



MINUTES
of the
ORDINARY MEETING OF COUNCIL
WEDNESDAY 27 NOVEMBER 2019

at

Murrindindi Shire Council
Council Chamber
The Semi Circle
Yea

6.00 pm

** 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

The meeting was opened with the Mayor declaring the following Pledge on behalf of all Councillors:

“As the Councillors democratically elected to represent our community as the Murrindindi Shire Council, we are committed to working together in the best interests of the people who live in our municipality, who conduct business here and those who visit.
We would like to acknowledge the traditional owners of the Taungurung Nation, and pay our respect to their Elders past and present, and its emerging and future leaders.”

2. APOLOGIES AND REQUESTS FOR LEAVE OF ABSENCE

There were no apologies or requests for leave of absence tendered.

Present:

Councillors L Dunscombe (Chair), M Rae, R Bowles, J Ashe, C Bisset, E Lording, S McAulay

In attendance:

Chief Executive Officer: Craig Lloyd
Director Community Engagement: Shivaun Brown
Director Assets and Development: Vito Albicini
Manager Governance and Risk: Tara Carter
Manager Development Services: Natalie Stewart
Manager Community Assets: Caroline Lintott
Coordinator Emergency Management and Business Continuity: Chris Price
Coordinator Statutory Planning: Matthew Schreuder
Complex Case Manager: Karen Girvan
Planning Officer: Nicole Grey
Executive Assistant: Louise Chapple

3. COMMUNITY RECOGNITION

Suspension of standing orders to thank and acknowledge community achievements.

RESOLUTION

Cr M Rae/ Cr S McAulay

That Standing Orders be suspended and for the Community Recognition be tabled in the minutes.

CARRIED UNANIMOUSLY

The meeting was suspended at 6:02 pm.

Cr R Bowles welcomed Glenda Woods to the Council meeting.

For the past 17 years, Ms Woods has been a cornerstone of the Yea Wetlands Committee, and has, at different times, served as its president, secretary and treasurer. Ms Woods also has a long history of volunteering with Waterwatch, Yea Rotary and the Yea Garden Expo.

Her passion for and dedication to the environment has been, and continues to be, an inspiration. It is a remarkable contribution and commitment to the community and is enormously valued.
Thank you Ms Wood.

Cr C Bisset advised that on Radio National they were discussing the Yea Wetlands. Well done on this being a nationally known site now.

RESOLUTION**Cr M Rae / Cr S McAulay****That Standing Orders be resumed.****CARRIED UNANIMOUSLY**

The meeting was resumed at 6:04 pm.

4. DISCLOSURES OF INTEREST OR CONFLICT OF INTEREST

Nil.

5. CONFIRMATION OF MINUTES

- 5.1 Minutes of the Ordinary Meeting of Council held on 23 October 2019.
Minutes of the Confidential Meeting of Council held on 23 October 2019.

Officer Recommendation

That the minutes of the Ordinary Meeting of Council and Confidential Meeting of Council held on 23 October 2019 be confirmed.

RESOLUTION**Cr R Bowles / Cr E Lording****That the minutes of the Ordinary Meeting of Council and Confidential Meeting of Council held on 23 October 2019 and Special Meeting of Council held on 30 October 2019 be confirmed.****CARRIED UNANIMOUSLY****6. PETITIONS**

There are no new petitions to be tabled at this meeting.

The Chairperson declared Public Participation Time.

7. PUBLIC PARTICIPATION TIME**7.1 OPEN FORUM**

Karen Cassidy spoke in support of Use and Development of Land for the Purpose of a Dwelling – 511 Falls Road, Strath Creek (item 8.2 on the Agenda).

Harry Braun spoke as the lead petitioner for Petition – Condition of Gordons Bridge Road, Castella (item 8.6 on the Agenda).

7.2 QUESTIONS OF COUNCIL

Nil.

The Chairperson closed Public Participation Time.

8. OUR PLACE

8.1 PROPOSED COMBINED PERMIT AND AMENDMENT – AMENDMENT C70, MURRINDINDI PLANNING SCHEME AND PLANNING PERMIT 2019/192

Attachment(s): Proposed Amendment C70 Explanatory Report, Proposed Planning Permit 2019/192 and Site Plan (refer Attachment 8.1)

Land: 5 Plantation Lane, Alexandra
Proposal: Rezoning of land from General Residential 1 to Low Density Residential
Applicant: B & R Creighton
Zoning: General Residential 1 (existing); Low Density Residential (proposed)
Overlays: Bushfire Management

Locality Plan



Purpose

The purpose of this report is to seek a Council resolution to:

1. Request authorisation from the Minister for Planning to prepare Amendment C70 and proposed planning permit as a combined amendment and permit
2. When authorised, exhibit the amendment and proposed planning permit to:
 - C70: rezone land from General Residential 1 to Low Density Residential
 - Planning Permit 1/2019/192/1: Allow the use and development of a cattery.

Officer Recommendation

That Council:

1. request under Section 8A (2) and (3) of the *Planning and Environment Act 1987* that the Minister for Planning authorise Murrindindi Shire Council to prepare Amendment C70 to the Murrindindi Planning Scheme as a combined permit and amendment under Section 96A of the *Planning and Environment Act 1987*;
2. notify the Minister for Planning that when it exhibits Amendment C70 and proposed Planning Permit 2019/192, Murrindindi Shire Council intends to give full notification of the amendment under Section 96C of the *Planning and Environment Act 1987* for a minimum statutory exhibition period of one month;

3. when authorised by the Minister for Planning, exhibit Amendment C70 and proposed Planning Permit 2019/192 to the Murrindindi Planning Scheme under Section 96C of the *Planning and Environment Act 1987*; and
4. exempt the proposal from fees to consider submissions under Stage 2 of Regulation 6(4) of the *Planning and Environment (Fees) Regulations 2016*.

Background

The land and surroundings

The subject land lies at the southern edge of the Alexandra Township and abuts public land managed by the Department of Environment, Land, Water and Planning to the north, east and south. Land on the western or opposite side of Plantation Lane is undeveloped residential land, zoned either General Residential 1 immediately to the west and Low Density Residential further to the south.

The proposal

The proposal is to rezone land from General Residential 1 to Low Density Residential and concurrently approve planning permit 2019/192 to allow the use and development of a cattery.

The proposed cattery would be within an existing shed in the north eastern rear corner of the property and would cater for 12-14 cats at any one time, operating all year. Access would be via an existing driveway with two onsite car parks provide at a turnaround drop off point.

Process and notification

The planning system allows an opportunity under Section 96A of the *Planning and Environment Act 1987* to make combined applications for both a planning scheme amendment and a planning permit. The intent of this combined permit/amendment process is to provide an integrated approach to both amending the scheme and approving a specific proposal, providing only one exhibition process and review opportunity. The combined procedure follows the planning scheme amendment process, not the application for planning permit process. The proposal is therefore exhibited as an amendment, with any review process for hearing unresolved submissions being a planning panel, not VCAT.

A Council resolution is required to seek authorisation from the Minister for Planning to prepare the amendment, and when authorised, to exhibit the amendment and proposed planning permit. Exhibition would take place for a minimum statutory period of one month, with advertising to adjoining owners and any relevant authority. Once exhibition has taken place, the proposal will then be reported to Council for adoption or referral to a panel if any submissions cannot be resolved or abandonment.

Discussion

The land is being rezoned to Low Density Residential to allow a planning application to be considered for a cattery, a use that is prohibited under the General Residential 1 Zone but may be considered under the Low Density Residential Zone under the planning scheme definition of 'domestic animal boarding'.

The Low Density Residential Zone is considered to be a suitable zone for the land due to the peripheral town location and a low density residential pattern. No further residential subdivision is possible or desirable for the land and a zone reflecting a lower residential density is better suited to a land parcel adjoining public land.

The proposed cattery can be readily serviced and accessed to meet Council health and engineering standards. The proposal also requires registration as a domestic animal business for which an application has been made to Council's Community Safety Unit.

The proposed cattery will be fully contained within an existing shed located at the rear of the land, will not generate any odour or noise and does not have any dwelling located on adjoining or

nearby land. It is considered that the proposed rezoning and cattery will not cause detriment and is suitable.

The amendment has fully addressed environmental, social and economic effects and overall will result in positive outcomes for these effects for both the landowner and general community.

Conclusion

The proposed combined permit and amendment are for a relatively minor local matter. The proposed rezoning will better align zoning with the nature of the land and area and allow consideration of a proposed business on the land. The proposed cattery is considered to be a compatible use and development for the land that will not cause detriment to any other landowner.

Council Plan/Strategies/Policies

This report is consistent with the *Council Plan 2017-2021* 'Our Place' strategic objective: 'we will maintain and enhance places to be attractive and liveable, in balance with our natural environment' and 'through good land use planning enhance the liveability, prosperity and rural character of our Shire'.

Relevant Legislation

The proposal has been assessed under the provisions of the Murrindindi Planning Scheme and the *Planning and Environment Act 1987*.

Financial Implications and Risk

There are no financial implications or risks associated with this report. The applicants have paid prescribed fees for the request and has committed to pay for future prescribed fees for any adoption and submission of the proposal to the Minister for Planning and if required, any costs for a planning panel.

The applicants have requested a waiver from the fee (Stage 2 of Regulation 6(4) of the *Planning and Environment (Fees) Regulations 2016*) to consider up to 10 submissions that request a change to the amendment. Regulation 19 allows Council to waive or rebate any fee. Given the relatively minor nature of this proposal, any submission requesting a change to the amendment is unlikely and that the applicants have committed to pay all other fees associated with the proposal, it is considered that this request is justified and is now being recommended to Council.

Conflict of Interest

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

RESOLUTION

Cr C Bisset / Cr M Rae

That Council:

- 1. request under Section 8A (2) and (3) of the *Planning and Environment Act 1987* that the Minister for Planning authorise Murrindindi Shire Council to prepare Amendment C70 to the Murrindindi Planning Scheme as a combined permit and amendment under Section 96A of the *Planning and Environment Act 1987*;**
- 2. notify the Minister for Planning that when it exhibits Amendment C70 and proposed Planning Permit 2019/192, Murrindindi Shire Council intends to give full notification of the amendment under Section 96C of the *Planning and Environment Act 1987* for a minimum statutory exhibition period of one month;**
- 3. when authorised by the Minister for Planning, exhibit Amendment C70 and proposed Planning Permit 2019/192 to the Murrindindi Planning Scheme under Section 96C of the *Planning and Environment Act 1987*; and**
- 4. exempt the proposal from fees to consider submissions under Stage 2 of Regulation 6(4) of the *Planning and Environment (Fees) Regulations 2016*.**

CARRIED UNANIMOUSLY

8.2 USE AND DEVELOPMENT OF LAND FOR THE PURPOSE OF A DWELLING – 511 FALLS ROAD, STRATH CREEK

Attachment(s): Attachments (refer Attachment 8.2)
Submissions (distributed to Councillors separately)

Land: 511 Falls Road STRATH CREEK 3658
Proposal: Use and development of the land for the purpose of a dwelling
Applicant: Swenrick Constructions Pty Ltd
Zoning: Farming
Overlays: Bushfire Management; Land Subject to Inundation

Locality Plan



Purpose

This report recommends that Council refuse to grant a Planning Permit for the use and development of land for a dwelling at 511 Falls Road, Strath Creek. The proposal is predominantly rural residential development in an agricultural area. Additionally, two objections have been received.

Officer Recommendation

That Council issue a refusal to grant a permit for the use and development of land for a dwelling at 511 Falls Road, Strath Creek (Crown Allotment 10, Section B). Ground of Refusal:

1. Proposal does not comply with the requirements of Clause 02.03 Strategic Directions:
 - a. protecting rural land for productive agricultural uses and compatible rural uses
 - b. ensuring that the use and development of rural land protects and enhances agricultural potential and the productive capacity of the land and surrounding land
 - c. ensuring that agricultural land is not developed for primarily residential purposes.
2. Proposal does not comply with the requirements of Clause 13.07-1S Land Use Compatibility as residential uses should be directed to a residential area.
3. Proposal does not comply with the requirements of Clause 14.01 Agriculture, given that it creates predominantly residential use in a farming environment that has the potential to

limit the operation and expansion of adjacent and nearby agricultural uses in productive agricultural land.

4. Proposal does not comply with the requirements of Clause 16.01-5S Rural Residential Development, with an objective to 'discourage development of small lots in rural zones for residential use or other incompatible uses.
5. Proposal does not comply with the requirements of Clause 35.07 Farming Zone as the proposed use of the land for a dwelling has the potential to limit agricultural uses on the subject site and surrounding land and has not justified the need for a dwelling.

Background

The Land and Surroundings

The subject land is made up of approximately 1.4 hectares (ha) along the northern side of Falls Road in Strath Creek. The property is mostly cleared with some large paddock trees near to the adjacent creek. Falls Road is a gravel road which services the surrounding farming properties.

The property is bound on the north-west by public land, which is Strath Creek. The land to the north and east are also mostly cleared with some large trees and some scrub, the cleared land is being used for grazing purposes.

Proposal

The application seeks planning approval to use and develop the land for a dwelling and an associated outbuilding. The application is supported by a Farm Management Plan (FMP) which proposes a permaculture-based market garden and integrated food forest. The FMP also includes a proposal to protect and enhance existing areas of native vegetation specifically adjacent to Strath Creek and will include replanting the area with native and endemic vegetation. Included in the FMP is a summary of the how the land will be managed and how the *Food Forest* and *Annual Planting* will be energy efficient, low cost and productive.

The proposed dwelling is a north-facing three bedroom corrugated Colourbond house with a pitched roof. The outbuilding is proposed to be 8 x 6 metres with a pitched roof. The site plan would allow for the domestic area to be retained in the south-east corner of the property, close to Falls Road. Included in the plan is a dual-access 4 metre wide driveway which is to service the dwelling and provide access for emergency service vehicles.

Public Notification

Notice of the application was provided in the form of letters to adjoining, opposite and nearby property owners and occupiers. At the end of the notice period two objections had been received. The objections were received from nearby landowners. The grounds of objection are summarised below:

- Lack of a full perimeter fence
- Proposed location of dwelling and shed is close to Falls Road and below the existing dam
- Inappropriate development in Farming Zone
- Height of proposed shed will make it very visible
- 3 metre high fencing around Food Forest is out of character in this area
- Effluent disposal so close to Strath Creek
- Development on this lot would set a precedent for further development on small lots.

The issues raised by the submitters are discussed further in this report.

Referral Authority Advice

The application was referred externally to the Country Fire Authority (CFA) who provided conditional consent to the granting of a permit.

Discussion

Overview

The key issues in considering an application are whether the proposed use and development is consistent with the purpose, objectives and requirements of the Farming Zone, the Bushfire Management Overlay and Land Subject to Inundation Overlay. The application is also required to address the State, Regional and Local Policy and provide a response to the relevant Particular Provisions, specifically those relating to Bushfire Planning.

State, Regional and Local Policy

Relevant Clauses	Comment
<p><u>02.03 Strategic Directions</u> Natural Resource Management The agricultural sector in Murrindindi Shire Council is diverse and has potential to expand. Council aims to ensure that the use and development of rural land protects and enhances agricultural potential and the productive capacity of the land and surrounding land. And support emerging agricultural industries that are compatible with existing agricultural practices, including horticulture, boutique and niche agriculture farming.</p>	<p><u>Does not comply.</u> The proposed use for a dwelling could impact the potential for adjoining and surrounding agricultural activities to expand which is not consistent with the policy. If a permit was to be issued and the dwelling constructed in the proposed location, agricultural activities on adjoining land would be restricted, activities such as spraying crops would not be able to occur so close to the dwelling. The proposal includes a FMP which would allow the land to be used for a Food Forest, which is considered a niche permaculture farming practice. While the use of land for agriculture does not require a planning permit the proposed land to be used for agriculture is approximately one third of the property and it is considered that an agricultural development of this scale does not justify the requirement for a dwelling.</p>
<p><u>13.02-1L Bushfire Planning</u> Locate, design and manage use and development to reduce the risk to human life, property and community infrastructure from bushfire to an acceptable level.</p>	<p><u>Complies.</u> Application has been referred to the CFA. No objection subject to conditions.</p>
<p><u>14.01-1S Protection of Agricultural Land</u> Objective: to protect the state’s agricultural base by preserving productive farmland. Protect productive farmland that is of strategic significance in the local or regional context. Consider the compatibility between the proposed or likely development and the existing use of the surrounding land. Consider the potential impacts of land use and development on the spread of plant and animal pests from areas of known infestation into agricultural areas. Balance the potential off-site effects of a use or development proposal against the benefits of the proposal.</p>	<p><u>Partially complies.</u> The property is not currently used for agricultural purposes and previous aerial photography suggests that the land has been vacant since before the 2009 Bushfires. The adjoining property to the east is currently vacant and appears to be used for animal grazing, however there is potential for the agricultural use on this property to intensify. The proposed use of a dwelling on the subject site could limit the future potential for adjoining land to intensify agricultural production. The use of a dwelling would allow for the land to be managed in accordance with the submitted FMP and could improve the landscape of the subject site, ensuring pest plant and animals are managed appropriately.</p>
<p><u>15.01-6S Design for Rural Areas</u> Objective: to ensure development respects valued areas of rural character. Ensure that the siting, scale and appearance of development protects and enhances rural character. Site and design development to minimise visual impacts on surrounding natural scenery and landscape featured including ridgelines, hill tops, waterways, lakes and wetlands.</p>	<p><u>Does not comply.</u> The proposed dwelling is to be sited approximately 30 metres from Falls Road and will be visible. However, the development will not be visible from any nearby dwellings. The proposed dwelling is to be approximately 4.5 metres at its highest point along the southern elevation which would front Falls Road. The proposed shed is to be 5.12 metres at its highest point on the southern elevation, which will front Falls Road. The shed is proposed to be setback approximately 54.7 metres from Falls Road.</p>

	<p>A building of this height and within close proximity to Falls Road is not consistent with neighbouring properties. The setbacks of buildings on neighbouring properties are generally much greater than 55 metres and the buildings are set within the landscape.</p> <p>The property is proposed to be planted with native vegetation and a Food Forest which is to be bordered by a 3 metre high fence which is inconsistent with the surrounding landscape.</p>
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Farming Zone (Clause 35.07)

An application for a dwelling in the Farming Zone is required to address:

- capability of the land to accommodate the proposed use
- how the use or development relates to sustainable land management
- how the proposed use might impact adjoining and nearby agricultural uses.

The property is accessed via Falls Road, which is a gravel access road managed by Council, it is considered appropriate for emergency service vehicles.

The application is supported by a Land Capability Assessment to identify how wastewater will be treated and retained onsite for the dwelling. The Land Capability Assessment has been assessed and determined as appropriate, ensuring the development will not impact on Strath Creek.

Detailed on the proposed site plan are three water tanks, one of which would contain a firefighting water supply and the others for domestic uses.

Development on this site is able to be connected to a reticulated electricity supply.

The proposed use and development of the land for a dwelling, domestic outbuilding, permaculture-based market garden and Food Forest would allow for the land to be used concurrently for domestic and agricultural purposes. The applicant has provided documentation which states that for the agricultural uses to be successful, the land managers would need to reside on the land. The FMP describes how a portion of the land would be used for agricultural purposes, the section of land along Strath Creek would be protected for native vegetation and the minimum land required for the dwelling will be used for domestic purposes, which includes the wastewater treatment and disposal area. This proposal allows for approximately one third of the 1.4 hectares to be utilised for agricultural purposes, which is not consistent with the surrounding landscape.

The dwelling is proposed to be setback approximately 25 metres from the adjoining property to the east and the shed is proposed to be setback 5 metres. These setbacks meet the required setbacks of the Farming Zone however, if the agricultural use of the land on the adjoining property was to expand or intensify these setbacks might be considered inappropriate. The proposed location of the dwelling and shed could limit the future potential expansion of agriculture on adjoining land to the east.

Land Subject to Inundation Overlay

The purpose of this overlay is to ensure that any development allows the free passage and temporary storage of floodwaters, minimises flood damage, is compatible with the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity. The development is not proposed to be located within the overlay, the portion of the land which is affected by the overlay is proposed to be protected to allow native vegetation to continue to grow.

Bushfire Management Overlay (Clause 44.06)

The application is supported by a Bushfire Management Statement, prepared by Yarra Valley BAL Assessments, who determined the Bushfire Attack Level as BAL-29. This report was referred to the CFA, who provided conditional consent to the granting of a permit.

Bushfire Planning (Clause 53.02)

Purpose is to ensure that the location, design and construction of development appropriately responds to the bushfire hazard.

As the subject site is in the Bushfire Management Overlay the application was referred to the CFA, who provided conditional consent to the granting of a permit.

Discussion – Issues Raised by Objectors

As noted above, Council is required to consider whether the land is capable of accommodating the proposal, including the impact on adjoining and surrounding land uses.

Lack of a full perimeter fence.

The western boundary abuts the Crown Land and Strath Creek, the applicant does not intend to build a fence along the waterway, providing justification that a fence would restrict natural movement of wildlife along the Creek and potentially prevent access to the water.

As a part of the application for the Food Forest and agricultural uses sufficient fencing is proposed to ensure the plants and trees are protected from wildlife.

It is considered inappropriate that the property would not be fenced entirely, especially along the southern boundary which fronts Falls Road. In a Farming Zone stock movement along roads is quite common and a lack of farm fencing could allow stock to enter the property.

The matter relating to fencing the eastern boundary which is shared by the owners of adjoining land at 527 Falls Road is a civil matter and not able to be considered under the planning permit application.

Proposed location of dwelling and shed is close to Falls Road and below the existing dam.

The proposed dwelling is to be setback approximately 30 metres from Falls Road on the western side and approximately 40 metres on the eastern side, these setbacks meet the required setbacks for the Farming Zone, however most dwellings in the area and especially along Falls Road and Allandale Road have much greater setbacks.

The existing dam on the site is located near to the southern boundary and the dwelling is proposed to be approximately 6 metres north of the dam. The natural overflow of the dam is to the west and should naturally flow around the proposed dwelling location. However in the event of heavy rainfall it is unknown if the natural overflow will impact on the proposed dwelling.

Inappropriate development in Farming Zone.

The land at approximately 1.4 ha is considered small for an agricultural development. The proposal includes a FMP which dictates how the land could be managed for a relatively intense permaculture-based market garden and Food Forest. The proposal includes plantings such as wasabi, rosemary and lavender which would be grown onsite. The use of approximately one third of the property for agricultural purposes is not considered consistent with the requirements of the Farming Zone or the character of the Falls Road area.

Existing development along Falls Road is made up of single dwellings generally on larger allotments than the subject site and are supported by agricultural uses such as animal grazing. On nearby properties the majority of the land is used for agriculture.

Height of proposed shed will make it very visible.

The proposed 8 x 6 metre shed is to have a maximum height of 5.12 metres along the southern elevation and a height of 2.7 metres on the northern elevation. This design would allow for

maximum solar orientation for solar panels on the roof. The shed is proposed to be setback approximately 54.7 metres from Falls Road and 5 metres from the eastern boundary, these setbacks meet the requirements of the Farming Zone. It is considered that the shed will be visible and will stand out when passing along Falls Road, the development of the shed so close to the road is not consistent with the character of the area.

3 metre high fencing around Food Forest is out of character in this area.

The proposed fencing around the Food Forest is to be a 3 metre high wire mesh fence supported with treated pine posts, which will be transparent. The Food Forest is to be setback approximately 100 metres from Falls Road and will be on the lower portion of the land. It is considered that the fence will be visible from Falls Road and would be very visible from the adjoining land to the east. The fencing is not consistent with the character of the area. The fencing is proposed to be 3 metres high to protect the Food Forest from wildlife.

Effluent disposal so close to Strath Creek.

The effluent disposal area is proposed to be located approximately 65 metres from Strath Creek which meets Council and EPA requirements of a 60 metre setback from waterways. It has been determined that wastewater will be able to be retained and treated onsite.

Development on this lot would set a precedent for further development on small lots.

The proposed use and development for a dwelling on the subject site is not able to set a precedent for further development of small lots in the Farming Zone, any application is required to be assessed on its own merits under the Planning Scheme and Planning and Environment Act 1987. However, if a permit was to issue it would increase the density of development along Falls Road and might encourage further development on small lots in the area.

Conclusion

Council Officers are not satisfied that this application meets the requirements of the *Murrindindi Planning Scheme*. The proposal will affect the ability of adjoining or nearby land to be used for productive agricultural purposes and the proposed layout of buildings is not consistent with the character of the area. The proposal has not justified the need for a dwelling on the land.

Council Plan/Strategies/Policies

This report is not consistent with the *Council Plan 2017-2021 Our Place and Our Prosperity* strategic objectives:

- 'we will maintain and enhance places to be attractive and liveable, in balance with our natural environment' and 'through good land use planning enhance the liveability, prosperity and rural character of our Shire'.

Relevant Legislation

The proposal is being considered under the provisions of the *Murrindindi Planning Scheme* and the *Planning and Environment Act 1987*.

Financial Implications and Risk

There are no financial implications or risks associated with the consideration of this application for planning permit.

Conflict of Interest

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

RESOLUTION

Cr R Bowles / Cr E Lording

That Council issue a Notice of Decision to Grant a Permit for the use and development of land for a dwelling at 511 Falls Road, Strath Creek (Crown Allotment 10, Section B), subject to the following conditions:

1. **Prior to the commencement of works an amended Farm Management Plan is required to be submitted to and approved by the Responsible Authority. Once approved the amended plan will be endorsed and form part of this permit. The Farm Management Plan is to include the following:**
 - a. **a scaled and dimensioned plan showing:**
 - i. **proposed fencing, including fencing and appropriate gates along the Falls Road boundary**
 - ii. **Vegetation Protection Zone along the north-west property boundary, including the land within the Land Subject to Inundation Overlay and generally in accordance with the submitted site plan**
 - iii. **location of the domestic zone (including proposed driveway, dwelling, outbuilding and effluent disposal area)**
 - iv. **location of the dam**
 - v. **contours of the land and the natural drainage lines which run through the land**
 - vi. **existing and proposed access including details relating to the vehicle crossing of the drainage lines.**
 - b. **details relating to:**
 - i. **proposed staging for the establishment of farm infrastructure, including the fencing and preparation works to be established prior to the occupation of the dwelling on the land**
 - ii. **a schedule of proposed plantings for the Annual Planting and Food Forest areas**
 - iii. **management and eradication programs for weeds and pest animals**
 - iv. **vegetation planting and weed control within Vegetation Protection Zone.**
 - c. **a schedule of works to implement the plan requirements over a five year period.**
2. **Prior to the commencement of the use of the dwelling, the permit holder must demonstrate that the endorsed Farm Management Plan has substantially commenced, with the completion of fencing and commencement of the Food Forest, to the satisfaction of the Responsible Authority.**
3. **The property is to be managed in accordance with the endorsed Farm Management Plan to the satisfaction of the Responsible Authority on a continuing basis. This condition continues to have force and effect after the development approved by this permit is complete.**
4. **Prior to the commencement of any buildings or works the owner must enter into an agreement with the Responsible Authority under Section 173 of the *Planning and Environment Act 1987*. The agreement must state:**
 - a. **The property is to be managed in accordance with the Farm Management Plan, endorsed under this permit, and to the satisfaction of the Responsible Authority on a continuing basis.**

The land owner must pay the reasonable costs of the preparation, execution and registrations of the Section 173 Agreement.

The Section 173 Agreement must be prepared by Council's solicitors, to the satisfaction of the Responsible Authority and must be registered at the Office of Titles pursuant to Section 181 of the Planning and Environment Act 1987.

5. The layout of the site and the size and type of the proposed buildings and works, including the materials of construction, as shown on the endorsed plans, shall not be altered or modified without the consent in writing of the Responsible Authority.
6. The permit shall expire if the development hereby permitted is not completed and the use commenced within two years of the date hereof, or any extension of such period the Responsible Authority may allow in writing. A request for an extension of time may be made before or within six months after the permit expiry date, where the use of development allowed by the permit has not yet commenced, or within 12 months after the permit expiry date, where the development allowed by the permit lawfully commenced before the permit expired.
7. A copy of this planning permit must be provided to any new land owner.
8. All external cladding including the roof and trims of the building allowed must be coloured or painted in muted shades of green, brown or charcoal, or in a colour approved in writing by the Responsible Authority.
9. On the construction of the dwelling a water system shall be provided to accommodate a total minimum of 45,000 litres for domestic purposes.
10. Prior to the commencement of use of the dwelling an appropriate rural road number plaque must be constructed and displayed at the access point to development to the satisfaction of the Responsible Authority.

Engineering

11. All stormwater and surface water discharging from the buildings and works must be conveyed to a point of discharge, approved by the Responsible Authority. Stormwater discharge from downpipes or overflow from storage tanks and surface water must not be directed or caused to be directed in a concentrated form that causes erosion and/or adverse effects within the site or to adjoining and neighbouring land.
12. Prior to the commencement of any works associated with the dwelling the vehicular entrances to the subject land from Falls Road must be constructed at the applicant's expense to provide ingress and egress to the site at a location and of a size and standard satisfactory to the Responsible Authority. Refer to Council's Infrastructure Design Manual Section 12.9.2 – Rural Vehicle Crossing and standard drawing SD 255.
13. Driveway culverts must be constructed to handle runoff for 1 in 100 year flood event.

Environmental Health

14. All wastewater is to be retained and treated onsite in accordance with Land Capability Assessment, Report No. 03360 (dated 22 July 2019), prepared by Strata Geoscience and Environmental, and Council and EPA recommendations.
15. A permit to install a septic system will be required from Council prior to the commencement of any building works.

Country Fire Authority

16. **Bushfire Management Plan**
The Bushfire Management Plan – 511 Falls Road, Strath Creek (prepared by Yarra Valley BAL Assessments, Version A, dated 29 July 2019) must be endorsed to form part of the permit and must not be altered unless otherwise agreed in writing by the CFA and the Responsible Authority.
17. The bushfire protection measures forming part of this permit or shown on the endorsed plans, including those relating to construction standards, defendable space, water supply and access, must be maintained to the satisfaction of the

responsible authority on a continuing basis. This condition continues to have force and effect after the development authorised by this permit has been completed.

Notations

- 1. An application for consent to work is required to be made prior to commencing any works on the road reserve and must comply with the requirements of the *Road Management Act 2004* associated Regulations.**
- 2. This permit does not authorise the commencement of any building construction works. Before any such development may commence, the applicant must apply for and obtain appropriate building approval.**

CARRIED

8.3 RESPONSE TO PETITION – PUBLIC TOILET FACILITY AT KINGLAKE MEMORIAL RESERVE

Purpose

This report provides Council with a response to the petition tabled at the Ordinary Meeting of Council, 23 October, 2019. The petition requests:

1. Clarity about the perceived underspend of government funding for bushfire recovery activities, and
2. The delivery of a public toilet facility at the Kinglake Memorial Reserve.

Officers are addressing these issues separately, and this report deals with item two above, by providing advice regarding the need for public toilets at the Kinglake Memorial Reserve. This report does not intend to address the historical elements of the topic, or any discussion about other processes underway (the FOI issue discussed by Mr Exton in his cover letter).

Officer Recommendation

That Council:

1. note this report and that Council officers have reviewed the requests from petitioners;
2. resolve that Council allocate \$10,000 this financial year for the schematic design and cost estimates of a public toilet facility at the Kinglake Memorial Reserve;
3. request officers present schematic design and cost estimates for consideration as part of the 2020/2021 budget process; and
4. request that the Director Community Engagement write to the convenors of this petition advising them of the resolution.

Background

A petition was tabled to Council at its Ordinary Meeting of 23 October 2019 relating to the requirement for a public toilet facility at the Kinglake Memorial reserve. The petition was submitted by Mr Charles Exton and was signed by 581 people.

The petition requests public toilets for the following stated reasons:

1. There were existing public toilets at the Reserve prior to the 2009 Bushfires
2. The community believed that the facility would be reinstated through the application of State Government bushfire remediation funds
3. The Kinglake Memorial Reserve is the only reserve in Murrindindi Shire without public toilets
4. Without public toilets, football finals cannot be held at the ground
5. The age demographic in Kinglake shows that 40% of the population is aged between 5 – 19 years and this demographic supports the requirement of infrastructure that encourages use of our open space and recreational opportunities.

Discussion

Council officers conducted a detailed review of the request from the petitioners. The outcome of the investigation is as follows:

1. There are four public toilet facilities in the proximity of the grounds, all currently maintained by Council. There is an unknown 'unstructured recreation' (not sporting club based) need for public toilets at this location, however, the lack of facilities is noticed by spectators of sporting events
2. There are toilets for public use located at the grounds:
 - a. In the tennis pavilion – however, they are awkward to access due to their location within the pavilion
 - b. In the football/tennis pavilion – however, these are not designed for the needs of a match day crowd
3. A 2017 audit showed there were five groups using the grounds:
 - a. Kinglake Football Netball Club with 95 members in active participation
 - b. Kinglake Junior Football Club with 45 members in active participation
 - c. Kinglake Cricket Club with 40 members in active participation
 - d. Kinglake Tennis Club with 60 members in active participation
 - e. Kinglake Scouts with 14 members in active participation

Note these figures do not include spectators or those using the reserve for unstructured recreation.

4. An audit of 'like' facilities in Murrindindi Shire showed the following:

REGIONAL RESERVES		
Name	Public toilets	Maintained by
Yea Showgrounds & Recreation Reserve	Yes	Murrindindi Shire Council
Alexandra Showgrounds & Recreation Reserve	Yes – however, only opened for organised events and competitions	Department of Environment, Land, Water & Planning
Thornton Recreation Reserve	Yes	Murrindindi Shire Council
DISTRICT AND LOCAL RESERVES		
Name	Public toilets	Maintained by
Leckie Park Alexandra	Yes	Murrindindi Shire Council
Eildon Recreation Reserve	Yes – however, the facility has been permanently locked to use as the reserve is currently not used for organised recreation	Murrindindi Shire Council
Buxton Recreation Reserve	Yes	Murrindindi Shire Council
Gallipoli Park Marysville	Yes	Murrindindi Shire Council
Yarck Recreation Reserve	Yes	Murrindindi Shire Council
Gobur Recreation Reserve	Yes	Department of Environment, Land, Water & Planning
Molesworth Recreation Reserve	Yes	Murrindindi Shire Council

Given the information gathered, officers recommend progressing the investigation by establishing the costs associated with delivering the project. This analysis can be used to inform Council of the priority for delivery.

Council Plan/Strategies/Policies

Council adopted its Recreation and Open Space Strategy in 2019. This strategy supports Council officers working with individual clubs and communities to plan for site-specific facility improvements. The Strategy also highlights Council as the responsible authority for Capital Development of Public Toilets.

Council has budgeted for the delivery of a Master Plan for the Reserve in 2019/20. Discussions with user groups during 2019 would suggest that a Public Toilet is a high priority of the community.

This matter is consistent with 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

The relevant legislation is:

- *Road Management Act 2004* - Code Of Practice Operational Responsibility For Public Roads
- *Section 163 Local Government Act 1989* - special rate and special charge relates to the declaration of a Scheme and directs Council in the consideration of how special charges apply to properties where there is a special benefit in relation to the proposed works.

Financial Implications and Risk

There are no current financial implications to Council at this stage.

Conflict of Interest

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

Community and Stakeholder Consultation

Internal consultation with Council Community Assets and Governance has been carried out in response to this petition.

RESOLUTION

Cr M Rae / Cr J Ashe

That Council:

1. **note this report and that Council officers have reviewed the requests from petitioners;**
2. **resolve that Council allocate \$10,000 this financial year for the schematic design and cost estimates of a public toilet facility at the Kinglake Memorial Reserve;**
3. **request officers present schematic design and cost estimates for consideration as part of the 2020/2021 budget process; and**
4. **request that the Director Community Engagement write to the convenors of this petition advising them of the resolution.**

CARRIED UNANIMOUSLY

8.4 RESPONSE TO PETITION - EXTENSION OF KERBSIDE WASTE SERVICE ALONG BROOKES CUTTING ROAD, ALEXANDRA/KORIELLA

Purpose

This report provides Council with a response to the petition tabled at the Ordinary Meeting of Council, 23 October 2019. The petition requests an extension of the kerbside waste and recycling collection along Brooks Cutting Rd, Alexandra.

Officer Recommendation

That Council:

1. note the extension of the kerbside waste collection service along Brooks Cutting Road was processed and approved as part of normal operations and has already commenced; and
2. request that the Manager Community Assets write to the convenors of this petition advising them of the resolution.

Background

A petition was tabled to Council at its Ordinary Meeting of 23 October, 2019. The petition was signed by 12 people and was received 25 September 2019. The petition was submitted by Jim and Paula Inness.

The submitters have expressed their concern over transporting the bins to the corner of Brooks Cutting and Swann Road due to the age and health of the residents on Brooks Cutting Road. The submitter has advised there is suitable turning circle area for a Cleanaway truck that cattle trucks use.

Discussion

A separate request for a service extension was received on 26 September 2019 and was entered into the customer request system (CRM) to be assessed by the Waste Management Unit.

On receipt of the CRM, Brooks Cutting Road was inspected and a request to consider the extension was provided to the collection contractor, Cleanaway, who indicated they would be willing to extend the service. Ratepayers were then advised by mail and invited to submit individual applications for additional services, or if they already had a service to commence placing bins by their driveway.

The first service was conducted on 29 October 2019. To date, only 2 applications for a new service has been received.

Council Plan/Strategies/Policies

This matter is consistent with the *Council Plan 2017-2021* Our Place to “strengthen the environmental sustainability of our communities, protect our natural environment and reduce resource consumption.”

Financial Implications and Risk

There are no financial implications to Council. The cost of delivering the additional services will be recovered through the garbage and recycling charges levied on participating properties.

Conflict of Interest

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

Community and Stakeholder Consultation

Internal consultation with Council’s Waste Management and collection contractor has been carried out in response to this petition.

RESOLUTION

Cr C Bisset / Cr E Lording

That Council:

- 1. note the extension of the kerbside waste collection service along Brooks Cutting Road was processed and approved as part of normal operations and has already commenced; and**
- 2. request that the Manager Community Assets write to the convenors of this petition advising them of the resolution.**

CARRIED UNANIMOUSLY

8.5 RESPONSE TO PETITION – SEALING OF BROOKS CUTTING ROAD, ALEXANDRA/KORIELLA**Purpose**

This report provides Council with a response to the petition tabled at the Ordinary Meeting of Council, 23 October, 2019. The petition requests the sealing of the first 1.5 kilometres of the road or that, at least a major upgrade be undertaken.

Officer Recommendation

That Council:

- note this report and that Council officers have reviewed the request from petitioners;
- note that a road safety audit will be undertaken of Brooks Cutting Road between Swann Road and the camping ground;
- that the results of this audit be presented to Council for consideration within the 2019/20 financial year; and
- request that the Manager Community Assets write to the convenors of this petition advising them of the resolution.

Background

A petition was tabled to Council at its Ordinary Meeting of 23 October, 2019. The petition was submitted by Jim and Paula Inness and was signed by eight people.

The submitter has advised:

‘The condition of the gutters and the water laying on the road at the reserve is appalling. We have had to pull vehicles that have got stuck in the culvert that is also in a bad place.’

‘The amount of traffic, local, tourists and farming trucks is quite substantial. There is at least three or more caravans camping at Brooks Reserve each day, and some of these caravans are extremely large. The road is not safe for them with these vehicles, we are worried that something will happen on this road’.

Discussion

A detailed review of the request from the petitioners was conducted by Council officers, including an onsite inspection.

Brooks Cutting Road is a road located in Alexandra and the properties abutting the road are zoned Rural Living Zone at the commencement of Brooks Cutting Road, Public Conservation and Resource Zone at the camping ground and Farming Zone for the remainder of Brooks Cutting Road. Council’s Road Management Plan classifies this road as an Access Road in Council’s road hierarchy for the first 1.7 kilometres whilst the remaining section is classified as an Access Track through a gated property. There is a camping ground located approximately 1.0 km along Brooks Cutting Road from the intersection with Swann Road.

Council’s Road Management Plan describes the function of the road as follows:

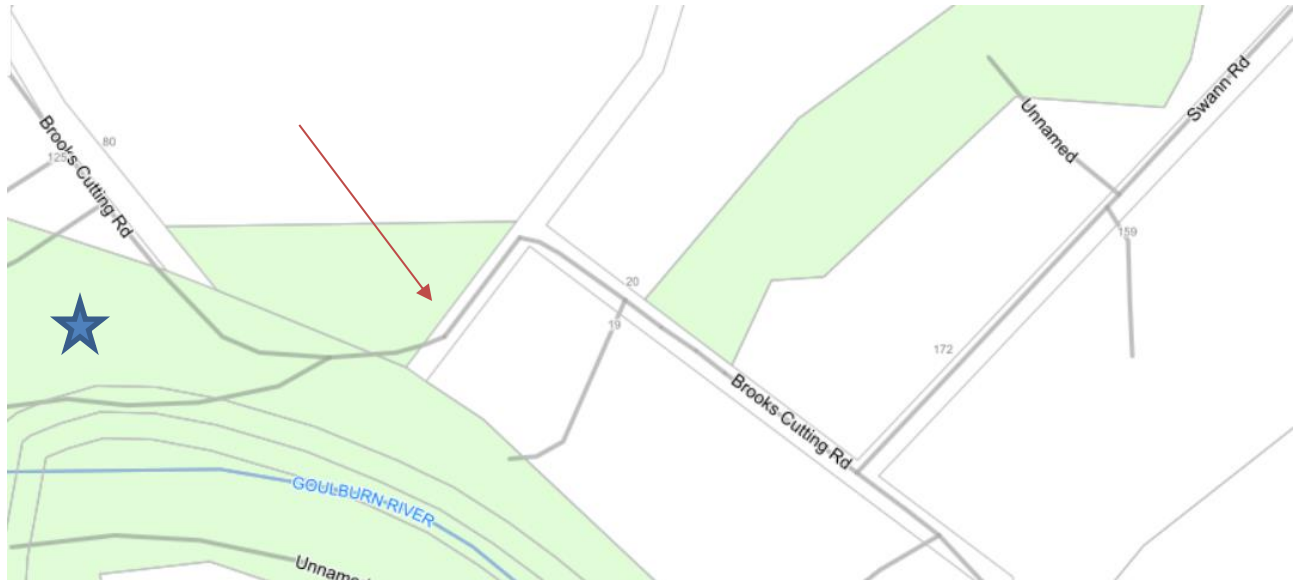
- An Access Road is summarised as a road that provides predominately for direct access to properties and industries. It caters for low traffic volumes and generally for low traffic speeds with a low percentage of through traffic
- An Access Track has the same functional definition of an access road but has a lower construction standard. Access tracks have poor road formations, often narrow with poor alignment, have little or no formal drainage and only cater for emergency vehicles.

This unsealed road is maintained to a maintenance Standard 3 as per the Council Road Management Plan which requires Council officer to inspect the road every six months. Any defects outside intervention levels detected during these inspections or reported to Council by community members are addressed in accordance with the Road Management Plan which sets the service response timelines.

Council has recorded and responded to only three road maintenance request since 2016 for this road. This was in relation to potholing and request for grading of the road.

At the time of inspection, the road was found to be in a good to excellent condition with no corrugations or potholes.

The section of Brooks Cutting Road between Swann Road and the camping ground (shown below with a star) is narrow. One section of the road (shown with an arrow below) does not provide drivers with a long distance sight view of oncoming traffic coming from the west. Drivers from the west would also not be alerted of wider vehicles until they approach around the bend. This would be more of an issue for large caravans meeting local traffic at a higher speed. This road has no speed signage.



As the petition highlights concerns of the safety of the road for the road users, it is recommended that an independent road safety audit be undertaken of the road between Swann Road and the camping ground. The audit will consider the traffic, speed, function and surface of the road to ensure safe travel for the classification of the road being a part access road and part access track. Once the report is completed, the recommendations will be presented to Council for further consideration.

Council Plan/Strategies/Policies

This matter is consistent with 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

The relevant legislation is *Road Management Act 2004 - Code of Practice Operational Responsibility for Public Roads*

Financial Implications and Risk

There will be a cost to engage an independent road safety auditor, however this cost will be managed within the Community Assets operational budget.

Conflict of Interest

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

Community and Stakeholder Consultation

Internal consultation with Council Infrastructure Operations and Asset Management Units has been carried out in response to this petition.

RESOLUTION**Cr M Rae / Cr S McAulay****That Council:**

- **note this report and that Council officers have reviewed the request from petitioners;**
- **note that a road safety audit will be undertaken of Brooks Cutting Road between Swann Road and the camping ground;**
- **that the results of this audit be presented to Council for consideration within the 2019/20 financial year; and**
- **request that the Manager Community Assets write to the convenors of this petition advising them of the resolution.**

CARRIED UNANIMOUSLY**8.6 RESPONSE TO PETITION – CONDITION OF GORDONS BRIDGE ROAD, CASTELLA****Purpose**

This report provides Council with a response to the petition tabled at the Ordinary Meeting of Council, 23 October, 2019. The petitioners request to upgrade and seal Gordons Bridge Road or at least between Melba Highway and Moore Court.

Officer Recommendation**That Council:**

- note this report and that Council officers have reviewed the request from petitioners;
- note that a road safety audit will be undertaken of Gordons Bridge Road between Melba Highway and Moore Court; and
- request that the Manager Community Assets write to the convenors of this petition advising them of the resolution.

Background

A petition was tabled to Council at its Ordinary Meeting of 23 October, 2019. The petition was submitted by Harry Braun and was signed by twenty people.

The submitter has advised:

‘The road is full of potholes making it a labyrinth to navigate and hence dangerous. It is virtually impossible to avoid every pothole, damage to vehicle suspension is distinctly possible during every trip’.

‘The road is also graded about once per year, usually in autumn before the rains and the road then becomes muddy, slippery and dangerous’.

The petitioners are requesting to upgrade and seal Gordons Bridge Road, at least at a minimum between Melba Highway and Moore Court.

Discussion

A detailed review of the request from the petitioners was conducted by Council officers, including an onsite inspection and meeting with petitioners on 31 October, 2019.

Gordons Bridge Road is a road located between the Melba Highway, Castella and the Kinglake-Healesville Road, Kinglake. The planning zone for the properties along Gordons Bridge Road between Melba Highway and Moore Court is classified as low density residential zone whilst the abutting land for the remainder of the road is zoned farming. This road is classified as an access road in Council’s Road Management Plan road hierarchy which provides an appropriate level of service for these planning zones. The Road Management Plan defines an access road as a road that provides predominately for direct access to properties and industries. It caters for low traffic volumes and generally for low traffic speeds with a low percentage of through traffic.

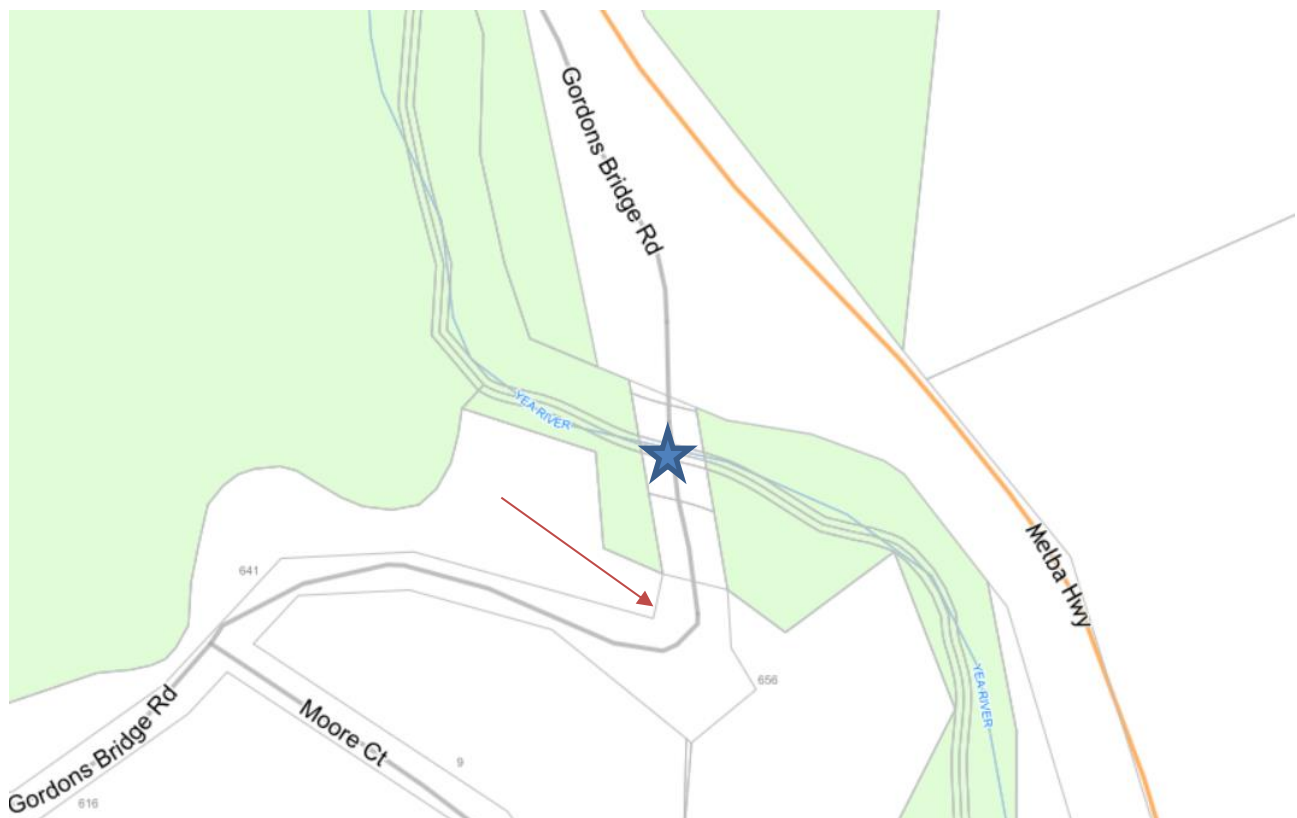
In line with Council's Road Management Plan, this unsealed road has a maintenance standard of level 3. At this standard, Council officers conduct six monthly inspections. Defects detected during these inspections or reported to Council by community members are addressed in accordance with the Road Management Plan level of services and intervention levels for an access road.

Council has recorded and responded to eleven road maintenance requests since. These were in relation to potholing and requests for grading of the road.

At the time of inspection, the road was found to be in a reasonable condition. Potholes had been filled prior to inspection.

On the 31 October 2019, the CEO and Council officers met the petitioners at Gordons Bridge Rd. In discussion with the petitioners, it was found that a majority of their concerns were related to the approaches to Gordons Bridge including the lack of signage, the speeds travelled and dust issues.

Gordons Bridge (shown below with a star) is located approximately 200mtrs from the intersection of Gordons Bridge Road and Melba Highway. This bridge is a single lane bridge with no signage leading to either approaches to the bridge. The section of road after leaving Gordons Bridge heading to Kinglake on Gordons Bridge Road has a hair pin corner (shown with an arrow below). This road has no speed signage.



As the petition highlights concerns of the safety of the road for the road users, it is recommended that an independent road safety audit be undertaken of the road between Melba Highway and Moore Court. The audit will consider the traffic, speed, function and surface of the road to ensure safe travel for the classification of the road being an access road. Once the report is completed, the recommendations will be presented to Council for further consideration.

Council Plan/Strategies/Policies

This matter is consistent with 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

The relevant legislation is *Road Management Act 2004* - Code of Practice Operational Responsibility for Public Roads

Financial Implications and Risk

There will be a cost to engage an independent road safety auditor, however this cost will be managed within the Community Assets operational budget.

Conflict of Interest

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

Community and Stakeholder Consultation

Internal consultation with Council Infrastructure Operations and Planning Units has been carried out in response to this petition.

RESOLUTION

Cr M Rae / Cr J Ashe

That Council:

- **note this report and that Council officers have reviewed the request from petitioners;**
- **note that a road safety audit will be undertaken of Gordons Bridge Road between Melba Highway and Moore Court; and**
- **request that the Manager Community Assets write to the convenors of this petition advising them of the resolution.**

CARRIED UNANIMOUSLY

9. OUR PEOPLE**9.1 CENTRAL ENROLMENT FEASIBILITY STUDY**

Attachment(s): Central Enrolment – Case Report (refer Attachment 9.1)

Purpose

This report provides information to Council on the recently completed Kindergarten Central Enrolment feasibility study.

Officer Recommendation

That Council:

1. do not implement a Central Kindergarten Enrolment system at this stage; and
2. investigate a single brochure to publicise all funded kindergartens in the Shire.

Background

Central Enrolment (CE) is a centralised kindergarten enrolment process where all kindergarten enrolments and information is collected in one central point and distributed to the relevant kindergartens.

The benefits of CE are seen to be:

- Vulnerable families (including eligible Early Start Kindergarten children) are identified early, proactively engaged and enrolled in high-quality, funded kindergarten programs, through direct linkages with Maternal and Child Health (MCH) Services

- Priority of access criteria is implemented consistently and transparently across all participating LGAs.

The vision held by the Department of Education and Training (DET) reflects the goal that within 8-10 years all local government areas will deliver a central enrolment scheme for funded kindergartens providing services for the two years before starting school. At present, all kindergartens in the Shire offer funded 4 year old places and a user pays 3 year old program, unless the child is eligible for Early Start Kinder (ESK) where places are funded.

DET, in partnership with the Municipal Association Victoria (MAV), have committed \$5.5m over 4 years to support more councils to adopt, expand and enhance CE for kindergarten services. Murrindindi Shire Council received \$17,000 to examine the feasibility of a Central Enrolment program in Murrindindi.

Discussion

There are currently six kindergartens that operate across Murrindindi Shire, four of these are community managed and two are managed through cluster management arrangements with other providers. Council does not play a role in the management of kindergartens, however we do provide support and information to all early years services to support professional development, coordinated service delivery and improve access for all families. Four of the six kindergartens operate out of Council facilities.

A feasibility report has been developed (Attachment 9.1) describing the process that was undertaken, findings and recommendations. This report will be provided to the Department of Education as part of the completion of the project.

The initial phase of the feasibility study involved the following components:

- examining relevant data and information
- communication with other councils with and without Central Enrolment
- developing a project plan
- identifying and engaging key stakeholders including parents and kindergartens.

A range of research tools were utilised to collaborate with and obtain responses from participants and included:

- meetings and phone discussions with all kindergartens,
- online surveys of parents.

During the feasibility study, kindergarten staff voiced their concerns around:

- loss of connection with families- the foundations of which they felt are laid during initial contact around enrolment and registration. The availability of staff to engage with families, who require assistance with the enrolment process, has resulted in a supportive environment that is embedded in each town's culture
- double handling - registration with a CE scheme followed by the required enrolment at the kindergarten service was determined to be an inefficient use of time, particularly for the families
- all services have strong relationships with their local MCH Nurse who is often the first contact for vulnerable families and feel this connection prevents children falling through the system.

Information was collected from a survey focusing on family experiences of the enrolment process. The main themes arising from these responses included:

- the need for simple, straightforward processes
- the need for staff to be available to assist when required
- concern about collection of personal data in a CE scheme
- concern regarding a potential increase in cost to families with an enrolment fee

- the importance of building relationships with kindergarten staff prior to attendance.

Kindergartens across the Murrindindi Shire provided information that they currently make available funded kindergarten places to **all** children needing them. The challenges seen by some LGA's of waiting lists and duplicate enrolments are notably absent in the Shire. None of the kindergartens have waiting lists. Therefore, from the kindergarten's perspective, the need to implement priority of access requirements to ensure all vulnerable children are given places first, is also absent.

The 2018 Murrindindi Early Learning profile shows that of an estimated 142 children eligible for kindergarten in 2018, 141 of them were enrolled and participating in a funded program. This demonstrates that children are not 'falling through the cracks' in Murrindindi Shire.

As part of the feasibility study, we explored how information on kindergarten enrolments can be shared and coordinated to improve the process. All kindergartens and stakeholders responded positively to the development of a single brochure, available in council offices, online, libraries, community houses etc. Information such as session times would be readily accessible. Information about other Early Years services such as playgroups and PEEP could be included. This additional information could build on the information provided in the new resident kits.

Council Plan/Strategies/Policies

This matter is related to the following *Council Plan 2017 – 2021* Strategies and actions under Our People; "Encourage provision of services that meet community needs" and "Support healthy and happy children and families".

Relevant Legislation

There is no legislation relevant to this matter.

Financial Implications and Risk

There is currently no commitment by the State Government to fully resource administration of a Central Enrolment Scheme and the cost of running such a scheme would fall to Council to fund. This might be done by introducing an enrolment fee to families. Based on averages for other like Councils, an enrolment fee could be around \$154 per child. This increases the possibility of affecting the ability of vulnerable children to attend.

The development of a brochure would have minimal effect on staff resources as there are so few kindergartens in the Shire.

Conflict of Interest

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

Community and Stakeholder Consultation

A range of research tools were utilised to collaborate with and obtain responses from parents and kindergartens including:

- In person meetings;
- Phone discussions; and
- Online surveys, open for 6 weeks in June and July 2019, and distributed to parents via kindergarten newsletters, MCH, Murrindindi Children's Network and supported playgroups.

RESOLUTION

Cr S McAulay / Cr C Bisset

That Council:

1. **do not implement a Central Kindergarten Enrolment system at this stage; and**
2. **investigate a single brochure to publicise all funded kindergartens in the Shire.**

CARRIED UNANIMOUSLY

10. OUR PROSPERITY

10.1 TOURISM AND EVENTS STRATEGY

Attachment(s): Tourism and Events Strategy (refer Attachment 10.1)

Purpose

The purpose of this report is to brief Councillors on the Draft Murrindindi Shire Tourism and Events Strategy (Strategy), including the feedback received and the changes the Consultants have subsequently made to the document.

Officer Recommendation:

That Council:

1. adopt the Murrindindi Shire Tourism and Events Strategy; and
2. accept the change in the role of Council, as described in the Strategy, to take a lead and coordinating role in delivering the outcomes of the Strategy, including the suggested replacement of Murrindindi Inc. with a Council governance structure; and
3. request officers:
 - a. continue to work with Local Business and Tourism Associations to develop a model for an appropriate governance structure to support the delivery of Council's Strategy, to take effect on 1st July 2020, for presentation to Council at its February 2020 Ordinary Meeting.

Background

In 2018, Council requested officers to engage a consultant to design and deliver a Tourism and Events Strategy for the Murrindindi Shire.

Following Council's procurement process, Urban Enterprise was appointed to carry out the work. Elements of the brief required that the consultants engage comprehensively with the local tourism sector and relevant stakeholders to develop the strategy. Engagement activities included internal officer workshops, local, regional and state stakeholder meetings and three industry workshops.

At its May 2019 Ordinary Meeting, Council placed the draft Strategy on public exhibition. At the conclusion of the exhibition period, Council received a briefing outlining the feedback and requested Officers to submit this to the consultant for consideration.

Urban Enterprises attended the Councillor Briefing held on Wednesday 4 September, to present the draft document and discuss the implications of the community consultation on the content and directions of the strategy.

Discussion

Urban Enterprises has assessed the feedback provided by Councillors, and provided the attached updated and Final Draft of the Strategy. Of particular note, the Implementation Plan has been fully reviewed, adjusted and is included in the Strategy.

The Strategy lays out the vision as follows:

"Murrindindi will transform into one of Victoria's leading nature-based tourism destinations which is accessible to family markets, adult couples, nature-based tourism enthusiasts and emerging international markets. Murrindindi will strengthen its complementary tourism product including food and agribusiness and new and improved accommodation to meet contemporary market expectations and needs."

There are four Strategic Directions developed through the document to deliver the Vision:

DIRECTION A - Deliver a streamlined approach to tourism industry governance

DIRECTION B - Deliver streamlined and effective marketing and visitor information services

DIRECTION C - Development of product strengths and investment in emerging opportunities and supporting infrastructure

DIRECTION D - Drive tourism growth to Murrindindi through an enhanced events calendar.

The development of the Strategy highlighted a need to review the structure of local business networks and associations:

- In order to deliver against the strategy Council will need to play an enhanced role in supporting businesses for the purpose of Tourism and Events sector development, including taking a lead role in the coordination and governance of the Strategy implementation.
- Local Business and Traders Associations (LBTA) have dwindling access to volunteer hours to support activities
- The current structure has resulted in some good projects being delivered
- The impact of the Regional Tourism Board discussions combined with the finalisation of funding for Murrindindi Inc., has resulted in difficulty for businesses to participate in collaborative efforts.

Council Plan/Strategies/Policies

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

Relevant Legislation

There are no legislative implications associated with this briefing.

Financial Implications and Risk

Finalisation of the strategy and associated implementation plan will determine the priorities for Council for future resourcing commitments. The Strategy provides indicative costs for actions, and these will be delivered via the Council Budget process.

Conflict of Interest

There were no conflicts of interest declared by Council officers in the preparation of this report.

Community and Stakeholder Consultation

The engagement and consultation undertaken to create the Strategy is discussed in the body of the report. Council officers will ensure the public exhibition of the document is comprehensive, and includes businesses and organisations previously consulted, and aims to engage any parties not yet consulted.

RESOLUTION

Cr E Lording / Cr J Ashe

That Council:

1. **adopt the Murrindindi Shire Tourism and Events Strategy; and**
2. **accept the change in the role of Council, as described in the Strategy, to take a lead and coordinating role in delivering the outcomes of the Strategy, including the suggested replacement of Murrindindi Inc. with a Council governance structure; and**
3. **request officers:**
 - a. **continue to work with Local Business and Tourism Associations to develop a model for an appropriate governance structure to support the delivery of Council's Strategy, to take effect on 1st July 2020, for presentation to Council at its February 2020 Ordinary Meeting.**

CARRIED UNANIMOUSLY

10.2 GRANTS & CONTRIBUTIONS PROGRAM

Attachment: Grants and Contributions - Summary - October 2019 - (refer Attachment 10.2)

Purpose

The purpose of this report is to address the applications made to the October round of the 2019/20 Grants and Contributions Program, specifically:

- recommendations of the Community Grants Assessment Panel
- allocations made by Council officers under delegation for Fee Reduction, Events and Skills and Capacity Building grant streams.

Officer Recommendation

That Council:

1. award the recommendations of the Community Grants Assessment Panel:

Application	Reference	Funding Sought	Recommendation
Community Grants			
Alexandra and Eildon District Lapidary Club	CPE-1819-022	\$5,000	Support in full with a grant of \$5,000
Rotary Club of Kinglake Ranges	CPE-1819-025	\$3,500	Support in part with a grant of \$2,500 and a fee waiver of \$670, totalling \$3,170
Alexandra Football Netball Club	CPE-1819-027	\$1,000	Decision within panel delegation. Support in full with a grant of \$1,000
Rotary Club of Yea	ES-1819-009	\$4,500	Support in part with a grant of \$2,500
Concerts4Causes	ES-1819-015	\$1,800	Support in full with a grant of \$1,800
Sponsorships			
Rotary Club of Alexandra	CS-1819-016	\$2,500	Support in full with a sponsorship of \$2,500
Alexandra Secondary College	CS-1819-021	\$600	Support in full with a sponsorship of \$600

2. award recommendations of Officers for the Business and Tourism Events streams:

Events Support (Tourism) (ES)			
Alexandra Pro Rodeo and Music Festival	ES-1819-014	\$7,430	Recommendation to support application in full

3. note the grants awarded by Council officers under delegation:

Application	Reference	Funding Sought	Outcome
Fee Reductions			
Yea Primary School	FR-1819-023	\$1,000	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. Application assessment is undertaken across three key assessment processes:

- Community Grants Assessment Panel
- Council officer recommendation to Council
- Council officer decision under delegation.

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

Discussion

Community Projects and Events

Five applications were assessed as part of the current round of Community Projects and Events grants.

The Assessment Panel (Panel) has recommended the following applications be supported in full:

1. The Alexandra and Eildon District Lapidary Club are requesting a grant of \$5000 to contribute to renovation works to their club house which is currently unsafe and in disrepair
2. The Alexandra Football Netball Club requested a grant of \$1000 to support the delivery of the 'Having a Ball at the Acheron Hall' event. This application falls within the delegation of the assessment panel and they have approved a grant of \$1,000
3. Concerts4Causes is a collaborative event company partnering with community organisations to raise funds for local organisations. They have requested a grant of \$1,800 to support the Lightshow after dark and Christmas Concert event. Funds raised will support Kellock Lodge, Alexandra.

The Assessment Panel (Panel) has recommended the following applications be supported in part:

1. The Rotary Club of Kinglake Ranges requested a grant of \$3500 to support the Kinglake Ranges Rotary Art Show, they are also seeking a full fee waiver for hire of the Kinglake Community Centre with a value of \$670. The panel recommend that the Rotary Club of Kinglake Ranges be provided with a grant of \$2,500 and a fee waiver of \$670, totalling \$3,170. This is an increase in previous year's grants. The panel recommendation has been approved in principle by Council prior to the Council meeting due to the application being received late.
2. Yea Rotary are seeking a grant of \$4500 to support the Yea Rotary Arts Show in January 2020. They are seeking additional funds to support better promotion of the event to encourage increased visitation. The assessment panel has recommended this application be approved with a grant of \$2,500. This is an increase in previous year's grants. The

group have also been invited to submit an application for fee support for the Yea Shire Hall for the event.

Community Sponsorship

Two applications for the Community Sponsorship stream were received in this round. The Panel recommends they be supported:

1. The Rotary Club of Alexandra are seeking a sponsorship of \$2500 for the Alexandra Easter Arts Show in 2020
2. The Alexandra Secondary College is seeking a sponsorship of \$600 to provide a monetary prize for the 2019 DUX Student award.

Council Officers recommend support to the below grant applications:

One application was received for Events Support (Tourism) for the current round

1. Events Support

Alexandra Events are requesting \$7430 to support a Country Music and Pro Rodeo event. This comprises of approximately \$2000 sponsorship, with the remainder covering Council services such as waste collection and cleaning. The event has been successfully ran for 2 consecutive years and has attracted 4000 visitors to the Shire this equating to a 50% increase each year. The event has extended its activities on offer this year to become a two day event. Within the application they discuss how the proceeds of this event help them to deliver additional major local events across the calendar year and they also discuss that the event enables local community groups to participate in fundraising opportunities.

The below grant application has been awarded under Officer Delegation:

1. Fee Reductions

One application was received and granted under delegation. The Yea Primary School requested hall fee hire waiver of \$1000 to support a school musical that all students are participating in. The theme is around environmental sustainability, The Wildlife of the Wetlands. It is based in the Yea Wetlands and covers many facts and information about how to protect the environment.

These applications are summarised in the attached summary.

Council Plan/Strategies/Policies

The Community Grants and Contributions Program delivers operational outcomes of the *Council Plan 2017-2021* Our People strategic objective 'to provide a seed funding pool to support community initiated projects' and Our Prosperity strategic objective 'in partnership with the community we will promote an environment in which business and community can thrive'.

The Community Grants and Contributions Program is guided by the Community Grants and Contributions Policy.

Relevant Legislation

There are no legislative considerations to this report.

Conflict of Interest

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

Community and Stakeholder Consultation

There has been no formal community consultation with respect to the assessment of this round of Grants and Contributions Program applications.

RESOLUTION

Cr R Bowles / Cr E Lording

That Council:

1. award the recommendations of the Community Grants Assessment Panel:

Application	Reference	Funding Sought	Recommendation
Community Grants			
Alexandra and Eildon District Lapidary Club	CPE-1819-022	\$5,000	Support in full with a grant of \$5,000
Rotary Club of Kinglake Ranges	CPE-1819-025	\$3,500	Support in part with a grant of \$2,500 and a fee waiver of \$670, totalling \$3,170
Alexandra Football Netball Club	CPE-1819-027	\$1,000	Decision within panel delegation. Support in full with a grant of \$1,000
Rotary Club of Yea	ES-1819-009	\$4,500	Support in part with a grant of \$2,500
Concerts4Causes	ES-1819-015	\$1,800	Support in full with a grant of \$1,800
Sponsorships			
Rotary Club of Alexandra	CS-1819-016	\$2,500	Support in full with a sponsorship of \$2,500
Alexandra Secondary College	CS-1819-021	\$600	Support in full with a sponsorship of \$600

2. award recommendations of Officers for the Business and Tourism Events streams:

Events Support (Tourism) (ES)			
Alexandra Pro Rodeo and Music Festival	ES-1819-014	\$7,430	Recommendation to support application in full

3. note the grants awarded by Council officers under delegation:

Application	Reference	Funding Sought	Outcome
Fee Reductions			
Yea Primary School	FR-1819-023	\$1,000	Approved

CARRIED UNANIMOUSLY

11. OUR PROMISE

11.1 PROPOSED COMMUNITY LOCAL LAW 2019

Attachment(s): Draft Community Local Law 2019 (refer Attachment 11.1a)
Community Impact Statement (refer Attachment 11.1b)

Purpose

The purpose of this report is to recommend the commencement of a statutory public process, to create a new Community Local Law, required under the *Local Government Act 1989 (the Act)*.

Officer Recommendation:

That Council:

1. pursuant to Part 5 of the *Local Government Act 1989* and Part 3 of the *Domestic Animals Act 1994*, propose to make the Community Local Law 1, 2019 (the proposed Local Law).

2. Note that Council must give notice in the Government Gazette and a public notice stating:
 - i. The general purpose of the proposed Local Law
 - ii. That the proposed Local Law can be obtained from a Council office; and
 - iii. That any person affected by the proposed Local Law may make a submission under 223 of the *Local Government Act 1989*.
3. Note that submissions under section 223 will accepted until close of business on 31 January 2020
4. Note that in accordance with section 223 of Local Government Act 1989 any person who has made a written submission and has requested to be heard in support of the written submission is entitled to appear in person, or by a person acting on his or her behalf, before a Special Meeting of the Council.

Background

Section 111 of the Local Government Act 1989 states “a council may make local laws for or with respect to any act, matter or thing in respect of which the Council has a function or power under this or any other Act.” The existing Community Local Law was created by Council in 2012, with a sunset period of 10 years, however the decision was made to review the Community Local Law to ensure that it meets the needs of our community, sufficiently addresses identified areas of concern or risk and to simplify its ability to be interpreted.

The proposed Local Law aims to provide for the peace, order, quiet enjoyment of property and good governance of the Murrindindi Shire. The objectives of this local law are to provide for:

1. the peace, order and good government of the municipality;
2. a safe and healthy environment so that the community within the municipality can enjoy a quality of life that meets its expectations;
3. the safe and fair use and enjoyment of public places;
4. the protection and enhancement of the amenity and environment of the municipality;
5. a fair and reasonable use and enjoyment of private land; and
6. a uniform and fair administration of this Local Law.

As part of the process of creating a new Community Local Law, Council is required to engage with the community. Some of which has already begun with extensive consultation with the CFA, Vic Police, DELWP and further consultation is proposed with the local building and construction industry.

Discussion

An extensive review has been undertaken of the existing Community Local Law to understand the areas that needed clarification, simplification and any additional requirements that needed to be incorporated. Council has taken steps to ensure that the proposed Local Law does not duplicate, overlap or conflict with the existing legislations.

Council officers have engaged with various authorities, such as the Victorian Police, the CFA and State Government Departments to ensure that the content of the proposed Local Law best meets their objectives and has support.

Some of the key areas of change in the proposed Local Law include:

- Asset protection
- Open Air Burning
- Firewood collection
- Waste
- Recreational Vehicles
- Camping
- Unsightly Land
- Roadside Trading

- Aircraft & drones.

Council has included infringement units in addition to the penalty units to ensure that the proposed Local Law is meeting legislated and best practice requirements.

The Community Impact Statement (refer Attachment 11.1) outlines the key areas of change.

If Council endorses the new proposed Local Law, it is anticipated that the new Local Law would be in place by March 2020. Once in place Council will focus initially on educating the community of the new changes while implementing the proposed Local Law.

Council Plan/Strategies/Policies

The review of the Community Local Law 2019 is consistent with the *Council Plan 2017-2021 Our Place: Strategic Objective to enhance community safety, resilience and liveability through improved planning, community engagement, and a fair and transparent approach to compliance.*

Relevant Legislation

The authority for Council to make Local Laws comes predominantly from the *Local Government Act 1989*.

Financial Implications and Risk

The proposed Local Law does introduce new and reviewed fees. The fees have been benchmarked against industry standards and meet any legislated requirements.

Conflict of Interest

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

Community and Stakeholder Consultation

It is recommended that the proposed Local Law be out for community consultation under section 223 of the *Local Government Act 1989* until 5pm on 31 January 2019. During this period submissions can be made, any submitters will then be given the opportunity to be heard at a Special Meeting of Council called for that purpose. The proposed Local Law will be available on Council's website and at all of Council's Offices.

Under section 223 Council has an obligation to place the proposed Local Law out for consultation for 28 days, Council is choosing to extend this period to include the full months of December and January. Council Offices will be closed from 24 December resuming full services on 2 January 2020, however the proposed Local Law will remain available on Council's website and submissions can still be submitted during this period.

This consultation period will allow Council to engage with the wider community including visitors and non-resident ratepayers who may be in the area over the summer period.

There will be Public Information Sessions held in Alexandra, Yea, Marysville and Kinglake.

In addition to the submission process, Council officers will be meeting with key stakeholder groups to ensure that they better understand the proposed changes and any potential impact.

Council will make every attempt to communicate key areas of change clearly to the community and through diverse means (traditional media, community meetings, face to face and social media)

RESOLUTION**Cr M Rae / Cr S McAulay****That Council:**

1. pursuant to Part 5 of the *Local Government Act 1989* and Part 3 of the *Domestic Animals Act 1994*, propose to make the Community Local Law 1, 2019 (the proposed Local Law).
2. Note that Council must give notice in the Government Gazette and a public notice stating:
 - iv. The general purpose of the proposed Local Law
 - v. That the proposed Local Law can be obtained from a Council office; and
 - vi. That any person affected by the proposed Local Law may make a submission under 223 of the *Local Government Act 1989*.
3. Note that submissions under section 223 will accepted until close of business on 31 January 2020
4. Note that in accordance with section 223 of Local Government Act 1989 any person who has made a written submission and has requested to be heard in support of the written submission is entitled to appear in person, or by a person acting on his or her behalf, before a Special Meeting of the Council.

CARRIED UNANIMOUSLY**11.2 TRANSFER OF LAND AT 174 GRANT STREET, ALEXANDRA TO THE ALEXANDRA SCOUT GROUP**

Attachment(s): Alexandra Land Transfer – Endorsed Plan of Subdivision (refer Attachment 11.2)

Purpose

The purpose of this report is to seek Council's endorsement to commence the statutory processes for the transfer of Council Land at 174 Grant Street, Alexandra being Lot 1 on PS830524K at nominal cost to the Alexandra Scout Group.

The transfer will allow the Alexandra Scout group to develop new buildings including a multi-purpose hall, storeroom, office, meeting room, kitchen and toilet facilities.

That Council:

1. states its intent to transfer of Lot 1 on PS830524K to the Alexandra Scouts Group for a nominal sum of \$11.00 (inc GST);
2. obtains a valuation of the Land from a valuer who has the qualification prescribed under the Valuation of Land Act 1960;
3. gives public notice of the proposed transfer of the Land as per the requirements of section 189 of the Local Government Act 1989; and
4. receives and considers submissions (if any) in response to the public notice as per section 223 of the Local Government Act 1989.

Background

At the 28 August 2019 Council Meeting, Council resolved to grant a permit for the development of the land at 174 Grant Street, Alexandra for the purpose of a Scout Hall and two lot residential subdivision. This land is owned by Council.

The approved development of the Land includes the subdivision of the Land into two Lots; Lot 1 comprises 4,344 square metres (m²) at the southern end of the property and will contain the new Scout facility and Lot 2 (5,788m²) is at the northern end of the property and will retain the existing

heritage building (former Mechanic's Institute Hall). The boundary between the two proposed lots aligns with the boundary of a Heritage Overlay over the existing Hall (refer Attachment 11.2a)

The Alexandra Scout Group has leased the land at 174 Grant Street from Council for scout-related activities for many years, using the former Mechanics Institute Hall and other outbuildings on the site.

The proposed new facility is to be located exclusively on Lot 1 and will include a multi-purpose hall, storeroom, office, meeting room, kitchen and toilet facilities and car parking spaces. The project has been made possible through State and Federal Government grants obtained by the Alexandra Scouts Group, in recognition that the existing facilities on the site are no longer fit for purpose with respect to contemporary scouting activities.

This report seeks Council's endorsement to commence the statutory processes to transfer ownership of Lot 1 at nominal cost to Scouts Victoria.

Discussion

The transfer of the land at nominal (less than market value) cost is an acceptable practice within the Local Government Best Practice Guidelines. This decision is justified by the following factors:

1. Scouting is a well-established and internationally-recognised voluntary, apolitical, educational movement teaching leadership to young people, inclusive of all
2. Scouts Victoria is a not-for-profit organisation
3. The Alexandra Scout Group has occupied the site at 174 Grant Street at least since the 1970s
4. The Group raises funds for the purpose of facility maintenance and upgrades
5. Existing Scout assets are located on Land owned by Council
6. The Transfer of land at nominal cost (\$11) to support the Alexandra Scout Group is consistent with the Council Plan 2017-2021 strategies to create a positive environment that supports our young people to grow, participate and be happy and to work with our community and groups to connect, collaborate and plan our future.

The statutory processes associated with the proposed transfer of the Land are discussed later in this report, but in summary involve the following steps:

- Council formally proposes to transfer the Land
- An independent valuation of the Land is sought
- Public Notice is given of the intended transfer
- Council considers any public submissions received
- Council formally resolves to transfer the land
- Land titles are transferred.

Council Plan/Strategies/Policies

This report is consistent with the *Council Plan 2017-2021* Our Place strategic objective 'we will maintain and enhance places to be attractive and liveable, in balance with our natural environment' and 'through good land use planning enhance the liveability, prosperity and rural character of our Shire'. It supports the Our People strategic objective to 'create a positive environment that supports our young people to grow, participate and be happy and work with our community and groups to connect, collaborate and plan our future.

Relevant Legislation

Council cannot agree to transfer the Land to a proposed purchaser unless it complies with the provisions of section 189 of the *Local Government Act 1989*. This requires Council to give public notice of the proposed sale inviting submissions on the proposal before a date specified in that notice, which must be no less than 28 days from the date of publication of the notice.

Council must consider any submissions (if received) under section 223 of the *Local Government Act 1989* before determining whether to proceed with the sale of the Land.

Council must also obtain a valuation from a valuer who has the qualifications prescribed under the *Valuation of Land Act 1960*.

It is proposed that the parties will not enter into a contract of sale, but sell the Land by way of a transfer only.

As the transfer amount will be less than the current market valuation, Council should explain the circumstances, reasons or factors which led to its decision.

Financial Implications and Risk

The transaction will ultimately lower Council's asset base as it is being transferred at a nominal amount (less than market value), and therefore will be recorded as once-off financial loss. It is intended that Council considers future development opportunities for the balance of the land retained by Council (Lot 2) which, if realised, might offset some of this loss.

It is also proposed that Council shares the costs in equal proportion with Scouts Victoria to create the subdivision and transfer of land, as Council will retain one of the two lots. Council's share of this cost is not expected to exceed \$40,000, including legal expenses.

This allocation will be funded predominately from the 2019/20 capital budget (with the exception of legal costs) and a further report on this allocation will be provided as part of the December 2019 Quarterly Capital Works Report.

Council's valuation and advertising costs are estimated at \$1,000. These costs are within current budget allocations for sale or transfer of land.

Conflict of Interest

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

RESOLUTION

Cr M Rae / Cr C Bisset

That Council:

- 1. states its intent to transfer of Lot 1 on PS830524K to the Alexandra Scouts Group for a nominal sum of \$11.00 (inc GST);**
- 2. obtains a valuation of the Land from a valuer who has the qualification prescribed under the Valuation of Land Act 1960;**
- 3. gives public notice of the proposed transfer of the Land as per the requirements of section 189 of the Local Government Act 1989; and**
- 4. receives and considers submissions (if any) in response to the public notice as per section 223 of the Local Government Act 1989.**

CARRIED UNANIMOUSLY

11.3 YEA SALEYARDS FEE STRUCTURE

Purpose

The purpose of this agenda item is to seek Council's adoption of a revised Fee Structure for the Yea Saleyards as per the recommendation of the Yea Saleyards Section 86 Committee of Management.

Officer Recommendation

That Council adopt the following fee structure for the Yea Saleyards, as per the Committee of Management recommendation:

Fee	Unit	Proposed Fee
Yea Saleyard - Agent Fees	per head	\$ 0.50
Yea Saleyard - Cow & Calf Fee	per unit	\$ 14.30
Yea Saleyard - Weighed Cattle Fee	per head	\$ 12.55
Yea Saleyard - Non-Weighed Cattle Fee	per head	\$ 9.25
Yea Saleyard - Bulls (incl. \$2 weigh fee)	per head	\$ 17.00
Yea Saleyard - Scanning Fees	per head	\$ 2.55
Yea Saleyard - No Tag Fees	per head	\$ 35.00
Yea Saleyard - Dead/Non-Reader Tag Fees	per head	\$ 11.00
Yea Saleyard - Non Sale Day Fee (Private)	per head	\$ 1.20
Yea Saleyard - Non Sale Day Fee (Agent)	per annum	\$ 400.00
Yea Saleyard - Facility Hire Fee (Private)	by arrangement	by arrangement
Yea Saleyard - Hay Fees	per bale	cost plus \$1
Yea Saleyard - Non Sale Day Weigh Fee	per callout	minimum 3 hour callout -\$330 over 3 hours \$150 per hour

Background

The Yea Saleyards Committee of Management is delegated by Council under section 86 of the *Local Government Act 1989* to manage the Yea Saleyards.

Section 86 Committees of Management are delegated to manage the finances associated with the operation of delegated Council facilities. Committees of Management operate under Council's ABN, and are essentially collecting and expending 'Council funds'. Section 86 Committees of Management however, are not delegated to set fees and charges, Council must do that on their behalf.

The Yea Saleyards Committee of Management is recommending a revised structure of fees for Council adoption.

Discussion

Council recently appointed (via a tender process) a Scanning and Weighing Services contract for the Yea Saleyards operations. The pricing in this contract has increased from previous rates, which has resulted in an increased cost to the Committee of Management.

The Committee of Management at its recent meeting discussed the increase in the rates and resolved to propose an increased fee structure to Council. The Committee will review the increase in fees in 6 months' time to ensure that the changes have been effective.

The following table shows the current fees and then the proposed fee structure going forward:

Fee	Unit	2018/2019	Proposed Fee
Yea Saleyard - Agent Fees	per head	\$ 0.50	\$ 0.50
Yea Saleyard - Cow & Calf (incl. \$2 weigh fee)	per unit	\$ 13.00	new fee structure (see below)
Yea Saleyard -Cattle (incl. \$2 weigh fee)	per head	\$ 12.00	new fee structure (see below)
Yea Saleyard - Cow & Calf Fee	per unit	-	\$ 14.30
Yea Saleyard - Weighed Cattle Fee	per head	-	\$ 12.55
Yea Saleyard - Non-Weighed Cattle Fee	per head	-	\$ 9.25
Yea Saleyard - Bulls (incl. \$2 weigh fee)	per head	\$ 17.00	\$ 17.00
Yea Saleyard - Scanning Fees	per head	\$ 2.55	\$ 2.55
Yea Saleyard - No Tag Fees	per head	\$ 35.00	\$ 35.00
Yea Saleyard - Dead/Non-Reader Tag Fees	per head	\$ 11.00	\$ 11.00

Yea Saleyard - Non Sale Day Fee (Private)	per head	\$ 1.20	\$ 1.20
Yea Saleyard - Non Sale Day Fee (Agent)	per annum	\$ 400.00	\$ 400.00
Yea Saleyard - Facility Hire Fee (Private)	by arrangement	by arrangement	by arrangement
Yea Saleyard - Hay Fees	per bale	cost plus \$1	cost plus \$1
Yea Saleyard - Non Sale Day Weigh Fee	per callout	minimum \$250 / or \$5 per head	minimum 3 hour callout -\$330 over 3 hours \$150 per hour

Council Plan/Strategies/Policies

This matter is consistent with the *Council Plan 2017-2021 Our Promise* strategic objective 'we will all work in collaboration with our communities to deliver the best possible outcomes in all that we do' and to 'maintain Council's financial sustainability through sound financial and asset management'.

Relevant Legislation

The setting of fees and charges cannot be delegated to a Committee of Management under the *Local Government Act 1989*. Council is responsible for adopting all fees and charges associated with the use of the Yea Saleyards.

Financial Implications and Risk

The introduction of a new contract for Scanning and Weighing has seen an increase in costs in relation to the operation of the Yea Saleyards; the Committee of Management is aiming to offset this cost by increasing the fees associated with the operation of the Yea Saleyards. Should the new fee structure not be put in place, this would result in a financial loss.

Conflict of Interest

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

Community and Stakeholder Consultation

The Yea Saleyards Committee of Management is Council's delegated management body. The Committee's membership represents the community, the Yea Saleyards user groups and the Agents. The Yea Saleyards Committee of Management has discussed and proposed the fee structure to Council for consideration.

RESOLUTION

Cr R Bowles / Cr E Lording

That Council adopt the following fee structure for the Yea Saleyards, as per the Committee of Management recommendation:

Fee	Unit	Proposed Fee
Yea Saleyard - Agent Fees	per head	\$ 0.50
Yea Saleyard - Cow & Calf Fee	per unit	\$ 14.30
Yea Saleyard - Weighed Cattle Fee	per head	\$ 12.55
Yea Saleyard - Non-Weighed Cattle Fee	per head	\$ 9.25
Yea Saleyard - Bulls (incl. \$2 weigh fee)	per head	\$ 17.00
Yea Saleyard - Scanning Fees	per head	\$ 2.55
Yea Saleyard - No Tag Fees	per head	\$ 35.00
Yea Saleyard - Dead/Non-Reader Tag Fees	per head	\$ 11.00
Yea Saleyard - Non Sale Day Fee (Private)	per head	\$ 1.20
Yea Saleyard - Non Sale Day Fee (Agent)	per annum	\$ 400.00
Yea Saleyard - Facility Hire Fee (Private)	by arrangement	by arrangement
Yea Saleyard - Hay Fees	per bale	cost plus \$1
Yea Saleyard - Non Sale Day Weigh Fee	per callout	minimum 3 hour callout -\$330 over 3 hours \$150 per hour

AMENDMENT

Cr M Rae moved that:

Fee	Unit	Proposed Fee
Yea Saleyard - Facility Hire Fee (Private)	by arrangement	by arrangement

be amended to:

Fee	Unit	Proposed Fee
Yea Saleyard - Facility Hire Fee (Private)		By the CEO under Delegation

RESOLUTION

Cr R Bowles / Cr E Lording

That Council adopt the following fee structure for the Yea Saleyards:

Fee	Unit	Proposed Fee
Yea Saleyard - Agent Fees	per head	\$ 0.50
Yea Saleyard - Cow & Calf Fee	per unit	\$ 14.30
Yea Saleyard - Weighed Cattle Fee	per head	\$ 12.55
Yea Saleyard - Non-Weighed Cattle Fee	per head	\$ 9.25
Yea Saleyard - Bulls (incl. \$2 weigh fee)	per head	\$ 17.00
Yea Saleyard - Scanning Fees	per head	\$ 2.55
Yea Saleyard - No Tag Fees	per head	\$ 35.00
Yea Saleyard - Dead/Non-Reader Tag Fees	per head	\$ 11.00
Yea Saleyard - Non Sale Day Fee (Private)	per head	\$ 1.20
Yea Saleyard - Non Sale Day Fee (Agent)	per annum	\$ 400.00
Yea Saleyard - Facility Hire Fee (Private)		By the CEO under Delegation
Yea Saleyard - Hay Fees	per bale	cost plus \$1
Yea Saleyard - Non Sale Day Weigh Fee	per callout	minimum 3 hour callout -\$330 over 3 hours \$150 per hour

CARRIED UNANIMOUSLY**11.4 ELECTION PERIOD POLICY REVIEW**

Attachment(s): Election Period Policy (refer Attachment 11.4)

Purpose

The purpose of this report is for Council to adopt the reviewed Election Period Policy in line with section 93B of the *Local Government Act 1989*.

Officer Recommendation

That Council adopt the reviewed Election Period Policy (attachment 11.4).

Background

Council's Election Period Policy (the Policy) was adopted by Council in March 2016. Section 93B of the *Local Government Act 1989* requires the review of the Policy 12 months prior to the next general election which will be held in October 2020.

The Election Period is set by the State Government and is generally for the month prior to the General Election.

Discussion

The Policy, detailed at *Attachment 11.4*, ensures that the elections for Murrindindi Shire Council are conducted in a manner that is fair and equitable and are publicly transparent. It draws upon well-established democratic principles and good governance practices to ensure that there is clarity in processes for everyone.

The Policy governs a wide variety of issues that include:

- major policy decisions,
- public consultations processes,
- use of Council resources,
- access to information,
- communication including the content of media releases,
- content of Council publications, and
- assistance to candidates for the forthcoming elections.

The Policy particularly highlights the restrictions on Council's decision making abilities during the caretaker period and the ways that Council can engage and communicate with the community during this period.

A "major policy" decision is defined (as per *section 93A (6)* of the Act) as any decision:

- Relating to the employment or remuneration of a Chief Executive Officer (CEO), other than a decision to appoint an acting CEO;
- To terminate the appointment of a CEO;
- To enter into a contract the total value of which exceeds circa \$150,000; or
- To exercise any entrepreneurial powers under *section 193* of the Act if the sum of the total investment involved and the total risk exposure assessed in respect of the proposal exceeds circa \$150,000.

Council will avoid making significant decisions that affect the municipality and unreasonably bind the incoming Council. Examples of significant decisions of Council include the adoption of any Council strategies or policies that would bind any incoming Council to the outcomes included.

Council will also avoid any public consultation processes during the caretaker period unless it is critical to continue the day-to-day business of Council. This will include the facilitation of any project reference groups or advisory committees during the caretaker period. Any required public consultations will avoid express or implicit links to the election.

In summary, the policy primarily restricts Murrindindi Shire Council to day-to-day normal business activities for the caretaker period.

Council Plan/Strategies/Policies

This Policy is consistent with the *Council Plan 2017-2021 Our Promise* strategic objective to work in collaboration with our communities to deliver the best possible outcomes in all that we do.

Relevant Legislation

Following amendments made to the *Local Government Act* ("the Act") in late 2015, Council now has a legislative requirement under Section 93B of the Act to prepare, adopt and maintain an election period policy.

Financial Implications and Risk

There are no financial implications associated with this policy

Conflict of Interest

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

Community and Stakeholder Consultation

There was no external consultation required in the review of this Policy.

RESOLUTION**Cr S McAulay / Cr M Rae****That Council adopt the reviewed Election Period Policy (attachment 11.4).****CARRIED UNANIMOUSLY****11.5 INSTRUMENT OF APPOINTMENT AND AUTHORISATION**

Attachment(s): S11A. Instrument of Appointment & Authorisation (*Planning and Environment Act 1987*) (refer Attachment 11.5)

Purpose

The purpose of this report is to seek Council's adoption of the Instrument of Appointment and Authorisation of staff under the *Planning and Environment Act 1987*.

Officer Recommendation

In the exercise of the powers conferred by Section 224 of the *Local Government Act 1989* (the Act) and the other legislation referred to in the attached Instrument of Appointment and Authorisation (the Instrument), Murrindindi Shire Council (Council) resolves that:

1. the members of Council staff referred to in the Instrument (*Planning and Environment Act 1987*) (Attachment 11.5) be appointed and authorised as set out in the Instrument
2. the Instrument comes into force immediately the common seal of Council is affixed to the Instrument, and remains in force until Council determines to vary or revoke it.

Background

Council is a legal entity comprised of its members (the seven Councillors). Its decision making power exists only as a group through resolution not as singular Councillors. Most decisions are not required to be made at a Council level therefore the Council must entrust some of the decision making power to others, this is done through delegations and authorisations.

Council officers who are delegated with duties under the *Planning and Environment Act 1987* are required to be appointed as Authorised Officers by Council.

Discussion

The Instrument allows Council to authorise or appoint a person to a particular statutory position. Under the *Planning and Environment Act 1987* an employee of Council can only be authorised by Council, this is done through S11A. Instrument of Appointment and Authorisation (*Planning and Environment Act 1987*), Attachment 11.5.

Council officers undertake a thorough review annually of all of the delegated powers and authorisations to ensure that legislation, staff and role changes are reflected. The Instrument was adopted by Council at its 22 May 2019 Ordinary Meeting.

Since the adoption of the delegations and authorisations there have been some staffing changes within the Community Safety and Planning teams and the appointment of a new Director Assets & Development.

Council Plan/Strategies/Policies

The Instrument is consistent with the *Council Plan 2017-2021* Our Promise strategic objective to work in collaboration with our communities to deliver the best possible outcomes in all that we do.

Relevant Legislation

The Local Government Act 1989 Section 98(1) provides for Council to delegate its powers to others. The Instrument cover various pieces of legislation and Council's responsibilities.

Financial Implications and Risk

Effective and efficient functioning of Local Government would not be possible without formal delegations to Council officers.

Conflict of Interest

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

Community and Stakeholder Consultation

No external consultation is required in the preparation of this Instrument.

RESOLUTION

Cr E Lording / Cr R Bowles

In the exercise of the powers conferred by Section 224 of the *Local Government Act 1989* (the *Act*) and the other legislation referred to in the attached Instrument of Appointment and Authorisation (the Instrument), Murrindindi Shire Council (Council) resolves that:

- 1. the members of Council staff referred to in the Instrument (*Planning and Environment Act 1987*) (Attachment 11.5) be appointed and authorised as set out in the Instrument**
- 2. the Instrument comes into force immediately the common seal of Council is affixed to the Instrument, and remains in force until Council determines to vary or revoke it.**

CARRIED UNANIMOUSLY

12. NOTICES OF MOTIONS

Nil.

13. MATTERS DEFERRED FROM PREVIOUS MEETING

Nil.

14. URGENT BUSINESS

Nil.

15. COUNCILLOR REPORTS**15.1 CR SANDICE MCAULAY****Community Planning Update**

Because each of the three Community Planning Groups have been so active, I might just highlight the activities of one each monthly portfolio report, and provide give a quick snap shot of the other groups.

This week I had the pleasure of attending the Toolangi Community Planning Group meeting. This was the fourth meeting of the group since the project started in May this year. Activities of the group to date include:

- The Community House and Toolangi Tavern hosting a preliminary voting process at a community dinner on 20 September, where 50 people attended and 33 people voted on their preferred project ideas for the plan. Further input was invited from other community members who did not attend the dinner, with voting of ideas collected separately from Toolangi Primary School students, CFA Junior Brigades (teens from 12-16 years old) and a range of individual community members.

- Representatives from the planning group are intending on attending the small business breakfast event at Toolangi Tavern on 3 December, to hear issues relevant to small businesses, as well as invite input to the list of ideas and ongoing involvement in the community plan.
- This core-planning group of about 12 enthusiastic members has decided to bring community members together at the Toolangi Tavern for a dinner on Friday 21 February 2020 to prioritise the community planning ideas.

The Yea steering group as well as the broader community-planning group has expressed support for holding a community dinner to prioritise their ideas for the community plan on Monday 10 February. The details of venue are still being finalised.

The core Marysville core community planning group has met five times this year since the launch in June.

An engagement with student leaders at the local Primary School was held on 11 September and a youth pizza night was held on the 10 October, with both helping to communicate about the plan and collect input on collated and new ideas from young people.

A community planning/business and tourism meeting will be held on Thursday 12 December at 2pm, at Marysville Information and regional Artspace (MiRa). This will facilitate provision of advice from relevant Council officers about how to explore relevant ideas within community planning. A prioritisation dinner event is also being planned for February 2020 – date and venue are still being finalised.

In the Family Day Care space, two educators have won regional educator of the Year in the Australian Family Day Care awards. Congratulations to Tamara Ruffin and Jane Thomas. Council's Family Day Care Unit has also been nominated for Service of the Year Award in the same awards, the outcome of this nomination will not be known until later this year.

Council is participating in the 16 Days of Activism – prevention of violence against women and children. There was a staff morning tea on 25 November where information was shared with staff on the 16 days campaign to raise awareness. It was great to see the photos shared on Facebook. Council is also hosting an afternoon tea at the Kinglake Library on Thursday afternoon (2-4pm) with local providers and other community groups being invited.

Council is trialling a new system called the Worksafe Guardian to better support the needs of our Maternal Child Health staff who are often working alone and out of the office in client homes. The Worksafe Guardian system is utilised via a phone app and links back to a monitoring centre that tracks where workers are and what time they would be expected on a particular home visit etc. This system enables staff to press an alarm for medical emergencies or a duress alarm if they are in danger. The monitoring centre can escalate a response from another officer of Council, Police or Ambulance depending on what is required.

Next month I will provide an update on the corporate component of my portfolio. Finance has been very busy in the last few months with the end of year reports and have already commenced the budget process for the 2020/21 Budget – no rest in that area.

Other community activities that I have been able to attend include both, the Marysville and Kinglake art shows as a very keen appreciator of art produced by such a vast array of talented and mainly local artists.

Not wanting to steal too much from the Mayor's report I would just like to say that I was totally amazed by the professionalism and enthusiasm shown by the students from the six schools across the Kinglake Ranges. The students from the Foggy Mountain Music Program launched

their album 'Country Kids Sing Out Loud' - and what an event. I had a smile on my face for at least a week after this wonderful event.

I was also very honoured to represent Council at the Remembrance Day Ceremony in Marysville. It was heart-warming to see such a large attendance at this event in a truly beautiful setting next to the river in the main street of Marysville.

15.2 CR JACKIE ASHE

I'd like to thank my fellow Councillors, Council staff and executive, consultants, local tourism associations and interested persons that have contributed to the months of work it has taken to get the Tourism and Events Strategy done. It has been a lengthy, in-depth, collaborative and comprehensive process, thank you all for your input.

I'm excited about the future and the opportunities upcoming. Let's get on with the doing and implementing!

We are part way through delivering the 'Doing Business Better' program, I thoroughly enjoyed Nat Pizzini's presentation last week on collaboration, and I am looking forward to getting up early to hear the amazing Jade Miles on Agribusiness tomorrow at Molesworth. Please see Council's website www.murrindindi.vic.gov.au or social media for the current program.

15.3 CR ERIC LORDING

The Yea Shire Hall refurbishment works are nearing completion with scaffolding removed. Works are currently underway on completing the lower levels with all works due for completion at the end of this week.

The Alexandra Swimming Pool landscaping works have been completed.

The Kinglake Streetscape preliminary meeting with designers has been held. Survey works have commenced and are nearing completion.

The Yea Saleyards walkway to holding pens and scale house has been completed. Renewal of the water supply for the troughs are due to commence early December.

The construction of a carpark at Murchison Street in Marysville has now commenced.

The drainage construction works in Kerami Crescent and Murchison Street in Marysville, and Yea are due to commence early December.

The Taggerty memorial signage are currently being manufactured. Once completed, these will be installed.

Installation of new or additional solar panels are commencing this week at Alexandra Shire Hall and the Council's Yea office. The Yea Children's Centre, Council's Kinglake office, Marysville Children's Centre and Marysville Community Centre to be undertaken early December.

The Council's engineers are currently carrying out a trial of a new polymer dust suppressant material. The first trial site is Creekside Drive in Flowerdale. This road had a quick grade to remove potholes, followed by the polymer test application. Engineers will monitor the performance of the dust suppressant over the hot summer period. This road is then due for further formation grading and re-sheeting in the new year.

15.4 CR CHARLOTTE BISSET

I attended the Marysville and Kinglake art shows with Cr S McAulay, we have such great talent across the Shire and through various mediums.

I attended the Yarck Remembrance Day representing Council.

The Alexandra and Yea agriculture shows have been held with reasonable attendance due to the wet and cold weather.

The swimming pools are open but not on the opening weekend as it was too cold, the swimming clubs are now active and the public are utilising.

The Dindi Youth Action Group continues to meet after their initial get together at the Youth Co-Lead Camp held in October and work out the pathway for the Youth Leadership Program that will be delivered next year.

15.5 CR REBECCA BOWLES

In response to reports about the increasing population of rabbits in Kinglake, a Rabbit Management Information Session is being held at Kinglake Community Centre on 30 November, to help residents to better understand rabbit control options available to them.

The Local Government Energy Savers Program, 50/50 funded by Council and Sustainability Victoria is underway, with installations of LED lights and solar systems almost complete on a number of Council owned buildings. This will lead to a significant reduction in Council energy usage and costs.

Council's Roadside Weed and Pest Program is now underway, with contractors spraying noxious and some environmental weeds on roadsides around the Shire in the coming six weeks.

Preparations are also under way for the Shires first ever environment forum, to be held in April next year, this is very eagerly anticipated, no pressure Amanda.

It has also been a very busy month across over my neck of the woods, the first ever social enterprise course was conducted in Yea, thanks to ACRE in collaboration with the Council. I am pleased to say 19 people showed up, from all across the Shire, the facilitator was chuffed as it was the biggest turn out he had participated in.

As Council delegate to the Goulburn Valley waste forum, I along with Vito Albicini, Director Assets and Development, attended my first waste meeting. The world of waste certainly has a lot of balls in the air at the moment so it is an interesting space to be in.

I have been to many meetings and annual general meetings across the Cheviot ward to list, but I would like to make a special mention of my local op shop in Yea which I along with my mum volunteer at. The St Luke's Anglican Church op-shop have disbursed \$8,500 in monies, this financial year from as diverse as families affected by fires at the beginning of this year in Armidale and Bunyip, to local sporting clubs and schools. To babies clothes sent to East Timor, bottle top collection point for the manufacture of prosthetic limbs, and womans and childrens clothing sent to various refuge's across the state, but also and not least the latest fund raising effort over the past week saw all of the money made in the op-shop which was well over \$3,000 donated for the bushfire appeal to be sent to New South Wales and Queensland. It is an amazing effort for a fleet of volunteers.

15.6 CR MARGARET RAEPositive Ageing and Inclusion

Transition planning and implementation is well under way and according to schedule. If anyone has concerns or needs information about the changes or assistance with accessing services, please do not hesitate to contact Council on 5772 0333. We are still actively involved with service delivery and will be until the end of December, and we will continue to be able to assist the community with your needs and concerns going forward.

As part of this forward planning we are about to advertise for an Access and Inclusion Officer which will be a key role in the Community Wellbeing Department and will be responsible for coordinating and delivering activities that support positive ageing, access and inclusion and community wellbeing.

Land Use Planning

The Planning Department continues to deal with a diverse range of applications, most of which are dealt with effectively under delegation – despite the challenges of staffing constraints over recent times. The more complex applications continue to come to Council, as demonstrated tonight, and I thank everyone involved for their care and input into arriving at appropriate outcomes.

A recent amendment to the Victoria Planning Provisions now simplifies permit requirements in respect of emergency rectification works on buildings with combustible cladding. This removes hurdles for those affected; however, it is pleasing to note that our Shire does not have buildings affected by combustible cladding.

On the broader landscape, the past month has again provided a busy spring period. I have had the pleasure of representing Council at:

- Alexandra Country Women's Association Annual General Meeting (AGM)
- two Remembrance Day services – Leckie Park and Kellock Lodge
- Kellock Lodge AGM
- Alexandra Racecourse and Recreation Reserve Committee (ARRRC)
- Alexandra Library Volunteer lunch
- and, of special note, it was a pleasure to join with the Alexandra RSL Branch to celebrate their centenary celebrations. Congratulations to them for their continuous service to our community since 1919.

And, of course, enjoying the Yea and Alexandra Open Gardens, and the annual Spring Fair and Agricultural Show in Alexandra.

15.7 CR LEIGH DUNSCOMBE – MAYORAL REPORT

Firstly can I say that I am truly humbled by the Honour that my fellow Councillors have bestowed upon me to lead the final year of our current council term as Mayor.

I look at this final year as being like the fourth quarter of a football match, as a time when teamwork and commitment will play a vital role in the consolidation of our efforts and initiatives of the past three years and a time to set the stage for the next season and the next cohort of Councillors.

As a group of new and relatively new Councillors in 2016 I think we can all be extremely proud of our achievements and the spirit of teamwork and cooperation we have demonstrated over the

past three years and I look forward to that continuing over the next twelve months. So to my fellow Councillors, thank you for the faith you have shown in me, I won't let you down.

My activities over the past month have been pretty much as I expected with lots of i's to dot and t's to cross in relation to my new role but I have also had the opportunity to attend some fantastic events. The Remembrance Day service at the Middle Kinglake Primary School was definitely one of the highlights. The professionalism, knowledge and the effort demonstrated by the students and staff in respecting our fallen comrades was truly something to behold. The hall looked fantastic with paintings, poems and stories on display all around. The presentations and history talks were articulate, interesting and informative and the service itself was truly moving. I offer my sincere thanks and congratulations to all involved for a service that I won't soon forget.

Another event that I can't let go by without comment was the Country Kids Sing Out Loud album launch. This was the culmination of a five year song writing and performance project conducted by Carter and Carter with six primary schools in and around the Kinglake Ranges. A crowd of around 500 people attended and witnessed what I would call the most inspirational event I have been to in my entire time on Council. The stadium looked amazing, the band was fantastic. The kids were sensational and if you haven't got yourself a copy of the CD I can highly recommend it.

16. CHIEF EXECUTIVE OFFICER REPORT

Friends of the Alexandra Library

I had the pleasure this month of meeting with the Friends of the Alexandra Library. This amazing group of committed volunteers support the Alexandra Library, and the broader Murrindindi Library Service. Their fundraising efforts, and the soon to be expanded book shop located in Grant Street, consume many hours and I thank and congratulate them.

Marysville Golf Club

I also had the opportunity, with Cr S McAulay to meet this month with the Marysville Golf and Bowls Club. Again this beautiful facility is run by a group of dedicated volunteers. It was good to hear of the clubs plans and challenges, and how Council may be able to support this club which serves locals and visitors alike.

Foggy Mountain Sing Out Loud Concert

I was honoured to attend the Foggy Mountain Sing Out Loud Concert in Kinglake. This event launched an album produced by six schools in and around the Kinglake Ranges. The songs were of high quality, and the vocal performance of the schools kids amazing. It was great to see so many parents, siblings and family members enjoying the event with over 500 people attending. Congratulations to everyone involved, in particular the kids, Brad Quilliam and David and Merelyn Carter.

17. ASSEMBLIES OF COUNCILLORS

Purpose

This report presents the records of assemblies of Councillors for 16 October 2019 to 22 November 2019, 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 16 October 2019 to 22 November 2019.

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 16 October 2019 to 22 November 2019:

Meeting Name/Type	Council Pre-Meet
Meeting Date:	23 October 2019
Matters Discussed:	<ol style="list-style-type: none"> 1. Petition – Access to Rubbish Bin Delivery Collection on Brooks Cutting Road 2. Petition – Brooks Cutting Road Alexandra/Koriella 3. Petition – Condition of Gordons Bridge Road Castella 4. Use and Development of Land for an Outdoor Recreation Facility (High Ropes Adventure Park Including Ziplines and Elevated Activities and Kiosk), Removal of Native Vegetation and Display of a Business Identification Sign - 248 Spraggs Road, Toolangi 5. Dwelling, 1274 Yarck Road, Gobur 6. Southern Goulburn Valley Waste and Resource Recovery Education Strategy 2019-2021 7. Municipal Public Health and Wellbeing Plan Year 2 Progress Report 8. Grants and Contributions Program 9. Annual Report 2018/19 10. Quarterly Council Plan 2017-2021 Progress Summary – 30 September 2019 11. September Quarterly Capital Works Report 12. Quarterly Financial Report to 30 September 2019 13. Customer Feedback and Complaints Policy 14. Enterprise Risk Management Policy Review 15. Purchase of 2A Murchison Street, Marysville 16. Tender CONT19/16 – Murchison Street Marysville – Carpark Development – Stage 2 Construction 17. Variation – CONT16/19 Fire Prevention Slashing Program 18. Road and Pathway Line Marking Services
Councillor Attendees:	Cr C Bisset, Cr S McAulay, Cr L Dunscombe, Cr R Bowles, Cr J Ashe, Cr M Rae, Cr E Lording
Council Officer Attendees	C Lloyd, M Chesworth, S Brown, V Albicini, N Stewart, N Grey, J Russell, N McNamara, C Lintott, B Scott, G Haylock, J Rabel, C Southurst
Conflict of Interest Disclosures:	Nil

Meeting Name/Type	Council Pre-Meet
Meeting Date:	30 October 2019
Matters Discussed:	<ol style="list-style-type: none"> 1. Appointment of Temporary Chairperson 2. Election of Mayor 3. Election of Deputy Mayor 4. Appointment of Portfolio Responsibilities 5. Advisory Committee and Other Appointments 6. Council Meeting Timetable - 2020

Councillor Attendees:	Cr C Bisset, Cr S McAulay, Cr L Dunscombe, Cr R Bowles, Cr J Ashe, Cr M Rae, Cr E Lording
Council Officer Attendees	C Lloyd, M Chesworth, S Brown, V Albicini, T Carter
Conflict of Interest Disclosures:	Nil

Meeting Name/Type	Briefing
Meeting Date:	6 November 2019
Matters Discussed:	<ol style="list-style-type: none"> 1. Capital Works Monthly Reporting - October 2. Central Enrolment Feasibility Study 3. Environmental Forum 4. Australia Day Awards and Events 5. 707 Murrindindi Road - Planning
Councillor Attendees:	Cr C Bisset, Cr S McAulay, Cr L Dunscombe, Cr R Bowles, Cr J Ashe, Cr M Rae, Cr E Lording
Council Officer Attendees	C Lloyd, M Chesworth, S Brown, V Albicini, B Scott, C Lintott, N McNamara, S Porter, L Klein, A Priest, M Thomas, K Girvan, N Stewart
Conflict of Interest Disclosures:	Nil

Meeting Name/Type	Briefing
Meeting Date:	13 November 2019
Matters Discussed:	<ol style="list-style-type: none"> 1. Tender 19/15 – Footpath Renewal Program – 2019/20 2. Sealed Roads – Rehabilitation Program – 2019/20 - Tender 3. Landfill Buffer Zone C67 4. Proposed Combined Permit and Amendment - Amendment C70, Murrindindi Planning Scheme and Planning Permit No 2019/192 5. Moving Murrindindi- Community Transport Program 6. Walter Moore Reserve Consultation and Design 7. Draft Murrindindi Shire Tourism and Events Strategy
Councillor Attendees:	Cr C Bisset, Cr L Dunscombe, Cr R Bowles, Cr J Ashe, Cr M Rae, Cr E Lording
Council Officer Attendees	C Lloyd, S Brown, V Albicini, C Lintott, B Scott, N Stewart, M Schreuder, N Grey, N McNamara, N Carter, S Coller, T Elkington
Conflict of Interest Disclosures:	Nil

Meeting Name/Type	Workshop Wednesday
Meeting Date:	20 November 2019
Matters Discussed:	<ol style="list-style-type: none"> 1. Councillor Only Time 2. Marysville and Triangle Economic Strategy - Boston Consulting Group 3. Quarterly Health Check 4. Draft Community Local Law 5. Afternoon Tea Break 6. Yea Saleyards Fee Structure 7. Use and Development of Land for the Purpose of a Dwelling – 511 Falls Road, Strath Creek 8. 2020/21 Budget Principles and Timetable 9. Long Term Financial Plan Projections 10. Financial Reserves Draft Policy 11. Grants and Contributions 12. Yea Resource Recovery Centre Location
Councillor Attendees:	Cr C Bisset, Cr S McAulay, Cr L Dunscombe, Cr R Bowles, Cr J Ashe, Cr M Rae, Cr E Lording
Council Officer Attendees	C Lloyd, S Brown, V Albicini, T Carter, C Lintott, N Grey, G Haylock,
Conflict of Interest Disclosures:	Yes

Matter No.	Councillor making disclosure	Was a vote taken?	Did the Councillor leave the room?	When? Before or after discussion
2. Marysville and Triangle Economic Strategy - Boston Consulting Group	Cr Charlie Bisset	No	Yes	Before discussion

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.

RESOLUTION

Cr M Rae / Cr S McAulay

That Council receives and notes the record of assemblies of Councillors for 16 October 2019 to 22 November 2019.

CARRIED UNANIMOUSLY

18. SEALING REGISTER

File Reference	Date Seal Affixed	Description of Documents	Signatures of Persons Sealing
CONT19/20	13 November 2019	Formal Instrument of Agreement between Murrindindi Shire Council and Roads Corporation trading as SprayLine for Road and Pathway Line Marking Services	Craig Lloyd Cr Leigh Dunscombe

Officer Recommendation

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

RESOLUTION

Cr R Bowles / Cr M Rae

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

CARRIED UNANIMOUSLY

19. CONFIDENTIAL ITEMS

The Local Government Act 1989 section 89(2) allows Council to resolve to close a meeting to the public to consider confidential information relating to any of the following matters:

- (a) personnel matters
- (b) the personal hardship of any resident or ratepayer
- (c) industrial matters
- (d) contractual matters

- (e) proposed developments
- (f) legal advice
- (g) matters affecting the security of Council property
- (h) any other matter which the Council or special committee considers would prejudice the Council or any person
- (i) a resolution to close the meeting to members of the public.

Where possible Council will resolve to make public any decision it makes in a closed meeting where the resolution does not disclose confidential information. There may be occasions where Council cannot make its decision public.

The report on the Sealed Roads – Rehabilitation Program – 2019/20 – Tender and Tender 19/15 – Footpath Renewal Program – 2019/20 is being considered in the closed part of this meeting because it is considered under S89(2)(d) contractual matters.

Recommendation

That Council, in accordance with the *Local Government Act 1989* section 89(2)(d), resolve to close the meeting to the members of the public:

- Sealed Roads – Rehabilitation Program – 2019/20 – Tender
- Tender 19/15 – Footpath Renewal Program – 2019/20

RESOLUTION

Cr S McAulay / Cr C Bisset

That the meeting be closed to the public pursuant to s.89(2)(d) of the *Local Government Act 1989* due to contractual matters.

CARRIED UNANIMOUSLY

The meeting closed to the public at 7.48 pm.

19.2 TENDER – SEALED ROADS - REHABILITATION PROGRAM 2019/20

RESOLUTION

Cr E Lording / Cr S McAulay

That Council:

1. **accept the tender from Anthony T. Lindsey Pty Ltd for the 2019/20 Sealed Roads – Rehabilitation Program for the lump sum price of \$293,882.06 (including GST), consisting of works to be completed by June 2020 on the following roads:**
 - **Break O’Day Road, Glenburn**
 - **Ghin Ghin Road, Ghin Ghin**
 - **Green Street, Alexandra**
 - **High Street, Eildon**
 - **Lyrebird Drive, Pheasant Creek**
 - **Maintongoon Road, Alexandra**
 - **Marr Court, Eildon**
 - **Ninth Street, Eildon**
 - **Shamrock Street, Alexandra**
 - **Vickery Street, Alexandra**

2. approve the allocation of a contingency amount as detailed in this report
3. release this resolution into the Minutes of the Ordinary Meeting of 27 November 2019.

CARRIED UNANIMOUSLY

19.3 TENDER 19/15 – FOOTPATH RENEWAL PROGRAM – 2019/20

RESOLUTION

Cr J Ashe / Cr E Lording

That Council:

1. accept the tender from North Central Construction for the lump sum price of \$261,476.00 (including GST), consisting of works to be completed by 30 June 2020 on the following paths:
 - Lawrence's Road (Yea)
 - UT Creek Pathway – Leckie Park Pathway (Alexandra)
 - Rotary Park (Alexandra)
 - Eildon Reserve (Eildon)
 - Eildon Pondage Part 1 (Eildon)
 - Eildon Pondage Part 2 (Eildon)
 - Maroondah Highway Intersection (Taggerty)
 - Flowerdale Primary School (Flowerdale)
2. approve the allocation of a contingency amount as detailed in this report
3. release this resolution into the Minutes of the Ordinary Meeting of 27 November 2019.

CARRIED UNANIMOUSLY

The meeting was closed at 7:53 pm.

CONFIRMED THIS

5/2/2020

CHAIRPERSON

