



Murrindindi
Shire Council

Scheduled Meeting of Council

Minutes

Wednesday 28 September 2022
Alexandra Council Chambers
Perkins Street
6:00 PM

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1 ACKNOWLEDGEMENT OF COUNTRY AND COUNCILLORS' PLEDGE

1.1 Acknowledgement of Country

The meeting was 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 made available for public access on its website along with the official Minutes of this meeting.

2.2 Apologies and Request for Leave of Absence

That Council accept the apologies of Cr E Lording.

Present:

Councillors S Carpenter (Chair), D Gallagher, S McAulay, K Haslam, I Gerencser, E Lording, J Walsh

In attendance:

Chief Executive Officer: Livia Bonazzi
Director Corporate and Shared Services: Michael Chesworth
Interim Director Community Engagement: Kate Siebert
Director Assets and Development: Vito Albicini
Manager Governance and Risk: Tara Carter
Manager Development Services: Natalie Stewart
Manager Business Services: Cheryl Nickels Beattie
Coordinator Planning: Cameron Fraser
Planning Officer: Nicole Maguire

RESOLUTION

Cr I Gerencser / Cr S McAulay
That Council note Cr D Gallagher's request for leave of absence for 6 to 10 October 2022.

CARRIED

Acknowledgement of the Passing of Her Majesty the Queen – Mayors Message

Cr Sue Carpenter, Mayor made the following statement on behalf of Council:

“I wish to formally acknowledge with sadness the death of Her Majesty Queen Elizabeth II
On behalf of Murrindindi Shire Councillors, I would like to express my deepest condolences to The Royal Family and to those mourning the loss of the most wonderful example of a leader.

The Queen promised to work her whole life for her people, and she kept that promise right until the end. She was always so well-informed of the issues of the day and maintained a wonderfully calm and reassuring character, despite the wars and tragedies that she witnessed in her lifetime. She showed dedication, commitment, courage and strength in all that she did.
May she rest in peace.”

2.3 Disclosure of Interest or Conflict of Interest

Cr J Walsh declared a general conflict of interest in Agenda item 5.1 being the “Grants and Contributions Program September Allocations” due to being a member of the Home Creek Spring Creek Landcare Group.

Cr D Gallagher declared a material conflict of interest in Agenda item 5.1 being the “Grants and Contributions Program September Allocations” given his role as the Director of Alexandra Events Corporation Ltd.

2.4 Confirmation of Minutes

Minutes of the Scheduled Meeting of Council held on 24 August 2022.

RESOLUTION

Cr S McAulay / Cr J Walsh
That Council confirm the minutes of the 24 August 2022 Scheduled Meeting of Council.

CARRIED

Minutes of the Confidential Meeting of Council held on 24 August 2022.

RESOLUTION

Cr I Gerencser / Cr K Haslam

That Council confirm the minutes of the 24 August 2022 Confidential Meeting of Council.

CARRIED

Minutes of the Special Meeting of Council held on 14 September 2022.

RESOLUTION

Cr D Gallagher / Cr K Haslam

That Council confirm the minutes of the 14 September 2022 Special Meeting of Council.

CARRIED

2.5 Petitions

Livia Bonazzi, Chief Executive Officer presented a petition received from the Rainbow Local Government Team (Head petitioner is Cass Groves).

The petition statement read as follows “We, the undersigned, hereby request Council to fly the rainbow flag on 17 May to mark the International Day Against Homophobia, Biphobia, Intersex discrimination and Transphobia”. This is an online petition and at the time of submission to Council there was 29 signatories.

RESOLUTION

Cr J Walsh / Cr S McAulay

That Council:

- 1. receive the petition**
- 2. note that the request outlined in the petition aligns with Council’s focus on inclusivity, and that officers have been preparing a report for Council’s consideration on flying the rainbow flag**
- 3. refer the petition to the Director of Community Engagement for consideration as part of this report to Council.**

CARRIED

2.6 Community Recognition

Nil.

2.7 Matters Deferred from Previous Meeting

Nil.

2.8 Urgent Business

Nil.

3 PUBLIC PARTICIPATION

3.1 Open Forum

Ms Livia Bonazzi, CEO read a submission on behalf of Mr Jack Russell regarding the Yea Swimming Pool.

3.2 Questions of Council

Nil.

4 REPORTS - ASSETS AND DEVELOPMENT DIRECTORATE

4.1 Planning Application - 1565 Whanregarwen Road, Molesworth - Creation of second access

Attachment(s) Attachment 1 - 1565 Whanregarwen Road Molesworth - Application Docs [4.1.1 - 21 pages]
Confidential Attachment 1 - Molesworth CFA Response (*distributed to Councillors separately*)

Presenter C Fraser, Coordinator Planning

Approved by Director Assets & Development

Purpose For decision

Land: 1565 Whanregarwen Road, Molesworth

Proposal: Amendment of planning permit to amend conditions to allow second access on a Transport Zone

Applicant: Millar Merrigan

Zoning: Farming Zone

Overlays: Bushfire Management Overlay, Floodway Overlay

Triggers: Access to a Transport Zone

Locality Plan



Executive Summary

Following the issue of a notice of decision to grant a permit at its Scheduled meeting on 23 February 2022 and subsequent permit on 31 March 2022, the permit holder has sought an amendment to conditions contained within the permit which limit the number of vehicular access points to one.

It is proposed to have a second vehicular crossing from the Goulburn Valley Highway. In order to do this, amendments to Conditions 10 and 11 are proposed. This amendment seeks to amend Condition 10 of the permit to allow for two entrances and to delete condition 11 in its entirety. These conditions were a requirement of Department of Transport (DoT) as part of the original approval.

The application was referred to the DoT, Fire Rescue Victoria (FRV) and Goulburn Broken Catchment Management Authority (GBCMA). FRV & GBCMA have consented to the proposed changes. DoT, as a determining authority have objected. Where a Determining Referral Authority objects to a proposal, Council are obligated under Section 61(2) of the Planning and Environment Act 1987 to refuse the application.

The application has not been advertised as the recommendation is to refuse the application.

This report recommends that a refusal to grant an amended planning permit be issued for the proposed changes to Conditions 10 and 11 of the permit for the use and development of land for a dwelling at 1565 Whanregarwen Road, Molesworth.

The application is presented to Council as the recommendation is to refuse the application which is a requirement of the *Planning and Environment Act 1987* as there is an outstanding objection from a Determining Referral Authority.

RESOLUTION

Cr K Haslam / Cr I Gerencser

That Council issue a Refusal to grant an amendment to a planning permit for a creation of access at 1565 Whanregarwen Road, Molesworth (Lot 3 TP:10492), based on the following grounds:

- 1. Pursuant to Section 61(2) of the *Planning and Environment Act 1987*, the application must be refused as there is an outstanding objection from a Determining Referral Authority.**
- 2. Department of Transport have objected on the following grounds:**
 - 1) The proposal will result in unacceptable road safety outcomes.**
 - 2) The proposal will affect the operational efficiency of the transport network.**

CARRIED

4.2 Planning Application - 43 Snodgrass Street, Yea - Two (2) Lot Subdivision

Attachment(s) Attachment 1 - 42 Snodgrass Street Yea - Application Docs [4.2.1 - 32 pages]
Confidential Attachment 1 – Submissions (*distributed to Councillors separately*)

Presenter N Maguire, Planning Officer
Approved by Director Assets & Development
Purpose For decision

Land: 43 Snodgrass Street Yea
Proposal: Two (2) lot subdivision
Applicant: T Sargeant C/O Chris Smith and Associates
Zoning: General Residential Zone
Overlays: Nil
Triggers: 32.08-3 Subdivision in General Residential Zone

Locality Plan





Executive Summary

An application has been received for a two (2) lot subdivision at 43 Snodgrass Street Yea (subject land) under the provisions of the Murrindindi Planning Scheme.

The land is in the General Residential Zone and is not affected by any overlays. A planning permit is required for the subdivision of land in the General Residential Zone, pursuant to Clause 32.08-3 of the Murrindindi Planning Scheme. The purpose of the subdivision is to improve the functionality of the site that accommodates the rising population growth within Victoria.

Both Lots 1 and 2 will have respective areas of 450m² and 567m². Lot 1 will contain the existing dwelling and outbuilding (carport), which will be retained in this application. No development plans are proposed for Lot 2, which means that Lot 2 will be treated as a vacant lot. The proposal will solely involve a two (2) lot subdivision.

The application has been advertised to the adjoining properties. A total of three (3) submissions have been received and the objections generally relate to the loss of privacy, increase in noise levels and the increase in traffic and lack of parking along Snodgrass Street.

The proposed subdivision will, however, encourage housing growth and support opportunities for housing diversity within the Shire, which meets the objectives of the Planning Policy Framework and Zone controls.

RESOLUTION

Cr D Gallagher / Cr S McAulay

That Council issue a Notice of Decision to Grant a Permit for a two (2) lot subdivision at 43 Snodgrass Street Yea (Lot 1 on Plan of Subdivision 122978), subject to the following conditions:

Endorsed Plans

- 1. The layout and site dimensions of the subdivision hereby permitted, as shown on the endorsed plan/s, must not be altered or modified without the written consent of the Responsible Authority. There are no requirements to alter or modify the endorsed plan if a plan is certified under the provisions of the *Subdivision Act 1988* that is generally in accordance with the endorsed plan/s.**

Subdivision Conditions

- 2. The plan of subdivision submitted for certification under the *Subdivision Act 1988* must be referred to the relevant authority in accordance with Section 8 of that Act.**
- 3. The owner of the land must enter into an agreement with:**
 - a. a telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time**
 - b. the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity and gas (where it is proposed to be connected) services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time**
 - c. a suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.**
- 4. Before the issue of a Statement of Compliance for any stage of the subdivision under the *Subdivision Act 1988*, the owner of the land must provide written confirmation from:**
 - a. a telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time**
 - b. a suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.**

5. All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.
6. The plan of subdivision submitted for certification under the *Subdivision Act 1988* must be referred to the relevant authority in accordance with Section 8 of that Act.

Council Engineering

7. Stormwater Discharge

All stormwater discharged from the subject land shall be connected to the legal point of discharge to the satisfaction of the Responsible Authority. No concentrated stormwater shall drain or discharge from the land to adjoining properties.

Each lot requires a separate point of discharge.

It is the responsibility of the developer to meet the requirements for stormwater quality as stated in the BPEM (Best Practice Environmental Management) Guidelines.

Note: Additional information for requirements can be found at: <https://www.epa.vic.gov.au/business-and-industry/guidelines/water-guidance/urban-stormwater-bpemg>

8. Section 173 Agreement

Prior to the issue of a Statement of Compliance for the subdivision under the *Subdivision Act 1988*, a Section 173 Agreement shall be entered into at no cost to Council, which ensures the following:

- a) The on-site detention for stormwater for the future dwellings will each be designed by a qualified drainage engineer and must be approved by the Responsible Authority prior to construction. A copy of each of the approved plans will be held by the Responsible Authority for future reference; and
- b) The stormwater system must incorporate principles of Water Sensitive Urban design and be designed so that the rate of storm water runoff from the development must not be more than the rate of runoff from the site prior to the development, all to the satisfaction of the Responsible Authority. The drainage system must be designed in accordance with the requirements of Clause 19 of Council's Infrastructure Design Manual (IDM) 'On-site Detention Systems'. The onsite storage size for the development must be in accordance with Table 13. The allowable discharge rate to Council drains shall be the lesser of:
 - i. that which is outlined in Table 13 and;
 - ii. the remaining capacity of the existing pipe (Clause 19.3.1 of the IDM).
- c) A default allowable discharge rate of 25 l/s/ha may be used in lieu of calculations to determine the remaining capacity of the existing drainage network. This requirement is based on IDM Version 5.40 released on 1 September 2022.

- d) Each on-site detention stormwater system must be constructed either prior to, or concurrently with, the construction of any dwelling on the specified lots. Each onsite detention stormwater system on the specified lots must be completed prior to connection to Council's drainage system and be constructed in accordance with the approved design plans. This requirement is based on IDM Version 5.40 released on 1 September 2022.
- e) The owner will maintain, and not modify without prior Council written approval, each onsite detention system and will allow each onsite stormwater detention system to be inspected by a duly appointed Officer of the Council at mutually agreed times.
- f) The Owner will pay for all the costs associated with the construction and maintenance of each onsite detention system.

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

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

9. Access

Vehicle access/crossing to the land is to be located, constructed and maintained to the satisfaction of the Responsible Authority.

Prior to the issue of a Statement of Compliance the following will be constructed for approval.

- a. Vehicle access/crossing is to be constructed in accordance with Infrastructure Design Manual Standard Drawing SD 255 or to approval of responsible authority.
- b. Vehicle access/crossing to the land shall be located so that adequate sight distance is achieved to comply with Australian Standard AS2890.1:2004 Section 3.2.4 and as specified in Ausroad's Guide to Road Design Part 4A Section 3.4 - 'Sight Distance at Property Entrance'.
- c. Minimum 10.0m and 9.0m clearance shall be maintained from any road intersection and between adjacent crossovers respectively.
- d. Any proposed vehicular crossing shall have satisfactory clearance to any side-entry pit, power or Telecommunications pole, manhole cover or marker, or street tree. Any relocation, alteration or replacement required shall be in accordance with the requirements of the relevant Authority and shall be at the applicant's expense.

The final location and construction of the vehicle crossing is to be approved by the Responsible Authority via a "Consent to Work within the Road Reserve", prior to the undertaking of works.

10. All works must be constructed and completed prior to statement of compliance.

11. Prior to the issue of a statement of compliance, boundary fencing between Lot 1 and Lot 2 must be constructed to the satisfaction of the Responsible Authority.

12. All costs incurred in complying with the above conditions shall be borne by the permit holder.

Permit Expiry

13. This permit will expire if one of the following circumstances applies:

- a. The plan of subdivision is not certified within two years of the date of the permit.
- b. The subdivision is not completed within five years from the date of certification of the plan of subdivision.

The Responsible Authority may extend the permit if a request is made in writing in accordance with Section 69 of *Planning and Environment Act 1987*.

CARRIED

4.3 Contract 21/38 - Mt Kitchener Ave Falls Road Marysville Drainage and Footpath

Attachment(s)	Confidential Attachment 1 - Mt Kitchener Ave Falls Rd Drainage and Footpath Award Report (<i>distributed to Councillors separately</i>)
Presenter	V Albicini, Director Assets & Development
Approved by	Director Assets & Development
Purpose	For decision

Executive Summary

This report provides the results of a tender process to appoint a contractor for CONT21/38 - Mt Kitchener Ave Falls Rd Marysville Drainage and Footpath.

The scope of the contract is to install drainage and construct kerb and channel along the south side of Kitchener Ave, Marysville and to construct a concrete footpath on the west side of Falls Rd between Kitchener Ave and Hill Ave, Marysville.

A tender process was completed earlier this year for this project, however, following several delays for various reasons, the successful contractor decided to withdraw from the contract. It was decided to expand the scope of the contract by including additional footpath in Falls Rd and recalling tenders.

Tenders were called on 7 July 2022 and two tenders were received. A detailed evaluation was undertaken in line with Council's Procurement Policy and against tender evaluation criteria by the Tender Evaluation Committee.

Based on the evaluation, the Committee recommended Tenderer 1 be awarded CONT21/38 Mt Kitchener Ave Falls Rd Drainage and Footpath for a lump sum price of \$639,655 to complete the required works.

RESOLUTION

Cr S McAulay / Cr I Gerencser
That Council:

1. accept the tender from Prestige Paving Pty Ltd for CONT21/38 – Mt Kitchener Ave, Falls Rd Marysville Drainage and Footpath for the lump sum of \$639,655 to complete the required works;
2. approve the allocation of \$98,257 as contingency to be used in the delivery of this contract as detailed in this report; and
3. release the name of Prestige Paving Pty Ltd into the Minutes of the Scheduled Meeting of 28 September 2022.

CARRIED

4.4 Climate Change Policy

Attachment(s)	Attachment 1 - Climate Change Policy DRAFT [4.4.1 - 7 pages]
Presenter	V Albicini, Director Assets & Development
Approved by	Director Assets & Development
Purpose	For decision

Executive Summary

Following public consultation, including final public exhibition from 3-24 August 2022, the draft Climate Change Policy is presented for final adoption.

The Policy has been prepared as the second of a triad of documents proposed to guide Council in its response to climate change. The other two documents are the Climate Change Pledge (as adopted by Council on 24 November 2021) and a Climate Change Action Plan (presently under preparation).

This report responds to the action from the 2021-2025 Council Plan to “Develop a Climate Change Policy”.

RESOLUTION

Cr K Haslam / Cr J Walsh
That Council adopt the Climate Change Policy as contained in Attachment 4.4.1.

CARRIED

5 REPORTS - COMMUNITY ENGAGEMENT DIRECTORATE

Cr D Gallagher and Cr J Walsh left the meeting at 6.29 pm

5.1 Grants and Contributions Program - September Allocations

Attachment(s)	Nil
Presenter	K Siebert, Interim Director Community Engagement
Approved by	Interim Director Community Engagement
Purpose	For decision

Executive Summary

This report presents Council with the August 2022 Grants and Contribution Program applications for noting and endorsement.

RESOLUTION

Cr K Haslam / Cr I Gerencser

That Council:

- note the following allocations made by the Grants and Contributions Assessment Panel under delegation:

Application	Amount
CPE-22/23001 – Dindi Open Studios – Dindi Open Studios	\$978
CS-22/23-002 – Alexandra Secondary College – Sponsorship of 2022 College Dux Student	\$600

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

Application	Amount
CPE-22/23004 - Home Creek Spring Creek Landcare Group - 30 th Anniversary Celebration Gathering	\$1,000
CPE-22/23007 - Alexandra and District Traders and Tourism Association - Alexandra Spring Fair	\$2,500
CPE-22/23008 - Alexandra and District Traders and Tourism Association - Alexandra Community Christmas Carols	\$2,950

CARRIED

Cr D Gallagher and Cr J Walsh returned to the meeting at 6:35 pm.

6 REPORTS - CORPORATE & SHARED SERVICES DIRECTORATE

6.1 Proposed Council Road Discontinuance - Part of Hull Road, Marysville

Attachment(s)	Attachment 1 - Title Plan [6.1.1 - 2 pages]
Presenter	M Chesworth, Director Corporate & Shared Services
Approved by	Director Corporate & Shared Services
Purpose	For decision

Executive Summary

This report seeks Council's endorsement to discontinue part of Hull Road, Marysville and to endorse the sale and transfer of the part, as shown as A and B on the attached title plan (Attachment 6.1.1), to the adjoining landowner Kanzen Pty Ltd (Proponent).

Council issued the Proponent with a Planning Permit for a 15 lot residential subdivision (refer to Attachment 6.1.1) which affects part of the existing Hull Road, including a 568m² Court Bowl. To enable Lots 5 & 10 of the subdivision to be viable, some 145.4m² of the Court Bowl would need to be transferred to the Proponent.

Council officers were of the view that there was a prima facie case for Council to consider discontinuing part of the Council Road on the basis that the part of the Road is not reasonably required for public use.

Council gave public notice of its intention to discontinue the part of Hull Road in accordance with sect 206(1) and clause 3 of Schedule 10 of the *Local Government Act 1989* and Council's Community Engagement Policy.

No submissions were received in response to the public notice, therefore Council is able to proceed with the discontinuance process.

The Proponent has paid up-front (non-refundable) costs to cover Council's costs, legal fees and advertising costs associated with the discontinuance and transfer of the Council Road.

RESOLUTION

Cr S McAulay / Cr J Walsh

That Council, acting under sect 206(1) and clause 3 of Schedule 10 to the *Local Government Act 1989*:

- 1. discontinue the part of Hull Road, Marysville as shown on the title plan attached to this report**
- 2. endorse the sale of the discontinued part of Hull Road to the proponent (Kanzen Pty Ltd) for the price of \$3,635.00 (ex GST)**
- 3. authorise the Chief Executive Officer to sign all documents and undertake all administrative procedures in respect of the proposed discontinuance and sale of the part of the Road**
- 4. affix its common seal to a transfer of the Road to the Proponent under section 207D of the *Local Government Act 1989*, providing the Proponent agrees to pay the sale price and any additional legal fees and disbursements on settlement**
- 5. publish a notice of discontinuance of this Council Road in the Government Gazette.**

CARRIED

6.2 Rural Councils Transformation Project - MOU

Attachment(s)	Attachment 1 - RCTP Draft Memorandum of Understanding Updated [6.2.1 - 22 pages]
Presenter	M Chesworth, Director Corporate & Shared Services
Approved by	Director Corporate & Shared Services
Purpose	For decision

Executive Summary

Council, as part of a collaboration with Mansfield, Strathbogie and Benalla Rural Councils, has been successful in securing a \$1 million grant under the State Government's Rural Transformation Program. The aim of the project is to procure new information technology systems and re-engineer internal processes to maximise service delivery to the community. Under the funding agreement with the State, Mansfield Shire Council has been designated the lead Council and auspice for the grant.

This report seeks Council's endorsement to enter into a Memorandum of Understanding between the four Councils, representing a formal agreement and commitment by each council to support the successful delivery of the project. The MOU contains a governance structure consisting of a series of project groups to be formed across the four Councils to ensure appropriate decision making and effective delivery of the project.

RESOLUTION

Cr J Walsh / Cr D Gallagher

That Council:

- 1. note the awarding of a grant of \$1 million for the Rural Council Transformation Program (RCTP) entitled 'Lifting Service Performance Through Shared Technology and Collaboration project' from the Department of Jobs, Precincts and Regions, for the Mansfield, Murrindindi, Strathbogie and Benalla Councils.**
- 2. authorise the draft Memorandum of Understanding between Mansfield Shire Council (the lead Council), Murrindindi Shire Council, Rural City of Benalla, and Strathbogie Shire Council, to be signed by the Chief Executive Officer.**

CARRIED

6.3 Approval of Annual Financial Statements 2021/22

Attachment(s)	Attachment 1 - Performance Statement 2021-22 [6.3.1 - 11 pages] Attachment 2 - Draft Financial Statements 2021-22 [6.3.2 - 48 pages]
Presenter	C Nickels-Beattie, Manager Business Services
Approved by	Director Corporate & Shared Services
Purpose	For decision

Executive Summary

The Annual Audit has been undertaken by Council's external auditors. The report presents the draft audited Financial Statements and Performance Statement for the 2021/22 financial year to Council for its 'in principle' approval. This is required prior to submitting the Statements to the Victorian Auditor General.

RESOLUTION

Cr D Gallagher / Cr K Haslam

That Council:

- 1. approve 'in principle' the Murrindindi Shire Council Financial Statements and Performance Statement for the year ended 30 June 2022 as attached to this report**
- 2. authorise the Principal Accounting Officer to make minor amendments to the Financial Statements and Performance Statement for the year ended 30 June 2021 to meet the Victorian Auditor General's (VAGO) requirements**
- 3. authorise Cr Sue Carpenter (Mayor), Cr John Walsh (Corporate and Governance Portfolio Councillor) and the Chief Executive Officer to certify the Financial Report and Performance Statement in its final form after any changes recommended, or agreed to, by the auditor have been made.**

CARRIED

6.4 AGL Agreement - in lieu of Rates

Attachment(s)	Attachment 1 - MSC & AGL Hydro - Rates in Lieu Agreement - UNSIGNED [6.4.1 - 17 pages]
Presenter	M Chesworth, Director Corporate & Shared Services
Approved by	Director Corporate & Shared Services
Purpose	For decision

Executive Summary

This report seeks Council authorisation of the Rates in Lieu Agreement between Murrindindi Shire Council and AGL Hydro Partnership which is due for renewal. This report outlines the purpose and complex methodology of the Agreement between Council and AGL for payment in lieu of rates and seeks Council's endorsement of the new agreement.

RESOLUTION

Cr J Walsh / Cr I Gerencser

That Council:

1. notes the update to the Officers report indicating an amendment to the proposed amount payable of \$158,640 for 2022/23 year
2. authorise the Chief Executive Officer to execute the Rates in Lieu Agreement with AGL Hydro Partnership under Section 94(4)(a) of the *Electricity Industry Act 2002* for the term defined by the agreement.

CARRIED

6.5 Delegations and Authorisations (Planning and Environment Act 1987)

Attachment(s)	Attachment 1 - S 6 - Instrument of Delegation - Council to Members of Council Staff [6.5.1 - 65 pages] Attachment 2 - S 11 A - Instrument of Appointment & Authorisation (Planning and Environment Act 1987) [6.5.2 - 3 pages]
Presenter	T Carter, Manager Governance & Risk
Approved by	Director Corporate & Shared Services
Purpose	For decision

Executive Summary

This report is to seeking Council's endorsement of:

1. the S6. Delegation to the Chief Executive Officer and staff, and
2. the Appointment and Authorisations of Staff and others under the *Planning and Environment Act 1987*.

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

The Council however remains able to delegate powers under various other pieces of legislation direct to Council staff, this is documented in the S6. Delegation from Council to members of Staff. Section 224 of the *Local Government Act 1989* has not been repealed therefore Council also retains its power to Authorise Officers under the *Local Government Act 1989* for the purposes of enforcement of the *Planning and Environment Act 1987* and other various legislation.

RESOLUTION

Cr K Haslam / Cr D Gallagher

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

- 1. There be delegated to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the attached *Instrument of Delegation to members of Council staff*, the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that Instrument (S6 Attachment 6.5.1)**
- 2. The instrument comes into force immediately the common seal of Council is affixed to the instrument**
- 3. On the coming into force of the instrument all previous delegations to members of Council staff (other than the Chief Executive Officer) are revoked**
- 4. The duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.**

In the exercise of the powers conferred by s 147(4) of the *Planning and Environment Act 1987*, Murrindindi Shire Council (Council) RESOLVES THAT –

- 1. The members of Council staff referred to in the instrument attached be appointed and authorised as set out in the instrument (S11A – Attachment 6.5.2)**
- 2. The instrument comes into force immediately the common seal of Council is affixed to the instrument, and remains in force until Council determines to vary or revoke it**
- 3. The instrument be sealed.**

CARRIED

6.6 Endorsement of the Audit and Risk Committee Chair

Attachment(s)	Nil
Presenter	T Carter, Manager Governance & Risk
Approved by	Director Corporate & Shared Services
Purpose	For decision

Executive Summary

The purpose of this report is to formally appoint the Chairperson of the Audit and Risk Committee. The Committee at its 15 September 2022 Meeting formally nominated Dr Craig Nisbet for the 2022/23 year.

RESOLUTION

**Cr I Gerencser / Cr D Gallagher
That Council formally appoint Dr Craig Nisbet as Chairperson of the Audit and Risk Committee for the 2022/23 financial year.**

CARRIED

6.7 Audit and Risk Committee Biannual Report

Attachment(s)	Attachment 1 - Audit and Risk Committee - Biannual Report [6.7.1 - 3 pages]
Presenter	T Carter, Manager Governance & Risk
Approved by	Director Corporate & Shared Services
Purpose	For noting

Executive Summary

Murrindindi Shire Council is committed to providing good governance, public transparency and accountability to the communities of the Murrindindi Shire. The Audit and Risk Committee (the Committee) is an independent advisory committee to Council, established under section 53 of the *Local Government Act 2020* (the Act) to provide oversight, guidance and assurance to assist Council and Council's Executive meet this commitment.

The attached Audit and Risk Committee Biannual Report describes the activities of the Committee for the January to end of June 2022 period.

RESOLUTION

**Cr D Gallagher / Cr S McAulay
That Council note the Audit and Risk Committee's Biannual Report for January to end of June 2022.**

CARRIED

6.8 Audit and Risk Committee Confirmation of Minutes

Attachment(s)	Attachment 1 - 2022-09-15 Audit and Risk Committee Minutes [6.8.1 - 32 pages]
Presenter	T Carter, Manager Governance & Risk
Approved by	Director Corporate & Shared Services
Purpose	For noting

Executive Summary

This report presents the minutes of the 15 September 2022 Audit and Risk Committee Meeting to Council for noting.

RESOLUTION

Cr J Walsh / Cr D Gallagher
That Council receive and note the minutes of the 15 September 2022 Audit and Risk Committee Meeting as enclosed in Attachment 6.8.1.

CARRIED

7 COUNCILLOR AND CEO REPORTS

7.1 Notices of Motions

Nil.

7.2 Cr Karine Haslam

It has certainly been a busy time in Eildon this last month.

The Biggest Morning Tea for the Cancer Foundation was a huge success, thanks go to Kerri and her team of helpers for putting this together. Thanks, also go to the Eildon Bowling Club, for making the club rooms available for the event, the Eildon Op Shop, for their kind donation of \$500 and the numerous local businesses for their support with a great variety of prizes for the raffle. Approximately 100 people attended and a total of \$3,273 was raised. It is amazing what can be achieved when community come together.

Waste Wise Workshop was run at the Community Centre early this month. I think everyone learnt something new about what can and cannot be recycled. This was a very informative session and expressions of interest to run more session like this in the future. There will be another one later in Oct/Nov, keep an eye open for information. Also in the new year the possibly of visiting the new MRF (material Recovery Facility) in Albury or conducting a virtual session. To help recycle more products we are hoping to have a Terra Cycle drop off area at the Eildon Info Centre for a limited number of items, such as medicine blister packs, pen & markers, cosmetic containers. Thanks go to Jenni for all her work on this project.

The Eildon Community Plan Action groups are progressing – Art in Eildon is now Incorporated, and work is progressing in other areas such as the Community Gym, Live Music in Eildon, a historic society and a book club.

Eildon Splash and Skate Park

There are still a few dates for the community to provide feedback to the Council.

There will be a walk and talk through the site, on the Saturday 8 October from 10.00 - 1.00 pm, you meet at the Eildon Info Centre.

A drop in session on Tuesday 11 October from 10.00 – 12 noon, once again, at the Information Centre. If you cannot make it in person there is an online information session, on Thursday 13 October at 6.30 – 8.00 pm. Visit the online engagement platform the Loop or call Council.

There is a lot of excitement and interest around the Blue Gums Recreational Trail. Due to the extremely wet weather this has been delayed. Roll on sunshine!

The unexpected long weekend brought an incredible number of visitors to the area. It was pleasing to hear comments from business owners such as, Records sales and visitation, this is a good omen for the coming season. There is a lot of interest with Lake Eildon being near capacity and the curiosity whether the water will be released over the spillway!

Opera on the Pondage is a new event for Eildon, which will be on the 29 October, and the Eildon Twilight Market series starts again on 19 November. It is great to have events where people can come together in a local and safe environment.

Looking forward to the longer days, daylight saving starts this weekend and hopefully a dryer weather.

7.3 Cr Ilona Gerencser

Emergency Management Victoria – MSC Scenario

The second of the Community meetings is scheduled for this coming Monday 3 October from 7.00 - 8.00 pm at KRNH. The purpose of this meeting is to finalise details for the planned emergency scenario which is scheduled for December 2022 in Kinglake. This is your opportunity to be informed and have input into the scenario and be informed of what is taking place. If you'd like to attend please email emergencyplanning@emv.vic.gov.au
This event is being funded and co-ordinated by Emergency Management Victoria in association with Council.

Kinglake Market – Sunday 25 September 2022

Well done to Rotary Club of Kinglake for another fantastic market this past Sunday. According to Rotary, attendance was in the vicinity of 5000 people (and many dogs). The whole market was buzzing as was the town of Kinglake. It was great to see so many visitors come to our beautiful town on such a wonderfully sunny weekend. Thank you to everyone who visited, the vendors and our great shop owners, who managed to deal with an overload of people that we have not seen in the last two years.

Bushfire Memorials – Frank Thompson Reserve

We are still working towards getting a group together, of like-minded locals, to liaise with and assist Council on plantings and how to give all memorials the respect they deserve. Landcare have voiced their support to assist and we're thankful for this. If you are interested in being a part of the working groups please contact myself or Council on our website or via email.

Roads/Other Issues

I just wanted to finish off by reminding everyone to please register a road issue/pothole/anything via the Snap Send Solve App or through our website. The most efficient way to register a complaint is to do it via either of these methods. As you know, we too have had a lot of issues/delays because of the constant rain, but we are working through this as quickly as possible. Contractors and supplies are pushed to the limit, but we are doing our best to work through any and all issues in a timely manner.

7.4 Cr Eric Lording

Nil to report.

7.5 Cr John Walsh

Nil to report.

7.6 Cr Sandice McAulay

Nil to report.

7.7 Cr Damien Gallagher

I had the honour in September of being invited by Peter Evans to help launch his book, “*Wooden Rails & Green Gold*” at the MIRA, Marysville. Peter is a long-time contributor to the Alexandra Timber Tramway and Museum. This project of the last 35 years chronicles the transition from the region’s gold rush to the development of towns and communities, and transportation of timber along the Yarra Track. Peter proudly describes the work as an apolitical recounting of the stories of our local timber and haulage pioneers.

Also this month, Department of Transport representatives joined volunteers and supporters at Alexandra Community Hub to celebrate 10 Years of Alexandra’s L2P program. The TAC L2P initiative assists disadvantaged Victorian learner drivers aged 16 to 21 with no access to a vehicle or supervising driver to gain the 120 hours driving experience required to apply for a probationary licence. Hub Co-ordinator, Sue Sedelies led those present in celebrations of yet more, very special Murrindindi volunteers. And we heard from Alistair Gerrey, who described what L2P meant to him as a participant, and why he now contributes what he can to the program and the community more broadly.

The Murrindindi Food and Wine Inc. AGM was conducted on 12 September in Alexandra, and Rob Mitchell was returned as Chair. Rob expressed the volunteer committee’s appreciation for its long association with Murrindindi Shire Council. Secretary, Sam Hicks provided a presentation on the progress of the group’s campaign to “*Put Murrindindi on your table.*” The next phase of the campaign leverages technology for online ordering, fulfilment, and delivery of boxes of members’ produce to new markets. The committee’s energy, drive, and commitment to shared success is delivering great value to the members of the association.

To portfolio and external committee matters

Young participants are sought to join the Youth Climate Action Group, Council’s 2022 initiative for supporting emerging leaders.

On 16 September, ELF Reading Day returned to Alexandra in a big way. “ELF” reminds us that Early Learning is Fun, and what a great atmosphere it was as hundreds of young people from kinder to high school, and beyond, dressed up and enjoyed the story telling. UGFM supported the community initiative with a live broadcast and the event was also lovingly supported in no small way by many volunteers and by Council staff.

Council was briefed this month on the challenges faced by the Maternal and Child Health (MCH) service. The team’s dedication to supporting brand new citizens and their mums is fairly well known, but increasingly, additional demands are applying service delivery pressure, including these programs:

- Sleep Assessment
- Autism Spectrum Disorder
- Psychosocial assessment for mothers at 4 weeks
- Nutrition and development program (INFANT Program)
- Sessions for First Time Parent Groups
- Family Violence Multi-Agency Risk Assessment and Management (MARAM) assessments.

Victorian MCH nurses are required to hold current registration with AHPRA as a Registered Nurse, a Registered Midwife, along with an additional postgraduate qualification in maternal and child health nursing. These qualifications rank MCH nurses among the most educated professionals in our community. Beyond these credentials, the four Murrindindi Shire Maternal and Child Health nurses bring a combined 96 years of clinical experience.

It can be the most rewarding of careers yet in delivering their service, staff often experience vicarious trauma, exposed to the details of traumatic experiences of their clients. Council will continue to advocate for its MCH team by conveying the prevailing challenges to Victoria's Department of Health. Closer to home let's share with young people the story of these real superheros that live in our midst.

Finally

In a tumultuous month, Alexandra lost one of its own. But, no, there will be no black armbands or parades for Laurie Turville. Perhaps there should be. In a sense he was remarkably unremarkable like most of us. A relative newcomer to Murrindindi Shire, he was ready to embark upon a new career as a Crossing Supervisor for Council. He was a loving dad, President of the Alexandra Lions Club, Co-Founder of Murrindindi Men, contributor to Alexandra's Repair Café; he was a terrible driver, but a trusted friend of many. In his last days, he flipped sausages for his community, he laughed with mates. He will live on, in the memory and in the smiles of all those he encountered.

Laurie, rest in peace.

7.8 Cr Sue Carpenter - Mayoral Report

Spring has arrived in our shire, but we are yet to enjoy mild sunny days. Many days of rain have swollen our creeks and rivers and pastures are extremely wet, having experienced minor flooding in low-lying areas.

The Goulburn-Murray Catchment Management Authority are very closely monitoring river flows as they release water from Lake Eildon.

What a very wet spring indeed.

The councillors attended a briefing session at Eildon late last month. Community members were given the opportunity to present to the councillors and Executive team on any matter that they wished to raise. This session was well attended, and we welcomed the local input regarding issues that were raised by the community. It was great to see the passion that this community have to improve facilities and develop activities for the betterment of their town.

We aim to visit other communities around the shire in the coming months.

Rural Councils Victoria held a forum for all rural councils in Victoria this month. Our CEO and I were fortunate to be able to attend, where we were able to hear from a range of speakers who informed us all about the issues and difficulties that are particularly relevant for rural councils, and how we might address them.

We heard from the Secretary of the Department of Transport who received much feedback from councils on the state of our rural network of roads and was able to reassure us that we will see improvements in how maintenance of roads is conducted as the weather improves.

Robust discussion was had regarding regional shortages of housing, particularly social and affordable housing. What can council's role be in attracting housing investment? A variety of organisations shared how they are addressing these concerns in their councils.

Regional Economic Development; Shortages in employment and sourcing staff; Councils role in consideration of climate change, often directed by state Legislation; Risk management; Financial Sustainability; and Bio-security risks in the Agriculture Sector were other topics presented on the day by senior management from within the private sector, Not for Profits, and government departments.

Other events that I attended this month included:

- The Upper Goulburn Landcare network “Kids teaching Kids” day at the Yea Wetlands. Children from 9 schools within the Murrindindi shire attended.
- The Goulburn Valley Suicide Awareness Group walk. Guest speakers spoke sensitively about suicide in our communities and hope to raise awareness of the gravity of this. In Australia 9 people die every day and men over the age of 85 are more likely to suicide than any other age group. 65,000 people make a suicide attempt each year.
- ELF Reading Day at Yea Library. This promotes the value in reading to children, and we all got to dress-up.
- Murrindindi L2P10year celebration, acknowledging volunteers aiding young people to get their hours driving required before going for their driving licence test.
- Murrindindi Food and Wine Inc. AGM.
- The Audit and Risk Committee, where we welcomed new member Steve Schinck.
- Meeting Federal Minister Catherine King with Helen Haines and the mayors and CEOs from within the seat of Indi.
- SES Floodwatch information session in Yea.
- The Yea Garden Expo held recently at the Yea Saleyards.

Thanks to the other councillors that may have given more details about some of these events mentioned.

7.9 Chief Executive Officer Report

Last Tuesday Mayor Carpenter and I were invited by Federal Member for Indi Helen Haines to Alpine Shire, along with Mayors and CEOs of the other Councils in the Indi electorate, to meet with the Hon. Catherine King, the Federal Minister for Infrastructure, Transport, Regional Development and Local Government. The Minister outlined the challenges she and the new government are facing with the previous rounds of grant funding allocations, and vowed to set up a more transparent and equitable process for future funding for community groups and local government.

As Councils we had an opportunity to strongly advocate, among other priorities, for:

- The urgent need to improve funding to upgrade and better maintain much of the dilapidated rural roads network, in light of the widespread deterioration of our roads condition also due to the recent heavy rain and increased cost to service;
- a substantial increase in the Financial Assistance Grants especially for the small rural councils, which are experiencing increased financial pressures and do not have access to other funding sources such as fines and parking revenue;
- More housing in our rural municipalities to meet the demand for local workers, with targeted action to address the housing crisis in our region.

We will continue our advocacy efforts both as an individual Council and together with other partners in the lead up to the State elections.

On-Farm Biosecurity Workshop

Council has been advocating for AgVic to organise an information session for livestock farmers to help prepare for disease outbreaks.

I am pleased to advise that Ag Vic has agreed to run an on-farm biosecurity planning workshop for producers Murrindindi Shire. The session will be held in Alexandra at the DELWP offices on 14 October from 10.00 am to 3.00 pm. This is capped at 30 producers.

The workshop will be facilitated by Ag Vic's Livestock Industry Development Officer and they will have the local Veterinary Officer Elaine Harris presenting on Foot-and-mouth disease, lumpy skin disease, as well as endemic animal health issues relevant to producers in our local area.

Producers that attend this interactive workshop will leave the session with their on-farm biosecurity plan in hand. The local Ag Vic staff member based at Alexandra office, will also be present at the workshop.

Ag Vic animal health biosecurity officers will also endeavour to be present at the Yea saleyards on 7 October, they will not be giving a presentation at the saleyard, but they will be available for saleyard staff, agents and producers or buyers to ask them any traceability and biosecurity questions.

8 RECORD OF COUNCIL BRIEFING SESSIONS

Purpose

For noting.

Executive Summary

This report presents the records of Council Briefing Sessions for 24 August 2022 to 14 September 2022, for Council to note.

The following summary details are for 24 August 2022 to 14 September 2022:

Meeting Name/Type		Council Pre-Meet		
Meeting Date:		24 August 2022		
Matters Discussed:		<ol style="list-style-type: none"> 1. Contract 22/7 – Panel Contract Builders 2022-2025 2. End of Year Report Capital Works 2021-22 3. Library Strategy and Action Plan 2022-2026 4. Eildon Community Plan 5. Grants and Contributions Program – August Allocations 6. Governance Rules Review 7. Quarterly Finance Report June 2022 		
Councillor Attendees:		Cr S Carpenter (V), Cr D Gallagher (V), Cr K Haslam (V), Cr E Lording (V), Cr S McAulay (V), Cr J Walsh (V), Cr I Gerencser (V)		
Council Officer Attendees:		L Bonazzi (V), M Chesworth (V), V Albicini (V), S Murphy (V), T Carter (V)		
Conflict of Interest Disclosures: Yes				
Matter No.	Councillor making disclosure	Was a vote taken?	Did the Councillor leave the room?	When? Before or after discussion?
5	Cr K Haslam	No	Yes	Before

Meeting Name/Type		Open Community Meeting		
Meeting Date:		31 August 2022		
Matters Discussed:		<ol style="list-style-type: none"> 1. Open Community Meeting from 5.00pm 		
Councillor Attendees:		Cr S Carpenter, Cr D Gallagher, Cr K Haslam, Cr E Lording, Cr S McAulay, Cr J Walsh, Cr I Gerencser		
Council Officer Attendees:		L Bonazzi, M Chesworth, V Albicini, S Murphy, T Carter		
Conflict of Interest Disclosures: Nil				

Meeting Name/Type	Briefing Session
Meeting Date:	7 September 2022
Matters Discussed:	<ol style="list-style-type: none"> 1. External presentation by nbn co 2. Planning Delegations & Authorisations update 3. Maternal Child Health – update 4. Recreation Strategy update 5. Aged and Disability Service update
Councillor Attendees:	Cr S Carpenter, Cr D Gallagher, Cr K Haslam, Cr E Lording, Cr S McAulay, Cr J Walsh
Council Officer Attendees:	L Bonazzi, M Chesworth, V Albicini, S Murphy, C Price, S Coller, N Green, A Campbell, A Langley
Conflict of Interest Disclosures: Nil	

Meeting Name/Type	Briefing Session
Meeting Date:	14 September 2022
Matters Discussed:	<ol style="list-style-type: none"> 1. External presentation by Michael Bretherton at Agriculture Victoria - Emergency Management and Foot & Mouth Updates 2. Public Open Space Contributions Policy 3. Development Services - Planning Scheme Review Progress update 4. Development Services - Planning Report August 2022 5. Development Services - Planning Report July 2022 6. Planning Application - 1565 Whanregarwen Road, Molesworth - Creation of second access 7. Mt Kitchener Ave Falls Rd Drainage and Footpath 8. Housing & Settlement Strategy - Second Briefing
Councillor Attendees:	Cr S Carpenter, Cr D Gallagher, Cr K Haslam, Cr S McAulay, Cr I Gerencser
Council Officer Attendees:	L Bonazzi, M Chesworth, V Albicini, S Murphy, K Siebert, C Price, P Bain, N Stewart, E Kubeil, N Maguire, C Fraser, J Carns
Conflict of Interest Disclosures: Nil	

RESOLUTION

Cr I Gerencser / Cr S McAulay
That Council receive and note the records of Council Briefing Sessions for 24 August 2022 to 16 September 2022.

CARRIED

9 SEALING REGISTER

File Reference	Date Seal Affixed	Description of Documents	Signatures of Persons Sealing
CONT22/4	18 August 2022	Formal Instrument of Delegation between Murrindindi Shire Council and Specialised Pavement Services Pty Ltd for Street Sweeping Services	Livia Bonazzi Cr Sue Carpenter
SF/123	26 August 2022	S6 - Instrument of Delegation - Council to Members of Council Staff (July 2022)	Livia Bonazzi Cr Sue Carpenter
1/2019/41/1	5 September 2022	Access Licence between Murrindindi Shire Council and JRKV Pty Ltd ACN 645 033 950 for 1 Whittlesea-Kinglake Road, Kinglake 3763	Livia Bonazzi
1/2019/41/1	5 September 2022	Agreement made pursuant to Section 173 of the Planning and Environment Act 1987 between Murrindindi Shire Council and JRKV Pty Ltd ACN 645 033 950 as trustee for JRKV Unit Trust for property: 1 Whittlesea-Kinglake Road, Kinglake VIC 3763	Livia Bonazzi
SF/4210	9 September 2022	Formal Instrument of Agreement between Murrindindi Shire Council and MMP Projects for Panel Contract Builders	Livia Bonazzi Cr Sue Carpenter
SF/4210	9 September 2022	Formal Instrument of Agreement between Murrindindi Shire Council and M & A Dean Builders for Panel Contract Builders	Livia Bonazzi Cr Sue Carpenter

RESOLUTION

Cr S McAulay / Cr I Gerencser
That the list of items to which the Council seal has been affixed be noted.

CARRIED

The meeting was closed at 7.24 pm.

CONFIRMED THIS



CHAIRPERSON Cr S Carpenter