



Murrindindi
Shire Council

Scheduled Meeting of Council

Agenda

Wednesday 27 April 2022
Yea Council Chambers
The Semi Circle
6:00 PM

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1 ACKNOWLEDGEMENT OF COUNTRY AND COUNCILLORS' PLEDGE

1.1 Acknowledgement of Country

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

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

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

1.2 Councillors' Pledge

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

2 PROCEDURAL MATTERS

2.1 Privacy Note

This public meeting is being streamed live via our Facebook page and 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

Add text

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

2.4.1 Minutes of the Scheduled Meeting of Council held on 23 March 2022.

RECOMMENDATION

That Council confirm the minutes of the 23 March 2022 Scheduled Meeting of Council.

2.4.2 Minutes of the Unscheduled Meeting of Council held on 13 April 2022.

RECOMMENDATION

That Council confirm the minutes of the 13 April 2022 Unscheduled Meeting of Council.

2.5 Petitions

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

2.6 Community Recognition

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

2.7 Matters Deferred from Previous Meeting

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

2.8 Urgent Business

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

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

3 PUBLIC PARTICIPATION

3.1 Open Forum

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

3.2 Questions of Council

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

4 REPORTS - ASSETS AND DEVELOPMENT DIRECTORATE

4.1 Planning Application - 969 Goulburn Valley Highway Thornton - Tanglewood Music Festival 5 Year Permit

Attachment(s)	Attachment 1 - Application, Title, Event Plan [4.1.1 - 71 pages] Attachment 2 - Medical Operations Plan and Schedule of Structures [4.1.2 - 104 pages] Attachment 3 - Waste Management Plan and Traffic Management Plan [4.1.3 - 51 pages] Attachment 4 - Security Management Plan and Risk Management Plan [4.1.4 - 123 pages] Attachment 5 - Emergency Management Plan [4.1.5 - 100 pages] Attachment 6 - Noise Management Plan and Accoustic Report [4.1.6 - 40 pages] Attachment 7 - Previous VCAT Decisions [4.1.7 - 25 pages] Confidential Attachment 1 - Objections (distributed to Councillors separately) Confidential Attachment 2 - Submissions of support (distributed to Councillors separately) Confidential Attachment 3 - Response to submissions combined (distributed to Councillors separately)
Presenter	C Fraser, Coordinator Planning
Approved by	Director Assets & Development
Purpose	For decision
Land	969 Goulburn Valley Highway Thornton 3712 (LOT: 1 TP: 342881, LOT: 2 TP: 342881, Parish of Thornton)
Proposal	Use and development of land for the purpose of a place of assembly (music festival) annually for 5 years
Applicant	Tanglewood Festival – Born Rhythm Entertainment
Zoning	Farming Zone
Overlays	Bushfire Management Overlay (Part)(Not in proposal area)

Triggers Clause 35.07-1 – Use of land in the Farming Zone for a Place of Assembly
 Clause 35.07-4 – Buildings and Works associated with a Section 2 Use in the Farming Zone
 Clause 52.29-2 - Access to land in a Transport Zone

Locality Plan



Executive Summary

An application has been received for the use and development of land for a Place of Assembly (music festival) annually for five years under the provisions of the Murrindindi Planning Scheme. The proposed event is the Tanglewood Music and Arts Festival which has operated from the site on four previous occasions.

Up to 3000 people will be accommodated on the site throughout the duration of the festival which will run between 30 December and 2 January annually.

The two allotments included in the proposal have a total area of approximately 167 hectares and are generally surrounded by private land. Access to the site is available from the northern boundary on the Goulburn Valley Highway.

The land is relatively clear of vegetation and contains scattered paddock trees. The site is primarily used for agriculture however does contain a single dwelling and agricultural shedding.

The land is in the Farming Zone and partially affected by the Bushfire Management Overlay. The area within the Bushfire Management Overlay is not proposed to be used as part of the proposal.

The application has been broadly advertised to all adjoining and nearby properties within 3 kilometres of the site. 130 submissions have been received of which 12 were objecting to the proposal, 118 were supportive of the proposal and 1 submission was withdrawn. Submissions have been received from a number of people who were not directly notified.

Additional notifications were given to EPA, GBCMA and Agriculture Victoria who have consented to the proposal. Local police have also been notified. The application was referred under Section

55 of the *Planning and Environment Act 1987* to CFA and Department of Transport who have both consented to the proposal subject to conditions.

This report recommends that a Notice of Decision to Grant a Permit be issued for the use and development of land for a Place of Assembly (music festival) annually for five years. The application is presented to Council due to the number of objections.

RECOMMENDATION

That Council issue a Notice of Decision to grant a planning permit for the use and development of land for the purpose of a place of assembly (music festival) annually for 5 years at 969 Goulburn Valley Highway Thornton 3712 (LOT: 1 TP: 342881, LOT: 2 TP: 342881, Parish of Thornton), subject to the following conditions:

- 1. This permit allows five events to be held over five consecutive years from 30 December to 2 January, subject to satisfactory compliance with condition (2) below. In the event that an alternative date is required to be used written notice must be provided to the Responsible Authority at least 6 weeks prior to the proposed date. Once a new date is approved by the Responsible Authority, notice will be provided to all properties within a 5 kilometre radius by the Responsible Authority. The establishment of the site for the purpose of the event and re-instatement of the site after the event may occur outside the dates specified above, to the satisfaction of the Responsible Authority**
- 2. The consecutive annual events may only proceed upon satisfactory compliance with the conditions of the permit for the previous events to the satisfaction of the Responsible Authority.**
- 3. Music from the event may occur between the following hours on the following dates:**
 - 30 January – 3pm and midnight**
 - 31 December – 10am to 6am 1 January**
 - 1 January – 10am to 11:00pm**

or alternative dates with the prior written consent of the Responsible Authority.

- 4. Public access to the site may only occur between 30 December to 2 January (inclusive) unless with the prior written consent of the Responsible Authority.**
- 5. Noise generated from the use hereby permitted for normal operating hours must not exceed 96 dB(A) on the main stage and 92 dB(A) on Stage 2, measured at 30 metres from front of the stage, and for late night (after 10pm) noise levels must not exceed 89 dB(A) on the main stage and 86 dB(A) on Stage 2 measured at 30 metres from front of the stage as detailed in the noise management plan. Should a complaint be received about the noise level, the sound engineer must check levels and adjust accordingly**
- 6. Between the hours of 3am and 6am on 1 January the amplification to all speakers must be reduced. The amplification must be reduced to such a level that they do not exceed 60db at 63Hz on all residential boundaries.**

7. **Within 3 months of the conclusion of each event an acoustic report by an independent sound and acoustics engineer must be submitted to the Responsible Authority. Such report must include:**
 - a. **Results of the engineer's noise measurements and observations made during attendance;**
 - b. **Results of the unattended noise monitoring data;**
 - c. **Verification regarding whether the event complied with the relevant Planning Permit conditions;**
 - d. **Noise contour mapping over the broader and surrounding area, based on measurements and observations made during the event; and**
 - e. **Recommendations to minimise noise impacts at future events.**

This report will be used to determine whether the event occurred in compliance with the conditions of this permit to the satisfaction of the Responsible Authority.

8. **No more than 3000 patrons and 750 Event Staff may be permitted on the site at any one time to the satisfaction of the Responsible Authority:**
9. **Patrons are only permitted on the site between the hours of 9am on the 30 December and 5pm on the 2 January or alternative dates with the prior written consent of the Responsible Authority.**
10. **Prior to the commencement of each event hereby permitted the management plans shall be updated and submitted to and approved by the Responsible Authority. Once approved, all relevant management plans will be endorsed and will then form part of the permit. The plans must be generally in accordance with the plans submitted with the application but must be updated to form the final version of the plans, to the satisfaction of the Responsible Authority. The management plans must include:**
 - a. **Event Management Plan**
 - b. **Noise Management Plan**
 - c. **Emergency Management Plan**
 - d. **Waste Management Plan**
 - e. **Traffic Management Plan.**

The event must be managed in accordance with the endorsed management plans at all times to the satisfaction of the Responsible Authority.

11. **Activities on the final day of the festival and the pack down must not cause annoyance to people beyond the site.**
12. **All food providers are to comply with relevant Food Act legislation requirements to the satisfaction of the Responsible Authority**
13. **A final list of all food vendors must be submitted to the responsible authority at least 7 days prior to the event**
14. **All temporary food premises must meet the requirements of Chapter 3 of the Australia New Zealand Food Standards Code - Standard 3.2.3 – Food Premises and Equipment. Requirements**
15. **Waste water generated from mobile food vendors cannot be discharged onto the ground, lawns, into portable public toilets or storm water drains**

- 16. All temporary structures erected on the site including all promotional or directional signage and all waste must be removed at the completion of the event to the satisfaction of the Responsible Authority. The site must be re-instated including any areas of disturbed ground to be re-vegetated, no later than two weeks after the completion of the event on the land, to the satisfaction of the Responsible Authority. A post-event site condition report must be submitted to the Responsible Authority to demonstrate compliance with this condition, no later than 4 weeks after the completion of the event on the land**
- 17. Any structures that are permitted to remain on the site must be stored within existing sheds and not be visible from outside the site**
- 18. A public address system must be installed throughout the site to advise patrons of any emergency on the site to the satisfaction of the Responsible Authority**
- 19. The subject land must be kept neat and tidy at all times and its appearance must not, in the opinion of the Responsible Authority, adversely affect the amenity of the locality**
- 20. The owner/operator must ensure that litter is not deposited beyond the boundaries of the premises to the satisfaction of the Responsible Authority**
- 21. Outdoor lighting must be designed, baffled and located to the satisfaction of the Responsible Authority such that no direct light is emitted outside the boundaries of the subject land**
- 22. The parking of all vehicles must be confined to designated parking areas within the site as set out on the endorsed plan and no vehicles associated with the event may be parked on any public land, including the road reserve, to the satisfaction of the Responsible Authority.**
- 23. Ticketing and vehicle search areas must be located within the property boundaries and laid out in such a way that provides for any vehicle queuing to take place within the subject site to minimise any impacts on traffic flow along the Goulburn Valley Highway.**
- 24. The use hereby permitted shall not cause nuisance or injury to, or prejudicially affect the amenity of the locality, by reason of the transportation of materials, goods and commodities to and from the land, the appearance of any building, works, or materials on the land, the emission of noise, vibration, smell, fumes, smoke, vapour, steam soot, ash, dust, waste water, waste products, grit, oil or the presence of vermin or otherwise**
- 25. Appropriate number of toilets are to be supplied to the number of people proposed at the events at various locations across the site so that patrons have close access across the site to the satisfaction of the Responsible Authority**
- 26. Disability access portable toilets are to be made available to the satisfaction of the Responsible Authority**
- 27. If a urinal facility is to be provided, it must be an appropriate and approved system to the satisfaction of the Responsible Authority**
- 28. Portable toilets and showers must be set back 60 metres from waterways to the satisfaction of the Responsible Authority**

29. No wastewater can be directed or disposed of within a waterway or within the subject site
30. Event staff and security are to ensure that no persons related to the event including all staff or patrons are to enter into adjoining properties without the owner's prior consent
31. Within 6 weeks after each event, an event report must be prepared to the satisfaction of the Responsible Authority. This report must demonstrate compliance with all conditions on this permit.

Department of Transport (Head, Transport for Victoria)

32. Prior to the commencement of the use, the access is to be constructed to the satisfaction of and at no cost to the Head, Transport for Victoria in accordance with VicRoads guideline drawing GD4010 Typical Access to Rural Properties to cater for a 12.5m single unit truck as detailed in Table 2 - Access Setout Details as shown on the guideline drawing.
33. Within 14 days post the event, an event summary must be prepared to the satisfaction of and at no cost to Head, Transport for Victoria. This summary must provide observations of traffic patterns at its peak periods on event day including patron numbers and outline the effectiveness of traffic management measures in place.
34. Ticket sales provisions are to be located at the Information Station as identified on the site plan appended to the application. Ticket sales will not be permitted at the subject site access with Goulburn Valley Highway.
35. The event days will be in accordance with the Security Management Plan appended to the application.

Goulburn Broken Catchment Management Authority

36. The proposed parking area, camping area, generators, toilet facilities, stages, food stalls, market areas and any other temporary structures are set back a minimum of 30 metres from the bank of the designated waterways.
37. Any works associated with crossings of the designated waterways will require a Works on Waterways Permit (issued by the Goulburn Broken CMA).

Country Fire Authority

38. The Conditions contained below are required to be complied;
 - a. The event organiser is to engage a suitably qualified risk management practitioner that to the satisfaction of the Responsible Authority has recognised qualifications and experience to conduct a full risk assessment and response plan meeting Australian Standard 4360 in the following areas (but not limited to):
 - Assessments of fire and other emergencies within the site and external threats impinging on the site
 - Risk treatments to mitigate identified risks
 - Develop and emergency management plan based on the treatment strategy
 - Identification of the area(s) for assembly of event patrons. In the event of an emergency to the satisfaction of the CFA

- Assembly areas, vehicular traffic, parking or paths of access and egress are not to impinge on responding CFA vehicles or the operational requirements of CFA
- Event plans for the site are to be developed using a guide document, 'Event Management – Planning Guideline for Event Managers'
- Any identified fire fighting resources and personnel are to be available at the site and available for use during set-up, duration and demobilisation of the event.

b. A draft copy of the Emergency and Fire Management Plans are to be submitted to;

- CFA District 22
- North East Region.

Not less than three (3) months prior to any proposed event (annually) to provide opportunity for comment to the Responsible Authority.

c. A finalised draft copy of the Emergency and Fire Management plans are to be submitted to;

- CFA District 22
- North East Region.

Not less than six (6) weeks prior to any proposed event (annually) to provide opportunity for comment to the Responsible Authority.

d. A Site Fire Ban is to be imposed for this event prohibiting patrons (and other persons) from any activities which produce a naked flame or ignition source for the total duration of the event.

This ban prohibits the following;

- Naked flames of any kind regardless of cause or source
- Use of any "open flame" equipment including gas cookers, gas lights, barbeques or tea candles
- Use of unauthorised "portable" generators, quad bikes or motorbikes
- Unauthorised "Fire Twirling" and like activities undertaken by patrons or others.

e. Food vendors, display stalls, market stalls and other providers are to have their stalls/tents/vans or other temporary or permanent structures within a distance of not less than six (6) metres of each other or may have a lesser distance where the event organiser has demonstrated to the satisfaction of the Responsible Authority that fire spread between stalls will not occur.

f. Each food vendor, stall holder or other provider is required to get an individual CFA Schedule 14 / Fire Danger Period and/or Section 40 / Total Fire Ban Day permit (no blanket or group permit for these operators are to be issued).

g. Access and egress routes are to be clearly marked to a width of not less than six (6) metres and are to meet the following conditions;

- Roads must be constructed to a standard so that they are accessible in all weather conditions and capable of accommodating a vehicle of 15 tonnes for the trafficable road width

- The average grade must be no more than 1 in 7 (14.4%) (8.1 degrees) with a maximum of no more than 1 in 5 (20%) (11.3 degrees) for no more than 50 metres
 - Dips must have no more than 1 in 8 (12%) (7.1 degrees) entry and exit angle.
- h. Car parking areas, vehicular routes, camping areas and emergency assembly areas, (i.e., the entire event area as designated on the Event Site Plan) are to maintain the vegetation to the following conditions to the satisfaction of the Responsible Authority:**
- Grass must be no more than 100mm in height
 - Leaf litter must be less than 10mm deep
 - There must be no elevated fuel on at least 50% of the area. On the remaining 50% the elevated fuel must be at most sparse, with very little dead material.
- i. This fuel reduction must be completed 3 weeks prior to the event date and maintained in this state until the conclusion of the event.**
- j. Camping areas are to be structured in 20 metre squared blocks with 6m wide access roads provided between each camping block to be detailed in Campsite Map 2020 document.**
- k. There must be two (2) Emergency Assembly Areas. One situated on the northern side of the watercourse running through the event area. The second assembly area is to be located just north of the patron camping area adjacent to the small dam.**
- l. The small dam adjacent to patron camping area and the dam next to the car parking area (as indicated as quick fill / static water supply locations on the Event Site Plan) must be full of water a minimum of one (1) week prior to the event through until the end of the event. Clear vehicular access must be maintained to these areas.**

The Event organiser is to provide their own fire suppression resources and equipment to be on site 24/7 for the duration of the event including bump in and bump out times.

This is to include bump in dates 26-29 December and bump out dates 02-05 January, or applicable event dates.

This will require a minimum of 2 Slip on Units (min 500 litres) to be crewed from 30th December through until the 3rd of January inclusive as per the Tanglewood Festival Fire Management Roster document, with one crewed slip on unit being available for the bump in / bump out periods specified above.

The event organiser is to provide the names and evidence of the firefighting qualifications of the engaged personnel to CFA by no later than 3 weeks prior to the event. The firefighting resources are to be dedicated resources for the fire response task & not numbers that are also part of the medical team. (CFA reserves the right to vary these requirements based on the seasonal outlook for each respective year which will be done through the Emergency Management Planning document review process listed at conditions 2 and 3).

- m. There are to be no Fireworks / Pyrotechnics and/or Fire Performances at this event.
- n. The Event Organiser is to appoint Safety Officers for the event, who have successfully completed the 'Safety Officer – In a Place of Public Entertainment', training that is available from Melbourne Metropolitan Fire Brigade. Evidence of qualification to be provided to CFA.

39. The Emergency Management Plan (as amended) is to be adhered to and prior to the event a desk top exercise is to be conducted to ensure it is appropriate and functioning correctly.

PERMIT EXPIRY

40. This permit will expire if one of the following occurs:

- a. No event is held within two years of the date of this permit
- b. The event is discontinued for two years
- c. The completion of the fifth event held under this permit or a timeframe of seven (7) years whichever comes sooner
- d. Satisfactory compliance with permit conditions as outlined in Condition 2 of this permit are not achieved.

A request for an extension of time may be made pursuant to Section 69 of the Planning and Environment Act 1987.

Background

Land and surrounds

The site is situated to the south of Goulburn Valley Highway which provides access to one of the lots. The proposed event site is situated on 165 hectares of agricultural land comprising of 5 separate lots. While the property contains five lots, only two are included in the proposal specifically Lot 1 TP:342881 and Lot 2 TP 342881.

Lot 2 is developed by way of a dwelling and machinery and shearing sheds. It is proposed that Lot 2 will be used for the entrance to the festival and car queueing.

The proposed use of land for a music festival will be predominantly on Lot 1. Lot 1 is 127 hectares in size and generally used for cattle grazing. There are significant patches of native vegetation covering this lot, however, the area to be used for the festival is predominantly clear.

There is an existing 1.5 kilometre access track running through Lot 1 and Lot 2 from the entrance to the proposed festival site.

The subject site is situated between the township of Thornton (approximately 3.5 kilometres) and the township of Eildon. The adjoining properties are large ranging from approximately 71 hectares to 384 hectares and used for agricultural purposes. They are generally developed by way of single dwellings and machinery sheds. There are several prominent waterways in the area and the Rubicon River is situated to the south of the subject site though not adjoining the subject site.

Background

The subject site has been used by the applicant for the music festival 'Tanglewood' on 4 occasions since the event commenced in 2015.

In November 2015, a planning permit was issued for a 'use permit to allow an outdoor music event 30 December 2015 to 1 January 2016 (inclusive). This planning permit allowed for 800 patrons to be permitted onsite. This application was determined by council officers as one objection was received which was resolved. In 2016 a planning permit was issued for the event to run from 30 December to 2 January over a three year period commencing 2016. This planning permit application was determined at a council meeting with an officer recommendation to issue a Notice of Decision. The planning permit allowed for 3000 patrons to attend the festival and the planning permit was acted on. There were two objections to this application which were not resolved.

At its ordinary meeting on 22 July 2020, Council resolved to issue a Notice of Decision to Grant a permit in relation to Planning permit application 2020/140 which allowed for the use of the land for the purpose of a place of assembly (music festival) annually for five years.

Following an objector appeal, the Victorian Civil and Administrative Tribunal overturned the decision of Council.

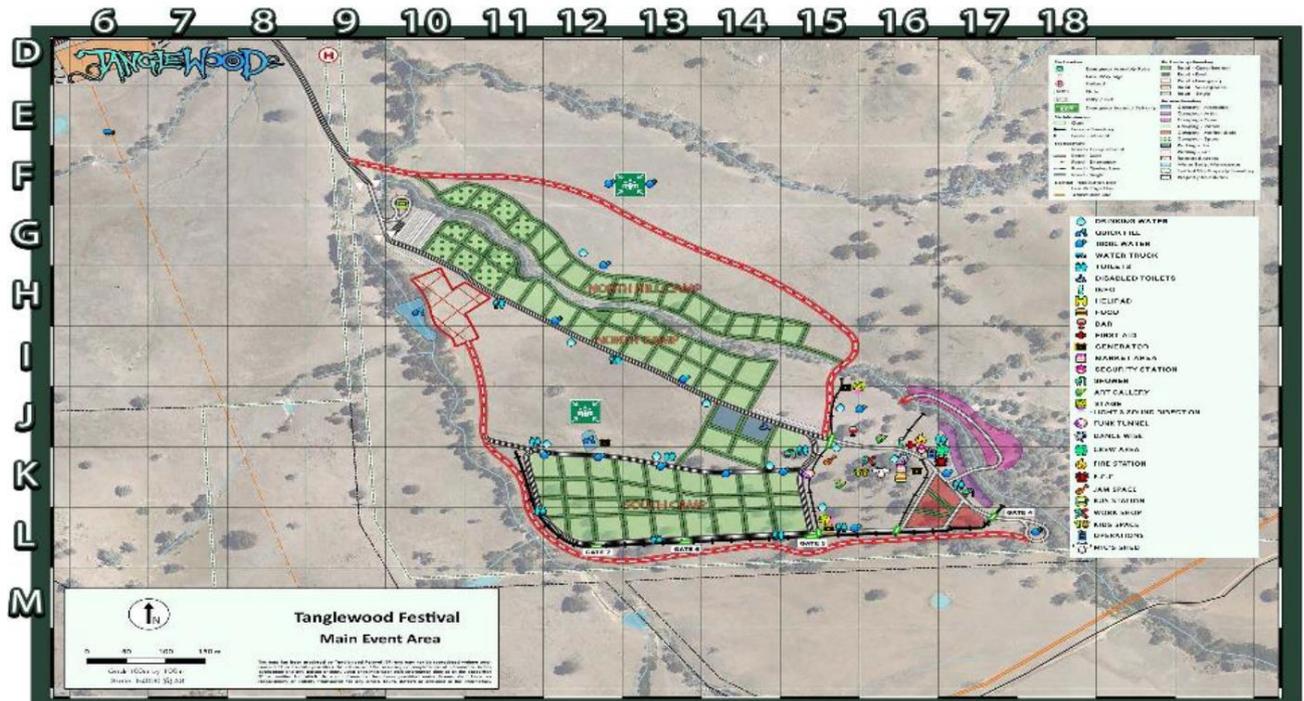
In *Coates v Murrindindi SC [2021] VCAT 151*, the decision of Council was set aside on the grounds of the 'piecemeal nature' of the application. The proposal included only the use of the land and did not incorporate a number of matters which were considered by officers to be ancillary to the proposal or not requiring permits, particularly the nature of temporary buildings. While these did not require separate building approvals as such, they are still considered to be buildings and works under the provisions of the Murrindindi Planning Scheme and the Planning and Environment Act 1987.

Proposal

The application proposes the use and development of land for a place of assembly. The proposed place of assembly is the 'Tanglewood Music and Arts Festival' runs from 30 December to 3 January and is proposed to run every year for five years. The application includes provision for alternate dates should the event not be able to be run during this period. The event is proposed to allow for 3,000 patrons.

The proposed event is promoted as a small boutique music and arts festival consisting of musical performances, cultural activities and artistic workshops. The event is targeted at patrons in the 25 to 50 year old demographic. However, the event is also promoted as family friendly whereby under 12 year old children are permitted to attend the event in company of a parent or legal guardian. The event is promoted as being environmentally conscious where patrons are requested to bring reusable utensils and other strategies to reduce the events carbon footprint.

The festival site (map shown below) is proposed to be located towards the rear of Lot 1 around 1.5kms from the Goulburn Valley Highway. There will be two main stages where live bands and DJs will perform. The festival will also include a market area where there will be food stalls, an art gallery and a low level music space. The food stalls will operate between 9am to 1am and free drinking water will be provided.



The proposed festival schedule is as follows:

Area	Type of Activity	Date	Approx. ppl
Stage 1 Bump in	Site Preparation	Late Nov – 24 th Dec	5 - 20
Stage 2 Bump in	Festival Build	26 Dec – 29 Dec	120
Stage 3 Bump in (markets, volunteers)	Festival Build	29 th December	400
Event Opening	Gates Open to Public	9am 30 th December	3000 patrons
Event Closing	Entertainment finishes	1am 1 st January	3000 patrons
Event clear of public	Public off site	12pm 2 nd January	400
Stage 1 Bump out	Pack down / clean	12pm 3 rd of January	120
Stage 2 Bump out	Pack down and bump out	3rd Jan – 10 th Jan	10
Stage 3 Bump out	Final clean/ inspection	30 th January	5

In the event that the festival is required to change dates, this schedule would remain the same.

The application includes a number of temporary structures including staging, offices, food and drink points of sale and patron and staff amenities. A full schedule of the proposed buildings and works is appended to this report.

Access to the proposed event will be via the Goulburn Valley Highway. An additional point of access on to the Goulburn Valley Highway is provided for emergency access. This is detailed in the appended Emergency Management Plan.

Cultural Heritage Management Plan

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

Community and Stakeholder Consultation

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

- Letters sent to adjoining and nearby property owners and occupiers
- Sign displayed on site
- An advertisement in the Alexandra Standard.

Notice of the application was also given to the following:

- EPA
- GBCMA
- Agriculture Victoria
- Eildon and Alexandra Police.

EPA and GBCMA have both provided consent to the proposal subject to conditions which should be included on any permit issued.

Agriculture Victoria has consented but has not provided any conditions.

No response was provided from the police.

In addition to the above, 12 objections were received as well as 118 submissions of support. One submission of support was withdrawn.

The twelve objections received cover a number of issues which are detailed below:

- Insufficient information in regards to compliance with noise controls
- The proposal will overload local telephone and internet accessibility
- The proposal will result in unreasonable noise and disturbance of nearby land users as it has in the past
- The proposal will result in anti-social behaviour
- Hours of operation need to be reduced
- Farm biosecurity risks to the property and neighbouring properties
- Increased fire risk
- Previous problems with trespassers and fence jumping
- The site is located in the Farming Zone and this has not been addressed
- Impact on native wildlife including rare and endangered species that may be located at the event location
- No demonstration of how compliance with SEPPN2 will be achieved and has not sought dispensation from the EPA
- Unacceptable traffic impacts
- No permission for temporary structures, shipping containers or other permanent infrastructure
- Concern whether all works on site have received planning approval and whether previous planning permits have been complied with
- Unacceptable burden on the limited emergency service resources that are available to the area
- There has been no consultation with the indigenous people of the area in relation to possible historical and culturally significant trees and areas that may be impacted by the proposal
- The proposal does not provide financial advantage to local businesses because the event has food and drink outlets located at the event
- Concerns that patrons disturbing livestock on neighbouring properties.

The submissions for support provide the following statements:

- The economic benefit to the communities of Alexandra, Thornton and Eildon is significant
- The work generated for local contractors such as water cartage, hire of toilets, grass slashing and provision of ice during the festival is beneficial to the community.
- The running of this event is excellent in its organisation skills, preparatory works being undertaken months before festival is to commence and the days of the festival run very smoothly. There are many thousands of people coming into the district spending their money etc, enjoying the ambience of both our municipality and the site of the festival. In light of recent events affecting us all, what a perfect opportunity for us all to benefit from this event and re kindle our lives.
- Tanglewood brings major economic benefits to our community. Past years, businesses have experienced an increase in sales over the New Year period due to festival goers.
- Tanglewood provides holiday makers, as well as locals with a safe, monitored and controlled environment to celebrate the New Year whilst supporting the local business and community.
- Organisers and patrons of the event were found to be polite, patient and extremely easy to deal with.
- Tanglewood aims to promote local businesses and draws in a demographic of people who might not have ventured to Lake Eildon if it wasn't for this event, thus leading to future tourism and economic growth within our region.
- Given the hardship the tourism industry has faced and will continue to face for the foreseeable future council should be encouraging as much publicity, and promoting Lake Eildon as much as possible given the current climate.
- There has not been an incident of aggression or fighting at the festival it is very family friendly.

The applicant has provided a response to all individual objections. No objections were withdrawn as a result of this response. At the request of objectors, a meeting was held on 20 April 2022 for objectors to address councillors in relation to their concerns with the proposal and its location. This meeting was attended by representatives of both Victoria Police and Ambulance Victoria. The meeting did not result in the withdrawal of any of the objections received but was a good opportunity for objectors to provide clarification of some of the grounds of their objections.

Referrals

The application was referred under Section 55 of the Planning and Environment Act 1987 to both the Country Fire Authority and Department of Transport who have provided conditional consent for the proposal. The conditions of both departments should be included on any permit issued.

Discussion – Planning Considerations

Planning Policy

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

Clause 02.02 (Vision)

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

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

- Increased economic growth and investment will enhance population growth, employment and social and cultural benefits for the municipality.

It is considered that the proposal is consistent with this vision. The event will allow for increased tourism to the area which in turn will provide economic growth. Furthermore, the event will allow for exposure of the municipality by a significant number of people.

Clause 02.03 (Strategic Directions)

This local planning policy requires the consideration of the economic development policies in making a determination of the planning permit application. Council supports the following strategies to promote economic development:

- Encouraging sustainable growth in tourism, leveraging Murrindindi Shire's natural assets, proximity to Melbourne and links with neighbouring regions
- Encouraging small enterprises in tourism, creative arts, home-based businesses, overnight visitor accommodation and farm enterprises and markets that showcase local produce.

The proposed use of the land is consistent with the strategic directions as it will provide for a creative arts experience while showcasing the natural assets of the area. The event promotes the region's proximity to Melbourne and will increase visitation to the shire and surrounding areas.

Furthermore, it will encourage overnight visitor accommodation.

Clause 12.01-1S (Protection of Biodiversity)

Clause 12.01-1S (Protection of Biodiversity) aims to assist the protection and conservation of Victoria's biodiversity. Officers are required to consider all strategies. Of particular relevance to this application is ensuring that decision making takes into account the impacts of land use and development on Victoria's biodiversity, including consideration of:

- Cumulative impacts
- Fragmentation of habitat,
- The spread of pest plants, animals and pathogens into natural ecosystems.

The proposed use and development will be contained within the lot with existing natural buffers and proposed physical buffers between the festival site and surrounding agricultural uses and vegetated areas. The festival site is within an open paddock area which is used for agriculture, specifically grazing. The area in which the event is proposed has been used for this purpose on four previous occasions. No impacts on native vegetation or wider biodiversity have been observed.

The applicant has an interest in maintaining a pristine environment and promoting the natural environment as it ties in with the environmental ethos and values that is promoted on their festival website.

13.02-1S Bushfire planning

Policy application

This policy must be applied to all planning and decision making under the Planning and Environment Act 1987 relating to land that is:

- Within a designated bushfire prone area;
- Subject to a Bushfire Management Overlay; or
- Proposed to be used or developed in a way that may create a bushfire hazard.

Objective

- To strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life.

13.02-1L Bushfire Planning

Strategies

- Support:
 - The rebuilding of communities, destroyed homes and damaged infrastructure affected by the 2009 bushfires
 - the re-establishment of commercial centres affected by the 2009 bushfires in a way that mitigates bushfire risk
 - Locate, design and manage use and development to reduce the risk to human life, property and community infrastructure from bushfire to an acceptable level.

This policy seeks to strengthen the resilience of settlements and communities to bushfire through risk-based planning prioritising the protection of human life. The objectives of this policy must be applied to this application as the land is in the Bushfire Prone Area and the proposal will result in a Bushfire Hazard. Additionally, the subject site is on land affected by the Bushfire Management Overlay. That said, it is acknowledged that the entirety of the proposal is located outside of the area of the site affected by this overlay.

In an effort to achieve this objective, application was referred to the Country Fire Authority. Given the proposed timing of the event and inherent bushfire risk of the location a robust Emergency Management Plan was required to form part of the application documentation.

The provided Event Management Plan and Fire Management Plan outline the proposed management of the site in relation to fire risks. There will be at least one fire fighter available for the duration of the festival.

There will be a second fire fighter available in the evenings and a crew available should it be required. In addition to the planned emergency management resources there are strict rules in relation to what patrons are able to bring to the site. This includes:

- No gas fixed or portable equipment, including cooking and lighting appliances are to be used on site
- There will be no naked flame, or fire lit in the open area of the event
- No solid fuel cooking or heating of any type
- No fireworks, flares or fire sticks will be permitted on the property.

Given the strict rules around fire safety along with the placement of fire safety personnel on site it is considered that the proposal is consistent with bushfire planning provisions. The CFA have consented to the proposal subject to a number of conditions which should be included on any permit issued.

Clause 13.05 -1S (Noise Abatement)

Objective

- To assist the control of noise effects on sensitive land uses

The potential noise impacts and the ability to manage the amenity impacts to an acceptable level was a key consideration in the assessment of the proposed music festival. Clause 13.05-S (Noise Abatement) requires that the noise effects on sensitive land uses is considered when making a determination of a planning permit application. Residential use, regardless of what zone the land is in, is considered a sensitive use.

This objective is to be achieved by ensuring, 'that development is not prejudiced and community amenity is not reduced by noise emissions, using a range of building design, urban design and land use separation techniques as appropriate to the land use functions and character of the area'.

The planning policy also requires that the Responsible Authority consider, State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2 in making a decision on a planning permit application.

The applicant is required under the Environmental Protection Act 1970 to comply with State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2.

The applicant has provided an Acoustic Report that details the noise monitoring that was conducted at the 2017 to 2018 event.

Noise levels were measured from the stages and on neighbouring properties. It was found that the noise levels were compliant with the planning permit conditions and the EPA requirements. This report also contained recommendations for future events which have been included in both the officer recommendation conditions and the provided Noise Management Plan.

In variance to previous planning permits for this event the officer recommendation requires the bass from the event be limited by reducing amplification after 3am which will reduce the potential annoyance to surrounding residential uses. Additionally, a requirement for an acoustic report is to be submitted following each event to demonstrate compliance with planning permit conditions and provide recommendations for improvements for future events.

The submitted Noise Management Plan outlines the proposed measures to limit noise disruption to surrounding properties. In an attempt to limit the noise emissions the stages have been positioned to have the least impact on nearby residential properties

It should be noted that the closest dwelling is over 1.4 kilometres from the stages. Beyond this, there are very few dwellings in the area surrounding this site.

It is considered that the noise impacts associated with the proposed use of the land can be mitigated through appropriate conditions, the implementation of the Noise Management Plan and relevant legislation.

Clause 13.07-1S (Land use compatibility)

Planning decisions must take into consideration Clause 13.07-1S (Land use compatibility) policy which requires the Responsible Authority to, 'safeguard community amenity while facilitating appropriate commercial, industrial or other uses with potential off-site effects'.

To meet this objective, council officers must consider whether the proposed land use is appropriate for the existing functions and character of the area. Land use compatibility concerns can be reduced by directing land uses to appropriate locations and using a range of building design, urban design, operational and land use separation measures.

When considering this policy in light of the characteristics of the proposal, it is evident that these measures have been implemented. These characteristics include the significant buffer between the festival site and nearby residential uses, the low frequency and length of the festival events, the number of patrons and the orientation of the stages to minimise noise disturbance.

13.07-3S Live music

Objective

- To encourage, create and protect opportunities for the enjoyment of live music.

Strategies

- Identify areas where live music venues are encouraged or where there are high concentrations of licensed premises or clusters of live music venues.
- Implement measures to ensure live music venues can co-exist with nearby residential and other noise sensitive land uses.

The proposal is consistent with the objective of this policy as it creates a temporary live music venue. This is particularly important at this time due to the closures of such event venues and festivals over the last two years due to COVID-19. The noise management plan submitted with the application identifies a number of measures that can be undertaken by the permit holder to address amenity impacts associated with live music.

The proposal has been referred to the EPA who have provided consent subject to permit conditions. Should a permit issue, the applicant would be required to seek additional permits and approvals from the EPA in regard to noise management.

It is acknowledged that noise from the event will be audible to adjoining properties. It is considered however that this can be managed and would require the permit holder to comply with the conditions of any approvals given.

Clause 13.02 (Floodplains)

Clause 13.02 (Floodplains) requires the Responsible Authority to avoid intensifying the impacts of flooding through inappropriately located uses and developments.

The subject site is not located in the Floodway Overlay or Land Subject to Inundation Overlay, however given the predominant waterways through the site it was referred to Goulburn Broken Catchment Management Authority (GBCMA). GBCMA recommended two conditions be placed on any planning permit that is issued. These have been included in the office recommendation.

Clause 14.01-1S Protection of agricultural land

Objective

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

This provision of the Victoria Planning provisions seeks to protect the viability of valuable agricultural land.

The application proposes the temporary use of the site for a music festival over the new year period. This is not considered to be an agricultural use of the land and would appear to be in direct conflict with this objective of the Murrindindi Planning Scheme. While not an agricultural use, non-agricultural uses on this type of land can be appropriate through appropriate risk mitigation and management of the site to reduce the impact of the use on adjoining agricultural uses.

The biggest issues raised in terms of impacts on agricultural land are the impact of noise on adjoining sensitive uses and the biosecurity risks, particularly those associated with trespassing patrons.

The applicant has prepared a comprehensive noise management plan as well as a security plan which have been appended to this application. Agriculture Victoria have been notified of the

proposed. They have responded confirming that they have no concerns with the proposal. The application has also been referred to Victoria Police who may require additional presence in the area at the expense of the permit holder to assist with the mitigation of this risk.

The use of agricultural land for a non-agricultural use must be carefully weighed up and considered on balance and not solely in isolation. The proposed use of the land offers the potential for a number of benefits to the wider community which is discussed further into this report.

Clause 17.01-1S (Diversified economy) and Clause 17.01-1R (Diversified economy – Hume) State planning policy aims to ‘strengthen and diversify the economy’ by implementing the following strategies:

- Protect and strengthen existing and planned employment areas and plan for new employment areas
- Facilitate regional, cross-border and inter-regional relationships to harness emerging economic opportunities
- Facilitate growth in a range of employment sectors, including health, education, retail, tourism, knowledge industries and professional and technical services based on the emerging and existing strengths of each region
- Support rural economies to grow and diversify.

Clause 17.01 – 1R (Diversified economy – Hume) requires the Responsible Authority to encourage appropriate new and developing forms of tourism.

The proposed use of the land for tourism will allow for an economic advantage to surrounding and nearby businesses.

The applicant has submitted data from surveys of patrons at the previous events whereby they predict that the average spend of patrons in Alexandra, Eildon, Thornton, Taggerty and Buxton is expected to reach just over \$250,000 into the local community. This includes direct spending by patrons in the area before, during and after the event.

Additional to this is the cost to the event organisers as well as spending in the local community in the lead up to the event for emergency supplies as well as other spending in the lead up to the event as a result of being within the community.

In addition to the direct monetary benefits of the event, the event also allows the promotion of the area to visitors which is likely to have a flow on economic benefit to the area as a result of return visits.

Clause 17.04-1S Facilitating tourism

Objective

- To encourage tourism development to maximise the economic, social and cultural benefits of developing the state as a competitive domestic and international tourist destination.

Strategies

- Encourage the development of a range of well-designed and sited tourist facilities, including integrated resorts, accommodation, host farm, bed and breakfast and retail opportunities. Seek to ensure that tourism facilities have access to suitable transport.
- Promote tourism facilities that preserve, are compatible with and build on the assets and qualities of surrounding activities and attractions.
- Create innovative tourism experiences. Encourage investment that meets demand and supports growth in tourism.

The proposed use of the site for the festival compliments the existing natural environment and will encourage visitors to experience the region.

Zone

Farming Zone

Purpose

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

The subject site is in the Farming Zone. Pursuant to Clause 35.07-1 of the Murrindindi Planning Scheme, a permit is required for the use of the land for a Place of Assembly. Pursuant to Clause 35.07-4 of the Murrindindi Planning Scheme, a permit is required for any buildings and works associated with a Section 2 Use.

The proposed use of the land for a maximum of 3000 patrons over 4 days per year is considered to have a manageable and temporary impact on the rural amenity of the area. The following decision guidelines have been considered in the assessment of this proposal:

- Capability of the land to accommodate the proposal
- Compatibility with adjoining and nearby land uses
- How agricultural production is supported and enhanced
- The impact on physical features and resources of the area, in particular on soil and water quality
- Visual impact of development on surrounding land
- Whether the use and development will require traffic management measures.

Along with the above decision guidelines, the application is required to be considered in relation to Clause 14.01 (Agriculture). This planning policy aims to protect productive agricultural land which is of strategic significance in the local or regional context by ensuring that the State's agricultural base is protected from the unplanned loss of productive agricultural land due to permanent changes of land uses.

The size and characteristics of the site allow it comfortably to accommodate the proposed use. This includes the slope, areas clear of native vegetation and existing infrastructure. The subject site is compatible with the surrounding agricultural use of the area. There is a significant setback between the proposed stages and the property boundaries.

While the proposed use of the land for a non-agricultural use is generally not supported in the Farming Zone, a balanced consideration of the proposal must be made. The proposed frequency of the use, the use of temporary infrastructure to run the event and the time of the event will allow the cattle farm to continue to operate outside of and during the event times. It is considered that the proposed use will have minimal impact on the agricultural use of the land and does not permanently remove the land from being used for its primary purpose. While buildings and works are included in the application for the event, should a permit issue, a condition should

be included which requires the removal of the temporary buildings and infrastructure from the site.

Overlays

Part of the land is affected by the Bushfire Management Overlay. The area in which the application proposes the use and development of the land is located outside of this area. While issues surrounding bushfire management are not able to be considered under Clause 44.06 of the Murrindindi Planning Scheme, this matter is assessable under state policy which has been addressed previously within this report.

There are no other overlays affecting the land.

Particular Provisions

Clause 52.05 Signs

Purpose

- To regulate the development of land for signs and associated structures.
- To ensure signs are compatible with the amenity and visual appearance of an area, including the existing or desired future character.
- To ensure signs do not contribute to excessive visual clutter or visual disorder.
- To ensure that signs do not cause loss of amenity or adversely affect the natural or built environment or the safety, appearance or efficiency of a road

Pursuant to Clause 52.05-10 it is considered that should a permit issue, any signage promoting the use of the land for an event is exempt from permit requirements provided no more than 8 signs are displayed in a calendar year with each sign to be displayed for a maximum period of 28 days. This allows for signage on the site only and does not allow for any illumination of said signage.

Additionally, should a permit be issued, any internal signage providing direction etc will not require a planning permit.

Clause 52.29 - Land adjacent to the Principal Road Network

Purpose

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

The Goulburn Valley Highway is located in the Transport Zone 2. Any application for a permit to create or alter access to land adjoining land in this zone triggers a permit requirement pursuant to Clause 52.29-2 of the Murrindindi Planning Scheme. While this application does not propose to alter the existing access to the site, it does propose an additional 3000 people to be on the site which will require access from the Goulburn Valley Highway which is a considerable change in the usage of this accessway for the period of time it is used.

Any application requiring a permit under this clause of the Murrindindi Planning Scheme must be referred to the Department of Transport under Section 55 of the Planning and Environment Act 1987. This application has been referred to the Department of Transport who have consented to the proposal subject to conditions.

In considering an application under this clause of the Planning Scheme, in addition to the Planning Policy Framework, consideration must be given to the views of the road authority, and the effect on road and public safety as a result of the proposal. Initially, patrons attending the site were checked by organisers at the front gate of the property prior to entering the festival. This led to a significant bank up of cars along the Highway which is the primary road between Thornton

and Eildon. This had significant impacts on other motorists. Subsequently, queuing for the event has taken place further into the property which has significantly reduced the traffic management implications of the proposal along the Goulburn Valley Highway. The relocation of the ticketing and checking to further within the property has been included in this application. Should a permit issue, it would be considered appropriate to specifically require this to ensure that the flow of traffic along Goulburn Valley Highway is minimally interrupted.

It is considered that the proposal is consistent with the purpose and decision guidelines of Clause 52.29 of the Murrindindi Planning Scheme.

Discussion

Submissions

Amenity impact through noise

The application was accompanied by the Acoustic Report from the 2018/2019 festival along with a comprehensive Noise Management Plan. The acoustic report detailed the noise readings at various positions at the site and surrounding the site on adjoining properties. The report found that at no stage did the decibel levels exceed what was permitted by the planning permit or the EPA requirements. As the event is outdoors and to be held after 10pm, a permit is required from the EPA. This must be applied for at least 45 days prior to the event. When considering the proposal, the EPA will require:

- A description of the type of event
- The days the events will run
- The likely impact on the local community
- Evidence of community engagement
- Written advice from the local council.
- A Noise Management Plan which will include:
 - the name of the company in control of the event
 - the type of entertainment or acts
 - speaker height, position and the direction the speakers will face
 - the direction the stage will face
 - the noise barriers you'll use
 - how you'll measure noise
 - Reduce noise at the source
 - Noise monitoring
 - Complaints procedure and phone number.

It is considered that the EPA requirements coupled with the planning permit conditions excessive noise risks can be appropriately managed.

Alternative dates

The applicant has sought to have the option of amending dates for the festival in the event that the proposal which is primarily held over New Year's Eve. While it may be appropriate in some instance to reschedule the event such as times of extreme fire risk or more recently, COVID-19 lockdowns, the impact of this on adjoining landowners must be taken into account. Should a permit issue, it would be considered appropriate that surrounding landowners and occupants are informed if this is to occur. It is considered that a requirement for the permit holder to advise adjoining landowners through local media six weeks in advance of a new date be required by way of condition.

Antisocial activities of patrons

The proposed festival is aimed at 25 to 50 year olds as well as families. There are procedures in place to deal with any anti-social behaviours. The applicant has provided a Security Management Plan that identifies the existing controls for behaviours including:

- Assault
- Disturbing the peace/Abusive Language/Indecent Acts
- Violent persons or unusual activity
- Theft
- Racial Violence
- Drunk and disorderly patrons
- Underage drinking
- Crowd control.

Failure of the permit holder to adhere to the requirements of this plan would jeopardise the running of future events.

Biosecurity Risk

There is no evidence that the proposed use of the land is likely to cause any biosecurity risks to the subject site or surrounding agricultural uses. The applicant has provided a comprehensive waste management plan that details how waste from the event will be dealt with.

A review was completed of previous cases of trespassers. The Security Management Plan identifies the proposed measures to mitigate against this risk:

- A distinct line of permanent farm fencing is erected around perimeter
- Security personnel to be used on perimeter
- Control access points, including emergency exit points
- Effective presence of security personnel and effective communication
- UVA Drone to be monitoring areas
- Motorbike and ATV to be driving perimeter laps.

Two mobile ATV will be deployed to assist with transporting security, respond to incidents, injured persons and with property and perimeter patrols. Mobile patrols will also be conducted on a motorbike. Two motorbikes will be deployed throughout the event to keep fence jumpers and people off the adjoining perimeter fences and road ways.

A static Security Officer will be present for the duration of the event at (an objectors) property and random patrols conducted throughout the bump in, event and bump out. It is considered that these measures are sufficient to mitigate the risk of trespassers on to adjoining property.

Additionally, a condition has been included in the officer recommendation that prohibits persons associated with the event accessing adjoining properties.

Impact on traffic

Access to the property is via the Goulburn Valley Highway which is a major traffic route and capable of accommodating the proposed increase in traffic to the site. A comprehensive Traffic Management Plan was provided as part of the planning permit documents. This plan was reviewed by both council's engineering unit and the Department of Transport who are satisfied that the proposed plans are acceptable.

Unacceptable fire risk

The application was referred, under the Bushfire Management Overlay, to the CFA who provided conditional consent to the granting of the permit. The application is also supported by a Fire Management Plan that specifies that the event is to be cancelled on days of a Code Red and Extreme Fire Danger Ratings. The CFA require additional plans to be submitted for review prior

to each event. The conditions provided by the CFA have been included in the officer recommendation.

Compliance issues from previous events

Council was satisfied with compliance with the previously issued planning permits.

Council Plan/Strategies/Policies

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

Relevant Legislation

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

Financial Implications and Risk

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

Conflict of Interest

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

4.2 Planning Application - Amendment to Application 2020/103 - 3 Back Eildon Road, Thornton

Attachment(s)	Attachment 1 - Application documents [4.2.1 - 10 pages] Confidential Attachment 1 - Submissions (distributed to Councillor separately)
Presenter	C Gartland, Senior Planner
Approved by	Director Assets & Development
Purpose	For decision
Land:	3 Back Eildon Road, Thornton
Proposal:	Amendment to Planning Permit 2020
Applicant:	Bell Legal & Planning
Zoning:	Township
Overlays:	Floodway Overlay Heritage Overlay
Triggers:	Amendment to conditions of planning permit 2020/103

Locality Plan



Executive Summary

This application for an amendment to planning permit 2020/103 proposes to amend the current planning permit in regards to opening hours, patron numbers and allow for the inclusion of live music.

The site has planning approval for the use of the land for a café, a General Liquor License and a Notice of Decision to grant a Planning Permit has been issued for the use and development of the land for group accommodation.

The site is within the Township of Thornton. Thornton consists of a population of approximately 300 people (2016 census) and includes a butcher, general store, Rubicon Hotel-Motel, Goulburn River Lodge, a memorial hall, a caravan park, petrol station and a recreation reserve. The town is located on the Goulburn Valley Highway which is a major thoroughfare for tourists visiting Lake Eildon and the Rubicon Valley.

A planning permit is required for the use of the land for a café as it is in the Township Zone.

The application has been advertised to all adjoining landowners of the subject site. Five submissions objecting to the proposal were received from adjoining and nearby residents which generally relate to amenity impacts and carparking.

The café is situated on a busy through road within close proximity to the centre of town which is associated with amenity and traffic impacts. It is not considered that the extension of hours or patrons will impact on the amenity of for nearby residents.

It is considered that the additional hours and patron numbers will allow for greater access to dining services for both residents and tourists. The proposal aligns with encouraging business expansion and employment opportunities.

On balance the proposal meets the objectives of the Planning Policy Framework, Zone and Overlay controls.

It is recommended that Council resolve to issue a Notice of Decision to Grant a Permit in accordance with the Officer Recommendation.

RECOMMENDATION

That Council issue a Notice of Decision to Amend a planning permit for the Use of the land for a Cafe at 3 Back Eildon Road Thornton 3712 (LOT: 1 TP: 431776, Lot: 1 TP: 962705, Parish of Thornton), subject to the following conditions:

- 1. Prior to the commencement of the use, Lot: 1 TP: 431776 and Lot: 1 TP: 962705 must be consolidated.**
- 2. Prior to the commencement of works an amended site plan must be submitted and approved by the Responsible Authority. Such plan must be generally in accordance with the submitted plan but amended to show:**
 - a. The relocation of the carpark so it does not encroach by more than 10% on the Tree Protection Zone of the Elm tree at the front of the site**
 - b. Additional detail defining the area for the outdoor seating including any tables and chairs**
 - c. The location of staff parking.**
- 3. The layout of the site as shown on the endorsed plans, shall not be altered or modified without the consent in writing of the Responsible Authority**
- 4. The café may only be open to the public between the hours of 6:30am to 5:30pm Sunday to Thursday and 6:30am to 9:00pm Friday and Saturday, except with the written consent of the Responsible Authority.**
- 5. The café may only have a maximum of seventy-two patrons on site with a maximum of 36 patrons indoors and 36 patrons in outdoor seating areas at any one time unless with the prior written consent of the Responsible Authority**
- 6. The use hereby permitted shall not cause nuisance or injury to, or prejudicially affect the amenity of the locality, by reason of the appearance of any building, works, or materials on the land, the emission of noise, light spill, vibration, smell, fumes, smoke, vapour, steam soot, ash, dust, wastewater, waste products, or otherwise**
- 7. All sewage and sullage waters shall be treated in accordance with the requirements of the Environment Protection Authority and the Council. All effluent shall be disposed of and contained within the curtilage of the land and shall not discharge directly or indirectly to an adjoining property, street or any water course, water storage or dam. Sufficient land shall be set aside and kept available for the purpose of effluent disposal**
- 8. All wastewater must be treated to minimum 20/30 standard and disposed of according to the supplied LCA Report No: A200505 and is to be contained on-site.**

Due to proximity of Goulburn River and Flood Overlay over land, treated wastewater disposal must be located in the area as per LCA

- 9. Prior to the commencement of any works, including site works, the applicant shall obtain a septic tank permit from Council. Sewerage treatment must be by package treatment plant to the satisfaction of the Responsible Authority**
- 10. All refuse and rubbish associated with the use allowed must be removed from the area at least once weekly, and more often if required by the Responsible Authority**
- 11. Prior to commencing construction, a suitable prepared engineering plan detailing the proposed driveway, earthworks and drainage, erosion and sediment control measures must be submitted to the Responsible Authority and receive its endorsement**
- 12. Prior to the increase in patron numbers from 36 to 72, works associated with the provision of driveway, drainage and car parking, detailed construction plans in accordance with the endorsed plan, AS 2890 Part 1 Off Street Car parking and AS 3500 Part 3 Stormwater Drainage and to the satisfaction of the relevant authority must be submitted to and approved by the responsible authority. The design and plans must be drawn to scale with levels and dimensions and prepared by a suitable qualified person**
- 13. All stormwater and surface water discharging from the building and works must be conveyed to a point of discharge, approved by the relevant authority. No stormwater discharge from downpipes or overflow from storage tank and surface water shall be directed or caused to be directed in a concentrated form that will cause erosion and or adverse effects within the site or to adjoining land or properties**
- 14. The vehicular crossing which would be used for this development must be constructed or upgraded to the satisfaction of the responsible authority. Construction of the vehicular crossing must comply with the SD 260 of IDM for Urban Fringe Vehicle Crossings and should allow for a double driveway (6m at property line)**
- 15. Car spaces, access lanes and driveways must be kept available for these purposes at all times and guest car parking must be confined to the designated parking area within the site, as set out on the endorsed plan. Signs to the satisfaction of the Responsible Authority must be provided directing drivers to the area/s set aside for car parking and must be located and maintained to the satisfaction of the Responsible Authority. The area of each sign must not exceed 0.3 square metres.**
- 16. Live music may only be amplified between the hours of 11am and 5:30pm one Saturday per month unless otherwise agreed in writing by the Responsible Authority.**
- 17. Prior to the extension of operating hours to 9pm a Landscaping Plan must be submitted to and approved by the Responsible Authority. Once approved, these plans will be endorsed to form part of the permit. Such plan must show:
 - a) Screen planting along the North Western boundary for 30 metres from the northern corner of the subject site.**
 - b) Screen planting along the southern boundary for 30 metres from the southern corner of the subject site.****

Such planting must provide for screening between the subject site and the adjoining residential properties at 11 Back Eildon Road and 1332 Goulburn Valley Highway and must occur prior to the increase in patron numbers to the satisfaction of the Responsible Authority.

Planning Permit Expiry

This permit shall expire if the use commenced within two (2) years of the date hereof, or any extension of such period the Responsible Authority may allow in writing. A request for an extension of time may be made before or within 6 months after the permit expiry date, where the use or development allowed by the permit has not yet commenced, or within 12 months after the permit expiry date, where the development allowed by the permit lawfully commenced before the permit expired.

Summary of changes to original Planning Permit

Recommended amendments to existing conditions

Condition 4

The café may only be open to the public between the hours of 6:30am to 5:30pm Sunday to Thursday and 6:30am to 9:00pm Friday and Saturday, except with the written consent of the Responsible Authority

Condition 5

The café may only have a maximum of seventy-two patrons on site with a maximum of 36 patrons indoors and 36 patrons in outdoor seating areas ~~thirty-six patrons (including indoor and outdoor seating areas)~~ at any one time unless with the prior written consent of the Responsible Authority

Condition 12

~~Before construction works start~~ Prior to the increase in patron numbers from 36 to 72, works associated with the provision of driveway, drainage and car parking, detailed construction plans in accordance with the endorsed plan, AS 2890 Part 1 Off Street Car parking and AS 3500 Part 3 Stormwater Drainage and to the satisfaction of the relevant authority must be submitted to and approved by the responsible authority. The design and plans must be drawn to scale with levels and dimensions and prepared by a suitable qualified person

(Officers consider the original requirement of this condition to be satisfied)

Prior to the increase in patron numbers from 36 to 72, works associated with the provision of driveway, drainage and car parking, detailed construction plans in accordance with the endorsed plan, AS 2890 Part 1 Off Street Car parking and AS 3500 Part 3 Stormwater Drainage and to the satisfaction of the relevant authority must be submitted to and approved by the responsible authority. The design and plans must be drawn to scale with levels and dimensions and prepared by a suitable qualified person

Recommended Additional Conditions

Condition 16 as follows:

Live music may only be amplified between the hours of 11am and 5:30pm one Saturday per month unless otherwise agreed in writing by the Responsible Authority.

Condition 17 as follows

Prior to the extension of operating hours to 9pm a Landscaping Plan must be submitted to and approved by the Responsible Authority. Once approved, these plans will be endorsed to form part of the permit. Such plan must show:

- a) Screen planting along the North Western boundary for 30 metres from the northern corner of the subject site.**
- b) Screen planting along the southern boundary for 30 metres from the southern corner of the subject site.**

Such planting must provide for screening between the subject site and the adjoining residential properties at 11 Back Eildon Road and 1332 Goulburn Valley Highway and must occur prior to the increase in patron numbers to the satisfaction of the Responsible Authority.

The Land and Surrounds

The subject site is rectangular in shape and 7,800m². The frontage to Back Eildon Road measures 115 metres and a depth of 68 metres.

The site was previously used as a primary school and contains an old school building which is now used as a café. This building is considered to be of local historical significance and protected under the Heritage Overlay. The site also contains a toilet block, kitchen and office all associated with the use of the land for a café. There is also a bitumen basketball court which provides for seating associated with the café along with a sheltered area. Additionally, the oval from the use of the land for a primary school has remained undeveloped. The site contains significant established native and exotic vegetation. Screen planting has recently been planted along the frontage of the site.

The use of the site for a café commenced in November 2020 following planning approval being granted in October 2020. There have been some minor changes to the site with the building being painted, the installation of a new septic system and minor works to construct car parking spaces. None of these works required planning approval.

The subject site has four direct abutments, three of which are of similar size and are residential properties. Abutting the site to the west is an agricultural lot of approximately 49 hectares. There are five properties on the eastern side of Back Eildon Road which face the subject site.

The area can generally be characterised as a small mixed-use township, with residential and commercial uses throughout the town. Thornton consists of a population of approximately 300 people (2016 census) and includes a butcher, general store, Rubicon Hotel-Motel, Goulburn River Lodge, a memorial hall, a caravan park, petrol station, recreation reserve and some food and drink premises. The town is located on the Goulburn Valley Highway which is a major thoroughfare for tourists visiting Lake Eildon or Rubicon Valley.

Background

The subject site was previously zoned Public Use Zone – Schedule 2 (PUZ2). The PUZ2 identifies public land used for educational purposes. The use of the site for Thornton Primary School ceased in 2013. The site was rezoned in 2018 by the State Government to Township Zone.

An application for a planning permit for the use of the land for a café was received in July 2020. The application was referred and advertised to 25 neighbouring properties. Three objections were received which were unable to be resolved. Accordingly, the application was required to be determined by councillors at a meeting of Council. Council officers recommended approval of the

application subject to conditions. Council determined to issue a Notice of Decision to issue a planning permit for the proposed use. The decision was not appealed and planning permit 2020/103 was issued on 12 October 2020. The use of land for a café commenced in November 2020 however the café has been temporarily closed to the public since late 2021.

A Notice of Decision to Grant a Planning Permit was issued for the use of the land for group accommodation at the meeting of Council on Wednesday 23 February 2022. No appeals were lodged and the planning permit was issued on 30 March 2022.

An application for a General Liquor License was determined at the October meeting of Council. A Planning Permit for a General Liquor License was issued on 25 November 2021.

Proposal

This application is to amend the current planning permit in regards to opening hours, patron numbers and allow for the inclusion of live music.

Condition (4) of planning permit currently limits the opening hours to between the hours of 6:30am to 5:30pm daily except with the written consent of the Responsible Authority.

The applicant has proposed to extend the hours open to the public on Friday and Saturdays only, to 9pm to allow for a dinner service.

Condition (5) limits the patron numbers to 36 patrons in total for both indoors and outdoors. It is proposed to be amended to allow for 72 patrons to the café.

The proposal originally included the use of the land for a market four times a year and for a General Liquor License, however, these aspects have both been removed.

Cultural Heritage Management Plan

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

Council officers have discussed the proposal at length with officers of the Department of Premier and Cabinet in relation to the requirements for a Cultural Heritage Management Plan. While a CHMP is required for a change of use, the proposed amendment is not a change of use as determined under the regulations.

A Cultural Heritage Management Plan is not required for the proposed amendment to Planning Permit 2020/103.

Community and Stakeholder Consultation

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

- Notice to adjoining and surrounding landowners
- Sign on site

Following the notification period, 5 submissions objecting to the proposal were received from adjoining and nearby residents. The submissions can be summarised as follows:

- Car parking availability on the site
- Noise impacts from cars arriving and leaving from opening to closing times
- Concerns that the plans are not to scale and there is not sufficient space for carparking

- Live music impact on the residents quiet living environment and concerns that this will be permitted until 9pm
- Impact on residential lifestyle in the area
- Number of toilet cubicles available for patrons is insufficient
- Headlights impacting on residents from patrons leaving at 9pm
- Landscaping required for privacy for residents
- Concerns with operation of café not in compliance with current planning permit
- Amenity impacts associated with the malfunctioning of the effluent system

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

A meeting was held with the objectors, council officers and four councillors on 23 November 2021. No objections were withdrawn following this meeting. At this meeting, an additional issue of speeding vehicles along Back Eildon Road was raised. This cannot be considered as part of the current amendment application. The objectors were advised to put a separate request in writing which will be assessed under the *Road Management Act 2004*.

Referrals

The application was referred to Goulburn Broken Catchment Management Authority.

Discussion - Planning Considerations

Planning Policy

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

Clause 02.02 - Vision

Clause 02.02 Vision includes:

- Council seeks to enhance the livability, amenity and quality of life in the municipality
- Council will facilitate sustainable population and economic growth
- A strong economy will attract people to the municipality, creating further opportunities for lifestyle choice, business investment and prosperity
- Increased economic growth and investment will enhance population growth, employment and social and cultural benefits for the municipality.

It is considered that the proposal is consistent with the vision of the shire. The proposed use will be beneficial from an economic perspective and allow for employment opportunities. The additional hours and patron numbers will allow for additional dining options within the township of Thornton.

It is acknowledged that an increase in patron numbers and hours has the potential to impact on the amenity and liveability for nearby residents. Amenity impacts such as noise, light, carparking are considered to be able to be mitigated by conditions included in the officer recommendation.

Clause 02.03 Strategic Directions – Economic Development

Clause 02.03 Strategic Directions – Economic Development – ‘In promoting economic development, Council supports:

- Encouraging business expansion, investment and employment
- Facilitating the growth of home-based business, small businesses, niche industries and rural based industries

- Encouraging sustainable growth in tourism, leveraging Murrindindi Shire's natural assets, proximity to Melbourne and links with neighbouring regions
- Encouraging small enterprises in tourism, creative arts, home-based businesses, overnight accommodation and farm enterprises and markets that showcase local produce.

The proposal aligns with encouraging business expansion and employment opportunities. The proposed use relates to the leveraging of Murrindindi natural assets as it will provide for a service for those on a popular tourist route to attractions including Lake Eildon and Rubicon River.

Clause 11.01-1S Settlement

The objective of this policy is to promote the sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlements and includes a strategy to develop sustainable communities offering convenient access to jobs, services, infrastructure and community facilities.

The existing use of the land provides access to employment and services for the community. The central location of the café is within walking distance for several residential dwellings as well as the caravan park. The additional hours and patron numbers will allow for greater access to dining services for both residents and tourists.

Clause 13.07-1S Land Use Compatibility

The objective of land use compatibility policy is to safeguard community amenity while facilitating appropriate commercial, industrial or other uses with potential off-site amenity impacts.

The location of the café is near residential uses which can have consequential land use conflicts.

The increase in patrons has the potential to exacerbate amenity concerns with surrounding landowners. This is due to increased associated noise and carparking issues.

The increase in hours to 9pm has the potential to impact on the surrounding residents in a manner that is not currently an issue. This is due to noise in the evening and light spillage from headlights accessing the carparks.

Due to these increased amenity concerns additional conditions have been placed on the planning permit. This includes limitations on live music playing hours and a requirement for landscaping to reduce light spillage impacts onto residential properties due to the later operating hours.

Clause 13.05-1S Noise Abatement

The objective of this policy is to assist the control of noise effects on sensitive land uses. The strategies to achieve this ensure that development is not prejudiced and community amenity is not reduced by noise emissions, using a range of building design, urban design and land use separation techniques as appropriate to the land use functions and character of the area.

An increase in patron numbers, hours, and the inclusion of live music at the site has the potential to impact on surrounding residential uses.

However, when assessing noise abatement impacts it is essential that the characteristics of the surrounding area are taken into consideration. The café is situated on a busy through road within close proximity to the centre of town creating which is associated with noise impacts. Given the proposed hours of operation it is considered that noise impacts can be sufficiently managed through conditions.

Clause 17.02-1S Business

This policy encourages the development that meets the community's needs for retail, entertainment, office, and other commercial services. This can be achieved through the location of commercial facilities in existing activity centres to provide small scale shopping opportunities that meet the needs of residents and workers in convenient locations.

The proposed extension of hours will continue to provide the community and visitors to the area with an additional food and drink premises within the existing activity centre. The site is located within walking distance of other attraction within the township of Thornton. Furthermore, it is located on a busy road being a popular route to access Eildon. The site is also located close to Goulburn Valley Highway.

Clause 17.04-1S Facilitating Tourism

The objective of this planning policy is to encourage tourism development to maximize the economic, social and cultural benefits of developing the state as a competitive domestic and international tourist destination. Strategies include encouraging the development of a range of well-designed and sited tourist facilities, promoting tourism facilities that preserve, are compatible with and built on the assets and qualities of surrounding activities and attractions and creating innovative tourism experiences.

It is considered that the use of the land for a café provides a valuable addition to encouragement of tourism in the locality. Located on a popular tourist route, the cafe provides a service that is considered to encourage and support tourism in the municipality. It is particularly valuable for those travelling to Eildon or the Rubicon Valley. The extension of hours and patron numbers will allow for the café to be accessible and provide an expanded tourist facility.

Clause 32.05 - Township Zone

The purpose of the Township Zone is:

- to provide for residential development and a range of commercial, industrial, and other uses in small towns
- to encourage development that respects the neighbourhood character of the area
- to allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.

The Township Zone falls under the overriding categorisation as a Residential Zone. However, it differs from other residential zones in what is permitted and encouraged. Township Zones are generally in smaller townships whereby services are located in closer proximity to residential uses than in larger towns.

The use of the land for a café has previously been approved by Council.

The decision guidelines for assessing this proposal include:

- the protection and enhancement of the character of the town and surrounding area including the retention of vegetation
- in the absence of reticulated sewerage, the capability of the lot to treat and retain all wastewater in accordance with the State Environment Protection Policy (Waters of Victoria) under the *Environment Protection Act 1970*
- the effect that existing uses on adjoining or nearby land may have on the proposed use
- the safety, efficiency and amenity effects of traffic to be generated by the proposal.

The café is considered a positive addition to the character of the town. The proposal has resulted in improvements to the land with the maintenance and the upkeep of the site for the use of the

café. The integrity of the heritage building is considered to be respected and had a positive impact on the amenity of the area.

The lot is considered capable of accommodating all wastewater on site. However, there have been some concerns raised with the functioning of the current system. These have been investigated by Council and will be rectified. The proposal has been internally referred to the Environmental Health Unit who have advised that the existing system is able to accommodate the increase in patrons and operating hours.

The existing uses of adjoining and nearby land have been considered in the assessment of the application. This is considered especially relevant in the Township Zone which allows for a range of uses to occur within close proximity of each other. The nature of the proposal and the setbacks from sensitive uses such as residential have been considered.

Traffic impacts have been considered in the assessment of the proposed extension of use. The site is accessed from a major road that is maintained by council. While the traffic impacts attributable to this development have been considered to be manageable, this must also take into account the existing traffic impacts associated with the area as it is a popular tourist route to Lake Eildon.

Clause 44.03 - Floodway Overlay

The purpose of the Floodway Overlay is, 'to ensure that any development maintains the free passage and temporary storage of floodwater, minimises flood damage and is compatible with flood hazard, local drainage conditions and the minimisation of soil erosion, sedimentation and silting'.

As no development was proposed as part of this application a mandatory referral was not required to Goulburn Broken Catchment Management Authority (GBCMA). Notice of the application was provided to GBCMA who did not object to the proposal or provide conditions.

Clause 43.01- Heritage Overlay

The purpose of the Heritage Overlay is to conserve and enhance those elements which contribute to the significance of heritage places and ensure that development does not adversely impact on the significance of heritage places.

The planning permit amendment application is for use only and as such is not assessed under the Heritage Overlay.

The works that have been undertaken on the site did not require planning approval and included things such as the placement of planter boxes and outdoor tables. The building has been maintained and restored in a respectful and positive manner.

Clause 52.06 - Car Parking

The purpose of Clause 52.06 is 'to ensure the provision of an appropriate number of car parking spaces having regard to the demand likely to be generated, the activities on the land and the nature of the locality'.

The land use of café is not specified by the planning scheme. Accordingly, Council Officers are required to determine the best fitting definition. In this instance, it was determined that for the purpose of car parking the café in its original form falls under the definition of 'Food and Drink Premises'. The proposed increase in the use of the land to include evening meals and live music one afternoon per month would align the use of the land more towards the definition of 'Restaurant'. That said, the application is not proposing to change the use itself, but the conditions under which the existing café operates. The inclusion of evening dining and live music are not proposed to occur at the same time with live music to cease at 5:30pm.

Using the provisions for a 'Food and Drink Premises', the measure for determining car parking requirements is determined by the gross floor area of the leasable area. The rate is 4 car parking spaces per 100m² of the leasable floor area of buildings with specified exclusion areas.

This would require 6 car parking spaces as it is based solely on the internal buildings and does not take into consideration outdoor dining. It is considered that this number is grossly inadequate for what is proposed.

Land uses such as a 'Restaurant' or 'Convenience Restaurant' specify the number of car parks based on patron numbers. The rates associated with these uses have been taken into consideration in the assessment of this application for the additional 36 patrons. Using this definition, based on the proposed total of 78 patrons, 30 car parking spaces would be required. 25 spaces, including 7 on the street are available.

Additionally, one car parking space is provided to each of the four accommodation units approved as part of Planning Permit 2021/102.

Given the limitations of the site and the characteristics including outdoor dining, 18 car parking spaces are to be provided on the site with an additional 7 car parking spaces available in front of the site on the western side of Back Eildon Road. Outside of the site, additional car parking spaces are available however it is incumbent on all vehicle users to abide by the requirements of the *Road Safety Act 1986* in relation to car parking.

It is considered that in addition to technically meeting the Car Parking requirements the proposal has accounted for the characteristics of the proposal and the limitations of the site

Discussion - Submissions

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

- *Car parking availability on the site*

As discussed above, the proposal meets the requirements of the planning scheme. The car parking provided is comparable to the requirements for other similar uses.

- *Noise impacts from cars arriving and leaving from the proposed opening to closing times*

When assessing the noise impacts associated with the cars the characteristics of locality have been taken into consideration. This includes the setbacks from surrounding residential uses, the major roads (Back Eildon Road and Goulburn Valley Highway) and the operation of other businesses. It is not considered that car noises within these hours will have a notable impact on the amenity of the area more than the existing noise impacts.

It is noted that Rubicon Hotel which is located within 200 metres of the subject site is advertised as open to 1am each night. This site allows for 340 patrons to be on the site at any one time. Further, it is considered that there would be expected amenity impacts from the caravan park.

- *Concerns that the plans are not to scale and there is not sufficient space for carparking*

Council Officers including Council Engineers are satisfied that the plans are to scale and that there are appropriate areas aside for car parking. The car parking will be required to be constructed in accordance with the endorsed plans.

- *Live music impact on the residents quiet living environment and concerns that this will be permitted until 9pm*

Live music has been included in the proposal for one Saturday each month from the hours of 11am to 5:30pm.

Live music is not technically a planning permit trigger as it would already be possible in associated with the existing use of the land for a café.

However, given that Condition 6 prohibits any noise impacts from the property it has been considered in the amended application.

Accordingly, the Condition 16 has been included in the officer recommendation that limits the playing of outdoor music to one Saturday a month to 5:30pm unless with the written consent of the Responsible Authority.

Given the frequency and timing of the proposed live music it is considered that the amenity impacts will be minimal, particularly on a Saturday afternoon.

- *Impact on residential lifestyle in the area*

As has discussed above, the locality is in the Township Zone which encourages and permits a range of uses that would not be permitted in another residential zone. This includes the Rubicon Hotel, Thornton General Store, Thornton Butcher, Thornton Caravan Park and the previously approved petrol station.

A café is considered to be a compatible use for the township with manageable amenity impacts.

- *Number of toilet cubicles available for patrons is insufficient*

This is not a planning consideration; however, the proposal includes 2 female toilets, 1 male toilet and urinal and an accessible toilet. A staff toilet has also been included.

This has been referred to the building department who have confirmed that the number of toilets exceeds the requirements of the building code. Under the building code, one toilet is required per 25 female patrons and one toilet is required per 100 male patrons plus one urinal per 50 male patrons.

- *Headlights impacting on residents due to patrons leaving at 9pm*

The amended to the hours is considered to have an additional impact due to light spillage associated with people arriving and leaving the site after sunset.

Accordingly, Condition 17 has been included to require screen planting along boundaries with sensitive uses to mitigate these impacts.

- *Landscaping required for privacy for residents*

Additional landscaping requirements have been included in the officer recommendation to mitigate privacy impacts associated with the increase in patrons to the site.

- *Concerns with operation of café not in compliance with current planning permit*

Compliance matters are not able to be considered in an assessment of a planning permit application. While officers must have regard to the ability of the applicant to comply with the conditions of the permit, these are not grounds for refusal.

- *Amenity impacts associated with the malfunctioning of the effluent system*

Compliance matters are not able to be considered in an assessment of a planning permit application. While officers must have regard to the ability of the applicant to comply with the conditions of the permit, these are not grounds for refusal.

Conclusion

It is considered that this proposal is consistent with the provisions of the Murrindindi Planning Scheme. The use of the existing building for a café is considered an appropriate activity in the Township Zone. It is supported by local and state planning policy as it will provide a service to the community and tourists to the area. It is considered that any amenity impacts can be mitigated with appropriate conditions.

Relevant VCAT cases

Tossoll v Murrindindi Shire Council (VCAT reference P1723/2019) related to an application to reinstate the use of a building for a petrol station. The decision of Council was upheld by VCAT and allowed for the petrol station site to operate during the hours of 6am to 10pm Monday to Friday inclusive and 7am to 8pm Saturday and Sunday. The following findings by Member Fong are relevant to this application:

12. As commented at the hearing, the Township zoning of the land is clear of what land uses are anticipated. It is a zone for smaller towns in Murrindindi which are compact and where a number of commercial and industrial uses are permitted subject to a permit. Relevant planning policies also seek to facilitate commercial and industrial uses that serve the local community and promote the economic well-being of the region. The proposed re-use of a former service station on a main road and abutting a caravan park is one that service the local community and in assisting and enhancing the tourism attraction of the region.
25. A proposal causing some amenity impact does not mean a proposal must fail. The zoning of the land and relevant planning policies demonstrate that planning is to facilitate uses that would be of benefit to the community. It is a matter whether the amenity impact is excessive or can be managed to achieve community accepted standards.

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 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* strategic objective “to prioritise and promote a culture in which the economy, businesses and community can grow and thrive”.

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

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

Relevant Legislation

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

Financial Implications and Risk

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

Conflict of Interest

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

4.3 Contract 21/32 – Yea Caravan Park - Bridge Renewal - Stage 2 - Construction - 2021/2022

Attachment(s)	Attachment 1 - Temporary Track Details - Typical Cross Section & Proposed Location [4.3.1 - 1 page] Confidential Attachment 1 - Yea Caravan Park Bridge Construction Contract Award (distributed to Councillors separately)
Presenter	V Albicini, Director Assets & Development
Approved by	Director Assets & Development
Purpose	For decision

Executive Summary

The purpose of this report is for Council to appoint a contractor for CONT21/32 – The Renewal and Upgrade of the Yea Caravan Park Bridge over the Yea River, Court Street, Yea. This contract is a lump sum contract with construction planned to be completed by December 2022.

The tender for these works closed on the 20 December, 2021 at 3pm. One submission was received with the Tender price being greater than the project budget. Council sought additional funding from the funding agency, from Goulburn Valley Water (GVW) and Council's Infrastructure Reserves to support the delivery of the project.

A detailed evaluation process was undertaken in line with Council's Procurement Policy and against the tender evaluation criteria by a Tender Evaluation Committee (TEC).

Based on the evaluation undertaken, the TEC recommended that Tender 1 be awarded the CONT21/32 for the Renewal and Upgrade of the Yea Caravan Park Bridge over the Yea River, Court Street, Yea for the lump sum price of \$1,090,035.

RECOMMENDATION

That Council:

1. accept the tender from Tenderer 1 for Alternative 1 and award CONT21/32 – Construction Contract – for the Renewal and Upgrade of the Yea Caravan Park Bridge over the Yea River, Court Street, Yea – for a lump sum Price of \$1,090,035 to complete all required works
2. approve the allocation of \$50,000 as a contingency amount to be used for the delivery of this contract as detailed in this report

3. note it will receive \$150,000 additional funding through the Federal Bridge Renewal Program increasing its funding contribution from \$330,000 to \$480,000 towards the project
4. note it will receive \$150,000 funding contribution from Goulburn Valley Water (GVW) to assist in funding the project
5. approve the reallocation of \$175,000 from the Infrastructure Reserve to assist in funding the project
6. approve the reallocation of \$25,000 of savings from the Yarck Bridge Reconstruction project to assist in funding the project
7. note that Officers will seek a further funding contribution of \$25,000 through the Federal Bridge Renewal Program;
8. note that the total revised project budget after receiving all additional funding is \$1,160,000
9. release the name of Tenderer 1 as part of the Minutes of the Scheduled Meeting of 27 April 2022.

Background

The Yea Caravan Park entry bridge is an existing single lane bridge that was built in the 1960s and is no longer fit for purpose. The bridge is showing increasing instability proportionate with its age, requires high maintenance and does not provide separate pedestrian access to the park.

The proposed project will look to construct a replacement structure that is a new single-lane bridge capable of supporting the standard SM1600 load rating (unrestricted). The alignment of the new bridge is to be maintained close to that of the existing and not exceeding the road reserve width located at the site.

The new bridge will provide a greater structural efficiency, reduce deflections and eliminates the ingress of water to the bridge joints. The elimination of mechanical connections results in a lower whole of life maintenance costs as well as an improved bridge appearance. Further to the above benefits, the new bridge design will better match the waterway geography and will result in less water bottlenecking in major rain events.

The scope of works include:

- Demolition of the existing bridge
- Construction of new bridge
- Civil works
- Replacement of the existing 100Ø DI water main connected to the existing bridge (approximately 30 metres)
- Replacement of the existing 100Ø DI sewer rising main connected to the existing bridge (approximately 30 metres).
- Replacement of the remaining section of the existing 100Ø DI sewer rising main (approximately 60 metres).

Discussion

The request for tender was advertised from 1 December, 2021 in the following publications:

- Alexandra & Eildon Standard
- Yea Chronicle
- The Local Paper
- E-Tender Search portal.

Tender specifications were prepared by Council officers and consultants. This included a geotechnical report, detailed bridge design and a schedule of quantities.

The tender for these works closed on 20 December 2021 at 3pm. There was one submission received at the close of tender.

Council's Procurement Policy requires that all tenders be evaluated by a Tender Evaluation Committee (TEC). The TEC responsible for evaluating this tender comprised of:

- Special Projects Engineer (Chair)
- Coordinator Project Delivery
- Project Engineer.

Tenders were assessed against the following criteria:

- Price – 50%
- Capacity to Deliver (resources, equipment) – 20%
- Capability to deliver (OH&S, systems) – Pass/Fail
- Understanding of the requirements (Program & Methodology) - 20%
- Previous experience – 10%.

Upon an initial review of the submission, the TEC found no omissions or issues requiring clarification within their submission.

The submission included a non-conforming alternative proposal (alternative 1) and a conforming submission. This alternative proposal was a design and construct option which offered considerable reduction in costs for Council, while proposing a temporary access into the caravan park from the Goulburn Valley Highway for the 6 weeks' timeframe required to renew the bridge structure. This temporary access is planned to be an all-weather track with the contractor responsible for maintaining trafficability for the duration of the works.

Based on the analysis undertaken by the TEC, the alternative proposal (Alternative 1) of Tenderer 1 is the recommended tender that should be awarded a contract. They are considered capable and competent with the financial capacity, resource capacity, knowledge and experience to undertake and deliver the works. They have also provided a lower cost option that will deliver a new bridge to the required specifications.

A reference check was also completed on the preferred Tenderer.

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

Based on the analysis undertaken, the TEC recommends Tenderer 1 be awarded CONT21/32 - Yea Caravan Park - Bridge Renewal - Stage 2 - Construction - 2021/2022 - for the alternative option (Alternative 1) for a lump sum price of \$1,090,035.

Council Plan/Strategies/Policies

This report supports the *Council Plan 2021-2025 Resilient Communities* strategy to “provide and promote safe, passive and active recreational opportunities that will enhance the health, and wellbeing of residents and visitors”.

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 “support and promote our tourism and events sector to boost the economy through increased visitation”.

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 process for these works was carried out in accordance with Council’s Procurement Policy and section 186 of the *Local Government Act 2020*.
Road Management Act 2004.

Financial Implications and Risk

The total project budget for the Yea Caravan Park Bridge is \$660,000 and \$150,000 for service upgrades to be funded by Goulburn Valley Water (GVW). This is insufficient to complete the project. The revised project budget required to complete the works as detailed below is \$1,160,000 and further funding is required. Council has secured additional funding from Goulburn Valley Water and through the Federal Bridge Renewal Program. Council will also be required to allocate additional funding from capital works savings and infrastructure reserves.

Below is the apportionment of the additional funds to achieve the revised total project budget.

Table 1:

Funding Source	Previous	Additional funding requested	Total Revised amount
Federal Bridge Renewal Program Grant Contribution	\$330,000	\$150,000	\$ 480,000
Council Capital Contribution. Increased by further \$175,000 drawn from infrastructure reserve	\$330,000	\$175,000	\$ 505,000
From savings of Yarck Contingency (Total \$156,459.30)	\$0	\$25,000	\$25,000
GVW Contribution	\$150,000	\$0	\$150,000
Total Budget	\$810,000	\$350,000	\$ 1,160,000

The total overall project cost is summarised below:

Table 2:

Description	Cost (Excluding GST)
Tender price (Alternative 1)	\$1,090,035
Contingencies	\$50,000
Total Contract Cost	\$1,140,035
Preliminaries (Engineering Consultation)	\$5,965
Project Management	\$14,000
Total Overall Project Cost	\$1,160,000

An allowance of \$50,000 is available for contingencies to cover any latent conditions that may be experienced during the delivery of the project.

Conflict of Interest

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

Community and Stakeholder Consultation

The Caravan Park operators have been consulted on the proposed alternate access track. Initial discussions with Regional Road Victoria have occurred and formal approvals for the proposed access track will be required. An initial discussion has occurred with the Yea Wetlands Committee and a more detailed communication and consultation plan will be developed that will include regular meeting to discuss the temporary access arrangements. Ongoing consultation will occur with the Yea Caravan Park operators throughout the delivery of the project.

4.4 Contract 21/33 – Alexandra Youth Precinct – Tender Award

Attachment(s)	Attachment 1 - Alexandra Youth Precinct - Updated Overview [4.4.1 - 1 page] Confidential Attachment 1 - Confidential Attachment 1 - Contract 21/33 - Alexandra Youth Precinct Upgrade 2021 2022 - Contract Award Report (distributed to Councillors separately)
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 CONT21/33 - Construction Contract for the upgrade of the Alexandra Youth Precinct.

The scope of the contract is to construct an upgraded playground facility at the Alexandra Rotary Park and Hec Ingram Reserve play precincts. This contract is a six (6) month lump sum contract with a schedule of rates for variation items.

Tenders were called on 16 March 2022 and two submissions were received. A detailed evaluation process was undertaken in line with Council's Procurement Policy and against tender evaluation criteria by a Tender Evaluation Committee (TEC).

Based on the evaluation, the TEC recommended Tenderer 1 be awarded Contract 21/33 for the upgrade of the Alexandra Youth Precinct for a lump sum price of \$1,624,950. It is further recommended that a contingency of \$60,000 be allocated for unforeseen variations over the six (6) month contract period.

RECOMMENDATION

That Council:

1. **Accept the tender from Tenderer 1 and award CONT21/33 for the upgrade of the Alexandra Youth Precinct – for a lump sum Price of \$1,624,950 to complete all required works;**
2. **Approve the allocation of \$60,000 as a contingency amount for the delivery of this project as detailed in this report;**
3. **Approve the allocation of \$174,189 from open space reserve to assist in funding the project. This will increase the total project budget from \$1,550,000 to \$1,724,189; and**
4. **release the name of Tenderer 1 as part of the Minutes of the Scheduled Meeting of 27 April 2022.**

Background

Alexandra's main community play space is located at the Alexandra Rotary Park and Hec Ingram Reserve. The existing space and equipment currently do not meet Council's all-abilities guidelines.

Council is seeking to renew and upgrade this playground and area adjoining the skate park, activating the space and promoting active living for all ages and abilities.

Over the last two years, Council has worked in conjunction with Convic and Trinity Skateparks to consult with the community in the development of a concept design and the finalisation of a detailed design.

This Contract is for the upgrade and redevelopment of the Alexandra Rotary Park and Hec Ingram Reserve, including demolition, footpath and landscape works, pump track creation, supply and installation of playground equipment and other structures. This will also include a 12 week post practical completion vegetation & landscaping maintenance period as per specification in addition to the standard 12 month defect liability period, before hand over back to Council.

Council requires the submission to strictly comply with the specification and standards outlined in the Trinity Skateparks detailed design and specifications, which are included as attachments.

Discussion

The request for tender was advertised from 25 February 2022 in the following publications:

- Alexandra & Eildon Standard
- Yea Chronicle
- The Local Paper
- E-Tender Search portal.

Tender specifications included construction details, construction plans and a schedule of quantities.

The tender for these works closed on 16 March 2022 at 3pm. There were two submissions received at the close of tender.

Council's Procurement Policy requires that all tenders be evaluated by the Tender Evaluation Committee (TEC). The TEC responsible for evaluating this tender comprised of:

- Acting Coordinator Major Projects (Chair)
- Coordinator Project Delivery
- Manager Community Wellbeing.

Tenders were assessed against the following criteria:

- Price – 40%
- Capacity to Deliver – 10%
- Insurance, OH&S & Systems – Pass/Fail
- Understanding of the requirements/relevant experience - 10%
- Local Jobs Policy – Industry Development – 10%
- Local Jobs Policy – Job Outcomes – 10%
- Use of sustainable and/or recyclable materials – 20%.

Both submissions were assessed for compliance prior to evaluating. The Committee deemed one submission compliant and one submission was deemed non-conforming. The compliant submission was then evaluated to consider the supplier's ability to meet the requirements of the

contract including their ability to deliver the works by the required timeline. The non-conforming tender had multiple critical material omissions and the tender was set aside.

A reference check was completed on the preferred supplier.

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

Based on the analysis undertaken, the TEC recommend Tenderer 1 be awarded CONT21/33 for the upgrade of the Alexandra Youth Precinct - for a lump sum price of \$1,624,950

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 “maintain transparent, inclusive and accountable governance practices”.

Relevant Legislation

The procurement process for these works was carried out in accordance with Council’s Procurement Policy and section 186 of the *Local Government Act 2020*.

Financial Implications and Risk

The total budget for the Alexandra Youth Precinct - Upgrade is \$1,550,000. Below is the apportionment of the budget as per the grant agreements.

Table 1:

Funding Source	Amount
Victorian Government Contribution (SRV)	\$ 250,000
Victorian Government Contribution (RDV)	\$ 800,000
Council Capital Contribution	\$500,000
Total Budget	\$ 1,550,000

The total overall project cost is summarised below:

Table 2:

Description	Cost
Tender Price	\$1,624,950
Contingencies	\$60,000
Total Contract Cost	\$1,684,950
Preliminaries (Engineering & Consultation)	\$19,239
Project Management	\$20,000
Total Overall Project Cost	\$1,724,189

An allowance of \$60,000 is available for contingencies to fund any latent conditions or any other unforeseen circumstances. An additional \$40,000 is included in the contract award under day works as a provisional item if required bringing the total contingency amount up to \$100,000.

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

Table 3:

Project	Available Budget	Total Project Cost	Variance
Total Overall Project Cost (includes this tender)	\$ 1,550,000	\$ 1,724,189	\$ 174,189

There is a variance of \$174,189 which requires additional funding to deliver the project. It is recommended that these additional funds be allocated from the Open Space Reserve to form an additional Council contribution.

The budget variance is due to the industry being very busy at the moment, Council's original grant application and estimate were prepared in mid-2020 with grant agreement signed in 2020. Current demand for contractors across the state has impacted many of our contracts which may be why Council received two tender submissions. It is the view of the TEC that in this case Council's interests may be best served by awarding the tender despite the increase as market contacts in the playground construction industry have indicated a significant amount of work in the coming 12 months, as a consequence retendering may actually increase the price.

Table 4:

Source	Additional Funds Required	Total Project Budget
Open Space Reserve – (Council)	\$ 174,189	\$ 1,724,189

Any remaining budget contingencies at the completion of the project will be reported to Council as part of the regular capital works reporting.

Conflict of Interest

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

Community and Stakeholder Consultation

External consultation with community was undertaken during the design stage of this project. Where possible, these ideas were incorporated into the design. Additional consultation was undertaken with adjoining business owners based on concerns around changes to parking in the area. This updated design was confirmed to have no impact on the vehicle requirements in this area.

4.5 Contract 22/2 - Blue Gums to Eildon Recreational Trail

Attachment(s)	Confidential Attachment 1 - Blue Gums to Eildon Recreational Trail Confidential Report (distributed to Councillors separately)
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 CONT22/2 – Blue Gums Caravan Park to Eildon – Recreational Trail.

The scope of the contract is to construct a shared user trail along Back Eildon Road on the road reserve between the Blue Gums Caravan Park and the Eildon Pondage. This is a lump sum contract with works to be completed by November 2022.

Tenders were called on 17 March 2022 and two submissions were received. A detailed evaluation process was undertaken in line with Council's Procurement Policy and against the tender evaluation criteria by a Tender Evaluation Committee (TEC).

Based on the evaluation undertaken, the TEC recommended that Tender 1 be awarded the CONT22/2 for the construction of recreational trail for the lump sum price of \$1,596,809.

RECOMMENDATION

That Council:

- 1. accept the tender from Tenderer 1 (Subject to a financial check score returned of marginal or above) and award CONT22/2 – Blue Gums Caravan Park to Eildon – Recreational Trail – for a lump sum Price of \$1,596,809 to complete all required works**
- 2. approve the allocation of \$46,191 as a contingency amount to be used for the delivery of this contract**
- 3. release the name of Tenderer 1 as part of the Minutes of the Scheduled Meeting of 27 April 2022.**

Background

The Blue Gums to Eildon Rail Trail project will see the construction of a 2.6-kilometre walking and cycling trail between Eildon Town Centre, the pondage, Outdoor Education Group (OEG) Centre and the Blue Gums Holiday Park. The trail will provide off-road, safe access for day and overnight visitors along the picturesque Back Eildon Road and Goulburn River. The trail will link the popular Park with and encourage greater use of Eildon's parks, playgrounds, facilities and businesses.

The project primary objectives are as follows:

- Creation of a safe, traversable link between key visitor accommodation facilities and the retail precinct in Eildon township to encourage visitor expenditure in local shop
- Encourage tourism visitation to Eildon in the off and on season.
- Increased tourist expenditure in local shops
- Increased employment during the construction phase
- Increased employment in retail and hospitality sectors.

Construction of all items as follows:

- Clearing and grubbing
- Earthworks
- Rail Trail pavement & Surfacing
- Property access crossing
- Drainage
- Street & Roadside Furniture
- Barrier fences
- Landscape and reinstatement work
- Vegetation removal
- Tree planting
- Pit stops and rest areas
- Line-marking.

Discussion

The request for tender was advertised from 10 December 2021 in the following publications:

- Alexandra & Eildon Standard
- Yea Chronicle
- The Local Paper
- E-Tender Search portal.

Tender specifications were prepared by Council officers and consultants. This included all relevant environmental impact assessments, cultural studies, design for construction, contract documentation and tree planting guide.

The tender for these works closed on the 17 March 2022 at 3pm. There were two submissions received at the close of tender.

Council's Procurement Policy requires that all tenders be evaluated by a tender evaluation committee (TEC). The TEC responsible for evaluating this tender comprised of:

- Special Projects Engineer (Chair)
- Coordinator Project Delivery
- Capital Works Engineer.

Tenders were assessed against the following criteria:

- Price – 40%
- Capacity to Deliver (resources, equipment) – 10%
- Capability to deliver (OH&S, systems) – Pass/Fail
- Understanding of the requirements (Program & Methodology)/Relevant Experience - 10%
- Local Jobs Policy-Industry Development-10%
- Local Jobs Policy-Job Outcomes-10%
- Use of Sustainable and/or Recycled materials-20%.

Upon an initial review of the submissions, the TEC found no omissions or issues requiring clarification within their submissions.

The tenders were assessed with particular attention to the evaluation criteria requirements.

A reference check was then completed on the preferred tenderer.

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

Based on the analysis undertaken, the TEC recommends Tender 1 be awarded CONT22/2 for the construction of the recreational trail for the lump sum price of \$1,596,809.

Council Plan/Strategies/Policies

This report supports the *Council Plan 2021-2025 Resilient Communities* strategy to “provide and promote safe, passive and active recreational opportunities that will enhance the health, and wellbeing of residents and visitors”.

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* strategic objective “to

prioritise and promote a culture in which the economy, businesses and community can grow and thrive”.

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

Relevant Legislation

The procurement process for these works was carried out in accordance with Council’s Procurement Policy and section 186 of the *Local Government Act 2020*.
Road Management Act 2004.

Financial Implications and Risk

The total project budget for the construction of Blue Gums Caravan Park to Eildon - Recreational Trail is \$1,960,000. This was to be made up of \$1,770,000 from Regional Development Victoria (RDV) grant funding and \$190,000 from Council. The grant agreement however provided the opportunity for Council to deliver the project utilising all of RDV funding before any Council funding is needed. Thus, it was possible to deliver the project with no funding contribution from Council if the project could be delivered within the RDV funding allocation of \$1,770,000.

Based on the estimates at the time, Council noted an amount of up to \$190,000 would be available as a grantee contribution to the overall project to cover any contingencies or vegetation offsets required. This budget allocation was presented in the project management plan originally submitted along with Council’s grant application to RDV. If required, it was intended to draw up to \$190,000 of funds from the infrastructure reserve however, as the overall project cost has come in under the original estimate outlined in the project management plan, no Council funding allocation is required at this stage.

The total overall project cost is summarised below:

Table

Description	Cost
Tender price (Alternative 1)	\$1,596,809
Contingencies	\$46,191
Total Contract Cost	\$1,643,000
Preliminaries (Engineering Consultation)	\$15,000
Vegetation offsets	\$100,000
Project Management	\$12,000
Total Overall Project Cost	\$1,770,000

An allowance of \$46,191 is available for contingencies to cover any latent conditions or unforeseen circumstances that may be experienced during the delivery of the project. An additional \$50,000 is included in the contract award under day works as a provisional item if required bringing the total contingency amount up to \$96,191.

There being no Council contribution to this project any unused contingency will be used to increase the scope or increased planting along this project.

A financial check for the preferred tenderer has been submitted through Corporate Scorecard but the check score had not been released to Council at the time of this Agenda being made public. The evaluation committee are confident that the risk of a negative result is low, but a contingency has been placed in the resolution to minimise the risk.

Conflict of Interest

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

Community and Stakeholder Consultation

External consultation with community was undertaken during the RFT development of this project. Where possible, the feedback was incorporated into the RFT/BOQ. An update was then provided to the community on Councils "In the Loop" web page.

4.6 Capital Works Report - Quarterly Report - March 2022

Attachment(s)	Attachment 1 - Capital Works March Quarterly report - Financial [4.6.1 - 5 pages] Attachment 2 - Capital Works March Quarterly report - Comments [4.6.2 - 6 pages]
Presenter	V Albicini, Director Assets & Development
Approved by	Director Assets & Development
Purpose	For decision

Executive Summary

This report provides an update on the 2021/22 Capital Works Program (CWP) for the third quarter of the financial year, from 1 January to 31 March 2022. It also seeks Council's approval for funding adjustments previously reported during this period.

RECOMMENDATION

That Council:

1. Note the quarterly report ending 31 March 2022 on the status of delivering the Capital Works Program
2. Agree to increase the lump sum amount in Contract 21/1 - Yea Recreation Reserve Lighting Upgrade from \$275,800 (excl GST) to \$382,714 (excl GST) to cover the following additional items in the scope of works:
 - a. An increase in lighting intensity to 200 Lumens (Night game options), included upgrading underground cabling
 - b. Connection & commissioning of electronic scoreboard
 - c. RACV Solar integration connections
 - d. Rectification of non-compliant pavilion cabling
 - e. Relocation of older decommissioned oval lighting to the tennis courts
 - f. Upgrade to control system to automate.
3. approve the proposed funding adjustments as outlined by Table 2 below:

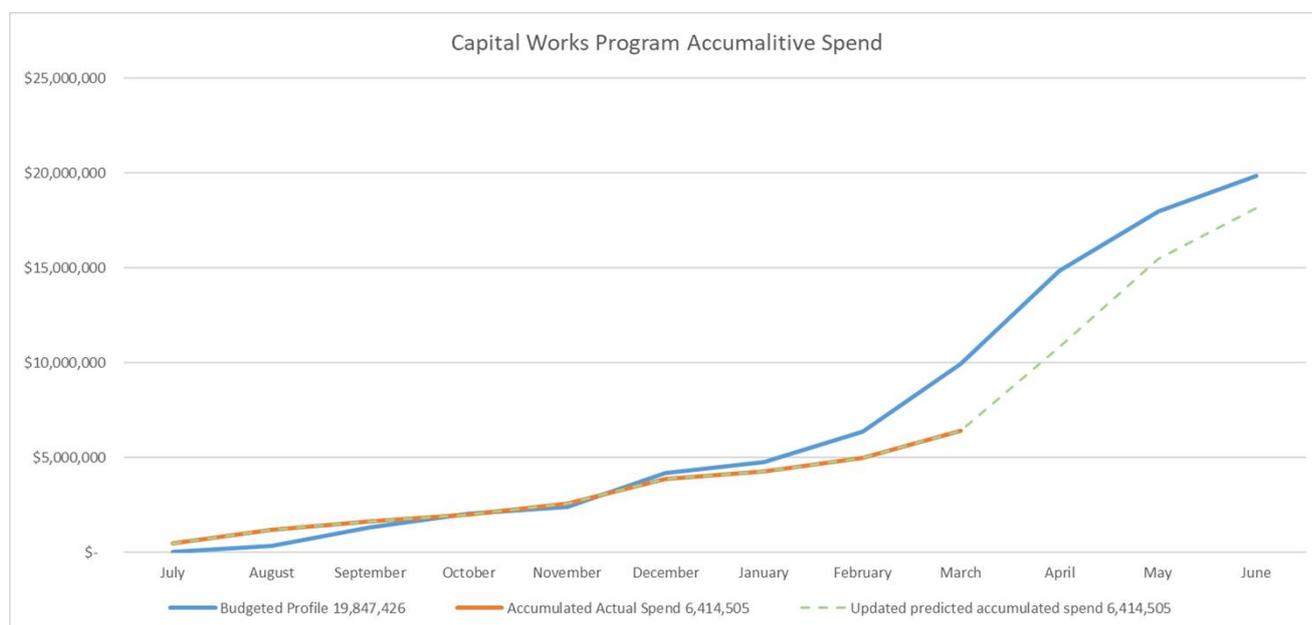
Project	Expenditure Previous Quarter	Total Current Expenditure	Status
Gravel Road Resheets	\$405,041	\$965,283	Ongoing
Eildon Playspace	\$102,270	\$113,535	Ongoing
Sealed Road Renewal	\$4,891	\$190,601	Ongoing

William Street Alexandra – Pathway Upgrade	\$108,550	\$158,620	Ongoing
Closed Yea Landfill rehabilitation	\$3,163	\$173,354	Ongoing
IT Hardware	\$20,968	\$139,918	Ongoing
Yea Recreation Reserve lighting upgrade	\$156,628	\$201,530	Works now complete Approved variation works yet to be invoiced.
Passenger Vehicles	\$226,367	\$272,929	Ongoing
Major Plant & Machinery	\$308,953	\$518,598	Ongoing

Background

This is the third quarter progress report of the CWP for this financial year. The period of reporting is from 1 January to 31 March 2022.

The CWP is comprised of those projects endorsed by Council as part of the 2021/22 budget, projects identified for carry forward from the 2020/21 program and any approved projects that have received grant funding during the financial year.



Discussion

A general overview of the Capital Work Program delivery status:

We are moving through the second half of the financial year with the majority of projects progressing, however, this is now dependent on contractor availability, material supply and weather. The other traffic light indicators presented by the attached report are on hold (Blue), possible carry forward (Yellow) and expected carry forwards (Red). Total projects currently anticipated for delivery are 123.

Several projects are now classified as on hold (Blue) due to funding reallocation and priority changes which will be further discussed below. In addition, there are a number of projects which have slipped and are classified as possible carry forward (Red), these are largely projects which were previously budgeted for full delivery but were multiyear projects, and funds have been adjusted accordingly.

Current progress is 75% of the revised budget is committed (111% of the adopted budget), with actual expenditure being 32% of the revised budget (46% of the adopted budget), this is behind our predicted curve at this point however some large programs (Resheet, Reseal and pavement rehab programs) are now approaching completion which will help increase the actual expenditure

Key highlights for the Month (non-Level 1 Projects):

- Gravel Road and Sealed Shoulder Resheeting Programs are nearing completion
- Reseal Program nearing completion.
- Pavement rehab program progressing well.
- Mt Kitchener Road Drainage & Falls Road Marysville footpath to commence shortly
- Path Renewal Program to commence shortly
- Main Street & Utah Place Eildon, evaluation underway.
-

Yea Recreation Reserve Lighting upgrade adjustments:

The Budget for this project is \$392,000 which was made up of \$250,000 funding from Department of Jobs, Precinct & Regions (DJPR) and \$142,000 funding from Council Open Space Reserves. Council at its 24 March 2021 Meeting accepted a tender and awarded the contract for a lump sum price of \$197,000 (excl GST) with an approved contingency allocation of \$78,800 (excl GST) making the total approved maximum contract amount of \$275,800 (Ecl GST). This project came in well under budget.

After discussing the tender outcome with the Department of Jobs, Precinct & Regions (DJPR) who were the grant funder, it was the funders preference not to reduce their contribution of the funding via their grant and instead encouraged Council to increase the lighting level provided and undertake further variation works within the site to ensure full expenditure of the grant. As a result, the overall expenditure has increased. The project budget is \$392,000 and the total approved maximum contract amount (CONT21/1) was \$275,800 however the final contract amount after delivering the additional works in line with the agreement of the grant funder as listed below was \$382,714:

- Increase the lighting intensity from the original variable control of 50 lumens to 100 lumens up to night game standard variable from 50 lumens up to 200 lumens. This also required upgrading the cabling in the conduits proposed to provide for the larger power draw.
- The Yea football club had received an electronic scoreboard (\$80K) (Worksafe Victoria) for the site but had not yet been able to connect and commission the scoreboard, as such the power supply and commissioning was added to the scope.
- RACV Solar donated batteries and panels (\$110K) however no wiring or connections were included, this was added to the scope to connect the donated equipment.
- Old non-standard pavilion wiring was replaced to allow connection to the new switchboard for Ausnet compliance.
- Recycling of the old light poles and lights to the tennis courts, including connection and wiring.
- The overall lighting control system was replaced to automate the Lumen controls from a single point.

These additional upgrades supported by the DJPR and supported by the user group have greatly improved the operations at the Yea recreation reserve as well as embraced sustainable engineering practices by integrating the solar upgrade and re-using the old decommissioned lights. Council approval for the contract variation amount is required. There was also a slight over spend of this project due to project management fees and an error in carrying forward of available project funding at the start of the 2021/22 that requires Council resolution to correct. The funding adjustments for this project are detailed in Table 2 below.

A general overview of the Capital Work Program financial position:

Original Budget:	\$14,690,156
Current revised budget:	\$19,787,210
Total Committed:	\$14,522,652
Actual Expenditure:	\$5,826,063

The year-to-date anticipated expenditure is \$9,761,257, indicating that the program is behind the predicted spend curve, as noted there are a number of large programs nearing completion which will substantially add to this total in the near future.

Anticipated Carry Forward is \$1,250,000 – a number of projects which were anticipated to be multiyear deliveries have been deliberately updated and distributed into the coming financial year to more accurately detail the predicted spend.

As of 31 March 2022, anticipated savings that can be returned to Infrastructure Reserves is \$4,653.

The largest expenditures for this quarter are as detailed in table 1 below:

Table 1: Primary Quarterly Expenditures

Project	Expenditure Previous Quarter	Total Current Expenditure	Status
Gravel Road Resheets	\$405,041	\$965,283	Ongoing
Eildon Playspace	\$102,270	\$113,535	Ongoing
Sealed Road Renewal	\$4,891	\$190,601	Ongoing
William Street Alexandra – Pathway Upgrade	\$108,550	\$158,620	Ongoing
Closed Yea Landfill rehabilitation	\$3,163	\$173,354	Ongoing
IT Hardware	\$20,968	\$139,918	Ongoing
Yea Recreation Reserve lighting upgrade	\$156,628	\$201,530	Works now complete Approved variation works yet to be invoiced.
Passenger Vehicles	\$226,367	\$272,929	Ongoing
Major Plant & Machinery	\$308,953	\$518,598	Ongoing

REVIEW OF LEVEL 1 PROJECTS

GVRT Art Installation & Signage - Grant 983

Preparation of the draft project management plan is finalised. A project manager has been appointed. Community engagement completed, community reference group created and ongoing monthly engagement is occurring. Two stage EOI and tender process for artist engagement underway. Signage supplier impacted by COVID and storms in NSW. Slight delay with project still on track for completion by 30 June 2022.

Blue Gums Trail, Eildon - Grant 980

Tender has closed and the evaluation is underway. Works are expected to take 5 months to complete with enough allowance for inclement weather. Currently programmed to progress to Council Briefing for adoption at April Council Meeting.

Kinglake Streetscape

Final milestone reports for grants have been compiled and are currently under review for submission.

Eildon Reserve - Stage 1 Schematic Design:

80% design nearing completion as per grant deliverable requirement.

A parking study is also underway to understand the potential impact on parking availability due to the upgrade of the reserve and is expected to be complete in early April.

Project is currently slightly over budget and on time for April completion.

Alexandra Rotary Park & Visitors activity precinct

Tender has closed and evaluation is underway. Works are expected to take 5 months to complete with enough allowance for inclement weather. Currently programmed to progress to Council Briefing for adoption April Council Meeting.

A timing variation request is underway with the grant funders and the outcome is expected by the end of April 2022. Current conversations with both funding bodies are positive.

This project has been released to the community with the final design plans going out for any minor comments.

Landfill Capping Design Cell 1A - Alexandra - Stage 1

Design is now progressing with initial plans submitted for review.

Bridge Projects

Yarck Road Gobur B139

A design and construct request for tender has been awarded, T beams have been cast and anticipated to arrive onsite in April. Communication plan actioned on relevant media platforms. Contractors will commence works on site in April.

Break O'day Road Glenburn B32

The project is progressing, it is currently within the revised budget as approved in the award report.

The contractor believes the project delivery is currently in line with the scheduled program. A request has been submitted to the funding body for the grant milestone to be amended to allow for the later than planned construction start date. Communication plan has been completed and is ready to be uploaded to relevant media platforms. Letter drop of affected properties currently under review.

Yea Caravan Park Court Street Yea

The request for tenders now closed, responses received are over the budget.

Based on previous discussion Council report for award has been prepared and the funder has confirmed a willingness to contribute the required additional funds in conjunction with Council.

The alternative proposed is to design and construct the new bridge rather than use the design provided in the original tender, the proposal also includes providing the temporary access via the existing gateway off of the GV Highway. The track will be constructed with crushed rock to make it all weather access.

Impact assessment currently underway.

Currently programmed to progress to Council Briefing for adoption April Council Meeting.

Kinglake Glenburn Road – Drainage Upgrade

Design complete, procurement complete with results currently over budget, options being investigated to move the project forward.

Footpath extension and connection - Halls Street - West side Downey St to Nihil St - Construction - Grant986

Request for quotes complete and works returned over budget, savings being investigated from other programs to top up the required funding for award.

Street Tree Program - Nature Strip in-fill tree planting of trees to replace/removed

Sites identified as Yea median strip, Molesworth Township. Consultation with community groups in Molesworth have identified the replacement species to be Acer rubrum – October Glory Lipstick Maple. Council works anticipated to commence late April.

MCH & CWA Perkins Street Alexandra building access improvements & renewal

Works identified and quotes received. Works due to start April 2022.

Yea Children's Centre - Stage 1 – Feasibility study, Planning & infrastructure requirements

Currently confirmed to alter the use of these funds, the site proposed has very limited future growth options, decision made to explore service levels and future demand and then possibly a new site.

Tender documentation for future options (feasibility study on current location or future location) being prepared for release.

Kinglake West memorial carpark - Tree Sculpture

Works complete on the trunk. One of the slabs to be milled into furniture timber with a park table and seating being constructed. Due end of May, the remaining slab is being carved into climbing seating and placed onsite due for completion late May. Decorative artwork on the toilet block wall has been completed.

RRC Relocation / redevelopment, Yea - Pre-feasibility and due diligence investigations

Quotes for waste consultant to develop operational and business plans for Council's future assessment are continuing.

Kinglake - Investigation and design for closed landfill rehabilitation

Contract has been awarded and works expected to be completed by 30 June weather depending. Currently on budget.

Alexandra Landfill - Cell development and design

Tender awarded and design progressing. Currently on track with program and slightly under budget.

Closed Landfills - Rehabilitation of Yea RRC

Works nearing completion, major capping works complete now applying mulch and topsoil. Currently under budget.

Rubicon Village effluent project

Final installs of all system currently able to be installed complete.

Council officers are finalising project funding with DELWP who are the funding authority.

Legal advice is being sought to confirm the cost of the recommended pathway to resolve the final issues and a briefing will be prepared along with risk assessment to make a final decision.

Council Plan/Strategies/Policies

This report supports the *Council Plan 2021-2025 Beautiful Towns and Rural Settings* strategy to “connect our communities through improved roads, footpaths and public transport”.

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 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 Beautiful Towns and Rural Settings* strategy to “provide spaces within our towns that are vibrant, attractive, safe and accessible”.

Relevant Legislation

Nil.

Financial Implications and Risk

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

Several projects required funding adjustments due to scope changes or insufficient funds to complete the project. The additional funding is sourced from savings from within the capital works program.

A detailed financial summary and status report of the Capital Works Program as of the end of March 2022 is shown in Attachment 2.

Table 2 - Funding adjustments – March 2022 (see next page)

Project Requiring funds	Current Project Budget	Reason	Funds required (\$)	Revised Project Budget	Projects with funding that can be transferred	Funding available (\$)	Transfer amount to Project (\$)
Falls Rd & Mt Kitchener Rd – Marysville Pathway & Drainage LRCI 2	\$62,729 \$270,000 Total \$332,729	Design costs were not budgeted for and Tender closed over budget, very busy market currently leading to some higher prices	\$93,484	\$426,212	Kinglake Memorial Tennis Courts LRCI 2 Shire Wide Residual Current Devices Marysville Swimming pool Truck Bund Compliance works	\$32,000 \$45,000 \$40,000	\$32,000 \$45,000 \$16,484
Yea Recreation Reserve-Lighting Upgrade	\$392,000 (Adopted in 2021/22 Financial year)	\$38,219 was spent last financial year however only \$230,781 was carried forward, the remainder was mistakenly returned to returned to Open space reserve.	\$123,000	\$392,000	Reserve that was mistakenly allocated funds.	\$123,000	\$123,000

Project Requiring funds	Current Project Budget	Reason	Funds required (\$)	Revised Project Budget	Projects with funding that can be transferred	Funding available (\$)	Transfer amount to Project (\$)
Yea Recreation Reserve-Lighting Upgrade	\$392,000	Project management costs for the delivery were slightly higher than anticipated	\$9,414	\$401,414	1 – Shire wide installation of residual current devices. 2 – Marysville Murchison Street works	\$6,958 \$3,508	\$6,958 \$2,456

Conflict of Interest

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

Community and Stakeholder Consultation

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

5 REPORTS - COMMUNITY ENGAGEMENT DIRECTORATE

5.1 Grants and Contributions Program - March Allocations

Attachment(s)	Nil
Presenter	S Brown, Director Community Engagement
Approved by	Director Community Engagement
Purpose	For decision

Executive Summary

The purpose of this report is to present Council with the March 2022 Grants and Contributions Program applications and variations for noting and endorsement.

RECOMMENDATION

That Council:

1. Endorse the following variations recommended by the Grants and Contributions Assessment Panel:

Application	Original Grant Awarded	Variation Request
BGE20/21028Round3 – Parklife – InstaHome	\$20,000	Timing change
CPE20/21026Round2 – Upper Goulburn Landcare Network – Connecting through compost	\$4,948	Timing change
CS20/21012Round2 – Bev Aisbett – Meeting Little IT	\$5,000	Timing change

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

Application	Amount
CS-21/22-008 - Yea CWA - Units Beautification Program	\$3,300

3. Note the following allocations made by the Grants and Contributions Assessment Panel under delegation:

Application	Amount
FR-21/22-016 - Rotary Club of Yea – Yea Railway Reserve hire	\$50
CS-21/22-010 – Koori Kids - NAIDOC Week School Initiatives	\$500

Background

The Grants and Contributions Program provides the opportunity for not-for-profit community groups and organisations, social enterprises and businesses to seek funding from Council to support events, activities and projects that align with the *Murrindindi Shire Council 2021-2025 Council Plan*.

The funding streams provided under the program are:

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

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

Assessment occurs monthly for Fee Reductions, Quick Response and Governance, Skills and Capacity Building grant streams and in March, July and October for all other streams.

Discussion

Council officers have assessed the following grant variation applications and provide the following recommendations:

1. Parklife – InstaHome

This project aims to provide affordable housing to a sector which is widely recognised as experiencing a crisis.

Due to impacts of higher than normal demand on trades and services and materials shortages noted by applicant an extension of 8 months is requested by the applicant. The request aligns with current understanding of challenges and impacts being experienced in the construction sector.

Grant variation recommended.

2. Upper Goulburn Landcare Network – Connecting through compost

This project will develop a composting program and kitchen garden at Alexandra Primary School. VCAL students from Alexandra Secondary College will work with Alexandra Primary School students to establish a composting program and garden within the primary school grounds. Green waste will be collected from local businesses by the VCAL students and delivered to the primary school, where secondary and primary students will work together to turn the green waste into compost.

The project deliverables focused on youth engagement via the Alexandra Primary and Secondary schools during 2021 which were impacted by COVID lock downs. The variation suitably indicates revised milestones for completion by September 2022 enabling renewed engagement with students.

Grant variation recommended.

3. Bev Aisbett – Meeting Little IT

'Meeting Little IT' is designed to assist children experiencing anxiety. The book is a follow-on to the author's previous titles for adults on anxiety, depression and related issues, which have been highly effective in helping sufferers towards management and recovery from these conditions.

The final phase of this sponsorship grant, an official book launch, was postponed in November 2021 due to COVID restrictions and competing priorities of the applicant. In communication with Council staff a date coinciding with Mental Health Week in October 2022 has been selected to finalise the launch, deemed appropriate given the focus of the book on supporting anxiety for children.

Grant variation recommended.

Council officers have assessed the following grant applications and provide recommendations for the consideration of Council:

Community Sponsorship

1. Yea CWA - Yea CWA Units beautification programme

The proposal for funds is for painting the exterior of the 3 Yea CWA units. This land was donated by a local farmer and units built in 1979, for elderly CWA members who pay a nominal rent. The Committee looks after any of the physical needs related to maintenance of the units.

CWA has a long history of supporting community development projects and enhancing connectivity and belonging for its members. While owning and managing residential units is not a common output for CWA, the Yea branch has successfully done so since 1979.

The applicant has demonstrated financial constraints in maintaining the accommodation units, whilst providing a low cost rental solution for vulnerable elderly community members. The project presents an appropriate collaboration with Council.

Recommended for a grant of \$3300.

2. Rotary Club of Yea – Yea Railway Reserve hire

This fee reduction will allow the Rotary Club of Yea to hire the Yea Railway Reserve kitchen to provide tea and coffee for attendees of ANZAC Day breakfast.

Fee reduction of \$50 approved by Panel.

3. NAIDOC Week School Initiatives

NAIDOC Week School Initiatives provide an educational component to national NAIDOC Week, council has been a standing vibrant partner.

Koori Kids is a community organisation that engages young people in a range of school initiatives to promote education and awareness of Aboriginal & Torres Strait Islander culture. During NAIDOC Week (3-10 July 2022) art and creative competitions for school aged children are coordinated across Australia. The aim of the initiative is to provide students with a greater understanding on the importance of friendship and cultural diversity.

Grant of \$725 approved by Panel.

Council Plan/Strategies/Policies

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

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

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

Relevant Legislation

There are no legislative considerations to this report.

Financial Implications and Risk

The below financial table shows grant funds allocated to date in this Financial Year:

Grant Stream	March allocations	Previous allocations	Total 21/22
Fee Reductions	\$50	\$12,820	\$12,870
Governance, Skills and Capacity Building	\$0	\$0	\$0
Quick Response	\$0	\$600	\$600
Community Sponsorship, Projects and Events	\$3,800	\$47,893	\$51,693
Tourism Events	\$0	\$30,000	\$30,000
Business Plan Support	\$0	\$0	\$0
TOTAL	\$3,850	\$91,313	\$95,163

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

Conflict of Interest

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

Community and Stakeholder Consultation

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

6 REPORTS - CORPORATE & SHARED SERVICES DIRECTORATE

6.1 Borrowing Policy

Attachment(s)	Attachment 1 - Policy Borrowings 2022 DRAFT [6.1.1 - 3 pages]
Presenter	M Chesworth, Director Corporate & Shared Services
Approved by	Director Corporate & Shared Services
Purpose	For decision

Executive Summary

This report is to seek Council's endorsement of the revised Borrowings Policy (policy), which ensures that Council borrowings are well managed and in accordance with legislative requirements

RECOMMENDATION

That Council adopt the revised Borrowings Policy as contained in attachment 6.1.1.

Background

Council's Borrowing Policy provides the context and framework for the establishment and management of a debt portfolio. This Policy was adopted in June 2019 by Council and is now due for review. The draft revised Borrowing policy was reviewed by Council's Audit and Risk Committee in March 2022.

Discussion

The draft Borrowing Policy have been reviewed to reflect the

- Council Plan 2021-2025 and
- Local Government Act 2020.

The majority of proposed changes to the policy are in relation to updating legislative references to the new Local Government Act 2020.

The policy principles have also been updated to more clearly define the uses of borrowing; namely for capital expenditure or for a financial obligation on Council in relation to a non-recurrent, unplanned expenditure where there is no existing capacity to fund, including future calls on defined benefit superannuation.

This Policy will provide Council officers with better direction regarding Council's requirements for borrowings as well as provide a greater level of oversight should Council procure any debt.

Council Plan/Strategies/Policies

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

Relevant Legislation

Section 101 outlines the financial management principles which include the management of investments in accordance with a Council's financial policies and strategic plans, and management of financial risk.

Financial Implications and Risk

The draft Budget for 2022/23 proposes that Council will not be undertaking to borrow funds in the 2022/23 year, due to its strong financial position and cash holdings. There is currently no borrowing debt held by Council. Any future borrowings should be considered with reference to Council's risk appetite.

Conflict of Interest

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

Community and Stakeholder Consultation

This Policy was developed in consultation with Council's Audit and Risk Advisory Committee, to ensure that the Policy provides clear direction to Council officers regarding borrowing obligations and responsibilities, and to ensure compliance with Council's legislative obligations.

6.2 Finance Quarterly Report March 2022

Attachment(s)	Attachment 1 - Finance Quarterly Report March 2022 [6.2.1 - 4 pages]
Presenter	M Chesworth, Director Corporate and Shared Services
Approved by	Director Community Engagement
Purpose	For decision

Executive Summary

This report provides the quarterly financial report for the period ending March 2022

RECOMMENDATION

That Council receives the Quarterly Financial Report to 31 March 2022

Background

The Quarterly Financial Report for the period ended 31 March 2022, is presented for consideration by Council, in accordance with the Local Government Act 2020 ("the Act").

The report includes the following statements:

- Comprehensive Income Statement
- Balance Sheet
- Statement of Cash Flow
- Reconciliation of Non-Discretionary Cash & Reserves.

Discussion

The statements for the third quarter to 31 March 2022 are included in Attachment 1.

Income Statement (Statement A)

The Income Statement for the period 1 July 2021 to 31 March 2022 (also within the attached report) is presented below:

Income Statement

For the period ended 31st March 2022

	NOTE	December Revised Budget 2021/22 \$	Annual Revised Budget 2021/22 \$	(1) Forecast Adjustment 2021/22 \$	YTD Budgets 31/03/2022 \$	Actual 31/03/2022 \$	(2) YTD Budget V Actual Variance 31/03/2022	YTD Budget V Actual Variance 31/03/2022
Revenue								
Rates & Charges	1	22,030,713	22,030,713	-	22,037,753	22,081,430	43,677	0%
Statutory fees and fines	2	1,404,840	1,404,840	-	1,034,528	1,051,812	17,284	2%
User fees	3	1,080,846	1,080,846	-	812,780	930,308	117,528	14%
Grants - Operating	4	7,167,441	8,963,386	1,795,945	3,914,659	3,832,035	(82,624)	-2%
Grants -Capital	5	6,590,850	6,652,699	61,849	3,198,615	3,195,169	(3,446)	0%
Contributions - Cash	6	293,025	325,803	32,778	275,803	280,030	4,227	2%
Contributions - Non-Cash	7	600,000	600,000	-	-	-	-	0%
Reimbursements	8	338,052	353,532	15,480	163,507	162,602	(905)	-1%
Other revenue	9	812,574	825,824	13,250	544,686	566,591	21,905	4%
Total Revenue		40,318,341	42,237,643	1,919,302	31,982,331	32,099,977	117,646	0%

	NOTE	December Revised Budget	Annual Revised Budget	(1) Forecast Adjustment	YTD Budgets	Actual	(2) YTD Budget V Actual Variance	YTD Budget V Actual Variance
Expenses								
Materials and Services	11	13,328,707	13,430,381	101,674	9,026,779	8,302,580	(724,199)	-8%
Depreciation and amortisation	12	8,305,822	8,305,822	-	-	-	-	0%
Bad and Doubtful Debts		-	-	-	-	45	45	0%
Other Expense	13	388,886	388,886	-	219,294	230,946	11,652	5%
Total Expenses		37,575,506	37,737,779	162,273	20,584,539	19,344,988	(1,239,551)	-6%
Net gain/(loss) on disposal of property, infrastructure, plant and equipment.	14	(618,411)	(596,364)	22,047	274,877	361,955	87,078	32%
Surplus (deficit) for the period		2,124,424	3,903,500	1,779,076	11,672,669	13,116,944	1,444,275	12%

This statement provides information on two budgetary components:

1. **Forecast adjustments:** Adjustments to the March revised budget figures to reflect the predicted result at the end of the 2021/22 financial year (refer to the column titled “(1) Forecast Adjustment”).

The forecast position for the financial year has improved by \$1,779,076 moving from a predicted surplus of \$2,124,424 to a forecast surplus \$3,903,500. The majority of this favourable movement is a result of the Federal Government budget decision to advance 75% of the annual financial assistance grant. The budget had allowed for a 50% advance payment, the extra 25% amounts to \$1,664,213. This is a timing issue and not a fundamental improvement in the operating result. Outside of the above issue, there has been minimal budget movement. The budget adjustments are outlined in more detail in the table below.

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

The \$13,116,944 operating result for the period ending March 2022 quarter is \$1,444,275 or 12% favourable to the year to date budget.

Detail explanations of the forecast adjustments (1) and year-to-date variances (2) are included in the table below:

Note	Line item	(1) Explanation Forecast Adjustment	(2) Explanation YTD Budget V Actual Variance
1	Rates & Charges	No Change	\$43,677 increased revenue due to supplementary rates.
2	Statutory fees and fines	No Change	\$17,284 Increased revenue within budget tolerance.
3	User fees	No Change	\$117,505 increased revenue from <ul style="list-style-type: none"> •\$80,783 saleyard fees • \$28,702 Landfill and recycling charges.
4	Grants - Operating	\$1,795,945 increased revenue from <ul style="list-style-type: none"> •\$1,664,213 75% advance Grants Commission Financial Assistance Grant New or increased grants including: •\$20,000 Resource Recovery Centre Feasibility Study. •\$30,000 Concierge & Hospitality Program. •\$30,599 Women Building Surveyors Program. •\$13,200 Municipal Emergency Resourcing. • \$37,923 Disaster Recovery 9 June 2022 storm event. 	\$82,624 decreased revenue. \$105,984 Family Day Care, due to reduced service delivery. This has been partly offset by minor timing variances across several grants.
5	Grants -Capital	\$61,849 increased revenue. New Marysville Caravan Park grant.	\$3,466 decreased revenue within budget tolerance
6	Contributions - Cash	\$32,778 increased revenue <ul style="list-style-type: none"> • \$30,501 funds from former Committee for the Eildon Alliance Boat Ramp. •\$2,727 contribution to capital works. 	\$4,227 increased revenue within budget tolerance.
7	Contributions – Non- Cash	No Change	No Variance

8	Reimbursements	\$15,480 increased revenue relating to planning and fire protections works.	\$905 decreased revenue within budget tolerance.
9	Other revenue	\$13,250 increased revenue from Caravan Park rental	\$21,905 increase received, variance across a number of accounts.
10	Employee Benefits	\$60,599 increased expenditure relating to the following ongoing grants \$30,599 Women Building Surveyors Program. \$30,000 Concierge & Hospitality Program	\$527,048 decreased expenditure. \$280,000 estimated relating to the delayed Enterprise Bargaining Agreement. The remainder of the variance is due to positions being vacant or temporarily filled using labour hire resources. Staff have been taking built up leave. The extent of leave taken over the remainder of the year, and the portion funded from reducing the employee leave liability provisions will determine the final employee operational cost.
11	Materials and Services	\$101,674 additional expenditure. •\$40,000 expenditure relating to new grant Yea Resource Recovery Centre feasibility study. • \$30,051 provision for future expenditure Eildon Boat Ramp funded from contribution. • \$8,000 additional cloud services licensing • \$10,143 relating to the June 9 2021 storm, grant funded.	\$724,199 expenditure below budget expectations. • \$253,405 waste management and landfill, including \$110,307 plant repairs, covering and compacting and leachate treatment all delayed or tracking below budget, • \$60,017 mulching cost behind budget, but will be spent. • \$190,713 infrastructure maintenance including Parks and Gardens where grant funding has been utilised. • \$65,750 plant operating cost, which was tracking below budget for fuel cost, this will change with recent higher fuel cost. • \$55,708 Family Day Care due to difficulty recruiting care providers, • \$21,509 Business services being delayed IT purchases. • \$49,175 Business Development relating to delayed expenditure funded by the Covid Safe outdoor activation grant. • \$44,487 Business and Community Grants Program.
12	Depreciation and amortisation	No Change	\$0 Within Budget tolerance
13	Other Expense	No Change	\$11,652 ahead of budget, mostly relates to garbage and recycling waivers.
14	Net gain/(loss) on disposal of property, infrastructure, plant and equipment.	\$22,047 favourable being the net result of removing the sale of 25 Murchison Street Marysville from the budget.	\$87,076 favourable, • 16 items of plant have been sold, overall, the sale prices achieved have been better than budgeted.

Balance Sheet (Statement B)

The Balance Sheet is included in Attachment 1.

The Commentary below refers to Column (1) forecast adjustment, being the movement in the Balance Sheet from the previously reported December Budget review to the current budget revision as at 31 March 2022.

Assets

The statement shows cash has increased by \$1,369,980. It is expected that a further \$1,757,029 will be generated from operations, mostly due to the advanced Grants Commission payment. The net cash used in capital works will increase by \$387,049. (See the Cashflow Statement C) for a detailed analysis of cash movements.

Liabilities

There has been no adjustment made to expected liabilities.

Equity

As at 31 March 2022 the statements show a favourable movement equal to the favourable movement in the operating result being \$1,779,076. The variances are explained in more detail by the commentary outlined in Statement A – Income Statement. (1) Forecast Adjustment column.

Cash Flow Statement (Statement C)

This statement combines the cash related movements from the Income Statement and the Balance Sheet. The statement shows how funds are generated and consumed. The revised budget projects that cash will increase by \$1,369,049. Cash can be generated or consumed across the 3 areas outlined below:

1. Cash from Operating Activities

The statement shows an improvement of \$1,757,029 in cash generated by operations.

2. Cash Flow from Investing Activities

Increased net cash consumed in capital items, being capital works increase \$192,049, and \$195,000 removal of cash income for the sale of 25 Murchison Street Marysville.

3. Cash flow from financing activities

No budget changes, and no activity as Council is loan free.

Unallocated Cash and Council Reserves (Statement D)

Included as part of this report is a statement of Council's un-allocated cash. This reconciliation includes all Council reserves together with refundable deposits and securities. In addition, an allowance to cash- back 25% of annual leave, and long service leave provisions is included. The calculation has now been revised to include Grants Commission funds received in advance, and other grants received in advance that have specific conditions and that are forecast to be unspent at year end.

It should be noted that unallocated cash funds has a different formula to the unrestricted cash figure that is reported and audited in the Annual Accounts. Unallocated cash is a management figure that looks at all cash commitments and includes all cash available. Restricted cash focuses on cash which has specific restrictions on its future use. Items like cash backing of leave provisions, or recognition of general purpose grants paid in advance are not included in the restricted cash calculation. Term deposits with a maturity of more than 90 days are not considered as cash in the restricted cash calculation.

The December revised budget figure for total unallocated cash was \$7,182,826, the March revised budget figure is \$7,323,326.

Councillor Expenses (GST Exclusive):

As required in the adopted Councillor Expenses and Support Policy (July 2020), Council reports quarterly on the Councillor related expenses. The following table lists Councillor expenses for the third quarter period ending 31 March 2022.

Councillor Expenses for 3 months ended 31 March 2022:

	Allowances	Travel	Childcare	Information & Communications	Conference & Training	Other
Cr Carpenter	\$17,754.22	\$2,463.00	\$-	\$132.56	\$544.54	\$23.43
Cr Gallagher	\$6,971.73	\$1,789.84	\$-	\$147.85	\$994.54	\$19.48
Cr Gerencser	\$5,865.64	\$670.48	\$-	\$124.46	\$544.54	\$19.48
Cr Haslam	\$5,865.64	\$353.60	\$-	\$153.08	\$544.54	\$19.48
Cr Lording	\$5,865.64	\$2,160.80	\$-	\$166.18	\$544.54	\$19.48
Cr McAulay	\$5,865.64	\$654.48	\$-	\$164.89	\$544.54	\$19.48
Cr Walsh	\$5,865.64	\$851.76	\$-	\$150.47	\$544.54	\$19.48

Council Plan/Strategies/Policies

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

Relevant Legislation

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

Financial Implications and Risk

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

Conflict of Interest

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

Community and Stakeholder Consultation

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

6.3 Council Plan 2021-2025 Quarterly Performance Report - 1 January

Attachment(s)	Attachment 1 - Council Plan 2021-2025 Quarterly Performance Report - 31 March 2022 [6.3.1 - 43 pages]
Presenter	M Chesworth, Director Corporate & Shared Services
Approved by	Director Corporate & Shared Services
Purpose	For noting

Executive Summary

This report provides a summary of the progress to date and the action taken in the 1 January to 31 March 2022 period in delivering Council's Priority Action Plan 2021/22 and Council Plan 2021-2025.

RECOMMENDATION

That Council note the Council Plan 2021-2025 Progress Report – 1 January to 31 March 2022 as contained in Attachment 6.3.1.

Background

Council adopted its *Council Plan 2021-2025* at its 27 October 2021 Scheduled Meeting. The Council Plan is the result of collaboration between Council and the communities of Murrindindi Shire. The Council Plan outlines shared goals and aspirations for the future and provides concrete and achievable actions for Council to deliver. Council also adopted the *Annual Action Plan 2021/22* at the 27 October 2021 Scheduled Meeting, which outlines the actions that Council will pursue in the 2021/22 year.

Discussion

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

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

At 31 March 2022, 84.78% of actions were reported to be on track, the attached progress report provides a summary of the activity undertaken in the third quarter of the Priority Action Plan 2021/22 for each of the five themes.

Highlights from the first half of the year include the following:

Resilient Communities

- Our Reconciliation Action Plan Working Group held two meetings and developed working groups to progress organisational learning and change in relation to reconciliation.
- We progressed the Eildon Community Planning project with 70 people attending a launch BBQ and further sessions were held to progress ideas for Eildon focusing on art, heritage and culture for community rejuvenation, and a second around 'tracks, trails and the great outdoors'.

- Our online platform "The Loop" welcomed over 3000 visits from participants across the 9 projects published.
- We submitted a grant application to the State Governments "Free from Violence" program to support family violence primary prevention initiatives across Murrindindi.
- Our FReeZA program hosted four pool parties, with 500 attendees and 7 young artists performing.
- 10 young musicians were supported to play at four community events, with exposure to over 3000 community attendees. We supported four young people in the 'Artist of the Month' initiative on UGFM.
- We official opened the Yea Recreation Reserve Oval Lighting upgrade project with State Government and community representation.
- Our outdoor pool season experienced record breaking numbers with 27,810 visits, a 25% increase on the previous season, and the highest numbers since 2007-2008.

Beautiful Townships and Rural Settings

- We awarded contracts for the Yarck Bridge and Break O'Day Road Bridge projects.
- We continued to advocate to State and Federal Government representatives for the sealing of Skyline Road, which when completed would become a continuous sealed touring route around Lake Eildon, connect Eildon to Bonnie Doon in the Mansfield Shire and open up additional tourism development opportunities.
- We commenced the first draft of the Murrindindi Housing and Settlement Strategy. This strategy builds on the Background & Issues Report to develop a clear and logical framework that will guide planning and decision-making and assist in meeting future housing needs in Murrindindi to 2041 and beyond.
- We held initial discussions with local traders and associations to identify key locations for streetscape improvements and to target collaboration efforts.
- Under the Activated Dining Program (Covid Relief funding) we delivered a number of activities and infrastructure to assist in businesses transitioning towards outdoor dining.
- We completed street tree planting along Bailey Street, Alexandra.

Growth and Opportunity

- We used the COVID support officer role funded by State Government to provide face-to-face advice and information on maintaining COVIDSafe practices to businesses across the shire.
- We participated in Tourism North East's project steering group for the North East Workforce Management and Affordable Housing project.
- In partnership with Council's Business Advisory Committee, Council have launched an online Dindi Business Hub where businesses can hear from each other and Council, access resources and register for business events.
- We progressed the Great Victorian Rail Trail Art Installations Project, receiving 80 expressions of interest during the artist engagement phase.

Our Protected Environment

- We made a successful application to Sustainability Victoria under the Recycling Victoria Councils Fund - Implementation Stream. A consultant was engaged and has undertaken site visits, provided draft potential site layouts and a draft report.
- We submitted a voluntary climate pledge to Victorian Minister for Environment.
- We had a successful bid for State funding, leading to the awarding of a DC fast charger for Alexandra. Council officers have met with the the charging provider and confirmed the location (Bakers Lane Car park, Webster Street, Alexandra). It is envisaged a new public EV Charging Station will be installed over the next 12 months.
- We have committed to partnering with the Goulburn Broken Integrated Water Management Group to engage a Regional Integrated Water Management Officer.

Transparency, Inclusion and Accountability

- We have formed a collaborative arrangement with the Mansfield, Strathbogie and Benalla rural councils called Lower North East Rural Council Collaborative (LNERCC) to investigate opportunities to collaborate and share resources and services where there are mutual benefits to each organisation and their respective communities.
- The Blueprint LMS (online training platform) was implemented to optimise future training and development and manage staff training needs.
- We commenced the 2022/23 Annual Budget process including a review of Council's 20 year Capital Works Program, recognising changing priorities and available funding sources.
- The Gender Equality Action Plan was adopted and submitted to the Gender Equality Commission on 31 March 2022.
- We analysed the results of the Community Communication Preferences Survey, which ran from 22 November 2021 to 4 January 2022 (and received 241 responses from the community). We made recommendations for action which will be scheduled for implementation over the next 12 months.

Council Plan/Strategies/Policies

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

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

Relevant Legislation

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

Financial Implications and Risk

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

The Council Plan initiatives and priorities for services, infrastructure, and amenity identified in the Year 1 Priority Action Plan are funded in the 2021-2022 Annual Budget.

Conflict of Interest

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

Community and Stakeholder Consultation

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

7 COUNCILLOR AND CEO REPORTS

7.1 Notices of Motions

7.2 Cr Karine Haslam

7.3 Cr Ilona Gerencser

7.4 Cr Eric Lording

7.5 Cr John Walsh

7.6 Cr Sandice McAulay

7.7 Cr Damien Gallagher

7.8 Cr Sue Carpenter - Mayoral Report

7.9 Chief Executive Officer Report

8 ASSEMBLIES OF COUNCILLORS

Purpose

For noting.

Executive Summary

This report presents the records of assemblies of Councillors for 23 March 2022 to 20 April 2022, for Council to note.

RECOMMENDATION

That Council receive and note the records of assembly of Councillors for 21 March 2022 to 22 April 2022.

Background

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

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

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

Discussion

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

The following summary details are for 23 March 2022 to 20 April 2022:

Meeting Name/Type	Council Pre-Meet
Meeting Date:	23 March 2022
Matters Discussed:	<ol style="list-style-type: none"> 1. Planning Application - Relocation of Post Office - 1061 Whittlesea-Kinglake Road, Kinglake West 2. Planning Application - Use and Development of the Land for a Dwelling / Outbuilding / Agricultural Shed - 517 Ghin Ghin Road Ghin Ghin 3. Discontinuance of Brunel Street, Narbethong 4. CONT21/22 - Contract Cleaning Council Facilities 5. Grants and Contributions Program - March Allocations 6. Australian Local Government Association Advocacy Priorities 7. Audit and Risk Committee Biannual Report 8. Audit and Risk Committee - Confirmation of Minutes
Councillor Attendees:	Cr D Gallagher, Cr I Gerencser, Cr K Haslam, Cr E Lording, Cr S McAulay, Cr J Walsh

Council Officer Attendees:		L Bonazzi, M Chesworth, S Brown, V Albicini, T Carter, N Stewart, C Fraser, C Gartland. N Grey		
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 S McAulay	No	Yes	Before

Meeting Name/Type	Briefing Session
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Meeting Name/Type	Briefing Session
Meeting Date:	6 April 2022
Matters Discussed:	<ol style="list-style-type: none"> 1. Feedback on Draft Annual Budget 2. Council Action Plan Climate Change Funds 3. Back Eildon Road, Eildon – Extending 80km/h Zone to OEG Site 4. Contract 21/30 Plant Tender Report – Supply and Delivery of a Motor Grader
Councillor Attendees:	Cr S Carpenter, Cr D Gallagher, Cr I Gerencser, Cr K Haslam, Cr E Lording, Cr S McAulay, Cr J Walsh
Council Officer Attendees:	L Bonazzi, M Chesworth, S Brown, V Albicini, Cheryl Nickels-Beattie, Stuart Russell, Leigh Harrison, Zoe Blakeney
Conflict of Interest Disclosures: Nil.	

Meeting Date:	13 April 2022 (Briefing Session)			
Matters Discussed:	<ol style="list-style-type: none"> 1. Victorian Local Government Grants Commission & MSC Meeting 2. Planning Application - 61 Acheron Road, Acheron - Use and Development of the Land for a Dwelling 3. Planning Application: 3 Back Eildon Road THORNTON - Extension of hours & Patrons 4. Council Meeting Training 			
Councillor Attendees:	Cr S Carpenter, Cr D Gallagher, Cr I Gerencser, Cr K Haslam, Cr E Lording, Cr S McAulay, Cr J Walsh			
Council Officer Attendees:	L Bonazzi, M Chesworth, S Brown, N Stewart, N Grey, C Fraser, C Gartland, T Carter			
Conflict of Interest Disclosures: Yes				
Matter No.	Councillor making disclosure	Was a vote taken?	Did the Councillor leave the room?	When? Before or after discussion?
3	Cr J Walsh	No	Yes	Before Discussion

Meeting Date:	13 April 2022 (Council Pre-Brief)
Matters Discussed:	<ol style="list-style-type: none"> 1. Contract 21/30 Plant Tender Report Supply and Delivery of a Motor Grader 2. 2022/23 Draft Annual Budget
Councillor Attendees:	Cr S Carpenter, Cr D Gallagher, Cr I Gerencser, Cr K Haslam, Cr S McAulay, Cr J Walsh
Council Officer Attendees:	L Bonazzi, M Chesworth, S Brown, N Stewart, S Russell, T Carter
Conflict of Interest Disclosures: Nil.	

Meeting Date:	20 April 2022
Matters Discussed:	<ol style="list-style-type: none"> 1. Grants and Contributions Program - April Allocations 2. Development Services - Planning Report April 2022 3. Planners Briefing 4. External Guest – Dr Helen Haines – Indi Federal Election Candidate 5. Tanglewood Planning Application – Concerned residents 6. Council Asset Plan – LGA 2020 Briefing 7. Capital Works Quarterly Report 8. Alexandra Youth Precinct Contract Award 9. Blue Gums Trail Contract Award 10. Contract 21/32 Yea Caravan Park – Bridge Renewal
Councillor Attendees:	Cr S Carpenter, Cr D Gallagher, Cr I Gerencser, Cr K Haslam, Cr S McAulay, Cr J Walsh
Council Officer Attendees:	L Bonazzi, M Chesworth, S Brown, N Stewart, S Russell, T Carter, L Kelly, B Scott, C Fraser, C Gartland
Conflict of Interest Disclosures: Nil.	

Council Plan/Strategies/Policies

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

Relevant Legislation

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

Financial Implications and Risk

There are no financial or risk implications.

Conflict of Interest

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

9 SEALING REGISTER

File Reference	Date Seal Affixed	Description of Documents	Signatures of Persons Sealing
CONT 21/22 22/26447	1 April 2022	Formal Instrument of Agreement between Murrindindi Shire Council and KC Facility Services Pty Ltd for Council Facilities - Cleaning Contract 2022-2025	Livia Bonazzi Cr Sue Carpenter
CONT 21/8 22/12288	7 April 2022	Formal Instrument of Agreement between Murrindindi Shire Council and Plumbtrax Minor Medium & Major Civil works Projects	Livia Bonazzi Cr Damien Gallagher
CONT21/8 22/12194	7 April 2022	Formal Instrument of Agreement between Murrindindi Shire Council and North Central Construction Minor Medium & Major Civil works Projects	Livia Bonazzi Cr Sue Carpenter
CONT21/8 22/12039	7 April 2022	Formal Instrument of Agreement between Murrindindi Shire Council and J & R Earthworks Minor Medium & Major Civil works Projects	Livia Bonazzi Cr Sue Carpenter
CONT21/8 22/10945	7 April 2022	Formal Instrument of Agreement between Murrindindi Shire Council and Fineblade Minor Medium & Major Civil works Projects	Livia Bonazzi Cr Sue Carpenter
CONT21/8 22/9692	7 April 2022	Formal Instrument of Agreement between Murrindindi Shire Council and Bitu-Mill (Road Maintenance) Minor Medium & Major Civil works Projects	Livia Bonazzi Cr Sue Carpenter
CONT21/8 22/12457	7 April 2022	Formal Instrument of Agreement between Murrindindi Shire Council and Prestige Paving Minor Medium & Major Civil works Projects	Livia Bonazzi Cr Sue Carpenter

RECOMMENDATION

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