



AGENDA  
of the  
ORDINARY MEETING OF COUNCIL  
WEDNESDAY 25 MARCH 2020  
at  
Yea Shire Hall  
6.00 pm

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

## INDEX

<b>1.</b>	<b>PLEDGE AND RECONCILIATION STATEMENT.....</b>	<b>2</b>
<b>2.</b>	<b>APOLOGIES AND REQUESTS FOR LEAVE OF ABSENCE .....</b>	<b>2</b>
<b>3.</b>	<b>COMMUNITY RECOGNITION .....</b>	<b>2</b>
<b>4.</b>	<b>DISCLOSURES OF INTEREST OR CONFLICT OF INTEREST .....</b>	<b>2</b>
<b>5.</b>	<b>CONFIRMATION OF MINUTES.....</b>	<b>2</b>
<b>6.</b>	<b>PETITIONS.....</b>	<b>2</b>
<b>7.</b>	<b>PUBLIC PARTICIPATION TIME .....</b>	<b>2</b>
7.1	Open Forum.....	2
7.2	Questions of Council.....	2
<b>8.</b>	<b>OUR PLACE.....</b>	<b>2</b>
8.1	Scrap Shack Review.....	2
8.2	Use and Development of the Land for the Purpose of a Dwelling and Alteration of the Access to a Road Zone Category 1 .....	4
8.3	Creighton’s Road, Thornton – Road Acquisition Subdivision.....	16
<b>9.</b>	<b>OUR PEOPLE .....</b>	<b>18</b>
<b>10.</b>	<b>OUR PROSPERITY.....</b>	<b>18</b>
<b>11.</b>	<b>OUR PROMISE .....</b>	<b>18</b>
11.1	Community Local Law 1, 2020 .....	18
11.2	Audit and Risk Advisory Committee Minutes.....	26
11.3	Delegation to the Chief Executive Officer During State of Emergency.....	26
<b>12.</b>	<b>NOTICES OF MOTIONS .....</b>	<b>28</b>
<b>13.</b>	<b>MATTERS DEFERRED FROM PREVIOUS MEETING .....</b>	<b>28</b>
<b>14.</b>	<b>URGENT BUSINESS .....</b>	<b>28</b>
<b>15.</b>	<b>COUNCILLOR REPORTS.....</b>	<b>28</b>
15.1	Cr Sandice McAulay.....	28
15.2	Cr Jackie Ashe.....	28
15.3	Cr Eric Lording .....	28
15.4	Cr Charlotte Bisset.....	28
15.5	Cr Rebecca Bowles .....	28
15.6	Cr Margaret Rae .....	28
15.7	Cr Leigh Dunscombe – Mayoral Report .....	28
<b>16.</b>	<b>CHIEF EXECUTIVE OFFICER REPORT .....</b>	<b>28</b>
<b>17.</b>	<b>ASSEMBLIES OF COUNCILLORS .....</b>	<b>29</b>
<b>18.</b>	<b>SEALING REGISTER .....</b>	<b>30</b>
<b>19.</b>	<b>CONFIDENTIAL ITEMS .....</b>	<b>31</b>

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

5.1 Minutes of the Ordinary Meeting of Council held on 26 February 2020.

**Officer Recommendation**

**That Council confirm the minutes of the 26 February 2020 Ordinary Meeting of Council.**

5.2 Minutes of the Confidential Meeting of Council held on 26 February 2020.

**Officer Recommendation**

**That Council confirm the minutes of the 26 February 2020 Confidential Meeting of Council.**

5.3 Minutes of the Special Meeting of Council held on 11 March 2020.

**Officer Recommendation**

**That Council confirm the minutes of the 11 March 2020 Special Meeting of Council.**

**6. PETITIONS****7. PUBLIC PARTICIPATION TIME**

7.1 OPEN FORUM

7.2 QUESTIONS OF COUNCIL

**8. OUR PLACE**

8.1 SCRAP SHACK REVIEW

**Purpose**

To provide the outcomes of a 12 month trial of the Scrap Shacks at the Alexandra and Yea Resource Recovery Centres. To seek further feedback from Council on the service and future direction.

**Officer Recommendation**

**That Council:**

- extend the trial period for the Scrap Shacks at both the Alexandra and Yea Resource Recovery Centres for a further 12 months
- request officers to move the location of the Yea scrap shack to a single bay of the new grant funded e-waste shed, once it is constructed in September/October 2020
- remove the fees for items in the scrap shack and make all items free of charge
- request officers to promote the service more widely through social media and on site.

**Background**

In early 2017 Council officers investigated options to introduce re-use shops at the Resource Recovery Centres (RRC). In August 2017, Council approved the implementation of re-use shops at both the Alexandra and Yea Resource Recovery Centres. The facilities were opened on 24 April 2018 and after a period of public consultation were named the Alexandra and Yea Scrap Shacks.

The intent behind the scrap shacks was to foster a culture of re-use and reduce the need to purchase new products made from virgin materials. An added benefit is that some materials are diverted from landfill.

The operation of the scrap shacks was specifically intended to benefit local people, and to complement the existing permission for locals to “scavenge” for materials at the RRC’s for re-use in the home or business. It is not intended that either the scrap shacks or the scavenging program be utilised by businesses or individuals to obtain higher value items or materials for resale for personal gain.

The scrap shacks are operated by RRC staff, who identify items suitable for resale and transfer these to the scrap shack. A register of items is maintained and when sold an item is ticked off the register.

**Discussion**

The Alexandra Scrap Shack was created using a shipping container and temporary fabric roof construction, whilst the Yea Scrap Shack was housed in an existing shed. The re-use of shipping containers at Alexandra has attracted positive public comment. In addition, Sustainability Victoria has used the design as an example in their information material of the kind of facility that can be quickly and cheaply constructed on constrained landfill sites.

The Alexandra Scrap Shack has performed well and has successfully diverted municipal waste from landfill for a relatively small input from Council resources already manning the site during the opening hours of the scrap shack.

In 2018-19 the Alexandra Scrap Shack generated a revenue of \$4,495. The cost to construct the scrap shack at Alexandra was \$29,362. Return on investment is 15% per annum assuming steady sales.

The Yea Scrap Shack has not performed anywhere near as well, generating a revenue of only \$317 during the first 12 months. The cost of setting up a scrap shack at Yea however was very low, requiring only the installation of shelving in an existing shed at a cost of \$1,650. Despite the low income, the low capital cost means the return on investment for Yea is higher than at Alexandra on 19% per annum assuming steady sales.

In reviewing the potential reasons why the Yea Scrap Shack has not been as productive as Alexandra, the location of the RRC at Yea as well as the siting of the scrap within the facility is thought to be a contributing factor.

The feedback received from the attendants at the both resource recovery centres where the scrap shacks are present have been positive. The public have also provided feedback to the attendants that the service is well received.

In looking forward, it is proposed that the trial period of Scrap Shacks is extended by a further financial year and during this time:

- move the location of the Yea scrap shack to a single bay of the new grant funded e-waste shed, once it is constructed in September/October 2020
- remove fees and make all items free of charge
- promote the service more widely through social media and on site.

In addition, the potential for the expansion of scrap shack services at other resource recovery centres was reviewed, however the utilisation at these sites is likely to be lower than at Alexandra. In the case of Marysville and Eildon, the lower population and the current throughput at these sites suggest that this service will not be highly utilised. In addition, the suitability of the sites to host additional infrastructure is limited.

At the Kinglake RRC, whilst throughput at the site is high, the number of transactions is lower than at Alexandra (i.e larger loads in lower numbers), and the relative remoteness of the site coupled with competition by local second hand dealers in Kinglake West may result in lower utilisation.

As a result, it is not viable to expand the service to other areas.

### **Council Plan/Strategies/Policies**

This item relates to the *Council Plan 2017-2021* – Our Place strategic objective to ‘Strengthen the environment sustainability of our communities, protect our natural environment and reduce resource consumption’

### **Relevant Legislation**

This is not applicable to this report.

### **Financial Implications and Risk**

Continued operation of the Scrap Shacks has no financial implications to Council given the sites are manned regardless of the scrap shack being present within the site or not. The minor cost of a quarterly clean out of the scrap shacks will be covered as part of the operational budgets for the resource recovery centres.

### **Conflict of Interest**

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

### **Community and Stakeholder Consultation**

Council Resource Recovery Centre attendants have submitted any community feedback for review by officers.

## **8.2 USE AND DEVELOPMENT OF THE LAND FOR THE PURPOSE OF A DWELLING AND ALTERATION OF THE ACCESS TO A ROAD ZONE CATEGORY 1**

Attachment(s): *Application Documents* (refer Attachment 8.2a)  
*CFA Response* (refer Attachment 8.2b)

Land: 630 Buxton-Marysville Road BUXTON 3711  
Proposal: Use and development of land for the purpose of a dwelling and alteration of access to a Road Zone Category 1  
Applicant: S Doherty  
Zoning: Farming Zone  
Overlays: Bushfire Management Overlay

## Locality Plan



### Purpose

This proposal is for the Use and development of the land for the purpose of a dwelling and alteration of access to a Road Zone Category 1 at 630 Buxton–Marysville Road, Buxton. The subject site is currently vacant. The site is heavily vegetated with remnant native vegetation with a cleared area at the highest point of the site accessed via a 1 kilometre unsealed access track.

A planning permit is triggered under the following provisions:

- Pursuant to Clause 35.07-1 'Table of uses' of the Farming Zone, the use of the land for a dwelling is a Section 1 Use (no permit required) subject to the condition that the dwelling is the only dwelling on the lot and the lot is at least 40 Ha. In this instance, as the lots is only 36 Ha the condition is not meet and a permit is required for the use of the land for a dwelling as a Section 2 Use
- Pursuant to Clause 35.07-4 'Buildings and works' a permit is required for buildings and works associated with a Section 2 Use
- Pursuant to Clause 44.06 -2 of the Bushfire Overlay, a permit is required for buildings and works associated with accommodation
- Pursuant to Clause 52.29 'Land Adjacent to a Road in a Road Zone Category 1'

The subject site in not within an area of Cultural Heritage sensitivity.

The application has been advertised and no objections have been received.

It is considered that the use and development of the site for the purpose of a dwelling is unsatisfactory when assessed against the relevant policies and provisions of the Murrindindi Planning Scheme. The location of the dwelling is in a heavily vegetated and mountainous area with a very significant bushfire risk. The application is inconsistent with Clause 13.02-1S "Bushfire Planning" of the Murrindindi Planning Scheme as it would result in an unacceptable risk to human life and property. The proposal is also not justified under the provision of the Farming Zone and is

inconsistent with the decision guidelines of the BMO and the state and local policies on rural residential development. On that basis, the application is recommended for refusal.

### **Officer Recommendation**

**That Council issue a refusal to grant a permit for the, 'Use and development of land for the purpose of a dwelling and alteration of access to a Road Zone Category 1' at 630 Buxton-Marysville Road BUXTON 3711 (Lot: 2 PS: 616706, Parish of Buxton), subject to the following Grounds of Refusal:**

- 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 the Clause 44.06, the Bushfire Management Overlay which is to ensure that the development of land prioritises the protection of human life and 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**
- 5. The proposal does not comply with the requirements of Clause 35.07, Farming Zone as the proposed use of the land for a dwelling has the potential to limit agricultural uses on the subject site and has not justified the need for a dwelling**
- 6. The proposal has not assessed the impact on native vegetation and biodiversity as required by Clause 52.17 Native vegetation of the Murrindindi Planning Scheme.**

### **Background**

#### The Land and Surroundings

The subject site is located on the western side of Buxton - Marysville Road, opposite Maryton Lane, Buxton. The site is an irregular shaped lot with a narrow frontage of approximately 25 metres to Buxton – Marysville Road. The lot has a relatively straight western boundary of approximately 1 kilometre, a southern boundary of approximately 325 metres and an irregular boundary to the north and east of approximately 1.1 kilometres which wraps around No. 684 Buxton – Marysville Road. The overall area of the site is approximately 36 Ha.

The lot is described as Lot 2 on Plan of Subdivision 616706Y Volume 11213 Folio 025. There are no easements shown on the plan of subdivision. The site is encumbered by two section 173 Agreements:

- AH255053W, 27/05/2010 which relates to a restriction on the land for any further subdivision that would increase the number of lots
- AN691858P, 29/03/2017 was not provided with the application.

The subject site is predominately heavily vegetated with remnant native vegetation. The vegetation is dense regrowth, typical of environments which were impacted by the 2009 bushfires. The gradient of the site is steep and rises from the boundary nearest to Buxton – Marysville Road. A ridgeline runs from north to south of the property, closer to the western boundary, and is at the highest at the south western corner of the site. A narrow partially clear area exists along the ridgeline and at the northern section of the site. Access is gained from Buxton Marysville road via an approximately 900m long unsealed track which is in parts steep and windy. A track also runs along the ridgeline.

The property has four property abuttals which can be described as follows:

- To the north is 576 Buxton Marysville Road, which is a predominately vegetated lot in the rural living zone. The lot has an area of almost 13 Ha and is developed with a dwelling in the northern cleared flat area of the site within close proximity of the road
- To the east of the subject site is 684 Buxton Marysville Road which is a cleared lot with a frontage to Buxton Marysville Road of approximately 800 metres. The lots has an area of approximately 21 Ha and is developed with a dwelling and various outbuildings, domestic and agricultural. The shared boundary with the subject site marks the commencement of the vegetated landscape
- To the south of the subject site is No.728 Buxton Marysville Road which is a predominately vegetated lot with some cleared areas which appear to have been used for grazing livestock. The lot increases in altitude quite steeply from the road towards the west. The lot does not have a dwelling and has an overall area of approximately 53 Ha. An access track is located on the site which connects to a track on the subject site. The track is steep and has numerous hairpin turns. This lot is one of a number of lots in common ownership with the subject site
- To the west of the subject site is No.19 Elliot Ct Buxton which is a densely vegetated lot with a small cleared area at the north of the site. There is no dwelling on the lot. The lot is steep and has high altitudes. The lots adjoins a very large forest in Public Conservation and Resource Zone.

The subject site is located between Marysville and Buxton in an area which is generally characterised as agricultural lots with areas in the order of 30 – 150 Ha located in the Stevenson River Valley with steep densely vegetated hills contained in State Forest or National Park on either side of the river. The area was heavily impacted by the 2009 bushfires and while the evidence is still clear on the landscape, much of the vegetation has regrown and is now denser than prior to the fires, as is typical of the natural regeneration processes.

### **Proposal**

This application is seeking approval for the Use and development of the land for the purposes of a dwelling and alteration of access to a Road Zone Category 1. The various aspects of the proposal can be described as follows:

### Use

As the subject site is less than 40 Ha and is located within the Farming Zone a permit is required to use the land for a dwelling.

### Development

The dwelling will consist of the following:

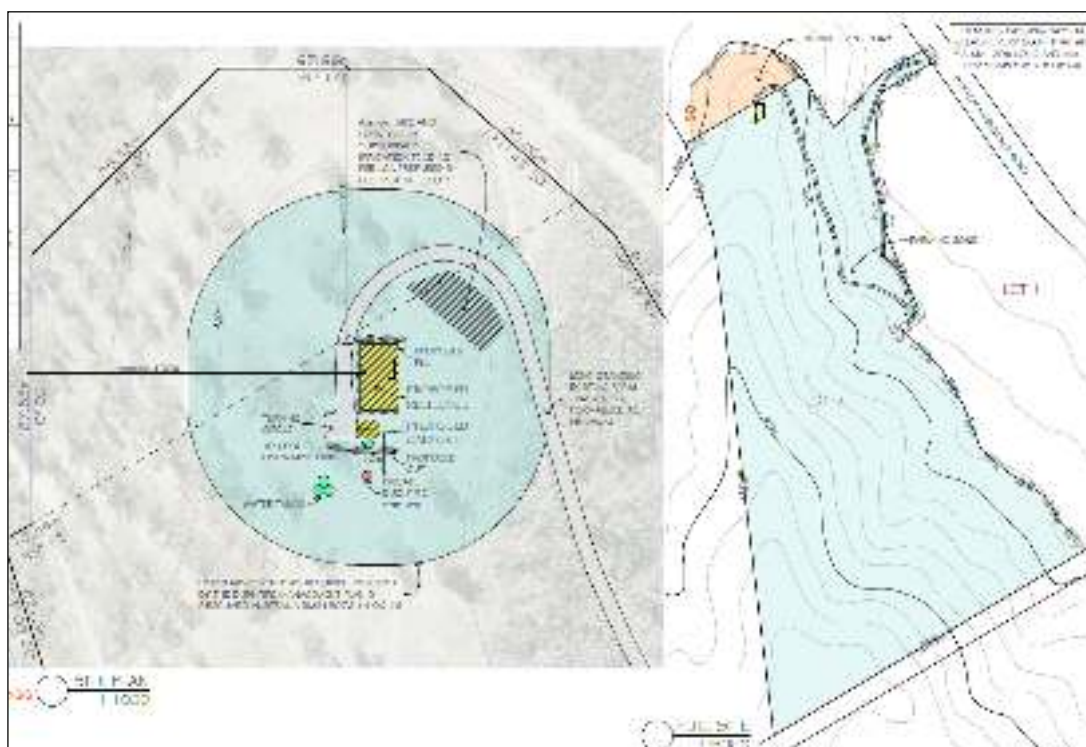
- Entry via patio across front of dwelling
- Living room, study, and open plan meals, kitchen and living room
- Three bedrooms, one with end-suite and walk in robe
- Bathroom, laundry and additional water closet
- Detached double garage 6 x 7 metres and water tank
- The dwelling will have a length of 21.83 metres x 13.2 metres and an area of 265 square metres, including patio
- The maximum overall height above natural ground level will be 4.3 metres
- There will be minimal cut and fill (less than 0.5 metres).

The dwelling is proposed to be located at the top of the hill in a partly cleared area 89 metres south of the northern boundary of the site of the site. The dwelling will be accessed via an existing gravel farm track which is proposed to be formalised to create a driveway. The access track is approximately 1 kilometre long and steep and winding in parts.



Access to the road zone

The application also proposes the construction of a new crossover and associated works to the table drain including a new culvert and end walls.



**History**

Application Number and Decision Date	No previous applications have been lodged at the subject site.
VCAT History	None
Other History	Check

**Relevant controls/ permit triggers**

<b>Zoning:</b>	Clause 35.07 Farming Zone
<b>Overlay</b>	Clause 44.06 Bushfire Management Overlay
<b>Planning policy framework</b>	Clause 11.01-1S Settlement Clause 12.01-1S Protection of Biodiversity Clause 13.02-1S & L Bushfire Planning Clause 14.01-1S Protection of Agricultural Land Clause 15.01-6S Design for Rural areas
<b>Particular provisions</b>	Clause 52.17 Native Vegetation Clause 53.02 Planning for Bushfire
<b>General provisions</b>	Clause 65 Decision guidelines

**Cultural heritage management plan (CHMP)**

The application has been assessed against the requirements of the *Aboriginal Heritage Act 2006* as to the need of a Cultural Heritage Management Plan (CHMP). It has been determined that a CHMP is not required as the proposal is for an exempt activity and is outside an area of cultural heritage sensitivity.

**Referrals**

The application was required to be referred to the CFA and Regional Roads Victoria (previously VicRoads) pursuant to Section 55 of the Planning and Environment Act 1987. The following advice was provided by each authority.

Authority	Comments
CFA	Do not support the application but have not specifically objected
Regional Roads Victoria	Do not object to the proposal subject to conditions requiring the upgrade of the access.

### Objections and consultation

Pursuant to Section 52 of the *Planning and Environment Act 1987* this application was advertised by means of sending letters to the owners and occupiers of the adjoining and adjacent lots. No objections have been received at the time of writing this report

### Assessment and key issues

This application has been assessed against the relevant zone and overlay provisions, the planning policy framework (PPF), Particular Provisions and Decision Guidelines of the Planning Scheme and have been found to not comply. The proposal would result in an unacceptable risk to life from bushfire. The proposal is also not justified under the Farming Zone and has not adequately addressed the potential impacts on Native vegetation. Each of these matters will be discussed in more detail below.

In addition to the varied policy that is at odds with this proposal, there are numerous challenges related to the constraints of the subject site which make the approval of a dwelling on this site particularly difficult. The subject site is very steep with dense remanet native vegetation and is accessed via a long winding unsealed track. The proposed dwelling location is almost at the highest point of the site and is in the middle of the only cleared area. While defensible space requirements may be able to be met, the broader land scape threat is very severe. The application has not demonstrated that this risk can be adequately addressed.

### Planning Policy – Bushfire

Clause 13.02-1S 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 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 is the assessment of this application for a dwelling is the inherent threat to life that results from the geographic characteristic of the surrounding landscape. While a cleared dwelling site exists that may achieve some compliance with the defendable space requirements, the broader landscape surrounding the site represents an extremely high bushfire threat. The subject adjoins provide properties on all sides and on all but the eastern abuttal the land contains dense natural native vegetation. Beyond the private land to the west the land is National or State forest that extends for a great distance. The forest are also present on the hills on the eastern side of the Rubicon Valley and in fact the clear agricultural land along the river valley is only a minor break in the continuous densely vegetated mountain ranges that characterise this area.

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 bushfire, people 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 accessing and leaving the site. The proposed house site is located at the top of a very steep hill which is accessed via a steep and windy unsealed track approximately 1 kilometre long. Access to the site is gained via an existing farm gate off Buxton Marysville Road, and while this access can be developed to an appropriate standard to satisfy Regional Roads Victoria (VicRoads), it is the long internal access that is unacceptable. As the CFA have outlined in their response, the track would be unlikely to provide access to Fire trucks in emergencies. Other emergency service vehicles would also face challenges using the track at different times of the year in its current state. Due to the narrow width of the track it would be necessary to provide passing bays at numerous point along the track. Due to the gradient of the track this would involve significant earthworks and vegetation impacts that would likely be expensive and create further risk due to destabilisation of the steep slope. Further discussion of vegetation impacts is provided later in this report.

Overall it is considered that the threat from the broader landscape is such that the proposal is unacceptable on this consideration alone. Further there are no Neighbourhood Safer Places within proximity of the site with the nearest being in Marysville Township, approximately 7 Kilometres from the site. 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. 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 40 standard. As outlined in the CFA's response, it is suggested that the assessment of the surrounding slope of the land is incorrect and therefore the BAL rating of 40 is totally inadequate. The BMS has suggested that vegetation management would be required to be managed for distances of;

- North 50 m
- West 56 m
- South 50 m, and
- East 49 m.

While these distances would appear to enable adequate vegetation management, any further distances that may be required under a different BAL rating could mean that vegetation management would be required on land which has slopes exceeding 30°. This would be very difficult to manage, could result in further land degradation and vegetation impacts. The application has indicated that the required tank water supply can be provided with the appropriate fittings.

Access requirements for the site as discussed above are far harder to comply with. The CFA access requires the following as outlined in Clause 53.02:

- an all-weather construction
- a load limit of at least 15 tonnes
- a minimum trafficable width of 3.5 metres
- a clearance of encroachments for at least .5 metres on each side and at least 4 metres vertically
- curves with a minimum inner radius of 10 metres
- an average grade of no more than 1 in 7 (14.4%) with a maximum grade of no more than 1 in 5 (20%) for no more than 50 metres
- Dips must have no more than a 1 in 8 (12.5%) entry and exit
- Incorporates turning area for fire fighting vehicles close to the building
- Passing bays at least every 200m that are a minimum 20m metres long and a minimum trafficable width of 6 metres.

The greatest challenges with regard to the above would be the minimum width and clearances and the provision of passing bays. Due to the steepness of the site the track would require significant earth works to achieve these requirements. The earthworks would be difficult to stabilise in this environment and would also require the removal of vegetation which has not been assessed as part of the applicant's submission. The BMS provided with the application has provided the following conclusions in relation to the main concerns:

- The site has an extreme bushfire risk from the hazards on and within close proximity to the site and due to the landscape onsite access is long and through forested country. To mitigate the risk it is necessary to implement all the protection measures. The prime measure is to leave early however if this is not possible to include the installation of a private bushfire shelter
- Access requirements – normally, access is required to the building to enable the CFA to get within 4 metres of the water tank outlets. However due to the long access route in extreme risk country it is unlikely the CFA will attend a fire at the site. However design and construction requirements apply.

The report outlines that water would be supplied to enable CFA to access firefighting resources, however in the own words of the bushfire consultant, the CFA would be unlikely to attend such a site in certain conditions. It would be reasonable to suggest that allowing a people to live on a site where the support of the CFA cannot be relied on is not an appropriate site for a dwelling.

### CFA referral response

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

The site directly adjoins large tracts of unmanaged forests from the north, south, east and west. The proposed site is located at the top of a hill with slopes over 30° to the east and over 20° to the north and west.

Access and egress to and from the site from the Buxton Marysville Road (approximately 900 metres) poses obvious difficulties for timely evacuation. It is also unlikely the proposed access will allow fire brigade access to the dwelling due to the steep gradients.

There are no nearby places of shelter and road travel would be hazardous, the closest Neighbourhood Safer Place is approximately 7 km south of the site in the township of Marysville.

The application has incorrectly assessed the effective slope and proposed defendable space and construction standard of BAL 40 that is totally inadequate. In addition, the practical implementation of any vegetation management on slopes exceeding 20° will be very difficult especially due to the erosion / landslip potential on the slopes exceeding 30°. The dwelling is likely to be impacted by direct flame from a passing fire front.

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.

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

As a "Pathway 2" application the bushfire risk arising from the broader landscape must be considered. Development must at a minimum meet all the relevant objectives of Clause 53.02-4. CFA acknowledges the BMS proposes a private bushfire shelter will be installed in accordance with the requirements of the Building Regulations 2018, however this does not mitigate the bushfire risk to an acceptable level.

### Planner's response

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. The message is very clear that they believe that the assessment of the development against the relevant State bushfire planning policy indicates that the development would result in an unacceptable risk to property and human life of the residents of the property and any emergency service personal that were to respond to an event at the site.

### **Farming Zone**

The subject site is located within the Farming Zone and while it is recognised that the site is predominately vegetated and in a natural state, the application must be considered against the purpose, objectives and decision guidelines of the zone.

Pursuant to Clause 35.07-1 'Table of uses' of the Farming Zone, the use of the land for a dwelling is a Section 1 Use (no permit required) subject to the condition that the dwelling is the only dwelling on the lot and the lot is at least 40 Ha. In this instance, as the lots is only 36 Ha the condition is not meet and a permit is required for the use of the land for a dwelling as a Section 2 Use.

Pursuant to Clause 35.07-4 'Buildings and works' a permit is required for buildings and works associated with a Section 2 Use.

The purpose of the Farming Zone does not promote the use of the land for the purpose of dwellings other than suggesting that non-agricultural including dwelling do not adversely affect the use of the land for agriculture.

The use of the land for a dwelling requires that among other things, access to the dwelling must be provided via an all-weather road with dimensions adequate to accommodate emergency vehicles.

As mentioned earlier this has not adequately been demonstrated that it can be provided without other impacts resulting on the site such as vegetation removal and ground destabilisation.

An application for a dwelling in the farming zone must be considered against the decision guidelines listed at Clause 35.07-6 which include matters relating to general issues, agricultural issues and the impacts from non-agricultural uses, dwelling issues, environmental issues and design and siting issues. A response to each is provided below:

#### General issues

The development is required to be considered against other relevant planning policy from the Municipal Planning Strategy and Planning Policy Frameworks. As outlined above it is considered that the proposal fails to adequately comply with Bushfire policy which prioritises the protection of life above all other considerations. It is also suggested that the development is inconsistent with the Native vegetation provisions of Clause 52.17 of the Planning Scheme in that the impact on biodiversity is not justified for a dwelling in such a location. Insufficient information has been provided in regard to the impact on vegetation as a result of any required road widening and further earth works.

The application did provide a Land Capability assessment suggesting that waste water could be adequately treated on-site. The application was also provided with a detail land management plan which did suggest a range of land management practices which would result in some improved land management outcomes on the site, however these could also be achieved without the need for a dwelling and as a bush block the site can also be left relatively unmanaged and maintain an appropriate standard of environmental condition.

#### Agricultural issues and the impacts from non-agricultural uses

It is considered that the dwelling will in no way supports the agricultural land use of the site or surrounding area and it is more likely that the development of a dwelling of the site will actually remove that area of the site that currently could be used for limited grazing. While it is clear that the site does not provide a significant opportunity for an agricultural land use that in its own right does not justify a residential use, particularly in a situation which presents so many other challenges.

The approval of a dwelling on such a site can have the consequence of increasing the expectation of further dwelling approvals on non-agricultural land which would have the effect of increasing land prices beyond their agricultural worth. This can limit the opportunity of surrounding land owner who could be undertaking legitimate agriculture.

While a land management plan has been provided the management is primarily associated with the residential use of the site would not require management beyond that typical of any bush block.

#### Dwelling issues

Due to the location of the dwelling at the top of the hill it is unlikely that surrounding agricultural uses at the bottom of the valley would be impacted. The dwelling would also be unlikely to increase fragmentation of agricultural land in the area.

### Environmental issues

The introduction of a residential use at the site would not have a major environmental impact although the improvements required to the access would likely result in significant impacts on vegetation and soil. The removal of any trees would destabilise the ground and could result in localised landslips and erosion. Assessment of these issues has not been adequately address in this application.

### Design and siting issues

It is considered that the siting and design of the proposed dwelling would have little impact on surrounding land and in particular the agricultural values of the area. From an atheistic point of view it is not typically supported to allow the construction of dwellings on the tops of hills or ridgelines and while no sightlines have been provided from surrounding vantage points, it is considered that impacts of views of the dwelling would be very limited. The dwelling is single storey and has been design with colours that would be sympathetic to the natural aesthetic.

Overall while the dwelling is unlikely to have significant impact on agriculture in the broader area, it would remove the subject site from limited agricultural production and is not justified under the relevant state and local planning policies as they have regard to agricultural land use. Despite the Bushfire risk being the key reason to not support the application, it definitely is not an acceptable use of the land in the farming zone.

### **Access to a Road Zone Category 1**

The application was required to be referred to Regional Road Victoria as the development would require an upgrade of the access to the Buxton Marysville Road which is an arterial Road. Regional Road have not objected and it is considered that the road access would not be a significant issue. Some vegetation may need to be removed to create appropriate sightlines on the sides of the access but detail of this has not been provided in the application.

### Regional Roads Victoria

If Council regards the proposed development favourably, the Department would require that the following conditions be included in any Notice of Decision to issue a Planning Permit or Planning Permit:

1. Only one access will be permitted from the subject land to the Buxton-Marysville Road shown on the plan appended to the application
2. Prior to the occupation of the dwelling, the access must be constructed and sealed in accordance with VicRoads standard drawing SD2066 Typical Rural Driveway Access to Residential Properties - Type C to the satisfaction of and at no cost to the Roads Corporation
3. The driveway must be maintained in a fit and proper state so as not to compromise the ability of vehicles to enter and exit the site in a safe manner or compromise operational efficiency of the road or public safety (eg. by spilling gravel onto the roadway).

### Planner's response

The conditions provided are considered reasonable and typical of an application creating access on a Category 1 Road.

### **Native vegetation impacts**

The removal of native vegetation for the purpose of the creation of a defensible space for a dwelling in the farming zone is exemption from the offset requirements of Clause 52.17 Native Vegetation. It is recognised that there would be limited vegetation impacts within the area of defensible space proposed by the applicant however this area has been suggested as being incorrect by the CFA. Therefore there could be an additional need to remove vegetation that may be located on the steep sides of the hills where the dwelling is proposed.

Vegetation which is not exempt from being offset and considered under these control is the vegetation that would be removed or destroyed in the construction of the passing abys and upgrading of the road surfaces where required. A site visit and walking of the access track



revealed that there are numerous significant tree along the road that would likely be destroyed and in the absence of any assessment of these impacts it is not possible to know whether the offset requirements are acceptable or not. As with the farming zone considerations, the environmental impacts are secondary to the consideration of the risk to life for this proposal, however it is not possible to support the proposal in the absence of a full assessment of the Native Vegetation provisions. This becomes another matter that makes the application not able to be supported.

### **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 that 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 vin the event of a bushfire. The proposal is considered to be inconsistent with the objectives of planning policy frame and the relevant zone 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.

## **8.3 CREIGHTON'S ROAD, THORNTON – ROAD ACQUISITION SUBDIVISION**

Attachment(s): Plan of Subdivision (PS 835456 X) (refer Attachment 8.3)

### **Purpose**

The purpose of this Agenda Item is to seek a resolution from Council to acquire by agreement a piece of land of the owner ("**Proponent**") of 1087 Goulburn Valley Highway, Thornton to create a road reserve that formalises the existing location of Creighton's Road at the intersection with the Goulburn Valley Highway.

Formalisation of this road reserve will allow for a development approval to proceed on land recently purchased at 1089 Goulburn Valley Highway, Thornton, for the owner of this property.

### **Officer Recommendation:**

#### **That Council**

- 1. approves the Road Acquisition Subdivision, under the *Subdivision Act 1988* and acquires the road shown as R-1 on the Plan of Subdivision PS 835456 X; given that:**
  - the Proponent has accepted that the acquisition is voluntary and no compensation is payable under the *Land Acquisition and Compensation Act 1986***
  - the Proponent has paid an up-front fee of \$1,000.00 for costs to be incurred by Council in formalising the road acquisition**

- **the Proponent shall be responsible for all costs associated with the road acquisition including survey fees, legal costs, etc**
- 2. authorises the Chief Executive Officer to sign all documents and undertake all administrative procedures in respect of the proposed road acquisition.**

### **Background**

This matter originated in 1984 when the then Shire of Alexandra and the Road Construction Authority agreed to relocating the intersection of Creighton's Road with the Goulburn Valley Highway, for safety reasons, to a position some 75 metres to the south.

Conditions regarding fencing, compensation, ownership and land transfers associated with the relocation, were not followed through at the time.

Recently, the land at 1089 Goulburn Valley Highway was purchased by a new owner who has applied for a development approval for a Day Spa on the land. Approval of the development is conditional on the applicant obtaining formal access to her land.

The existing used alignment of Creighton's Road traverses the Proponent's private land on an informal basis and both the Proponent and the owner of 1089 Goulburn Valley Highway have agreed to jointly pursue the formalisation of the road, by transferring part of the land to Council, as road reserve.

Both parties have requested in writing to Council to resolve the matter and have agreed to meet all costs associated with the acquisition proposal. Matters relating to land compensation are of a private nature, with all costs associated with the proposal to be met by the two parties.

Administrative costs incurred by Council in approving the road acquisition will be met by the Proponent.

### **Discussion**

Council's role in the road acquisition process is a necessary component of resolving this long standing issue and providing a way forward for the stakeholders.

Further, Council will be encouraging a development in the Shire with community wellbeing outcomes and tourism opportunities.

Initially a transfer of land was proposed to address the matter, however the existing unused portion of Government Road between the two stakeholders properties presented Native Title and Ministerial consent issues, nevertheless an opportunity exists for future purchase or lease of this area.

### **Council Plan/Strategies/Policies**

This matter is consistent with the *Council Plan 2017-2021 Our Promise* strategic objective "working with communities to assist them to plan together for their future"

### **Relevant Legislation**

Section 35 of the *Subdivision Act 1988* provides for a road acquisition subdivision where the Acquiring Authority and Applicant is a Council.

Council is required to comply with the *Land Acquisition and Compensation Act 1986* where it intends to voluntarily acquire land with no compensation and to provide a Schedule 2 Form 2 to the landowner.

Formal resolution of Council is required to approve the Road Acquisition Subdivision to enable the execution of a transfer of the land to the Council for creation of the road.

**Financial Implications and Risk**

All costs associated with the proposal will be met by others, including administrative costs incurred by Council in approving the road acquisition.

**Conflict of Interest**

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

**Community and Stakeholder Consultation**

Extensive consultation has occurred with the proponents in developing the proposal, including the participation of DELWP, Native Title, land surveyors and Council's planning department.

**9. OUR PEOPLE****10. OUR PROSPERITY****11. OUR PROMISE****11.1 COMMUNITY LOCAL LAW 1, 2020**

Attachment(s): *Community Local Law 1, 2020 (refer Attachment 11.1)*

**Purpose**

The purpose of this report is to present the Community Local Law 1, 2020 to Council for adoption.

**Officer Recommendation****That Council:**

- 1. make the Community Local Law 1, 2020 (Attachment 11.1) under section 111 of the *Local Government Act 1989***
- 2. acknowledges the Community Local Law 1, 2020 will commence on 1 May 2020, with 'Part 4. Asset Protection' commencing as of 1 September 2020**
- 3. give public notice of the adoption of the Community Local Law 1, 2020 via the Government Gazette and public advertisement in accordance with section 119(3) of the *Local Government Act 1989***
- 4. sends a copy of the adopted Community Local Law 1, 2020 to the Minister for Local Government in accordance with section 119(4) of the *Local Government Act 1989***
- 5. writes to all submitters to inform them of Council's decision in relation to the issues raised in their submissions.**

**Background**

Under section 111 of the *Local Government Act 1989 (the Act)* a Council may make local laws for or with respect to any act, matter or thing in respect of which the Council has a function or power.

The existing Community Local Law was created by Council in 2012, with a sunset period of 10 years, however the decision was made to review the Community Local Law to ensure that it meets the needs of our community, sufficiently addresses identified areas of concern or risk and to simplify its ability to be interpreted.

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

1. the peace, order and good government of the municipality;
2. a safe and healthy environment so that the community within the municipality can enjoy a quality of life that meets its expectations;
3. the safe and fair use and enjoyment of public places;

4. the protection and enhancement of the amenity and environment of the municipality;
5. a fair and reasonable use and enjoyment of private land; and
6. a uniform and fair administration of this Local Law.

The Proposed Community Local Law was released for public consultation under section 223 of the *Act* following Council's resolution outlining the intent to make a Local Law (27 November 2019).

The Proposed Local Law was available for public viewing and submissions from 28 November 2019 to 28 February 2020. 30 Submissions were received and submitters were invited to present to Council at its Special Meeting of 11 March 2020.

### Discussion

During the section 223 community consultation period for the Proposed Community Local Law, a number of opportunities were given for people to provide feedback to Council. Over 20 people attended the four community consultations in Yea, Alexandra, Marysville and Kinglake. Thirty submissions of varying length were received by post and via email and two respondents took the opportunity to speak to their submission at the Special Meeting of Council on 11 March 2020.

As a result of this consultation, a number of small changes were suggested and made. These included:

- an additional provision regarding animal excrement removal not applying to primary producers moving stock in rural areas unless it presents a hazard
- an additional requirement regarding burning off to include the need to completely extinguish fires, including scattering of all residual material, with the removal of the requirement to monitor fire overnight in the rural zones
- the times relating to recreational vehicle use were amended to 7am-8pm weekdays and 9am-6pm weekends and holidays with 1 hour of use followed by 2 hours of non-use, this is consistent with EPA guidelines
- expanded the timeframe for unsightly materials from 24 hours to 7 days
- additional clarification regarding the influence of other legislation
- the removal of aircraft and drone provisions due to the strengthening of Civil Aviation Safety Authority (CASA) requirements
- inclusion of a provision regarding interfering with waste which strengthens the requirements in relation to residential and commercial waste
- inclusion of a statement supporting the planning provisions regarding the prohibition of camping on unoccupied residential land.

**Table 1 – Minor amendments and grammatical changes suggested (amendments in Red)**

No.	Draft Provision	Officer Recommended Alternative	Comment
1	<p><b>Local Law</b></p> <p>This Community Local Law is a local law made under Part 5 of the <i>Local Government Act 1989</i> and Part 3 of the <i>Domestic Animals Act 1994</i>.</p>	<p>This Community Local Law is a local law made under Part 5 of the <i>Local Government Act 1989</i> and <b>Section 42</b> of the <i>Domestic Animals Act 1994</i>.</p>	<p>Provision on <i>Domestic Animal Act 1994</i> more accurate</p>

No.	Draft Provision	Officer Recommended Alternative	Comment
3	<p><b>Commencement and revocations</b></p> <p>This Local Law commences to operate on <b>date</b> (after publication in Government Gazette <b>date ? 2019</b> and ceases to operate on 1/1/2029 unless revoked earlier. Upon its commencement, the <i>Community Local law 2012</i> is revoked.</p>	<p><b>Commencement and revocations</b></p> <p>(1) This Community Local Law comes into operation on 1 May 2020</p> <p>(2) The following provisions of this Community Local Law come into operation on 1 September 2020:</p> <p>(a) Part 4 (Asset Protection)</p> <p>(2) Unless the Community Local Law is revoked sooner, its operation will cease on 1 January 2030.</p> <p>(2) Upon the commencement of this Community Local Law 2020, the <i>Community Local law 2012</i> is revoked</p>	<p>Changes made to be clearer regarding commencement and conclusion dates, and the revocations of CLL2012.</p>
48	<p>Aircraft and drones</p> <p>(1) Unless in an emergency, aircraft that transport or hold people cannot be flown from or land upon any municipal reserve or municipal place without a permit Penalty Units: 10</p> <p>(2) All drones or remotely piloted aircraft cannot be operated from, above or land upon any municipal reserve or municipal place without a permit. Penalty Units: 10</p>	<p>Removed</p>	<p>Officer recommendation to remove due to new permit requirements from Civil Aviation Safety Authority (CASA) now apply – you can't now fly a drone within 30 metres of another person. You are now also unable to fly drones over a populous area or over people (<a href="https://www.casa.gov.au/knowyourdrone/drone-rules">https://www.casa.gov.au/knowyourdrone/drone-rules</a>).</p>
50	<p>N/A</p>	<p>Damage to Council Assets</p> <p>(1) A person must not damage a Council Asset Penalty Units: 20</p>	<p>Officer recommendation of new provision to be more clear about preventing damage to Council Assets</p>
Sched 8	<p>Camping on unoccupied land must:</p> <p>(a) Only occur up to 20 nights a year without a permit</p> <p>(b) Camping equipment must be removed when not being used or occupied</p> <p>(c) Not be unsightly and not constitute a nuisance</p> <p>(d) Only occur in rural zones. Camping is not allowed in the residential zones</p> <p>(e) Not be for commercial purposes</p>	<p>Camping on unoccupied land must:</p> <p>(a) Only occur up to 20 nights a year without a permit</p> <p>(b) Camping equipment must be removed when not being used or occupied</p> <p>(c) Not be unsightly and not constitute a nuisance</p> <p>(d) Only occur in rural zones. Camping on unoccupied land is not allowed in the residential zones</p> <p>(e) Not be for commercial</p>	<p>Statement missing on restriction to camping in residential areas on unoccupied land.</p> <p>Although the planning scheme does not allow camping on unoccupied private land in the residential zones it was thought that we should make a similar point the local law.</p>

No.	Draft Provision	Officer Recommended Alternative	Comment
		purposes	

**Table 2: Changes suggested to the CLLL2020 based on S223 Community Feedback and Officer Recommendation**

No.	Draft Provision	Officer Recommended Changes	Comment
4	<p><b>Application of Local Law</b></p> <p>(1) This Local Law applies throughout the municipality.</p> <p>(2) This Local Law does not apply where any act or thing is authorised by any Act, Rule, Regulation or the <i>Murrindindi Planning Scheme</i>.</p> <p>(3) The provisions of this Local Law do not apply to Council contractors, agents or employees to the extent that the proper discharge of their duties and obligations constitute a breach of this Local Law</p>	<p><b>Application of Local Law</b></p> <p>(1) This Community Local Law applies throughout the municipality.</p> <p>(2) This Community Local Law does not apply where any act or thing otherwise prohibited or regulated by this Community Local Law is authorised by any Act, Rule, Regulation or Planning Scheme.</p> <p>(3) <b>Laws, regulations and schemes that have been considered as part of the development of this law and to which this law is subordinate (under the <i>Interpretation of Legislation Act 1984</i>) include (but are not limited to) the:</b></p> <ul style="list-style-type: none"> <li>(i) <i>Building Act 1993</i></li> <li>(ii) <i>Country Fire Authority Act 1958</i></li> <li>(iii) <i>Domestic Animals Act 1986</i></li> <li>(iv) <i>Emergency Management Act 1986 and 2013</i></li> <li>(v) <i>Environment Protection Act 1970</i></li> <li>(vi) <i>Food Act 1984</i></li> <li>(vii) <i>Graffiti Prevention Act 2007</i></li> <li>(viii) <i>Housing Act 1983</i></li> <li>(ix) <i>Impounding of Livestock Act 1994</i></li> <li>(x) <i>Land Act 1958</i></li> <li>(xi) <i>Road Management Act 2004</i></li> <li>(xii) <i>Road Safety Act 1986</i></li> <li>(xiii) <i>Summary Offences Act 1966</i></li> <li>(xiv) <i>Public Health &amp; Wellbeing Act 2008</i></li> <li>(xv) <i>Murrindindi Planning Scheme</i></li> </ul> <p>(4) <b>This Community Local Law</b></p>	<p>Officer recommended changes added to ensure people are aware that the CLL2020 should not be read in isolation.</p>

No.	Draft Provision	Officer Recommended Changes	Comment
		<p>exists within a complex legal framework and should not be read in isolation. If the Local Law is silent on a topic it should not be taken that no other law, rule, regulation, provision or scheme applies. Legal advice should always be sought if there is any doubt regarding the legality of any action.</p> <p>(5) The provisions of this Local Law do not apply to Council contractors, agents or employees to the extent that the proper discharge of their duties and obligations constitute a breach of this Local Law.</p> <p>(6) Enforcement and compliance of the Community Local Law 2020 will be completed in accordance with Council's "Compliance and Enforcement Policy"</p>	
8(4)		<p><b>Animal Excrement</b></p> <p>(4) If moving livestock in a rural area, removal of excrement is not required unless it poses a safety issue as determined by an authorised officer.</p> <p>Penalty Units: 5</p>	Officer recommendation is to support submission regarding removal of animal excrement in rural zones unless it constitutes a road hazard.
11(2)(a)	<p><b>Unightly</b> has upon it for more than 24 hours, any of the following</p>	has upon it for more than 7 days, any of the following	Officer recommendation of 7 days is a more realistic timeframe supported by a number of submissions.
26	<p><b>Removing or interfering with recyclable material</b></p> <p>(1) A person must not remove or interfere with recyclable material left for municipal collection on a road, or at any other collection point.</p> <p>Penalty Units: 10</p> <p>(2) Clause (1) does not apply to a person authorised by Council to remove such materials.</p>	<p><b>Removing or interfering with waste and recyclable material</b></p> <p>(1) A person must not remove or interfere with waste or recyclable material left for municipal collection on a road, or at any other collection point.</p> <p>Penalty Units: 10</p> <p>(2) A person must not place waste or recyclable material in another person's bin or waste receptacle without prior</p>	<p>Officer recommendation is to include interfering with waste to prevent people going through other people's bins.</p> <p>Officer recommendation is to include new provision (2) to stop people placing their private rubbish in other people's bins or skips without prior approval</p>

No.	Draft Provision	Officer Recommended Changes	Comment
		<p style="color: red;">approval</p> <p style="color: red;">Penalty Units: 5</p> <p>(3) Clause (1) does not apply to a person authorised by Council to remove such materials.</p>	
27(10)	New	<p>Domestic Waste</p> <p style="color: red;">(10) A property must not have, or place out for collection more bins than legally provided (and being paid for) by the resident.</p> <p style="color: red;">Penalty Units: 10</p>	Officer recommendation for small change so enforcement is possible when putting unpaid bins out for rubbish/recycling program.
Sched 4	<p><b>Recreational Vehicle Noise Guidelines</b></p> <p>In addition to the requirement that the use of a motorised recreation vehicle on land must not cause a nuisance, a person must not use or allow others to use a motorised recreation vehicle on land owned or occupied by him or her unless:</p> <ul style="list-style-type: none"> <li>a. the motorised recreation vehicle is not used continuously for a period in excess of 1-hour after which no motorised recreation vehicle must be used for a minimum 2-hour period; and</li> <li>b. the motorised recreation vehicle is not used other than between 10am to 6pm Monday to Saturday and 1pm to 4pm on Sundays and public holidays</li> <li>c. on a day declared to be a Total Fire Ban Day under the <i>Country Fire Authority Act 1958</i></li> </ul>	<p><b>Recreational Vehicle Noise Guidelines</b></p> <p>In addition to the requirement that the use of a motorised recreation vehicle on land must not cause a nuisance, a person must not use or allow others to use a motorised recreation vehicle on land owned or occupied by him or her:</p> <ul style="list-style-type: none"> <li>(a) <span style="color: red;">unless</span> the motorised recreation vehicle is not used continuously for a period in excess of 1-hour after which no motorised recreation vehicle must be used for a minimum 2-hour period; and</li> <li>(b) <span style="color: red;">unless</span> the motorised recreation vehicle is not used other than between <span style="color: red;">7am-8pm Monday to Friday and 9am to 6pm on Saturdays</span>, Sundays and public holidays</li> <li>(c) <span style="color: red;">if</span> on a day declared to be a Total Fire Ban Day under the <i>Country Fire Authority Act 1958</i></li> <li>(d) <span style="color: red;">in the case of land in a residential zone, unless the motorised recreational vehicle is under 50cc in size.</span></li> </ul>	<p>Officer recommendation is to fix error in law - original passage allowed motorcycle use on land on TFBs instead of preventing it</p> <p>Original timetabling suggested as too restrictive, particularly on weekends and public holidays.</p> <p>Officer recommended times align with EPA residential noise regulations</p>
Sched 5	<p><b>Burning of Vegetation Piles on Land Less Than One Hectare</b></p> <p>Burning of vegetation piles on land less than one hectare must:</p> <ul style="list-style-type: none"> <li>(a) Not be more than 1m</li> </ul>	<p><b>Burning of Vegetation Piles on Land Less Than One Hectare</b></p> <p>Burning of vegetation piles on land less than one hectare must:</p> <ul style="list-style-type: none"> <li>(i) Not be more than 1m wide</li> </ul>	Officer recommendation is to support comments received during s223 that highlighted the importance of scattering material post burn so that



No.	Draft Provision	Officer Recommended Changes	Comment
	<p>wide or high. Material may be continuously fed into fires of this size but must not be greater than 1m wide or high.</p> <p>(b) Be cleared of flammable material for a minimum radius of 3 metres</p> <p>(c) Have adequate means available at all times for preventing the escape of and for extinguishing the fire.</p> <p>(d) Have an adult person with the fire at all times whilst it is alight.</p> <p>(e) Be registered with the burn off line on 1800 668 511 before being lit.</p> <p>(f) Not include damp or green materials. Materials to be burned must be suitably dry or cured</p> <p>(g) Be extinguished if directed to do so by an authorised officer.</p> <p>(h) Not be within the Country Fire Authority's declared Fire Danger Period</p>	<p>or high. Material may be continuously fed into fires of this size but must not be greater than 1m wide or high.</p> <p>(j) Be cleared of flammable material for a minimum radius of 3 metres</p> <p>(k) Have adequate means available at all times for preventing the escape of and for extinguishing the fire.</p> <p>(l) Have an adult person with the fire at all times whilst it is alight.</p> <p>(m) Be registered with the burn off line on 1800 668 511 before being lit.</p> <p>(n) Not include damp or green materials. Materials to be burned must be suitably dry or cured</p> <p>(o) Be extinguished if directed to do so by an authorised officer.</p> <p>(p) Not be within the Country Fire Authority's declared Fire Danger Period.</p> <p>(q) Have ashes and all residual material scattered and thoroughly extinguished at the completion of the burn</p>	<p>long term re-ignitions of burn piles is not possible.</p>
<p><b>Sched 6</b></p>	<p><b>Schedule 6 – Burning of Vegetation Piles on Land Greater than One Hectare</b>                      Burning of vegetation piles on land greater than one hectare must:</p> <p>(a) Be lit only when wind speed is below 15kph.</p> <p>(b) Not be located closer than 5 metres to the property boundary or 5 metres to any building.</p> <p>(c) Be cleared of flammable material for a minimum radius of 3 metres.</p> <p>(d) Have adequate means available at all times for preventing the escape of and for extinguishing the fire</p> <p>(e) Have an adult person with</p>	<p><b>Schedule 6 – Burning of Vegetation Piles on Land Greater than One Hectare</b>                      Burning of vegetation piles on land greater than one hectare must:</p> <p>(a) Be lit only when wind speed is below 15kph.</p> <p>(b) Not be located closer than 5 metres to the property boundary or 5 metres to any building.</p> <p>(c) Be cleared of flammable material for a minimum radius of 3 metres.</p> <p>(d) Have adequate means available at all times for preventing the escape of and for extinguishing the fire</p> <p>(e) Be adequately supervised</p>	<p>Officer recommendation is to support community comment regarding spreading of ashes and unburnt material on larger allotments as per Schedule 5.</p> <p>Also was highlighted in community submissions, it is not appropriate in the rural zones to have a person monitor a fire at all times as they may burn for many days at a time. Nor is it appropriate every time a person burns off to contact their neighbour (removal of (g)).</p>

No.	Draft Provision	Officer Recommended Changes	Comment
	<p>the fire at all times whilst it is alight.</p> <p>(f) Be registered with the burn off line on 1800 668 511 before being lit.</p> <p>(g) Give notice of intention to burn to each owner or occupier of abutting land.</p> <p>(h) Not be greater than 20 cubic meters in size. Piles over this size always require a permit regardless of time of year</p> <p>(i) Not include damp or green materials. Materials to be burned must be suitably dry or cured</p> <p>(j) Be extinguished if directed to do so by an authorised officer.</p> <p>(k) Not be within the Country Fire Authority's declared Fire Danger Period.</p>	<p>(f) Be registered with the burn off line on 1800 668 511 before being lit.</p> <p>(g) Not be greater than 20 cubic meters in size. Piles over this size always require a permit regardless of time of year</p> <p>(h) Not include damp or green materials. Materials to be burned must be suitably dry or cured</p> <p>(i) Be extinguished if directed to do so by an authorised officer.</p> <p>(j) Not be within the Country Fire Authority's declared Fire Danger Period.</p> <p>(k) <b>Have ashes and all residual material scattered and thoroughly extinguished at the completion of the burn</b></p>	
<p><b>Sched 8</b></p>	<p><b>Camping on unoccupied land must:</b></p> <p>(f) Only occur up to 20 nights a year without a permit</p> <p>(g) Camping equipment must be removed when not being used or occupied</p> <p>(h) Not be unsightly and not constitute a nuisance</p> <p>(i) Only occur in rural zones. Camping is not allowed in the residential zones</p> <p>(j) Not be for commercial purposes</p>	<p><b>Camping on unoccupied land must:</b></p> <p>(f) Only occur up to 20 nights a year without a permit</p> <p>(g) Camping equipment must be removed when not being used or occupied</p> <p>(h) Not be unsightly and not constitute a nuisance</p> <p>(i) Only occur in rural zones. Camping <b>on unoccupied land</b> is not allowed in the residential zones</p> <p>(j) Not be for commercial purposes</p>	<p>Officer recommendation is to support the planning scheme that does not allow camping on unoccupied private land in the residential zones</p>

The Community Local Law 1, 2020 is proposed to commence on 1 May 2020, with Part 4. Asset Protection commencing 1 September 2020.

If Council resolve to adopt the Community Local Law 1, 2020 commencing 1 May 2020, it will be formally gazetted and will be publicised to the community.

All submitters will be notified of the decision of Council.

**Council Plan/Strategies/Policies**

The adoption of the Community Local Law 1, 2020 is consistent with the *Council Plan 2017-2021 Our Place: Strategic Objective to enhance community safety, resilience and liveability through improved planning, community engagement, and a fair and transparent approach to compliance.*

**Relevant Legislation**

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

**Financial Implications and Risk**

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

**Conflict of Interest**

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

**Community and Stakeholder Consultation**

Council released the proposed Community Local Law for public viewing and submissions under section 223 of the *Act* from 28 November 2019 until 28 February 2020. All submitters were invited to speak to their submissions at a Special Meeting of Council held on 11 March 2020. A copy of all of the submissions has been distributed to Council for their consideration.

**11.2 AUDIT AND RISK ADVISORY COMMITTEE MINUTES**

Attachment(s):     2019-12-12 Audit & Risk Advisory Committee Minutes (refer Attachment 11.2a)  
                          2019-12-12 Audit & Risk Advisory Committee Attachments (distributed to Councillors separately)  
                          2020-03-05 Audit & Risk Advisory Committee Minutes (refer Attachment 11.2b)  
                          2020-03-05 Audit & Risk Advisory Committee Attachments (distributed to Councillors separately)

Minutes of the 12 December 2020 Audit and Risk Advisory Committee Meeting.

**Officer Recommendation**

**That Council note and receive the minutes of the Audit and Risk Advisory Committee meeting held on 12 December 2019 (Attachment 11.2a).**

Minutes of the 5 March 2020 Audit and Risk Advisory Committee Meeting.

**Officer Recommendation**

**That Council note and receive the minutes of the Audit and Risk Advisory Committee meeting held on 5 March 2020 (Attachment 11.2b).**

**11.3 DELEGATION TO THE CHIEF EXECUTIVE OFFICER DURING STATE OF EMERGENCY**

Attachment(s):     S5. Instrument of Delegation to CEO – COVID-19 State of Emergency Period (refer Attachment 11.3)

**Purpose**

The purpose of this report is to seek a resolution of Council to expand its delegation to the Chief Executive Officer during the declared State of Emergency arising from the COVID-19 global pandemic, should it not be possible to form a quorum of councillors due to the pandemic.

**Officer Recommendation**

**In the exercise of the powers conferred by Section 98(1) of the *Local Government Act 1989* (the *Act*) and the other legislation referred to in the attached instrument of delegation, Murrindindi Shire Council (Council) resolves that:**

1. **during the declared State of Emergency in Victoria arising from the COVID-19 global pandemic Council expands the powers, duties and functions as set out in the attached 'Instrument of Delegation to the Chief Executive Officer' (as attached 11.3) to the person holding the position, acting in or performing the duties of the Chief Executive Officer subject to the conditions and limitations specified in that Instrument**
2. **the instrument comes into force immediately the common seal of Council is affixed to the instrument**
3. **on the coming into force of the instrument all previous delegations to the Chief Executive Officer are revoked**
4. **the duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt**
5. **it is noted that the instrument includes a power of delegation to members of Council staff, in accordance with Section 98(3) of the Act.**

### **Background**

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

Physical attendance at Council meetings is required under *the Local Government Act 1989*, therefore Councillors cannot participate in Council meetings by electronic or telephonic means.

The Victorian State Government declared a State of Emergency on 15 March 2020 in relation to the COVID-19 pandemic. This State of Emergency and the increasing spread of COVID-19 has led Council to consider the possibility that a quorum may not be possible at Council meetings as a direct consequence of the pandemic.

### **Discussion**

The inability to form a quorum and conduct the normal business of the Council would cause severe disruption to service delivery. Section 98 of the *Local Government Act 1989* allows for Council to delegate its powers to members of Council staff including the Chief Executive Officer. It does however have a series of exclusions, which are as follows:

- a) the power of delegation;
- b) the power to declare a rate or charge; and
- c) the power to borrow money;
- d) the power to approve any expenditure not contained in a budget approved by Council;
- e) any power, duty or function of the Council under section 223; and
- f) any prescribed power.

Ordinarily Council imposes a further set of conditions and limitations on what is delegated to the Chief Executive Officer, any of these items are resolved upon by Council directly. Should a quorum not be achieved at a Council meeting as a direct result of the declared State of Emergency due to the COVID-19 pandemic then these limitations and conditions may impact Council's ability to continue business and the delivery of services to the community.

The attached Instrument (Attachment 11.3) proposes the expansion of the Chief Executive Officer's delegations to include the full decision making powers of Council, limited only by the exclusions under section 98 of the *Act*. This would apply upon the CEO forming the reasonable

opinion that if a meeting were to be held the meeting would lapse for want of a quorum due to the pandemic.

Strong governance, public transparency and reporting processes that apply to Council meetings would be maintained should the Chief Executive Officer need to exercise the expanded powers provided under the delegation. This includes reporting of all decisions that are made by the Chief Executive Officer to Council, and continuation of minutes of such decisions for the public record.

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

### **Relevant Legislation**

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

### **Financial Implications and Risk**

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

### **Conflict of Interest**

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

### **Community and Stakeholder Consultation**

No external consultation is required in the preparation of Delegations and Authorisations.

## **12. NOTICES OF MOTIONS**

## **13. MATTERS DEFERRED FROM PREVIOUS MEETING**

## **14. URGENT BUSINESS**

## **15. COUNCILLOR REPORTS**

15.1 CR SANDICE MCAULAY

15.2 CR JACKIE ASHE

15.3 CR ERIC LORDING

15.4 CR CHARLOTTE BISSET

15.5 CR REBECCA BOWLES

15.6 CR MARGARET RAE

15.7 CR LEIGH DUNSCOMBE – MAYORAL REPORT

## **16. CHIEF EXECUTIVE OFFICER REPORT**

## **17. ASSEMBLIES OF COUNCILLORS**

### **Purpose**

This report presents the records of assemblies of Councillors for 26 February 2020 to 18 March 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 26 February 2020 to 18 March 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 26 February 2020 to 18 March 2020:

Meeting Name/Type	Council Pre-Meet
Meeting Date:	26 February 2020
Matters Discussed:	<ol style="list-style-type: none"> <li>1. Response to Petition – Sealing of Falls and Allandale Road, Strath Creek</li> <li>2. Quarterly Financial Report December 19</li> <li>3. Quarterly Council Plan Report (Oct – Dec)</li> <li>4. Quarterly Capital Works Report</li> <li>5. Councillor Representative on Audit &amp; Risk &amp; CRLLEN</li> <li>6. Tourism &amp; Events Committee – Governance Structure Extension</li> <li>7. Grants and Contributions Program</li> <li>8. Tender Report – Aitkin Crescent Kinglake</li> <li>9. Tender Report – Back Road Eildon</li> <li>10. Tender Report – Kinglake Netball Courts – Renewal</li> <li>11. Drysdale Quarry</li> <li>12. Tender Report – Banking Services</li> </ol>
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, T Carter, C Lintott, G Haylock
Conflict of Interest Disclosures:	Nil

Meeting Name/Type	Briefing Session
Meeting Date:	4 March 2020
Matters Discussed:	<ol style="list-style-type: none"> <li>1. Proposed Community Local Law – Submission Feedback</li> <li>2. Capital Works Monthly Report</li> <li>3. Dindi Sustainable Living Expo</li> <li>4. Communications Strategy – Action Plan Implementation</li> <li>5. Community Infrastructure Loan Scheme – Alexandra Youth Precinct/Eildon Tourist Trail</li> </ol>

Councillor Attendees:	Cr C Bisset, Cr S McAulay, Cr L Dunscombe, Cr R Bowles, Cr M Rae
Council Officer Attendees	C Lloyd, M Chesworth, S Brown, V Albicini, C Price, C Lintott, A Priest, J Rabel, T Elkington, R Kane, G Haylock, N McNamara, B Scott
Conflict of Interest Disclosures:	Nil

Meeting Name/Type	Briefing Session
Meeting Date:	11 March 2020
Matters Discussed:	<ol style="list-style-type: none"> <li>1. Thornton Recreation Reserve and Kinglake Memorial Reserve Master Planning</li> <li>2. Creighton's Road, Thornton – Road Acquisition Subdivision</li> <li>3. Draft 2020-21 Budget</li> <li>4. Tender Report – High Street, Yea – Safety Improvement Works</li> <li>5. Gravel Road Re-sheeting - Tender</li> <li>6. Scrap Shacks Update</li> <li>7. Kerbside Receivable Contract</li> <li>8. Great Victorian Rail Trail Strategic Plan</li> </ol>
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, S Coller, G Haylock, A Cassell, C Lintott
Conflict of Interest Disclosures:	Nil

Meeting Name/Type	Workshop Session
Meeting Date:	18 March 2020 – via Teleconference
Matters Discussed:	<ol style="list-style-type: none"> <li>1. Proposed Community Local Law - Changes</li> <li>2. Council as the Yea Cemetery Trust – Legal Advice</li> <li>3. Health Check</li> <li>4. Bushfire Planning Provisions and Bayview Estate Workshop</li> <li>5. 44 Pack Road, Marysville Planning application</li> <li>6. 630 Buxton-Marysville Road, Buxton Planning application</li> <li>7. Operations Service Delivery Review Outcomes</li> </ol>
Councillor Attendees:	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, C Gartland, K Girvan
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

## **18. SEALING REGISTER**

**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 Tender 19/15 – High Street, Yea – Road Safety Improvements, Tender CONT20/02 – Gravel Roads Re-sheeting Program 2019-2020, Visy Contract Matters and Tender CONT19/30 – Aitkin Crescent Sealing & Associated Works are being considered in the closed part of this meeting because they are 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:**

- **Tender 19/15 – High Street, Yea – Road Safety Improvements**
- **Tender CONT20/02 – Gravel Roads Re-sheeting Program 2019-2020**
- **Visy Contract Matters**
- **Tender CONT19/30 – Aitkin Crescent Sealing & Associated Works**