



Murrindindi
Shire Council

Scheduled Meeting of Council

Agenda

Wednesday 25 October 2023
Yea Council Chambers
The Semi Circle
6:00 PM

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1 ACKNOWLEDGEMENT OF COUNTRY AND COUNCILLORS' PLEDGE

1.1 Acknowledgement of Country

The meeting will be opened with the Mayor reading the following on behalf of the Murrindindi Shire Council:

“Murrindindi Shire Council is proud to acknowledge the Taungurung and Wurundjeri people as the traditional custodians of the land we now call Murrindindi Shire.

We pay our respects to their Elders past, present and emerging, who are the keepers of history, traditions, knowledge and culture of this land.”

1.2 Councillors' Pledge

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

2 PROCEDURAL MATTERS

2.1 Privacy Note

This public meeting is being streamed live via our Facebook page and website. A recording of the meeting along with the official Minutes of the meeting will also be published on our website.

2.2 Apologies and Request for Planned Leave

2.3 Disclosure of Interest or Conflict of Interest

In accordance with section 130 (1)(a) of the *Local Government Act 2020* Councillors are required to disclose any “conflict of interest” in respect of a matter to be considered at a Council Meeting.

Disclosure must occur immediately before the matter is considered or discussed.

2.4 Confirmation of Minutes

Minutes of the Scheduled Meeting of Council held on 27 September 2023.

RECOMMENDATION

That Council confirm the minutes of the 27 September Scheduled Meeting of Council.

Minutes of the Confidential Meeting of Council held on 27 September 2023.

RECOMMENDATION

That Council confirm the minutes of the 27 September Confidential Meeting of Council.

2.5 Petitions

Petitions received will be tabled at the Scheduled Meeting of Council.

2.6 Community Recognition

Council may suspend standing orders to thank and acknowledge particular community achievements.

2.7 Matters Deferred from Previous Meeting

Council may resolve to defer a matter to a future meeting for consideration for various reasons. Where a matter has been previously deferred it will be tabled for consideration under this section.

2.8 Urgent Business

Council may by resolution admit an item of urgent business only if:

- a. it relates to or arises out of a matter which has arisen since distribution of the Agenda; and
- b. deferring the item until the next Meeting will mean a decision on the item will not have any effect on the matter; or
- c. the item involves a matter of urgency as determined by the Chief Executive Officer; and
- d. it cannot be addressed through an operational service request process.
- e. Provided the matter does not:
 - I. substantially affect the levels of Council service
 - II. commit Council to significant expenditure not included in the adopted budget
 - III. establish or amend Council Policy.

3 PUBLIC PARTICIPATION

3.1 Open Forum

Section 8 of the *Governance Rules 2020* allows for Community Participation in Council Meetings. Open Forum is an opportunity for the general public to present to Council on a matter listed on the Agenda or any other matter.

3.2 Questions of Council

Questions of Council are an opportunity for the general public to submit a question prior to the Scheduled Meeting and receive a response from Council in the Questions of Council time.

4 REPORTS - COMMUNITY & DEVELOPMENT GROUP

4.1 Planning Application - 2427 Maroondah Highway, Buxton -

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|---------------|---|
| Attachment(s) | <ol style="list-style-type: none"> 1. Attachment 1 - 2427 Maroondah Highway BUXTON 3711 - PP App Form [4.1.1 - 4 pages] 2. Attachment 2 - 2427 Maroondah Highway BUXTON 3711 - PP App Submission [4.1.2 - 1 page] 3. Attachment 3 - 2427 Maroondah Highway BUXTON 3711 - Title - Subject Land [4.1.3 - 3 pages] 4. Attachment 4 - 2427 Maroondah Highway BUXTON 3711 - Title - Other Lots [4.1.4 - 2 pages] 5. Attachment 5 - 2427 Maroondah Highway BUXTON 3711 - Creation of Easement Plan [4.1.5 - 3 pages] 6. Attachment 6 - 2427 Maroondah Highway BUXTON 3711 - Feature Survey [4.1.6 - 1 page] 7. Attachment 7 - 2427 Maroondah Highway BUXTON 3711 - Carriageway Feature Survey [4.1.7 - 1 page] 8. Attachment 8 - 2427 Maroondah Highway BUXTON 3711 - DEECA (Formerly DELWP) Objection [4.1.8 - 2 pages] 9. Attachment 9 - 2427 Maroondah Highway BUXTON 3711 - Applicant Response to Objection [4.1.9 - 7 pages] 10. Attachment 10 - 2427 Maroondah Highway BUXTON 3711 - DEECA Objection 2 [4.1.10 - 3 pages] |
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Presenter	N Maguire, Planning Officer
Approved by	Director Community & Development
Purpose	For decision

Land:	2427 Maroondah Highway, Buxton
Proposal:	Creation of a carriageway easement
Applicant:	L G Utter
Zoning:	Farming Zone
Overlays:	Bushfire Management Overlay, Floodway Overlay (Part)
Triggers:	52.02 - Create an easement (carriageway)

Locality Plan



Executive Summary

An application has been received for the creation of a carriageway easement over land at 2427 Maroondah Highway Buxton under the provisions of the Murrindindi Planning Scheme.

The land is in the Farming Zone and is affected by the Bushfire Management Overlay and the Floodway Overlay (Part). A planning permit is required to create an easement pursuant to Clause 52.02 of the Murrindindi Planning Scheme.

The proposal is to create a 6m wide carriageway easement to enable access, via the Crown land, to the future owners of properties on the west side of the Acheron River. The carriageway easement can only create legal access to the Crown land adjoining the subject land at its western boundary. Easements cannot be created over public land.

The Department of Energy, Environment and Climate Action (DEECA, formerly the Department of Environment, Land, Water and Planning) was notified of the application, as the public land manager of the Crown land adjoining the subject land. DEECA have objected to the granting of a permit as the department does not support the use of a proposed carriageway easement to facilitate public vehicular access across Crown land.

This report recommends that a refusal to grant a permit be issued for the creation of a carriageway easement at 2427 Maroondah Highway Buxton in accordance with the grounds of refusal. The application is presented to Council due to the objection received and because the recommendation is to refuse the application.

RECOMMENDATION

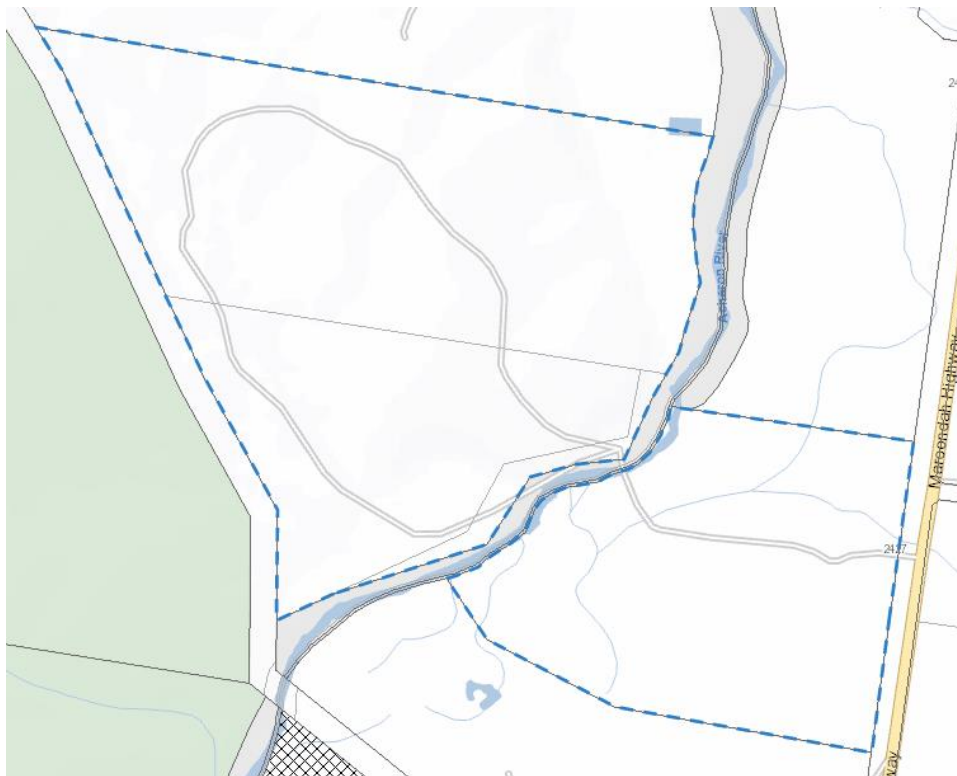
That Council issue a Refusal to grant a planning permit for creation of a carriageway easement at 2427 Maroondah Highway Buxton (Lot: 1 PS: 503239), based on the following grounds:

1. The proposed carriageway easement will provide access to Crown land only, which is not supported by the public land manager.
2. The proposal is not considered orderly planning as it will create a redundant easement which does not provide legal access to adjoining properties as intended.
3. The proposal is inconsistent with the purpose and decision guidelines of Clause 52.02 of the Murrindindi Planning Scheme.

The Land and Surrounds

The subject land is located on the western side of Maroondah Highway, north of the township of Buxton. The land to the north is also in the Farming Zone and the land directly south is zoned Rural Living.

2427 Maroondah Highway Buxton consists of 4 parcels split by Crown land (Acheron River). The subject land is the parcel bounded by Maroondah Highway to the east and the Acheron River to the east. The remaining 3 parcels are located on the western side of the Crown land (river).



Source: [Vicplan \(mapshare.vic.gov.au\)](https://mapshare.vic.gov.au)

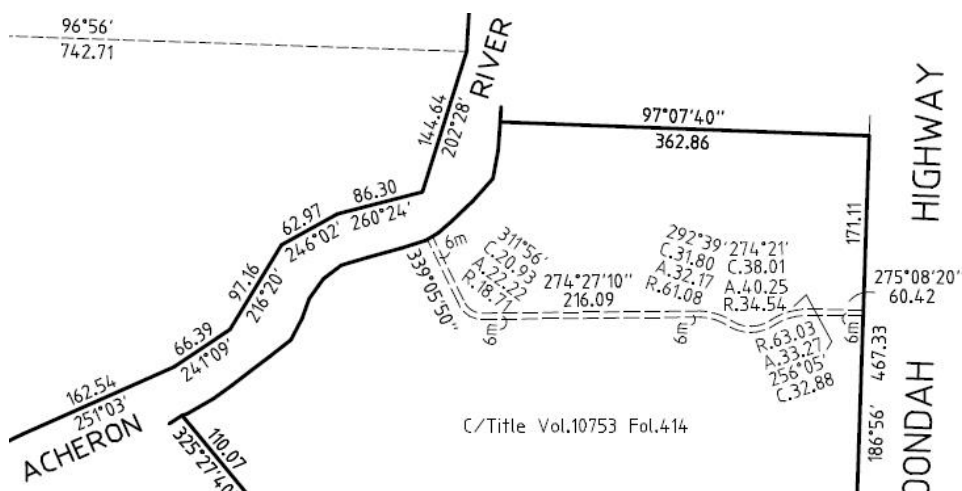
Background

The land is currently used for agriculture and wine production and is developed with a single dwelling and associated outbuildings and farm buildings.

There is an existing gravel road that runs through the land and a bridge is located on the Crown land providing a form of informal access to the land to the west of the subject land which is all within the same ownership.

Proposal

The application proposes the creation of a 6m carriageway easement to provide legal access to the Crown land (Acheron River) at the western boundary of the subject land. The proposed easement will be located over the existing driveway on the property.



The purpose of the easement is to provide legal vehicular access from the Maroondah Highway to the land on the opposite side of the Acheron River.

Cultural Heritage Management Plan

The site is in an area of cultural sensitivity as defined by the *Aboriginal Heritage Regulations 2018*.

There are no buildings or works proposed and the proposed creation of an easement is exempt from requiring a Cultural Heritage Management Plan.

Community and Stakeholder Consultation

Notice of the application was provided in accordance with the requirements of the *Planning and Environment Act 1987* to the Department of Energy, Environment and Climate Action, as public land manager of the adjoining Crown land, and to the Department of Transport and Planning, as the road authority of land in the principal road network.

Notice of the application was not provided to nearby landowners, as the proposal does not include any buildings or works and the existing use of the land would not be altered. Therefore, Council officers were satisfied that the grant of a permit would not cause material detriment to any person.

The Department of Energy, Environment and Climate Action (DEECA) objected to the granting of a permit as the department does not support the use of a proposed carriageway easement to facilitate public vehicular access across Crown land.

A copy of DEECA's objection was provided to the permit applicant who provided a response to the objection. The response was subsequently provided to DEECA.

The objection has not been resolved to date.

Referrals

The application was referred to the Department of Transport and Planning under Section 55 of the *Planning and Environment Act 1987*.

The Department of Transport and Planning did not object to the proposal with a number of conditions requested to be on the permit as follows:

1. *Only one access will be permitted from the subject land to Maroondah Highway.*
2. *Prior to registration of the carriageway easement on title, unless otherwise agreed in writing by the Head, Transport for Victoria, the landowner must provide concept plans showing:*
 - a. *The access to the subject land constructed and sealed generally in accordance with VicRoads guideline drawing – GD4010A Typical Access to Rural Properties to the satisfaction of and at no cost to Head, Transport for Victoria.*
3. *Prior to registration of the carriageway easement on title, unless otherwise agreed in writing by the Head, Transport for Victoria, the landowner must construct and seal the access as per the approved concept plans generally in accordance with VicRoads guideline drawing – GD4010A Typical Access to Rural Properties to the satisfaction of and at no cost to the Head, Transport for Victoria.*
4. *The driveways must be maintained in a fit and proper state so as not to compromise the ability of vehicles to enter and exit the site in a safe manner or compromise operational efficiency of the road or public safety (eg. by spilling gravel onto the roadway).*

Discussion - Planning Considerations

Planning Policy

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

Clause 02.02 - Vision

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

- *Council seeks to enhance the liveability, amenity and quality of life in the municipality.*
- *Council will facilitate sustainable population and economic growth.*
- *The municipal rate base will be actively grown through sound planning, support for continued economic development and protection of the natural and built environment.*
- *A strong economy will attract people to the municipality, creating further opportunities for lifestyle choice, business investment and prosperity.*
- *Increased economic growth and investment will enhance population growth, employment and social and cultural benefits for the municipality.*
- *Residential growth will be provided in established townships and settlements with existing communities and infrastructure, where natural environment is protected and a high level of community safety is achieved.*

Clause 13.07-1S - Land use compatibility

Objective

- To protect community amenity, human health and safety while facilitating appropriate commercial, industrial, infrastructure or other uses with potential adverse off-site impacts.

Strategies

- Ensure that use or development of land is compatible with adjoining and nearby land uses.

The proposed carriageway easement will create legal access to Crown land, which is not supported by the Crown land manager.

Zone

Farming Zone (FZ)

Purpose

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To provide for the use of land for agriculture.*
- *To encourage the retention of productive agricultural land.*
- *To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.*
- *To encourage the retention of employment and population to support rural communities.*
- *To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.*
- *To provide for the use and development of land for the specific purposes identified in a schedule to this zone.*

No permit is required in the FZ. The proposal was assessed under the provision of Clause 52.02 and will be discussed below.

Overlays

Floodway Overlay (FO)

Purpose

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To identify waterways, major floodpaths, drainage depressions and high hazard areas which have the greatest risk and frequency of being affected by flooding.*
- *To ensure that any development maintains the free passage and temporary storage of floodwater, minimises flood damage and is compatible with flood hazard, local drainage conditions and the minimisation of soil erosion, sedimentation and silting.*
- *To reflect any declarations under Division 4 of Part 10 of the Water Act, 1989 if a declaration has been made.*
- *To protect water quality and waterways as natural resources by managing urban stormwater, protecting water supply catchment areas, and managing saline discharges to minimise the risks to the environmental quality of water and groundwater.*
- *To ensure that development maintains or improves river and wetland health, waterway protection and flood plain health.*

No permit is required in the FO.

Bushfire Management Overlay (BMO)

Purpose

- *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.*

No permit is required in the BMO.

Particular Provisions

Clause 52.02 - Easements, restrictions and reserves

Purpose

- *To enable the removal and variation of an easement or restrictions to enable a use or development that complies with the planning scheme after the interests of affected people are considered.*

Decision guidelines

- *Before deciding on an application, in addition to the decision guidelines in clause 65, the responsible authority must consider the interests of affected people.*

The proposed carriageway easement will provide legal access to Crown land, which is not supported by the Crown land manager.

Clause 52.29 - Land adjacent to the principal road network

Purpose

- *To ensure appropriate access to the Principal Road Network or land planned to form part of the Principal Road Network.*
- *To ensure appropriate subdivision of land adjacent to Principal Road Network or land planned to form part of the Principal Road Network.*

A permit is required to create or alter access to a road in Transport Zone 2 (TRZ2). While no physical works were proposed on the intersection as part of this application, its approval would allow for additional access on to the highway which is not currently formalised. The Department of Transport and Planning (DTP) were notified of this application and did not object to the proposal with a number of conditions requested to be on the permit. Such conditions require the alteration of access to a road in a TRZ2.

The proposal for this application does not include a request to create or alter access to a road in a TRZ2. Were officers to be in a position to support this application, this would need to be formalised before a decision was made; however, is immaterial to the application at this time. Officers are not recommending this application be refused on this item of incompleteness.

Should an appeal be lodged, officers would be supportive of the permit applicant amending the application before the Tribunal to include this. Officers overall position on the application would not change.

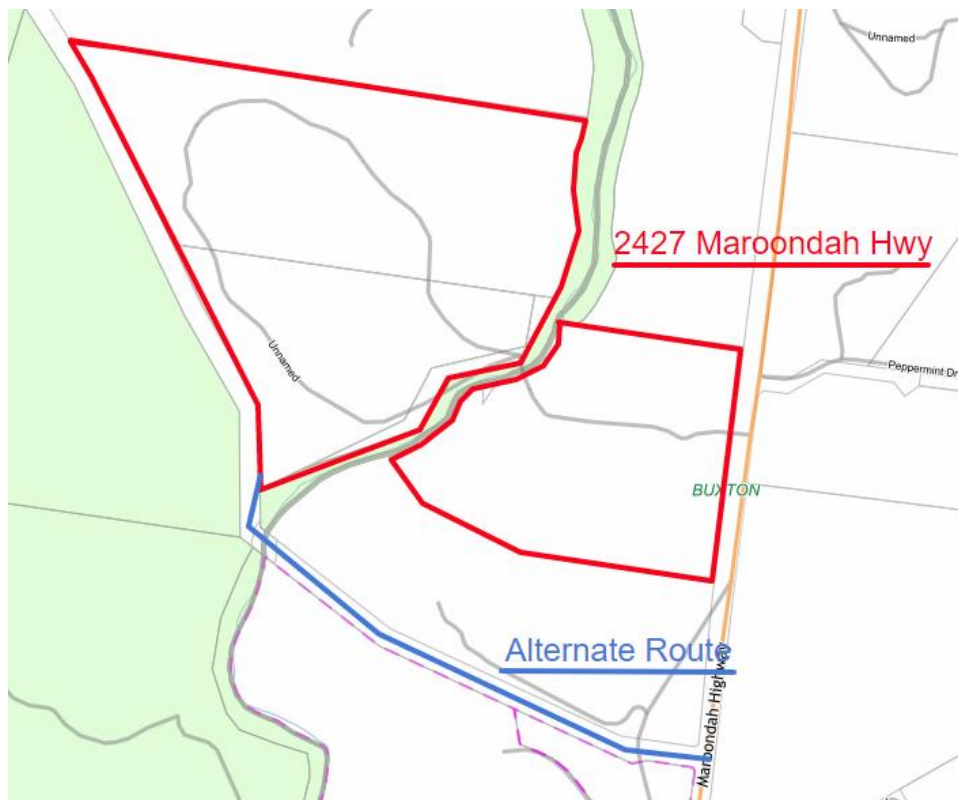
Clause 65.01 - Approval of an application or plan

Before deciding on an application or approval of a plan, the responsible authority must consider, as appropriate:

- *The orderly planning of the area.*
- *The proximity of the land to any public land.*

The outcome of the creation of a carriageway easement would create legal access to Crown land only. While the proposal is intended to provide future benefits for potential development of the land west of the subject land as well as maintaining its current agricultural use, the application does not reflect orderly planning of the area.

The application has been advertised to the DEECA as the public land manager who has objected to the proposal as the proposal can only provide access as far as the public land. DEECA have advised that alternate access could be provided via the existing road network:



Using the existing road network (shown in blue), access would need to be constructed to Council Standards in accordance with the Road Asset Management Plan and the Infrastructure Design Manual.

The construction of access utilising the existing unmade road network would require additional approval from Council's Assets and Engineering Units for the construction of the road and Goulburn Broken Catchment Management Authority for works over the Acheron River. Additional permits would be required for the associated extensive vegetation removal. This is in addition to the duplication of existing infrastructure (mainly the road and bridge) and is not considered to be a practical solution by officers.

This has not been supported by the permit applicant.

The easement as proposed (albeit not as intended) creates an easement allowing one parcel of land to use another for access without actually providing access all the way to the property boundary. The creation of a redundant easement is not considered to be orderly planning.

Discussion - Submissions

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

The Department of Energy, Environment and Climate Action (DEECA) objected to the granting of a permit as the department does not support the use of a proposed carriageway easement to facilitate public vehicular access across Crown land. DEECA does not support the use of Crown land for vehicular access in perpetuity.

While there is an existing bridge on the Crown land, DEECA advises it is not intended for vehicular access and the department is not responsible for its care, maintenance or management.

The intent of the proposal is to legalise the existing informal access to the lots west of the Acheron River, allowing potential future development of the land.

However, the outcome of this proposal will only create vehicular access to Crown land, which is not supported by the public land manager.

Conclusion

It is considered that the creation of a carriageway easement is inappropriate and is not orderly planning. On the balance it is considered that the creation of a carriageway easement at 2427 Maroondah Highway Buxton is inconsistent with the provisions of the Murrindindi Planning Scheme.

Council Plan/Strategies/Policies

This report supports the *Council Plan 2021-2025 Beautiful Towns and Rural Settings* strategy to “deliver efficient, sustainable land use planning outcomes to enhance liveability, protect our unique rural character and natural beauty, and to enable growth”.

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 were no conflicts of interest declared by Council officers in relation to the matters contained in this report.

4.2 Planning Application - 1363 Whittlesea-Yea Road, Kinglake West

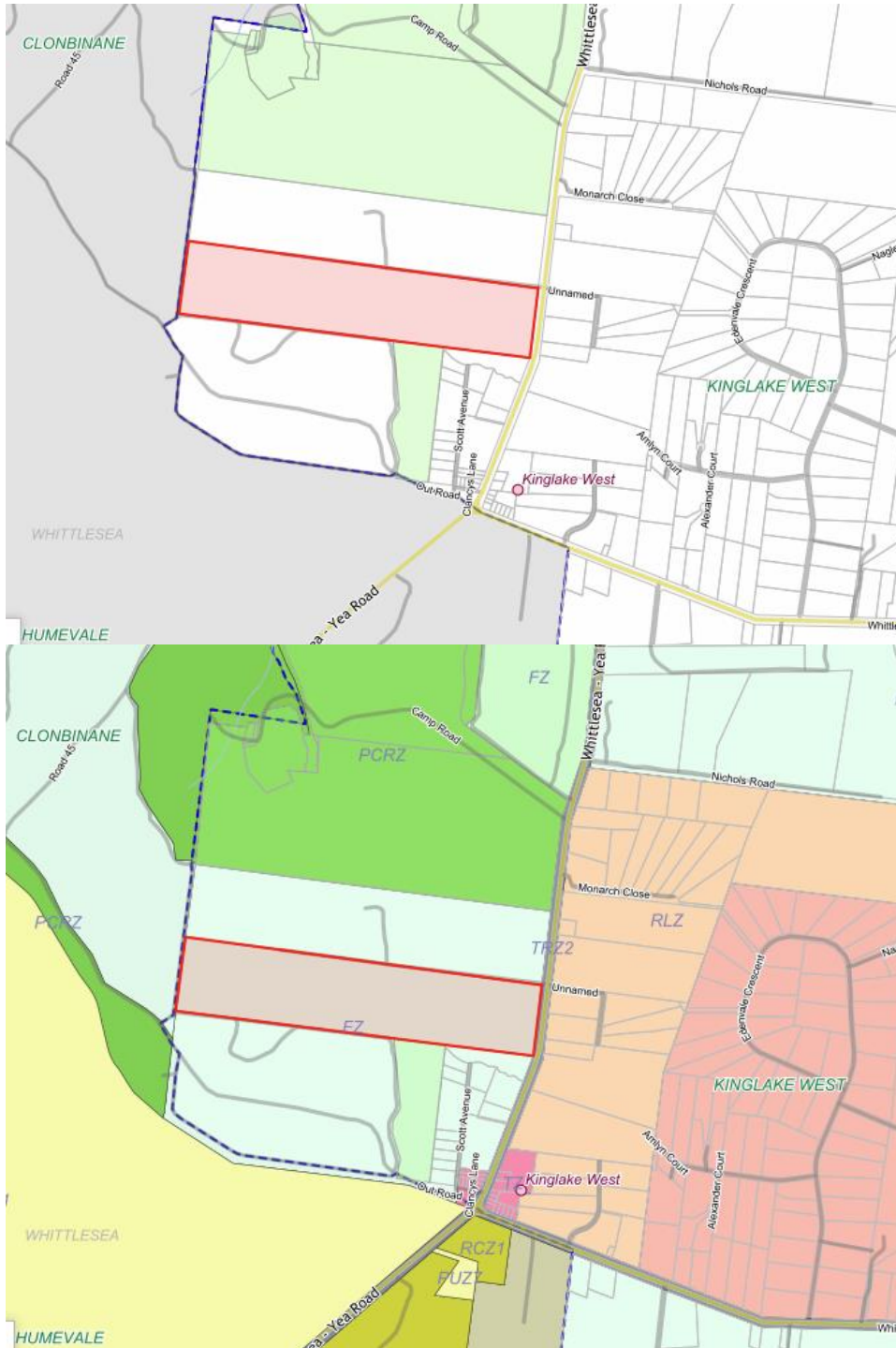
Attachment(s):

1. Attachment 1 - 1363 Whittlesea- Yea Road KINGLAKE WEST 3757 - PP APP Form [4.2.1 - 4 pages]
2. Attachment 2 - 1363 Whittlesea- Yea Road KINGLAKE WEST 3757 - Title [4.2.2 - 3 pages]
3. Attachment 3 - 1363 Whittlesea- Yea Road KINGLAKE WEST 3757 - Planning Report [4.2.3 - 13 pages]
4. Attachment 4 - 1363 Whittlesea- Yea Road KINGLAKE WEST 3757 - Proposed Plan of Subdivision [4.2.4 - 2 pages]
5. Attachment 5 - 1363 Whittlesea- Yea Road KINGLAKE WEST 3757 - Site Plan [4.2.5 - 1 page]
6. Attachment 6 - 1363 Whittlesea- Yea Road KINGLAKE WEST 3757 - Survey [4.2.6 - 1 page]
7. Attachment 7 - 1363 Whittlesea- Yea Road KINGLAKE WEST 3757 - Existing Dimensions [4.2.7 - 1 page]
8. Attachment 8 - 1363 Whittlesea- Yea Road KINGLAKE WEST 3757 - FMP [4.2.8 - 20 pages]
9. Attachment 9 - 1363 Whittlesea- Yea Road KINGLAKE WEST 3757 - BMS [4.2.9 - 27 pages]
10. Attachment 10 - 1363 Whittlesea- Yea Road KINGLAKE WEST 3757 - BMP [4.2.10 - 1 page]
11. CONFIDENTIAL REDACTED - Attachment 11 - 1363 Whittlesea- Yea Road KINGLAKE WEST 3757 - Submission - Objection - Milos Kviz [4.2.11 - 1 page]
12. CONFIDENTIAL REDACTED - Attachment 12 - 1363 Whittlesea- Yea Road KINGLAKE WEST 3757 - Submission - Objection - Rodney Thomson [4.2.12 - 3 pages]

Presenter	Cameron Fraser, Coordinator Planning
Approved by	Director Community & Development
Purpose	For decision

Land:	1363 Whittlesea-Yea Road, Kinglake West
Proposal:	Two (2) lot subdivision (house lot excision), creation of a carriageway easement and alteration of access to a road in a Transport Zone 2
Applicant:	Agyakar Singh Grewal and Sukhwinder Kaur Grewal
Zoning:	Farming Zone
Overlays:	Environmental Significance Overlay – Schedule 1, Bushfire Management Overlay
Triggers:	35.07 – Farming Zone – Subdivide land 42.01 – Environmental Significance Overlay – Subdivide land 44.06 – Bushfire Management Overlay – Subdivide land 52.02 - Easements, Restrictions and Reserves – Create an easement (carriageway) 52.29 - Land Adjacent to the Principal Road Network – Alter access to a road in a Transport Zone 2

Locality Plan: 1363 Whittlesea-Yea Road, Kinglake West





Executive Summary

An application has been received for a two (2) lot subdivision (house lot excision), creation of a carriageway easement and alteration of access to a road in a Transport Zone 2 at 1363 Whittlesea-Yea Road, Kinglake West under the provisions of the Murrindindi Planning Scheme.

The land is in the Farming Zone and is subject to the Environmental Significance Overlay – Schedule 1 and the Bushfire Management Overlay and Whittlesea-Yea Road is in a Transport Zone 2. A planning permit is required to subdivide land in the Farming Zone. Clause 35.07-3 of the Murrindindi Planning Scheme requires each lot to be at least 40 hectares unless the subdivision is to create a lot for an existing dwelling. The subdivision must be a two-lot subdivision. A planning permit is also required to subdivide land in the Environmental Significance Overlay and the Bushfire Management Overlay and to create a carriageway easement and to alter access to a road in a Transport Zone 2.

The proposal is to subdivide the lot into two lots by retaining the existing dwelling on a 1.95 ha lot (Lot 2) and create a balance lot of 42.32 ha (Lot 1). No development plans are proposed for Lot 1, which means that Lot 1 will be treated as a vacant lot.

The application was referred to Department of Transport and Planning, who have not objected to the proposal, subject to a number of conditions. These conditions include the creation of a carriageway easement and alterations to access from Whittlesea-Yea Road, both of which require a planning permit and have therefore been included to form part of the proposal.

The application has been advertised to the adjoining properties and two (2) submissions have been received. The objections relate to the lack of detail of future development on the site and the impacts that may have on surrounding properties, and the cumulative impacts of development in the area.

The proposed subdivision fails to meet the objective of Clause 14.01-1L of the Murrindindi Planning Scheme, which seeks to limit house lot excision, is inconsistent with the purpose and decision guidelines of the Farming Zone, and is not in accordance with the purpose and decision

guidelines of the Environmental Significance Overlay and Schedule 1 to the Environmental Significance Overlay, which aims to protect high quality agricultural land.

Purpose

This report recommends that a refusal to grant a permit be issued for a two (2) lot subdivision (house lot excision), creation of a carriageway easement and alteration of access to a road in a Transport Zone 2 at 1363 Whittlesea-Yea Road, Kinglake West in accordance with the grounds of refusal. The application is presented to Council because the recommendation is to refuse the application.

RECOMMENDATION

That Council issue a refusal to grant a permit for two (2) lot subdivision (house lot excision), creation of a carriageway easement and alteration of access to a road in a Transport Zone 2 at 1363 Whittlesea-Yea Road, Kinglake West (C/A: 4 CAL: B), based on the following grounds:

- 1. The proposal fails to meet the objective of Clause 14.01-1L of the Murrindindi Planning Scheme, which seeks to limit house lot excisions.**
- 2. The proposal is not in accordance with the purpose and decision guidelines of the Farming Zone.**
- 3. The proposal is not in accordance with the purpose and decision guidelines of the Environmental Significance Overlay and Schedule 1 to the Environmental Significance Overlay.**

The Land and Surrounds

The subject land is located on the western side of Whittlesea-Yea Road, north of the Whittlesea-Kinglake Road intersection. The land is 44.27 ha in area, is rectangular in shape and has frontage to Whittlesea-Yea Road along its eastern boundary. A waterway runs midway through the property.

The land contains a single dwelling, site office, and farm shed, all sited towards the front of the property. The land is used for agricultural purposes, with a well-established horticultural operation producing blueberries, blackberries, and kiwifruit in the front section of the property and the land west of the waterway is used for grazing.

The land is in the Farming Zone and is subject to the Environmental Significance Overlay – Schedule 1 and the Bushfire Management Overlay. The surrounding land is also in the Farming Zone and the subject land adjoins a similar-sized lot to the north which is used and developed in a similar manner to the subject land, and smaller lots to the south, mostly developed with single dwellings. There is a small parcel of Crown land south of the subject land, and the remaining adjoining land to the south and west is an existing timber plantation. The land along the eastern side of Whittlesea-Yea Road is in the Rural Living Zone, with a small area of land in the Township Zone close to the intersection of Whittlesea-Kinglake Road.

Background

The dwelling on the land was constructed in 2004 following issue of Planning Permit 2004/215. A planning permit was required for the development of the land only as the lot was over 40 Hectares in area.

The horticultural operation has been established over the past 6 years and there is netting over the berry crop. The waterway on the property has been fenced off from the productive land.

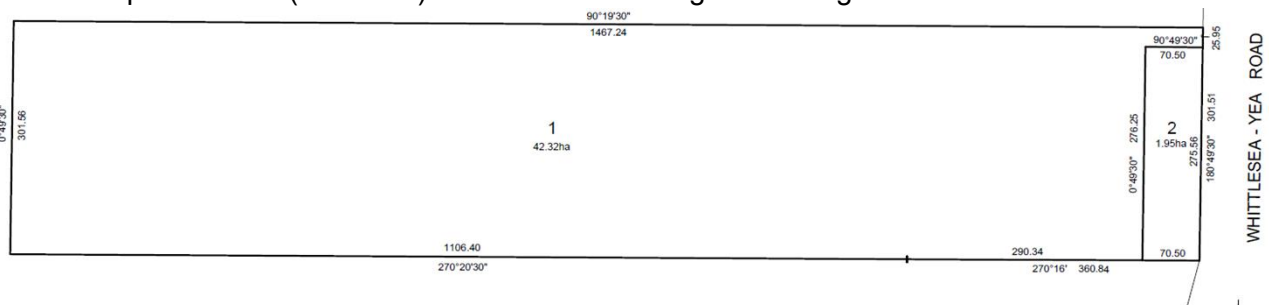
Proposal

The application is for a two (2) lot subdivision, creation of a carriageway easement, and alteration of access to a road in a Transport Zone 2.

A planning permit is required to subdivide land in the Farming Zone. Clause 35.07-3 requires each lot to be at least 40 hectares unless the subdivision is to create a lot for an existing dwelling. The subdivision must be a two-lot subdivision. A planning permit is also required to subdivide land in the Environmental Significance Overlay and the Bushfire Management Overlay and to create a carriageway easement and to alter access to a road in a Transport Zone 2.

An extract of the application documents shows the proposed plan of subdivision below:

- Proposed Lot 1 (balance lot) will consist of the berry crop and grazing land and will be 42.32 ha
- Proposed Lot 2 (house lot) includes the dwelling and storage shed and will be 1.95 ha.



Extract from Application Documents

Cultural Heritage Management Plan

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

Community and Stakeholder Consultation

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

- By letter to surrounding properties.
- By letter to Department of Energy, Environment and Climate Action (DEECA), as public land manager of the adjoining Crown land.
- By letter to Goulburn Broken Catchment Management Authority (GBCMA).

Two submissions objecting to the application have been received from nearby landowners. The submissions objecting to the application can be summarised as follows:

- Lack of information on the proposed or permitted development on each lot.
- Additional infrastructure required for larger farm lot (eg. Buildings, sheds, nurseries).
- Increased impermeable built-up areas leading to further run-off to adjoining lots.
- Lack of detail of future dwelling on larger farm lot & impacts cannot be evaluated.
- No mention of the power lines traversing proposed dwelling lot and potential impacts on power lines/poles in front of adjoining lot.
- Cumulative impacts on rural lifestyle from development in the area.
- Impacts of the proposal on the platypuses in the creek.

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

Referrals

The application was referred to the following authorities under Section 55 of the *Planning and Environment Act 1987*:

- Country Fire Authority (CFA)
- Department of Transport and Planning (DTP)

The CFA did not object to the proposal and did not recommend any conditions.

DTP did not object to the proposal with a number of conditions requested to be on the permit as follows:

1. *Only one access will be permitted from the subject land to Whittlesea-Yea Road.*
2. *Before the plan of subdivision is submitted to the Responsible Authority for certification under the Subdivision Act 1988, amended plans must be submitted to and approved by the Head, Transport for Victoria. When approved by the Head, Transport for Victoria, the plans must be endorsed by the Responsible Authority and will then form part of the permit. The plans must be drawn to scale with dimensions and must generally be in accordance with the Plan of Subdivision with the reference number PS 917098S but modified to show:*
 - a. *A carriageway easement from Whittlesea-Yea Road that provides a joint access to Lot 1 and Lot 2.*
 - b. *Construction and sealing of the joint access in accordance with VicRoads Guideline Drawing GD4010A Typical Access to Rural Properties to cater for a 26m B-Double Type Vehicle as detailed in Table 2 – Access Setout Details.*
 - c. *Removal of the access to the dwelling.*
3. *Prior to the release of a statement of compliance the following roadworks must be completed to the satisfaction of and at no cost to the Head, Transport for Victoria:*
 - a. *Construction and sealing of the joint access in accordance with VicRoads Guideline Drawing GD4010A Typical Access to Rural Properties to cater for a 26m B-Double Type Vehicle as detailed in Table 2 – Access Setout Details to the satisfaction of and at no cost to the Head, Transport for Victoria.*
 - b. *Removal and reinstatement of the access to the dwelling.*
4. *The driveway must be maintained in a fit and proper state so as not to compromise the ability of vehicles to enter and exit the site in a safe manner or compromise operational efficiency of the road or public safety (eg. by spilling gravel onto the roadway).*

Discussion - Planning Considerations

Planning Policy

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

Clause 02.02 – Vision

The Murrindindi Planning Scheme outlines the overall vision for the municipality. This includes:

- *Council seeks to enhance the liveability, amenity and quality of life in the municipality.*
- *Council will facilitate sustainable population and economic growth.*
- *The municipal rate base will be actively grown through sound planning, support for continued economic development and protection of the natural and built environment.*
- *A strong economy will attract people to the municipality, creating further opportunities for lifestyle choice, business investment and prosperity.*

- *Increased economic growth and investment will enhance population growth, employment and social and cultural benefits for the municipality.*
- *Residential growth will be provided in established townships and settlements with existing communities and infrastructure, where natural environment is protected and a high level of community safety is achieved.*

Clause 02.03 – Natural resource management

The agricultural sector in Murrindindi Shire is diverse, economically significant and has potential to expand. Agricultural activities include beef and sheep grazing, horticulture, cropping, vegetable growing, aquaculture, forestry, and niche products.

The Goulburn River valley and tributaries is a fertile valley of high agricultural quality. The Kinglake Ranges has high quality soils and agricultural value.

Favourable climatic and environmental conditions and proximity to the Melbourne market have seen the recent development of intensive agricultural industries, including an expansion of the viticultural, stone fruit, berries, vegetables, and turf production.

Agricultural land is under increasing pressure for conversion into non-agricultural uses. Council aims to protect the viability of agricultural land and waterways by:

- *Protecting high quality agricultural land for ongoing agricultural use.*
- *Protecting rural land for productive agricultural uses and compatible rural uses.*
- *Ensuring that the use and development of rural land protects and enhances agricultural potential and the productive capacity of the land and surrounding land.*
- *Supporting existing agricultural production activities, including beef and sheep grazing, horticulture, cropping, vegetable growing, aquaculture, timber production and niche products.*
- *Supporting emerging agricultural industries that are compatible with existing agricultural practices, including horticulture, intensive animal production, agroforestry, farm gate agricultural sales, boutique, niche agriculture, agricultural processing, value adding industries and carbon farming.*
- *Supporting the evolution of agriculture in response to improved practices and climate change.*
- *Ensuring that agricultural land is not developed for primarily residential purposes.*
- *Discouraging the fragmentation of rural land into lots incapable of productive agricultural and rural use.*
- *Protecting water catchments from inappropriate use and development, particularly the Goulburn River valley and its tributaries.*

Clause 12.01-2S – Native vegetation management

Objective

- *To ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation.*

Clause 14.01-1S – Protection of agricultural land

Objective

- *To protect the state's agricultural base by preserving productive farmland.*

Clause 14.01-2S – Sustainable agricultural land use

Objective

- *To encourage sustainable agricultural land use.*

Strategies

- *Ensure that use or development of land is compatible with adjoining and nearby land uses.*
- *Avoid locating incompatible uses in areas that may be impacted by adverse off-site impacts from commercial, industrial, and other uses.*
- *Avoid or otherwise minimise adverse off-site impacts from commercial, industrial, and other uses through land use separation, siting, building design and operational measures.*
- *Protect existing commercial, industrial, and other uses from encroachment by use or development that would compromise the ability of those uses to function safely and effectively.*

The proposal will result in excessive negative amenity impacts on the surrounding agricultural land. Furthermore, the scale of the proposed use and associated works will not contribute to the maintenance or progression of agricultural land value. Overall, the impacts of the proposal do not protect improved function of the agricultural site.

The negative impacts on the amenity to the surrounding community is representative from the objections that have been received.

The proposed subdivision does not contribute to the economy of agricultural land uses of the area which has been identified as being of high production value. The area is not identified for subdivision; however, adjoins identified developing rural living areas. This is consistent with the overall desire to maintain land uses to agricultural and farming uses.

The proposal does not comply with local policy for the following reasons:

- The proposed use does not minimise offsite amenity impacts and is considered to compromise the function of adjoining agricultural uses (Clause 13.07).
- The proposal will not enhance the site's ability to be productive agricultural land.

In addition to the state policy within the Murrindindi Planning Scheme, the following local policy is highly relevant to the assessment of this application:

Clause 14.01-1L – Dwelling excisions in rural areas

The Murrindindi Planning Scheme contains specific planning policy to address applications for dwelling excisions in the Farming Zone.

Objective

- *To limit excisions of existing dwellings in rural areas.*

The following strategies have been considered as relevant to this application:

- *Discourage subdivision that is likely to lead to a concentration of lots that would change the general use and character and limit the productive capacity of the land.*

It is considered that the proposed subdivision is likely to lead to a change in the characteristics of the use of the land. While the area could be generally characterised as a mix of residential and agricultural uses, the land is zoned for agricultural purposes which is a result of significant strategic work through the Kinglake Ranges Flowerdale Toolangi (KFT) Plan which progresses from residential development in Kinglake West/Pheasant Creek to agricultural land separating the more built up areas from the heavily forested areas to the west of the site.

The productivity of the land will potentially be reduced as a result of the as of right use of a dwelling on the balance lot.

- *Maintain an adequate distance around a dwelling to limit impacts of agricultural activity having regard to the nature of the activity, its potential for impact and opportunity for mitigation measures.*

The existing dwelling will be able to meet the minimum setback requirement of 30 metres from agricultural activity only by clearing existing agriculturally used land.

- *Discourage subdivision within proclaimed water supply catchment areas to protect water quantity and quality.*

There is no proclaimed water supply catchment area.

- *Demonstrate sustainable use of the land, consideration of environmental constraints and protection and enhancement of the natural environment.*

The application fails to demonstrate that the proposed subdivision meets this strategy of Clause 14.01-1L:

- *Support small lot subdivisions or any excision of an existing dwelling that either:*
 - *Protects and maintains the productive agricultural capacity of land.*
 - *Supports farm consolidation.*
 - *Supports the conservation of an identified heritage place to which the Heritage Overlay applies.*

It is considered that the proposed subdivision will reduce the agricultural capacity of the land. The existing dwelling is located at the front of the site on the eastern property boundary which adjoins residential development in the Rural Living Zone.

The application does not support farm consolidation.

Policy Guidelines

The policy guidelines included in Clause 14.01-1L have been considered as part of the assessment of this application and is detailed below. These are guidelines only and it should not be assumed that meeting the guidelines within this clause equates to meeting the objective of this provision.

- *Limiting excisions so that no more than one lot may be excised from any lot that existed on 6 May 1999.*

No lots have been excised for the subject site. The current lot was created in 1985.

- *Discourage excisions of existing dwellings in rural areas unless they:*
 - *Will have a relationship with and will be required for the continuing operation of the rural use of the land.*
 - *Are compatible with and will not have an adverse impact on the potential for farming and other rural land uses on the land, adjoining land and the general area.*
 - *Will meet the principle of 'right to farm' in rural areas, where existing agricultural and rural uses in the area have a legal right to continue.*

The applicant wishes to reside in their existing dwelling and sell the balance lot. While in the short term, amenity issues may be understood so as not to limit the operation of the farm into the future in the longer term. The proposal will lead to an adverse impact on the potential for farming on both the balance lot and adjoining agricultural parcel into the future.

The proposal is considered to be inconsistent and incompatible with surrounding uses and development. These two parcels are the only remaining productive farmland in this area which has been identified as agricultural land in the current strategic documents for this area of Kinglake West.

- *Encourage an excision of an existing dwelling to provide:*
 - *A maximum area of 2 hectares for the lot with the existing house located on it.*

The proposed subdivision is generally consistent with this planning policy. While the proposed lot with the existing dwelling will be 1.95 ha, this lot contains a large amount of shedding and other infrastructure used for agriculture on the property. It is reasonable to expect this will need to be replaced on the balance lot should the subdivision be approved, further removing productive agricultural land.

- *An area of at least 40 hectares for the balance of the land.*

The proposed Lot 2 (the balance lot) will be 42.32 ha, in accordance with this policy guideline.

- *A minimum setback of 30 metres from the dwelling on the land to be excised from any agricultural activity or rural industry on any adjoining land.*

The dwelling to be excised meets this setback but relies on the removal of land from productive agriculture to do so. It is acknowledged that the removal of crops does not require approval.

Overall, it is considered that the proposal fails to meet the objective, strategies and policy guidelines contained in Clause 14.01.1-L of the Murrindindi Planning Scheme.

Clause 35.07 – Farming Zone (FZ)

Purpose

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To provide for the use of land for agriculture.*
- *To encourage the retention of productive agricultural land.*
- *To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.*
- *To encourage the retention of employment and population to support rural communities.*
- *To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.*
- *To provide for the use and development of land for the specific purposes identified in a schedule to this zone.*

Pursuant to Clause 35.07-3 of the Murrindindi Planning Scheme, a permit is required to subdivide land. The minimum lot size for subdivision is 40 ha. However, a permit may be granted to create a smaller lot if any of the following apply:

- *The subdivision is to create a lot for an existing dwelling. The subdivision must be a two lot subdivision.*
- *The subdivision is the re-subdivision of existing lots and the number of lots is not increased.*
- *The subdivision is by a public authority or utility service provider to create a lot for a utility installation.*

The proposed subdivision is a two lot subdivision which creates a lot for an existing dwelling and is therefore not prohibited.

In addition to consideration of the Planning Policy Framework, which contains specific provisions for house lot excision, which is detailed earlier in this report, the following decision guidelines of the Farming Zone are relevant to this proposal:

- *The capability of the land to accommodate the proposed use or development, including the disposal of effluent.*
- *How the use or development relates to sustainable land management.*
- *Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.*
- *Whether the use or development will support and enhance agricultural production.*
- *Whether the use or development will adversely affect soil quality or permanently remove land from agricultural production.*
- *The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.*
- *The capacity of the site to sustain the agricultural use.*
- *The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure.*
- *Any integrated land management plan prepared for the site.*
- *How the use and development makes use of existing infrastructure and services.*
- *The impact of the proposal on the natural physical features and resources of the area, in particular on soil and water quality.*
- *The location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.*
- *The need to locate buildings in one area to avoid any adverse impacts on surrounding agricultural uses and to minimise the loss of productive agricultural land.*

The proposal is inconsistent with both the purpose and decision guidelines of Clause 35.07 of the Murrindindi Planning Scheme.

The proposed house lot is considered capable of containing the existing dwelling and associated infrastructure, including vehicular access which will be required via carriageway easement, following advice from Department of Transport and Planning.

While the house lot is of sufficient size to contain the dwelling, this is at the expense of productive agricultural land. To achieve setbacks identified within the local policy, this will require the removal of crop from both lots. The close proximity of existing productive agriculture on the site will still be relatively close to the existing dwelling which has been maximised in the front of the site.

A dwelling will be an as-of-right use on the balance lot, resulting in further loss of high quality agricultural land from production. There are no existing buildings on the proposed balance lot, but it is expected that an operational farm will require buildings associated with the agricultural use of the land, including storage of produce, machinery, and site office, which will increase the loss of productive land.

Clause 42.01 – Environmental Significance Overlay – Schedule 1 (ESO1)

Purpose

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To identify areas where the development of land may be affected by environmental constraints.*
- *To ensure that development is compatible with identified environmental values.*

Pursuant to Clause 42.01-2 of the Murrindindi Planning Scheme, a planning permit is required for the subdivision of land.

Schedule 1 to the Environmental Significance Overlay contains the following:

- *Statement of environmental significance*
 - *Murrindindi Shire has extensive high quality agricultural areas located along the Great Dividing Range at Toolangi and Kinglake and along the Goulburn River floodplain. The attributes of these areas consist of a combination of well-drained red soils, high rainfall and access to water.*
- *Environmental objective to be achieved*
 - *Recognise the finite nature of high quality agricultural land.*
 - *Protect high quality agricultural land because of its versatility, productivity and ability to sustain a wide range of agricultural uses without degradation.*
 - *Protect the potential production from high quality agricultural land.*
 - *Prevent the unsustainable development of high quality agricultural land that may result in the loss of the quantity or quality of the land and limit the full productive potential of the land.*
 - *Prevent the conversion of high quality agricultural land to non soil based development.*

The following decision guidelines are considered relevant to the proposal:

Clause 42.01

- *The Municipal Planning Strategy and Planning Policy Framework.*
- *The statement of environmental significance and the environmental objective contained in a schedule to this overlay.*
- *Any other matters specified in a schedule to this overlay.*

Schedule to Clause 42.01

- *Maintaining the productive potential of high quality agricultural land.*
- *The suitability of high quality agricultural land in the assessment of development proposals. Buildings or works are to be sited to avoid or minimise loss of good quality agricultural land.*
- *The preparation and approval of a whole farm plan to outline proposed and future development, identify agricultural opportunities on the land, and protect future agricultural potential of the land.*

- *The need to forward the application for comment to the Department of Environment, Land, Water and Planning if the proposal may result in a major loss of productive agricultural land.*

The proposed subdivision of the land will permanently remove at least 1.95 ha of highly productive agricultural land. The site is in an isolated pocket of Kinglake West, which is identified for its highly productive soils, and is bound by a timber plantation on two boundaries, which reduces development pressures from the north and west. Additionally, retention of this land for agriculture provides greater separation for residential land uses to the east from bushfire risks.

For the reasons above, both in response to this provision and the wider provisions of the Murrindindi Planning Scheme, the application fails to meet the purpose and decision guidelines of the Environmental Significance Overlay.

Clause 44.06 – Bushfire Management Overlay (BMO)

The purpose of this overlay is:

- *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 application was accompanied by a Bushfire Management Statement and Bushfire Management Plan that addresses the bushfire risk associated with the site. The application was referred to the CFA and received conditional consent.

Clause 52.02 - Easements, Restrictions and Reserves

The purpose of this particular provision of the Murrindindi Planning Scheme is to enable a use or development that complies with the planning scheme after the interests of affected people are considered.

A permit is required to create an easement pursuant to Clause 52.02.

Clause 52.29 – Land Adjacent to the Principal Road Network

The purpose of this particular provision of the Murrindindi Planning Scheme is to ensure appropriate access to the Principal Road Network.

A permit is required to alter access to a road in a Transport Zone 2 pursuant to Clause 52.29-2.

Whittlesea-Yea Road is in a Transport Zone 2 and is managed by Department of Transport (DTP). The application was referred to DTP who provided conditional consent to the proposal. The permit holder will be required to create a carriageway easement from the northern entrance of the property into the house lot and to upgrade the existing access (ie. Crossover).

Discussion – Submissions

The applicant did not provide a response to the issues raised by the objectors.

- Lack of information on the proposed or permitted development on each lot.
- Lack of detail of future dwelling on larger farm lot & impacts cannot be evaluated.

The proposed subdivision will create a 42.32 ha lot which will have an as-of-right use for a dwelling. It is considered that another dwelling will further impact the land by removing high quality agricultural land from production.

- Additional infrastructure required for larger farm lot (eg. Buildings, sheds, nurseries).
- Increased impermeable built-up areas leading to further run-off to adjoining lots.

There are no existing buildings on the proposed balance lot and it is likely that buildings associated with the farming operation will be required, including storage sheds and a site office, increasing loss of productive land.

- No mention of the power lines traversing proposed dwelling lot and potential impacts on power lines/poles in front of adjoining lot.

There are power lines running through the front of the subject land. The proposed subdivision is unlikely to impact the power lines. It is a mandatory requirement for subdivision that the owner of the land must enter into an agreement with the relevant authority for the provision of electricity.

- Cumulative impacts on rural lifestyle from development in the area.

There are only two Farming Zone lots in the area above 40 ha, each with an existing dwelling. The house lot excision will likely lead to an additional dwelling on the subject land. The Farming Zone land to the south is already fragmented and comprises small lots, many with existing dwellings, and the land on the eastern side of Whittlesea-Yea Road is in the Rural Living Zone, where lots of 2 ha each containing a single dwelling can be created.

- Impacts of the proposal on the platypuses in the creek.

The creek is currently fenced off from the surrounding agricultural uses. However, further development on the land would need to be adequately managed to avoid impacts on waterways. The application does not propose any additional measures to be implemented to conserve the natural environment surrounding the creek.

Conclusion

It is considered that the two (2) lot subdivision, creation of a carriageway easement and alteration of access to a road in a Transport Zone 2 is inappropriate and is inconsistent with the provisions of the Murrindindi Planning Scheme.

Council Plan/Strategies/Policies

This report supports the *Council Plan 2021-2025 Beautiful Towns and Rural Settings* strategy to “deliver efficient, sustainable land use planning outcomes to enhance liveability, protect our unique rural character and natural beauty, and to enable growth”.

Relevant Legislation

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

Financial Implications and Risk

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

Conflict of Interest

There were no conflicts of interest declared by Council officers in relation to the matters contained in this report.

4.3 Presenting the Thornton Rubicon Community Plan

Attachment(s):

1. Attachment 1 - Thornton Rubicon Community Plan 2023-28 [4.3.1 - 8 pages]

Presenter	A Paxton, Director Community and Development
Approved by	Director Community & Development
Purpose	For decision

Executive Summary

Council officers have been working with the Thornton-Rubicon Community to develop the Thornton-Rubicon Community Plan, which has been led by a core team from the Thornton and Rubicon communities, through a series of participatory workshops. The purpose of this report is for the Thornton-Rubicon Community Plan to be presented to Council for noting.

RECOMMENDATION

That Council note the Thornton Rubicon Community Plan as contained in Attachment 1 - 4.3.1

Background

Council officers began working with the Thornton Rubicon community in September 2022, to put together a program of activities to develop the Thornton Rubicon Community Plan. A core team of community members have led the development of the Thornton Rubicon Community Plan in consultation with the local community.

Discussion

Building on the learning from the previous work of community planning, the first activity in Thornton was the formation of a Core Team of local people, to guide the process and ensure strong local ownership from the very beginning. Community members started volunteering to be part of the Core Team at a series of drop-in events. By the time the formal launch happened in October 2022, the Team had seven members.

The Core Team has remained essential to the running of the program throughout the subsequent months. A couple of members of the Team had to leave the Team due to unforeseen issues. However, a strong team of five members remains in place today.

The Core Team includes good diversity of local voices with the following groups and

demographics represented:

- Thornton CFA.
- Thornton Eildon Football Netball Club.
- Longer-time residents and more-recent arrivals to the area.
- Young family, farmer, local business people.

One of the Core Team also hosts regular shows on UGFM and was able to give a substantial amount of free awareness-raising through talking about community planning across the Shire.

The Core Team guided all engagement activities that led to the content of the Plan, including planning of and participation in the following events:

1. The community dinner to launch the program, held Wednesday 12 October at the Rubicon Hotel, with around 40 community members in attendance, generating first ideas for Thornton.
2. The series of three 'Community Conversations' held in February and March 2023.
3. The community dinner and prioritisation session held Wednesday 29 March 2023 at the Thornton Memorial Hall with around 30 community members attending and actively participating in determining the priorities for the Plan and the formation of Action Teams to implement priorities.

The timelines and flow for the events were severely impacted by the October 2022 floods, which started the day after the launch dinner. This resulted in a pause to the program of several months. The Core Team were essential in advising how and when to restart the program.

The Core Team also led the drafting and design of their Plan, and the processing of feedback from community review of the draft, enabling the Plan to be finalised as presented.

The priorities listed in the Plan are:

- 'Learn to Ride' pathways painted onto the old netball courts
- History markers around the town and district, sharing the rich history of the area
- Christmas decorations for Thornton
- Advocacy to Council and other authorities regarding Thornton streetscape, as well as tracks and trails around the area
- Rec Reserve advisory group, working with Council to identify priority improvements at the Rec Reserve.

Work has already begun on a range of these priority projects.

Council Plan/Strategies/Policies

This report supports the *Council Plan 2021-2025 Resilient Communities* strategy to “deliver, support and promote opportunities for all people to connect with each other, collaborate and plan for the future”.

Relevant Legislation

Local Government Act 2020.

Financial Implications and Risk

There are no direct financial implications for Council associated with noting this Plan. However, as community groups begin implementing the priorities outlined in the Thornton Rubicon Community Plan, there may be impacts on staff time as we support community with their projects.

Conflict of Interest

There were no conflicts of interest declared by Council officers in relation to the matters contained in this report.

Community and Stakeholder Consultation

Extensive community consultation has taken place in the Thornton Rubicon community, through the development of the Thornton Rubicon Community Plan. Most recently, the draft Plan has been circulated for community review.

4.4 Economic Development Strategy - Business and Community

Attachment(s):	Nil
Presenter	Ben Harnwell, Manager Economic Development
Approved by	Director Community & Development
Purpose	For decision

Executive Summary

Engagement and consultation with business is considered a critical step in the development of the 2024 Murrindindi Economic Development Strategy. This report outlines the approach proposed for the engagement with business and community on the development of the 2024 Murrindindi Economic Development Strategy. The initial planning has been based on an extensive review of existing strategies and studies, building on the consultation and engagement undertaken to date. Five Priority Areas and associated Outcomes have been identified through analysis of related previous and current plans and strategies.

The next phase of the development of the Strategy include engagement with business and community stakeholders.

RECOMMENDATION

That Council notes the business and community engagement proposed for the development of the 2024 Murrindindi Economic Development Strategy.

Background

The last Murrindindi Economic Development Strategy finished in 2016. Since then, we have prepared and delivered several related strategies, however, there has been no dedicated Economic Development Strategy.

The Priority Action Plan Year 3 for the *Council Plan 2021 – 2025* includes an action to deliver an updated Economic Development Strategy.

3.1.2 Support and promote our tourism and events sector to boost the economy through increased visitation.

1. Embed the Tourism and Events Strategy into the development of the Economic Development Strategy, including:
 - Promotion of events, products, and experiences

- Implementing plan for visitor services in key priority areas
- Embed 'RV Friendly' town principles into the development of the Economic Development Strategy.

Development of the new Strategy has commenced with a review of previous strategy and current related strategies and is timely to engage with business and community before progressing to the next draft Strategy.

Discussion

The 2024 Murrindindi Economic Development Strategy (EDS) will respond to the significant changes in the business and employment environment due to the impact of Covid-19 pandemic, global economic trends, and cost-of-living. The Strategy is proposed to be a five-year plan to support business and employment in Murrindindi.

Economic development typically refers to growing and supporting an economy. This means growth in economic activity such as more exports of agricultural and manufactured products, or more visitors spending money on retail and hospitality offerings. Growth, in turn, allows businesses to invest in new equipment, hire more people and pay higher wages. Greater economic activity also means higher government revenues and more money to spend on better quality services for the community. Economic development enables a higher standard of living and improved amenity for all in Murrindindi.

The Strategy will provide a future state for Murrindindi aligned to our unique strengths and opportunities. This will go beyond just growth measures and the number of jobs. Growth requires a well-functioning economy and must include a fair distribution of wealth and opportunity and must stay within environmental boundaries to allow for a stable climate and healthy ecosystems. Economic prosperity is also linked to the liveability of an area. Supporting local towns, community events, visitation, and access to high-quality infrastructure and services enables a strong economy and great communities.

The Strategy has been developed through alignment and inclusion of relevant outcomes and actions from a range of adopted strategies and plans. These include:

Council Plan

- Murrindindi Council Plan 2021 2025

Previous Plans

- Murrindindi Shire Tourism and Events Strategy 2019 (superseded into this Strategy)
- Murrindindi COVID-19 Business Recovery Plan 2020 (superseded into this Strategy)
- Murrindindi Economic Development Strategy 2011 – 2016 (superseded into this Strategy)

Regional Plans

- Goulburn Regional Economic Development Strategy 2022
- Hume Regional Plan 2010-2020 (Lower Hume Sub Regional Plan 2010-2020)
- Victoria's High Country Destination Management Plan Tourism North East (TNE) 2023

Local Plans

- Community Plans
 - Marysville 2020-2022
 - Yea 2020
 - Toolangi-Castella 2022
- Marysville and Triangle Economic Strategy 2020

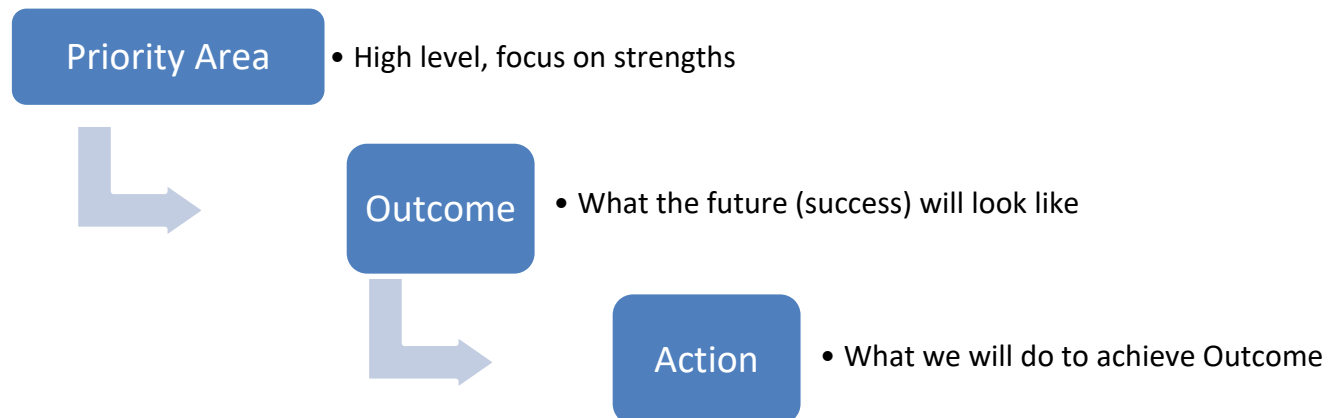
Strategic Plans

- Lake Eildon Master Plan 2020
- Yea Structure Plan 2014
- Eildon Structure Plan 2016

The Strategy will provide a snapshot of Murrindindi Shire, setting the baseline for future growth and development. A summary of the current economic data is being prepared to provide background for the Strategy and, for business and community engagement.

The strategy will build upon the work and consultation being undertaken through the forestry transition project to encompass the whole Shire.

The Strategy has a strong focus on Outcomes, under Priority Areas. It is intended that the Outcomes will be delivered via a rolling 2-year Action Plan. The Action Plan will sit along the Strategy and be delivered over the 5-year term.



The Priority Areas are summarised below.

Visitor Economy

- We are a thriving nature-based tourism destination with diverse offerings and strong visitor numbers, driven by our natural beauty and year-round events, making it a promising area for investment and development.

Agriculture and food production

- We have ideal conditions and infrastructure for agribusiness and aquaculture investments, featuring prime grazing land, award-winning cattle farms, and a thriving aquaculture industry driven by favourable climate and skilled workforce, making Murrindindi an attractive opportunity for investors.

Business Support

- We have thriving niche manufacturing enterprises, benefiting from our proximity to Melbourne, affordable real estate, and a skilled labour pool, offering potential for further growth across a range of sectors.

Sustainable Future

- We are embracing a transition towards sustainability by promoting a circular economy, renewable energy through hydro-generation, and addressing the challenges of an aging population by creating economic opportunities while minimizing environmental impact and supporting community wellbeing.

Prosperous Communities

- Addressing an aging population's challenges, providing affordable housing, improving transportation, investing in education, and embracing creative industries are essential strategies for economic development and community well-being in Murrindindi.

Several Outcomes have been identified based on research of the current data and analysis of current and past related strategies. These, along with the Priority Areas, will be tested through business and community engagement.

A draft Economic Development Strategy will then be prepared for further engagement in early 2024. It is expected that the final draft Strategy will be presented to Council for adoption in May 2024.

A desired outcome is to establish a business network through this process, to further enhance delivery of outcomes with the community.

Council Plan/Strategies/Policies

This report supports the *Council Plan 2021-2025 Growth and Opportunity* strategic objective “to prioritise and promote a culture in which the economy, businesses and community can grow and thrive”.

This report supports the *Council Plan 2021-2025 Growth and Opportunity* strategy to “boost local investment and employment opportunities through activities that encourage businesses, social enterprise, and industry sectors to thrive and grow”.

This report supports the *Council Plan 2021-2025 Growth and Opportunity* strategy “support and promote our tourism and events sector to boost the economy through increased visitation”.

Relevant Legislation

Nil

Financial Implications and Risk

The development of the Murrindindi Economic Development Strategy will be delivered through operational budget.

Conflict of Interest

There were no conflicts of interest declared by Council officers in relation to the matters contained in this report.

Community and Stakeholder Consultation

A communication and engagement plan has been developed to assist with testing the current proposed Priority Areas and Outcomes, developed through research and analysis of data and current and previous related strategies.

Broadly the engagement will seek responses on the identified Priority Areas and Outcomes. The engagement will take place across several mechanisms including.

- Encounters at markets and key locations in large townships.
- Direct messaging through business newsletter, social media, and one-on-one discussions.
- Focus Groups with key stakeholders.
- Online via The Loop

The engagement will focus on testing the identified Priority Areas and Outcomes, sharing an idea on the ideas board and registering to participate in a focus group session.

The Loop will also include an opportunity for business and community members to ask questions.

Timeline

Monday 30 October

Community consultation opens.

Pop-ups

- 1 November – Alexandra FoodWorks 3.30 pm – 6.00 pm
- 2 November – Kinglake FoodWorks 3.30 pm – 6.00 pm
- 4 November – Eildon Twilight Market
- 5 November – Alexandra Spring Fair
- 8 November – Yea FoodWorks – 3.30 pm – 6.00 pm
- 9 November – Marysville Information and Regional Artspace (MiRA) 3.30 pm – 6.00 pm

November

Focus Group meetings scheduled for late November and early December.

Sunday 3 December

Community consultation closes

December 2023

Review and analysis of community feedback

February - March 2024

Develop and finalise the draft Economic Development Strategy.

March - April 2024

Consultation on draft Strategy

May 2024

Economic Development Strategy and Action Plan presented to Council for adoption.

The initial consultation period closes Sunday 3 December

5 REPORTS - PEOPLE & CORPORATE PERFORMANCE GROUP

5.1 Annual Report 2022/23

Attachment(s):

1. Attachment 1 - Annual Report 22/23 [5.1.1 - 104 pages]

Presenter	Mayor Cr John Walsh
Approved by	Mayor Cr John Walsh
Purpose	For decision

Executive Summary

This report presents the Murrindindi Shire Council Annual Report for the period 1 July 2022 to 30 June 2023 for Council's endorsement.

The Mayor will present this report in accordance with section 100 of the *Local Government Act 2020*.

The presentation of the Annual Report is an important milestone in recognising the significant achievements of Council in 2022/23, including the objectives and activities of the *Council Plan 2021-2025* and the 2022/23 Annual Budget.

RECOMMENDATION

That Council endorse the Murrindindi Shire Council Annual Report 2022/23 as contained in Attachment 5.1.1

Background

The Annual Report 2022/23 details Council's performance over the past 12 months in achieving the objectives and activities of the *Council Plan 2021-2025*, the 2022/23 Annual Budget and the Annual Capital Works program, along with other highlights.

A copy of the Annual Report 2022/23 is contained in Attachment 5.1.1. Council has previously endorsed the financial statements included in the Annual Report at its 27 September 2023 Scheduled Meeting.

Discussion

The Annual Report covers the achievements against the third year of the *Council Plan 2021-2025*, and the many highlights of the year for Council and the Murrindindi community.

The report includes an overview of the Murrindindi Shire, our Organisation, and the elected Council and highlights the achievements in the 2022/23 year including Capital Works completed, events and programs supported, and awards given by Council. Key highlights include:

- We were awarded:
 - \$1.93 Million combined funding delivered upfront for Council to deliver much needed flood recovery activities until 2025. We commenced this work by:
 - Activating the Murrindindi Flood Recovery Committee with representatives of all stakeholder agencies
 - Development and endorsement of the Murrindindi Flood Recovery Plan
 - Planning and rollout of the Mobile Flood Recovery Hubs
 - \$4.6 Million funding through state and federal grant applications to progress delivery on the Eildon Splash and Skate Park Project.
- We delivered:
 - Eildon Shared Trail Project
 - Alexandra Youth Precinct Project, which includes new playground facilities, pathways, shelters, a skate park, lighting and landscaping
 - The Break O'Day Road Bridge Replacement Project in Glenburn
 - The Yea Caravan Park bridge replacement project
 - Our Gravel Roads Re-Sheeting Program, re-sheeting 27km of gravel roads across the shire
 - Together with Mansfield Shire and Mitchell shire we launched the Art on the Great Victorian Rail Trail Project, which saw official opening of 7 large scale artworks and a series of smaller works placed along the length of the Rail Trail
 - A 50kW Electric Vehicle charging station in the Alexandra community, with the ability to service two vehicles.
- We supported:
 - NAIDOC Week events at the Yea Wetlands Discovery Centre.
 - The Annual Murrindindi Childrens Network Early Years Conference, hosting 75 attendees in Eildon
 - The Launch of 'Shaping Murrindindi's Future', a community led project assisting the communities of Marysville, Buxton, Taggerty and Alexandra in the transition away from native timber harvesting.

- IDAHOBIT DAY, hosting a public Pride Flag Raising Event in Alexandra to celebrate International Day against Homophobia, Biphobia and Transphobia,
- 16 days of Activism against Gender-Based Violence campaign
- We engaged with our community on:
 - Council's Climate Action Plan
 - The Glenburn Community Planning Project, with a dinner at the Glenburn Hall
 - The Murrindindi Jobs Expo, engaging with local high school students and job seekers on employment opportunities at council
- We adopted:
 - Council's 2023/24 Annual Budget
 - The Municipal Flood Recovery Action Plan
 - The Climate Change Policy
 - The Housing and Settlement Strategy
 - The Library Strategy and Action Plan
- We also:
 - Launched our new and improved Grants and Sponsorship Program
 - Launched our “Respect” Reconciliation Action Plan
 - Participated in the Plastic Free July challenge, encouraging residents to look at ways to reduce single use plastics
 - Hosted a free two-day Mental Health First Aid Course in Kinglake
 - Hosted two volunteer appreciation dinners, one in Kinglake and one in Marysville

Furthermore, the Annual Report 2022/23 contains an overall summary of the organisation's performance and achievements, including Council's Local Government Reporting Framework results, Annual Financial results and Council's strategic indicator results.

Council Plan/Strategies/Policies

This report supports the *Council Plan 2021-2025* Transparency, Inclusion and Accountability strategy to “maintain transparent, inclusive and accountable governance practices”.

Relevant Legislation

Section 98 of the *Local Government Act 2020* requires Council to prepare an Annual Report in respect to each financial year. Section 100 of the Act states that the Mayor must report on the implementation of the Council Plan by presenting the annual report at a Council meeting open to the public. The report must be presented within 4 months from the end of the financial year.

Financial Implications and Risk

The Annual Report 2022/23 includes the audited Financial Report and Performance Statements for the 2022/23 financial year which were approved by Council at its 27 September 2023 Scheduled Meeting.

Conflict of Interest

There were no conflicts of interest declared by Council officers in relation to the matters contained in this report.

Community and Stakeholder Consultation

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

5.2 Quarterly Financial Report - 30 September 2023

Attachment(s):

1. Attachment 1 - Financial Statements September 2023 [5.2.1 - 4 pages]

Presenter Cheryl Nickels-Beattie, Manager Business Services
Approved by Director People & Corporate Performance
Purpose For noting

Executive Summary

This report provides the quarterly financial report for the period ending 30 September 2023. It includes a reconciliation of the carry forward and other quarterly adjustments to the 2023/24 Annual Budget. The Annual Revised Budget forecasts an operating surplus for the year of \$4.9 million, which is an increase of \$3.7 million on the Original Adopted Budget and primarily reflects a significant increase in grant income.

RECOMMENDATION

That Council receive the Quarterly Financial Report to 30 September 2023, which includes the Revised 2023/24 Annual Budget incorporating the carry forward budgets from the 2022/23 financial year and other adjustments for the period ending 30 September 2023.

Background

The Quarterly Financial Report for the period ended 30 September 2023, 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
- Cash Flow Statement
- Statement of Capital Works.

Discussion

The statements for the first quarter to 30 September 2023 are included in Attachment 5.1.1.

Carry Forward Adjustments to 30 September 2023

A priority for preparing the statements for the first quarter of each financial year is to appropriately recognise and adjust for the financial impact of all funds required to be carried forward from the previous financial year following the finalisation of the annual accounts. The list of items that were budgeted to occur in the 2022/23 financial year that were incomplete or not achieved prior to 30 June 2023, as well as the impact of items that were budgeted to occur from 1 July 2023 onwards, that were in fact recognised in last year's financial statements, were endorsed by Council at the 23 August Council meeting.

Other Budget Adjustments to 30 September 2023

In addition to the carry forwards, other budget adjustments since 1 July 2023 are listed in Table 1 below. These adjustments relate to updated Grants Commission funding and adjustments to carry forwards.

Table 1 provides a reconciliation between Council's adopted budget 2023/24, carry forward amounts from 2022/23 and other budget adjustments.

Table 1

Reconciliation of 2023/24 revised budget adjustments September Quarter

Description	Type	2022/23 Operating Account \$'000	2022/23 Capital Account \$'000
Adopted Operating Budget Surplus 2021/22		1,170	
Adopted Capital Expenditure Budget 2021/22			15,953
Carry forward amounts presented to Council's August 2023 Scheduled Council Meeting		2,857	5,632
Revised Budget Surplus – August 2023		4,027	21,585
September budget adjustments			
Leaping Into Resilience	Income/Exp	7	
Murrindindi Forestry Transition Plan	Income	(250)	
VGO Marysville Caravan Park	Income	(55)	
Grants and Related Expenditures			
Victorian Grants Commission (VGC)	Income	726	
Local Roads (VGC)	Income	439	
Revised Budget as at 30th September 2023		4,894	21,585

The Annual Revised Budget shows an operating surplus for the year of \$4.9 million, which is an increase of \$3.7 million on the Original Adopted Budget and primarily reflects a significant increase in grants, either received late in last financial year and carried forward or advised this quarter. The Operating Surplus with grants and reserves funds the current year's Capital Works program. Capital Works Revised Budget is \$21,585

Budget Comparison September Year to Date.

The adjustments identified in Table 1 have been incorporated into the revised 2023/24 annual budget, including a revised set of financial statements as attached in Attachment 5.1.1.

Income Statement (Statement A)

The Income Statement for the period 1 July 2023 to 30 September 2023 is presented below (and in Attachment 5.2.1):

	NOTE	Original Budget	Annual Revised Budget	(1) Forecast Adjustment	YTD Actual	YTD Budgets	(2) YTD Budget V Actual Variance	
		2023/24	2023/24	2023/24	2023/24	2023/24	2023/24	
		\$	\$	\$	\$	\$	\$	%
Revenue								
Rates & Charges		23,753	23,753	-	23,607	23,564	44	0%
Statutory fees & fines	1	1,398	1,398	-	242	305	(63)	(21%)
User fees		1,457	1,457	-	306	279	27	9.80%
Grants - Operating	2	6,991	11,347	4,356	3,432	3,480	(47)	(1%)
Grants -Capital	3	4,672	6,996	2,324	2,741	2,733	8	0%
Contributions - Cash	4	247	252	5	126	51	75	147%
Contributions - Non Cash		600	600	-	-	-	-	-
Reimbursements		203	203	-	59	54	5	10%
Other revenue		1,811	1,811	-	199	198	1	0%
Total Revenue		41,132	47,818	6,686	30,713	30,663	50	0%
Expenses								
Employee Benefits	5	17,915	18,824	909	3,447	4,129	681	17%
Materials and Services	6	12,344	14,598	2,253	4,713	3,825	(887)	(23%)
Depreciation & amortisation		8,605	8,605	-	2,025	2,025	-	-
Bad & Doubtful Debts		-	-	-	5	-	(5)	-
Other Expense		473	473	-	47	45	(3)	(6%)
Finance Costs (Interest)		25	25	-	-	-	-	-
Total Expenses		39,362	42,524	3,162	10,237	10,024	(213)	(2%)
Net gain/(loss) on disposal of property, infrastructure, plant and equipment.	7	(600)	(399)	201	-	-	-	-
Surplus (deficit) for the period		1,170	4,894	3,725	20,476	20,639	(163)	(1%)

The \$20.5 million operating result for the September 2023 quarter is \$0.2 million unfavourable compared to the Year to Date Budget. Revenue is on budget. The variance is due to lower than anticipated expenditure on employee benefits and higher expenditure on contractors and materials. Refer to Table 2 for more detail.

Table 2

Major year to date variances for the quarter:

Note	Line item	(1) Explanation Forecast Adjustment \$'000		(2) Explanation YTD Budget V Actual Variance \$'000	
1	Statutory fees and fines			(\$63)	Timing of income: Planning Fees \$42k and other minor variances.
2	Grants - Operating	\$4,356	Carried forward grants \$3.3m, VGC grant \$1.2m less adjustments		
3	Grants - Capital	\$2,324	Carried forward grants \$2.4m less adjustments		
4	Contributions - Cash	\$5	2022/23 approved carry forward budget	\$75	Timing of contributions received ahead of YTD budget.
5	Employee Benefits	\$909	2022/23 approved carried forward budget	\$681	Favourable mainly variances due to staff vacancies
6	Materials and Services	\$2,253	2022/23 approved carried forward budget.	(\$887)	Contractors unfavourable to budget due to flood works and staff vacancies. Additional Materials costs also relates to flood works which is expected to be grant funded.
7	Net gain/(loss) on disposal of property, infrastructure, plant and equipment.	\$201	2022/23 approved carried forward budget.		

Balance Sheet (Statement B)

The Balance Sheet as at 30 September 2023 shows a cash and cash equivalents of \$36.6 million, including investments. This is an unfavourable variance of \$1.9 million due to the timing of capital works project payments.

Trade receivables is \$3.3 million higher than budgeted. This includes invoices raised for grant funding in relation to capital projects completed June to August 2023. The timing of rates and charges payments received has added to the variance.

Property, plant, and equipment balance is \$1.2 million less than expected, due to the delay in completing some capital works projects.

The current liability provision for staff leave entitlements is \$0.2 million unfavourable. This reflects the timing of the budget profile rather than an actual shortfall in budgeted provision, and will be adjusted in the December budget review. Trust funds and deposits is \$1.4 million higher than budgeted. This is offset by a reduction in grants in advance which is 0.9 million less than budget.

There are no other material variances to report for this quarter.

Cash Flow Statement (Statement C)

The Cash Flow Statement shows a net decrease in cash and cash equivalents of \$4.4 million, which is less than budgeted by a variance of \$1.9 million. This relates to the payment of capital works projects, and delayed receipt of grant monies. The cash balance at the end of the quarter is \$36.6 million.

Capital Works Statement (Statement D)

The Statement of Capital Works shows an expenditure variance of \$1.2 million behind budget. This is mainly due to the delay in replacement of Plant and equipment \$810k.

As per Table 1, the revised budget has increased by \$5.6 million due to projects carried forward from 2022/23.

Progress on the Capital Works Program is discussed further in the Quarterly Capital Works Report as part of this agenda.

Councillor Expenses (GST Exclusive)

As required in the adopted Councillor Expenses and Support Policy (July 2020), Council reports quarterly on the Councillor related expenses. The following table lists Councillor expenses for the first quarter period ending 30 September 2023.

Councillor allowances are paid one month in advance as per the Councillor Expenses and Support Policy; hence the table provides figures for four months: July, August, September, and October.

Table 3

Councillor Expenses for 3 months to 30 September 2023:

	Allowances	Travel Expenses	Childcare Expenses	Information & Communications Expenses	Conference & Training Expenses	Other Expenses
Cr Carpenter	\$6,454.42	-	-	\$1,082.38	\$142.73	\$470.47
Cr Gallagher	\$6,454.42	\$1,789.25	-	\$1,082.38	\$142.73	\$470.47
Cr Gerencser	\$6,454.42	\$2,517.18	-	\$1,082.38	\$142.73	\$470.47
Cr Haslam	\$10,001.40	\$1,082.90	-	\$1,082.38	\$860.91	\$470.47
Cr Lording	\$6,454.42	\$731.60	-	\$1,082.38	\$142.73	\$470.47
Cr McAulay	\$6,454.42	\$430.10	-	\$1,082.38	\$142.73	\$470.47
Cr Walsh	\$20,002.91	\$1,889.56	-	\$1,082.38	\$142.73	\$470.47

Council Plan/Strategies/Policies

This report supports the *Council Plan 2021-2025 Transparency, Inclusion and Accountability* strategy to “ensure Council remains financially-sustainable through sound management, forward planning, innovative service delivery and asset consolidation as appropriate”.

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 were no conflicts of interest declared by Council officers in relation to the matters contained in this report.

Community and Stakeholder Consultation

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

5.3 Priority Action Plan - Quarterly Report 30 September 2023

Attachment(s):

1. Attachment 1 - Council Plan - Quarterly Report - July- September 2023 [5.3.1 - 37 pages]

Presenter	D Echeverry, Acting Manager Governance & Risk
Approved by	Director People & Corporate Performance
Purpose	For noting

Executive Summary

This report provides a summary of the progress from 1 July to 30 September 2023 (first quarter) in delivering Council's *Priority Action Plan 2023/24* and *Council Plan 2021-2025*.

RECOMMENDATION

That Council note the Council Plan 2021-2025 Progress Report – 1 July to 30 September 2023 period as contained in Attachment 5.3.1

Background

Council adopted its *Council Plan 2021-2025* at its 27 October 2021 Scheduled Meeting. The Council Plan is the result of collaboration between Council and the communities of Murrindindi Shire. The Council Plan outlines shared goals and aspirations for the future and provides concrete and achievable actions for Council to deliver.

Council also adopted the *Annual Priority Action Plan 2023/24* at the 24 May 2023 Scheduled Meeting, which outlines the actions that Council will pursue in the 2023/24 year to achieve the strategies and goals in the Council Plan.

Discussion

The *Council Plan 2021-2025* is structured around five strategic themes:

- Resilient Communities
- Beautiful Townships and Rural Settings
- Growth and Opportunity
- Our Protected Environment
- Transparency, Inclusion and Accountability.

As at 30 September 2023, 92% of the 61 actions were reported to be progressing on track.

The attached progress report (Attachment 1 – 5.3.1) provides a summary of the activity undertaken in the first quarter of the *Priority Action Plan 2023/24* for each of the five themes. The following summarises some of the highlights from that report:

Resilient Communities – 100% On Track

- We supported 20 community projects via Council's Grants and Sponsorships Program valued at \$43,753
- Our Free From Violence Project supported the Murrindindi Health Network to host the Gender Equity Commissioner in Yea with a forum of stakeholders and community members.
- We launched the Digital literacy for seniors program and a youth digital collection across all library sites during the quarter
- Our Moving Murrindindi program supported 57 individual trips for senior citizens, people with a disability or financially disadvantaged members of our community, with low-cost transport to access required services
- We supported 40 people to access health and wellbeing services through the DindiLink program.

Beautiful Townships and Rural Settings – 83% On Track

- We established our new Rapid Road Maintenance Response Team and we commenced our Road Resheeting Program
- We commenced development of our Key Worker Housing Strategy to assist in unlocking the potential of council owned land for key worker housing
- We commenced delivery of our capital works program including the Eildon Skate Park and Senior Play Space.

Growth and Opportunity – 83% On Track

- We completed a review of the Murrindindi Planning Scheme to enhance its effectiveness, including completing community consultation, for presentation to Council in November
- We completed the first stage of consultation for the development of the Eildon Pondage Master Plan
- We commenced development of a new Economic Development Strategy for the Shire
- We completed community consultation and the drafting of a context analysis to identify potential economic development opportunities to support the transition out of native timber harvesting.

Our Protected Environment. – 87% On Track

- We completed consultation on our Draft Climate Change Action Plan
- We commenced planning for the introduction of the new waste collection service in July 2025
- We completed the design for the new landfill cell at the Alexandra landfill and commenced tender processes
- We commenced work on key Council bushland sites to target weeds including Blackberry, Gorse, St John's Wort, English and Montpellier Broom, Paterson's Curse, Sweet Briar, Hawthorn, and Chilean Needle Grass.

Transparency, Inclusion and Accountability – 94% On Track

- We commenced Council's website upgrade project
- Our Information Management Strategy was endorsed by the Executive Team
- We commenced a review of the Road Asset Management Plan with consultation with the Community on the management of Council's roads completed, and the establishment of the Community Roads Advisory Group
- The Murrindindi Flood Recovery Plan was presented to Council at its August meeting

- We advocated to State and Federal Government Ministers on a range of topics including the maintenance condition of State roads, flood management and Lake Eildon water releases, improvements to public communication on State fire management planning, and support for timber harvesting and haulage contractors

Further details on the status and commentary for each individual action can be found in Attachment 1 - 5.3.1

Council Plan/Strategies/Policies

This report supports the *Council Plan 2021-2025* Transparency, Inclusion and Accountability strategy to “maintain transparent, inclusive and accountable governance practices”.

The *Council Plan 2021-2025* is a key document for local community groups, residents, investors, and other levels of government who play a vital role in helping the Council to deliver on its commitments. It aims to achieve the aspirations set out in the Murrindindi 10-year Community Vision. It also sets out what Council expects to achieve over a four-year period and guides the allocation of resources accordingly.

The quarterly reports provide an update regarding how the annual priority actions are progressing.

Relevant Legislation

The requirement for the Council Plan is detailed under section 90 of the *Local Government Act 2020*.

Financial Implications and Risk

The *Council Plan 2021-2025* has been prepared to ensure the implications of Council’s longer term financial and strategic risks are minimised as far as possible.

The Council Plan initiatives and priorities for services, infrastructure, and amenity identified in the Year 3 Priority Action Plan are funded in the 2023/24 Annual Budget.

Conflict of Interest

There were no conflicts of interest declared by Council officers in relation to the matters contained in this report.

Community and Stakeholder Consultation

As part of the development of the *Council Plan 2021-2025* an extensive deliberative engagement process was undertaken to ensure that communities objectives are met.

5.4 Customer Service Policy Review

Attachment(s):

1. Attachment 1 - 2019 Customer Service Policy [5.4.1 - 4 pages]
2. Attachment 2 - 2023 Proposed Customer Service Policy [5.4.2 - 5 pages]

Presenter Anna Cullen, Manager Customer Experience
Approved by Director People & Corporate Performance
Purpose For decision

Executive Summary

Council's current Customer Service Policy was last endorsed by Council in 2019 and has recently been reviewed. The review took into consideration the changing preferences of our customers to contact and engage with Council more regularly via electronic and online mediums, in addition to more traditional means. The review also improves the alignment of this Policy with Council's approach to complaint handling and the promises outlined in Council's soon to be released revision to its Customer Service Charter.

The revised Customer Service Policy is presented for Council's endorsement.

RECOMMENDATION

That Council endorse the revised Customer Service Policy as contained in attachment 2 – 5.4.2.

Background

Council's current Customer Service Policy was developed and endorsed in 2019 and is now due for review. Attachment 1 – 5.4.1 to contains the current Customer Service Policy.

Since 2019, the community's preference in how it engages with Council has been changing, with less reliance on more traditional methods of engagement such as face to face and mail, and higher rates of contact via electronic means such as email, engagement platforms and social media.

The community's expectations and needs of Council have also changed, evidenced through the volume of enquiries and CRM requests, coupled with data from the various community surveys and engagement activities over the last few years.

The current Policy, alongside other strategic documents, including the Customer Service Charter and other internal procedures such as the Customer Complaints process, were all created at different points in time and weren't sufficiently integrated or aligned to maximise the benefit for Council's processes and the outcomes for our customers.

Discussion

The updated Customer Service Policy essentially seeks to enable Council to deliver a more contemporary approach to customer service. The revised Customer Service Policy is shown in Attachment 2 – 5.4.2.

The aim of the updated Policy is to set the framework for how Council will manage customer requests and enquires. The Customer Service Charter together with the Customer Complaints process will set clear and realistic timeframes to customers on how Council will respond to their request or enquiry by service area. These are being developed with the Leadership Team subject to the endorsement of the revised Policy at this meeting.

Changes to the Customer Service Charter, from being a broad high-level promise to customers, to being service area specific, will be the most significant component of the updated Customer Service Policy, and will bring our Customer Service Charter in line with most of our sector colleagues.

Updates to the Customer Complaints process have seen the initial level of responsibility move from Managers to Coordinators for service specific issues, demonstrating that service area leaders are best equipped to manage complaints more effectively and therefore delivering more efficient outcomes to community. Escalation process will require some complaints to be referred to higher management levels in the organisation depending on their complexity and seriousness.

Council Plan/Strategies/Policies

This report supports the *Council Plan 2021-2025 Transparency, Inclusion and Accountability* strategy to “put the customer first in everything we do”.

Relevant Legislation

Local Government Act 2020

Victorian Ombudsman – Councils and Complaints: A Good Practice Guide 2nd edition

Privacy and Data Protection Act 2014

Financial Implications and Risk

Conflict of Interest

There were no conflicts of interest declared by Council officers in relation to the matters contained in this report.

Community and Stakeholder Consultation

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

5.5 CEO Employment and Remuneration Committee - Extension of

Attachment(s): Nil

Presenter Michael Chesworth, Director People & Corporate Performance

Approved by Director People & Corporate Performance

Purpose For decision

Executive Summary

Council has a requirement under the Local Government Act 2020 to obtain independent professional advice to support its role in managing the employment and remuneration of the Chief Executive Officer (CEO). To this end, following an expression of interest process, Council appointed Ms Marilyn Kearney in October 2021 for a two-year term to provide independent professional advice. As this initial term is about to expire, Council has the option to extend the appointment for a further two, one-year terms by resolution. This report seeks Council’s endorsement to extend the appointment for the first of these additional one-year terms.

RECOMMENDATION

That Council extend the appointment of Ms Marilyn Kearney as the independent member of the CEO Employment and Remuneration Committee for a further one-year term, in accordance with the Committee’s Terms of Reference.

Background

Under Section 45 of the Local Government Act 2020 Council is required to develop and keep in force a CEO Employment and Remuneration Policy which must provide for Council to obtain independent professional advice in relation to matters dealt with in the Policy.

At the August 2021 Scheduled Meeting Council adopted the CEO Employment and Remuneration Policy and a Terms of Reference for the establishment of a CEO Employment and Remuneration Committee to oversee the implementation of the Policy, consisting of the Mayor, two Councilors and an independent member.

At the October 2021 Scheduled Meeting, following an expression of interest process, Council appointed Ms Marilyn Kearney as the independent member on the Committee to provide independent professional advice, as required by the Act.

The Committee's Terms of Reference allows for the appointment of the independent member for an initial period of two years, with the possibility of two further one-year terms by Council resolution.

Discussion

The initial two-year term for the appointment of Ms Kearney as the independent member on the CEO Employment and Remuneration Committee expires on 31 October 2023.

Since its inception, the Committee has been operating in accordance with its Terms of Reference to meet the requirements of S45 of the Local Government 2020. During this time, Ms Kearney has satisfactorily fulfilled the requirements of the role of independent advisor to the Committee and Council. With Ms Kearney having established familiarity with the role and with Council, there is obvious benefit to Council in having Ms Kearney's appointment extended.

Council Plan/Strategies/Policies

This report supports the Council Plan 2021-2025 Transparency, Inclusion and Accountability strategy to "maintain transparent, inclusive and accountable governance practices".

Relevant Legislation

This matter supports Council's compliance with S45 of the Local Government Act 2020.

Financial Implications and Risk

There will be a minor CPI adjustment to the independent member's schedule of rates and recognition of the adjustment in the ATO's vehicle mileage rate, which are within the budget allocation for this advisory role.

The appointment of an independent professional advisor provides effective oversight and guidance to support the Council in its management of the CEO role. This improves transparency, reduces the risk of conflict arising in the Council-CEO relationship and promotes good governance practices.

Conflict of Interest

There were no conflicts of interest declared by Council officers in relation to the matters contained in this report.

Community and Stakeholder Consultation

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

6 REPORTS - ASSETS & ENVIRONMENT GROUP

6.1 Contract 23/15 - Saleyards scanning and weighing

Attachment(s):

1. CONFIDENTIAL REDACTED - Attachment 1 - 23/15 Saleyards scanning and weighing Contract [6.1.1 - 6 pages]

Presenter Vito Albicini, Director Assets and Environment

Approved by Director Assets and Environment

Purpose For decision

Executive Summary

The Yea Saleyards is an asset under Council's ownership. A volunteer Community Asset Committee appointed under Section 65 of the Local Government Act 2020, oversees the operations and management of the Saleyards.

The Committee's powers are delegated by the Council's CEO and includes delegation to enter into financial contracts not exceeding \$5,000. Any capital works recommended by the Committee are subject to Council approval and funded via proceeds from the saleyard's activities or grants. The procurement of works above the Committee's financial delegation is conducted by Council as the asset owner.

The purpose of this report is to appoint a supplier for CONT 23/15 Services Contract – Yea Saleyards – Scanning and Weighing Services 2023 to 2028, for a four-year contract plus an option for a one-year extension.

The contract is for the supply of scanning and weighing of cattle at the Yea Saleyards facility. Scanning and weighing is provided prior to sales at the facility to provide weights and locations of cattle.

The evaluation process was undertaken by the Tender Evaluation Committee in line with Council's Procurement Policy and the tender evaluation criteria.

Based on the analysis undertaken, the Committee recommended that Tenderer One be appointed to CONT23/15 Yea Saleyards – Scanning and Weighing Services for a four-year contract with an option of a one-year extension, not exceeding a total of five years commencing 26 October 2023 and ending no later than 25 October 2028

RECOMMENDATION

That Council:

1. appoint Tenderer One to CONT23/15 – Yea Saleyards – Scanning and Weighing Services 2023 to 2028 for an initial period of four years with an option for a further one year commencing 26 October 2023 and no later than 25 October 2028;
2. approve a total contract amount of \$1,250,000 over the five-year contract period;
3. authorise the Chief Executive Officer to extend CONT23/15 - Yea Saleyards – Scanning and Weighing Services for the optional one-year period subject to satisfactory performance; and
4. release this resolution and the name of Tenderer into the Minutes of the Scheduled Meeting of 25 October 2023.

Background

The Yea Saleyards Committee of Management is appointed under the Local Government Act 2020, Section 65 – Community Asset Committee of Management. The Yea Saleyards Committee of Management membership is formally delegated by the Murrindindi Shire Council Chief Executive Officer.

The Committee's powers are delegated by the Council's CEO and includes delegation to enter into financial contracts not exceeding \$5,000. Any capital works recommended by the Committee are subject to Council approval and funded via proceeds from the saleyard's activities or grants. The procurement of works above the Committee's financial delegation is conducted by Council as the asset owner.

Council's existing contract for the Yea Saleyards – Scanning and Weighing Services CONT19/8 was a two-year contract with two one-year extension options, which expired September 2023.

Tenders were called for a Services Contract – Yea Saleyards – Scanning and Weighing Services on 16 August 2023, closing 13 September 2023 for a period of four years plus one year option, expiring 25 October 2028. One submission was received.

List of services to be engaged under this contract are outlined in Table 1:

Table 1:

Scanning Services	Weighing Services
Scanning all cattle each sale into sale lots	Weigh all cattle in pen lots after curfew and prior to sale
Successful transfer of all tag data into Yea Saleyards PIC	Provide weigh cards and reports to Agents and Council
Successful transfer of all cattle to buyer PIC post sale	Assist with private weigh of cattle
Timely notification of all transactions to the NLIS (National Livestock Identification Scheme) data base	
Record all sale data electronically and live where capable	
Comply with European Union requirements where EU cattle are transacted	

Discussion

Council's procurement policy requires that all tenders be evaluated by a tender evaluation committee. The committee responsible for evaluating this tender comprised:

- Manager Operations and Maintenance (Murrindindi Shire Council - Chair)
- Coordinator Saleyard Operations (Murrindindi Shire Council)
- Chair (Yea Saleyards Committee of Management)
- 2 x Livestock Agents Representatives (Yea Saleyards Committee of Management)

The evaluation meeting held on 9 October confirmed that the one tender submitted was conforming. Two suppliers were invited to tender and a further four potential suppliers registered with the e-tender portal. No other submissions were received.

The following Tender Assessment Criteria were applied:

- Price – 40%
- Capacity to deliver (resources, equipment, experience) – 35%
- Capability to deliver (OH&S, systems) – 10%
- Understanding of the requirement – 10%
- Social and Environmental Procurement – 5%

The evaluation panel members assessed the submission according to the criteria above, excluding pricing at this stage. Individual scores were averaged and applied to the summary spreadsheet and pricing then included.

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

Based on the analysis undertaken and the performance of the existing supplier, the evaluation panel recommends that Tenderer One be appointed to CONT 23/15 - Yea Saleyards – Scanning and Weighing Services 2023 to 2028, for an initial period of four years with an option for a further one year commencing 26 October 2023 and ending no later than 25 October 2028.

Council Plan/Strategies/Policies

This report supports the following strategies and objectives under the *Council Plan 2021-2025 Transparency, Inclusion and Accountability* pillar:

- ensure Council remains financially sustainable through sound management, forward planning, innovative service delivery and asset consolidation as appropriate.
- to ensure our services, people and systems deliver the best possible outcomes for our communities now and into the future.
- maintain transparent, inclusive, and accountable governance practices.

Relevant Legislation

Local Government Act 2020.

Financial Implications and Risk

The expense of the Scanning and Weighing Services is included in the Yea Saleyards operational budget and the income is invoiced to the Livestock Agencies on a per head basis.

It is anticipated the increase will come into effect on 26 October each year of the contract. Current costing is \$5.37 Scanning and Weighing per head and \$2.15 for Scanning Only / non-weigh cattle per head. This equates to approximately 13% increase for scanning and weighing and a 16% increase in Scanning non-weigh animals.

It is to be noted that only one cost increase over the term of the current (expired) contract had occurred since 2019 and this was in January 2023.

Service	2023-24	2024-25	2025-26	2026-27	2027-28
Scanning and Weighing Services (Per head)	\$6.10	\$6.28	\$6.47	\$6.66	\$6.85
Scanning for non-weigh animals (Per Head)	\$2.50	\$2.58	\$2.66	\$2.74	\$2.82
** Note: Cows and Calves are not weighed, and scanning should include cows and calves individually, not per unit					

There will be a gap between income and expenditure for this service due to the increase in service charge for the duration of the contract, equating to 12.3% overall or approximately 2.46% per annum. The Yea Saleyards Committee of Management will be responsible for adjusting fees for this service at their November 2023 committee meeting. It is anticipated this will cover any costing shortfalls.

The Yea Saleyards Committee of Management Business Plan allows for an escalation of fees of approximately 2% each year.

Conflict of Interest

There were no conflicts of interest declared by Council officers in relation to the matters contained in this report.

Community and Stakeholder Consultation

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

6.2 Contract 22/31 - Construction of New Cell at Alexandra Landfill

Attachment(s):

1. CONFIDENTIAL REDACTED - Attachment 1 - CONT22/31 Alexandra Landfill Western Valley Cell Construct [6.2.1 - 14 pages]

Presenter Peter Bain, Manager Sustainability and Assets

Approved by Director Assets & Environment

Purpose For decision

Executive Summary

The Alexandra Landfill is located at 124 Mt Pleasant Road in Alexandra. The landfill operations are subjected to an EPA (Environment Protection Authority) Licence (OL000012039). The approved filling area includes two valleys, the eastern valley, and the western valley. The eastern valley has been developed and is anticipated to be filled within 12 to 18 months.

Council has recently undertaken a public tender process seeking the services of a suitably qualified and experienced contractor to construct the sub-base for the site and new cell (Cell 2A) in the western valley, including the subgrade for all future cells and lining for the first cell (Cell 2A).

This report outlines the procurement process undertaken to appoint a contractor to undertake these works in accordance with Contract “CONT22/31 – Alexandra Landfill – Western Valley Cell Construction” and makes recommendations for Council to award the contract.

Based on the analysis undertaken, the Committee recommend that Tenderer 2 be awarded Contract 22/31 Alexandra Landfill Western Valley Cell Construction for a lump sum price of \$3,322,026 to complete the works in accordance with the specifications.

RECOMMENDATION

That Council:

1. Award “CONT22/31 Alexandra Landfill Western Valley Cell Construction” to Tenderer 2 for a lump sum price of \$3,322,026 to complete the works in accordance with the specifications;
2. Authorise the Chief Executive Officer to execute the required contract documentation;
3. Approve the allocation of up to \$500,000 as a contingency amount to be used for the delivery of this contract as detailed in this report;
4. Allocate an additional \$357,026 from the \$396,590 savings of the Kinglake Landfill Rehabilitation project so that the Project Budget of \$3,800,000 increases to \$4,157,026 to cover the proposed contingencies;
5. Authorise the Director Assets & Environment to approve payment for works directed under the provisional sum within the contract;
6. Authorise the Director Assets & Environment to approve payment of variations to the contract up to \$500,000;
7. Release the name of the successful Tenderer in the Minutes of the 25 October 2023 Scheduled Meeting of Council; and
8. Note that the construction program submitted by the recommended tenderer will result in the works anticipated to be completed by the end of the 2023/24 financial year and any necessary adjustment to the 23/24 budget for this project will occur at the Mid-Year Budget Review.

Background

The Facility

Murrindindi Shire Council (MSC) operates the Alexandra Landfill which is located at 124 Mt Pleasant Road in Alexandra. The landfill operations are subjected to an EPA Licence (OL000012039) which outlines the areas that can be landfilled.

The site is a “gully fill” type of landfill in a Y-shaped valley. Cells have been constructed in the eastern valley, and there is approval to construct further cells in the western valley. The current cells in the eastern valley are approaching capacity, with 12 – 18 months of airspace remaining. The western valley is undeveloped and is estimated to have approximately 30 years of filling space available. The EPA have approved master plans to develop the western valley and continue landfilling of residual waste at the site.

After considering a range of alternative scenarios to manage residual waste, at the 23 June 2021 Council meeting Council resolved, “**To continue operations of the Alexandra landfill into the**

Western Valley, designing the landfill for its maximum lifespan, whilst carrying out construction of landfill cells in a staged approach.”

Design for Western Valley Cells

Council engaged MacKenzie Environmental to design the Western Valley Cells in late 2021. Council also engaged GHD to undertake the Auditor Verification to confirm that the design is compliant with EPA best practice for a Type 2 Landfill design.

To enable design of the first cell to be constructed, a Master Plan for the western valley was prepared, as well as a subgrade design for all future cells. The Master Plan proposes 9 cells to be constructed in the Western Valley with a total volume of 260,000 m³ of airspace. Each cell is designed to be filled over 2-3 years.

The subgrade was designed for the entire western valley as the first Cells 2A and 2B sit at the bottom of the valley. The lining system for Cells 2A and 2B were designed together.

The design was prepared and audited through 2022, with EPA approval received on 23 Jan 2023 to construct the subgrade and liner for cell 2A.

The Works

The contract specification provides for the construction of the full scope of the subgrade and the liner and ancillary elements of Cell 2A. Construction of Cell 2B will be subject to a separate contract following partial filling of Cell 2A.

Construction of the Western Valley subgrade works involve excavation of in-situ undisturbed material and construction of engineered fill to form the subgrade design levels. Note that the excavated material will be processed onsite to produce the required specification and volume of engineered fill. Some blasting of rock may be required during the excavation.

The liner of the cell comprises a 500 mm thick compacted clay liner (floor and lower side slopes only), a geosynthetic clay liner (GCL), a 2 mm thick high-density polyethylene (HDPE) geomembrane, a cushion geotextile and a leachate collection system over floor and side slopes of the cells.

The lumpsum tender price includes a provisional sum for construction of a stormwater pond, comprising enlarging of the existing stormwater pond to a minimum capacity of approximately 1,400m³ and additional day works. Payment against this item will only be made following written notification to proceed with those works based on agreed rates.

The works shall be constructed according to the EPA-approved design documents and under full-time supervision of the GITA/CQA Inspector.

Estimated Cost

Council engaged 2 independent Quantity Surveyors to provide construction cost estimates which were received early September 2023 as follows;

- Plancost - \$3.6m
 - Assumed 5% construction contingencies and excludes consultants' fees
- Melbourne Quantity Surveyors - \$4.2m
 - Assumed 10% construction contingencies and \$200k consultant fees. If the same assumptions on cost contingency and consultants' fees adopted as per Plancost above, the estimated cost is \$3.85m

Therefore, the estimated cost ranges from \$3.5m to approximately \$3.9m.

Procurement

Tender specifications were prepared by Council officers and specialist consultants. They included a detailed list of works and Bill of Quantities (BoQ) along with detailed drawings and requirements for the process, testing and quality assurance.

It was compulsory for tenderers to attend one of two site briefings during the tender period.

- at close of tender, 38 companies had downloaded the tender documents and 7 had responded.

The assessment criteria nominated in the tender documents was as follows;

- Price – 50%
- Relevant Experience – 15%
- Capacity to Deliver (resources, equipment) – 15%
- Social – 10%
- Environmental Management – 10%
- Capability to deliver (OH&S, systems) – Pass/Fail
- Attendance at Site Briefing session – Pass/Fail

Contract CONT 22/31 Alexandra Landfill Western Valley Cell Construction was advertised via an open request for tender to construct the subgrade for all cells and the Cell lining for Cell 2A along with associated leachate collection and management system and the stormwater management system including collection drains and a new retention pond within the western valley.

Council's Procurement Policy requires.

- A probity advisor must be used on all procurements where the value exceeds \$2 million.
- that all tenders be evaluated by a tender evaluation committee (Committee).

To comply with these requirements

- A probity officer was nominated to oversee the procurement process (Council's own Procurement and Probity Coordinator was appointed).
- A 3 member panel was established to evaluate tenders against the nominated criteria.

GITA/CQA and Auditor

Further procurement processes are still required to appoint independent parties to the roles of:

- Geotechnical Inspection and Testing Authority (GITA);
- Construction Quality Assurance (CQA) Inspector; and
- EPA Appointed Environmental Auditor to undertake an Environmental Audit for the construction of the western valley subgrade and Cell 2A.

Timeframe

The target is for the Western Valley Cell 2A to be completed by September 2024.

Subject to Council awarding the contract at its October 2023 meeting it is anticipated that the project will commence in November with procurement and prequalification of materials. The Contractor is likely to mobilise to site during December with most onsite construction activities commencing January/February 2024. Under the contract the works must be commenced within 6 weeks of award and must be completed before 1 September 2024. The preferred tender has submitted a project schedule showing works completed by June 2024.

Works will generally be undertaken between the hours of 7 am – 5 pm Monday to Saturday.

Discussion

The request for tender was advertised from 25 July 2023 to the 30 Aug 2023 via Council's E-Tender Search Portal. At close of tender 38 companies had downloaded the tender documents and 7 submissions had been received:

Assessment process

The panel members first independently assessed each of the 7 tenders to determine if they conformed with the requirements. Panel member also provided an initial score for conforming tenders against each assessment criteria. Panel members identified items requiring clarification or further details needed to complete the assessment.

Following the initial assessment, the panel met to discuss the preliminary assessment for conformance and to compare initial scores for conforming tenderers. The panel determined 2 tenders were non-conforming and would not be considered further. All other tenderers were assessed as passing the mandatory criteria and being valid submissions to undertake the works. The panel arranged for post tender interviews with the 3 highest scoring tenderers (Tenderers 2, 5 and 6). Tenderers were formally provided with individual items of clarification from their tenders and requested to formally respond following interview. The remaining two tenderers were not interviewed as their prices were considered by the panel to be well above the market price.

Reference and financial checks were then completed on the 3 tenderers being further assessed. In summary the result for all 3 tenderers indicated that they have a Strong financial capacity to undertake the contract in question.

The panel met for a final review to discuss the outcomes of the assessment. All panel members agreed that the assessment process and recommended outcome reflects best value for Council.

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

Based on the analysis undertaken, the Committee recommend that Tenderer 2 be awarded Contract 22/31 Alexandra Landfill Western Valley Cell Construction for a lump sum price of \$3,322,026 to complete the works in accordance with the specifications.

Council Plan/Strategies/Policies

This report supports the *Council Plan 2021-2025 Beautiful Towns and Rural Settings* strategic objective "to provide fit-for-purpose infrastructure that meets current and future service demands and needs for our community".

Relevant Legislation

The procurement process for these works was carried out in accordance with Council's Procurement Policy and section 109 of the *Local Government Act 2020*.

Financial Implications and Risk

The total approved combined budget for the Alexandra Landfill Western Valley Cell Construction contract works is \$3.8m, \$2.8m in 23/24 and \$1m in 24/25. All funding for the works is drawn from Council's Waste Reserve set aside for these purposes.

The total overall project cost is summarised below:

Description	Cost
Tender price	\$3,322,026
Contingencies	\$500,000
Total Contract Cost	\$3,822,026

Description	Cost
GITA & CQA	\$210,000
Auditor	\$50,000
Project Management	\$75,000
Total Overall Project Cost	\$4,157,026

An allowance of approximately 15% or \$500,000 for contingencies is proposed to cover unknowns, latent conditions, and potential delay costs due to wet weather. Given the complex nature and compliance requirements to meet EPA requirements for the project there is potential for additional costs to be incurred during the construction for various reasons. For more standard and less complex construction activities a 10% contingency would be recommended however for this type of construction a higher percentage is recommended.

Commencing works now will provide the best opportunity to avoid construction in winter which reduces the risk of delays due to rainfall events occurring during the contract period.

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

Project	Available Budget	Total Project Cost	Variance
Total Overall Project Cost	\$3,800,000	\$4,157,026	-\$357,026

Based on the tender price and allowance for contingencies and other project costs there is an additional \$357,026 required to complete the budget if all contingency is expended. Given that the Kinglake Landfill Rehabilitation project is being delivered underbudget by \$396,590, it is recommended that \$357,026 savings from this project is transferred to the Alexandra Landfill Western Valley Cell Construction project to provide the additional funds required to complete this project. This potential additional expenditure will not have a detrimental impact on the target position of the reserves.

Normal operation of the Alexandra Landfill will generally continue during the scheduled works. The methodology of the preferred tenderer specifically addresses this issue and Council operations will fit in with safety requirements.

Conflict of Interest

There were no conflicts of interest declared by Council officers in relation to the matters contained in this report.

Community and Stakeholder Consultation

No external community or stakeholder consultation was considered necessary for this project. However, it is noted that adjoining landowners will be consulted and informed of the project prior to works commencing.

A communications package will be developed and information regarding the project provided to the community following award of the tender.

6.3 Capital Works Program Quarterly Report - 30 September 2023

Attachment(s):

1. Attachment 1 - Capital Works - Quarterly Report - September 2023 – Program Financials [6.3.1 - 8 pages]
2. Attachment 2 - Capital Works - Quarterly Report - September 2023 – Program Comments [6.3.2 - 8 pages]
3. Attachment 3 - LRC I 4 Proposed Projects [6.3.3 - 1 page]

Presenter	P Bain, Manager Sustainability & Assets
Approved by	Director Assets & Development
Purpose	For decision

Executive Summary

This report is the first quarter progress report of the capital works program (CWP) for the 2023/24 financial year. The period of reporting is from 1 July 2023 to the end of September 2023. The CWP is comprised of those projects endorsed by Council as part of the 2023/24 budget, projects identified for carry forward from the 2022/23 program and any approved projects that have received grant funding during the financial year.

RECOMMENDATION

That Council:

1. receive the quarterly report for the quarter ending 30 September 2023 on the status of the delivery of the Capital Works Program; and
2. approve the list of projects that will be funded from the Local Roads & Community Infrastructure (LRCI) Round 4 funding for inclusion in the 2023/24 Capital Works Program; and
3. Include the construction of a new playground at the Yea Riverside Caravan Park with a total budget of \$250,000 (50% being funded from the Yea Caravan Park reserves and the other from the caravan park operator) in the 2023/24 Capital works Program

Background

The program has now reached the first quarter review of the 2023/24 CWP with most projects scope finalised, out to tender, or underway. Some major projects have been awarded. The total number of projects currently in the list for delivery is 122.

Discussion

A general overview of the Capital Works Program delivery status:

Most projects are currently on track (Green) and expected to be completed by June 30, 2024. The other traffic light indicators presented in the attached reports are on hold (Blue), possible carry forward (Yellow), expected carry forward (Red), delayed (Orange) and complete (Black). Although construction of some of the projects have been completed, the project is not marked complete until an asset handover has been completed.

Complete	Complete
On Track	On Track
On Hold	On Hold
Possible Carry Forward	Possible Carry Forward
Expected Carry Forward	Expected Carry Forward
Delayed	Delayed

A general overview of the Capital Work Program financial position:

Current revised budget is \$21,568,131.
 Current Anticipated Capital works spend: \$21,568,131 (Estimate)
 Total Actuals & Committed: \$5,158,633
 Actual Expenditure is \$1,306,284
 Anticipated Carry Forward is Nil

As of 30 September 2023, the current predicted savings and demand is balanced across the program.

Attachment 1 - Capital Works - Quarterly Report - September 2023 – Program Financials
 For the detailed financial position of the Capital Works Program including minor adjustments proposed for some projects. Overall, the program is being delivered within the program budget.

New projects to be included in the Capital Works Program:

Local Roads & Community Infrastructure (LRCI) Round 4 Proposed Projects

The final priority list for Local Roads & Community Infrastructure (LRCI) Round 4 grants has been finalised. These projects will now be included in the 2023/24 and 2024/24 Capital works Programs. Design will be carried out in 2023/24 FY and construction will be in 2024/25 FY.

Refer to Attachment 3 for the detailed list of proposed projects.

Proposed new playground Yea Riverside Caravan Park

Yea Riverside Caravan Park Pty Ltd have proposed the installation of a new playground for use by their customers on the site of the present playground for a combined budget of \$250,000 with \$125,000 provided from the reserve. The total budget is adequate for the scope proposed and sufficient reserves are available. Project to be managed by Council and to be completed by June 2024.

Review of Leve 1 Projects

Eildon Reserve Redevelopment, Eildon – \$6.2M all elements

Construction anticipated to commence in November 2023. Splash Park, amenities block, BBQs, Flying Fox, and landscape works awarded for \$5M following cost savings achieved within the project scope.

A contract has been awarded for the Skate Park and Senior Play projects.

Alex Landfill Western Valley Cell Construction, Alexandra - \$3.8m (\$2.8M + \$1M 24/25)

The tender closed on August 30, 2023, and the tender evaluation and report has been finalised.

Anticipated to award the contract in October Council's meeting.

Flood Recovery Program - Shire Wide

The list for Flood Recovery Program has been reviewed and currently totals approximately 230 rectification works, with the works being assigned by location.

There are 5 road-based packages currently being finalised. These are made up of 14 location-based aggregations of work.

The road-based packages will be undertaken under the Immediate Work DRFA category, due for completion by 31 December 2023.

Kinglake Closed Landfill Rehabilitation, Kinglake - \$1.5M

Initial Site meeting has been completed with the contractor and work has been commenced on Monday 18 August.

Anticipated practical completion is Mid-November 2023.

Sealed Roads - Renewal & Major Patching - \$570k (2023/24)

Work has been commenced onsite on 12 October and delayed due to wet weather.

Yea Swimming Pool, Yea – Liner Renewal (LRCI 3)– \$400k

The leak is not in the existing pool liner but is caused by failure of the drainage in the pool's scum gutters. Tender evaluation and report to Council are being finalised. The report will be submitted to Council at the December Councils meeting. Construction works cannot be commenced until the pool closure in March (after the summer season).

Alexandra Rotary Park & Visitor Activity Precinct, Alexandra – \$1.72m (total budget), \$87K (2023/24)

Works completed on the original project scope. Contractor is undertaking work on recast skatepark decks, install fencing and renew Bunderbowiek Street Pavement.

Gravel Roads Resheeting - \$1.83M (2023/24)

Tender for the 23/24 program has been awarded.

Sealed Roads – Reseals - \$960k (2023/24)

Request for Tender was closed on 17 October and tender evaluation has commenced.

Anticipated to award the contract in November Council's meeting.

Wilhelmina Falls Road Sealing, Murrindindi – \$712k

Functional Layout Plan has been reviewed. Expected completion of final design by the end of October.

Alexandra Commercial Area Streetscape Development, Alexandra – \$50k

Scoping the project will be commenced shortly.

Kinglake Village Streetscape Development, Kinglake – TBC

Council will proceed with the works. Funds will be allocated from LRCI round four. Scoping of the project will be commenced shortly.

Streetscape Design Development, Thornton - \$30k

A Landscape architect has been engaged to create a concept plan for a draft streetscape based around combining the existing Thornton Stormwater Upgrade and the Thornton section of the Alexandra to Eildon Rail Trail. The combined streetscape plan will seek to improve pedestrian and cyclist safety and accessibility while maintaining the leafy character of the town. Concept plans are being finalised.

Downey Street Carpark Construction, Alexandra – \$230k – LRCI3

Project awarded for design and construction. Design has been completed and is being reviewed. VicRoads engagement scheduled for August and September.

Anticipated construction (weather dependant) through October and November.

Mt Kitchener Drainage /Falls Road, Marysville – Kerb and Footpath – \$700k

The drainage works has been completed. Stage one and Stage two footpath works are close to being completed.

Contractor found buried Telstra asbestos pits and need to be removed by a Telstra Contractor, which will be completed by 18 October. Estimated completion is end of October 2023.

Electric Vehicle Charging Infrastructure – Perkins Street, Alexandra – LRCI 3 - \$70k

Contractor has installed two EVup Auriga - 22KW Dual Smart Chargers (four charging ports total) in the UGFM carpark at Perkins Street, Alexandra and the charging systems have been ordered. These systems will be installed with 22 kW medium charger hardware, but they will be scaled back to operate as slow chargers due to the limited available power at the Perkins Street site.

Council Plan/Strategies/Policies

This report supports the *Council Plan 2021-2025 Beautiful Towns and Rural Settings* strategic objective “to provide fit-for-purpose infrastructure that meets current and future service demands and needs for our community”.

This report supports the *Council Plan 2021-2025 Transparency, Inclusion and Accountability* strategy to “ensure Council remains financially sustainable through sound management, forward planning, innovative service delivery and asset consolidation as appropriate”.

Relevant Legislation

Local Government Act 2020

Financial Implications and Risk

The current program is being delivered within the total Capital Works program budget however

funding adjustments for individual projects are detailed in Attachment 1. These adjustments are within the Capital Works Program budget.

Conflict of Interest

There were no conflicts of interest declared by Council officers in relation to the matters contained in this report.

Community and Stakeholder Consultation

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

6.4 Climate Change Action Plan 2023

Attachment(s):

1. Attachment 1 - Climate Change Action Plan 2023 - final [6.4.1 - 55 pages]
2. Attachment 2 - Climate Change Action Plan - Community Engagement Findings Report [6.4.2 - 31 pages]

Presenter	Bronwyn Chapman, Coordinator Environmental Programs
Approved by	Vito Albicini, Director Assets and Environment
Purpose	For decision

Executive Summary

This report presents the final version of the Climate Change Action Plan (CCAP) after considering the outcomes of the release of the draft Plan for community consultation, as resolved by Council on 22 March 2023. Community comment has been incorporated into the final version of the CCAP, which is presented to Council for adoption.

The Climate Change Action Plan is the key approach to realise the targets and policies set out in the Climate Change Policy 2022. Earlier public input guided development of the CCAP to achieve net zero by 2035 and also to support the community to adapt to the impacts of climate change. In March 2023, Council endorsed the draft version of the CCAP for broad consultation.

The public consultation focussed on the opportunities for council to support community-led action. A series of potential actions were presented to community members to indicate key priorities. This enables council to target its supporting actions to the areas of most importance to the community, to:

- increase the amount of renewable energy and storage technology in the region, to improve energy reliability, especially during emergencies
- Incorporate a climate change stream into Council's existing grant programs for community and business
- facilitate a bulk buy program for residents and businesses to purchase cheaper solar/batteries, electric vehicles, or other climate-safe technologies
- expand Council's support for community nature restoration efforts

General sentiment of the community to Council's plans were positive. The consultation process identified gaps and improvements to the CCAP which included the need to support youth action and recognise the increased risk of water scarcity with improved sustainable water use. This consultation process has also further improved the scope and relevance of the CCAP to the community, while affirming its key directions.

The amended Climate Change Action Plan has now incorporated the feedback from the Community and is now finalised and present to Council for adoption and implementation.

RECOMMENDATION

That Council:

1. **Note the feedback from the community through the community consultation on the draft Climate Change Action Plan; and**
2. **Adopt the final amended Climate Change Action Plan as contained in Attachment 6.4.1**

Background

At the Council meeting on 22 March 2023, Council resolved to:

1. endorse the draft Climate Change Action Plan (CCAP) (Towards 2035)
2. request that the draft CCAP be released for community consultation for an eight-week period which will include a range of information and consultation options
3. request Council Officers to provide a subsequent report to Council on the outcome of the community consultation process and to present the final Climate Change Action Plan (Towards 2035) for adoption.

This report details the outcomes of this 2023 consultation, which was the final stage of consultation for the Climate Change Action Plan (CCAP). It also presents the final version of Council's Climate Change Action Plan (CCAP), which implements the Council Climate Change Policy 2022 and directly addresses climate change as one of the highest strategic risks faced by the organisation.

Consultation activities in three stages from 2021-2023 have informed the development of the plan. In this final stage of consultation, the online web page had 700+ views, more than 300 community members were engaged in-person, and 58 surveys were received. The overall development of the CCAP is outlined in the attached "Community Engagement Findings Report." This includes the detailed outcomes of the final consultation that has recently been completed on the draft CCAP in 2023.

Discussion

The consultation revealed perspectives from some sectors, as well as a range of suggestions from the broader community. The recent 2023 consultation also concentrated on the community mobilisation section of the plan, where respondents were asked to prioritise a list of potential community actions for Council support.

Taungurung and Wurundjeri perspectives:

Representatives from the Taungurung and Wurundjeri Traditional custodians were consulted in the early stages of the plan. Taungurung representatives asked us to reflect on the wider issue of which climate change is a symptom: disconnection from the rest of the natural world which drives a culture of overconsumption beyond planetary limits. Both groups also expressed a need to minimise the impact of our operations on the land, particularly along waterways. The bodies also offered to cooperate in the practice of traditional land management on Council land.

This perspective speaks to a need to align development and consumption with ecosystem sustainability. Examples include shifting to a circular economy rather than a model of infinite growth, considering the long-term impacts of decisions, and valuing the health of ecosystems and waterways to preserve biodiversity.

Council has a role in running and supporting events on the land that help people to re-connect and care for nature, continuing to acknowledge country, and working towards reconciliation (reflected in CCAP actions MOCS4 & MORE2). Actions ARE1 and ARE4 include cooperation with indigenous groups in land management.

Youth perspectives:

As key stakeholders, specific effort was made to consult with young people that live in the shire. In early 2023, council's youth support and climate change staff jointly ran a youth leadership summit, where participants were asked their vision for the future. With their consent, this vision will be put into the plan.

Participants also identified key priorities and established an environment group at Alexandra Secondary College with ongoing facilitation support from council's youth support officer. Participants were also invited to submit feedback on the draft plan, and they requested their voices be elevated in the community. To recognise this, an action has been added to the CCAP (**MOCS7: Continue to support youth-led climate and sustainability action and elevate young people's voices in the community through communications and education activities**).

Level of overall support for the plan:

The plan was very well supported by those who submitted feedback on the draft: 90% were supportive, as well as all those who attended in-person sessions. A further 5% were 'neutral', and 5% opposed the plan, preferring council to focus on business-as-usual services rather than climate risk. Many respondents also specifically mentioned they were supportive of the targets. These inputs, however, reflect a fragment of Murrindindi's population and cannot be considered as representing the bulk of community opinion. The team recommends investigating the possibility of including a climate change-related question in the yearly customer satisfaction survey to determine overall level of support and tailor future education and communications strategies. However, consultation has provided useful information for the team to pre-empt issues and identify priority areas where improvements can be made.

Key insights for implementation from 2023 Community Consultation

Community mobilisation lessons

In supporting community action, a networked approach to community engagement and mobilisation initiatives is likely to prove most fruitful. The 2023 consultation used a range of written and online resources. However, the majority of those who attended in-person events were directly contacted by a council officer or came through existing networks. This implies that the development and support of community networks will be essential to support community action.

Specific areas for improvement

Many respondents asked for greater weight to be given to community agricultural and transport emissions reductions activities given their large share of emissions. These areas are well covered in actions MOTE1, MORE5, MOCC14 and FCE1. Respondents also asked that more weight be given to emergency management, although no changes have been made to the plan, as it already contains a strong focus throughout adaptation actions (respondents may have omitted to

read adaptation actions). The feedback does indicate that increasing resource allocation in this area is well supported.

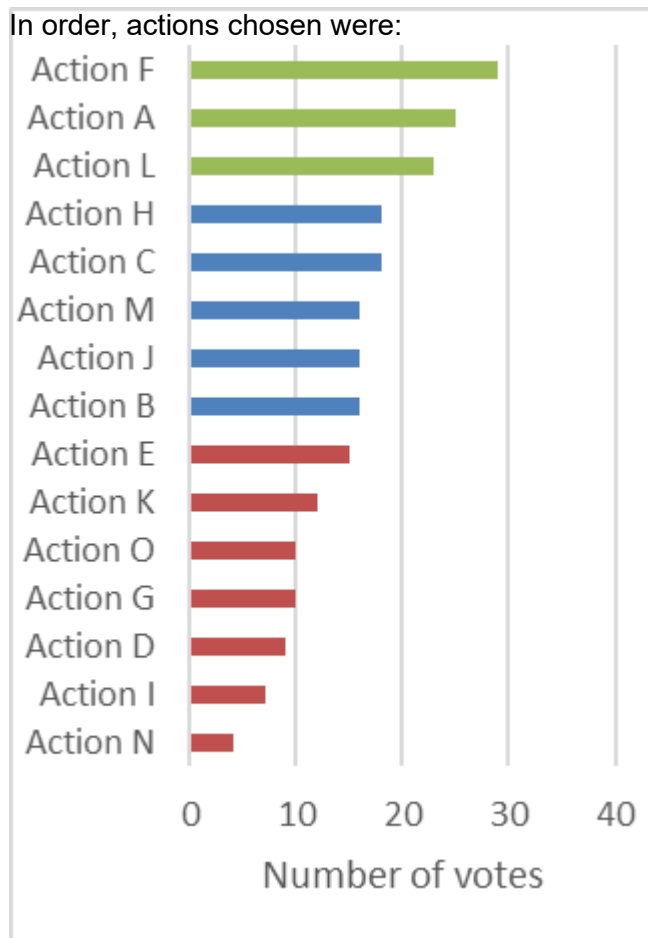
One theme that emerged, was concern about the environmental impact of alternative technologies. Several respondents put forward instead a circular economy approach focused on efficiency, recycling materials, and minimising consumption in general. This is covered in action FAM2: Develop Environmentally Sustainable Design guidelines for new projects and developments, and infrastructure maintenance, and should be considered when making decisions around expanding infrastructure and service delivery.

Several respondents suggested showcasing existing work taking place in the community. A series of case studies have been developed and added to the CCAP. The Mobilisation section of the CCAP aims to support ongoing community work.

Results of voting

Previous consultation shaped the community mobilisation section of the plan and fed into a list of potential community actions. During the latest consultation this year, respondents were asked to rank the suggested community actions to prioritise the areas where council would concentrate support for community action. Council agreed to prioritise the highest voted actions for implementation. The top 8 (50%) have been added to the plan and during implementation of the plan, priority will be given to the top 3. Actions E-N have been removed from the plan and shifted to the Master Action List to be re-considered in future iterations of the CCAP.

In order, actions chosen were:



1. Action F: Support community efforts to increase the amount of renewable energy in the region, including solar and wind installations, along with battery technology, to improve energy reliability, especially during emergencies. *Note: 2030Yea and the Murrindindi Climate Network (based in Taggerty) were extremely interested in partnering on this.*
2. Action A: Incorporate a climate change stream into Council's existing grant programs for community and business.
3. Action L: Facilitate a bulk buy program for residents and businesses to purchase cheaper solar/batteries, electric vehicles, or other climate-safe technologies. *Note: The Goulburn Murray Climate Alliance is currently scoping a regional bulk buy project.*
4. Action H: Expand Council's support for community nature restoration efforts, by assisting residents to connect with Landcare groups, expanding opportunities to care for local areas, educating, and encouraging

individual action. *Note This action will also involve the Goulburn Broken CMA*

5. Action C: Support community groups who lease Council assets to install renewable energy and boost energy and water efficiency. *Note: This would require upskilling recreation and community wellbeing staff.*
6. Action B: Continue to support the public transition to electric vehicles by installing chargers at Council facilities and working with regional stakeholders to support a shire-wide transition. *Note: Although this was lower down in the voting list, supporting EV (Electric Vehicle) uptake was a strong theme in survey responses.*
7. Action M: Support business-based Food Organics Garden Organics (FOGO) waste management systems. *Note: This action was strongly supported by a group of Alexandra residents already working on a similar project.*
8. Action J: Work with stakeholders on an initiative to employ an agricultural field officer to provide tailored support to farmers on reducing emissions and adapting to climate change. *Note: Whilst agriculture is a high priority due to high proportion of emissions, other agencies are well positioned to support agricultural industry with Council's support. See CCAP existing commitment (MORE5)*

Actions not included in the final Climate Change Action Plan:

9. Action E: Investigate options for a community information service for home sustainability including energy information and advice. Investigate how Council can encourage sustainable home builds and retrofits.
10. Action K: Run a leadership or mentorship program to empower the community to lead climate action projects in their networks.
11. Action G: Distribute scientific research on the impacts of climate change on natural environments, the climate solutions nature provides, and how we can support ecosystem health.
12. Action O: Establish a Climate Action Coalition to discuss local issues, coordinate and collaborate between different sectors, inform government policy, mobilise resources, and launch or support programs and services that address local needs.
13. Action D: Support investment attraction and economic diversification into new markets (e.g., renewable energy, carbon trading, new tourist markets).
14. Action I: Investigate the feasibility and mechanisms to protect significant trees in both urban and rural settings (for shade, amenity, cultural and habitat values), including community consultation on options. (In October 2023 Council clarified and updated this action from the original "Investigate options for Council support for conservation and restoration on private land.")
15. Action N: Facilitate the establishment of carbon offset demonstration sites on private or public land.

Note: this last set of actions will be moved to an appendix (Master Action List) in the plan.

Proposed changes to CCAP

The attached Community Engagement Findings Report includes the detail of the 2023 engagement. The survey included the question “Is there anything missing that you’d like to see included in the draft Plan?” A detailed table of answers and the CCAP changes is an attachment to the report.

A summary of all changes to the plan is set out below.

1. Changes to introduction and background information sections
 - Added water scarcity to key risks and actions for Council to improve sustainable water use
 - Added youth vision and an action to support youth action
 - Emissions profile update with latest figures for community and organisational emissions
 2. Addition of case studies:
 - 2030Yea
 - Marysville Solar System
 - Youth Leading the World
 - Carbon on Farms workshop
 - Victorian Energy Collaboration VECO
 - Heat Health workshop
 3. Changes to mitigation targets:
 - Removed “Council’s energy comes from 100% renewable sources by 2022.” – achieved before plan came into effect.
 - Added “40% of council’s passenger fleet is ZEV or low emission vehicle * by 2028, and 100% ZEV by 2032” - based on information from Fleet Transition Plan (Everergi 2022)
 - Added “Halve the volume of organic material going to landfill between 2020 and 2030.” – as per Waste and Resource Recovery Strategy 2022
- * ZEV zero emission vehicle; low emission vehicle - maximum emissions of 100gm/km CO₂-e
4. Changes to actions:
 - Added ACA8: Develop a Street Tree Policy to protect and improve urban tree canopy to provide cooler shady towns in a heating climate. – recommended from the Naturally Cooler Towns project
 - Added ACA9: Develop a water use program and assign key performance indicators for effective and efficient water use for council services. – recommended from ‘Water Roadmap Report’ by Water Stewardship Asia Pacific
 - Added ACA10: Implement integrated water management principles and actions into all council projects, including water recycling. – recommended from ‘Water Roadmap Report’ by Water Stewardship Asia Pacific
 - Added FCC5: Undertake a comprehensive review of greenhouse gas emissions, future emissions pathways, climate risks, and levels of community concern and satisfaction, and revise the CCAP accordingly – to be completed every 4 years. Investigate the inclusion of climate change-related questions in the customer satisfaction survey every 4 years in concert with comprehensive pathways and risks review.

- Altered MICC4: Develop a carbon offsetting policy or guidelines that defines the strategy for how Council will offset to meet net zero target, brought forward to 2023-24.
- Altered FAM2: Develop and apply Environmentally Sustainable Design guidelines for new infrastructure projects and significant upgrades, and undertake water efficiency, energy efficiency, and emissions assessments during the project planning phase to ensure the project is consistent with climate change targets – this aims to ensure new developments are not adding to our net emissions.
- Altered MICC5: Develop carbon offsetting guidelines that define the strategy for Council to offset to meet net zero target. Offsetting guidelines will be added to existing ‘Carbon Inventory Boundary and Emissions Pathway Report’ and incorporated in the Net Zero Emissions Guidelines, to be reviewed periodically
- Altered MICC3: Transition to a zero emissions fleet, starting with electric passenger vehicles and light machinery, by incorporating purchase of low and zero emissions options into fleet and machinery planning and procurement Altered MICC7: Report on energy, water, emissions and offsets in Council’s annual report, and business unit reports, and evaluate progress against emissions targets. Evaluate progress against emission targets for council’s target dates in 2030 and the net zero emissions target in 2035. Also report the amount required for purchase or generation of carbon offsets to achieve each target.
- MIRE1 (Landfill capping action) – date changed from FY 2023/24 to 2024/25 on advice from waste team. Recommended waste team undertakes data analysis to project emissions reductions from capping based on the recommended method to manage landfill emissions.
- Added an action to support youth - Continue to support youth-led climate and sustainability action and elevate young people’s voices in the community through communications and education activities.
- Addition of eight community mobilisation actions as per voting
- Move remaining community actions to an appendix of the CCAP, for later consideration
- Changes to wording of some actions, for clarification

The modifications suggested through consultation have enriched the Climate Change Action Plan. In the main, the changes clarify actions and incorporate further explanation and detail, without major change. The final Plan is presented to Council to consider for adoption, so the implementation can commence.

Council Plan/Strategies/Policies

This report supports the *Council Plan 2021-2025 Our Protected Environment* strategy “in partnership with the community, develop and deliver climate change adaptation and mitigation programs and practices to reduce our environmental impact”.

The CCAP implements the Climate Change Policy 2022.

Relevant Legislation

The Victorian *Local Government Act 2020* mandates considerations of climate change risks in Council decision making process. The development of the climate action plan addresses

Council's responsibility to act on climate change under the *Climate Change Act 2017* and *Local Government Act 2020*.

Financial Implications and Risk

The CCAP indicates the cost of actions. One of the key principles of the CCAP is that climate change considerations should become part of Council 'business as usual.' Such actions require officer time rather than additional funds.

Recommendations for future funded projects in the CCAP will be subject to Council processes to determine priorities and the extent of funding. A preliminary estimate for the cost of funded projects is approximately \$600,000 for three years commencing 2024/25. Some of these projects could attract grant funding. This includes costs to purchase electric vehicles and install charging stations for Council fleet, additional tree planting and environmental restoration, expanded environmental community grant program, and efficiency upgrades for facilities and streetlights.

If Council did not adopt and implement the Council Change Action Plan, the related risks would be:

- Community – due to the impacts of increasing heat and extreme events
- Reputational – as the community has supported Council action on climate change
- Financial – many actions will save money over time, or avoid future cost increases
- Occupational Health and Safety – for staff operating in hotter conditions
- Environmental and tourism– impacts of increasing heat and extreme events will reduce the amenity and health of the natural environment and attractions in the shire.

The potential costs of not delivering on the plan are substantial and quantifying these risks is part of the strategic risks. The risks have been incorporated in Council's Risk Register:

- *Strategic Risk - SR6 Increased vulnerability and financial exposure to the effects of climate change*

Conflict of Interest

There were no conflicts of interest declared by Council officers in relation to the matters contained in this report.

Community and Stakeholder Consultation

Reflecting the extreme risk climate change poses to Murrindindi Shire Council's operations and community, in 2021 Council committed to developing and implementing a strategic Climate Change Action Plan to reduce emissions (mitigate) and adapt to climate impacts (adapt).

Extensive consultation with the community informed the development of the plan.

A detailed record of the outcomes of consultation and the related development of the CCAP is found in Climate Change Action Plan - Community Engagement Findings Report (see attachment).

7 COUNCILLOR AND CEO REPORTS

7.1 Notices of Motions

7.2 Cr Sue Carpenter

7.3 Cr Damien Gallagher

7.4 Cr Ilona Gerencser

7.5 Cr Eric Lording

7.6 Cr Sandice McAulay

7.7 Cr Karine Haslam

7.8 Cr John Walsh - Mayoral Report

7.9 Chief Executive Officer Report

8 RECORD OF COUNCIL BRIEFING SESSIONS

Purpose
For noting.

Executive Summary

This report presents the records of Council Briefing Sessions for 21 September 2023 to 19 October 2023, for Council to note.

RECOMMENDATION

That Council receive and note the records of Council Briefing Sessions for 19 September 2023 to 21 October 2023.

Background

The Governance Rules adopted by Council at its 24 August 2022 meeting sets the order of business for scheduled meetings. As part of section 7.2.1 “Record of Council Briefing Sessions” is listed as to be included in the order of business.

Discussion

The purpose of keeping a record of Council Briefing Sessions is so that the content of the Briefing Session, the attendance and any declared conflicts of interest are recorded in a formal document. Council is making every effort to ensure that it is transparent in the content of Briefing Sessions and any conflicts of interest, therefore the formal record is presented for noting as part of the Scheduled Meeting Agenda.

The following summary details are for 21 September 2023 to 19 October 2023

Meeting Name/Type	Council Pre-Meet			
Meeting Date:	27 September 2023			
Matters Discussed:	<ol style="list-style-type: none"> 1. Planning Application – 399 Maintongoon Road, Maintongoon – Helicopter Maintenance Facility 2. Murrindindi Flood Recovery September Report 3. Arts and Culture Policy Review 4. Grants and Sponsorships 5. Contract 23/11 - Microsoft 365 and Teams Licenses 6. Approval of the 2022/23 Financial and Performance Statements 7. Audit and Risk Committee Noting of Minutes 8. Audit and Risk Committee Biannual Report 9. Endorsement of Audit and Risk Committee Chair 10. Instruments of Delegation and Authorisation to Council Staff 11. Contract 23/10 - Design & Construction Eildon Skate Park - Tender Award 12. Tender Evaluation Report - Contract 23/14 - Gravel Roads Resheeting Program 2023/24 			
Councillor Attendees:	Cr J Walsh, Cr K Haslam, Cr S Carpenter, Cr D Gallagher, Cr S McAulay, Cr E Lording, Cr I Gerencser			
Council Officer Attendees	Livia Bonazzi, Michael Chesworth, Vito Albicini, Andrew Paxton, Cheryl Nickels-Beattie, Natalie Stewart, Cameron Fraser, Emma Kubeil, David Echeverry, Nicole Maguire			
Conflict of Interest Disclosures: Nil				
Matter No.	Councillor making disclosure	Was a vote taken?	Did the Councillor leave the room?	When? Before or after discussion
4	Cr K Haslem	No	Was not necessary	Was not necessary

Meeting Name/Type	Briefing Session
Meeting Date:	11 October 2023
Matters Discussed:	<ol style="list-style-type: none"> 1. Planning Application: 1363 Whittlesea Yea Road KINGLAKE WEST 2. Planning Application: 2427 Maroondah Highway BUXTON, Creation of a carriageway easement 3. Climate Change Action Plan 2023 4. Environmental Programs Update 5. Update - DEECA technical review of Lake Eildon operating rules 6. Flood Betterment Funding 7. Customer Service Policy review
Councillor Attendees:	Cr J Walsh, Cr K Haslam, Cr S Carpenter, Cr D Gallagher, Cr S McAulay, Cr E Lording
Council Officer Attendees	Livia Bonazzi, Michael Chesworth, Vito Albicini, Andrew Paxton, Nicole Maguire, Bronwyn Chapman, Peter Bain, Natalie Steward, Cameron Fraser, Kim Chadband
Conflict of Interest Disclosures: Nil	

Meeting Name/Type	Briefing Session
Meeting Date:	18 October 2023
Matters Discussed:	<ol style="list-style-type: none"> 1. Capital Works Program Review 2. Development Services Monthly Report 3. Economic Development Strategy 4. Eildon Pondage Masterplan 5. Tertiary Education Hub 6. 2022/23 Annual Report Review
Councillor Attendees:	Cr J Walsh, Cr K Haslam, Cr S Carpenter, Cr D Gallagher, Cr S McAulay, Cr E Lording, Cr I Gerencser
Council Officer Attendees	Livia Bonazzi, Michael Chesworth, Vito Albicini, Andrew Paxton, Dilshan Liyanage, Peter Bain, Natalie Stewart, Cameron Fraser, Ben Harnwell, Emma Kubeil, David Echeverry, Cassandra Ray
Conflict of Interest Disclosures: Nil	

Council Plan/Strategies/Policies

This matter is consistent with the *Council Plan 2021-2025 Transparency, Inclusion and Accountability* strategy to “maintain transparent, inclusive and accountable governance practices”.

Relevant Legislation

This report supports the *Local Government Act 2020* overarching governance principles, in particular “the transparency of Council decisions, actions and information is to be ensured”.

Financial Implications and Risk

There are no financial or risk implications.

Conflict of Interest

Any conflicts of interest are noted in the records of Council Briefing Sessions tables listed above.

9 SEALING REGISTER

File Reference	Date Seal Affixed	Description of Documents	Signatures of Persons Sealing
CONT23/1 23/63744	5 October 2023	Formal Instrument of Agreement between Murrindindi Shire Council and North Central Construction	Livia Bonazzi Cr John Walsh

RECOMMENDATION

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