

Council Meeting Minutes

Wednesday 27 January 2021 at 7.04pm
Gisborne Administration Centre
40 Robertson Street, Gisborne

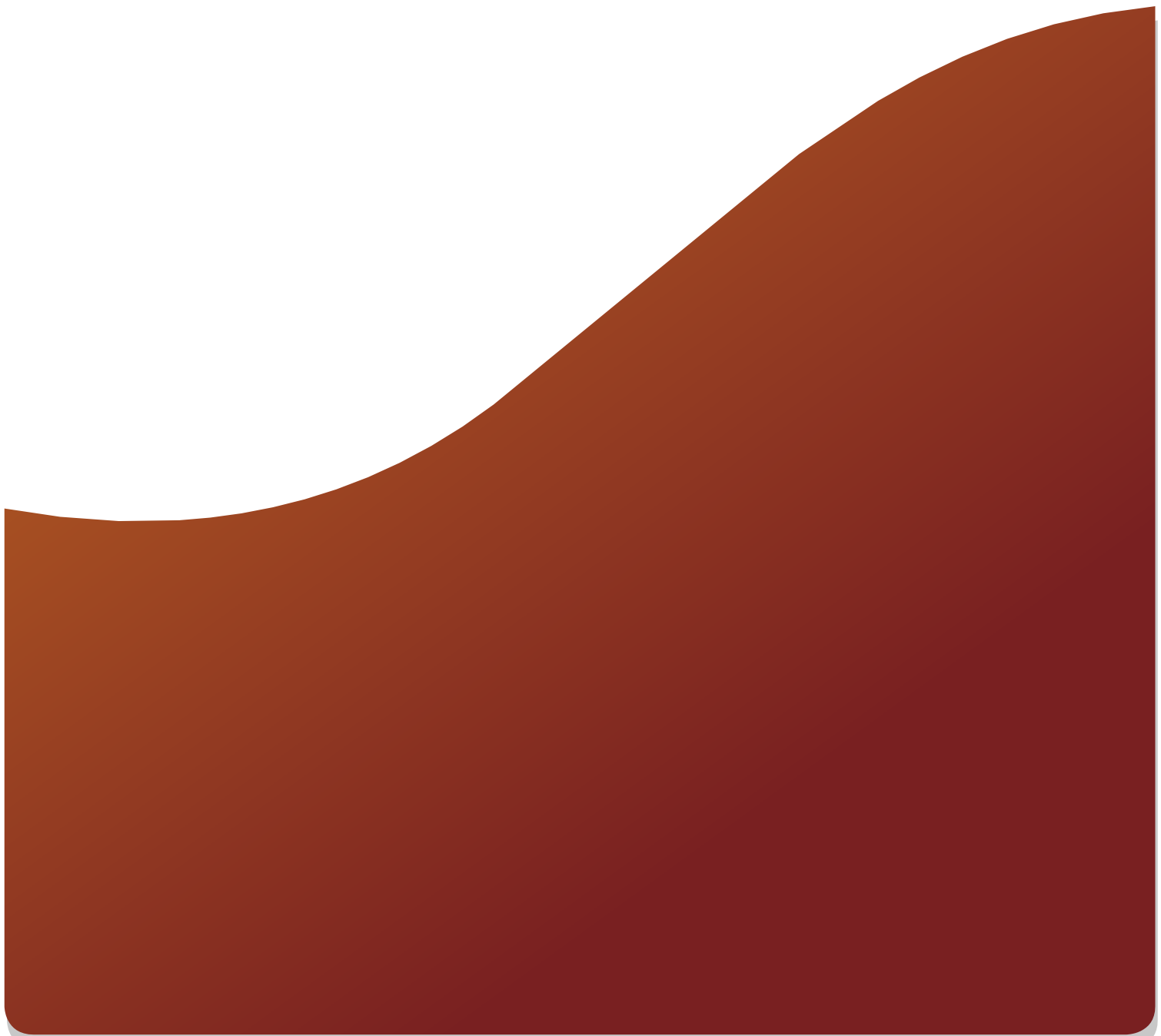


TABLE OF CONTENTS

ITEM	SUBJECT	PAGE NO.
1.	Recording and Live Streaming of this Council Meeting	1
2.	Present	1
3.	Apologies	1
4.	Declaration of Conflicts of Interest	2
5.	Mayor's Report	2
6.	Petitions	3
7.	Adoption of Minutes	3
8.	Record of Meetings of Councillors and Council Staff	3
9.	Deputations and Presentations to Council	8
10.	Director Planning and Environment Reports	
PE.1	Application for Planning Permit PLN/2020/165 – 198 Mount Gisborne Road, Gisborne – Development of a telecommunications facility and removal of native vegetation (temporary impact to native grasses)	8
PE.2	Planning for Melbourne's green wedges and agricultural land submission	13
PE.3	Community information guides	14
PE.4	Draft Woodend Community Centre Master Plan	15
11.	Chief Executive Officer Reports	
CX.1	Community Engagement Policy	16
CX.2	Shortlisting candidates and recruitment of Chief Executive Officer	18
12.	Director Corporate and Community Reports	
CC.1	Councillor Code of Conduct	18
13.	Director Assets and Operations Reports	
AO.1	Draft Malmsbury Botanic Gardens	19

Masterplan

14.	Notices of Motion and Rescission	
	No. 09/2020-2021: Councillor Pearce	20
	No. 10/2020-2021: Councillor Neil	20
15.	Urgent Business	20
16.	Confidential Reports	20

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

While Councillors attended this meeting in person, in line with current directions by the Chief Health Officer, face-to-face Council Meetings are not to be held with members of the public in attendance. As such, 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 Annette Death	East Ward
Cr Geoff Neil	East Ward
Cr Bill West	East Ward
Cr Dominic Bonanno	South Ward
Cr Rob Guthrie	South Ward
Cr Anne Moore	South Ward
Cr Jennifer Anderson (Mayor)	West Ward
Cr Janet Pearce	West Ward
Cr Mark Ridgeway (Deputy Mayor)	West Ward

In Attendance

Mr John Nevins	Acting Chief Executive Officer
Mr Shane Walden	Director Assets and Operations
Mr John Hausler	Director Corporate and Community
Ms Angela Hughes	Director Planning and Environment
Ms Sarah Noel	Executive Manager People Culture & Performance
Ms Kate Young	Manager Legal and Corporate Governance
Mr Harjinder Singh	Manager Statutory Planning
Mr Christo Crafford	Coordinator Statutory Planning
Ms Allison Watt	Coordinator Governance
Ms Leanne Khan	Coordinator Strategic Planning
Ms Jessica Baguley	Senior Governance Officer

3. APOLOGIES

Nil

4. DECLARATION OF CONFLICTS OF INTEREST

Cr Neil advised Council that, while not a conflict, he has an interest in agenda item PE.1 in that he is a customer of Western Water and a member of the CFA.

Cr Anderson declared a conflict of interest in agenda item 14 Notice of Rescission No. 09/2020-21 for reasons disclosed previously in writing to the CEO.

Cr Guthrie stated that he would not participate in relation to agenda item 14 Notice of Motion No. 10/2020-21 in relation to Glen Juror as he had expressed strong views on this matter previously.

5. MAYOR'S REPORT

Mayor Cr Jennifer Anderson provided her report to Council which included the following:

- The 2020 Macedon Ranges Youth Awards
- The awarding of Queen Scout awards to Kate Mahon, Jessica Thorne and Adam Walduck of former Woodend 2nd Scouts
- The annual Weaner Calf and Cattle Sale at Kyneton Saleyards
- A Submitters Committee meeting on 13 January
- The Lions Club International District 201 V1-4 Dinner Meeting on 16 January
- The first stage of a project to rejuvenate sections of Five Mile Creek and upgrade nearby pathways in Romsey
- The Australia Day Citizenship Ceremony and Awards at the Kyneton Town Hall. Congratulations to Amanda Gauci, Citizen of the Year, Miranda Johnson-Jones, Young Citizen of the Year, The Kyneton Agricultural Show for the Community Achievement Award, Summer Living in Woodend for the community event of the year and Bernadette Joiner, Arts Ambassador. Prior to this special event, four residents made a formal pledge to become Australian citizens. Congratulations also to Macedon Ranges residents who were recipients of National Australia Day Honours:
 - Terry Larkins, (former CEO of Gisborne Shire in the 1970s), Order of Australia in the general division (OAM): Services to the community and local government
 - Marion Roseby Rivers, Member of the Order of Australia (AM): Significant service to eye health care and to the community
 - Ian Maxwell Hay, Meritorious Award (Australian Fires Service Medal) for services to the CFA Victoria.

The Mayor also provided an update on the deliberative community engagement process that Council will use for the development of the new Council Plan, which includes establishing a community panel. By early March, a new democratically-representative panel of community members will be in place and it will take part in workshops to provide the Council with feedback during the development of the Council Budget, Financial Plan and Council Plan.

It was moved Cr Pearce, seconded Cr Ridgeway that the Mayor's Report be received.

CARRIED

6. PETITIONS

Nil

7. ADOPTION OF MINUTES

Scheduled Council Meeting: Wednesday 16 December 2020

Officer Recommendation:

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

It was moved Cr Neil, seconded Cr Death that the Officer Recommendation be adopted.

CARRIED

8. RECORD OF MEETINGS OF COUNCILLORS AND COUNCIL STAFF – JANUARY 2021

(i) Summary / Purpose

The purpose of this report is to provide the record of meetings of Councillors and Council staff, which have been held since the last Council Meeting, so that they can be recorded in the minutes of a scheduled Council Meeting.

(ii) Policy Context

Rule 31(a) of Council's Governance Rules requires a written record of matters discussed at specified meetings of Councillors and Council staff to be reported to the next practicable scheduled Council Meeting and recorded in the minutes of that meeting.

(iii) Background Information

Rule 31(b) specifies the meetings for which a written record will be kept and reported to the next practicable Council Meeting are as follows:

- (i) an advisory committee of the Council, if at least one Councillor is present; or
- (ii) a planned or scheduled meeting of at least half of the Councillors and one member of Council staff which considers matters that are intended or likely to be:
 - (i) the subject of a decision of the Council; or
 - (ii) subject to the exercise of a function, duty or power of the Council that has been delegated to a person or committeebut does not include a meeting of the Council, a delegated committee of the Council, a meeting of the audit and risk committee, a club, association, peak body, political party or other organisation.

Rule 31(c) provides that the written record of meetings must include:

- (i) the names of attending Councillors, staff members and other persons;
- (ii) a short title of the matters discussed; and

(iii) any conflicts of interest disclosed by Councillors or Council staff and whether they temporarily left the meeting whilst the subject matter of their disclosed conflict of interest was discussed.

Note: Only matters that are the subject of discussion and consideration at a meeting 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.

(iv) Report

Outlined below are the details of meetings of Councillors and Council staff held since the last meeting.

1.	Date / Time	Type of Meeting
	13 January 2021 7.14pm to 9.12pm	Delegated Submitters Committee Meeting
	Venue	Online
	Present – Councillors	Crs Anderson, Bonanno, Guthrie, Moore, Neil, Pearce, Ridgeway and West
	Present – Officers	John Nevins, Angela Hughes, Jacqui Wood, Maria Nunez, Val Alford, Andrew Grant, Harjinder Sigh, Andrew Grant
	Presenters	Phillipa Butler, Bryan Power, Fiona Slechten, Rod Curtis, David Trent, Bill Jacobs
	Items discussed	<ul style="list-style-type: none"> Hearing submissions in relation to planning matters <ul style="list-style-type: none"> PLN/2020/165 – 198 Mount Gisborne Road, Gisborne PLN/2020/121 – 74 Hamilton Street and 27 Lyell Street, Gisborne
	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 meeting? N/A</p>
	Conflicts of interest declared by officers	<p>Nil</p> <p>Did they leave the meeting? N/A</p>

2.	Date / Time	Type of Meeting
	19 January 2021 9.55am to 2.52pm	Briefing
	Venue	Gisborne Administration Chamber
	Present – Councillors	Crs Anderson, Bonanno, Death (online, left briefing at 11:37 am), Guthrie, Moore, Nail, Pearce, Ridgeway and West
	Present – Officers	John Nevins, Shane Walden, Angela Hughes, Sarah Noel, Fiona Alexander, Kate Young, Allison Watt, Jessica Baguley, Steven Pykett, Danni Findlay, Leanne

	Khan, Isobel Maginn, Will Rayner
Presenters	Phillip Garside
Items discussed	<ul style="list-style-type: none"> • Councillor OHS and EEO Training • Draft Business Case and Masterplan – Woodend Community Centre • Community Engagement Policy • Gisborne Futures Project Control Group Briefing • Councillor Code of Conduct • Autumn Festival • Agenda for 27 January 2021 Council Meeting • Planning matters <ul style="list-style-type: none"> - PLN/2020/165 —198 Mount Gisborne Road, Gisborne - PLN2016/204 — 4 Davy Street, Woodend • Planning for Melbourne’s Green Wedges and Agricultural Land Submission • Community Information Guides • Community Engagement Policy • Shortlisting candidates and recruitment of Chief Executive Officer • Councillor Code of Conduct • Romsey Hotel • Romsey Supermarket • Plebiscite costings
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>Cr Guthrie declared a conflict in relation to the Gisborne Futures Project and left the chamber for that item.</p> <p>The Mayor, Cr Anderson declared a conflict in relation to PLN2016/204 and left the chamber for that item.</p> <p>Did they leave the meeting? Yes</p>
Conflicts of interest declared by officers	<p>N/A</p> <p>Did they leave the meeting? N/A</p>

Officer Recommendation:

That Council endorse the record of meetings of Councillors and Council staff as outlined in this report.

Amended Officer Recommendation:

That Council endorse the record of meetings of Councillors and Council staff as outlined in this report, with the following changes:-

1. Under the heading “Report” and after the word “meeting” insert:

1.	Date / Time	Type of Meeting
	9 December 2020 7:00pm	Health and Wellbeing Advisory Committee Meeting

Venue	Online
Present – Councillors	Crs Anderson, Pearce, Ridgeway
Present – Officers	John Hausler, Travis Harling, Emma Orchard, Nicole Fitzpatrick, Melissa Collins, Sarah Day
Committee Members in Attendance	Judit Brown, Annamarie Perlesz, Paul Stuart, Rachael Wauchope
Presenters	N/A
Items discussed	<ul style="list-style-type: none"> • Recommendations following the Council Meeting on 25 November 2020 (incorporating membership). • Updated Terms of Reference. • Local Government 101 session • Overview of Strategic Reporting and Planning Framework. • Municipal Public Health and Wellbeing Plan. • Disability Action Plan. • Macedon Ranges Sexual Health Working Group. • Communication platform for the Committee. • Meeting schedule for 2021.
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 meeting? N/A
Conflicts of interest declared by officers	Nil Did they leave the meeting? N/A

2.	Date / Time	Type of Meeting
	15 December 2020 9.40am	Councillor Briefing
	Venue	Gisborne Administration Centre
	Present – Councillors	Crs Anderson, Bonanno, Death, Guthrie, Moore, Neil, Pearce, Ridgeway, West
	Present – Officers	John Nevins, Shane Walden, Tim Nightingale, Angela Hughes, Sarah Noel, Kate Young, Lauren Reader, Gary Randhawa, Steve Skinner, Leanne Khan, Jack Wiltshire, Nathan Upson, Christo Crafford, Travis Harling
	Presenters	Tony Matthews, Insync
	Items discussed	<ul style="list-style-type: none"> • Local Roads & Community Infrastructure (LRCI) Funding – Program Extension Additional Funding • Road Management Act & Road Management Plan • Planning Matters <ul style="list-style-type: none"> - Planning for Melbourne’s Green Wedges & Agricultural Land • Staff Survey

	<ul style="list-style-type: none"> • Gisborne Futures • Riddells Creek Amess Road Precinct Structure Plan • Riddells Creek Movement Network Study • Council Meeting Agenda Review <ul style="list-style-type: none"> - PLN/2015/204 – 2-4 Davy Street, Woodend - PLN/2019/573 – Edgecombe Road, Kyneton - Report from the Audit & Risk Committee meetings, committee membership and annual report of committee - Proposal to name part of an unnamed Kyneton laneway “Turners Lane” - Update on the proposed transfer of East Paddock, Hanging Rock - Consideration of a request for inclusion of road onto the Public Road Register – Lowe Street, Tylden - Notice of Motion No.4/2020-21 – Cr Neil
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>Cr Anderson declared a conflict of interest in relation to Council Meeting Agenda Review item PLN/2015/204 – 2-4 Davy Street, Woodend</p> <p>Did they leave the meeting? Yes</p>
Conflicts of interest declared by officers	<p>Nil</p> <p>Did they leave the meeting? N/A</p>

2. **In the table for the Delegated Submitters’ Committee Meeting:**
 - a. **Change the number 1 on the table in the original document to number 3.**
 - b. **in the first row / first column, delete “to 9:12pm”;**
 - c. **in the fourth row / second column, remove the second occurrence of “Andrew Grant”;**
 - d. **in the fifth row / second column, remove the names of “Philippa Butler”, “Rod Curtis” and “David Trent”;** and
 - e. **in the fifth row / second column, insert the name “Jayne Guilmartin”.**

3. **Change the number 2 on the second table in the original document to number 4.**

4. **In the table for the Briefing on 19 January 2021:**
 - a. **in the first row / first column, remove “to 2.52pm”;**
 - b. **in the third row / second column, replace the name “Nail” with the name “Neil”;**
 - c. **in the sixth row / second column, replace “OHS” with “Occupational Health and Safety” and “EEO” with “Equal Employment Opportunity”;** and
 - d. **in the seventh row / second column, delete the words “declared a conflict in relation to” and substitute with the words “left the**

chamber for” and insert the words “on the basis of apprehended bias, pending the receipt of legal advice” after the word “item.”

It was moved Cr Ridgeway, seconded Cr West that the amended Officer Recommendation be adopted.

CARRIED

9. DEPUTATIONS AND PRESENTATIONS TO COUNCIL

Nil.

10. DIRECTOR PLANNING AND ENVIRONMENT REPORTS:

Report No: Report Title:

PE.1 Application for Planning Permit PLN/2020/165 – 198 Mount Gisborne Road, Gisborne – Development of a telecommunications facility and removal of native vegetation (temporary impact to native grasses)

Purpose and Overview

The subject site is located on the summit of Mount Gisborne, a hill that overlooks Gisborne and the surrounding locality. The proposal is for the development of the land for a new telecommunications facility to replace the previous tower on the site. Whilst the summit site is within the Public Park and Recreation Zone, the slopes of the Mount are within either the Rural Living Zone or the Rural Conservation Zone.

The application was advertised and nine (9) submissions were received. This includes eight objections and one submission in support.

Key issues to be considered relate to the suitability of the site for the new tower, the impact of the development on the environment and amenity, and the need for the facility.

The application has been assessed against the relevant provisions of the Macedon Ranges Planning Scheme and is considered appropriate. On balance it is considered that the development is in keeping with the relevant provisions of the Planning Policy Framework, Local Planning Policy Framework, zone, overlays, particular provisions and general provisions. It is recommended that the application be approved subject to the following conditions.

Recommendation

That Council issue a Notice of Decision to grant a planning permit for the Development of a proposed telecommunications facility and removal of native vegetation (temporary impact to native grasses) for the land at 198 Mount Gisborne Road, Gisborne, Reserve on Plan of Subdivision 111376, subject to the following conditions:

- 1. Before the development commences, an electronic copy of amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this**

permit. The plans must be generally in accordance with the Site Plans prepared by Wayne Mitchell Surveying dated 25.03.2020 but modified to show:

- a. A temporary fencing plan for all construction vehicles as required by Condition 8.
 - b. Exact location and measurements of the Tree Protection Zone (TPZ) and associated tree protection fencing for all trees shown on the plans to be retained as required by Condition 11.
 - c. Colours and materials of the proposed tower.
2. The development as shown on the endorsed plans must not be altered unless with the prior written consent of the Responsible Authority.
 3. The nature and colour of building materials employed in the construction of the buildings and works hereby permitted shall be harmonious with the environment and non-reflective, to the satisfaction of the Responsible Authority.

Environment Unit Conditions

General Conditions

4. All construction and maintenance equipment, earth moving equipment and associated machinery must be made free of soil, seed and plant material before being taken to the works site and again before being removed from the works site to the satisfaction of the Responsible Authority. This is to help prevent the spread of noxious weeds listed under the *Catchment and Land Protection Act 1994*.
5. All trees and native vegetation, as they relate to the approved development, are to be retained and protected by a tree protection zone. The following is prohibited within the tree protection zone:
 - a) vehicular or pedestrian access;
 - b) trenching or soil excavation;
 - c) storage or dumping of any soils, materials, equipment, vehicles, machinery or waste products;
 - d) construction of entry and exit pits for underground services; or
 - e) any other actions or activities that may result in adverse impacts to retained native vegetation.

On Site Environmental Management

6. An Environmental Consultant, approved by the MRSC Environment Unit, is required to educate all associated on ground staff prior to the commencement of works. The consultant must educate all construction staff about the environmental sensitivity of the reserve and the requirement to work within designated areas to the satisfaction of the MRSC Environment Unit.

Site Preparation and Reporting

7. Prior to the commencement of works, a site plan must be submitted that illustrates a temporary fencing plan for all vehicles up to the construction site of the summit. An Environmental Consultant must

produce this plan and minimum impacts to native vegetation must be a priority.

8. Prior to the commencement of works, temporary fencing must be installed along the track to the summit, leading up to the construction area in accordance with the Vegetation Impact assessment Report by Atlas Ecology (dated Sept. 3). MRSC Environment staff are to inspect the fencing and provide approval. Temporary fencing such as orange para-webbing is recommended.
9. An Environmental Outcome report must be submitted at the completion of this project to inform the Responsible Authority of the environmental outcomes of this project. If severe impacts result as a consequence of this development, a remedial revegetation and management plan is a requirement and must accompany this report.

Tree Protection Management

10. Prior to works commencing, a Tree Protection Management Plan (TPMP) must be submitted by a suitably qualified Level 5 Arborist detailing the tree protection measures for trees along the reserve track undertaken for all phases of demolition and construction. The report must also include a tree protection plan for a eucalypt located 30 metres from the entrance gate, in accordance with the Vegetation Impact assessment Report by Atlas Ecology (dated Sept. 3).

The report is to include the following information:

- a. A mitigation plan for all trees along the track with exposed roots.
 - b. Within 15 metres of the work site, a plan for all trees to be protected with tree protection fencing
 - c. Native vegetation No Go Zones
 - d. Tree Protection Signage
 - e. An inspection timeframe for the micro-siting of tree canopies relating to all crane activity along the reserve track to the summit.
 - f. Milestone reporting to the Responsible Authority relating to tree protection works at each construction stage
 - g. A compliance checklist to be completed by onsite Project Arborist
 - h. Appropriate procedures relating to planks of wood or similar to protect tree protection zones during the ascent and descent of cranes along the track and to assist with traction where required.
11. Any damage or disturbance to trees' root zones within the Tree Protection Zone (TPZ) must be reported to Council. A TPZ is 12 x the diameter of the tree taken at breast height. No digging or excavation can be undertaken within the TPZ as this may affect the future viability of the tree. Damaged tree root zones may deem the tree unviable and offsets may be required.

Culvert Upgrade

12. Prior to the commencement of works, an Arborist Report must be submitted to determine the impacts to any trees as a result of culvert upgrades.
13. A DELWP Native Vegetation Removal report must be submitted for the loss of any trees associated with the upgrade of the culvert. <https://nvim.delwp.vic.gov.au/Biodiversity>.

Site Environmental Management Plan (SEMP)

14. Prior to any works commencing, a Site Environmental Management Plan (SEMP) must be submitted and endorsed by the Responsible Authority and include the following information:
 - a. Vegetation protection fencing to be erected around 'environmental no go zones'
 - b. All machinery storage areas must be identified.
 - c. All machinery and equipment must leave work sites weed free. An appropriate wash-down area must be identified. To prevent the spread of weeds listed under the *Catchment and Land Protection Act 1994*, all track construction and maintenance equipment, earth moving equipment and associated machinery, must be made free of soil, seed and plant material before being taken to the works site and again before being removed from the works site to the satisfaction of the Responsible Authority.
 - d. All spill and excess must be indicated on a designated location on the plan.
 - e. A site plan that details the path for all vehicles to use in high conservation zones
 - f. Vehicle path must be pegged and flagged with tape and suitable fencing in areas around the summit so a consistent road track is used through the entire project.
 - g. Construction staging relating to all tree management/native vegetation protection.

Engineering Unit Conditions

15. Prior to the commencement of works, an "Asset Protection Permit" must be obtained from Council for any of the following circumstances:
 - a. Entering a building site by means of a motor vehicle having a gross weight exceeding two tonnes
 - b. Occupying a road for works
 - c. Connecting any land to a stormwater drain
 - d. Opening, altering or repairing a road
 - e. Opening, altering or repairing a drain
 - f. Accessing a building site from a point other than a crossover
 - g. Construct/repair/widen/remove any crossover
16. At least 14 days prior to commencement of works, a Site Management Plan must be submitted to and approved by the Responsible Authority. The Site Management Plan must contain the following:
 - a. Name and contact details of appointed Civil Contractor and Superintendent
 - b. Existing condition survey of all existing assets including private properties
 - c. Construction Management Plan
 - d. Traffic Management Plan
 - e. Environmental Management Plan
 - f. Occupational Health & Safety and Job Safety Analysis Plans
 - g. Council issued Asset Protection Permit

All works must be carried out generally in accordance with measures set out in the above documents approved by the Responsible Authority.

17. Within three months of the tower being constructed, the existing culvert crossing in Woodland Drive must be reconstructed to the satisfaction of the Responsible Authority.
18. No polluted and/or sediment laden runoff is to be discharged directly or indirectly into drains or watercourses. Soil erosion control measures must be employed throughout the development works in accordance with Construction Techniques for Sediment Pollution Control (EPA 1991) to the satisfaction of the Responsible Authority.

Permit Expiry

19. This permit will expire if one of the following circumstances applies:
 - a. The development is not commenced within two years of the date of this permit.
 - b. The development is not completed within four years of the date of this permit.

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires, or within three months afterwards.

Alternative Motion:

That Council resolves to issue a notice of refusal for the application to develop a telecommunications facility and removal of native vegetation (temporary impact to native grasses) for the land at 198 Mount Gisborne Road, Gisborne, Reserve on Plan of Subdivision 111376, on the following grounds:

- 1.** *The proposal will lead to unacceptable environmental impacts given the unique and sensitive landscape and rocky terrain and will lead to potential damage to the Bushland Reserve.*
- 2.** *The proposal will lead to unacceptable environmental damage that will occur as a result of heavy construction vehicles having to access the site.*
- 3.** *The applicant has not provided sufficient justification or demonstrated the need for the tower at this location.*
- 4.** *The proposal will lead to the potential loss of heritage and artefacts.*
- 5.** *The reserve is currently zoned Public Park and Recreation Zone and given Council is intending to rezone the site to Public Conservation and Resource Zone, the proposal would be contrary to the purpose of the new zone and strategic intent for the site.*

It was moved Cr Guthrie, seconded Cr Moore that the Alternative Motion be adopted.

LOST

Cr Guthrie called for a division.

FOR: Cr West, Cr Anderson, Cr Guthrie, Cr Moore

AGAINST: Cr Ridgeway, Cr Pearce, Cr Neil, Cr Death, Cr Bonanno

Alternative Motion:

That Council defer this application for consideration at a Scheduled Council Meeting no later than 24 March 2021, to give the Applicant the opportunity to submit a report to Council, which gives further consideration to alternatives for this application. This report is to include the following points for consideration, but should not be limited to these points:

- 1) *A better report about why the Mt Gisborne site is considered preferable to other sites*
- 2) *Consideration of additional alternative sites for the location of the proposed telecommunication tower including but not limited to:*
 - a) *Mount Aitken*
 - b) *Other sites in Gisborne South*
 - c) *Other less environmentally sensitive sites, either on a temporary or permanent basis.*
- 3) *Consideration of co-locating with a new or existing telecommunication facility with another organisation in Gisborne South.*

Part B

Direct the Chief Executive Officer to write to Telstra/NBN/Optus regarding how they intend on improving telecommunication access in Gisborne South.

It was moved Cr Bonanno, seconded Cr Death that the Alternative Motion be adopted.

CARRIED

Report No: **Report Title:**

PE.2 **Planning for Melbourne's green wedges and agricultural land submission**

Purpose and Overview

The purpose of this report is for Council to consider a submission to the Victorian Government's *Planning for Melbourne's Green Wedges and Agricultural Land (GWAL) Consultation Paper*, recently released for consultation.

Recommendation

That Council endorse the Macedon Ranges Submission to the Victorian Government's *Planning for Melbourne's Green Wedges and Agricultural Land Consultation Paper* as per Attachment One.

It was moved Cr Pearce, seconded Cr Bonanno that the Officer Recommendation be adopted.

LOST

Alternative Motion:

That Council endorse the Macedon Ranges Submission to the Victorian Government's *Planning for Melbourne's Green Wedges and Agricultural Land Consultation Paper* as per Attachment One with the following changes:

- *Point 18: replace the second sentence with "Council has concerns over loss of review rights particularly where local insight can provide important information on biodiversity and landscapes."*
- *Point 21: add "potentially" before the word "supports" in the first sentence and remove "and recommends that this be extended to all rural zones"*
- *Point 29: change to read " Council is neutral regarding this option, as there are no Green Wedge areas in the Macedon Ranges Shire but would like the review to consider applying permit conditions similar to those proposed for the green wedge zones to apply in the Farming Zone."*

Council also seeks some further clarification on how these options may apply to the common term of "Glamping", as this more modern construct is seen as a potential tourism option for the Shire.

It was moved Cr Moore, seconded Cr Anderson that the Alternative Motion be adopted.

CARRIED

Report No: **Report Title:**

PE.3 **Community information guides**

Purpose and Overview

The purpose of this report is to report back to Council in accordance with its resolution on 21 October 2020.

Recommendation

That Council:

1. **Note that officers wrote to the Country Fire Authority (CFA) on 9 November 2020 regarding the development of further Community Information Guides for the Macedon Ranges Shire; and**
2. **Note, that upon receipt of CFA's reply to Council's letter of 9 November 2020, officers will bring a report to a future Scheduled Council Meeting outlining the cost and process for Council in reviewing and contributing to CIGs.**

Alternative Motion:***That Council:***

- 1. Note that officers wrote to the Country Fire Authority (CFA) on 9 November 2020 regarding the development of further Community Information Guides for the Macedon Ranges Shire; and***
- 2. Note, that upon receipt of CFA's reply to Council's letter of 9 November 2020, officers will bring a report to a future Scheduled Council Meeting outlining the cost and process for Council in reviewing and contributing to CIGs; and***
- 3. Give the Chief Executive Officer permission to bring a report regarding the cost and process for Council in reviewing and contributing to Community Information Guides to a future Council Meeting, when officers have received sufficient information to allow this to occur.***

It was moved Cr Neil, seconded Cr West that the Alternative Motion be adopted.

CARRIED

Report No: Report Title:

PE.4 Draft Woodend Community Centre Master Plan

Purpose and Overview

Drawing on community led concepts and initiatives dating back to 2009, Macedon Ranges Shire Council and Regional Development Victoria jointly funded the Woodend Community Centre Master Plan and Business Case project starting in 2019.

Following completion of the first phase of key stakeholder and resident consultation, officers now seek approval for the draft Woodend Community Centre Master Plan, delivered by Public Realm Lab, to go out for community consultation.

Recommendation**That Council:**

- 1. Approve the Draft Woodend Community Centre Master Plan for community consultation;**
- 2. Publish the Draft Woodend Community Centre Master Plan on its 'Have Your Say' website page and make it available at the Council offices in Gisborne, Kyneton, Romsey, and Woodend between Monday 8 February and Monday 8 March 2021;**
- 3. Consider all submissions received by 5:00pm on Monday 8 March 2021 in finalising the Woodend Community Centre Master Plan;**
- 4. Explore the Business Case for this project taking into consideration the feedback provided during the community consultation period for the Woodend Community Centre Master Plan; and**
- 5. Consider the final version of the Woodend Community Centre Master Plan and Business Case at a future Scheduled Council Meeting for adoption.**

Amended Officer Recommendation:***That Council:***

- 1. Approve the Draft Woodend Community Centre Master Plan for community consultation;***
- 2. Broadly promote the Draft Woodend Community Centre Master Plan to the community using the ‘minimum tools for engagement’ listed on page 37 of the Council Agenda, including publication of the draft Masterplan on the ‘Have Your Say’ website page and make it available at the Council offices in Gisborne, Kyneton, Romsey, and Woodend between Monday 8 February and Monday 8 March 2021;***
- 3. Consider all submissions received by 5:00pm on Monday 8 March 2021 in finalising the Woodend Community Centre Master Plan;***
- 4. Explore the Business Case for this project taking into consideration the feedback provided during the community consultation period for the Woodend Community Centre Master Plan; and***
- 5. Consider the final version of the Woodend Community Centre Master Plan and Business Case at a future Scheduled Council Meeting for adoption.***

It was moved Cr Ridgeway, seconded Cr Pearce that the Amended Officer Recommendation be adopted.

CARRIED

11. CHIEF EXECUTIVE OFFICER’S REPORTS:

Report No: Report Title:

CX.1 Community Engagement Policy

Purpose and Overview

To present a new Community Engagement Policy to Council for adoption in accordance with s.55 of the *Local Government Act 2020* (LGA 2020).

Recommendation**That Council:**

- 1. Adopt the Community Engagement Policy; and**
- 2. Thank residents and stakeholders who provided feedback to inform the final version of the Community Engagement Policy**

Alternative Motion:

- 1. That Council adopt the Community Engagement Policy with section 13, paragraph 4 changed to Engagement participants who have provided input to a planned community engagement activity must be notified of the report going to Council when the agenda is made public.***

- 2. That Council thank residents and stakeholders who provided feedback to inform the final version of the Community Engagement Policy.**
- 3. Direct the Chief Executive Officer to bring back the Community Engagement Policy to Council within 12 months after review and community feedback following statutory engagement processes during that time.**

It was moved Cr Pearce, seconded Cr Death that the Alternative Motion be adopted.

Amendment

- 1. That Council adopt the Community Engagement Policy with section 13, paragraph 4 changed to Engagement participants who have provided input to planned community engagement activities must be notified of the report going to Council when the agenda is made public**
- 2. That Council thank residents and stakeholders who provided feedback to inform the final version of the Community Engagement Policy**
- 3. Direct the Chief Executive Officer to bring back the Community Engagement Policy to Council within 12 months after review and community feedback following statutory engagement processes during that time.**

Cr Moore moved an amendment to part 1 of the alternative motion to delete the word 'a' and to change activity to 'activities'.

The amendment lapsed without a seconder.

Alternative Motion

- 1. That Council adopt the Community Engagement Policy with section 13, paragraph 4 changed to Engagement participants who have provided input to a planned community engagement activity must be notified of the report going to Council when the agenda is made public**
- 2. That Council thank residents and stakeholders who provided feedback to inform the final version of the Community Engagement Policy**
- 3. Direct the Chief Executive Officer to bring back the Community Engagement Policy to Council within 12 months after review and community feedback following statutory engagement processes during that time.**

It was moved Cr Pearce, seconded Cr Death that the Alternative Motion be adopted.

CARRIED

Report No: Report Title:

CX.2 Shortlisting candidates and recruitment of Chief Executive Officer

Purpose and Overview

To recommend options for Councillors to shortlist and progress the applications of candidates in relation to the recruitment of a permanent Chief Executive Officer.

Recommendation**That Council:**

- 1. Establish a recruitment sub-committee, comprising Cr Anderson, Cr Death and Cr Guthrie, to manage the initial assessment of candidate applications; and**
- 2. Appoint the incoming Chair of the Audit and Risk Committee, Mr Peter Matthews, as an independent Probity Officer of the sub-committee.**

It was moved Cr Ridgeway, seconded Cr Moore that the Officer Recommendation be adopted.

CARRIED

Cr Neil called for a division.

FOR: Crs West, Ridgeway, Pearce, Anderson, Guthrie, Death, Bonanno and Moore.

AGAINST: Cr Neil.

12. DIRECTOR CORPORATE AND COMMUNITY REPORTS:**Report No: Report Title:**

CC.1 Councillor Code of Conduct

Purpose and Overview

The purpose of this report is to:

- outline recent changes to the legislative scheme relating to Councillor Codes of Conduct as provided for by the *Local Government Act 2020* (LGA 2020) and *Local Government (Governance and Integrity) Regulations 2020*; and
- seek to have Council adopt the Councillor Code of Conduct attached to this report.

Recommendation

That Council adopt the Councillor Code of Conduct attached to the officer's report.

Amended Officer Recommendation:

That Council adopts the Councillor Code of Conduct which was circulated separately to Councillors today Wednesday 27 January 2021.

It was moved Cr Neil, seconded Cr Ridgeway that the Amended Officer Recommendation be adopted.

CARRIED

13. DIRECTOR ASSETS AND OPERATIONS REPORTS:

Report No: **Report Title:**

AO.1 **Draft Malmsbury Botanic Gardens Masterplan**

Purpose and Overview

To present the Draft Malmsbury Botanic Gardens Masterplan for Council's consideration and approval to proceed with public exhibition and community consultation.

Recommendation

That Council:

- 1. Endorse the Draft Malmsbury Botanic Gardens Masterplan for the purpose of public consultation for a period of 28 days; and**
- 2. Receive a further report following the public exhibition period to consider and adopt the 2021 Malmsbury Botanic Gardens Masterplan**

Amended Officer Recommendation:

That Council:

- 1. *Endorse the Draft Malmsbury Botanic Gardens Masterplan for the purpose of public consultation for a period of 42 days; and***
- 2. *Receive a further report following the public exhibition period to consider and adopt the 2021 Malmsbury Botanic Gardens Masterplan***

It was moved Cr Ridgeway, seconded Cr Pearce that the Amended Officer Recommendation be adopted.

CARRIED

Having declared a conflict of interest in the next agenda item, Mayor Anderson left the chamber at 9.31pm. Deputy Mayor Cr Ridgeway took the chair.

14. NOTICES OF MOTION AND RESCISSION

Notice of Rescission No. 09/2020-21 – Councillor Pearce

That Council's decision at its Scheduled Council Meeting on 16 December 2020 in relation to 'PE.1 – Application for extension of time for Planning Permit PLN/2015 – 2-4 Davy Street, Woodend' viz:

That Council refuses to extend the time allowed under Planning Permit PLN/2015/204 to complete the development.

be rescinded.

The notice of rescission lapsed without a mover.

Cr Pearce sought and was granted leave from the Chair to provide an explanation for not moving the notice of rescission.

Cr Anderson returned to the chamber at 9.36pm and resumed the chair.

Having noted that he would not participate in the following agenda item, Cr Guthrie left the chamber at 9.37pm.

Notice of Motion No. 10/2020-21 – Councillor Neil

That Council remove the land located at 284 Kilmore Road, Gisborne, known as Glen Junor, from the draft Gisborne Futures project. This is to include removal of the site from the proposed settlement boundary and draft Gisborne Structure Plan.

It was moved Cr Neil, seconded Cr West that Notice of Motion No. 10/2020-21 be deferred to the February Council Meeting.

CARRIED

Cr Bonanno called for a division.

FOR: Crs West, Ridgeway, Neil, Anderson, Death and Moore

AGAINST: Crs Pearce and Bonanno.

Cr Guthrie returned to the chamber at 9.41pm.

15. URGENT BUSINESS

Council resolved that a matter relating to Australia Day Award recipients be accepted as an item of urgent business.

It was moved Cr Neil, seconded Cr Guthrie that Council writes a letter under seal to the Macedon Ranges residents who received National Australia Day Honours and invites them to a future Council Meeting to be presented with the letters, subject to COVID restrictions.

16. CONFIDENTIAL REPORTS

Nil

Closure of Meeting

The meeting closed at 9.44pm.

**Councillor Anderson
Mayor**