

**Murrindindi**  
Shire Council

# Scheduled Meeting of Council

## Agenda

Wednesday 28 September 2022  
Alexandra Council Chambers  
Perkins Street  
6:00 PM

**ORDER OF BUSINESS**

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## **1 ACKNOWLEDGEMENT OF COUNTRY AND COUNCILLORS' PLEDGE**

### **1.1 Acknowledgement of Country**

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

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

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

### **1.2 Councillors' Pledge**

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

## **2 PROCEDURAL MATTERS**

### **2.1 Privacy Note**

This public meeting is being streamed live via our Facebook page and made available for public access on its website along with the official Minutes of this meeting.

### **2.2 Apologies and Request for Leave of Absence**

### **2.3 Disclosure of Interest or Conflict of Interest**

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

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

### **2.4 Confirmation of Minutes**

Minutes of the Scheduled Meeting of Council held on 24 August 2022.

## **RECOMMENDATION**

**That Council confirm the minutes of the 24 August 2022 Scheduled Meeting of Council.**

Minutes of the Confidential Meeting of Council held on 24 August 2022.

#### **RECOMMENDATION**

**That Council confirm the minutes of the 24 August 2022 Confidential Meeting of Council.**

Minutes of the Special Meeting of Council held on 14 September 2022.

#### **RECOMMENDATION**

**That Council confirm the minutes of the 14 September 2022 Special Meeting of Council.**

## **2.5 Petitions**

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

## **2.6 Community Recognition**

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

## **2.7 Matters Deferred from Previous Meeting**

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

## **2.8 Urgent Business**

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

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

### **3 PUBLIC PARTICIPATION**

#### **3.1 Open Forum**

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

#### **3.2 Questions of Council**

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

## 4 REPORTS - ASSETS AND DEVELOPMENT DIRECTORATE

### 4.1 Planning Application - 1565 Whanregarwen Road, Molesworth - Creation of second access

Attachment(s)	Attachment 1 - 1565 Whanregarwen Road Molesworth - Application Docs [4.1.1 - 21 pages] Confidential Attachment 1 - Molesworth CFA Response ( <i>distributed to Councillors separately</i> )
Presenter	C Fraser, Coordinator Planning
Approved by	Director Assets & Development
Purpose	For decision
Land:	1565 Whanregarwen Road, Molesworth
Proposal:	Amendment of planning permit to amend conditions to allow second access on a Transport Zone
Applicant:	Millar Merrigan
Zoning:	Farming Zone
Overlays:	Bushfire Management Overlay, Floodway Overlay
Triggers:	Access to a Transport Zone

#### Locality Plan



## Executive Summary

Following the issue of a notice of decision to grant a permit at its Scheduled meeting on 23 February 2022 and subsequent permit on 31 March 2022, the permit holder has sought an amendment to conditions contained within the permit which limit the number of vehicular access points to one.

It is proposed to have a second vehicular crossing from the Goulburn Valley Highway. In order to do this, amendments to Conditions 10 and 11 are proposed. This amendment seeks to amend Condition 10 of the permit to allow for two entrances and to delete condition 11 in its entirety. These conditions were a requirement of Department of Transport (DoT) as part of the original approval.

The application was referred to the DoT, Fire Rescue Victoria (FRV) and Goulburn Broken Catchment Management Authority (GBCMA). FRV & GBCMA have consented to the proposed changes. DoT, as a determining authority have objected. Where a Determining Referral Authority objects to a proposal, Council are obligated under Section 61(2) of the Planning and Environment Act 1987 to refuse the application.

The application has not been advertised as the recommendation is to refuse the application.

This report recommends that a refusal to grant an amended planning permit be issued for the proposed changes to Conditions 10 and 11 of the permit for the use and development of land for a dwelling at 1565 Whanregarwen Road, Molesworth.

The application is presented to Council as the recommendation is to refuse the application which is a requirement of the *Planning and Environment Act 1987* as there is an outstanding objection from a Determining Referral Authority.

## RECOMMENDATION

**That Council issue a Refusal to grant an amendment to a planning permit for a creation of access at 1565 Whanregarwen Road, Molesworth (Lot 3 TP:10492), based on the following grounds:**

- 1. Pursuant to Section 61(2) of the *Planning and Environment Act 1987*, the application must be refused as there is an outstanding objection from a Determining Referral Authority.**
- 2. Department of Transport have objected on the following grounds:**
  - 1) The proposal will result in unacceptable road safety outcomes.**
  - 2) The proposal will affect the operational efficiency of the transport network.**

## The Land and Surrounds

The subject site is located to the south of Goulburn Valley Highway within the main activity area of the township of Molesworth that was described in the Murrindindi Small Towns Study 2005 as follows:

Molesworth is a small rural settlement located on the Goulburn Valley Highway, approximately 10 kilometres northeast of Yea. It is located in the valley of the Goulburn River, which runs to the north of the main activity area of the district where community facilities and a number of businesses are located. The main activity area itself comprises a Hotel/Motel, General Store, Community Hall, CFA building and a number of houses that front the Highway. There are only two established roads.

The 11 hectare site is irregular in shape with a 590 metre frontage to Goulburn Valley Highway. The site is undeveloped and cleared with some scattered paddock trees. The site is currently used for grazing cattle.

The site abuts the rail trail to the south, a church to the west and residential uses and Molesworth Hall to the east. To the north of the site is the Molesworth Hotel/Motel, residential uses and the Molesworth Caravan Park.

The entire township of Molesworth is in the Farming Zone and prone to flooding. The town is divided by the Goulburn Valley Highway that connects Alexandra to Yea. The town consists of a hotel/motel, caravan park, church, hall and takeaway shop and a number of houses along the Goulburn Valley Highway and Hood Street which is located opposite to the site towards the centre of the frontage of the land.

### **Background**

The subject site is part of a larger property holding of agricultural land which is not included in this application. The subject site has never been developed and has been used for agricultural uses in conjunction with other land holdings.

The town of Molesworth was previously in the Rural Zone. In 2006, Amendment C18 rezoned all land in the Rural Zone into the Farming Zone. This amendment implemented the government's commitment to introducing new zones in Victoria's rural areas. The amended zones were designed to better reflect land use expectations. The Rural Zone allowed for alternative uses such as retail to occur which is prohibited in the Farming Zone in its current form. While the new zoning generally reflects land use expectations, pockets of land throughout the state still exist where the zoning of the land does not reflect the well-established character of an area.

The explanatory report to this amendment outlines that this occurred due to 'concern that the rural zones did not adequately recognise the importance of agriculture leading to increased land use conflicts by allowing a range of non-agricultural uses to be established in rural areas.

While the previous zoning does not guide decision making with this application it provides the context for the development of the township of Molesworth.

At its Scheduled meeting on 23 February 2022, Council resolved to issue a Notice of Decision to Grant a Planning Permit for the use and development of land for a dwelling subject to conditions.

No appeal was lodged, and a planning permit was issued on 31 March 2022. No plans have been endorsed to date.

### **Proposal**

This amendment application proposes to amend Department of Transport (DoT) Conditions of the permit which allow only one point of vehicular access into the subject land from the Goulburn Valley Highway. Goulburn Valley Highway is in the Transport Zone (TRZ2 – Principal Road Network) and is managed by DoT.

Conditions 10 and 11 of the planning permit required the following:

#### Condition 10

Only one access will be permitted from the subject land to Goulburn Valley Highway as shown on the plan (27379 P1 Version 2) appended to the application.



### Condition 11

Unless otherwise agreed in writing, prior to commencement of the use the following works must be constructed to the satisfaction of and at no cost to the Head, Transport for Victoria:

- i. The proposed access in accordance with VicRoads guideline drawing GD4010 Typical Access to Rural Properties to cater for the passenger vehicle as detailed in Table 2 - Access Setout Details.
- ii. All disused or redundant accesses must be removed, and the area must be reinstated.

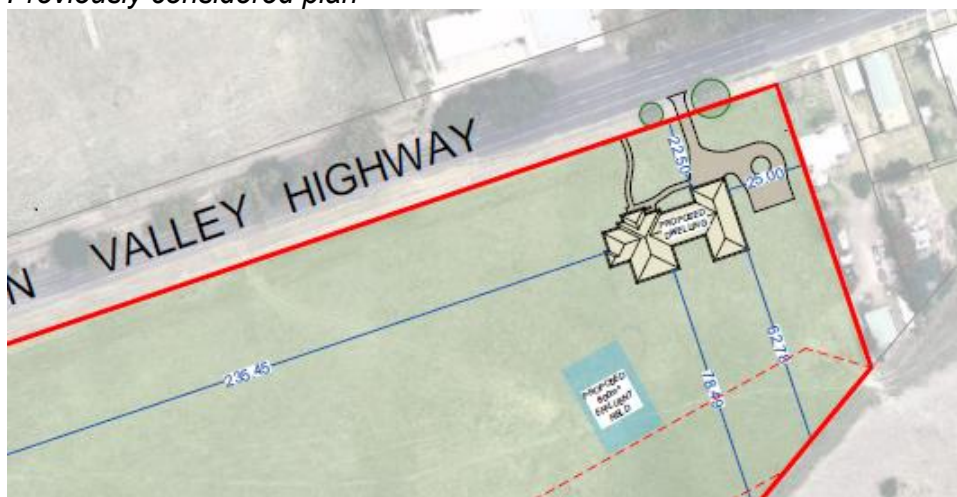
The above conditions were a requirement of the Department of Transport.

The applicant has proposed to amend Condition 10 to allow for two access points and delete Condition 11 in its entirety.

### Proposed Plan



### Previously considered plan



A letter of support for the proposal has been included in the application documentation from the Molesworth CFA highlighting the importance of the additional access point for CFA access to the property.

The application has arisen following an inspection of the site and observations of the new front fence being constructed with access with two access locations from the Goulburn Valley Highway. Officers were also advised of this by Department of Transport.

No other changes to the approved use and development of the land are proposed.

### **Cultural Heritage Management Plan**

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

### **Community and Stakeholder Consultation**

Notice of the application has not been given to adjoining landowners and occupants. The recommendation is to refuse the application as there is an objection from a Determining Referral Authority. Section 52(1A) of the Planning and Environment Act 1987 states that notice requirements do not need to be met in the instance where a Responsible Authority determines to refuse an application.

### **Referrals**

The application was referred to the Department of Transport (DoT), Fire Rescue Victoria and the Goulburn Broken Catchment Management Authority.

Fire Rescue Victoria and Goulburn Broken Catchment Management Authority did not object to the proposed amendment, nor were any alterations required to existing conditions of the permit.

As the amendment application proposes the alteration and removal of Department of Transport Conditions, the application was referred under Section 55 of the Planning and Environment Act 1987 to the Department of Transport who are a Determining Referral Authority.

DoT has objected to the proposed amendment on the grounds that:

- a) The proposal will result in unacceptable road safety outcomes.
- b) The proposal will affect the operational efficiency of the transport network.

Section 61(2) of the Planning and Environment Act 1987 states:

- *The responsible authority must decide to refuse to grant the permit if a relevant determining referral authority objects to the grant of the permit.*

As DoT are a Determining Referral Authority, the application must be refused.

### **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 inconsistent with the objectives and strategies of this framework as is discussed below.

The consideration of this amendment application relates only to the proposed changes in relation to access from the Goulburn Valley Highway.

Clause 18.02-4S Roads of the Murrindindi Planning Scheme contains the following objective:

- To facilitate an efficient and safe road network that integrates all movement networks and makes best use of existing infrastructure.

## **Transport Zone**

### Purpose

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To provide for an integrated and sustainable transport system.
- To identify transport land use and land required for transport services and facilities.
- To provide for the use and development of land that complements, or is consistent with, the transport system or public land reservation.
- To ensure the efficient and safe use of transport infrastructure and land comprising the transport system.

The requirements for the creation or alteration of access to land in a Transport Zone are outlined in Clause 52.29 of the Murrindindi Planning Scheme.

### **Clause 52.29 - Land Adjacent to the Principal Road Network:**

#### Purpose

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

A planning permit is required at Clause 52.29-2 of the Murrindindi Planning Scheme for the creation or alteration of access to land adjoining the Principal Road Network. The Department of Transport (DoT) were referred to, as determining referral authority in the assessment of the original application as new access was proposed from the Goulburn Valley Highway to the proposed dwelling. DoT consented to the proposal subject to this access being constructed and being the only access to the property. Additionally, DoT required that all other accesses be removed.

As part of the current amendment application, which proposes to amend conditions to allow for at least two access points, DoT are a mandatory determining referral authority. Referral of the application under Section 55 of the Planning and Environment Act 1987 is a requirement at Clause 52.29-4 of the Murrindindi Planning Scheme. DoT have objected to the proposed amendment on the following grounds:

- a) The proposal will result in unacceptable road safety outcomes.
- b) The proposal will affect the operational efficiency of the transport network.

In assessing an application against the decision guidelines of this clause, in addition to safety and policy, consideration must be given to the views of the relevant road authority.

While additional access to the site could be made safe, taking into consideration the road features and current speed limits, the authority responsible for the management of the road does not support the creation of an additional access on to the lot. Section 61(2) of the Planning and Environment Act 1987 requires that where a Determining Referral Authority objects to a proposal, the Responsible Authority must refuse the application.

While the application must be refused, the permit applicant still has appeal rights pursuant to Section 77 of the Planning and Environment Act 1987 to the Victorian Civil and Administrative Tribunal.

## **Conclusion**

It is considered that the proposed amendment to Planning Permit 2021/150 is inappropriate and does not meet the decision guidelines of Clause 52.29 of the Murrindindi Planning Scheme. Pursuant to Section 61(2) of the Planning and Environment Act 1987, the application must be refused as there is an outstanding objection from a Determining Referral Authority.

### Council Plan/Strategies/Policies

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

- to create a better place for our community and visitors to live in harmony with our rural character, natural beauty and heritage.
- deliver efficient, sustainable land use planning outcomes to enhance liveability, protect our unique rural character and natural beauty, and to enable growth.

### Relevant Legislation

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

### Financial Implications and Risk

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

### Conflict of Interest

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

## 4.2 Planning Application - 43 Snodgrass Street, Yea - Two (2) Lot Subdivision

Attachment(s)	Attachment 1 - 42 Snodgrass Street Yea - Application Docs [4.2.1 - 32 pages] Confidential Attachment 1 – Submissions ( <i>distributed to Councillors separately</i> )
Presenter	N Maguire, Planning Officer
Approved by	Director Assets & Development
Purpose	For decision
Land:	43 Snodgrass Street Yea
Proposal:	Two (2) lot subdivision
Applicant:	T Sargeant C/O Chris Smith and Associates
Zoning:	General Residential Zone
Overlays:	Nil
Triggers:	32.08-3 Subdivision in General Residential Zone

## Locality Plan



### Executive Summary

An application has been received for a two (2) lot subdivision at 43 Snodgrass Street Yea (subject land) under the provisions of the Murrindindi Planning Scheme.

The land is in the General Residential Zone and is not affected by any overlays. A planning permit is required for the subdivision of land in the General Residential Zone, pursuant to Clause 32.08-3 of the Murrindindi Planning Scheme. The purpose of the subdivision is to improve the functionality of the site that accommodates the rising population growth within Victoria.

Both Lots 1 and 2 will have respective areas of 450m<sup>2</sup> and 567m<sup>2</sup>. Lot 1 will contain the existing dwelling and outbuilding (carport), which will be retained in this application. No development plans are proposed for Lot 2, which means that Lot 2 will be treated as a vacant lot. The proposal will solely involve a two (2) lot subdivision.

The application has been advertised to the adjoining properties. A total of three (3) submissions have been received and the objections generally relate to the loss of privacy, increase in noise levels and the increase in traffic and lack of parking along Snodgrass Street.

The proposed subdivision will, however, encourage housing growth and support opportunities for housing diversity within the Shire, which meets the objectives of the Planning Policy Framework and Zone controls.

## RECOMMENDATION

**That Council issue a Notice of Decision to Grant a Permit for a two (2) lot subdivision at 43 Snodgrass Street Yea (Lot 1 on Plan of Subdivision 122978), subject to the following conditions:**

### Endorsed Plans

1. **The layout and site dimensions of the subdivision hereby permitted, as shown on the endorsed plan/s, must not be altered or modified without the written consent of the Responsible Authority. There are no requirements to alter or modify the endorsed plan if a plan is certified under the provisions of the *Subdivision Act 1988* that is generally in accordance with the endorsed plan/s.**

### Subdivision Conditions

2. **The plan of subdivision submitted for certification under the *Subdivision Act 1988* must be referred to the relevant authority in accordance with Section 8 of that Act.**
3. **The owner of the land must enter into an agreement with:**
  - a. **a telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time**
  - b. **the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity and gas (where it is proposed to be connected) services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time**
  - c. **a suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.**
4. **Before the issue of a Statement of Compliance for any stage of the subdivision under the *Subdivision Act 1988*, the owner of the land must provide written confirmation from:**
  - a. **a telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time**

- b. a suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.
5. All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.
6. The plan of subdivision submitted for certification under the *Subdivision Act 1988* must be referred to the relevant authority in accordance with Section 8 of that Act.

### **Council Engineering**

#### **7. Stormwater Discharge**

All stormwater discharged from the subject land shall be connected to the legal point of discharge to the satisfaction of the Responsible Authority. No concentrated stormwater shall drain or discharge from the land to adjoining properties.

Each lot requires a separate point of discharge.

It is the responsibility of the developer to meet the requirements for stormwater quality as stated in the BPEM (Best Practice Environmental Management) Guidelines.

Note: Additional information for requirements can be found at:

<https://www.epa.vic.gov.au/business-and-industry/guidelines/water-guidance/urban-stormwater-bpemg>

#### **8. Section 173 Agreement**

Prior to the issue of a Statement of Compliance for the subdivision under the *Subdivision Act 1988*, a Section 173 Agreement shall be entered into at no cost to Council, which ensures the following:

- a) The on-site detention for stormwater for the future dwellings will each be designed by a qualified drainage engineer and must be approved by the Responsible Authority prior to construction. A copy of each of the approved plans will be held by the Responsible Authority for future reference; and
- b) The stormwater system must incorporate principles of Water Sensitive Urban design and be designed so that the rate of storm water runoff from the development must not be more than the rate of runoff from the site prior to the development, all to the satisfaction of the Responsible Authority. The drainage system must be designed in accordance with the requirements of Clause 19 of Council's Infrastructure Design Manual (IDM) 'On-site Detention Systems'. The onsite storage size for the development must be in accordance with Table 13. The allowable discharge rate to Council drains shall be the lesser of:
  - i. that which is outlined in Table 13 and;

- ii. the remaining capacity of the existing pipe (Clause 19.3.1 of the IDM).
- c) A default allowable discharge rate of 25 l/s/ha may be used in lieu of calculations to determine the remaining capacity of the existing drainage network. This requirement is based on IDM Version 5.40 released on 1 September 2022.
- d) Each on-site detention stormwater system must be constructed either prior to, or concurrently with, the construction of any dwelling on the specified lots. Each onsite detention stormwater system on the specified lots must be completed prior to connection to Council's drainage system and be constructed in accordance with the approved design plans. This requirement is based on IDM Version 5.40 released on 1 September 2022.
- e) The owner will maintain, and not modify without prior Council written approval, each onsite detention system and will allow each onsite stormwater detention system to be inspected by a duly appointed Officer of the Council at mutually agreed times.
- f) The Owner will pay for all the costs associated with the construction and maintenance of each onsite detention system.

The Section 173 Agreement must be prepared by Council's Solicitors, to the satisfaction of the Responsible Authority and must be registered at the Office of Titles pursuant to Section 181 of the *Planning and Environment Act 1987*.

Council will undertake to have the Agreement prepared upon written notification from the applicant. All fees associated with the documentation must be fully paid prior to execution and registration of the document by Council.

## 9. Access

Vehicle access/crossing to the land is to be located, constructed and maintained to the satisfaction of the Responsible Authority.

Prior to the issue of a Statement of Compliance the following will be constructed for approval.

- a. Vehicle access/crossing is to be constructed in accordance with Infrastructure Design Manual Standard Drawing SD 255 or to approval of responsible authority.
- b. Vehicle access/crossing to the land shall be located so that adequate sight distance is achieved to comply with Australian Standard AS2890.1:2004 Section 3.2.4 and as specified in Ausroad's Guide to Road Design Part 4A Section 3.4 - 'Sight Distance at Property Entrance'.
- c. Minimum 10.0m and 9.0m clearance shall be maintained from any road intersection and between adjacent crossovers respectively.
- d. Any proposed vehicular crossing shall have satisfactory clearance to any side-entry pit, power or Telecommunications pole, manhole cover or marker, or street tree. Any relocation, alteration or replacement required



shall be in accordance with the requirements of the relevant Authority and shall be at the applicant's expense.

The final location and construction of the vehicle crossing is to be approved by the Responsible Authority via a "Consent to Work within the Road Reserve", prior to the undertaking of works.

10. All works must be constructed and completed prior to statement of compliance.
11. Prior to the issue of a statement of compliance, boundary fencing between Lot 1 and Lot 2 must be constructed to the satisfaction of the Responsible Authority.
12. All costs incurred in complying with the above conditions shall be borne by the permit holder.

### **Permit Expiry**

13. This permit will expire if one of the following circumstances applies:

- a. The plan of subdivision is not certified within two years of the date of the permit.
- b. The subdivision is not completed within five years from the date of certification of the plan of subdivision.

The Responsible Authority may extend the permit if a request is made in writing in accordance with Section 69 of *Planning and Environment Act 1987*.

### **The Land and Surrounds**

The subject site comprises a single parcel with an approximate area of 1,017m<sup>2</sup>. The site is regular in shape, encompassing an existing dwelling and an outbuilding (carport) located towards the front portion of the site. Access into the site is via an existing crossover located to the northwest of the site, accessed off Snodgrass Street. The topography of the site is flat.

The surrounding area is relatively similar in nature, mainly consisting of residential uses typically containing a dwelling with associated outbuildings. There is various infill development within the area, particularly to the west of the site along Snodgrass Street, Nolan Street and High Street. The site is in proximity to various amenities and services. This includes the Yea Recreation Reserve (northeast), Yea Swimming Pool, Yea Town Centre and Yea Library (southeast) present in the area. Goulburn Valley Highway is located to the south of the site, with the Great Victorian Rail Trail running along the south of the Goulburn Valley Highway.

### **Background**

The existing use of the land is a residential lot with a single dwelling and an outbuilding (carport).

### **Proposal**

The application proposes to subdivide the site into two lots in a battle-axe arrangement. The purpose of the subdivision is to create better lot layout and sizes to improve the functionality of the site that accommodates the rising population growth within Victoria.

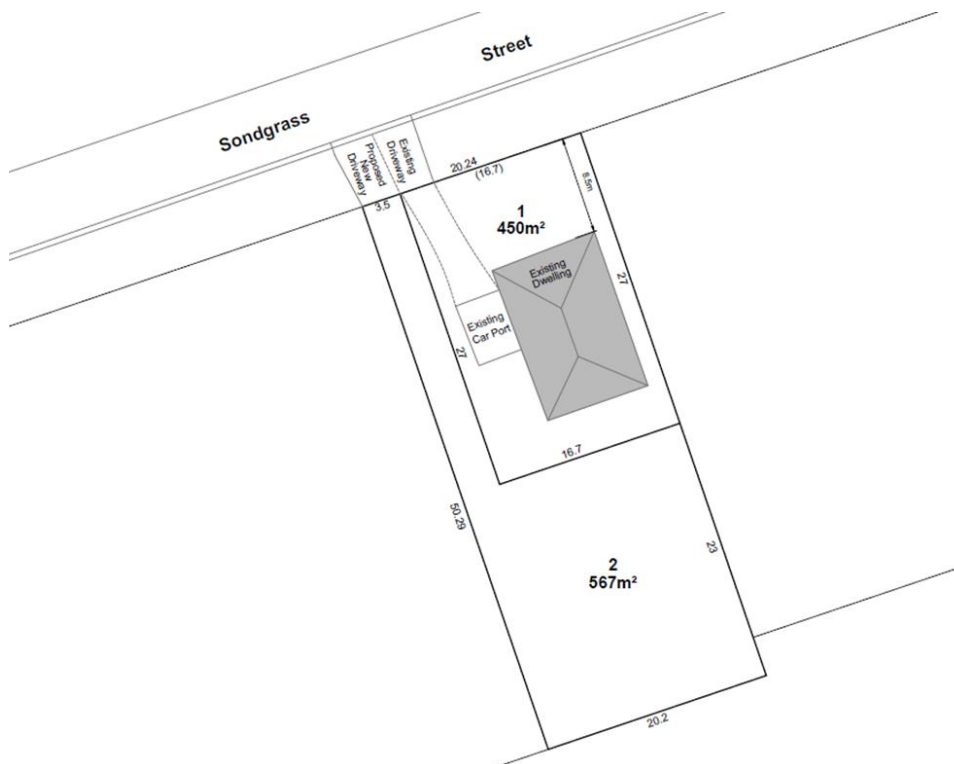
Both Lots 1 and 2 will have respective areas of 450m<sup>2</sup> and 567m<sup>2</sup>. Lot 1 will contain the existing dwelling and outbuilding (carport), which will be retained in this application. No development plans are proposed for Lot 2, which means that Lot 2 will be treated as a vacant lot with any future use and development subject to necessary approvals in accordance with the scheme. The proposal will solely involve a two-lot subdivision. A single dwelling is an as-of-right use in the

General Residential Zone and a planning permit will not be required to develop the proposed vacant lot for a single dwelling.

Separate access is proposed for each lot, with access into Lot 1 being retained in the northwest of the site. New access will be proposed for Lot 2, which will be accessed from a new crossover located to the north-western corner of the site, accessed off Snodgrass Street.

No native vegetation removal is proposed as part of this application.

The proposed subdivision is shown below:



### Cultural Heritage Management Plan

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

### Community and Stakeholder Consultation

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

Public notice was undertaken by means of letters to surrounding properties and a sign on site.

Following the notice, a total of three (3) objections were received and the submissions can be summarised as follows:

- Loss of privacy.
- Noise.
- Increase in traffic and lack of parking on Snodgrass Street.

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

## Referrals

No external referrals were required for this application.

The application was referred internally to Council's Engineering Unit. Their comments have been included as conditions where appropriate.

## Discussion - Planning Considerations

### Planning Policy

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

#### Clause 02.02 – Vision

The planning scheme outlines the overall vision for the municipality. This includes but not limited to:

- *Council seeks to enhance the liveability, amenity and quality of life in the municipality.*
- *Council will facilitate sustainable population growth and economic growth.*
- *Residential growth will be provided in established townships and settlements with existing communities and infrastructure, where natural environment is protected and a high level of community safety is achieved.*

#### Clause 02.03 – Strategic Directions

Council supports the following strategies when making a determination of the planning permit application:

- *Supporting each township as the focus of residential, commercial, community and service hub for its surrounding area.*
- *Concentrating development in locations free from environmental constraints, where environmental values are protected and the level of community safety is improved.*
- *Support the function and residential growth of smaller townships and settlements.*
- *Promoting and facilitate further residential development and housing diversity in established townships to meet the needs of the community, including affordable housing, public housing and aged care accommodation.*
- *Supporting residential growth that is sustainable.*

#### Clause 11.01-1S – Settlement

##### *Objective*

- To facilitate the sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlements.

#### Clause 11.02-1S – Supply of Urban Land

##### *Objective*

- To ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses.

#### Clause 15.01-3S – Subdivision Design

##### *Objective*

- To ensure the design of subdivisions achieves attractive, safe, accessible, diverse and sustainable neighbourhoods.

#### Clause 15.01-5S – Neighbourhood Character

##### *Objective*

- To recognise, support and protect neighbourhood character, cultural identity and sense of place.

### Clause 16.01-1S – Housing Supply

#### Objective

- To facilitate well-located, integrated and diverse housing that meets community needs.

### Clause 16.01-2L – Residential Development in Serviced Towns

#### Objective

- To locate housing in serviced towns that offer a range of community and physical services.

#### Strategies

- Facilitate residential expansion in established, serviced townships that have potential for further growth, in particular Yea and Alexandra.
- Encourage a diversity of housing including higher density housing, retirement villages and residential aged care facilities.
- Encourage housing in well serviced areas to maximise infrastructure provision.
- Facilitate housing in locations that ensure a high level of community safety, particularly from bushfire.

### Clause 18 – Transport

#### Objective

- To ensure a safe, integrated and sustainable transport system.

### Clause 19 – Infrastructure

#### Objective

- To ensure planning to facilitate efficient use of existing infrastructure and human services.
- Planning should ensure that the growth and redevelopment of settlements is planned in a manner that allows for the logical and efficient provision and maintenance of infrastructure.

The Murrindindi Planning Scheme encourages residential growth to be provided in established townships and settlements with existing communities and infrastructure. Clause 11.02-1S seeks to provide long term land supply to accommodate the projected increase in population. The proposed subdivision will therefore contribute to the land supply required that could accommodate potential residential development. Given the site's proximity to various amenities and services, particularly the Yea Town Centre, the subdivision will facilitate residential development that is well located in relation to jobs and services (Clause 16.01-1S). This will potentially help reduce car dependency within the area (Clause 15.01-3S). It is noted, that at clause 2.04 (strategic framework plans), the site is located with the Yea Framework Plan, that essentially has this site and immediate sites in an area that does not have a nominated use or development, other than it being within the general township boundary that states '*where proposals for serviced urban development are strategically justified*'. Therefore, the low scale change in density is acceptable in this location.

The proposed subdivision will also allow better usage of the site, minimising under-utilised land. Given the context of the existing environment consisting of mostly residential development, both Lots 1 and 2 will most likely be used for residential purpose (Clause 15.01-5S), which is consistent with the pattern and rhythm of the surrounding development. The proposed lot sizes are also designed to have the internal boundaries that will accommodate sufficient setbacks between future buildings on each lot. This ensures the amenity of the adjoining properties are not compromised. The proposed subdivision will therefore respect the existing neighbourhood character, while being consistent with the purpose of the zone by encouraging residential development of the area (Clause 15.01-5S).

The proposed subdivision will be consistent with Clause 19 as conditions on permit are proposed to ensure relevant infrastructures and utilities will be provided to each lot to the satisfaction of the Responsible Authority.

## **Zone**

### General Residential Zone – Schedule 1 (GRZ1)

#### Purpose

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To encourage development that respects the neighbourhood character of the area.*
- *To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.*
- *To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.*

The site is within the General Residential Zone (GRZ1). Pursuant to Clause 32.08-3 of the Murrindindi Planning Scheme, a permit is required to subdivide land. The proposal is for a two (2) lot subdivision which involves the creation of one vacant lot (Lot 2) and the other lot containing an existing dwelling (Lot 1). No change is proposed to the existing dwelling.

As the proposal only involves the creation of two (2) lots, the relevant standards under Clause 56 are:

- Clause 56.03-5.
- Clauses 56.04-2, 56.04-3 and 56.04-5.
- Clauses 56.06-8 to 56.09-2.

Schedule 1 of the zone does not vary any of these standards.

The proposed subdivision will provide opportunity to contribute to the housing stock of the area and will allow for the increased housing demand while maintaining lot sizes consistent with the existing and future character of the area.

The proposal will create different lot sizes that will allow for various housing types to be accommodated. The overall density of development is consistent with what is anticipated within the General Residential Zone and this location, which preserves the neighbourhood character and amenity of the area. Given the context of the existing environment, mostly being used as residential development, Lot 2 will most likely be used for residential development. This will be consistent with the existing and expected uses in the zone. Furthermore, there are various infill developments within the surrounding area, particularly to the west of the site. The new lot, therefore, appropriately takes into consideration the existing environment and characteristics of the site and the pattern and lot layout of development in the area. Any adverse effects on the neighbourhood character and amenity will be similar to the existing environment.

The layout and design of the subdivision is considered appropriate as it creates lots of a size and shape capable of accommodating a 10m by 15m building envelope. Additionally, it is expected that a new building on both lots can be designed to comply with the relevant planning and building regulations. This ensures that there will not be an adverse amenity effects arising from additional development. The proposed lot sizes continue to ensure open spacious qualities are maintained, with ample space for landscaping, vegetation, and outdoor space to be provided, and the ability to accommodate development that will maximise northern sunlight opportunities in the future. The internal boundaries are positioned to ensure sufficient setbacks, secluded private open space and solar access will be maintained for any future dwellings/buildings. The proposed subdivision therefore supports the intent of the General Residential Zone, whilst being consistent with the neighbourhood character and amenity values that are established in the locality.

Lot 1 containing the existing dwelling will have frontage to Snodgrass Street. Although Lot 2 will not have frontage to Snodgrass Street, access will be provided via a new crossover accessed off Snodgrass Street. The proposed lots are of an appropriate size and layout where convenient and safe access, manoeuvring, and parking will be provided. The existing vehicle crossing for serving Lot 1 will be retained in this application. New vehicle crossing and accessway serving both lots are expected to be compliant with Clause 56.06-8 and separate approval will be required via the Council's Assets/Infrastructure department.

In terms of servicing, the site is in an established residential area, which have connections to the existing reticulated connections. The proposal will ensure lots are appropriately serviced, which will be designed and managed accordingly to the requirements of the relevant authority. Conditions on permit are proposed for other utilities including electricity, telecommunications, and gas to be provided to each lot to the satisfaction of Responsible Authority.

The proposed subdivision is therefore appropriate in this locality, with each site able to accommodate appropriate access and servicing. Any future use and development of these lots will be subject to separate planning permit permission in accordance with the requirements of the Murrindindi Planning Scheme.

### **Overlays**

There are no overlays affecting the subject land.

### **Particular Provisions**

#### Clause 56 – Subdivision

The proposal complies with all the standards and objectives of Clause 56. This ensures that the subdivision will result in a suitable outcome within the area that allows for an increase in density. Conditions relating to services and access will be included on the permit as required.

A copy of this assessment is appended to this report at Attachment 4.2.1.

### **Discussion - Submissions**

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

#### Submissions

Following the notice, a total of three (3) objections were received and the submissions can be summarised as follows:

- Loss of privacy.
- Noise.
- Increase in traffic and lack of parking on Snodgrass Street.

#### Loss of privacy

The application solely involves a two (2) lot subdivision with no development proposed. However, the proposal has lot sizes and layout that could easily accommodate a dwelling that complies with the relevant planning standards. The internal boundaries are also positioned to ensure future dwellings will be designed to have sufficient setbacks from adjoining properties to minimise the extent of overlooking and visual dominance.

#### Noise

As noted above, the application solely involves a two (2) lot subdivision with no development proposed. The proposed subdivision will only result in one additional lot that will most likely facilitate one additional dwelling. However, one additional dwelling will only result in minimal increase in noise which could be accommodated within the area, being a residential area with domestic noises expected with residential living.

### Increase in traffic and lack of parking on Snodgrass Street

Despite not having any development proposed as part of this application, the creation of a vacant lot has the potential to create an increase in traffic. It is also acknowledged that there were significant upgrades to High Street in late 2020 that resulted in a reduction of a double lane to single lane. This has resulted in an increase in traffic along Snodgrass Street to avoid congestion on High Street. However, the planning scheme anticipates an increase in traffic volumes, as the site is zoned General Residential, where it seeks to “*encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport*”. Any residential development will only generate minimal traffic movement, and the proposal only involves one additional lot which can be supported by the surrounding transport network.

In terms of the lack of parking along Snodgrass Street, the lot sizes are relatively spacious and future development could be designed to include on-site parking spaces. This will therefore minimise overspill parking issue along Snodgrass Street.

### **Conclusion**

It is considered that a two (2) lot subdivision is appropriate and on balance it is considered that the two (2) lot subdivision is consistent with the provisions of the Murrindindi Planning Scheme.

### **Council Plan/Strategies/Policies**

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

### **Relevant Legislation**

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

### **Financial Implications and Risk**

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

### **Conflict of Interest**

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

### 4.3 Contract 21/38 - Mt Kitchener Ave Falls Road Marysville Drainage and Footpath

Attachment(s)	Confidential Attachment 1 - Mt Kitchener Ave Falls Rd Drainage and Footpath Award Report ( <i>distributed to Councillors separately</i> )
Presenter	V Albicini, Director Assets & Development
Approved by	Director Assets & Development
Purpose	For decision

#### Executive Summary

This report provides the results of a tender process to appoint a contractor for CONT21/38 - Mt Kitchener Ave Falls Rd Marysville Drainage and Footpath.

The scope of the contract is to install drainage and construct kerb and channel along the south side of Kitchener Ave, Marysville and to construct a concrete footpath on the west side of Falls Rd between Kitchener Ave and Hill Ave, Marysville.

A tender process was completed earlier this year for this project, however, following several delays for various reasons, the successful contractor decided to withdraw from the contract. It was decided to expand the scope of the contract by including additional footpath in Falls Rd and recalling tenders.

Tenders were called on 7 July 2022 and two tenders were received. A detailed evaluation was undertaken in line with Council's Procurement Policy and against tender evaluation criteria by the Tender Evaluation Committee.

Based on the evaluation, the Committee recommended Tenderer 1 be awarded CONT21/38 Mt Kitchener Ave Falls Rd Drainage and Footpath for a lump sum price of \$639,655 to complete the required works.

#### RECOMMENDATION

##### That Council:

- 1. accept the tender from Tenderer 1 for CONT21/38 – Mt Kitchener Ave, Falls Rd Marysville Drainage and Footpath for the lump sum of \$639,655 to complete the required works**
- 2. approve the allocation of \$98,257 as a contingency to be used in the delivery of this contract as detailed in this report**
- 3. release the name of Tenderer 1 into the Minutes of the Scheduled Meeting of 28 September 2022.**

#### Background

Mt Kitchener Ave, Marysville consists of a sealed road with gravel shoulders and table drains on either side of the seal. Due to the steepness of the road, the table drains are subjected to fast flowing stormwater which results in considerable erosion, particularly on the south side. This means that maintenance of the table drains requires considerable effort. Footpath construction is required along Falls Rd, Marysville to extend the existing footpath network in the town.



The scope of the contract is to install drainage and construct kerb and channel along the south side of Kitchener Ave, Marysville and to construct a concrete footpath on the west side of Falls Rd between Kitchener Ave and Hill Ave, Marysville.

A tender process was completed earlier this year for this project, however, following several delays, the successful contractor decided to withdraw from the contract. It was decided to expand the scope of the contract by including additional footpath in Falls Rd and recalling tenders.

### **Discussion**

The tender specification was prepared by Council officers using detailed plans and schedules of quantities prepared by an external survey and design group. The request for tender was released to an open tender process through Council's Tendersearch Portal on 7 July 2022.

The request for tender was also advertised from 7 July 2022 in the following publications:

- Alexandra Standard.
- Yea Chronicle.
- Marysville Triangle.
- Council's Tendersearch Portal.

One addendum was issued through the Tendersearch Portal. Drainage works associated with the footpath construction had been omitted from the original scope

The tender for these works closed on 25 July 2022.

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

- Coordinator Project Delivery.
- Project Engineer.
- Project Engineer.

The evaluation team undertook an initial review to determine if each of the submitted responses represented a conforming tender. This review found that both submissions were conforming tenders.

Tenders were assessed against the following criteria:

- Price – 50%
- Capacity to Deliver (Resources and Equipment) - 15%
- Capability to Deliver (OH&S, systems, insurance) - Pass/Fail
- Understanding of the Requirement – 15%
- Relevant Experience – 10%
- Sustainable Procurement – 10%

Both submissions were assessed for compliance prior to evaluating. Both submissions were found to be conforming.

The tenders were then evaluated to consider their ability to meet the requirements of the contract including their ability to deliver the works by the required timeline.

Both respondents hold positions on Council's Civil Works Panel where reference checks were undertaken as part of the evaluation. As a result, no further reference checks were undertaken as part of the evaluation.

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

Based on the analysis undertaken, the Committee recommend Tenderer 1 be awarded CONT21/38 – Mt Kitchener Ave, Falls Rd Drainage and Footpath for the lump sum of \$639,655.

### **Council Plan/Strategies/Policies**

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

### **Relevant Legislation**

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

### **Financial Implications and Risk**

Due to the nature of the works, there are several items that could not be specified in the schedule because the extent of the works involved would not be known until excavation works were completed. These items include:

- Alteration of Telstra pits
- Watermain deviations
- Existing landowner irrigation systems alterations
- Adjustments to sewer pits
- Reinstatement of existing vehicular crossings
- Additional property house drains
- Connection of existing stormwater easement drain into a new pit.

Also, the construction industry is currently experiencing problems with the supply of some materials and products. In this case, supply of reinforced concrete pipes is facing a delay of 4 to 6 months, which may mean an alternative supply, or an alternative product may need to be sourced with the successful tenderer.

The total budget for the Mt Kitchener Ave Falls Rd Drainage and Footpath is \$796,213 with spend for 2022/23 capital program to be \$752,912. Below is the apportionment of the budget as per council contribution and the grant agreement.

**Table 1:**

<b>Funding Source</b>	<b>Amount</b>
LRCI Round 3 (Stage 2 Footpath)	\$370,000
Mt Kitchener Drainage (Council)	\$331,484
Falls Road Stage 1 Footpath (Council)	\$94,729
<b>Total</b>	<b>\$796,213</b>

The project cost for the full scope of the project is summarised below:

**Table 2:**

<b>Item</b>	<b>Cost</b>
Tender Price – Full Scope	\$639,655
Contingencies	\$98,257
<b>Total Contract Cost</b>	<b>\$737,912</b>
Preliminary Costs (Pre Works/Specification/Advertisement)	\$43,301
Construction Project Management (Estimate)	\$15,000
<b>Total Overall Project Cost</b>	<b>\$796,213</b>

An allowance of \$98,257 is available for contingencies to fund any latent conditions or any other unforeseen circumstances.

Below is a budget comparison between the project cost for the reduced scope and the project budget.

**Table 3:**

Project	Available Budget	Total Project Cost	Variance
Mt Kitchener Ave Falls Rd Drainage and Footpath	\$796,213	\$796,213	\$0

There is no additional funding required to deliver this project. Any remaining budget contingencies at the completion of the project will be reported to the Council as part of the regular capital works reporting.

### **Conflict of Interest**

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

### **Community and Stakeholder Consultation**

No external community consultation was required for this matter, however, affected residents have been advised of the pending works and will be advised further once works are about to commence.

## **4.4 Climate Change Policy**

Attachment(s)	Attachment 1 - Climate Change Policy DRAFT [4.4.1 - 7 pages]
Presenter	V Albicini, Director Assets & Development
Approved by	Director Assets & Development
Purpose	For decision

### **Executive Summary**

Following public consultation, including final public exhibition from 3-24 August 2022, the draft Climate Change Policy (Policy) is presented for adoption.

The Policy has been prepared as the second of a triad of documents proposed to guide Council in its response to climate change. The other two documents are the Climate Change Pledge (as adopted by Council on 24 November 2021) and a Climate Change Action Plan (presently under preparation).

This report responds to the action from the 2021-2025 Council Plan to “Develop a Climate Change Policy”.

## **RECOMMENDATION**

**That Council adopt the Climate Change Policy as contained in Attachment 4.4.1.**

## Background

In its 2021-2025 Council Plan and 21/22 Action Plan, Council committed to several related actions to address the issue of climate change. Amongst others, these include:

- Submit a voluntary Climate Pledge in accordance with section 47 of the *Climate Change Act 2017* and lead business and community by example to target net-zero carbon emissions by 2040 or sooner (now 2035).
- Develop a Climate Change Policy.

Council adopted its Climate Pledge at its 24 November 2021 Scheduled meeting. The adoption of the Policy will complete the second step towards delivering the three related strategic documents that underpin Council's response to climate change.

## Discussion

Adoption of the Policy sets out the strategic objectives for Council to achieve net zero emissions by 2035, along with interim targets for meaningful progress. It is further intended to guide how Council can work in partnership with the community so that the Shire may also endeavour to become carbon neutral by 2035.

The adoption of the Policy is consistent with requirements to address climate change under Victorian legislation (the *Local Government Act 2020* and *Climate Change Act 2017*). It also responds to community expectations for Council to lead action in relation to climate change.

The Policy sets out Council's corporate approach to holistic action to respond to climate change, with all areas of the organisation taking responsibility to enhance decisions and actions by integrating mitigation and adaptation.

The Policy also sets out Council's role in collaborating with the local community to address climate emissions in a way that will benefit them, by making them more resilient to the impacts of climate change; physically, financially and jurisdictionally.

It is for these reasons that the Policy includes a suite of commitments, in the form of statements related to policy objectives.

Public consultation on the draft Policy occurred from 3-24 August 2022. Four responses were received, three being neutral or supportive of the Policy and one being strongly opposed. These varied from one respondent urging stronger action to one urging it be abandoned as a useless activity. Other more detailed comments will be considered during development of the Climate Change Action Plan.

A detailed summary of the responses is shown below:

<b>Resident</b>	<b>Extent of support for Climate Policy</b>	<b>What aspects of the draft Climate Change Policy do you like? What further comment do you have?</b>	<b>Council's response (revisions to Policy)</b>
Resident 1	Somewhat support	I am glad we have a strong commitment to net zero, and the recognition of Indigenous leadership in this area.	Feedback is noted, no changes to the Policy required.
		I would like to see more details - aside from a commitment to transition to 100% renewables by 2035, there is little concrete action, possibly to prevent acrimony.	Climate change actions will be listed in the Climate Change Action Plan, which will be subject to more intensive consultation in Oct-Nov 2022. This comment will be included in that consultation.
		The commitments are not strong enough given the dangers we see evolving this year. We are not in a climate-safe zone, as the bushfires have shown. Given our vulnerability, Murrindindi should be having far more ambitious targets, leading the way.	Noted, no changes to the Policy required. Council has assessed its targets in great detail prior to releasing the Policy.
		We need to know about jobs transition, building standards, PUBLIC TRANSPORT, etc. What ambitions exist in these areas, either for council or for council advocacy?	Climate change actions will be listed in the Climate Change Action Plan, which will be subject to more intensive consultation in Oct-Nov 2022. This comment will be included in that consultation.
Resident 2	Neutral	Nice theory but the reality is bushfires (or avoiding them) is THE biggest issue the local council can assist in.	Climate change actions will be listed in the Climate Change Action Plan, which will be subject to more intensive consultation in Oct-Nov 2022. Consideration of fire risk will be included in the Action Plan development process. This comment will be included in that consultation.
		Simple things like free green waste to avoid burn offs, and control of vegetation in council areas being a bushfire risk is far more relevant than politically correct topics.	Climate change actions will be listed in the Climate Change Action Plan, which will be subject to more intensive consultation in Oct-Nov 2022. This comment will be included in that consultation.
Resident 3	Strongly support	The acknowledgement that Climate Change is currently having a big impact on the shire which will always get worse.	Feedback is noted, no changes to the Policy required.
		The need to both make significant changes to mitigate future impacts and to create resilience to the effects.	Feedback is noted, no changes to the Policy required.
		A couple of suggestions - pressure be put on Ausnet to remove their	Climate change actions will be listed in the Climate Change Action Plan, which

Resident	Extent of support for Climate Policy	What aspects of the draft Climate Change Policy do you like? What further comment do you have?	Council's response (revisions to Policy)
		inverter limits so that property owners are not restricted in establishing solar/battery systems that are capable of self-sufficiency in the event of grid failure.	will be subject to more intensive consultation in Oct-Nov 2022. This comment will be included in that consultation.
		Providing mobile phone towers with extended battery back-up (possibly with their own solar/wind input???) so that extended grid failure does not result in a breakdown of communication systems as was seen during the June 2021 storms.	Climate change actions will be listed in the Climate Change Action Plan, which will be subject to more intensive consultation in Oct-Nov 2022. This comment will be included in that consultation.
Resident 4	Strongly oppose	The sky is not falling, nothing "unprecedented" is happening and the biggest trigger of so-called climate impacts is simply the presence of more humans e.g., the people that build in the trees and weep about climate change when they get burnt out.	Climate change actions will be listed in the Climate Change Action Plan, which will be subject to more intensive consultation in Oct-Nov 2022. Consideration of fire risk will be included in the Action Plan development process. This comment will be included in that consultation.
		I guess it will keep you all busy, resources will be wasted, and no measurable results will be achieved beyond the feelgood aspects.	Feedback is noted, no changes to the Policy required.  Council has an obligation to address climate change in accordance with the <i>Local Government Act 2020 and Climate Change Act 2017</i> . This is being addressed through the development of the Climate Change Policy.
		You are falling into line addressing a faux issue with useless activity and expense. I realize any contribution that is counter to "the narrative" will be ignored but I felt that I should respond so that you don't think silence is acceptance of this useless activity.	Feedback is noted, no changes to the Policy required.  Council has an obligation to address climate change in accordance with the <i>Local Government Act 2020 and Climate Change Act 2017</i> . This is being addressed through the development of the Climate Change Policy.

The entire consultation process assisted development and finalisation of this Policy. Very few dissenting comments were received. The interim targets in the Policy were strengthened during its development, and the exhibition draft is presented for adoption.

### Council Plan/Strategies/Policies

This report supports the *Council Plan 2021-2025 Our Protected Environment* strategy "to protect and enhance our natural environment, supporting environmental sustainability, community resilience, innovation and adaptation to climate change to achieve net-zero emissions by 2035".

Related plans and strategies also include the 2021/2022 Council Plan actions as listed above and those listed in Section 6 of the attached Policy.

### **Relevant Legislation**

Council is required to address climate change risks under both the *Local Government Act 2020* and the Victorian *Climate Change Act 2017*. The Pledge is the foundation for Council to comply with these requirements. Feedback to the Murrindindi Shire Community Vision showed that climate change is the priority environmental issue for the community.

### **Financial Implications and Risk**

There are no financial implications or risks directly related to the development and adoption of the Policy. The enactment of the Policy, through ensuing actions, will have regard to the organisation's financial planning processes and controls. The costs of such actions will more than offset by the avoided cost of doing nothing.

The Policy itself is a key component of the corrective actions required to mitigate the risk of climate change.

### **Conflict of Interest**

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

### **Community and Stakeholder Consultation**

Several consultation activities assisted the development of the Policy. The input provided from stakeholders has informed its content.

The draft Climate Policy was available for feedback via the following methods:

- the Loop (Council's online community engagement platform) from August 3-24, 2022.
- survey to assist response accessed from The Loop from August 3-24, 2022.
- advertised using Facebook, media release and newspaper article

## 5 REPORTS - COMMUNITY ENGAGEMENT DIRECTORATE

### 5.1 Grants and Contributions Program - September Allocations

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

#### Executive Summary

This report presents Council with the August 2022 Grants and Contribution Program applications for noting and endorsement.

#### RECOMMENDATION

##### That Council:

- note the following allocations made by the Grants and Contributions Assessment Panel under delegation:

Application	Amount
CPE-22/23001 – Dindi Open Studios – Dindi Open Studios	\$978
CS-22/23-002 – Alexandra Secondary College – Sponsorship of 2022 College Dux Student	\$600

- endorse the following allocations recommended by the Grants and Contributions Assessment Panel:

Application	Amount
CPE-22/23004 - Home Creek Spring Creek Landcare Group - 30 <sup>th</sup> Anniversary Celebration Gathering	\$1,000
CPE-22/23007 - Alexandra and District Traders and Tourism Association - Alexandra Spring Fair	\$2,500
CPE-22/23008 - Alexandra and District Traders and Tourism Association - Alexandra Community Christmas Carols	\$2,950

#### Background

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

The funding streams provided under the program are:

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



- Business Plan Support.

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

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

### **Discussion**

Council officers have assessed the following grant applications which include panel-approved grants for noting by Council and grant applications with panel recommendations for decision by Council:

#### Community Projects and Events

##### 1. Dindi Open Studios – Dindi Open Studios Project

The Dindi Open Studios project will see artists open their studios to the general public for a weekend. Visitors to the studios will be able to interact with the artists to see their personal space, how they work, what inspires them and to purchase their work.

The Dindi Open Studios Weekend on 22-23 October will showcase local artistic talent and support local and regional visitation, lifting the profile of the artists. Flow on benefits will be felt by local businesses from the anticipated visitation.

Grant of \$978 approved by Panel.

##### 2. Home Creek Spring Creek Landcare Group - 30<sup>th</sup> Anniversary Celebration Gathering

The project will see a public event to be held on a private property along the Goulburn River, just outside of Alexandra to celebrate the 30<sup>th</sup> Anniversary of the group.

The 30<sup>th</sup> Anniversary Home Creek Spring Creek Landcare initiative will support celebration and promotion to past, present and future volunteers of the group to enhance environmental outcomes for the catchment.

Recommended for a grant of \$1,000.

##### 3. Alexandra and District Traders and Tourism Association - Alexandra Spring Fair

The project will see the delivery of the Alexandra Spring Fair on behalf and for the enjoyment of the local community. The event includes entertainment by local artists, market stalls, food stalls, winery and brewery stalls and children's amusements and brings over 2,500 local community and visitors together, developing a sense of community.

The annual Spring Fair provides numerous benefits to the Alexandra district including social connection for local people, showcasing local arts and crafts and the promotion of boutique local businesses. The fair supports exposure to the community and local assets for tourists visiting the area.

Recommended for a grant of \$2,500.

#### 4. Alexandra and District Traders and Tourism Association - Alexandra Community Christmas Carols

The project will deliver Christmas Carols on behalf and for the enjoyment of the local community. The event includes entertainment by local artists, community groups, and others. The event typically includes kids' amusements, a local market, and a visit by Santa Claus.

The carols enhance community spirit and connection whilst fostering volunteering and collaboration amongst service groups and event organisers. Local artists are profiled through the live performances including young performers.

Recommended for a grant of \$2,950.

#### Community Sponsorship

##### 1. Alexandra Secondary College – Sponsorship of 2022 College Dux Student

The sponsorship will be associated with the annual award for the Dux of the college which is the college's most prestigious award and therefore fitting that this continues to be sponsored by Murrindindi Shire.

The sponsorship will support the annual school awards and foster pride within the school community. The award will recognise the efforts of the recipient and demonstrate to their skills to future education or employment opportunities.

Grant of \$600 approved by Panel.

#### **Council Plan/Strategies/Policies**

This report supports the following strategies and 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:

<b>Grant Stream</b>	<b>September allocations</b>	<b>Previous allocations</b>	<b>Total 22/23</b>
Fee Reductions	\$0	\$1,827.80	\$1,827.80
Governance, Skills and Capacity Building	\$0	\$0	\$0
Quick Response	\$0	\$0	\$0
Community Sponsorship, Projects and Events	\$8,028	\$16,500	\$24,528
Tourism Events	\$0	\$0	\$0
Business Plan Support	\$0	\$0	\$0
Funds returned to Council	\$0	\$0	\$0
<b>TOTAL</b>	<b>\$8,028</b>	<b>\$18,327.80</b>	<b>\$26,355.80</b>

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 Proposed Council Road Discontinuance - Part of Hull Road, Marysville

Attachment(s)	Attachment 1 - Title Plan [6.1.1 - 2 pages]
Presenter	M Chesworth, Director Corporate & Shared Services
Approved by	Director Corporate & Shared Services
Purpose	For decision

#### Executive Summary

This report seeks Council's endorsement to discontinue part of Hull Road, Marysville and to endorse the sale and transfer of the part, as shown as A and B on the attached title plan (Attachment 6.1.1), to the adjoining landowner Kanzen Pty Ltd (Proponent).

Council issued the Proponent with a Planning Permit for a 15 lot residential subdivision (refer to Attachment 6.1.1) which affects part of the existing Hull Road, including a 568m<sup>2</sup> Court Bowl. To enable Lots 5 & 10 of the subdivision to be viable, some 145.4m<sup>2</sup> of the Court Bowl would need to be transferred to the Proponent.

Council officers were of the view that there was a prima facie case for Council to consider discontinuing part of the Council Road on the basis that the part of the Road is not reasonably required for public use.

Council gave public notice of its intention to discontinue the part of Hull Road in accordance with sect 206(1) and clause 3 of Schedule 10 of the *Local Government Act 1989* and Council's Community Engagement Policy.

No submissions were received in response to the public notice, therefore Council is able to proceed with the discontinuance process.

The Proponent has paid up-front (non-refundable) costs to cover Council's costs, legal fees and advertising costs associated with the discontinuance and transfer of the Council Road.

#### RECOMMENDATION

**That Council, acting under sect 206(1) and clause 3 of Schedule 10 to the *Local Government Act 1989*:**

- 1. discontinue the part of Hull Road, Marysville as shown on the title plan attached to this report;**
- 2. endorse the sale of the discontinued part of Hull Road to the proponent (Kanzen Pty Ltd) for the price of \$3,635.00 (ex GST)**
- 3. authorise the Chief Executive Officer to sign all documents and undertake all administrative procedures in respect of the proposed discontinuance and sale of the part of the Road;**
- 4. affix its common seal to a transfer of the Road to the Proponent under section 207D of the *Local Government Act 1989*, providing the Proponent agrees to pay the sale price and any additional legal fees and disbursements on settlement;**
- 5. publish a notice of discontinuance of this Council Road in the Government Gazette.**

## Background

Council issued the Proponent with a Planning Permit for a 15 lot residential subdivision which affects part of the existing Hull Road, including a 568m<sup>2</sup> Court Bowl.

To enable Lots 5 & 10 of the subdivision to be viable, some 145.4m<sup>2</sup> of the Court Bowl would need to be transferred from Council to the Proponent (as indicated by A and B on the attached title plan). As this portion of the Council Road is not reasonably required for public use, Council is being asked to endorse the Council Road discontinuance and sale process.

## Discussion

Council acting under officer delegation, initiated a Council Road discontinuance process and gave public notice of its intention to discontinue the Council Road in accordance with sect 206(1) and clause 3 of Schedule 10 of the *Local Government Act 1989* and Council's Community Engagement Policy.

Council is obliged to consider any submissions received in accordance sect 223 of the 1989 Act before deciding whether the part of the Council Road is to be discontinued.

No submissions were received in relation to the public notice.

The Proponent has paid (non-refundable) up-front fees of \$4,925.00 (incl GST) to cover legal fees and disbursements, publication and valuation costs and Council fees to undertake the discontinuance process.

Council obtained a valuation of the part of the Road to be discontinued, from a Valuer who has the qualifications prescribed under the Act; with the market value of the discontinued portion being assessed as \$3,635.00 (ex GST).

The Proponent, in addition to the sale price, will also be required to pay any additional increases in costs associated with the process, plus preparation of the title plan of part of the Council Road

The Proponent has agreed to the transfer of land under sect 207D of the 1989 Act with Council.

Council reserves the right to discontinue or not discontinue part of the Council Road. If Council were to resolve that part of the Council Road be discontinued, then notice of the discontinuance of the Road will be published in the Victorian Government Gazette.

## 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

Council must comply with provisions of the *Local Government Act 1989* (Vic) (1989 Act) and the *Local Government Act 2020* (Vic) (2020 Act) in respect to the proposed discontinuance process.

The statutory processes associated with discontinuance of part of the Council Road, include the following:

- The prior determination by Council under officer delegation that the part of the Council Road is no longer reasonably required for general public use.
- Give public notice of the proposed discontinuance of part of the Council Road (under officer delegation) and for Council to receive and consider all submissions.
- Council to decide whether or not to discontinue part of the Council Road.

- If the part of Council Road is to be discontinued, publish a notice of discontinuance of the Council Road in the Victorian Government Gazette.
- Compliance with the land sale procedure under sect 114 of the 2020 Act.

Council, acting under officer delegation, determined that the Council Road was not on Council's register of Public Roads. As such, consideration was not required to be given in regard to public notice under section 17(4) of the *Road Management Act 2004*.

### **Financial Implications and Risk**

All costs associated with the process including Council's costs, legal fees, advertising, etc will be borne by the Proponent.

### **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**

Council undertook a community engagement process in accordance with Council's Community Engagement Policy.

By following the statutory notification process, the community has had an opportunity to comment on the discontinuance of the Council Road.

## **6.2 Rural Councils Transformation Project - MOU**

Attachment(s)	Attachment 1 - RCTP Draft Memorandum of Understanding Updated [6.2.1 - 22 pages]
Presenter	M Chesworth, Director Corporate & Shared Services
Approved by	Director Corporate & Shared Services
Purpose	For decision

### **Executive Summary**

Council, as part of a collaboration with Mansfield, Strathbogie and Benalla Rural Councils, has been successful in securing a \$1 million grant under the State Government's Rural Transformation Program. The aim of the project is to procure new information technology systems and re-engineer internal processes to maximise service delivery to the community. Under the funding agreement with the State, Mansfield Shire Council has been designated the lead Council and auspice for the grant.

This report seeks Council's endorsement to enter into a Memorandum of Understanding between the four Councils, representing a formal agreement and commitment by each council to support the successful delivery of the project. The MOU contains a governance structure consisting of a series of project groups to be formed across the four Councils to ensure appropriate decision making and effective delivery of the project.

## RECOMMENDATION

### That Council:

1. note the awarding of a grant of \$1 million for the Rural Council Transformation Program (RCTP) entitled 'Lifting Service Performance Through Shared Technology and Collaboration project' from the Department of Jobs, Precincts and Regions, for the Mansfield, Murrindindi, Strathbogie and Benalla Councils.
2. authorise the draft Memorandum of Understanding between Mansfield Shire Council (the lead Council), Murrindindi Shire Council, Rural City of Benalla, and Strathbogie Shire Council, to be signed by the Chief Executive Officer.

### Background

At its November 2021 meeting Council resolved to join with a group of rural councils to place an application for funding under the Victorian Government's Rural Council Transformation Program (RCTP) entitled '*Lifting Service Performance Through Shared Technology and Collaboration*'.

The funding application outlined a collaboration between Mansfield Shire Council (as the grant auspice Council), Murrindindi Shire Council, Benalla Rural City Council and Strathbogie Shire Council to procure new information technology systems and re-engineer internal processes to maximise service delivery efficiency to the community.

In May 2022 Minister Shaun Leane advised Mansfield Shire Council that the funding application had been successful.

The Department of Jobs, Precincts and Regions is providing the four councils with a combined \$1 million (ex GST) of funding over a two-year period. The funding application included a co-contribution of \$361,450 from each of the four councils, taking the total funding for the project to \$2.45 million and enabling the project to extend into a third year.

Following discussions with the four councils it was considered that a Memorandum of Understanding (MOU) be established between the councils to define governance structures to meet the terms of the funding agreement, including reporting and acquittal of funds to the Department. The MOU is also designed to provide a clear decision making and reporting structure to deliver this project and represents a formal agreement and commitment across the four councils to support the successful delivery of the project.

The signing of the MOU by the respective Chief Executive Officers will signify the commencement of the project, which will be guided by a comprehensive governance structure to ensure the terms of the funding agreement are met and the goals of the project achieved.

### Discussion

The MOU ensures a common understanding of roles and responsibilities for all stakeholders and outlines how the project will be delivered.

The project is to be overseen and delivered by a range of groups, set out in the Governance Structure. A project manager is being recruited to drive project delivery and will report to the Project Control Group, consisting of senior executives from the four councils. An overall Steering Committee will be comprised of the four CEOs and representatives from Local Government

Victoria/Digital Victoria. These groups will form the decision-making bodies for the project and ensure oversight over the expenditure of funds.

The identification of information technology systems and development of streamlined business practices for the four focus areas will be developed by Project Teams, with the assistance of a Technical Reference Group (IT experts) and a Project Management Group.

This ensures involvement across each council in the development of new systems and processes to ensure that the staff who deliver the service have input into its design.

Overall, the Project Manager is the lynchpin of the project, responsible for the overall project planning and delivery as well as ensuring effective communication from all the groups involved in the governance structures outlined in the MOU.

As the grant auspice council, Mansfield Shire Council will receive the funding from the Department on behalf of all participating councils. Reporting of progress and the acquittal of funds as required under the funding agreement will be undertaken by Mansfield Shire but supported by the participating councils.

### **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**

There is no specific legislation that relates to this project.

### **Financial Implications and Risk**

Council's financial contribution to this project will utilise funds previously allocated for the implementation of Council's IT Strategy, with provision made in the 2022/23 budget and forward budget estimates. Until a project implementation plan is finalised it is not possible to finalise the precise timing for these contributions.

All costs relating to the project are to be met from the grant funding and the co-contributions from the four councils.

The ability to complete the project fully within the timeframes of the funding agreement remains the major risk with this project, given its scale and complexity. This MOU represents one way to ensure all four Councils are committed to the successful delivery of the project. Once the Project Manager is recruited, a detailed risk management plan covering the delivery of the project will be developed.

### **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.



## 6.3 Approval of Annual Financial Statements 2021/22

Attachment(s)	Attachment 1 - Performance Statement 2021-22 [6.3.1 - 11 pages] Attachment 2 - Draft Financial Statements 2021-22 [6.3.2 - 48 pages]
Presenter	C Nickels-Beattie, Manager Business Services
Approved by	Director Corporate & Shared Services
Purpose	For decision

### Executive Summary

The Annual Audit has been undertaken by Council's external auditors. The report presents the draft audited Financial Statements and Performance Statement for the 2021/22 financial year to Council for its 'in principle' approval. This is required prior to submitting the Statements to the Victorian Auditor General.

### RECOMMENDATION

#### That Council:

1. **approve 'in principle' the Murrindindi Shire Council Financial Statements and Performance Statement for the year ended 30 June 2022 as attached to this report**
2. **authorise the Principal Accounting Officer to make minor amendments to the Financial Statements and Performance Statement for the year ended 30 June 2021 to meet the Victorian Auditor General's (VAGO) requirements**
3. **authorise Cr Sue Carpenter (Mayor), Cr John Walsh (Corporate and Governance Portfolio Councillor) and the Chief Executive Officer to certify the Financial Report and Performance Statement in its final form after any changes recommended, or agreed to, by the auditor have been made.**

### Background

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

Audit work has been completed by Council's external auditors and Council officers have prepared a draft 2021/22 Financial Report and Performance Statement for submission to the Victorian Auditor General's Office (VAGO). A copy of the draft report and statements, forming the 'in principle' statements, are attached (refer to Attachments 6.3.1 and 6.3.2).

The following process is required to ensure that Council's Financial Statements and Performance Statement are submitted to VAGO in a timely manner, enabling the Auditor General to officially express an opinion prior to the statutory deadline of 31 October 2022.

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

It is a requirement for Council to formally review the draft statements and to authorise two Councillors and the Chief Executive Officer to sign the final statements on behalf of, and with the

full authority of Council. The 'in principle' approved statements and the Council resolution are provided to the external auditor.

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

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

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

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

### **Discussion**

The draft financial statements that are attached to this report detail Council's financial position as at 30 June 2022, and a record of all financial activity that occurred during the 2021/22 financial year. It should be noted that these statements were prepared in accordance with Australian Accounting Standards and the Model Accounts for Victorian Councils which are developed by Local Government Victoria and VAGO.

It should also be noted that these draft statements have been signed off by Council's external auditor RSD Audit, acting as agent for VAGO.

The financial and performance statements were presented to Council's Audit and Risk Committee on 15 September 2021 where they were endorsed for adoption by Council at this meeting.

A summary of the draft financial results for the year ending 30 June 2022 is provided as follows.

#### Operating performance – income statement results against budget

	2021/22 Adopted Budget	2021/22 Actual	Variance
Income	37,653,000	40,240,422	2,587,422
Expenses	36,509,000	36,587,895	(78,895)
Surplus/(Deficit)	1,144,000	3,652,527	2,508,527

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

The operating surplus for the financial year of \$3.65 million was largely the result of additional revenue of \$2.58 million and reduced expenses of \$0.08 million. Major contributing factors to this result include:

Line Item	Variance (\$)	Variance explanation
<b>Income</b>		
Grants - operating	2,140,017	New grants were received during the year that were not budgeted \$805k. An additional 25% of the 2022/23 Grants Commission Assistance Payment \$1.7m unbudgeted, was paid in advance.
Grants - capital	(1,355,945)	Budgeted grants deferred to unearned income as projects not yet delivered, Bridge renewal and Heavy Vehicle Road grants \$2.4m offset by new unbudgeted grants received \$1.4m
Contributions - non monetary	604,062	Council receives contributions in the form of infrastructure as a result of subdivisions and developments. The timing and amount of such contributions is largely outside Council's control.
<b>Expenses</b>		
Employee costs	587,884	Variance mainly in Infrastructure Operations: Parks and Gardens and Road Maintenance. Vacancies filled by contract positions (materials and services).
Materials and services	(1,114,864)	Unfavorable variances in Waste Management and Landfill including plant repairs and leachate treatment \$626k, Rubicon Waster Water (grant funded) project \$126k, Small Business Support (grant funded) \$162k, Parks and Gardens \$103k, Road maintenance \$104k, trees works \$49k, increased weed control \$81k, Goulburn Murray Climate project (supported by contributions ) \$43k, 2021 Storm recovery works \$59k, Kinglake streetscape works budgeted as capital \$258k, contractors filling staff vacancies \$202k, offset by favorable variances in Family Day Care (grant funded) \$340k and the grants program \$223k
Depreciation	609,938	The roads revaluation work undertaken in late 2020/21 resulted in a reduction in depreciation rates. These figures were not available at the time of adopting the 2021/22 budget.
Net loss on disposal of property, infrastructure, plant and equipment	370,824	When assets are replaced, renewed or upgraded, the underlying book value of the assets must be written out of the asset register, this value is recorded as an expense. The amount of this expense depends on the size, nature and timing of the completion of the capital works program. In the current year the bridge replacement program has been delayed. When the new bridges are completed in 2022-23 the book value of the existing bridges will be adjusted, and any remaining book value expensed
Increase in provision for landfill Liability	(276,566)	Landfill provision increased following the annual review and alignment with EPA assurance requirements.

A detailed analysis of all variances greater than \$500,000 or 10% is outlined in note 2.1.1 of the Financial Statements in Attachment 6.3.1.

#### Key financial ratios

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

Ratio	2018/19	2019/20	2020/21	2021/22	Comment
<b>Working capital</b>					
Current assets compared to current liabilities	590.22%	520.81%	382.18%	330.89%	Assesses Council's ability to meet current commitments. A percentage greater than 100% is favorable. Council's current liabilities have increased due to the recognition of grant income in the year when the funds are expended. These are grants Council has received, however the matching expenditure will be incurred in future periods. The amount of this liability in 2021/21 was \$6.5 million.
<b>Rates concentration</b>					
Rates compared to adjusted underlying revenue	55.94%	59.89%	61.91%	60.51%	Indicates Council's dependence on rates income. The higher the percentage, the higher the dependence.
<b>Loans and borrowings</b>					
Loans and borrowings compared to rates	3.25%	2.24%	0.00%	0.00%	Indicates the level of long term debt being appropriate to Council's rating capacity. Low or decreasing level suggests an improvement in the capacity to meet long term obligations. Council extinguished all loan debt in 2021/22.

Further financial performance indicators can be found on page 6 and 7 of the Performance Statement in Attachment 6.3.2.

### **Council Plan/Strategies/Policies**

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

### **Relevant Legislation**

*Local Government Act 2020.*

*Local Government (Finance and Reporting) Regulations 2020.*

### **Financial Implications and Risk**

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

### **Conflict of Interest**

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

### **Community and Stakeholder Consultation**

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

## 6.4 AGL Agreement - in lieu of Rates

Attachment(s)	Attachment 1 - MSC & AGL Hydro - Rates in Lieu Agreement - UNSIGNED [6.4.1 - 17 pages]
Presenter	M Chesworth, Director Corporate & Shared Services
Approved by	Director Corporate & Shared Services
Purpose	For decision

### Executive Summary

This report seeks Council authorisation of the Rates in Lieu Agreement between Murrindindi Shire Council and AGL Hydro Partnership which is due for renewal. This report outlines the purpose and complex methodology of the Agreement between Council and AGL for payment in lieu of rates and seeks Council's endorsement of the new agreement.

### RECOMMENDATION

**That Council authorise the Chief Executive Officer to execute the Rates in Lieu Agreement with AGL Hydro Partnership under section 94(4)(a) of the *Electricity Industry Act 2000* for the term defined by the agreement.**

### Background

The Rates Agreement (Agreement) between Murrindindi Shire Council (Council) and Southern Hydro Ltd (now AGL Hydro Partnership ABN 86 076 691 481 (AGL)) dated 11 November 1997 expired on 30 June 2022. The original term was for 25 years.

The Agreement was entered into under section 46 of the former *Electricity Industry Act 1993*, whereby property of electricity corporations is deemed not rateable land, within the meaning of the *Local Government Act 1989*. The Agreement covered the properties occupied by AGL to operate the Eildon Power Station and the Rubicon hydro-electric scheme.

Section 46 of the former *Electricity Industry Act 1993* states "*Rateability of property of electricity corporations Land of the Crown and land vested in fee in an electricity corporation which is unoccupied or used for the purposes of this Act is not, and is deemed never to have been, rateable land within the meaning of the Local Government Act 1989*"

### Discussion

Under the newer *Electricity Industry Act 2000* (Act), Section 94(4) states the following:

*Despite anything in the Local Government Act 1989 —*

- a) *a generation company, an associated entity of a generation company or an exempt generator that is liable to pay rates in respect of land used for generation functions may, instead of paying rates in respect of that land, elect by notice in writing given to the relevant council to pay amounts agreed or determined under subsection (5)*

As a generation company, AGL has elected to enter into a new agreement with Council, under section 94(4)(a) of the Act in lieu of paying rates in respect to the land on which the Eildon and Rubicon Hydro Electricity Schemes are situated. The new agreement, once executed, commences as of 1 July 2022 with a term of 5 years, with a further 5 year option.

The methodology for determining amounts payable by a Generation Company, in this case AGL was determined by the Governor of Council acting under section 94(6A) of the *Electricity Industry Act 2000*. The order was published in the Victorian Government Gazette on 11 October 2018 and includes the following:

*S5(1) Subject to paragraphs 5(2) and (3), the generation company must pay to the relevant council in respect of that financial year:*

*(a) "for each power station of the generation company located on the land used for generation functions and within the municipal district of the relevant council, \$54,400, as escalated"; and*

*(b) for each MW of the nameplate rating for each generating unit comprising the power station, \$1,225, as escalated; or*

*S5(2) Where, in any financial year, the power station operates at an average capacity factor of:*

*(a) less than 10%, the amount otherwise payable under paragraph 5(1)(a), must be reduced by 50%;*

*(b) between 10% and 20%, the amount otherwise payable under paragraph 5(1)(a), must be reduced by 25%.*

The methodology considers the company's generating capacity and outlines a fixed rate and variable rate which is adjusted by the CPI increase each year. The initial escalation was calculated using the June 2018 quarter CPI as the base reference; with the following years applying the March quarter CPI. If CPI is less than the previous year, the adjusted amount remains the same as the previous year (not reduced). The All Groups average index for Melbourne for March 2022 was 124.2.

The table below (Annexure C) shows the application of the escalation methodology to commence calculation for the first year of the Agreement.

Year	Fixed Component		Variable Component		CPI Melb	
	Amount to be adjusted S5(1)(a)	Adjusted amount	Amount to be adjusted S5(1)(b)	Adjusted amount	June 2018 Quarter	March Quarter
	\$	\$	\$	\$	#	#
2018-2019	54,400.00		1,255.00		113.8	
2019-2020		54,830.23		1,234.69		114.7
2020-2021		56,312.13		1,268.06		117.8
2021-2022		56,790.16		1,278.82		118.8
<b>2022-2023</b>		<b>59,371.53</b>		<b>1,336.95</b>		124.2

The fixed rate of \$54,400 has been escalated to \$59,372.53 for the 2022/23 year. The variable rate or \$1,225 has been escalated to \$1,336.95 for the 2022/23 year.

AGL proposes that the fixed and variable component is adjusted according to an average generating capacity factor. A discount factor of 50% is applied if the power station operates at average capacity of less than 10% of its capacity. A discount of 25% is applied if the power station operates at the average capacity between 10% and 20%.

The nameplate rating provides the maximum capacity. The current nameplate capacity for Eildon is 135MW and Rubicon Scheme is 13.5MW.

The following table shows the implications of the various discounts which may be applied.

Average Capacity Factor (ACF)			> 20%	10 - 20%	<10%
Discount factor			0%	25%	50%
	Rate \$	Name Plate (mw)	\$	\$	\$
<b>Fixed</b>	59,371.53		59,372	44,529	29,686
<b>Variable</b>					
<b>Eildon</b>	1,336.95	135.0	180,488	135,366	90,244
<b>Rubicon</b>	1,336.95	13.5	18,049	13,537	9,024
			<b>257,909</b>	<b>193,431</b>	<b>128,954</b>

The Average Capacity Factor (ACF) calculated using data from 1 July 2021 to 30 June 2022 is Eildon: 7.51% and Rubicon 0%.

Both the Eildon Power Station and Rubicon Hydro System operated at less than 10% capacity. Therefore a 50% discount factor will apply and the proposed amount payable by AGL for the year 2022/23 is \$128,954.

The term of the Agreement is defined as five years from 1 July 2022 with a mutual option to renew for a further five years. The option must be exercised no less than 6 months prior to 1 July 2027.

The Agreement between Council and AGL is attached and if agreed to by Council will be executed by the Chief Executive Officer.

### **Council Plan/Strategies/Policies**

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

### **Relevant Legislation**

*Electricity Industry Act 1993.*  
*Electricity Industry Act 2000, S94.*  
*Local Government Act 1989.*

### **Financial Implications and Risk**

The 2022/23 Budget includes \$68,000 income for payments in lieu of rates. Based on the above methodology, the average generating capacity of Rubicon and Eildon is less than 10% and the income is calculated to be \$128,954 for 2022/23 (\$67,054 2021/22), an increase of \$61,900 from previous years.

### **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.

## 6.5 Delegations and Authorisations (Planning and Environment Act 1987)

Attachment(s)	Attachment 1 - S 6 - Instrument of Delegation - Council to Members of Council Staff [6.5.1 - 65 pages] Attachment 2 - S 11 A - Instrument of Appointment & Authorisation (Planning and Environment Act 1987) [6.5.2 - 3 pages]
Presenter	T Carter, Manager Governance & Risk
Approved by	Director Corporate & Shared Services
Purpose	For decision

### Executive Summary

This report is to seeking Council's endorsement of:

1. the S6. Delegation to the Chief Executive Officer and staff, and
2. the Appointment and Authorisations of Staff and others under the *Planning and Environment Act 1987*.

Council is a legal entity comprised of its members (the seven Councillors). Its decision making power exists only as a group through resolution, not as single Councillors. Most decisions are not required to be made at a Council level therefore the Council must entrust some of the decision making power to others, this is done through delegations and authorisations.

The Council however remains able to delegate powers under various other pieces of legislation direct to Council staff, this is documented in the S6. Delegation from Council to members of Staff. 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

**In the exercise of the powers conferred by the legislation referred to in the attached instrument of delegation, Murrindindi Shire Council (Council) RESOLVES THAT –**

1. **There be delegated to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the attached *Instrument of Delegation to members of Council staff*, the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that Instrument (S6 Attachment 6.5.1)**
2. **The instrument comes into force immediately the common seal of Council is affixed to the instrument**
3. **On the coming into force of the instrument all previous delegations to members of Council staff (other than the Chief Executive Officer) are revoked**
4. **The duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.**

**In the exercise of the powers conferred by s 147(4) of the *Planning and Environment Act 1987*, Murrindindi Shire Council (Council) RESOLVES 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 6.5.2)**



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**

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 direct to Council staff, this is documented in the S6. Delegation from Council to members of Staff.

Authorised Officers under the *Planning and Environment Act 1987* can only be appointed by the Council directly, not by the Chief Executive Officer as with other Act's.

Council adopted the S6 Delegation to Staff at its 27 July 2022 Scheduled meeting, however there has been an additional staffing change since that meeting, prompting the additional review.

### **Discussion**

The following summarises the changes made as part of this review:

#### S6 Delegation from Council to members of Council Staff

The addition of the Principal Strategic Planner position is the only change to this instrument of delegation (refer Attachment 1).

#### S11A. Instrument of Appointment & Authorisation (*Planning and Environment Act 1987*)

There have been a few staffing changes since the 2021 review of this authorisation including the addition of the Principal Strategic Planner position (refer Attachment 2). As Authorisation is to the person not the position, these changes focus primarily around the changing of names.

### **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.

## 6.6 Endorsement of the Audit and Risk Committee Chair

Attachment(s)	Nil
Presenter	T Carter, Manager Governance & Risk
Approved by	Director Corporate & Shared Services
Purpose	For decision

### Executive Summary

The purpose of this report is to formally appoint the Chairperson of the Audit and Risk Committee. The Committee at its 15 September 2022 Meeting formally nominated Dr Craig Nisbet for the 2022/23 year.

### RECOMMENDATION

**That Council formally appoint Dr Craig Nisbet as Chairperson of the Audit and Risk Committee for the 2022/23 financial year.**

### Background

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

The Committee consists of three independent external members and two councillors, and in accordance with the Act, the Chairperson of the Committee must not be a Council representative.

Under the Committee Charter adopted by Council the Chairperson shall be appointed by Council, upon recommendation of a nominee from the Committee. The term of the Chairperson is 12 months, with a maximum of three consecutive years. The term of the Chairperson is to commence in the first quarter of each financial year.

### Discussion

At the 15 September 2022 Meeting of the Audit and Risk Committee, Dr Craig Nisbet was nominated by the Committee for appointment by Council as Committee Chairperson for the 2022/23 financial year.

### Council Plan/Strategies/Policies

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

### Relevant Legislation

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

### Financial Implications and Risk

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

### Conflict of Interest

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

### Community and Stakeholder Consultation

Community consultation was not required for this matter.

## 6.7 Audit and Risk Committee Biannual Report

Attachment(s)	Attachment 1 - Audit and Risk Committee - Biannual Report [6.7.1 - 3 pages]
Presenter	T Carter, Manager Governance & Risk
Approved by	Director Corporate & Shared Services
Purpose	For noting

### Executive Summary

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

The attached Audit and Risk Committee Biannual Report describes the activities of the Committee for the January to end of June 2022 period.

### RECOMMENDATION

**That Council note the Audit and Risk Committee's Biannual Report for January to end of June 2022.**

### Background

The Audit and Risk Committee Charter adopted by Council requires that the Committee provide biannual reports to Council on the activities of the Committee for the previous 6 months. This Biannual Report was prepared by the Audit and Risk Committee Chair and covers the period January to end for June 2022.

### Discussion

The Audit and Risk Committee at its 15 September 2022 meeting endorsed the attached biannual report to be presented to Council. The report seeks to highlight developments, achievements or risks of concern to the Audit and Risk Committee.

### Council Plan/Strategies/Policies

This report supports the *Council Plan 2021-2025 Transparency, Inclusion and Accountability* 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 Audit and Risk Committee is established under Section 53 of the *Local Government Act 2020*. Council adopted the Audit and Risk Committee Charter in accordance with section 54 of

the *Local Government Act 2020*, which mandates that the Committee provide biannual reports to Council.

#### **Financial Implications and Risk**

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

#### **Conflict of Interest**

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

#### **Community and Stakeholder Consultation**

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

### **6.8 Audit and Risk Committee Confirmation of Minutes**

Attachment(s)	Attachment 1 - 2022-09-15 Audit and Risk Committee Minutes [6.8.1 - 32 pages]
Presenter	T Carter, Manager Governance & Risk
Approved by	Director Corporate & Shared Services
Purpose	For noting

#### **Executive Summary**

This report presents the minutes of the 15 September 2022 Audit and Risk Committee Meeting to Council for noting.

### **RECOMMENDATION**

**That Council receive and note the minutes of the 15 September 2022 Audit and Risk Committee Meeting as enclosed in Attachment 6.8.1.**

- 7 COUNCILLOR AND CEO REPORTS**
- 7.1 Notices of Motions**
- 7.2 Cr Karine Haslam**
- 7.3 Cr Ilona Gerencser**
- 7.4 Cr Eric Lording**
- 7.5 Cr John Walsh**
- 7.6 Cr Sandice McAulay**
- 7.7 Cr Damien Gallagher**
- 7.8 Cr Sue Carpenter - Mayoral Report**
- 7.9 Chief Executive Officer Report**

## 8 RECORD OF COUNCIL BRIEFING SESSIONS

### Purpose

For noting.

### Executive Summary

This report presents the records of Council Briefing Sessions for 24 August 2022 to 14 September 2022, for Council to note.

### RECOMMENDATION

**That Council receive and note the records of Council Briefing Sessions for 24 August 2022 to 16 September 2022.**

### 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 24 August 2022 to 14 September 2022:

Meeting Name/Type	Council Pre-Meet			
Meeting Date:	24 August 2022			
Matters Discussed:	1. Contract 22/7 – Panel Contract Builders 2022-2025 2. End of Year Report Capital Works 2021-22 3. Library Strategy and Action Plan 2022-2026 4. Eildon Community Plan 5. Grants and Contributions Program – August Allocations 6. Governance Rules Review 7. Quarterly Finance Report June 2022			
Councillor Attendees:	Cr S Carpenter (V), Cr D Gallagher (V), Cr K Haslam (V), Cr E Lording (V), Cr S McAulay (V), Cr J Walsh (V), Cr I Gerencser (V)			
Council Officer Attendees:	L Bonazzi (V), M Chesworth (V), V Albicini (V), S Murphy (V), T Carter (V)			
Conflict of Interest Disclosures: Yes				
Matter No.	Councillor making disclosure	Was a vote taken?	Did the Councillor leave the room?	When? Before or after discussion ?
5	Cr K Haslam	No	Yes	Before

Meeting Name/Type	Open Community Meeting
Meeting Date:	31 August 2022
Matters Discussed:	1. Open Community Meeting from 5.00pm
Councillor Attendees:	Cr S Carpenter, Cr D Gallagher, Cr K Haslam, Cr E Lording, Cr S McAulay, Cr J Walsh, Cr I Gerencser
Council Officer Attendees:	L Bonazzi, M Chesworth, V Albicini, S Murphy, T Carter
Conflict of Interest Disclosures:	Nil

Meeting Name/Type	Briefing Session
Meeting Date:	7 September 2022
Matters Discussed:	<ol style="list-style-type: none"> <li>1. External presentation by nbn co</li> <li>2. Planning Delegations &amp; Authorisations update</li> <li>3. Maternal Child Health – update</li> <li>4. Recreation Strategy update</li> <li>5. Aged and Disability Service update</li> </ol>
Councillor Attendees:	Cr S Carpenter, Cr D Gallagher, Cr K Haslam, Cr E Lording, Cr S McAulay, Cr J Walsh
Council Officer Attendees:	L Bonazzi, M Chesworth, V Albicini, S Murphy, C Price, S Coller, N Green, A Campbell, A Langley
Conflict of Interest Disclosures:	Nil

Meeting Name/Type	Briefing Session
Meeting Date:	14 September 2022
Matters Discussed:	<ol style="list-style-type: none"> <li>1. External presentation by Michael Bretherton at Agriculture Victoria - Emergency Management and Foot &amp; Mouth Updates</li> <li>2. Public Open Space Contributions Policy</li> <li>3. Development Services - Planning Scheme Review Progress update</li> <li>4. Development Services - Planning Report August 2022</li> <li>5. Development Services - Planning Report July 2022</li> <li>6. Planning Application - 1565 Whanregarwen Road, Molesworth - Creation of second access</li> <li>7. Mt Kitchener Ave Falls Rd Drainage and Footpath</li> <li>8. Housing &amp; Settlement Strategy - Second Briefing</li> </ol>
Councillor Attendees:	Cr S Carpenter, Cr D Gallagher, Cr K Haslam, Cr S McAulay, Cr I Gerencser
Council Officer Attendees:	L Bonazzi, M Chesworth, V Albicini, S Murphy, K Siebert, C Price, P Bain, N Stewart, E Kubeil, N Maguire, C Fraser, 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 assembly of Councillors tables listed above.

## 9 SEALING REGISTER

File Reference	Date Seal Affixed	Description of Documents	Signatures of Persons Sealing
CONT22/4	18 August 2022	Formal Instrument of Delegation between Murrindindi Shire Council and Specialised Pavement Services Pty Ltd for Street Sweeping Services	Livia Bonazzi Cr Sue Carpenter
SF/123	26 August 2022	S6 - Instrument of Delegation - Council to Members of Council Staff (July 2022)	Livia Bonazzi Cr Sue Carpenter
1/2019/41/1	5 September 2022	Access Licence between Murrindindi Shire Council and JRKV Pty Ltd ACN 645 033 950 for 1 Whittlesea-Kinglake Road, Kinglake 3763	Livia Bonazzi
1/2019/41/1	5 September 2022	Agreement made pursuant to Section 173 of the Planning and Environment Act 1987 between Murrindindi Shire Council and JRKV Pty Ltd ACN 645 033 950 as trustee for JRKV Unit Trust for property: 1 Whittlesea-Kinglake Road, Kinglake VIC 3763	Livia Bonazzi
SF/4210	9 September 2022	Formal Instrument of Agreement between Murrindindi Shire Council and MMP Projects for Panel Contract Builders	Livia Bonazzi Cr Sue Carpenter
SF/4210	9 September 20022	Formal Instrument of Agreement between Murrindindi Shire Council and M & A Dean Builders for Panel Contract Builders	Livia Bonazzi Cr Sue Carpenter

### RECOMMENDATION

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