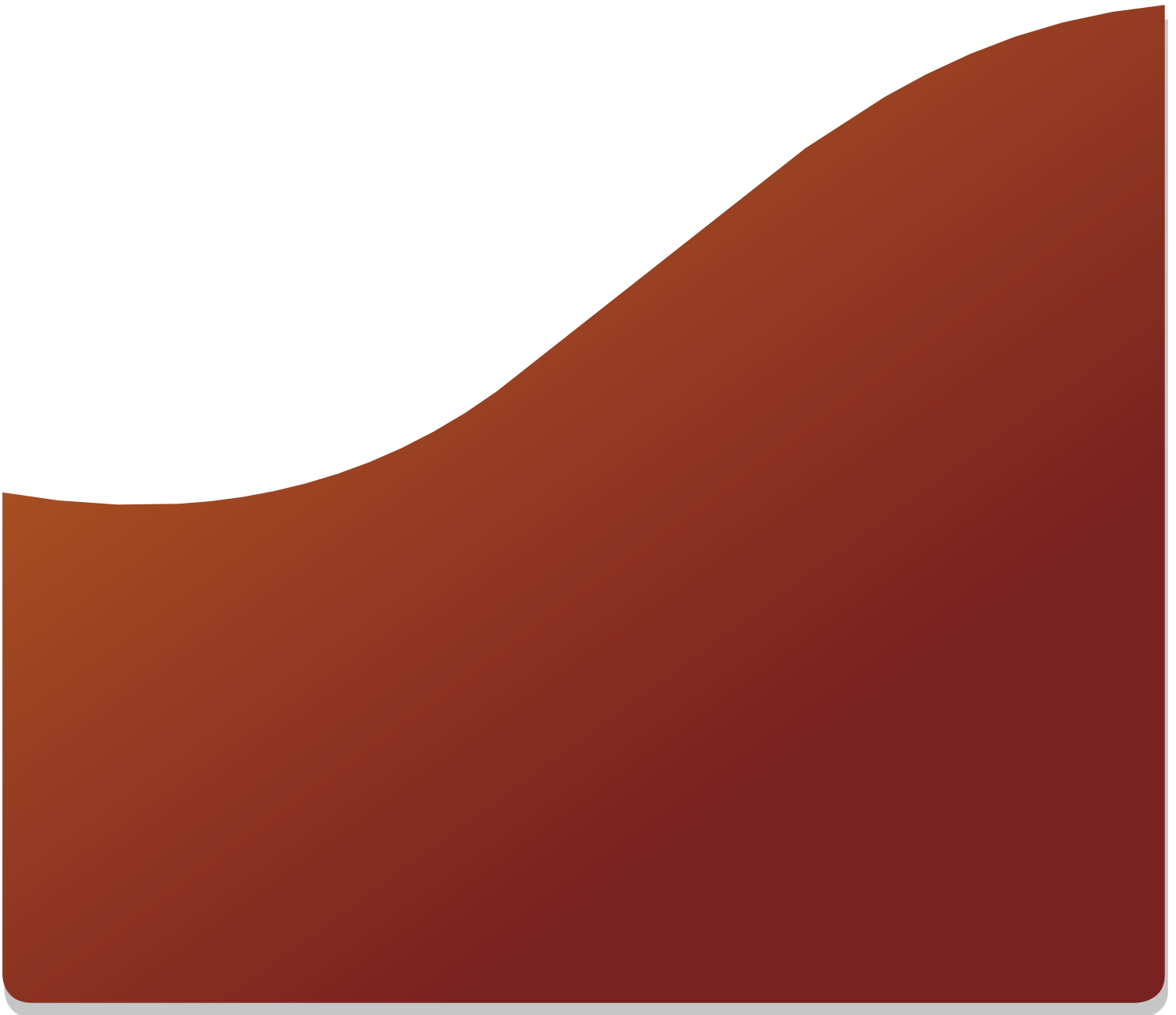


Minutes

**Council Meeting
Wednesday 24 April 2024 at 7pm
Gisborne Administration Centre
40 Robertson Street, Gisborne**



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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, present and emerging.

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 Janet Pearce (Deputy Mayor), Cr Jennifer Anderson, Cr Rob Guthrie, Cr Geoff Neil, Cr Mark Ridgeway, Cr Christine Walker, Cr Bill West

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), Lucy Olson (Senior Governance Officer - Council Business), Cindy Stevens (Business Support Officer)

4 APOLOGIES

Cr Dominic Bonanno

5 CONFLICTS OF INTEREST

NIL

6 PETITIONS

6.1 PETITION IN RELATION TO THE KYNETON SHOWGROUNDS MASTER PLAN

Summary

A petition has been received from Robert Bakes a resident of Kyneton on behalf of 996 residents stating:

"Mayor and Councillors of the Macedon Ranges Shire Council, we the undersigned, petition Macedon Ranges Shire Council, as of Friday January 5th 2024, to reconsider the decision by the Council to adopt option 1. of the Showgrounds Master Plan to cut down ten mature elm trees for the expansion of netball facilities. We ask the Council to re-examine and adopt a version of option two which retains the elm trees, future proofs the netball project with the possibility of three courts instead of just two and, in addition, could make the expansion of facilities adjacent the lower oval a huge positive for a diverse range of sporting and recreational users."

Resolution 2024/31

Moved: Cr Mark Ridgeway
Seconded: Cr Jennifer Anderson

That Council:

1. **Receives and notes the petition from Rob Bakes on the matter of the Kyneton Showgrounds Master Plan with 996 signatories;**
2. **Notes that the petition has been circulated confidentially to all Councillors; and**
3. **Notes that the Director Assets and Operations has provided a report responding to this petition for this meeting, listed as item AO.6 in the Council Meeting Agenda of 24 April 2024.**

CARRIED

7 DEPUTATIONS AND PRESENTATIONS TO COUNCIL

7.1 PUBLIC QUESTIONS FROM ROBERT GREEN

Questions

On the 22nd Feb 2023 Council Resolved and moved a motion to remove DPO24. 3 options were given by officers, staff, directors. One has been explored and failed at Minister's Office despite the Minister's Office refusing to have discussion with landowners.

No more than 3 letters have been given to some landowners.

1. What positive action have CEO, Staff and Council taken to explore other options since Minister's decision?

Can you provide all evidence of work in last 5 months?

Answers:

Thank you for these questions. This response will provide an answer to both questions.

As has been previously noted at a Council Meeting, the Minister for Planning declined to intervene and remove Development Plan Overlay 24 from land in Lancefield. In doing so, the Minister explained that the complete removal of DPO24 may give rise to potential risks associated with the land being developed in an uncoordinated manner and create further difficulties for residential development to take place.

The Minister for Planning also noted that the introduction of DPO24 was a process that included public exhibition and the opportunity for interested parties to make submissions and to have their views heard and considered by an independent Planning Panel. At the end of this process, the Planning Panel was supportive of DPO24.

The DPO24 area has three sub areas within it, and part of sub area 1 has an approved Development Plan.

Staff have been liaising with a landowner in another sub area to progress the submission of a Development Plan for that area. Council is also mindful of respecting the privacy of interactions with individual landowners, in respect of what information can and cannot be released publicly.

8 ADOPTION OF MINUTES**Resolution 2024/32**

Moved: Cr Rob Guthrie
Seconded: Cr Jennifer Anderson

That Council confirms the minutes of the Scheduled Council Meeting of Macedon Ranges Shire Council held on 27 March 2024 and the Submitters Delegated Committee Meeting held on 21 February 2024, as circulated.

CARRIED

9 MAYOR'S REPORT**9.1 MAYOR'S REPORT - MARCH-APRIL 2024****Resolution 2024/33**

Moved: Cr Jennifer Anderson
Seconded: Cr Janet Pearce

That Council receives and notes the Mayor's report.

CARRIED

10 RECORD OF MEETINGS OF COUNCILLORS AND COUNCIL STAFF

10.1 RECORD OF MEETINGS OF COUNCILLORS AND COUNCIL STAFF - MARCH-APRIL 2024
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Summary

Rule 66 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. This report provides a summary of meetings of Councillors and Council staff held since the last Council Meeting.

Resolution 2024/34

Moved: Cr Christine Walker

Seconded: Cr Mark Ridgeway

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 DRAFT 2024/2025 EVENTS AND FESTIVAL GRANT GUIDELINES****Summary**

The 2024 Events and Festival Grant Program Guidelines have been prepared to provide a framework for the applicant and assessment of grants for events and festivals. The Guidelines are presented to Council for endorsement.

Resolution 2024/35

Moved: Cr Rob Guthrie

Seconded: Cr Christine Walker

That Council adopts the Draft 2024/2025 Events and Festival Grant Program Guidelines.

CARRIED

12 CHIEF EXECUTIVE OFFICER REPORTS

Nil

13 DIRECTOR CORPORATE REPORTS**COR.1 CONTRACTS TO BE AWARDED AS AT APRIL 2024****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 2024/36

Moved: Cr Bill West
Seconded: Cr Geoff Neil

That Council notes that the following contract will be awarded by Council officers under delegated authority:

1. C2024-63 Internal Audit Services**CARRIED****COR.2 INSTRUMENTS OF APPOINTMENT AND AUTHORISATION****Summary**

This report seeks Council's approval to appoint authorised officers under the *Planning and Environment Act 1987* (the Act) by an Instrument of Appointment and Authorisation. Under the Act only Council, by a resolution, can appoint authorised officers who must be employees of Council.

In addition, Council is required to revoke any appointments for authorised officers who are no longer employees of Council.

An Instrument of Appointment and Authorisation is required for three officers as they have recently commenced employment with Council.

In addition, an Instrument is required to be revoked as the authorised officer no longer works for Council.

Resolution 2024/37

Moved: Cr Rob Guthrie
Seconded: Cr Mark Ridgeway

That Council resolves that in the exercise of the powers conferred by section 147(4) of the *Planning and Environment Act 1987*:

- 1. The Instrument of Appointment and Authorisation of Abdullah Jama be revoked;**

2. Council officers named in the Instruments of Appointment and Authorisation provided at Attachment 1 be appointed and authorised;
3. The Instruments of Appointment and Authorisation come into force upon signing and remain in force until Council determines to vary or revoke these; and
4. The Instruments of Appointment and Authorisation at Attachment 1 be signed.

CARRIED

14 DIRECTOR COMMUNITY REPORTS

COM.1 ROMSEY ELECTRONIC GAMING MACHINE APPLICATION

Summary

This report presents for approval, Councils proposed submission to the to the Victorian Gambling and Casino Control Commission (VGCCC) in relation to Romsey Football and Netball Club's application for 50 Electronic Gaming Machines (EGMs) at Romsey Hotel, 90-94 Main Street, Romsey.

Resolution 2024/38

Moved: Cr Geoff Neil

Seconded: Cr Bill West

That Council:

1. Notes that an independent Social and Economic Impact Assessment, supported by a community survey to the Romsey township, demonstrated a net detriment to the community based on the application submitted by the Romsey Football and Netball Club for 50 Electronic Gaming Machines at the Romsey Hotel, 90-94 Main Street, Romsey.
2. Opposes the Romsey Football and Netball Club's application for 50 Electronic Gaming Machines at the Romsey Hotel, 90-94 Main Street, Romsey.
3. Approves the attached documents to form the foundation of Council's submission to the Victorian Gambling and Casino Control Commission in relation to the above application, by April 2024.

UNANIMOUSLY CARRIED

COM.2 COMMUNITY FUNDING SCHEME 2024 AND COMMUNITY GRANTS POLICY**Summary**

This report recommends the adoption of five documents connected with Council's community grant programs, following an annual review.

Resolution 2024/39

Moved: Cr Rob Guthrie
Seconded: Cr Janet Pearce

That Council:

1. **Adopts the Community Grants Policy 2024 effective from 25 April 2024, revoking all previous iterations; and**
2. **Adopts the following community grants related documents:**
 - (a) **Terms of Reference for Assessment Panels - Macedon Ranges Shire Council Grant Programs.**
 - (b) **Community Funding Scheme Guidelines 2024/25.**
 - (c) **Small Project Grants Guidelines 2024/25.**
 - (d) **Neighbourhood House Funding Program Guidelines 2024.**

CARRIED

15 DIRECTOR ASSETS AND OPERATIONS REPORTS**AO.1 CAPITAL WORKS MONITORING****Summary**

This report provides transparency on cost escalations on infrastructure projects and seeks further funding, cancellation, or a reduction in the scope of the projects to manage them 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) **Park Furniture Renewal Program: Return \$13,479.86 to the consolidated capital works program budget;**
 - b) **Playground Renewal Program: Return \$7,271.46 to the consolidated capital works program budget;**
 - c) **Upgrade Sports Ground Drainage to improve the wear and compaction of the sporting grounds within the Shire: Return \$60,000.00 to the consolidated capital works program budget;**

- d) South Gisborne Tennis Lighting Design: Return \$2,778.00 to the consolidated capital works program budget;
 - e) New Gisborne Tennis Courts Planning: Return \$1,070.00 to the consolidated capital works program budget;
 - f) Red Brick Hall Upgrade: Increase budget by \$5,800.00;
 - g) Baynton Hall – Kitchen Refurbishment: Increase budget by \$6,200.00;
 - h) Outdoor Pools Disability Discrimination Act (DDA) Compliance Design: Return \$13,350.00 to the consolidated capital works program budget;
 - i) Gisborne Adventure Playground: Return \$6,600.00 to the consolidated capital works program budget;
 - j) Kyneton Sports and Aquatic Gym Floor: Return \$47,084.21 to the consolidated capital works program budget;
 - k) Bridge – Ross Street, Malmsbury: Return \$11,857.74 to the consolidated capital works program budget;
 - l) Roads – Intersection Darraweit-Valley and Bolinda Darraweit Road Darraweit Guim: Return \$8,347.73 to the consolidated capital works program budget;
 - m) Kyneton Cricket Club Net Upgrades: Return \$2,476.00 to the consolidated capital works program budget;
2. Notes that recommendation 1 (above) results in a deficit of \$63,373.00 to the financial year 2023/2024 consolidated capital works program budget.

Cr Mark Ridgeway moved an amended officer recommendation.

Resolution 2024/40

Moved: Cr Mark Ridgeway
Seconded: Cr Geoff Neil

That Council:

1. Adopts the following changes to the Financial Year 2023/24 budget relating to the following infrastructure projects:
 - (a) Park Furniture Renewal Program: Return \$13,479.86 to the consolidated capital works program budget;
 - (b) Playground Renewal Program: Return \$7,271.46 to the consolidated capital works program budget;
 - (c) Upgrade Sports Ground Drainage to improve the wear and compaction of the sporting grounds within the Shire: Return \$60,000.00 to the consolidated capital works program budget;
 - (d) South Gisborne Tennis Lighting Design: Return \$2,778.00 to the consolidated capital works program budget;
 - (e) New Gisborne Tennis Courts Planning: Return \$1,070.00 to the consolidated capital works program budget;
 - (f) Red Brick Hall Upgrade: Increase budget by \$5,800.00;
 - (g) Baynton Hall – Kitchen Refurbishment: Increase budget by \$6,200.00;

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- (h) Outdoor Pools Disability Discrimination Act (DDA) Compliance Design: Return \$13,350.00 to the consolidated capital works program budget;
 - (i) Gisborne Adventure Playground: Return \$6,600.00 to the consolidated capital works program budget;
 - (j) Kyneton Sports and Aquatic Gym Floor: Return \$47,084.21 to the consolidated capital works program budget;
 - (k) Bridge – Ross Street, Malmsbury: Return \$11,857.74 to the consolidated capital works program budget;
 - (l) Roads – Intersection Darraweit-Valley and Bolinda Darraweit Road Darraweit Guim: Return \$8,347.73 to the consolidated capital works program budget;
 - (m) Kyneton Cricket Club Net Upgrades: Return \$2,476.00 to the consolidated capital works program budget;
 - (n) Footbridge Main Road Riddells Creek: Increase budget by \$13,500.00
2. Notes that recommendation 1 (above) results in a deficit of \$76,873.00 to the financial year 2023/2024 consolidated capital works program budget.

CARRIED

AO.2 CAPITAL WORKS CARRY FORWARDS

Summary

This report seeks Council's consideration for the approval of carrying forward 38 (out of 201) projects from the 2023/24 capital works program into the 2024/25 financial year. The proposed projects are listed in Attachment 1. Various factors have contributed to the requirement for carrying forward these projects, including the market conditions leading to a shortage of contractors, price escalation, delay with statutory approvals, late inclusion of the insurance-funded projects, scope changes to some projects, and the timing of receipt of external funding. Furthermore, some of the projects span multiple years due to funding constraints or the scale of the project.

If the projects originally planned for delivery beyond 30 June 2024 are excluded from the attached list, the number of projects scheduled for completion this year requiring carry forward drops to 20.

Resolution 2024/41

Moved: Cr Rob Guthrie
Seconded: Cr Christine Walker

That Council approves the carry forward of funding for 38 projects as listed in Attachment 1 to complete the delivery in the Financial Year 2024/25, noting that three of these projects are operational projects.

CARRIED

AO.3 CONSIDERATION OF A REQUEST FOR INCLUSION OF ROAD IN TO THE PUBLIC ROAD REGISTER - SERVICE LANE, KILMORE-LANCEFIELD ROAD, GOLDIE**Summary**

This report is prepared in response to a customer request for access to the property from this section of (unmaintained) service lane stretching from 1338 Kilmore Lancefield Road to 1316 Kilmore Lancefield Road, Goldie.

Officers assessed the unmaintained service lane under the Public Roads Procedure Policy (2018) before considering its inclusion in the Register of Public Roads. Our evaluation determined that minor repairs and upgrades would be required to meet minimum construction standards for a Category 5 unsealed local road. Officers will therefore seek the residents' appetite to upgrade the service lane at their cost before it is included as a Category 5 road in Council's Road Register. Should residents not provide the funding for this section of the service road upgrade, then this section of the service road will not be included on Council's Register of Public Roads.

Resolution 2024/42

Moved: Cr Bill West
Seconded: Cr Geoff Neil

That Council:

- 1. Resolves to include the subject section of the Kilmore-Lancefield Road, Goldie, service lane in the Register of Public Roads subject to the residents contributing the required funding to upgrade the road to a Category 5 standard by 31 July 2024 and advise the requestor of this decision; and**
- 2. Notes that if the residents do not provide funding by 1 July 2024 item one expires on 1 August 2024 and the subject section of the Kilmore-Lancefield Road, Goldie, service lane will not be added to the Register of Public Roads.**

CARRIED

AO.4 CONSIDERATION OF A REQUEST FOR INCLUSION OF ROAD ON TO THE PUBLIC ROAD REGISTER - EMMINS ROAD, FERN HILL**Summary**

This report is prepared in response to a customer request lodged by a resident to consider the inclusion of an unmaintained section of Emmins Road (situated in front of 50 & 98C Emmins Road) in the Council's Register of Public Roads. The property in question has access via a section of Emmins Road, located along 130 McGiffords Road. It is noted that the initial 460m of Emmins Road from the Emmins Road / McGiffords Road intersection, is already on the Register of Public Roads (please refer to the locality map below).

Officers assessed the access track for consideration of its inclusion in the Register of Public Roads, following the guidelines outlined in the Public Roads Procedure Policy (2018). Based on this evaluation, Council officers recommend against adding it to the Register of Public Roads. Officers also determined that the track needs considerable repairs and upgrades to meet the Council's minimum standards for a Category 5 unsealed local road.

Resolution 2024/43

Moved: Cr Rob Guthrie
Seconded: Cr Janet Pearce

That Council resolves not to include the unmaintained section of Emmins Road, Fern Hill, in the Register of Public Roads and advises the requestor of this decision.

CARRIED

AO.5 SPECIAL CHARGE SCHEME FOR INFRASTRUCTURE WORKS POLICY REVIEW**Summary**

This report updates Council on the outcome of community consultation for the draft Special Charge Scheme for Infrastructure Works Policy, which closed on 3 March 2024 and proposes adoption of the revised Special Charge Scheme for Infrastructure Works Policy as per attached.

Resolution 2024/44

Moved: Cr Mark Ridgeway
Seconded: Cr Janet Pearce

That Council adopts the updated Special Charge Scheme for Infrastructure Works Policy, effective 25 April 2024.

CARRIED

AO.6 RESPONSE TO THE PETITION IN RELATION TO THE KYNETON SHOWGROUNDS MASTER PLAN

Summary

A petition has been received from Robert Bakes, a resident of Kyneton, on behalf of 996 people stating:

"Mayor and Councillors of the Macedon Ranges Shire Council, we the undersigned, petition Macedon Ranges Shire Council, as of Friday January 5th 2024, to reconsider the decision by the Council to adopt option 1. of the Showgrounds Master Plan to cut down ten mature elm trees for the expansion of netball facilities. We ask the Council to re-examine and adopt a version of option two which retains the elm trees, future proofs the netball project with the possibility of three courts instead of just two and, in addition, could make the expansion of facilities adjacent the lower oval a huge positive for a diverse range of sporting and recreational users."

This report updates councillors on decisions and consultations leading to the Kyneton Showgrounds Master Plan and its outcomes.

Resolution 2024/45

Moved: Cr Mark Ridgeway

Seconded: Cr Janet Pearce

That Council:

1. **Notes the petition received from community members requesting Council reconsider the planned removal of ten elm trees to expand netball facilities at the Kyneton Showgrounds.**
2. **Notes that an independent arborist report has shown that the ten trees are either nearing end of life or in a declining state due to their age, thereby posing a risk to community safety.**
3. **Acknowledges the extensive community and user group consultation process that Council undertook on the Kyneton Showgrounds Masterplan.**
4. **Proceeds with removing the ten trees, noting that they will be replaced with new trees following construction activities.**

CARRIED

16 NOTICES OF MOTION AND RESCISSION**NO. 64/2023-24: NOTICE OF MOTION - GISBORNE GOLF CLUB**

I, Councillor Dominic Bonanno, give notice that at the next Meeting of Council to be held on 24 April 2024, I intend to move the following motion:

Resolution 2024/46

Moved: Cr Rob Guthrie
Seconded: Cr Christine Walker

That Council acknowledges the impact to the Gisborne community of the fire that destroyed the Gisborne Golf Club building and facilities, which is also home to the Gisborne RSL Subbranch and used by a number of local groups, and provides assistance and advice where appropriate to support these groups in their recovery.

UNANIMOUSLY CARRIED

17 URGENT BUSINESS

NIL

18 CONFIDENTIAL REPORTS**Resolution 2024/47**

Moved: Cr Rob Guthrie
Seconded: Cr Jennifer Anderson

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*:

18.1 Waste Collection, Bulk Haulage and Processing Tender Update

CARRIED

Confidential reasons**18.1 Waste Collection, Bulk Haulage and Processing Tender Update**

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).

It indicates potential business-in-confidence information including expected costs for a future contract, the timing of the contract release and other information that if made public could advantage one provider over another.

Procedural Note: During the closed meeting it was resolved that points 1 and 2 of the resolution to 18.1 be made public in these minutes.

18.1 Waste Collection, Bulk Haulage and Processing Tender Update

Resolution 2024/48

Moved: Cr Mark Ridgeway

Seconded: Cr Jennifer Anderson

That Council:

- 1. Notes that officers are releasing the Waste Collection, Bulk Haulage and Processing tender in May 2024;**
- 2. Requests officers provide a report to the September 2024 Scheduled Council Meeting to consider authorisation of the Waste Collection, Bulk Haulage and Processing contract;**

The meeting closed at 8:22pm.

The minutes of this meeting will be confirmed at the Council Meeting held on 22 May 2024.