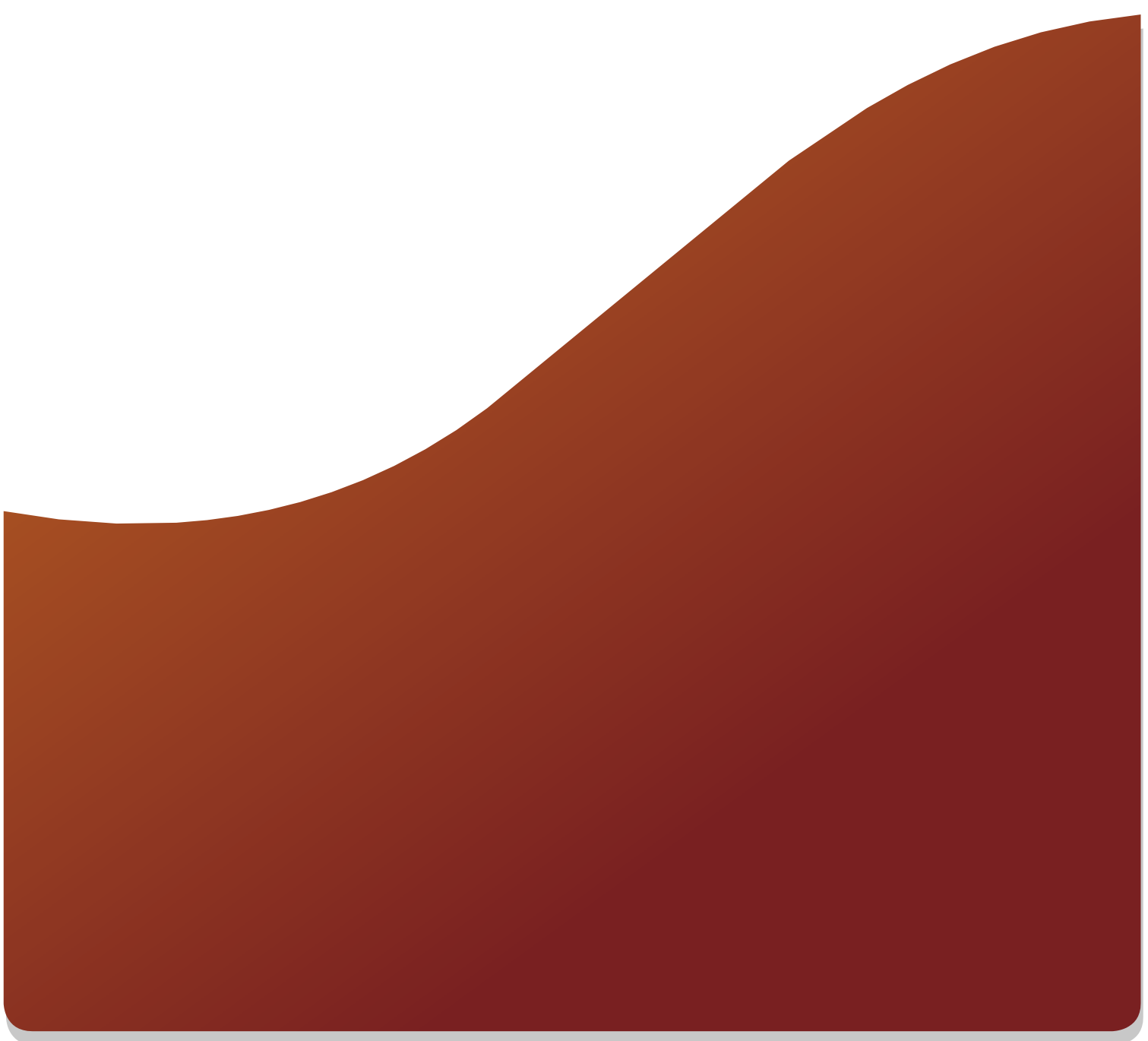


# Council Meeting Minutes

**Wednesday 16 September 2020 at 6.00pm**  
**Held online and livestreamed at [mrsc.vic.gov.au](http://mrsc.vic.gov.au)**



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**1. RECORDING AND LIVE STREAMING OF THIS COUNCIL MEETING**

The Mayor advised those present that the meeting would be recorded and streamed live on the internet in accordance with Council's *Live Streaming and Publishing Recording of Meetings Policy*, which can be viewed on Council's website.

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

The Mayor noted the meeting was being held online and Councillors were attending via electronic means.

The meeting was conducted in accordance with Council's adopted Governance Rules, noting that as indicated in some parts of the agenda, procedures were slightly modified to ensure the meeting remained compliant but could run effectively in the online environment.

As this meeting was held online there was no one present in the public gallery.

The Mayor reminded those present that local government decision making, unlike state and federal government, does not afford the benefit of parliamentary privilege and hence no protection is afforded to Councillors and Council officers for comments made during meetings which are subsequently challenged in a court of law and determined to be slanderous.

**2. PRESENT**

Cr Henry Bleeck (until 7.13pm)	East Ward
Cr Natasha Gayfer	East Ward
Cr Bill West	East Ward
Cr Mandi Mees (Deputy Mayor)	South Ward
Cr Helen Radnedge (from 6.16pm)	South Ward
Cr Andrew Twaits	South Ward
Cr Jennifer Anderson	West Ward
Cr Roger Jukes	West Ward
Cr Janet Pearce (Mayor)	West Ward

**In Attendance**

Mr John Hausler	Acting Chief Executive Officer
Mr Shane Walden	Director Assets and Operations
Ms Sarah Noel	Acting Director Corporate and Community
Ms Angela Hughes	Director Planning and Environment
Mr Brian Glendenning	Manager, Legal and Corporate Governance
Ms Lauren Reader	Governance Coordinator
Ms Leanne Manton	Manager Communications
Mr Brad Tellis	Coordinator Customer Service
Ms Val Alford	Customer Service Officer

**3. APOLOGIES**

Nil

#### 4. **DECLARATION OF CONFLICTS OF INTEREST**

The Acting CEO, Mr John Hausler, advised the meeting that, consistent with Section 80B, Part 2b (i) of the *Local Government Act 1989* and Section 50 Part 3 (b) (i) of the Governance Rules, he wished to inform Council that he had declared to the Mayor in writing a direct conflict of interest in regards to any matters relating to the appointment of an acting CEO, given that Mr Hausler currently fulfils that role, and that his benefits, obligations, opportunities or circumstances may be directly altered by a decision on this matter.

Mr Hausler advised his notification also fulfilled the requirements of Section 80B, Part 2b (ii) of the *Local Government Act 1989* and Section 50 Part 3 (b) (ii) of the Governance Rules, which requires that he disclose this matter to Council.

Mr Hausler also foreshadowed that for any future formal deliberations of Council related to this matter he would declare a conflict and leave the relevant meeting.

#### 5. **MAYOR'S REPORT**

The Mayor, Cr Pearce, addressed the meeting to note that items 1, 6 and 15 of the Council meeting agenda made reference to Council's Meeting Procedure Local Law 11. These references should have referred to Council's Governance Rules, recently adopted by Council on 26 August 2020. Cr Pearce further noted that all items of business considered on the agenda were being so done so in accordance with Council's adopted Governance Rules.

##### **COVID-19 Pandemic**

Thank you to everyone who complied with the Stage 3 restrictions and conditions which is now reflected in zero cases in our shire. We are ready to move forward following and adhering to the guidelines by the State Government and Department of Health and Human Services (DHHS). It is heartening to see the playgrounds open and the click and collect from the library operating and we feel positive that about moving forward.

Council continues to work with many agencies, community groups, community health organisations and businesses as Council looks to use the allocated support package funds in collaboration with those most affected and those vulnerable groups and individuals in our community.

The State Government announcement this week of a \$87.5 million outdoor eating and entertainment package is very welcome. We are reviewing the information and guidelines. Council's Community and Economic Development, Art and Events team are also looking at how this can be best implemented to support the community and discussions with businesses and those impacted will occur.

I would like to take the opportunity to highlight some achievements and activities that have occurred in the Shire during this month related to Council's themes.

**1. Liveability: Strengthen community resilience, inclusion, safety, accessibility and connectivity; protect our natural environment, heritage and rural character**

*Congratulations*

- Ryan Stephen: On your recent appointment as Patron of the Royal Horticultural Society of Victoria. A prestigious appointment recognising your qualifications and experience. We thank you also for your work and energy as President of the Mount Macedon and District Horticultural Society.
- Claire Moore: Winner of the 2020 Prime Minister and Cabinet's Office for Women Scholarship. She will be working with an Inspiring Rare Birds business mentor for the next year.
- Country Cob: Winner for the third year in a row for Australia's Best Pie Championships. In addition, they received a further 48 medals from the Bakery Association of Australia, truly highlighting their creativity and dedication to quality.

We know during these challenging times it is even more important to celebrate stories and achievements such as these. Australian Business Register (ABR) data highlighted that as of 30 June 2018 there were 3,386 businesses in the shire. We again thank everyone who continues to support them and Go Local First.

*School Holiday Workshop*

A reminder that there is an upcoming school holiday workshop to provide children with the opportunity to explore, create and share in an "underwater world" adventure with a mural workshop that will be done online. It will help raise awareness of the fragility of the underwater ecology. The artwork received will be enlarged and mounted on recycled corflute event boards and displayed outside the Kyneton Town Hall.

**2. Sustainability: Consider and respect the needs of current and future generations in all we do.**

*Annual Tree Pruning Program*

Council has commenced its pruning and maintenance program in Kyneton and Gisborne to ensure that all street trees that Council has responsibility for, are not at risk of coming into contact with power lines. It is important to note that many areas are the responsibility of Powercor, and Council continues to communicate closely with them.

*Central Victorian Goldfields World Heritage UNESCO Bid: Councillor Update and Media Release*

Councillor Anderson and I joined eight mayors and 13 councillors from 13 councils via teleconference who are involved in this exciting project. Expert Barry Gamble from the United Kingdom has developed a "Statement of Outstanding Universal Value". The working team will now progress to investigating appropriate field sites to be included. He described the area as

“the best of the best” and spoke about the cultural and natural landscape combining for a strong bid.

The Hon John Brumby AO and The Hon Dr Denise Napthine are co-patrons for the project and were also present. They spoke about the story of gold, the Indigenous history, the legacy of movement across Victoria, the start of multiculturalism, the architectural history, jobs, spirit of adventure, multi layered experiences, unique stories and more.

They mentioned that the visitor economy is the biggest industry in the world. People will travel again and will be looking for an experience, sustainable tourism, cultural heritage, depth and enriching experiences, looking to see, feel and experience something unique and the project can achieve all of this. It first needs to be presented to the federal government to assess and, if successful, the estimated time frame is around five years.

#### *Hanging Rock Ministerial Advisory Group (MAG) Announcement*

Nine members have been appointed to the ministerial advisory group. This includes one representative from each of the Traditional Owners (the Dja Dja Wurrung, Taungurung and Wurundjeri Woi Wurrung), as well as three community members and an Independent Chair, a representative from DELWP and the Chief Executive Officer (CEO) from Council.

We were proud to celebrate the launch of the 50-year Hanging Rock Strategic Plan in 2018. This governance structure shows the ongoing commitment to protecting Hanging Rock’s cultural, natural and environmental values. Congratulations to those appointed including local business owner, resident and active community member, Bryanna Sandercock.

#### *Macedon Ranges Regional Sports Precinct (MRRSP):*

More than 40 people attended the virtual launch and community forum webinar for this project. The community have worked together with great energy and with Council to advocate and plan for this project and it is progressing to timelines, with the design consultants now appointed. Currently \$21.7million is committed by Council, the State Government and the Australian Football League (AFL).

The precinct includes passive and active recreation, indoor hub, outdoor fields and community areas to provide health and fitness activities and events, and places for community to gather as well as attracting regional level competition. The concept design and answers to questions raised during the webinar are available online and we encourage everyone to contribute and provide feedback.

### **3. Efficiency: Smart service delivery, asset management and resource allocation**

#### *Governance*

Councillors, as delegated representatives, continue to attend teleconference meetings as restrictions remain in place. These included:

- Central Ranges Local Learning and Employment Network (CRLLEN)

- Municipal Association Victoria (MAV) State Council
- Goldfields Library Corporation Board Meeting
- Submitters Delegated Committee Meeting

Council heard verbal submissions from those who had provided written submissions to statutory planning permit application DP/2020/1 which is on the agenda for tonight's Council Meeting.

I joined meetings with:

- The Local Government Mayors Advisory Panel (LGMAP)

This was the last meeting of the year with Minister for Local Government, the Hon Shaun Leane MP and 14 other mayors from around Victoria. I am grateful for the opportunity to have direct contact with the Minister, and hear and learn about the opportunities and challenges in other shires. We had updates on the COVID-19 pandemic, a presentation from the Department of Jobs, Precincts and Regions (DJPR), the Working for Victoria program and implementation of the *Local Government Act 2020* (LGA) requirements.

- Meeting with Department of Jobs, Precincts and Regions (DJPR)

Around 40 people participated in a meeting. Present were representative of the Department of Environment, Land, Water and Planning (DELWP), Regional Roads Victoria (RRV), MAV, Regional Development Victoria (RDV), mayors and CEO's from rural and regional councils to discuss support to business and the economy.

The CEO and I met with:

- State Member for Macedon, Mary-Anne Thomas MP.
- State Member for Northern Victoria, Tania Maxwell MP.

We always appreciate the chance to discuss key priority projects of Council, our opportunities and challenges with Members of Parliament and appreciate their continued support.

Thank you. Stay safe.

**It was moved by Cr Mees seconded by Cr Twaits that the Mayor's Report be received.**

**CARRIED**

6.16pm Cr Radnedge joined the meeting and confirmed she could see and hear all Councillors. Cr Radnedge advised the meeting she had no conflicts of interest in relation to matters on the meeting agenda.

## 6. PETITIONS

Nil



**7. ADOPTION OF MINUTES**

Ordinary Council Meeting: Wednesday 26 August 2020  
Unscheduled Council Meeting: Wednesday 9 September 2020

**Recommendation:**

**That the minutes of the Ordinary Meeting of the Macedon Ranges Shire Council held on Wednesday 26 August 2020 and the minutes of the Unscheduled Meeting of the Macedon Ranges Shire Council held on Wednesday 9 September 2020 as circulated be confirmed.**

The Manager, Legal and Corporate Governance sought to make an Amended Officer Recommendation to include additional information in the minutes of the Council Meeting held on Wednesday 9 September 2020.

**Amended Officer Recommendation:**

**That the minutes of the Ordinary Meeting of the Macedon Ranges Shire Council held on Wednesday 26 August 2020 and the minutes of the Unscheduled Meeting of the Macedon Ranges Shire Council held on Wednesday 9 September 2020 as circulated be confirmed, subject to the inclusion of additional information at two points on page 4 of the minutes of the Unscheduled Meeting held on Wednesday 9 September 2020:**

...

**Closure of meeting to consider confidential matter**

**Cr Mees moved and Cr Radnedge seconded**

**That Council, in accordance with Section 66(2)(a) of the *Local Government Act 2020*, close the meeting to consider a report on the appointment of an Acting Chief Executive Officer for Macedon Ranges Shire Council, pursuant to Section 94 of the *Local Government Act 1989* in circumstances where that report includes consideration of confidential information.**

**For the purposes of Section 66(5) of the *Local Government Act 2020*, that confidential information includes personal information about persons who may be appointed to the position of Acting Chief Executive Officer and the current Chief Executive Officer, which if disclosed in an open meeting of the Council would result in unreasonable disclosure of personal information about those persons.**

...

**Opening of meeting**

...

**The Mayor, Cr Pearce advised the meeting that in the closed session of the Council meeting, the following resolutions had been carried, having been moved by Cr Mees and seconded by Cr Jukes:**

...

**It was moved by Cr Anderson seconded by Cr Gayfer that the Amended Officer Recommendation be adopted.**

**CARRIED**

**8. RECORD OF ASSEMBLIES OF COUNCILLORS – SEPTEMBER 2020**

**Summary / Purpose**

The purpose of this report is to provide the record of any assembly of Councillors, which has been held since the last Council Meeting, so that it can be recorded in the minutes of the formal Council Meeting.

**Policy Context**

Section 80A of the *Local Government Act 1989* (the Act) requires the record of any assembly of Councillors to be reported to the next practicable Council Meeting and recorded in the minutes of that meeting.

**Background Information**

The Act provides a definition of an assembly of Councillors where conflicts of interest must be disclosed.

A meeting will be an assembly of Councillors if it considers matters that are likely to be the subject of a Council decision, or the exercise of a Council delegation and the meeting is:

1. A planned or scheduled meeting that includes at least half the Councillors (5) and a member of Council staff; or
2. Is an Advisory Committee of the Council where one or more Councillors are present.

Note: Advisory Committee means any committee established by the Council, other than a special committee, that provides advice to (a) the Council, or (b) a special committee, or (c) a member of Council staff who has been delegated a power, duty or function of the Council under Section 98 of the Act.

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

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

**Report**

Outlined below are the details of assemblies of Councillors held since the last meeting.

<b>1.</b>	<b>Date / Time</b>	<b>Type of Assembly</b>
	26 August 2020 9.00am – 12.20pm	Councillor Briefing
	Venue	<i>Meeting conducted via teleconference</i>
	Present – Councillors	Crs Anderson, Gayfer, Jukes, Pearce, Radnedge, Twaits, West
	Present – Officers	Margot Stork, John Hausler, Shane Walden, Angela

	Hughes, Brian Glendenning, Lauren Reader, Meaghan McNamara, Justin Walsh, Leanne Manton, Sarah Noel, Gary Randhawa, Angela Jenks, Jacquelyn Laurent Goeman, Christo Crafford, Rob Ball, Hayley Drummond
Presenters	Caroline Adams, Justin Keanan and Francis Dickinson, City Collective
Items discussed	<ul style="list-style-type: none"> <li>• Macedon Ranges Regional Sports Precinct – Virtual Presentation of Concept Design</li> <li>• Traffic Safety – Speed Reduction Process Crash Statistics</li> <li>• New Kyneton Kindergarten</li> <li>• Macedon Ranges Shire Health and Wellbeing Advisory Committee</li> <li>• Agenda Review             <ul style="list-style-type: none"> <li>- Petition, Mowbrays Road, Carlruhe</li> <li>- PLN/2005/569/G – 1849 Mt Macedon Road</li> <li>- Heritage Update on Melbourne Road and Kilmore Road Intersection</li> <li>- Notice of Motion 3/2020-21 – Cr Radnedge</li> </ul> </li> </ul>
Conflicts of interest declared by Councillors and record of them leaving the meeting when the matter about which they declared the conflict of interest was discussed	<p>Nil</p> <p>Did they leave the assembly? N/A</p>
Conflicts of interest declared by officers	<p>Nil</p> <p>Did they leave the assembly? N/A</p>

<b>2.</b>	<b>Date / Time</b>	<b>Type of Assembly</b>
	2 September 2020 9.00am – 11.10am	Councillor Briefing
	Venue	<i>Meeting conducted via teleconference</i>
	Present – Councillors	Crs Anderson, Bleeck Gayfer, Pearce, Radnedge, Twaits, West
	Present – Officers	Margot Stork, John Hausler, Shane Walden, Angela Hughes, Brian Glendenning, Lauren Reader, Gary Randhawa, Michelle Wyatt, Silvana Predebon, Rob Ball, Sarah Noel, Leanne Manton, Bob Elkington, Fiona Alexander, Stephen Rowley, Awais Sadiq, Jack Wiltshire
	Presenters	Nil
	Items discussed	<ul style="list-style-type: none"> <li>• Rail Stronger Together Alliance</li> <li>• Single Use Plastics Progress Update</li> <li>• Annual Environment Report</li> <li>• Council Meeting Agenda Review             <ul style="list-style-type: none"> <li>- Application to Amend a Development Plan DP/2020/1 – Amendment to Fersfield Road, Development Plan 110-112 Willowbank Road, Gisborne</li> <li>- Draft Reconciliation Action Plan</li> <li>- Contracts to be Awarded as at 16 September 2020 and Related Matters</li> </ul> </li> </ul>

	<ul style="list-style-type: none"> <li>- Draft Community Engagement Policy</li> <li>- Report from the Audit Committee Meeting held on 13 August 2020</li> <li>- Positive Ageing Plan PARTICIPATE 2020-2025</li> <li>- Waste Management Strategy Update</li> <li>• Planning Matters</li> <li>- 1302 Trentham Road, Tylden</li> </ul>
Conflicts of interest declared by Councillors and record of them leaving the meeting when the matter about which they declared the conflict of interest was discussed	<p>Nil</p> <p>Did they leave the assembly? N/A</p>
Conflicts of interest declared by officers	<p>Nil</p> <p>Did they leave the assembly? N/A</p>

<b>3.</b>	<b>Date / Time</b>	<b>Type of Assembly</b>
	3 September 2020 8.00am – 9.00am	Councillor Briefing
Venue	<i>Meeting conducted via teleconference</i>	
Present – Councillors	Crs Anderson, Bleeck Gayfer, Jukes, Mees, Pearce, Radnedge, Twaits, West	
Present – Officers	Brian Glendenning, Interim Manager Legal and Corporate Governance	
Presenters	Nil	
Items discussed	Legal and related governance matters arising from the resignation of the current Chief Executive Officer – <i>Confidential and subject to client legal privilege</i>	
Conflicts of interest declared by Councillors and record of them leaving the meeting when the matter about which they declared the conflict of interest was discussed	<p>Nil</p> <p>Did they leave the assembly? N/A</p>	
Conflicts of interest declared by officers	<p>Nil</p> <p>Did they leave the assembly? N/A</p>	

<b>4.</b>	<b>Date / Time</b>	<b>Type of Assembly</b>
	9 September 2020 8.00am – 8.50am	Councillor Briefing
Venue	<i>Meeting conducted via teleconference</i>	
Present – Councillors	Crs Anderson, Bleeck Gayfer, Jukes, Mees, Pearce, Radnedge, Twaits, West	
Present – Officers	Brian Glendenning, Interim Manager Legal and Corporate Governance; Sarah Noel, Manager People Culture and Performance	
Presenters	Nil	

Items discussed	Legal, governance and industrial matters arising from the resignation of the current Chief Executive Officer – <i>Confidential and subject to client legal privilege</i>
Conflicts of interest declared by Councillors and record of them leaving the meeting when the matter about which they declared the conflict of interest was discussed	Nil Did they leave the assembly? N/A
Conflicts of interest declared by officers	Nil Did they leave the assembly? N/A

<b>5.</b>	<b>Date / Time</b>	<b>Type of Assembly</b>
	9 September 2020 9.00am – 9.17am	Councillor Briefing
	Venue	<i>Meeting conducted via teleconference</i>
	Present – Councillors	Crs Anderson, Gayfer, Jukes, Pearce, Radnedge, West
	Present – Officers	Margot Stork, John Hausler, Shane Walden, Angela Hughes, Brian Glendenning, Fiona Alexander
	Presenters	Nil
	Items discussed	<ul style="list-style-type: none"> <li>• Proposed Rezoning of Land Sold by Council</li> <li>• Positive Ageing Plan</li> </ul>
	Conflicts of interest declared by Councillors and record of them leaving the meeting when the matter about which they declared the conflict of interest was discussed	Nil Did they leave the assembly? N/A
	Conflicts of interest declared by officers	Nil Did they leave the assembly? N/A

**Officer Recommendation:**

**That Council endorse the record of assemblies of Councillors as outlined in this report.**

**It was moved by Cr Mees seconded by Cr Anderson that the Officer Recommendation be adopted.**

**CARRIED**

**9. DEPUTATIONS AND PRESENTATIONS TO COUNCIL**

Nil

**10. DIRECTOR PLANNING AND ENVIRONMENT REPORTS:****Report No:    Report Title:****PE.1                    Planning Scheme Amendment C126 – Submissions****Purpose and Overview**

The purpose of this report is for Council to consider all submissions, including late submissions, made to the exhibition of Macedon Ranges Planning Scheme Amendment C126macr.

**Recommendation****That Council:**

1. Review and consider the issues raised in submissions to Amendment C126macr and officer responses provided in Attachment One.
2. Request 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 C126macr to the Macedon Ranges Planning Scheme.
3. Refer all submissions on Amendment C126macr to the Panel appointed by the Minister for Planning in accordance with Section 23 of the *Planning and Environment Act 1987*.
4. Notify all submitters of Council's resolution.

It was moved by Cr Jukes seconded by Cr Bleeck that the Officer Recommendation be adopted.

**CARRIED****Report No:    Report Title:****PE.2                    Application to amend a Development Plan DP/2020/1 –  
Amendment to Fersfield Road Development Plan 110-112  
Willowbank Road, Gisborne****Purpose and Overview**

Application DP/2020/1 proposes to amend the Fersfield Road Development Plan (DP) by allowing the development of a residential aged care facility at 110-112 Willowbank Road, Gisborne. The facility provides for a double storey 'high level care' building, single storey 'lower level care' units, a single storey community centre, car parking, landscaping and publicly accessible pedestrian footpaths.

The application was advertised to adjoining and surrounding landowners from 10 June 2020 to 11 July 2020 in accordance with the Development Plan Overlay Schedule 4 – Gisborne Residential Areas. Three (3) submissions have been received.

Key issues raised by the submissions relate to the double storey height, the increase in traffic, insufficient parking and impact on local roads, impact on the character of the area in general and amenity concerns from the facility.

The application has been assessed against the Macedon Ranges Planning Scheme and is considered appropriate. It is recommended that application DP/2020/1 be supported and the attached proposed Development Plan approved subject to a revised plan detailing Western Water's requirements.

#### **Recommendation**

**That Council approve the Proposed Fersfield Road Development Plan by Nock Architecture dated 13/3/2020, Revision A covering the land situated at 110-112 Willowbank Road Gisborne (described LOT 1 LP 130819 P/Gisborne and LOT 2 LP 130819 P/Gisborne) and Transport Impact Assessment by One Mile Grid dated 18 March 2020, prepared for the purposes of Clause 43.04, Schedule 4 of the Macedon Ranges Planning Scheme subject to the following notations being added to the development plan:**

- a) **Prior to any development, easements must be provided in favour of Western Water over all proposed sewer mains located within private property. Easement widths and sewer offsets must comply with the current version of the Gravity Sewerage Code of Australia - Melbourne Retail Water Agencies.**
- b) **Prior to any development, the developer must prepare to the satisfaction of Council and Western Water an Integrated Water Management Plan (IWMP) that incorporates water efficiency measures and water-sensitive urban design techniques that reduce reliance on potable water by increasing utilisation of fit-for-purpose alternative water supplies.**
- c) **Prior to any development, a right of way easement must be provided along the 'pedestrian spin' to provide for public access.**

**It was moved by Cr Radnedge seconded by Cr Anderson**

#### **Part A**

**That Council approve the Proposed Fersfield Road Development Plan by Nock Architecture dated 13/3/2020, Revision A covering the land situated at 110-112 Willowbank Road Gisborne (described LOT 1 LP 130819 P/Gisborne and LOT 2 LP 130819 P/Gisborne) and Transport Impact Assessment by One Mile Grid dated 18 March 2020, prepared for the purposes of Clause 43.04, Schedule 4 of the Macedon Ranges Planning Scheme subject to the following notations being added to the development plan:**

- a) **Prior to any development, easements must be provided in favour of Western Water over all proposed sewer mains located within private property. Easement widths and sewer offsets must comply with the current version of the Gravity Sewerage Code of Australia - Melbourne Retail Water Agencies.**
- b) **Prior to any development, the developer must prepare to the satisfaction of Council and Western Water an Integrated Water Management Plan (IWMP) that incorporates water efficiency measures**

**and water-sensitive urban design techniques that reduce reliance on potable water by increasing utilisation of fit-for-purpose alternative water supplies.**

- c) **Prior to any development, a right of way easement must be provided along the ‘pedestrian spin’ to provide for public access.**

#### **Part B**

**Direct the Chief Executive Officer to notify Councillors upon the receipt of a planning permit application for an aged care facility at 110-112 Willowbank Road, Gisborne.**

**CARRIED**

**Report No:    Report Title:**

**PE.3            Annual Environment Report 2019/20**

#### **Purpose and Overview**

When Council adopted the *Environment Strategy 2016*, Council resolved to prepare an annual environment report that summarises Council’s progress in implementing the strategy’s objectives and actions. A copy of the Annual Environment Report 2019/20 is attached to this Council report.

For 2019/20, Council’s key environmental achievements include reducing waste transferred to landfill by 11.4% due to the introduction of the four bin collection service, increasing community awareness of and participation in biodiversity and regenerative agriculture, enhancing the environmental and recreation values of Council’s bushland and conservation reserves and maintaining Council’s strong relationships with agencies and environmental community groups operating in the shire.

Council also reduced greenhouse gas emissions from Council operations by an additional 10.4% since last year, equating to a 30% reduction from the 2014/15 baseline year. This means that Council has exceeded its 25% emission reduction target which was set for 30 June 2021. These emission reductions were largely due to changes to Council operations and service delivery as a result of the global pandemic, as well as realising the full benefits of Council’s investment in solar arrays and LEDs for street lights.

The challenge for the future involves maintaining and increasing emission savings to achieve Council’s goal of zero net emissions by 2030. Future priorities also include facilitating biodiversity and conservation efforts on private land, enhancing management of roadsides and small conservation reserves and continuing to reduce waste from Council operations and across the community.

#### **Recommendation**

**That Council note the findings outlined in the Annual Environment Report for 2019-2020 (Attachment 1).**



**It was moved by Cr Radnedge seconded by Cr Gayfer that the Officer Recommendation be adopted.**

**CARRIED**

The Mayor, Cr Pearce, on behalf of all councillors, thanked officers for their work in relation to item PE.3.

**Report No:    Report Title:**

**PE.4            Exploration Licence application EL007260 (Lancefield)**

**Purpose and Overview**

The purpose of this report is to inform Council of a submission made to Earth Resources Regulation regarding a notice of application for an exploration licence in the Lancefield, Baynton and Kyneton area.

**Recommendation**

**That Council note the submission made to Earth Resources Regulation regarding Exploration Licence Application EL007060 (Lancefield).**

**It was moved by Cr West seconded by Cr Mees that the Officer Recommendation be adopted.**

**CARRIED**

**Report No:    Report Title:**

**PE.5            Draft Reconciliation Action Plan**

**Purpose and Overview**

To seek Council’s adoption of the draft Reconciliation Action Plan (RAP).

This is an important and significant project for Council and the community. It represents the first (draft) RAP to have been developed for Council.

This draft has been developed with input from Council’s RAP Working Group and Reconciliation Australia (RA) and feedback received following consultation in July 2020. Generally positive feedback has been received from the community, including from the three Registered Aboriginal Parties.

**Recommendation**

**That Council:**

- 1. Adopt the Draft Reconciliation Action Plan (RAP).**
- 2. Direct the Acting Chief Executive Officer to present the draft RAP to Reconciliation Australia for endorsement.**
- 3. Thank the Registered Aboriginal Parties and community members for their feedback, as well as the Working Group for their efforts in developing the draft RAP.**
- 4. Direct the Acting Chief Executive Officer to include the community’s feedback received in July 2020 into the next review of the RAP, which is anticipated to commence by the end of 2021.**

**It was moved by Cr Radnedge seconded by Cr Mees that the Officer Recommendation be adopted.**

**CARRIED**

The Mayor, Cr Pearce, on behalf of all councillors, thanked officers for their work in relation to item PE.5.

**11. ACTING CHIEF EXECUTIVE OFFICER’S REPORTS:**

**Report No:    Report Title:**

**CX.1                Contracts to be awarded as at 16 September 2020 and related matters**

**Purpose and Overview**

This report advises of contracts that are proposed to be awarded by Council officers under delegated authority; proposes that Council delegate the authority to the Chief Executive Officer to award specific contracts; proposes that Council delegate an additional delegation to award other contracts from the commencement of the Election Period to the second meeting of Council following the local government election, and to report a breach of Council’s Procurement Policy.

**Recommendation**

**That Council:**

- 1. Note that the following contracts will be awarded by Council officers under delegated authority:**
  - a. C21.1071 Supply Panel Demolition and Asbestos Removal**
  - b. C21.1072 Supply Panel Drainage Products**
  - c. C21.1073 Stabilisation of Road Formation**
  
- 2. Delegate, pursuant to s. 11(1)(b) of the *Local Government Act 2020*, authority to the Acting Chief Executive Officer to award:**
  - a. C21.1074 Small Area Stabilisation Works**
  - b. C21.1075 Supply Panel Provision of Asphalt Works**
  - c. C21.1077 Electrical Services Panel**
  - d. C21.1078 Plumbing Services Panel**
  - e. C21.1079 Handyman Services Panel**
  - f. C21.1080 Kyneton Saleyards Refurbishment – Construction Tender**
  
- 3. Delegate, pursuant to s. 11(1)(b) of the *Local Government Act 2020*, authority to the Acting Chief Executive Officer to award any contract during the period commencing on 22 September 2020 (being the first day of the Election Period) and concluding on the day of the second meeting of Council following the Victorian local government elections on 24 October 2020, subject to the following conditions:**
  - a. Strict compliance with the *Local Government Act 2020*, including s. 69 of that Act and the *Election Period (Caretaker) Policy* adopted by Council on 26 August 2020;**

- b. The award of any such contract be necessary due to an emergency, to prevent the lapsing of a tender or to meet obligations under any grant funding agreement Council is party to; and
      - c. The Acting Chief Executive Officer provide a report to the Council on or before the second meeting of the Council following 24 October 2020 election detailing the exercise of this delegation, including the circumstances in which that exercise was necessary.
4. Note the breach of the Procurement Policy, which will be disclosed in the 2019/20 Annual Report.

The Manager, Legal and Corporate Governance sought to make an Amended Officer Recommendation to note an additional contract to be awarded by Council officers under delegated authority, and to clarify the delegation of powers under section 11(1)(b) of the *Local Government Act 2020* to the Acting Chief Executive Officer.

**Amended Officer Recommendation:**

1. Note that the following contracts will be awarded by Council officers under delegated authority:
  - a. C21.1071 Supply Panel Demolition and Asbestos Removal.
  - b. C21.1072 Supply Panel Drainage Products
  - c. C21.1073 Stabilisation of Road Formation
  - d. A21.1082 Provision of Natural Gas
2. Delegate, pursuant to s. 11(1)(b) of the *Local Government Act 2020*, authority to the Acting Chief Executive Officer to award:
  - a. C21.1074 Small Area Stabilisation Works
  - b. C21.1075 Supply Panel Provision of Asphalt Works
  - c. C21.1077 Electrical Services Panel
  - d. C21.1078 Plumbing Services Panel
  - e. C21.1079 Handyman Services Panel
  - f. C21.1080 Kyneton Saleyards Refurbishment – Construction Tender
3. Delegate, pursuant to s. 11(1)(b) of the *Local Government Act 2020*, authority to the Acting Chief Executive Officer to award any contract during the period commencing on 22 September 2020 (being the first day of the Election Period) and concluding on the day of the second meeting of Council following the Victorian local government elections on 24 October 2020, subject to the following conditions:
  - a. Strict compliance with the Local Government Act 2020, including s. 69 of that Act and the Election Period (Caretaker) Policy adopted by Council on 26 August 2020;
  - b. The award of any such contract be necessary due to an emergency, to prevent the lapsing of a tender or to meet obligations under any grant funding agreement Council is party to; and
  - c. The Acting Chief Executive Officer provide a report to the Council on or before the second meeting of the Council following 24 October 2020 election detailing the exercise of this delegation, including the circumstances in which that exercise was necessary.
4. Note the breach of the Procurement Policy, which will be disclosed in the 2019/20 Annual Report.

It was moved by Cr Mees seconded by Cr Jukes that the Amended Officer Recommendation be adopted.

CARRIED

**Report No:**    **Report Title:**

**CX.2**            **Draft Community Engagement Policy**

**Purpose and Overview**

To present the draft Community Engagement Policy to Council for consideration and endorsement prior to public consultation.

**Recommendation**

**That Council:**

- 1. Endorse the draft Community Engagement Policy for the purposes of public consultation**
- 2. Consider all submissions received prior to finalising the policy**
- 3. Consider the final version of the policy to be presented at a future Council meeting for adoption.**

It was moved by Cr Mees seconded by Cr Gayfer that the Officer Recommendation be adopted.

CARRIED

**12. DIRECTOR CORPORATE AND COMMUNITY REPORTS:**

**Report No:**    **Report Title:**

**CC.1**            **Positive Ageing Plan PARTICIPATE 2020-2025**

**Purpose and Overview**

The Council Plan 2017-2027 includes an action under the priority area of Promote Health and Wellbeing to ‘develop a positive ageing plan to prioritise need, attract funding and guide allocation of resources to services and programs’. This report recommends that Council endorse the final Positive Ageing Plan PARTICIPATE 2020-2025.

**Recommendation**

**That Council:**

- 1. Note that the draft Positive Ageing Plan PARTICIPATE 2020-25 was on public exhibition for a period of four weeks.**
- 2. Note that submissions received during this consultation phase have been considered prior to finalising the plan before Council.**
- 3. Endorse the final Positive Ageing Plan PARTICIPATE 2020-2025 which will then supersede Council’s Positive Ageing Plan 2016-2020.**
- 4. Direct the Acting Chief Executive Officer to write to those who provided submissions thanking them for their feedback.**

**It was moved by Cr Anderson seconded by Cr Mees that the Officer Recommendation be adopted.**

**CARRIED**

The Mayor, Cr Pearce, on behalf of all councillors, thanked officers for their work in relation to item CC.1.

**Report No:    Report Title:**

**CC.2            Report from the Audit Committee meeting held on 13 August 2020**

**Purpose and Overview**

This report ensures Council transparently discloses a summary of the key matters discussed at Council’s Audit Committee.

The 13 August 2020 Committee meeting discussed a number of matters including:

- Strategic Risk Presentations
- Strategic Internal Audit Plan – Proposed Program until 2023
- Draft Financial Statements and Performance Statements 2019/20
- Revised Loan Guarantee and Community Contributions Policy
- Revised Leasing and Licencing Policy
- Revised Macedon Ranges Shire Audit and Risk Committee Charter
- Quarterly Risk Management Report
- Procurement Policy Breach.

**Recommendation**

**That Council note the report together with the draft minutes from the Audit Committee Meeting held on 13 August 2020.**

**It was moved by Cr Anderson seconded by Cr Gayfer that the Officer Recommendation be adopted.**

**CARRIED**

**13. DIRECTOR ASSETS AND OPERATIONS REPORTS:**

**Report No:    Report Title:**

**AO.1            Waste Management Strategy update**

**Purpose and Overview**

This report provides an update for Councillors on the development of the new Waste Management Strategy (the ‘Strategy’).

Council’s current Waste Management Strategy 2015-2020 is under review and the new Waste Management and Resource Recovery Strategy 2021-2025 is being developed.

The information received from the recent pre-strategy consultation survey is included in the context section of the report. The consultation sought feedback

to identify issues and opportunities the community might like to see addressed in the new strategy. Feedback from the community is being used to guide the development of the strategy and determine future actions for community engagement.

This report contains an overview of the progress made to date in delivery of the current strategy's objectives, a summary of the pre-strategy survey results and proposed next steps and focus areas for developing the new strategy.

**Recommendation**

**That Council:**

- 1. Note the progress made on the Waste Management Strategy 2015-2020.**
- 2. Note the feedback received from the community during the pre-strategy consultation survey.**
- 3. Direct the Acting Chief Executive Officer to write to community members thanking them for their feedback.**
- 4. Receive the final draft Waste Management and Resource Recovery Strategy 2021-2025 at a future Ordinary Council meeting, prior to public exhibition of the Strategy.**

**It was moved by Cr Anderson seconded by Cr Gayfer that the Officer Recommendation be adopted.**

**CARRIED**

7.13pm Cr Bleeck left the meeting and did not return.

**14. NOTICES OF MOTION**

Nil

**15. URGENT AND OTHER BUSINESS**

**It was moved by Cr Gayfer seconded by Cr Radnedge that an urgent matter regarding wildlife and speed limits be included on the agenda.**

**CARRIED**

**It was moved by Cr Gayfer seconded by Cr Anderson**

**That Council**

- 1. Notes concerns received by local, national and international community members about wildlife collisions on four specified roads in Cherokee, Riddells Creek, New Gisborne and Kerrie, and acknowledges their request to investigate speed reductions to reduce wildlife road trauma; and**
- 2. Directs the Acting CEO to provide a report on the current planning and management of roads with regards to reduction of wildlife road trauma along with guidance on required resources to undertake a**

**review of best practice actions and solutions in reducing wildlife road trauma for consideration at a future Council meeting.**

**CARRIED**

**It was moved by Cr Pearce seconded by Cr Mees that an urgent matter regarding the administrative process for the future appointment of an Acting Chief Executive Officer and recruitment of a permanent Chief Executive Officer be included on the agenda.**

**CARRIED**

7.34pm Having previously declared a conflict of interest regarding any matters relating to the appointment of an acting CEO, the Acting CEO, Mr Hausler, left the meeting.

**It was moved by Cr Pearce seconded by Cr Mees**

**That Council note:**

**1. At the Council meeting on 9 September 2020 the Council resolved to:**

**“7. Request the Acting Chief Executive Officer provide a report on the procurement of appropriately qualified recruitment professionals to assist the Council to recruit a well-qualified and experienced person to be permanently appointed to the position of the Chief Executive Officer of Council, with that appointment to be made by the Council after the 24 October 2020 election...**

**9. Note that Council will further consider the appointment of an Acting Chief Executive Officer at the meeting of the Council on 21 October 2020.”**

**2. The Acting Chief Executive Officer, Mr John Hausler, has given notice of a potential conflict of interest in respect to the Council’s further consideration of the appointment of an Acting Chief Executive and the procurement of appropriately qualified recruitment professionals to assist the Council to recruit a well-qualified and experienced person to be permanently appointed to the position of the Chief Executive Officer of Council, and has delegated his functions in respect of those matters to the Acting Director Corporate and Community, Ms Sarah Noel.**

**3. To assist the governing body of the Council to prepare for its consideration of the two matters set out in paragraph 1 above at the meeting of the Council on 21 October 2020, the body of Councillors has asked Cr Pearce, Cr Twaits, Cr Mees and Cr Anderson to assist as the primary point of contact between Ms Noel and the councillors.**

**CARRIED**

7.38pm The Acting CEO, Mr Hausler, returned to the meeting.

**16. CONFIDENTIAL REPORTS**

Nil

**Closure of Meeting**

The meeting closed at 7.39pm

**Councillor Pearce  
Mayor**