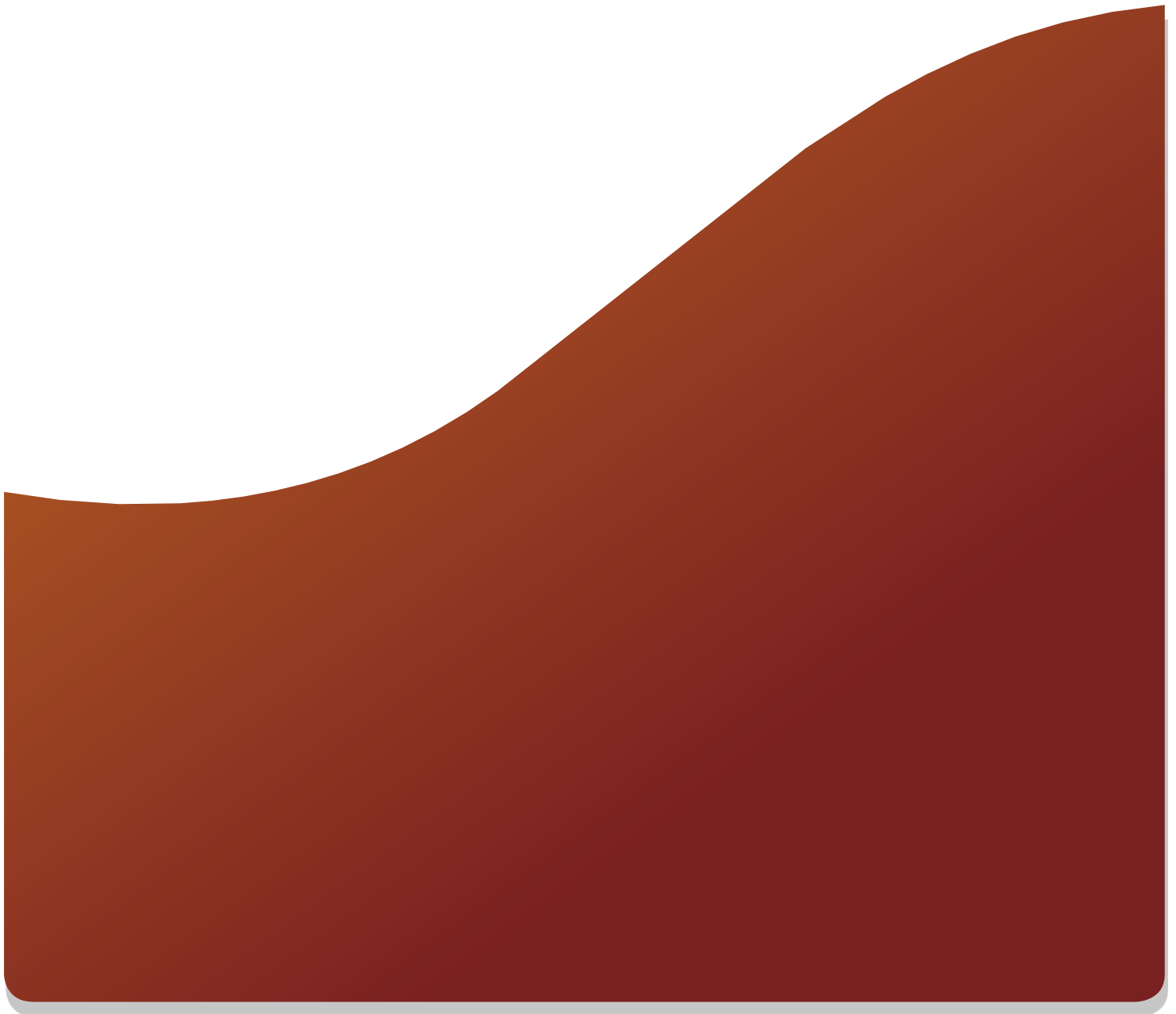


# Minutes

**Council Meeting**  
**Wednesday 25 August 2021 at 7pm**  
**Via Zoom and livestream**



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**1 ACKNOWLEDGEMENT OF COUNTRY**

Macedon Ranges Shire Council is on Dja Dja Wurrung, Taungurung and Wurundjeri Woi Wurrung Countries. Council acknowledged that those who attended the meeting are gathering on their land. Council paid its respects to their Elders past, present and emerging and to any Aboriginal and/or Torres Strait Islander People who may have been present or watching the meeting.

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

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

**3 PRESENT**

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

**IN ATTENDANCE**

Bernie O'Sullivan (Chief Executive Officer), Angela Hughes (Director Planning and Environment), Gina Lyons (Interim Director Corporate and Community), Simon Finlay (Acting Director Assets and Operations), Chrissy Gordon (Interim Executive Manager People, Culture and Performance), Kate Young (Manager Legal and Corporate Governance), Rob Ball (Manager Strategic Planning and Environment), Evert Grobbelaar (Manager Statutory Planning), Stephen Pykett (Manager Community and Economic Development Arts and Events), Fleur Marshall (Interim Customers, Communication and Engagement), Christo Crafford (Coordinator Statutory Planning), Awais Sadiq (Coordinator Statutory Planning), Allison Watt (Coordinator Governance), Jessica Baguley (Senior Governance Officer)

**4 APOLOGIES**

Nil

**5 CONFLICTS OF INTEREST**

Nil

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**6 MAYOR'S REPORT****6.1 MAYOR'S REPORT - AUGUST 2021****Recommendation**

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

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**Resolution 2021/49**

Moved: Cr Anne Moore  
Seconded: Cr Mark Ridgeway

**That Council receives the Mayor's report and notes the following:**

- 1. There were more than 2,000 registrations for free firewood reclaimed from trees that came down in the recent storms;**
- 2. A Councillor delegate attended the Central Victorian Greenhouse Alliance meeting on 19<sup>th</sup> August;**
- 3. The Mayor and CEO met with Rob Mitchell MP Federal Member for McEwen on Wednesday 18<sup>th</sup> August;**
- 4. East Ward Councillors and the Mayor met with representatives of the Lancefield Romsey Lions Club regarding seniors housing; and**
- 5. Michelle Betson, an independent member of the Audit & Risk Committee has resigned due to increasing work commitments. Council thanks Michelle for her dedicated service, and notes that it will be proceeding to publicly advertise to fill the vacancy for an independent Committee member. Residents with requisite skills are encouraged to apply.**

**CARRIED**

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**7 PETITIONS**

Council received a petition with 164 signatures, formally requesting Council to consult with the traditional owner group to rename Hutton Street, Kyneton so that it acknowledges the region's indigenous history.

**Resolution 2021/50**

Moved: Cr Mark Ridgeway  
Seconded: Cr Janet Pearce

**That Council:**

- 1. Receives and notes the petition.**
- 2. Refers it to the Manager Legal and Corporate Governance for investigation and reporting back to Council by December 2021.**
- 3. Notifies the petition organisers accordingly.**

**CARRIED**

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**8 ADOPTION OF MINUTES****Resolution 2021/51**

Moved: Cr Annette Death  
Seconded: Cr Geoff Neil

**That Council confirms the minutes of the Scheduled Council Meeting of Macedon Ranges Shire Council held on 25 July 2021, as circulated.**

**CARRIED**

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

<b>9.1 RECORD OF MEETINGS OF COUNCILLORS AND COUNCIL STAFF - JULY TO AUGUST 2021</b>
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**Summary**

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

**Resolution 2021/52**

Moved: Cr Annette Death  
Seconded: Cr Mark Ridgeway

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

- 1. To record that some officers attended the Councillor Briefing on 17 August via Zoom.**
- 2. A minor typographical correction to the statement made by Cr Guthrie at the Councillor Briefing on 17 August 2021.**

**CARRIED**

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**10 DEPUTATIONS AND PRESENTATIONS TO COUNCIL****Resolution 2021/53**

Moved: Cr Janet Pearce

Seconded: Cr Rob Guthrie

**[7.16pm] That Council suspends standing orders to hear deputations, presentations and public questions.**

**CARRIED**

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**PUBLIC QUESTIONS**

Council received questions from members of the public who chose to remain anonymous. The questions and officer responses were read by the Mayor:

**Question:** Can the CEO please advise what progress has been made in the negotiations regarding the purchase of the East Paddock, Hanging Rock by the State Government?

**Response:** Macedon Ranges Shire Council continues to work collaboratively with State Government on its desire to purchase East Paddock at Hanging Rock. No agreement has been reached to sell or transfer the land. The two organisations are working through the necessary land valuation and other details to advance these conversations

**Question:** What specifically has caused the constant lengthy delays with Amess Road Precinct draft PSP and WHY do Councillors now want "options" to review years of work already done?

**Response:** Council officers have been working with the proponent to progress this Precinct Structure Plan through the statutory process. This has included working through the kind of information required to support the application, and providing advice on the proposal and information provided. It is acknowledged that there has been some back and forth in this process given the size of the site, nature of the proposal and the need for various technical documents.

Council resolved to receive an options paper on this site at the Scheduled Council Meeting on 23 June 2021.

**Question:** If Council Officers and Counsellors (sic) cannot come to agreement on this matter what will happen then?

**Response:** Officers have made a recommendation to Council as to how to proceed with this matter, as can be seen on page 69 of tonight's agenda. Ultimately, Council officers will implement the decision that Council makes, via resolution, at tonight's Scheduled Council Meeting.

**Resolution 2021/54**

Moved: Cr Annette Death

Seconded: Cr Bill West

**[7.19pm] That Council resumes standing orders to consider the remaining items on the agenda.**

**CARRIED**

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**11 DIRECTOR PLANNING AND ENVIRONMENT REPORTS****PE.1 AMENDMENT C151MACR - CORRECT ANOMALY AT 12 NOEL STREET AND 39-45 RAGLAN STREET, LANCEFIELD****Summary**

This report provides background and recommends that Council seek authorisation for a proposed amendment to correct a zone mapping anomaly at 12 Noel Street and 39-45 Raglan Street, Lancefield. The amendment will ensure that the correct planning controls apply as intended.

**Recommendation****That Council:**

- 1. Endorses the zoning map correction to 12 Noel Street and 39-45 Raglan Street, as detailed in Attachment 1, as the basis to prepare Planning Scheme Amendment C151macr.**
- 2. In the first instance, requests authorisation from the Minister for Planning to prepare Amendment C151macr pursuant to Section 9 of the *Planning and Environment Act 1987* to correct a zoning error that applies to 12 Noel Street and 39-45 Raglan Street, Lancefield.**
  - (a) That this request be made under Section 20(2) of the Planning and Environment Act 1987, which exempts Council from giving public notice as outlined in this report.**
  - (b) Upon receipt of authorisation, make any changes necessary to comply with conditions of authorisation and exhibition requirements.**
- 3. In the event that the preferred amendment pathway is not supported by the Minister for Planning, requests authorisation from the Minister for Planning to prepare Amendment C151macr pursuant to Section 9 of the Planning and Environment Act 1987 to correct a zoning error that applies to 12 Noel Street and 39-45 Raglan Street, Lancefield**
  - (a) Upon receipt of authorisation, make any changes necessary to comply with conditions of authorisation.**
  - (b) Upon satisfaction of any conditions of authorisation, exhibit Amendment C151macr pursuant to Section 19 of the Planning & Environment Act 1987.**



**Resolution 2021/55**

Moved: Cr Rob Guthrie

Seconded: Cr Anne Moore

**That Council:**

1. Acknowledges the work completed by staff to date to research a potential planning zone mapping error affecting properties at 12 Noel Street and 39-45 Raglan Street, Lancefield.
2. Acknowledges that Council has previously tried to resolve this potential mapping error as part of Amendment C134macr but the Department of Environment Land Water and Planning (DELWP) did not support the correction as it believed Council had not demonstrated that an obvious or technical error has occurred and therefore could not be considered under section 20A of the Planning and Environment Act, 1987 and was subsequently not included in the approved Amendment C134macr.
3. Note the officer's report includes a preferred option to seek an exemption from the Minister for Planning under section 20(2) in regards to the full notice requirements specified under the Planning and Environment Act, 1987. If this exemption is not approved by the Minister for Planning then the officer's recommendation is that a full exhibition process for the amendment would be undertaken.
4. Note that if this proposed amendment were to proceed to panel it would cost rate payers an estimate of \$5000 to \$8000.
5. Refer the work done thus far on this site to a future combined amendment process in order to reduce costs to council of having it as a single amendment.

**CARRIED**

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**PE.2 REGIONAL ROADS VICTORIA INTERSECTION WORKS AT MELBOURNE ROAD AND KILMORE ROAD IN GISBORNE****Summary**

This report responds to the Notice of Motion resolved by Council at the Scheduled Council Meeting held on 28 July 2021. The resolution was as follows:

*That Council directs the Chief Executive Officer to prepare a report for the 25 August 2021 Scheduled Council Meeting regarding the proposed Regional Roads Victoria (RRV) intersection works at Melbourne Road and Kilmore Road in Gisborne. This report is to include any RRV updates on the project including in the context of Council's decision on this matter*

**Recommendation**

**That Council notes the updates provided within this report.**

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**Resolution 2021/56**

Moved: Cr Rob Guthrie

Seconded: Cr Anne Moore

**That Council:**

1. **Notes the updates provided within this report and continues to advocate for the protection of the heritage fabric of the Bluestone bridge and channel, and trees.**
2. **Requests the Chief Executive Officer to resolve the conditions of authorisation and progress Planning Scheme Amendment C143 to exhibition as soon as practical.**

**CARRIED**

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**PE.3 APPLICATION FOR PLANNING PERMIT PLN/2020/540 - BOWEN STREET, MALMSBURY****Summary**

The application proposes re-subdivision of the 29 existing lots into 29 new lots in three (3) stages.

The application was advertised and ten (10) objections were received.

Key issues to be considered relate to the suitability of the proposed lot sizes and lot layouts, and the future servicing of the lots.

The application has been assessed against the relevant provisions of the Macedon Ranges Planning Scheme and is considered appropriate. On balance it is considered that the subdivision is in keeping with the relevant provisions of the Planning Policy Framework, Local Planning Policy Framework, zone, overlay, particular provisions and general provisions. It is recommended that the application be approved subject to the following conditions.

**Recommendation**

**That Council issue a Notice of Decision to grant planning permit for re-subdivision of twenty-nine (29) lots into twenty-nine (29) lots in three (3) stages, alter access to a Road Zone Category 1 and removal of native vegetation for the land at Bowen Street, Malmsbury subject to the following conditions:**

1. **Prior to the certification of the Plan of Subdivision for Stage 1 under the Subdivision Act 1988, three copies of amended plans must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be generally in accordance with the plans prepared by Cardno TGM, Rev 7, dated 25/05/2021, but modified to show:**
  - (a) **A landscape plan in accordance with conditions 6 to 10.**
  - (b) **Provision of water supply to 21, 27 and 38 Bowen Street, from the new water mains in Bowen Street, as part of Stage 1 of the development.**

- (c) The Engineering plan changes required under Condition 11.
  - (d) Any changes required as a result of Department of Transport condition 48.
  - (e) A tree protection zone (TPZ) in the south western corner of Lot 6 for the tree located in the north western corner of 21 Bowen Street in accordance with the canopy of the tree.
2. Before the Statement of Compliance for the Plan of Subdivision for Stage 1, the owner of the lot must enter into an agreement with the Responsible Authority in accordance with Section 173 of the Planning and Environment Act 1987. The agreement must provide for:
- (a) Retention of the Eurabbie Tree within proposed Lot 24.
  - (b) Retention of the existing Hawthorn hedge in Bever Street.
  - (c) The planting of semi-mature locally indigenous/native canopy trees throughout the development on all the lots at a rate of one (1) tree per 1000m<sup>2</sup> and the maintenance of the planted trees for a period of at least five (5) years after planting.
  - (d) The installation of tree protection fencing in accordance with the approved tree protection zone (TPZ) on Lot 6 during construction of the subdivision and any development on Lot 6 to protect the tree on the adjoining land to the south (21 Bowen Street).
  - (e) No buildings and works shall be constructed outside the approved building envelopes for all lots as shown on the endorsed plans to Planning Permit PLN/2020/540, unless with the prior written consent from the Responsible Authority.
  - (f) All boundary fencing for all lots must be of an open rural style (e.g. post and wire) and solid fencing (e.g. paling and Colorbond) is not permitted unless with the prior written consent from the Responsible Authority.
- Prior to a Statement of Compliance being issued:
- (a) Application must be made to the Registrar of Titles to register the Section 173 Agreement on the title to the land under Section 181 of the same Act.
  - (b) The owner must pay all costs (including Council's costs) associated with the preparation, execution, registration and (if later sought) cancellation of the Section 173 Agreement.
3. The owner of the land must enter into an agreement with:
- (a) A telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and
  - (b) A suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

4. Before the issue of a Statement of Compliance for the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:
  - (a) A telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and
  - (b) A suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.
5. Measures must be undertaken to minimise any loss of amenity to the neighbourhood from the development caused by dust, noise, the transport of materials to and from the land and the deposit of mud and debris on public roads, to the satisfaction of the Responsible Authority.

#### **MRSC Environment Conditions**

6. Prior to the issue of Certification for the plan of subdivision, and in conjunction with the Functional Layout Plan, a digital copy of a Landscape Masterplan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Landscape Masterplan is to be drawn to scale and prepared by a suitably qualified and experienced landscape designer and is to show:
  - (a) The locations of street tree planting in various stages of the subdivision. Trees are to be spaced at a minimum of one per lot or every 12 metres, whichever is the lesser.
  - (b) Topography and existing features, including contours for the subject land and any affected adjacent land.
  - (c) The location of all trees existing on the site, any in the road reserves adjacent to proposed road upgrades and including any that overhang the site from adjoining land.
  - (d) Details of tree protection zones for all trees to be retained
  - (e) Any trees proposed for removal from the site clearly designated.
  - (f) All areas which will be available for streetscape planting.
7. Prior to the issue of a Statement of Compliance for each state of the subdivision, a digital copy of a detailed landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The landscape plan is to be generally in accordance with the Masterplan but is to focus on the details of the streetscape planting.

The Landscape plan is to be prepared by a suitably qualified and experienced landscape designer. The plan is to be to scale and overlaid on the approved Engineering plans as required at Condition 12 to ensure coordination with services and other infrastructure. When approved, the plan will be endorsed and form part of this permit and must show:

- (a) The location of all trees existing within road reserves adjacent to the sub-division and associated road upgrades, including any that overhang the site from adjoining land.
- (b) Details of tree protection zones for all trees to be retained.
- (c) New street trees to all new upgraded roads/streets associated with the sub-division
- (d) Street trees species selection are to tie in with the existing surrounding character, be of a size suitably for road reserve widths at maturity, and be a mix of native and indigenous species to the approval of the Responsible Authority.
- (e) Typical cross-sections for each street type, dimensioning tree locations, services offsets as set out in Council's Tree Management Policy, 2019 and any other spatial requirements
- (f) A table of offsets for all utility services and street trees.
- (g) The following notations:
  - Tree planting is to occur between April & September to maximise establishment and survival.
  - Tree locations shown on this plan are a guide only and may require adjustment to coordinate with final service locations, Powercor requirements, and 'as constructed' infrastructure.
  - Street tree locations are to be set-out and approved on site by the Council Landscape Officer prior to installation
  - It is the responsibility of the contractor to confirm the location of all underground services prior to commencement of any excavation.
  - An advanced Tree Planting Detail with a minimum 52L Greenwell water saver and three (3) hardwood stakes.

#### 8. Landscape Completion

The landscaping works shown on the approved landscape plan must be carried out and completed to the satisfaction of the Responsible Authority prior to the issue of a Statement of Compliance for each stage of the sub-division or any other time agreed in writing by the Responsible Authority.

#### 9. Landscape Maintenance

Landscaping shown on the endorsed landscape plans must be maintained to the satisfaction of the Responsible Authority for a period of two (2) years from the practical completion of the landscaping. During this period, any dead, diseased or damaged plants or landscaped areas are to be repaired or replaced during the period of maintenance and must not be deferred until the completion of the maintenance period.

10. In addition to the Landscape Plans, applicants must submit for approval a proposed maintenance schedule and projected costs. This schedule will also be used to ensure the proposed maintenance program is consistent with Council standards and to calculate a 35% Landscape Maintenance Liability bond. It will also be useful for the developer to prepare budget projections for the 2-year maintenance requirement.

**NOTES:**

Information regarding Councils preferred street trees, and typical tree planting detail can be requested from the Open Space Unit.

**MRSC Engineering Conditions**

11. Prior to the certification of the Plan of Subdivision for the Stage 1, an amended Subdivision Layout Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and submitted electronically as a PDF. The plan must be generally in accordance with the submitted plan but modified to show:
  - (a) Typical cross-section showing on the plan with gravel road surface must be removed from infrastructure plan and replace with sealed surface.
  - (b) Show all the proposed crossover in the plan of subdivision.
  - (c) McCrane Street must be sealed 6.6 wide from the intersection for at least 12 metres.
  
12. Prior to the submission of Engineering Plans and certification of the relevant plan of subdivision for each stage, a Functional Layout Plan for the subdivision or the stage of subdivision must be submitted to and approved by the responsible authority. When approved the functional layout plan will be endorsed and will then form part of the permit. The functional layout plan must be drawn at a scale of 1:500 to acceptable standards and an electronic copy (PDF) must also be provided. The functional layout plan must generally incorporate the following:
  - (a) Topography and existing features, including contours for the subject land and any affected adjacent land.
  - (b) Identification by survey of all trees (or group of trees) existing on the site, including dead trees and those that overhang the site from adjoining land.
  - (c) Details of tree protection zones for all trees to be retained on site.
  - (d) Any trees proposed for removal from the site (including dead trees) clearly designated.
  - (e) Typical cross-sections for each street type, dimensioning individual elements, services offsets and any other spatial requirements.
  - (f) Intersections with interim and/or ultimate treatments.
  - (g) A table of offsets for all utility services and street trees.
  - (h) Location and alignment of kerbs, indented parking spaces, footpaths, shared paths, bus stops and traffic controls.
  - (i) The proposed minor drainage network and any land required for maintenance access.
  - (j) The major drainage system, including any watercourse, lake, wetland, silt pond, and/ or piped elements showing preliminary sizing.
  - (k) Overland flow paths (100 year ARI) to indicate how excess runoff will safely be conveyed to its destination.

- (l) Drainage outfall system (both interim and ultimate), indicating legal point of discharge and any access requirements for construction and maintenance.
  - (m) Preliminary location of reserves for electrical kiosks.
  - (n) Works external to the subdivision, including both interim and ultimate access requirements.
  - (o) Proposed linkages to future streets, open space, regional path network and surrounding land.
  - (p) The location, height, width and form of all retaining walls.
  - (q) Splays on all corner lots.
13. Prior to the commencement of works for each stage of the subdivision, Engineering Plans must be submitted to and approved by Responsible Authority including payment of plan checking and supervision fees. The plans must include:
- (a) All necessary computations and supporting design documentation for any structure, civil and drainage infrastructure and geotechnical investigation report.
  - (b) Details of any cut and fill earthworks including retaining walls.
  - (c) Fully sealed pavements with edge strips or kerb and channel where appropriate.
  - (d) Provision of concrete footpaths in all streets and reserves.
  - (e) Underground drains incorporating features to prevent litter, sediments and oils from entering the drainage system and/or cut-off drains to intercept stormwater run-off from adjoining properties.
  - (f) Underground stormwater drainage to each lot in the subdivision within own boundaries.
  - (g) Water sensitive urban design measures.
  - (h) Provision for all services and conduits (underground) including alignments and offsets.
  - (i) Provision of public street lighting and underground electricity supply within all streets and reserves where appropriate.
  - (j) A new vehicle crossing for each lot.
  - (k) Temporary turnaround areas within the site for waste collection vehicles at the temporary dead end of any road.
  - (l) Traffic control measures including street name signs.
  - (m) A separate signage and line marking identifying the road layout, proposed signs, line- marking, RRPMs and a sign schedule.
  - (n) Survey details of the canopy trunk location and size of trees to be retained and associated tree protection zone.
  - (o) Permanent survey marks, levelled to the Australian Height Datum and coordinated to the Australian Map Grid.

14. Prior to issue of a Statement of Compliance for each stage of the subdivision, all works shown on the approved Engineering Plans must be constructed or carried out all to the satisfaction of the Responsible Authority.
15. Prior to the certification of the Plan of Subdivision for each stage, the permit holder must create a notice of restriction on the Plan of Subdivision to include a minimum 3000L rainwater tank for each new dwelling on a lot such that the tank will be connected to supply water for toilet flushing and outdoor usage to the satisfaction of the Responsible Authority.
16. Prior to the commencement of works for each stage of the subdivision, an "Asset Protection Permit" must be obtained from Council for any of the following circumstances:
  - (a) Entering a building site by means of a motor vehicle having a gross weight exceeding two tonnes.
  - (b) Occupying a road for works.
  - (c) Connecting any land to a stormwater drain.
  - (d) Opening, altering or repairing a road.
  - (e) Opening, altering or repairing a drain.
  - (f) Accessing a building site from a point other than a vehicle crossing.
17. At least 14 days prior to commencement of works for each stage of the subdivision a Site Management Plan must be submitted to and approved by the Responsible Authority. The Site Management Plan must contain the following:
  - (a) Name and contact details of appointed Civil Contractor and Superintendent.
  - (b) Existing condition survey of all existing assets including private properties
  - (c) Construction Management Plan
  - (d) Traffic Management Plan
  - (e) Environmental Management Plan
  - (f) Occupational Health & Safety and Job Safety Analysis Plans
  - (g) Council issued Asset Protection Permit
  - (h) Council approved Engineering Plans
18. All works must be carried out generally in accordance with measures set out in the above documents approved by the Responsible Authority.
19. Prior to the issue of a Statement of Compliance for each stage of the subdivision, all land to be filled and to be used for a dwelling must be filled and compacted in accordance with Australian Standard AS3798:2007. The results of the tests must be produced and be to the satisfaction of the Responsible Authority.
20. Prior to the issue of a Statement of Compliance for each stage of the subdivision, the following 'as-constructed' documentation for road, drainage and public open space assets must be submitted to and approved by the Responsible Authority:



- (a) As-constructed drawings in hardcopy A3 format that include all alterations made during construction.
  - (b) As-constructed drawings in AutoCAD (2000) and Acrobat PDF formats that include all alterations made during construction.
  - (c) Asset information in digital format and in the form of a schedule of quantities.
21. The subdivision is to be provided with a drainage system to a design approved by the Responsible Authority and such that:
- (a) The subdivision as a whole is provided with a legal point of discharge approved by the Responsible Authority and any other statutory authority from which approval must be received for the discharge of drainage.
  - (b) All drainage courses or outfall drainage lines required to the legal point of discharge and which pass through lands other than those within the boundaries of the subdivision must be constructed at no cost to the Responsible Authority.
  - (c) All drainage courses located within allotments must be contained within expressed drainage easements.
  - (d) The flow paths of a 1 in 100 year ARI storm need to be determined and the subdivision designed such that no private property is inundated.
  - (e) The drainage system must have provision for run-off from the upstream catchments and include any downstream works necessary to manage flows from the subdivision.
  - (f) Performance objectives of “Best Practice Environmental Management Guidelines” (CSIRO 1999) are satisfied.
22. The subdivision is to be constructed in accordance with Macedon Ranges Shire Council’s Policy Engineering Requirements for Infrastructure Construction (June 2010).
23. No polluted and/or sediment laden run-off is to be discharged directly or indirectly into drains or watercourses. Soil erosion control measures must be employed throughout the development works in accordance with Construction Techniques for Sediment Pollution Control (EPA 1991) and Environmental Guidelines for Major Construction Sites (EPA 1995) to the satisfaction of the Responsible Authority.
24. The creation and removal of easement shown on the endorsed plan must not be altered without the written consent of the Responsible Authority.
25. Before the certification of the plan of subdivision, the owner must enter into and register on the title an agreement with the Responsible Authority in accordance with Section 173 of the Planning and Environment Act 1987. This agreement must ensure that the land must not be further subdivided so as to increase the number of lots. The owner must pay all costs associated with the preparation, execution and registration of the agreement.
26. Before the development commences, a Construction Management Plan must be submitted to and approved by the Responsible Authority. The management plan must show:

- (a) Measures to control erosion and sediment and sediment laden water runoff including the design details of structures;
  - (b) Dust control;
  - (c) Where any construction wastes, equipment, machinery and/or earth is to be stored/stockpiled during construction;
  - (d) Where access to the site for construction vehicle traffic will occur;
  - (e) The location and details of a sign to be erected at the entrance(s) of the site advising contractors that they are entering a 'sensitive site' with prescribed tree protection zones and fences.
  - (f) The location of any temporary buildings or yards.
27. Control measures in accordance with the approved Site Management Plan shall be employed throughout the construction of the works to the satisfaction of the Responsible Authority. The Responsible Authority must be kept informed in writing of any departures from the Site Management Plan. If in the opinion of the Responsible Authority the departure from the approved plan is significant then an amended plan must be submitted to and approved by the Responsible Authority. The approved measures must be carried out continually and completed to the satisfaction of the Responsible Authority.
28. Polluted drainage must be treated and/or absorbed on the lot from which it emanates to the satisfaction of the Responsible Authority. Polluted drainage must not be discharged beyond the boundaries of the lot from which it emanates or into a watercourse or easement drain.
29. The layout of the subdivision as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.

#### **Powercor Conditions**

30. This letter shall be supplied to the applicant in its entirety.
31. The plan of subdivision submitted for certification under the Subdivision Act 1988 shall be referred to the Distributor in accordance with Section 8 of that Act.
32. The applicant shall provide an electricity supply to all lots in the subdivision in accordance with the Distributor's requirements and standards.
- Notes: Extension, augmentation or rearrangement of the Distributor's electrical assets may be required to make such supplies available, with the cost of such works generally borne by the applicant.
33. The applicant shall ensure that existing and proposed buildings and electrical installations on the subject land are compliant with the Victorian Service and Installation Rules (VSIR).
- Notes: Where electrical works are required to achieve VSIR compliance, a registered electrical contractor must be engaged to undertake such works.
34. The applicant shall, when required by the Distributor, set aside areas with the subdivision for the purposes of establishing a substation or substations.
- Notes: Areas set aside for substations will be formalised to the Distributor's requirements under one of the following arrangements: RESERVES established by the applicant in favour of the Distributor. SUBSTATION LEASE at nominal rental for a period of 30 years with rights to extend the lease for a

further 30 years. The Distributor will register such leases on title by way of a caveat prior to the registration of the plan of subdivision.

35. The applicant shall establish easements on the subdivision, for all existing Distributor electric lines where easements have not been otherwise provided on the land and for any new powerlines to service the lots or adjust the positioning existing easements. Notes: Existing easements may need to be amended to meet the Distributor's requirements. Easements required by the Distributor shall be specified on the subdivision and show the Purpose, Origin and the In Favour of party as follows:

Easement Reference	Purpose	Width (Metres)	Origin	Land Benefited / In Favour Of
	Power Line		Section 88 - Electricity Industry Act 2000	Powercor Australia Ltd

### Goulburn-Murray Water Conditions

36. Any Plan of Subdivision lodged for certification must be referred to Goulburn-Murray Rural Water Corporation pursuant to Section 8(1)(a) of the Subdivision Act.
37. All works within the subdivision must be done in accordance with EPA Publication 960 "Doing It Right on Subdivisions, Temporary Environmental Protection Measures for Subdivision Construction Sites", September 2004.
38. Each lot must be provided with connection to the reticulated sewerage system in accordance with the requirements of the relevant urban water authority.
39. All stormwater discharged from the site must meet the urban run-off objectives and Standard C25 as specified in Clause 56.07-4 of the Victorian Planning Provisions. All infrastructure and works to manage stormwater must be in accordance with the requirements of the Responsible Authority.

### Coliban Water Conditions

40. The owner is required reach agreement with Coliban Water for the provision of reticulated water and sewerage services to each of the lots within the subdivision and comply with any requirements arising from any effect of the proposed development on Coliban Water assets. Services are to be provided in accordance with our specifications.
41. The reticulated potable water and sewer mains extensions required to service each of the proposed lots within this development site, must be finalised in accordance with Coliban Water's Developer Installed Works process.
42. Due to the elevation and loading the proposed development will place on Coliban Water's existing assets, the owner will be required to reach agreement with Coliban Water for the necessary upsizing of approximately 570m of existing water mains including a Booster Pump to ensure that each of the lots can be serviced, to meet the minimum requirements of our Customer Charter.
43. All Coliban Water assets within the subdivision, both existing and proposed, are to be protected by an easement in favour of Coliban Region Water Corporation.
44. Coliban Water does not guarantee fire flows. Coliban Water consent is required, if the developer intends on utilising an in-line booster pump, this

arrangement and a pump rate must be provided to Coliban Water. Alternatively, on-site storage for fire services is always our preference.

45. Applications through our Consent to Connect Process are required prior to any water supply service and/or drain being amended or connected to a Coliban Water asset.
46. All private works for water supply and sanitary drainage must be constructed in accordance with the National Plumbing and Drainage Code of Australia being AS 3500 and or any relevant requirements of Coliban Water.
47. The development site is located over the dividing boundary between Coliban Region Water Corporation and Central Highlands Water service areas. Please ensure that the proposal is forwarded to Central Highlands Water for comment.

#### Department of Transport / VicRoads Conditions

48. Prior to the issue of the Statement of Compliance for the subdivision;
  - (a) The intersection of Irwin Street / Daylesford-Malmsbury Road must be constructed to a standard approved to the written satisfaction and at no cost to Head, Transport for Victoria (Head, TfV) and
  - (b) Irwin Street must be sealed to a minimum of 10 metres from the Daylesford-Malmsbury Road edge of seal.

#### Notes:

No work must be commenced in, on, under or over the road reserve without having first obtaining all necessary approval under the Road Management Act 2004, the Road Safety Act 1986, and any other relevant acts or regulations created under those Acts.

Separate 'detailed design' approval (fees and charges apply) and the specifications of these works are required under the Road Management Act. For the purposes of this application, the works will include provision of:

- (c) Sealing of Irwin Street
- (d) Any other work in the arterial road reserve.

Please forward details marked attention to Steven Attard at: [nr.mailbox@roads.vic.gov.au](mailto:nr.mailbox@roads.vic.gov.au)

#### Permit Expiry

49. This permit will expire if one of the following circumstances applies:
  - (a) The plan of subdivision for Stage 1 is not certified within two years of the date of this permit.
  - (b) The plan of subdivision for Stage 2 is not certified within four years of the date of this permit.
  - (c) The plan of subdivision for Stage 3 is not certified within six years of the date of this permit.
  - (d) The plan of subdivision for each Stage is not registered at Land Registry within five years of the certification of the subdivision for that Stage.

In accordance with Section 69 of the Planning and Environment Act 1987 an application may be submitted to the responsible authority for an extension of the periods referred to in this condition.

**Permit Notes:**

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

**Resolution 2021/57**

Moved: Cr Rob Guthrie  
Seconded: Cr Mark Ridgeway

**That Council issue a a Notice of Decision to grant planning permit for re-subdivision of twenty-nine (29) lots into twenty-nine (29) lots in three (3) stages, alter access to a Road Zone Category 1 and removal of native vegetation for the land at Bowen Street, Malmsbury subject to the following conditions:**

- 1. Prior to the certification of the Plan of Subdivision for Stage 1 under the *Subdivision Act 1988*, three copies of amended plans must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be generally in accordance with the plans prepared by Cardno TGM, Rev 7, dated 25/05/2021, but modified to show:**
  - (a) A landscape plan in accordance with conditions 6 to 10.**
  - (b) Provision of water supply to 21, 27 and 38 Bowen Street, from the new water mains in Bowen Street, as part of Stage 1 of the development.**
  - (c) The Engineering plan changes required under Condition 11.**
  - (d) Any changes required as a result of Department of Transport condition 48.**
  - (e) A tree protection zone (TPZ) in the south western corner of Lot 6 for the tree located in the north western corner of 21 Bowen Street in accordance with the canopy of the tree.**
  - (f) The building envelopes for Lots 10 to 15 (inclusive) moved directly eastwards to 1 metre west off Easement E-2.**
- 2. Before the Statement of Compliance for the Plan of Subdivision for Stage 1, the owner of the lot must enter into an agreement with the Responsible Authority in accordance with Section 173 of the Planning and Environment Act 1987. The agreement must provide for:**
  - (a) Retention of the Eurabbie Tree within proposed Lot 24.**
  - (b) Retention of the existing Hawthorn hedge in Bever Street.**
  - (c) The planting of semi-mature locally indigenous/native canopy trees throughout the development on all the lots at a rate of one (1) tree per 1000m<sup>2</sup> and the maintenance of the planted trees for a period of at least five (5) years after planting.**
  - (d) The installation of tree protection fencing in accordance with the approved tree protection zone (TPZ) on Lot 6 during construction of the subdivision and any development on Lot 6 to protect the tree on the adjoining land to the south (21 Bowen Street).**
  - (e) No buildings and works shall be constructed outside the approved building envelopes for all lots as shown on the endorsed plans to Planning Permit PLN/2020/540, unless with the prior written consent from the Responsible Authority.**

- (f) All boundary fencing for all lots must be of an open rural style (e.g. post and wire) and solid fencing (e.g. paling and Colorbond) is not permitted unless with the prior written consent from the Responsible Authority.

Prior to a Statement of Compliance being issued:

- (a) Application must be made to the Registrar of Titles to register the Section 173 Agreement on the title to the land under Section 181 of the same Act.
- (b) The owner must pay all costs (including Council's costs) associated with the preparation, execution, registration and (if later sought) cancellation of the Section 173 Agreement.

3. The owner of the land must enter into an agreement with:

- (a) A telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and
- (b) A suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

4. Before the issue of a Statement of Compliance for the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:

- (a) A telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and
- (b) A suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

5. Measures must be undertaken to minimise any loss of amenity to the neighbourhood from the development caused by dust, noise, the transport of materials to and from the land and the deposit of mud and debris on public roads, to the satisfaction of the Responsible Authority.

#### **MRSC Environment Conditions**

6. Prior to the issue of Certification for the plan of subdivision, and in conjunction with the Functional Layout Plan, a digital copy of a Landscape Masterplan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Landscape Masterplan is to be drawn to scale and prepared by a suitably qualified and experienced landscape designer and is to show:

- (a) The locations of street tree planting in various stages of the subdivision. Trees are to be spaced at a minimum of one per lot or every 12 metres, whichever is the lesser.

- (b) Topography and existing features, including contours for the subject land and any affected adjacent land.
  - (c) The location of all trees existing on the site, any in the road reserves adjacent to proposed road upgrades and including any that overhang the site from adjoining land.
  - (d) Details of tree protection zones for all trees to be retained
  - (e) Any trees proposed for removal from the site clearly designated.
  - (f) All areas which will be available for streetscape planting.
7. Prior to the issue of a Statement of Compliance for each state of the sub-division, a digital copy of a detailed landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The landscape plan is to be generally in accordance with the Masterplan but is to focus on the details of the streetscape planting.

The Landscape plan is to be prepared by a suitably qualified and experienced landscape designer. The plan is to be to scale and overlaid on the approved Engineering plans as required at Condition 12 to ensure coordination with services and other infrastructure. When approved, the plan will be endorsed and form part of this permit and must show:

- (a) The location of all trees existing within road reserves adjacent to the sub-division and associated road upgrades, including any that overhang the site from adjoining land.
- (b) Details of tree protection zones for all trees to be retained.
- (c) New street trees to all new upgraded roads/streets associated with the sub-division
- (d) Street trees species selection are to tie in with the existing surrounding character, be of a size suitably for road reserve widths at maturity, and be a mix of native and indigenous species to the approval of the Responsible Authority.
- (e) Typical cross-sections for each street type, dimensioning tree locations, services offsets as set out in Council's Tree Management Policy, 2019 and any other spatial requirements
- (f) A table of offsets for all utility services and street trees.
- (g) The following notations:
  - Tree planting is to occur between April & September to maximise establishment and survival.
  - Tree locations shown on this plan are a guide only and may require adjustment to coordinate with final service locations, Powercor requirements, and 'as constructed' infrastructure.
  - Street tree locations are to be set-out and approved on site by the Council Landscape Officer prior to installation
  - It is the responsibility of the contractor to confirm the location of all underground services prior to commencement of any excavation.



- An advanced Tree Planting Detail with a minimum 52L Greenwell water saver and three (3) hardwood stakes.

**8. Landscape Completion**

The landscaping works shown on the approved landscape plan must be carried out and completed to the satisfaction of the Responsible Authority prior to the issue of a Statement of Compliance for each stage of the subdivision or any other time agreed in writing by the Responsible Authority.

**9. Landscape Maintenance**

Landscaping shown on the endorsed landscape plans must be maintained to the satisfaction of the Responsible Authority for a period of two (2) years from the practical completion of the landscaping. During this period, any dead, diseased or damaged plants or landscaped areas are to be repaired or replaced during the period of maintenance and must not be deferred until the completion of the maintenance period.

- 10. In addition to the Landscape Plans, applicants must submit for approval a proposed maintenance schedule and projected costs. This schedule will also be used to ensure the proposed maintenance program is consistent with Council standards and to calculate a 35% Landscape Maintenance Liability bond. It will also be useful for the developer to prepare budget projections for the 2-year maintenance requirement.**

**NOTES:**

Information regarding Councils preferred street trees, and typical tree planting detail can be requested from the Open Space Unit.

**MRSC Engineering Conditions**

- 11. Prior to the certification of the Plan of Subdivision for the Stage 1, an amended Subdivision Layout Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and submitted electronically as a PDF. The plan must be generally in accordance with the submitted plan but modified to show:**
- (a) Typical cross-section showing on the plan with gravel road surface must be removed from infrastructure plan and replace with sealed surface.**
  - (b) Show all the proposed crossover in the plan of subdivision.**
  - (c) McCrane Street must be sealed 6.6 wide from the intersection for at least 12 metres.**
- 12. Prior to the submission of Engineering Plans and certification of the relevant plan of subdivision for each stage, a Functional Layout Plan for the subdivision or the stage of subdivision must be submitted to and approved by the responsible authority. When approved the functional layout plan will be endorsed and will then form part of the permit. The functional layout plan must be drawn at a scale of 1:500 to acceptable standards and an electronic copy (PDF) must also be provided. The functional layout plan must generally incorporate the following:**

- (a) Topography and existing features, including contours for the subject land and any affected adjacent land.
  - (b) Identification by survey of all trees (or group of trees) existing on the site, including dead trees and those that overhang the site from adjoining land.
  - (c) Details of tree protection zones for all trees to be retained on site.
  - (d) Any trees proposed for removal from the site (including dead trees) clearly designated.
  - (e) Typical cross-sections for each street type, dimensioning individual elements, services offsets and any other spatial requirements.
  - (f) Intersections with interim and/or ultimate treatments.
  - (g) A table of offsets for all utility services and street trees.
  - (h) Location and alignment of kerbs, indented parking spaces, footpaths, shared paths, bus stops and traffic controls.
  - (i) The proposed minor drainage network and any land required for maintenance access.
  - (j) The major drainage system, including any watercourse, lake, wetland, silt pond, and/ or piped elements showing preliminary sizing.
  - (k) Overland flow paths (100 year ARI) to indicate how excess runoff will safely be conveyed to its destination.
  - (l) Drainage outfall system (both interim and ultimate), indicating legal point of discharge and any access requirements for construction and maintenance.
  - (m) Preliminary location of reserves for electrical kiosks.
  - (n) Works external to the subdivision, including both interim and ultimate access requirements.
  - (o) Proposed linkages to future streets, open space, regional path network and surrounding land.
  - (p) The location, height, width and form of all retaining walls.
  - (q) Splays on all corner lots.
13. Prior to the commencement of works for each stage of the subdivision, Engineering Plans must be submitted to and approved by Responsible Authority including payment of plan checking and supervision fees. The plans must include:
- (a) All necessary computations and supporting design documentation for any structure, civil and drainage infrastructure and geotechnical investigation report.
  - (b) Details of any cut and fill earthworks including retaining walls.
  - (c) Fully sealed pavements with edge strips or kerb and channel where appropriate.
  - (d) Provision of concrete footpaths in all streets and reserves.

- (e) **Underground drains incorporating features to prevent litter, sediments and oils from entering the drainage system and/or cut-off drains to intercept stormwater run-off from adjoining properties.**
  - (f) **Underground stormwater drainage to each lot in the subdivision within own boundaries.**
  - (g) **Water sensitive urban design measures.**
  - (h) **Provision for all services and conduits (underground) including alignments and offsets.**
  - (i) **Provision of public street lighting and underground electricity supply within all streets and reserves where appropriate.**
  - (j) **A new vehicle crossing for each lot.**
  - (k) **Temporary turnaround areas within the site for waste collection vehicles at the temporary dead end of any road.**
  - (l) **Traffic control measures including street name signs.**
  - (m) **A separate signage and line marking identifying the road layout, proposed signs, line- marking, RRPMS and a sign schedule.**
  - (n) **Survey details of the canopy trunk location and size of trees to be retained and associated tree protection zone.**
  - (o) **Permanent survey marks, levelled to the Australian Height Datum and coordinated to the Australian Map Grid.**
- 14. Prior to issue of a Statement of Compliance for each stage of the subdivision, all works shown on the approved Engineering Plans must be constructed or carried out all to the satisfaction of the Responsible Authority.**
- 15. Prior to the certification of the Plan of Subdivision for each stage, the permit holder must create a notice of restriction on the Plan of Subdivision to include a minimum 3000L rainwater tank for each new dwelling on a lot such that the tank will be connected to supply water for toilet flushing and outdoor usage to the satisfaction of the Responsible Authority.**
- 16. Prior to the commencement of works for each stage of the subdivision, an “Asset Protection Permit” must be obtained from Council for any of the following circumstances:**
- (a) **Entering a building site by means of a motor vehicle having a gross weight exceeding two tonnes.**
  - (b) **Occupying a road for works.**
  - (c) **Connecting any land to a stormwater drain.**
  - (d) **Opening, altering or repairing a road.**
  - (e) **Opening, altering or repairing a drain.**
  - (f) **Accessing a building site from a point other than a vehicle crossing.**
- 17. At least 14 days prior to commencement of works for each stage of the subdivision a Site Management Plan must be submitted to and approved by the Responsible Authority. The Site Management Plan must contain the following:**

- (a) Name and contact details of appointed Civil Contractor and Superintendent.
  - (b) Existing condition survey of all existing assets including private properties
  - (c) Construction Management Plan
  - (d) Traffic Management Plan
  - (e) Environmental Management Plan
  - (f) Occupational Health & Safety and Job Safety Analysis Plans
  - (g) Council issued Asset Protection Permit
  - (h) Council approved Engineering Plans
18. All works must be carried out generally in accordance with measures set out in the above documents approved by the Responsible Authority.
19. Prior to the issue of a Statement of Compliance for each stage of the subdivision, all land to be filled and to be used for a dwelling must be filled and compacted in accordance with Australian Standard AS3798:2007. The results of the tests must be produced and be to the satisfaction of the Responsible Authority.
20. Prior to the issue of a Statement of Compliance for each stage of the subdivision, the following 'as-constructed' documentation for road, drainage and public open space assets must be submitted to and approved by the Responsible Authority:
- (a) As-constructed drawings in hardcopy A3 format that include all alterations made during construction.
  - (b) As-constructed drawings in AutoCAD (2000) and Acrobat PDF formats that include all alterations made during construction.
  - (c) Asset information in digital format and in the form of a schedule of quantities.
21. The subdivision is to be provided with a drainage system to a design approved by the Responsible Authority and such that:
- (a) The subdivision as a whole is provided with a legal point of discharge approved by the Responsible Authority and any other statutory authority from which approval must be received for the discharge of drainage.
  - (b) All drainage courses or outfall drainage lines required to the legal point of discharge and which pass through lands other than those within the boundaries of the subdivision must be constructed at no cost to the Responsible Authority.
  - (c) All drainage courses located within allotments must be contained within expressed drainage easements.
  - (d) The flow paths of a 1 in 100 year ARI storm need to be determined and the subdivision designed such that no private property is inundated.
  - (e) The drainage system must have provision for run-off from the upstream catchments and include any downstream works necessary to manage flows from the subdivision.

- (f) Performance objectives of “Best Practice Environmental Management Guidelines” (CSIRO 1999) are satisfied.
22. The subdivision is to be constructed in accordance with Macedon Ranges Shire Council’s Policy Engineering Requirements for Infrastructure Construction (June 2010).
23. No polluted and/or sediment laden run-off is to be discharged directly or indirectly into drains or watercourses. Soil erosion control measures must be employed throughout the development works in accordance with Construction Techniques for Sediment Pollution Control (EPA 1991) and Environmental Guidelines for Major Construction Sites (EPA 1995) to the satisfaction of the Responsible Authority.
24. The creation and removal of easement shown on the endorsed plan must not be altered without the written consent of the Responsible Authority.
25. Before the certification of the plan of subdivision, the owner must enter into and register on the title an agreement with the Responsible Authority in accordance with Section 173 of the Planning and Environment Act 1987. This agreement must ensure that the land must not be further subdivided so as to increase the number of lots. The owner must pay all costs associated with the preparation, execution and registration of the agreement.
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  - (b) Dust control;
  - (c) Where any construction wastes, equipment, machinery and/or earth is to be stored/stockpiled during construction;
  - (d) Where access to the site for construction vehicle traffic will occur;
  - (e) The location and details of a sign to be erected at the entrance(s) of the site advising contractors that they are entering a ‘sensitive site’ with prescribed tree protection zones and fences.
  - (f) The location of any temporary buildings or yards.
27. Control measures in accordance with the approved Site Management Plan shall be employed throughout the construction of the works to the satisfaction of the Responsible Authority. The Responsible Authority must be kept informed in writing of any departures from the Site Management Plan. If in the opinion of the Responsible Authority the departure from the approved plan is significant then an amended plan must be submitted to and approved by the Responsible Authority. The approved measures must be carried out continually and completed to the satisfaction of the Responsible Authority.
28. Polluted drainage must be treated and/or absorbed on the lot from which it emanates to the satisfaction of the Responsible Authority. Polluted drainage must not be discharged beyond the boundaries of the lot from which it emanates or into a watercourse or easement drain.
29. The layout of the subdivision as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.

**Powercor Conditions**

30. This letter shall be supplied to the applicant in its entirety.
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32. The applicant shall provide an electricity supply to all lots in the subdivision in accordance with the Distributor's requirements and standards.

Notes: Extension, augmentation or rearrangement of the Distributor's electrical assets may be required to make such supplies available, with the cost of such works generally borne by the applicant.

33. The applicant shall ensure that existing and proposed buildings and electrical installations on the subject land are compliant with the Victorian Service and Installation Rules (VSIR).

Notes: Where electrical works are required to achieve VSIR compliance, a registered electrical contractor must be engaged to undertake such works.

34. The applicant shall, when required by the Distributor, set aside areas with the subdivision for the purposes of establishing a substation or substations.

Notes: Areas set aside for substations will be formalised to the Distributor's requirements under one of the following arrangements: RESERVES established by the applicant in favour of the Distributor. SUBSTATION LEASE at nominal rental for a period of 30 years with rights to extend the lease for a further 30 years. The Distributor will register such leases on title by way of a caveat prior to the registration of the plan of subdivision.

35. The applicant shall establish easements on the subdivision, for all existing Distributor electric lines where easements have not been otherwise provided on the land and for any new powerlines to service the lots or adjust the positioning existing easements. Notes: Existing easements may need to be amended to meet the Distributor's requirements. Easements required by the Distributor shall be specified on the subdivision and show the Purpose, Origin and the In Favour of party as follows:

Easement Reference	Purpose	Width (Metres)	Origin	Land Benefited / In Favour Of
	Power Line		Section 88 - Electricity Industry Act 2000	Powercor Australia Ltd

**Goulburn-Murray Water Conditions**

36. Any Plan of Subdivision lodged for certification must be referred to Goulburn-Murray Rural Water Corporation pursuant to Section 8(1)(a) of the Subdivision Act.
37. All works within the subdivision must be done in accordance with EPA Publication 960 "Doing It Right on Subdivisions, Temporary Environmental Protection Measures for Subdivision Construction Sites", September 2004.
38. Each lot must be provided with connection to the reticulated sewerage system in accordance with the requirements of the relevant urban water authority.

39. All stormwater discharged from the site must meet the urban run-off objectives and Standard C25 as specified in Clause 56.07-4 of the Victorian Planning Provisions. All infrastructure and works to manage stormwater must be in accordance with the requirements of the Responsible Authority.

#### Coliban Water Conditions

40. The owner is required reach agreement with Coliban Water for the provision of reticulated water and sewerage services to each of the lots within the subdivision and comply with any requirements arising from any effect of the proposed development on Coliban Water assets. Services are to be provided in accordance with our specifications.
41. The reticulated potable water and sewer mains extensions required to service each of the proposed lots within this development site, must be finalised in accordance with Coliban Water's Developer Installed Works process.
42. Due to the elevation and loading the proposed development will place on Coliban Water's existing assets, the owner will be required to reach agreement with Coliban Water for the necessary upsizing of approximately 570m of existing water mains including a Booster Pump to ensure that each of the lots can be serviced, to meet the minimum requirements of our Customer Charter.
43. All Coliban Water assets within the subdivision, both existing and proposed, are to be protected by an easement in favour of Coliban Region Water Corporation.
44. Coliban Water does not guarantee fire flows. Coliban Water consent is required, if the developer intends on utilising an in-line booster pump, this arrangement and a pump rate must be provided to Coliban Water. Alternatively, on-site storage for fire services is always our preference.
45. Applications through our Consent to Connect Process are required prior to any water supply service and/or drain being amended or connected to a Coliban Water asset.
46. All private works for water supply and sanitary drainage must be constructed in accordance with the National Plumbing and Drainage Code of Australia being AS 3500 and or any relevant requirements of Coliban Water.
47. The development site is located over the dividing boundary between Coliban Region Water Corporation and Central Highlands Water service areas. Please ensure that the proposal is forwarded to Central Highlands Water for comment.

#### Department of Transport / VicRoads Conditions

48. Prior to the issue of the Statement of Compliance for the subdivision;
- (a) The intersection of Irwin Street / Daylesford-Malmsbury Road must be constructed to a standard approved to the written satisfaction and at no cost to Head, Transport for Victoria (Head, TfV) and
- (b) Irwin Street must be sealed to a minimum of 10 metres from the Daylesford-Malmsbury Road edge of seal.

#### Notes:

No work must be commenced in, on, under or over the road reserve without having first obtaining all necessary approval under the Road

Management Act 2004, the Road Safety Act 1986, and any other relevant acts or regulations created under those Acts.

Separate 'detailed design' approval (fees and charges apply) and the specifications of these works are required under the Road Management Act. For the purposes of this application, the works will include provision of:

- (i) Sealing of Irwin Street
- (ii) Any other work in the arterial road reserve.

Please forward details marked attention to Steven Attard on: nr.mailbox@roads.vic.gov.au

#### **Permit Expiry**

49. This permit will expire if one of the following circumstances applies:

- (a) The plan of subdivision for Stage 1 is not certified within two years of the date of this permit.
- (b) The plan of subdivision for Stage 2 is not certified within four years of the date of this permit.
- (c) The plan of subdivision for Stage 3 is not certified within six years of the date of this permit.
- (d) The plan of subdivision for each Stage is not registered at Land Registry within five years of the certification of the subdivision for that Stage.

In accordance with Section 69 of the Planning and Environment Act 1987 an application may be submitted to the responsible authority for an extension of the periods referred to in this condition.

#### **Permit Notes:**

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

**CARRIED**

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**PE.4 APPLICATION TO AMEND PLANNING PERMIT PLN/2014/243/A - 386  
YOUNGS ROAD, MALMSBURY****Summary**

Planning Permit PLN/2014/243 was issued on 29 August 2014, allowing buildings and works to construct a building associated with the agricultural use of the land (farm shed).

It is proposed to amend this planning permit to change the use of the farm shed to a dwelling, with associated works, and to amend a condition of the planning permit which prohibits human habitation of the building.

The application was advertised. Two (2) objections have been received to date.

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

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

**Recommendation**

**That Council Issue a Notice of Decision to Refuse to Grant an Amendment to a Permit PLN/2014/243/A to change the use of a farm shed to a dwelling with associated works for the land at Crown Allotments 289A, 289B and 289C P/Lauriston 386 Youngs Road, Malmsbury VIC 3446, on the following grounds:**

- 1. The agricultural use proposed is not sufficient to justify the need for a permanent dwelling on site. The farm management plan fails to provide the context of the larger farming operation as it only proposes grazing animal production and fodder production (predominantly) that does not warrant a permanent dwelling on site for management.**
- 2. The proposal is contrary to Clause 14.01 (Agriculture) of the Planning Policy Framework as it does not protect productive farmland due to inappropriate fragmentation which will compromise the long term capacity of the land to be used for agriculture.**
- 3. The proposal is contrary to Clause 14.01 (Agriculture) which seeks to encourage consolidation of agricultural land as there is potential for consolidation of the subject land into the adjoining land to the south.**
- 4. The proposal is contrary to Rural Framework Plan under Clause 21.03-3 as it will result in a dwelling in "Agricultural Landscapes" and "Northern and Southern Catchments" areas as per the plan which aim for the continuation use of the areas for agriculture and to protect agricultural productivity in the northern catchment.**
- 5. The proposal is contrary to Clause 21.07-1 of the Local Planning Policy Framework as it fails to demonstrate and provide adequate justification that the dwelling is required for sustainable agricultural pursuits.**
- 6. The proposal is contrary to Clause 21.13-9 (Malmsbury) which encourages development within the existing Township boundary. The proposal will result**

in a type of residential development outside the township boundary where the strategy is to restrict such development within the town boundary.

7. The proposal is contrary to the purposes and decision guidelines of the Farming Zone as the dwelling will exacerbate the fragmentation of existing farming land and holdings; remove land from agricultural use; and facilitate an opportunity of a non-agricultural use (dwelling), that would be incompatible with and adversely affect the adjoining and nearby land uses for agriculture.
  8. It is considered that the use of the land for a dwelling is not consistent with the MSS requirement to protect agricultural land, facilitate productive agricultural activity and ensure new development is related to the ongoing, productive use of the land for agriculture.
  9. The proposal would result in the proliferation of dwellings, and degradation of agricultural land (by fragmentation).
  10. The proposal is contrary to Clause 51.07 (Macedon Ranges Statement of Planning Policy) as it will be unable to support and encourage agricultural land use.
-

**Motion**

Moved: Cr Mark Ridgeway

Seconded: Cr Geoff Neil

**That Council resolve to issue a Notice of Decision to Amend a Permit to change the use of a farm shed to a dwelling with associated works for the land at Crown Allotments 289A, 289B and 289C P/Lauriston 386 Youngs Road, MALMSBURY VIC 3446 subject to the conditions below:**

- 1. Within three (3) months from the date of this permit, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be generally in accordance with the plans received with the application but modified to show:**
  - (a) Provision of rain water tank to capture stormwater from the rooftop of the dwelling for harvesting and re-use;**
  - (b) Provision of a turning area at the end of the driveway for emergency vehicles.**
  - (c) Plans in accordance with Condition 25 of this permit.**
  - (d) Amended Farm Management Plan in accordance with Condition 2 of this permit.**
- 2. Within three (3) months from the date of this permit, an amended farm management plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of this permit. The plan must be generally in accordance with the plan received with the application but modified to show:**
  - (a) Additional details in relation to cattle operation infrastructure including but not limited to:**
    - (i) Handling facilities such as cattle crush, scales, and working yards.**
    - (ii) Watering and feeding facilities.**

**All to the satisfaction of the Responsible Authority.**
- 3. Within six (6) months from the date of this permit, Crown Allotments 289A, 289B and 289C P/Lauriston must be consolidated under the Subdivision Act.**
- 4. The use and development as shown on the endorsed plans must not be altered unless with the prior written consent of the Responsible Authority.**
- 5. Within six (6) months from the date of this permit, the owner/s of the land must enter into an agreement with the Responsible Authority in accordance with Section 173 of the Planning and Environment Act 1987. The agreement must provide for:**
  - (a) The owner of the land must implement all the recommendations and requirements of the Farm Management Plan endorsed under Planning Permit PLN/2014/243/A on an ongoing basis to the satisfaction of the Responsible Authority, unless otherwise agreed in writing with the Responsible Authority.**

- (b) No subdivision of the land.
- (c) That the owner acknowledges and accepts the possibility of nuisance from adjoining agricultural operations including animal production, spray drift, agricultural machinery use, pumps and associated hours of operation necessary for agricultural production.

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

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

6. Prior to the commencement of use, the following must be provided to the satisfaction of the responsible authority:
  - (a) Access to the dwelling must be provided via an all-weather road with dimensions adequate to accommodate emergency vehicles.
  - (b) The dwelling must be connected to a reticulated potable water supply or have an alternative potable water supply with adequate storage for domestic use as well as for fire-fighting purposes.
  - (c) The dwelling must be connected to a reticulated electricity supply or have an alternative energy source.
7. 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.
8. The nature and colour of building materials employed in the construction of the buildings and works hereby permitted shall be harmonious with the environment, to the satisfaction of the Responsible Authority.
9. The materials to be used in the construction of the buildings and works hereby permitted shall be of non-reflective type, to the satisfaction of the Responsible Authority.
10. External lighting sources and their intensity, location and containment, for purposes of safety and security, must be of a type that will not adversely affect the amenity of the neighbouring land or the locality due to unreasonable illuminance, glare or spill, to the satisfaction of the Responsible Authority.
11. There are to be no disturbance to the drystone walls in the immediate environs.

#### **MRSC Engineering Conditions**

12. Prior to the commencement of works, an "Asset Protection Permit" must be obtained from Council for any of the following circumstances:
  - (a) Entering a building site by means of a motor vehicle having a gross weight exceeding two tonnes;
  - (b) Occupying a road for works;
  - (c) Connecting any Council land to a stormwater drain;
  - (d) Opening, altering or repairing a Council road;

- (e) Opening, altering or repairing a Council drain;
  - (f) Accessing a building site from a point other than a crossover;
  - (g) Construct/repair/widen/remove any crossover.
13. Prior to the commencement of use, the access driveway to the dwelling must be constructed to meet the following requirements to the satisfaction of the Responsible Authority:
- (a) The driveway, including any culvert crossings, must be constructed to a standard so that it is accessible in all weather conditions and be capable of accommodating a vehicle of 15 tonnes for the trafficable road width.
  - (b) The driveway must have a minimum trafficable width of 3.5m, be clear of encroachments 4 metres vertically and have no obstructions within 0.5m either side of the formed width of the driveway.
  - (c) Curves must have a minimum radius of 10 metres.
  - (d) The average grade must be no more than 1 in 7 with a maximum of no more than 1 in 5 for no more than 50 metres.
  - (e) Dips must have no more than a 1 in 8 entry and exit angle.
14. Prior to the commencement of use, potable water supply with a storage capacity of at least 10,000 litres must be provided to the dwelling for domestic use and firefighting purposes to the satisfaction of the Responsible Authority.
15. Stormwater runoff from dwelling and paved areas must be dissipated as normal unconcentrated overland flow clear of all buildings and property boundaries.
16. No polluted and/or sediment laden run-off is to be discharged directly or indirectly into drains or watercourses. Soil erosion control measures must be employed throughout the works to the satisfaction of the Responsible Authority.
17. Within six (6) months from the date of this permit, the existing crossover from Youngs Road must be upgraded to the satisfaction of the Responsible Authority.

#### **MRSC Health Condition**

18. All wastewater from the dwelling must be treated and disposed of using operated and maintained in compliance with the relevant EPA Code of Practice.

#### **Goulburn Murray Water Conditions**

19. All construction and ongoing activities must be in accordance with sediment control principles outlined in 'Construction Techniques for Sediment Pollution Control' (EPA, 1991).
20. All wastewater from the converted shed must be treated and disposed of using an EPA approved system, installed, operated and maintained in compliance with the relevant EPA Code of Practice and Certificate of Conformity.
21. The wastewater disposal area must be at least 100m from the nearest waterway, 60m from any dams, 20m from any bores and 40m from any drainage lines.

22. The wastewater disposal area must be kept free of stock, buildings, driveways and service trenching and must be planted with appropriate vegetation to maximise its performance. Stormwater must be diverted away. A reserve wastewater disposal field of equivalent size to the primary disposal field must be provided for use in the event that the primary field requires resting or has failed.
23. Any alterations to the existing septic tank system must be to the satisfaction of council's Environmental Health Department and in accordance with the relevant Septic Tank permit as issues by Council.

#### **Coliban Water Conditions**

24. Prior to the commencement of the construction of buildings or other works, the Land Capability Assessment, prepared by Archaeo-Environments Pty Ltd, and dated 12 March 2021, must be endorsed under the permit.
25. The disposal area, and any recommendations for fencing or the prevention of trafficable access to the disposal area, which are set out in the Land Capability Assessment, must be shown on the site plans that form part of the permit.
26. The wastewater treatment system and disposal area must be installed, and, at all times, must be operated and managed, in accordance with the endorsed Land Capability Assessment and the council-issued septic tank permit.
27. Prior to the commencement of the construction of buildings or other works, the Farm Management Plan, A171004, prepared by Cumbre Consultants Pty Ltd, and dated 20 November 2020, must be endorsed under the permit.

#### **Expiry of Permit**

28. This permit will expire if one of the following circumstances applies:
  - (a) The development is not commenced within two (2) years of the date of this permit.
  - (b) The development is not completed within four (4) years of the date of this permit.
  - (c) The use is not commenced within two (2) years of the completion of the development.
  - (d) The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires, or within 6 months afterwards if the development has not commenced, or 12 months after if the development has commenced but is not yet completed.

#### **Permit notes**

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

**LOST**

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At 8:05 pm, Cr Geoff Neil left the meeting.

At 8:06 pm, Cr Geoff Neil returned to the meeting.

**Resolution 2021/58**

Moved: Cr Anne Moore

Seconded: Cr Rob Guthrie

**That Council Issue a Notice of Decision to Refuse to Grant an Amendment to a Permit PLN/2014/243/A to change the use of a farm shed to a dwelling with associated works for the land at Crown Allotments 289A, 289B and 289C P/Lauriston 386 Youngs Road, Malmsbury VIC 3446, on the following grounds:**

- 1. The agricultural use proposed is not sufficient to justify the need for a permanent dwelling on site. The farm management plan fails to provide the context of the larger farming operation as it only proposes grazing animal production and fodder production (predominantly) that does not warrant a permanent dwelling on site for management.**
- 2. The proposal is contrary to Clause 14.01 (Agriculture) of the Planning Policy Framework as it does not protect productive farmland due to inappropriate fragmentation which will compromise the long term capacity of the land to be used for agriculture.**
- 3. The proposal is contrary to Clause 14.01 (Agriculture) which seeks to encourage consolidation of agricultural land as there is potential for consolidation of the subject land into the adjoining land to the south.**
- 4. The proposal is contrary to Rural Framework Plan under Clause 21.03-3 as it will result in a dwelling in “Agricultural Landscapes” and “Northern and Southern Catchments” areas as per the plan which aim for the continuation use of the areas for agriculture and to protect agricultural productivity in the northern catchment.**
- 5. The proposal is contrary to Clause 21.07-1 of the Local Planning Policy Framework as it fails to demonstrate and provide adequate justification that the dwelling is required for sustainable agricultural pursuits.**
- 6. The proposal is contrary to Clause 21.13-9 (Malmsbury) which encourages development within the existing Township boundary. The proposal will result in a type of residential development outside the township boundary where the strategy is to restrict such development within the town boundary.**
- 7. The proposal is contrary to the purposes and decision guidelines of the Farming Zone as the dwelling will exacerbate the fragmentation of existing farming land and holdings; remove land from agricultural use; and facilitate an opportunity of a non-agricultural use (dwelling), that would be incompatible with and adversely affect the adjoining and nearby land uses for agriculture.**
- 8. It is considered that the use of the land for a dwelling is not consistent with the MSS requirement to protect agricultural land, facilitate productive agricultural activity and ensure new development is related to the ongoing, productive use of the land for agriculture.**
- 9. The proposal would result in the proliferation of dwellings, and degradation of agricultural land (by fragmentation).**
- 10. The proposal is contrary to Clause 51.07 (Macedon Ranges Statement of Planning Policy) as it will be unable to support and encourage agricultural land use.**

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

Against: Crs Mark Ridgeway, Geoff Neil and Bill West

**CARRIED 6/3**

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## **PE.5 OPTIONS FOR THE AMESS ROAD PRECINCT**

### **Summary**

This report provides a brief history of the Riddells Creek Structure Plan, outlines the progress of the Amess Road Precinct Structure Plan and outlines options as required by resolution of Council at its Scheduled Council Meeting held on 23 June 2021. Of the options presented, the recommendation is that Council refer the preparation of Amess Road Precinct Structure Plan to the Victorian Planning Authority (VPA).

### **Recommendation**

#### **That Council:**

- 1. Makes a request to the Victorian Planning Authority to consider the preparation of the Amess Road Precinct Structure Plan (Option 3);**
    - (a) Acknowledging that this option is in accordance with the Macedon Ranges Planning Scheme, Macedon Ranges Settlement Strategy (2011) and Riddells Creek Structure Plan (2013).**
    - (b) Ensuring that Council is a partner in the preparation and engagement of the plan.**
  - 2. Requests the Victorian Planning Authority to become the planning authority on this matter.**
  - 3. Directs the Chief Executive Officer to submit an application to the Streamlining for Growth fund to support the preparation and implementation of a Precinct Structure Plan for the site.**
- 

### **Resolution 2021/59**

Moved: Cr Annette Death

Seconded: Cr Geoff Neil

#### **That Council:**

- 1. Notes the options outlined in this report.**
  - 2. Notes that the Victorian Planning Authority will not become the planning authority on this matter**
  - 3. Adopts option one in the report as the approach to progress and implement the Amess Road Precinct Structure Plan**
  - 4. Notify all landowners within the Amess Road precinct of this decision.**
-



5. Ensure the Riddells Creek community is provided quarterly updates on the progress of the Amess Road Precinct Structure Plan.
6. Request the Chief Executive Officer to explore opportunities for the Victorian Planning Authority to provide assistance that supports the progress and implementation of the Amess Road Precinct Structure Plan through its Streamlining for Growth program or other available grants, including, but not limited to funding and providing technical assistance with the Riddells Creek Movement network study (gap analysis) and a review of the Riddells Creek structure plan with a specific focus on the quantum of land identified for future residential development and the community infrastructure required to support the future growth of Riddells Creek.
7. That before any application for assistance to the Victorian Planning Authority is submitted that a report be presented to a Scheduled Council Meeting or Planning Delegated Committee for Council to consider the request.
8. Requests the Chief Executive Officer to bring a report to the November 2021 Scheduled Council meeting outlining the current status of the Riddells Creek Movement Study as funded in the FY21 Budget.

**CARRIED**

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At 8.39 pm, Cr Anne Moore left the meeting.

## **PE.6 REGIONAL ADVANCED MANUFACTURING COOPERATIVE RESEARCH CENTRE**

### **Summary**

Macedon Ranges Shire Council has been provided an opportunity by Deakin University to enter into a non-binding Affiliate Partner arrangement in their Regional Advanced Manufacturing Cooperative Research Centre initiative.

### **Resolution 2021/60**

Moved: Cr Janet Pearce

Seconded: Cr Rob Guthrie

### **That Council:**

1. Commits to entering into a non-binding Affiliate Partner arrangement in the Regional Advanced Manufacturing Cooperative Research Centre initiative
2. Requests the Chief Executive Officer to notify Deakin University of this resolution and to complete any necessary registrations and declarations

**CARRIED**

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**12 CHIEF EXECUTIVE OFFICER REPORTS****CX.1 CONTRACTS TO BE AWARDED AUGUST 2021****Summary**

This report provides details of contracts proposed to be awarded under a delegation from Council. The report recommends noting the power delegated to Council officers in relation to the first four contracts listed below and delegating power in relation to the fifth contract listed below. However, for each of the contracts, Council has the power to:

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

**Resolution 2021/61**

Moved: Cr Mark Ridgeway  
Seconded: Cr Bill West

**That Council:**

1. **Notes that the following contracts will be awarded by Council officers under delegated authority:**
  - (a) **C22.1116 Roadside Slashing Program**
  - (b) **C22.1117 Township Hazard Reduction**
  - (c) **C22.1118 Open Space Mowing**
  - (d) **A22.1131 Provision of Natural Gas**
2. **Grants delegated authority to the Chief Executive Officer to award the following contracts:**
  - (a) **C22.1123 Design and Construct Shared Trail Project**

**CARRIED**

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At 8:45 pm, Cr Anne Moore returned to the meeting.

**CX.2 MEDIA POLICY REVIEW 2021****Summary**

Council's Media Policy was last adopted in 2018, with revision dates to follow each Council election. A current review identified significant ambiguities around roles and responsibilities and inconsistencies with relating policies, resulting in the need for a new policy that is relevant, clear, flexible and concise.

The new Media Policy provides a clear framework for engaging with media organisations, and covers any form of communication to any form of media, to ensure Council meets the expectation of the community by being transparent, accurate and accountable. It has been developed in consultation with key stakeholders including the Mayor and Councillors.

**Resolution 2021/62**

Moved: Cr Rob Guthrie  
Seconded: Cr Mark Ridgeway

**That Council adopts the Media Policy 2021.**

**CARRIED**

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**13 DIRECTOR CORPORATE AND COMMUNITY REPORTS****CC.1 COMMUNITY VISION AND COUNCIL PLAN****Summary**

The Community Vision and Council Plan form part of the Strategic Planning and Reporting Framework, as outlined in the *Local Government Act 2020* (LGA). The Community Vision captures what community members most value about their community. It sets out the future vision and aspirations for the community for at least a ten year period, while the Council Plan must provide the strategic direction of Council, its objectives, the strategies to achieve these objectives and strategic indicators for monitoring the achievements.

The purpose of this report is to seek endorsement of the draft Community Vision 2021 – 2031 and the draft Council Plan 2021 – 2031 for public display in preparation for adoption in October 2021.

**Resolution 2021/63**

Moved: Cr Mark Ridgeway

Seconded: Cr Annette Death

**That Council**

- 1. Endorses the draft Community Vision 2021 – 2031 and the draft Council Plan 2021 – 2031 for the purpose of public display;**
- 2. Undertakes community engagement and consultation in accordance with the *Local Government Act 2020* and Council's Community Engagement Policy;**
- 3. Notes that following hearing from submitters at a meeting of the Submitters Delegated Committee, a report and recommendations will be presented to a Scheduled Meeting of Council on 27 October 2021, to enable Council to consider the submissions and adopt the Community Vision 2021 – 2031 and Council Plan 2021 – 2031.**

**CARRIED**

**CC.2 DRAFT FINANCIAL PLAN 2022-2031****Summary**

The Financial Plan is a new requirement under the *Local Government Act 2020*. It will be a ten-year plan starting on 1 July 2021. The Plan describes the financial resources required to give effect to the Council Plan and other strategic plans of Council. The Plan provides information about decisions and assumptions on which it is based, outlines any other resource requirements considered appropriate or contained in the regulations and an overview of Council's strategic financial planning context and drivers used to develop the Plan. The purpose of this report is to endorse the draft Financial Plan for public display and feedback in preparation for adoption in October 2021.

**Recommendation****That Council:**

- 1. Endorses the draft Financial Plan 2022-2031, prepared in accordance with Section 91 of the *Local Government Act 2020*, for the purpose of public display.**
  - 2. Endorses the draft Financial Plan 2022-2031 be placed on public display on Council's website and at the Council Offices from Thursday 26 August 2021 and remain on public display until Thursday 26 September 2021.**
  - 3. Notes that a report and recommendations will be presented to a Scheduled Meeting of Council on 27 October 2021 to enable Council to consider submissions and to adopt the Financial Plan 2022-2031 with or without amendment.**
  - 4. Authorises the Chief Executive Officer to carry out all administrative procedures necessary to enable Council to carry out its functions under the Local Government Act (1989 and 2020), in relation to the finalisation and publication of the Financial Plan.**
-

**Resolution 2021/64**

Moved: Cr Geoff Neil  
Seconded: Cr Dominic Bonanno

**That Council:**

- 1. Endorses the draft Financial Plan 2022-2031, prepared in accordance with Section 91 of the Local Government Act 2020, for the purpose of public display.**
- 2. Endorses the draft Financial Plan 2022-2031 be placed on public display on Council's website and at the Council Offices from Thursday 26 August 2021 and remain on public display until Thursday 26 September 2021.**
- 3. Notes that following hearing from submitters at a meeting of the Submitters Delegated Committee, a report and recommendations will be presented to a Scheduled Meeting of Council on 27 October 2021 to enable Council to consider submissions and to adopt the Financial Plan 2022-2031 with or without amendment.**
- 4. Authorises the Chief Executive Officer to carry out all administrative procedures necessary to enable Council to carry out its functions under the Local Government Act (1989 and 2020), in relation to the finalisation and publication of the Financial Plan.**

**CARRIED**

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**CC.3 DRAFT MUNICIPAL PUBLIC HEALTH AND WELLBEING PLAN****Summary**

Council is undertaking the development of a new Municipal Public Health and Wellbeing Plan 2021-2025. Officers seek approval for the draft plan to be placed on public exhibition.

**Recommendation****That Council:**

- 1. Resolve to place the draft Municipal Public Health and Wellbeing Plan 2021-2025 on public exhibition for a period of no less than twenty eight days**
  - 2. Note that following community consultation, officers will report back to a Council meeting with a summary of community feedback and draft plan for adoption.**
- 

**Resolution 2021/65**

Moved: Cr Mark Ridgeway

Seconded: Cr Anne Moore

**That Council:**

- 1. Resolve to place the draft Municipal Public Health and Wellbeing Plan 2021-2025 on public exhibition for a period of no less than twenty eight days**
- 2. Note that following community consultation, including hearing from submitters at a meeting of the Submitters Delegated Committee, officers will report back to a Council meeting with a summary of community feedback and draft plan for adoption.**

**CARRIED**

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**CC.4 DRAFT DISABILITY ACTION PLAN****Summary**

Council is undertaking the development of a new Disability Action Plan 2021-2025. Officers seek approval for the draft plan to be placed on public exhibition.

**Recommendation****That Council:**

- 1. Resolves to place the draft Disability Action Plan on public exhibition for a minimum period of twenty eight days.**
  - 2. Notes that following community consultation, officers will report back to a Council meeting with a summary of community feedback and a final plan for adoption.**
- 

**Resolution 2021/66**

Moved: Cr Anne Moore

Seconded: Cr Geoff Neil

**That Council:**

- 1. Resolves to place the draft Disability Action Plan on public exhibition for a minimum period of twenty eight days.**
- 2. Notes that following community consultation, including hearing from submitters at a meeting of the Submitters Delegated Committee, officers will report back to a Council meeting with a summary of community feedback and a final plan for adoption**

**CARRIED**

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**CC.5 QUARTERLY REPORT FOR THE PERIOD ENDED 30 JUNE 2021****Summary**

The Quarterly Report for the period ended 30 June 2021 is presented for Council's consideration and information. This report includes the following:

- Section 1 – Quarterly financial statements
- Section 2 – Capital works progress report
- Section 3 – Council plan actions – progress report
- Section 4 – Risk management report
- Section 5 – Implementation of Council Resolutions
- Section 6 – People, Culture and Performance Report
- Section 7 – Governance schedule
- Section 8 – Councillor expenditure
- Section 9 – Councillor activities in the community

The report also provides a high-level summary of the organisations performance to 30 June 2021.

**Resolution 2021/67**

Moved: Cr Rob Guthrie

Seconded: Cr Dominic Bonanno

**That Council notes the Quarterly Report for the period ended 30 June 2021.**

**CARRIED**

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**CC.6 AFFORDABLE HOUSING****Summary**

Access to social and affordable housing is important for economic, social, environmental and health reasons. Beyond fulfilling a need for shelter, affordable housing is likely to support better education, employment, social and health outcomes. The Victorian Government is investing to increase social and affordable housing in Macedon Ranges Shire.

**Resolution 2021/68**

Moved: Cr Anne Moore

Seconded: Cr Annette Death

**That Council directs the Chief Executive Officer to:**

- 1. Commence development of a high level Affordable Housing Policy for consideration at the October 2021 Council Meeting**
- 2. Engage with Homes Victoria about opportunities under Victoria's Big Housing Build**
- 3. Include affordable housing as a priority in the draft Council Plan 2021-2031**

**CARRIED**

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**14 DIRECTOR ASSETS AND OPERATIONS REPORTS****AO.1 NATURE STRIP LANDSCAPING POLICY - REVIEW****Summary**

On 28 August 2019 Council adopted the Nature Strip Landscaping Policy, with a review of the policy to be undertaken after 12 months to assess its effectiveness.

The policy (Attachment 1) is implemented through the Nature Strip Landscape Guidelines (Attachment 2). The guidelines are an operational document and are publicly available on Council's website and at Customer Service Centres.

Following an internal review and minor amendments, this report seeks Council adoption of the revised Nature Strip Landscaping Policy.

**Recommendation**

**That Council adopts the Nature Strip Landscaping Policy 2021, with a review of the Policy inclusive of community consultation to be undertaken in two years.**

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**Resolution 2021/69**

Moved: Cr Anne Moore

Seconded: Cr Geoff Neil

**That Council:**

- 1. Seeks community feedback on the Draft Nature Strip Landscaping Policy 2021 through a six-week consultation period; and**
- 2. Receives a report at the February 2022 Scheduled Council Meeting to consider the feedback received and the effectiveness of the 2019 Policy since its inception and to adopt the reviewed Policy.**

**CARRIED UNANIMOUSLY**

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**AO.2 PUBLIC TOILET FEASIBILITY STUDY - KYNETON****Summary**

This report responds to a Council request on 26 May that the Chief Executive Officer prepare a costing and feasibility report on the development of new Council-operated toilet facilities in Piper Street, Kyneton (rotunda end).

This report also responds to a petition tabled at the 23 June 2021 Scheduled Council Meeting requesting two additional public toilet blocks in Kyneton, adjacent to the newly constructed outdoor fitness station near the Campaspe River Walk in St Agnes Place and at Quarry Reserve in the vicinity of the Barry Doyle Rotunda.

**Resolution 2021/70**

Moved: Cr Mark Ridgeway

Seconded: Cr Rob Guthrie

**That Council:**

- 1. Requests a business case be prepared for consideration in the 2022/23 financial year budget to design and plan a new toilet block providing a unisex All Abilities toilet and two other toilets with services and connecting pathways at St Agnes Place Kyneton.**
- 2. Requests a business case be prepared for consideration in the 2022/23 financial year budget to design and plan a new toilet block providing a unisex DDA toilet and two other toilets, services and connecting pathways at Quarry Reserve Kyneton.**
- 3. Requests a business case be prepared for consideration in the 2022/23 financial year budget for sealing Campaspe Crescent, Kyneton to address the expected increase of traffic to the park, due to recommendation 2 above.**
- 4. Requests the presentation of the draft Public Toilet Strategy to Council at the February 2022 Scheduled Council Meeting for consideration, noting this will inform recommendations 1,2 and 3 above.**

**CARRIED UNANIMOUSLY**

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**15 NOTICES OF MOTION AND RESCISSION**

**NO. 34/2021-22: NOTICE OF MOTION - REGIONAL TELECOMMUNICATIONS  
REVIEW 2021**

**Resolution 2021/71**

Moved: Cr Jennifer Anderson  
Seconded: Cr Dominic Bonanno

**That Council:**

- 1. Notes the content of the Regional Telecommunications Review 2021 - Issues paper**
- 2. Requests the CEO to prepare a submission to the Regional Telecommunications Review 2021 and;**
  - (a) Present the draft submission to the September Scheduled Council Meeting for endorsement and;**
  - (b) Submit Council's endorsed response to the Regional Telecommunications Review 2021 by the deadline of 30 September 2021.**

**CARRIED**

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**NO. 35/2021-22: NOTICE OF MOTION - ICAN (INTERNATIONAL CAMPAIGN TO ABOLISH NUCLEAR WEAPONS)**

**Resolution 2021/72**

Moved: Cr Annette Death

Seconded: Cr Anne Moore

**That Council:**

1. **Puts on record its deep concern about the grave threat that nuclear weapons pose to communities throughout the world. Council firmly believes that our residents have the right to live in a world free from this threat. Any use of nuclear weapons, whether deliberate or accidental, would have catastrophic, far-reaching and long-lasting consequences for people and the environment.**
2. **Welcomes the adoption of the Treaty on the Prohibition of Nuclear Weapons by the United Nations in 2017.**
3. **Requests the Mayor write to Senator the Hon Marise Payne, Minister for Foreign Affairs, to call on Australia to sign and ratify the Treaty without delay.**
4. **Requests the Chief Executive Officer to issue a media release announcing that Council has joined the call for the Federal Government to sign and ratify the UN Treaty on the Prohibition of Nuclear Weapons.**
5. **Directs that the Chief Executive Officer must initiate a review of Council's investment in a financial institution if it is brought to the Chief Executive Officer's attention that the financial institution invests in the production of nuclear weapons.**
6. **Recognises the ICAN (International Campaign to Abolish Nuclear Weapons) Cities for Peace Appeal and acknowledges the large number of cities and shires across Australia that have committed to this appeal.**

In Favour: Crs Jennifer Anderson, Mark Ridgeway, Annette Death, Rob Guthrie, Anne Moore and Janet Pearce

Against: Crs Dominic Bonanno, Geoff Neil and Bill West

**CARRIED 6/3**

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**16 URGENT BUSINESS**

Nil

**17 CONFIDENTIAL REPORTS**

Nil

**The meeting closed at 9.50pm.**