

# Minutes

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



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**1 ACKNOWLEDGEMENT OF COUNTRY**

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

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

**2 RECORDING OF LIVE STREAMING OF THIS COUNCIL MEETING**

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

**3 PRESENT**

Cr Jennifer Anderson (Mayor), Cr Rob Guthrie (Deputy Mayor), Cr Dominic Bonanno, Cr Annette Death, Cr Anne Moore, Cr Geoff Neil, Cr Janet Pearce, Cr Mark Ridgeway, Cr Bill West

**IN ATTENDANCE**

Bernie O'Sullivan (Chief Executive Officer), Adele Drago-Stevens (Director Corporate), Rebecca Stockfeld (Director Planning and Environment), Shane Walden (Director Assets and Operations), Maria Weiss (Director Community), Patricia Clive (Coordinator Governance), Lucy Webb-Wilson (Senior Governance Officer – Council Business), Amila Sumanasingha (Information Systems Officer)

**4 APOLOGIES**

Nil

**5 CONFLICTS OF INTEREST**

Cr Neil declared a general conflict of interest in relation to agenda item PE.3.

**6 PETITIONS**

Nil

**7 DEPUTATIONS AND PRESENTATIONS TO COUNCIL**

Nil

**8 ADOPTION OF MINUTES****Resolution 2022/62**

Moved: Cr Mark Ridgeway  
Seconded: Cr Bill West

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That the minutes of Ordinary Meeting of the Macedon Ranges Shire Council held on Wednesday 22 June 2022 as circulated be confirmed.

**CARRIED**

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**9 MAYOR'S REPORT****9.1 MAYOR'S REPORT - JUNE TO JULY 2022****Resolution 2022/63**

Moved: Cr Rob Guthrie  
Seconded: Cr Mark Ridgeway

**That Council receives and notes the Mayor's report.**

**CARRIED**

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**10 RECORD OF MEETINGS OF COUNCILLORS AND COUNCIL STAFF**

<b>10.1 RECORD OF MEETINGS OF COUNCILLORS AND COUNCIL OFFICERS - JUNE - JULY 2022</b>
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**Summary**

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

**Recommendation**

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

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**Amended Officer Recommendation:****Resolution 2022/64**

Moved: Cr Anne Moore  
Seconded: Cr Annette Death

**That Council receives and notes the record of meetings of Councillors and Council staff as outlined in this report with the following amendments:**

- 1. Romsey Structure Plan workshop added to the meeting of 12 July 2022, including attendees and facilitators;**
- 2. Shane Walden (Director Asset and Operations) as an apology for the meetings on 21 and 28 June 2022; and**
- 3. Emma Harvey (Working Heritage) as an apology for the meeting of 28 June 2022;**

**CARRIED**

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**11 DIRECTOR PLANNING AND ENVIRONMENT REPORTS****PE.1 LANCEFIELD MEGAFUNA FEASIBILITY STUDY****Summary**

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

**Resolution 2022/65**

Moved: Cr Geoff Neil

Seconded: Cr Bill West

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

**CARRIED**

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**PE.2 DALTON STREET RESERVE ENVIRONMENTAL MANAGEMENT PLAN****Summary**

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

**Recommendation****That Council**

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

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**Resolution 2022/66**

Moved: Cr Anne Moore

Seconded: Cr Rob Guthrie

**That Council:**

- 1. Adopt the Dalton Street Environmental Management Plan;**
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2. **Commence implementation of the short term actions identified in the plan within existing resources;**
  3. **Support the formation of a local residents “Friends” group to participate in the management of the reserve network; and**
  4. **Explore options for renaming the Dalton Street Reserve, engaging with the Wurundjeri Woi Wurrung, land management agencies and the community.**

**CARRIED**

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At 7:17pm, Cr Geoff Neil left the meeting due to a declared conflict of interest with agenda item PE.3.

### **PE.3 ANNUAL GRANTS - PANEL RECOMMENDATIONS 2022-2023 EVENTS AND FESTIVALS GRANT PROGRAM**

#### **Summary**

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

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

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

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

#### **Resolution 2022/67**

Moved: Cr Janet Pearce  
Seconded: Cr Annette Death

#### **That Council:**

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

**CARRIED**

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At 7:18pm, Cr Geoff Neil returned to the meeting.

**PE.4 PLN/2021/535/A - 13 PIONEER WAY GISBORNE - USE AND DEVELOPMENT OF THE LAND FOR INDOOR RECREATION FACILITY (SWIMMING POOL) AND DEVELOPMENT OF ONE WAREHOUSE**

**Summary**

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

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

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

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

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

**Recommendation**

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

- 1. The proposal is contrary to Clause 11 (Settlement) of the *Macedon Ranges Planning Scheme*, as planning seeks to prevent environmental, human health and amenity problems created by siting incompatible land uses together. The proposal would create a conflict between a Section 1 use (Warehouse) sharing a site with a Section 2 (non-industrial) use.**
- 2. The proposal is contrary to Clause 13.07-1S (Land use compatibility) of the *Macedon Ranges Planning Scheme*, as it will result in community amenity and safety issues through the siting of a recreational facility within an area having potential adverse off-site impacts. The use proposed also has a potential to create land use conflict for surrounding industrial infrastructure as it evolves, including general functionality.**
- 3. The proposal is contrary to Clause 17.03-1S (Industrial land supply) of the *Macedon Ranges Planning Scheme*, as it will reduce the availability of land for industrial use.**
- 4. The proposal is contrary to Clause 18 (Transport) of the *Macedon Ranges Planning Scheme*, as it will not promote a safe walking network for the recreational use due to the shared nature of the car park with a warehouse.**
- 5. The proposal is contrary to Clause 21.02-6 (Economic Development) of the *Macedon Ranges Planning Scheme*, of the *Macedon Ranges Planning Scheme*, as the industrial areas are an important source of employment and the**



application invites a recreational use whilst reducing industrial site availability.

6. The proposal is contrary to Clause 21.10-1 (Commercial and Industry) of the *Macedon Ranges Planning Scheme*, which has a strategy that aims to maintain Kyneton and Gisborne as the main industrial centres in the shire, and to avoid approving non-industrial land uses, which will prejudice the availability of land for future industrial requirements, in identified industrial areas. The proposal would prejudice the availability of land for future industrial requirements.
7. The proposal is contrary to Clause 21.13-1 (Gisborne and New Gisborne) of the *Macedon Ranges Planning Scheme*, as it will not result in retaining Gisborne Town Centre as the primary activity centre for New Gisborne and fails to protect industrial uses.
8. The proposal is contrary to Clause 22.06 (Design of Industrial and Commercial development) of the *Macedon Ranges Planning Scheme*, as it will be unable to support functionality of industrial areas, particularly in terms of access and circulation.
9. The proposal is contrary to the purpose of the zone as it will not provide for an industrial use and will create potential for impacts to the safety and amenity of the local community.
10. The internal access layout will not result in safe movement of traffic and pedestrians.

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Cr Guthrie moved the following motion:

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#### **Resolution 2022/68**

Moved: Cr Rob Guthrie  
Seconded: Cr Dominic Bonanno

**A. That Council amend the preamble of the Planning Permit to read as:**

**“Use and development of the land for an indoor recreation facility (swimming centre) and development of one warehouse”**

**B. That Council resolve to issue a Notice of Decision to Amend a Permit PLN/2021/535/A for the use and development of the land for an indoor recreation facility (swimming centre) and development of one warehouse for the land at Lot 11 PS 805807P P/Gisborne, 13 Pioneer Way New Gisborne VIC 3438 subject to the conditions below:**

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The plans must be drawn to scale with dimensions and an electronic copy must be provided. When approved, these plans will be endorsed and will form part of this permit. The plans must be generally in accordance with the plans submitted and assessed with the application but modified to show:
  - (a) Pole mounted flashing amber light adjacent to the disabled car parking space to the north of driveway;
  - (b) Signs reading 'give way to pedestrians' within the lot facing drivers entering & exiting the accessway.

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- (c) Following annotations on the plans:
- (i) The signs must always be visible when the gates are open and must not be obstructed by the gates, vegetation or other objects.
  - (ii) Pole mounted flashing amber lights to be operational at all times during business hours.
- (d) A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, sizes at maturity, and quantities of each plant;
- (e) Demonstrate all water sensitive urban design treatment types, including rainwater tank location(s) and capacity, indicative equipment (pump & filter) and maintenance access areas;
- (f) Stormwater Management Plan.
2. The use and development as shown on the endorsed plans must not be altered unless with the prior written consent of the Responsible Authority.
3. Prior to the commencement of use, landscaping works shown on the endorsed plans must be carried out, completed and thereafter maintained to the satisfaction of the Responsible Authority.
4. The development and use 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;
  - (d) Presence of vermin.
5. Unless with the prior written consent from the Responsible Authority, the indoor recreation facility (swimming centre) use hereby permitted may only operate between the following hours:
- Monday to Friday: 8.00am - 12.00pm (8 students per session)
  - Monday to Friday: 3.30pm - 7.00pm (12 students per session)
  - Saturday: 7.30am - 12.00pm (8 students per session)
  - Saturday: 12.00pm - 3.00pm (12 students per session)
  - Sunday: Closed
6. Unless with the prior written consent from the Responsible Authority, the number of staff present on the property at any one time in association with the indoor recreation facility (swimming centre) use must not exceed four (4), to the satisfaction of the Responsible Authority.
7. Any air-conditioning units or other facilities or services must not be located on or project above the rooflines or must be concealed, to the satisfaction of the Responsible Authority.
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8. Goods must not be stored or left exposed outside the buildings so as to be visible from any public road or thoroughfare, to the satisfaction of the Responsible Authority.
  9. Provision shall be made for the appropriate storage and disposal of garbage to the satisfaction of the Responsible Authority. All garbage storage areas must be screened from public view.
  10. The loading and unloading of goods from vehicles must only be carried out on the land (within the designated loading bays) and must not disrupt the circulation and parking of vehicles on the land, to the satisfaction of the Responsible Authority.
  11. Prior to works commencing, the owner must pay to Council a development contribution in accordance with the Development Contributions Plan Overlay (DCPO) incorporated in the Macedon Ranges Planning Scheme. The amount payable is calculated from the Total Charge figure for specified Area 3 within the Development Contributions Plan Overlay Schedule 2 to be paid per 100sqm gross floor area for indoor recreation facility (commercial) and warehouse (industrial) and is adjusted on 1 July each year in accordance with Clause 45.06 of the Macedon Ranges Planning Scheme.

#### **MRSC Engineering Unit Conditions**

12. 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.
  13. No polluted and/or sediment laden runoff is to be discharged directly or indirectly into drains or watercourses. Soil erosion control measures must be employed throughout the works to the satisfaction of the Responsible Authority.
  14. Prior to the commencement of use, the development is to be provided with a drainage system to a design approved by the Responsible Authority and such that:
    - (a) The development as a whole is provided with legal point/s of discharge approved by the Responsible Authority and any other statutory authority from which approval must be received for the discharge of drainage.
    - (b) Stormwater runoff from all buildings, tanks and paved areas must be drained to a legal point of discharge.
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- (c) All stormwater drains required to the legal point of discharge and which pass through lands other than those within the boundaries of the development are constructed at no cost to the Responsible Authority.
  - (d) Details of stormwater detention system to ensure 10 year ARI post-development flows are restricted to pre-development level.
  - (e) Objectives of the Urban Stormwater – Best Practice Environmental Management Guidelines (Victorian Stormwater Committee, 1999) are satisfied. Alternatively, payment of the stormwater quality offset contribution to the Responsible Authority
15. The development is to be constructed in accordance with Macedon Ranges Shire Council's Policy Engineering Requirements for Infrastructure Construction (June 2010).
16. Before the development commences, a Construction Management Plan must be submitted to and approved by the Responsible Authority. The management plan must show:
- (a) Measures to control erosion and sediment and sediment laden water runoff including the design details of structures;
  - (b) Dust control;
  - (c) Where any construction wastes, equipment, machinery and/or earth is to be stored/stockpiled during construction;
  - (d) Where access to the site for construction vehicle traffic will occur;
  - (e) The location and details of a sign to be erected at the entrance(s) of the site advising contractors that they are entering a 'sensitive site' with prescribed tree protection zones and fences.
  - (f) The location of any temporary buildings or yards.

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

17. Before the commencement of use, the area(s) set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
- (a) Constructed;
  - (b) Properly formed to such levels that they can be used in accordance with the plans;
  - (c) Surfaced with an all-weather sealcoat or treated to the satisfaction of the Responsible Authority to prevent dust and gravel being emitted from the site;
  - (d) Drained and maintained;
  - (e) Line marked to indicate each car space and all access lanes;
  - (f) Clearly marked to show the direction of traffic along access lanes and driveways;

to the satisfaction of the Responsible Authority. Car spaces, access lanes and driveways must be kept available for these purposes at all times, to the satisfaction of the Responsible Authority.

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18. Prior to the commencement of use, a new sealed crossover must be constructed within Pioneer Way for the development to the satisfaction of the Responsible Authority.
19. Prior to the commencement of use, all redundant crossovers must be removed and nature strip reinstated to the satisfaction of the Responsible Authority.
20. At least 14 days prior to commencement of works, a Site Management Plan must be submitted to and approved by the Responsible Authority. The Site Management Plan must contain the following:
  - (a) Name and contact details of appointed Civil Contractor and Superintendent.
  - (b) Existing condition survey of all existing assets including private properties.
  - (c) Construction Management Plan.
  - (d) Traffic Management Plan.
  - (e) Occupational Health & Safety and Job Safety Analysis Plans.
  - (f) Council issued Asset Protection Permit.
  - (g) Council approved Engineering Plans.

All works must be carried out generally in accordance with measures set out in the above documents approved by the Responsible Authority

#### **EXPIRY DATE OF PERMIT**

21. 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 (2) years of the completion of the development.

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires or within six months after the expiry date for commencement, or within twelve months after the expiry date for completion.

#### **NOTE:**

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

**CARRIED**

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**PE.5 PLN/2021/447 - 78 MULLALYS ROAD BOLINDA - USE AND DEVELOPMENT OF THE LAND FOR A DWELLING****Summary**

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

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

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

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

**Recommendation****That Council**

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

- 1. The agricultural uses proposed are not sufficient to justify the need for a permanent dwelling on site. The farm management plan fails to provide an adequate justification to warrant a permanent dwelling on the site for management.**
- 2. The proposal is contrary to Clause 14.01 (Agriculture) of the Planning Policy Framework, as it does not protect productive farmland due to inappropriate fragmentation which will compromise the long-term capacity of the land to be used for agriculture.**
- 3. The proposal is contrary to one of the strategies under Clause 14.01 (Agriculture) of the Planning Policy Framework, which seeks to encourage the consolidation of existing isolated small lots in rural zones.**
- 4. The proposal is contrary to Clause 21.07-1 (Agriculture) of the Local Planning Policy Framework as it fails to demonstrate and provide adequate justification that the dwelling is required for sustainable agricultural pursuits.**
- 5. The proposal is contrary to Clause 21.09-2 (Rural Residential) of the Local Planning Policy Framework as it will result in rural residential development which would adversely impact current and future agricultural and economic activities.**
- 6. The proposal is contrary to the purposes and decision guidelines of the Farming Zone as the dwelling will exacerbate the fragmentation of existing farming land and holdings; remove land from agricultural use; and facilitate an opportunity of a non-agricultural use (dwelling), that would be incompatible with and adversely affect the adjoining and nearby land uses for agriculture.**
- 7. It is considered that the use of the land for a dwelling is not consistent with the MSS requirement to protect agricultural land, facilitate productive**

agricultural activity and ensure new development is related to the ongoing, productive use of the land for agriculture.

8. The proposal would result in the proliferation of dwellings, and degradation of agricultural land (by fragmentation).
9. The proposal is contrary to Clause 51.07 (*Macedon Ranges Statement of Planning Policy*) as it will be unable to support and encourage agricultural land use.
10. The proposal contradicts the decision guidelines of Clause 65 of the *Macedon Ranges Planning Scheme* due to not resulting in orderly planning of the area.

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Cr Neil moved the following motion:

**Alternative Motion:**

Moved: Cr Geoff Neil

Seconded: Cr Mark Ridgeway

**That Council resolve to issue a Notice of Decision to Grant a Permit for the use and development of the land for a dwelling for the land at LOT 1 TP 833680Q P/Kerrie, 78 Mullalys Road, Bolinda VIC 3432 subject to the conditions below:**

1. Before the commencement of the development, 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 submitted with the application but modified to show:
  - (a) The area set aside for the domestic envelope;
  - (b) Relocation of wastewater disposal area within the domestic envelope;
  - (c) Floor, elevation and location plans of horse shelters and stable/s;
  - (d) Amended Farm Management Plan in accordance with Condition 2 of this permit;
  - (e) Staging report and plan in accordance with Condition 3 of this permit.
2. Before the commencement of the development, an amended farm management plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of this permit. The plan must be generally in accordance with the plan received with the application but modified to show:
  - (a) Area allocation for each horse paddock and for cattle grazing;
  - (b) Additional details in relation to horse husbandry use including horse shelters and stable/s;
  - (c) 30m wide vegetated buffer zone along each side of the waterway on site;
  - (d) The area set aside for the domestic envelope with appropriate fencing to exclude stock;
  - (e) Additional details in relation to cattle operation infrastructure including but not limited to:
    - (i) Handling facilities such as cattle crush, scales, and working yards.
    - (ii) Watering and feeding facilities.

**All to the satisfaction of the Responsible Authority.**

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3. Before the construction or carrying out of any buildings or works starts, a report must be submitted to and approved by the Responsible Authority setting out the dates by which various stages of the buildings and works will start and finish (the 'staging report'). The staging report must provide details for the works to establish the agricultural infrastructure to be completed before the construction of the dwelling starts.
  4. Except with the consent of the Responsible Authority, the development must be carried out in accordance with the approved staging plan.
  5. The use and development as shown on the endorsed plans must not be altered unless with the prior written consent of the Responsible Authority.
  6. Before the commencement of the development, the owner/s of the land must enter into an agreement with the Responsible Authority in accordance with Section 173 of the Planning and Environment Act 1987. The agreement must provide for:
    - (a) Works to establish the agricultural infrastructure must be completed on the land, both to the satisfaction of the Responsible Authority, and both generally in accordance with the layout plans and the staging report endorsed as part of planning permit PLN/2021/447.
    - (b) The owner of the land must implement all the recommendations and requirements of the Farm Management Plan endorsed under Planning Permit PLN/2021/447 on an ongoing basis to the satisfaction of the Responsible Authority, unless otherwise agreed in writing with the Responsible Authority.
    - (c) No subdivision of the land.
    - (d) The Owner acknowledges and accepts that the possibility of nuisance from adjoining or nearby agricultural operations may occur. The possible off-site impacts include but are not limited to (dust, noise, odour, waste, vibration, soot, smoke or the presence of vermin), from animal husbandry, animal waste, spraying, agricultural machinery use, pumps, trucks and associated hours of operation. In acknowledging the existence of the agricultural operations being conducted from adjoining or nearby land, the owner shall not make complaint against lawful agricultural activities on the adjoining or nearby land.

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

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

7. Prior to the commencement of use, the following must be provided to the satisfaction of the responsible authority:
    - (a) Access to the dwelling must be provided via an all-weather road with dimensions adequate to accommodate emergency vehicles.
    - (b) The dwelling must be connected to a reticulated potable water supply or have an alternative potable water supply with adequate storage for domestic use as well as for fire-fighting purposes.
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- (c) The dwelling must be connected to a reticulated electricity supply or have an alternative energy source.
8. The amenity of the locality must not be adversely affected by the activity on the site, the appearance of any buildings, works or materials, emissions from the premises or in any other way, to the satisfaction of the Responsible Authority.
  9. External lighting sources and their intensity, location and containment, for purposes of safety and security, must be of a type that will not adversely affect the amenity of the neighbouring land or the locality due to unreasonable illuminance, glare or spill, to the satisfaction of the Responsible Authority.

#### MRSC Engineering Conditions

10. Prior to the commencement of works, an "Asset Protection Permit" must be obtained from Council for any of the following circumstances:
    - (a) Entering a building site by means of a motor vehicle having a gross weight exceeding two tonnes;
    - (b) Occupying a road for works;
    - (c) Connecting any Council land to a stormwater drain;
    - (d) Opening, altering or repairing a Council road;
    - (e) Opening, altering or repairing a Council drain;
    - (f) Accessing a building site from a point other than a crossover;
    - (g) Construct/repair/widen/remove any crossover.
  11. Prior to the commencement of use, the access driveway to the dwelling must be constructed to meet the following requirements to the satisfaction of the Responsible Authority:
    - (a) The driveway, including any culvert crossings, must be constructed to a standard so that it is accessible in all weather conditions and be capable of accommodating a vehicle of 15 tonnes for the trafficable road width.
    - (b) The driveway must have a minimum trafficable width of 3.5m, be clear of encroachments 4 metres vertically and have no obstructions within 0.5m either side of the formed width of the driveway.
    - (c) Curves must have a minimum radius of 10 metres.
    - (d) The average grade must be no more than 1 in 7 with a maximum of no more than 1 in 5 for no more than 50 metres.
    - (e) Dips must have no more than a 1 in 8 entry and exit angle.
  12. Stormwater runoff from the development must be dissipated as normal unconcentrated overland flow clear of property boundaries and buildings on adjacent properties.
  13. No polluted and/or sediment laden run-off is to be discharged directly or indirectly into drains or watercourses. Soil erosion control measures must be employed throughout the works to the satisfaction of the Responsible Authority.
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14. The development is to be constructed in accordance with Macedon Ranges Shire Council's Policy Engineering Requirements for Infrastructure Construction (June 2010).
  15. Prior to the commencement of use, a new sealed crossover must be constructed within Mullalys Road from the edge of the road to the property boundary for the development to the satisfaction of the Responsible Authority.

#### MRSC Health Condition

16. Prior to the commencement of use, the dwelling shall be fitted with a wastewater treatment and disposal system to a design approved Council's Environmental Health Officer and such that all effluent is disposed of within the boundaries of the allotment.

A separate permit must be obtained from Council's Environmental Health Department prior to its installation.

17. All wastewater from the dwelling must be treated and disposed of using an approved system. The system must have a certificate of conformity issued by the Conformity Assessment Body (or equivalent approval) and be installed, operated and maintained in accordance with the relevant Australian Standard and EPA Code of Practice.
18. The wastewater disposal area must be located at least: 100m from any waterways (including dams on waterways), 40m from any drainage lines, 60m from any dams, and 20m from any bores.
19. The wastewater disposal area must be kept free of stock, buildings, driveways and service trenching and must be planted with appropriate vegetation to maximise its performance. Stormwater must be diverted away. A reserve wastewater disposal field of equivalent size to the primary disposal field must be provided for use in the event that the primary field requires resting or has failed.

#### Expiry of Permit

20. This permit will expire if one of the following circumstances applies:
  - (a) The development is not commenced within two (2) years of the date of this permit.
  - (b) The development is not completed within four (4) years of the date of this permit.
  - (c) The use is not commenced within two (2) 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 6 months afterwards if the development has not commenced, or 12 months after if the development has commenced but is not yet completed.

#### Permit notes

- Future owners of the land must be made aware of the existence of this permit.
- This permit does not permit the removal of any vegetation. If any vegetation removal is proposed a separate permit may be required.
- For works on waterways, it is recommended that applicant contact the relevant Catchment Management Authority as a licence may be required to any works.

In Favour: Crs Geoff Neil, Mark Ridgeway and Bill West

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Against: Crs Jennifer Anderson, Dominic Bonanno, Annette Death, Rob Guthrie, Anne Moore and Janet Pearce

LOST 3/6

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Cr Guthrie moved the Officer recommendation:

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### **Resolution 2022/69**

Moved: Cr Rob Guthrie

Seconded: Cr Anne Moore

### **That Council**

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

- 1. The agricultural uses proposed are not sufficient to justify the need for a permanent dwelling on site. The farm management plan fails to provide an adequate justification to warrant a permanent dwelling on the site for management.**
- 2. The proposal is contrary to Clause 14.01 (Agriculture) of the Planning Policy Framework, as it does not protect productive farmland due to inappropriate fragmentation which will compromise the long-term capacity of the land to be used for agriculture.**
- 3. The proposal is contrary to one of the strategies under Clause 14.01 (Agriculture) of the Planning Policy Framework, which seeks to encourage the consolidation of existing isolated small lots in rural zones.**
- 4. The proposal is contrary to Clause 21.07-1 (Agriculture) of the Local Planning Policy Framework as it fails to demonstrate and provide adequate justification that the dwelling is required for sustainable agricultural pursuits.**
- 5. The proposal is contrary to Clause 21.09-2 (Rural Residential) of the Local Planning Policy Framework as it will result in rural residential development which would adversely impact current and future agricultural and economic activities.**
- 6. The proposal is contrary to the purposes and decision guidelines of the Farming Zone as the dwelling will exacerbate the fragmentation of existing farming land and holdings; remove land from agricultural use; and facilitate an opportunity of a non-agricultural use (dwelling), that would be incompatible with and adversely affect the adjoining and nearby land uses for agriculture.**
- 7. It is considered that the use of the land for a dwelling is not consistent with the MSS requirement to protect agricultural land, facilitate productive agricultural activity and ensure new development is related to the ongoing, productive use of the land for agriculture.**
- 8. The proposal would result in the proliferation of dwellings, and degradation of agricultural land (by fragmentation).**
- 9. The proposal is contrary to Clause 51.07 (*Macedon Ranges Statement of Planning Policy*) as it will be unable to support and encourage agricultural land use.**
- 10. The proposal contradicts the decision guidelines of Clause 65 of the *Macedon Ranges Planning Scheme* due to not resulting in orderly planning of the area.**

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**CARRIED**

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**12 CHIEF EXECUTIVE OFFICER REPORTS**

Nil

**13 DIRECTOR CORPORATE REPORTS****COR.1 CONTRACTS TO BE AWARDED AS AT JULY 2022****Summary**

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

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

**Resolution 2022/70**

Moved: Cr Annette Death  
Seconded: Cr Mark Ridgeway

**That Council:**

1. **Notes that the following contracts will be awarded by Council officers under delegated authority:**
  - (a) **C23.1170 Barkly Square Sportsfield Reconstruction**

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**CARRIED**

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**14 DIRECTOR COMMUNITY REPORTS****COM.1 MUNICIPAL RESILIENCE PROGRESS UPDATE****Summary**

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

**Resolution 2022/71**

Moved: Cr Janet Pearce  
Seconded: Cr Anne Moore

**That Council:**

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

**CARRIED**

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## **15 DIRECTOR ASSETS AND OPERATIONS REPORTS**

### **AO.1 DIXON FIELD MASTER PLAN**

#### **Summary**

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

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

#### **Recommendation**

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

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Cr Guthrie moved the following motion:

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#### **Resolution 2022/72**

Moved: Cr Rob Guthrie

Seconded: Cr Anne Moore

#### **That Council:**

1. **Adopts the Dixon Field master Plan (2022) effective from 28 July 2022; and**
2. **Pursues funding applications to progressively implement world game improvements in accordance with the Dixon Field Master Plan, subject to Council budget considerations.**

**CARRIED**

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**AO.2 PUBLIC TOILET AND BBQ STRATEGY****Summary**

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

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

**Resolution 2022/73**

Moved: Cr Mark Ridgeway

Seconded: Cr Janet Pearce

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

**CARRIED**

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**16 NOTICES OF MOTION AND RESCISSION**

Nil

**17 URGENT BUSINESS**

Nil

**18 CONFIDENTIAL REPORTS****Resolution 2022/74**

Moved: Cr Rob Guthrie

Seconded: Cr Anne Moore

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

**18.1 Kyneton Early Years' Service Planning**

**18.2 Naming of Turner Lane, Kyneton**

**CARRIED**

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

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

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

**18.2 Naming of Turner Lane, Kyneton**

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

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

**Council did not move out of Closed Council into Open Council again.**

**The meeting closed at 8:09pm.**

**The minutes of this meeting will be confirmed at the Council Meeting held on 24 August 2022.**