

Minutes

**Council Meeting
Wednesday 15 December 2021 at 7pm
Gisborne Administration Centre
40 Robertson Street, Gisborne**

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1 ACKNOWLEDGEMENT OF COUNTRY

Council acknowledges that Macedon Ranges Shire is on Dja Dja Wurrung, Taungurung and Wurundjeri Woi Wurrung Countries. Council acknowledges that we are gathering today on the land of Wurundjeri Woi Wurrung peoples. Council pays its respects to their Elders past, present and emerging and the Elders from other communities who may be here today.

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

IN ATTENDANCE

Bernie O'Sullivan (Chief Executive Officer), Shane Walden (Director Assets and Operations), Stephen Pykett (Acting Director Planning & Environment), Gina Lyons (Acting Director Corporate and Community), Carmen Lawrence (Interim Executive Manager People, Culture and Performance), Fiona Alexander (Manager Community Care), Evert Grobbelaar (Manager Statutory Planning), Christo Crafford (Coordinator Statutory Planning), Leanne Khan (Coordinator Strategic Planning), Allison Watt (Coordinator Governance), Jessica Baguley (Senior Governance Officer).

4 APOLOGIES

Nil

5 CONFLICTS OF INTEREST

Nil

6 MAYOR'S REPORT**6.1 MAYOR'S REPORT - DECEMBER 2021****Resolution 2021/73**

Moved: Cr Mark Ridgeway

Seconded: Cr Rob Guthrie

That Council receives and notes the Mayor's report.

CARRIED

7 PETITIONS

Nil

8 ADOPTION OF MINUTES**Resolution 2021/74**

Moved: Cr Mark Ridgeway

Seconded: Cr Annette Death

That Council confirms the minutes of the Unscheduled Meeting of Macedon Ranges Shire Council held on 23 November 2021 and the Scheduled Meeting of Macedon Ranges Shire Council held on 24 November 2021, as circulated.

CARRIED**9 RECORD OF MEETINGS OF COUNCILLORS AND COUNCIL STAFF****9.1 RECORD OF MEETINGS OF COUNCILLORS AND COUNCIL STAFF - NOVEMBER TO DECEMBER 2021**

Attachments: Record of meetings involving Councillors and Council staff - November to December 2021

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 scheduled 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 2021/75

Moved: Cr Anne Moore

Seconded: Cr Geoff Neil

That Council receives and notes the record of meetings of Councillors and Council staff, as attached, with the following amendments:

- **Adam Melis (DELWP) did not attend the Councillor Briefing on 23 November;**
- **Lissa Aitkenhead (DELWP) did attend the Councillor Briefing on 23 November;**
- **Flynn Hart, Landscape Architect, did attend the Councillor Briefing on 23 November.**

CARRIED

10 DEPUTATIONS AND PRESENTATIONS TO COUNCIL**Resolution 2021/76**

Moved: Cr Rob Guthrie

Seconded: Cr Geoff Neil

That Council suspends standing orders to receive the Bi-annual Report from the Chair of Council's Audit and Risk Committee, Mr Peter Matthew.

CARRIED

The Chair of Council's Audit and Risk Committee, Mr Peter Matthew, presented the Committee's Bi-annual Report to Council and in his deputation, the Chair thanked Councillors and officers for their efforts throughout the year in supporting the Committee.

Resolution 2021/77

Moved: Cr Rob Guthrie

Seconded: Cr Mark Ridgeway

That Council resumes standing orders to consider the remaining items on the agenda.

CARRIED

11 DIRECTOR PLANNING AND ENVIRONMENT REPORTS**PE.1 DP/2013/6/A - 8 AND 10 MCKIM ROAD, GISBORNE - MCKIM ROAD DEVELOPMENT PLAN****Summary**

Application DP/2013/6/A seeks to amend a Development Plan for Area 2 under the Development Plan Overlay Schedule 4 (DPO4) for the land at 8 and 10 McKim Road, Gisborne.

Adjoining and surrounding landholders and occupiers were informed of the application from 8 October 2021 to 28 October 2021. Two (2) submissions have been received.

Key issues raised in the submissions relate to development plan outcomes, open space outcomes, infrastructure concerns, traffic outcomes and bushfire risk and drainage infrastructure outcomes.

The application has been assessed against the Macedon Ranges Planning Scheme and is considered that it is consistent with the requirements of DPO4. It is recommended that application DP/2013/6/A be supported and the attached proposed Development Plan approved.

Resolution 2021/78

Moved: Cr Geoff Neil

Seconded: Cr Janet Pearce

That Council approves the amendment to the McKim Road Development Plan covering the land adjoining McKim Road, Morrow Road, Black Avenue, Oakwood Close, Wallaby Run and Eagle Ridge, Gisborne prepared for the purposes of Clause 43.04, Schedule 4 of the Macedon Ranges Planning Scheme.

In Favour: Crs Dominic Bonanno, Annette Death, Geoff Neil, Janet Pearce, Mark Ridgeway and Bill West

Against: Crs Jennifer Anderson, Rob Guthrie and Anne Moore

CARRIED 6/3

PE.2 DP/2013/6/B - 11 MCKIM ROAD, GISBORNE - MCKIM ROAD DEVELOPMENT PLAN**Summary**

Application DP/2013/6/B seeks to amend a Development Plan for Area 2 under the Development Plan Overlay Schedule 4 (DPO4) for the land at 11 McKim Road, Gisborne.

Adjoining and surrounding landholders and occupiers were informed of the application from 8 October 2021 to 28 October 2021. One (1) submission has been received.

Key issues raised in the submission relate to development plan outcomes, open space outcomes, infrastructure concerns, traffic outcomes and bushfire risk.

The application has been assessed against the Macedon Ranges Planning Scheme and is considered that it is consistent with the requirements of DPO4.

The matter is subject to an appeal to the Victorian Civil and Administrative Tribunal (VCAT) against Council's failure to determine the matter within statutory timeframes. Council needs to determine its position ahead of the VCAT hearing and compulsory conference.

That application DP/2013/6/B to amend the development plan for Area 2 under Development Plan Overlay Schedule 4 should be supported for the reasons outlined in this report.

Resolution 2021/79

Moved: Cr Anne Moore

Seconded: Cr Dominic Bonanno

That Council determines that had it decided the application DP/2013/6/B to amend the development plan for Area 2 under Development Plan Overlay Schedule 4, it would have supported the application.

CARRIED

PE.3 PLANNING SCHEME AMENDMENT C143MACR - SUBMISSIONS**Summary**

The purpose of this report is for Council to consider all submissions made to the exhibition of Macedon Ranges Planning Scheme Amendment C143macr.

Resolution 2021/80

Moved: Cr Rob Guthrie

Seconded: Cr Anne Moore

That Council:

1. **Reviews and considers the issues raised in submissions to Amendment C143macr.**
2. **Requests the Minister for Planning to appoint an independent Planning Panel under Part 8 of the Planning and Environment Act 1987 to consider the submissions to Amendment C143macr to the Macedon Ranges Planning Scheme.**
3. **Refers all submissions on Amendment C143macr to the Panel appointed by the Minister for Planning in accordance with Section 23 of the Planning and Environment Act 1987.**
4. **Notifies all submitters of Council's resolution.**

CARRIED

PE.4 MANAGEMENT OF STANLEY PARK, MOUNT MACEDON**Summary**

This report seeks a Council decision about the future management of Stanley Park in Mount Macedon. Council has consulted with the community on five options for the future management arrangements of Stanley Park. With community consultation now complete, it is proposed that Council make a decision based on the outcomes of the consultation and an analysis of the each of the options.

Recommendation**That Council:**

1. **Notes the outcomes of the community consultation.**
2. **Requests that the Chief Executive Officer works with and actively supports the community to establish a Friends of Stanley Park group.**
3. **Requests the Chief Executive Officer to undertake a review of the management arrangements for Stanley Park no later than 31 December 2023.**
4. **That the balance of funds currently held by Council that were transferred to Council from the former Stanley Park Committee of Management be transferred, once established, to the Friends of Stanley Park group.**

5. **Notes that resolution 2 will result in the cessation of the Memorandum of Understanding between Council and the members of the former Stanley Park Committee of Management.**

Resolution 2021/81

Moved: Cr Rob Guthrie
Seconded: Cr Mark Ridgeway

1. **Requests that the Chief Executive Officer works in conjunction with the former Stanley Park Committee (the committee) currently operating under a Memorandum of Understanding (MOU) to develop an Instrument of Delegation for a Community Asset Committee for Council endorsement by the June 2022 Scheduled Council meeting.**
2. **Resolves that the committee operating under the MOU with Council will continue to exist under its current terms until the Community Asset Committee Instrument of Delegation is endorsed at a future Scheduled Council meeting.**
3. **Requests the Chief Executive Officer to commence advertising for expressions of interest for a proposed Stanley Park Community Asset Committee and makes a recommendation on membership at the same meeting that Council endorses the Instrument of Delegation**
4. **Requests the Chief Executive Officer undertake a review of these new management arrangements for Stanley Park no later than 31 December 2023.**
5. **That the balance of funds transferred to Council from the former Stanley Park Committee of Management be transferred to the Community Asset Committee, once established.**

In Favour: Crs Annette Death, Anne Moore, Mark Ridgeway, Rob Guthrie, Jennifer Anderson, Bill West, Janet Pearce, Dominic Bonanno

Abstained: Cr Neil

CARRIED 8/0

PE.5 SMALL PROJECT GRANTS - CONSIDERATION OF APPLICATION**Summary**

The Small Project Grants program supports projects and initiatives that:

- support local needs
- are unlikely to be funded by other Council funding programs
- align with Council Plan priorities.

Council's Small Project Grants budget for 2021/22 is \$30,000 and not-for-profit groups can apply for a maximum of \$1,500 per application.

Applications are assessed against set criteria outlined in the Small Project Grants guidelines. Funding recommendations are presented monthly at a Scheduled Council meeting for review and/or approval.

This report details the process of evaluation and lists recent applications received.

One application has been received, seeking a total of \$1,500 in funding. The application has been evaluated against the eligibility criteria and is deemed to be eligible.

Resolution 2021/82

Moved: Cr Janet Pearce

Seconded: Cr Bill West

That Council awards a grant of \$1,500 to Macedon Ranges Halls Inc. for a garden for Lauriston Hall.

CARRIED

PE.6 PLN/2021/100 - DEVELOPMENT OF SIX (6) DWELLINGS - 35 CALTHORPE STREET GISBORNE**Summary**

- The subject site is situated centrally within the Gisborne Township, approximately 400 metres south-east of the main commercial centre, and is commonly known as 35 Calthorpe Street, Gisborne. It comprises an elongated, generally rectangular, allotment with a total lot yield 2047 square metres.
- The proposal involves the construction of six dwellings configured in a linear alignment through the length of the site, with the retainment of three prominent canopy trees, including Tree # 2 – English Oak in the site frontage; Tree # 10 – Mexican Oak on the north boundary and Tree # 20 – Black Peppermint in the north-east corner.
- The proposal achieves a high level of compliance with the General Residential Zone (Schedule 1) including maximum building height and garden area provisions, as well as the quantifiable standards of Clause 55 (ResCode).
- The proposal is consistent with Planning and Local Planning Policy Framework objectives seeking intensification of residential development and housing diversity in well-serviced locations within township boundaries. The site is within an established residential area in the preferred location for medium density housing development as nominated by Clause 21.13-1 – Gisborne and New Gisborne of the planning scheme. The proposal will offer alternate, consolidated housing options complementing the predominant single dwelling allotments, assisting to meet both sustainability objectives and anticipated housing demand having regard to forecast population growth of the township.
- The application was advertised and attracted seven objections. Concerns primarily related to overdevelopment, visual bulk, incongruence with neighbourhood character, general amenity (overshadowing, overlooking, noise) traffic/street car parking and loss of view/outlook.
- Overall, the proposal is considered to present a suitable design response having regard to the strategic and physical context of the site and provisions of the Macedon Ranges Planning Scheme as detailed. It is therefore recommended that a Notice of Decision to Grant a Permit be issued subject to conditions.

Recommendation

That Council issue a Notice of Decision to Grant a Permit for Development of Six (6) Dwellings on the land at LOT 1 LP 33302 P/Gisborne (TP 198783R) 35 Calthorpe Street GISBORNE VIC 3437 subject to the following conditions:

- 1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The amended plans must be drawn to scale with dimensions and an electronic copy must be provided. The amended plans must be generally in accordance with the plans submitted and assessed with the application but modified to show:**
 - a) Modifications to Dwelling 6 to reduce overshadowing to 6/14-16 Rodney Street such that the proposal does no result in any increase in shade to**

secluded open space of this dwelling between the hours of 9am – 3pm pursuant to Standard B21 – Overshadowing of Clause 55 of the Macedon Ranges Planning Scheme, with no reduced northern side setbacks;

- b) Reduction to the size of the external deck areas and/or relocation of site services to enable the provision of a single, small canopy tree with a mature height of at least 6 metres and planting area of 7.5sqm in the secluded space of each dwelling. Where planting opportunity is limited due to the proximity of a retained tree (i.e. Tree # 10) provide large shrubs as an alternative. The tree for Dwelling 6 should be provided to the rear of the visitor car space;
- c) Introduction of a lighter colour palette to the upper levels to reduce the visual impression of this level;
- d) Include a notation, on all relevant plans, that deck areas will be 'permeable';
- e) Include a notation, on all relevant plans, that Dwellings 1, 2, 3 and 6 will be constructed utilising root sensitive footings that eliminate trenching and all associated decking, paths etc. will be constructed above NGL on stumps.
- f) A Landscape Plan in accordance with Condition 8.
- g) A Tree Management Plan (TMP) in accordance with AS-4970 with particular regard to retained Trees #2, #6, #10 and #20.

When approved, these plans will be endorsed and will form part of this permit.

- 2. The development shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
- 3. Floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
- 4. All pipes, fixtures, fittings, ducts and vents servicing any building on the land, other than storm water down pipes and gutters above the ground floor storey of the building, must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
- 5. The development must be provided with external lighting capable of illuminating access to garage and rear areas for dwelling. Lighting must be located, directed and shielded and of limited intensity so that no nuisance or loss of amenity is caused to any person within or beyond the land.
- 6. Prior to the occupation of dwelling/s, all new boundary fencing as shown on the endorsed plans must be erected. The cost of such fencing must be met by the owner only and carried out to the satisfaction of the Responsible Authority.
- 7. The endorsed Tree Management Plan (TMP) must be implemented prior to any demolition and during construction to protect retained trees.
- 8. Prior to commencement of works, or any trees or vegetation removed, a landscape plan (an electronic copy) prepared by a suitably qualified person or firm shall be submitted to and approved to the satisfaction of the Responsible Authority. The revised landscape plan must be drawn to scale, with dimensions, and be generally in accordance with the plans submitted with the application but modified to show:

- a) All retained vegetation including their tree protection zones (TPZ areas);
 - b) A planting schedule of all proposed vegetation (trees, shrubs and ground covers) which includes, botanical names, common names, pot size, mature size and total quantities of each plant;
 - c) At least one planting of a small sized canopy tree (capable of achieving minimum of 6 metres in height) within the Secluded Private Open Space area of each dwelling (except where encumbered by retention of a tree) with a planting area of 7.5sqm;
 - d) Additional understorey planting in the site frontage;
 - e) Provision of screen planting along boundaries (where practical) of a suitable height to provide soften the development in terms of views from neighbouring properties;
 - f) Planting along the driveway of a variety of species;
 - g) The use of drought tolerant species; and
 - h) Appropriate irrigation systems.
9. Prior to commencement of works, the following must be undertaken:
- a) The owner/s of the lot must enter into an agreement with the Responsible Authority in accordance with Section 173 of the Planning and Environment Act 1987. The Agreement must provide for:
 - (i) No buildings and works, including all earthworks (including for the provision of service infrastructure unless provided by boring beneath root zones of retained trees or alternative means of construction to the satisfaction of the Responsible Authority), and material and equipment storage during building construction works, are permitted to be constructed or undertaken within the Tree Protection Zone shown on the endorsed plans forming part of Planning Permit PLN/2020/100, unless with the prior written consent of the Responsible Authority.
 - (ii) No tree within the Tree Protection Zone as shown on the endorsed plans forming part of Planning Permit PLN/2020/100 shall be removed, destroyed, or lopped, unless with the written consent of the Responsible Authority.
 - (iii) The retained trees with the Tree Protection Zones are to be maintained in good condition as much as practical unless with the written consent of the Responsible Authority
 - b) Application must be made to the Register of Title to register the Section 173 Agreement on the title to the land under Section 181 of the same Act.
 - c) The owner/s must pay all cost (including Council's costs) associated with the preparation, execution, registration and (if later sought) cancellation of the Section 173 Agreement.
10. The garden areas shown on the endorsed plan and schedule must only be used as gardens and must be constructed, completed and maintained in a proper, tidy and healthy condition to the satisfaction of the Responsible Authority. Any tree or shrub damaged, removed or destroyed must be

replaced by a tree or shrub of similar size and variety to the satisfaction of the Responsible Authority.

Engineering conditions

11. Prior to 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.
12. No polluted and/or sediment laden run-off is to be discharged directly or indirectly into drains or watercourses. Soil erosion control measures must be employed throughout the development works in accordance with Construction Techniques for Sediment Pollution Control (EPA 1991) and Environmental Guidelines for Major Construction Sites (EPA 1995) to the satisfaction of the Responsible Authority.
13. Prior to the occupation of approved building/s, an existing crossover must be upgraded in sealed condition within the Calthorpe Street for the development to the satisfaction of the Responsible Authority.
14. Prior to the occupation of approved building/s, the driveway (accessway) must be constructed to meet the following requirements to the satisfaction of the Responsible Authority:
 - a) The driveway, including any waterway crossing, must be constructed to a standard so that it is accessible in all weather conditions and be capable of accommodating a vehicle of 15 tonnes for the trafficable road width.
 - b) The driveway must have a minimum trafficable width of 3.5m, be clear of encroachments 4 metres vertically and have no obstructions within 0.5m either side of the formed width of the driveway.
 - c) Curves must have a minimum inner radius of 10 metres.
 - d) The average grade must be no more than 1 in 7 with a maximum of no more than 1 in 5 for no more than 50 metres.
 - e) Dips must have no more than a 1 in 8 entry and exit angle
15. Prior to commencement of works, a drainage design and system plan must be submitted to and approved by the Responsible Authority with the plan including:
 - a) The development as a whole is provided with legal point/s of discharge approved by the Responsible Authority and any other statutory authority from which approval must be received for the discharge of drainage.
 - b) Stormwater runoff from all buildings, tanks and paved areas must be drained to a legal point of discharge.

- c) All stormwater drains required to the legal point of discharge and which pass through lands other than those within the boundaries of the development are constructed at no cost to the Responsible Authority.
- d) Details of stormwater detention system to ensure 10 year ARI post-development flows are restricted to pre-development level.

Or

Upgrade of the council stormwater pipe running parallel to the property to the satisfaction of the responsibility Authority.

- e) Objectives of the Urban Stormwater – Best Practice Environmental Management Guidelines (Victorian Stormwater Committee, 1999) are satisfied. Alternatively, payment of the stormwater quality offset contribution to the Responsible Authority.

16. Prior to commencement of works, a Construction Management Plan must be submitted to and approved by the Responsible Authority. The management plan must show:

- a) Measures to control erosion and sediment and sediment laden water runoff including the design details of structures;
- b) Dust control;
- c) Where any construction wastes, equipment, machinery and/or earth is to be stored/stockpiled during construction;
- d) Where access to the site for construction vehicle traffic will occur;
- e) The location and details of a sign to be erected at the entrance(s) of the site advising contractors that they are entering a 'sensitive site' with prescribed tree protection zones and fences.
- f) The location of any temporary buildings or yards.

Development works on the land must be undertaken in accordance with the endorsed Construction Management Plan to the satisfaction of the Responsible Authority.

17. Prior to occupation of the approved building/s, the area(s) set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:

- a) Constructed;
- b) Properly formed to such levels that they can be used in accordance with the plans;
- c) Surfaced with an all-weather sealcoat or treated to the satisfaction of the Responsible Authority to prevent dust and gravel being emitted from the site;
- d) Drained and maintained;
- e) Line marked to indicate each car space and all access lanes;
- f) Clearly marked to show the direction of traffic along access lanes and driveways;

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

18. The development is to be constructed in accordance with Macedon Ranges Shire Council's Policy Engineering Requirements for Infrastructure Construction (June 2010).

Permit Expiry

19. This permit will expire if one of the following circumstances applies:

- a) The development does not start within two (2) years of the date of issue of this permit.
- b) The development is not completed within four (4) years of the date of issue of this permit.

Before the permit expires, or within six (6) months afterwards, the owner or occupier of the land may make a written request to the Responsible Authority to extend the expiry date.

If the development commences before the permit expires, within twelve (12) months after the permit expires, the owner or occupier of the land may make a written request to the Responsible Authority to extend the expiry date.

Permit Notes:

- This is not a building permit under the Building Act. A separate building permit is required to be obtained for any demolition or building works.
- Future owners of the land must be made aware of the existence of this permit.

Resolution 2021/83

Moved: Cr Rob Guthrie

Seconded: Cr Anne Moore

That Council issues a Notice of Refusal for the Development of six (6) Dwellings on the land at LOT 1 LP 33302 P/Gisborne (TP 198783R) 35 Calthorpe Street, Gisborne on the following grounds:

1. The proposal is inconsistent with the Statement of Planning Policy (SOPP) objectives in not providing an adequate response to the Gisborne townships' character.
2. The proposal is inconsistent with the Statement of Planning Policy (SOPP) The proposal is contrary to Clause 15.01-1S Planning Policy Framework of the Macedon Ranges Planning Scheme as it detracts from the existing and preferred neighbourhood character of the area.
3. The proposal is inconsistent with the Statement of Planning Policy (SOPP) The proposal is contrary to Clause 15.01-5S and Clause 21.08-3 of the Planning and Local Policy Framework of the Macedon Ranges Planning Scheme as the density and scale of development and building height do not meet the neighbourhood character of the area.
4. The proposal is inconsistent with the Statement of Planning Policy (SOPP) The proposal is contrary to the objective of Clause 21.13-1 (Gisborne and New

Gisborne) and purpose of Clause 32.08 within the General Residential Zone as the double storey element and density will result in a development that insufficiently responds to the semi-rural and village character of the Gisborne township.

5. The proposal fails to satisfy the following standards contained within Clause 55 (Two or More Dwellings on a Lot) of the Macedon Ranges Planning Scheme, and does not achieve an acceptable outcome in terms of the following objectives:
 - a) Clause 55.02-1 (Neighbourhood Character objectives);
 - b) Clause 55.04-5 (Overshadowing open space objective) and
 - c) Clause 55.04-6 (Overlooking objective).
6. The proposal's double storey element presents a visually dominant and unsympathetic built form that would have adverse effect on the residential amenity of neighbouring land given this area's predominantly single storey built form;
7. The proposal fails to consider or sufficiently incorporate existing trees in the design response with regards to retention of more of the existing onsite canopy trees and with the built form insufficiently separated from these trees and does not avoid negative long term tree impacts.

CARRIED

PE.7 PLN/2016/524/B - DEVELOPMENT OF THE LAND FOR A DWELLING (AMENDMENT SOUGHT TO CONVERT OLD (REPLACED) DWELLING TO A BED AND BREAKFAST) - 600 COUANGALT ROAD GISBORNE

Summary

- The application seeks an amendment to the original building and works approval for a replacement dwelling and outbuilding, converting the outbuilding into a habitable structure used for a bed and breakfast ancillary to the dwelling. Bed and Breakfast comprise presumed maximum occupancies of four persons, with two bedrooms, two living areas and a bathroom. Serviced by two car parking on-site spaces.
- The application presents a contribution to the Shire's visitor tourism economy in a location already comprising a number of other tourism attractions. Advantages to co-location of the same or similar tourism attractions builds economic sustainability and resilience.
- The application received one objection, raising amenity concerns of traffic, noise and light pollution.
- The nexus between resident dwelling vs bed and breakfast land use is explored using the several VCAT cases that are well circuited and followed by practitioners, whereby in satisfies this proposed building and works would not constitute a separate dwelling and use/building can be physically separated from the dwelling on site.
- Overall, the proposal aptly responds to the Shire's strategic tourism economy direction and Municipal profile, as well as the physical site context and Macedon Ranges Planning Scheme provisions as detailed in the report. It is therefore recommended that a Notice of Decision to Grant an Amendment Permit be issued subject to alteration to conditions as specified.

Recommendation

That Council issue a Notice of Decision to Grant an amendment to Planning Permit PLN/2016/524/A follows:

A. Preamble is altered to read

Development of the land for a dwelling (replacement dwelling) and associated bed and breakfast

B. Modification to conditions

Insert Condition 1

Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The amended plans must be drawn to scale with dimensions and an electronic copy must be provided. The amended plans must be generally in accordance with the advertised plans but modified to show:

a) The removal of the lounge room associated with the bed and breakfast.

When approved, these plans will be endorsed and will form part of this permit.

Delete condition 4

All plumbing fixtures within the kitchen and bathroom of the existing dwelling must be decommissioned prior to the occupation of the replacement dwelling to the satisfaction of the responsible authority.

Delete condition 5

The internal works to the existing dwelling kitchen, bathroom, internal walls and doors, as per the endorsed plans must be inspected by Council Officers prior to the occupation of the replacement dwelling to the satisfaction of the Responsible Authority.

MRSC Health

Insert new Condition to read:

Prior to the change of use of the outbuilding, the septic tank system must be altered/replaced to the satisfaction of the Environmental Health Officer.

Insert new Condition to read:

A separate permit is required to be obtained from Council's Environmental Health Department prior to the commencement of works.

Greater Western Water

Alter prefix Condition 16

ending line to be ... "with Greater Western Water and the Council agreeing that":

Alter Condition 16f) to reference *condition 16c)*

Alter Condition 16i) to reference *condition 16c)*

Add additional notes s173 notes:

The obligations under this agreement shall run with the land.

The applicant shall pay the Council's reasonable costs associated with the registration and enforcement of the Section 173 Agreement.

Resolution 2021/84

Moved: Cr Rob Guthrie

Seconded: Cr Anne Moore

That Council amends Planning Permit PLN/2018/507/A as follows:

A. Preamble is altered to read as follows:

Development of the land for a dwelling (replacement dwelling) and associated bed and breakfast

The new full set of conditions to read as follows:

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The amended plans must be drawn to scale with dimensions and electronic copy must be provided. The amended plans must be generally in accordance with the advertised plans but modified to show:

a) The removal of the lounge room associated with the bed and breakfast building.

When approved, these plans will be endorsed and will form part of this permit.

2. The development as shown on the endorsed plans must not be altered unless with the prior written consent of the Responsible Authority.
3. Before the development commences, the owner/s of the lot must enter into an agreement with the Responsible Authority in accordance with Section 173 of the Planning and Environment Act 1987. The agreement must provide for:
 - a) The owner of the land must implement all the recommendations and requirements of the Land Management Plan endorsed under Planning Permit PLN/2016/524 on an ongoing basis to the satisfaction of the Responsible Authority, unless otherwise agreed in writing with the Responsible Authority.
 - b) The dwelling approved under Planning Permit PLN/2016/524 must be the only dwelling on site.
 - c) The outbuilding approved to be used as a Bed & Breakfast must not be used as a separate dwelling as defined in the Macedon Ranges Planning Scheme.
 - d) The outbuilding approved to be used as a Bed & Breakfast may only be rented on a short term accommodation basis and may not be used or promoted as long-term rental accommodation.

Application must be made to the Registrar of Titles to register the Section 173 Agreement on the title to the land under Section 181 of the same Act prior to the commencement of the development.

The owner/s must pay all costs (including Council's costs) associated with the preparation, execution, registration and (if later sought) cancellation of the Section 173 Agreement.

4. The existing dwelling must be altered to the endorsed plans so it can no longer be used as a dwelling as defined by the Macedon Ranges Planning Scheme before the occupation of the replacement dwelling hereby permitted, to the satisfaction of the Responsible Authority.
5. All plumbing fixtures within the kitchen of the existing dwelling (now outbuilding to be used as a Bed & Breakfast) must be decommissioned, prior to the occupation of the Bed and Breakfast, to the satisfaction of the Responsible Authority.
6. The internal works to the existing dwelling's (now outbuilding to be used as a Bed & Breakfast) kitchen, internal walls and doors, as per the endorsed plans must be inspected by council officers, prior to the occupation of the Bed and Breakfast, to the satisfaction of the Responsible Authority.
7. External lighting sources and their intensity, location and containment, for purposes of safety and security, must be of a type that will not adversely affect the amenity of the neighbouring land or the locality due to unreasonable illuminance, glare or spill, to the satisfaction of the Responsible Authority.

MRSC Infrastructure Development Unit Conditions

8. 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.
9. Prior to the commencement of use, the existing vehicle crossing off Couangalt Road be upgraded to the satisfaction of the Responsible Authority.
10. Prior to the commencement of use, the driveway to the dwelling must be constructed to meet the following requirements to the satisfaction of the Responsible Authority:
- a) The driveway, including any waterway crossing, must be constructed to a standard so that it is accessible in all weather conditions and be capable of accommodating a vehicle of 15 tonnes for the trafficable road width.
 - b) The driveway must have a minimum trafficable width of 3.5m, be clear of encroachments 4 metres vertically and have no obstructions within 0.5m either side of the formed width of the driveway.
 - c) Curves must have a minimum inner radius of 10 metres.
 - d) The average grade must be no more than 1 in 7 with a maximum of no more than 1 in 5 for no more than 50 metres.
 - e) Dips must have no more than a 1 in 8 entry and exit angle.
11. Storm water runoff from all buildings, tanks and paved areas must be dissipated as normal un-concentrated overland flow clear of all buildings and property boundaries.
12. No polluted and/or sediment laden run-off is to be discharged directly or indirectly into drains or watercourses. Soil erosion control measures must be employed throughout the development works in accordance with Construction Techniques for Sediment Pollution Control (EPA 1991) to the satisfaction of the Responsible Authority.

Environmental Health Unit Conditions

13. Prior to the occupation, the proposed dwelling shall be fitted with a package wastewater treatment plant or a system equivalent to the 20/30 standard for BOD and Suspended Solids. The septic tank system shall be of a design approved by Council's Environmental Health Officer and shall be operated, maintained and replaced where necessary to the satisfaction of Council's Environmental Health Officer. A separate permit must be obtained from Council's Environmental Health Department prior to its installation
14. The existing septic tank system servicing the existing dwelling must be decommissioned as it is no longer required.
15. Prior to the change of use of the outbuilding, the septic tank system must be altered/replaced to the satisfaction of the Environmental Health Officer. A separate permit must be obtained from Council's Environmental Health Department prior to the commencement of works.

Greater Western Water Conditions

16. The bed and breakfast must be used for the purpose of temporary accommodation only and must not be used for the purpose of permanent accommodation.
17. The bed and breakfast must be fitted with a sewage pumping system that pumps all wastewater to the existing effluent disposal system currently servicing the main dwelling to the satisfaction of Greater Western Water.
18. Prior to a building permit being granted for the development of a dwelling, the owner of the land must enter into a Section 173 Agreement with Western Water and the Council agreeing that:
 - a) A wastewater treatment system that produces wastewater to a minimum standard of 20/30/10 (BOD/suspended solids/E.Coli) shall be installed to the satisfaction of the Council's Environmental Health Officer and Western Water to treat all sullage and sewage waste on site.
 - b) Wastewater is to be dispersed to the satisfaction of Council's Environmental Health Officer and Western Water using methods that will prevent waste and treated waste from discharging from the property at all times.
 - c) The effluent system must be maintained by a suitably qualified person in accordance with the manufacturer's specifications and EPA requirements.
 - d) The wastewater effluent being released from the treatment facility must be monitored annually to ensure compliance with the 20/30/10 standard.
 - e) Reports on water quality and maintenance must be submitted to the Responsible Authority at the completion of each maintenance period. This report must be made available to Western Water on request.
 - f) The Owner shall meet the costs of the inspections and reports referred to in Condition 18 e).
 - g) The owner shall carry out such works including replacing effluent treatment, storage pumping and disposal systems within the time specified to do so by the Council's Environmental Health Officer or Western Water to cease and prevent waste and treated waste from discharging from the property.
 - h) If the wastewater program proves to be unsustainable, the land holder must immediately rectify the sewerage disposal system.
 - i) The owner shall have the wastewater treatment system desludged at least once every three years and evidence of this fact shall be provided in the annual written report referred to in Condition 18 e).
 - j) The effluent disposal field must be protected by being isolated from any building, driveway, livestock, vehicles or permanent recreational area that could render it unavailable in the future and should be planted with suitable grasses that will aid in moisture removal.
 - k) The wastewater treatment and disposal systems, cut off drains and pumping system must be installed in accordance with the Land Capability Assessment prepared by Ground Science dated 29 September 2016 Reference No: E2481 and the accompanying management plan followed and implemented.

- l) The land must not be further subdivided.
- m) Any existing or proposed shed must not be used for the purposes of accommodation or contain facilities that result in the discharge of wastewater.
- n) Sediment Pollution Controls shall be employed during construction and maintained until the disturbed area has been regenerated.
- o) The existence of this agreement shall not preclude the land being included in a future sewerage scheme for the area.
- p) Stormwater is to be managed in a way to minimise risk to erosion of the surrounding land. No stormwater should be allowed to move into the effluent disposal fields.
- q) Low volume water fittings such as water efficient showerheads, dual flush toilets and tap aerators are to be fitted to all water fixtures.

19. The obligations under this agreement shall run with the land.

20. The applicant shall pay the Council's reasonable costs associated with the registration and enforcement of the Section 173 Agreement.

Expiry

21. 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 requires, or within 6 months afterwards if the development has not commenced, or 12 months after if the development has commenced but is not yet completed.

Permit Notes:

- Future owners of the land must be made aware of the existence of this permit.

CARRIED

12 CHIEF EXECUTIVE OFFICER REPORTS**CX.1 HANGING ROCK STRATEGIC PLAN UPDATE****Summary**

This report provides an update to Council on the Hanging Rock Ministerial Advisory Group, consistent with Council's resolution to receive reports provided by the group at the next available Council Meeting.

Resolution 2021/85

Moved: Cr Rob Guthrie
Seconded: Cr Annette Death

That Council receives and notes this report as an update from the Hanging Rock Ministerial Advisory Group.

CARRIED**CX.2 CONTRACTS TO BE AWARDED DECEMBER 2021****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 2021/86

Moved: Cr Mark Ridgeway
Seconded: Cr Dominic Bonanno

That Council:

1. **Notes that the following contracts will be awarded by Council officers under delegated authority:**
 - (a) **Q22.1133 Design and Construct Footbridge Margaret Street Macedon**
 - (b) **C22.1150 Management Seniors Housing Lancefield**
2. **Grants delegated authority to the Chief Executive Officer to award the following contracts:**
 - (a) **C22.1149 Supply Panel Provision of Concrete In situ Services**

CARRIED

CX.3 CHIEF EXECUTIVE OFFICER EMPLOYMENT AND REMUNERATION POLICY**Summary**

Consistent with the requirements of the *Local Government Act (LGA) 2020*, Council is required to develop and adopt a Chief Executive Officer (CEO) Employment and Remuneration Policy by 31 December 2021. Council is also required to establish a CEO Employment and Remuneration Committee. Officers recommend that the attached Chief Executive Officer Employment and Remuneration Policy be considered and adopted and the CEO Employment and Remuneration Committee established.

Resolution 2021/87

Moved: Cr Mark Ridgeway

Seconded: Cr Rob Guthrie

That Council:

- 1. Adopts the Chief Executive Officer (CEO) Employment and Remuneration Policy, as required under Section 45 of the Local Government Act 2020.**
- 2. Establishes the CEO Employment and Remuneration Committee (the Committee) by nominating the Mayor and Councillors Guthrie and Death as Committee members.**
- 3. Endorses the commencement of a recruitment process for the Independent Advisor to the Committee.**
- 4. Notes that the Draft Committee Terms of Reference (included as Appendix A of the Policy) will be finalised in consultation with the Committee and submitted to the March 2022 Audit and Risk Committee Meeting followed by the March Scheduled Council Meeting for endorsement.**
- 5. Notes that the Policy is scheduled to be reviewed within 12 months of the 2024 General Election.**

CARRIED

CX.4 COMMUNITY ENGAGEMENT POLICY REVIEW**Summary**

The Community Engagement Policy was endorsed by Council at the January Scheduled Council Meeting, with a requirement for it be reviewed by 27 January 2022. Due to significant workload involved in meeting further requirements of the Local Government Act 2020, other concurrent projects and the time required to undertake a community consultation process, it is requested that the review of the Policy be deferred until May 2022.

Resolution 2021/88

Moved: Cr Janet Pearce
Seconded: Cr Mark Ridgeway

That Council notes and approves the deferment of finalising the review of the Community Engagement Policy from January 2022 to May 2022.

CARRIED

CX.5 COMPLAINTS POLICY**Summary**

The Complaints Handling Policy was adopted by Council at the March 2018 Scheduled Council Meeting, with a Council requirement for it be reviewed every three years. A Complaints Policy is a requirement of the *Local Government Act 2020* – Sect 107.

The policy has been reviewed and updated in line with the Victorian Ombudsman's *Councils and complaints – a good practice guide 2nd edition*.

Resolution 2021/89

Moved: Cr Janet Pearce
Seconded: Cr Anne Moore

That Council adopts the Complaints Policy, with the following amendments:

- **Last reviewed section to be updated with the removal of “15 December 2021” and be replaced with “New Policy”**
- **The Complaints Handling Policy of 2018 is revoked upon adoption of this new Complaints Policy**

In Favour: Crs Dominic Bonanno, Janet Pearce, Bill West, Jennifer Anderson, Rob Guthrie, Mark Ridgeway, Anne Moore, Annette Death

Against: Cr Geoff Neil

CARRIED 8/1

13 DIRECTOR CORPORATE AND COMMUNITY REPORTS**CC.1 REPORT FROM THE AUDIT AND RISK COMMITTEE MEETINGS AND BIENNIAL REPORT OF THE COMMITTEE - DECEMBER 2021****Summary**

This report ensures Council transparently discloses a summary of the key matters discussed at the Audit and Risk Committee (the Committee) meetings for the second half of 2021. The report also ensures the requirements of the Committee's Charter are met, by providing a biennial report to Council that summarises the work of the Committee performed, to fully discharge its responsibilities. The Audit and Risk Committee Biennial Report - December 2021 is attached and the Chairperson, Mr Peter Matthews, will attend the Council Meeting to present the report.

Resolution 2021/90

Moved: Cr Geoff Neil
Seconded: Cr Mark Ridgeway

That Council notes the Audit and Risk Committee Biennial Report - December 2021 and thanks the Committee for the report.

CARRIED

CC.2 AUDIT AND RISK COMMITTEE - AMENDMENT TO CHARTER**Summary**

The Audit and Risk Committee comprises two Councillors and four independent members from the Macedon Ranges Shire community. This report seeks for Council to consider an amendment to the Committee Charter, to allow for an extension of independent members' terms from three years to four years, along with increasing the maximum term of independent members from nine years to 12 years.

Resolution 2021/91

Moved: Cr Geoff Neil
Seconded: Cr Mark Ridgeway

That Council:

- 1. Approves an amendment to the Audit and Risk Committee Charter to increase the term of independent members from three years to four years.**
- 2. Approves an amendment to the Audit and Risk Committee Charter to increase the maximum term of independent members from nine years to 12 years.**

CARRIED

CC.3 AFFORDABLE HOUSING INTERIM POLICY**Summary**

Council has undertaken the development of a new Affordable Housing Interim Policy. Following a period of public exhibition, Officers seek adoption of the Affordable Housing Interim Policy 2021-2023.

Resolution 2021/92

Moved: Cr Rob Guthrie
Seconded: Cr Annette Death

That Council:

- 1. Adopts the Affordable Housing Interim Policy 2021-2023.**
- 2. Requests that the Chief Executive Officer write to the Central Victorian Primary Care Partnership (CVPCP) to acknowledge the partnership's financial contribution to the Affordable Housing Interim Policy 2021-2023.**
- 3. Request that the Chief Executive Officer write to submitters and thank them for their contribution to the draft Affordable Housing Interim Policy 2021-2023.**

CARRIED UNANIMOUSLY

14 DIRECTOR ASSETS AND OPERATIONS REPORTS**AO.1 WASTE AND RESOURCE RECOVERY MANAGEMENT STRATEGY 2021-2026****Summary**

Officers developed the draft Waste and Resource Recovery Management Strategy 2021-2026 (Strategy) to provide sustainable solutions for the collection, disposal and resource recovery of waste generated within our community and the organisation.

The Strategy builds on the principles of the previous Waste Management Strategy 2015-2020. It contains measurable targets and actions to be undertaken by Council over the next five years.

Officers have reviewed community submissions received during public consultation and updated the previous draft Strategy document to reflect legislative changes, measurable targets and readability. Submitters have been thanked for contributing to the Strategy. This report includes an outline of submissions and any actions taken in response to them.

Resolution 2021/93

Moved: Cr Dominic Bonanno
Seconded: Cr Mark Ridgeway

That Council adopts the Waste Management and Resource Recovery Strategy 2021-2026, as attached.

CARRIED

AO.2 LOCAL ROADS AND COMMUNITY INFRASTRUCTURE PROGRAM PHASE 3**Summary**

The Local Roads and Community Infrastructure Program (LRCIP) Phase 3 (P3) grant is available for Macedon Ranges Shire Council. This grant provides approximately \$2.88M from the Commonwealth Department of Infrastructure, Transport, Regional Development and Communications (DITRDC). LRCIPP3 stipulates 18 months for delivery from 1 January 2022, with a hard close of 30 June 2023.

Resolution 2021/94

Moved: Cr Annette Death

Seconded: Cr Rob Guthrie

That Council approves the following project candidates for the Local Roads and Community Infrastructure Program Phase 3:

- (a) Sheedy Road, Gisborne Rehabilitation
- (b) Hamilton Street, Riddells Creek Upgrade
- (c) Red Brick Hall Phase 3 Works
- (d) Riddells Creek Public Space Picket Fencing

CARRIED

15 NOTICES OF MOTION AND RESCISSION

Nil

16 URGENT BUSINESS

Nil

17 CONFIDENTIAL REPORTS**Resolution 2021/95**

Moved: Cr Rob Guthrie

Seconded: Cr Bill West

That pursuant to section 66(1) and (2)(a) of the *Local Government Act 2020*, Council closes the meeting to the public to consider the confidential report(s) listed below, which are confidential on grounds provided in Section 3(1) of the *Local Government Act 2020*:

17.1 Kindergarten Strategic Direction for endorsement

17.2 Australia Day Awards and Township Celebration Grants 2022

CARRIED

Confidential reasons**17.1 Kindergarten Strategic Direction for endorsement**

This matter is considered to be confidential under Section 3(1) - a and h of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released and confidential meeting information, being the records of meetings closed to the public under section 66(2)(a).

17.2 Australia Day Awards and Township Celebration Grants 2022

This matter is considered to be confidential under Section 3(1) - f of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs.

The meeting closed to the public at 9.38pm.