

Council Meeting Minutes

Wednesday 25 November 2020 at 6.00pm
Gisborne Administration Centre
40 Robertson Street, Gisborne

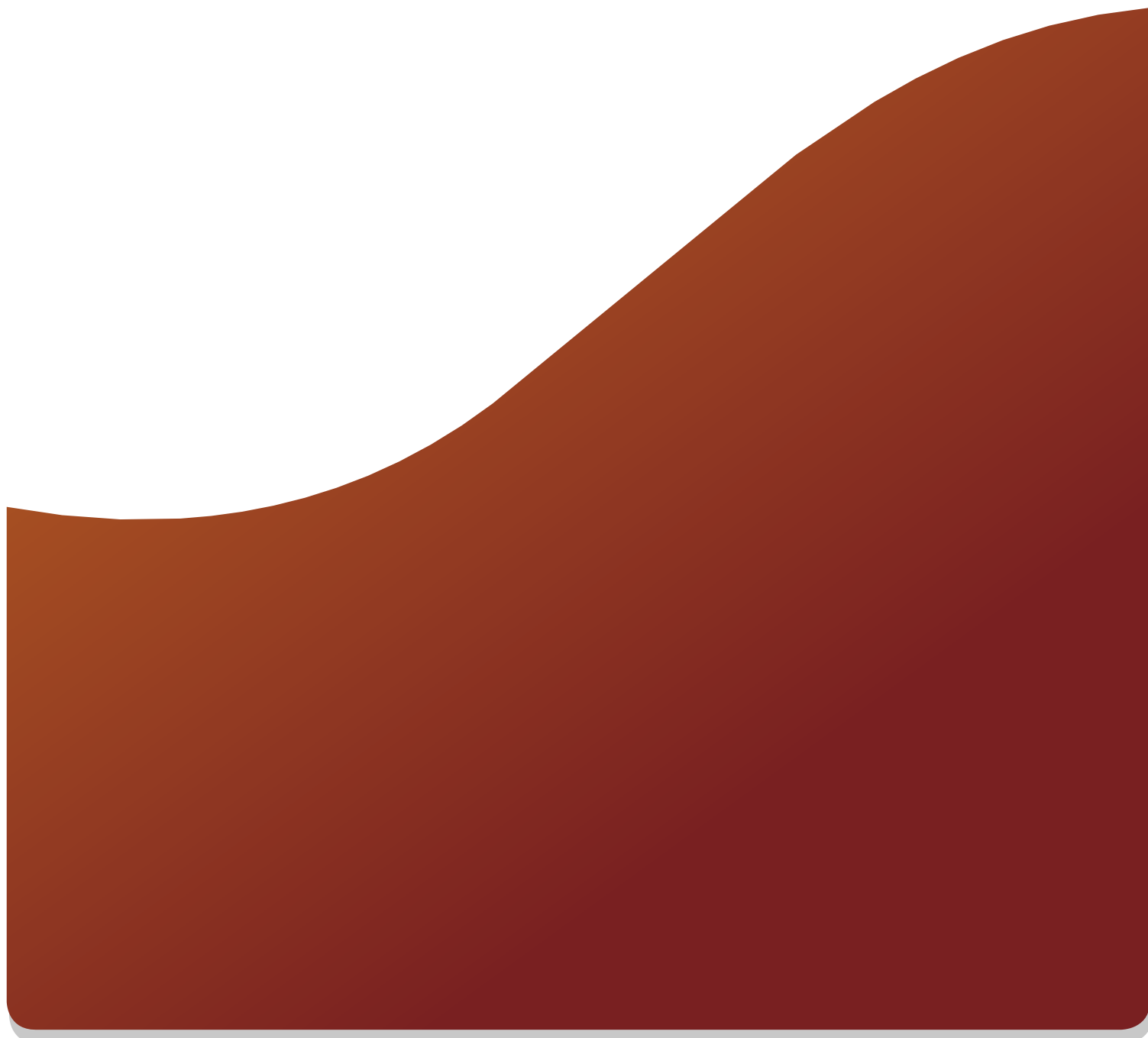


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ACKNOWLEDGEMENT OF COUNTRY

The Mayor, Cr Anderson, 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 advised that while Councillors were attending the meeting in person, in line with current directions by the Chief Health Officer, face-to-face Council Meetings were not to be held with members of the public in attendance. As such there was no one present in the public gallery. The Mayor welcomed those watching from home.

The Mayor noted that face masks were required to be worn by those in attendance but may be removed when a Councillor was speaking, as it is possible for masks to be removed for live broadcasting purposes.

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 John Hausler	Director Corporate and Community
Ms Angela Hughes	Director Planning and Environment
Mr Shane Walden	Director Assets and Operations

Ms Sarah Noel	Interim Executive Manager, People, Culture and Performance
Ms Kate Young	Manager, Legal and Corporate Governance
Ms Lauren Reader	Governance Coordinator

3. APOLOGIES

Nil

4. DECLARATION OF CONFLICTS OF INTEREST

Cr Neil advised the meeting that he is associated with a community group mentioned in agenda items CX.1 and CC.2 being considered for noting by Council on the meeting agenda. Cr Neil did not declare a conflict of interest.

5. MAYOR'S REPORT

The Mayor, Cr Anderson, highlighted a number of recent events and activities in the shire:

International Day for the Elimination of Violence Against Women: 16 Days of Activism

The Mayor noted that today was the International Day for the Elimination of Violence Against Women. She spoke about the innovative Marigold Project, developed by a group of women with a lived experience of family violence who are part of an expert reference group and a key part of the implementation of the Go-Goldfields Family Violence Action Plan and key strategies.

The project involves the display of marigolds during the 16 Days of Activism from 25 November (International Day for the Elimination of Violence Against Women) to 10 December 2020 (Human Rights Day) to represent women's experience in the community and a call to action to ensure women are treated equally and respectfully and their expertise is valued and sought. The marigolds can be propagated and planted, and people are asked to wear orange on 25 November as a show of support. The Mayor noted that every day we should be looking towards eliminating violence again women.

The Mayor noted that groups involved in supporting the events were Kyneton Zonta, the Municipal Association of Victoria (MAV), Movement Zone Dance Studio, the Mt Alexander Family Violence Prevention Network, and the Macedon Ranges Family Violence Network.

Daylesford Macedon Ranges Regional Tourism Board

The Daylesford Macedon Ranges Regional Tourism Board met on 24 November via Zoom to discuss the state government's campaign and funding to try to bring people back to the region and to Melbourne, noting that visitors from Melbourne are some of the region's biggest visitors.

Councillor election, swearing-in ceremony and induction

The Mayor noted the recent council election, the swearing-in of new councillors and the completion by Councillors of a two-day induction program that included new compulsory content under the *Local Government Act 2020*.

The Mayor thanked the outgoing council for their work, those who stood for election and the Victorian Electoral Commission (VEC) staff for their support of candidates during the election.

State Budget announcements

The Mayor noted recent State Budget announcements relevant to the shire in relation to funding for social housing in the Macedon Ranges and \$12.1M for the future of the old Kyneton Primary School site.

The Mayor also noted the recent sod-turning to mark the funding by the state government to increase walking and cycling trails between towns.

It was moved by Cr West seconded by Cr Ridgeway that the Mayor's Report be received.

CARRIED**6. PETITIONS**

Nil

7. ADOPTION OF MINUTES

Council Meeting: Wednesday 21 October 2020

Officer Recommendation:

That the minutes of the meeting of the Macedon Ranges Shire Council held on Wednesday 21 October 2020 as circulated be confirmed.

It was moved by Cr Pearce seconded by Cr Moore that the Officer Recommendation be adopted.

CARRIED**8. RECORD OF MEETINGS OF COUNCILLORS AND COUNCIL STAFF****1. 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.

2. 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.

3. 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 committee but 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.

4. Report

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

1.	Date / Time	Type of Meeting
	21 October 2020 9.00am – 10.05am	Councillor Briefing
	Venue	<i>Meeting conducted via teleconference</i>
	Present – Councillors	Crs Anderson, Bleeck, Gayfer, Pearce, Radnedge, Twaits, West
	Present – Officers	John Hausler, Shane Walden, Angela Hughes, Sarah Noel, Kate Young, Lauren Reader, Leanne Manton, Stephen Rowley, Harjinder Singh, Awais Sadiq, Christo Crafford, Nathan Upson, Rhassel Mhasho
	Presenters	Nil

Items discussed	<ul style="list-style-type: none"> Planning Matters <ul style="list-style-type: none"> PLN/2020/20 – 2164 Three Chain Road, Lancefield PLN/2018/92 – Muntzs Road, Ashbourne Council Meeting Agenda Review <ul style="list-style-type: none"> Update of Municipal Emergency Management Plan and Municipal Fire Management Plan Hanging Rock Project Control Group Report 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	Nil Did they leave the meeting? N/A
Conflicts of interest declared by officers	Nil Did they leave the meeting? N/A

It was moved by Cr Pearce seconded by Cr Death that the Officer Recommendation be adopted.

CARRIED

9. DEPUTATIONS AND PRESENTATIONS TO COUNCIL

Nil

10. DIRECTOR PLANNING AND ENVIRONMENT REPORTS:

Nil

11. CHIEF EXECUTIVE OFFICER'S REPORTS:

Report No: Report Title:

CX.1 Annual Report 2019/20

Purpose and Overview

Macedon Ranges Shire Council's Annual Report 2019/20 has been prepared and will be submitted to the Victorian Government in accordance with Section 131 of the *Local Government Act 1989* (VIC). Section 134 of the *Local Government Act 1989* (VIC) requires a Council to consider its annual report at a meeting of Council.

Recommendation

That Council:

1. Receive the Annual Report 2019/20 and note the audit opinions; and
2. In accordance with Section 133 of the *Local Government Act 1989* (VIC), Council give public notice that the Annual Report 2019/20 has been prepared and that it will be available on Council's website and at Council offices.

The Director, Corporate and Community advised the meeting that *Note 1 - Performance Against Budget* on page 132 of the Annual Report contained a formatting error that had cut off some of the text on two paragraphs. The text was included in the financial statements endorsed in principle by Council on 26 August 2020, and in the statements provided to the Audit Committee. The error was identified with Council's external auditor and would be corrected before the statements were submitted to the Minister for Local Government prior to 30 November.

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

CARRIED

Report No: Report Title:

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

Purpose and Overview

This report relates to engagement of a 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 Neil seconded by Cr Death that the Officer Recommendation be adopted.

CARRIED

12. DIRECTOR CORPORATE AND COMMUNITY REPORTS:

Report No: Report Title:

CC.1 Contracts to be awarded as at 25 November 2020 and breach of the Procurement Policy

Purpose and Overview

The following report sets out the details of contracts proposed to be awarded from the date of the last report to 25 November 2020 under a delegation from Council. Although this report recommends noting the delegated authority of Council officers, the Council has the power to:

- (a) direct that the Chief Executive Officer award the contract under the direct delegation from Council; or
- (b) specifically grant delegated authority to the Chief Executive Officer.

Recommendation**That Council:**

1. **Note that the following contracts will be awarded by Council officers under delegated authority:**
 - **C21.1085 Data Collection and Condition Assessment Council Assets**
 - **C21.1087 Design and Construction of Pedestrian Bridge**
 - **C21.1088 Change Room Upgrade Riddells Creek**
 - **C21.1090 Water Sensitive Urban Design (WSUD) Maintenance Audit**
2. **Note a breach of the Procurement Policy and the Local Government Act 1989, which will be disclosed in the Annual Report.**

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

CARRIED

Report No: Report Title:**CC.2 Quarterly Report for the period ended 30 September 2020****Purpose and Overview**

The Quarterly Report for the period ended 30 September 2020 is presented for Council's consideration and information. This report includes the following:

Section 1 – Quarterly financial statements
Section 2 – Capital works progress report
Section 3 – Council plan actions – progress report
Section 4 – People Culture and Performance report
Section 5 – Risk management report
Section 6 – Implementation of council resolutions
Section 7 – Governance schedule
Section 8 – Councillor expenditure
Section 9 – Councillor activities in the community

Recommendation

That Council note the Quarterly Report for the period ended 30 September 2020.

It was moved by Cr Guthrie seconded by Cr Ridgeway that the Officer Recommendation be adopted.

CARRIED

Cr Guthrie sought, and was granted, leave by the Mayor to address the meeting. Cr Guthrie noted the usefulness of the information contained in the Quarterly Report, particularly for new Councillors.

Report No: Report Title:

CC.3 Future of Health and Wellbeing Advisory Committee

Purpose and Overview

To provide an overview of the Health and Wellbeing Advisory Committee (HWBAC) including current membership and provide options regarding the future of the Committee for consideration by Council.

Recommendation

That Council:

- 1. Continue the committee for a further 12 months with a targeted focus on priority health and wellbeing actions as outlined within this report.**
- 2. Appoint the following expiring members who have indicated an interest to continue on the for an additional year through to 31 October 2021:**
 - Geoff Caddick**
 - Tony Croke**
 - Rachael Wauchope**
 - Ronelle Wetton**
- 3. Adopt the updated attached Health and Wellbeing Advisory Committee Terms of Reference.**
- 4. Direct the Chief Executive Officer to present a review of the effectiveness of the Committee over the next 12 months, to the October 2021 scheduled meeting of Council.**

The Director, Corporate and Community sought to make an Amended Officer Recommendation to make a minor wording change to recommendation 2.

Amended Officer Recommendation:

That Council:

- 1. Continue the committee for a further 12 months with a targeted focus on priority health and wellbeing actions as outlined within this report.**
- 2. Appoint the following persons whom have indicated an interest to continue on the committee for an additional year through to 31 October 2021:**
 - Geoff Caddick**
 - Tony Croke**
 - Rachael Wauchope**
 - Ronelle Wetton**
- 3. Adopt the updated attached Health and Wellbeing Advisory Committee Terms of Reference.**
- 4. Direct the Chief Executive Officer to present a review of the effectiveness of the Committee over the next 12 months, to the October 2021 scheduled meeting of Council.**

It was moved by Cr Bonanno seconded by Cr Ridgeway that the Amended Officer Recommendation be adopted.

CARRIED

The Mayor, Cr Anderson, on behalf of all Councillors thanked officers for their work in relation to agenda item CC.3.

Report No: Report Title:

CC.4 Instrument of appointment and authorisation to staff under the Planning and Environment Act 1987

Purpose and Overview

It is proposed Council endorse an S11A Instrument of Appointment and Authorisation under the *Planning and Environment Act 1987* for Harjinder Singh, Manager Statutory Planning.

Instruments of Appointment and Authorisation empower relevant persons to exercise the powers granted to authorised officers by legislation or a local law.

Recommendation:

That Council resolve, in the exercise of the powers under s. 147(4) of the *Planning and Environment Act 1987*, to appoint Harjinder Singh as an ‘authorised officer’ for the purposes of that Act, in accordance with the Instrument of Appointment and Authorisation attached to this report. That appointment remains in force until varied, revoked or Harjinder Singh ceases to be an employee of Council, whichever occurs first.

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

CARRIED

Report No: Report Title:

CC.5 Appointment of Councillor committee delegates, meetings and related matters

Purpose and Overview

This report outlines:

- The process of annual appointments of delegates to Council’s advisory committees, external committees and organisations;
- proposed memberships and subscription renewals to peak bodies and associations that support local councils in Victoria;
- information regarding Mayoral and Councillor allowances; and
- the proposed 2020/21 Council and committee meeting schedule.

Recommendation

That Council:

1. **Appoints delegates for the 2020/21 year to the advisory committees and external committees/organisations as specified in the table in Attachment 1.**
2. **Notes that it will no longer appoint Councillors to the following two committees as a result of recent legislative amendments:**
 - a. **Municipal Emergency Management Planning Committee**
 - b. **Municipal Fire Management Planning Committee**
3. **Resolves that it will no longer appoint Councillors to the following committee as detailed in the report:**
 - a. **Kyneton Airfield Advisory Committee**
4. **Directs the Chief Executive Officer to prepare a report on the effectiveness of ongoing representation on the identified advisory committees and external committees/organisations prior to 30 June 2021.**
5. **Endorses the ongoing annual subscriptions to the peak bodies and organisations as outlined in this report.**
6. **Notes the information provided in regards to Mayoral and Councillor allowances.**
7. **Resolves to amend the commencement time of the Scheduled Council Meeting for Wednesday 16 December 2020 from 6pm to 7pm**
8. **Adopts the proposed Council Meeting schedule for the period 1 January 2021 to 31 December 2021 as detailed below:**

Meeting	Date	Time	Location
Council Meeting	27 January 2021	7.00pm	Gisborne
Council Meeting	24 February 2021	7.00pm	Gisborne
Council Meeting	24 March 2021	7.00pm	Gisborne
Council Meeting	28 April 2021	7.00pm	Gisborne
Council Meeting	26 May 2021	7.00pm	Gisborne
Council Meeting	23 June 2021	7.00pm	Gisborne
Council Meeting	28 July 2021	7.00pm	Gisborne
Council Meeting	25 August 2021	7.00pm	Gisborne
Council Meeting	22 September 2021	7.00pm	Gisborne
Council Meeting	27 October 2021	7.00pm	Gisborne
Council Meeting (meeting to include election of Mayor and Deputy Mayor)	24 November 2021	7.00pm	Gisborne
Council Meeting	15 December 2021	7.00pm	Gisborne

9. **Endorse the Submitters Delegated Committee meeting schedule for the period 1 January 2021 to 31 December 2021 (with meetings to be held only when required), as detailed below:**

Meeting	Date	Time	Location
Submitters Delegated Committee	13 January 2021	7.00pm	Gisborne
Submitters Delegated Committee	10 February 2021	7.00pm	Gisborne
Submitters Delegated Committee	10 March 2021	7.00pm	Gisborne
Submitters Delegated Committee	14 April 2021	7.00pm	Gisborne
Submitters Delegated Committee	12 May 2021	7.00pm	Gisborne
Submitters Delegated Committee	9 June 2021	7.00pm	Gisborne
Submitters Delegated Committee	7 July 2021	7.00pm	Gisborne
Submitters Delegated Committee	11 August 2021	7.00pm	Gisborne
Submitters Delegated Committee	8 September 2021	7.00pm	Gisborne
Submitters Delegated Committee	13 October 2021	7.00pm	Gisborne
Submitters Delegated Committee	10 November 2021	7.00pm	Gisborne
Submitters Delegated Committee	1 December 2021	7.00pm	Gisborne

It was moved by Cr Moore seconded by Cr Death

That Council:

- Appoints delegates for the 2020/21 year to the advisory committees and external committees/organisations as specified in the revised version of Attachment 1 to the report, tabled at the meeting, which contains the following amendments:
 - the names of those Councillors to be appointed delegates and substitute delegates to each committee / group;
 - an explanation of the purpose of the Gisborne Futures Council Project Group (based on the Group's Terms of Reference);
 - that all Macedon Ranges Shire Councillors are to be appointed as delegates to the Gisborne Futures Council Project Group; and
 - that the Gisborne Futures Council Project Group meeting schedule be amended such that the group meets at least monthly.
- Notes that it will no longer appoint Councillors to the following two committees as a result of recent legislative amendments:
 - Municipal Emergency Management Planning Committee
 - Municipal Fire Management Planning Committee
- Resolves that it will no longer appoint Councillors to the following committee as detailed in the report:
 - Kyneton Airfield Advisory Committee
- Directs the Chief Executive Officer to prepare a report on the effectiveness of ongoing representation on the identified advisory committees and external committees/organisations prior to 30 June 2021.
- Endorses the ongoing annual subscriptions to the peak bodies and organisations as outlined in this report.
- Notes the information provided in regards to Mayoral and Councillor allowances.
- Resolves to amend the commencement time of the Scheduled Council Meeting for Wednesday 16 December 2020 from 6pm to 7pm
- Adopts the proposed Council Meeting schedule for the period 1 January 2021 to 31 December 2021 as detailed below:

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Council Meeting	15 December 2021	7.00pm	Gisborne

9. **Endorse the Submitters Delegated Committee meeting schedule for the period 1 January 2021 to 31 December 2021 (with meetings to be held only when required), as detailed below:**

Meeting	Date	Time	Location
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Submitters Delegated Committee	8 September 2021	7.00pm	Gisborne
Submitters Delegated Committee	13 October 2021	7.00pm	Gisborne
Submitters Delegated Committee	10 November 2021	7.00pm	Gisborne
Submitters Delegated Committee	1 December 2021	7.00pm	Gisborne

It was noted that prior to finalising the Attachment, a typographical error in the spelling of Cr Bonanno's name would be corrected and that the table would include a note regarding Council's support for Cr Anderson's nomination as the North Central Regional Representative to the Municipal Association of Victoria (MAV).

CARRIED

13. DIRECTOR ASSETS AND OPERATIONS REPORTS:

Nil

14. NOTICES OF MOTION

Nil

15. URGENT BUSINESS

It was moved by Cr Ridgeway seconded by Cr Pearce that an urgent matter regarding the acknowledgement of outgoing Councillors be included on the agenda.

CARRIED

It was moved by Cr Ridgeway seconded by Cr Pearce

That Council thank all members of the outgoing Council for their outstanding and dedicated service and commitment to the Macedon Ranges Shire over the last four years.

An amendment to the motion to name the outgoing Councillors was moved by Cr Neil and seconded by Cr Moore.

CARRIED

It was moved by Cr Neil seconded by Cr Ridgeway

That Council thank Roger Jukes, Mandi Mees, Andrew Twaits, Henry Bleeck, Natasha Gayfer, Bill West, Jennifer Anderson, Janet Pearce, and Helen Radnedge for their outstanding and dedicated service and commitment to the Macedon Ranges Shire over the last four years.

CARRIED

Closure of meeting to consider confidential matter

The Mayor, Cr Anderson, noted that as there were no further items to discuss after consideration of the confidential report listed on the agenda that the meeting would not be reopened to the public.

It was moved by Cr Guthrie and seconded by Cr Pearce that the meeting be closed to the public to consider a confidential report and that the meeting not be re-opened.

CARRIED

The meeting closed at 6.58pm, pursuant to section 66(2)(a) of the *Local Government Act 2020* to consider the following report.

16. CONFIDENTIAL REPORTS

16.1 Engagement of a professional to assist with the recruitment of a permanent Chief Executive Officer

In the closed session of the meeting the following resolutions were carried, having been moved by Cr Ridgeway and seconded by Cr Guthrie:

- 1. That Council note the process to date in consideration of the engagement of a suitably qualified recruitment consultant to assist Council recruit a permanent Chief Executive Officer.**
- 2. Appoint Omera Partners to support Council with a recruitment of a permanent Chief Executive Officer.**
- 3. That these resolutions be made public.**

Closure of Meeting

The meeting closed at 7.26pm.

**Councillor Anderson
Mayor**