



MINUTES
of the
ORDINARY MEETING OF COUNCIL
WEDNESDAY 27 MAY 2020
at
6.00 pm
Conducted via videoconference

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

The proceedings will be live streamed for public viewing.

INDEX

1.	PLEDGE AND RECONCILIATION STATEMENT	2
2.	APOLOGIES AND REQUESTS FOR LEAVE OF ABSENCE	2
3.	COMMUNITY RECOGNITION	2
4.	DISCLOSURES OF INTEREST OR CONFLICT OF INTEREST	2
5.	CONFIRMATION OF MINUTES	2
6.	PETITIONS	2
7.	PUBLIC PARTICIPATION TIME	3
7.1	Open Forum.....	3
7.2	Questions of Council.....	3
8.	OUR PLACE	3
8.1	413 Burgess Road, Yarck – Use and Development of Land for Purpose of a Single Dwelling.....	3
8.2	Use and Development of the Land for the Purpose of Six (6) Dwellings – 102 Falls Road, Marysville	11
8.3	3625 Maroondah Highway, Acheron – Amendment to Planning Permit 2016/33.....	11
8.4	Community Planning Update – Community Plans and Grants.....	19
8.5	Delay and Changes in the Local Government Power Purchasing Agreement (LG PPA) Project.....	19
9.	OUR PEOPLE	22
10.	OUR PROSPERITY	22
10.1	Murrindindi Shire Council Business & Tourism Advisory Committee	22
11.	OUR PROMISE	23
11.1	Procurement Policy Annual Review 2020.....	24
11.2	Equal Opportunity Policy.....	25
11.3	Community Engagement Policy Review 2020.....	27
11.4	Audit and Risk Advisory Committee Minutes.....	29
12.	NOTICES OF MOTIONS	29
13.	MATTERS DEFERRED FROM PREVIOUS MEETING	29
14.	URGENT BUSINESS	29
15.	COUNCILLOR REPORTS	29
15.1	Cr Sandice McAulay.....	30
15.2	Cr Jackie Ashe.....	30
15.3	Cr Eric Lording	31
15.4	Cr Charlotte Bisset.....	31
15.5	Cr Rebecca Bowles	32
15.6	Cr Margaret Rae	32
15.7	Cr Leigh Dunscombe – Mayoral Report	32
16.	CHIEF EXECUTIVE OFFICER REPORT	33
17.	ASSEMBLIES OF COUNCILLORS	34
18.	SEALING REGISTER	36
19.	CONFIDENTIAL ITEMS	36

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

Present:

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

Apologies: Councillor L Dunscombe

In attendance:

Chief Executive Officer: Craig Lloyd

Director Corporate and Shared Services: Michael Chesworth

Director Community Engagement: Shivaun Brown

Director Assets and Development: Vito Albicini

Manager Governance and Risk: Tara Carter

Senior Planner: Clara Gartland

3. COMMUNITY RECOGNITION

Nil.

4. DISCLOSURES OF INTEREST OR CONFLICT OF INTEREST

Cr S McAulay declared a conflicting personal interest in agenda item 8.3 being the 3625 Maroondah Highway, Acheron – Amendment to Planning Permit 2016/33, as her husband had placed an objection to the planning application.

5. CONFIRMATION OF MINUTES

5.1 Minutes of the Special Meeting of Council held on 6 May 2020.

Officer Recommendation

That the minutes of the Special Meeting of Council held on 6 May 2020 be confirmed.

RESOLUTION

Cr R Bowles / Cr E Lording

That the minutes of the Special Meeting of Council held on 6 May 2020 be confirmed.

CARRIED UNANIMOUSLY

6. PETITIONS

Nil.

7. PUBLIC PARTICIPATION TIME

7.1 OPEN FORUM

David Gration spoke in support of Application for Certificate of Existing Use Rights - 18 Old Ghin Ghin Road, Ghin Ghin.

Mr Craig Lloyd, CEO read a submission on behalf of Mr Garry Coullipas in support of Use and Development of the Land for the Purpose of a Dwelling - 413 Burgess Road, Yarck (item 8.1 on the Agenda).

7.2 QUESTIONS OF COUNCIL

The Chief Executive Officer read the following statement:

“Council received a submission from Mr Jack Russell outlining that Questions of Council he submitted for the April Meeting had not been answered. He referred to those questions being attached, they were not received by Council as part of this submission, therefore we can only assume Mr Russell is referring to the questions answered as part of the 6 May 2020 Special Meeting, the minutes and recording is available on Council's website for reference.”

The Chairperson closed Public Participation Time.

8. OUR PLACE

8.1 413 BURGESS ROAD, YARCK – USE AND DEVELOPMENT OF LAND FOR PURPOSE OF A SINGLE DWELLING

Attachment(s):	<i>Attachments (refer Attachment 8.1)</i>
Land:	413 Burgess Road Yarck 3719
Proposal:	Use and development of the land for the purpose of a Single Dwelling
Applicant:	Drafting2Design Pty Ltd
Zoning:	Farming Zone
Overlays:	Bushfire Management Overlay
Permit triggers:	Use of land for a dwelling under Clause 36.04 (Farming Zone) Development of land under Clause 36.04 (Farming Zone) and Clause 44.06 (Bushfire Management Overlay)

Locality Plan



Purpose

This report recommends that Council refuse to grant a planning permit for the use and development of land for the purpose of a dwelling land located at 413 Burgess Road, Yarck. The proposed use is located in a Bushfire Management Overlay (BMO) and is considered to be inconsistent with the objectives of the Murrindindi Planning Scheme due to the unacceptable risk to life from a dwelling on this site.

Officer Recommendation

That Council issue a notice of decision to refuse to grant a permit for the use and development of land for the purpose of a dwelling at 413 Burgess Road, Yarck (Lot: 3 PS: 117924, Parish of Yarck), subject to the following grounds:

1. The proposal is inconsistent with the objective and strategies of Clause 13.02-1S Bushfire Planning of the Murrindindi Planning Scheme in that the application would result in an extreme risk to human life from the threat of bushfire
2. The application is inconsistent with the purpose of Clause 44.06 of the Bushfire Management Overlay which is to ensure that the development of land prioritises the protection of human life, strengthens community resilience to bushfire and requires that development is only permitted where the risk to life and property from bushfire can be reduced to an acceptable level
3. The application has been supported by a Bushfire Management Statement which has not accurately reflected the landscape characteristics as required under Clause 53.02 Bushfire planning of the Murrindindi Planning Scheme
4. The proposal is not consistent with the various purposes of Clause 53.02 Bushfire planning of the Murrindindi Planning Scheme as they relate to ensuring that development is only permitted where the risk to life, property and community infrastructure from bushfire can be reduced to an acceptable level.

Land and Surroundings

The subject site is located approximately 3.5 kilometres north west of the township Yarck and is accessed from Old Yarck Road not Burgess Road. Old Yarck Road is an unsealed access track maintained by council.

The site is located within heavily vegetated hills that run from the north to south. The site is an irregular rectangular shape with an overall area of 31.2 hectares. The site slopes up significantly from the south to the north of the site.

The site is developed by way of three buildings including one that has been illegally converted into a dwelling. This application seeks approval for this building to be used and developed as a dwelling. The building proposed to be used for a dwelling is located to the north of the site on the highest contour of the site.

The site directly abuts five properties of similar size and similarly vegetated and contoured. There are no recent approvals for dwellings on these properties or in the surrounding area. Some of the properties contain dwellings, however, these have not been assessed under current planning regulations and in particular the bushfire provisions.

Proposal

The application is seeking approval for the use and development of land for the purposes of a dwelling. The various aspects of the proposal can be described as follows:

Use

The subject site is less than 40 Ha and a permit is required to use the land for a dwelling under Clause 35.07 (Farming Zone) of the Murrindindi Planning Scheme. The application was accompanied by a Farm Management Plan that proposed the use of land for honey production.

Development

A permit is required for the development of the land for the purpose of a dwelling under Clause 35.07 (Farming Zone) and Clause 44.06 (Bushfire Management Overlay).

The development is the conversion of an existing building to a dwelling. The building was constructed without any planning or building permits. Four additional sheds have also been constructed on this onsite without planning or building approval.

The development could be described as follows:

- Approximately 108.5m in area
- 1 bedroom
- Open lounge room, dining room and kitchen
- 1 bathroom
- Details of the proposed materials have not been provided.

Discussion - Planning Policy

Bushfire Risk

Clause 13.02-1S (Bushfire) is the State planning policy which underpins all other bushfire considerations which are required to be assessed as part of all planning and decision making under the *Planning and Environment Act 1987*. The policy relates to land that is:

- Within in a bushfire prone area:
- Subject to a Bushfire Management Overlay; or
- Proposed to be used or developed in a way that may create a bushfire hazards.

In this particular instance all of the above apply to the application.

The objective of this policy is to strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life. In an effort to achieve this objective, the following strategies are adopted in decision making:

Protection of human life

Give priority to the protection of human life by:

- Prioritising the protection of human life over all other policy considerations
- Directing population growth and development to low risk locations and ensuring the availability of, and safe access to, areas where human life can be better protected from the effects of bushfire
- Reducing the vulnerability of communities to bushfire through the consideration of bushfire risk in decision making at all stages of the planning process.

Bushfire hazard identification and assessment

Identify bushfire hazard and undertake appropriate risk assessment by:

- Applying the best available science to identify vegetation, topographic and climatic conditions that create a bushfire hazard
- Considering the best available information about bushfire hazard including the map of designated bushfire prone areas prepared under the *Building Act 1993* or regulations made under that Act
- Applying the Bushfire Management Overlay to areas where the extent of vegetation can create an extreme bushfire hazard.
- Considering and assessing the bushfire hazard on the basis of:
 - Landscape conditions - meaning conditions in the landscape within 20 kilometres (and potentially up to 75 kilometres) of a site;
 - Local conditions - meaning conditions in the area within approximately 1 kilometre of a site;
 - Neighbourhood conditions - meaning conditions in the area within 400 metres of a site; and
 - The site for the development.
- Consulting with emergency management agencies and the relevant fire authority early in the process to receive their recommendations and implement appropriate bushfire protection measures
- Ensuring that strategic planning documents, planning scheme amendments, planning permit applications and development plan approvals properly assess bushfire risk and include appropriate bushfire protection measures
- Not approving development where a landowner or proponent has not satisfactorily demonstrated that the relevant policies have been addressed, performance measures satisfied or bushfire protection measures can be adequately implemented.

Clause 53.02 (Bushfire Planning) relates to any application which is required under the Bushfire Management Overlay. Clause 53.02-4 outlines the bushfire protection objectives to be achieved for a development to be considered acceptable. The landscape, siting and design objectives listed include the following matters:

- Development is appropriate having regard to the nature of the bushfire risk arising from the surrounding landscape
- Development is sited to minimise the risk from bushfire
- Development is sited to provide safe access for vehicles, including emergency vehicles
- Building design minimises vulnerability to bushfire attack.

The proposals performance against these objectives is discussed in detail further in this report.

CFA's Guideline '*Applying the Bushfire Hazard Landscape Assessment in a Bushfire Management Overlay*' (the CFA Guideline) (Attachment 9) sets out how applications in the Bushfire Management Overlay should be assessed.

The CFA Guidelines suggests:

Considering bushfire from the perspective of the broader landscape is important as it affects the level of bushfire risk development and its future occupants will be exposed to.

The defensible space and construction requirements in the BMO and Clause 53.02 are established based on the standard requirements of AS 3959-2009 Construction of buildings in bushfire prone areas (AS 3959-2009). To determine these requirements AS 3959-2009 models radiant heat from a potential fire front based on specified inputs and assumptions. This is often referred to as the 'design fire'. The accuracy of the design fire in reflecting the level of exposure to bushfire at a site varies. It is dependent on the potential size or scale to which a bushfire can grow before impacting the site.

The broader landscape and the potential scale and size of a bushfire are important considerations in the assessment of a planning application. Planning policy dictates that certain applications, namely those that are submitted under Pathways 2 and 3 must consider the wider bushfire landscape. However, all applications should have some regard to the broader landscape when considering the objectives of the State Planning Policy Framework (SPPF)

To consider the suitability and adequacy of the standard design fire of AS 3959-2009, judging the size to which a fire can grow and develop before impacting the site is crucial. This is because the scale of a bushfire and therefore its destructive power is driven by the characteristics of the broader landscape, rather than those assessed immediately around the site (i.e. within the 150m assessment area). The site based assessment however, remains an important aspect to applying the requirement of the BMO and Clause 53.02. Hence, there is generally a need to undertake both a landscape and a site based assessment.

Inherent Level of Bushfire Risk for Subject Site

The most significant factor in the assessment of this application for a dwelling is the inherent threat to life that results from the geographic characteristics of the surrounding landscape. While a dwelling site with minor clearing exists that may achieve some compliance with the defensible space requirements, the broader landscape surrounding the site represents an extremely high bushfire threat. The subject site adjoins properties on west, east and north sides with dense natural native vegetation. Beyond the private land to the south is the Molesworth Bushland Reserve and to the north is the Yarck Nature Conservation Reserve that extends for a great distance.

The landscape is not only a threat due to the near continuous vegetation but also due to the steep topography of the area and the extreme fire behaviour that would occur as a result of this landscape. Any fire in this landscape would move very rapidly and could also come from any or all directions. This multidirectional threat would mean that any efforts to stay and defend the property would be extremely dangerous and not an acceptable outcome to allow. As was demonstrated in the 2009 bushfires, people's ability to leave early was not always possible and the behaviour of the fire was not predictable. The nature of the surrounding landscape would mean that spotting would occur potentially from very long distances.

In the event of deciding to leave the site in bushfire events, significant threat is presented in the difficulties in leaving the site to access a safe place. The proposed house site is located at the top of a very steep hill which is accessed via an unsealed access track.

Overall it is considered that the threat from the broader landscape is such that the proposal is unacceptable on this consideration alone. Travelling along the road network would be very dangerous during bushfire events.

On-site Bushfire Risk Mitigation

In addition to the consideration of the broader landscape in which the dwelling is proposed, specific compliance is required to be achieved with the objectives outlined in Clause 53.02 (Bushfire Planning). The policy sets out approved measures and meeting the objectives is required though meeting those measures. Where an approved measure is not achievable an alternative measure may be considered.

The Bushfire Management Statement (BMS) provided by the bushfire consultant has suggested that the development would need to have a defendable space and construction standards relevant to a BAL Flame Zone standard. The provided Bushfire Management Plan (BMP) has proposed that vegetation management would be required to be managed for distances of;

- North 21 m
- West 8 m
- South 3 m, and
- East 34 m.

While these distances would appear to meet the requirements of Clause 53.02 (Bushfire Planning) in relation to vegetation management, the vegetation management would be required on land which has slopes exceeding 20°. This would be very difficult to manage and could result in further land degradation and vegetation impacts.

As the proposal seeks approval for the use of the existing unapproved structure for a dwelling, it has not been demonstrated that this structure will be able to achieve a Flame Zone rating as required by the Bushfire Management Plan.

CFA referral response

It is the position of the CFA that the proposed development will result in people being placed in an extreme bushfire risk environment dependent on inadequate protection measures.

In their referral response the CFA have stated:

The site is surrounded by unmanaged forests in all directions. The proposed site is located at the top of a hill with slopes exceeding 30° to the south and the east, up to 10° to the north and up to 15° to the west. Fire behaviour is likely to exceed the design fire assumed under AS3959-2009 Construction of buildings in bushfire prone areas (Standards Australia).

Access and egress to and from the site along Old Yarck Road (approximately 3 kilometres to the outskirts of Yarck) poses obvious difficulties for timely evacuation. The closest Neighbourhood Safer Place is approximately 5 km south east of the site in the township of Yarck.

The application proposes BAL Flame Zone construction with three (3) metres defendable space to the south (effective downslopes between 22 and 31°). This means the proposed dwelling will be impacted (total engulfed) by direct flame from a passing fire front.

It is uncertain whether the existing structures can both be upgraded to the construction standard proposed and be designed appropriately to reduce the bushfire risk from the landscape beyond the site to an acceptable level.

It is CFA's view that the location of this development results in the site being classified as Landscape Type 4. DELWP's Technical Guide – Planning Permit Applications – Bushfire Management Overlay identifies the following characteristics for Landscape Type Four:

- *The broader landscape presents an extreme risk*
- *Evacuation options are limited or not available.*

It is the position of CFA that the proposed development will result in people being placed in a

very high bushfire risk environment dependent on inadequate protection measures.

The requirement of the Planning Policy Framework (PPF) at Clause 13.02 (Bushfire) to 'prioritise life over all other policy considerations' has not been achieved. The proposal has not met the relevant objectives of Clause 53.02-4 (Bushfire Planning) or addressed the extreme bushfire risk landscape factors this site will be exposed to.

While it is very uncommon for the CFA to outright object to planning applications, the advice provided in this referral response is very clear in that they do not support the application. It is evident that their position is that the development would result in an extremely high risk to property and human life of the residents of the property and any emergency service personnel that were to respond to an event at the site.

Relevant Case Law

There are several applicable cases concerning the application of the current bushfire planning policy and provisions that have been determined at the Victorian Civil and Administrative Tribunal (VCAT).

In *Department of Environment, Land, Water and Planning v Yarra Ranges SC [2019]*, Helen Gibson AM, Deputy President and Christopher Harty, Member assessed an application for the use and development of land for the purpose of a dwelling in an area with similar characteristics to the subject site. Similar to the subject site this property was also rural zoned where no use of land for a dwelling existed. The property was a comparable distance from the township and neighbourhood safer place. The application was ultimately refused, largely on bushfire risk grounds. Deputy President Gibson and Member Harty, made the following comments:

- 196 *In this case, the ability to mitigate the bushfire risk to an acceptable level from the landscape beyond the site is largely ineffectual and limited to what can be provided on the site as part of the proposed development. The additional elements that are proposed do not, in our view, address the broader landscape bushfire risk. The site and surrounding area is heavily vegetated. Management of fuels in the surrounding forested areas is not comprehensive and no evidence was provided to describe how surrounding bushland areas can or could be managed to reduce fire fuels.*
- 198 *Guidance about how the broader landscape bushfire risk is considered is relevant when regard is had to the policy under Clause 13.02. Amendment VC140 introduced changes to bushfire planning policy in December 2017. Clause 13.02 addresses bushfire risk. In addition, the BMO provisions at clause 44.06 and the Bushfire Planning provisions at Clause 53.02 are relevant.*
- 205 *We note that these strategies relate to the overall aim of prioritising the protection of human life and the need to do so on a broad level for decision making at all stages of the planning process, which includes both strategic and statutory planning. In particular, the strategies support directing development to low risk locations and ensuring availability of safe access to areas away from bushfire threats.*
- 207 *These strategies seek to ensure that risk from bushfires is considered not solely from a site or immediate local perspective, but also from a wider landscape perspective, where often management of bushfire risk falls outside of the direct control of individual landowners. It relates to the nature, location and extent of vegetation (whether trees or grasses) and their influence on fire runs and the relationship between fire fronts forming in the landscape as well as fire speed and behaviour with respect to generation of ember attack and radiant heat formation and exposure.*

- 214 *The provisions under clause 53.02 outline a rather automated approach to decision making that runs a risk of not appropriately considering the overall consequence of a decision to permit the use and development of the site for the purposes of a dwelling. Similar to biodiversity, planning for bushfire is not a 'tick the box' approach. Certainly, achieving compliance with the approved measures meets objectives under the clause and is very helpful in decision making, however any proposed use and development must also satisfy the policy framework, which guides decision making.*

Agricultural Considerations

As the property is under 40 hectares a planning permit is required for the use and development of the land under the Farming Zone.

The application was supported by a Farm Management Plan which proposed that the dwelling was required for the development of the land for honey production. The Farm Management Plan was comprehensive and addressed the decision guidelines of the (Clause 35.07) Farming Zone and Clause 14.02 (Agriculture).

As discussed above, the site is heavily vegetated and contains steep slopes. Given these constraints of the subject site, the use of land for honey production is considered acceptable. The application is considered to meet the decision guidelines of the Clause 35.07 (Farming Zone) and Clause 14.02 (Agriculture) and this has not been included as a ground for refusal.

However, the bushfire risk to this site is extreme and while the agricultural merits of the proposal are support the application, they are not the primary consideration. State planning policy requires that risk to human life from bushfire is considered over all other policy considerations. In this instance, the extreme bushfire risk outweighs the agricultural benefits.

Conclusion

Overall it is considered that this application fails on numerous ground relevant to the applicable controls. However, the key reason that this application cannot be supported is the presence of a dwelling at the proposed location would result in an unacceptable risk to life of the inhabitant of the site and any emergency service personal that could feel obligated to attempt to gain access the site in the event of a bushfire. The proposal is considered to be inconsistent with the objectives of planning policy frame and overlay provisions of the planning scheme. Therefore a refusal of the proposal is recommended.

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 financials 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 E Lording / Cr R Bowles**

That Council issue a notice of decision to refuse to grant a permit for the use and development of land for the purpose of a dwelling at 413 Burgess Road, Yarck (Lot: 3 PS: 117924, Parish of Yarck), subject to the following grounds:

1. The proposal is inconsistent with the objective and strategies of Clause 13.02-1S Bushfire Planning of the Murrindindi Planning Scheme in that the application would result in an extreme risk to human life from the threat of bushfire
2. The application is inconsistent with the purpose of Clause 44.06 of the Bushfire Management Overlay which is to ensure that the development of land prioritises the protection of human life, strengthens community resilience to bushfire and requires that development is only permitted where the risk to life and property from bushfire can be reduced to an acceptable level
3. The application has been supported by a Bushfire Management Statement which has not accurately reflected the landscape characteristics as required under Clause 53.02 Bushfire planning of the Murrindindi Planning Scheme
4. The proposal is not consistent with the various purposes of Clause 53.02 Bushfire planning of the Murrindindi Planning Scheme as they relate to ensuring that development is only permitted where the risk to life, property and community infrastructure from bushfire can be reduced to an acceptable level.

CARRIED UNANIMOUSLY

8.2 USE AND DEVELOPMENT OF THE LAND FOR THE PURPOSE OF SIX (6) DWELLINGS – 102 FALLS ROAD, MARYSVILLE

The CEO advised that this report was removed from the agenda to allow for readvertising and further community consultation.

RESOLUTION**Cr S McAulay / Cr J Ashe**

That Council note that this item was withdrawn by the CEO, to allow for readvertising and further community consultation.

CARRIED UNANIMOUSLY

Cr S McAulay left the meeting at 6.24pm prior to consideration of item 8.3 of the Agenda.

8.3 3625 MAROONDAH HIGHWAY, ACHERON – AMENDMENT TO PLANNING PERMIT 2016/33

Attachment(s):	<i>Attachments – (refer Attachment 8.3) Submissions – (distributed to Councillors separately)</i>
Land:	3625 Maroondah Highway Acheron 3714
Proposal:	Extension of existing use of land for place of assembly; construction of a pavilion
Applicant:	R C Christopher
Zoning:	Farming Zone
Overlays:	Bushfire Management Overlay (partial)
Permit Triggers:	Use of land for a bar under Clause 35.07 Buildings and works associated with a Section 2 Use under Clause 35.07

Locality Plan



Purpose

This report recommends that a notice of decision to grant a planning permit for the amendment of planning permit 2016/33 to allow for the use of land for a bar and the development of the land for the purpose of a pavilion at 3625 Maroondah Highway Acheron.

The application is being reported to Council as two objections have been received to the proposal. The grounds of objection relate to noise, amenity and traffic impacts.

Council officers are satisfied that the amendment can be supported with the noise, amenity and traffic impacts appropriately mitigated through conditions on an amended permit that may be issued.

Officer Recommendation:

That Council issue an extension of existing use of land for place of assembly; construction of a pavilion at 3625 Maroondah Highway ACHERON 3714 (Lot: 1 PS: 445373, Parish of Taggerty), subject to the following conditions:

1. Amend the proposal to:
 - “Construction and use of a building for Group Accommodation; Use of land for Function Centre; Use of land for Bar; Installation of Business Identification Signage; construction of a pavilion”
 2. Insert headings for condition groups to identify conditions for ‘Bar’
 3. Amend and insert the following conditions:
 - Insert a “Bar” heading after Condition (20)
 - Insert new conditions (21), (22), (23) and (24)
- (21) Prior to the use hereby permitted, a fence shall be constructed along the southern boundary of the property. The purpose of this fence is to reduce the likelihood of visitors accessing Yellow Creek Road
- (22) The bar hereby permitted shall take place only between the hours of 12pm to 10pm Sunday

- (23) No amplified music or speakers are allowed outside the existing structures on the site. No music is permitted to be played after 9pm
- (24) A maximum number of 48 guests may be allowed on the site for any function.
 - Renumbering of conditions (21) – (28) to (25) – (32)

The Land and Surroundings

The subject site is a 49.1 hectare parcel of land in the Farming Zone partially covered by the Bushfire Management Overlay.

The property is located to the north west of the township of Taggerty. It is bounded by the Maroondah Highway to the east and by Yellow Creek Road to the south. There are three abutting properties to the north and west all of similar size and developed by way of a single dwelling. All the surrounding land is zoned farming, and contains scattered dwellings and associated shedding. There are three dwellings within 1 kilometre of the area used for a function centre and group accommodation.

The land is developed by way of two dwellings, a group accommodation building, a common building which contains the bar area (known as the mess hall), and other shedding. The property has several dams that support a cherry orchard. It is vegetated with several paddock trees. There is a cluster of vegetation to the south east of the site.

Background

In August 2016, a planning permit (2016/33) was issued for group accommodation (48 people) at the subject property. In October 2016, a further planning permit (2016/145) was issued for a beer and wine producers liquor licence for supply of guests of the property and wholesale venues only. No objections were received for this planning application.

In 2018 an amendment to planning permit 2016/33 was issued to include “use of land for function centre and installation of advertising signage” in the proposal. This application sought approval for the following to occur:

- People not staying on the property to attend functions
- Outside staffing, such as caterers, celebrants, DJ’s and bands
- Functions could include people staying on site, or could comprise all offsite visitors
- Live bands only permitted between 2pm and 11pm on Saturdays, and will be required to comply with SEPP N-2
- All amplified music (not live bands) would cease by 11pm Friday and Saturday nights, and 10pm all other nights.

This application received two objections and was determined at the 28 November 2018 Murrindindi Shire Council meeting. Council resolved to issue a Notice of Decision which resulted in an amendment to the existing planning permit to be issued on 14 January 2019.

Proposal

The applicant seeks approval for a further amendment to planning permit 2016/33. The application seeks planning approval for the following:

Use

- The use of the land for a pub one day per week, where the venue is open to the public for the serving of alcohol. On this day the venue will be open from 12pm to 10pm with up to 48 people at the venue at any one time.

Development

- The construction of a 54m² pavilion which will be open sided and contain a pizza oven
- The pavilion will be located 54 metres from the southern boundary, to the north of the existing building used as a function centre.

Community and Stakeholder Consultation

Notice of the application was provided in accordance with the requirements of the *Planning and Environment Act 1987* as follows:

- letters to adjoining and nearby property owners and occupiers
- notice of the application was displayed on the subject site.

Two submissions were received to the application. One from a neighbouring property and another from a local resident and business owner. The concerns of the submissions can be summarised as follows:

Residential Amenity:

- Surrounding residential houses at a higher elevation and have been impacted by noise from past events
- Will be detrimental to rural area
- Has been occasions where inappropriate behaviours were witnessed by neighbours.

Noise Impacts:

- Noise rises with the topography
- Doors and windows will be open, music will be audible outside
- Noise from the site can be heard inside neighbouring dwelling
- Close monitoring does not happen.

Traffic impacts:

- Will increase traffic to and from the site
- Yellow Creek Road is not of a standard to handle increased traffic for events
- Concern with safety, particularly drivers under the influence of alcohol and children left unsupervised on the road
- Those staying on the premises in group accommodation will be drinking after the venue closes
- Concerns that the takeaway licence will be 7 days per week
- The land is zoned Farming and as such it is not appropriate for a commercial use.

The applicant provided a response to the objections, which is summarised as follows:

- The amendment will not change the existing patron numbers
- The application for the proposed use is for one day per week
- The pavilion will not be seen from Yellow Creek Road
- No changes to existing sound restrictions
- A sound testing report has previously been provided that demonstrates the proposed sound impacts is well within the EPA requirements
- The venue, car parking and Yellow Creek Road are not visible from the neighbouring objector's property and consequently is limited in amenity impacts.

The above response was provided to both submitters, with neither objection being withdrawn.

Discussion

Council Officers have assessed the proposed use and development of the land against the decision guidelines of the *Murrindindi Planning Scheme*. Only the proposed amendment is able to be considered not the existing permitted use. The key issues for this application are;

- the amenity impacts, in particular noise impacts on surrounding properties
- the increased use of Yellow Creek Road
- the commercial use of land that is zoned as Farming.

The proposal is supported by local and state Planning Policy Framework (PPF) in relation to the economic development and tourism benefits to be achieved by the proposed use.

In assessing the application, the applicable PPF were considered including, Clause 13.05 (Noise) and Clause 13.07-1S (Land use compatibility).

Clause 13.05 (Noise)

Control of noise effects on sensitive land uses. This is achieved by ensuring, 'that development is not prejudiced and community amenity is not reduced by noise emissions, using a range of building design, urban design and land use separation techniques as appropriate to the land use functions and character of the area'.

- The proposal includes the use of the land until 12pm to 10pm one day per week, currently approved for a Sunday. The applicant previously provided a noise report that was completed in 2017 (see submissions). In this report it was demonstrated that the use of the land for 48 guests would fall within the EPA guidelines.

Clause 13.07-1S (Land use compatibility).

This policy aims to, 'safeguard community amenity while facilitating appropriate commercial, industrial or other uses with potential off-site effects'. To achieve this outcome, council officers must consider whether the proposed land use is appropriate for the existing functions and character of the area. Land use compatibility concerns can be reduced by directing land uses to appropriate locations and using a range of building design, urban design, operational and land use separation measures.

- The proposed use of the land for a maximum of 48 guests one day per week in addition to the current use of land is considered to have a minimal impact on the rural amenity of the area
- It is considered that the noise impacts associated with the proposed use of the land can be mitigated through appropriate conditions and laws. In particular, the applicant is required under the *Environmental Protection Act 1970* to comply with State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2
- In this instance, it is considered that the use of the land for a pub causes some land compatibility concerns for surrounding residential uses. However, when taking into consideration the significant distance between the residential uses, frequency of events, number of patrons and existing planning permit conditions it is considered that these impacts can be reduced to an acceptable level.

Under existing planning permit 2016/33 the following conditions currently regulate noise and amenity impacts:

- (5) The use or development hereby permitted shall not cause nuisance or injury to, or prejudicially affect the amenity of the locality, by reason of the transportation of materials, goods and commodities to and from the land, the appearance of any building, works, or materials on the land, the emission of noise, vibration, smell, fumes, smoke, vapour, steam soot, ash, dust, waste water, waste products, grit, oil or the presence of vermin or otherwise
- (6) The subject land must be kept neat and tidy at all times and its appearance must not, in the opinion of the Responsible Authority, adversely affect the amenity of the locality
- (7) Outdoor lighting must be designed, baffled and located to the satisfaction of the Responsible Authority such that no direct light is emitted outside the boundaries of the subject land
- (16) The function centre hereby permitted may only be used for a maximum of 12 functions per year. A log of all events must be kept by the permit holder, and made available to the Responsible Authority upon request
- (17) The function centre hereby permitted shall take place only between the hours of 2pm to 11pm Friday and Saturday

- (18) No amplified music or speakers are allowed outdoors or to be placed or mounted on or around the existing structures on the site.

These conditions will remain on any amended planning permit that is issued.

Amenity – Increased traffic on Yellow Creek Road

The property is located on an unsealed public road that is maintained by Murrindindi Shire Council. A Traffic Impact Assessment was provided with the previous application for an amendment to planning permit 2016/33. As this proposal does not increase the number of patrons permitted on the site at any one time, it was not considered that another traffic management report would be required.

On the day that the venue is open to the public there will be an increase in traffic along Yellow Creek Road. As such, the proposal has been assessed against Clause 18.01-2S (Transport System) which requires the planning or regulating of new use and development to avoid detriment and where possible enhance, the service, safety and amenity desirable for that transport route on the short and long terms. The proposal has also been considered against Clause 35.07 (Farming Zone) which requires the Responsible Authority to consider whether the proposed use and development will require traffic management measures.

The entrance to the property is approximately 380 metres down Yellow Creek Road from Maroondah Highway. It is considered in this instance that the road appropriately services the site and that no increase safety or amenity issues will be caused by the increased traffic to the site.

Non – agricultural use and development in the Farming Zone

The primary purpose of the Clause 35.07 (Farming Zone) is to provide for the use of the land for agriculture and ensure that non-agricultural uses do not adversely affect the use of land for agriculture.

Before deciding on an application to use and develop land, a Responsible Authority must consider a range of relevant decision guidelines including:

- capability of the land to accommodate the proposal
- how the use and development relates to sustainable land management
- compatibility with adjoining and nearby land uses
- how agricultural production is supported and enhanced
- impact on physical features and resources of the area, in particular on soil and water quality
- location of on-site effluent disposal area to minimise the impact of nutrient loads on waterways and native vegetation
- visual impact of development on surrounding land.

The proposed extension of the existing use will have no additional impact on the agricultural potential of the land or surrounding agricultural uses.

The proposed and existing use of the land for a bar and events are unlikely to impact the existing agricultural use of the land for a cherry orchard. As the proposed use will be within the area currently being used for events no additional land will be removed from agricultural uses. The use of the land for a brewery uses produce from the land for their products.

The proposed pavilion will be barely visible from the roadside and is not considered to adversely impact the rural character of the area.

The existing effluent system was designed and installed in 2016 with the intent of it been capable to withstand future business expansion. Councils Environmental Health Officer has confirmed that the effluent system is sufficient to cope with the additional load as proposed in this application.

Tourism and economic growth

The proposed extension of use has been considered against the tourism and economic growth planning policy contained within the Murrindindi Planning Scheme. Local and state policy supports increasing tourist development within the municipality.

Clause 17.01-1R (Diversified Economy) seeks to strengthen and diversify the economy. This is proposed to be achieved through that facilitate growth in a range of employment sectors, based on the emerging and existing strengths of each region.

Clause 2.02 (Vision) details the overarching local planning direction for the municipality which includes to:

- Council seeks to enhance the liveability, amenity and quality of life in the municipality
- Council will facilitate sustainable population and economic growth
- The municipal rate base will be actively grown through sound planning, support for continued economic development and protection of the natural and built environment.
- A strong economy will attract people to the municipality, creating further opportunities for lifestyle choice, business investment and prosperity.

Clause 17.04-1S (Tourism) sets out State objectives and strategies seeking to encourage tourism development. In particular Clause 17.04-1R (Tourism – Hume) seeks to ‘facilitate rural tourism activities that support agricultural enterprises and accommodation in appropriate locations’.

Council officers are satisfied the proposal is consistent with the Murrindindi Planning Scheme PPF. The applicant has established that the proposal will have a beneficial impact on the economic growth of the municipality as it will facilitate the growth of tourism to the municipality.

Discussion – Issues Raised by Objectors

A response to the issues raised by the objectors is set out below.

Noise

Submissions have been made that the increased use of the land will result in increased noise which will have a detrimental impact on residential use of the area. As discussed above, the applicant has previously provided a report detailing the existing sound mitigation measures and conditions.

The closure of the venue at 8pm / 10pm is considered to have minimal impact on the surrounding residential uses. As the use only allows the operation one day per week it is considered appropriate that the existing noise mitigation measures are sufficient.

Safety and amenity concerns regarding the increased use of Yellow Creek Road

The increased use of Yellow Creek Road has been raised as a concern by objectors due to the potential amenity and safety impacts.

The use of the land for a bar will increase the use of this road on the day of operation. However, as the dwelling of the neighbouring objectors property is located approximately 650 metres from this road it is considered that any impact from increased traffic will be relatively minor. Furthermore, the subject site is the first access on Yellow Creek Road from Maroondah Highway. As such, few cars would be travelling past neighbouring properties which will limit the amenity impact.

Safety concerns regarding patrons walking onto the road from the venue have been raised by a neighbouring objector. In order to mitigate this risk, a condition requiring the construction of a fence on the applicants land has been included in the officer recommendation.

Incompatibility with rural lifestyle

Concern was raised in relation to the impacts on the rural lifestyle. It was raised that the commercial use of the land is not consistent with the Farming Zone. As discussed above, the

Farming Zone allows for complimentary uses to operate in this zone. In this instance, it is considered that the existing and proposed use compliments the agricultural use and should be supported. Adverse amenity impacts can be mitigated by conditions.

Conclusion

Council officers are satisfied that the application proposal is consistent with provisions of the Murrindindi Planning Scheme. This report only assesses the proposed changes to the existing planning permit, not the existing use or development of the land. The proposal will contribute to a diversified rural economy by creating unique cultural tourist experience. As the issues raised by the objectors have been addressed through existing and proposed conditions, it is recommended that the application be approved.

Council Plan/Strategies/Policies

This report is 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'
- 'through good land use planning enhance the liveability, prosperity and rural character of our Shire'.
- 'work with our businesses, regional partners and communities to support a diverse visitor experience that promotes our natural assets, and a vibrant range of events'.

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 by officers in relation to this report.

RESOLUTION

Cr E Lording / Cr J Ashe

That Council issue an extension of existing use of land for place of assembly; construction of a pavilion at 3625 Maroondah Highway ACHERON 3714 (Lot: 1 PS: 445373, Parish of Taggerty), subject to the following conditions:

1. **Amend the proposal to:**
 - **"Construction and use of a building for Group Accommodation; Use of land for Function Centre; Use of land for Bar; Installation of Business Identification Signage; construction of a pavilion"**
 2. **Insert headings for condition groups to identify conditions for 'Bar'**
 3. **Amend and insert the following conditions:**
 - **Insert a "Bar" heading after Condition (20)**
 - **Insert new conditions (21), (22), (23) and (24)**
- (21) Prior to the use hereby permitted, a fence shall be constructed along the southern boundary of the property. The purpose of this fence is to reduce the likelihood of visitors accessing Yellow Creek Road**
- (22) The bar hereby permitted shall take place only between the hours of 12pm to 10pm Sunday**

- (23) **No amplified music or speakers are allowed outside the existing structures on the site. No music is permitted to be played after 9pm**
- (24) **A maximum number of 48 guests may be allowed on the site for any function.**
- **Renumbering of conditions (21) – (28) to (25) – (32)**

CARRIED UNANIMOUSLY

Cr S McAulay returned to the meeting at 6:29pm.

8.4 COMMUNITY PLANNING UPDATE – COMMUNITY PLANS AND GRANTS

Attachment(s): *Yea Community Plan (refer Attachment 8.4a)*
Yea Community Plan Summary Version 2020 (refer Attachment 8.4b)
Toolangi/Castella Community Plan 2020 (refer Attachment 8.4c)
Marysville Community Plan (refer Attachment 8.4d)

Purpose

The purpose of this report is for each of the Community Plans (for the three pilot communities of Yea, Toolangi/Castella and Marysville) to be presented to Council for acknowledgement. The report also provides information about the progress of the Community Planning Pilot, and the changes to the timeframes agreed with Insurance Australia Group (IAG), the funding body.

Officer Recommendation

That Council:

1. acknowledge the three Community Plans for the communities of Yea, Marysville and Toolangi-Castella and encourage their further development
2. note the extension of the IAG funded Community Planning Project to end September 2020.

Background

Murrindindi Shire Council received funding for a for a three phase community planning project with Insurance Australia Group in 2016. The project is now in the third phase of piloting the community planning framework. This framework was developed in consultation with the community during phase two.

Discussion

Following the February community planning activity, the Steering Groups have worked with the Community Planning Officers (CPOs) to finalise the draft Plans and release them for community feedback, which occurred between 1 and 15 May 2020. Action Teams for each priority project have determined the next steps to progress projects and this work is included in the Plans.

IAG has agreed to an extension of the project in response to the challenges of COVID-19 and the project has been extended to 30 September 2020. This provides an extension of timeframes for the Community Planning Grant program. The Community Planning Grant program will now open in mid-July and close at the end of August, with a 12 month period for community to acquit projects. IAG funding will provide \$30,000 per town, and up to \$7,500 per project. The Grant guidelines are attached for Council's information.

Next steps:

- Action Teams to progress project outcomes, including developing project plans and identifying appropriate grants
- Evaluation of the community planning trial and final reporting to IAG and Council
- Council acknowledged Community Plans will be made available on our website
- Appropriate projects will be listed for the consideration of Council in subsequent year's budgets.

Council Plan/Strategies/Policies

This project is consistent with the *Council Plan 2017-2021* Strategic Objective: *Together we will celebrate and encourage diverse, caring and connected communities.*

Further, the project aligns directly with Action 1.2.1 in Council's *Priority Action Plan 2018/19: Help local communities plan for their future.*

Relevant Legislation

There is no significant legislation related to this initiative.

Financial Implications and Risk

This project is funded by a grant from IAG. An initial grant of \$185,000 was provided to Council by IAG to undertake the development and trial of a community planning process. IAG has provided a further grant of \$200,000 to support an extension of time for the pilot, and the development of a grant program for projects identified as part of the community planning process.

Conflict of Interest

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

Community and Stakeholder Consultation

The Community Planning initiative is a consultative process of engaging our Communities.

RESOLUTION

Cr S McAulay / Cr C Bisset

That Council:

- 1. acknowledge the three Community Plans for the communities of Yea, Marysville and Toolangi-Castella and encourage their further development**
- 2. note the extension of the IAG funded Community Planning Project to end September 2020.**

CARRIED UNANIMOUSLY

8.5 DELAY AND CHANGES IN THE LOCAL GOVERNMENT POWER PURCHASING AGREEMENT (LG PPA) PROJECT

Attachment(s): *LG PPA Briefing Paper 10-07-2019 – (refer Attachment 8.5)*

Purpose

This report is to update Council on the changes to the LG PPA project and to determine if Council wish to participate further in the project.

Key issues include changes to the proposed procurement agent to act on behalf of the project group and a delay in the final delivery of a signed a contract for renewable energy.

Officer Recommendation

That Council:

1. note the changes in the project governance
2. withdraws its involvement in this LG PPA project and seek out alternative options for renewable energy supply into the future as market alternatives arise
3. request the Chief Executive Officer to write to Darebin City Council advising it of Council's decision.

Background

In November 2017, the Victorian Greenhouse Alliances established a Local Government Electricity Contract Working Group. One of the key projects of this group was to develop a Power Purchasing Agreement (PPA).

The intent was to form a new customer-led, long-term (7-10 year) contract to purchase 100% renewable energy, commencing in 2020/21. This was to coincide with the conclusion of three of Murrindindi Shire Council large electricity retail contracts. Darebin City Council has led the project, with 39 councils; including Murrindindi participating in stage one.

The PPA was being developed over three stages:

- Stage 1 – Business Case (complete)
- Stage 2 – Tender Development
- Stage 3 – Tender Evaluation, Negotiation and Award (original date to deliver the contract was 01 July 2020).

The resolution at the council meeting on the 24th of July 2019 was that Council:

1. *notes the risks and opportunities associated with participation in the LG PPA project, particularly the opportunity to procure lower cost renewable energy in partnership with other Councils*
2. *agrees to participate in the LG PPA project to procure renewable energy for Council's Alexandra Corporate Office, Marysville Community Centre and unmetered public street light accounts*
3. *appoint Municipal Association of Victoria (MAV) as its agent in relation to this tender in accordance with the terms of that agreement and authorises the Chief Executive Officer (CEO) to sign the agency agreement*
4. *delegates responsibility to sign the final retail contract to the CEO, should the tender be accepted by MAV and subject to the CEO's assessment that the contract terms would not expose Council to unexpected and unacceptable risks.*

Since this time, it was brought to our attention that there have been delays in in the project timeline, a change of the contract delivery date and some changes in the governance structure and proposed procurement agent.

The project is now proceeding with Darebin Council as the lead organisation who will engage a new tendering supplier that originally proposed. This will require the preparation and execution of a new Participation Deed between all members of the Buyers Group and result in a delay to the projects final delivery date.

Darebin is now asking all councils to provide an indication if they wish to proceed with the new governance arrangements and new project timeline.

Discussion

The main issues that relate to Murrindindi Shire Councils ongoing participation in the project are largely due to the internal resourcing of the project work. The staff time and costs involved in participating henceforth have not been factored into the 21/22 budget or work program and the project fees to continue with Darebin at this stage are unknown.

An additional challenge presented by the new timeline is the upcoming Council elections and associated caretaker period. As such, Darebin and the Project Steering Committee wish to seek out participation agreements from councils still wanting to continue in this project before that caretaker period begins, however at this time the costs of participating further in the project have not been made clear to the project group.

In light of these challenges and unknowns, it is recommended that Council withdraw their involvement in this LG PPA project and seek out alternative options for renewable energy supply into the future as market alternatives arise.

Council Plan/Strategies/Policies

This matter relates to the *Council Plan 2017-2021* Strategy under Our Place to strengthen the environmental sustainability of our communities, protect our natural environment and reduce resource consumption

Relevant Legislation

This report takes into consideration the legislated responsibilities under *The Climate Change Act 2017*.

Financial Implications and Risk

The costs to participate further in the project at this stage are unknown and being reviewed by Darebin City Council. There would be additional costs to participate in this project.

There still remains the risk of participating in this project for another 12 months and the tender not returning a suitable result, meaning that we either do not enter into a contract for green energy or we pay more than we anticipated to continue in the project

Conflict of Interest

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

RESOLUTION

Cr E Lording / Cr R Bowles

That Council:

- 1. note the changes in the project governance**
- 2. withdraws its involvement in this LG PPA project and seek out alternative options for renewable energy supply into the future as market alternatives arise**
- 3. request the Chief Executive Officer to write to Darebin City Council advising it of Council's decision.**

CARRIED UNANIMOUSLY

9. OUR PEOPLE

10. OUR PROSPERITY

10.1 MURRINDINDI SHIRE COUNCIL BUSINESS & TOURISM ADVISORY COMMITTEE

Attachment(s): *MSCBAC Terms of Reference (refer Attachment 10.1)*

Purpose

The purpose of this report is to discuss the details for the proposed Business and Tourism Advisory Committee.

Officer Recommendation

That Council:

1. accept the Murrindindi Shire Council Business and Tourism Advisory Committee Terms of Reference as attached to this report
2. appoint the following membership to the Murrindindi Shire Council Business and Tourism Advisory Committee:

- Chair – Mayor
- MSC Tourism and Events portfolio (or ward) Councillor
- 1 x representative Alexandra and District Tourism and Traders Association
- 1 x representative Kinglake Ranges Business Network
- 1 x representative Marysville and Triangle Business and Tourism Association
- 1 x representative Y Water Discovery Centre Association
- Members – 5 external independent persons.

Background

Council adopted the Murrindindi Shire Tourism and Events Strategy in November 2019. A key recommendation from that strategy was the establishment of a Committee of Council consisting of key industry advisers and local business operators to advise Council in regards to the delivery of the Strategy.

COVID-19 impacts have seen the need to broaden the focus of the group in the short term to include the delivery of a Murrindindi Shire Council (MSC) Business Recovery Plan (BRP).

Discussion

A group of business and tourism representatives, Councillors and officers have commenced meeting weekly to initiate the development and delivery of the Business Recovery Plan and provide advice regarding the implementation of a range of Business Relief activities.

Officers recommend the formalisation of a Business and Tourism Advisory Committee for a six month period to establish the appropriate governance arrangements for the delivery of the Plan. At the six month period the Committee should be reviewed because:

- the nature of the pandemic means the needs of Council in the medium to long term are uncertain
- the committee should be established with a view to a transition back to 'business as usual' (tourism and events) at an appropriate time.

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

No legislation has been required to be considered in the preparation of this report.

Financial Implications and Risk

The delivery of both the MSC Tourism and Events Strategy and the MSC Business Recovery Plan will influence the budget and expenditure of Council. Established budgetary processes and financial management principles will be utilised and enforced to guide this outcome.

Conflict of Interest

No conflict of interest was declared by Council officers in the preparation of this report.

Community and Stakeholder Consultation

This Committee is established to increase Council's ability to engage with the business community and deliver appropriate activities in the interests of all Murrindindi Shire businesses.

RESOLUTION

Cr J Ashe / Cr E Lording

That Council:

- 1. accept the Murrindindi Shire Council Business and Tourism Advisory Committee Terms of Reference as attached to this report**

2. appoint the following membership to the Murrindindi Shire Council Business and Tourism Advisory Committee:

- **Chair – Mayor**
- **MSC Tourism and Events portfolio (or ward) Councillor**
- **1 x representative Alexandra and District Tourism and Traders Association**
- **1 x representative Kinglake Ranges Business Network**
- **1 x representative Marysville and Triangle Business and Tourism Association**
- **1 x representative Y Water Discovery Centre Association**
- **Members – 5 external independent persons.**

CARRIED UNANIMOUSLY

11. OUR PROMISE

11.1 PROCUREMENT POLICY ANNUAL REVIEW 2020

Attachment(s): *Procurement Policy Draft June 2019 (refer Attachment 11.1)*

Purpose

The purpose of this report is to seek Council's endorsement of the revised Procurement Policy which requires annual review in accordance with Section 186A (7) of the *Local Government Act 1989 now the Local Government Act 2020* (the Act).

Officer Recommendation

That Council:

1. adopt the revised Procurement Policy as contained in *Attachment 11.1*
2. notes that the revised Procurement Policy will remain in force until a Procurement Policy is adopted under the new *Local Government Act 2020*.

Background

Council's Procurement Policy (Policy) was last reviewed and adopted in June 2019. It is a requirement under Section 186A of the Act that a Council must review the current procurement policy at least once every financial year.

Regular review of the Policy encourages continuous improvement so that Council's ways of doing business and procurement processes represent best practice.

Discussion

The Policy was extensively reviewed in May 2017, which brought the Policy in line with industry standards. The Policy has been successfully implemented and appears to be relatively well understood by the wider business community that seeks to engage with Council for the provision of goods or services.

Council officers from various departments undertook a review of the Procurement Policy and processes in early 2020. This review revealed that the policy and processes meet the legislated requirements and are quite robust. Council officers have found the requirements achievable and the processes supportive.

There have been areas identified such as social procurement which Council intends to include in the future however these areas require further investigation before they can be implemented.

As part of the review Council officers are proposing the following changes:

- In recognition of the adverse impacts of COVID-19, increasing the local supplier preference to being within 10% (previously 5%) of the highest scoring value for money offer. In addition to this increase, a preference provision (within 7.5%) has been added to support suppliers

within the Mitchell, Mansfield and Strathbogie Shires, where there is no Murrindindi supplier within 10% of the highest value offer.

- Support for the use of recyclable materials in line with the State Government's Circular Economy Policy as part of section 5.4.
- The following modifications to the thresholds listed in section 5.7
 - a change to the tier one threshold, to increase this threshold to \$10,000 from \$5,000. Council officer feedback suggested that \$5,000 was quite low for the requirements of this threshold.
 - Tier 2 has been amended to exclude verbal responses and agreements
- The Panel thresholds have been added to the Policy as part of section 5.10. These have previously been in the guidelines only, by including them it better meets Council's intention to be as open and transparent as possible in our procurement processes.

These changes have been agreed by the Executive Management Team for consideration by Council.

The *Local Government Act 2020* commenced operation on 6 April 2020. The implementation of the requirements under the *Act* is staggered over an 18 month period. The *Act* requires Councils to take a new approach to procurement, including setting thresholds and implementing the Policy for a 4 year period. The Procurement provisions of the *Act* come into force 1 July 2021, therefore Council must act under the 1989 provisions until that time. As the current policy meets the needs of Council and the legislated requirements it is proposed that this amended policy be adopted to remain in place until the *Local Government Act 2020* provisions are applicable.

Council Plan/Strategies/Policies

This item is consistent with the *Council Plan 2017-2021* Our Promise strategic objective to 'ensure the range of services we provide and the way we provide them are best aligned with community priorities and Council's resources'.

Relevant Legislation

Review of the Policy is required under Section 186A of the *Act* which requires local councils to have a procurement policy and to review it each financial year. Once Council approves a procurement policy it must comply with the policy and make it publicly available.

Financial Implications and Risk

Council's Policy sets procedural controls to protect against financial, probity, fraud and corruption risk whilst also ensuring that resources are used efficiently and the removal of unnecessary barriers or costs of doing business with Council.

Conflict of Interest

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

Community and Stakeholder Consultation

Community consultation has not been required for the purpose of this statutory review of the Policy which primarily has assessed compliance with the *Act*. Upon approval, the revised procurement policy will become a publically available document available at Council offices and on Council's website.

RESOLUTION

Cr E Lording / Cr J Ashe

That Council:

1. **adopt the revised Procurement Policy as contained in *Attachment 11.1***
2. **notes that the revised Procurement Policy will remain in force until a Procurement Policy is adopted under the new *Local Government Act 2020*.**

CARRIED UNANIMOUSLY

11.2 EQUAL OPPORTUNITY POLICY

Attachment(s): *Policy - Equal Opportunity (refer Attachment 11.2)*

Purpose

The purpose of this report is to seek Council's adoption of the revised Equal Opportunity Policy.

Officer Recommendation

That Council:

1. adopt the Equal Opportunity Policy as contained in *Attachment 11.2*
2. rescind the Equal Employment Opportunity Policy 2016.

Background

Bullying, sexual harassment, harassment, discrimination and victimisation in employment, and in the supply of goods and services, is unlawful under Commonwealth and Victorian legislation.

Council is obliged to:

- provide a workplace where employees have the opportunity to progress to the fullest extent of their capabilities
- ensure that the principles of Equal Opportunity are applied to the delivery of services to the community
- to lead by example within our community.

Council last reviewed its current Equal Employment Opportunity Policy in 2016.

Discussion

The existing policy was focused exclusively on Council's role as an employer and in creating a workplace for employees that is free from discrimination and harassment. The review of this policy has widened the scope to include Council's legislated responsibilities as a provider of services to the community.

The Policy has been updated to be action based. It is a statement of what Council is committed to and how this will be achieved.

The *Local Government Act 2020* also requires the CEO to ensure that Council's legislated equal opportunity responsibilities are addressed in Council's Work Force Plan. This area of the *Act* comes into force in 2021.

This Policy acknowledges Council's commitment, not only to its legislated responsibilities, but in setting the example within the community.

Council Plan/Strategies/Policies

This Policy is consistent with the *Council Plan 2017-2021* strategic objectives "to work in collaboration with our communities to deliver the best possible outcomes in all that we do" and "Together we will celebrate and encourage diverse, caring and connected communities".

Relevant Legislation

Bullying, sexual harassment, harassment, discrimination and victimisation in employment, and in the supply of goods and services, is unlawful under Commonwealth and Victorian legislation.

Primarily in Victoria, Council's legislated responsibilities are prescribed by the *Equal Opportunity Act 2010*.

Financial Implications and Risk

Failure to meet the requirements of the *Equal Opportunity Act 2010*, Commonwealth legislated responsibilities and the principles contained in this Policy could pose a significant risk to Council, both from a litigation and reputation point of view.

Conflict of Interest

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

Community and Stakeholder Consultation

No external community consultation was required in the review of this Policy.

RESOLUTION

Cr S McAulay / Cr R Bowles

That Council:

1. adopt the Equal Opportunity Policy as contained in *Attachment 11.2*
2. rescind the Equal Employment Opportunity Policy 2016.

CARRIED UNANIMOUSLY

11.3 COMMUNITY ENGAGEMENT POLICY REVIEW 2020

Attachment(s): *Murrindindi Shire Council Community Engagement Policy (refer Attachment 11.3)*

Purpose

The purpose of this report is to seek Council's input into the review of Council's Community Engagement Policy.

Officer Recommendation

That Council:

1. adopt the revised Community Engagement Policy as contained in *Attachment 11.3*
2. note that the revised Community Engagement Policy will remain in force until a Community Engagement Policy is adopted under the new *Local Government Act 2020*.

Background

Council's Community Engagement Policy was last reviewed and adopted in 2012 and has been in line with industry standards during this time.

The policy has been reviewed to enable compliance with the current internal policy review process.

A more comprehensive review and amendment to this policy will be undertaken in the 2020/21 financial year to comply with the *Local Government Act 2020* reform implementation. This will support alignment with Council following the 2020 elections, and foster internal capacity building.

Discussion

The current review of the Community Engagement policy does not propose any substantial change. Some minor wording changes have been made to improve clarity, and the policy principles that were in the Community Engagement Guidelines have been included, with no alterations to policy intent.

The reforms associated with the *Local Government Act 2020* now encompass an increased focus on Community Engagement.

The reforms to the *Local Government Act 2020* include:

1. Improved Service Delivery
2. Strong Local Democracy
3. Improve Conduct
4. Community Confidence
5. A New Relationship.

The Act has been developed to revitalise local democracy, boost council innovation and efficiency and establish a clear, simple and accessible act. Five key principles have guided the development of *the Act* including: Community Engagement, Strategic Planning, Financial Management, Public Transparency and Service Performance.

Implementation timelines have been set to support Council in adopting changes legislated within *the Act*. The key date for Council associated with adopting a new Community Engagement Policy in line with *the Act* is 1 March 2021.

Whilst the *Local Government Act 1989* did not dictate the need for a policy on community engagement, it did provide direction to Council in relation to community consultation in its "Best value principles" contained within Section 208B including:

- Council must be responsive to the needs of its community
- Council must develop a program of regular consultation with its community in relation to the services it provides.

Comparing the 1989 Best value principles with the new legislation, focus on Community engagement policy and principles clearly distinguishes the major change in this area. Council is now clearly mandated to adopt and maintain a community engagement policy in consultation with community, in line with the principles set on community engagement.

The comprehensive review of Council's Community Engagement Policy planned for 2020/21 will support adoption by the new Council prior to the 1 March 2021 critical date. A suitable engagement process will be planned and delivered to support both community and council engagement that will support achieving the standards legislated in the *Local Government Act 2020*.

Council Plan/Strategies/Policies

This policy relates to the *Council Plan 2017-2021* Our Promise strategic objective of expanding our two way engagement with community, and ensuring that the range of services we provide are best aligned with community priorities and Council's resources.

The policy is supported by the Murrindindi Shire Council Community Engagement Guidelines.

Relevant Legislation

The *Local Government Act 2020* details Community Engagement legislation within Part 3 Council decision making, Division 1 Community Accountability, Sections 55-56.

Regular review of strategic Council policies, such as the Community Engagement Policy, is considered best practice. Whilst not specified in *the Act* officers propose that this policy is reviewed once every four years following the election of a new Council.

Once Council approves a Community Engagement Policy it must comply with the policy and make it publicly available.

Financial Implications and Risk

The reform of the *Act* legislated in 2020 has placed a large emphasis on Community Engagement to support service alignment with community expectations. The *Act* will require greater accountability on Community Engagement outputs, and may have implications on staff resourcing and operational budget allocations in future years to support innovation in this area.

Conflict of Interest

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

Community and Stakeholder Consultation

Broader community and council consultation has not be required for the purpose of this temporary review. With Council elections scheduled for 2020 a comprehensive policy review will take place and encompass community consultation to support adoption before March 2021.

RESOLUTION**Cr R Bowles / Cr C Bisset****That Council:**

- 1. adopt the revised Community Engagement Policy as contained in *Attachment 11.3***
- 2. note that the revised Community Engagement Policy will remain in force until a Community Engagement Policy is adopted under the new *Local Government Act 2020*.**

CARRIED UNANIMOUSLY**11.4 AUDIT AND RISK ADVISORY COMMITTEE MINUTES**

Attachment(s): *2020-05-05 Audit & Risk Advisory Committee Minutes (refer Attachment 11.4)*
 2020-05-05 Audit & Risk Advisory Committee Attachments (distributed to Councillors separately)

Minutes of the 5 May 2020 Audit and Risk Advisory Committee Meeting were tabled for noting by Council.

Officer Recommendation

That Council note and receive the minutes of the Audit and Risk Advisory Committee meeting held on 5 May 2020 as contained in *Attachment 11.4*.

RESOLUTION**Cr R Bowles / Cr S McAulay****That Council note and receive the minutes of the Audit and Risk Advisory Committee meeting held on 5 May 2020 as contained in *Attachment 11.4*.****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

This topic area has been covered earlier in the meeting – I would just like to say thank you to all of the community members who have found creative ways to communicate and plan their projects.

The next steps include supporting groups to prepare projects for implementing their priorities, and to support some in applying for a special grant round for the Community plans.

Thanks again for your informative reports that were presented last week at Council Briefing using Zoom. Well done and thank you.

Early Years

Our early year's services are adapting their programs to ensure we can still connect with children and families. Maternal and Child Health Services are now running first time parent groups via Zoom. Our Children's Services staff are provided two supported playgroup sessions per week via zoom and our PEEP sessions in Kinglake are also being operated by Zoom.

Children's Services are providing daily information and activities for children and families to help make the best of being at home. All of this can be found on the Children's Network Facebook page.

Immunisation sessions are running regularly across the Shire. We have moved our sessions in Yea to the Yea Shire Hall and in Alexandra to the Alexandra Shire Hall, this helps us to ensure we can make sure physical distancing can occur.

Information on the timing of all sessions and how you can book an appointment is on our Council website.

15.2 CR JACKIE ASHE

- I would like to say thank you to executive and team at council for the way they are communicating always but especially now in these challenging times. Getting media releases, Facebook and Instagram out to the community and of course Craig's nightly roundups are a great 5-minute highlight on the facts, figures and information that many of us are wanting to know
- Dindi Live – what a great initiative, thank you to the artists for bringing the vibrancy and culture into our lives, and those behind the scenes that make this possible through social media and radio
- Murrindindi Business Page of Facebook – Thank you to Peter Scott & Caolan O'Connor for giving businesses a way to communicate and share with each other, and for the engaging discussions bringing in Guest Presenters in recent weeks. Thank you to everyone for their involvement, and for anyone who'd like to join check out Murrindindi Business Network
- One of the early conversations I remember from maybe 6 or 7 weeks ago on the Murrindindi Business Network Page was that we needed a centralised platform for selling our products to market, to the people that would usually frequent our towns, and here we are with Dindi Directory a month ago for that internal information for Murrindindi folks to use and now looking outwards with the Dindi Shop going live and the media campaign on radio, social media and TV

- The recent Events Online Workshop and the Business Owners Workshop had record numbers, I hope those that attended enjoyed the format, and I've never seen so many participate in a face to face workshop, maybe this type of format is something to seek a broader audience and input base. Thank you everyone for your time that attended, the data and feedback gathered will lead to more catch ups, and work and helps for our recovery strategies
- BAC (Business Advisory Committee) – We have had some preliminary meetings and I've got to say having your first meetings with a new group online just isn't the same, you don't get that sideways interaction that you would normally, but none the less we are very excited to have the opportunity to work with these industry leaders and Urban Enterprises to develop the recovery strategy.
- Economic Growth – pleased that Murrindindi has received the funding for 41 positions over the next 6 months
- Easing of restrictions in the Hospitality & Tourism areas is a relief for many of our businesses. It has been a very difficult time, but let's show our strength and resilience over these coming weeks and get open for the long weekend or 22nd June in some cases. Don't forget if you need any assistance with any of the guidelines or knowing what's available to you contact the tourism, events and business area at council or if you want to brainstorm your ideas just sing out.

15.3 CR ERIC LORDING

Yea Streetscape

Contracts have been signed. Works are ready to start. Some water pipes need to be lowered before heavy works can begin. Most businesses have been personally notified of the impending works. We are in the starting blocks and ready to go.

Wilhelmina Falls Road in Murrindindi

The large culvert repairs are now complete with the road returning to full width at that point. We are looking forward to improving the road between Banbury Road and Marginal Road. Some work is needed on the Banbury Intersection and will be addressed during these works.

Other Capital Works are proceeding as previously tabled.

I am pleased to report that I have been re-appointed as a Director of the Central Ranges Local Learning Employment Network, which is tasked to help our youth get the education needed to find gainful employment.

Recycling of our waste had dropped from public view due to the virus taking centre stage everywhere. However, I want to reassure you that the recycling of our waste is continuing as normal. Please continue to separate your waste into the correct bins.

The State Government has kindly funded a large number of temporary positions so we will now be able to open even more public infrastructure and still maintain the high level of cleaning and disinfecting that has kept us all so very safe. Still we must remember that maintaining recommended distances at all times from others and frequent washing of hands is our only defence against this virus.

15.4 CR CHARLOTTE BISSET

Nil.

15.5 CR REBECCA BOWLES

Congratulations to the 2030Yea, whom became incorporated last Friday the 22nd, this group has come from the Yea Community Planning workshops held over the last year, and its idea is to work towards Yea using totally renewable energy by 2030.

On that note Helen Haines our federal member for Indi is holding a virtual meeting tomorrow night Thursday the 28th, to introduce the electorate to her Indi roadmap renewable energy roadmap.

All our Landcare groups have been quite obviously quite due to the lockdown but are gearing up for National Tree day.

With joy I am noticing signs popping up on High St, in preparation for the safety upgrade, and council officers chatting to shop owners, I am very pleased to see this happening as we have been working towards this for nearly four years, I believe it was the second thing I was advocating for once I walked thru the council doors.

15.6 CR MARGARET RAE**Land Use Planning**

As you see from tonight's agenda, the planning process provides opportunities for community to see, consider and comment on proposed applications. This is democracy in action, albeit within the confines of the requirements of the *Planning and Environment Act 1987*. It also enables community to see the detailed level of scrutiny applied in the assessment process for all planning applications. The majority of these are handled under delegation by the officers and they have been working very hard to catch up with outstanding applications together with a steady flow of new applications – around 200 for this financial so far. I am pleased to say that this work is progressing very well.

In addition there are also implications for planning when changes are introduced in other areas of legislation. As an example, the implementation of the new *Environment Protection Amendment Act 2018* will require planning amendments for the management of contaminated soil so that the *Planning and Environment Act 1987* and the *Environment Protection Amendment Act 2018* will align. Council is currently providing feedback to the proposed amendments to inform changes to the Planning Act which is scheduled to occur concurrent with the EPA Act implementation, postponed because of the pandemic until July 2021.

Positive Ageing and Inclusion

Whilst the world for our seniors has been significantly different over recent months, we have been keeping in regular touch with seniors groups and clubs to see how they are managing. The groups are managing well and keeping in regular touch with their members so that support can be provided as needs arise. Council's DindiLink program is proving to be a good resource for those who are not linked into formal services and who need additional support. There has been a high proportion of calls to DindiLink for this type of support and Council has been able to assist access to My Aged Care for those who need permanent services to be put in place.

I also attended our Access and Inclusion Committee's first virtual meeting since the last meeting of Council. Whilst activities may well look a little different during this year depending on physical distancing requirements, planning is underway for Seniors Week and the International Day of People with a disability later this year. Something to look forward to.

15.7 CR LEIGH DUNSCOMBE – MAYORAL REPORT

Nil.

16. CHIEF EXECUTIVE OFFICER REPORT

Council Officers have continued to work hard to deliver our core services, as well as ramp up support to vulnerable community members, businesses and the broader community as we continue to work through the COVID-19 situation.

With the Chief Health Officer gradually easing restrictions, our focus has switched to both reopening facilities, where allowed, as well as maintaining heightened cleaning regimes for public places. Thank you to our outdoor staff who have been working hard to keep these facilities clean and safe for us all.

As the restrictions ease Council will be reopening its facilities. This will be done in accordance with the advice and requirements of the Chief Health Officer, with a focus on community and staff safety.

All playgrounds, outdoor gym equipment and skate parks are now open. These facilities have a limit of ten people and we ask the community to obey this, and ensure that hand hygiene is maintained.

From next week our Libraries will reopen. There will be limits on numbers of people inside the libraries at any one time, and hours will be reduced to allow for thorough cleaning. The Book Butler service will continue for those choosing to self-isolate or who are in a high risk group such as the over 70's and those with chronic medical conditions.

Bookings will recommence for Council Halls and Community Centres, however those booking will be asked to provide information to confirm how the activity will be safely managed and meet the restrictions.

We have been actively advocating to the State Government to ensure that Directions and Guidelines issued to support businesses reopening are clear, and cover many of the questions that businesses have been seeking answers to. Yesterday the State Government issued Hospitality Industry Guidelines for Cafes, Restaurants and Pubs. Operators of these businesses must read these documents as they explain in detail the actions that must be taken to be compliant with the law and to protect staff and patrons. They are available on our website.

We are continuing to seek clarification on a range of matters related to caravan parks and accommodation. I have been advised that Guidelines will be issued later this week.

Our Capital Works Program is continuing with significant works occurring across the shire. Works currently underway include Stage 1 of the Kinglake Streetscape Project, with the sealing of Aitkin Crescent, works underway in Yea to improve the safety of the main street, Rubicon Road improvements are progressing well, the gravel road re-sheeting program is on track, and the new car park in Marysville is almost complete. A contract has also just been awarded today, following consultation with user groups, for refitting of the kitchen areas in the Alexandra Shire Hall. Works to upgrade facilities at the Yea Rec Reserve to introduce female friendly facilities are well underway.

We also welcome a Grant received this week from the Federal Governments Local Roads and Infrastructure fund for just over \$1Million.

Business as usual activities also continue to prepare to accelerate planned works and initiatives for the coming financial year, as soon as a Budget is adopted by Council.

We now start to welcome back visitors to our shire and welcome the vibrancy and economic boost that they bring. As a community we have been very successful in keeping infection rates low, and as restrictions ease, we need to remain vigilant, continue to practice social distancing and maintain good hygiene. Council Officers have been asked by the State Government to play a

supporting role to Victoria Police in supporting inspections to ensure compliance with the Chief Health Officers directions, and we are pleased to provide this assistance.

On a different note, I would like to acknowledge the passing of Mr Ashley Cooper. Mr Cooper, a former resident of the Shire, living in Eildon, was a successful international tennis player and Wimbledon finalist. He also captained the Australian Davis Cup Team. Following his playing his years Mr Cooper became a senior administrator and was involved in the development of many players, including Pat Rafter. My condolences to his family and friends.

Finally I just want again thank our community for their patience, support and community spirit during this period, and a special thank you to all of our staff who have gone above and beyond to keep delivering for our community.

17. ASSEMBLIES OF COUNCILLORS

Purpose

This report presents the records of assemblies of Councillors for 6 May 2020 to 20 May 2020, for Council to note in accordance with Section 80A of the *Local Government Act 1989* (the Act).

Officer Recommendation

That Council receives and notes the record of assemblies of Councillors for 6 May 2020 to 22 May 2020.

Background

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

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

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

Discussion

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

The following summary details are for 6 May 2020 to 20 May 2020:

Meeting Name/Type	Briefing Session
Meeting Date:	6 May 2020 via Videoconference
Matters Discussed:	<ol style="list-style-type: none"> 1. COVID-19 Pandemic Update 2. Mark McKenzie McHarg – Yea Saleyards Structure & Governance Project 3. Business Survey Results 4. Capital Works Monthly Update – April 2020 5. Street and Public Lighting Installation Policy Review 6. CONT19/26 – Supply and Delivery of Back Hoe 7. Variation and Contract Extension – CONT16/24 – Council Facilities Cleaning 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, C Lintott
Conflict of Interest Disclosures:	Nil

Meeting Name/Type	Briefing Session
Meeting Date:	13 May 2020 - via Videoconference
Matters Discussed:	<ol style="list-style-type: none"> 1. COVID-19 Pandemic Update 2. 413 Burgess Road, Yarck – Use and Development of Land for the Purpose of a Single Dwelling - Refusal 3. 102 Falls Road, Marysville – Use and Development of the Land for the Purpose of Six (6) Dwellings 4. 3625 Maroondah Highway, Acheron – Amendment to Planning Permit 2016/33 5. Monthly Planning Report 6. Local Government Power Purchasing Agreement 7. Swimming Pool Update 8. Procurement Policy 9. Equal Opportunity Policy 10. Community Engagement Policy
Councillor Attendees:	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, C Gartland, M Schreuder, N McNamara, S Coller, T Carter
Conflict of Interest Disclosures: Nil	

Meeting Name/Type	Workshop Session
Meeting Date:	20 May 2020 – via Videoconference
Matters Discussed:	<ol style="list-style-type: none"> 1. COVID-19 Pandemic Update 2. Draft Domestic Waste Water Management Plan 3. Community Planning Update – Yea, Toolangi, Marysville 4. Business and Tourism Advisory Committee – Terms Of Reference, Committee Appointments 5. Regional Tourism Board – Tourism North East MOU 6. CONFIDENTIAL – Tender CONT20/6 – Wilhelmina Falls Road, Murrindindi Sealing Works
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, I Coller, N McNamara, J Kirkwood, A Paix, C Lintott
Conflict of Interest Disclosures: Nil	

Council Plan/Strategies/Policies

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

Relevant Legislation

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

Financial Implications and Risk

There are no financial or risk implications.

Conflict of Interest

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

RESOLUTION

Cr E Lording / Cr S McAulay

That Council receives and notes the record of assemblies of Councillors for 6 May 2020 to 22 May 2020.

CARRIED UNANIMOUSLY

18. SEALING REGISTER

File Reference	Date Seal Affixed	Description of Documents	Signatures of Persons Sealing
CONT20/5	13 May 2020	Minor Works Contract between Murrindindi Shire Council and Wrights Earth Moving Pty Ltd for King Parrot Creek – Route Improvement	Craig Lloyd Cr Leigh Dunscombe
CONT19/14	14 May 2020	Formal Instrument of Agreement between Murrindindi Shire Council and Turf One Pty Ltd for Kinglake Memorial Reserve – Renewal Netball Courts	Craig Lloyd Cr Leigh Dunscombe

Officer Recommendation

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

RESOLUTION

Cr J Ashe / Cr C Bisset

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 reports on the CONT19/26 – Supply and Delivery of Back Hoe, Tender CONT20/6 – Wilhelmina Falls Road, Murrindindi Sealing Works, Variation and Contract Extension – Contract 16/24 – Council Facilities Cleaning Services and Variation – Contract 19/22 – Rubicon Road – Route Improvement are 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:

- CONT19/26 – Supply and Delivery of Back Hoe

- Tender CONT20/6 – Wilhelmina Falls Road, Murrindindi Sealing Works
- Variation and Contract Extension – Contract 16/24 – Council Facilities Cleaning Services
- Variation – Contract 19/22 – Rubicon Road – Route Improvement

RESOLUTION**Cr C Bisset / Cr J Ashe****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****19.2 CONT19/26 – SUPPLY AND DELIVERY OF BACK HOE****RESOLUTION****Cr E Lording / Cr R Bowles****That Council:**

- accept the tender from William Adams Pty Ltd for the lump sum price of \$190,575.00 (incl. GST) (\$173,250.00 excl. GST) for the supply and delivery of a back hoe
- release this resolution into the Minutes of the Ordinary Meeting of 27 May, 2020.

CARRIED UNANIMOUSLY**19.3 TENDER CONT20/6 – WILHELMINA FALLS ROAD, MURRINDINDI SEALING WORKS****RESOLUTION****Cr E Lording / Cr J Ashe****That Council:**

- accept the officer recommendation to award the tender from Bitu-Mill Pty Ltd for the revised lump sum price of \$241,602.38 (Incl. GST) (\$219,638.53 Ex GST) for the Wilhelmina Falls Road, Murrindindi – Sealing Works
- approve the allocation of a contingency amount (\$24,160.92 Incl. GST) as detailed in this report
- approve the reallocation of \$49,918.00 (Incl. GST) from the savings from Wilhelmina Falls Road – Major Culvert Renewal project to the Wilhelmina Falls Road, Murrindindi Sealing Works project
- approve the reallocation of \$21,502.80 (Incl. GST) from the savings from Sealed Roads – Stabilisation Program to the Wilhelmina Falls Road, Murrindindi Sealing Works project
- release this resolution into the Minutes of the Ordinary Meeting of 27 May 2020.

CARRIED UNANIMOUSLY**19.4 VARIATION AND CONTRACT EXTENSION – CONTRACT 16/24 – COUNCIL FACILITIES CLEANING SERVICES****RESOLUTION****Cr C Bisset / Cr J Ashe****That Council:**

- note that the fourth year of contract, CONT16/24 Council Facilities Cleaning Services will be executed in line with the contract terms

- approve a variation of \$115,500.00 (incl. GST) (\$105,000 excl. GST) to the contract, CONT16/24 Council Facilities Cleaning Service, thus increasing the total contract amount to \$521,112.86 (incl. GST) (\$473,738.98 excl. GST)
- release this resolution into the Minutes of the Ordinary Meeting of 27 May, 2020.

CARRIED

19.5 VARIATION – CONTRACT 19/22 – RUBICON ROAD – ROUTE IMPROVEMENT

RESOLUTION

Cr E Lording / Cr C Bisset

That Council:

- approve a variation of \$50,997.10 (incl. GST) (\$46,361.00 excl. GST) to the contract, CONT19/22 Rubicon Road, Rubicon - Route Improvement, thus increasing the total contract amount to \$1,036,839.32 (incl. GST) (\$942,581.20 excl. GST)
- note Regional Roads Victoria approval to transfer \$35,514.60 (incl. GST) (\$32,286 excl. GST) to this project
- release this resolution into the Minutes of the Ordinary Meeting of 27 May, 2020.

CARRIED UNANIMOUSLY

The meeting closed at 7:26pm.

24 June 2020

CONFIRMED THIS

CHAIRPERSON


