

Council Meeting Minutes

**Ordinary Council Meeting
Wednesday 26 March 2014 at 7.00pm
Gisborne Administration Centre**

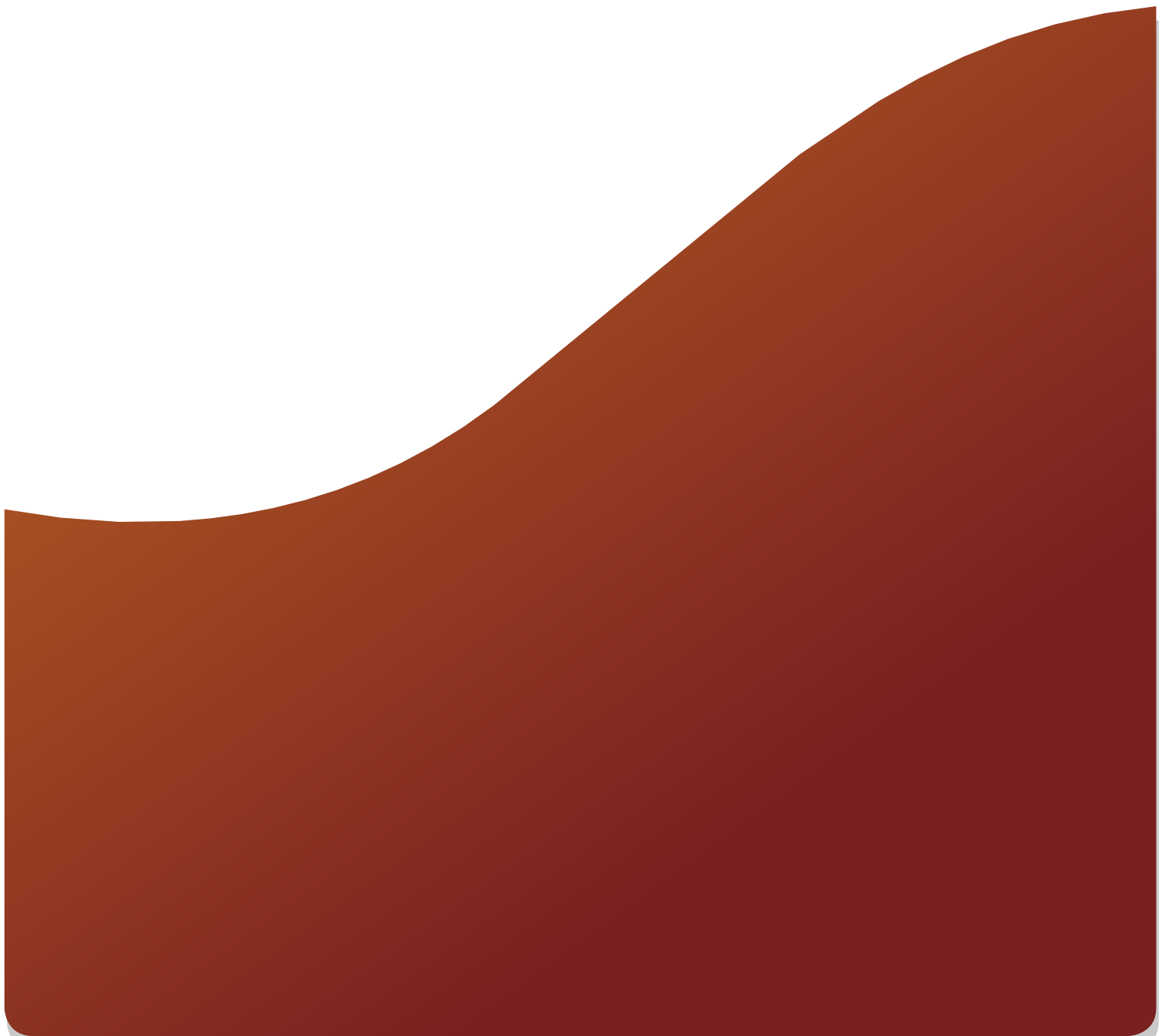


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1. PRAYER:

7.00pm The Mayor read the prayer

2. PRESENT:

Cr Roger Jukes (Mayor)	West 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 Dale Thornton	Acting Chief Executive Officer
Mr Glenn Owens	Director Corporate Services
Ms Karen Stevens	Director Community Wellbeing
Ms Sophie Segafredo	Director Planning and Environment
Mr Rick Traficante	Manager Planning & Development
Mr David Nevin	Senior Strategic Planner
Mr Stephen Mahon	Manager Council and Customer Services

3. APOLOGIES:

Apologies were received from Cr Hackett and the Chief Executive Officer Mr Peter Johnston

It was moved by Cr Letchford seconded by Cr Piper that the apologies be received.

CARRIED

4. DECLARATION OF CONFLICTS OF INTEREST:

Nil

5. MAYOR'S REPORT:

Nil

6. PETITIONS

Nil

7. ADOPTION OF MINUTES

Ordinary Council Meeting: Wednesday 26 February 2014

The Manager Council & Customer Services advised of a number of minor changes he wished to make to the minutes of the 26th February 2014 Ordinary Council Meeting. These were :

1. On page 3 a typo in the Mayors comments regarding Hanging Rockdevelopment ‘ or ‘ use and the reference to glamping as opposed to clamping.
2. Note that the referencing to conditions in Item PE.1 Transfer & Refuse Vehicle Depot at 30 Brooke Street, Woodend as resolved by Council had been amended as an administrative error to accurately reflect the decision of Council.
3. That the resolution of Council in respect to Item CS.1 Contracts to be Awarded as at 26th February 2014 reflect that the matter be considered in a closed meeting of Council pursuant to Section 89 (2)(d)
4. That the resolution of Council in respect to Item AO.1 Evaluation of Tenders for Contract No C14.698 reflect that the matter be considered in a closed meeting of Council pursuant to Section 89 (2)(d)
5. That the Closure of the Meeting on page 31 reflect that the meeting be closed pursuant to Section 89(2)(d) to consider the three matters listed.

Officer Recommendation:

That the minutes of the Ordinary Council Meeting of the Macedon Ranges Shire Council held on 26 February 2014 as circulated be confirmed with the changes outlined above.

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

CARRIED

8. RECORD OF ASSEMBLIES OF COUNCILLORS – MARCH 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
	26 February 2014 2.00pm	Councillor Briefing
	Venue	Gisborne Administration Centre
	Present - Councillors	Mowatt, Morabito, Piper, Anderson, Connor and Jukes Letchford (arrived 2.15pm) Hackett (arrived 3.30pm) McLaughlin (arrived 3.35pm)
	Present - Officers	Peter Johnston, Sophie Segafredo, Karen Stevens, Dale Thornton, Glenn Owens, Hayley Drummond, Graham Treadwell, Mairead O’Sullivan, Rick Traficante, David Nevin, Johann Du Preez, Michelle Wyatt, Fi Cotter Rod Clough, Enrique Gutierrez, and Stephen Mahon
	Items Discussed	Councillor and Officer Updates Memorials Update on Gisborne Netball Facility Development General Revaluation Review of Ordinary Council Meeting Agenda
	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

2.	Date / Time	Type of Assembly
	5 March 2014 9.30am	Councillor Briefing
	Venue	Gisborne Administration Centre
	Present - Councillors	McLaughlin, Morabito, Letchford, Mowatt, Piper and Connor Anderson (arrived 10.10am) Jukes (arrived 10.10am)

	Hackett (arrived 11.20am)
Present - Officers	Peter Johnston, Karen Stevens, Sophie Segafredo, Dale Thornton, Glenn Owens, Kerry Haby, Stephen Mahon, Carina Doolan and Enrique Gutierrez
Items Discussed	Budget Workshop #2 Councillor and Officer Update Gisborne Office Extension Kyneton Design & Discovery Briefing New Gisborne Development Plan
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
12 March 2014 9.30am	Type of Assembly Councillor Briefing
Venue	Gisborne Administration Centre
Present - Councillors	Anderson, Piper, Morabito, Jukes, Connor and Letchford Mowatt (arrived 9.37am) McLaughlin (arrived 10.15am) Hackett (arrived 11.45 am)
Present - Officers	Peter Johnston, Sophie Segafredo, Karen Stevens, Dale Thornton, Leon den Dryver, Glenn Owens, Stephen Mahon, David Nevin, Stuart Grigg and Fi Cotter
Items Discussed	Budget Workshop #3 Asset Management Heritage Strategy Councillor Items/Officer Updates Update on BATA's Appointment of Councillor representative to the new Waste and Resource Recovery Region Local Government Waste Forum Hanging Rock – Implementation of Council Resolution Performance Reporting Framework 2014/15
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
	14 March 2014 9.30am	Councillor Briefing
	Venue	Gisborne Administration Centre
	Present - Councillors	Anderson, Connor, Hackett, Jukes, Morabito and Piper Letchford (arrived 9.50am) McLaughlin (arrived 9.50am)
	Present - Officers	Peter Johnston, Sophie Segafredo, Dale Thornton, Fi Cotter, Rick Traficante and Kate Andrews
	Items Discussed	Houses in Farm Zones Discussion
	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? N/A

5.	Date / Time	Type of Assembly
	19 March 2014 11.30am	Councillor Briefing
	Venue	Gisborne Administration Centre
	Present - Councillors	Hackett, Morabito, Letchford, Mowatt, Piper, Anderson and Jukes Connor (Arrived 12.45pm) McLaughlin (Arrived 2.00pm)
	Present - Officers	Dale Thornton, Karen Stevens, Sophie Segafredo, Glenn Owens, Maureen Trezise, Rod Clough, Mairead O'Sullivan, Michelle Wyatt, Kylie Lethbridge, Shane Caruana, Michelle Patrick, Fi Cotter, Rick Traficante, David Nevin and Stephen Mahon
	Items Discussed	Presentation by Victorian Grants Commission Councillor and Officer Updates - Councillor Grants - Woodend Transport Project Information and Communications Strategic Plan – Progress Report Planning Matters - Lighthouse Statue Evaluation Healthy Communities Weed & Pest Animal Strategy Proposed Program Reports for Ordinary Council Meeting Agenda 26 March – Questions/Discussion

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

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

1. Council Officers Rod Clough, Enrique Gutierrez and Tom Ryan were in attendance at the 26th February Councillor Briefing.
2. Council Officer Carina Doolan was in attendance at the 5th March Councillor Briefing.
3. Council Officer Stuart Grigg was in attendance at the 12th March Councillor Briefing.

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

CARRIED

9. DEPUTATIONS AND PRESENTATIONS TO COUNCIL

Nil

It was moved by Cr McLaughlin seconded by Cr Mowatt that the Officer Recommendations for the following items be adopted by Council

- PE.3 New Gisborne Development Plan**
- PE.4 Early conversion of Residential 1 Zone to General Residential Zone**
- CX.1 Councillor grants – Consideration of grant applications**
- CS.1 Contracts to be awarded as at 26 March 2014**
- CS.2 Report from the Audit Committee meeting held on 19 March 2014**

CARRIED

Cr Anderson requested that her opposition to the voting on items in block be noted in the minutes.

10. PLANNING AND ENVIRONMENT REPORTS:

Report No: Report Title:

**PE.1 APPLICATION TO AMEND DEVELOPMENT PLAN
DP/2009/10 AT 59 BROOKING ROAD, GISBORNE**

Synopsis:

This application seeks approval to amend the current approved Development Plan. The proposed Amended Development Plan covers the same area as that of the original Development Plan approved for the land known as 59 Brooking Road, Gisborne. The road layout remains the same and the plan is further generally in accordance with the approved Development Plan except for seven (7) of the lots being Lots 1, 2, 3, 8, 12, 19 and 21. Each of these lots is shown on the proposed Amended Development Plan as subdivided into two (2), three (3) or four (4) lots.

The amended Development Plan was advertised by sending letters to adjoining owners/occupiers, with four (4) objections received relating to property devaluation, adverse amenity impacts, undesirable precedent and a lack of infrastructure. One (1) letter of support was also received.

Given that the average lot sizes in the currently approved Development Plan area are significantly larger than that already approved in the adjoining Development Plan areas, it is expected that there will be continued pressure to subdivide the larger lots.

It is considered that the smaller lots have been designed with sufficient road frontages or internal width that will allow increased side setbacks of dwellings to ensure a sense of space which is a key characteristic of the Gisborne township area. The plan also allows for convenient access for residents and ensures all lots to have appropriate orientation to enable future dwellings to achieve good solar outcomes.

The amended Development Plan layout represents a good planning outcome having regard to the policy framework and planning controls of the Macedon Ranges Planning Scheme. The proposed development is considered appropriate to the existing and proposed local context and is supported. In view of the above, it is recommended that the amended Development Plan be approved.

Officer Recommendation:

That Council approve the amended Development Plan covering the land situated at 59 Brooking Road, Gisborne, showing an amended layout for the site, prepared for the purposes of Clause 43.04, Schedule 4 of the Macedon Ranges Planning Scheme as shown on the Drawing titled “OVERALL DEVELOPMENT PLAN BROOKING ROAD” prepared by Alexander Symonds Surveying Consultants as attached to the Ordinary Council Meeting Agenda – 26 March 2014.

It was moved by Cr Piper seconded by Cr Anderson

- A. That Council resolves to refuse the proposal to amend Development Plan DP/2009/10 (Application No DP/2009/10/E) for the land located at 59 Brooking Road Gisborne, on the following grounds:
1. There is an existing adopted Development Plan over this land and residents have purchased land pursuant to this Development Plan and any further subdivision would unreasonably impact adversely on the amenity of adjoining residents.
 2. Many of the proposed lot sizes are inconsistent and out of character with the existing adjoining lot sizes in the same Development Plan area.
 3. The proposal seeks an amendment to a planned and determined outcome which is not consistent with the established character of the subdivision estate created in accordance with the approved development plan.
- B. That Council refuses the four (4) individual applications to amend the Development Plan being applications DP/2009/10/A, DP/2009/10/B, DP/2009/10/C and DP/2009/10/D on the same grounds as above.

The motion was put and lost

Cr Piper requested a division.

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

Against – Cr's Jukes, McLaughlin, Letchford, Connor and Mowatt (5)

LOST

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

The motion was put and carried

Cr Anderson requested a division

For – Cr's Jukes, McLaughlin, Letchford, Connor, Morabito and Mowatt (6)

Against – Cr's Piper and Anderson (2)

CARRIED

Report No: **Report Title:**

PE.2 **AMENDMENT C92 MACEDON RESTRUCTURE OVERLAY REVIEW**

Synopsis:

A Restructure Overlay was applied to Macedon and Mount Macedon in 1977 and includes an Incorporated Document. The Incorporated Document identifies whether or not a house may be developed on individual lots including whether lots require consolidation.

A review process reconsidered the relevance of the Restructure Overlay and determined that development of a number of sites had a high chance of gaining development approval under other relevant planning considerations (such as bushfire risk, environmental significance, landscape values, etc).

Amendment C92 proposes to amend the existing Restructure Overlay incorporated document: *Macedon Ranges Restructure Area Plans, 1999*. The changes to the Restructure Overlay Incorporated Document (as exhibited) would remove the prohibition on dwellings on 13 separate lots creating potential for 17 dwellings. It should be noted that any development on these lots would be subject to other planning controls that require planning approval. This includes the Bushfire Management Overlay which covers all of the candidate sites the subject of the Amendment.

Following public notification of the amendment, 46 submissions (including 6 from government departments/referral authorities) were received. The majority of submissions were from property owners affected by the Restructure Overlay. Only 18 of the 46 submissions sought changes or objected to the Amendment, the remainder were in support. One of these submissions was able to be resolved by Council supporting changes to the amendment post-exhibition.

As required under 23(1)(b) of the *Planning and Environment Act 1987*, Council referred the amendment and the 17 unresolved submissions to an independent Planning Panel for review. A Panel Hearing was held on 3 and 4 December 2013.

Council received the *Panel Report Macedon Ranges Planning Scheme Amendment C92* on 29 January 2013.

The Planning Panel recommends that Amendment C92 to the Macedon Ranges Planning Scheme should be abandoned due to the absence of analysis of the strategic fire risk to support the Amendment. The Panel Report also raises other concerns with the Amendment which are outlined in the Officer Comment.

Officer Recommendation:

That Council resolve to:

- 1. Formally receive the Panel Report on Macedon Ranges Planning Scheme Amendment C92 dated 28 January 2014.**
- 2. Adopt Amendment C92 in the revised form (Attachments 3 and 4) based on findings of the *Panel Report Macedon Ranges Planning Scheme Amendment C92* and the 28th August 2013 decision of Council following exhibition of the Amendment pursuant to Section 29 of the *Planning and Environment Act 1987*.**
- 3. Submit the adopted Amendment C92 to the Minister for Planning together with the prescribed information for approval and gazettal pursuant to section 31(1) of the *Planning and Environment Act 1987*.**

It was moved by Cr Anderson seconded by Cr Piper

That Council resolve to:

1. **Formally receive the Panel Report on Macedon Ranges Planning Scheme Amendment C92 Changes to Restructure Overlays dated 28th January 2014.**
2. **Abandon Amendment C92 and provide written advice of this decision to the Minister for Planning pursuant to section 28 of the Planning and Environment Act 1987.**

The motion was put and lost on the casting vote of the Mayor

Cr Anderson requested a division

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

Against – Cr’s Morabito, Jukes x 2, Connor, Letchford (5)

LOST

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

The motion was put and carried.

Cr Anderson requested a division

For – Cr’s Letchford, Connor, Jukes, Morabito and McLaughlin (5)

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

CARRIED

Report No: Report Title:

PE.3 NEW GISBORNE DEVELOPMENT PLAN

Synopsis:

Council’s resolution of 29 August 2012 adopted the New Gisborne Development Plan (August 2012) as the ‘in-principle’ Development Plan for the New Gisborne Growth Area. Subsequently, Amendment C67 (Part 2) was approved by the Minister for Planning on 11 April 2013. Amendment C67 (Part 2) rezoned the New Gisborne Growth Area (west of Station Road) to the Residential 1 Zone and applied the Development Plan Overlay Schedule 16 (DPO16) to the land. It also rezoned further land (7 ha) for industrial development in Gisborne Industrial Estate.

Item 3 in DPO16 required an updated Conservation Management Plan which has now been prepared by Brett Lane & Associates Pty Ltd in consultation with the Department of Environment and Primary Industries (DEPI). DEPI has reviewed the Conservation Management Plan and confirmed in writing that it is suitable for approval. The Conservation Management Plan does not require changes to the August 2012 version of the New Gisborne Development Plan

Council can now be satisfied that the work to meet the requirements of Schedule 16 of the Development Plan Overlay has been completed and that the New Gisborne Development Plan (August 2012) is ready for formal adoption under Clause 43.04 of the Planning Scheme. The Development Plan sets out the overall framework and conditions for development across the entire New Gisborne Growth Area.

Officer Recommendation:

1. That Council adopt the New Gisborne Development Plan (August 2012) prepared by Hansen Partnership Pty Ltd on behalf of Council for the New Gisborne Growth Area, being the land bound by the Bendigo to Melbourne Railway Line to the north; Station Road to the east; Gisborne Racecourse Marshlands Reserve, Calder Freeway and Webb Crescent, which is an unmade road reserve, to the south; and properties zoned Rural Living to the west; and
2. That Council endorse the Conservation Management Plan prepared by Brett Lane & Associates Pty Ltd, (Dec 2013) Document No. 13078 (1.5) for the New Gisborne Growth Area.

Note : Officer Recommendation adopted by Council earlier in the meeting – refer to page 6 of these minutes.

Report No: Report Title:

**PE.4 EARLY CONVERSION OF RESIDENTIAL 1 ZONE TO
GENERAL RESIDENTIAL ZONE**

Synopsis:

This report summarises the process and reasoning for a request to the Minister for Planning to exercise his powers under 20 (4) of the *Planning and Environment Act 1987* to implement the General Residential Zone to areas currently zoned Residential 1 prior to the end of the financial year.

Council have previously been advised of the Minister for Planning’s advice that all Residential 1, 2 and 3 zoned land across Victoria will be automatically translated to the General Residential Zone on 30 June 2014. The Department of Transport, Planning and Local Infrastructure (DTPLI) have subsequently advised that it would be advantageous to initiate this direct translation via a Ministerial amendment prior to 30 June. If Council wishes to pursue this option, a request will need to be sent to the Minister for Planning in the next two months. DTPLI have offered to prepare and give effect to this planning scheme amendment, resulting in no resource implications for Council.

Officer Recommendation:

That Council resolves to request the Minister for Planning to prepare and approve an amendment to the Macedon Ranges Planning Scheme that converts the Residential 1 Zone to the General Residential Zone in accordance with Section 8(1b) and Section 20(4) of the *Planning and Environment Act 1987*.

Note : Officer Recommendation adopted by Council earlier in the meeting – refer to page 6 of these minutes.

Report No: Report Title:

PE.5 HANGING ROCK

Synopsis:

At the 26 February 2014 Ordinary Meeting, Council resolved to undertake further investigation and consultation in relation to the future of Hanging Rock

and surrounds. This report articulates the tasks and timeframes recommended to implement that resolution which include the development of information packages, a communications strategy and a three month consultation phase culminating in a formal public hearing followed by a report to Council. It is anticipated that the project will cost in the order of tens of thousands of dollars, depending on the degree of detail and actions required in each stage and be completed by the end of this year or very early in 2015.

Officer Recommendation:

That Council adopts the following approach to implementing the information and consultation strategy for Hanging Rock and the surrounding precinct:

1. Preparation of a package of information including; a summary of all relevant information regarding the Development and Investment Plan, options for generating income specifically to invest in Hanging Rock, and a land use precinct plan.
2. Preparation of a communications plan including a comprehensive consultation phase.
3. Undertake the consultation which incorporates a one month information provision period followed by a two month feedback period.
4. Incorporates a public hearing process that conforms with the intent of Section 223 of the Local Government Act 1989.
5. Considers all feedback and report findings and recommendations to Council.
6. Commit to a project timeframe with the following major milestones;
 - a. Information gathering and document preparation by June
 - b. Consultation over July-September
 - c. Public hearing in October
 - d. Consideration of issues and report to Council in December/February

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

Amendment

It was moved by Cr Anderson seconded by Cr Piper that the motion be amended as follows :

the insertion of a new point 3 to read ;

3. **The information packages and communications plan be adopted by Council prior to the commencement of the consultation process**

And the renumbering of the existing points through to 7

And the addition of a point 8 to read;

8. **that implementation of point 4 of the 28th August 2013 resolution be put on hold until this work is complete, which was :**

‘ That Council agrees to work with the State Government to seek a private investor for the two areas identified (total 5.8 hectares) of the Master Plan in this report ‘

The amendment was put and lost.

Cr Piper requested a division.

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

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

LOST

The motion before Council ie the Officer Recommendation was put and carried.

CARRIED UNANIMOUSLY

Adjournment of Meeting and Suspension of Standing Orders

8.04 pm It was moved by Cr Letchford seconded by Cr Mowatt that the meeting be adjourned for a brief break and thereafter standing orders be suspended to consider questions from the public.

CARRIED

Questions from the Public

Name: Ian Turner

Question: The MRSC Budget Report 2013/14 indicates that the Public Open Space-South statutory reserve will have a balance at 30/6/14 of \$902,695. Although this balance may vary from this figure it will still be substantial. What projects are Council undertaking and investigating that can draw down on this fund?

Response: The Acting Chief Executive Officer responded that in 2013/14 redevelopment of the netball courts at Gardiner Reserve, Gisborne are being undertaken funded by money from the Public Open Space-South financial reserve. Council is currently preparing its draft budget for 2014/15 and it is expected that the draft budget will be approved for public display on 30 April 2014. At this time it will be evident which projects Council is proposing to undertake in 2014/15, including the source of funding.

Name: John Wren

Question: Is the Wyralla Estate considered to be an established area and if so is there funds available in the South Ward Reserve to fund a children’s playground?

Response: The Acting Chief Executive Officer responded that Council’s Financial Reserves Policy 2009 is available on Council’s website. The policy defines the requirements for expenditure of funds from the various financial reserves. For example, the Public Open Space financial reserve can be used for projects in public open space and a suitable example of such a project would be a children’s playground.

Name: Hilary Roberts

Question: In answer to a question at the last Council Meeting, Peter Johnston said \$120,000 for pest animal and weeds works is part of the proposed works required at Hanging Rock to enable private investment. What is the source document for this figure?

Response: The Acting Chief Executive Officer responded that this estimate of an initial spend on pest plants and animals is based on works identified through the Development and Investment Plan.

Name: Len Peeler

Question: What is the Council policy in regards to the damage of Council property namely damage done to footpaths by property owners or contractors engaged by the. The site in Mollison Street, Kyneton formally known as Ferris, the footpath was damaged by a truck driven on the footpath used as a work platform. 1) What is the cost to remove the footpath and reseal? 2) Who is being charged for the cost of the repairs?

Response: The Acting Chief Executive Officer responded that where works are known to Council contractors use an asset protection permit system. Regular inspections ensure compliance. If works are not notified and the contractor can be identified they bear the replacement cost-Otherwise Council. Costs vary but typically \$120-\$150 metre.

Name: Len Peeler

Question: What is the Council policy in regards to the removal of petrol tanks from formal service station sites and their decontamination to EPA standards?

Response: The Acting Chief Executive Officer responded that Council does not have a specific policy on the removal of petrol tanks. If the site is to be redeveloped, appropriate decommissioning would be required in accordance with EPA Guidelines. This could include removal or filling with sand or some other material.

Name: Penny Roberts

Question: Comprehensive guidelines for revegetation exist in the State Government publication, "Victorian Investment Framework Vegetation Work Standards". When will the wildlife corridor vegetation component of the Regional Development Australia funded project at Hanging Rock Reserve be undertaken, and will it meet the vegetation work standards of the Victorian Investment Framework?

Response: The Acting Chief Executive Officer responded that the implementation of the RDA funded project is progressing currently through the Cultural Heritage Management Plan process which is likely to influence the revegetation works, therefore that component will occur in due course and will meet all appropriate requirements and standards.

Name: Mathew Nickson

Question: Why didn't the submission to Council in December 2012 to endorse the MRSC application for the Regional Development Australia Fund Round Four for Hanging Rock contain the information in the application that states that "power and water

Response: provision has been planned” to facilitate an “accommodation and conference facility” which has been estimated to cost \$23 million. The Acting Chief Executive Officer responded that officers will need to review the documents and will provide a reply by the end of next week.

Name: Jane Butler

Question: The Inspectorate informed me to write a written complaint to the Mayor if I had issues with senior staff. I did this but the Mayor dismissed it by saying he had been fully briefed and believed the staff acted accordingly, but how could he have been fully briefed if he did not speak to me and discuss the information I have received through FOI? I have recently asked for the details of process followed in this case but have received no reply. Why not?

Response: The Acting Chief Executive Officer responded that the matter will be followed up.

Name: Jane Butler

Question: Can you explain why the CEO maintains that there is no limit to the number of dogs kept at a low residential property when this contradicts the response given to a resident at Council Meeting in July 2012 by the CEO. Also Sophie, head of planning, stated a planning permit was needed for 5 dogs and Basil Stafford, Council’s solicitor also stated that the Council had allowed an illegal dog as a planning permit was required for 5 or more dogs? (There were 13 dogs). A letter to the dog owners in April 2012 from Council also stated that a maximum of 5 dogs was allowed. Why did it take so long for Council to acknowledge legal advice? Why does the CEO still try to mislead by not giving a straight forward answer?

Response: The Acting Chief Executive Officer responded that this has been answered in writing many times.

Resumption of Adjourned Meeting and Standing Orders

8.31 pm It was moved by Cr Letchford seconded by Cr McLaughlin that the meeting resume and standing orders be resumed.

CARRIED

11. CHIEF EXECUTIVE OFFICER’S REPORTS:

Report No: **Report Title:**

CX.1 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. **Kyneton Community Park for Taste of Kyneton food festival \$850; and**
- b. **Riddells Creek Pony Club for mower upgrade for grass cutting \$1,500.**

Note : Officer Recommendation adopted by Council earlier in the meeting – refer to page 6 of these minutes.

12. CORPORATE SERVICES REPORTS:

Report No: Report Title:

CS.1 CONTRACTS TO BE AWARDED AS AT 26 MARCH 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) **C14.707 Gisborne Bowling Green Synthetic Rink**

Note : Officer Recommendation adopted by Council earlier in the meeting – refer to page 6 of these minutes.

Report No: Report Title:

CS.2 REPORT FROM THE AUDIT COMMITTEE MEETING HELD ON 19 MARCH 2014

Synopsis:

The most recent Audit Committee meeting was held on 19 March 2014 and the minutes from that meeting have been distributed to all Councillors. The minutes include the following items:

1. Internal Audit Plan – Auditor’s quarterly report on the progressive completion of the current 18 month internal audit plan.
2. Internal Audit Actions – Management’s quarterly progress comments on the status of outstanding Internal Audit Actions.
4. Internal Audit Plan 2014 to 2017 – A draft plan for the period 1 July 2014 to 30 June 2017 was considered and the Committee provided feedback to the Chief Executive Officer and Directors.
5. Internal Audit Services Contract – A draft specification for the period 1 July 2014 to 30 June 2017 was considered and the Committee provided feedback to the Chief Executive Officer and Directors.
6. Definitions of Volunteers and Volunteering – The definitions were considered and the Committee endorsed them, noting (a) the alignment with Volunteering Australia’s National Standards (for involving volunteers in not for profit organisations) and (b) their inclusion in the relevant Manuals produced by Council for its Volunteers.
7. Information and Communications Strategic Plan 2012 to 2015 Progress Report – The report was considered and the Committee recommended that Council gives a high priority to including the replacement of the records management system in the 2014/15 Budget.

Officer Recommendation:

That Council note this report together with the minutes from the Audit Committee meeting held on 19 March 2014.

Note : Officer Recommendation adopted by Council earlier in the meeting – refer to page 6 of these minutes.

13. COMMUNITY WELLBEING REPORTS:

There were no reports presented by the Director Community Wellbeing.

14. ASSETS AND OPERATIONS REPORTS:

Report No: Report Title:

**AO.1 APPOINTMENT OF COUNCIL REPRESENTATIVE TO THE
LODDON MALLEE REGIONAL WASTE AND RESOURCE
RECOVERY REGIONAL LOCAL GOVERNMENT FORUM
2014/15**

Synopsis:

The present current twelve Regional Waste Management Groups, currently responsible for planning and coordinating the management of municipal solid

waste, will be consolidated into six new Waste and Resource Recovery Groups (WRRGs), each with its region from 1 August 2014.

This report seeks the nomination of a Council representative to the about to be created Loddon Mallee Regional Waste and Resource Recovery Regional Local Government Waste Forum, a statutory forum under proposed amendments to the Environment Protection Act 1970.

Officer Recommendation:

That Council endorse the appointment of [*name of Councillor*] to the Loddon Mallee Regional Waste and Resource Recovery Regional Local Government Forum for 2014/15 as the representative of the Macedon Ranges Shire Council.

It was moved by Cr Jukes seconded by Cr McLaughlin

That Council endorse the appointment of Cr John Connor to the Loddon Mallee Regional Waste and Resource Recovery Regional Local Government Forum for 2014/15 as the representative of the Macedon Ranges Shire Council.

The motion was put and carried.

Cr Piper requested a division

**For – Cr’s Jukes, Morabito, McLaughlin, Letchford, Connor and Mowatt (6)
Against – Cr’s Anderson and Piper (2)**

CARRIED

15. NOTICES OF MOTION

Notice of Motion No. 24/2013-14 – Councillor Mowatt

That the Chief Executive Officer writes to Premier Denis Napthine; 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 for the establishment and assistance in setting up a bus service in the Woodend town district.

It was moved by Cr Mowatt seconded by Cr Connor

That the Chief Executive Officer writes to Premier Denis Napthine; 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 for the establishment and assistance in setting up a bus service in the Woodend town district.

CARRIED UNANIMOUSLY

Notice of Motion No. 25/2013-14 – Councillor Mowatt

That the Chief Executive Officer writes to Premier Denis Naphthine; Minister for Planning Matthew Guy; Minister for Local Government Tim Bull MP; Amanda Millar MP and Joanne Duncan MP reaffirming that council rates will be set and determined by local councils in accordance with the Local Government Act 1989; and that any proposed capping of local rates to CPI will in essence potentially take away the decision making process from local communities and the current budgetary process by Victorian councils.

It was moved by Cr Mowatt seconded by Cr Connor

That the Chief Executive Officer writes to Premier Denis Naphthine; Minister for Planning Matthew Guy; Minister for Local Government Tim Bull MP; Amanda Millar MP and Joanne Duncan MP and the Municipal Association of Victoria reaffirming that council rates will be set and determined by local councils in accordance with the Local Government Act 1989; and that any proposed capping of local rates to CPI will in essence potentially take away the decision making process from local communities and the current budgetary process by Victorian councils.

CARRIED UNANIMOUSLY

Notice of Motion No. 26/2013-14 – Councillor Jukes

That Council write to the Premier, Hon Denis Naphthine, and the Minister for Education, Hon Martin Dixon outlining in-principle support for state funding for the development of a K12, creating a Kyneton Education Precinct to meet the educational needs of children in Kyneton and surrounding areas.

It was moved by Cr Jukes seconded by Cr Connor

That Council write to the Premier, Hon Denis Naphthine, and the Minister for Education, Hon Martin Dixon outlining in-principle support for state funding for the development of a Kyneton Education Precinct to meet the educational needs of children in Kyneton and surrounding areas.

CARRIED UNANIMOUSLY

Notice of Motion No. 27/2013-14 – Councillor Letchford

That Council approve the Chief Executive Officer, or his delegate, to engage and brief independent professionals to:

- Part A: Engage legal services to assess and report back to Council on the validity of the alleged bullying within Council as per recent media reports, and S.77 Local Government Act, and allied sections, covering confidentiality within Council and Councillor Briefings; and**
- Part B: Engage professional services conversant with Local Government to conduct Councillor engagement/interaction/**

dynamic session/s, as identified, to address the overall group dynamic of Councillors as well as engagement with Council's Executive; not limited to group sessions but to include, if identified, individual session/s, and compile a report on the outcomes.

It was moved by Cr Letchford seconded by Cr Mowatt

That Council approve the Chief Executive Officer, or his delegate, to engage and brief independent professionals to:

- Part A: Engage legal services to assess and report back to Council on the validity of the alleged bullying within Council as per recent media reports, and S.77 Local Government Act, and allied sections, covering alleged breaches in confidentiality within Council and Councillor Briefings; and
- Part B: Engage professional services conversant with Local Government to conduct Councillor engagement/interaction/dynamic session/s, as identified, to address the overall group dynamic of Councillors as well as engagement with Council's Executive; not limited to group sessions but to include, if identified, individual session/s, and compile a report on the outcomes.

The motion was put and lost on the casting vote of the Mayor
Cr Letchford requested a division

For – Cr's Letchford, Connor, Mowatt and McLaughlin (4)
Against – Cr's Jukes x 2, Morabito, Piper and Anderson (5)

LOST

16. URGENT AND OTHER BUSINESS

Nil

17. CONFIDENTIAL REPORTS

Nil

Closure of Meeting

The meeting closed at 9.12 pm

Councillor Roger Jukes
MAYOR