



Murrindindi
Shire Council

Scheduled Meeting of Council

Agenda

Wednesday 22 March 2023
Alexandra Shire Hall
Perkins Street
6:00 PM

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1 ACKNOWLEDGEMENT OF COUNTRY AND COUNCILLORS' PLEDGE

1.1 Acknowledgement of Country

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

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

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

1.2 Councillors' Pledge

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

2 PROCEDURAL MATTERS

2.1 Privacy Note

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

2.2 Apologies and Request for Planned Leave

2.3 Disclosure of Interest or Conflict of Interest

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

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

Prior to the Agenda being distributed, Cr K Haslam declared a general conflict of interest in Agenda item 5.2 Part B being the Grants and Contributions Program - March Allocations due to being a member of Eildon Action Inc.

2.4 Confirmation of Minutes

Minutes of the Scheduled Meeting of Council held on 1 March 2023.

RECOMMENDATION

That Council confirm the minutes of the 1 March 2023 Scheduled Meeting of Council.

2.5 Petitions

Council has received a petition titled “Discontinuance of proposed mini wetlands and removal of red gum posts and rubbish” from Kerry Burge, a resident of Alexandra. The petition is signed by 37 people and the petition is confirmed as meeting the requirements of the Governance Rules.

RECOMMENDATION

That Council:

- 1. receive the petition**
- 2. refer the petition to the Director Assets and Development for consideration and response.**

2.6 Community Recognition

Council has invited representatives of the key volunteer agencies that supported the Murrindindi Shire communities through the emergency response and ongoing recovery following the October 2022 Floods to attend and be formally recognised and thanked by Council.

2.7 Matters Deferred from Previous Meeting

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

2.8 Urgent Business

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

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

3 PUBLIC PARTICIPATION

3.1 Open Forum

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

3.2 Questions of Council

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

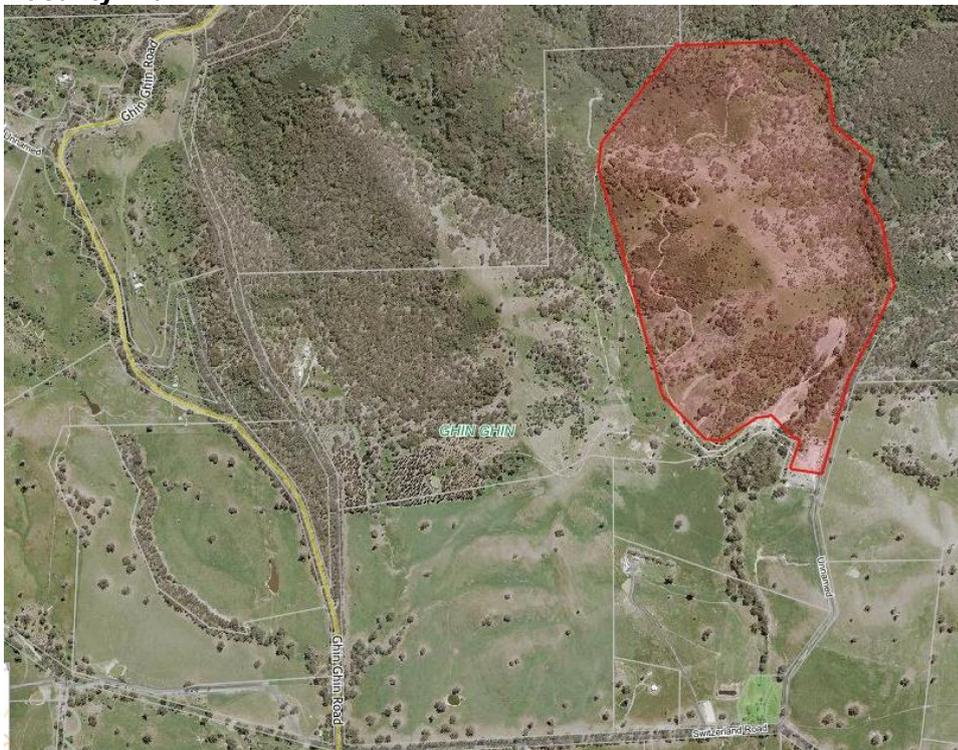
4 REPORTS - ASSETS AND DEVELOPMENT DIRECTORATE

4.1 Planning Application - 181 Switzerland Road, Ghin Ghin - Extractive Industry

Attachment(s)	Attachment 1 - Planning Application - 181 Switzerland Road, Ghin Ghin - Application Documents [4.1.1 - 68 pages] Confidential Attachment 1 – Submissions (<i>distributed to Councillors separately</i>)
Presenter	C Fraser, Coordinator Planning
Approved by	Director Assets and Development
Purpose	For decision

Land:	181 Switzerland Road, Ghin Ghin (Lot 1 PS704695L Volume 11406 Folio 779 and Lot 2 PS 704695L Volume 11406 Folio 780)
Proposal:	Use and Development of land for gravel extraction
Applicant:	Rayner Group Pty Ltd
Zoning:	Farming Zone
Overlays:	Erosion Management Overlay & Bushfire Management Overlay
Triggers:	Use and development pursuant to Clause 35.07 (Farming Zone), building and works pursuant to Clauses 44.01 (EMO) and 52.08 (Earth and Energy Resource Industry)

Locality Plan



Executive Summary

An application has been received for the use and development of land for gravel extraction under the Murrindindi Planning Scheme. The use of the land is a change from the extraction activities currently allowed on the site.

The land is in the Farming Zone and is affected by the Erosion Management Overlay and the Bushfire Management Overlay.

The land is located on the northern side of Switzerland Road with access via an unnamed road. The site has an area of approximately 79 Hectares and is currently used for extractive purposes and agriculture.

The application has been broadly advertised to all properties in Switzerland Road and 5 objections were received. The objections raise issues in relation to Traffic, Amenity and Agriculture.

The Earth Resources Regulation (ERR) branch of the Department of Jobs, Precincts and Regions (DJPR) statutorily endorsed Work Plan PLN-001531 for WA007536 for the Proposed Quarry on 1 October 2021 (the Endorsed Work Plan), pursuant to section 77TD of the Mineral Resources (Sustainable Development) Act 1990 (the MRSDA).

This report recommends that a notice of decision to grant a permit be issued for the Use and Development of land for gravel extraction at 181 Switzerland Road, Ghin Ghin (Lot 1 PS704695L Volume 11406 Folio 779 and Lot 2 PS 704695L Volume 11406 Folio 780).

RECOMMENDATION

That Council issue a Notice of Decision to grant a planning permit for Use and Development of land for gravel extraction at 181 Switzerland Road, Ghin Ghin (Lot 1 PS704695L Volume 11406 Folio 779 and Lott 2 PS 704695L Volume 11406 Folio 780), subject to the following conditions:

Endorsed Plans

1. The use and development must at all times be in accordance with any work plan approved under the *Mineral Resources (Sustainable Development) Act 1990*.

Use and Development

2. All excavation, sales and processing activities associated with the proposed quarry will occur as follows:
 - Monday to Friday: 7:00am to 6:00pm
 - Saturday: 7:00am to 1:00pm
 - Sunday & Public Holidays: No Work
3. The crushing or other processing of any extracted material other than from the approved working area shall not occur without the consent of the Responsible Authority.
4. All car parking and loading/unloading of materials are to take place within the subject land. No car parking or loading/unloading is to occur outside of the subject land.
5. The use or development hereby permitted shall not cause nuisance or injury to, or prejudicially affect the amenity of the locality, by reason of the transportation

of materials, goods and commodities to and from the land, the appearance of any building, works, or materials on the land, the emission of noise, vibration, smell, fumes, smoke, vapour, steam soot, ash, dust, waste water, waste products, grit, oil or the presence of vermin.

6. The emission of noise from the premises including the surrounding environment and carpark areas either during or immediately after the hours permitted, must not cause annoyance to persons beyond the site.
7. 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.
8. 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.
9. Bushfire Safety precautions must be provided and maintained to the satisfaction of the Responsible Authority.
10. The building/s must be constructed of materials that are non-reflective and of muted tones.

Engineering Requirements

11. Prior to the commencement of use, the permit holder must provide, to the satisfaction of the Responsible Authority, the following plans detailing the required road upgrades:
 - a. Upgrade of Switzerland Road from Ghin Ghin Road to the SW boundary of 16 Switzerland Road:
 - i. Road shall have a 4m seal with 1.5m shoulders as per IDM SD610 for Rural Access – Group A Councils.
 - ii. Permit holder shall undertake a road safety audit at the intersection of Switzerland Road and Ghin Ghin Road at their own expense to the satisfaction of the Responsible Authority.
 - iii. Design of the intersection between Switzerland Road and Ghin Ghin Road must be in accordance with the recommendations of the road safety audit.
 - iv. Road safety audit is to consider current conditions and proposed conditions following commencement of permit activities.

- b. Upgrade of access road:

- i. Shall be 4m bitumen sealed wearing course with 1.5m shoulders as per IDM SD610 for Rural Access – Group A Councils.

Once approved, the plans will be endorsed to form part of this permit.

12. Prior to the commencement of any works on the road reserve
 - a. Detailed engineering drawings shall be prepared for the upgrade of both Switzerland Road and the access track to the property entrance. The road shall be designed to IDM guidelines to the satisfaction of the Responsible Authority and incorporate reporting requirements listed above in condition 11.

- b. The permit holder shall appoint a competent and suitably qualified Project Manager who shall be responsible for the supervision and management of the road upgrades, to the satisfaction of the Responsible Authority.
- c. A cash bond is to be provided of 1.5 times the road construction cost as guarantee that the works will be constructed accordingly.

13. An application for asset protection and consent to work on the road reserve 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. The asset protection permit must remain in place throughout the use of the land approved in this permit.
14. Upon completion of the construction of the road to the satisfaction of the Responsible Authority, the cash bond will be refunded to the applicant and the road will be added to the road register.
15. For the duration that the permit is in place, the permit holder will be responsible for the maintenance of both access road (noting allowance for any future naming changes to the “access road”) between Switzerland Road and the site. Council reserves the right to request maintenance works to be undertaken at any point during this period as deemed necessary.

Drainage

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

Goulburn Murray Water Requirements

12. Sediment control principles must be used to ensure sediment cannot be transported off-site particularly during rainfall event.
13. Should groundwater be intercepted, Goulburn Murray Water (GMW) is to be notified immediately.
14. The take of surface water or groundwater at this site must be managed through an appropriate entitlement regime. The applicant is advised to contact GMW on 1800 013 357 to discuss options should they intend on taking surface water or groundwater.

Native Vegetation Requirements

15. Prior to any works or native vegetation removal associated with this proposal, an amended native vegetation assessment prepared in accordance with the information requirements of Clause 52.17-2 Application requirements of the Murrindindi Shire Council planning scheme, must be submitted to and approved by the Department of Environment, Land, Water and Planning (DELWP).
16. The amended native vegetation report must outline the total native vegetation impacts associated with the proposal and provide an adequate offset strategy in

accordance with Guidelines for the removal, destruction or lopping of native vegetation (DELWP 2017) and the Management standards for native vegetation offset sites (DELWP 2019).

Offset evidence

17. Before any native vegetation is removed, evidence that the required offset for the project has been secured must be provided to the satisfaction of the Responsible Authority (Murrindindi Shire Council). This evidence must be:

- a. an established first party offset site. This must include:
 - i. a security agreement signed by both parties, and
 - ii. a management plan detailing the 10-year management actions and ongoing management of the site.

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

Every year, for ten years, after the Responsible Authority has approved the offset management plan, the applicant must provide notification of the management actions undertaken towards implementing the offset management plan, to the Department of Environment, Land, Water and Planning. An offset site condition statement, including photographs must be included in this notification;

and/or

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

A copy of the offset evidence must be endorsed by the Responsible Authority and form part of the planning permit.

18. Within 30 days of endorsement of the offset evidence by the Responsible Authority, the permit holder must provide a copy of the endorsed offset evidence to the Department of Environment, Land, Water and Planning at P&A.north@delwp.vic.gov.au.

Notification of permit conditions

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

Protection of native vegetation to be retained

20. Before works start, a native vegetation protection fence must be erected around all native vegetation to be retained within 15 metres of the works area. This fence must be erected at:

- a. A radius of 12 times the diameter of the tree trunk at a height of 1.4 metres to a maximum of 15 metres but no less than 2 metres from the base of the trunk of the tree; and
- b. Around the patch(es) of native vegetation at a minimum distance of 2 metres from retained native vegetation.

21. The fence must be constructed of star pickets and paraweb or similar to the satisfaction of the Department of Environment, Land, Water and Planning and the Earth Resources Regulation. The protection fence must remain in place until all works are completed to the satisfaction of the Earth Resources Regulation.
22. Except with the written consent of the Department of Environment, Land, Water and Planning, within the area of native vegetation to be retained and any tree protection zone associated with the permitted use and/or development, the following is prohibited:
 - a. vehicular or pedestrian access;
 - b. trenching or soil excavation;
 - c. storage or dumping of any soils, materials, equipment, vehicles, machinery or waste products;
 - d. construction of entry and exit pits for underground services; or
 - e. any other actions or activities that may result in adverse impacts to retained native vegetation.

Surface Water Management

23. The Work Authority holder must advise the Regional Manager, North East within 48hrs if the surface water management dam water level exceeds the 0.5 metre freeboards or is likely to exceed due to forecast rainfall

Construction Environment Management Plan

24. Before on-ground works commence, an environmental management plan for the construction (and operation) of work authority 007536 must be prepared to the satisfaction of the responsible authority in consultation with the Department of Environment, Land, Water and Planning. All works must be conducted in accordance with the endorsed plan. The environmental management plan is to include (but is not limited to):
 - a. Overview of construction methods including management zones and construction zones, site preparation, access, construction activities, schedule and timing of works, and contractor briefing.
 - b. Management Structure and Roles including an environmental audit process
 - c. Environmental considerations; management of and/or mitigation of impacts on:
 - surface water pollution
 - erosion and sediment
 - waterway crossings
 - terrestrial ecology
 - aquatic ecology
 - land management, reinstatement and rehabilitation
 - dust, odour and air quality
 - noise and vibration
 - waste management
 - hazardous materials
 - environmental incidents and emergencies
 - fire hazards

Permit Expiry

25. The use and development must commence within five years of the issuing of the permit.

26. This permit will expire if the work authority is cancelled under section 77O of the *Mineral Resources (Sustainable Development) Act 1990*.

The Land and Surrounds

The subject site is located approximately 10km to the northwest of Yea and has an area of approximately 79 hectares.

Access to the site is from Switzerland Road via an unmade section of road. The land is undulating in topography with scattered vegetation throughout the site. The land is currently used for grazing purposes.

Surrounding land comprises a mixture of bushland to the north, west and east, and cleared pasture, orchards and rural farming activities to the south.

There are no dwellings within 500m of the Proposed Quarry. Two dwellings will be within 1km of the Work Authority, at approximately 510m to the east (570m from the extraction area) and 520 metres to the south (680m from the plant and stockpile area and 800 metres from the extraction area). There are an additional 16 dwellings within 2km of the Proposed Quarry.

Stony Creek lies approximately 210 metres east and south of Proposed Quarry and runs through the southern part of the Subject Land before joining with the Goulburn River, approximately 6km to the south.

Another extractive industry operates (WA200) within the subject Land adjoining the Proposed Quarry to the south-east. The resource within WA200 is nearing the end of its approved reserve.

There are no other current or proposed extractive industries nearby the Subject Land. The nearest Work Authority to the Proposed Quarry is WA516, 2.5km to the south at 324 Switzerland Road, Highland.



Entrance to site

Background

On 9 April 1992, Council issued Planning Permit No. 2776 (the Existing Permit). The Permit allows for Extractive Industry (removal of slate) on the Subject Land, and relates to the existing quarry operated under WA200.

The Permit Applicant purchased the Subject Land in 2019 which included the extractive industry at WA200, which has been in operation for almost 30 years. Areas of the Subject Land not used for extractive industry have been used for agricultural purposes.

A Work Plan for the proposed use of the land for a Quarry was approved on 1 October 2021.

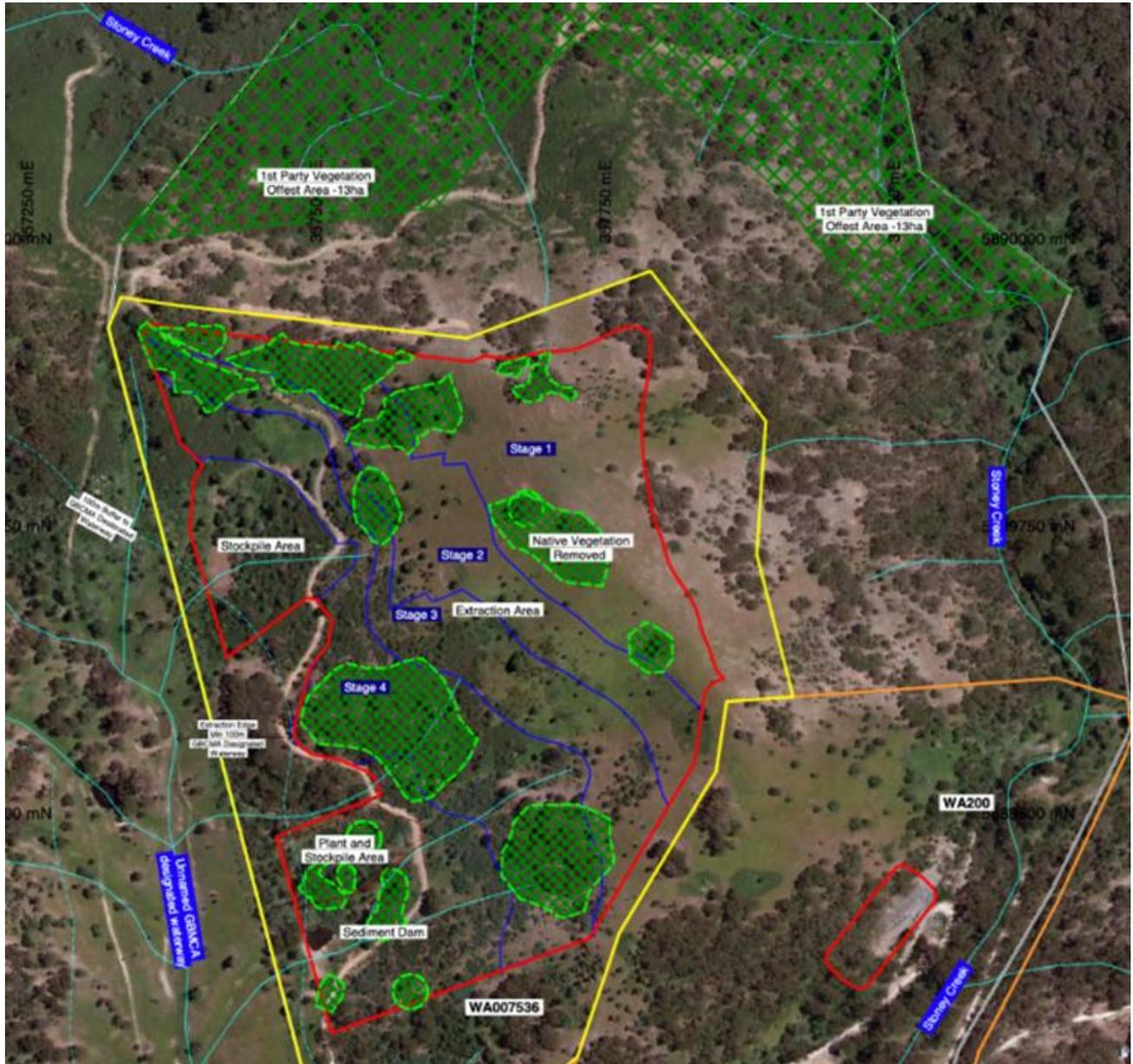
The Earth Resources Regulation (ERR) branch of the Department of Jobs, Precincts and Regions (DJPR) statutorily endorsed Work Plan PLN-001531 for WA007536 for the Proposed Quarry on 1 October 2021 (the Endorsed Work Plan), pursuant to section 77TD of the Mineral Resources (Sustainable Development) Act 1990 (the MRSDA).

The Endorsed Work Plan is enclosed with this permit application in accordance with the requirements of Clause 52.09-2 of the Murrindindi Planning Scheme.

Proposal

The Permit Application seeks planning approval to use and develop the subject land for Extractive Industry in accordance with the Endorsed Work Plan.

It is proposed to establish the Proposed Quarry to extract landscaping rock from the subject land as shown below.



Excerpt of Site Layout Plan (source: Figure 3 of the Endorsed Work Plan)

Particulars include:

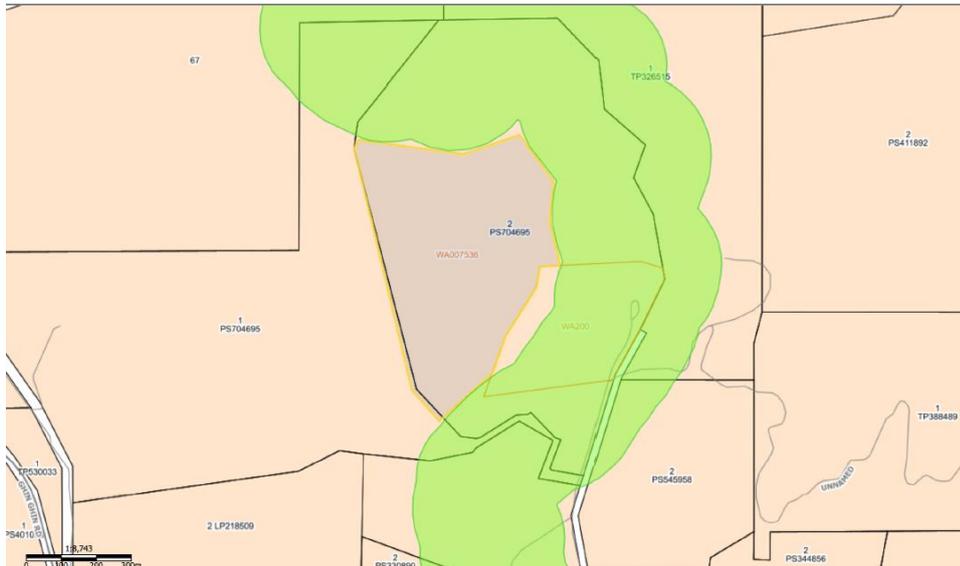
- A total Work Authority area of 29.6ha.
- A maximum extraction area within the Work Authority to be worked at any one time is approximately 9ha to allow extraction activity and associated infrastructure to be limited to the area currently used for agricultural activities.
- The proposed extraction area is at least 500 metres from the nearest dwelling.

- The estimated maximum terminal depth for the extraction area is 40 metres measured perpendicular to the natural surface. The bulk of the resource will be extracted from the western aspect of the ridge after removing the apex of the ridge.
- The ridge line will be extracted to RL 360, and the terminal batter will roughly parallel the natural surface topography by working to a terminal cut batter of 1V:3H, which is similar to (and in some parts flatter) than the existing topography, ultimately leaving no vertical faces and a landform that will mirror the pre-extraction topography.
- The total disturbed area of approximately 18.3 hectares, including the extraction area, site access road and processing and stockpile areas.
- Soil stockpile heights will be limited to not greater than maximum 2 metres in height. Overburden stockpiles will be limited in height to a maximum 10 metres when located within the excavation, or 6 metres if places on the natural surface.
- Product stockpiles will generally be located close to the mobile processing plant, with a maximum height of 12 metres.
- The Proposed Quarry extraction area provides access to the following estimated resource volumes:
 - Soil – 21,000 cubic metres
 - Overburden – 140,000 cubic metres
 - Landscaping rock – 2.41 million cubic meters
- Extraction of the Proposed Quarry will take place in four stages, commencing initially in the northeast area of the Work Authority (as shown on Figure 3 Site Layout Plan as 'Stage 1').
- Excavation will continue west of the initial area in subsequent stages, also expanding north and south as material quality allows. Working faces will be transitioned to the terminal batter design and cut into natural material at a batter of 1v:3h and will be rehabilitated by covering with overburden and soil and revegetated to pasture as soon as practicable.
- To establish the extraction area, native vegetation is required to be removed from an area of approximately 4.45 hectares. The Native Vegetation Report (Appendix 8) identifies that offsets are required for 29 large trees and 1.808 general habitat units. The northern area of the Subject Land will be set aside for first party vegetation offsets and will be managed according to the Offset Management Plan (Appendix 6 to the Native Vegetation Report).
- There will be no fixed infrastructure, with only temporary relocatable site office hut, store room and workshop being established adjacent to the plant and stockpile area.
- All excavation, sales and processing activities associated with the Proposed Quarry will occur as follows:
 - Monday to Friday: 7:00am to 6:00pm
 - Saturday: 7:00am to 1:00pm
 - Sunday & Public Holidays: No Work
- The Proposed Quarry will employ between two to three staff on a permanent basis, with casuals or contractors engaged for specific activities such as, but not limited to, stripping, maintenance, and progressive rehabilitation.

- At least six light vehicle parking spaces will be provided for employees and visitors, located in the southwest of the Subject Land and close to the site entrance.

Cultural Heritage Management Plan

The site is in an area of cultural sensitivity as defined by the Aboriginal Heritage Regulations 2018. The map below shows the areas to be of cultural heritage significance (in green) and the extraction area in grey with yellow outline.



Map showing sensitivity area in relation to work area (supplied)

The proposed works are outside of the areas considered to be of significance. The quarry will be at least 200m from the top of the bank of Stony Creek.

The Subject Land contains an existing mudstone quarry near the eastern boundary, operating under Work Authority 200 (WA200) (shown on the map above in the south-east), which has been in operation for approximately 30 years. The Permit Applicant purchased WA200 and the Subject Land in 2019. The use of this area operates under existing permits and the proposal under this application does not include this area.

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 letters to all properties on Switzerland Road and those adjoining the site. Five objections were received. The issues raised in the objections are summarised below:

- Traffic Impacts on Switzerland Road and Ghin Ghin Road
- Inadequate Road Maintenance
- Noise
- Visual Impact
- Impact on land values
- Environmental impacts
- Not consistent with the Farming Zone
- Impacts on agricultural uses on adjoining properties.

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

Referrals

The application was referred to Heritage Victoria, DELWP, DJPR, GBCMA, CFA, Agriculture Victoria and the TLaWC.

Responses were received from DELWP, EPA, CFA and Agriculture Victoria consenting to the proposal. It is also noted that referral authorities were also given the opportunity to comment on the proposal as part of the Work Plan approval process. This has been included in the application documentation.

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

- *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.*
- *Residential growth will be provided in established townships and settlements with existing communities and infrastructure, where natural environment is and a high level of community safety is achieved.*

Clause 02.03 – Natural resource management

The agricultural sector in Murrindindi Shire is diverse, economically significant and has potential to expand. Agricultural activities include beef and sheep grazing, horticulture, cropping, vegetable growing, aquaculture, forestry and niche products.

The Goulburn River valley and tributaries is a fertile valley of high agricultural quality. The Kinglake Ranges has high quality soils and agricultural value, while the Toolangi area is of national horticultural significance.

Favourable climatic and environmental conditions and proximity to the Melbourne market have seen the recent development of intensive agricultural industries, including an expansion of the viticultural, stone fruit, berries, vegetables and turf production.

Agricultural land is under increasing pressure for conversion into non-agricultural uses.

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

- *Protecting high quality agricultural land for ongoing agricultural use.*
- *Protecting rural land for productive agricultural uses and compatible rural uses.*
- *Ensuring that the use and development of rural land protects and enhances agricultural potential and the productive capacity of the land and surrounding land.*
- *Supporting existing agricultural production activities, including beef and sheep grazing, horticulture, cropping, vegetable growing, aquaculture, timber production and niche products.*
- *Supporting emerging agricultural industries that are compatible with existing agricultural practices, including horticulture, intensive animal production, agroforestry, farm gate*

agricultural sales, boutique, niche agriculture, agricultural processing, value adding industries and carbon farming.

- *Supporting the evolution of agriculture in response to improved practices and climate change.*
- *Ensuring that agricultural land is not developed for primarily residential purposes.*
- *Discouraging the fragmentation of rural land into lots incapable of productive agricultural and rural use.*
- *Protecting water catchments from inappropriate use and development, particularly the Goulburn River valley and its tributaries.*

Clause 02.03 – Economic Development

In promoting economic development, Council supports:

- *Encouraging business expansion, investment and employment.*
- *Facilitating the growth of rural based industries.*
- *Supporting new and emerging industries.*

Clause 12.01-2S – Native vegetation management

Objective

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

Clause 13.04-2S – Erosion and landslip

Objective

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

Clause 14.01-1S – Protection of agricultural land

Objective

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

Clause 14.01-2S – Sustainable agricultural land use

Objective

To encourage sustainable agricultural land use.

Clause 14.03-1S – Resource exploration and extraction

Objective

To encourage exploration and extraction of natural resources in accordance with acceptable environmental standards.

Clause 14.03-1R – Resource exploration and extraction – Hume

Strategy

Support the availability of construction materials locally and consider measures to facilitate and manage their extraction.

Clause 17.01-1R – Diversified economy – Hume

Strategy

Encourage appropriate new and development forms of industry, agriculture, tourism and alternative energy production.

Response:

- The proposed quarry is consistent with the Council vision at Clause 02.02 to grow the rate base through sound planning, support for continued economic development and protection of the natural and built environment.
- The Proposed Quarry will satisfy a strategic direction in Clause 02.03 Natural Resource Management that seeks to facilitate more intensive and diversified use of rural land for niche products in areas designated for agricultural land uses without detrimentally affecting the environmental qualities of the Subject Land.
- The Proposed Quarry satisfies one of the key strategies of Clause 02.03 Economic Development which seeks to support value adding industries and service industries, particularly those that relate to agriculture, farming and those that service locally grown products.
- The Proposed Quarry appropriately responds to Clause 14.01-1S Protection of agricultural land as the proposed use and development is temporary in nature. It will occupy only part of the Subject Land, leaving the balance available for use in the Permit Applicant's agricultural business. Once the extraction area is rehabilitated, the entire site will be returned to agricultural use.
- As Extractive industries are recognised as suitable land uses in agricultural areas and the Proposed Quarry will have no impact on surrounding farms, the Proposed Quarry appropriately responds to Clause 14.01-2S Sustainable agricultural land use.
- The Proposed Quarry will supply construction materials that will be made available locally and support the local demand for landscaping rock. In this way, the Proposed Quarry supports the achievement of Clause 14.03-1R Resource exploration and extraction – Hume through the provision of material to support other industries.
- The Proposed Quarry will supply needed materials to the state's demand for landscaping rock. In this way, the Proposed Quarry clearly supports the achievement of Clause 17.01-1 Diversified economy.
- In accordance with Clause 14.03-1S, the Proposed Quarry will establish extensive and clearly defined buffers to sensitive uses which will be controlled by the Permit Applicant over the life of the quarry.

Clause 35.07 – 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.*

Pursuant to Clause 35.07-1 a permit is required to use the land for an extractive industry which is an unspecified section 2 use.

Pursuant to Clause 35.07-4 a permit is required for buildings and works for a section 2 use.

The proposal is considered to comply with the decision guidelines of the Farming Zone for the following reasons:

- The proposed quarry is on agricultural land that is already used for extractive industries and has been for a number of years.
- The proposal does not seek to fragment the existing agricultural land.
- The quarry will not impact the surrounding land and is appropriately located.
- The quarry has been designed to establish buffers to sensitive surrounding uses.
- No blasting or slime dams are proposed with the quarry.

Furthermore;

- the site will not lead to the creation of new quarry uses within surrounding agricultural land.
- The site is within a bushfire prone area and is not considered ideal for agricultural services.
- The proposal will not diminish the surrounding landscape which is primarily agricultural in nature and will provide a use that should be considered as a continuation of the existing land use and not a new use that is impacting the site.
- The proposed quarry will retain the site as a large rural allotment, which will be rehabilitated and returned to agricultural use following the completion of the quarry use.

Amenity

As a large rural allotment currently used for extractive industry and surrounded by agricultural uses, the Subject Land is highly suited for additional extractive industry.

- The Proposed Quarry will not cause any unreasonable amenity impacts to surrounding and nearby properties, in particular for the following reasons:
 - The closest non-agricultural zoned land is located within the township of Yea, 10km south of the Subject Land.
 - The Proposed Quarry will not result in adverse visual amenity impacts as it is surrounded by rural agricultural and farming land with only two dwellings within 600m of the activity area. The main processing and stockpiling areas are set between two ridgelines and are not visible from neighbouring residences or public access points.
 - The extraction area is similarly obscured, and not unreasonably visible from outside vantage points. The quarry facilities will be located to the southwest of the

Proposed Quarry, near the site access point. Further, these facilities comprise either single story temporary buildings or facilities at ground level and will not be visible to outside receptors.

- The Proposed Quarry will continue operating with the same dry processing methodology as the existing quarry on the Subject Land, and there will be no blasting activities. The quarry is in a rural environment with the applicable guidelines set by the Noise from Industry in Rural Victoria (NIRV – EPA guideline 1411).
- Furthermore, the processing plant will be at least 570m from the closest sensitive receptors to the east and south, with the natural undulating topography and existing intervening vegetation assisting in creating acoustic shielding. The processing plant and stockpile area will be located at ground level, with stockpiled material located strategically to act as a partial barrier to any noise mitigation.
- Given the large separation distances of at least 570m, the potential for dust from the Proposed Quarry to detrimentally affect nearby dwellings is minimal. Standard quarrying dust controls, detailed in the relevant Risk Treatment Plan, will be satisfactory to manage any fugitive dust from leaving the Work Authority.
- Site water management is designed to ensure no water containing suspended solids will leave the Subject Land. A GBCMA designated waterway (the unnamed drain line to the west) and Stony Creek to the east and south of the Work Authority are closest drainage lines. There is no activity that will directly impact any drain lines leading to Stony Creek. There are no downstream dams on the waterways that will be impacted by the Proposed Quarry. Incidental water falling on the disturbed areas and within extraction area will be collected in sediment traps, the main sediment dams, and quarry sumps.
- The Endorsed Work Plan contains a range of safety and environmental controls to address the potential for impacts on the surrounding area, including noise, dust, sediment control and stormwater runoff. All staff will be required to be aware of and comply with these requirements, which will be enforced through the Work Authority.

Clause 44.01 – Erosion Management Overlay

Purpose

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To protect areas prone to erosion, landslip, other land degradation or coastal processes by minimising land disturbance and inappropriate development.*

Pursuant to Clause 44.01-2 a permit is required for buildings and works.

Pursuant to Clause 44.0-4, table of exemptions, a permit is not required for vegetation removal for extractive industry.

The proposal responds to the decision guidelines for the following reasons:

- Only a small portion of land within the subject site lies within the EMO.
- The provided risk management plan provides justification for the proposal.

- The referral authority has provided approval subject to conditions.
- Erosion will be managed through cut off drains, vegetation establishment, strategic location of batter swale drains, and any other surface water management strategies as required.
- Erosion will be monitored and in the event of any excessive erosion, it is proposed to repair the area, review pasture development, review surface water management activities, consider more appropriate location of drains and/or culverts and if required investigate alternative erosion control devices including rock armour, hay bales and vegetation.

Clause 44.06 – Bushfire Management Overlay

Purpose

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

No permit is required for buildings and works for the quarry pursuant to Clause 44.06-2.

Clause 52.08-1 Earth and Energy Resources Industry

Purpose

- *To encourage land to be used and developed for exploration and extraction of earth and energy resources in accordance with acceptable environmental standards.*
- *To ensure that geothermal energy extraction, greenhouse gas sequestration, mining and petroleum production are not prohibited land uses.*
- *To ensure that planning controls for the use and development of land for the exploration and extraction of earth and energy resources are consistent with other legislation governing these land uses.*

Pursuant to clause 52.08-1 a permit is required to use and develop land for earth and energy resource industry. The proposal does not meet the exemption in the table of exemptions.

Clause 52.09 Extractive Industry and Extractive Industry Interest Areas

Purpose

- *To ensure that use and development of land for extractive industry does not adversely affect the environment or amenity of the area during or after extraction.*
- *To ensure that excavated areas can be appropriately rehabilitated.*
- *To ensure that stone resources, which may be required by the community for future use, are protected from inappropriate use and development.*

An application to use and develop land for extractive industry must be accompanied by:

- *A copy of a work plan or a variation to an approved work plan that has received statutory endorsement under section 77TD of the Mineral Resources (Sustainable Development) Act 1990.*
- *The written notice of statutory endorsement under section 77TD(1) of the Mineral Resources (Sustainable Development) Act 1990.*
- *Any conditions specified under section 77TD(3) of the Mineral Resources (Sustainable Development) Act 1990.*

The permit applicant has provided the material referenced above.

Referrals under Section 55 of the Act to the person specified as the referral authority in Clause 66 is required.

Clause 52.09-5 also includes permit conditions which have been included where required.

Clause 52.09-6 includes requirements for extractive industry, which can be applied in the form of conditions. These have been included where relevant.

Assessment under clause 52.09

Flora and Fauna

The site has been largely cleared of native vegetation in the past and has been extensively farmed and grazed.

An ecological assessment of the disturbance area has identified some assessable native vegetation and no threatened or listed fauna, (refer to Native Vegetation Removal Offset Report) The extraction activity and associated infrastructure will require the loss of some assessable native vegetation. A permit is not required because exemption in 52.17 provides that the requirement to obtain a permit does not apply to native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to enable the carrying out of extractive industry in accordance with a work plan approved under the Mineral Resources (Sustainable Development) Act 1990 and authorised by a work authority under that Act.

As part of the ERR endorsement process, an ecological assessment has been undertaken by Paul Kelly & Associates, Ecological Services. This report identifies offsets are required for 29 large trees and 1,808 general habitat units and that these offsets are available on the title and will be secured with a Section 173 agreement. The assessable vegetation for removal and the area required to secure the offsets is shown in the Site Layout Plan of the Endorsed Work Plan submitted with the application.

DELWP made specific native vegetation requirements that have been included as special conditions on the Endorsed Work Plan. These conditions are included above. The recommendations of the Ecology Report form part of the Endorsed Work Plan and will be implemented and enforced through the MRSDA.

For the reasons sets out above, the Proposed Quarry will cause any unreasonable impacts to native vegetation or fauna on the Subject Land and surrounding area and satisfies the objectives of Clause 12.01-2S Native vegetation management.

Landscape

The design of the Proposed Quarry, surrounding topography and significant buffers to sensitive receptors, will ensure that it does not cause any unreasonable landscape or visual impacts to the surrounding area.

The Proposed Quarry is surrounded by rural agriculture and farming land with only two dwellings within 600m of the activity area. The main processing and stockpiling areas are set between two ridgelines and are not visible from neighbouring residences or public access points.

The proposed location of the extraction area is similarly obscured, and not unreasonably visible from outside vantage points. Quarry facilities and plant will be located to the southwest of the Proposed Quarry, near the site access point. These facilities will all comprise either single story temporary buildings or facilities at ground level and will not be visible to outside receptors.

As shown on Figure 5 Sight Line Plan, the dwelling to the east, whilst not having direct views into the operation, may see disturbance around crest line and any machinery working the crest line. To soften this aspect and to protect the visual amenity of the surrounding area for nearby dwellings in this direction, it is proposed to establish a blue gums / sugar gums vegetation screen.

The upper batter of the extraction area may be visible from the dwelling to the south (approximately 680m from the site) over a narrow viewing window between the ridgelines. These impacts are considered to be minimal and will be further reduced by existing and proposed vegetation, which will obscure views into the extraction area from this direction.

The dwelling within the land to the west is behind the ridgeline and will not have direct sightlines into the extraction area.

The staged extraction and rehabilitation for the Proposed Quarry will also minimise the extent of disturbed areas during the life of the quarry and the potential for visual impacts, with only a small component of the Subject Land being worked at any given time.

Water Management

The Proposed Quarry is unlikely to be affected by flooding or have any noticeable effects on the flow of surface water.

The extraction area will be constructed to direct surface water to a low point on the quarry floor where a sump (at least 4 metres deep) will be established to collect storm water flows. Water from the quarry sump will be used by the Proposed Quarry for dust suppression.

A perimeter bund will be established around the extraction area to ensure turbid water does not leave the extraction area and will also act as a contingency if a storm event exceeds the capacity of the quarry sump. While the quarry sump will move around the site as extraction progresses, it will always be capable of holding significant storm events.

Groundwater is estimated to be approximately 50 metres below the floor of the proposed excavation and is not expected to be encountered during excavation.

The Subject Land is in an unincorporated ground water system, and advice from Southern Rural Water is that obtaining a ground water license, if one is required, will not be problematic.

The base of the quarry is proposed at RL 280, with the Visualising Victoria's Groundwater (VVG) website indicating groundwater to 10-20m below Stony Creek, suggesting a groundwater level of RL 220-230, providing a separation distance between the quarry floor and ground water of approximately 50 metres.

There are no public or private assets or any infrastructure within the vicinity of the Work Authority area.

The Proposed Quarry will include two above ground sediment traps, one of 0.2MI in the stockpile areas on the western boundary, and a second an existing farm dam / sediment dam (approximately 1MI).

The existing farm dam has been on site for several years and will continue to be used for general farming activities as well as water for dust suppression.

The site will maintain a Water Management Plan that will be regularly reviewed and updated. This review will consist of an initial review of the Water Management Plan within six months of the commencement of the Proposed Quarry, then annually or as required to ensure it remains current and effective (refer to Water Management Plan).

Traffic

It is submitted that the traffic operations of the Proposed Quarry will be consistent with the Subject Land's rural farming area.

In the initial stages of the development there will be approximately two to three trucks per day through the Proposed Quarry based on the estimated output of 10,000 tonnes per year. Over the life of the development, it is anticipated that the number of trucks and trailers will increase to approximately five to six per day based on a maximum output of 50,000 tonnes per year.

The closest public road is the government road to the south, which is gated at the property entrance and additionally at the Proposed Quarry entrance. The Subject Land access road is an unsealed rural road utilized only by local traffic. The Proposed Quarry access will be via the government road from Switzerland Road, which has access to Ghin Ghin Road, with the vast majority of traffic then travelling south along the Goulburn Valley Highway.

There will be warning signs / authorised access only signs at Subject Land entrance, directing visitors to the Proposed Quarry. Signage within the Proposed Quarry area will direct visitors to the site office and stockpile areas. Additional signage at critical locations around the property and work authority warning of private property and deep excavations.

Traffic management signs will direct heavy vehicle traffic to designated parking and loading areas. Traffic management will also be implemented within the site around product stockpiles, travel routes designed to minimise reversing and limit vehicle speeds.

Rehabilitation

Over its life, the Proposed Quarry will be progressively rehabilitated in a staged manner, following which the Subject Land will be suitable for general farming activities including cropping and pasture for livestock grazing. This end use is consistent with the current surrounding land use and the activities conducted prior to extractive industry use and does not require any change in the planning permission. This rehabilitation concept is illustrated on Figure 4 Rehabilitation Plan, included in the WA007536 Rehabilitation and Site Closure Plan.

Discussion - Submissions

A number of issues were raised by surrounding landowners as part of the assessment of this application. A summary and response to these issues are detailed below:

Traffic Impacts on Switzerland Road and Ghin Ghin Road and Inadequate Road maintenance.

- The proposal will result in an increase in traffic along both Switzerland Road and Ghin Ghin Road. The application has been referred internally to Council's Development Engineering Unit who have provided conditions to be included on any permit issued. Works are required to ensure the condition of the road is maintained appropriately. These works are required to ensure public infrastructure and amenity are less impacted by the proposed development. While the planning process can accommodate increases in the

use of roads through permit conditions, we cannot control driver behaviour in relation to speeding, alertness etc.

Noise

- Objections raised in relation to noise have been considered as part of the assessment of this application. It is acknowledged that the use of the land for extractive industry will create some noise issues. These can be mitigated by conditions which have been included in the Work Plan and will be managed by the EPA and Department of Jobs, Precincts and Regions as the authority charged with the approval of the work plan.

Visual Impact

- The applicant has provided for remediation works to minimise the visual impacts of the proposal, particularly in relation to screening of the site.

Impact on land values

- Impacts on land values cannot be considered under either the Murrindindi Planning Scheme or the *Planning and Environment Act 1987*.

Environmental impacts

- The application has been referred internally to our environmental programs team who have provided comments in relation to the application. There is considerable vegetation removal and a range of other environmental impacts such as erosion, sediment control and waterway protection which have been considered as part of the work plan approval and addressed in this report.

Not consistent with the Farming Zone

- The use of land for extractive industries is not one that is prohibited in the Farming Zone. While not prohibited, the use of land in this zone must have consideration for the adjoining on the use and amenity of surrounding properties. The use of the subject site will not impact on the use of adjoining land for agricultural or expansion of surrounding agricultural properties given the current approval for extraction on the site.

Conclusion

- The Subject Land is a large farming allotment situated within an area used for a range of agricultural activities. It is currently used for extractive industry and farming.
- The Proposed Quarry will supply a wide range of landscaping rock and crushed rock products used for lining low traffic areas, garden paths, landscaping and decorative uses.
- The siting and design of the Proposed Quarry incorporates significant buffers from sensitive receptors that will ensure it will not cause any unreasonable amenity impacts to adjoining and nearby land.
- The Endorsed Work Plan (which includes a technical ecology report) contains a range of safety and environmental controls to address the potential for impacts on the surrounding area, including noise, dust, sediment control and stormwater runoff.
- The extraction activity and associated infrastructure will require the loss of some assessable native vegetation, however appropriate native vegetation offsets are available within the Subject Land and will be secured with a Section 173 agreement.
- There is a GBCMA designated waterway to the west of the Proposed Quarry. The extraction area is at least 100 metres from this waterway, as per the GBCMA guidelines.

Water management will be successfully achieved across the Proposed Quarry through the strategies and controls contained in Water Management Plan.

- The Subject Land is subject to an Erosion Management Overlay. Any erosion impacts will be managed through cut off drains, vegetation establishment, strategic location of batter swale drains, and any other surface water management strategies as required. Erosion management will be successfully achieved across the Proposed Quarry through the strategies and controls contained in Risk Management Plan.
- The Proposed Quarry will not result in unreasonable landscape or visual impacts to surrounding properties or the area. The remoteness of the Proposed Quarry, surrounding topography and existing vegetation will ensure that the visibility of any disturbed areas within the quarry will be minimised and the area's rural character maintained.
- The Proposed Quarry will provide for appropriate vehicular access and there will be no unreasonable impacts to local traffic conditions or traffic impacts. The traffic operations of the Proposed Quarry will be consistent with the Subject Land's rural farming context.
- The Proposed Quarry will be progressively rehabilitated and returned to agricultural production or other purposes consistent with the Farming Zoning of the land.
- The Proposed Quarry area is not impacted by any Aboriginal cultural heritage sensitivity areas and has been aligned to be at least 200 metres from the top of the bank of Stony Creek. Further, it will utilise an existing access track and consequently does not require a CHMP. Heritage Victoria has reviewed and advised that there are no archaeological sites or historic places currently included in the Victorian Heritage Inventory within the Proposed Area.
- The Proposed Quarry is consistent with the objectives of the Farming Zone and all relevant State and local planning policies related to rural areas and extractive industry, including Clause 14.03-1S Resource exploration and extraction, and the decision guidelines of Clause 52.09

It is considered that the proposed use and development for extractive industry is appropriate, and a planning permit be issued. On the balance it is considered that the use and development of extractive industry is consistent with the provisions of the Murrindindi Planning Scheme.

Council Plan/Strategies/Policies

This report supports the *Council Plan 2021-2025 Beautiful Townships and Rural Settings* strategy "to create a better place for our community and visitors to live in harmony with our rural character, natural beauty and heritage".

Relevant Legislation

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

Financial Implications and Risk

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

Conflict of Interest

No conflict of interest is identified with the assessment of this proposal.

4.2 Climate Change Action Plan

Attachment(s)	Attachment 1 - Draft Climate Change Action Plan [4.2.1 - 48 pages]
Presenter	P Bain, Manager Sustainability & Assets
Approved by	Director Assets & Development
Purpose	For decision

Executive Summary

The Climate Change Action Plan (CCAP) is an adaptation and mitigation plan which responds to the 2021/22 Council Plan action “develop a climate policy” and supports the Climate Change Policy 2022. The CCAP has been developed with preliminary input from community and Council staff and managers, and now includes specific actions. This stage of consultation seeks detailed feedback from managers and Councillors to achieve a draft CCAP that will be approved for release for community consultation.

RECOMMENDATION

That Council:

1. endorse the draft Climate Change Action Plan (Towards 2035)
2. request that the draft CCAP be released for community consultation for an eight-week period which will include a range of information and consultation options
3. request Council Officers to provide a subsequent report to Council on the outcome of the community consultation process and to present the final Climate Change Action Plan (Towards 2035) for adoption.

Background

In the Climate Change Policy 2022, the Council has committed that the organization aims to transition to net zero greenhouse emissions by 2035, with interim targets. The Council has also pledged that it will support the community in a transition that aims for net zero community emissions by 2035.

The Council’s policy commitments are reflected in the CCAP.

Climate Change Policy 2022	CCAP Action Areas	Summary
Climate Focussed Governance	Foundational/ Governance	Embed climate focus in strategic planning, financial planning, corporate risk management, services, and operations
Climate Change Mitigation	Mitigation	Decisions and implementation contribute to Councils emission reduction targets
Climate Change Adaptation	Adaptation	Council decisions and actions prepare development and infrastructure for future climate conditions and assist the community and environment to adapt.
Community Support	Mobilisation	Community is involved in key decisions to manage climate impacts and supported in community led actions.

Discussion

Each of the action areas has targets, shown in the summary on page 5 of the CCAP. These include greenhouse emissions reduction, transition to electric vehicles in the passenger fleet, preparation for emergency response, and community participation.

Climate action needs to be flexible, due to the changing social and technical environment. For this reason, the actions in the CCAP are set out for the period to 2027. The targets of the CCAP and current four-year plan actions are judged to be achievable within the current political and technological environment. This period will include research and monitoring where solutions are still maturing, to be ready when the CCAP is reviewed in its four yearly cycles.

It is important that the Council's messaging around climate change is clear, consistent, and constructive. Initial community engagement found that many in the community are not aware of the seriousness of the risk climate change poses to Council and the shire, and others experience a sense of powerlessness to make a difference. The CCAP aims to strike a balance between raising awareness and inspiring hope through three key messages:

- Climate change is an extreme threat to our organization and community.
- The solutions we need are current or reaching maturity, and as part of a global movement we know we can act for a safer climate future.
- However, the climate will be changed by human impacts. To address these impacts, Council is committed to lead by reducing corporate greenhouse gas and using its scope of responsibility and its influence to prepare for the future climate emissions, adapting our operations to climate change, and supporting community priorities and actions.

Community Engagement Plan

In 2022, during CCAP development, Council conducted preliminary consultation using an online survey and targeted discussions with sectors. This included the cattle industry, as an extremely vulnerable sector to climate impacts, as well as one of the highest sources of emissions in the shire. Officers have also developed a factsheet for this industry with key information about climate change, carbon offsets, agency contacts and resources. The second highest source of emissions in the shire is the transport industry, who are also vulnerable to economic risk from the transition to electric vehicles. Specific discussions with this sector will be included in the next stage of engagement activities.

Broader community engagement on the draft CCAP is planned over an 8-week period, after endorsement by Council. Several engagement methods are planned to encourage wide participation. The engagement plan is informed by the IAP2 Spectrum of Public participation, with key steps to 'consult' and 'empower' the community, and to provide education about the issue and its implications for Council decision-making.

Council's actions alone cannot achieve the aspirational target of zero net community emissions across the Shire by 2035. This needs community-based action, supported by Council, government, business, and peak industry bodies. There are many mature options for the community to reduce emissions and adapt to a heating climate. The implementation will depend on community, business, and government action over time. Council has a key role to support community transition, and this is set out in the 'Mobilise' section of the CCAP.

To empower the community and build commitment for community climate action, community priorities need to be included in the actions of the CCAP. To achieve this, the community will have the opportunity to contribute and prioritise the proposed actions in the 'Mobilise' section of the CCAP. (See attached section 4.4 of the CCAP). This feedback will shape the final Plan.

Council Plan/Strategies/Policies

This report supports the *Council Plan 2021-2025 Our Protected Environment* strategy “in partnership with the community, develop and deliver climate change adaptation and mitigation programs and practices to reduce our environmental impact”.

The CCAP implements the aims and policies of the Climate Change Policy 2022, including Council targets for greenhouse gas emission reduction to net zero by 2035 and the inclusion of climate risk and action in corporate decision making.

Relevant Legislation

The Victorian *Local Government Act 2020* mandates considerations of climate change risks in Council decision making process. The development of the climate action plan addresses Council’s responsibility to act on climate change under the *Climate Change Act 2017* and *Local Government Act 2020*.

Financial Implications and Risk

Council has already allocated funds to assist with development of the Climate Change Action Plan and support priority actions in 2022/23. Many actions will be developed within Council’s current processes and resources. Where actions require additional funds, a business case will be developed within Council’s budget planning process.

A number of actions will be incorporated in Council’s ongoing programs. Examples are:

- Transition to zero emissions vehicles in Council’s passenger fleet. Initially an additional cost for an electric vehicle (EV) will occur, but this will reduce as more EV models become available and prices reduce as expected.
- Incorporating energy efficiency measures in building renewals and upgrades. This will increase the functionality of buildings and save energy expenses.
- Introducing energy efficiency and resilience audits for council buildings in coordination with condition audits.

Other actions will require additional Council or grant funds, and this will be considered in Council’s annual budgetary processes.

MICC4	Upgrade remaining street lighting to efficient LED including streets managed by Rural Roads Victoria. This efficiency program will save electricity use and cost. Projected emissions reduction included in MICC2	Residential lights zero -\$20k single cost
MICA1	Upgrade Council facilities to be more energy and water efficient (e.g., efficient lighting and hot water systems, air conditioning upgrades, intelligent systems, insulation) Projected emissions reduction: included in MICC2	Introduce efficiency audits \$40-\$50k per year
ARE4	Commit to an expanded pest animal and weed management plan to mitigate the fire risk to invasive species and strengthen ecosystem resilience. Where appropriate this work should include seeking expertise and employment of local First Nations people.	Based on experience \$30k per year
ACA6	Develop township planting programs to investigate increased resource for urban vegetation for shade in heating climate. Draw on resources from Naturally Cooler Towns to support this.	\$50k consultant - data collection, mapping, planning

Several initiatives could be shared with other Councils and could attract grant funding. These estimates are the cost to Murrindindi Council, based on a shared cost model:

MOCC1	Facilitate community-led climate action through sector-specific community engagement and planning initiatives. Consider using Council's community planning model to implement these initiatives.	Part time officer \$70k-\$90k (2 years)
MOCC2	Promote community adoption of climate-adapted and low emissions technologies and consideration of climate risk among Council's networks (business, suppliers/contractors, community groups, agencies).	\$20k p/t officer to establish program

Conflict of Interest

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

Community and Stakeholder Consultation

An initial public consultation phase was conducted in April and May 2022, which was included in the formation of the CCAP. Internal consultation has been conducted throughout the formation of the CCAP, with further consultation about the final actions of the plan.

Following the endorsement of the draft CCAP by Council, a final stage of formal public consultation will occur over an 8-week period. Council will seek feedback from the community on the whole of the draft CCAP with a focus on the 'Mobilise' section of the plan. This section is directed to public action, which Council would support through advocacy, information, connections through networks and officer support. The possibilities for community action are broad and this section aims to understand key areas through a selection process from 14 proposed action areas. Other ideas will also be sought through the consultation process.

4.3 Contract 22/9 - Kerbside Waste and Recycling Collection and Processing Services – Contract Award

Attachment(s)	Confidential Attachment 1 – Contract 22/9 Kerbside Waste and Recycling Collection and Processing Services (<i>distributed to Councillors separately</i>)
Presenter	P Bain, Manager Sustainability & Assets
Approved by	Director Assets & Development
Purpose	For decision

Executive Summary

This report summarises council's participation in the 'Resource Recovery Collective – Hume,' a regional collaborative tender for waste and recycling collection and processing services. It seeks council's consideration of the recommendations from the appointed Tender Evaluation Panel, and authority to negotiate final levels of service and enter a contract with the preferred tenderers.

RECOMMENDATION

That Council:

1. note the report RRCH Waste Services Tender Evaluation Report and Murrindindi appendix from the Tender Evaluation Panel
2. delegate the Chief Executive Officer to formalise the final levels of service and execute the Schedule of Rates contracts with the preferred tenderers for the following services to commence no later than 1 July 2025 for a contract period ending 31 December 2032 for a maximum of \$21m:
 - a. Tenderer B for kerbside collection and related services (CONT22/9A) on the basis of a collection service model that includes:
 - i. Fortnightly collection of general waste
 - ii. Fortnightly collection of mixed recycling
 - iii. Weekly collection of food and garden organics
 - iv. Monthly collection of separate glass recycling
 - b. tenderer A for processing of commingled recycling and separate glass recycling services (CONT22/9B)
3. tenderer G for processing of food and garden organics (CONT22/9C)
4. release the names of the preferred Tenderers into the Minutes of the 22 March 2023 Scheduled Meeting of Council.

Background

In March 2022, Murrindindi Shire Council joined with the North East and Goulburn Valley Waste and Resource Recovery Groups (now Recycling Victoria) in a collaborative process to tender for waste and recycling collection and processing services via the Resource Recovery Collective – Hume (RRCH).

The tender was developed to support the ongoing delivery of essential kerbside collection and recycling services for Murrindindi beyond the current contracts, to implement the actions contained in the Victorian Government's circular economy policy and to implement key action items from the Waste and Resource Recovery Strategy 2030.

The other participants in the collaborative tender were:

- Alpine Shire Council.
- Benalla Rural City Council.
- Falls Creek Alpine Resort Management Board.
- Mansfield Shire Council.
- Rural City of Wangaratta.
- Towong Shire Council.
- Greater Shepparton City Council.
- Lake Mountain Alpine Resort (Southern Alpine Resort Management Board).
- Mitchell Shire Council.
- Moira Shire Council.
- Strathbogie Shire Council.

A comprehensive project governance structure has been in place to guide, assess and oversee the RRCH which includes a Collaborative Procurement Working Group (CPWG) with voting delegates from all Participants and a Tender Evaluation Panel consisting of a minimum of two panel members from each Participant. The Tender Evaluation Panel have been supported by a Chair, Secretary, observers, and advisors including technical, legal and probity.

Approval to proceed with the joint procurement was sought from the Australian Competition & Consumer Commission, with Interim Authorisation to proceed granted in May 2022 and approval

granted in September 2022 for the Participants to enter into collaborative procurement for various waste and resource recovery services until October 2042.

Services tendered for Murrindindi Shire Council

Murrindindi Shire Council tendered for the following services:

- Collection services (CONT22/9A), including:
 - Kerbside collection of general waste.
 - Kerbside collection of mixed recycling.
 - Kerbside collection of food and garden organics.
 - Kerbside collection of separate glass recycling.
 - Event bin provision and collection services.
 - Collection of public place general waste and mixed recycling bins.
 - Mobile bin supply and delivery.
 - Mobile bin repair and replacement.
 - Glass drop-off collection services
 - Bulk bin / hook lift collection services
- Reveal and processing of mixed recycling (CONT22/9B).
- Reveal and processing of separate glass recycling (CONT22/9B).
- Reveal and processing of food and garden organic waste (CONT22/9C).

For Murrindindi the new contracts will commence on 1 July 2025, for an initial contract period of 7.5 years and with all contracts having options to extend up to 15 years.

Discussion

Setting up the tender

Due to the size and complexity of the planned tender, consultants were engaged to provide specialist expertise, support, and independence:

- ArcBlue – Procurement process support and planning
- Rawtec – Waste technical advisor and development of detailed specifications
- Russell Kennedy – Legal advisor, contract and tender package development
- Landell – Probity oversight

The Recycling Victoria provided central project coordination, administration, document management and a range of localised assistance; including obtaining ACCC authorisation to conduct both this and future collaborative waste related procurement events.

A Collaborative Procurement Working Group (CPWG) was established to steer strategic decision making and monitor risk throughout the process. Each Participant was represented on the CPWG, and all major decisions and recommendations were made by the CPWG.

The CPWG developed the specification and tender documentation collaboratively, with Murrindindi Shire providing our own data, and identifying the particular services required.

Tender Release

The tender was released 6 June 2022 via eProcure. All subsequent questions and clarifications from tenderers and Participants were managed through eProcure and reviewed by the Probity Advisor where necessary. The tender closing date was extended by 6 weeks to 12 September at the request of prospective tenderers and then again to 19 September to allow tenderers to respond to some changes and clarifications late in the process. This was well promoted across local, regional, and state media and briefing opportunities were provided for prospective tenderers. Print advertising included local newspapers Alexandra & Eildon Standard and the Yea Chronicle.

Responses Received

The collaborative tender received tenders from a range of organisations. For the tendered Murrindindi Shire services, we received the following compliant responses:

- Collection services – two (2) tenderers.
- Comingled recyclables processing services – four (4) tenderers.

- Food and Organics (FOGO) processing services – three (3) tenderers.
- Glass processing services – three (3) tenderers.

Evaluation Process

The extensive Tender Evaluation process was conducted in accordance with a Tender Evaluation Plan against the agreed and promoted detailed evaluation criteria set prior to the release of the tender. Tender Evaluation Panel members met to determine appropriate evaluation criteria and weightings for the tenders.

The evaluation weightings were agreed prior to tender release, published to the market in the tender invitation and recorded in the Evaluation Plan. The weightings applied differed slightly between Collections and Processing/Disposal services as per the table below, however price remained at 30% for both.

Based on the analysis undertaken there were clear preferred tenderers based on total evaluation score aligning with lowest price for collection services (Tenderer B), mixed recyclables processing (Tenderer A) and glass processing (Tenderer A).

For organics processing there is tension between the highest scoring tender (Tenderer F) and the lowest price tender (Tenderer G) where Tenderer F has a higher evaluation score, but Tenderer G provides a substantial saving annually and over the life of the contract (over \$1,200,000).

Murrindindi Shire Council's representatives on the Tender Evaluation Panel recommend appointing the contracts as follows:

- Tenderer B for kerbside collection and related services.
- Tenderer A for processing of commingled recycling.
- Tenderer A for processing of separate glass recycling.
- Tenderer G for organics processing services since they are the lowest priced tenderer, entail less travel and associated carbon emissions, and offer circular economy benefits related to the processing and sourcing of other materials (concrete, soil) not included in the tender.

A confidential report is attached that provides details of the tender evaluation process.

Kerbside collection frequency – community feedback

The frequency of collection is a key decision in the setting of the future model of kerbside services and goes directly to the cost of services and the appointment of contractors.

During October and November 2022, Council sought feedback from the community on how they would like to see the four-stream system implemented in Murrindindi Shire through an online survey and a number of pop-up sessions. The results of the community feedback have informed the recommended service options.

- Fortnightly collection of general waste.
- Fortnightly collection of mixed recycling.
- Weekly collection of food and garden organics.
- Monthly collection of separate glass recycling.

A base bin size will be provided and some services will have the option of a larger bin at extra cost.

Opt-in, Opt-out and Universal Collection Service

Currently the waste collection service is utilised by approximately 75% of habitable properties in the shire. In all township areas the services are mandatory, and along the collection route there is an opt-in arrangement. Therefore, there are 3 broad categories of collection servicing in the shire:

1. Township areas with mandatory services.

2. Rural areas with opt-in services.
3. Remote rural areas with no service available.

The State's draft Service Standards (see below section on Relevant Legislation) indicates that the Service Standards will apply to properties that Council services, indicating that the current arrangement of opting in along the collection route will be permitted, and that it will not be mandatory to service areas currently not on the collection route.

A decision of the availability of the services is not required to appoint the preferred tenderers. Discussions on the level of service can be undertaken with the preferred collection contractor prior to commencement of the new contracts.

Wheelie Bins

Engagement of the preferred collection contractor will lock in the prices offered in their tender for the supply and rollout of new bins. It is recommended that Council explore other options for to procure and rollout bins given the substantial costs involved.

Council Plan/Strategies/Policies

This report supports the *Council Plan 2021-2025 Our Protected Environment* strategy "in partnership with the community, develop and deliver climate change adaptation and mitigation programs and practices to reduce our environmental impact".

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 design of the regional collaborative tender has considered that there has been significant policy, regulatory and industry change within the waste and resource recovery sector. The project has been informed through careful consideration of these changes to ensure progression towards administering kerbside reform and meeting the targets of the Victorian Government's circular economy policy. It is critical that this can be achieved in a cost effective and compliant way and that the resilience of the sector is enhanced.

Key regulatory and current state changes that have been considered include:

China National Sword

- Widespread disruption to the recycling industry in 2018 due to a ban on the export of waste to China.
- SKM Recycling insolvency and Cleanaway entry to the market.

Government Intervention

- Guidance Notes and Model Contract Clauses (Model Clauses) for local governments 2018.
- National Waste Policy at Federal level.
- Greater regulatory scrutiny at State level.

Environment Protection Act 2017 (Vic)

- General environmental duty, specific duties and permissions regime.

Circular Economy Act 2021 (Vic)

- Greater consistency and transparency in service delivery.
- Greater State government oversight (Recycling Victoria).

Local Government Act 2020 (Vic)

- New Procurement Policy (31 December 2021), including enhanced collaborative procurement requirements.

Financial Implications and Risk

Council's long term financial plan includes projections and assumptions regarding the cost of kerbside waste and recycling services. This tender will allow Council to project the cost of these services more accurately over the long term. The tenders include prices for a range of collection service models, with the collection frequency of each stream having the greatest impact on the overall cost of services and the long-term financial projection. The proposed contract prices are not significantly different to the forecast costs.

Conflict of Interest

Conflicts of interest were declared by Council officers early in the RRCH project in relation to Murrindindi Shire being the owner of a landfill that operates in competition with services sought by other councils. Council's delegated tender panel members were excluded from all discussions and communications involving the tendering of landfill services, for which Murrindindi Shire Council was not tendering.

Community and Stakeholder Consultation

From 5 October to 13 November 2022, Council invited feedback from the community on the four-stream waste and recycling system to be implemented in Murrindindi Shire. A total of 267 contributions were made via the project web page and 140 quick poll responses were provided following face to face discussions at various pop-up events.

The community preferred service delivery model has been used to generate the cost evaluation models for this tender evaluation. Each tender has been evaluated against cost and qualitative measures based on the community preferred service model of:

- General waste collection (red lidded bin) - fortnightly collection (changed)
- Mixed recycling collection (yellow lidded bin) - fortnightly collection (no change)
- Food & Organics collection (green lidded bin) - weekly collection (new)
- Glass collection (purple lidded bin) - monthly collection (new)

4.4 Contract 22/19 - Tree and Weed Services 2023-2029

Attachment(s)	Confidential Attachment 1 – Tree and Weed Services 2023-2029 Award Report (<i>distributed to Councillors separately</i>) Confidential Attachment 2 – Weeds Services – Evaluation Report (<i>distributed to Councillors separately</i>) Confidential Attachment 3 – Tree Services – Evaluation Report (<i>distributed to Councillors separately</i>)
Presenter	V Albicini, Interim Director Assets & Development
Approved by	Director Assets & Development
Purpose	For decision

Executive Summary

The purpose of this report is to appoint suitable suppliers for CONT 22/19 Panel Contract - Tree and Weed Services for a three-year contract not exceeding a total of six years including all optional extensions.

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 that 18 tenderers be appointed to the panel CONT22/19 Panel Contract - Tree and Weed Services for a three-year contract with an option of a three-year extension, not exceeding a total of six years commencing 1 April 2023 and ending no later than 30 March 2029 if all available extension options are executed. The Contract being a schedule of rates panel contract, will not exceed a total spend of \$4,500,000 over the six-year term if all options are exercised.

RECOMMENDATION

That Council:

1. **appoint CONT22/19 - Panel Contract - Tree and Weed Services to the following suppliers:**
 - Tenderer 1
 - Tenderer 2
 - Tenderer 3
 - Tenderer 4
 - Tenderer 5
 - Tenderer 6
 - Tenderer 7
 - Tenderer 8
 - Tenderer 9
 - Tenderer 10
 - Tenderer 11
 - Tenderer 12
 - Tenderer 13
 - Tenderer 14
 - Tenderer 15
 - Tenderer 16
 - Tenderer 17
 - Tenderer 18

for an initial period of three years commencing 1 April 2023 and ending 31 March 2026 with an option for a three-year extension
2. **approve a total contract amount of \$4,500,000 over the six-year contract period**
3. **authorise the Chief Executive Officer to extend CONT22/19 Panel Contract - Tree and Weed Services for the optional three-year period subject to satisfactory performance**
4. **release the names of the Tenderers into the Minutes of the Scheduled Meeting of 22 March 2023.**

Background

Council has sourced suppliers to undertake a variety of Tree and Weed services through a panel contract - Tree and Weed Service Panel (CONT17/31) which commenced on 4 March 2018 and has now ceased.

Tenders were called for Panel Contract - Tree and Weed Services on 28 September 2022 closing 26 October 2022 and were advertised on Council's website, Facebook pages, and widely in both the local Shire and neighbouring shires newspapers. A total of 22 submissions were received.

The Panel Contract – Tree and Weed Services is to provide a range of tree services to support delivery of project works and routine maintenance works including emergency clean up and response, general tree works, tree root maintenance, tree planting and pest and disease management. The contract also provides weed services that deliver council's legislated obligation to manage weed control on roadsides as well as deliver routine works requiring weed control and weed mapping. This contract also undertakes natural disaster event clean-up which is work because of storm, flood, and fires events. This is a schedule of rates contract, and council is not obliged to use all contractors under this contract. The proposed panel contract gives council access to as many suppliers as possible to undertake necessary works.

List of services to be engaged under this contract are outlined in Table 1:

Table 1:

Tree Services	Weed Services
General Tree works	Spot Spray
Emergency Tree works	Drill and Fill
Planting	Cut and paint of woody weeds
Tree Mapping	Chipping
Vegetation Thinning	Mechanical
	Hand Weeding

Discussion

Council's procurement policy requires that all tenders be evaluated by a tender evaluation committee. The Committee responsible for evaluating this tender comprised:

- Manager Operations and Maintenance (Murrindindi Shire Council - Chair)
- Arborist (Murrindindi Shire Council)
- Environmental Officer (Murrindindi Shire Council)
- Procurement Officer (Murrindindi Shire Council non-scoring probity)

A pre-evaluation meeting concluded 18 tenders to be conforming that could proceed to evaluation. The remaining 4 were deemed non-conforming.

Tenders were assessed against the following criteria:

- Price - 30%
- Capacity, experience, and competency – 20%
- Capability and resources – 30%
- Environmental Management – 10%
- Youth Employment and Apprentices – 10%
- OH&S - Pass / Fail

Each submission was then evaluated individually to consider the Tenderer's ability to meet the requirements of the contract. Tenders were assessed with particular attention to the evaluation criteria requirements.

The Committee, including the probity advisor, convened as a group at the completion of the individual evaluations to discuss the outcomes. Pricing was not part of this conversation. All panel members assessed the submissions according to the criteria.

Four submissions were deemed nonconforming as they either did not provide the required tender submission information or advised of a OH&S breach. These were set aside and not evaluated further.

Individual scores were then averaged and applied to the master spreadsheet attached and pricing included. This provided an overall score for each Tenderer.

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

Based on the analysis undertaken, the Committee recommended that 18 Tenderers be appointed as panel contractors for CONT 22/19 Panel Contract - Tree and Weed Services for an initial three-year period and not exceeding a total of six years if a three-year extension is offered. The total Contract spend will not exceed \$4,500,000 over the total contract term.

Council Plan/Strategies/Policies

This report supports the following strategies and objectives under the *Council Plan 2021-2025 Transparency, Inclusion and Accountability* pillar:

- ensure Council remains financially sustainable through sound management, forward planning, innovative service delivery and asset consolidation as appropriate.
- to ensure our services, people and systems deliver the best possible outcomes for our communities now and into the future.
- maintain transparent, inclusive, and accountable governance practices.
- ensure Council remains financially sustainable through sound management, forward planning, innovative service delivery and asset consolidation as appropriate.

Relevant Legislation

Local Government Act 2020.

Financial Implications and Risk

Council allocates budgets for tree and weed works annually when establishing its annual operational budget. Funding is available to deliver work associated with this panel contract.

The risk of contractors not complying with OH&S regulations is mitigated by good contract management.

Appointing a panel of suppliers mitigates the risk of contractor availability and non-competitive pricing by having multiple options for quoting and execution of the works.

The total contract maximum value outlined by this report is based on historic spend over the past four years and a projected spend based on recent weather events.

Conflict of Interest

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

Community and Stakeholder Consultation

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

5 REPORTS - COMMUNITY ENGAGEMENT DIRECTORATE

5.1 Eildon Reserve Redevelopment deliberative panel recommendations

Attachment(s)	Attachment 1 - Eildon Reserves Redevelopment Deliberative Panel Summary Report V1 [5.1.1 - 24 pages]
Presenter	K Siebert, Interim Director Community Engagement
Approved by	Interim Director Community Engagement
Purpose	For decision

Executive Summary

This report provides Council with a summary of the deliberative engagement program associated with the proposed land sales at 18 Twenty First Street, 10 Eighth Street and 11 Seventh Street in Eildon.

RECOMMENDATION

That Council:

1. note the Deliberative Panel Summary report as contained in Attachment 5.1.1.
2. note the panel recommendation to “Proceed with the sale of land to support project delivery within the current scope, as per proposed timelines. This will include considerations for new use opportunities for the land parcels if sold”
3. request that officers initiate of the necessary steps to prepare 18 Twenty First Street, 10 Eighth Street and 11 Seventh Street, Eildon, for sale
4. request that a report be presented to Council prior to formally commencing the sale process under section 114 of the Local Government Act 2020 for the above blocks of land.

Background

Council has engaged with the Eildon community on key projects in recent years including the Eildon Community Plan, Recreation and Open Space Strategy, Lake Eildon Master Plan and Eildon Reserves Improvement Plan. Through these engagements, Council has scoped and secured part funding for the Eildon Reserves Redevelopment project from State and Commonwealth governments.

The aim of the redevelopment is to increase the recreational offering in Eildon and to draw tourists to Eildon, contributing to economic prosperity and community renewal. To part fund the redevelopment, Council has proposed to sell underutilised land parcels located at 18 Twenty First Street, 10 Eighth Street and 11 Seventh Street, Eildon.

The proposed land sales will contribute funding to the redevelopment and ensure grant funding is secured to pay for specific elements of the project. Council officers engaged the Eildon community engagement in 2022 to determine the local support for the proposed land sales, which resulted in mixed views from the community. Further, Council received a petition of objection to

land sales in Eildon. Council resolved to postpone a decision on the proposed land sales until further community consultation could be undertaken.

A proposal was endorsed at the Council Meeting on 14 December 2022 for officers to undertake a deliberative engagement process supported by external consultants.

Capire Consulting Group was appointed to facilitate a deliberative engagement program. The program and process was designed and facilitated by specialist consultants who could independently provide a forum for the community to understand the project and proposed land sales. A deliberative panel (the Panel) would be formed, comprised of community members who should debate a way forward and make a recommendation to Council as to whether the land sales should proceed.

To recruit for the Panel, Council officers hosted an information session, and widely promoted the opportunity through traditional and social media. Participants self-nominated through a public expression of interest process. A total of 30 community members, made up of a broad cross section of the community expressed their interest and were invited independently by Capire to become Panel members. A total of 25 community members accepted the invitation, becoming the Panel for a series of three workshops.

Council officers sought an 80% majority vote from the Panel for a recommendation to Council to proceed.

Discussion

The Panel met three times. Sessions were interactive, with ample opportunity for discussion and collaboration. This involved whole group conversation as well as small group work. Between sessions, Panel members were contacted via email/phone. A private portal was available on 'The Loop' to access available support material.

The panel deliberated on the following two options:

Option 1: Proceed with sale of land to support project delivery within the current scope, as per proposed timelines. This will include considerations for new use opportunities for the land parcels if sold.

Option 2: Do not progress with the sale of land, and the project either does not proceed, or it proceeds at a much-reduced scale.

In each of the Panel sessions, Council officers presented key information about the Eildon Reserves Redevelopment Project. Further presentations outlined the legislative and land use requirements regarding the parcels of land identified for proposed sale.

Panel Recommendation: At the second panel sitting on Saturday 25 February, an 87% majority of panel members voted to proceed with Option 1. The Panel agreed to the sale of the nominated land parcels to part fund (\$400,000) Council's \$1.2M contribution to the Eildon Reserves Redevelopment project.

In addition to the recommendation for Option 1, the Panel have asked Council to consider:

1. Streamlining the works associated with the development of the park to minimise disruption.

2. That all proposed land sales to be sold at public auction.
3. The sale of all blocks for maximum profit, subdivide land if profit is maximised.
4. Additional proceeds be put towards unfunded elements of the Project and the upgrades of other play areas in the Eildon Township.
5. Council rate rebates for property leased to key workers.

The Deliberative Panel Summary report (Attachment 5.1.1) includes greater detail on the panel process and their agreed recommendations.

Council Plan/Strategies/Policies

This report supports the following *Council Plan 2021-2025* strategies and objectives:

- *Resilient Communities* strategic objective to “deliver support and promote opportunities for all people to connect with each other, collaborate and plan for our future”.
- *Beautiful Towns and Rural Settings* strategy to “provide spaces within our towns that are vibrant, attractive, safe and accessible”.
- *Growth and Opportunity* strategy “support and promote our tourism and events sector to boost the economy through increased visitation”.
- *Transparency, Inclusion and Accountability* strategy to “ensure Council remains financially sustainable through sound management, forward planning, innovative service delivery and asset consolidation as appropriate”.

Relevant Legislation

Local Government Act 2020.

Financial Implications and Risk

The recommendation proposed by the deliberative panel supports Council’s \$1.2M funding contribution to the Eildon Reserves Redevelopment project. Combined with grant funding valued at \$4,636,800 the total project budget of \$5.83 million includes contingencies and quality assurance.

The project elements within the current scope for the Eildon Reserves Redevelopment grants include the regional splash park, toilets, change rooms and picnic shelter, upgrades to park furniture, a safe pedestrian link, regional playground including flying fox and swings, senior play space and skate park.

Officers note the residual risks associated with achieving the full project scope as outlined in the State Government funding agreement. Whilst support from community for land sales confirms Council’s funding contribution of the full \$1.2M, until the competitive tendering process is finalised, the actual project cost is unknown. The project cost may still exceed the funding available, and result in a reduction in project scope.

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 took place between August and October 2022 resulting in mixed feedback. In December 2022 Council commenced a deliberative panel process. Three panel sessions were conducted on Thursday 23 February, Saturday 25 February and Saturday 4 March 202.

Key information was recorded during the panel sessions and made available to the broader community via Council’s online participation platform ‘The Loop’.

5.2 Grants and Contributions Program - March Allocations

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

Executive Summary

The purpose of this report is to present Council with the March 2023 Grants and Contributions Program allocations and variations for noting and endorsement.

PART A RECOMMENDATION

That Council:

1. Endorse the following variations recommended by the Grants and Contributions Assessment Panel:
 - a) Yea & District Historical Society - The History of the Yea and District Memorial Hospital – Scope variation
2. Note the following allocations made by the Grants and Contributions Assessment Panel under delegation:
 - a) Yea Urban Fire Brigade Awards Night & 120 Year Anniversary – Yea Town Hall - Fee Reduction - \$270
3. Endorse the following allocations recommended by the Grants and Contributions Assessment Panel:
 - a) Yea Wetlands Discovery Centre – Meetup Device - \$1,599
 - b) Alexandra Football Netball Club - Anzac Spirit and Community Celebration - \$2,200
 - c) Brodie Hull - Support young Castella athlete to attend National Junior Basketball Championships in Brisbane in April 2023 - \$1,000

PART B RECOMMENDATION

That Council:

1. Endorse the following variations recommended by the Grants and Contributions Assessment Panel:
 - a) Eildon Action Incorporated - Eildon Community Stage – Timing variation
2. Endorse the following allocations recommended by the Grants and Contributions Assessment Panel:
 - a) Eildon Action Incorporated - Eildon Twilight Market Easter Fireworks - \$4,180

Background

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

The funding streams provided under the program are:

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

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

Assessment occurs monthly.

Discussion

Part A:

1. Variation Requests

Council officers have assessed the following grant variations and provide the following recommendations:

- a) Community Sponsorship CS-21/22-005 Yea & District Historical Society - The History of the Yea and District Memorial Hospital.

The project was proposed in two parts. Part 1 (the Honour Board) has been completed and installed. As Part 2 of the project will take more time, the funding agreement can be acquitted. This variation reduces the scope to Part 1 of the project.

A variation of scope is recommended by the Panel.

2. New applications awarded under delegation

Council officers have assessed the following grant applications and approved the following grants on behalf of Council:

- a) Yea Urban Fire Brigade - Yea Urban Fire Brigade Awards Night and 120 Year Anniversary – Yea Town Hall

This application was received under the Fee Reduction stream. This awards night will be held on Saturday 27 May 2023 and will be attended by various CFA dignitaries, members and family. This year, the Yea Urban Fire Brigade (CFA) will celebrate their 120 Year Anniversary.

A fee reduction of \$270 was granted by the Panel under delegation.

3. New applications

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

a) Yea Wetlands Discovery Centre – Meetup Device

This application was received under the Governance, Skills and Capacity Building stream. The Yea Wetlands Committee will purchase Logitech Meetup Devices for the centre. This will be valuable for the community at large as the meeting room is often booked for meetings by a variety of local organisations.

A grant of \$1,599 is recommended by the Panel.

b) Alexandra Football Netball Club - Anzac Spirit and Community Celebration

This application was received under the Community Sponsorship stream. The sponsorship will contribute to event expenditure of umpires, balls, match filming and afternoon tea with proceeds supporting local Alexandra RSL fundraising. The event will support community connection and reflection on the National Day of Remembrance.

Sponsorship of \$2,200 is recommended by the Panel.

c) Brodie Hull - Support young Castella athlete to attend National Junior Basketball Championships in Brisbane in April 2023

This application was received under the Individual Sponsorship stream. The sponsorship will assist Brody Hull, who has been selected in the Victoria Country Under 18 Men's basketball team to compete in the national championships being held in April 2023 in Brisbane.

Sponsorship of \$1,000 is recommended by the Panel.

Part B - Eildon Action Incorporated Applications

1. Variation request - Community Projects and Events - CPE-21/22-034 Eildon Action Inc - Eildon Community Stage

Eildon Action Inc have applied for a variation of their funding agreement to allow more time for implementation. The length of time to receive a permit to complete this project was underestimated at the time the application and agreement were made.

A variation of timing is recommended by the Panel.

2. Eildon Twilight Market Easter Fireworks

This application was received under the Community Projects and Events stream. Eildon Action Incorporated is seeking funding for the fireworks display to end April Eildon Twilight Market and celebrate Easter.

A grant of \$4,180 is recommended by the Panel.

Council Plan/Strategies/Policies

This report supports the strategic objectives 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”.
- “support and promote our tourism and events sector to boost the economy through increased visitation”.

Relevant Legislation

There are no legislative considerations to this report.

Financial Implications and Risk

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

Grant Stream	March Allocations	Year to date Allocations	Total 22/23
Fee Reductions	\$270	\$5,533	\$5,803
Governance, Skills and Capacity Building	\$1,599	\$0	\$1,599
Quick Response	\$0	\$0	\$0
Community Sponsorship, Projects and Events	\$7,380	\$42,766	\$50,146
Tourism Events	\$0	\$17,500	\$17,500
Business Plan Support	\$0	\$0	\$0
Funds returned to Council	\$0	\$0	\$0
TOTAL	\$9,249	\$65,799	\$75,048

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

Conflict of Interest

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

Community and Stakeholder Consultation

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

6 REPORTS - CORPORATE & SHARED SERVICES DIRECTORATE

6.1 Delegations and Authorisations (Planning and Environment Act 1987)

Attachment(s)	Attachment 1 - S 11 A - Instrument of Appointment & Authorisation (Planning and Environment Act 1987) March 2023 [6.1.1 - 3 pages]
Presenter	T Carter, Acting Director Corporate & Shared Services
Approved by	Acting Director Corporate & Shared Services
Purpose	For decision

Executive Summary

This report is to seek Council's endorsement of the Appointment and Authorisations of Staff and others under the *Planning and Environment Act 1987*, authorising persons for the purposes of the administration and enforcement of the Act.

Section 224 of the *Local Government Act 1989* has not been repealed therefore Council also retains its power to Authorise Officers under the *Local Government Act 1989* for the purposes of enforcement of the *Planning and Environment Act 1987* and other various legislation.

RECOMMENDATION

That Council, in the exercise of the powers conferred by s 147(4) of the *Planning and Environment Act 1987* resolve that:

- 1. The members of Council staff referred to in the instrument attached be appointed and authorised as set out in the instrument (S11A – Attachment 6.1.1)**
- 2. The instrument comes into force immediately the common seal of Council is affixed to the instrument, and remains in force until Council determines to vary or revoke it**
- 3. The instrument be sealed.**

Background

Council has recently hired a new Senior Planner, Trish Kubeil. To enable Ms Kubeil to undertake her role in accordance with the legislative requirements, Council must put in place the appropriate authorisations under the *Planning and Environment Act 1987*. Authorised Officers under the *Planning and Environment Act 1987* can only be appointed by the Council directly, not by the Chief Executive Officer as is the case under other legislation.

Discussion

Under the *Local Government Act 2020*, Council can only delegate powers conferred by the Act or the remaining powers of the *Local Government Act 1989* to the Chief Executive Officer. As outlined, the Council however remains able to delegate powers under various other pieces of legislation directly to Council staff, this is documented in the S6. Delegation from Council to members of Staff. Council delegations are appointed to roles / positions within Council, not specifically to employees therefore in this case the current delegations do not need to be revisited as the Senior Planner role is already listed.

Authorisations are made to individual employees of Council, therefore the revised S11A. Instrument of Authorisation and Appointment under the *Planning and Environment Act 1987* references Trish Kubeil, Council's newly appointed Senior Planner.

Council Plan/Strategies/Policies

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

Relevant Legislation

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

Financial Implications and Risk

Effective and efficient functioning of Local Government would not be possible without formal delegations to Council officers.

Conflict of Interest

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

Community and Stakeholder Consultation

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

6.2 Biannual Audit and Risk Committee Report

Attachment(s)	Nil
Presenter	T Carter, Acting Director Corporate & Shared Services
Approved by	Audit and Risk Committee 9 March 2023
Purpose	For noting

The following report was tabled by Dr C Nisbet, Chair of the Murrindindi Shire Council Audit and Risk Committee at its 9 March 2023 meeting.

Executive Summary

This report is provided in accordance with the *Local Government Act 2020*, Section 54 (5a) and describes the activities of the Audit and Risk Committee for the second half of 2022 and includes Committee findings and recommendations.

RECOMMENDATION

That Council note the Audit and Risk Committee Biannual Report (9 March 2023) prepared by the Committee Chair.

Background

This report is prepared in accordance with the Murrindindi Shire Council Audit and Risk Committee Charter, section 6. It is the third biannual report and covers the period July-December 2022 (including meetings on 15 September and 8 December).

Discussion

Membership

The Audit and Risk Committee is an advisory committee, whose role is to oversee and monitor Council's audit processes, including internal control activities. The committee comprises three independent members and two Councillors. Council appoints councillor members annually, for a 12-month term, which may be renewed subject to Council resolution. Independent members are appointed by Council for a three-year term following an external selection process and are eligible to be reappointed for a maximum of two three-year terms. The Chairperson of the Committee is appointed on an annual basis from the independent membership of the Committee by all members of the Audit and Risk Committee.

The Audit and Risk Committee is independent from management but does not have any executive powers, management function or delegated financial responsibility.

The Chief Executive Officer and Senior Management representatives attended meetings of the Committee, to assist in meeting discussions and procedures.

Representatives from the internal and external auditors also attend to present on matters related to internal and external audit activities.

Attendance of Audit and Risk Committee Members at Meetings

	Number of Meetings attended
Total number of meetings from 1 July to 31 December 2022	2
Dr Craig Nisbet (Independent Member) Chair	2
Mr Claude Baxter (Independent Member)	2
Mr Steve Schinck (Independent Member)	2
Cr Damian Gallagher	2
Cr Sue Carpenter (member from November 2022)	2 (one as observer)
Cr Sandice McAuley (member to November 2022)	1

Assistance to the Council

The Audit and Risk Committee is mindful that it has a responsibility to respond to requests for advice from Council and the Committee would like to restate to Council that it continues to welcome any approach for assistance or advice.

The Committee would also like to take this opportunity to thank:

- Staff of the Murrindindi Shire Council for making themselves available to attend Committee meetings;
- The Internal and External Auditors for the production of high-quality reports provided to the Committee; and
- The administrative staff for their support provided to the Committee.

Key activities of the Audit and Risk Committee

This report provides a summary of the work the Audit and Risk Committee performed to fully discharge its responsibilities and includes a summary of management's progress in addressing

the results of internal and external audit reports. For the topics covered in the period under review, an overall assessment of management's risks, controls, and compliance processes, including details of any significant emerging risks or legislative changes impacting the organisation.

Work undertaken by the Committee included consideration of a wide range of reports (many on a regular basis) that indicated Council's continued monitoring of developments but with no outstanding concerns.

1. Recommending Council approve in principle the Murrindindi Shire Council Financial Statements and Performance Statement subject to the review by the Victoria Auditor-General's Office for the year ended 30 June 2022 as tabled.
2. Recommending Council authorise two Councillors to certify the Financial Statements and Performance Statement, subject to the review of the statements by the Victoria Auditor-General's Office in their final form after any changes recommended, or agreed to, by the Auditor have been made.
3. Reviewing the management letter and closing report from external auditors for 2021/22.
4. Recommended approval in principle of two Quarterly Financial Statements.
5. Reviewing the Chief Executive Officer's Questionnaire to Directors.
6. Noting the Chief Executive Officer's update including the election of Mayor and Deputy Mayor and the portfolio appointments, Flood impacts (financial, business continuity and recovery planning), staff turnover, EBA certification, EPA requirements, Foot and Mouth and Lumpy Skin disease, Victorian Ratepayers Association request for Council documents, and Insurance).
7. Noting the approval process for the Chief Executive Officer's and the CEO's Executive Assistant's credit card transactions.
8. Noting a Policy Register Report.
9. Noting the Insurance Management report.
10. Noting the Public Interest Disclosure report.
11. Noting the report on rates and other debtor management.
12. Noting Procurement Threshold exemption report.
13. Reviewing and noting the annual assessment of the Committee's performance and the internal audit function.
14. Noting Internal Audit's Report into its Review of Council Asset Maintenance.
15. Noting Internal Audit's Report into its Review of Cybersecurity (Essential Eight).
16. Noting the Council's prudent management of Excess Annual Leave and Long Service Leave.
17. Noting the Policies and Plans that have been recently adopted by Council.

In broad terms, the Committee is of the view that Council is adequately addressing known risks. The Committee monitor culture through a number of mechanisms on an ongoing basis. There are no risks regarding which the Committee has developed a specific or heightened concern.

Council Plan/Strategies/Policies

The role and activity of the Audit and Risk Committee supports the *Council Plan 2021-2025* with particular regard to risk management and governance.

This report is a requirement of the Audit and Risk Committee Charter adopted by Council.

Relevant Legislation

The Audit and Risk Committee is established by Council in accordance with the requirements of the *Local Government Act 2020*. The members of the Audit and Risk Committee are governed by a Charter adopted by Council.

Financial Implications and Risk

This report identifies no further risks than are identified by Council officers and as reported regularly as part of the minutes of the Audit and Risk Committee Minutes.

Conflict of Interest

There are no declared conflicts of interest by Audit and Risk Committee members in relation to this report.

Community and Stakeholder Consultation

No external community or stakeholder consultation was undertaken or required for this report

Conclusion

The Committee benefits from the combined knowledge of Councillor and independent members during meetings. As Chair, I would like to acknowledge the contribution of all members who perform their responsibilities with diligence and professionalism. I also acknowledge the contribution of our audit representatives from RSD and HLB Mann Judd.

The Committee also enjoys a strong working relationship with Council staff and I would like to record my appreciation of the work undertaken by staff in supporting the Committee, particularly regular attendees and presenters at Committee meetings.

Dr Craig Nisbet
Chair, Audit & Risk Committee
For and on behalf of the Audit & Risk Committee

9 March 2023

6.3 Audit and Risk Committee Confirmation of Minutes

Attachment(s)	Attachment 1 - 2022-12-08 Audit and Risk Committee Minutes [6.3.1 - 14 pages] Attachment 2 - 2023-03-09 Audit and Risk Committee Minutes [6.3.2 - 17 pages]
Presenter	T Carter, Acting Director Corporate & Shared Services
Approved by	Acting Director Corporate & Shared Services
Purpose	For noting

Executive Summary

This report presents the minutes of the 8 December 2022 and the 9 March 2023 Audit and Risk Committee Meetings to Council for noting.

RECOMMENDATION

That Council receive and note the minutes of:

1. the 8 December 2022 Audit and Risk Committee Meeting as enclosed in Attachment 6.3.1
2. the 9 March 2023 Audit and Risk Committee Meeting as enclosed in Attachment 6.3.2.

7 COUNCILLOR AND CEO REPORTS

7.1 Notices of Motions

7.2 Cr Sue Carpenter

7.3 Cr Damien Gallagher

7.4 Cr Ilona Gerencser

7.5 Cr Eric Lording

7.6 Cr Sandice McAulay

7.7 Cr Karine Haslam

7.8 Cr John Walsh - Mayoral Report

7.9 Chief Executive Officer Report

8 RECORD OF COUNCIL BRIEFING SESSIONS

Purpose

For noting.

Executive Summary

This report presents the records of Council Briefing Sessions for 22 February 2023 to 15 March 2023, for Council to note.

RECOMMENDATION

That Council receive and note the records of Council Briefing Sessions for 20 February 2023 to 17 March 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 22 February 2023 to 15 March 2023:

Meeting Name/Type	Council Pre-Meet
Meeting Date:	22 February 2023
Matters Discussed:	1. Meeting postponement
Councillor Attendees:	Cr J Walsh, Cr K Haslam, Cr S Carpenter, Cr D Gallagher, Cr E Lording, Cr S McAulay
Council Officer Attendees:	L Bonazzi, M Chesworth, K Siebert, V Albicini, T Carter, C Nickels-Beattie
Conflict of Interest Disclosures:	Nil

Meeting Name/Type	Briefing Session
Meeting Date:	1 March 2023
Matters Discussed:	1. Tourism North East Memorandum of Understanding 2. Free from Violence project brief 3. Future Kerbside Waste Services Workshop
Councillor Attendees:	Cr J Walsh, Cr K Haslam, Cr S Carpenter, Cr D Gallagher, Cr E Lording, Cr S McAulay, Cr I Gerencser
Council Officer Attendees:	L Bonazzi, M Chesworth, K Siebert, V Albicini, J Blyth, N Carter, L Tomholt, P Bain
Conflict of Interest Disclosures:	Nil

Meeting Name/Type	Briefing Session
Meeting Date:	8 March 2023
Matters Discussed:	<ol style="list-style-type: none"> 1. Childcare service and infrastructure review presentation (external) 2. Strategic Planning – Eildon Pondage Masterplan 3. Planning Application – 181 Switzerland Road, Ghin Ghin 4. Draft 2023/24 Annual Budget – Financial Statements 5. Grants and Contributions Processes 6. Draft Climate Change Action Plan
Councillor Attendees:	Cr J Walsh, Cr K Haslam, Cr S Carpenter, Cr D Gallagher, Cr E Lording, Cr S McAulay, Cr I Gerencser
Council Officer Attendees:	L Bonazzi, M Chesworth, K Siebert, V Albicini, C Nickels-Beattie, S Collier, S Porter, N Stewart, E Kubeil, C Fraser, B Chapman
Conflict of Interest Disclosures: Nil	

Meeting Name/Type	Briefing Session
Meeting Date:	15 March 2023
Matters Discussed:	<ol style="list-style-type: none"> 1. Community Planning – Future Locations for consideration 2. Eildon Reserve Redevelopment deliberative panel recommendations 3. Draft 2023/24 Annual Budget - update 4. Development Services - Planning Report February 2023 5. Contract 22/9 Kerbside Waste & Recyclables Collection & Processing Services 6. Capital Works Program Review
Councillor Attendees:	Cr J Walsh, Cr K Haslam, Cr S Carpenter, Cr D Gallagher, Cr S McAulay, Cr I Gerencser
Council Officer Attendees:	L Bonazzi, T Carter, K Siebert, V Albicini, C Nickels-Beattie (V), S Collier, A Paix, N Matheson, C Fraser, P Bain, J Carns
Conflict of Interest Disclosures: Nil	

Council Plan/Strategies/Policies

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

Relevant Legislation

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

Financial Implications and Risk

There are no financial or risk implications.

Conflict of Interest

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

9 SEALING REGISTER

File Reference	Date Seal Affixed	Description of Documents	Signatures of Persons Sealing
CONT21/38	3 March 2023	Formal Instrument of Agreement between Murrindindi Shire Council and Prestige Paving Pty Ltd	Livia Bonazzi Cr John Walsh
CONT22/17	16 March 2023	Formal Instrument of Agreement between Murrindindi Shire Council & Fineblade Pty Ltd	Livia Bonazzi Cr John Walsh

RECOMMENDATION

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