

Council Meeting Minutes

**Ordinary Council Meeting
Wednesday 24 June 2020 at 6.00pm
Held online and livestreamed at mrsc.vic.gov.au**

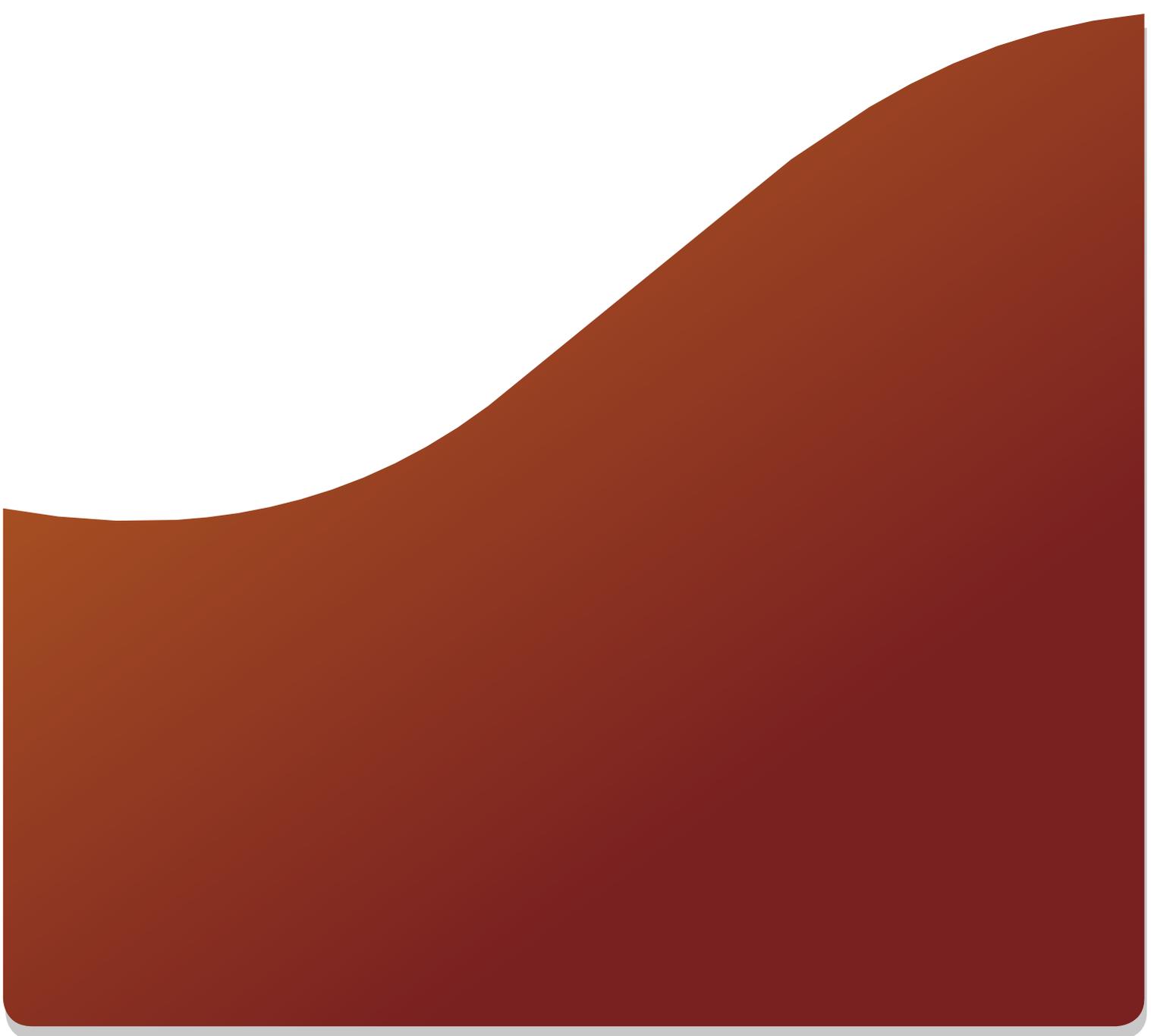


TABLE OF CONTENTS

ITEM	SUBJECT	PAGE NO.
1.	Recording and Live Streaming of this Council Meeting	1
2.	Present	1
3.	Apologies	1
4.	Declaration of Conflicts of Interest	2
5.	Mayor's Report	2
6.	Petitions	5
7.	Adoption of Minutes	5
8.	Record of Assemblies of Councillors	6
9.	Deputations and Presentations to Council	10
10.	Director Planning and Environment Reports	
PE.1	Application for Planning Permit PLN/2019/580 – Re-subdivision of two lots into fifteen lots – 142 and 144 Barry Street, Romsey	13
PE.2	Melbourne Kilmore Road Significant Tree Heritage Report	25
PE.3	Draft Gisborne Futures Structure Plan, Urban Design Framework and Neighbourhood Character Study	26
PE.4	Peri Urban Group of Rural Councils Economic Development Strategy (Draft) review	28
11.	Chief Executive Officer Reports	
CX.1	Aged care and disability reform impact on home support services – Update	29
CX.2	Draft Reconciliation Action Plan	31
12.	Director Corporate Services Reports	
CS.1	Contracts to be awarded as at 24 June 2020	31
CS.2	Small Project Grants – Consideration of grant applications	32

CS.3	Procurement Policy	32
CS.4	Report from the Audit Committee meeting held on 6 May 2020	32
CS.5	Revocation of Instrument of Appointment and Authorisation to staff under the Planning and Environment Act 1987	33
CS.6	Revised Instrument of Delegation from Council to CEO (S5)	33
13.	Director Assets and Operations	
AO.1	Mobile Trading Guidelines	35
14.	Notices of Motion	
	No. 14/2019-20 – Councillor Jennifer Anderson	36
15.	Urgent or Other Business	37
16.	Confidential Reports	39

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'* Protocol, which can be viewed on Council's website.

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

The Mayor noted the meeting was being held online and Councillors were attending via electronic means.

The meeting was conducted in accordance with Council's existing Meeting Procedure Local Law 11, noting that as indicated in some parts of the agenda, procedures were slightly modified to ensure the meeting remained compliant but could run effectively in the online environment.

As this meeting was held online there was no one present in the public gallery.

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 Henry Bleeck	East Ward
Cr Natasha Gayfer	East Ward
Cr Bill West	East Ward
Cr Mandi Mees (Deputy Mayor)	South Ward
Cr Helen Radnedge	South Ward
Cr Andrew Twaits	South Ward
Cr Jennifer Anderson	West Ward
Cr Roger Jukes	West Ward
Cr Janet Pearce (Mayor)	West Ward

In Attendance

Ms Margot Stork	Chief Executive Officer
Mr John Hausler	Director Corporate Services
Ms Sarah Noel	Acting Director Transition
Ms Angela Hughes	Director Planning and Environment
Ms Lauren Reader	Governance Coordinator
Ms Fiona Alexander	Manager Community Services
Mr Rob Ball	Manager Strategic Planning and Environment
Ms Wendy LeBrocq	Customer Service Officer (meeting moderator)

3. APOLOGIES

Mr Shane Walden	Director Assets and Operations
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4. DECLARATION OF CONFLICTS OF INTEREST

Nil

5. MAYOR'S REPORT

The Mayor tabled a report highlighting Council's response to the coronavirus COVID-19 pandemic and happenings around the shire across the themes of the Council Plan.

Update - COVID-19 Pandemic

We are moving forward with restrictions gradually easing, and facilities and businesses are opening. There are regulations in place, and we are pleased to see areas such as libraries and Hanging Rock opening, and leading in to the school holidays there is a plan for the museum and other areas in the shire to follow. We are conscious of the fluid nature and changing situations and are adapting to the information and guidelines provided.

Whilst there is a process in place for the resumption of some Council services, there are many factors to take in to consideration before services and facilities are reopened. Again we thank you for your patience and understanding.

I encourage you all to refer to Council's website which includes important information on services, support and resources available for businesses and the community for all ages.

We continue to spread the positive stories of residents, groups and businesses doing great things and we all continue to be inspired by the community spirit and generosity. During this time many have supported local businesses as they have adapted and it is so important as we begin to recover that this support continues and people "Buy Local".

The Pandemic Working Group, the Recovery Operations Centre (ROC) and Council's Business Support Committee continue to meet frequently. Council is pleased with the response so far from Council's Business Impact Survey, which asks locals what impact COVID-19 restrictions have had on their business and aims to help Council define what the business community needs and how we can assist them now and in to the future.

I would like to take the opportunity to highlight some achievements and activities that have occurred in the shire during this month related to Council's themes.

1. Liveability: Strengthen community resilience, inclusion, safety, accessibility and connectivity; protect our natural environment, heritage and rural character.

University of the Third Age (Kyneton U3A)

I was pleased to be invited to join members via "Zoom" to present information on the Draft Budget and also participate in a Question and Answer (Q&A) session. We have made great progress in the telecommunications area connecting people and groups via virtual means.

A reminder that submissions close on 30 June and we encourage everyone to take the opportunity and provide feedback on the Draft Budget, Council Plan (Year 4) and Strategic Resource Plan.

Acknowledgments

Congratulations to:

The following residents have been awarded Officer of the Order of Australia (AO), Member of the Order of Australia (AM) or Medal of the Order of Australia (OAM) in the recent Queen's Birthday Honours Awards. They will be formally recognised during this ordinary Council Meeting this evening. Your involvement is greatly valued by Macedon Ranges Shire Council and the wider community. We commend your actions, and on behalf of the people of the Macedon Ranges Shire thank you for your contribution:

- Mr Julien O'Connell AO - We recognise your distinguished service to community health in the aged care sector through executive roles, and to higher education.
- Dr Susan Mayes AM - We recognise your significant service to physiotherapy, particularly to professional ballet dancers.
- Dr David Kram AM - We recognise your significant service to the performing arts, to opera and chamber choirs, and to education.
- Ms Jay Bonnington AM - We recognise your significant service to the community through support for charitable organisations, and to business.
- Mr Ronald Alexander OAM - We recognise your significant service to local government and the community of Greater Bendigo.

Other achievements

- Young Gun of Wine (YGOW) Awards - now in its 14th year, another congratulations, following on from March 2020, to Loique Alain and Chris Dilworth for winning two of the five awards announced, these being for the YGOW award and the Best New Act award. We know it has been a challenging time for many businesses and wine makers and it is heartening to hear of their success, their acknowledgment of other winemakers in our shire who have assisted them and the quality and uniqueness of wines from our region.
- The Royal Historical Society Merit Award - congratulations to Dr Susan Walter, a member from the Malmsbury Historical Society, who was recognised with this award for her "leadership, commitment and dedication to the committee and the society's events".

2019 Active Living Census Results

These have now been received and detail how residents in our shire like to get active and how often this occurs. This is part of the Healthy Heart of Victoria initiative which was funded to address concerning health statistics within the Loddon Campaspe region (which includes seven Shires). The data will now

help our community to obtain funding to create better health outcomes and drive ongoing positive change across the region. Facilities such as the outdoor gym and exercise equipment in some of our towns has been a result of this funding. The report is available on Council's website.

2. Sustainability: Consider and respect the needs of current and future generations in all we do

Funding support

During the past month grants have been received through the Federal and State Government for areas such as the Community Sport Sector Short-term Survival Packages of up to \$1,000, Community Grants funding to Volunteer Groups of up to \$5,000, significant amounts to primary and secondary school upgrades in our shire and road infrastructure amongst others. We appreciate the support of State and Federal Governments and their departments, and Council continues to monitor grant opportunities and announcements for funding.

Organic Herbicide Trial

Council is trialling this herbicide made from sustainably sourced pine oil in areas such as playgrounds and Botanic gardens (Council is the only Shire in Victoria with three Botanic Gardens). It is certified to the Australian Certified Organic Standard and has a pre-emergent activity that kills weed seed in the soil which can reduce the amount of spraying required. Our Parks and Gardens team will monitor use of this product and evaluate results to determine its long term use.

Cool Changes 3442

Online connections continue as community members continue to collaborate and provide feedback on this important project.

3. Efficiency: Smart service delivery, asset management and resource allocation.

Governance

Councillors, as delegated representatives, continued to attend numerous teleconference meetings as all face-to-face meetings are still suspended. These included:

- Workspace Board meeting
- Peri Urban Group Rural Councils (PUGRC)
- Submitters Committee Meeting

Council's second Submitters Committee was held on line this month and Councillors heard presentations from eight submitters (applicants/landowners and objectors/submitters) on two statutory planning matters that will come before an Ordinary Council Meeting (OCM).

Communication and connections

The Chief Executive Officer (CEO) and I met with:

- Federal Member for McEwan, Rob Mitchell MP
- Federal Member for Bendigo, Lisa Chesters MP
- Loddon Campaspe Regional Mayor and CEO biannual meeting

I joined meetings with:

- Local Government Mayor Advisory Panel (LGMAP)
- Australian Women in Local Government Association (ALGWA) Victorian Branch.

Citizenship Ceremonies

Following Federal Government advice and regulations, Council commenced online citizenship ceremonies for approved citizenship conferees this week. Online ceremonies must be conducted one-on-one, unless a family group is being conferred. Yesterday we welcomed 13 new people originating from 10 different countries. It was an exciting time and as always it is a privilege to be part of this significant moment. One person had been living in Australia for 70 years. I shall continue to conduct these each week as an authorised Presiding Officer, until in-person ceremonies can resume.

Thank you to the Executive Assistants for their support to ensure these were able to proceed.

We know how important and what a proud moment it is to become an Australian citizen, and it is lovely to be able to facilitate this.

It was moved by Cr Anderson seconded by Cr Gayfer that the Mayor's Report as tabled be received.

CARRIED

6. PETITIONS

Nil

7. ADOPTION OF MINUTES

Ordinary Council Meeting: Wednesday 27 May 2020

Officer Recommendation:

That the minutes of the Ordinary Council Meeting of the Macedon Ranges Shire Council held on Wednesday 27 May 2020 as circulated be confirmed.

The Director of Corporate Services sought to make an Amended Officer Recommendation to correct two minor numbering errors in the minutes.

Amended Officer Recommendation:

That the minutes of the Ordinary Meeting of the Macedon Ranges Shire Council held on Wednesday 27 May 2020 as circulated be confirmed, subject to the following alterations proposed to correct two minor numbering errors that were included in the motion passed at that meeting in relation to PE.1 PLN/2010/477:

That item PE.1 PLN/2010/477 – 1-3 Station Street, Riddells Creek, resolution dot point 3 and 6 be amended as follows to read

- 3. The development does not accord with the Design and Development Overlay Schedule 24 (DDO4) which has been introduced to the site since the original issue of the planning permit. In particular:**
 - a) The development as viewed from the Public Gardens Reserve will lead to detrimental visual impact, including scale, finishes, inadequate space for screen planting.**
 - b) The design of the proposed supermarket does not contribute to the architectural or urban design of Riddells Creek in particular the activation of Station Street.**
 - c) Inadequate visual landscaping opportunities are provided to soften the impact of the proposal.**
 - d) The proposal is an overdevelopment of the site and there is no evident need for such a large supermarket in Riddells Creek.**

...
- 6. The development does not comply with the requirements of Clause 53.18 Stormwater Management in Urban Development, introduced to the Victorian Planning Provisions since the granting of the original permit.**

It was moved by Cr Anderson seconded by Cr Twaits that the Amended Officer Recommendation be adopted.

CARRIED

8. RECORD OF ASSEMBLIES OF COUNCILLORS – JUNE 2020

1. Summary / Purpose

The purpose of this report is to provide the record of any assembly of Councillors, which has been held since the last Council Meeting, so that it can be recorded in the minutes of the formal Council Meeting.

2. Policy Context

Section 80A of the *Local Government Act 1989* (the Act) requires the record of any assembly of Councillors to be reported to the next practicable Council Meeting and recorded in the minutes of that meeting.

3. Background Information

The Act provides a definition of an assembly of Councillors where conflicts of interest must be disclosed.

A meeting will be an assembly of Councillors if it considers matters that are likely to be the subject of a Council decision, or the exercise of a Council delegation and the meeting is:

1. A planned or scheduled meeting that includes at least half the Councillors (5) and a member of Council staff; or
2. Is an Advisory Committee of the Council where one or more Councillors are present.

Note: Advisory Committee means any committee established by the Council, other than a special committee, that provides advice to (a) the Council, or (b) a special committee, or (c) a member of Council staff who has been delegated a power, duty or function of the Council under Section 98 of the Act.

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

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

4. Report

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

1.	Date / Time	Type of Assembly
	27 May 2020 8.30am – 10.00am	Councillor Briefing
	Venue	<i>Briefing conducted via teleconference</i>
	Present – Councillors	Crs Anderson, Bleeck, Gayfer, Mees, Pearce, Radnedge, Twaits, West
	Present – Officers	Margot Stork, John Hausler, Angela Hughes, Shane Walden, Sarah Noel, Lauren Reader, Leanne Manton, Fiona Alexander, Robyn Till, Awais Sadiq
	Presenters	Nil
	Items discussed	<ul style="list-style-type: none"> • Aged Care Services Reform • Recovery Operations Centre • Megafauna Interpretation Centre Feasibility • Agenda Review <ul style="list-style-type: none"> - PLN/2010/477 – 1-3 Station Street, Riddells Creek - PLN2019/279 – 2-8 Poplar Drive, Romsey - PLN/2015/294/A – 936 Bacchus Marsh Road, Bullengarook - PLN/2019/340 – Rochford Road, Lancefield - Heritage Overlay Control Bunjil Creek Bridge and Channel - Kyneton Airfield
	Conflicts of interest declared by Councillors and record of	Nil

them leaving the meeting when the matter about which they declared the conflict of interest was discussed	Did they leave the assembly? N/A
Conflicts of interest declared by officers	Nil Did they leave the assembly? N/A

2.	Date / Time	Type of Assembly
	3 June 2020 8.30am – 10.35am	Councillor Briefing
	Venue	<i>Briefing conducted via teleconference</i>
	Present – Councillors	Crs Anderson, Gayfer, Mees, Pearce, Radnedge, Twaits, West
	Present – Officers	Margot Stork, John Hausler, Angela Hughes, Shane Walden, Sarah Noel, Lauren Reader, Leanne Manton, Jill Karena, Karen Dunstan, Leanne Khan, Rob Ball, Stephen Pykett
	Presenters	Shelley McGuinness and Edwin Irvine, RMCG Consultants
	Items discussed	<ul style="list-style-type: none"> • Recovery Operations Centre • Rural Land Use Strategy • Gisborne Futures • Peri Urban Group of Councils
	Conflicts of interest declared by Councillors and record of them leaving the meeting when the matter about which they declared the conflict of interest was discussed	Nil Did they leave the assembly? N/A
	Conflicts of interest declared by officers	Nil Did they leave the assembly? N/A

3.	Date / Time	Type of Assembly
	10 June 2020 8.30am – 11.15am	Councillor Briefing
	Venue	<i>Briefing conducted via teleconference</i>
	Present – Councillors	Crs Anderson, Bleeck, Gayfer, Mees, Pearce, Radnedge, Twaits, West
	Present – Officers	Margot Stork, John Hausler, Angela Hughes, Shane Walden, Sarah Noel, Lauren Reader, Leanne Manton, Rob Ball, Michelle Wyatt, Krista Patterson-Majoor, Awais Sadiq, Stephen Pykett, Emilie Byrne, Fiona Alexander, Will Rayner
	Presenters	Nil

Items discussed	<ul style="list-style-type: none"> • Council Submission to the Parliamentary Inquiry into Ecosystem Decline in Victoria • S5 Instrument of Delegation (Council to CEO) • Turners Lane Road Naming Proposal • Council Meeting Agenda Item Questions/ Discussion <ul style="list-style-type: none"> - Melbourne Kilmore Road Significant Tree Heritage Report - Draft Gisborne Futures Structure Plan, Urban Design Framework and Neighbourhood Character Study - Peri Urban Group of Rural Council's Economic Development Strategy (Draft) Review - Draft Reconciliation Action Plan - Procurement Policy 2020 - Audit and Risk Committee Charter and Membership • Submitters Committee Agenda • Growing Suburbs Funding Opportunity • Visitor Accommodation Opportunities Study • Other Matters <ul style="list-style-type: none"> - Digital Connectivity - Processes for Reopening of Council Facilities
Conflicts of interest declared by Councillors and record of them leaving the meeting when the matter about which they declared the conflict of interest was discussed	Nil Did they leave the assembly? N/A
Conflicts of interest declared by officers	Nil Did they leave the assembly? N/A

4.	Date / Time	Type of Assembly
	17 June 2020 8.30am – 10.15am	Councillor Briefing
Venue	<i>Briefing conducted via teleconference</i>	
Present – Councillors	Crs Anderson, Gayfer, Pearce, Twaits, West	
Present – Officers	John Hausler, Angela Hughes, Sarah Noel, Lauren Reader, Leon den Dryver, Leanne Manton, Stephen Pykett, Will Rayner, Nicole Pietruschka	
Presenters	Nil	
Items discussed	<ul style="list-style-type: none"> • Review of Council Facilities Update • Governance and Election Update • Events and Festivals Grant Program 2020-21 Assessment Panel Recommendation 	
Conflicts of interest declared	Nil	

by Councillors and record of them leaving the meeting when the matter about which they declared the conflict of interest was discussed	Did they leave the assembly? N/A
Conflicts of interest declared by officers	Nil Did they leave the assembly? N/A

Officer Recommendation:

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

The Director of Corporate Services proposed an Amended Officer Recommendation to correct a minor error in the start time for the Councillor Briefing of 17 June 2020.

Amended Officer Recommendation:

That Council endorse the record of assemblies of Councillors as outlined in this report, noting that a minor correction will be made to the record to reflect that the Councillor Briefing held on Wednesday 17 June 2020 commenced at 9.00am rather than 8.30am.

It was moved by Cr Anderson seconded by Cr West that the Amended Officer Recommendation be adopted.

CARRIED

9. DEPUTATIONS AND PRESENTATIONS TO COUNCIL

RECOGNITION OF QUEEN’S BIRTHDAY HONOUR RECIPIENTS

As an acknowledgement of their achievements and service to the community the following five Macedon Ranges Shire residents were recently recognised through the 2020 Queen’s Birthday Honours Awards:

- Mr Ronald Alexander OAM from Mount Macedon for service to local government, and to the community of Bendigo;
- Ms Jay Bonnington AM from Gisborne for significant service to the community through support for charitable organisations, and to business;
- Dr David Kram AM from Malmsbury for significant service to the performing arts, to opera and chamber choirs, and to the education;
- Dr Susan Mayes AM from Riddells Creek for significant service to physiotherapy, particularly to professional ballet dancers
- Mr Julien O’Connell AO from Gisborne for distinguished service to community health in the aged care sector through executive roles, and to higher education.

Officer Recommendation:

That a letter under the Common Seal of Council be presented to Ronald Alexander OAM, Jay Bonnington AM, Dr David Kram AM, Dr Susan Mayes AM and Julien O’Connell AO in recognition of their 2020 Queen’s Birthday Honour Awards.

It was moved by Cr Anderson seconded by Cr Gayfer that the Officer Recommendation be adopted.

CARRIED

The Mayor, Cr Pearce, congratulated all Queen's Birthday Honour Recipients.

Suspension of Standing Orders

6.26pm It was moved by Cr Anderson and seconded by Cr Jukes that standing orders be suspended to consider questions from the gallery.

CARRIED

Questions from the Public

Name: Anonymous

Question: Could council please advise what assessments have been conducted to determine the suitability of the proposed relocation of the RV dump point to the Bourke Street location at the rear of the Information Centre?

Response: The CEO advised the meeting that the site at the rear of the Kyneton Visitor Information Centre toilet block is one of many sites that are being assessed throughout the township. Sites have been assessed against the following criteria:

1. Connection to gravity fed sewer main and potable water infrastructure.
2. Impacts and safety
 - a. Compatibility with existing user groups and residents
 - b. Traffic - capability of roads to accommodate large vehicles and parking
 - c. Site safety
3. RV access requirements (as per conditions of Campervan and Motorhome Club Australia for RV Friendly Town status).
 - a. Allows for drive through or minimum turning circle of 35 metres.
 - b. Minimum 20 metre pull over space in front of disposal point.
 - c. Free access and open during normal business hours as a minimum.
4. Construction and maintenance costs.
5. Desirable requirement
 - a. Suitable ease of access to Kyneton township.
 - b. Preferably two-way, through access to major road.
 - c. Nearby parking and visitor facilities (toilets, sheltered seating area, attractive public realm, play area for children).

Detailed assessments of feasible sites are still being undertaken.

It is important to note that no decision has been made to relocate the existing dump point to a new site. If or when this decision is ready to be made, it will be reported to a Council Meeting. At this stage, officers cannot give an indication as to which future Council Meeting the matter will be reported to.

Name: Anonymous

Question: A question please regarding the proposed RV/Caravan dump point on Bourke St, Kyneton. There are a number of different community groups who use the precinct of the Kyneton Tourist Information Centre some of which are school bus companies and parents for student drop off and pick up, airport

shuttle bus, cycle groups, car clubs, senior citizens and parent groups using the playground. Not to mention residents of Bourke St and surrounds who enjoy the amenity of the area. It is understood further assessment has been undertaken by university students that has found Bourke St to be the most economically viable location in Kyneton. When will community groups and residents be provided with an opportunity to actively consult with council on this project as we have ongoing objections and are not getting adequate answers?

Response: The CEO advised the meeting that. Officers anticipate bringing a report to a future Ordinary Council Meeting on this matter. This report will make recommendations about how Council could or should proceed with this project, if they choose to proceed at all. It is anticipated that any future Council resolution will also touch on requirements for the kind of consultation that may be required to be carried out on this project in future.

Name: Anonymous

Question: Are there plans to resurface the asphalt in Bourke Street, Kyneton in the next 12 months?

Response: The CEO advised the meeting that the section of Bourke Street that is Council owned is the service road behind the information centre. The condition of the service road of Bourke Street is determined as being of fair/average condition based on our asset condition inspection records. No resurfacing is planned in the next 12–24 months. The road will require resurfacing in the next 3-5 years and will be monitored during this time. Minor patching will take place in the next 12–18 months to rectify minor defects, such as potholes. If the inquiry is about the main traffic lanes of Bourke Street this is maintained by Regional Roads Victoria.

Name: Mr/Ms/Mx Roberts

Question: 1 Can the CEO please advise what progress has been made in the negotiations regarding the purchase of the East Paddock, Hanging Rock by the State Government; **2)** Can the CEO please advise of an indicative date when the purchase will be finalised.

Response: The CEO advised the meeting that in relation to question 1, discussions regarding this matter with the State Government are ongoing. When further information is able to be shared with the community it will be. In relation to question 2, as the process to purchase the East Paddock is a State Government initiative it is not possible for Council to provide an indicative date on when the States process will be finalised.

Name: Annette Papax

Question: As Gisborne residents we have witnessed an alarming increase in unchecked urbanisation within the Macedon Ranges region with a particularly sad focus in transforming our Gisborne “village in the valley” into a fairly average suburb. Can someone please explain why we are seeing an increased admission of dense and poor quality urban growth, a failure in addressing culturally significant sites and in many instances the poor monitoring and unsustainable value of green spaces and old growth trees? We realise that increased population is inevitable but why is there a seeming and growing intent on destroying the country character of Gisborne? For example, don’t meandering roads lined with trees and gardens encourage healthier lifestyles than narrow, straight thoroughfares dotted with ugly cement roundabouts? Does

the Gisborne Futures Strategic Plan prioritise ‘Country’ over profit and can we anticipate necessary changes will be made to ensure our regional town will not become another densely impacted suburbia?

Response: The CEO advised the meeting that the draft Gisborne Futures Structure Plan, Urban Design Framework and Neighbourhood Character Study are intended to guide the development of Gisborne over the next 30 years while trying to ensure that the towns unique character and the valued features are protected. The draft Structure Plan seeks to put in place a number of measures to protect trees, landscapes, views and the qualities of the town that make it an attractive and popular place to live. Under the draft Structure Plan, developments in new growth areas will be required to deliver a more sustainable and inclusive urban form including wide connector streets, connected open spaces and buildings and streets that respond to environmentally sustainable design principles.

Name: Anna Treasure

Question: Please advise which other locations have been considered for the proposed RV dump point in Kyneton?

Response: The CEO advised the meeting that the answer to this question was the same as the answer to the first question that had been read and responded to.

Resumption of Standing Orders

6.36pm **It was moved by Cr Anderson and seconded by Cr Gayfer that standing orders be resumed.**

CARRIED

10. DIRECTOR PLANNING AND ENVIRONMENT REPORTS:

Report No: Report Title:

PE.1 Application for Planning Permit PLN/2019/580 – Re-subdivision of two (2) lots into fifteen (15) lots – 142 and 144 Barry Street, Romsey

Purpose and Overview

It is proposed to resubdivide two existing lots into fifteen lots. The average lot size will be 928m², with the majority of lots (thirteen lots out of fifteen) having an area less than 1000m².

The application has been advertised and six objections have been received.

Key issues to be considered relate to planning policy, the Romsey Residential Character Study, April 2012 (a reference document in the Planning Scheme), tree removal, traffic and non-compliance with Clause 56 of the Planning Scheme.

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

Recommendation

That Council:

- 1. Issue a Notice of Decision to Refuse to Grant a Permit for the re-subdivision of two (2) lots into fifteen (15) lots at PC 164407E and Lot 3 LP 138565 P/Lancefield 142 and 144 Barry Street, 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 contrary to the purpose of the zone as it fails to respect the neighbourhood character of the area.**
 - 5. The proposal results in removal of significant amount of vegetation which forms part of the character of the area.**
 - 6. The proposal conflicts with Clause 56 for Residential Subdivision as:
 - a) The development does not respond to the neighbourhood character intentions.**
 - b) The development does not consider shared access for pedestrians and cyclists.****

It was moved by Cr West seconded by Cr Bleeck

That Council resolve to issue a Notice of Decision to Grant a Permit for the re-subdivision of two (2) lots into fifteen (15) lots at PC 164407E and LOT 3 LP 138565 P/Lancefield 142 & 144 Barry Street, ROMSEY subject to following conditions:

- 1. Before the plan of subdivision is certified under the Subdivision Act 1988, 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 plans submitted with the application, but modified to show:**

- a) A Plan of Subdivision only showing the dimensions of each lot without any features and aerial;
- b) A plan showing Tree Protection Zones with dimensions for all trees to be retained in accordance with the submitted Arboricultural Assessment Report prepared by DB Horticulture Pty Ltd dates 29 October 2019.
- c) Solid timber fencing or Colorbond fencing with a minimum height of 1.8m on all external boundaries of the site with the exception of the site's frontage to Barry Street.
- d) Details of location of lighting along the internal road. The lighting must also be shown and labelled as low level LED lighting and baffled to prevent light spill outside the site and lot boundaries.
- e) A 5m X 5m corner splay at the intersection of Barry Street and the new internal road.
- f) An amended landscape plan to include the following:
 - i. A plant schedule showing all plant supply sizes with street trees (minimum height 1.6m and 45Litre pot) and groundcovers 140mm pot size.
 - ii. Trees are to be spaced at a minimum of one per lot or every 10 metres, whichever is the lesser.
 - iii. A shrub planting detail
 - iv. An advanced tree planting detail with a minimum 52 Greenwell Water saver and 3 hardwood stakes;
 - v. A landscape maintenance schedule for two years

Notes on Landscape Plan

The following notations to be added on the landscape plan;

- Tree planting is to occur between April & September to maximise establishment and survival.
- Tree locations shown on this plan are a guide only and may require adjustment to coordinate with final service locations, Powercor requirements, and 'as constructed' infrastructure.
- Street tree locations are to be set-out and approved on site by the Council Landscape Officer in accordance with the Tree Management policy prior to installation
- Contractors are to confirm the location of all underground services prior to commencement of any excavation.

- 2. The subdivision as 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 issue of a Statement of Compliance, the landscaping works in the internal road and Barry Street road reserve, as shown on the endorsed plans must be carried out, completed and thereafter maintained to the satisfaction of the Responsible Authority.**
- 4. Prior to the issue of a Statement of Compliance, the owner 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) The Council shall have the right to enter into Lot 1, at all reasonable times to inspect, construct, install, clean, repair and maintain in good working order all tanks, pits, filtration device, pipelines and other structures in or upon the said land which comprise the on-site detention and filtration system.**
 - b) The owner/s of Lot 1 shall indemnify Council against damage to their land arising from the failure of any component of the on-site detention and any associated filtration system.**
 - c) Where there is fencing along the Barry Street frontage of Lot 1 that requires a maintenance access gate to the on-site detention system from Barry Street, Lot 1 shall not have vehicular access from Barry Street. Any gate from Barry Street shall be used for maintenance purposes by the Council staff only.**
 - d) Any future dwelling on Lot 1 and Lot 15 must front onto Barry Street, with the main pedestrian entry to the dwelling off Barry Street in order to provide sense of address to the satisfaction of the Responsible Authority.**
 - e) Vehicle access to Lot 1 and Lot 15 must be from the internal road only and vehicle access to Lot 1 and Lot 15 directly off Barry Street is not permitted.**
 - f) No fencing may be erected along the internal road boundary, unless with the prior written consent of the Responsible Authority,**
 - g) All landscape planting shown on the endorsed plans must be maintained at all times and replaced with appropriate species as agreed by the Responsible Authority if necessary, to the satisfaction of the Responsible Authority.**
 - h) Only low level LED lighting may be installed in the internal road.**
 - i) All lighting must be suitably baffled to prevent light spill outside the boundaries of the internal road and the lots.**
 - j) Trees marked for retention as shown on endorsed plans forming part of this permit, shall not be lopped, destroyed or removed**

unless with the prior written consent from the Responsible Authority.

- k) Prior to development commencing (including any demolition, excavation, tree removal, delivery of building/construction materials and/or temporary buildings) tree protection fencing must be erected around all the vegetation to be protected, to the satisfaction of the Responsible Authority. The tree protection zones must be in accordance with the tree protection zones identified for those trees on the endorsed plans forming part of this permit. The tree protection fencing must form a visual and physical barrier, be a minimum height of 1.5m above ground level, and include signage clearly marked “Tree Protection Zone – No Entry” on all sides.
- l) Unless with the prior written consent of the Responsible Authority, the following actions must not be undertaken in any Tree Protection Zone (TPZ) as identified on the endorsed plan, to the satisfaction of the Responsible Authority:
 - i. Materials or equipment stored within the zone;
 - ii. Nothing is to be attached to any tree (including temporary service wires, nails, screws or any other fixing device);
 - iii. Open cut trenching or excavation works (whether or not for laying of services) undertaken within the zone;
 - iv. Changes to the soil grade level within the zone.

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, administration and (if later sought) amendment or cancellation of the Section 173 Agreement.
5. Prior to the issuing of the Statement of Compliance for subdivision, the owner must pay to Council a 5% cash-in-lieu open space contribution in respect to all of the land in the subdivision pursuant to Section 18 of the Subdivision Act 1988.
 6. Before the issue of a Statement of Compliance for the subdivision under the Subdivision Act 1988, 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.
 7. Prior to the issue of a Statement of Compliance all of the site’s boundaries (with the exception of the Barry Street boundary) must be

fenced with 1.8m high timber or Colorbond fencing as shown on the endorsed plan, to the satisfaction of the Responsible Authority.

8. Prior to the issue of a Statement of Compliance all outbuildings and structures outside Lot 10 must be removed to the satisfaction of the Responsible Authority.
9. 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.
10. The owner of the land must enter into an agreement with:
 - a) A telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and
 - b) A suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.
11. Before the issue of a Statement of Compliance for the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:
 - a) A telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and
 - b) A suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

MRSC Engineering Conditions:

12. Prior to the commencement of works or certification of the plan of subdivision, Engineering Plans must be submitted to and approved by Responsible Authority including payment of plan checking and supervision fees. The plans must include:
 - a) All necessary computations and supporting design documentation for any structure, civil and drainage infrastructure and geotechnical investigation report.

- b) Details of any cut and fill earthworks including retaining walls.
- c) Fully sealed roads with 7.3 metres wide carriageway, kerb and channel, stormwater drainage and concrete footpath. Engineering plans must be supported by long sections, cross sections and setout plan.
- d) Reconstruction of Barry Street frontage of the site that includes kerb and channel, 1.5 metres wide footpath, stormwater drainage and nature strip. Engineering plan must be supported by cross sections along Barry Street.
- e) Splay at the intersection to suit road functions.
- f) Sealed driveway within the Shaft of Lot 13.
- g) New sealed crossover for each lot. Crossovers should 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.
- h) Detailed design of the stormwater drainage system. The design must be supported by longitudinal sections with hydraulic grade line analysis.
- i) 100 year ARI post development flow must be restricted to the pre-development level by an on-site detention system.
- j) In the case fencing is provided at Barry Street frontage of Lot 1, the fencing must allow conveyance of surcharged flow from the on-site detention system to Barry Street. A maintenance gate to Lot 1 from Barry Street must be provided, adjacent to the on-site detention system.
- k) 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).
- l) Flow paths of a 1 in 100 year ARI storm need to be determined and the subdivision designed such that no private property is inundated.
- m) Provision for all services and conduits (underground) including alignments and offsets. Underground utility services are to be shown on the section drawings.
- n) Provision of public street lighting and underground electricity supply within all streets.
- o) Traffic control measures including street name signs.
- p) A separate signage and line marking identifying the road layout, proposed signs, linemarking RRPMS and a sign schedule.

- q) **Survey details of the canopy trunk location and size of trees to be retained and associated tree protection zone.**
- r) **Permanent survey marks, levelled to the Australian Height Datum and coordinated to the Australian Map Grid.**
- 13. **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.**
- 14. **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.**
 - g) **Construct/repair/widen/remove any crossover.**
- 15. **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.

16. **Prior to the 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 from all buildings, tanks and paved areas 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) **The drainage system must have provision for runoff from the upstream catchments and include any downstream works necessary to manage flows from the subdivision.**
 - f) **Objectives of the Urban Stormwater – Best Practice Environmental Management Guidelines (Victorian Stormwater Committee, 1999) are satisfied.**

17. **Prior to the issue of a Statement of Compliance, all land within each lot to be used for a dwelling must be filled and compacted in accordance with Australian Standard AS3798:2007. The results of the tests must be produced and be to the satisfaction of the Responsible Authority.**

18. **Prior to the issue of Statement of Compliance for the subdivision, a Maintenance Management Plan must be submitted to and approved by Council where appropriate for all Water Sensitive Urban Design infrastructure. The Maintenance Management Plan must include:**
 - a) **A schedule of assets.**
 - b) **A maintenance regime for the maintenance period which is the life of the development or 1 years, whichever is greater.**
 - c) **A record of the maintenance works undertaken during the maintenance period must be submitted to Council prior to handover.**

19. **Prior to the issue of Statement of Compliance, all services to the existing structures are to be redirected as to not pass through the property boundaries of adjoining lots.**

20. Prior to the issue of a Statement of Compliance, the following ‘as-constructed’ documentation for road, drainage and public open space assets must be submitted to and approved by the Responsible Authority:
 - a) As-constructed drawings in hardcopy A3 format that include all alterations made during construction.
 - b) As-constructed drawings in AutoCAD (2000) and Acrobat PDF formats that include all alterations made during construction.
 - c) Asset information in digital format and in the form of a schedule of quantities.
21. The subdivision is to be constructed in accordance with Macedon Ranges Shire Council’s Policy Engineering Requirements for Infrastructure Construction (June 2010).
22. No polluted and/or sediment laden run-off is to be discharged directly or indirectly into drains or watercourses. Soil erosion control measures must be employed throughout the development works in accordance with Construction Techniques for Sediment Pollution Control (EPA 1991) and Environmental Guidelines for Major Construction Sites (EPA 1995) to the satisfaction of the Responsible Authority.

Western Water Conditions:

23. Payment of new customer contributions for each lot created by the development, such amount being determined by Western Water at the time of payment.
24. The operator under this permit shall be obliged to enter into an Agreement with 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 Western Water. The owner/applicant shall make a written request to Western Water for the terms and conditions of the agreement.

Melbourne Water Conditions:

25. Pollution and sediment laden runoff shall not be discharged directly or indirectly into Melbourne Water's drains or waterways.
26. Prior to Certification, the Plan of Subdivision must be referred to Melbourne Water, in accordance with Section 8 of the Subdivision Act 1988.

Powercor Conditions:

27. This letter shall be supplied to the applicant in its entirety.

- 28. The plan of subdivision submitted for certification under the Subdivision Act 1988 shall be referred to the Distributor in accordance with Section 8 of that Act.
- 29. The applicant shall provide an electricity supply to all lots in the subdivision in accordance with the Distributor’s requirements and standards.

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

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

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

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

Notes: Areas set aside for substations will be formalised to the Distributor’s requirements under one of the following arrangements:

- RESERVES established by the applicant in favour of the Distributor.
- SUBSTATION LEASE at nominal rental for a period of 30 years with rights to extend the lease for a further 30 years. The Distributor will register such leases on title by way of a caveat prior to the registration of the plan of subdivision.

- 32. The applicant shall establish easements on the subdivision, for all existing Distributor electric lines where easements have not been otherwise provided on the land and for any new powerlines to service the lots or adjust the positioning existing easements.

Notes

- Existing easements may need to be amended to meet the Distributor’s requirements
- Easements required by the Distributor shall be specified on the subdivision and show the Purpose, Origin and the In Favour of party as follows:

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

			Industry Act 2000	
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Downer Condition:

33. The plan of subdivision submitted for certification must be referred to AusNet Gas Services in accordance with Section 8 of the Subdivision Act 1988.

CFA Conditions:

34. **Hydrants**

- a) Above or below ground operable hydrants must be provided. The maximum distance between these hydrants and the rear of all building envelopes (or in the absence of building envelopes, the rear of the lots) must be 120 metres and the hydrants must be no more than 200 metres apart. These distances must be measured around lot boundaries.
- b) The hydrants must be identified with marker posts and road reflectors as applicable to the satisfaction of the Country Fire Authority.
- c) ****Note – CFA’s requirements for identification of hydrants are specified in “Identification of Street Hydrants for Fire fighting Purposes” available under publications on the CFA web site (www.cfa.vic.gov.au)**

35. **Roads**

- a) Roads must be constructed to a standard so that they are accessible in all weather conditions and capable of accommodating a vehicle of 15 tonnes for the trafficable road width.
- b) Proposed roads must have a suitable trafficable width to allow the unimpeded access of emergency fire fighting vehicles (notwithstanding any parking restrictions that Council may apply) to the satisfaction of CFA.
- c) Dead end roads and cul-de-sac’s more than 60m in length from the nearest intersection must have a turning circle with a minimum radius of 8m (including roll-over kerbs if they are provided); T or Y heads of dimensions specified by the CFA may be used as alternatives.
- d) The average grade must be no more than 1 in 7 (14.4%) (8.1 degrees) with a maximum of no more than 1 in 5 (20%) (11.3 degrees) for no more than 50 meters. Dips must have no more than a 1 in 8 (12%) (7.1 degree) entry and exit angle.
- e) Curves must have a minimum inner radius of 10 metres.

Permit Expiry:

36. 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.

LOST

It was moved by Cr Gayfer seconded by Cr Radnedge that the Officer Recommendation be adopted.

CARRIED

Report No: Report Title:

PE.2 Melbourne Kilmore Road Significant Tree Heritage Report

The purpose of this report is to acknowledge the heritage significance of the elm and oak trees at the intersection of Melbourne Road and Kilmore Road, Gisborne and to recommend that a permanent heritage overlay be applied to these trees, via a Planning Scheme Amendment.

At the Ordinary Meeting of Council of 27 May 2020 Council resolved:

“That Council:

- ***Adopt the Local-Level Heritage Assessment: Bunjil Creek Bridge & Channel, Gisborne, GJM Heritage, April 2020.***
- ***Request the Minister for Planning authorise the preparation of Planning Scheme Amendment C143macr to the Macedon Ranges Planning Scheme to apply Heritage Overlay (HO351) permanently to the Bunjil Creek Bridge and Channel.”***

This report provides a background to the Regional Roads Victoria (RRV) Melbourne Road and Kilmore Road Intersection upgrade project, which would require the removal of several mature trees, the community consultation that has been undertaken to date, and the heritage assessment that has been carried out to identify the local historic significance of the mature elm and oak plantings. A request – Planning Scheme Amendment C144macr – has been submitted under delegation to the Minister for Planning for an interim Heritage Overlay HO352 to be placed on two of the heritage trees. This report proposes to introduce permanent heritage overlay controls through Planning Scheme Amendment C143macr to the Macedon Ranges Planning Scheme, to the Bunjil Creek Bridge and Channel, and the historic elm and oak trees at this location.

Recommendation

That Council:

1. **Adopt the Heritage Assessment – Trees at intersection of Bunjil Creek, Gisborne Road and Melbourne Road, Gisborne, Plan Heritage, May 2020.**
2. **Request the Minister for Planning authorise the preparation of Planning Scheme Amendment C143 to the Macedon Ranges Planning Scheme to apply Heritage Overlay (HO351) permanently to the Bunjil Creek Bridge and Channel, and identified ‘*Ulmus procera*’ English Elms and to extend the HO289 Memorial Precinct (Howey Reserve) to cover an additional three trees identified as elms and oaks.**

It was moved by Cr Radnedge seconded by Cr Anderson that the Officer Recommendation be adopted.

CARRIED

Report No: Report Title:

PE.3 Draft Gisborne Futures Structure Plan, Urban Design Framework and Neighbourhood Character Study

Purpose and Overview

Gisborne Futures is a long term plan for Gisborne, updating the Gisborne Outline Development Plan (2009) and Gisborne Urban Design Framework (2008).

In 2018 Council commenced the Gisborne Futures program, consisting of a Structure Plan (guiding development and investment on a whole-town scale), Urban Design Framework (guiding positive outcomes on the land use and design outcomes within the town centre) and Neighbourhood Character Study (guiding the protection of township character whilst providing for development of suitable residential areas).

This Report is seeking Council’s endorsement to commence the next phase of community consultation on the Gisborne Futures project.

Recommendation

That Council endorse the draft Gisborne Structure Plan, draft Gisborne Urban Design Framework and draft Gisborne Neighbourhood Character Study for community consultation.

The Manager, Strategic Planning and Environment proposed an Amended Officer Recommendation to correct a number of minor errors and inconsistencies in the report.

Amended Officer Recommendation:

That Council:

Endorse the draft Gisborne Structure Plan, draft Gisborne Urban Design Framework and draft Gisborne Neighbourhood Character Study for

community consultation subject to the draft Gisborne Neighbourhood Character Study being updated to include the following changes:

- 1. On page 8 update the Summary of Planning Scheme Changes table so that:
 - a. Precinct 3: Town Centre under the Proposed Zone column be shown as ‘GRZ2 (new schedule)’**
 - b. All sub precincts under Precinct 5 – Contemporary Suburban under the Proposed Zone column be shown as ‘No Change’****
- 2. On page 9 update the plan so that Precinct 5F is depicted as ‘General Residential Zone’**
- 3. On Page 39, Table 16. Precinct 5 Rescode Variations be deleted.**

It was moved by Cr Anderson seconded by Cr Radnedge

That Council:

- 1. Defer consideration of the draft Gisborne Structure Plan, draft Gisborne Urban Design Framework and draft Gisborne Neighbourhood Character Study for community consultation to an Ordinary Meeting of Council in or before September of 2020.**
- 2. Note that the Chief Executive Officer will facilitate a workshop of Councillors, and appropriate Council Officers to further discuss the draft Gisborne Structure Plan, draft Gisborne Urban Design Framework and draft Gisborne Neighbourhood Character Study for community consultation prior to a report being presented in accordance with the above resolution. The agenda for the workshop must include:
 - a) no. 284 Kilmore Road, Gisborne**
 - b) the expansion of the town boundary,**
 - c) use of general residential zones rather than neighbourhood residential zones,**
 - d) schedules to neighbourhood residential zones**
 - e) number of storeys and heights of buildings and**
 - f) the different zones possible including Commercial, industrial and Residential zones in the area currently proposed for expansion of the business park.****

LOST

Cr Radnedge requested a division

FOR: Cr Anderson, Cr Radnedge, Cr Gayfer, Cr West

AGAINST: Cr Pearce, Cr Bleeck, Cr Twaits, Cr Jukes, Cr Mees

It was moved by Cr Mees seconded by Cr Twaits

That Council:

Endorse the draft Gisborne Structure Plan, draft Gisborne Urban Design Framework and draft Gisborne Neighbourhood Character Study for community consultation subject to the changes outlined in the Amended Officer Recommendation and that Council:

1. Endorse the draft Gisborne Structure Plan, draft Gisborne Urban Design Framework and draft Gisborne Neighbourhood Character Study for community consultation subject to the following changes:
 - The land located at 284 Kilmore Road, Gisborne, known as Glen Junor, be included in the proposed settlement boundary and identified to be included in the Urban Growth Zone in the draft Gisborne Structure Plan.
 - A neighbourhood activity centre be identified on the land at 284 Kilmore Road, Gisborne in the draft Gisborne Structure Plan.
 - Update the draft Gisborne Structure Plan and draft Gisborne Neighbourhood Character Study to reflect the changes outlined above.
2. Directs the Chief Executive Officer to refer any additional costs associated with Item 1 of this resolution to the 20/21 budget process.
3. After considering the results of the forthcoming community consultation, Council will provide a revised version of the draft Gisborne Structure Plan, draft Gisborne Urban Design Framework and draft Gisborne Neighbourhood Character Study for a further period of community consultation.

7.35pm Cr Anderson left the meeting.

7.37pm Cr Anderson returned to the meeting

Adjournment of Matter

It was moved by Cr Jukes seconded by Cr Bleack that agenda item PE.3 be adjourned and be considered at the conclusion of all other items on the meeting agenda.

CARRIED

Report No: Report Title:

PE.4 Peri Urban Group of Rural Councils Economic Development Strategy (Draft) review

Purpose and Overview

Macedon Ranges Shire Council is a member of the Peri Urban Group of Rural Councils (PUGRC). The PUGRC has been successful in attracting funding to develop an Economic Development Strategy. On 6 May 2020 Council was asked to provide feedback on the Peri Urban Group of Rural Councils Economic Development Strategy (DRAFT) prior to the document being sub edited and

being laid out by a graphic artist. The draft was reviewed by officers and concerns were identified with the content and quality.

Recommendation

That Council:

1. Does not adopt the Peri Urban Group of Rural Councils Economic Development Strategy (DRAFT); and
2. Notifies the Peri Urban Group of Rural Councils of its decision.

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

CARRIED

11. CHIEF EXECUTIVE OFFICER’S REPORTS:

Report No: Report Title:

CX.1 Aged care and disability reform impact on home support services – Update

Purpose and Overview

At the Ordinary Council Meeting on 28 August 2019 it was resolved:

That Council:

1. Note that an analysis of market assessment findings and of individual services has indicated a logical segmentation of services that could be transitioned in stages. A staged approach would allow greater clarity on the direction of reforms for the Commonwealth Home Support Program (CHSP) while demonstrating effective business strategy in the reform environment;
2. Note that the Chief Executive Officer will:
 - a) make an operational assessment of Council’s participation in the streamlined Assessment Service commissioning process when further information becomes available; and will ensure that Regional Assessment staff are informed and appropriately supported throughout the process;
 - b) work with the Victorian and Commonwealth Governments to manage an orderly transition that protects the interests of clients of those services that Council resolves to transition;
3. Resolves to conduct consultation aligned with Council’s Community Consultation Framework to inform the new Positive Ageing Plan 2020-25 and receive a report back to a Council Meeting by June 2020 in regards to:
 - a) Community feedback on the aspirations, future needs and priorities of older people in the Shire
 - b) Outcomes of the Royal Commission into Aged Care Quality and Safety, and
 - c) Any Federal Government announcements regarding block funding beyond July 2022.
4. Resolves to provide formal notice to the Victorian Department of Health and Human Services of Council’s intention to cease its

agreement to deliver all services under the Home and Community Care Program for Younger People (HACCPYP) effective 1 July 2020;

- 5. Resolve to continue delivering the following services funded by the Commonwealth Home Support Program (CHSP) while conducting further due diligence related to aged care sector reform: Domestic Assistance, Flexible Respite, Personal Care, Meals Group, Social Support Individual, Sector Support and development, and Healthy Ageing Management;**
- 6. Provide formal notice to the Commonwealth Department of Health of Council's intention to cease its agreement to provide the following services funded by the Commonwealth Home Support Program (CHSP):**
 - CHSP Meals- Individual by July 2020 as the low level of demand is not viable**
 - CHSP home maintenance and home modification service by July 2021 or earlier pending commissioning of an alternate local provider;**
- 7. Receive a briefing on the options to consider regarding its shareholding in Community Chef by October 2019.**

This report delivers a requirement of the endorsed recommendation.

Recommendation

That Council:

- 1. Note community feedback on the aspirations, future needs and priorities of older people in the shire has been sought and will be reflected in the new Positive Ageing Plan 2020-25;**
- 2. Note that the Australian Government has extended the timeline for a final report from the Royal Commission into Aged Care Quality and Safety (the Royal Commission) to 12 November 2020; and**
- 3. Note that the Australian Government has stated long term reform will be considered after submission of the Royal Commission's Final Report.**

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

CARRIED

The Mayor, Cr Pearce, thanked officers on behalf of all councillors, for their work in relation to item CX.1.

Report No: Report Title:

CX.2 Draft Reconciliation Action Plan

Purpose and Overview

The purpose of this report is to present the draft Reconciliation Action Plan (RAP) and seek approval for it to be placed on public exhibition and to conduct further consultation on its contents.

The draft RAP was developed following consultation with the Dja Dja Wurrung, Taungurung, Wurundjeri Woi Wurrung Peoples, local Aboriginal and/or Torres Strait Islander Peoples, Councillors, Council staff and the broader Macedon Ranges community. It also incorporates feedback from two reviews by Reconciliation Australia.

Recommendation

That Council approve the draft Reconciliation Action Plan for a four week period of public exhibition and stakeholder consultation in July 2020.

It was moved by Cr Radnedge seconded by Cr Gayfer that the Officer Recommendation be adopted.

CARRIED

The Mayor, Cr Pearce, thanked officers on behalf of all councillors, for their work in relation to item CX.2.

12. DIRECTOR CORPORATE SERVICES REPORTS:

Report No: Report Title:

CS.1 Contracts to be awarded as at 24 June 2020

Purpose and Overview

The following report indicates whether or not delegated authority to award the contract exists. It also presents Council with the opportunity to (a) specifically grant delegated authority to the Chief Executive Officer and/or (b) specifically review delegated authority in any instance where Council deems it appropriate.

Recommendation

That Council note that the following contract will be awarded by Council officers under delegated authority:

- **C20.1069 Dixon Field Number 2 Pavilion Upgrade**

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

CARRIED

Report No: Report Title:

CS.2 Small Project Grants – Consideration of grant applications

Purpose and Overview

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 2019/20 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 (the guidelines). Funding recommendations are presented monthly at an Ordinary Council Meeting for review and/or approval.

This report details the process of evaluation and lists the applications received since the previous meeting.

Three applications have been received seeking a total of \$4,500 in funding. Officers recommend total funding of \$4,500. The three eligible applications have been evaluated against eligibility criteria and the officer assessments are summarised within this report.

Recommendation

That Council:

1. Approve an application from Scouts Victoria—Noonameena Camp (Lauriston): \$1,500 for a second-hand ride-on mower.
2. Approve an application from Macedon Ranges Croquet Club: \$1,500 for ‘Club Health & Wellbeing’, the purchase of outdoor furniture.
3. Approve an application from Kyneton Art Group Inc: \$1,500 for exhibition art display boards.

It was moved by Cr Mees seconded by Cr Anderson that the Officer Recommendation be adopted.

CARRIED

Report No: Report Title:

CS.3 Procurement Policy 2020

Purpose and Overview

Council adopted its most recent version of the Macedon Ranges Shire Council Procurement Policy in June 2019, during the 2018/19 financial year. Consistent with the requirements of the *Local Government Act 1989* an annual review of the policy has been conducted and a number of changes are suggested for consideration and adoption.

Recommendation

That Council:

1. Adopt the Macedon Ranges Shire Council Procurement Policy 2020.
2. Direct that the adopted policy be placed on Council’s website.

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

CARRIED

Report No: Report Title:

CS.4 Report from the Audit Committee meeting held on 6 May 2020

Purpose and Overview

This report ensures Council transparently discloses a summary of the key matters discussed at Council's Audit Committee.

The 6 May 2020 Committee meeting discussed a number of matters including:

- External Audit Strategy;
- Annual and Multi-Year Audit Plan;
- Audit and Risk Committee Draft Charter;
- Project Management Internal Audit;
- OH&S Internal Audit;
- Procurement Policy Review and Breach;
- Draft 2020/21 Budget, Draft Strategic Resource Plan and Draft Council Plan (Year Four);
- Asset Accounting and Valuation Procedures;
- Local Government Act 2020; and
- COVID-19 Pandemic Update.

Recommendation

That Council note the report together with the draft minutes from the Audit Committee Meeting held on 6 May 2020.

It was moved by Cr Gayfer seconded by Cr Mees that the Officer Recommendation be adopted.

CARRIED

Report No: Report Title:

CS.5 Revocation of Instrument of Appointment and Authorisation to staff under the Planning and Environment Act 1987

Purpose and Overview

That Council revoke the S11A Instrument of Appointment and Authorisation under the *Planning and Environment Act 1987* for a staff member who no longer holds the role of Coordinator Statutory Planning.

Recommendation:

That Council resolve, in the exercise of the powers conferred by section 224 of the *Local Government Act 1989* and section 147(4) of the *Planning and Environment Act 1987*, to revoke the S11A Instrument of Appointment and Authorisation (*Planning and Environment Act 1987*) for John Edwards, effective 24 June 2020.

It was moved by Cr Mees seconded by Cr Twaits that the Officer Recommendation be adopted.

CARRIED

Report No: **Report Title:**

CS.6 **Revised Instrument of Delegation from Council to CEO (S5)**

Purpose and Overview

To seek Council’s approval of a revised Instrument of Delegation to the CEO (S5) in light of the commencement of new delegation provisions in the *Local Government Act 2020*.

Recommendation

That Council:

1. In the exercise of the power conferred by s 11(1)(b) of the *Local Government Act 2020* (the Act), resolves that:
 - a. There be delegated to the person holding the position, or acting in or performing the duties, of Chief Executive Officer the powers, duties and functions set out in the attached *Instrument of Delegation - Council to CEO* (S5), subject to the conditions and limitations specified in that Instrument.
 - b. The instrument comes into force immediately the common seal of Council is affixed to the instrument.
 - c. On the coming into force of the instrument the previous *Instrument of Delegation - Council to CEO* (S5) is revoked.
 - d. The duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.
2. Note that the two new Instruments, *Instrument of Sub-Delegation from the Chief Executive Officer to Members of Council Staff under the Local Government Acts of 1989 and 2020* (S7A), and *Instrument of Delegation by CEO of CEO Powers under the Local Government Acts of 1989 and 2020* (S13A), have been drafted and will be reviewed and authorised by the Chief Executive Officer.
3. Note that Council’s other key instruments of delegation do not require amendment at this time.

It was moved by Cr Twaits seconded by Cr Mees that the Officer Recommendation be adopted.

CARRIED

13. DIRECTOR ASSETS AND OPERATIONS REPORTS:**Report No: Report Title:****AO.1 Mobile Trading Guidelines****Purpose and Overview**

To update Councillors on the progress of community consultation undertaken on the draft *Mobile Trading Guidelines* and to seek deferral of the introduction of mobile trading on Council land and roads.

Following amendments made to the *General Purposes and Amenity Local Law No 10 of 2013* at the Ordinary Council Meeting on 24 July 2019, the *Mobile Trading Guidelines* were due to be implemented by 1 July 2020. Their creation is an action in the *Roadside and Footpath Trading Policy 2019*, to support the issuing of permits for mobile trading activities.

Consultation occurred earlier this year, but there was no feedback received. This appears to be a result of COVID-19 impacts on the community and local businesses. The level of feedback received, and potentially the ability of people to provide feedback in this challenging time, is not deemed sufficient to meet the requirements of Council's Community Consultation Framework. Further consultation on the Draft Mobile Trading Guidelines is required prior to it being implemented, to ensure no unintended consequences and consideration of the community's feedback.

Approval is being sought to defer the introduction of mobile trading on Council land and roads until the *Mobile Trading Guidelines* can be finalised and provided for consideration by Council for inclusion in the *Roadside and Footpath Trading Policy 2019*.

Recommendation**That Council:**

- 1. Note that the *Mobile Trading Guidelines* were drafted and community consultation undertaken in March 2020, however the ability to consult with the community and businesses was hindered by COVID-19, resulting in low engagement.**
- 2. Defer further consultation on the draft *Mobile Trading Guidelines* for up to 12 months, pending the lifting of COVID-19 restrictions.**
- 3. Defer the introduction of mobile trading permits and associated fees from 1 July 2020, until such time as further community consultation is undertaken and the *Mobile Trading Guidelines* are adopted by Council.**
- 4. Direct that the *Roadside and Footpath Trading Policy 2019* be amended to remove the sentence on page 26 that states, "It is proposed that mobile trading will be permitted from 1 July 2020."**
- 5. Direct that these changes are communicated to the community.**
- 6. Direct that a further report be presented to Council by no later than the end of June 2021, proposing a timeline to recommence the public consultation process for the draft *Mobile Trading Guidelines*.**

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

CARRIED

14. NOTICES OF MOTION

Notice of Motion No. 14/2019-20 – Councillor Jennifer Anderson

That Council:

- 1) Direct the CEO to write to: State Member for Macedon, Mary-Anne Thomas MP; Federal Member for McEwen Rob Mitchell MP; Federal Member for Bendigo, Lisa Chesters MP; the Victorian Minister for Energy, Environment and Climate Change; the Honourable Lily D'Ambrosio MP; and the Australian Minister for the Environment the Honourable Sussan Ley MP, requesting that additional funding be allocated to initiatives that contribute to protection and enhancement of conservation values on public land within the Macedon Ranges Shire, including for, but not limited to:
 - Weed and pest animal control (including roadside weed management)
 - Revegetation where needed
 - Infrastructure to help manage recreation uses (e.g. shared trails where appropriate, gates and signage)
 - Enforcement of park regulations through increased ranger presence,
 - Increased surveillance and enforcement of littering and illegal dumping
 - Biodiversity monitoring, particularly before and after planned burns
- 2) Direct the CEO to include in the letter the following information, to support our request for additional funding:
 - Approximately 11% of land in the Macedon Ranges is public land, managed by Council or the State Government and its agencies for conservation. This includes:
 - Over 40 bushland and conservation reserves managed by Council
 - The Cobaw State Forest, Wombat State Forest (part), Lerderderg State Park (part), Macedon Regional Park, Lauriston Bushland Reserve, Mount Charlie Flora and Fauna Reserve, T Hill Reserve, and Conglomerate Gully, which are managed by DELWP or Parks Victoria.
 - That these reserves are valuable refuges for native flora and fauna which will become even more important as changes in the climate place pressure on the state's natural habitat areas.
 - That these reserves are also under threat from inappropriate recreational uses, weed invasion, pest animal impacts, illegal dumping of rubbish ("Fly tipping") and, in some cases, overly frequent and badly assessed planned burning.
 - Macedon Ranges Shire Council has concerns about the inadequate level of funding in the annual State and Federal budget for conservation of public land, given the extent of land in the shire under public management.
 - That the Macedon Ranges Shire has been declared a "distinctive area and landscape" with its Statement of Planning Policy stating the importance of "the need to conserve and enhance significant landscape features, biodiversity and ecological values."

It was moved by Cr Anderson seconded by Cr Radnedge that Council:

- 1) **Direct the CEO to write to: State Member for Macedon, Mary-Anne Thomas MP; Federal Member for McEwen Rob Mitchell MP; Federal Member for Bendigo, Lisa Chesters MP; the Victorian Minister for**

Energy, Environment and Climate Change; the Honourable Lily D’Ambrosio MP; and the Australian Minister for the Environment the Honourable Sussan Ley MP, requesting that additional funding be allocated to initiatives that contribute to protection and enhancement of conservation values on public land within the Macedon Ranges Shire, including for, but not limited to:

- **Weed and pest animal control (including roadside weed management)**
- **Revegetation where needed**
- **Infrastructure to help manage recreation uses (e.g. shared trails where appropriate, gates and signage)**
- **Enforcement of park regulations through increased ranger presence,**
- **Increased surveillance and enforcement of littering and illegal dumping**
- **Biodiversity monitoring, particularly before and after planned burns**

2) Direct the CEO to include in the letter the following information, to support our request for additional funding:

- **Approximately 11% of land in the Macedon Ranges is public land, managed by Council or the State Government and its agencies for conservation. This includes:**
 - **Over 40 bushland and conservation reserves managed by Council**
 - **The Cobaw State Forest, Wombat State Forest (part), Lerderderg State Park (part), Macedon Regional Park, Lauriston Bushland Reserve, Mount Charlie Flora and Fauna Reserve, T Hill Reserve, and Conglomerate Gully, which are managed by DELWP or Parks Victoria.**
- **That these reserves are valuable refuges for native flora and fauna which will become even more important as changes in the climate place pressure on the state’s natural habitat areas.**
- **That these reserves are also under threat from inappropriate recreational uses, weed invasion, pest animal impacts, illegal dumping of rubbish (“Fly tipping”) and, in some cases, overly frequent and badly assessed planned burning.**
- **Macedon Ranges Shire Council has concerns about the inadequate level of funding in the annual State and Federal budget for conservation of public land, given the extent of land in the shire under public management.**
- **That the Macedon Ranges Shire has been declared a “distinctive area and landscape” with its Statement of Planning Policy stating the importance of “the need to conserve and enhance significant landscape features, biodiversity and ecological values.”**

CARRIED

15. URGENT AND OTHER BUSINESS

Nil

8.38pm Adjournment of meeting

The Mayor adjourned the meeting for a period of 15 minutes to enable officers to provide further advice in relation to item PE.3 - Draft Gisborne Futures Structure Plan, Urban Design Framework and Neighbourhood Character Study.

9.02pm Resumption of meeting

The meeting resumed at 9.02pm.

9.02pm Adjournment of meeting

The Mayor adjourned the meeting for a further 10 minutes to enable officers to finalise advice in relation item PE.3 - Draft Gisborne Futures Structure Plan, Urban Design Framework and Neighbourhood Character Study.

9.13pm Resumption of meeting

The meeting resumed at 9.13pm.

Councillors resumed debate in relation to agenda item PE.3 - Draft Gisborne Futures Structure Plan, Urban Design Framework and Neighbourhood Character Study.

Cr Jukes confirmed to the meeting he was no longer seeking to amend the motion currently before the meeting.

Cr Mees sought leave from the meeting to withdraw the motion.

CARRIED

It was moved by Cr Mees, seconded by Cr Twaits

That Council:

- 1. Endorse the draft Gisborne Structure Plan, draft Gisborne Urban Design Framework and draft Gisborne Neighbourhood Character Study for community consultation subject to the following changes:**
 - a) The land located at 284 Kilmore Road, Gisborne, known as Glen Junor, be included in the proposed settlement boundary and identified to be included in the Urban Growth Zone in the draft Gisborne Structure Plan.**
 - b) A neighbourhood activity centre be identified on the land at 284 Kilmore Road, Gisborne in the draft Gisborne Structure Plan.**
 - c) Update the draft Gisborne Structure Plan and draft Gisborne Neighbourhood Character Study to reflect the changes outlined above.**
 - d) Make the changes as outlined in the amended officer recommendation**
- 2. Note the officers advice that incorporation of Glen Junor in accordance with Item 1(a) and 1(b) above will preclude the provision of a detailed analysis and associated update of the documents referred to in Item 1, and supporting background documents.**

3. **Note that following consultation, and prior to Council reaching a final decision and adopting the draft Gisborne Structure Plan, draft Gisborne Urban Design Framework and draft Gisborne Neighbourhood Character Study, significant strategic assessment to support Glen Junor’s inclusion in the Gisborne settlement boundary would be required**
4. **Council officers will prepare a detailed schedule of strategic work that would be required pursuant to Item 3 above, including timeframes and costs for Council to consider as part of their post consultation deliberations.**
5. **After considering the results of the forthcoming community consultation, Council will provide a revised version of the draft Gisborne Structure Plan, draft Gisborne Urban Design Framework and draft Gisborne Neighbourhood Character Study for a further period of community consultation.**

CARRIED

Cr Radnedge requested a division

**FOR: Cr Pearce, Cr Mees, Cr Twaits, Cr West, Cr Bleeck, Cr Jukes
AGAINST: Cr Gayfer, Cr Anderson, Cr Radnedge**

16. CONFIDENTIAL REPORTS

Nil

Closure of Meeting

The meeting closed at 9.35pm

**Councillor Janet Pearce
Mayor**