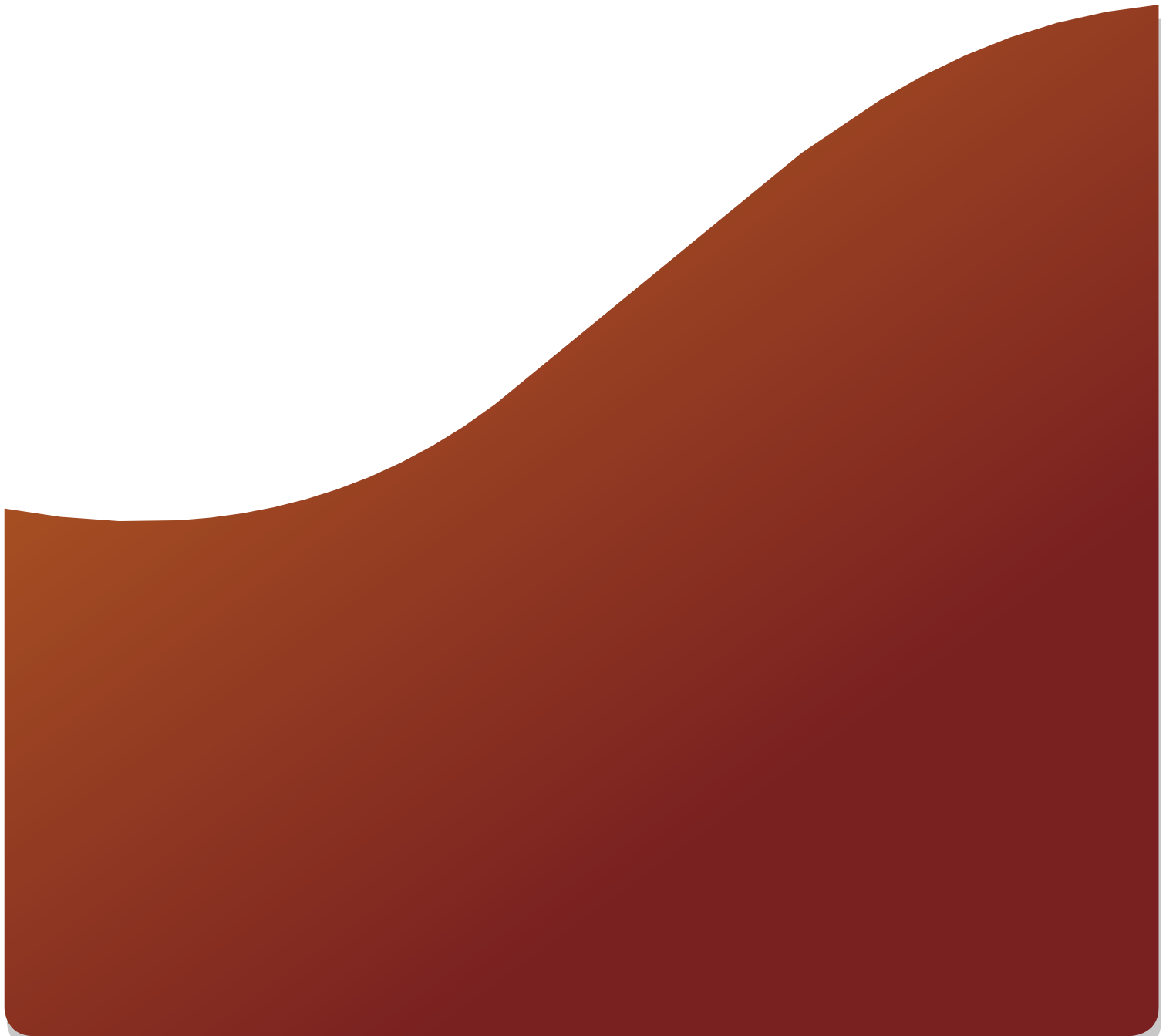


# Council Meeting Minutes

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



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

Please note that this meeting was 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 was bookmarked, archived and made available on Council's website 48 hours after the meeting.

All care was taken to maintain privacy however a visitor's presence in the public gallery may have been recorded.

By remaining in the public gallery, it was assumed that consent was given if images were inadvertently broadcast.

Those present at the Council Meeting were reminded 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.

**2. PRESENT**

Cr Henry Bleeck	East Ward
Cr Natasha Gayfer	East Ward
Cr Bill West	East Ward
Cr Mandi Mees (Deputy Mayor)	South Ward
Cr Helen Radnedge	South Ward
Cr Andrew Twaits	South Ward
Cr Jennifer Anderson	West Ward
Cr Roger Jukes	West Ward
Cr Janet Pearce (Mayor)	West Ward

**In Attendance**

Ms Margot Stork	Chief Executive Officer
Ms Anne-Louise Lindner	Acting Director Assets and Operations
Mr John Hausler	Director Corporate Services
Ms Karen Stevens	Director Community Wellbeing
Ms Angela Hughes	Director Planning and Environment
Ms Lauren Reader	Coordinator Governance
Mr Christo Crafford	Coordinator Statutory Planning
Mr Matthew Irving	Manager Engineering and Projects
Ms Leanne Khan	Coordinator Strategic Planning
Ms Alison Blacket	A/Manager Strategic Planning and Environment
Ms Susan La Greca	Manager Economic Development & Tourism
Mr Gary Randhawa	Manager Operations
Mr Scott Gilchrist	Coordinator Parks
Mr Will Rayner	Coordinator Visitor Economy
Ms Leanne Manton	Manager Communications

**3. APOLOGIES**

Nil

**4. DECLARATION OF CONFLICTS OF INTEREST**

Nil

**5. MAYOR'S REPORT**

The Mayor highlighted some recent happenings around the shire including:

**Promote Health and Wellbeing**

*Relay for Life*

This annual event at Lancefield Park has been going for 17 years and has raised over \$1.5 Million during this time to support research and other activities for the Cancer Council of Victoria.

Macedon Ranges Shire Council staff, Councillors, friends and families participated again along with many other residents. Walking to recognise cancer survivors, those loved and lost to cancer and those currently living with this disease and who may be having treatment. We recognise the effort of the organising committee. It was a humbling experience. We have all been touched by this.

*Live4Life Launch*

This is the ninth year that this program to support youth mental health awareness has been delivered in the partnership with secondary schools in our Shire. This year over 600 students will participate and the theme chosen by our crew is, "Even Heroes Make Mistakes". It was a loud and fun event.

*Health and Wellbeing Committee*

New Health and Wellbeing Committee members were welcome to the group. This committee is chaired by Cr Radnedge and each meeting will now focus on a different directorate in Council.

*Youth Mental Health Position Statement*

This is an action from our Youth Strategy. A few forums and round table discussions have been held this month attended by staff, Councillors and community.

*KidX Forum*

Cr Mees attended this workshop held in Sunbury with about 20 young people (aged 9-16 years) talking about mental health, waste, climate change and the environment and giving presentations.

### *Macedon Ranges Netball Club*

The Club hosted a regional event at the New Gisborne Netball Complex with over 2,000 people in attendance (players, umpires, volunteers and supporters) and over 81 teams. It was great to see such healthy and positive competition and activity, and it was the largest event hosted here to date so congratulations are in order. Events like this don't happen overnight, and we acknowledge that this involves a lot of planning and work by our community.

### **Protect the Natural Environment**

#### *Macedon Ranges Sustainable Living Festival*

Councillors and staff attended the 10th Festival in Woodend. Also present were the Hon Lily d'Ambrosio - State Minister for Energy, Environment and Climate Change, Mary-Anne Thomas MP and Lisa Chesters MP. The planning changes to lift the ban on wind energy was announced.

Council is proud to support Macedon Ranges Sustainability Group (MRSG) and are fortunate to have such a strong group operating as advocates for renewable energy (they have been instrumental installing solar panels on community facilities) and sustainable living in our Shire.

Council continues to work towards zero net emissions by 2030.

*Environmental Workshops-* attended by Councillors, staff and community.

- The eucalyptus ID workshop was held in partnership with the Friends of Bald Hill Reserve and highlighted some of the significant locally indigenous species, their form, bark, flowers, seeds and foliage. The guided walk around Bald Hill reserve by a qualified Botanist was impressive.
- Guests heard from pest animal experts on the best steps towards control of rabbits in Romsey.
- Building the Garden You Want session was co-hosted with the Kyneton Horticultural Society. Residents were treated to an evening with Gardening Australia presenter Millie Ross in Kyneton and proved a garden does not have to be huge, expensive or use lots of resources to be wonderful.
- Picnic with the bats at Hanging Rock. An amazing session with bat expert John Harris, to gain an insight into the world of our local micro-bats and how we can contribute to their conservation. This session was part of Council undertaking a micro-bat census.
- Landcare Information Session. It was decided that the Mount Macedon/Macedon Landcare group will reform and the process is now underway for this great project.

*Victorian Landcare and Catchment Management Magazine.*

Congratulations to local resident and passionate Landcare Volunteer Penny Roberts for the front page feature and article in this Summer Issue dedicated to honouring the contributions that women have made and continue to make to landcare across Victoria.

*Victorian AgriFutures Rural Women of the Year.*

Congratulations to Claire Moore from Kyneton on this achievement announced last week. There were 24 women nominated and three finalists and at the ceremony they spoke of the role of women in agriculture, community, business and industry.

Claire aims to breed a genetically diverse range of queen bees. But more than that, Claire's inspirational story on the day touched our hearts and gave us so much hope. Congratulations to Claire and her family.

*Earth Hour*

Council showed its support for sustainability by taking part in Earth Hour, a global environmental movement that seeks to raise awareness of climate change. Council officers hosted a stall at the Lancefield Market which provided an opportunity for community members to assemble solar lights for remote communities in Papua New Guinea.

## **Improve the Built Environment**

*Kindergarten Upgrades*

Councillors joined Mary-Anne Thomas MP, State Member for Macedon to officially opened the kindergarten upgrades at Romsey and Riddells Creek.

With the assistance of State Government funding, the upgrade to the Romsey facility included the refurbishment of the current learning space and re-orientation of the main entrance, improving connection with the Romsey Primary School.

The upgrade to the Riddells Creek facility included Disability Discrimination Act compliant access and toilet facilities. The works provide a contemporary and inclusive early years learning environment that meets the growing needs of the community.

## **Enhance the Social and Economic Environment**

*International Women's Day*

Councillors and Executive members attended the Zonta Club of Kyneton's annual International Women's Day dinner. The themes were "Balance for Better" and "More Powerful Together". It was inspiring to hear from Gillian Triggs, Human Rights Champion who was guest speaker.



*Woodend Children's Park*

People in our shire should know what country they are on and our history. It was an honour to be asked to be part of the unveiling of a sign acknowledging the Dja Dja Wurrung, the Jarra Jarra people and recognising them as the Traditional Owners of the land. Elder, Uncle Rick Nelson performed a Welcome to Country and smoking ceremony. There were speeches from school students and the children from Woodend Kindergarten Acknowledged Country, which was very moving indeed. Projects like these and publicly recognising first people's history and culture is an important process of recognition, respect and reconciliation.

*Community Forum*

The first for the year was held this month at the CWA Hall in Mount Macedon. These forums provide an opportunity for the community to network and interact directly with Councillors and the senior Executive team to discuss local issues and matters of community interest.

*Harmony Day*

A family-friendly concert was held at the Woodend Children's Park to celebrate the 20th anniversary of Harmony Day. Many attendees packed a picnic and enjoyed the music from band Afro Diyaa and kora master Jali Buba Kuyateh, which was a mix of blues, salsa and African music. It was pleasing to see that many people wore orange which signified communication, connection and respect.

*Gisborne Cemetery walk*

Councillors attended an informative and interesting event with local identity Eddie Gardiner. The evening also launched the new QR reader self-guided tour.

*Romsey and Lancefield Community Bank Business Breakfast*

Another successful event in collaboration with the Romsey Region Business and Tourism Association (RRBATA) who are currently having a membership drive. Guest speaker, David Robertson from the Bendigo bank spoke on the "Economic Outlook for 2019 and the implications for you and your business". Supporting business in our Shire is vital. ABR data highlights that as of 30 June 2018 there were 3,386 businesses in the shire.

**Deliver Strong and Reliable Government.***Municipal Association of Victoria (MAV) Board elections*

Congratulations to Cr Jennifer Anderson for her election to this Board. It is valuable to have a local Councillor representing our Region.

*The Victorian Local Government Associations (VLGA) event for Mayors and Deputy Mayors*

I attended this event where the Hon Adem Somyurek, the Minister for Local Government was present. There were a range of interesting speakers including

panels and discussions around how Local Government and expectations have changed, evaluating performance, strategy and reflecting on performance.

**It was moved by Cr Anderson seconded by Cr Mees that the Mayors Report be received.**

**CARRIED**

## **6. PETITIONS**

Cr Mees sought leave of Council to present a petition regarding 47 Victoria Street, Macedon.

**It was moved by Cr Mees seconded by Cr Jukes that leave be granted.**

**CARRIED**

Cr Mees presented the petition.

**It was moved by Cr Mees and seconded by Cr Gayfer that the petition signed by approximately 196 persons praying:**

**We the undersigned, residents and ratepayers of Macedon Ranges Shire formally request to stop the sale of the land and building at 47 Victoria St Macedon, and instead consult with and support community members to establish a neighbourhood house and community centre at the site. There is a unique opportunity to develop this centrally located asset on the main street for the benefit of all sectors of our community that outweighs any short-term gain from the sale.**

**be noted by Council and considered for tonight's discussion at agenda item CS.3.**

**CARRIED**

Cr Radnedge sought leave of Council to present a petition regarding the Gisborne Business Park Development.

**It was moved by Cr Radnedge seconded by Cr Anderson that leave be granted.**

**CARRIED**

Cr Radnedge presented the petition.

**It was moved by Cr Radnedge and seconded by Cr Anderson that the petition signed by approximately 371 persons praying:**

**We the undersigned, residents and ratepayers of Macedon Ranges Shire formally request Council to recognise and consider our objection to the Gisborne Business Park Development Plan and in particular Commercial Development along Saunders Road.**

**be received and considered by officers when preparing their consultation report following the recent engagement process undertaken in relation to the Gisborne Business Park Development Plan.**

**CARRIED**

**7. ADOPTION OF MINUTES**

Ordinary Council Meeting: Wednesday 27 February 2019

**Officer Recommendation:**

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

**It was moved by Cr Mees seconded by Cr Jukes that the Officer Recommendation be adopted.**

**CARRIED**

**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, Traits 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	Cr Traits declared an indirect conflict of interest in relation to the Riddells Creek Tennis Courts

them leaving the meeting when the matter about which they declared the conflict of interest was discussed	Redevelopment item due to his employment with Bendigo and Adelaide Bank.  Did they leave the assembly? Yes
Conflicts of interest declared by officers	Nil  Did they leave the assembly? N/A

<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> </ul> </li> </ul>

	<ul style="list-style-type: none"> <li>- Draft tree management policy</li> <li>- Dog on and off lead cat curfew review</li> <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	<p>Nil</p> <p>Did they leave the assembly? N/A</p>

4.	Date / Time	Type of Assembly
	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> </ul> </li> <li>- Notices of Motion</li> <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	<p>Nil</p> <p>Did they leave the assembly? N/A</p>

interest was discussed	
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.**

**It was moved by Cr Gayfer seconded by Cr Mees that the Officer Recommendation be adopted.**

**CARRIED**

**Suspension of Standing Orders**

**7.18pm It was moved by Cr Anderson and seconded by Cr Twaits that standing orders be suspended to consider deputations and presentations to Council and any questions from the gallery.**

**CARRIED**

**9. DEPUTATIONS AND PRESENTATIONS TO COUNCIL**

**Item Submitters**

**PE.2 1 submitter addressed the Council**

**Questions from the Public**

**Name: Marion Evans and Nat Hannah**

**Question – 5 Ripplebrook Way Development: Will the Macedon Ranges Shire Council investigate why the amount of land put aside for cultural heritage area has changed from the previous proposed retirement village to the current development proposal for the 43-lot subdivision for lot 16?"**

**Response – The CEO advised she would take the question on notice and noted that from the conversation that had just taken place and the airing of this matter by council, the question would likely to be answered. If not, Council would respond.**

**Name: Blake Byron-Smith**

**Question – In relation to 47 Victoria Street Macedon, Council have previously declared the building to be surplus to current requirements. Given Macedon and Mount Macedon residents numbering at least 196 by petition have expressed that they wish to see the site retained as a community centre can council still retain this view or do they need to reconsider the initial survey and decision?"**

**Response – the CEO suggested the matter would be fully ventilated during Council’s debate regarding this matter. If there was any element of**



**the question still outstanding the CEO would take it on notice and respond to the questioner.**

**Resumption of Standing Orders**

**7.33pm It was moved by Cr Anderson and seconded by Cr Radnedge that standing orders be resumed.**

**CARRIED**

**Order of Business**

**It was moved by Cr Pearce seconded by Cr Anderson that the order of business for the Council Meeting agenda be altered as follows:**

- that item 14 - AO.1 34 Clowes Street, Malmsbury – Engineering requirements for proposed development be considered next on the agenda**
- that item 15 – Notice of Motion 13/2018-19 be considered prior to item AO.4 Draft General Purposes and Amenity (Amendment) Local Law 2019.**

**CARRIED**

**14. DIRECTOR ASSETS AND OPERATIONS REPORTS:**

**Report No:    Report Title:**

**AO.1            34 Clowes Street, Malmsbury – Engineering requirements for proposed development**

**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.**

**It was moved by Cr Anderson seconded by Cr Jukes that the Officer Recommendation be adopted.**

**CARRIED**

**10. DIRECTOR PLANNING AND ENVIRONMENT REPORTS:**

**Report No:    Report Title:**

**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**

**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.

**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.
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:
  - (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.

- (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.**

- 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.
  - (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.**

The Director Planning and Environment proposed an amended Officer Recommendation to reflect an alteration to the PE1 agenda Recommendation to update references to Conditions to the Permit by replacing a reference in 1(b) to MRSC Engineering Condition 11 and in 1(c) to MRSC Parks and Gardens Conditions 20 and 21 as follows:

- (b) The requirements of MRSC Engineering Condition 12 of this permit.
- (c) The requirements of MRSC Parks and Gardens Conditions 21 and 22 of this permit.

**It was moved by Cr Anderson seconded by Cr Gayfer**

**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:**
  - (d) **A full schedule of external building materials and colours for all buildings.**
  - (e) **The requirements of MRSC Engineering Condition 12 of this permit.**
  - (f) **The requirements of MRSC Parks and Gardens Conditions 21 and 22 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.
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:
  - (e) Transport of materials, good or commodities to or from the land;
  - (f) Appearance of any building, works or materials;
  - (g) Emissions of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil; or
  - (h) 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.

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- (d) Upgrade of the Laneway, entire carpark and associated vehicle crossover to the Laneway is shown in Stage 1.
  - (e) The Crossover is aligned generally perpendicular to the Laneway.
  - (f) 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:
- (h) Entering a building site by means of a motor vehicle having a gross weight exceeding two tonnes.
  - (i) Occupying a road for works.
  - (j) Connecting any Council land to a stormwater drain.
  - (k) Opening, altering or repairing a Council road.
  - (l) Opening, altering or repairing a Council drain.
  - (m) Accessing a building site from a point other than a crossover.
  - (n) 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:
- (j) All necessary computations and supporting design documentation for any structure, civil and drainage infrastructure and geotechnical investigation report.
  - (k) Details of any cut and fill earthworks including retaining walls.
  - (l) 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.
  - (m) Provision for all services and conduits (underground) including alignments and offsets.
  - (n) New crossover for the carpark within the Laneway.
  - (o) 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.
  - (p) Underground stormwater drainage for the site including a litter trap prior to discharging into the public drainage system.
  - (q) An on-site detention system demonstrating 10 year ARI post development flow is restricted to 10 year ARI pre development levels.
  - (r) 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.

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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.

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:
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  - (e) Properly formed to such levels that they can be used in accordance with the plans.
  - (f) 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.
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  - (g) How the protection recommendations contained in the Arboricultural Assessment Report will be implemented during construction.
  - (h) A clear photograph of each tree.
  - (i) The general condition and overview of each - Any specific damage/faults evident must be recorded for each tree prior to works commencing.
  - (j) 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.
  - (k) 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.
  - (l) 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:
  - (d) The development is not commenced within two years of the date of this permit.
  - (e) The development is not completed within four years of the date of this permit.
  - (f) 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.

LOST

**Cr Anderson requested a division**

**For: Councillors West, Gayfer, Anderson, Radnedge (4)**  
**Against: Councillors Bleeck, Pearce, Jukes, Mees, Twaits (5)**

**It was moved by Cr Jukes seconded by Cr Bleeck**

**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 12 of this permit.**
  - (c) The requirements of MRSC Parks and Gardens Conditions 22 and 23 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.**

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:
  - (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.

- (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. **The applicant must contribute 50% of the costs of the works associated with drainage works specified by condition 14(f) of this permit.**
- 16. **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.**
- 17. **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.**

- 18. **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. Ordinary Council Meeting – Wednesday, 27 March 2019**

19. **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.**
20. **The development is to be constructed in accordance with Macedon Ranges Shire Council's Policy Engineering Requirements for Infrastructure Construction (June 2010).**
21. **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**

22. **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.**
23. **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.**
  - (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**

24. 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.

**CARRIED**

7.52pm Cr Gayfer left the Meeting.  
 7.53pm Cr Gayfer returned to the Meeting.

**Report No:      Report Title:**

**PE.2                      Application for approval of a Development Plan DP/2017/5 – Proposed development plan for the land at 5 Ripplebrook Way, Kyneton**

**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;**
- 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.**

**It was moved by Cr Jukes seconded by Cr Mees**

**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;**
- 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;**
- 6. Amendment of the Staging Plan to include the Reserve as part of Stage 3; and**

- 7. That Council consult with the Applicant to make arrangements to protect the amenity of residences adjoining the proposed development area.**

**CARRIED**

8.03pm Cr Anderson left the Meeting.  
8.05pm Cr Anderson returned to the Meeting.

**Report No:    Report Title:**

**PE.3                    Consideration of Planning Panel and adoption of Amendment C117 – Lancefield Development Plan**

**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.

**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.**

**Declaration of Conflicts of Interest**

During discussion of the agenda item PE.3, the Council Officers presenting the report (who had not been in attendance at the commencement of the Council meeting) declared they had no conflicts of interest in relation to the item.

**It was moved by Cr Gayfer seconded by Cr West**

**That Council defer Item PE.3 – Consideration of Planning Panel and Adoption of Amendment C117 – Lancefield Development Plan – to a future Council Briefing.**

**CARRIED**

Cr Gayfer sought and was granted leave to address the meeting. Cr Gayfer noted the long and complex nature of the process undertaken to date, and that questions and concerns about the proposal have been raised by a number of property owners in Lancefield. Cr Gayfer further noted deferral of consideration of the item to a future Councillor Briefing would enable Councillors time to review the statutory process followed to date, look at other relevant matters and consider options available to Council.

**Report No:    Report Title:**

**PE.4                    Macedon Ranges Visitor Economy Strategy 2019-2029**

**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.**

**It was moved by Cr Anderson seconded by Cr Radnedge**

**That Council:**

- 1. Adopt the Macedon Ranges Visitor Economy Strategy 2019-2029 with the following additions/alterations:**

- a. **Add to section 2.3 Key policy and strategy**
    - i. **New heading: The Planning and Environment Act 1987: Declaration of Macedon Ranges as a Distinctive Area and Landscape**  
 Followed by text: The Visitor Economy Strategy recognises the attributes that qualify the Macedon Ranges as a distinctive area and landscape noting its environmental significance, geographical features, heritage and culture, natural resources and productive land and strategic infrastructure. The Visitor Economy Strategy acknowledges the threats of significant land use change of the declared area, particularly that of increased tourism activity and recreation, and while providing strategies to support and enhance the visitor economy also addresses the protection of those distinctive features and landscapes.
    - ii. **New heading: Macedon Ranges Climate Change Action Plan 2017**  
 Followed by text:  
 Council proposes to promote the vision of a zero net emissions shire by 2050 as a shared council-community vision, consistent with the state government target for a zero net emissions Victoria. Actions within the Visitor Economy Strategy recognise the risks that climate change may pose to the natural environment and therefore the visitor economy and that Macedon Ranges Shire Council will influence key stakeholders and support the community in reducing emissions.
  - b. **At Action 3.3 add in Kyneton Horticultural Society as another stakeholder for open gardens**
  - c. **Change the wording of Action 7.4 to read: Support appropriate enhancements of the Kyneton Mineral Springs public realm to enhance the visitor experience whilst protecting the natural resources.**
  - d. **At Action 7.8 change the wording to read “Investigate regulatory mechanisms to better support agri-tourism experiences that recognise and support the natural and cultural values of the Macedon Ranges.**
  - e. **In section 2 of the Strategy, “Strategic Context” add an extra section titled 2.4 “Climate Change and Other Risks” that will state the importance of recognising and planning for high fire danger risks and other emergencies and the possible impacts on tourism.**
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 and be referred to the annual budget process.**

LOST

Cr Radnedge requested a division.

**For:** Councillors West, Gayfer, Anderson, Radnedge (4)  
**Against:** Councillors Bleeck, Pearce, Jukes, Mees, Twaits (5)

**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.**

**It was moved by Cr Jukes seconded by Cr Twaits that the Officer Recommendation be adopted.**

**CARRIED**

The Mayor thanked staff and community groups for their work in the development of the strategy.

**11. CHIEF EXECUTIVE OFFICER REPORTS:**

Nil

**12. DIRECTOR CORPORATE SERVICES REPORTS:**

**Report No:    Report Title:**

**CS.1            Small Project Grants – Consideration of grant application**

**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.**

**It was moved by Cr Bleeck seconded by Cr Mees that the Officer Recommendation be adopted.**

**CARRIED**

**Report No:    Report Title:**

**CS.2            Councillor Support Policy review**

**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.**

The Director, Corporate Services proposed an amended Officer Recommendation to clarify the requirement that Councillor funded training be approved prior to committing to the activity in order to be reimbursed by Council.

**It was moved by Cr Gayfer seconded by Cr Mees that the amended officer recommendation be adopted.**

**That Council adopt the revised Councillor Support and Expenses Policy, noting the following amendment to 7.3 Training and Development: -**

**“... 7.3 Training and Development**

**Councillors may seek approval to complete training and development during the term. Any Councillor funded training and development should be approved consistent with Section 7.10 prior to committing to the**

**activity, otherwise it will not be reimbursed by Council. Claims for training and development activities which have been approved in advance should seek reimbursement in accordance with the processes outlined in Section 7.7 and Section 8.”**

**CARRIED**

**Report No:    Report Title:**

**CS.3            Expression of interest for 47 Victoria Street, Macedon**

**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.

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.

It was moved by Cr Mees seconded by Cr Radnedge

**That Council:**

1. Do not proceed with the statutory process to sell 47 Victoria Street, Macedon;
2. Seek the estimated \$186,000 via the 2019/2020 budget process to fund works to renovate the building suitably for community use;
3. If this is not successful, seek the required funding through subsequent budget review and development processes; and
4. Thank the Victoria Street Neighbourhood House Working Group for their efforts in preparing an Expression of Interest and advise the proponents that further discussions regarding their expression of interest will be held if budget funding to renovate the building is identified.

**CARRIED**

**13. DIRECTOR COMMUNITY WELLBEING REPORTS:**

Nil

**14. DIRECTOR ASSETS AND OPERATIONS REPORTS:**

**Report No:    Report Title:**

**AO.2            Discontinuance of Council road reserve in Newry Drive, New Gisborne**

**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.

It was moved by Cr Jukes seconded by Cr Bleeck that the Officer Recommendation be adopted.

**CARRIED**

**Report No:    Report Title:**

**AO.3            Sealing of Batters Lane, Kyneton**

**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.

It was moved by Cr Mees seconded by Cr Gayfer that the Officer Recommendation be adopted.

**CARRIED**

**15. 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.

**It was moved by Cr Pearce seconded by Cr Radnedge 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.**

**CARRIED**

**Report No:    Report Title:**

**AO.4            Draft General Purposes and Amenity (Amendment) Local Law 2019**

**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.

**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.**

**It was moved by Cr Jukes seconded by Cr Twaits that the Officer Recommendation be adopted.**

**CARRIED**

**Report No:    Report Title:**

**AO.5            Draft Kyneton Movement Network Study**

**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.**

**It was moved by Cr Anderson seconded by Cr Radnedge**

**That Council:**

1. **Endorses the draft 2018 Kyneton Movement Network Study for the purposes of undertaking public consultation;**

2. **Undertake this public consultation for a period of 60 days; and**
3. **Directs officers to provide a report back to the July 2019 Council Meeting with the outcomes from the public consultation period.**

**CARRIED**

Cr Pearce noted the Council meeting was the last to be attended by Mr Irving, Manager, Engineering Projects, expressed her thanks for his contribution to the work of council and offered congratulations on his new job.

Cr Anderson sought and was granted leave to thank councillors for allowing a 60-day consultation period for the study and to add her thanks to Mr Irving and his team.

**Report No:    Report Title:**

**AO.6            Review of 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.**

**It was moved by Cr Radnedge seconded by Cr Anderson**

**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;**

3. **Recognise and acknowledge that the “Street Tree Planting Preferred Species List” referred to in Appendix C and attached to the Tree Management Policy is not being endorsed by Council; and**
4. **Request officers write to submitters, thanking them for their submissions and advising them of Council’s decision.**

**CARRIED**

**Report No:    Report Title:**

**AO.7            Dog on and off leash and cat curfew reviews**

**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.

**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.**

**It was moved by Cr Anderson seconded by Cr Gayfer that the Officer Recommendation be adopted.**

**CARRIED**

Cr Anderson sought and was granted leave to express thanks to officers for their work on the reviews.

**Report No:    Report Title:**

**AO.8            Report of the Section 223 Committee held on Wednesday, 20 February 2019**

**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.**

**It was moved by Cr Mees seconded by Cr Bleeck that the Officer Recommendation be adopted.**

**CARRIED**

**Report No:    Report Title:**

**AO.9            Kyneton Airfield Local Law No. 12**

**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;
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.

It was moved by Cr Mees seconded by Cr Bleeck that the Officer Recommendation be adopted.

CARRIED

**Report No:    Report Title:**

**AO.10            Interim recycling arrangements**

**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.



**It was moved by Cr Anderson seconded by Cr West that the Officer Recommendation be adopted.**

**CARRIED**

**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.

**It was moved by Cr Pearce seconded by Cr Radnedge that Council submit the following motion 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.**

**CARRIED**

**It was moved by Cr Pearce seconded by Cr Mees that Council submit the following motion to the Australian Local Government Association National General Assembly of Local Government 2019:**

**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.**

**CARRIED**

**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.

**It was moved by Cr Mees seconded by Cr Bleeck 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.**

**CARRIED**

**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.

**It was moved by Cr Mees seconded by Cr Jukes 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.**

**CARRIED**

**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.

**It was moved by Cr Mees seconded by Cr Twaits 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.**

**CARRIED**

**Following identification by the Chief Executive Officer of a potential inconsistency in Note of Motion No.12/2019-19, Cr Pearce moved and Cr Anderson seconded that a proposed amendment to the wording of Notice of Motion No. 12/2018-19 be admitted as urgent and other business.**

**CARRIED**

**16. URGENT AND OTHER BUSINESS**

Councillors and the Chief Executive Officer discussed the wording of the part of Notice of Motion No. 12/2018-19 regarding waste management, and the need to make a minor amendment to the wording in order to ensure the motion to be submitted would allow for local government representation. The amendment comprised the deletion of the word “government” from the part of the Notice of Motion calling for an urgent round table.

**Following discussion, Cr Pearce moved and Cr West seconded**

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

**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 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.**

**CARRIED**

**Following a request from the Chief Executive Officer, Cr Anderson moved and Cr Gayfer seconded that Council consider an update on Daylesford Macedon Tourism as urgent and other business.**

**CARRIED**

**Cr Anderson moved and Cr Radnedge seconded that as the Daylesford Macedon Tourism update 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.**

**CARRIED**

**Closure of Meeting to consider Confidential Reports**

**Cr Anderson moved and Cr Jukes seconded that the meeting be closed pursuant to Section 89(2) (a) and (h) to consider confidential reports.**

**CARRIED**

The meeting closed at 9.38pm pursuant to Section 89(2)(a) and (h) to consider the following reports:

**17. CONFIDENTIAL REPORTS**

**17.1 Interim recycling arrangements**

**17.2 Daylesford Macedon Tourism update**

**Opening of Meeting**

**It was moved by Cr Gayfer and seconded by Cr Radnedge that the meeting be re-opened.**

**CARRIED**

**Closure of Meeting**

The meeting closed at 10.01pm

**Councillor Janet Pearce  
Mayor**