

Council Meeting Agenda

Wednesday 27 January 2021 at 7.00pm
Gisborne Administration Centre
40 Robertson Street, Gisborne

Recording of Council Meetings:

The recording of Council Meetings, either visually or by sound, or the taking of photographs in Council Meetings is not permitted without first obtaining the consent of Council or the Chairperson.

Attachments:

All attachments are available for viewing or downloading from Council's website, mrsc.vic.gov.au

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ACKNOWLEDGEMENT OF COUNTRY

To start the official proceedings I would like to acknowledge that Macedon Ranges Shire Council is on Dja Dja Wurrung, Taungurung and Wurundjeri Woi Wurrung Country whose ancestors and their descendants are the traditional owners of this Country. We acknowledge that they have been custodians for many centuries and continue to perform age old ceremonies of celebration, initiation and renewal. We acknowledge their living culture and their unique role in the life of this region.

1. RECORDING AND LIVE STREAMING OF THIS COUNCIL MEETING

Please note that this meeting is being recorded and streamed live on the internet in accordance with Council's *Live Streaming and Publishing Recording of Meetings Policy*, which can be viewed on Council's website.

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

While Councillors are attending this meeting in person, in line with current directions by the Chief Health Officer, face-to-face Council Meetings are not to be held with members of the public in attendance. As such, there is no one present in the public gallery this evening. We welcome those of you watching from home.

Please note that face masks are required to be worn by those in attendance, but may be removed when a Councillor is speaking, as it is possible for masks to be removed for live broadcasting purposes.

I also remind everyone 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.

Thank you

2. PRESENT

3. APOLOGIES

4. DECLARATION OF CONFLICT OF INTERESTS

Councillors' attention is drawn to Division 2 Sections 126-131 of the *Local Government Act 2020* and Part 5, Rule 48 of Council's Governance Rules regarding conflicts of interest.

Councillors are reminded that conflicts of interest must be disclosed in the manner required by Council's Governance Rules. The Councillor must make a full disclosure of the interest by either advising:

- the Council at the meeting immediately before the matter is considered at the meeting; or
- the CEO in writing before the meeting;

and

- whether the interest is a general conflict of interest or a material conflict of interest; and
- the nature of the interest

(If a Councillor advised the CEO in writing before the meeting, the Councillor must make a disclosure of the class of interest only to the meeting immediately before the matter is considered at the meeting)

5. MAYOR'S REPORT

This item in each agenda offers an opportunity for the Mayor to provide a brief report on recent Council activities and initiatives of a shire-wide nature.

Councillor reports on any meetings they have attended as a Councillor delegate are provided at Councillor Briefings or via email communications. Any matters requiring Council deliberation/decision are considered by Council via a report to a Council Meeting.

Recommendation:

That the Mayor's report be received.

6. PETITIONS

Pursuant to Council's adopted Governance Rules, a Councillor may present a petition or joint letter to the Council. A petition or joint letter tabled at a Council Meeting may be dealt with as follows:

- (i) a motion may be proposed to accept the petition or joint letter and that it lay on the table until the next Scheduled Council Meeting or a future meeting specified by the Council (at which a report on the matter will be presented);
- (ii) a motion may be proposed to accept and note the petition or joint letter and resolve to deal with it earlier or refer it to another process.

A Councillor presenting a petition or joint letter will be responsible for ensuring that they are familiar with the contents and purpose of the petition or joint letter and that it is not derogatory or defamatory.

7. ADOPTION OF MINUTES

Any Councillor whether in attendance or not at the subject meeting can move and second the adoption of the minutes, however accepted practice is that Councillors who were in attendance moved and second these motions.

Scheduled Council Meeting: Wednesday 16 December 2020

Recommendation:

That the minutes of the Scheduled Meeting of the Macedon Ranges Shire Council held on Wednesday 16 December 2020 as circulated be confirmed.

8. RECORD OF MEETINGS OF COUNCILLORS AND COUNCIL STAFF – JANUARY 2021

(i) Summary / Purpose

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

(ii) Policy Context

Rule 31(a) of Council's Governance Rules requires a written record of matters discussed at specified meetings of Councillors and Council staff to be reported to the next practicable scheduled Council Meeting and recorded in the minutes of that meeting.

(iii) Background Information

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

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

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

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

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

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

(iv) Report

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

1.	Date / Time	Type of Meeting
	13 January 2021 7.14pm to 9.12pm	Delegated Submitters Committee Meeting
	Venue	Online
	Present – Councillors	Crs Anderson, Bonanno, Guthrie, Moore, Neil, Pearce, Ridgeway and West
	Present – Officers	John Nevins, Angela Hughes, Jacqui Wood, Maria Nunez, Val Alford, Andrew Grant, Harjinder Sigh, Andrew Grant
	Presenters	Phillipa Butler, Bryan Power, Fiona Slechten, Rod Curtis, David Trent, Bill Jacobs
	Items discussed	<ul style="list-style-type: none"> • Hearing submissions in relation to planning matters <ul style="list-style-type: none"> - PLN/2020/165 – 198 Mount Gisborne Road, Gisborne - PLN/2020/121 – 74 Hamilton Street and 27 Lyell Street, Gisborne
	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 meeting? N/A
	Conflicts of interest declared by officers	Nil Did they leave the meeting? N/A

2.	Date / Time	Type of Meeting
	19 January 2021 9.55am to 2.52pm	Briefing
	Venue	Gisborne Administration Chamber
	Present – Councillors	Crs Anderson, Bonanno, Death (online, left briefing at 11:37 am), Guthrie, Moore, Nail, Pearce, Ridgeway and West

Present – Officers	John Nevins, Shane Walden, Angela Hughes, Sarah Noel, Fiona Alexander, Kate Young, Allison Watt, Jessica Baguley, Steven Pykett, Danni Findlay, Leanne Khan, Isobel Maginn, Will Rayner
Presenters	Phillip Garside
Items discussed	<ul style="list-style-type: none"> • Councillor OHS and EEO Training • Draft Business Case and Masterplan – Woodend Community Centre • Community Engagement Policy • Gisborne Futures Project Control Group Briefing • Councillor Code of Conduct • Autumn Festival • Agenda for 27 January 2021 Council Meeting • Planning matters <ul style="list-style-type: none"> - PLN/2020/165 —198 Mount Gisborne Road, Gisborne - PLN2016/204 — 4 Davy Street, Woodend • Planning for Melbourne’s Green Wedges and Agricultural Land Submission • Community Information Guides • Community Engagement Policy • Shortlisting candidates and recruitment of Chief Executive Officer • Councillor Code of Conduct • Romsey Hotel • Romsey Supermarket • Plebiscite costings
Conflicts of interest declared by Councillors and record of them leaving the meeting when the matter about which they declared the conflict of interest was discussed	<p>Cr Guthrie declared a conflict in relation to the Gisborne Futures Project and left the chamber for that item.</p> <p>The Mayor, Cr Anderson declared a conflict in relation to PLN2016/204 and left the chamber for that item.</p> <p>Did they leave the meeting? Yes</p>
Conflicts of interest declared by officers	<p>N/A</p> <p>Did they leave the meeting? N/A</p>

Officer Recommendation:

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

9. DEPUTATIONS AND PRESENTATIONS TO COUNCIL

Generally there is no opportunity for members of the public to address a Scheduled Council Meeting. In specific circumstances where a prior request to the Mayor has been made and approved, a member of the public may be provided the opportunity to address the Council. In such circumstances the presentation will be limited to three minutes unless otherwise approved.

PE.1	APPLICATION FOR PLANNING PERMIT PLN/2020/165 – 198 MOUNT GISBORNE ROAD, GISBORNE – DEVELOPMENT OF A TELECOMMUNICATIONS FACILITY AND REMOVAL OF NATIVE VEGETATION (TEMPORARY IMPACT TO NATIVE GRASSES)
Officer	Christo Crafford, Coordinator Statutory Planning
Council Plan Relationship	Improve the Built Environment
Attachments	1. Locality – Aerial plan 2. Applicant’s planning report 3. Elevation plans 4. Site plans 5. Vegetation impact assessment 6. Applicant’s response to objections 7. CFA letter 8. Assessment against Statement of Planning Policy
Applicant	Western Region Water Corporation
Date of Receipt of Application	22 May 2020
Trigger for Report to Council	Councillor call-in

Purpose and Overview

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

The application was advertised and nine (9) submissions were received. This includes eight objections and one submission in support.

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

The application has been assessed against the relevant provisions of the Macedon Ranges Planning Scheme and is considered appropriate. On balance it is considered that the development is in keeping with the relevant provisions of the Planning Policy Framework, Local Planning Policy Framework, zone, overlays, particular provisions and general provisions. It is recommended that the application be approved subject to the following conditions.

Recommendation

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

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

Environment Unit Conditions

General Conditions

- 4. All construction and maintenance equipment, earth moving equipment and associated machinery must be made free of soil, seed and plant material before being taken to the works site and again before being removed from the works site to the satisfaction of the Responsible Authority. This is to help prevent the spread of noxious weeds listed under the *Catchment and Land Protection Act 1994*.**
- 5. All trees and native vegetation, as they relate to the approved development, are to be retained and protected by a tree protection zone. The following is prohibited within the tree protection zone:**

- a) vehicular or pedestrian access;
- b) trenching or soil excavation;
- c) storage or dumping of any soils, materials, equipment, vehicles, machinery or waste products;
- d) construction of entry and exit pits for underground services; or
- e) any other actions or activities that may result in adverse impacts to retained native vegetation.

On Site Environmental Management

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

Site Preparation and Reporting

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

Tree Protection Management

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

The report is to include the following information:

- a. A mitigation plan for all trees along the track with exposed roots.
- b. Within 15 metres of the work site, a plan for all trees to be protected with tree protection fencing

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

Culvert Upgrade

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

Site Environmental Management Plan (SEMP)

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

Engineering Unit Conditions

15. Prior to the commencement of works, an “Asset Protection Permit” must be obtained from Council for any of the following circumstances:
 - a. Entering a building site by means of a motor vehicle having a gross weight exceeding two tonnes
 - b. Occupying a road for works
 - c. Connecting any land to a stormwater drain
 - d. Opening, altering or repairing a road
 - e. Opening, altering or repairing a drain
 - f. Accessing a building site from a point other than a crossover
 - g. Construct/repair/widen/remove any crossover

16. At least 14 days prior to commencement of works, a Site Management Plan must be submitted to and approved by the Responsible Authority. The Site Management Plan must contain the following:
 - a. Name and contact details of appointed Civil Contractor and Superintendent.
 - b. Existing condition survey of all existing assets including private properties
 - c. Construction Management Plan
 - d. Traffic Management Plan
 - e. Environmental Management Plan
 - f. Occupational Health & Safety and Job Safety Analysis Plans
 - g. Council issued Asset Protection Permit

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

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

18. No polluted and/or sediment laden runoff is to be discharged directly or indirectly into drains or watercourses. Soil erosion control measures must be employed throughout the development works in accordance with Construction Techniques for Sediment Pollution Control (EPA 1991) to the satisfaction of the Responsible Authority.

Permit Expiry

19. This permit will expire if one of the following circumstances applies:
 - a. The development is not commenced within two years of the date of this permit.
 - b. The development is not completed within four years of the date of this permit.

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

Existing conditions and relevant history

Subject land

The subject site is located on the summit of Mount Gisborne. It is located approximately four kilometres south of the Gisborne central business district. The site is accessed from Woodland Drive which also forms the northern boundary of the site.

The land is zoned Public Park and Recreation Zone and is irregular in shape. The land is owned by the Macedon Ranges Shire Council.

An informal walking track ascends the reserve to the summit of the hill. The summit provides views of the surrounding district and as far as Melbourne's CBD.

Surrounds

Whilst the summit site is within the Public Park and Recreation Zone, the slopes of the Mount are generally in the Rural Living Zone. The southern boundary of the lot abuts land that is in the Rural Conservation Zone.

The adjoining land generally contains dwellings with lot sizes varying between 20ha and 4ha.

Registered restrictive covenants and/or Section 173 Agreements affecting the site

A current copy of the title has been provided with the application which shows no Covenants, Section 173 Agreements or restrictions registered on the titles to this property.

Site history

In the 1987, a 22.5m high telecommunications mast was erected on the summit of Mt Gisborne to relay two-way radio signals. The occupier of the tower was Victoria Communications Pty Ltd. There was an arrangement with the company for the inclusion of Council's two-way radio relay to also be located on the mast. Silvercomm took over the occupancy of the tower in 2001. Silvercomm entered into an arrangement with the Country Fire Authority (CFA), Western Water and two commercial concreting companies to also occupy the tower with their equipment. The telecommunications infrastructure was connected via underground conduits to computer / server equipment in a utilities hut located on the adjoining property.

In July 2019, the mast was destroyed in a storm. The associated concrete pad, underground conduits and utilities hut were not affected and remain intact. From October 2019, Western Water has taken over operation of the communications facilities on site where temporary services have been reinstated on the existing communications hut for that organisation, CFA and radio voice services for two concrete companies.

These temporary services provide communications to all Western Water sites, but at a reduced capacity, causing increased message failures. The organisation no longer has direct linkages from a data concentrator in Sunbury through to their disaster recovery (DR) centre at Rosslynne Water Filtration Plant at Gisborne.

As a result, if there was a server outage or Telstra failure, it could seriously affect the operational capacity of Western Water to operate and monitor the real time data system via the Rosslynne disaster recovery site.

Upon discussions with the tenant, Silvercomm, regarding works required to remove the debris of the mast, Silvercomm advised Council that they did not wish to continue with the license and gave notice of their intention to vacate the site. Western Water agreed to remove the debris of the tower on behalf of Silvercomm and this was completed on 26 September 2019.

Western Water advised that they wished to remain onsite and enquired if Council would consider entering into a lease with them under which they could reinstate the mast as it was essential for their communications to their assets within the Shire. The CFA indicated that they would also like to remain onsite as the mast was required to continue emergency service communications. Western Water accordingly applied for a planning permit to reinstate the mast. This is the application that is the subject of this report.

Previous planning permit history

A search of Council's records has found the following permit history:

Permit No.	Description
PLN/2005/91	TELECOMMUNICATIONS FACILITY

Proposal

The proposal is for the development of land for a new telecommunications facility to replace the previous one on site. The proposed telecommunications facility will comprise of:

- 15 metre high monopole tower and ancillary components that bring the total height of the structure to 17.5 metres.
- Dipole array;
- Two WW link antennas;
- VHS Voice Comms WW antennas;
- Four microwave dish installations for use by Western Water and the CFA.

As part of the application, the Applicant advised that the previous telecommunications tower was a key component of a regional communications network. The Applicants says that the temporary measures are unsustainable due to dropouts and other failures. Consequently, a permanent communication solution to replace the service provided by the collapsed tower at Mount Gisborne is needed for the following purpose:

- *“To provide a microwave link and to restore the quality of SCADA (real time data) communications link from Sunbury (Jacksons Hill) to the disaster recovery centre located at Rosslynne should the head office server room fail.*
- *In reinstating the tower, Western Water will re-establish high grade communications to key infrastructure sites in fire prone areas that can remotely turn on asset protecting deluge systems and alternate water sources in fire events. It will also provide all the functionality to fill water storage tanks, remove*

sewage and operate water and waste water treatment facilities including complex alarm systems.

- Western Water has a UHF based radio system for all field staff including personnel monitoring in a man down situation. Currently this system has substantial blackspots and placing a base station at this site would mitigate the black spot risk.
- Western Water operates its own independent radio system separate to the likes of Telstra or other telecommunication operators. In doing this, the company provides a robust system which can be internally maintained. This is industry best practice to protection against cyber-attack and ensure we can continue to provide essential services. The new tower will ensure this.
- From a CFA perspective, the previous tower was pivotal in providing voice communications to all the surrounding Mount Gisborne area and the Mount Macedon aspects. It also provides critical communications to the Incident Control Centre covering all major incidents, including bushfires which are expected to only become more frequent in the coming years and decades. The new tower will ensure CFA preparedness and warning systems will be in place for the foreseeable future.”

Relevant Macedon Ranges Planning Scheme controls

State Planning Policy Framework

Clause No.	Clause name
11	Settlement
12	Environmental and Landscape Values
15	Built Environment and Heritage
19	Infrastructure

Local Planning Policy Framework

Clause No.	Clause name
21	Municipal Strategic Statement
22.01	Macedon Ranges and Surrounds

Zoning

Clause No.	Clause name
36.02	Public Park and Recreation Zone

Overlay

Clause No.	Clause name
42.01	Environmental Significance Overlay – Schedule 5
42.03	Significant Landscape Overlay – Schedule 2

Particular Provisions

Clause No.	Clause name
52.19	Telecommunications Facility

General Provisions

Clause No.	Clause name
65	Decision Guidelines
66	Referral and Notice Provisions

Cultural Heritage Management Plan assessment

	Assessment criteria	Assessment response
1	Is the subject property within an area of cultural heritage sensitivity as defined within the cultural heritage sensitivity mapping or as defined in Part 2 Division 3 or 4 of the <i>Aboriginal Heritage Regulations 2018</i> ?	No.
2	Does the application proposal include significant ground disturbance as defined in Regulation 4 <i>Aboriginal Heritage Regulations 2018</i> ?	No.
3	Is the application proposal an exempt activity as defined in Part 2 Division 2 <i>Aboriginal Heritage Regulations 2018</i> ?	No.
4	Is the application proposal a high impact activity as defined in Part 2 Division 5 <i>Aboriginal Heritage Regulations 2018</i> ?	No.

Based on the above assessment, a Cultural Heritage Management Plan is not required in accordance with Part 2 Division 1 of *Aboriginal Heritage Regulations 2018*.

The process to date

The application was referred to the following authorities:

Referral

Authority (Section 55)	Response
Nil.	

Authority (Section 52)	Response
MRSC Engineering	No objection subject to conditions.
MRSC Environment	No objection subject to conditions.
MRSC Parks & Gardens	No objection.
MRSC Property	No objection.

Advertising

Pursuant to Section 52 of the Planning and Environment Act 1987, the application was advertised by sending notices to the owners and occupiers of surrounding/adjoining land and by requiring notices to be erected on the land for a period of 14 days.

Nine (9) submissions have been received in response to notification. Of these, eight (8) object whilst one (1) supports the application.

The concerns of the objectors raised relate to:

- Visual impact
- Non-compliance with Planning Scheme provision and Inconsistent with council policy
- Environmental damage
- Alternative sites should be investigated
- Questions the veracity of the need of the tower
- Proposal ignores proposed change in zoning of site to PCRZ

The submission in support relates to:

- Confirmation that maintenance requirements have been historically infrequent and access mostly private property.
- Foresees no environmental detriment whilst providing a critical community service.

Officer assessment

General

The proposed development has been assessed against the provisions of the PPF, LPPF, Public Parks and Recreation Zone, the Significant Landscape Overlay – Schedule 2 and the decision guidelines of Clause 65. Matters for consideration include the suitability of the proposed lots sizes and lot layout, the impact of the subdivision upon the surrounding land and the impact of the subdivision upon the use of the land for agriculture.

On balance, it is considered that the replacement of the mast is in keeping with the relevant provisions of the Planning Policy Framework and Local Planning Policy Framework as follows:

Planning Policy Framework (PPF)

Clause 11.03-3S Peri-urban areas has the objective to “*To manage growth in peri-urban areas to protect and enhance their identified valued attributes*”.

The clause contains the following relevant Strategies:

- *Identify and protect areas that are strategically important for the environment, biodiversity, landscape, open space, water, agriculture, energy, recreation, tourism, environment, cultural heritage, infrastructure, extractive and other natural resources.*
- *Provide for development in established settlements that have capacity for growth having regard to complex ecosystems, landscapes, agricultural and recreational*

activities including in Gisborne and other towns identified by Regional Growth Plans as having potential for growth.

- *Prevent dispersed settlement and provide for non-urban breaks between urban areas.*
- *Ensure development is linked to the timely and viable provision of physical and social infrastructure.*

Clause 11.03-5S Distinctive areas and landscapes has the objective to “*To protect and enhance the valued attributes of identified distinctive areas and landscapes.*”

The clause contains the following relevant Strategies:

- *Recognise the significant geographic and physical features of these areas.*
- *Recognise the important role these areas play in the state as tourist destinations.*
- *Protect the identified key values and activities of these areas.*
- *Support use and development where it enhances the valued characteristics of these areas.*

Clause 12 Environmental and Landscape Values states that planning is to assist to “*conserve areas with identified environmental and landscape values*” and “*protect, restore and enhance sites and features of nature conservation, biodiversity, geological or landscape value.*”

Clause 12.05-2S Landscapes has the objective “*To protect and enhance significant landscapes and open spaces that contribute to character, identity and sustainable environments.*”

The clause contains the following relevant Strategies:

- *Ensure development does not detract from the natural qualities of significant landscape areas.*
- *Improve the landscape qualities, open space linkages and environmental performance in significant landscapes and open spaces, including green wedges, conservation areas and non-urban areas.*
- *Recognise the natural landscape for its aesthetic value and as a fully functioning system.*
- *Ensure important natural features are protected and enhanced.*

Clause 15 Built Environment and Heritage has the following relevant policies:

- *Planning should ensure all land use and development appropriately responds to its surrounding landscape and character, valued built form and cultural context.*
- *Planning should protect places and sites with significant heritage, architectural, aesthetic, scientific and cultural value.*
- *Planning should promote development that is environmentally sustainable and should minimise detrimental impacts on the built and natural environment.*

Clause 19 Infrastructure has the following relevant policies:

- *Planning should facilitate efficient use of existing infrastructure and human services. Providers of infrastructure, whether public or private bodies, are to be guided by planning policies and should assist strategic land use planning.*
- *Planning should minimise the impact of use and development on the operation of major infrastructure of national, state and regional significance, including communication networks and energy generation and distribution systems.*

Clause 19.03-4S Telecommunications has particular relevance to this application. It has the following objective:

- *To facilitate the orderly development, extension and maintenance of telecommunication infrastructure.*

This clause also contains the following relevant strategies:

- Facilitate the upgrading and maintenance of telecommunications facilities.
- *Ensure that modern telecommunications facilities are widely accessible to business, industry and the community.*
- *Ensure the communications technology needs of business, domestic, entertainment and community services are met.*
- *Ensure a balance between the provision of important telecommunications services and the need to protect the environment from adverse impacts arising from telecommunications infrastructure.*

The proposal is considered to be generally consistent with the above Planning Policy Framework and particularly the provisions of Clause 19.03-4S Telecommunications, in providing infrastructure that is important to key service providers and authorities, including Western Water and the CFA. The proposed tower will assist to ensure that the safety of residents in the area is not compromised and will cover important telecommunications gaps which Western Water and the CFA are currently experiencing.

The proposed tower will impact on the landscape but this will be balanced by the need to provide essential communications infrastructure. The new tower will further be lower in height than the previous, with muted colours and of a similar design, and therefore the visual impact will be reduced from its previous state. Existing infrastructure on the site, such as the access tracks and telecommunication lines and site pad will be used to minimise works to be undertaken.

In summary, it is considered that the proposed tower balances the importance of telecommunications infrastructure with the need to protect important landscapes.

Local Planning Policy Framework (LPPF)

Clause 21.05 Environment and Landscape Values recognises the Macedon Ranges and its surrounds as an area of both state and national environmental and conservation significance. The preservation and enhancement of its natural environment is fundamental to the Shire's attractiveness as a residential living area and tourist destination.

Clause 21.05-2 Significant environments and landscapes has the following relevant objectives relating to this application:

Objective 1: *To maintain and enhance the existing rural landscapes.*

With the following relevant Strategies:

Strategy 1.1 *Ensure development and works complement the Shire's rural landscape character.*

Strategy 1.2 *Protect the landscape, environmental and scenic qualities of the Macedon Ranges.*

Objective 4: *To maintain and enhance the ranges, major hills and ridges as significant visual backdrops to the Shire.*

With the following relevant Strategy:

Strategy 4.2 *Avoid development on prominent ridgelines and hilltops and ensure development within view sheds to the Shire's backdrop of ranges, hills and ridges does not detract from their significance as a land range feature.*

Objective 7: *To preserve significant exotic and native vegetation as a fundamental component of the Shire's character and landscape.*

With the following relevant Strategy:

Strategy 7.1 *Encourage the retention and enhancement of all remnant vegetation and exotic vegetation which contributes to the landscape quality or character of the area.*

Clause 21.06-3 Bushfire has the following important objective relating to this application:

Objective 1: *To prioritise fire risk in planning decisions, avoid increasing bushfire risk and minimise exposure of people to bushfire risk.*

With the following relevant Strategy:

Strategy 1.1 *Prioritise fire risk as a critical consideration.*

Clause 22.01 Macedon Ranges and Surrounds contains specific relevant policy that with regards to infrastructure that states:

Provision of drainage, sewerage, utilities and social services in keeping with the special demands and restraints placed upon the policy area.

The proposal is considered generally consistent with the Local Planning Policy Framework in balancing the location of the tower in a significant landscape area against the need to provide essential infrastructure for the wider community. The Local Planning Policy Framework also seeks to balance the growing demand for urban development in the region against the need to protect the Shire's important conservation, recreation and scenic attributes. Only temporary impact on vegetation is envisaged and the Council's Environment Unit supports the application subject to conditions. The proposed tower is some 5m shorter than the previous tower and therefore its visibility and impact will be reduced in the landscape.

Western Water has advised that the tower is essential to re-establish high grade communications to key infrastructure sites in fire prone areas that can remotely turn on asset protecting deluge systems and alternate water sources in fire events.

The CFA has also confirmed that the tower is essential to their communications needs. The tower will therefore play an important role in minimising the communities risk in bushfire events.

It is, therefore, considered that the proposed tower provides for a balanced planning outcome.

Zone

Clause 36.02: Public Parks and Recreation Zone (PCRZ)

The site is zoned RCRZ and the purpose of the zone includes the following:

- *To recognise areas for public recreation and open space.*
- *To protect and conserve areas of significance where appropriate.*
- *To provide for commercial uses where appropriate.*

The use of the land for a telecommunications facility does not require a planning permit. A planning permit is however required to construct a building or carry out works as the works are not being carried out by or on behalf of the public land manager being Macedon Ranges Shire Council.

Under Clause 36.02-5 Decision Guidelines, before deciding on an application to use or subdivide land, construct a building or construct or carry out works, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- *The Municipal Planning Strategy and the Planning Policy Framework.*
- *The comments of any public land manager or other relevant land manager having responsibility for the care or management of the land or adjacent land.*
- *Whether the development is appropriately located and designed, including in accordance with any relevant use, design or siting guidelines.*

As noted above the proposal is considered appropriate in terms of the Municipal Planning Strategy and the Planning Policy Framework. The proposed tower is considered to balance the importance of telecommunications infrastructure with the need to protect important landscapes. The new tower will be located on the existing construction pad, is significantly reduced in height thereby minimising the visual impacts and impact to vegetation will be minimised by utilising the existing access track with minimal maintenance required.

The applicant has acknowledged that the management objectives of the environmental management plan that was previously approved will continue to be met both during construction and for the ongoing management of the tower and any appropriate adjustments to the plan can be made as any condition requirement of a permit.

The proposed rezoning (Amendment C126) of the site from Public Parks and Recreation Zone (PPRZ) to Public Conservation and Resource Zone (PCRZ) would not impact on the proposal. The tower can still be considered if the zoning does change to PCRZ and that would not affect officers' recommendation to support the application.

Overlays

Clause 42.01 Environmental Significance Overlay – Schedule 5 (ESO5)

A small section of the lot in the south western corner is affected by the ESO5. The location of the site where the tower will be erected is however not affected by this Overlay.

Clause 42.03 Significant Landscape Overlay – Schedule 2 (LSIO2)

The proposed tower will require a permit under this overlay.

The site and abutting land to the west, south and east is covered by the LSIO2.

The purpose of this overlay is as follows:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To identify significant landscapes.*
- *To conserve and enhance the character of significant landscapes.*

Schedule 2 of the Overlay relates to ‘Ridges and Escarpments’.

The Statement of Significance for Mount Gisborne is as follows:

Mount Gisborne is an ancient volcano vent and a distinct landscape feature viewed from the Calder Highway. The cleared surface of the hills accentuates its form. It is a recognised regional landmark feature and a vista feature from Gisborne. Being comparatively high it can be seen from many points within the Gisborne area. One of the most distinctive attributes of Mount Gisborne, its natural form with patches of eucalyptus, is being eroded by the competing textures and form of buildings and exotic tree plantings on the higher up-slopes.

The Landscape character objectives to be achieved are as follows:

- *To ensure that the siting and design of buildings and works in rural areas (including the choice of building materials) is responsive to the landscape character of the Macedon Ranges Shire.*
- *To maintain vegetation on escarpments and ridgelines for its landscape value.*
- *To control the location and visual impact of buildings by requiring adequate setbacks from cliff tops, ridgelines and other prominent areas.*

As noted above the construction of the new tower in a significant landscape area is considered to balance the need to provide essential infrastructure for the wider community and specifically during an emergency situation to protect life and property from bushfires.

Particular Provisions:

Clause 52.19 Telecommunications Facility

The purpose of this clause is:

- *To ensure that telecommunications infrastructure and services are provided in an efficient and cost effective manner to meet community needs.*
- *To facilitate an effective state wide telecommunications network in a manner consistent with orderly and proper planning.*
- *To encourage the provision of telecommunications facilities with minimal impact on the amenity of the area.*

A permit is required to construct a building or construct or carry out works for a Telecommunications facility.

It is considered that the proposal generally meets the purpose of the Clause in providing for infrastructure to meet the community's needs. As noted above the proposal is considered consistent with the PPF and LPPF and thus consistent with orderly and proper planning. The proposed tower will have a limited visual impact to and from the site in terms of being shorter than the previous tower. Existing dwellings in proximity to the tower are topographically set below the tower and/or are screened by vegetation. No further infrastructure upgrades are required on site to locate the tower and all existing infrastructure will be utilised. Minimal, if any, impact to vegetation would occur and this will be controlled in terms of permit conditions.

Statement of Planning Policy

Section 46AZK of the Planning and Environment Act 1987 requires Council as a Responsible Public Entity to not act inconsistently with any provision of the Statement of Planning Policy (SOPP) in exercising decision making powers. The proposal in general complies with the Statement of Planning Policy and the application will meet the objectives and strategies specified in the policy.

Objections

Nine (9) submissions have been received in response to notification. There were 8 objectors and 1 supporter.

The following comments are made in response to concerns raised:

Concern raised	Response
Visual impact	It is acknowledged that the tower will have some detrimental visual impact. The tower will however be significantly lower than the previous tower. The visual impact will however be balanced by the need to provide for an essential bushfire safety need for the wider community.
Non-compliance with Planning Scheme provision and Inconsistent with council policy	As noted above the proposal is considered consistent with the provisions of the Planning Scheme and Council policy.
Environmental damage	Minimal environmental is anticipated. The applicant has prepared an environmental management plan that is supported by Council's Environment Unit. This plan deals with issues such as access during and after construction of the proposed tower, as well as further protection the biodiversity values of the site.
Alternative sites should be investigated	The applicant's application report does discuss other options for the site that were considered (Section 4.1, Page 10).

	Numerous reasons are also listed as to why the co-location of the facilities on the existing Telstra tower located approximately 400m further south on the same lot is not feasible.
Questions the veracity of the need of the tower	The veracity of the need of the proposed tower must be taken in good faith. The communication role the tower will play in an emergency situation as described above should be an important part in consideration of the application. Western Water and the CFA has confirmed in writing that the tower is essential to their needs.
Proposal ignores proposed change in zoning of site to PCRZ	The zoning of the land has not been changed and the application must be considered in terms of the current zoning and other provisions. The tower can nevertheless still be considered if the zoning does change to PCRZ and that would not affect officers' recommendation.

The comments on the submission in support is noted.

Officer declaration of conflict of interest

No officers involved in the preparation of this report have any general or material conflict of interest in this matter.

Conclusion

The proposal is for a shorter tower in the same location as the previous tower which had failed in a storm event. The construction of the proposed tower will result in a shorter tower in the same location utilising existing services and infrastructure on site there will be minimal visual disturbance. Neither the siting nor construction of the tower will require vegetation removal and appropriate conditions are imposed to minimise environmental degradation. Both Western Water and the CFA have advised that the proposed tower is essential to their need for improved communication as well as for community safety.

The proposal is considered consistent with the objectives of and meets the requirements of the Planning Policy Framework (PPF), Local Planning Policy Framework (LPPF), zoning and overlay provisions.

In summary, it is considered that the proposed tower balances the importance of telecommunications infrastructure for the region and the community with the need to protect important landscapes and is therefore recommended for approval.

PE.2	PLANNING FOR MELBOURNE’S GREEN WEDGES AND AGRICULTURAL LAND SUBMISSION
Officer	Jack Wiltshire, Strategic Planner
Council Plan Relationship	Protect the Natural Environment. Improve the Built Environment.
Attachments	1. Macedon Ranges Submission to the Victorian Government’s <i>Planning for Melbourne’s Green Wedges and Agricultural Land Consultation Paper</i> 2. Summary of proposed key changes 3. DELWP document: Negotiables and Non-Negotiables for Planning for Melbourne’s Green Wedges and Agricultural Land

Purpose and Overview

The purpose of this report is for Council to consider a submission to the Victorian Government’s *Planning for Melbourne’s Green Wedges and Agricultural Land (GWAL) Consultation Paper*, recently released for consultation.

Recommendation

That Council endorse the Macedon Ranges Submission to the Victorian Government’s *Planning for Melbourne’s Green Wedges and Agricultural Land Consultation Paper* as per Attachment One.

Background

In November 2018, the Victorian Government reconfirmed its commitment to permanently protect Melbourne’s green wedges from ‘overdevelopment’ by strengthening statutory planning controls. The commitment consisted of clarifying the definition of ‘permitted land use’, determining the appropriate size and scale of uses in non-urban settings, and establishing permanent planning controls and legislation to protect and support agricultural land surrounding Melbourne.

In 2019, consultation was focused on engaging with farmers, community members, industry, local government and stakeholders to test criteria for identifying strategic agricultural land around Melbourne. It also sought community aspirations for the planning of these areas. Macedon Ranges Shire Council endorsed and submitted a submission to ‘Protecting Melbourne’s Strategic Agricultural Land’ that was endorsed at the Ordinary Council Meeting on 24 April 2019. A report on the consultation findings, summarising the submissions, was released in September 2019.

The key outcomes of the consultation were:

1. *Support all types and scales of agriculture for the long term.*
2. *Safeguard agricultural land serviced by irrigation infrastructure.*
3. *Make the best use of productive soils for soil-based agriculture.*
4. *Strengthen the 'right to farm'.*
5. *Recognise the economic contribution of agriculture to the State's economy.*
6. *Maintain flexibility to respond to future recycled water or stormwater access opportunities.*
7. *Manage the interface between agriculture and non-farming neighbours, and minimise the risk of land use conflict.*
8. *Ensure consistent decision-making that prioritises agricultural use, its supporting Industries and complementary land uses.*
9. *Build on local knowledge and strategic work around agricultural land use planning.*
10. *Support farmers to diversify, value-add and adjust to changing conditions.*

The Victorian Department of Environment, Land, Water and Planning (DELWP) has now produced a paper which makes recommendations in consideration of the above findings. The study area includes the entirety of the Macedon Ranges Shire. The paper's recommendations seek to protect all agricultural land, not just 'strategic agricultural land' which was the scope of the 2019 consultation.

A summary of the key planning policy changes proposed in the Consultation Paper can be found at Attachment Two. These changes, if implemented, would apply to agricultural land within the Macedon Ranges Shire.

An overview of "negotiables and non-negotiables" prepared by DELWP regarding this round of consultation is provided at Attachment Three.

The consultation materials and submission forms are available to the public from 26 November 2020 until 5 February 2021.

Context

The Consultation Paper proposes a series of changes to planning policies and provisions applicable to all agricultural land within 100km of the centre of Melbourne, regardless of the zone. These proposed changes would have real implications for the Macedon Ranges Shire as the entire shire is within the 100km policy area and a large section of the Shire is agricultural land.

The Paper proposes changes to permitted uses in the rural zones of the Macedon Ranges Planning Scheme and recommends development of additional Planning Practice Notes to guide decision making on permit applications.

A key change will be to strengthen the principle of the 'right to farm'; placing the onus of proof on the 'agent of change', which would be any proposed new activity. For example, if a dwelling were to be proposed, the onus of proof will be on the applicant for the dwelling to demonstrate how the dwelling will respond to impacts of dust, noise, smells, etc., from adjacent farming areas.

It further proposes greater control on when a dwelling can be constructed in the Farming Zone, effectively making every dwelling in a farming area require a Planning Permit within 100km of Melbourne, which would be the entire Macedon Ranges Shire. The Consultation Paper also recommends establishing an agricultural referral or expert advisory service and introducing a new overlay to protect food producing areas with established water supply.

A number of other changes recommended in the Consultation Paper will assist Macedon Ranges agricultural and tourism sectors diversify, add value and innovate. These include allowing farm gate sales to include sale of ancillary goods (e.g. crackers and bottled drinks), allow sale of produce from land in one ownership, and allow a percentage of produce sold from other local producers within 5km.

'Host farm' is also proposed to become a Section 1 (as-of-right) use in the Farming Zone and Rural Activity Zone, providing it is undertaken "in conjunction with" agriculture, natural systems, an outdoor recreation facility, rural industry or winery, and accommodates no more than 10 people. The term "in conjunction with" is a well established planning term which means that the Host farm is a secondary use tied to the ongoing operation of the primary use of agriculture, natural systems, an outdoor recreation facility, rural industry or winery. If the primary use ceases, the secondary use must also cease.

Macedon Ranges Submission

Council's submission (Attachment One) generally supports the proposed provisions that seek to protect agricultural land, reduce fragmentation of farmland and achieve greater clarity and policy direction for land uses in rural areas. The submission provides no comment on proposed changes to the Green Wedge Zone. The Macedon Ranges Planning Scheme does not include this zone because the Shire is not part of metropolitan Melbourne.

The submission raises concern that there is no consideration of certain land uses in the Rural Conservation Zone. This issue was raised in Council's previous submission.

Consultation and Engagement

As part of Council's commitment to engage with the Agribusiness Forum, Council Officers consulted with the Macedon Ranges Agribusiness Forum regarding the proposed changes on the 17 August 2020. Members of the Agribusiness Forum were encouraged to make individual submissions.

The opportunity to provide feedback on the Consultation Paper was also promoted on Council's social media accounts.

Strategic Alignment

It is considered the submission aligns with the following policy areas:

Priority Area 2 – Protect the natural environment

Priority Area 3 – Improve the built environment

Priority Area 4 – Enhance the social and economic environment

Implications

Financial, Resource, Information Technology and Asset Management Implications and Risks

There are no associated financial or resource implications in making a submission to the *Planning for Melbourne's Green Wedges and Agricultural Land Consultation Paper*.

Policy and Legislative Implications and Risks

This report relates to the following policy and legislation:

- Part 3AAB (Distinctive Areas and Landscapes) of the *Planning and Environment Act 1987*.

This legislation identifies Macedon Ranges as a distinctive area and landscape. The legislation requires Responsible Public Entities not to act inconsistently with any provision of the Macedon Ranges Statement of Planning Policy that is binding on the public entity when performing a function or duty or exercising a power in relation to the declared area.

Responsible Public Entities should consult with all relevant levels of government and government agencies in relation to policies or programs in the declared area, use best practice measures to protect and conserve the unique features and special characteristics of the declared area, and undertake continuous improvement to enhance the conservation of the environment in declared areas.

Council's submission to the *Planning for Melbourne's Green Wedges and Agricultural Land Consultation Paper* includes a section advising that DELWP must not act inconsistently with any provision of the Macedon Ranges Statement of Planning Policy. Given that the Macedon Ranges Statement of Planning Policy recognises the importance of agriculture to the landscape character of the Macedon Ranges Shire, it is considered that generally the Planning for Melbourne's Green Wedges and Agricultural Land Consultation Paper supports the Macedon Ranges Statement of Planning Policy.

Sustainability Implications and Risks (Social and Environmental)

Council will need to consider the outcomes of the Planning for Melbourne's Green Wedges and Agricultural Land project during preparation of the Rural Land Use Strategy.

Charter of Human Rights Implications and Risks

This proposal does not have any direct or indirect human rights implications.

Officer Declaration of Conflict of Interest

No council officers involved in the preparation of this report has any general or material conflict of interest in this matter.

Conclusion

Officers have prepared a submission to the Victorian Government's *Planning for Melbourne's Green Wedges and Agricultural Land Consultation Paper* which is generally in support of the proposed changes and raises points regarding other changes including the following:

- Supporting the clear definition of Melbourne’s Urban Growth Boundary subject;
- Support for other Local Governments that are impacted by changes to the Green Wedge Zone;
- Support for non-soil based agriculture to be directed to areas where soil based agriculture is likely to be constrained;
- Support for use of recycled water;
- Support for greater control regarding the siting, design and scale of sensitive uses and development within rural areas to avoid conflicts with agricultural uses.
- Support for reduced subdivision potential of all agricultural land;
- Support for additional Practice Note guidance;
- Qualified support for agricultural referral or expert advisory service;
- Support for greater policy regarding irrigated agriculture;
- Support for a new overlay to protect water supply and irrigation infrastructure;
- Support for clarification of the roles of water authorities;
- Support for broadening of allowable activities with the definition of primary produce sales;
- Support for protection of the rural-urban interface, subject to any direction provided with respect the matter must implement the objectives of the Macedon Ranges Statement of Planning Policy as a matter of the highest priority;
- No support for requiring primary and secondary schools to be located adjacent to the Urban Growth Boundary and adjoin, or have access to, a road in a Road Zone;
- Require further consultation regarding impacts on community halls located in agricultural areas;
- Support for the Rural Conservation Zone to insert conditions of use for ‘Group accommodation’ and ‘Residential hotels’ to be consistent with Green Wedge Zone and Green Wedge A Zone (i.e. minimum lot size requirements, maximum number of bedrooms/dwellings, ‘in conjunction with’ test);
- Recommends that proposed changes to camping and caravan park also be made to the Rural Conservation and Farming Zones;
- Recommends development of a stronger position that supports food and drink premises being established in agricultural areas; and
- Supports the removal of Data Centres as a permissible use in the Rural Conservation Zone.

PE.3	COMMUNITY INFORMATION GUIDES
Officer	Rhassel Mhasho, Manager Regulatory Compliance
Council Plan Relationship	Promote Health and Wellbeing: We will deliver positive health and wellbeing in our community by proactively supporting community safety
Attachments	Nil

Purpose and Overview

The purpose of this report is to report back to Council in accordance with its resolution on 21 October 2020.

Recommendation

That Council:

- 1. Note that officers wrote to the Country Fire Authority (CFA) on 9 November 2020 regarding the development of further Community Information Guides for the Macedon Ranges Shire; and**
- 2. Note, that upon receipt of CFA's reply to Council's letter of 9 November 2020, officers will bring a report to a future Scheduled Council Meeting outlining the cost and process for Council in reviewing and contributing to CIGs.**

Background

On 21 October 2020, it was resolved:

That Council:

- 1. Adopt the revised Municipal Emergency Management Plan (MEMP) and Municipal Fire Management Plan (MFMP).***
- 2. Distribute the updated MEMP and MFMP to appropriate agencies.***
- 3. Place the MEMP and MFMP on Council's website excluding all personal contact details.***
- 4. Thank the Municipal Emergency Management Planning Committee and the Municipal Fire Management Planning Committee (as a subcommittee of the aforementioned committee) for their work on these plans over the past three years.***
- 5. Direct the Chief Executive Officer to write to the Country Fire Authority (CFA) and Fire Rescue Victoria (FRV) to:***
 - a. Request the CFA/FRV to review whether any additional towns in the Macedon Ranges Shire require a Community Information Guide (CIG);***

- b. Encourage the CFA/FRV to initiate and develop CIGs for towns within the Macedon Ranges Shire that do not currently benefit from one; and,*
 - c. Encourage the CFA/FRV to work with the community including Libraries, Neighbourhood Houses, Council and businesses in developing new CIGs and reviewing existing CIGs for the Shire and providing an avenue for publishing CIGs once completed.*
- 6. Direct the Chief Executive Officer to bring a report to Council by no later than the first Scheduled Council Meeting of 2021 outlining the cost and process for Council in reviewing and contributing to CIGs.**

Council officers have discharged items 1 to 5 (inclusive) of this resolution.

On 9 November 2020, Council Officers wrote letters to the CFA and FRV regarding this resolution. Council has not received a response from either agency on this matter at the time of writing this report (21 December 2020).

However, on 20 November 2020 the CFA declared that the fire period in the Macedon Ranges Shire would commence on 14 December 2020 and finish on 1 May 2021.

Community Information Guides

Community Information Guides (CIGS) are a key source of information for the community and an important tool for the shared responsibility between the community, fire services and local government. They contain important fire and emergency information to support residents in a locality before and during a fire and also help residents to identify and reduce their fire risk.

Some of the information contained within CIG includes Neighbourhood Safer Places - Places of Last Resort and Community Fire Refuges (if available in the area), where people can shelter from fire as a last resort, and fire safety information for members of the local community.

It is important to note that CIGs are owned and managed by CFA who are also involved in their development in consultation with the local community and stakeholder partners including the council.

Not all towns in the Macedon Ranges have a CIG. The CFA determines which towns require a CIG based on a formula which considers risk and likelihood and rigorous scientific evidence is used to identify the most vulnerable areas. In the Macedon Ranges, there are only four such plans (referred to as “Township Protection Plans” which is ‘old’ terminology for CIGs) for Macedon, Mount Macedon, Woodend and Riddells Creek.

Council cannot “require” the CFA to develop more CIGs for the Shire. Council can however write to the CFA to ask them to consider preparing more CIG/s for the Shire, which it has done.

Context

The fire season for Macedon Ranges Shire commenced on 14 December 2020. This declaration focuses the attention of the CFA and Council's Emergency Management Unit on fire prevention. This is evidenced in road slashing works that commenced in the Shire in early December 2020 (by Council and Regional Roads Victoria) and fire prevention inspections that officers began carrying out in late November 2020.

It is possible that the CFA will not have the capacity to respond to Council on this matter during the fire season and/or will respond, but not have the capacity to enter into discussion regarding it.

Consultation and Engagement

Consultation is not required under Council's Community Consultation Policy.

Strategic Alignment

Council Plan Priority 1. Promote Health and Wellbeing: We will deliver positive health and wellbeing in our community by proactively supporting community safety.

Implications

Financial, Resource, Information Technology and Asset Management

Implications and Risks

There are no Financial, Resource, Information Technology and Asset Management Implications and Risks in the preparation of this report. There may be financial implications in CIG development in future; this will be discussed in the next report to Council on this matter.

Policy and Legislative Implications and Risks

Emergency Management Legislation Amendment Act 2018

Sustainability Implications and Risks (Social and Environmental)

There are no social and/or environmental issues that may be impacted by this report, there are no remedial actions being proposed.

Charter of Human Rights Implications and Risks

This proposal does not have any direct or indirect human rights implications.

Officer Declaration of Conflict of Interest

No officers involved in the preparation of this report have any general or material conflict of interest in this matter.

Conclusion

Given that the fire season for Macedon Ranges Shire has commenced, and the CFA have not (yet) responded to Council's recent correspondence regarding CIGs, it is recommended that this matter come back to a future Scheduled Council Meeting. At this time, the date of the future meeting is unknown; it may be after the 2020/21 fire season.

PE.4	DRAFT WOODEND COMMUNITY CENTRE MASTER PLAN
Officer	Danielle Findlay, Business Development Officer
Council Plan Relationship	Enhancing the social and economic environment. Improving the built environment. Protecting the natural environment.
Attachments	1. Draft Woodend Community Centre Master Plan 2. Draft Woodend Community Centre Master Plan - Appendices

Purpose and Overview

Drawing on community led concepts and initiatives dating back to 2009, Macedon Ranges Shire Council and Regional Development Victoria jointly funded the Woodend Community Centre Master Plan and Business Case project starting in 2019.

Following completion of the first phase of key stakeholder and resident consultation, officers now seek approval for the draft Woodend Community Centre Master Plan, delivered by Public Realm Lab, to go out for community consultation.

Recommendation

That Council:

- 1. Approve the Draft Woodend Community Centre Master Plan for community consultation;**
- 2. Publish the Draft Woodend Community Centre Master Plan on its 'Have Your Say' website page and make it available at the Council offices in Gisborne, Kyneton, Romsey, and Woodend between Monday 8 February and Monday 8 March 2021;**
- 3. Consider all submissions received by 5:00pm on Monday 8 March 2021 in finalising the Woodend Community Centre Master Plan;**
- 4. Explore the Business Case for this project taking into consideration the feedback provided during the community consultation period for the Woodend Community Centre Master Plan; and**
- 5. Consider the final version of the Woodend Community Centre Master Plan and Business Case at a future Scheduled Council Meeting for adoption.**

Background

The Woodend Community Centre is located at 117 High Street, Woodend. The building includes the community hall, library, council customer service centre, meeting room, kitchen and toilets. The centre is located in a civic precinct, which also includes the Woodend Swimming Pool and Visitor Information Centre. The monthly Woodend Farmers Market is held on the site.

Key user groups include library users and library staff, Macedon Ranges Sustainability Group, local schools, Woodend Business and Tourism Association, young people and various other sporting and community groups.

The current Woodend Community Centre Master Plan project has built on concepts that were originally discussed by community groups in 2009 and further explored by the Woodend Community and Cultural Centre Community Group from 2016 to 2019. The current project is jointly funded by Regional Development Victoria (RDV) and Council. Both organisations have contributed \$50,000 toward the project with the RDV funding being derived from the Regional Jobs and Infrastructure Fund.

Council was briefed in April 2016 by the Woodend Community and Cultural Centre Community Group on their plans for the site. This led to a Notice of Motion at the 21 September 2016 Council meeting that the project be brought to a Councillor Briefing early in 2017, along with the provision of 'in principle' support and a commendation of the project to the incoming Council. Australian Government commendations, from Lisa Chesters MP, supporting the project were also received by Council in November 2016.

In December 2019, MRSC sought a suitably qualified contractor to deliver a Master Plan and Business Case for the redevelopment of the Woodend Community Centre and surrounds into a modern multi-purpose centre that meets the identified needs of the community.

Broadly, the key objectives of this project include:

- Establish and understand the communities needs for the facility, through community engagement with locals, visitors through the information centre and traditional owners
- Deliver and complete an economic and visitor impact assessment
- Determine possible future uses and their feasibility
- Determine costs and benefits (cost benefit analysis) both monetary and non-monetary including net present value (NPV)
- Provide a Master Plan that clearly shows future uses
- Consider incorporation of sustainability principles potentially including passive solar design, solar panels, water tanks and bicycle facilities
- Determine the appropriate scope and timing of the development
- Determine how the project could be staged

Following a review process of all applications, with involvement from representatives from RDV, Council engaged Public Realm Lab (PRL) as the successful contractor. PRL outlined a five-stage process to deliver on this project as shown in the flow chart at Figure 1.

Stage 1 - Project Commencement & Information Review

- Inception Meeting and Site Visit
- Information Gathering
- Review of Previous / Current Concepts
- Background Information Review and Strategic Context Assessment



Stage 2 – Consultation

- Workshop with key community stakeholders, local residents and Council Officers
- Consultation Summary



Stage 3 - Needs Assessment

- Review of Existing Community Facilities
- Review of Existing Library Usage
- Residential Catchment Population Analysis -
- Local Employment Profile
- Population Based Library Floorspace Demand
- Visitor Market Analysis
- Case Studies



Stage 4 - Master plan Considerations / Background Report

- Master plan Considerations
- Background Report
- Further community consultation of draft master plan



Stage 5 - Financial and Economic Assessment / Business Case

- This stage of the project will provide a financial and economic assessment of the master plan as prepared by Public Realm Lab. This will include a cost benefit analysis, visitor and economic impact assessment and qualitative benefit assessment.

Figure 1: Woodend Community Centre Master Plan and Business Case project process

PRL's suggested process aligned with Council's Community Consultation Framework, proposing initially the development of a master plan, informed by consultation, followed by the business case. This methodology is based on the need to identify what structures, facilities and services are needed on the site, as indicated by the community and key stakeholders, prior to being able to undertake the business case process.

In terms of the current project progress, Stages 1 through 3 of the process are now complete. We are at the final consideration for Stage 4 prior to moving to the development of the business case.

During December 2020, the newly inducted Council was briefed on the project and Councillors were encouraged to provide feedback on the master plan and associated documentation. Feedback received has been considered in the updates to the current draft document seeking endorsement.

Council officers provided updates to those involved in the stakeholder workshops to ensure they were aware that the project was still progressing in spite of the delays that the project has incurred recently due to the COVID-19 pandemic.

Context

Phase 1 of the consultation process for the proposed redevelopment of the Woodend Community Centre site is now complete. Council endorsement to proceed to the next stage of community consultation is now sought for the draft master plan document.

Consultation and Engagement

The Woodend Community Centre draft Master Plan has been influenced by the community consultation undertaken to date. A two-phase approach has been developed in line with Council's Community Consultation Framework.

Phase 1 Consultation - carried out from early February 2020

Phase 1 consultation was a two-part process involving facilitated community centre stakeholder sessions and a targeted Woodend resident survey.

Key project stakeholders were invited to attend one of five community centre stakeholder sessions.

These Community/Key user groups included:

- Woodend Library
- Macedon Ranges Sustainability Group (Farmers Market Organisers)
- Woodend Traders
- Woodend and Hanging Rock Petanque Group
- Local schools who utilise the site
- Woodend Lions Club
- Woodend Community & Cultural Centre Community Group
- Woodend Seniors
- Highlands Radio
- Woodend Winter Arts Festival

- Woodend residents
- Dja Dja Wurrung Traditional Land Owners
- Regional Development Victoria
- Staff from various Council departments, including Community Services, Strategic Planning, Economic Development and Tourism, Operations, Community and Culture, Parks and Recreation and Engineering and Projects

** Please note Council departments were engaged in consultation prior to the recent restructure, hence department titles reflect previous terminology.

Over twenty community stakeholders and twenty Council officers attended these workshops. These sessions were held in person prior to the COVID-19 pandemic restrictions coming into force.

The sessions were well attended and identified existing strengths of the site, highlighted barriers/weaknesses at the site and discussed key opportunities for the potential redevelopment of the area. Written and verbal feedback was invited and received by some of those unable to attend one of the five scheduled workshops.

Part two of this phase of consultation included a survey targeting Woodend residents that went live on the 'Have your say' page on Council's website on 16 March 2020. On that day a state of emergency was declared in Victoria as a consequence of the COVID-19 pandemic. The COVID-19 situation resulted in the cancellation of scheduled face to face consultation with Woodend residents to support the initial release of the survey. The survey remained open until 27 March 2020. Only four (4) responses were received.

The reissuing of the survey in June 2020, online and in hardcopy via direct mail out to Woodend residents (with reply paid envelopes included) resulted in a strong response from the community. Closing on 31 July 2020, the second survey received three hundred and eighty-two (382) replies with 84% of respondents identifying Woodend as their place of residence. The 35-49 year old cohort were the most highly represented age group. Of the three hundred and eighty-two (382) responses to the survey, three hundred and seventy-two (372) indicated that they currently use the site. This data has been assessed and included as part of the draft master plan.

A number of consistent themes and priorities emerged from the workshops and survey responses. Including, but not limited to:

- Development of a high-quality architecturally designed site that will attract visitor stopover and create a destination for visitors
- Maximise the already well-utilised library and develop into a contemporary library with a range of spaces for all age groups, including play spaces for children, teenage 'hang-outs', quiet study spaces for students
- Community desire for an inclusive civic precinct and village green for community and visitors alike to meet and gather, socialise, conduct business, learn and play through provision of a range of suitable spaces
- Improved connectivity of the site within the broader precinct, including improved access across High St and better linkages to the surrounding community assets such as the Children's Park and Neighbourhood House

In order to further test the themes and priorities identified, public consultation is proposed for Phase 2 of the consultation process.

Phase 2 Consultation – February 2021

It is proposed that public consultation on the draft master plan for the Woodend Community Centre be carried out for a period of at least 4 weeks during February 2021.

A number of scenarios have been prepared based on likely COVID-19 social distancing requirements that align with the principles underpinning Council's Community Consultation Framework.

Minimum tools for engagement include:

- Direct mail to affected people, groups or key stakeholders
- Council newsletter
- Community newsletter article
- Media release / advert
- News item on Council website
- Notice on site or on community notice-board
- Email, online and written submissions
- Social media

The community's participation in the consultation process will be reviewed regularly to ensure participation and the selection of the most appropriate tools to catalyse engagement.

Strategic Alignment

The Woodend Community Centre draft Master Plan aligns with the following Council Plan pillars:

- *Protecting the natural environment*
A key consultation outcome was the 'desire to showcase Woodend's unique focus and strength on environmental sustainability throughout the redeveloped site'. The draft Masterplan suggests a number of environmentally sustainable design elements and invites connection with the natural landscape elements of the site.
- *Improving the built environment*
There is community desire for an inclusive civic precinct and village green for community and visitors alike to meet and gather, socialise, conduct business, learn and play through provision of a range of suitable spaces.

The draft master plan delivers this through improved connectivity of the site within the broader precinct, including improved access across High St and better linkages to the surrounding community assets such as the Children's Park and Neighbourhood House.

- *Enhancing the social and economic environment*
Findings from the resident survey and stakeholder workshops suggest that this site is primed to capitalise on Woodend's location as gateway to the region through a strong visitor servicing component at the site, including a space to showcase local produce and tourism offering before visitors disperse throughout the region.

These factors alongside the addition of more market stalls and opportunity for 24-hour activities on the site increase economic prospects both at the site and in the immediate vicinity.

This approach also supports the integration of the Visitor Information Centre (VIC) to align more with the Community Centre site. Research conducted in 2018 by Visit Victoria recommended co-location of VICs with other places of interest, to provide an experiential experience for visitors. The current Woodend VIC was afforded its last major refurbishment in 2002 and the January 2020 Visitor Servicing Review conducted by Macedon Ranges Shire Council supports the integration of the VIC in a site such as the proposed redeveloped Woodend Community Centre.

Implications

Financial, Resource, Information Technology and Asset Management

Implications and Risks

There are no immediate financial, resource, IT or asset management implications as a result of this report.

Considered management of public expectation is required however, as this project is about developing a master plan first, followed by a business case. Provided the business case supports the concept of a rebuild/upgrade of the immediate precinct, further stages would need to follow. These include, creation of high-level designs and costings, seeking funding and/or an allocation in the Council budget, detailed designs and costings, regulatory approvals and finally, construction.

These stages would help to ascertain any specific implications as outlined above.

Policy and Legislative Implications and Risks

Council's Community Consultation Framework identifies that council will use consultation for projects that meet certain criteria. The Woodend Community Centre Master Plan and Business Case project meets the following criteria indicating council will use consultation;

- Development of strategies that guide future decision-making and service delivery

Sustainability Implications and Risks (Social and Environmental)

A robust master plan considers the past, present and potential future uses of the site. An opportunity was identified in an early consultation session for the site 'to showcase sustainability and biodiversity as a point of difference for Woodend'.

To this end, the draft master plan has an environmentally sustainable design focus with the building oriented to optimise natural light, minimise overshadowing, harvest water and generate electricity.

It is proposed that the building has the capacity to generate most of its own power, therefore reducing running costs and providing power for the community's use.

Other considerations for the site include:

- Wall construction could include reuse of demolition waste in gabion-style metal cages, which addresses repurposing of existing materials and are aesthetically complimentary to the site
- Water-sensitive urban design in car parking
- Highly porous site encouraging pedestrian movement and engagement with landscape

The master plan also allows for loose-fit, flexible spaces and future expansion without impacting on the proposed initial redevelopment of the site.

Charter of Human Rights Implications and Risks

There are no direct or indirect human rights implications.

Officer Declaration of Conflict of Interest

No officers involved in the preparation of this report have any general or material conflict of interest in this matter.

Conclusion

Given that the Woodend Community Centre Master Plan and Business Case project is at Stage 4, officers request Council approve the draft Woodend Community Centre Master Plan for community consultation.

The public input/feedback will be summarised and brought back to a future Council Briefing session for discussion. This will enable the project to move its next stage to develop a business case.

CX.1	COMMUNITY ENGAGEMENT POLICY
Officers	Sarah Noel, Interim Executive Manager People, Culture and Performance Leanne Manton, Manager Communications
Council Plan Relationship	Deliver strong and reliable government
Attachments	Community Engagement Policy

Purpose and Overview

To present a new Community Engagement Policy to Council for adoption in accordance with s.55 of the *Local Government Act 2020* (LGA 2020).

Recommendation

That Council:

- 1. Adopt the Community Engagement Policy; and**
- 2. Thank residents and stakeholders who provided feedback to inform the final version of the Community Engagement Policy**

Background

Under section 55 of the *Local Government Act 2020* (LGA 2020) all Councils are required to adopt and maintain a Community Engagement Policy which:

- must be developed in consultation with the municipal community
- gives effect to specified community engagement principles
- is capable of being applied to the making of Council local laws
- is capable of being applied in relation to budget and policy development
- describes the type and form of community engagement proposed, having regard to the significance and complexity of the matter and the level of resourcing required
- specify a process for informing the community of the outcome of the community engagement
- include deliberative engagement practices which are capable of being applied to the development of the Community Vision, Council Plan, Financial Plan and Asset Plan
- be adopted by 1 March 2021.

The community engagement principles (s.55 of the LGA 2020) are that:

- A community engagement process must have a clearly defined objective and scope
- Participants must have access to all the information they need to participate effectively
- Participants must be representative of the persons or groups affected by the matter

- Participants are entitled to reasonable support to enable participation
- Participants must be informed of the ways in which the engagement process will influence Council decision making.

Council engaged Renton and Co to support development of a drafts Community Engagement Policy, which was endorsed by Council for the purposes of public consultation on 16 September 2020.

Context

As outlined in the policy, the objectives of the policy are to:

- Achieve compliance with relevant legislative requirements
- Facilitate public awareness of Council commitment to meaningful community engagement
- Ensure achievements of appropriate standards of integrity, transparency and accountability in Council's community engagement processes
- Lead, promote and advocate public participation in Council's decision-making processes
- Lead and support a culture of continuous improvement in the way that Council increases openness and transparency with the community and the public at large.

Consultation and Engagement

The draft Community Engagement Policy was released for community feedback for an initial four-week period via Council's website on 26 October 2020. The initial consultation period included two public webinars on the draft policy which were held online via November 12 and 13 2020.

A flyer inviting residents to provide feedback to the draft policy and providing information on the webinar dates was included with hardcopy November rates notices. Unfortunately these flyers were received by ratepayers after the webinars had taken place.

In recognition of this error the consultation period was extended to 20 December 2020 and two additional webinars were held on December 14 and 15 2020. The Community Engagement Policy was also made available at Goldfields Libraries throughout the shire, and the extended consultation period communicated via print, online and social media.

In total the draft Community Engagement Policy was available for public feedback for a period of eight weeks from 26 October 2020 to 20 December 2020.

Feedback

Council conducted four recorded webinars on the draft Community Engagement Policy during the consultation period.

Feedback provided in during the webinars was added to 26 pieces of feedback received via online forms, email, phone and post.

The draft policy was provided to the Macedon Ranges Shire Health and Wellbeing Advisory Committee (HWBAC) for comment.

Feedback received during the consultation period included the following broad themes:

1. Commentary on previous individual engagement processes, and resulting satisfaction/dissatisfaction
2. Expectations regarding the general role of Council and the organisation
3. Feedback that the draft policy was overly wordy and needed to be more plain language
4. Feedback on structure and definitions of the draft policy
5. Tone of the draft policy and what that conveys to the community
6. Breadth of activities the policy should apply to
7. Feedback requesting that the policy reference more clearly the principles of community engagement listed in the LGA 2020

Strategic Alignment

The proposal aligns with the Council Plan - to deliver strong and reliable government.

Implications

Financial, Resource, Information Technology and Asset Management

Implications and Risks

The proposal does have financial and resource implications which will have to be funded through Council's annual operating budget. This is not a matter in which Council has discretion, community engagement is a legislative obligation. Resourcing the provision of information [including documents] will be managed within Council approved annual budgets.

Policy and Legislative Implications and Risks

The policy is a new requirement of the LGA 2020 and has been prepared in accordance with the relevant provisions of the Act.

Sustainability Implications and Risks (Social and Environmental)

The proposal does not raise any social or environmental implications or risks.

Charter of Human Rights Implications and Risks

The proposal does not raise any implications or risks under the Charter of Human Rights.

Officer Declaration of Conflict of Interest

No officers involved in the preparation of this report have any direct or indirect conflict of interest in this matter.

Conclusion

Having prepared the Community Engagement Policy in accordance with the commencement of the LGA 2020, and having incorporated feedback provided during the consultation period, the policy is presented for adoption. If adopted, the policy will be published on Council's website and promoted on social and online media.

CX.2	SHORTLISTING CANDIDATES AND RECRUITMENT OF CHIEF EXECUTIVE OFFICER
Officer	Nathan Upson, Interim Executive Manager People, Culture and Performance
Council Plan Relationship	Deliver strong and reliable government
Attachments	Nil

Purpose and Overview

To recommend options for Councillors to shortlist and progress the applications of candidates in relation to the recruitment of a permanent Chief Executive Officer.

Recommendation

That Council:

- 1. Establish a recruitment sub-committee, comprising of (named individual Councillors/all Councillors), to manage the initial assessment of candidate applications; and**
- 2. Appoint the incoming Chair of the Audit and Risk Committee, Mr Peter Matthews, as an independent Probity Officer of the sub-committee.**

Background

Omera Partners' Refined Long List Report

Ms Angela Clelland, Executive Search Consultant at Omera Partners, has provided advice and the confirmed processes to be taken by Omera Partners as part of the agreement to appoint the Chief Executive Officer at Council.

As part of the agreed service, Omera Partners will conduct the initial shortlisting and interviews to provide Council with an extensive Refined Long List Report addressing all criteria and relevant information from the candidates. The report is then presented to either the Recruitment Sub-Committee or the entire board of Councillors, dependant on the approach determined by Council.

The report is presented to Council, in person and contains the following information:

- full list of all applicants in response to the advertising program;
- full list of search candidates approached by Omera Partners;
- full list of applicants and search candidates interviewed by Omera Partners;
- list of refined shortlisted candidates – approximately 10 to 12 identified as the closest aligned to the agreed core dimensions of the appointment;
- Comparison Matrix Table comparing/rating each of the refined shortlisted candidates against the agreed core dimensions; and

- Two page profiles/summaries of each of the refined shortlisted candidates. This summary contains initial interview notes, assessment in relation to core dimensions, strengths, areas for improvement and general information such as remuneration expectations and notice period.

In addition to the Refined Long List report outlined, Omera Partners will provide the covering letter, full resume and value proposition of each of the refined shortlisted candidates.

Councillors may request and receive further information on this process from Omera Partners.

Level of Council Involvement

Based on previous Council appointments Omera Partners have facilitated, including the appointment of the former Chief Executive Officer at Macedon Ranges Shire Council, Council have two options to progress the process.

Option 1 – Recruitment Sub-Committee

Establish a recruitment sub-committee that would comprise of nominated Councillors (number to be determined by Council) and an independent Probity Officer.

Mr Matthews, member of the Audit and Risk Committee, has offered to participate in the position as Probity Officer. The position will not have voting rights as a member of the sub-committee.

The sub-committee will be entrusted with the task of narrowing the field of shortlisted candidates from the Refined Long List report. The full Council would then participate in the final interviews and selection of the preferred candidate.

The sub-committee would be granted delegated authority to conduct preliminary interviews based on the refined long list report and determine the shortlist of candidates to be presented to all Councillors. The sub-committee in consultation with Omera Partners may determine the required number of preliminary interviews to conduct prior to the presentation of the shortlist.

The sub-committee's shortlisted candidates will be presented to Council by Omera Partners following the creation of the shortlist. Council will review and progress the preferred candidates to the final interview stage involving all Councillors. Key dates and target timeline will be provided by Omera Partners.

Option 2 – All Councillors involvement

All Councillors will work with Omera Partners to narrow the Refined Long List and participates throughout the full recruitment process.

The involvement of all Councillors for the duration of the shortlisting process is not common from the experiences of Omera Partners. This option can be challenging based on scheduling the needs of all Councillors.

Omera Partners have suggested that Councillors consider the time involved and whether commitment to each key date in the process can be achieved.

Request for Councillors to review all applications

Omera Partners have not been requested previously by a client to review all full applications. Ms Clelland has indicated that as the Council's search partner on the appointment, it is their role to undertake the initial process of reviewing and assessing applications with a view to identify those candidates who are most closely aligned to the core dimensions of the appointment and should be interviewed. It is expected that the appointment will attract a high level of interest from the market. In 2017, the Chief Executive Officer position at Macedon Ranges Shire Council received approximately 140 applications and enquiries. The time involved with this process is considerable.

The Council will receive the full list of applicants as part of the Refined Long List Report. When Omera Partners meet with Council to discuss the report, Ms Clelland will provide an overview of the applicants and general feedback about the quality of the applicant pool. If further specific detail was required regarding a particular candidate/s this would provide an opportunity to discuss and request it.

Conclusion

Omera Partners have provided a strong process and have indicated flexibility based on the decisions made by Council in relation to approach.

Omera Partners are comfortable with either a recruitment sub-committee or the full Council participation in the refined shortlisting process.

Further information may be requested from Omera Partners relating to the Refined Long List Report or the processes outlined in this document.

CC.1	COUNCILLOR CODE OF CONDUCT
Officer	Jessica Baguley, Senior Governance Officer
Council Plan Relationship	Delivering strong and reliable government
Attachments	<ol style="list-style-type: none">1. Section 139 of the <i>Local Government Act 2020</i>2. Schedule 1 to the <i>Local Government (Governance and Integrity) Regulations 2020</i>3. Draft Code of Conduct

Purpose and Overview

The purpose of this report is to:

- outline recent changes to the legislative scheme relating to Councillor Codes of Conduct as provided for by the *Local Government Act 2020* (LGA 2020) and *Local Government (Governance and Integrity) Regulations 2020*; and
- seek to have Council adopt the Councillor Code of Conduct attached to this report.

Recommendation

That Council adopt the Councillor Code of Conduct attached to the officer's report.

Background

The Councillor Code of Conduct (the Code) reflects councillors' commitment to work together in the best interests of the people of the Macedon Ranges Shire while observing the highest standards of behaviour and discharging their responsibilities to the best of their skill and judgment. The Code sets out expected standards of Councillor behaviour and provides guidance on how interpersonal issues and alleged breaches of the Code can be managed.

Council is required to develop and adopt a Councillor Code of Conduct by 24 February 2021 which includes new standards of conduct prescribed by the *Local Government (Governance and Integrity) Regulations 2020*. As a result, a new Councillor Code of Conduct must be developed and adopted that covers a range of matters not currently covered by the existing Councillor Code of Conduct, including:

- treating others with dignity, fairness, objectivity, courtesy and respect;
- discrimination, sexual harassment and gender equality;
- abusive, obscene or threatening behaviour;
- treating all people with respect;
- performing the role of Councillor effectively and responsibly;
- diligently being informed about matters which are subject to Council decisions;

- being fit to conscientiously perform the role of a Councillor;
- representing, and being responsive to, the diversity of interests and needs of the municipal community;
- complying with Council policies, procedures and protocols, including those related to Council expenses and the Council's Governance Rules;
- not bringing discredit on the Council; and
- not deliberately misleading the Council or the public about any matter related to the performance of their public duties.

This Code will apply to all Councillors of Macedon Ranges Shire Council. It will not apply to staff members; there is a separate Staff Code of Conduct. Breaches of a Councillor Code of Conduct, along with certain provisions of the LGA 2020, constitute misconduct. Complaints of misconduct by a councillor can be made by other councillors and can be resolved under the Code informally, by external mediation or by arbitration. Complaints of serious misconduct by councillors are heard and determined by Councillor Conduct Panels in accordance with the LGA 2020.

Context

A new Councillor Code of Conduct in line with the new legislative requirements must be reviewed and adopted by Council no later than 24 February 2021 to meet the timeframe in the LGA 2020.

Due to the short timeframe between the relevant legislative provisions coming into effect and the date for the adoption of the Code, Council officers engaged an external consultant to provide an initial draft Councillor Code of Conduct.

Consultation and Engagement

Council considered the suggested structure and topics for inclusion provided by Local Government Victoria, attended a Local Government Victoria seminar on the legislative requirements and had discussions with other councils to compare approaches to drafting a new Councillor Code of Conduct.

The external consultant prepared a draft of the Code to complement existing policies and procedures of Macedon Ranges Shire Council. The Code is written in plain English and legislative extracts are attached for easy reference.

Strategic Alignment

One of Council's key priorities is delivering strong and reliable government. A new Councillor Code of Conduct will set out the expected standards of councillor behaviour and the pathways for resolving interpersonal issues between councillors.

Implications

Financial, Resource, Information Technology and Asset Management Implications and Risks

The initial draft of the Code was prepared by an external consultant selected through a request for quote process to manage timing difficulties that arose as a result of the commencement of new legislative provisions, council elections and swearing in of new councillors.

Policy and Legislative Implications and Risks

The LGA 2020 requires Councils to develop and adopt a Councillor Code of Conduct by 24 February 2021. In the interim, the current Code of Conduct remains in force.

Sustainability Implications and Risks (Social and Environmental)

Nil

Charter of Human Rights Implications and Risks

Nil

Officer Declaration of Conflict of Interest

No officers involved in the preparation of this report have any general or material conflict of interest in this matter.

Conclusion

A Councillor Code of Conduct must be reviewed and adopted by Council no later than 24 February 2021 to comply with the LGA 2020. The Code sets the standards of conduct required of Councillors and provides a strong basis for ensuring that Council successfully pursues its priority of delivering strong and reliable government.

AO.1	DRAFT MALMSBURY BOTANIC GARDENS MASTERPLAN
Officer	Scott Gilchrist, Coordinator Open Space
Council Plan Relationship	Promote health and wellbeing Improve the built environment
Attachments	Draft Malmsbury Botanic Gardens Masterplan

Purpose and Overview

To present the Draft Malmsbury Botanic Gardens Masterplan for Council's consideration and approval to proceed with public exhibition and community consultation.

Recommendation

That Council:

- 1. Endorse the Draft Malmsbury Botanic Gardens Masterplan for the purpose of public consultation for a period of 28 days; and**
- 2. Receive a further report following the public exhibition period to consider and adopt the 2021 Malmsbury Botanic Gardens Masterplan**

Background

In June 2019 Council appointed GbLA Landscape Architects to develop a draft Masterplan for the Malmsbury Botanic Gardens.

Established in the mid to late 1850's, Malmsbury Botanic Gardens is one of the earliest Victorian regional Botanic Gardens in Victoria. The Heritage-listed gardens comprise of approximately 6.3 hectares of predominately exotic vegetation with some native vegetation and are bordered on the western side by the Coliban River.

The Arboretum (North of Mollison Street) was originally planted in 2003 comprising mainly endemic vegetation of the Malmsbury area. It links the Botanic Gardens to the local sporting oval via a path travelling beneath the bridge which crosses the Coliban River.

The draft masterplan expands on the initial work undertaken in 1998 by Francine Gilfedder and considers in more detail the development of collections, landscape design and the synergies and opportunities that might occur through examining the nature and role of the Garden's relationship to the Town Hall and the wider Malmsbury Township.

Information and feedback provided by Friends of Malmsbury Botanic Gardens, residents, visitors, community groups and local authorities including Heritage Victoria, Coliban Water and the Dja Dja Wurrung Clans has been used to inform the draft Masterplan.

Further involvement of the community through public exhibition of the draft Masterplan will ensure the masterplan responds to community needs and is developed in a strategic, holistic and environmentally sustainable manner.

The masterplan will provide strategic direction and guide the ongoing development and management of the Malmsbury Botanic Gardens.

Context

Council allocated funding in the 2019/20 budget to undertake development of a draft Masterplan for Malmsbury Botanic Gardens.

Development of a Malmsbury Botanic Gardens Masterplan aims to provide Council and the community with a vision, objectives and a list of costed priority actions, to guide ongoing development and management of this unique and significant regional Botanic Garden for the next 15-20 years.

The draft 2020 Masterplan makes recommendations to:

- enhance the aesthetic of the Gardens with new garden beds and tree planting;
- upgrade the existing irrigation system;
- record and label plant and tree collections, providing a basis for ongoing scientific management;
- improve and clearer site entrance identification and wayfinding;
- upgrade the existing play area;
- upgrade the pump house, tank and BBQ facilities;
- use Water Sensitive Urban Design principles to address water management including harvesting, storage and use and management of lake and billabong; and
- enhance and upgrade entrances and immediate surrounds of Town Hall in alignment with the existing Town Hall Conservation Management Plan.

Consultation and Engagement

The preparation of the draft Masterplan involved extensive community consultation. Posters were placed on site, at local shops, customer service centre; letters were sent to residents and key stakeholders (refer list below) inviting them to participate in the consultation process:

- Friends of Malmsbury Botanic Gardens;
- Heritage Vic;
- Dja Dja Wurrung;
- Coliban Water; and
- Malmsbury Primary School.

Key stakeholder interviews and site meetings were held between July and November 2019, with the following groups meeting individually with Council officers and the consultants to help shape the future of the iconic Malmsbury Botanic Gardens:

- Friends of Malmsbury Botanic Gardens;
- Dja Dja Wurrung Traditional Owners; and
- Heritage Victoria.

On 24 August 2019, further community consultation was held with a Drop-In Session held at the Malmsbury Town Hall. Council staff and representatives from the consultant team were in attendance to answer any queries from the community and also to guide them through the process of the development of the new masterplan.

This early consultation identified the following:

- that the gardens are highly valued as a place of peace and tranquillity;
- opportunities exist to improve vegetation management, plant identification and interpretive signage;
- the gardens indigenous, landscape and built form heritage is highly valued and opportunities to celebrate these elements should be explored;
- reviewed opportunities to improve pathways for visitor circulation and on site water management including an irrigation upgrade; and
- to explore the potential for a sensitive play space upgrade.

The draft Masterplan is now ready for public consultation following Council's consideration. A Communications and Consultation Plan has been developed which includes:

- a media release to announce the draft Masterplan and community engagement process;
- advertising through local newspapers;
- Have Your Say on Council's website; and
- social media posts.

Strategic Alignment

The draft Malmsbury Botanic Gardens Masterplan aligns with the achievement of priorities set out in the Council Plan 2017-2027:

Our Priorities: Promote health and wellbeing:

- Foster social connection and inclusion;
- Support volunteers;
- Improve opportunities for all community members to be heard, participate in their community and influence outcomes; and
- Ensure people have opportunities for passive recreation and leisure activities in open spaces.

Our Priorities: Protect the natural environment:

- Protect biodiversity;
- Embed environmental sustainability principles across all Council operations;
- Preserve the landscape quality of vistas; and
- Continue to apply best practice and partnerships to protect and enhance biodiversity and the natural environment.

Our Priorities: Improve the built environment:

- Foster township character and care for resources of historical significance;
- Plan for improved recreation and community facilities using environmentally sustainable designs; and
- Improve access to our spaces and streetscapes.

Implications

Financial, Resource, Information Technology and Asset Management

Implications and Risks

The draft Malmsbury Botanic Gardens Masterplan has been developed to direct future development in the gardens, ensuring it reaches its full potential and that it is managed in accordance with Heritage guidelines for the next 15-20 years. This plan will ensure the Gardens maintains its status as a significant regional living heritage asset.

The total estimated cost based on 2020 costings is \$2,499,000.

The draft Masterplan lists priority actions and assigns estimated costs to bring this plan to fruition. The Masterplan identifies short, medium and long term actions with implementation planned to be staged over the next 15-20 years. It is envisaged that a range of funding sources will be explored as part of annual budget deliberations to support the Masterplan's implementation.

Heritage Victoria has provided guidance and advice that has been incorporated into the draft Masterplan. It is anticipated that this will assist in future heritage approvals and funding applications.

As one of the oldest regional Botanic Gardens in Victoria there is reputational risk for Council, should it not develop and implement a current Masterplan for the Gardens to ensure this important regional asset is appropriately preserved and managed for future generations.

Policy and Legislative Implications and Risks

No policy and legislative implications or risks have been identified.

Sustainability Implications and Risks (Social and Environmental)

The draft Masterplan has identified the riparian nature of the planting along the Coliban River and includes recommendations to develop and maintain plant species that reflect the local Ecological Vegetation Classes (EVC's). Part of the draft Masterplan is to consider a revegetation and management strategy for the Coliban River corridor to enhance the indigenous nature of this landscape. This will frame the exotic nature of the Botanic Gardens and link with revegetation programs further north towards Malmsbury Common.

Charter of Human Rights Implications and Risks

Improvements to the accessibility of the reserve have been identified in the draft Masterplan. There are no other issues identified that would affect Council's compliance with the Charter of Human Rights.

Officer Declaration of Conflict of Interest

No officers involved in the preparation of this report have any general or material conflict of interest in this matter.

Conclusion

The draft Masterplan provides a long-term vision and priority costed actions for the future development and management of this important community asset.

It is recommended that Council approve the release of the draft Malmsbury Botanic Gardens Masterplan for community consultation for a period of four (4) weeks in February-March 2021.

Following the community consultation period, feedback will be reviewed and where appropriate incorporated into the final Master Plan. It will then be presented to Council at a future Scheduled Council Meeting for consideration and formal adoption of the Malmsbury Botanic Gardens Masterplan.

14. NOTICES OF MOTION AND RESCISSION

Notice of Rescission No. 09/2020-21 – Councillor Pearce

That Council's decision at its Scheduled Council Meeting on 16 December 2020 in relation to 'PE.1 – Application for extension of time for Planning Permit PLN/2015 – 2-4 Davy Street, Woodend' viz:
That Council refuses to extend the time allowed under Planning Permit PLN/2015/204 to complete the development.
be rescinded.

Notice of Motion No. 10/2020-21 – Councillor Neil

That Council remove the land located at 284 Kilmore Road, Gisborne, known as Glen Junor, from the draft Gisborne Futures project. This is to include removal of the site from the proposed settlement boundary and draft Gisborne Structure Plan.

15. URGENT BUSINESS

In accordance with Council's adopted Governance Rules, business which has not been listed on the agenda may only be raised as urgent business by resolution agreed by Council.

16. CONFIDENTIAL REPORTS

Nil