



## MEETING OF COUNCIL MINUTES

Tuesday 23 August 2022

6:00pm

Meeting held in person

### MEMBERSHIP

Councillors

Liesbeth Long

Gerard Murphy

Wayne Sproull

Geoff Lovett

Grace La Vella

Chris Meddows-Taylor (Mayor)

Anna de Villiers

Confirmed at the Council Meeting  
held on 27 September 2022

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## 1. COMMENCEMENT OF MEETING AND WELCOME

The meeting commenced at 6:00pm.

The Mayor, Cr Meddows-Taylor welcomed everybody with acknowledgement of Country and Council prayer.

The Mayor noted the passing of Ron Potter who served the city of Maryborough and Central Goldfields Shire Council.

## PRESENT

### Councillors

Chris Meddows-Taylor (Mayor)

Gerard Murphy

Wayne Sproull

Grace La Vella

Geoff Lovett

Anna de Villiers

Liesbeth Long

## IN ATTENDANCE

### Officers

General Manager Infrastructure Assets and Planning, Matthew Irving

General Manager Community Wellbeing, Emma Little

General Manager Corporate Performance, Mick Smith

## 2. APOLOGIES

Chief Executive Officer, Lucy Roffey

## 3. LEAVE OF ABSENCE

Nil

## 4. DISCLOSURES OF CONFLICTS OF INTEREST

Nil

## 5. CONFIRMATION OF THE MINUTES OF PREVIOUS COUNCIL MEETINGS

To present for confirmation the minutes of the Council Meeting held on 26 July 2022.

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Mayor declared minutes are confirmed.

## 6. REPORTS FROM COMMITTEES

Nil

## 7. PETITIONS

Nil

## 8. OFFICER REPORTS

### 8.1 DELEGATION, MEDIATION AND COUNCIL PLANNING HEARING FOR PLANNING APPLICATIONS

The purpose of this report is to present proposed new policies and procedures for planning applications to Council for adoption, including in relation to delegation, mediation, and the Council planning hearing.

#### Council Resolution

That Council:

1. Adopts the 'Procedure - Delegation, Mediation and Council Planning Hearing for Planning Applications" document to introduce a mediation process and revise the arrangements for the Council planning hearing;
2. Seeks a review of the policies and procedures in 12 months' time; and
3. Notes that updates to the relevant Instrument of Delegation to provide greater delegation to officers to make decisions on planning applications will be made if it makes resolutions on this matter through the separate but related report to be presented.

**Moved**            **Cr Lovett**  
**Seconded**       **Cr Sproull**

**Cr Lovett and Cr Sproull spoke to the motion:**

**CARRIED**

### 8.2 UPDATE OF INSTRUMENTS OF DELEGATION BY COUNCIL TO STAFF

The purpose of this report is to recommend that Council resolve to update the S6 Instrument of Delegation, under which Council delegates its powers to Council Staff, contingent on the adoption of the Delegation, Mediation and Planning Hearing for

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Planning Applications procedure at this Council Meeting.

## **Council Resolution**

In the exercise of the powers conferred by the legislation referred to in the attached instrument of delegation, Central Goldfields Shire Council (Council) resolves that:

1. There be delegated to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the attached Instrument of Delegation to members of Council staff, the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that Instrument
2. The instrument comes into force immediately upon Council adopting the resolution.
3. On the coming into force of the instrument all previous delegations by Council to members of Council staff (other than the Chief Executive Officer) are revoked.
4. The duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.

**Moved**        **Cr Sproull**  
**Seconded**    **Cr La Vella**

**Cr Sproull spoke to the motion.**

**Cr Murphy spoke against the motion.**

**CARRIED**

## **8.3 PLANNING PERMIT 154/21 FOR FOUR DWELLINGS AT 28 OUTTRIM STREET, MARYBOROUGH**

The purpose of this report is to seek a Council determination on planning permit application 154/21 for the development of the land for four dwellings and associated works at 28 Outtrim Street, Maryborough.

## **Council Resolution**

That Council, having caused notice of Planning Permit Application No. 154/21 to be given under section 52 of the Planning and Environment Act 1987 and the Central Goldfields Planning Scheme and having considered all the matters generally required, resolves to grant a planning permit and issue a Notice of Decision to Grant a Permit in respect of

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Planning Permit Application No. 154/21 for the land known and described as 28 Outtrim Street, Maryborough for the development of the land for four dwellings and associated works, in accordance with the endorsed plans and subject to the following conditions:

## Amended plans

1. Prior to commencement of development, amended plans must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions. The plans must be generally in accordance with the plans submitted with the application, but modified to show Dwelling 4 (the two-storey building) with a maximum ground floor ceiling height of 2550mm and a maximum first floor ceiling height of 2400mm to reduce the overall height of the building.
2. The development must be generally in accordance with the plans endorsed as part of this permit and must not be altered or modified without the written consent of the responsible authority.

## Construction Management Plan

3. Prior to commencement of development, a Construction Management Plan (CMP) must be submitted to and approved by the responsible authority. When approved, the CMP will be endorsed by the responsible authority and will then form part of the permit. The CMP must detail:

- a) Hours of demolition and construction to accord with Local Laws
- b) Methods to contain dust, dirt and mud within the site and the method and frequency of clean up procedures, including the management of on-site storage waste construction bins and vehicle washing
- c) Management of parking of construction machinery and workers vehicles to prevent adverse impact on nearby properties
- d) Management of staging of heavy vehicles, site deliveries and unloading and lifting points with expected frequency, and traffic management in the vicinity, ensure routes to and from the site minimise disruption to residential properties
- e) Minimising disruption to pedestrian access along footpaths
- f) Measures to minimise noise and other amenity impacts from mechanical equipment, including idling trucks, and demolition/construction activities
- g) The provision of adequate environmental awareness training for all on-site contractors and sub-contractors
- h) A liaison officer for contact by the public and the Responsible Authority in the event of relevant queries or problems experienced.

4. All works must be undertaken in accordance with the endorsed CMP to the satisfaction of the responsible authority.

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## Landscape Plan

5. Prior to commencement of development, a Landscape Plan must be submitted to and approved by the responsible authority. When approved, the plan will be endorsed by the responsible authority and will then form part of the permit. The plan must be drawn to scale with dimensions and must show:

- a) Details of surface finishes of pathways and driveway.
- b) A planting schedule of all proposed trees, shrubs, and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.
- c) Details of any vegetation to be retained.
- d) Landscaping and planting within all open areas of the site.
- e) An outline of buildings. No floor plans are to be shown on the landscape plan; however, the outline of buildings are to be informed by the approved site plan.
- f) Location and depth of all surface treatments with materials and colours notated.
- g) Clear graphics to indicate trees (deciduous or evergreen), shrubs, ground covers, grass etc.

Please note that any foundations of built structures, including any concrete areas such as paths/driveways, must be protected with appropriate tree root/moisture barriers to ensure the integrity of the foundations are not compromised.

## Completion of landscaping

6. Before the occupation of the development or by such later date as is approved by the responsible authority in writing, the landscaping shown on the endorsed plan(s) must be carried out and completed to the satisfaction of the responsible authority.

## General amenity

7. The development and the appearance of the subject land permitted by this permit must not, in the opinion of the responsible authority, adversely affect the amenity of the locality.

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## Construction activities

8. The development must be managed during construction to the satisfaction of the responsible authority so that the amenity of the area is not detrimentally affected through the:

- a) Transport of materials, goods, or commodities to or from the land.
- b) Appearance of any building, works, or materials.
- c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, litter, dust, wastewater, waste products, grit, or oil.
- d) Presence of vermin or animals.

## Asset protection

9. At any time, the permit holder must ensure that the operation and condition of Council assets (including street trees, drainage pits and covers, footpaths and kerb and channel) are not damaged by the site construction works. If the responsible authority deems Council assets have been detrimentally affected or damaged by development construction access, then the assets will be required to be repaired and reinstated by the permit holder to the satisfaction of the responsible authority.

## Boundary walls

10. The walls on the boundary of the adjoining properties shall be cleaned and finished to the satisfaction of the responsible authority.

## Use of parking areas

11. Areas set aside for the parking and movement of vehicles, as shown on the endorsed plans, must be maintained in a usable and safe condition to the satisfaction of the responsible authority. The areas must be made available for the parking and movement of vehicles and must not be used for any other purpose.

## Provision for waste collection

12. Provision must be made for an acceptable pick-up point for waste collection services to the satisfaction of the responsible authority.

## Occupation of development

13. Before the occupation of the development or by such later date as is approved by the responsible authority in writing:

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- a) The access and parking area(s) shown on the endorsed plan(s) must be constructed to the requirements and satisfaction of the responsible authority.
- b) The garden and landscape area(s) shown on the endorsed plan(s), including external fixtures such as clotheslines, storage sheds and water tanks, must be provided and completed to the requirements and satisfaction of the responsible authority.

### Engineering Access

- 14. Vehicular access to all dwellings must be from Outtrim Street.
- 15. Vehicular crossovers/driveways must be constructed between the subject land and Outtrim Street. Such crossovers/driveways must be of concrete construction and be from kerb to property boundary. (Refer Infrastructure Design Manual Standard Drawing 240).
- 16. Any disused crossovers/driveways must be removed and the kerb and channel and nature strip reinstated to the satisfaction of the responsible authority.
- 17. The permit holder/landowner must make further application for and have an approved driveway crossing permit for crossover/driveway works. All works constructed or carried out must be in accordance with the approved plans/permit(s).
- 18. Once constructed, the crossovers must be thereafter maintained by the landowner to the satisfaction of the responsible authority.

### Drainage

- 19. All stormwater must be accommodated and treated within the subject land.
- 20. The permit holder/landowner must design a drainage system to drain the dwellings to the legal point of discharge. The design must take into consideration the potential future location of drainage easements if the subject land is subdivided at a later date.
- 21. A legal point of stormwater discharge must be provided for Dwellings 1, 2, 3 and 4 to the Outtrim Street kerb and channel.

### Landscaping

- 22. Upon completion of all off-site works, all nature strips must be levelled, topsoiled, and seeded. Alternate landscaping methods may be undertaken, but must be approved in writing by the responsible authority prior to any works being

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undertaken.

### Sediment Control

23. The permit holder/landowner must restrict sediment discharges from any construction sites within the land in accordance with Construction Techniques for Sediment Pollution Control (EPA 1991) and Environmental Guidelines for Major Construction Sites (EPA 1995).

### Permit expiry

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

a) The development is not started within two (2) years of the date of this permit.

b) The development is not completed within four (4) years of the date of this permit.

The responsible authority may extend the periods referred to if a request is made in writing before the permit expires or within six months afterwards (for a request to extend the time to commence a development) or twelve months after the permit expires (for a request to extend the time to complete the development).

**Moved**      **Cr Lovett**

**Seconded**      **Cr Sproull**

**Cr Lovett, Cr Murphy and Cr Long spoke to the motion.**

**CARRIED**

### **8.4 PLANNING PERMIT 002/22 FOR TWO-LOT SUBDIVISION AT 1 CLARENDON STREET, MARYBOROUGH**

The purpose of this report is to seek a Council determination for planning permit application 002/22 for a two-lot subdivision at 1 Clarendon Street, Maryborough.

#### **Council Resolution**

That Council, having caused notice of Planning Permit Application No. 002/22 to be given under section 52 of the Planning and Environment Act 1987 and the Central Goldfields Planning Scheme and having considered all the matters generally required, resolves to grant a planning permit and issue a Notice of Decision to Grant a Permit in respect of Planning Permit Application No. 002/22 for the land known and described as 1 Clarendon Street, Maryborough, for a two-lot subdivision, in accordance with the

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endorsed plans and subject to the following conditions:

## Endorsed subdivision plans

1. The layout of the subdivision permitted by this permit as shown on the endorsed plan(s) and/or described in the endorsed documents must not be altered or modified (for any reason) except with the prior written consent of the responsible authority.

## Removal of buildings and structures

2. Prior to the issue of a Statement of Compliance, any existing buildings and structures on proposed Lot 1 must be removed.

## Asset protection

3. At any time, the permit holder must ensure that the operation and condition of Council assets (including street trees, drainage pits and covers, footpaths and kerb and channel) are not damaged by the site construction works. If the responsible authority deems Council assets have been detrimentally affected or damaged by development construction access, then the assets will be required to be repaired and reinstated by the permit holder to the satisfaction of the responsible authority.

## Sediment control

4. The permit holder must restrict sediment discharges from any construction sites within the land in accordance with Construction Techniques for Sediment Pollution Control (EPA 1991) and Environmental Guidelines for Major Construction Sites (EPA 1995). Mandatory subdivision conditions

5. The owner of the land must enter into an agreement with:

- a) a telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and
- b) a suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network (NBN) will not be provided by optical fibre.

6. Before the issue of a Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:

- a) a telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the

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provider's requirements and relevant legislation at the time; and  
b) a suitably qualified person that fibre ready telecommunications facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

7. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity and gas services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.

8. All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.

9. The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with section 8 of that Act. Mandatory BMO condition 10. Before the Statement of Compliance is issued under the Subdivision Act 1988 the owner must enter into an agreement with the responsible authority under Section 173 of the Planning and Environment Act 1987. The agreement must:

- State that it has been prepared for the purpose of an exemption from a planning permit under clause 44.06-2 of the Central Goldfields Planning Scheme.
- Incorporate the plan prepared in accordance with clause 53.02-4.4 of this planning scheme and approved under this permit.
- State that if a dwelling is constructed on the land without a planning permit that the bushfire protection measures set out in the plan incorporated into the agreement must be implemented and maintained to the satisfaction of the responsible authority on a continuing basis.
- Explicitly exclude Lot 2 from the following exemption under clause 44.06-2 of this planning scheme: "A building or works consistent with an agreement under Section 173 of the Planning and Environment Act 1987 prepared in accordance with a condition of permit issued under the requirements of clause 44.06-5". The landowner must pay the reasonable costs of the preparation, execution, and registration of the Section 173 Agreement.

Country Fire Authority

11. The Bushfire Management Plan prepared by Coby Perry (Version 2), dated 12/07/2022) must be endorsed by the responsible authority, be included as an annexure to the Section 173 Agreement prepared to give effect to clause 44.06- 5 of

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the Central Goldfields Planning Scheme and must not be altered unless agreed to in writing by Country Fire Authority and the responsible authority.

### Council Engineering

12. Prior to the issue of a Statement of Compliance the following must be undertaken by the applicant/owner to the requirements and satisfaction of the responsible authority:

### Access

13. Vehicular access to Lot 1 must be provided from provided from either Clarendon Street or Archer Street.

14. The vehicular crossover/driveway must be from the property boundary to kerb (Clarendon Street) or property boundary to edge of road (Archer Street).

15. The permit holder/landowner must make further application for and have approved driveway crossing permit/s for crossover/driveway works. All works constructed or carried out must be in accordance with the approved plans/permit(s).

16. Once constructed, the crossovers must be thereafter maintained by the landowner to the satisfaction of the responsible authority.

### Drainage

17. All stormwater must be accommodated and treated within the subject land.

18. The permit holder/landowner must design a drainage system to drain Lot 1 to the legal point of discharge.

19. A legal point of stormwater discharge must be provided for Lot 1 to the Clarendon Street kerb and channel to the satisfaction of the responsible authority.

### Landscaping

20. Upon completion of all off site works, all nature strips must be levelled, topsoiled and seeded. Alternate landscaping methods may be undertaken, but must be approved, in writing, by the responsible authority prior to any works being undertaken.

### Permit expiry

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

a) The plan of subdivision is not certified under the Subdivision Act 1988 within two years of the date of this permit; or

b) Registration of the plan of subdivision is not completed within five years of the certification of the plan of subdivision under the Subdivision Act 1988. The responsible authority may extend the time if a request is made in writing before the permit

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expires, or within six months afterwards.

**Moved**        **Cr Sproull**  
**Seconded**    **Cr La Vella**

**Cr Sproull, Cr La Vella Cr Lovett spoke to the motion.**

**CARRIED**

## **8.5 COUNCIL PLAN ACTION PROGRESS REPORT**

The purpose of this report is to provide Council with an update on the status of the projects identified in the 2021-22 Action Plan.

### **Council Resolution**

That Council note as detailed in the report an update on the status of the projects identified in the 2021-22 Action Plan.

**Moved**        **Cr de Villiers**  
**Seconded**    **Cr Long**

**Cr de Villiers, Cr Murphy Cr La Vella spoke to the motion.**

**CARRIED**

## **8.6 GOVERNANCE RULES (DRAFT AMENDED 2022) - VIRTUAL MEETING**

The purpose of this report is to present to Council the draft amendments proposed to the Central Goldfields Shire Council's Governance Rules in line with changes to the Local Government Act 2020. The amendments include provisions relating to electronic attendance and participation in Council meetings as well as small amendments to apply more gender-neutral language in the document.

### **Council Resolution**

That Council:

1. endorse the first draft of the proposed amended Governance Rules for public consultation from 25 August 2022 to 08 September 2022; and
2. Note a further report will be presented to Council at the 27 September 2022 Council Meeting to consider feedback and formally adopt the draft amended Governance Rules

**Moved**        **Cr Long**

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**Seconded** Cr La Vella

**Cr Long, Cr La Vella spoke to the motion.**

**CARRIED**

### **8.7 ANNUAL ACTION PLAN 2022-23 FINANCIAL YEAR**

The purpose of this report is for Council to consider the draft 2022-2023 Annual Action Plan.

Acting CEO Mick Smith introduced and spoke to the item.

#### **Council Resolution**

That Council adopt the draft 2022 - 2023 Annual Action Plan.

**Moved** Cr Sproull

**Seconded** Cr De Villiers

**Cr Sproull and Cr Meadows-Taylor spoke to the motion.**

**CARRIED**

### **8.8 COMMONWEALTH GAMES EXPRESSION OF INTEREST**

The purpose of this report is to present the Expression of Interest (EOI) submission for the 2026 Commonwealth Games to Council for retrospective endorsement following a submission deadline of 12 August 2022.

#### **Council Resolution**

That Council endorse the 2026 Commonwealth Games Expression of Interest submission.

**Moved** Cr Murphy

**Seconded** Cr Lovett

**Cr Murphy, Cr Lovett and Cr Meadows-Taylor spoke to the motion.**

**CARRIED**

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## 8.9 MARYBOROUGH EMERGENCY SERVICES PRECINCT - COUNCIL SUPPORT

The purpose of this report is to seek Council support on the request from emergency services agencies in Maryborough to provide advocacy and support for the scoping and planning of a Maryborough Emergency Services Precinct. The emergency services being Maryborough Victoria State Emergency Service (SES), Maryborough Country Fire Authority (CFA) and Maryborough Ambulance Victoria (AV).

### Council Resolution

That Council support the emergency services by way of letters of support and advocacy for funding for the planning and construction of their purpose-built Maryborough Emergency Service Precinct

**Moved**        **Cr De Villiers**  
**Seconded**    **Cr Long**

**Cr De Villiers, Cr La Vella and Cr Murphy spoke to the motion.**

**CARRIED**

## 9 NOTICES OF MOTION

Nil

## 10 URGENT BUSINESS

Nil

## 11 OTHER BUSINESS

Cr Sproull acknowledged community contribution by Ian Hoylan for Carisbrook Lions Club, who passed 2 weeks ago.

### 11.1 OTHER BUSINESS: ADVOCACY - LETTER TO THE MINISTER FOR PUBLIC TRANSPORT

The purpose of this report is for Council to note the letter sent to the Hon. Ben Carroll MP Minister for Public Transport advocating for State Government support on the Ballarat Maryborough growth corridor - passenger rail and related opportunities for the Central Goldfields Shire community.

### Council Resolution

That Council note the letter to the Hon. Ben Carroll Minister for Public Transport and the issues and projects requiring support from the State Government of Victoria

**Moved**        **Cr La Vella**  
**Seconded**    **Cr Lovett**

**Cr La Vella, Cr Meadows-Taylor and Cr Lovett spoke to the motion.**

**CARRIED**

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## CONFIDENTIAL BUSINESS

Nil

## 13 MEETING CLOSURE

The meeting closed at 6:49pm.

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Confirmed at the Council Meeting  
held on 23 August 2022.