

# Minutes

**Council Meeting**  
**Wednesday 25 October 2023 at 7pm**  
**Gisborne Administration Centre**  
**40 Robertson Street, Gisborne**



## Order of business

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**1 ACKNOWLEDGEMENT OF COUNTRY**

Macedon Ranges Shire Council acknowledges the Dja Dja Wurrung, Taungurung and Wurundjeri Woi Wurrung Peoples as the Traditional Owners and Custodians of this land and waterways. Council recognises their living cultures and ongoing connection to Country and pays respect to their Elders past, and present.

Council also acknowledges local Aboriginal and/or Torres Strait Islander residents of Macedon Ranges for their ongoing contribution to the diverse culture of our community.

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

**IN ATTENDANCE**

Bernie O'Sullivan (Chief Executive Officer), Adele Drago-Stevens (Director Corporate), Rebecca Stockfeld (Director Planning and Environment), Shane Walden (Director Assets and Operations), Maria Weiss (Director Community), Patricia Clive (Coordinator Governance), Lucy Olson (Senior Governance Officer – Council Business)

**4 APOLOGIES**

NIL

**5 CONFLICTS OF INTEREST**

Cr Ridgeway declared a general conflict in relation to item PE.2 due to his wife being on the committee of one of the groups.

Cr Anderson declared a general conflict in relation to item PE.2 due to a due her partner being on the committee of one of the groups.

**6 PETITIONS**

NIL

**7 DEPUTATIONS AND PRESENTATIONS TO COUNCIL**

NIL

**8 ADOPTION OF MINUTES****Resolution 2023/131**

Moved: Cr Jennifer Anderson  
Seconded: Cr Mark Ridgeway

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That the minutes of Ordinary Meeting of the Macedon Ranges Shire Council held on Wednesday 27 September 2023 as circulated be confirmed.

**CARRIED**

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**9 MAYOR'S REPORT****9.1 MAYOR'S REPORT - SEPTEMBER-OCTOBER 2023****Resolution 2023/132**

Moved: Cr Mark Ridgeway

Seconded: Cr Rob Guthrie

**That Council receives and notes the Mayor's report.**

**CARRIED**

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**10 RECORD OF MEETINGS OF COUNCILLORS AND COUNCIL STAFF**

<b>10.1 RECORD OF MEETINGS OF COUNCILLORS AND COUNCIL STAFF - SEPTEMBER-OCTOBER 2023</b>
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**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.

**Recommendation**

**That Council receives and notes the record of meetings of Councillors and Council staff, as outlined in this report.**

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Cr Jennifer Anderson moved an amended officer recommendation.

**Resolution 2023/133**

Moved: Cr Jennifer Anderson

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 amendments:**

- 1. Kyneton Urban design framework added to the items discussed on 3 October 2023; and**
- 2. Youth Housing in Macedon Ranges added to the items discussed on 10 October 2023.**

**CARRIED**

**11 DIRECTOR PLANNING AND ENVIRONMENT REPORTS****PE.1 ANNUAL ENVIRONMENT REPORT 2022-23****Summary**

Each year an Annual Environment Report is prepared which outlines Council's progress toward achieving the vision and the objectives of Council's Environment Strategy. The Annual Environment Report's reporting framework is consistent with the indicators in Council's Environment Strategy - Refreshed 2021.

Highlights from Council's 2022-23 Annual Environment Report include:

- Adoption of the Counting Down to Zero Net Emissions for Council Operations Plan by 2030.
- Installation of additional solar panels and battery capacity to enable Macedon Community Centre and Romsey Recreation Centre to become 'off-grid' relief centres.
- Installation of three electric vehicle charging stations for public use in Kyneton, Lancefield, and Macedon, and electric vehicle charging stations at all key Council offices to support Council's transition to electric fleet vehicles.
- A reduction in total amount of kerbside general waste of 7.5%.
- The Romsey storm waste facility winning the Special Projects Initiative category of the LGPro Awards for Excellence and the Cool Changes program placed as a 'finalist' at the LGPro Awards for Corporate and Community Planning.
- 22,600 wildflowers, grasses, sedges, shrubs and trees planted along priority waterways.

**Resolution 2023/134**

Moved: Cr Mark Ridgeway

Seconded: Cr Bill West

**That Council notes the Annual Environment Report 2022 - 2023.**

**CARRIED**

**PE.2 ENVIRONMENT GROUP SUPPORT GRANTS 2023 - PANEL ASSESSMENT**

Having previously declared a conflict of interest in relation to this item, Cr Anderson and Cr Ridgeway left the meeting. At 7:22 pm, Cr Mark Ridgeway left the meeting. At 7:22 pm, Cr Jennifer Anderson left the meeting.

**Summary**

Council offers annual financial support to 35 Landcare and Friends groups and networks that are active across the Macedon Ranges Shire.

Guidelines for the 2023/2024 Environment Group Support Grant program were adopted at the 26 July 2023 Scheduled Council Meeting. This included introducing a new Biolink Boost grant, with co-funding from community partners, Macedon Ranges Community Enterprises Limited (MRCE) and Bendigo Bank.

This report details the application evaluation process, in accordance with the Environment Group Support Grant guidelines, and lists the projects recommended for funding and in-kind support in 2023/24.

**Resolution 2023/135**

Moved: Cr Rob Guthrie

Seconded: Cr Janet Pearce

**That Council endorses the funding recommendations listed in Attachment 1.**

**CARRIED**

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At 7:27 pm, Cr Jennifer Anderson returned to the meeting. At 7:27 pm, Cr Mark Ridgeway returned to the meeting.

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**12 CHIEF EXECUTIVE OFFICER REPORTS****CX.1 ANNUAL REPORT 2022-2023****Summary**

Macedon Ranges Shire Council's Annual Report 2022/2023 has been prepared in accordance with the requirements of the Local Government Act 2020.

The Annual Report provides an account of Macedon Ranges Shire Council's performance in the previous financial year against the Council Plan and Budget. Presenting this publicly helps to keep residents, businesses, employees, stakeholders and other government agencies up-to-date on our performance and future direction.

**Resolution 2023/136**

Moved: Cr Geoff Neil

Seconded: Cr Dominic Bonanno

**That Council:**

- 1. Receives the Annual Report 2022/2023; and**
- 2. In accordance with Section 98 of the Victorian Local Government Act 2020, gives public notice that the Annual Report 2022/23 has been prepared and that it will be available on Council's website and at Council offices.**

**CARRIED**

**CX.2 CEO EMPLOYMENT AND REMUNERATION COMMITTEE REPORT****Summary**

To provide the community with a transparent record of the comprehensive process to complete the annual evaluation of the performance of the CEO.

**Resolution 2023/137**

Moved: Cr Rob Guthrie  
Seconded: Cr Jennifer Anderson

**That Council notes the CEO Employment and Remuneration Committee's completion of the assessment of Bernie O'Sullivan's successful performance as Chief Executive Officer of Macedon Ranges Shire Council from 1 July 2022 to 30 June 2023, in accordance with Council's CEO Employment and Remuneration Policy and the Local Government Act 2020.**

**CARRIED**

**13 DIRECTOR CORPORATE REPORTS****COR.1 JACKSON STREET MACEDON - POTENTIAL ROAD DISCONTINUANCE AND TRANSFER****Summary**

Council has received a request from the owner of 10 Margaret Street Macedon to purchase part of an unmade road that runs along the back of their property. The road is shown as Jackson Street, Macedon on Title. This report outlines the community consultation process which was undertaken and the proposed statutory process for the discontinuance and transfer to occur in accordance with the Victorian *Local Government Act 1989* (LGA 1989) and 2020.

**Resolution 2023/138**

Moved: Cr Rob Guthrie  
Seconded: Cr Dominic Bonanno

**That Council:**

- 1. Notes the submission received in response to the community consultation process which was undertaken.**
- 2. Proceed with the process for the discontinuance and transfer of part of Jackson Street, Macedon, as follows:**
  - (a) Discontinue the road in accordance with section 206, 223 and Schedule 10 of the LGA 1989;**
  - (b) Give notice in the Victorian Government Gazette pursuant to clause 3 Schedule 10 of the LGA 1989;**
  - (c) Sell the road to the adjoining owner in accordance with clause 3 Schedule 10 of the LGA 1989; and**



- (d) Authorises the Chief Executive Officer to:
- (i) Negotiate the sale of the land;
  - (ii) Sign and seal the transfer of land and any additional documentation in relation to the transfer.

CARRIED

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## COR.2 CONTRACTS TO BE AWARDED AS AT OCTOBER 2023

### Summary

This report provides details of contracts proposed to be awarded under a delegation from Council, from the date of the last report. Although this report recommends noting the power delegated to Council officers, Council has the power to:

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

### Resolution 2023/139

Moved: Cr Jennifer Anderson

Seconded: Cr Mark Ridgeway

**That Council notes that the following contracts will be awarded by Council officers under delegated authority:**

1. C2024-49 Provision of Line Marking
2. C2024-50 Collection and Processing of Soft Plastics
3. C2024-51 Kyneton Mechanics Institute North Roof, Footing & Subfloor Restoration

CARRIED

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## 14 DIRECTOR COMMUNITY REPORTS

### COM.1 RECONCILIATION ACTION PLAN – ANNUAL UPDATE

#### Summary

This progress report outlines how Council is tracking against the INNOVATE Reconciliation Action Plan 2021-2023 (RAP) actions in its second year, and informs Councillors of planning underway for the development of Council's next RAP. It highlights achievements against the RAP and challenges in achieving some actions within the designated timelines.

### Resolution 2023/140

Moved: Cr Janet Pearce

Seconded: Cr Geoff Neil

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**That Council:**

1. **Notes the actions that have been undertaken in the second year of the INNOVATE Reconciliation Action Plan 2021-2023 (from 31 October 2022 to 30 June 2023), as detailed in this report; and**
2. **Endorses the extension of the RAP from October 2023 to June 2024.**

**CARRIED**

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**COM.2 SMALL PROJECT GRANTS****Summary**

The Small Project Grants program supports projects and initiatives that:

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

Council's Small Project Grants budget for 2023-24 is \$30,000 and not-for-profit groups can apply for a maximum of \$3,000 per application.

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

Two applications have been received, seeking a total of \$4,000 in funding. The applications have been evaluated against the eligibility criteria and are deemed to be eligible.

**Resolution 2023/141**

Moved: Cr Geoff Neil  
Seconded: Cr Rob Guthrie

**That Council:**

1. **Approves the awarding of a \$3,000 Small Project Grant to Macedon Mount Macedon Community House, for their Governance Training project; and**
2. **Approves the awarding of a \$1,000 Small Project Grant to Riddells Creek Tennis Club, for their Pickleball Launch project.**

**CARRIED**

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**15 DIRECTOR ASSETS AND OPERATIONS REPORTS****AO.1 CAPITAL WORKS MONITORING****Summary**

This report provides transparency on cost escalations on infrastructure projects and seeks further funding, cancellation or the scope reduction of select projects to manage them within the allocated annual capital works program budget.

**Resolution 2023/142**

Moved: Cr Mark Ridgeway

Seconded: Cr Bill West

**That Council:**

- 1. Adopts the following changes to the Financial Year 2023/24 budget relating to the following infrastructure projects:**
  - (a) 100659 New FOGO Bay – Kyneton Transfer Station: approves additional budget of \$49,568.55;**
  - (b) 100827 Kyneton Saleyard Improvements Works: approves the return of \$50,000.00 to the consolidated capital works program budget;**
  - (c) 100167 High Street Footpath Construction, Lancefield: approves the return of \$14,448.78 to the consolidated capital works program budget;**
  - (d) 100156 LRCIP Hamilton Street and Fitzgerald Street Riddells Creek: approves the transfer of savings totalling \$130,000.00 grant funds to the Sheedy Rd project;**
  - (e) 100153 LRCIP Sheedy Road, Gisborne: approves the transfer of savings totalling \$130,000.00 grant funds from the Hamilton Street and Fitzgerald Street Riddells Creek project;**
  - (f) 100571 Ellison Street Woodend Retaining Wall: approves additional budget of \$10,000.00;**
- 2. Notes that recommendation 1 (above) currently provides a deficit of \$1,038.14 to the financial year 2023/2024 consolidated capital works program budget.**

**CARRIED**

**AO.2 CONSIDERATION OF A REQUEST FOR INCLUSION ONTO THE PUBLIC ROAD REGISTER - ACCESS LANE BETWEEN MAGNET LANE AND MAGNET HILL RESERVE****Summary**

Officers prepared this report in response to a request to include an access track section between Magnet Lane and Magnet Hill Reserve to the Council's Register of Public Roads by the property owner fronting the access track.

In considering this access track for inclusion into the Register of Public Roads, officers assessed it under the *Public Roads Procedure Policy (2018)*.

Council officers recommended adding the access track section between Magnet Hill Reserve (up to the Greater Western Water and Council Reserve access point) to the Register of Public Roads.

**Resolution 2023/143**

Moved: Cr Rob Guthrie

Seconded: Cr Dominic Bonanno

**That Council resolves to include the access track section between Magnet Lane and Magnet Hill Reserve in the *Register of Public Roads*.**

**CARRIED**

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**AO.3 CONSIDERATION OF A REQUEST FOR INCLUSION ONTO THE PUBLIC ROAD REGISTER - ACCESS TRACK BETWEEN HARTS LANE AND SEBASTOPOL ROAD KYNETON****Summary**

This report is prepared in response to a request (Customer Request Number 280460) to include an unnamed road between Sebastopol Road and Harts Lane, Kyneton, to Council's Register of Public Roads.

In considering this unmade and unmaintained section of road for inclusion into the Register of Public Roads, officers assessed it under the *Public Roads Procedure*. The road does not meet Council's minimum standards for a Category 6 unsealed local road.

Council officers recommend not adding this section of unmade road to the Register of Public Roads.

**Resolution 2023/144**

Moved: Cr Janet Pearce

Seconded: Cr Mark Ridgeway

**That Council resolves not to include the unmade section of the unnamed road between Sebastopol Road and Harts Lane, Kyneton, in the Register of Public Roads.**

**CARRIED**

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**AO.4 CONSIDERATION OF A REQUEST FOR INCLUSION ONTO THE PUBLIC ROAD REGISTER - POHLMAN STREET, KYNETON****Summary**

Officers prepared this report in response to a request by the owners of the properties on the western side of Powlett Street, Kyneton, to include an access track (Pohlman Street, Kyneton) to Council's *Register of Public Roads*.

In considering this access track for inclusion into the Register of Public Roads, officers assessed it under the *Public Roads Procedure*. The access track does not meet Council's minimum standards for a Category 6 unsealed local road.

Council officers recommend not adding the access track section of Pohlman Street to the *Register of Public Roads*.

**Resolution 2023/145**

Moved: Cr Janet Pearce

Seconded: Cr Bill West

**That Council resolves not to include the access track section of Pohlman Street, Kyneton, in the *Register of Public Roads*.**

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**CARRIED****AO.5 PROPOSED ROAD CLOSURE OF RAGLAN STREET, LANCEFIELD****Summary**

This report provides officer recommendations following considering the outcomes of the community consultation undertaken in August 2023 under Section 223 of the *Local Government Act 1989* regarding the discontinuance of part of Raglan Street, Lancefield, as requested by St Mary's Primary School.

Eighty-six (86) submissions were received, of which approximately 91% supported the proposal for road closure, with 9% against the closure. These submissions are presented as an attachment to this report. In accordance with privacy principles, the officers have redacted the submitters' personal details.

**Resolution 2023/146**

Moved: Cr Geoff Neil

Seconded: Cr Bill West

**That Council:**

- 1. Endorses the discontinuance of Raglan Street, Lancefield, between Chauncy Street and 25 Dunsford Street; and**
- 2. Notes that delegated officers will proceed with the formal process to discontinue Raglan Street, Lancefield, between Chauncy Street and 25 Dunsford Street.**

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**CARRIED**

**AO.6 WOODEND FLOOD STUDY - INFORMATION SESSION WITH SELECT PARTIES****Summary**

This report informs Councillors on the planned community information sessions to be organised to inform residents and businesses of the updated findings of the Woodend Flood Study.

**Resolution 2023/147**

Moved: Cr Jennifer Anderson

Seconded: Cr Janet Pearce

**That Council endorses the community information sessions, to be held in Woodend during November 2023.**

**CARRIED**

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**16 NOTICES OF MOTION AND RESCISSION**

Nil

**17 URGENT BUSINESS****MOTION****Resolution 2023/148**

Moved: Cr Rob Guthrie

Seconded: Cr Mark Ridgeway

**That Council agrees to admit a matter as item 17.1 – Social and Economic Impact Submission to Victorian Gambling and Casino Control Commission on the agenda, to allow Officers to comply with regulatory timelines that don't align with Council's meeting schedule.**

**CARRIED**

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**17.1 SOCIAL AND ECONOMIC IMPACT SUBMISSION TO VICTORIAN GAMBLING AND CASINO CONTROL COMMISSION****Summary**

Council has been notified of Romsey Football and Netball Club's application to the Victorian Gambling and Casino Control Commission (VGCCC) for 50 Electronic Gaming Machines at Romsey Hotel, 90-94 Main Road, Romsey. Officers are seeking Council endorsement to commence the development of a Social and Economic Impact Submission regarding this application.

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**Resolution 2023/149**

Moved: Cr Geoff Neil

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Seconded: Cr Bill West

**That Council notifies the Victorian Gambling and Casino Control Commission of its intention to prepare and submit a Social and Economic Impact Submission regarding the application for 50 electronic gaming machines at Romsey Hotel, 90-94 Main Road, Romsey.**

**CARRIED**

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## **18 CONFIDENTIAL REPORTS**

### **Resolution 2023/150**

Moved: Cr Rob Guthrie

Seconded: Cr Jennifer Anderson

**That pursuant to section 66(1) and (2)(a) of the *Local Government Act 2020*, Council closes the meeting to the public to consider the confidential report(s) listed below, which are confidential on grounds provided in Section 3(1) of the *Local Government Act 2020*:**

#### **18.1 CEO Employment and Remuneration**

**CARRIED**

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### **Confidential reasons**

#### **18.1 CEO Employment and Remuneration**

This matter is considered to be confidential under Section 3(1) - f of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs.

This report contains personal information relating to performance and remuneration.

**The meeting closed at 8:29pm.**

**The minutes of this meeting will be confirmed at the Council Meeting held on 22 November 2023.**