

Minutes

**Council Meeting
Wednesday 23 June 2021 at 7pm
Gisborne Administration Centre
40 Robertson Street, Gisborne**



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1 ACKNOWLEDGEMENT OF COUNTRY

Macedon Ranges Shire Council is on Dja Dja Wurrung, Taungurung and Wurundjeri Woi Wurrung Countries. Council acknowledges that those attending today's meeting are gathering on the land of the Wurundjeri Woi Wurrung Peoples. Council pays its respects to their Elders past, present and emerging and any Aboriginal and/or Torres Strait Islander People who may be here today.

2 RECORDING OF LIVE STREAMING OF THIS COUNCIL MEETING

This meeting was recorded and streamed live on the internet in accordance with Council's 'Live Streaming and Publishing Recordings of Meetings Policy, which can be viewed on Council's website.

3 PRESENT

Cr Jennifer Anderson (Mayor), Cr Mark Ridgeway (Deputy Mayor), Cr Dominic Bonanno, Cr Annette Death, Cr Rob Guthrie, Cr Anne Moore, Cr Geoff Neil, Cr Janet Pearce, Cr Bill West.

IN ATTENDANCE

Bernie O'Sullivan (Chief Executive Officer), John Hausler (Director Corporate and Community), Angela Hughes (Director Planning and Environment), Nathan Upson (Acting Executive Manager People, Culture and Performance), Shane Walden (Director Assets and Operations), Kate Young (Manager Legal and Corporate Governance), Allison Watt (Coordinator Governance), Bob Elkington (Coordinator Economic Development).

4 APOLOGIES

Nil

5 CONFLICTS OF INTEREST

Nil

6 MAYOR'S REPORT**6.1 MAYOR'S REPORT - JUNE 2021****Resolution 2021/1**

Moved: Cr Mark Ridgeway

Seconded: Cr Anne Moore

That Council receives and notes the Mayor's report.

CARRIED

7 PETITIONS**7.1 PETITION FOR THE CONSTRUCTION OF TWO PUBLIC TOILET BLOCKS IN KYNETON**

Council received a petition with 250 signatures requesting the construction of two additional public toilet blocks in Kyneton; adjacent to the newly constructed-outdoor fitness station near the Campaspe River Walk in St Agnes Place and in Quarry Reserve in the vicinity of the Barry Doyle Rotunda.

Resolution 2021/2

Moved: Cr Mark Ridgeway

Seconded: Cr Janet Pearce

That the petition be received and noted and that it be referred to Council officers for investigation and reporting back to Council.

CARRIED

8 ADOPTION OF MINUTES**Resolution 2021/3**

Moved: Cr Geoff Neil

Seconded: Cr Mark Ridgeway

That Council confirms the minutes of the Scheduled Council Meeting of Macedon Ranges Shire Council held on 26 May 2021, as circulated.

CARRIED

9 RECORD OF MEETINGS OF COUNCILLORS AND COUNCIL STAFF**9.1 RECORD OF MEETINGS OF COUNCILLORS AND COUNCIL STAFF - MAY 2021****Summary**

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. This report provides a summary of meetings of Councillors and Council staff held since the last Council Meeting.

Resolution 2021/4

Moved: Cr Annette Death

Seconded: Cr Rob Guthrie

That Council receives and notes the record of meetings of Councillors and Council staff, as outlined in this report with the following corrections to the record for the meeting of the Health and Wellbeing Advisory Committee on 19 May 2021:

- a) **Annamarie Perlesz and Marie Zoethout be recorded as members of the Committee in attendance**
- b) **The six councillors who are not members of the Committee not be noted as apologies**
- c) **Committee members Paul Stuart, Geoff Caddick, Dr Tony Croke, Rachael Wauchope and Ronelle Wetton be noted as apologies**
- d) **Jeremy Hearne (Sunbury Cobaw Community Health) and Emma Shannon (Central Victoria Primary Care Partnership) be recorded as guest presenters**

CARRIED

10 DEPUTATIONS AND PRESENTATIONS TO COUNCIL**Resolution 2021/5**

Moved: Cr Rob Guthrie

Seconded: Cr Mark Ridgeway

That a letter under the Common Seal of Council be forwarded to Joseph Farrugia OAM in recognition of his 2021 Queen's Birthday Honour Award.

CARRIED

SUSPENSION OF STANDING ORDERS**Resolution 2021/6**

Moved: Cr Rob Guthrie

Seconded: Cr Janet Pearce

7.12pm: A motion was moved that Council suspend standing orders to receive the biannual report from the Chair of the Audit and Risk Committee, Mr Peter Matthews, and to receive a question from a member of the public.

CARRIED

The Chair of Council's Audit and Risk Committee, Mr Peter Matthews, presented his biannual report which was also considered by Council later in the meeting agenda.

Public question

A question was received from a member of the public, Ms Moira Deeming as follows:

Under Victorian law, is it legal for Local Government Councils to provide sex based/targeted services and facilities separately to gender identity based/targeted services and facilities? If not, why not? For example, can we legally put signs on a set of public toilets declaring that one is for biological males (including males with an intersex condition), one is for biological females (including biological females with an intersex condition) and one is for people with transgender identities (of any biological sex)? If not, why not? As a taxpayer, I would like clarification on this issue and would like to know Councillors opinion on the answer.

Response

This question appears to relate to a matter that may be the subject of legal advice. Council's Governance Rules do not require Council to respond to questions relating to legal advice.

RESUMPTION OF STANDING ORDERS

Resolution 2021/7

Moved: Cr Rob Guthrie
Seconded: Cr Mark Ridgeway

7.18pm: A motion was moved that Council resume standing orders.

CARRIED

11 DIRECTOR PLANNING AND ENVIRONMENT REPORTS**PE.1 SMALL PROJECT GRANT****Summary**

The Small Project Grants (SPG) program supports projects and initiatives that:

- support local needs
- are unlikely to be funded by other Council funding programs
- align with Council Plan priorities.

Council's SPG budget for 2021/22 is \$36,000 and not-for-profit groups can apply for a maximum of \$1,500 per application.

Applications are assessed against set criteria outlined in the SPG guidelines. Funding recommendations are presented monthly at a Scheduled Council meeting for review and/or approval.

This report details the process of evaluation and lists any recent applications received.

One application has been received seeking a total of \$1,500 in funding. The application has been evaluated against eligibility criteria and was deemed to be eligible.

Resolution 2021/8

Moved: Cr Annette Death

Seconded: Cr Janet Pearce

That Council approves the awarding of the full amount of funding applied for in the application by the Macedon Ranges Sustainability Group for their Growers Directory project.

CARRIED

PE.2 DRAFT ECONOMIC DEVELOPMENT STRATEGY 2021-2031**Summary**

Development of the Draft Economic Development Strategy 2021–2031 has included a range of opportunities for businesses, organisations and agencies to provide input and suggestions. Councillors are now requested to endorse the draft strategy for public exhibition and comment for a period of six weeks.

Resolution 2021/9

Moved: Cr Geoff Neil

Seconded: Cr Bill West

That Council:

- 1. Approves the Draft Economic Development Strategy 2021-2031 for community consultation;**

2. Publishes the Draft Economic Development Strategy 2021-2031 on its Have Your Say webpage and makes it available at the Council offices in Gisborne, Kyneton, Romsey, and Woodend during the six week consultation period;
3. Considers all submissions received during the six week consultation period in finalising the Economic Development Strategy 2021-2031, and;
4. Considers the final version of the Economic Development Strategy 2021-2031 at a future Council Meeting for adoption.

CARRIED

PE.3 ESTABLISHMENT OF PLANNING DELEGATED COMMITTEE TO DETERMINE PLANNING MATTERS

Summary

At its Scheduled Meeting held on 28 April 2021, Council resolved to establish a Planning Delegated Committee (PDC).

This report recommends the endorsement of:

- an Instrument of Delegation, to delegate certain powers, duties and functions of the Council to PDC; and
- a Terms of Reference for the PDC

These items require endorsement by Council resolution before the first meeting of the PDC can be held on 14 July 2021.

Resolution 2021/10

Moved: Cr Mark Ridgeway

Seconded: Cr Rob Guthrie

That Council:

1. Endorses the attached Instrument of Delegation from Council to the Planning Delegated Committee with the words “sealed by Macedon Ranges Shire Council (Council) under section 11 of the Local Government Act 2020, Council” to be deleted and replaced with “Macedon Ranges Shire Council (Council) under section 11 of the Local Government Act 2020”.
2. Endorses the attached Terms of Reference for the Planning Delegated Committee.
3. Notes that the first meeting of the Planning Delegated Committee will occur on 14 July 2021.

CARRIED

PE.4 APPLICATION TO AMEND PLANNING PERMIT PLN/2014/28/C - HOLGATES, 79 HIGH STREET WOODEND - USE AND DEVELOPMENT OF THE LAND FOR THE PURPOSE OF AN EXTENSION TO THE EXISTING BREWERY OPERATION, WAIVER OF CAR PARKING AND BUSINESS IDENTIFICATION SIGNAGE (AMENDMENT SOUGHT TO ALTER CONDITIONS IN RELATIONS TO CONSUMPTION OF LIQUOR AND HOURS OF OPERATION)

Summary

The matter before Council is somewhat unorthodox in that Council has lodged an appeal at the Victorian Civil and Administrative Tribunal (VCAT) to reinstate Conditions 6 and 9 of Planning Permit PLN/2014/28/B. These conditions relate to the sale and consumption of beer (only) within the visitor centre and adjoining outdoor tasting garden and opening hours.

This planning permit was originally issued on 18 February 2021 allowing the site to be used and developed for the purpose of an extension to the existing brewery operation, waiver of car parking and business identification signage.

Through the appeal process, VCAT has directed that the subject of the appeal be advertised. This has occurred and three (3) joint statement of grounds (objections) have been received to date comprising a total of fourteen (14) submitters.

At the Submitters Committee on 9 June 2021, Council heard from those submitters who wished to speak/present.

VCAT will hear the merits of this matter on 6 and 7 September 2021. Prior to that, Council must form a position on this matter, in order for Council to prosecute this position at the merits hearing.

Key issues to be considered relate to the impact of the intensification of the use on the amenity of the adjoining area specifically on residential area.

The application has been assessed against the Macedon Ranges Planning Scheme. It is considered appropriate to:

1. Delete Condition 6 and allow alcohol other than beer to be consumed on site in addition to food
2. Amend Condition 9 by allowing the (indoor) visitor centre to operate until 9pm. The outdoor tasting garden may only operate until the hours specified in Condition 9.
3. Impose an additional condition to limit patron numbers within the brewery operations to 80
4. Impose an additional condition to not allow amplified music
5. Impose an additional condition to require the owner to make a monetary contribution to Council to increase on-street parking capacity in the area, having regard to a likely increase in staff numbers required to service the visitor centre and outdoor tasting garden if these spaces are not limited to beer tasting and/or beer purchase only.

Resolution 2021/11

Moved: Cr Mark Ridgeway
Seconded: Cr Rob Guthrie

That Council:

Approves Amended Planning Permit PLN/2014/28/C being granted for the use and development of the land for the purpose of an extension to the existing brewery operation, waiver of car parking and business identification signage at Lot 1 TP142423 P/Woodend, 79 High Street, Woodend subject to the following conditions:

- 1. Before the development commences, three copies 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 plans dated 20.12.13 and prepared by Bojan Simic but modified to show:**
 - (a) Amendment of the area schedule on the floor plans to correct the “total area” from 11,000m² to 1,100m².**
 - (b) Removal of references to remarking of existing on-street parking in Anslow Street.**
 - (c) The accurate location of the outdoor seating area for the café on the adjoining site to the west.**
 - (d) The use of recycled red brick inserts for that part of the concrete wall on the west elevation which immediately adjoins the café area on the adjoining site to the west, above the line of the existing brick fence.**
 - (e) The provision of a permanent physical barrier which prevents direct pedestrian access to Anslow Street from the beer garden in the north-west corner of the site.**
 - (f) Inclusion of the dimensions for each of the two signs proposed on the north elevation.**
 - (g) The location of external lighting proposed to illuminate the signs.**
- 2. The development and use as shown on the endorsed plans must not be altered unless with the prior written consent of the Responsible Authority.**
- 3. The location and details of the sign(s), as shown on the endorsed plans, must not be altered unless with the prior written consent of the Responsible Authority.**
- 4. Before the development commences, three copies of a landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of this permit. The plan must show:**
 - a. A survey of all existing vegetation and natural features;**
 - b. The area or areas set aside for landscaping;**
 - c. A schedule of all proposed trees, shrubs/small trees and ground cover.**
 - d. The location of each species to be planted and the location of all areas to be covered by grass, lawn or other surface material;**
 - e. Paving, retaining walls, fence design details and other landscape works including areas of cut and fill;**
 - f. Appropriate irrigation systems; and**

- g. Landscaping must be provided in all of the locations indicated on the site plan, being along the street boundary, parts of the west boundary not adjoined by the building and the first 8m of the west side of the right of way.**
 - 5. Unless with the prior written consent of the Responsible Authority, before the occupation of the extension, the landscaping works shown on the endorsed plans must be carried out, completed and thereafter maintained to the satisfaction of the Responsible Authority.**
 - 6. Deleted**
 - 7. The offices shall only be used for administration in conjunction with the brewing activities on site, unless with the prior written consent of the Responsible Authority.**
 - 8. The use hereby permitted must be managed so that the amenity of the area is not detrimentally affected, through the:**
 - a. Transport of materials, good or commodities to or from the land;**
 - b. Appearance of any building, works or materials;**
 - c. Emissions of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;**
 - d. Presence of vermin.**
 - 9. Unless with the prior written consent from the Responsible Authority, the visitor centre hereby permitted may operate until 9pm Mondays to Sundays and public holidays; and the adjoining outdoor tasting garden hereby permitted may only operate between the following hours:**
 - Monday to Friday: 9.00am to 5.00pm**
 - Saturday, Sunday and Public Holidays: 10.00am to 6.00pm**
 - 10. (New Condition 10) – Unless with the prior written consent of the Responsible Authority, the maximum patron number within the visitor centre and outdoor tasting garden is eighty.**
 - 11. Unless with the prior written consent of the Responsible Authority, deliveries to and from the site (including waste collection) must only take place between the hours of 7.00am and 8.00pm.**
 - 12. All external lighting must be designed, baffled and located so as to prevent adverse effect on adjoining land, to the satisfaction of the Responsible Authority.**
 - 13. Noise levels emanating from the premises must not exceed those required to be met under State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1, to the satisfaction of the Responsible Authority.**
 - 14. (New condition) – No amplified music is allowed in the visitor centre or outdoor tasting garden.**
 - 15. Air-conditioning and other plant and equipment installed outside the subject building shall be positioned and baffled so that noise disturbance is minimised, to the satisfaction of the Responsible Authority.**
-

16. Provision shall be made for the appropriate storage and disposal of garbage to the satisfaction of the Responsible Authority. All garbage storage areas must be screened from public view.
17. The nature and colour of building materials employed in the construction of the buildings and works hereby permitted shall be harmonious with the environment, to the satisfaction of the Responsible Authority.
18. The materials to be used in the construction of the buildings and works hereby permitted shall be of non-reflective type, to the satisfaction of the Responsible Authority.
19. The sign lighting must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land.
20. The loading and unloading of goods from vehicles must only be carried out on the land (within the designated loading bay) and must not disrupt the circulation of vehicles on the land, to the satisfaction of the Responsible Authority.
21. Prior to the commencement of the use a minimum of twelve (12) bicycle spaces must be located on the subject land in locations to the satisfaction of the Responsible Authority.
22. (New condition) – In addition to the monetary contribution that has been made to Council in respect of the original waiver of car parking (and secured via a Section 173 agreement); the owner must make an additional contribution to Council in recognition of the additional demand for on-street parking which will be generated by additional staff required within the visitor centre and outdoor tasting garden and/or the broader clientele that will be attracted to the site if the visitor centre and outdoor tasting garden are not limited to the sale and consumption of beer.

MRSC Engineering Conditions

23. Prior to the commencement of works, Engineering Plans must be submitted to and approved by Responsible Authority including payment of plan checking and supervision fees. The plans must include:
 - a. All necessary computations and supporting design documentation for any structure, civil and drainage infrastructure and geotechnical investigation report.
 - b. Details of any cut and fill earthworks including retaining walls.
 - c. Provision for all services and conduits (underground) including alignments and offsets.
 - d. Underground stormwater drainage to all buildings and paved areas.
 - e. Extension of Council's existing drainage network from Anslow Street to the boundaries of the development.
 - f. A new crossover from Lot 1 TP941604E to Anslow Street.
 - g. Re-construction of the sealed access driveway within Lot 1 TP941604E to permit access for all entitled properties.

- h. Replacement of the existing concrete footpath, between Lot 1 TP941604E and the western boundary of the subject property along Anslow Street, to a minimum 2.5m wide asphalt footpath.
24. Prior to occupation of the development, all works shown on the approved Engineering Plans must be constructed or carried out all to the satisfaction of the Responsible Authority.
25. 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.
 - h. Council approved Engineering Plans.

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

26. Prior to any development works being undertaken, an 'Asset Protection Permit' must be obtained from Council for any of the following:
- a. Works within Council road reserves or on Council stormwater drainage assets.
 - b. Entry into a building site by means of a motor vehicle having a gross weight exceeding two tonnes.
 - c. New crossover or existing crossover upgrading works.
27. The development is to be provided with a drainage system to a design approved by the Responsible Authority and such that:
- a. The development as a whole is provided with legal point/s of discharge approved by the Responsible Authority and any other statutory authority from which approval must be received for the discharge of drainage. All new drainage is to be connected via underground piping into Council's existing drainage network.
 - b. Storm water runoff from all buildings, tanks and paved areas must be drained to a legal point of discharge.
 - c. Stormwater runoff from paved areas must be intercepted by the drainage system and not allowed to overland flow into road reservations.
28. Prior to the occupation of the development, the following 'as-constructed' documentation must be provided for Council assets:

- a. 'As-constructed' drawings in hardcopy A1 and A3 formats that include alterations during construction.
 - b. 'As-constructed' drawings in AutoCAD (2000) and Acrobat PDF formats that include alterations during construction.
 - c. Asset information in digital format to include asset data as per A-Spec standards (developer/consultant specifications for the delivery of asset data to Local Government), incorporating R-Spec (roads), D-Spec (drainage) and O-Spec (open space).
29. All Council assets are to be constructed in accordance with Macedon Ranges Shire Council's Policy Engineering Requirements for Infrastructure Construction (June 2010).
30. No polluted and/or sediment laden run-off 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.

Expiry of Permit

31. This permit will expire if one of the following circumstances applies:
- a. The development is not commenced within 2 years of the date of this permit.
 - b. The development is not completed within 4 years of the date of this permit.
 - c. The use is not commenced within 2 years of the completion of the development

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires, or within 6 months afterwards if the development has not commenced, or 12 months after if the development has commenced but is not yet completed.

32. This permit authorising the display of signage expires 15 years from the date of issue.

CARRIED

12 CHIEF EXECUTIVE OFFICER REPORTS**CX.1 REVIEW OF MAYOR AND COUNCILLOR ALLOWANCES****Summary**

An important reform of the *Local Government Act 2020* (LG Act 2020) is the transfer of responsibilities in determining mayoral, deputy mayoral and councillor allowances to the Victorian Independent Remuneration Tribunal (the Remuneration Tribunal).

However, until the Remuneration Tribunal makes its first determination on allowances, the allowance framework under the *Local Government Act 1989* (LG Act 1989) continues to apply, despite the repeal of those relevant provisions last year. Section 39(6) of the *LG Act 2020* provides for this transitional arrangement.

The Minister for Local Government will request that the Remuneration Tribunal make a determination, however a determination is not expected until late 2021.

All councils have received advice that they must undertake and complete their own review of allowances under the *LG Act 1989* by 30 June 2021. Community consultation was undertaken on proposed mayor and councillor allowances for Macedon Ranges Shire Council and no submissions were received.

Resolution 2021/12

Moved: Cr Janet Pearce
Seconded: Cr Annette Death

That Council:

1. **Having undertaken a review of the Mayor and Councillor Allowances in accordance with section 74 (1) of the *Local Government Act 1989*, resolves to set the allowances as follows:**
 - (a) **Mayoral allowance of \$81,204 per annum (excluding superannuation), being the maximum allowed for category 2 councils**
 - (b) **Councillor allowance of \$26,245 per annum (excluding superannuation), being the maximum allowed for category 2 councils**
2. **Notes this resolution will continue to apply until such time as the Victorian Independent Remuneration Tribunal makes a determination of allowances under the *Local Government Act 2020*.**

CARRIED**CX.2 HANGING ROCK STRATEGIC PLAN UPDATE****Summary**

This report provides an update to Council on the Hanging Rock Ministerial Advisory Group, consistent with Council's resolution to receive reports provided by the group at the next available Council Meeting.

Resolution 2021/13

Moved: Cr Geoff Neil
Seconded: Cr Anne Moore

That Council receives and notes this report as an update from the Hanging Rock Ministerial Advisory Group.

CARRIED

13 DIRECTOR CORPORATE AND COMMUNITY REPORTS

CC.1 AUDIT AND RISK COMMITTEE BIENNIAL UPDATE

Summary

This report ensures Council transparently discloses a summary of the key matters discussed at the Audit and Risk Committee meetings for the first six months of 2021.

The report also ensures the requirements of the Audit and Risk Committee Charter are met, by providing a biennial report to Council that summarises the work of the Committee performed, to fully discharge its responsibilities.

The Audit and Risk Committee Biennial Report - June 2021 is attached and the Chairperson, Mr Peter Matthews, will attend the Council Meeting to present the report.

Resolution 2021/14

Moved: Cr Mark Ridgeway
Seconded: Cr Geoff Neil

That Council:

- 1. Notes the Audit and Risk Committee Biennial Report - June 2021 and thanks the committee for the report.**
- 2. Endorses the payment of \$500.00 to the Chairperson and \$350.00 to each Independent Member per meeting of the Audit and Risk Committee, noting these payments are to cover all costs relating to the member's participation and attendance at Audit and Risk Committee meetings.**
- 3. Endorse the payment of \$350.00 to the Independent Members who present reports at Council Meetings for their preparation, participation and attendance.**
- 4. Notes that no other payments or expense reimbursement are payable to the Independent Members of the Audit and Risk Committee.**

CARRIED

CC.2 MACEDON RANGES SHIRE COUNCIL DISABILITY ACTION PLAN AND MUNICIPAL PUBLIC HEALTH AND WELLBEING PLAN DEVELOPMENT UPDATE

Summary

This report provides a progress update on the development of the Macedon Ranges Shire Council Disability Action Plan and Municipal Health and Wellbeing Plan 2021-2025.

Resolution 2021/15

Moved: Cr Janet Pearce
Seconded: Cr Annette Death

That Council:

- 1. Note the progress update provided in regards to the Macedon Ranges Shire Council Disability Action Plan and Municipal Public Health and Wellbeing Plan.**
- 2. Endorse officers developing a standalone Macedon Ranges Shire Council Municipal Public Health and Wellbeing Plan.**
- 3. Endorse officers developing a standalone Macedon Ranges Shire Council Disability Action Plan.**

CARRIED

CC.3 CONTRACTS TO BE AWARDED

Purpose and Overview

The following report sets out the details of contracts proposed to be awarded from the date of the last report to 23 June 2021, under a delegation from Council. Although this report recommends noting the power delegated to Council officers, Council has the power to:

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

Resolution 2021/16

Moved: Cr Dominic Bonanno
Seconded: Cr Bill West

That Council:

- 1. Notes that the following contracts will be awarded by Council officers under delegated authority:**
 - (a) C21.1115 Macedon Ranges Open Space Strategy**

CARRIED

CC.4 PROCUREMENT POLICY 2021**Summary**

Consistent with the requirements of the *Local Government Act (LGA) 1989* an annual review of Council's Procurement Policy has been conducted and a number of changes are suggested for consideration and adoption.

Resolution 2021/17

Moved: Cr Geoff Neil

Seconded: Cr Bill West

That Council:

1. **Adopts the Procurement Policy 2021.**
2. **Places the adopted policy on Council's website.**

LOST

Resolution 2021/18

Moved: Cr Jennifer Anderson

Seconded: Cr Mark Ridgeway

That Council:

1. **Adopts the draft Procurement Policy 2021 attached to the Council Report, with the following changes: -**
 - a. **removal of the words "unless the exception in section 5.8 applies" from the last bullet point in section 3.3;**
 - b. **removal of the words "which may be subject to the exception set out in section 5.8" in section 3.3;**
 - c. **removal of the last bullet point in section 5.8; and**
 - d. **removal of the words "which may include reducing the mandatory minimum weighting in relation to environmental benefit to any amount less than 5%, including to zero. However, there must not be a reduction to the mandatory weighting of the environmental benefit criterion unless there are strong reasons why it is not appropriate and/or feasible to apply the mandatory minimum weighting of 5% as determined by the relevant Director" in section 5.8.**
2. **Places the adopted policy on Council's website.**

Cr Anderson called for a division:

In Favour: Crs Jennifer Anderson, Dominic Bonanno, Annette Death, Rob Guthrie, Anne Moore, Janet Pearce, Mark Ridgeway, Bill West.

Against: Cr Geoff Neil

CARRIED 8/1

14 DIRECTOR ASSETS AND OPERATIONS REPORTS**AO.1 MACEDON RANGES REGIONAL SPORTS PRECINCT - RECOMMENDED SCOPE FOR STAGE 1 DELIVERY****Summary**

Macedon Ranges Regional Sports Precinct (MRRSP) will deliver a 15-hectare regional park, providing facilities for a range of sport and passive recreation activities, enabling improved social connections and health outcomes for the growing Macedon Ranges community.

Council and lead design consultants have refined the concept presented in the original sports hub and fields feasibility studies (New Gisborne Regional Sports Fields Feasibility Study, dated 2017, and Macedon Ranges Regional Sports Hub Feasibility Study, dated 2018). The team produced a precinct masterplan focused on active and passive recreation offered in a welcoming, inclusive, equitable and accessible way for locals and regional visitors. Given the project's funding constraints, the masterplan will be delivered via a staged approach, with Stage 1 construction forecast in early 2022. In determining the optimal scope for Stage 1 delivery, the design team considered all the consultation feedback captured to date. The team recommend a program of diverse sport and recreation functions, with a safe and accessible linkage between the two sites and a scope that aligns with the available funding and funding requirements.

This report presents the preferred scope for Stage 1 delivery and relevant financial considerations.

Resolution 2021/19

Moved: Cr Dominic Bonanno

Seconded: Cr Janet Pearce

That Council:

- 1. Approves the detailed design scope for Stage 1 of the Macedon Ranges Regional Sports Precinct, noting potential value management decisions on reducing the Sports Hub and Pavilion roof height, the signalisation of Hamilton and Barringo Roads and delayed delivery of the spectator mound.**
- 2. Notes that, pending further appropriate consultation, potential value management decisions are required, including reducing the Sports Hub and Pavilion roof height, the signalisation of Hamilton and Barringo Roads and the delayed delivery of the spectator mound.**
- 3. Approves the finalisation of the Stage 1 design and tendering of the project for construction.**
- 4. Directs the CEO to continue to advocate for Federal Government and other agencies for Stage 2 funding.**
- 5. Directs the CEO to prepare and execute a funding agreement with Sport and Recreation Victoria and AFL Victoria.**
- 6. Notes that these decisions commit Council funding to future budget consideration in the 2022/23 financial year.**

CARRIED UNANIMOUSLY

AO.2 ROAD MANAGEMENT PLAN 2021**Summary**

This report recommends that Council adopt the revised Road Management Plan (RMP) 2021.

The *Road Management Act 2004* (RMA) requires Council to undertake a review of its Road Management Plan within six months of the election of a new Council.

Development of this revised Road Management Plan has included a public display of the document and an internal stakeholder review of the previous Road Management Plan version.

Resolution 2021/20

Moved: Cr Mark Ridgeway

Seconded: Cr Annette Death

That Council:

1. **Adopts the Road Management Plan 2021 in accordance with the *Road Management Act 2004* and *Road Management (General) Regulations 2016*;**
2. **Notes that the amended Road Management Plan 2021 will take effect from 1 July 2021;**
3. **Notes that the Road Management Plan 2021 applies to all roads and classes of road listed in Council's register of public roads;**
4. **Notes that the Road Management Plan 2021 and this report will be available for public inspection during regular business hours at the following locations**
 - a. **Gisborne Administration Centre**
 - b. **Kyneton Administration Centre**
 - c. **Romsey Service Centre**
 - d. **Woodend Service Centre**

CARRIED

15 NOTICES OF MOTION AND RESCISSION

NO. 23/2020-21: NOTICE OF MOTION - AMENDMENT TO PLANTATIONS ACT – MACEDON RANGES ENERGY PARK

Resolution 2021/21

Moved: Cr Mark Ridgeway

Seconded: Cr Rob Guthrie

That Council directs the CEO to write a letter on behalf of Council to The Hon Mary-Anne Thomas MP, Minister for Agriculture and Regional Development, and to The Hon Lily D'Ambrosio MP, Minister for Energy, Environment and Climate

Change, calling on the State Government to consider an amendment to the *Victorian Plantations Corporation Act 1993* to enable forestry land to be used for other purposes such as the creation of a community-based renewable energy park.

CARRIED

NO. 24/2020-21: NOTICE OF MOTION - KINDERGARTEN AT GISBORNE SOUTH

Resolution 2021/22

Moved: Cr Dominic Bonanno

Seconded: Cr Geoff Neil

That Council directs the Chief Executive Officer to provide a Councillor briefing on the implications of pursuing an opportunity to express an interest in running a new kindergarten at South Gisborne, including the associated budgetary and resourcing implications.

CARRIED

NO. 25/2020-21: NOTICE OF MOTION - COMMUNITY FUNDING SCHEME

Motion

Moved: Cr Janet Pearce

Seconded: Cr Rob Guthrie

That Council directs the Chief Executive Officer to write to the owner/s of the Victorian Tavern in Gisborne to advise that Council declines to accept a monetary contribution from them which has originated from electronic gaming machines for Council's Community Funding Scheme for the 2021/22 financial year. Council will not be asking for - or accepting - a monetary contribution which has originated from electronic gaming machines from the Victorian Tavern, for this Funding Scheme in subsequent financial years.

[8.17pm] The Mayor adjourned the meeting.

[8.44pm] The meeting resumed.

Amendment

Moved: Cr Anne Moore
Seconded: Cr Mark Ridgeway

That Council directs the Chief Executive Officer to write to the owner/s of the Victorian Tavern in Gisborne to advise that Council declines to accept a monetary contribution from them which has originated from electronic gaming machines for Council's Community Funding Scheme for the 2021/22 financial year. Consequently, that Macedon Ranges Shire Council will not be accepting any monetary contributions which have originated from electronic gaming machines for distribution via Macedon Ranges Shire Council's Community Funding Scheme.

CARRIED.

[9.03pm] The Mayor adjourned the meeting.

[9.07pm] The meeting resumed.

During the debate, Cr Pearce raised a point of order that, under rule 54 (d)(i) of the Governance Rules, Cr Neil was not confining his debate to the subject of the motion.

The Mayor upheld the point of order.

Cr Neil moved a motion of dissent in the Chairperson's ruling on the point of order.

The motion was lost.

Resolution 2021/23

Moved: Cr Janet Pearce
Seconded: Cr Rob Guthrie

That Council directs the Chief Executive Officer to write to the owner/s of the Victorian Tavern in Gisborne to advise that Council declines to accept a monetary contribution from them which has originated from electronic gaming machines for Council's Community Funding Scheme for the 2021/22 financial year. Consequently, that Macedon Ranges Shire Council will not be accepting any monetary contributions which have originated from electronic gaming machines for distribution via Macedon Ranges Shire Council's Community Funding Scheme.

In Favour: Crs Jennifer Anderson, Dominic Bonanno, Annette Death, Rob Guthrie, Anne Moore, Janet Pearce, Mark Ridgeway

Against: Crs Geoff Neil and Bill West

CARRIED 7/2

NO. 26/2020-21: NOTICE OF MOTION - AMESS ROAD PRECINCT STRUCTURE PLAN**Resolution 2021/24**

Moved: Cr Annette Death
Seconded: Cr Anne Moore

That Council requests the Chief Executive Officer to bring a report to the August 2021 Scheduled Council Meeting outlining:

1. An update on the progress of the Amess Road Precinct Structure Plan
2. Options available to Council regarding the planning for the Amess Road precinct. These options to include:
 - a. Progression of the current developer-led precinct structure plan process for the Amess Road precinct.
 - b. Commencement of a Council-led precinct structure plan process for the Amess Road precinct.
 - c. Not progressing a precinct structure plan for the Amess Road precinct until:
 - i. A review of the Riddells Creek Structure Plan is undertaken with a specific focus on the quantum of land identified for future residential development and the community infrastructure required to support the future growth of Riddells Creek.
 - ii. The Riddells Creek Movement Network Study (Gap Analysis) is completed

CARRIED

NO. 27/2020-21: NOTICE OF MOTION - FINANCIAL RESERVES POLICY REVIEW

Motion

Moved: Cr Jennifer Anderson
Seconded: Cr Rob Guthrie

That Council requests the Chief Executive Officer to provide a report to a Councillor briefing prior to the end of July 2021, regarding the approved use of funds section associated with the Public Open Space reserve section of Council's Financial Reserves Policy currently under review and;

1. Brings the briefing report and a summary of any Councillor discussions on this item to the August 2021 Audit and Risk committee meeting.
2. Ensures the report includes but is not limited to:
 - a. Clarity about how Council interprets the wording from the *Subdivision Act 1988* as "land set aside in a plan or land in a planned zone or reserve under a planning scheme-for public recreation or public resort; or as parklands; or for similar purposes";
 - b. Whether the preparation of a master plan for future improvements of public open space can be included;
 - c. Whether unrestricted or restricted club and sporting facilities can be funded from this reserve; and
 - d. How passive public open space could be prioritised over facilities referred to in point c of this motion.

Amendment

Moved: Cr Geoff Neil
Seconded: Cr Mark Ridgeway

That Council requests the Chief Executive Officer to provide a report to a Councillor briefing prior to the end of July 2021, regarding the approved use of funds section associated with the Public Open Space reserve section of Council's Financial Reserves Policy currently under review and;

- 1. Brings the briefing report on this item to the August 2021 Audit and Risk committee meeting.**
- 2. Ensures the report includes but is not limited to:**
 - a. Clarity about how Council interprets the wording from the *Subdivision Act 1988* as "land set aside in a plan or land in a planned zone or reserve under a planning scheme-for public recreation or public resort; or as parklands; or for similar purposes";**
 - b. Whether the preparation of a master plan for future improvements of public open space can be included;**
 - c. Whether unrestricted or restricted club and sporting facilities can be funded from this reserve; and**
 - d. How passive public open space could be prioritised over facilities referred to in point c of this motion.**

Cr Moore called for a division:

In Favour: Crs Geoff Neil and Mark Ridgeway

Against: Crs Jennifer Anderson, Dominic Bonanno, Annette Death, Rob Guthrie, Anne Moore, Janet Pearce and Bill West.

LOST 2/7

Resolution 2021/25

Moved: Cr Jennifer Anderson
Seconded: Cr Rob Guthrie

That Council requests the Chief Executive Officer to provide a report to a Councillor briefing prior to the end of July 2021, regarding the approved use of funds section associated with the Public Open Space reserve section of Council's Financial Reserves Policy currently under review and;

- 1. Brings the briefing report and a summary of any Councillor discussions on this item to the August 2021 Audit and Risk committee meeting.**
 - 2. Ensures the report includes but is not limited to:**
 - a. Clarity about how Council interprets the wording from the *Subdivision Act 1988* as "land set aside in a plan or land in a planned**
-

zone or reserve under a planning scheme-for public recreation or public resort; or as parklands; or for similar purposes”;

- b. Whether the preparation of a master plan for future improvements of public open space can be included;
- c. Whether unrestricted or restricted club and sporting facilities can be funded from this reserve; and
- d. How passive public open space could be prioritised over facilities referred to in point c of this motion.

CARRIED

NO. 28/2020-21: NOTICE OF MOTION - APPRECIATION FOR ASSISTANCE DURING STORM

Resolution 2021/26

Moved: Cr Geoff Neil
Seconded: Cr Dominic Bonanno

That Council:

1. Formally thanks its staff, the State Emergency Service (SES) and other emergency services, Powercor, associated organisations, volunteers and members of the community who assisted during the storm event that badly affected the Macedon Ranges on 9 June 2021 and in the days that followed. In giving our appreciation, Council acknowledges the many hours of work that went into clearing roads of fallen trees and debris, restoring power and mobile coverage and the community spirit of helping to make Macedon Ranges liveable again. It is acknowledged that there is still much work to be undertaken to recover from this event.
2. Requests the Chief Executive Officer to issue suitable communications to spread Council’s acknowledgement and appreciation of the many and various actions undertaken during the storm event and afterwards.

CARRIED UNANIMOUSLY

16 URGENT AND OTHER BUSINESS

Nil.

17 CONFIDENTIAL REPORTS

Nil.

On behalf of Council, the Mayor thanked Director Corporate and Community, Mr John Hausler, for his four and a half years of service to Council and wished him well in his new position at the City of Ballarat.

The meeting closed at 9.51pm.