



MINUTES  
of the  
SCHEDULED MEETING OF COUNCIL  
Wednesday 24 February 2021  
at  
Murrindindi Shire Council  
Zoom  
Virtual Meeting  
Videoconference  
6:00 PM

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

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

<b>1 PLEDGE AND RECONCILIATION STATEMENT.....</b>	<b>3</b>
<b>2 APOLOGIES AND REQUEST FOR LEAVE OF ABSENCE .....</b>	<b>3</b>
<b>3 COMMUNITY RECOGNITION.....</b>	<b>3</b>
<b>4 DISCLOSURES OF INTEREST OR CONFLICT OF INTEREST .....</b>	<b>3</b>
<b>5 CONFIRMATION OF MINUTES .....</b>	<b>3</b>
<b>6 PETITIONS .....</b>	<b>4</b>
<b>7 PUBLIC PARTICIPATION.....</b>	<b>4</b>
7.1 Open Forum.....	4
7.2 Questions of Council.....	4
<b>8 OUR PLACE.....</b>	<b>5</b>
8.1 Use and Development of the Land for the Purpose of a Dwelling - 105 Parsons Road, Fawcett.....	5
<b>9 OUR PEOPLE.....</b>	<b>13</b>
9.1 Final Draft Community Engagement Policy .....	13
<b>10 OUR PROSPERITY .....</b>	<b>15</b>
<b>11 OUR PROMISE.....</b>	<b>15</b>
11.1 Councillor Code of Conduct 2021 .....	15
11.2 Quarterly Council Plan 2017-2021 Report - 31 December 2020.....	16
11.3 Quarterly Finance Report - 31 December 2020 .....	18
11.4 Quarterly Capital Works Report - 31 December 2020.....	25
<b>12 NOTICES OF MOTIONS .....</b>	<b>29</b>
<b>13 MATTERS DEFERRED FROM PREVIOUS MEETING .....</b>	<b>30</b>
<b>14 URGENT BUSINESS.....</b>	<b>30</b>
<b>15 COUNCILLOR REPORTS.....</b>	<b>31</b>
15.1 Cr Karine Haslam .....	31
15.2 Cr Ilona Gerencser .....	31
15.3 Cr Eric Lording .....	31
15.4 Cr John Walsh .....	31
15.5 Cr Damien Gallagher.....	31
15.6 Cr Sue Carpenter .....	32
15.7 Cr Sandice McAulay - Mayoral Report.....	32

<b>16 CHIEF EXECUTIVE OFFICER REPORTS.....</b>	<b>32</b>
16.1 Rubicon Music Event - 171 Rubicon Road, Rubicon .....	32
16.2 Chief Executive Officer Report.....	38
<b>17 ASSEMBLIES OF COUNCILLORS .....</b>	<b>38</b>
<b>18 SEALING REGISTER.....</b>	<b>41</b>

## **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 Taungurung Traditional Owners and their ancestors as the traditional owners of the land on which we are meeting virtually and pay our respect to their Elders past and present."

## **2 APOLOGIES AND REQUEST FOR LEAVE OF ABSENCE**

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

### **Present:**

Councillors S McAulay (Chair), S Carpenter, K Haslam, I Gerencser, E Lording, J Walsh, D Gallagher

### **In attendance:**

Acting Chief Executive Officer: Michael Chesworth  
Acting Director Corporate and Shared Services: Marilyn Kearney  
Director Community Engagement: Shivaun Brown  
Director Assets and Development: Vito Albicini  
Manager Governance and Risk: Tara Carter  
Coordinator Planning: Cameron Fraser  
Senior Planner: Clara Gartland

## **3 COMMUNITY RECOGNITION**

Nil.

## **4 DISCLOSURES OF INTEREST OR CONFLICT OF INTEREST**

Nil.

## **5 CONFIRMATION OF MINUTES**

Minutes of the Scheduled Meeting of Council held on 27 January 2021.

### **Officer Recommendation**

That Council confirm the minutes of the 27 January 2021 Scheduled Meeting of Council.

### **RESOLUTION**

**Cr J Walsh / Cr E Lording**

**That Council confirm the minutes of the 27 January 2021 Scheduled Meeting of Council.**

Minutes of the Confidential Meeting of Council held on 27 January 2021.

**Officer Recommendation**

That Council confirm the minutes of the 27 January 2021 Confidential Meeting of Council.

**RESOLUTION**

**Cr K Haslam / Cr D Gallagher**

**That Council confirm the minutes of the 27 January 2021 Confidential Meeting of Council.**

**CARRIED**

**6 PETITIONS**

Nil.

**7 PUBLIC PARTICIPATION**

**7.1 Open Forum**

Glenn Kell & Tony Donders spoke in support of Use and Development of the Land for the Purpose of a Dwelling - 105 Parsons Road, Fawcett (item 8.1 on the Agenda).

Mark Feltrin spoke regarding the "King Parrot Catchment Fox Control Project".

Rod Falconer spoke regarding "Increased Deforestation Logging within the Snobs Creek Water Catchment (Rubicon State Forest)".

**7.2 Questions of Council**

Two questions were received from Jack Russell.

Question 1 What reason is given for the Council Executive attempts to direct my riding Councillor S Carpenter with respect to my request for a face to face meeting for her awareness of the issues raised with Council and not actioned?

Question 2 What is the outcome of my reasonable request to meet with Councillor Carpenter?

The Chief Executive Officer responded to both questions.

"Cr Carpenter wrote to Mr Russell on 16 February 2021 stating:

Thank you for your correspondence. I encourage you in future to forward any letters addressed to me to Council directly and not my private address.

As you currently have court action pending against Council and our previous Chief Executive Officer in the Supreme Court it is not appropriate that I meet with you at this time.

If you have any concerns in relation to this, or you are requiring Council services please direct these to the Acting Chief Executive Officer in writing."

## 8 OUR PLACE

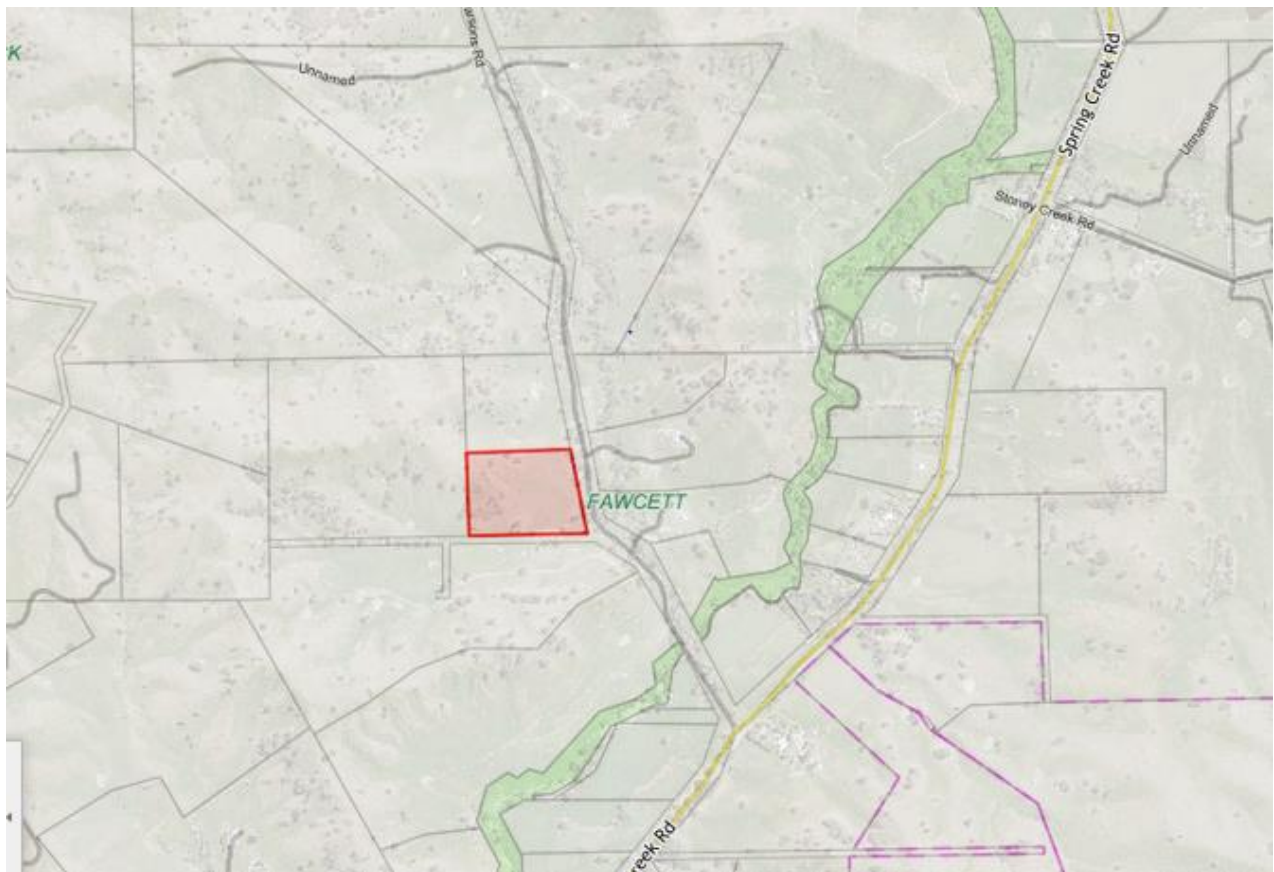
### 8.1 Use and Development of the Land for the Purpose of a Dwelling - 105 Parsons Road, Fawcett

Attachment(s):

1. 120201841 - 105 Parsons Road FAWCETT 3714 - Attachments [8.1.1 - 55 pages]

Land: 105 Parsons Road, Fawcett  
Proposal: Use and development of land for a dwelling  
Applicant: Tony Donders  
Zoning: Farming  
Overlays: None  
Triggers: Clause 35.07 Farming Zone  
Use of land for a dwelling on a lot less than 40 hectares  
Buildings and works associated with a Section 2 Use

#### Locality Plan



#### Purpose

This report recommends that a refusal to grant a permit be issued for the use and development of a dwelling at 105 Parsons Road, Fawcett, Crown Allotment 100B, Parish of Alexandra, Volume 02481 Folio 018.

#### Officer Recommendation

That Council issue a refusal to grant a planning permit for the use and development of a dwelling at 105 Parsons Road, Fawcett, based on the following grounds:

1. The proposal does not comply with the requirements of Clause 02.03 Strategic Directions of the Murrindindi Planning Scheme:
  - a. Protecting rural land for productive agricultural uses

- b. Ensuring use and development of rural land protects and enhances agricultural potential and the productive capacity of the land and surrounding areas
  - c. Ensuring agricultural land is not developed for primarily residential purposes
  - d. Discouraging the fragmentation of rural land into lots incapable of productive agricultural and rural uses.
2. The proposal does not comply with the requirements of Clause 16.01-3S Rural Residential Development as the objectives and strategies of the policy aim to protect agricultural land and discourage development of small lots in rural zones for residential uses
3. The proposal is inconsistent with the purpose and decision guidelines of Clause 35.07 of the Murrindindi Planning Scheme (Farming Zone)
4. The proposal has not adequately justified the need for a dwelling on the land for the proposed agricultural uses.

### **The Land and Surrounds**

The subject site is approximately 8 hectares in size. The land slopes up significantly from Parsons Road. There is no development on the site. The land is generally clear of vegetation aside from approximately 15 paddock trees and vegetation along the front of the property. There are large areas that are clear of any vegetation. There is a waterway located on the south eastern corner of the lot.

The subject site is located on the western side of Parsons Road in Fawcett approximately 800 metres from Spring Creek Road. The site is 13 kilometres to the north west of the township of Alexandra and 12 kilometres from the township of Yarck.

Parsons Road is an unsealed access road that is maintained by Murrindindi Shire Council. After the existing access to the subject site the road becomes a fire track that is maintained by agreement.

The wider area is in the Farming Zone, undulating in topography and with a range of lot sizes. The site and the adjoining lot to the North is also approximately 8 hectares and undeveloped. The lot to the west is 30 hectares and also vacant. The site to the south is 36 hectares and vacant. More broadly speaking, land to the west of Parsons Road contains larger parcels than the subject site in larger holdings. To the east of Parsons Road and along Spring Creek there are several lots of a similar size to the subject site with some vacant and some developed by way of a dwelling.

### **Background**

There are no previous planning permit applications for the subject site. The site has not previously been developed.

### **Proposal**

The application is seeking approval for the use and development of land for the purposes of a dwelling.

The application was accompanied by the following documents:

- A whole site plan
- Floor plans and elevations for the proposed dwelling and farm shed
- A Land Capability Assessment demonstrating how waste water will be managed onsite.
- A Farm Management Plan which consisted of:
  - A five year management plan and vision statement,
  - Whole site plan showing the locations of paddocks,
  - An extract from a website on alpaca care and the requirements for daily uses.
- A written statement addressing the Farming Zone
- An Environmental Management Plan in regards to the protection of the waterway on the subject site.

The various aspects of the proposal can be described as follows:

### Use

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

The proposed agricultural use of the land is for the breeding of approximately 30 female alpacas and two studs. It is also proposed that there will be chickens and fruit trees on the site. The provided information indicated that the dwelling would be constructed within the first two years of receiving a planning permit. The first alpacas and chickens would be purchased in the third year following the issuing of the planning permit. The applicant has also provided some details in regards to planting native vegetation along the waterway onsite.

The land is proposed to be divided into seven paddocks and two holding yards and a domestic zone.

### Development

The proposed dwelling is approximately 381m<sup>2</sup> in size and consists of:

- 3 bedrooms and a study
- 2 bathrooms
- A large dining/ living area
- A kitchen and a butler's pantry
- A garage
- An outdoor area.

The dwelling is located 30 metres from the northern boundary and 76 metres from the eastern boundary abutting Parsons Road. The effluent field is located between Parsons Road and the proposed dwelling.

The proposed shed is located approximately 8 metres to the south of the proposed dwelling. It contains two roller doors.

### Cultural Heritage Management Plan

The site is partially within an area of cultural sensitivity as defined by the *Aboriginal Heritage Regulations 2018*. However, a Cultural Heritage Management Plan is not required as the proposal for a single dwelling and associated works are exempt from the requirements.

### **Referrals**

The application was referred internally to Council's Development Engineer and Environmental Health Technical Officer, who advised that the proposal was able to comply with the relevant requirements subject to conditions and further permits from Council. If a planning permit was to be issued the applicant would be required to apply for a Non-Utility Minor Works permit, for the construction of a vehicle crossover, and a Septic Tank permit.

### **Discussion - Planning Considerations**

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

### Strategic Directions (Clause 02.03)

The strategic directions specific to Murrindindi Shire Council aim to ensure management of natural resources and the protection of productive agricultural land.



This application is considered inconsistent with this policy as it directly conflicts with the aim to reduce the conversion of agricultural land into non-agricultural uses, such as residential development. Additionally, this proposal is inconsistent with the following Council goals:

- Protect rural land for productive agricultural uses and compatible rural uses
- Ensure use and development of rural land protects and enhances agricultural potential and the productive capacity of the land and surrounding
- Ensure agricultural land is not developed for primarily residential purposes
- Discourage the fragmentation of rural land into lots incapable of productive agricultural and rural use.

Overall, this policy ensures the protection of agricultural land and reduces the potential for conflicting land uses.

Additionally, the local policy discusses the key economic benefits of the area and how agricultural production is vital for the Murrindindi Shire region and local economy. The proposal fragments this small lot from surrounding larger farming enterprises and has the potential to weaken the agricultural economy in the local area.

This application does not align with the Council goals of the policy and does not provide sufficient information or plans to mitigate the potential loss of agricultural land and fragmentation of existing farming operations.

#### Land Use Compatibility (Clause 13.07-1S)

The State Policy aims to ensure that use and development is compatible with adjoining and nearby land uses. The use of the land for residential purposes is not compatible with the use of land for agricultural purposes.

The proposed use of the land has the potential to be considered incompatible with the existing uses of adjoining and nearby farming land, as the land in this area is mostly used for stock grazing purposes.

While the proposed dwelling may maintain a limited association with agricultural land use the proposed dwelling and associated domestic infrastructure does remove significant areas of land from agricultural production. More importantly the impact of introducing rural residential development into agricultural areas has the ability to undermine the practices of large productive farms. The amenity expectations of landowners in rural areas are not always aligned with the typical land use activities of legitimate farming properties and this can lead to conflict. Conflicting land uses should not be supported and in this instance where the primary purpose of the zone is for agricultural purposes. Residential use such as the one proposed must only be supported when it has been demonstrated that the dwelling will not conflict with agricultural uses in the area.

#### Protection of Agricultural Land (Clause 14.01-1S)

The objective of the state policy is to protect and preserve productive farmland. This application is inconsistent with the following strategies:

- Protect productive agricultural land from unplanned loss due to permanent changes in land use
- Limit new housing development in rural areas by discouraging development of isolated small lots in the rural zones from use for dwellings or other incompatible uses
- Encourage consolidation of existing isolated small lots in rural zones.

The proposed dwelling will permanently remove the development site, domestic zone, effluent area and driveway from being able to be used for agricultural purposes. The currently undeveloped site is considered farming land that should be protected.

The proposed use and development of the land for a dwelling is also likely have the effect of the ability of surrounding lots to farm, in particular the lot to the north will likely be impacted given the 30 metre setback from this property.

The proposal directly conflicts with the strategy to limit new housing development on small lots in isolated rural areas. It is considered that the proposal would limit the expansion of adjoining agricultural uses as the approval of a dwelling on a small lot would have the effect of inflating property prices beyond their agricultural value with prospective purchasers of small lots expecting the ability to develop lots. This is not a good outcome in farming areas where legitimate farming enterprises are not able to consolidate small lots as they become available and instead the farming properties are gradually encroached upon.

The subject land is not considered to be highly productive as an isolated small lot and would likely be unviable were it to function as a standalone farm. While on its own, the site is constrained agriculturally, a residential use of the site should not consequently be considered the next best option. While the site is currently constrained in size as a vacant lot it could be consolidated with larger agricultural lots and used more productively. However, should the proposed use and development be permitted it would result in the land being very unlikely to be consolidated as part of other lots for more productive agricultural use into the future.

#### Rural Residential Development (Clause 16.01-3S)

The proposal does not comply with the requirements of Clause 16.01-3S Rural Residential Development as the objectives and strategies of the policy aim to protect agricultural land and discourage development of small lots in rural zones for residential uses.

The subject land is located Farming Zone outside of any townships where residential uses would be encouraged. While the applicant has provided a Whole Farm Plan and intends to run alpacas and chickens as well a growing fruit trees, it is considered that the primary use of the land will be for residential purposes.

The subject site has an area of approximately 8Ha and with the domestic zone, (house, shed and effluent area) taken out of this as well as areas of the site that would benefit from having stock excluded, the remainder of the site which could be utilised for grazing, would be very small and not sufficient to maintain a viable agricultural enterprise.

#### Farming Zone (Clause 35.07)

The primary purpose of the Farming Zone seeks to provide for agricultural uses, additionally the objectives of the Zone are:

- To encourage the retention of productive agricultural land
- To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture
- To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.

A Planning Permit is required to use the land for a dwelling as the subject site is less than 40 ha (subject site is 8 ha) and the application process requires consideration of the Decision Guidelines of Farming Zone in relation to potential issues with dwellings in rural areas.

Whilst the land is considered physically capable of accommodating the proposal, the proposed use and development of the land and the proposal does not relate to sustainable land management to an extent which could be supported in the Farming Zone. The proposed use is more consistent with the guidelines and purpose of the Rural Living Zone and it is not appropriate to encourage a use inconsistent with the purpose of the Farming Zone. Respectively, there are a number of similarly small lots nearby, particularly to the east of the subject site which are in the

Farming Zone. While every application is considered on its own merit, a similar proposal on any other parcel in the area would also be unlikely to be supported. This is evidenced by a similar type of application received for a larger parcel on the eastern side of Spring Creek which was not supported by Council.

The Farming Zone specifies that a dwelling is as-of-right on a lot of at least 40 ha and proposal on a lot less than 40 ha requires a planning permit for consideration for how the land will be used in association with agriculture. The local policy reiterates that a lot of more than 40 ha is appropriate for a dwelling and many agricultural uses would require full-time management. However, when a lot is significantly less than 40 ha, such as the subject site, it would be reasonable for the property to be managed part-time or from a nearby township.

The proposal for a dwelling, alpaca breeding, a limited number of chickens is not supportive of agricultural production and is not enhancing the existing agricultural uses in the area. This is more representative of a rural lifestyle lot.

The use of such a small isolated lot for grazing purposes does not allow for sustainable agricultural practices such as paddock rotation and resting, compared to the parcel being used in conjunction with larger farms.

The proposal for a dwelling would remove this parcel of land from larger agricultural lots and therefore limits any future potential for expansion or intensification of adjoining agricultural uses. Furthermore, the submitted Farm Management Plan does not provide for any productive agricultural use of the land and does not justify the specific need for a dwelling on the land. This property is within proximity (approximately 13 kilometres) from the Alexandra township and is therefore accessible by a potential non-residing land manager. As this property is not remote it is considered by officers that it does not require a dwelling to ensure it is appropriately managed for agricultural practices and to meet the purpose of the Farming Zone. Furthermore, the provided Farm Management Plan contains agricultural activities do not necessarily demonstrate the requirement for daily monitoring.

Furthermore, the submitted Farm Management Plan does not demonstrate a clear understanding of the requirements for alpaca breeding. The documents provided are very basic and lacking in the details of the proposal. It has been submitted in the vision statement that the permit holders are not familiar with the requirements of alpaca breeding. Therefore, there are concerns as to whether this use would be found to be viable and continue following the construction of the dwelling. Furthermore, the development of the dwelling prior to any agricultural use would make it difficult to ensure that the agricultural use commences as planned if at all. The lack of detail of how many alpacas will be bought at each year could result in a very minimal agricultural use. Information has not been provided in regards to whether the site is suitable for 32 alpacas, given the domestic zone and fencing of the creek, a minimal area will be able to be used for agricultural purposes. The provided information lacks sufficient detail to demonstrate that there will be an agricultural use of the land that requires a dwelling for its management. This has been raised with the applicant who have had the opportunity to provide further details.

The proposal has not adequately provided detail as to how the existing flora and fauna will be protected or enhanced through the proposal. The Farm Management Plan shows fences through pockets of native vegetation and there is no protection of the large paddock trees from the alpacas. There appears to be little consideration to the natural confines of the site including, the slope of the land, watercourses and native vegetation.

The proposed siting of the dwelling does not ensure that the dwelling and its residents would not be adversely impacted by any agricultural, or other, uses on adjoining or nearby land. The

proposed setback of 30 metres from the agricultural lot to the north is not considered a sufficient buffer and may cause land use compatibility conflicts. Furthermore, the proposed central location for the dwelling with a reasonably long driveway does not provide for the minimum amount of land to be used for domestic purposes. This siting is inconsistent with the guidelines of the Farming Zone which aim to ensure that non-agricultural uses occupy the minimum necessary amount of land.

If a permit was to issue for the proposed use and development of a dwelling, it is possible that it could lead to a concentration and proliferation of dwellings in the area, as there are a considerable number of similar sized vacant lots along Parsons Road and Spring Creek Road which are zoned as farming. Any development of single dwellings on these lots would change the rural character of the area and the productivity of the land for agricultural purposes.

For the reasons discussed, it is considered that the proposal is inconsistent with the purpose and decision guidelines of the Farming Zone.

#### Decision Guidelines – Approval of an Application (Clause 65.01)

There are general decision guidelines which the Responsible Authority must consider, as appropriate, in relation to a planning permit application.

Specifically, the proposal is not consistent with the guidelines as the proposed development is inconsistent with:

- The orderly planning of the area
- The extent and character of native vegetation and the likelihood of its destruction.

#### Relevant Case Law

There are several applicable cases concerning the applications for the use and development of land for the purpose of a dwelling that have been determined at the Victorian Civil and Administrative Tribunal (VCAT).

In *Rowe v Murrindindi Shire Council SC [2020]*, Senior Member Rachel Naylor assessed an application for the use and development of land for the purpose of a dwelling in an area with similar characteristics to the subject site. Similar to the subject site this property was also zoned as farming where no as of right use of land for a dwelling existed. The site was also similar distance from the township of Yarck. The subject site was slightly larger with 3 lots totalling at 12 hectares which would be consolidated should a planning permit be used. The proposal included the use of an existing shed for a dwelling to be used for cattle grazing and breeding. In addition to the agricultural use of the land the applicants indicated proposed works to the creek on the property in order to demonstrate environmental outcomes.

The application was ultimately refused, largely on lack of demonstration of the need for a dwelling on the lot. Member Rachel Naylor, made the following comments that are also relevant to this application:

*20. The land surrounding this site is also used primarily for cattle grazing. I agree with the Council officer's concerns that there is potential for the proposed dwelling to be adversely affected by agricultural activities on nearby land, such as dust, noise, odour, use of chemicals and farm machinery, traffic and hours of operation. As such, it is possible that a dwelling on this site could adversely affect the operation and expansion of nearby agricultural uses in the future.*

*21. There is a scattering of dwellings on various lots along Yarck Road and more broadly in the surrounding area. However, it is not evident that there exist many examples of dwellings on small lots in this area. I agree with Ms Hicks that it is not appropriate to find that this*

*dwelling will set a precedent for more dwellings on small lots as each proposal must be assessed on its own merits. However, the language of the decision guideline suggests it is appropriate to consider the potential future, as the issue to consider states 'the potential for the proposal to lead to a concentration or proliferation of dwellings in the area'. I cannot say that such a potential does not exist. There are other small lots in the surrounds, including to the south along Yarck Road. Like this proposal, other proposals can be made for dwellings on small lots in this area of the municipality. There is no local policy that precludes this from occurring. Hence, I cannot say that such a potential does not exist.*

*22. Proposals for dwellings on farming land need to demonstrate why they are necessary on a case by case basis, as State policy seeks to limit new housing and discourages dwelling development on isolated small lots. The principal reason provided in this planning permit application is that the dwelling is necessary to manage the land.*

*23. Any integrated land management plan prepared for the site is a relevant matter to consider in the agricultural issues in the decision guidelines of the Farming Zone. The Land Management Plan tabled with the planning permit application sets out what Ms Hicks describes as 'a comprehensive 5 year plan'. It documents work already undertaken to the site which demonstrates the intention of the permit applicant to farm the site with cattle. The material before me demonstrates the permit applicant's bonafide intentions and farm related work thus far. However, following my questions to Ms Hicks about the detail contained in the land management plan, she accepted that it documents only one activity required to be undertaken weekly. That is the control of vermin (rabbits and foxes) by monitoring for re-opening the closure of warrens undertaken by manual digging. All other listed activities are nominated to occur yearly or six monthly or after large rain/flood events. The described farming activities and this land management plan does not persuade me that a dwelling is required for the management or surveillance of the existing farm operations on the site.*

### Conclusion

It is considered that the use and development of land for a dwelling at 105 Parsons Road, Fawcett is inappropriate and the proposal has not adequately justified the need for a dwelling on the land for agricultural purposes. On the balance of the application, it is considered that the proposal is inconsistent with the provisions of the *Murrindindi Planning Scheme*, including the State, Regional and Local policies.

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

This report supports the *Council Plan 2017-2021 Our Place* strategy to "through good land use planning enhance the liveability, prosperity and the rural character of our Shire".

This report supports the *Council Plan 2017-2021 Our Place* strategy to "strengthen the environmental sustainability of our communities, protect our natural environment and reduce resource consumption."

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

### **Relevant Legislation**

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

### **Financial Implications and Risk**

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

**Conflict of Interest**

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

**Community and Stakeholder Consultation**

Notice of the application was provided in accordance with the requirements of the *Planning and Environment Act 1987* and all adjoining and nearby property owners were notified.

The application did not receive any submissions.

**RESOLUTION**

**Cr D Gallagher / Cr S Carpenter**

**That Council issue a refusal to grant a planning permit for the use and development of a dwelling at 105 Parsons Road, Fawcett, based on the following grounds:**

- 1. The proposal does not comply with the requirements of Clause 02.03 Strategic Directions of the Murrindindi Planning Scheme:**
  - a. Protecting rural land for productive agricultural uses**
  - b. Ensuring use and development of rural land protects and enhances agricultural potential and the productive capacity of the land and surrounding areas**
  - c. Ensuring agricultural land is not developed for primarily residential purposes**
  - d. Discouraging the fragmentation of rural land into lots incapable of productive agricultural and rural uses.**
- 2. The proposal does not comply with the requirements of Clause 16.01-3S Rural Residential Development as the objectives and strategies of the policy aim to protect agricultural land and discourage development of small lots in rural zones for residential uses**
- 3. The proposal is inconsistent with the purpose and decision guidelines of Clause 35.07 of the Murrindindi Planning Scheme (Farming Zone)**
- 4. The proposal has not adequately justified the need for a dwelling on the land for the proposed agricultural uses.**

**CARRIED**

**9 OUR PEOPLE****9.1 Final Draft Community Engagement Policy**

Attachment(s):

1. Community Engagement Policy [9.1.1 - 9 pages]

**Purpose**

The purpose of this report is to present the final draft Community Engagement Policy (attached) to Council for adoption.

**Officer Recommendation**

That Council adopt the final draft Community Engagement Policy and contained in Attachment 9.1.1.

**Background**

The *Local Government Act 2020 (the Act)* requires that a Community Engagement Policy be developed with input from the municipal community and adopted by 1 March 2021. The Act prescribes Integrated Strategic Planning Principles that support decision making that is driven by the community, aligns objectives and understands the medium to long term implications for Council's resources and performance. The Act aims to ensure that all Victorians have the opportunity to engage with Local Government on local priorities and the future of their community.

**Discussion**

The draft Community Engagement Policy (the Policy) was released for a two-week period of public exhibition and feedback, closing 5 February 2021. The Policy was available for download on Council's website and paper copies were made available at the Customer Service Centres in Alexandra, Yea and Kinglake.

The recent public exhibition was promoted across traditional media, radio and social media with 265 direct web-page views during. Community members who had participated in earlier rounds of consultation were contacted directly and encourage to further participate.

Feedback from Council and the community has been reviewed and incorporated into the Final Draft Policy and can be broadly described as:

- Ensure links to all relevant legislation, frameworks and publications are clearly and properly referenced (includes IAP2, *Gender Equality Act 2020*, *Local Government Act 2020*, *Public Health and Wellbeing Act 2008*, *Charter of Human Rights and Responsibilities Act 2006*)
- Ensure appropriate Acknowledgement of Traditional Owners
- Ensure the deliberative engagement principles and the language used in the Policy are inclusive, in particular to the intersectional groups within our community
- Ensure the Policy allows a partnership approach for working with our communities.

**Council Plan/Strategies/Policies**

The Policy supports the *Council Plan 2017-2021* Our People strategy to "work with our community and groups to connect, collaborate and plan for our future".

**Relevant Legislation**

There are several pieces of legislation that relate are relevant to this report:

*Local Government Act 2020*

*Public Health and Wellbeing Act 2008*

*Gender Equality Act 2020*

*Charter of Human Rights and Responsibilities Act 2006.*

**Financial Implications and Risk**

The Act, legislated in 2020, has placed an emphasis on community engagement. The Act will require greater accountability on community engagement outputs including use of deliberative engagement processes. This will have implications on staff resourcing and operational budget allocations in future years to support innovation in this area.

**Conflict of Interest**

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

**Community and Stakeholder Consultation**

'Your Opinion Matters' survey about Council's current community engagement practices was conducted from late November 2020, closing 7 January 2021. Paper-based surveys were available at libraries and customer service centres and the survey was also available online through the Murrindindi Shire Council website with 58 community members responding to the survey.

Further, three 'Your Opinion Matters' focus groups were held online with community members during the same period, allowing more in-depth conversations about people's experiences engaging with Council. In total, there were 19 participants.

**RESOLUTION****Cr E Lording / Cr K Haslam****That Council adopt the final draft Community Engagement Policy and contained in Attachment 9.1.1.****CARRIED****10 OUR PROSPERITY****11 OUR PROMISE****11.1 Councillor Code of Conduct 2021**

Attachment(s):

1. Councillor Code of Conduct - 2021 [11.1.1 - 23 pages]

**Purpose**

The purpose of this report is to present the Councillor Code of Conduct for adoption by Council.

**Recommendation**

That Council adopt the Councillor Code of Conduct 2021 as contained in Attachment 11.1.1.

**Background**

The *Local Government Act 2020*, Section 139 requires Council to adopt a Councillor Code of Conduct (the Code) within 4 months of a General election. The Code must address the Standards of Conduct that are prescribed by the *Local Government Act (Governance and Integrity) Regulations 2020* (Regulations). It outlines the legislated requirements that must be adhered to and the dispute resolution procedure for dealing with conflict and breaches of the Code.

**Discussion**

The *Local Government Act 2020* enhanced the requirements for a Code to ensure acceptable conduct for both Councillors and the Mayor. The Code addresses these conduct requirements and other legislated and ethical responsibilities. We have developed our Code of Conduct setting the conduct principles and values that we will abide by in our roles as individual Councillors and collectively as a group. It is also a means by which we can hold each other accountable and provides a process for addressing conflict, complaints and any performance management issues.

The Code is built around the Standards of Conduct under the Regulations. They include:

1. Treatment of others
2. Performing the role of the Councillor
3. Compliance with good governance measures
4. Council must not mislead or discredit the Council or public
5. Standards do not limit robust political debate.

The Councillors were supported by Council Officers in developing this Code, but importantly this document is owned by us and provides the community with a statement of how as elected Councillors we will conduct ourselves while undertaking our roles.

**Council Plan/Strategies/Policies**

This report supports the *Council Plan 2017-2021 Our Promise* strategy to “represent and advocate for our community in a transparent and equitable way”.



**Relevant Legislation**

The *Local Government Act 2020* and the *Local Government (Governance and Integrity) Regulations 2020* provide the requirements for the Councillor Code of Conduct. Section 139 of the *Local Government Act 2020* requires that the Code be adopted by Council by 24 February 2021.

**Financial Implications and Risk**

The Code addresses the expected standards of conduct and legislated requirements of Councillors, therefore reducing the potential for risk associated with poor governance or legislative non-compliance. There are no financial implications associated with the adoption of the Councillor Code of Conduct.

**Conflict of Interest**

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

**Community and Stakeholder Consultation**

No external community consultation was required in the writing of the Councillor Code of Conduct.

**RESOLUTION**

**Cr I Gerencser / Cr E Lording**

**That Council adopt the revised Councillor Code of Conduct 2021 and update Attachment 11.1.1 for the purposes of the minutes.**

**CARRIED**

**11.2 Quarterly Council Plan 2017-2021 Report - 31 December 2020**

Attachment(s):

1. Council Plan Quarterly Report - October to December 2020 [11.2.1 - 31 pages]

**Purpose**

This report provides the second quarter summary of progress to date in delivering the actions in the Council's *Priority Action Plan 2020/21* (Action Plan).

**Officer Recommendation**

That Council receive and note the quarterly report ending 31 December 2020 on the status of actions from the *Priority Action Plan 2020/21*.

**Background**

Council adopted its *Council Plan 2017-2021* (Council Plan) at the Special Meeting of 21 June 2017. The Council Plan sets out the overall strategic direction of Council over its four-year term based on an extensive community consultation program conducted across the shire.

At the August 2020 Ordinary Meeting Council adopted the *Priority Action Plan 2020/21* which outlines the actions that Council will pursue during the 2020/21 year to continue to implement the four-year strategies in the Council Plan.

Both the Council Plan and the *Priority Action Plan* are published on Council's website.

A report on progress in implementing the annual priority actions is provided to Council at the end of each quarter.

**Discussion**

The Attached Council Plan Quarterly Report provides a summary of activity undertaken in the second quarter of the *Priority Action Plan* for each of the four strategic objectives relating to Our People, Our Place, Our Prosperity and Our Promise.

Highlights from the quarter (October to December 2020) include the following:

#### Our People

- Our Dindi Live initiative continued into November with 6 performances attracting an average viewer engagement of approximately 1,200. Young people were supported to participate in a live music event in Bendigo attracting 300 people, and DJ workshops in Flowerdale.
- We reopened our Libraries with COVIDSafe measures in place, continuing the popular 'Book Butler' service with 185 home-deliveries with a total of 2095 items borrowed during the quarter.
- Our new initiative to provide free entry to our swimming pools in Alexandra, Eildon, Marysville and Yea over for the 2020/21 season saw 8,000 patrons accessing the service during the quarter.
- We coordinated colour run events at seven primary schools across the Shire with over 800 students taking part in the initiative promoting physical activity in a school setting.
- We supported kindergartens and child care centres across the shire to develop a communication strategy for Kindergarten enrolments.

#### Our Place

- Our safety improvement construction works on High Street Yea was completed during the quarter.
- We awarded the 2020/2021 path program with works to commence early in 2021.
- We have committed to become auspice Council for the Goulburn Broken Greenhouse Alliance from July 1 2021 to June 30 2024.
- We finalised the Activating for Growth project prioritisation list and commenced work on including the priority projects into the capital works program.
- We supported proprietors to meet their legislative requirements as part of the new COVID-19 outdoor dining requirements.
- Our Working For Victoria staff completed 6 months of environmental works on the selection of Council owned bushland sites. 18 sites were worked on and 135 tonnes of environmental weeds were removed.

#### Our Prosperity

- We supported 14 enquiries through the business concierge service from existing and new businesses looking to start or grow their business.
- We promoted local businesses to non-resident ratepayers through a mail-out. Business Partnership Officers provided phone advice and support to over 100 businesses during this period.
- Our social media audience engagement on Facebook and Instagram grew by 14%.
- We commenced a trial on TikTok which generated 4,000 followers and 172,452 views of our videos.
- We engaged a consultant to undertake the Visitor Information Centre Review which includes engagement with each Centre's Committees.
- Our Better Approvals Project was adopted and implemented across the organisation.

#### Our Promise

- We launched a new cloud based solution for our Customer Service Contact Centre in December 2020 providing for the Customer Service Team to take calls from anywhere, significantly improving our service delivery.
- We continued our shared service support with Mansfield Shire Council for Building Services with an extension to the contract for a further 2 years.
- We implemented an online platform for Staff to undertake Health and Wellbeing activities and to promote social connection across the organisation.

**Council Plan/Strategies/Policies**

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

**Relevant Legislation**

Council has an obligation under the *Local Government Act 2020* Section 90 to prepare and adopt a 4 year Council Plan. The quarterly report supports the intent of the Act to engage and be transparent with the community.

**Financial Implications and Risk**

The delivery of the Council Plan is supported by the four-year Strategic Resource Plan and the Annual Budget.

**Conflict of Interest**

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

**Community and Stakeholder Consultation**

The actions in the Action Plan have been developed with reference to the priorities identified from the community following the ‘Have Your Say’ community consultation undertaken in February – April 2017.

**RESOLUTION**

**Cr K Haslam / Cr D Gallagher**

**That Council receive and note the quarterly report ending 31 December 2020 on the status of actions from the Priority Action Plan 2020/21.**

**CARRIED**

**11.3 Quarterly Finance Report - 31 December 2020**

Attachment(s):

1. Finance Statements December 2020 [11.3.1 - 4 pages]

**Purpose**

The report provides the quarterly financial report for the period ending 31 December 2020.

**Officer Recommendation**

That Council:

1. receives the Quarterly Financial Report to 31 December 2020
2. notes that the Chief Executive Officer advises that a revised budget for the 2020/21 financial year is not required.

**Background**

The Quarterly Financial Report for the period ended 31 December 2020, is presented for consideration by Council, in accordance with the *Local Government Act 2020* (“the Act”).

The report includes the following statements:

- Comprehensive Income Statement
- Balance Sheet
- Statement of Cash Flow
- Reconciliation of Non-Discretionary Cash & Reserves.

In accordance with Section 97(3) of the Act, the second quarter financial report requires a statement by the Chief Executive Officer as to whether a revised budget is, or may be, required.

Under Section 95 of the Act, the adoption of a formal revised budget is required if Council intends to:

- make a variation to the declared rates or charges
- undertake any borrowings that have not been approved in the budget
- make a change to the budget that the Council considers should be the subject of community engagement.

The Chief Executive Officer advises that a revised budget for 2020/21 is not required as Council does not intend to make changes to the budget that would trigger the requirement to adopt a revised budget.

## Discussion

The statements for the second quarter to 31 December 2020 are included in Attachment 11.3.1.

### Income Statement (Statement A)

The Income Statement for the period 1 July 2020 to 31 December 2020 (also within the attached report) is presented below:

Murrindindi Shire Council Income Statement For the period ended 31st December 2020								
NOTE	September Revised Budget 2020/21 \$	Annual Revised Budget 2020/21 \$	(1)		(2)			%
			Forecast Adjustment 2020/21 \$	YTD Budgets 31/12/2020 \$	Actual 31/12/2020 \$	YTD Budget V Actual Variance 31/12/2020		
<b>Revenue</b>								
Rates & Charges	1	21,500,932	21,562,446	61,514	21,521,418	21,504,213	(17,205)	0%
Special Charge	2	27,000	27,000	-	-	-	-	0%
Statutory fees and fines	3	1,181,634	1,187,957	6,323	580,838	604,017	23,179	4%
User fees	4	1,491,760	909,964	(581,796)	413,626	399,406	(14,220)	-3%
Grants - Operating	5	8,182,209	8,613,237	431,028	3,455,860	3,452,568	(3,292)	0%
Grants - Capital	6	4,234,098	4,259,098	25,000	1,273,102	1,266,802	(6,300)	0%
Contributions - Cash	7	166,360	288,970	122,610	146,834	148,396	1,562	1%
Contributions - Non Cash	8	600,000	600,000	-	-	-	-	0%
Reimbursements	9	331,418	330,083	(1,335)	81,358	96,628	15,270	19%
Other revenue	10	1,046,798	709,980	(336,818)	281,943	252,994	(28,949)	-10%
<b>Total Revenue</b>		<b>38,762,209</b>	<b>38,488,735</b>	<b>(273,474)</b>	<b>27,754,979</b>	<b>27,725,024</b>	<b>(29,955)</b>	<b>0%</b>
<b>Expenses</b>								
Employee Benefits	11	15,579,033	15,610,143	31,110	8,313,142	8,015,737	(297,405)	-4%
Materials and Services	12	13,143,538	13,975,873	832,335	6,474,335	6,231,165	(243,170)	-4%
Depreciation and amortisation	13	9,013,876	8,859,048	(154,828)	101	-	(101)	-100%
Bad and Doubtful Debts	14	-	160,000	160,000	160,000	160,085	85	0%
Other Expense	15	316,886	311,886	(5,000)	136,535	129,858	(6,677)	-5%
Finance Costs (Interest)	16	24,909	24,909	-	9,637	9,642	5	0%
<b>Total Expenses</b>		<b>38,078,242</b>	<b>38,941,859</b>	<b>863,617</b>	<b>15,093,750</b>	<b>14,546,487</b>	<b>(547,263)</b>	<b>-4%</b>
Net gain/(loss) on disposal of property, infrastructure, plant and equipment	17	(622,047)	(622,047)	-	-	-	-	0%
<b>Surplus (deficit) for the period</b>		<b>61,920</b>	<b>(1,075,171)</b>	<b>(1,137,091)</b>	<b>12,661,229</b>	<b>13,178,537</b>	<b>517,308</b>	<b>4%</b>

This statement provides information on two budgetary components:

1. *Forecast adjustments*: adjustments to the September revised budget figures to reflect the predicted result at the end of the 2020/21 financial year (refer to the column titled "(1) Forecast Adjustment").

The forecast position for the financial year has decreased by \$1.13 million moving from a predicted surplus of \$61,920 to a deficit of \$1.07 million. This significant movement was heavily influenced by the COVID-19 pandemic and falling interest rates.

2. *Year-to-date budget variances*: variances between December's revised year-to-date budget and the year-to-date result (refer to column titled "(2) Budget Actual Variance").

The \$13.17 million operating result for the December 2020 quarter is \$517,308 or 4% favourable to the year-to-date budget.

Noting the significant shift in Council's forecast financial position to June 30, largely due to increased cost of managing the impact of the COVID-19 pandemic and reduction of forecast interest earned, it should be noted this is not a financially unsustainable outcome as Council has a very strong balance sheet with sufficient cash holdings. Council can absorb the additional expenditure without it impacting its long-term financial sustainability or impacting future service delivery.

Detail explanations of the forecast adjustments (1) and year-to-date variances (2) are included in the table below:

Note	Line item	(1) Explanation Forecast Adjustment	(2) Explanation YTD Budget V Actual Variance
1	Rates & Charges	\$61,514 favourable. Due to anticipated increased rate income from supplementary valuations.	Year-to-date variance is within budget expectations (variance is less than 10%)
2	Special Charge	No Change	Year-to-date variance is within budget expectations (variance is less than 10%)
3	Statutory fees and fines	\$6,323 favourable immaterial variance.	Year-to-date variance is within budget expectations (variance is less than 10%)
4	User fees	\$581,796 unfavourable. Adjustments include: <ul style="list-style-type: none"> <li>Reduced income from Landfill fees due to decision to stop receiving commercial waste (\$516,781)</li> <li>Decreased throughput at Yea Saleyards (\$48,915)</li> <li>Reduction in user fees Kinglake Community Centre (\$10,000).</li> </ul>	Year-to-date variance is within budget expectations (variance is less than 10%)
5	Grants - Operating	\$431,028 favourable. Adjustments include: <ul style="list-style-type: none"> <li>New Outdoor Eating and Entertainment Grant (\$250,000)</li> <li>Community Activation and Social Isolation additional Grant (\$65,000)</li> <li>Roadside Weeds and Pest Grant confirmed and added to budget (\$32,772)</li> <li>National Australia Day Council COVID Safe Grant (\$20,000)</li> <li>Additional Maternal and Child Health funding (\$28,374).</li> </ul>	Year-to-date variance is within budget expectations (variance is less than 10%)
6	Grants -Capital	\$25,000 favourable. Adjustments include: <ul style="list-style-type: none"> <li>Receipt of Eildon Splash Park grant (\$270,000)</li> <li>Offset by Alexandra Youth Precinct Grant recognition being deferred to the 2021/22 budget (\$250,000).</li> </ul>	Year-to-date variance is within budget expectations (variance is less than 10%).
7	Contributions - Cash	\$122,610 favourable. Adjustments include: <ul style="list-style-type: none"> <li>Insurance Groups Australia community planning project extension (\$50,000)</li> <li>Additional Public Open Space Developer's contributions (\$43,700)</li> <li>Contributions towards infrastructure projects (\$25,844).</li> </ul>	Year-to-date variance is within budget expectations (variance is less than 10%).

8	Contributions - Non-Cash	No Change	On budget
9	Reimbursements	\$1,335 unfavourable immaterial variance.	\$15,270 favourable. Collection is tracking ahead of budget across several small items.
10	Other revenue	\$336,818 unfavourable. Adjustments due to: <ul style="list-style-type: none"> <li>Lower interest earning due to falling interest rates (\$326,678)</li> <li>Rental pause of Caravan Parks (\$39,000). Partly offset by extra resource recovery income from sale of scrap metal.</li> </ul>	\$28,949 unfavourable due to lower than anticipated: <ul style="list-style-type: none"> <li>interest earnings (\$12,717)</li> <li>waste management income (interest on waste charges and sale of scraps - \$18,323),</li> </ul> Offset by other minor variances (\$2,091).
11	Employee Benefits	\$31,110 unfavourable. Adjustments due to: <ul style="list-style-type: none"> <li>Extra wages relating to the COVID-19 pandemic response (\$83,600 - see separate table for details)</li> <li>Working for Victoria program (\$51,843).</li> </ul> These extra costs have largely been funded by savings in other areas.	\$297,405 favourable or 4%. The year-to-date underspends are expected to align with the budget in the second half of the year following recruitment and filling some vacant positions. Some of the short-term grant and project extension type positions will happen during the latter half of the year.
12	Materials and Services	\$832,335 unfavourable. Partially due to additional Grant funds (\$350k) expected to be spent by the end of the financial year: <ul style="list-style-type: none"> <li>Outdoor Eating and Entertainment package (\$250K)</li> <li>Releasing the Floating City (\$75,000).</li> </ul> Balance is due to increased costs for: <ul style="list-style-type: none"> <li>Working for Victoria program (\$74,115)</li> <li>COVID-19 pandemic response (\$366,400 - see additional detail in table below)</li> <li>recruitment costs (\$46,000)</li> <li>software cloud services licensing (\$57,000)</li> <li>insurance (\$60,740), and</li> <li>mulching (\$65,000).</li> </ul> Offset by savings of \$100,000 in the EPA waste management levy, due to the lower volumes of waste being processed as a result of not accepting commercial waste	\$245,135 favourable or 4% due to lower than anticipated year to date expenditure in the following areas: <ul style="list-style-type: none"> <li>Building Maintenance (\$54,202)</li> <li>Business and Community Grants (\$70,403)</li> <li>Plant management maintenance and fuel (\$30,239)</li> <li>Fire prevention works (\$20,351).</li> </ul> All are expected to correct to budget in the second half of the year.
13	Depreciation and amortisation	\$154,828 favourable. Due to lower consumption of airspace at Landfill (\$210,300) partly offset by increased plant and equipment depreciation charges (\$55,472).	Year-to-date variance is within budget expectations (variance is less than 10%)
14	Bad and Doubtful Debts	\$160,000 unfavourable. In the 2019/20 financial year a debt was recorded for works completed under the Natural Disaster Financial Assistance program. These works related to the December 2017 and January 2020 flood and storm events. Emergency Management Victoria has now advised that part of that claim has been rejected as the works completed were outside the scope of the funding arrangements. A financial adjustment has been made to recognise that \$160,000 will not be received.	Year-to-date variance is within budget expectations (variance is less than 10%)
15	Other Expense	\$6,677 favourable due to 0% increase applied to Councillor allowances in accordance with the Ministers direction.	Year-to-date variance is within budget expectations (variance is less than 10%)

16	Finance Costs (Interest)	No Change	Year-to-date variance is within budget expectations (variance is less than 10%)
17	Net gain/(loss) on disposal of property,	No Change	No Change

#### Detailed Analysis of COVID-19 Expenditure.

As a result of the COVID-19 pandemic, Council determined to respond to community and business needs and consequently has experienced an increased cost in delivering council services requiring a financial response and budget adjustments. The figures below report the cost of the response to date for the current financial year. Additional items such as the pausing of rental collection have not been captured below. These costs are in addition to the specific budget response initiatives that were included in the 2020/21 adopted budget. An allowance of up to \$450,000 has been included in the revised budget.

In addition to the costs incurred, there have been some savings in councils' operations, such as a reduction in the cost of operating some buildings due to inactivity and some services being curtailed. The cost as at 31<sup>st</sup> December 2020 are as follows:

<b>Wages</b>	<b>\$</b>
Administration Support	2,299
Environment	1,546
Community Safety	25,023
Community Assets - Operations	12,043
Emergency Management	2,061
Customer Service	3,664
Saleyards	2,573
Tourism and Business Support	35,056
<b>Total Wages</b>	<b>84,266</b>
<b>Creditors</b>	
Advertising	6,457
Business recovery planning	18,879
Cleaning/sanitising	79,807
Insurance	468
Postage	4,931
Personal protective equipment	14,010
Signage	58,324
Testing stations traffic management	1,010
Tourism	74,456
Vehicle hire	77,513
Working from home	8,079
<b>Total Creditors</b>	<b>343,934</b>
<b>Total</b>	<b>428,200</b>

#### Balance Sheet (Statement B)

The Balance Sheet is included Attachment 11.3.1.

The Commentary below refers to Column (1) forecast adjustment, being the movement in the Balance Sheet from the previously reported September Budget review to the current budget revision as at 31<sup>st</sup> December 2020.

### Assets

The statement shows a \$1,054,091 reduction in assets. Cash has decreased \$187,324 (see the Cashflow Statement (Statement C) for a detailed analysis of cash movements). Debtors are expected to increase by \$647,329 reflecting current economic circumstances. Accrued income will fall \$140,000 due to lower interest rates meaning less interest will be owing on investments at year-end. Intangible assets increase due to less landfill airspace being consumed. Property, Plant and Equipment has decreased, as part of the capital works program will carry over to the 2021/22 financial year.

### Liabilities

The liabilities are stable with a slight increase of \$83,000. There is a minor downward adjustment to the Employee Provisions \$142,000. A grant received in advance will be recorded as a liability until the grant conditions are satisfied.

### Equity

As at 31 December 2020 the statements show an unfavourable \$1,137,091 decrease in equity. These variances are explained in more detail by the commentary outlined in Statement A – Income Statement.

### Cash Flow Statement (Statement C)

This statement combines the cash related movements from the Income Statement and the Balance Sheet into one statement. This Statement shows how funds are generated and consumed. The revised budget projects that cash will decrease by \$187,324.

### Cash from Operating Activities

The statement shows a fall of \$1,716,248 in cash generated by operations. A combination of the expected operating deficit and a growth in debtors.

### Cash Flow from Investing Activities

The variance \$1,528,928 are savings in cash due to some capital works being deferred and a slight increase cash from the sale of assets.

### Cash flow from financing activities

No budget changes

### Non-Discretionary Cash and Council Reserves (Statement D)

Included as part of this report is a statement of Council's Non-Discretionary Cash Flow requirements. This reconciliation lists all Council reserves together with funds held as Deposits or Trust, these are required to be refunded, and an allowance for the provision of employee entitlements. This latter provision being a nominal amount of 25% of Council's Annual Leave Liability and 25% of the current Long Service Leave Liability.

The original budget figure for total unallocated cash was \$12.3 million, the December revised budget figure is now \$10.8 million.

### Councillor Expenses (GST Exclusive):

As required in the adopted Councillor Reimbursement Policy (February 2017), Council reports quarterly on the Councillor related expenses. The following table details Councillor expenses for the second quarter period ending 31 December 2020.



## Councillor Expenses for 3 months ended 31 December 2020:

	Allowances	Travel Expenses	Childcare Expenses	Information & Communications Expenses	Conference & Training Expenses	Other Expenses
<b>Cr Carpenter</b>	\$4,929.85	\$-	\$-	\$3,099.88	\$613.78	\$67.05
<b>Cr Gallagher</b>	\$4,929.85	\$-	\$-	\$3,232.89	\$613.78	\$53.10
<b>Cr Gerencser</b>	\$4,929.85	\$706.88	\$-	\$3,190.66	\$613.78	\$53.10
<b>Cr Haslam</b>	\$4,929.85	\$-	\$-	\$3,124.24	\$613.78	\$53.10
<b>Cr Lording</b>	\$4,929.85	\$175.68	\$-	\$3,191.47	\$613.78	\$53.10
<b>Cr McAulay</b>	\$13,201.00	\$2,463.00	\$-	\$3,190.71	\$613.78	\$53.10
<b>Cr Walsh</b>	\$4,929.85	\$-	\$-	\$3,190.64	\$613.78	\$53.10

It should be noted that accommodation and travel costs include the reimbursement of the claims, which a Councillor may choose to submit for travelling to Council meetings, briefings and other functions, which they attend in their capacity as a Councillor. Where a Councillor's residence is greater than 50 kilometres from the location of a Council meeting, they may also claim the statutory remote area allowance.

It should also be noted that Councillors can elect for part of their allowance to be deducted for superannuation purposes.

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

This report supports the *Council Plan 2017-2021 Our Promise* strategy to "maintain Council's financial sustainability through sound financial and asset management".

### **Relevant Legislation**

Section 97 of the Local Government Act 2020 requires that at the end of each quarter of the financial year, a quarterly budget report is presented to the Council at a Council meeting which is open to the public. In addition, the second quarterly report must include a statement by the Chief Executive Officer as to whether a revised budget is, or may be, required.

### **Financial Implications and Risk**

The financial governance of a council is an important role for Councillors. The risk of poor financial management can have a significant impact upon the governance of the Council. The financial implications flowing from this quarterly financial review are outlined in this report.

### **Conflict of Interest**

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

### **Community and Stakeholder Consultation**

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

### **RESOLUTION**

**Cr J Walsh / Cr I Gerencser**

**That Council:**

- 1. receives the Quarterly Financial Report to 31 December 2020**
- 2. notes that the Chief Executive Officer advises that a revised budget for the 2020/21 financial year is not required.**

**CARRIED**

## 11.4 Quarterly Capital Works Report - 31 December 2020

Attachment(s):

1. Financial Report December 2020 [11.4.1 - 4 pages]

### Purpose

This report provides an update on the 2020/21 Capital Works Program (CWP) for the second quarter of the year ending 31 December 2020.

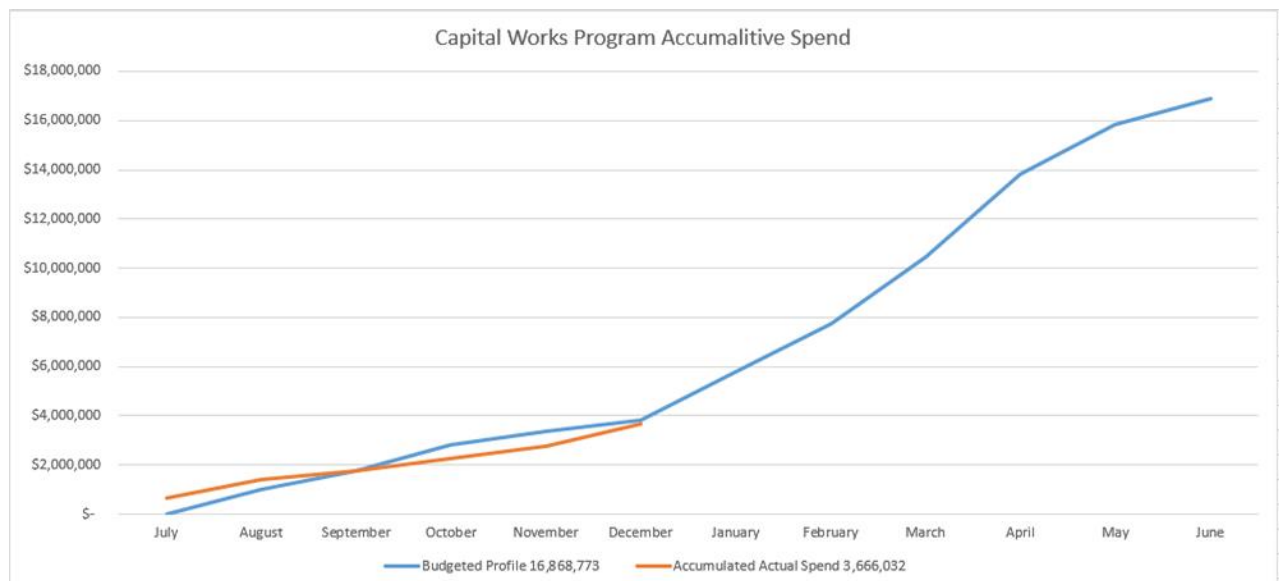
### Officer Recommendation

That Council:

1. receives the quarterly report ending 31 December 2021 on the status of delivering the Capital Works Program; and
2. endorse the proposed funding adjustments as presented by Attachment 11.3.1 and table 2 below.

### Background

This report is the mid year report for the 2020/21 CWP. The period of reporting is from 1 October 2020 to 31 December 2020. The CWP is comprised of those projects endorsed by Council as part of the 2020/21 Capital Works budget, projects identified for carry forward from the 2019/20 program and approved projects that have received grant funding during the financial year.



### Discussion

In the second quarter a readjustment of the forecast expenditure was made to better align with the anticipated expenditure to the end of the financial year. This is due to the delay in progress for some projects, others being placed on hold and grants that are being delivered over two financial years. This is part of the mid year budget review process,

During this period commitments rose from approximately \$4.27M in works to \$7.89M, which is 43% of the current revised budget, with an actual spend of \$4.4M (Includes Non-Capital projects i.e. Rubicon Village & Floating Cities). The expenditure to the end of December was \$4,123,621 (Projects & Plant). Council's Capital works program for the 2020/21 financial year includes a total of 122 individual projects. Of these 122 projects, all except 11 have commenced.

A number of projects have been completed. Major expenditure for the quarter is shown in table 1 below.

**Table 1 – Summary of Major Expenditure**

<b>Project</b>	<b>\$</b>	<b>Complete</b>	<b>Ongoing</b>
Sealed Roads - Renewal & Major patching	\$250,797		X
Gravel Road Resheeting (Carry forward program)	\$316,532		X
Kinglake Streetscape	\$204,221		X
Roads - Major Maintenance	\$126,973		X
Alexandra Youth Precinct	\$34,501		X
Wilhelmina Falls Rd - Upgrade	\$60,305	X	
Fannings Bridge – Component Renewal	\$89,711		
Bailey Street Kerb Renewal	\$98,769	X	
Thornton Drainage Upgrade – Stage 1 Design	\$46,292		X
Alexandra Operation Centre – backup Generator	\$30,218	X	
New Yea RRC – Site due diligence	\$41,176		X
Yea RRC – E-Waste shed	\$87,569	X	
Landfill & RRC – New Trailer	\$55,099	X	
Saleyards – New backup Generator	\$31,663	X	
IT – Software allocations	\$33,000		X
Library Books – Adult literature renewal	\$43,866		X
Fleet - Passenger vehicles renewal	\$315,948		X
Major Plant & Machinery - Renewal	\$429,150		X
High Street Yea – Safety Upgrades	\$767,922	X	
Rubicon Village Effluent Project	\$240,712		X
Gordons Road – Safety Audit Works	\$41,368		X

This report also includes attachment 1 which indicates the current position of all capital projects for the current financial year using a traffic light system. The colours shown highlight the following:

- Green – Council officers are confident that the project will be delivered within the current financial year
- Yellow – there is a medium risk that there may be a delay in delivery due to issues outside of Council officer's control
- Red – there is a high risk that delivery will not occur within the current financial year for reasons as outlined
- Blue – the project has been assessed and has been placed on hold
- Black – the project has been completed.

## **REVIEW OF LEVEL 1 PROJECTS**

### **Kinglake Streetscape**

The design has now been finalised including feedback received at a recent meeting with the shop operators in Kinglake. The final designs and a response advising how feedback was addressed will be available to the public in February.

The tendering for this project has commenced and it is expected that a tender report will be presented to Council at its meeting in March 2021. Current estimates indicate that the works maybe over the budget amount, however there has been contingency built into these estimates. It is expected that this budget will be tight.

### **Eildon Reserve - Stage 1 Schematic Design**

The tendering for the design is currently underway with a tender report to be presented to Council at its meeting in March 2021. There is no change to the current project scope.

### **Alexandra Youth Precinct, detailed design (Rotary Park)**

The design is currently at 90% completion. It is expected that the design will be fully completed by early February. The current cost estimate for these works is \$1.5M to deliver all works.

The program is currently on track with a release of the plans to the public planned for late March. Council has received confirmation of a \$250,000 grant from the State Government for construction. This will require Council to contribute \$411,518 on top of the current \$31,242 available for design. This will provide a total project budget of \$692,760. As the project will be delivered over two financial years, Council's construction contribution will be included as part of the 2021/22 capital works budget.

The current funding including the grant will only deliver some key components of the masterplan such as the playground upgrade, but will not deliver the full master plan. A scoping exercise is currently being conducted to determine what will be delivered based on budget constraints and the requirements of the grant, the remainder of the master plan will be delivered in future years when funding is available.

### **Kinglake West/Pheasant Creek Streetscape - Stage 1 design**

The request for quotes for the design has closed and an evaluation of the submissions received is currently underway. Works are currently on track to the revised program.

There have been some scope concerns from business operators regarding the inability of the layout to allow semi-trailers and other heavy vehicle access for deliveries. A review of this is being incorporated within the scope for the design services.

### **Landfill Capping Design Cell 1A - Alexandra - Stage 1**

This project has been deferred and the budget allocation reduced accordingly. Officers are currently still pursuing EPA signoff to allow temporary capping to remain in place for a longer period of time. This is likely to be an ongoing process for a number of months. Officers are also pursuing changes in our Landfill status, to a low-risk rural landfill. If successful, this can have a major positive financial implication to the capping project.

A reduced budget of \$50K will be utilised to commence a new revised capping design (Monolithic Cap). This is now proposed to be a single monolithic capping design for all active landfill cells and will be dependent on comments provided by the EPA. The remaining budget allocation has been transferred to a future allocation from the waste reserve.

### **Closed Landfills Rehabilitation Works**

The Request for Tender (RFT) for the Eildon site has now closed and the evaluation has been completed. The tender report was presented to Council at its January meeting.

Works in Yea are being reviewed and it is expected that these works will be undertaken in the next financial year.

Eildon Landfill rehabilitation works program is on target to ensure that large scale works are completed during the dryer months. The project is proceeding within the allocated budget. Current submitted prices have indicated a project saving against the current allocated budget. This projected savings will be returned to the waste reserve at project completion.

### **Resource Recovery Centre - Yea - design and project development stage**

Investigation results have been received from consultants. Council will be briefed on the recommendation results in April 2021. This program is currently on track with the due diligence works progressing well. This project is currently on budget.

### **Floating Cities Eildon (Boat Ramp & Washdown Bay)**

The Request for Tenders (RFT) have now closed. A tender evaluation report was presented to Council for consideration at its January Council meeting. The contract has been awarded and construction will commence by March 2021.

Minor changes to the scope were discussed to include overhead powerline relocation at the washdown bay. This would improve the overall operational OH&S. These works are currently

being quoted separately with Ausnet, this does not impact the delivery of this project. These works will be undertaken should saving be achieved in the delivery suitable to meet the costs.

### **Yea High Street Road Safety Improvements (RRV)**

All works have been completed and are on budget.

### **Rubicon Village effluent project**

Installation of new individual effluent treatment systems for each dwelling are nearing completion. An additional three units have now been priced, based on one further property owner who has now signed up for the project, and are about to be awarded. Works are now on track with the revised program. Completion of all signed up properties and the remaining civil works is now expected late February, mid-March.

### **Thornton Drainage Upgrade – Design Stage**

Depthing of services at all potential conflict points with existing services was conducted in late January to resolve some unknowns. Some further depthing was undertaken as there has been additional services discovered. These results are being integrated into the final design which is expected to be completed in mid-February.

The revised design delivery program has slipped slightly due to additional depthing works being required. Depthing has also increased the cost of the project hence table below noting there is a need for additional funding. Additional budget has since been sourced.

### **Various Bridge Projects**

Dyes Lane bridge works (Buxton) are nearing completion whilst the Dropmore Bridge (Molesworth) works are currently well underway.

Designs are underway for Yea caravan park bridge as well as Break O’day Road bridge in Glenburn whilst the Yarck Road bridge in Yarck will be tendered as a design/construct project.

The program of works for all bridges are currently proceeding on track and all works are currently within the allocated budgets.

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

This report supports the *Council Plan 2017-2021 Our Promise* strategy to “maintain Council’s financial sustainability through sound financial and asset management”.

### **Relevant Legislation**

Nil.

### **Financial Implications and Risk**

Timely reporting of financial issues assists in early identification of the need for corrective action or reallocation of budget where required. Reporting of project progress also provides Council and the community with an understanding of when projects will commence and communicates delays if they occur.

A number of projects require funding adjustments due to scope changes or insufficient funds to complete the project. It is recommended that the additional funding is sourced from achieved savings from other capital works projects (note for the month of November, \$159,000 of savings have been achieved from the Kinglake Memorial Recreation Reserve Toilets design and construction project, due to a favourable received tender. Savings from this project are available to fund the required funding adjustments listed below).

A detailed financial summary and status report of the Capital Works Program as of the end of December 2020 is shown in Attachment 11.3.1.

**Table 2 - Proposed funding adjustments – December 2020**

Project Requiring funds	Funds required (\$)	Projects with funding that can be transferred	Funding available (\$)	Transfer amount to Project (\$)	Reason for Additional funds
Kinglake West Memorial Carpark – upgrade & Final Seal	22,000	Kinglake Memorial Recreation reserve Toilets design & Construct	159,000	22,000	Prices received higher than budget allocation.
Halls Street Alexandra Footpath design	11,000	Kinglake Memorial Recreation reserve Toilets design & Construct	137,000	11,000	New Project. Potential grant funded project. Detailed design requested as part of submission.
Thornton Drainage Upgrade design	25,000	Kinglake Memorial Recreation reserve Toilets design & Construct	126,000	25,000	Additional depth of services required for design.
Yea Netball Court renewal works	10,000	Kinglake Memorial Recreation reserve Toilets design & Construct	101,000	10,000	New Project. Surface deterioration resulting in risks to players.
Alexandra Library - Shade sale	\$20,000	Kinglake Memorial Recreation reserve Toilets design & Construct	91,000	20,000	New project. Construction of a shade sale to enable outdoor activation.
Request for new project – Waste reserve funded					
Resource recovery Centres Fire prevention infrastructure	215,000	Waste Reserve	Approx. \$11Million	215,000	New Project. Risk mitigation works for onsite fire management.

**Conflict of Interest**

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

**Community and Stakeholder Consultation**

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

**RESOLUTION**

**Cr E Lording / Cr K Haslam**

**That Council:**

1. receives the quarterly report ending 31 December 2021 on the status of delivering the Capital Works Program; and
2. endorse the proposed funding adjustments as presented by Attachment 11.3.1 and table 2 below.

**CARRIED**

**12 NOTICES OF MOTIONS**

Nil.

**13 MATTERS DEFERRED FROM PREVIOUS MEETING**

Nil.

**14 URGENT BUSINESS****MOTION****Cr K Haslam / Cr J Walsh**

That Council consider an item of urgent business in relation to logging at Snobs Creek.

**CARRIED**

**Background**

On 24 May 2017, Council adopted the Statement on the Management of Central Highlands Forests which called on the Victorian Government to:

- Phase out current native timber harvesting activities in the Central Highlands forests within the Murrindindi Shire, and in particular to cease harvesting in the Rubicon Valley, pending resolution of the best approach for the future protection and use of these unique areas; and
- Invest now, to assist in industry transition and ensure that communities reliant on timber harvesting can continue to be part of a thriving economy in the future, including, transition to alternative, plantation-base timber supply.

Since 2017, the State Government has announced the phasing out of native timber harvesting by 2030. However, logging in the Central Highlands has increased through the Rubicon Valley, and now is being conducted in the Snob's Creek area with logging trucks using Snob's Creek Rd. as a major access to the logging coups. The road has been broken up and dust covers the trees alongside the creek.

Of immediate concern is the planned logging of coups threatening the Snobs Creek catchment. The coups are: Washboard 2885030005, Dry Cleaner 2885060002, Curious George 2885030009, Gulmarg 2895020002, Laundry 2885060003, Dry Spell 2885050001, Hills Hoist 2885060004, Kinabalu 2895020001 and Lucifer 2885030005.

VicForests is about to commence Logging of unique old and mixed species forests in these coupes at Snobs Creek from the 28<sup>th</sup> February 2021. If the logging is allowed to proceed, tourist trails through pristine forest will be destroyed; pollution of Snobs Creek from the logging will threaten the viability of the Snob's Creek trout hatchery; and the increased dust from the destruction of Snobs Creek Rd will further pollute the creek and render the formally popular Snob's Creek Falls unviable as a tourist attraction.

**RESOLUTION****Cr K Haslam / Cr E Lording****That Council:**

1. as a matter of urgency, contact Vic forests to request Logging in Snobs Creek cease immediately due to concerns about adverse environmental and tourism impacts of the logging. The coups concerned are:
  - Washboard 2885030005
  - Dry Cleaner 2885060002
  - Curious George 2885030009
  - Gulmarg 2895020002
  - Laundry 2885060003
  - Dry Spell 2885050001
  - Hills Hoist 2885060004
  - Kinabalu 2895020001

- **Lucifer 2885030005.**
- 2. send a copy of this request to the Minister for Energy, Environment and Climate Change and local Members of Parliament.**

**CARRIED**

## **15 COUNCILLOR REPORTS**

### **15.1 Cr Karine Haslam**

#### **Resource Recovery Unit**

- Waste and Resource Recovery Strategy 2030 is progressing with a briefing proposed soon
- Eildon closed landfill remediation works – works begun mid Feb
- Resource recovery centres have undergone extensive works to ensure compliance with EPA Combustible Waste Guidelines including the development of safety management plans for each site
- A number of funding opportunities from Sustainability Victoria have become available for feasibility and shovel ready projects and we are considering options
- Councillor site tour of Alexandra landfill completed
- Yea Resource Recovery Centre due diligence work progressing.

#### **Environment Unit**

- Transition to becoming the auspice Council for the Goulbourn Broken Greenhouse Alliance has begun (start date July 1)
- Queensland Fruit Fly had been found in a monitoring trap in Kinglake – information pack and letters to be sent out to residents
- Clean up Australia Day registration information distributed to community through media channels
- Clean up Australia day corporate event to be held at Eildon Pondage March 2 (COVID safe event).

### **15.2 Cr Ilona Gerencser**

Happy to announce a wonderful community achievement.

Maya O'Loughlin, who is a Grade 6 student at Kinglake West Primary School has amazingly made the semi finals of the 7News Victorian Young Achiever Awards. Congratulations Maya.

### **15.3 Cr Eric Lording**

#### **Community Assets**

- Gordons Bridge Road, Castella – As part of road safety works, the installation of guardrail will be completed this week
- Road sealing preparation works are currently underway with resealing to commence in early March
- Eildon landfill rehabilitation works are currently underway
- Mt Pleasant Road, Alexandra – Intersection works are currently underway
- Installation of an additional shade sail at the Yea Swimming Pool has been completed
- Kinglake Memorial Reserve Tennis Court access pathway to commence this week
- High Street, Yea – Renewal of the irrigation for the centre medium has commenced
- Yea Recreation Reserve – New irrigation to the oval has now been completed



- Dove Cottage, Alexandra – External painting is currently underway
- Eildon Floating Cities – Works have commenced
- Kinglake Streetscape Works – Design finalised and the construction package is currently out to tender
- Designs are currently underway for the replacement of the Break O’Day Road bridge in Glenburn and the Yea Caravan Park bridge in Yea
- Kinglake Memorial Reserve Toilet Block – Design and Construction – Design is nearing completion.

### **Emergency Management**

- We are well underway ensuring compliance with the new *Emergency Management Act 2013* and *Emergency Management Legislation Amendment Act 2018* that came into effect 1 December 2020
- We have established a new Municipal Emergency Management Planning Committee and agreed to a new Terms of Reference – the committee has already met in late December 2020
- We have established a new Municipal Fire Management Planning Committee who will meet for the first time on 12 March 2021
- We are reviewing the Municipal Emergency Management Plan to ensure that it complies with the requirements of the new acts
- We are actively involved in Emergency Management at the Regional Level through membership on the Hume Regional Emergency Management Planning Committee
- Our Flood Emergency Management Plan was recently updated by the State Emergency Service including flood studies for Buxton and surrounds
- We have completed a recent review of all of our Emergency Relief Centres, so we are prepared should they be needed to be activated.

### **15.4 Cr John Walsh**

No report this month.

### **15.5 Cr Damien Gallagher**

The *Shaping our Future – Strategy Planning* program is well under way with a significant milestone being the adoption of our Community Engagement Policy this evening. That policy will guide community consultation as Council develops its vision statement and works towards the 2021-2025 Council Plan.

I continue to encourage Murrindindi Shire residents to have a say and to participate in maintaining a strong connection between Local Government and the community. Your voice will be heard. And having your say will become easier as council’s new engagement platform, “The Loop” rolls out on 8 March.

In Maternal and Child Health service delivery, there has been some confusion around the administration of immunisation. Immunisation services are still being provided, albeit with some additional PPE requirements of the team administering the dosages. This is of course distinct from the COVID-19 immunisation program on which CEO, Mr. Chesworth will continue to provide community updates as detail becomes available.

Murrindindi Shire Council is encouraging community members to get involved in the Community Visitors Scheme (CVS). The CVS is a free service, funded by the Australian Government, which provides friendship and companionship to older members of our community by connecting them with local volunteers who arrange regular visits. To find out more, contact the council’s DindiLink team on 5772 0333 or visit [www.murrindindi.vic.gov.au/dindilink](http://www.murrindindi.vic.gov.au/dindilink).

Dindi Sessions returned on 6 February in Yea with our local, young, aspiring performers and song writers guided though the 'business' of performance, recording, and production. That afternoon, the artists entertained visitors to the Yea Pool party event.

The pool season is set to close in the next two weeks and I look forward to sharing reports of a spike in pool visitor numbers after a season of fee-free swimming, and a broadened demographic of pool visitors.

The Alexandra Race Club and Recreation Reserve Committee of Management met on 23 February, and a great deal of focus was on equitable distribution of income to the reserve. The proposed formalised financial structure serves to assist development of a program of works in conjunction with the Department of Environment, Land, Water and Planning. The committee AGM is scheduled for 30 March.

Looking ahead, the Audit and Risk Committee is set to meet on 4 March.

In local news:

- Alexandra Rotary Club presents Music in the Park, in Rotary Park, Alexandra on 13 March 4-8PM
- Alexandra Pro Rodeo will run on 6 March, on the Labour Day Long weekend. Some tickets are still available, and an easing of restrictions means that there will be tickets available at the gate
- Alexandra Race Club will host the "Alex Races Rock" race meeting this coming Saturday, 27 February. Online bookings are essential and the club is eagerly anticipating an easing of restrictions to permit greater patron numbers.

Tamara Ruffin of Murrindindi Family Day Care has been declared a national finalist "Educator of the Year" in the 2020 Excellence in Family Day Care Awards. There are four national finalists with Tamara being recognised as the Educator of the Year for the Victoria/Tasmania Region.

Ordinarily, the four finalists would be invited to the Family Day Care Australia Excellence in Family Day Care Awards Gala Dinner, at which the Educator of the Year is named. Due to border restrictions, in lieu of the Gala Dinner this year, national finalists will head to Canberra for a more intimate celebration of their accomplishments.  
Congratulations to Tamara.

Finally, I look forward to resuming public, COVID-normal council meetings on 24 March, in the Alexandra Council Chambers.

## **15.6 Cr Sue Carpenter**

The last month has kept the Councillors busy!

We have benefitted from media training that will assist us to be more effective in our communications with our constituents.

We have met with our Federal MP Helen Haines for fruitful discussions.

We have had 2 days of visiting many areas and townships in our shire has greatly increased my understanding of the breadth and great natural beauty to be found in our shire. There are many assets that are owned and/or maintained by the Murrindindi shire from small community halls and reserves to large developments such as the Yea Saleyards. They all require their own program of maintenance and/or development. These shire wide tours will assist me to work for the betterment of the whole shire and not just the Cheviot Ward.

Weekly Council briefings have also given me insight into the working of the Council from roads and bridges to budgets and balance sheets.

As a result of the COVID-19 pandemic, working from home has become more common place. Many people from urban environments are choosing to take advantage of residing in rural areas. Many individuals and families are desiring to relocate to places with a different, slower paced lifestyle such as what we have here in the Murrindindi shire.

In my capacity as the planning portfolio Councillor, I am aim to encourage Council to undertake a review of the planning zones in the Murrindindi shire. We need to investigate the development of appropriate rural/residential zones. We must also maintain extensive farming zones; especially noting those areas of high quality and productive farming land that are required for the traditional agriculture carried out throughout the Murrindindi shire. Areas of the natural environment must also be protected.

## **15.7 Cr Sandice McAulay - Mayoral Report**

This agenda has been full and I will keep my report short.

Tonight we have adopted our Councillor Code of Conduct. Local Government is the only level of Government that has a requirement to develop a Code of Conduct under the *Local Government Act 2020*. Whilst it is a requirement Under the Act, I am proud that this Council has actively embraced the development of this Code and has additionally identified and embraced a set of shared values.

This month our community and businesses have been once again been impacted by the Circuit Breaker action over five days to limit the spread of COVID-19. Council services were disrupted, Businesses once again had restricted operation and a number of community events organised by our valuable community volunteers had to be either postponed or cancelled altogether. Our community already is experiencing disruption due to this virus and it is now more than ever that it needs a Council that listens to, works for and advocates for and on behalf of all of the community. We must ensure that we are fully informed on all issues that we act upon and we must endeavour to work transparently and without bias.

On the matter of advocacy. Council welcomed the opportunity to talk with Dr Helen Haines, Federal Member for Indi. We were able to discuss directly with her on a number of issues including advocating for development and improvement in the delivery of digital connectivity to businesses and communities across Murrindindi shire. The issue of over subscription of both satellite and landline delivery have been highlighted during the recent times of increased tourism activity as well as the increased pressure on the system during the recent five day Circuit Breaker action where people once again were required to work and study from home.

## **16 CHIEF EXECUTIVE OFFICER REPORTS**

### **16.1 Rubicon Music Event - 171 Rubicon Road, Rubicon**

Attachment(s):

1. Tongberangi Ngarrga Statement [**16.1.1** – 1 page]

Land:	171 Rubicon Road, Rubicon
Enforcement issue:	Use of land for place of assembly without appropriate permits
Organising body:	Tongberangi Ngarrga
Zoning:	Farming

Overlays: Land subject to inundation  
Triggers: Planning permit required for Place of Assembly  
Building permit required for a Place of Public Entertainment

### **Purpose**

The purpose of this report is to advise Council on the music event that occurred over the Australia Day long weekend at 171 Rubicon Road and the actions taken by officers.

### **Officer Recommendation**

That Council notes this report from the Acting Chief Executive Officer concerning the music event that occurred over the Australia Day long weekend at 171 Rubicon Road and the actions taken by officers.

### **Background**

Council has sought a report from the Acting Chief Executive Officer concerning the music event that occurred over the Australia Day long weekend at 171 Rubicon Road and the actions taken by officers.

The event took place over four days from Friday 22 January to Monday 25 January 2021 without appropriate statutory approvals.

### **The Land and Surrounds**

The land where the event was held is located on Rubicon Road. This road is sealed and 1.7km from the intersection with Taggerty Thornton Road. The land is used for grazing and abuts the Rubicon River. There is a 10 metre (approx.) crown land reserve between the private land and the river for most of the property boundary with the river. There is also a seasonal watercourse within the property that runs parallel with the Rubicon River and a water race that feeds into the on-site dam.

The event was held in the area to the north of the buildings on the site, and between the seasonal water course and the Rubicon River. This area is flat with a single large cleared space and the rest of the site is partially treed.



The surrounding land is primarily used for grazing. The nearest house is across the river and 130 metres to the north. Another house is 620 metres to the south and the Rubicon Village is located 800 metres to the south east.

### **Yumaanda Gathering**

The event was organised by a not-for-profit Aboriginal organisation (Tongberang'i Ngarrga Incorporated), which creates Aboriginal dance music gatherings, cultural events and community-based programs for the Aboriginal and non-Aboriginal community. The organisation is completely volunteer run.

The event, called Yumaanda Gathering, was described as a 'family-friendly multi day outdoor dance and cultural gathering'.

Council officers were first made aware of the event on the night before the event (Thursday 21 January) when it appeared on Facebook and shortly after the property address was made public. Entry to the event was contingent on patrons purchasing an Associate Membership of the organisation.

In the process of investigating this event it has been revealed that a similar but smaller event occurred the previous year over the same weekend at the same location. Council was not informed of that event, nor were any complaints received by Council in relation to that event.

### **Stopping the Event**

Despite the description of the event on Facebook, very little was known by officers in the initial hours of becoming aware of the event about the nature of the activities planned over the four days, nor was it possible to quickly and adequately assess all potential risks associated with the event.

Council received legal advice on the morning of Friday 22 January that there was insufficient time to seek and obtain an interim enforcement order from VCAT to attempt to stop the event from proceeding. It was also stated that the organiser and owner needed to be made aware of the potential legal consequences of operating a festival without the appropriate approvals.

In lieu of this the Acting CEO also contacted VicPol and was advised not to attempt to physically intervene to stop the event as it was not clear how this could be achieved practically and efficiently with patrons already on site, and without sufficient back-up resources available to manage any potential risks to public, patron or officer safety.

It was agreed with VicPol that Council's Community Safety officers and VicPol officers would patrol and monitor the event activities over the duration of the event to be able to address any issues that arose.

Council officers attended the event site later on the Friday morning and informed the property owners and the event organiser that the event did not have the appropriate permissions and there were potential legal consequences if the event continued.

### **Progress of Event**

Over the duration of the event Council officers undertook routine patrols and attended the event site on a number of occasions, as did VicPol officers.

Despite the event proceeding, at all times the event organisers were co-operative, did not object to the presence of Council officers and responded positively to requests for access and information.

The event was set up with a designated car parking area in the cleared land, family camping to the west and other camping interspersed within the treed areas. The infrastructure observed on site consisted of:

- 20 portable toilets
- two showers
- water cubes for potable water
- separate tents used for kids, information and first aid
- Covid 19 sanitisation stations
- other structures were built on site, mostly from timber found on the ground and were used variously for utilitarian purposes and artworks - there was little impact on the ground with these structures being lightly attached to the ground
- Stage area – consisted of a flat area with a cover
- some firefighting equipment.

The event had its own organised security and upon request Council officers were provided with a documented emergency management plan.

The event consisted of dance music interspersed with cultural activities and catered for participants that included families with children.

The organiser has advised that the event was attended by 472 participants with 73 volunteers and 117 artists / cultural facilitators – total 662 people.

### **Permission Required**

Under the Murrindindi Planning Scheme the use of land for the purpose of a *Place of Assembly* requires a planning permit. A *Place of Assembly* is defined as *Land where people congregate for religious, spiritual or cultural activities, entertainment, or meetings.*

No permits were obtained nor applied for.

There are a number of agencies that would have been given an opportunity to respond to an application for planning permission. This would have included VicPol, Department of Environment Land, Water & Planning, Goulburn Broken Catchment Management Authority and Country Fire Authority. These responses would have ensured that any permit issued would have assessed and addressed any potential risks associated with the event.

Also, community members would have been notified of any planning permit application and given an opportunity to lodge submissions and raise concerns.

As no planning permit application was made there was no requirement to determine whether a Cultural Heritage Management Plan (CHMP) was required.

The site is within an area of cultural sensitivity as defined by the *Aboriginal Heritage Regulations 2018*, however it is unlikely that the event would have triggered the need for a CHMP.

It is noted that Council is not the responsible authority for administering or enforcing COVID-19 restrictions, including those pertaining to events, and that this was a matter for the State Government. Both VicPol and Department of Health and Human Services were contacted by Council officers to advise of the event taking place.

### **Explanation**

Both the land owners and the event organisers were requested to explain why the event took place without the appropriate permits and what actions were taken to check whether permits were required.

The owners advised that they support the organisation and their cultural beliefs and were assured by the event organisers that all laws would be complied with.

The event organisers stated that they had undertaken their own research on whether a permit was required and had come to the conclusion that no permit was required. They had also stated they received advice from the DHHS Covid hotline that the event did not fall under the State Government's Event Management Framework, as it was deemed a private event. It was also stated that they have organised other events in collaboration with local government, including events with the City of Melbourne and the City of Moreland. These events did not require planning permission as they were on public land.

### **Assessment**

The actions taken by the organisers to determine what permissions were required were inadequate and not of a standard acceptable by an organisation that manages events.

The site was inspected on a number of occasions over the long weekend by both Police and Council officers.

Other emergency organisations (SES, CFA, Ambulance, Alexandra District Health and the Regional Emergency Management Planning Committee) were advised of the event on the Friday by the Acting CEO and had to take this last minute advice into account for their internal organisational planning for the coming long weekend.

The site was generally managed well over the duration of the event, there were adequate toilets, camping occurred in defined areas with families in a separate area and a kids space provided. Vehicles were parked in a designated area and not amongst the campers. No rubbish was seen on the site. The event is promoted as rubbish free with all attendees taking their rubbish away.

The organisers were extremely cooperative with Council and VicPol over the event time frame and since the event, allowing full access to the site and responding to all questions.

One verbal complaint was received from a neighbour as the event was starting and a separate person left a message with Council after the event.

Officers were advised from the first mentioned neighbour that there had been an issue with noise, particularly the first two nights. He rang the owners and police to complain. The organiser rang the complainant on the Sunday afternoon and after being told of the impact of the noise, the volume was lowered for the next two nights.

The GBCMA received a complaint about earthworks in a waterway. They inspected after the event and found a small amount of dirt had been placed using a tractor into an existing offtake for a water race. The dirt has since washed away by subsequent rains. These works are considered to be minor and no further action will be taken by the GBCMA. The location of the work is well away from the event site and not accessible from the event site.

The Acting CEO was contacted by VicPol at the conclusion of the event and advised that there were no major concerns from their perspective with how the event was managed over the four days and added that the level of oversight by the organisers was satisfactory and that VicPol would not be taking the matter further.

### **Enforcement Options**

Council has the option to take enforcement action against the land owner and/or the event organiser for the breach of the Murrindindi Planning Scheme.

The enforcement options available to Council range from a negotiated outcome to prosecution through the courts, with other options being an official warning, or planning infringement notice (small fine).

Prosecution is designed to punish for what has occurred and provide a deterrent against recurrence. A quote from the publication *Guide to Victoria's Planning System* states as follows:

*Enforcement should occur when there is a clear breach of the Act, a planning scheme, permit condition or Section 173 Agreement and the breach warrants enforcement, especially if it causes detriment to the community. The main emphasis of enforcement should be on obtaining compliance rather than on prosecuting offenders. Adopting a conciliatory approach through a process of education, communication and negotiation will more often provide a positive outcome. The various enforcement options should be viewed with this in mind.*

### **Decision**

It has been determined that the offence of using the site for a *Place of Assembly* has been proven and the breach is determined to be a serious offence.

On assessing the breach against the enforcement options available it has been determined that the owners of the site should be issued with a formal warning. While they relied on another party to ensure compliance with all laws it is their responsibility as owners to ensure that any use on their property had the appropriate permission.

The organisers are assessed as having a greater culpability by not checking with Council prior to the event taking place to determine what level of approval may be required. It is recognised that the event organisers had a genuine belief that statutory approvals were not required.

In determining an appropriate enforcement outcome, the following community impacts were considered:

- the event raised considerable anxiety within the community with respect to potential adverse impacts associated with the event including noise, fire (Monday 25 January was declared a day of total fire ban for North Central region), Covid-19 spread, poor patron behaviour and so forth
- additional impost was placed on emergency service agencies (some of whom are volunteer based), and on Council to make last minute contingencies for patrols and possible emergency responses, during what was already shaping up to be a busy long weekend with high visitation levels and temperatures expected across the Shire
- recognition that many other volunteer-based groups make the effort to identify and address the Planning Scheme requirements and obtain relevant approvals before staging events.

Consideration was also given to the following points:

- The event organisation is a legitimate, not for profit, volunteer run organisation
- The event, fortunately, did not result in any significant adverse outcomes, causing significant detriment to the community, and was considered on balance to have been relatively well managed
- A check with a previous Council with whom the event organiser has worked in staging multiple events did not reveal any shortcomings or issues with the conduct of the event organisers or adverse impacts associated with their events
- The contrition of the organisers with respect to the breach and the cooperative attitude taken to the requests of Council and VicPol officers.
- The positive aims and objectives of the event.

On balance it was felt that there needed to be a definite consequence for the event organiser, however prosecution, with the threat of a very significant monetary penalty and possible conviction for individuals was not considered the most appropriate outcome in this situation. Council has previously sought prosecution for breach of planning controls in situations where there has been repeated and wilful disregard for planning requirements and which have resulted in significant adverse impacts on the neighbouring community.



Instead, the event organisers have agreed to undertake community work under Council's direction. This will consist of a minimum of 450 hours donated labour for environmental works to be undertaken in the Shire involving native vegetation restoration and weed removal. Other than the cost of plants (which are being procured by Council), all costs associated with attendance and conduct of the works would be borne by the event organiser.

This is seen as an acceptable and proactive outcome that provides some benefit back to the Murrindindi community whilst providing a consequence to the organisation for the breach. Prosecution is seen as the last resort in this instance and only if the alternative negotiated outcome could not be achieved.

The event organiser has also provided a statement to Council acknowledging the breach and impacts on the community and expressing contrition and a desire to work constructively with Council and the community moving forward. This letter is attached to this report.

### **Conclusion**

It is considered that the penalties for the owners and the organisers is appropriate given the circumstances of the event and subsequent discussions.

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

This report supports the *Council Plan 2017-2021 Our Place* strategy to "through good land use planning enhance the liveability, prosperity and the rural character of our Shire".

### **Relevant Legislation**

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

### **Financial Implications and Risk**

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

### **Conflict of Interest**

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

### **RESOLUTION**

**Cr S Carpenter / Cr I Gerencser**

**That Council notes this report from the Acting Chief Executive Officer concerning the music event that occurred over the Australia Day long weekend at 171 Rubicon Road and the actions taken by officers.**

**CARRIED**

## **16.2 Chief Executive Officer Report**

Unfortunately this month our State has had to endure another COVID-19 related lockdown, much shorter than the first two, but extending full Stage 4 restrictions into regional Victoria. This had very sudden and significant impact on many of our businesses, particularly again in the hospitality, accommodation and retail sectors, but this time also extending into our construction/manufacturing sectors. There were further impacts on our community with the reintroduction of home schooling and the closure of many community facilities and the cancellation of some events, social gatherings and many important family get togethers.

Again our staff were able to adjust our operations and customer services from a physical presence to a virtual or phone experience. Importantly for our residents our customer contact centre was able to ensure customer services continued over the lockdown. The due date for those paying rates by full instalment was extended to the end of the month, particularly benefiting

our customers who prefer to pay over the counter. Our Business Support team and our Dindi Link Services were again activated to assist with advice and support if it was needed over this period.

The subsequent news that COVID-19 vaccinations have commenced in Australia has been welcomed by many. At this stage, the Federal Government has prioritised the country's front line COVID-19 health and quarantine workers, along with the vulnerable residential aged care sector for the first stage of the program.

As vaccine stocks slowly increase across the country the vaccination program will move to the broader population, with higher priority initially given to older age segments and those more at risk of complications if infected with the virus. It is too early to say when and how the vaccine will be made available for general residents of our Shire, but we are receiving regular briefings from health officials as the Federal Government's vaccination rollout program takes shape. It is likely the program will take many months to deliver and I'll have more to say about this at our next meeting.

## 17 ASSEMBLIES OF COUNCILLORS

### Purpose

This report presents the records of assemblies of Councillors for 25 January 2021 to 19 February 2021, 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 27 January 2021 to 17 February 2021.

### 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 25 January 2021 to 19 February:

Meeting Name/Type	Council Pre-Meet
Meeting Date:	27 January 2021
Matters Discussed:	<ol style="list-style-type: none"> <li>1. Eildon Closed Landfill Rehabilitation – Tender Evaluation – CONT20/35</li> <li>2. Eildon Floating Cities – Civil Construction Works – Contract Award CONT20/36</li> <li>3. Instrument of Appointment and Authorisation – Planning and Environment Act 1987</li> <li>4. CONFIDENTIAL Chief Executive Officer Recruitment – Approval to Recruit – with the exception of the Acting Director</li> </ol>

	Corporate and Shared Services, all officers left the meeting prior to this discussion
Councillor Attendees:	Cr S Carpenter, Cr D Gallagher, Cr I Gerencser, Cr K Haslam, Cr E Lording, Cr S McAulay, Cr J Walsh
Council Officer Attendees:	M Chesworth, S Brown, V Albicini, M Kearney
Conflict of Interest Disclosures: Nil.	

Meeting Name/Type	Briefing Session
Meeting Date:	143 February 2021
Matters Discussed:	<ol style="list-style-type: none"> <li>1. Governance &amp; Risk Service Area Overview</li> <li>2. Councillor Code of Conduct Workshop</li> <li>3. Yea Saleyards Future Governance Options</li> <li>4. Kinglake RAC Tenancy</li> <li>5. Planning for Melbourne's Green Wedges and Agricultural Land</li> </ol>
Councillor Attendees:	Cr S Carpenter, Cr D Gallagher, Cr K Haslam, Cr E Lording, Cr S McAulay, Cr J Walsh
Council Officer Attendees:	M Chesworth, S Brown, V Albicini, M Kearney, T Carter, N Stewart
Conflict of Interest Disclosures: Nil.	

Meeting Name/Type	Briefing Session
Meeting Date:	10 February 2021
Matters Discussed:	<ol style="list-style-type: none"> <li>1. Business Service Area Overview</li> <li>2. Speed Change – Westbridge Road and Kinglake-Glenburn Road, Glenburn</li> <li>3. Meeting with Federal Member for Indi Dr Helen Haines</li> <li>4. Councillor Code of Conduct Review of Draft</li> <li>5. Toolangi Discovery Centre – Proposed Amendment C71</li> <li>6. 105 Parsons Road, Fawcett (Refusal)</li> <li>7. Yumaanda Gathering 2021</li> </ol>
Councillor Attendees:	Cr S Carpenter, Cr D Gallagher, Cr I Gerencser, Cr K Haslam, Cr E Lording, Cr S McAulay, Cr J Walsh
Council Officer Attendees:	M Chesworth, S Brown, V Albicini, M Kearney, T Carter, N Stewart, C Gartland, K Girvan, C Fraser, C Lintott
Conflict of Interest Disclosures: Nil.	

Meeting Name/Type	Workshop Session – via Videoconference
Meeting Date:	17 February 2021
Matters Discussed:	<ol style="list-style-type: none"> <li>1. Council Plan – Strategies and Directions</li> <li>2. Developing the Council Plan</li> <li>3. 2021/2022 Draft Budget and Capital Works Budget</li> <li>4. Community Engagement Policy</li> <li>5. Capital Works Quarterly Report</li> <li>6. CONT20/40 - Gravel Road Resheeting Program 2021 – Tender Evaluation</li> </ol>
Councillor Attendees:	Cr S Carpenter, Cr D Gallagher, Cr I Gerencser, Cr K Haslam, Cr E Lording, Cr S McAulay, Cr J Walsh

Council Officer Attendees:	M Chesworth, S Brown, V Albicini, M Kearney, G Haylock, S Collier, C Lintott, L Kelly
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 Walsh / Cr E Lording**

**That Council receives and notes the record of assemblies of Councillors for 27 January 2021 to 17 February 2021.**

**CARRIED**

## 18 SEALING REGISTER

File Reference	Date Seal Affixed	Description of Documents	Signatures of Persons Sealing
CONT20/31	15 February 2021	Formal Instrument of Agreement between Murrindindi Shire Council and MMP Projects for Panel for Provision of Maintenance, Programmed Works, Emergency Works, Minor Building Works and Approved Capital Works - General Maintenance Contract	Michael Chesworth Cr Sandice McAulay
CONT20/36	15 February 2021	Formal Instrument of Agreement between Murrindindi Shire Council and Fineblade Pty Ltd for Eildon Floating Cities Contract	Michael Chesworth Cr Sandice McAulay
CONT20/35	15 February 2021	Formal Instrument of Agreement between Murrindindi Shire Council and Fineblade Pty Ltd for Closed Landfill Rehabilitation - Eildon - Civil Works and Conservation Works Contract	Michael Chesworth Cr Sandice McAulay

### Officer Recommendation

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

### RESOLUTION

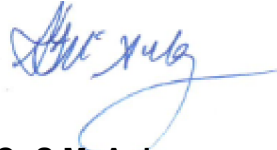
**Cr D Gallagher / Cr S Carpenter**

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

**CARRIED**

The meeting was closed at 08:07 pm.

**CONFIRMED THIS**

A handwritten signature in blue ink, appearing to read 'S McAulay', with a long horizontal flourish extending to the right.

**CHAIRPERSON**

**Cr S McAulay**