



AGENDA
of the
SCHEDULED MEETING OF COUNCIL
WEDNESDAY 25 NOVEMBER 2020
at
Murrindindi Shire Council
Zoom
Virtual Meeting
Videoconference
6:00 PM

This Scheduled Meeting of Council will be conducted virtually
(as per *COVID-19 Omnibus (Emergency Measures) Act 2020*,
passed by Victorian Parliament on 23 April 2020)

Audio recordings of all Council meetings are taken by Council's Governance Officers
and published on Council's website (Resolution of Council 23 January 2019)

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- 1 **PLEDGE AND RECONCILIATION STATEMENT**
- 2 **APOLOGIES AND REQUEST FOR LEAVE OF ABSENCE**
- 3 **COMMUNITY RECOGNITION**
- 4 **DISCLOSURES OF INTEREST OR CONFLICT OF INTEREST**
- 5 **CONFIRMATION OF MINUTES**

5.1 Minutes of the Scheduled Meeting of Council held on 21 October 2020.

Officer Recommendation

That Council confirm the minutes of the 21 October 2020 Scheduled Meeting of Council.

- 6 **PETITIONS**
- 7 **PUBLIC PARTICIPATION**
 - 7.1 **Open Forum**
 - 7.2 **Questions of Council**
- 8 **OUR PLACE**
 - 8.1 **New Municipal Emergency Management Plans**

Attachment(s):

1. MEMPC Draft Terms of Reference 2020 2023 [**8.1.1** - 13 pages]

Purpose

This report summarises the new requirements for Municipal Emergency Management Planning Committees (MEMPCs) under the new *Emergency Management Legislation Amendment Act 2018* and the *Emergency Management Act 2013* including the requirement to create new MEMPCs and that the MEMPC will no longer be a committee of Council.

Officer Recommendation

That Council:

1. authorises the disestablishment of the existing Municipal Emergency Management Planning Committee (MEMPC) established under s21(3)-(5) of the *Emergency Management Act 1986*, in recognition that on 1 December these provisions are repealed by s82(2) of the *Emergency Management Legislation Amendment Act 2018* and replaced by the provisions of s68 of the *Emergency Management Legislation Amendment Act 2018*;
2. authorises the CEO to facilitate the establishment of the MEMPC in accordance with the provisions of s68 of the *Emergency Management Legislation Amendment*

Act 2018 (which inserts a new 'Part 6 - Municipal Emergency Management Planning Committees' into the *Emergency Management Act 2013* on 1 December 2020)

3. notes that, under the MEMPC Terms of Reference provided and the *Emergency Management Legislation Amendment Act 2018* (which inserts s59 and 59F into the *Emergency Management Act 2013* on 1 December 2020), Council's role is to establish the committee; and
4. further notes that once established, the committee exists separately to Council and is not a committee of Council.

Background

From 2020, State, Regional and Council requirements will change under the implementation of the *Emergency Management Legislation Amendment (EMLA) Act 2018*. The planning reforms in the Bill are to be implemented in three separate phases – State, Regional and Municipal. This is to facilitate a smooth and orderly transition to the new arrangements. Phased implementation also promotes an integrated approach to planning between the three planning levels.

In particular, the Act provides that the State level emergency management planning arrangements would take effect first. During this phase, the Emergency Management Commissioner released a new State Emergency Management Plan which details the new arrangements.

A new Regional Emergency Management Planning Committee (REMPC) has been established for each region. It is responsible for preparing a regional emergency management plan which is under development. After the new regional emergency management plans are in place, the municipal level arrangements can take effect.

A new Municipal Emergency Management Planning Committee (MEMPC) will be established in each municipal district, which will be responsible for municipal level emergency management planning.

Under the EMLA Act, Councils are responsible for setting up the new MEMPCs and chairing them. The act states that the Council's CEO is responsible for either chairing or delegating the Chair role to a Council officer. At Murrindindi Shire Council, the CEO will chair the new MEMPC. Previous MEMPCs were chaired by a Councillor, which is no longer allowed under the new arrangements.

Each MEMPC is a multi-agency collaboration group whose members bring organisation, industry or personal expertise to the task of developing a comprehensive emergency management plan for the municipality.

The role of the MEMPC is to prepare the Municipal Emergency Management Plan (MEMP). The MEMP covers arrangements for mitigation, response and recovery, and specifies the roles and responsibilities of agencies in relation to emergency management.

Discussion

From 1 December 2020, the legislation shifts responsibility for municipal emergency management planning from the council to the reformed, multi-agency MEMPC - the peak emergency management planning body in any municipal district. This shift of responsibility highlights the intent of the reform which supports emergency management planning as an integrated, multi-agency and collaborative effort.

On 1 December, section 82 of EMLA Act will repeal the legislative backing for the existing MEMPCs in s21 (3)-(4) of the EM Act 1986, and inserts sections 59 and 59F into the *Emergency*

Management Act 2013 under which the council is required to establish a new MEMPC with more specific membership and functions.

The EMLA Act sets out a legislated core membership for MEMPCs. The first meeting of the MEMPC can only include:

- Municipal Council
- Victoria Police
- Country Fire Authority (if in your municipal district)
- Fire Rescue Victoria (if in your municipal district)
- Ambulance Victoria
- Victoria State Emergency Service
- Australian Red Cross
- Department of Health and Human Services.

It is proposed that this initial MEMPC will be known as the “MEMPC executive”. The executive will meet on December 3 to determine the broader makeup of the “full MEMPC”. As per the attached MEMPC Terms of Reference (Attachment 8.1.1.) membership of the full MEMPC is decided by the MEMPC itself.

The EMLA Act requires a MEMPC to invite at least one additional member for each of the following three categories:

- o at least one community representative
- o at least one recovery representative
- o at least one other representative (such as an industry, business or additional agency).

The Plan

Under the reform it is the multi-agency MEMPC, not solely the municipal council that must prepare and maintain a Municipal Emergency Management Plan (MEMPC). Additionally, the responsibility to approve the MEMPC now sits with the Hume Regional Emergency Management Planning Committee (REMPC), not Council as was previously required.

The reform brings consistency to state, regional and municipal plans. The MEMPC must be consistent with its relevant Regional Emergency Management Plan (REMP) and the *State Emergency Management Plan* (SEMP). In doing so, the MEMPC will provide specific information tailored to Murrindindi Shire Council’s context and risk, without replicating state or regional plans.

The Emergency Management Manual Victoria (EMMV) previously guided the preparation of all MEMPCs; however, the EMMV is to be discontinued from 1 December 2020. Guidance on the development of MEMPCs is instead provided through the *Guidelines for Preparing State, Regional and Municipal Emergency Management Plans* (published on the EMV website on 1 December 2020) and complemented by optional advisory material on EMVs Emergency Management Planning Resource Library.

The new MEMPC must be prepared in alignment with the following documents, all of which are available via the Emergency Management Planning Resource Library:

- Guidelines for Preparing State, Regional and Municipal Emergency Management Plans
- State Emergency Management Plan
- Hume Regional Emergency Management Plan
- MEMPC assurance checklist.

Murrindindi's MEMP was recently audited by the SES under the repealed *Emergency Management Act 1986*. Murrindindi's MEMP needs to meet the new requirements under the EMLA Act and EM Act by the time of the next audit in October 2023. Until that time, the recently audited plan will be the MEMP for the Murrindindi Shire.

Council Plan/Strategies/Policies

This report supports the *Council Plan 2017-2021 Our Place* strategy to "enhance community safety, resilience and liveability through improved planning, community engagement, and a fair and transparent approach to compliance".

Relevant Legislation

This report refers to the *Emergency Management Act 1986* and *2013* and the *Emergency Management Legislation Amendment Act 2018*.

Financial Implications and Risk

There are no financial implications relating to this matter.

Conflict of Interest

There are no declared conflicts of interest by Council officers in relation to this report.

Community and Stakeholder Consultation

Community consultation is not required as Council has a legislative requirement to establish the new MEMPC for the municipality.

9 OUR PEOPLE

10 OUR PROSPERITY

10.1 Grants and Contributions Program

Attachment(s):

1. CONFIDENTIAL REDACTED - November Assessment Meeting Report (distributed to Councillors separately) [10.1.1 - 18 pages]

Purpose

The purpose of this report is to inform Council of the allocations made from the 2020/21 Grants and Contributions Program since the September Ordinary Meeting of Council.

Officer Recommendation

That Council note the grants and contributions approved by Council officers under delegation:

Application	Reference	Funding Sought	Outcome
Community Projects and Events			
Flowerdale Community House - Community Christmas Lunch	CPE-20/21-014	\$1,000	\$1,000 approved
Antiquate - Capturing the journey of an artistic collaboration.	CPE-20/21-017	\$5,000	\$3,500 approved
Embassy of Ideas - Provide sturdy outdoor shade to make resilient community space thrive in the new Covid normal	CPE-20/21-018	\$3,000	\$3,000 approved
Alexandra and District Traders and Tourism Association Incorporated Alexandra Christmas Carols	CPE-20/21-020	\$5,000	\$2,500 approved

Rotary Club of Kinglake and Community Partners - Christmas on the Kinglake Ranges	CPE-20/21-021	\$2,500	\$3,000 approved
Business Growth and Establishment			
I & M Simpson & Son Pty Ltd - Providing 24hr Fuel to Eildon	BGE-20/21-016	\$20,000	\$12,000 approved
Beaufort Manor Receptions - Outdoor Expansion for dining and seating	BGE-20/21-017	\$3,960	\$1,730 approved
Yarra Valley Yurts Pty Ltd - Glamping & Events Ablution Block	BGE-20/21-019	\$20,000	\$15,000 approved
Governance, Skills & Capacity Building			
Brendan Blanchard Wildlife Artist - Art Business Mentoring	GSCB-20/21-006	\$1,400	\$1,400 approved
On Point Brewing Co Pty Ltd - Produce a professional business plan that supports obtaining of required Liquor licenses	GSCB-20/21-007	\$2,000	\$2,000 approved
Fee Reduction			
Alexandra Amateur Swimming and Lifesaving Club Inc. - Fee reduction associated with the 2020/21 swimming season run by Alexandra Swim Club	FR-20/21-006	\$2,000	\$2,000 approved

Background

The Grants and Contributions Program provides the opportunity for community groups, not for profit organisations, and businesses to seek funding from Council to support a range of activities and initiatives happening in Murrindindi Shire. There are a range of funding streams under the program including:

- fee reductions (and waivers by exception)
- quick response grants
- sponsorships (including eligible individuals)
- governance and capacity building
- community projects and events
- small and new tourism events
- events of state significance
- business growth or establishment
- industry or economy growth.

Each stream has its own objectives and eligibility criteria.

Assessment occurs monthly to meet or exceed the timeframes described in the Grants and Contributions Policy.

Discussion

Community Projects and Events (CPE)

1. Flowerdale Community House – Community Christmas Lunch

This project will deliver a Community Christmas lunch for the Flowerdale, Strath Creek, Kinglake West and surrounding areas. It will include a 2-course traditional Christmas feast for up to 40 people. Due to likely ongoing COVID19 restrictions a marquee will be purchased to provide outdoor dining options for community lunches and events into the future.

Supported with a grant of \$1,000.

2. Antiquate - Capturing the journey of an artistic collaboration.

This project will deliver a collaborative effort of learning, sharing and experimenting, and building up of resilience, particularly for artists who have been impacted by COVID-19 and community members who have found this year difficult. The project will focus on redeveloping skills, showcasing the findings and allowing participation within restrictions by transferring the

experience online. From start to finish this project will be documented through a short film series 'Making Captured', to display what thinking out of the box looks like in these times.

Supported with a grant of \$3,500.

3. Embassy of Ideas - Provide sturdy outdoor shade to make resilient community space thrive in the new Covid normal

The project will purchase outdoor umbrellas and marquees to allow the Embassy of Ideas to continue to operate by hosting community events outdoors during the Covid Pandemic. There is a need to adapt to the current mandatory restrictions which place a preference on outdoor gatherings where possible.

Supported with grant of \$3,000

4. Alexandra and District Traders and Tourism Association Incorporated - Alexandra Christmas Carols

The grant will support the delivery of this year's Christmas Carols to be held in Rotary Park on behalf of, and for the enjoyment of the local community. The application will allow for the live-streaming of the event, to support participation in a COVID-safe environment. This involves entertainment by local artists, community groups, and others.

Supported with grant of \$2,500

5. Rotary Club of Kinglake and Community Partners - Christmas on the Kinglake Ranges

This year has been very hard on our community. We want to engender a sense of pride and inclusiveness for older residents and welcome our new community members. The aim is to include all local artists and craftspeople wishing to be involved, Men's Shed, Kinglake Ranges Arts, Kinglake Neighbourhood House, primary school children. Upcycling and recycling older decorations will be promoted through local Facebook. Rotary has the ability to organise and coordinate several sub committees each responsible for one aspect of this project and bring it to a bright, eventful and successful conclusion for Christmas and New Year.

Supported with grant of \$3,000

Business, Growth and Establishment (BG&E)

1. I & M Simpson & Son Pty Ltd – Providing 24hr Fuel to Eildon

The project will deliver a 24hr card machine (OPT) to better service the Eildon community and meet the growing fuel demands of the boating and tourism sectors. 24hr access to fuel will extend trading time in town allowing tourists to spend more time in the region and assist locals in their daily travel and business operations.

Existing diesel storage and fuel pumps will be replaced, creating efficiencies and increasing capacity. This means fewer deliveries, creating a safer workplace and reducing site interruptions. New pumps will also allow more vehicles and larger boats to fuel at once, which will reduce road congestion.

Supported with a grant of \$12,000.

2. Beaufort Manor Receptions – Outdoor Expansion for Dining and Seating

Beaufort Manor is expanding its outdoor hosting ability and options in line with the current Covid-19 restrictions and thereby ensure the safety and wellbeing of all attendees. Outdoor dining and seating options in the front garden of the property will be made available and chairs, tables, portable (hot and cold) drink stations set up before each event. The project will also deliver shelter from the elements, with portable heaters and marquees.

Supported with a grant of \$1,730

3. Yarra Valley Yurts Pty Ltd – Glamping & Events Ablution Block

The grant will deliver the ablution block construction and will provide toilet and shower amenities to all guests on the property using the events space and/or the Yurt accommodation. In addition, this also serves as a bushfire shelter in place for emergencies which the property currently does not have.

Supported with a grant of \$15,000

Governance, Skills & Capacity Building (GSCB)

1. Brendan Blanchard Wildlife Artist - Art Business Mentoring

The funding will support the applicant to access specialised art business mentoring to improve business skills. This will enable a viable and sustainable arts business that will make a positive contribution to the local community. COVID-19 has had an impact upon the business and this project will assist to grow a sustainable and resilient business model by:

1. ability to more clearly identify and reach the target market
2. identify new opportunities/avenues to diversify the business
3. develop a clear "roadmap" to more consistent sales.

Supported with a grant of \$1,400.

2. On Point Brewing Co Pty Ltd - Produce a professional business plan that supports obtaining of required Liquor licenses

This project will deliver a complete business plan and identify all required licences to allow the business to develop an operational framework and strategies it can operate through. The delivery of the business plan will give direction to the establishment of a sustainable business, with clear targets, guidelines and strategies to support decision making.

Supported with a grant of \$2,000

Fee Reduction (FR)

1. Alexandra Amateur Swimming and Lifesaving Club Inc. - Fee reduction associated with the 2020/21 swimming season run by Alexandra Swim Club

This funding will provide a fee reduction on pool hire fees associated with the 2020/2021 swim program. Due to the current COVID restrictions the Club has had to innovate and adapt its usual swim season program. As a result, numbers of participants will be reduced and lessons will be conducted outside regular pool opening times to minimise numbers. Operational costs will increase while the participants will decrease and this funding will allow the Club to deliver its program without negative impact on its financial position.

Supported with a grant of \$2,000.

Full details of all applications are provided in the monthly report summary (supplied to Councillors separately).

Council Plan/Strategies/Policies

This report supports the *Council Plan 2017-2021 Our Prosperity* strategic objective to “in partnership with the community we will promote an environment in which business and community can thrive”.

Relevant Legislation

Nil.

Financial Implications and Risk

The below financial table details grant funds allocated to date:

Grant Stream	October allocations	Previous allocations	Total 20/21
Fee Reductions	\$2,000	\$8,985.52	\$10,985.52
Governance, skills and capacity building	\$3,400	\$2,750	\$6,150
Quick response	\$0	\$0	\$0
Community sponsorship, projects and events	\$13,000	\$33,901	\$46,901
Small and new tourism events	\$0	\$12,000	\$12,000
Business growth or establishment	\$28,730.00	\$50,000	\$78,730
Industry or economic growth	\$0	\$0	\$0.00
TOTAL	\$47,130.00	\$107,636.52	\$154,766.52

The indicative total budget of the Grants and Contributions Program for the 20/21 financial year is \$251,000.

In addition to this, at a resolution at the Special Council Meeting held on 6 May 2020, Council noted that the draft Budget included \$500k for COVID-19 relief and recovery to be funded from the remaining 2009 bushfire government assistance funds (provided by the State Government and held in reserve). In consultation with Councillors, officers have supplemented the 2020/21 Grants and Contributions Program with an initial \$100,000 from this allocation.

Conflict of Interest

A conflict of interest was declared by a Council officer in relation to this report. The officer was not involved in any aspect of the assessment of the particular grant application.

Community and Stakeholder Consultation

No external community or stakeholder consultation was required for this matter.

11 OUR PROMISE

11.1 Councillor Allowances

Attachment(s): Nil

Purpose

The purpose of this report is for Council to review and confirm the Mayoral and Councillor Allowance level in accordance with the *Local Government Act 1989*.

Officer Recommendation

That Council:

- 1. Endorse the Mayoral allowance of \$62,884 per annum**
- 2. Endorse the Councillor allowance of \$21,049 per annum**
- 3. Note the additional payment of an amount equivalent to the superannuation guarantee (9.5%) for the Mayor and Councillors.**

Background

Mayors and councillors are entitled to receive an allowance while performing their duty as an elected official. Under the *Local Government Act 1989* the Victorian Government sets the lower and upper limits for allowances and councils must determine the allowance level within these limits.

The Local Government Act 2020 provides for allowances to be set by the Victorian Independent Remuneration Tribunal. In the absence of this Tribunal (not yet established) the *Local Government Act 1989* provisions remain.

Discussion

Councils are grouped into 3 categories under the State Government allowance limit system, based on population and income. Murrindindi Shire Council is a category 1 Council which has an allocated range of between \$8,833-\$21,049 per annum for Councillors and the Mayoral allowance can be up to \$62,884 per annum.

Under the *Local Government Act 1989*, councils are required to review allowance levels by 30 June in the year following a general election and the allowance level determined remains in effect for the full term of the Council. The Minister for Local Government must review annually the current amounts, limits and ranges to determine whether an 'adjustment factor' should be applied. The Minister has advised there will be no adjustment for the 2020/21 year.

The recommendation for the Mayoral and Councillor allowances to be set at the upper limit of the range is consistent with all previous Murrindindi Shire Council resolutions and will apply for the remainder of the Council term, or until the Victorian Independent Remuneration Tribunal sets an alternative allowance rate.

Council Plan/Strategies/Policies

This report supports the *Council Plan 2017-2021 Our Promise* strategies to "represent and advocate for our community in a transparent and equitable way" and to "maintain Council's financial sustainability through sound financial and asset management".

Relevant Legislation

The power to determine the allowance rates remains legislated by the *Local Government Act 1989* until such time as the Victorian Independent Remuneration Tribunal is established in accordance with the *Local Government Act 2020*.

Financial Implications and Risk

Due to the Minister advising there will not be an adjustment to the rate in the 2020/21 year the allowance rates remain the same as they have been since the last review. Therefore, there is no additional financial impact in setting the allowance rates at the upper limit.

Conflict of Interest

There are no declared conflicts of interest by Council officers in relation to this report.

Community and Stakeholder Consultation

No external community or stakeholder consultation is required for this matter.

12 NOTICES OF MOTIONS**13 MATTERS DEFERRED FROM PREVIOUS MEETING****14 URGENT BUSINESS****15 COUNCILLOR REPORTS****17 CHIEF EXECUTIVE OFFICER REPORT**

18 SEALING REGISTER

File Reference	Date Seal Affixed	Description of Documents	Signatures of Persons Sealing
SF/1214	11 November 2020	Y-Water Discovery Centre Lease between Murrindindi Shire Council and Y-Water Discovery Centre Inc	Craig Lloyd Cr Margaret Rae

Officer Recommendation

That the list of items to which the Council seal has been affixed be noted.

19 ASSEMBLIES OF COUNCILLORS**Purpose**

This report presents the records of assemblies of Councillors for 14 November 2020 to 20 November 2020, for Council to note in accordance with Section 80A of the *Local Government Act 1989* (the Act).

Officer Recommendation

That Council receives and notes the record of assemblies of Councillors for 19 October 2020 to 20 November 2020.

Background

In accordance with Section 80A of the Act, written assemblies of Councillors are to be reported at an Ordinary Meeting of Council.

An assembly of Councillors includes advisory committees, where one or more Councillors were present, along with planned or scheduled meetings involving at least half of the Councillors and a Council officer.

A Councillor who has a conflict of interest at an assembly of Councillors, must disclose the conflict of interest, and leave the meeting while the matter is being discussed.

Discussion

A written record is required to be kept of every assembly of Councillors, including the names of all Councillors and staff at the meeting, a list of the matters considered, any conflict of interest disclosed by a Councillor, and whether a Councillor who disclosed a conflict left the meeting.

The following summary details are for 14 November to 20 November 2020:

Meeting Name/Type	Councillor Induction Session
Meeting Date:	14 November 2020
Matters Discussed:	1. Initial Introductions 2. Overview of the Councillor Induction Program.
Councillor Attendees:	Cr S Carpenter, Cr D Gallagher, Cr I Gerencser, Cr K Haslam, Cr E Lording, Cr S McAulay, Cr J Walsh
Council Officer Attendees:	M Chesworth
Conflict of Interest Disclosures:	Nil.

Meeting Name/Type	Councillor Induction Session
Meeting Date:	16 November 2020
Matters Discussed:	1. IT induction

	<ol style="list-style-type: none"> 2. Introduction to Local Government 3. Roles and Responsibilities of Council, Councillors, Mayor and CEO 4. Election of the Mayor and Deputy Mayor 5. Organisation Overview 6. Council Meeting Schedule 7. Staff interaction protocols 8. Councillor Expenses and Support Policy and Reimbursements 9. Oath or Affirmation of Office.
Councillor Attendees:	Cr S Carpenter, Cr D Gallagher, Cr I Gerencser, Cr K Haslam, Cr E Lording, Cr S McAulay, Cr J Walsh
Council Officer Attendees:	M Chesworth, T Carter, M Kearney, C Coller
Conflict of Interest Disclosures: Nil.	

Meeting Name/Type	Councillor Induction Session
Meeting Date:	18 November 2020
Matters Discussed:	<ol style="list-style-type: none"> 1. Communications induction 2. Strategic Context 3. Local Government Act 2020 4. Personal Interest Disclosures and Related Party Transactions.
Councillor Attendees:	Cr S Carpenter, Cr D Gallagher, Cr I Gerencser, Cr K Haslam, Cr E Lording, Cr S McAulay, Cr J Walsh
Council Officer Attendees:	M Chesworth, T Carter, S Brown, J Rabel
Conflict of Interest Disclosures: Nil.	

Meeting Name/Type	Councillor Induction Session
Meeting Date:	20 November 2020
Matters Discussed:	<ol style="list-style-type: none"> 1. IT Induction 2. Grants and Contributions Program 3. CEO Recruitment Process 4. Council Meeting Procedures
Councillor Attendees:	Cr S Carpenter, Cr D Gallagher, Cr I Gerencser, Cr K Haslam, Cr E Lording, Cr S McAulay, Cr J Walsh
Council Officer Attendees:	M Chesworth, T Carter, S Brown, M Kearney, C Coller
Conflict of Interest Disclosures: Nil.	

Council Plan/Strategies/Policies

This matter is consistent with the *Council Plan 2017-2021 Our Promise* strategy to 'expand our communication'.

Relevant Legislation

For full details of Council's requirement for assemblies of Councillors, refer to Section 80A of the *Local Government Act 1989*.

Financial Implications and Risk

There are no financial or risk implications.

Conflict of Interest

Any conflicts of interest are noted in the assembly of Councillors tables listed above.