



MINUTES
of the
SCHEDULED MEETING OF COUNCIL
Wednesday 27 January 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)

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1 PLEDGE AND RECONCILIATION STATEMENT

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

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

We would like to acknowledge the Taungurung Traditional Owners and their ancestors as the traditional owners of the land on which we are meeting virtually and pay out 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, D Gallagher, I Gerencser, K Haslam, E Lording, J Walsh

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

3 COMMUNITY RECOGNITION

Cr McAulay acknowledged the recipients of the 2021 Murrindindi Shire Council Australia Day Awards:

Elise Anderson - Murrindindi Shire Citizen of the Year

John Stewart - Murrindindi Shire Senior Citizen of the Year

Nicholas Charles -Murrindindi Shire Young Citizen of the Year.

4 DISCLOSURES OF INTEREST OR CONFLICT OF INTEREST

Nil.

5 CONFIRMATION OF MINUTES

Minutes of the Scheduled Meeting of Council held on 16 December 2020.

Officer Recommendation

That Council confirm the minutes of the 16 December 2020 Scheduled Meeting of Council.

RESOLUTION

Cr I Gerencser / Cr J Walsh

That Council confirm the minutes of the 16 December 2020 Scheduled Meeting of Council.

CARRIED

6 PETITIONS

Nil.

7 PUBLIC PARTICIPATION**7.1 Open Forum**

Nil.

7.2 Questions of Council

Nil.

8 OUR PLACE**8.1 Eildon Closed Landfill Rehabilitation - Tender Evaluation - CONT20/35**

Attachment(s):

1. CONFIDENTIAL - CONF CONT20/35 Tender Evaluation Report Eildon Closed (distributed to Councillors separately) [8.1.1 - 4 pages]

Purpose

This report provides the results of a tender process to appoint a suitable contractor for the Eildon Closed Landfill Rehabilitation – Civil Works and Conservation Work.

Officer Recommendation

That Council:

1. accept the tender from Tenderer 2 and award CONT20/30 - Eildon Closed Landfill Rehabilitation – Civil Works and Conversation Work for the lump sum price of \$664,138.48 (Incl. GST) to complete the civil works and conservation work at Eildon Closed Landfill: and
2. approve the allocation of \$132,828 (Incl. GST) as a contingency amount to be used for the delivery of this contract as detailed in this report.

Background

The Victorian Auditor General's report on landfill management in Victoria, recommendation number 5, stated that, "Councils (should) work with the Environmental Protection Authority and the regional waste and resource recovery groups to identify closed landfills, assess their risks and prioritise actions at a regional scale to address any concerns."

Following on from this recommendation two reports were commissioned by the regional waste group Goulburn Valley Waste and Resource Group (GVWRRG) to undertake preliminary assessments of the risks posed by closed landfill across the region, and to rank the sites by risk. On the former Eildon landfill site, a number of high-level risks were identified, and so the site has been prioritised for further rehabilitation works by Murrindindi Shire Council.

Works to date have included detailed site investigation comprising of feature survey, an intrusive investigation and environmental testing to define the extent of waste material and the corresponding actual risks posed by the site. Based on the results of the site investigation a Rehabilitation Plan has been prepared by Mackenzie Environmental, including detailed design, to finalise rehabilitation at the site.

MSC has sought the services of a suitably experienced contractor to carry out the civil works and conservation works in accordance with the specification to finalise the rehabilitation of the site. These will include, vegetation clearance, bulk earthworks (cut/fill), drainage works, topsoiling and revegetation.

The scope of works include:

- Limited Vegetation Clearance of regrowth on waste
- Bulk Earthworks to reshape batters (cut/fill)
- Drainage works
- Topsoiling and revegetation.

Discussion

The tender specification included detailed design drawings and technical specifications.

The request for tender was advertised in the following publications:

- The Age on Saturday 14th of November
- The Local Paper 18th and 25th of November
- Tendersearch portal 6th of November to 4th December.

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

- Coordinator Waste Infrastructure and Resource Recovery
- Coordinator Project Delivery
- Manager Resource Recovery and Environment.

The tender for these works closed on 4 December 2020. Six submissions were received at the close of tender.

All tenders were assessed against the following criteria:

- Price – 50%
- Capacity to Deliver (resources, equipment) – 15%
- Occupational Health & Safety (OH&S), Systems – Pass/Fail
- Understanding of Requirement - 25%
- Relevant Experience – 10%
- Tender Briefing Session – Pass/Fail.

An evaluation of all submissions was undertaken in relation to their compliance with the contract specification. Any potential risks to Council were also noted. Each submission was then evaluated to consider the suppliers ability to meet the requirements of the contract including their ability to meet the required response times. This was an essential requirement. Tenders were assessed with particular attention to the evaluation criteria requirements. Submissions deemed non-conforming were removed from further evaluation.

Tenderers who were able to meet the required response timelines, demonstrated a sound understanding of the requirement, provided evidence of relevant experience and OHS systems including emergency management and working alone procedures were then shortlisted and evaluated further. Reference checks were completed on the preferred supplier which confirmed their capability to complete the proposed works. A financial check through a third party confirmed the preferred supplier was financially stable with minimal risk.

A detailed evaluation of the tenders is provided as a confidential attachment to this report.

Based on the analysis undertaken, the Committee recommend that Tenderer 2 be awarded Contract 20/35 for the Eildon Closed Landfill Rehabilitation – Civil works and conservation works for the lump sum price of \$664,138.48 (Incl. GST)

Council Plan/Strategies/Policies

This report supports the *Council Plan 2017-2021 Our Place* strategic objective to “we will maintain and enhance places to be attractive and liveable, in balance with our natural environment”.

Relevant Legislation

The procurement process for these works was carried out in accordance with Council’s Procurement Policy and section 186 of the *Local Government Act 1989*.

Financial Implications and Risk

The total approved budget for the Eildon Closed Landfill Rehabilitation – Civil Works and Conservation Works is \$1,000,000 (excl. GST).

The project cost is summarised below:

Item	Cost (Exc. GST)	Cost (Including GST)
Preferred Tender Price	\$603,762.25	\$664,138.48
Contingencies	\$120,752.45	\$132,827.70
Total Project Cost	\$724,514.70	\$796,966.18

An allowance of \$132,827.70 (Incl GST) for contingencies is proposed to cover latent conditions. This is a value of 20% of the contract sum and is justified given the limited number of test pits that were carried out along the western creek in an effort to minimise removal of vegetation.

There is sufficient budget to award the contract and complete the works.

Conflict of Interest

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

Community and Stakeholder Consultation

No external consultation was undertaken in the preparation of this report.

RESOLUTION

Cr E Lording / Cr K Haslam

That Council:

- 1. accept the tender from Fineblade Pty Ltd and award CONT20/30 - Eildon Closed Landfill Rehabilitation – Civil Works and Conversation Work for the lump sum price of \$664,138.48 (Incl. GST) to complete the civil works and conservation work at Eildon Closed Landfill: and**
- 2. approve the allocation of \$132,828 (Incl. GST) as a contingency amount to be used for the delivery of this contract as detailed in this report.**

CARRIED

9 OUR PEOPLE

10 OUR PROSPERITY

11 OUR PROMISE

11.1 Eildon Floating Cities - Civil Construction Works - Contract Award

Attachment(s):

1. CONFIDENTIAL - CONF Eildon Floating Cities Civil Construction Works Contract Award (distributed to Councillors separately) [11.1.1 - 5 pages]

Purpose

This report provides the results of a tender process to appoint a contractor for CONT20/36 - Releasing the Floating Cities – Civil Construction Works.

Officer Recommendation

That Council accept the tender from Tenderer 1 and award CONT20/36 - Releasing the Floating Cities – Civil Construction Works for the lump sum price of \$661,387.10 (Incl GST) to complete the required works.

Background

This project is to enable the expansion of the Lake Eildon houseboat manufacturing industry located in and around Eildon township. The aim of the project is to undertake some infrastructure improvements to reduce the existing operational constraints on the houseboat industry allowing it to expand to meet consumer demands with the flow on effect of providing new employment and tourism opportunities.

Council, in conjunction with Regional Development Victoria (RDV), Goulburn Murray Water (GMW) and the Lake Eildon Houseboat Industry Association have each contributed funding to enable the upgrade works required at the current Eildon boat ramp facilities to occur. The ramp is located at 190 Sugarloaf Road, Eildon.

The proposed works will widen and upgrade the access road leading to the boat ramp including a new turnaround point for large trailers delivering and picking up houseboats to and from the site. In addition, there will be an upgrade of the existing houseboat maintenance or “washdown bay” area including better waste water runoff controls. This will expand accessibility to Lake Eildon for the launch of new houseboats constructed at the nearby facilities as well as the removal of the existing boats for maintenance activities at the washdown area.

The scope includes:

- Private sewer main relocations
- Pavement upgrades
- New asphalt wearing course
- Underground drainage upgrades
- Earthworks
- Concrete works
- Installation of new triple interception pit and connection to realigned sewer
- All associated works.

Discussion

The request for tender was advertised from 12 November, 2020 in the following publications:

- Alexandra Standard
- Yea Chronicle
- Marysville Triangle
- Tendersearch portal

Tender specifications were prepared by Council officers. They included detailed design drawings and VicRoads standard technical specifications.

The tender for these works closed on 10 December 2020. Three submissions were received at the close of tender.

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

- Capital Works Projects Engineer
- Coordinator Project Delivery
- Capital Works Special Projects Engineer.

All Tenders were assessed against the following criteria:

- Price – 50%
- Capacity and Capability to deliver (Resources, equipment) – 20%
- Occupational Health & Safety (OH&S), Insurance & Quality Management Systems (QMS) – Pass/Fail.
- Understanding of the requirements (Program & Methodology) - 15%
- Previous experience – 15%.

An evaluation of all submissions was undertaken in relation to their compliance with the contract specification. Any potential risks to Council were also noted. Each submission was then evaluated to consider the suppliers ability to meet the requirements of the contract including their ability to meet the required response times. This was an essential requirement. Tenders were assessed with particular attention to the evaluation criteria requirements. Submissions deemed non-conforming were removed from further evaluation.

Tenderers who were able to meet the required response timelines, demonstrated a sound understanding of the requirement, provided evidence of relevant experience and OHS systems including emergency management and working alone procedures were then shortlisted and evaluated further. A reference check was then completed on all evaluated suppliers new to the panel.

A detailed evaluation of the tenders is provided as a confidential attachment to this report

Based on the analysis undertaken, the Committee recommend that Tenderer 1 be awarded Contract 20/36 for the Releasing the Floating Cities – Civil Construction Works for the lump sum price of \$661,387.10 (Incl GST).

Council Plan/Strategies/Policies

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

Relevant Legislation

The procurement process for these works was carried out in accordance with Council's Procurement Policy and section 186 of the *Local Government Act 1989*.

Financial Implications and Risk

The approved budget for the Releasing the Floating Cities project is \$750,000.00 (excl. GST).

A breakup of the project budget is shown below:

Project	Eildon Houseboat Industry Association	GMW Contribution (Excl. GST)	RDV Contribution (Excl. GST)	Council Contribution (Excl. GST)	Total (Excl. GST)
Lake Eildon – Floating Cities	\$25,000.00	\$175,000.00	\$500,000.00	\$50,000.00	\$750,000.00

Budget Year	Budget allocated (Excl. GST)	Budget spent (Excl. GST)	Budget remaining (Excl. GST)
2019/20	\$750,000.00	\$186,680.00	\$563,320.00
2020/21	\$563,320.00	\$31,546.00	\$531,774.00

Tree removal and bulk earthworks were completed in the 2019/20 financial year.

The project cost is summarised below:

Item	Cost (Exc. GST)	Cost (Incl GST)
Preferred Tender Price (including provisional items)	\$601,261.00	\$661,387.10
Design	\$ 31,546.00	\$34,700.60
Bulk earthworks and (Pine) tree removals already completed	\$186,680.00	\$205,348.00
Total Project Cost	\$819,487.00	\$901,435.70

No allowance for contingencies is proposed as this has been allowed for as part of the overall tender price.

Below is a budget comparison between the project cost and the project budget:

Project	Total Budget	Total Project Cost	Variance
Lake Eildon Floating Cities (Excl. GST)	\$750,000.00	\$819,487.00	-\$69,487.00
Lake Eildon Floating Cities (Incl. GST)	\$825,000.00	\$901,435.70	-\$76,435.70

A meeting was held with funding providers to discuss the project funding shortfall and the removal of items from the scope to achieve the required deliverables. GMW have confirmed in writing that they will provide an additional \$75,000 (Excl. GST), \$82,500 (Incl. GST) in order to cover the additional cost to fund the project shortfall and enable the full project to be delivered. They have also allowed to cover the vegetation offsets which were estimated at \$15,000 (Excl. GST) which will be undertaken separately to this contract.

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 K Haslam / Cr S Carpenter

That Council accept the tender from Fineblade Pty Ltd and award CONT20/36 - Releasing the Floating Cities – Civil Construction Works for the lump sum price of \$661,387.10 (Incl GST) to complete the required works.

CARRIED

11.2 Instrument of Appointment and Authorisation - Planning and Environment Act 1987

Attachment(s):

1. S11A Instrument of Appointment Authorisation Planning and Envi [11.2.1 - 3 pages]

Purpose

The purpose of this report is to seek Council's adoption of the revised Instrument of Appointment and Authorisation of staff and others under the prescribed legislation.

Officer Recommendation

In the exercise of the powers conferred by s 224 of the *Local Government Act 1989* (the Act) and the other legislation referred to in the attached instrument of appointment and authorisation (the instrument), Murrindindi Shire Council (Council) RESOLVES THAT -

1. The members of Council staff referred to in the instrument be appointed and authorised as set out in the instrument
2. The instrument comes into force immediately the common seal of Council is affixed to the instrument, and remains in force until Council determines to vary or revoke it
3. The instrument be sealed.

Background

Council is a legal entity comprised of its members (the seven Councillors). Its decision making power exists only as a group through resolution, not as single Councillors. Most decisions are not required to be made at a Council level therefore the Council must entrust some of the decision making power to others. One form of entrusting this power is through Authorising Officers under the *Planning and Environment Act 1987*.

The *Local Government Act 2020* is currently being implemented and many sections of the former *Local Government Act 1989* are repealed. Section 224 of the *Local Government Act 1989* has not been repealed therefore Council retains its power to Authorise Officers under the *Local Government Act 1989* for the purposes of enforcement of the *Planning and Environment Act 1987*.

Discussion

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

Council adopted a revised version of the S11A. Instrument of Appointment & Authorisation at its August 2020 Ordinary Meeting, since that meeting Council has employed a Coordinator Planning and an additional Community Safety Officer. For these individuals to undertake their roles effectively they must have the appropriate authorisation under the *Planning and Environment Act 1987*.

The proposed Instrument reflects these staffing changes.

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

The *Local Government Act 1989* section 224 provides for Council to authorise officers to undertake delegated powers. The instruments cover various pieces of legislation and Council's responsibilities.

Financial Implications and Risk

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

Conflict of Interest

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

Community and Stakeholder Consultation

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

RESOLUTION**Cr J Walsh / Cr I Gerencser**

In the exercise of the powers conferred by s 224 of the *Local Government Act 1989* (the Act) and the other legislation referred to in the attached instrument of appointment and authorisation (the instrument), Murrindindi Shire Council (Council) **RESOLVES THAT -**

1. The members of Council staff referred to in the instrument be appointed and authorised as set out in the instrument
2. The instrument comes into force immediately the common seal of Council is affixed to the instrument, and remains in force until Council determines to vary or revoke it
3. The instrument be sealed.

CARRIED

12 NOTICES OF MOTIONS

Nil.

13 MATTERS DEFERRED FROM PREVIOUS MEETING

Nil.

14 URGENT BUSINESS

Nil.

15 COUNCILLOR REPORTS**15.1 Cr Karine Haslam**

Businesses are enjoying the increase in visitation to the area and are all reporting being extremely busy.

Australia Day Celebrations

It was great to see a good turnout even though it was pouring with rain, a wonderful opportunity to mingle and chat with everyone. The Lions did a great job with the free breakfast which was enjoyed by many.

The Winners of the Lakeside Sounds Competition

Open Category: (1) Holiday on the Water by Jason Vorherr

Junior Category: (a) Party On A Houseboat by Emma Pyle & Maya O'Loughlin

People's Choice Award (a) Party On A Houseboat by Emma Pyle & Maya O'Loughlin

So much talent in young people.

I am very pleased to see work start happening on the Closed Landfill at Eildon, a move in the right direction for your environment.

15.2 Cr Ilona Gerencser

My report is essentially in relation to the Australia Day Ceremony in Kinglake.

Let me start by thanking the Lions Club and Neighbourhood House for their fantastic organizational skills, in setting up on Tuesday.

Kinglake was nice enough to produce lots of rain and fog on the day, which made for some last minute changes in relation to the ceremony and a bit of extra planning.

After many phone calls, the ceremony was setup and held in the Kinglake Library in the Council Offices.

We all enjoyed a free bacon and egg breakfast and lots of cups of tea and coffee and, of course, lamingtons.

Before the ceremony we were lucky enough to enjoy music by Paul Ray and vocals by Emma Pyle, who sung a beautiful rendition of Advance Australia Fair.

We then were lucky enough to listen to a beautiful speech by Kath Stewart, one of our well-respected members of the Kinglake Community.

Our fantastic Council Officer Graham Haylock, read through the Affirmation before handing the microphone over to me.

I was extremely honoured to be able to present John Stewart with Senior Citizen of the year award. A well-deserved member of the community who has spent many hours of his own time over a 40 year period, helping others and making our town a better place to live.

Lastly, thank you to everyone who attended. It was a fantastic turnout and a great way to celebrate the day.

15.3 Cr Eric Lording

I attended two ceremonies, one in Flowerdale and one in Glenburn. These were well organised by the local people and were very well attended.

Flowerdale had close to 120 people and Glenburn 65 people. Everyone was pleased to be free of the lockdowns.

Both were happy and Jolly occasions, and it was a pleasure to attend. The Glenburn group were thrilled when they welcomed the deputy leader of the Victorian Liberal Party and the acting CEO of the Murrindindi Shire.

We also welcomed many new young families to the Murrindindi shire. It looks like the tree change is really happening.

All in all, a great day.

15.4 Cr John Walsh

Over the Christmas New Year period, within the Corporate and Governance Portfolio all normal functions have been chugging along. However, now, the emphasis has ramped up on the development of the Council Plan and budget and I'll be able to provide a more detailed progress report on these and other areas next month.

With no Australia Day celebrations in Koriella Ward, I, unlike other Councillors, did not attend one Australia Day function, I attended three, Eildon, Alexandra and Strath Creek. Congratulations to Eildon Lions; Alexandra Rotary and Lions Groups; and to the Strath Creek Community Hall Committee for putting on the events. Despite the challenges of weather, and here Eildon Lions had the worst of it, all events were very enjoyable. If again Koriella Ward is bereft of a celebration, then next year I shall try to sample events in the southern half of the Murrindindi shire.

At each gathering I took the opportunity to discuss people's attitude to changing the date of Australia's national day. There were many interesting ideas that I shall take on board for any future considerations.

15.5 Cr Damien Gallagher

The Draft Community Engagement Policy is now available on Council's website for review at www.murrindindi.vic.gov.au/YourOpinionMatters. With great thanks to the many people in the community who took time to attend workshops and to respond to surveys, Council was able to gain a better understanding of how we can best engage with individuals, businesses and community organisations across the Murrindindi shire. Council welcomes feedback on the draft by Friday 5 February.

It's via the means and the principles defined in the Community Engagement Policy that Council will reach out to the people of Murrindindi shire over the coming months for contributions to this Council's Community Vision, and to the establishment of our Council Plan.

To portfolio highlights, the team is looking forward to delivering the 'Back to School' Pool Party at Alexandra swimming pool this Saturday, 30 January, from 5:00pm to 8:00pm. DJ Josh will be rocking the decks and the Alex Lions Club will be hosting a BBQ at this farewell to summer break. Do keep an eye out for a full calendar of pool activities across the Murrindindi shire over coming weeks.

Dindi Sessions returns on 6 February in Yea with industry mentoring for aspiring performers and song writers. The likes of Blues guitarist, Nathan Cavaleri will guide young artists through performance, recording, and production. Congratulations to the 2020 Dindi Sessions alumni, Emma Pyle and Maya O'Loughlin for collecting *Junior* and *People Choice* awards for their song, *Party on a House Boat* in the Murrindindi Shire Council sponsored Lakeside Sounds competition, this week.

In conjunction with Volunteering Victoria, Council staff hosted another instalment in the series of Good Sport initiative presentations. The session was designed to empower sporting and community groups to attract and retain volunteers. Attendees were encouraged to:

- Just ask – don't assume that everyone knows that you need assistance. Pose the question, and invite participation.
- Ensure that your request for assistance is simple – so be specific and perhaps don't ask a volunteer to lead a huge fundraiser or event administration as their first project.
- Keep it fun, and attractive, and remind yourself what attracted you to volunteering for your group.

There is a forthcoming community grants information session on 8 February, and a further Sporting Club Grants information session on 15 February. Please visit the [shire website](#) for session registration details.

And of course, don't forget the COVIDSafe 2021 Alexandra Pro Rodeo. You'll need to [book online](#) for that one, scheduled for 20 February.

Sincerely, thank you to Council officers for the passion you bring to community engagement, and to all staff – indoors and outdoors – for your dedication to preparations and to event day management of Australia Day commemorations across the Murrindindi shire.

And what an honour it must have been for you, Madam Mayor, to welcome four new Australians during the citizenship ceremony yesterday in Yea. Congratulations to Ilse Stiehl-Hueck, Kayla Best, Gary Grech, and Marianne Mullin who affirmed their commitment to Australia. These Murrindindians may now proudly declare "I am Australian". It was certainly a privilege to acknowledge the considerable contributions of Elise Anderson, the 2021 Murrindindi Shire Citizen of the Year, and to Nicholas Charles and John Stewart our Junior and Senior Citizen of the year award recipients.

In the shadows of Australia Day, 2021, there remains a conversation to be had about the size and shape of future commemorations of our national day. With a diversity of views in the local and national community, compromise is crucial. If we can't have the conversation, then we have a problem, and so my appeal to the community is to embrace our similarities, and to celebrate our differences, and to not exploit those differences for the sake of one's argument. We are so incredibly fortunate to call Australia home, and we should be especially proud to thrive here in our beautiful, resilient, respectful part of it.

15.6 Cr Sue Carpenter

I also visited a couple of Australia Day celebrations. I had time to call in on Yea's celebrations early and the Rotary Club of Yea soldiered on through heavy rain to provide a barbeque breakfast to the community – well done to them.

I wasn't there for the formal Yea celebrations, as I had the great delight of attending the Strath Creek Australia Day celebrations. The lovely community at the event made me feel very welcome and the event was well presented and enjoyed by all.

I also congratulate all recipients of the Murrindindi Shire Citizens of Year Awards, and especially congratulate Nicholas Charles from Yea. He is a fine young man who is giving back to his community – well done Nicholas.

15.7 Cr Sandice McAulay - Mayoral Report

My final official responsibility for 2020 was to present the engaging Doris Fellows with a beautiful flower arrangement and a framed Certificate of Congratulations on behalf of Council to acknowledge her celebrations of turning 100 years young. She was delighted with all of the wonderful cards and flowers that she had already received but of course proudly showed of her personal letter of congratulations from Queen Elizabeth 2.

We have now dispatched with 2020 and hopefully most people have had a restful Christmas and New Year with time spent with family and friends.

In light of yesterday's many events acknowledging Australia Day. Council is mindful of the various views of how we should best acknowledge Australia Day moving forward and we want to ensure that it is inclusive of our indigenous community. With this in mind we have taken steps to invite

representatives of the Taungurung Land and Waters Council to discuss with us our future approach in a collaborative manner taking all views into consideration.

As usual the community has started of the year with many COVID safe events already having occurred.

As highlighted earlier in the meeting the recipients of the Australia Day Awards were:
Murrindindi Shire Young Citizen of the Year – Nicholas Charles (Yea)
Murrindindi Shire Citizen of the Year – Elise Anderson (Alexandra)
Murrindindi Shire Senior Citizen of the Year – John Stewart (Kinglake).

I would like to now acknowledge the members of the Australia Day judging panel who had to make some tough decisions as all nominations received were for truly committed and inspiring members of the community. The panel members themselves are also great examples of community members who always take on the difficult tasks when asked.

Thank you so much to the following members of the panel who made my task as panel chair so much easier and rewarding.

Dick (Richard) McKernan

Chrissy Eustace

Jill Russell

John Steer

Jodie Coward

Peter Weeks who participated by phone as he was on holiday and had offered to return early to participate.

I would like to congratulate everyone who was nominated for a Murrindindi Shire Australia Day Award.

I would also like to thank the Council Staff who provided the back up and support to so many community organisations across the Shire as well as providing support to the Councillors on the day – Thank you.

Events like Australia Day don't just happen. It takes a lot of volunteer time and effort and was made even more difficult yesterday by the difficult weather experienced all across the Shire.

Our shire is an extraordinary place to live because of you our amazing community. Because of our ongoing partnership between Council and Community we can get so much done.

16 CHIEF EXECUTIVE OFFICER REPORT

The Australia Day weekend capped off a fitting end to the main summer break and from all reports the level of visitation to our shire was significant during this traditional holiday period. It is hoped that many of our retail, hospitality and tourism businesses received a much needed boost over this period to go some way towards the start of recovery from the COVID lockdowns of 2020.

Pleasingly, the activation of our outdoors spaces and parks was successful with many people taking advantage of the increased outdoor dining facilities installed around our main retail precincts.

With this heightened visitation we did experience a significant increase in demand for waste removal, bin clearing and cleaning of our public facilities. This required the allocation of additional resources over the period including extra bins and skips for visitors and increases in the frequency of cleaning and waste removal at some of our higher visited locations.

Fortunately to date over this summer we have not experienced any significant fires in the Murrindindi shire. We continue to remain vigilant for fire related hazards across public and private land and to this end we have commenced a second round of roadside slashing, initially in the north of the shire, to address areas where there has been significant regrowth. This will be extended further south subject to level of regrowth and fire risk involved.

The staging of a 4 day event in Rubicon over the Australia Day Weekend without prior notification to Council or the community caused considerable concern and anxiety for many in the community, including our local emergency services. The conduct of the event and the circumstances that led to the lack of pre-notification and lack of necessary statutory approvals are currently being investigated by officers for full review and action by Council.

Whilst on the topic of events I wanted to acknowledge our officers in tourism, events and communications who planned and worked with many community organisations to stage a range of community events held across the Murrindindi shire to celebrate Australia Day, to recognise the Murrindindi Citizen of the Year award recipients and welcome four new Australian citizens. Despite the heavy downpours in the morning of Australia Day the events proceeded as planned and were generally well attended considering the inclement weather.

17 ASSEMBLIES OF COUNCILLORS

Purpose

This report presents the records of assemblies of Councillors for 14 December 2020 to 20 January 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 14 December 2020 to 22 January 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 14 December 2020 to 20 January 2021.

Meeting Name/Type	Councillor Induction Session
Meeting Date:	14 December 2020
Matters Discussed:	<ol style="list-style-type: none"> 1. Circular Economy and Waste Strategy 2. LGV – CEO, Mayors and Councillors Forum 3. Budget Priority Briefing 4. Directorate Overview – Community Engagement.

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, B Byrne, S Coller, M Thomas, J Rabel.
Conflict of Interest Disclosures: Nil.	

Meeting Name/Type	Councillor Induction Session
Meeting Date:	16 December 2020 – via Videoconference
Matters Discussed:	<ol style="list-style-type: none"> 1. Development Services Overview 2. Rubicon Village Briefing 3. Section 181 Property Sales Briefing 4. Pre-Brief for Scheduled Meeting
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, G Haylock, N Stewart, C Southurst, K Girvan, C Gartland.
Conflict of Interest Disclosures: Nil.	

Meeting Name/Type	CEO Recruitment Consultant Interviews
Meeting Date:	21 December 2020
Matters Discussed:	1. CEO Recruitment Consultant Interviews.
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 Kearney.
Conflict of Interest Disclosures: Nil.	

Meeting Name/Type	Briefing Session
Meeting Date:	13 January 2021
Matters Discussed:	<ol style="list-style-type: none"> 1. CEO Recruitment Workshop 2. Resource Recovery & Environment Service Area Overview.
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, B Byrne.
Conflict of Interest Disclosures: Nil.	

Meeting Name/Type	Workshop Session
Meeting Date:	20 January 2021
Matters Discussed:	<ol style="list-style-type: none"> 1. Draft Community Engagement Policy 2. 2020/2021 – Capital Works Program Review 3. Cobham Road Track, Kinglake 4. Floating Cities Contract Award CONT20/36 5. Eildon Closed Landfill Rehabilitation 6. Councillor Code of Conduct Process Overview 7. CEO Recruitment update.
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, C Lintott, T Carter, S Coller, N Matheson, A Paix.
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 D Gallagher

That Council receives and notes the record of assemblies of Councillors for 14 December 2020 to 22 January 2021.

CARRIED

18 SEALING REGISTER

File Reference	Date Seal Affixed	Description of Documents	Signatures of Persons Sealing
DD003/2018/0000026/001	11 December 2020	Agreement made pursuant to Section 173 of the Planning and Environment Act 1987 between Murrindindi Shire Council and Ivan Marian Skok and Head, Transport for Victoria for Property: The Land described as Lot 1 on TP603843	Michael Chesworth
CONT20/16	21 December 2020	Formal Instrument of Agreement between Murrindindi Shire Council and MacDonald Flooring for panel for the provision of maintenance, programmed works, emergency works, minor building works and approved capital works - Flooring	Michael Chesworth Cr Sandice McAulay
CONT20/31	14 January 2021	Formal Instrument of Agreement between Murrindindi Shire Council and Trevor Carns for Panel provision of General Maintenance	Michael Chesworth Cr Sandice McAulay

Officer Recommendation

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

RESOLUTION

Cr I Gerencser / Cr E Lording

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

CARRIED

19 CONFIDENTIAL ITEMS

The Local Government Act 2020 section 66(2)(a) allows Council to resolve to close a meeting to the public to consider confidential information. This is defined under section 3 of the *Local Government Act* this includes information that was confidential information for the purposes of section 77 of the *Local Government Act 1989*.

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

The report on the Chief Executive Officer Recruitment - Approval to Recruit is being considered in the closed part of this meeting because it is considered confidential under section 3 of *the Local Government Act 2020* as it is considered to be personal information.

Recommendation

That Council, in accordance with section 66(2)(a) of the *Local Government Act 2020* resolve that the meeting be closed to members of the public for the consideration of items:

- Chief Executive Officer Recruitment - Approval to Recruit

RESOLUTION

Cr J Walsh / Cr K Haslam

That Council, in accordance with section 66(2)(a) of the *Local Government Act 2020* resolve that the meeting be closed to members of the public for the consideration of items:

- **Chief Executive Officer Recruitment - Approval to Recruit.**

CARRIED

19.2 Chief Executive Officer Recruitment - Approval to Recruit

RESOLUTION

Cr E Lording / Cr J Walsh

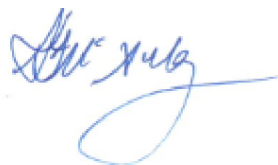
That Council:

- 1. notes and endorses the engagement of Fisher Leadership as the consultant advising on and assisting with Council's appointment of its new Chief Executive Officer;**
- 2. invites applications for the position of Chief Executive Officer in a notice published in a newspaper circulating generally throughout Victoria in accordance with s 94(3) of the *Local Government Act 1989*;**
- 3. authorises Council's Acting Director Corporate & Shared Services to prepare and publish the notice referred to in, and take such other steps as are necessary to give effect to, paragraph 2 of this Resolution.**
- 4. Releases parts 1, 2 and 3 of this resolution into the public Minutes of this meeting.**

CARRIED

The meeting was closed to the public at 06:43 pm.

CONFIRMED THIS



CHAIRPERSON

Cr S McAulay