

Council Meeting Minutes

Ordinary Council Meeting
Wednesday 26 August 2020 at 6.00pm
Held online and livestreamed at mrsc.vic.gov.au

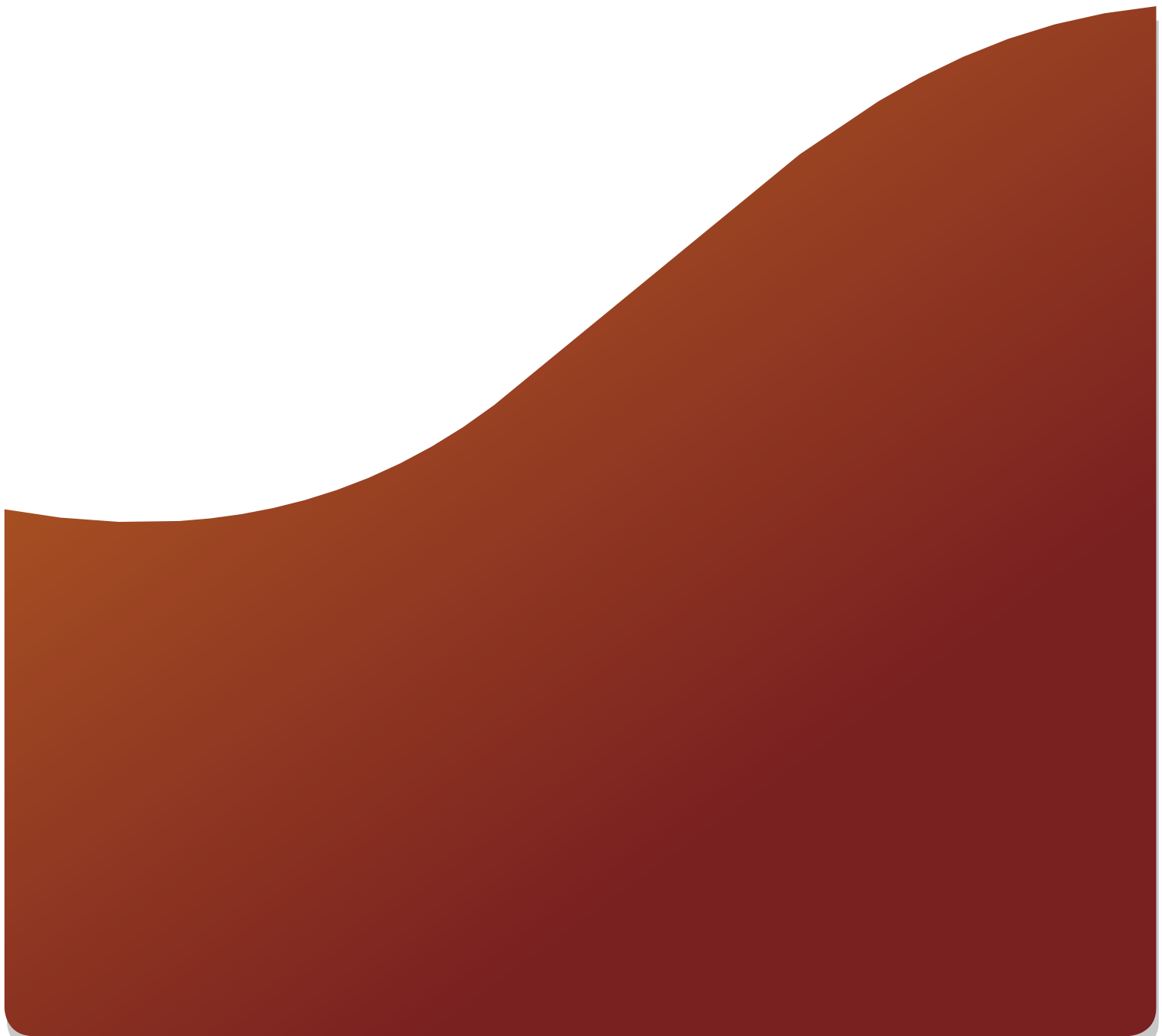


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1. RECORDING AND LIVE STREAMING OF THIS COUNCIL MEETING

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'* 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 Shane Walden | Director Assets and Operations |
| Mr John Hausler | Director Corporate and Community |
| Ms Angela Hughes | Director Planning and Environment |
| Mr Brian Glendenning | Interim Manager, Legal and Corporate Governance |
| Ms Lauren Reader | Governance Coordinator |
| Mr Brad Tellis | Coordinator Customer Service |
| Wendy Le Brocq | Customer Service Officer |

3. APOLOGIES

Nil

4. DECLARATION OF CONFLICTS OF INTEREST

The CEO, Ms Stork, declared an indirect conflict of interest in relation to agenda item 14, Notice of Motion 3/2020-21 as she was recently appointed to the Greater Geelong

Cemetery Trust Board. Ms Stork advised the meeting that Council has previously passed a resolution regarding the Gisborne Pine Plantation, which included advocating for the possible purchase of that land by the Greater Geelong Cemetery Trust.

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 and Council's vision: In partnership with the community, protect and enhance life across the Macedon Ranges.

COVID-19 Pandemic

Thank you to everyone who is complying with the Stage 3 restrictions and conditions and supporting each other. Council continues to work together with many groups and government agencies at regional and local levels and with the State Government through the Department of Health and Human Services (DHHS). We continue to monitor the situation daily as it affects our community and staff.

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

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**

Veg Action Group - Winter Veg Recipe Challenge

We love seeing all the innovative ways to bring the community together and none more so than in the final of this event, which has been running for over a month. It was livestreamed and included the shortlisted three finalist recipes, three judges (two experts and myself), the hosts (Claire and Lucy) all at our homes.

Lots of wonderful descriptive words were flying around as we taste tested the delivered dishes and heard from the cooks. It was a creative way to talk about local seasonal vegetables, bring the community together to discuss the positive aspects of growing your own produce, and highlight the importance of healthy eating. Congratulations on such a successful event.

Central Goldfields Libraries Online Program Photography event - Life during COVID-19

The libraries are temporarily closed and we appreciate all the prior effort of staff to organise books for people to borrow for these weeks. They continue to operate with a constant stream of online events, including discussions with authors, story time (which I loved being a part of a month ago), wellbeing programs, sessions on gaining confidence connecting to the internet and discussions on history, just to name a few.

Earlier this month I tuned in to an entertaining hour of *Life during COVID-19* photography, which included presentations by three photographers reflecting and

catching the human moments on film of the life in our communities during these times. Programs are on the website.

Women's Health Loddon Mallee (WHLM) Strategic Plan Workshop

I was pleased to be invited to attend this session along with representatives from community health agencies and other organisations. WHLM aims to enhance women's health and wellbeing in the region with a focus on sexual and reproductive health, prevention of violence against women, and gender equity. Its vision is to achieve gender equality across the region through leadership, advocacy, gender transformative practice, partnerships and supporting cultural change.

Kyneton Community House AGM (Annual General Meeting).

Many organisations are holding their AGM's via virtual means. Although they are not working from the buildings, the Neighbourhood and Community Houses are still very active and as always are assisting many in our community through new and innovative ways. They continue to provide a constant source of information, partner with various other groups, provide food relief and contact with vulnerable people. We have six Neighbourhood Houses who work closely together, have strong committees who volunteer their time and we look forward to when they can once again open their doors.

Youth Live4Life Incorporated

Youth Live4Life adapted quickly to the circumstances, knowing that there has never been a more important need than now to deliver mental health support to young people in our schools. I was pleased to be invited to the virtual launch of six videos with key mental health education messages. Built with a "can do" tone and clear positive messages, the projected audience is 5000 students and we hope that this can extend further.

Key messages include *BCDEA - Be aware; Check In; Don't Check Out; Engage an Adult*. They speak about "Give Stigma the Flick" and who is on our team. They talk about our response to others, kindness and compassion and also continue the core work and messages to help decrease stigma, increase awareness of where to get help, reduce barriers and build resilience.

1st Riddells Creek Annual Report and Presentation (ARAP).

A celebration of the year, its highlights and how everyone has adapted to "Scouting at Home" (SAH). Over 30 people gathered via Zoom, including scouts, cubs and venturers, families, leaders, committee members, commissioners, the Hon Mary-Anne Thomas MP and myself for an evening of games, photos, songs, reports, presentations and lots of enthusiasm. It showed how using your imagination and having curious and resilient attitudes can ensure programs continue.

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

Council of Small Business Organisations Australia (COSBOA) - Go Local First Campaign and Click for Vic Campaign

The Go Local First campaign was launched in July. The campaign is funded by the Commonwealth Government and seeks to drive behavioural change in consumers to

shop at small, local and family businesses first, either online or in person when able, to help get the economy back on its feet. Council is strongly supporting this campaign with videos and extra media that have been launched over the past weeks.

Click for Vic has been set up by Visit Victoria and encourages people to support the tourism industry by buying local products online and in store. It has a budgeted \$2million allocated to marketing to showcase the best of Victoria and stimulate immediate returns for business. Eligible businesses include Victorian producers, wineries, restaurants, retailers and more. Free Australian Tourism Data Warehouse (ATDW) listings are also offered which provides advertising to increase exposure and presence.

We know local business and producers have been supporting our community and groups for years and we thank everyone continuing to support them during these times. When you spend local it stays local. Remember there are ways to support businesses by writing a positive review online, telling your family and friends, following them on social media, engaging with their posts, giving positive feedback and signing up for their newsletter.

Webinar - Victorian Central Greenhouse Alliance - How to Talk about Climate Change- insights from Social Research with Dr Rebecca Huntley

Council is a member of the Central Victorian Greenhouse Alliance which is a network of 13 local governments working together to drive action on climate change. This is done through developing and implementing innovative regional projects, advocacy on climate and energy policy, knowledge sharing and the promotion of best practice. Due to current restrictions like many other organisations its annual forum was cancelled and this was one of a few webinars to be held via virtual means.

National Bushfire and Climate Summit 2020: Recommendations and Wrap Up

I also joined the webinar by the Climate Council and panel of experts of climate scientists, health, renewable energy and policy experts that discussed this report.

Cool Changes 3442 Virtual Workshops

The final workshops and stages of this project has seen very strong community support. Councillors had the opportunity and joined some sessions. These have included looking at sustainability related projects already in place, what is currently happening in the community and working to ensure the priorities moving forward are captured in a community map. Thanks to everyone, the consultants and officers who will now document the draft action plan.

Community Forums - Gisborne Futures

A series of six public webinars have been held over the last weeks to encourage resident discussions. Councillors have joined some of them. One of Council's core responsibilities is strategic planning of our towns. The draft documents for the long-term Structure Plan, the Urban Design Framework and the Neighbourhood Character have been released and it is a 30-year plan.

Large-scale forums and public meetings are not possible but the project team is delivering publications, targeted webinars, videos and surveys to encourage public comment and opportunities to make written submissions.

These important documents will help shape the future look and feel of Gisborne, guide sustainable growth and the development of the township while protecting the surrounding landscape. Council has previously asked for your ideas and now with the draft we would like your feedback to see if these documents reflect and represent the community's vision for the future.

Annual tree planting program

Council continues its current work planting more than 300 tree on nature strips throughout the shire as part of the annual tree planting program. These works are conducted at the optimal time for planting which is between May and September. All of the locally purchased trees are selected from Council's preferred species list. Although Council staff will ensure that new plantings are looked after, residents will be encouraged to water the plants in hot weather and interested residents are provided with a bucket and an information brochure.

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

Governance

Councillors, as delegated representatives, continue to attend teleconference meetings as restrictions remain in place. These have included:

- Agribusiness Forum
- Workspace
- Municipal Emergency Management Planning Committee (MEMPC)
- Audit Committee
- Health and Wellbeing Committee
- Chief Executive Officer Performance Appraisal Advisory Group
- Submitters Committee Meeting

Council heard verbal submissions from those who had provided written submissions to statutory planning permit application PLN/2005/569/G, which is on the agenda for tonight's Ordinary Council Meeting.

Councillor and Community Forum.

Each year Councillors hold a certain number of briefing days at halls or community facilities in different towns in the shire, which includes an opportunity for Councillors and the community to meet. Due to the restrictions, Council held its first online forum via Zoom. We appreciated the opportunity to talk to a number of residents, hear their thoughts on local issues and matters of community interest. We will look to continue these in the future while restrictions are in place. Our thanks to those who attended.

Meetings

- The Director of Planning and Environment, Angela Hughes, and I met with Michelle Young, the current Deputy Commissioner Fire Safety, and Fire Resources

On 1 July 2020, a new organisation was launched – Fire Rescue Victoria (FRV) – bringing together the Metropolitan Fire Brigade (MFB) and the Country Fire Authority (CFA). There are four Deputy Commissioners and around 300 staff working across 85

stations in regional centres and metropolitan areas. It includes a wide range of areas including the built environment and land use planning, bushfire mitigation, assessments and community safety, prevention, preparedness, response and recovery.

- Macedon Ranges Regional Sports Precinct Advocacy / Project Working Group meeting
- Australian Local Government Women’s Association Victorian Branch (ALGWA Vic) board meeting and bursary awards recognising women currently working in Local Government.

The CEO and I met with:

- Federal Member for Bendigo, Lisa Chesters MP
- Federal Member for McEwen, Rob Mitchell MP
- State Member for Northern Victoria, Wendy Lovell MP
- The Incident Management Team, members from DHHS, health care facility representatives and CEOs and mayors from other local government shires regarding Don KR in Castlemaine
- Loddon Campaspe CEO and Mayor bi-monthly meeting
- Meeting with the *Working for Victoria* employees.

Council was very pleased with the support from the state government initiative *Working for Victoria* and has 92 new staff for a period of six months, contracted in a wide variety of roles. The CEO and the group of employees have regular catch ups and I was pleased to join them and welcome them on behalf of Councillors.

It was lovely to listen as they spoke about their roles and work and to hear that they feel welcome, safe and supported. This is a wonderful opportunity to bring a wide variety of diverse people and skills in to Council ranging from a videographer, technicians, a grants project officers, specialised welfare officers, extra people to assist and assess hardship applications, people working out on our roads upgrading signage, a planner specialising in Environmentally Sustainable Design (ESD), a carbon accountant, data collection experts, an engineering and resource recovery process improvement officer, digital accessibility officer, people and culture support services and many more areas.

Stay safe. Thank you.

It was moved by Cr Mees seconded by Cr Anderson that the Mayor’s Report be received.

CARRIED

6. PETITIONS

Cr Pearce presented a petition.

It was moved by Cr Pearce and seconded by Cr Anderson that a petition signed by approximately 38 persons requesting the sealing with bitumen of Mowbrays Road, Karlsruhe be received and lay on the table until a future meeting of Council at which a report on the matter will be presented.

CARRIED

7. ADOPTION OF MINUTES

Ordinary Council Meeting: Wednesday 22 July 2020

Officer Recommendation:

That the minutes of the Ordinary Council Meeting of the Macedon Ranges Shire Council held on Wednesday 22 July 2020 as circulated be confirmed.

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

CARRIED

8. RECORD OF ASSEMBLIES OF COUNCILLORS – AUGUST 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 |
|-----------|---|---|
| | 22 July 2020 9.00am – 11.10am | Councillor Briefing |
| | Venue | <i>Briefing conducted via teleconference</i> |
| | Present – Councillors | Crs Anderson, Gayfer, Jukes, Pearce, Radnedge, Twaits, West |
| | Present – Officers | Margot Stork, John Hausler, Angela Hughes, Shane Walden, Brian Glendenning, Lauren Reader, Fiona Alexander, Rob Ball, Michelle Wyatt, Krista Patterson-Majoor, Leanne Khan, Christo Crafford, Stephen Pykett |
| | Presenters | Nil |
| | Items discussed | <ul style="list-style-type: none"> • Revised Councillor Support and Expenses Policy • Proposed Locality Boundary – Balls Lane, Pipers Creek • Regional Assessment Service – Extension to July 2022 • Council Submission to the Parliamentary Inquiry into the Ecosystem Decline in Victoria • Rural Land Use Strategy • Agenda Review: <ul style="list-style-type: none"> - Petition re Tylden Tree Planting - Adoption of Council Plan 2017-2027 (Year Four) - Adoption of Final Budget 2020/21 - Adoption of Strategic Resource Plan - Flag Policy - Draft Positive Ageing Plan PARTICIPATE 2020-2025 - 2020/21 Macedon Ranges Events and Festivals Grant Program - Kyneton Airfield |
| | 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 |

| 2. | Date / Time | Type of Assembly |
|-----------|-----------------------|--|
| | 27 July 2020 | Macedon Ranges Regional Sports Precinct Project (MRRSP) Reference Group |
| | Venue | <i>Meeting conducted via teleconference</i> |
| | Present – Councillors | Crs Anderson, Pearce, Radnedge |
| | Present – Officers | Shane Walden, Luke Beattie, Meaghan McNamara, Justin Walsh, Michelle Nolte, Katie Delfosse |

| | |
|---|--|
| Presenters | Nil |
| Items discussed | <ul style="list-style-type: none"> • MRRSP project update • MRRSP project reference group • MRRSP advocacy and funding • MRRSP design process and considerations |
| 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>Nil</p> <p>Did they leave the assembly? N/A</p> |
| Conflicts of interest declared by officers | <p>Nil</p> <p>Did they leave the assembly? N/A</p> |

| | | |
|-----------|---|--|
| 3. | Date / Time | Type of Assembly |
| | 5 August 2020 9.00am – 11.45am | Councillor Briefing |
| | Venue | <i>Meeting conducted via teleconference</i> |
| | Present – Councillors | Crs Anderson, Bleeck, Gayfer, Jukes, Pearce, Radnedge, Twaits, West |
| | Present – Officers | Margot Stork, John Hausler, Shane Walden, Brian Glendenning, Lauren Reader, Sarah Noel, Stephen Pykett, Leanne Manton, Rob Ball, Stephen Rowley, Christo Crafford |
| | Presenters | Fran Wigley and Warwick Potter, Friends of East Timor |
| | Items discussed | <ul style="list-style-type: none"> • Presentation by Friends of East Timor • Glen Junor Workshop • Revised Instrument of Delegation • Planning Matters - PLN/2020/11 152 Boggy Gate Road, Clarkefield • Daylesford Macedon Ranges Tourism (DMRT) Discussion |
| | 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>Nil</p> <p>Did they leave the assembly? N/A</p> |
| | Conflicts of interest declared by officers | <p>Nil</p> <p>Did they leave the assembly? N/A</p> |

| | | |
|-----------|------------------------------------|--|
| 4. | Date / Time | Type of Assembly |
| | 12 August 2020 9.00am – 12.30pm | Councillor Briefing |
| | Venue | <i>Meeting conducted via teleconference</i> |
| | Present – Councillors | Crs Anderson, Bleeck, Gayfer, Pearce, Radnedge, Twaits, West |

| | |
|---|--|
| Present – Officers | Margot Stork, John Hausler, Shane Walden, Brian Glendenning, Lauren Reader, Nathan Upson, Luke Beattie, Dean Frank, Leanne Manton, Rob Ball, Jack Wiltshire, Bob Elkington, Stephen Pykett, Gary Randhawa, Meaghan McNamara, Hayley Drummond, Christo Crafford |
| Presenters | Nil |
| Items discussed | <ul style="list-style-type: none"> • Dixon Field Master Plan • Planning Scheme Amendment C126 – Submissions • Application for a Development Plan Amendment DP/2020/1 – 110-112 Willowbank Road, Gisborne • Business Impact Survey Report • Council Meeting Agenda review: <ul style="list-style-type: none"> - Application for Planning Permit PLN/2005/569/G 1849 Mount Macedon Road, Woodend - Heritage Update on Melbourne Road and Kilmore Road Intersection - Public Transparency Policy - Election Period (Caretaker) Policy and Governance Rules - Establishment of Submitters Committee as a Delegated Committee of Council and Related Matters - Revised Instrument of Delegation – Members of Council Staff - Amendments to the Loan Guarantee Policy and the Leasing and Licencing Policy - Proposal to Sell 20 Jacobs Avenue, Kyneton - Macedon Ranges Shared Trails Project - Kerbside Collection and Associated Services Charge Policy - Response to Petition – Trees, Tylden - Notice of Motion – Cr Radnedge |
| 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>Nil</p> <p>Did they leave the assembly? N/A</p> |
| Conflicts of interest declared by officers | <p>Nil</p> <p>Did they leave the assembly? N/A</p> |

| 5. | Date / Time | Type of Assembly |
|-----------|---|--|
| | 19 August 2020 9.00am – 11.40am | Councillor Briefing |
| | Venue | <i>Meeting conducted via teleconference</i> |
| | Present – Councillors | Crs Anderson, Gayfer, Pearce, Radnedge, Twaits, West |
| | Present – Officers | Margot Stork, John Hausler, Shane Walden, Brian Glendenning, Lauren Reader, Sean Morley, Leanne Manton, Sarah Noel, Bob Elkington, Stephen Pykett, Will Rayner, Rob Ball, Leanne Khan, Awais Sadiq |
| | Presenters | Desley Renton, Renton & Co |
| | Items discussed | <ul style="list-style-type: none"> • End of Financial Year Position & Budget Carry Forwards • Reconciliation Action Plan • Community Engagement Policy • RV Facilities • Submission to improving planning for Melbourne’s Green Wedges & Agricultural Land • Planning Matters <ul style="list-style-type: none"> - 6 & 8 Davey Street, Woodend - 1302 Trentham Road, Tylden |
| | 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 |

| 6. | Date / Time | Type of Assembly |
|-----------|-----------------------------|--|
| | 19 August 2020 7.00pm | Macedon Ranges Shire Health and Wellbeing Advisory Committee Meeting |
| | Venue | <i>Zoom (virtual meeting)</i> |
| | Present – Councillors | Crs Anderson, Pearce, Radnedge |
| | Present – Officers | Margot Stork, John Hausler, Nicole Fitzpatrick, Melissa Collins, Leanne Manton, Fiona Alexander, Rebecca Millard |
| | Present – Committee members | Judit Brown, Geoff Caddick, Jayne Howley, Annamarie Perlesz, Paul Stuart, Kristina Vingrys, Rachael Wauchope |
| | Present – Facilitator | Desley Renton, Renton & Co |

| | |
|---|---|
| Items discussed | <ul style="list-style-type: none"> • Healthy Ageing Presentation – Draft Positive Ageing Plan • Community engagement under the Local Government Act 2020 / Update on HWBC Facilitated TOR Review Session • COVID-19 – General discussion / Ideas for Recovery • Preliminary ideas for framing a new Council vision under the LGA 2020 • Memberships expiring in October 2020 |
| 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>Nil</p> <p>Did they leave the assembly? N/A</p> |
| Conflicts of interest declared by officers | <p>Nil</p> <p>Did they leave the assembly? N/A</p> |

Recommendation:

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

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

CARRIED

9. DEPUTATIONS AND PRESENTATIONS TO COUNCIL

Nil

10. DIRECTOR PLANNING AND ENVIRONMENT REPORTS:

Report No: Report Title:

PE.1 Application for Planning Permit PLN/2005/569/G – Use of the land for the purpose of a retirement village, the construction of buildings and the construction and the carrying out of works, and the removal of vegetation, generally in accordance with the endorsed plans (amendment requested for additional nineteen dwellings and removal of native vegetation) – 1849 Mount Macedon Road, Woodend

Purpose and Overview

It is proposed to amend the existing planning permit to enable the expansion of the retirement village into the abutting land to the west at No. 29-33 Sullivans Road Woodend. An additional 19 dwellings are proposed as part of the extension. Minor changes are also proposed to enable the extension of the private road network to facilitate the expansion of the retirement village.

The application was advertised and one objection was received.

Key issues to be considered relate to the appropriateness of how the proposal meets the character of the area and impact on services.

The application has been assessed against the Macedon Ranges Planning Scheme and is considered appropriate. It is recommended that the application be approved subject to appropriate amended conditions.

Recommendation

That Council resolves to amend planning permit PLN/2005/569/G as follows:

- 1. Amend the address of the land to read as follows:
 LOT 4 PS 516070C P/Woodend, 1849 Mount Macedon Road WOODEND,
 LOT 2 PS 513598X, 35-39 Sullivans Road WOODEND and Lot 1 PS 513598X
 29-33 Sullivans Road WOODEND**
- 2. Amend the permit conditions to read as follows (all amended or new conditions are underlined for clarity):**

THE PERMIT ALLOWS:

Use of the land for the purpose of a Retirement Village, the construction of buildings and the construction and the carrying out of works, and the removal of vegetation, generally in accordance with the endorsed plans

THE FOLLOWING CONDITIONS APPLY TO THE PERMIT

- 1. Before each stage of the development starts, amended plans, to the satisfaction of the Responsible Authority must be submitted and approved by the Responsible Authority. When approved, the plans will be endorsed under this permit. The plans must be in accordance with the plans submitted with the application but modified to show/include:**
 - (a) Full site, floor, elevation, streetscape elevation and landscaping plans for all buildings and associated works associated with the particular stage of the development.**
 - (b) Amendments to the elevation of all buildings, by deleting white columns, white trimmings and decorative gable features, and by replacing them with colours/materials that are more characteristic of the rural nature of the locality (such as muted colours, square/stoned stacked columns).**
 - (c) The removal of Tree’s identified as numbers 2, 3 and 5 in Tree Assessment Report by John Patrick Landscape Architects (dated January 2012), and the removal of Tree’s identified as numbers 22 and 26 in Tree Assessment Report by John Patrick Landscape Architects (dated July 2012).**
 - (d) All the plans to be amended to remove all references to the vegetable patch on the eastern side of the development plans,**
 - (e) The provision of a colour palette for all external surfaces of buildings proposed.**
 - (g) The total number of vehicle spaces provided on site.**
 - (h) All buildings and paved areas in the development serviced by an underground drainage system designed to:**
 - (i) connect to Council’s existing underground drainage network;**
 - (ii) limit downstream flow to pre-development levels;**
 - (iii) include provision to intercept litter before connection with any Council drain or discharge to a watercourse;**

- (iv) be sized on a 1:10 year ARI as required by Council Policy “Engineering Requirements for Infrastructure Construction”;
 - (v) incorporate water quality measures to meet minimum Council standards with engineering plans to be submitted for approval prior to construction commencing;
 - (vi) make provision for accommodation of drainage discharge from lots to the west;
 - (vii) designed such that no private property is inundated by a 1% AEP storm with the flow paths indicated on the plans. The plans must comply with Council Policy “Engineering Requirements for Infrastructure Construction” All landscaping features in the floodway must be designed to resist flooding and eliminate being washed away and blocking culverts and/or other outfalls.
- (i) All buildings to be setback at least 5.0m from any drainage easement (if required as a result of the detailed drainage design) along the northern boundary of the western part of the subject land (to allow for the provision of screening vegetation outside the easement) unless the detailed drainage design can show adequate drainage via the proposed Internal road system, to the satisfaction of the Responsible Authority.
 - (j) Further detail regarding impacts (if any) on vegetation as a result of additional road which runs parallel with the ornamental lake on the western side of the lake.
 - (k) All plans are to be updated to include the location and interface to Sullivans Road to the south.
2. Prior to the commencement of works for Stage 5, three copies of amended plans must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be generally in accordance with the plans prepared by GemLife Woodend but modified to show:
- a) Typical dimensions for visitor parking spaces.
 - c) Minimum dimensions of visitor parking spaces must comply with Table 2 of Clause 52.06.
3. Prior to the commencement of the development, the Master Plan and Vegetation Management Plan must be amended to reflect the changes required by Condition 1, to the satisfaction of the Responsible Authority.
4. Before development starts, the following must also occur to the satisfaction of the Responsible Authority:
- a) A Village Management Plan must be endorsed under this permit by the Responsible Authority. The Village Management Plan must include specific reference to:
 - (i) measures to ensure the non-use of Sullivans Road by vehicles associated with the Retirement village other than during an emergency;
 - (ii) maintenance of internal roads, landscaping, garbage collection, public open space and the provision of storage for caravans, trailers/boat and long-term storage;
 - (iii) ongoing implementation of the recommendations of the Native Vegetation and Habitat Hectare report by Brett Lane and Associates, October 2005, to be endorsed under this permit;

- (iv) the making available of the Amenities building to the public at all reasonable times (other than during private functions); and,
- (v) the provision of a shuttle bus to central Woodend, including Woodend railway station, and golf carts or similar for the use of residents within the subject land, and the encouragement of walking within and beyond the subject land.

The Management Plan must be endorsed under this permit by the Responsible Authority before the development commences.

- (b) A Construction Management Plan must be endorsed under this permit by the Responsible Authority. The Construction Management Plan must include measures to implement:
 - (i) restriction of sediment discharges from within the property in accordance with Construction Techniques for Sediment Pollution Control (EPA 1991) and Environmental Guidelines for Major Construction Sites (EPA 1995); and
 - (ii) protection of the amenity of neighbouring residents, with specified hours of construction, and measures to limit the emission of noise, dust, pollution and vibrations.
- (c) The landowner or any person who anticipates becoming the owner of the land (future owner) must enter into an agreement with the Responsible Authority under Section 173 of the Planning and Environment Act 1987, to be registered on title. The owner or future owner (as appropriate) must pay the reasonable costs of the preparation, execution and registration of the Section 173 Agreement. The agreement must provide that the owner or future owner will, all at the owner's or future owner's cost (as appropriate) and to the satisfaction of the Responsible Authority:
 - (i) Ensure that the use is carried out in accordance with the approved Management Plan; and
 - (ii) Construct at the landowner's cost the Intersection between "Main Avenue" and Mount Macedon Road as required by, and to the satisfaction of Council in accordance with Austroad Guidelines, and to pay the Council's reasonable costs in constructing within a reasonable timeframe a shared rural type footpath along Mount Macedon Road from the entry of the development to Mountview Road.

Even if a Section 173 Agreement is entered into before the development starts, no development or use may continue unless such an agreement (or replacement agreement on the same terms) remains current and continues to be recorded on the certificate of title for the land.

- 5. Within six (6) months of the completion of Stage 1, an Offset Plan for the removal of the trees referred to in Condition 1(c) must be submitted to and approved by the Responsible Authority. When approved the plan will be endorsed and form part of this permit. The plans must be drawn to scale with dimensions (where appropriate) and three copies must be provided. The plans must show:
 - a) Location of where the Offsets will be provided;
 - b) Details of revegetation including number of trees, shrubs and other plants, species mix and density; Numbers are to be no less than Fifty-eight (58) locally indigenous plants which are to be established within/in the vicinity or area indicated on/off the site.
 - c) Means of interim protection for all newly planted vegetation until established (guards, fencing etc.) (period of at least three years);

- d) Persons responsible for implementing and monitoring the offset plan;
 - e) Timeframes for implementing the Offset Plan. Plants are to be established within twelve (12) months of the completion of Stage 2.
6. Prior to development of Stage 5 or 6 commences (including any demolition, excavations, tree removal, delivery of building/construction materials and/or temporary buildings), a native vegetation protection fence must be erected around all native vegetation to be retained within 15 metres of the works area. The temporary vegetation fencing must be erected to the satisfaction of the Responsible Authority. This fence must be erected at:
- a) A radius of 12 times the diameter of the tree trunk at a height of 1.4 metres to a maximum of 15 metres but no less than 2 metres from the base of the trunk of the tree; and
 - b) Around the patch (es) of native vegetation at a minimum distance of 2 metres from retained native vegetation.
 - c) The tree protective fencing must be constructed of star pickets and paraweb or similar, to the satisfaction of the responsible authority. The protection fence must remain in place until all works are completed and must be erected around areas to be retained to protect surrounding vegetation. The tree protection fencing must form a visual and physical barrier and include signage clearly marked “Vegetation Protection Zone – No Entry” on all sides. Any trees, vegetation or waterways near the development site and/or construction areas must be included in the tree protection zone.
7. No fauna is to be trapped, injured or removed from the site. All trees must be assessed to determine if there are fauna present prior to undertaking any tree removal. Fauna includes any marsupials, birds, bats and mammals. A fauna assessment is to be carried out prior to any works commencing to ensure no nesting sites are present in the trees and shrubs to be removed (this can also be undertaken by a qualified arborist). Fauna Rescue must be organised with Wildlife Victoria on 8400 7300 if any fauna are present.
8. Prior to the commencement of works including removal of any vegetation for Stage 6 a fauna assessment must be carried to ensure no nesting sites are present in the trees. This is to be undertaken by a certified DELWP Wildlife Carer.

Native vegetation offsets

9. The total area of native vegetation permitted to be removed in Stage 5 is 0.031 hectares, comprised of patch vegetation. To offset the removal of 0.031 hectares of native vegetation the permit holder must secure a native vegetation offset(s) that meets all the following:
- a) A general offset of 0.006 general habitat units located within the Port Phillip and Westernport Catchment Management Authority boundary or Macedon Ranges municipal district; and
 - b) have a Strategic Biodiversity Value score of at least 0.384 and must be in accordance with the Guidelines for the removal, destruction or lopping of native vegetation (DELWP, 2017).

Offset evidence

10. Before any native vegetation in Stage 5 is removed, evidence that the required offset for the project has been secured must be provided to the satisfaction of the responsible authority. This evidence must be:
- a) an established first party offset site. This must include:

- b) a security agreement signed by both parties, and
- c) a management plan detailing the 10-year management actions and ongoing management of the site;
- d) to the satisfaction of the Department of Environment, Land, Water and Planning and approved by the Responsible Authority.
- e) Every year, for ten years, after the responsible authority has approved the offset management plan, the applicant must provide notification of the management actions undertaken towards implementing the offset management plan, to the department. An offset site condition statement, including photographs must be included in this notification; *and/or* credit extract(s) allocated to meet the requirements of the permit from the Native Vegetation Credit Register.
- f) A copy of the offset evidence must be endorsed by the responsible authority and form part of this permit.
- g) Within 30 days of endorsement of the offset evidence by the responsible authority, the permit holder must provide a copy of the endorsed offset evidence to the Department of Environment, Land, Water and Planning at planning@mrsc.vic.gov.au.

Weed eradication

11. Prior to the commencement of the use of Stage 5 the removal of a large patch of Blackberry located in the back corner of the property must be removed.

Land Management Plan

12. Prior to the commencement of works for Stage 6, a Land Management Plan for the development must be submitted for approval that include the remnant native vegetation to be retained in this development. The Land Management Plan must include a yearly routine inspection maintenance program conducted by a Level 5 Arborist for all retained trees to ensure they are managed and enhanced in perpetuity. All existing understorey must be enhanced and revegetated with local indigenous plant species.

Tree protection

13. Prior to the commencement of works for Stage 6 the developer must advise all persons undertaking the vegetation removal or works on-site of all relevant permit conditions and associated statutory requirements or approvals.
14. Only vegetation within the development footprint is to be removed/disturbed, as per the endorsed site plans provided to and approved by Council. No other vegetation (including trees, shrubs, grasses and herbs) shall be removed, damaged, destroyed, felled, lopped or uprooted unless with the prior written consent of the Responsible Authority.
15. Vegetation removal and disposal must not damage vegetation stands to be retained and must not impact nearby drainage lines and/or watercourses to the satisfaction of the Responsible Authority.
16. Any tree removal must be undertaken by a qualified arborist to the Australian Standard – Pruning of Amenity Trees AS4373-1996 and to the satisfaction of the Responsible Authority.

Tree Management Plan

17. Prior to the commencement of any works for Stage 6, a Tree Protection Management Plan (TPMP) must be submitted for approval. The tree protection measures must be outlined for all phases of demolition and construction. It will

include details of construction staging, a project arborist inspection timeframe and a compliance checklist.

Underground Services

18. Prior to the commencement of any works for Stage 6, a site plan must be submitted for approval by the Council's Environment Unit detailing the location of stormwater and sewerage services on the development. The tree protection zones of all trees to be retained must not be impacted by these services.

Weed Management Plan

19. Prior to the commencement of any works for Stage 6, a Weed Management Plan must be submitted and include:
- a) A weed map of the development that identifies all patches of problematic weeds prior to commencement of works including species listed by common names and scientific names.
 - b) A yearly schedule of works on a yearly basis for all stages of the development.
 - c) Method/s of control for each species.
 - d) Timing of control.
 - e) Frequency of Control.
 - f) Monitoring.
 - g) A yearly reporting form for a weed contractor to complete and submit to the Responsible Authority (Environment Unit) on a yearly basis.
20. Prior to any works commencing for Stage 6, a Construction Environmental Management Plan (CEMP) must be submitted and endorsed by the Responsible Authority and include the following information:
- a) Any CEMP conditions requested by Council's Engineering Department.
 - b) Vegetation protection fencing to be erected around 'environmental no go zones' as outlined in Condition 6.
 - c) Actions not be undertaken in any Vegetation Protection Zone (VPZ) as outlined in Condition 21.
 - d) Before earthworks commence, all culverts must be identified. All culverts must have silt fencing erected and must be maintained until a reasonable cover of vegetation cover has established.
 - e) No soil or debris from earthworks is permitted within the road reserve. If these areas are required for storage, then an area must be identified on the CEMP in consultation with the Responsible Authority.
 - f) A weed management plan as outlined in Condition 19.
 - g) All machinery storage areas must be identified in consultation with the Responsible Authority.
 - h) All work zone areas must be pegged or fenced prior to commencement of works and identified on the CEMP.
 - i) 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. An appropriate wash-down area must be identified.

Once approved the requirements of the CEMP must be implemented.

21. Unless with the prior written consent of the Responsible Authority, the following actions must not be undertaken in any Vegetation Protection Zone as identified on the endorsed plan, to the satisfaction of the Responsible Authority:

- a) Materials or equipment storage;
- b) Attachment of any materials to trees (including temporary service wires, nails, screws or any other fixing device);
- c) Open cut trenching or excavation works (whether or not for laying of services);
- d) Changes to the soil grade level.

LANDSCAPING

22. Prior to the commencement of any development works for Stage 3 and for any additional stage an amended landscape plan must be submitted to and approved by the Responsible Authority. The landscape plan must provide the following:
- a) A schedule of all proposed trees, shrubs and ground covers (including numbers, size at planting, size at maturity and botanical names), as well as sealed and paved surfaces. The flora selection and landscape design should be drought tolerant.
 - b) Details of the location and type of all paved and sealed areas.
 - c) The landscape plans specifically be updated to include:
 - i. all existing vegetation within the road reserve of Sullivans Road.
 - ii. new street trees within the road reserve of Sullivans Road – to be of local indigenous species of a size at maturity appropriate for the space allowed.
 - iii. A plant schedule showing species, quantities and supply sizes with street trees a minimum of 45 Litre/1.6 metres high.
 - iv. The following notations:
 - *Tree planting is to occur between April & September to maximise establishment and survival.*
 - *Tree locations shown on this plan are a guide only and may require adjustment to coordinate with final service locations, Powercor requirements, and ‘as constructed’ infrastructure*
 - *Street tree locations are to be set-out and approved on site by the Council Landscape Officer in accordance with the Tree Management policy prior to installation*
 - *It is the responsibility of the contractor to confirm the location of all underground services prior to commencement of any excavation.*
 - v. An advanced Tree Planting Detail with a minimum 52L Greenwell water saver and three (3) hardwood stakes

Notes:

- Information regarding Councils preferred street trees and Tree Planting Detail can be requested from the Parks and Gardens Unit.
23. All use and development hereby approved must be in accordance with the relevant plans endorsed under this permit and must not be altered without the prior written consent of the Responsible Authority.
24. A rural-type fence is to be constructed along the southern boundary of the land with Sullivans Road, to the satisfaction of the Responsible Authority.
25. All internal Street lighting and lighting from the tennis court shall be designed to prevent light spill outside the boundaries of the land, in the context of the rural nature of the neighbourhood, to the satisfaction of the Responsible Authority.

26. Before the occupation of each stage of the development, the areas set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
- a) Constructed;
 - b) Properly formed to such levels that they can be used in accordance with the plans;
 - c) Surfaced with an all-weather sealcoat or treated to the satisfaction of the Responsible Authority to prevent dust and gravel being emitted from the site;
 - d) Drained and maintained;
 - e) Line marked to indicate each car space and all access lanes;
 - f) Clearly marked to show the direction of traffic along access lanes and driveways;

to the satisfaction of the Responsible Authority. Car spaces, access lanes and driveways must be kept available for these purposes at all times, to the satisfaction of the Responsible Authority.

27. All documents previously endorsed as part of the permit (including the Vegetation Management Plan, Village Management Plan, Construction Management Plan and Section 173 Agreement) will also apply to Stages 5 and 6 as relevant unless with the prior written consent of the Responsible Authority.
28. RV vehicles may only be stored on site and not used for accommodation purposes whilst on site to the satisfaction of the Responsible Authority.

COUNTRY FIRE AUTHORITY CONDITIONS

29. Amended plans are required that achieve the following requirements:
- a) Before the development commences, amended plans to the satisfaction of the CFA must be submitted and approved by CFA and the Responsible Authority. When approved the plans will be endorsed and then form part of this permit. The plans must be drawn to scale with dimensions. The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - (i) Operable hydrants, above or below ground. Hydrants must be shown with a maximum distance between a hydrant and the rear of a building envelope (or in the absence of the building envelope, the rear of a lot) of 120m and hydrants must be no more than 200m apart;
 - (ii) Constructed roads with a minimum trafficable width of 7.3m (including rollover kerbs if they are provided) if parking is unrestricted; or 5.5m (including rollover kerbs if they are provided) if parking is restricted to one side of the road.
 - (iii) Constructed roads more than 60m in length from the nearest intersection must have a turning circle with a minimum radius of 8m (including roll-over curbs if they are provided) T or Y heads or dimensions specified by the CFA may be used as alternatives.

Water supply

30. To ensure fire safety a Reticulated Water Supply is to be provided to meet the following requirements:
- a) Operable hydrants, above or below ground must be provided to the satisfaction of CFA.
 - b) The maximum distance between these hydrants and the rear of all building envelopes (or in the absence of the building envelope, the rear of all lots) must be 120m and hydrants must be no more than 200m apart.

- c) Hydrants must be identified as specified in “Identification of Street Hydrants for Fire Fighting purposes” available under publications on the Country Fire Authority web site (www.cfa.vic.gov.au).
- d) Hydrants are maintained in accordance with the Australian Standard AS2419.1-2005 Fire Hydrant Installations – system design, installation and commissioning.

Roads

- 31. To accommodate CFA requirements, roads must achieve the following standards:
 - 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) 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 metres. Dips must have no more than a 1 in 8 (12%) (7.1 degree) entry and exit angle.

WESTERN WATER CONDITIONS

- 32. Payment of new customer contributions for each lot created by the development, such amount being determined by Western Water at the time of payment.
- 33. Prior to the Certification of any Plan of Subdivision submitted for the consolidation of land a 2.5 metre wide sewerage easement in favour of Western Water must be created along the full length of the western boundary.
- 34. The operator under this permit must 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.

GOULBURN-MURRAY WATER CONDITIONS

- 35. A buffer strip of native vegetation must be planted and maintained either side of the waterway that bisects the property.
- 36. All wastewater from the development must be disposed of via connection to the reticulated sewerage system.
- 37. Construction must following the principles outlined in “Construction Techniques for Sediment Pollution Control” (EPA 1991). Specifically, the applicant must ensure:
 - a) Grading excavation and construction must not proceed during periods of heavy rainfall.
 - b) Sediment traps must be designed, installed and maintained to maximise the volume of sediment trapped from the site during redevelopment and construction.
 - c) Disturbed areas must be stabilised and revegetated (where appropriate) following the completion of works.
- 38. All stormwater from the Site must be managed to the satisfaction of the responsible authority with specific regard for the following:
 - a) No untreated stormwater must be discharged directly to any waterways.

- b) Design of the subdivision should consider elements of Water Sensitive Urban Design (WSUD) as Identified in the 'Urban Stormwater: Best Practice Environmental Management Guidelines' (Victorian Stormwater Committee, 1999).
- c) Consistent with the principles of best management practice, any stormwater treatment must be designed to achieve at least a 45% reduction in Nitrogen, 45% reduction in Phosphorus and 80% reduction in Suspended Solids concentrations in stormwater leaving the site.

NORTH CENTRAL CATCHMENT MANAGEMENT AUTHORITY CONDITIONS

39. The Retirement or Extension to Retirement Facility requires a Works on Waterway Permit from the North Central Catchment Management Authority, for works in or adjacent to the creek.

VICROADS CONDITIONS

40. All access must be via Mount Macedon Road and no vehicular access from the subject land to the Calder Freeway will be permitted.
41. Prior to the development coming into use, the applicant is to furnish a report from a VicRoads pre-qualified acoustic consultant, which satisfies the requirements of the Macedon Ranges Planning Scheme Clause 22.16 "Calder Freeway and Calder Highway Environs".

DEPARTMENT OF ENVIRONMENT LAND, WATER AND PLANNING CONDITIONS

Offset Works

42. 240m² of locally indigenous vegetation is to be established in the vicinity of the site within twelve months of the commencement of works:
- a) The location(s) of the planting and species mix are to be determined in consultation with the Department of Sustainability and Environment.
 - b) Maintenance and replanting is to be undertaken if necessary until all plants are effectively established and have survived for at least three years.
 - c) All plants must be protected by tree guards Remnant Vegetation.
43. Within three months of the commencement of works, a Vegetation Management Plan must be submitted to and approved by the Responsible Authority and the Department of Sustainability and Environment. When approved, the plan is to be endorsed and will then form part of the permit. The plan must show:
- a) Location and size of the vegetated recreation areas to be protected.
 - b) Details of works and short-term and long-term management actions, including the location of access points and tracks and methods of access control for recreation areas, to be undertaken in recreation areas to ensure no native vegetation is lost as a result of development and use of the land.
 - c) Location of and details regarding Offset works that are to be undertaken on the land if native vegetation is removed during development of the recreation areas.
44. Tree trimming operations must be undertaken using the three cut method as described in the VicRoads Road Management Guide and the Australian Standard for Pruning of Amenity Trees (AS 4373-1996).

Weeds and Pathogens

45. To prevent the spread of weeds and pathogens:
- a) All 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 taken from the works site on completion of the project.
 - b) All structure-making and maintenance material such as rock, gravel and sand required for the project must come from an area free of weeds.
 - c) All excavated material, including topsoil, taken from the works site to be returned later must be stored on a clean site free of weeds.

Earthworks and Buildings

46. The removal of native vegetation is subject to the following requirements.
- a) Prior to commencement of construction works, all locally indigenous native trees are to be marked using high visibility flagging or temporary fencing at the drip line of the trees or at a distance of one meter per ten (10) centimeters of trunk diameter, whichever is greater (the tree protection zone). The area outside this tree protection zone will be the prescribed works area.
 - b) All excavations are to occur and all buildings are to be located, outside the tree protection zone.
 - c) Where it is necessary for installation works for services to occur within the tree protection zone, those works are to be bored, not trenched.
 - d) The clearing of native vegetation within the prescribed works area must only be to the minimum extent necessary to allow the construction of the Link Road and associated trestle bridge to the satisfaction of the responsible authority upon the advice of the Department of Sustainability and Environment.
 - e) Vegetation must be felled inside the prescribed works area to avoid damaging remaining vegetation located outside this area.
 - f) To prevent damage to remaining native vegetation, no machinery or associated equipment is to be permitted outside the prescribed works area. Truck turning areas, parking areas and temporary stack sites are to be established on existing disturbed areas away from trees.
 - g) Any areas with native vegetation must not be used when stockpiling materials.
47. Works engineers, design engineers, surveyors, works crews, contractors and particularly plant operators must be properly briefed on all the Planning Permit conditions of the project prior to its commencement. A copy of the Planning Permit is to be made available to all employees working on the project.
48. All earthworks are to be designed and constructed to avoid soil erosion. All fill is to be compacted, and batters are to be top soiled and revegetated. All drainage is to be diverted around the disturbed areas/batters, Drainage from benched areas, batters and access tracks is to be diverted on non-scouring grades to stable vegetated areas. Several drainage points are to be used to avoid concentration of drainage.
49. No polluted and/or sediment laden run-off is to be discharged directly or indirectly into drainage lines or watercourses.
50. That reticulated gas be provided to the site.

51. Prior to the commencement of the use of each stage of the development, the development must be connected to a reticulated sewerage system, reticulated potable water supply, reticulated electricity supply and telecommunications facilities, to the satisfaction of the Responsible Authority.
52. Vehicular access to the site from Sullivans Road must be limited to emergency access and egress only.

Notification of permit conditions

53. Before works start, the permit holder must advise all persons undertaking the vegetation removal works on site of all permit conditions pertaining to native vegetation protection.

Protection of native vegetation to be retained

54. Before works start, a native vegetation protection fence must be erected around all native vegetation to be retained within 15 metres of the works area. This fence must be erected at:
 - a) A radius of 12 times the diameter of the tree trunk at a height of 1.4 metres to a maximum of 15 metres but no less than 2 metres from the base of the trunk of the tree; and
 - b) Around the patch(es) of native vegetation at a minimum distance of 2 metres from retained native vegetation.
55. The fence must be constructed of star pickets and paraweb or similar, to the satisfaction of the responsible authority and the Department of Environment, Land, Water and Planning. The protection fence must remain in place until all works are completed to the satisfaction of the department.
56. Except with the written consent of the department, within the area of native vegetation to be retained and any tree protection zone associated with the permitted use and/or development, the following is prohibited:
 - 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.

Native vegetation offsets

57. The total area of native vegetation permitted to be removed is 0.242 hectares, comprised of:
 - a) Three (3) patches of native vegetation with a total area of 0.210 hectares (containing 1 large tree); and
 - b) One (1) small scattered tree.
58. To offset the removal of 0.242 hectares of native vegetation the permit holder must secure a native vegetation offset(s) that meets all the following:
 - A general offset of 0.051 general habitat units located within the North Central Catchment Management Authority boundary or Macedon Ranges municipal district;
 - have a Strategic Biodiversity Value score of at least 0.181.
 - provide protection for at least 1 large tree

- must be in accordance with the Guidelines for the removal, destruction or lopping of native vegetation (DELWP, 2017).

Offset evidence

59. Before any native vegetation is removed, evidence that the required offset for the project has been secured must be provided to the satisfaction of the responsible authority. This evidence must be:

- a) an established first party offset site. This must include:
 - a security agreement signed by both parties, and
 - a management plan detailing the 10-year management actions and ongoing management of the site;to the satisfaction of the Department of Environment, Land, Water and Planning and approved by the Responsible Authority.

Every year, for ten years, after the responsible authority has approved the offset management plan, the applicant must provide notification of the management actions undertaken towards implementing the offset management plan, to the department. An offset site condition statement, including photographs must be included in this notification;

and/or

- b) credit extract(s) allocated to meet the requirements of the permit from the Native Vegetation Credit Register.

A copy of the offset evidence must be endorsed by the responsible authority and form part of this permit.

60. Within 30 days of endorsement of the offset evidence by the responsible authority, the permit holder must provide a copy of the endorsed offset evidence to the Department of Environment, Land, Water and Planning at loddonmallee.planning@delwp.vic.gov.au.

Notes:

- The department advises that works or other activities on public land, which may affect protected native plants, will require a Protected Flora Licence or Permit under the Flora and Fauna Guarantee (FFG) Act 1988. All native vegetation likely to be affected should be checked against the Protected Flora List (DELWP 2017) to determine whether FFG approvals are required. Protected Flora Permits can be obtained from the regional DELWP office (loddonmallee.environment@delwp.vic.gov.au).
- Offset requirements are determined in accordance with DELWP (2017) Guidelines for the removal, destruction or lopping of native vegetation. Proposed offset sites must meet eligibility requirements including land use, bushfire risk, quality of vegetation and size of revegetation site. Please visit <https://www.environment.vic.gov.au/native-vegetation/native-vegetation> for further information.

POWERCOR CONDITIONS

61. If an electricity supply is required above the current capacity, then the applicant will need to negotiate 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.

62. 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.

DEPARTMENT OF TRANSPORT

63. The demolition and construction of the development must not disrupt bus operations on Sullivan Road and Mount Macedon Road without the prior written consent of the Head, Transport for Victoria. Any request for written consent to disrupt bus operations on both Roads during the demolition and construction of the development must be submitted to the Head, Transport for Victoria not later than 8 weeks prior to the planned disruption and must detail measures that will occur to mitigate the impact of the planned disruption.

PERMIT EXPIRY CONDITION

64. This permit will expire if:
- a) The development is not started within two years of the date of this permit; or
 - b) The development is not completed and the use is not commenced within six 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.

The Director Planning and Environment sought to make an Amended Officer Recommendation to include an amendment to the planning permit conditions regarding the exact location of the RV disposal point near the tennis court.

Amended Officer Recommendation

That Council resolves to amend planning permit PLN/2005/569/G as follows:

1. Amend the address of the land to read as follows:
LOT 4 PS 516070C P/Woodend, 1849 Mount Macedon Road WOODEND, LOT 2 PS 513598X, 35-39 Sullivans Road WOODEND and Lot 1 PS 513598X 29-33 Sullivans Road WOODEND
2. Amend the permit conditions to read as follows (all amended or new conditions are underlined for clarity):

THE PERMIT ALLOWS:

Use of the land for the purpose of a Retirement Village, the construction of buildings and the construction and the carrying out of works, and the removal of vegetation, generally in accordance with the endorsed plans.

THE FOLLOWING CONDITIONS APPLY TO THE PERMIT

1. Before each stage of the development starts, amended plans, to the satisfaction of the Responsible Authority must be submitted and approved by the Responsible Authority. When approved, the plans will be endorsed under this permit. The plans must be in accordance with the plans submitted with the application but modified to show/include:

- (a) Full site, floor, elevation, streetscape elevation and landscaping plans for all buildings and associated works associated with the particular stage of the development.
 - (b) Amendments to the elevation of all buildings, by deleting white columns, white trimmings and decorative gable features, and by replacing them with colours/materials that are more characteristic of the rural nature of the locality (such as muted colours, square/stoned stacked columns).
 - (c) The removal of Tree's identified as numbers 2, 3 and 5 in Tree Assessment Report by John Patrick Landscape Architects (dated January 2012), and the removal of Tree's identified as numbers 22 and 26 in Tree Assessment Report by John Patrick Landscape Architects (dated July 2012).
 - (d) All the plans to be amended to remove all references to the vegetable patch on the eastern side of the development plans,
 - (e) The provision of a colour palette for all external surfaces of buildings proposed.
 - (g) The total number of vehicle spaces provided on site.
 - (h) All buildings and paved areas in the development serviced by an underground drainage system designed to:
 - (i) connect to Council's existing underground drainage network;
 - (ii) limit downstream flow to pre-development levels;
 - (iii) include provision to intercept litter before connection with any Council drain or discharge to a watercourse;
 - (iv) be sized on a 1:10 year ARI as required by Council Policy "Engineering Requirements for Infrastructure Construction";
 - (v) incorporate water quality measures to meet minimum Council standards with engineering plans to be submitted for approval prior to construction commencing;
 - (vi) make provision for accommodation of drainage discharge from lots to the west;
 - (vii) designed such that no private property is inundated by a 1% AEP storm with the flow paths indicated on the plans. The plans must comply with Council Policy "Engineering Requirements for Infrastructure Construction" All landscaping features in the floodway must be designed to resist flooding and eliminate being washed away and blocking culverts and/or other outfalls.
 - (i) All buildings to be setback at least 5.0m from any drainage easement (if required as a result of the detailed drainage design) along the northern boundary of the western part of the subject land (to allow for the provision of screening vegetation outside the easement) unless the detailed drainage design can show adequate drainage via the proposed Internal road system, to the satisfaction of the Responsible Authority.
 - (j) Further detail regarding impacts (if any) on vegetation as a result of additional road which runs parallel with the ornamental lake on the western side of the lake.
 - (k) All plans are to be updated to include the location and interface to Sullivans Road to the south.
 - (l) The exact location of the RV dump point at a location near the tennis court.
2. Prior to the commencement of works for Stage 5, three copies of amended plans must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The

plans must be generally in accordance with the plans prepared by GemLife Woodend but modified to show:

- a) Typical dimensions for visitor parking spaces.
- c) Minimum dimensions of visitor parking spaces must comply with Table 2 of Clause 52.06.

3. Prior to the commencement of the development, the Master Plan and Vegetation Management Plan must be amended to reflect the changes required by Condition 1, to the satisfaction of the Responsible Authority.

4. Before development starts, the following must also occur to the satisfaction of the Responsible Authority:

- (a) A Village Management Plan must be endorsed under this permit by the Responsible Authority. The Village Management Plan must include specific reference to:
 - (i) measures to ensure the non-use of Sullivans Road by vehicles associated with the Retirement village other than during an emergency;
 - (ii) maintenance of internal roads, landscaping, garbage collection, public open space and the provision of storage for caravans, trailers/boat and long-term storage;
 - (iii) ongoing implementation of the recommendations of the Native Vegetation and Habitat Hectare report by Brett Lane and Associates, October 2005, to be endorsed under this permit;
 - (iv) the making available of the Amenities building to the public at all reasonable times (other than during private functions); and,
 - (v) the provision of a shuttle bus to central Woodend, including Woodend railway station, and golf carts or similar for the use of residents within the subject land, and the encouragement of walking within and beyond the subject land.

The Management Plan must be endorsed under this permit by the Responsible Authority before the development commences.

(b) A Construction Management Plan must be endorsed under this permit by the Responsible Authority. The Construction Management Plan must include measures to implement:

- (i) restriction of sediment discharges from within the property in accordance with Construction Techniques for Sediment Pollution Control (EPA 1991) and Environmental Guidelines for Major Construction Sites (EPA 1995); and
- (ii) protection of the amenity of neighbouring residents, with specified hours of construction, and measures to limit the emission of noise, dust, pollution and vibrations.

(c) The landowner or any person who anticipates becoming the owner of the land (future owner) must enter into an agreement with the Responsible Authority under Section 173 of the Planning and Environment Act 1987, to be registered on title. The owner or future owner (as appropriate) must pay the reasonable costs of the preparation, execution and registration of the Section 173 Agreement. The agreement must provide that the owner or future owner will, all at the owner's or future owner's cost (as appropriate) and to the satisfaction of the Responsible Authority:

- (i) Ensure that the use is carried out in accordance with the approved Management Plan; and
- (ii) Construct at the landowner's cost the Intersection between "Main Avenue" and Mount Macedon Road as required by, and to the satisfaction of Council in accordance with Austroad Guidelines, and to pay the Council's reasonable costs in constructing within a reasonable timeframe a shared rural type footpath along Mount Macedon Road from the entry of the development to Mountview Road.

Even if a Section 173 Agreement is entered into before the development starts, no development or use may continue unless such an agreement (or replacement agreement on the same terms) remains current and continues to be recorded on the certificate of title for the land.

5. Within six (6) months of the completion of Stage 1, an Offset Plan for the removal of the trees referred to in Condition 1(c) must be submitted to and approved by the Responsible Authority. When approved the plan will be endorsed and form part of this permit. The plans must be drawn to scale with dimensions (where appropriate) and three copies must be provided. The plans must show:
- (a) Location of where the Offsets will be provided;
 - (b) Details of revegetation including number of trees, shrubs and other plants, species mix and density; Numbers are to be no less than Fifty-eight (58) locally indigenous plants which are to be established within/in the vicinity or area indicated on/off the site.
 - (c) Means of interim protection for all newly planted vegetation until established (guards, fencing etc.) (period of at least three years);
 - (d) Persons responsible for implementing and monitoring the offset plan;
 - (e) Timeframes for implementing the Offset Plan. Plants are to be established within twelve (12) months of the completion of Stage 2.
6. Prior to development of Stage 5 or 6 commences (including any demolition, excavations, tree removal, delivery of building/construction materials and/or temporary buildings), a native vegetation protection fence must be erected around all native vegetation to be retained within 15 metres of the works area. The temporary vegetation fencing must be erected to the satisfaction of the Responsible Authority. This fence must be erected at:
- (a) A radius of 12 times the diameter of the tree trunk at a height of 1.4 metres to a maximum of 15 metres but no less than 2 metres from the base of the trunk of the tree; and
 - (b) Around the patch (es) of native vegetation at a minimum distance of 2 metres from retained native vegetation.
 - (c) The tree protective fencing must be constructed of star pickets and paraweb or similar, to the satisfaction of the responsible authority. The protection fence must remain in place until all works are completed and must be erected around areas to be retained to protect surrounding vegetation. The tree protection fencing must form a visual and physical barrier and include signage clearly marked "Vegetation Protection Zone – No Entry" on all sides. Any trees, vegetation or waterways near the development site and/or construction areas must be included in the tree protection zone.
7. No fauna is to be trapped, injured or removed from the site. All trees must be assessed to determine if there are fauna present prior to undertaking any tree removal. Fauna includes any marsupials, birds, bats and mammals. A fauna assessment is to be carried out prior to any works commencing to ensure no

nesting sites are present in the trees and shrubs to be removed (this can also be undertaken by a qualified arborist). Fauna Rescue must be organised with Wildlife Victoria on 8400 7300 if any fauna are present.

8. **Prior to the commencement of works including removal of any vegetation for Stage 6 a fauna assessment must be carried to ensure no nesting sites are present in the trees. This is to be undertaken by a certified DELWP Wildlife Carer.**

Native vegetation offsets

9. The total area of native vegetation permitted to be removed in Stage 5 is 0.031 hectares, comprised of patch vegetation. To offset the removal of 0.031 hectares of native vegetation the permit holder must secure a native vegetation offset(s) that meets all the following:
- A general offset of 0.006 general habitat units located within the Port Phillip and Westernport Catchment Management Authority boundary or Macedon Ranges municipal district; and
 - have a Strategic Biodiversity Value score of at least 0.384 and must be in accordance with the Guidelines for the removal, destruction or lopping of native vegetation (DELWP, 2017).

Offset evidence

10. Before any native vegetation in Stage 5 is removed, evidence that the required offset for the project has been secured must be provided to the satisfaction of the responsible authority. This evidence must be:
- an established first party offset site. This must include:
 - a security agreement signed by both parties, and
 - a management plan detailing the 10-year management actions and ongoing management of the site;
 - to the satisfaction of the Department of Environment, Land, Water and Planning and approved by the Responsible Authority.
 - Every year, for ten years, after the responsible authority has approved the offset management plan, the applicant must provide notification of the management actions undertaken towards implementing the offset management plan, to the department. An offset site condition statement, including photographs must be included in this notification; *and/or* credit extract(s) allocated to meet the requirements of the permit from the Native Vegetation Credit Register.
 - A copy of the offset evidence must be endorsed by the responsible authority and form part of this permit.
 - Within 30 days of endorsement of the offset evidence by the responsible authority, the permit holder must provide a copy of the endorsed offset evidence to the Department of Environment, Land, Water and Planning at planning@mrsc.vic.gov.au.

Weed eradication

11. Prior to the commencement of the use of Stage 5 the removal of a large patch of Blackberry located in the back corner of the property must be removed.

Land management Plan

12. **Prior to the commencement of works for Stage 6, a Land Management Plan for the development must be submitted for approval that include the remnant native vegetation to be retained in this development. The Land Management Plan must include a yearly routine inspection maintenance program conducted by a Level 5 Arborist for all retained trees to ensure they are managed and enhanced in**

perpetuity. All existing understorey must be enhanced and revegetated with local indigenous plant species.

Tree protection

13. Prior to the commencement of works for Stage 6 the developer must advise all persons undertaking the vegetation removal or works on-site of all relevant permit conditions and associated statutory requirements or approvals.
14. Only vegetation within the development footprint is to be removed/disturbed, as per the endorsed site plans provided to and approved by Council. No other vegetation (including trees, shrubs, grasses and herbs) shall be removed, damaged, destroyed, felled, lopped or uprooted unless with the prior written consent of the Responsible Authority.
15. Vegetation removal and disposal must not damage vegetation stands to be retained and must not impact nearby drainage lines and/or watercourses to the satisfaction of the Responsible Authority.
16. Any tree removal must be undertaken by a qualified arborist to the Australian Standard – Pruning of Amenity Trees AS4373-1996 and to the satisfaction of the Responsible Authority.

Tree Management Plan

17. Prior to the commencement of any works for Stage 6, a Tree Protection Management Plan (TPMP) must be submitted for approval. The tree protection measures must be outlined for all phases of demolition and construction. It will include details of construction staging, a project arborist inspection timeframe and a compliance checklist.

Underground Services

18. Prior to the commencement of any works for Stage 6, a site plan must be submitted for approval by the Council's Environment Unit detailing the location of stormwater and sewerage services on the development. The tree protection zones of all trees to be retained must not be impacted by these services.

Weed Management Plan

19. Prior to the commencement of any works for Stage 6, a Weed Management Plan must be submitted and include:
 - a) A weed map of the development that identifies all patches of problematic weeds prior to commencement of works including species listed by common names and scientific names.
 - b) A yearly schedule of works on a yearly basis for all stages of the development.
 - c) Method/s of control for each species.
 - d) Timing of control.
 - e) Frequency of Control.
 - f) Monitoring.
 - g) A yearly reporting form for a weed contractor to complete and submit to the Responsible Authority (Environment Unit) on a yearly basis.
20. Prior to any works commencing for Stage 6, a Construction Environmental Management Plan (CEMP) must be submitted and endorsed by the Responsible Authority and include the following information:
 - a) Any CEMP conditions requested by Council's Engineering Department.

- b) Vegetation protection fencing to be erected around 'environmental no go zones' as outlined in Condition 6.
- c) Actions not be undertaken in any Vegetation Protection Zone (VPZ) as outlined in Condition 21.
- d) Before earthworks commence, all culverts must be identified. All culverts must have silt fencing erected and must be maintained until a reasonable cover of vegetation cover has established.
- e) No soil or debris from earthworks is permitted within the road reserve. If these areas are required for storage, then an area must be identified on the CEMP in consultation with the Responsible Authority.
- f) A weed management plan as outlined in Condition 19.
- g) All machinery storage areas must be identified in consultation with the Responsible Authority.
- h) All work zone areas must be pegged or fenced prior to commencement of works and identified on the CEMP.
- i) 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. An appropriate wash-down area must be identified.

Once approved the requirements of the CEMP must be implemented.

21. Unless with the prior written consent of the Responsible Authority, the following actions must not be undertaken in any Vegetation Protection Zone as identified on the endorsed plan, to the satisfaction of the Responsible Authority:
- a) Materials or equipment storage;
 - b) Attachment of any materials to trees (including temporary service wires, nails, screws or any other fixing device);
 - c) Open cut trenching or excavation works (whether or not for laying of services);
 - d) Changes to the soil grade level.

LANDSCAPING

22. Prior to the commencement of any development works for Stage 3 and for any additional stage an amended landscape plan must be submitted to and approved by the Responsible Authority. The landscape plan must provide the following:
- a) A schedule of all proposed trees, shrubs and ground covers (including numbers, size at planting, size at maturity and botanical names), as well as sealed and paved surfaces. The flora selection and landscape design should be drought tolerant.
 - b) Details of the location and type of all paved and sealed areas.
 - c) The landscape plans specifically be updated to include:
 - i. all existing vegetation within the road reserve of Sullivans Road.
 - ii. new street trees within the road reserve of Sullivans Road – to be of local indigenous species of a size at maturity appropriate for the space allowed.
 - iii. A plant schedule showing species, quantities and supply sizes with street trees a minimum of 45 Litre/1.6 metres high.
 - iv. The following notations:

- Tree planting is to occur between April & September to maximise establishment and survival.
 - Tree locations shown on this plan are a guide only and may require adjustment to coordinate with final service locations, Powercor requirements, and 'as constructed' infrastructure
 - Street tree locations are to be set-out and approved on site by the Council Landscape Officer in accordance with the Tree Management policy prior to installation
 - It is the responsibility of the contractor to confirm the location of all underground services prior to commencement of any excavation.
- v. An advanced Tree Planting Detail with a minimum 52L Greenwell water saver and three (3) hardwood stakes

Notes:

- Information regarding Councils preferred street trees and Tree Planting Detail can be requested from the Parks and Gardens Unit.
23. All use and development hereby approved must be in accordance with the relevant plans endorsed under this permit and must not be altered without the prior written consent of the Responsible Authority.
24. A rural-type fence is to be constructed along the southern boundary of the land with Sullivans Road, to the satisfaction of the Responsible Authority.
25. All internal Street lighting and lighting from the tennis court shall be designed to prevent light spill outside the boundaries of the land, in the context of the rural nature of the neighbourhood, to the satisfaction of the Responsible Authority.
26. Before the occupation of each stage of the development, the areas set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
- (a) Constructed;
 - (b) Properly formed to such levels that they can be used in accordance with the plans;
 - (c) Surfaced with an all-weather sealcoat or treated to the satisfaction of the Responsible Authority to prevent dust and gravel being emitted from the site;
 - (d) Drained and maintained;
 - (e) Line marked to indicate each car space and all access lanes;
 - (f) Clearly marked to show the direction of traffic along access lanes and driveways;
- to the satisfaction of the Responsible Authority. Car spaces, access lanes and driveways must be kept available for these purposes at all times, to the satisfaction of the Responsible Authority.
27. All documents previously endorsed as part of the permit (including the Vegetation Management Plan, Village Management Plan, Construction Management Plan and Section 173 Agreement) will also apply to Stages 5 and 6 as relevant unless with the prior written consent of the Responsible Authority.
28. RV vehicles may only be stored on site and not used for accommodation purposes whilst on site to the satisfaction of the Responsible Authority.

COUNTRY FIRE AUTHORITY CONDITIONS

29. Amended plans are required that achieve the following requirements:
- (a) Before the development commences, amended plans to the satisfaction of the CFA must be submitted and approved by CFA and the Responsible Authority. When approved the plans will be endorsed and then form part of this permit. The plans must be drawn to scale with dimensions. The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - (i) Operable hydrants, above or below ground. Hydrants must be shown with a maximum distance between a hydrant and the rear of a building envelope (or in the absence of the building envelope, the rear of a lot) of 120m and hydrants must be no more than 200m apart;
 - (ii) Constructed roads with a minimum trafficable width of 7.3m (including rollover kerbs if they are provided) if parking is unrestricted; or 5.5m (including rollover kerbs if they are provided) if parking is restricted to one side of the road.
 - (iii) Constructed roads more than 60m in length from the nearest intersection must have a turning circle with a minimum radius of 8m (including roll-over curbs if they are provided) T or Y heads or dimensions specified by the CFA may be used as alternatives.

Water supply

30. To ensure fire safety a Reticulated Water Supply is to be provided to meet the following requirements:
- (a) Operable hydrants, above or below ground must be provided to the satisfaction of CFA.
 - (b) The maximum distance between these hydrants and the rear of all building envelopes (or in the absence of the building envelope, the rear of all lots) must be 120m and hydrants must be no more than 200m apart.
 - (c) Hydrants must be identified as specified in “Identification of Street Hydrants for Fire Fighting purposes” available under publications on the Country Fire Authority web site (www.cfa.vic.gov.au).
 - (d) Hydrants are maintained in accordance with the Australian Standard AS2419.1-2005 Fire Hydrant Installations – system design, installation and commissioning.

Roads

31. To accommodate CFA requirements, roads must achieve the following standards:
- (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) 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 metres. Dips must have no more than a 1 in 8 (12%) (7.1 degree) entry and exit angle.

WESTERN WATER CONDITIONS

32. Payment of new customer contributions for each lot created by the development, such amount being determined by Western Water at the time of payment.

33. Prior to the Certification of any Plan of Subdivision submitted for the consolidation of land a 2.5 metre wide sewerage easement in favour of Western Water must be created along the full length of the western boundary.
34. The operator under this permit must 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.

GOULBURN-MURRAY WATER CONDITIONS

35. A buffer strip of native vegetation must be planted and maintained either side of the waterway that bisects the property.
36. All wastewater from the development must be disposed of via connection to the reticulated sewerage system.
37. Construction must follow the principles outlined in “Construction Techniques for Sediment Pollution Control” (EPA 1991). Specifically, the applicant must ensure:
 - (a) Grading excavation and construction must not proceed during periods of heavy rainfall.
 - (b) Sediment traps must be designed, installed and maintained to maximise the volume of sediment trapped from the site during redevelopment and construction.
 - (c) Disturbed areas must be stabilised and revegetated (where appropriate) following the completion of works.
38. All stormwater from the Site must be managed to the satisfaction of the responsible authority with specific regard for the following:
 - (a) No untreated stormwater must be discharged directly to any waterways.
 - (b) Design of the subdivision should consider elements of Water Sensitive Urban Design (WSUD) as Identified in the ‘Urban Stormwater: Best Practice Environmental Management Guidelines’ (Victorian Stormwater Committee, 1999).
 - (c) Consistent with the principles of best management practice, any stormwater treatment must be designed to achieve at least a 45% reduction in Nitrogen, 45% reduction in Phosphorus and 80% reduction in Suspended Solids concentrations in stormwater leaving the site.

NORTH CENTRAL CATCHMENT MANAGEMENT AUTHORITY CONDITIONS

39. The Retirement or Extension to Retirement Facility requires a Works on Waterway Permit from the North Central Catchment Management Authority, for works in or adjacent to the creek.

VICROADS CONDITIONS

40. All access must be via Mount Macedon Road and no vehicular access from the subject land to the Calder Freeway will be permitted.
41. Prior to the development coming into use, the applicant is to furnish a report from a VicRoads pre-qualified acoustic consultant, which satisfies the

requirements of the Macedon Ranges Planning Scheme Clause 22.16 “Calder Freeway and Calder Highway Environs”.

DEPARTMENT OF ENVIRONMENT LAND, WATER AND PLANNING CONDITIONS

Offset Works

42. 240m² of locally indigenous vegetation is to be established in the vicinity of the site within twelve months of the commencement of works:
- (a) The location(s) of the planting and species mix are to be determined in consultation with the Department of Sustainability and Environment.
 - (b) Maintenance and replanting is to be undertaken if necessary until all plants are effectively established and have survived for at least three years.
 - (c) All plants must be protected by tree guards Remnant Vegetation.
43. Within three months of the commencement of works, a Vegetation Management Plan must be submitted to and approved by the Responsible Authority and the Department of Sustainability and Environment. When approved, the plan is to be endorsed and will then form part of the permit. The plan must show:
- (a) Location and size of the vegetated recreation areas to be protected.
 - (b) Details of works and short-term and long-term management actions, including the location of access points and tracks and methods of access control for recreation areas, to be undertaken in recreation areas to ensure no native vegetation is lost as a result of development and use of the land.
 - (c) Location of and details regarding Offset works that are to be undertaken on the land if native vegetation is removed during development of the recreation areas.
44. Tree trimming operations must be undertaken using the three cut method as described in the VicRoads Road Management Guide and the Australian Standard for Pruning of Amenity Trees (AS 4373-1996).

Weeds and Pathogens

45. To prevent the spread of weeds and pathogens:
- (a) All 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 taken from the works site on completion of the project.
 - (b) All structure-making and maintenance material such as rock, gravel and sand required for the project must come from an area free of weeds.
 - (c) All excavated material, including topsoil, taken from the works site to be returned later must be stored on a clean site free of weeds.

Earthworks and Buildings

46. The removal of native vegetation is subject to the following requirements.
- (a) Prior to commencement of construction works, all locally indigenous native trees are to be marked using high visibility flagging or temporary fencing at the drip line of the trees or at a distance of one meter per ten (10) centimeters of trunk diameter, whichever is greater (the tree protection zone). The area outside this tree protection zone will be the prescribed works area.

- (b) All excavations are to occur and all buildings are to be located, outside the tree protection zone.
 - (c) Where it is necessary for installation works for services to occur within the tree protection zone, those works are to be bored, not trenched.
 - (d) The clearing of native vegetation within the prescribed works area must only be to the minimum extent necessary to allow the construction of the Link Road and associated trestle bridge to the satisfaction of the responsible authority upon the advice of the Department of Sustainability and Environment.
 - (e) Vegetation must be felled inside the prescribed works area to avoid damaging remaining vegetation located outside this area.
 - (f) To prevent damage to remaining native vegetation, no machinery or associated equipment is to be permitted outside the prescribed works area. Truck turning areas, parking areas and temporary stack sites are to be established on existing disturbed areas away from trees.
 - (g) Any areas with native vegetation must not be used when stockpiling materials.
47. Works engineers, design engineers, surveyors, works crews, contractors and particularly plant operators must be properly briefed on all the Planning Permit conditions of the project prior to its commencement. A copy of the Planning Permit is to be made available to all employees working on the project.
48. All earthworks are to be designed and constructed to avoid soil erosion. All fill is to be compacted, and batters are to be top soiled and revegetated. All drainage is to be diverted around the disturbed areas/batters, Drainage from benched areas, batters and access tracks is to be diverted on non-scouring grades to stable vegetated areas. Several drainage points are to be used to avoid concentration of drainage.
49. No polluted and/or sediment laden run-off is to be discharged directly or indirectly into drainage lines or watercourses.
50. That reticulated gas be provided to the site.
51. Prior to the commencement of the use of each stage of the development, the development must be connected to a reticulated sewerage system, reticulated potable water supply, reticulated electricity supply and telecommunications facilities, to the satisfaction of the Responsible Authority.
52. Vehicular access to the site from Sullivans Road must be limited to emergency access and egress only.

Notification of permit conditions

53. **Before works start, the permit holder must advise all persons undertaking the vegetation removal works on site of all permit conditions pertaining to native vegetation protection.**

Protection of native vegetation to be retained

54. **Before works start, a native vegetation protection fence must be erected around all native vegetation to be retained within 15 metres of the works area. This fence must be erected at:**
- a) **A radius of 12 times the diameter of the tree trunk at a height of 1.4 metres to a maximum of 15 metres but no less than 2 metres from the base of the trunk of the tree; and**

(b) Around the patch(es) of native vegetation at a minimum distance of 2 metres from retained native vegetation.

55. The fence must be constructed of star pickets and paraweb or similar, to the satisfaction of the responsible authority and the Department of Environment, Land, Water and Planning. The protection fence must remain in place until all works are completed to the satisfaction of the department.

56. Except with the written consent of the department, within the area of native vegetation to be retained and any tree protection zone associated with the permitted use and/or development, the following is prohibited:

(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.

Native vegetation offsets

57. The total area of native vegetation permitted to be removed is 0.242 hectares, comprised of:

a) Three (3) patches of native vegetation with a total area of 0.210 hectares (containing 1 large tree); and

(b) One (1) small scattered tree.

58. To offset the removal of 0.242 hectares of native vegetation the permit holder must secure a native vegetation offset(s) that meets all the following:

- A general offset of 0.051 general habitat units located within the North Central Catchment Management Authority boundary or Macedon Ranges municipal district;

- have a Strategic Biodiversity Value score of at least 0.181;

- provide protection for at least 1 large tree;

- must be in accordance with the Guidelines for the removal, destruction or lopping of native vegetation (DELWP, 2017).

Offset evidence

59. Before any native vegetation is removed, evidence that the required offset for the project has been secured must be provided to the satisfaction of the responsible authority. This evidence must be:

a) an established first party offset site. This must include:

- a security agreement signed by both parties, and

- a management plan detailing the 10-year management actions and ongoing management of the site;

to the satisfaction of the Department of Environment, Land, Water and Planning and approved by the Responsible Authority.

Every year, for ten years, after the responsible authority has approved the offset management plan, the applicant must provide notification of the management actions undertaken towards implementing the offset management plan, to the department. An offset site condition statement, including photographs must be included in this notification;

and/or

- b) credit extract(s) allocated to meet the requirements of the permit from the Native Vegetation Credit Register.

A copy of the offset evidence must be endorsed by the responsible authority and form part of this permit.

60. Within 30 days of endorsement of the offset evidence by the responsible authority, the permit holder must provide a copy of the endorsed offset evidence to the Department of Environment, Land, Water and Planning at loddonmallee.planning@delwp.vic.gov.au.

Notes:

- The department advises that works or other activities on public land, which may affect protected native plants, will require a Protected Flora Licence or Permit under the Flora and Fauna Guarantee (FFG) Act 1988. All native vegetation likely to be affected should be checked against the Protected Flora List (DELWP 2017) to determine whether FFG approvals are required. Protected Flora Permits can be obtained from the regional DELWP office (loddonmallee.environment@delwp.vic.gov.au).
- Offset requirements are determined in accordance with DELWP (2017) Guidelines for the removal, destruction or lopping of native vegetation. Proposed offset sites must meet eligibility requirements including land use, bushfire risk, quality of vegetation and size of revegetation site. Please visit <https://www.environment.vic.gov.au/native-vegetation/native-vegetation> for further information.

POWERCOR CONDITIONS

61. If an electricity supply is required above the current capacity, then the applicant will need to negotiate 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.

62. 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.

DEPARTMENT OF TRANSPORT

63. The demolition and construction of the development must not disrupt bus operations on Sullivan Road and Mount Macedon Road without the prior written consent of the Head, Transport for Victoria. Any request for written consent to disrupt bus operations on both Roads during the demolition and construction of the development must be submitted to the Head, Transport for Victoria not later than 8 weeks prior to the planned disruption and must detail measures that will occur to mitigate the impact of the planned disruption.

PERMIT EXPIRY CONDITION

64. This permit will expire if:

- (a) The development is not started within two years of the date of this permit;
or
- (b) The development is not completed and the use is not commenced within six 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.

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

CARRIED

Report No: Report Title:

PE.2 Heritage update on Melbourne Road and Kilmore Road intersection

Purpose and Overview

The purpose of this report is to endorse an agreement ‘in principle’ with Regional Roads Victoria (RRV) regarding the heritage places and trees at the Melbourne Road and Kilmore Road Intersection. These features include the 1874 bluestone bridge and channel at Bunjil Creek and five (5) elms and oaks in the vicinity of the road intersection upgrade. This ‘in principle’ agreement will allow RRV to proceed with revising the design plans for the Melbourne Road and Kilmore Road Intersection upgrade accordingly.

This report proposes an agreement ‘in principle’ with Regional Roads Victoria to negotiate a balanced approach that allows for the retention of some of the identified heritage places and trees in the Melbourne Road and Kilmore Road Intersection upgrade, whilst enabling the development of a safe, efficient and timely road network upgrade for the Gisborne community.

Recommendation

That Council:

1. **Endorse the agreement ‘in principle’ regarding the heritage features at the Melbourne Road and Kilmore Road Intersection.**
2. **Direct the Chief Executive Officer to communicate this agreement to Regional Roads Victoria.**
3. **Direct the Chief Executive Officer to provide a copy of the agreement to the Minister for Planning for consideration with the Ministerial Amendment requests C142macr and C144macr, and application for permanent heritage controls Amendment C143macr.**

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

CARRIED

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

Report No: Report Title:

PE.3 Submission to the parliamentary inquiry into ecosystem decline

Purpose and Overview

The Victorian Government recently called for submissions to inform the Parliamentary Inquiry into Ecosystem Decline. This is an important opportunity to meet many of the advocacy actions outlined in Council’s *Biodiversity Strategy 2018* and to highlight the need for increased efforts to improve ecosystem health across the State.

Council’s submission highlights that the decline in ecosystems in the Macedon Ranges is severe and ongoing, providing a number of examples of local extinctions and threatened species and vegetation communities.

The submission confirms the key role local government plays in supporting ecosystem rehabilitation and highlights the need for well-resourced state-led programs to enable coordination across land tenures and government jurisdictions.

The submission calls for the expansion and appropriate funding of the public reserve system, as well as increased support for conservation on private land. It also seeks to ensure the maintenance of strong planning regulations with increased penalties for non-compliance.

Finally the submission confirms that restoration projects need to be long term, landscape scale and informed by on-ground knowledge. These programs should be delivered by organisations with appropriate resources to ensure coordination and strong partnerships with community groups and Traditional Owners.

Recommendation

That Council resolve to:

- 1. Endorse the attached submission to the Parliamentary Inquiry into Ecosystem Decline.**
- 2. Direct the CEO to forward the submission to the Environment and Planning Committee by 31 August 2020.**

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

CARRIED

The Mayor, Cr Pearce, on behalf of all councillors, thanked officers for their work in relation to PE.3.

11. CHIEF EXECUTIVE OFFICER'S REPORTS:

Report No: **Report Title:**

CX.1 **Chief Executive Officer's biannual review**

Purpose and Overview

The Local Government Act requires an annual review of a Chief Executive Officer's (CEO) performance.

Margot Stork was appointed as CEO of Macedon Ranges Shire Council and commenced in the role on Monday 13 November 2017.

As part of the CEO's contract, Key Performance Indicators (KPIs) were set for the first year. A new set of KPI's were set for the second year of her contract, with some changes made to the KPI's for the third year of the contract with input from all Councillors and the CEO.

The Chief Executive Officer Performance Appraisal Advisory Group, consisting of Councillor Janet Pearce, Councillor Natasha Gayfer and Councillor Andrew Twaits, met both with and without CEO, Margot Stork, to discuss her progress against the KPIs. All Councillors were given an opportunity to view the CEO's self-assessment of her performance against the indicators and provide feedback to the advisory group.

The Chief Executive Officer Performance Appraisal Advisory Group's assessment and CEO KPIs for the period November 2019 – November 2020 have been provided to all Councillors.

Recommendation

That Council, in accordance with Section 66(2)(a) of the Local Government Act 2020, close the meeting to undertake a review of the Chief Executive Officer's performance pursuant to Section 97A of the Local Government Act 1989 in circumstances where that review will need to consider confidential information. For the purposes of Section 66(5) of the Local Government Act 2020, that confidential information includes personal information about the Chief Executive Officer, which if disclosed in an open meeting of the Council would result in unreasonable disclosure of information about the Chief Executive Officer and her personal affairs including her interests as a member of staff of the Council

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

CARRIED

Report No: Report Title:

CX.2 Small Project Grants – Consideration of grant application

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 2020/21 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.

One application has been received seeking a total of \$1,500 in funding. Officers recommend total funding of \$1,500. The eligible application has been evaluated against eligibility criteria and the officer assessment is summarised within this report.

Recommendation

That Council approve an application from Scouts Victoria—1st Macedon Scout Group: \$1,500 for equipment replacement and upgrade of gazebos, LED lighting and tents.

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

CARRIED

Report No: Report Title:

CX.3 Public Transparency Policy

Purpose and Overview

To present Councillors a new Public Transparency Policy for adoption in accordance with s.57 of the *Local Government Act 2020* (LGA 2020).

Recommendation

That Council adopt the Public Transparency Policy.

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

CARRIED

Report No: Report Title:**CX.4 Election Period (Caretaker) Policy and Governance Rules****Purpose and Overview**

To present Councillors with a revised Election Period (Caretaker) Policy and new Governance Rules for adoption in accordance with ss.60 and 69 of the *Local Government Act 2020* (LGA 2020).

Additionally, to seek to amend Council's 2020 meeting schedule to accommodate the possibility that Council's general election results may not be declared by the Victorian Electoral Commission (VEC) until 13 November 2020, a week later than originally advised.

Recommendation**That Council:**

- 1. Adopt the revised Election Period (Caretaker) Policy;**
- 2. Adopt the Governance Rules;**
- 3. Note the change advised by the Victorian Electoral Commission (VEC) to the final date for the declaration of council election results from 6 November 2020 to 13 November 2020; and**
- 4. Amend the Council meeting schedule adopted by Council at the Special Council Meeting of 20 November 2019 as follows:**
 - a. reschedule the Special Council Meeting to elect the Mayor and Deputy Mayor, currently scheduled to be held at 6pm on 18 November 2020, to be held at 6pm 25 November 2020; and**
 - b. reschedule the Ordinary Council Meeting currently scheduled to be held at 6pm on 25 November 2020, to commence at 6.30pm that day.**

The CEO sought to make an Amended Officer Recommendation to incorporate a minor wording change that would clarify the definition of "CEO" in the Governance Rules.

Amended Officer Recommendation

- 1. Adopt the revised Election Period (Caretaker) Policy;**
- 2. Adopt the Governance Rules subject to the following minor wording change on page 6:**

"Means the Chief Executive Officer or Acting Chief Executive Officer appointed under section 94 of the Local Government Act 1989 or section 44 of the Local Government Act 2020..."
- 3. Note the change advised by the Victorian Electoral Commission (VEC) to the final date for the declaration of council election results from 6 November 2020 to 13 November 2020; and**
- 4. Amend the Council meeting schedule adopted by Council at the Special Council Meeting of 20 November 2019 as follows:**
 - a. reschedule the Special Council Meeting to elect the Mayor and Deputy Mayor, currently scheduled to be held at 6pm on 18 November 2020, to be held at 6pm 25 November 2020; and**
 - b. reschedule the Ordinary Council Meeting currently scheduled to be held at 6pm on 25 November 2020, to commence at 6.30pm that day.**

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

It was moved by Cr Anderson seconded by Cr Radnedge that the Amended Officer Recommendation be amended to change the wording of Rule 23 of the Governance Rules to read:

- 23. *May be moved by any Councillor or member***
A notice of motion or notice for rescission or amendment listed on an agenda may be moved by any Councillor or member present but where the notice is moved by a Councillor or member other than the Councillor or member listed for the notice in the meeting agenda, that Councillor or member cannot amend the notice.

MOTION TO AMEND CARRIED

The amended motion was moved by Cr Anderson seconded by Cr Twaits

That Council:

1. Adopt the revised Election Period (Caretaker) Policy;
2. Adopt the Governance Rules subject to the following minor wording change on page 6:
“Means the Chief Executive Officer or Acting Chief Executive Officer appointed under section 94 of the Local Government Act 1989 or section 44 of the Local Government Act 2020...”

and subject to the following wording change to Rule 23:

23. **May be moved by any Councillor or member**
A notice of motion or notice for rescission or amendment listed on an agenda may be moved by any Councillor or member present but ~~may not be amended~~ where the notice is moved by a Councillor or member other than the Councillor or member listed for the notice in the meeting agenda, that Councillor or member cannot amend the notice.
3. Note the change advised by the Victorian Electoral Commission (VEC) to the final date for the declaration of council election results from 6 November 2020 to 13 November 2020; and
4. Amend the Council meeting schedule adopted by Council at the Special Council Meeting of 20 November 2019 as follows:
 - a. reschedule the Special Council Meeting to elect the Mayor and Deputy Mayor, currently scheduled to be held at 6pm on 18 November 2020, to be held at 6pm 25 November 2020; and
 - b. reschedule the Ordinary Council Meeting currently scheduled to be held at 6pm on 25 November 2020, to commence at 6.30pm that day.

CARRIED

Report No: Report Title:**CX.5 Establishment of Submitters Committee as a delegated committee of Council and related matters****Purpose and Overview**

To recommend the establishment of the Submitters Delegated Committee and delegate powers and functions to that Committee in accordance with the *Local Government Act 2020* (LGA 2020), and to dissolve the existing Submitters Committee and revoke delegations to that dissolved Committee.

To also note the lapse of the instruments of delegation for the Stanley Park Reserve Committee of Management, the Bullengarook Reserve Committee of Management and the Clarkefield Reserve Committee on 1 September 2020, and the establishment of interim arrangements for the management of Stanley Park Reserve from 1 September 2020.

Recommendation**That Council:**

1. **In the exercise of the powers conferred by ss 11 and 63 of the *Local Government Act 2020* (LGA 2020), Council resolves that:**
 - a. **there be established as a Delegated Committee the “Submitters Delegated Committee”**
 - b. **pursuant to s. 11 of the LGA 2020, delegate to the Submitters Delegated Committee powers and functions as set out in the Instrument of Delegation annexed to this report, with the purposes of the Submitters Delegated Committee being those set out in the schedule to that Instrument**
 - c. **appoint the 9 councillors of the Council as the only members of the Submitters Delegated Committee**
 - d. **appoint the Mayor of the Council to be the Chairperson of the Submitters Delegated Committee**
 - e. **determine that a quorum for the Submitters Delegated Committee is a whole number that is an absolute majority, which is the number of members that is greater than half the total number of members of the Delegated Committee**
 - f. **all members of the Delegated Committee have voting rights on the Delegated Committee**
 - g. **the powers, duties and functions conferred on the members of the Delegated Committee by the Instrument must be exercised in accordance with any guidelines or policies Council may from time to time adopt**
2. **Adopt the ‘Submitters Delegated Committee Guidelines’ to apply to the operation of the Submitters Delegated Committee.**
3. **Dissolve the Submitters Committee established under the *Local Government Act 1989* and revoke the instrument of delegation from the Council to that Submitters Committee on 27 November 2019.**
4. **Notes that the instruments of delegation for the Stanley Park Reserve Committee of Management, the Bullengarook Reserve Committee of**

Management and the Clarkefield Reserve Committee of Management special committees will lapse on 1 September 2020.

5. **Notes that in accordance with a Council resolution made on 22 July 2020, interim arrangements are to be established with the Stanley Park Reserve Committee of Management for the management of this reserve from 1 September 2020, and that community consultation will be undertaken before a decision is made on future management arrangements for the reserve.**
6. **That resolutions 1 and 2 take effect on the making of those resolutions by the Council.**

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

CARRIED

Report No: Report Title:

CX.6 Council Support and Expenses Policy

Purpose and Overview

To present Councillors with a revised Council Support and Expenses Policy for adoption in accordance with s.41(1) of the *Local Government Act 2020* (LGA 2020).

Recommendation

That Council:

1. **Adopt the revised Council Support and Expenses Policy and publish the policy on Council's website; and**
2. **Undertake further work to consider options for the reimbursement of bona fide expenses incurred by members of Council's current (and future) advisory committees and community asset committees.**

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

CARRIED

Report No: Report Title:

CX.7 Revised Instrument of Delegation – Members of Council Staff (S6)

Purpose and Overview

To recommend a revised Instrument of Delegation from Council to Council Staff for approval. The revised Instrument accounts for the commencement of the *Local Government Act 2020* (LGA 2020), amendments to various other Acts, and changes to staff role titles following the commencement of Council's new organisational structure on 1 July 2020.

Recommendation

That Council, in the exercise of the powers conferred by the legislation referred to in the attached instrument of delegation, resolves that:

1. Council delegate powers, duties and functions to Council staff as set out in the attached Instrument of Delegation subject to the conditions and limitations specified in that Instrument.
2. Council revoke all previous delegations from the Council to Council staff, other than delegations exclusively to the Chief Executive Officer.
3. The above resolutions take effect immediately.

It was moved by Cr Anderson seconded by Cr Radnedge

That Council, in the exercise of the powers conferred by the legislation referred to in the attached instrument of delegation, resolves that:

1. Council delegate powers, duties and functions to Council staff as set out in the attached Instrument of Delegation subject to the conditions and limitations specified in that Instrument and subject to the wording of the Instrument being amended as follows:
 - 3.2.2 remains in force until varied or revoked ~~or by 31 March 2021, whichever occurs first.~~
2. Council revoke all previous delegations from the Council to Council staff, other than delegations exclusively to the Chief Executive Officer.
3. The above resolutions take effect immediately.

CARRIED

The Mayor, Cr Pearce, on behalf of all councillors, thanked officers for their work in relation to items arising as a result of the *Local Government Act 2020*.

Report No: Report Title:

CX.8 Revocation and amendment of instruments of appointment and authorisation to staff under the Planning and Environment Act 1987

Purpose and Overview

It is recommended that Council revoke the S11A Instrument of Appointment and Authorisation under the *Planning and Environment Act 1987* for Robyn King and to amend other S11A Instruments to provide that each is revoked if the appointee ceases to be employed by Council.

Recommendation:

1. That Council resolve to revoke the S11A Instrument of Appointment and Authorisation (*Planning and Environment Act 1987*) for Robyn King, effective 26 August 2020.
2. That Council resolve to amend each of the following ‘S11A Instruments of Appointment and Authorisation (*Planning and Environment Act 1987*) to replace the phrase “remains in force until varied or revoked” with “remains in force until varied, revoked or the appointee ceases to be an employee of Council (whichever occurs first)”:
 - a. Robert BALL
 - b. Dannielle CHIRON
 - c. Christo CRAFFORD

- d. Louise DEWBERRY
- e. Damien HODGKINS
- f. Angela HUGHES
- g. Nirveen KAUR
- h. Leanne KHAN
- i. Jake KOUMOUNDOUROS
- j. Evan KRAUSGRILL
- k. Isobel MAGINN
- l. Lisa MASSMAN
- m. Karen MUSCAT
- n. Ivar NELSEN
- o. Maria NUNEZ
- p. Shelley PARKER
- q. Alexia PATERSON
- r. Jacqueline ROBSON
- s. Awais SADIQ
- t. Jack WILTSHIRE
- u. Michelle WYATT
- v. Krista PATTERSON-MAJOOR
- w. Dannielle ORR
- x. Yousef TAIBEH
- y. Nicole WADDEN
- z. Shi YANG

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

CARRIED

Report No: **Report Title:**

CX.9 **Instrument of appointment and authorisation to staff under the Planning and Environment Act 1987**

Purpose and Overview

It is proposed Council endorse an S11A Instrument of Appointment and Authorisation under the *Planning and Environment Act 1987* for Stephen Rowley, Interim Manager Statutory Planning.

Instruments of Appointment and Authorisation empower relevant persons to exercise the powers granted to authorised officers by legislation or a local law.

Recommendation

That Council resolve, in the exercise of the powers under s. 147(4) of the *Planning and Environment Act 1987*, to appoint Stephen Rowley as an ‘authorised officer’ for the purposes of that Act, in accordance with the Instrument of Appointment and Authorisation attached to this report. That appointment remains in force until varied, revoked or Stephen Rowley ceases to be an employee of Council, whichever occurs first.

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

CARRIED

12. DIRECTOR CORPORATE AND COMMUNITY REPORTS:

Report No: Report Title:

CC.1 Report from the Audit Committee meeting held on 20 July 2020

Purpose and Overview

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

The 20 July 2020 Committee meeting discussed a number of matters including:

- Draft Audit and Risk Committee Charter;
- Draft Budget 2020/21; and
- Draft Strategic Resource Plan 2020/21.

Recommendation

That Council note the report together with the draft minutes from the Audit Committee Meeting held on 20 July 2020.

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

CARRIED

Report No: Report Title:

CC.2 Audit and Risk Committee Charter and membership

Purpose and Overview

The existing Audit Committee is a legislative requirement pursuant to the *Local Government Act 1989*. The Local Government Act 2020 has new requirements of Council, which necessitate the establishment of an Audit and Risk Committee by 1 September 2020. This report seeks Council’s support in aligning Council’s current operation of the Audit Committee to the revised requirement of the Local Government Act 2020, specifically in relation to the following items:

- The Audit and Risk Committee Charter; and
- Membership of the Audit and Risk Committee.

Recommendation

That Council:

- 1. Approve the attached Audit and Risk Committee Charter.**
- 2. Appoint the following individuals to establish the Audit and Risk Committee, for the specified times:**
 - **Brian Collins (Chairperson) until 31 December 2020**
 - **Peter Matthews until 31 December 2021**
 - **Michelle Betson until 31 December 2022**
 - **Councillor Janet Pearce until 23 October 2020**
 - **Councillor Natasha Gayfer until 23 October 2020.**
- 3. Note that the Audit Committee established under S139 of the *Local Government Act 1989* will, by the operation of s. 54(8) of the *Local Government Act 2020*, cease operation on the establishment of the above Audit and Risk Committee by resolution 2 above.**

The Director Corporate and Community advised the meeting that a minor editing change was required to page 3 of the charter to remove the word “TBC” and insert the date “28 March 2018” and that this minor edit would be made in the approved version of the charter.

It was moved by Cr Anderson seconded by Cr Twaits that the Officer Recommendation, with the minor edit advised by the Director Corporate and Community, be adopted.

CARRIED

The Mayor, Cr Pearce, on behalf of all councillors, thanked officers and Audit and Risk Committee members for their work in relation to items CC.2.

Report No: Report Title:

CC.3 Performance Statement for the year ended 30 June 2020

Purpose and Overview

The Performance Statement has been prepared in accordance with the *Local Government Act 1989* (the Act) and the Local Government (Finance and Reporting) Regulations 2014 (the regulations).

The Performance Statement was reviewed by RSD Audit, agents of the Victorian Auditor-General’s Office (VAGO) and considered by the Audit Committee at its meeting on 13 August 2020. Prior to submitting the Performance Statement to VAGO, for review, the Performance Statement must be given in principle support by Council.

Once the Performance Statement has been reviewed and approved by VAGO, it must be certified in its final form by two councillors, the Chief Executive Officer and principal accounting officer.

Recommendation

- 1. That the Performance Statement for the year ended 30 June 2020 be approved “in principle” by Council;**
- 2. That Council delegates to its Audit and Risk Committee representatives, Cr Pearce and Cr Gayfer, authorisation to certify the Performance Statement in its final form, that is, after it has been reviewed by the Victorian Auditor-General’s Office; and**
- 3. That once the Performance Statement has been certified in its final form, the statement is submitted to the Minister and included in the Annual Report.**

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

CARRIED

Report No: Report Title:

CC.4 Financial Statements for the year ended 30 June 2020

Purpose and Overview

The annual financial statements (the statements) for the year ended 30 June 2020 are attached for Council’s consideration and “in principle” approval.

The statements are prepared in accordance with Australian Accounting Standards, the *Local Government Act 1989* and the Local Government (Finance and Reporting) Regulations 2014. They are then audited by the Victorian Auditor-General’s Office agents, RSD Audit and finally they are reviewed and approved by the Victorian Auditor-General’s Office.

Council’s Audit Committee considered the financial statements at its meeting on 13 August 2020.

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

Recommendation

- 1. That the Financial Statements for the year ended 30 June 2020 be approved “in principle” by Council.**
- 2. That Council delegates to its Audit and Risk Committee representatives, Cr Pearce and Cr Gayfer, authorisation to certify the statements in their final form, that is, after they have been reviewed by the Victorian Auditor-General’s Office.**
- 3. That once the statements have been certified in their final form, the statements be submitted to the Minister and included in the Annual Report.**

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

CARRIED

Report No: Report Title:

CC.5 Quarterly Report for the period ended 30 June 2020

Purpose and Overview

The Quarterly Report for the period ended 30 June 2020 is presented for Council’s consideration and information. This report includes the following:

- Section 1 – Quarterly financial statements (including budget carry forwards and 2019/20 net budget result)
- Section 2 – Capital works progress report
- Section 3 – Council Plan actions – progress report
- Section 4 – Risk management report
- Section 5 – Implementation of Council resolutions
- Section 6 – Customer service standards responsiveness
- Section 7 – Governance schedule
- Section 8 – Councillor expenditure
- Section 9 – Councillor activities in the community

Recommendation

That Council:

- 1. Note the Quarterly Report for the period ended 30 June 2020.**
- 2. Note the budget carry forwards as listed in Section 1 page 10 (items 1 to 50) and approve the carrying forward of their remaining budgets from 2019/20 to 2020/21.**
- 3. Note the net budget result for 2019/20 after carryforwards is a balanced budget (\$12 surplus)**

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

CARRIED

Report No: Report Title:

CC.6 Amendments to the Loan Guarantee Policy and the Leasing and Licencing Policy

Purpose and Overview

The Loan Guarantee policy was last reviewed and adopted by Council in August 2018. The policy is not due for review until August 2022, however, an earlier review has been undertaken due to an identified policy gap in relation to the management of community contributions to Council projects. It is proposed to expand the Loan Guarantee policy to cover community contributions to projects.

The Leasing and Licencing Policy was adopted by Council in 22 November 2017. The policy is not due for review until November 2021, however, approval for a minor amendment to the Policy is sought. The proposed amendment is in relation to undertaking works at Council owned or management properties occupied by tenants that are not under a lease agreement.

Recommendation:

- 1. That Council adopt the amended Loan Guarantee and Community Contributions Policy.**
- 2. That Council adopt the amended Leasing and Licencing Policy.**
- 3. That the updated policies be placed on Council’s website.**

The Director Corporate and Community advised the meeting that a minor edit was required to page four, dot point four, of the Loan Guarantee and Community Contributions Policy, to include the word “to” between the words “works” and “commence” and that this minor text edit would be updated for the final version of the policy.

It was moved by Cr Mees seconded by Cr Twaits that the Officer Recommendation, including the minor text edit as advised by the Director Corporate and Community, be adopted.

CARRIED

The Mayor, Cr Pearce, on behalf of all councillors, thanked officers for their work in relation to items CC.3 – CC.5.

Report No: Report Title:

CC.7 Proposal to sell 20 Jacobs Avenue, Kyneton

Purpose and Overview

20 Jacobs Avenue, Kyneton comprises a vacant allotment located in an established residential area of Kyneton. Following a review of the current and potential future uses of the land it has been determined as surplus to Council requirements for open space purposes. It is therefore proposed to commence the process to sell the property, subject to community consultation and the legislative process under the *Local Government Act 1989*.

Recommendation

That Council:

1. **Having determined that the property at 20 Jacobs Avenue, Kyneton is considered surplus to Council requirements commence the statutory process to sell the land by:**
 - a. **Advertising a notice of intention to sell 20 Jacobs Avenue, Kyneton, in accordance with section 189 of the *Local Government Act 1989* (“the Act”);**
 - b. **Noting that in accordance with section 223 of the Act, the public notice provides an opportunity to make a submission within 28 days of the day of the notice and if requested provides the submitter the opportunity to speak in support of their submission at a future Submitters Committee meeting;**
 - c. **Notifying all neighbouring properties of the proposal and seeking submissions; and**
 - d. **Considering all submissions prior to determining to proceed with the sale.**

2. **Note that should there be no written submissions received under Section 223 of the Act to the Chief Executive Officer will:**
 - a. **Proceed to sell the property by public auction (or subsequently by private treaty should it fail to sell at auction);**
 - b. **negotiate the sale of the property based on a current market valuation obtained by an independent qualified valuer;**
 - c. **be authorised to sign and seal any associated documentation in relation to the sale.**

3. **Note that net proceeds from the sale will be allocated to the Open Space Financial Reserve for future capital works projects in the West Ward.**

The Director, Corporate and Community sought to make an Amended Officer Recommendation to provide clarity regarding the net proceeds from the sale, which are intended for use for future open space projects, and are not intended to be constrained only to capital works projects.

Amended Officer Recommendation**That Council:**

1. Having determined that the property at 20 Jacobs Avenue, Kyneton is considered surplus to Council requirements commence the statutory process to sell the land by:
 - a. Advertising a notice of intention to sell 20 Jacobs Avenue, Kyneton, in accordance with section 189 of the Local Government Act 1989 (“the Act”);
 - b. Noting that in accordance with section 223 of the Act, the public notice provides an opportunity to make a submission within 28 days of the day of the notice and if requested provides the submitter the opportunity to speak in support of their submission at a future Submitters Committee meeting;
 - c. Notifying all neighbouring properties of the proposal and seeking submissions; and
 - d. Considering all submissions prior to determining to proceed with the sale.

2. Note that should there be no written submissions received under Section 223 of the Act to the Chief Executive Officer will:
 - a. Proceed to sell the property by public auction (or subsequently by private treaty should it fail to sell at auction);
 - b. negotiate the sale of the property based on a current market valuation obtained by an independent qualified valuer;
 - c. be authorised to sign and seal any associated documentation in relation to the sale.

3. Note that net proceeds from the sale will be allocated to the Public Open Space-West Financial Reserve.

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

CARRIED

13. DIRECTOR ASSETS AND OPERATIONS REPORTS:

Report No: Report Title:

AO.1 Macedon Ranges shared trails project update

Purpose and Overview

The purpose of this report is to update Council on the Victorian Government’s \$8.75 million funding contribution towards the Woodend to Riddells Creek Shared Trails Project. The report provides further detail on the project and funding agreement status, as well as financial, social, and environmental implications arising from the project for Council’s consideration.

Recommendation**That Council:**

1. Note the information contained in this report.

2. **Endorse the Macedon Ranges Shared Trail (Woodend to Riddells Creek) project and its implementation.**
3. **Grant delegated authority to the Chief Executive Officer to sign the Macedon Ranges Shared Trails (Woodend to Riddells Creek) funding agreement between Council and Regional Development Victoria**

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

CARRIED

Report No: Report Title:

AO.2 Kerbside Collection and Associated Services Charge Policy

Purpose and Overview

Provide an update to Council on the feedback received during the public exhibition of the draft *Kerbside Collection and Associated Services Charge Policy* and seek endorsement of the policy.

Recommendation:

That Council:

1. **Endorse the Kerbside Collection and Associated Services Charge Policy.**
2. **Note that the Kerbside Collection and Associated Services Charge Policy supersedes the Garbage and Recycling Charge Policy.**
3. **Direct the Chief Executive Officer to write to submitters who provided feedback on the draft Policy and thank them for their involvement.**

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

CARRIED

Report No: Report Title:

AO.3 Response to petition – Trees, Tylden

Purpose and Overview

This report provides a response to the petition tabled at the July Ordinary Council meeting. This petition was presented by residents from Tylden raising concerns regarding the planting of trees under power lines.

At the Ordinary Council Meeting on 26 July 2020, Council resolved:

‘That the petition signed by approximately 37 persons requesting

“Dear Mayor, last year Eucalypt trees were planted on the nature strips in Tylden. Several of these trees were planted directly under or near power lines particularly in Clowes Street. Objections were raised by residents including a letter from the Tylden CFA to object to planting under power lines. Last month another five trees were planted in Clowes Street and again directly under power lines. After the recent bushfire season, why is this practice allowed to continue? The undersigned residents of Tylden

request that all trees under or near power lines be removed and replanted in an appropriate area”

be received and lay on the table until the next Council Meeting at which a report on the matter will be presented.’

This report provides a response to the issues raised in the petition.

Recommendation

That Council:

- 1. Note this report; and**
- 2. Direct the Chief Executive Officer to write to the first named petitioner advising them of the information provided in this report**

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

CARRIED

7.30pm Having previously declared a conflict of interest in relation to Notice of Motion No.3/2020-21, the Chief Executive Officer, Ms Stork, left the meeting.

14. NOTICES OF MOTION

Notice of Motion No. 3/2020-21 – Councillor Radnedge

That Council:

- 1. Direct the Chief Executive Officer to advocate, in writing by 10 September 2020, to the State Government including Ms Mary-Anne Thomas, Member for Macedon, The Hon. James Merlino, Minister for Education, The Hon. Richard Wynne, Minister for Planning, The Hon. Lily D'Ambrosio, Minister for Energy, Environment and Climate Change, to retain and/or return the land at 120 Aitken Street, Gisborne, also known as the Gisborne Pine Plantation, to the community for the purpose of public open space, pedestrian linkage and a significant cultural heritage reflection site, along with (eventual) pine removal and replacement with indigenous vegetation.**
- 2. Direct the Chief Executive Officer to advocate, in writing by 10 September 2020, to the State Government including Ms Mary-Anne Thomas, Member for Macedon, The Hon. James Merlino, Minister for Education, The Hon. Richard Wynne, Minister for Planning, The Hon. Lily D'Ambrosio, Minister for Energy, Environment and Climate Change, to comprehensively consult with the Macedon Primary School and community as to the future use of the land known as the Macedon Primary School Pine Plantation on Cable Street, Macedon, having regard to its history of use as a vegetated space for over 100 years.**

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

- 1. Direct the Chief Executive Officer to advocate, in writing by 10 September 2020, to the State Government including Ms Mary-Anne Thomas, Member for Macedon, The Hon. James Merlino, Minister for Education, The Hon. Richard Wynne, Minister for Planning, The Hon. Lily D'Ambrosio, Minister for Energy, Environment and Climate Change, to retain and/or**

return the land at 120 Aitken Street, Gisborne, also known as the Gisborne Pine Plantation, to the community for the purpose of public open space, pedestrian linkage and a significant cultural heritage reflection site, along with (eventual) pine removal and replacement with indigenous vegetation.

CARRIED

7.46pm The Chief Executive Officer, Ms Stork, returned to the meeting.

15. URGENT AND OTHER BUSINESS

Nil

Closure of Meeting to consider Confidential Reports

Cr Anderson moved and Cr Gayfer seconded that the meeting be closed pursuant to Section 66(2)(a) of the *Local Government Act 2020* to consider confidential reports.

CARRIED

The meeting closed at 7.47pm pursuant to Section 66(2)(a) of the *Local Government Act 2020* to consider the following report:

16. CONFIDENTIAL REPORTS

16.1 Chief Executive Officer's biannual review

Recommendation

That Council:

- 1. Notes the responses provided by the Chief Executive Officer (CEO) in the confidential attachment in relation to her performance against her Key Performance Indicators (KPIs) for the above period;**
- 2. Notes the CEO Performance Appraisal Advisory Group's comments in the confidential attachment that have been shared and discussed with the CEO; and**
- 3. Endorses that the CEO has met her KPIs for the time period outlined.**

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

CARRIED

Opening of Meeting

It was moved by Cr Anderson and seconded by Cr Radnedge that the meeting be re-opened.

CARRIED

Closure of Meeting

The meeting closed at 8.20pm

**Councillor Pearce
Mayor**