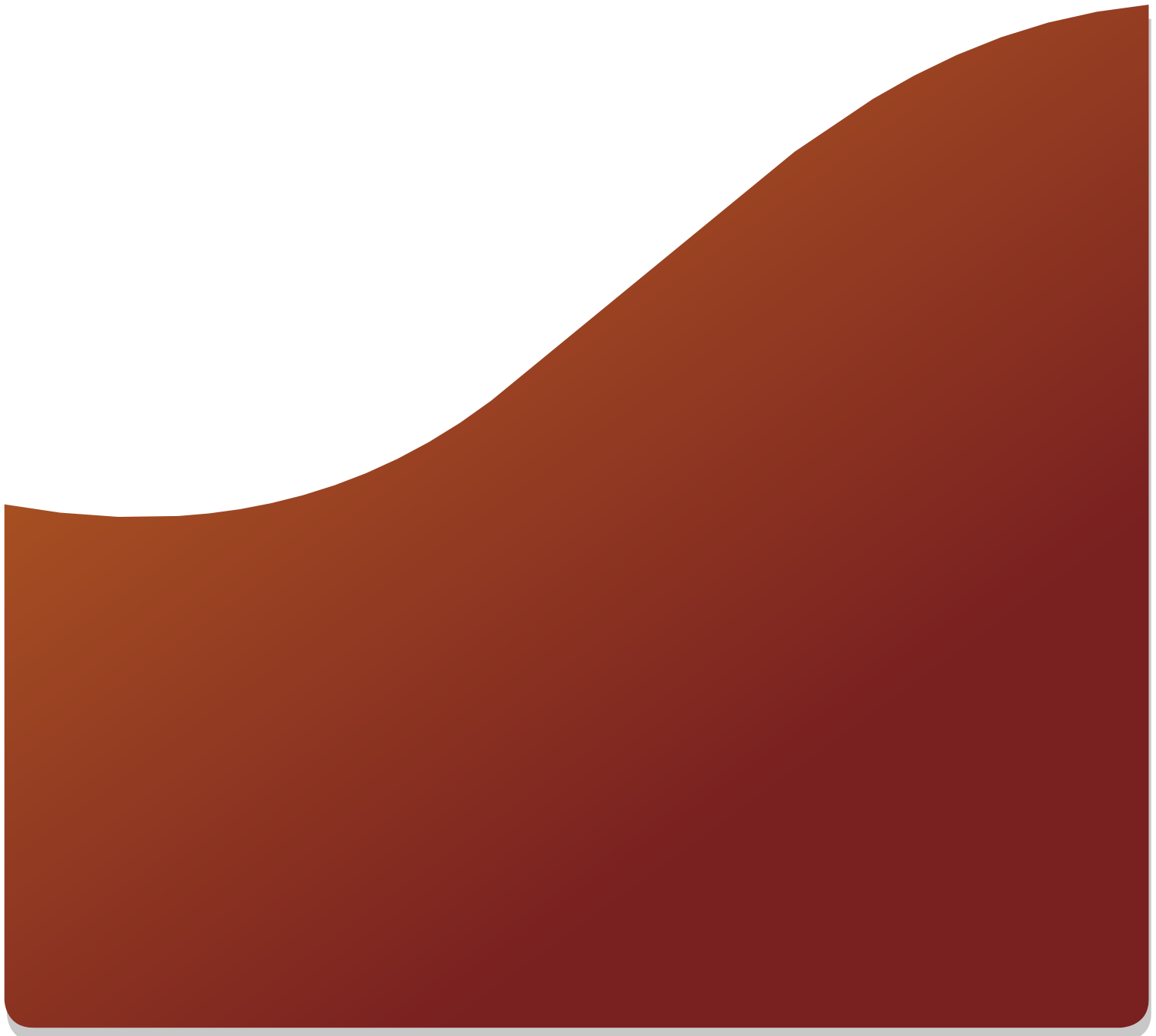


# Council Meeting Minutes

**Wednesday 26 May 2021 at 7.00pm**  
**Gisborne Administration Centre**  
**40 Robertson Street, Gisborne**



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**1. RECORDING AND LIVE STREAMING OF THIS COUNCIL MEETING**

The Mayor advised those present that the meeting would be recorded and streamed live on the internet in accordance with Council's *Live Streaming and Publishing Recording of Meetings Policy*, which can be viewed on Council's website.

The recording is to be bookmarked, archived and made available on Council's website 48 hours after the meeting.

Council had planned to make tonight's meeting open to members of the public, but unfortunately was unable to do so due to the limits that apply if people from the Greater Melbourne Area attend a public gathering. Anyone in the chamber tonight who has travelled to Macedon Ranges Shire from the Greater Melbourne Area will be wearing a mask except where an exemption applies.

It is hoped to be able to welcome members of the public back at the next meeting on 23 June.

The Mayor reminded those present that local government decision making, unlike state and federal government, does not afford the benefit of parliamentary privilege and hence no protection is afforded to Councillors and Council officers for comments made during meetings which are subsequently challenged in a court of law and determined to be slanderous.

**2. PRESENT**

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

**In Attendance**

Mr Bernie O'Sullivan	Chief Executive Officer
Mr John Hausler	Director Corporate and Community
Ms Angela Hughes	Director Planning and Environment
Ms Sarah Noel	Executive Manager People Culture and Performance
Ms Kate Young	Manager Legal and Corporate Governance
Mr Rob Ball	Manager Strategic Planning
Mr Awais Sadiq	Acting Manager Statutory Planning
Mr Christo Crafford	Coordinator Statutory Planning
Mr Bob Elkington	Coordinator Economic Development Community
Ms Allison Watt	Coordinator Governance
Ms Danielle Findlay	Business Development Officer
Ms Jessica Baguley	Senior Governance Officer

The Mayor welcomed Chief Executive Officer, Bernie O’Sullivan, to his first scheduled Council Meeting.

### **3. APOLOGIES**

Director Assets and Operations, Mr Shane Walden, was an apology for the meeting.

### **4. DECLARATION OF CONFLICTS OF INTEREST**

Crs West, Pearce and Anderson declared a conflict of interest in item PE.3 on the agenda for reasons previously provided to the Chief Executive Officer.

Cr Death left the meeting at 7.03pm.

### **5. MAYOR’S REPORT**

The Mayor provided a highlight of Council and community activities that Councillors and Council staff have been involved in since the last Council meeting.

#### **Supporting our people:**

##### **Romsey Youth**

On 1 May, Council’s Youth Services team hosted a free barbecue in Romsey to give young people aged 12-25 years an opportunity to share their experiences and thoughts for change. The event focused on hearing about the opportunities, as well as the challenges and barriers that exist for young people in Romsey.

##### **Live4Life**

This year’s Live4Life youth mental health program launch had to occur COVID-style with four official events involving 600 Year 8 students across the Macedon Ranges Shire. Each launch event introduced students to this year’s program theme of *Risk it to fix it*. This is the focal point for the activities and mental health promotion competition in which students participated. Students also completed the Junior Teen Mental Health First Aid Course, which has been developed by Mental Health First Aid Australia.

Live4Life is an award-winning initiative developed in the Macedon Ranges more than 10 years ago to support rural communities to reduce stigma around talking about mental health and seeking help.

##### **International Day Against Homophobia, Biphobia, Interphobia and Transphobia (IDAHOBIT)**

In recognition of IDAHOBIT Day on Monday 17 May, Council and Sunbury and Cobaw Community Health hosted a ceremony at Kyneton Mechanics Institute raising the rainbow flag.

##### **Sunbury and Cobaw Community Health**

Chief Executive Officer Phillip Ripper and Chair of the Board Peter Donlon showed me around the new buildings in Kyneton, keen to learn more about issues in the Macedon Ranges. They followed up by attending our Health and Wellbeing Advisory committee.

##### **Queen Scout Awards**

Sarah McRae and Alison Stockdale kindly invited me to attend their celebration after having been awarded their Queen Scout medallions. The first Gisborne Scouts are

among one of the Victorian scout groups with the highest number of Queen Scouts, many of whom attended the award ceremony. Congratulations Sarah and Alison.

### **Supporting our environment:**

#### **Free Compost**

Council celebrated International Compost Awareness Week by delivering free compost to schools and early learning centres (together with five lucky residents who won a competition) across the Shire between 2-8 May. Council also shared information and tips on how to start composting and reaping the benefits from the FOGO bins.

#### **Regenerative Forestry and climate change resistance**

On Sunday 2 May, Cr Rob Guthrie and I joined Macedon Ranges Sustainability Group members and neighbouring property owners on a tour of a Newham property to learn about regenerative forestry techniques and how to assist in regenerating degraded farming land and improving conservation values

#### **Victorian Energy Collaboration (VECO) Launch**

I joined council staff Silvana Predabon and John Hausler at the RACV Club in Melbourne along with 45 other councils, Victorian greenhouse alliances, Red Energy and Snowy Hydro for the launch of a collaboration for bulk purchasing of renewable energy that will reduce Macedon Ranges Shire Council's emissions by about 3385 tonnes CO2 per year - equivalent to powering 620 houses with renewable energy or taking 1170 internal combustion engine cars off the road each year.

#### **Creatures of the night-spotlighting surveys**

Tonight is the last of a series of spotlighting events Council has held in our six biolink areas. Always popular if you want advance warning of the next series, and any other of our environmental events consider signing up to our environmental newsletter.

### **Supporting our clubs and Community groups:**

#### **Romsey Ecotherapy Park**

A third round of State Government funding has been welcomed to complete the Romsey Ecotherapy Park. Mary-Anne Thomas MP, Minister for Regional Development and State Member for Macedon recently announced a grant of \$615,000 to support the community vision for the site. The final stage of the project will see a Woodland Ramble and space to encourage nature play and delivery of associated landscaping.

#### **Information and Fundraising event for Woodend Lifestyle Careers Group**

On Friday 14 May, Cr Bonanno, Cr Pearce and myself attended an event at Top of the Range tea rooms to learn about the group's desire for a dementia respite and day activity centre, aided by their patron Athol Guy.

#### **Official opening of the club rooms at IR Robertson Reserve**

On 15 May, Cr Bonanno and I attended this fantastic occasion of the rebuilding of the Gisborne Pony Club's pavilion after the old club rooms had to be demolished due to termite invasion. The club raised over \$100,000, which was then matched by Council, and supplemented by a grant from Community Bank Gisborne and District, to see this project completed.

I attended the official first night match of the Kyneton District soccer club at Barkley square on 15 May.

I also attended the Community Bank Gisborne and District awards evening on Monday 16 May and the Kyneton Rotary Club meeting as guest speaker Monday 22 May.

### **Supporting our businesses:**

I attended the official opening of new wing at Warrina Aged Care, New Gisborne on Sunday 16 May.

### **Business Recovery Vouchers**

Council is encouraging local business affected by COVID-19 to apply for the second round of \$1,000 support vouchers for use on professional services. Council is proud to support local businesses and assist in funding resources which can assist in recovery and future growth.

### **Councillor conferences and committee representation:**

#### **Australian Local Government Women's Association Victoria Conference**

Cr Pearce, Cr Death and myself attended a two-day conference in the City of Yarra focussing on women in local government and female community leaders.

- Calder Highway Improvement Committee on 14 May
- Audit and Risk Committee meeting on 19 May
- Health and Wellbeing Committee meeting on 19 May
- Macedon Ranges Heritage Council meeting on 18 May
- MAV State Council on 21 May

### **Current consultations**

- Management of rural roadsides until 7 June
- Councillor and Mayoral allowances until 4 June
- Budget and Revenue and Ratings Review until 8 June
- Cool changes Romsey and Lancefield on line group chats about topics

### **Current and upcoming events:**

#### **Reconciliation week Celebrations**

National Reconciliation Week is being celebrated on 27 May - 3 June and Council is encouraging residents to deepen their understanding of Aboriginal and Torres Strait Islander peoples, cultures, and traditions. *More than a word. Reconciliation takes action* is the theme.

Council's Reconciliation Action Plan (RAP) is almost complete and we continue to explore ways to learn more about and celebrate our three traditional owner groups. Various events and suggested activities to celebrate this week are available on our website.

#### **Macedon Ranges Board Game**

With the assistance of a grant from Council, artist Jenni Ivins is creating a Macedon Ranges Board game though input from the local community of where to visit and what to do. Check out our website or facebook page for further details of how to be involved.

**Museum Undone**

Commencing Friday 4 June, another artistic event hosted at the Kyneton Museum throughout June looking into how our past influences our present and how our present might influence our future including wall projections by Taungurung artist Maddi Moser.

**Celebrating World Environment Day**

World Environment Day is Saturday 5 June with multiple events throughout the Shire.

**It was moved by Cr Ridgeway seconded by Cr Bonanno that the Mayor's Report be received.**

**CARRIED**

Cr Death returned to the meeting at 7.16pm

**6. PETITIONS**

Nil.

**7. ADOPTION OF MINUTES**

Scheduled Council Meeting:	Wednesday 28 April 2021
Unscheduled Council Meeting	Tuesday 11 May 2021

**Officer Recommendation:**

**That the minutes of the Scheduled Meeting of the Macedon Ranges Shire Council held on Wednesday 28 April 2021 and the Unscheduled Meeting of the Macedon Ranges Shire Council held on Tuesday 11 May 2021 as circulated be confirmed.**

**It was moved by Cr West seconded by Cr Neil that the Officer Recommendation be adopted.**

**CARRIED**

**8. RECORD OF MEETINGS OF COUNCILLORS AND COUNCIL STAFF – MAY 2021****Summary / Purpose**

The purpose of this report is to provide the record of meetings of Councillors and Council staff, which have been held since the last Council Meeting, so that they can be recorded in the minutes of a scheduled Council Meeting.

**Policy Context**

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.

**Background Information**

Rule 31(b) specifies the meetings for which a written record will be kept and reported to the next practicable Council Meeting are as follows:



- (i) an advisory committee of the Council, if at least one Councillor is present; or
- (ii) a planned or scheduled meeting of at least half of the Councillors and one member of Council staff which considers matters that are intended or likely to be:
  - i. the subject of a decision of the Council;
  - ii. subject to the exercise of a function, duty or power of the Council that has been delegated to a person or committee
 but does not include a meeting of the Council, a delegated committee of the Council, a meeting of the audit and risk committee, a club, association, peak body, political party or other organisation.

Rule 31(c) provides that the written record of meetings must include:

- (i) the names of attending Councillors, staff members and other persons;
- (ii) a short title of the matters discussed; and
- (iii) any conflicts of interest disclosed by Councillors or Council staff and whether they temporarily left the meeting whilst the subject matter of their disclosed conflict of interest was discussed.

Note: Only matters that are the subject of discussion and consideration at a meeting will be listed. Incidental updates and information on matters will not be recorded.

This requirement for reporting provides increased transparency and the opportunity for Councillors to check the record, particularly the declarations of conflict of interest.

### Report

Outlined below are the details of meetings of Councillors and Council staff held since the last meeting.

1.	Date / Time	Type of Meeting
	Tuesday 27 April 2021 at 9.30am	Councillor Briefing
	Venue	Gisborne Administration Centre
	Present – Councillors	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 (via Zoom) Cr Bill West
	Present – Officers	Angela Hughes John Hausler Shane Walden Stephen Pykett Travis Harling Christo Crafford Awais Sadiq Rob Ball Allison Watt Damian Hodgkins

	Bob Elkington
Presenters	Nil
Items discussed	<ul style="list-style-type: none"> <li>• Key dates for legislative requirements</li> <li>• Draft Councillor Budget discussions</li> <li>• Surplus (Councillor only)</li> <li>• Planning Matters including <ul style="list-style-type: none"> <li>- Planning Practice Note 23 Applying the Incorporated Plan &amp; Development Overlays</li> <li>- PLN/2021/49 –115 Main Street Romsey (call in)</li> </ul> </li> <li>• Review of 28 April Council Meeting agenda</li> </ul>
Conflicts of interest declared by Councillors and record of them leaving the meeting when the matter about which they declared the conflict of interest was discussed	<p>Cr Guthrie stated that he would remove himself from the discussion on the Gisborne Futures Project because of a perceived apprehension of bias. The matter was not discussed.</p> <p>Did they leave the meeting? No, because the item was not discussed.</p>
Conflicts of interest declared by officers	<p>N/A</p> <p>Did they leave the meeting? N/A</p>

<b>2.</b>	<b>Date / Time</b>	<b>Type of Meeting</b>
	Wednesday 28 April 2021 at 5.10pm	Pre-Briefing before Scheduled Council Meeting
	Venue	Gisborne Administration Centre
	Present – Councillors	<p>Cr Jennifer Anderson (Mayor)</p> <p>Cr Mark Ridgeway (Deputy Mayor)</p> <p>Cr Dominic Bonanno</p> <p>Cr Annette Death</p> <p>Cr Rob Guthrie</p> <p>Cr Anne Moore</p> <p>Cr Geoff Neil</p> <p>Cr Janet Pearce</p> <p>Cr Bill West</p>
	Present – Officers	<p>Angela Hughes</p> <p>John Hausler</p> <p>Shane Walden</p> <p>Stephen Pykett</p> <p>Kate Young</p> <p>Christo Crafford</p> <p>Damien Hodgkins</p> <p>Rob Ball</p> <p>Bob Elkington</p> <p>Allison Watt</p>
	Presenters	Nil
	Items discussed	Scheduled Council Meeting agenda for Wednesday 28 April 2021
	Conflicts of interest declared by Councillors and record of them leaving the meeting when the matter about which they declared the conflict of	Cr Neil declared a conflict of interest in agenda item CX.1 about the awarding of a contract for the Romsey Ecotherapy Park on the basis that he is a member of the Park Committee. The matter was not discussed.

interest was discussed	Did they leave the meeting? No, because the item was not discussed.
Conflicts of interest declared by officers	N/A Did they leave the meeting? N/A

<b>3.</b>	<b>Date / Time</b>	<b>Type of Meeting</b>
	Tuesday 4 May 2021 at 9.45am	Councillor Briefing
	Venue	Gisborne Administration Centre
	Present – Councillors	Cr Jennifer Anderson (Mayor) Cr Mark Ridgeway (Deputy Mayor) Cr Dominic Bonanno Cr Annette Death Cr Rob Guthrie Cr Geoff Neil Cr Janet Pearce Cr Bill West
	Apologies – Councillors	Cr Anne Moore
	Present – Officers	Angela Hughes Shane Walden John Hausler Sarah Noel Stephen Pykett Travis Harling Allison Watt Bob Elkington Rob Ball Leanne Khan Gary Randhawa Steve Skinner
	Presenters	Nick Byrne (REMPAN)
	Items discussed	<ul style="list-style-type: none"> <li>Review of Final Councillor Draft Documents Prior to Public Consultation on Draft Budget and Revenue and Rating Plan</li> <li>Draft Economic Development Strategy 2021-2031 for Councillor Feedback</li> <li>Planning matters: <ul style="list-style-type: none"> <li>Amendment C127</li> <li>PLN/2020/540 Bowen Street, Malmsbury</li> </ul> </li> <li>Road Management Plan</li> </ul>
	Conflicts of interest declared by Councillors and record of them leaving the meeting when the matter about which they declared the conflict of interest was discussed	N/A  Did they leave the meeting? N/A
	Conflicts of interest declared by officers	Sarah Noel declared a conflict of interest as she lives next door to one of the properties affected by amendment C127 and left the meeting at 12.45pm.  Did they leave the meeting? Yes

4.	Date / Time	Type of Meeting
	Tuesday 11 May 2021 at 10.30am	Councillor Briefing
	Venue	Gisborne Administration Centre
	Present – Councillors	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
	Present – Officers	Bernie O'Sullivan John Hausler Angela Hughes Shane Walden Sarah Noel Kate Young Allison Watt Rob Ball Leanne Khan Isobel Maginn Christo Crafford
	Presenters	Nil
	Items discussed	<ul style="list-style-type: none"> <li>• Unscheduled Council Meeting Agenda Review</li> <li>• Delegations Framework, Policy and Procedures</li> <li>• Malmsbury – Private sponsored amendments</li> <li>• Planning matters: <ul style="list-style-type: none"> <li>- Holgates Brewery</li> <li>- PLN/2020/540 Bowen Street, Malmsbury</li> </ul> </li> <li>• 26 May Council Meeting agenda outline</li> <li>• Gisborne Futures – Response to submissions</li> </ul>
	Conflicts of interest declared by Councillors and record of them leaving the meeting when the matter about which they declared the conflict of interest was discussed	<p>Cr Guthrie stated that he would remove himself from the discussion on the Gisborne Futures Project because of a perceived apprehension of bias and left the meeting at 2.23pm.</p> <p>Did they leave the meeting? Yes</p> <p>Crs Anderson, West and Pearce declared a conflict of interest in item PE4 on the 26 May Council Meeting Agenda (Application for Planning Permit PLN/2020/159 – Use and development of the land for a dwelling and outbuilding (garage) – 1427 Rochford Road, Newham). The item was not discussed.</p> <p>Did they leave the meeting? No, because the matter was not discussed.</p>

Conflicts of interest declared by officers	N/A
	Did they leave the meeting? N/A

<b>5.</b>	<b>Date / Time</b>	<b>Type of Meeting</b>
	Wednesday 12 May 2021 7.00pm	Delegated Submitters Committee Meeting
		Agenda and minutes have been made publicly available on Council's website.

<b>6.</b>	<b>Date / Time</b>	<b>Type of Meeting</b>
	Tuesday 18 May 2021 at 9.48am	Councillor Briefing
	Venue	Gisborne Administration Centre
	Present – Councillors	Cr Jennifer Anderson (Mayor) Cr Mark Ridgeway (Deputy Mayor) Cr Bill West Cr Janet Pearce Cr Geoff Neil Cr Rob Guthrie Cr Dominic Bonanno Cr Anne Moore
	Apologies	Cr Janet Pearce
	Present – Officers	Bernie O'Sullivan Shane Walden Angela Hughes Sarah Noel Allison Watt Rob Ball Michelle Wyatt Corey Ramsay Wendy LeBrocq Christo Crafford Leanne Khan Stephen Pykett Danielle Findlay Isobel Maginn
	Presenters	Nil
	Items discussed	<ul style="list-style-type: none"> <li>• Environment Strategy update</li> <li>• Customers, Communication and Engagement</li> <li>• Procurement Policy</li> <li>• Planning matters <ul style="list-style-type: none"> <li>- PLN/2020/356 Station Road/Stern Way Gisborne</li> <li>- PLN/2020/441 – 28 Hill View Rise, Gisborne</li> </ul> </li> <li>• Woodend Community Centre Master Plan and Business Case</li> <li>• Riddells Creek/Amess Road Workshop</li> <li>• Gisborne Futures</li> </ul>
	Conflicts of interest declared by Councillors and record of	Cr Guthrie stated he would remove himself from the discussion on the Gisborne Futures Project because of a

them leaving the meeting when the matter about which they declared the conflict of interest was discussed	perceived apprehension of bias and left the meeting at 2.05pm Did they leave the meeting? Yes
Conflicts of interest declared by officers	N/A Did they leave the meeting? N/A

**Officer Recommendation:**

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

**It was moved by Cr Pearce seconded by Cr Ridgeway that the Officer Recommendation be adopted.**

**CARRIED**

## **9. DEPUTATIONS AND PRESENTATIONS TO COUNCIL**

Nil.

## **10. DIRECTOR PLANNING AND ENVIRONMENT REPORTS:**

**Report No:    Report Title:**

**PE.1            Application for Planning Permit PLN/2020/335 – Use and development of the land for garden supplies and alteration to access to a Road Zone Category 1 – 136 Main Road, Lancefield**

### **Purpose and Overview**

It is proposed to use and develop the land at 136 Main Road, Lancefield for garden supplies and alteration to access to a Road Zone Category 1.

The application was advertised. One objection has 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 the proposed use on the land to enhance the agricultural production.

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

### **Recommendation**

**That Council issue a Notice of Refusal for the use and development of the land for garden supplies and alteration to access to a Road Zone Category 1 for the land at Lot 19 on PS 220532D P/Lancefield 136 Main Road, Lancefield VIC 3435, on the following grounds:**

1. The proposal is contrary to the Planning Policy Framework, most importantly 14.01-1S and 14.01-2S as it will result in the removal of productive agricultural land from the agricultural base.
2. 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 it is required for or to support sustainable agricultural pursuits and it does not relate to the productive use of the land for agriculture and will impact the quality of agriculture land.
3. The proposal will introduce quarry materials and heavy vehicle movement to the site, which will potentially impact the soil and water quality for agricultural pursuits.
4. The proposal is contrary to the purposes and decision guidelines of the Farming Zone as it will exacerbate the fragmentation of existing farming land and holdings; remove land from agricultural use; and facilitate an opportunity of a non-agricultural use, that would be incompatible with and adversely affect the adjoining and nearby land uses for agriculture.
5. It is considered that the use of the land is not consistent with the MSS requirements in relation to protect agricultural land, facilitate productive agricultural activity and ensure new development is related to the ongoing, productive use of the land for agriculture.
6. There is no connection between the proposal and the farming activity on site therefore the proposal will not be supportive or ancillary to the agricultural use of the site.
7. The proposal will be located within close vicinity of residential zoned land resulting in detrimental amenity impacts including noise, dust, and traffic.
8. The car parking provided in association with the use is not compliant with Clause 52.06 (Car Parking) of Macedon Ranges Planning Scheme.

It was moved by Cr Moore seconded by Cr Guthrie that the Officer Recommendation be adopted.

LOST

#### Motion

That Council issue a Notice of Decision to grant a planning permit for the Use and Development the land for Garden Supplies and alteration to access to a Road Zone Category 1 Road for the land at 136 Main Road Lancefield, Lot 19 on Plan of Subdivision 220532D, subject to the following conditions:

1. Before the development commences, 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 provided with the application but modified to show:
  - a) 10% of the site area for car parking in accordance with Clause 52.06 of the Macedon Ranges Planning Scheme;
  - b) A landscape plan in accordance with Condition 4 of this permit;
  - c) Location of toilets;

- d) **Annotation on the plans “Buildings to be compliant with Disability Discrimination Act requirements”;**
  - e) **Location of sprinklers on the bins to suppress dust;**
  - f) **A whole farm plan in accordance with Condition 3 of this permit;**
  - g) **Relocation of buildings along the southern boundary to another appropriate location to allow for the Screen Planting as required under Condition 4a) of this permit;**
- 2. The use and development as shown on the endorsed plans must not be altered unless with the prior written consent of the Responsible Authority.**
- 3. Before the commencement of the development, a Whole Farm 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 show but not limited to:**
- a) **Topography of the land including contours;**
  - b) **Existing vegetation (native and non-native) including trees, shrubs grasses and herbs;**
  - c) **Land management practices for the protection and enhancement of the environmental values of the land;**
  - d) **A site plan showing:**
    - **All the existing and proposed buildings;**
    - **Agricultural areas/zones including paddocks and fencing;**
    - **Waterways/drainage networks and dams;**
    - **The division of land into zones (i.e. agricultural zones and residential/domestic zone etc.);**
  - e) **Water requirements for domestic, stock, environmental and garden supplies;**
  - f) **Type and nature of agricultural pursuits in the surrounding area e.g. cropping, dairy, grazing, urban/rural, mixed farming etc.;**
  - g) **A detailed legend (including size of property in hectares);**
  - h) **Number of employees currently in the business, as well as expected employment numbers for future;**
  - i) **Specify the proposed capital expenditure for the project. If it is staged, what is the proposed capital expenditure of each stage.**

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

- 4. Before the commencement of the development, a landscape 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 landscaping plan must be generally in accordance with the submitted development plans. The plan must show:**



- a) Screen planting along the southern boundary within the subject site;
  - b) The landscaping will need to be detailed to outline the spacing and numbers of plants based on their mature size, with some stepping forwards and backwards rather than a single row to form a more effective visual barrier over time,
  - c) A schedule of all proposed trees, shrubs/small trees and ground cover species providing an appropriate mix of plantings including indigenous and native as well as exotic species as appropriate for both the character of the site and surrounds rural area;
  - d) Selected plants species will need to provide proper concealment, has the potential to survive, and grow quickly to the required sizes, to the satisfaction of the Responsible Authority.
  - e) The location of each species to be planted and the location of all areas to be covered by grass, lawn or other surface material;
  - f) Paving, retaining walls, fence design details and other landscape works including areas of cut and fill;
  - g) Appropriate irrigation systems;
  - h) Details of landscape edging treatment;
  - i) The planting of two (2) new advanced street trees to be planted within the road reserve at the front of the subject site including minimum offset of 3m from any crossover, pole or pit, and including a 52L Greenwell water saver (no slotted pipe) and three (3) hardwood stakes per tree, along with the following annotations:
  - j) Tree planting is to occur between April and September to maximise establishment and survival;
5. Unless otherwise approved by the Responsible Authority, the landscaping works as shown on the endorsed plans must be carried out and completed prior to the use commences, and thereafter maintained to the satisfaction of the Responsible Authority.
6. Before the commencement of the development, the owner/s 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) The owner/s of the land must implement all the recommendations and requirements of the Whole Farm Plan endorsed under Planning Permit PLN/2020/335 on an ongoing basis to the satisfaction of the Responsible Authority.

Application must be made to the Registrar of Titles to register the Section 173 Agreement on the title of all the lots under Section 181 of the same Act.

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

7. Unless with the prior written consent of the Responsible Authority, deliveries to and from the site (including waste collection) must only take place between the hours of 8am and 5pm, Monday to Friday.

8. Noise levels emanating from the premises must not exceed those required to be met under State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2 to the satisfaction of the Responsible Authority.
9. All security alarms or similar devices installed on the land must be of a silent type to the satisfaction of the Responsible Authority.
10. The use hereby permitted must not exceed 10 patrons on site at any one time without prior written consent of the Responsible Authority.
11. The use hereby permitted must only operate during the following hours:
  - Saturdays from 8 am to 2 pm, and
  - by private appointments on any other day

Any variation to these hours requires the prior written consent of the Responsible Authority.

12. Prior to the commencement of use, the areas set aside for the parking of vehicles and access driveways as shown on the endorsed plans must be:
  - a) Properly formed to such levels that they can be used in accordance with the plans.
  - b) Clearly signposted to show the direction of traffic along access lanes and driveways.
  - c) Drained and maintained.
  - d) Car spaces, access lanes and driveways must be kept available for these purposes at all times.
13. Access and egress from the site must be restricted to the approved access point off Main Road.
14. All external lighting must be designed, baffled and located so as to prevent adverse effect on adjoining land, to the satisfaction of the Responsible Authority.
15. The use and development hereby permitted must be managed so that the amenity of the area is not detrimentally affected, through the:
  - a) Transport of materials, good or commodities to or from the land;
  - b) Appearance of any building, works or materials;
  - c) Emissions of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;
  - d) Presence of vermin.

**MRSC Engineering Conditions**

16. 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
17. 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) to the satisfaction of the Responsible Authority.
18. Storm water runoff from the development must be drained into the development’s existing drainage system.
19. The areas set aside for car parking and vehicle access ways must be maintained in a continuously useable condition to the satisfaction of the Responsible Authority.
20. The development is to be constructed in accordance with Macedon Ranges Shire Council’s Policy Engineering Requirements for Infrastructure Construction (June 2010).

#### **Permit Expiry**

21. 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.

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**

- The new crossover design and details must be approved by VicRoads;
- Future owners of the land must be made aware of the existence of this permit.

**It was moved by Cr West seconded by Cr Neil that the motion be adopted.**

**CARRIED**

**Cr West called for a division.**

**For: Crs West, Ridgeway, Pearce, Neil, Anderson, Death and Bonanno**

**Against: Crs Guthrie and Moore**

**Report No:    Report Title:**

**PE.2                    Application for Planning Permit PLN/2020/421 – Subdivision  
of the land into two (2) lots – 5 Susanne Court, Romsey**

**Purpose and Overview**

It is proposed to subdivide the land into two (2) lots. The proposed Lot 1 will be irregular in shape having a total area of 1,299m<sup>2</sup> and Lot 2 will have a battle-axe layout having a total area of 1741m<sup>2</sup>.

The application has been advertised and two objections have been received to date.

Key issues to be considered relate to the impact of the proposal on the neighborhood character of the area in relation to the lot design/size and vegetation impact.

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

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

**Issue a Notice of Refusal to Grant a Permit for the Subdivision of the Land into Two (2) Lots at Lot 14 LP118592 P/Monegeetta 5 Susanne Court, Romsey on the following grounds:**

- 1. The proposal is contrary to Clause 15.01-5S of the Planning Policy Framework of the Macedon Ranges Planning Scheme, as it does not protect neighbourhood character and sense of place by resulting in lot sizes that are inconsistent with the area.**
- 2. The proposal is inconsistent with Clause 21.08 and Clause 21.13-4 of the Local Planning Policy Framework, which seek to encourage development that respects the preferred character and defining attributes of the area.**
- 3. The proposal does not comply with the Romsey Residential Character Study, April 2012.**
- 4. The proposal is inconsistent with the decision guideline of Clause 22.05 as it will be unable to retain and protect the existing vegetation and character of the area.**
- 5. The proposal is contrary to the purpose of the zone as it fails to respect the neighbourhood character of the area.**
- 6. The proposal is contrary to the design objectives of Design and Development Overlay (Schedule 18) in relation to the character and landscaping for the Established Area A Precinct.**
- 7. The proposal does not meet the following objectives and standards of Clause 56 of the Macedon Ranges Planning Scheme:**
  - Standard C6 – Neighbourhood character objective;**
  - Standard C8 - Lot area and building envelopes objective.**

8. The proposal contradicts the decision guidelines of Clause 65 of the Macedon Ranges Planning Scheme due to:
- Inappropriate pattern of subdivision;
  - Excessive density;
  - Negative amenity impacts due to lack of respect of neighbourhood character.

**Motion**

That Council issue a Notice of Decision to grant a planning permit for the Subdivision of the Land into Two (2) Lots for the land at 5 Susanne Court, Romsey, Lot 14 LP118592 P/Monegeetta, subject to the following conditions:

1. Before the plan of subdivision is certified under the Subdivision Act 1988, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be generally in accordance with the plans submitted with the application, but modified to show:
  - a) A landscaping plan showing that a minimum 3.0 metre wide driveway and landscaping generally of 1.5 metres in width on either side of the driveway with the exceptions being for varying the alignment of the driveway to avoid a 'gun barrel' effect in which case a total landscaping area on either side of the driveway must make up a total 3 metres wide. The landscape plan should also identify any existing vegetation to be retained and vegetation to be removed.
  - b) Removal of the proposed building envelope for Lot 2.
2. The subdivision allowed by this permit and shown on the plans endorsed to accompany the permit shall not be amended for any reason unless with the prior written consent of the Responsible Authority.
3. Before the certification of the Plan of Subdivision, the owner/s of the lot/s 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) Prior to the occupation of the dwelling on Lot 2, landscaping works shown on the endorsed landscape plan under Planning Permit PLN/2020/421 must be carried out, completed and thereafter maintained to the satisfaction of the Responsible Authority.
  - b) Prior to the construction of dwelling on Lot 2, the owner must pay to Council a development contribution in accordance with the Development Contributions Plan Overlay (DCPO) incorporated in the Macedon Ranges Planning Scheme. The amount payable is calculated from the Total Charge figure for specified Area 1 within the Development Contributions Plan Overlay Schedule 1 per additional dwelling and is adjusted on 1 July each year in accordance with Clause 45.06 of the Macedon Ranges Planning Scheme.

**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/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.
4. Prior to the issue of the Statement of Compliance, all outbuildings on Lot 2 must be demolished or removed to the satisfaction of the Responsible Authority.
5. 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;
  - 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.
6. Before the issue of a Statement of Compliance for any stage of 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.
7. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity and gas services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.
8. All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.

9. The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of that Act.
10. 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 Engineering and Projects Unit Conditions**

11. 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.
12. 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) Provision and detail for all services and conduits (underground) including alignments and offsets.
  - c) A new sealed crossover for Lot 2. Crossover is to be a minimum of 10 metres from any intersection, 1 metre from any power pole, sign or service pit and an absolute minimum of 3 metres from any street tree.
  - d) A 3 metres wide sealed driveway for Lot 2 with appropriate drainage up to the rear of Lot 1.
  - e) Stormwater drainage services to each lot. Charged or pump-out stormwater drainage systems are not permitted.
  - f) Details of stormwater detention system to ensure 10 year ARI post-development flows are restricted to pre-development level.
  - g) Details of the stormwater quality treatment system that meet the current best practice performance objectives for stormwater quality as contained in the Urban Stormwater – Best Practice Environmental Management Guidelines (Victorian Stormwater Committee, 1999). Alternatively, payment of the stormwater quality offset contribution to the Responsible Authority.



Prior to issue of a Statement of Compliance, all works shown on the approved Engineering Plans must be constructed or carried out all to the satisfaction of the Responsible Authority.

13. Prior to issue of a Statement of Compliance, 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) Stormwater runoff are drained to a legal point of discharge.
  - c) 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 are constructed at no cost to the Responsible Authority.
  - d) All drainage courses located within allotments must be contained within expressed drainage easements.
  - e) Objectives of the Urban Stormwater – Best Practice Environmental Management Guidelines (Victorian Stormwater Committee, 1999) are satisfied.
14. Prior to issue of a Statement of Compliance, drainage services to the existing dwelling must be redirected to be wholly contained within the boundaries of Lot 1.
15. The subdivision is to be constructed in accordance with Macedon Ranges Shire Council's Policy Engineering Requirements for Infrastructure Construction (June 2010).
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 development works in accordance with Construction Techniques for Sediment Pollution Control (EPA 1991) to the satisfaction of the Responsible Authority.

#### **Permit Expiry Conditions**

17. This permit will expire if one of the following circumstances applies:
  - a) The plan of subdivision is not certified within two years of the date of this permit.
  - b) The plan of subdivision is not registered at Land Registry within five years of the certification of the subdivision.

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.

**It was moved by Cr Neil seconded by Cr West that the motion be adopted.**

**CARRIED**

Crs Anderson, Pearce and West left the meeting at 8.08pm having declared a conflict of interest in the following agenda item. Deputy Mayor, Cr Mark Ridgeway, chaired the meeting for this item.

**Report No:    Report Title:**

**PE.3                    Application for Planning Permit PLN/2020/159 – Use and development of the land for a dwelling and outbuilding (garage) – 1427 Rochford Road, Newham**

**Purpose and Overview**

The application proposes the use and development of the land for single storey dwelling and an ancillary outbuilding (garage).

The application was advertised and two (2) objections were received.

Key issues to be considered relate to the principle of a dwelling within the Rural Conservation Zone, design and built form, rural and natural landscape values, environmental impacts and risk, and natural resource management.

The application has been assessed against the Macedon Ranges Planning Scheme and is considered appropriate. It is recommended that a Notice of Decision to grant a planning permit issue subject to conditions.

**Recommendation**

**That a Notice of Decision to grant a planning permit is issued for use and development of the land for a dwelling at 1427 Rochford Road, NEWHAM subject to the following conditions:**

- 1. Prior to the commencement of the approved development, 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 received and advertised but modified to show:**
  - (a) Details of the materials and colour finishes of water tanks utilising suitably muted and natural colour finishes to the satisfaction of the Responsible Authority.**
  - (b) The driveway maintenance agreement required by MRSC Engineering Condition 10.**
  - (c) Works on waterways consent from North Central Catchment Management Authority for the driveway alignment to cross designated waterways within the subject land.**
- 2. The development and use allowed by this permit and shown on the plans endorsed to accompany the permit shall not be amended for any reason, unless with the prior written consent of the Responsible Authority.**
- 3. Prior to the commencement of the approved development, the owners 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) All requirements and recommendations of the approved Land Management Plan endorsed as part of Planning Permit PLN/2020/159 must be implemented on an ongoing basis to the satisfaction of the Responsible Authority.

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

4. Prior to the occupation of the approved dwelling, the following buildings and works must be provided to the satisfaction of the Responsible Authority:
- (a) The provision of all-weather vehicle access from Highland Lane to the approved dwelling in accordance with the endorsed plans and incorporating adequate firefighting vehicle access requirements.
  - (b) The provision of an adequate water supply (rainwater tanks or reticulated water supply) for potable domestic use and firefighting purposes.
  - (c) Connection to reticulated electricity supply or an alternative energy source.
5. 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. 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.
6. 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. All external lighting for the approved dwelling and any ancillary buildings and works must be designed, baffled and located so as to prevent adverse effect on adjoining land, to the satisfaction of the Responsible Authority.
7. The outbuilding hereby permitted shall not be used as a dwelling, as defined by the Macedon Ranges Planning Scheme, to the satisfaction of the Responsible Authority.

#### **MRSC Environment Unit Condition**

8. Prior to development commencing (including any demolition, excavations, tree removal, delivery of building/construction materials and/or temporary buildings), a native vegetation protection fence must be erected around all native vegetation to be retained within 15 metres of the works area. The temporary vegetation fencing must be

erected to the satisfaction of the Responsible Authority. This fence must be erected at:

- (a) A radius of 12 times the diameter of the tree trunk at a height of 1.4 metres to a maximum of 15 metres but no less than 2 metres from the base of the trunk of the tree; and
- (b) Around the patch(es) of native vegetation at a minimum distance of 2 metres from retained native vegetation.
- (c) The tree protective fencing must be constructed of star pickets and paraweb or similar, to the satisfaction of the responsible authority. The protection fence must remain in place until all works are completed and must be erected around areas to be retained to protect surrounding vegetation. The tree protection fencing must form a visual and physical barrier and include signage clearly marked “Vegetation Protection Zone – No Entry” on all sides. Any trees, vegetation or waterways near the development site and/or construction areas must be included in the tree protection zone.

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

- 9. Before the development commences an owner’s agreement with the owner of 25 Highland Lane for the common driveway maintenance must be submitted to and approved by the responsible authority.
- 10. Prior to the commencement of works, an “Asset Protection Permit” must be obtained from Council for any of the following circumstances:
  - (a) Entering a building site by means of a motor vehicle having a gross weight exceeding two tonnes.
  - (b) Occupying a road for works.
  - (c) Connecting any Council land to a stormwater drain.
  - (d) Opening, altering or repairing a Council road.
  - (e) Opening, altering or repairing a Council drain.
  - (f) Accessing a building site from a point other than a crossover.
  - (g) Construct/repair/widen/remove any crossover.
- 11. Storm water runoff from the dwelling must be dissipated as normal un-concentrated overland flow clear of property boundaries and buildings in adjacent properties.
- 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) to the satisfaction of the Responsible Authority.
- 13. 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 fire- fighting purposes to the satisfaction of the Responsible Authority.

14. Prior to the commencement of use, the driveway to the dwelling must be constructed to meet the following requirements to the satisfaction of the Responsible Authority:
  - (a) The driveway, including any waterway crossing, 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 inner 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.

#### **MRSC Health Unit Conditions**

15. Due to the site constraints and soil profile, as identified in the Land Capability Assessment (LCA) by Edwards Environmental, report v. 3 dated October 2020, all wastewater from the dwelling must be treated to a secondary standard of at least 20mg/L BOD and 30mg/L suspended solids and disposed of via pressure compensating subsurface irrigation.
16. The design, construction, sizing and siting of the treatment system and effluent irrigation lines must be in accordance with the requirements and recommendations of the LCA.
17. The wastewater disposal area must be located at least 100 metres from any potable waterways and 60 metres from any dams/non-potable waterways - these set-backs may be reduced by 50% if the effluent is treated to a secondary standard and a service contract is in place. Furthermore, the disposal area must be located 40 metres from any drainage lines and 20 metres from any bores.
18. The wastewater disposal area is to be free of stock, horses, buildings, driveways and service trenching (fencing around the disposal area is recommended).
19. An 'Application to install a septic tank' must be submitted to Council's Environmental Health Department to ensure the proposed wastewater treatment and disposal system is installed as per the LCA and the EPA Code of Practice – Onsite Wastewater Management 891.4 (2016).

#### **Country Fire Authority and Bushfire Management Overlay Mandatory Conditions**

20. The Bushfire Management Plan (Drawing No: 1156601-BMP (Rev C), dated 13/2/2020) must be endorsed to form part of the permit and must not be altered unless otherwise agreed in writing by the CFA and the Responsible Authority.
21. The bushfire protection measures forming part of this permit or shown on the endorsed plans, including those relating to construction standards, defensible space, water supply and access, must be maintained to the satisfaction of the responsible authority on a continuing basis. This condition continues to have force and effect after the development authorised by this permit has been completed.

#### **Goulburn Murray Water**

22. All construction and ongoing activities must be in accordance with sediment control principles outlined in 'Construction Techniques for Sediment Pollution Control' (EPA, 1991). 2. All wastewater from the dwelling must be treated to a standard of at least 20mg/L BOD and 30mg/L suspended solids using a package treatment plant or equivalent. The system must have a certificate of conformity issued by the Conformity Assessment Body (or equivalent approval) and be installed, operated and maintained in accordance with the relevant Australian Standard and EPA Code of Practice.
23. All wastewater must be applied to land via pressure-compensating sub-surface irrigation installed along the contour.
24. The wastewater disposal area must be located in accordance with the site plan prepared by Tomkinson Group (11566.1 – DRP, Rev 3).
25. The wastewater management system must be appropriately designed to manage the potential volume of wastewater generated under full occupancy (based on a minimum 3 bedrooms), including an appropriately sized disposal area based on a full water balance specific to the proposal and subject land in accordance with the requirements of the current EPA Code of Practice – Onsite Wastewater Management.
26. 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.
27. No buildings are to be located within 30m of any waterways or dams on waterways.

#### **Powercor Condition**

28. 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).

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

29. Any buildings must comply with the clearances required by the Electricity Safety (Installations) Regulations.

30. Any construction work must comply with Energy Safe Victoria's "No Go Zone" rules.

***Note: To apply for a permit to work go to our website: <https://customer.portal.powercor.com.au/mysupply/CIAWQuickCalculator> and apply on line through the No Go Zone Assessment.***

**Note:**

- ***It is recommended that applications for electricity supply to each lot be submitted at the earliest opportunity so that the precise requirements of the Distributor can then be determined and accommodated. Applications for electricity supply shall be submitted via the Distributor's web portal, "mySupply" which can be accessed via the following link:***

**<https://customer.portal.powercor.com.au/mysupply/CIAWQuickCalculator>**

**Expiry of Permit – Use and Development**

31. 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 six months afterwards.

**Permit Notes:**

- ***Future owners of the land must be made aware of the existence of this permit.***
- ***Removal, destruction or lopping of vegetation (whether native or non-native vegetation) is not permitted by this permit. Any removal, destruction or lopping of vegetation may be subject to planning permit under the provisions of the Macedon Ranges Planning Scheme. Please inquire with Council's Statutory Planning Unit in respect to any planning permit requirements for any vegetation removal.***

**Motion**



That Council resolve to issue a notice of refusal for planning permit PLN/2020/159 for the use and development of the land for a dwelling and outbuilding (garage) at Lot 1 on TP 655719F, 1427 Rochford Road, Newham, on the following grounds:

1. The proposal is inconsistent with the Planning Policy Framework and Local Planning Policy Framework – Clauses 12.05 Significant Environments and Landscapes, 13 Environmental Risks and Amenity, 14 Natural Resource Management, 15 Built environment and Heritage, 21.05 Environment and Landscape Values, 21.06 Environmental Risks, 21.07 Natural Resource Management, 21.08 Built Environment and Heritage in regards to the location of the proposed dwelling in an environmentally and visually sensitive area.
2. The proposal is inconsistent with Clause 22.01 Hanging Rock Precinct which purpose is to “Protect and enhance the significant landscapes, geological and ecological features and open spaces of the Hanging Rock Precinct.”
3. The proposal is inconsistent with the purpose of the zone and conservation values of Schedule 1 of the Rural Conservation Zone (RCZ1).
4. The proposal is inconsistent with the purpose and provisions of Clause 42.01 Environmental Significance Overlay (ESO4) which aims to protect and enhance the quality and supply of Proclaimed Water Catchments.
5. The proposal is inconsistent with Clause 42.03 Significance Landscape Overlay (SLO1) which purpose is to conserve and enhance the character of significant landscapes.
6. The proposal is inconsistent with Clause 13.02-1S Bushfire planning and Clause 44.06 Bushfire Management Overlay (BMO) which have the objective of prioritising protection of human life in regard to bushfire risk.
7. The proposal is not compliant with Part 3AAB (Distinctive Areas and Landscapes) of the Planning and Environment Act 1987 under which provision the Macedon Ranges has been declared as a “Distinctive Area and Landscape”.
8. The proposal would be contrary to the objectives of the Statement of Planning Policy which aims to manage land use, development and infrastructure to ensure that significant landscapes, views and vantage points are conserved and enhanced. The proposed dwelling would result in adverse landscape impacts by its lack of response to the landscape character and significance of the area.

It was moved by Cr Guthrie seconded by Cr Death that the motion be adopted.

**CARRIED ON THE CASTING VOTE OF THE CHAIR**

**Cr Neil called for a division.**

**For: Crs Death, Guthrie and Ridgeway**

**Against: Crs Moore, Bonanno and Neil.**

**The motion was carried on the casting vote of the Chair.**

Crs Anderson, Pearce and West returned to the meeting at 8.28pm.

**Report No:    Report Title:****PE.4                      Exploration Licence Application EL007504 (Baynton)****Purpose and Overview**

The purpose of this report is to inform Council of a submission made to Earth Resources Regulation, regarding a notice of application for an exploration licence in the Baynton area.

**Recommendation**

**That Council note the submission made to Earth Resources Regulation regarding Exploration Licence Application EL007504 (Baynton).**

**It was moved by Cr Guthrie seconded by Cr Neil that the Officer Recommendation be adopted.**

**CARRIED**

**Report No:    Report Title:****PE.5                      Waterway Environmental Works Plans – Port Philip and Westernport Catchment****Purpose and Overview**

Two strategic documents have been developed to help guide the future environmental management of Council managed waterways in the southern part of the shire which is within the Port Philip and Westernport catchment.

*The Strategic Environmental Works Plan for the Council-managed Waterway Reserves in the Port Phillip and Westernport Catchment* provides environmental management recommendations for 37 Council-managed waterway reserves. *The Environmental Management Plan for Bunjil and Howey Creeks* provides environmental management recommendations for Bunjil and Howey Creeks in Gisborne.

These two documents fulfil the function of asset management plans for these waterways, setting out a prioritised program of costed improvement works, mostly in the form of weed control and revegetation. This program of work will ensure Council, the community and Melbourne Water work together towards common goals and make the efficient and effective use of resources.

Implementation of the two plans, when this occurs, will contribute to climate change adaptation and mitigation by enhancing resilience of the natural environment through creation of habitat corridors while increasing carbon sequestration or “draw down”. These initiatives contribute to Council’s response to the climate emergency which Council acknowledged at its Scheduled Council Meeting on 24 March 2021.

**Recommendation**

**That Council:**

1. **Adopts the *Strategic Environmental Works Plan for Council-managed Waterway reserves in the Port Phillip and Westernport Catchment* as per Attachment 1.**
2. **Adopts the *Environmental Management Plan for Bunjil and Howey Creeks* as per Attachment 2.**
3. **Continues to work with Melbourne Water and the community in the implementation of these strategic plans which will be subject to available resources.**

**It was moved by Cr Neil seconded by Cr Pearce that the Officer Recommendation be adopted.**

**CARRIED**

**Report No:    Report Title:**

**PE.6                      Progress of the Romsey Structure Plan**

**Purpose and Overview**

This report provides an update and seeks Council's direction on the progress of the Romsey Structure Plan noting that it is Year Four project outlined in the Council Plan 2017-27.

**Recommendation**

**That Council:**

1. **Note that the Romsey Structure Plan project will continue to be identified in the 2021/22 Council Plan as a priority action.**
2. **Note that officers will finalise the tender process to engage a consultant to progress the Romsey Structure Plan project.**

**Motion**

**That Council:**

1. **Note that the Romsey Structure Plan project will continue to be identified in the 2021/22 Council Plan as a priority action.**
2. **Note that officers will finalise the tender process to engage a consultant to progress the Romsey Structure Plan project.**
3. **Note that the Councillor reference group will be made up of all nine Macedon Ranges Shire Councillors.**

**It was moved by Cr Death seconded by Cr Moore that the motion be adopted.**

**CARRIED**

Cr Moore left the meeting at 8.34pm.

**Report No:    Report Title:**

**PE.7                      Woodend Community Centre Master Plan and Business Case**

**Purpose and Overview**

To seek Council endorsement of the jointly funded Council and Regional Development Victoria Woodend Community Centre Master Plan and Business Case.

The master plan and business case have been prepared by consultancy, Public Realm Lab, with input from Council officers, key stakeholders associated with the site, and the community via Have Your Say on Council's website and Community Consultation sessions.

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

- 1. Note submissions (including survey responses) received to the Woodend Community Centre Master Plan;**
- 2. Thank submitters for their contribution to the Woodend Community Centre Master Plan;**
- 3. Endorse the Woodend Community Centre Master Plan and Business Case, noting that ongoing discussions with relevant stakeholders and community groups will inform future detailed designs; and**  
**Note that the final Woodend Community Centre Master Plan and Business Case documents will be corrected to resolve spelling, grammar and formatting errors post endorsement**

**It was moved by Cr Pearce seconded by Cr Bonanno that the officer recommendation be adopted.**

**CARRIED**

**11. CHIEF EXECUTIVE OFFICER'S REPORTS:**

**Report No:**    **Report Title:**

**CX.1                    Adoption of Governance Local Law 2021**

**Purpose and Overview**

The purpose of this report is for Council adoption of the proposed Governance Local Law 2021 following a period of community consultation in accordance with section 111 of the *Local Government Act 1989* (LG Act 1989) and Council's Community Engagement Policy.

**Recommendation**

**That Council:**

- 1. Adopts the Governance Local Law 2021 provided as Attachment 1 in accordance with section 111 of the *Local Government Act 1989*;**
- 2. Signs and seals the Governance Local Law 2021;**
- 3. Gives public notice of the creation of the Governance Local Law 2021 in accordance with section 119(3) of the *Local Government Act 1989* and provides a copy to the Minister for Local Government in accordance with section 119(4) of the *Local Government Act 1989*; and**
- 4. Revokes Meeting Procedure Local Law 11 with effect on the publication of the Governance Local Law 2021 in the Victorian Government Gazette.**

**It was moved by Cr Neil seconded by Cr Guthrie that the Officer Recommendation be adopted.**

**CARRIED**

**12. DIRECTOR CORPORATE AND COMMUNITY REPORTS:**

**Report No:**    **Report Title:**

Cr Moore returned to the meeting at 8.39pm.

**CC.1                    Quarterly Report for the period ended 31 March 2021**

**Purpose and Overview**

The Quarterly Report for the period ended 31 March 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 31 March 2021.

**Recommendation**

**That Council note the Quarterly Report for the period ended 31 March 2021.**

**It was moved by Cr Guthrie seconded by Cr Ridgeway that the Officer Recommendation be adopted.**

**CARRIED**

**13. DIRECTOR ASSETS AND OPERATIONS REPORTS:**

Nil.

**14. NOTICES OF MOTION**

**NOTICE OF MOTION NO. 18/2020-21 – CR NEIL**

That Council request the Chief Executive Officer to bring a report to Council within two (2) Scheduled Council Meetings outlining:

1. Options for Council in pursuing a change to the provisions and/or wholesale removal of Lancefield's Development Plan Overlay, Schedule 24 (DPO24).
2. Options to Council in how Council could assist affected land owners in complying with the DPO24 provisions. These options to include:
  - a. Approximate costs if Council was to prepare Development Plans for the three (3) areas within the DPO24 areas.
  - b. Approximate costs if Council was to prepare and make available the technical documents which are needed to underpin prepare of a Development Plan by individual land owners.

**It was moved by Cr Neil seconded by Cr Ridgeway that Council request the Chief Executive Officer to bring a report to Council within two (2) Scheduled Council Meetings outlining:**

1. **Options for Council in pursuing a change to the provisions and/or wholesale removal of Lancefield's Development Plan Overlay, Schedule 24 (DPO24).**
2. **Options to Council in how Council could assist affected land owners in complying with the DPO24 provisions. These options to include:**
  - a. **Approximate costs if Council was to prepare Development Plans for the three (3) areas within the DPO24 areas.**

- b. Approximate costs if Council was to prepare and make available the technical documents which are needed to underpin prepare of a Development Plan by individual land owners.**

**CARRIED**

**NOTICE OF MOTION NO. 19/2020-21 – CR RIDGEWAY**

That Council request the Chief Executive Officer to prepare a costing and feasibility report on the development of new council operated toilet facilities in Piper Street, Kyneton – preferably at the rotunda end of the street.

**It was moved by Cr Ridgeway seconded by Cr Pearce that Council request the Chief Executive Officer to prepare a costing and feasibility report on the development of new council operated toilet facilities in Piper Street, Kyneton – preferably at the rotunda end of the street by August 2021.**

**CARRIED UNANIMOUSLY**

**NOTICE OF MOTION NO. 20/2020-21 – CR PEARCE**

That Council:

1. Notes the correspondence received from St Ambrose Parish Primary School, Woodend which includes the names of 156 parents.
2. Notes the specific request of a safe crossing area for children in Brooke Street, Woodend adjacent to the intersection with Templeton Street and that the estimated costs of works is included in the Draft 2021/2022 Council Budget process for consideration.
3. Notes that Council officers have been investigating these concerns since early this year and are now in contact with the school and concerned parents. They are working together investigating the safety issues raised in the broader precinct area and the ways these can be addressed.

**It was moved by Cr Pearce seconded by Cr Bonanno that Council:**

1. **Notes the correspondence received from St Ambrose Parish Primary School, Woodend which includes the names of 156 parents.**
2. **Notes the specific request of a safe crossing area for children in Brooke Street, Woodend adjacent to the intersection with Templeton Street and that the estimated costs of works is included in the Draft 2021/2022 Council Budget process for consideration.**
3. **Notes that Council officers have been investigating these concerns since early this year and are now in contact with the school and concerned parents. They are working together investigating the safety issues raised in the broader precinct area and the ways these can be addressed.**

**CARRIED**



**NOTICE OF MOTION NO. 21/2020-21 – CR PEARCE**

That Council requests that the Chief Executive Officer prepare a report for a future Councillor Briefing in relation to the possible amendment of Section 42 of Council's Governance Rules in relation to petitions and joint letters, including but not limited to the acceptance of electronic petitions, to enable more efficient and effective ways for our communities to advocate to Council on local issues.

**It was moved by Cr Pearce seconded by Cr Death that Council requests that the Chief Executive Officer prepare a report for a future Councillor Briefing in relation to the possible amendment of Section 42 of Council's Governance Rules in relation to petitions and joint letters, including but not limited to the acceptance of electronic petitions, to enable more efficient and effective ways for our communities to advocate to Council on local issues.**

**CARRIED**

**NOTICE OF MOTION No. 22/2020-21 – CR WEST**

That Council directs the Chief Executive Officer to:

1. Begin work – within existing resources - on a site specific Planning Scheme Amendment to correct the zoning map line error affecting No.12 Noel Street, Lancefield.
2. Bring a report back to Council, by August 2021 Scheduled Council Meeting, containing a recommendation as to whether Council should seek authorisation to formally commence the Planning Scheme Amendment process.
3. Refer to budget deliberations any additional resources that may be required in order to facilitate such an Amendment

**It was moved by Cr West, seconded by Cr Neil that Council directs the Chief Executive Officer to:**

1. **Begin work – within existing resources - on a site specific Planning Scheme Amendment to correct the zoning map line error affecting No.12 Noel Street, Lancefield.**
2. **Bring a report back to Council, by August 2021 Scheduled Council Meeting, containing a recommendation as to whether Council should seek authorisation to formally commence the Planning Scheme Amendment process.**
3. **Refer to budget deliberations any additional resources that may be required in order to facilitate such an Amendment**

**CARRIED**

**15. URGENT BUSINESS**

Nil.

**16. CONFIDENTIAL REPORTS**

Nil.

**Closure of Meeting**

The meeting closed at 9.01pm.

**Councillor Anderson  
Mayor**