



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

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

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1. PLEDGE AND RECONCILIATION STATEMENT

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

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

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

Welcome to this Ordinary Meeting of the Murrindindi Shire Council. Due to the unprecedented times we are facing, as a consequence of the COVID-19 pandemic, Council has introduced a range of social-distancing measures in accordance with the government’s advice. Our priority concern is the welfare of our community, our councillors and staff during this time.

The measures we have taken include reducing the number of Councillors attending tonight’s meeting to four, which is the minimum number required to maintain a quorum for the meeting. We are legally obliged to conduct a Council meeting by attendance of Councillors in person, and not remotely by phone or video conference.

Those Councillors present tonight include Cr Dunscombe, Cr Bisset, Cr Lording and Cr Bowles. In addition, we have reduced the number of officers attending to a minimum, with the CEO Craig Lloyd presenting all officer reports tonight.

2. APOLOGIES AND REQUESTS FOR LEAVE OF ABSENCE

Present:

Councillors L Dunscombe (Chair), R Bowles, C Bisset, E Lording

Apologies:

Councillors M Rae, J Ashe, S McAulay

In attendance:

Chief Executive Officer: Craig Lloyd

Manager Governance and Risk: Tara Carter

Executive Assistant: Louise Chapple

Customer First Project Systems Coordinator: Adam Dennis

3. COMMUNITY RECOGNITION

Nil.

4. DISCLOSURES OF INTEREST OR CONFLICT OF INTEREST

Nil.

5. CONFIRMATION OF MINUTES

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

Officer Recommendation

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

RESOLUTION

Cr E Lording / Cr C Bisset

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

CARRIED UNANIMOUSLY

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

Officer Recommendation

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

RESOLUTION

Cr E Lording / Cr R Bowles

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

CARRIED UNANIMOUSLY

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

Officer Recommendation

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

A motion was not put by the Chair, item will be deferred to the next Ordinary Meeting.

6. PETITIONS

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

The Chairperson declared Public Participation Time.

7. PUBLIC PARTICIPATION TIME**7.1 OPEN FORUM**

Nil.

7.2 QUESTIONS OF COUNCIL

Nil.

8. OUR PLACE

8.1 SCRAP SHACK REVIEW

Purpose

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

Officer Recommendation

That Council:

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

Background

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

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

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

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

Discussion

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

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

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

The Yea Scrap Shack has not performed anywhere near as well, generating a revenue of only \$317 during the first 12 months. The cost of setting up a scrap shack at Yea however was very low, requiring only the installation of shelving in an existing shed at a cost of \$1,650. Despite the

low income, the low capital cost means the return on investment for Yea is higher than at Alexandra on 19% per annum assuming steady sales.

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

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

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

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

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

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

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

Council Plan/Strategies/Policies

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

Relevant Legislation

This is not applicable to this report.

Financial Implications and Risk

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

Conflict of Interest

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

Community and Stakeholder Consultation

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

RESOLUTION**Cr C Bisset / Cr E Lording****That Council:**

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

CARRIED UNANIMOUSLY**8.2 USE AND DEVELOPMENT OF THE LAND FOR THE PURPOSE OF A DWELLING AND ALTERATION OF THE ACCESS TO A ROAD ZONE CATEGORY 1****RESOLUTION****Cr E Lording / Cr C Bisset****That Council note that the applicant for the Use and Development of Land for the Purpose of a Dwelling and Alteration of Access to a Road Zone Category 1 at 630 Buxton-Marysville Road BUXTON 3711 has withdrawn the application.****CARRIED UNANIMOUSLY****8.3 CREIGHTON'S ROAD, THORNTON – ROAD ACQUISITION SUBDIVISION**

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

Purpose

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

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

Officer Recommendation:

That Council

1. approves the Road Acquisition Subdivision, under the *Subdivision Act 1988* and acquires the road shown as R-1 on the Plan of Subdivision PS 835456 X; given that:
 - the Proponent has accepted that the acquisition is voluntary and no compensation is payable under the *Land Acquisition and Compensation Act 1986*
 - the Proponent has paid an up-front fee of \$1,000.00 for costs to be incurred by Council in formalising the road acquisition
 - the Proponent shall be responsible for all costs associated with the road acquisition including survey fees, legal costs, etc
2. authorises the Chief Executive Officer to sign all documents and undertake all administrative procedures in respect of the proposed road acquisition.

Background

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

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

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

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

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

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

Discussion

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

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

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

Council Plan/Strategies/Policies

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

Relevant Legislation

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

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

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

Financial Implications and Risk

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

Conflict of Interest

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

Community and Stakeholder Consultation

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

RESOLUTION**Cr E Lording / Cr R Bowles****That Council:**

1. **approves the Road Acquisition Subdivision, under the *Subdivision Act 1988* and acquires the road shown as R-1 on the Plan of Subdivision PS 835456 X; given that:**
 - **the Proponent has accepted that the acquisition is voluntary and no compensation is payable under the *Land Acquisition and Compensation Act 1986***
 - **the Proponent has paid an up-front fee of \$1,000.00 for costs to be incurred by Council in formalising the road acquisition**
 - **the Proponent shall be responsible for all costs associated with the road acquisition including survey fees, legal costs, etc**
2. **authorises the Chief Executive Officer to sign all documents and undertake all administrative procedures in respect of the proposed road acquisition.**

CARRIED UNANIMOUSLY

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

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

Purpose

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

Officer Recommendation**That Council:**

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

Background

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

The existing Community Local Law was created by Council in 2012, with a sunset period of 10 years, however the decision was made to review the Community Local Law to ensure that it

meets the needs of our community, sufficiently addresses identified areas of concern or risk and to simplify its ability to be interpreted.

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

1. the peace, order and good government of the municipality;
2. a safe and healthy environment so that the community within the municipality can enjoy a quality of life that meets its expectations;
3. the safe and fair use and enjoyment of public places;
4. the protection and enhancement of the amenity and environment of the municipality;
5. a fair and reasonable use and enjoyment of private land; and
6. a uniform and fair administration of this Local Law.

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

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

Discussion

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

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

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

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

No.	Draft Provision	Officer Recommended Alternative	Comment
1	<p>Local Law</p> <p>This Community Local Law is a local law made under Part 5 of the <i>Local Government Act 1989</i> and Part 3 of the <i>Domestic Animals Act 1994</i>.</p>	<p>This Community Local Law is a local law made under Part 5 of the <i>Local Government Act 1989</i> and Section 42 of the <i>Domestic Animals Act 1994</i>.</p>	<p>Provision on <i>Domestic Animal Act 1994</i> more accurate</p>
3	<p>Commencement and revocations</p> <p>This Local Law commences to operate on date (after publication in Government Gazette date ? 2019 and ceases to operate on 1/1/2029 unless revoked earlier. Upon its commencement, the <i>Community Local law 2012</i> is revoked.</p>	<p>Commencement and revocations</p> <p>(1) This Community Local Law comes into operation on 1 May 2020</p> <p>(2) The following provisions of this Community Local Law come into operation on 1 September 2020:</p> <p>(a) Part 4 (Asset Protection)</p> <p>(2) Unless the Community Local Law is revoked sooner, its operation will cease on 1 January 2030.</p> <p>(2) Upon the commencement of this Community Local Law 2020, the <i>Community Local law 2012</i> is revoked</p>	<p>Changes made to be clearer regarding commencement and conclusion dates, and the revocations of CLL2012.</p>
48	<p>Aircraft and drones</p> <p>(1) Unless in an emergency, aircraft that transport or hold people cannot be flown from or land upon any municipal reserve or municipal place without a permit Penalty Units: 10</p> <p>(2) All drones or remotely piloted aircraft cannot be operated from, above or land upon any municipal reserve or municipal place without a permit. Penalty Units: 10</p>	<p>Removed</p>	<p>Officer recommendation to remove due to new permit requirements from Civil Aviation Safety Authority (CASA) now apply – you can't now fly a drone within 30 metres of another person. You are now also unable to fly drones over a populous area or over people (https://www.casa.gov.au/knowyourdrone/drone-rules).</p>
50	<p>N/A</p>	<p>Damage to Council Assets</p> <p>(1) A person must not damage a Council Asset Penalty Units: 20</p>	<p>Officer recommendation of new provision to be more clear about preventing damage to Council Assets</p>
Sched 8	<p>Camping on unoccupied land must:</p> <p>(a) Only occur up to 20 nights a year without a permit</p>	<p>Camping on unoccupied land must:</p> <p>(a) Only occur up to 20 nights a year without a permit</p>	<p>Statement missing on restriction to camping in residential areas on unoccupied land.</p>

No.	Draft Provision	Officer Recommended Alternative	Comment
	<p>(b) Camping equipment must be removed when not being used or occupied</p> <p>(c) Not be unsightly and not constitute a nuisance</p> <p>(d) Only occur in rural zones. Camping is not allowed in the residential zones</p> <p>(e) Not be for commercial purposes</p>	<p>(b) Camping equipment must be removed when not being used or occupied</p> <p>(c) Not be unsightly and not constitute a nuisance</p> <p>(d) Only occur in rural zones. Camping on unoccupied land is not allowed in the residential zones</p> <p>(e) Not be for commercial purposes</p>	<p>Although the planning scheme does not allow camping on unoccupied private land in the residential zones it was thought that we should make a similar point the local law.</p>

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

No.	Draft Provision	Officer Recommended Changes	Comment
4	<p>Application of Local Law</p> <p>(1) This Local Law applies throughout the municipality.</p> <p>(2) This Local Law does not apply where any act or thing is authorised by any Act, Rule, Regulation or the <i>Murrindindi Planning Scheme</i>.</p> <p>(3) The provisions of this Local Law do not apply to Council contractors, agents or employees to the extent that the proper discharge of their duties and obligations constitute a breach of this Local Law</p>	<p>Application of Local Law</p> <p>(1) This Community Local Law applies throughout the municipality.</p> <p>(2) This Community Local Law does not apply where any act or thing otherwise prohibited or regulated by this Community Local Law is authorised by any Act, Rule, Regulation or Planning Scheme.</p> <p>(3) Laws, regulations and schemes that have been considered as part of the development of this law and to which this law is subordinate (under the <i>Interpretation of Legislation Act 1984</i>) include (but are not limited to) the:</p> <p>(i) <i>Building Act 1993</i></p> <p>(ii) <i>Country Fire Authority Act 1958</i></p> <p>(iii) <i>Domestic Animals Act 1986</i></p> <p>(iv) <i>Emergency Management Act 1986 and 2013</i></p> <p>(v) <i>Environment Protection Act 1970</i></p> <p>(vi) <i>Food Act 1984</i></p> <p>(vii) <i>Graffiti Prevention Act 2007</i></p> <p>(viii) <i>Housing Act 1983</i></p> <p>(ix) <i>Impounding of Livestock Act 1994</i></p> <p>(x) <i>Land Act 1958</i></p>	<p>Officer recommended changes added to ensure people are aware that the CLL2020 should not be read in isolation.</p>

No.	Draft Provision	Officer Recommended Changes	Comment
		<p>(xi) <i>Road Management Act 2004</i></p> <p>(xii) <i>Road Safety Act 1986</i></p> <p>(xiii) <i>Summary Offences Act 1966</i></p> <p>(xiv) <i>Public Health & Wellbeing Act 2008</i></p> <p>(xv) <i>Murrindindi Planning Scheme</i></p> <p>(4) This Community Local Law exists within a complex legal framework and should not be read in isolation. If the Local Law is silent on a topic it should not be taken that no other law, rule, regulation, provision or scheme applies. Legal advice should always be sought if there is any doubt regarding the legality of any action.</p> <p>(5) The provisions of this Local Law do not apply to Council contractors, agents or employees to the extent that the proper discharge of their duties and obligations constitute a breach of this Local Law.</p> <p>(6) Enforcement and compliance of the Community Local Law 2020 will be completed in accordance with Council's "Compliance and Enforcement Policy"</p>	
8(4)		<p>Animal Excrement</p> <p>(4) If moving livestock in a rural area, removal of excrement is not required unless it poses a safety issue as determined by an authorised officer.</p> <p>Penalty Units: 5</p>	Officer recommendation is to support submission regarding removal of animal excrement in rural zones unless it constitutes a road hazard.
11(2)(a)	<p>Unightly has upon it for more than 24 hours, any of the following</p>	has upon it for more than 7 days , any of the following	Officer recommendation of 7 days is a more realistic timeframe supported by a number of submissions.
26	<p>Removing or interfering with recyclable material</p> <p>(1) A person must not remove or interfere with recyclable material left for municipal</p>	<p>Removing or interfering with waste and recyclable material</p> <p>(1) A person must not remove or interfere with waste or recyclable material left for</p>	Officer recommendation is to include interfering with waste to prevent people going through other people's bins.

No.	Draft Provision	Officer Recommended Changes	Comment
	<p>collection on a road, or at any other collection point.</p> <p>Penalty Units: 10</p> <p>(2) Clause (1) does not apply to a person authorised by Council to remove such materials.</p>	<p>municipal collection on a road, or at any other collection point.</p> <p>Penalty Units: 10</p> <p>(2) A person must not place waste or recyclable material in another person's bin or waste receptacle without prior approval</p> <p>Penalty Units: 5</p> <p>(3) Clause (1) does not apply to a person authorised by Council to remove such materials.</p>	<p>Officer recommendation is to include new provision (2) to stop people placing their private rubbish in other people's bins or skips without prior approval</p>
<p>27(10)</p>	<p>New</p>	<p>Domestic Waste</p> <p>(10) A property must not have, or place out for collection more bins than legally provided (and being paid for) by the resident.</p> <p>Penalty Units: 10</p>	<p>Officer recommendation for small change so enforcement is possible when putting unpaid bins out for rubbish/recycling program.</p>
<p>Sched 4</p>	<p>Recreational Vehicle Noise Guidelines</p> <p>In addition to the requirement that the use of a motorised recreation vehicle on land must not cause a nuisance, a person must not use or allow others to use a motorised recreation vehicle on land owned or occupied by him or her unless:</p> <ul style="list-style-type: none"> a. the motorised recreation vehicle is not used continuously for a period in excess of 1-hour after which no motorised recreation vehicle must be used for a minimum 2-hour period; and b. the motorised recreation vehicle is not used other than between 10am to 6pm Monday to Saturday and 1pm to 4pm on Sundays and public holidays c. on a day declared to be a Total Fire Ban Day under the <i>Country Fire Authority Act 1958</i> 	<p>Recreational Vehicle Noise Guidelines</p> <p>In addition to the requirement that the use of a motorised recreation vehicle on land must not cause a nuisance, a person must not use or allow others to use a motorised recreation vehicle on land owned or occupied by him or her:</p> <ul style="list-style-type: none"> (a) unless the motorised recreation vehicle is not used continuously for a period in excess of 1-hour after which no motorised recreation vehicle must be used for a minimum 2-hour period; and (b) unless the motorised recreation vehicle is not used other than between 7am-8pm Monday to Friday and 9am to 6pm on Saturdays, Sundays and public holidays (c) if on a day declared to be a Total Fire Ban Day under 	<p>Officer recommendation is to fix error in law - original passage allowed motorcycle use on land on TFBs instead of preventing it</p> <p>Original timetabling suggested as too restrictive, particularly on weekends and public holidays.</p> <p>Officer recommended times align with EPA residential noise regulations</p>

No.	Draft Provision	Officer Recommended Changes	Comment
		<p>the <i>Country Fire Authority Act 1958</i></p> <p>(d) in the case of land in a residential zone, unless the motorised recreational vehicle is under 50cc in size.</p>	
<p>Sched 5</p>	<p>Burning of Vegetation Piles on Land Less Than One Hectare Burning of vegetation piles on land less than one hectare must:</p> <p>(a) Not be more than 1m wide or high. Material may be continuously fed into fires of this size but must not be greater than 1m wide or high.</p> <p>(b) Be cleared of flammable material for a minimum radius of 3 metres</p> <p>(c) Have adequate means available at all times for preventing the escape of and for extinguishing the fire.</p> <p>(d) Have an adult person with the fire at all times whilst it is alight.</p> <p>(e) Be registered with the burn off line on 1800 668 511 before being lit.</p> <p>(f) Not include damp or green materials. Materials to be burned must be suitably dry or cured</p> <p>(g) Be extinguished if directed to do so by an authorised officer.</p> <p>(h) Not be within the Country Fire Authority's declared Fire Danger Period</p>	<p>Burning of Vegetation Piles on Land Less Than One Hectare Burning of vegetation piles on land less than one hectare must:</p> <p>(i) Not be more than 1m wide or high. Material may be continuously fed into fires of this size but must not be greater than 1m wide or high.</p> <p>(j) Be cleared of flammable material for a minimum radius of 3 metres</p> <p>(k) Have adequate means available at all times for preventing the escape of and for extinguishing the fire.</p> <p>(l) Have an adult person with the fire at all times whilst it is alight.</p> <p>(m) Be registered with the burn off line on 1800 668 511 before being lit.</p> <p>(n) Not include damp or green materials. Materials to be burned must be suitably dry or cured</p> <p>(o) Be extinguished if directed to do so by an authorised officer.</p> <p>(p) Not be within the Country Fire Authority's declared Fire Danger Period.</p> <p>(q) Have ashes and all residual material scattered and thoroughly extinguished at the completion of the burn</p>	<p>Officer recommendation is to support comments received during s223 that highlighted the importance of scattering material post burn so that long term re-ignitions of burn piles is not possible.</p>
<p>Sched 6</p>	<p>Schedule 6 – Burning of Vegetation Piles on Land Greater than One Hectare Burning of vegetation piles on land greater than one hectare must:</p> <p>(a) Be lit only when wind speed is below 15kph.</p>	<p>Schedule 6 – Burning of Vegetation Piles on Land Greater than One Hectare Burning of vegetation piles on land greater than one hectare must:</p> <p>(a) Be lit only when wind speed is below 15kph.</p> <p>(b) Not be located closer than 5 metres to the property</p>	<p>Officer recommendation is to support community comment regarding spreading of ashes and unburnt material on larger allotments as per Schedule 5.</p> <p>Also was highlighted in community submissions, it is not appropriate in the rural zones to have a person</p>

No.	Draft Provision	Officer Recommended Changes	Comment
	<ul style="list-style-type: none"> (b) Not be located closer than 5 metres to the property boundary or 5 metres to any building. (c) Be cleared of flammable material for a minimum radius of 3 metres. (d) Have adequate means available at all times for preventing the escape of and for extinguishing the fire (e) Have an adult person with the fire at all times whilst it is alight. (f) Be registered with the burn off line on 1800 668 511 before being lit. (g) Give notice of intention to burn to each owner or occupier of abutting land. (h) Not be greater than 20 cubic meters in size. Piles over this size always require a permit regardless of time of year (i) Not include damp or green materials. Materials to be burned must be suitably dry or cured (j) Be extinguished if directed to do so by an authorised officer. (k) Not be within the Country Fire Authority's declared Fire Danger Period. 	<ul style="list-style-type: none"> boundary or 5 metres to any building. (c) Be cleared of flammable material for a minimum radius of 3 metres. (d) Have adequate means available at all times for preventing the escape of and for extinguishing the fire (e) Be adequately supervised (f) Be registered with the burn off line on 1800 668 511 before being lit. (g) Not be greater than 20 cubic meters in size. Piles over this size always require a permit regardless of time of year (h) Not include damp or green materials. Materials to be burned must be suitably dry or cured (i) Be extinguished if directed to do so by an authorised officer. (j) Not be within the Country Fire Authority's declared Fire Danger Period. (k) Have ashes and all residual material scattered and thoroughly extinguished at the completion of the burn 	<p>monitor a fire at all times as they may burn for many days at a time. Nor is it appropriate every time a person burns off to contact their neighbour (removal of (g)).</p>
<p>Sched 8</p>	<p>Camping on unoccupied land must:</p> <ul style="list-style-type: none"> (f) Only occur up to 20 nights a year without a permit (g) Camping equipment must be removed when not being used or occupied (h) Not be unsightly and not constitute a nuisance (i) Only occur in rural zones. Camping is not allowed in the residential zones (j) Not be for commercial purposes 	<p>Camping on unoccupied land must:</p> <ul style="list-style-type: none"> (f) Only occur up to 20 nights a year without a permit (g) Camping equipment must be removed when not being used or occupied (h) Not be unsightly and not constitute a nuisance (i) Only occur in rural zones. Camping on unoccupied land is not allowed in the residential zones (j) Not be for commercial purposes 	<p>Officer recommendation is to support the planning scheme that does not allow camping on unoccupied private land in the residential zones</p>

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

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

All submitters will be notified of the decision of Council.

Council Plan/Strategies/Policies

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

Relevant Legislation

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

Financial Implications and Risk

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

Conflict of Interest

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

Community and Stakeholder Consultation

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

RESOLUTION

Cr C Bisset / Cr E Lording

That Council:

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

CARRIED UNANIMOUSLY

11.2 AUDIT AND RISK ADVISORY COMMITTEE MINUTES

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

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

Officer Recommendation

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

RESOLUTION

Cr E Lording / Cr R Bowles

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

CARRIED UNANIMOUSLY

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

Officer Recommendation

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

RESOLUTION

Cr C Bisset / Cr R Bowles

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

CARRIED UNANIMOUSLY

11.3 DELEGATION TO THE CHIEF EXECUTIVE OFFICER DURING STATE OF EMERGENCY

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

Purpose

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

Officer Recommendation

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

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

Background

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

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

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

Discussion

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

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

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

The attached Instrument (Attachment 11.3) proposes the expansion of the Chief Executive Officer's delegations to include the full decision making powers of Council, limited only by the exclusions under section 98 of the *Act*. This would apply upon the CEO forming the reasonable opinion that if a meeting were to be held the meeting would lapse for want of a quorum due to the pandemic.

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

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

Relevant Legislation

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

Financial Implications and Risk

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

Conflict of Interest

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

Community and Stakeholder Consultation

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

RESOLUTION

Cr R Bowles / Cr E Lording

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

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

CARRIED UNANIMOUSLY

12. NOTICES OF MOTIONS

Nil.

13. MATTERS DEFERRED FROM PREVIOUS MEETING

Nil.

14. URGENT BUSINESS

Cr L Dunscombe raised an item of urgent business to consider the matter of "Business and Tourism Grants and Contributions".

MOTION

Cr E Lording / Cr C Bisset

That the matter of Business and Tourism Grants and Contributions be considered as an urgent item of business at this meeting.

CARRIED UNANIMOUSLY

14.1 BUSINESS AND TOURISM GRANTS AND CONTRIBUTIONS**MOTION****Cr L Dunscombe / Cr C Bisset****That officers prioritise the use of any unexpended funds from the Business and Tourism Grants and Contributions Program to support business recovery from the effects of the COVID-19 pandemic.****CARRIED UNANIMOUSLY****15. COUNCILLOR REPORTS****15.1 CR SANDICE MCAULAY**

Nil.

15.2 CR JACKIE ASHE

Nil.

15.3 CR ERIC LORDING

Nil.

15.4 CR CHARLOTTE BISSET

Nil.

15.5 CR REBECCA BOWLES

I would just like to say how proud I am for the cheviot community for how they have rallied around response to the Coronavirus. In just under two weeks, life as we know it has been a completely flipped on its head, and all of us has had make an executive decisions in the way that we live.

So I would like to thank the Community House for reorganising the community food table into the Tardis which is located at the Yea Library. To the St Luke's Op Shop, although are now closed are preparing hampers to those vulnerable in our location.

The community meals that were held once a week have now been suspended, however meals are stilling being cooked twice a week and delivered to those in need.

Local residents have also founded a Facebook page "Need Something? 3717" and within a week it now has over 300 members.

On our council website there is a register of interest for residents in the shire to volunteer their time if emergency relief is needed from the State Government then handed down to Local Government. So if you're keen to volunteer, please go to the council website to register your interest.

There are also pamphlets located in the Tardis and the Pharmacy, thank you to Sasha Embassy of ideas, the people who take and follow instructions to deliver to resident's letterboxes that are unable to make it into town.

So everyone be safe, local government is here to help, please don't panic and please look out for each other.

15.6 CR MARGARET RAE

Nil.

15.7 CR LEIGH DUNSCOMBE – MAYORAL REPORT

Times are tough and I think we all know that. This COVID-19 pandemic is taking us all on a very scary and dangerous ride and nobody knows where it will take us. The scale of this pandemic is like nothing we have ever seen before and it is that that makes it so scary, but we have been through scary things before and we have pulled through. I am in no doubt that we will do so again. The way we have got through it in the past is by working together, by supporting each other, and by doing the right thing. If we do that again we will prevail. We all need to make sacrifices, we all need to make changes and we all need to think differently, but most importantly, we all need to do it together.

Unfortunately the term "Social Distancing" has been coined at a time when "Social Cohesion" could not be more important. "Physical Distancing" is perhaps a more appropriate term for the practices that we all need to employ while we think differently about how we can socially engage. There is a plethora of ways to socially connect that don't require physical contact and if we all think outside the box I am sure we will come up with many more.

Now it's hard to know what you can and can't do, who to listen to, where you can go, what you need to buy, what help is available etc etc and there is so much confusing and conflicting advice going around, especially on Facebook. I am not going to add to that confusion here by adding my voice to that avalanche of advice except to say be careful of what you believe, get your information from official sources - State and Federal Government websites and announcements or the DHHS website.

At a local level ie for things specific to the Murrindindi Shire we are very fortunate to have our CEO Craig Lloyd with his extensive experience in emergency management leading the organisation. Craig is providing daily updates via video, social media, radio on UGFM and media releases, and all the up to date information is available on council's website.

As I said, we're all in this together and we will all get through this together but most importantly, we all need to take it seriously.

16. CHIEF EXECUTIVE OFFICER REPORT

- The focus of Council's work in the last fortnight has been on halting the spread of the Coronavirus within Murrindindi Shire.
- Our priority has been to put in place measures to keep staff and the community safe, while continuing to provide critical services within the Shire.
 - To that end, Council has enacted its Pandemic plan which has helped us to maintain business continuity throughout this period
- Council has been active in engaging the community about changes to its services, and also communicating health advice and governments restrictions to our community via multiple platforms and means.
- In line with government advice:
 - we are encouraging our community members to stay at home to help stop the spread of this disease
 - we also find ourselves in the unprecedented position of asking visitors to stay away from our Shire

- this is difficult for us, but is a necessary step to help halt the spread of the disease
- Tourism will become more difficult as we close more recreation and other facilities to the public
- New rules banning congregating in both enclosed and open spaces are affecting business and activities in our Shire.
 - many events and activities in the Shire have been cancelled or postponed.
- We know local businesses are hurting and we are taking steps to assist where we can
- We have been working closely with the Victorian Government to ensure the needs of regional areas are considered in pandemic planning, including the needs of small rural business
- We are also working to support those who are isolated or required to self-quarantine.
 - We have put out a call to the community to volunteer their time and resources in the event the government seeks assistance to coordinate and deliver essential goods to those who need them.
- We know individuals are also hurting. We have put in place measures to help those having difficulty paying their rates at this time.
- On 23 March we moved to a working from home model for the majority of our staff, to minimise the risk of contagion among staff and more broadly for the community.
 - I would like to express my thanks to staff and management at Council for their responsiveness, adaptability and willingness to help the community through this difficult time
- I would urge everyone to stay current with information from the Health Authorities and the Government about Coronavirus.
 - And to please observe health advice and the measures being brought in to keep us all safe
- We will get through this. As a Shire we have been through tough times before and our community came out stronger. We will keep working to make sure that this is the case this time.
- Please Stay Home and stay safe.

17. ASSEMBLIES OF COUNCILLORS

Purpose

This report presents the records of assemblies of Councillors for 26 February 2020 to 18 March 2020, for Council to note in accordance with Section 80A of the *Local Government Act 1989* (the Act).

Officer Recommendation

That Council receives and notes the record of assemblies of Councillors for 26 February 2020 to 18 March 2020.

Background

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

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

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

Discussion

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

The following summary details are for 26 February 2020 to 18 March 2020:

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

Meeting Name/Type	Briefing Session
Meeting Date:	4 March 2020
Matters Discussed:	<ol style="list-style-type: none"> 1. Proposed Community Local Law – Submission Feedback 2. Capital Works Monthly Report 3. Dindi Sustainable Living Expo 4. Communications Strategy – Action Plan Implementation 5. Community Infrastructure Loan Scheme – Alexandra Youth Precinct/Eildon Tourist Trail
Councillor Attendees:	Cr C Bisset, Cr S McAulay, Cr L Dunscombe, Cr R Bowles, Cr M Rae
Council Officer Attendees	C Lloyd, M Chesworth, S Brown, V Albicini, C Price, C Lintott, A Priest, J Rabel, T Elkington, R Kane, G Haylock, N McNamara, B Scott
Conflict of Interest Disclosures:	Nil

Meeting Name/Type	Briefing Session
Meeting Date:	11 March 2020
Matters Discussed:	<ol style="list-style-type: none"> 1. Thornton Recreation Reserve and Kinglake Memorial Reserve Master Planning 2. Creighton's Road, Thornton – Road Acquisition Subdivision 3. Draft 2020-21 Budget 4. Tender Report – High Street, Yea – Safety Improvement Works 5. Gravel Road Re-sheeting - Tender 6. Scrap Shacks Update 7. Kerbside Receivable Contract 8. Great Victorian Rail Trail Strategic Plan
Councillor Attendees:	Cr C Bisset, Cr S McAulay, Cr L Dunscombe, Cr R Bowles, Cr J Ashe, Cr M Rae, Cr E Lording
Council Officer Attendees	C Lloyd, M Chesworth, S Brown, V Albicini, S Coller, G Haylock, A Cassell, C Lintott

Conflict of Interest Disclosures: Nil

Meeting Name/Type	Workshop Session
Meeting Date:	18 March 2020 – via Teleconference
Matters Discussed:	<ol style="list-style-type: none"> 1. Proposed Community Local Law - Changes 2. Council as the Yea Cemetery Trust – Legal Advice 3. Health Check 4. Bushfire Planning Provisions and Bayview Estate Workshop 5. 44 Pack Road, Marysville Planning application 6. 630 Buxton-Marysville Road, Buxton Planning application 7. Operations Service Delivery Review Outcomes
Councillor Attendees:	Cr S McAulay, Cr L Dunscombe, Cr R Bowles, Cr J Ashe, Cr M Rae, Cr E Lording
Council Officer Attendees	C Lloyd, M Chesworth, S Brown, V Albicini, N Stewart, C Gartland, K Girvan
Conflict of Interest Disclosures:	Nil

Council Plan/Strategies/Policies

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

Relevant Legislation

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

Financial Implications and Risk

There are no financial or risk implications.

Conflict of Interest

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

RESOLUTION

Cr C Bisset / Cr E Lording

That Council receives and notes the record of assemblies of Councillors for 26 February 2020 to 18 March 2020.

CARRIED UNANIMOUSLY

18. SEALING REGISTER

19. CONFIDENTIAL ITEMS

The Local Government Act 1989 section 89(2) allows Council to resolve to close a meeting to the public to consider confidential information relating to any of the following matters:

- (a) personnel matters
- (b) the personal hardship of any resident or ratepayer
- (c) industrial matters
- (d) contractual matters
- (e) proposed developments
- (f) legal advice
- (g) matters affecting the security of Council property
- (h) any other matter which the Council or special committee considers would prejudice the Council or any person

- (i) a resolution to close the meeting to members of the public.

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

The reports on the Tender 19/15 – High Street, Yea – Road Safety Improvements, Tender CONT20/02 – Gravel Roads Re-sheeting Program 2019-2020, Visy Contract Matters and Tender CONT19/30 – Aitkin Crescent Sealing & Associated Works are being considered in the closed part of this meeting because they are considered under S89(2)(d) contractual matters.

Recommendation

That Council, in accordance with the *Local Government Act 1989* section 89(2)(d), resolve to close the meeting to the members of the public:

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

RESOLUTION

Cr E Lording / Cr R Bowles

That the meeting be closed to the public pursuant to s.89(2)(d) of the *Local Government Act 1989* due to contractual matters.

CARRIED UNANIMOUSLY

The meeting closed to the public at 6:33pm.

Council resolved to release the following resolutions made in the closed session of meeting into the Ordinary Minutes:

19.2 TENDER 19/15 – HIGH STREET, YEA – ROAD SAFETY IMPROVEMENTS

RESOLUTION

Cr E Lording / Cr C Bisset

That Council:

1. **accept the tender from for the lump sum price of \$829,479.80 (Including GST) from Fineblade Pty Ltd to complete the whole scope of works for the High Street, Yea – Road Safety Improvements**
2. **approve the allocation of a contingency amount as detailed in this report**
3. **approve the reallocation of \$377,487.00 (including GST) from other project budgets listed in the 2019/20 Capital Works Program as detailed below. This will increase the total project budget to \$941,457 (including GST)**
4. **release this resolution into the Minutes of the Ordinary Meeting of 25 March 2020.**

CARRIED UNANIMOUSLY

19.3 TENDER CONT20/02 – GRAVEL ROADS RE-SHEETING PROGRAM 2019-2020**RESOLUTION****Cr E Lording / Cr R Bowles****That Council:**

1. accept the tender from Alpine Civil Pty Ltd for the revised lump sum price of \$802,870.92 (Incl. GST) for the Gravel Roads Re-Sheeting Program 2019/20, including the following roads:
 - Binns McCraes Road, Alexandra
 - Burgess Road, Yarck
 - Caveat Road, Terip Terip
 - Caveat-Dropmore Road, Caveat
 - Gum Rd, Caveat
 - Hewletts Road, Caveat
 - Middle Creek Road, Yarck
 - Molesworth-Dropmore Road, Molesworth
 - Range Road, Yarck
 - Stoney Creek Court, Narbethong
 - Taylor Street, Alexandra
2. approve the allocation of a contingency amount as detailed in this report
3. release this resolution into the Minutes of the Ordinary Meeting of 25 March 2020.

CARRIED UNANIMOUSLY

19.4 VISY CONTRACT MATTERS**RESOLUTION****Cr E Lording / Cr R Bowles****That Council:**

- note that Visy Paper Pty Ltd have been notified of Council's direction to enact the final service period of contract CONT14/12 by 12 months to 30 June 2021
- note an application for Ministerial Exemption to extend the current contract to 30 June 2025 has been sent
- if the Ministerial Exemption is granted, extend the contract on the current terms to 30 June 2025 at an estimated contract variation of \$389,127 (inc GST) from 1 July 2020 to 30 June 2025
- release this resolution into the Minutes of the Ordinary Meeting of 25 March 2020.

CARRIED UNANIMOUSLY

19.5 TENDER CONT19/30 – AITKIN CRESCENT SEALING & ASSOCIATED WORKS**RESOLUTION****Cr C Bisset / Cr E Lording****That Council:**

1. rescinds its decision of 26 February 2020 (Item 19.2) to award Contract CONT 19/30 – Aitkin Crescent, Kinglake – Sealing and Associated Works to Anthony T Lindsay Pty Ltd, Council
2. award Contract CONT19/30 – Aitkin Crescent, Kinglake – Sealing and associated Works to Prestige Paving Pty Ltd for the lump sum price of \$377,024.78 Incl. GST (\$342,749.80 Excl. GST) for the construction of the Aitkin Crescent, Kinglake – Sealing and Associated Works

3. approve the allocation of \$37,702.48 Incl. GST (\$34,274.98 Excl. GST) as a contingency amount as part of Contract CONT 9/30 to complete the project
4. authorise the Chief Executive Office to finalise and execute the contract document on behalf of Murrindindi Council
5. release this resolution into the Minutes of the Ordinary meeting of 25 March 2020.

CARRIED UNANIMOUSLY

The meeting was closed at 6:33 pm.

13/05/2020

CONFIRMED THIS

CHAIRPERSON


