

# Minutes

**Council Meeting**  
**Wednesday 23 August 2023 at 7pm**  
**Gisborne Administration Centre**  
**40 Robertson Street, Gisborne**

**Order of business**

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Nil

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Nil

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Nil

## 1 ACKNOWLEDGEMENT OF COUNTRY

Macedon Ranges Shire Council acknowledges the Dja Dja Wurrung, Taungurung and Wurundjeri Woi Wurrung Peoples as the Traditional Owners and Custodians of this land and waterways. Council recognises their living cultures and ongoing connection to Country and pays respect to their Elders past, and present.

Council also acknowledges local Aboriginal and/or Torres Strait Islander residents of Macedon Ranges for their ongoing contribution to the diverse culture of our community.

## 2 RECORDING OF LIVE STREAMING OF THIS COUNCIL MEETING

This meeting was recorded and streamed live on the internet in accordance with Council's 'Live Streaming and Publishing Recordings of Meetings Policy, which can be viewed on Council's website.

## 3 PRESENT

Cr Annette Death (Mayor), Cr Jennifer Anderson (Deputy Mayor), Cr Dominic Bonanno, Cr Rob Guthrie, Cr Geoff Neil, Cr Janet Pearce, Cr Mark Ridgeway

## IN ATTENDANCE

Bernie O'Sullivan (Chief Executive Officer), Adele Drago-Stevens (Director Corporate), Rebecca Stockfeld (Director Planning and Environment), Shane Walden (Director Assets and Operations), Maria Weiss (Director Community), Patricia Clive (Coordinator Governance), Lucy Olson (Senior Governance Officer), Mwai

## 4 APOLOGIES

Cr Anne Moore, Cr Bill West

## 5 CONFLICTS OF INTEREST

Nil

## 6 PETITIONS

Nil

## 7 DEPUTATIONS AND PRESENTATIONS TO COUNCIL

### 7.1 QUESTION PROVIDED BY ADRIANNE CARROLL

#### Question:

*Can Council inform Malmsbury residents affected by the closure of the Ross Street bridge, whether tenders for the repair of the bridge have been received, whether a tender has been accepted and whether there is a date for the commencement of repair works?*

#### Answer:

A tender for works was released on 1 August. Council advised residents on this milestone via the letter sent on 2 August. The tender closes on 29 August. Staff will review tender responses as a high priority and award works as quickly as possible.

Ross Street residents will receive a letter in September updating them on the likely date for the commencement of the works.

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## 7.2 QUESTIONS PROVIDED BY MICHELLE DOWNES

### Questions:

*Considering conditional allowance is being now proposed to allow fireworks with no permit. I would like an answer to the following 2 questions:*

- (1) What steps will Macedon Council take to ensure that there will be no animals endangered or possibly incur any injury when an individual intends to set off fireworks and how will this be policed ?
- (2) What responsibility or compensation will Macedon Council take if Council fail to ensure that there are no animals that will be endangered by fireworks , and an animal does become injured and or killed, in particular some extremely expensive and irreplaceable horses of which there are hundreds, possibly thousands within the Shire

### Questions:

- (1) For the 1st time Council is putting in place strict requirements for firework and pyrotechnic displays on private land through our new Local Law. As part of implementing the Community Local Law 2023, we will be doing education campaigns, reaching out to venues who regularly have pyrotechnic displays, and actively following up with venues/pyrotechnicians for any firework notifications Council receives. Private land owners and pyrotechnicians will be legally required to follow the requirements in the Local Law for firework displays. Our Local Laws Officers will investigate any reports of breaches of the Local Law, and for those who do the wrong thing, they face significant penalties for breaches of the Local Law including possible fines or prosecution.
  - (2) The Community Local Law 2023 places a legal onus on private land owners and pyrotechnicians to ensure any firework displays do not endanger animals. Should horse owners be impacted by illegal firework displays, they may also seek their own legal advice about civil remedies available against the land owners and pyrotechnicians .
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## 8 ADOPTION OF MINUTES

### Resolution 2023/94

Moved: Cr Mark Ridgeway

Seconded: Cr Jennifer Anderson

That the minutes of Ordinary Meeting of the Macedon Ranges Shire Council held on Wednesday 26 July 2023 as circulated be confirmed.

**CARRIED**

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**9 MAYOR'S REPORT****9.1 MAYOR'S REPORT - JULY-AUGUST 2023****Resolution 2023/95**

Moved: Cr Rob Guthrie  
Seconded: Cr Mark Ridgeway

**That Council receives and notes the Mayor's report.**

**CARRIED**

**10 RECORD OF MEETINGS OF COUNCILLORS AND COUNCIL STAFF**

|             |   |
|-------------|---|
| <b>10.1</b> | <b>RECORD OF MEETINGS OF COUNCILLORS AND COUNCIL STAFF - JULY-AUGUST 2023</b> |
|-------------|---|

**Summary**

Rule 31(a) of Council's Governance Rules requires a written record of matters discussed at specified meetings of Councilors and Council staff to be reported to the next practicable Council Meeting and recorded in the minutes of that meeting. This report provides a summary of meetings of Councillors and Council staff held since the last Council Meeting.

**Resolution 2023/96**

Moved: Cr Janet Pearce  
Seconded: Cr Jennifer Anderson

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

**CARRIED**

**11 DIRECTOR PLANNING AND ENVIRONMENT REPORTS****PE.1 CONSIDERATION OF PLANNING PANEL AND ADOPTION OF AMENDMENT C145MACR – ESO4****Summary**

Amendment C145macr (the Amendment) seeks to make changes to the Environmental Significance Overlay Schedule 4 - Special Water Supply Catchments (ESO4). The Amendment will assist in the implementation of the Upper Coliban Integrated Catchment Management Plan, 2019 (UCICMP) which has been prepared by the North Central Catchment Management Authority (NCCMA) and Coliban Water.

The Amendment was exhibited from 13 October to 24 November 2022. Over 12,000 residents/ratepayers were notified and the Amendment received (16) submissions. The matter progressed to an independent Planning Panel Hearing on 23 May 2023.

The Panel was in support of the Amendment subject to recommended minor changes. A review of the Panel recommendations has been completed and all of the recommendations are supported with the exception of recommendation 2b, as discussed in this report.

The report recommends adoption of the Amendment, which will more effectively balance the needs of development with the protection, enhancement and management of the catchment.

**Resolution 2023/97**

Moved: Cr Jennifer Anderson

Seconded: Cr Janet Pearce

**That Council:**

- 1. Adopts Amendment C145macr with changes outlined in this report and shown in Attachment Two;**
- 2. Submits Amendment C145macr to the Minister for Planning together with the prescribed information for approval, in accordance with Section 31 of the *Planning and Environment Act 1987*; and**
- 3. Notifies all submitters of Council's decision.**

**CARRIED**

**PE.2 COMMUNITY LOCAL LAW 2023****Summary**

Council's current General Purposes and Amenity (Local Law no.10&13) is due to sunset on 25 September 2023. The Safer Communities team have drafted the Community Local Law 2023 to replace it. Consultation on the draft was held in April 2023. This report discusses the outcomes of the consultation and how it has been incorporated into the final draft of the Community Local Law 2023 (attachment 1) which is presented for adoption by Council.

**Resolution 2023/98**

Moved: Cr Mark Ridgeway

Seconded: Cr Janet Pearce

**That Council:**

1. **Notes the legal certification for the draft Community Local Law at Attachment 4.**
2. **Adopts the draft community Local Law at Attachment 2 to commence on 25 September 2023.**
3. **Authorises the CEO to publish the required statutory notices under the Local Government Act 2020.**
4. **Adopts the fee schedule at Attachment 3 to commence on 25 September 2023.**
5. **Notes the Community Engagement Summary for the Draft Community Local Law at Attachment 1.**

**CARRIED**

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**PE.3 DRAFT GISBORNE FUTURES STRUCTURE PLAN - FOR CONSULTATION****Summary**

The draft Gisborne Futures Structure Plan (draft Structure Plan) provides a vision for Gisborne and New Gisborne to grow as 'twin villages' within a protected settlement boundary, and identifies future land uses for retail, employment, housing, open space and community services.

The revised draft Structure Plan included in this report (**Attachment 1**) has been developed in response to the significant amount of community feedback received in response to the 2020 draft Structure Plan and the actions that were identified as a result of the community consultation process associated with the 2020 draft Structure Plan.

This revised draft Structure Plan is underpinned by principles of sustainable community development and proposes a new town centre for New Gisborne, to reduce the dependency on the existing Gisborne town centre to access basic daily necessities.

Increased residential densities are proposed to minimise outward sprawl, protecting the environment and surrounding landscape, while planning for housing is affordable and accessible to a diverse range of people within the community. An expanded business park is proposed to provide opportunities for local jobs and business growth.

Some existing residential areas are proposed to be rezoned to Neighbourhood Residential Zone to ensure that new development makes a positive contribution to Gisborne's sense of place and responds to the preferred future character.

The draft Structure Plan has been prepared with significant input from the community, Councillors, internal departments and service agencies, and expert consultant advice.

This report presents the draft Structure Plan to be endorsed for consultation. The Gisborne Urban Design Framework and Neighbourhood Character Study are to be completed following adoption of the high-level direction contained in the draft Structure Plan.

**Resolution 2023/99**

Moved: Cr Dominic Bonanno

Seconded: Cr Mark Ridgeway

**That Council endorses the release of the draft Gisborne Futures Structure Plan for six weeks of community consultation.**

**CARRIED**

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**Procedural note:** Cr Guthrie requested his opposition to the motion be recorded.

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**12 CHIEF EXECUTIVE OFFICER REPORTS**

Nil

**13 DIRECTOR CORPORATE REPORTS****COR.1 QUARTERLY REPORT FOR PERIOD ENDING 30 JUNE 2023****Summary**

The Quarterly Report for the period ended 30 June 2023 is presented for Council's consideration and information. This report includes the following:

- Section 1 – Quarterly Financial Statements
- Section 2 – Capital Works Statement
- Section 3 – Council Plan Actions – progress report
- Section 4 – Customer Service
- Section 5 – People, Risk and Wellbeing Report
- Section 6 – Implementation of Council Resolutions
- Section 7 – Governance Schedule
- Section 8 – Councillor Expenditure
- Section 9 – Councillor Activities in the Community

The report also provides a high-level summary of the organisation's performance to 30 June 2023.

**Resolution 2023/100**

Moved: Cr Rob Guthrie

Seconded: Cr Dominic Bonanno

**That Council notes the Quarterly Report for the period ending 30 June 2023.**

**CARRIED**

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## COR.2 RISK MANAGEMENT FRAMEWORK

### Summary

Australian and International Standard *AS ISO 31000:2018 Risk Management Guidelines*, states that organisations should continue to monitor and continually improve the suitability, adequacy, and effectiveness of the Risk Management Framework (Framework) and the way that Risk Management is integrated into Council's day to day operations.

Council has undergone a review of its Risk Management Framework, an outcome of which was the requirement to update Council's existing Risk Management Policy.

The Risk Management Framework now includes several artefacts to help operationalise risk management at Council, being the Risk Appetite Statements, Risk Management Policy, Guidelines, Procedures and Tools. The regular review and renewal of each element of the framework is now managed as part of regular Council operations.

### Resolution 2023/101

Moved: Cr Jennifer Anderson

Seconded: Cr Janet Pearce

#### That Council:

1. **Adopts the Risk Management Policy attached to this report as one part of Council's updated Risk Framework, and**
2. **Rescinds the previous Risk Management Policy and Framework document, effective from 24 August 2023.**

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**CARRIED**

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## COR.3 CONTRACTS TO BE AWARDED AS AT AUGUST 2023

### Summary

This report provides details of contracts proposed to be awarded under a delegation from Council, from the date of the last report. Although this report recommends noting the power delegated to Council officers, Council has the power to:

- a) direct that the Chief Executive Officer (CEO) award the contract under the direct delegation from Council; or
- b) specifically delegate the power to the CEO.

### Resolution 2023/102

Moved: Cr Geoff Neil

Seconded: Cr Dominic Bonanno

**That Council grants delegated authority to the Chief Executive Officer to award the following contracts:**

- (a) **C2024-45 Provision of Sealing Works**

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**CARRIED**

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**COR.4 CARRY FORWARDS FOR YEAR ENDED 30 JUNE 2023****Summary**

This report seeks approval from Council for the total carry forward balances from the 2022/23 Budget to be made available in 2023/24 for the completion of a number of projects and programs. This is further to the May report regarding the Capital Works Program, and includes all carry-forward balances. Council, in considering this information, will also be required to note the net budget result from 2022/23.

**Resolution 2023/103**

Moved: Cr Rob Guthrie  
Seconded: Cr Mark Ridgeway

**That Council:**

- 1. Approves the net budget carry forward from the 2022/23 financial year to the 2023/24 financial year of \$19,040,225.**
- 2. Notes that after carry forwards, the net budget result for the 2022/23 financial year is a deficit balance of \$3,172,851.**

**CARRIED**

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At 8:06 pm, Cr Jennifer Anderson left the meeting she returned to the meeting at 8:07 pm.

**14 DIRECTOR COMMUNITY REPORTS****COM.1 AUSTRALIA DAY EVENTS 2024****Summary**

The purpose of this paper is to recommend modifications to planned activities traditionally held on 26 January (Australia Day), in view of growing community and stakeholder expectations.

**Resolution 2023/104**

Moved: Cr Mark Ridgeway  
Seconded: Cr Rob Guthrie

**That Council endorses the proposed Australia Day 2024 events as outlined in this report.**

In Favour: Crs Annette Death, Jennifer Anderson, Rob Guthrie, Janet Pearce and Mark Ridgeway

Against: Crs Dominic Bonanno and Geoff Neil

**CARRIED 5/2**

## COM.2 AGED CARE TRANSITION UPDATE

### Summary

This report summarises the outcomes of transition arrangements and support provided to clients, staff, volunteers and impacted community groups, following Council's decision in August 2022 to transition out of Commonwealth Home Support Programme services by 30 June 2023. The report also provides a summary of the future direction of support for older people in the Macedon Ranges.

### Resolution 2023/105

Moved: Cr Jennifer Anderson

Seconded: Cr Rob Guthrie

**That Council notes this report.**

**CARRIED**

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## 15 DIRECTOR ASSETS AND OPERATIONS REPORTS

### AO.1 CONSIDERATION OF A SPECIAL CHARGE SCHEME FOR NOONAN GROVE WOODEND

#### Summary

This report provides an analysis of the options for Council consideration regarding the sealing of Noonan Grove, Woodend. In April 2022, Council received a petition to seal a portion of Noonan Grove, Woodend (between Ashbourne Road and 19 Noonan Grove).

This report considers four options as part of the next steps in preparing a detailed Special Charge Scheme. Officers analysed these options and provided the following recommendation.

#### Recommendation

**That Council:**

- 1. Does not proceed with a Special Charge Scheme for sealing Noonan Grove;**
- 2. Continues to maintain Noonan Grove as a Category 4 unsealed road;**
- 3. Notes officers will implement a limited trial of dust suppression during the summer of 2023; and**
- 4. Notes officers will provide a Business Case for Council consideration as part of future budget consideration to review options for managing unsealed roads within township boundaries.**

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**Procedural note:** Officer Walden foreshadowed the following amended officer recommendation in his introduction.

**That Council:**

- 1. Does not proceed with a Special Charge Scheme for sealing Noonan Grove;**

2. Notes officers will implement a limited trial of dust suppression during the summer of 2023;
  3. Notes officers will provide a report, for Council consideration by 31 March 2024, detailing an options analysis complete with recommendations and costing for managing unsealed roads within township boundaries;
  4. Notes officers will review and update the Special Charge Scheme Policy for presentation of the draft policy for consultation by 22 December 2023; and
  5. Determines that Noonan Grove residents do not need to wait the current Special Charge Scheme Policy's time period before reapplying for a new Special Charge Scheme, however need to await adoption of the updated Special Charge Scheme Policy and lodgement of the Options Analysis for Managing Unsealed Roads within Township Boundaries.
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Cr Jennifer Anderson moved an alternative motion.

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### **Resolution 2023/106**

Moved: Cr Jennifer Anderson  
Seconded: Cr Janet Pearce

#### **That Council:**

1. Delays determining an outcome on the Special Charge Scheme for sealing Noonan Grove until completion of the review of the Special Charge Scheme and the completion of an options analysis and recommendations managing unsealed roads within township boundaries;
2. Notes officers will implement a limited trial of dust suppression during the summer of 2023;
3. Notes officers will provide a report, for Council consideration by 31 March 2024, detailing an options analysis complete with recommendations and costing for managing unsealed roads within township boundaries; and
4. Notes officers will review and update the Special Charge Scheme Policy for presentation of the draft policy for consultation by 22 December 2023.

**CARRIED**

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## **AO.2 CAPITAL WORKS MONITORING**

### **Summary**

This report provides transparency on cost escalations on infrastructure projects and seeks further funding, cancellation or the scope reduction of the projects to manage the projects within the allocated annual capital works program budget.

### **Recommendation**

#### **That Council:**

1. Adopts the following changes to the Financial Year 2023/24 budget relating to the following infrastructure projects:
    - (a) Project 100085 - Jacksons Creek Reserve Rotunda – Increase the budget by \$20,997.50 to cover the cost escalation for materials and labour.
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- (b) **Project 100261 – Kyneton Museum Roof and Subfloor – Return \$29,690.42 to the consolidated capital works program budget as the project has been completed leaving unspent contingency as surplus;**
  - (c) **Project 100322 – Romsey Kindergarten Veranda Upgrade – Increase the budget by \$19,554 to cover changes to the grant funding.**
2. **Notes that the financial year 2023-2024 Capital Works program budget balance is a surplus of \$366,737.53.**
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Cr Rob Guthrie moved an amended officer recommendation.

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#### **Resolution 2023/107**

Moved: Cr Rob Guthrie  
Seconded: Cr Dominic Bonanno

#### **That Council:**

1. **Adopts the following changes to the Financial Year 2023/24 budget relating to the following infrastructure projects:**
  - (a) **Project 100085 - Jacksons Creek Reserve Rotunda – Increase the budget by \$20,997.50 to cover the cost escalation for materials and labour.**
  - (b) **Project 100261 – Kyneton Museum Roof and Subfloor – Return \$29,690.42 to the consolidated capital works program budget as the project has been completed leaving unspent contingency as surplus;**
2. **Notes that the financial year 2023-2024 Capital Works program budget balance is a surplus of \$386,292.**

**3. CARRIED**

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### **AO.3 LOCAL ROADS AND COMMUNITY INFRASTRUCTURE PHASE 4A AND B**

#### **Summary**

This report informs councillors on the nominated projects to be funded under the Australian Government Local Roads and Community Infrastructure Program (LRCI) Phase 4A and seeks approval to nominate a road project as a Phase 4B project.

#### **Recommendation**

#### **That Council:**

1. **Notes the Local Roads and Community Infrastructure Phase 4A projects.**
  2. **Approves the Local Roads and Community Infrastructure Phase 4B nomination of the road rehabilitation project for the section of Mt Gisborne Road Gisborne, from Runnymede Lane south for approximately 1.2 kilometres.**
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Cr Rob Guthrie moved an amended officer recommendation.

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#### **Resolution 2023/108**

Moved: Cr Rob Guthrie  
Seconded: Cr Dominic Bonanno

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**That Council:**

- 1. Notes the Local Roads and Community Infrastructure Phase 4A projects, as follows:**
  - **Martins Road Baynton Culvert,**
  - **Mission Hill Road Baynton Culvert,**
  - **Darraweit Valley & Bolinda Darraweit Road Darraweit Guim Intersection,**
  - **Kyneton Tennis Club Path works and drainage,**
  - **Gisborne Aquatic Centre Services Renewal and**
  - **Woodend Neighbourhood House Ramp.**
  
- 2. Approves the Local Roads and Community Infrastructure Phase 4B nomination of the road rehabilitation project for the section of Mt Gisborne Road Gisborne, from Runnymede Lane south for approximately 1.2 kilometres.**

**CARRIED**

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**16 NOTICES OF MOTION AND RESCISSION**

Nil

**17 URGENT BUSINESS**

Nil

**18 CONFIDENTIAL REPORTS**

Nil

**The meeting closed at 9:16pm.**

**The minutes of this meeting will be confirmed at the Council Meeting held on 27 September 2023.**