

Council Meeting Minutes

Wednesday 21 October 2020 at 6.00pm

Held online and livestreamed at mrsc.vic.gov.au

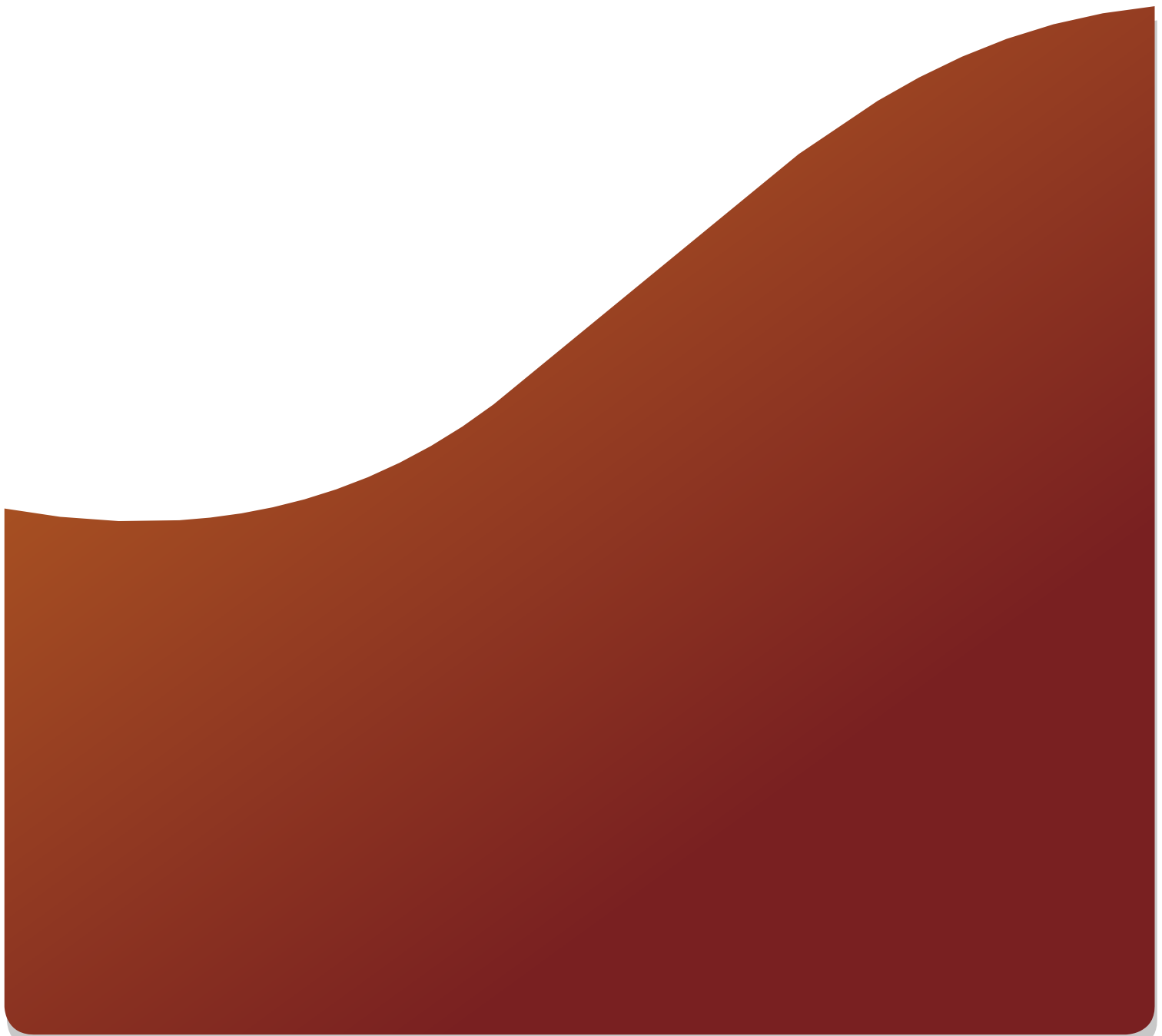


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ACKNOWLEDGEMENT OF COUNTRY

The Mayor, Cr Pearce, gave the Acknowledgement of Country:

To start the official proceedings I would like to acknowledge that Macedon Ranges Shire Council is on Dja Dja Wurrung, Taungurung and Wurundjeri Woi Wurrung Country whose ancestors and their descendants are the traditional owners of this Country. We acknowledge that they have been custodians for many centuries and continue to perform age old ceremonies of celebration, initiation and renewal. We acknowledge their living culture and their unique role in the life of this region

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 existing 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	East Ward
Cr Natasha Gayfer	East Ward
Cr Bill West	East Ward
Cr Mandi Mees (Deputy Mayor)	South Ward
Cr Helen Radnedge	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

Ms Kate Young	Manager, Legal and Corporate Governance
Ms Lauren Reader	Governance Coordinator
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 as he had previously declared a conflict of interest in writing to the Mayor on 16 September 2020 regarding matters concerning the appointment of an Acting CEO, he had a conflict of interest in relation to agenda items CC.1 and CC.2.

Mr Hausler further advised the meeting that he would leave the meeting during consideration of those items and that the Director Planning and Environment, Angela Hughes, would fulfil the role of CEO during consideration of those agenda items.

5. MAYOR'S REPORT

The Mayor tabled a report highlighting happenings around the shire across the themes of the Council Plan and Council's vision: In partnership with the community, protect and enhance life across the Macedon Ranges.

The Mayor noted that due to the election period this would be a short report. On behalf of Councillors, the Mayor thanked Council Officers for their continued professional and collaborative work with Councillors and all those in our community who had provided feedback over these four years that has assisted Council with its work and decision-making.

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

Official launch of Victorian Mental Health Month

This coincided with World Mental Health Day and the virtual launch highlighted the theme "Mental Health Matters" as they celebrate 90 years of work to educate, reduce stigma and encourage discussions. Speakers included the Mental Health Commissioner, Ms Treasure Jennings, VicHealth and Professor Bruce Tonge.

This annual event was extended to include a month of online events, forums and seminars. We know there are increased challenges to many people related to the circumstances of the COVID-19 pandemic.

Volunteering Victoria - State of Volunteering Report 2020, Annual General Meeting (AGM) and Panel Discussion

The Victorian Volunteer Report was released following an analysis of residents and volunteer organisations surveys. This will now be used as a baseline for further surveys.

It is estimated that in 2019 around 2.3 million Victorians volunteered their time, around 500 million hours were donated in volunteer time to the community contributing an estimated \$58.1 billion to the economy of the State.

The three motivating reasons provided were: to give to community; support a cause; and social connections.

They spoke of informal volunteering, such as making meals for neighbours, and as we know, that has been so important over these past months. We know how strong our volunteer networks are in our shire. In 2016, the Australian Bureau of Statistics census registered that postcode 3442 was the highest rate of volunteering per person in the state.

Riddells Creek Neighbourhood House Virtual Annual General Meeting (AGM)

An impressive report and achievements this year by the Riddells Creek Neighbourhood House, working in partnership with local businesses and community groups to keep the community healthy and connected. They have offered free online classes and continue to support the food bank and auspice “Riddells Roundup”, the local community paper. The guest speaker was the Chief Executive officer of Neighbourhood Houses Victoria.

Special Meeting – Merger of Cobaw Community Health and Sunbury Community Health

At this meeting, members heard from the Chief Executive Officer and Chairpersons that by joining together, these organisations will build on the strengths of each other, be better positioned to collaborate, take advantage of opportunities and share knowledge across our communities.

Acknowledgements

- 7NEWS Young Achiever Awards - Finalist in the Victorian Government Group Achievement in the Community Award:

Founder of Dyslexia Demystified, New Gisborne, Jemima Hutton was one of three finalists announced and interviewed at the awards evening held online. Dyslexia Demystified is a youth-run social enterprise that advocates for neurodiverse students. It has supported, empowered and advocated for over 2000 dyslexic students in Victoria and interstate to realise and achieve their goals.

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

Events and Festivals

We know and understand that many special community events and festivals with funding contributions from Council have needed to be cancelled this year. One such event was the Annual Sustainable Living Festival and instead they will host an online festival running across the year from September 2020 to September 2021 on website mrsq.org.au/slf.

The Kyneton Daffodil and Arts Festival Committee have been running a scarecrow competition. So whilst COVID is continuing to have an impact, there are still ways to be involved.

Earth Resources Online Community Information session

Councillors attended this information session held by the Department of Jobs, Precincts and Regions. It was hosted to explain minerals exploration, how it is licensed and an update on projects in the Macedon, Gisborne, Daylesford and Bacchus Marsh areas.

A response to questions, fact sheet, maps and a video recording and transcript of the session can be found online at:

<https://earthresources.vic.gov.au/community-and-land-use/understanding-exploration/community-information-session>

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

Governance

Councillors, as delegated representatives, continued to attend teleconference meetings as restrictions remain. These included:

- Audit and Risk Committee
- Workspace Board meeting and Annual General Meeting
- Australian Local Government Women's Association Victoria: Committee meeting and virtual ceremony for the unveiling of the Mary Rogers plaque hosted by Yarra City Council
- Loddon Campaspe Regional Mayor and CEO bi-monthly meeting.

Citizenship Ceremonies

We celebrated Australian Citizenship Day on 17 September, welcoming two new citizens, again by conducting these ceremonies online.

Stay safe. Thank you.

It was moved by Cr Anderson seconded by Cr Radnedge that the Mayor's Report be received.

CARRIED

6. PETITIONS

Nil

7. ADOPTION OF MINUTES

Scheduled Council Meeting: Wednesday 16 September 2020

Officer Recommendation:

That the minutes of the Scheduled Council Meeting of the Macedon Ranges Shire Council held on Wednesday 16 September 2020 as circulated be confirmed.

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

CARRIED

8. RECORD OF ASSEMBLIES OF COUNCILLORS – OCTOBER 2020

1. 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.

2. 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.

3. 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.

4. Report

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

1.	Date / Time	Type of Assembly
	16 September 2020 9.00am – 12.00pm	Councillor Briefing
	Venue	<i>Meeting conducted via teleconference</i>
	Present – Councillors	Crs Anderson, Gayfer, Pearce, Radnedge, Twaits, West
	Present – Officers	John Hausler, Shane Walden, Angela Hughes, Sarah Noel, Brian Glendenning, Lauren Reader, Leanne Manton, Nathan Upton, Jacquelyn Laurent Goeman, Rob Ball, Leanne Khan, Fiona Alexander, Michelle Wyatt
	Presenters	Nil
	Items discussed	<ul style="list-style-type: none"> • Suicide and Sudden Death Recovery Committee • Rural Land Use Strategy • Update on Holgates • Council Meeting Agenda Review <ul style="list-style-type: none"> - Minutes of meetings of 26 August 2020 and 9 September 2020 - Planning Scheme Amendment C126 – Submissions - Application to amend DP/2020/1 – 110-112 Willowbank Road, Gisborne - Annual Environment Report 2019/20 - Exploration Licence application EL007260 - Contracts to be awarded as at 16 September 2020 and related matters - Draft Community Engagement Policy - Speed limits and wildlife trauma • Australia Day Award Categories and Event Format • Street trading for cafes and hospitality businesses as part of COVID-19 response
	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

2.	Date / Time	Type of Assembly
	23 September 2020 9.00am – 10.20am	Councillor Briefing
	Venue	<i>Meeting conducted via teleconference</i>
	Present – Councillors	Crs Anderson, Gayfer, Pearce, Radnedge, Twaits, West
	Present – Officers	John Hausler, Shane Walden, Angela Hughes, Sarah Noel, Lauren Reader, Leanne Manton, Stephen Rowley, Christo Crafford
	Presenters	Nil

Items discussed	<ul style="list-style-type: none"> • 2019/20 Annual Report • Planning Matters <ul style="list-style-type: none"> - PLN/2019/432 – 1 Somerville Lane, Riddells Creek - PLN/2018/154C – 69-71 High Street, Woodend
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>

3.	Date / Time	Type of Assembly
	7 October 2020 9.00am – 11.20am	Councillor Briefing
	Venue	<i>Meeting conducted via teleconference</i>
	Present – Councillors	Crs Anderson, Gayfer, Pearce, Radnedge, Twaits, West
	Present – Officers	John Hausler, Shane Walden, Angela Hughes, Sarah Noel, Nathan Upson, Leanne Manton, Rhassel Mhasho, Rob Ball, Michelle Wyatt, Jack Wiltshire, Stephen Rowley
	Presenters	Nil
	Items discussed	<ul style="list-style-type: none"> • Municipal Emergency Management Plan • Municipal Fire Management Plan • EV charging stations • Sustainable subdivisions • Planning matters: <ul style="list-style-type: none"> - PLN/2015/204 – 2-4 Davy Street, Woodend - PLN/2019/573 – Edgecombe Road, Kyneton • Council agenda review <ul style="list-style-type: none"> - Annual Report 2019/20 - Council meeting arrangements
	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>

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

Suspension of Standing Orders

6.16pm: It was moved by Cr Anderson and seconded by Cr Jukes that standing orders be suspended in order for the Acting CEO to provide a brief report.

CARRIED

9. DEPUTATIONS AND PRESENTATIONS TO COUNCIL**Report from the Acting Chief Executive Officer**

The Acting CEO, John Hausler, addressed the meeting and made a statement on behalf of the organisation. The Acting CEO noted that the meeting was the final Council Meeting for this term of Councillors. On behalf of the organisation, the Acting CEO stated he would like to take the opportunity to publicly thank all Councillors for their contributions over the last four years.

The Acting CEO stated: the decision to stand for Council and participate in decision making that has a direct impact on our community is a commendable one. The organisation appreciates the contributions of all Councillors and the effort they have put into understanding the complexities of local government and their work with officers to be informed regarding the key strategic decisions they have made over the last four years. In particular, Council would like to acknowledge four Councillors who have chosen not to seek re-election this year. They are:

- Councillor Roger Jukes – 3 terms – 2008-2020 as a West Ward Councillor, including two terms as Mayor. Councillor Jukes was recognised by the Municipal Association of Victoria in 2019 for ten years of Councillor service
- Councillor Mandi Mees – 1 term – 2016-2020, as a South Ward Councillor, and including serving as Deputy Mayor for the past two years
- Councillor Helen Radnedge – 1 term 2016-2020 as a South Ward Councillor
- Councillor Andrew Twaits – 1 term 2016-2020 as a South Ward Councillor

We thank these Councillors for their service and wish them well for the future.

Finally, the Acting CEO encouraged all eligible voters to participate in the upcoming election and to have a say regarding those individuals they would like to see represent their community for the next four years. Council acknowledges the decision by all candidates to put themselves forward to serve on the next term of Council and wishes all of them the best in the upcoming election.

Resumption of Standing Orders

6.19pm: It was moved by Cr Anderson and seconded by Cr Gayfer that standing orders be resumed.

CARRIED

10. DIRECTOR PLANNING AND ENVIRONMENT REPORTS:**Report No: Report Title:****PE.1 Update of Municipal Emergency Management Plan and
Municipal Fire Management Plan****Purpose and Overview**

The purpose of this report is to outline the review and update of the 2017 Municipal Emergency Management Plan (MEMP) and the Municipal Fire Management Plan (MFMP), and to recommend the adoption of the 2020 update of these plans. Council is required by legislation to review and update these plans every three years.

Recommendation**That Council:**

- 1. Adopt the revised Municipal Emergency Management Plan (MEMP) and Municipal Fire Management Plan (MFMP)**
- 2. Distribute the updated MEMP and MFMP to appropriate agencies**
- 3. Place the MEMP and MFMP on Council's website excluding all personal contact details.**
- 4. Thank the Municipal Emergency Management Planning Committee and the Municipal Fire Management Planning Committee (as a sub-committee of the aforementioned committee) for their work on these plans over the past three years.**

It was moved by Cr Anderson seconded Cr Radnedge

That Council:

- 1. Adopt the revised Municipal Emergency Management Plan (MEMP) and Municipal Fire Management Plan (MFMP)**
- 2. Distribute the updated MEMP and MFMP to appropriate agencies**
- 3. Place the MEMP and MFMP on Council's website excluding all personal contact details.**
- 4. Thank the Municipal Emergency Management Planning Committee and the Municipal Fire Management Planning Committee (as a sub-committee of the aforementioned committee) for their work on these plans over the past three years.**
- 5. Direct the Chief Executive Officer to write to the Country Fire Authority (CFA) and Fire Rescue Victoria (FRV) to:**
 - (a) Request the CFA/FRV to review whether any additional towns in the Macedon Ranges Shire require a Community Information Guide (CIG);**
 - (b) Encourage the CFA/FRV to initiate and develop CIGs for towns within the Macedon Ranges Shire that do not currently benefit from one; and,**
 - (c) Encourage the CFA/FRV to work with the community including Libraries, Neighbourhood Houses, Council and businesses in developing new CIGs and reviewing existing CIGs for the Shire and providing an avenue for publishing CIGs once completed**

6. **Direct the Chief Executive Officer to bring a report to Council by no later than the first Scheduled Council Meeting of 2021 outlining the cost and process for Council in reviewing and contributing to CIGs.**

CARRIED

11. ACTING CHIEF EXECUTIVE OFFICER'S REPORTS:

Report No: Report Title:

CX.1 Hanging Rock Project Control Group report

Purpose and Overview

To provide an update to Council on the Hanging Rock Project Control Group, consistent with Council's resolution to receive reports provided by the group at the next available Council Meeting.

Recommendation

That Council receive this report as being an update from the Hanging Rock Project Control Group.

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

CARRIED

Report No: Report Title:

CX.2 Council Meeting arrangements

Purpose and Overview

This report seeks to amend Council's adopted 2020 meeting schedule to accommodate a change of date for the Council Meeting to be held to elect a Mayor and Deputy Mayor, and to amend the meeting start time for the Council Meeting scheduled for 25 November 2020.

Recommendation

That Council amend the meeting schedule adopted by Council at the meeting on 26 August 2020 as follows:

- a. **reschedule the Council Meeting to elect the Mayor and Deputy Mayor, currently scheduled to be held on 6pm Wednesday 25 November 2020, to be held at 6pm Monday 23 November 2020.**
- b. **reschedule the Council Meeting currently scheduled to commence at 6.30pm on Wednesday 25 November 2020, so that the meeting commences at 6pm that day.**

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

CARRIED

6.32pm 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 and did not return.

12. ACTING DIRECTOR CORPORATE AND COMMUNITY REPORTS:

Report No: Report Title:

CC.1 Appointment of an Acting Chief Executive Officer and related matters

Purpose and Overview

To recommend the appointment of an Acting Chief Executive Officer whilst the recruitment for the permanent position of Chief Executive Officer is undertaken (following the notice given by Ms Margot Stork to resign from her position as Chief Executive Officer and subsequently the cessation of acting arrangements effective 21 October 2020), and related matters.

Recommendation

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, which if disclosed in an open meeting of the Council would result in unreasonable disclosure of personal information about those persons.

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

CARRIED

Report No: Report Title:

CC.2 Engagement of recruitment professional to assist with the recruitment of a permanent Chief Executive Officer

Purpose and Overview

To recommend the engagement of a recruitment professional to assist with the recruitment of a permanent Chief Executive Officer.

Recommendation

That Council, in accordance with Section 66(2)(a) of the *Local Government Act 2020*, close the meeting to consider a report on the engagement of a recruitment professional to assist with the appointment of a permanent 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 private commercial information, being information provided by a business, commercial or financial undertaking that if disclosed in an open meeting of Council would unreasonably expose the business, commercial or financial undertaking to disadvantage. This comprises commercial information provided by individual companies, including their rates and methodologies to undertake recruitment services.

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

CARRIED

13. DIRECTOR ASSETS AND OPERATIONS REPORTS:

Nil

14. NOTICES OF MOTION

Nil

15. URGENT AND OTHER BUSINESS

Nil

Closure of Meeting to consider Confidential Reports

It was moved by Cr Anderson and seconded by Cr Mees that the meeting be closed pursuant to Section 66(2)(a) of the *Local Government Act 2020* to consider confidential reports.

CARRIED

The meeting closed at 6.36pm pursuant to Section 66(2)(a) of the *Local Government Act 2020* to consider the following reports:

16. CONFIDENTIAL REPORTS

16.1 Appointment of an Acting Chief Executive Officer and Related Matters

16.2 Engagement of Recruitment Consultant to Assist with the Recruitment of a Permanent Chief Executive Officer

Opening of Meeting

The meeting re-opened at 7.03pm pursuant to the carrying of a motion in the closed session moved by Cr Anderson and seconded by Cr Mees that the meeting be re-opened.

The Mayor, Cr Pearce, advised the meeting that in the closed session of the Council meeting, the following resolutions had been carried in relation to the following agenda item:

16.1 Appointment of an Acting Chief Executive Officer and Related Matters

That Council:

- 1. Appoints, pursuant to section 94(1) of the Local Government Act 1989, John Nevins to be the Acting Chief Executive Officer of the Macedon Ranges Shire Council.**
- 2. Delegates to the Mayor and Deputy Mayor the power to execute on behalf of Council the “Acting CEO Contract of Employment” between Council and John Nevins, in the form provided to Councillors in confidence.**
- 3. Revokes the appointment of Mr John Hausler to the position of Acting Chief Executive Officer of the Macedon Ranges Shire Council.**
- 4. Thanks Mr Hausler for his professional and considered approach to the position of Acting Chief Executive Officer since 9 September 2020.**
- 5. Declares that resolutions 1, 2, and 3 above take effect from the passing of those resolutions.**
- 6. Notes that all delegations from the Council to the Chief Executive Officer apply to the Acting Chief Executive Officer following the above appointment.**
- 7. Thanks Mr Brian Collins, Chair of Council’s Audit and Risk Committee, for his independent oversight of the process to date.**
- 8. Resolves that resolutions 1 to 7 inclusive are to be read by the Mayor when this meeting of Council ceases to be closed.**

Closure of Meeting

The meeting closed at 7.05pm

**Councillor Pearce
Mayor**