



**Murrindindi**  
Shire Council

# Scheduled Meeting of Council

## Agenda

24 July 2024  
Alexandra Council Chambers  
Perkins Street  
6:00PM

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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

Nil.

### 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 26 June 2024

## RECOMMENDATION

**That Council confirm the minutes of the Scheduled Meeting of Council held on 26 June 2024**

## 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 Murrindindi Kindergarten and Childcare Strategy

Department	Community & Development
Presenter	Andrew Paxton, Director Community and Development
Approved by	Andrew Paxton, Director Community and Development
Purpose	For decision
Attachment(s)	1. Attachment 1 - Murrindindi Kindergarten and Childcare Strategy [4.1.1 - 49 pages]

#### Executive Summary

This report presents the final draft of the Kindergarten and Childcare Strategy 2024-2029 to Council, establishing the direction for childcare and kindergartens across the Shire.

#### RECOMMENDATION

**That Council endorses the Murrindindi Kindergarten and Childcare Strategy 2024-2029 as contained in attachment 4.1.1.**

#### Background

With support from external consultants, officers have consolidated previous strategic and analytical work into the Kindergarten and Childcare Strategy 2024 - 2029, reviewing Council's activities in Early Years including the provision of Family Day Care.

In January 2023 the Victorian Government announced the first roll out of the 30 hours of funded 4-year-old kindergarten (pre-prep) starting in 2025. Murrindindi Shire was listed within the first tranche of the roll out.

Council's advocacy and strategic work supported by the sector during this project, will support managing the Best Start Best Life Reforms, and planning for our communities' early years and broader liveability of our townships.

The State Government has already announced investment into the provision of additional kindergarten capacity in Yea and Alexandra. The new kindergarten facility in Yea is scheduled to open for the 2025 school year and is being delivered by the Victorian School Building Authority.

#### Discussion

An initial review of Early Education Infrastructure and Childcare highlighted capacity issues for both Kindergarten and Childcare services in Murrindindi. This was noted by Council at the scheduled meeting in April 2023.

The subsequent roll out of the State Governments Best Start Best Life reforms, to enhance pre prep kindergarten from 15 to 30 hours for four-year-olds, facilitated Council's commitment to expanding the strategic investigation into how best to support the Murrindindi community and

service providers to meet current and future service demands for Murrindindi families and children.

Recent strategic work and deep analysis supported by State Government funding, has included:

- Infrastructure review targeting Alexandra and Yea growth and forecast demand, and associated asset management responsibilities across the Shire.
- Workforce plan, noted by Council at the scheduled meeting in April 2024.
- Family Day Care review and options analysis.

These documents and strategies have informed the Kindergarten and Childcare Strategy 2024 – 2029 (attached), that examines Council’s role for the next 5 years.

The strategy is based on six pillars including:

- Service Delivery
- Sector Sustainability
- Infrastructure
- Coordination
- Advocacy
- Workforce and Education.

Each of these pillars have a range of goals and actions, designed to clarify Council’s role in supporting service providers and the community.

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

This report supports:

- the *Council Plan 2021-2025 Resilient Communities* strategy to “in collaboration with our community, support our children and young people to be happy, healthy and engaged”.
- Councils Economic Development Strategy 2024 – 2029, which identifies access to Childcare and Kindergartens as a barrier to economic growth and employment.

### **Relevant Legislation**

*Education and Care Services National Law Act 2010.*

Best Start Best Life reforms.

### **Financial and Risk Implications**

The actions within the Kindergarten and Childcare Strategy 2024 –2029, are funded within the adopted budget, to enable Council to lead, facilitate, partner and advocate for associated outcomes.

Inadequate provision of childcare is a barrier to future growth and investment in the Shire. Council continues to fund directly and indirectly the provision of Kindergartens and Childcare across the Shire and this strategy provides a road map for future directions.

### **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**

During the delivery of the Kindergarten and Childcare Strategy 2024 –2029 Council Officers and consultants have engaged with stakeholders including local service providers, Department of Education, Victorian School Building Authority (VSBA), and private investors. Further stakeholder engagement will be undertaken during the implementation of the strategy.

## 5 REPORTS - PEOPLE & CORPORATE PERFORMANCE GROUP

### 5.1 37 Extons Road, Kinglake Central - Transfer of Land

Department	Community & Development
Presenter	M Chesworth, Director People & Corporate Performance
Approved by	M Chesworth, Director People & Corporate Performance
Purpose	For decision
Attachment(s)	Nil

#### Executive Summary

Land at 37 Extons Road, Kinglake was donated to Council following the 2009 bushfires with the specific purpose being to enable the reconstruction of the Middle Kinglake Primary School and Early Years Learning Centre. The land was rezoned to a Public Use Zone, by the Minister to reflect its purpose. Council leased the land to the Department of Education in 2011 and the School and Early Years Centre were constructed and have been operational for many years.

The total land area donated was ultimately found to be in excess of the requirements for the intended purpose and the Education Department relinquished its lease over the excess land (approximately 1.77 hectares to the west of the property) in 2014. As the land is not required for the purpose it was donated, being educational purposes, Council has commenced a process to consider transferring the unused portion of the land back to the donor, who owns land immediately to the north.

This report considers the planning and other statutory requirements to enable the land transfer and seeks Council's endorsement to give public notice of its intent to transfer the land. It is proposed that Council consider any submissions from the public at its August 2024 meeting.

#### RECOMMENDATION

##### That Council:

1. Give public notice of its intention to transfer the undeveloped portion of 37 Extons Road, shaded in red in the diagram in this report, to the original donor without consideration
2. Consider any public submissions received following the public notice at the August 2024 Council Meeting
3. Note that subject to Council resolving to transfer the land at a future Council meeting, it will be recommended to request the Minister for Planning to prepare an amendment to the Murrindindi Planning Scheme under Section 20(4) of the Planning and Environment Act 1987 to rezone part of the land from the Public Use Zone 7 to the Farming Zone.

#### Background

Up until 2009 the Middle Kinglake Primary School was located on land owned by the Education Department adjacent to the Kinglake Memorial Reserve. The School was destroyed in the 2009 bushfires, as were the former Kinglake Child Care and Maternal and Child Health Centres which were located on Council land adjacent to the Kinglake Community Centre.

Plans for the rebuilding of the Primary School included an Early Years Learning Centre (incorporating the Child Care and Maternal Child Health facilities) which required a much larger building footprint than could be accommodated on the existing school land.

Subsequently, an adjoining landholder offered to donate 6.77 hectares of farm land at 37 Extons Rd specifically for the purpose of siting the School and Early Years Learning Centre, on the proviso the land was held in Council's ownership.

In July 2011, following subdivision and transfer of the donated land to Council, a lease was commenced between Council and the Minister for Education for a term of 33 years, with an option for two further terms of 33 years, which enabled the rebuilding of the School and the development of the Early Learning Centre on the land. The total area of land donated to Council and originally leased to the Department of Education is shown within the red boundary on the following aerial photo.



The area of land donated was in excess of the area ultimately needed for the rebuilding of the School and its associated grounds / facilities and the Early Years Learning Centre. At the time the land was donated it was envisaged that the total area would allow for the potential future expansion of the Primary School, or the creation of Secondary School facilities. However, despite repeated lobbying by the Council and the community for the provision of secondary school facilities at the site, this was ultimately ruled out as an option for the future by the Department of Education, due to the impact this would have on the viability of existing secondary schools in the broader region.

Consequently, in July 2014 the Department of Education surrendered its lease over the area shaded red in the above aerial photo, consisting of approximately 1.77 hectares. Prior to this, the area had been used temporarily (with agreement of Council and Department of Education) for the storing and distribution of firewood as part of the bushfire recovery effort. In 2018 the Department of Education again confirmed with Council that it had no future need for the additional land.

Council did receive interest from the Kinglake Aquatic Centre (Heated pool) Community Group several years ago for a heated pool to be constructed at this site, however it was not able to



demonstrate a sufficiently viable proposal. It was also noted that the land had been donated for education purposes, not other uses.

In September 2022, following a request from the original donor of the land, a two year lease was provided to the donor to resume farming operations on the site.

As this lease is nearing its completion and the land is not needed for the purpose for which it was originally donated, it is proposed to transfer ownership of this excess land back to the donor to be reincorporated into the adjoining farming lot.

The remainder of this report considers the planning issues and steps required for the transfer of the excess donated land.

## **Discussion**

### Planning Considerations

#### *History*

Planning Scheme Amendment C27 formed part of a major bushfire recovery process following the 2009 Bushfires. Part of the amendment rezoned the subject land to provide for specific public uses. Specifically, the amendment provided for the development of the Middle Kinglake Education and Community Recreation Precinct in Kinglake Central (including rebuilding of the Middle Kinglake Primary School and Early Years Learning Centre). The amendment rezoned the land from the Farming Zone to the Public Use Zone 7 (Other Public Use).

The development facilitated by this amendment (by removing planning permit requirements) was subsequently fully completed.

Planning Scheme Amendment C27 was facilitated by the State Government to rezone the land from the Farming Zone to the Public Use Zone 7 via Section 20(4) of the Planning and Environment Act 1987.

#### *Resubdivision and Rezoning*

The return of the excess donated land to the original donor should be conditional on the consolidation of the land with the donor's farming land to the north of the site. This would require a resubdivision of the land, which is a subdivision of land where the number of lots is not increased.

This would however result in a parcel of land which is located across two zones being the Farming Zone and Public Use Zone. Given the Public Use Zone should only be applied to public land, it is considered appropriate to rezone the land to Farming Zone to be consistent with the provisions prior to the Gazettal of Amendment C27.

The planning scheme provisions for the land currently leased by the Department of Education are not proposed to change.

#### *Ministerial Intervention*

In order to facilitate this, officers have engaged with the Department of Transport and Planning to ascertain the possibility of Ministerial Intervention to facilitate the rezoning and resubdivision of the land.

The Minister for Planning has powers to assume responsibility for particular matters under the [Planning and Environment Act 1987](#), the [Heritage Act 2017](#) and the [Victorian Civil and Administrative Tribunal Act 1998](#).

These powers are commonly referred to as powers of intervention, because they enable the Minister to take over responsibility for certain matters from another authority or decision maker, including by:

- amending a planning scheme
- advancing the processing of an amendment to a planning scheme
- calling in a permit application from council
- calling in a matter before the Victorian Civil and Administrative Tribunal (Tribunal).

Subject to Council endorsement for the transfer of the land, and given that the original C17 Amendment was also facilitated by the State Government, it is considered appropriate for officers to request the Minister for Planning to consider the proposed amendment and planning permit under Section 20(4) of the Planning and Environment Act 1987.

Ministerial Intervention in the planning scheme amendment will remove the need to exhibit the amendment, resulting in avoidance of duplication in engagement processes with those proposed for the disposal of land under Section 114 of the Local Government Act 2020.

#### Local Government Act Requirements for Land Transfer

In accordance with Section 114 of the *Local Government Act 2020*, before selling, exchanging or transferring land, with or without consideration, Council must publish on its website a notice of its intention to do so, and undertake a community engagement process in accordance with its community engagement policy.

To this end, Council intends to place a notice in the August 2024 edition of the Mountain Monthly publication, which circulates in the Kinglake Ranges (in addition to the Council's website) inviting submissions from the community on the proposal to transfer the excess donated land to the original donor. Submissions will be presented to the August 2024 Council Meeting for consideration by Council.

The Deed of Gift of Land signed by the donor family that enabled the original transfer of the land does not place any legal obligation on Council to return the land to the donor family under any particular circumstance.

If Council is not willing to progress the land transfer it leads to the question of what Council intends to use the land for, given there are no further requirements for the land by the Department of Education. In the years prior to the lease of the subject land back to the donor in 2022, the land was vacant agriculture land which was slashed by Council each year to manage fire risk.

#### **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”.

This report supports the *Council Plan 2021-2025 Transparency, Inclusion and Accountability* strategic objective “to ensure our services, people and systems deliver the best possible outcomes for our communities now and into the future”.

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

#### **Relevant Legislation**

The matters in this report pertain to Section 20(4) of the Planning and Environment Act 1987, and Section 114 of the *Local Government Act 2020*.

### Financial and Risk Implications

In compliance with Section 114 of the *Local Government Act 2020* Council is also required to obtain a valuation of the land which is made not more than 6 months prior to the sale or exchange.

As Council only came into possession of the subject land due to the generosity of the donor to contribute land for the rebuilding of Middle Kinglake Primary School, it is proposed to return the excess donated land without consideration (ie. without requiring payment for the land) by the donor. The donor has agreed to contribute 50% of the required planning and conveyancing costs, which are not expected to exceed \$20,000. The costs of the original land donation and subdivision were covered by bushfire recovery funding.

Whilst such a transfer will require the asset to be written-off in Council's annual budget, as the land was donated to Council in the first place, there is no longer term financial impact of the transfer, and the process is consistent with Council's unused asset rationalisation strategy.

### 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

Subject to Council resolving its intent to transfer the subject land, a public notice will be placed in the August 2024 edition of the Mountain Monthly and on Council's website, inviting submissions from the public in relation to the potential land transfer. Any submissions received will be presented to Council for its consideration at the August 2024 Council Meeting.

## 5.2 Audit and Risk Committee - Independent Member Appointment

Department	People & Corporate Performance
Presenter	M Chesworth, Director People & Corporate Performance
Approved by	M Chesworth, Director People & Corporate Performance
Purpose	For decision
Attachment(s):	Nil

### Executive Summary

This report recommends to Council the appointment of an external independent member to Council's Audit and Risk Committee in accordance with the requirements under the *Local Government Act 2020*.

### RECOMMENDATION

**That Council appoint Mr Alan Studley as an Audit and Risk Committee Independent Member for a three-year term ending 30 June 2025.**

### Background

The primary objective of the Council's Audit and Risk Committee is to assist Council in the effective conduct of its responsibilities for financial reporting, management of risk, maintaining a reliable system of internal controls and facilitating the organisation's ethical development.

The Charter of the Audit and Risk Committee is the primary instrument outlining the composition, roles and responsibilities of the Committee and its members.

Currently one vacancy exists for an independent Committee member.

### **Discussion**

Council officers sought expressions of interest to fill the vacant position on the Committee. 17 expressions of interest were received.

A selection panel consisting of the Mayor, the Chief Executive Officer and the Director People and Corporate Performance considered the submissions, and two candidates were interviewed by the Mayor and Director People and Corporate Performance.

The selection panel recommends that Mr Alan Studley, a resident of Taggerty, be appointed to the vacant position. Mr Studley has a very strong background in corporate finance and governance and has held Executive Director, CEO and Board Director roles across commercial, health and community sectors. Mr Studley also has significant experience on audit and risk committees, most recently as Chair of the Alexandra District Health Finance and Audit Committee. The panel feels Mr Studley will provide valuable and relevant expertise to Council's Audit and Risk Committee and with specific skills in finance will complement the skill set across the Committee.

### **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**

Audit and Risk Committees are mandated under section 53 and 54 of *Local Government Act 2020*. Appointment of the new Audit and Risk Committee member will support Council's compliance with the Act.

### **Financial and Risk Implications**

There are no significant financial implications associated with this report. The Committee has a role to assess the adequacy of Council's Risk Management Framework. An honorarium of \$500 per quarter is paid to each independent member and \$650 to the Independent Committee Chair during their terms.

### **Conflict of Interest**

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

### **Community and Stakeholder Consultation**

The Expression of Interest was advertised on Council's website and through local publications and via social media on Council's LinkedIn page.

### 5.3 Council Public Liability and Professional Indemnity Insurance

Department	Governance and Risk
Presenter	M Chesworth, Director People and Corporate Performance
Approved by	M Chesworth, Director People and Corporate Performance
Purpose	For decision
Attachments	Nil

#### Executive Summary

The cost of the 2024/25 Public liability and Professional Indemnity insurance cover is above the financial delegation of the Chief Executive Officer and payment will need to be approved by Council resolution.

#### RECOMMENDATION

**That Council approve the payment of the Public Liability and Professional Insurance premium for 2024/25 of \$383,540.13 (ex GST).**

#### Background

Council is a member of the MAV Liability Mutual Insurance (LMI) Scheme which provides public liability and professional indemnity insurance cover to 78 of the 79 councils in Victoria. In 2021/22 MAV appointed Marsh/JLT as the provider of public liability and professional indemnity insurance under the LMI Scheme following an open tender process.

The scheme administrators have advised that the insurance market is facing many challenges including consistent increases in the number and cost of claims for personal injury, property damage and profession indemnity claims. In the last five years total claim costs have increased from around \$23 million to \$57 million.

#### Discussion

Council's annual public liability and professional indemnity premium increases have traditionally been within the local government sector-wide trend of around 15%. However, Council's recent claim history has been adversely affected by a single road-related incident which resulted in a significant claim against Council.

As a result, Council's 2024/25 premium has increased by 20.56% to \$383,540.13 (ex GST) and the claims excess has increased from \$20,000 to \$30,000. A Council resolution to approve the premium payment is needed as the amount is outside the Chief Executive Officer's financial delegation of \$300,000.

Benchmarking across several other councils has found that Murrindindi's increases are consistent and, in many instances, less than those encountered by others.

Premium increases of between 9.5% and 25% have been reported by several councils. Councils with lower premium increases have generally seen greater excess increases. Councils with a \$20,000 excess have reported increases of \$10,000 to \$55,000. Bringing some councils that previously had an excess of \$20,000 to \$75,000.

The scheme administrator has advised that it is implementing a range of initiatives to put downward pressure on premiums in the long-term including:

- New claims and risk interventions to address current claim drivers. For example, they will shortly be releasing a new Road Management Plan template to improve the defendability of claims.
- A revised claims strategy to defend matters even more rigorously. Specifically, they will seek to litigate more claims, and more fully explore the statutory protections afforded to councils.
- More sophisticated claims analysis to identify trends and adjust claims management strategies.

### **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**

The procurement of Councils Public Liability and Professional Indemnity insurance is consistent with the Financial Management Principles 101(1)(a) and 102(a) and (b) under the *Local Government Act 2020*.

### **Financial and Risk Implications**

Procurement of insurance is exempt from open tendering and public advertising requirements under Council’s Procurement Policy section 4.3.3.

The total insurance budget for 2024/25 is \$767k, up from \$625k in 2023/24. The actual total cost of insurances for 2024/25 across all insurance classes is \$812,052, which is \$45k over budget due to the \$71k increase in public liability and professional indemnity insurance from \$312,039 in 2023/24 to \$383,540 in 2024/25.

### **Conflict of Interest**

There were no conflicts of interest declared by Council officers in relation to this matter.

### **Community and Stakeholder Consultation**

External community or stakeholder consultation was not applicable.

## **5.4 Council Meeting Dates**

Department	People & Corporate Performance
Presenter	M Chesworth, Director People and Corporate Performance
Approved by	M Chesworth, Director People and Corporate Performance
Purpose	For decision
Attachment(s)	Nil

### **Executive Summary**

The purpose of this report is to seek Council’s endorsement of the revised monthly timetable of Council meetings for the 2024 calendar year in response to changes in the election period.

## RECOMMENDATION

**That Council adopt the revised timetable of Scheduled Meetings for the 2024 calendar year as outlined in this report.**

### Background

As outlined in the Governance Rules, Council is required to fix the date, time and place of all Council Meetings for the following year.

### Discussion

Council resolved to adopt the schedule of meetings for 2024 on 15 November 2024. At this time, the election period was scheduled to commence on 24 September 2024 and the September meeting was brought forward by one week to 18 September to reduce the number of meetings within the election (caretaker) period to one.

Following the making of the Local Government (Electoral) Amendment regulations 2024 by State Parliament on 25 June 2024, the election period will now commence on 17 September and end on the 26 October bringing the 18 September meeting into this period. Accordingly, there is no longer any benefit in holding the September meeting one week early. It is therefore proposed to re-schedule the meeting to the normal fourth week of the month, as per the schedule below.

The location of the 23 October meeting has also been changed from Yea to Alexandra. This is because the Yea Chamber is unavailable during the election period, as it is being used as an Electoral Office by the Victorian Electoral Commission.

A meeting is still scheduled for 13 November 2024 for the swearing in of Councillors and the election of the Mayor. This date is subject to change pending the progress of the VEC in determining the election result.

### Revised Meeting Schedule

Meeting Date	Venue	Time
Wednesday 21 February 2024	Yea – Council Chamber	6 pm
Wednesday 27 March 2024	Alexandra – Council Chamber	6 pm
Wednesday 24 April 2024	Yea - Council Chamber	6 pm
Wednesday 22 May 2024	Alexandra - Council Chamber	6 pm
Wednesday 26 June 2024	Yea - Council Chamber	6 pm
Wednesday 24 July 2024	Alexandra - Council Chamber	6 pm
Wednesday 28 August 2024	Yea - Council Chamber	6 pm

Meeting Date	Venue	Time
<b>Election Period (Caretaker) commences: 17 September 2024</b>		
Wednesday 25 September 2024	Alexandra - Council Chamber	6 pm
Wednesday 23 October 2024	Alexandra - Council Chamber	6 pm
<b>Election Period (Caretaker) ends: 26 October 2024</b>		
Wednesday 13 November 2024 DATE TO BE CONFIRMED <i>Swearing in of Councillors and Election of Mayor</i>	Alexandra - Council Chamber	6 pm
Wednesday 27 November 2024	Yea - Council Chamber	6 pm
Wednesday 11 December 2024	Alexandra - Council Chamber	6 pm

### **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”.

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

### **Relevant Legislation**

The *Local Government Act 2020* requires Council to have Governance Rules in place that set the way in which meetings are scheduled. Council’s Governance Rules require the following year’s meeting schedule to be adopted by Council at or before its last meeting of the year.

### **Financial Implications and Risk**

Costs associated with Council meetings are included in the annual budget.

### **Conflict of Interest**

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

### **Community and Stakeholder Consultation**

External community or stakeholder consultation was not applicable.



## 6 REPORTS - ASSETS & ENVIRONMENT GROUP

### 6.1 CONT 24/14 Heating & Cooling System - Maintenance & Repairs

Department	Assets & Environment
Presenter	C Lintott, Director Assets and Environment
Approved by	Caroline Lintott, Director Assets and Environment
Purpose	For decision
Attachment(s)	1. CONFIDENTIAL REDACTED - CONT24 14 Heating and Cooling System Servicing and Maintenance [6.1.1 - 5 pages]

#### Executive Summary

This report provides the results of a tender process to appoint a contractor for CONT 24/14 - Heating and Cooling System Service, Maintenance & Repairs for an initial period of three years with an optional two-year extension period subject to satisfactory performance by the contractor and at the discretion of Council.

The scope of the contract is to service, maintain and repair heating and cooling systems in Council facilities, to comply with current standards and regulations. The service contract supports Council's mandatory requirements to provide and promote healthy spaces for our occupants and continued economic operation of the mechanical equipment.

Council recently conducted a public tender for these works which closed on 4 June 2024 at 3:00pm. Two submissions were received at the close of the tender. A detailed evaluation was undertaken in line with Council's Procurement Policy and against the tender evaluation criteria by the Tender Evaluation Committee.

This report and the confidential attachment, outlines the procurement and evaluation process undertaken to appoint a suitable contractor to provide the services required within CONT24/14 - Heating and Cooling System Service, Maintenance and Repairs.

Based on the evaluation, the Committee recommended Tender 1 be awarded CONT24/14 - Heating and Cooling System Service, Maintenance and Repairs for a three-year contract with an option of a two-year extension, not exceeding a total of five years commencing 1 August 2024 and ending no later than 31 July 2029. This contract, being a lump sum contract with a schedule of rates for maintenance breakdowns, will not exceed a total spend of \$862,990 over the five-year term if all options are exercised.

#### RECOMMENDATION

##### That Council:

- Award Contract 24/14 - Heating and Cooling System Service, Maintenance and Repairs to Tenderer 1 for an initial period of three years commencing on 1 August 2024 and ending on 31 July 2027 with an option for a two-year extension;**
- Approve a total contract amount of \$862,990 over the five-year contract period;**
- Authorise the Chief Executive Officer to extend Contract 24/14 - Heating and Cooling System Service, Maintenance and Repairs for the optional two-year period subject to satisfactory performance and;**
- Release the name of the successful Tenderer into the Minutes of the Ordinary Meeting of the 24 July 2024.**

## Background

Council is responsible for the ongoing management of heating ventilation, air conditioning and air filtering units at a number of its facilities within the Shire. All maintenance, testing, repairs and minor works are required to comply with current Australian Standards, Code of Practice, manufacturers recommendations and any applicable federal or state legislation as well as the Building Code of Australia. Council has a mandatory obligation to provide a healthy place for its occupants and to maintain our assets for continued operation and lifespan.

## Discussion

The request for tender was placed on the e-tendering portal from 10 May 2024. Council's current heating and cooling contractor was invited to the open market opportunity. The tender for the works closed on 4 June 2024. Two submissions were received at the close of the tender.

## Assessment Process

In accordance with Council's Procurement Policy a tender evaluation committee was formed to evaluate the submissions. The members of the Committee comprised of:

- Coordinator Facilities (Chair)
- Manager Operations & Maintenance
- Operations Customer Officer

The Committee members first independently assessed the tenders to determine if they conformed with the requirements.

Tenders were then assessed against the following criteria:

- Price – 40%
- Capacity to deliver (resources, equipment) - 15%
- Capability to deliver (OH&S, systems) - 15%
- Understanding of the requirement – 15%
- Relevant Experience – 10%
- Social/Sustainable Procurement – 5%

A summary of the evaluation and individual scoring is included in the attached confidential report.

## 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

The procurement process for these works was carried out in accordance with Council's Procurement Policy and section 108 of the *Local Government Act 2020*.

## Financial and Risk Implications

Tenderer 1 has provided pricing for the entire contract period with no price increases.

The contract allocation of \$397,480 is for the servicing of heating and cooling systems and air purifiers for the entire five-year contract period.

An additional cost of \$53,102 per annum (for all Council facilities) has been included for optional HEPA Hospital Grade Filter Sprays. The hospital grade disinfectant and protectant destroy

bacteria and locks onto surfaces to provide active defence on all surfaces for up to 30 days. It kills 99.99% of bacteria and is effective against viruses including COVID-19. It cleans, disinfects and then remains bonded to create a self-sanitising surface that continues to defend against bacteria. This is applied to heating and cooling system filters during the monthly programmed servicing works. The total cost for the entire contract five-year period for HEPA Spray is \$265,510 and due to increasing requests from the community and staff for ongoing protection from viruses, an assessment will be made as to which facility this will be best suited for based on the service and risk of spread.

The total contact amount including the HEPA spray and allowance for breakdown repairs is \$862,990 as summarised below:

Description	Cost for contract term (5 Years)
Tender Price – Heating and Cooling System Service & Maintenance including Air Filtering Unit - Service & Maintenance	\$397,480
Optional HEPA Hospital Grade Spray	\$265,510
Breakdown Repairs allowance	\$200,000
<b>Total Cost</b>	<b>\$862,990</b>

Council allocates budget for the maintenance of its heating and cooling systems annually when establishing its annual operational budget. The tender price is within Council's budget allocations.

### Conflict of Interest

A conflict of interest was declared by a Council officer in relation to this report. An officer declared a potential existing professional relationship with contractors who may submit a tender for this opportunity. This was balanced with remaining panel members with no conflict and no other conflicts of interest were declared.

### Community and Stakeholder Consultation

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

## 6.2 Yea Saleyards - Installation of Large Capacity Holding Pens

Department	Assets & Environment
Presenter	C Lintott, Director Assets and Environment
Approved by	Caroline Lintott, Director Assets and Environment
Purpose	For decision
Attachment(s)	<ol style="list-style-type: none"> <li>Attachment 1 - Yea Saleyards - Proposed Large Capacity Holding Pens - Map [6.2.1 - 1 page]</li> <li>Attachment 2 - Yea Saleyards - Proposed Large Capacity Holding Pens - Design [6.2.2 - 1 page]</li> </ol>

### Executive Summary

The Yea Saleyards Committee has seen a recent change in buying and selling patterns at the Saleyards, with a move from smaller numbers of cattle being purchased by multiple vendors to large numbers of cattle being purchased by single vendors. With the closure of the Pakenham Saleyards, the Yea Saleyards is also operating at, or near full capacity. The increasing trend of buyers aggregating smaller cattle lots into single larger batches for transportation presents

challenges in managing safe operations at the yards, with a greater potential for OH&S and animal welfare risks arising. These include:

- Mix of cattle and pedestrians in laneways.
- Safety for livestock transport operators drafting cattle in yards around tight laneways.
- Inspection of cattle in laneways prior to being loaded onto transport.
- Accommodation of a large numbers of cattle consignments in small yards.
- Feeding large consignments pre and post-sale in selling pens and causing contamination.

To reduce these risks, it is proposed to construct six larger capacity holding pens (not 'selling pens') to safely manage the sorting and grouping of larger numbers of cattle into single batches at a sale. Large capacity holding pens will allow large consignments of cattle to be accommodated safely and for a longer period, both pre and post-sale, and provide the ability for cattle to be fed, watered and held more comfortably prior to being despatched. The addition of large capacity holding pens will not increase the total number of cattle sold at the yards.

It is proposed to construct the holding pens in the existing car park along the western end of the facility. This location is in close proximity to truck loading ramps and away from the selling areas. The existing carpark will be moved into a grassed area opposite the saleyards, in the truck parking area.

With the installation of holding pens in the existing car park, further works may also be required but this can be done at a later stage:

- Gravel to new car parking area - This area is currently grassed, and the parking in this area will only become an issue, should we have a wet summer period.
- Drainage works to B-Double ramps - The existing drainage at the front of the B-Double ramps is accommodating 'normal' rain events, however, out of the ordinary rainfall has caused runoff damage to gravel surfaces to the north of the ramp area.

With approximately \$500k available in the Yea Saleyards Reserve, there are sufficient funds to meet the estimated construction costs of \$150k, without requiring the allocation of funds derived from ratepayers.

## RECOMMENDATION

**That Council approve the allocation of a maximum of \$150,000 from the Yea Saleyards Reserve to fund:**

- 1. Six large capacity holding pens;**
- 2. Drainage improvements to the B-Double loading ramp and;**
- 3. Carpark in the truck parking area.**

## Background

Store cattle sales have traditionally been held on the first Friday of the month with additional special weaner sales held in November, January and May.

With the recent closure and subsequent sale of the Pakenham Saleyards, there is added pressure on surrounding saleyards to pick up the void of selling approximately 100,000 head of cattle per annum. The closure was announced in December 2023 and the Yea Saleyards experienced increased throughput starting in February 2024, which has been ongoing. Store sales from February to June were either at capacity or near capacity and similar for the two special sales held in May. Livestock agents have booked a further three additional special sales

as a result of the Pakenham announcement. One of which was held in May and a further two to be held in November 2024 and January 2025.

In addition, local and interstate volume buyers (vendors that buy aggregated cattle lots) are increasingly supporting the Yea Saleyards and purchasing cattle in larger batches, which is changing the way cattle need to be drafted and managed.

### **Discussion**

Once purchased by the vendor, the small lots of cattle are merged together to form large batches which are then moved to trucks for transporting. There have been a number of instances where the current holding pens have been full, and cattle have been placed in laneways to be inspected by their new owners prior to them being loaded into their transport. As a result, there is now an increased risk due to the interactions between people and cattle, people and trucks, trucks and cars. This has the potential to cause injury or death, due to the unpredictability of animals and the size of vehicles moving through the site.

Where animal consignments arrive early pre-sale or won't be picked up immediately post sale there have also been circumstances when all existing holding pens have been full, and animals accommodated and fed in selling pens. The selling pens are smaller and cramped with feeding and longer accommodation periods presenting a possible cross-contamination risk.

The selling yards were also constructed for lower cattle numbers and for shorter accommodation periods (e.g. small numbers of cattle sold in the pens and then moved to cattle trucks). Longer periods of accommodation and higher numbers of cattle in the selling pens is increasing the wear and tear on the facility, particularly the flooring and integrity of the yards themselves. In May and June there were four sales over six weeks with yards at capacity. This did put a strain on the surface of the yards.

Over the last four financial years, the Yea Saleyards received an average annual income of \$501k and has consistently generated an average annual operating surplus in the range of \$138k to \$170k which is held in Reserve to fund improvements and capital works. The income derived from saleyard operations covers all operating costs and not requiring any funding from rate income.

The viability of the Yea Saleyards has steadily increased over the years even though there are other avenues for selling such as online auction services. The in-person mode of auction at the Yea Saleyards has steadily seen an increase in visitors and farmers due to the social benefits it provides. The increase in visitation could also be contributing to the increase in numbers and sales.

Should this market change and the saleyards are not viable in the future, there is a market to sell the holding yards, or any other assets purchased, to the farming community.

### **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 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 Transparency, Inclusion and Accountability* strategy to "provide a workplace that is flexible and inclusive to support the health and wellbeing of our employees".

### Relevant Legislation

This item relates to the requirements of the Occupational Health and Safety Act 2004 and the Victorian Code of Practice for the Welfare of Animals at Saleyards.

### Financial and Risk Implications

#### Indicative Costings

The proposal is to build six large capacity holding pens on the western side of the existing yards, utilising the outside laneway for access. The outer perimeter will be manufactured steel panels and gates with the internal dividing fences consisting of a steel top rail and eight agricultural grade wire cables. Works will also include minor earthworks and drainage works.

With the installation of holding pens in the existing car park, the following works may also be required, but can be done at a later stage:

- Gravel to new car parking area - This area is currently grassed, and the parking in this area will only become an issue, should we have a wet summer period.
- Drainage works to B-Double ramps - The existing drainage at the front of the B-Double ramps is accommodating 'normal' rain events, however, out of the ordinary rainfall has caused runoff damage to gravel surfaces to the north of the ramp area.

Should these additional works not be required, no further action will be taken.

The attached plans provide an indicative design and show the placement of the holding pens.

The total funding required is \$150,000 and this is summarised below:

Works required	Estimated Costs
<b>Stage One</b>	<b>\$95,000</b>
Large Capacity Holding Pens (x6)	
<b>Possible further works – Stage 2</b>	<b>\$55,000</b>
B-Double Ramp Drainage	
Carpark within Truck Park	
<b>Total Funding Required</b>	<b>\$150,000</b>

The Yea Saleyards Reserve has sufficient funds to complete construction (Approx. \$500k available), without requiring the allocation of funds derived from ratepayers.

#### Lifecycle Costing

Due to the durable nature of cattle yards, these are expected to last in excess of 30 years. Minor maintenance to cabling may require attention prior to this, but this can be managed through operational maintenance budgets. The installation of new holding pens will also reduce the need for the extra maintenance currently undertaken to selling pens surfaces as a result of the cattle being accommodated and fed in the selling pens.

### Risks

There is an option not to proceed with works and to continue managing the flow of cattle in the current manner, however due to the unpredictability of cattle moving along laneways with pedestrian traffic during sale days, combined with heavy vehicle movements, there is a major risk of an incident occurring. The animal welfare risk would also be difficult to manage as cattle are required to be accommodated when they arrive and depart. A higher level of maintenance (and cost) would be needed to ensure maintenance of yard flooring is kept clean.

### Mitigating Risks

The movement of large consignments of cattle to large capacity holding pens eliminates the risk for truck drivers moving multiple pens of cattle through the live auction. All cattle for a single consignment will be at one point of delivery and buyers will be able to inspect animals safely.

The process of feeding cattle held in the large capacity holding pens will be efficient and carried out safely via an access track along the full length of the yards. Bulky amounts of feed can be fed to animals via large capacity feeders, delivered either by tractor or forklift.

The installation of six large capacity holding pens will enable the movement of large consignments of cattle to large capacity holding pens, eliminating the risk for truck drivers moving multiple pens of cattle through the live auction. All cattle for a single consignment will be at one point of pick up and buyers will be able to inspect animals safely.

Animals will also be able to move around more freely whilst being contained in the larger holding pens, which is important for their welfare, as opposed to the tighter confines of the selling pens.

The benefits are:

- Reduction in the mix of cattle and pedestrians.
- Increase the safety and efficiency for livestock transport operators and members of the public.
- Ability to inspect cattle safely after point of purchase.
- Accommodate large numbers of consignments in one location.
- Ability to cope with large consignments pre-sale ready for drafting.
- Ability to feed large consignments pre and post-sale without damaging selling pens.
- Extend the life of the existing selling pen areas and reducing ongoing maintenance to these yards.
- Ability to meet the market demand.
- Ability to present cattle in the best possible condition.

### **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**

The Yea Saleyards Community Asset Committee were consulted and recommend the need for the large capacity holding pens, remedial B-Double Ramp drainage and the formation of a carpark within the existing truck park area.

## 7 COUNCILLOR AND CEO REPORTS

### 7.1 Notices of Motions

### 7.2 Cr Ilona Gerencser

### 7.3 Cr Eric Lording

### 7.4 Cr Sandice McAulay

### 7.5 Cr Karine Haslam

### 7.6 Cr John Walsh

### 7.7 Cr Sue Carpenter

### 7.8 Cr Damien Gallagher - 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 26 June 2024 to 17 July 2024, for Council to note.

## RECOMMENDATION

**That Council receive and note the records of Council Briefing Sessions for 26 June 2024 to 17 July 2024.**

### 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 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 26 June 2024 to 17 July 2024

Meeting Name/Type	Council Pre-Meet
Meeting Date:	26 June 2024
Matters Discussed:	<ol style="list-style-type: none"> <li>1. Annual fees and charges</li> <li>2. Yea Saleyard Community Asset Committee Membership</li> <li>3. Placeholder - MAV September State Council - Motion/s</li> <li>4. Council Priority Action Plan 2024/25 - Final Draft</li> <li>5. Risk Appetite Review - Cyber-security</li> <li>6. Artificial Intelligence Policy (AI)</li> <li>7. Review of Privacy Policy</li> <li>8. Review Councillor Expenses &amp; Support Policy</li> <li>9. Review Portfolio Councillor Policy</li> <li>10. Audit &amp; Risk Committee Bi-Annual Report</li> <li>11. Audit &amp; Risk Committee Charter Review</li> </ol>
Councillor Attendees:	Cr J Walsh, Cr S Carpenter, Cr D Gallagher, Cr S McAulay, Cr Lording
Council Officer Attendees:	L Bonazzi, M Chesworth, A Paxton, C Lintott, A Vogt, D Echeverry
Conflict of Interest Disclosures: No	

Meeting Name/Type	Briefing Session
Meeting Date:	3 July 2024
Matters Discussed:	<ol style="list-style-type: none"> <li>1. Advertising Review 2024-2025</li> <li>2. Community Satisfaction Survey</li> <li>3. Eildon Projects – Traditional Owner Naming</li> </ol>
Councillor Attendees:	Cr J Walsh, Cr E Lording, S Carpenter, K Haslam
Council Officer Attendees	M Chesworth, A Paxton, C Lintott, A Cullen, R Kane, S Coller
Conflict of Interest Disclosures: No	

Meeting Name/Type	Briefing Session
Meeting Date:	10 July 2024
Matters Discussed:	<ol style="list-style-type: none"> <li>1. Eildon Key Worker Housing Project</li> <li>2. Draft Kindergarten and Childcare Strategy</li> <li>3. 37 Extons Road Kinglake</li> <li>4. CONT 24/14 Heating &amp; Cooling - Maintenance &amp; Repairs</li> </ol>
Councillor Attendees:	Cr J Walsh, Cr E Lording, Cr S Carpenter, Cr K Haslam, Cr S McAulay
Council Officer Attendees	L Bonazzi, M Chesworth, A Paxton, C Lintott, B Harnwell, S Coller, S Porter
Conflict of Interest Disclosures: No	

Meeting Name/Type	Briefing Session
Meeting Date:	17 July 2024
Matters Discussed:	<ol style="list-style-type: none"> <li>1. SRRCG re FERA Windfarm - SOUL</li> <li>2. Saleyards Holding Pen Update</li> <li>3. Economic Development Strategy Action Plan</li> <li>4. Status Report: Disaster Recovery Funding Arrangement</li> </ol>

	5. New Council Induction Feedback 6. Public Liability and Professional Indemnity Insurance 7. 2024 Regional Telecommunications Review - Draft Submission 8. Website Redesign Project Update
Councillor Attendees:	Cr J Walsh, Cr E Lording, Cr S Carpenter, Cr Gallagher, Cr K Haslam
Council Officer Attendees	M Chesworth, A Paxton, C Lintott, B Harnwell, K Chadband, A Vogt, C Overton, R Kane
Conflict of Interest Disclosures: No	

## **9 SEALING REGISTER**

Nil.

## **10 CONFIDENTIAL ITEMS**

Nil.