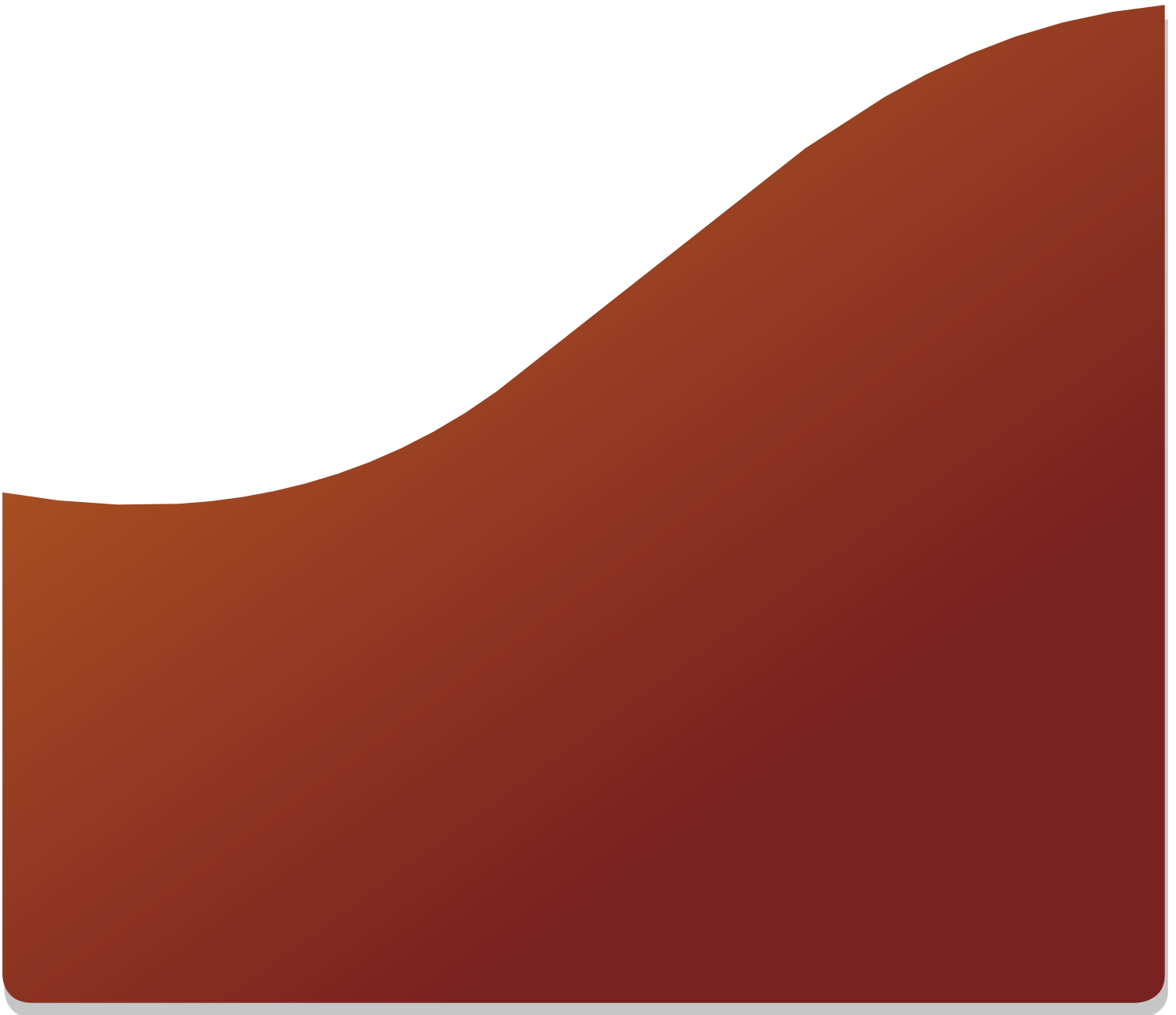


# Minutes

**Council Meeting  
Wednesday 22 September 2021 at 7pm  
Gisborne Administration Centre  
40 Robertson Street, Gisborne**



**Order of business**

<b>1</b>	<b>Acknowledgement of Country</b> .....	<b>4</b>
<b>2</b>	<b>Recording of live streaming of this Council meeting</b> .....	<b>4</b>
<b>3</b>	<b>Present</b> .....	<b>4</b>
<b>4</b>	<b>Apologies</b> .....	<b>4</b>
<b>5</b>	<b>Conflicts of interest</b> .....	<b>4</b>
<b>6</b>	<b>Mayor's report</b> .....	<b>4</b>
6.1	Mayor's report - September 2021.....	4
<b>7</b>	<b>Petitions</b> .....	<b>5</b>
<b>8</b>	<b>Adoption of minutes</b> .....	<b>5</b>
<b>9</b>	<b>Record of meetings of Councillors and Council staff</b> .....	<b>5</b>
9.1	Record of meetings of Councillors and Council staff - August to September 2021.....	5
<b>10</b>	<b>Deputations and presentations to Council</b> .....	<b>5</b>
<b>11</b>	<b>Director Planning and Environment reports</b> .....	<b>9</b>
PE.1	Sustainable Buildings Policy.....	9
PE.2	Climate change pledge programs for local government.....	10
PE.3	Application for Planning Permit PLN/2020/331 - Use and development of the land for a residential aged care facility - Lot 2 Melbourne Lancefield Road, Romsey.....	11
PE.4	Small Project Grants - Consideration of Grant Applications.....	19
PE.5	Draft Mobile Trading Guidelines.....	20
PE.6	Reconciliation Action Plan.....	21
PE.7	Regional Telecommunications Review 2021.....	21
<b>12</b>	<b>Chief Executive Officer reports</b> .....	<b>22</b>
CX.1	Hanging Rock Strategic Plan Update.....	22
CX.2	Management of Stanley Park.....	23
CX.3	Contracts to be Awarded as at September 2021.....	24
CX.4	Community Satisfaction Survey Findings.....	25
CX.5	October Submitters Delegated Committee date.....	25
<b>13</b>	<b>Director Corporate and Community reports</b> .....	<b>26</b>
CC.1	Municipal Early Years Plan CREATE 2021-2025.....	26
CC.2	Carry Forwards for year ended 30 June 2021.....	26
CC.3	Financial Statements for the year ended 30 June 2021.....	27
CC.4	Performance Statements for the year ended 30 June 2021.....	28
CC.5	Growing Suburbs Fund.....	29

CC.6	Proposal to lease land for an NBN antenna at Riddells Creek Recreation Reserve .....	30
<b>14</b>	<b>Director Assets and Operations reports .....</b>	<b>34</b>
	Nil	
<b>15</b>	<b>Notices of motion and rescission .....</b>	<b>34</b>
	No. 36/2021-22: Notice of Motion - MAV Emergency Management Committee .....	34
<b>16</b>	<b>Urgent business .....</b>	<b>34</b>
<b>17</b>	<b>Confidential reports .....</b>	<b>35</b>
17.1	Social and Affordable Housing.....	35

## 1 ACKNOWLEDGEMENT OF COUNTRY

Council acknowledges that Macedon Ranges Shire is on Dja Dja Wurrung, Taungurung and Wurundjeri Woi Wurrung Countries. Council acknowledges that we are gathering today on the land of Wurundjeri Woi Wurrung peoples. Council pays its respects to their Elders past, present and emerging and the Elders from other communities who may be here today.

## 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 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), Travis Harling (Manager Finance and Reporting), Fiona Alexander (Manager Community Care), Emma Orchard (Manager Children Youth and Family Services), Allison Watt (Coordinator Governance), Jessica Baguley (Senior Governance Officer).

## 4 APOLOGIES

Cr Annette Death, Shane Walden (Director Assets and Operations) and Chrissy Gordon (Interim Executive Manager People Culture and Performance) were apologies for the meeting.

## 5 CONFLICTS OF INTEREST

Mayor, Cr Jennifer Anderson, requested that the minutes note that while she is a member of the Municipal Association of Victoria (MAV) Board and Deputy Chair of the MAV Emergency Management Committee, she does not have a conflict of interest in agenda item 15 under the *Local Government Act 2020* or regulations.

## 6 MAYOR'S REPORT

### 6.1 MAYOR'S REPORT - SEPTEMBER 2021

#### Resolution 2021/73

Moved: Cr Mark Ridgeway  
Seconded: Cr Janet Pearce

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

**CARRIED**

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**7 PETITIONS**

Nil

**8 ADOPTION OF MINUTES****Resolution 2021/74**

Moved: Cr Rob Guthrie

Seconded: Cr Geoff Neil

**That Council confirms the minutes of the Scheduled Council Meeting of Macedon Ranges Shire Council held on 25 August 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 - AUGUST TO SEPTEMBER 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 Councilors 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 2021/75**

Moved: Cr Bill West

Seconded: Cr Dominic Bonanno

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

**CARRIED**

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**10 DEPUTATIONS AND PRESENTATIONS TO COUNCIL****Resolution 2021/76**

Moved: Cr Rob Guthrie

Seconded: Cr Janet Pearce

**That Council suspends standing orders to hear depositions, presentations and public questions.**

**CARRIED**

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Questions were received from two members of the public who asked that their personal details not be disclosed. The questions and responses provided by Council officers were read out by the Mayor.

**Question: What extra can be done regularly by council to clean up the litter issue in the Macedon Ranges?**

**Response:** Much of the litter removal activity conducted by Council is prompted by residents' reports. We appreciate people taking the time to report this and we attempt to respond quickly. Our staff also report litter as part of their daily activities as they are driving across all parts of the shire.

Some of the roads approaching townships (such as Kilmore Road, Riddells Creek, Melbourne-Lancefield Road, Romsey and Black Forest Drive, Woodend) are the responsibility of VicRoads. In these cases, Council will request that the appropriate authority remove litter from the roadside.

To stop littering in the first instance, Council officers will:

- Develop and deliver litter education initiatives to raise awareness including sessions with local schools and businesses on ways to curb littering around their properties
- Install signage as well as fixed and portable CCTV in identified litter hotspots
- Undertake an audit of township bins in and, if required, seek funding to install additional bins

**Question: Can the council add the option to report litter onto "report an issue online" website where residents have to select a request type?**

**Response:** We have reviewed this suggestion. There are very low numbers of people reporting litter online currently, less than one per week. Most people choose to phone or email their concerns.

Our customer request system doesn't have a specific category for litter. The best category to use for litter is the 'general' category. Our Customer Service officers will then allocate it to the most appropriate department for action. Litter is managed by multiple areas depending on where it is located.

Given the low numbers of cases coming via the website and the limitations of the current customer request system, it is not feasible to create an additional category for litter.

**Question: Why is there so much rubbish strewn along our roadsides?**

**Response:** Much of the litter removal activity conducted by Council is prompted by residents' reports. We appreciate people taking the time to report this and we attempt to respond quickly. Our staff also report litter as part of their daily activities as they are driving across all parts of the shire.

Some of the roads approaching townships (such as Kilmore Road, Riddells Creek, Melbourne-Lancefield Road, Romsey and Black Forest Drive, Woodend) are the responsibility of VicRoads. In these cases, Council will request that the appropriate authority remove litter from the roadside.

**Question: What is the Council going to do to clean up the rubbish and prevent its accumulation in the future?**

**Response:** To stop littering in the first instance, Council officers are implementing a number of proactive measures including:

- Develop and deliver litter education initiatives to raise awareness including sessions with local schools and businesses on ways to curb littering around their properties
- Install signage as well as fixed and portable CCTV in identified litter hotspots
- Undertake an audit of township bins in and, if required, seek funding to install additional bins

A question was also received from Andrew Twaits.

**Question: My question relates to the signage that has been painted on the property at 44 Hamilton Street, Gisborne and, specifically, why a planning permit appears not to have been applied for (or obtained) pursuant to clause 52.05-11 of the Planning Scheme.**

Assumptions underpinning my questions are set out below, and it would be appreciated if Council officers could consider (and if necessary correct) them in answering my question.

The relevant planning case law says that issues regarding signage (including colours painted on buildings) are to be assessed on a case by case basis, and that the purpose of the branding is relevant to determining whether and if so to what extent the Planning Scheme applies.

**Given:**

- the distinctiveness of the trademark pink colour (and associated name/logo) to the business concerned;
- the consistency with which it is applied by the business across all its buildings, vehicles and advertisements; and
- the importance and value the business itself places on the unique colour (described in detail in it's own corporate information),
- the painting of the building in this colour clearly constitutes a "sign" within both the ordinary marketing meaning and on a common sense interpretation of the Planning Scheme.

If the application of the trademark pink colour to the building does constitute signage, then the next issue to consider is whether the signage is classified as "business identification", "promotion" or "major promotion" for the purpose of clause 73.02 of the Planning Scheme.

Given the scale of the signage, (ie more than 8sqm for the "business identification" and "promotion" guidelines and more than 18sqm for the major promotion sign guidelines), a planning permit appears to be required under any and all of these three classifications.

The Planning Scheme also makes it clear that where a sign could fall within multiple categories, then the more restrictive rules should be applied.

Having regard to these points - and any others – does Council agree that the unique "pink" colour painted on the property at 44 Hamilton Street, Gisborne constitutes

**“signage” for the purpose of the Planning Scheme and, if so, whether a planning permit is required?**

**Response:** The colour of a building or Corporate Branding, is not considered part of signage for the following reasons:

Clause 73.02 of the Planning Scheme provides definitions relating to signage states as follows:

*Display Area - The area of that part of a sign used to display its content, including borders, surrounds and logo boxes. It does not include safety devices, platforms and lighting structures. If the sign does not move or rotate, the area is one side only.*

*Business Identification Sign - A sign that provides business identification information about a business or industry on the land where it is displayed. The information may include the name of the business or building, the street number of the business premises, the nature of the business, a business logo or other business identification information.*

The above definitions do not state anywhere that the colour of a wall/building forms part of the signage.

The Planning Panels Victoria Advisory Committee (AC) noted specifically when considering this issue the difficulty of regulating corporate branding and opted to leave it out of the planning controls. The position not to consider wall colour as part of the signage is fully backed up by the Planning Panels Victoria Advisory Committee report.

The controls regarding colours are limited in the planning scheme and the site is not in a Heritage Overlay, let alone one with external paint controls. Council would not have any control if an existing building were repainted in this colour or any other colour.

#### **Resolution 2021/77**

Moved: Cr Rob Guthrie

Seconded: Cr Anne Moore

**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 SUSTAINABLE BUILDINGS POLICY****Summary**

The proposed Sustainable Buildings Policy (the Policy) seeks to ensure the design, budgeting and delivery of Council building projects incorporate best practice sustainable design principles. It aims to provide a clear framework and set of minimum sustainable design standards to guide decisions about new buildings, building maintenance, upgrades, demolition and renewal.

The Policy helps give effect to Council's declaration of a Climate Emergency and its strategic priorities to protect the natural environment and improve the built environment. Its implementation will also enable Council to realise its goal to achieve zero net emissions for its operations by 2030. Projects built to the proposed standards will also improve the comfort of Council facilities while reducing ongoing operating costs.

Implementation of the Policy will occur in two stages. Compliance with the minimum standards in 2021/22 will occur if and as existing capital works budgets allow. The minimum standards will then be used to inform the scope and budgets of projects proposed for 2022/23.

**Resolution 2021/78**

Moved: Cr Mark Ridgeway  
Seconded: Cr Janet Pearce

**That Council adopts the Sustainable Buildings Policy, as attached.**

**CARRIED**

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**PE.2 CLIMATE CHANGE PLEDGE PROGRAMS FOR LOCAL GOVERNMENT****Summary**

A number of environmental bodies are currently advocating for local governments across the globe to make public climate change commitments in the lead up to the next UN Climate Change Conference of Parties in Glasgow (COP26). These pledges help demonstrate to national governments the community desire for climate action and how local councils are taking the lead on behalf of their communities.

A number of international, national and state pledge programs are available to local government. The international programs require local councils to commit to reducing community emissions across their municipal area. The reporting requirements for some of these programs are resource intensive and currently beyond Council's capacity.

Alternatively, the Climate Council's Cities Power Partnership program involves a simplified pledge and reporting process which does not require preparation of detailed community emission reduction plans or reporting.

Participating in the Cities Power Partnership program is achievable while a Sustainability Officer is employed to oversee Council's involvement. If this function ceases as envisaged by the 2021/22 Council budget, Council may need to re-evaluate its capacity to continue its membership.

Becoming a member of the Cities Power Partnership in the lead up to COP26 would help give effect to Council's declaration of a climate emergency in March 2021, sending a message to the community, stakeholders and other levels of government that Council is taking a leadership position to address climate change.

**Resolution 2021/79**

Moved: Cr Anne Moore  
Seconded: Cr Mark Ridgeway

**That Council joins the Cities Power Partnership program, in demonstration of its commitment to climate action**

**CARRIED**

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**PE.3 APPLICATION FOR PLANNING PERMIT PLN/2020/331 - USE AND DEVELOPMENT OF THE LAND FOR A RESIDENTIAL AGED CARE FACILITY - LOT 2 MELBOURNE LANCEFIELD ROAD, ROMSEY**

**Summary**

The application proposes the use and development of an aged care facility.

The application was advertised and eight (8) objections were received.

Key issues to be considered relate to the suitability of the land for the proposed use given its location outside the Romsey town boundary and potential neighbourhood amenity and traffic impacts.

The matter is subject to an appeal to the Victorian Civil and Administrative Tribunal (VCAT) against Council's failure to determine the matter within statutory timeframes. Council needs to determine its position ahead of the VCAT hearing and compulsory conference.

It is recommended that Council determine that, had it decided the application, it would have refused the application on grounds related to its remoteness from services, its alienation of rural residential land, its impact on the rural character of the land, its location outside the Romsey township boundary, and its amenity and traffic impacts.

**Recommendation**

**That Council determines that, had it decided the application, it would have refused the application on the following grounds:**

- 1. The proposal is inappropriately located given its remoteness from services, transport and complementary land uses, contrary to clause 16.01-5S – Residential Aged Care Facilities and clause 21.04 – Settlement.**
- 2. The proposal inappropriately reduces the supply of land for rural living purposes, contrary to the purpose of the Rural Living Zone, clause 21.03 – Vision – Strategic Framework Plan, clause 21.04 – Settlement, and clause 21.07 – Natural Resource Management.**
- 3. The proposal does not appropriately respect and respond to the rural character of the land, contrary to the purpose of the Rural Living Zone, clause 21.03 – Vision – Strategic Framework Plan, clause 21.04 – Settlement, clause 21.05 – Environmental and Landscape Values, clause 21.08 – Built Environment and Heritage, and clause 21.09 - Housing.**
- 4. The proposal is contrary to the guidance regarding settlement patterns and township structure in clause 21.03 – Vision – Strategic Framework Plan, clause 21.04 – Settlement, clause 21.09 – Housing, and 21.13-4 (Local Areas and Small Settlements – Romsey).**
- 5. The proposed scale and form would be incongruous and inappropriate in a rural living setting.**
- 6. The proposed traffic and amenity impacts would be inappropriate given the site's location and the policy guidance of the scheme.**
- 7. The proposal is inconsistent with Part 3AAB of the Planning and Environment Act 1987, the Macedon Ranges Statement of Planning Policy (MRSP), and**

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Clause 51.07 of the Planning Scheme, as the proposal does not accord with established township boundaries.

8. Notes the error in the table on page 38 of the report which should read Clause 16.01.5S – Residential Aged Care Facilities
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#### **Resolution 2021/80**

Moved: Cr Geoff Neil  
Seconded: Cr Bill West

**A) That Council determine that had it decided the application it would have issued a Notice of Decision to Grant a permit for use and development of the land for a residential aged care facility at Lot 2 Melbourne Lancefield Road, Romsey subject to the following conditions:**

- 1. Before the development commences, three copies of amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be generally in accordance with the advertised plans but modified to show:**
  - (a) All changes required in accordance with the landscaping plan required by condition 2.**
  - (b) Upgrade of footpath along site boundary in accordance with condition 3.**
  - (c) All changes to the plans required by condition 7.**
  - (d) Vehicle circulation made one-way, with resultant reduction of hard stand and provision of additional landscape opportunities.**
- 2. Before the development commences, three copies of a landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the landscape plan will be endorsed and will then form part of this permit. The plan must show:**
  - (a) A survey of all existing vegetation and natural features;**
  - (b) Existing suckering Elm species along boundary of site to be removed and replaced with appropriate tree species along length of all site boundaries to provide filtered views through to development.**
  - (c) Extension of the 'screened planting to edge of turf spaces with screened views over drainage basins' (point 5 on landscape plan, sheet M1.101) along the embankment of the fill pad (fronting Melbourne-Lancefield Road) to provide additional buffering of built form and reduce visual prominence of fill pad.**
  - (d) Landscaping to embankment to the west and north of the building to stabilise and create landscape feature.**
  - (e) Enhanced walking paths and supportive infrastructure (such as seating) throughout the site suitable for the mobility impaired.**

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- (f) All existing street trees to be retained must be fenced prior to any works commencing, or any heavy machinery entering the site;
    - (i) Tree Protection fencing is to comprise temporary security fencing of minimum 1.8m high and fixed to block bases.
    - (ii) Fencing is to be installed a minimum of two (2) metres in each direction from the trunk surrounding the tree to create an exclusion zone and must remain in place until the conclusion of works.
    - (iii) No trenching or removal of soil, dumping or storage of fuel, material or equipment is to take place within the protected zone.
  - (g) The area or areas set aside for landscaping;
  - (h) A schedule of all proposed trees, shrubs/small trees and ground cover;
  - (i) The location of each species to be planted and the location of all areas to be covered by grass, lawn or other surface material;
  - (j) Appropriate irrigation systems including irrigation form site water tanks or an alternative recycled water source.

#### Notes to be placed on the Landscape Plan

The following notations added to the landscape plan:

- Contractors are to confirm the location of all underground services prior to commencement of any excavation.
  - Tree planting is to occur between April & September to maximise establishment and survival.
3. Prior to the commencement of the use the footpaths along Hutchinsons Lane and to the Romsey town centre must be upgraded as follows:
    - (a) The footpath along Hutchinson Lane must be upgraded to a shared footpath standard suitable to support mobility scooters to the satisfaction of the Responsible Authority.
    - (b) Footpaths between the subject site and Murphy Street in the town centre must be upgraded to a shared footpath standard suitable to support the use of mobility scooters to the satisfaction of the Responsible Authority.
  4. The uses and development as shown on the endorsed plans must not be altered unless with the prior written consent of the Responsible Authority.
  5. Unless with the prior written consent of the Responsible Authority, before the commencement of the uses, the landscaping works shown on the endorsed plans must be carried out, completed and thereafter maintained to the satisfaction of the Responsible Authority.
  6. Unless with the prior written consent from the Responsible Authority, the loading and unloading of goods from any vehicles must only be carried out within the boundaries of the land and must not be conducted before 8:00am or after 6:00pm on any day.

#### Engineering Conditions

7. Prior to the commencement of works, Engineering Plans must be submitted to and approved by Responsible Authority. The plans must include:

- 
- (a) Upgrade of Hutchinson Lane West with a 6.6m wide sealed carriageway and drainage up to the intersection with Robb Drive.
  - (b) All existing services, property accesses and trees with tree protection zone.
  - (c) Only two crossover is proposed for the entry and exit from the Hutchison Lane West
  - (d) Swale drain from the proposed Bypass channel Culvert to the Melbourne Lancefield road drainage.
8. At least 14 days prior to commencement of works, a Site Management Plan must be submitted to and approved by the Responsible Authority. The Site Management Plan must contain the following:
- (a) Name and contact details of appointed Civil Contractor and Superintendent.
  - (b) Existing condition survey of all existing assets including private properties
  - (c) Construction Management Plan
  - (d) Traffic Management Plan
  - (e) Environmental Management Plan
  - (f) Occupational Health & Safety and Job Safety Analysis Plans
  - (g) Council issued Asset Protection Permit
  - (h) Council approved Engineering Plans
- All works must be carried out generally in accordance with measures set out in the above documents approved by the Responsible Authority.
9. Prior to the commencement of use, all works shown on the approved Engineering Plans must be constructed or carried out all to the satisfaction of the Responsible Authority.
10. Stormwater runoff from all buildings and tanks must be dissipated as normal un-concentrated overland flow clear of all buildings and property boundaries.
11. The development is to be constructed in accordance with Macedon Ranges Shire Council's Policy Engineering Requirements for Infrastructure Construction (June 2010).
12. No polluted and/or sediment laden runoff is to be discharged directly or indirectly into drains or watercourses. Soil erosion control measures must be employed throughout the works 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.
13. Prior to the commencement of works, an amended Stormwater Management Plan must be submitted to and be approved by the Responsible Authority. The amended plan must provide an assessment of:
- (a) Additional measures to ensure that the overall stormwater management system will meet current best practice performance objectives is

contained in the Urban Stormwater – Best Practice Environmental Management Guidelines (Victorian Stormwater Committee, 1999).

- (b) The capacity of existing culvert to service the development and works. Alternatively, the plan must specify mitigation works such that the development does not unreasonably exceed the capacity of the local drainage system.
  - (c) How the land including all buildings, open space and paved areas will be drained to the legal point of discharge for a 1 % AEP storm event so that there is no any detrimental effect on downstream.
14. The development works must be carried in a manner which is consistent with the recommendations set out in the approved Stormwater Management Plan to the satisfaction of the Responsible Authority.
15. Prior to the commencement of works, Engineering Plans must be submitted to and approved by Responsible Authority including payment of plan checking and supervision fees. The plans must include:
- (a) All necessary computations and supporting design documentation for any structure, civil and drainage infrastructure and geotechnical investigation report.
  - (b) Details of any cut and fill earthworks including retaining walls.
  - (c) Fully sealed pavements with table drains and edge strips where appropriate.
  - (d) Provision for all services and conduits (underground) including alignments and offsets.
  - (e) Provision of public street lighting and underground electricity supply within all streets and reserves where appropriate.
  - (f) Temporary turnaround areas within the site for waste collection vehicles at the temporary dead end of any road.
  - (g) Survey details of the canopy trunk location and size of trees to be retained and associated tree protection zone.
  - (h) Permanent survey marks, levelled to the Australian Height Datum and coordinated to the Australian Map Grid.
  - (i) A separate signage and line marking identifying the road layout, proposed signs, line marking, RRPMs and a sign schedule.
16. Before the use commences, the area(s) set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
- (a) Constructed;
  - (b) Properly formed to such levels that they can be used in accordance with the plans;
  - (c) Surfaced with an all-weather sealcoat or treated to the satisfaction of the Responsible Authority to prevent dust and gravel being emitted from the site;
  - (d) Drained and maintained;

- 
- (e) Line marked to indicate each car space and all access lanes;
  - (f) Clearly marked to show the direction of traffic along access lanes and driveways to the satisfaction of the Responsible Authority. Car spaces, access lanes and driveways must be kept available for these purposes at all times, to the satisfaction of the Responsible Authority.
17. A new vehicle crossing must be constructed in accordance with the Macedon Ranges Shire Council's standards. Crossings are to be a minimum of 10.0m from any intersection, 1.0m from any power pole, sign or service pit and an absolute minimum of 3.0m from any street tree. Crossings must be sealed when connecting to a sealed road.
  18. The internal access driveway must be constructed to a sealed standard with appropriate drainage in accordance with plans to be submitted and approved by the Macedon Ranges Shire Council.
  19. The applicant/owner shall restrict sediment discharges from any construction sites within the property in accordance with Construction Techniques for Sediment Pollution Control (EPA 1991) and Environmental Guidelines for Major Construction Sites (EPA 1995).
  20. The property must be adequately drained to the satisfaction of the Macedon Ranges Shire Council, to a legal point of discharge to be nominated by Council.
  21. 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 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 crossover.
  22. 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.

#### Department of Transport Conditions

23. Prior to the use hereby approved by this permit commences:
  - (a) A functional layout plan (FLP) undertaken by a pre-qualified consultant must be submitted and approved in writing by the Department of Transport (Head, Transport for Victoria).
  - (b) The FLP must be drawn to scaled and dimensioned to show (but not limited to) the following:
    - (i) A sealed basic left (BAL) turn treatment in accordance with Austroads (2017) Guide to Road Design Part 4, Figure A28;



- 
- (ii) Kerb and channel on both sides of Hutchinsons Lane West at the Melbourne-Lancefield Road intersection;
  - (iii) Guard rail alteration;
  - (iv) DDA compliant pedestrian crossings / laybacks on Hutchinsons Lane West (near the Melbourne-Lancefield Road intersection);
  - (v) The swept path analysis of the following simultaneous turning vehicles undertaking all turn movements to/from Hutchinsons Lane West (within their respective approach/departure lanes and no overlapping):
    - (1) A 14.5 metre length rigid bus (with 0.5 metre clearances on both sides of the vehicle); and
    - (2) A 19-metre length semi-trailer truck (without clearances).
  - (vi) All vegetation that is existing and proposed for removal; and
  - (vii) All existing and proposed relocated services, line marking, signage etc;
- (c) The following works must be completed to the satisfaction of and at no cost to VicRoads:
- (i) Construction of the sealed basic left (BAL) turn treatment;
  - (ii) Guard rail alterations;
  - (iii) All proposed line marking; and
  - (iv) Any required service relocation and vegetation removal.

#### Greater Western Water Conditions

- 24. The operator under this permit must enter into an Agreement with Greater Western Water relating to the design and construction of any sewerage or water works required. The form of such Agreement shall be to the satisfaction of Greater Western Water. The owner/applicant shall make a written request to Greater Western Water for the terms and conditions of the agreement.
- 25. Prior to entering into an Agreement with Greater Western Water for the provision of sewerage and water services, the developer must produce for approval by Greater Western Water an Integrated Water Management Plan (IWMP) that incorporates water efficiency measures and water-sensitive urban design techniques that reduce reliance on potable water by increasing utilisation of fit-for-purpose alternative water supplies.
- 26. The IWMP must set out outcomes that appropriately respond to the site and its context for integrated water management to the satisfaction of Greater Western Water. When approved by Greater Western Water, the IWMP must be endorsed and form part of the permit.

#### Expiry of Permit

- 27. This permit will expire if one of the following circumstances applies:
  - (a) The development is not commenced within two years of the date of this permit.

- (b) The development is not completed within four years of the date of this permit.
- (c) The use is not commenced within two years of the completion of the development.

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires, or within 6 months afterwards if the development has not commenced, or 12 months after if the development has commenced but is not yet completed.

**B) That Council:**

1. Note that the application is subject to VCAT proceedings and that amended plans have been submitted for the VCAT proceedings; and
2. Authorise Council Officers to negotiate a suitable outcome and conditions as part of the VCAT proceeding to ensure approval of the application generally in accordance with the original and amended plans.

In Favour: Crs Mark Ridgeway, Dominic Bonanno, Geoff Neil, Janet Pearce and Bill West

Against: Crs Jennifer Anderson, Rob Guthrie and Anne Moore

**CARRIED 5/3**

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**PE.4 SMALL PROJECT GRANTS - CONSIDERATION OF GRANT APPLICATIONS****Summary**

The Small Project Grants program supports projects and initiatives that:

- support local needs
- are unlikely to be funded by other Council funding programs
- align with Council Plan priorities.

Council's Small Project Grants budget for 2021/22 is \$30,000 and not-for-profit groups can apply for a maximum of \$1,500 per application.

Applications are assessed against set criteria outlined in the Small Project Grants guidelines. Funding recommendations are presented monthly at a Scheduled Council meeting for review and/or approval.

This report details the process of evaluation and lists recent applications received.

Two applications have been received seeking a total of \$2,410 in funding. The applications have been evaluated against the eligibility criteria and both are deemed to be eligible.

**Resolution 2021/81**

Moved: Cr Bill West

Seconded: Cr Mark Ridgeway

**That Council approves the awarding of the:**

1. **Woodend Men's Shed's Small Project Grants application of \$910 for the purchase of fire safety equipment.**
2. **Kyneton and Districts Poultry Club's Small Project Grants application of \$1,500 for the purchase of foldable tables.**

**CARRIED**

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**PE.5 DRAFT MOBILE TRADING GUIDELINES****Summary**

Following the adoption of a new Roadside and Footpath Trading Policy at the Ordinary Council Meeting on 28 August 2019, new Mobile Trading Guidelines were due to be implemented by 1 July 2020. This was to support the introduction of permits for mobile trading activities on Council land and roads, where the trading is unrelated to approved events or markets.

Community consultation on these draft Guidelines commenced in March 2020. Unfortunately this coincided with the advancement of the COVID-19 pandemic within the state, causing the engagement on this consultation to be low. Council did not receive any feedback following this consultation.

In June 2020, Council resolved to note the lack of feedback and required officers to bring the matter back to Council by June 2021, proposing a timeline to recommence the public consultation process for the draft Guidelines.

This report is intended to discharge the requirement to report back to Council. It proposes that officers report back to Council by May 2022 with a suggested timeframe for commencing consultation on the draft Guidelines.

**Resolution 2021/82**

Moved: Cr Dominic Bonanno

Seconded: Cr Geoff Neil

**That Council notes that due to the ongoing economic uncertainty for many local businesses, brought about by the COVID-19 pandemic and the associated restrictions on free movement, a further report will be presented to Council by no later than May 2022 to propose recommencement of public consultation on the draft Mobile Trading Guidelines**

**CARRIED**

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**PE.6 RECONCILIATION ACTION PLAN****Summary**

The purpose of this report is for Council to note the final Reconciliation Action Plan (RAP). This is an important and significant project for Council and the community. It represents the first RAP to have been developed by Council. Adopted by Council on 16 September 2020, the final RAP has now achieved conditional endorsement from Reconciliation Australia and is ready to be designed, published and launched after being noted by Council.

**Resolution 2021/83**

Moved: Cr Janet Pearce  
Seconded: Cr Mark Ridgeway

**That Council:**

- 1. Notes the final MRSC Reconciliation Action Plan (RAP).**
- 2. Requests the Chief Executive Officer to arrange a launch of the RAP.**

**CARRIED**

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**PE.7 REGIONAL TELECOMMUNICATIONS REVIEW 2021****Summary**

At the Scheduled Council Meeting on 25 August 2021, Council resolved to:

- 1. Note the content of the Regional Telecommunications Review 2021 - Issues paper 2.*
- 2. Request 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.*

This report presents a draft submission for endorsement.

**Resolution 2021/84**

Moved: Cr Dominic Bonanno  
Seconded: Cr Rob Guthrie

**That Council endorse the Draft Submission to the Regional Telecommunications Review 2021.**

**CARRIED**

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**12 CHIEF EXECUTIVE OFFICER REPORTS****CX.1 HANGING ROCK STRATEGIC PLAN UPDATE****Summary**

This report provides an update to Council on the Hanging Rock Ministerial Advisory Group, consistent with Council's resolution to receive reports provided by the group at the next available Council Meeting.

**Resolution 2021/85**

Moved: Cr Rob Guthrie

Seconded: Cr Anne Moore

**That Council receives and notes this report as an update from the Hanging Rock Ministerial Advisory Group.**

**CARRIED**

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**CX.2 MANAGEMENT OF STANLEY PARK****Summary**

Macedon Ranges Shire Council will be making a decision about proposed options for the future management of Stanley Park, Mount Macedon. Council is considering five options and will make a decision taking into account community feedback and a number of other factors.

Until 1 September 2020, there was a committee of management for Stanley Park which was comprised of members of the community.

The Stanley Park Committee of Management was previously a 'Special Committee' under section 86 of the *Local Government Act 1989*. However, the introduction of the *Local Government Act 2020* resulted in such committees no longer existing from 1 September 2020. Since 1 October 2020, Stanley Park has been managed under a Memorandum of Understanding between Council and the members of the former Committee of Management. This was put in place as an interim arrangement. Council is now undertaking community consultation to obtain community feedback on five proposed options.

Council is being provided with an update on consultation process.

**Resolution 2021/86**

Moved: Cr Mark Ridgeway

Seconded: Cr Janet Pearce

**That Council:**

- 1. Notes the update on the progress of community consultation as outlined in the report.**
2. Requests that the Chief Executive Officer report back to the October Scheduled Council Meeting on the outcomes of community consultation and a recommended option for the future management of Stanley Park, including a draft of any formal documents required to give effect to that option.

**CARRIED**

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**CX.3 CONTRACTS TO BE AWARDED AS AT SEPTEMBER 2021****Summary**

This report provides details of contracts proposed to be awarded under a delegation from Council, from the date of the last report to 22 September 2021. Although this report recommends noting the power delegated to Council officers, Council has the power to:

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

**Resolution 2021/87**

Moved: Cr Geoff Neil  
Seconded: Cr Rob Guthrie

**That Council:**

1. **Notes that the following contracts will be awarded by Council officers under delegated authority:**
  - (a) **C22.1119 Sankey Reserve Pavilion Upgrade**
  - (b) **C22.1125 Kyneton Closed Landfill Civil Works**
  - (c) **C22.1132 Design and Construction Footbridge Five Mile Creek**
2. **Grants delegated authority to the Chief Executive Officer to award the following contracts:**
  - (a) **C22.1126 Leachate Extraction and Disposal**

**CARRIED**

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**CX.4 COMMUNITY SATISFACTION SURVEY FINDINGS****Summary**

The Local Government Community Satisfaction Survey measures residents' perceptions about the performance of their Local Government Authority. The survey has been undertaken since 1998 with Local Government Victoria coordinating it on behalf of all participating councils.

A review of the survey in 2011 resulted in a significantly different methodology and the results from 2012 onwards provide a new benchmark that cannot be compared to previous results. The 2021 survey represents the ninth year of this new methodology and provides Macedon Ranges Shire Council (MRSC) with the opportunity to make a comparative assessment against results from 2014 to 2020.

MRSC recognises these findings as one of many forms of community feedback it receives, with results indicating the perceptions of the community during a specific period.

This year's results are generally negative, with a decline recorded in most categories. The overall performance index for Council shifted four points negatively compared to last year.

**Resolution 2021/88**

Moved: Cr Janet Pearce  
Seconded: Cr Dominic Bonanno

**That Council notes the findings of the 2021 Community Satisfaction Survey.**

**CARRIED**

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**CX.5 OCTOBER SUBMITTERS DELEGATED COMMITTEE DATE****Summary**

It is proposed that Council reschedule the October meeting of Submitters Delegated Committee from Wednesday 13 October 2021 to Thursday 14 October 2021.

**Resolution 2021/89**

Moved: Cr Geoff Neil  
Seconded: Cr Mark Ridgeway

**That Council reschedule the October meeting of the Submitters Delegated Committee from Wednesday 13 October 2021 to Thursday 14 October 2021.**

**CARRIED**

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**13 DIRECTOR CORPORATE AND COMMUNITY REPORTS****CC.1 MUNICIPAL EARLY YEARS PLAN CREATE 2021-2025****Summary**

Council has undertaken the development of a new Municipal Early Years Plan (MEYP). Officers seek endorsement for the plan, CREATE 2021-2025.

**Resolution 2021/90**

Moved: Cr Mark Ridgeway

Seconded: Cr Janet Pearce

**That Council:**

- 1. Adopts the Municipal Early Years Plan CREATE 2021-2025.**
- 2. Writes to community members to thank them for their participation in the consultation process and advising them of the adoption of the Municipal Early Years Plan CREATE 2021-2025.**

**CARRIED**

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**CC.2 CARRY FORWARDS FOR YEAR ENDED 30 JUNE 2021****Summary**

This report seeks approval from Council to approve the carry forward balances from the 2020/21 budget to be made available in 2021/22 for the completion of a number of projects. Council, in considering this information, will also be required to note the net budget result from 2020/21.

**Resolution 2021/91**

Moved: Cr Mark Ridgeway

Seconded: Cr Rob Guthrie

**That Council:**

- 1. Notes the budget carry forwards as attached.**
- 2. Notes the net budget result for 2020/21 after carry forwards is a surplus budget.**
- 3. Notes the \$285,311 surplus balance be included in the 2021/22 mid-year budget review.**

**CARRIED**

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**CC.3 FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2021****Summary**

The annual financial statements (the Statements) for the year ended 30 June 2021 are attached for Council's consideration and 'in principle' approval.

The Statements comply with the Australian Accounting Standards (AAS), other authoritative pronouncements of the Australian Accounting Standards Board (AASB), the *Local Government Act 1989*, and the *Local Government (Planning and Reporting) Regulations 2020*.

The Statements are audited by the Victorian Auditor-General's Office agents, RSD Audit and then reviewed and approved by the Victorian Auditor-General's Office.

Council's Audit and Risk Committee considered the financial statements at its meeting on 10 September 2021.

Prior to RSD Audit submitting the statements to the Victorian Auditor-General's Office for final approval, the *Local Government Act 1989* requires Council to pass a resolution giving its approval in principle.

**Resolution 2021/92**

Moved: Cr Mark Ridgeway  
Seconded: Cr Dominic Bonanno

**That Council**

- 1. On the recommendation of the Audit and Risk Committee approves 'in principle' the Financial Statements for the year ended 30 June 2021.**
- 2. Authorise the Principal Accounting Officer to make any non-material changes to the Financial Statements that may arise as a result of the final review;**
- 3. Notify the Chair of the Audit and Risk Committee of any changes proposed to be made to any of the Financial Statements so that it may be decided whether the Audit and Risk Committee needs to meet further to consider such proposed changes**
- 4. Delegates to its Audit and Risk Committee representatives, Cr Ridgeway and Cr Neil, authorisation to certify the Financial Statements in their final form, after they have been reviewed and signed off by the Victorian Auditor-General's Office.**
- 5. Forward a copy of the Financial Statements in their final form to the members of the Audit and Risk Committee.**
- 6. Upon certification, the Financial Statements be submitted to the Minister and included in the Annual Report.**

**CARRIED**

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**CC.4 PERFORMANCE STATEMENTS FOR THE YEAR ENDED 30 JUNE 2021****Summary**

The Performance Statement has been prepared in accordance with the *Local Government Act 1989* (the Act) and the Local Government (Finance and Reporting) Regulations 2020 (the regulations).

The Performance Statement was reviewed by RSD Audit, agents of the Victorian Auditor-General's Office (VAGO) and considered by the Audit and Risk Committee at its meeting on 10 September 2021. Prior to submitting the Performance Statement to VAGO for review, the Performance Statement must be given in principle support by Council.

Once the Performance Statement has been reviewed and approved by VAGO, it must be certified in its final form by two Councillors, the Chief Executive Officer and Principal Accounting Officer.

**Resolution 2021/93**

Moved: Cr Mark Ridgeway

Seconded: Cr Anne Moore

**That Council:**

- 1. On the recommendation of the Audit and Risk Committee approves 'in principle' the Performance Statement for the year ended 30 June 2021.**
- 2. Authorise the Principal Accounting Officer to make any non-material changes to the Performance Statement that may arise as a result of the final review;**
- 3. Notify the Chair of the Audit and Risk Committee of any changes proposed to be made to any of the Performance Statement so that it may be decided whether the Audit and Risk Committee needs to meet further to consider such proposed changes**
- 4. Delegates to its Audit and Risk Committee representatives, Cr Ridgeway and Cr Neil, authorisation to certify the Performance Statement in their final form, after they have been reviewed and signed off by the Victorian Auditor-General's Office.**
- 5. Forward a copy of the Performance Statement in their final form to the members of the Audit and Risk Committee.**
- 6. Upon certification, the Performance Statement be submitted to the Minister and included in the Annual Report.**

**CARRIED**

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**CC.5 GROWING SUBURBS FUND****Summary**

The purpose of this report is to seek endorsement from Council for the Chief Executive Officer to submit an application to Round 3 of the Growing Suburbs Fund (GSF). The recommendation is to apply to the GSF for funding in priority order for Riddells Creek Leisure Centre Multi-Purpose Room (expansion) and Manna Gum playground upgrades as per the design plans.

**Resolution 2021/94**

Moved: Cr Geoff Neil  
Seconded: Cr Rob Guthrie

**That Council:**

- 1. Endorses the Chief Executive Officer to submit an application to Round 3 of the Growing Suburbs Fund in priority order as follows:**
  - (a) Riddells Creek Leisure Centre Multi-Purpose Room (expansion)**
  - (b) Manna Gum playground upgrades as per the design plans**
- 2. Requests that community stakeholders are contacted and notified of Council's intention to apply for funding through this program and seek letters of support**

**CARRIED**

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**CC.6 PROPOSAL TO LEASE LAND FOR AN NBN ANTENNA AT RIDDELLS CREEK RECREATION RESERVE****Summary**

Council has received an application from Ventia acting on behalf of NBN Co. Ltd to install an NBN antenna at Riddells Creek Recreation Reserve. The proposal is for the antenna to be installed on top of the existing Telstra telecommunications tower. This would extend the tower height by a further 3.2 metres. The existing tower is located adjoining the sporting oval at Riddells Creek Recreation Reserve. The proposal also includes a small equipment shed that is 4 metres x 6 metres (24 sqm) to be located at the base of the tower.

This reports seeks to inform Council about the proposal and recommends that Council enters into a lease with NBN Co. under the terms and conditions outlined below.

**Motion**

Moved: Cr Dominic Bonanno

Seconded: Cr Geoff Neil

**That Council:**

1. **Authorises the Chief Executive Officer to enter into a lease with NBN Co. for the site at Riddells Creek Recreation Reserve on the following terms:**
  - (a) **The lease term is proposed to be for nine years;**
  - (b) **The rental is proposed to be \$10,000 per annum plus GST;**
  - (c) **Rental reviews are proposed at 2.5% per annum.**
2. **Notes that the lease is subject to final approval from:**
  - (a) **The Department of Environment, Land, Water and Planning (DELWP) as the Riddells Creek Recreation Reserve is on Crown land and therefore will require a 17 D Crown Land Lease.**
  - (b) **Telstra as the NBN antenna is proposed to be located on an existing Telstra telecommunications tower.**
3. **Notes that NBN Co. shall be issuing a LAAN (Land Activity Access Notice) to enable construction to commence as soon as possible on the site.**
4. **Authorises the Chief Executive Officer to sign any associated documentation in relation to the proposed lease.**

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Cr Moore left the meeting at 8.39pm. Cr Moore returned to the meeting at 8.40pm.

The meeting was adjourned at 8.55pm. The meeting resumed at 9.03pm.

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**Amendment**

Moved: Cr Bill West

Seconded:

**That Council:**

1. **Authorises the Chief Executive Officer to enter into a lease with NBN Co. for the site at Riddells Creek Recreation Reserve on the following terms:**
  - (a) **The lease term is proposed to be for nine years;**
  - (b) **The rental is proposed to be \$10,000 per annum plus GST; which be allocated specifically for works at the Riddells Creek Recreation Reserve on an ongoing basis**
  - (c) **Rental reviews are proposed at 2.5% per annum.**
2. **Notes that the lease is subject to final approval from:**
  - (a) **The Department of Environment, Land, Water and Planning (DELWP) as the Riddells Creek Recreation Reserve is on Crown land and therefore will require a 17 D Crown Land Lease.**
  - (b) **Telstra as the NBN antenna is proposed to be located on an existing Telstra telecommunications tower.**
3. **Notes that NBN Co. shall be issuing a LAAN (Land Activity Access Notice) to enable construction to commence as soon as possible on the site.**
4. **Authorises the Chief Executive Officer to sign any associated documentation in relation to the proposed lease.**

**WITHDRAWN**

**Amendment**

Moved: Cr Bill West  
Seconded: Cr Anne Moore

**That Council:**

1. **Authorises the Chief Executive Officer to enter into a lease with NBN Co. for the site at Riddells Creek Recreation Reserve on the following terms:**
  - (a) **The lease term is proposed to be for nine years;**
  - (b) **The rental is proposed to be \$10,000 per annum plus GST;**
  - (c) **Rental reviews are proposed at 2.5% per annum.**
  - (d) **The proposed rental will be allocated to the Riddells Creek Reserve Advisory Committee specifically for works at the Riddells Creek Recreation Reserve for the term of the lease**
2. **Notes that the lease is subject to final approval from:**
  - (a) **The Department of Environment, Land, Water and Planning (DELWP) as the Riddells Creek Recreation Reserve is on Crown land and therefore will require a 17 D Crown Land Lease.**
  - (b) **Telstra as the NBN antenna is proposed to be located on an existing Telstra telecommunications tower.**
3. **Notes that NBN Co. shall be issuing a LAAN (Land Activity Access Notice) to enable construction to commence as soon as possible on the site.**
4. **Authorises the Chief Executive Officer to sign any associated documentation in relation to the proposed lease.**

**LOST**

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**Resolution 2021/95**

Moved: Cr Dominic Bonanno

Seconded: Cr Geoff Neil

**That Council:**

1. **Authorises the Chief Executive Officer to enter into a lease with NBN Co. for the site at Riddells Creek Recreation Reserve on the following terms:**
  - (a) **The lease term is proposed to be for nine years;**
  - (b) **The rental is proposed to be \$10,000 per annum plus GST;**
  - (c) **Rental reviews are proposed at 2.5% per annum.**
2. **Notes that the lease is subject to final approval from:**
  - (a) **The Department of Environment, Land, Water and Planning (DELWP) as the Riddells Creek Recreation Reserve is on Crown land and therefore will require a 17 D Crown Land Lease.**
  - (b) **Telstra as the NBN antenna is proposed to be located on an existing Telstra telecommunications tower.**
3. **Notes that NBN Co. shall be issuing a LAAN (Land Activity Access Notice) to enable construction to commence as soon as possible on the site.**
4. **Authorises the Chief Executive Officer to sign any associated documentation in relation to the proposed lease.**

In Favour: Crs Jennifer Anderson, Mark Ridgeway, Dominic Bonanno, Rob Guthrie, Anne Moore, Janet Pearce and Bill West

Against: Cr Geoff Neil

**CARRIED 7/1**

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**14 DIRECTOR ASSETS AND OPERATIONS REPORTS**

Nil

**15 NOTICES OF MOTION AND RESCISSION****NO. 36/2021-22: NOTICE OF MOTION - MAV EMERGENCY MANAGEMENT  
COMMITTEE**

I, Councillor Anne Moore, give notice that at the next Meeting of Council to be held on 22 September 2021, I intend to move the following motion:

**Resolution 2021/96**

Moved: Cr Anne Moore  
Seconded: Cr Rob Guthrie

**That Council:**

- 1. Submits an expression of interest nominating Councillor Anne Moore to the Municipal Association of Victoria (MAV) Emergency Management Board Advisory Committee.**
- 2. Nominates Councillor Mark Ridgeway as the substitute Councillor member should Councillor Moore's nomination be successful.**
- 3. Notes that the Chief Executive Officer will submit an expression of interest for a staff member (including a nominated substitute) from Macedon Ranges Shire Council to become a member of the MAV Victoria Emergency Management Board Advisory Committee.**

**CARRIED**

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**16 URGENT BUSINESS**

Nil

**17 CONFIDENTIAL REPORTS****Resolution 2021/97**

Moved: Cr Rob Guthrie  
Seconded: Cr Mark Ridgeway

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

**17.1 Social and Affordable Housing****CARRIED**

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**Confidential reasons****17.1 Social and Affordable Housing**

This matter is considered to be confidential under Section 89(2) - d., e. and h. of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with contractual matters, proposed developments and any other matter which the Council or special committee considers would prejudice the Council or any person.

**The meeting closed at 9.21pm.**