



Murrindindi
Shire Council

Scheduled Meeting of Council

Agenda

Wednesday 27 September 2023
Alexandra Council Chambers
Perkins Street
6:00 PM

ORDER OF BUSINESS

1	ACKNOWLEDGEMENT OF COUNTRY AND COUNCILLORS' PLEDGE	3
2	PROCEDURAL MATTERS	3
3	PUBLIC PARTICIPATION	5
4	REPORTS - COMMUNITY & DEVELOPMENT GROUP	5
4.1	Planning Application - 399 Maintongoon Road, Maintongoon - Helicopter Maintenance Facility	5
4.2	Murrindindi Flood Recovery September Report	21
4.3	Arts and Culture Policy Review	26
4.4	Grants and Sponsorships	27
5	REPORTS - PEOPLE & CORPORATE PERFORMANCE GROUP	33
5.1	Contract 23/11 - Microsoft 365 and Teams Licenses	33
5.2	Approval of the 2022/23 Financial and Performance Statements	36
5.3	Audit and Risk Committee Noting of Minutes	40
5.4	Audit and Risk Committee Biannual Report	40
5.5	Endorsement of Audit and Risk Committee Chair	42
5.6	Instruments of Delegation and Authorisation to Council Staff	43
6	REPORTS - ASSETS & ENVIRONMENT GROUP	48
6.1	Contract 23/10 - Design & Construction Eildon Skate Park - Tender Award	48
6.2	Tender Evaluation Report - Contract 23/14 - Gravel Roads Resheeting Program 2023/2451	
7	COUNCILLOR AND CEO REPORTS	56
8	RECORD OF COUNCIL BRIEFING SESSIONS	56
9	SEALING REGISTER	58
10	CONFIDENTIAL ITEMS	58

1 ACKNOWLEDGEMENT OF COUNTRY AND COUNCILLORS' PLEDGE

1.1 Acknowledgement of Country

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

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

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

1.2 Councillors' Pledge

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

2 PROCEDURAL MATTERS

2.1 Privacy Note

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

2.2 Apologies and Request for Planned Leave

2.3 Disclosure of Interest or Conflict of Interest

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

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

2.4 Confirmation of Minutes

Minutes of the Scheduled Meeting of Council held on 23 August 2023.

RECOMMENDATION

That Council confirm the minutes of the 23 August 2023 Scheduled Meeting of Council.

2.5 Petitions

2.5.1 Investigate traffic flow and roadway conditions – Bon Street Alexandra

Attachment(s)	Confidential Attachment 1 – Petition – Bon Street Submission (<i>distributed to Councillors separately</i>) Confidential Attachment 1 – Petition – Residents signatures (<i>distributed to Councillors separately</i>)
Presenter	L Bonazzi, Chief Executive Officer
Approved by	Director People & Corporate Performance
Purpose	For decision

Council received a petition titled “Traffic issues in Bon Street Alexandra” from Gerry & Jane Laws on 28 August 2023. The petition is signed by 13 people with addresses in either Bon Street or Johnston St Alexandra. The petition is confirmed as meeting the requirements of Council’s Governance Rules.

RECOMMENDATION

That Council:

1. receive the petition titled ‘Traffic issues in Bon Street Alexandra’ from Gerry & Jane Laws
2. refer the petition to the Director Assets & Environment for consideration and response.

2.6 Community Recognition

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

2.7 Matters Deferred from Previous Meeting

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

2.8 Urgent Business

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

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

3 PUBLIC PARTICIPATION

3.1 Open Forum

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

3.2 Questions of Council

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

4 REPORTS - COMMUNITY & DEVELOPMENT GROUP

4.1 Planning Application - 399 Maintongoon Road, Maintongoon -

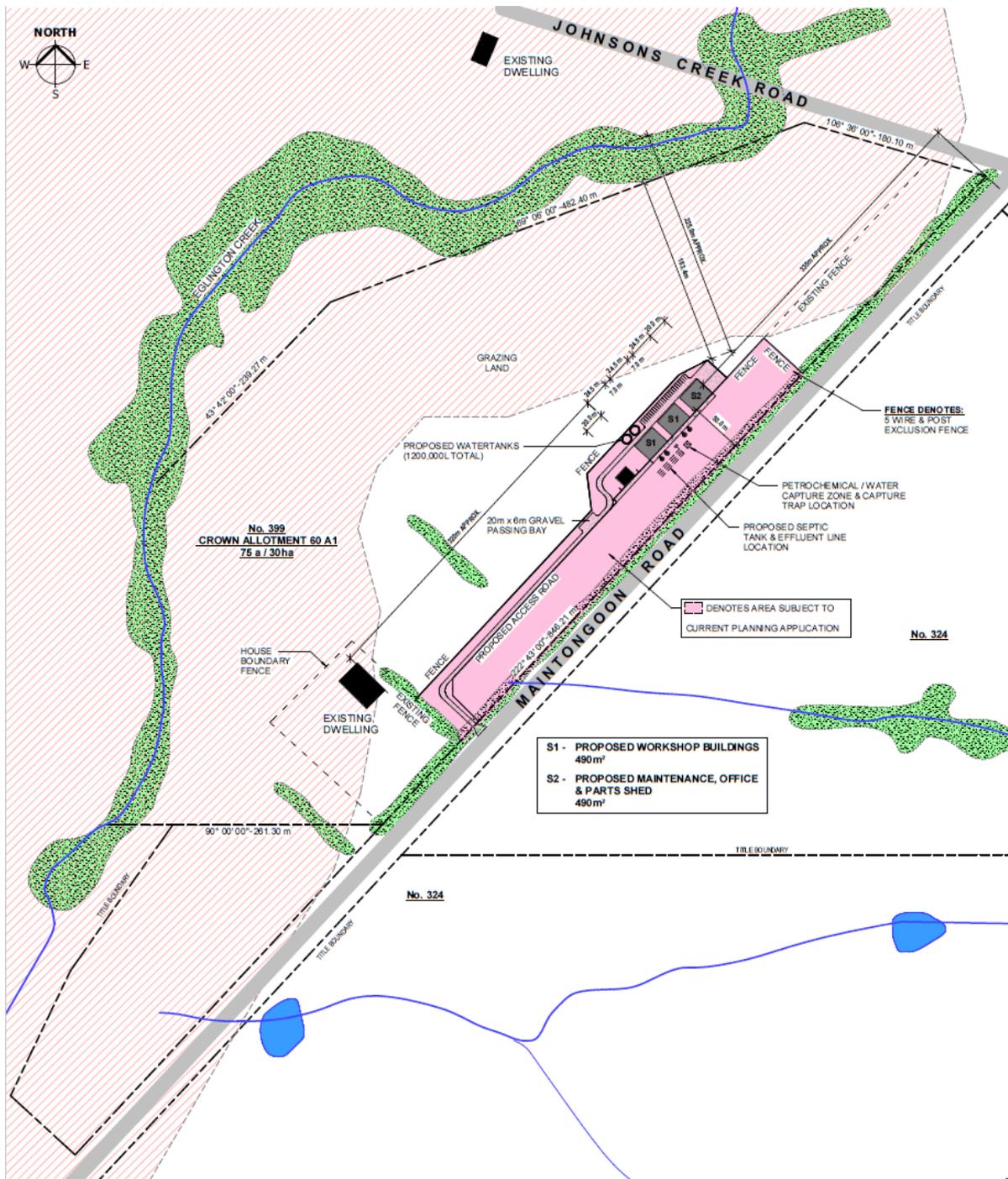
Attachment(s)	<ol style="list-style-type: none"> 1. Attachment 1 - 399 Maintongoon Road, Maintongoon - Application Form [4.1.1 - 7 pages] 2. Attachment 2 - 399 Maintongoon Road, Maintongoon - Current Proposed Plans [4.1.2 - 5 pages] 3. Attachment 3 - 399 Maintongoon Road, Maintongoon - LCA [4.1.3 - 21 pages] 4. Attachment 4 - 399 Maintongoon Road, Maintongoon - CFA Response [4.1.4 - 1 page] 5. Attachment 5 - 399 Maintongoon Road, Maintongoon - GBCMA Response [4.1.5 - 2 pages] 6. Attachment 6 - 399 Maintongoon Road, Maintongoon - GMW Response [4.1.6 - 2 pages] 7. CONFIDENTIAL - Confidential Attachment 1 - 399 Maintongoon Road, Maintongoon - Objection 1 [4.1.7 - 1 page] 8. CONFIDENTIAL - Confidential Attachment 2 - 399 Maintongoon Road, Maintongoon - Objection 2 [4.1.8 - 2 pages] 9. CONFIDENTIAL - Confidential Attachment 3 - 399 Maintongoon Road, Maintongoon - Objection 3 [4.1.9 - 3 pages] 10. CONFIDENTIAL - Confidential Attachment 4 - 399 Maintongoon Road, Maintongoon - Objection 4 [4.1.10 - 3 pages] 11. CONFIDENTIAL - Confidential Attachment 5 - 399 Maintongoon Road, Maintongoon - Support 1 [4.1.11 - 1 page]
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Presenter Cameron Fraser, Coordinator Planning
Approved by Director Community & Development
Purpose For decision

Land: Part 399 Maintongoon Road, Maintongoon 3714
Proposal: Use and development of land for a Helicopter maintenance facility including helipad
Applicant: N C Kijlstra
Zoning: Farming Zone
Overlays: Nil
Triggers: Clause 35.07-1 and 35.07-4 (Use and development of land in the Farming Zone for a Helicopter Maintenance Facility)
Clause 52.15-1 - Development of land for a Helicopter Landing Facility

Locality Plan





Extract from Application Documents

Executive Summary

An application has been received for the use and development of land for a Helicopter Maintenance Facility, including Helipad under the Murrindindi Planning Scheme. The purpose of the application is to relocate an existing business from its location in Whanregarwen Road which has had approval since early 2015 to the subject site.

The land is in the Farming Zone and is not affected by any overlays. Part of the whole site is within a sensitive area pursuant to the *Aboriginal Heritage Act 2006* however the extent of use and development proposed as part of this application does not encroach into this area of the site.

The land has a total area of approximately 29 hectares and is located on the north-western side of Maintongoon Road and is bounded by Crown Land on its rear boundary. The proposed use and development will be contained within an area at the front of the site measuring approximately 2.5 hectares.

A dwelling and guest accommodation are currently constructed on the land with the balance of the land being used for agriculture.

Notice of the application was given to all properties within 1 kilometre of the subject site as well as to Goulburn Murray Water (GMW), Goulburn Broken Catchment Management Authority (GBCMA), Country Fire Authority (CFA), Department of Environment Land Water and Planning (now Department of Energy, Environment and Climate Action - DEECA) and Taungurung Land and Waters Council.

Four objections have been received to the application as well as one submission of support. The objections raise a few issues related to amenity, consistency with the planning scheme and the impact on surrounding agricultural and residential land uses.

This report recommends that a notice of decision to grant a permit be issued for the use and development of land for a Helicopter maintenance facility, including a Helipad at part of 399 Maintongoon Road, Maintongoon.

RECOMMENDATION

That Council issue a Notice of Decision to grant a planning permit for the use and development of land for a Helicopter maintenance facility including helipad at part of 399 Maintongoon Road, Maintongoon VIC 3714, subject to the following conditions:

Amended Plans

Landscaping Plans

- 1. Before the *development* hereby permitted commences, a landscape plan prepared by a suitably qualified (*or experienced*) landscape designer to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of this permit. The landscaping plan must be generally in accordance with the landscape concept plan lodged with the application. The plan must show:**
 - a. The area or areas set aside for landscaping;**
 - b. A schedule of all proposed trees, shrubs/small trees and ground cover taking into account the Firewise plant selection tool available on the CFA website for gardens in a high bushfire risk area;**
 - c. The location of each species to be planted and the location of all areas to be covered by grass, lawn, or other surface material;**
 - d. Paving, retaining walls, fence design details and other landscape works including areas of cut and fill;**
 - e. Appropriate irrigation systems;**

Section 173 Agreement

2. Prior to the commencement of buildings and works a Section 173 Agreement must be entered into at no cost to Council, which ensures the following requirements:
 - a. Fencing shown on Planning Permit 2021/58 must be retained on site at all times. No removal, alteration or otherwise to the location of the fencing can occur unless with the prior written consent of the Responsible Authority.
 - b. The use of the land for a Helicopter Maintenance Facility including Helipad, including all ancillary infrastructure must only occur in the area shown in Drawing TP02 Revision P4 Prepared by AGC Drafting Design dated 09.08.2023.

The Section 173 Agreement must be either prepared or checked by Council's solicitors, to the satisfaction of the Responsible Authority and must be recorded on the folio of the Register to the subject land pursuant to Section 181 of the *Planning and Environment Act 1987* prior to the use or works commencing.

All fees associated with the preparation or checking, and execution of the agreement must be fully paid by the applicant.

Endorsed Plans

3. The layout of the site and the size and type of the proposed buildings and works, including the materials of construction, as shown on the endorsed plans shall not be altered or modified without the consent in writing of the Responsible Authority.
4. Unless otherwise agreed in writing by the Responsible Authority, the landscaping areas shown on the endorsed plans must be used for landscaping and no other purpose and any landscaping must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.
5. Prior to the commencement of buildings and works, all screen planting along Maintongoon Road, in accordance with the landscape plan required under condition 1 must be completed unless with the prior written consent of the Responsible Authority.
6. Prior to the commencement of use, all other planting in accordance with the landscape plan required under condition 1 must be completed unless with the prior written consent of the Responsible Authority.

Removal of buildings

7. Upon cessation of the use, all building and infrastructure must be removed from the site or decommissioned to the satisfaction of the Responsible Authority.

General Amenity

8. 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.
9. The use hereby permitted shall not cause nuisance or injury to, or prejudicially affect the amenity of the locality, by reason of the appearance of any building, works, or materials on the land, the emission of noise, light spill, vibration, smell, fumes, smoke, vapour, steam soot, ash, dust, waste water, waste products, or otherwise.

10. The subject land must be kept neat and tidy at all times and its appearance must not, in the opinion of the Responsible Authority, adversely affect the amenity of the locality.
11. Outdoor lighting must be designed, baffled, and located to the satisfaction of the Responsible Authority such that no direct light is emitted outside the boundaries of the subject land.
12. Helicopter movements associated with the approved use must only occur during the following times unless with the prior consent of the Responsible Authority:
 - 7:00am and 5:00pm Monday to Friday (except public holidays).
 - 8:00am and 5:00pm on Saturday.
 - 10:00am and 5:00pm on Sundays.

Engineering Conditions

Engineering

13. Prior to the commencement of buildings and works, a suitable prepared engineering plan detailing the proposed driveway, earthworks, and drainage, including the erosion and sediment control measures must be submitted to the Responsible Authority and receive its endorsement.
14. Prior to the commencement of the use the developer must construct the access in accordance with approved construction drawings.

Drainage

15. 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.
16. The approved works must not cut off natural drainage to adjacent properties.

Crossovers

17. Prior to commencing of any building works, any new or otherwise vehicular entrance to the subject land from the road must be constructed at applicant's expense to provide ingress and egress to the site at a location and of a size and standard satisfactory to the Responsible Authority. Refer to Council's Infrastructure Design Manual Section 12.9.2 – Rural Vehicle Crossings and standard drawing SD 255.
18. An application for consent to work is required to be made prior to commencing any works on the road reserve and must comply with the requirements of the *Road Management Act 2004* and associated Regulations.

Access

19. Driveway culverts along access lane must be sufficiently large enough to accommodate natural flows of local catchments.
20. Prior to the commencement of the use, all internal access roads must be constructed, formed, and drained to avoid erosion and to minimise disturbance to natural topography of the land to the satisfaction of the Responsible Authority.

21. The internal access road to the building must be constructed to a size and standard satisfactory to the Responsible Authority to provide all weather access for emergency service vehicles.
22. The works must include the provision of suitable pavement material of at least 3.5 metres in width with 0.5m side clearances and 4 m vertical clearance and designed to carry a vehicle weighing at least 15 tonnes.
23. Passing lanes shall be provided at least 200 m along the access road.

Parking

Carpark design

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

Parking signs

25. Signage to the satisfaction of the responsible authority must be provided directing drivers to the area(s) set aside for car parking and must be located and maintained to the satisfaction of the responsible authority. The area of each sign must not exceed 0.3 square metres.

Carpark Construction

26. Prior to the commencement of use or the occupation of the development starts, the area(s) set aside for parking of vehicles, access lanes and parking signs as shown on the approved plans must be constructed and completed to the satisfaction of the Responsible Authority.
27. Car spaces, access lanes and driveways must be kept available for these purposes at all times.

Environmental Management

28. Prior to the commencement of the use, an Environmental Management Plan shall be prepared to address petrochemical spills and noise issues during helicopter movement, to the satisfaction of the Responsible Authority.

Goulburn Murray Water

29. All construction and ongoing activities must be in accordance with sediment control principles outlined in 'Construction Techniques for Sediment Pollution Control' (EPA (Environment Protection Authority), 1991).
30. All wastewater from the helicopter maintenance facility must be treated and disposed of using an approved system. The system must have a certificate of conformity issued by the Conformity Assessment Body (or equivalent approval) and be installed, operated and maintained in accordance with the relevant Australian Standard and EPA Code of Practice.

31. The wastewater disposal area must be located at least: 60m from any waterways including Johnson Creek, 40m from any drainage lines, 60m from any dams, and 20m from any bores.
32. The wastewater disposal area must be kept free of stock, buildings, driveways, and service trenching and must be planted with appropriate vegetation to maximise its performance. Stormwater must be diverted away. A reserve wastewater disposal field of equivalent size to the primary disposal field must be provided for use in the event that the primary field requires resting or has failed.
33. No buildings are to be constructed within 30 metres of any waterways or on any drainage lines.

Goulburn Broken Catchment Management Authority

34. The proposed septic system complies with the Victoria EPA's Code of Practice for Onsite Wastewater Treatment and any additional requirements of Goulburn Murray Water.
35. Any chemicals, oil, fuel, grease, waste, or other potential pollutants that are to be stored in the maintenance facility are stored in a manner which is in accordance with any requirements of the Victorian EPA and will prevent any spills entering the downstream waterway.

Expiry – 4 Years

1. This permit shall expire if the development hereby permitted is not completed and the use commenced within four (4) years of the date hereof, or any extension of such period the responsible authority may allow in writing. A request for an extension of time may be made before or within 6 months after the permit expiry date, where the use or development allowed by the permit has not yet commenced, or within 12 months after the permit expiry date, where the development allowed by the permit lawfully commenced before the permit expired.

The Land and Surrounds

The subject site is located approximately 4 kilometres to the north of Alexandra and has an area of approximately 29 hectares. The land comprises of two parcels of land. The development is proposed to be located on Crown Allotment 60A1, Parish of Alexandra.

Access to the site is available from both Maintongoon Road and Johnsons Creek Road. The land is generally flat in topography and is vegetated around the perimeter with most of the site clear and used for grazing.

The land is bound by roads to the north and east and a waterway to the west. Private land adjoins the site to the south.

The site contains a single dwelling and associated shedding as well as agricultural shedding. The land is currently used for both residential and agricultural purposes.

Land surrounding the site is similarly used with a small number of dwellings on lots of varying sizes. Agriculture is the predominant land use in the area.

Background

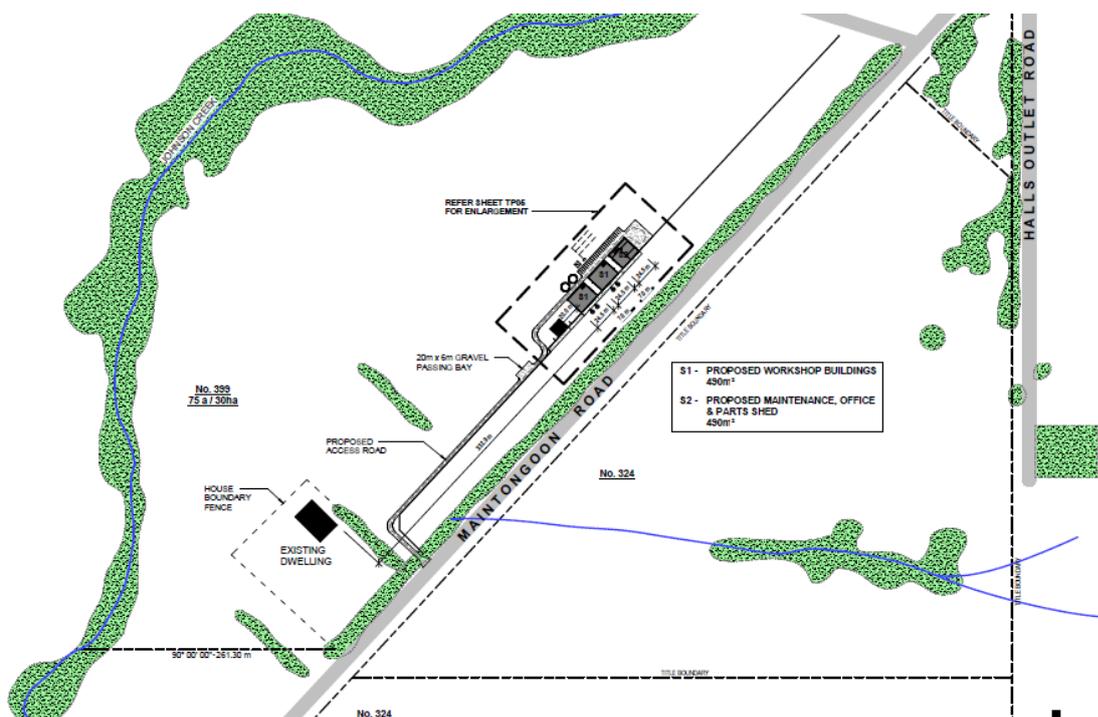
A search of Council's electronic records system shows the following permits have been issued for the subject site:

- 2019/6 - issued 1 August 2019 for the use of land for a Place of Assembly for three events.
- 2018/95 - issued 29 June 2018 for a two-day music event including camping.
- 2017/130 - issued 1 September 2017 for a 1-day music festival including camping.
- 1996/223 was issued on 23 August 1996 for the use of an existing building for accommodation.

Proposal

The application proposes to use and develop the land for the purposes of a helicopter maintenance facility (Service Industry) including a helipad.

The proposed development of the land includes the construction of three sheds. Two of the sheds will be used for helicopter service and maintenance and the third will be used for storage and administration purposes. The three sheds will be located along side an existing machinery shed on the property and will have the same dimensions of 24.5m by 20m for a total area of 490 square metres.



Access is proposed from Mantongoon Road.

The proposed use of the land is for the maintenance of helicopters on the site. This includes overhauls of helicopters, scheduled maintenance, storage of parts and administration.

The applicant proposes a maximum of 15 overhauls per year on the site as part of this use. On average these take approximately 3 months to complete and are to be undertaken within the proposed shed. Part of this overhaul includes a test flight for between 2-4 hours when completed. The only other flights involved in an overhaul is for arrival and departure from the site.

The use of the land will also include line maintenance (servicing) involves helicopters flying to site, being serviced and then flying out. This will occasionally include a test flight. The applicant is

currently undertaking 1-2 services per week averaged out over the year. The number of services is dependent on several factors including existing workload and economic conditions.

The proposed use of the land will occur between 7am and 5pm Monday to Friday. Breakdown and Emergency works may be necessary on weekends but will be limited to 8-5 on Saturday and 10-5 on Sundays.

The application does not propose to operate outside of emergency or breakdown situations on weekends however some arrival, departure and test flights may need to occur during this time dependent on weather conditions.

Amended Proposal

Following advice from Taungurung Land and Waters Council on 28 April 2023 that a Cultural Heritage Management Plan was required, the applicants have sought to amend the application to ensure that no requirements of the Aboriginal Heritage Act 2006 were breached.

The applicant sought both Cultural Heritage and Legal advice in relation to the proposal. It was acknowledged that the proposed use of the land is a high impact activity and that the land is sensitive under the Aboriginal Heritage Regulations, however the proposed use and development is located outside of the area of the site which is sensitive. Using prior decisions from the Victorian Civil and Administrative Tribunal, the applicant was able to demonstrate that a CHMP would not be required based on the changes made to the application.

This advice was reviewed by Council's solicitors who required a number of changes to the application, specifically:

- Amending the land to which the proposal applies
- Including the fence as part of the application plans
- Amendment to Land Capability Assessment to relocate the proposed effluent field.

Officers are satisfied with the response and can confirm that a Cultural Heritage Management Plan is not required.

The amendments to the application reduce the area of the site to which the application applies, as well as the construction of a fence to demarcate the area in which the use applies. The application was not readvertised, however updated plans were provided to the existing objectors to the proposal and Taungurung Land and Waters Council.

Community and Stakeholder Consultation

Notice of the application was provided in accordance with the requirements of the *Planning and Environment Act 1987* by way of a sign on site and all properties within 1km of the subject site. Three objections and one submission of support were received. The issues raised in the objections are summarised below:

- The application provides for an office which is a prohibited use in the Farming Zone.
- The application does not meet all requirements for exemption to considerations for a Helipad.
- Number of flights could be excessive.
- Use of land not related to agriculture on subject site or surrounding properties.
- Bushfire Risk.
- Maintongoon Road not appropriate for the use.
- Noise.

- Joy flights.
- Inconsistencies with plans and current site infrastructure.

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

Referrals

No referrals were required as part of the assessment of this application under Section 55 of the *Planning and Environment Act 1987* however notice of the application was given to the following external authorities:

- Goulburn Murray Water (GMW)
- Goulburn Broken Catchment Management Authority (GBCMA)
- CFA
- Department of Environment, Land Water and Planning (now DEECA)
- Agriculture Victoria
- Taungurung Land and Water Council (TLaWC)

GMW and GBCMA have consented to the proposal subject to specific conditions which are included in the recommendation.

CFA has responded with no objections and did not provide any conditions.

Agriculture Victoria has responded to the proposal and included a few suggested requirements which have been incorporated into the recommendation.

Discussion - Planning Considerations

Planning Policy

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

Clause 02.02 (Vision)

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

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

It is considered that the proposal is consistent with this vision. The proposal will provide economic growth. Furthermore, the proposal will allow for exposure of the municipality by a significant number of people.

Clause 02.03 (Strategic Directions)

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

- *Encouraging business expansion, investment and employment.*
- *Supporting new and emerging industries.*

The proposed use of the land is consistent with the strategic directions as it will provide for the expansion of an existing business within the shire. The relocation of the business to land owned by the operators provides for security to enable the applicants to invest with confidence into the future of the business.

Clause 12.01-1S (Protection of Biodiversity)

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

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

The proposed use and development will be contained within the lot with existing natural buffers and proposed physical buffers between the site and surrounding agricultural uses and vegetated areas. The area of the site in which the use is to occur is within an open paddock area which is currently used for grazing.

13.02-1S Bushfire planning

Policy application

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

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

Objective

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

13.02-1L Bushfire Planning

Strategies

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

This policy seeks to strengthen the resilience of settlements and communities to bushfire through risk-based planning prioritising the protection of human life. The objectives of this policy must be applied to this application as the land is in the Bushfire Prone Area and the proposal will result in a Bushfire Hazard.

In an effort to achieve this objective, the application was referred to the Country Fire Authority. The CFA have provided a letter of advice stating that they do not object to the proposal, nor that they require any conditions to be placed on any permit issued.

Clause 13.07-1S (Land use compatibility)

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

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

When considering this policy in light of the characteristics of the proposal, it is evident that these measures have been implemented. These characteristics include a significant buffer between the proposal area and nearby residential uses (excluding the dwelling on site).

Clause 14.01-1S Protection of agricultural land

Objective

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

This provision of the Victoria Planning Provisions seeks to protect the viability of valuable agricultural land. The application proposes the use of land for service industry and a helipad. This is not considered to be an agricultural use of the land and would appear to be in direct conflict with this objective of the Murrindindi Planning Scheme.

While not an agricultural use, non-agricultural uses on this type of land can be appropriate through appropriate risk mitigation and management of the site, to reduce the impact of the use on adjoining agricultural uses.

Agriculture Victoria have been notified of the proposal. They have responded with concerns in relation to the spread of the use over time however have noted that this can be overcome with the inclusion of conditions on any permit issued. Conditions requiring the buildings to be removed should the use ever cease have also been suggested. The conditions provided by Agriculture Victoria provide a practical restriction on the spread of the use over time to ensure the balance of the site can continue to be used for agricultural purposes.

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

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

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

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

The application proposes the relocation of an existing business from within the shire. The business operators are currently leasing a property approximately 3.5km southwest from the centre of Alexandra. The current business premises require significant investment to upgrade facilities.

The subject site is owned by the permit applicants. Relocation of the business to a site owned by the operators will provide security for the owners of the site to invest further into the business to facilitate its growth.

Zone

Farming Zone

Purpose

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

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

The proposed use of the land for a helicopter maintenance facility including a helipad is considered to be an appropriate use of this site which can be managed from an amenity and agricultural perspective through conditions.

The following decision guidelines have been considered in the assessment of this proposal:

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

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

The use of the land as a helicopter landing site has the potential to impact on the amenity of surrounding landowners and occupants if not appropriately managed. The applicant has proposed limited hours and days of operation to manage this. While some exceptions may apply depending on weather conditions, this can still be restricted appropriately to minimise impact.

While the proposed use of the land for a non-agricultural use is generally not supported in the Farming Zone, a balanced consideration of the proposal must be made. The limited area of the site to be used as part of this application will allow for the balance of the site to continue to be used for agricultural purposes.

Clause 52.15 - Heliport and Helicopter Landing Site

Purpose

- *To ensure the amenity impacts of a heliport and a helicopter landing site on surrounding areas is considered.*

Pursuant to Clause 52.15-1 of the Murrindindi Planning Scheme, a helicopter landing site is not exempt from the requirement for a planning permit as there are sensitive land uses within 1000m of the site.

Consideration of any application must have regard to the amenity impacts of any proposal on sensitive uses. The nearest dwelling to the helicopter landing site is approximately 400m away. This does not include the existing dwelling on the subject land which is occupied by the permit applicants.

While it is acknowledged that the use of the site for helicopter landing and taking off will cause some impact on adjoining landowners when it occurs, it is considered that the time this occurs, and limited number of flights are manageable impacts from an amenity perspective. It is considered that the use as it is proposed as part of the overall proposal is appropriate.

Discussion - Submissions

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

The application provides for an office which is a prohibited use in the Farming Zone

The use of land for an office is a Section 3-Prohibited land use pursuant to Clause 35.07-1 of the Murrindindi Planning Scheme. Pursuant to Clause 73.03 of the Murrindindi Planning Scheme, an office is defined as:

- *Land used for administration, or clerical, technical, professional, or other like business activity. No goods or materials intended for manufacture, sale, or hire may be stored on the land. Other than electoral office and medical centre, it does not include any other defined use.*

While the proposal includes administrative facilities, it is not considered to be an 'office' in its own right. This is an ancillary part of the proposal which is primarily for the servicing and maintenance of helicopters on the subject site. The operation of the existing business will not change, with the obvious exception of the location which is currently located in Whanregarwen Road. Administration is part of the current operation which will continue in the new location however is considered to be ancillary to the primary use proposed which is for a service industry.

The application does not meet all requirements for exemption to considerations for a Helipad

The proposed Helipad has been considered as part of this application and is not considered to be exempt from permit requirements as discussed previously in this report.

Number of flights could be excessive

The number of flights can be managed by way of condition on any permit issued which could be tracked by logging of flights as a requirement of the permit holder. Flights to and from the facility will be limited by the capacity of the site to service helicopters on site. It is considered that conditions on any permit issued can restrict the number of helicopters able to use the site. The business at its current location is averaging approximately 8 flights per month.

Use of land not related to agriculture on subject site or surrounding properties

It is acknowledged that the proposal does not relate to agriculture however Council must consider any application it receives and does not discriminate between prohibited and 'permit required' uses. The Farming Zone allows a broad range of applications to be considered however contains decision guidelines which must be considered as part of any application in addition to other provisions and the Planning Policy Framework. These are discussed above Planning Policy section of the report.

Bushfire Risk

The location of the site is in a Bushfire Prone Area. Consideration of the application under Clause 13.02 of the Murrindindi Planning Scheme as well as referral to the CFA has been undertaken and has been discussed previously in this report.

Maintongoon Road not appropriate for the use

Maintongoon Road is a sealed road along the full frontage of the site. The application has been referred internally to Council's Development Engineer who has reviewed the application and has provided consent to the proposal, subject to conditions.

Noise

The nearest dwelling to the site is located approximately 400m away from the site with land in between used for agricultural purposes. The biggest emitter of noise from the site will be the helicopters themselves, particularly when in flight. It is considered by officers that from an amenity perspective, this can be managed with appropriate conditions. Regarding the impact on stock, there is no empirical evidence to suggest an impact (or lack of) when helicopters are flown as this application proposes to. It is also noted that Council has not received any complaints in relation to the current Helico operations in Whanregarwen Road.

Joy flights

Commercial aviation such as joy flights or any other form of passenger servicing is not part of this application, nor has it been considered. Should the permit applicants wish to undertake any sort of flights, other than helicopters arriving or leaving the site for servicing (along with required testing), a separate application would be required.

Inconsistencies with plans and current site infrastructure

The proposed plans contain a number of improvements such as road infrastructure and landscaping which are yet to be commenced. Should a permit be issued, it is recommended that the improvements to the land be implemented, with ongoing maintenance requirements, as part of the construction and prior to the commencement of any approved use.

Conclusion

It is considered that the proposed helicopter maintenance facility including helipad is appropriate and can exist on the property while managing amenity on adjoining properties and in the surrounding area. On the balance it is considered that the proposal is consistent with the provisions of the Murrindindi Planning Scheme.

Council Plan/Strategies/Policies

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

This report also supports the strategies under the *Council Plan 2021-2025 Growth and Opportunity* pillar:

- "to prioritise and promote a culture in which the economy, businesses and community can grow and thrive."
- "boost local investment and employment opportunities through activities that encourage businesses, social enterprise, and industry sectors to thrive and grow."

Relevant Legislation

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

Financial Implications and Risk

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

Conflict of Interest

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

4.2 Murrindindi Flood Recovery September Report

Attachment(s)	1. Attachment 1 - Murrindindi Shire Flood Statistics August 31 2023 [4.2.1 - 3 pages]
Presenter	Kim Chadband, Manager Flood Recovery
Approved by	Director Community & Development
Purpose	For decision

Executive Summary

In October 2022, Murrindindi Shire Council, along with large areas of Victoria, was impacted by floods. This report outlines the financial processes and mechanisms available to Murrindindi Shire Council, to assist flood-affected communities with their recovery and to rectify flood damaged Council assets.

This report seeks Council approval to amend the delegations for approval of works packages endorsed for funding by the Department of Transport through the Disaster Relief Funding Arrangement with the provision of timely reporting to Council and Community through the Capital works program reports.

RECOMMENDATION

That Council delegate to the CEO, Mayor and Deputy Mayor the procurement of works for flood recovery up to the value of \$3,000,000 where such works are endorsed for funding by the Department of Transport through the Disaster Relief Funding Arrangement.

Background

In October 2022 the Shire of Murrindindi experienced significant flooding along with 63 of the 79 councils across Victoria. In Murrindindi, the flood event was a combination of riverine flooding involving the Goulburn River and its tributaries and severe storms with overland flooding for many other areas including hill country. The floods impacted private property, Crown land and public land, with widespread damage to Council assets and private assets.

The state government declared a State of Disaster and Murrindindi Shire was assessed as having experienced Tier One (severe) Level Two damage. While a full understanding of the cost of damage to Council assets is not yet finalised, with detailed assessments, design work and costing progressing on damaged assets, the impacts across the communities extend beyond

physical damage and will require ongoing investment and support through recovery. The reinstatement of damaged assets is estimated in excess of \$30 Million.

There are a number of concurrent activities occurring to support the recovery included the items below:

The Murrindindi Flood Recovery Plan

The Murrindindi Flood Recovery Plan (MFRP) was developed in partnership with the stakeholder agencies which make up the membership of the Murrindindi Flood Recovery Committee (MFRC). The MFRP was completed and adopted by the MFRC in May 2023. Council noted the MFRP at the August 2023 Council meeting, endorsing consultation to confirm the direction of the plan. The Plan sets out the short, medium and long-term objectives for flood recovery and the outputs by which achievement of those objectives will be measured. The Plan was developed by the stakeholder agencies, and the next step is to seek input from the community to ensure that the Plan is relevant, achievable and addresses all identified needs.

Funding

Council has allocated through the budget process \$200,000 towards the reinstatement of flood damaged assets.

As a result of the level of impact and damage, Council is able to access funding through different streams to support recovery within the Shire. These are discussed in further detail under the financial section, and include:

Funding Stream	Use / restrictions
Disaster Recovery Fund Arrangement (DRFA)	For the repair and/or replacement of Council assets damaged by floods and evidenced to the satisfaction of the Department of Transport (DoT) to the condition prior to the event. Includes salaries for eligible positions to deliver the program of works
Asset Betterment Fund	Can be used for the 'betterment' of flood damaged assets to improve the resilience of Council assets – use must be approved by DoT
Council Flood Support Fund (CFSF)	Approved Projects including salaries for Recovery Manager, Communications Officer and DRFA Post Event Recovery Coordinator and for limited activities not covered by the DRFA but pre-approved by Local Government Victoria
Community Hub Program	Budget Expenditure approved by ERV with a focus on community engagement, support and resilience.
Community Recovery Officer Program (CRO)	Staff to co-ordinate the flood recovery program
Department Families Fairness Homes (DFFH) (DRFA) Special Events Funding	Endorsed activities to 30 September 2023

Discussion

Many of the problems that are being faced by individuals as a result of the floods are outside Council's ability to directly resolve.

These include issues such as Goulburn Murray Water's management of Lake Eildon, unmaintained levee banks on private land that were originally constructed for shared benefit, change to state legislation which has removed long-standing informal property access arrangement, with individuals and businesses unable access their properties where private bridges and culverts have been damaged.

Grant programs were established by the government, and made available to eligible farms, individuals, organisations and businesses. Those programs have now ended, however there are ongoing instances where needs have not been met. As a Council, we can't resolve all issues, however, we do listen, promote, refer, advocate, instigate, and do what is within our scope to assist or bring about action.

Council supports the community through referral to other agencies and resources, and at a broader social level – where we can plan activities to strengthen individual and community resilience for recovery and future disaster events. The approach being taken is, where possible, to wrap around and build additional capacity into Council events, processes and networks.

Council Plan/Strategies/Policies

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

- “deliver, support and promote opportunities for all people to connect with each other, collaborate and plan for the future”.
- “deliver support and promote opportunities for all people to connect with each other, collaborate and plan for our future”.

This report also supports the *Council Plan 2021-2025 Transparency, Inclusion and Accountability* strategy to “establish a team approach in partnership with our communities to represent our collective interest to the State and Federal Governments”.

Relevant Legislation

Financial Implications and Risk

The total cost of the re-instatement of all damaged assets is estimated to be in excess of \$30 Million.

The Disaster Funding Recovery Agreement with the State and Federal Government requires extensive evidence on the damaged asset condition and location prior to the floods, how the flood damaged the asset and the asset condition post the floods. There is a risk to the Council that claims may not be supported through the process and Council may not be covered and reimbursed for some claims.

Council is only able to claim a fixed percentage for project management fees, and the risk sits with Council in the assessment and project management stages if the total cost of works is less than anticipated or minimized.

Funding Arrangement

Responding to natural disasters, including the provision of relief and recovery assistance to disaster affected communities, is primarily the responsibility of state and territory governments (once the threshold of \$240,000 of Council expenditure has been reached). However, in recognition of the significant cost of natural disasters, the Australian Government established the joint Australian/State Government cost sharing arrangement, to alleviate the financial burden on the states and to facilitate the early provision of assistance to disaster affected communities. Through the Disaster Recovery Funding Arrangement 2018 (DRFA), the Australian Government provides financial assistance directly to the states, to assist the states with the costs associated with certain disaster relief and recovery assistance measures.

In Victoria, these funds are administered by the Department of Transport and Planning (DoTP), on behalf of Emergency Management Victoria, with reporting responsibilities to the Australian

Government. Strict guidelines for expenditure and rigorous audit provisions exist to ensure that the public funds are appropriately spent.

For the current disaster (AGRN1037) Council seeks reimbursement of eligible costs incurred within the specified categories of disaster recovery and relief measures, emergency works, counter disaster operations, immediate works, and repair and reinstatement of assets.

Council undertook significant works during the flood and immediately after the event as part of its emergency response. A significant portion of these activities, including purchase of materials, contractors and additional staff, can be recovered under the DRFA, if assessed by DoT as being eligible.

Under AGRN 1037, each category has its own eligibility criteria and timelines for completion, as per the table below. All activities under AGRN1037 will conclude on 30 June 2025 unless an earlier completion date has been agreed.

DEFA Assigned Category	Due Date for Completion	Status
Emergency Response		Claims Completed
Relief and Recovery	31 August 2023	Claims Submitted
Emergency Works	31 August 2023	Claims Submitted
Counter Disaster Operations	31 August 2023	Claims Submitted
Immediate Work	31 December 2023	RFQs being prepared
Repair and reinstate	30 June 2025	Works in progress

Income Disaster Relief Funding Arrangement (DRFA) 2018

The DRFA is a joint Australian Government/State Government cost sharing arrangement in respect of eligible expenditure on relief and recovery activities. The fund has a sliding scale of contribution depending on the severity of the declared event.

The process for Council to seek reimbursement of disaster-related expenditure is very closely overseen by DoT which acts as the assessor of all claims made against the DRFA on behalf of the Victorian and Australian Governments.

A high burden of proof sits with Council when making claims. Council must provide evidence that the damage to an asset is the result of the declared disaster event, a proposed methodology of response, as well as evidence of the cost of restitution of the asset to its pre-disaster condition. An initial assessment of Shire assets was undertaken with broad preliminary estimates for reinstatement provided. This assessment includes 256 defects that were reported as damaged or impacted by the flood event. Subsequent inspections have identified further assets that have been impacted. These impacted assets are part of ongoing discussions with DoT for inclusion in the DRFA.

The cost of Project Managers, assessments, studies and plans, and works to reinstate damaged assets to their pre-flood condition can be covered by DRFA, provided they have been properly documented and approved prior to commencement of work. Project management is capped at a fixed percentage of the total work.

Work Packages to Reinststate Damaged Assets

Council Officers are currently preparing packages of work to reinstate damaged assets under the Immediate Work category of DRFA. Groupings of damaged assets are being worked up into logical packages for tender. Documentation, including pre-existing condition and post flood condition reports, nature of asset damage, proposed remedial treatment and anticipated cost

must be provided for every project element. Approved work under this category has a mandated 31 December 2023 completion date unless a variation of time is approved by DoT. Council is required to gain prior approval from DoT for all works packages for reinstatement of damaged assets, prior to tender / quoting and again prior to awarding the works. All works packages will be reported to Council in future reports including their status from awaiting approval through to completion. The works packages awarded will also be reported to Council as part of the Capital works program.

The packages being developed will include project elements which have been fully pre-approved by DoT as eligible for funding through DRFA, with or without betterment components. Some of the packages may include elements with components of preexisting damage, making them ineligible for DRFA at which point, they could be funded under a decision will need to be made whether to fund these elements from annual capital works/maintenance budget, through betterment.

The packages being develop may include project elements that:

- Have been fully preapproved by DoT as being eligible for DRFA;
- Have components of betterment which may or may not have been fully pre-approved by DoT and: have been judged to be ineligible for DRFA, but for reasons of efficiency and effectiveness have been retained in the package to be fully funded by Council through its operations.

To streamline the delivery of the program, it is recommended to amend the delegation of the Chief Executive Officer to Three Million Dollars (\$3,000,000) for the delivery of the DRFA and Betterment aspects of the projects, along with minor work elements which will be funded through Council's annual budget through officer financial delegation.

The Mayor and Deputy Mayor will be asked to approve the works packages.

The works packages will already be approved by the Department of Transport and will be fully funded through the DRFA & Betterment program, with minor operational expenditure where an efficiency can be achieved.

To ensure transparency, all projects will be reported in the capital program reporting.

Other Sources of Income – Grants

In addition to the DRFA reimbursement measures, funding is provided to Council through the DRFA by Australian and State governments in the form of Grants to undertake activities to help assist in flood recovery activities.

The following Grant funding has so far been made available to Council. Each Program has its own set of nuanced eligibility guidelines and restrictions for use.

Funding Stream	Use / restrictions	Payment up front or reimbursement	Value
Council Flood Support Fund (CFSF)	Approved Projects + salaries for Recovery Manager, Comms Officer and DRFA Project Manager	Up front Local Government Victoria is the lead agency for this fund.	\$1,000,000
Community Hub Program	Budget Expenditure approved by ERV	Up front	\$660,000
Community Recovery Officer Program (CRO)	Staff Resources to support flood recovery	Up front	\$256,000
DFFH (DRFA) Special Events Funding	Endorsed activities to 30 September 2023	Up front	\$17,000

Conflict of Interest

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

Community and Stakeholder Consultation

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

4.3 Arts and Culture Policy Review

Attachment(s)	1. Arts and Culture Policy 2023 [4.3.1 - 4 pages]
Presenter	Andrew Paxton, Director Community and Development
Approved by	Director Community and Development
Purpose	For decision

Executive Summary

The Arts and Culture Policy provides the framework for Council's role in supporting and enabling the arts and cultural activities across the Shire. The revised Arts and Culture Policy has been prepared following internal review of the 2019 Arts and Culture Policy.

RECOMMENDATION

That Council endorse the revised Arts and Culture Policy (September 2023)

Background

The revised Arts and Culture policy provides a framework for the support and delivery of arts and cultural services. The policy describes Council's supporting role with arts and cultural activities and initiatives and assists in guiding decision making in meeting the creative, economic and cultural needs of Murrindindi Shire residents.

The revised policy provides clear commitment statements including:

Council will:

- Work to further develop the arts, culture and heritage through effective partnership with the community and other key stakeholders.
- Play an enabling and supporting role in art and cultural activities, wherever possible.
- Proactively use its resources to link people together to explore, create and produce.
- Provide access to art and cultural opportunities through Council delivered services including Libraries, Youth Services, Children's Services, and other community building activities.
- Provide the Grants and Sponsorship program to support arts and cultural activities.

Discussion

The review of the Arts and Culture Policy has resulted in minor language changes that reflect available Council resources to support community aspirations identified during the 2020 development of the 10-year Community Vision and current Council Plan.

Officers support to the Arts and Cultural sector is distributed across the organisation with Economic Development, Community Wellbeing, Customer Experience, Governance and Assets, all providing services to community and within the organisation, to enable policy implementation. This commitment will continue within the confines of the revised Policy.

Council's current role as an enabler and supporter of arts and cultural activities is maintained within the revised Policy, rather than as an active organiser of these activities, reflecting Council's current resourcing capacity.

In summary the Draft Policy profiles the following specific commitments:

- Supporting access to art and culture in existing Council services and Council sites.
- Supporting local indigenous culture.
- Enabling creative partnerships and networks.
- Encompassing innovative and creative design in public/civic spaces.
- Protect and promote natural and cultural heritage places.
- Encourage use of arts, culture and heritage to create destinations.
- Include art as an element of major projects.
- Promote arts and cultural activities.

Council Plan/Strategies/Policies

This report supports the *Council Plan 2021-2025 Resilient Communities* strategy to “celebrate the community's vibrant, diverse and creative people”.

Relevant Legislation

- *Local Government Act 2020*.
- *Gender Equality Act 2020* – A Gender Impact Assessment was conducted for this policy review.
- Creative State 2021-2025.
- Murrindindi Shire Council Grants and Sponsorship Policy.

Financial Implications and Risk

The revised Policy reflects current resource commitments in supporting implementation. Any future budget bids will be progressed through annual business planning across the organisation as required.

Conflict of Interest

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

Community and Stakeholder Consultation

Community consultation was originally undertaken in the development of the previous policy document. Further community feedback from the 2021 Community vision and Council Plan 2021-25 processes has been incorporated in the revised draft.

4.4 Grants and Sponsorships

Attachment(s)	Nil
Presenter	Grants Officer
Approved by	Director Community and Development
Purpose	For decision

Executive Summary

Council's Grants and Sponsorship program provides funding for projects that support our communities to improve the liveability of our towns and places, build connections, create opportunities for participation in community and civic life. The program provides opportunities to improve personal and community health and wellbeing, protect our natural environment and assist communities to plan for the future.

This report provides Council with the grant applications for the period of July to September with the Panel Assessment Report for consideration.

RECOMMENDATION

That Council:

1) Note the following grants awarded under delegation:

- a) Yea Wetlands Discovery Centre Inc - Flood Recovery Benefit Concert - \$1,000
- b) Alexandra Secondary College Sponsorship of 2023 Dux Student Award - \$650
- c) Buxton Memorial Hall converting our External Power Points to Green Energy - \$2,469
- d) Foundation Murrindindi - Fee for Planning Permit Application - \$2,369
- e) Murrindindi East U3A – Seniors Week, Have a Go - \$1,141
- f) Flowerdale Community House - Community Garden Fencing - \$2,000
- g) Thornton Eildon District Football Netball Club - Learn to Ride Park at Thornton - \$2,049
- h) Yea Community House - Rocking Yea Cruise Night - \$1,250
- i) Buxton Progress Association - Christmas Party 2023 - \$500
- j) Rotary Club of Yea - Yea Garden Expo - \$2,500
- k) Kinglake Ranges Neighbourhood House Inc – Dindi Open Studios - \$1,075
- l) Alexandra Pastoral and Agricultural Association Inc – Alexandra Show - \$2,250
- m) Robert Atkins - New Zealand Scout Jamboree 2023 - \$500

2) Endorse the following allocations recommended by the Grants and Sponsorship Assessment Panel:

- a) Foggy Mountain Inc – Foggy Mountain Music and arts Festival 2023 - \$3,000; plus \$2,000 from the flood recovery hub funding
- b) Eco Warriors Australia Inc – Planting the Seed: Helping School Children to Create a Living Classroom - \$ 5,000
- c) Flowerdale Primary School – Flowerdale Primary School Fair - \$ \$3,000; plus \$2,000 from the flood recovery hub funding
- d) Paddle Australia - 2024 Paddle Australia Whitewater Age Championships - \$5,000
- e) South Eastern Predators Inc – Murrindindi Sheild - \$5,000
- f) Eildon Events Incorporated – Vocalists for Eildon Opera 2024 - \$3,000; plus \$2,000 from the flood recovery hub funding

Discussion

Council officers have assessed the following grant applications and awarded these grants under delegation:

Quick Response Grants

1) a) Yea Wetlands Discovery Centre Inc - Flood Recovery Benefit Concert

The Royal Australian Navy Band offered free concerts in the eastern states to support local fund raising to enable flood recovery efforts. Yea Wetlands suffered significant damage due to the devastating floods of October 2022. The YWDC staged a two-concert event at the Yea Shire Hall featuring three chamber ensembles in the first concert and a jazz band for the second.

A grant of \$1,000 was awarded

1 b) Alexandra Secondary College Sponsorship of 2023 Dux Student Award

This grant is for the colleges most prestigious award, traditionally sponsored by the Murrindindi Shire Council. The recipient receives the cash award.

A grant of \$650 was awarded

1 c) Buxton Memorial Hall - Converting our External Power Points to Green Energy

The Hall committee has installed solar power to the hall including a Battery Energy Solar Storage system (BESS). Currently, the external power outlet used by Council's mobile library isn't connected to the BESS and is funded by the community. They would like to move the external outlets to the BESS to ensure power supply during an outage and, reduce the costs to the community.

A grant of \$2,469 was awarded.

1 d) Foundation Murrindindi - Fee for Planning Permit Application

Foundation Murrindindi has a commercial lease with Council for a vacant block at 25 Murchison Street, Marysville. Foundation Murrindindi intends to develop this site into a multi-use space with a food van, shipping container retail spaces and open outdoor space for gathering and events. Funding is requested to cover the cost of the planning permit.

A grant of \$2,369 was awarded.

1 e) Murrindindi East U3A – Seniors Week - Have a Go

Victorian Seniors Festival is held over the entire month of October. A Have-a-go program for Seniors to come and try many of the activities currently run by Murrindindi East U3A in Alexandra and Taggerty. MEU3A programs cover a variety of activities for those entering their latter years from Bushwalking, Line Dancing, Writing, Mahjong, Table Tennis, Art, Latin, Social Lunches, Archaeology, Craft etc. Funding is requested for a small amount of catering and advertising.

A grant of \$1,141 was awarded

1 f) Flowerdale Community House - Community Garden Fencing

Flowerdale Community House has established the community garden over the past few years. The fencing component is the final stage to complete the project. However, since 2022 prices have risen and now the quote for work is \$6,022.50. An extra \$2,000 is needed to complete the final step of the project.

A grant of \$2,000 was awarded.

1 g) Thornton Eildon District Football Netball Club - Learn to Ride Park at Thornton

The Thornton recreation reserve currently has a large disused netball court in its northern extent. It is bounded by private property on three of four sides and would require a single length of fence across the front to make this a gated area for children. Funding is requested for to transform the area to a 'Learn to Ride' track, by cleaning up and re-painting features of appropriate dimension onto the surface.

A grant of \$2,049 was awarded

1 h) Yea Community House - Rocking Yea Cruise Night

Application to obtain sound system to be used at the 6 Yea Cruise Nights for music and announcements. The sound system will provide entertainment in the form of music (UGFM Rockabilly Saturday Night Show) and will also be used for announcements and general information, promotion of sponsors and to communicate to the public, especially in the event of an emergency.

A grant of \$1,250 was awarded

1 i) Buxton Progress Association - Christmas Party 2023

Christmas Party, including Santa on the fire truck and activities for the kids, with barbecue and amenities for all, held in Buxton Recreation Reserve, focussed upon Triangle community but visitors and tourists welcome, offered at no charge.

A grant of \$500 was awarded

Other grants awarded under delegation

1 j) Rotary Club of Yea - Yea Garden Expo

Yea Garden Expo taking place at the tarmac area of the Yea Saleyards. Expo has been taking place in Yea since 2016 and attracts 70 vendors. Attracting around 3,000 people from across the state, it has earned a reputation as one of the 3 major Garden Expos in Victoria.

A \$5,000 grant was applied for to cover advertising costs. To enable the application to be processed before the event is conducted, a grant of \$2,500 was awarded under delegation.

1 k) Kinglake Ranges Neighbourhood House Inc – Dindi Open Studios

Artists within the shire will open their home studios to the public, for the weekend of 21 and 22 October 2023. Open Studios showcase each artist's different individual styles and art practices whilst highlighting local creative talent within the region and connecting to community.

A Local Events grant of \$2,500 was awarded.

1 l) Alexandra Pastoral and Agricultural Show – Alexandra Show

The organisers of the annual show would like to include a wildlife presentation at their show. Black Snake Productions offer a wildlife display, and they have near 20 years' experience and are licensed to conduct this opportunity. They bring everything needed to

present and educate the public on wildlife including owl, crocodiles, pythons, possums and quolls.

A Local Events grant of \$2,250 has been awarded.

1 m) Robert Atkins - New Zealand Scout Jamboree 2023

The NZ Jamboree is being held in New Zealand 30 December 2023 to 7 January 2024.

A Kinglake resident, Robert is in year 9, has recently achieved the Australian Scout Award and graduated up to Venturers. Robert has fundraised to attend the Jamboree by propagating strawberries and succulents, selling Kinglake bumper stickers, working the parking at the Kinglake Market and running a wood raffle auspice by the Lions Club.

A sponsorship of \$1,000 was requested and \$500 has been awarded.

Community Projects and Community Events

The following applications have been assessed by the Grants and Sponsorship Panel

2 a) Foggy Mountain Inc – Foggy Mountain Music and Arts Festival 2023

The three-day festival will utilise the various local facilities and local businesses, by including an art show, concerts and workshops involving local musicians, artists and various art groups. Six local primary schools' workshops and community concert. All community groups will be offered the chance to come together to assist with a Community Bush dance. Youth will be given the opportunity to participate in the many activities especially the Community Concert, a Beard Competition to involve the men of the community to participate in an awareness cause.

The Panel recommends \$3,000 of funding from the Grants and Sponsorships Program and \$2,000 from the flood recovery hub funding.

2 b) Eco Warriors Australia Inc – Planting the Seed: Helping School Children to Create a Living Classroom - \$ 5,000

The project will engage with students from Buxton Primary School to revegetate a degraded site on their school grounds. The project aims to enhance biodiversity values through improving the quality and extent of native vegetation at the site. This in turn will create additional habitat and connections for local wildlife.

The project will teach students how to collect local native plant seeds, propagate and care for seedlings, prepare their site for planting, use native plants to revegetate their site, and maintain their site to ensure the project's success. Students will use simple "citizen science" digital tools to monitor revegetation success.

The Panel recommends a \$5,000 grant.

2 c) Flowerdale Primary School – Flowerdale Primary School Fair

Flowerdale Primary School plans to host an event that generates a hype of excitement and fun, through attractions that appeal to both young and old. They want to showcase their school to the wider community with a high level of professionalism, to give their students a sense of self-worth and positive ownership. Through hosting a school fair, there is potential to bring new families to the school to continue the positive growth they currently have. They aim to foster strong community engagement that is greater than the immediate school

network, aiding to break the feeling of isolation felt by some, and promote social connections for all community members. The Panel recommends \$3,000 of funding from the Grants and Sponsorships Program and \$2,000 from the flood recovery hub funding.

2 d) Paddle Australia - 2024 Paddle Australia Whitewater Age Championships

Held in Eildon, the 2024 Paddle Australia Whitewater Age Championships will be held from the 4th to 8th January 2024. Offering several days of competitions, skill development opportunities and community engagement. It is a significant event on the whitewater paddling calendar, bringing together enthusiasts from across the country to celebrate their shared passion for the sport.

The Panel recommends a \$5,000 grant.

2 e) South Eastern Predators Inc – Murrindindi Shield - \$5,000

The first ever Gridiron Match played in Northeastern Victoria is planned for 14 October 2023 at the Alexandra Football Netball Club Oval. It is a family friendly night with entertainment, including music, competitions and fireworks. If this night is a success, it may become an annual event and part of Gridiron Victoria fixture. The night will include raising awareness for Rett syndrome and raising funds on the night, together with a 120K walk from Clayton to Alexandra to deliver the shield.

The Panel recommends a \$5,000 grant.

2 f) Eildon Events Incorporated – Vocalists for Eildon Opera 2024

Presenting operatic music at the Eildon Pondage, on 6 January, with internationally renowned opera singers for the local and visiting community to enjoy. There will be three different soloists: Breana Stillman - Soprano, Stephen Marsh - Baritone and Michael Petrucelli - Tenor. This gives a unique opportunity to experience in person a live performance with internationally acclaimed artists in a local setting.

The Panel recommends \$3,000 of funding from the Grants and Sponsorships Program and \$2,000 from the flood recovery hub funding.

Council Plan/Strategies/Policies

This report supports the *Council Plan 2021-2025 Resilient Communities* strategic objectives:

- to ensure we are welcoming, inclusive, caring and connected
- to celebrate the community's vibrant, diverse and creative people
- to deliver, support and promote opportunities for all people to connect with each other, collaborate and plan for the future.

This report aligns with the Murrindindi Shire Council Grants and Sponsorship Policy.

Relevant Legislation

There are no legislative considerations to this report.

Financial Implications and Risk

The below financial table shows grant funds recommended Financial Year to date:

Grant Stream	Awarded Grants and Sponsorships	Recommended Grants and Sponsorships
Quick Response Grants	\$15,678	\$0
Sponsorship Grants	\$500	\$0
Community Projects Grants	\$0	\$14,000
Local Events Grants	\$3,575	\$10,000
Events of Major Significance Grants	\$0	\$0
Special Purpose Grants	\$0	\$0
Subtotal	\$19,753	\$24,000
TOTAL		\$43,753

Conflict of Interest

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

Community and Stakeholder Consultation

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

5 REPORTS - PEOPLE & CORPORATE PERFORMANCE GROUP

5.1 Contract 23/11 - Microsoft 365 and Teams Licences

Attachment(s)	1. CONFIDENTIAL - Confidential Attachment Microsoft 365 and Teams Licences [5.1.1 - 5 pages]
Presenter	C Nickels-Beattie, Manager Business Services
Approved by	Director People & Corporate Performance
Purpose	For decision

Executive Summary

The purpose of this report is for Council to appoint a contractor for the provision of Microsoft 365 and Teams phone system Licences. Procurement Australia undertook a tender process and awarded a panel of suppliers. Each panel supplier has an agreed schedule of rates relating to Microsoft licencing.

Officers undertook a procurement process to appoint a suitable supplier for CONT23/11 Microsoft 365 and Teams Licences using the Procurement Australia Panel arrangement for a period of 3 years.

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

Based on the analysis undertaken, the Committee recommended one panel tenderer to be appointed for the CONT23/11 Microsoft 365 and Teams Licences for a three-year contract, commencing 1 October 2023 and ending no later than 30 September 2026. The Contract will not exceed a total spend of \$468,800 excl GST, over the three-year term, allowing for growth.

RECOMMENDATION

That Council:

1. award CONT23/11 Microsoft 365 and Teams Licences to Tender 2 for a period of three years commencing 1 October 2023 and ending 30 September 2026
2. approve a maximum contract amount of \$468,795 over the three-year contract period; and
3. release this resolution and the name of Tenderer into the Minutes of the Scheduled Meeting of 14 December 2022.

Background

Council has previously sourced its Microsoft 365 and Teams licences via an MAV established panel contract. Whilst this contract nominally expired on 28 March 2022, the arrangement with the current supplier has been extended pending completion Council's procurement processes.

A procurement process was attempted in March this year using the MAV panel, however the invitation only attracted one supplier, and value for money for Council could not be satisfactorily demonstrated

Procurement Australia undertook an open market tender process to appoint a panel of suppliers suitable to government organisations from 1 July 2022. This process provided a formalised market approach to gain an understanding of available suppliers in the market and to market test and establish a schedule of rates for supply of these services on an ongoing basis.

Council has subsequently undertaken a selected tender procurement process using the Procurement Australia Panel for the Contract - Microsoft 365 and Teams Licences with advertising commencing on 10 July 2023, closing 7 August 2023. The tender was advertised on Council's E-Tender Search portal. Three submissions were received.

Bundles of software licences to be considered in this contract are outlined in table 1.

Table 1

Licence	Description	No. of Licences
M365 - E5	Admin & development, includes Teams calling	3
M365 - E3	Desktop (indoor staff) (25 Flexible)	185
M365 - F1	Field staff (all flexible) Lifeguards	38
M365 - F3	Outdoor Crew (10 Flexible)	63
Teams Calling	Microsoft phone standard licenses	175
Teams Shared Devices	Customer Service Handsets	4

It is noted that the procurement of these licences compliments the current CODI digital transformation project with Mansfield, Strathbogie and Benalla Councils, which is using Microsoft 365 as the common platform for the digital solutions.

Discussion

Council's procurement policy requires that all tenders be evaluated by a tender evaluation committee.

The committee responsible for evaluating this tender comprised:

- Coordinator of IT

- Finance Team Leader
- IT Network Support Officer

Tenders were assessed against the following criteria:

Criteria	Weighting
Price	40
Understanding of the requirement (program, quality)	20
Social/Environment	10
Relevant experience	10
Support Options	20
Total	100

All panel members assessed the submissions according to the criteria. Individual scores were then averaged and applied to the master spreadsheet and pricing included. This provided an overall score for each Tenderer. The Committee convened as a group at the completion of the individual evaluations to discuss the outcomes.

The evaluation was undertaken in accordance with Council's Procurement Policy. A summary of the evaluations and individual scoring is outlined in table 2.

Table 2

Evaluation Criteria	Weighting	Tenderer1	Tenderer2	Tenderer3
Price	40	32	40	25
Understanding of the requirement (program, quality)	20	17	20	17
Social/Environment	10	10	5	9
Relevant experience	10	10	10	10
Support Options	20	20	20	18
Total	100	89	95	79

Based on the analysis undertaken, the Committee recommends that Tenderer 2 be appointed to CONT23/11 Microsoft 365 and Teams Licences for a three-year contract. The contract spend allows for additional licences over the term of the agreement but will not exceed \$468,795 excl. GST. The expected cost to Council for the 2023/24 year is within the Council's adopted budget (refer to financial discussion below).

As Council's maturity in the Microsoft environment grows, the licencing requirements will increase.

Council Plan/Strategies/Policies

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

Relevant Legislation

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

Financial Implications and Risk

Council allocates an annual budget for software licences. The 2023/24 Budget includes \$31,180 for these licences. The total spend outlined in this contract is based on current licences and allows for growth over the 3 years of the contract. By awarding this contract, the cost to Council for the 2023/24 year is not expected to exceed the adopted budget of \$131,180.

Additional licences may be required in subsequent years with employment growth and/or as Council migrates to cloud services and its use of the Microsoft platform grows. An allowance for growth has been factored into the contract, up to a maximum annual cost of \$156,265 per annum. The actual cost will be based on the number of licences required. The estimated growth in licences and cost to Council will be considered as part of the normal annual budget considerations.

Conflict of Interest

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

Community and Stakeholder Consultation

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

5.2 Approval of the 2022/23 Financial and Performance Statements

Attachment(s)	1. Attachment 1 draft Financial Statements 2022-23 [5.2.1 - 46 pages] 2. Attachment 2 draft Performance Statement 2022-23 [5.2.2 - 15 pages]
Presenter	C Nickels-Beattie, Manager Business Services
Approved by	Director People & Corporate Performance
Purpose	For decision

Executive Summary

This report presents the draft 2022-23 Annual Financial Statements and Performance Statement for consideration and adoption in principle. These statements were reviewed by Council's Audit and Risk Committee as its meeting on 14 August 2023 and the Committee has also recommended in principle approval by Council.

RECOMMENDATION

That Council:

1. **approve in principle, the following statements for the 2022/23 financial year:**
 - **Financial Statements for the year ended 30 June 2023**
 - **Performance Statement 2022/23.**
2. **authorise the Principal Accounting Officer to make minor amendments to the Financial Statements and Performance Statement for the year ended 30 June 2023 to meet the Victorian Auditor General's (VAGO) requirements.**
3. **authorise Councillor Walsh and Councillor Gallagher to certify the 2022/23 financial and performance statements in their final form after any changes recommended, or agreed to, by the Auditor General have been made and in accordance with the requirements of the *Local Government Act 2020*.**

Background

As part of the requirements of Section 98 of the Local Government Act 2020 and Local Government (Finance and Reporting) Regulations 2020, Council must pass a resolution giving its approval 'in principle' to the Annual Financial Statements, which must comprise of the Financial Statements and Performance Statement, prior to submitting the report to the Auditor General.

Audit work has been completed by Council's external auditors and Council officers have prepared a draft 2022/23 Financial Report and Performance Statement for submission to the Victorian Auditor General's Office (VAGO). A copy of the draft report and statements, forming the 'in principle' statements, are attached (refer to Attachments 5.2.1 and 5.2.2).

The following process is required to ensure that Council's Financial Statements and Performance Statement are submitted to VAGO in a timely manner, enabling the Auditor General to officially express an opinion prior to the statutory deadline of 31 October 2023.

The initial step in the approval process is for Council's Audit and Risk Committee to review the draft statements and to recommend 'in principle' approval to Council.

It is a requirement for Council to formally review the draft statements and to authorise two Councillors and the Chief Executive Officer to sign the final statements on behalf of, and with the full authority of Council. The 'in principle' approved statements and the Council resolution are provided to the external auditor.

The external auditor checks the 'in principle' approved statements. The statements, Council's resolution, and the external auditor's recommended Audit Report is then forwarded to VAGO for review.

The Auditor General reviews the statements and may request changes where appropriate. Council's Principal Accounting Officer (Manager Business Services) then incorporates any requested changes by the Auditor General into the 'in principle' approved statements, where appropriate.

The Auditor General's Audit Report will then be issued to Council once the final signed statements have been received and checked by VAGO.

Council's Annual Report 2021/22 incorporates the audited Financial Statements and Performance Statement and Auditor General's Report.

Discussion

The draft financial statements that are attached to this report detail Council's financial position as at 30 June 2023, and a record of all financial activity that occurred during the 2022/23 financial year. These statements were prepared in accordance with Australian Accounting Standards and the Model Accounts for Victorian Councils which are developed by Local Government Victoria and VAGO.

The financial and performance statements were presented to Council's Audit and Risk Committee on 14 September 2023 where they were endorsed for adoption by Council.

A summary of the draft financial results for the year ending 30 June 2023 is provided in table 1.

Table 1: Operating performance – income statement results against budget

	2022/23 Adopted Budget	2022/23 Actual	Variance
	\$'000	\$'000	\$'000
Income	42,113	45,295	3,182
Expenditure	37,651	40,755	3,104
Surplus / (deficit)	4,462	4,540	78
Other comprehensive income	0	43,453	43,453
Comprehensive result	4,462	47,993	43,531
Underlying result	(3,207)	(2,517)	690

The income statement accounts for all Council revenue, including grants and contributions associated with capital works and all operating expenditure.

The operating surplus for the financial year of \$4.5 million was a small variance against the original budget of \$4.46. The result shows additional revenue of \$3.18 million offset by an increase in expenditure of \$3.10 million. Major contributing factors to this result are listed in table 2.

Table 2: Major variations to 2022/23 Original Budget

Item	Variance (\$'000)	Explanation
Income		
Grants-operating	2,807	New grants and 2021/22 carry forwards not included in 2022/23 Original Budget: Leaping into Resilience, Oct 2022 Floods, Forestry, and other projects.
Grants-capital	(859)	Budgeted grants deferred to unearned income as outcomes not delivered. Eg: Roads to Recovery Program \$1.1million.
Other income	1,282	Interest on investments \$1.1 million favourable due to higher interest rates. Volunteer services higher than budgeted (offset by corresponding expenditure) \$132k.
Expenditure		
Employee costs	1,169	Various staff vacancies across the organisation, filled with short term contractors (materials and services).
Materials and services	(2,841)	Capital Works Projects included operating expenditure on non-Council assets \$773k. This included projects such as Rail Trail Art Project and Maintongoon Road where each project extended into other Councils and therefore are not Murrindindi Council Assets. This expenditure has been reported as operating materials and services. Oct 2022 Flood Recovery costs were not expected at the time of the 2022/23 Annual Budget. Contractor expenditure was high, offsetting the savings in employee costs.
Net loss on disposal of assets	(955)	Write-off of assets - loss on roads disposed.

A detailed analysis of all variances greater than \$500,000 or 10% is outlined in note 2.1.1 of the Financial Statements in Attachment 5.2.1.

Other comprehensive income of \$43 million relates to the increase in asset valuations, mainly in bridges and roads.

The underlying deficit of \$2.5 million is a \$0.7 million improvement from the original \$3.2 million budgeted deficit. This relates to the favourable variances in income, as noted in the table above.

Key Financial Ratios

An analysis of the key financial ratios reviewed by Council's auditors is provided in table 3 below. This is a subset of all the indicators which Council is required to report on as a part of its obligations under the Local Government Performance Reporting Framework (LGPRF).

Table 3: Key Financial Ratios

Ratio	2019/20	2020/21	2021/22	2022/23	Comment
Liquidity: Working Capital					
Current assets compared to current liabilities	521%	382%	331%	320%	Council's ability to meet its current liabilities remains strong. Current liabilities increased due to accrued capital works expenditure and unearned income received in advance. Current Assets increased due to accrued income relating to capital works grants.
Operating position: Adjusted underlying result					
Adjusted underlying surplus or (deficit) / Adjusted underlying revenue	(8%)	(17%)	0%	(8%)	The Underlying Result excludes capital income. The underlying deficit is as a result of an increase in costs due to the October 2022 Flood event and other capital works projects which do not result in a Council asset but are funded by capital income.
Stability: Rates concentration					
Rates compared to adjusted underlying revenue	60%	62%	61%	60%	Rates revenue is increased in line with the rate cap, which in 2022/23 was 2.75%. The underlying revenue was low mainly due to the delay in Roads-to-Recovery works as a result of October 2022 floods.
Asset renewal and upgrade					
Asset renewal and upgrade compared to depreciation	80%	80%	134%	125%	This indicator is at the high end of the expected range. It will vary from year to year as projects are undertaken over financial years and assets are revalued.

The full draft Performance Statement is provided in attachment 5.2.2.

Council Plan/Strategies/Policies

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

Relevant Legislation

Local Government Act 2020

Local Government (Planning and Reporting) Regulations 2020

Section 99 of the *Local Government Act 2020* requires that Council formally resolves to approve in principle the Financial Statements and Performance Statement and nominate two councillors to be authorised to certify the statements.

Financial Implications and Risk

The 2022/23 draft Financial Statements and Performance Statement report on Council’s financial and non-financial performance for the financial year.

Conflict of Interest

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

Community and Stakeholder Consultation

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

5.3 Audit and Risk Committee Noting of Minutes

Attachment(s)	1. 2023-09-14 Audit and Risk Committee Minutes [5.3.1 - 15 pages]
Presenter	Michael Chesworth, Director People and Corporate Performance
Approved by	Director People & Corporate Performance
Purpose	For decision

Executive Summary

This report presents the minutes of the 14 September 2023 Audit and Risk Committee Meeting to Council for noting.

RECOMMENDATION

That Council receive and note the minutes of the 14 September 2023 Audit and Risk Committee Meeting as enclosed in Attachment 5.3.1

5.4 Audit and Risk Committee Biannual Report

Attachment(s)	1. Biannual ARC Report - September 2023 [5.4.1 - 3 pages]
Presenter	M Chesworth, Director People & Corporate Performance
Approved by	Director People & Corporate Performance
Purpose	For noting

Executive Summary

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

The attached Audit and Risk Committee Biannual Report describes the activities of the Committee for the January to end of June 2023 period.

RECOMMENDATION

That Council note the Audit and Risk Committee's Biannual Report for January to end of June 2023 as contained in attachment 5.4.1

Background

The Audit and Risk Committee Charter adopted by Council requires that the Committee provide biannual reports to Council on the activities of the Committee for the previous 6 months. This Biannual Report was prepared by the Audit and Risk Committee Chair and covers the period January to end for June 2023.

Discussion

The Audit and Risk Committee at its 14 September 2023 meeting endorsed the attached biannual report to be presented to Council. The report seeks to highlight developments, achievements or risks of concern to the Audit and Risk Committee

Council Plan/Strategies/Policies

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

Relevant Legislation

The Audit and Risk Committee is established under Section 53 of the *Local Government Act 2020*. Council adopted the Audit and Risk Committee Charter in accordance with section 54 of the *Local Government Act 2020*, which mandates that the Committee provide biannual reports to Council.

Financial Implications and Risk

The Audit and Risk Committee is established to monitor Council's approach to mitigating and managing risk and financial performance.

Conflict of Interest

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

Community and Stakeholder Consultation

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

5.5 Endorsement of Audit and Risk Committee Chair

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

Executive Summary

The purpose of this report is to formally appoint the Chairperson of the Audit and Risk Committee. The Committee at its 14 September 2023 Meeting formally nominated Mr Steve Schinck as Chairperson for the 2023/24 year.

RECOMMENDATION

That Council formally appoint Mr Steve Schinck as Chairperson of the Audit and Risk Committee for the 2023/24 financial year.

Background

The Audit and Risk Committee is an independent advisory committee of Council, established under section 53 of the *Local Government Act 2020* (the Act) to provide oversight, guidance and assurance to Council regarding the adequacy and effectiveness of management's internal control, governance, ethical, risk management and financial practices and potential improvements to these practices.

The Committee consists of three independent external members and two councillors, and in accordance with the Act, the Chairperson of the Committee must not be a Council representative. Under the Committee Charter adopted by Council the Chairperson shall be appointed by Council, upon recommendation of a nominee from the Committee. The term of the Chairperson is 12 months, with a maximum of three consecutive years. The term of the Chairperson is to commence in the first quarter of each financial year.

Discussion

At the 14 September 2023 Meeting of the Audit and Risk Committee, Mr Steve Schinck was nominated by the Committee for appointment by Council as Committee Chairperson for the 2023/24 financial year.

Council Plan/Strategies/Policies

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

Relevant Legislation

The requirements for Council Audit and Risk Committees are prescribed under Sections 53 and 54 of the *Local Government Act 2020*.

Financial Implications and Risk

There are no financial implications or risks associated with this appointment.

Conflict of Interest

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

Community and Stakeholder Consultation

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

5.6 Instruments of Delegation and Authorisation to Council Staff

Attachment(s)	<ol style="list-style-type: none"> 1. S 6 - Instrument of Delegation - Council to Members of Council Staff (June 2023) [5.6.1 - 63 pages] 2. S 11 A - Instrument of Appointment & Authorisation (Planning and Environment Act 1987) September 20 [5.6.2 - 3 pages]
Presenter	M Chesworth, Director People & Corporate Performance
Approved by	Director People & Corporate Performance
Purpose	For decision

Executive Summary

This report seeks Council's endorsement of revisions to:

- the S6. Delegation to members of Council staff, and
- the S11A Instrument of Appointment and Authorisation under the *Planning and Environment Act 1987*.

Delegations - S6. Instrument of Delegation – Members of Staff

Currently a planning permit application that receives two or more objections, or that is recommended for refusal, must be referred to Council for a decision.

In order to speed up overall approval times and free up more officer time to process applications in an efficient manner, it is proposed to raise the threshold by which a planning application is referred to Council for decision from two to five or more objections, in addition to those applications recommended for refusal.

Such a change would not preclude an application being called in by a Councillor and would not apply to applications that raise issues of significant public interest, concern or controversy.

2 S11A. Instrument of Appointment and Authorisation (Planning and Environment Act 1987). In Recent staffing changes in the Development Services Department require changes to the S11A Instrument of Appointment and Authorisation (Planning and Environment Act 1987).

RECOMMENDATION

That Council:

1. endorse the amendment to the planning delegations provision S.61(1) in the *Instrument of Delegation to members of Council Staff (S6 Attachment 5.6.1)* being the power to delegate to Officers, to read 'The power to refuse a permit application, or to determine an application for which five or more objections have been lodged (and not withdrawn) is not delegated.'
2. delegate the members of Council staff holding, acting in or performing the duties of the positions referred to in the attachment *Instrument of Delegation to members of Council Staff (S6 Attachment 5.6.1)*, the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified.
3. appoint and authorise the members of Council staff referred to in the Instrument of Appointment and Authorisation (S11A. Attachment 5.6.2)
4. resolve that the instruments come into force immediately upon resolution by Council and that previous delegations and authorisations to members of Council staff (other than the CEO) are revoked.

Background

Most decisions of a Council are not required to be made at a Council level. To enable timely and orderly decision making, Council can entrust its decision making powers to others through formal delegations and authorisations.

This report seeks Council's approval to amend S6 Instrument of Delegation – Members of Staff; specifically, the delegation of powers under S61(1) of the *Planning and Environment Act 1987* to determine a planning application. The S6 Delegation to Council Members of Staff was last reviewed in June 2023.

In addition, recent staffing changes in the Development Services Department require updating of the S11A Instrument of Appointment and Authorisation (*Planning and Environment Act 1987*) which was last reviewed in July 2023.

Discussion

Delegations - S6. Instrument of Delegation – Members of Staff.

Council, as a Responsible Authority, has power under the *Planning and Environment Act 1987* to grant, refuse or amend applications for planning permits under the Murrindindi Planning Scheme.

Currently a planning permit application that receives two or more objections, or that is recommended for refusal, must be referred to a Council meeting for a decision.

Under the proposed amendment, a delegate must refer planning permit applications to Council for a decision under the following circumstances:

- An application with 5 or more objections,
- An application that is called in by a Councillor,
- An application that raises an issue of significant public interest, concern or controversy, or is likely to do so, and/or
- An application where officers believe that the application or any issue arising in connection with the application should be determined by Council rather by officers.
- An application where officers recommend refusal of an application for a planning permit with the following exceptions:

- Application is refused following receipt of an objection from a Determining Referral Authority (Section 61(2) of the *Planning and Environment Act 1987*)
- Approval of an application would result in a breach of a registered restrictive covenant or agreement (Section 61(3) of the *Planning and Environment Act 1987*)
- Application is a prohibited use or development by the Murrindindi Planning Scheme.

This adjustment will reduce the number of applications being determined by Council, particularly those with a small number of objections, it will speed up overall approval times and free up more officer time to process other applications in an efficient manner. This amendment still allows applications that are strategic in nature, complex or of community interest to be determined by Council, while simple applications with a small number of objections will be decided on under delegation without delay. The proposed amendment will provide a clear and transparent process for referring planning permit applications to Council for determination.

The proposed amendment to the delegation under S.61(1) of the *Planning and Environment Act 1987*, as contained in the S6 Instrument of Delegation, is shown in Table 1 & 2 below.

In addition to the above, Council Officers will provide a monthly report to Council on planning permit applications received and determined.

TABLE 1: Current delegation

PLANNING AND ENVIRONMENT ACT 1987			
PROVISION	THINGS DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
S.61(1)	power to determine permit application, either to decide to grant a permit, to decide to grant a permit with conditions or to refuse a permit application	CEO, DCD, MDS, MED, CP, PSP, SP	<p>the permit must not be inconsistent with a cultural heritage management plan under the <i>Aboriginal Heritage Act 2006</i>.</p> <p>The power to refuse a permit application, or to determine an application for which two or more objections have been lodged (and not withdrawn) is not delegated</p>

TABLE 2: Proposed Delegation

PLANNING AND ENVIRONMENT ACT 1987			
PROVISION	THINGS DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS

PLANNING AND ENVIRONMENT ACT 1987			
S.61(1)	power to determine permit application, either to decide to grant a permit, to decide to grant a permit with conditions or to refuse a permit application	CEO, DCD, MDS, MED, CP, PSP, SP	<p>the permit must not be inconsistent with a cultural heritage management plan under the <i>Aboriginal Heritage Act 2006</i>.</p> <p>The power to refuse a permit application, or to determine an application for which five or more objections have been lodged (and not withdrawn) is not delegated.</p>

Table 3 shows the equivalent delegation across a number of neighbouring councils, most of which have adopted a similar approach to that proposed in this report.

TABLE 3: Comparison of neighbouring Council delegations.

Council	Triggers for Council decision
Murrindindi Shire Council	<ul style="list-style-type: none"> • 2 or more objection • Refusal by Officers, not referral agencies.
Mansfield Shire Council	<ul style="list-style-type: none"> • 5 or more objections • \$5 million development (increase from \$1million). • Refusal by Officers, not referral agencies.
Benalla Rural City Council	<ul style="list-style-type: none"> • 5 or more objections • Where Officers consider it important • Refusal by Officers, not referral agencies.
Strathbogie Shire Council	<ul style="list-style-type: none"> • 5 or more objections • An application that raises an issue of significant public interest, concern or controversy, or is likely to do so. • An application where officers believe that the application or any issue arising in connection with it should be determined by the Council rather by officers.
Yarra Ranges Council	<ul style="list-style-type: none"> • Applications with 10 or more objections • Applications valued over \$3 Million <p>Applications proposing:</p> <ul style="list-style-type: none"> ▪ Childcare Centres • Development of over 10 dwellings

Council	Triggers for Council decision
	<ul style="list-style-type: none"> • Aged Care • Telecommunications
Mitchell Shire Council	<ul style="list-style-type: none"> • Anything with 3 or more objections
Loddon Shire Council	<ul style="list-style-type: none"> • 1 or more objection • Refusal by Officers, not referral agencies.
Hume City Council	<ul style="list-style-type: none"> • 5 or more objections

Authorisations

Authorised Officers under the *Planning and Environment Act 1987* can only be appointed by the Council directly, not by the Chief Executive Officer. Authorisations are made to individual employees of Council, not the role. The S11A has been updated to reflect a recent staffing change in the Development Services Department.

Council Plan/Strategies/Policies

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

Relevant Legislation

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

Financial Implications and Risk

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

Conflict of Interest

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

Community and Stakeholder Consultation

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

6 REPORTS - ASSETS & ENVIRONMENT GROUP

6.1 Contract 23/10 - Design & Construction Eildon Skate Park -

Attachment(s)	1. CONFIDENTIAL - SF 4531 Confidential Council Report RFT CONT 23 10 Design Construction Eildon [6.1.1 - 9 pages]
Presenter	Kerim Sijercic, Project Manager
Approved by	Vito Albicini, Director Assets and Environment
Purpose	For decision

Executive Summary

This report provides the results of a tender process to appoint a contractor for CONT23/10 – Eildon Reserves Skate Park Design and Construct.

The 2022/2023 Capital Works Program identified this project to be completed as part of the Eildon Reserve Redevelopment project. The Eildon Reserves redevelopment is a large-scale project, that Council is planning to deliver in stages during 2023 and 2024. Council has funding available to deliver the works in stages, which include a regional playground, senior play, skate park, flying fox and swings, splash park, skate park and toilets.

The scope for the Skate Park includes landscaping, hard and soft landscaping and skate park play elements.

Tenders were called on 19 May 2023 and six tenders were received. A detailed evaluation was undertaken in line with Council's Procurement Policy and against tender evaluation criteria, by the Tender Evaluation Committee.

Based on the evaluation, the Committee recommended Tenderer 5A be awarded CONT23/10 - Eildon Reserves - Skate Park - Design & Construction for a lump sum price of \$393,251.

RECOMMENDATION

That Council:

1. accept the tender from Tenderer 5A for CONT23/10 - Eildon Reserves - Skate Park - Design & Construction for the lump sum price of \$393,251, to complete the required works;
2. approve the allocation of \$20,000 as contingency to be used in the delivery of this contract; and
3. release the name of the preferred tenderer (Tender 5A) into the minutes of the 27 September 2023 Schedule Meeting of Council.

Background

This project aims to develop new, active recreation tourism infrastructure in Eildon and activate underutilised parkland in Walter Moore and Thomas Marr Reserves. It will strengthen Eildon's

tourism offerings, create a new visitor experience, provide a year-round, affordable, family friendly attraction, increase foot traffic and catalyse private investment in Eildon. The project will help transform the Reserves and replace outdated infrastructure with new, accessible, contemporary amenities and attractions. The new infrastructure in the Thomas Marr Reserve includes a Skate Park alongside the other proposed projects; a senior play space, landscaping/fencing and new infrastructure in the Walter Moore Reserve including a splash park and toilet/change facilities, adventure playground (regional level playground and flying fox), BBQ and shelter, with an improved pedestrian link between the two reserves.

This works package is part of the Eildon Reserves Redevelopment, included the following elements:

Stage 1 -Funded by RDV (Regional Development Victoria), LRCI (Local Roads Community Infrastructure) & DFFH (Department of Families, Fairness and Housing)

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

Stage 2 Project 1 - Funded by SRV (Sport Recreation Victoria)

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

Stage 2 Project 2 (Funded by SRV)

- New Skate Park

This report relates to the awarding of the contract for Stage 2, project 2 works.

Discussion

The request for tender was advertised from 19 April 2023 in the E-Tender Search Portal

Tenders closed on 19 May at 3PM. Tender specifications were prepared by Council officers and design consultants.

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

- Project Manager (Chair)
- Project Engineer
- Grants Officer, Community Wellbeing

Tenders were assessed against the following criteria:

CRITERIA	WEIGHTING
Satisfactory Covid-19 Vaccination Statement of Compliance *	Pass / Fail
Satisfaction of Insurance Requirements	Pass / Fail
OH&S, environmental & quality systems	Pass / Fail

CRITERIA	WEIGHTING
Previous experience in constructing of skate parks (Under the entity)	Pass / Fail
Tender price maximum of \$400,000 (not including GST and provisional items)	Pass / Fail
Price	40
Capacity to deliver	20
Understanding & experience of the requirement	30
Youth training opportunities	5
Climate Change, Environment & Recycled Content	5

** this criterion was no longer relevant at the time of tender assessment*

Prior to evaluating the non-price-based criteria, the submissions were evaluated for conformance.

It was found that three tenders were non-conforming. Two were due to incomplete tender schedules being provided, and one was found not having sufficient experience in constructing skate parks.

This tender was 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.

A reference check was undertaken for Tenderer 5A who was found to be competent and able to deliver on time and on budget.

A financial assessment on Tenderer 5A has been finalised that states that Tenderer 5A has a strong financial capacity to undertake the contract in question.

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

Based on the analysis undertaken and information provided above, the Committee recommend that Tender 5A be awarded Contract 23/10 - Eildon Skate Park Design and Construct for \$393,251.

Council Plan/Strategies/Policies

This report supports the *Council Plan 2021-2025 Beautiful Towns and Rural Settings* strategic objective “to provide fit-for-purpose infrastructure that meets current and future service demands and needs for our community”.

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

Relevant Legislation

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

Financial Implications and Risk

This project is part of the overall total Eildon Reserves project budget as outlined below. Project management and contingency will be covered in the respective budget items outside of the awarded price.

The total budget for the Eildon Skate Park is \$393,251 (estimated budget was \$400,000). Below is the apportionment of the total Eildon Reserves Redevelopment budget as per relevant grant agreements and Council nominated contributions.

Funding Source	Amount
Council	\$1,492,952
LRCI Round 3	\$400,000
RTIF (RDV)	\$3,500,000
LSIF (SRV)	\$600,000
DFFH	\$136,800
Total Budget	\$6,129,752

The total overall Eildon Reserves project cost based on the revised submission is summarised below:

Project Element	Cost
Skate Park (Tenderer 5A submission) (Stage 2 Project 2)	\$393,251
Eildon Reserves Redevelopment (Stage 1)	\$4,988,766
Preliminaries (Design & Reporting)	\$143,431
Project Management	\$140,000
Cultural Collaboration	\$100,000
Senior Play Space (Stage 2 Project 1)	\$209,733
Contingencies	\$154,571
Total Overall Project Cost	\$6,129,752
Available Budget	\$6,129,752
Difference	\$0

As noted by the table above, the tender submission of the recommended contractor Tenderer 5A is within the budget allocation for this work (\$400,000) and within the overall project budget of \$6,129,752. Therefore, the awarding of the Eildon Skate Park contract to Tenderer 5A for \$393,251 is within budget.

Conflict of Interest

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

Community and Stakeholder Consultation

Consultation was undertaken regarding this project with the Eildon community who support the delivery of this project. This was undertaken via in person presentations, pop up booths and a deliberative consultation session.

6.2 Tender Evaluation Report - Contract 23/14 - Gravel Roads

Attachment(s)	1. CONFIDENTIAL - Confidential Attachment - CONT23 14 Gravel Roads Resheeting Program 2023 24 Contract Award [6.2.1 - 9 pages]
Presenter	Paul Somerville, Project Engineer
Approved by	Vito Albicini, Director Assets and Environment
Purpose	For decision

Executive Summary

This report provides the results of a tender process to appoint a contractor for CONT23/14 – Gravel Roads Resheeting Program 2023/24

The scope of the contract is to provide 33.5 km of resheeting works on 19 gravel road across the municipality. An additional 3.0 km of gravel shoulder resheeting is included.

Tenders were called on 22 August 2023 and seven submissions were received. One response was found to be non-conforming. A detailed evaluation process was undertaken of the remaining 6 conforming responses in line with Council's Procurement Policy and against tender evaluation criteria, by a Tender Evaluation Committee.

Based on the evaluation, the Committee recommended Tenderer 1 be awarded Contract 23/14 for the 2023/24 Gravel Road Resheeting for a lump sum price of \$1,108,817. It is further recommended that a contingency of \$110,000 be allocated for unforeseen variations over the contract period.

Total Project budget is \$1,880,000 and \$626,183 of the available budget will be allocated to further road renewal works to be completed this financial year.

RECOMMENDATION

That Council:

1. **Accept the tender from Tenderer 3 and award CONT23/14 – for the Gravel Roads Resheeting Program 2023/24 – for a lump sum Price of \$1,108,817 to complete all required works including the following roads:**
 - a. **Terip Road, Terip Terip**
 - b. **Peppermint Drive, Buxton**
 - c. **Brysons Lane, Strath Creek**
 - d. **Dugald Road, Yark**
 - e. **Landmark Lane, Flowerdale**
 - f. **Margetts Road, Flowerdale**
 - g. **Maroddndah Highway, Service Road, Yarck**
 - h. **Molesworth – Dropmore Road, Caveat**
 - i. **Moores Road, Flowerdale**
 - j. **Pennington Lane, Gobur**
 - k. **The Ridge, Kinglake**
 - l. **Edwards Road, Alexandra**
 - m. **Jacksons Road, Murrindindi**
 - n. **Larritts Lane, Glenburn**
 - o. **Macs Road, Yarck**
 - p. **Myles Bend Drive, Murrindindi**
 - q. **Miles Road, Murrindindi**
 - r. **Spring Creek Road, Fawcett**
 - s. **Ti Tree Drive, Eildon**
 - t. **Conellys Creek Road, Acheron (Shoulder Resheeting)**
2. **Approve the allocation of \$110,000 as a contingency amount to be used for the delivery of this contract as outlined in this report; and**
3. **Release this resolution into the Minutes of the Ordinary Meeting of 27 September 2023.**

Background

The 2023/2024 Capital Works Program identified various roads requiring renewal as part of the Gravel Road Resheeting Program and Sealed Roads Shoulder Resheeting Program. These programs are part of the Roads to Recovery allocations for this financial year.

The scope includes the cleaning of table drains, reshaping and resheeting of the nominated unsealed roads.

This year, we have retained the specification of the crushed rock to include a plasticity index of between 13% to 17%. This higher clay content will mean that the stones will better lock into the pavement and provide increased pavement longevity and ride comfort. The works are planned to be completed during the drier months of the year.

The following roads were included in this tender:

Gravel Roads Resheeting

Job Number	Road Name
1	Terip Road, Terip Terip
2	Peppermint Drive, Buxton
3	Brysons Lane, Strath Creek
4	Dugald Road, Yark
5	Landmark Lane, Flowerdale
6	Margetts Road, Flowerdale
7	Maroddndah Highway, Service Road, Yarck
8	Molesworth – Dropmore Road, Caveat
9	Moore's Road, Flowerdale
10	Pennington Lane, Gobur
11	The Ridge, Kinglake
12	Edwards Road, Alexandra
13	Jacksons Road, Murrindindi
14	Larritts Lane, Glenburn
15	Macs Road, Yarck
16	Myles Bend Drive, Murrindindi
17	Miles Road, Murrindindi
18	Spring Creek Road, Fawcett
19	Ti Tree Drive, Eildon
Sealed Roads Shoulder Resheeting	
1	Conellys Creek Road, Acheron

Discussion

The request for tender was advertised from 26 July 2023 in the following publications:

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

Tender specifications were prepared by Council officers. They included a detailed list of works along with typical detail drawings of the final road formation.

The tender for these works closed on 22 August 2023 at 3pm. There were seven submissions received at the close of tender. The seven tender submissions received are summarised below:

Tender	Price
Tender 1	\$1,859,436
Tender 2	\$1,777,499
Tender 3	\$1,108,817
Tender4	\$1,380,722
Tender 5	\$2,450,521
Tender 6	\$1,743,841
Tender 7	\$1,553,397

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

- Project Engineer (Chair)
- Co-ordinator Roads and Parks
- Capital Works Engineer

Tenders were assessed against the following criteria:

- Price – 40%
- Understanding of the requirements (timeframes, program & quality) – 15%
- Capacity to Deliver (resources, equipment) – 10%
- Capability to deliver (OH&S, systems, Environmental) – Pass/Fail
- Relevant Experience – 25%
- Youth Employment opportunities / training – 5%
- Environmental Management – 5%

The tender evaluation committee deemed that the tender received from Tenderer 2 was a non-confirming tender.

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

A reference check was then completed on the preferred Tenderer.

A financial assessment was also conducted on the preferred Tenderer who were deemed financially sound.

Based on the analysis undertaken, the Committee recommend Tender 3 be awarded CONT23/14 Gravel Roads Resheeting Program 2023/24 Contract for a lump sum price of \$1,108,817 plus a contingency of \$110,000 for resheeting works of 33.5 km across 19 gravel road across the municipality. An additional 3.0 km of gravel shoulder resheeting is also included in the contract.

Council Plan/Strategies/Policies

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

Relevant Legislation

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

Financial Implications and Risk

The total approved combined 2023-24 budget for the gravel road resheeting program and sealed road shoulder resheeting program is \$1,880,000. Below is the apportionment of the budget.

Funding Source	Amount
Gravel Roads Resheeting Budget	\$ 1,830,000
Sealed Road Shoulder Resheeting Budget	\$ 50,000
Total Budget	\$ 1,880,000

The total overall project cost is summarised below:

Description	Cost
Tender price	\$1,108,817
Contingencies	\$110,000
Total Contract Cost	\$1,218,817
Project Management	\$35,000
Total Overall Project Cost	\$1,253,817
Total Project Budget	\$1,880,000
Funding available for further road works	\$626,183

An allowance of \$110,000 for contingencies is proposed to cover any latent conditions as well as any need for additional culverts not identified in the original road inspections. This will be assessed during construction, as additional culverts may be required when lifting the road pavement. Installing additional culverts can reduce the risk of future washouts and water coursing damage, therefore increasing the life of the works.

The recommended tender has come in under budget by the amount of \$626,183. It is believed this was due to costs stabilising since the significant cost increases experienced over the last couple of years and competitive pricing due to higher availability of contractors. It is recommended to allocate the remaining budget towards further road renewal works to be completed this financial year.

Conflict of Interest

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

Community and Stakeholder Consultation

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

7 COUNCILLOR AND CEO REPORTS

7.1 Notices of Motions

7.2 Cr Sue Carpenter

7.3 Cr Damien Gallagher

7.4 Cr Ilona Gerencser

7.5 Cr Eric Lording

7.6 Cr Sandice McAulay

7.7 Cr Karine Haslam

7.8 Cr John Walsh - Mayoral Report

7.9 Chief Executive Officer Report

8 RECORD OF COUNCIL BRIEFING SESSIONS

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

Executive Summary

This report presents the records of Council Briefing Sessions for 23 August 2023 to 20 September 2023, for Council to note.

RECOMMENDATION

That Council receive and note the records of Council Briefing Sessions for 21 August 2023 to 22 September 2023

Background

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

Discussion

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

The following summary details are for 23 August 2023 to 20 September 2023:

Meeting Name/Type	Open Community Meeting	
Meeting Date	30 August 2023	
Elected Representative Attendees (remove if absent)	Name	Contact
	John Walsh Karine Haslam Sue Carpenter Damien Gallagher Eric Lording Sandice McAulay	
Council Officer Attendees	Name	Contact
	Livia Bonazzi Michael Chesworth Vito Albicini Andrew Paxton David Echeverry	
Matters Discussed:	1. Open Community Meeting from 5:00pm	
Conflict of Interest Disclosures:	Nil	

Meeting Name/Type	Briefing Session
Meeting Date:	13 September 2023
Matters Discussed:	<ol style="list-style-type: none"> 1. Eildon Events Inc. – LRCI Funding – Eildon Pondage Strategic Plan – External presentation 2. Shaping Murrindindi's Future - Context Analysis 3. UT Creek / Leckie Park Consultation and engagement 4. Arts and Culture Policy 5. Planning Application – 399 Maintongoon Rd, Maintongoon Helicopter Maintenance Facility 6. Early Years Education planning project update 7. Murrindindi Flood Recovery - September Report 8. Development Services Monthly Report
Councillor Attendees:	Cr J Walsh, Cr K Haslam, S Carpenter, Cr D Gallagher, Cr J Walsh, Cr I Gerencser, Cr S McAulay
Council Officer Attendees	Michael Chesworth, Andrew Paxton, Alisha Milestone, Ben Harnwell, Brad Gill, Bronwyn Chapman, Stuart Collar, Trish Kubeil, Cameron Fraser, Natalie Stewart
Conflict of Interest Disclosures:	Nil

Meeting Name/Type		Briefing Session		
Meeting Date:		20 September 2023		
Matters Discussed:		<ol style="list-style-type: none"> 1. Thornton Streetscape Conceptual Design Report 2. Council Greenhouse Emissions and Offsets and Flat Lead Road August 2023 update 3. Kinglake RAC - Feasibility of a Satellite Operations Depot 4. Quarterly Speed Zone Review Update 5. Capital Works Program Review - August 2023 6. RAMP Community Engagement Summary 7. Presenting the Thornton-Rubicon Community Plan 8. Community Planning review 9. Grants and Sponsorships 10. Delegations and Authorisations (Planning and Environment Act 1987) 		
Councillor Attendees:		Cr J Walsh, Cr K Haslam, S Carpenter, Cr D Gallagher, Cr I Gerencser, Cr S McAulay,		
Council Officer Attendees		Livia Bonazzi, Michael Chesworth, Vito Albicini, Andrew Paxton, David Leonard, Stuart Russell, Peter Bain, Dilshan Liyanage, Bronwyn Chapman, Stuart Collar, David Richardson, David Maroney, Anna Paix, Natalie Matheson, Courtney Hamill, Natalie Stewart		
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
9	Cr K Haslem	No	Yes	Before

Council Plan/Strategies/Policies

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

Relevant Legislation

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

Financial Implications and Risk

There are no financial or risk implications.

Conflict of Interest

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

9 SEALING REGISTER

Nil to report.

10 CONFIDENTIAL ITEMS

The Local Government Act 2020 section 66(2)(a) allows Council to resolve to close a meeting to the public to consider confidential information. This is defined under section 3 of the *Local Government Act* and includes information that was confidential information for the purposes of section 77 of the *Local Government Act 1989*.

Where possible Council will resolve to make public any decision it makes in a closed meeting where the resolution does not disclose confidential information. There may be occasions where Council cannot make its decision public.

The CEO Employment and Remuneration Committee Report is being considered in the closed part of this meeting because it is considered confidential. It concerns personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs.

Section 45 of the Local Government Act 2020 requires that Council have a CEO Employment and Remuneration Policy, and that it obtains independent professional advice in relation to matters dealt with under the Policy.

A CEO Employment and Remuneration Committee consisting of three Councillors and an independent advisor meets periodically to enact the policy, involving consideration of CEO employment matters, performance monitoring and annual and remuneration review. The Committee provides advice and makes recommendations on these issues to Council.

This report, prepared by Council's independent advisor on behalf of the CEO Employment and Remuneration Committee, provides an annual review of CEO employment, performance and remuneration for Council's consideration.

RECOMMENDATION

That Council, in accordance with section 66(2)(a) of the *Local Government Act 2020* resolve that the meeting be closed to members of the public for the consideration of items:

- **CEO Employment and Remuneration Committee Report**