

Council Meeting Minutes

**Ordinary Council Meeting
Wednesday 26 February 2014 at 7.06pm
Gisborne Administration Centre**

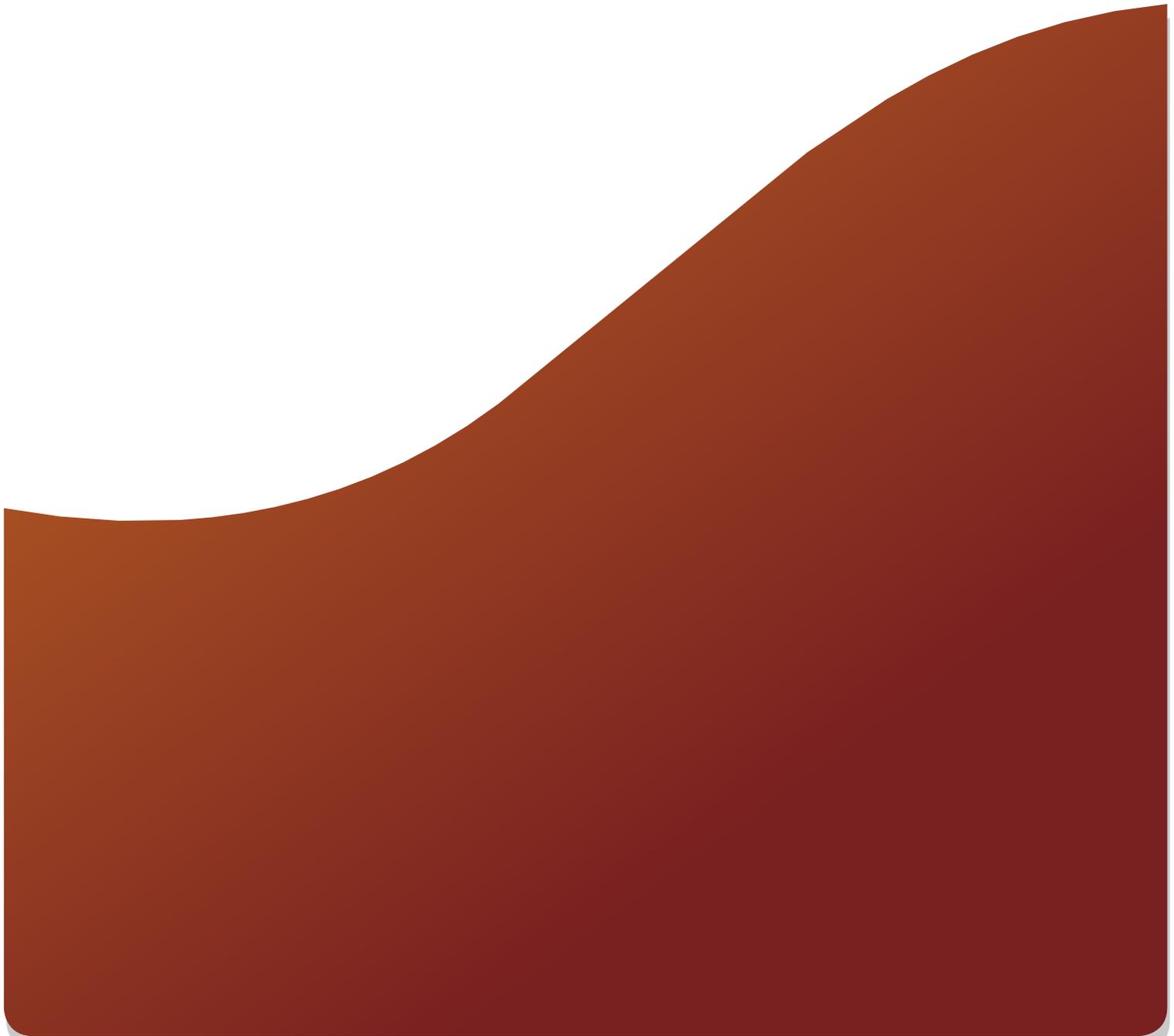


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	<p>Persons (Applicant and Objectors) who have made a submission on a land use and development application to be considered at this meeting may address the Council. The Chairperson will call for submissions in order of the items listed below and submitters will have three minutes only. At the conclusion of each submission, Councillors may wish to ask questions of the submitter.</p>	
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17. Confidential Reports

- 17.1 Chief Executive Officer's annual review
- 17.2 Evaluation of tenders for contract no. C14-698 Baynton Road, Kyneton culvert repair/replacement
- 17.3 Contracts to be Awarded as at 26th February 2014 – Contract C14.703 Netball Complex New Gisborne

1. PRAYER:

7.06pm The Mayor read the prayer

2. PRESENT:

Cr Roger Jukes (Mayor)	West Ward
Cr Graham Hackett (Deputy Mayor)	East Ward
Cr Henry McLaughlin	East Ward
Cr Joe Morabito	East Ward
Cr John Letchford	South Ward
Cr Russell Mowatt	South Ward
Cr Sally Piper	South Ward
Cr Jennifer Anderson	West Ward
Cr John Connor	West Ward

In Attendance:

Mr Peter Johnston	Chief Executive Officer
Mr Dale Thornton	Director Assets and Operations
Mr Glenn Owens	Director Corporate Services
Ms Karen Stevens	Director Community Wellbeing
Ms Sophie Segafredo	Director Planning and Environment
Mr Stephen Mahon	Manager Council and Customer Services

3. APOLOGIES:

Nil

4. DECLARATION OF CONFLICTS OF INTEREST:

Cr Connor advised Council that whilst he resided approx 200 metres from the site dealt with in Item PE.1 P/P 2013/150 30 Brooke Street, Woodend he did not consider he had a conflict of interest.

The Chief Executive Officer advised that he had a direct interest in Item CX.1 and 17.1 Chief Executive Officers Annual Review.

5. MAYOR’S REPORT:

Australia Day Awards and Citizenship Ceremony

Communities across the shire recently gathered together to mark Australia Day with a range of special events.

The Mayor was pleased to celebrate the achievements and contributions of some of our well-deserving residents at the Australia Day Award Ceremony held at the Kyneton Town Hall. Like all of those in attendance, he was inspired by the significant achievements and voluntary contributions of this year’s award recipients – He took the opportunity to once again congratulate Roni Wilderboer (Citizen of the Year), John Joe-Wilson (Young Citizen of the Year), Eric Scoble (Community Achievement Award), Windarring Meals on Wheels Team-Beth Hipworth, Emma Goodwin, Luke Wren and Gabrielle Martin (Community Achievement Award), Christmas Lunch at the Kyneton Town Hall (Community Event of the Year) and Jill Rivers (Arts Ambassador Award).

Prior to this special event, 22 shire residents made a formal pledge to become Australian citizens. Together with my fellow Councillors, he welcomed the new citizens who now take on the privileges and responsibilities of being an Australian citizen.

Bluestone Theatre

The recent announcement of the State Government's commitment of \$290,000 from the Regional Growth Fund towards the refurbishment of the Bluestone Theatre in Kyneton was most welcomed. This funding will complement Council's contribution of \$90,000 and the Friends of Bluestone Theatre's \$20,000 to the much loved community hub.

The proposed project will include OHS/DDA compliance works, repair to damaged ceilings and alterations to current internal infrastructure to enable a more flexible theatre/creative space.

Regional Netball Facility

Following on from the State Government's recent commitment of \$650,000, Council also welcomed the Federal Government's announcement of a \$325,000 funding boost for the development of a brand new eight-court regional netball facility in Gisborne.

Together with a \$90,000 contribution from the Macedon Ranges Netball Association, this will enable regional representative netball to be improved by enhancing access and opportunities for local and regional netballers.

Kyneton Airfield

Following last year's launch of the Regional Aviation Program, the Minister for Aviation recently visited the shire to make a funding announcement regarding fuel equipment and lighting at the Kyneton Airfield. Congratulations to the Kyneton Aero Club in putting together this successful application.

Victorian Order of Australia Medal Association

The Mayor recently had the pleasure in welcoming the Victorian Order of Australia Medal Association to Kyneton. It was great to be able to acknowledge the outstanding achievements and services of the members. It was also pleasing to hear that the members look forward to returning to enjoy all of the qualities that our shire has to offer.

Woodend Community Exercise Track

With the assistance of Council's \$5,000 contribution and liaison with external agencies, Woodend Rotary recently officially opened an exercise track at Racecourse Reserve in Woodend.

Maps

Council has recently released four new pocket-sized access and mobility maps for residents and visitors of all ages and abilities, covering the townships of Kyneton, Woodend, Gisborne and Romsey/Lancefield.

Council has also released three new walking route maps for Gisborne, Kyneton and Woodend.

Hard copies can be collected from Council service centres or are available for download from Council's website.

Thank you to Emergency Services

The Mayor thanked all Emergency Services staff and volunteers, Council employees and the broader community for their magnificent work in association with the recent fires and reminded everyone that assistance for people impacted by fire can be accessed 24/7 via the Council's main telephone number 54 220 333

The Mayor made the follow statement in relation to Hanging Rock. The matter of the financing the management and enhancement of Hanging Rock and surrounds has become of some concern to a number of residents particularly due to misinformation being published. Council's current position identifies an opportunity to investigate a sustainable funding source to provide for the long term investment in the Hanging Rock precinct. It is worth the investigation. If the investigation concluded that some form of development pr use is warranted and worthwhile, Council will then consider what that might mean for the east paddock. And of course that consideration will be in light of recent community feedback ad issues raised by local residents.

This could be camping or ' clamping', could be cabins, could be an activity centre or could be a more substantial proposal including built accommodation or a conference centre. Consideration of all or any of these options will involve a detailed public consultation process. And any development would go through a formal development assessment process.

It was moved by Cr McLaughlin seconded by Cr Letchford that the Mayors report be received.

CARRIED

6. PETITIONS

Nil

7. ADOPTION OF MINUTES

Ordinary Council Meeting: Wednesday 18 December 2013

Officer Recommendation:

That the minutes of the Ordinary Council Meeting of the Macedon Ranges Shire Council held on Wednesday 18 December 2013 as circulated be confirmed.

It was moved by Cr Mowatt seconded by Cr Connor that the Officer Recommendation be adopted.

CARRIED

8. RECORD OF ASSEMBLIES OF COUNCILLORS – FEBRUARY 2014

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.

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).

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.

Report

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

1.	Date / Time	Type of Assembly
	10 December 2013 6.00pm	Hanging Rock Development Advisory Committee
	Venue	Hanging Rock Reserve
	Present - Councillors	Hackett, Morabito and Anderson,
	Present - Officers	Rod Clough, Anne Walsh and Michelle Wyatt
	Items Discussed	Attendance Data Koala Count Advisory Committee Review Regional Development Australia Fund Development & Investment Plan Concerts
	Conflicts of Interest declared by Councillors and record of them leaving the meeting when the matter about which they declared the conflict of interest was discussed.	Nil Did they leave the assembly? N/A

Conflicts of Interest declared by officers	Nil Did they leave the assembly? N/A
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2.	Date / Time	Type of Assembly
	18 December 2013 1.30pm	Councillor Briefing
Venue	Norma Richardson Hall, Buckland Street, Woodend	
Present - Councillors	Jukes Anderson (arrived 1.34pm) Hackett (arrived 2.07pm) Cr Morabito Cr Mowatt (arrived 2.00pm)	
Present - Officers	Peter Johnston, Sophie Segafredo, Dale Thornton, Glenn Owens, Rick Traficante, Katie Xiao, David Nevin, Rod Clough, Anne-Louise Lindner, Michael Dyt, Michelle Wyatt, Kylie Lethbridge, Shane Caruso, Leanne Davey, Enrique Gutierrez, Gemma Gamble and Stephen Mahon	
Items Discussed	Mount Macedon Waste Water Project Update Stanley Park Management Plan Communications Strategy Update Events and Festivals Review Planning Items Update <ul style="list-style-type: none"> - 35 Katherine Court, Riddells Creek - Station Road / Wallaby Run Area - Brooking Road, Gisborne - Washington Lane, Woodend Councillor / Officer Issues <ul style="list-style-type: none"> - Youth Accommodation in Woodend - Councillor Indemnity - Australia Day Ambassador Program - Lancefield Park 	
Conflicts of Interest declared by Councillors and record of them leaving the meeting when the matter about which they declared the conflict of interest was discussed.	Nil Did they leave the assembly? N/A	
Conflicts of Interest declared by officers	Nil Did they leave the assembly? N/A	

3.	Date / Time	Type of Assembly
	24 December 2013 10.00am	Councillor Meeting
	Venue	Hanging Rock Reserve
	Present - Councillors	Hackett, Mowatt and Connor
	Present - Officers	Karen Stevens and Anne Walsh
	Items Discussed	Tour of Hanging Rock Race Club and discussion with Hanging Rock Race Club Chief Executive about potential improvements to the facilities
	Conflicts of Interest declared by Councillors and record of them leaving the meeting when the matter about which they declared the conflict of interest was discussed.	Nil Did they leave the assembly? N/A
	Conflicts of Interest declared by officers	Nil Did they leave the assembly? N/A

4.	Date / Time	Type of Assembly
	5 February 2014 2.00pm	Councillor Briefing
	Venue	Gisborne Administration Centre
	Present - Councillors	Jukes, Connor, Mowatt, Morabito, Piper, Letchford, McLaughlin, Anderson and Hackett
	Present - Officers	Peter Johnston, Karen Stevens, Glenn Owens, Sophie Segafredo, Dale Thornton, Carina Doolan, Enrique Gutierrez, Rick Traficante, David Nevin, Stephen Mahon, Fee Cotter and Jill Karena
	Items Discussed	Update on Gisborne Office Extension Faheys Lane, Kyneton Sensitivities of Information Risk Rating for Council Reports Lot 15 Sauer Road, New Gisborne Australia Day Grants Planning permits over the Christmas/New Year Period Kyneton Design and Discovery Workshop Ashbourne Boarding Kennels – Signage UL Daly Draft Environment Management Plan Macedon and Mt Macedon Draft Framework Plans Social Housing
	Conflicts of Interest declared by Councillors and record of them leaving the meeting when the matter about which they declared the conflict of interest was discussed.	Nil Did they leave the assembly?

Conflicts of Interest declared by officers	Nil
	Did they leave the assembly?

5.	Date / Time	Type of Assembly
	12 February 2014 1.00pm	Councillor Briefing
Venue		Gisborne Administration Centre
Present - Councillors		Hackett, McLaughlin, Morabito, Letchford, Mowatt, Piper, Connor and Jukes
Present - Officers		Peter Johnston, Dale Thornton, Sophie Segafredo, Glenn Owens, Stephen Mahon, Anne-Louise Lindner, Jill Karena and Mich Williams
Items Discussed		Fire incidents – Gisborne/Riddells Creek and Mickleham
Conflicts of Interest declared by Councillors and record of them leaving the meeting when the matter about which they declared the conflict of interest was discussed.		Nil Did they leave the assembly? N/A
Conflicts of Interest declared by officers		Nil Did they leave the assembly? N/A

6.	Date / Time	Type of Assembly
	19 February 2014 9.00am	Councillor Briefing
Venue		Gisborne Administration Centre
Present - Councillors		Jukes, Connor, Mowatt, Morabito and Piper Anderson (Arrived 9.05am) Hackett (Arrived 9.15am) Letchford (Arrived 9.40am) McLaughlin (Arrived 11.00am)
Present - Officers		Peter Johnston, Karen Stevens, Glenn Owens, Sophie Segafredo, Dale Thornton, Kylie Lethbridge, Rick Traficante, David Nevin, Fi Cotter, Jillian McQuade, Johann Du Preez, Enrique Gutierrez, Carina Doolan, Brendan Pearce and Stephen Mahon
Items Discussed		Camping Provisions Woodend Structure Plan Update

	Amendment C92 Budget Workshop Councillor Grants Barkly Square Gisborne Netball Facility Timor Leste Agreement Kyneton Landfill Rehabilitation Review of Council Reports – Ordinary Council Meeting 26 February 2014 Fire Response and Recovery Update 59 Brooking Road, Gisborne Ashbourne Kennels Signage Tieve Tara Batters Lane Noodle Shop Gisborne Peak Winery Localised Planning Statement Seven Hills Organic Farm Riddells Creek Supermarket Gisborne Office Extension
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.	Councillor McLaughlin declared a conflict of interest in the matter relating to Seven Hills Organic Farm Did they leave the assembly? Yes
Conflicts of Interest declared by officers	Nil Did they leave the assembly? N/A

The Manager Council & Customer Services advised Council of a number of minor changes to the Record of Assemblies as follows:

1. Council Officer Gemma Gamble was in attendance at the 18th December 2013 Councillor Briefing and Stephen Mahon and Fee Cotter were in attendance at the 5th February 2014 Councillor Briefing and item Hanging Rock Concert Camping Query was not discussed.

These changes have been made to the Assembly reports above.

Officer Recommendation:

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

It was moved by Cr Letchford seconded by Cr Connor that the Officer Recommendation be adopted.

CARRIED

9. DEPUTATIONS AND PRESENTATIONS TO COUNCIL

Recognition of Australia Day Honour Recipients

In the 2014 Australia Day Honours Awards, Mr Michael Whitty of Springfield was a recipient of the Australian Fire Services Medal (AFSM) for his distinguished service, leadership and dedication within the Metropolitan Fire Brigade (MFB) and his significant contribution to the overall improvement in the operational effectiveness, efficiency and safety of general fire fighting practices within the MFB and Country Fire Authority in Victoria.

Mr Grant Hocking of Woodend was a recipient of the Ambulance Service Medal (ASM) for his 25 years service to Ambulance Victoria and his contribution to the merger of the rural and metropolitan ambulance services, raising the standards and operations for paramedics and patients.

Mr Whitty and Mr Hocking have been invited to attend this meeting to receive a letter under the Common Seal of Council in recognition of their awards.

Officer Recommendation:

That letters under the Common Seal of Council be presented to Mr Michael Whitty in recognition of his receipt of the Australia Day Award – Australian Fire Services Medal and Mr Grant Hocking in recognition of his receipt of the Ambulance Service Medal.

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

CARRIED

The Mayor presented Mr Michael Whitty and Mr Grant Hocking with their letters under seal.

Suspension of Standing Orders

7.21 pm It was moved by Cr Letchford seconded by Cr Piper that standing orders be suspended to hear deputations and consider questions from the public.

CARRIED

Deputations and Presentations

Items	Submitters
PE.1	5

Questions from the Public

Name: Anne Moore

Question: Why have Council failed the Jacksons Creek South Estate residents for the past 23 years, and a written promise signed by Dale Thornton in November of 2008 to fulfil permit requirements still outstanding for the construction of a footpath on a Category 1 road being from Jacksons Creek way to meet existing footpath on the other side of Mill Road in front of Erinvale as part of the 1991 permit. Extensive footpath infrastructure works have been carried out over the course of 2013 and why are we still waiting.

Response: The Chief Executive Officer responded that extensive footpath works were carried out within the Jacksons Creek Estate to meet that commitment. The outstanding section of footpath was deferred due to land and ownership issues and the need to remove mature trees. This remaining issue is being referred to future budget processes and is still listed as part of our future programs.

Name: **Alison Joseph**

Question: At the Council Meeting of 28 November 2012 the Council resolved to: a) Withdraw Daly Reserve as a preferred site for an early years hub; b) To rezone UL Daly Reserve to an appropriate conservation zone “at the first available opportunity”. Question – Were these decisions ever rescinded? If not, when will these decisions be actioned?

Response: The Chief Executive Officer responded that Council at a Special Meeting in June 2013 (adopting the 2013/14 Budget) resolved to undertake an Environmental Management Plan (including an early years footprint) at Daly Reserve, as referred to in Item PE.4 tonight. This is part of the conservation zone consideration and was the first occasion that funding to undertake this work was allocated and the motion included an early years footprint and will be part of future Council deliberations, including community feedback.

Name: **Penny Roberts**

Question: 1) Given that the FOI Act aims to foster transparency, openness and accountability, what does Council do in terms of training and policy direction to ensure that Council officers comply with the FOI Act?
2) The Macedon Ranges Planning Scheme clearly indicates that three overlays (SLO1, ESO4 and VPO9) apply to the East Paddock area of Hanging Rock Reserve. Hanging Rock Information Bulletin #2 states that the East Paddock “has no environmental or other overlays”. Why has this error not been corrected?

Response: The Chief Executive Officer responded that 1) Council has appropriately designated and qualified officers; and 2) The matter will be checked and a response provided.

Name: **Hilary Roberts**

Question: Can you confirm that, based on Council data provided under FOI, Hanging Rock had 62,878 casual visitors in 1993/94 and 71,074 casual visitors in 2012/13? Does this represent an increase in casual visitors between these two dates?

Response: The Chief Executive Officer responded that the matter will be checked and a response provided.

Name: **Richard Hughes**

Question: 1) Why does Council continue to say that the East Paddock at Hanging Rock Reserve was purchased by the then Shire of Newham and Woodend in 1992, when in fact it was purchased in 1989?
2) Such a fundamental and persistent error would seem to indicate that the responsible senior officer has not read the

relevant Council papers of that time. If that is the case, how is that officer able to even begin to determine that Council's intentions for the East Paddock (Midland Express 25/02/2014), given that, of course she was not present at this Council Meetings where the East Paddock was discussed?

Response: The Chief Executive Officer responded that the purchase date would be clarified and that there may have been different dates between purchase and settlement.

Name: Len Peeler

Question: 1) I would like to know why the boundary fence between a commercial and residential site is only 1.8 metres and not at least 2 metres in height to stop noise and dust and give some privacy, why isn't the fence in steel colourbond?
2) I would like to know why the site in Piper Street, known as the Emporium, corner of Piper and Wedge Streets has not had the petrol tanks removed and the site cleared by the EPA.

Response: The Chief Executive Officer responded that the matters will be followed up and response provided.

Name: Chris Rhodes

Question: Daly Nature Reserve traffic situation – A very dangerous traffic situation takes place on the roads surrounding Gisborne Primary and St Brigids schools. Illegal parking, dangerous driving and disregard for road rules and signs. Young children are learning from their parents. When will the Council do something about the daily chaos and damage to nature strips?

Response: The Chief Executive Officer responded that Council will advise Victoria Police in relation to traffic compliance and that Council's Local Laws Officers periodically patrol the area.

Resumption of Standing Orders

8.31 It was moved by Cr Letchford seconded by Cr McLaughlin that standing orders be resumed.

CARRIED

10. PLANNING AND ENVIRONMENT REPORTS:

Report No: **Report Title:**

**PE.1 APPLICATION FOR PLANNING PERMIT PLN/2013/150
RETROSPECTIVE USE OF EXISTING BUILDING FOR A
TRANSFER STATION AND REFUSE VEHICLE DEPOT AT 30
BROOKE STREET, WOODEND**

Synopsis:

This application seeks retrospective approval to use the existing building for a Transfer Station for the temporary storage of material that is collected under Council's kerbside recycling program. This does not include general or green waste. The applicant also seeks retrospective approval to store up to ten (10) refuse vehicles on site.

The land is zoned Industrial 1 under the Macedon Ranges Planning Scheme which specifies as follows:

Transfer Station

Is a Section 2 use (permit required) under the zone, provided it can achieve a 30 metre setback from residentially zoned land. The proposal achieves this given that its nearest setback to residentially zoned land is 75.5 metres.

It is important to note that Clause 52.10 – Uses with Adverse Amenity Potential, of the Macedon Ranges Planning Scheme, recommends a buffer distance of 100 metres for the type of transfer station proposed from residentially zoned land to reduce the potential of offsite amenity impacts.

Refuse vehicle depot

A refuse vehicle depot falls under the larger grouping of warehouse, which is a Section 1 (no permit required) use if it can meet the threshold distance identified under Clause 52.10. This clause requires a 100 metre setback distance from residentially zoned land, which it cannot achieve as the proposal's setback to the nearest residentially zoned land is 75.5 metres. Therefore it becomes a Section 2 use (permit required).

Nine (9) objections were received relating to inappropriate setbacks, unacceptable odour/smell, increased pollutants (i.e. rubbish blowing onto adjoining properties), unacceptable vehicle noise, increased traffic, vermin infestation, property devaluation and that the applicant will not comply with future conditions set by Council as they are currently failing to meet their own specified requirements in their application documentation (i.e. operating hours, removal of waste daily).

The proposal is considered to be contrary to the State Planning Policy Framework, Industrial 1 Zone, Particular Provision Clause 52.10 (Uses with Adverse Amenity Potential) and the Council adopted Woodend Structure Plan. Importantly, the proposal fails to provide appropriate setbacks to dwellings on land zoned Residential 1; will not be designed and managed to best practice standards to warrant a reduction in the setback distance to sensitive uses; and is not considered a low impact industrial use within an Industrial 3 Zone which is identified as the preferred zoning of the land under the Woodend Structure Plan, given the proximity of sensitive uses (dwellings or child care/kindergarten) within this Industrial Estate or within close proximity.

Officer Recommendation:

That Council resolve to issue a Notice of Refusal to Grant a Permit for the retrospective use of the existing building for a Transfer Station and Depot for Refuse Vehicles at 30 Brooke Street, Woodend, on the following grounds:

- 1. The proposal is contrary to the State Planning Policy Framework, particularly Clause 17.02-02 (Design of Industrial Development) of the Macedon Ranges Planning Scheme, as the proposal fails to provide adequate separation distances to sensitive uses.**
- 2. The proposal is contrary to the Industrial 1 Zone as it will adversely affect the amenity of residents in nearby dwellings and nearby child**

care/kindergarten (sensitive use), given the proposal's inadequate separation distance to such uses.

3. The proposal is contrary to Clause 52.10 (Uses with Adverse Amenity Potential) as the proposal is not appropriately located; will not be designed and managed to best practice standards to warrant a reduction in the setback distance to sensitive uses, and is therefore more likely to cause offence and unacceptable risk to the neighbourhood, particularly in regards to odour.
4. The proposal is contrary to the future Industrial 3 zoning of the land, encouraged by the Woodend Structure Plan, which requires Responsible Authorities to ensure that uses do not affect the safety and amenity of adjacent, more sensitive land uses.

It was moved by Cr McLaughlin seconded by Cr Letchford

That the Council resolve to issue a Notice of Decision to Grant a Permit for the retrospective use of the existing building for a Transfer Station (Temporary Storage of Municipal Recyables Only) and Refuse Vehicle Depot at 30 Brooke Street, Woodend, subject to the following conditions:

1. The layout and use of the site, shown on the endorsed plans, shall not be altered without the written consent of the responsible authority.
2. The use must at all times be carried out in accordance with the endorsed Wheelie Waste, Woodend Recycling Facility And Maintenance Depot, 30 Brooke Street, Woodend, Operation Manual, unless otherwise specified by a condition of this permit.
3. Within 60 days from the date of this permit, a Noise Management Plan must be submitted to the Responsible Authority for approval. The Noise Management Plan must be to the satisfaction of the Responsible Authority and must demonstrate that that:
 - a) All noise generated by any fixed plant and machinery complies with Noise from Industry in Regional Victoria (NIRV; EPA Publication 1411, 2011).
 - b) All other noise associated with the operations, including vehicle movements, truck beepers, movement of recyables, storage bins, within and to and from the site will not unreasonably affect the amenity of the area.

Once approved, the Noise Management Plan will be endorsed and will then form part of this permit. The use must be conducted in accordance with the approved Noise Management Plan to the satisfaction of the Responsible Authority. The approved Noise Management Plan may be amended with the written consent of the Responsible Authority.

4. Within 60 days from the date of this permit, an Odour Management Plan must be submitted to the Responsible Authority for approval. The Odour Management Plan must be to the satisfaction of the Responsible Authority

and must detail measures to ensure that the amenity of the area is not unreasonably affected due to the generation of odour from the premises. Once approved, the Odour Management Plan will be endorsed and will then form part this permit. The use must be conducted in accordance with the approved odour Management Plan to the satisfaction of the Responsible Authority.

5. Within 60 days from the date of this permit, the road verge/table drain along Brooke Street in front of the existing building must be reconstructed to permit free draining of runoff into existing drainage pits to the satisfaction of the Responsible Authority.
6. Prior to any works commencing, engineering plans detailing the civil works for condition 5 and 6 of this permit are to be submitted for Macedon Ranges Shire Approval and plan and supervision fees paid.
7. Prior to any works being undertaken on the road reserve an “Asset Protection Permit must be obtained from Council.
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. The amenity of the area must not be detrimentally affected by the use through the:
 - a) Transport of materials, goods or commodities to or from the land;
 - b) Appearance of any building, works or materials;
 - c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;
 - d) Presence of vermin;

or in any other way, to the satisfaction of the Responsible Authority.
10. Unless with the prior written consent of the Responsible Authority, the recycling component of the use hereby permitted may only operate between the following hours:
 - Monday to Friday: 7am to 6pm
 - Saturday 8.00 am to 12.00 noon
 - Sunday: No activities permitted
11. Deliveries, loading and unloading of vehicles, cleaning and maintenance, and any other operations associated with the use must only be carried out during the operating hours specified in condition 11 of this permit.
12. A maximum of 10 refuse vehicles can be stored on the site at any one time.

13. All roller doors external to the building must remain closed at all times, except immediately before a vehicle/s enters or exits the building.
14. Noise levels emanating from the premises must not exceed the recommended levels as set out in Noise from Industry in Regional Victoria (NIRV; EPA Publication 1411, 2011) or as amended, to the satisfaction of the Responsible Authority.
15. Putrescible waste, including green organic waste, must not be accepted at the premises.
16. No wastes or recyclable materials must be burnt at the premises.
17. There must be no composting at the premises.
18. Prescribed Industrial Wastes (including asbestos), as defined by the Environment Protection (Industrial Waste Resource) Regulations 2009, must not be accepted at the premises. Measures to exclude these wastes from the wastes received at the premises must be implemented to the satisfaction of the Responsible Authority.
19. All refuse vehicles and those vehicles collecting the temporarily stored recyclables must be fitted with appropriate noise silencers to the satisfaction of the Responsible Authority.
20. All vehicles removing waste must have fully secured and contained loads so that no wastes are spilt, to the satisfaction of the Responsible Authority.
21. Material processing, volume reduction or mechanical separation must not occur at the premises.
22. A truck wheel-wash must be installed and used so vehicles leaving the site do not deposit mud or other materials on roadways, to the satisfaction of the Responsible Authority.
23. No vehicles must be washed on the land, other than in a washing bay approved by the Responsible Authority.
24. Goods must not be stored or left exposed outside the building so as to be visible from any public road or thoroughfare, to the satisfaction of the Responsible Authority.
25. The loading and unloading of goods from vehicles must only be carried out within the existing building on the land, to the satisfaction of the Responsible Authority.
26. The applicant must ensure that litter is not deposited beyond the boundary of the premises.
27. No external sound amplification equipment or loud speakers are to be used for the purpose of announcement, broadcast, playing of music or similar purpose, to the satisfaction of the Responsible Authority.

28. All security alarms or similar devices installed on the land must be of a silent type to the satisfaction of the Responsible Authority.
29. Storm water runoff from all buildings, tanks and paved areas must be connected into the existing drainage system.
30. Waste from a vehicle wash area must drain into a public sewer or settlement and oil separation system. The system must comply with the Environmental Protection Act 1970 and be installed to the satisfaction of the Responsible Authority.
31. There must be no discharge of wastewater, leachate or contaminated storm water beyond the boundary of the premises. Suitable drains, interceptor pits, water treatment facilities, pumps and sumps must be installed to ensure that any wastewater or contaminated storm water generated at the premises is:
 - a) Connected to reticulated sewer, in accordance with a Trade Waste Agreement with the relevant Water and Sewage Authority; or
 - b) Collected by an EPA permitted contractor, as appropriate.
32. A secondary containment system must be provided for liquids which if spilt are likely to cause pollution or pose an environmental hazard, in accordance with the EPA Publication 347 Bunding Guidelines 1992 or as amended.
33. This permit allows the use of the land only by *Wheelie Waste Pty Ltd (Mr G Barton)*. If *Wheelie Waste Pty Ltd (Mr G Barton)* ceases to use the land, this permit will expire, unless with the prior written consent of the Responsible Authority.
34. Except with the written consent of the Responsible Authority, the use of the land for the purpose of a Transfer Station (Temporary Storage of Municipal Recyclables Only) and Refuse Vehicle Depot must cease on *31 October 2016*.

The motion was put and carried.

Cr Anderson requested a division

For – Cr’s Letchford, Mowatt, Connor, Hackett, McLaughlin and Jukes (6)

Against – Cr’s Anderson, Piper and Morabito (3)

CARRIED

Report No: **Report Title:**

PE.2 DEVELOPMENT PLAN DP2012/4 - APPROVAL OF A
DEVELOPMENT PLAN FOR THE LAND AT 11 GOODE
STREET, KYNETON

Synopsis:

The land is situated at 11 Goode Street and is located approximately 500 metres east of the Kyneton Town Centre. The land has an irregular shape and is bounded by Edgecombe Street to the east, Campaspe River to the south and

vacant residential land to the west. The north side of the site abuts existing residential development in Goode Street.

The site has an area of 5.4ha and is vacant, a previous house lot has been excised from the larger landholding and contains an existing dwelling that fronts onto Goode Street. The land is zoned Residential 1 and is covered by a Development Plan Overlay Schedule 1, Environmental Significance Overlay Schedule 4 and the Land Subject to Inundation Overlay (in part).

This application seeks approval for a Development Plan that would facilitate the subdivision of the subject land into thirty eight (38) lots, with construction of associated access roads. It is proposed by the applicant to provide lot sizes varying between 600m² and 900m² with the average lot size being 707m².

The application was referred to the relevant referral authorities who did not object to the proposed development plan. All infrastructure services would be available to the land.

A Development Plan is exempt from notification under the provisions of the Macedon Ranges Planning Scheme.

It is considered that the development plan that has been prepared will result in an appropriate residential development for the site, in a manner that will ensure that the additional urban development will contribute to housing opportunities within the Kyneton defined urban area in a manner that is respectful of the existing township character and will add to the diversity of housing within the established township boundaries.

Officer Recommendation:

That Council resolve to approve the Development Plan covering the land situated at 11 Goode Street, Kyneton, prepared by Tomkinson Group for the purposes of Clause 43.04, Schedule 1 of the Macedon Ranges Planning Scheme.

It was moved by Cr Connor seconded by Cr Mowatt that the Officer Recommendation be adopted.

The motion was put and carried

Cr Hackett requested a division

**For – Cr’s Letchford, Mowatt, Connor, Hackett, McLaughlin, Piper, Morabito and Jukes (8)
Against – Cr’s Anderson (1)**

CARRIED

Report No: Report Title:

PE.3 PLANNING DELEGATION SYSTEM

Synopsis:

Over the past several years, Council has altered the planning delegations during the New Year recess period to ensure applications can still be processed

in an efficient manner. On review of the 2013/14 period some improvements to the system have been identified to ensure that the objective of improved efficiencies can be achieved.

It is suggested that matters to be determined should be circulated to Councillors for consideration and call in the same way as occurs over the rest of the year. In particular Councillors will not be required to specifically notify receipt of the delegation list or advise that they are unavailable for comment.

Officer Recommendation:

That Council delegate power to the Chief Executive Officer and Director Planning and Environment to determine planning applications over the New Year recess subject to the usual process that a delegation list is circulated to Councillors including the recommended decision giving Councillors an opportunity to call in any item.

It was moved by Cr McLaughlin seconded by Cr Letchford that the Officer Recommendation be adopted.

CARRIED UNANIMOUSLY

Report No: Report Title:

PE.4 UL DALY RESERVE ENVIRONMENTAL MANAGEMENT PLAN

Synopsis:

This report recommends that Council endorse the Draft UL Daly Reserve Environmental Management Plan for public exhibition. The Draft Environmental Management Plan has been prepared in response to a Council resolution of 12 June 2013 to complete a master plan for the Reserve in recognition of its environmental significance and to include a footprint for an Early Years Hub.

Council appointed consultants in September 2013 to prepare an Environmental Management Plan (EMP) in consultation with primary user groups, State agencies and the community. The consultants have prepared background technical studies to inform the Draft EMP including a Flora and Fauna Assessment and Cultural Heritage Assessment.

The first stage of consultation with the primary user groups and State agencies was completed in December 2013. Council was briefed on the findings from the technical studies and first stage of consultation on 20 November and 11 December 2013 respectively. Media releases were issued on 5 August, 10 September, 12 November and 12 December 2013 to inform the wider community of progress with the project.

The findings from the technical studies and first stage of consultation have informed the Draft UL Daly Reserve Environmental Management Plan which is presented for Council's endorsement. The Draft EMP includes recommendations for the long term management of UL Daly Reserve and identifies a site footprint for a potential Early Years Hub. It is considered that the Draft EMP is now ready for public exhibition.

Officer Recommendation:**That Council:**

1. **Endorse the Draft UL Daly Reserve Environmental Management Plan prepared by Biosis Pty Ltd.**
2. **Acknowledge that the draft Plan includes a site for the early years hub within which the building and associated uses would be designed to minimise any impact on the Reserve's values.**
3. **Exhibit the draft Plan for a period of one month.**

It was moved by Cr Letchford seconded by Cr McLaughlin that the Officer Recommendation be adopted.

The matter was put and carried.

Cr Piper requested a division

For – Cr's Jukes, Letchford, McLaughlin, Connor and Hackett (5)

Against – Cr's Piper, Anderson, Mowatt and Morabito (4)

CARRIED

Report No: Report Title:

PE.5 PROPOSED AMENDMENTS C74 AND C89 TO MACEDON RANGES PLANNING SCHEME, ERRORS AND ANOMALIES

Synopsis:

The purpose of this report is to initiate two amendments to the Macedon Ranges Planning Scheme, both aimed at correcting map and ordinance errors and anomalies identified since the previous 2009/2010 anomalies amendment (Amendment C68). The two amendments are:

- Amendment C74: Errors
- Amendment C89: Anomalies

Initially it was proposed to deal with all the corrections under one amendment, Amendment C74: Error & Anomaly Corrections. However, recent changes to the *Planning and Environment Act 1987* and associated Regulations now provide a simplified, "streamlined" process for making "housekeeping", low impact correctional changes to the planning scheme. This new process is not subject to public exhibition and, as such, allows straightforward planning scheme amendments to be processed in a reduced timeframe.

The impact of these straightforward planning scheme amendments is minimal for the community. The amendments benefit Council by improving the accuracy of the planning scheme. That is, the amendments will ensure that the correct planning permit triggers apply across the Shire. This helps to reduce unnecessary planning assessments and administration while facilitating the informed assessment of applications.

The updated Regulations set out the types of planning scheme changes which are eligible for the "streamlined" process. Having regard to this legislation and the volume of corrections to be made, it is proposed that the errors and anomalies be dealt with by two separate planning scheme amendments:

- **Amendment C74 (Errors)** - ‘Streamlined’ process for the ‘housekeeping’ corrections which do not require public exhibition (e.g. administrative changes such as correcting street addresses, spelling and grammatical errors and ensuring Heritage Overlays cover the heritage places intended for protection).
- **Amendment C89 (Anomalies)** – Standard amendment process for the anomalies that do not qualify for the ‘streamlined’ process and that require more consideration, including public exhibition (e.g. corrections to zone maps and application of the appropriate public zone for publicly owned land).

The Director of Planning & Environment introduced the report and advised Council of two amendments to the Officer Recommendation these being “

1. That the Macedon Ranges Heritage Council be specifically noted as a group to be engaged with in the non statutory consultation, and
2. Due a legislative change the reference in recommendation 2(b) be changes from Section 11 to Section 9 of the Planning & Environment Act 1987

These changes have been made to the Officer Recommendation below.

Officer Recommendation:

That Council resolves to:

- 1
 - a) **Endorse Amendment C74 as per Attachments 1 and 2;**
 - b) **Engage in a non-statutory consultation process with all affected landowners and the Macedon Ranges Heritage Council, and amend proposed Amendment C74 in accordance with submissions received, if considered appropriate;**
 - c) **Following the non-statutory consultation, request that the Minister for Planning prepare and approve Amendment C74 pursuant to Section 20A of the *Planning and Environment Act 1987*;**
- 2
 - a) **Endorse Amendment C89 as per Attachment 3 and 4, subject to any minor changes required for clarification or correction;**
 - b) **Request authorisation from the Minister for Planning to prepare and exhibit Amendment C89 pursuant to Section 9 of the *Planning and Environment Act 1987*;**
- c) **Upon receipt of authorisation, place Amendment C89 on public exhibition pursuant to Section 19 of the *Planning & Environment Act 1987*.**

It was moved by Cr Anderson seconded by Cr Piper that the matter be deferred to the April Ordinary Council Meeting.

The motion was put and lost

Cr Anderson requested a division

For – Cr’s Piper, Anderson, and Morabito (3)

Against – Cr’s Jukes, Letchford, McLaughlin, Connor, Mowatt and Hackett (6)

LOST

It was moved by Cr Letchford seconded by Cr Mowatt that the Officer Recommendation be adopted.

The matter was put and carried.

Cr Anderson requested a division

**For – Cr’s Jukes, Letchford, McLaughlin, Connor, Mowatt and Hackett (6)
Against – Cr’s Piper, Anderson and Morabito (3)**

CARRIED

11. CHIEF EXECUTIVE OFFICER’S REPORTS:

Report No: Report Title:

CX.1 CHIEF EXECUTIVE OFFICER’S ANNUAL REVIEW

Synopsis:

To conduct the annual review of the Chief Executive Officer in accordance with Section 97A (1) of the Local Government Act 1989.

Officer Recommendation:

That as this report concerns matters which Council considers would prejudice the Council or any person, then pursuant to Section 89(2)(a) 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 Letchford seconded by Cr Mowatt that the Officer Recommendation be adopted.

CARRIED

Report No: Report Title:

CX.2 2014 COMMUNITY FUNDING SCHEME: ENDORSEMENT OF GUIDELINES

Synopsis:

The Community Funding Scheme (the Scheme), offered by Council on an annual basis, provides financial assistance to locally based community groups and organisations to develop and provide a wide range of programs, services and activities for residents of the Macedon Ranges Shire.

The Scheme was comprehensively reviewed in February 2010 and new guidelines and administrative processes introduced to improve the Scheme. Annually, after each funding round, the guidelines are revised and where necessary, minor changes are introduced to improve administrative processes.

This report presents the guidelines and application form for endorsement for the 2014-2015 funding round.

Officer Recommendation:

That Council endorses the Community Funding Scheme Application / Guidelines for the 2014-2015 year as outlined in this report.

It was moved by Cr Letchford seconded by Cr Piper that the Officer Recommendation be adopted.

CARRIED UNANIMOUSLY

Report No: Report Title:

CX.3 COUNCILLOR GRANTS – CONSIDERATION OF GRANT APPLICATIONS

Synopsis:

Council at its March 2013 Ordinary Council Meeting endorsed the guidelines which govern the Councillor Grants Scheme.

Not-for-profit community groups can apply for small financial donations via this scheme. Applications are evaluated and presented to Council as they are received.

Councillor Grants are offered to assist projects/initiatives that are unlikely to be funded through existing funding schemes. Applications can be made at any time of year¹ and generally are processed within 3–4 weeks.

Officer Recommendation:

That Council endorse the following applications for funding:

- a. Gisborne Community Carols for carols by candlelight for \$1,000**
- b. Clarkefield Music Festival for the hire of sound equipment for \$400**

It was moved by Cr McLaughlin seconded by Cr Letchford that the Officer Recommendation be adopted.

CARRIED

12. CORPORATE SERVICES REPORTS:

Report No: Report Title:

CS.1 CONTRACTS TO BE AWARDED AS AT 26 FEBRUARY 2014

Synopsis:

Currently a report is issued to all Councillors on a weekly basis which summarises the status of tenders from specification stage to contract awarded stage.

At its meeting on 25 March 1998 Council resolved that a report be presented on a monthly basis to provide Council with the opportunity (upon resolution of Council) to revoke the delegated authority to award a contract(s) in any instance where Council deems it appropriate.

At its meeting on 9 April 2003 Council resolved to delegate to the Chief Executive Officer the authority to affix the Common Seal to all contracts awarded by officers in accordance with the limits of delegation, as applying from time to time, and subject to Council being previously informed of the intention to award the contracts under delegated authority.

Officer Recommendation:

That Council:

1. **Notes the existence of delegated authority to award the following contracts and to affix the Common Seal:**
 - a) **C14.688 Simons Road Bridge Design and Construction**
2. **Notes that the value of Contract C14.703 Netball Complex New Gisborne may exceed the limits of the current financial delegation and therefore Council specifically delegates authority to the Chief Executive Officer to award this contract and to affix the Common Seal.**

It was moved by Cr Letchford seconded by Cr Jukes that Council

1. **Notes the existence of delegated authority to award the following contracts and to affix the Common Seal:**
 - b) **C14.688 Simons Road Bridge Design and Construction**
2. **Notes that the value of Contract C14.703 Netball Complex New Gisborne may exceed the limits of the current financial delegation and therefore pursuant to Section 89(2) of the Local Government Act this matter be considered by Council, together with any other confidential matters at the conclusion of that part of this meeting that is open to the public.**

CARRIED

Report No: Report Title:

CS.2 QUARTERLY REPORT FOR PERIOD ENDED 31 DECEMBER 2013

Synopsis:

A Quarterly Report is prepared at the end of each quarter. The purpose is (a) to compare the budgeted revenue and expenditure with the actual revenue and expenditure to date and (b) compare the status of an action with its indicator. Therefore the Quarterly Report for period ended 31 December 2013 is presented for Council’s consideration and information. It includes:

- Section 1 - Quarterly Financial Statements
- Section 2 - Council Plan Actions
- Section 3 - Capital Works
- Section 4 - Operating Budgets on a Department basis

- Section 5 - Customer Requests and Telephone Reports
- Section 6 - Councillor Expenditure

In addition to reviewing actual progress against plans and budgets on a quarterly basis, the Department Managers and Unit Coordinators undertake a mid-year (31 December) review and forecast of their budgets to identify material differences between the year-end forecast of income and expenditure in comparison to the original budget. A summary of the mid-year budget review is included in the Quarterly Report. (Refer to Section 1, page 8). It should be noted that any changes endorsed at the mid-year budget review will then become the adjusted budget against which actual progress will be reported at 31 March and 30 June 2013.

It is noted that the report is at 31 December 2013. This being now late February, many projects have been completed or progressed significantly during the first six to eight weeks of 2014 and this will be reflected in the Quarterly Report ending March 2014 (reported in April 2014). Overall, at half year, projects and works are progressing well at a very busy time.

Officer Recommendation:

That Council:

1. **Note the Quarterly Report for the period ended 31 December 2013; and**
2. **Endorse the budget changes identified as part of the mid-year budget review.**

It was moved by Cr Mowatt seconded by Cr Connor that the Officer Recommendation be adopted.

CARRIED UNANIMOUSLY

13. COMMUNITY WELLBEING REPORTS:

Report No: Report Title:

CW.1 GILBERT GORDON OVAL MASTER PLAN

Synopsis:

The Gilbert Gordon Master Plan guides the future development of facilities and spaces within the reserve, and provides clear directions for its future use.

The Master Plan has been developed with consultation with the user groups of Gilbert Gordon Oval, the Woodend Junior Football Club, Council officers and feedback from the local community.

It is important to note that the inclusion and reference to projects in the Master Plan does not directly commit the user groups, the Macedon Ranges Shire Council, or any other organisation to a responsibility for funding and implementing these projects.

Following feedback received from the publicly advertised Draft Gilbert Gordon Oval Master Plan, officers are recommending the final document for Council adoption.

Officer Recommendation:

That Council:

- 1) **Adopt the Gilbert Gordon Oval Master Plan.**
- 2) **Formally respond to all participants advising the outcome of the master plan process and thank them for their involvement.**
- 3) **Place the Gilbert Gordon Oval Master Plan on the Council website for future reference.**

It was moved by Cr Connor seconded by Cr Mowatt that the Officer Recommendation be adopted.

CARRIED UNANIMOUSLY

Report No: Report Title:

CW.2 KYNETON SHOWGROUNDS MASTER PLAN

Synopsis:

The Kyneton Showgrounds Master Plan guides the future development of facilities and spaces within the reserve, and provides clear directions for its future use.

The Master Plan has been developed with consultation with the various user groups of the Showgrounds, Council officers and feedback from the local community.

It is important to note that the inclusion and reference to projects in the Master Plan does not directly commit the user groups, Macedon Ranges Shire Council, or any other organisation to a responsibility for funding and implementing these projects.

Following feedback received from the publicly advertised Draft Showgrounds Mater Plan, officers are recommending the final document for Council adoption.

Officer Recommendation:

That Council:

- 1) **Adopt the Kyneton Showgrounds Master Plan.**
- 2) **Formally respond to all participants advising the outcome of the master plan process and thank them for their involvement.**
- 3) **Place the Kyneton Showgrounds Master Plan on the Council website for future reference.**

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

CARRIED UNANIMOUSLY

Report No: Report Title:

CW.3 DRAFT WALKING AND CYCLING STRATEGY

Synopsis:

Council through the Healthy and Active People Initiative and Transport Connections Project have funded (\$35,000) the development of a Walking and Cycling Strategy.

The purpose of the Walking and Cycling Strategy is to *increase* participation in and *improve* the supportive infrastructure and resourcing for walking and cycling in Macedon Ranges Shire over the next ten years.

Council appointed consultants Insight Leisure Planning to assist in developing the Strategy in conjunction with Council officers.

The development of the draft Strategy has included extensive consultation with relevant organisations, walking and cycling groups, Community Reference Group, Council officers and feedback from the wider community.

The Draft Walking and Cycling Strategy is now provided to seek broad community comment through a publicly advertised feedback process.

Officer Recommendation:

That Council seek feedback from the community on the Draft Walking and Cycling Strategy for a four week period from Monday 2 March until Sunday 30 March 2014 for consideration prior to finalisation and adoption.

It was moved by Cr Letchford seconded by Cr Connor that the Officer Recommendation be adopted.

CARRIED UNANIMOUSLY

14. ASSETS AND OPERATIONS REPORTS:

Report No: Report Title:

**AO.1 EVALUATION OF TENDERS FOR CONTRACT NO. C14 – 698
BAYNTON ROAD KYNETON CULVERT REPAIR/
REPLACEMENT**

Synopsis:

Tenders were invited from suitably experienced contractors for the repair/replacement of an existing culvert on Baynton Road, Kyneton that is damaged both at the invert and overt of the middle section.

An Evaluation Panel was formed to evaluate all tenders received and prepared a report for Council’s consideration.

The Victorian Local Government Code of Tendering states that Council will respect the confidentiality of a respondent who discloses information which has a commercial or intellectual property value. It also states that Council will not

participate in improper tendering practices such as disclosure of confidential information.

The attached report provides general background information in respect to this contract and a confidential report is included in the confidential section of this agenda.

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 Letchford seconded by Cr Mowatt that the Officer Recommendation be adopted.

CARRIED UNANIMOUSLY

15. NOTICES OF RESCISSION AND MOTION

Notice of Rescission No. 19/2013-14 – Councillor McLaughlin

That Council's decision in relation to Item PE.2 Riddells Creek Structure Plan at the Ordinary Council Meeting held on 18 December 2013 viz

That Council resolves to:

1. Include Areas 4 and 5 in the adoption of the Riddells Creek Structure Plan, September 2013;
2. Seek endorsement for the preparation of the Riddells Creek Development Contributions Plan; and
3. Seek endorsement for the preparation of an Amendment to the Macedon Ranges Planning Scheme to implement the key directions of the Riddells Creek Structure Plan.

Be rescinded

And that Council resolve to:

1. Adopt the Riddells Creek Structure Plan- September 2013;
2. Seek endorsement for the preparation of the Riddells Creek Development Contributions Plan; and
3. Seek endorsement for the preparation of an amendment to the Macedon Ranges Planning Scheme to implement the key directions of the Riddells Creek Structure Plan.

It was moved by Cr McLaughlin seconded by Cr Letchford

That Council's decision in relation to Item PE.2 Riddells Creek Structure Plan at the Ordinary Council Meeting held on 18 December 2013 viz

That Council resolves to:

- 1. Include Areas 4 and 5 in the adoption of the Riddells Creek Structure Plan, September 2013;**
- 2. Seek endorsement for the preparation of the Riddells Creek Development Contributions Plan; and**
- 3. Seek endorsement for the preparation of an Amendment to the Macedon Ranges Planning Scheme to implement the key directions of the Riddells Creek Structure Plan.**

Be rescinded

And that Council resolve to:

- 1. Adopt the Riddells Creek Structure Plan- September 2013;**
- 2. Seek endorsement for the preparation of the Riddells Creek Development Contributions Plan; and**
- 3. Seek endorsement for the preparation of an amendment to the Macedon Ranges Planning Scheme to implement the key directions of the Riddells Creek Structure Plan.**

Procedural Motion

It was moved by Cr Connor seconded by Cr Letchford that the motion be put.

The procedural motion was put and carried

CARRIED

The motion before Council was put and lost

Cr McLaughlin requested a division.

For – Cr’s Piper, Anderson, Letchford and McLaughlin (4)

Against – Cr’s Jukes, Connor, Morabito, Hackett and Mowatt (5)

LOST

Notice of Motion No. 20/2013-14 – Councillor Mowatt

That the Chief Executive Officer write to the State Minister for Education, the Hon Martin Dixon MLA, State Minister for Children & Early Childhood Development; Wendy Lovell MLC, State Shadow Minister for Education; James Merlino MP; Amanda Millar MLC, Northern Victoria; and Joanne Duncan MP for Macedon to initiate a feasibility study for the future establishment of a Gisborne Secondary College in Technology.

It was moved by Cr Mowatt seconded by Cr Letchford

That the Chief Executive Officer write to the State Minister for Education, the Hon Martin Dixon MLA, State Minister for Children & Early Childhood Development; Wendy Lovell MLC, State Shadow Minister for Education; James Merlino MP; Amanda Millar MLC, Northern Victoria; and Joanne Duncan MP for Macedon to initiate a feasibility study for the future establishment of a Gisborne Secondary College in Technology.

CARRIED UNANIMOUSLY

Notice of Motion No. 21/2013-14 – Councillor Mowatt

That the Chief Executive Officer writes to Premier Denis Napthine; Minister for Public Transport; the Hon Terry Mulder - Minister for Roads and Coordinating Minister for Department of Transport, Planning and Local Infrastructure; the Hon Matthew Guy - Minister for Planning; Amanda Millar MP and Joanne Duncan MP requesting the return and funding of the three buses and previous timetable rather than the recently allocated reduction to two buses and changed timetable by the State Government for the Gisborne Gisbus Service.

It was moved by Cr Mowatt seconded by Cr Letchford

That the Chief Executive Officer writes to Premier Denis Naphine; Minister for Public Transport, Minister for Roads and Coordinating Minister for Department of Transport, Planning and Local Infrastructure, the Hon Terry Mulder; Minister for Planning, the Hon Matthew Guy; Amanda Millar MP and Joanne Duncan MP thanking the state government for the reinstatement of the third bus and the current review of retaining the previous timetable for the Gisborne Gisbus Service. We also look forward to these recent changes to be made a permanent feature of this service.

CARRIED UNANIMOUSLY

10.30 pm It was moved Cr Letchford seconded by Cr McLaughlin that the Meeting time limit be extended by 30 minutes

CARRIED

Notice of Motion No. 22/2013-14 – Councillor Letchford

That Council carry out an audit of the natural environment, shire infrastructure needs and other identifiable areas of assistance for those areas affected by the 2014 bushfires across the shire and refer financial discussions to the 2014/2015 Budget.

It was moved by Cr Letchford seconded by Cr Jukes

That Council carry out an audit of the natural environment, shire infrastructure needs and other identifiable areas of assistance for those areas affected by the 2014 bushfires across the shire and refer financial discussions to the 2014/2015 Budget.

CARRIED UNANIMOUSLY

Notice of Motion No. 23/2013-14 – Councillor Letchford

That Council carry out ongoing community needs analysis of those affected by the 2014 bushfires across the shire addressing the recovery phase as applicable to Local Government in:

- a. Internal capacity/capability of Council services;
- b. State Government and Federal Government assistance;
- c. Benchmarking for continual best practice in emergency management recovery; and
- d. Prepare a report on the above for a future Council Meeting as to the preparedness, response, assistance of all stakeholders including recommendations as to learnings/outcomes to further advance Local Government sector partners including State and Federal Government departments and representatives.

It was moved by Cr Letchford seconded by Cr Connor

That Council carry out ongoing community needs analysis of those affected by the 2014 bushfires across the shire addressing the recovery phase as applicable to Local Government in:

- a. Internal capacity/capability of Council services;
- b. State Government and Federal Government assistance;

- c. **Benchmarking for continual best practice in emergency management recovery; and**
- d. **Prepare a report on the above for a future Council Meeting as to the preparedness, response, assistance of all stakeholders including recommendations as to learnings/outcomes to further advance Local Government sector partners including State and Federal Government departments and representatives**

CARRIED UNANIMOUSLY

16. URGENT AND OTHER BUSINESS

Cr Letchford sought leave of Council to raise an item of urgent and other business concerning Hanging Rock.

It was moved by Cr Letchford seconded by Cr McLaughlin that leave be granted.

CARRIED

10.36 pm Cr Connor left the meeting

It was moved Cr Letchford seconded by Cr Jukes that

Following the decision of the 28th August 2013 on the proposed Hanging Rock Development and Investment Plan that Council :

Part A

- 1. **Resolves to carry out a focussed one month community education on the use and development of the Hanging Rock Reserve Precinct, and**
- 2. **Investigate the merits in planning protection specifically to protect the immediate area of Hanging Rock area within an area yet to be determined as the Hanging Rock Precinct, note : not limited to the Hanging Rock Reserve or East Paddock but to include the immediate and adjoining developed residential area**

Part B

Seek community comment for the period of two months ending with a section 223 Committee of Council to hear separate or joint submissions on the Hanging Rock Reserve Precinct Plan and Council Hanging Rock Investment Plan with a final report on both to come back to Council no later than the Ordinary Council meeting in July 2014

CARRIED

10.38 pm Cr Anderson left the meeting

10.39 pm Cr Connor returned to the meeting

10.40 pm Cr Anderson returned to the meeting

17. CONFIDENTIAL REPORTS

- 17.1 Chief Executive Officer's annual review
- 17.2 Evaluation of tenders for contract no. C14-698 Baynton Road, Kyneton culvert repair/replacement

- 17.3 Contracts to be Awarded as at 26th February 2014 – Contract C14.703 Netball Complex New Gisborne

CLOSURE OF MEETING TO THE PUBLIC

10.41 pm It was moved by Cr Jukes seconded by Cr McLaughlin that the meeting be closed pursuant to Section 89(2) (d) and (g) of the Local Government Act 1989 to consider;

- 17.1 Chief Executive Officer's annual review
- 17.2 Evaluation of tenders for contract no. C14-698 Baynton Road, Kyneton culvert repair/replacement
- 17.3 Contracts to be Awarded as at 26th February 2014 – Contract C14.703 Netball Complex New Gisborne

CARRIED

OPENING OF CLOSED MEETING

10.59 pm It was moved by Cr Letchford seconded by Cr Connor that the meeting be opened and the resolutions of Council made in the closed meeting be recorded in the open meeting.

CARRIED

17.2 Evaluation of tenders for contract no. C14-698 Baynton Road, Kyneton culvert repair/replacement

It was moved by Cr Hackett seconded by Cr Jukes

- 1. That contract C14.698 (Baynton Road Major Culvert ID 35, Kyneton) is awarded to DC Projects for a lump sum of \$66,446, excluding GST.
- 2. That Council sign and seal Contract C14.698
- 3. That this resolution be moved by Council in the meeting open to the public.

CARRIED

17.3 Contracts to be Awarded as at 26th February 2014 – Contract C14.703 Netball Complex New Gisborne

It was moved by Cr Mowatt seconded by Cr Letchford

That Council notes that the value of Contract C14.703 Netball Complex New Gisborne may exceed the limits of the current financial delegation and therefore Council specifically delegates authority to the Chief Executive Officer to award this contract and to affix the Common Seal.

CARRIED

10.49 pm Cr Morabito left the meeting and did not return

Further Motion

It was moved by Cr Jukes seconded by Cr Connor

That Council allocate the 2014/15 Regional Infrastructure Development Fund

(RIDF) of \$620,000 to the Regional Netball Complex project.

CARRIED

17.1 Chief Executive Officer's Annual Review

It was moved by Cr Letchford seconded by Cr Connor that the recommendations as contained in the confidential report be adopted by Council

Closure of Meeting

The meeting closed at 11.00 pm

**Councillor Roger Jukes
MAYOR**