



Murrindindi
Shire Council

Scheduled Meeting of Council

Agenda

Wednesday 24 May 2023
Alexandra Council Chambers
Perkins Street
6:00 PM

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1 ACKNOWLEDGEMENT OF COUNTRY AND COUNCILLORS' PLEDGE

1.1 Acknowledgement of Country

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

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

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

1.2 Councillors' Pledge

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

2 PROCEDURAL MATTERS

2.1 Privacy Note

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

2.2 Apologies and Request for Planned Leave

2.3 Disclosure of Interest or Conflict of Interest

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

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

2.4 Confirmation of Minutes

Minutes of the Scheduled Meeting of Council held on 26 April 2023.

RECOMMENDATION

That Council confirm the minutes of the 26 April 2023 Scheduled Meeting of Council.

Minutes of the Special Meeting of Council held on 3 May 2023.

RECOMMENDATION

That Council confirm the minutes of the 3 May 2023 Special Meeting of Council.

2.5 Petitions

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

2.6 Community Recognition

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

2.7 Matters Deferred from Previous Meeting

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

2.8 Urgent Business

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

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

3 PUBLIC PARTICIPATION

3.1 Open Forum

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

3.2 Questions of Council

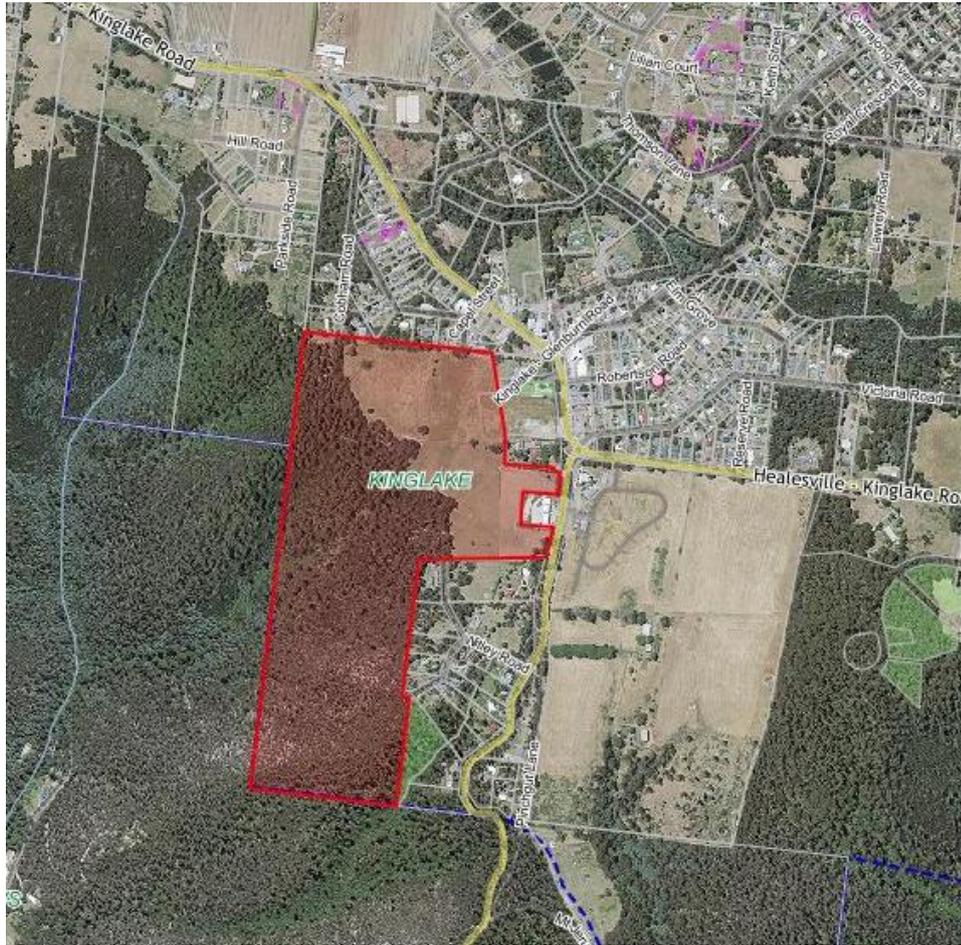
Questions of Council are an opportunity for the general public to submit a question prior to the Scheduled Meeting and receive a response from Council in the Questions of Council time.

4 REPORTS - COMMUNITY & DEVELOPMENT GROUP

4.1 Planning Application – 2991 Heidelberg-Kinglake Road Kinglake – Kinglake Ranges Trail

Attachment(s)	Attachment 1 - 2991 Heidelberg- Kinglake Road, Kinglake - Planning Application [4.1.1 - 8 pages] Attachment 2 - 2991 Heidelberg- Kinglake Road, Kinglake - Planning Report [4.1.2 - 28 pages] Attachment 3 - 2991 Heidelberg- Kinglake Road, Kinglake - Landscape Plan [4.1.3 - 14 pages] Attachment 4 - 2991 Heidelberg- Kinglake Road, Kinglake - Bushfire Emergency Plan [4.1.4 - 55 pages] Confidential Attachment 1 - 2991 Heidelberg – Kinglake Road, Kinglake – Submissions (<i>distributed to Councillors separately</i>)
Presenter	C Fraser, Coordinator Planning
Approved by	Director Community & Development
Purpose	For decision
Land:	2991 Heidelberg-Kinglake Road, Kinglake and 1 Whittlesea-Kinglake Road, Kinglake
Proposal:	Use and Development of land for a walking trail and removal of native vegetation
Applicant:	JRKV Pty Ltd
Zoning:	Farming Zone and Commercial 1 Zone
Overlays:	Bushfire Management Overlay
Triggers:	Clause 34.01-4 (Buildings and works in the Commercial 1 Zone) Clause 35.07-1 & 35.07-4 (Use and development of land in the Farming Zone for Leisure and Recreation) Clause 52.17-1 (Removal of Native Vegetation)

Locality Plan



Executive Summary

The application proposes to use and develop part of the subject site for the purpose of leisure and recreation and for the removal of vegetation to facilitate this.

The land at 2991 Heidelberg-Kinglake Road, Kinglake is located in the Farming Zone and is affected by the Bushfire Management Overlay. The land at 1 Whittlesea-Kinglake Road is located in the Commercial 1 Zone and is affected by the Bushfire Management Overlay.

The land is located on the southwestern side of the Kinglake township and has an area of approximately 41.10 Hectares of which approximately 25 hectares is significantly vegetated. The land is currently used for grazing.

The application has been advertised to all adjoining landowners and occupants and 3 objections have been received. The objections raise issues in relation to site management, bushfire management, access and amenity.

This report recommends that a notice of decision to grant a permit be issued for the Use and Development of land for a walking trail and removal of native vegetation at 2991 Heidelberg Kinglake Road and 1 Whittlesea-Kinglake Road.

RECOMMENDATION

That Council issue a Notice of Decision to grant a planning permit for Use and Development of land for a walking trail and removal of native vegetation at 2991 Heidelberg-Kinglake Road, Kinglake and 1 Whittlesea-Kinglake Road, Kinglake, subject to the following conditions]:

- (1) Prior to commencement of the use of the walking trail, an Operational Management Plan must be submitted to the satisfaction of the Responsible Authority.
- (2) The Operational Management Plan may be amended from time to time and should include as relevant:
 - a. Outline of activities to be undertaken on site associated with the walking trail.
 - b. Details of management arrangements associated with the trail.
 - c. Details of measures and processes to deal with community questions, complaints and general operational issues associated with these facilities.
- (3) Prior to the occupation of the use, signage to advise motorists and pedestrians that no access is available from Witley Road or Outlook Road must be provided on Witley Road
- (4) The trail must not be used by motorized recreational vehicles.
- (5) Prior to the commencement of the use, the track must be fenced off from the balance of the site to the satisfaction of the responsible authority.
- (6) No heating or cooking appliances or other flammable materials are to be used on the subject land as part of the approved use.
- (7) The layout of the site and the size and type of the proposed buildings and works, including the materials of construction, as shown on the endorsed plans shall not be altered or modified without the consent in writing of the Responsible Authority.
- (8) Unless otherwise agreed in writing by the Responsible Authority, the landscaping areas shown on the endorsed plans must be used for landscaping and no other purpose and any landscaping must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.
- (9) Prior to the commencement of use all planting in accordance with the landscape must be completed unless with the prior written consent of the Responsible Authority.

Engineering Conditions

- (10) Prior to commencement of buildings and works, a suitable prepared engineering plan detailing the proposed walking trail, earthworks, and drainage, including the erosion and sediment control measures must be submitted to the Responsible Authority and receive its endorsement.

- (11) Prior to the commencement of the use, the developer must construct the walking trail in accordance with approved construction drawings.

Drainage

- (12) Prior to the commencement of buildings and works a stormwater drainage plan along the walking trail must be provided to the satisfaction of the responsible authority.

Access

- (13) Prior to commencement of the use, all internal walking trails must be constructed, formed, and drained to avoid erosion and to minimise disturbance to natural topography of the land to the satisfaction of the Responsible Authority.
- (14) The walking trail shall be constructed to a size and standard satisfactory to the Responsible Authority in accordance with IDM Standard Drawing SD205.
- (15) Provide culverts at suitable locations to cross natural drainage lines without damaging the natural habitat.
- (16) Handrails shall be provided at steep locations of the trail.

Melbourne Water Conditions

- (17) Prior to commencement of construction a Site Environmental Management Plan (SEMP) must be submitted to Melbourne Water for approval, specifying relevant Actions in a practical way to ensure that they are implemented effectively. The SEMP must include a site map detailing the location and design of all measures including the following:
- (a) Silt fencing
 - (b) Access tracks
 - (c) Spoil stockpiling
 - (d) Trenching locations
 - (e) Machinery/Plan Location
- (18) Melbourne Water does not take ownership or maintenance responsibilities for any new assets (pathway and water crossings) created as part of the development.

DELWP Conditions

- (19) No access is permitted to the subject land via the Crown land.
- (20) Adjoining Crown land must not be used for truck turning areas, entry points, parking areas or temporary stack sites during the construction of buildings or works.
- (21) No polluted and/or sediment laden run-off is to be discharged directly or indirectly into drains or watercourses on Crown land. Overland flows must be maintained at the same rate post development as on the undeveloped land.

Native Vegetation

- (22) Before works start, the permit holder must advise all persons undertaking the vegetation removal works on site of all permit conditions pertaining to native vegetation protection.

- (23) Native vegetation removal must be in accordance with the extent specified in the Ecological Impact Assessment – Berrbang Biik Trail prepared by Ranges Environmental dated 23 November 2022. The total area of native vegetation permitted to be removed is 0.19 hectares of native vegetation, which is comprised of:
- 0.015 hectares of Damp Forest
 - 0.175 hectares of Shrubby Foothill Forest
- (24) To offset the removal of 0.19 hectares of native vegetation the permit holder must secure a native vegetation offset(s) that meets all the following:
- (a) A general offset of 0.054 general habitat units located within the Goulburn Broken Catchment Management Authority, Port Phillip and Westernport CMA boundary or Murrindindi Shire Council municipal district;
 - (b) have a Strategic Biodiversity Value score of at least 0.487
 - (c) provide protection for at least one large tree
 - (d) must be in accordance with the Guidelines for the removal, destruction or lopping of native vegetation (DELWP, 2017).

Offset evidence

- (25) Before any native vegetation is removed, evidence that the required offset for the project has been secured must be provided to the satisfaction of the responsible authority. This evidence must be an established first party offset site. This must include:
- (a) a security agreement signed by both parties, and
 - (b) a management plan detailing the 10-year management actions and ongoing management of the site;

to the satisfaction of the Department of Environment, Land, Water and Planning and approved by the Responsible Authority.

- (26) Every year, for ten years, after the responsible authority has approved the offset management plan, the applicant must provide notification of the management actions undertaken towards implementing the offset management plan, to the department. An offset site condition statement, including photographs must be included in this notification;

and/or

credit extract(s) allocated to meet the requirements of the permit from the Native Vegetation Credit Register.

- (27) A copy of the offset evidence must be endorsed by the responsible authority and form part of this permit.

PERMIT EXPIRY

- (28) This permit shall expire if the development hereby permitted is not completed and 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 development allowed by the permit has not yet commenced, or within 12 months where the development allowed by the permit lawfully commenced before the permit expired.

NOTATIONS:

Nil.

The Land and Surrounds

The subject site has an area of approximately 43.10 hectares and adjoins much of the south western edge of the Kinglake Township.

The site is undulating in topography and contains open paddocks which are used for periodic grazing as well as a significant area of bush adjoining the Kinglake National Park which was previously used for mining. Tracks resulting from previous mining on the site have been somewhat retained on site in some areas.

Due to the size of the site and the unusual shape of the property, adjoining land uses are considerably mixed and include the National Park, Council Service Centre, commercial and residential.

Background

A search of Council's Electronic Records System shows the following permits have been issued for the subject site:

- Planning Permit 2019/41 issued 11 October 2019 for the Kinglake Village
- Planning Permit 2018/223 issued 31 October 2018 for a boundary realignment with 1 Whittlesea-Kinglake Road.
- Statement of Compliance for Subdivision 3/2011/21 was issued on 9 June 2011 which excised the land currently known as 2983 Heidelberg-Kinglake Road for the Kinglake Fire Station. No planning permit was required.

Proposal

The application proposes to use and develop part of the subject site for the purpose of leisure and recreation and for the removal of vegetation to facilitate this.

The proposed walking track encompasses existing pathways, however the path network will require upgrading prior to making available to the wider public. The proposed tracks will have an overall length of approximately 1.775km broken up into six distinct areas including the open paddock between the Kinglake Village and bush area of the subject site, all with varying degrees of difficulty. Additional lookout or platform areas are also proposed in areas of interest.

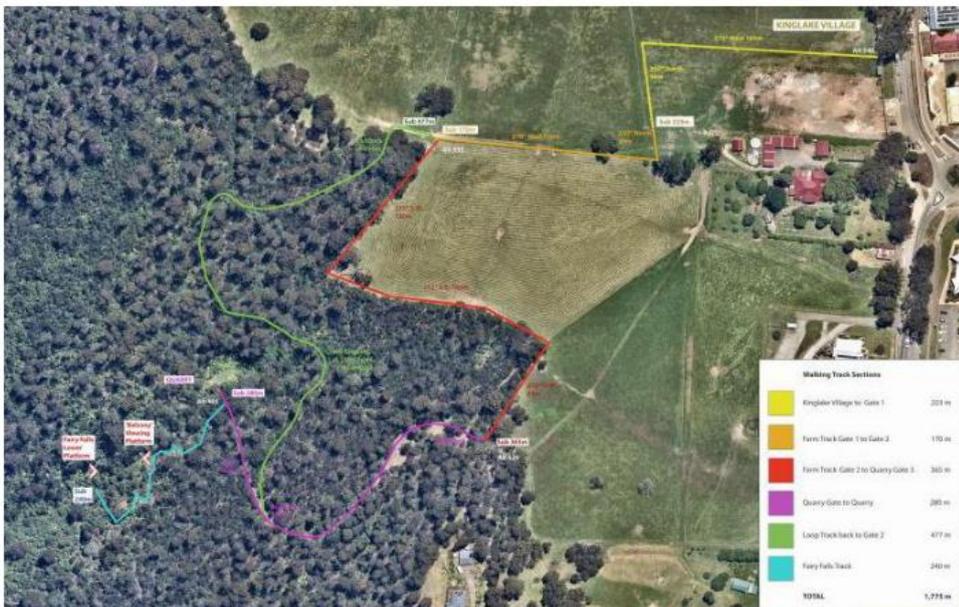
The proposed tracks will be constructed of a range of materials including timber, concrete and gravel. The track has been designed to cater all abilities with the materials used to suit the location of the development for example, access between the Kinglake Village and the vegetated areas will be of concrete construction and areas within the bush close to vegetation to be compacted gravel to minimise the impact on vegetation.

Landscaping is proposed along the track in areas of the track currently in open areas.

The proposal will commence from the eastern boundary of the site adjoining the approved Kinglake Village located at 1 Whittlesea-Kinglake Road, Kinglake.



Site context showing location of track in relation to Kinglake Township.



Location of Track

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 to adjoining landowners and occupiers
- Sign on site

Following notice of the application, three submissions were received which raised the following issues:

- Management of the trail.
- Lack of toilets and infrastructure.
- Bushfire Management.
- Use of the track, particularly motorised vehicles, barbeques and hours.
- Access to the trail.
- Location of Development.

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

Referrals

The application was referred to the CFA and formal notice was given to Goulburn Murray Water, DELWP, EPA and Melbourne Water.

Authorities notified of the proposal have consented to the proposal subject to conditions. The CFA have consented to the proposal subject to conditions which have been included in the recommendation.

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 the application is consistent with the objectives and strategies of this framework as is discussed below.

Clause 02.02 (Vision)

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

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

It is considered that the proposal is consistent with this vision. The proposal will allow for increased tourism to the area which will in turn provide economic growth. Furthermore, the trail will provide further opportunity to promote Kinglake as a destination, extend the stay of visitors and support the visitor economy. The proposal also provides the opportunity for people to experience the natural environment and come into contact with nature.

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*

The proposed use of the land is consistent with the strategic directions as it will provide for outdoor recreation, while showcasing the natural assets of the area. The trail promotes the region's proximity to Melbourne and will increase visitation to the shire and surrounding areas and extending the stay through offering alternative activities.

Furthermore, it has the potential to encourage overnight visitor accommodation through extending the stay with increased activities.

Clause 12.01-1S - Protection of biodiversity

Objective

- *To protect and enhance Victoria's biodiversity.*

Clause 12.01-2S - Native vegetation management

Objective

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

The application proposes the removal of native vegetation from the subject site. The native vegetation removal required to facilitate this development has been largely avoided due to the placement of the tracks along existing paths. While vegetation removal has not been fully avoided, it has been minimised as much as possible and a small amount of vegetation will be required to be removed and offset. The application has been assessed against the guidelines for the removal of native vegetation and is considered to appropriately respond and overall will meet the objectives of these provisions of the Murrindindi Planning Scheme.

Clause 13.02-1S - Bushfire planning

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.*

Clause 13.04-2S - Erosion and landslip

Objective

- To protect areas prone to erosion, landslip or other land degradation processes.

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 use and nearby residential uses, the expected behaviours of patrons, the nature of the use as well as the hours of operation to minimise noise disturbance.

Clause 14.01-1S - Protection of agricultural land

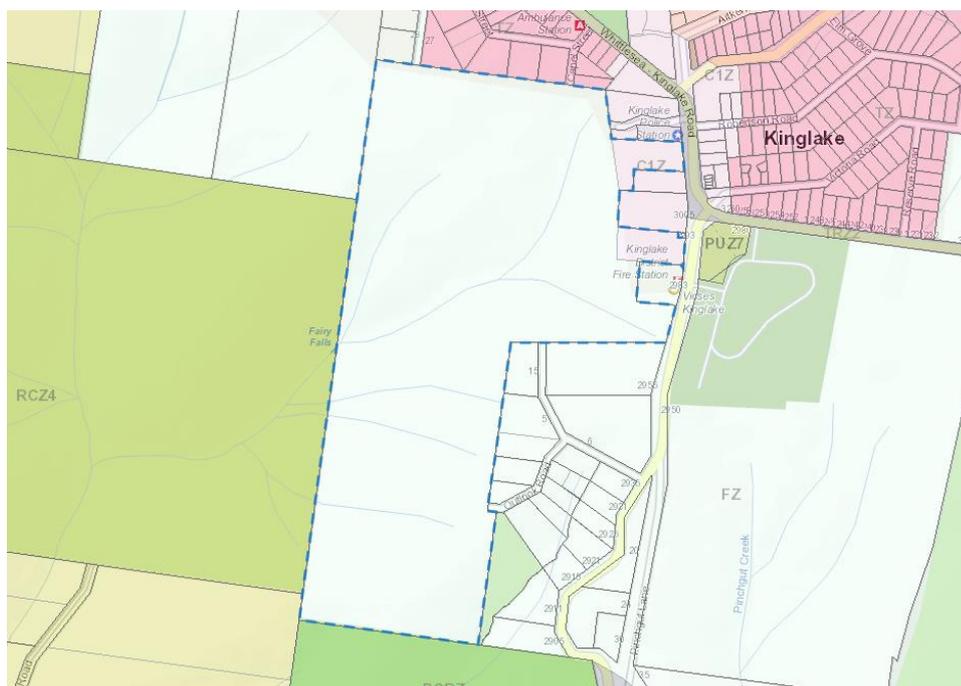
Objective

- *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 use of part of the site for a walking trail associated with an adjoining commercial venture. 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 land uses.

It is noted that the site adjoins the Commercial 1 Zone, Township Zone and Farming Zone land within the Shire of Murrindindi and Public Conservation & Resource Zone and the Rural Conservation Zone in the Shire of Nillumbik.



The subject site is heavily vegetated along its western and southern boundaries with the open area currently utilised for grazing adjoining a number of sensitive land uses.

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 17.04-1S - 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.*

Commercial 1 Zone

Purpose

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses.*
- *To provide for residential uses at densities complementary to the role and scale of the commercial centre.*

Pursuant to Clause 34.01 of the Murrindindi Planning Scheme, a permit is required for buildings and works in the Commercial 1 Zone. The extent of works proposed as part of this application is pedestrian infrastructure to provide access from the land at 1 Whittlesea-Kinglake Road, Kinglake into the subject site.

The access to the site is located at the rear of the site and will be integrated with the approved development of the land for the Kinglake Village. The works will not impact on the approved commercial development of the land is consistent with the purpose and decision guidelines of the Commercial 1 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.*

A planning permit is required for the use and development of land for 'leisure and recreation' pursuant to Clauses 35.07-1 and 35.07-4 of the Murrindindi Planning Scheme.

The proposed use and development has been assessed against the purpose and relevant decision guidelines of the Farming Zone.

The capability of the land to accommodate the proposed use or development, including the disposal of effluent.

The size and characteristics of the site allow it comfortably to accommodate the proposed use. The proposed use utilises existing natural features of the site and enhances these. There is sufficient space for car parking on adjoining land without impacting the agricultural use of the site.

How the use or development relates to sustainable land management.

The siting of the proposed use of land for leisure and recreation predominantly occurs place in the area of the site not utilised for agricultural purposes. Access to this area from the pedestrian entrance to the site minimises the extent of agricultural land used for the access path. The balance of the land will continue to be used for agriculture use.

Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.

Surrounding land uses consist of agriculture, residential and public land. The proposed use of the land is compatible with adjoining land uses.

How the use and development make use of existing infrastructure and services.

The proposal utilises existing natural features of the site and allows access to the area by the public. This is connected to an approved commercial development which is located on the adjoining parcel.

Whether the use or development will support and enhance agricultural production.

The use and development proposed does not support or enhance agricultural production on the subject land. It is noted however that the proposal removes only a small area of land from agricultural production of the approximately 16 hectares of the land not heavily vegetated. Should the use cease into the future, the land can be returned to agricultural production.

Whether the use or development will adversely affect soil quality or permanently remove land from agricultural production.

The proposed use and development is unlikely to adversely affect soil quality or permanently remove the land from agricultural production.

The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.

The proposal is unlikely to limit the operation of agricultural land uses. The nearest agricultural land to the development area, not separated by road is approximately 400m away from the subject site at the end of Parkside Road.

The existing and potential agricultural use of adjoining and nearby properties has been considered in the assessment of the proposed use.

The capacity of the site to sustain the agricultural use.

The existing use of the land for grazing will not be impacted by the proposed use.

The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure.

The proposal capitalises on existing natural features.

The impact of the proposal on the natural physical features and resources of the area, in particular on soil and water quality.

There will be no impact on soil or water quality.

The impact of the use or development on the flora and fauna on the site and its surrounds.

The infrastructure required to formalise the use of the land for leisure and recreation will result in minimal vegetation removal. The construction proposed will utilise existing tracks to minimise vegetation removal with some understorey removal likely to be required.

The impact on the character and appearance of the area or features of architectural, historic or scientific significance or of natural scenic beauty or importance.

It is considered that the proposal will not impact on the natural scenic beauty of the area. It is considered that there will be minimal impact on the character and appearance of the area given the setbacks for the road and natural screening.

Bushfire Management Overlay

Purpose

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

The application was accompanied by an Emergency Management Plan that addresses the bushfire risk associated with the site.

Clause 52.06 - Car Parking

Purpose

- *To ensure that car parking is provided in accordance with the Municipal Planning Strategy and the Planning Policy Framework.*
- *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.*
- *To support sustainable transport alternatives to the motor car.*
- *To promote the efficient use of car parking spaces through the consolidation of car parking facilities.*
- *To ensure that car parking does not adversely affect the amenity of the locality.*
- *To ensure that the design and location of car parking is of a high standard, creates a safe environment for users and enables easy and efficient use.*

Clause 52.17 - Native Vegetation

Purpose

- *To ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation. This is achieved by applying the following three step approach in accordance with the Guidelines for the removal, destruction or lopping of native vegetation (Department of Environment, Land, Water and Planning, 2017) (the Guidelines):*
 1. *Avoid the removal, destruction or lopping of native vegetation.*
 2. *Minimise impacts from the removal, destruction or lopping of native vegetation that cannot be avoided.*
 3. *Provide an offset to compensate for the biodiversity impact if a permit is granted to remove, destroy or lop native vegetation.*
- *To manage the removal, destruction or lopping of native vegetation to minimise land and water degradation.*

The proposal will result in the loss of biodiversity as a result of the construction of the trail. Construction of the trail to meet expected building standards and community expectation has meant that vegetation removal cannot be avoided in its entirety. The Trail utilises existing man-made tracks to minimise the extent of vegetation removal required and is limited to understorey growth. No large trees are proposed to be removed. Due to the small extent of vegetation

removal, the application is considered Low-Risk and was not required to be referred to the Department of Environment, Land Water and Planning (now DEECA). It is noted however that the department was notified of the application in its entirety. The vegetation required to be removed will be appropriately offset and is considered appropriate in this instance.

Discussion - Submissions

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

- Management of the trail
 - The trail will be located entirely within the subject site. Management of the trail will be the responsibility of the permit holder. This is likely to be done via a Trust set up and supported by the Kinglake Village. The infrastructure proposed as well as patron management and ongoing maintenance will not be the responsibility of Council.
- Lack of toilets and infrastructure
 - The proposal has been designed to be incorporated with the approved Kinglake Village. Facilities in the Kinglake Village development will be available to users of the trail.
- Bushfire Management
 - As part of the application, the applicant has prepared documentation in accordance with the requirement of the Murrindindi Planning Scheme. This has been referred to the CFA who have consented to the proposal subject to conditions.
- Use of the track, particularly motorised vehicles, barbeques and hours
 - Behaviour of users of the track, including vehicular use of the site has been raised as an issue. It is considered appropriate that conditions be placed on any permit issued which prohibit the use of motorised vehicles on the trail.
- Access to the trail
 - Public access to the trail will be available exclusively through the land at 1 Whittlesea-Kinglake Road, Kinglake. Concerns have been raised regarding previous issues with access to the site from Witley Road. It is considered that as part of the development, a requirement for signage on Witley Road advising 'no access to trail' (or similar) be included as a condition of any permit issued. Such condition should require compliance prior to the commencement of the use (if approved.)
- Location of Development
 - Concerns have been raised in relation to the siting of the development in terms of it not being wholly within the Shire of Murrindindi. The development is sited wholly within the land included in this application. The application applies to land included within the Murrindindi Planning Scheme only. Notice has been given to adjoining land owners within the adjoining Nillumbik Shire.

A meeting with objectors and the applicant was offered to all three objectors to the proposal. Officers have met with one objector and several conditions have been included in the recommendations to address the issues raised. This includes the requirement for signage in Witley Road, fencing of the track and use of motorised recreational vehicles.

Conclusion

It is considered that the use and development of land for a walking trail and the removal of native vegetation is appropriate as it will promote tourism in the Kinglake township and will not impact on the amenity of surrounding landowners and users. On balance, it is considered that the proposed trail is consistent with the provisions of the Murrindindi Planning Scheme.

Council Plan/Strategies/Policies

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

Relevant Legislation

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

Financial Implications and Risk

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

Conflict of Interest

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

4.2 Grants and Contributions Program - May Allocations

Attachment(s)	Nil
Presenter	C Hamill, Grants Officer
Approved by	Director Community & Development
Purpose	For decision

Executive Summary

Community Grants are provided for projects that support our communities to:

- improve the liveability of our towns and places
- build connections
- create opportunities for participation in community and civic life
- improve personal and community health and wellbeing
- protect our natural environment
- assist communities to plan for the future.

This report provides Council with the May Grants and Contribution Program applications and variation requests with the Panel Assessment Report for consideration.

RECOMMENDATION

That Council:

1. **Endorse the following allocations recommended by the Grants and Contributions Assessment Panel:**
 - a. **Kerami Pictures – Sweet Caroline Short Film – Sponsorship - \$5,000**
2. **Note the following allocations made under delegation:**
 - a. **Murrindindi Beanie Festival - Murrindindi Beanie & Fibre Festival – Fee Reduction -\$240**
 - b. **Kellock Lodge Incorporated - Dance the Night Away – Fee Reduction - \$60**
 - c. **Lions Club of Kinglake - Anzac Day Commemoration – Fee Reduction - \$124**
 - d. **Aquatics and Recreation Victoria - ARV Regional Conference – Sponsorship - \$1,000**

Background

The Grants and Contributions Program provides the opportunity for not-for-profit community groups and organisations, social enterprises and businesses to seek funding from Council to support events, activities and projects that align with the *Murrindindi Shire Council 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. The applications have been assessed against the adopted policy.

Discussion

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

1. New applications for endorsement

- a. Community Projects and Events application - Kerami Pictures – Sweet Caroline Short Film

Sweet Caroline is a short film set in Marysville and other parts of the Murrindindi Shire. It targets film festivals both in Australia and internationally. The Film is a dark comedy scheduled to be completed in the first half of 2023. Goals for the film are to show Marysville and the Murrindindi

Shire to the rest of the country and the world, to give Murrindindi youth hands-on film experience and bring the community together for a unique and fun experience.

A sponsorship of \$5,000 is recommended.

2. Assessed Under Delegation

a. Fee Reduction Application - Murrindindi Beanie Festival – Murrindindi Beanie & Fibre Festival

The Beanie Festival has been hosting this annual festival in the Alexandra Shire Hall for many years and are striving to expand to include all things fibre. Organisers aim to encourage as many visitors as possible to the Murrindindi Shire to enjoy what the area has to offer. The festival raises funds through selling beanies. The funds are then donated back into the community to help groups and schools fund their projects.

A fee reduction of \$240 has been granted by the Panel under delegation.

b. Fee Reduction Application - Kellock Lodge Incorporated - Dance the Night Away

Friends of Kellock are running a dance to raise money to assist in the upkeep and care of the elderly citizens who reside in the Kellock Lodge aged care facility.

A fee reduction of \$60 has been granted by the Panel under delegation.

c. Fee Reduction Application - Lions Club of Kinglake - Anzac Day Commemoration

The Lions Club held an Anzac Day commemoration service for community members at the Kinglake Community Centre. The fee reduction was for the venue.

A fee reduction of \$125 has been granted by the Panel under delegation.

d. Sponsorship - Aquatics and Recreation Victoria - ARV Regional Conference

The Aquatics and Recreation Victoria Regional Conference brings together industry leaders and green workforce from local government, aquatic, recreation and leisure facilities, product suppliers, service providers, consultancies, institutes of learning, and state government departments to discuss building a sustainable future for our industry.

A sponsorship of \$1,000 has been granted by the Panel under delegation.

Council Plan/Strategies/Policies

This report supports the following strategies under the *Council Plan 2021-2025 Resilient Communities* pillar:

- “to ensure we are welcoming, inclusive, caring and connected”.
- “to celebrate the community's vibrant, diverse and creative people”.
- “to deliver, support and promote opportunities for all people to connect with each other, collaborate and plan for the future”.
- “in collaboration with our community, support our children and young people to be happy, healthy and engaged”.

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	May Allocations	Year to date Allocations	Total 22/23
Fee Reductions	\$425	\$5,803	\$6,228
Governance, Skills and Capacity Building		\$1,599	\$1,599
Quick Response			
Community Sponsorship, Projects and Events	\$6,000	\$50,146	\$56,146
Tourism Events		\$17,500	\$17,500
Business Plan Support			
Funds returned to Council		\$2,500	\$2,500
Donation to Turkiye		\$5,000	
TOTAL	\$6,425	\$82,548	\$88,973

The indicative total budget of the Grants and Contributions Program for the 22/23 financial year is \$180,000.

Conflict of Interest

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

Community and Stakeholder Consultation

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

5 REPORTS - PEOPLE & CORPORATE PERFORMANCE GROUP

5.1 2023/24 Annual Budget

Attachment(s)	Attachment 1 - 2023/24 Annual Budget [5.1.1 - 109 pages]
Presenter	C Nickels-Beattie, Manager Business Services
Approved by	Director People & Corporate Performance
Purpose	For decision

Executive Summary

This report seeks Council's adoption of the Annual Budget 2023/24 (Budget) following a period of public exhibition and submission process in accordance with section 96 (1) of the *Local Government Act 2020* (the Act). The report includes a summary of the budget submissions for consideration and proposed responses.

RECOMMENDATION

That Council:

1. Having considered all submissions received and in accordance with Section 94 of the *Local Government Act 2020*, adopt the Annual Budget 2023/24 (Attachment 5.1.1), noting the following changes to the exhibited draft Annual Budget:
 - rates in the dollar and property valuation figures have been updated following the receipt of the final revaluation data from the Valuer-General Victoria
 - Council Action Plan initiatives descriptions have been updated to reflect the final Plan to be adopted by Council.

2. Formally declares the Rates Levies and Annual Service Charges for the 2023-24 rating year as follows:
 - a) Declaration of Rates and Charges:

In accordance with section 158 of the *Local Government Act 1989*, the following rates and charges are declared for the rating year commencing 1 July 2023 and ending 30 June 2024.
 - b) Amount intended to be raised:

An amount of \$23.753 million be declared as the amount which Council intends to raise by general rates and the annual service charge, which is calculated as follows:

Category	Amount \$'000
General Rates	\$15,985
Municipal charge	\$ 3,591
Waste management charges	\$3,854
Supplementary Rates	\$162
Revenue in lieu of rates	\$161
Total	\$23,753

c) Rates Information - differentials:

General rates:

A general rate to be declared for the 2023-24 financial year. The rateable amount per property will be determined by multiplying the Capital Improved Value (CIV) of each rateable property by the rate in the dollar indicated in the following table:

Category	Rate
Residential (100% general rate)	0.001849 (0.1849 cents in the dollar of CIV)
Commercial (125% general rate)	0.002311 (0.2311 cents in the dollar of CIV)
Rural 1 (70% general rate)	0.001294 (0.1294 cents in the dollar of CIV)
Rural 2 (99% general rate)	0.001831 (0.1831 cents in the dollar of CIV)
Vacant Land (150% general rate)	0.002774 (0.2774 cents in the dollar of CIV)

No amount is fixed as the minimum amount payable by way of general rate in respect of each rateable property within the municipality.

d) Municipal charge:

The municipal charge declared in respect of the 2023-24 financial year is \$364.00.

e) Annual service charges:

- i. An annual service charge, for the collection and disposal of refuse, be declared in respect of the 2023-24 financial year.
- ii. The annual service charge be in the sum of, and be based on the criteria, set out below:

Category	Rate
Kerbside Collection	\$416.85
Recycling	\$127.45

f) Interest on rates and charges:

- i. Interest is to be charged in accordance with section 172 of the *Local Government Act 1989*, on any amounts of rates and charges which have not yet been paid by the instalment dates fixed by the Minister in accordance with section 167 of the *Local Government Act 1989*;
- ii. That the interest to be charged is at the rate fixed under section 2 of the *Penalty Interest Rates Act 1983*, that applied on the first day of July immediately before the due date for payment; and
- iii. Interest on rates and charges is to be calculated from the date on which the instalment was due.

g) The due date for the full payment of rates is 15 February 2024. The due dates for rate instalments will be as follows:

- Instalment 1: 30 September 2023
- Instalment 2: 30 November 2023

- Instalment 3: 28 February 2024
- Instalment 4: 31 May 2024.

3. Authorise the Chief Executive Officer to make the final documents available for public viewing.
4. Authorise the Manager Business Services to advise submitters that Council has considered their submissions relating to the Draft Annual Budget 2023/24, noting that all submitters will be thanked and advised of the outcome of their submission.

Background

At the 5 April 2023 Special Council Meeting, Council endorsed the draft 2023/24 Annual Budget (draft Budget) for the purposes of public exhibition in accordance with the *Local Government Act 2020* (the Act).

Submissions were sought from the public and the draft Budget was made available on Council's website. The public exhibition period and submission process was advertised on Council's Facebook page and in a range of local publications and newspapers. Submissions were due by 30 April 2023.

An acknowledgement has been sent to each submitter, confirming receipt of their submission. In most cases submitters were informed of the opportunity to attend the Public Participation session at the Scheduled Meeting of Council on 26 April 2023, Special Meeting of 3 May 2023 or the Scheduled Meeting of 24 May 2023 to speak to their submission. It is noted three submissions were received after the 26 April Council Meeting. At the time of this report one request to present to Council had been received.

Discussion

The draft Budget details the resource requirements and project priorities that are in accordance with the key strategic objectives that have been set in the *Council Plan 2021-2025*.

The draft Budget has been prepared on the principles of responsible financial management to achieve an operating result that ensures and maintains Council's long term financial sustainability while delivering services to the community.

The draft Budget key results and indicators are:

- 2023/24 operating surplus of \$1.17 million, including capital income.
- 2023/24 underlying deficit of \$3.1 million, excluding capital items.
- 30 June 2024 budgeted cash balance of \$28.9 million includes:
 - reserves \$12.5 million.
 - provisions \$3.8 million.
 - trusts and deposits \$1.3 million.
 - grants (unearned income) \$2.0 million.
- 2023/24 working capital is 358%.

The following key points are provided to assist the Council and the community in analysing the draft Budget:

- The draft Budget is prepared based on a 3.5% increase in overall rates and charges, in line with the increase in rates permissible under the Fair Go Rates System for 2022/23 and the rate cap set by the State Government. This increase is less than the forecast CPI (Consumer Price Index) increase of 4%.
- Waste charges are set to rise by 3.5%. Waste charges are based on a cost recovery model which includes the increases in Government Landfill Levy imposed on Council and increasing costs of processing waste.
- User fees and charges have again been benchmarked against our neighbouring councils. Some fees have been adjusted to reflect the cost of service provision, rather than rate payers subsidising these 'user-pay' services. All other non-statutory user fee increases have been limited to a 3.5% increase.
- Investment of \$55.2 million to deliver services and improve infrastructure.
- \$39 million in services and facility operating costs to ensure ongoing service provision and delivery on the Council Plan initiatives. This includes increases in costs of superannuation, materials, imposed levies and contracted services.
- CPI increased by 7.8% over the 12 months to December 2022. Council's budgeted expenditure has been maintained well below this CPI increase.
- Capital works program of \$15.9 million (including \$7.8 million carry forward capital works) for new, or renewal, upgrade and expansion of Council assets.
- Potential for new borrowings in 2023/24 to fund additional capital works projects (only if required).

New initiatives

New initiatives included in the draft Budget to support the achievement of our goals under the *Council Plan 2021-2025* are:

- implementation of Council's Reconciliation Action Plan (\$30,000)
- public health and wellbeing initiatives, including community mental health first aid training, active footpaths project, vaping awareness and women in sport initiative (\$10,000)
- meeting Council's statutory obligations under the Child Wellbeing and Safety Act 2005 (\$17,000)
- oval maintenance to support community's recreation enjoyment and safety (\$30,000)
- combined Rapid Road and Tree Maintenance Response Team to improve Council's responsiveness to community works requests (\$202,000)
- additional road material to improve unsealed road maintenance and address service standards (\$150,000)
- implement SpendMap, an online economic analysis tool to support the implementation and evaluation of economic development strategies (\$10,800)
- conduct a feasibility assessment for developing vacant Council owned land to support housing affordability and availability (\$20,000)
- progress Council's carbon offsetting project at Flat Lead Road, Yea (\$35,000)
- strengthen Council's cyber security (\$20,000)
- improve Council's data connectivity (\$20,000)
- upgrade Council's website as part of the Communications and Social Media Strategy (\$50,000)
- implementation of social media archiving software as part of the Communications and Social Media Strategy - governance standards (\$10,000)

Capital Works Program

Highlights of the Capital Works Program are:

- roads, footpaths and cycleways (\$3.7 million) including –
 - resheeting program (\$1.9 million)
 - resealing program (\$961,000)
- flood recovery works - Council contribution to support potential grant funding (\$200,000)
- bridges (\$370,000) in addition to flood recovery projects including Smiths Bridge, Maintongoon, stage 2 replacement (\$170,000)
- building renewal program (\$410,000) including –
 - Rotary Park, Alexandra, toilet block (\$120,000)
 - Yea Saleyards water tank, septic tank upgrade and additional toilets (\$115,000)
- recreational facilities (\$2 million) including
 - Council contribution to the Eildon Reserves Redevelopment project (\$1.8 million)
 - Kinglake Memorial Reserve Oval renewal (80,000)
- waste management in Alexandra, Marysville and Flowerdale (\$240,000)
- drainage in Buxton, Yea and Alexandra (\$200,000)
- street tree program (\$120,000)
- plant and equipment, including climate control initiatives, renewal of plant and fleet, IT equipment and library books (\$1.1 million)
- capital works projects carried forward from the 2023/24 Capital Budget (\$7.6 million), including:
 - building renewal and upgrades.
 - digitalisation transformation project (collaboration with Benalla, Mansfield & Strathbogie Councils)
 - Snobs Creek road upgrade.
 - swimming pool upgrades – Eildon, Marysville and Yea.
 - landfill rehabilitation and cell construction.

Borrowings

Council is forecast to hold no debt from loan borrowings at 30 June 2023. This represents the lowest level of absolute debt Council has held in more than a decade. Council has continued to fund the operating budget and capital works program from rates, fees, and grant revenue.

Under the Local Government Act 2020 Section 104, Council is declaring an interest in the potential to borrow to fund any unplanned urgent capital works in 2023/24. These borrowings are included in the budget as \$1 million over a term of 10 years at 5% interest. If borrowings are required, Council will undertake the necessary governance steps including the required procurement process and a resolution of Council to borrow to fund specific capital expenditure. If no borrowings are required, this will not be undertaken.

Public Submissions

Eight submissions have been received in relation to the draft Budget. Councillors have received copies of all submissions.

A summary of the submissions received and associated officer recommendations is included in the table below:

No.	Summary of submission
1	<p>Submitter: Ruth Allwood</p> <p>How much is allocated to street/shade tree planting in Alexandra?</p> <p>Proposed Council response: Inform the submitter that:</p> <ul style="list-style-type: none"> • the overall budget for the street tree program (replacement and improvements) is \$120,000 • this is an increase to the \$50,000 in the 2022/23 budget • in the case of tree replacement, the budget includes the cost of tree removal • specific allocations to each township within the municipality will be determined by 1 July 2023
2	<p>Submitter: Narelle Strubing</p> <p>Request for the sealing of Taylor Bay Left Arm Road. Suggested this is a potential for an owner contribution scheme.</p> <p>Proposed Council response: Inform the submitter that:</p> <ul style="list-style-type: none"> • Special Charge Schemes require a high level of support from affected property owners and take some time to establish. Council would be happy to gauge interest in such a Scheme for Taylor Bay Left Arm Road sealing for consideration in a future annual budget.
3	<p>Submitter: Amanda</p> <p>Following up request to resolve issue with hole and fallen trees in Castella Central Park.</p> <p>Proposed Council response: Inform the submitter that:</p> <ul style="list-style-type: none"> • Council Operations team inspects and maintains parks throughout the municipality on a programmed basis, this often does not include unformed tracks, etc. The issues identified at Castella Park have been inspected and if not actioned immediately, will be programmed for future work.
4	<p>Submitter: Samuel Dean</p> <p>Requests consideration to include the sealing of Saleyards Street, Yea in the 2023/24 budget.</p> <p>Proposed Council response: Inform the submitter that:</p> <ul style="list-style-type: none"> • while there are no plans to seal Saleyard Street, Yea this year, it is listed for consideration within the 10 year forward works program (at this stage 2026/27), however funding has not yet been identified. Council will review the impact of the nearby new housing development and consider whether a Special Rates Charge Scheme is warranted to seal the road. If so, this would form part of a future budget and not the 2023/24 budget.
5	<p>Submitter: Melinda Burgess (Foundation Murrindindi)</p> <p>Requests information about Council's plans for the Gifted and Novated Assets Reserve, of \$701,000. This reserve contains the balance of funds that were held by (VBRRA) the Victorian Bushfire Recovery and Reconstruction Authority for reconstruction projects in</p>

No.	Summary of submission
	<p>Murrindindi Shire when the Authority closed. The funds (also known as VBBRA Cessation funds) were transferred by the State Government to Council as further assistance for the new assets gifted after the 2009 bushfires. Also what happens to the interest earned on these funds.</p> <p>Proposed Council response: Inform the submitter that:</p> <ul style="list-style-type: none"> • The funds from this Reserve were provided to Council by the State Government in recognition of the increased cost to Council of maintaining and renewing its assets, following the 2009 bushfire reconstruction effort and the resulting expansion to the Council's asset base. The funds in this reserve are only available to support the delivery of Council's annual asset renewal program across the Shire and are not for the exclusive use on assets gifted after the bushfires. These funds are not made available for community grants or new projects. • The annual priorities for renewal works are determined by Council's 20 year capital works program, which considers asset life and replacement timing. The timing of renewal works for assets gifted to Council following the 2009 bushfires is included in the Council's rolling 20 year capital works program. • Council does not separately invest funds from each of these reserves. The interest earned on cash investments form part of Council's revenue used to fund operating and capital requirements.
6	<p>Submitter: Ross Vaughan (Friends of the Great Victorian Rail Trail)</p> <p>Request for budget allocation of \$3,750 to install roadside Tourist Attracting signage at four points along the rail trail. Proposal to work in partnership with Council to deliver the project.</p> <p>Proposed Council response: Inform the submitter that:</p> <ul style="list-style-type: none"> • Officers will work with the Friends Group and include the signs in Council's annual signage program.
7	<p>Submitter: Paul Denham (Buxton Progress Association)</p> <p>Request for budget allocation for resolution of a long-term ongoing issue relating to a serious draining issue in and around the Buxton-Marysville Road / Maroondah Highway intersection and adjoining properties. The request specifically mentions the open drain at 2167/2177 Maroondah Highway.</p> <p>Proposed Council response: Inform the submitter that:</p> <ul style="list-style-type: none"> • Council Officers are currently in consultation with Department of Transport and Planning for a diversionary drain to address the problem and to deliver it with external grant funding.
8	<p>Submitter: Billie Cvijectic & Laura Caine (Kinglake Football and Netball Club)</p> <p>Request for Council to contribute funding for the upgrade of Kitchen facilities at the Kinglake Memorial Reserve.</p> <p>Proposed Council response: Inform the submitter that:</p> <ul style="list-style-type: none"> • Council officers hold further discussions with the Club to fully understand the need for, and scope of the proposed project, the extent to which the project is consistent with Council's asset renewal program and possible external funding sources. It is noted that if any urgent works are required, this may be considered by Council as

No.	Summary of submission
	a budget adjustment during the year. As such, there is no adjustment to the annual budget at this stage.

The outcome from these submissions does not impact the 2023/24 Annual Budget. Therefore, no budget changes are recommended.

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

Local Government Act 2020.

Financial Implications and Risk

The 2023/24 Budget is fiscally responsible in its scope of discretionary spending. The Budget details how Council can manage its requirement to keep average rate increases within the rate cap of 3.5% legislated by the State Government for 2023/24, whilst providing a responsible and viable financial plan for the ensuing year.

Conflict of Interest

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

Community and Stakeholder Consultation

The draft Budget was made available to the community on Council’s website from 6 April 2023 and advertised on Council website, Facebook page, and in a range of publications, with written submissions sought by 30 April 2023.

5.2 2023/24 Priority Action Plan

Attachment(s)	Attachment 1 - 2023/24 Priority Action Plan [5.2.1 - 5 pages]
Presenter	T Carter, Project Officer – People & Corporate Performance
Approved by	Director People & Corporate Performance
Purpose	For decision

Executive Summary

The purpose of this report is to present the Priority Action Plan 2023/24 to Council for endorsement. The *Council Plan 2021-2025* establishes the Strategic Objectives which Council has set out to achieve over its four-year term. Annually Council adopts a Priority Action Plan that identifies the key activities and initiatives for the coming financial year that support the delivery of the Council Plan Strategic Objectives.

RECOMMENDATION

That Council adopt the Priority Action Plan 2023/24 as included in Attachment 5.2.1.

Background

In accordance with section 90 of the *Local Government Act 2020* (Act), Council must prepare and adopt a Council Plan for a period of at least the next four financial years after a general election, in accordance with its Community Engagement Policy.

During the life of the Council Plan, a Priority Action Plan is developed annually outlining the major initiatives the Council is committed to delivering in the following financial year in order to achieve the strategic outcomes set in the four-year Council Plan. The Council Plan 2021-2025 including the Priority Action Plan 2021/22 was adopted on 27 October 2021. This report concerns the endorsement of the Priority Action Plan for the 2023/24 financial year (Year 3).

Discussion

In 2021, Council undertook extensive community consultation to support the development of the Council Plan 2021-2025. The Council Plan 2021-2025 is divided into five pillars:

- Connected communities
- Beautiful townships and rural settings
- Growth and opportunity
- Our protected environment
- Transparency, inclusion, and accountability.

The Priority Action Plan 2023/24 sets the year three key projects and activities that support the delivery of the *Council Plan 2021-2025* strategic objectives. Identification of the 2023/24 actions and the outcomes sought against each strategic objective has been guided by community feedback, Council direction and the budget planning process.

Progress against the Priority Action Plan 2023/24 is reported quarterly to Council and a final summary forms part of the Annual Report each year.

Council Plan/Strategies/Policies

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

Relevant Legislation

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

Financial Implications and Risk

All proposed initiatives in the Priority Action Plan 2023/24 have either been included in the 2023/24 Annual Budget or will be delivered within existing resources.

Conflict of Interest

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

Community and Stakeholder Consultation

Extensive community consultation occurred for the building of the *Council Plan 2021-2025* which guides the delivery of the Priority Action Plan each year.

5.3 Instruments of Delegation and Authorisation to Council Staff

Attachment(s)	Attachment 1 - S6. Instrument of Delegation to Members of Council Staff (May 2023) [5.3.1 - 64 pages] Attachment 2 - S18. Instrument of Sub- Delegation to Members of Council Staff (EPA Act) (May 2023) [5.3.2 - 6 pages] Attachment 3 - S11 A. Instrument of Appointment and Authorisation (Planning and Environment Act 1987) (May 2023) [5.3.3 - 3 pages]
Presenter	T Carter, Project Officer – People & Corporate Performance
Approved by	Director People & Corporate Performance
Purpose	For decision

Executive Summary

Under the *Local Government Act 2020* (the Act) Council can delegate its powers to the Chief Executive Officer or members of Council staff. It is important to ensure that Council has properly delegated its powers, duties and functions, in order to avoid any issues arising regarding the legality of a decision or an action purportedly made or taken on behalf of the Council.

The *Planning and Environment Act 1987* requires that Council appoint Authorised Officers rather than the Chief Executive Officer having the power to do so.

Council has undertaken a realignment of its organisational structure to best meet the needs of the community now and into the future. The Directorate areas have changed focus and reporting lines for two Departments have changed. Therefore, the intention of the report is to seek Council's endorsement of the reviewed Delegations and Authorisations which take into account the alterations to the organisational structure.

RECOMMENDATION

That Council:

1. in the exercise of the powers conferred by the legislation referred to in the attached *Instrument of Delegation to members of Council staff (S6. Attachment 5.3.1)*, delegate the members of Council staff holding, acting in or performing the duties of the offices or positions referred to, the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified.
2. in the exercise of the power conferred by s 242(2) of the *Environment Protection Act 2017* and the Instrument of Delegation of the Environment Protection Authority under the Act dated 4 June 2021, appoint and authorise the members of Council staff referred to in the Instrument of Sub-delegation (S18. Attachment 5.3.2)
3. in the exercise of the powers conferred by s 147(4) of the *Planning and Environment Act 1987*, appoint and authorise the members of Council staff referred to in the Instrument of Appointment and Authorisation (S11A. Attachment 5.3.3)
4. the instruments come into force immediately upon resolution of Council
5. on the coming into force of the instruments all previous delegations and authorisations to members of Council staff (other than the Chief Executive Officer) are revoked

- 6. the duties and functions set out in the instruments must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt**
- 7. the instruments be sealed.**

Background

In addition to the *Local Government Act 2020*, various pieces of legislation have their own power of delegation (but no express power of sub-delegation). Therefore, Council must delegate its power directly to the specific roles within Council, the instruments attached to this Briefing Note document these delegations.

Council endorsed the reviewed delegation to the Chief Executive Officer at its 5 April 2023 Special Meeting. The S6. Delegation to Council Members of Staff was last reviewed in July 2022, the S18 Instrument of Sub-delegation under the *Environment Protection Act 2017* is a new instrument.

Council has recently undergone a realignment of the directorates with a changed focus for each area. The key changes causing the need to update the delegations are:

1. the move of regulatory services (Development Services) to the newly named Community and Development Directorate.
2. the Manager Tourism and Events has changed focus to become Manager Economic Development.
3. title changes across the Director positions.

Discussion

Delegations

The S6 is the Instrument of Delegation from Council to members of Council staff relating to Council powers, duties and functions within various Acts and Regulations (or specific parts of those Acts or Regulations), which contain a specific power of delegation. This delegates certain powers directly from Council to Council staff due to the legislation referred to containing specific powers of delegation.

Where there may be only one position listed, for example Environmental Health Officer (EHO) this reflects where there is a statutory requirement to hold specific qualifications.

The S18 is the Instrument of Sub-delegation under the *Environment Protection Act 2017*. This is used by Council to delegate to members of its staff those powers that are contained in the Instrument of Delegation of the Environment Protection Authority under the *Environment Protection Act 2017* dated 4 June 2021.

Authorisations

Authorised Officers under the *Planning and Environment Act 1987* can only be appointed by the Council directly, not by the Chief Executive Officer as is the case under other legislation. Authorisations are made to individual employees of Council, not the role. The S11A has been updated to reflect the new structure and also the recent appointment of the Director Community and Development.

Review

In addition to the title changes and reporting line alterations, a legislative review was undertaken to ensure that any changes have been incorporated and key staff have reviewed to ensure that the delegations are enabling effective and efficient decision making.

Council Plan/Strategies/Policies

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

Relevant Legislation

The *Local Government Act 2020* section 11 provides for Council to delegate its powers to the Chief Executive Officer and to other staff. The *Local Government Act 1989* section 224 provides for Council to authorise officers to undertake delegated powers. The instruments cover various pieces of legislation and Council’s responsibilities.

Financial Implications and Risk

Effective and efficient functioning of Local Government would not be possible without formal delegations to Council officers. The execution of Delegations and Authorisations by both Council and Chief Executive Officer are a significant risk control in mitigating Council’s legislative liability.

Conflict of Interest

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

Community and Stakeholder Consultation

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

6 REPORTS - ASSETS & ENVIRONMENT GROUP

6.1 Contract 22/23 – Kinglake - Closed Landfill Rehabilitation – Construction

Attachment(s)	Confidential Attachment 1 – Contract 22/23 Kinglake Closed Landfill Rehabilitation - Construction (<i>distributed to Councillors separately</i>)
Presenter	P Bain, Manager Sustainability & Assets
Approved by	Director Assets & Environment
Purpose	For decision

Executive Summary

The Kinglake closed landfill requires rehabilitation works to address environmental risks. This report provides details of the procurement process undertaken to appoint a contractor to undertake these works in accordance with Contract “CONT22/23 – Kinglake - Closed Landfill Rehabilitation – Construction” and makes a recommendation for Council to award the contract. The proposed contract and contingency amount is within the project budget.

RECOMMENDATION

That Council:

1. **Accept the tender from Tenderer 1 and award “CONT22/23 Kinglake - Closed Landfill Rehabilitation – Construction” for a lump sum price of \$683,410 to complete the works in accordance with the specifications;**
2. **Approve the allocation of up to \$200,000 as a contingency amount to be used for the delivery of this contract as detailed in this report;**
3. **Authorise the Director Assets & Environment to approve payment of variations to the contract up to \$200,000; and**
4. **Release the name of Tenderer 1 in the Minutes of the 24 May 2023 Scheduled Meeting of Council.**

Background

The Kinglake Closed Landfill Site is located at 205 Watsons Road, Pheasant Creek. The site is owned by Murrindindi Shire Council (MSC). A resource recovery centre and transfer station currently operate at this site.

The site is not a licenced landfill and stopped formally receiving waste to landfill approximately 20 years ago. However, some waste material has been placed on the site after it was decommissioned/capped. There are areas of waste located above the original cap layer on the landfill that have been assessed to represent a risk to the environment and human health.

Goulburn Valley Waste and Resource Recovery Group (GVWRRG) commissioned preliminary assessments of the risks posed by closed landfills across the region and ranked the sites by risk. On the former Kinglake landfill site, several high-level risks were identified, and so the site has been prioritised for further rehabilitation works by MSC. Based on the results of the site investigation, a Rehabilitation Plan has been prepared including detailed design plans and specification to finalise the rehabilitation of the site.

MSC has undertaken an open request for tender seeking the services of a suitably experienced contractor to carry out the civil and revegetation works in accordance with the specification to reduce the risks and finalise the rehabilitation of the site. These works include waste management (sorting, reshaping, recycling, removal), vegetation clearance, bulk earthworks (import/ cut and fill), drainage works, topsoiling and revegetation. The works may require removal and disposal of some putrescible waste from the site to the Alexandra landfill. If Asbestos or other hazardous material is identified in the waste during the reshaping works, this will also require treatment and disposal.

The nature of the work requires site clearing prior to importation and compaction of capping material. A native vegetation inspection and report identified two species that are protected under the *Flora and Fauna Guarantee (FFG) Act 1988* within the work site, which means a permit from DEECA (Department of Energy, Environment and Climate Action) is required before any proposed work is undertaken. This also triggered the need for a planning permit.

The recommended tenderer has submitted a project schedule indicating a 10-week construction period. It is anticipated that the works under the contract will be completed early in the 23/24 financial year during suitable weather conditions.

Discussion

The request for tender was advertised from 3 January 2023 to the 15 February 2023 via Council's E-Tender Search Portal.

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

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

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 (Committee). The Committee responsible for evaluating this tender comprised of:

- Project Manager/Engineer (Chair)
- Project Engineer
- Coordinator Waste Management

Tenders were assessed against the following criteria:

- Price – 60%
- Relevant Experience – 10%
- Capacity to Deliver (resources, equipment) – 10%
- Social – 10%
- Environmental Management – 10%

The works primarily consist of importing fill to establish a compacted 600mm cap over the northern end of the closed landfill site. Both tenderers nominated the same source of material for use in establishing the cap.

The specifications and scope of works were detailed, and the information provided as part of the tenders covered most aspects with only minor clarifications required. There were 4 items of clarification issued to Tenderer 1 and none to Tenderer 2 as part of the assessment and evaluation. Satisfactory answers were received for all points of clarification.

The fill material proposed is the same in both tenders received. No allowance was included in Tenderer 1's tender for material testing requiring an adjustment to the tendered price.

The committee then proceeded to evaluate the tender on all non-priced based criteria.

A reference and financial check were then completed on the preferred supplier.

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

Based on the analysis undertaken, the Committee recommend that Tenderer 1 be awarded Contract 22/23 - Kinglake Closed Landfill Rehabilitation for a lump sum price of \$683,410 to complete the works in accordance with the specifications. Note that an upfront unconditional bank guarantee of 10% of the contract sum will be required as security and retention for performance of the contract until works are completed.

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 approved combined budget for the Kinglake Rehabilitation works is \$1,500,000. Below is the apportionment of the budget for the civil works component.

Funding Source	Excluding GST
Waste Reserve	\$ 1,500,000
Total Budget	\$ 1,500,000

The total overall project cost is summarised below:

Description	Cost (Excluding GST)
Tender price	\$683,410
Contingencies	\$200,000
Total Contract Cost	\$883,410
Design	\$70,000
Purchase of Vegetation offsets	\$60,000
Project Management	\$90,000
Total Overall Project Cost	\$1,103,410

An allowance of \$200,000 for contingencies is proposed to cover any latent conditions and potential delay costs due to wet weather. Given the nature of the project, there is potential for significant costs to be incurred associated with exposing, identifying, treating and or disposing of hazardous material discovered in the waste when exposed. Although the destructive testing on site did not identify any hazardous material, a high risk remains that there will be hazardous material present when the site is cleared and reshaped prior to capping.

Commencing works in winter can be beneficial for dust control and compaction, however it also comes with increased risk of delays if significant rainfall events occur during the contract period.

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

Project	Available Budget	Total Project Cost	Variance
Kinglake Landfill Rehabilitation Project	\$ 1,500,000	\$ 1,103,410	\$396,590

Based on the tender price and allowance for contingencies, there is a predicted saving of up to \$396,590 against the project budget

Conflict of Interest

A conflict of interest was identified upon the return of tender submissions. The Officer has removed themselves from the procurement process including any approval required under their delegation and as such has taken no part in the evaluation of the project. No further conflict of interests have been identified.

Community and Stakeholder Consultation

No external community or stakeholder consultation was considered necessary for this project. However, it is noted that external approval was required for removal of native vegetation and a planning permit was also required for these works.

6.2 Contract 22/21 - Eildon Reserves Redevelopment - Tender Evaluation

Attachment(s)	Confidential Attachment 1 – Contract 22/21 Eildon Reserves Redevelopment (<i>distributed to Councillors separately</i>)
Presenter	P Bain, Manager Sustainability & Assets
Approved by	Director Assets & Environment
Purpose	For decision

Executive Summary

The purpose of this report is to consider the tender evaluation and awarding of contract for CONT22/21 – Eildon Reserves Redevelopment.

The project aims to develop new, active recreation tourism infrastructure in Eildon and activate underutilised parkland in Walter Moore and Thomas Marr Reserves. It will strengthen Eildon's tourism offerings, create a new visitor experience, provide a year-round, affordable, family friendly attraction, increase foot traffic and catalyse private investment in Eildon. The project will transform the Reserves and replace outdated infrastructure with new, accessible, contemporary attractions. New infrastructure in the Thomas Marr Reserve will include a wheeled sports space (Skate Park), senior play space as well as landscaping/fencing. New infrastructure in the Walter Moore Reserve will include a splash park and toilet/change facilities, adventure playground

(regional level playground and flying fox), BBQ and shelter and an improved pedestrian link between the two reserves.

Initial tender submissions were received from four tenderers however one was non-conforming, and a second tender was withdrawn. The remaining two tender prices were significantly greater than the expected value and available project budget. A process of review was conducted with both remaining tenderers to determine where reductions could be made. This process is detailed below.

The tenderers were evaluated against the published criteria and a preferred Tenderer has been selected. After a review of submissions, the projected cost of the project is still above the project budget as indicated below. Officers are optimistic that further reductions can be found but require significantly more commitment from the preferred Tenderer to negotiate reductions in detail components. For this reason, Officers are recommending that Council delegate the Chief Executive Officer to enter into negotiations with the preferred tenderer including the final scope of the contract, to a maximum contract value of \$5.0M, with works to be completed by 30 October 2024. This will allow Officers to work with the preferred Tenderer in detail to find the extra cost reductions required while meeting the service objectives of the project and the project delivery milestones.

The report further recommends that Council increase the funding allocation from land sales in Eildon to a maximum of \$700,000 making the total project budget \$6,130,522.

Finally, the report highlights that Council is not just committing to a new project, but that this is a significant new asset for the community which also requires ongoing additional funding commitment from Council for its operational and maintenance needs to ensure the new asset provides the ongoing service experience outcomes for the Community.

RECOMMENDATION

That Council:

- 1. Note the Confidential Tender Evaluation Report for CONT22/21 - Eildon Reserves Redevelopment.**
- 2. Delegate the Chief Executive Officer to enter into negotiations with tenderer 2, including the final scope of the contract, to a maximum contract value of \$5.0M, with works to be completed by 30 October 2024.**
- 3. Subject to successful negotiations, delegate the Chief Executive Officer to award and execute the final contract with tenderer 2.**
- 4. Increase the funding allocation from land sales in Eildon to a maximum of \$700,000.**
- 5. Note the additional funding required for the ongoing operations and maintenance of the facility once it becomes operational to the public.**
- 6. Release the name of the preferred tenderer into the Minutes of the 24 May 2023 Scheduled Meeting of Council upon execution of the contract.**

Background

This project aims to develop new, active recreation tourism infrastructure in Eildon and activate underutilised parkland in Walter Moore and Thomas Marr Reserves. It will strengthen Eildon's tourism offerings, create a new visitor experience, provide a year-round, affordable, family friendly attraction, increase foot traffic and catalyse private investment in Eildon. The project will transform the Reserves and replace outdated infrastructure with new, accessible, contemporary attractions. New infrastructure in the Thomas Marr Reserve will include a wheeled sports space (Skate Park), senior play space as well as landscaping/fencing. New infrastructure in the Walter Moore Reserve will include a splash park and toilet/change facilities, adventure playground

(regional level playground and flying fox), BBQ and shelter and an improved pedestrian link between the two reserves.

The Eildon Reserves detailed design plans included the following elements:

Stage 1 (Funded by RDV, LRCI & DFFH)

- New Regional Play Space
- New Regional Splash Park
- New picnic shelter
- Upgraded Park furniture
- Amenities upgrades to DDA (Disability Discrimination Act) standards
- Pedestrian Safety Link

Stage 2 Project 1 (Funded by SRV)

- New Senior Play Space
- New Flying Fox & Swings Area (Priced as part of stage 1 tender)

Stage 2 Project 2 (Funded by SRV)

- New Skate Park

This report focuses on the award of Stage 1 elements only. Stage 2 items are currently being tendered separately and are expected to be awarded in June 2023.

Discussion

The request for tender was advertised from 5 October 2022 in the following publications:

- Alexandra & Eildon Standard
- Yea Chronicle
- The Age
- E-Tender Search Portal

Tender specifications were prepared by Council officers and design consultants. They included several detailed specifications and associated design packages.

The tender for this project closed on 9 November 2022 at 3pm. There were four submissions received at the close of tender.

Council's Procurement Policy requires that all tenders be evaluated by a tender evaluation committee (Committee). The Committee comprised of:

- Acting Coordinator Project Delivery (Chair)
- Manager Sustainability & Assets
- Manager Community Wellbeing
- Coordinator Facilities

Tenders were assessed against the following criteria:

1. Price – 40%
2. Capacity to Deliver (resources, equipment) – 10%
3. Insurance, OH&S & Systems - Pass/Fail
4. Understanding of the requirement/Relevant Experience – 10%
5. Youth Employment opportunities – 10%

6. Recycled Content – 10%
7. Local Jobs First Policy (Industry Development) – 10%
8. Local Jobs First Policy (Job Outcomes) – 10%

As this project is delivered within regional Victoria and consists of a funding contribution greater than \$1m from the State Government, the Local Jobs First Policy was adopted as part of the project structure. This requires the bidders to submit a Local Industry Development Plan (LIDP) through the Industry Capability Network (ICN) portal for evaluation. ICN then provide the evaluation team with a report evaluating each of the bidders in reference to industry development and job outcomes.

Prior to evaluating the non-price-based criteria, the committee reviewed each of the submissions for conformance. One tender was determined to be non-conforming, and a second tender was withdrawn.

As the tender prices were both above the expected design price, several reviews were conducted of the deliverables, requirements and specifications:

- A review of project estimate by an independent Quantity Surveyor.
- A design review with the Office of the Victorian Government Architect (OVGA) where some suggestions on how to reduce project costs were provided for consideration.
- An interview and discussion on price reduction with each Tenderer.

Following completion of the non-price-based criteria evaluation, both remaining Tenderers were invited to attend a presentation meeting where they would be given an opportunity to demonstrate their experience and how they would deliver a successful project for MSC. Officers took the opportunity during the presentations to review the respective submissions with each tenderer to determine if there were any areas in which cost savings could be achieved on the project.

A reference and a financial check were then completed on the preferred supplier.

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

Based on the analysis undertaken and information provided above, the Committee recommend that Tenderer 2 be awarded Contract 22/21 - Eildon Reserves Redevelopment with the intent to negotiate the scope of works to be delivered under contract for an amount within the available construction budget as noted below in this report.

Council Plan/Strategies/Policies

This report supports the strategic objectives under the *Council Plan 2021-2025 Beautiful Townships and Rural Settings* strategy to:

- “create a better place for our community and visitors to live in harmony with our rural character, natural beauty and heritage.”
- “provide fit-for-purpose infrastructure that meets current and future service demands and needs for our community.”
- “provide spaces within our towns that are vibrant, attractive, safe and accessible.”

This report supports the strategic objectives under 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.”

- “boost local investment and employment opportunities through activities that encourage businesses, social enterprise, and industry sectors to thrive and grow.”
- “support and promote our tourism and events sector to boost the economy through increased visitation.”

This report supports the strategic objectives under the *Council Plan 2021-2025 Transparency, Inclusion and Accountability* strategy to:

- “maintain transparent, inclusive and accountable governance practices.”

Relevant Legislation

Local Government Act 2020.

Financial Implications and Risk

The committee recommends that an additional \$300,000 be allocated from future land sales to contribute to the project with the intent of ensuring all planned elements are provided. This is in concordance with the outcomes of the deliberative engagement process considering the future sale of land in Eildon. The contribution to the project budget from land sales would rise to a maximum of \$700,000.

The committee is confident that the recommended maximum contract will deliver all required elements at a satisfactory standard as detailed in the confidential attachment.

The estimated ongoing operations and maintenance cost for this facility once it becomes operational in October 2024 is \$130,000. Council will need to allocate this funding in its future budget to fund the ongoing operations of the facility.

Conflict of Interest

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

Community and Stakeholder Consultation

An extensive consultation was undertaken with the Eildon community both surrounding the deliverables and requirement for Council to sell land as part of its financial contribution towards the project. This was undertaken via in person presentations, pop up booths and a deliberative consultation session. Information is available on all elements of the project on councils in the loop page online.

7 COUNCILLOR AND CEO REPORTS

7.1 Notices of Motions

7.2 Cr Sue Carpenter

7.3 Cr Damien Gallagher

7.4 Cr Ilona Gerencser

7.5 Cr Eric Lording

7.6 Cr Sandice McAulay

7.7 Cr Karine Haslam

7.8 Cr John Walsh - Mayoral Report

7.9 Chief Executive Officer Report

8 RECORD OF COUNCIL BRIEFING SESSIONS

Purpose

For noting.

Executive Summary

This report presents the records of Council Briefing Sessions for 26 April 2023 to 17 May 2023, for Council to note.

RECOMMENDATION

That Council receive and note the records of Council Briefing Sessions for 24 April 2023 to 19 May 2023.

Background

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

Discussion

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

The following summary details are for 26 April 2023 to 17 May 2023:

Meeting Name/Type	Council Pre-Meet			
Meeting Date:	26 April 2023			
Matters Discussed:	1. IDAHOBIT Day overview 2. Leckie Park Wetlands Petition 3. Break O’Day Road Bridge Alignment 4. Capital Works Quarterly Report – March 2023 5. Grants and Contributions Program – April Allocations 6. Early Education Service and Infrastructure Review 7. Council Plan 2021-2025 Quarterly Performance Report – 1 January to 31 March 2023 8. Quarterly Finance Report – March 2023			
Councillor Attendees:	Cr J Walsh, Cr K Haslam, Cr S Carpenter, Cr D Gallagher, Cr E Lording, Cr S McAulay, Cr I Gerencser			
Council Officer Attendees:	L Bonazzi, T Carter, P Bain, S Coller, C Nickels-Beattie			
Conflict of Interest Disclosures: Yes				
Matter No.	Councillor making disclosure	Was a vote taken?	Did the Councillor leave the room?	When? Before or after discussion?
5	Cr K Haslam	No	Yes	Before

Meeting Name/Type	Briefing Session
Meeting Date:	3 May 2023
Matters Discussed:	1. Kinglake Village Streetscape Design proposal – External presentation 2. Yea Caravan Park Lease
Councillor Attendees:	Cr J Walsh, Cr K Haslam, Cr S Carpenter, Cr D Gallagher, Cr E Lording, Cr S McAulay, Cr I Gerencser
Council Officer Attendees:	L Bonazzi, M Chesworth, N Stewart, A Paxton, T Carter, P Bain
Conflict of Interest Disclosures:	Nil

Meeting Name/Type	Council Pre-Meet			
Meeting Date:	3 May 2023			
Matters Discussed:	1. Planning Application – 26 Hannas Road Strath Creek – Amendment to Permit 2. Planning Application - 287 Smiths Road Toolangi – Place of Assembly 3. Planning Application – 181 Switzerland Road Ghin Ghin – Extractive Industry 4. Planning Application – High Street Median Street Yea – Outdoor Shelter 5. Leckie Park Trial			
Councillor Attendees:	Cr J Walsh, Cr K Haslam, Cr S Carpenter, Cr D Gallagher, Cr E Lording, Cr S McAulay, Cr I Gerencser			
Council Officer Attendees:	L Bonazzi, M Chesworth, N Stewart, A Paxton, D Echeverry, P Bain, C Fraser, T Kubeil, N Maguire			
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?
4	Cr S Carpenter	No	Yes	Before

Meeting Name/Type	Briefing Session			
Meeting Date:	10 May 2023			
Matters Discussed:	1. Funding discussions 2. 2023-24 Draft Budget submission 3. Priority Action Plan 2023/24 4. Eildon Reserves Redevelopment tender evaluation 5. Activating Lake Eildon Masterplan update 6. Contract 22/23 – Kinglake Closed Landfill Rehabilitation Construction 7. Planning Application – 2991 Heidelberg-Kinglake Road Kinglake – Kinglake Ranges Trail			
Councillor Attendees:	Cr J Walsh, Cr K Haslam, Cr S Carpenter, Cr D Gallagher, Cr E Lording, Cr S McAulay			
Council Officer Attendees:	L Bonazzi, M Chesworth, V Albicini, A Paxton, D Echeverry, Cheryl Nickels-Beattie, N Stewart, E Kubeil, P Bain, S Coller, J Carns			
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?
1	Cr D Gallagher	No	Yes	Before

Meeting Name/Type	Briefing Session
Meeting Date:	17 May 2023
Matters Discussed:	<ol style="list-style-type: none"> 1. Priority Action Plan 2023/24 2. Rating Strategy Review – project update 3. Planning Scheme Review – Presentation to Councillors and opportunity for questions and input 4. Activating Lake Eildon Masterplan update 5. Grants and Contributions Policy 6. Grants and Contributions Program – May Allocations 7. Capital Works Program Review
Councillor Attendees:	Cr J Walsh, Cr K Haslam, Cr S Carpenter, Cr D Gallagher, Cr E Lording, Cr S McAulay, Cr I Gerencser (V)
Council Officer Attendees:	L Bonazzi, M Chesworth, A Paxton, T Carter, D Echeverry, E Kubeil, C Hamill, D Leonard
Conflict of Interest Disclosures:	Nil

Council Plan/Strategies/Policies

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

Relevant Legislation

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

Financial Implications and Risk

There are no financial or risk implications.

Conflict of Interest

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

9 SEALING REGISTER

File Reference	Date Seal Affixed	Description of Documents	Signatures of Persons Sealing
SF/130	5 May 2023	S5. Instrument of Delegation to the CEO (April 2023)	Cr John Walsh Cr Sandice McAulay
CONT22/19	5 May 2023	Formal Instrument of Agreement between Murrindindi Shire Council and GTC Environmental Pty Ltd	Livia Bonazzi Cr John Walsh
CONT22/19	9 May 2023	Formal Instrument of Agreement between Murrindindi Shire Council and Hillside Fencing and Weed Spraying	Livia Bonazzi Cr John Walsh
CONT22/19	18 May 2023	Formal Instrument of Agreement between Murrindindi Shire Council and Leaf and Limb Tree Services	Livia Bonazzi Cr John Walsh
CONT22/19	18 May 2023	Formal Instrument of Agreement between Murrindindi Shire Council and Brennan Contracting	Livia Bonazzi Cr John Walsh
CONT22/19	18 May 2023	Formal Instrument of Agreement between Murrindindi Shire Council and TREC	Livia Bonazzi Cr John Walsh
CONT22/19	18 May 2023	Formal Instrument of Agreement between Murrindindi Shire Council and Woods Environmental Services	Livia Bonazzi Cr John Walsh
CONT22/19	18 May 2023	Formal Instrument of Agreement between Murrindindi Shire Council and Antler Environmental	Livia Bonazzi Cr John Walsh

RECOMMENDATION

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