



MINUTES
of the
ORDINARY MEETING OF COUNCIL
WEDNESDAY 22 JULY 2020
at
6.00 pm
Conducted via videoconference

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

The proceedings were live streamed for public viewing.

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1. PLEDGE AND RECONCILIATION STATEMENT

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

“As the Councillors democratically elected to represent our community as the Murrindindi Shire Council, we are committed to working together in the best interests of the people who live in our municipality, who conduct business here and those who visit.

We would like to acknowledge the traditional owners of the Taungurung Nation, and pay our respect to their Elders past and present, and its emerging and future leaders.”

2. APOLOGIES AND REQUESTS FOR LEAVE OF ABSENCE

Present:

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

In attendance:

Chief Executive Officer: Craig Lloyd
Director Corporate and Shared Services: Michael Chesworth
Director Community Engagement: Shivaun Brown
Director Assets and Development: Vito Albicini
Manager Governance and Risk: Tara Carter
Manager Development Services: Natalie Stewart
Senior Planning Officer: Clara Gartland
Complex Case Manager: Karen Girvan

3. COMMUNITY RECOGNITION

Nil.

4. DISCLOSURES OF INTEREST OR CONFLICT OF INTEREST

Cr Rebecca Bowles advised “whilst I do not have a conflict of interest to disclose, it has been alleged that I have a biased position regarding 2020/47 – 969 Goulburn Valley Highway, Thornton – Tanglewood (Item 8.1 on the Agenda).

In response, I wish to state that I have come to this meeting with an open mind and a preparedness to consider all arguments in favour of, and opposed to, the application to be determined by Council.

In summary, I have not predetermined my position on the matter”.

5. CONFIRMATION OF MINUTES

5.1 Minutes of the Ordinary Meeting of Council held on 24 June 2020.

Officer Recommendation

That the minutes of the Ordinary Meeting of Council held on 24 June 2020 be confirmed.

RESOLUTION

Cr J Ashe / Cr E Lording

That the minutes of the Ordinary Meeting of Council held on 24 June 2020 be confirmed.

CARRIED UNANIMOUSLY

6. PETITIONS

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

The Chairperson declared Public Participation Time.

7. PUBLIC PARTICIPATION TIME

7.1 OPEN FORUM

Mr Murray Coates spoke against “2020/47 – 969 Goulburn Valley Highway, Thornton – Tanglewood” (Item 8.1 on the Agenda)

Mrs Heather Robb spoke against “2020/47 – 969 Goulburn Valley Highway, Thornton – Tanglewood” (Item 8.1 on the Agenda)

Mr Graeme Robb spoke against “2020/47 – 969 Goulburn Valley Highway, Thornton – Tanglewood” (Item 8.1 on the Agenda)

Mr Greg Salter spoke against “2020/47 – 969 Goulburn Valley Highway, Thornton – Tanglewood” (Item 8.1 on the Agenda)

Ms June Glover spoke against “2020/47 – 969 Goulburn Valley Highway, Thornton – Tanglewood” (Item 8.1 on the Agenda)

RESOLUTION

Cr E Lording / Cr M Rae

That the Public Participation time be extended by 40 minutes.

CARRIED UNANIMOUSLY

Ms Sienna Salter spoke against “2020/47 – 969 Goulburn Valley Highway, Thornton – Tanglewood” (Item 8.1 on the Agenda)

Mr Daniel Harrop spoke against “2020/47 – 969 Goulburn Valley Highway, Thornton – Tanglewood” (Item 8.1 on the Agenda)

Mr Craig Cooper spoke against “2020/47 – 969 Goulburn Valley Highway, Thornton – Tanglewood” (Item 8.1 on the Agenda)

Mr Paul Little spoke against “2020/47 – 969 Goulburn Valley Highway, Thornton – Tanglewood” (Item 8.1 on the Agenda)

Ms Steph Born spoke in support “2020/47 – 969 Goulburn Valley Highway, Thornton – Tanglewood” (Item 8.1 on the Agenda)

Mr Craig Lloyd, CEO read a submission on behalf of Ms Fiona Mackey against “2020/47 – 969 Goulburn Valley Highway, Thornton – Tanglewood” (Item 8.1 on the Agenda)

7.2 QUESTIONS OF COUNCIL

Nil.

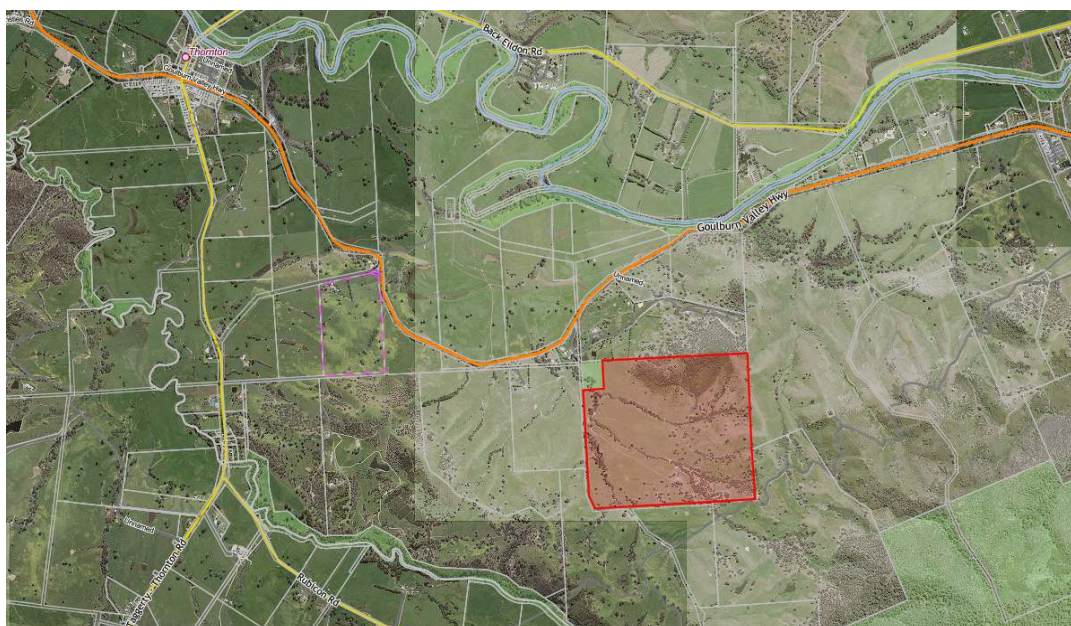
8. OUR PLACE

8.1 2020/47 – 969 GOULBURN VALLEY HIGHWAY, THORNTON – TANGLEWOOD

Attachment(s): *Attachments (refer Attachment 8.1)*
Objections (distributed to Councillors separately)
Submissions of support (distributed to Councillors separately)
Response to objections (distributed to Councillors separately)

Land: 969 Goulburn Valley Highway THORNTON 3712
Proposal: Use of land for the purpose of a place of assembly (music festival) annually for 5 years
Applicant: Tanglewood Festival Born Rhythm Entertainment
Zoning: Farming Zone
Overlays: Bushfire Management Overlay
Triggers: Clause 35.07-1 (Farming Zone) Use of land for place of assembly
Clause 35.07 – Buildings and works associated with a place of assembly
Clause 44.06 – Buildings and works associated with a place of assembly
Clause 52.29 – Creation of access on a Road Zone Category 1

Locality Plan



Purpose

This report recommends that a notice of decision to grant a permit be issued for the use of land for the purpose of a place of assembly (music festival) annually for 5 years at 969 Goulburn Valley Highway, Thornton.

Officer Recommendation

That Council issue a Notice of Decision to grant a planning permit for the use of land for the purpose of a place of assembly (music festival) annually for 5 years at 969 Goulburn Valley Highway Thornton 3712 (LOT: 1 TP: 342881, LOT: 2 TP: 342881, Parish of Thornton), subject to the following conditions:

- (1) This permit allows five events to be held over five consecutive years from 30 December to 2 January, subject to satisfactory compliance with condition (2) below. In the event that an alternative date is required to be used written notice must be provided to the Responsible Authority at least 6 weeks prior to the proposed date. Once a new date is approved by the

Responsible Authority, notice will be provided to all properties within a 5 kilometre radius by the Responsible Authority. The establishment of the site for the purpose of the event and re-instatement of the site after the event may occur outside the dates specified above, to the satisfaction of the Responsible Authority

- (2) The consecutive annual events may only proceed upon satisfactory compliance with the conditions of the permit for the previous events to the satisfaction of the Responsible Authority.
- (3) Music from the event may occur between the following hours on the following dates:
- o 30 January - 3pm and midnight
 - o 31 December - 10am to 6am 1 January
 - o 1 January - 10am - 11.00pm.
- or alternative dates with the prior written consent of the Responsible Authority.

- (4) Noise generated from the use hereby permitted for normal operating hours must not exceed 96 dB(A) on the main stage and 92 dB(A) on Stage 2, measured at 30 metres from front of the stage, and for late night (after 10pm) noise levels must not exceed 89 dB(A) on the main stage and 86 dB(A) on Stage 2 measured at 30 metres from front of the stage as detailed in the noise management plan. Should a complaint be received about the noise level, the sound engineer must check levels and adjust accordingly

Between the hours of 3am and 6am on 1 January the amplification to all speakers must be reduced. The amplification must be reduced to such a level that they do not exceed 60db at 63Hz on all residential boundaries.

- (5) Within 3 months of the conclusion of each event an acoustic report by an independent sound and acoustics engineer must be submitted to the Responsible Authority. Such report must include:
- a) Results of the engineer's noise measurements and observations made during attendance;
 - b) Results of the unattended noise monitoring data;
 - c) Verification regarding whether the event complied with the relevant Planning Permit conditions;
 - d) Noise contour mapping over the broader and surrounding area, based on measurements and observations made during the event; and
 - e) Recommendations to minimise noise impacts at future events.
- This report will be used to determine whether the event occurred in compliance with the conditions of this permit to the satisfaction of the Responsible Authority.
- (6) The following number of patrons and staff members be permitted on the site at any one time to the satisfaction of the Responsible Authority:
- a) Year One: no more than 3000 patrons plus no more than 750 event staff
 - b) Year Two: no more than 3250 patrons plus no more than 750 event staff
 - c) Year Three: no more than 3500 patrons plus no more than 750 event staff
 - d) Year Four: no more than 3750 patrons plus no more than 750 event staff
 - e) Year Five: no more than 4000 patrons plus no more than 750 event staff.

- (7) Patrons are only permitted on the site between the hours of 9am on the 30 December and 5pm on the 2 January or alternative dates with the prior written consent of the Responsible Authority.

- (8) Prior to the commencement of each event hereby permitted the management plans shall be updated and submitted to and approved by the Responsible Authority. Once approved, all relevant management plans will be endorsed and will then form part of the permit. The plans must be generally in accordance with the plans submitted with the

application but must be updated to form the final version of the plans, to the satisfaction of the Responsible Authority. The management plans must include:

- a) Event Management Plan
- b) Noise Management Plan
- c) Emergency Management Plan
- d) Waste Management Plan
- e) Traffic Management Plan.

The event must be managed in accordance with the endorsed management plans at all times to the satisfaction of the Responsible Authority.

- (9) Activities on the final day of the festival and the pack down must not cause annoyance to people beyond the site
 - (10) All food providers are to comply with relevant *Food Act* legislation requirements to the satisfaction of the Responsible Authority
 - (11) A final list of all food vendors must be submitted to the responsible authority at least 7 days prior to the event
 - (12) All temporary food premises must meet the requirements of Chapter 3 of the Australia New Zealand Food Standards Code - Standard 3.2.3 – Food Premises and Equipment Requirements
 - (13) Waste water generated from mobile food vendors cannot be discharged onto the ground, lawns, into portable public toilets or storm water drains
 - (14) All temporary structures erected on the site including all promotional or directional signage and all waste must be removed at the completion of the event to the satisfaction of the Responsible Authority. The site must be re-instated including any areas of disturbed ground to be re-vegetated, no later than two weeks after the completion of the event on the land, to the satisfaction of the Responsible Authority. A post-event site condition report must be submitted to the Responsible Authority to demonstrate compliance with this condition, no later than 4 weeks after the completion of the event on the land
- Any structures that are permitted to remain on the site must be stored within existing sheds and not be visible from outside the site
- (15) A public address system must be installed throughout the site to advise patrons of any emergency on the site to the satisfaction of the Responsible Authority
 - (16) 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
 - (17) The owner/operator must ensure that litter is not deposited beyond the boundaries of the premises to the satisfaction of the Responsible Authority
 - (18) 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
 - (19) The parking of all vehicles must be confined to designated parking areas within the site as set out on the endorsed plan and no vehicles associated with the event may be parked on any public land, including the road reserve, to the satisfaction of the Responsible Authority
 - (20) The use 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

- (21) The emission of noise from the property including the surrounding environment and carpark areas either during or immediately after the hours permitted, must not cause annoyance to persons beyond the site
- (22) Appropriate number of toilets are to be supplied to the number of people proposed at the events at various locations across the site so that patrons have close access across the site to the satisfaction of the Responsible Authority
- (23) Disability access portable toilets are to be made available to the satisfaction of the Responsible Authority
- (24) If a urinal facility is to be provided, it must be an appropriate and approved system to the satisfaction of the Responsible Authority
- (25) Portable toilets and showers must be set back 60 metres from waterways to the satisfaction of the Responsible Authority
- (26) No wastewater can be directed or disposed of within a waterway or within the subject site
- (27) Event staff and security are to ensure that no persons related to the event including all staff or patrons are to enter into adjoining properties without the owners prior consent
- (28) Within 6 weeks after each event, an event report must be prepared to the satisfaction of the Responsible Authority. This report must demonstrate compliance with all conditions on this permit.

Department of Transport (Head, Transport for Victoria)

- (29) Before each event, a Traffic Management Plan by a VicRoads prequalified contractor must be submitted to the satisfaction of and at no cost to Head, Transport for Victoria
- (30) Within 14 days past each event, an event summary must be prepared to the satisfaction of and at no cost to Head, Transport for Victoria. This summary must provide observations of traffic patterns at its peak periods on event day including patron numbers and outline the effectiveness of traffic management measures in place
- (31) Ticket sales provisions are to be located at the Information Station as identified on the site plan appended to the application. Ticket sales will not be permitted at the subject site access with Goulburn Valley Highway
- (32) The event days will be in accordance with the Security Management Plan appended to the application.

Goulburn Broken Catchment Management Authority

- (33) The proposed parking area, camping area, generators, toilet facilities, stages, food stalls, market areas and any other temporary structures are set back a minimum of 30 metres from the bank of the designated waterways
- (34) Any maintenance or works associated with crossings of the designated waterways will require a Works on Waterways Permit (issued by the Goulburn Broken CMA).

Country Fire Authority

- (35) The event organiser is to engage a suitably qualified risk management practitioner that to the satisfaction of the Responsible Authority has recognised qualifications and experience to conduct a full risk assessment and response plan meeting Australian Standard 4360 in the following areas (but not limited to):
- Assessments of fire and other emergencies within the site and external threats impinging on the site
 - Risk treatments to mitigate identified risks
 - Develop and emergency management plan based on the treatment strategy
 - Identification of the area(s) for assembly of event patrons. In the event of an emergency to the satisfaction of the CFA
 - Assembly areas, vehicular traffic, parking or paths of access and egress are not to impinge on responding CFA vehicles or the operational requirements of CFA
 - Event plans for the site are to be developed using a guide document, 'Event Management – Planning Guideline for Event Managers'
 - Any identified firefighting resources and personnel are to be available at the site and available for use during set-up, duration and demobilisation of the event.
- (36) A draft copy of the Emergency and Fire Management Plans are to be submitted to;
CFA District 22
North East Region
- Not less than three (3) months prior to any proposed event (annually) to provide opportunity for comment to the Responsible Authority
- A finalised draft copy of the Emergency and Fire Management plans are to be submitted to;
CFA District 22
North East Region
- Not less than six (6) weeks prior to any proposed event (annually) to provide opportunity for comment to the Responsible Authority.
- (37) A Site Fire Ban is to be imposed for this event prohibiting patrons (and other persons) from any activities which produce a naked flame or ignition source for the total duration of the event.
- This ban prohibits the following;
 - Naked flames of any kind regardless of cause or source
 - Use of any "open flame" equipment including gas cookers, gas lights, barbeques tea candles
 - Use of unauthorised "portable" generators, quad bikes or motorbikes
 - Unauthorized "Fire Twirling" and like activities undertaken by patrons or others.
- (38) Food vendors, display stalls, market stalls and other providers are not to have their stalls/tents/vans or other temporary or permanent structures within a distance of not less than six (6) metres of each other or may have a lesser distance where the event organiser has demonstrated to the satisfaction of the Responsible Authority that fire spread between stalls will not occur

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- (39) Each food vendor, stall holder or other provider is required to get an individual CFA Schedule 14 / Fire Danger Period and/or Section 40 / Total Fire Ban Day permit (no blanket or group permit for these operators are to be issued).
- (40) Access and egress routes are to be clearly marked to a width of not less than six (6) metres and are to meet the following conditions:
- Roads must be constructed to a standard so that they are accessible in all weather conditions and capable of accommodating a vehicle of 15 tonnes for the trafficable road width
 - The average grade must be no more than 1 in 7 (14.4%) (8.1 degrees) with a maximum of no more than 1 in 5 (20%) (11.3 degrees) for no more than 50 metres
 - Dips must have no more than 1 in 8 (12%) (7.1 degrees) entry and exit angle.
- (41) Vegetation in the Car parking areas, vehicular routes, camping areas and emergency assembly areas, (i.e. the entire event area as designated on the Event Site Plan) are to be maintained to the following conditions to the satisfaction of the Responsible Authority:
- Grass must be no more than 100mm in height
 - Leaf litter must be less than 10mm deep
 - There must be no elevated fuel on at least 50% of the area. On the remaining 50% the elevated fuel must be at most sparse, with very little dead material.
- This fuel reduction must be completed 3 weeks prior to the event date and maintained in this state until the conclusion of the event.
- (42) Camping areas are to be structured in 20 metre squared blocks with 6m wide access roads provided between each camping block to be detailed in Campsite Map 2020 document
- (43) There must be two (2) Emergency Assembly Areas. One situated on the northern side of the watercourse running through the event area. The second assembly area is to be located just north of the patron camping area adjacent to the small dam
- (44) The small dam adjacent to patron camping area and the dam next to the car parking area (as indicated as quick fill / static water supply locations on the Event Site Plan) must be full of water a minimum of one (1) week prior to the event through until the end of the event. Clear vehicular access must be maintained to these areas
- (45) The Event organiser is to provide their own fire suppression resources and equipment to be on site 24/7 for the duration of the event including bump in and bump out times

This is to include bump in dates 26-29 December and bump out dates 02-05 January

This will require a minimum of 2 Slip On Units (min 500 litres) to be crewed from 30th December through until the 3rd of January inclusive as per the Tanglewood Festival Fire Management Roster document, with one crewed slip on unit being available for the bump in / bump out periods specified above

The event organiser is to provide the names and evidence of the fire fighting qualifications of the engaged personnel to CFA by no later than 1st December 2020

The firefighting resources are to be dedicated resources for the fire response task & not numbers that are also part of the medical team

(CFA reserves the right to vary these requirements based on the seasonal outlook for each respective year which will be done through the Emergency Management Planning document review process listed at conditions 2 and 3)

- (46) There are to be no Fireworks / Pyrotechnics and/or Fire Performances at this event
- (47) The Event Organiser is to appoint Safety Officers for the event, who have successfully completed the 'Safety Officer – In a Place of Public Entertainment', training that is available from Melbourne Metropolitan Fire Brigade. Evidence of qualification to be provided to CFA
- (48) Each event (annually) is required to be provided a copy of this approval to the Responsible Authority.

The Land and Surrounds

The site is situated to the south of Goulburn Valley Highway which provides access to one of the lots. The proposed event site is situated on 165 hectares of agricultural land comprising of 5 separate lots, with the festival to be located on 2 lots (Lot 1 TP:342881 and Lot 2 TP 342881). Lot 2 is developed by way of a dwelling and machinery and shearing sheds. It is proposed that Lot 2 will be used for the entrance to the festival and car queueing. The proposed use of land for a music festival will be predominantly on Lot 1. Lot 1 is 127 hectares in size and generally used for cattle grazing. There are significant patches of native vegetation covering this lot, however, the area to be used for the festival is predominantly clear. There is an existing 1.5 kilometre access track running through Lot 1 and Lot 2 from the entrance to the proposed festival site.

The subject site is situated between the township of Thornton (approximately 3.5 kilometres) and the township of Eildon.

The adjoining properties are large ranging from approximately 71 hectares to 384 hectares and used for agricultural purposes. They are generally developed by way of single dwellings and machinery sheds. There are several prominent waterways in the area and the Rubicon River is situated to the south of the subject site though not adjoining the subject site.

Background

The subject site has been used by the applicant for the music festival 'Tanglewood' on 4 occasions since the event commenced in 2015.

In November 2015, a planning permit was issued for a 'use permit to allow an outdoor music event 30 December 2015 to 1 January 2016 (inclusive). This planning permit allowed for 800 patrons to be permitted onsite. This application was determined by council officers as one objection was received which was resolved.

In 2016 a planning permit was issued for the event to run from 30 December to 2 January over a three year period commencing 2016. This planning permit application was determined at a council meeting with an officer recommendation to issue a Notice of Decision. The planning permit allowed for 3000 patrons to attend the festival and the planning permit was acted on. There were two objections to this application which were not resolved.

Proposal

In March this year the applicant applied for the event to run from 30 December 2020 to 3 January 2021 and a subsequent four years. The application also requested an option of alternative dates should the New Year event be required to be cancelled due to unforeseen circumstances such as COVID19 or high bushfire risk. The proposed alternative dates include Australia Day weekend or the last weekend in March. The event is proposed to allow for 3,000 patrons in the first year with the potential to grow by 250 patrons each year until the fifth year which will allow for 4,000 patrons.

The proposed event is promoted as a small boutique music and arts festival consisting of musical performances, cultural activities and artistic workshops. The event is targeted at patrons in the 25 to 50 year old demographic. However, the event is also promoted as family friendly whereby under 12 year old children are permitted to attend the event in company of a parent or legal guardian. The event is promoted as being environmentally conscious where patrons are requested to bring reusable utensils and other strategies to reduce the events carbon footprint. The festival site is proposed to be located towards the rear of Lot 1 around 1.5kms from the Goulburn Valley Highway. There will be two main stages where live bands and DJs will perform. The festival will also include a market area where there will be food stalls, an art gallery and a low level music space. The food stalls will operate between 9am to 1am and free drinking water will be provided.

The proposed festival schedule is as follows:

Date	Time	Activity
30 December	9.00am	Open for patrons
	9.00am – 1am	Markets - Food stalls
	2.00pm – 12am	Music playing on main stages
	12.00am-2.00am	Low level music & chill spaces
31 December	10.00am - 6.00am	Music playing on main stages
1 January	10.00am – 11.00pm	Live bands will play - No DJs will play
	8pm - 1.00am	Cinema
	10.00am – 1.00am	Low level music & chill spaces
2 January	12.00pm	Public required to leave site by 12.00pm
		Volunteers and the crew will remain onsite for the pack down

In the event that the festival is required to change dates, this schedule would remain the same.

Cultural Heritage Management Plan

The site is not in an area of cultural sensitivity as defined by the *Aboriginal Heritage Regulations 2018*. Consequently, a Cultural Heritage Management Plan is not required.

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 (15 properties)
- An advertisement in the *Alexandra Standard* on 29 April 2020.

Eight submissions objecting to the proposal were received from six neighbouring properties. Fifteen submissions of support were received from neighbouring properties and local businesses in the area.

A meeting of parties was held on 30 June 2020 with several of the objectors, the applicant, council officers and councillors. The meeting provided an opportunity for objectors to discuss their concerns and the applicant to respond to these. No objections were withdrawn after this meeting.

The objections received in relation to the current proposal cover a number of matters which are addressed below:

- Insufficient information in regards to compliance with noise controls
- The proposal will overload local telephone and internet accessibility
- The proposal will result in unreasonable noise and disturbance of nearby land users as it has in the past
- The proposal will result in anti-social behaviour
- Hours of operation need to be reduced
- Farm biosecurity risks to the property and neighbouring properties
- Increased fire risk
- Previous problems with trespassers and fence jumping
- The site is located in the Farming Zone and this has not been addressed
- Impact on native wildlife including rare and endangered species that may be located at the event location
- No demonstration of how compliance with SEPPN2 will be achieved and has not sought dispensation from the EPA
- Unacceptable traffic impacts
- No permission for temporary structures, shipping containers or other permanent infrastructure
- Concern whether all works on site have received planning approval and whether previous planning permits have been complied with
- Unacceptable burden on the limited emergency service resources that are available to the area
- There have been no consultation with the indigenous people of the area in relation to possible historical and culturally significant trees and areas that may be impacted by the proposal
- The proposal does not provide financial advantage to local businesses because the event has food and drink outlets located at the event
- Concerns that patrons disturbing livestock on neighbouring properties.

The submissions of support provided the following statements:

- The economic benefit to the communities of Alexandra, Thornton and Eildon is significant
- The work generated for local contractors such as water cartage, hire of toilets, grass slashing and provision of ice during the festival is beneficial to the community
- The running of this event is excellent in its organisation skills, preparatory works being undertaken months before festival is to commence and the days of the festival run very smoothly
- There are many thousands people coming into the district spending their money etc, enjoying the ambience of both our municipality and the site of the festival. In light of recent events effecting us all what a perfect opportunity for us all to benefit from this event and re kindle our lives
- Tanglewood brings major economic benefits to our community. Past years, businesses have experienced an increase in sales over the New Year period due to festival goers. As the event didn't go ahead last year there was a significant drop in sales between December 31st and January 2nd – this is a direct result in the reduced number of people holidaying within our community throughout the New Year period
- Tanglewood provides holiday makers, as well as locals with a safe, monitored and controlled environment to celebrate the New Year whilst supporting the local business and community
- Organisers and patrons of the event to be polite, patient and extremely easy to deal with
- Tanglewood aims to promote local businesses and draws in a demographic of people whom might not have ventured to Lake Eildon if it wasn't for this event, thus leading to future tourism and economic growth within our region

- Given the hardship the tourism industry has faced and will continue to face for the foreseeable future council should be encouraging as much publicity, and promoting Lake Eildon as much as possible given the current climate
- There have not been an incident of aggression or fighting at the festival it is very family friendly.

The applicant has provided a response to all individual objections.

Responses to the above objections are discussed in greater detail later in this report.

Referrals

The application was referred to the Goulburn Broken Catchment Management Authority (GBCMA), the Country Fire Authority (CFA) and Department of Transport (DoT).

GBCMA, CFA and DoT have given conditional consent to a planning permit being issued.

Discussion - Planning Considerations

Planning Policy

The proposal has been assessed against state, regional and municipal Planning Policy Framework (PPF) contained in the *Murrindindi Planning Scheme*. Overall it is considered to be consistent with the objectives and strategies of this framework as is discussed below.

Clause 02.02 (Vision)

The planning scheme outlines the overall vision for the municipality. This includes:

- 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
- Increased economic growth and investment will enhance population growth, employment and social and cultural benefits for the municipality.

It is considered that the proposal is consistent with this vision. The event will allow for increased tourism to the area which in turn will provide economic growth. Furthermore, the event will allow for exposure of the municipality by a significant number of people.

Clause 02.03 (Strategic Directions)

This local planning policy requires the consideration of the economic development policies in making a determination of planning permit application. Council supports the following strategies to promote economic development:

- Encouraging sustainable growth in tourism, leveraging Murrindindi Shire's natural assets, proximity to Melbourne and links with neighbouring regions
- Encouraging small enterprises in tourism, creative arts, home-based businesses, overnight visitor accommodation and farm enterprises and markets that showcase local produce.

The proposed use of the land is consistent with the strategic directions as it will provide for a creative arts experience while showcasing the natural assets of the area. Furthermore, it will encourage overnight visitor accommodation and promote farming enterprises.

Clause 12.01-1S (Protection of Biodiversity)

Clause 12.01-1S (Protection of Biodiversity) aims to assist the protection and conservation of Victoria's biodiversity. To ensure that decision making takes into account the impacts of land use and development on Victoria's biodiversity, the following strategies have been considered:

- Cumulative impacts

- Fragmentation of habitat, the spread of pest plants, animals and pathogens into natural ecosystems.

The proposed use and development will be wholly contained within the lot with significant buffers between the festival site and surrounding agricultural uses. The festival site has been used on four occasions which suggests that there has been no detrimental impact on the area. The applicant has an interest in maintaining a pristine environment as it ties in with the environmental ethos and values that is promoted on their festival website. The application was accompanied by a waste management plan which details the waste management requirements for attendees and stall holders and a range of promotional activities aims at reducing waste.

Clause 13.05 -1S (Noise Abatement)

The potential noise impacts and the ability to manage the amenity impacts to an acceptable level was a key consideration in the assessment of the proposed music festival. Clause 13.05-S (Noise Abatement) requires that the noise effects on sensitive land uses is considered when making a determination of a planning permit application. Residential use is considered a sensitive use.

This objective is to be 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 planning policy also requires that the Responsible Authority consider, *State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2* in making a decision on a planning permit application.

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.

The applicant has provided an Acoustic Report that details the noise monitoring that was conducted at the 2017 to 2018 event. Noise levels were measured from the stages and on neighbouring properties. It was found that the noise levels were compliant with the planning permit conditions and the EPA requirements. This report also contained recommendations for future events which have been included in both the officer recommendation conditions and the provided Noise Management Plan.

In variance to previous planning permits for this event the officer recommendation requires the bass from the event be limited by reducing amplification after 3am which will reduce the potential annoyance to surrounding residential uses. Additionally, a requirement for an acoustic report is to be submitted following each event to demonstrate compliance with planning permit conditions and provide recommendations for improvements for future events.

The submitted Noise Management Plan outlines the proposed measures to limit noise disruption to surrounding properties. In an attempt to limit the noise emissions the stages have been positioned to have the least impact on nearby residential properties

It should be noted that the nearest dwelling is over 2.4 kilometres from the stages with very few dwellings within the immediate vicinity.

It is considered that the noise impacts associated with the proposed use of the land can be mitigated through appropriate conditions, the implementation of the Noise Management Plan and relevant legislation.

Clause 13.07-1S (Land use compatibility)

Planning decisions must take into consideration Clause 13.07-1S (Land use compatibility) policy which requires the Responsible Authority to, 'safeguard community amenity while facilitating appropriate commercial, industrial or other uses with potential off-site effects'.

To meet this objective, 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.

When considering this policy in light of the characteristics of the proposal it is evident that these strategies have been implemented. These characteristics include, the significant buffer between the festival site and nearby residential uses, the frequency and length of the festival of events, the number of patrons and the orientation of the stages to minimise noise disturbance.

Clause 13.02 (Floodplains)

Clause 13.02 (Floodplains) requires the Responsible Authority to avoid intensifying the impacts of flooding through inappropriately located uses and developments.

The subject site is not located in the Floodway Overlay or Land Subject to Inundation Overlay, however given the predominant waterways through the site it was referred to Goulburn Broken Catchment Management Authority (GBCMA). GBCMA recommended two conditions be placed on any planning permit that is issued. These have been included in the office recommendation.

Clause 17.01-1S (Diversified economy) and Clause 17.01-1R (Diversified economy – Hume)

State planning policy aims to 'strengthen and diversify the economy' by implementing the following strategies:

- Protect and strengthen existing and planned employment areas and plan for new employment areas
- Facilitate regional, cross-border and inter-regional relationships to harness emerging economic opportunities
- Facilitate growth in a range of employment sectors, including health, education, retail, tourism, knowledge industries and professional and technical services based on the emerging and existing strengths of each region
- Support rural economies to grow and diversify.

Clause 17.01 – 1R (Diversified economy – Hume) requires the Responsible Authority to encourage appropriate new and developing forms of tourism.

The proposed use of the land for tourism will allow for an economic advantage to surrounding and nearby businesses. The applicant has submitted that data from surveys of patrons at the event whereby they predict that the average spend of patrons in Alexandra, Eildon, Thornton, Taggerty and Buxton would reach around \$250,000 into the local community.

In addition to the direct monetary benefits of the event, the event also allows the promotion of the area to visitors which is likely to have a flow on economic benefit to the area.

Clause 17.03 - 1S (Tourism)

Objective: To encourage tourism development to maximise the economic, social and cultural benefits of developing the state as a competitive domestic and international tourist destination.

Strategies:

- Promote tourism facilities that preserve, are compatible with and build on the assets and qualities of surrounding activities and attractions
- Create innovative tourism experiences
- Encourage investment that meets demand and supports growth in tourism.

The proposed use of the site for the festival compliments the existing natural environment and will encourage visitors to experience the region.

Clause 36.04 (Farming Zone) and Clause 14.01 (Agriculture)

The subject site is located in the Farming Zone. Under the *Planning Scheme* a music festival is defined as a Place of Assembly and as such requires a planning permit.

The proposed use of the land for a maximum of 4000 patrons on over 4 days per years is considered to have a manageable and temporary impact on the rural amenity of the area.

The following decision guidelines have been considered in the assessment of this proposal:

- Capability of the land to accommodate the proposal
- Compatibility with adjoining and nearby land uses
- How agricultural production is supported and enhanced
- The impact on physical features and resources of the area, in particular on soil and water quality
- Visual impact of development on surrounding land
- Whether the use and development will require traffic management measures.

Along with the above decision guidelines, the application is required to be considered in relation to Clause 14.01 (Agriculture). This planning policy aims to protect productive agricultural land which is of strategic significance in the local or regional context by ensuring that the State's agricultural base is protected from the unplanned loss of productive agricultural land due to permanent changes of land uses.

The size and characteristics of the site allow it comfortably accommodate the proposed use. This includes the slope, areas clear of native vegetation and existing infrastructure.

The subject site is considered to be compatible with the surrounding agricultural use of the area. There is a significant setback between the proposed stages and the property boundaries.

The proposed frequency of the use, lack of infrastructure required to run the festival allows the cattle farm to continue to operate outside of and during the event times. As such, it is considered that the proposed use will have minimal impact on the agricultural use of the land.

The application is to run the event for 5 years with no application for permanent buildings and works. Consequently, it is considered that this event will not permanently remove the land from agricultural productions.

The proposal is considered to be consistent with the purpose and decision guidelines of the Clause 36.04 (Farming Zone) and Clause 14.01 (Agriculture)

Clause 44.06 (Bushfire Management Overlay) and Clause (13.05 Bushfire)

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.

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:

The subject site is in the Bushfire Management Overlay and was referred to the Country Fire Authority. Given the proposed timing of the event an inherent bushfire risk of the location a robust Emergency Management Plan was required.

The provided Event Management Plan and Fire Management Plan outline the proposed management of the site in relation to fire risks. There will be at least one fire fighter available for the duration of the festival. There will be a second fire fighter available in the evenings and a crew available should it be required.

In addition to the planned emergency management resources there are strict rules in relation to what patrons are able to bring to the site. This includes:

- No gas fixed or portable equipment, including cooking and lighting appliances are to be used on site
- There will be no naked flame, or fire lit in the open area of the event
- No solid fuel cooking or heating of any type
- No fireworks, flares or fire sticks will be permitted on the property.

Given the strict rules around fire safety along with the placement of fire safety personal on site it is considered that the proposal is consistent with bushfire planning provisions.

Discussion - Submissions

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

Insufficient information in regards to compliance with noise controls and will result in unreasonable noise and disturbance of nearby land users as it has in the past. There has been no demonstration of how compliance with SEPPN2 will be achieved and has not sought dispensation from the EPA.

The application was accompanied by the Acoustic Report from the 2018/2019 festival along with a comprehensive Noise Management Plan.

The acoustic report detailed the noise readings at various positions at the site and surrounding the site on adjoining properties. The report found that at no stage did the decibel levels exceed what was permitted by the planning permit or the EPA requirements.

As the event is outdoors and to be held after 10pm, a permit is required from the EPA. This must be applied for at least 45 days prior to the event. When considering the proposal the EPA will require:

- A description of the type of event
- The days the events will run
- The likely impact on the local community
- Evidence of community engagement
- Written advice from the local council.
- A Noise Management Plan which will include:
 - the name of the company in control of the event
 - the type of entertainment or acts
 - speaker height, position and the direction the speakers will face
 - the direction the stage will face
 - the noise barriers you'll use
 - how you'll measure noise
 - Reduce noise at the source
 - Noise monitoring
 - Complaints procedure and phone number.

It is considered that the EPA requirements coupled with the planning permit conditions excessive noise risks can be appropriately managed.

The proposal will result in anti-social behaviour

The proposed festival is aimed at 25 to 50 year olds as well as families. There are procedures in place to deal with any anti-social behaviours. The applicant has provided a Security Management Plan that identifies the existing controls for behaviours including:

- Assault
- Disturbing the peace/Abusive Language/Indecent Acts
- Violent persons or unusual activity
- Theft
- Racial Violence
- Drunk and disorderly patrons
- Underage drinking
- Crowd control.

The Security Management Plan in conjunction with the presence of Victoria Police on site will be able to effectively and efficiently manage any anti-social behaviour that may occur.

At the last event the security management company reported being satisfied with the behaviour of patrons. Victoria Police attended the site twice and no police reports were filed.

Hours of operation are inappropriate for the area

Given the proposed frequency of the events and its location, the hours are considered appropriate for the area. Additionally, the distance between the stages and dwellings supports the location suitable to accommodate the proposed hours of operation.

Farm biosecurity risks to the property

There is no evidence that the proposed use of the land is likely to cause any biosecurity risks to the subject site or surrounding agricultural uses. The applicant has provided a comprehensive waste management plan that details how waste from the event will be dealt with.

Farm biosecurity risks to adjoining properties as a result of trespassers

A review was completed of previous cases of trespassers. The Security Management Plan identifies the proposed measures to mitigate against this risk:

- A distinct line of permanent farm fencing is erected around perimeter
- Security personnel to be used on perimeter
- Control access points, including emergency exit points
- Effective presence of security personnel and effective communication
- UVA Drone to be monitoring areas
- Motorbike and ATV to be driving perimeter laps.

Two mobile ATV will be deployed to assist with transporting security, respond to incidents, injured persons and with property and perimeter patrols. Mobile patrols will also be conducted on a motorbike. Two motorbikes will be deployed throughout the event to keep fence jumpers and people off the adjoining perimeter fences and road ways. A static Security Officer will be present for the duration of the event at (an objectors) property and random patrols conducted throughout the bump in, event and bump out.

It is considered that these measures are sufficient to mitigate the risk of trespassers on to adjoining property. Additionally, a condition has been included in the officer recommendation that prohibits persons associated with the event accessing adjoining properties.

Increased fire risk

The application was referred, under the Bushfire Management Overlay, to the CFA who provided conditional consent to the granting of the permit. The application is also supported by a Fire Management Plan that specifies that the event is to be cancelled on days of a Code Red and Extreme Fire Danger Ratings. The CFA require additional plans to be submitted for review prior

to each event. The conditions provided by the CFA have been included in the officer recommendation.

The site is located in the Farming Zone and this has not been addressed

As discussed above, the planning permit application has been assessed against the decision guidelines of the Farming Zone. It has been determined that the proposed use is consistent with the purpose and decision guidelines of the Farming Zone as it will have minimal impact on the use of this land for agriculture or on surrounding agricultural uses.

Impact on native wildlife including rare and endangered species that may be located at the event location

No evidence has been provided of any rare or endangered species on the festival site. The site is currently being used as a productive cattle farm. There is no evidence to suggest that there will be a greater impact on native wildlife than the existing use of land for a cattle farm.

Unacceptable traffic impacts

Access to the property is via the Goulburn Valley Highway which is a major traffic route and capable of accommodating the proposed increase in traffic to the site.

A comprehensive Traffic Management Plan was provided as part of the planning permit documents. This plan was reviewed by both council's engineering unit and the Department of Transport who are satisfied that the proposed plans are acceptable.

No permission for temporary structures, shipping containers or other permanent infrastructure

There is currently a local laws permit in place for the existing shipping container. Any structures that are permitted to remain onsite will require appropriate screening to protect the amenity of the area.

Concern whether all works on site have received planning approval and whether previous planning permits have been complied with

Council were satisfied with compliance with the previously issued planning permits.

Unacceptable burden on the limited emergency service resources that are available to the area

After the previous event in 2018, the applicant attended a meeting to debrief the event. This included Council officers, the owner of the property, the festivals security personal and medical team representatives, the CFA and VicRoads to identify areas of concern and opportunities for improvement for future events. All authorities expressed support of how the event was managed and made suggestions that have been incorporated into the proposal.

The applicant has engaged medical, security and fire professional services which will be onsite and available at all times for the duration of the proposed festival.

There has been no consultation with the indigenous people of the area in relation to possible historical and culturally significant trees and areas that may be impacted by the proposal

The site avoids any waterways and areas of Cultural Sensitivity and makes use of existing roads and infrastructure. No area of either of the lots are included as areas of cultural sensitivity as such there is no such requirement for a Cultural Heritage Management Plan.

The applicant has met with local indigenous people to gain an understanding of the history of the site.

The proposal does not provide financial advantage to local businesses because the event has food and drink outlets located at the event

The applicant has provided information that demonstrates a predicted economic gain. While there is unlikely to be patrons attending local businesses during the event it is expected that patrons will buy supplies on route to the festival along with food and drinks.

Several submissions of support have been received from local businesses that state they have received a significant increase in sales due to the event.

The proposal will overload local telephone and internet accessibility

This is not a planning consideration and cannot be considered in making a determination on this application.

Conclusion

It is considered that the proposed use of the subject site for a music festival is appropriate and will be beneficial to the community as a whole. Concerns relating to the noise, amenity, site, traffic and emergency management have been addressed through appropriate conditions. On the balance it is considered that the music festival is consistent with the provisions of the Murrindindi Planning Scheme. It is incumbent upon any event operator to operate within the provisions of the permit.

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 officer's conflicts of interest in relation to this report.

RESOLUTION

Cr S McAulay / Cr M Rae

That Council issue a Notice of Decision to grant a planning permit for the use of land for the purpose of a place of assembly (music festival) annually for 5 years at 969 Goulburn Valley Highway Thornton 3712 (LOT: 1 TP: 342881, LOT: 2 TP: 342881, Parish of Thornton), subject to the following conditions:

- (1) This permit allows five events to be held over five consecutive years from 30 December to 2 January, subject to satisfactory compliance with condition (2) below. In the event that an alternative date is required to be used written notice must be provided to the Responsible Authority at least 6 weeks prior to the proposed date. Once a new date is approved by the Responsible Authority, notice will be provided to all properties within a 5 kilometre radius by the Responsible Authority. The establishment of the site for the purpose of the event and re-instatement of the site after the event may occur outside the dates specified above, to the satisfaction of the Responsible Authority**
- (2) The consecutive annual events may only proceed upon satisfactory compliance with the conditions of the permit for the previous events to the satisfaction of the Responsible Authority.**

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- (3) **Music from the event may occur between the following hours on the following dates:**
- 30 January - 3pm and midnight
 - 31 December - 10am to 3am 1 January
 - 1 January - 10am - 11.00pm
- or alternative dates with the prior written consent of the Responsible Authority.**
- (4) **Noise generated from the use hereby permitted for normal operating hours must not exceed 96 dB(A) on the main stage and 92 dB(A) on Stage 2, measured at 30 metres from front of the stage, and for late night (after 10pm) noise levels must not exceed 89 dB(A) on the main stage and 86 dB(A) on Stage 2 measured at 30 metres from front of the stage as detailed in the noise management plan. Should a complaint be received about the noise level, the sound engineer must check levels and adjust accordingly**
- Between the hours of 1am and 3am on 1 January the amplification to all speakers must be reduced. The amplification must be reduced to such a level that they do not exceed 60db at 63Hz on all residential boundaries.**
- (5) **Within 3 months of the conclusion of each event an acoustic report by an independent sound and acoustics engineer must be submitted to the Responsible Authority. Such report must include:**
- a) **Results of the engineer's noise measurements and observations made during attendance;**
 - b) **Results of the unattended noise monitoring data;**
 - c) **Verification regarding whether the event complied with the relevant Planning Permit conditions;**
 - d) **Noise contour mapping over the broader and surrounding area, based on measurements and observations made during the event; and**
 - e) **Recommendations to minimise noise impacts at future events.**
- This report will be used to determine whether the event occurred in compliance with the conditions of this permit to the satisfaction of the Responsible Authority.**
- (6) **The following number of patrons and staff members be permitted on the site at any one time to the satisfaction of the Responsible Authority:**
- a) **Year One: no more than 3000 patrons plus no more than 750 event staff**
 - b) **Year Two: no more than 3250 patrons plus no more than 750 event staff**
 - c) **Year Three: no more than 3500 patrons plus no more than 750 event staff**
 - d) **Year Four: no more than 3750 patrons plus no more than 750 event staff**
 - e) **Year Five: no more than 4000 patrons plus no more than 750 event staff.**
- (7) **Patrons are only permitted on the site between the hours of 9am on the 30 December and 5pm on the 2 January or alternative dates with the prior written consent of the Responsible Authority.**
- (8) **Prior to the commencement of each event hereby permitted the management plans shall be updated and submitted to and approved by the Responsible Authority. Once approved, all relevant management plans will be endorsed and will then form part of the permit. The plans must be generally in accordance with the plans submitted with the application but must be updated to form the final version of the plans, to the satisfaction of the Responsible Authority. The management plans must include:**
- a) **Event Management Plan**
 - b) **Noise Management Plan**
 - c) **Emergency Management Plan**
 - d) **Waste Management Plan**

e) Traffic Management Plan.

The event must be managed in accordance with the endorsed management plans at all times to the satisfaction of the Responsible Authority.

- (9) **Activities on the final day of the festival and the pack down must not cause annoyance to people beyond the site**
- (10) **All food providers are to comply with relevant *Food Act* legislation requirements to the satisfaction of the Responsible Authority**
- (11) **A final list of all food vendors must be submitted to the responsible authority at least 7 days prior to the event**
- (12) **All temporary food premises must meet the requirements of Chapter 3 of the Australia New Zealand Food Standards Code - Standard 3.2.3 – Food Premises and Equipment. Requirements**
- (13) **Waste water generated from mobile food vendors cannot be discharged onto the ground, lawns, into portable public toilets or storm water drains**
- (14) **All temporary structures erected on the site including all promotional or directional signage and all waste must be removed at the completion of the event to the satisfaction of the Responsible Authority. The site must be re-instated including any areas of disturbed ground to be re-vegetated, no later than two weeks after the completion of the event on the land, to the satisfaction of the Responsible Authority. A post-event site condition report must be submitted to the Responsible Authority to demonstrate compliance with this condition, no later than 4 weeks after the completion of the event on the land**

Any structures that are permitted to remain on the site must be stored within existing sheds and not be visible from outside the site
- (15) **A public address system must be installed throughout the site to advise patrons of any emergency on the site to the satisfaction of the Responsible Authority**
- (16) **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**
- (17) **The owner/operator must ensure that litter is not deposited beyond the boundaries of the premises to the satisfaction of the Responsible Authority**
- (18) **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**
- (19) **The parking of all vehicles must be confined to designated parking areas within the site as set out on the endorsed plan and no vehicles associated with the event may be parked on any public land, including the road reserve, to the satisfaction of the Responsible Authority**
- (20) **The use 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

- (21) The emission of noise from the property including the surrounding environment and carpark areas either during or immediately after the hours permitted, must not cause annoyance to persons beyond the site
- (22) Appropriate number of toilets are to be supplied to the number of people proposed at the events at various locations across the site so that patrons have close access across the site to the satisfaction of the Responsible Authority
- (23) Disability access portable toilets are to be made available to the satisfaction of the Responsible Authority
- (24) If a urinal facility is to be provided, it must be an appropriate and approved system to the satisfaction of the Responsible Authority
- (25) Portable toilets and showers must be set back 60 metres from waterways to the satisfaction of the Responsible Authority
- (26) No wastewater can be directed or disposed of within a waterway or within the subject site
- (27) Event staff and security are to ensure that no persons related to the event including all staff or patrons are to enter into adjoining properties without the owners prior consent
- (28) Within 6 weeks after each event, an event report must be prepared to the satisfaction of the Responsible Authority. This report must demonstrate compliance with all conditions on this permit.

Department of Transport (Head, Transport for Victoria)

- (29) Before each event, a Traffic Management Plan by a VicRoads prequalified contractor must be submitted to the satisfaction of and at no cost to Head, Transport for Victoria
- (30) Within 14 days past each event, an event summary must be prepared to the satisfaction of and at no cost to Head, Transport for Victoria. This summary must provide observations of traffic patterns at its peak periods on event day including patron numbers and outline the effectiveness of traffic management measures in place
- (31) Ticket sales provisions are to be located at the Information Station as identified on the site plan appended to the application. Ticket sales will not be permitted at the subject site access with Goulburn Valley Highway
- (32) The event days will be in accordance with the Security Management Plan appended to the application.

Goulburn Broken Catchment Management Authority

- (33) The proposed parking area, camping area, generators, toilet facilities, stages, food stalls, market areas and any other temporary structures are set back a minimum of 30 metres from the bank of the designated waterways
- (34) Any maintenance or works associated with crossings of the designated waterways will require a Works on Waterways Permit (issued by the Goulburn Broken CMA).

Country Fire Authority

- (35) The event organiser is to engage a suitably qualified risk management practitioner that to the satisfaction of the Responsible Authority has recognised qualifications and experience to conduct a full risk assessment and response plan meeting Australian Standard 4360 in the following areas (but not limited to):
- Assessments of fire and other emergencies within the site and external threats impinging on the site
 - Risk treatments to mitigate identified risks
 - Develop and emergency management plan based on the treatment strategy
 - Identification of the area(s) for assembly of event patrons. In the event of an emergency to the satisfaction of the CFA
 - Assembly areas, vehicular traffic, parking or paths of access and egress are not to impinge on responding CFA vehicles or the operational requirements of CFA
 - Event plans for the site are to be developed using a guide document, 'Event Management – Planning Guideline for Event Managers'
 - Any identified firefighting resources and personnel are to be available at the site and available for use during set-up, duration and demobilisation of the event.
- (36) A draft copy of the Emergency and Fire Management Plans are to be submitted to;
CFA District 22
North East Region
- Not less than three (3) months prior to any proposed event (annually) to provide opportunity for comment to the Responsible Authority
- A finalised draft copy of the Emergency and Fire Management plans are to be submitted to;
CFA District 22
North East Region
- Not less than six (6) weeks prior to any proposed event (annually) to provide opportunity for comment to the Responsible Authority.
- (37) A Site Fire Ban is to be imposed for this event prohibiting patrons (and other persons) from any activities which produce a naked flame or ignition source for the total duration of the event.
- This ban prohibits the following;
 - Naked flames of any kind regardless of cause or source
 - Use of any "open flame" equipment including gas cookers, gas lights, barbeques tea candles
 - Use of unauthorised "portable" generators, quad bikes or motorbikes
 - Unauthorized "Fire Twirling" and like activities undertaken by patrons or others.
- (38) Food vendors, display stalls, market stalls and other providers are not to have their stalls/tents/vans or other temporary or permanent structures within a distance of not less than six (6) metres of each other or may have a lesser

distance where the event organiser has demonstrated to the satisfaction of the Responsible Authority that fire spread between stalls will not occur

- (39) Each food vendor, stall holder or other provider is required to get an individual CFA Schedule 14 / Fire Danger Period and/or Section 40 / Total Fire Ban Day permit (no blanket or group permit for these operators are to be issued).
- (40) Access and egress routes are to be clearly marked to a width of not less than six (6) metres and are to meet the following conditions:
- Roads must be constructed to a standard so that they are accessible in all weather conditions and capable of accommodating a vehicle of 15 tonnes for the trafficable road width
 - The average grade must be no more than 1 in 7 (14.4%) (8.1 degrees) with a maximum of no more than 1 in 5 (20%) (11.3 degrees) for no more than 50 metres
 - Dips must have no more than 1 in 8 (12%) (7.1 degrees) entry and exit angle.
- (41) Vegetation in the Car parking areas, vehicular routes, camping areas and emergency assembly areas, (i.e. the entire event area as designated on the Event Site Plan) are to be maintain to the following conditions to the satisfaction of the Responsible Authority:
- Grass must be no more than 100mm in height
 - Leaf litter must be less than 10mm deep
 - There must be no elevated fuel on at least 50% of the area. On the remaining 50% the elevated fuel must be at most sparse, with very little dead material.
- This fuel reduction must be completed 3 weeks prior to the event date and maintained in this state until the conclusion of the event.
- (42) Camping areas are to be structured in 20 metre squared blocks with 6m wide access roads provided between each camping block to be detailed in Campsite Map 2020 document
- (43) There must be two (2) Emergency Assembly Areas. One situated on the northern side of the watercourse running through the event area. The second assembly area is to be located just north of the patron camping area adjacent to the small dam
- (44) The small dam adjacent to patron camping area and the dam next to the car parking area (as indicated as quick fill / static water supply locations on the Event Site Plan) must be full of water a minimum of one (1) week prior to the event through until the end of the event. Clear vehicular access must be maintained to these areas
- (45) The Event organiser is to provide their own fire suppression resources and equipment to be on site 24/7 for the duration of the event including bump in and bump out times

This is to include bump in dates 26-29 December and bump out dates 02-05 January

This will require a minimum of 2 Slip On Units (min 500 litres) to be crewed from 30th December through until the 3rd of January inclusive as per the Tanglewood Festival Fire Management Roster document, with one crewed slip on unit being available for the bump in / bump out periods specified above

The event organiser is to provide the names and evidence of the fire fighting qualifications of the engaged personnel to CFA by no later than 1st December 2020

The firefighting resources are to be dedicated resources for the fire response task & not numbers that are also part of the medical team

(CFA reserves the right to vary these requirements based on the seasonal outlook for each respective year which will be done through the Emergency Management Planning document review process listed at conditions 2 and 3)

- (46) There are to be no Fireworks / Pyrotechnics and/or Fire Performances at this event**
- (47) The Event Organiser is to appoint Safety Officers for the event, who have successfully completed the 'Safety Officer – In a Place of Public Entertainment', training that is available from Melbourne Metropolitan Fire Brigade. Evidence of qualification to be provided to CFA**
- (48) Each event (annually) is required to be provided a copy of this approval to the Responsible Authority.**

CARRIED

CALL FOR A DIVISION

Division called by Cr E Lording

For: Cr L Dunscombe, Cr S McAulay, Cr M Rae, Cr J Ashe, Cr R Bowles.

Against: Cr C Bisset, Cr E Lording.

9. OUR PEOPLE

10. OUR PROSPERITY

11. OUR PROMISE

11.1 ORDINARY AND SPECIAL MEETING SCHEDULE CHANGES

Purpose

The purpose of this report is to recommend three changes to the Council Meeting schedule for the months of September and October 2020.

Officer Recommendation

That Council:

1. reschedule the 23 September 2020 Ordinary Meeting of Council to be held on Wednesday, 16 September 2020 at 6pm at the Alexandra Council Chambers or as a virtual meeting
2. reschedule the 28 October 2020 Ordinary Meeting of Council to be held on Wednesday, 21 October 2020 at 6pm at the Alexandra Council Chambers or as a virtual meeting
3. call a Special Meeting for the purpose of considering Planning Applications on Wednesday, 9 September 2020 commencing at 6pm at the Alexandra Council Chambers or as a virtual meeting.

Background

Local Government general elections will be held on 24 October 2020. During the election period, which is 32 days prior to the general election, Council operates in accordance with its Council Election Period Policy. This limits the matters that can be decided upon by Council in the lead up to an election so as not to unfairly commit a new Council to major decisions.

Under the current Council meeting schedule adopted by Council in December 2019, the September 2020 Ordinary Meeting falls on the second day of the election period and the October Ordinary Meeting is scheduled to occur four days after Election Day, prior to the new Council being sworn in.

This report seeks an adjustment to the September and October 2020 Council meeting dates to better accommodate the election period and the election itself.

Discussion

The September 2020 Ordinary Meeting date, set for 23 September 2020, falls one day after the commencement of the election period. In order to limit the number of Council meetings (and Council decisions) during the election period it is proposed to move this meeting forward one week to 17 September 2020 so that it occurs prior to the election period.

The October Ordinary Meeting, set for 28 October 2020, will occur four days after the Election Day. It is not possible to conduct the meeting at this time as the new Council will not be sworn in until a Special Meeting is held in early November. For this reason it is recommended that Council bring the October Ordinary Meeting forward one week to 21 October 2020.

Council's Planning Officers anticipate that there will also be a need to refer several Planning Applications for Council decision prior to Election Day to meet statutory timelines and ensure timely decision making. Therefore it is proposed to hold a Special Meeting for the purposes of considering planning applications on 9 September 2020. Council will give prior notice to the public via its website of the applications to be considered at this meeting.

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".

Relevant Legislation

Council's rescheduling of Ordinary Meetings and calling Special Meetings by resolution is in accordance with the *Local Government Act 2020*.

Financial Implications and Risk

This report addresses the need to ensure that Council continues to make decisions in a timely and appropriate manner in the lead up to the General Election. Without these changes made to the meeting schedule Council will be restricted in its ability to make decisions from the August Ordinary Meeting of Council through to the first meeting of the newly elected Council in late November 2020.

Conflict of Interest

There were no Conflicts of Interest declared by Officers in the writing of this report.

Community and Stakeholder Consultation

The changes to the Council Meeting schedule proposed in this report will be publicised via Council's website and social media and via public notice in local papers.

The community will be advised of the Planning Applications to be considered at the 9 September 2020 Special Council Meeting via Council's website. Agendas for Ordinary and Special Meetings are made available to the public by 5pm on the Friday prior to the meeting date.

RESOLUTION

Cr C Bisset / Cr E Lording

That Council:

- 1. reschedule the 23 September 2020 Ordinary Meeting of Council to be held on Wednesday, 16 September 2020 at 6pm at the Alexandra Council Chambers or as a virtual meeting**

2. **reschedule the 28 October 2020 Ordinary Meeting of Council to be held on Wednesday, 21 October 2020 at 6pm at the Alexandra Council Chambers or as a virtual meeting**
3. **call a Special Meeting for the purpose of considering Planning Applications on Wednesday, 9 September 2020 commencing at 6pm at the Alexandra Council Chambers or as a virtual meeting.**

CARRIED UNANIMOUSLY

11.2 INSTRUMENTS OF DELEGATION, APPOINTMENTS AND AUTHORISATIONS

Attachment(s): *S5. Delegation from Council to the Chief Executive Officer (refer Attachment 11.2a)*
 S6. Delegation from Council to members of Council staff (refer Attachment 11.2b)
 S11A. Instrument of Appointment & Authorisation (Planning and Environment Act 1987) (refer Attachment 11.2c)

Purpose

The purpose of this report is to seek Council's adoption of the Delegations to the Chief Executive Officer and staff, and Appointment and Authorisations of staff and others under the prescribed legislation.

Officer Recommendation

In the exercise of the power conferred by s 11(1)(b) of the *Local Government Act 2020* (the Act), Murrindindi Shire Council (Council) resolves that:

1. there be delegated to the person holding the position, or acting in or performing the duties, of Chief Executive Officer the powers, duties and functions set out in the attached *Instrument of Delegation to 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.

In the exercise of the powers conferred by the legislation referred to in the attached instrument of delegation, Murrindindi Shire Council (Council) resolves that:

1. there be delegated to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the attached *Instrument of Delegation to members of Council staff*, the powers, duties and functions set out in that instrument, 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 members of Council staff (other than 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.

In the exercise of the powers conferred by Section 224 of the *Local Government Act 1989* and the other legislation referred to in the attached 'Instrument of Appointment and Authorisation' (Instrument) (Attachment 11.3c), Council resolves that:

1. the members of Council staff referred to in the Instrument (S11A) be appointed and authorised as set out in the Instrument
2. the Instrument comes into force immediately the common seal of Council is affixed to the Instrument, and remains in force until Council determines to vary or revoke it
3. on the coming into force of the Instrument all previous authorisations to members of Council staff (other than the Chief Executive Officer) are revoked
4. the instrument be sealed.

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 single Councillors. Most decisions are not required to be made at a Council level therefore the Council must entrust some of the decision making power to others, this is done through delegations and authorisations.

The implementation of the *Local Government Act 2020 (the Act)*, requires the delegation to the Chief Executive Officer to be reviewed by 1 September 2020. Under the *Act*, Council can only delegate powers conferred by the *Act* or the remaining powers of the *Local Government Act 1989* to the Chief Executive Officer.

The Council however remains able to delegate powers under various other pieces of legislation direct to Council staff, this is documented in the S6. Delegation from Council to members of Staff. Section 224 of the *Local Government Act 1989* has not been repealed therefore Council also retains its power to Authorise Officers under the *Local Government Act 1989* for the purposes of enforcement of the *Planning and Environment Act 1987*.

This review reflects the legislated changes, staff changes and an effort to ensure that staff are adequately delegated to provide efficient and effective service.

Discussion

Under Section 11 of the *Local Government Act 2020 (the Act)* Council can delegate its powers to members of a Delegated Committee or the Chief Executive Officer. This is documented using the following delegation:

- S5. Delegation from Council to the Chief Executive Officer (Attachment 11.2a)

The Chief Executive Officer under section 47 of the *Act*, can sub delegate these powers to members of Council staff and Community Asset Committees.

Council is still able to delegate its powers directly to members of Council staff under various other pieces of legislation, such as the *Planning and Environment Act 1987* or the *Food Act 1984*. This is documented using the following delegation:

- S6. Delegation from Council to members of Council Staff (Attachment 11.2b)

Instruments of Appointment and Authorisations allow Council to authorise or appoint a person to a particular statutory position. Under the *Planning and Environment Act 1987* an employee of Council can only be authorised by Council, this is done through the following:

- S11A. Instrument of Appointment & Authorisation (*Planning and Environment Act 1987*) (Attachment 11.2c)

The primary difference between delegations and authorisations is that Council can delegate powers pursuant to the *Act* to a position and the person who holds that position undertakes those powers on Council's behalf (as the delegate). With Instruments of Appointment and

Authorisations Council appoints others to specific statutory roles under the relevant Acts and therefore it is the specified individual that is then authorised to undertake the powers as opposed to simply acting as a delegate of Council.

Council Plan/Strategies/Policies

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 2020* section 11 provides for Council to delegate its powers to the Chief Executive Officer. The *Local Government Act 1989* section 224 provides for Council to authorise officers to undertake delegated powers. 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.

RESOLUTION

Cr M Rae / Cr R Bowles

In the exercise of the power conferred by s 11(1)(b) of the *Local Government Act 2020* (the Act), Murrindindi Shire Council (Council) resolves that:

1. there be delegated to the person holding the position, or acting in or performing the duties, of Chief Executive Officer the powers, duties and functions set out in the attached *Instrument of Delegation to 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.

In the exercise of the powers conferred by the legislation referred to in the attached instrument of delegation, Murrindindi Shire Council (Council) resolves that:

1. there be delegated to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the attached *Instrument of Delegation to members of Council staff*, the powers, duties and functions set out in that instrument, 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 members of Council staff (other than 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.

In the exercise of the powers conferred by Section 224 of the *Local Government Act 1989* and the other legislation referred to in the attached 'Instrument of Appointment and Authorisation' (Instrument) (Attachment 11.3c), Council resolves that:

1. the members of Council staff referred to in the Instrument (S11A) be appointed and authorised as set out in the Instrument
2. the Instrument comes into force immediately the common seal of Council is affixed to the Instrument, and remains in force until Council determines to vary or revoke it
3. on the coming into force of the Instrument all previous authorisations to members of Council staff (other than the Chief Executive Officer) are revoked
4. the instrument be sealed.

CARRIED UNANIMOUSLY

11.3 ADOPTION OF THE AUDIT & RISK COMMITTEE CHARTER

Attachment(s): Draft Audit and Risk Committee Charter (refer Attachment 11.3)

Purpose

The purpose of this report is to seek Council's adoption of the Murrindindi Shire Council Audit and Risk Committee Charter, which has been revised to incorporate the requirements of the new *Local Government Act 2020*.

Officer Recommendation

That Council adopt the Murrindindi Shire Council Audit and Risk Charter as contained in Attachment 11.3.

Background

Sections 53 and 54 of the new *Local Government Act 2020* contain new provisions for Audit and Risk Committees.

The major changes under the new *Act 2020* that differ from the structure and role of Murrindindi Shire Council's current Audit and Risk Advisory Committee and Charter include:

- name change to delete the word "Advisory" (although the Committee remains advisory in nature)
- membership of the Committee must include a majority of non-Councillor members
- non-Councillor members are collectively required to have expertise in financial management and risk, and experience in public sector management
- the role of the Committee is to include monitoring the compliance of Council policies and procedures with the overarching governance principles listed in the *Act*
- stronger emphasis on role of the Committee to monitor and provide advice on risk management and fraud prevention systems and controls
- the annual assessment of the Committee's performance against the Charter is to be tabled at a Council meeting
- the Committee is to prepare a biannual (6 monthly) audit and risk report including the Committee's activities, findings and recommendations for tabling at a Council Meeting.

Council is required to adopt a new Audit and Risk Committee Charter and appoint the first Audit and Risk Committee under the new *Act 2020* prior to 1 September 2020.

Discussion

A revised Audit and Risk Charter is included in Attachment 11.3. It has been prepared with reference to the following:

- section 53 and 54 of the *Local Government Act 2020*
- best practice examples of Audit and Risk Charters provided by Local Government Victoria

- Council's current Audit and Risk Committee Charter
- Victorian Auditor-General's report on Audit Committee Governance issued in August 2016.

To meet the requirements of the *Act* for a majority of non-Council members on the Committee the membership of the Committee has been adjusted to include 3 independent members and 2 Councillors, with the term of the independent members limited to two consecutive 3 year terms (i.e. 6 years in total).

In addition to the inclusion of the requirements of the *Act*, the revised charter also includes new 'best practice' provisions covering:

- the Committee's authority
- a more contemporary description of the responsibilities and duties of the Committee
- the ability of Council to appoint an observer to the committee, for example to provide professional development opportunities for individuals
- the role of the Committee in the appointment process of the internal auditor
- review of the honorarium amount to be conducted at least once per Council term following a benchmarking exercise
- mandatory requirement for a police check clearance for independent members as part of the appointment to the Committee.

Council Plan/Strategies/Policies

This item is consistent with the *Council Plan 2017-2021* Strategic Objective under Our promise to work in collaboration with our communities to deliver the best possible outcomes in all that we do.

Relevant Legislation

Audit and Risk Committees are mandated under section 53 and 54 of *Local Government Act 2020*. Adoption of the revised Audit and Risk Committee Charter will support Council's compliance with the *Act*.

Financial Implications and Risk

There are no significant financial implications associated with this report. The Committee has a role to assess the adequacy of Council's Risk Management Framework.

Conflict of Interest

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

Community and Stakeholder Consultation

The non-Council members of the existing Audit and Risk Advisory Committee were consulted in the preparation of the revised Audit and Risk Charter.

RESOLUTION

Cr M Rae / Cr S McAulay

That Council adopt the Murrindindi Shire Council Audit and Risk Charter as contained in Attachment 11.3 with an amendment that the Mayor be included in the list of people with a standing invitation to attend Committee Meetings.

CARRIED UNANIMOUSLY

11.4 ESTABLISHMENT OF THE AUDIT AND RISK COMMITTEE

Purpose

This report recommends the formal establishment of the Murrindindi Shire Council Audit and Risk Committee and the appointment of Council and non-Council members to the Committee in accordance with the requirements of Sections 53 and 54 of the *Local Government Act 2020*.

Officer Recommendation

That subject to Council's decision to adopt the Audit and Risk Committee Charter at this meeting, it is recommended that Council:

1. formally establishes the Murrindindi Shire Council Audit and Risk Committee under the terms of the Audit and Risk Committee Charter.
2. appoints the following members to the Council's Audit and Risk Committee:
 - Councillor Margaret Rae
 - Councillor Sandice McAulay
 - Mr Craig Nisbet for a term ending 30 June 2023
 - Mr Ian McKaskill for a term ending 30 June 2022
 - Mr Claude Baxter for a term ending 30 June 2021.
3. appoints Mr Patrick Angseesing as an observer to Council's Audit and Risk Committee for a term ending 30 June 2021.

Background

Section 54(7) of the *Local Government Act 2020* requires Council to adopt a new Audit and Risk Committee Charter and establish a new Audit and Risk Committee on or before 1 September 2020.

The adoption of the revised Audit and Risk Committee Charter was the subject of the previous agenda item.

Subject to Council's decision to adopt the Committee Charter, this report proposes the appointment of two Councillors and three Non-Council members to the Audit and Risk Committee, as specified in the Charter.

Discussion

Previous discussions with Council indicate that Council is willing to appoint the existing independent members under Council's former Audit and Risk Advisory Committee to the new Audit and Risk Committee, to enable these members to fulfil the remainder of their terms for which they were originally appointed.

The current independent members were each appointed following a public advertisement process, and, in accordance with section 53 of the *Local Government Act*, collectively the members have skills and experience in public sector management and/or financial and risk management.

To ensure compliance with Council's Audit and Risk Committee Charter, it is proposed that the eligibility of each independent member to re-apply for their position at the end of their current term be determined by taking into account the cumulative number of years served by each member from their original appointment under the former Audit and Risk Advisory Committee. Further it is proposed to align the end of a term of appointment with the end of a financial year (i.e. June 30).

Taking the above into account the table below shows the cumulative years served to 30 June 2020 for each independent member and the proposed remaining term of appointment to the new Audit and Risk Committee.

Name	Original Appointment	Cumulative Years Served	Proposed remaining term (Years)	Eligibility to re-apply at end of proposed term
Mr Claude Baxter	2018	2	1	Yes
Mr Ian McKaskill	2013	7	2	No
Mr Craig Nisbet	2020	0.5	3	Yes

Whilst it is noted that Mr Ian McKaskill will have served nine years in total at the expiry of his proposed term, under the Committee Charter the Council is able to extend a member's total term

beyond 6 years at its discretion. This extension will allow Mr McKaskill to fulfil the term for which he was appointed under the former Committee.

With respect to the Councillor appointments, it is recommended, following discussion with the current Councillor members that Cr Rae and Cr McAulay continue on the Audit and Risk Committee. Councillor appointments will be reconsidered by the Council following the October 2020 Council election.

At the February 2020 Ordinary Meeting of Council, Mr Patrick Angseesing was appointed to the former Audit and Risk Advisory Committee as an observer to provide a professional development opportunity for a 12 month period. It is proposed to reappoint Mr Angseesing to the new Committee as an observer until 30 June 2021.

Council Plan/Strategies/Policies

This item is consistent with the *Council Plan 2017-2021* Strategic Objective under Our promise to work in collaboration with our communities to deliver the best possible outcomes in all that we do.

Relevant Legislation

Audit and Risk Committees are mandated under section 53 and 54 of *Local Government Act 2020*. Appointment of the new Audit and Risk Committee will support Council's compliance with the *Act*.

Financial Implications and Risk

There are no significant financial implications associated with this report. The Committee has a role to assess the adequacy of Council's Risk Management Framework. An honorarium of \$500 per quarter is paid to each independent member during their term.

Conflict of Interest

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

Community and Stakeholder Consultation

The non-Council members of the existing Audit and Risk Advisory Committee were consulted to gauge their interest in continuing as members of the Audit and Risk Committee. All were keen to continue.

RESOLUTION

Cr R Bowles / Cr M Rae

That subject to Council's decision to adopt the Audit and Risk Committee Charter at this meeting, it is recommended that Council:

- 1. formally establishes the Murrindindi Shire Council Audit and Risk Committee under the terms of the Audit and Risk Committee Charter.**
- 2. appoints the following members to the Council's Audit and Risk Committee:**
 - Councillor Margaret Rae**
 - Councillor Sandice McAulay**
 - Mr Craig Nisbet for a term ending 30 June 2023**
 - Mr Ian McKaskill for a term ending 30 June 2022**
 - Mr Claude Baxter for a term ending 30 June 2021.**
- 3. appoints Mr Patrick Angseesing as an observer to Council's Audit and Risk Committee for a term ending 30 June 2021.**

CARRIED UNANIMOUSLY

11.5 COUNCILLOR EXPENSES AND SUPPORT POLICY

Attachment(s): *Policy – Councillor Expenses and Support (refer Attachment 11.5)*

Purpose

The purpose of this report is to seek Council's adoption of the revised Councillor Expenses and Support Policy in accordance with the new *Local Government Act 2020*.

Officer Recommendation

That Council:

1. adopt the Councillor Expenses and Support Policy as contained in Attachment 11.5
2. rescind the Councillor Reimbursement Policy.

Background

Council adopted the Councillor Reimbursement Policy in 2017. As part of the implementation of the new *Local Government Act 2020*, Council is required to adopt a Councillor Expenses Policy under the new *Act* by 1 September 2020.

Discussion

The current Councillor Reimbursement Policy has been reviewed with regard to the new *Act* requirements, the VAGO Fraud and Corruption Control – Local Government audit conducted in 2019 and industry best practice.

The new *Act* requires that an Expenses Policy must:

1. Apply to Councillors and Delegated Committee members
2. Include reimbursement of childcare and carer costs
3. Include the new process for the setting of Allowances (via the Victorian Independent Remuneration Tribunal).

The Councillor Expenses and Support Policy aims to provide clarity on allowances and legitimate expenses associated with undertaking the role of a Councillor. It also outlines the resources and support available for Councillors to enable them to undertake their role effectively.

To ensure appropriate transparency and accountability Councillor expenses are required to be reported to the community via Council's quarterly and annual financial reporting processes. This Policy provides assurance to the community of the framework in place governing eligibility and entitlements associated with the Councillor role.

The major changes from the previous policy that should be noted include:

Allowances

The new *Act* prescribes that Councillor allowances are to be set by the Victorian Independent Remuneration Tribunal. This process is outlined in the Policy, however the Tribunal has not been established yet, and therefore the *Local Government Act 1989* provisions will still apply in the short term.

The Deputy Mayor position will have a specific allowance attributed to the role. It is at the discretion of the Council, however, whether or not to appoint a Deputy Mayor.

Delegated Committee Members

It is a requirement under the new *Act* that Delegated Committee Members also fall under this Policy. This does not extend to members of Advisory Committees, Community Asset Committees or the Audit and Risk Committee unless their terms of reference or Instrument of Delegation specifically reference the Policy.

General Expenses Changes

The Policy supports and aligns with other Council policies and processes to ensure that purchasing is undertaken in a transparent, fair and equitable way. To this end, the Policy requires purchases to be predominantly coordinated by Council officers on behalf of Councillors wherever practicable.

Expense claim limits for mileage and meals / refreshments have been aligned with Australian Tax Office standards.

The Policy also reflects the need to identify the business reason or benefit to the Council and the broader community associated with Councillor expense claims and reimbursement.

In summary, this Policy aims to give clear guidance to Councillors regarding the support they are entitled to in undertaking their role and provides transparency to the community regarding the reimbursement of expenses and allocation of funds and resources.

Council Plan/Strategies/Policies

This policy supports the *Council Plan 2017-2021* Our Promise objective to “work in collaboration with our communities to deliver the best possible outcomes in all that we do”.

Relevant Legislation

This Policy has been developed in accordance with the requirements of the *Local Government Act 2020*.

Financial Implications and Risk

The VAGO Fraud and Corruption Control – Local Government report identified that where there is an absence of clear policy principles regarding the use of Council funds it may open the opportunity for fraudulent or unintentional misuse of funds. This Policy reduces this risk. It makes the parameters clear and assures the community that Council funds are being used appropriately to ensure Councillors are supported to undertake their roles.

Conflict of Interest

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

Community and Stakeholder Consultation

Local Government Victoria has lead sector wide engagement on various elements of the implementation of the *Local Government Act 2020*. This Policy has been developed taking into account the feedback and industry best practice identified.

RESOLUTION

Cr E Lording / Cr S McAulay

That Council:

- 1. adopt the Councillor Expenses and Support Policy as contained in Attachment 11.5**
- 2. rescind the Councillor Reimbursement Policy.**

CARRIED UNANIMOUSLY

Cr R Bowles left the meeting at 7:48pm.

11.6 RETAIL SUPPLY OF FUEL CONTRACT

Attachment(s): *Fuel Card Evaluation Report – Procurement Australia (distributed to Councillors separately)*

Purpose

To seek Council's approval to participate in the retail supply of fuel contract arranged by Procurement Australia.

Officer Recommendation

That Council:

1. endorse the recommendation by Procurement Australia for it to establish a panel on Council's behalf for Retail Fuel (Fuel Card Solutions) Contract No. 2206-0108;
2. approve the continued use of Business Cards Australia Pty Ltd under Category 2 - Multi Branded Fuel Card Solution of Contract No. 2206-0108 for the purchase of Council's fleet and plant fuel, oil and lubricant fluids commencing immediately, and ending on 31 March 2023 with the option for a further two individual one year extensions for a total contract value of \$1,320,000 (inc GST); and
3. subject to satisfactory performance and in accordance with the panel contract, delegate authority to the Chief Executive Officer to extend the contract by the two individual one year extensions beyond the initial 3 year period.

Background

The Council has previously participated in a procurement process conducted by Procurement Australia for the provision of Business Cards Australia 'Fleetcor' (OneCard) fuel card services for the purchase of diesel, unleaded petrol.

Council, at its meeting on 22 April 2015, resolved to participate in the Business Cards Australia Pty Ltd 'Fleetcor' (OneCard).

The contract expired on 30 March 2020.

The tendering process organised by Procurement Australia closed on 18 September 2019. Regular contact was kept with Procurement Australia during the tender stage, however, when the outcomes were eventually distributed to the partnership agencies, an error in email notification by Procurement Australia, meant that Murrindindi Shire Council was not notified until the end of April.

Council continued using Business Cards Australia (One Card) as part of the Procurement Australia new fuel panel contract. During the period of April to end of June, Council had purchased \$43,291 of fuel. This is within the procurement policy requirements of one quotation under \$50K from a panel contract.

Discussion

Procurement Australia has conducted a tender process on behalf of 26 Council's and 16 other agencies for two categories:

Category 1 – Single Branded Fuel Card Solution – Fuel card to be used only at a specific branded petrol stations to purchase fuel, gas and other products/services.

Category 2 – Multi Branded Fuel Card Solution – Fuel card to be used at more than one branded petrol stations to purchase fuel, gas and other products/services.

This tender was open to all tenderers capable of servicing either one or both categories on a local, state or national level.

The contract is for the period commencing 1 April 2020 and ending 31 March 2023 with the potential for two twelve month options to extend.

The tender was advertised by Procurement Australia in the following newspapers from 27 August 2019:

- Sydney Morning Herald
- Herald Sun.

Tenders closed on 18 September 2019.

Five tender submissions were received at the close of tender. The tender submissions received were by:

BP Australia Pty Ltd

- Business Fuel Cards Pty Ltd
- Caltex Australia Petroleum Pty Ltd
- EG FUELCO (AUS) Ltd
- The Trustee for United Petroleum Unit Trust T/as United Petroleum Pty Ltd.

The following criteria was used by Procurement Australia (next page).

Selection Criteria	Sub Weightings	Sub- Criteria
Compliance with Specification	0% (mandatory)	Including but not limited to: <ol style="list-style-type: none"> 1. Relevant insurance (Public Liability, Product Liability) 2. Compliance with the submission requirements 3. Compliance with terms and conditions of the contract
Contractors Capability	25%	Including but not limited to: <ol style="list-style-type: none"> 1. Region Coverage (4%) 2. Allocated Resources (4%) 3. Member Reporting – standard & customised (5%) 4. Quality Management (4%) 5. Value Added Products/Services (4%) 6. State-based offers (4%)
Card Features	10%	Including but not limited to: <ol style="list-style-type: none"> 1. Security (6%) 2. Customisability (2%) 3. Flexibility (2%)
Corporate Social Responsibility Profile	5%	Including but not limited to: <ol style="list-style-type: none"> 1. Corporate Governance (1%) 2. Social & Environmental Impact (1%) 3. Workplace Practices (1%) 4. Indigenous (1%) 5. Morden Slavery Act related Practice (1%)
Price	60%	Including but not limited to: <ol style="list-style-type: none"> 1. CPL discount(s) (50%) 2. Card Fees/Transaction Fees (5%) 3. Payment Terms (5%)

The evaluation scoring and ranking for each Tender has been distributed to Councillors under a separate cover.

Through the assessment of price and non-price criteria, Procurement Australia has awarded the tender as follows:

Table 1

Tenderer	Category 1 – Single Branded Card Solution	Evaluation Ranking	Category 2 – Multi Branded Card Solution	Evaluation Ranking
BP Australia Pty Ltd	National	1		
Caltex Australia Petroleum Pty Ltd	National	2		
EG FUELCO (AUS) Ltd	National	3		
Business Fuel Cards Pty Ltd	National	4	National	1
The Trustee for United Petroleum Unit Trust T/as United Petroleum Pty Ltd	National	5		

In the Murrindindi Shire, the following fuel stations are available under the multi branded card proposal:

Table 2

Location	Service Station
Alexandra	Caltex
	Endeavour
Buxton	Shell
	Caltex
Eildon	Caltex
Glenburn	United
Kinglake	United
Marysville	Caltex
Narbethong	Mobil
Yea	BP
	Liberty

The single brand offer card is only beneficial where the location of suppliers are in a reasonable distance within a municipal boundary. As can be seen in Table 1 above, the highest ranking service station only has one outlet in the Shire as shown by Table 2. The second ranking service station (Table 1) has 4 outlets in the Shire (Table 2), however they are only located on the western side of the Shire. The Murrindindi Shire does not have a supplier that is in each area, and as such, the distance to travel to one supplier would outweigh the minor saving received in using a single brand offer card. In addition, the use of a multi branded card, ensures that the purchasing of fuel by Council is distributed across all business in the Shire.

Council spent approximately \$907,000 on fuel and oils over the last 5 years of the previous contract. The current year's budget for fuel, oils, lubricant fluids and card fees is \$376,200.

Councillors received the pricing comparison confidentially under separate cover.

Based on the assessment conducted of the available contract options, Officers recommend to approve the continued use of Business Card Australia Pty Ltd (Category 2 – Multi Branded Card Solution) for the purchase of Council's fleet and plant fuel, oil and lubricant fluids.

Council Plan/Strategies/Policies

This item relates to the *Council Plan 2017-2021* strategic objective under Our Promise to 'maintain Council's financial sustainability through sound financial and asset management'.

Relevant Legislation

These procurement arrangements are carried out in accordance with section 186(5)(c) of the *Local Government Act 1989* which provides approval for Council's to enter into a contract made available by Procurement Australia for the provision of goods, services or works.

Financial Implications and Risk

It is expected that Council will spend approximately \$1.2M (excl GST) over the life of this new contract. The current annual budget for fuel, oils and fuel card fees is \$376,200. This cost is within budget.

Conflict of Interest

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

Community and Stakeholder Consultation

Consultation was undertaken by Procurement Australia with representatives of all partners in the finalisation of this tender.

RESOLUTION

Cr M Rae / Cr E Lording

That Council:

1. endorse the recommendation by Procurement Australia for it to establish a panel on Council's behalf for Retail Fuel (Fuel Card Solutions) Contract No. 2206-0108;
2. approve the continued use of Business Cards Australia Pty Ltd under Category 2 - Multi Branded Fuel Card Solution of Contract No. 2206-0108 for the purchase of Council's fleet and plant fuel, oil and lubricant fluids commencing immediately, and ending on 31 March 2023 with the option for a further two individual one year extensions for a total contract value of \$1,320,000 (inc GST); and
3. subject to satisfactory performance and in accordance with the panel contract, delegate authority to the Chief Executive Officer to extend the contract by the two individual one year extensions beyond the initial 3 year period.

CARRIED UNANIMOUSLY

11.7 CONT19/27 – SUPPLY AND DELIVERY OF TIP TRUCK**Purpose**

This report provides the results of a tender process for the supply and delivery of a 26 Tonne GVM (Gross Vehicle Weight) Tip Truck.

Officer Recommendation

That Council:

1. accept Tender 3 for the lump sum price of \$234,717.00 (incl. on road costs and GST) (\$214,109.00 incl. on road costs and excl. GST) for the supply and delivery of a new tip truck
2. release the business name of the awarded tenderer to the public as part of the minutes.

Background

A new tip truck is required to replace a similar truck (Plant 3356) and is well overdue for replacement as part of Council's approved plant replacement program.

This specification is for the supply and delivery of a Tip Truck with the following basic features:

- a heavy duty 26 Tonne Gross Vehicle Mass Cab Chassis
- 10 cubic meter Hardox steel hydraulic tipping body
- dual axle drive with 18 tonne load capacity
- two pedal semi-automatic mechanical transmission

- towbar equipment capable of towing an 18 Tonne tag trailer
- robust safety compliant cabin
- fitted with all safety and emergency lighting and equipment.

Discussion

Tenders were sought on MAV Procurement Panel via the National Procurement Networks (NPN04-13) under their Specialised Trucks Panel.

Tender specifications were prepared by Council officers (including plant operators). The vehicle includes a fit out with equipment to undertake specialist cartage and towing works.

The tender for these works closed on 7 May 2020. Four submissions were received at the close of tender. Councillors have been provided with the list of tenders received and tender price submitted under a separate cover.

Council's Procurement Policy requires that all tenders be evaluated by a tender evaluation committee (Committee). The Committee responsible comprised of:

- Plant & Fleet Officer
- Coordinator Roads & Parks Maintenance
- Plant Operator – Unsealed Roads Team.

Tenders were assessed against the following criteria:

- Price – 40%
- Capacity to deliver – 25%
- Capability to deliver – 10%
- Understanding of the requirement – 25%.

Council's Procurement Policy states that during COVID-19 pandemic it will temporarily increase the 5% local content preference to 10% for suppliers based in the Murrindindi Shire and 7.5% for suppliers based in the Mitchell, Strathbogie and Mansfield Shires where their prices are within that percentage of the highest scoring value for money offer and they have demonstrated that they can meet Council's requirements with minimal risk. None of the tenderers are local, therefore the local preference weighting was not applied.

A detailed tender evaluation was conducted by the evaluation team and the evaluation is provided to Council under separate cover.

All tenderers are well established suppliers with good experience and capacity to deliver as per the tender documentation. All dealer support is Melbourne based and considered of good quality.

The evaluation team determined that of the four Tenders received, Tender 3 offered the best solution.

Council Plan/Strategies/Policies

This item relates to the *Council Plan 2017-2021* Our Promise strategic objective to 'maintain Council's financial sustainability through sound financial and asset management'.

Relevant Legislation

Council sought tender prices for this supply contract through the Municipal Association of Victoria (MAV) – National Procurement Networks (NPN) Plant and Fleet contract arrangements. These procurement arrangements are carried out in accordance with section 186(5)(c) of the *Local Government Act 1989* which provides approval for Council to enter into a contract made available by the Municipal Association of Victoria for the purchase of plant and fleet.

Financial Implications and Risk

The total approved original capital budget for 2020/2021 for the major plant replacement program is \$594,000 (excl. GST). The replacement of this plant is part of this program and the tender price submitted by Tender 3 for this truck is within the overall program budget.

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 was undertaken in the preparation of this report. The plant users and Coordinator have been an integral part of the preparation of the specification and evaluation process.

RESOLUTION

Cr S McAulay / Cr J Ashe

That Council:

- 1. accept Whitehorse Truck Centre tender for the lump sum price of \$234,717.00 (incl. on road costs and GST) (\$214,109.00 incl. on road costs and excl. GST) for the supply and delivery of a new tip truck**
- 2. release the business name of the awarded tenderer to the public as part of the minutes.**

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**

Council held an online community consultation session to seek input from individuals and groups on the impacts of COVID-19. The valuable information collected through this session is being used to guide the development of the COVID-19 Community Transition Plan that will outline the relief and recovery actions that Council and our service partners will be taking to support our community. Over 150 community members participated in this important session.

I was subsequently so pleased to participate in the planning workshop which was held to develop the important 4th year of the Health and Wellbeing Plan. This plan will also include the relief and recovery actions that Council and our valuable service partners will be taking to support the Community.

About 30 representatives of about 17 of our community health partners took time out of their busy schedules to help contribute to these important plans but most importantly to commit their respective organisations to the implementation.

It is only with the combined effort of Council with our community health partners that we ensure the success of both the health and wellbeing and the relief and recovery plans.

Not one organisation can tackle this on its own.

So thank you to those community members, representatives and organisations who participated in these valuable sessions.

Council, in partnership with the Children's Services Network are hosting a professional development forum this Thursday evening with Wendy Bunston, a renowned child and family support specialist. Wendy was scheduled to be a key note speaker at the annual Early Years conference in May that had been cancelled due to COVID-19 restrictions. The Zoom session is proving very popular with over 70 people registered to attend.

In the Corporate Services area officers continue to work tirelessly as well, finalising the end of year financials and related reports as well as roll out the new 2021 financial budget. Officers are also working to update and introduce policies and procedures in response to the very tight timelines imposed by the introduction of the new *Local Government Act 2020*.

I would like to take this opportunity to thank all staff for their continued dedication to this community despite the requirements of social distancing and many working at home in isolation as required by State Government Regulations. Also thanks to those staff who are continuing working out in the community to maintain essential cleaning services as well as ongoing works - THANKYOU.

15.2 CR JACKIE ASHE

I would like to thank everyone involved in the Business Recovery Advisory group for their time and input on an ongoing basis at the moment, and looking forward to getting into the draft business recovery plan from Urban Enterprise.

There will be a follow up Business Workshop soon, after a great number of participants in the first one, the next one will hone in on specific areas of interest for participants.

Dindi Directory – If you haven't already got your business, trade or organisation involved, take a look. This is a time considering collaborating with other as what we can do together in the future. It's a challenging time, but reach out to other businesses or organisations and think about what your offer could be – phone or email as we don't have the opportunity correctly to catch up.

15.3 CR ERIC LORDING

Infrastructure Report

- Yea Streetscape works are proceeding with construction commencing on the kerb outstands and deepening of the water mains current underway
- We will be consulting on the Kinglake Streetscape schematic design early August. We will also be consulting and seeking community feedback on the Kinglake West / Pheasant Creek Streetscape concept design in the second week of August. Details will be shortly posted on Council website
- Road improvement construction works on Back Eildon Road, Rubicon Road, and King Parrot Road are continuing and near complete

- Renewal of the netball courts at Kinglake Memorial Reserve have been completed
- Gravel Road Resheeting program have been completed
- Path renewal and upgrade program have been completed
- Yea Caravan Park fire service upgrades has commenced
- Yea Recreational Reserve female change rooms have been completed
- Alex Shire Hall kitchen upgrades have been completed
- Tenders have been called for the 20/21 Sealed Roads and Patching Program.

Waste Report

- The State Government has outlined a process for Council's to transition to the new model of kerbside services outlined in the Recycling Victoria policy. Council is working with the Goulburn Valley Waste and Resource Recovery Group to prepare draft Transition Plans that will lay out a roadmap for the introduction of organics and glass recycling services, and will be the basis for the allocation of funding to assist Council to introduce these new services. This is in line with the State Government Circular Economy Policy on waste
- As a response to the increased regulation of combustible waste and recyclable materials (CRWM) at waste facilities Council has partnered with the Goulburn Valley Waste and Resource Recovery Group to prepare detailed CRWM Risk Assessments, which led to the development of Emergency Management Plans for our Resource Recovery Centres
- Two Working for Victoria staff have been allocated to waste services and are helping with site cleanliness at the Alexandra Landfill and RRCs. The tender for the construction of an e-waste shed at Yea RRC has been awarded. Construction is anticipated in the springtime
- Intrusive investigations at the Yea and Eildon closed landfill has commenced. The project aims to further define the risks to the environment at each site and to develop a design for a capital project to resolve the risks.

15.4 CR CHARLOTTE BISSET

The Dindi Sessions are still going on but are slowly wrapping up. You can still log on to the Murrindindi Shire Youth Facebook Page and have a look at these. There are some fantastic recordings of the talented young people in the Murrindindi shire.

The Murrindindi Youth Leadership Program has commenced with some young people from all different parts of the Murrindindi shire which is fantastic. They've had a couple of sessions already and I look forward to seeing the outcome of the emerging and young leaders in the program.

15.5 CR REBECCA BOWLES

- The roadside weed and pest program treated a total of 1422km of roadside for noxious and environmental weeds in 2019/20
- Noxious weed reduction works were undertaken on UT creek drainage lines in Alex and Stony Creek reserve Kinglake last month
- Organisationally we have saved 110,958 pages of paper this year, compared to last year.

It is also great to see arborists, doing work cleaning up the ring of elms in the southern wetlands, considering that this particular tree species has been nearly wiped out in Europe because of the elm leaf beetle and disease, it is very important that we maintain the health of the ones surviving.

Also once again I offer my condolences to Liz Joyce's family and to Harriet Munn's family.

15.6 CR MARGARET RAE**Positive Ageing and Inclusion**

Whilst our seniors quite rightly have a lower profile these days, Council continues to work with them and provide assistance in a number of ways.

I am pleased to advise that Council has received funding through the Victorian Government Community Connector Program to assist with the continuation of this program over the next six months. This will support the expansion of the Dindi Link Service and will support people who are isolated and impacted by COVID-19 to connect to a range of services and to develop community connections. In addition we have worked with our local service network to support the Dindi Link program to begin to develop initiatives that will support community connections for vulnerable and isolated people.

Our Access and Inclusion Committee continues to hold regular meetings by Zoom and has an active Strategic Planning program focusing on future projects and initiatives.

Land Use Planning

Over the last quarter the number of planning permit applications is slightly down; however, the number of building permits issued is up and, I might add, significantly up on last year at the same time. This is, of course, a natural cycle with one consequent on the other. It is worth reflecting on the fact that a permit for a subdivision is one application but results in a number of building applications with the attendant lift in economic activity. It is pleasing to see several of these developments taking place at present.

From tonight's meeting it is evident that there continues to be a high level of professionalism, engagement and detailed consideration of all planning applications. Planning officers continue to engage closely with applicants and the community by holding consultation meetings where people can express any concerns they have and engage directly with the applicant. I have attended a number of these and appreciate the opportunity to hear directly from all participants.

Finally, over the years I have been on Council, I have usually concluded my report by mentioning community activities and events I have attended. Over the past months there has been a deficit of these, to put it mildly, but things are still happening albeit in a different way. One such event is the Murrindindi Beanie & Fibre Festival which, this year, is online with sales and an auction, so I would encourage you to have a look at the amazing display of beanies (almost 200) at <https://32auctions.com/beanie>. All of these will be available either to buy directly or to bid for through an online auction from 25 July to 1 August. This is a terrific initiative and gives us all a great opportunity to show our support by participating.

15.7 CR LEIGH DUNSCOMBE – MAYORAL REPORT

Not really a great deal to report this month, the business of council continues un-abated and as this term of council draws to a close we are all feverishly working on tying up the loose ends and clearing the stage for the new cohort of incoming councillors, and on that note, with the council elections fast approaching I would like to encourage everyone out there who thinks that they may have something to offer in that regard to seriously think about nominating soon.

It truly is a privilege to serve your community as a Councillor and to contribute in a way that very few get to experience. But don't be fooled, it's not all milk and honey, there are long days, stressful conversations and many tough decisions that you will have to make, and many of those decisions won't be universally popular or accepted. You will face ridicule, your motives will be questioned and on rare occasions you may face verbal abuse, but the rewards are there as well, perhaps not financially, but in many other ways, the sense of community you feel, appreciation for

your efforts and the knowledge that you are doing all you can to make our shire a fairer and better place. To see the look on a families faces when their dream home gets approval, the joy of a community group receiving a grant for a community project, or playing your part in building community infrastructure and laying the foundations for your communities future. They are all parts of being a Councillor, and as I said some of them won't always be popular so if you think you can handle the rough and tumble, if you think you could make a valuable contribution and if you are doing it for the right reasons then it's all very well worthwhile so go for it, democracy is best served when people have choice.

16. CHIEF EXECUTIVE OFFICER REPORT

COVID-19

Firstly I would like to thank our community for their continued diligence in observing the current COVID-19 restrictions.

We are existing in a bubble at present with cases in all Council areas around us, with the exception of Strathbogie. We see considerably high numbers in Whittlesea and we have reached out to offer their Council our best wishes and support.

Please consider if that trip into Melbourne or Mitchell Shire is absolutely necessary. Does it meet one of the allowed reasons, and is there an alternative available.

With masks being mandatory when in public and work places in Melbourne and Mitchell Shires from tonight, those of us in Murrindindi that have an essential need to visit those places, such as for work or essential care giving must wear a mask.

Masks are recommended in crowded areas in our Shire, where you are unable to stay 1.5m away from others. This may include supermarkets and smaller shops for example.

Our work is continuing on both Business and Community Recovery Plans, and would like to thank the very many people that have contributed to date. We will be holding further online sessions shortly and these will be advertised in due course.

Capital Works

I am very pleased to advise that, despite the restrictions, we are still making good progress with some of our major works. Stage 1 of the Kinglake Streetscape at Aitken Crescent is almost complete (and looks fantastic), and we will be holding an online session with the local community on the 6th August to discuss the final design for Stage 2 to allow those works to commence soon.

We are also holding an online community meeting on the 13th August to present the draft Kinglake West-Pheasant Creek streetscape improvements, as well as discuss options for a tree carving close to the Kinglake West Bushfire Memorial.

Details of both of these events, and how to register will be advertised shortly.

Staff Matters

It is with the continued effort of our wonderful staff, many working from home, and others still working in face-to-face and outdoor roles that we continue to deliver almost all of our services, as well as some additional ones. I would also like to welcome the 41 Working for Victoria staff, funded by the State Government. The combined efforts of these staff and our existing team have the Murrindindi shire looking very nice and readying for when we are able to welcome back visitors.

Council Elections

As the Mayor has mentioned Councils term comes to an end in October, with elections scheduled to occur. We have so many community minded people in the Murrindindi shire and standing for Council is a very significant way to contribute to the future of our shire. If you are interested in learning more, please have a look at the Victorian Local Government Association's website, or the Municipal Association Victoria website where you will be able to find out what is involved.

17. ASSEMBLIES OF COUNCILLORS

Purpose

This report presents the records of assemblies of Councillors for 24 June 2020 to 15 July 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 22 June 2020 to 17 July 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 24 June 2020 to 15 July 2020:

Meeting Name/Type	Council Pre-Meet
Meeting Date:	24 June 2020 – via Videoconference
Matters Discussed:	<ol style="list-style-type: none"> 1. Proposed Combined Permit and Amendment – Amendment C70, Murrindindi Planning Scheme and Planning Permit No 2019/192, Adoption Report 2. 3912 Whittlesea-Yea Road Flowerdale – Use and Development of Land for Dwelling 3. 47 Halls Flat Road, Alexandra – Change of Use of Existing Outbuilding to a Second Dwelling; and Use of Land for Group Accommodation 4. Road Safety Audit – Gordons Bridge Road, Castella 5. Road Safety Audit – Brooks Cutting Road, Alexandra 6. Domestic Wastewater Management Plan 7. Draft Municipal Emergency Management Plan 8. Regional Tourism Board – Invitation to Join Tourism North East 9. Great Victorian Rail Trail Strategic Development Plan 10. Lake Eildon Masterplan 11. Communication Policy 12. Asset Management Policy Review

	13. 2020/21 Annual Budget and Strategic Resource Plan Adoption 14. Proposed Governance Rules 2020 & Governance Local Law 2, 2020 15. Election Period Policy 16. Public Transparency Policy 17. Council Policy Review			
Councillor Attendees:	Cr C Bisset, Cr S McAulay, Cr L Dunscombe, Cr R Bowles, Cr J Ashe, Cr M Rae, Cr E Lording			
Council Officer Attendees	C Lloyd, M Chesworth, S Brown, V Albicini, T Carter, C Gartland, N Stewart			
Conflict of Interest Disclosures: Yes				
Matter No.	Councillor making disclosure	Was a vote taken?	Did the Councillor leave the room?	When? Before or after discussion
1	Cr C Bisset	No	No, as there was no discussion by Councillors	Not applicable

Meeting Name/Type	Briefing Session
Meeting Date:	1 July 2020 – via Teleconference
Matters Discussed:	1. Taungurung Land & Waters Council Briefing 2. Audit & Risk Committee Charter 3. Community Planning – 2020/21 new township recommendation 4. Eildon Open Space Precinct – Draft improvement plan
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 McNamara
Conflict of Interest Disclosures: Nil	

Meeting Name/Type	Briefing Session
Meeting Date:	8 July 2020 – via Teleconference
Matters Discussed:	1. 2020/47 – 969 Goulburn Valley Highway, Thornton – Tanglewood (9 Objectors) 2. Draft Kinglake Memorial Reserve Masterplan 3. Monthly Capital Works Report 4. Councillor Expenses and Support Policy
Councillor Attendees:	Cr C Bisset, Cr S McAulay, Cr R Bowles, Cr J Ashe, Cr M Rae, Cr E Lording
Council Officer Attendees	C Lloyd, M Chesworth, S Brown, T Carter, C Gartland, N McNamara, S Coller, C Lintott
Conflict of Interest Disclosures: Nil	

Meeting Name/Type	Workshop Wednesday
Meeting Date:	15 July 2020 – via Videoconference
Matters Discussed:	1. Improving Victoria's Waste and Resource Recovery System – Policy and Legislation 2. Business Case for a Food Organics and Garden Organics Collection Service 3. Business Recovery Plan – Draft Issues and Opportunities Paper 4. Organisational Health Check 5. Community Asset Committees 6. Tender – Retail Supply of Fuel Contract 7. Tender CONT19/27 – Supply and delivery of Tip Truck
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, T Carter, C Lintott, D Eaton, J Russell, M Thomas

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 J Ashe / Cr S McAulay

That Council receives and notes the record of assemblies of Councillors for 22 June 2020 to 17 July 2020.

CARRIED UNANIMOUSLY

18. SEALING REGISTER

File Reference	Date Seal Affixed	Description of Documents	Signatures of Persons Sealing
SF/316	13 July 2020	Rubicon Village Septic Tank Installation and Inspection Agreement between Murrindindi Shire Council and Five Peaks Pty Ltd for Lot: 12 PS: 529035	Craig Lloyd

Officer Recommendation

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

RESOLUTION

Cr M Rae / Cr J Ashe

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

CARRIED UNANIMOUSLY

19. CONFIDENTIAL ITEMS

Nil.

The meeting closed at 8:10 pm.

21 September 2020

CONFIRMED THIS

CHAIRPERSON