

Council Meeting Minutes

**Wednesday 24 March 2021 at 7.01pm
Gisborne Administration Centre
40 Robertson Street, Gisborne**

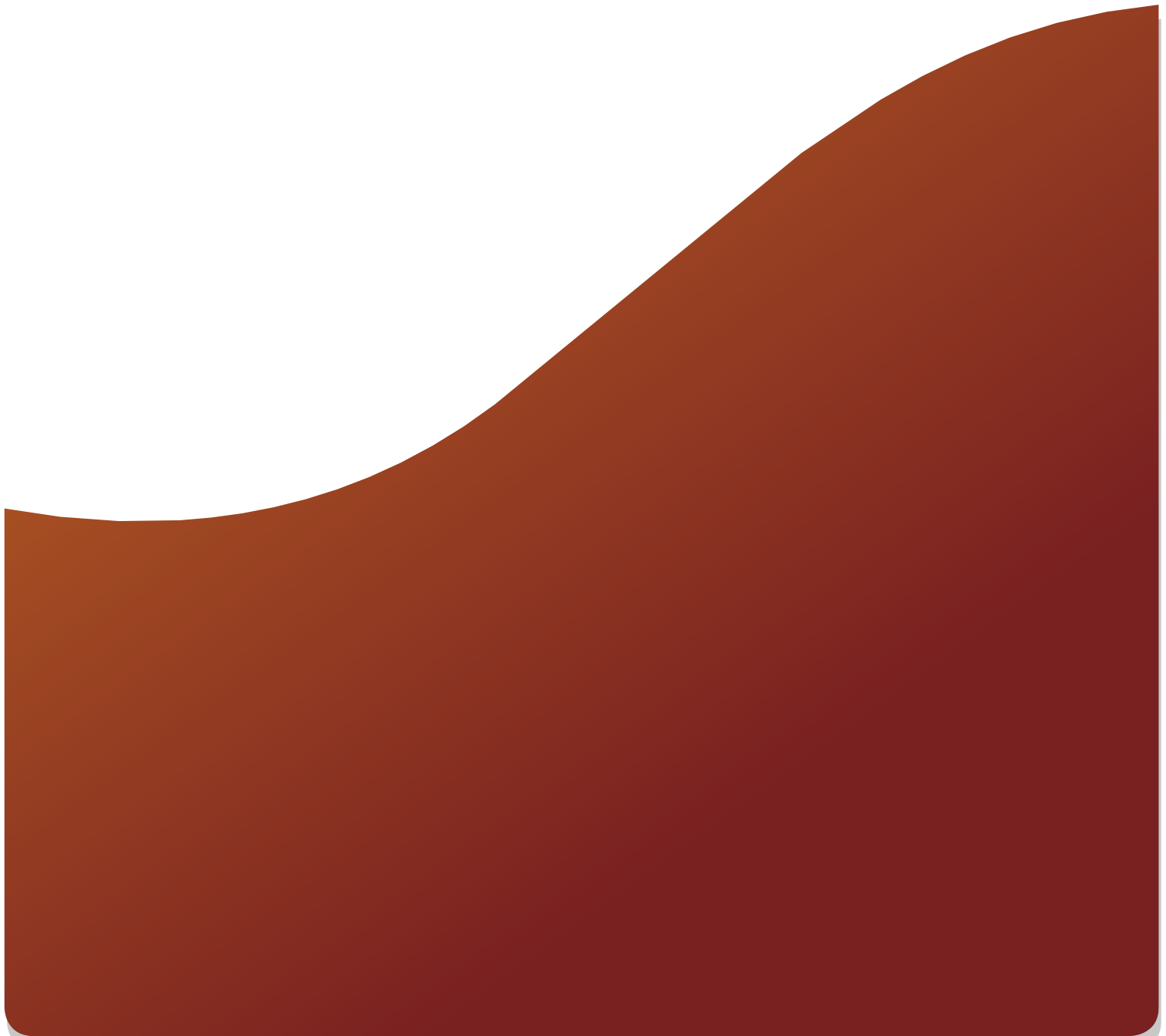


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1. RECORDING AND LIVE STREAMING OF THIS COUNCIL MEETING

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

While Councillors attended this meeting in person, in line with current directions by the Chief Health Officer, face-to-face Council Meetings are not to be held with members of the public in attendance. As such, 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 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 John Nevins	Acting Chief Executive Officer
Mr Shane Walden	Director Assets and Operations
Ms Angela Hughes	Director Planning and Environment
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 William Rayner	Coordinator Visitor Economy
Ms Allison Watt	Coordinator Governance
Ms Jessica Baguley	Senior Governance Officer

3. APOLOGIES

Mr John Hausler	Director Corporate and Community
Ms Sarah Noel	Executive Manager People Culture and Performance

4. DECLARATION OF CONFLICTS OF INTEREST

Cr Neil declared a conflict of interest in agenda items AO.2 and AO.3 on the basis that he is on the committee for the Romsey Ecotherapy Park. Cr Neil also stated an interest, but not a conflict, in agenda item PE.1.

Cr Guthrie stated he would not take part in the discussion on agenda item PE.4 as it may be perceived that he has a bias in relation to that matter and he is awaiting legal advice.

5. MAYOR'S REPORT

The Mayor presented a report on some of the events that have occurred around the shire since the last Council Meeting.

Community Events

Councillors recently attended numerous community events including:

- U3A Kyneton group presentation and discussion from West Ward Councillors on 26 February
- LEAD Loddon Murray Community Leadership Program 2021 launch on 26 February: residents from Macedon Ranges in the program this year are: Nicole Conway, Tahli Corin, Krista Patterson-Major, Madeleine Scott, and Andrew Smyth
- Opening of the newly formed Macedon-Woodend Scout Group on 1 March
- Kyneton Daffodils and Arts Festival Annual General meeting on 2 March
- Zonta International Women's Day Dinner in Malmsbury on 3 March
- Councillor Death was honoured to be guest speaker at the International Women's Day event in Riddells Creek on 9 March
- CWA Central Highlands International Women's Day local women's panel
- Launch of the L2P TAC program in New Gisborne on 10 March
- Macedon Ranges Heritage Council meeting on 16 March

Unfortunately we were unable to attend the Macedon Ranges Friends of East Timor (MRFoET) committee meeting as it clashed with other invitations already accepted and the Newham roadside biodiversity monitoring project-spotlighting for fauna report launch which is on tonight. Thank you to everyone who has invited the Mayor and Councillors to attend or speak at their events.

Collaborations and advocacy

- The Acting Chief Executive Officer and Deputy Mayor met with Rob Mitchell MP, Federal Member for McEwen in Gisborne on 5 March to discuss priority projects for Macedon Ranges Shire
- Councillors, council staff and residents met at Kyneton Station to discuss local road safety issues on 11 March
- The Acting Chief Executive Officer and Mayor met online with the Mayor of Hume City Council, Cr Joseph Haweil, and Interim CEO Roslyn Wai on 19 March to begin conversations of what issues we are facing and projects we are working on that potentially effect each other's communities. Protecting agricultural land, providing adequate sporting facilities and having the public infrastructure to support new development were some of the topics discussed
- Victorian Local Governance Association Annual General Meeting online on Thursday 25 February and Fast Track 2021 Councillor Leadership program on Friday 5 March face-to-face in Melbourne

- Municipal Association Induction and first Board meeting over Thursday 11 and Friday 12 March
- Central Victorian Greenhouse alliance board meeting via zoom on Thursday 25 February
- Loddon Mallee Waste and resource recovery group local government forum on Thursday 25 February
- Drop-in session at the Woodend Market for the Woodend Community centre draft master plan consultation 6 March

Announcements and Openings

- Mary-Anne Thomas MP, State Member for Macedon officially opened the:
 - Kyneton exercise equipment on 26 February
 - Barkly Square soccer lighting project on 26 February
 - Macedon cricket nets and Tony Clarke Reserve lighting projects on 12 March
- Council welcomed the announcement made by Lisa Chesters MP, Federal Member for Bendigo on 10 March in relation to funding towards the Kyneton Town Hall
- Official unveiling of the Power connection to Malmsbury Village Farmers Market on the Malmsbury Village Green to acquit a Macedon Ranges Shire Council 2020/2021 Community Funding Scheme \$1000 grant at the Malmsbury Farmers Market on Sunday 21 March

Council run events:

Deliberative Community Engagement

I was pleased to provide a welcome to the induction session with the Citizens Assembly on 4 March. The assembly received an explanation of the process they were to undertake over the month. The following session held on 13 March provided an understanding of the background and key information for the project, identified key themes and began drafting and deliberating on the Community vision and principles. We thank them for their time and commitment to this vital start to our first time of performing deliberative engagement as per the new *2020 Local Government Act*. We look forward to hearing from them when they have completed their sessions.

Submitters committee

Held on Wednesday 10 March to hear from submitters in relation to two planning permit applications: 36 Sullivans Road Woodend and 67 Simpson Street Kyneton, which will be decided upon at future scheduled council meeting.

Grant Writing Workshops

Council hosted a series of free grant writing workshops in March to support local organisations and groups in making applications for funding opportunities in 2021. Attendees were provided with strategies and tools to give them the best chance of writing a successful application to a variety of sources, including Council's annual grants programs.

Draft Economic Development Strategy

Council is developing a draft Economic Development Strategy for the next 10 years with a vision for job creation, education and training, economic development, and COVID-19 recovery in the Macedon Ranges. Drop in sessions and workshops were held in Romsey, Kyneton and Gisborne. Consultation is open until 26 March, and I would encourage everyone to take the opportunity to influence what is included in the draft strategy.

Free Outdoor Fitness Classes

As outlined at the February council meeting, the Healthy Heart of Victoria initiative has allowed Council to deliver programs and facilities that support people of all ages and abilities to use outdoor exercise equipment and open spaces – known as the Free Inclusive Training (FIT) Project. Council has held four weeks of free inclusive training at the outdoor fitness stations. QR codes are available at each station providing instructions if you missed the face-to-face sessions.

Current consultations:

- Road Management Plan (closes 31 March)
- Malmsbury Botanic gardens master plan (closes 6 April)
- Business recovery survey (30 April)
- Regional sports precinct schematic design (3 May)
- Cool changes Romsey and Lancefield (March-June)

Thank you and farewell

Acting CEO John Nevins, who commenced in the role in October 2020, will be finishing up his contract with us on 21 April, one week before the next scheduled council meeting. On behalf of Councillors, council staff and the community I would like to thank him for his dedication and commitment to embracing all things Macedon Ranges and taking the time to get to know us, listen to everyone and provide a solid base for our new CEO to work on continuing to build a strong organisation for a strong community.

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

CARRIED

6. PETITIONS

Cr Pearce tabled a petition signed by 54 residents requesting Council to prohibit heavy vehicles using Old Lancefield Road for access to and from the Industrial Estate and Shire Depot in Woodend North.

It was moved by Cr Pearce, seconded by Cr Ridgeway that the petition be accepted and referred to the Director Operations and Assets for investigation and reporting back to Council.

CARRIED

7. ADOPTION OF MINUTES

Scheduled Council Meeting: Wednesday 24 February 2021

Officer Recommendation:

That the minutes of the Scheduled Council Meeting of the Macedon Ranges Shire Council held on Wednesday 24 February 2021 as circulated be confirmed.

It was moved by Cr Pearce, seconded by Cr Death that the Officer Recommendation be adopted.

CARRIED

8. RECORD OF MEETINGS OF COUNCILLORS AND COUNCIL STAFF – FEBRUARY 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 committeebut 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
	Wednesday 17 February 2021 at 7pm	Health and Wellbeing Advisory Committee Meeting
	Venue	Zoom
	Present – Councillors	Cr Anderson (Mayor) Cr Ridgeway (Deputy Mayor) Cr Pearce
	Present – Officers	John Hausler Travis Harling Emma Orchard Hayley Drummond Corey Ramsay Darryn Young Alexandra Adams
	Presenters	Annamarie Perlesz Geoff Caddick Paul Stuart Rachel Wauchope
	Items discussed	<ul style="list-style-type: none"> • COVID-19 response update • Budget Vision and Financial Plan update • Senior housing update • Early Years Plan consultation • Revised Health and Wellbeing Committee objectives • Municipal Public Health and Wellbeing Plan (MPHWP) • Disability Action Plan (DAP) • General business
	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	N/A Did they leave the meeting? N/A

2.	Date / Time	Type of Meeting
	Tuesday 23 February 2021 at 9.35am	Councillor Briefing
	Venue	Gisborne Administration Office
	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 (12pm) Cr Bill West
	Present – Officers	John Nevins John Hausler

	Angela Hughes Shane Walden Sarah Noel Kate Young Allison Watt Stephen Pykett Leanne Khan Isobel Maginn Awais Sadiq Christo Crafford
Presenters	Nil
Items discussed	<ul style="list-style-type: none"> • Councillor Gift Policy • Nature Strip Policy • Telecommunications facilities • Lancefield Megafauna Interpretation Centre • Cool Changes #3 – The Next Community Climate Action Plan • Amess Road Precinct Structure Plan (ARPSP) – Technical reports • Romsey Structure Plan • Open Space Strategy • Planning Matters <ul style="list-style-type: none"> • PLN 2020/52 Gradys Lane, Kerrie • PLN 2020/159 – 1427 Rochford Road, Newham • Agenda review for 24 February Council Meeting
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 Anderson, Cr West and Cr Pearce all declared a general conflict of interest due to a close association in PLN/2020/159 1427 Rochford Road, Newham, due to their relationship with an objector.</p> <p>Cr Guthrie excluded himself in relation to the agenda item on the Gisborne Futures project because of a perception of an apprehension of bias and left the meeting.</p> <p>Cr Ridgeway left the meeting for the discussion on PLN/2020/291 85 Harpers Lane, Kyneton having previously declared a conflict of interest in this matter.</p> <p>Did they leave the meeting? Yes</p>
Conflicts of interest declared by officers	<p>Nil</p> <p>Did they leave the meeting? N/A</p>

3.	Date / Time	Type of Meeting
	Tuesday 2 March 2021 at 9.35am	Councillor Briefing
	Venue	Gisborne Administration Office
	Present – Councillors	Cr Jennifer Anderson (Mayor) Cr Mark Ridgeway (Deputy Mayor) Cr Dominic Bonanno Cr Death Cr Rob Guthrie

	Cr Anne Moore Cr Geoff Neil Cr Janet Pearce Cr Bill West
Present – Officers	Angela Hughes (Acting CEO) John Hausler Rob Ball (Acting Director Planning and Environment) Shane Walden Sarah Noel Kate Young Leanne Khan Colin Marshall Terry Fitzpatrick Meaghan McNamara Justin Walsh Elicia Aitken Christos Crafford Simon Findlay Fiona Alexander Travis Harling Darryn Young
Presenters	Mark McKenna (City Collective) Caroline Adam (City Collective via Zoom) Todd Beavis (i.e community) Prue Blake (i.e community)
Items discussed	<ul style="list-style-type: none"> • Macedon Ranges Landscape Study – Amendment C133mace Update • Kyneton Saleyards update • Macedon Ranges Regional Sports Precinct – Proposed Schematic Design Community Consultation Plan • Coliban Water – Planning Scheme Amendment Request for the Environmental Significance Overlay Schedule 4 • Planning Policy Framework Translation • Planning Scheme Review • Amess Road Precinct Structure Plan • Planning Matters – <ul style="list-style-type: none"> • PLN/2020/335 – 136 Main Street, Lancefield (Crs West /Ridgeway) • PLN/2020/370 – 12 Powlett Street, Kyneton (Crs Pearce/Anderson) • Romsey Ecotherapy Park Design • Aged Care Reform • Discussion with Deliberative Engagement Facilitator i.e community
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	Cr Neil declared a conflict of interest in the agenda item on the Romsey Ecotherapy Park design as he is on the Committee for this project. Did they leave the meeting? Yes

Conflicts of interest declared by officers	Nil Did they leave the meeting? N/A
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4.	Date / Time	Type of Meeting
	Tuesday 9 March 2021 at 9.40am	Councillor Briefing
	Venue	Gisborne Administration Office
	Present – Councillors	Cr Jennifer Anderson (Mayor) Cr Mark Ridgeway (Deputy Mayor) Cr Death Cr Rob Guthrie Cr Anne Moore Cr Geoff Neil Cr Janet Pearce Cr Bill West
	Apologies	Cr Dominic Bonanno
	Present – Officers	John Nevins John Hausler Angela Hughes Shane Walden Sarah Noel Jessica Baguley Fiona Alexander Stephanie Harper Gary Randhawa Steve Skinner Travis Harling Hayley Drummond Lisa Kennedy Rob Ball Isobel Maginn Michelle Wyatt Christo Crafford
	Presenters	Mark Davies (Mach2 Consulting)
	Items discussed	Councillor Briefing <ul style="list-style-type: none"> • Senior citizens clubs • Outcomes of Information Systems Analyst review • Road Management Plan review • Revenue and Rating Plan • Kyneton Urban Design Framework – Consultation results • Zero net emissions • Primary school cross country event at nature conservation reserve • Planning Matters <ul style="list-style-type: none"> • PLN/2020/165 – 198 Mount Gisborne Road, Gisborne • Agenda Review for 24 March 2021
	Conflicts of interest declared by Councillors and record of them leaving the meeting	Cr Guthrie excluded himself from discussion on PE.4 during the agenda review because of a perception of bias, and is currently seeking legal advice.

when the matter about which they declared the conflict of interest was discussed	Cr Neil declared a conflict of interest in the agenda item on the Romsey Ecotherapy Park design as he is on the committee for this project. Did they leave the meeting? Yes
Conflicts of interest declared by officers	Nil Did they leave the meeting? N/A

5.	Date / Time	Type of Meeting
	Wednesday 10 March 2021 at 7.02pm	Delegated Submitters Committee Meeting
		Agenda and minutes have been made publicly available on Council's website.

6.	Date / Time	Type of Meeting
	Tuesday 16 March 2021 at 9.30am	Councillor Briefing
	Venue	Online (Zoom)
	Present – Councillors	Cr Jennifer Anderson (Mayor) Cr Anne Moore Cr Dominic Bonanno Cr Annette Death Cr Rob Guthrie Cr Geoff Neil Cr Janet Pearce Cr Bill West
	Apologies	Cr Mark Ridgeway (Deputy Mayor)
	Present – Officers	John Nevins John Hausler Angela Hughes Shane Walden Kate Young Allison Watt Rob Ball
	Apologies	Sarah Noel
	Presenters	Nil
	Items discussed	<ul style="list-style-type: none"> • Clarkefield proposed development • Gisborne Futures • Planning Development Committee
	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	Cr Guthrie stated that he would exclude himself in relation to the Gisborne Futures agenda item on the basis of apprehended bias and left the meeting at 10.43am. 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 endorses the record of meetings of Councillors and Council staff as outlined in this report with the following changes:

- **Wednesday 17 February, Health and Wellbeing Advisory Committee record to change ‘presenters’ to ‘committee members’**
- **Tuesday 16 March, Councillor Briefings were held at the Gisborne Administration Centre, not via Zoom**
- **Remove (12pm) after ‘Cr Pearce’ for the record of Tuesday 23 February 2021**

It was moved by Cr Death, seconded by Cr West that the Officer Recommendation be adopted.

CARRIED

9. DEPUTATIONS AND PRESENTATIONS TO COUNCIL

[7.17pm] It was moved by Cr Pearce, seconded by Cr Moore that standing orders be suspended to receive questions from members of the public.

CARRIED

The Mayor read a question from a resident who requested that their personal details not be made public.

Question: I write in distress after sitting (sic) in the Autumn 2021 'Shire Life' by Councillor Bonanno, that our magnificent Eucalyptus pauciflora are obstructing his view!! I find these comments curious and gives me grave concerns for the natural assets of the Macedon Ranges. What are these comments in Shire Life alluding to?

Cr Bonanno responded:

I reiterate what I wrote in Shire Life that over the years of visiting the Memorial Cross with my family, we have noticed that where once we could see the surrounding ranges from the summit, we can no longer. My comments were not intended to cause distress and are not alluding to anything else.

The second question concerned the Mt Macedon Memorial Cross and a masterplan for this site. The Mayor responded that the Mt Macedon Memorial cross site is not managed by Council. It is managed by a State Government appointed Committee of Management. However, at present Council is assisting this Committee in undertaking planning works, funded by the State Government, for future site enhancements. Any questions regarding any master plans should be directed to this Committee.

Questions were also received from Mr Ross Cornell.

Mr Cornell asked:

Residents of Ross Street, Malmsbury, wish to know why the concrete slab proposed to repair the bluestone Ross Street bridge has to be left exposed when only a few hundred metres away in Malmsbury Post Office Road a similar concrete slab on a bluestone bridge there has been concealed? Residents find this approach perplexing as even sealing a small area such as this would be relatively inexpensive.

Response: The proposed concrete slab for Ross Street Bridge will not be exposed. The proposed concrete slab will be covered by about 200mm thick compacted crushed rock.

Mr Cornell asked:

Residents of Ross Street, Malmsbury wish to know how current planning for the bluestone bridge in Ross Street will take into account movement variations between the existing bluestone structure and the proposed concrete slab (with steel reinforcement in it) due to seasonal heat/temperature variations? We have concerns that this movement will compromise the structure and ultimately safety.

Response: No movement variations will occur between the existing bluestone culvert and the proposed concrete slab. The concrete slab is supported by steel beams which have no connection with the existing bluestone culvert. The distance between the existing bluestone culvert and the steel beam will create some aeration to prevent any movement.

[7.22pm] It was moved by Cr Moore, seconded by Cr Bonanno that standing orders resume.

CARRIED

10. DIRECTOR PLANNING AND ENVIRONMENT REPORTS:

Report No: Report Title:

PE.1 Application for Planning Permit PLN/2020/165 – 198 Mount Gisborne Road, Gisborne – Development of a telecommunications facility and removal of native vegetation (temporary impact to native grasses)

Purpose and Overview

The subject site is located on the summit of Mount Gisborne, a hill that overlooks Gisborne and the surrounding locality. The proposal is for the development of the land for a new telecommunications facility to replace the previous tower on the site. Whilst the summit site is within the Public Park and Recreation Zone, the slopes of the Mount are within either the Rural Living Zone or the Rural Conservation Zone.

The application was advertised and ten (10) submissions were received. This includes nine objections and one submission in support.

Key issues to be considered relate to the suitability of the site for the new tower, the impact of the development on the environment and amenity, and the need for the facility.

The application has been assessed against the relevant provisions of the Macedon Ranges Planning Scheme and is considered appropriate.

On balance it is considered that the development is in keeping with the relevant provisions of the Planning Policy Framework, Local Planning Policy Framework, zone, overlays, particular provisions and general provisions. It is recommended that the application be approved subject to the following conditions.

Recommendation

That Council issue a Notice of Decision to grant a planning permit for the Development of a proposed telecommunications facility and removal of native vegetation (temporary impact to native grasses) for the land at 198 Mount Gisborne Road, Gisborne, Reserve on Plan of Subdivision 111376, subject to the following conditions:

- 1. Before the development commences, an electronic copy 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 Site Plans prepared by Wayne Mitchell Surveying dated 25.03.2020 but modified to show:
 - a. A temporary fencing plan for all construction vehicles as required by Condition 8.**
 - b. Exact location and measurements of the Tree Protection Zone (TPZ) and associated tree protection fencing for all trees shown on the plans to be retained as required by Condition 11.**
 - c. Colours and materials of the proposed tower.****
- 2. The development as shown on the endorsed plans must not be altered unless with the prior written consent of the Responsible Authority.**
- 3. The nature and colour of building materials employed in the construction of the buildings and works hereby permitted shall be harmonious with the environment and non-reflective, to the satisfaction of the Responsible Authority.**

Environment Unit Conditions

General Conditions

- 4. All construction and maintenance equipment, earth moving equipment and associated machinery must be made free of soil, seed and plant material before being taken to the works site and again before being removed from the works site to the satisfaction of the Responsible Authority. This is to help prevent the spread of noxious weeds listed under the *Catchment and Land Protection Act 1994*.**

5. All trees and native vegetation, as they relate to the approved development, are to be retained and protected by a tree protection zone. The following is prohibited within the tree protection zone:
 - a) vehicular or pedestrian access;
 - b) trenching or soil excavation;
 - c) storage or dumping of any soils, materials, equipment, vehicles, machinery or waste products;
 - d) construction of entry and exit pits for underground services; or
 - e) any other actions or activities that may result in adverse impacts to retained native vegetation.

On Site Environmental Management

6. An Environmental Consultant, approved by the MRSC Environment Unit, is required to educate all associated on ground staff prior to the commencement of works. The consultant must educate all construction staff about the environmental sensitivity of the reserve and the requirement to work within designated areas to the satisfaction of the MRSC Environmental Unit.

Site Preparation and Reporting

7. Prior to the commencement of works, a site plan must be submitted that illustrates a temporary fencing plan for all vehicles up to the construction site of the summit. An Environmental Consultant must produce this plan and minimum impacts to native vegetation must be a priority.
8. Prior to the commencement of works, temporary fencing must be installed along the track to the summit, leading up to the construction area in accordance with the Vegetation Impact assessment Report by Atlas Ecology (dated Sept. 3). MRSC Environment staff are to inspect the fencing and provide approval. Temporary fencing such as orange para-webbing is recommended.
9. An Environmental Outcome report must be submitted at the completion of this project to inform the Responsible Authority of the environmental outcomes of this project. If severe impacts result as a consequence of this development, a remedial revegetation and management plan is a requirement and must accompany this report.

Tree Protection Management

10. Prior to works commencing, a Tree Protection Management Plan (TPMP) must be submitted by a suitably qualified Level 5 Arborist detailing the tree protection measures for trees along the reserve track undertaken for all phases of demolition and construction. The report must also include a tree protection plan for a eucalypt located 30 metres from the entrance gate, in accordance with the Vegetation Impact assessment Report by Atlas Ecology (dated Sept. 3).

The report is to include the following information:

- a. A mitigation plan for all trees along the track with exposed roots.
- b. Within 15 metres of the work site, a plan for all trees to be protected with tree protection fencing
- c. Native vegetation No Go Zones

- d. **Tree Protection Signage**
 - e. **An inspection timeframe for the micrositing of tree canopies relating to all crane activity along the reserve track to the summit.**
 - f. **Milestone reporting to the Responsible Authority relating to tree protection works at each construction stage**
 - g. **A compliance checklist to be completed by onsite Project Arborist**
 - h. **Appropriate procedures relating to planks of wood or similar to protect tree protection zones during the ascent and descent of cranes along the track and to assist with traction where required.**
11. **Any damage or disturbance to trees' root zones within the Tree Protection Zone (TPZ) must be reported to Council. A TPZ is 12 x the diameter of the tree taken at breast height. No digging or excavation can be undertaken within the TPZ as this may affect the future viability of the tree. Damaged tree root zones may deem the tree unviable and offsets may be required.**

Culvert Upgrade

12. **Prior to the commencement of works, an Arborist Report must be submitted to determine the impacts to any trees as a result of culvert upgrades.**
13. **A DELWP Native Vegetation Removal report must be submitted for the loss of any trees associated with the upgrade of the culvert. <https://nvim.delwp.vic.gov.au/Biodiversity>.**

Site Environmental Management Plan (SEMP)

14. **Prior to any works commencing, a Site Environmental Management Plan (SEMP) must be submitted and endorsed by the Responsible Authority and include the following information:**
- a. **Vegetation protection fencing to be erected around 'environmental no go zones'**
 - b. **All machinery storage areas must be identified.**
 - c. **All machinery and equipment must leave work sites weed free. An appropriate wash-down area must be identified. To prevent the spread of weeds listed under the *Catchment and Land Protection Act 1994*, all track construction and maintenance equipment, earth moving equipment and associated machinery, must be made free of soil, seed and plant material before being taken to the works site and again before being removed from the works site to the satisfaction of the Responsible Authority.**
 - d. **All spill and excess must be indicated on a designated location on the plan.**
 - e. **A site plan that details the path for all vehicles to use in high conservation zones**
 - f. **Vehicle path must be pegged and flagged with tape and suitable fencing in areas around the summit so a consistent road track is used through the entire project.**
 - g. **Construction staging relating to all tree management/native vegetation protection.**

Engineering Unit Conditions

15. 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

16. 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

All works must be carried out generally in accordance with measures set out in the above documents approved by the Responsible Authority.

17. Within three months of the tower being constructed, the existing culvert crossing in Woodland Drive must be reconstructed to the satisfaction of the Responsible Authority.

18. 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 development works in accordance with Construction Techniques for Sediment Pollution Control (EPA 1991) to the satisfaction of the Responsible Authority.

Permit Expiry

19. 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.

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires, or within three months afterwards.

Alternative Motion:

That Council resolves to issue a notice of refusal for the application to develop a telecommunications facility and removal of native vegetation (temporary impact to native grasses) for the land at 198 Mount Gisborne Road, Gisborne, Reserve on Plan of Subdivision 111376, on the following grounds:

1. The proposal will lead to unacceptable environmental impacts given the unique and sensitive landscape and rocky terrain and will lead to potential damage to the Bushland Reserve.
2. The proposal will lead to unacceptable environmental damage that will occur as a result of heavy construction machinery having to access the site.
3. The applicant has not provided sufficient justification or demonstrated the need for the tower at this location.
4. The proposal will lead to the potential loss of heritage and artefacts.
5. The reserve is currently zoned Public Park and Recreation Zone and given Council is intending to rezone the site to Public Conservation and Resource Zone, the proposal would be contrary to the purpose of the new zone and strategic intent for the site.

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

CARRIED

Report No: Report Title:

**PE.2 Macedon Ranges Planning Scheme Amendment C126 –
Errors, Anomalies and Minor Changes Panel Report**

The purpose of this report is for Council to consider the recommendations made in the Panel Report for Macedon Ranges Planning Scheme Amendment C126macr and to progress the amendment to the next stage.

Recommendation**That Council:**

1. Split Amendment C126macr into:
 - a. Part 1 comprising of changes 1, 2, 3, 5, 6, 7, 8, 9 10, 11, 12, 14, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 29, 30, 31, 32, 33 and 34
 - b. Part 2 comprising of changes 4, 13, 15, 26, 27 and 28
2. Adopt C126macr Part 1 and submit to the Minister for Planning together with the prescribed information for approval and gazettal pursuant to Section 31(1) of the Planning and Environment Act 1987.
3. Abandon C126macr Part 2 and notify the Minister for Planning.
4. Notify submitters and land owners of Council's decision.

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

CARRIED**Report No: Report Title:****PE.3 Draft Rural Land Use Strategy****Purpose and Overview**

The draft Rural Land Use Strategy updates the rural framework plan and policy directions for rural land having regard to the changing nature of rural land use, the strategic and policy context and the unique circumstances associated with Macedon Ranges peri-urban location.

In 2017, Council commenced the 'In the Farming Zone Strategy' and in 2019 this was expanded to include land in the Rural Conservation Zone. The draft Rural Land Use Strategy provides contemporary policy direction for the shire's rural land.

This Report is seeking Council's endorsement to commence the next phase of community consultation on the draft Rural Land Use Strategy.

Recommendation

That Council endorse the Draft Rural Land Use Strategy for the purpose of community consultation.

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

CARRIED

Cr Anderson called for a division:

For: Crs West, Ridgeway, Pearce, Neil, Bonanno

Against: Crs Anderson, Guthrie, Death, Moore

Cr Guthrie left the meeting at 8.23pm stating that it may be perceived that he has a bias in relation to agenda item PE.4 and he is awaiting legal advice

Report No: Report Title:**PE.4 Gisborne Futures – Consultation phase 3 summary****Purpose and Overview**

The purpose of this report is to present Council with a summary of feedback received during Gisborne Futures Phase 3 consultation process and to thank the community for their contribution to the Gisborne Futures project.

Recommendation

That Council:

- 1. Note submissions (including petition/s and survey responses) received to the Gisborne Futures project.**
- 2. Thank submitters (including head petitioner/s) for their contribution to the Gisborne Futures project.**

It was moved by Cr Ridgeway, seconded by Cr Neil that the Officer Recommendation be adopted.

CARRIED

Cr Guthrie returned to the meeting at 8.27pm.

Report No: Report Title:

PE.5 Declaration of a climate change emergency

Purpose and Overview

The purpose of this report is to outline implications to Council regarding a potential declaration of climate emergency in accordance with the following Notice of Motion from the Scheduled Council Meeting held on 16 December 2020:

That Council direct the Chief Executive Officer to prepare a formal report for consideration at the March 2021 Scheduled Council Meeting on the declaration of a Climate Emergency, including advice regarding the necessary resources to implement, how such a declaration would sit with the Council's current policy platform and any adjustments that would need to be made to policy and strategic priorities.

The report outlines the context for declaring a climate emergency, the potential strategic and policy implications, and several resourcing options available to Council.

Recommendation

That Council declare a climate emergency as per Option 4, detailed in this report.

Alternative Motion:

That Council

- 1. Declare a climate emergency as per Option 4, detailed in this report and refers the actions specified in Option 3 of this report to the 2021/22 budget process for consideration.**
- 2. Notes the receipt of correspondence from the Macedon Ranges Climate Emergency Declaration Coalition which includes 405 signatures in support of Macedon Ranges Shire Council declaring a climate emergency and taking steps to address the climate emergency.**

It was moved by Cr Ridgeway, seconded by Cr Death that the alternative motion be adopted.

CARRIED

Report No: Report Title:**PE.6 Draft Macedon Ranges Event Strategy 2021-2025****Purpose and Overview**

To seek Council adoption of the Macedon Ranges Event Strategy 2021-2025.

The five-year strategy will provide Council with a framework to guide its support for the establishment, growth and recovery of events following the pandemic for the social and economic benefit of the shire.

The strategy has been prepared by consultancy, Urban Enterprise, with input from Council officers, key stakeholders from the events sector, and community via Have Your Say on Council's website.

Recommendation**That Council:**

1. **Adopt the Macedon Ranges Events Strategy 2021-2025;**
2. **Acknowledge and thanks all those who contributed to the development of the strategy, particularly the local event organisers who contributed; and**
3. **Notes that annual action plans will be developed and reviewed annually.**

Alternative Motion:**That Council:**

1. **Approve the Draft Macedon Ranges Event Strategy 2021 - 2025 subject to the following change: that the Kyneton Daffodil and Arts Festival be reclassified as a Tier 1 event and the final Macedon Ranges Event Strategy 2021 – 2025 document be updated accordingly;**
2. **Acknowledge and thanks all those who contributed to the development of the strategy, particularly the local event organisers who contributed; and**
3. **Notes that annual action plans will be developed and reviewed annually.**

It was moved by Cr Ridgeway, seconded by Cr Pearce that the alternative motion be adopted.

CARRIED

11. CHIEF EXECUTIVE OFFICER'S REPORTS:**Report No: Report Title:****CX.1 Appointment of Chief Executive Officer****Purpose and Overview**

This report relates to appointment of a Chief Executive Officer of Macedon Ranges Shire Council.

Recommendation

That Council, in accordance with Section 66(2)(a) of the Local Government Act 2020, close the meeting to consider a report on the appointment of a Chief Executive Officer for Macedon Ranges Shire Council, pursuant to Section 94 of the Local Government Act 1989 in circumstances where that report includes consideration of confidential information.

For the purposes of Section 66(5) of the Local Government Act 2020, that confidential information includes personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs.

It was moved by Cr Neil, seconded by Cr Death that the Officer Recommendation be adopted.

CARRIED

12. DIRECTOR CORPORATE AND COMMUNITY REPORTS:

Report No: Report Title:

CC.1 Contracts to be awarded as at 24 March 2021

Purpose and Overview

The following report sets out the details of contracts proposed to be awarded from the date of the last report to 24 March 2021 under a delegation from Council. Although this report recommends noting the delegated authority of Council officers, the Council has the power to:

- (a) direct that the Chief Executive Officer award the contract under the direct delegation from Council; or
- (b) specifically grant delegated authority to the Chief Executive Officer.

Recommendation

That Council note that the following contracts will be awarded by the Chief Executive Officer under delegated authority:

- **C21.1100 Design and Construct Footbridges Mount Macedon**
- **C21.1101 Kyneton Town Hall Façade Restoration and External Works**

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

CARRIED

Report No: Report Title:

CC.2 Locality boundary change – Balls Lane, Carlruhe

Purpose and Overview

To request Council endorsement of a locality boundary change from Balls Lane, Carlsruhe to Balls Lane, Pipers Creek.

Recommendation

That Council:

1. **Endorses a proposed change to the locality boundary between Carlsruhe and Pipers Creek.**
2. **Refers the proposed change to the Registrar of Geographic Names Victoria (the Registrar) for endorsement and gazettal.**

It was moved by Cr West, seconded by Cr Ridgeway that the Officer Recommendation be adopted.

CARRIED

Report No: Report Title:

CC.3 Councillor Gifts, Benefits and Hospitality Policy

Purpose and Overview

The purpose of this report is to present the Councillor Gifts, Benefits and Hospitality Policy for adoption by Council as required under section 138 of the *Local Government Act 2020*.

Recommendation

That Council adopts the Councillor Gifts, Benefits and Hospitality Policy in the form of Attachment 1 to the Officer Report with the removal of the following lines under ‘Bribes’ on Page 8: The Chief Executive Officer will report all credible reports of bribes and attempted bribes to Victoria Police. Councillors can also report bribes and attempted bribes to Victoria Police.

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

CARRIED

Report No: Report Title:

CC.4 Draft Governance Local Law 2021

Purpose and Overview

The purpose of this report is to present Council with a draft proposed Governance Local Law 2021 and to seek endorsement to release the Governance Local Law 2021 for community engagement in line with section 111 of the *Local Government Act 1989* and Council’s Community Engagement Policy.

Recommendation

That Council:

1. **Endorses the use of the draft Governance Local Law 2021 provided as Attachment 1 for the purposes of the actions set out in these resolutions.**
2. **Endorses the Local Law Community Impact Statement provided as Attachment 2 to accompany the proposed Governance Local Law 2021 for the purposes of community consultation.**
3. **Gives public notice of its intention to make the Governance Local Law 2021 under section 111 of the Local Government Act 1989 and seek community input in accordance with Council's Community Engagement Policy.**
4. **Considers any submissions received on the proposed Governance Local Law 2021 at a Submitters Delegated Committee Meeting at 7pm on Wednesday 12 May 2021.**
5. **Notes that a further report will be provided at the Council meeting on Wednesday 26 May 2021 summarising any community feedback received and recommending the Governance Local Law 2021 for adoption.**

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

CARRIED

Report No: Report Title:

CC.5 ANZAC Day commemorations and Australia Day Grant

Purpose and Overview

The purpose of this report is to seek Council's approval to provide financial support for Mount Macedon ANZAC Day Dawn Services for the years 2021-2024, and to correct an administrative error in relation an Australia Day Township Grant.

Since 2014, Macedon Ranges Shire Council has provided financial support for the Mount Macedon ANZAC Day Dawn Service, including amounts of \$5,000 for each of 2019 and 2020 (by resolution of Council). Officers are seeking Council's approval to continue providing this financial support.

An error in the name of an Australia Day Township Grant recipient needs to be corrected by Council resolution so that the funds can be paid to the correct recipient.

Recommendation**That Council:**

1. **Provide funding of \$5,000 for the Mount Macedon ANZAC Day Dawn Services (or equivalent commemoration) for each of the years 2021-2024.**
2. **Revoke its previous decision to grant \$500 to the Tylden Hall Committee of Management for Australia Day Township celebrations and instead grant \$500 to the Tylden Fire Brigade for Australia Day Township celebrations.**

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

CARRIED

Cr Moore left the meeting at 9.18pm.

13. DIRECTOR ASSETS AND OPERATIONS REPORTS:

Report No: Report Title:

AO.1 Draft Waste Management and Resource Recovery Strategy 2021-2026 update

Purpose and Overview

To inform and present Council with the updated draft Waste Management and Resource Recovery Strategy 2021 – 2026 (the draft Strategy) following the review of the Waste Management Strategy 2015-2020 (the previous Strategy). The new draft Waste Management and Resource Recovery Strategy 2021-2026 has been drafted to align with contemporary industry and community requirements. Various departments within Council have also reviewed the draft.

The draft Strategy was developed to provide sustainable solutions for the collection, disposal and recovery of resource from waste generated within our community.

The draft Strategy builds on the principles of the previous Strategy. It contains measurable targets and actions to be undertaken by Council over the next five years.

Recommendation

That Council:

- 1. Endorse the release of the draft Waste Management and Resource Recovery Strategy 2021 – 2026 for a six-week period of public consultation;**
- 2. Consider all submissions received in finalising and updating the draft Waste Management and Resource Recovery Strategy 2021 – 2026; and**
- 3. Consider the adoption of final version of the draft Waste Management and Resource Recovery Strategy 2021 – 2026 at a future scheduled Council Meeting.**

It was moved by Cr Bonanno, seconded by Cr Ridgeway that the Officer Recommendation be adopted.

CARRIED

Cr Neil left the meeting at 9.21pm having previously declared a conflict of interest in the following two agenda items.

Report No: Report Title:

AO.2 Romsey Ecotherapy Park – Stage 2 design

This report presents the Romsey Ecotherapy Park Stage 2 design for Council's consideration.

Recommendation:

That Council:

1. Endorse the landscape design for stage 2 of Romsey Ecotherapy Park; and
2. Refer funding for maintenance resources to a future budget process.

It was moved by Cr Death, seconded by Cr West that the Officer Recommendation be adopted.

CARRIED

Cr Moore returned to the meeting at 9.23pm.

Report No: Report Title:

AO.3 Romsey Ecotherapy Park – Stage 3

Purpose and Overview

This report discusses funding opportunities associated with Stage 3 of the Romsey Ecotherapy Park.

Recommendation:

That as this report concerns matters which Council considers would prejudice the Council or any person, then pursuant to 6(2)(a) of the Local Government Act 2020 (the Act), it be considered by Council together with any other confidential matters at the conclusion of that part of this meeting open to the public.

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

CARRIED

Cr Neil returned to the meeting at 9.24pm.

14. NOTICES OF MOTION

NOTICE OF MOTION NO. 13/2021-21 – CR GUTHRIE

It was moved by Cr Guthrie, seconded by Cr Moore that Council sends its sincere condolences, under seal, to the family of Michael Gudinski in recognition and appreciation of the economic and tourism benefits to our community in his pursuit of concerts at Hanging Rock Reserve.

CARRIED

NOTICE OF MOTION NO. 14/2020-21 – CR ANDERSON

It was moved by Cr Anderson, seconded by Cr Moore that Council direct the Acting Chief Executive Officer to prepare a report for consideration at the April 2021 Scheduled Council Meeting on the options available, costs and resources required to seek community feedback and provide a subsequent report back to a future Council Meeting on recommendations following such feedback, regarding the Macedon Ranges Residential Land

Demand and Supply Assessment, January 2020 prepared by Urban Enterprise with the purpose of consideration for inclusion of such a project in the 2021/2022 Budget.

CARRIED

15. URGENT BUSINESS

It was moved by Cr Guthrie, seconded by Cr Ridgeway that leave be granted to Cr Anderson to raise an item of urgent business relating to Forest Street, Woodend, footpath construction and concerns of local residents.

CARRIED

It was moved by Cr Anderson, seconded by Cr Ridgeway that Council:

- 1. Notes the correspondence received from residents local to Forrest Street Woodend, concerned about a new pathway between High Street and the Racecourse Reserve and requesting it not be installed.**
- 2. Notes that council officers have been to the site and met with some of the concerned residents, agreeing to install a 1.5 metre path linking to the existing footpath network as opposed to the standalone 2.5 metre shared cycling path.**
- 3. Notes correspondence had also been received from the Macedon Ranges Sustainability Group's Transport Action Group supporting the project as it provided a strategic priority link from the township to the Racecourse Reserve.**
- 4. Notes that council officers will meet again with the concerned residents to discuss further options for the pathway, before any construction work begins.**
- 5. Notes that the officers will be working towards addressing the concerns by this group regarding the impact on the natural amenity of the area and the look and feel of a rural township.**

CARRIED

It was moved Cr Guthrie, seconded Cr Pearce that leave be granted to Ridgeway to raise an item in relation to the Acting Chief Executive Officer as urgent business.

CARRIED

It was moved by Cr Ridgeway, seconded by Cr Moore that that Council writes a letter, under common seal, to the Acting Chief Executive Officer John Nevins thanking him for his excellent and outstanding service to Council and the community over the last six months and wishing him all the best for the future.

CARRIED UNANIMOUSLY

It was moved Cr Guthrie, seconded Cr Death that Council closes the meeting to the public under section 66 (2)(a) of the Local Government Act 2020 (the Act) to consider a matter that is "confidential" as defined by:

- **section 3 (1) a) of the Act because it contains Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released; and**
- **under section 3 (1) f) of the Act because it contains information relating to personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs.**

The meeting closed to the public at 9.58pm.

The meeting re-opened to the public at 10.14pm.

Closure of Meeting

The meeting closed at 10.14pm.

**Councillor Anderson
Mayor**