to the south.

All the new roads will have a 20m road reserve except for the extension of Riverwalk Boulevard which will narrow down to 18m opposite the park/reserve. The road reserve widths will be consistent with the abutting existing road reserve widths of Ripplebrook Way, Riverwalk Boulevard and Clarke Crescent.

Vegetation and Public Open Space (POS)

Total public open space provision for the Development Plan area is approximately 25% of the total site. A large part of the open space area is however subject to flooding. Of the total open space area only 3.4 % is unencumbered. An additional 1.6% public open space contribution will therefore be required as part of the conditions of the permit to subdivide the land in order for the applicant to provide the required 5% public open space.

A pedestrian path with a “look out area” and picnic areas are proposed adjacent to the extension of Riverwalk Boulevard in the open space area adjacent to the river and will provide passive recreation opportunities.

The open space area adjacent to the river including the pedestrian path will after subdivision of the land vest in Council and Council would be responsible for the maintenance thereof.

**10. PE.2 APPLICATION FOR APPROVAL OF A DEVELOPMENT PLAN DP/2017/5 – PROPOSED DEVELOPMENT PLAN FOR THE LAND AT 5 RIPPLEBROOK WAY, KYNETON (Continued)**

The Concept Master Plan includes a section of land adjoining the Campaspe River that will be revegetated by the NCCMA and the ongoing weed management will then be undertaken by the developer for a minimum period of 10 years as per a Works agreement between the NCCMA and the applicant. The Environment Unit requires modifications to the landscape plan to incorporate an ecological restoration outcome for the area between the “revegetation area” and the proposed walking path.

This amended plan will be required as a condition of the planning permit to subdivide the land together with standard landscaping and environmental management conditions.

**Cultural Heritage Management Plan Assessment**

The subject property is within an area of cultural heritage sensitivity as defined within the cultural heritage sensitivity mapping in Part 2 Division 3 and 4 of the *Aboriginal Heritage Regulations 2007*. The application proposal is also a high impact activity as defined in Part 2 Division 5 *Aboriginal Heritage Regulations 2007*.

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

The CHMP mainly affects the existing smaller northern lot fronting onto High Street. A large part of this lot is affected by a registered Aboriginal Heritage Place (VAHR 7723-0237) and will not be developed. This lot will remain as a separate lot (Lot 16). Vehicular access to this lot will however be provided off the new internal road from the south. This will avoid vehicle access and works over the identified Cultural Heritage Sensitive area located in the northern part of the lot. The remaining developable area for this lot is 3042m<sup>2</sup> and although this part of the site is relatively steep, the applicant has demonstrated that there is sufficient room to construct a dwelling and outbuilding. The proposed building envelope will ensure that the Aboriginal Heritage Place is not affected.

**Conclusion**

The submitted development plan, is considered to satisfy the requirements of the development plan overlay. The development plan layout represents an appropriate planning outcome having regard to the policy framework and planning controls of the Macedon Ranges Planning Scheme. The proposed development plan is considered to provide for development that is consistent with other development in the Shire. In view of the above, it is recommended that Council approves the Development Plan.

**10. PE.3 CONSIDERATION OF PLANNING PANEL AND ADOPTION OF AMENDMENT C117 – LANCEFIELD DEVELOPMENT PLAN**

**Officer:** Evan Krausgrill, Strategic Planner

**File Ref:** F3875

**Council Plan Relationship:**

Relates to priority areas:  
Deliver strong and reliable government; and  
Improve the built environment

**Attachments:**

1. Explanatory Report
2. Post-Exhibition Version of DPO24
3. Panel Report
4. Post-Panel Version of DPO24

**Synopsis:**

Amendment C117 proposes to apply the Development Plan Overlay Schedule 24 – Lancefield Development Plan Areas (DPO24). The Amendment also proposes to amend Clause 21.13-8 to correct a mapping error in relation to the Lancefield township boundary.

Following public exhibition of Amendment C117, sixteen written submissions were received. Of these, thirteen were objections/sought changes and three were in support. At the Ordinary Council Meeting on 24 October 2018, it was resolved to request that the Minister for Planning appoint an Independent Planning Panel to consider submissions and make a recommendation to Council on the future of the amendment. At this meeting Council also adopted an updated version of the Amendment that responded to submissions received.

The Panel considered that the application of the Development Plan Overlay was justified

It is recommended that Council support the Panel report and refer to the Minister for Planning for final approval.

**10. PE.3 CONSIDERATION OF PLANNING PANEL AND ADOPTION OF AMENDMENT C117 – LANCEFIELD DEVELOPMENT PLAN (Continued)**

**Officer Recommendation:**

**That Council:**

- 1. Adopt Amendment C117 with the following changes to Schedule 24 to the Development Plan Overlay as recommended by the Panel:
  - a. Make the post-exhibition changes proposed by Council and presented at the Panel Hearing;**
  - b. Allow the preparation of more than one development plan for Areas 1 and 2; and**
  - c. Require the identification of existing wells on adjoining properties on the Melbourne-Lancefield Road with an appropriate separation for any sewer pipes;****
- 2. Submits Amendment C117 to the Minister for Planning for approval in accordance with Section 31(1) of the *Planning and Environment Act 1987*; and**
- 3. Advises those who made written submissions to Amendment C117 of Council's decision.**

**10. PE.3 CONSIDERATION OF PLANNING PANEL AND ADOPTION OF AMENDMENT C117 – LANCEFIELD DEVELOPMENT PLAN (Continued)**

**Background**

Planning Scheme Amendment C117 seeks to apply the Development Plan Overlay Schedule 24 – Lancefield Development Plan Areas (DPO24), to approximately 60 hectares of land across three areas within Lancefield. (Refer Figure One). The affected land is generally in fragmented ownership, undeveloped and zoned either General Residential or Low Density Residential (Refer to Attachment One). No overlays apply.

The Amendment also seeks to correct an error in the Lancefield township boundary provided on page 55 of Clause 21.18-8. (This was first gazetted as part of Planning Scheme Amendment C84: Settlement Strategy in 2015). The error incorrectly places land at 8 Kilmore-Lancefield Road which is zoned LDR outside the township boundary.

Key features of the three areas are outlined below:

<b>Area</b>	<b>Characteristics</b>
1	<ul style="list-style-type: none"><li>• Fronts High Street and is west of the township.</li><li>• Zoned General Residential Zone (GRZ) and Low Density Residential Zone (LDRZ)</li><li>• Comprises multiple properties owned by few landowners</li></ul>
2	<ul style="list-style-type: none"><li>• Located directly north of the core town centre</li><li>• Zoned General Residential Zone (GRZ) and Low Density Residential Zone (LDRZ)</li><li>• Multiple ownerships</li></ul>
3	<ul style="list-style-type: none"><li>• Located east of Melbourne–Lancefield Road</li><li>• Zoned LDRZ.</li><li>• One main landowner (at 8 Kilmore-Lancefield Road, Lancefield. Shown blue in Figure 1 below).</li><li>• Other individual ownerships along Melbourne–Lancefield Road.</li></ul>

10. PE.3 CONSIDERATION OF PLANNING PANEL AND ADOPTION OF AMENDMENT C117 – LANCEFIELD DEVELOPMENT PLAN (Continued)

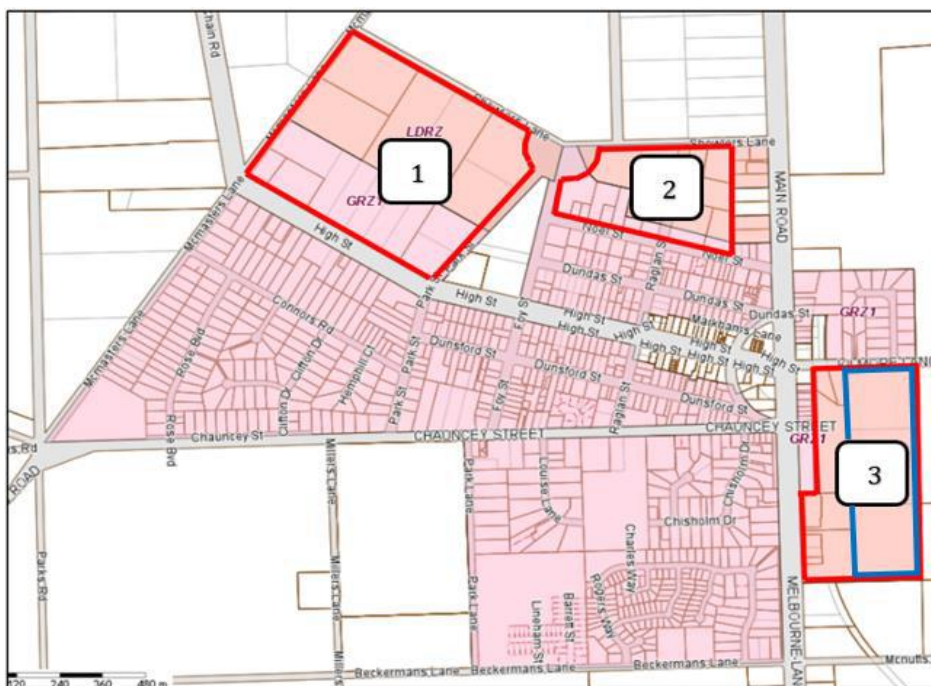


Figure One: Land affected by Amendment C117

What will the Development Plan Overlay do?

A Development Plan Overlay (DPO) is the most appropriate planning tool to guide coordinated development across multiple land ownerships to ensure that development responds to the unique character elements of Lancefield.

Without this planning control, the land can be developed in a piecemeal fashion, without it being integrated in any way. This may lead to subdivision issues such as poor connectivity because roads don't connect, and other planning issues.

As part of the development plan process, infrastructure delivery plans will also be required that will clarify staging, type of infrastructure (eg footpath, drainage, water etc.) and costs to be met by the developer.

The proposed Development Plan Overlay Schedule 24 – Lancefield Development Plan Areas (DPO24) provides the framework for ensuring new development is delivered in a coordinated way while retaining the established urban form, heritage character and road network of Lancefield.

**10. PE.3 CONSIDERATION OF PLANNING PANEL AND ADOPTION OF AMENDMENT C117 – LANCEFIELD DEVELOPMENT PLAN (Continued)**

Consultations and Key Council resolutions

The preparation of Amendment C117 has been considered at the following Ordinary Council Meetings (OCM). A summary of consultation outcomes is also provided below.

<b>OCM date</b>	<b>Nature of Resolution</b>	<b>Consultation outcome</b>
<b>22 March 2017</b>	Council resolves to seek community feedback on the draft concept plans for Lancefield's undeveloped LDRZ and GRZ land.	Community comments received. Drafts plans updated with the intention of proceeding to the amendment phase. Council report prepared for the 18 April 2018 updating Council of the intended process
<b>18 April 2018</b>	Council resolve to (i) request authorisation from the Minister to prepare Planning Scheme Amendment C117 (ii) exhibit the amendment	Sixteen submissions received. Council officers make post exhibition changes to the amendment (Attachment 2) that respond to the submissions
<b>24 October 2018</b>	Council resolves to (i) adopt the post exhibition changes (ii) refer submissions and post exhibition version of the amendment to an Independent Planning Panel. (iii) Notify all submitters of Council's response and of the opportunity to present to the Panel.	Eight submitters request to appear before the Panel. Panel report released to the community <sup>1</sup> March 2019.

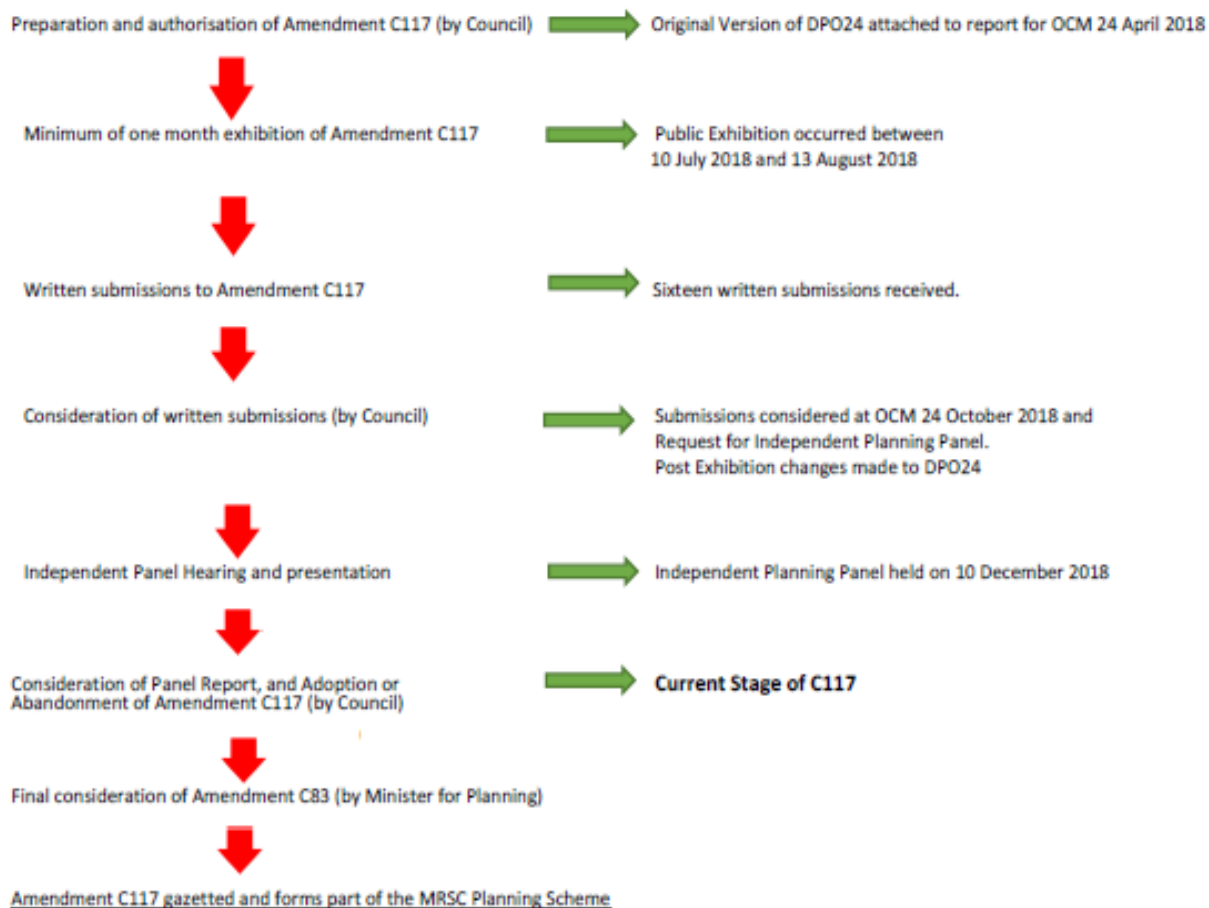
The Amendment process

The C117 Planning Scheme Amendment process is shown in Figure Two below and provides an overview of the stages of Amendment C117.



10. PE.3 **CONSIDERATION OF PLANNING PANEL AND ADOPTION OF AMENDMENT C117 – LANCEFIELD DEVELOPMENT PLAN (Continued)**

**C117 Planning Scheme Amendment Process**



**Figure Two: The Planning Scheme Amendment Process - Amendment C117**

Independent Planning Panel

The Independent Planning Panel was held on the 10 December 2018 of the 16 submitters, eight submitters requested to appear before the Panel. On 11 February 2019 the Panel released its report. (Attachment 3) The report considered the planning context and strategic merit of the Amendment, in addition to issues raised by submitters and other matters. This report was released publically on 1 March 2019.

**10. PE.3 CONSIDERATION OF PLANNING PANEL AND ADOPTION OF AMENDMENT C117 – LANCEFIELD DEVELOPMENT PLAN (Continued)**

**Key issues**

The key issues addressed in the Panel Report are summarised below. Recommended post panel changes (the final version) to the amendment are provided in Attachment 4 and incorporate:

- the Panel’s recommendations and comments provided below (Issues 1 to 5); and
- the adopted post exhibition changes endorsed by Council at its OCM of the 24 October 2018 (Issues 6 to 9).

Issue	Summary of Panel’s comments
<b>1 The amendment has a sound planning context</b>	<p>The Panel concluded that the Amendment:</p> <ul style="list-style-type: none"> <li>• is supported by, and implements, the relevant sections of the Planning Policy Framework;</li> <li>• is consistent with the relevant Ministerial Directions and Practice Notes;</li> <li>• is well founded and strategically justified; and</li> <li>• should proceed to Ministerial approval subject to the post-exhibition changes (See Attachment Two).</li> </ul>
<b>2 Correct the Township boundary</b>	<p>The Panel:</p> <ul style="list-style-type: none"> <li>• noted that 8 Kilmore-Lancefield Road had been inadvertently excluded from the township boundary despite been zoned for residential use through the LDRZ; and</li> <li>• agreed with Council that the correction to the Township boundary would be a straight forward matter and should be supported.</li> </ul>
<b>3 Protect the character of Lancefield by applying the Development Plan Overlay</b>	<p>The Panel considered that the introduction of the DPO24 and associated development plans:</p> <ul style="list-style-type: none"> <li>• would provide a greater level of guidance to the future development of these areas for the short, medium and long term; and</li> <li>• will ensure that the key characteristics of Lancefield will be appropriately managed.</li> </ul>
<b>4 Apply one development plan per area</b>	<p>The Panel:</p> <ul style="list-style-type: none"> <li>• supported the closing submission of Council that allowed for Areas 1 and 2 to be split into separate Development Plan areas and Area 3 to be planned as one unit;</li> <li>• acknowledged that landowners would be required to work together to coordinate the preparation of the development plan; and</li> <li>• did not consider this requirement too onerous so as to compromise the objectives of coordinated development and noted that it would be an incentive for land owners to share costs of preparing a development plan</li> </ul>

**10. PE.3 CONSIDERATION OF PLANNING PANEL AND ADOPTION OF AMENDMENT C117 – LANCEFIELD DEVELOPMENT PLAN (Continued)**

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<b>5 Protect water quality</b>	The Panel <ul style="list-style-type: none"><li>considered that the submitter's access to potable water supply should not be adversely impacted through any future development;</li><li></li><li>recommended that an explicit requirement should apply for the infrastructure development plan to identify and map existing potable water wells on Melbourne-Lancefield Road and that protection buffers/appropriate setbacks for new sewerage pipes should be applied.</li></ul>
<b>6 Update the requirements for the Infrastructure delivery and staging plan</b>	The Panel recommended to remove the requirement that arrangements between landowners outlining cost sharing of infrastructure must be in place prior to lodging an application. An infrastructure delivery and staging plan will now quantify time, costs and infrastructure type.
<b>7 Incorporate bushfire protection measures into site planning</b>	The Panel recommended to add the requirement that bushfire protection measures must be considered in the layout and development of a site.
<b>8 Add new State Government objectives</b>	The Panel directed to add three objectives to Clause 1.0 (to align with the <i>Ministerial Direction on the Form and Content of Planning Schemes</i> )
<b>9 Incorporate minor clarifications</b>	Provide minor changes to improve clarity (For example differentiate between reports required to support the preparation of the development plan and reports required to be submitted with the development plan).

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In summary the Independent Planning Panel found Amendment C117 to be well founded and strategically justified.

The Panel recommended that the exhibited amendment be adopted subject to the changes outlined above.

**10. PE.3 CONSIDERATION OF PLANNING PANEL AND ADOPTION OF AMENDMENT C117 – LANCEFIELD DEVELOPMENT PLAN (Continued)**

**Policy context**

The proposal is consistent with the following key documents:

<b>Policy</b>	<b>Provisions</b>
<b>Council Plan 2017-2027</b>	<p><u>Priority Area 2 – Protect the natural environment</u> The proposal:</p> <ul style="list-style-type: none"> <li>ensures the future subdivision and development in Lancefield is coordinated and site responsive;</li> <li>provides for greater community resilience;</li> <li>embeds environmental sustainability principles in subdivision design; and</li> <li>promotes waterway quality and vegetation in the township.</li> </ul> <p><u>Priority Area 3 – Improve the built environment</u> The proposal:</p> <ul style="list-style-type: none"> <li>ensures the principles of township character are respected and represented throughout any new development</li> <li></li> <li>requires the delivery of improved road and service infrastructure and well connected walking and cycling networks.</li> </ul> <p><u>Priority Area 4 - Enhance the social and economic environment</u> DPO24 will promote housing diversity</p>
<b>Macedon Ranges Planning Scheme</b>	<p>The proposal is consistent with the:</p> <ul style="list-style-type: none"> <li><u>State Planning Policy Framework</u> Clause 11: Settlement; Clause 12: Environment and landscape issues; Clause 13: Environmental Risks; Clause 14: Natural Resource Management and Clause 15: Built Environment and Heritage.</li> <li><u>The Municipal Strategic Statement</u> Clause 21.13-8: Lancefield; and Clause 21.04 – Settlement. Refer also (Attachment 1: Explanatory Report)</li> </ul>
<b>Macedon Ranges Small Towns Study</b>	<p>The proposal is consistent with the strategic direction for Lancefield: “Residential development of vacant [residential] zone land should aim to respect the principles of original settlement, including where practicable grid street patterns, wider road reserves in key access streets, soft engineering solutions, and street tree planting consistent in pattern and structure with older parts of town”.</p>

**10. PE.3 CONSIDERATION OF PLANNING PANEL AND ADOPTION OF AMENDMENT C117 – LANCEFIELD DEVELOPMENT PLAN (Continued)**

**Environmental impacts**

The proposal applies best practice environmental planning. The Amendment:

- Provides an opportunity to ensure a coordinated approach to overall stormwater drainage, water sensitive urban design principles, and the protection of significant trees and native vegetation;
- Ensures water quality is not negatively affected;
- Contributes to the health of the waterway in Area 3 by designating a 20 metre setback from top of bank on both sides of the waterway for the purpose of wetland, floodway, drainage and stormwater quality management;
- Reduces pressure for outward expansion into areas of agricultural and environmental significance by making best use of residentially zoned land within the township boundary; and
- Incorporates environmental assessment requirements to ensure that any land contamination issues are appropriately addressed.

**Financial and resource implications**

Although Amendment C117 will create an additional requirement for development plans to be assessed and approved by the responsible authority (Council), it is not expected to impact on Council resources.

**Risk**

The introduction of the DPO24 will reduce the risk to Council and the community

- from inappropriate development of residentially zoned land in Lancefield and
- by adequately addressing infrastructure delivery.

Section 27(1) of the *Planning and Environment Act 1987* requires Council to consider the recommendation provided by the Independent Panel before deciding whether or not to adopt the amendment in whole or in part. The Panel's report is not binding on any party and its recommendations are for consideration. Section 29(1) of the Act enables Council (after complying with the relevant sections of the Act), to adopt the amendment in whole or in part, with or without changes.

**10. PE.3 CONSIDERATION OF PLANNING PANEL AND ADOPTION OF AMENDMENT C117 – LANCEFIELD DEVELOPMENT PLAN (Continued)**

**Conclusion**

Amendment C117 was subject to extensive informal and formal consultation throughout 2017 and 2018. A range of issues were raised by various stakeholders throughout the consultation which have since been considered both by Council and an Independent Planning Panel. Accordingly, changes have been made to the amendment in response to this feedback.

In summary the Panel found the amendment to be well founded, strategically justified and supported by policy within the legislative framework. The Panel advised that:

- i) the application of the Development Plan Overlay was justified;
- ii) changes to Clause 21.13-8 to include 8 Kilmore-Lancefield Road into the township boundary are supported;
- iii) post-exhibition changes be made as outlined in the *Key Issues* section of this Report.

**10. PE.4 MACEDON RANGES VISITOR ECONOMY STRATEGY 2019-2029**

**Officer:** Sue La Greca, Manager Economic Development & Tourism  
Will Rayner, Coordinator Visitor Economy

**File Ref:** F4269

**Council Plan Relationship:**

Relates to priority area:  
Enhance the social and economic environment

**Attachments:**

1. Macedon Ranges Visitor Economy Strategy 2019 – 2029
2. Summary of submissions

**Synopsis:**

The Macedon Ranges Visitor Economy Strategy 2019-2029 has been developed to provide Council with strategic direction to guide and prioritise its future support for the sustainable growth of the visitor economy.

The development of the strategy has included consideration of detailed local economic analysis and visitation projections, broader tourism trends, extensive feedback from community consultation and input by the Visitor Economy Reference Group.

The final Visitor Economy Strategy is now presented to Council for consideration and adoption.

**Officer Recommendation:**

**That Council:**

1. **Adopt the Macedon Ranges Visitor Economy Strategy 2019 – 2029;**
2. **Acknowledge and thanks all those who contributed to the development of the strategy, particularly the Visitor Economy Reference Group; and**
3. **Notes that detailed planning of priorities will occur annually.**

**10. PE.4 MACEDON RANGES VISITOR ECONOMY STRATEGY 2019-2029 (Continued)**

**Background**

The Macedon Ranges Visitor Economy Strategy, developed over the last two years, has included extensive research and community consultation.

The vision for the strategy reflects the unique brand of the Macedon Ranges: ***The Macedon Ranges will be a favoured destination for escape and rejuvenation that is highly regarded for its quality nature-based assets and activities, artisan products, makers' culture and authentic experiences.***

The strategy sets the long term vision and strategic direction to support and grow the future visitor economy of the Macedon Ranges. Considered key to its success, the strategy aims to:

- Ensure the growth of the visitor economy is appropriately balanced to protect the unique landscape, environmental and cultural values of the Macedon Ranges.
- Identify and prioritise opportunities that increase weekday visitation, length of stay, and dispersal throughout the shire
- Increase local employment and contribute to inclusive, healthy and vibrant communities
- Build and grow the identity of the Macedon Ranges brand
- Develop industry professionalism and achieve high level visitor satisfaction

The strategy provides the foundation and strategic direction for Council and its partners to develop a vibrant and sustainable visitor economy that delivers social and economic benefits to the community while protecting and enhancing the unique landscape, environmental and cultural heritage values of the Macedon Ranges.

The strategy provides three key directions:

- Promotion and brand awareness.
- Development of product strengths and investment in emerging opportunities.
- Advocacy, industry collaboration and best practice delivery.

These directions and their corresponding strategies and actions form the foundation of an implementation plan.

The Visitor Economy Strategy responds to the council plan priority to enhance the social and economic environment.



**10. PE.4 MACEDON RANGES VISITOR ECONOMY STRATEGY 2019-2029 (Continued)**

Consultation was undertaken both broadly with community and industry stakeholders and with the focussed input of the Visitor Economy Reference Group (VERG). The final round of consultation received 63 written submissions with the majority being supportive of the strategy and its objectives.

There was strong support and acknowledgement of the Macedon Ranges brand for small authentic visitor experiences aligned to the broader definition of “wellness”. Positive reinforcement of the environmental and cultural values was prominent, as was support for nature-based experiences and workshops. Industry groups were all supportive of the strategy, but some were concerned about Council’s commitment to deliver on the strategy, highlighting the need for local planning policy and a regulatory framework that is more supportive of tourism, especially in the rural zones. Resident submissions were mostly positive, with many highlighting specific ideas and areas of interest. The Macedon Ranges Residents’ Association acknowledged the importance of tourism, but felt the strategy was more an economic growth strategy rather than a tourism strategy and were concerned about the balance between environment, community and tourism.

All feedback has been considered and incorporated into the final strategy (see attached summary of submissions). The main changes to the final strategy are an increased emphasis on balancing environment, community and tourism needs, enhanced recognition of nature based assets and activities, increased recognition of Aboriginal heritage and culture and the need to promote the unique Macedon Ranges tourism brand.

The strategy provides a high level action plan which will be used to develop the annual work plan of the Tourism Unit of Council and will be incorporated into the normal Council budget processes.

### **Conclusion**

The Macedon Ranges Visitor Economy Strategy has been developed following considerable research and community consultation. It recognises the importance of protecting the values of the Macedon Ranges, as recognised by its declared area status, as both an imperative and a benefit to the future prosperity of the visitor economy.

The adoption of this strategy will provide Council with a clear and transparent path forward to guide the future growth of the visitor economy. In particular it will allow the Tourism unit to confidently plan and deliver on priorities identified in the annual action plans that are supported by industry and community.

**11. CHIEF EXECUTIVE OFFICER'S REPORTS**

Nil

**12. CS.1 SMALL PROJECT GRANTS – CONSIDERATION OF GRANT APPLICATION**

**Officer:** Trudy Campbell, Governance Officer

**File Ref:** F737

**Council Plan Relationship:** Relates to priority area:  
Deliver strong and reliable  
government

**Synopsis:**

The Small Project Grants program supports projects and initiatives that:

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

Council's Small Project Grants budget for 2018/19 is \$30,000 and not-for-profit groups can apply for a maximum of \$1,500 per application. Applications are assessed against set criteria outlined in the Small Project Grants guidelines. Funding recommendations are presented monthly at an Ordinary Council Meeting for review and/or approval.

This report details the process of evaluation and lists the applications received since the previous meeting.

One application has been received seeking a total of \$1,000 in funding. The application has been evaluated against eligibility criteria and the officer assessment is summarised within this report.

**Officer Recommendation:**

**That Council does not approve the application for funding for the Macedon Ranges Arts Collective.**

**12. CS.1 SMALL PROJECT GRANTS – CONSIDERATION OF GRANT APPLICATION (Continued)**

**Background**

The Small Project Grants program, endorsed by Council at the 22 August 2018 Ordinary Meeting, is one of a number of funding opportunities that Council provides to the community. The aim of this program is to support initiatives that:

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

The small grant program, unlike other funding schemes, is open for applications year round, except during the caretaker period leading up to a Council election.

**Eligibility criteria**

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

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

**Assessment**

Eligible applications are assessed against the responses provided in the online application form, however eligibility does not guarantee funding.

The assessment criteria and scoring matrix are outlined in the guidelines to assist applicants with the preparation of their applications. Applications are assessed according to six criteria. A summary of the assessment criteria is detailed below.

<b>Score</b>	<b>Criteria</b>	<b>What to include</b>
Pass/Fail	Demonstrating eligibility	Compliance with section 6 of the guidelines
20%	Describing your project	A brief description of the project aim
10%	Unlikely to be funded by other funding programs	The project timing/scale/amount of funding sought is not compatible with other funding programs

**12. CS.1 SMALL PROJECT GRANTS – CONSIDERATION OF GRANT APPLICATION (Continued)**

<b>Score</b>	<b>Criteria</b>	<b>What to include</b>
30%	Demonstrating community need and benefit	Why the group needs to do the project How will the community benefit from the project/activity
20%	Supporting Council Plan priorities	Promotes or contribute to the achievement of one or more Council Plan priorities
20%	Demonstrating good project planning	The project group practices good governance, considers risks, complies with regulations or similar and is appropriately budgeted.

All applications will be assessed and scored according to the scoring matrix. Where an application is not eligible, the assessed score will be withheld from the applications assessments. Application summaries and funding recommendations will be presented to Council at an Ordinary Meeting for review and/or approval.

**Financial commitments**

Council's Small Project Grants budget for 2018 is \$30,000. Grants of up to \$1,500 are available for eligible projects.

As at the preparation of this report \$9,360 has been committed to Small Project Grants in 2018/2019. This leaves \$20,640 remaining for allocation in the 2018/2019 financial year, prior to review of the applications contained within this report.

Projects and/or activities must be completed within twelve months of receiving funding and funds must be expended only on the project described in the application.

Successful applicants are required to submit an acquittal report on grant monies at the completion of the project. Applicants who fail to submit an acquittal will be ineligible to apply for future funding until the acquittal is received and approved.

Any unspent funds on a project/activity are to be returned to Council.

**12. CS.1 SMALL PROJECT GRANTS – CONSIDERATION OF GRANT APPLICATION (Continued)**

**Application assessments**

The following application assessment is presented for Council review and/or approval:

Applicant:	Macedon Ranges Arts Collective
Date received:	25 February 2019
Project:	Look Learn Create event (as part of the 2019 Woodend Winter Arts Festival)
Amount requested:	\$1,000
Previous funding received for group/project:	Not for this project. The group received \$700 from the Small Community Grants program in 2017 for their project 'Out of the Box' which was also a part of the Woodend Winter Arts Festival.
Eligibility:	Ineligible. The project is an event and events are ineligible under section 6 of the Small Project Grants guidelines.
Assessed score:	Nil
Officer comment (adequate explanation, completed Project planning):	Group is advised to consider applying for the Events & Festivals Grant Program for future events.
Officer recommendation:	Not to be funded
Amount recommended:	Nil

**12. CS.2 COUNCILLOR SUPPORT POLICY REVIEW**

**Officer:** Lauren Reader, Coordinator Governance

**File Ref:** F5058

**Council Plan Relationship:**

Relates to priority area:  
Deliver strong and reliable  
government

**Attachment:** Councillor Support  
and Expenses Policy

**Synopsis:**

Council is required under the *Local Government Act 1989* (Section 75B) to adopt and maintain a policy in relation to the reimbursement of expenses for Councillors and members of Council committees.

The Council Support Policy fulfils this obligation and also addresses:

- a) resources that shall be provided to Councillors to assist in the performance of their role;
- b) the arrangements in respect to provision of a vehicle to the Mayor;
- c) expenses that Council shall reimburse to a Councillor, and the process for this to occur;
- d) transparency and accountability protocols that shall govern the provision of these resources; and
- e) approval processes for the funding of Councillor attendance at events and training and development.

The existing Councillor Support Policy was last reviewed in 2017 and adopted at the Ordinary Council Meeting on 25 February 2018.

A Notice of Motion was carried at the Ordinary Council Meeting on 28 November 2018 that Council officers review the policy, investigate changes related to the pooling of Councillor development funds and present an updated policy back to Council.

Officers have now fulfilled that resolution and a report is provided responding to the review requirements.

**Officer Recommendation:**

**That Council adopt the revised Councillor Support and Expenses Policy.**

## 12. CS.2 COUNCILLOR SUPPORT POLICY (Continued)

### Background

Council currently has a Councillor Support Policy which was next due for review by October 2021, which would have been within 12 months of a general election (November 2020). Consistent with other policies, the policy can be reviewed as required. This Policy is a requirement under the *Local Government Act 1989* (Section 75B) to adopt and maintain a policy in relation to the reimbursement of expenses for Councillors and members of Council committees.

At the 28 November 2018 Ordinary Meeting Councillors made the following resolution:

- 1. Complete a review of the Councillor Support Policy which includes ensuring clarity exists between Councillor allowances, bona-fide out-of-pocket expenses and attendance at conferences, seminars and training and their respective funding sources;*
- 2. Investigate the incorporation of changes to the Councillor Support Policy that allow Councillor development funds (attendance at conferences, seminars and training) to be pooled for the use of all Councillors within an appropriate approval framework; and*
- 3. Present and updated Councillor Support Policy to the March 2019 Council meeting of Council.*

### Policy Review

Officers have completed a review of the current policy as per the resolution of Council. Changes to the policy have been made following the review and an updated version is attached to the agenda. The changes include alterations made to ensure that clarity exists between Councillor allowances, bona-fide out-of-pocket expenses and attendance at conferences, seminars and training and their respective funding sources. A summary of the changes is outlined below.

#### Councillor Allowances

Councillor Allowances were only previously referred to broadly in the policy in the context of there being in principle distinction separating Councillor Allowances from other expenses.

In order to ensure there is clarity regarding how Councillor Allowances are distinct from the reimbursement of expenses and provision of facilities / resources, a section has been added to the policy (Section 5).

Council currently has a separate operational budget for Councillor Allowances and will continue this approach in the future.



## 12. CS.2 COUNCILLOR SUPPORT POLICY (Continued)

### Provision of Resources and Facilities

Whilst not a specific section outlined for review within the resolution, it remains important that Council continues to provide financial support for activities conducted by the Mayor and Councillors in the performance of their duties. The policy has been updated to reflect that the funding of:

- training and development;
  - attendance at events when performing duties as a Councillor; and
  - support and assistance from a counselling service;
- are resources which are provided to Councillors to perform their role.

Council currently holds operational budgets for the provision of resources and facilities such as mobile phones and technology, stationery, a Mayoral vehicle, and other expenses, as well as and training and development funds (\$8,000 per term, per Councillor).

Council has not previously budgeted specifically for a councillor support budget that provides for attendance at events when performing duties as a Councillor. An operational budget will be established in 2019/20 that specifically makes a provision for these activities. This budget will correlate to the section of the policy that outlines that the organisation will cover the cost of these activities when they are approved.

In 2019/20 operational budgets will be also be added for training and development for the collective group of Councillors for activities such as an annual strategic planning day.

### Bona-fide Out of Pocket Expenses

Bona-fide out of pocket expenses relate to the reimbursement of elected members when they incur necessary expenses performing duties as a Councillor. These costs are distinct from expenditure directly incurred by the organisation which does not need to be reimbursed.

The current policy includes a section on types of reimbursements (of out of pocket bona-fide expenses). In order to ensure greater clarity around what is to be reimbursed, a number of additional sections have also been added e.g. reimbursements for training and development, mobile phone costs and attendance at events when performing duties as a Councillor.

Section 8 of the policy (Claims for Reimbursement) now provides that the basic test to be applied to determine whether or not an expense is bona fide is whether the expense was necessary because it was either supplemental to, incidental to, or consequent on, the exercise of the duties as a Councillor.

Council currently holds operational budgets to fund the reimbursement of bona-fide out of pocket expenses. This will continue.

## 12. CS.2 COUNCILLOR SUPPORT POLICY (Continued)

### Reimbursement of Motor Vehicle Expenses Update

Motor vehicle expenses incurred by Councillors are a classification of expenditure that is covered under bona-fide out-of-pocket expenses. Rules currently exist for reimbursement claims for this type of expense. Notably in the updated policy a reference has been made to how mileage for electric vehicles will be reimbursed. Officers believe that the current structure of reimbursement classifications provides enough scope to provide an appropriate refund.

Currently the vehicle classifications that exist are:

- motor vehicle - four cylinders or less
- motor vehicle - more than four cylinders.

The current reimbursement rates provide not only a per kilometre rate for the consumption of fuel (which is not required for electric vehicles) they also cover the broader deterioration of the vehicle through usage (which is also relevant for electric vehicles). The rate for vehicles that are four cylinders or less provides a good fit for electric vehicles and does not necessitate the development of a separate reimbursement model for electric vehicles.

### Attendances at Conferences, Seminars and Training and Development

Currently this category within the policy is separate from the broader provisions outlined with the policy. This category potentially crosses over both re-imbursements for bona-fide out of pocket expenses and the provision of facilities/resources incurred by Councillors in the performance of their duties.

In order to provide greater clarity regarding the nature of these activities, the section on attendance at conferences, seminars and training and development has been removed and integrated within the policy, where relevant. The usage of the wording for this section was inconsistent in that it placed particular emphasis on conferences and seminars. Whilst these activities may be a key component of training and development activities, they may also be legitimate approved official duties which Councillors perform. As such it was possible for there to be confusion in the interpretation of the policy.

As training and development may include conferences and seminars the wording of the policy has been changed to ensure the lead-in wording no longer contains this reference.

### Pooling of Councillor Development Funds Investigation

Currently Council annually budgets a pool of funds for Councillors' training and development requirements. The annual budget is based on the straightforward assumption of \$2,000 per Councillor or \$18,000 per financial year. This approach assumes each Councillor will use their \$8,000 per term allowance equally over their four-year term. In practice different Councillors will use differing amounts each year.

**12. CS.2 COUNCILLOR SUPPORT POLICY (Continued)**

Pooling for the use of all Councillors effectively occurs within a year as some Councillors may legitimately spend more than \$2,000 within any of the four financial years of their term. However any further pooling is currently limited by the constraint of an \$8,000 per term allowance for Councillors. This existing constraint means that whilst there may be available capacity in the annual budget, pooling cannot currently occur for a Councillor when they reach their \$8,000 per term limit.

Consultation was undertaken with councils through the MAV Governance Network. Responses were received from thirteen councils.

A number of these councils have pooling methodologies associated with the allocation of training and development funds. As outlined by Councillors in their resolution, any pooling methodology should also have an appropriate approval framework. Notably a number of the sampled councils have mechanisms such as approval from Council to manage the use of additional funds above a base level.

Based on this research and also officers' understanding of the request to pool requirements, a number of options have been considered to achieve this outcome.

- Current: Continue to provide individual budget allocations and set a per term allowance for training and development.
- Option 1A: Set a base maximum threshold for Councillors' individual training and development. Allow any additional training and development expenditure to be approved by the Chief Executive Officer (CEO) on a case by case basis.
- Option 1B: Set a base maximum threshold for Councillors' individual training and development. Allow any additional training and development expenditure to be approved by Council via a Council report.
- Option 2: Remove individual thresholds for training and development and determine all requests on a case-by case basis, either by the CEO or Council.

**Note:** *All options would be limited by a total pool of funds for individual training and development of \$72,000 for the 4 year term of Councillors.*

**12. CS.2 COUNCILLOR SUPPORT POLICY (Continued)**

**Draft Councillor Support Policy**

The policy has been updated to reflect the direction of Council to complete a review of the policy. Officers considered the policies of four other councils in completing the review.

The attached draft revised policy:

- More clearly defines the differences between councillor allowances, the provision of resources, facilities and support; and reimbursement of reasonable, bona-fide expenses for Councillors;
- Has been renamed the Councillor Support and Expenses Policy, consistent with similar policies at other Councils;
- Includes additional detail on relevant definitions referred to throughout the policy (including “councillors” “duties as a councillor” “family member” and “member of a Council Committee”); and
- Updates the legislative framework that forms the basis of the policy.

**Conclusion**

The attached updated policy provides greater clarity for future use and application. The changes made align with the direction of Council and provide for an easier to follow policy. Approval is now sought for the updated policy.

In regards to the investigation of the pooling of funds, an annual pooling mechanism already exists, bounded by the \$8,000 per term maximum threshold for Councillor training and development. Officers would recommend that there is not a requirement for any further pooling mechanism and that if Councillors wish to access additional training and development funds beyond the current \$8,000 per term threshold that they motion to increase the individual Councillor threshold instead.

Such an approach would enable the existing policy and process to be varied with little effort and avoid the requirement for a new mechanism to be developed and put in place to manage the pooling of funds.

**12. CS.3 EXPRESSION OF INTEREST FOR 47 VICTORIA STREET, MACEDON**

**Officer:** Hayley Drummond, Coordinator Property and Valuations

**File Ref:** 25146

**Council Plan Relationship:**

Relates to priority area:  
Deliver strong and reliable  
government

**Synopsis:**

47 Victoria Street, Macedon comprises a weatherboard building constructed in the late 1940's as a Maternal and Child Health facility. In 2015 Council closed the facility and relocated the Maternal and Child Health Nurse to the Bruce Street Kindergarten in Macedon.

In 2016 the building was occupied by Macedon Playgroup under a lease agreement with Council. However this closed at the end of 2016 due to declining numbers. The building has been vacant since that time.

Following a review of potential Council uses of the building, it was determined that it was no longer required as a community facility and was therefore surplus to Council requirements. In February 2018 a report was presented to Council recommending that the statutory process to sell the property be commenced.

Following the publication of a public notice, four objections to the sale were received including a group seeking to use the building as a Neighbourhood House/community facility. Consequently, at the 23 May 2018 Council Meeting, when the future of the site was considered, Councillors directed officers to conduct an 'Expression of Interest' (EOI) for community groups for the property rather than proceed with the sale.

There was one submission received under the EOI process and this report considers this submission against the criteria and provides an officer recommendation regarding the future use of the building.

At the 27 February 2019 Ordinary Meeting of Council when the requested report was initially presented, it was resolved by Council to defer the consideration of the report on 47 Victoria Street, Macedon and to await further information being provided by the submitting group, prior to close of business, Thursday 7 March 2019.

**12. CS.3 EXPRESSION OF INTEREST FOR 47 VICTORIA STREET,  
MACEDON (Continued)**

Consequently, an updated submission was provided and the additional information is summarised in this report. Officers have provided an assessment of the additional information and considered their previous recommendation. On the basis that other currently used facilities within Macedon could be used for the purposes outlined and consistent with Councils adopted strategy to sell non-open space assets that are unused or underutilised, the officer's position remains unchanged. Section 3 of this report has been added to provide information in regard to the updated submission. The remainder of the report is the same as the February Council report aside from some minor wording changes.

**Officer Recommendation:**

**That Council:**

- 1. Acknowledge the submission made by the Victoria Street Neighbourhood Working Group;**
- 2. Note the cost to Council of the likely works to update the building for a community facility;**
- 3. Directs officers to work with the group to provide alternative suitable locations in Macedon for the community uses they are seeking; and**
- 4. Proceed to commence the statutory process to sell 47 Victoria Street, Macedon by publishing a Notice of Intention to Sell.**

**12. CS.3 EXPRESSION OF INTEREST FOR 47 VICTORIA STREET,  
MACEDON (Continued)**

**1. Background**

Council owns a building located at 47 Victoria Street, Macedon that is currently vacant. The weatherboard building was constructed in the late 1940's and is located on a 1,765 square metre parcel of land. The building is approximately 139 square metres. Council operated the facility as a Maternal and Child Health Centre until the end of 2015 when the centre relocated to the Macedon Kindergarten at Bruce Street, Macedon.

The building was then occupied by Macedon Playgroup under a lease agreement with Council until December 2016 when they closed due to declining numbers. Since that time the building has been not been used.

The property is currently within Public Use Zone 6 (Local Government).

In February 2018 Council officers prepared a report that recommended that Council determine the property be declared surplus to requirements and commence the process to sell the property. It was proposed that the funding from the sale be allocated to capital works projects in Macedon.

At the 28 February 2018 Ordinary Council Meeting Council resolved to:

1. *Determine that the property at 47 Victoria Street, Macedon is surplus to Council requirements.*
2. *In accordance with section 189 of the Local Government Act, give public notice of its intention to sell 47 Victoria Street, Macedon and allocate the proceeds from the sale to capital works projects in Macedon.*
3. *Hear any submitters and consider any submissions at a Council Meeting on 18 April 2018.*
4. *Consider all submissions prior to determining this matter.*
5. *That if no submissions are received:*
  - a. *the property be prepared for sale by public auction or private treaty;*
  - b. *authorise the Chief Executive Officer and Director Corporate Services to negotiate the sale of the property based on the market valuation determined by Council's Valuer; and*
  - c. *authorise the Chief Executive Officer and Mayor to sign and seal any associated documentation in relation to the sale.*
  - d. *Net proceeds of sale of property be transferred to the Asset Conversion financial reserve for future allocation to capital projects in Macedon.*

A public notice was published in the local newspaper and on Council's website with a submission closing date of 9 April 2018. Four submissions were received – one was subsequently withdrawn and one late submission was received on 18 April 2018. These were presented to the Council Meeting on 18 April 2018 and one submitter spoke at the meeting in support of their submission.

**12. CS.3 EXPRESSION OF INTEREST FOR 47 VICTORIA STREET, MACEDON (Continued)**

One submitter represented a group opposed to the sale, which proposed for the site to be used as a Macedon and Mount Macedon Community or Neighbourhood House. At the 23 May 2018 Council Meeting, when the future of the site was considered, Councillors resolved to:

1. *Direct officers to conduct an expression of interest process for community groups, consistent with the current public use zoning, to lease 47 Victoria Street, Macedon with such process to be completed in nine months from the date of this meeting. The expression of interest process must include consideration of funding for works required to upgrade the facility for the intended purpose and the ongoing management structure.*
2. *That a report be presented to Council following the completion of the expression of interest process.*
3. *That officers provide support to all interested community groups regarding the requirements of the expression of interest process.*

The EOI was to be consistent with the current public use zoning with the process to be completed in nine months from the date of the May 2018 meeting. The EOI was to include consideration of funding for works required to upgrade the facility for the intended purpose and the ongoing management structure. Council officers were to present a report to Council following the completion of the EOI process. Officers were also to provide support to all interested community groups regarding the requirements of the EOI process.

Consequently, an EOI was published on Council's website on 23 October 2018 and a public notice was published in the local paper.

Interested parties were asked to submit in writing their EOI to lease, detailing:

- The proposed use of the facility;
- The management structure e.g. who would have responsibility for day to day operation of the facility;
- Any works required to the facility to make it fit for the proposed use; and
- A high level business plan showing financial forecasting to ensure that the use is a sustainable service. The financials should also indicate funding of ongoing operating expenses and consideration of funding for any building works required.

The submissions closed on 2 January 2019 and one submission was received.

The submission was received from the community group now known as Victoria Street Neighbourhood House Working Group ("the Group").



**12. CS.3 EXPRESSION OF INTEREST FOR 47 VICTORIA STREET, MACEDON (Continued)**

**2. Victoria Street Neighbourhood House Working Group Submission**

**a) Proposed use of the facility**

The submission made by the Group proposes a broad range of services including:

- Cobaw Community Health;
- PS My Family Matters (a meeting point for support to carers of individuals with mental illnesses);
- Anglicare Victims Assistance Program;
- Wilkinsons Wheels;
- Dietician Services;
- Diabetes Educator;
- Pilates and Yoga Classes;
- Naturopathic Consultations;
- Psychological Services;
- Tutoring Services;
- Macedon Ranges Running Group;
- Gisborne Library Story Group;
- Art Classes;
- Meditation and Counselling; and
- Playgroup Sessions.

These participants were identified by the group following an EOI process they undertook to service providers in and around the Macedon community. The submission also refers to establishing a community garden and farmers market with a commercial kitchen to provide community lunches.

Officer's assessment:

The proposal envisages provision of a very broad range of services.

In terms of planning controls, the property is zoned Public Use Zone (Local Government) that has a main purpose to recognise public land for community services and facilities. Any uses that are services provided by Council would not require a planning permit. This would include playgroups and childcare services. Additionally, uses such as those proposed by Cobaw Community Health would be considered auxiliary to the community facility and therefore a planning permit would not be required.

In terms of the building requirements related to the EOI proposed use of the facility – further information is noted below as the building would need to be made 'fit for purpose' as a community facility.

Additionally, Council would need to consider the current car parking arrangements at the property and whether they are sufficient. There are currently eight car spaces outside the front of the building along Victoria Street however there is no on-site parking.

**12. CS.3 EXPRESSION OF INTEREST FOR 47 VICTORIA STREET, MACEDON (Continued)**

As the facility has been vacant for some time, should it be reactivated as a community facility then car parking requirements may need to be reviewed.

**b) The management structure - Responsibility for the day to day running of the facility**

The submission notes that the Victoria Street Neighbourhood House volunteers would be auspiced by the Macedon Village Volunteers (ABN 5417622886). The Macedon Village Volunteers (MVV) are an incorporated association offering financial, committee of management and auspice to groups such as Wilkinsons Wheels in the Macedon community.

Should the EOI application proceed, it is the MVV who would enter a lease with the Council for the ongoing use and management of 47 Victoria Street. Additionally a requirement to obtain funding for a Neighbourhood House requires the group to be a legal entity and therefore such a funding application would also need to be made under the MVV.

The Victoria Street Neighbourhood House sub-group advises that it will have volunteers fulfilling the roles of coordination/facilitation (management), building works (infrastructure), grants and revenue raising (finance) and management of user groups. As the Neighbourhood House becomes established (post 2020) it will look to “incorporate then to provide self-sustaining governance and independent financial management of the organisation.”

Officer’s assessment:

The management structure is to be based on volunteers, which as a model is dependent upon both the skill mix of the group and the availability of individuals at a given point in time and on an ongoing basis. It is unclear whether the Neighbourhood House Coordinator is part of the management structure. The Coordinator would be important to the success of the Group as they would provide the necessary support and responsibility for running the programs and managing the user groups. The day to day management would otherwise appear to be a difficult task for volunteers to manage.

**c) Any works required to the facility to make it fit for the proposed use**

The submission proposes a two stage development. The first stage would be for urgent or non-compliant building works to be undertaken, whilst Stage 2 would upgrade and extend the facility.

**Stage 1 works required by the group**

The Group’s financial assessment of the cost of the Stage One works is \$40,750. This was partially based on a preliminary assessment completed by Council officers following a building inspection completed in July 2018.

**12. CS.3 EXPRESSION OF INTEREST FOR 47 VICTORIA STREET, MACEDON (Continued)**

The works proposed by the Group include:

- Bathrooms upgraded including removal of linoleum as this is made from asbestos material; and
- Cosmetic makeover undertaken by community volunteers including interior painting and removal of carpet.

Officer's assessment of Stage 1 works:

There are significant works required to the building to enable it to be suitable for use as a community facility. It is worth noting that the building is proposed to be a public building and this will trigger the use of commercial grade materials and standards – not domestic – which results in higher costs.

An assessment completed by our Building and Projects Department completed in January 2019 has identified the following repairs and maintenance items:

- The gutters and downpipes need immediate replacement;
- The external weatherboards and windows require immediate attention. Some weatherboards and windows need replacing. Once replaced/ repaired, external repainting would be required;
- The roof needs repairing immediately as damage is already evident in the ceiling of the main playgroup area;
- The front veranda roof needs replacing. It is recommended that the asbestos ceiling in the veranda be removed at this time; and
- The building needs restumping.

An estimate of the repair and maintenance works is \$46,000.

Additionally, the suggested changes in the floor plan would trigger a building permit due to the structural nature of the works. The building code for a Class 9 building (assembly buildings) will require DDA toilets and ramps and doorways upgrades. There is also minimum area requirements under the code for toilet spaces and the gradients and landings and circulation areas of the ramps at the front and back of the building. Dependant on the occupancy allowance the code will stipulate for a commercial building a minimum number of toilets for female, a urinal plus pan for male and a DDA unisex toilet. Without actual measurements of the proposed floor plan this is hard to determine, however estimated costs for this work is approximately \$100,000.

Consequently, the officer estimated the cost for the Stage 1 works to enable it to be suitable for a community facility is \$146,000 plus project allowances for management, architects and contingency making the total estimate \$186,000.

This estimate is based on officers' best understanding at this time, noting the cost of these works will reduce the amount of cost in Stage Two to upgrade the facility.

**12. CS.3 EXPRESSION OF INTEREST FOR 47 VICTORIA STREET, MACEDON (Continued)**

Additionally, it should be noted that Cobaw Health may require other works under the Health Regulations.

**Stage 2 works required by the group**

The submission made by the Group for Stage 2 is a concept plan that will require further consultation with Council's planning staff, the community and architects. The proposal is for the kitchen to be expanded in size and upgraded to a commercial standard for community lunches, cooking demonstrations and social enterprise. Additionally the building would be extended to allow rooms for allied health services and a large community room. The toilets would also be designed to be accessible from the rear entry for the community gardeners, running group and farmers market to use without providing access to the whole centre.

The proposal provides for a building extension of approximately 18 squares (165 square metres) at a rate of \$14,000 per square – providing an estimated costs of \$252,000. The building works also include replacing the roof, landscaping and equipment for the rooms. The total cost of works for Stage Two is \$382,690. Stage 2 is to take place over two years – 2020-21 to 2021-22.

The Group is proposing that Council pays for the building works totalling \$382,690 over the two year period – that is \$191,345 per year.

Officer's assessment of Stage 2 works:

Councils Building and Projects Department suggest that a portion of the proposed extension would be required in Stage One rather than Stage Two to accommodate the required space for the DDA requirements under the Code as well as male/female toilets which are in addition to the DDA toilet. This has been included in the officer's estimate of costs in Stage One.

The amount quoted by the group in the submission (\$382,690) is considered to be the minimal cost required to do the works. It is the Building and Projects Department estimate that the works on the existing building is closer to \$450,000. This cost estimate of \$450,000 does not include the proposed building extension (beyond the extension required for DDA compliance in Stage One). Without further detailed investigation, officers would suggest the Groups estimated extension cost is appropriate as a guide.

As \$100,000 of the \$450,000 has been allocated to the first year, to enable the building to be used as a community facility, this has reduced officers estimate of the second and third year costs to \$350,000 (excluding the extension).

**12. CS.3 EXPRESSION OF INTEREST FOR 47 VICTORIA STREET, MACEDON (Continued)**

**A summary of the estimate of building costs is below:**

	<b>Estimated cost of works provided by group submission</b>	<b>Estimated cost of works assessed by Council</b>
<b>Year 1</b> <b>2019-20 Budget Year</b>	\$40,750	\$186,000 <sup>(1)</sup>
<b>Year 2</b> <b>2020-21 Budget Year</b>	\$191,345	\$175,000 <sup>(2)</sup>
<b>Year 3</b> <b>2021-22 Budget Year</b>	\$191,345	\$175,000 <sup>(2)</sup>
<b>Total</b>	<b>\$423,440</b>	<b>\$536,000<sup>(2)</sup></b>

**Notes:**

- (1) Includes upgrading of toilet facilities as part of Stage One work
- (2) Total estimated cost of \$350,000 does not include the extension of the building. Based on the assumptions of the Group a significant extension would add another \$252,000 to the cost, taking the total cost to an estimated \$788,000.

**Alternative facilities located at Macedon for programs**

When considering investment in 47 Victoria Street, Macedon it is also appropriate to consider other Council facilities in Macedon. A brief summary of the existing related Council facilities is provided below.

Jubilee Hall

Jubilee Hall is located 500 metres north-west of 47 Victoria Street, at 52 Smith Street, Macedon. The hall is well established in the Macedon community – it was rebuilt after it was burnt down in the Ash Wednesday bushfires. The building is approximately 400 square metres and comprises a large main hall that has seating for 120 people, a commercial kitchen, a second smaller meeting room and bathroom facilities including disabled access.

The hall is regularly used by dance schools, yoga classes, weddings and private functions. Whilst there are a number of regular users, the community meeting rooms are available for hire and there is some additional capacity available for community based classes such as pilates, art classes and meditation classes.

Bruce Street Pre-School

This is also known as the Macedon Kindergarten and is located at 55 Bruce Street, Macedon. This is located approximately 250 metres north from 47 Victoria Street. The building was constructed in the 1960's and a 2013 addition makes the building 289 square metres. The building has also just had an environmental efficiency upgrade to increase the buildings resistance to fire and increase the thermal efficiency of the building.

**12. CS.3 EXPRESSION OF INTEREST FOR 47 VICTORIA STREET, MACEDON (Continued)**

The cost to Council of this was \$120,000. The building comprises an entry foyer, cloakroom, toilets, kitchen, maternal and child health room, office and storeroom.

The kindergarten has capacity for up to 33 children and has spaces available. The building is also on a large parcel of land comprising 6,900 square metres that provides a large play area for children in a lightly treed setting.

Initially when Council closed the Maternal and Child Health facility at 47 Victoria Street, the nurse was relocated to the Bruce Street Kindergarten. However the nurse has now moved to Woodend due to further declining numbers, noting the nurse is available to consult at Bruce Street upon request. There is therefore a room available for hire if needed for children services at Bruce Street. If demand in Macedon for maternal and child health services changes in the future, facilities exist at Bruce Street to provide the service.

Macedon Community Centre

This is located off Waterfalls Road, approximately 800 metres north-east of 47 Victoria Street. The Macedon Community Centre is located at the Tony Clarke Sports Reserve overlooking the oval and includes social club rooms, change rooms and the Macedon Senior Citizens Club. The building is approximately 1,100 square metres and includes an indoor basketball stadium, two meeting rooms and a newly upgraded kitchen. The Centre was constructed after the Ash Wednesday bushfires where temporary buildings were initially set up for community facilities to service Macedon and Mount Macedon. The kitchen has been upgraded to enable a venue for community lunches and a space for the elderly. It is also a venue that can be hired for up to 70 people for functions and events. The Community Centre also has a small playground directly adjoining the facility.

The current facilities in Macedon are in good condition. The Bruce Street childcare centre has recently been updated and provides a suitable alternative venue for pre-school activities such as playgroups and children support services. Jubilee Hall is also well set up for adult community groups such as pilates, art classes and meditation classes. It would also be a suitable venue for Cobaw Health and counselling services. This building is also listed for possible inclusion in the capital works budget that could facilitate upgrading and possible additional meeting rooms.

The Macedon Community Centre has recently been updated with a new community kitchen that would provide the community lunches that the group has identified as a potential use.

**d) A high level business plan**

The Business Plan provided in the submission provides a Financial Income Budget for Stage One and Stage Two of the project.

**12. CS.3 EXPRESSION OF INTEREST FOR 47 VICTORIA STREET,  
MACEDON (Continued)**

**Stage One**

This provides for total income of \$48,750 for the first year and total income following the Stage Two works to be \$304,976 for the 2020-21 year and \$315,476 for the 2021-22 budget year.

2019-20 Budget

Income for the 2019-20 budget year totals \$48,750. This relies on a significant amount of in-kind (donated) labour – both skilled and unskilled which totals \$28,750. There is also a required contribution by Council for supervising and signing off of works of \$10,000. The first year of the project (2019/20) is to undertake essential works and prepare the building for occupancy – there is no income generated from running programs.

**Stage Two**

2020-21 Budget

The second stage comprises the substantial building works. Income for 2020-21 is made up of Council investment in the building (\$191,345), a NHCP Coordinator Grant (\$75,881) and revenue raised from room hire, donations and fundraising (\$26,500). The Coordinator wages are based on a program unit cost of \$58.37 per hour (as at June 2018) and the Group is applying for 25 coordination hours per week which is the maximum allowable under the grant.

The 2020-21 budget also relies on the use of unskilled labour from the Macedon community of \$11,250 which equates to 450 hours x \$25/hour.

The income for the 2020-21 budget year relies heavily on Council and State Government grant funding. The second stage also relies on a Coordinator being appointed on a 25 hour per week basis (further details about this are noted below under Neighbourhood Houses). Revenue from room hire, donations and fundraising is listed at \$26,500 providing total income of \$304,976.

2021-22 Budget

2021-22 budget year cash flow is similar to above however revenue for room hire, donations and fundraising increases to \$37,000 for the year making the total income approximately \$315,000.

On the basis that further works are completed in Stage One, the required income for 2020-21 and 2021-22 will be lower resulting in a lower contribution from Council. This assessment excluded the proposed extension which would not need to be funded by Council.

**12. CS.3 EXPRESSION OF INTEREST FOR 47 VICTORIA STREET, MACEDON (Continued)**

Forecast Annual Operating Income/Expenses

The submission also provides Forecast Annual Operating Income/Expenses (following works completion).

The annual operating income has been estimated by the Group to be \$102,381. This is made up of the NHCP grant (Coordinator role) of \$75,881, playgroup fees \$7,500, room hire \$15,000, fundraising \$2,000 and donations/grants/ sponsorships \$2,000.

The total annual expenditure is estimated to be \$95,681. The total surplus is therefore \$6,700 per annum.

One of the key aspects in the submission provided by the Group is that they will obtain funding for a Neighbourhood House Coordinator. This is funding obtained from the State Government on an annual basis and is assessed based on criteria defined by the Department of Health and Human Services.

Officer's response:

Overall this appears a reasonable list of income and expenditure. There are however limited details on the potential other revenue sources for room hire. For example the room hire rate equates to \$280 per week which would rely on payments from multiple users. The submission notes that Cobaw Health were willing to pay \$70 per week for a room large enough for physiotherapy services – They would therefore require four users a week including Cobaw at \$70 to reach \$280 per week.

Council has confirmed with Cobaw Health that they are interested in using the building as an occasional visiting service for allied health and counselling. However, they would require the building to have a contemporary setting with a waiting area, soundproofing and paying a minimal rental amount.

It is noted that no allowance has been made for expenses such as lease payments to Council or contents insurance.

As previously outlined, officers do not believe that Stage One works can be done in isolation without beginning some Stage Two works, which will necessitate a higher level of income in Year 1. Without other evident funding sources this additional Stage One cost would need to be funded by Council.

On the basis that the recommended additional works are completed in Stage One, the required income for 2020-21 and 2021-22 will be lower, resulting in a reduction of the contribution by Council to Stage Two. This assessment excludes the proposed extension which without other evident funding sources would need to be funded by Council.



**12. CS.3 EXPRESSION OF INTEREST FOR 47 VICTORIA STREET, MACEDON (Continued)**

Key to the Group's business plan is the grant income that will be generated from becoming a neighbourhood house and having a Neighbourhood House Coordinator. There are currently six neighbourhood houses in the shire. These comprise Kyneton, Lancefield, Gisborne (as the Macedon Ranges Further Education Centre), Riddells Creek, Romsey and Woodend. Woodend Neighbourhood House is approximately ten kilometres or ten minutes' drive from Macedon and the Macedon Ranges Further Education Centre at Gisborne is approximately twelve minutes' drive or ten kilometres away.

In addition to State Government funding, each Neighbourhood House receives a small annual contribution from Council. Under Council's Neighbourhood House Policy, each Neighbourhood House receives \$3,386 funding from Council per annum. This increases by CPI each year. The funding runs for a period of five years commencing on December 2018. Should the Group be successful and they are designated a Neighbourhood House, then Council will need to budget for this contribution fee.

The State Government funding is administered through a program to fund Neighbourhood House Coordinators that is overseen by the Department of Health and Human Services (DHHS).

The DHHS funding evaluation criteria has a number of elements. These include that the organisation demonstrates demand/need for a Neighbourhood House in their local area. The responses should detail:

- Evidence of current unmet demand for the Neighbourhood House in the local area, e.g. waiting lists/enrolment projections for Neighbourhood Houses or similar community organisations;
- Evidence of future demand for the Neighbourhood House as per local area population forecasts (e.g. Victoria in Future and enrolment projections for existing services);
- Alignment with local government's municipal plan for community health and wellbeing services and activities;
- Gaps in existing community infrastructure (including distance from other Neighbourhood Houses or similar community learning facilities); and
- Low socio-economic status and high levels of disadvantage (including particular population groups where relevant, e.g. new migrants).

Council officers have had preliminary discussions about the proposal with DHHS and the Neighbourhood House Coordination Program Project Officers. They have advised that 'given the significant funding allocated to the Neighbourhood House sector last year, it is unlikely any new funding will be made available in the 2019/20 budget.'

**12. CS.3 EXPRESSION OF INTEREST FOR 47 VICTORIA STREET,  
MACEDON (Continued)**

Officers have also reviewed the submission and provided an assessment based on the above evaluation criteria. There are a number of areas of concern about the ability to meet the criteria, noting that any final decision on eligibility is for DHHS.

- Firstly, the submission provided by the group does not provide evidence of unmet demand such as waiting lists or enrolment projections.
- Secondly, population forecasts for Macedon and Mount Macedon are fairly stable with little growth potential. Based on data provided by forecast.id Macedon Ranges Shire has a population growth projection of 1.6% from 2016 to 2036. For the same period Macedon and Mt Macedon is expected to decrease in population by -0.14%. There is therefore unlikely to be an increase in demand for community services in Macedon and Mount Macedon.

The final criteria refers to low socio-economic status and high levels of disadvantage. This measures disadvantage such as low income, low educational status and high unemployment. Macedon and Mount Macedon are considered to have a high socio-economic status – in fact this area is in the top 97% percentile for Australia. The shire is rated at 82% and regional Victoria is rated at 32%.

Given that there are already six Neighborhood Houses in the shire, Council's Community Development area would suggest that another service is not required, particularly in this area.

This is because:

- 1) It is relatively close to Woodend and Gisborne for other Neighbourhood Houses;
- 2) There are a number of other community facilities in Macedon that would be suitable;
- 3) The area is not projected to have population growth between now and 2036;
- 4) The area is not an area of low-socio economic status which is one of the criteria assessed by DHHS.

Additionally, it is also worth noting that the group has budgeted for a full allocation of 25 coordination hours per week. Under the program guidelines, this will require the Neighbourhood House to be open at least as many hours (i.e. open for 25 hours per week). They must also provide at least twice as many activity hours (which may be provided concurrently) as the coordination hours i.e. 50 hours per week of activities.

Note: As outlined above this is an officer assessment and DHHS as the relevant assessment body would need to formally consider and rule on any future application to determine eligibility.

**12. CS.3 EXPRESSION OF INTEREST FOR 47 VICTORIA STREET, MACEDON (Continued)**

**3. Updated Submission**

At the 27 February 2019 Ordinary Meeting of Council it was resolved by Council, as outlined below, to defer the consideration of the report on 47 Victoria Street, Macedon and to await further information being provided by the submitter, prior to close of business, Thursday 7 March.

- 1. Defer the consideration of CS.5 until the March 2019 Council meeting to enable officers to revise the officer's report and consider a revised leasing and funding arrangement in collaboration with the Victoria Street Neighbourhood Working Group; and**
- 2. Request that the Victoria Street Neighbourhood Working Group provide further information by close of business, Thursday 7 March 2019.**

The 27 February 2019 motion has now been actioned with the inclusion of a new section below within the report. The overall premise of the updated submission remains consistent with the first submission with major changes and a new officer assessment outlined below.

<b>Updated Submission Aspect</b>	<b>Officer Assessment</b>
<b>Leasing and Insurance</b>	
Request for a three year peppercorn lease	<p>The initial proposed use of the facility by the Group is similar to a neighbourhood house, with the longer term goal being to seek future neighbourhood house funding opportunities. Under Councils leasing policy Neighbourhood Houses are classified as Not for Profit Service Providers.</p> <p>This Not for Profit Service Providers category is currently the best fit for the Group' activities predominantly on the basis that the tenants will have the opportunity to derive income from the use of the premises and the services they provide. For example the service provider may derive income such as fees for service, course fees, class fees, sponsorship and rent from sub tenancy arrangements.</p> <p>The rental that is currently charged for similar not for profit service providers in the Shire is upwards from \$100 per annum to just under \$3,000 per annum depending on the size and range of services provided.</p>

**12. CS.3 EXPRESSION OF INTEREST FOR 47 VICTORIA STREET, MACEDON (Continued)**

<b>Updated Submission Aspect</b>	<b>Officer Assessment</b>
	<p>A request for a three year peppercorn lease is therefore inconsistent with Councils existing Leasing and Licencing policy. To provide a \$1 peppercorn lease Council would need to resolve to make an arrangement outside of the policy. Alternatively under delegated authority officers would make an assessment of the proposed operations and charge a rental within the outlined range, noting the proposed operations are currently comparatively of a small scale.</p> <p>Consistent with the existing leasing policy the Group would be responsible for the public liability and contents insurance. Additionally the tenant would be responsible for all outgoings such electricity, gas, telephone and minor building and grounds maintenance.</p>
<p>Use of facility by Bendigo Bank for mobile banking appointments</p>	<p>Under the initial proposal a number of identified services would have been provided from 47 Victoria Street. The updated submission now outlines the possibility of Bendigo Bank operating from the site. The previously identified uses were broadly consistent with the existing Public Use Zone (PUZ7- Other public uses).</p> <p>Under the Public Use Zone the majority of activities should be run by the community or be providing a community service. If business based activities are proposed that would not clearly provide a public service (especially where those activities are an extension of a business service based elsewhere i.e. banking services) or are a for profit business operating from this premises then those activities should be relatively minor and ancillary to the overall Groups operations at the site.</p> <p>The revised submission also notes that the Macedon Village Volunteers and Wilkinson Wheels currently operate out of volunteer homes and temporary spaces and they would use a property as a permanent base to ensure continuous support.</p>
<b>Management Model</b>	
<p>Part-time Co-ordinator to manage Facility</p>	<p>The initial concept of using resources through a neighbourhood house model of operations has been replaced with a part-time 1 day a week co-ordinator funded by the operations of the site, for the first three years of operation.</p>

**12. CS.3 EXPRESSION OF INTEREST FOR 47 VICTORIA STREET, MACEDON (Continued)**

<b>Updated Submission Aspect</b>	<b>Officer Assessment</b>
	<p>Similar officer concerns regarding the success of a neighbourhood house application would most likely apply to the longer term plan to become an accredited neighbourhood house. The new model of a part-time co-ordinator would also be of concern on the basis of being able to complete all of the following within 7.5 hours per week:</p> <ul style="list-style-type: none"> <li>• Co-ordination of users groups and hirers;</li> <li>• Management of the facility;</li> <li>• Marketing and communications;</li> <li>• Networking and training;</li> <li>• Liaising with and reporting to the employer e.g. the Committee / MVV; and</li> <li>• Financial, legal, legislative, policy, risk management, occupational health and safety, contract management and other administrative tasks.</li> </ul> <p>This is a significant role for a one day a week position.</p> <p>During periods of leave for this role and when there is a vacancy in the role, the Group have noted that Volunteers / Committee Members would manage the operations. Such a model is dependent upon the ongoing availability and capability of the volunteers and provides very little redundancy for periods of leave and / or staff vacancy.</p>
<b>Financial Implications</b>	
<p>Significantly higher in-kind contribution to the required investment</p>	<p>The Group has identified a significantly higher in-kind contribution (\$58,500), than was identified in the original submission. A breakdown of the \$58,500 Stage 1 in-kind Contribution was provided as follows:</p> <ul style="list-style-type: none"> <li>- \$37,500 labour, trade services painting, re-stumping, plumbing, roofing, flooring</li> <li>- -\$21,000 administration and maintenance, volunteer staff hours (based on 20 hours per week x \$25 x 42 weeks).</li> </ul> <p>Officers sought clarity concerning how the proposed contribution would reduce the \$58,500 officer estimated cost of works for stage 1 (\$186,000). We were advised that the proposed reduction in capital costs that has been outlined by the Group is also based on the understanding that DDA Ramp compliance work does not need to be completed. The group have outlined a \$15,000 reduction in the costs of these DDA works. Officers still believe the DDA works will need to be completed and that the total Stage 1 works will continue to cost \$186,000.</p>

**12. CS.3 EXPRESSION OF INTEREST FOR 47 VICTORIA STREET, MACEDON (Continued)**

<b>Updated Submission Aspect</b>	<b>Officer Assessment</b>
	<p>Based on the increased in-kind contribution (and suggested lower project cost) outlined by the Group the stage one cost to Council will reduce to \$127,500. Based on the officer assessment of likely costs, and the need to complete the DDA works, the required Council contribution would actually be \$142,500.</p> <p>Such in-kind contributions are common from community groups wishing to have existing facilities upgraded. As long as the building works are supervised by Council and where necessary by qualified tradespeople, such an approach is supported by Council.</p> <p>A number of recent Council reports have highlighted challenges with community groups being able to fulfil such commitments in an attempt to reduce the total cost of the works. In this instance any unmet commitment will become Council's responsibility to fund given officers have outlined the full \$186,000 stage 1 cost will be required to be funded prior to providing access to the facility.</p> <p>The majority of the proposed works still remain unfunded and any financial commitment (\$142,500) to this facility would require a budget allocation in the 2019/20 Budget. There will be ongoing future structural building maintenance costs that will need to be funded by Council and any future stages of upgrade works e.g. a future possible stage 2 would also need to be funded.</p>
Further identified grant opportunities	A number of additional grant application opportunities have been outlined by the Group. These applications have not been allowed for in the financial projections in the proposal, given they are still subject to approval processes, but may provide future funding for projects that the Group wishes to pursue.
	The Group also has pledges of financial and in-kind support for co-funding the facility and they will launch a community fund-raising campaign online to garner wider financial support.

**12. CS.3 EXPRESSION OF INTEREST FOR 47 VICTORIA STREET, MACEDON (Continued)**

<b>Updated Submission Aspect</b>	<b>Officer Assessment</b>
Operating Costs	<p>Overall the annual operating financial result of the proposed operations are projected by the Group to remain in surplus, after a number of changes were outlined to their proposed business model. The major change is the removal of the neighbourhood house grant and associated facility co-ordinator. This has been replaced with a one day a week co-ordinator, whose costs are predominantly subsidised by the fees from programs at the facility.</p> <p>Notably if fees from the operations and fundraising do not align to Groups expectations, there may need to compromise in what can be achieved, and the Group will carry any associated financial risk.</p>
<b>Other Aspects</b>	
Car Parking Arrangements	<p>The revised submission notes that the group is in discussion with St Brigid’s Parish regarding access to St Patrick’s carpark across the street for the larger events. This site offers up to 15 additional car parks for users of the facility.</p> <p>The Group’s negotiation with a site in close proximity for additional parking will assist with managing any car parking requirements, noting a planning permit is required where the required amount of car parking for use of land (subject to a final assessment of usage requirements) cannot be provided on the application site and is provided on another property.</p>

Officers enquired further with the group regarding the suitability of the Macedon Community Centre (at Tony Clarke Reserve) for the outlined purposes within the initial and updated submission and were advised:

- It is not central to the township and streetscape of Macedon
- It does not have enclosed fences suitable for small children
- It does not have garden space for a community garden.
- It is not accessible on foot to kindergarten, station, school or shops.
- A well used community hub in the heart of town will encourage greater use of local business for coffee, lunch etc.
- A community hub for after school programs needs to be accessible by foot for young people, getting off buses from surrounding high schools.

**12. CS.3 EXPRESSION OF INTEREST FOR 47 VICTORIA STREET, MACEDON (Continued)**

- Running programs from Tony Clarke does not address the demonstrated community aim of retaining the asset at 47 Victoria Street of important historical and cultural significance. It is a loved community building that holds significant sentimental value for the residents.

In response to the Group's concerns with the Macedon Community Centre:

- Requirements could be managed through funding for the existing facility e.g. fencing and creating a space for a community garden around the existing playground for a lower cost than restoring 47 Victoria Street.
- Despite not being in the centre of Macedon, the Tony Clarke reserve is visited regularly by many Macedon residents who are associated with local sporting clubs. The Macedon Community Centre is within walking distance of the centre of Macedon, around 800m from Victoria St.
- The significance of the building is subjective given that 47 Victoria Street has not been identified as having historical significance. It should also be noted that despite the views expressed by the Group on the need for the facility, the building has not been used by the community for more than two years.

Summary

In summary the revised submission provides for similar social outcomes to be achieved as outlined under the initial EOI process. Importantly social benefits that arise from such activities proposed under the initial and updated submission do not directly result from the location from which they are delivered.

Officers continue to hold the view that the suggested social outcomes can be achieved at other existing facilities within Macedon that are in good condition and have available capacity. An asset divestment of this unused facility, followed by reinvestment in existing facilities to achieve the desired social outcomes of the Group is therefore still recommended.

Councillors will need to consider where the balance lies between the stated priority of maintaining Council's built environment in a fiscally, environmentally and socially sustainable way and supporting community health and wellbeing.

**4. Process if Council proceeds with the EOI**

Should Council determine to retain the property and support the EOI the following would be required:

- Council to assist the Group in making a submission to DHHS for funding for a coordinator by approving the use of 47 Victoria Street as a suitable location for a neighbourhood house.



**12. CS.3 EXPRESSION OF INTEREST FOR 47 VICTORIA STREET, MACEDON (Continued)**

- Detailed building design plans would need to be prepared including compliance with building codes. Building permits would also be required and appropriate building contractors appointed.
- Council would need to make an allowance in the capital works budget for approximately \$142,500 in the 2019/20 Budget (costings approximate at this stage), noting if any further extension were supported these works would need to also be funded by Council.
- Preparation of a lease agreement with Council including the negotiation of key terms such as payment of outgoings, rental and maintenance costs.
- Liaison and coordination with the Group to facilitate each of these arrangements.
- Ongoing support for the Group dealing with matters related to the lease, possible grant applications, governance arrangements, community outcomes and the facility.

**5. Legislative requirements**

On the basis that Council chooses not to proceed with supporting the EOI, officers would continue to maintain the position that 47 Victoria Street, Macedon is surplus to Council requirements. If this was the chosen option a number of legislative requirements need to be followed.

The Local Government Act 1989 (“the Act”) governs the sale of Council land. Section 189 of the Act provides the legislative requirements for the sale or exchange of council land. The Act requires all councils to consult ratepayers and residents on any proposal to sell or exchange land and give them an opportunity to have their views heard.

Under the Act, Council must:

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

Council must consider any submissions made prior to determining to proceed with the sale or exchange. The submissions are made in accordance with Section 223 of the Act which requires all submitters to be advised in writing of the outcome of the meeting with a reason for Council’s decision.

**12. CS.3 EXPRESSION OF INTEREST FOR 47 VICTORIA STREET,  
MACEDON (Continued)**

**6. Process to sell the property**

Should Council determine to proceed with the sale of this property the process would be as follows:

- 1) Place a public notice on Council's website and the local newspapers advertising a Notice of Intention to Sell with public submissions to be made within twenty-eight days;
- 2) Consideration of submissions in accordance with Section 223 of the Local Government Act 1989;
- 3) A council report be prepared summarising the issues raised in the submission process and providing a recommendation whether to proceed with the sale;
- 4) The sale would be subject to the following planning requirements:
  - a. Rezoning the land to low density residential zone (LDRZ) as it is currently Public Use Zone (Local Government);
  - b. A requirement that the land be consolidated into one lot;
  - c. Identification of an appropriate building envelope suitable for a single dwelling only with a 'no-build' zone protecting existing trees and providing appropriate set-back requirements.

**7. Use of the funds from the proposed sale**

Following the process outlined above, should the property be sold then funds from the proposed sale would be allocated to capital works projects in Macedon. These projects may include the following identified future capital works for Macedon:

- Jubilee Hall building renewal works;
- Mount Players Theatre Renewal Works;
- Drainage upgrade works on Tony Clarke Oval; and
- Investment in upgrade and renewal of Ash Wednesday Park.

The amounts allocated will be determined once the sale process has been completed and the amount of funds available finalised. Notably funds from the proposed sale could be allocated to fund works that help achieve the vision of the Group at one of Council's existing facilities in Macedon.

**8. Conclusion**

Notwithstanding the significant effort of the community group to complete a well thought out expression of interest, there are three areas relating to the proposal that officers highlight in summary:

- 1) The sustainability or otherwise of a one day a week role to manage the facility, all of its users and the administrative requirements of running the operation.

**12. CS.3 EXPRESSION OF INTEREST FOR 47 VICTORIA STREET, MACEDON (Continued)**

- 2) Existing Council facilities in Macedon. The proposed programs and services identified can be accommodated in other community buildings located in Macedon. These are all in good condition and have capacity to take on extra bookings. Investment in existing facilities through the divestment of unused facilities is considered a fiscally responsible course of action.
- 3) In the Strategic Resource Plan it states that Council may sell 'non-open space' assets which are unused or underutilised and invest the net proceeds from the sale in specified community facilities or assets.

The building at 47 Victoria Street, Macedon has been unused for over two years. The building is in fair condition only and the costs in bringing it up to the required standards are substantial. There would also be annual ongoing maintenance costs required to be paid by Council for the remaining life of the building. Additionally, the arrangements proposed by the community group would necessarily impact on officer time required to manage and support the project.

Officers therefore recommend that 47 Victoria Street, Macedon be considered surplus to requirements and that the statutory process to sell the property be recommenced.

**13. DIRECTOR COMMUNITY WELLBEING REPORTS**

Nil

**14. AO.1 34 CLOWES STREET, MALMSBURY – ENGINEERING REQUIREMENTS FOR PROPOSED DEVELOPMENT**

**Officer:** Matthew Irving, Manager Engineering and Projects

**File Ref:** F2691

**Council Plan Relationship:**

Relates to priority area:  
Improve the built environment

**Synopsis:**

At the 19 December 2018 Council Meeting, Council officers were requested to prepare a report on the infrastructure upgrades and estimated costs for a proposed development at 34 Clowes Street, Malmsbury.

Currently the unmade laneway provides adequate secondary access to nearby properties and the existing storm water drainage is sufficient for current usage.

The development (as proposed) will increase stormwater flows and vehicle activity, and require upgrades to existing infrastructure.

Cost estimates have been provided which are based on the development proposal. The final cost for works may alter as the developer progresses the development proposal to achieve the final design solutions.

**Officer's recommendation:**

**That Council receive and note this report.**

**14. AO.1 34 CLOWES STREET, MALMSBURY – ENGINEERING REQUIREMENTS FOR PROPOSED DEVELOPMENT (Continued)**

**Background**

At the 19 December 2018 Council Meeting, Council resolved to:

1. *Defer this item to the March 2019 Ordinary Council Meeting, to allow Council time for further review of the application.*
2. *Request a report to Council detailing:*
  - a) *the level of work required for both lane way and drainage to meet Council standards and the costs specific to application*
  - b) *full details on the area this lane way covers, easements, ownership and right of access for adjoining properties.*

This report is to be considered in conjunction with a separate Council report for the issuing of a planning permit on the site.

**Laneway and Easement Details**

The existing laneway shown in the diagram below is an unused Government Road. The land has been set aside for public traffic by the Crown, however has not been constructed or included in Council's Public Road Register.



Whilst this laneway is not included on the Public Road Register, it is recommended that it remains open for public access, as it currently provides secondary access to properties fronting both Clowes and Mollison Streets.

**14. AO.1 34 CLOWES STREET, MALMSBURY – ENGINEERING REQUIREMENTS FOR PROPOSED DEVELOPMENT (Continued)**

No easements are present in the area, however an existing underground drainage line runs through the properties of 85 and 75 Mollison Street, Malmsbury and an “implied easement” applies to this infrastructure, in accordance with the Water Act 1989.

**Existing Council Storm Water Drainage**

The existing drainage infrastructure located within the laneway includes a 150mm underground pipeline system. This pipe currently carries existing overland flows from 34 and 36 Clowes Street. Any proposed development that intends to increase the level of impervious area and discharge into this pipeline would trigger the need for the upgrade of Council infrastructure in accordance with Council’s Engineering Design Guidelines.

**Existing Rear Laneway Condition**

The existing laneway located at the rear of properties in Clowes Street and Mollison Street is unmade and in poor condition for all weather vehicle access. This laneway is not maintained by Council and is currently being used for secondary access to the properties of 67, 69, 71, 73 and 75 Mollison Street.

The developer has proposed to utilise the existing rear laneway as future primary private property access. New all-weather vehicle access would be required as part of the development proposal.

**Proposed Council Infrastructure Upgrade required as part of Development**

Council’s Engineering and Projects Department has assessed the proposed development of 34 Clowes Street in accordance with Council’s Engineering Design Guidelines and Industry Best Practices. This assessment is undertaken to manage development impacts so as to provide and maintain an appropriate level of Council infrastructure for the:

- Provision of effective drainage services;
- Provision of effective access and movement services; and
- Provision of general amenity for the community.

The development at 34 Clowes Street is proposing to increase the impervious area of the property by 66%, through construction of buildings and hard surfaces. This will result in increased peak stormwater flows directed into the existing stormwater system located within the laneway at the rear of properties in Clowes Street and Mollison Street. Council officers have assessed this existing drainage infrastructure in accordance with current Engineering Design Guidelines and determined that it has insufficient capacity to cater for the proposed stormwater discharges from the proposed development of 34 Clowes Street.

**14. AO.1 34 CLOWES STREET, MALMSBURY – ENGINEERING REQUIREMENTS FOR PROPOSED DEVELOPMENT (Continued)**

To provide an appropriate level of Council infrastructure that provides effective drainage services for the development and mitigates flooding impacts to existing neighbouring properties, drainage upgrade conditions have been placed on the proposed planning permit. This includes for the:

- Existing 150mm diameter pipelines from the Junction Pit at the rear of No. 75 Mollison Street property to be upgraded and extended to the subject property frontage within the Laneway, where the site drainage system will discharge;
- Provision of underground stormwater drainage for the site including a litter trap prior to discharging into the public drainage system; and
- Provision of an on-site detention system demonstrating 10 year ARI post development flow is restricted to 10 year ARI pre development levels.

This work including preparation of engineering plans and engagement of suitably qualified contractor to implement, is to be completed by the developer with all costs to be borne by that party. The engineering plans must be submitted to and approved by the Responsible Authority including payment of plan checking and supervision fees to cover Council's administration costs for these services.

A preliminary cost estimate of the upgrade works as proposed is approximately \$30,000. This may vary as the developer progresses the development proposal to achieve the alternate design solution.

**All Weather Access Requirements**

The development at 34 Clowes Street is also proposing to utilise the existing unmade laneway at the rear of properties in Clowes Street and Mollison Street for the purposes of primary driveway access to the group accommodation and automatic gates construction businesses. Both these businesses will increase the use of this laneway for customer visits and provision of deliveries. Council Officers have assessed the condition of this existing laneway in accordance with current Engineering Design Guidelines and determined that it is below the minimum driveway standard to cater for the increases in use that the proposed development of 34 Clowes Street will generate.

To provide all weather access to the proposed development, laneway upgrade conditions have been placed on the proposed planning permit. This includes for the:

- Provision of all necessary computations and supporting design documentation for any structure, civil and drainage infrastructure and geotechnical investigation report;
- Detail of any cut and fill earthworks including retaining walls;



**14. AO.1 34 CLOWES STREET, MALMSBURY – ENGINEERING REQUIREMENTS FOR PROPOSED DEVELOPMENT (Continued)**

- Upgrade/Reconstruction of the Laneway to provide all weather access to the site, from the edge of Barker Street to the western end of the property boundary. This must be supported by a feature and level survey and section drawings to demonstrate that adjacent property accesses and drainages are not adversely affected by the Laneway upgrade works. Survey must be sufficiently extended to all adjacent properties and road reserves to cover the above issues. All levels must be adjusted inside the property to match the Laneway levels so that no vehicle scraping occurs underside;
- Provision for all services and conduits (underground) including alignments and offsets; and
- Provision of a new crossover between the proposed carpark and existing laneway.

The exact detail and cost estimates to meet these planning permit requirements will not be known until the final design has been completed by the developer and approved by the responsible authority. However high level estimates indicate this work would cost approximately \$40,000.

**Existing Bluestone Infrastructure**

Council officers have identified the presence of existing bluestone infrastructure within this laneway that could potentially be affected during any proposed upgrade works required as part of this development. To preserve and maintain these existing bluestone assets the additional condition detailed below is proposed to be placed on the planning permit:

- In the event of the detailed engineering design details for the construction of the laneway access within the road reserve to the north side of the subject land incorporating any extent of earthworks resulting in cutting or other works below the existing ground surface level, approval of those works must be granted by Council's Heritage Advisor in addition to approval from Council's Engineering Services. The driveway construction works within road reserves adjacent to the subject land must not modify any bluestone road or drainage infrastructure without the prior written consent of the Responsible Authority.

**Summary**

Council officers have assessed the proposed development of 34 Clowes Street to manage the development impacts in accordance with Council's Engineering Design Guidelines so as to provide and maintain a high standard of Council infrastructure for the benefit of the community.

This has resulted in the implementation of a number of upgrade conditions on the planning permit, to provide adequate drainage, access and amenity services for the proposed development and neighbouring properties.

**14. AO.1 34 CLOWES STREET, MALMSBURY – ENGINEERING  
REQUIREMENTS FOR PROPOSED DEVELOPMENT  
(Continued)**

Consistent with previous developments of this nature, it is intended that the developer will pay for and complete all works associated with these upgrade requirements.

**14. AO.2 DISCONTINUANCE OF COUNCIL ROAD RESERVE IN NEWRY DRIVE, NEW GISBORNE**

**Officer:** Matthew Irving, Manager Engineering and Projects

**File Ref:** F4240

**Council Plan Relationship:**

Relates to priority area:  
Improve the built environment

**Synopsis:**

At the 28 November 2018 meeting, Council resolved to commence the process for discontinuance and sale of the no longer required segment of Council road reserve, located in front of 10 Newry Drive, New Gisborne.

As part of this process a 28 day consultation period was undertaken in accordance with Section 223 of the Local Government Act 1989 (the Act). No submissions have been received.

It is recommended that the segment of Council road reserve located in front of 10 Newry Drive, New Gisborne is discontinued and sold in accordance with Section 189 and Schedule 10 of the Act and in accordance with Council's Road Discontinuance Policy.

**Officer Recommendation:**

**That Council:**

- 1. In accordance with Section 206 and Clause 3 of Schedule 10 of the Act, discontinue the piece of Council road reserve located in front of 10 Newry Drive, New Gisborne;**
- 2. In accordance with Section 189 of the Act, sell the former Council road reserve in front of 10 Newry Drive, New Gisborne; and**
- 3. Authorise the Chief Executive Officer to negotiate the sale of the land.**

**14. AO.2 DISCONTINUANCE OF COUNCIL ROAD RESERVE IN NEWRY DRIVE, NEW GISBORNE (Continued)**

**Background**

Council at their Ordinary Meeting of 28 November 2018 resolved to:

1. *Advertise its intention pursuant to Section 206 and Clause 3 of Schedule 10 of the Local Government Act to discontinue the piece of Council road reserve in front of 10 Newry Drive, New Gisborne;*
2. *In accordance with Section 207A of the Local Government Act 1989 publish a notice in the Government Gazette inviting written submissions on the proposed discontinuance of the Council road reserve be received within 28 days of the date of the notice; and*
3. *Hold a Section 223 Committee Meeting on 20 February 2019 at Council's Gisborne Administration Centre to hear and consider any submissions.*

Following the 28 day consultation period, in accordance with Section 223 of the Act, no submissions were received by Council and therefore the Section 223 Committee hearing was not required.

The proposal for the road discontinuance has not been amended from the original proposal presented to Council at the 28 November 2018 meeting.

**Proposal and description of the subject land**

The subject land is a 484m<sup>2</sup> section of Council road reserve. The road reserve in this area was previously used as a court bowl but is no longer required due to the extension of Newry Drive, New Gisborne which occurred during the New Gisborne Industrial Estate construction.

The owner of 10 Newry Drive indicated during the consultation process their intent to purchase the road reserve land, incorporate this lane into their property and then submit a planning permit application for the development of the site.

As part of the conditions of the sale the purchaser will be required to reconstruct the discontinued section of Newry Drive to remove the southern side of the court bowl and realign the kerb and channel to match the rest of Newry Drive.

No buildings or structures are on the parcel of land and approval has been gained from all affected utility providers in the area.

**14. AO.2 DISCONTINUANCE OF COUNCIL ROAD RESERVE IN NEWRY DRIVE, NEW GISBORNE (Continued)**



**Formal discontinuance process**

Council's power to discontinue a road is derived from Section 206 and Clause 3 of Schedule 10 of the Act.

In this instance, the proposal is to discontinue the Council road reserve, vest the former road in Council and then sell this land in accordance with Section 189 of the Act in accordance with Council's Valuation Policy. The purchaser will also be liable for any required works, legal fees, advertising fees and other associated fees.

**Conclusion**

In accordance with Section 223 of the Act, Council completed the formal consultation period which resulted in no submissions being received.

It is recommended that the discontinuance and sale of the Council road reserve in front of 10 Newry Drive, New Gisborne proceeds in accordance with the original proposal.

**14. AO.3 SEALING OF BATTERS LANE, KYNETON**

**Officer:** Matthew Irving, Manager Engineering and Projects

**File Ref:** STR73 F4872

**Council Plan Relationship:** Relates to priority area:  
Improve the built environment

**Synopsis:**

A petition was presented to Council on 19 December 2018 signed by approximately 212 persons requesting Council seal Batters Lane, Kyneton between Pipers Creek Road and Kyneton Baynton Road, Kyneton.

This report recommends that officers undertake an investigation and consultation process and that a further report on the sealing of Batters Lane be presented to the 24 July 2019 Council Meeting detailing the outcome of those investigations.

Subsequent to the petition being received, a separate request from some residents of Batters Lane was received by Council officers requesting the closure of Batters Lane to through traffic.

**Officer Recommendation:**

**That:**

- 1. Officers provide a further report to the 24 July 2019 Council Meeting with the results of investigation and survey work;**
- 2. Officers respond to the first named petitioner advising of this Council resolution; and**
- 3. Council does not close Batters Lane, Kyneton to through traffic.**

**14. AO.3 SEALING OF BATTERS LANE, KYNETON (Continued)**

**Background**

At the 19 December 2018 Council Meeting, a petition was tabled with approximately 212 signatures requesting Batters Lane, Kyneton be sealed. Council resolved to receive the petition and that a report be presented to Council on this issue.

Previous requests for the sealing of Batters Lane, Kyneton had been received from some residents of Batters Lane. Council officers advised the residents that the potential sealing of this road would require the instigation and implementation of a Special Charge Scheme for property owner contribution in accordance with Council's policy.

Current information in relation to Batters Lane is provided below:

- Length of road – 0.6 Km
- Proposed sealed road width – 6.4 m
- Existing traffic volume – Approximately 230 vpd
- Number of properties fronting Batters Lane – 8
- Total estimated capital cost of the sealing works – \$209,412 exc GST

A map indicating the proposed road for sealing is provided below



**14. AO.3 SEALING OF BATTERS LANE, KYNETON (Continued)**

Batters Lane is scheduled for inspections four times per year in accordance with the Road Management Plan. During the past two years inspections have resulted in the need for grading on all eight occasions. This indicates that the current maintenance inspection levels are satisfactory. The proposed level of development in the area is minimal and it is anticipated that traffic volume will not increase on Batters Lane in the near future.

**Current mechanisms available for sealing**

Council currently does not have a fully funded capital works program for the sealing of unsealed roads within the municipality. The process for sealing unsealed roads is delivered through the facilitation of a Special Charge Scheme. The provisions of the special charge require that benefiting property owners are required to pay a monetary contribution towards the capital road upgrade works.

The process for which a Special Charge Scheme is instigated and then implemented is detailed within Council's current Special Charge Scheme Policy. This process includes a number of consultation activities with affected residents and final approval by Council.

**Special Charge Scheme process**

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

Preliminary cost estimates for the construction of Batters Lane, Kyneton via a Special Charge Scheme are:

Property Owners Contribution	\$ 52,353 exc GST
Council Contribution	\$157,059 exc GST
<b>Total</b>	<b>\$209,412 exc GST</b>

This is based on preliminary information which will need to be confirmed by a formal design and cost estimate. This initial analysis indicates each property owner may need to contribute between \$4,000 - \$9,000 exc GST.

The scope and estimated timeline for the next steps within the Special Charge Scheme process include:

- Collection of traffic data to identify breakdown of through and local traffic (March - April 2019);
- Writing to all affected property owners on Batters Lane requesting a response on the support for a proposed scheme based on individual contribution requirements (May - June 2019); and
- A review of the survey data and report back to Council (July 2019).



**14. AO.3 SEALING OF BATTERS LANE, KYNETON (Continued)**

**Request to Close Road**

Subsequent to the petition being received, a separate request from some residents of Batters Lane, Kyneton was received requesting closure of Batters Lane to through traffic.

Batters Lane is currently classified as a class 4 road which is defined as an unsealed collector road carrying low traffic volumes generally of a local nature and providing access to properties on that particular road and adjoining roads. The traffic volumes on this type of road range from 200-500 vehicles per day which is consistent with recent traffic counts for Batters Lane.

One of the key considerations that has to be taken into account when forming a view to close a road to through traffic is the role the road plays in relation to access provision for the entire community. Closure of this road to through traffic would impact other users of the road and residents as it provides access provision to adjoining roads.

Officers do not recommend the closure of Batters Lane, Kyneton to through traffic due to the likely impact on other residents and road users.

**Summary**

The current mechanism for the sealing of roads is through a Special Charge Scheme process. Under the current policy Council will only instigate the implementation of a Special Charge Scheme when majority support of 66% is achieved.

A survey will be sent to all affected residents in Batters Lane to gather the current level of support for the possible implementation of a Special Charge Scheme. An analysis of the results will be undertaken and a report will be provided to Council in July 2019.

**14. AO.4 DRAFT GENERAL PURPOSES AND AMENITY  
(AMENDMENT) LOCAL LAW 2019**

**Officer:** Anne-Louise Lindner, Manager Community Safety

**File Ref:** F5108

**Council Plan Relationship:**

Relates to priority area:  
Enhance the social and economic  
environment

**Attachments:**

1. Draft General Purposes and Amenity (Amendment) Local Law 2019
2. Draft Community Impact Statement

**Synopsis:**

At the Ordinary Council Meeting held on 19 December 2018, Council resolved to:

*Endorse the proposal to amend the General Purposes and Amenity Local Law No. 10 specifically in relation to the permit requirements for the use of Council land or roads.*

To give effect to that resolution, a number of technical and drafting amendments are proposed to be made to the current Local Law, specifically in relation to additional requirements applied to the use of Council land or roads through Council Policy. This will ensure that there can be future flexibility as community and safety standards change and that the updated requirements in the proposed *Roadside and Footpath Trading Policy* can be applied.

The General Purposes and Amenity (Amendment) Local Law 2019 (amending Local Law) is considered to be the most effective way of achieving the number of small changes required to the current Local Law. It substitutes the key provisions with the amended requirements.

Section 223 of the Local Government Act 1989 requires Council to undertake certain processes for making a local law, which includes community consultation. Council must also hear and consider any submissions on the proposed General Purposes and Amenity (Amendment) Local Law 2019.

**14. AO.4 DRAFT GENERAL PURPOSES AND AMENITY  
(AMENDMENT) LOCAL LAW 2019 (Continued)**

**Officer Recommendation:**

**That Council:**

- 1. Proposes to make the General Purposes and Amenity (Amendment) Local Law 2019 and endorses a draft of the Local Law for the purposes of community consultation;**
- 2. Give notice of its intention to make the General Purposes and Amenity (Amendment) Local Law 2019 in the Government Gazette and in the Midland Express and Star Weekly in accordance with Section 119(2) of the Local Government Act 1989;**
- 3. Endorse the Community Impact Statement that has been prepared to assist with both the preparation of the Local Law and the community consultation and that it be made available for the purposes of community consultation on the Local Law;**
- 4. Make copies of the proposed Local Law and the Community Impact Statement available on Council's website and at Council Service Centres;**
- 5. Invite submissions on the General Purposes and Amenity (Amendment) Local Law 2019 in accordance with Section 223 of the Local Government Act 1989 and note that the period for interested persons within the community to provide Council with their written feedback closes on 13 May 2019; and**
- 6. Hold a Special Council Meeting on Wednesday 12 June 2019 at the Council Chambers, Gisborne to hear and consider any submissions made in accordance with Section 223 of the Local Government Act 1989.**

**14. AO.4 DRAFT GENERAL PURPOSES AND AMENITY  
(AMENDMENT) LOCAL LAW 2019 (Continued)**

**Background**

The consultation on the draft Roadside and Footpath Trading Policy undertaken in July 2018 raised some issues concerning its scope and the references in the current Local Law to the *Street Furniture Policy 2004*. Officers advised Council that further investigation was required and that the matter would be brought back to Council for further consideration. A report was subsequently prepared for the 19 December 2018 Council Meeting where Council resolved to:

*Endorse the proposal to amend the General Purposes and Amenity Local Law No. 10 specifically in relation to the permit requirements for the use of Council land or roads.*

**Amendments to the Local Law**

The General Purposes and Amenity (Amendment) Local Law 2019 (amending Local Law) makes a number of necessary technical amendments to the current Local Law to achieve the application of the *Roadside and Footpath Trading Policy* and any future policies that may be applied by Council to uses and activities on Council land or roads.

While the amendments include a number of drafting and technical amendments to resolve the issues that have been raised, they do not change the primary requirements in the current Local Law for the use of Council land or roads being:

Clause 8 – Permits to use Council land or a Road

Clause 9 – Permit for Outdoor Dining

Clause 10 – Permit for Moveable or Temporary Advertising Signs.

The amendments include a revised requirement to comply with Council's current policies regarding activities and uses permitted on Council land or roads. The amendments also remove references to guidelines and other policies that no longer exist. These include Council's Community Signage Guidelines (replaced by VicRoads Community Signage Guidelines), Council's Real Estate Policy and Political Signage Policy.

This approach is designed to ensure that as different trends emerge along with better methods for managing and using Council land or roads, there can be sufficient flexibility to update the relevant policy and provide better compliance capability. Consistent with Council's community consultation framework any substantial changes to the policy will be presented to the community prior to implementation. The amending Local Law directs a person to Council's website to ensure that they are considering Council's most current policy applicable to the use or activity.

**14. AO.4 DRAFT GENERAL PURPOSES AND AMENITY  
(AMENDMENT) LOCAL LAW 2019 (Continued)**

It is proposed that before the amending Local Law comes into operation, new guidelines to manage real estate agent signs (moveable or temporary advertising signs) will be incorporated into the Roadside and Footpath Trading Policy.

The current Local Law requires a person to obtain a permit to place a moveable or temporary advertising sign on Council land or a road. Until now, Real Estate Agents have not had to obtain a permit however they have had to comply with the Real Estate Signage Policy. The amending Local Law retains the requirement for a permit for moveable or temporary advertising signs but deletes references to that policy. Some discussions have occurred with Real Estate agents and as a result, the general concerns they have about practicalities of the permit approach are known. It is intended that further direct and targeted consultation will be undertaken with agents in the municipality to develop a practical set of guidelines which meet the objectives of the Local Law. This will be undertaken before the amending Local Law comes into operation.

A new clause has been included in the Local Law (Amendment) that refers to “incorporated documents” which allows the Local Law to incorporate by reference documents containing Council Policy, standards or guidelines that apply to specific uses or activities which are intended to assist in achieving the objectives of the Local Law. The new clause also advises the effect of incorporating documents by reference, which is essentially a requirement for compliance with the relevant requirements in the Policy.

It is proposed to stagger the commencement of the amending Local Law. The controls and standards to apply to mobile traders may not be sufficiently developed to enable the requirements to apply from the commencement of the amending Local Law. Clause 4 allows for the requirements applying to mobile traders to operate from a later date if that is necessary.

**Community Impact Statement**

Council is required by the “Guidelines for Local Laws Manual” (produced by Local Government Victoria) which prescribes best practice for the creation and enforcement of local laws, to provide a Community Impact Statement. This is a document along similar lines to a regulatory impact statement which the Government uses when making regulations.

The Community Impact Statement is not part of the amending Local Law. It is intended as an aid to Council and the community to demonstrate the analysis that has been undertaken in relation to the amending Local Law and to justify the need for a local law approach. As such, it will be available along with the amending Local Law when it is placed on public exhibition and the process to formally amend the Local Law commences with submissions invited pursuant to Section 223 of the Act.

**14. AO.4 DRAFT GENERAL PURPOSES AND AMENITY  
(AMENDMENT) LOCAL LAW 2019 (Continued)**

**Conclusion**

Council wants to apply a newer policy – the *Roadside and Footpath Trading Policy* - which it has developed after substantial consultation with the community.

The General Purposes and Amenity (Amendment) Local Law 2019 makes a number of necessary technical amendments to the current Local Law to achieve the application of the *Roadside and Footpath Trading Policy* and any future policies that may be applied by Council to uses and activities on Council land or roads under the Local Law. This is achieved by removing the references to the *Street Furniture Policy 2004* and other obsolete policies in the current Local Law and replacing those with a general reference to applicable Council Policies.

The amending Local Law is considered to be the most efficient and effective way of achieving the desired outcome as the changes and future changes can be “dropped” into the current Local Law. Once in operation it will provide benefits to Council, the community and those required to comply with *the Roadside and Footpath Trading Policy* through clearer requirements that reflect what is actually happening with the commercial use of Council land or roads.

**14. AO.5 DRAFT KYNETON MOVEMENT NETWORK STUDY**

**Officer:** Matthew Irving, Manager Engineering and Projects

**File Ref:** F4360

**Council Plan Relationship:**

Relates to priority area:  
Improve the built environment

**Attachments:**

1. Draft Kyneton Movement Network Study 2018
2. Draft Kyneton Movement Network Study 2018 – Summary

**Synopsis:**

This report provides Council with a summary of the draft 2018 Kyneton Movement Network Study and seeks endorsement for the purposes of undertaking public consultation.

The document has taken into consideration feedback received during initial stakeholder engagement sessions, outcomes from traffic modelling work and reference to key strategic documents for improved active transport outcomes.

The study provides a number of opportunities and recommendations that should be considered alongside any potential development and growth that may occur within Kyneton.

**Officer Recommendation:**

**That Council:**

1. **Endorses the draft 2018 Kyneton Movement Network Study for the purposes of undertaking public consultation; and**
2. **Officers provide a report back to the June 2019 Council Meeting with the outcomes from the public consultation period.**

**14. AO.5 DRAFT KYNETON MOVEMENT NETWORK STUDY  
(Continued)**

**Background**

In 2010 Council adopted the Kyneton Movement Network and Infrastructure Study (KMNIS). The study was instrumental in developing and implementing a number of road, footpath and parking initiatives within the Kyneton Township.

This document required an update to reflect progress since 2010 and identification of key opportunities and recommendations in the future. Over the past twelve months Council officers have completed work to prepare a revision titled “*draft 2018 Kyneton Movement Network Study*” (KMNS).

**Study purpose and preparation process**

The primary purpose of the KMNS is to provide guidance for the delivery of a future movement network that is integrated, safe, responsive, inclusive and sustainable. The development of this document has taken into consideration the following aspects:

- Stakeholder engagement to gain an understanding of community and agency views, concerns and preferred methods of transport within and out of Kyneton;
- Review and inclusion of active transport strategies and plans that have relevance to the movement network of Kyneton;
- Use of Kyneton growth projections based on the structure plan and draft Kyneton South Framework to ensure the movement network aligns with potential land use scenarios; and
- Traffic modelling taking into account the potential Kyneton growth predictions to assist in the development of key upgrade outcomes on the movement network.

An integral aspect for the development of the KMNS was the initial stakeholder engagement work to ensure future planning aligned with community needs and preferences. The following consultation activities were undertaken during this process:

- Face to face survey through door knocking;
- Online survey via Council’s website;
- Written notification to all households in Kyneton (over 3,000) seeking comments/submissions in written format;
- A number of drop in sessions;
- Community workshops;
- Attendance at the Kyneton Farmers Market; and
- Government agency and key stakeholder workshops.

As part of this consultation process, approximately 300 people/organisations (residents, businesses, stakeholders and government agencies) participated in the discussions.



**14. AO.5 DRAFT KYNETON MOVEMENT NETWORK STUDY  
(Continued)**

**Study outcomes**

The KNMS aims to guide investment, to deliver a safe, efficient, and sustainable movement network. This work has identified the need to:

- Integrate land use and transport planning;
- Improve connectivity in and between new and established neighbourhoods;
- Improve and extend pedestrian and cycle networks to key destinations;
- Improve access to and frequency of public transport network (bus and rail);
- Develop stronger commuter connections to and from Kyneton to major services and employment centres;
- Facilitate tourism opportunities through greater connection with rail and the towns cycling network; and
- Create a safer road network by reducing congestion, improving intersections and addressing missing links in both road, footpath and public transport services.

Taking these requirements into consideration, a number of recommendations and opportunities have been listed for implementation. These recommendations and opportunities have been developed to facilitate improved:

- Public transport provisions;
- Walking and cycling connections;
- Traffic and parking infrastructure;
- Correlation with land use planning; and
- Integration of road safety.

The implementation of the recommendations and opportunities should be considered alongside any potential growth that may occur within Kyneton, so as to deliver a safe, efficient and sustainable movement network.

**Next steps**

Subject to Council endorsement, it is proposed to undertake a 28-day consultation period commencing early April 2019 to seek feedback from the community on the draft study.

Council officers will report back to Council at the June 2019 meeting with the outcomes from the consultation period.

**Conclusion**

The preparation of the draft KMNS included initial stakeholder engagement, traffic modelling and analysis of key documents and strategies for the purpose of highlighting the potential infrastructure requirements to deliver a safe, efficient and sustainable movement network.

**14. AO.5 DRAFT KYNETON MOVEMENT NETWORK STUDY  
(Continued)**

The draft study provides recommendations and opportunities that should be implemented alongside any potential growth that may occur within Kyneton.

It is intended that the draft KMNS is endorsed by Council for the purposes of undertaking a 28-day consultation period, with Council officers to report back in June 2019 with the outcomes from this consultation period.

**14. AO.6 REVIEW OF TREE MANAGEMENT POLICY**

**Officers:** Gary Randhawa, Manager Operations  
Scott Gilchrist, Coordinator Parks and Gardens

**File Ref:** F4272

**Council Plan Relationship:**

Relates to priority area:  
Improve the built environment

**Attachment:** Tree Management Policy

**Synopsis:**

At the Ordinary Council Meeting held on 19 December 2018, Council resolved to:

*Endorse the Draft Tree Management Policy for the purposes of public consultation for a minimum 28 day period; and consider the submissions and feedback received from the consultation period at the 27 March 2019 Ordinary Council Meeting.*

The policy was advertised for a period of 28 days and submissions were received during the consultation period. The submissions received have been considered in finalising the policy.

This report seeks Council adoption of the Tree Management Policy.

**Officer Recommendation:**

**That Council:**

- 1. Endorse the changes made to the draft Tree Management Policy following consideration of submissions received during the public consultation period;**
- 2. Adopt the Tree Management Policy; and**
- 3. Request officers write to submitters advising them of Council's decision.**

**14. AO.6 REVIEW OF TREE MANAGEMENT POLICY (Continued)**

**Background**

At the Ordinary Council Meeting held on 19 December 2018, Council resolved to “*Endorse the Draft Tree Management Policy for the purposes of public consultation for a minimum 28 day period; and consider the submissions and feedback received from the consultation period at the 27 March 2019 Ordinary Council Meeting.*”

Council maintains approximately 15,000 street and 20,000 park trees across the municipality, with a combined amenity value of approximately \$175,000,000. Council is responsible for tree maintenance services including planting, watering, pest management, trimming and removal.

The Tree Management Policy (Attachment 1) seeks to address Council’s responsibility to minimise risk and reflect the characteristics of the Macedon Ranges Shire.

This policy supersedes the Street Tree Policy 2008, to better reflect Council’s strategic direction for the management of Council’s trees within our urban streets and parks.

**Internal Review Process**

Officers reviewed the 2008 Street Tree Policy to assess whether it met current requirements and is consistent with other Council policies.

Amendments were included in the draft Tree Management Policy as follows:

<b>Section</b>	<b>Issue</b>	<b>Proposed revision</b>
1. & 5.1	Tree Valuation	Introduced a valuation methodology for Council trees. This is used in the context of urban development or unauthorised removal.
1.	Introduction	Broadened the options to strengthen streetscapes within the Macedon Ranges Shire.
5.1	Tree Management	Included consideration of trees with cultural and heritage significance.
5.1, 6.4 & Appendix B	Road Management Plan	Information included relating to Council’s Road Management Plan.
25.2	Tree Inspections	Added text to provide information on proactive, reactive and routine inspection of township trees and for electric line clearance.
5.5	Tree Replacement	Council develop long-term planning for replacement tree plantings.

**14. AO.6 REVIEW OF TREE MANAGEMENT POLICY (Continued)**

<b>Section</b>	<b>Issue</b>	<b>Proposed revision</b>
5.6	Tree Stock and Planting	New section on tree stock and planting, with setback distances from infrastructure for street trees.
5.7	Tree Planting	Added to the Policy best practice tree planting procedures for all staff, contractors and developers involved in establishing trees, giving new trees the best chance of fulfilling their long-term intended function and avoiding costly interventions in the future.
5.8	Tree Planting Guidelines	Added information on early maintenance for new plantings.
5.9	Tree Protection	Introduced the Australian Standard (AS 4970–2009) <i>Protection of trees on development sites</i> .
6	Tree pruning	Introduced the Australian Standard (AS 4373–2007) <i>Pruning of amenity trees for all pruning works</i> .
6	Maintenance	Text added to indicate all pruning will comply with AS4343 – 2007, the Australian Standard for <i>pruning</i> .
5.1, 6.3, 8.1, 8.2,	Tree Valuation	Refers to newly introduced tree valuation method.
6.6	Pests and Diseases	Information added regarding unusual or exotic tree diseases that must be reported to the Exotic Plant Pest Hotline (of Agriculture Victoria).
9.1	Tree Root Damage Claims	Claimants for damage must supply professionally documented evidence of tree damage to their property. Council will develop a fact sheet to assist claimants.
7.3	Tree Root Pruning	Procedure now refers to AS4373-2007 <i>Pruning of Amenity Trees</i> .
8.2	Tree Removal	Defined the criteria under which Council-owned trees can be removed. A list of nuisance criteria under which trees may not be removed is also provided.
10	Community Stakeholder Engagement	A new section has been added to the Policy on consultation during tree management activities undertaken by Council.
Appendix A	Tree Valuation	Provides the tree valuation methodology.

**14. AO.6 REVIEW OF TREE MANAGEMENT POLICY (Continued)**

**Consultation Process**

Council invited submissions between 24 January and 24 February 2019 through local newspapers, Customer Service Centers and social media. The 'Have Your Say' feedback platform was also operational from 24 January 2019 to 24 February 2019.

Submissions could be made via post, email or through social media.

**Feedback on the Policy**

After the initial round of community consultation, four written responses and one social media response were received.

Details of the submissions and an officer response to each is provided below.

<b>Respondent</b>	<b>Summary of Comments</b>	<b>Officer Comments</b>	<b>Recommended Changes</b>
1.	Powerline pruning is unsightly. Suggests lopping trees at the same height.	Refer Clause 36.5 – Crown reduction is limited to 25% of crown height, spread or both in accordance with AS4373–2007 <i>Pruning of amenity trees</i> . Clause 6.5 states that alternatives to tree pruning will be sought, where possible; and, that Council will work with supply companies to pursue aerial bundling or undergrounding of lines, where possible. -Lopping is not an accepted practice under AS4373–2007.	No change
	Insufficient clearance for garbage trucks at Chessy Park Estate	Already addressed in Clause 8.2 – Tree Inspections.	No change

**14. AO.6 REVIEW OF TREE MANAGEMENT POLICY (Continued)**

<b>Respondent</b>	<b>Summary of Comments</b>	<b>Officer Comments</b>	<b>Recommended Changes</b>
2.	Concerned that Council has insufficient resources to handle reporting of every pest/disease to the Plant Health Hotline	Wording states: "All major pests and diseases are to be reported to Council's Parks Officers for appropriate action. Any unusual tree pest or disease must be reported immediately to the Exotic Plant Pest Hotline on 1800 084 881." Not every pest and disease requires reporting, only anything new or otherwise unusual.	No change
3.	Concerned about maintenance and management of significant trees in Gisborne (New Gisborne Road). Would like a significant overlay (Planning) over them.	This is addressed in section 5.1 of the policy. Minor amendment made to more appropriately reflect 'tree asset protection'.	Rewrite paragraph 5 of Clause 5.1 Council, on an ongoing basis, will continue to review and assess tree assets for the purpose of protection with the appropriate authorities.
4.	Concerned about increased tourist activity compacting Honour Avenue tree roots	This is addressed in section 5.1 of the policy. Minor amendment made to more appropriately reflect 'tree asset protection'.	Rewrite paragraph 5 of Clause 5.1 Council, on an ongoing basis, will continue to review and assess tree assets for the purpose of protection with the appropriate authorities.
	Carparking impacting the eight historic elms on Mt Macedon Road, between Douglas Road and Christian St. Wants protection measures implemented.	This is addressed in section 5.1 of the policy. Minor amendment made to more appropriately reflect 'tree asset protection'.	Rewrite paragraph 5 of Clause 5.1 Council, on an ongoing basis, will continue to review and assess tree assets for the purpose of protection with the appropriate authorities.

**14. AO.6 REVIEW OF TREE MANAGEMENT POLICY (Continued)**

<b>Respondent</b>	<b>Summary of Comments</b>	<b>Officer Comments</b>	<b>Recommended Changes</b>
5.	Wants to add: -tree description -importance & benefits of street trees	Noted	Add to end of first paragraph of Clause 1 as follows: ...provide a sense of identity. “This Policy aims to maximise the benefits of trees, which include carbon sequestration, oxygen provision, cooling, shade provision, habitat provision, increased biodiversity, increased property values, noise and pollution absorption, improved mental health, and reduced rainfall runoff.
	States that if a tree still looks healthy and alive, there is no need to remove it.	Clause 8.2 lists tree-removal criteria.	No change
	Wants a clause added to restrict parking and driving over tree roots.	This is addressed in section 5.1 of the policy. Minor amendment made to more appropriately reflect ‘tree asset protection’.	Rewrite paragraph 5 of Clause 5.1 as follows: Council, on an ongoing basis, will continue to review and assess tree assets for the purpose of protection with the appropriate authorities.
	Says there is no mention of climate change in the Policy, wants it acknowledged and proposes measures to improve climate change resilience (mulching, irrigating, drought-hardy, broad canopy).	Clause 1 notes that the most appropriate species are selected for a given location. Climate change is mentioned briefly in Clause 5.5; and trends in climatic conditions are referred to in tree species selection in Clause 5.3, specifically last dot point) that specifies selecting climatically suitable species for now and in the future.	Modify wording in Clause 1 last paragraph to: “To perpetuate the Macedon Ranges’ street tree heritage in the long term and to fortify its resilience to a changing climate, Council is progressively planning for and committing to tree planting programs based on the principle of selecting the most appropriate species for a given location – that is, “right tree, right place”.



**14. AO.6 REVIEW OF TREE MANAGEMENT POLICY (Continued)**

Respondent	Summary of Comments	Officer Comments	Recommended Changes
		The specific measures requested could be covered by the proposed addition to Clause 5.1 in response to Respondent 3. These measures are implemented for new plantings (Clause 5.8).	Specific measures could be part of the consideration (Clause 5.1): Council will regularly review the need for tree asset protection via specific protection measures or regulatory mechanisms, such as overlays; and, will continue to nominate trees assets for protection with appropriate authorities.
	Wants drought-hardy and fire-resistant trees; and, rules about keeping trees away from public buildings (e.g. sports grounds)	<p>Clause 25.3 lists the requirements for selecting new trees, which includes consideration of local environmental conditions and trends in climatic conditions.</p> <p>Plantings in parks and reserves will consider BMOs and proximity to buildings.</p>	With regard to keeping trees away from public buildings, in Clause 5.6, after the table add the following sentence: "All plantings will comply with relevant planning requirements, including Bushfire Management Overlays."

The changes recommended in the table above, as a result of the submissions received have been included in the draft Tree Management Policy.

**Summary**

The policy provides an overview of the strategic direction for the management of Council’s trees located within our urban streets and parks, and is supported by technical guidelines that underpin the implementation of the policy and outline best arboricultural practice for tree management.

Public consultation has been undertaken, with five submissions received. Changes to the draft Tree Management Policy have been made as a result of these submissions and it is recommended that the Tree Management Policy is adopted.

The draft Tree Management Policy has also been reviewed in line with current regulations and Council policies.

**14. AO.7 DOG ON AND OFF LEASH AND CAT CURFEW REVIEWS**

**Officer:** Anne-Louise Lindner, Manager Community Safety

**File Ref:** F4106

**Council Plan Relationship:**

Relates to priority area:  
Protect the natural environment

**Attachments:**

1. Dog on and off Leash and Cat Curfew Review Report
2. Summary of Community Feedback Report

**Synopsis:**

Council's Domestic Animal Management Plan (DAMP) 2017-2021 commits to the following actions:

- Investigate the feasibility of introducing an order that identifies dog on and off leash areas in the shire, including regulatory requirements; and
- Investigate the feasibility of introducing a cat curfew.

Funding was allocated in the 2018/19 budget to undertake these studies simultaneously. Draft orders were developed for the community to consider and community consultation was undertaken in November 2018 in line with Council's Community Consultation Framework. Extensive feedback was received which showed generally strong support for the proposed orders. The *Dog On and Off Leash and Cat Curfew Review Report* (attachment 1), contains an overview in the Executive Summary which details the outcomes and recommendations from the review. A *Summary of Community Feedback Report* (attachment 2) is also included.

It is recommended Council introduce Orders related to dogs in public places. These include designating on and off leash and prohibited dog areas, and requiring dogs to be under the effective control of their owner or handler in public places. Further work is required before finalising the orders. It is proposed that the dog control orders become effective from 1 January 2020.

It is also recommended Council introduce Orders for a cat curfew and cat prohibited areas. Additional community consultation is required to finalise the prohibited areas prior to the introduction of the order. It is proposed that the cat control orders be deferred to at least 1 July 2020 to allow the new cat shelter/pound contract to be implemented and reviewed, and to give people the opportunity to adjust to the new requirement.

**14. AO.7 DOG ON AND OFF LEASH AND CAT CURFEW REVIEWS  
(Continued)**

**Officer Recommendation:**

**That Council:**

- 1. Endorse the Dog On and Off Leash and Cat Curfew Review Report;**
- 2. Implement the six recommendations regarding dogs in public places as listed on page 3 of the Dog On and Off Leash and Cat Curfew Review Report;**
- 3. Implement the four recommendations regarding a cat curfew as listed on page 3 of the Dog On and Off Leash and Cat Curfew Review Report;**
- 4. Refer the resourcing for the development of an Implementation Plan and additional Local Laws Officer to the 2019/20 budget process; and**
- 5. Receive a further Council report to adopt the finalised Orders.**

**14. AO.7 DOG ON AND OFF LEASH AND CAT CURFEW REVIEWS  
(Continued)**

**Background**

The 2017-2021 Domestic Animal Management Plan (DAMP) that was adopted by Council in October 2017 identified two actions to be completed in year one of the plan that directly relate to reducing nuisance caused by dogs and cats.

The actions were:

- Investigate the feasibility of introducing an Order that identifies dog on and off leash areas in the Shire, including regulatory requirements; and
- Investigate the feasibility of introducing a cat curfew.

The review was funded in the 2018/19 budget and a consulting firm was engaged to undertake the consultation for a possible cat curfew, simultaneously with the consultation for possible dog on and off leash areas.

**Council Plan**

The Council Plan 2017-2027 Year 2 actions include the following action under Priority Area 2 – Protect the Natural Environment:

*“Investigate the introduction of dog on and off lead areas and a cat curfew in the shire by 30 December 2018.”*

**Community Consultation**

Prior to the commencement of this review, the community had been consulted regarding their thoughts and opinions about dog on and off leash areas and cat curfews. Two previous surveys were conducted in 2014 and 2017.

Based on feedback from previous consultations and discussions with Council’s Internal Reference Group it was determined that proposed orders were warranted in Macedon Ranges Shire. The discussions also determined that additional controls such as prohibiting dogs and cats from designated reserves for environmental reasons should be considered and consulted on.

Draft orders were developed for the community to consider and provide comment on. Community and stakeholder engagement occurred in November 2018. Extensive feedback was received which showed generally strong support for the proposed orders. A summary of the consultation methods and feedback is contained in the *Summary of Community Feedback Report* prepared in January 2019 (*attachment 2*).

The Internal Reference Group carefully considered the feedback that was provided and have recommended some refinements to the designated off leash areas is required before the order is finalised, including naming of areas, consideration of additional areas and timed use of specific sites. Feedback regarding increasing the number of bushland reserves where dogs would be prohibited was also considered, however it was determined this was not necessary.

**14. AO.7 DOG ON AND OFF LEASH AND CAT CURFEW REVIEWS  
(Continued)**

There were also several requests for a purpose built Dog Park and the reference group considered this a positive idea and something for Council to investigate further. In regards to cats, the reference group identified that additional community consultation is required to finalise the prohibited areas prior to the introduction of the order.

Further detail regarding all these matters is contained in the attached report. Whilst the consultation provided a range of opportunities for residents to contribute their feedback and a significant amount of feedback was received, it is likely that there will be some members of the community who do not agree with all of the proposed recommendations. We need to strike a balance for all residents, those who own pets and those that don't.

**Implementation of the recommendations in the report**

As indicated in the *Dog On and Off Leash and Cat Curfew Review Report*, there are a number of points that have been considered in proposing the timeframes for implementation of the orders. As both the orders for dogs and cats require additional work it is proposed that an Implementation Plan be developed. An Implementation Plan will document final wording for the orders, how the proposed orders would be implemented and resourcing requirements. The resourcing requirements are likely to include education, signage, stencilling and enforcement including staff resourcing. It is proposed that the implementation plan be completed by 30 September 2019. This will enable Council time to undertake promotion and community education in relation to dogs in public places prior to the orders becoming effective as of 1 January 2020.

Whilst this review has been taking place the current provider of Council's cat pound and shelter has advised staff that they will no longer provide this service after 30 June 2019. Council will need to go out to tender to find a new provider. Until new arrangements are in place, there is no capacity to accommodate an increase in the number of impounded cats hence the recommendation to defer the cat control order until at least 1 July 2020. This will allow the new shelter/pound contract to be implemented and enable officers to review how the service manages a full year incorporating the breeding cycle of cats.

**Budget implications**

For Council to implement the recommendations contained in the *Dog On and Off Leash and Cat Curfew Review Report* additional resources will be required. A new initiative for \$29,000 has been prepared for consideration by Council in the 2019/20 budget. This new initiative covers the development of the Implementation Plan including finalising the orders, development of community education materials, promotion of the new requirements and purchasing and installation of signage. A further new initiative has been prepared seeking an additional permanent full time Local Laws Officer (Ranger).

**14. AO.7 DOG ON AND OFF LEASH AND CAT CURFEW REVIEWS  
(Continued)**

The likely cost of providing the new cat pound and shelter service will be greater than previous years. This is due to an increase in transportation costs and costs associated with the temporary holding of cats. This has been factored into the draft 2019/20 operational budget.

**Conclusion**

Council has provided the community with an opportunity to provide feedback on the proposed changes to dog on and off leash areas and cat curfew requirements in the shire. Extensive feedback was received which showed generally strong support for the proposed orders. The feedback is similar to what was provided in 2014 and 2017. The proposed requirements balance the needs of pets, pet owners and those who don't own pets. They also help to protect the environment from negative impacts from domestic pets. It is recommended Council implement all the recommendations contained in the *Dog On and Off Leash and Cat Curfew Review Report*.

**14. AO.8 REPORT OF THE SECTION 223 COMMITTEE HELD ON WEDNESDAY, 20 FEBRUARY 2019**

**Officer:** Lauren Reader, Coordinator Governance

**File Ref:** F4626 D19-6596

**Council Plan Relationship:**

Relates to priority area:  
Deliver strong and reliable  
government

**Synopsis:**

The Section 223 Committee is a Special Committee pursuant to Section 86 of the Local Government Act 1989. This Committee has delegated authority from Council to consider submissions pursuant to Section 223 of the Local Government Act 1989 and to make recommendations to Council.

**Officer Recommendation:**

**That the Committee recommendations from the Section 223 Committee held on Wednesday, 20 February 2019 be adopted by Council.**

**14. AO.8 REPORT OF THE SECTION 223 COMMITTEE HELD ON WEDNESDAY, 20 FEBRUARY 2019 (Continued)**

The Section 223 Committee is a Special Committee pursuant to Section 86 of the Local Government Act 1989. This Committee has delegated authority from Council to consider submissions pursuant to Section 223 of the Local Government Act 1989 and to make recommendations to Council.

**Report of the Section 223 Committee held on Wednesday 20 February 2019 at the Gisborne Administration Centre commencing at 6.00pm.**

The Mayor opened the meeting with an Acknowledgement of Country.

**1. Attendance:**

Councillors Pearce (Mayor), Anderson, Bleeck, Gayfer, Jukes, Mees, Radnedge and West

Officers – Margot Stork, John Hausler, Mark Goode, Gary Randhawa, Michael Yee, Lauren Reader

**2. Apologies:**

An apology was noted for Councillor Twaits

**Cr Anderson moved and Cr Gayfer seconded that the apologies be noted.**

**CARRIED**

**3. Declaration of Conflicts of Interest:**

Nil

**4. HEARING OF SUBMITTERS IN RESPECT OF COUNCIL'S INTENTION TO IMPLEMENT KYNETON AIRFIELD LOCAL LAW NO. 12**

**File Ref: F4626 D19-6596**

**Synopsis:**

At the Ordinary Council Meeting held on 28 November 2018, Council resolved to propose to 'make' the Kyneton Airfield Local Law No. 12, commence the statutory consultation process for Draft Kyneton Airfield Local Law No. 12 and endorse the Draft Community Impact Statement.

Council gave notice in three local newspapers and the Government Gazette in the week commencing 10 December 2018 that it had begun a statutory consultation period for the Draft Local Law No. 12 and in accordance with section 223 of the Local Government Act 1989 called for submissions on the draft Local Law No. 12.



**14. AO.8 REPORT OF THE SECTION 223 COMMITTEE HELD ON WEDNESDAY, 20 FEBRUARY 2019 (Continued)**

Any person who wished to make a submission was invited to do so. Forty-five submissions were received with two identifying their intention of presenting at the Section 223 hearing.

In accordance with privacy principles the submitters' names and contact details were redacted from the submissions.

The Manager Operations introduced the report.

**It was moved by Cr Mees and seconded by Cr Bleeck that standing orders be suspended in order to allow members of the public to address the meeting.**

**CARRIED**

Submitter One addressed the Committee and noted their support for the proposed Local Law, citing:

- The longstanding location of the airfield;
- The significance of the airfield as a community asset and its role in recreation and education activities, as well as its contribution to the economy.
- The submitter outlined their view that the responsible authority in this matter is Council and that the proposed Local Law will benefit the community.
- They encouraged Council to adopt Local Law No.12.

Submitter Two addressed the Committee and indicated that they did not support the proposed Local Law. In support of the submission a number of concerns were outlined including:

- An increased footprint for the Kyneton Aero Club;
- Negative effects on property values;
- A lack of proposed compensation for nearby residents;
- Increase in noise; and
- Safety concerns.

The Mayor invited an additional submitter present at the meeting to address the committee.

Submitter Three stated they do not support the proposed Local Law and in support of their submission, outlined their concerns including:

- A lack of protections for the rights and interests of residents;
- Enabling expansion of the airfield for development;
- An increase in flights, including more intrusive flights over the township;
- A failure to address amenity issues;
- Prohibitions on landowners' use of their properties; and
- Negative effects on residents' quiet use and enjoyment of their land.
- They requested Council withdraw and reconsider Local Law No. 12.

**14. AO.8 REPORT OF THE SECTION 223 COMMITTEE HELD ON WEDNESDAY, 20 FEBRUARY 2019 (Continued)**

The Mayor invited others in attendance at the meeting to address the Committee in relation to Draft Local Law No.12.

An additional speaker addressed the Committee. They stated they live in close proximity to the airfield and have no problems with noise levels, which they feel are lower than nearby traffic noise. They were of the view the Local Law will not have negative effects on property values and supports the development of Kyneton airfield for the benefit of the Kyneton community.

**It was moved by Cr Mees and seconded by Cr Radnedge that standing orders be resumed.**

**CARRIED**

**Officer Recommendations:**

- 1. That the Section 223 Committee notes the submissions received and the verbal presentations in support of their submissions.**
- 2. That consideration and determination of the submissions be referred to the Council Meeting on 27 March 2019.**
- 3. That recommendations be prepared, based on the submission and all relevant information, for consideration and determination at the Council meeting on 27 March 2019.**

**It was moved by Cr Mees seconded by Cr Bleeck that the Section 223 Committee recommend to Council that the Officer Recommendations be adopted.**

**CARRIED**

The meeting closed at 6.35 pm

Cr Janet Pearce, Chairperson

**14. AO.9 KYNETON AIRFIELD LOCAL LAW NO. 12**

**Officer:** Gary Randhawa, Manager Operations

**File Ref:** F4646

**Council Plan Relationship:**

Relates to priority area:  
Improve the built environment

**Attachments:**

1. Kyneton Airfield Local Law No. 12
2. Community Impact Statement

**Synopsis:**

At the Ordinary Council Meeting held on 28 November 2018, Council resolved to make the Kyneton Airfield Local Law No. 12 in relation to providing measures to assist with the safe operation of Kyneton Airfield by regulating and controlling potential hazards from ground based sources.

Statutory consultations and public exhibitions have been completed in accordance with Section 119 and 223 of the Local Government Act.

Following consideration of the submissions and feedback received minor amendments to Kyneton Airfield Local Law No 12 have been incorporated.

**Officer Recommendation:**

**That Council:**

1. Note the draft Kyneton Airfield Local Law No. 12, 2018 and Community Impact Statement;
2. Note the report received at this meeting on the Section 223 Committee held on 20 February 2019 which considered all submissions received in relation to the proposed local law;
3. Having considered submissions in accordance with Section 223 of the Local Government Act 1989, makes the new 'Kyneton Airfield Local Law No.12' as provided as an attachment to this report;
4. Affix the Common Seal of Council to the new Kyneton Airfield Local Law No.12' as provided as an attachment to this report;
5. Give public notice of the making of the Kyneton Airfield Local Law No.12' in the Government Gazette and local newspapers in accordance with Section 119(3) of the Local Government Act 1989;

- 14. AO.9 KYNETON AIRFIELD LOCAL LAW NO. 12 (Continued)**
- 6. A copy of Kyneton Airfield Local Law No.12 be forwarded to the Minister for Local Government, in accordance with Section 119(4) of the Local Government Act 1989;**
  - 7. Approve the Coordinator Operational Services, as the delegated officer to administer Kyneton Airfield Local Law No. 12;**
  - 8. Note officers will provide a written response to all persons who made a submission on the draft Kyneton Airfield Local Law No. 12; and**
  - 9. Thank the advisory committee.**

**14. AO.9 KYNETON AIRFIELD LOCAL LAW NO. 12 (Continued)**

**Background**

Kyneton Airfield Local Law 12 will contribute to the Council's priorities by providing a defined policy which will strengthen community safety and which directly addresses Priority Area three in the Council Plan "*to improve the built environment*".

At the Ordinary Council meeting held on 28 November 2018, Council resolved to:

1. *Propose to 'make' the Kyneton Airfield Local Law No 12;*
2. *Endorse the Officer recommendation to alter the definition of 'Airfield operator' on page 2 of the Draft Local Law, replacing 'Kyneton Aero Club' with 'lessee';*
3. *Endorse the Draft Community Impact Statement that has been prepared as part of the process for community consultation on the Local Law;*
4. *Give notice of its intention to make the Kyneton Airfield Local Law No. 12 in the Government Gazette, Midland Express and Sunbury and Macedon Ranges Weekly in accordance with Section 119(2) of the Local Government Act 1989 (Vic);*
5. *Provide copies of the proposed Draft Kyneton Airfield Local Law No. 12 and the Draft Community Impact Statement on Council's website and at Council's offices and service centres;*
6. *Invite submissions on the proposed Draft Kyneton Airfield Local Law No 12 in accordance with section 223 of the Local Government Act 1989 and note that the period for interested persons within the community to provide Council with their feedback closes on Thursday 31 January 2019 at 5.00pm;*
7. *Schedule a Section 223 Committee Meeting on Wednesday, 20 February 2019 at Council's Gisborne Administration Centre, to hear and consider any submissions made in accordance with Section 223 of the Local Government Act 1989; and*
8. *Receive a report at the 27 March 2019 Ordinary Council Meeting recommending that Council resolve to 'make' the Kyneton Airfield Local Law No. 12 (with or without amendment).*

**Consultation**

Council gave notice in three local newspapers and the Government Gazette in the week commencing 10 December 2018 that it had begun a statutory consultation period for the Draft Kyneton Airfield Local Law No. 12 and in accordance with section 223 of the Local Government Act 1989 called for submissions on the draft Local Law No. 12

In total 45 submissions were received with two submitters advising that they wished to be present at the 223 Committee meeting.

A separate report "*AO.8 Report of the Section 223 Committee held on Wednesday, 20 February 2019*" is included in this Notice Paper for consideration of Councillors.

**14. AO.9 KYNETON AIRFIELD LOCAL LAW NO. 12 (Continued)**

Following consideration of submissions received minor amendments to the Kyneton Airfield Local Law No 12 have been incorporated into the document (attachment 1).

**Legislative Framework**

Draft Kyneton Airfield Local Law No. 12 was drafted by a legal consultant and subsequent amendments and minor changes were accepted by the consultant after review.

All statutory process have been completed in accordance with Section 119 of the Local Government Act.

**Next Steps**

1. That Council 'makes' the new 'Kyneton Airfield Local Law No.12' as provided as an attachment to this report and affixes the Common Seal;
2. Provides public notice of the making of the Kyneton Airfield Local Law No.12' in the Government Gazette and local newspapers in accordance with Section 119(3) of the Local Government Act 1989;
3. A copy of Kyneton Airfield Local Law No.12 be forwarded to the Minister for Local Government, in accordance with Section 119(4) of the Local Government Act 1989;
4. Approves the Coordinator Operational Services, as the delegated officer to administer Kyneton Airfield Local Law No. 12; and
5. Officers provide a written response to all persons who made a submission on the draft Kyneton Airfield Local Law No. 12.

**14. AO.10 INTERIM RECYCLING ARRANGEMENTS**

**Officer:** Gary Randhawa, Manager Operations

**File Ref:** F4637 F2857 F54

**Council Plan Relationship:**

Relates to priority area:  
Protect the natural environment

**Synopsis:**

Environment Protection Authority (EPA) issued notices to recycler, SKM Services Pty Ltd (SKM). Two SKM sites ceased operation on Friday, 15 February 2019. A week later SKM shut down its site at Geelong, at its own discretion. These closures resulted in many Councils having to find alternate recycling receival centres, or send their material to landfill.

Council, through its kerbside collection contractors (Four Seasons Waste), has a contract with SKM for the disposal of recycling waste at its Coolaroo facility, and was required to make alternate arrangements.

As an immediate action, Council was successful in securing an alternative Material Recycling Facility (MRF) to prevent disruption to the kerbside recycling service and ensure correct practice for disposal of recycling waste.

This report seeks Council's approval to continue interim arrangements until the SKM facility in Coolaroo re-opens, and to pursue further options should SKM fail to reopen in the medium to longer term.

**Officer Recommendation:**

**That as this report concerns matters which Council considers would prejudice the Council or any person, then pursuant to Section 89(2)(h) of the Local Government Act 1989, it be considered by Council together with any other confidential matters at the conclusion of that part of this meeting open to the public.**

**Option**

**In the event that all Councillors are satisfied with the officer recommendation for this item as contained in the confidential section of this notice paper and without questions and debate, Council may resolve to adopt the officer recommendation as contained in the confidential section in open Council at any time. The Minute Secretary will then formally read out this resolution. The Council resolution will then immediately become public information but the confidential report will remain confidential.**

## 15. NOTICES OF MOTION

### Notice of Motion No. 12/2018-19 – Councillor Janet Pearce

That Council submit the following motions to the Australian Local Government Association National General Assembly of Local Government 2019:

#### NBN

That the Australian Local Government Association advocate for the Australian Government to work with rural and regional councils to:

- Develop innovative solutions for the placement of telecommunication infrastructure that takes account of both the challenges of black spot locations and the protection of unique and distinctive natural landscapes and environs.
- Research and trial viable alternatives to tower infrastructure that address black spot challenges whilst protecting unique and distinctive natural landscapes and environs.

#### Waste

That further to the Macedon Ranges Notice of Motion adopted at the 2018 Assembly, the Australian Local Government Association seek:

- Australian Government commitment to a tripartite approach to the management of the emerging waste crisis with the full engagement of both State and local tiers of Government;
- An urgent round table meeting with appropriate Australian and State Government representation to discuss the establishment of a joint taskforce to explore innovative mid-term and long-term solutions to Australia's current and emerging waste crisis; and
- A commitment of Roundtable participants to an equitable financial commitment to the management of current waste crisis issues and research and development of mid to long term solutions.

### Notice of Motion No. 13/2018-19 – Councillor Janet Pearce

That the Community Forum meeting date for Tylden be rescheduled from 12 June 2019 to 15 May 2019 from 6.00pm to 7.00pm to allow for verbal submissions to the budget to be held in the Gisborne Council Chamber on 12 June 2019.



**Notice of Motion No. 14/2018-19 – Councillor Mandi Mees**

**That Council officers:**

- 1. Prepare a report on the options for, and implications of, holding meetings to hear from submitters on planning matters separate from Ordinary Meetings of Council;**
- 2. Include consideration in the report of practices across councils in Victoria to hear submitters on planning matters, as well as any changes that would be required to: policies, agendas and any associated privacy considerations, live streaming practices, resourcing and the correlation with other Council Meetings that also hear submitters; and**
- 3. Present the report at the July 2019 Ordinary Meeting of Council.**

**Notice of Motion No. 15/2018-19 – Councillor Mandi Mees**

**That Council officers:**

- 1. Undertake a review of the Councillor Code of Conduct to ensure Councillor conduct obligations, standards and responsibilities are clear and that dispute resolution processes and procedures are well structured and clearly outlined;**
- 2. Include an assessment of practices with Codes of Conduct across local government in Victoria as part of the review; and**
- 3. Present a revised Councillor Code of Conduct to the July 2019 Ordinary Meeting of Council.**

**Notice of Motion No. 16/2018-19 – Councillor Mandi Mees**

**That Council officers:**

- 1. Prepare an options paper on developing a Councillor and Staff Interaction Policy to recognise the respective roles and responsibilities of Councillors and Council staff, and to provide clarity on Councillor-staff interactions;**
- 2. Include, as part of the options paper, an assessment of similar policies and protocols currently in use within Victorian local councils and an assessment of the implications of developing and implementing a Councillor and Staff Interaction Policy; and**
- 3. Present the options paper at the July 2019 Ordinary Meeting of Council.**

**16. URGENT AND OTHER BUSINESS**

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

**17. CONFIDENTIAL REPORTS**

**17.1 Interim recycling arrangements**

## 18. DIVISION 1A – CONDUCT AND INTERESTS

### 76B. Primary principle of Councillor conduct

It is a primary principle of Councillor conduct that, in performing the role of a Councillor, a Councillor must—

- (a) act with integrity; and
- (b) impartially exercise his or her responsibilities in the interests of the local community; and
- (c) not improperly seek to confer an advantage or disadvantage on any person.

### 76BA. General Councillor conduct principles

In addition to acting in accordance with the primary principle of Councillor conduct specified in section 76B, in performing the role of a Councillor, a Councillor must—

- (a) avoid conflicts between his or her public duties as a Councillor and his or her personal interests and obligations;
- (b) act honestly and avoid statements (whether oral or in writing) or actions that will or are likely to mislead or deceive a person;
- (c) treat all persons with respect and have due regard to the opinions, beliefs, rights and responsibilities of other Councillors, Council staff and other persons;
- (d) exercise reasonable care and diligence and submit himself or herself to the lawful scrutiny that is appropriate to his or her office;
- (e) endeavour to ensure that public resources are used prudently and solely in the public interest;
- (f) act lawfully and in accordance with the trust placed in him or her as an elected representative;
- (g) support and promote these principles by leadership and example and act in a way that secures and preserves public confidence in the office of Councillor.

### 76C. Councillor Code of Conduct

- (1) A Council must develop and approve a Councillor Code of Conduct for the Council within 12 months after the commencement of section 15 of the **Local Government Amendment (Councillor Conduct and Other Matters) Act 2008**.
- (2) A Council must review the Councillor Code of Conduct within the period of 12 months after a general election.
- (3) A Councillor Code of Conduct—
  - (a) must include the Councillor conduct principles;
  - (b) may set out processes for the purpose of resolving an internal dispute between Councillors;
  - (d) must include provisions in respect of any matter prescribed for the purpose of this section;
  - (e) may include any other matters relating to the conduct of Councillors which the Council considers appropriate.
- (5) A Councillor Code of Conduct must not be inconsistent with any Act or regulation.
- (5A) A Councillor Code of Conduct is inoperative to the extent that it is inconsistent with any Act or regulation.
- (6) A copy of the current Councillor Code of Conduct must be—
  - (a) given to each Councillor;
  - (b) available for inspection by the public at the Council office and any district offices.
- (7) On and from the commencement of section 15 of the **Local Government Amendment (Councillor Conduct and Other Matters) Act 2008**, a Councillor Code of Conduct is taken to include the Councillor conduct principles.

### 76D. Misuse of position

- (1) A person who is, or has been, a Councillor or member of a special committee must not misuse his or her position—
  - (a) to gain or attempt to gain, directly or indirectly, an advantage for themselves or for any other person; or
  - (b) to cause, or attempt to cause, detriment to the Council or another person.

Penalty: 600 penalty units or imprisonment for 5 years or both.

- (2) For the purposes of this section, circumstances involving the misuse of a position by a person who is, or has been, a Councillor or member of a special committee include—
  - (a) making improper use of information acquired as a result of the position he or she held or holds; or
  - (b) disclosing information that is confidential information within the meaning of section 77(2); or

- (c) directing or improperly influencing, or seeking to direct or improperly influence, a member of Council staff in contravention of section 76E; or
  - (d) exercising or performing, or purporting to exercise or perform, a power, duty or function that he or she is not authorised to exercise or perform; or
  - (e) using public funds or resources in a manner that is improper or unauthorised; or
  - (f) failing to disclose a conflict of interest as required under this Division.
- (3) This section—
- (a) has effect in addition to, and not in derogation from, any Act or law relating to the criminal or civil liability of Councillors or members of special committees; and
  - (b) does not prevent the institution of any criminal or civil proceedings in respect of that liability.

**76E. Improper direction and improper influence**

- (1) A Councillor must not improperly direct or improperly influence, or seek to improperly direct or improperly influence, a member of Council staff in the exercise of any power or in the performance of any duty or function by the member.
- (2) A Councillor must not direct, or seek to direct, a member of Council staff—
  - (a) in the exercise of a delegated power, or the performance of a delegated duty or function of the Council; or
  - (b) in the exercise of a power or the performance of a duty or function exercised or performed by the member as an authorised officer under this Act or any other Act; or
  - (c) in the exercise of a power or the performance of a duty or function the member exercises or performs in an office or position the member holds under another Act; or
  - (d) in relation to advice provided to the Council or a special committee, including advice in a report to the Council or special committee.
- (3) This section does not apply to a decision of the Council or a special committee that is made within the powers, duties or functions conferred under this or any other Act.

**77. Confidential information**

- (1) A person who is, or has been, a Councillor or a member of a special committee, must not release information that the person knows, or should reasonably know, is confidential information.
- (2) For the purposes of this section, information is “confidential information” if—
  - (a) the information was provided to the Council or a special committee in relation to a matter considered by the Council or special committee at a meeting closed to members of the public and the Council or special committee has not passed a resolution that the information is not confidential; or
  - (b) the information has been designated as confidential information by a resolution of the Council or a special committee which specifies the relevant ground or grounds applying under section 89(2) and the Council or special committee has not passed a resolution that the information is not confidential; or
  - (c) subject to sub-section (3), the information has been designated in writing as confidential information by the Chief Executive Officer specifying the relevant ground or grounds applying under section 89(2) and the Council has not passed a resolution that the information is not confidential.
- (3) Confidential information referred to in sub-section (2)(c) ceases to be confidential at the expiry of the period of 50 days after the designation is made unless sub-section (2)(a) or (2)(b) applies to the information.

**77A. Direct and indirect interests**

- (1) A relevant person has a conflict of interest in respect of a matter if the relevant person has a direct interest or indirect interest in the matter.
- (2) A relevant person has a direct interest in a matter if the relevant person has an interest of a kind described in section 77B.
- (3) A relevant person has an indirect interest in a matter if the relevant person has—
  - (a) a close association as specified in section 78; or
  - (b) an indirect financial interest as specified in section 78A; or
  - (c) a conflicting duty as specified in section 78B; or
  - (d) received an applicable gift as specified in section 78C; or
  - (e) become an interested party as specified in section 78D; or
  - (f) a residential amenity that may be altered as specified in section 78E.
- (4) A relevant person does not have a conflict of interest in a matter if the direct interest or indirect interest of the relevant person is so remote or insignificant that the direct interest or

indirect interest could not reasonably be regarded as capable of influencing any actions or decisions of the relevant person in relation to the matter.

- (5) A relevant person does not have a conflict of interest in a matter if the direct interest or indirect interest the relevant person holds—
- (a) is held as a resident, ratepayer or voter and does not exceed the interests generally held by other residents, ratepayers or voters; or
  - (b) is held in common with a large class of persons and does not exceed the interests generally held by the class of persons.
- (6) A relevant person does not have a conflict of interest in a matter if the relevant person—
- (a) does not know the circumstances that give rise to the conflict of interest; and
  - (b) would not reasonably be expected to know the circumstances that give rise to the conflict of interest.

**77B. Direct interest**

- (1) A person has a direct interest in a matter if there is a reasonable likelihood that the benefits, obligations, opportunities or circumstances of the person would be directly altered if the matter is decided in a particular way.
- (2) Without limiting subsection (1), a person has a direct interest in a matter if—
- (a) there is a reasonable likelihood that the person will receive a direct benefit or loss that can be measured in financial terms if the matter is decided in a particular way;
  - (b) the person has, or the person together with a member or members of the person's family have, a controlling interest in a company or other body that has a direct interest in the matter.
- (3) A person who has a membership in a club or organisation that has a direct interest in a matter—
- (a) does not, by reason of that membership, have a direct interest in the matter under subsection (1); and
  - (b) does not have an indirect interest in the matter, by reason of that membership, unless the person has an indirect interest in the matter under section 78A, 78B or 78C.
- (4) In subsection (2), **controlling interest** has the same meaning as it has in section 72(2) of the **Payroll Tax Act 2007**.

**78. Indirect interest by close association**

- (1) In this section—

**daughter** means a biological daughter, step-daughter, adopted daughter, or female child for whom the person has custodial responsibilities;

**direct relative** means the spouse, domestic partner, son, daughter, mother, father, brother or sister of the person;

**domestic partner** of a person means—

- (a) a person who is in a registered relationship with the person; or
- (b) an adult person to whom the person is not married but with whom the person is in a relationship as a couple where one or each of them provides personal or financial commitment and support of a domestic nature for the material benefit of the other, irrespective of their genders and whether or not they are living under the same roof, but does not include a person who provides domestic support and personal care to the person—
  - (i) for fee or reward; or
  - (ii) on behalf of another person or an organisation (including a government or government agency, a body corporate or a charitable or benevolent organisation);

**family member** means—

- (a) a spouse or domestic partner of the person; or
- (b) a son, daughter, mother, father, brother or sister that regularly resides with the person;

**relative** means—

- (a) a direct relative of the person;
- (b) a direct relative of a person who is the direct relative of the person;

**son** means a biological son, step son, adopted son or male child for which the person has custodial responsibilities.

- (2) A person has an indirect interest by close association in a matter if—
- (a) a family member of the person has a direct interest or an indirect interest in a matter; or
  - (b) a relative of the person has a direct interest in a matter; or

- (c) a member of the person's household has a direct interest in a matter.
- (3) For the purposes of the definition of *domestic partner* in subsection (1)—
  - (a) *registered relationship* has the same meaning as in the **Relationships Act 2008**; and
  - (b) in determining whether persons who are not in a registered relationship are domestic partners of each other, all the circumstances of their relationship are to be taken into account, including any one or more of the matters referred to in section 35(2) of the **Relationships Act 2008** as may be relevant in a particular case; and
  - (c) a person is not a domestic partner of another person only because they are co-tenants.

**78A. Indirect interest that is an indirect financial interest**

- (1) A person has an indirect financial interest in a matter if the person is likely to receive a benefit or incur a loss, measurable in monetary terms, as a consequence of a benefit received or loss incurred by another person who has a direct or indirect interest in the matter.
- (2) Without limiting subsection (1), a person has an indirect financial interest that is a conflict of interest if—
  - (a) the person has a beneficial interest in shares of a company or other body that has a direct interest in the matter, except in the circumstances specified in subsection (3);
  - (b) the person is owed money from another person and that other person has a direct interest in the matter.
- (3) If a person, and family members of the person, hold shares in a company or body that has a direct or indirect interest in a matter with a combined total value that does not exceed \$10 000 and the total value of issued shares of the company or body exceeds \$10 million, the person's indirect financial interest is not a conflict of interest.
- (4) Subsection (2)(b) does not apply if the other person is an authorised deposit-taking institution.
- (5) For the purposes of determining the value of shares under this section, the share value is to be taken from—
  - (a) the close of business on the most recent of 30 June or 31 December; or
  - (b) if the person has lodged an ordinary return since the most recent of 30 June or 31 December, the close of business on the date the return was submitted.

**78B. Indirect interest because of conflicting duties**

- (1) A person has an indirect interest in a matter because of a conflicting duty if the person—
  - (a) is a manager or a member of a governing body of a company or body that has a direct interest in a matter;
  - (b) is a partner, consultant, contractor, agent or employee of a person, company or body that has a direct interest in a matter;
  - (c) is a trustee for a person who has a direct interest in a matter.
- (2) A person has an indirect interest in a matter because of a conflicting duty if the person held a position or role specified in subsection (1) and, in that position or role, dealt with the matter.
- (3) A person does not have an indirect interest because of a conflicting duty if—
  - (a) the person is, or has been, only an employee in the service of the Crown or of a body established by or under any Act for a public purpose and the person has no current or expected responsibilities as that employee in relation to a matter;
  - (b) the person only holds a position in a not-for-profit organisation for which the person receives no remuneration and the person was appointed to the relevant special committee of the Council to be a representative of the non-for-profit organisation;
  - (ba) the person only holds a position, with the Council's approval as a representative of the Council, in an organisation for which the person receives no remuneration;
  - (c) the person is only a Councillor who holds a position in the Municipal Association of Victoria or in another body that has the purpose of representing the interests of Councils;
  - (ca) the person is only a member of the Planning Application Committee established under Part 4AA of the **Planning and Environment Act 1987** or a member or co-opted member of a subcommittee of that Committee;
  - (d) the person only holds a position that has been prescribed for the purposes of this section.

**78C. Indirect interest because of receipt of an applicable gift**

- (1) In this section, *applicable gift* means one or more gifts with a total value of, or more than, the gift disclosure threshold, received from a person or persons specified in subsection (2) in the 5 years preceding the decision or the exercise of the power, duty or function but does not include—

- (a) reasonable hospitality received by the person at an event or function the person attended in an official capacity as the Mayor, a Councillor, a member of Council staff or a member of a special committee; or
  - (b) a gift, other than an election campaign donation, that was received by the person more than 12 months before the person became a Councillor, a member of Council staff or a member of a special committee.
- (2) A person has an indirect interest in a matter if the person has received an applicable gift, directly or indirectly, from—
- (a) a person who has a direct interest in the matter; or
  - (b) a director, contractor, consultant, agent or employee of a person, company or body that the person knows has a direct interest in a matter; or
  - (c) a person who gives the applicable gift to the person on behalf of a person, company or body that has a direct interest in the matter.
- (3) For the purposes of determining when a person became a Councillor or member of a special committee under subsection (1)(b), if the person is re-elected or reappointed as a Councillor or a member of a special committee, on completion of his or her term of office, the previous term of office served by that person as a Councillor or member of a special committee must be counted as continuous service with any service completed by the person after the person's re-election or reappointment.

**78D. Indirect interest as a consequence of becoming an interested party**

A person has an indirect interest in a matter if the person has become an interested party in the matter by initiating civil proceedings in relation to the matter or becoming a party to civil proceedings in relation to the matter.

**78.E Indirect interest because of impact on residential amenity**

A person has an indirect interest in a matter if there is a reasonable likelihood that the residential amenity of the person will be altered if the matter is decided in a particular way.

**79. Disclosure of conflict of interest**

- (1) If a Councillor or member of a special committee has a conflict of interest in a matter which is to be considered or discussed at a meeting of the Council or the special committee, the Councillor or member must, if he or she is attending the meeting, disclose the conflict of interest in accordance with subsection (2).
- (2) A Councillor or member of a special committee who has a conflict of interest and is attending the meeting of the Council or special committee must make a full disclosure of that interest—
- (a) by either—
    - (i) advising the Council or special committee at the meeting of the details required under paragraphs (b) and (c) immediately before the matter is considered at the meeting; or
    - (ii) advising the Chief Executive Officer in writing of the details required under paragraphs (b) and (c) before the meeting; and
  - (b) classifying the type of interest that has given rise to the conflict as either—
    - (i) a direct interest; or
    - (ii) an indirect interest and specifying the particular kind of indirect interest under section 78, 78A, 78B, 78C, 78D or 78E; and
  - (c) describing the nature of the interest; and
  - (d) if the Councillor or member advised the Chief Executive Officer of the details under paragraph (a)(ii), the Councillor or member must make a disclosure of the class of interest only to the meeting immediately before the matter is considered at the meeting.
- (3) For the purposes of section 79(2)(a)(i), if a Councillor or member of a special committee has a conflict of interest in two or more matters which are to be considered or discussed consecutively at a meeting of the Council or the special committee, the Councillor or member may make a full disclosure of each of those interests immediately before the first matter is considered at the meeting.
- (5) The Chief Executive Officer must—
- (a) keep written disclosures given to him or her under this section in a secure place for 3 years after the date the Councillor or member of a special committee who made the disclosure ceases to be Councillor or member of a committee; and
  - (b) destroy the written disclosure when the 3 year period referred to in paragraph (a) has expired.

- (6) While the matter is being considered or any vote is taken in relation to the matter, the Councillor or member of a special committee must—
  - (a) leave the room and notify the Mayor or the Chairperson of the special committee that he or she is doing so; and
  - (b) remain outside the room and any gallery or other area in view or hearing of the room.
- (7) The Mayor or the Chairperson of the special committee must cause the Councillor or member of a special committee to be notified that he or she may return to the room after—
  - (a) consideration of the matter; and
  - (b) all votes on the matter.
- (8) If a Councillor or member of a special committee discloses a conflict of interest, the Chief Executive Officer or the Chairperson must record in the minutes of the meeting—
  - (a) the declaration of the conflict of interest; and
  - (b) the classification of the interest that has given rise to the conflict, and if the Councillor or member has disclosed the nature of the interest to the meeting, the nature of the interest.
- (9) Unless section 80 applies, a Councillor or member of a special committee who fails to comply with this section is guilty of an offence and liable to a fine not exceeding 120 penalty units.

**79B. Conflicting personal interest**

- (1) This section does not apply to a Councillor or member of a special committee who has a conflict of interest in the matter.
- (2) If a Councillor or a member of a special committee considers that he or she has a personal interest in relation to a matter that is in conflict with his or her public duty in relation to the matter, the Councillor or member may, immediately before the matter is considered at the relevant meeting, apply to the Council or special committee to be exempted from voting on the matter.
- (3) If a Councillor or member of a special committee makes an application under subsection (2), he or she must give reasons in support of the application.
- (4) A Council or special committee may consent to an application made under subsection (2) and must not unreasonably withhold consent.
- (5) If a Council or special committee consents to an application under subsection (4), sections 79(6), 79(7), 79(8) and 79(9) apply as if the personal interest that is the subject of an application under subsection (2) were a conflict of interest specified under this Act.

**79C. Certain situations where Councillor taken to not have a conflict of interest**

- (1) A Councillor is taken to not have a conflict of interest for the purposes of this Division if the matter only relates to—
  - (a) the nomination or appointment by the Council of the Councillor to a position for which the Councillor will not be remunerated;
  - (b) the election of the Mayor under section 71 or the appointment of an acting Mayor under section 73(3);
  - (c) a decision in relation to the payment of allowances to the Mayor or Councillors under section 74 or 74C(2);
  - (d) the adoption of a policy under section 75B in relation to the reimbursement of expenses;
  - (e) the adoption of a Councillor Code of Conduct under section 76C;
  - (f) an application to a Councillor Conduct Panel or VCAT under Division 1B;
  - (g) an application for an exemption under section 80;
  - (h) the appointment of members and Chairpersons of special committees;
  - (i) a resolution that has the effect of making the Councillors eligible or ineligible for the superannuation guarantee under taxation legislation;
  - (j) the conduct of a Councillor with respect to—
    - (i) an internal dispute that involves the Councillor;
    - (ii) an allegation of misconduct or serious misconduct (as defined in section 81A) by the Councillor;
  - (k) a submission provided to an electoral representation review under section 219F;
  - (l) a submission provided for the purposes of a subdivision review conducted under section 219N.
- (2) If a budget or revised budget to be approved by a Council includes funding for a matter in respect of which a Councillor has a conflict of interest the Councillor is taken to not have a conflict of interest for the purposes of approving the budget or revised budget if—
  - (a) the Council previously approved the matter and the proposed funding for the matter for inclusion in the budget or revised budget; and
  - (b) the Councillor disclosed the nature of the conflict of interest under section 79



when the decision in respect of the matter and the proposed funding for the matter was previously considered and made.

- (3) If a Council Plan to be approved by a Council includes a matter in respect of which a Councillor has a conflict of interest, the Councillor is taken to not have a conflict of interest for the purposes of approving the Council Plan if—
  - (a) the Council previously approved the matter for inclusion in the Council Plan; and
  - (b) the Councillor disclosed the nature of the conflict of interest under section 79 when the decision in respect of the matter was previously considered and made.
- (4) If a Councillor with a conflict of interest referred to in subsection (2) or (3) notifies the Mayor or Chairperson prior to the consideration of the budget, revised budget or Council Plan of the conflict of interest, the Mayor or Chairperson must allow a prior motion to be put that the matter or funding be considered for inclusion in the budget, revised budget or Council Plan.

**79D. Person may make submission despite conflict of interest**

- (1) Subject to subsection (2), a relevant person who has a conflict of interest in a matter and who has made a written submission under section 223 in respect of the matter, may present his or her submission under section 223(1)(b) to the Council or committee of the Council.
- (2) The relevant person who has a conflict of interest in a matter must not be at the meeting of the Council or committee of the Council any longer than is required for the person to be heard in support of the person's written submission.