



AGENDA
of the
SCHEDULED MEETING OF COUNCIL

Wednesday 25 August 2021

at

Murrindindi Shire Council
Zoom
Virtual Meeting
Videoconference

6:00 PM

This Scheduled Meeting of Council will be 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**
- 2 APOLOGIES AND REQUEST FOR LEAVE OF ABSENCE**
- 3 COMMUNITY RECOGNITION**
- 4 DISCLOSURES OF INTEREST OR CONFLICT OF INTEREST**
- 5 CONFIRMATION OF MINUTES**

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

Officer Recommendation

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

- 6 PETITIONS**
- 7 PUBLIC PARTICIPATION**
 - 7.1 Open Forum**
 - 7.2 Questions of Council**
- 8 OUR PLACE**
 - 8.1 15 Lot Subdivision - 15 Hull Road, Marysville**

Attachment(s):

1. 15 Hull Road, MARYSVILLE 3779 – Attachments 1 of 9 [8.1.1 - 9 pages]
2. 15 Hull Road, MARYSVILLE 3779 – Attachments 2 of 9 [8.1.2 - 34 pages]
3. 15 Hull Road, MARYSVILLE 3779 – Attachments 3 of 9 [8.1.3 - 19 pages]
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5. 15 Hull Road, MARYSVILLE 3779 – Attachments 5 of 9 [8.1.5 - 10 pages]
6. 15 Hull Road, MARYSVILLE 3779 – Attachments 6 of 9 [8.1.6 - 7 pages]
7. 15 Hull Road, MARYSVILLE 3779 – Attachments 7 of 9 [8.1.7 - 8 pages]
8. 15 Hull Road, MARYSVILLE 3779 – Attachments 8 of 9 [8.1.8 - 7 pages]
9. 15 Hull Road, MARYSVILLE 3779 – Attachments 9 of 9 [8.1.9 - 8 pages]
10. 15 Hull Road, MARYSVILLE 3779 – Submissions (distributed to Councillors separately)

Land: 15 Hull Road, Marysville
Proposal: 15 lot Residential Subdivision and Removal of Vegetation
Applicant: Kanzen Pty Ltd
Zoning: General Residential Zone
Overlays: Bushfire Management Overlay, Vegetation Protection Overlay
Triggers: Clause 32.08-3 - Subdivision
Clause 44.06 – Subdivision

Clause 42.02-2 – Removal of vegetation
Clause 52.17 – Removal of native vegetation

Locality Plan



Purpose

This report recommends that a notice of decision to grant a planning permit be issued for a 15 lot residential subdivision at 15 Hull Road, Marysville.

Officer Recommendation

That Council issue a notice of decision to grant a permit for 'Multi lot subdivision and the removal of native vegetation' at 15 Hull Road MARYSVILLE 3779 (PC: 354247, Parish of Steavenson), subject to the following conditions:

- 1. Prior to the endorsement of the plans referred to in Condition 2 of this permit, a Tree Management Plan must be submitted by a suitably qualified and experienced Arborist in relation to the management and maintenance (including, but not limited to, appropriate irrigation, pruning and other stabilising bracing methods) of tree 1 as identified within the submitted Arboricultural Report from Treemap dated September 2020 to be retained and must be approved by the Responsible Authority prior to the commencement of any works including demolition and levelling of the site. The Tree Management Plan must show:**
 - a. All tree protection zones and structural root zones**
 - b. Fencing of tree protection areas and areas where ground protection systems will be used**
 - c. The type of works (if any) within the tree protection zone**
 - d. All services to be located within the tree protection zone and how such services will be constructed**
 - e. A notation to refer to the Tree Management Plan for specific detail on what actions are required within the tree protection zone**
 - f. Details of how the root system of any tree to be retained will be managed This must detail any initial non-destructive trenching and pruning of any roots required to be undertaken by the project arborist**
 - g. Supervision timetable and certification of tree management activities required by the Project Arborist to the satisfaction of the Responsible Authority**
 - h. All remedial pruning works that are required to be performed on the tree development of the site. The pruning comments must reference Australian**

Standards 4373:2007, Pruning of Amenity Trees and a detailed photographic diagram specifying what pruning will occur.

The recommendations contained in the approved tree management must be implemented to the satisfaction of the Responsible Authority.

- 2. The subdivision must be in accordance with the endorsed plan. This endorsed plan can only be altered or modified with the prior written approval of the Responsible Authority, or to comply with statutory requirements.**
- 3. Pursuant to Section 18 of the *Subdivision Act 1988*, the applicant must pay to the Responsible Authority a sum equivalent to 5% of the site value of all land in the subdivision for Public Open Space. This payment shall be made prior to the issue of a Statement of Compliance and may be adjusted in accordance with Section 19 of the *Subdivision Act 1988***
- 4. Prior to the issue of a Statement of Compliance for the subdivision under the Subdivision Act 1988, a Section 173 Agreement shall be entered into at no cost to Council, which ensures the following:**

CFA Requirements

- a. This agreement has been prepared for the purpose of an exemption from a planning permit under Clause 44.06-2 of the Murrindindi Planning Scheme.**
- b. The incorporation of the plan prepared in accordance with Clause 53.02-4.4 of the Murrindindi Planning Scheme and approved under this permit**
- c. If a dwelling is constructed on the land without a planning permit that the bushfire protection measures set out in the plan incorporated into the agreement must be implemented and maintained to the satisfaction of the Responsible Authority on a continuing basis.**

Vegetation Protection

- d. The Tree Management Plan continues to have effect after the completion of the subdivision**
- e. The oak tree on proposed lot 1 on the property that is shown to be retained may not thereafter be removed unless with the written consent of the Responsible Authority.**

The Section 173 Agreement must be prepared by Council's Solicitors, to the satisfaction of the Responsible Authority and must be registered at the Office of Titles pursuant to Section 181 of the *Planning and Environment Act 1987*.

Telecommunications

- 5. The owner of the land must enter into an agreement with:**
 - a. A telecommunications network or service provider for the provision of telecommunications services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and**
 - b. A suitably qualified person for the provision of fibre ready telecommunications facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can**

demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

6. Before the issue of a Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:
 - a. A telecommunications network or service provider for the provision of telecommunications services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and
 - b. A suitably qualified person for the provision of fibre ready telecommunications facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

Native Vegetation

7. The native vegetation permitted to be removed, destroyed or lopped under this permit is 0.343 hectares of native vegetation, which is comprised of:
 - a. 0.343 hectares of patch native vegetation including 6 large trees, with a strategic biodiversity value of 0.744
 - b. 6 scattered large trees.
8. To offset the removal of 0.343 hectares of native vegetation, the permit holder must secure the following native vegetation offset in accordance with Guidelines for the removal, destruction or lopping of native vegetation (DELWP 2017):
 - a. A general offset of 0.147 general habitat units:
 - i. located within the Goulburn Broken Catchment Management boundary or Murrindindi Shire Council municipal area with a minimum strategic biodiversity value of at least 0.744.
9. Before any native vegetation is removed, evidence that the offset required by this permit has been secured, must be provided to the satisfaction of the Responsible Authority. This evidence must be one or both of the following:
 - a. an established first party offset site including a security agreement signed by both parties, and a management plan detailing the 10-year management actions and ongoing management of the site; and/or
 - b. credit extract(s) allocated to the permit from the Native Vegetation Credit Register.
10. Where the offset includes a first party offset(s), the permit holder must provide an annual offset site report to the responsible authority by the anniversary date of the execution of the offset security agreement, for a period of 10 consecutive years. After the tenth year, the landowner must provide a report at the reasonable request of a statutory authority.

Engineering

Construction Management Plan

11. Before the commencement of works for any stage of the subdivision, a Construction Management Plan (CMP) must be submitted to and approved by the

Responsible Authority. Upon approval of the CMP, the plan will be endorsed to form part of this permit. The plan must include:

- a. A Site Environment Management Plan (SEMP), that shows:**
 - i. Proposed erosion and sediment control works;**
 - ii. Techniques and intervention levels to prevent a dust nuisance;**
 - iii. Protection measures taken to preserve any vegetation identified for retention;**
 - iv. Techniques to prevent mud and dirt being transported from the site to nearby streets;**
 - v. location of any site sheds, on-site amenities, building waste storage and the like, noting that Council does not support site sheds on council road reserves; and**
 - vi. Measures relating to removal of hazardous or dangerous material from the site, where applicable.**
- b. Hours for construction activity**
- c. Noise mitigation measures to ensure compliance with EPA regulations**
- d. A Traffic Management Plan showing truck routes to and from the site;**
- e. Measures to ensure that sub-contractors / tradespersons operating on the site are aware of the contents of the Construction Management Plan;**
- f. Contact details of key construction site staff;**
- g. Measures to control vibrations on surrounding properties**
- h. Measures for the protections of council assets.**

The protection methods contain in the CMP must be implemented to the satisfaction of the Responsible Authority and the Environmental Protection Agency until the development is completed.

- 12. Before any works associated with the development commence, the developer shall appoint a competent and suitably qualified Project Manager who shall be responsible for the supervision and management of the project, to the satisfaction of the Responsible Authority.**
- 13. Prior to the certification of the plan of subdivision, the permit holder must provide, in accordance with the requirements of the Responsible Authority the following plans detailing the extension of Hull Road:**
 - a. Designed in accordance with the Infrastructure Design Manual (IDM) SD605 Access Street, 7.3m invert to invert with SM2 or B2 kerb and channel and an asphalt wearing course. With only a single path as detailed**
 - b. Each lot shall have concrete driveway crossing from sealed edge to the property line as per the Infrastructure Design Manual Standard Drawing 260**
 - c. Provide traffic management treatments for road intersections**
 - d. Provide street lighting suited for rural environment**
 - e. Provide services in accordance with Relevant Authority requirements**
 - f. Dips must have no more than 1:7 (14.4%), however, a maximum of 1:5 (20%) may be allowed for a maximum length of 50 m**
 - g. Table drain batter slopes shall be flatter than 2:1 (H: V) unless special slope protection works approved by the Relevant Authority**
 - h. Roads must have minimum cross fall alignment of 1:33 (3%) and minimum inner radius of 10 m**
 - i. All road pavements must include a prime coat and a 40mm depth Asphalt wearing course, a pavement design shall be provided based on geotechnical report provided by an accredited consultancy company.**

- j. A landscaping plan detailing features designed to enhance the visual and environmental amenity of the subdivision. The plan must provide for extensive planting of predominately street trees, with additional shrubs and grasses in the road reserves through and abutting the development. Gravel is not to be used within proposed nature strips**
- k. Need to demonstrate a genuine attempt to include the principles of circular economy and the incorporation of environmentally sustainable design practices.**

Plans and specifications for the landscaping, roads and stormwater drainage system, including computations and supporting information must be prepared to the satisfaction of the Responsible Authority and be endorsed.

- 14. Prior to Statement of Compliance a footpath along the proposed road must be constructed to the satisfaction of the Responsible Authority. The footpath must comply with the Infrastructure Design Manual Standard Drawing 205.**

Drainage

- 15. Prior to certification of the plan of subdivision, plans and calculations for the stormwater drainage system and supporting information must be prepared to satisfaction of the Responsible Authority and receives its endorsement. Drainage calculations shall include a hydraulic grade line analysis taking into account the 1 in 100 year storm event for the total catchment contributing to the outfalls of the development.**
- 16. Prior to the issue of Statement of Compliance of the subdivision under the Subdivision Act 1988, a Stormwater Management Plan in accordance with Council's Infrastructure Design Manual (IDM) Clause 11 with reference to Clause 17 – Rural Drainage must be submitted and approved by the Responsible Authority. Once approved, the Stormwater Management Plan will be endorsed to form part of this permit. The plan must include the following considerations and outcomes: Adverse effects on downstream properties must be considered and outfall requirements upgraded to accommodate diverted or concentrated flows;**
 - a. Design of the lots, roads and stormwater drainage system to restrict outflows from the development to pre-development levels;**
 - b. The road and drainage design shall meet the objectives of the minor and major drainage systems as defined in IDM guidelines;**
 - c. The road design shall incorporate measures to protect swale drain and infiltration areas by deterring unauthorized parking and/or access of vehicles in those areas;**
 - d. Drains, batters and all distributed areas are to be top-soiled and seeded to establish a minimum 90% of grass cover;**
 - e. Each lot must be independently drained to the satisfaction of the Responsible Authority. Drainage pipes from each lot should not discharge directly to swale drains;**
 - f. Any drainage outfall pipe shall be directed to the underground drainage system;**
 - g. All stormwater and surface water discharging from the development must be conveyed to the point of discharge, approved by the relevant authority.**

Crossovers

- 17. Prior to commencing any works on the site the vehicular entrance to the subject land from the road must be constructed at applicant's expense to provide ingress**

and egress to the site at a location and of a size and standard satisfactory to the Responsible Authority. Refer to Council's Infrastructure Design Manual standard drawing SD 260.

General

18. Prior to the issue of a Statement of Compliance by the Responsible Authority, the Developer must undertake or cause to be provided in accordance with the requirements of the Responsible Authority the following:
- a. Payment to the Responsible Authority of a supervision fee to a maximum of 2.5% of the actual cost of the subdivision works, the amount to be determined by the Responsible Authority (the developer must submit a copy of the Construction Contract Schedule, for verification of the amount by Council);
 - b. Payment to the Responsible Authority of an engineering design checking fee of up to 0.75% of the value of documented works, the amount to be determined by the Responsible Authority;
 - c. The maintenance of all construction works for a defect liability period of 12 months from the date construction is practically completed including the lodgement of a refundable bond calculated at 5% of the road, landscaping and drainage construction costs;
 - d. The Responsible Authority will only accept the works at the end of this period if there is no damage or defect identified during or at the conclusion of the defect liability period. Defects shall be rectified to the satisfaction of the Responsible Authority;
 - e. Fire hydrant in accordance with the Country Fire Authority requirements (generally at a maximum spacing of 120 m), at the subdivider's expense;
 - f. Reticulated water supply, sewerage, telecommunications and electricity to each lot, in conjunction with the relevant authorities;
 - g. Completion of all works in accordance with approved plans.
19. Prior to issue of a Statement of Compliance for the subdivision, the developer must provide internal roads including earthworks, pavement, sealing, drainage, line marking, signage, environmental treatments and other works across the frontage of the lots to the Satisfaction of the Responsible Authority

Cultural Heritage Management Plan

20. All works must be in accordance with the requirements of the Cultural Heritage Management Plan 17529 dated 25 June 2021 and written by Ecology & Heritage Partners Trinity Gurich, Siobhan Privitera and Ilona Bartsch. In particular this requires:
- a. copy of approved CHMP to be kept on-site
 - b. cultural awareness induction for personnel involved in ground disturbance works
 - c. compliance inspections and supervision of ground works during activity
 - d. repatriation of artefacts.

AusNet

21. The applicant must:
- a. Enter in an agreement with AUSNET ELECTRICITY SERVICES PTY LTD for supply of electricity to each lot on the endorsed plan
 - b. Enter into an agreement with AUSNET ELECTRICITY SERVICES PTY LTD for the rearrangement of the existing electricity supply system
 - c. Enter into an agreement with AUSNET ELECTRICITY SERVICES PTY LTD for rearrangement of the points of supply to any existing installations affected by

- any private electric power line which would cross a boundary created by the subdivision, or by such means as may be agreed by AUSNET ELECTRICITY SERVICES PTY LTD
- d. Provide easements satisfactory to AUSNET ELECTRICITY SERVICES PTY LTD for the purpose of "Power Line" in the favour of "AUSNET ELECTRICITY SERVICES PTY LTD" pursuant to Section 88 of the *Electricity Industry Act 2000*, where easements have not been otherwise provided, for all existing AUSNET ELECTRICITY SERVICES PTY LTD electric power lines and for any new power lines required to service the lots on the endorsed plan and/or abutting land
 - e. Obtain for the use of AUSNET ELECTRICITY SERVICES PTY LTD any other easement required to service the lots
 - f. Adjust the position of any existing AUSNET ELECTRICITY SERVICES PTY LTD easement to accord with the position of the electricity line(s) as determined by survey
 - g. Set aside on the plan of subdivision Reserves for the use of AUSNET ELECTRICITY SERVICES PTY LTD for electric substations
 - h. Provide survey plans for any electric substations required by AUSNET ELECTRICITY SERVICES PTY LTD and for associated power lines and cables and executes leases for a period of 30 years, at a nominal rental with a right to extend the lease for a further 30 years. AUSNET ELECTRICITY SERVICES PTY LTD requires that such leases are to be noted on the title by way of a caveat or a notification under Section 88 (2) of the Transfer of Land Act prior to the registration of the plan of subdivision
 - i. Provide to AUSNET ELECTRICITY SERVICES PTY LTD a copy of the plan of subdivision submitted for certification that shows any amendments that have been required
 - j. Agree to provide alternative electricity supply to lot owners and/or each lot until such time as permanent supply is available to the development by AUSNET ELECTRICITY SERVICES PTY LTD. Individual generators must be provided at each supply point. The generator for temporary supply must be installed in such a manner as to comply with the *Electricity Safety Act 1998*
 - k. Ensure that all necessary auditing is completed to the satisfaction of AUSNET ELECTRICITY SERVICES PTY LTD to allow the new network assets to be safely connected to the distribution network.

Goulburn Valley Water (GVW)

22. Pursuant to Section 56(1)(B) of the Planning and Environment Act, the Corporation does not object to the granting of a permit, providing the following specified conditions are placed on the permit:

- a. Payment of new customer contribution charges for water supply to the development, such amount being determined by the Corporation at the time of payment;
- b. Payment of new customer contributions charges for sewerage services to the development, such amount being determined by the Corporation at the time of payment;
- c. Provision of reticulated sewerage and associated construction works to each allotment within the development, at the developer's expense, in accordance with standards of construction adopted by and to the satisfaction of the Goulburn Valley Region Water Corporation;
- d. Provision of reticulated sewerage and associated construction works to each allotment within the development, at the developer's expense, in accordance with standards of construction adopted by and to the satisfaction of the

- Goulburn Valley Region Water Corporation; (The works may include, but not be limited to the construction of a sewerage pumping station, rising mains and gravity mains);**
- e. Provision of easements in favour of the Goulburn Valley Region Water Corporation over all existing and proposed sewer mains located within private property;**
 - f. The operator under this permit shall be obliged to enter into an Agreement with Goulburn Valley Region Water Corporation relating to the design and construction of any sewerage or water works required. The form of such Agreement shall be to the satisfaction of Goulburn Valley Water. A copy of the format of the Agreement will be provided on request;**
 - g. The plan of subdivision lodged for certification is to be referred to the Goulburn Valley Region Water Corporation pursuant to Section 8(1) of the Subdivision Act, 1988.**

Country Fire Authority (CFA)

23. The Bushfire Management Plan (prepared by Terramatrix, dated 18/01/2021), must be endorsed to form part of the permit and must not be altered unless otherwise agreed in writing by the CFA and the Responsible Authority. When endorsed the plan must be included as an annexure to the section 173 agreement prepared to give effect to Clause 44.06-5 of the Murrindindi Planning Scheme

24. Before the Statement of Compliance is issued under the *Subdivision Act 1988*, defensible space on every lot in the subdivision must be implemented and maintained as specified on the endorsed Bushfire Management Plan, unless otherwise agreed in writing by the CFA and the Responsible Authority.

25. Before the statement of compliance is issued under the *Subdivision Act 1988* the owner must enter into an agreement with the responsible authority under Section 173 of the Planning and Environment Act 1987. The agreement must:

- a. State that it has been prepared for the purpose of an exemption from a planning permit under Clause 44.06-2 of the Murrindindi Planning Scheme.**
- b. Incorporate the plan prepared in accordance with Clause 53.02-4.4 of this planning scheme and approved under this permit**
- c. State that if a dwelling is constructed on the land without a planning permit that the bushfire protection measures set out in the plan incorporated into the agreement must be implemented and maintained to the satisfaction of the responsible authority on a continuing basis.**

The land owner must pay the reasonable costs of the preparation, execution and registration of the Section 173 Agreement.

The Section 173 Agreement must be prepared by Council's Solicitors, to the satisfaction of the Responsible Authority and must be registered at the Office of Titles pursuant to Section 181 of the *Planning and Environment Act 1987*.

Council will undertake to have the Agreement prepared upon written notification from the applicant. All fees associated with the documentation must be fully paid prior to execution and registration of the document by Council.

Planning Permit Expiry

This permit shall expire if the plan of subdivision hereby permitted is not certified within two (2) years of the date hereof or any extension of such period, the Responsible

Authority may allow in writing on an application made before or within six months after such expiry.

NOTATIONS

An application for consent to work on the road reserve is required to be made prior to commencing any works on the road reserve and must comply with the requirements of the Road Management Act 2004 and associated Regulations.

Background

The subject site was previously used as Maryland's Country House Hotel which was built in the early 1900's and is considered to be of local significance.

The hotel was accessed from Falls Road with a significant tree-lined driveway and gardens. This access was located on two lots now known as 20 and 22 Falls Road. They are not included in this application and have recently been approved for further subdivision.

The hotel was destroyed in the February 2009 Bushfires and since this time the site has remained vacant.

A previous application was made for a subdivision on this site in 2018. This application was amended on several occasions and was eventually withdrawn.

This application was received on the 18 June 2020. It has been amended on the 23 December 2020 to allow for the protection on an oak tree following the objections to the removal of the tree.

The Land and Surrounds

The subject site comprises a vacant lot of 1.395 hectares. It is square in shape with a small court bowl cut out on the eastern side which is the current end of Hull Road. To the south east of the site are lots developed with single dwellings and generally range in area from approximately 520sqm to 2000sqm

The south western boundary of the site has a 120-metre frontage to Kings Road. Land to the south of Kings Road is generally undeveloped and is also in the General Residential Zone.

Abutting the site to the North West is Crown land which is managed by the Department of Environmental Land Water and Planning. This land is zoned as Public Use Zone 7 and is vegetated with a creek running through the centre.

The subject site shares 3 abuttals to the north east of the site. The property currently known as 20 Falls Road was approved a planning permit for a 6-lot subdivision in December 2020 at a meeting of council. A planning permit was also issued for the property known as 22 Falls Road for a 2-lot residential subdivision. The property known as 32 Falls Road is developed by way of a single dwelling. The adjoining property to the north west is a similar sized property with group accommodation villas.

The subject site is located in close proximity to the centre of town with Murchison Street shopping precinct and Marysville Community Centre being located within 600 metres walking distance of the subject site.

Proposal

The proposal is to subdivide the land into fifteen lots. The lots are generally rectangular in shape. The lots range in size from 521 square metres to 2131 square metres with an average of 746.8 square metres. More specifically, the subdivision is configured as follows:

Lot 1	2131m ²
Lot 2	902 m ²
Lot 3	759 m ²
Lot 4	765m ²
Lot 5	908m ²
Lot 6	544m ²
Lot 7	521m ²
Lot 8	597m ²
Lot 9	601m ²
Lot 10	583m ²
Lot 11	589m ²
Lot 12	566m ²
Lot 13	566m ²
Lot 14	536m ²
Lot 15	635m ²

The applicant has included building envelopes for the purpose of addressing the Bushfire Management Overlay requirements.

Native vegetation will be required to be removed to accommodate the development. This is a patch of native vegetation located in the eastern corner. This has been included in the application documents.

There is a significant oak tree that has been proposed to be protected by a Section 173 Agreement following concerns raised by the community.

Access to the lots is to be provided by both an extension of the existing Hull Road which will join with Kings Road at the south western corner of the site. This road will provide access to Lots 1 to 10. Access to Lots 11 to 15 will be made available from Kings Road. The road will be required to be sealed in accordance with the Infrastructure Design Manual.

The proposal was accompanied by:

- A Bushfire Management Statement
- Cultural Heritage Management Plan
- Biodiversity Report and Offset Report
- Planning Report addressing the relevant clauses of the Murrindindi Planning Scheme
- Tree Protection Plan for the significant oak on the site.

Cultural Heritage Management Plan

The site is in an area of cultural sensitivity as defined by the *Aboriginal Heritage Regulations 2018*. Consequently, a Cultural Heritage Management Plan has been provided which was approved by the Taungurung Land & Waters Council on Monday 28 June 2021.

Community and Stakeholder Consultation

Notice of the application was provided in accordance with the requirements of the *Planning and Environment Act 1987* as follows:

Submissions

Five submissions were received. The concerns of the submissions can be summarised as follows:

- Removal of oak tree which has local historical significance
- Small Lot sizes not in character with the town of Marysville as they do not allow for large gardens
- Building envelopes that allow development within 1 metre of boundaries
- Removal of all vegetation on the site
- Hull Road should stay as a cul de sac.

An online meeting of parties was held with the applicant, objectors, council officer and two Councillors on 8 September 2020 due to COVID-19 restrictions in place at that time. At the meeting the applicant proposed to protect the oak tree and has since provided updated plans that reflect this. This has been achieved by altering the road and lot positioning and layout to avoid the Tree Protection Zone.

No submissions have been withdrawn.

Referrals

The application was referred to the Country Fire Authority, Department of Environment Land Water and Planning, Goulburn Valley Water and Ausnet.

All referral authorities have provided written consent to the proposal, subject to conditions.

Internal referrals

The application was referred internally to council's engineering department, environmental programs officer and arborist.

Discussion - Planning Considerations

Planning Policy

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

Clause 02.03 sets out Council's Strategic Direction in relation to housing, which outlines that established townships and settlements offer a significant opportunity to expand and provide living opportunities in locations with infrastructure and leisure facilities, where natural environment is protected and where a high level of community safety is facilitated. Council seeks to manage the development of its towns by:

- Promoting and facilitating further residential development and housing diversity in established townships to meet the needs of the community, including affordable housing, public housing and aged care accommodation
- Supporting residential growth that is sustainable
- Facilitating the rebuilding of housing and residential diversity in towns and communities affected by natural disasters, including the 2009 bushfires.

The strategic direction for Marysville specifically includes a desire to facilitate development of the township for all year round residential, commercial and tourism destination.

The proposal would provide a medium density residential development which achieves the stated policy objectives in a number of ways:

- The proposal would assist in increasing the availability and diversity of lots within Marysville (and Murrindindi Shire more broadly) through the creation of smaller lots with access close to the town centre
- The site is located in an area supported by infrastructure and close to community services and facilities. The proposal is located on a site inside an established township in a location zoned to support residential development.

Clause 02.04 Strategic Framework Plans

Clause 02.04 Strategic Framework Plans includes the 'Marysville Framework Plan'. This plan includes the subject site in the area marked to 'Encourage Development within Existing Strengthen Town Centre'.

The proposal will allow for increased residential use in this area and reflects the intention of this plan.

Clause 11.01-1S Settlement

Clause 11.01-1S Settlement includes strategies to deliver networks of high-quality integrated settlements that have a strong identity and sense of place, are prosperous and are sustainable by:

- Building on strengths and capabilities of each region across Victoria to respond sustainably to population growth and changing environments
- Developing settlements that will support resilient communities and their ability to adapt and change
- Encourage a form and density of settlements that supports sustainable transport to reduce greenhouse gas emissions
- Limit urban sprawl and direct growth into existing settlements
- Promote and capitalise on opportunities for urban renewal and infill redevelopment.

The proposed subdivision is consistent with the planning policy as it will sustainably grow the population within an existing settlement. According to the most recent census data (2016) there are generally two people per household in Marysville. As such this subdivision has the potential to increase the population by 30 people. The proposed lots are appropriately sized and will allow for residential use within a walkable distance to the town centre and community facilities.

Clause 13.02-1S Bushfire Planning

Clause 13.02-1S Bushfire Planning applies to land within the Bushfire Management Overlay, and includes the objective to strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises protection of human life.

To achieve this objective, the policy includes a strategy of 'Directing population growth and development to low-risk locations and ensuring the availability of, and safe access to, areas where human life can be better protected from the effects of bushfire'.

Accordingly, the proposal seeks to subdivide land within a predominantly cleared urban infill site with a Bushfire Attack Level of BAL29 rating as established by the provided Bushfire Management Statement. This is considered consistent with the prioritisation of life over all other considerations. The proposed site will have good access to the neighbourhood safer place, (Marysville Community Centre) to which there are multiple alternative routes.

Clause 13.02-1L Bushfire Planning

Clause 13.02-1L Bushfire Planning seeks to facilitate the re-building of communities, destroyed homes and damaged infrastructure affected by the 2009 bushfire and the re-establishment of the commercial centre. All decisions are made in a way that mitigates bushfire risk. The subject site has remained vacant following the 2009 bushfires. Being undeveloped has meant that the land has not been managed to the same extent as will be required for compliance with the provided Bushfire Management Plans. Once each lot is developed there will be requirements to ensure that bushfire risk is mitigated to an acceptable level.

This local policy also requires consideration be given to, 'The condition, location and route of available vehicle access and its suitability for safe and efficient egress before and during a bushfire'. The proposed continuation of Hull Road that will result in a connection to Kings Road which is beneficial from a bushfire mitigation perspective as it will provide an additional egress option for existing residents of Hull Road.

Clause 15.01S Neighbourhood Character

Clause 15.01S Neighbourhood Character includes objectives of contributing to existing or preferred neighbourhood character, and responding to characteristics of the local environment by emphasising features such as the local pattern of development and subdivision, the underlying natural landscape character and significant vegetation, and heritage and built form values that reflect community identity.

Council does not have a specified neighbourhood character contained within the planning scheme. However, the proposed subdivision responds to the existing neighbourhood character and existing lot layout in the surrounding area. The lots range in size from approximately 521 square metres to approximately 2,131square metres. Generally, the lots are consistent with surrounding land parcels in Hull Road (Council mapping indicates approximate land sizes from 510sqm to 1119sqm). It is noted that the largest lot (approx. 2,131sqm) is required to be larger to provide adequate setback distance for bushfire protection, as outlined in the provided Bushfire Management Statement and protection of the significant oak tree.

Clause 15.01-3S Subdivision Design

Clause 15.01-3S Subdivision Design objective is to ensure the design of subdivisions achieves attractive, safe, accessible, diverse and sustainable neighbourhoods by creating walkable distance between activities, provide a range of lot sizes, reduced car dependency within the town, access to safe and attractive spaces and networks for walking and cycling.

The proposed subdivision design provides a through-road to allow for easily accessible lots that are safe for residents. Five lots are accessible via Kings Road, with the remaining lots accessible via the internal Hull Road 'extension'. This layout seeks to reduce the dependency on Hull Road, and therefore create a safer environment for residents. The location of the proposed subdivision allows residents to access the town centre and facilities without being dependent on cars.

Clause 16.01-1S Housing Supply and Clause 16.01-2L Residential Development

Clause 16.01-1S Housing Supply and Clause 16.01-2L Residential Development strategies are to increase the proportion of housing in designated locations by reducing greenfield development and encourage higher density housing development on sites that are well located and serviced.

It is considered that the proposed subdivision exemplifies this strategy as it will provide for medium density housing within an established and serviced township. The proposal would contribute to the diversity of housing within Marysville and Murrindindi Shire through the creation of smaller households.

Clause 16.01-2S Housing affordability

The objective of Clause 16.01-2S Housing Affordability is to deliver affordable housing closer to jobs, transport and services. This can be achieved by increasing choice in housing types and ensuring land supply continues to be sufficient to meet demand.

The proposal supports more affordable housing within close proximity to the centre of the township of Marysville. The proposed additional 15 lots will increase the number of lots available for growth of the community. Housing and land supply in Marysville is limited and the growth of the town is significantly constrained by surrounding natural features which contribute to the character of the town. The proposed lot sizes will provide for greater diversity of housing types in Marysville that are more affordable and lower maintenance than larger lots that already exist within the town.

Clause 19.03 -2S Development infrastructure and Clause 19.03-2L Infrastructure Design

Clause 19.03 -2S Development infrastructure and Clause 19.03-2L Infrastructure Design and provision require an integrated approach to the planning and engineering design of new subdivisions and the Infrastructure Design Manual (IDM) be considered to ensure consistency across the municipality.

As the proposed subdivision will be required to be in accordance with the IDM and will create a connectivity between Hull Road and Kings Road it is considered to be consistent with this policy.

Marysville & Triangle Urban Design Framework, Roberts Day, 2009

The *Marysville & Triangle Urban Design Framework*, Roberts Day, 2009 is a background document to the Murrindindi Planning Scheme (under Clause 72.08), outlining strategic directions and design framework for the rebuilding of the Marysville township. The framework has the status of a policy document to guide Council's decision making for applications for planning permits.

The Marysville Framework Plan shows this site for use as a guest house and major accommodation site for tourism related uses. The framework showed a desire to keep the 3 properties on Falls Road and the subject site as a single unit. These properties were already made up of separate lots with no controls to prevent the lots being sold and developed individually. The Marysville & Triangle Urban Design Framework was completed after the 2009 bushfires. Since this time the site has been sold in three parts to separate owners removing the ability to use the site for this purpose. The two other lots that made up the Maryland's Guest House Hotel have been approved for subdivision. Given these changes to the property it may be considered that the use for tourist accommodation is no longer appropriate given the loss of access to Falls Road. However, the proposed subdivision does not prevent future land owners from applying for group accommodation on the proposed lots. This use would require a planning permit and would be assessed accordingly.

The *Marysville & Triangle Urban Design Framework* is a document intended to be guiding. It does not have the same statutory weight as planning policy as it has not been reviewed by the Minister of Planning or been put on public notice as have all other provisions of the planning scheme.

Clause 32.08 General Residential Zone

The purpose of the General Residential Zone

- *To implement the Municipal Planning Strategy and the Planning Policy Framework*
- *To encourage development that respects the neighbourhood character of the area*
- *To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport*
- *To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.*

The proposal would assist in diversifying housing stock within Marysville (and Murrindindi Shire more broadly) through the creation of smaller household types with excellent access to town infrastructure.

The General Residential Zone requires that any subdivision must meet the requirements of Clause 56 (Rescode) as discussed below.

The proposal is consistent with the neighbourhood character. The schedule to the General Residential Zone does not contain specific neighbourhood character objectives to be achieved for the area.

Clause 44.06 Bushfire Management Overlay

The subject site is covered by the Bushfire Management Overlay. The purpose of this overlay is to:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework*
- *To ensure that the development of land prioritises the protection of human life and strengthens community resilience to bushfire*
- *To identify areas where the bushfire hazard warrants bushfire protection measures to be implemented*
- *To ensure development is only permitted where the risk to life and property from bushfire can be reduced to an acceptable level.*

The subdivision is considered consistent with applicable planning policy as discussed above. It is considered that appropriate bushfire mitigation measures have been implemented which reduce bushfire risk to an acceptable level.

The extension of Hull Road to become a through road will consequently allow for better bushfire safety than the current end of Hull Road which is a court bowl. It provides for an additional access/egress route in the instance of a bushfire. The road also creates a buffer from the significant vegetation located to the north of the site. The proposed extension to Hull Road demonstrates the prioritisation of human life over all other policy considerations including character and amenity considerations.

Clause 42.02 Vegetation Protection Overlay – Schedule 1

The purpose of the Vegetation Protection Overlay is to ensure areas of significant vegetation are protected and ensure that future development minimises the loss of vegetation. The schedule to this overlay contains the following statement:

'The vegetation within the township of Marysville is of historical and aesthetic significance. Marysville is a significant tourist destination within the Shire. Views and native vegetation from roads leading into Marysville form an important part of the area's character and are important for tourists and residents. The devastating fire of 7 February 2009 resulted in the loss of significant indigenous, native and exotic vegetation. The surviving remnant trees are of value in recreating the landscape character of Marysville.'

Under Clause 52.12-5 the vegetation required to be removed to provide for defensible space for the construction of a dwelling is exempt from requiring additional planning approval. However, as this subdivision will result in the vegetation being lost it is still a valid consideration.

The majority of the site will be required to be cleared as a result of the proposed subdivision.

A biodiversity assessment was provided which detailed the vegetation on this site.

An additional arboricultural assessment was provided in relation to the oak tree to be protected. This report detailed the required protection measures for the tree to remain intact. The proposed road design was considered adequate to protect the oak tree as the works will not encroach greater than 10% of the Tree Protection Zone. This was reviewed by council's arborist who agreed with this finding and has recommended additional measures which have been included in the officer recommendation.

Given the location of the site not being on a road into Marysville, the quality and quantity of the vegetation on the site and the commitment to the protection of the Oak Tree on the site it is considered that the proposal is consistent with the Vegetation Protection Overlay. Furthermore, a

significance portion of the vegetation is required for the creation of defensible space for future dwellings. These requirements are consistent with bushfire planning provisions which require the protection of human life be prioritised over all other considerations.

Clause 53.02 Bushfire Planning

The subdivision objectives at Clause 52.47-2.4 refer to providing lots that are capable of being developed in accordance with the objectives of Clause 52.47, and to specifying at subdivision stage bushfire protection measures to develop a lot with a single dwelling on land zoned for residential or rural residential purposes. The related Approved and Alternative Measures AM 5.2 requires an application to subdivide land for residential purposes to be accompanied by a plan that shows building envelopes, defensible space, vegetation management requirements, water supply and vehicle access.

The application included a Bushfire Management Statement and Plan that showed both approved and alternative measures to be implemented.

The provided Bushfire Management Statement and Bushfire Management Plan were referred to the Country Fire Authority who confirm the plans were to their satisfaction.

Clause 52.17 Native Vegetation

The decision guidelines under Clause 52.17-5 require the following matters to be considered where proposals to remove native vegetation fall within the moderate risk-based pathway:

- Whether reasonable steps have been taken to minimise the impacts of the removal of native vegetation on biodiversity
- That an offset that meets the offset requirements for the native vegetation that is to be removed as defined in the Guidelines has been identified.

The application included a biodiversity assessment and offset report for the vegetation required to be removed due to the subdivision. The assessment noted that the conservation rating is considered of 'least concern'. The habitat scores for the 3 patches to be removed ranged from .35 to .50 out of 1. This is considered a low score.

The extent of vegetation removal (3430m²) including 6 larger trees, low strategic biodiversity score and low habitat value due to dispersed nature of the site's native vegetation together demonstrate that the site's native vegetation does not make a significant contribution to Victoria's biodiversity.

Clause 56 Residential Subdivision

The proposal has been assessed against the requirements of Clause 56 (Rescode). The proposal complies with the objectives and standards relating to liveable and sustainable communities, lot design, urban landscape, access and mobility management, integrated water management, site management and utilities.

Overall, it is considered that the subdivision complies with the objectives and standards of Rescode and is an acceptable subdivision of the site which will add to the housing options available in Marysville.

Discussion - Submissions

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

- *Removal of oak tree which has local historical significance.*

As discussed above, the applicant has amended the plans to include the protection of the significant oak tree. Council's arborist has assessed the tree and confirmed that it should be protected and provided conditions to ensure this is achieved. These Requirements have been included in the officer recommendation.

- *Small Lot sizes not in character with the town of Marysville as they do not allow for large gardens.*

It is understood that many residents of Marysville feel that lots should be larger to allow for gardens that the area is known for.

As discussed above, the proposed lot sizes are within the requirements for the General Residential Zone. They are not uncommon for the area. Given the location in close proximity to the town centre it is considered that the density of the subdivision has significant state and local planning support.

- *Building envelopes that allow development within 1 metres of boundaries.*

The building envelopes included on the Bushfire Management Plan are for bushfire protection purposes only. The envelopes specify an exemption from planning permit requirements under the provisions of the Bushfire Management Overlay only. There is the potential for future land owners to build outside of these building envelopes with appropriate permissions. However, all buildings must comply with building regulations.

- *Removal of all vegetation on the site.*

It is recognised by the Murrindindi Planning Scheme that Marysville is characterised with significant vegetation that should be protected where possible. There is an inherent challenge with protecting vegetation and ensuring resilience from bushfire risk.

As discussed above, the application was accompanied by a comprehensive biodiversity assessment for the site and an offset report.

Should a planning permit issue it is considered appropriate that a requirement for landscaping within the proposed road reserve be included which ensures additional landscaping which will enhance the established character of this area within Marysville.

- *Hull Road should stay as a cul de sac.*

As discussed above, the extension of Hull Road is considered beneficial from both an urban design and a bushfire safety perspective.

Relevant VCAT Cases

In regards to the weight to be given to Marysville Urban Design Framework, *Rivette Pty Ltd v Macedon Ranges SC [2014]* is considered relevant. In this application the council argued that the structure plan should be used to support the refusal of an application. VCAT disagreed and determined that:

36 We note that although Council has sought to assess the proposed subdivision against the neighbourhood character guidelines contained within the Woodend Structure Plan, there is no certainty as to what eventual form these guidelines may take in the Macedon Ranges Planning Scheme. Hence, we agree with the Applicant that the weight that should be given to the Woodend Structure Plan and the neighbourhood character guidelines is limited. Accordingly,

although we do have regard to the Woodend Structure Plan, such regard is limited to considering the general directions and outcomes contained within it, that are relevant to the proposal.

Conclusion

It is considered that the 15-lot subdivision is appropriate and will provide medium density housing within the town centre where bushfire risk can be mitigated to an acceptable level. The protection of significant oak tree will allow the significance of the site to remain. The application has been assessed against relevant State, Regional and Local Planning Policy. Overall, the application demonstrates a high level of compliance with the objectives, purposes and decision guidelines of the Murrindindi Planning Scheme.

Community and Stakeholder Consultation

Notice of the application was provided in accordance with the requirements of the *Planning and Environment Act 1987* as follows:

- letters to adjoining and nearby property owners
- notice of the application was displayed on the subject land.

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”.

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

This report supports the *Council Plan 2017-2021 Our Place* strategy to “recognise and embrace the history, culture and identity of our towns and communities”.

Relevant Legislation

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

Financial Implications and Risk

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

Conflict of Interest

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

8.2 Rethink: Reduce: Reuse: Recycle - Council's Waste and Resource Recovery Strategy

Attachment(s):

1. Waste and Resource Recovery Strategy [8.2.1 - 48 pages]

Purpose

This report seeks Council's adoption of the Waste and Resource Recovery Strategy.

Officer Recommendation

That Council adopt the Waste and Resource Recovery Strategy: Rethink – Reduce – Reuse – Recycle.

Background

Council's previous Waste and Resource Recovery Strategy (the Strategy) expired in 2019 and a new strategy is required.

Councillors and the community have been involved in the development of the new Strategy. The Strategy was brought to Council on 7 April 2021 prior to being released for community consultation, after which some amendments were made to the Draft Strategy and a Summary Document was created. Following the community consultation, the community feedback was presented to Council on 21 July and Council approved changes to the document in response to the feedback.

Discussion

'*Rethink | Reduce | Reuse | Recycle*' is the title of Council's new Waste and Resource Recovery Strategy. The title reflects a way of thinking about waste that is embedded into the strategy and which we aim to have as a simple mantra for the community to follow.

This Strategy seeks to ensure our waste services are guided by modern principles and the directions of State policy, and are able to meet the challenges of an evolving waste industry, while meeting our obligations to our ratepayers and the environment. It articulates a vision that:

"Our shire will become a low waste municipality that lives the principles of a circular economy, working locally to protect our natural environment and community from the impacts of waste."

The document presents some waste specific guiding principles which are intended to guide the thinking of Council and the community around waste issues:

- The Circular Economy of Waste - A circular economy seeks to eliminate waste and the continual consumption of resources by directing waste back into the economy to be reused or recycled into new materials and products
- The Waste Hierarchy - sets out an order of preference for how waste should be managed to help achieve the best possible environmental outcomes.

In developing the Strategy, consideration has been given to:

- Global and local issues and opportunities that shape how we generate and handle waste
- The legislation and policies that govern many aspects of waste and resource recovery
- Guiding principles and trends in waste management
- Feedback from Council and the community.

The Strategy presents local and state context, and outlines the challenges and opportunities specific to Murrindindi Shire and to this point in time when the waste management industry and state government policy are in a state of flux. In responding to these points, a Strategic Action Plan is proposed that is framed around 3 goals:

- To AVOID creating waste through education and decision making
- To RECOVER maximum value from all waste materials
- To PROTECT our environment and the community from the impacts of waste.

There are 80 specific strategic actions listed for delivery over the next 10 years. Every year each strategic action allocated to occur in that year will be addressed in a specific and budgeted action plan for that year.

Council Plan/Strategies/Policies

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

This matter is related to the current *Council Plan 2017-2021* which includes commitments under *Our Place* to implement actions that will improve the environmental sustainability of the

community. Preparation of the new Council Plan 2021-2025 is nearing completion, and similar principles are proposed to be included in the that Plan.

Relevant Legislation

Council's functions in relation to waste are principally governed under the *Public Health and Wellbeing Act 2008* (VIC) and the *Environment Protection Act 2017* (VIC) and the State's *Recycling Victoria* policy.

Taken together these State Acts and Policies are interpreted to require a Municipal Council to provide waste services to the community, including kerbside collections in areas of dense population. This Strategy has been prepared to comply with the mandatory and aspirational aspects of the regulations and policies.

Financial Implications and Risk

The strategy has significant budgetary implications, with many actions committing Council to additional expenditure and resources if they are to be realised. The funding required to implement the action plan will be based on a yearly update of the action plan which will be considered by Council during annual budget preparation cycles and factored into the 10-year waste operating and capital budgeting process. We will also continue to advocate and apply for external funding to improve the standard and breadth of our service offerings and infrastructure.

Conflict of Interest

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

Community and Stakeholder Consultation

The Draft Strategy was made available to the public from 3 May to 4 June 2021 while at the same time a survey was available for people to complete, and one information session was conducted. Due to COVID restrictions all activities took place online. Council's new Engagement Platform 'The Loop' was used to great effect during this consultation process, such that there were more than 300 individual visits to the page, 54 people completed the survey. One workshop was also run online due to health restrictions. Public participation in the process was sufficient to generate useful feedback on the proposed Strategy.

There were some key themes in the community feedback, and these were presented to Council along with recommendations to address each theme. The community feedback resulted in the following changes to the document:

1. Changed the title of the document to Rethink | Reduce | Reuse | Recycle, and removed 2030 from the title
2. Alterations to the Mayor's Statement to reflect the new title and emphasise collaborative approach required to deliver the strategy.
3. Alterations to the Vision Statement to reflect aspirations to work locally to deliver benefits to the community and environment:
"Our shire will become a low waste municipality that lives the principles of a circular economy, working locally to protect our natural environment and community from the impacts of waste."
4. Inclusion of an additional opportunity in the text under Our Challenges > Increasing Diversion Rates:
"Increase the availability of public place recycling, and provide consistency in the format of the enclosures and messaging."

5. Alterations to three existing actions:

- Action 1.5 altered to reflect the diversity of engagement required. Revised text: *“Deliver waste education and behaviour change workshops online and face to face, that targets community, local businesses and Council operations.”*
- Action 2.2 was brought forward to the 2021/2022 financial year. Revised text: *“Investigate the viability of options to assist ratepayers with hard waste disposal – e.g. hard-waste collection service or voucher disposal and inform the community of the outcomes.”*
- Action 2.28 was altered to include circular economy concepts. Revised text: *“Provide community education to promote and support circular economy concepts and actions outlined in Recycle Victoria including, food and organics recycling, glass recycling and the Container Deposit Scheme.”*

6. Addition of three additional actions:

- Action 1.6
“Implement a regular and on-going social media campaign for community waste education”
- Action 2.14
“Review and adjust fee structures to ensure the cost of managing waste within the shire is equitably distributed, including associated community consultation and education program.”
- Action 2.33
“Deliver a circular economy think tank event bringing together local business, community groups, and different parts of council to help build connections and investigate potential local solutions.”

9 OUR PEOPLE**10 OUR PROSPERITY****10.1 Grants and Contributions Program - August Allocations**

Attachment(s): Nil

Purpose

The purpose of this report is to present Council with the August Grants and Contribution applications for noting and endorsement.

Officer Recommendation**That Council:**

1. note the following allocations awarded by Officers under Delegation:

Application	Amount
Taggerty Community Progress Group – Disabled Ramp Installation	\$632.10

2. endorse the following allocations recommended by the Grants and Contributions Assessment Panel:

Application	Amount recommended
Rotary Club of Kinglake Ranges – Kinglake Art Show	\$3,500
Goulburn Valley Suicide Awareness Group – Goulburn Valley Suicide Awareness Walk	\$2,000
Triangle Arts Group – Marysville Arts Festival	\$2,000

Background

The Grants and Contributions Program provides the opportunity for not-for-profit community groups and organisations, social enterprises and businesses to seek funding from Council to support events, activities and projects that align with the Murrindindi Shire Council *2017-2021 Council Plan*.

The funding streams provided under the program are:

- Fee Reductions (and waivers by exception)
- Quick Response
- Governance, Skills and Capacity Building
- Sponsorships (including eligible individuals)
- Community Projects and Events
- Small and New Tourism Events
- Events of State Significance
- Business Plan Support.

Each stream has its own objectives, eligibility and assessment criteria and can be found in the Program Guidelines on Council's website.

Assessment occurs monthly for Fee Reductions, Quick Response and Governance, Skills and Capacity Building grant streams, and in March, July and October for all other streams. Because the Grants Program Policy has recently been reviewed, and due to the impending event season (Spring), assessment of all streams occurred in August.

Councillors have previously received all applications and supporting documents in preparation for this meeting.

Discussion

Council officers have assessed the following grant applications and provided recommendation for decision by Council:

Community Projects and Events

1. Rotary Club of Kinglake Ranges - Kinglake Art Show

This project will deliver the 2021 Kinglake Art show, now celebrating its 10th annual event. The event supports many artists within the Shire and has grown from a minor event after Black Saturday to a well-known, professionally organised Art Show that features on the regional artistic calendar. There are now regular exhibitors from major Victorian areas in addition to Murrindindi Shire. The physical show will be held at Kinglake Community Centre from October 8 to 10 inclusive, concurrently with a virtual show with assistance from Gallery 247, which is seen as the ultimate facilitator in the arts industry. The Kinglake Art show is well supported by community and has the ability to impact a wide cross section of community. It supports community connection and the showcasing of local artistic talents, including young people. **Recommended for a grant of \$3,500**

2. Goulburn Valley Suicide Awareness Group Inc - Goulburn Valley Suicide Awareness Walk

This project will establish an inaugural walk to raise awareness of suicide in the Goulburn Valley and Surrounds. The walk is being held with World Suicide Prevention Day on the 10 September 2021. The Rotary Club of Yea will provide a BBQ at the completion of the walk. The event is an important health promotion and prevention opportunity associated with mental health and suicide and demonstrates community leadership in reducing the burden associated with mental health and suicide. **Recommended for a grant of \$2,000**

Community Sponsorships

1. Triangle Arts Group Inc - Marysville Arts Festival

The sponsorship will support the Marysville Art Show which has been established for over 50 years. The Murrindindi Shire Council has been a long-time sponsor of the event and played a historic role in officially opening the Art Show each year. This year they aim to expand the show into a small festival and involve other local community groups, including Marysville Cultural Community and the Marysville Film Society. The Art Show runs across the Melbourne Cup Day long weekend and is very popular with local and regional artists. The event demonstrates the Marysville community working together collaboratively to enhance community connection through volunteering and artistic expression. The event will showcase Council's commitment to working collaboratively and in support of art and cultural events. **Recommended for a grant of \$2,000**

Council officers have assessed the following grant applications under delegation (up to \$1000) and have made the following allocations.

Fee Reductions

1. Taggerty Community Progress Group – Disabled Ramp Installation

Community Hub at Taggerty (CH@T) organises community-based events and wants to build a disabled ramp at the CH@T to improve access for all. Grants have been received to support the ramp's infrastructure costs. The group now have the engineering drawings ready to submit to council for a building permit which they wish to seek a fee reduction for. The CH@T is a great model for community connectedness and building resilience in the community. The installation of a ramp will provide greater accessibility for all users. **Supported with grant of \$632.10**

Council Plan/Strategies/Policies

This report supports the *Council Plan 2017-2021 Our Prosperity* strategic objective to "in partnership with the community we will promote an environment in which business and community can thrive".

Relevant Legislation

There are no legislative considerations to this report.

Financial Implications and Risk

The below financial table shows grant funds allocated, and recommended for allocation, for August and those allocated to date in this Financial Year:

Grant Stream	August allocations \$	Previous allocations \$	Total 21/22 \$
Fee Reductions	632.10	0	632.10
Governance, Skills and Capacity Building	0	0	0
Quick Response	0	0	0
Community Sponsorship, Projects and Events	7,500.00	0	7,500.00
Tourism Events	0	0	0

Business Plan Support	0	0	0
TOTAL	8,132.10	0	8,132.10

The total budget of the Grants and Contributions Program for the 21/22 financial year is \$180,000.

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.

11 OUR PROMISE

11.1 Delegation to the Chief Executive Officer and Staff - Review

Attachment(s):

1. S 5. Instrument of Delegation to the CEO (25 August 2021) [11.1.1 - 4 pages]
2. S 6. Instrument of Delegation to Council Staff (25 August 2021) [11.1.2 - 63 pages]

Purpose

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

Officer Recommendation

In the exercise of the power conferred by s 11(1)(b) of the *Local Government Act 2020* (the Act) Murrindindi Shire Council (Council) RESOLVES THAT –

1. **There be delegated to the person holding the position, or acting in or performing the duties, of Chief Executive Officer the powers, duties and functions set out in the attached *Instrument of Delegation to the Chief Executive Officer*, subject to the conditions and limitations specified in that Instrument.**
2. **The instrument comes into force immediately the common seal of Council is affixed to the instrument.**
3. **On the coming into force of the instrument all previous delegations to the Chief Executive Officer are revoked.**
4. **The duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.**

In the exercise of the powers conferred by the legislation referred to in the attached instrument of delegation, Murrindindi Shire Council (Council) RESOLVES THAT –

1. **There be delegated to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the attached *Instrument of Delegation to members of Council staff*, the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that Instrument.**
2. **The instrument comes into force immediately the common seal of Council is affixed to the instrument.**
3. **On the coming into force of the instrument all previous delegations to members of Council staff (other than the Chief Executive Officer) are revoked.**
4. **The duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.**

Background

Council reviewed the Delegation to the Chief Executive Officer (S5) and Delegation to Staff (S6) at its 23 June 2021 Scheduled Meeting. Since that meeting, legislative change has occurred in a couple of areas, the most significant being under the *Environmental Protection Act 2017* (previously 1970).

Discussion

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

- S5. Delegation from Council to the Chief Executive Officer.

This document has not changed since the 23 June 2021 meeting, however when a Council delegates the Chief Executive Officer it only confers powers that existed at the time it was made. The *Environmental Protection Act 2017* came into effect as of 1 July 2021. This legislation enables the Environment Protection Agency to delegate functions and powers to local governments. Council then has the power to appoint employees as Authorised Officers. As this legislation change has come into effect post the Chief Executive Officer being delegated by Council it could be argued that the Chief Executive Officer does not have the authority to appoint authorised officers under the *Environmental Protection Act 2017*. Therefore, the Delegation to the Chief Executive Officer is being proposed for adoption to ensure that all powers are conferred.

Council also delegated its powers directly to members of Council staff under various other pieces of legislation, such as the *Planning and Environment Act 1987* or the *Food Act 1984 at the 23 June 2021 Scheduled meeting*. This is documented using the following delegation:

- S6. Delegation from Council to members of Council Staff.

Since the 23 June 2021 meeting there have also been other minor legislative amendments.

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 2020* section 11 provides for Council to delegate its powers to the Chief Executive Officer. The *Local Government Act 1989* section 224 provides for Council to authorise officers to undertake delegated powers. The instruments cover various pieces of legislation and Council’s responsibilities. In particular these two documents reflect recent changes in the Environmental Protection legislation.

Financial Implications and Risk

Effective and efficient functioning of Local Government would not be possible without formal delegations to Council officers. Instruments of Delegation enable Council to minimise risk in exercising authorised and delegated powers.

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.

11.2 Chief Executive Officer Employment and Remuneration Policy

Attachment(s):

1. CEO Employment and Remuneration Policy [11.2.1 - 14 pages]

Purpose

The purpose of this report is to seek Council's adoption of the CEO Employment and Remuneration Policy and endorse the establishment of the CEO Employment and Remuneration Committee.

Officer Recommendation

That Council:

1. **Adopt the CEO Employment and Remuneration Policy, including the Terms of Reference for the proposed CEO Employment and Remuneration Committee.**
2. **Note that it is proposed to formally establish the CEO Employment and Remuneration Committee and appoint its members at the October 2021 Scheduled Council Meeting.**
3. **Request the Director Corporate and Shared Services to facilitate the process to recruit an Independent Committee Member for Council endorsement at the October 2021 Scheduled Council Meeting.**

Background

Section 45 of the *Local Government Act 2020* requires Council to develop, adopt and keep in force a CEO Employment and Remuneration Policy (the Policy).

The Policy covers the following matters for which Council is responsible under the Act, or as a requirement of the Policy:

- the recruitment and appointment of the Chief Executive Officer;
- approving the Contract of Employment entered into between the Council and the Chief Executive Officer;
- the appointment of an Acting Chief Executive Officer
- the provision of independent professional advice in relation to the matters dealt with in the Policy;
- the monitoring of the Chief Executive Officer's performance;
- an annual review;
- determining the Chief Executive Officer's remuneration.

In accordance with the Act, the Policy also sets out the requirement for Council to obtain independent professional advice in relation to the matters dealt with in the Policy and it contains the terms of reference for the proposed CEO Employment and Remuneration Policy.

Discussion

This Policy reinforces Council's commitment to good governance practices and provides a consistent, fair and transparent framework for employment matters relating to the Chief Executive Officer (CEO) including recruitment, contract terms, performance monitoring and annual review.

Managing the employment cycle of a CEO is a core responsibility of the elected Council. The Policy outlines the mechanisms which will support the Council in fulfilling its obligations. This includes the establishment of the CEO Employment and Remuneration Committee (the Committee), including an independent member. This Committee is advisory only and recommendations of the Committee will still require Council resolution; these are outlined within the Policy.

The Committee Terms of Reference is contained in an appendix to the Policy. The Committee will comprise of at least three Councillors and the independent member. It is proposed that following

Council's adoption of the Policy, a recruitment process will be undertaken to identify a preferred candidate for consideration and endorsement by Council at its October 2021 Scheduled Meeting. It is proposed that Council will also determine the Councillor representation on the Committee at that time.

Council Plan/Strategies/Policies

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

This report supports the *Council Plan 2017-2021 Our Promise* strategy to "support a skilled, engaged and flexible workforce that can respond to changing needs".

Relevant Legislation

Section 45 of the *Local Government Act 2020* sets the requirement for a CEO Employment and Remuneration Policy.

Financial Implications and Risk

The Policy provides for good governance oversight of the role of the CEO, and the Committee enables this to occur effectively, and with independent oversight. This mitigates the risk of performance issues not being addressed, it also enhances transparency in the personnel management process, reducing the likelihood of conflict.

There will be a small financial cost associated with engaging the independent member.

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.

11.3 Audit and Risk Committee Member Appointment

Attachment(s): Nil

Purpose

The purpose of this report is to seek Council's re-appointment of Mr Claude Baxter as an independent member of the Audit and Risk Committee for a term of 3 years.

Officer Recommendation

That Council appoint Mr Claude Baxter as an Independent Committee Member to its Audit and Risk Committee for a term ending 30 June 2024.

Background

The Audit and Risk Committee (the Committee) is an independent advisory committee to Council, established under Section 53 of the *Local Government Act 2020* (the Act) to provide oversight, guidance and assurance to assist Council and Council's Executive meet this commitment.

The Committee is formally appointed by Council and is responsible to Council. The Committee is an independent advisory committee and does not have any delegated powers, including executive powers, management functions, or delegated financial responsibility.

The Committee structure includes three independent members and two Councillors appointed by Council.

Discussion

The Committee was established by Council under *Local Government Act 2020*, including adoption of the Audit and Risk Committee Charter and appointment of members on 22 July 2020. The Charter was last reviewed by Council in May 2021.

The Charter requires that the independent members are appointed by Council for a three-year term, following a public advertising process. The Charter also provides for Council at its discretion to directly appoint a member for a second three-year term.

Mr Claude Baxter was appointed in July 2020 as an independent member for a term ending 30 June 2021. Mr Baxter has been an effective and valued member of the Committee, and was the Chair of the Committee during 2020/21. Mr Baxter has expressed his interest to undertake a further three-year term and it is the opinion of the Executive Team that this would be beneficial in ensuring continuity and maintaining the effectiveness of the Committee moving forward.

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

Audit and Risk Committees are mandated under section 53 and 54 of Local Government Act 2020. The appointment of an independent member is governed by the Audit and Risk Committee Charter.

Financial Implications and Risk

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

Conflict of Interest

There are no 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.

11.4 Workers Compensation Premium

Attachment(s): Nil

Purpose

The purpose of this report is to seek Council’s endorsement of the payment of its WorkCover Insurance Premium.

Officer Recommendation

That Council approve the payment of the 2021/22 WorkCover Insurance Premium to Xchanging Integrated Services Victoria Pty Ltd for the amount of \$218,688.67 (including GST).

Background

Council has been a member of the MAV WorkCare Self Insurance Scheme for the past 5 years. The MAV was not successful in obtaining future endorsement of the Scheme by WorkCover and as a result the Scheme ceased operations on 1 July 2021. Council has now transitioned into the State WorkCover scheme.

The Chief Executive Officer is only financially delegated by Council to approve up to \$150,000 for good and services.

Discussion

Workers Compensation Insurance coverage is a legislated requirement. Council has transitioned into the WorkCover scheme and subsequently Xchanging Integrated Services Victoria Pty Ltd has been appointed as Council's insurance agent.

Council's premium for the 2021/22 year is \$218,688.67 including GST. This is a discounted amount provided that payment is made in full by 31 August 2021. As this premium amount exceeds the CEO financial delegation a resolution of Council is required.

Council Plan/Strategies/Policies

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

This report supports the *Council Plan 2017-2021 Our Promise* strategy to "support a skilled, engaged and flexible workforce that can respond to changing needs".

Relevant Legislation

By law, Council must have WorkCover Insurance. This policy meets this obligation and ensures that all employees are covered in the event of an accident or injury in the workplace.

Financial Implications and Risk

Workers compensation insurance is a key component in Council's insurance suite, which is in place to mitigate risk. As Council is exiting a self-insurance scheme it is considered by WorkCover to be 're-entering the market'. Therefore, for the first 3 years the premium is calculated based on the workforce size, the type and number of work sites and total remuneration. The premium during this period does not take into account Council's claims history.

This payment is within budget.

Conflict of Interest

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

Community and Stakeholder Consultation

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

11.5 Quarterly Finance Report - June 2021

Attachment(s):

1. Quarterly Finance Report - June 2021 [11.5.1 - 3 pages]

Purpose

This report provides the quarterly financial report for the period ending 30 June 2021. It should be noted that the figures included in the report are the interim, pre-audited results, and may differ from the final annual financial results included in the 2020/21 Annual Report.

Officer Recommendation

That Council receive the Quarterly Financial Report to 30 June 2021.

Background

The Quarterly Financial Report for the period ended 30 June 2021, is presented for consideration by Council, in accordance with the *Local Government Act 2020* ("the Act").

The report includes the following statements:

- Comprehensive Income Statement
- Balance Sheet
- Statement of Cash Flow.

Discussion

The statements for the fourth quarter to 30 June 2021 are included in Attachment 11.5.1.

Income Statement (Statement A)

The Income Statement for the period 1 July 2020 to 30 June 2021 (also within the attached report) is presented below:

Murrindindi Shire Council Income Statement For the period ended 30th June 2021									
		(1)				(2)		%	
NOTE	Original Budget 2020/21 \$	March Revised Budget 2020/21 \$	Annual Revised Budget 2020/21 \$	Forecast Adjustment 2020/21 \$	YTD Budgets 30/06/2021 \$	Actual 30/06/2021 \$	YTD Budget V Actual Variance 30/06/2021 \$	YTD Budget V Actual Variance 2020/21 %	
Revenue									
Rates & Charges	1	21,500,932	21,562,446	21,562,446	-	21,562,446	21,529,679	(32,767)	-0.2%
Special Charge	2	-	27,000	27,000	-	27,000	-	(27,000)	-100.0%
Statutory fees and fines	3	1,181,634	1,178,457	1,199,457	21,000	1,199,457	1,213,451	13,994	1.2%
User fees	4	1,491,760	908,914	908,914	-	908,914	1,132,560	223,646	24.6%
Grants - Operating	5	6,924,717	8,703,237	8,778,237	75,000	8,778,237	8,474,378	(303,859)	-3.5%
Grants -Capital	6	2,135,391	4,246,183	4,619,405	373,222	4,619,405	2,772,824	(1,846,581)	-40.0%
Contributions - Cash	7	54,449	297,970	330,662	32,692	330,662	320,179	(10,483)	-3.2%
Contributions - Non Cash	8	600,000	600,000	600,000	-	600,000	1,162,796	562,796	93.8%
Reimbursements	9	331,418	337,983	337,983	-	337,983	236,352	(101,631)	-30.1%
Other revenue	10	1,046,798	788,749	788,749	-	788,749	947,071	158,322	20.1%
Total Revenue		35,267,099	38,650,939	39,152,853	501,914	39,152,853	37,789,290	(1,363,563)	-3.48%
Expenses									
Employee Benefits	11	14,180,222	15,503,568	15,568,568	65,000	15,568,568	15,447,157	(121,411)	-0.8%
Materials and Services	12	11,186,110	14,003,477	14,050,273	46,796	14,050,273	12,646,985	(1,403,288)	-10.0%
Depreciation and amortisation	13	9,013,876	8,759,048	8,759,048	-	8,759,048	8,989,960	230,912	2.6%
Bad and Doubtful Debts	14	-	160,000	160,000	-	160,000	169,785	9,785	6.1%
Other Expense	15	316,886	356,886	356,886	-	356,886	441,791	84,905	23.8%
Finance Costs (Interest)	16	24,909	24,909	22,906	(2,003)	22,906	22,906	-	0.0%
Total Expenses		34,722,003	38,807,888	38,917,681	109,793	38,917,681	37,718,584	(1,199,097)	-3.08%
Subtotal		545,096	(156,949)	235,172	392,121	235,172	70,706	(164,466)	-69.9%
Net gain/(loss) on disposal of property, infrastructure, plant and equipment	17	(600,000)	(622,047)	(622,047)	-	(622,047)	(1,400,647)	(778,600)	125.17%
Increase Landfill Provision	18	-	-	-	-	-	(1,561,454)	(1,561,454)	
Surplus (deficit) for the period		(54,904)	(778,996)	(386,875)	392,121	(386,875)	(2,891,395)	(2,504,520)	647.37%

The \$2.89 million interim operating deficit for the 2020/21 financial year is a \$2.5 million unfavourable variance to the annual revised budget. This is due to two non-cash end of financial year accounting adjustments:

- \$1.4 million adjustment for the value of assets disposed (predominantly the residual balance sheet value of assets that have been renewed)
- \$1.56 million increase to the landfill provision. Council must maintain a provision account for the rehabilitation of the Alexandra landfill site. A review of future rehabilitation requirements identified that the assumption for annual monitoring costs (over 30 years) needed to increase to approximately \$80,000 per year. This is up from the previous estimates of \$50,000 per year.

The subtotal line in the statement above highlights a \$70,706 surplus result before these non-cash adjustments. The statement also shows a total income budget variance of 3.48% (unfavourable) and a total expenditure variance of 3.08% (favourable). Both these results are within materiality thresholds.

This statement also provides information on two budgetary components:

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

The forecast position for the financial year was expected to improve by \$392,121 moving from a predicted deficit of \$778,996 to a forecast deficit of \$386,875 in this quarter. However as noted above, the unbudgeted non-cash adjustments have impacted the interim June result.

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

The major variances are explained in the table below:

Note	Line item	(1) Explanation Forecast Adjustment	(2) Explanation YTD Budget Versus Actual Variance
1	Rates & Charges	No Change	Year-to-date variance is within budget expectations (variance is less than 10%)
2	Special Charge	No Change	\$27,000 unfavourable <ul style="list-style-type: none"> Carried forward proposed private street project did not begin.
3	Statutory fees and fines	\$21,500 favourable <ul style="list-style-type: none"> Increased road and infrastructure subdivision plan checking fees. 	Year-to-date variance is within budget expectations (variance is less than 10%)
4	User fees	No Change	\$223,646 favourable. Increased income from: <ul style="list-style-type: none"> saleyards \$82,194 resource recovery sites \$80,149 landfill fees \$70,368.
5	Grants - Operating	\$75,000 favourable. Two new grants: <ul style="list-style-type: none"> Business Concierge and Hospitality \$60,000 Covid Relief Program \$15,000 	\$303,859 unfavourable. Lower than budgeted grants received for: <ul style="list-style-type: none"> Grants Commission Financial Assistance Grant \$75,044 Family Day-care grant \$115,112 The following grants are matched to expenditure timing with the balance of grants to be recognised in 2021/22. <ul style="list-style-type: none"> Rural Council ICT program \$43,644 Women Building Surveyors program \$44,701
6	Grants -Capital	\$373,222 favourable due to new transfer station upgrade grant added to budget.	\$1,846,581 unfavourable. The capital grant budget variation is due to the matching of the recognition of income to expenditure incurred to date. The unmatched portion of the income will be recognised in future accounting periods as the capital grants are tied to when the projects are completed. <p>The following are some of the major grants impacted:</p> <ul style="list-style-type: none"> Roads to Recovery \$174,014 Kinglake Streetscape \$458,872 Local Roads and Community Infrastructure \$459,776 Resource Recovery Site upgrade \$373,222 Yea Recreation Reserve Lighting \$211,781

7	Contributions - Cash	\$32,692 favourable due to additional contributions toward five projects.	Year-to-date variance is within budget expectations (variance is less than 10%)
8	Contributions - Non Cash	No Change	<p>\$562,796 favourable.</p> <ul style="list-style-type: none"> Variance due to the higher than budgeted infrastructure assets received from developers through subdivisions and developments. Council has little control of the value and the timing of this income source, which makes accurate budgeting challenging.
9	Reimbursements	No Change	<p>\$101,631 unfavourable.</p> <ul style="list-style-type: none"> Predominately due to a reduction in the reimbursement of legal fees from ratepayers. This mirrors the reduction in legal costs incurred as activity in this area was on hold during the COVID-19 pandemic.
10	Other revenue	No Change	<p>\$158,332 favourable. Due to:</p> <ul style="list-style-type: none"> Recognition of volunteer services (which is a book entry with a corresponding expenditure transaction) \$111,099. The budgeted level for volunteer services was influenced by uncertainty caused by the pandemic. Sale of scrap steel from resource recovery sites \$21,232
11	Employee Benefits	\$65,000 unfavourable due to expenditure linked to new grants (see note 5).	Year-to-date variance is within budget expectations (variance is less than 10%)
12	Materials and Services	<p>\$46,796 unfavourable</p> <ul style="list-style-type: none"> Resources for project delivery \$21,000. Balance additional expenditure to match additional grant income (note 5) and contributions income (note 7). 	<p>\$1,403,288 favourable. Due to a number of factors including:</p> <ul style="list-style-type: none"> Item tied to grants and projects where the expenditure will be spent in 20/21. Savings may have been used to offset changes to the service delivery model, e.g. using staff instead of a contractor, or consultant. Items that were delivered underbudget. <p>Variances include lower than anticipated year to date expenditure in the following areas:</p> <ul style="list-style-type: none"> Business Service \$256,328 including \$104,756 reduced legal cost associated with rate collection, and \$85,124 on the Digital Futures Project. Community Wellbeing \$503,354 including variances in Family Day Care \$145,220, Community Development \$172,440, Maternal and Child Health \$52,682, Aged and Disability Services \$81,953. Circular Economy and Environment including Waste Management \$73,394, and Environmental Programs \$30,519. Development Services \$167,081 including Building Inspection \$52,342, Environmental Health \$36,323 and Planning \$72,464. Other savings including Election expenses \$34,508 and Business Support Initiatives \$149,000.

13	Depreciation and amortisation	No Change	\$230,912 unfavourable. However, in percentage term this is not material - 2.6% variance <ul style="list-style-type: none"> • Depreciation is slightly lower across all asset classes. • Largest variation is plant \$79,770 and is a result of a delay in the sale of vehicles and equipment that were due to be disposed.
14	Bad and Doubtful Debts	No Change	Year-to-date variance is within budget expectations (variance is less than 10%)
15	Other Expense	No Change	\$84,905 unfavourable, relates mostly to the recognition of volunteer service as outlined in note 10.
16	Finance Costs (Interest)	\$2,003 favourable <ul style="list-style-type: none"> • interest savings from early payout of loans. 	On budget
17	Net gain/(loss) on disposal of property,	No Change	Unfavourable \$778.600. When assets are replaced, renewed or upgraded, the underlying book value of the old assets must be written out of the asset register, this value is recorded as an expense. The amount of this expense depends on the size, nature and timing of the completion of the capital works program.
18	Increase Landfill Provision	No Change	\$1,561,454 unfavourable. <ul style="list-style-type: none"> • Landfill provision increased following the annual review and alignment with EPA assurance requirements. A recent tender for cell capping costs has indicated the previous rates used in the provision calculation were slightly lower than the market price. The majority of the increase is due to a revision of the annual monitoring cost assumption increasing from \$50,000 to \$80,000 per year for a period of 30 years. • Movements in the provision are inherently difficult to budget, hence no budget allocation was made on 20/21. • The movement in the provision is a non-cash item.

Balance Sheet (Statement B)

The Balance Sheet is included Attachment 11.5.1.

The Commentary below refers to Column (2) year-end result to revised budget variance.

Assets

The statement shows the net movement of Cash and Financial Assets (term deposits dates more than 90 days maturity) which has increased by just over \$10 million. This reflects the value of cash collected and held to fund carry forward projects, and grants received late in the financial year with the associated expenditure to be incurred in the 2021/22 year. Non-current assets are \$6.3 million below expectations due to a combination of delayed capital works, and the increased value of assets written out.

Liabilities

The major variance is \$4.4 million for the value of grants received in advance following an unprecedented receipt of grants in late June. Matching expenditure will be incurred in 2021/22.

There is also \$1.5 million movement in provisions predominately due to Landfill rehabilitation requirements.

Equity

The statements show an unfavourable variance due to the operating deficit. The deficit is explained in more detail by the commentary outlined in Statement A – Income Statement. Asset revaluations and reserve movements are yet to be finalised. It is likely an upward movement in asset valuations will improve the equity position in the Annual Report.

Cash Flow Statement (Statement C)

This statement combines the cash related movements from the Income Statement and the Balance Sheet into one statement. This Statement shows how funds are generated and consumed. The unaudited improvement in the cash position is \$10,223,240. The reasons for which are outlined by the three ways of generating and consuming cash as detailed below.

Cash flow from operating activities

The statement shows an improvement of \$4,217,107 relating to receipt of grants in advance and lower payments to suppliers.

Cash flow from investing activities

An increase of \$6,009,286 mostly due to delays in the completion of capital work projects. These projects will be carried forwarded into the 2021/22 financial year.

Cash flow from financing activities

Minor variance following payout of loans.

Councillor Expenses (GST Exclusive):

As required in the adopted Councillor Reimbursement Policy (February 2017), Council reports quarterly on the Councillor related expenses. The following table details Councillor expenses for the fourth quarter period ending 30 June 2021.

Councillor Expenses for 3 months ended 30 June 2021:

	Allowances	Travel Expenses	Childcare Expenses	Information & Communications Expenses	Conference & Training Expenses	Other Expenses
Cr Carpenter	\$3,841.44	\$-	\$-	\$300.05	\$338.51	\$-
Cr Gallagher	\$3,841.44	\$524.88	\$-	\$178.11	\$228.51	\$5.00
Cr Gerencser	\$3,841.44	\$1,470.08	\$-	\$351.63	\$228.51	\$-
Cr Haslam	\$3,841.44	\$1,721.64	\$-	\$375.56	\$1,702.10	\$-
Cr Lording	\$3,841.44	\$967.68	\$-	\$430.72	\$228.51	\$11.22
Cr McAulay	\$11,476.34	\$2,474.39	\$-	\$559.27	\$1,550.76	\$-
Cr Walsh	\$3,841.44	\$740.88	\$-	\$437.98	\$228.51	\$-

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

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

Council Plan/Strategies/Policies

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

Relevant Legislation

Section 97 of the *Local Government Act 2020* requires that at the end of each quarter of the financial year, a quarterly budget report is presented to the Council at a Council meeting which is open to the public.

Financial Implications and Risk

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

Conflict of Interest

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

Community and Stakeholder Consultation

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

11.6 End of Year Report - Capital Works Program 2020/21

Attachment(s):

1. End of Year Report - Capital Works Program 2020-21 [11.6.1 - 5 pages]

Purpose

The purpose of this report is to inform Council of the end of year result of the delivery of the 2020/21 Capital Works Program and to recommend carry forward projects for the inclusion into the 2021/22 Capital Works Program.

Officer Recommendation

That Council:

1. **note the End of Year Report – Capital Works Program 2020/21**
2. **endorse the reallocation of residual funds of \$872,946.00 to the relevant reserves as outlined in Table CF1 within this report**
3. **endorse the projects and total funds of \$5,537,177.00 recommended as listed in Table CF2 to be carry forward to the 2021/22 year as outlined in the report.**

Background

This report is the final report on the Capital Works Program (CWP) for the last financial year. The period of reporting is from 1 July 2020 to 30 June 2021.

The CWP is comprised of projects:

- endorsed by Council as part of the 2020/21 capital works budget
- carried forward from the 2019/20 CWP
- added to the CWP during the 2020/21 financial year.

Discussion

The adopted total capital works budget for 2020/21 was \$11.682 million.

Carry forwards and additional projects resulted in a revised total capital budget of \$16.006 million and \$2.945 million of large grant funded / non-capital works. After delivering approximately \$12.448 million of the revised CWP, \$5,537,177 including large grant funded / non-capital works will be recommended for carry forward.

Excluding the savings outlined in CF1 below, 82.5% of the revised program budget (\$16.006 million) has been delivered.

This reflects a number of different issues. Some carry forward funds for fleet and plant are due to delays in supply that are related to COVID. Others are the result of difficulty in delivering new projects that were required to be designed and constructed within the financial year but were delayed due to latent conditions.

It should be noted that Council delivered a total of \$12.448million for the CWP this financial year up from \$7.249 million for the 2019/20 financial year.

Revised Capital Works Program

A number of infrastructure projects were added to the CWP during the year following receipt of grant funding or through reallocation of savings. The additional projects included:

- The Local Roads & Community Infrastructure (LRCI) Program phase 1 (\$1,083,272):
 - Kinglake Memorial cricket nets
 - Kinglake Memorial Reserve synthetic court surface renewal
 - Tumbling Waters, Thornton - Toilet block renewal
 - Yea Railway Reserve playground spinner
 - Marshbank Craigie & Smith Street, Yea - Upgrade and seal
 - Road Safety Audit Works Gordons Bridge Road, Castella
 - Road Safety Audit Works Brooks Cutting Road, Alexandra
 - Buxton Reserve – Path lighting
 - Urban Access Improvements, Alexandra
 - Footpath extension – Bayley Street, Alexandra
 - Upgrade & sealing Mary & Anne Street, Yea
 - Watsons Road new pathway, Kinglake West
 - Yea Pioneer reserve seating
 - Alexandra Swimming Pool operational upgrades.
- Alexandra Library shade sale (\$20,000)
- Permanent outdoor space, Yea – Seating & power supply relocation (\$100,000)
- Snobs Creek Road widening, Eildon – Design & construct (\$40,000 design & \$700,000 const)
- Alexandra Shire office refurbishment (\$70,000)
- 185-187 Grant Street, Alexnadra - Drainage renewal & upgrade (\$35,000)
- Fire tank replacement program (\$40,000)
- Eildon Alliance boat ramp washout repair (\$10,000)
- Yea netball courts – Surface renewal (\$20,000)
- Yea Recreation Reserve – Oval lighting upgrade (\$392,000)
- The LRCI Program Phase 2 (\$1,105,181):
 - Kinglake Glenburn Rd, Kinglake - Drainage upgrade
 - Main Street Utah Place, Eildon - Pavement rehabilitation
 - Mt Kitchener Avenue, Marysville – Drainage upgrade
 - Leckie Park, Alexandra – Cricket net upgrade
 - Kinglake Memorial Reserve – Tennis court 2 resurfacing
 - Eildon Swimming pool – Liner renewal.

Postponed Projects

The following project listed for delivery in the 2020/21 CWP have been postponed into 2021/22 financial year or are no longer required.

Table 1 – projects postponed or no longer required – funds to be carried forward (as indicated):

Project	\$ to be carried forward	Comment
Main Street and Utah Place Eildon	\$0	Was deferred for further funding due to cost estimates. Now funded from LRCI phase 2 and progressing for spring delivery.
Marr Court, Eildon. Patching of pavement	\$0	Available funding was expended, project will be reprogrammed for delivery in 2021/22.
Fitzroy Court, Alexandra Kerb renewal	\$0	Was not assigned funds, was incomplete from previous years program and was proposed to be funded should saving arise.
Strath Creek Pioneer reserve – Tennis Court demolition	\$0	Funds were reassigned to other areas based on investigation, the court proposed for removal is currently the only playable surface, the other requires major maintenance to make safe. Needs further assessment of the project and consultation with user's groups to proceed.
Alexandra Landfill – Cell Development and design	\$75,000	Design was placed on hold to assess the preferred direction for the future of the landfill. Decision now made by Council and funds to be carried forward for project to begin in 2021/22
Alexandra Landfill - Construction of Cap for Cells 1 E and 1BC	\$50,781	Progress was halted due to EPA approval process of cap design. EPA request to restart the process required deferral into 2021/22
Yea Saleyards – Security Fence	\$0	Request from the committee to postpone the project as they were concerned COVID conditions would impact numbers and were reluctant to spend the reserve funds. These funds were returned to the reserve.
Yea Saleyards - Decontamination facility (design/Invest)	\$0	Request from the committee to postpone the project as they were concerned COVID conditions would impact numbers and were reluctant to spend the reserve funds. These funds were returned to the reserve.
Pendlebury Street Kerb (Rose to Coster), Alexandra (special Charge scheme)	\$0	Decision made to restart the process of Special charge scheme initiation as this budget was not enough to cover estimated costs.
Total	\$125,781	

Overall Program Delivery

Attachment 11.6.1 provides a detailed account for the delivery of all projects of the Capital Works Program include all funding variations and budget corrections previously approved by Council over the period of delivering the program.

In addition, one further project has been highlighted as requiring additional funds following the tender process, which is the William Street Pathway missing link project. The project requires an additional \$44,000 to complete the project increasing the project budget from \$189,000 to \$233,000. A saving has been identified in the Marysville Swimming pool liner project (over \$100K) which can be re-allocated to cover the \$44,000 required to complete this project.

Overall, there was a savings (including unspent contingencies) of \$872,946 which is recommended to be returned to various Council reserves. A summary is presented below in table CF1

Table CF1 – project funds to be returned to reserve or reallocated:

Total confirmed savings per reserve	
Total Infrastructure reserve	\$249,826
Total Waste reserve	\$633,102
Total Saleyard Reserve	-\$3,814
Total Caravan Park reserve	-\$6,168
Total	\$872,946

Carry Forward Recommendations

The following table provides commentary on the projects where a recommendation is made to carry forward funds.

Table CF2 – is a list of projects to the value of \$5,537,177 of works that are in progress, were not completed in the 20/21 financial year, and are either now complete or will be completed in the 2021/22 financial year. These budgets will be carried forward.

Table CF2 – Capital - works to be carried forward:

Project	Comment	Carry Forward amount
Carry forward list		
Sealed Roads - Renewal & Major Patching	Works on order awaiting good weather	\$55,178.00
Sealed Roads - Renewal (Reseals)	Works on order awaiting good weather	\$16,234.00
Gravel Road Resheeting Program	Works on order awaiting good weather	\$1,003,730.00
Roads - Major Maintenance	Works on order awaiting good weather	\$51,941.00
Kinglake Streetscape (G893 & G899)	Works underway and progressing well	\$1,300,820.00
Kinglake Shelter and BBQ in Library Garden grounds	Works underway and progressing well, poor weather disrupted progress.	\$ 39,840.00
Eildon Play space Stage 1 Schematic Design	Works underway and progressing well	\$255,449.00
Alexandra Youth Precinct, detailed design (Rotary Park)	Major design works complete, some minor amendments may be needed, construction scheduled for completion by June 2022	\$5,068.00
Kinglake West/Pheasant Creek Streetscape - Stage 1 design	Design works nearing completion, some overall project discussions required.	\$8,998.00
Bower St Entry & Realignment Stage 2, Kinglake	Works on order awaiting good weather	\$47,571.00
Marysville - Murchison Street works	Works on order awaiting good weather	\$12,558.00
Yea Caravan Park Bridge Renewal - Stage 1 Investigation & Design	Major design works complete, construction scheduled	\$7,956.00
Yea High St disabled parking upgrade	Works underway and progressing well, poor weather disrupted progress.	\$7,249.00
Yea Station St disabled parking upgrade - public toilets	Works underway and progressing well, poor weather disrupted progress.	\$12,010.00
Footpath Extension - Falls Road - Gallipoli Park to Goulds Terrace, Marysville Stage 1 (Design & Construction) Stage 1	Design complete, decision made to combine with LRCI phase 2 project Mt Kitchener drainage, one disruption to community only and larger project to reduce costs.	\$62,729.00
Footpath extension and connection - Williams Street and Station	Works on order awaiting good weather	\$182,033.00

Street, Alexandra (Design & Construction)		
Tenth St & Ninth St, Eildon, 564m	Works underway and progressing well, poor weather disrupted progress.	\$30,228.00
Renewal programs - Drainage Pit Cover	Primary program completed under budget; secondary program nominated in Eildon for remaining spend. Works on order awaiting good weather	\$35,684.00
Thornton Drainage Upgrade Stage 1 & 2	Detailed design nearing completion delays in delivery due to extent of potential clashes with existing underground infrastructure.	\$34,000.00
Asbestos management works	Consultant report complete, removal works now being planned based on report details.	\$ 25,199.00
Kinglake Memorial Reserve - New Bore	Underway delays receiving licence from GMW as new bore will be deeper than old so new license required. Works now pending in Spring	\$37,884.00
Kinglake Memorial Reserve - Public Toilet (Design & Construction)	Major works complete minor works still required, awaiting warm weather for external painting.	\$28,000.00
Kinglake West memorial carpark - Tree Sculpture	Works awarded and planned to being in spring.	\$30,000.00
Marysville Mobile library Parking Upgrade	Was a new project, major works all complete but there were delays dealing with SP Ausnet for power connection.	\$3,000.00
Marshbank, Craigie and Smith Streets, Yea (Part Sealing) LRCI 1	Design complete and work tendered, additional funding required. LRCI funded.	\$40,551.00
Road Safety Audit - Brooks Cutting Road, Alexandra LRCI 1	Works underway and progressing well, poor weather disrupted progress.	\$91,451.00
Sealing Mary and Anne St, Yea LRCI 1	Works underway and progressing well, poor weather disrupted progress. Additional some concerns regarding trees.	\$334,893.00
Alexandra Swimming Pool LRCI 1	Considerable works complete under maintenance spend, further works currently being scoped. LRCI fund.	\$102,000.00
Yea Netball Courts - Renewal works	Grinding works complete, new project was late in the year and surfacing best done in warm weather so deferred to late September	\$12,908.00
Yea Recreation reserve - Oval lighting upgrade	Works underway and progressing well, delays from supply of poles from China. Delivery date now confirmed.	\$230,781.00
Yea Fossil Pathway	Pathway works complete but impacted by poor weather, signage still pending.	\$5,903.00
Waste management Project Carry forward		
Alexandra Landfill - Cell development and design	Was placed on hold to conclude investigation into the future direction of Council waste management. Now progressing following Council strategic direction.	\$75,000.00
Closed Landfills - Rehabilitation of Yea RRC	Investigation report complete but works now pending.	\$8,682.00
Alexandra Landfill - Construction of Cap for Cells 1 E and 1BC	Placed on hold pending EPA approval of original design, since withdrawn based on	\$50,781.00

	EPA feedback and new design now planned	
Leachate Pond Works, Alexandra Landfill	Pond did not deteriorate as rapidly as expected, no works were required. Still likely for the coming year.	\$15,000.00
Closed Landfills - Rehabilitation of Eildon RRC	Major works complete, poor weather has delayed the spreading of mulch to conclude the project.	\$29,827.00
New - Resource Recovery Centre - Fire Prevention Infrastructure - Alexandra	New Project - Works underway and progressing well, poor weather disrupted progress.	\$53,791.00
New - Resource Recovery Centre - Fire Prevention Infrastructure - Eildon	New Project - Works underway and progressing well, poor weather disrupted progress.	\$15,000.00
New - Resource Recovery Centre - Fire Prevention Infrastructure - Yea	New Project - Works underway and progressing well, poor weather disrupted progress.	\$15,000.00
New - Resource Recovery Centre - Fire Prevention Infrastructure - Kinglake	New Project - Works underway and progressing well, poor weather disrupted progress.	\$70,757.00
New - Resource Recovery Centre - Fire Prevention Infrastructure - Marysville	New Project - Works underway and progressing well, poor weather disrupted progress.	\$15,000.00
Auxiliary Works - Roads & Stormwater Upgrades	Works underway and progressing well, poor weather disrupted progress.	\$10,429.00
Offices Fences & Bin bays	Fence repairs were not as widespread through the year, recent storms created more damage. Works now pending.	\$33,902.00
Recycling Infrastructure	Changes to contractors undertaking specific collection impacted the scope of the project causing delays to finalise.	\$94,457.00
Saleyards Carry forwards		
Yea Saleyards - Security Cameras	Works were delayed due to consult scope changes. Now on order and pending installation.	\$41,000.00
Yea Saleyards Development - WIFI Link Booster	Largely complete small booster still required.	\$2,493.00
Yea Saleyards Development - Plant & Equipment		\$675.00
Plant & Fleet		
Passenger vehicles	Delays largely due to disruption in supply.	\$221,393.00
Major Plant & Machinery	Delays largely due to disruption in supply	\$602,456.00
Non capital Major Works carry forwards		
Rubicon Village effluent project	Delays largely due to difficulty in obtaining consent to complete the works.	\$69,688.00
Total Carry forward		\$5,537,177.00

Council Plan/Strategies/Policies

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

Relevant Legislation

Nil.

Financial Implications and Risk

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

It is noted that there was a total savings of \$872,946 that is recommended to be returned to various Council reserves. This will provide funding for future capital works.

A total of \$5,537,177 is recommended to fund 50 projects so that they will be complete in the 2021/22 financial year. This will be added to the adopted 2021/22 Capital Works Program and may impact on the delivering of the whole program within the financial year. Program planning of the delivery of all capital work projects have been conducted to minimise this risk.

Conflict of Interest

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

Community and Stakeholder Consultation

Through the delivery of the Capital Works Program, Council engage and consult with key stakeholders and the community on the design and delivery of the projects.

11.7 CONT21/13 - Landfill Leachate Carting and Disposal - Tender Evaluation

Attachment(s):

1. CONT21/13 - Landfill Leachate Carting and Disposal – Tender Evaluation (distributed to Councillors separately) [11.7.1 - 4 pages]

Purpose

The purpose of this report is to award a contract to a suitable supplier to undertake Leachate Collection, Carting and Disposal from the Alexandra Landfill.

Officer Recommendation

That Council:

1. **Accept the tender from Tenderer 1 and award CONT21/13 - Landfill Leachate Carting and Disposal as a schedule of rates contract for 3 years with an end date of 1 September 2024.**
2. **Note that expenditure will not exceed \$990,000 incl GST over the 3 years.**
3. **Release the name of 'Tenderer 1' into the Minutes of the Scheduled Meeting of 25 August 2021.**

Background

Landfill leachate is a waste liquid generated through the decomposition of waste materials and seepage of rainfall through the waste. Leachate is considered one of the key risks to the environment and human health arising from landfill operations, and is the driver for much of the regulations surrounding the construction and operation of landfills.

The licence for the Alexandra Landfill includes conditions relating to the management of leachate for the protection of surface and ground water. As a condition of the approval to use the leachate pond on site at the Alexandra Landfill, EPA requires that Council maintain a contract to enable the carting and disposal of leachate on an as needed basis. The previous contract has lapsed.

In the past four years there has been no need to cart leachate from the site, however the last summer was relatively cool, cloudy and wet, resulting in low evaporation from the ponds such that they are now full heading into spring.

In order to maintain compliance with the operating licence, a contractor is required to be retained to provide leachate carting and disposal services, and the ponds must be maintained with a minimum 500mm freeboard.

Discussion

A tender for a 3-year contract to provide leachate carting and disposal services on a schedule of rates was advertised on Council's e-Procure web portal from 10 May 2021 to 7 June 2021. Four submissions were received at the close of the 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:

- Manager Resource Recovery and Environment
- Coordinator Waste Management
- Coordinator Resource Recovery.

The panel reviewed all submissions and applied the evaluation techniques described in the Procurement Plan, including application of weightings to advertised criteria to arrive at a final score for each tender.

Tenders were assessed against mandatory criteria to ensure tenderers have the capability to properly manage this reportable priority waste. Mandatory (pass / fail) criteria included:

- Capability to deliver (own processing facility)
- Capability to deliver (operator of licenced vehicles)
- Capability to deliver (insurance \$20M PL, Workcover)
- Capability to deliver (EMP and procedures).

Tenders were then assessed against the following evaluation criteria:

- Price – 75%
- Availability – 10%
- Relevant experience - 15%.

Given that the nature of the work requires licensed vehicles and a licensed facility for disposal, and that both of these are strictly controlled by EPA, the use of mandatory criteria and a heavy emphasis on price were deemed appropriate.

The four submissions received were assessed for compliance prior to evaluating. The Committee deemed that two of the submissions were compliant and two were not compliant with the mandatory criteria. The two submissions that were not compliant were from tenderers who did not operate a liquid waste treatment facility licenced to receive this waste type.

Compliant submissions were then assessed against the evaluation criteria to consider the suppliers' ability to meet the requirements of the contract and arrive at a numerical score. The weightings proposed in the Evaluation Plan were applied to arrive at a weighted score, which was tallied to an overall score. The tenderer with the submission with the highest overall score is the preferred supplier. A reference check was completed on the preferred supplier.

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

Based on the analysis undertaken, the Committee recommend Tender 1 be awarded Contract 21/13 for Landfill Leachate Carting and Disposal Services on a schedule of rates basis for a 3-year contract.

Council Plan/Strategies/Policies

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

The use of a competitive tender to achieve best value supports the *Council Plan 2017-2021 Our Promise* strategy 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 the *Local Government Act 2020* (section 101; Financial Management Principles, and Section 109: Procurement) and with Council's Procurement Policy.

The Alexandra Landfill is operated under EPA waste discharge licence 12039 as a scheduled premise in accordance with the *Environment Protection Act 2017* and the attendant Environment Protection (Scheduled Premises regulations 2017).

Financial Implications and Risk

The generation of leachate is generally determined by the rainfall, temperature and volumes of organic waste making it difficult to predetermine the volume and cost of disposal. In the past four years there has been no need to cart leachate, but there is a need this year.

With the variability in volumes of leachate generation, the potential cost in any one year could be expected to range from \$0 to \$300,000 excluding GST. It is estimated that the maximum spend over the 3-year contract would be \$900,000 excluding GST or \$990,000 including GST.

Landfill related expenses are covered in the landfill operating account which has a budget this year of \$363,000. If additional funds are required to operate the landfill, Council maintains a Waste Reserve from which funds can be drawn to ensure protection of the environment and compliance with the operating licence.

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 required or undertaken in the preparation of this report.

12 NOTICES OF MOTIONS

13 MATTERS DEFERRED FROM PREVIOUS MEETING

14 URGENT BUSINESS

15 COUNCILLOR REPORTS

15.1 Cr Karine Haslam

15.2 Cr Ilona Gerencser

15.3 Cr Eric Lording

- 15.4 Cr John Walsh**
- 15.5 Cr Damien Gallagher**
- 15.6 Cr Sue Carpenter**
- 15.7 Cr Sandice McAulay - Mayoral Report**
- 16 CHIEF EXECUTIVE OFFICER REPORT**
- 17 ASSEMBLIES OF COUNCILLORS**

Purpose

This report presents the records of assemblies of Councillors for 28 July 2021 to 18 August 2021, for Council to note in accordance with Section 80A of the *Local Government Act 1989* (the Act).

Officer Recommendation

That Council receive and note the records of assembly of Councillors for 26 July 2021 to 20 August 2021.

Background

In accordance with Section 80A of the Act, written assemblies of Councillors are to be reported at an Scheduled 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 28 July 2021 to 18 August 2021:

Meeting Name/Type	Council Pre-Meet
Meeting Date:	28 July 2021
Matters Discussed:	<ol style="list-style-type: none"> 1. Domestic Animal Management Plan 2. Murrindindi Shire 10 Year Community Vision 3. Completion of Councillor Induction Program
Councillor Attendees:	Cr S Carpenter, Cr D Gallagher, Cr K Haslam, Cr I Gerencser, Cr E Lording, Cr S McAulay, Cr J Walsh
Council Officer Attendees:	L Bonazzi, M Chesworth, V Albicini, S Brown, T Carter, N Stewart, C Southurst, S Coller, A Paix
Conflict of Interest Disclosures: Nil	

Meeting Name/Type	Briefing Session
Meeting Date:	4 August 2021
Matters Discussed:	<ol style="list-style-type: none"> 1. Guest Speaker – Annie Farrow (DPJR / Eco Dev) – Minerals Exploration 2. Thornton Recreation Reserve – Master Plan 3. Workers Compensation Premium 4. Visitor Services Review
Councillor Attendees:	Cr S Carpenter, Cr D Gallagher, Cr K Haslam, Cr I Gerencser, Cr E Lording, Cr S McAulay, Cr J Walsh
Council Officer Attendees:	L Bonazzi, M Chesworth, V Albicini, S Brown, T Carter, J Carey, S Coller, M Thomas
Conflict of Interest Disclosures: Nil	

Meeting Name/Type	Briefing Session
Meeting Date:	11 August 2021
Matters Discussed:	<ol style="list-style-type: none"> 1. Draft Council Plan – Incorporating the Long Term Financial Plan 2. Delegation to the Chief Executive Officer and Staff – Review 3. 15 Lot Subdivision – 15 Hull Road, Marysville – Planning Application 4. Kerbside Reform Transition Planning and Business Case Electric Vehicle Charging Funding Proposal
Councillor Attendees:	Cr S Carpenter, Cr D Gallagher, Cr K Haslam, Cr E Lording, Cr S McAulay, Cr J Walsh
Council Officer Attendees:	L Bonazzi, M Chesworth, V Albicini, S Brown, S Coller, D Echeverry, G Haylock, A Paix, N Stewart, C Gartland, C Fraser, J Russell, J Kirkwood
Conflict of Interest Disclosures: Nil	

Meeting Name/Type		Workshop Session		
Meeting Date:		18 August 2021		
Matters Discussed:		<ol style="list-style-type: none"> 1. CEO Remuneration & Employment Policy 2. Victorian Timber Plan – Local Development Strategy 3. Grants and Contributions Program – Monthly Allocations 4. Draft Municipal Public Health and Wellbeing Plan 5. CONF Tender – CONT21/13 – Landfill Leachate Carting and Disposal 6. Rethink: Reduce: Reuse: Recycle – Council's Waste and Resource Recovery Strategy 7. Capital Works Monthly Report 8. End of Year Report – Capital Works Program 2020/21 		
Councillor Attendees:		Cr S Carpenter, Cr D Gallagher, Cr K Haslam, Cr I Gerencser, Cr E Lording, Cr S McAulay, Cr J Walsh		
Council Officer Attendees:		L Bonazzi, M Chesworth, V Albicini, S Brown, T Carter, J Fox, S Russell, B Scott, N Carter, S Coller, B Byrne, J Russell		
Conflict of Interest Disclosures: Yes				
Matter No.	Councillor making disclosure	Was a vote taken?	Did the Councillor leave the room?	When? Before or after discussion?
3	Cr S McAulay	No	Yes	Before discussion

Council Plan/Strategies/Policies

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

Relevant Legislation

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

Financial Implications and Risk

There are no financial or risk implications.

Conflict of Interest

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

18 SEALING REGISTER

File Reference	Date Seal Affixed	Description of Documents	Signatures of Persons Sealing
SF/123	6 August 2021	S5. Instrument of Delegation to the Chief Executive Officer (23 June 2021)	Cr Sandice McAulay Cr Sue Carpenter
SF/123	8 August 2021	S6. Instrument of Delegation - Council to Members of Council Staff - Adopted 23 June 2021	Livia Bonazzi Cr Sandice McAulay
SF/123	9 August 2021	S11A - Instrument of Appointment & Authorisation (Planning and Environment Act 1987) (June 2021)	Livia Bonazzi Cr Sandice McAulay

Officer Recommendation

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