



AGENDA
of the
SCHEDULED MEETING OF COUNCIL

Wednesday 27 October 2021

at

Murrindindi Shire Council
Zoom
Virtual Meeting
Videoconference

6:00 PM

This Scheduled Meeting of Council will be conducted virtually
(as per *COVID-19 Omnibus (Emergency Measures) Act 2020*,
passed by Victorian Parliament on 23 April 2020)

Audio recordings of all Council meetings are taken by Council's Governance Officers
and published on Council's website (Resolution of Council 23 January 2019)

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- 1 PLEDGE AND RECONCILIATION STATEMENT**
- 2 APOLOGIES AND REQUEST FOR LEAVE OF ABSENCE**
- 3 COMMUNITY RECOGNITION**
- 4 DISCLOSURES OF INTEREST OR CONFLICT OF INTEREST**
- 5 CONFIRMATION OF MINUTES**

Minutes of the Scheduled Meeting of Council held on 22 September 2021.

Officer Recommendation

That Council confirm the minutes of the 22 September 2021 Scheduled Meeting of Council.

- 6 PETITIONS**
- 7 PUBLIC PARTICIPATION**
 - 7.1 Open Forum**
 - 7.2 Questions of Council**
- 8 OUR PLACE**
 - 8.1 Draft Domestic Animal Management Plan 2021-2025 - Public Exhibition**

Attachment(s):

1. Draft - DAMP 2021-2025 [8.1.1 - 26 pages]
2. Draft - DAMP 2021-2025 – Public Exhibition Period Report [8.1.2 - 14 pages]
3. Draft - DAMP 2021-2025 – Submissions (distributed to Councillors separately)

Purpose

The purpose of this report is to inform Council of the feedback received on the 2021-2025 Draft Domestic Animal Management Plan (DAMP) during the Public Exhibition period.

Officer Recommendation

That Council consider feedback received during the public exhibition period in preparation for the adoption of 2021-2025 Domestic Animal Management Plan at its November, 2021 meeting.

Background

At its July 2021 meeting, Council endorsed the 2021-2025 Draft Domestic Animal Management Plan be put on public exhibition.

From 15 August to 5 September 2021 the 2021-2025 Draft Domestic Animal Management Plan was put on public exhibition, in conjunction with the Draft Council Plan, the Draft 10-year Financial Plan and the Draft Public Health and Wellbeing Plan.

Due to COVID-19 lockdown, all planned pop up and drop-in sessions were cancelled and replaced by a virtual, interactive session held on 2 September 2021.

The Draft 2021-2025 DAMP was published on Council's engagement platform 'The Loop' seeking feedback from 15 August to 5 September. Media was used to widely promote the exhibition period and encourage submissions.

Discussion

In addition to the virtual session held on 2 September 2021 and the use of Council's engagement platform, the Community Safety Unit engaged a number of stakeholders in an effort to obtain feedback on the draft DAMP.

Four written submissions were received. Generally, these submissions were supportive of the draft DAMP. Some questions were raised, which have all been satisfactorily answered. As such, no amendments to the draft DAMP have been made.

In addition to the written submissions, a total of 17 people completed a survey on Council's engagement platform 'The Loop'.

Key findings from The Loop survey

- 82% of survey participants were dog owners
- 30% were cat owners
- 81% of dogs and cats were registered with Council
- 6 of the 17 were directly supportive of a cat curfew. 50% of these respondents believe the introduction of a cat curfew should be implemented quicker than in year 4 of the plan
- 2 of 17 survey participants believe a cat curfew is unreasonable
- 100% survey participants live within the Murrindindi Shire.

A full report of the public exhibition findings is attached.

Generally, this feedback was supportive of the draft DAMP. As such, no amendments to the draft DAMP have been made however some minor changes have been made.

DAMP Timeline

Community engagement phase	Online survey open to obtain feedback regarding communities' views on animal management 'points of interest'	15 March – 15 April 2021
Analyse data	Prepare report of survey data	30 April 2021
Draft DAMP	Presentation of Draft DAMP to Council	21 July 2021- Council Briefing 28 July 2021 - Council Meeting
Community consultation	Seek feedback submission on draft plan from the community	15 August – 13 September 2021
Review of submissions	Present findings and hear submissions of community consultation	6 October - Council Briefing 27 October - Council Meeting
Adoption of DAMP	Present DAMP to Council for adoption	24 November - Council Meeting
Submit finalised DAMP	Submit 2021-2025 Adopted DAMP to Secretary as per S68A(1) Domestic Animals Act 1994	4 December 2021

Council Plan/Strategies/Policies

This report supports the *Council Plan 2017-2021 Our Place* strategy to “enhance community safety, resilience and liveability through improved planning, community engagement, and a fair and transparent approach to compliance”.

The development of this draft DAMP must consider Councils recently adopted Community Engagement Policy and apply the principals of deliberative engagement.

Relevant Legislation

Section 68A of *Domestic Animals Act 1994* requires Councils to prepare a Domestic Animal Management Plan by 4 December 2021.

Financial Implications and Risk

There were no budget implications for the public exhibition period.

The delivery of the 2021-2025 Domestic Animal Management Plan will require additional resourcing during this period. This will be sought as part of Council's deliberation during the preparation of annual Council budgets.

Conflict of Interest

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

Community and Stakeholder Consultation

This consultation considered the Community Engagement Policy for this public consultation period, within the constraints of COVID-19 lockdowns.

8.2 General Liquor License - 3 Back Eildon Road, Thornton

Attachment(s):

1. 3 Back Eildon Road, THORNTON 3712 – Attachments [8.2.1 - 12 pages]
2. 3 Back Eildon Road, THORNTON 3712 – Submissions (distributed to Councillors separately)

Land: 3 Back Eildon Road, Thornton
Proposal: General Liquor License
Applicant: Bell Legal & Planning
Zoning: Township
Overlays: Floodway Overlay
Heritage Overlay
Triggers: Clause 52.27 - Licensed Premises

Locality Plan



Purpose

This report recommends that a notice of decision to grant a permit be issued for a general liquor license at 3 Back Eildon Road, Thornton (PC 380245J).

Officer Recommendation

That Council issue a Notice of Decision to grant a planning permit for a General Liquor License at 3 Back Eildon Road, Thornton (PC 380245J), subject to the following conditions:

- 1. Prior to the commencement of the use of the liquor license, a plan showing the liquor consumption limited to the existing seating area outside the café building**
- 2. The use allowed by this permit and shown on the drawings and/or schedules endorsed to accompany the permit must not be amended for any reason without the consent of the Responsible Authority**
- 3. The predominant activity carried out on the premises must be the preparation and serving of meals for consumption on the premises. The premises must not be used for any other use without the written permission of the Responsible Authority**
- 4. The sale of any liquor hereby permitted may only occur during the hours specified on Planning Permit 2020/103**
- 5. Packaged Liquor may only be sold after 10am to the closing time specified in Planning Permit 2020/103 unless with food in which case it can be sold from the opening time specified on Planning Permit 2020/103**
- 6. The premises must be open for patrons to consume meals during normal business hours**
- 7. Patrons consuming alcohol on site must be seated at all times**

- 8. Packaged liquor must not be consumed on the premises**
- 9. Packaged liquor offered for sale shall be restricted to products offered for consumption on the premises**
- 10. Seating must be provided within the premises in accordance with the permitted number of patrons**
- 11. No more patrons than the number specified on Planning Permit 2020/103 may be present on the premises at any one time, including persons who are on the premises for the purpose of purchasing packaged liquor**
- 12. No signage is to be displayed on the frontage of the site advising that packaged liquor is available for purchase**
- 13. At all times during the operation of the use, there must be present on the premises a person over the age of 21 years who is responsible for ensuring that the activities on the premises and the conduct of persons attending the premises do not have a detrimental impact on the amenity of the locality to the satisfaction of the Responsible Authority**
- 14. The site and immediate surrounds must be maintained to the satisfaction of the Responsible Authority in a manner which ensures that the residential amenity of nearby residential properties is not detrimentally affected (i.e., collection of cigarette butts, bottles and other litter from outside the site).**

Permit Expiry

This permit will expire if the use is not commenced within two years of the date of this permit.

The Land and Surrounds

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

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

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

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

The area can generally be characterised as a small mixed-use township, with residential and commercial uses throughout the town. Thornton consists of a population of approximately 300 people (2016 census) and includes a butcher, general store, Rubicon Hotel-Motel, Goulburn River Lodge, a memorial hall, a caravan park, petrol station, recreation reserve and some food

and drink premises. The town is located on the Goulburn Valley Highway which is a major thoroughfare for tourists visiting Lake Eildon or Rubicon Valley.

Background

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

A planning permit for the use of the land for a café was received in July 2020. The application was referred and advertised to 25 neighbouring properties. Three objections were received which were unable to be resolved. Accordingly, the application was required to be determined by councillors at a meeting of Council. Council officers recommended approval of the application subject to conditions. Council determined to issue a Notice of Decision to issue a planning permit for the proposed use. The decision was not appealed and planning permit 2020/103 was issued on 12 October 2020.

The use of land for a café commenced in November last year.

An application has been made for the use of the land for group accommodation. This is awaiting further information. The application has been referred to Goulburn Broken Catchment Management Authority and internally. The application was also put on public notice and has received four objections.

Proposal

Planning approval is sought for the use of the land for a General Liquor License.

Liquor licenses are approved and regulated by the Victorian Commission for Gambling and Liquor Regulation (VCGLR). The applicant is required to obtain both a planning permit for the proposed liquor license from Council and the license from the VCGLR.

The VCGLR are responsible for ensuring compliance with the *Liquor Control Reform Act 1998*. The add aims to contribute to minimising harm arising from the misuse and abuse of alcohol.

A General Liquor License allows the licensee to supply liquor on or off the premises. It has been submitted that the purpose for the liquor license is to allow for alcohol to be served at lunch, high teas and to allow for the sale of local wines to be taken away.

The applicant has submitted that the sale and consumption of alcohol is ancillary to the existing use of a café, does not constitute a new use, and therefore does not require permission for a new use. Council Officers agree with this position as will be discussed below.

The applicant has provided a 'redline plan' showing where alcohol will be sold on the premises. This area is limited to the existing café building, which is approximately 122m² in size. However, under the General Liquor License alcohol can be consumed anywhere on the property.

The applicant has proposed that the hours and patron numbers be in accordance with planning permit 2020/103, which allows for the use of the land for a café. Planning permit 2020/103 allows 36 patrons on site and operation between the hours of 6:30am and 5:30pm. This condition allows for an extension of hours and patron numbers with the written consent of the Responsible Authority.

Cultural Heritage Management Plan

The site is in an area of cultural sensitivity as defined by the *Aboriginal Heritage Regulations 2018*. The use of land for a liquor license does not require a Cultural Heritage Management Plan under the *Aboriginal Heritage Regulations 2018*.

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 and nearby property owners and occupiers
- sign on site.

Three submissions objecting to the proposal were received from neighbouring properties and one submission of support. The submissions objecting to the application can be summarised as follows:

- The use of the land will change from a café to a pub or bottle shop
- Sufficient liquor supply available within the township
- Impacts on other businesses within the township such as the Rubicon Hotel which also contains a bottle shop
- Traffic impacts
- The opening hours proposed are inappropriate given that the permit allows for a 6:30am commencement
- In the event that the hours are extended there may be associated amenity impacts such as headlights, horns and noise from loud music and people yelling
- Enforcement concerns relating to the previous planning permit.

The applicant has provided a response to the objections. The response can be summarised as follows:

- There is no intention for the land to be used for a bottle shop or hotel
- A glass of wine or beer over food will go towards enhancing the overall experience
- The liquor licence sought is a General Licence, and that is to enable the provision of alcohol to be consumed elsewhere, in the form of picnic packs, hampers and the like.

A meeting of the parties was held on 27 September 2021 with three objectors, the applicant, council officers and three councillors. The meeting allowed objectors to voice and clarify their concerns. The applicant discussed the intention behind the application. Council Officers were able to clarify the regulations and next steps.

No further objections were received as a result of the meeting, nor were any existing objections withdrawn.

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

Referrals

This application was not referred to any external authorities.

Discussion - Planning Considerations**Planning Policy**

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

Clause 02.02 - Vision

- Clause 02.02 Vision includes:
- Council seeks to enhance the liveability, amenity and quality of life in the municipality
- Council will facilitate sustainable population and economic growth
- A strong economy will attract people to the municipality, creating further opportunities for lifestyle choice, business investment and prosperity
- Increased economic growth and investment will enhance population growth, employment and social and cultural benefits for the municipality.

It is considered that the proposal is consistent with the vision of the shire. The proposed use will be beneficial from an economic perspective and allow for employment opportunities. Amenity impacts relating to the liveability and quality of life for residents have been mitigated through conditions.

Clause 02.03 Strategic Directions – Economic Development

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

- Encouraging business expansion, investment and employment
- Facilitating the growth of home-based business, small businesses, niche industries and rural based industries
- Encouraging sustainable growth in tourism, leveraging Murrindindi Shire’s natural assets, proximity to Melbourne and links with neighbouring regions
- Encouraging small enterprises in tourism, creative arts, home-based businesses, overnight accommodation and farm enterprises and markets that showcase local produce.

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

Clause 11.01-1S Settlement

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

The existing use of the land provides access to employment and services for the community. The central location of the café is within walking distance for several residential dwellings as well as the caravan park. The addition of a liquor license will provide a further service to the community and has the potential to result in additional more secure employment opportunities.

Clause 13.07-1S Land Use Compatibility

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

The location of the café in the Township Zone is in close proximity to residential uses which have consequential land use conflicts. The inclusion of a liquor license is not considered to change the use of the land. However, it could be considered to potentially result in some additional amenity impacts given the inclusion of liquor. It is considered that this potential has been sufficiently addressed in the conditions included in the officer recommendation.

Clause 13.05-1S Noise Abatement

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

The redline included with the liquor license shows the liquor to be sold within the existing café. Condition 1 of the officer recommendation requires the service of alcohol to be limited to the area directly north of the café and not beyond the area to be used for table service. This will limit noise impacts on surrounding residential uses. Furthermore, it is considered that the café is located over 50 metres from the closest dwelling (1 Back Eildon Road). There is also a shed between the café and the closest dwelling. Given that the liquor license to be proposed to operate during the day, limited in patron numbers and by area, it is considered that noise impacts can be sufficiently mitigated.

Clause 17.02-1S Business

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

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

Clause 17.04-1S Facilitating Tourism

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

It is considered that the use of the land for a café provides a valuable addition to encouragement of tourism in the locality. Located on a popular tourist route the cafe provides a service that is considered to encourage and support tourism in the municipality. It is particularly valuable for those travelling to Eildon or the Rubicon Valley. The liquor license will allow the café to promote local alcoholic beverages and consequently enhancing tourism in the area.

Clause 32.05 - Township Zone

The purpose of the Township Zone is:

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

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

The use of the land for a café has previously been approved by Council. The addition of the ancillary liquor license is considered to be consistent with the purpose and decision guidelines of the Township Zone.

The proposal will allow for the café to expand on their business and allow an additional service for the residents of Thornton and surrounds. The selling of alcohol will be limited to the existing café building and adjoining outdoor area therefore respecting the neighbourhood character. The location of the café is considered to be well placed to serve the community.

Clause 52.27 - Licensed Premises

The purpose of Clause 52.27 - License Premises is:

- To ensure that licensed premises are situated in appropriate locations
- To ensure that the impact of the licensed premises on the amenity of the surrounding area is considered.

The location of the proposed licensed premises is appropriate given the proximity to the township of Thornton, its accessibility on a busy through road and given that it is within an existing operating café.

The amenity impacts have been a primary consideration in the assessment of this application. It is considered that the risks to amenity have been sufficiently addressed through the conditions included in the officer recommendation. These conditions ensure that the site continue to operate as a café with the addition of the service and supply of packaged liquor. It is considered that this will have a minimal impact on the amenity of the area.

As discussed below, the decision guidelines for licensed premises have been considered in the assessment of this application.

- *The Municipal Planning Strategy and the Planning Policy Framework.*

As discussed above it is considered that the proposal is considered that the proposed liquor license is consistent with Planning Policy Framework.

- *The impact of the sale or consumption of liquor permitted by the liquor licence on the amenity of the surrounding area.*

When considering the potential impacts that the liquor license may have on the amenity of the locality several key factors have been considered.

This includes the location of the site within the centre of the township of Thornton. The site abuts Back Eildon Road which has a high amount of use and is in close proximity to Goulburn Valley Highway. The site is located within very close proximity to other shops, the hotel and the recreation reserve.

The proximity of the dwellings surrounding the subject site has been considered when assessing amenity impact associated with the liquor license.

How the provision of the liquor license will change the existing use of the site is a relevant consideration when assessing amenity impacts as the result of the liquor license. The applicant has not sort to change the use of the land. Council considers that the proposed activities that will be permitted if this permit is issued will not change the use of the land. It will remain as a café.

- *The impact of the hours of operation on the amenity of the surrounding area.*

The hours proposed are to be consistent with the hours specified in planning permit 2020/103. These hours are 6:30am – 5:30pm daily however, are able to be amended with the written consent of the Responsible Authority. The hours of operation were considered in the issuing of planning permit 2020/103. We note that an application has been received to increase the hours of operation which is currently being assessed.

For the same reasons, they are considered to be appropriate and have no additional impacts on the amenity of the area.

- *The impact of the number of patrons on the amenity of the surrounding area.*

The patrons proposed are to be consistent with the hours specified in planning permit 2020/103. These patron numbers are currently limited to 36. The patron numbers were assessed for planning permit 2020/103 and any changes to the patron numbers would be assessed through an amendment to this application. We note that an application has been received to increase the patron numbers which is currently being assessed.

For the same reasons, they are considered to be appropriate and have no additional impacts on the amenity of the area.

- *The cumulative impact of any existing licensed premises and the proposed licensed premises on the amenity of the surrounding area.*

When assessing the cumulative impacts on the amenity of the surrounding area the nature of the proposal along with the availability of liquor in the area has been considered.

The proposal will allow for the use of the café to include the consumption of liquor along with packaged sales. Given the nature of the use it is not considered that the liquor license will significantly impact on the amenity of the locality. The application does not include a request for an extension of hours or patrons.

A search of permanent licenses in the Thornton area shows four existing licenses. This includes:

Premises	Address and proximity to subject site	Type of liquor license
Cathedral Golf Club	82 Rollasons Road (Approximately 2km)	General
Eildon Trout Farm	1270 Goulburn Valley Highway (Approximately 550 metres)	Renewable Limited
Rubicon Hotel	1362 Taggerty Thornton Road (Approximately 290 metres)	General
Thornton District Sports Club	1340 Taggerty Thornton Road (Approximately 400 metres)	Renewable Limited

The Cathedral Golf Club is not open to the public and therefore limited in its service of alcohol. The Eildon Trout Farm is currently only open for events. There is a current planning application for the extension of this use but it does not include the sale of packaged liquor. Thornton District Sports Club does not allow for the sale of packaged liquor and the hours of operation are generally on game days and for training sessions. The Rubicon Hotel would be considered the only other venue within the township of Thornton that sells packaged liquor.

Given the limitations of the supply of liquor, it is considered that the cumulative impacts of licensed premises in the township of Thornton is low. The proposed liquor license which is ancillary to the existing use of the land for a café is considered to have minimal amenity impacts.

Discussion - Submissions

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

- *The use of the land will change from a café to a pub or bottle shop.*

Concerns have been raised in relation to the application for a General Liquor License rather than a Café/ Restaurant Liquor License. There are concerns that this will effectively change the use of the land.

The applicant has submitted that the reasoning for a General Liquor License is to allow for the sale of packaged liquor and a Café/Restaurant License would not allow for this. They have provided a response to objection reiterating that there is no intention to change the nature of the use of the building.

Council have considered whether the proposed use of land for a General Liquor License is considered ancillary to the use of the land for a café. Given the proposed use and scale of the sale of packaged liquor it is not considered that this will transform the use of the land from a café to a bottle shop or pub. In the event that the use of the land changed to being one of these uses additional planning approval would be required.

The Council officer recommendation includes conditions to ensure that the use remains predominately as café. This includes the following conditions:

- Packaged liquor offered for sale shall be restricted to products offered for consumption on the premises
- No signage be displayed on the frontage advising that packaged liquor is available for purchase.

Based on the information provided by the applicant it is considered very unlikely that there is an intention to alter the use of the café to a use such as bottle shop or pub. However, in order to ensure this does not occur conditions are considered to ensure that this does not occur.

- *Sufficient liquor supply available within the township.*

As discussed above, given the limitation of liquor available for purchase within the township of Thornton it is not considered that there is an oversupply. The cumulative potential impacts have been considered in making this recommendation as required by Clause 52.27 - Licensed Premises. Given the limited regular supply of alcohol in the town it is also not considered that the proposal will result in an oversupply.

The applicant is not required to demonstrate the need for alcohol supply within the township.

It is recognised that the population of Thornton is only 300 people and it could be argued that there is sufficient supply. However, the location of the café in a popular tourism locality has been taken into consideration.

- *Impacts on other businesses within the township such as the Rubicon Hotel which also contains a bottle shop.*

Impacts on business is not able to be considered in assessing planning permit applications. However, it is noted that the proposal while selling packaged liquor will not be considered a bottle shop and the applicant has confirmed that they do not wish to operate as a bottle shop, nor has such a change in land use been sort.

- *Traffic impacts as a result of the increase patronage given the sale of packaged liquor.*

It is not considered that the proposed liquor license will impact the current traffic impacts associated with the café.

The proposal may result in a minimal number of visitors with the sole intention of purchasing takeaway alcohol. However, the council officers have included a condition that the sale of packaged liquor is not advertised on the site. This ensures that the sale of liquor remains ancillary to the use of the land for a café.

- *The opening hours proposed are inappropriate given that the permit allows for a 6:30am commencement.*

The applicant has applied for the sale to be in accordance with planning permit 2020/103 which allows for a 6:30am opening time.

It is considered that there is a low likelihood of this occurring on a regular basis. However, in the interest of ensuring the worst case is accounted for the planning permit required the sale of packaged liquor without food to occur after 10am unless with the written consent of the Responsible Authority.

The hours proposed are consistent with what would generally be expected of a café. The location of the site is in the Township Zone which encourages mixed uses, including retail premises such as cafes. As has been stated within many submissions, the consumption of alcohol is considered expected at a café. Many cafés within this municipality have a liquor license, with some being a General Liquor License.

- *In the event that the hours are extended there may be associated amenity impacts such as headlights, horns and noise from loud music and people yelling*

This application does not include a request for the extension of hours.

However, planning permit 2020/103 allows for the amendment of hours with the written consent of the Responsible Authority. In the instance that a request was for a minor change or a one-off event this may be considered under secondary consent. In this instance public notice would not be required.

However, council officers cannot use this discretion if it cannot be reasonably considered that there will be no additional amenity impacts. An application to amend Planning Permit 2020/103 has been received and the amenity impacts associated with the increase in hours would be considered in the assessment of that separate application. This has been advertised to neighbouring properties who have the opportunity to object to the change of hours or patrons.

As such, this concern is not able to be considered in the assessment of this application as it has not been applied for.

- *Concerns relating to the compliance with the previous planning permit.*

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

Conclusion

Council officers are satisfied that this application proposal is consistent with the provisions of the Murrindindi Planning Scheme. The use of the land for a liquor license is ancillary to the current use of the land. It is supported by local and state planning policy as it will provide a service to the community and tourists to the area. It is considered that any potential amenity impacts can be mitigated with appropriate conditions.

Council Plan/Strategies/Policies

This report supports the *Council Plan 2017-2021 Our Place* strategy to “through good land use planning enhance the liveability, prosperity and the rural character of our Shire”.

This report supports the *Council Plan 2017-2021 Our Place* strategy to “strengthen the environmental sustainability of our communities, protect our natural environment and reduce resource consumption.”

This report supports the *Council Plan 2017-2021 Our Place* strategy to “recognise and embrace the history, culture and identity of our towns and communities”.

This report supports the *Council Plan 2017-2021 Our Place* strategy to “enhance community safety, resilience and liveability through improved planning, community engagement, and a fair and transparent approach to compliance”.

Relevant Legislation

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

Financial Implications and Risk

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

Conflict of Interest

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

8.3 Development of a Farm Shed - 25 Phillips Road, Toolangi

Attachment(s):

1. 25 Phillips Road, TOOLANGI 3777 – Attachments [8.3.1 - 10 pages]
2. 25 Phillips Road, TOOLANGI 3777 – Submissions (distributed to Councillors separately)

Land: 25 Phillips Road, Toolangi
Proposal: Development of land for a farm shed
Applicant: William Grice
Zoning: Farming Zone
Overlays: Environmental Significance Overlay – Schedule 1, Bushfire Management Overlay
Triggers: Clause 35.07 - Farming Zone – Buildings and works within 100 metres of a waterway
Clause 42.01-2 – Environmental Significance Overlay – Farm shed over 200 square metres

Locality Plan



Purpose

This report recommends that a notice of decision to grant a permit be issued for the development of a farm shed at 25 Phillips Road, Toolangi.

Officer Recommendation

That Council issue a Notice of Decision to grant a planning permit for the development of an agricultural shed at 25 Phillips Road, Toolangi (Lot 1 on Plan of Subdivision 058756), subject to the following conditions:

1. **Prior to the commencement of buildings and works, updated plans must be provided and approved by the Responsible Authority. Such plans must be generally in accordance with the plans provided by amended to show:**
 - a) **North and West Elevations.**
 - b) **The agricultural storage use labelled for each section of building including the barn, mezzanines, mudroom and machinery shed**
 - c) **The total height of the approved building which must be not be greater than the building height of the existing dwelling on the property**
 - d) **Screen planting along the southern boundary property for purpose of screening. Along with the proposed timing of the planting of the screen vegetation.**

Once approved these plans will be endorsed and form part of this planning permit.

2. **The layout of the site and the size and type of the proposed buildings and works, including the materials of construction and floor plans, as shown on the endorsed plan shall not be altered or modified without the consent in writing of the Responsible Authority**

- 3. No permanent fixtures may be installed within the shed without the written consent of the Responsible Authority**
- 4. All external cladding including the roof and trims of the building allowed must be coloured or painted in muted shades of green, brown or charcoal, or in a colour approved in writing by the Responsible Authority**
- 5. All stormwater and surface water discharging from the building and works must be conveyed to a point of discharge, approved by the relevant authority. No stormwater discharge from downpipes or overflow from storage tank and surface water shall be directed or caused to be directed in a concentrated form that will cause erosion and or adverse effects within the site or to adjoining land or properties**
- 6. The approved works must not cut off natural drainage to adjacent properties**
- 7. The shed hereby permitted may be used for agricultural storage purposes only and must not contain facilities that will allow the building to be used for the purposes of accommodation or any other use**

The Land and Surrounds

The subject site is irregular in shape and is approximately 26 hectares in size with the Yea River separating a small section of the site. The site contains a dwelling located to the south east of the site close to Phillips Road. There are three outbuildings in close proximity to this dwelling. There are two small farm sheds to the north western corner of the site. An established orchard is located to the west of the dwelling, this area also contains chooks and emus. The remainder of the site is used for grazing animals.

The eastern boundary adjoins Phillips Road and is approximately 663 metres. Along the Phillips Road boundary there is scattered roadside vegetation. The site has 9 abuttals to smaller residentially used properties that are accessed by Myers Creek Road, however, these are separated by a significant waterway. The area surrounding this waterway is heavily vegetated largely with native vegetation.

The site is located on the eastern edge of Toolangi which is generally used for agricultural purposes and some residential and tourism activities along the main roads. To the east of the site is agricultural land and the Toolangi State Forrest.

Background

The dwelling was constructed on the site in 1978 and did not require a planning permit for the use or development at this time.

A planning permit was issued for a shed for the storage of farm machinery in 2015, the endorsed plans for the shed show it located 95 metres from the eastern boundary, this would locate the shed in the existing orchard. However, the shed has been constructed between the dwelling and the orchard and is approximately 55 metres from the property boundary. This shed is 216 square metres and 5.16 metres in height.

Proposal

The application is for the development of an agricultural storage shed.

The application was accompanied by the following documents:

- Planning permit application form
- Site plan
- Floor plan
- Title and title plan.

The proposed shed is located on the western side of the orchard, approximately 162 metres from the eastern boundary and 100 metres from the southern boundary.

The proposed barn is irregular in shape. The main area is 30 metres in length 15 metres in width. There is also a proposed 5 by 5 metre entry and internally there are two mezzanines each 8 metres by 15 metres. There is an attached machinery shed of 12 by 10 metres. The total floor area of the shed including the mezzanines is 835 square metres while the footprint of the shed is 595 square metres.

The shed is proposed to be constructed of stone and timber walls and a Colourbond roof. There will be windows along the walls.

The applicant has submitted that the shed is required for additional storage of farm machinery and hay bales. The proposed entry is to be used for the storage of hand tools and smaller equipment.

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:

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

- letters to adjoining and nearby property owners and occupiers.

Two submissions objecting to the proposal and one submission of support were received from surrounding land owners. The Submissions objecting to the application can be summarised as follows:

- The design of the build makes it unlikely that it will be used for a barn/ machinery shed.
- The timber board flooring is unlikely to be used for agricultural uses
- There is already sufficient shedding on the property
- The size is excessive and not required for the agricultural
- The height of the building at 11.59 metres is excessive and will be visible from adjoining properties and from Myers Creek Road and Smiths Road
- Whether there will be a toilet in the building and whether this will impact on the dams and waterways.

The applicant provided a response to the objections which can be summarised as follows:

- The building is screened by a grove of chestnut trees and mountain ash. He has proposed to plant 'evergreen screen trees'
- The existing sheds on site are full of machinery equipment
- The proposed shed will be no higher than the existing dwelling on the property. The height is to allow for additional storage of hay bales on the mezzanine level
- The building will not retract from the amenity of the area
- The design is intended to enhance the area unlikely corrugated iron sheds that are commonplace in most agricultural applications
- The purpose of the building is not for an alternative use other than agricultural use or storage
- The entry room will provide for the storage of hand tools and small equipment
- The vehicles will be stored in the machinery area not on the timber floors
- The steepness of the roof is for the purpose of providing additional storage and aesthetics
- The windows are to provide light to the building

- There will be not bushfire risk associated with the building as it will not be issued for accommodation.

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

Referrals

The application was not required to be referred.

Discussion - Planning Considerations

Planning Policy

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

Clause 02.03 Strategic Directions – Environmental and Landscape Values

In protecting environmental and landscape values, Council supports:

- Protecting environmental values, including native vegetation, roadside vegetation, and scattered paddock trees
- Encouraging environmentally sustainable design and energy and water efficiency.
- Protecting biodiversity and environmental values of local, state, national and international significance
- Protecting and enhancing habitat and wildlife corridors across the landscape.

The proposed shed has been sited to ensure it will not require the removal of any native vegetation. It is a sufficient distance from the waterway on the site that there are no concerns that there will be any adverse impacts on this waterway. Accordingly, it is not considered that there will be an impact on the environmental value of the site.

Clause 02.03 Strategic Directions – Natural Resource Management

Council aims to protect the viability of agricultural land and waterways by:

- Protecting high quality agricultural land for ongoing agricultural use
- Protecting rural land for productive agricultural uses and compatible rural uses
- Ensuring that the use and development of rural land protects and enhances agricultural potential and the productive capacity of the land and surrounding land.

The proposed use of the shed considered to support the agricultural productivity of the land. The siting of the shed is considered to limit the impact on surrounding agricultural uses. Accordingly, the proposal is considered consistent with local strategic directions relating to natural resource management

Clause 13.05-1S Noise abatement

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

Proposed development is for farm shed for storage of hay on an allotment with existing land use of agricultural production and dwelling, including existing agricultural sheds. The proposed development and use for agricultural storage will not change the current use of the land or create any notable additional noise emissions.

Clause 13.01-1S Land use compatibility

The state policy aims to ensure that use and development is compatible with adjoining and nearby land uses. There is an inherent conflict between the use of the land for residential purposes and the use of land for agricultural purposes.

Adjoining the site is predominately residential uses with 9 abuttals on residentially used and sized lots. As such, potential land use compatibility concerns between the uses have been considered in officer recommendation.

The proposed development will not change the existing land use for agricultural production. The proposed use of the shed for agricultural storage will not create offsite amenity impacts greater than the existing conflicts between agricultural and residential uses. Therefore, it is considered that the proposed shed will not create incompatibility conflicts between the uses of the land.

Clause 13.02-1S – Bushfire Planning

Clause 13.02-1S Bushfire Planning is the State planning policy which underpins all other bushfire considerations which are required to be assessed as part of all planning and decision making under the *Planning and Environment Act 1987*. The policy relates to land that is:

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

As the subject site is in the Bushfire Management Overlay, bushfire risk is a relevant consideration. It is not considered that the development will create a significant bushfire hazard. The shed is proposed to be located over 100 metres from the closest dwelling, which is the dwelling on the subject site.

It has been noted that the shed is proposed to be constructed on timber which would not have a high Bushfire Attack Level rating. However, while bushfire risk is considered in the assessment of the application there are no construction requirements for an agricultural shed contained in the Murrindindi Planning Scheme.

Clause 14.01-1S Protection of agricultural land

The objective of the state policy is to protect and preserve productive farmland. The subject site is identified as high-quality agricultural land and is covered by the Environmental Significance Overlay – Schedule 1.

The siting of the proposed shed is considered consistent with the protection of agricultural land. The proposed agricultural shed has been located in close proximity to existing dwelling and other shedding on the subject land, ensuring it is accessible by an existing track, and avoiding any removal of productive agricultural land. The shed will not require an effluent field, therefore no more that the proposed footprint will be removed from agricultural grazing. The land removed from agricultural production has consequently been minimised.

The proposed shed will provide storage for the bales of hay and machinery that are already being stored on the land, supporting and enhancing the existing agricultural use of the land.

Clause 15.01-2S Building design & 15.01-6S Design for rural areas

This state policy includes objectives to ensure any development in rural areas respects the rural character and that development is appropriately sited and designed. Specifically ensuring development is designed to minimise visual impacts on surrounding natural scenery including ridgelines and hill tops.

The proposed shed, is intended to enhance the rural character of the area. While it is considered alternative to current farm shed designs, it is not considered that there will be a detrimental impact on the rural character of the area

While the scale of the shed is large and its height can be considered excessive, it will be completely screened from the road and adjacent properties by very tall trees that densely vegetate the road verge and creek to the south of the property. All existing vegetation on the site is to be retained and will not be impacted by the proposed shed. The applicant has proposed to include additional screening and this has been included in the officer recommendation.

Clause 35.07 - Farming Zone

A planning permit is required for the development of the farm shed under Clause 35.07-4 of the Farming Zone as the works are within 100 metres of a waterway.

The purpose of the Farming Zone is to protect agricultural land and allow for the use of the land for agriculture. The proposed development has been assessed against the purpose and decision guidelines of the Farming Zone.

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

The site is 25.82ha in size and the proposed shed will be sited in the south-eastern corner of the subject land, in close proximity to the existing buildings. No effluent disposal will be required and the siting of the shed will not impact the existing effluent disposal system and field.

How the use or development relates to sustainable land management.

The proposed shed will provide a storage facility for hay bales and machinery. The siting of the proposed shed near existing buildings ensures minimal impact on the subject land so that it can continue being used for agricultural production.

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

The site is currently being used for agricultural production and the proposed shed is associated with the existing use of the land. The proposed shed will have a footprint of 587sqm and has been sited towards the front of the subject land, in close proximity to existing buildings, ensuring the majority of the land will not be impacted by the development.

The surrounding land is used for farming and agricultural production; however, there are some smaller, rural lifestyle lots to the south of the site with single dwellings. The two closest dwellings are located approximately 150 metres and 220 metres from the proposed development site. The dwellings are minimally visible from the proposed development site, due to numerous tall trees along the southern boundary and density of the vegetation.

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

The proposed shed will be accessed via the existing access on the subject land. The existing driveway will be extended to provide direct access to the shed. The shed will not have water, power or effluent disposal connected.

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

The proposed shed will provide a storage facility for hay bales. There are currently piles of hay bales on the subject land, which are exposed to the elements. The proposed development will support and enhance the existing agricultural production on the subject land.

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

The proposed shed has been sited on a flat area, clear of vegetation, for minimal earthworks. The building will be sited in close proximity to the other existing buildings on the subject land, ensuring that the remainder of the site is retained for agricultural production.

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

The proposed shed will not change how the subject land is currently used. The building will be sited away from surrounding agricultural use and will not limit the operation and expansion of adjoining and nearby agricultural uses.

The capacity of the site to sustain the agricultural use.

The site is 25.82 hectares and the proposed shed will be sited near existing buildings. The existing use of the land for agricultural production will be enhanced.

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

The land is high quality agricultural land, covered by the Environmental Significance Overlay – Schedule 1. The existing land use will not change as a result of the proposed development. The existing site access will be used and the shed will not be connected to water or power. A condition included in the officer recommendation will ensure that stormwater run off is connected to a point of discharge, to the satisfaction of the responsible authority.

Any integrated land management plan prepared for the site.

There is no existing land management plan for the site. As the land use is not changing and is currently being used for agriculture, it is not considered necessary to prepare a land management plan.

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

The proposed shed is sited on a flat area, clear of vegetation, near existing buildings on the site. There will be minimal earthworks required and the proposed development will not impact soil and water quality.

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

The proposed shed site is clear of native vegetation and minimal earthworks will be required. There will be no impacts on the flora and fauna on the site and its surrounds.

The need to protect and enhance the biodiversity of the area, including the retention of vegetation and faunal habitat and the need to revegetate land including riparian buffers along waterways, gullies, ridgelines, property boundaries and saline discharge and recharge area.

The need to locate buildings in one area to avoid any adverse impacts on surrounding agricultural uses and to minimise the loss of productive agricultural land.

The proposed shed has been sited in close proximity to existing buildings on the land, approximately 90m from existing sheds, to avoid any adverse impacts on surrounding agricultural uses and to minimise the loss of productive agricultural land. The proposed shed could not be located closer the existing development on the site due to the location of the established orchard.

The impact of the siting, design, height, bulk, colours and materials to be used, on the natural environment, major roads, vistas and water features and the measures to be undertaken to minimise any adverse impacts.

The proposed shed is located in close proximity to the existing buildings. The location is well screened by very tall trees along the road verge and along the southern boundary. The proposed development is located behind the existing dwelling and shedding and subsequently largely screen from the road.

The proposed shed is large in scale and its height is approximately 11 metres at the top of the gable. The trees along the road verge are taller than the proposed shed and the density of the vegetation will ensure that the shed is sufficiently screened from neighbouring dwellings or from the road.

A condition of the permit will be for the shed to be in colours of muted tones of green, brown or charcoal, to blend into the landscape.

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.

The proposed shed will be well screened by vegetation along the boundaries. In particular there is significant screening along the southern boundary around the existing creek. The design of the building is considered to compliment the character of the area. It has been sited in close proximity to the existing dwelling and sheds.

It is not considered that the proposed development will impact on the natural scenic beauty of the area. While it could be considered to be excessive in size and height 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.

The location and design of existing and proposed infrastructure including roads, gas, water, drainage, telecommunications and sewerage facilities.

As discussed above, there is no new infrastructure proposed. The existing site access will be utilized and the shed will not be connected to any utilities. The shed will be accessed by using an existing track.

Clause 42.01-5 – Environmental Significance Overlay – Schedule 1

The need to remove, destroy or lop vegetation to create a defensible space to reduce the risk of bushfire to life and property.

No vegetation is required to be removed as part of this proposed development. Defensible space is not required as the proposed shed is for agricultural purposes.

Maintain the productive potential of high-quality agricultural land.

As discussed above, the siting of the proposed farm shed allows for the agricultural productivity of the land to be maintained.

Consider the suitability of high-quality agricultural land in the assessment of development proposals. Buildings or works are to be sited to avoid or minimise loss of good quality agricultural land.

The proposed shed is for agricultural purposes and will not change the existing agricultural use of the land. The building has been sited near existing buildings and infrastructure on the land to

avoid loss of good quality agricultural land and by siting the shed on a flat area there will be minimal earthworks and no vegetation removal required.

In considering any proposal, the responsible authority may consider the need for:

- *The preparation and approval of a whole farm plan to outline proposed and future development, identify agricultural opportunities on the land, and protect future agricultural potential of the land.*

The proposed shed will be for agricultural purposes, to support and enhance the existing agricultural use of the land. The development will not change the existing use of the land, which is currently managed in accordance with the existing farm operations of the landowner. Therefore, it is not necessary to prepare a whole farm plan for the proposed development.

The need to forward the application for comment to the Department of Primary Industries if the proposal may result in a major loss of productive agricultural land

It was not considered necessary to forward this application to the Department of Environment Land Water and Planning.

Clause 44.06 - Bushfire Management Overlay

Developments associated with particular uses require planning approval under the Bushfire Management Overlay. This includes uses such as accommodation, retail and leisure and recreation. Development associated with the use of land for agriculture does not require planning approval under the Bushfire Management Overlay.

As the proposed development is for an agricultural shed, the Bushfire Management Overlay was not considered in the assessment of this application.

Discussion – Submissions

A response to the issues raised by the submitters objecting to this application are set out below.

- *The design of the build makes it unlikely that it will be used for a barn/ machinery shed*

The applicant has submitted that the proposed use is for agricultural storage, accordingly, Council Officers are required to assess the development as such. However, it is acknowledged that the design of the proposed shed increases the potential that it could be used for alternative uses such as events.

Council Officers consider that the conditions contained within the officer recommendation sufficiently mitigate this risk.

Planning approval would be required for the change of the use to uses such as accommodation or a Place of Assembly. In the event that the applicant wishes to change the use of the building notice would be given to adjoining land holders.

Should an application for an alternate use be received it would be assessed against the entirety of the Murrindindi Planning Scheme. As has been raised by the submitters the materials of the building are not suitable for the bushfire risk. The use of timber would be unlikely to have a high Bushfire Attack Level rating and therefore planning approval for the building to be used for accommodation is unlikely.

- *The timber board flooring is unlikely to be used for agricultural uses.*

As above, the applicant has submitted that it is proposed to be used for agricultural uses. The use of this building for agricultural uses is enforceable through conditions contained in any permit issued.

- *There is already sufficient shedding on the property and the size is excessive and not required for the agricultural use.*

Given the size of the property it is not considered that additional shedding can be reasonably assumed not to be required. The applicant has submitted that other sheds on the site are full, which appeared to be the case when council officers completed a site visit. The size of the shed is large however, given the size of the property it is not considered unwarranted.

- *The height of the building at 11.59 metres is excessive and will be visible from adjoining properties and from Myers Creek Road and Smiths Road.*

Concerns have been raised in regards to the proposed shed being sited on the highest point of the land. However, given the proximity to the other buildings and reduction of removal on additional agricultural land it is considered that the siting is appropriate.

- *Whether there will be a toilet in the building and whether this will impact on the dams and waterways.*

The applicant has not proposed to install water fixtures in the farm shed. The officer recommendation includes a condition requiring written consent from the Responsible Authority should this be requested in the future. The applicant would be required to demonstrate the fixtures are associated with the agricultural use of the shed and apply for written consent from the Responsible Authority.

Conclusion

It is considered that the proposed development of the land for a farm shed is appropriate. The farm shed will assist with the agricultural productivity of the site. It is considered that amenity impacts have been sufficiently addressed by the conditions included in the officer recommendation. On balance it is considered that the farm shed is consistent with the provisions of the Murrindindi Planning Scheme.

Council Plan/Strategies/Policies

This report supports the *Council Plan 2017-2021 Our Place* strategy “through good land use planning enhance the liveability, prosperity and the rural character of our Shire”.

This report supports the *Council Plan 2017-2021 Our Place* strategy to “strengthen the environmental sustainability of our communities, protect our natural environment and reduce resource consumption.”

Relevant Legislation

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

Financial Implications and Risk

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

Conflict of Interest

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

8.4 Response to Petition - Falls Road Upgrade

Attachment(s):

1. Policy – Special Charge Scheme for Infrastructure Works – Adopted 2019-12-18 [8.4.1 - 7 pages]

Purpose

This report is to inform Council on the results of the community consultation in response to a petition to propose a special charge scheme for the Sealing of Falls and Allandale Road Strath Creek and based on the response, recommend not to proceed with the scheme.

Officer Recommendation

That Council:

1. **review the comments received from respondents to the consultation for the petition to seal Falls and Allandale Road Strath Creek**
2. **note that the proposal will not proceed as there wasn't the required 60% support for the special charge scheme for the sealing of Falls and Allandale Road, Strath Creek; and**
3. **direct the Acting Manager Community Assets to write to the affected property owners advising them of the outcome.**

Background

The petition for 'Sealing of Falls and Allandale Road, Strath Creek' was presented to Council at its Ordinary Meeting on 26 February 2020.

The petition requested Council to 'seal the road in the locality of Strath Creek, from the existing bitumen on Falls Road, then along Allandale Road to Hanna's Road – a distance of 3kms as – as a result of increased regular usage. Such a proposal was publicly announced by the former Broadford Shire council before dissolution, whereupon the area became part of the Shire of Murrindindi, and the proposal never eventuated.'

At the meeting, Council resolved to:

- note this report and that Council officers have reviewed the request from petitioners;
- request the Manager Community Assets to consult with affected landowners regarding the potential for a special charge scheme to upgrade (seal) the following:
 - a) Falls Road from existing bitumen of Falls Road to Allandale Road
 - b) along Allandale Road ending at Hanna's Road in Strath Creek
- request that the Manager Community Assets write to the convenors of this petition advising them of the resolution.

Discussion

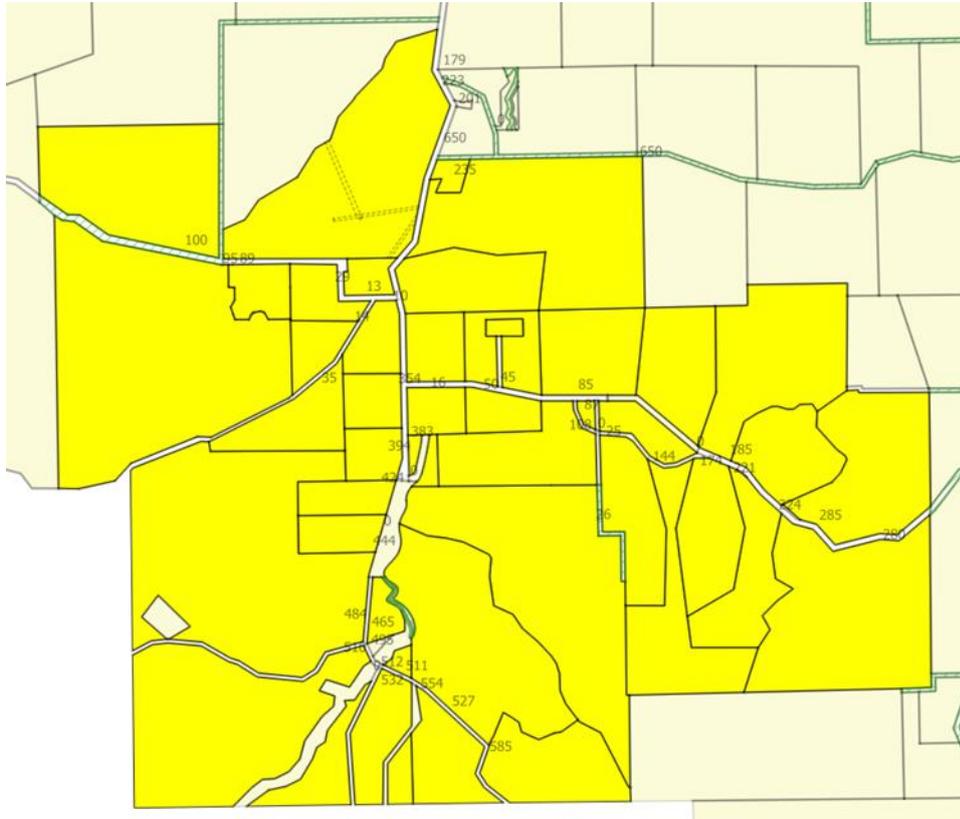
Letters were sent to each petitioner (25 in total) in April 2020 advising them of Council's resolution in response to the petition.

An assessment of the roads and works required was undertaken in the following months. A schedule of quantities and a budget estimate were developed based on the assessed scope of works. The addition of Brysons Road was included in the proposal as there is clear benefit to the owners. Details of properties gaining benefit out of the sealing of the roads was compiled to form the mailout list for consultation. Several owners had multiple parcels of land that would gain benefit from the works.

The total cost of the project amounted to \$2,960,000 incl GST with 42 parcels of land benefiting equating to approximately \$70,500 per parcel. Giving the early stages of the project a 30% contingency is included in the estimate. The scope of works includes formation widening, pavement and sealing of a 6.5 kilometre length of road works.

The extent of properties included in the consultation is shown in the locality plan Figure 1.

Figure 1: Locality Plan



A letter outlining the proposed scheme was sent to the impacted property owners in April 2021

As result of the consultation twenty (20) properties gave a “No” response and one (1) gave a “Yes” response. Twenty-one (21) properties did not provide a response. It was clearly stated in our letter that if there is no response received by the due date it will be recorded as not supporting the proposal.

The comments from the responses are summarised as:

- Our property lies 2km down Falls Road from Allandale Rd. This Section will not be sealed. There is no benefit to us in the resealing as we still have 2km of gravel road to drive. Our property is valued at \$100,000. We are not paying \$70,000 to seal a road that does not pass our property
- We prefer a dirt road in this area
- I bought the property as I like the unsealed road
- There is a business (cricket ground) that disproportional uses the road compared to residents Again you gave the permit to the business get them to pay
- It will make no difference to the value of my property, nor will I sell
- I cannot afford it
- Rates are not just for bins
- Do the whole of life assessment, council will save on the maintenance
- You raised rates when I bought the property when I restumped house again. Come an maintain the swale drains, I can't even mow
- Also, your estimate is wrong -1.8km to my place 1800mx6m2 = 10800m2 Prep for seal, say \$2/m2, emulsion primer seal, say \$10/m2 = \$130,000 to my place

- The price you have indicated is ridiculous and furthermore the shire would need to fund a minimum of 50% as they will no longer be spending on maintenance and I am sure that you will look at rate increases. P.S. The job by Council on Falls Road and Allandale Road is appalling and there are pot holes in the road even before the grader has left to go to the next job
- Unfortunately, due to COVID restrictions we have been unable to reply to the recent correspondence regarding the Special Charge Scheme for Falls Rd Strath Creek by the May 30 deadline. We are NOT in support of this scheme; arguably this is what our taxes should be going to
- I would not have signed petition. I thought it was a government road. I am on a pension cannot contribute to costs as are so many people around here. So, it's a clear no
- Cannot afford as only a holiday house
- We would like the road sealed but as self-funded retirees we could not afford the charge We understand council's need to have the road funded under the Special Charge Scheme
- We feel it is unrealistic to expect struggling farmers to finance the sealing of Falls Road. We have lived at the end of Falls Road for over 35 years. During that time, we have seen the Council open up, what was once a quiet area, to tourism, accommodation, school camps, cafes and cricket grounds. The council recently even approved development on a 4-acre lot which in itself breaks numerous By Laws that govern what is a "FARMING ZONE". All this has resulted in a significant increase in traffic on Falls Rd which now sees frequent bus use. This has added a great burden on the unsealed road that was never intended for such intensive development. If the Council is so keen to develop Falls Road in such an inappropriate manner, surely it must accept responsibility and the consequences that this impact this will have on a dirt road
- I am satisfied with our gravel road, as long as it is maintained sufficiently
- Government Road, residents should not be required to pay
- We derive no benefit from this proposal
- Being a resident since 1984 we are happy to keep the dirt road. However, we would appreciate if the road could have some sort of gravel to minimize dust, and less crowning
- St Monica's College Epping is willing to assist the Council and other properties in supporting the proposed road
- We don't approve to this Special Scheme Charge as we don't believe we would benefit unless you are including Brysons Lane. We also do not believe it could add \$70,500 to the value of our property, that amount seems excessive and unaffordable for most landholders.

In accordance with Council's Scheme Policy where Council does not contribute more than a one third of the costs, a Special Charge Scheme will only proceed where there is 60% or more support from affected property owners and therefore the scheme will not continue.

The decision of Council to declare a Special Charge and to contribute to a Special Charge Scheme is (subject to any requirements in the Act to the contrary) entirely a matter for the discretion of Council, to be exercised as Council sees fit and subject to Council resolution.

The process is outlined in the Special Charge Scheme Policy as attached.

Council Plan/Strategies/Policies

This report supports the *Council Plan 2017-2021 Our People* strategy to "work with our community and groups to connect, collaborate and plan for our future".

This report supports the *Council Plan 2017-2021 Our Place* strategic objective "we will maintain and enhance places to be attractive and liveable, in balance with our natural environment".

This report supports the *Council Plan 2017-2021 Our Promise* strategy to “ensure the range of services we provide and the way we provide them are best aligned with community priorities and Council’s resources”.

This report supports the *Council Plan 2017-2021 Our Promise* strategy to “maintain Council’s financial sustainability through sound financial and asset management”.

Council Special Scheme Policy adopted 2019.

Relevant Legislation

Local Government Act 1989 and Local Government Act 2020.

Financial Implications and Risk

There are no financial implications in considering the responses at this stage.

Conflict of Interest

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

Community and Stakeholder Consultation

Consultation was undertaken by assessing the affected properties subject to benefit from the works and sending correspondence with information regarding the proposed scheme with a return paid envelope and a response form. Acknowledgement was sent to a submitter of receipt of the form.

9 OUR PEOPLE

10 OUR PROSPERITY

10.1 Grants and Contributions Program - October Allocations

Attachment(s): Nil

Purpose

The purpose of this report is to present Council with the September Grants and Contribution applications for noting and endorsement.

Officer Recommendation

That Council:

- 1. note the following allocations and variations awarded by Officers under Delegation:**

Application	Grant Awarded	Variation
The Outdoor Education Group - Eildon Wanggai Business Case Development Project	\$15,000	Timing change due to COVID19
Relax and Unwind Massage Therapy - Wellness, Massage & Beauty Studio	\$10,000	Timing change due to COVID19
Goulburn Valley Suicide Awareness Group Inc - Goulburn valley suicide awareness walk	\$2,000	Timing change due to COVID19

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

Application	Amount
Honour The Taungurung - Yea Community Group - Unveiling Ceremony of Dugaluk Ngarrgi (croaking frog's ceremony) three-tiered metal artwork	\$2,227.55
Flowerdale Community House Inc - Flowerdale Community House 10th Birthday Open Day	\$2,500.00
Alexandra Football Netball Club - Planning Permit 2019/141 - application for extension and conditions amendment	\$3,728.40

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 2017-2021 Council Plan*.

The funding streams provided under the program are:

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

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

Assessment occurs monthly for Fee Reductions, Quick Response and Governance, Skills and Capacity Building grant streams and in March, July and October for all other streams. Because of the recent Program review, assessment of all streams occurred in September.

Councillors have previously received all application and supporting documents in preparation for this meeting.

Discussion

Council officers have assessed the following grant variation requests under delegation and have made the following grant variations.

Business Plan Support

1. The Outdoor Education Group (OEG) - Eildon Wanggai Business Case Development Project

This project will see the development of a business plan for OEG's Camp Eildon and Camp Wanggai's sites with a view to developing new campsites and activities and to double the capacity of these venues. The project will also investigate future opportunities to gain access to the pondage and build storage for bikes and boats for school programs and holiday / weekend hire.

COVID-19 restrictions have impacted the ability for a Quantity Surveyor and site assessor to access the sites as part of the project. These elements are critical to costings and feasibility of the Business Case. As such the applicant is seeking an extension to the proposed end date of

the project from 30 September 2021. Council officers support the request and propose a revised end date of 28 January 2022. **Grant variation supported.**

Business Growth and Establishment

1. Relax and Unwind Massage Therapy - Wellness, Massage & Beauty Studio

This project is to build a studio and create a wellness space that Murrindindi Shire residents and tourists can come too, to enjoy a selection of massage and beauty treatments. Due to the impacts of regional COVID-19 restrictions and Melbourne lockdowns in the past few months the project has become delayed. The applicant has been unable to get trades out to complete tasks as a result of these restrictions and been unable to operate their business and continue the planned work on the project as identified in the original timeline. The applicant is seeking a 4-month extension to the project timeline due to these delays with a proposed milestone date of 31 January 2022. **Grant variation supported.**

Community Projects and Events

1. Goulburn Valley Suicide Awareness Group Inc. - Goulburn Valley Suicide Awareness Walk

The project will deliver an inaugural walk to raise awareness of suicide in the Goulburn valley and surrounds. The walk was planned to be held with World Suicide Prevention Day on the 10th of September however due to the impacts of COVID-19 restrictions the applicant has proposed that the event be held on 21 November 2021. The walk will be preceded by an address by a Councillor with experience in suicide and by the Founder of the organisation. The Rotary Club of Yea will provide a BBQ at the completion of the walk. **Grant variation supported.**

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

Community Projects and Events

1. Honour The Taungurung - Yea Community Group - Unveiling Ceremony of Dugaluk Ngarrgi (croaking frog's ceremony) three-tiered metal artwork

This project will see the re-enactment of a Taungurung Corroboree as part of the unveiling ceremony for the developed three-tiered metal artwork in Yea. A proud Taungurung woman will be the MC for the unveiling and a Taungurung song person will write & sing a newly written song for the ceremony. Six women will drum on their possum skin drums, Taungurung men will dance, and a male Elder will also participate. The project supports Council's objectives in celebrating Murrindindi Shire's history and culture and demonstrates continued leadership in supporting reconciliation for our First Nations people will be further profiled via this project. **Recommended for a grant of \$2,227.55.**

2. Flowerdale Community House Inc. - Flowerdale Community House 10th Birthday Open Day

This year marks the 10th Birthday of the Flowerdale Community House being opened at the current site. Flowerdale Community House are planning to mark this exciting 10th year by celebrating with the community as part of our annual Open Day. The event, which brings together the community each year will be held on 27 November 2021. These celebrations will enable social connection between older and newer residents, enhance positive mental health outcomes, and increase civic participation through exposure to volunteering opportunities. **Recommended for a grant of \$2,500.**

Fee Reductions

1. Alexandra Football Netball Club - application for planning permit extension fee waiver

The Alexandra Football Netball Club is seeking a fee waiver against the cost of extending the planning permit relating to the redevelopment of the Club rooms. The majority of works have been completed however the applicant is now working to complete several conditions of the Permit. The Club has been impacted by COVID-19 restrictions and other factors including the Club's restricted opportunities to operate and raise additional funding to support the completion of the project. The current role of the Club and the outcomes of the project to the sporting community of Alexandra and surrounds are significant and the Club plays an important role in the local community. **Recommended for a grant of \$3,728.40.**

Council Plan/Strategies/Policies

This report supports the *Council Plan 2017-2021 Our Prosperity* strategic objective to “in partnership with the community we will promote an environment in which business and community can thrive”.

Relevant Legislation

Nil.

Financial Implications and Risk

The below financial table shows grant funds allocated, and recommended for allocation, for September and those allocated to date in this Financial Year:

Grant Stream	September allocations	Previous allocations	Total 21/22
Fee Reductions	\$3,728.40	\$4,251.40	\$7,979.80
Governance, Skills and Capacity Building		0	
Quick Response		0	
Community Sponsorship, Projects and Events	\$4,727.55	\$8,100	\$12,827.55
Tourism Events		0	
Business Plan Support		0	
TOTAL	\$8,455.95	\$12,351.40	\$20,807.35

The indicative total budget of the Grants and Contributions Program for the 2021/22 financial year is \$180,000.

Conflict of Interest

A conflict of interest (COI) was declared by an officer in relation to the assessment of the application received from Alexandra Football Netball Club. The officer completed a COI declaration and removed themselves from any discussion or assessment of the application.

Community and Stakeholder Consultation

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

11 OUR PROMISE**11.1 Annual Report 2020/21**

Attachment(s):

1. Annual Report 2020/2021 including financials [11.1.1 - 136 pages]

Purpose

The presentation of the Annual Report is an important milestone in recognising the significant achievements of Council in 2020/21, including the objectives and activities of the Council Plan 2017–2021 and the 2020/21 Annual Budget.

This report presents the Annual Report for the period 1 July 2020 to 30 June 2021 for Council's endorsement.

Officer Recommendation

That Council formally consider and endorse the Annual Report 2020/21 as contained in Attachment 11.1.1.

Background

The Annual Report 2020/21 details Council's performance over the past 12 months in achieving the objectives and activities of the *Council Plan 2017-2021* and the 2020/21 Annual Budget.

A copy of the Annual Report 2020/21 is contained in Attachment 11.1.1. Council has previously endorsed the financial statements (included in the Annual Report) at its 22 September 2021 Scheduled Meeting.

In accordance with Section 133 of the *Local Government Act 1989* the Annual Report 2020/21 was submitted to the Minister for Local Government on 30 September 2021. The Minister granted a 2-month extension to the legislated due date of 30 September this year due to COVID-19 and the impacts on the sector, however Council was able to meet the original deadline.

Discussion

Whilst the Annual Report 2020/21 lists many achievements for the year, some highlights include:

- We kept our communities informed of changing restrictions related to COVID-19, and advised businesses of various forms of COVID support available
- We implemented a number of actions identified in our community and business recovery plans
- We on-boarded 42 contract staff under the Working for Victoria Grant stream, amounting to a (temporary) 25% increase in our workforce
- We launched the 'Murrindindi Shire Funding Finder', a one-stop-shop for community members, community groups and businesses seeking grant and funding opportunities
- We introduced an after-hours phone service to streamline access to our services outside normal business hours, including by providing better access for the community in the events of emergencies such as trees or stock blocking roads
- Our 'DindiLink' service, created in early 2020 in response to the COVID-19 pandemic, continued to help individuals and families connect with local support services and activities over the last year
- DindiLink also worked with communities on a collaborative community art project called 'Connecting the Pieces' to help both adults and children across the Shire get involved and connect with one another
- We celebrated an important part of our local history by hosting a wonderful launch event in March at our Alexandra Library of the memoir *On Taungurung Land: Sharing History and Culture* by Roy Henry Patterson and Dr Jennifer Jones
- Our Book Butler service at the library made 953 deliveries to homes across the Shire, with a total of 6842 loan items
- Our 'Business Concierge' service ensured the delivery of our 'Better Approvals' program, to help guide those looking to get a new business up and running, or to grow an existing business
- We reviewed our approach to grants and contributions to ensure they were delivering the right outcomes for our community and we awarded over \$210,000 in grants to individuals, businesses, tourism events and community groups for projects ranging from funding support for NAIDOC week events to community hall repainting at Homewood

- We advocated to external agencies on a range of issues, including improved broadband coverage, a solution to the ongoing shortage of GPs in our Shire and for action on climate change
- We advocated successfully for funding from the Victorian Government for a range of projects, including to enable detailed design of the Eildon Splash Park, the Rail Trail Art Project and for development of the Alexandra Youth Precinct
- We also worked to better understand issues relating to forestry and logging in our Shire in order to work out how best to support a timber industry which will be transitioning out of native timber harvesting by 2030
- Together with Mitchell and Mansfield Shire Councils, we were successful in attracting \$1.2 million grant funding from Regional Development Victoria to create large-scale art installations along the Great Victorian Rail Trail. We also commenced a range of exciting projects to update wayfinding and other signage along the Trail
- To assist better engagement with our community, we launched a brand new online engagement platform called 'Dindi – In the Loop' ('The Loop' for short) to help us have ongoing conversations with the community about important projects and initiatives
- We launched the Shaping Our Future Project to co-design, together with our community, a 10 Year Community Vision and the 2021-2025 Council Plan. We heard from over 500 community members about what they think is important for the future of Murrindindi Shire
- We commenced creation of Rethink, Reduce, Re-use, Recycle, our ambitious Waste and Resource Recovery Strategy, with the goal of making our Shire a low-waste municipality which embraces principles of the 'circular economy' and protects our community and environment from the negative impacts of waste
- We commenced the review of our Domestic Animal Management Plan (DAMP) which will guide our approach to the delivery of animal management services across Murrindindi Shire
- Together with our partners Regional Development Victoria, Goulburn-Murray Water (GMW) and the Lake Eildon Houseboat Industry Association, we completed the Lake Eildon Floating Cities Project, aimed at improving infrastructure that supports houseboat manufacturers to safely transport and launch houseboats at Lake Eildon and will boost the local economy
- We commenced construction on the \$1.9 million Kinglake Streetscape Renewal Project, following extensive engagement with the community and business about the plans for the Streetscape, with the support of the Australian Government's 'Building Better Regions' Fund and Regional Development Victoria, that have each contributed \$750,000 to supplement Council's \$418,000 investment.
- We commenced or delivered a range of important capital works infrastructure projects across our Shire, worth \$10.7 million, including -
 - completed renewal of the Kinglake Memorial Netball Courts, which now feature a new playing surface for the two courts
 - delivered works on the Road Safety Upgrade Project at High Street, Yea, including completion of paths in the centre median strip
 - refurbished the change rooms used by the Yea Football and Cricket Clubs at the Yea Recreation Reserve to provide female-friendly amenities and an upgrade to the disabled toilet
 - completed the renovation of the external façade of the Yea Shire Hall, including repairs to the façade and clock tower and repainting the building
 - delivered road safety projects on Rubicon Road in Rubicon, Back Eildon Road between Thornton and Eildon and King Parrot Creek Road in Kerrisdale
 - upgraded the tennis courts and installed new public toilets at the Kinglake Memorial Reserve
 - rejuvenated the Marysville swimming pool, with the installation of a new pool liner
 - installed new coaching boxes at the Thornton Recreation Reserve
 - installed water hydration stations in Eildon and Buxton
 - progressed the detailed design for the Eildon Splash Park design and Alexandra Youth Precinct

- o commenced work on the Yea Recreation Reserve Oval Lighting Project.

Council Plan/Strategies/Policies

This report supports the *Council Plan 2017-2021 Our Promise* strategic objective to “we will all work in collaboration with our communities to deliver the best possible outcomes in all that we do”.

Relevant Legislation

The annual report process for 2020/21 remained governed by sections 131 to 134 of the *Local Government Act 1989*. The Act sets out the requirements for the preparation, public exhibition and consideration by Council of the Annual Report 2020/21.

Subject to Council's consideration and endorsement of the Council's Annual Report 2020/21 at this meeting and giving public notice of its endorsement, all statutory requirements associated with the Annual Report 2020/21 will have been met.

Financial Implications and Risk

The Annual Report 2020/21 includes the audited Financial Report and Standard Statements for the 2020/21 financial year which were approved by Council at its 22 September 2021 Scheduled Meeting.

Conflict of Interest

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

Community and Stakeholder Consultation

The Annual Report 2020/21 was forwarded to the Minister for Local Government in accordance with statutory requirements on 30 September 2021.

The Annual Report 2020/21 has been made publicly available in line with the requirements under Section 133 of the *Local Government Act 1989*.

11.2 2017-2021 Council Plan - Final Report

Attachment(s):

1. 2017-2021 Council Plan – Summary Report – October 2021 [**11.2.1** - 6 pages]

Purpose

This report focuses on the projects, and activities and achievements delivered through the implementation of the Murrindindi Shire Council 2017-2021 Council Plan, for Council's noting.

Officer Recommendation

That Council note the Murrindindi Shire Council 2017-2021 Council Plan Report.

Background

In accordance with the *Local Government Act 1989*, Council adopted a Council Plan (Plan) for 4 financial years of 2017-2021.

The Plan was developed through the 'Have Your Say' campaign, undertaken in early 2017, which involved Councillors and officers attending pop-up events, forums and community meetings across the Shire to gauge the views of the community about what was important to them for the coming four years.

Discussion

Following the Have Your Say campaign, Murrindindi Shire Council adopted its Council Plan 2017-2021, including a 10-Year Financial Plan by Council at a Special Meeting held on 21 June 2017.

Each year for the life of the Council Plan 2017-2021, we also developed a Priority Action Plan, which outlined key annual actions for Council to pursue to ensure delivery of strategies set out in the Council Plan.

The Council Plan 2017-2021 was based on four priority areas

- 'Our People', which focused on strengthening community participation and involvement
- 'Our Place', centred on enhancing the liveability of the Shire
- 'Our Prosperity' which looked to build economic opportunities and
- 'Our Promise' which outlined Council's undertaking to be responsive and accountable to the community.

These four priorities helped guide Council's work over the last four years and to ensure our work met the needs of our community. We have worked to enhance the quality of life of our communities across Murrindindi Shire and to focus Council's services and resources in areas where they are most needed.

The four-year period has delivered some significant events and milestones for our community which are highlighted in the attached report (Attachment 11.2.1).

No report about the previous four years would be complete without reference to the COVID-19 pandemic. In March 2020, a State of Emergency was declared in Victoria in response to the COVID-19 pandemic. Restrictions were put in place, then eased and then tightened again and this situation has continued even beyond the period covered by this Report.

Nevertheless, the report demonstrates Council's commitment to delivery of services and projects in the face of a fast-changing world and covers highlights for the period.

Council planning is a never-ending cycle, and we recognise the ways this Council Plan both built on or completed work conceived within previous Council terms, and in turn has informed the development of the Murrindindi Shire Council Plan 2021-2025.

We thank our previous and current Councils, our officers and most importantly the volunteers, community groups, individuals and businesses for their support, with particular thanks to the numerous people who have responded to our frequent requests for input and feedback about Council's work.

Council Plan/Strategies/Policies

This report supports the *Council Plan 2017-2021 Our People* strategy to "work with our community and groups to connect, collaborate and plan for our future".

This report supports the *Council Plan 2017-2021 Our Promise* strategy to "expand our communication and two-way engagement with the community".

Relevant Legislation

Nil.

Financial Implications and Risk

Nil.

Conflict of Interest

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

Community and Stakeholder Consultation

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

11.3 Council Plan 2021-25 and Priority Action Plan 2021-22

Attachment(s):

1. Council Plan 2021-2025 [11.3.1 - 22 pages]
2. Council Plan 2021-2025 – Priority Action Plan 2021-2022 [11.3.2 - 14 pages]
3. Community Feedback and Recommended Responses [11.3.3 - 3 pages]

Purpose

The purpose of this report is to complete the statutory process for the adoption of the Council Plan 2021-2025 and the Priority Action Plan 2021-2022.

Officer Recommendation

That, having considered submissions received during public comment, Council endorse the recommended changes and resolve to:

1. **Adopt the 2021-2025 Council Plan**
2. **Adopt the Priority Action Plan 2021-2022**
3. **Note the responses to community feedback contained in Attachment 11.3.3.**

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 4 financial years after a general election, and in accordance with its Community Engagement Policy. The Council Plan must be adopted by 31 October in the year following a general election, and it has effect from 1 July in the year following a general election.

The Council Plan 2021-2025 has been informed by the Murrindindi 10-year Community Vision, adopted by Council at the July scheduled meeting, and the community engagement project titled 'Shaping Our Future' during March and April. Over 460 community members participated, with approximately 1800 individual data responses received.

Community feedback on the Council Plan and Priority Action Plan was received during August and September with 29 responses. Council has considered the feedback prior to the 27 October scheduled meeting with responses and recommended changes to the draft documents included in Attachment 11.3.3.

Discussion

The Council Plan 2021-2025 has been developed in collaboration with the communities of Murrindindi Shire, setting out Council's strategic direction for its term and the resources required to achieve the direction.

The Council Plan was developed following the 'Shaping our Future' March and April community engagement activities, with recognition of the communities' desire for Council to focus on preserving our high environmental standards, combating the impacts associated with climate change, encouraging community resilience and wellbeing, preserving our rural character whilst supporting growth and economic opportunities. Linked to these themes, the community has asked for responsible stewardship of the Council's financial resources and community facilities, continued improved community engagement and focus on high quality service delivery.

The Council Plan also plays its part in stepping us towards the aspirations of the Murrindindi 10-year Community Vision.

In consolidating community aspirations and reflecting on the Murrindindi 10-year Community Vision this Council has set its direction within five strategic directions and objectives as follows:

1. Resilient Communities

To ensure we are welcoming, inclusive, caring, and connected

2. Beautiful Townships and Rural Settings

To create a better place for our community and visitors to live in harmony with our rural character, natural beauty, and heritage

3. Growth and Opportunity

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

4. Our Protected Environment

To protect and enhance our natural environment, supporting environmental sustainability, community resilience, innovation, and adaptation to climate change to achieve net-zero emissions by 2035

5. Transparency, Inclusion and Accountability

To ensure our services, people and systems deliver the best possible outcomes for our communities now and in the future

The Council Plan 2021-2025 has strategies to implement each objective and indicators to measure the outcomes of the Council's work. Each year, Council will prepare a Priority Action Plan which will deliver our initiatives, services, infrastructure, and amenity. The annual budget ensures adequate resources are available to deliver the Plan, and also connects to Council's longer term financial sustainability.

Council received feedback from 29 people during the August and September public comment period. Submitters have been provided with responses (attached) and given the opportunity to present their feedback to Council at the 27 October Scheduled Meeting.

Overall, most respondents supported the content and structure of the draft Council Plan and its Year 1 Priority Action Plan. As such, the draft documents following the feedback period remained mostly unchanged. Council has considered all feedback received, and some changes proposed by the community are recommended by officers.

The proposed changes are as follows:

#	Comment	Officer recommendation
20	Suggestion to make grammatical amendments throughout the Draft Council Plan.	Accept proposed changes to pages: All - Transparency, Inclusion and Accountability 9 - dot point 5, sentence updated 12 - dot points 13 - remove 'when noticed' 14 - spell out LGPRF 15 - change to structure around strategic directions to make it more succinct and change 'strategic objective' to 'objective'.
27, 28	The comment praises the content of the overall Council Plan but suggests the 2040 and 2035 carbon neutral target is not ambitious enough.	Change 2040 references to 2035 for consistency across the documents. Council's net-zero target is set at 2035. Council Plan: Page 6 Priority Action Plan: Page 8

On adoption of the Council Plan 2021-2025 and the Priority Action Plan 2021-2022, the documents will be published on Council's website, online community engagement site The Loop, and social media channels. The documents will also be available in print form for public inspection at Council offices and libraries throughout the municipality.

Council Plan/Strategies/Policies

The Council Plan is the key planning document which translates Council's obligations under the *Local Government Act 2020*. Specifically, the plan:

- Guides Council's strategic direction of the organisation
- Identifies strategic objectives for achieving the strategic direction
- Sets out strategies for achieving the objectives over the next 4 financial years
- Identifies Council's initiatives and priorities for services, infrastructure, and amenity (Priority Action Plan), and
- Contributes to the development of the 10-year Financial Plan and annual budget for the next four years.

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

Relevant Legislation

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

Financial Implications and Risk

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

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

Conflict of Interest

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

Community and Stakeholder Consultation

Shaping Our Future community engagement during March and April was supported by 10 pop up sessions across the Municipality and via Council's online participation platform The Loop. Data received was analysed to develop the draft Council Plan and Priority Action Plan.

Further community engagement to get feedback on the draft Council Plan and Priority Action Plan took place during August and September. COVID-19 restrictions resulted in engagement happening online via The Loop and also with two online community forums. 29 responses were received via The Loop with an additional 19 attendees at the online forums.

To ensure all participants are kept informed on the last stage of the community engagement process, Council has provided responses to all those who provided their contact details.

All responses include links to Council's website for more information on how to participate at the Council meeting as well as links to The Loop to sign up and stay engaged with Council's projects in the future.

Full detail of Shaping our Future engagement has been uploaded onto The Loop.

11.4 Long Term Financial Plan 1 July 2021 - 30 June 2031

Attachment(s):

1. Financial Plan – 1 July 2021 to 30 June 2031 [11.4.1 - 26 pages]

Purpose

The purpose of this report is to present the Financial Plan for the Period 1 July 2021 to 30 June 2031 for adoption by Council.

Officer Recommendation

That Council, having considered submissions received during public comment, adopt the Financial Plan for the Period 1 July 2021 to 30 June 2031, as contained in Attachment 11.4.1.

Background

A key feature of the new *Local Government Act 2020* (the Act) is the introduction of strategic planning principles, which includes an integrated approach to planning, monitoring and performance reporting.

A component of this integrated approach is the Financial Plan, which must cover (at a minimum) a 10-year period from 1 July 2021 to 30 June 2031.

The Financial Plan is intended to provide a 10 year financially sustainable projection regarding how the actions of the Council Plan may be funded to achieve the Community Vision, including sustainably funding the delivery of services and key infrastructure into the future.

The sequencing of due dates for the new Act's requirements means that this Financial Plan is being adopted after Council has already adopted the 2021/22 Budget. The Plan (and future iterations of the Plan) will also be influenced by the introduction of the Asset Plan (due 30 June 2022), Council Plan actions (due 31 October 2021), the Rates & Revenue Plan (adopted April 2021) and the Workforce Plan (due 31 December 2021). As such, this Plan is intended to be a solid foundation to build on for future iterations, which will incorporate stronger links to the other components of the Act's integrated strategic planning and reporting framework.

In accordance with the Act, the Financial Plan is required to be adopted by Council by 31 October 2021.

Discussion

The Financial Plan describes the financial resources required to give effect to the Council Plan and other strategic plans of Council for the next ten years. It provides details on the decisions and assumptions that underpin the forecasts and details other resource requirements, including human resource requirements.

The Plan also provides key indicators to evaluate Council's performance in terms of the consequences of its financial decisions on future financial sustainability. An excerpt of these indicators is shown below for the first 5 years of the Plan (next page)

Indicator	Measure	Forecast				
		Actual 2020/21	2021/22	2022/23	2023/24	2024/25
Operating position						
Adjusted underlying result	Adjusted underlying surplus (deficit) / Adjusted underlying revenue	-14.78%	-10.63%	-8.79%	-8.73%	-8.79%
Liquidity						
Working Capital	Current assets / current liabilities	475.37%	428.97%	419.82%	372.01%	355.13%
Unrestricted cash	Unrestricted cash / current liabilities	338.45%	283.88%	279.61%	236.41%	223.84%
Obligations						
Loans and borrowings	Interest bearing loans and borrowings / rate revenue	0.00%	0.00%	0.00%	0.00%	0.00%
Loans and borrowings	Interest and principal repayments on interest bearing loans and borrowings / rate revenue	2.40%	0.00%	0.00%	0.00%	0.00%
Indebtedness	Non-current liabilities / own source revenue	30.70%	29.43%	28.91%	28.33%	27.69%
Asset renewal	Asset renewal and upgrade expense / Asset depreciation	142.87%	158.18%	102.09%	84.35%	78.80%
Stability						
Rates concentration	Rate revenue / adjusted underlying revenue	65.89%	70.10%	70.32%	70.54%	70.76%
Rates effort	Rate revenue / CIV of rateable properties in the municipality	0.40%	0.37%	0.37%	0.37%	0.37%
Efficiency						
Expenditure level	Total expenses/ no. of property assessments	\$3,907	\$3,565	\$3,557	\$3,608	\$3,668
Revenue level	Total rate revenue / no. of property assessments	\$2,163	\$2,186	\$2,224	\$2,268	\$2,318

Council's financial performance indicators, included in the Financial Plan tell a very positive short-term story, but also highlight Council's financial challenges.

The key challenges highlighted by the above indicators are Council's adjusted underlying result deficit and a declining asset renewal ratio. This is largely driven by our inability to generate enough operating income to renew our assets to the level they depreciate.

Council is currently reliant on external grants to bridge this gap, as indicated by the positive asset renewal ratios in the 2021/22 and to lesser extent 2022/23 years. A challenge for the Financial Plan and future iterations of the Plan is how Council will sustainably increase asset renewal expenditure and continue to deliver services, with the projected asset renewal ratios beyond these years showing a declining trend.

Council's liquidity indicators (working capital and unrestricted cash) show a very strong cash position – high levels of unrestricted cash and low liabilities (driven in part due to no outstanding loans). This opens the opportunity for Council to explore the strategic use of reserves and unrestricted cash to seed new activities, leverage external grants opportunities and explore entrepreneurial initiatives.

With no outstanding loans, Council's obligation loan and borrowings and indebtedness indicators are inherently low. This provides capacity to explore strategic loan borrowings to fund any key new infrastructure projects.

Essentially the opportunity Council has as a result of the development of this first Financial Plan is how it can leverage its very favourable liquidity position to strategically address the asset renewal needs. Future iterations of this Plan will address these opportunities.

Council Plan/Strategies/Policies

This report supports the *Council Plan 2017-2021 Our Promise* strategy to “maintain Council’s financial sustainability through sound financial and asset management”.

Relevant Legislation

The specific legislative requirements for the Financial Plan are set out in Section 91 of the Act. Specifically Sec 91 (4) states that a Council must develop or review the Financial Plan in accordance with its deliberative engagement practices and adopt the Financial Plan by 31 October in the year following a general election.

Financial Implications and Risk

The Financial Plan is a tool to enable Council to assess the longer-term financial implications of its decisions. As an aide to financial planning, it serves to inform the decision making process and thereby minimise the risk of unforeseen longer-term negative consequences impacting the financial capacity of the organisation.

Conflict of Interest

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

Community and Stakeholder Consultation

Community engagement to get feedback on the draft Financial Plan occurred during August and September. COVID-19 restrictions resulted in engagement happening via Council’s online participation platform The Loop and also with two online community forums. 10 responses were received via The Loop with an additional 19 attendees at the online forums.

The 10 responses are summarised below along with officer’s response and recommended changes, where required, to the Financial Plan, which have been incorporated into the document.

Submission	Comment	Officer Response	Officer Recommendation
1	General comment - readability of the Financial Plan.	Upon request, Council may be able offer assistance to help the reader understand the relevant section in the Financial Plan.	No change to the draft.
2	Cost of rates and financial support.	Council has a range of financial hardship provisions available to assist those experiencing financial difficulties and pension rebates are available for those who meet the criteria.	No change to the draft.
3	General comment - use of revenue and resources.	Council provides a range of services including infrastructure and maintenance to all townships within the municipality.	No change to the draft.
4	Economic development ideas, help small business owners and help identifying market gaps. Also capitalising on the Shire’s strengths such as agro-tourism.	Through delivery of the Council Plan, we will deliver some important Strategic Planning projects that will help us better understand the value of our agricultural land and the opportunities that may arise for the sector in the future. These strategic planning projects will provide opportunities for community participation and input.	No change to the draft.
5	General comment - use of revenue and resources.	Council provides a range of services including infrastructure and maintenance to all townships within the municipality.	No change to the draft.

Submission	Comment	Officer Response	Officer Recommendation
6	Expenses on Materials and Services and its CPI impact.	Officers suggest a wording change in 2.3.8: These costs are indexed to CPI levels year on year from 2022/23. The decrease in 2022/23 is due to one-off initiatives and grant funded programs that will not continue beyond 2020/21.	Suggest change to 2.3.8 as per Officer comment
7	Request for toilet facilities - Kinglake Fire Memorial and back of Flowerdale Hall.	Toilet facilities in the locations mentioned will be considered as part of the development of the 2022/23 Capital Works Program.	No change to the draft.
8	Suggestion on investments and term deposits to fund projects.	Council is in a reasonably healthy financial position and does maintain various cash reserves which set aside funds for specific purposes. Council also invests funds its holds for these purposes to ensure returns are optimised. The challenge for Council is there are always many more great ideas for projects, than there are resources, hence the need to prioritise its funding allocations.	No change to the draft.
9	General comment - use of revenue and resources for environmental purposes.	Council has allocated adequate resources to deliver the actions of the Council Plan, including those that relate to Council's actions no climate change.	No change to the draft.
10	General comment - use of revenue and resources for environmental purposes.	Council has allocated adequate resources to deliver the actions of the Council Plan, including those that relate to Council's actions no climate change.	No change to the draft.

To ensure all participants are kept informed on the last stage of the community engagement process, Council has provided responses to all those who provided their contact details.

All responses include links to Council's website for more information on how to participate at the Council meeting as well as links to The Loop to sign up and stay engaged with Council's projects.

11.5 MAV WorkCare Payment

Attachment(s): Nil

Purpose

The purpose of this report is to inform Council of the potential financial impact of the decision by Work Safe Victoria not to renew the licence of the Municipal Association of Victoria's (MAV) WorkCare Scheme, and to endorse an initial payment towards the costs of cessation of the Scheme.

Officer Recommendation**That Council:**

1. **approve the initial payment of \$252,000, being Council's share of the costs of the cessation of the MAV WorkCare Scheme, due by 31 October 2021**
2. **fund the payment from realised savings of \$72,000 in the 2021/22 annual WorkCover Premium cost and the balance of \$180,000 from Council's Unfunded Superannuation Liability Reserve**
3. **consider reimbursement of the Unfunded Superannuation Liability Reserve in the preparation of the 2022/23 and future annual budgets.**

Background

The MAV WorkCare Scheme (the Scheme) was Victoria's only local government workers' compensation self-insurance scheme; at its peak, it had 31 members.

Council was a member of the Scheme from 2017 until it ceased operations on 30 June 2021. The decision to cease the operation of MAV WorkCare followed WorkSafe Victoria's refusal of the MAV's application for renewal of approval as a self-insurer. This was despite a relatively strong performance by the Scheme that achieved positive results in safety, return to work and claims management across members, exceeding those of the WorkSafe Victoria Scheme.

With the Scheme having now come to an end, its council members, the majority of whom are regional and rural councils, will be required to absorb significant financial cost as required by WorkSafe that may be ongoing potentially until the latter half of 2027.

As of 30 June 2021, WorkSafe's valuation estimated the Scheme members' unpaid claims amounted to \$74.076 million, of which \$60.52 million will be funded by existing assets held by MAV.

Discussion

The outstanding claims liabilities has increased significantly as a consequence of the cessation of the Scheme. Among the reasons for the higher claims' liabilities include:

- The impairment of the scheme's reinsurance assets due to WorkSafe not recognising these contracts despite the purchase of this reinsurance being a condition of the self-insurance licence
- The higher cost of claims management within the WorkSafe Victoria system, compared to the MAV Scheme
- Significant costs associated with the closure and transition of the Scheme which are borne by the ceased self-insurer.

Financial obligations now exist for the MAV as a ceased self-insurer and the 31 members of the scheme until June 2027. These obligations are significant and they, with the associated risks, will be imposed upon both the MAV and the Scheme's constituent members. These risks are related to WorkSafe now assuming control of the outstanding claims, and the potential for further increases in the estimated liabilities of those outstanding claims.

The Scheme is constituted as a mutual which is formalised via a Participation Agreement between the MAV and each of its members. A mutual is a mechanism to operate collaboratively and share risk to reduce the overall harm to participants' workers and ultimately reduce costs.

As part of this structure, there exist a range of obligations on each participant, the most relevant of which is that any deficiency in funding is required to be paid by those members.

The WorkSafe Victoria obligations are set out in the *Workplace Injury Rehabilitation and Compensation Act 2013*, which requires:

- Valuations of claims liabilities to occur annually by the WorkSafe appointed actuary
- Any increase in the value of claims at the three and six-year period will be funded by the ceased self-insurer, which in this case is MAV
- Any reduction in the value of claims at the three and six-year period will be refunded to the ceased self-insurer by WorkSafe Victoria
- The ceased self-insurer is required to hold a bank guarantee of 50 per cent of the outstanding claims liabilities at all times until June 2027
- The ceased self-insurer is required to meet the cost of the actuarial review and audits for this six-year liability period.

The MAV has held briefing sessions for member councils since March this year to inform Council of the winddown of MAV WorkCare and forecast potential financial implications.

The MAV has advocated for a range of solutions to reduce the financial consequence on councils. Among the solutions it had pursued, through meetings and correspondence with Work Safe Victoria, the Victorian Government and the State Opposition, to mitigate the financial consequences for members are:

- Calling on WorkSafe to agree to recognise the MAV's re-insurance in the transfer of scheme assets;
- Deferral or waiver of the bank guarantee
- Recognition of WorkSafe's underfunding of the Scheme at its commencement, and
- Recognition of WorkSafe's investment income that it will earn on the returned scheme assets.

As a result of consultation with Scheme members, the MAV has ceased its advocacy efforts and has requested more modest forms such as recognising the high credit rating of participating members by seeking a waiver of the bank guarantee requirement, or alternatively for the guarantee to be provided by the Treasury Corporation of Victoria and for an extension to the payment terms.

To date, there has been little acknowledgement of the significance of the cost to councils despite previous WorkSafe Victoria public concerns about the financial consequence to scheme members in its consideration of the licence.

WorkSafe has determined and is invoicing the liabilities to the MAV. Full payment is due to WorkSafe Victoria on 12 November 2021. An initial payment of \$59 million will be made by the MAV on 11 October 2021.

MAV will invoice all members by 1 October 2021 and subsequently, expect to issue invoices to fund members on 4 October 2021. Invoices will be required to be paid to the MAV by 31 October 2021.

In line with advice from the MAV's actuary, the shortfall in funding has been allocated between members based on their share of the unpaid claims' costs. Given that not all claims' costs are known as yet, the allocation methodology uses the estimates of unpaid, open claims ("case estimates") and member premiums to estimate each member's share of the financial shortfall.

The MAV has invoiced all fund members with their share of the initial liability and they are required to be paid to the MAV by October 31, 2021.

Council Plan/Strategies/Policies

This report supports the *Council Plan 2017-2021 Our Promise* strategy to “maintain Council’s financial sustainability through sound financial and asset management”.

Relevant Legislation

As a member of the MAV Workcare Scheme Council has a legal obligation under the provisions of the *Workplace Injury Rehabilitation and Compensation Act 2013* to meet its share of the unfunded liability due to the cessation of the Scheme.

Financial Implications and Risk

The financial implication for Murrindindi Shire Council is an estimated overall liability to 30 June, 2027 of \$279,000. An initial payment of \$252,000 is due by 31 October 2021, with the estimated balance of \$27,000 being payable in annual instalments up to the 30 June 2027 conclusion of the ceased self-insurer obligations.

It is proposed to fund part of this initial payment from the \$72,000 realised savings in the cost of the 2021/22 annual Workcover premium. It is proposed to fund the balance of \$180,000 from funds held in Council’s Unfunded Superannuation Liability Reserve, which currently has a balance of \$1.2 million. This Reserve was established over several years as a contingency reserve to meet possible future obligations on Council to contribute to shortfalls in the former Local Government Defined Benefits Superannuation Scheme. Given the value of the reserve, and the relatively stable financial position of the Defined Benefits Superannuation Scheme in recent times, this is considered a low risk strategy to meet the current MAV WorkCare payment.

It is proposed that reimbursement of the Unfunded Superannuation Liability Reserve will be considered as part of preparation of the 2022/23 and future annual budgets.

There will remain a risk that Council will be required to make additional contributions as part of the cessation of the MAV WorkCare Scheme, above the values estimated to date, should there be any increase in the value of unpaid claims at the three and six-year period. Alternatively, if there is a decrease Council could pay less or be reimbursed subject to the scale of the reduction.

Conflict of Interest

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

Community and Stakeholder Consultation

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

11.6 Quarterly Financial Report - September 2021

Attachment(s):

1. 1st Qtr Financial Report to 30 September 2021 - Attachments [**11.6.1** - 4 pages]

Purpose

This report provides the quarterly financial report for the period ending 30 September 2021.

Officer Recommendation

That Council receive the Quarterly Financial Report to 30 September 2021.

Background

The Quarterly Financial Report for the period ended 30 September 2021, is presented for consideration by Council, in accordance with the *Local Government Act 2020* (“the Act”).

The report includes the following statements:

- Comprehensive Income Statement
- Balance Sheet
- Cash Flow Statement
- Statement of Capital Works.

Discussion

The statements for the first quarter to 30 September 2021 are included in Attachment 11.6.1.

Carry Forward Adjustments to 30 September 2021

A priority for preparing the statements for the first quarter of each financial year is to appropriately recognise and adjust for the financial impact of all funds required to be carried forward from the 2020/21 financial year following the finalisation of the annual accounts. This includes items that were budgeted to occur in the 2020/21 financial year that were incomplete or not achieved prior to 30 June 2021, as well as the impact of items that were budgeted to occur from 1 July 2021 onwards, that were in fact recognised in last year's financial statements. These are listed in Table 1 below.

Other Budget Adjustments to 30 September 2021

During the September quarter a number of budget adjustments were identified, these adjustments are also listed in the Table 1 below. The adjustments relate to new grant funded projects.

Table 1 provides a reconciliation between Council's adopted budget 2021/22, carry forward amounts from 2020/21 and other budget adjustments.

Table 1

Reconciliation of 2021/22 revised budget adjustments September Quarter

Description	Type	2021/22 Operating Account	2021/22 Capital Account
		Surplus or Income / (Deficit or Expenditure) \$	Additional Expenditure / (Reduced Expenditure) \$
Adopted Operating Budget Surplus 2020/21		1,143,667	
Adopted Capital Expenditure Budget 2020/21			14,690,156
Carry forward Capital amounts presented to Council's 25 August 2021 Meeting		(69,688)	5,467,489
Further Capital Related Carry Forwards			
Resource Recovery Centre upgrade	Expenditure		373,222
Resource Recovery Centre upgrade Grant	Income	373,222	
Information Technology Hardware	Expenditure		46,786
Software Allocation	Expenditure		15,450
Library Book stock	Expenditure		(6,248)
Grant Funded Operational Carry Forwards			
Road Trauma Research Project	Expenditure	(10,500)	
Centralised Annual Valuations	Expenditure	(21,530)	
Rural Councils ICT Program	Expenditure	(43,644)	
Covid-19 Community Activation Social Inclusion	Expenditure	(49,194)	

Description	Type	2021/22 Operating Account	2021/22 Capital Account
		Surplus or Income / (Deficit or Expenditure) \$	Additional Expenditure / (Reduced Expenditure) \$
Maternal & Child Health	Expenditure	(23,247)	
Kindergarten Central Enrolment Project	Expenditure	(1,717)	
MCH Sleep and Settling Initiative	Expenditure	(20,294)	
COVID Relief Program For People Isolating	Expenditure	(15,000)	
Roadside Weeds and Pests Program	Expenditure	(9,234)	
IAG Community Planning Initiative	Expenditure	(15,959)	
MAV 16 Days Activism Against Gender Violence	Expenditure	(2,050)	
3 Yr Old Kinder Capacity Assessment	Expenditure	(19,021)	
Streamlining for Growth	Expenditure	(24,992)	
Outdoor Eating & Entertainment Package	Expenditure	(19,152)	
LG Business Concierge & Hospitality	Expenditure	(60,000)	
Women Building Surveyors Program	Expenditure	(44,701)	
Eildon Boat Ramp - Fee Abolishment Grant	Expenditure	(13,074)	
Crosscut Court - Timber Jinker Place Plantings	Expenditure	(5,825)	
Yea Rec Reserve Oval Lighting Design	Expenditure	(4,300)	
Roads to Recovery Program	Income	101,286	
Kinglake Streetscape (Stage 1)	Income	453,872	
Local Road and Community Infrastructure Prog	Income	459,776	
Local Road and Community Infra Prog. Phase 2	Income	27,201	
Yea Rec Reserve Netball Court	Income	7,631	
Road Trauma Research Project	Income	10,500	
Yea Flora Fossil Site Pathway Project	Income	4,854	
Lighting Yea Recreation Reserve	Income	231,781	
Eildon Splash and Skate Park Design	Income	187,005	
Women Building Surveyors Program	Income	44,701	
Rural Councils ICT Program	Income	43,644	
Outdoor Eating & Entertainment Package	Income	19,152	
COVID Relief Program For People Isolating	Income	15,000	
Council Funded Operational Carry Forwards			
Digital Futures	Expenditure	(81,967)	
Tourism Road Sign Renewal	Expenditure	(2,005)	
GVRT Strategic Plan	Expenditure	(50,000)	
Bicycle Trail Signage - Gravel Signage	Expenditure	(15,246)	
Access Audits	Expenditure	(20,000)	
Library Service Review	Expenditure	(15,000)	
Records Archiving Cleansing Project	Expenditure	(19,500)	
Kinglake Memorial Reserve Masterplan	Expenditure	(17,158)	
Update Rural Roadside Conservation Mapping	Expenditure	(30,000)	
Kinglake Early Learning Centre - Security System	Expenditure	(7,000)	
YWDC - Heating & Cooling Unit Installation	Expenditure	(5,600)	
Road Safety - New Street Lighting	Expenditure	(5,160)	
Climate Change Programs	Expenditure	(8,600)	
Bushland Management	Expenditure	(30,000)	

Description	Type	2021/22 Operating Account	2021/22 Capital Account
		Surplus or Income / (Deficit or Expenditure) \$	Additional Expenditure / (Reduced Expenditure) \$
Operating Expenditure - Family Day Care	Expenditure	(29,000)	
Business & Community Grants Program	Expenditure	(48,540)	
Business Recovery Plan	Expenditure	(15,000)	
Community Recovery Plan	Expenditure	(60,000)	
Tourism Marketing Activities	Expenditure	(7,150)	
Council Plan 2021-2025 Development	Expenditure	(19,789)	
Recreation Master Plans (3) for Play Space	Expenditure	(1,174)	
Recreation Strategy Implementation	Expenditure	(5,368)	
Asset Disposal Related Items			
Carrying Amount Assets Sold - Land	Expenditure	(217,047)	
Sale of Land	Income	195,000	
Sale of Major Plant & Machinery	Income	275,163	
Sale of Passenger Vehicles	Income	386,387	
Plant & Equipment sold - carrying amount	Expenditure	(661,550)	
New Grants and Related Expenditures			
June 21 Storms & Floods Assistance RRV	Income	56,780	
June 21 Storms & Floods Assistance RRV	Expenditure	(56,780)	
Alexandra Rotary Park & Visitor Precinct *	Expenditure		800,000
Blue Gums to Eildon Rail Trail *	Expenditure		1,770,000
Alexandra Pathway Connections *	Expenditure		140,000
GVRT Art Installation and Signage	Expenditure		1,200,000
Alexandra Rotary Park and Visitor Precinct	Income	800,000	
Blue Gums to Eildon Rail Trail	Income	1,770,000	
Alexandra Pathway Connections	Income	140,000	
GVRT Art Installation and Signage	Income	1,200,000	
* These grants require an additional Council contribution which will be sourced from within the existing capital works budget and adjusted at the December budget review/			
Revised Budget as at 30th September 2021		6,050,464	24,496,855

Budget Comparison September Year to Date

The adjustments identified in Table 1 have been incorporated into a revised set of financial statements as attached in Attachment 11.6.1.

Income Statement (Statement A)

The Income Statement for the period 1 July 2021 to 30 September 2021 is presented below (and in Attachment 11.6.1):

Statement A						
Murrindindi Shire Council Income Statement For the period ended 30th September 2021						
NOTE	Original Budget 2021/22 \$	Annual Revised Budget 2021/22 \$	YTD Budgets 30/09/2021 \$	Actual 30/09/2021 \$	YTD Budget V Actual Variance 30/09/2021 \$	YTD Budget V Actual Variance 30/09/2021
Revenue						
Rates & Charges	22,016,713	22,016,713	21,986,888	21,988,435	1,547	0%
Statutory fees and fines	1,218,699	1,218,699	305,188	370,935	65,747	22%
User fees	990,096	990,096	212,519	188,167	(24,352)	-11%
Grants - Operating	6,766,618	6,956,395	1,287,499	1,214,152	(73,347)	-6%
Grants - Capital	4,866,255	10,540,850	4,764,593	4,764,593	-	0%
Contributions - Cash	178,969	206,600	124,770	192,199	67,429	54%
Contributions - Non Cash	600,000	600,000	-	-	-	0%
Reimbursements	290,257	290,257	30,290	29,878	(412)	-1%
Other revenue	725,065	725,065	150,137	158,577	8,440	6%
Total Revenue	37,652,672	43,544,675	28,861,884	28,906,936	45,052	0%
Expenses						
Employee Benefits	15,373,028	15,607,456	3,728,506	3,230,052	(498,454)	-13%
Materials and Services	11,253,989	11,982,720	3,047,634	2,808,634	(239,000)	-8%
Depreciation and amortisation	8,920,102	8,920,102	-	-	-	-
Other Expense	361,886	361,886	56,113	59,331	3,218	6%
Total Expenses	35,909,005	36,872,164	6,832,253	6,098,017	(734,236)	-11%
Net gain/(loss) on disposal of property, infrastructure, plant and equipment.	(600,000)	(622,047)	81,647	111,591	29,944	37%
Surplus (deficit) for the period	1,143,667	6,050,464	22,111,278	22,920,510	809,232	4%

The Annual Revised Budget shows an operating surplus for the year of \$6.05 million, which is an increase of \$4.91 million on the Original Adopted Budget and primarily reflects a significant increase in capital grants, either received late in last financial year and carried forward or received this quarter.

The \$22.92 million operating result for the September 2021 quarter is \$809,232 favourable compared to the Year to Date Budget. This variance is primarily driven by lower than anticipated expenditure on employee benefits and materials and services as shown below in Table 2.

Table 2**Major year to date variances for the quarter:**

Note	Line item	Result	Variance	Explanation Year to Date Budget V Actual
1	Statutory fees and fines	Favourable	\$65,747	Building permits and inspection income \$38k, plan checking fees \$9K and Companion animal fees \$12k all tracking ahead of budget expectations.
2	User fees	Unfavourable	(\$24,352)	Lower than expected Saleyard fees \$13k and Hall and facility hire income \$7k
3	Grants - Operating	Unfavourable	(\$73,347)	Family Day Care down \$86k due to unavailability of educators, partly offset by some smaller favourable variances across a number of areas.

Note	Line item	Result	Variance	Explanation Year to Date Budget V Actual
4	Contributions - Cash	Favourable	\$67,429	Member contributions to Goulburn Murray Climate Alliance ahead of budget \$35K. Eildon Alliance Boat Ramp Committee, receipt of funds \$30K
5	Employee Benefits	Favourable	(\$498,454)	Under budget due to vacant positions or delayed starts to several new positions. Library and Customer Service Centre impacted by closures, less casual staff engaged. Enterprise Bargaining Agreement negotiations and wage increases delayed. Changes to WorkCover provider and reduced premium costs.
6	Materials and Services	Favourable	(\$239,000)	The following items are tracking below budget expectation, corporate building maintenance \$27k, community building maintenance \$57k due to delays sourcing materials and contractors. Staff training \$24k, Family Day Care educator engagements \$71K, EPA waste management levy \$30k due to lower waste volumes. Plant and fleet repairs and fuel \$40k.
7	Net gain/(loss) on disposal of property, infrastructure, plant and equipment.	Favourable	\$29,944	Motor vehicle trades receiving above budget expectation.

Balance Sheet (Statement B)

The Balance Sheet as at 30 September 2021 shows a cash and cash equivalents favourable variance of \$1,006,070 being due to receivables being lower than expected and some early receipt of grants.

The current liability provision for staff leave entitlements is \$209,711 higher than expected due to staff leave building up over the COVID-19 lockdown periods. This will be monitored over the coming months.

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

Cash Flow Statement (Statement C)

The Cash Flow Statement shows a net decrease in cash and cash equivalents of \$4.11million, which is a favourable year to date variance of \$1million. The cash balance at the end of the quarter is \$37.17 million.

It is noted that the revised budget shows no cash flows from financing activities as all loans were paid out during the last quarter of the 2020/21 year, after the original budget had been adopted.

Capital Works Statement (Statement D)

The Statement of Capital Works shows an ahead of budget expenditure variance of \$36,405.

As per Table 1, the revised budget has increased by \$9.8 million due to projects carried forward from 2020/21 (\$5.89 million) and new projects (\$3.91 million) where Council was successful in obtaining grant funding.

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

Councillor Expenses (GST Exclusive)

The *Local Government (Planning and Reporting) Regulations 2014 Part 4 - Annual Report, Division 1* requires Council to report annually regarding Councillor expenses under prescribed categories.

As agreed in the Councillor Reimbursement Policy that was adopted by Council at its February 2017 Ordinary Meeting, Council reports quarterly on the Councillor related expenses. Table 3 details Councillor expenses for the first quarter period ending 30 September 2021.

Table 3

Councillor Expenses for 3 months to 30 September 2021:

	Allowances	Travel Expenses	Childcare Expenses	Information & Communications Expenses	Conference & Training Expenses	Other Expenses
Cr Carpenter	\$ 7,717.96	\$ -	\$ -	\$ 99.07	\$ -	\$ 235.07
Cr Gallagher	\$ 7,717.96	\$ -	\$ -	\$ 87.10	\$ -	\$ 235.07
Cr Gerencser	\$ 7,717.96	\$ -	\$ -	\$ 145.99	\$ -	\$ 235.07
Cr Haslam	\$ 7,717.96	\$ 499.84	\$ -	\$ 84.52	\$ -	\$ 235.07
Cr Lording	\$ 7,717.96	\$ -	\$ -	\$ 146.38	\$ -	\$ 235.07
Cr McAulay	\$23,057.44	\$ 2,463.00	\$ -	\$ 240.14	\$ -	\$ 235.07
Cr Walsh	\$ 7,717.96	\$ -	\$ -	\$ 122.67	\$ -	\$ 235.07

It should be noted that travel costs include the reimbursement of the claims which a Councillor may choose to submit for travelling to Council meetings, briefings and other functions which they attend in their capacity as a Councillor. Where a Councillor's residence is greater than 50 kilometres from the location of a Council meeting they may also claim the statutory remote area allowance.

Councillors can elect for part of their allowance to be deducted for superannuation purposes.

It should be noted that the allowances are paid one month in advance as per the Councillor Expenses and Support Policy, hence the table provides figures for July, August, September and October (4 months).

Council Plan/Strategies/Policies

This report supports the *Council Plan 2017-2021 Our Promise* strategy to "maintain Council's financial sustainability through sound financial and asset management".

Relevant Legislation

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

Financial Implications and Risk

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

Conflict of Interest

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

Community and Stakeholder Consultation

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

11.7 CEO Employment and Remuneration Committee Composition and Appointment of Independent Member

Attachment(s): Nil

Purpose

The purpose of this report is to confirm the CEO Employment and Remuneration Committee composition and appoint the independent member following an expression of interest process.

Officer Recommendation**That Council:**

- 1. Confirm that the CEO Employment and Remuneration Committee will consist of three Councillors one of which is the Mayor and the independent member**
- 2. Appoint as the independent member of the CEO Employment and Remuneration Committee**
- 3. Approve the independent members schedule of rates (distributed to Councillors separately).**

Background

Council at its 25 August 2021 Scheduled Meeting adopted the CEO Employment and Remuneration Policy including the Committee Terms of Reference and established the CEO Employment and Remuneration Committee (the Committee).

The Council requested that the Director of Corporate and Shared Services conduct an Expression of Interest process for the independent member position and that Council would appoint the member and the Committee composition at the October 2021 Scheduled Meeting.

Discussion

The terms of reference state that a minimum of three Councillors will sit on the Committee. The composition of the Committee is proposed to include three Councillors, one of which will be the Mayor and the independent member.

The Councillors will be appointed to this Committee as part of the Council Representative Appointments at the 17 November 2021 Scheduled Meeting of Council.

Council sought expressions of interest for the independent member position on the Committee. A panel was appointed to assess the applications, including the Director Corporate and Shared Services, Manager Governance & Risk, Mayor Cr Sandice McAulay and Cr Damien Gallagher. The Panel interviewed shortlisted applicants and subsequently briefed Council regarding the process and the preferred applicant.

Council Plan/Strategies/Policies

This report supports the *Council Plan 2017-2021 Our Promise* strategy to “represent and advocate for our community in a transparent and equitable way”.

This report supports the *Council Plan 2017-2021 Our Promise* strategy to “support a skilled, engaged and flexible workforce that can respond to changing needs”.

Relevant Legislation

Section 45 of the *Local Government Act 2020* sets the requirement for a CEO Employment and Remuneration Policy.

Financial Implications and Risk

The Committee provides for effective management and good governance oversight of the role of the CEO. This mitigates the risk of performance issues not being addressed, it also enhances transparency in the personnel management process, reducing the likelihood of conflict.

There will be a small financial cost associated with engaging the independent member. The independent member's schedule of rates has been distributed to Council separately.

Conflict of Interest

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

Community and Stakeholder Consultation

The independent member expression of interest process was widely advertised including locally and through various social media platforms.

11.8 Capital Works Quarterly Report - September 2021

Attachment(s):

1. Capital Works Monthly Report – September – Attachment 1 [**11.8.1** - 4 pages]
2. Capital Works Monthly Report – September – Attachment 2 [**11.8.2** - 5 pages]

Purpose

The purpose of this report is to provide an update on the 2021/22 Capital Works Program (CWP) for the first quarter of Financial Year 2021/22.

Officer Recommendation

That Council:

1. **receive the quarterly report ending 30 September 2021 on the status of delivering the Capital Works Program; and**
2. **approve the funding adjustments as presented by Table 2 shown below.**

Background

This is the first quarterly progress report of the CWP for the 2021/22 financial year. The period of reporting is from 1 July 2021 to the end of September 2021. The CWP is comprised of those projects endorsed by Council as part of the 2021/22 budget, projects identified for carry forward from the 2020/21 program and any approved projects that have received grant funding during the financial year.

Discussion

A general overview of the Capital Work Program delivery status

All projects have been programmed for delivery and detailed due diligence investigations have been completed. Nearly all projects are now highlighted as on track for delivery (Green) with some carry forwards now marked complete (Black). The other traffic light indicators presented by the attached report are on hold (Blue), possible carry forward (Yellow) and expected carry forwards (Red). These are highlighted in the Attachment. Total projects currently anticipated for delivery are 116.

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

- Williams Street Footpath Alexandra, construction commencing however was delayed due to COVID restrictions
- Marshbank Craigie Road, Yea upgrade project now underway
- Mary & Anne Street, Yea is now progressing again having resolved issues with the trees
- Pavement rehabilitation and reseal programs are progressing well with inspection complete and documentation for tendering nearing completion
- Gravel road resheeting works are also planned for advertising for tender in mid-October with award planned for December
- The carry forward resheeting works from last financial year was disrupted by wet weather and the contractor unable to attend the sites due to COVID restrictions. Works are expected to commence soon.

A general overview of the Capital Work Program financial position

- Original Budget: \$14,690,156
- The current revised budget is \$24,440,867
- Total Actual & Committed: \$5,206,301
- Actual Expenditure is \$1,495,460
- Year to Date Anticipated Expenditure is \$1,149,313
- Anticipated Carry Forward is \$0.00
- Anticipated savings that can be returned to Infrastructure Reserves \$0.00.

The largest expenditures for this quarter were as detailed by Table 1 show below:

Table 1

Project	Expenditure	Status
Kinglake Streetscape	\$450,415	Ongoing
Eildon Playspace	\$50,537	Ongoing
Sealing Mary & Anne Street, Yea	\$135,155	Ongoing
Yea Recreation reserve Lighting Upgrade	\$103,724	Ongoing
Passenger Vehicles	\$121,942	Ongoing
Major Plant & Machinery	\$262,923	Ongoing

The following projects have been completed in this quarter.

- Yea Caravan Park bridge - Design Stage
- Marysville Murchison Street works
- Watsons Rd Footpath Kinglake
- High Street/Station Street Yea Pathway works and Parking Upgrade
- Kinglake Memorial tennis court 2
- Thornton recreation reserve Coaches box's
- Marysville Swimming pool liner renewal
- Alexandra Landfill – Additional Groundwater monitoring bores
- Yea – Fire Prevention infrastructure
- Marysville – Fire Prevention infrastructure.

REVIEW OF LEVEL 1 PROJECTS

GVRT Art Installation & Signage

New external Project Manager appointed, Communications Plan complete, Risk Management Plan in draft form and the Project Management Plan (PMP) is nearing final version.

Initial PCG meeting has been held, discussions with neighbouring Councils have begun.

Blue Gums Rail Trail Eildon

Due diligence works complete and design being finalised for advertising for tender. Updated vegetation report completed.

Consultation has progressed with Goulburn Murray Water to confirm their previous in principle approval to allow construction of small section of the trail on their land.

Planning permit application complete and permit pending.

The project includes the use of recycled crushed concrete and high crumbed rubber content primerseal and sealing products for the trail seal.

Kinglake Streetscape

The footpath works are complete across all shop frontages from Robertson Rd to the service road adjacent to the Bendigo Bank building.

The revised program has slipped further due to a combination of poor weather and the need to comply with COVID-19 restrictions. Works will be ongoing with the current revised program showing completion in early November.

Eildon Recreation and Playspace Reserve Upgrade - Stage 1 Schematic Design

Awaiting feedback from external stakeholders that is expected mid-November and following this Community consultation on the splash park and playground area will occur. Council has progressed the pump track and skatepark designs with input from the local schools.

A parking study is also underway to fully understand any parking impact on current parking availability due to the upgrade of the reserve.

Alexandra Rotary Park & Visitors activity precinct

In order to address issues raised by adjacent local businesses regarding impact on parking demand in the area and allowing deliveries to a business, an independent parking study has been completed to understand impact on current parking availability due to the upgrade of the reserve. Options to address the concerns are being finalised. Once resolved consultation will occur with the Community.

Kinglake West/Pheasant Creek Streetscape - Stage 1 design

The revised schematic plans are now complete from and are awaiting internal review.

Landfill Capping Design Cell 1A - Alexandra - Stage 1

New capping design is progressing.

Bridge Projects

Yarck Road Gobur

A design and construct request for tender closed on the 8th September, the evaluation is complete and report due to be presented to Council in the October Council meeting

Break O'day Road Glenburn

A design and construction contract is currently being advertised for tender and will close in early November.

Yea Caravan Park Court Street Yea

Design of the bridge has been completed and will be advertised for tender soon.

Thornton Drainage Upgrade – Design Stage

All clashes resolved and final design plans near complete. Community will be informed on the final designs in the immediate future.

Kinglake Glenburn Road, Kinglake– Drainage Upgrade

The preliminary design has been reviewed and design is being updated based on the review.

Project Estimate will be reconfirmed once adjusted design has been received.

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

Program complete and project management plan commenced.

Initial consultation to coordinate works with the Alexandra High school have begun. Timing of works proposed for January.

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

Sites identified as Yea median strip, Molesworth Township. Currently identifying appropriate species for each location. Bailey Street Alexandra tree planting completed.

MCH & CWA Perkins Street Alexandra building structure renewal

Works identified and quotes received. Works programmed to commence post current restrictions

Yea Children's Centre - Stage 1 - Schematic Design Development

Works not programmed to start until early next year.

Kinglake West memorial carpark - Tree Sculpture

Tree sculpture contractor has received photos of the tree trunk and is currently superimposing possible designs for feedback from the community. Works programmed for November pending COVID-19 restrictions.

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

Progressing with quotes for waste consultant to develop operational and business plans for Council's future assessment.

Kinglake - Investigation and design for closed landfill rehabilitation

Scoping for the consultant is planned for September to October. This will lead to a planned award date in early November

Alexandra Landfill - Cell development and design

Preliminary works nearing completion scoping/specification planned for October. Tender award currently planned for early December

Closed Landfills Rehabilitation Works - Eildon

All works are complete with the exception of the mulch due to the supplier having equipment breakdowns. Mulch scheduled for spreading as soon as weather permits then seeding during spring. The mulch items were expected to be spread in August, however continued wet weather has forced a further delay, now planned for October.

Closed Landfills - Rehabilitation of Yea RRC

Program and project management plan complete. Approvals from DELWP & Parks Victoria progressing. Project is negotiable under the LUAA agreement and negotiations, Communication sent to Taungurung regarding the project. Advertising for tender planned for December release.

Council Plan/Strategies/Policies

This report supports the *Council Plan 2017-2021 Our Promise* strategy to "maintain Council's financial sustainability through sound financial and asset management".

Relevant Legislation

Nil.

Financial Implications and Risk

The following table details the budgetary changes that have emerged from the capital works program in the first quarter.

Table 2

Project Requiring funds	Reason	Funds required (\$)	Projects with Savings available that can be transferred	Savings available for transfer (\$)	Amount to be transferred from savings to Project (\$)	Approval Level
Marshbank/ Craigie Yea, Sealing & Upgrade (LRCI Phase 1)	This project did not have an engineer's estimate when it was allocated under the LRCI program. An engineer's estimate was produced and EMT briefed that there was	\$80K	Alexandra Pool minor improvements (LRCI Phase 1) Watson Rd Pathway (LRCI phase 1)	\$77K \$8,631	\$77K \$3K	Approved by Director Assets & Development under provisions of Capital Expenditure Policy. Council previously briefed on

	a funding shortfall, the design has now been tendered and the cost confirmed.					the movement of funds
Project Requiring funds	Reason	Funds required (\$)	Projects with Savings available that can be transferred	Savings available for transfer (\$)	Amount to be transferred from savings to Project (\$)	Approval Level
Alexandra Pool A/C unit	Project was not funded all other pools have system, except Yea and Alexandra, funding is available in Alexandra Pool A/C budget for both.	\$9K	Alexandra Pool A/C	\$18K	\$9K	Approved by Director Assets & Development under provisions of Capital Expenditure Policy. Council previously briefed on the movement of funds

Conflict of Interest

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

Community and Stakeholder Consultation

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

11.9 Gordon Street Alexandra - Proposed Cooperative Works

Attachment(s):

1. Road Location and Planning Zone Maps [11.9.1 - 3 pages]
2. Alexandra Speedway Letter of Request and Justification (distributed to Councillors separately)

Purpose

This report is to seek Council support to allow the Alexandra & District Speedway Inc. to rebuild approximately 700m of Gordon Street which is a gravel road that provides access to the speedway and three residential properties.

Officer Recommendation

That Council approve the proposed upgrading of Gordon Street by the Alexandra & District Speedway Inc. and the provision by Council of gravel road surfacing material to complete the upgrade works to a value of up to \$20,000.

Background

Gordon Street, Alexandra is sealed from Golf Street to around 120 m west of Lethbridge Street. The connection of Gordon Street to Station Street is via the sealed Lamont Street and Golf Street.

This route provides access to the Golf Club, the Racecourse, the Alexandra & District

Speedway Inc., one industrial premises, three residential properties and a number of Farming properties. The unsealed section of Gordon Street is a cul-de-sac servicing only the Speedway, three residential properties and the farming properties. Whilst the three residential properties use Gordon Street for daily access, Gordon Street is the crucial access point for events of regional significance being held at the Speedway throughout the year.

The condition of the unsealed section of Gordon Street is currently poor with little shape or cross fall, no drainage, unsuitable pavement material with large floating stones on the surface. Gordon Street is not listed on Council's Road Register or covered under Council's road-maintenance program.

The Council's Road Management Plan (RMP) and the Municipal Road Register (MRR) are currently being reviewed but it will take some time to complete the process. It is likely that following the review of the RMP and MRR, the unsealed section of Gordon Street will be added to the list of maintained Council roads. While Gordon Street is currently not on Council's register, hence it is not being maintained by Council, under the Road Management Act 2004, Council remains the co-ordinating Road Authority for the road. Hence, anyone wishing to undertake any works on the road reserve, must seek Council approval in the form of a permit.

Discussion

Alexandra & District Speedway Inc. has been successful in attracting new large events including the National Junior Sedan Titles (to be telecast), scheduled from 8 April to 11 April 2022. This event is expected to provide a significant economic benefit to the Shire via hotel accommodation bookings as well as food and entertainment. Other planned events are detailed in the supporting letter provided; however, the major annual event generally attracts between two and three thousand visitors according to the numbers provided by the club. This event has been operating and growing for many years.

Alexandra & District Speedway Inc. is seeking approval from Council to undertake road repairs using suitably skilled and equipped club volunteers. They propose to rip the road surface, use a vibrating pad-foot roller to break up the large stones and then re-shape the formation to a standard 6% crossfall including table drains. In addition, the club is also seeking support from Council to provide gravel surfacing rock (estimated value of \$20,000). This is a one-off request for support and the current maintenance responsibilities will not change (i.e., Council will not take over the maintenance of the road after the upgrades are completed).

It is not uncommon for Council to support an upgrade of a road by a significant local user of the road or other local users through a special charge, co-contribution or a developer contribution scheme, in which Council would provide a contribution to the upgrade. In this situation Alexandra & District Speedway Inc. is the main user of the road and will be significantly contributing to the upgrade of the road which is estimated to be valued at \$200K. The road however is also used by residents along the street and farm land. It is therefore reasonable that Council provides some contribution which in this case is up to \$20,000 of stone material.

Given the number of properties being accessed through this roadway, it may meet the requirements of being a public roadway as defined in the Road Management Act:

"a road which the relevant coordinating road authority has made a decision that the road is reasonably required for general public use and registered it on its register of public roads".

A decision on inclusion of this road in Council's Road register will be considered by Council through the review of the Road Asset Management Plan.

The Council permit conditions would require the club to provide traffic management, to enable access to the 3 residential properties and farms, meet all OH&S requirements for volunteers and

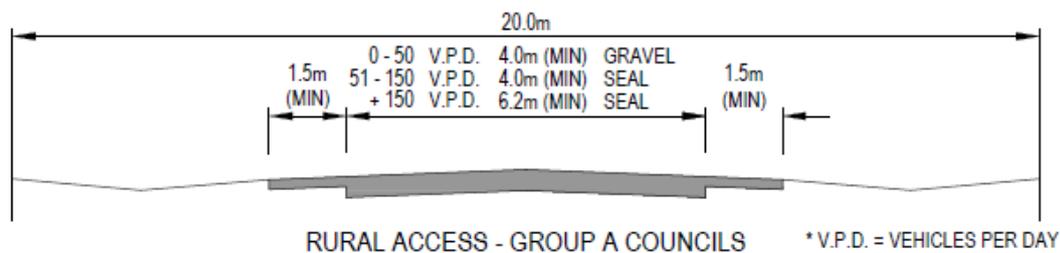
have public liability insurance for the works. The work would also be required to be constructed to Council standards.

If Council support the proposal, the cost of the roads gravel wearing course would be funded through Council's road-maintenance budget.

The ongoing maintenance of the unsealed section of Gordon Street would remain the responsibility of the Alexandra & District Speedway Inc. and the nearby property owners, even after the proposed works, unless Council was to add Gordon Street into its maintained road program via an updated Municipal Roads Register (MRR).

Officers are supportive of the proposal to contribute the gravel wearing course given:

- The Alexandra & District Speedway Inc. is volunteering to cover the primary works which are also the more expensive items (Estimated at \$200K) these will include:
 - Ripping rolling the existing material to break up the large rocks
 - Cutting of suitable table drains
 - Supply and installation of culverts for drainage
 - Cutting and forming the road formation to Councils minimum standard 6% crossfall with a minimum 7m width as per the Infrastructure Design Manual (IDM) standard drawing (SD) 610.



- The upcoming event numbers and the safety concerns given the current condition of Gordon Street, despite not being a road on the register, Council is the Managing and Coordinating authority of the road reserve under the *Road Management Act 2004*, consequently has a duty of care
- As detailed in the attachments, the events have the potential to contribute up to \$648,000 to the economy of the shire
- The national event planned early next year will showcase Alexandra and the Murrindindi municipality nationally and the road upgrade will support the presentation
- The need for repairs to meet minimum safety standards given the Speedway Club's commitments to large upcoming events
- There are 3 residential properties and a number of farming properties relying on Gordon Street for access, hence it is appropriate that Council contribute a portion of the cost of this proposed upgrade.

Council Plan/Strategies/Policies

This report supports the *Council Plan 2017-2021 Our People* strategy to "work with our community and groups to connect, collaborate and plan for our future".

This report is aligned with the *Council Plan 2017-2021 Our Place* strategy to "support recreation opportunities for our residents and visitors that encourage participation and community connections".

This report supports the *Council Plan 2017-2021 Our Prosperity* strategy to "work with our businesses, regional partners and communities to support a diverse visitor experience that promotes our natural assets, and a vibrant range of events".

Relevant Legislation

- The *Road Management Act 2004* and regulations:

- Section 101 Principles concerning performance of road management functions
- Section 102 Limitations on Liability of road authority
- Section 3 Definitions – Municipal Road.
- The *Local Government Act 2020*:
 - Section 205 Councils to have the care and management of certain roads.

Financial Implications and Risk

Council would provide road surfacing material estimated to cost \$20,000. This can be funded from the Council's road-maintenance budget, but was not an expenditure item anticipated when the budget was prepared.

There is a public risk of a vehicle accident or a volunteer being injured during the works. Public liability insurance, compliance with OH&S requirements and provision of traffic management would be a requirement for approval to be granted for the club to undertake the works.

There is the risk that the works are not undertaken to Council requirements or completed in a reasonable time frame. In this event Council could be required to step into correct the works and there may be some adverse public comment. Council staff will manage this through regular meetings with the Alexandra & District Speedway Inc. to assist with the delivery of the upgrades and inspecting the work as it is proceeding.

Conflict of Interest

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

Community and Stakeholder Consultation

A site meeting was held on 17 September with the adjoining property owners, representatives from the Speedway to discuss options.

All property owners/residents adjacent to Gordon Street will need to be consulted by Council staff prior to the works commencing, explaining the extent of the works and providing details of the time frames and emergency contact details. Property owners will also need to be assured of reasonable ongoing property access.

11.10 CONT21/16 - McDonalds Bridge Renewal and Upgrade - Tender Award

Attachment(s):

1. Yarck Road Preliminary Alignment [11.10.1 - 1 page]
2. CONT21/16 - McDonalds Bridge Replacement – Council Award Report (distributed to Councillors separately)

Purpose

This report provides the results of a tender process to appoint a contractor for CONT21/16 - Design and Construct Contract for – The Renewal and Upgrade of McDonalds Bridge over Godfreys Creek, Yarck Road, Gobur.

Officer Recommendation

That Council:

1. **accept the tender from Tender 1 and award CONT21/16 – Design and Construct Contract – for the Renewal and Upgrade of McDonalds Bridge over Godfreys Creek, Yarck Road, Gobur and associated road widening construction – for a lump sum price of \$1,721,052.30 (Incl GST) to complete all required works;**
2. **approve a contingency of 10% or \$172,105.23 (Incl GST) to be expended if required on legitimate variations which may occur; and**

3. release the name of Tender 1 into the Minutes of the Scheduled Meeting of the 27 October 2021.

Background

The existing single lane bridge was built in the 1960s and is no longer fit for purpose. The bridge is showing increasing instability proportionate with its age, requires high maintenance and is located on a poor switchback road alignment that does not meet current road safety standards for driving speeds that apply to today's rural roads.

The proposed works will be provided via a Design and Construct Contract where the awarded contractor is responsible for all design and construction works as listed in the scope of works detailed below.

It will provide a new bridge of integral structural form where the retaining abutments are fully continuous with prestressed structural beams and composite cast in situ deck overlay slab all founded on piles. This provides a greater structural efficiency, reduces deflections and eliminates the ingress of water to the bridge joints. The elimination of mechanical connections results in a lower whole of life maintenance costs as well as an improved bridge appearance. Further the new skewed bridge abutments better match the waterway topography and will result in improved hydraulic characteristics i.e., less water bottlenecking in major events. Integral bridges have advantages in reducing construction periods and lowering construction costs.

The scope includes:

- Full geotechnical investigation and foundation analysis of the new bridge site to determine its suitability for its design preference as an integrally designed and constructed bridge
- The full design and construction of a new bridge structure to satisfy AS5100
- Submission to and approval by council of the new bridge and roadway certified design drawings and specifications prior to any commencement of construction works
- The retention and maintenance of the existing bridge until the new bridge is constructed and commissioned
- Complete removal & disposal of all components of the old bridge once the new bridge is available for traffic
- The construction of a new bridge structure located to connect its approaches directly on a straight alignment with the existing roadway
- The design and construction/widening of the road approaches to a new straight alignment to the bridge
- The supply & erection of steel guard rails & terminals to the new bridge
- All incidental and associated works required to deliver the works.

Two options were allowed for in the tender document, one was the use of the nearby low-level crossing for passage the other was the retention of the original structure during the works.

Discussion

The request for tender was advertised from 3 August 2021 in the following publications:

- Melbourne Age
- Alexandra Standard
- Yea Chronicle
- Marysville Triangle
- Tendersearch portal.

Tender specifications were prepared by Council officers that included a detailed project specification and VicRoads standard technical specifications.

The tender for these works closed on 8 September 2021. Three submissions were received at the close of tender. The three tender submissions were received but one Tender No 2 was deemed non-conforming.

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:

- Acting Manager Community Assets
- Coordinator Project Delivery
- Senior Project Engineer
- Project Engineer (Technical) Works.

All Tenders were assessed against the following criteria:

- Price – 50%
- Capacity and Capability to deliver (Resources, equipment) – 20%
- Occupational Health & Safety (OH&S), Insurance & Quality Management Systems (QMS) – Pass/Fail
- Understanding of the requirements (Program & Methodology) - 20%
- Previous experience – 10%.

All submissions were assessed for compliance prior to evaluating. The Committee deemed two submissions of the three compliant and one tenderer was deemed non-conforming. The two-complaint submission were then evaluated to consider the suppliers ability to meet the requirements of the contract including their ability to deliver the works by the required timeline.

Tenders were assessed with particular attention to the evaluation criteria requirements.

A reference check was then completed on all preferred suppliers.

Furthermore, the preferred tenderer (Tender 1) has in accordance with the tender document, proposed an option that keeps access through the site for the duration of the works. They are proposing to realign the new bridge structure and roadway so that the existing bridge can stay open until the new bridge and road way is built (See attachment). This minimises any disruptions to the community.

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

Based on the analysis undertaken, the Committee recommend Tender 1 be awarded CONT21/16 – Design and Construct Contract – for the Renewal and Upgrade of McDonalds Bridge over Godfreys Creek, Yarck Road, Gobur and associated road widening construction – for a lump sum price of \$1,721,052.30 (Incl GST).

Council Plan/Strategies/Policies

This report supports the *Council Plan 2017-2021 Our Promise* strategy to “maintain Council's financial sustainability through sound financial and asset management”.

Relevant Legislation

Road Management Act 2004.

Financial Implications and Risk

The total funding available for this project is \$1,986,000 (excl. GST) or \$2,178,000 (incl. GST) made up of equally shared by Council (\$993,000) and (\$993,000) Federal Government – (Federal Bridge Renewal Grant Program Round 5 and Heavy Vehicle Safety & Productivity Grant Program Round 7).

The total project cost is summarised below:

	Tender 1 Submission Costing (Exc. GST)	Tender 2 Submission Costing (Incl GST)
Tender Price (including provisional items)	\$1,564,593.00	\$1,721,052.30
Vegetation offsets	\$20,000	\$22,000
Project Management	\$20,000	\$22,000
Contingency 10%	\$156,459.30	\$172,105.23
Total Project Cost	\$1,761,052.30	\$1,937,157.53

An allowance of \$172,105.23 (incl. GST) for contingencies is proposed to cover any latent conditions that may be experienced during the delivery of the project.

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

Project	Total Budget	Total Project Cost	Variance
Excl GST	\$1,986,600.00	\$1,761,052.30	- \$225,547.70
Incl GST	\$2,185,260.00	\$1,937,157.53	- \$248,102.47

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

Risks

The risk on not conducting construction of the new bridge is that the current structure is not fit for purpose. McDonalds Bridge is a single lane bridge with road pavement abutting measuring at a 6.5m seal. This creates a "pinch point" for vehicular traffic. The new bridge will provide two-lane two-way traffic as it will be 8.2 meters wide.

There is a risk that the works are not completed within the grant timelines. The Contractor has provided a project plan that meets grant funding requirements for the project to be delivered within the required timelines.

Conflict of Interest

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

Community and Stakeholder Consultation

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

The community will be informed when the works are programmed to commence as minor disruptions may occur. The local residents and adjoining properties will be notified by letter drop.

12 NOTICES OF MOTIONS

13 MATTERS DEFERRED FROM PREVIOUS MEETING

14 URGENT BUSINESS

15 COUNCILLOR REPORTS**15.1 Cr Karine Haslam****15.2 Cr Ilona Gerencser****15.3 Cr Eric Lording****15.4 Cr John Walsh****15.5 Cr Damien Gallagher****15.6 Cr Sue Carpenter****15.7 Cr Sandice McAulay - Mayoral Report****16 CHIEF EXECUTIVE OFFICER REPORT****17 ASSEMBLIES OF COUNCILLORS****Purpose**

This report presents the records of assemblies of Councillors for 22 September 2021 to 20 October 2021, for Council to note in accordance with Section 80A of the *Local Government Act 1989* (the Act).

Officer Recommendation

That Council receive and note the records of assembly of Councillors for 20 September 2021 to 22 October 2021.

Background

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

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

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

Discussion

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

The following summary details are for 22 September 2021 to 20 October 2021:

Meeting Name/Type	Council Pre-Meet
Meeting Date:	22 September 2021
Matters Discussed:	<ol style="list-style-type: none"> 1. Refugee Welcome Scroll 2. Municipal Public Health and Wellbeing Plan 2021-2025 3. Grants and Contributions Program – September Allocations 4. Approval of Annual Financial Statements 2020/21 5. Fraud and Corruption Control Policy 6. Procurement Policy – Local Government Act 2020 7. Delegation to the Chief Executive Officer 8. Audit and Risk Committee Confirmation of Minutes 9. Endorsement of the Audit and Risk Committee Chair
Councillor Attendees:	Cr S Carpenter, Cr D Gallagher, Cr I Gerencser, Cr K Haslam, Cr E Lording, Cr S McAulay, Cr J Walsh
Council Officer Attendees:	L Bonazzi, M Chesworth, V Albicini, S Brown, T Carter, G Haylock, S Collier
Conflict of Interest Disclosures: Nil	

Meeting Name/Type	Briefing Session			
Meeting Date:	6 October 2021			
Matters Discussed:	<ol style="list-style-type: none"> 1. Guest Speaker (Virtual) – Rural Councils Victoria (RCV) Chair Mary-Ann Brown 2. COVID-19 Business Recovery Plan Update 3. Domestic Animal Management Plan – Present finding and hear submissions 4. Development of a Farm Shed - 25 Phillips Road, Toolangi 5. General Liquor License – 3 Back Eildon Road, Thornton 			
Councillor Attendees:	Cr S Carpenter, Cr D Gallagher, Cr K Haslam, Cr I Gerencser, Cr E Lording, Cr S McAulay, Cr J Walsh			
Council Officer Attendees:	L Bonazzi, M Chesworth, V Albicini, S Brown, E McLean, M Thomas, N Stewart, C Fraser, C Gartland, C Southurst			
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 J Walsh	No	Yes	Before

Meeting Name/Type	Councillor Training Workshop & Briefing Session
Meeting Date:	13 October 2021
Matters Discussed:	<ol style="list-style-type: none"> 1. Councillor Workshop with Chris Kotur 2. Council Plan & Priority Action Plan – Feedback 3. CONT21/16 - McDonalds Bridge Renewal and Upgrade – Tender Award 4. Response to Petition – Falls Road Upgrade 5. Australia Day 2022
Councillor Attendees:	Cr S Carpenter, Cr D Gallagher, Cr K Haslam, Cr I Gerencser, Cr E Lording, Cr S McAulay, Cr J Walsh
Council Officer Attendees:	L Bonazzi, M Chesworth, V Albicini, S Brown, S Coller, D Echeverry, S Russell, B Scott, L Kelly, M Thomas
Conflict of Interest Disclosures: Nil	

Meeting Name/Type	Workshop Session
Meeting Date:	20 October 2021
Matters Discussed:	<ol style="list-style-type: none"> 1. Alexandra Youth Precinct Parking Study 2. Quarterly Capital Works Report 3. Report on Road Audit 2020/2021 4. Gordon Street Alexandra – Proposed Cooperative Works 5. Final Draft Council Plan and Long Term Financial Plan 6. Grants and Contributions Program – Monthly Allocations 7. Council Action Plan Updating including Climate Change Take2 Pledge
Councillor Attendees:	Cr S Carpenter, Cr D Gallagher, Cr K Haslam, Cr E Lording, Cr S McAulay, Cr J Walsh
Council Officer Attendees:	L Bonazzi, M Chesworth, V Albicini, S Brown, S Coller, D Echeverry, S Russell, B Scott, L Kelly, J Kirkwood
Conflict of Interest Disclosures: Nil	

Council Plan/Strategies/Policies

This matter is consistent with the *Council Plan 2017-2021 Our Promise* strategy to ‘expand our communication’.

Relevant Legislation

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

Financial Implications and Risk

There are no financial or risk implications.

Conflict of Interest

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

18 SEALING REGISTER

File Reference	Date Seal Affixed	Description of Documents	Signatures of Persons Sealing
DD001/2020/0000166/001	20 September 2021	Agreement made pursuant to Section 173 of the Planning and Environment Act 1987 between Murrindindi Shire Council and Habitat for Humanity Australia (Victoria) Inc for land: 21 Rattray Street, Yea 3717	Livia Bonazzi
SF/2650	28 September 2021	The Amendment to Section 173 Agreement V970656D has been prepared by Russell Kennedy Lawyers following Council's approval of a request to amend the building envelope of Lot 4 PS : 403444	Livia Bonazzi
SF/123	30 September 2021	S5. Instrument of Delegation to the CEO (September 2021)	Cr Sandice McAulay Cr Sue Carpenter
CONT21/13	8 October 2021	Formal Instrument of Agreement between Murrindindi Shire Council and Cleanaway Operations Pty Ltd for Leachate Cartage & Disposal Tender	Livia Bonazzi Cr Sandice McAulay
SF/1347	8 October 2021	S173 - 47 Carey Road, Killingworth - between Murrindindi Shire Council and Kinglake Produce Pty Ltd	Livia Bonazzi
SF/2650	12 October 2021	S173 Amendment - 31 Bowden Spur Road Kinglake Central - Deed of Amendment	Livia Bonazzi
SF/865	18 October 2021	Confidentiality Deed between Murrindindi Shire Council and Darebin City Council on behalf of the Victorian Energy Collaboration (VECO)	Livia Bonazzi
DD001/2019/0000238/001	18 October 2021	Agreement made pursuant to Section 173 of the Planning and Environment Act 1987 between Murrindindi Shire Council and Peter James Dickinson and Linda Joyce Dickinson for land: 16 Lyell Street, Marysville	Livia Bonazzi
SF/2650	20 October 2021	S173 Amendment - 134 Webster Street Alexandra - Deed of Amendment	Livia Bonazzi

Officer Recommendation

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