

Strathbogie Shire Council

Council Meeting Minutes / Decisions

February 21, 2023

Acknowledgement of Country

We acknowledge the traditional custodians of the lands on which we strive, the peoples of the rivers and the hills of the Strathbogie Shire region who walked these lands for generations.

We pay our respects to the elders of the past, and the speakers of the first words, who lived in harmony with this country.

We acknowledge the elders of the present, who seek to regain their culture, and to teach the elders of the future their law, their history and their language.

We pay our respects to them and extend that respect to all Aboriginal and Torres Strait Islander peoples today.

We honour their spirit – and the memory, culture, art and science of the world's oldest living culture through 60,000 years.

Minutes/Decisions

Council Meeting

Tuesday, February 21, 2023, at 6pm

Meeting held at the Euroa Community Conference Centre and livestreamed on Council's website:

<https://www.strathbogie.vic.gov.au/council/our-council/council-meetings-and-minutes/>

Council:

Cr Laura Binks (Mt Wombat Ward) – Mayor
Cr Paul Murray (Hughes Creek Ward) – Deputy Mayor
Cr David Andrews (Lake Nagambie Ward)
Cr Reg Dickinson (Lake Nagambie Ward)
Cr Sally Hayes-Burke (Seven Creeks Ward)
Cr Kristy Hourigan (Seven Creeks Ward)
Cr Chris Raeburn (Honeysuckle Creek Ward)

Officers:

Julie Salomon – Chief Executive Officer
Amanda Tingay – Director Community and Planning
Dawn Bray – Director People and Governance
Vlad Adamek – Director Sustainable Infrastructure
Kristin Favaloro – Executive Manager Communications and Engagement

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1. Welcome
2. Acknowledgement of Country
3. Apologies / Leave of Absence
 Cr Sally Hayes-Burke (Seven Creeks Ward)
4. Disclosure of Conflicts of Interest
 - Cr Hourigan declared an interest under Clause 127 of the Local Government Act 2020 in Item 9.3.1 (Mid-Year Budget Review) as her company leases the Euroa Caravan Park from Council.
 - Cr Hourigan declared a material conflict of interest under Clause 128 of the Local Government Act 2020 in Item 9.2.2 (Application for Sponsorship – Labour Day Tennis Tournament March 2023) as her company sponsors the event.
 - Cr Murray declared a general conflict of interest under Clause 127 of the Local Government Act 2020 in Agenda Item 9.3.2 (Recruitment of Independent Member – Chief Executive Officer Employment and Remuneration Committee) as he is known to two of the applicants and excluded himself from the interview and selection process.
 - Cr Binks declared an interest under Clause 127 of the Local Government Act in Item 9.4.5 (Outcomes of the Kerbside Collaborative Procurement Tender) as she studied with one of the tenderers.
 - The Director Community and Planning declared a general conflict of interest under Clause 127 of the Local Government Act 2020 in Item 9.1.1 (Planning Application P2022-098: Multi Lot Residential Subdivision and Native Vegetation Removal ~ 3 Saleyard Road Avenel VIC 3666)
 - The Chief Executive Officer declared a material conflict of interest under Clause 128 of the Local Government Act 2020 in Item 9.3.2 (Recruitment of Independent Member – Chief Executive Officer Employment and Remuneration Committee).
5. Confirmation of Minutes of Previous Meetings

MOVED: COUNCILLOR RAEBURN
SECONDED: COUNCILLOR MURRAY

That the minutes of the Council Meeting held on Tuesday, December 13, 2022, be confirmed.

39-22/23 **CARRIED**

6. Petitions
 Nil

7. Reports of Mayor and Councillors and Delegates

Cr Raeburn

- Congratulations to Violet Town community on gold medal award for the Southern Aurora Memorial Gardens Street Art
- Attended Australia Day at Violet Town. Conveyed congratulations to all Shire-wide award winners, and especially Violet Town award winners

Cr Murray

- Attended Australia Day events at Avenel, Longwood and Euroa. Conveyed congratulations to all Australia Day award recipients
- Attended Municipal Association of Victoria 'Power of your Leadership Legacy' Conference on Friday 10 September 2023
- Attended local emergency action plan at Avenel on 19 February 2023
- Continue to attend at Daily Dose on Friday afternoons for any residents who wish to call in for a chat

Cr Andrews

- Splash Park and Wacky Water Play area at Nagambie are both operational and positive feedback has been received

Cr Hourigan

- Attended Municipal Association of Victoria 'Power of your Leadership Legacy' Conference on Friday 10 September 2023
- Attended Australia Day event in Euroa

Cr Dickinson

- Attended Australia Day in Nagambie
- Promoted annual Nagambie on Water Festival being held in Nagambie on Saturday 25 February 2023

Mayor

- Highlighted three current projects – Community Panel (closing 24 February 2023) and Pitch My Project (closing 3 March 2023), and International Women's Day morning tea being hosted by Council at 'The Falls' in Longwood East on 8 March 2023

8. Public Question Time

Council Ref: JB: 01/2023

1. *Can the CEO please provide an update on progress of works and estimated completion date for the Nagambie Boardwalk extension?*
2. *Does the CEO anticipate any alterations to the boardwalk design from the plans that were previously made available to the public through the Council website?*

Responses from CEO

1. *The scheduled completion date for construction is currently 31 March 2023. This may change due to any further inclement weather and the number of rowing regattas scheduled to take place on the Lake. Works on this structure will continue during regatta events, with the exception of any piling works.*
2. *there are no changes planned for the approved design to the boardwalk as previously made available to the public via our website. There is, however, potential change to the material to be used for the onshore walkway where Council is unable to access private property but we are still working through this issue.*

8. Public Question Time (cont.)

Council Ref: HG: 02/2023

1. *Will Council apply the Design Guidelines: Rural Interface / Future Residential Precincts (Avenel Neighbourhood Character Study 2009) to all developments in the Saleyard Road subdivision?*
2. *Will Council now implement development overlays on Rural Interface / Future Residential Precincts in Avenel to limit lot numbers and size, to protect neighbourhood character?*

Responses from CEO

1. *Council will apply the design guidelines to any developments within the Saleyard Road Subdivision that require planning permit approval. Single dwellings on lots more than 300 square meters will not always require planning approval. Council officers would be happy to meet to discuss in more detail at a suitable time.*
2. *As part of the review of the Avenel 2030 Strategy, Council officers will work with Council and the community to determine the most appropriate zoning for land identified for future development, including at the rural interface. This review process will also look at the need implement the Development Plan Overlay onto this land to ensure land is developed in a co-ordinated fashion and in accordance with the character guidelines of any updated strategy documents.*

Council Ref: TM: 03/2023

1. *Inspection of Wilbrahams Road railway crossing
When will an inspection by a Council Engineer occur? It is notable to be used by local farmers and or the public*
2. *Anderson Street Overpass
What is the Council's preferred option*

Reponses by CEO

1. *Resheeting works commended on Wilbraham's Road last Tuesday and traffic management measures are in place. However, the road will not be closed and there may be some short delays.
In relation to other questions verbally raised regarding three roads closed and ARTC/VicTrack responsibilities around those, we will take this on notice for a response to be provided to you as we will need to refer those queries to other authorities.*
2. *The Euroa community is strong and passionate about this issue.
We all want the best solution for the Euroa Railway Precinct because it has a significant impact on our town's future.
Council's commitment to this project has not changed.
We want to ensure the decision makers hear and listen to our community's view.
We believe very strongly the community's preference should be the solution implemented by the ARTC.*

9. Officer Reports
 - 9.1 Strategic and Statutory
 - 9.2 Community
 - 9.3 Infrastructure
 - 9.4 Corporate
 - 9.5 Governance and Customer Service
 - 9.6 Executive
10. Notices of Motion
11. Notices of Rescission
12. Urgent Business
13. Confidential Business

Next meeting

The next monthly meeting of the Strathbogie Shire Council is scheduled to be held on Tuesday, March 21, 2023, at the Euroa Community Conference Centre, at 6pm.

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9. OFFICER REPORTS

9.1 STRATEGIC AND STATUTORY PLANNING

9.1.1 Planning Application P2022-098: Multi Lot Residential Subdivision and Native Vegetation Removal ~ 3 Saleyard Road Avenel VIC 3666 (comprising CA1 Parish of Avenel & Lot 1 TP390206)

6.32 pm: The Director Community and Planning left the meeting due to declaring a general conflict of interest.

Author: Planning Officer
Responsible Director: Chief Executive Officer

EXECUTIVE SUMMARY

The application is for a one hundred lot subdivision, including sixteen lots that are 320 square metres in area to accommodate town housing. The lots range in size from 320 to 1450 square metres. Access to the subdivision will be from Saleyard Road and Hovell Street, Avenel. Secondary connectivity with the adjacent subdivision at 1 Saleyard Road is also provided. The plans show reserves around the boundaries at points and a stormwater detention basin.

This subdivision is proposed to be undertaken in stages and that will be determined as the plans for certification are submitted.

There is a requirement to remove native vegetation with twenty-two trees deemed lost, due to encroachment in the Tree Protection Zone. Only four trees are physically proposed for removal, to facilitate the subdivision development. The Biodiversity Report provided was drawn up by an appropriately qualified officer and the three-step approach has been carried out which is avoid, minimise, offset. DELWP have given conditional consent.

The proposal was referred to the utility providers; the CFA regarding fire hydrant and road design for emergency vehicles; to DELWP regarding the native vegetation removal; to the Mangalore Airport management due to the Airport Environs Overlay being partially applied to the site; to the Head of Transport for Victoria given the number of lots ensuring the connectivity to the transport network is satisfactory; and to Council's Engineers to ensure that all civil infrastructure, management of the site during and after construction, is achieved to a satisfactory conclusion. All have given conditional consent to the proposal.

The proposal was also advertised to adjacent and nearby owners, and occupiers and included posts in the Euroa Gazette and Seymour Telegraph. Fourteen objections have been received. These are discussed in detail in the attached Planning Report and the matters to do with civil infrastructure can be addressed by plans for drainage and road upgrades to the area and adjacent to the subdivision.

In summary the proposal provides for a variety of lot sizes that can be connected to reticulated utilities, with constructed roads and drainage, and are within close proximity to a range of services, employment opportunities, transport networks including public transport. The proposal provides for a choice of lot sizes within Avenel township to meet the demographics that have been identified in population growth attracted to the area. The location of this subdivision allows for infill development within the township and although bringing more folk to town, does not create sprawl and allows the nature of the township to be retained.

9.1.1 Planning Application P2022-098: Multi Lot Residential Subdivision and Native Vegetation Removal ~ 3 Saleyard Road Avenel VIC 3666 (comprising CA1 Parish of Avenel & Lot 1 TP390206) (cont.)

When assessed against the planning scheme, it is considered that the proposal weights in favour of support and it is therefore recommended that a Notice of Decision to Grant a Permit be issued.

MOVED: COUNCILLOR HOURIGAN
SECONDED: COUNCILLOR MURRAY

The motion is to adjourn this matter for 10 minutes which means we would return at 7.16 pm to vote on the Recommendation.

40-22/23 **CARRIED**

The meeting adjourned at 7.07 pm and recording of the meeting ceased.

The meeting recommenced at 7.20 pm and recording of the meeting resumed.

MOVED: COUNCILLOR RAEBURN
SECONDED: COUNCILLOR HOURIGAN

That Council:

1. ***Having caused notice of Planning Application No. P2022-098 to be given under Section 52 of the Planning and Environment Act 1987; and having considered all the matters required under Section 60 of the Planning and Environment Act 1987 decides to issue a Notice of Decision to Grant a Permit under the provisions of the Strathbogie Planning Scheme in respect of the land known as (Lot 1 TP390206 V4001 F170 Parish of Avenel and CA1 Parish of Avenel), 3 Saleyard Road, Avenel VIC 3664, for a Multi Lot Residential Subdivision and Native Vegetation Removal, in accordance with endorsed plans, subject to conditions.***

Conditions

Endorsed Plan Subdivision:

1. ***The subdivision must be carried out in accordance with the endorsed plans and permit. The endorsed plans or permit can only be altered or modified with the prior written consent of the Responsible Authority.***

Airport Environs Overlay Building Construction and Siting Requirements
Section 173 Agreement

2. ***Prior to the issue of Statement of Compliance for the first stage of the development, a Section 173 Agreement must be entered into that provides for the following requirements:***

9.1.1 Planning Application P2022-098: Multi Lot Residential Subdivision and Native Vegetation Removal ~ 3 Saleyard Road Avenel VIC 3666 (comprising CA1 Parish of Avenel & Lot 1 TP390206) (cont.)

MOTION (cont.)

- a) ***Any new building must be constructed so as to comply with any noise attenuation measures required by Section 3 of Australian Standard AS 2021-2015, Acoustics - Aircraft Noise Intrusion - Building Siting and Construction, issued by Standards Australia Limited. Please note - In Section 3 of Australian Standard AS 2021-2015, Table 3.3 refers to both building types and activities within those buildings. Each building type listed has its ordinary meaning and should not be interpreted as defined in this scheme.***

General Amenity:

3. ***The subdivision, during construction, must be managed so that the amenity of the area or locality, in the opinion of the Responsible Authority, is not detrimentally affected, through the:***
- a) ***transport of materials, goods or commodities to or from the land;***
 - b) ***appearance of any building, works or materials;***
 - c) ***emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;***
 - d) ***presence of vermin; and***
 - e) ***others as appropriate.***

Telecommunications:

4. ***The owner of the land must enter into an agreement with:***
- ***A telecommunications network or service provider for the provision of telecommunications services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and***
 - ***A suitably qualified person for the provision of fibre ready telecommunications 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.***
5. ***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 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; and***
 - ***A suitable qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Telecommunications 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.***

9.1.1 Planning Application P2022-098: Multi Lot Residential Subdivision and Native Vegetation Removal ~ 3 Saleyard Road Avenel VIC 3666 (comprising CA1 Parish of Avenel & Lot 1 TP390206) (cont.)

MOTION (cont.)

Referral Under Section 8 of the Subdivision Act 1988:

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.***

Public Open Space Contribution:

7. ***Before the statement of compliance is issued for Stage 1 of the development, the owner must pay to the responsible authority a sum, or land set aside, or a combination, equivalent to five per cent of the site value of all the land in the subdivision.***
The owners must advise Council, in writing, to undertake the property valuation and must pay the Council's reasonable costs and expenses to provide such a valuation for payment in lieu of the public open space contribution.

Road Names:

8. ***Prior to Certification for each stage, road names for the proposed roads (and/or common property) must be submitted on a plan of subdivision to Council for approval. Road names must be in accordance with Naming Rules for Places in Victoria, Statutory Requirements for Naming Roads, Features and Localities 2016.***

Street Addressing:

9. ***Prior to the Certification of the plan of subdivision for each stage, the owner must complete and duly sign a Statutory Declaration agreeing to the Allocation of Street numbers.***

Engineering:

10. ***Prior to the Certification of the plan of subdivision for each stage, surveyor plans must be submitted for the approval of the Responsible Authority. The plan must show:***
- a) ***All bearings, distances, levels, street names, lot numbers, lot sizes, reserves, and easements.***
 - b) ***Road Reserve, carriageway, and verge widths***
 - c) ***Other information relevant to the land such as dams, wells, filled land, land subject to inundation, creeks, and natural water courses, etc.***
11. ***Prior to the Certification of the plan of subdivision for stage one of the development. Traffic Management Strategy (TMS), Stormwater Management Strategy (SMS), and Outline Development Plan (ODS) must be submitted for the approval of the Responsible Authority.***
- a) ***The developer must provide a Traffic Management Strategy conforming with Clause 9 of the Council's Infrastructure Design Manual for consideration of the responsible Authority.***

9.1.1 Planning Application P2022-098: Multi Lot Residential Subdivision and Native Vegetation Removal ~ 3 Saleyard Road Avenel VIC 3666 (comprising CA1 Parish of Avenel & Lot 1 TP390206) (cont.)

MOTION (cont.)

- b) The developer must provide a stormwater management strategy conforming with clause 11 of the council Infrastructure Design Manual for consideration by the Responsible Authority and also Demonstrate how the catchment flows are to be conveyed to the LPOD (Hughes Creek).***

Road

- 12. Prior to final design approval, detailed design plans for all proposed roadways and pathways must be submitted to and approved by the Responsible Authority. All the works must conform to plans and specifications prepared at the expense of the developer by a suitably qualified engineer and approved by the Responsible Authority prior to the commencement of construction. Unless otherwise agreed in writing, the Authority will only approve plans and specifications complying with the council's Infrastructure Design Manual's clause 12. In particular, the design plans must include:**

- a) fully sealed road pavement with kerb and channel;***
- b) a pavement design must be submitted for the entire road network by a suitably qualified engineer in accordance with clause 12.7 of the IDM;***
- c) footpaths and shared paths as appropriate;***
- d) underground drainage;***
- e) appropriate intersection and traffic control/mitigation measures;***
- f) on-street parking (where applicable);***
- g) appropriate street lighting and signage;***
- h) high stability permanent survey marks;***
- i) provision of suitable traffic management measures to mitigate vehicles in the form of cars from entering the reserve and basin land where the road reservation abuts;***
- j) where stub roads remain at the conclusion of each stage, arrangements must be made to ensure temporary court bowls, secured by an easement of way or similar, are designed, constructed and fenced, and that the permanent sealed road surfaces are not damaged by traffic using these unsealed court bowl areas;***
- k) a certified plan showing the extent and depth of fill in excess of 300 mm placed on any allotment must be provided to the satisfaction of the Responsible Authority;***
- l) services and street lights.***

9.1.1 Planning Application P2022-098: Multi Lot Residential Subdivision and Native Vegetation Removal ~ 3 Saleyard Road Avenel VIC 3666 (comprising CA1 Parish of Avenel & Lot 1 TP390206) (cont.)

MOTION (cont.)

Road Upgrades

13. Prior to commencement of any construction works the developer must upgrade Hovell Street, Saleyard Road, and Ewings Road, which must be upgraded in accordance with Endorsed Plan(s) approved plans by the Responsible Authority. The plans must also consider any recommendation from the Traffic Impact Assessment Report (TIAR). The plans must be drawn up by a suitably qualified engineer at the expense of the developer. The Responsible Authority will only approve plans and specifications complying with Council's Infrastructure Design Manual, unless otherwise agreed to in writing. The works must include:

- a) fully sealed pavement with kerb and channel;**
- b) footpaths and shared paths as appropriate;**
- c) underground drainage;**
- d) appropriate intersection and traffic control/mitigation measures;**
- e) appropriate street lighting and signage;**
- f) high stability permanent survey marks; and**
- g) all disused or redundant vehicle crossings must be removed and reinstated to the satisfaction of the Responsible Authority.**
- h) investigation into the ability to locate the access to the subdivision from Hovell Street further south to minimise any impacts on the dwelling at 44-46 Hovell Street, Avenel.**

Common Access

14. Prior to approval of the final design, detailed design plans for any areas set aside for common access must be submitted for approval, to the satisfaction of the Responsible Authority. The plans must include the following in accordance with Council's adopted 'Infrastructure Design Manual':

- a) Dimensioned common access roadway and verge**
- b) Concrete pavement design (or equivalent) for the common access incorporating kerb and channel.**
- c) Common area set aside for rubbish and mail collection.**
- d) Drainage design.**
- e) Vehicle crossing for each lot.**
- f) Landscape plan.**
- g) Treatments.**

9.1.1 Planning Application P2022-098: Multi Lot Residential Subdivision and Native Vegetation Removal ~ 3 Saleyard Road Avenel VIC 3666 (comprising CA1 Parish of Avenel & Lot 1 TP390206) (cont.)

MOTION (cont.)

Stormwater Management, Drainage, and Treatment

15. ***Prior to approval of the final design, a properly prepared Drainage Discharge Plan with computations as per the Infrastructure Design Manual, must be submitted to and approved by the Responsible Authority. The plans must be drawn to scale with dimensions and a minimum of three copies must be provided. The Drainage infrastructure system design must incorporate and be capable of storage for a 100-year storm event in accordance with IDM clause 18. The location of any required storage capacity detention/ retardation areas must be shown generally in accordance with stormwater management strategies and certified plans. The information and plans must include:***
- a) ***Details of how the works on the land are to be drained and/or retarded.***
 - b) ***Computations including total energy line and hydraulic grade line for the existing and proposed drainage as directed by Responsible Authority.***
 - c) ***Independent drainage for each lot.***
 - d) ***Underground pipe drains convey stormwater to the legal point of discharge for each allotment.***
 - e) ***Measures to provide required stormwater treatment from the site as per IDM clause 20 and protect waterways downstream of the development, Output from MUSIC, and design calculation summaries of the treatment elements is required.***
 - f) ***A maximum discharge rate from the site is to be determined by computation to the satisfaction of the council.***
 - g) ***Documentation demonstrating approval from the relevant authority for the legal point of discharge.***
 - h) ***The provision of gross pollutant and/or litter traps installed at the drainage outfall of the development to ensure that no effluent or polluted water of any type may be allowed to enter the council's stormwater drainage system.***
 - i) ***The details of the incorporation of water-sensitive urban design designed in accordance with "urban stormwater best practice environmental management guidelines" 1999.***
 - j) ***The contours of the land, as shaped to cause drainage to the legal point of discharge.***
 - k) ***The proposed finish surface level of each lot and the finished slope of each lot.***
 - l) ***Indication of extent and depth of cut and/or fill to be carried out to the natural profile of the land.***

9.1.1 Planning Application P2022-098: Multi Lot Residential Subdivision and Native Vegetation Removal ~ 3 Saleyard Road Avenel VIC 3666 (comprising CA1 Parish of Avenel & Lot 1 TP390206) (cont.)

MOTION (cont.)

16. ***All stormwater and surface water discharging from the site, buildings, and works must be conveyed to the legal point of discharge drains to the satisfaction of the Responsible Authority. No effluent or polluted water of any type may be allowed to enter the stormwater drainage system.***
17. ***Drainage Basin is designed as a free draining and fully functioning treatment and retardation basin, providing for the following:***
 - a) ***meet the Objectives of Clause 18 (Retardation Basins) of the Council's IDM.***
 - b) ***designed in such a way to withstand and contain the 1% AEP flood event effects from the development site and any impacting effects from upstream catchments, including freeboard.***
 - c) ***the area is made safe for public access, or by agreement, constructed in such a way to prohibit public access, with allowance for maintenance and emergency services.***

Landscape Plan

18. ***Prior to the works commencing for, a detailed landscape plan, for the whole of the site, must be prepared and implemented. The detailed landscape plan must be to the satisfaction of the responsible authority and must be submitted and assessed against the construction plans by the responsible authority. The landscape plan must be drawn to scale with dimensions and must show:***
 - a) ***A survey of all existing vegetation and natural features showing plants (greater than 1200mm diameter) to be removed.***
 - b) ***Landscaping of any proposed retardation basin and its surrounds and other proposed public land within the subdivision.***
 - c) ***Additional planting within the road reserve frontage of the land.***
 - d) ***Details of the boundary fencing for the lots backing onto and abutting any proposed retardation basin and other reserves that includes a range of fencing styles so as not to create a solid fencing treatment along these boundaries.***
 - e) ***Details of fencing of any proposed retardation basin.***
 - f) ***Vehicle access points for each lot in the subdivision.***
 - g) ***Details of all pathways linking parts of the development including the surface finishes.***
 - h) ***Detailed planting schedule of all proposed trees, shrubs and groundcovers, including botanical names, common names, pot sizes, sizes at maturity and quantities of each plant.***

9.1.1 Planning Application P2022-098: Multi Lot Residential Subdivision and Native Vegetation Removal ~ 3 Saleyard Road Avenel VIC 3666 (comprising CA1 Parish of Avenel & Lot 1 TP390206) (cont.)

MOTION (cont.)

- i) The removal of all existing disused structures, foundations, pipelines or stockpiles and the eradication of weeds,*
 - j) All trees planted as part of the landscape works shall have a minimum height of 2.0 to 3m at the time of planting.*
 - k) The supply and spread of sufficient topsoil and sub soil if required on the proposed areas of open space to provide a stable, free draining surface and hydro-seeding of proposed grass areas (including within the drainage reserve),*
 - l) Soil quality and planting techniques in median or verge tree planting zones along arterial roads (including service road nature strips) that will support full growth of medium to large trees.*
 - m) Mechanisms for the exclusion of vehicles,*
 - n) All proposed open space, streetscape embellishments such as installation of pathways, garden beds, seating, shelters, picnic facilities, boardwalks, tree planting, signage, drinking fountains, irrigation systems, playgrounds, artwork, retaining walls, protective fencing (temporary and permanent), wetlands and ornamental water bodies (including within the drainage reserve),*
 - a) A planting schedule of all proposed trees, shrubs and ground cover, which will include the location number of size at maturity of all plants, the botanical names of such plants and the location of all areas to be covered by grass, lawn or other surface materials as specified.*
- 19. Street trees must be maintained for a period 24 months, or until the developer can demonstrate that the plantings have become established from the date of acceptance of the works to the satisfaction of the responsible authority. Any dead, dying or diseased trees are to be replaced within 24 months of the date of acceptance of the works.**
- 20. Prior to the issue of a Statement of Compliance for each stage of the development, the nature-strip and all disturbed areas are to be topsoiled and seeded to establish grass cover. Alternative finishes may be approved by written agreement.**
- 21. Prior to issue of Statement of Compliance for each stage of the development the developer or owner must fence at their own cost the boundary of the allotments abutting any areas to be reserved for public open space. Such fencing is to be constructed no higher than 1.5 metres without written consent from the Responsible Authority.**

9.1.1 Planning Application P2022-098: Multi Lot Residential Subdivision and Native Vegetation Removal ~ 3 Saleyard Road Avenel VIC 3666 (comprising CA1 Parish of Avenel & Lot 1 TP390206) (cont.)

MOTION (cont.)

Construction Management Plan

22. ***Prior to the commencement of works, including demolition and excavation, a Construction Management Plan must be submitted to and endorsed by the Responsible Authority. No works are permitted to occur until the Plan has been approved by the Responsible Authority. The plan must provide details of the following:-***

- a) ***Hours for construction activity in accordance with any other condition of this Permit;***
- b) ***Measures to control noise, dust, water and sediment laden runoff;***
- c) ***Measures to inform adjacent residents of work schedules, etc.***
- d) ***Measures relating to removal of hazardous or dangerous material from the site, where applicable.***
- e) ***A plan showing the location of parking areas for construction and sub- contractors' vehicles on and surrounding the site, to ensure that vehicles associated with construction activity cause minimum disruption to surrounding premises. Any basement car park on the land must be made available for use by sub-constructors / tradespersons upon completion of such areas, without delay;***
- f) ***A Traffic Management Plan showing truck routes to and from the site;***
- g) ***Swept path analysis demonstrating the ability for trucks to enter and exit the site in a safe manner for the largest anticipated truck associated with the construction;***
- h) ***A plan showing the location and design of a vehicle wash-down bay for construction vehicles on the site;***
- i) ***Measures to ensure that sub-contractors / tradespersons operating on the site are aware of the contents of the Construction Management Plan;***
- j) ***Contact details of key construction site staff;***
- k) ***A site plan showing the location of any site sheds, on-site amenities, building waste storage, and the like, noting that Council does not support site sheds on Council road reserves; and***
- l) ***Any other relevant matters***

9.1.1 Planning Application P2022-098: Multi Lot Residential Subdivision and Native Vegetation Removal ~ 3 Saleyard Road Avenel VIC 3666 (comprising CA1 Parish of Avenel & Lot 1 TP390206) (cont.)

MOTION (cont.)

23. ***Prior to the commencement of works, a Site Environment Management Plan (SEMP), must be submitted to and approved by the responsible authority and, where relevant, other authorities.***
24. ***Prior to the Statement of Compliance for each stage of the development, all approved designs must be constructed as per approved plans to the satisfaction of the Responsible Authority.***

As- Constructed Plans

25. ***Prior to the issue of a Statement of Compliance for each stage of the development, the developer must provide as-constructed information for all infrastructure created by this development, and passing into the ownership and control of the Council in accordance with the council's Infrastructure Design Manual, and be submitted to and accepted by the Responsible Authority. The following must be submitted:***
 - a) ***an assets statement for each street;***
 - b) ***'as - constructed' information for the entire works area as per approved civil construction plans in each development stage detailing information as listed in the council's Infrastructure Design Manual;***
 - c) ***a certified plan showing the extent and depth of fill in excess of 300mm placed on any of the allotments;***
 - d) ***certified as-constructed information presented as being true and correct; and***
 - e) ***information to be presented in pdf., dwg., D, and R SPEC formats, or unless otherwise agreed in writing by the Authority.***

Fees and Charges

26. ***Before the Statement of Compliance for each stage of the development, the developer must make a payment comprising up to 2.5% of the value of the works, to the Responsible Authority, for supervising the works on the land.***
27. ***Before the Statement of Compliance for each stage of the development, the developer must make a payment comprising of 0.75% of the value of the works to the Responsible Authority, for checking of the engineering design of the works.***

9.1.1 Planning Application P2022-098: Multi Lot Residential Subdivision and Native Vegetation Removal ~ 3 Saleyard Road Avenel VIC 3666 (comprising CA1 Parish of Avenel & Lot 1 TP390206) (cont.)

MOTION (cont.)

28. Prior to the issue of a Statement of Compliance for each stage of the development, the developer must provide the Responsible Authority with a maintenance bond for the total costs of roads, drainage and landscaping works (excluding GST) and the calculated amount based on the priced Bill of Quantities and lodged with Council for the term of the Defect Liability Period. The Authority will hold the bond(s) until any and all defects notified to the developer before or during the liability period have been made good to the satisfaction of the authority. A request must be made to Council for their release and maintenance bond(s) shall be to the following value:

- a) equal to 5% of roads, drainage, and hard landscaping-related infrastructure.**

Defect Liability

29. Prior to the issue of the Statement of Compliance for each stage of the development, all works must be constructed to the satisfaction of the Responsible Authority. All works are subject to a twelve-month liability period, as per IDM clause 8.

General

- 30. Prior to the Certification for each stage of the development, any easements for the purpose of draining lots to the legal point of discharge must be created.**
- 31. Prior to the issue of the Statement of Compliance for each stage of the development, the subdivider developer must construct/provide vehicle crossing to each and every lot and/or reserve within the subdivision development in accordance with Council's Infrastructure Design Manual standards. Alternatively, vehicle crossings are not required to be constructed where a mountable kerb and channel (SM2-M) is used.**
- 32. Appropriate steps must be taken to retain all silt and sediment on-site during the construction phase to the satisfaction of the Responsible Authority and must be carried out in accordance with the following EPA guidelines and policies: -Civil construction, building, and demolition guide (EPA publication No. 1834, November 2020); and**
- 33. In the event of mud, crushed rock or other debris being carried onto public roads or footpaths from the subject land, appropriate measures must be implemented to minimise the problem to the satisfaction of the Responsible Authority.**

9.1.1 Planning Application P2022-098: Multi Lot Residential Subdivision and Native Vegetation Removal ~ 3 Saleyard Road Avenel VIC 3666 (comprising CA1 Parish of Avenel & Lot 1 TP390206) (cont.)

MOTION (cont.)

34. ***The permit holder shall ensure that dust suppression is undertaken in the form of constant water spraying or another natural-based proprietary dust suppressant to ensure that dust caused by vehicles moving along the access road and/or within the site does not cause a nuisance to surround properties to the satisfaction of the Responsible Authority. The development shall not have an adverse impact on existing or future air quality.***
35. ***Soil erosion control measures must be employed throughout the construction stage of the development to the satisfaction of the Responsible Authority.***
36. ***The site shall at all times be kept in a neat and tidy condition to the satisfaction of the Responsible Authority. Any litter shall be immediately removed from the site and surrounding area at the direction of the Responsible Authority.***
37. ***All earthworks and lot filling must be in accordance with Clause 15 (Earthworks and Lot filling) of the Council's Infrastructure Design Manual.***
38. ***No excavated or construction materials may be placed or stored outside the site area or on the adjoining road reserves, except where the materials are required in connection with any road or footpath construction works in such reserves that are required as part of this permit.***
39. ***Care must be taken to preserve the condition of existing infrastructure adjacent to the site. If any damage to existing infrastructure occurs as a result of this development, the affected infrastructure must be replaced, and the full cost met, by the developer, to the specification and satisfaction of the Responsible Authority.***
40. ***No such contaminants will be permitted to enter the stormwater drainage system under any reasonably foreseeable circumstances.***
41. ***Prior to the issue of a statement of compliance, public street lighting must be provided to streets, footpaths, and public open spaces designed in accordance with relevant Australian Standards, relevant Council Policy, the IDM, and to the satisfaction of the responsible Authority (category P4 unless otherwise directed).***
42. ***Prior to the issue of a statement of compliance all internal street names and speed limit signs must be erected.***

9.1.1 Planning Application P2022-098: Multi Lot Residential Subdivision and Native Vegetation Removal ~ 3 Saleyard Road Avenel VIC 3666 (comprising CA1 Parish of Avenel & Lot 1 TP390206) (cont.)

MOTION (cont.)

Asset Protection

43. **Prior to the commencement of works, the owner or developer must submit to the Responsible Authority a written asset protection report and photos of any prior damage to public infrastructure. Listed in the report must be the condition of kerb & channel, footpath, seal, streetlights, signs, and other public infrastructure fronting the property and abutting at least two properties on either side of the development. Unless identified with the written report, any damage to infrastructure post-construction will be attributed to the development. The owner or developer of the subject land must pay for any damage caused to the Councils assets/Public infrastructure caused as a result of the development or use permitted by this permit.**

Country Fire Authority:

Hydrants

44. **Prior to the issue of a Statement of Compliance under the Subdivision Act 1988 the following requirements must be met to the satisfaction of the CFA:**
- a) **Above or below ground operable hydrants must be provided. The maximum distance between these hydrants and the rear of all building envelopes (or in the absence of building envelopes, the rear of the lots) must be 120 metres and the hydrants must be no more than 200 metres apart. These distances must be measured around lot boundaries.**
 - b) **The hydrants must be identified with marker posts and road reflectors as applicable to the satisfaction of the Country Fire Authority.**
 - c) **Note – CFA’s requirements for identification of hydrants are specified in ‘Identification of Street Hydrants for Firefighting Purposes’ available under publications on the CFA web site (www.cfa.vic.gov.au)**

Roads

45. **Roads must be constructed to a standard so that they are accessible in all weather conditions and capable of accommodating a vehicle of 15 tonnes for the trafficable road width.**
- a) **The average grade must be no more than 1 in 7 (14.4%) (8.1 degrees) with a maximum of no more than 1 in 5 (20%) (11.3 degrees) for no more than 50 meters. Dips must have no more than a 1 in 8 (12%) (7.1 degree) entry and exit angle.**
 - b) **Curves must have a minimum inner radius of 10 metres.**
 - c) **Have a minimum trafficable width of 3.5 metres and be clear of encroachments for at least 0.5 metres on each side and 4 metres above the access way.**
 - d) **Roads more than 60m in length from the nearest intersection must have a turning circle with a minimum radius of 8m (including roll-over kerbs if they are provided) T or Y heads of dimensions specified by the CFA may be used as alternatives.**

9.1.1 Planning Application P2022-098: Multi Lot Residential Subdivision and Native Vegetation Removal ~ 3 Saleyard Road Avenel VIC 3666 (comprising CA1 Parish of Avenel & Lot 1 TP390206) (cont.)

MOTION (cont.)

Department of Environment, Land, Water and Planning

Notification of permit conditions

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

Protection of native vegetation to be retained

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

- a) ***A radius of 12 times the diameter of the tree trunk at a height of 1.4 metres to a maximum of 15 metres but no less than 2 metres from the base of the trunk of the tree; and***
- b) ***Around the patch(es) of native vegetation at a minimum distance of 2 metres from retained native vegetation.***
- c) ***The fence must be constructed of star pickets and paraweb or similar, to the satisfaction of the responsible authority and the Department of Environment, Land, Water and Planning. The protection fence must remain in place until all works are completed to the satisfaction of the department.***

Protection of retained vegetation

48. ***Except with the written consent of the department, within the area of native vegetation to be retained and any tree protection zone associated with the permitted use and/or development, the following is prohibited:***

- a) ***vehicular or pedestrian access;***
- b) ***trenching or soil excavation;***
- c) ***storage or dumping of any soils, materials, equipment, vehicles, machinery or waste products;***
- d) ***construction of entry and exit pits for underground services; or***
- e) ***any other actions or activities that may result in adverse impacts to retained native vegetation.***

Native vegetation offsets

49. ***The total area of native vegetation permitted to be removed is 0.406 hectares, as identified in Native Vegetation Removal Report 364-20220630-015. To offset the removal of 0.406 hectares of native vegetation the permit holder must secure a native vegetation offset(s) that meets all the following:***

- a) ***A general offset of 0.185 general habitat units located within the Goulburn Broken Catchment Management Authority boundary or Strathbogie Shire Council;***
- b) ***have a Strategic Biodiversity Value score of at least 0.348;***
- c) ***provide protection for at least 11 large trees;***
- d) ***must be in accordance with the Guidelines for the removal, destruction or lopping of native vegetation (DELWP, 2017).***

9.1.1 Planning Application P2022-098: Multi Lot Residential Subdivision and Native Vegetation Removal ~ 3 Saleyard Road Avenel VIC 3666 (comprising CA1 Parish of Avenel & Lot 1 TP390206) (cont.)

MOTION (cont.)

Offset evidence

50. Before any native vegetation is removed, evidence that the required offset for the project has been secured must be provided to the satisfaction of the responsible authority. This evidence must be an established first party offset site. This must include:

- a management plan detailing the 10-year management actions and ongoing management of the site to the satisfaction of the Strathbogie Shire Council.**

This evidence must be one or both of the following.

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

and/or

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

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

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

Where habitat trees (i.e. hollow bearing, containing nests etc.) are impacted, they must be inspected by an ecologist immediately prior to removal and any occupying fauna relocated with the appropriate permissions from DELWP under the Wildlife Act 1975 or Flora and Fauna Guarantee Act 1988.

Goulburn Valley Water:

51. Payment of new customer contribution charges for water supply to the development, such amount being determined by the Corporation at the time of payment;

52. Provision of a reticulated water supply and associated construction works to each allotment within the development, at the developer's expense, in accordance with standards of construction adopted by and to the satisfaction of the Goulburn Valley Region Water Corporation;

9.1.1 Planning Application P2022-098: Multi Lot Residential Subdivision and Native Vegetation Removal ~ 3 Saleyard Road Avenel VIC 3666 (comprising CA1 Parish of Avenel & Lot 1 TP390206) (cont.)

MOTION (cont.)

53. ***Downstream Water Supply network augmentation works are required;***
54. ***Provision of one water tapping per lot at the developer's expense, in accordance with standards of construction adopted by and to the satisfaction of the Goulburn Valley Region Water Corporation;***
55. ***Payment of new customer contributions charges for sewerage services to the development, such amount being determined by the Corporation at the time of payment;***
56. ***Provision of reticulated sewerage and associated construction works to each allotment within the development, at the developer's expense, in accordance with standards of construction adopted by and to the satisfaction of the Goulburn Valley Region Water Corporation; (The works will include, but not be limited to the construction of a sewerage pumping station, rising mains and gravity mains);***
57. ***Reserves for sewage pump stations to be in favour of Goulburn Valley Region Water Corporation. The reserve must be adequately sized to enable unrestricted access to the sewage pump station for operation and maintenance purposes. The reserve must not be encumbered by any easements.***
58. ***Augmentation works i.e. pump station upgrade will also be required to service the proposed development;***
59. ***Provision of easements in favour of the Goulburn Valley Region Water Corporation over all existing and proposed sewer mains located within private property;***
60. ***The operator under this permit shall be obliged to enter into an Agreement with Goulburn Valley Region Water Corporation relating to the design and construction of any sewerage or water works required. The form of such Agreement shall be to the satisfaction of Goulburn Valley Water. A copy of the format of the Agreement will be provided on request;***
61. ***The plan of subdivision lodged for certification is to be referred to the Goulburn Valley Region Water Corporation pursuant to Section 8(1) of the Subdivision Act, 1988.***

9.1.1 Planning Application P2022-098: Multi Lot Residential Subdivision and Native Vegetation Removal ~ 3 Saleyard Road Avenel VIC 3666 (comprising CA1 Parish of Avenel & Lot 1 TP390206) (cont.)

MOTION (cont.)

AusNet Electricity Services:

62. The applicant must –

- **Enter into an agreement with AusNet Electricity Services Pty Ltd for supply of electricity to each lot on the endorsed plan.**
- **Enter into agreement with AusNet Electricity Services Pty for the rearrangement of the existing electricity supply system.**
- **Enter into an agreement with AusNet Electricity Services Pty for rearrangement of the points of supply to any existing installations affected by any private electric power line which would cross a boundary created by the subdivision, or by such means as may be agreed by AusNet Electricity Services Pty.**
- **Provide easements satisfactory to AusNet Electricity Services Pty for the purpose of the Power Line in favour of AusNet Electricity Services Pty pursuant to Section 88 of the Electricity Industry Act 2000 where easements have not been otherwise provided, for all existing AusNet Electricity Services Pty electric power lines for any new power lines required to service the lots on the endorsed plan and/or abutting land.**
- **Obtain for the use of AusNet Electricity Services Pty any other easement required to service the lots.**
- **Adjust the position of any existing AusNet Electricity Services Pty easement to accord with the position of the electricity line/s as determined by survey.**
- **Set aside on the plan of subdivision Reserves for the use of AusNet Electricity Services Pty for electric substations.**
- **Provide survey plans for any electric substations required by AusNet Electricity Services Pty and for associated power lines and cables and executes leases for a period of 30 years at a nominal rental with a right to extend the lease for a further 30 years. AusNet Electricity Services Pty requires that such leases are to be noted on the title by way of a caveat or a notification under Section 88 (2) of the Transfer of Land Act prior to the registration of the plan of subdivision.**
- **Provide to AusNet Electricity Services Pty a copy of the plan of subdivision submitted for certification that shows any amendments that have been required.**
- **Agree to provide alternative electricity supply to lot owners and / or each lot until such time as permanent supply is available to the development by AusNet Electricity Services Pty. Individual generators must be provided at each supply point. The generator for temporary supply must be installed in such a manner as to comply with the Electricity Safety Act 1998.**
- **Ensure that all necessary auditing is completed to the satisfaction of AusNet Electricity Services Pty to allow the new network assets to be safely connected to the distribution network.**

9.1.1 Planning Application P2022-098: Multi Lot Residential Subdivision and Native Vegetation Removal ~ 3 Saleyard Road Avenel VIC 3666 (comprising CA1 Parish of Avenel & Lot 1 TP390206) (cont.)

MOTION (cont.)

Department of Transport:

63. ***Before the plan of subdivision is submitted to the Responsible Authority for certification under the Subdivision Act 1988 unless otherwise agreed in writing by the Head, Transport for Victoria, a Functional Layout Plan for the intersection of proposed Subdivisional Road and Great Alpine Road must be submitted to and approved by the Head, Transport for Victoria. When approved by the Head, Transport for Victoria, the plans must be endorsed by the Responsible Authority and will then form part of the permit. The plans must show the following:***
- a) ***Basic Right-turn Treatment (BAR) and Basic Left-turn Treatment (BAL) at the intersection of Bank Street & Hovell Street.***
 - b) ***Basic Right-turn Treatment (BAR) and Basic Left-turn Treatment (BAL) at the intersection of Bank Street & Planck Street intersection.***
 - c) ***Basic Right-turn Treatment (BAR) and Basic Left-turn Treatment (BAL) at the intersection of Bank Street & Saleyard Road intersection.***
64. ***Prior to the issue of a Statement of Compliance unless otherwise agreed in writing by the Head, Transport for Victoria, the following roadworks on Great Alpine Road must be completed to the satisfaction of and at no cost to the Head, Transport for Victoria unless otherwise agreed in writing by the Head, Transport for Victoria:***
- a) ***Basic Right-turn Treatment (BAR) and Basic Left-turn Treatment (BAL) at the intersection of Bank Street & Hovell Street.***
 - b) ***Basic Right-turn Treatment (BAR) and Basic Left-turn Treatment (BAL) at the intersection of Bank Street & Planck Street intersection.***
 - c) ***Basic Right-turn Treatment (BAR) and Basic Left-turn Treatment (BAL) at the intersection of Bank Street & Saleyard Road intersection.***
 - d) ***Any other works required.***
- VicTrack:**
65. ***At all times the common boundary with the railway land must be fenced with a 1.8m paling or black chain mesh fence and must be repaired and maintained all at no cost to the VicTrack to prohibit unauthorised access to the rail corridor.***
66. ***Any replacement, repair or reconstruction of any fence on the boundary to railway land must be in accordance with VicTrack's requirements.***
67. ***No drainage, effluent, waste, soil or other materials must enter, be stored or be directed to railway land.***

9.1.1 Planning Application P2022-098: Multi Lot Residential Subdivision and Native Vegetation Removal ~ 3 Saleyard Road Avenel VIC 3666 (comprising CA1 Parish of Avenel & Lot 1 TP390206) (cont.)

MOTION (cont.)

Expiry of Permit – Subdivision:

68. ***This permit will expire if:***

- a) ***The plan of subdivision is not certified within two years from the date of this permit; or***
- b) ***The subdivision is not completed within five years from the date of certification of the plan of subdivision.***
- c) ***For staged plans, certification must be gained within two years from the date of certification of the previous stage.***

The Responsible Authority may extend the time at part (a) if a request is made in writing before the permit expires or within six months afterwards

Planning Notes

Engineering

- ***Prior to works commencing on public land or roads, the applicant must obtain a permit from the relevant authority giving Consent to Work within a Road Reserve.***

Department of Environment, Land, Water and Planning

- ***The department advises that works or other activities on public land, which may affect protected native plants, will require a Protected Flora Licence or Permit under the Flora and Fauna Guarantee Act 1988 (FFG). All native vegetation likely to be affected should be checked against the Protected Flora List (DELWP 2017) to determine whether FFG approvals are required. Protected Flora Permits can be obtained from the regional DELWP office (p&a.north@delwp.vic.gov.au).***
- ***Offset requirements are determined in accordance with DELWP (2017) Guidelines for the removal, destruction or lopping of native vegetation. Proposed offset sites must meet eligibility requirements including land use, bushfire risk, quality of vegetation and size of vegetation site. Please visit <https://www.environment.vic.gov.au/native-vegetation/native-vegetation> for further information.***

Goulburn Valley Water

- ***Where the land is to be developed in stages, the above conditions will, in general, apply to any subsequent stage of the estate development. However, as any future stages of the development will be connected to the Corporation's water supply and sewerage systems independently of this stage, the Corporation reserves the right to revise any conditions applicable to any subsequent stages lodged.***

9.1.1 Planning Application P2022-098: Multi Lot Residential Subdivision and Native Vegetation Removal ~ 3 Saleyard Road Avenel VIC 3666 (comprising CA1 Parish of Avenel & Lot 1 TP390206) (cont.)

MOTION (cont.)

Department of Transport

- **Separate consent for works within the road reserve and the specifications of these works is required under the Road Management Act 2004. For the purposes of this application the works will include provision of:**
 - i. Basic Right-turn Treatment (BAR)**
 - ii. Basic Left-turn Treatment (BAL)**
 - iii. Any other works required.**

End of Conditions

41-22/23 **CARRIED**

7.36 pm: The Director Community and Planning returned to the meeting after the vote on this matter had been conducted.

9.1.2 Strathbogie Planning Scheme Review 2022

Author: Strategic Planner

Responsible Director: Director Community & Planning

EXECUTIVE SUMMARY

The Strathbogie Planning Scheme sets out the policies and provisions for the use and development of land within the Strathbogie Shire.

Under the *Planning and Environment Act 1987*, a planning scheme must be reviewed regularly to ensure it remains current. This includes strategic direction, addressing key issues currently facing the municipality, and anticipating any potential challenges into the future.

Section 12B (1)(a) of the Planning and Environment Act 1987 states a planning authority which is a municipal council must undertake a planning scheme review:

- no later than one year after each date by which it is required to approve a Council Plan under section 90 of the Local Government Act 2020.

The purpose of a planning scheme review is to enhance the effectiveness and efficiency of the planning scheme by meeting:

- The objectives of planning in Victoria
- The objectives and strategies of the Strathbogie Planning Scheme, Including the Planning Policy Framework (PPF) and Municipal Planning Statement (MPS)
- A thorough review of the schemes provisions, such as the local planning policies, Zones, Overlays and Schedules, and whether they facilitate the objectives and strategies of the planning scheme.

Following a procurement process, Strathbogie Shire appointed SD Planning to undertake the planning scheme review, which began in December of 2021. The consultation undertaken as part of the review identified 5 key themes:

- Neighborhood Character
- Sustainable Development
- Connectivity
- High Quality Commercial, Residential & Industrial Developments; and
- Vegetation and Environment.

The priority strategic work identified as part of the review will give consideration to these key themes.

Overall, the Strathbogie Planning Scheme is operating effectively. The settlement narrative in the scheme is clear, however, there are some strategic gaps in the planning scheme. These have been identified as part of the review and the strategic work program with an integrated approach as to achieve the overarching goals and actions set out in Strathbogie Council Plan (2021-2025).

This planning scheme review is required to be submitted to the Minister for Planning as stipulated in section 12B(5) of the *Planning and Environment Act 1987*.

9.1.2 Strathbogie Planning Scheme Review 2022 (cont.)

MOVED: COUNCILLOR MURRAY
SECONDED: COUNCILLOR ANDREWS

That Council adopt the Strathbogie Planning Scheme Review 2022.

42-22/23 CARRIED

9.1.3 Planning Applications Received and Planning Applications Determined - 1 to 31 December 2022 and 1 to 31 January 2023

Author: Manager Planning and Investment

Responsible Director: Director Community and Planning

EXECUTIVE SUMMARY

This report provides listings of all Planning Applications Received (Attachment 1) and Planning Applications Determined (Attachment 2) for the period of 1 to 31 December 2022 and 1 to 31 January 2023. The latest available Planning Permit Activity Performance Figures are also attached (Attachment 3). The contents of this report are provided for information purposes only.

It is noted that there were eighteen (18) new planning permit applications received and thirty-two (32) new planning permit applications decided upon during the reporting period.

MOVED: COUNCILLOR ANDREWS

SECONDED: COUNCILLOR HOURIGAN

That Council:

- 1. Note that there were eighteen (18) new planning permit applications received, and thirty-two (32) planning permit applications decided upon during the period of 1 to 31 December 2022 and 1 to 31 January 2023.***
- 2. Note the report.***

43-22/23 CARRIED

9.2 COMMUNITY

9.2.1 Application for Sponsorship – RuffArtZ Outdoor Concert Phil Para Band March 2023

Responsible Director: Director Community and Planning

EXECUTIVE SUMMARY

Council has received a sponsorship application from RuffArtZ to assist with the delivery of the 2023 Outdoor Concert event scheduled to be held on 25 March 2023.

The request is for a cash contribution of \$2,000 to assist with the cost of musicians, technical production, advertising and venue hire for the event.

The event application was of an acceptable standard, with the application scoring 15/25 in the Sponsorship Program criteria assessment.

The event will result in social and economic benefits to the Ruffy Community and will be delivered in line with Council's Events and Regulatory Policies and procedures.

In Council's approved operating budget 2022/2023, Council allocated \$30,000 to the Sponsorship program to sponsor events held in the Strathbogie Shire that meet the Sponsorship program criteria, submitted in line with the application Guidelines. There are a total of three sponsorship applications being considered at the February Council meeting that are all eligible for this funding program.

This report recommends the approval of the sponsorship application from the RuffArtZ for \$2,000 to support the delivery of the 2023 Outdoor Concert event.

MOVED: COUNCILLOR MURRAY
SECONDED: COUNCILLOR DICKINSON

That Council:

- 1. Approve sponsorship of \$2,000 to RuffArtZ to assist with the delivery of the Outdoor Concert featuring the Phil Para Band at the Ruffy Recreation Reserve on 25 March 2023; and***
- 2. Work with the RuffArtZ to reduce overall waste produced at the event through the implementation of the Waste Wise Events Guidelines, and the State Government ban on single use plastics as outlined in the Climate Change Action Plan 2022 – 27.***

44-22/23 **CARRIED**

9.2.2 Application for Sponsorship – Labour Day Tennis Tournament March 2023

7.39 pm: Councillor Hourigan left the meeting due to declaring a general conflict of interest as her company sponsors the event.

Responsible Director: Director Community and Planning

EXECUTIVE SUMMARY

Council has received a sponsorship application from Euroa Lawn Tennis Club to assist with the delivery of the Labour Day Tennis Tournament event on 11-13 March 2023.

The sponsorship request is for \$3,000, this includes a financial contribution of \$2,500 to help cover with the cost of construction for temporary courts and sponsorship to the value of \$500 for Council's extra bins and support responsible waste disposal.

The event application was of an acceptable standard, with the application scoring 13/25 in the Sponsorship Program criteria assessment.

The event will result in social and economic benefits to the Euroa Community and will be delivered in line with Council's Events and Regulatory Policies and procedures.

In Council's approved operating budget 2022/2023, Council allocated \$30,000 to the Sponsorship program to sponsor events held in the Strathbogie Shire that meet the Sponsorship program criteria, submitted in line with the application Guidelines. There are a total of three sponsorship applications being considered at the February Council meeting that are all eligible for this funding program.

This report recommends the approval of the sponsorship application from the Euroa Lawn Tennis Club to the value of \$3,000, inclusive of \$500 allocated for Council delivered waste services, to support the delivery of the 2023 Labour Day Tennis Tournament.

MOVED: COUNCILLOR MURRAY

SECONDED: COUNCILLOR ANDREWS

That Council:

- 1. Approve sponsorship to the value of \$3,000, inclusive of \$500 for waste services, to Euroa Lawn Tennis Club Incorporated to assist with the delivery of the Labour Day Tennis Tournament event held on 11-13 March 2023; and**
- 2. Work with the Euroa Lawn Tennis Club to reduce overall waste produced at the event through the implementation of the Waste Wise Events Guidelines and the State Government's ban on single use plastics as outlined in the Climate Change Action Plan 2022 – 27.**

45-22/23

CARRIED

7.43 pm: Councillor Hourigan returned to the meeting after the vote on Item 9.2.2 had concluded.

9.2.3 Application for Sponsorship – Longwood Beer, Wine & Cider Festival February 2023

Responsible Director: Director Community and Planning

EXECUTIVE SUMMARY

Council has received a sponsorship application from Longwood Football Netball Club to assist with the delivery of the 2023 Longwood Beer, Wine & Cider Festival event scheduled on 25 February 2023.

The request is for \$5,000 to be used to help cover the cost of Bands, audio and visual equipment, equipment hire for toilets, fencing, marquees, and waste. This event has been successfully run annually since 2018. The Longwood Football and Netball Club has applied for Council's Sponsorship Program on three previous occasions and has been successful in obtaining funding for a total of \$7,000 prior to this application. The event application was of an acceptable standard, with the application scoring 18/25 against the Sponsorship Program criteria assessment.

The event will result in social and economic benefits to the Longwood Community, as well as the wider region and will be delivered in line with Council's Events and Regulatory Policies and procedures.

In Council's approved operating budget 2022/2023, Council allocated \$30,000 to the Sponsorship program to sponsor events held in the Strathbogie Shire that meet the Sponsorship program criteria, submitted in line with the application Guidelines. In addition to this application, two other sponsorship applications are being considered at the February Council meeting.

This report recommends approval of the sponsorship application from Longwood Football Netball Club for \$3,000 to support the delivery of the 2023 Longwood Beer, Wine and Cider Festival. This recommendation for partial funding is due to the demonstrated demand of event sponsorship fund to date and is consistent with similar applications approved by Council this financial year.

**MOVED: COUNCILLOR ANDREWS
SECONDED: COUNCILLOR MURRAY**

That Council:

- 1. Approve financial sponsorship to the value of \$3,000 in cash to Longwood Football Netball Club Incorporated to assist with the delivery of the Longwood Beer, Wine & Cider Festival event on 25 February 2023; and***
- 2. Work with the Longwood Football and Netball Club Incorporated to reduce overall waste produced at the event through the implementation of the Waste Wise Events Guidelines and the State Government ban on single use plastics as outlined in the Climate Change Action Plan 2022 – 27.***

46-22/23

CARRIED

9.2.4 Strathbogie Shire Draft Economic Development Strategy 2023 - 2027

Author: Economic Development and Project Coordinator

Responsible Director: Director Community and Planning

EXECUTIVE SUMMARY

Council has been working to develop an Economic Development Strategy, with a draft strategy now established. The draft Economic Development Strategy 2023 – 2027 (draft EDS) outlines the key directions and priorities for Strathbogie Shire Council to support economic development and sustained growth for the local economy.

The key actions and recommendations outlined in the draft strategy are designed to achieve economic development outcomes and drive economic uplift to benefit the community, workers and businesses within the Shire.

The draft EDS is the result of a comprehensive literature review and community engagement and is intended to map the shires economic development direction for the next five years. The development of the draft strategy was enabled through the engagement with the two business chambers; Go Nagambie and Euroa Chamber of Business and Commerce, two business and industry events, a survey and through the Share Strathbogie web platform.

It is intended that this document now be published for further public consultation and feedback before considering the final document. It is recommended that consultation for the draft strategy be from the period of 22 February 2023 - 5 April 2023.

This feedback will then be collated and reviewed to inform the final strategy for presentation to Council in the second quarter of 2023.

***MOVED: COUNCILLOR HOURIGAN
SECONDED: COUNCILLOR MURRAY***

That Council:

- 1. Endorses the release of the draft Strathbogie Economic Development Strategy 2023 – 2027 for broad community consultation and feedback for the period 22 February 2023 to 05 April 2023; and***
- 2. Receives a further report at the May 2023 Council Meeting to consider the final Economic development Strategy 2023 – 2027 detailing the outcomes of the community consultation on the draft Strathbogie Economic Development Strategy.***

47-22/23 CARRIED

9.3 CORPORATE

9.3.1 Mid-Year Budget Review 2022/23

Author: Chief Finance Officer

Responsible Director: Director People & Governance

EXECUTIVE SUMMARY

A mid-year budget review for the 2022-23 financial year has been undertaken as a means of tracking where the delivery of the budget and capital works program is at and also to better inform the development of the 2023-24 budget and revision of our 2022-23 to 2031-32 Long Term Financial Plan.

There are a number of significant factors at play that have impacted on the mid-year review; some positive and some negative. Overall, it is an increasingly tight and difficult financial environment that Council is operating in.

The cost of materials and services has increased significantly (a \$4.5 million impact), there are materials shortages that are impacting on project delivery and overall project costs, the labour market is very tight and it is difficult to find staff to fill vacancies (particularly in specialist positions) and interest rates have been rising beyond our expectations at the start of the financial year.

The impact of the October 2022 flood event cannot be overstated.

This has not only led to escalated staffing costs in after hours emergency costs (\$30,000), but it will also divert funds from our existing capital works program to ensure that roads, bridges and drains are repaired and upgraded to achieve better flood resilience.

While some of the repair costs will be covered by insurance and Government Grants – the latter for which we have already received \$1.5 million, the expected overall damage bill to buildings, roads and other Council infrastructure is in the tens of millions.

Having said that, the mid-year review has led to an adjustment of our financial year records of an improvement in the operating result of \$3,675,730. Cash reserves at the end of the year will be \$7.3 million, which means Council is able to achieve its goal of having at least \$5 million in cash and cash equivalents at any one time.

There is an overall decrease in capital expenditure by \$1,589,804 when compared to the adopted Budget. This is made up of:

- Capital projects carried forward from prior year - \$5,548,362 (add \$)
- New capital projects identified (grant funded) - \$420,456 (add \$)
- Market cost escalations on existing projects - \$1,275,098 (add \$)
- Savings on existing projects - \$1,003,541 (subtract \$)
- Projects identified as operational/maintenance - \$94,000 (subtract \$)
- Projects carried forward to future years - \$4,926,691 (subtract \$)
- Projects removed from adopted capital works program - \$2,809,855 (subtract \$).

9.3.1 Mid-Year Budget Review 2022/23 (cont.)

Overall, the 2022-23 financial year will end up with a positive operating result, however there are challenges ahead in terms of the significant adverse economic environment that Council is operating in, along with the increasing cumulative detriment of the rate capping environment which will impact on our ability to deliver a broad capital works program and other services into the future.

Unfortunately, the Audit and Risk Committee have not had an opportunity to be presented with the mid-year review due to timing, however they will be presented with the review for noting at its 3 March 2023 meeting.

The mid-year review, and associated financial statements, are presented to Council for noting.

***MOVED: COUNCILLOR HOURIGAN
SECONDED: COUNCILLOR DICKINSON***

- 1. That Council note the Mid-Year Review financial statements for the period ending 30 June 2023.***
- 2. That Council refer the matter to the Audit and Risk Committee and review the mid-year financial statements at the next Council meeting.***

48-22/23 CARRIED

Cr Raeburn called for a division

For the Motion

***Cr Andrews
Cr Hourigan
Cr Dickinson
Cr Murray***

Against the Motion

***Cr Raeburn
Cr Binks***

9.3.2 Recruitment of Independent Member – Chief Executive Officer Employment and Remuneration Committee

8.20 pm: Councillor Murray left the meeting due to declaring a general conflict of interest

8.20 pm: The Chief Executive Officer left the meeting due to declaring a material conflict of interest

Author: Director People & Governance

Responsibility: Mayor Laura Binks

EXECUTIVE SUMMARY

Council established a Chief Executive Officer Employment and Remuneration Committee, in accordance with section 45 of the Local Government Act 2020 (the Act), in December 2021.

Under the Act, A Council Executive Officer Employment and Remuneration Policy must be adopted by Council, which was originally adopted by Council on 19 October 2021 and recently reviewed at its November 2022 Ordinary Council meeting. This policy is used to set the remit of the Committee and provide guidance around how Council will seeking independent input from a human resource expert.

Council's policy, like a number of other councils, states that a suitably qualified independent member will form part of the committee. Clauses 6 and 7 of Council's policy provide clear guidance around qualifications, term of the role and the responsibilities of the independent member.

For the first 12 months of the Committee's formation, the Municipal Monitor appointed by the Minister for Local Government, Janet Dore, performed the role of the independent Committee member. This term came to an end in December 2022.

A public advertising process, informed by an Expression of Interest Document outlining the purpose and remit of the role, was undertaken initially between 18 November – 12 December 2022 and 3 – 13 January 2023.

The CEO Employment and Remuneration Committee members appointed by Council at its 13 December 2022 meeting were appointed as the interview panel; Mayor Laura Binks, Deputy Mayor Paul Murray and Cr Kristy Hourigan.

A total of three applications were received.

Deputy Mayor Murray declared a conflict of interest in relation to two of the parties and subsequently withdrew from the interview panel upon identifying the conflict. Mayor Laura Binks and Cr Kristy Hourigan interviewed the three applicants in January 2023.

After a comprehensive interview and referee check process, the Committee recommend that Wendy Jones be appointed as the Independent Committee member from a period commencing on 22 February 2023 to 21 February 2027.

9.3.2 Recruitment of Independent Member – Chief Executive Officer Employment and Remuneration Committee (cont.)

Wendy lives in the Shire and has an extensive human resources/executive management recruitment and performance appraisal background, with a BA and Master of Business (Human Resource Management), along with completion of the Australian Institute of Company Directors' course (AICD) Wendy has served in several CEO/Executive positions and has served on a wide variety of boards, including being the Chair of the Employment and Remuneration Committee for the Goulburn Valley Waste and Resource Recovery Group from 2018-22.

The CEO Employment and Remuneration Policy states that a stipend is to be paid in accordance with Victorian Government guidelines for like committees. The Victorian Government classify entities in different groups depending on its function. A proposed hourly rate of \$169 is recommended to reflect that meetings of the Committee are unlikely to last a full day or for there to be requirements for more than a few days a year to be spent on employment, performance review and remuneration issues.

MOVED: COUNCILLOR ANDREWS
SECONDED: COUNCILLOR HOURIGAN

That Council:

1. ***After seeking expressions of interest from the public for suitably qualified persons and having completed an interview along with two referee checks, appoint the preferred candidate, Wendy Jones, as the independent human resource expert to the Chief Executive Officer's Employment and Remuneration Committee.***
2. ***Set the term for Wendy Jones' appointment as being from 22 February 2023 to 21 February 2027 in accordance with clause 6 of the Chief Executive Officer's Employment and Remuneration Policy to ensure continuity in approach between the current Council and the new Council, to be elected in October 2024.***
3. ***Set the stipend for the term of 22 February 2023 – 1 July 2023 at a rate of \$169 per hour based on the hourly rate for an advisory board as set out in the Victorian Government's Appointment and Remuneration Guidelines 2022, with indexation occurring annually as per the Chief Executive Officer's Employment and Remuneration Policy.***

49-22/23 **CARRIED**

8.27 pm: Councillor Murray returned to the meeting after the vote on this matter had been conducted

8.27 pm: The Chief Executive Officer returned to the meeting after the vote on this matter had been conducted

9.4 INFRASTRUCTURE

9.4.1 Contract Variation – Contract No. 20-21-65: Harrys Creek and Bonnie Doon Roads Intersection Realignment

Author: Manager Projects Delivery, Senior Project Officer

Responsible Director: Director Sustainable Infrastructure

EXECUTIVE SUMMARY

Harrys Creek and Bonnie Doon Roads Intersection Realignment project formed part of Council's 2020/21 Capital Works Program which carried forward to 2021/22 and subsequently to 2022/23. The primary objective of the project is to improve road safety at the intersection.

At the April 2021 Council Meeting, Council approved to award Contract No 20/21-65 for Harrys Creek and Bonnie Doon Road Intersection Realignment to 'Wrights Earthmoving Pty Ltd', after emerging as the preferred tenderer following a competitive tender process. The lumpsum contract was awarded to the contractor for a total sum of \$352,516.30. As the execution of works delayed due to tree permit issues Council agreed to revise the Contract price to \$423,204.94. Budget allocation was adjusted to suit this amount in this financial year.

Contract works commenced in December 2022 and contractors proceeded to remove the existing road, there was a significant amount of soft ground treatment emerged as the works progressed. These latent conditions are due to natural springs that are located underneath the pavement area to be constructed. It is essential to perform proper treatment to build up the new road pavement to achieve expected durability thereby providing best value for the shire assets. In addition, the surrounding community requested additional bus bay to be construct through the project to facilitate school bus pick up at the intersection to ensure safety for children accessing the bus.

These latent conditions and additional requirements result in a cost increase of \$113,995.20 which is 26.94% increase on Contract value revised recently. The new Contract value of the project would be \$537,200.14 should this variation be approved.

Given the topography of the site, there is further possibility that more soft saturated ground will be discovered when the remaining work area is excavated for construction. This will yield potential variations amounting up to \$110,000.00 based on current expenditure to treat and complete the project as per the standards.

Note: All monetary values mentioned in this report are inclusive of GST.

**MOVED: COUNCILLOR RAEBURN
SECONDED: COUNCILLOR MURRAY**

Amendment:

That the item be deferred.

50-22/23 CARRIED

9.4.2 Tender for Contract No. 22/23 – 22: Design and Construct of New Waste Bin Bays at the Nagambie and Avenel Transfer Stations

Author: Environment and Waste Coordinator

Responsible Director: Director Sustainable Infrastructure

EXECUTIVE SUMMARY

In September 2022 Council was successful in receiving funding from the Transfer Station Upgrade Fund – Round 2, to build bin bays at the Nagambie and Avenel Transfer Stations. This report will outline the competitive tender process that was undertaken and make a recommendation on a preferred tenderer.

The public tender process for this tender was undertaken to meet Council's compliance requirements under Council's Procurement Policy.

The public tender was initially released on "Tendersearch" via the Council website on the 14 October 2022. By close of tenders at 4.00pm on 10 November 2022, one (1) tender was received.

The tender was assessed and evaluated by Council Officers and having considered the results of the evaluation, it is recommended that Council awards this contract to CivilVic Pty Ltd for the lump sum of \$275,000 inc GST.

MOVED: COUNCILLOR MURRAY

SECONDED: COUNCILLOR RAEBURN

That Council:

- 1. Receives and notes the outcome of the tender assessment process for Contract No 22-23-22 Design and Construct of new Waste Bin Bays at the Nagambie and Avenel Transfer Stations;***
- 2. Awards the tender for Contract No 22-23-2 Design and Construct of new Waste Bin Bays at the Nagambie and Avenel Transfer Stations - Lump Sum to Civilvic Pty Ltd based in Wantirna Victoria for a total amount of \$275,000, inclusive of GST;***
- 3. Authorises the Chief Executive Officer to execute the Contract by signing and affixing with the Common Seal of Strathbogie Shire Council; and***
- 4. Notes that it is anticipated that works will commence on 13 March 2023 and be completed by 1 May 2023.***

51-22/23

CARRIED

9.4.3 Tender for Contract No. 22/23-33: Provision of Flood Damaged Rectification Sealed Road Works (patching) - with optional Panel of Suppliers provisions

Author: Manager Assets Planning

Responsible Director: Director Sustainable Infrastructure

EXECUTIVE SUMMARY

Council has undertaken a competitive tender process for the rectification of the flood damage to our sealed road network caused by the October 2022 flood event (AGRN 1037) as a component of the Flood Recovery Program to be funded through the National Disaster Funding Assistance (NDFA). The Department of Transport and Planning assesses submitted flood defects for funding approval on behalf of Emergency Management Victoria (EMV). Since the event, Council have had regular update meetings with the assessor and received provisional approval to commence immediate reconstruction works.

Council met the required compliance obligations under the Local Government Act 2020 and the Strathbogie Procurement Policy (2021) by undertaking formal public request for tender.

The tender was released on “Tendersearch” via the Council website on the 2 December 2022. The tender was advertised in Saturday’s The Age newspaper (state-wide reach) on the 3 December 2022, Shepparton News and Benalla Ensign, in the week following release. By the close of tenders at 4.00pm on 20 January 2023, two (2) submissions had been received.

***MOVED: COUNCILLOR RAEBURN
SECONDED: COUNCILLOR MURRAY***

Amendment:

That the items 9.4.3 and 9.4.4 be deferred.

52-22/23 ***CARRIED***

9.4.4 Tender for Contract No. 22/23-34: Provision of Flood Damaged Rectification Un-Sealed Road Works with optional Panel of Suppliers provisions

Author: Manager Assets Planning

Responsible Director: Director Sustainable Infrastructure

EXECUTIVE SUMMARY

Council has undertaken a competitive tender process for the rectification of the flood damage to our unsealed road network caused by the October 2022 flood event (AGRN 1037) as a component of the Flood Recovery Program to be funded through the National Disaster Funding Assistance (NDFA). The Department of Transport and Planning assesses submitted flood defects for funding approval on behalf of Emergency Management Victoria (EMV). Since the start, Council have had regular update meetings with the assessor and received provisional approval to commence immediate reconstruction works.

Council met the required compliance obligations under the Local Government Act 2020 and the Strathbogie Procurement Policy (2021) by undertaking formal public request for tender.

The tender was released on “Tendersearch” via the Council website on the 2 December 2022. The tender was advertised in Saturday’s The Age newspaper (state-wide reach) on the 3 December 2022, Shepparton News and Benalla Ensign, in the week following release. By the close of tenders at 4.00pm on 20 January 2023, five (5) submissions had been received.

Refer to Motion for Item 9.4.3.

9.4.5 Outcomes of the Kerbside Collaborative Procurement Tender

Author: Environment and Waste Coordinator

Responsible Director: Director Sustainable Infrastructure

EXECUTIVE SUMMARY

North East and Goulburn Valley Waste and Resource Recovery Groups (NE&GVWRRG) jointly sponsored and facilitated a collaborative tender process to procure kerbside collections, waste disposal and processing services for kerbside waste streams for Local Government Councils and Alpine Resort Management Boards (Participants) in their respective Regions from 1 July 2025.

Strathbogie Shire Council tendered for the following services

- Kerbside Collection Services
- Events Bins
- Public Place Bins
- Bulk Bin transport
- General Waste disposal services
- Commingled recycling processing services
- FOGO processing services
- Glass processing services

This process has now been completed and this report will outline the competitive tender process that was undertaken and make recommendations on the preferred tenderer for each of the services.

MOVED: COUNCILLOR HOURIGAN
SECONDED: COUNCILLOR ANDREWS

That Council:

1. ***Receives and notes the outcome of the tender assessment process for Contracts***
 - a. ***CN 25-26/01 – Kerbside Collection***
 - b. ***CN 25-26/02 – Landfill Disposal***
 - c. ***CN 25-26/03 – Comingled Recycling Processing***
 - d. ***CN 25-26/04 – FOGO Organics Processing***
 - e. ***CN 25-26/05 – Glass Processing***

Completed by staff as part of the Hume Region Collaborative Waste Tender;
2. ***Award the tender for contract no CN 25-26/01 Kerbside Collection to Foott Waste Pty Ltd;***
3. ***Award the tender for contract no CN 25-26/03 Comingled Recycling Processing to Foott Waste Pty Ltd;***
4. ***Award the tender for contract no CN 25–26/04 FOGO Organics Processing to Western Composting Pty Ltd;***

9.4.5 Outcomes of the Kerbside Collaborative Procurement Tender (cont.)

MOTION (cont.)

5. ***Award the tender for contract no CN 25-26/05 Glass Processing to Veolia Pty Ltd;***
6. ***CN25-26/02 Landfill Disposal tender is set aside and not awarded at this time. Council officers to commence new process and report back by 1 December 2023; and***
7. ***Authorises the Chief Executive Officer to execute the Contract by signing and affixing the Common Seal of Strathbogie Shire Council***

53-22/23 **CARRIED**

9.4.6 Contracts and Works Awarded Under Delegation

Author: Procurement and Tenders Officer

Responsible Directors: Director Community & Planning / Director Corporate Operations

EXECUTIVE SUMMARY

The purpose of this report is to inform Council and the community of the status of request for the publicly advertised tenders, invitations for written quotations and quotations provided using collaborative and/or third party contracts which have been awarded under delegation for the period 1 December 2022 to 31 January 2023. This report specifically relates to works that form part of Council's 2022/23 budget and urgent rectification works required due to the October 2022 flood event.

MOVED: COUNCILLOR MURRAY

SECONDED: COUNCILLOR HOURIGAN

That Council note the:

- 1. Contracts awarded under delegated authority by the Chief Executive Officer;***
- 2. Contracts and works awarded under delegated authority by a Director; and***
- 3. Works awarded under delegated authority by a Manager.***

54-22/23

CARRIED

9.5 GOVERNANCE AND CUSTOMER SERVICE

9.5.1 Process for Tender – Internal Audit Services

Author: Director People & Governance

Responsible Director: Chief Executive Officer

EXECUTIVE SUMMARY

The current contract with AFS and Associates Pty Ltd for the provision of internal audit services ends on 1 July 2023. At its end, the contract will have run for 5 years.

Internal auditors are an essential player in Council's good governance framework and deliver an internal audit program. The Local Government Act 2020 requires Council to appoint an Audit and Risk Committee, which is responsible for overseeing internal audit functions under Section 53 and 54 of the Act.

Internal Auditors undertake a variety of functions, including providing the Audit and Risk Committee with expert opinions on Council's governance structures, internal controls and the efficacy of policies/procedures. They therefore play an important role in supporting the Council's continuous improvement program and form an integral part of the Audit and Risk Committee's work program.

Recommendations from the Independent Auditors are presented to the Administration for review and comment, which are then submitted to the Audit and Risk Committee. Actions arising from the internal audits then form an action plan, the progress of which is tracked and reported to the Audit and Risk Committee every quarter.

This report outlines the public tender process to allow Council to enter into a new contract, recommended to be a three-year initial term with options for two terms of 1 year (totalling 5 years). Council would reserve the right to take up the two options of a year's extension based on the performance of the internal auditor, the recommendations of Council's Audit and Risk Committee and the views of the Council at the time.

Funds have been allocated in the current budget and those for future years to ensure there is ongoing provision for the independent audit service, which is integral to meeting our legislative and Council Plan obligations.

***MOVED: COUNCILLOR DICKINSON
SECONDED: COUNCILLOR MURRAY***

That Council:

- 1. Note that a public process to seek tenders for the provision of Independent Auditing Services will be undertaken in late February 2023.***
- 2. Receive a further report once tenders have been assessed by a Tender Evaluation Panel and the results of the evaluation considered by Council's Audit and Risk Committee.***

55-22/23

CARRIED

9.5.2 Annual Adjustment Determination of Councillor Allowances – Victorian Independent Remuneration Tribunal

Author: Director People & Governance

Responsible Director: Chief Executive Officer

EXECUTIVE SUMMARY

The Victorian Independent Remuneration Tribunal has released its annual review of the allowances payable to mayors, deputy mayors and councillors.

The Tribunal is required to undertake an annual review of allowances payable to all councils across Victoria. The last determination (the first made by the Tribunal under the new Local Government Act 2020) was released in March 2022.

The Tribunal has reviewed a number of factors to inform its determination; current and projected economic conditions/trends, financial position and fiscal strategy for the State, recent remuneration adjustments for comparable roles and the short time between the first determination made by the Tribunal.

The Tribunal received two written submissions during the consultation period (which it notes did occur during the October flood event). One of these was from Mayor Binks, which highlighted the need for a consistent wage across the State given all councils have to meet the same legislative requirements. Mayor Binks argued that this meant the workload and responsibilities for councillors, whether they be from a small rural or large metropolitan council is essentially the same.

The determination is to index allowances at 1.5% each year for the next four years for allowances payable to the Mayor and Deputy Mayor. Allowances for other councillors and the remote area allowance will continue to be reviewed annually by the Tribunal.

Strathbogie remains a Category 1 municipality, which means the allowances are at the lowest end of those set for all councils.

Council must award councillors the allowance set by the Tribunal under the Local Government Act 2020. It is also noted that the indexed allowances must be backdated to 18 December 2022. The 2022-23 mid-year review and draft 2023-24 budget include provision for the indexed allowances.

The purpose of this report is to note the findings of the Tribunal and to align the allowances set by the Tribunal to those paid to our Mayor, Deputy Mayor and Councillors for the period between 18 December 2022 and December 2023.

MOVED: COUNCILLOR MURRAY

SECONDED: COUNCILLOR HOURIGAN

That Council:

- 1. Note the findings of the report by the Victorian Independent Remuneration Tribunal in relation to allowance payable to Mayors, Deputy Mayors and Councillors (Victoria) Annual Adjustment Determination 2022.***

9.5.2 Annual Adjustment Determination of Councillor Allowances – Victorian Independent Remuneration Tribunal (cont.)

MOTION (cont.)

2. ***Set the base allowances for the period between 18 December 2022 and 17 December 2023 as follows:***
 - (a) Mayor - \$77,933***
 - (b) Deputy Mayor - \$38,967***
 - (c) Councillors - \$25,147.***
3. ***Request the Chief Executive Officer to award the Mayor, Deputy Mayor and Councillors backpay at the higher allowance rates to 18 December 2022 as soon as practicable.***
4. ***Note that the Tribunal has determined base allowances for the Mayor and Deputy Mayor will be indexed annually by 1.5% on 18 December 2023, 2024 and 2025.***
5. ***Note that a Council member that normally resides more than 50 kilometres from the location of Council meetings and other meetings they are required to attend by Council resolution is entitled to be paid a Remote Area Travel Allowance of \$54 for each day on which such meetings are held, up to a maximum allowance of \$5,625 per annum.***
6. ***Note that councillors can elect to receive:***
 - (a) all of the allowance to which they are entitled***
 - (b) a nominated portion of the allowance***
 - (c) receive no allowance.***

56-22/23 **CARRIED**

9.5.3 Councillor Audit and Risk Committee Representation – 2022/2023

Author and Responsible Director: Chief Executive Officer

EXECUTIVE SUMMARY

In past years Council has nominated representatives for a number of internal committees as well as external committees and working groups on an annual basis.

The Councillor representative's role is to attend meetings on behalf of Council and to provide Council with briefings and updates on the matters/issues raised for further discussion by the Council as a whole.

In accordance with the Audit and Risk Committee Charter adopted by Council 14 December 2021, Councillor members will be appointed for a one-year term of office with their term expiring at the Statutory Meeting of Council. They may be renominated. The Statutory Meeting of Council was held on the 8 November 2022, but consideration of Councillor representatives on various groups and bodies was not considered until the Council meeting held on December 13, 2022.

Following the Council resolution at its December 2022 meeting, Council nominated and endorsed Councillor representatives on the various groups and bodies.

However, at this meeting, the Councillor representation on Council's Audit and Risk Committee was not ratified.

To ensure that there is appointed Councillor representation at the next Audit and Risk Meeting scheduled for Friday 3 March 2022, this report recommends that Council nominate two Councillors as representatives to attend the March Audit and Risk Committee Meeting. Once the Committee has finalised the review of its Audit and Risk Committee Charter, Councillor representation can be modified in accordance with any amendments to membership.

MOVED: COUNCILLOR MURRAY
SECONDED: COUNCILLOR ANDREWS

That:

- 1. Council approves Cr Raeburn and Cr Murray as the Councillor Members for the Audit and Risk Committee meeting to be held on Friday 3 March 2023;***
- 2. Council confirm Councillor membership at the March or April 2023 Council meeting, pending any amendments made to the 2021 Audit and Risk Committee Charter regarding Councillor membership made at the Audit and Risk Committee meeting to be held on Friday 3 March 2023; and***
- 3. The Chief Executive Officer notifies the Chair of the Audit and Risk Committee of this appointment.***

57-22/23

CARRIED

9.5.4 Monthly Performance Report

The February 2023 Monthly Performance Report includes reports as follows:-

- Building Department – December 2022 and January 2023 Statistics
- Planning Department – Planning Application Approvals – Development Cost (Capital Improved Value) – December 2022 and January 2023
- Customer Enquiry Analysis Report – Reports for December 2022 and January 2023
- Waste Management Reporting ~ Year to Date – December 2022 and January 2023
- Transfer Station Date - December 2022 and January 2023
- Actioning of Council Reports Resolutions – Council Meeting Tuesday December 13, 2022
- Outstanding Actions of Council Resolutions to 31 January 2023
- Review of Council Policies and Adoption of new Policies – December to February 2023
- Records of Informal Council Briefings / Meetings – 1 to 31 December 2022 (no meetings held in January 2023)

By reporting on a monthly basis, Council can effectively manage any risks that may arise. The Business Management System will also incorporate Council's corporate goals and objectives.

MOVED: COUNCILLOR MURRAY
SECONDED: COUNCILLOR DICKINSON

That the report be noted.

58-22/23 CARRIED

9.6 EXECUTIVE

9.6.1 Municipal Monitor Final Report

Author: Chief Executive Officer

EXECUTIVE SUMMARY

The Minister for Local Government, the Hon Melissa Horne MP, informed the Mayor on 11 January 2023 that the Municipal Monitor appointed to Strathbogie Shire Council, Ms Janet Dore has submitted her final report and provided Council with a copy (refer Attachment 1).

The Minister noted that the Council has made improvements with the expert assistance of the municipal monitor. Among other things, the report notes and acknowledges that there has been improvement in councillor conduct and councillor understanding of their responsibilities and the role of the Chief Executive Officer.

The monitor includes in her report the following observations and recommendations that indicate further action is needed at the Council:

- Councillors find it challenging to perform their roles as required under the *Local Government Act 2020* (the Act), focusing on their ward interests rather than those of the entire municipality
- Councillors involve themselves in operational matters that are the responsibility of the CEO, especially when these matters relate to the interests of their ward,
- Councillor preparedness for briefings and meetings varies considerably and there continues to be limited discussion and debate in public meetings, and
- There is poor uptake of training and development opportunities by councillors.

This report recommends that Council note the final report from the Municipal Monitor and authorise officers to upload this onto Council's website.

***MOVED: COUNCILLOR RAEBURN
SECONDED: COUNCILLOR ANDREWS***

That Council:

- 1. Note the final report from the Municipal Monitor, Ms Janet Dore provided to the Shire on 11 January 2023, and***
- 2. Authorise officers to upload the report onto Councils website.***

59-22/23 CARRIED

9.6.2 Council Policy Review - Social Media Policy 2023

Author: Executive Manager Communications and Engagement

Responsible Director: Chief Executive Officer

EXECUTIVE SUMMARY

Social media, social networking and online forums are internet-based communications tools for publishing, sharing and discussing information. New technology has changed the way organisations communicate, and the range of social media sites are now part of a well-rounded communication plan, building on the traditional forms of communication.

Social media can be a powerful tool for consultation and engagement, seeking community, stakeholder and staff views, and gauging issues and complaints about an organisation. It requires different resourcing and different methods for any organisation to receive benefits from communicating via social media.

There are inherent risks for any organisation using social media or attracting comments from external sources via social media.

Using social media to communicate, and to respond to issues or concerns expressed online must be carefully considered in each individual situation.

This policy aims to inform and guide the way Strathbogie Shire Council and its employees and contractors use social media, and to allow a broader reach of information and direct comment which is quickly available.

***MOVED: COUNCILLOR HOURIGAN
SECONDED: COUNCILLOR MURRAY***

That Council:

- 1. Adopt the updated Social Media Policy 2023.***
- 2. Place the updated policy on Council's website, along with the publication of a notice in Council's weekly newspaper column and social media pages information the community about the adoption of the policy.***
- 3. Note the policy will be reviewed biennially and may change at any time, subject to a Council resolution.***

60-22/23

CARRIED

9.6.3 Municipal Association of Victoria May 2023 State Council Motion: Submission for review of the Victorian Electoral Commission Costs associated with the Electoral Structure Review Process

Author: Chief Executive Officer

EXECUTIVE SUMMARY

The Minister for Local Government, Melissa Horne, has appointed an Electoral Representation Advisory Panel to review the municipality's electoral structure. The purpose of the Panel is to provide the Minister with advice prior to the issue of an Order in Council in relation to the new representation model to be applied to our municipality.

Council was advised of this review foreshadowed to commence on 1 February 2023 and concluding by 17 May 2023 via letter on 13 October 2022. Whilst the Local Government Act 2020 (the Act) requires councils to meet 'reasonable costs' of the review, the letter did not indicate the quantum of funding required.

Given that, at this time, Council was experiencing the impact of the October 2022 flood event and our focus on funding infrastructure and building repairs, Council considered the VEC Electoral Structure Review (the review) process, timing and cost at its 13 December 2022 Council meeting. Council recommended (amongst other considerations) that it request the Minister to defer the electoral representation review for Strathbogie Shire for a period of at least six months and also waive the requirement for Council to fund the review process. To date, Council has not received a response to this letter.

Council has since been advised that the cost of this review will be flat \$65,000. All 39 Councils, whether metropolitan, regional or small rural, are required to pay the same fee regardless of population (and rate) base or capacity to pay. It is important to note that this unbudgeted allocation will need to be included in the mid-year review to cover the costs of the Panel.

Small rural and regional Councils such as Strathbogie with a small population base do not have the capacity to fund the same amount as large regional or metropolitan city councils.

It is recommended that Council submit the attached Motion to the MAV May 2023 State Council Meeting seeking advocacy for the Minister of Local Government to waive or significantly reduce the requirement for small rural and regional Councils to fund the review process in light of the impacts of the October 2022 flood event and Council's focus on funding essential infrastructure and building repairs.

Whilst the Minister is aware of this issue and costs pressures for small rural Councils following previous correspondence in December 2022, and a recent online meeting on Thursday 2 February, a decision is yet to be made.

9.6.3 Municipal Association of Victoria May 2023 State Council Motion: Submission for review of the Victorian Electoral Commission Costs associated with the Electoral Structure Review Process (cont.)

MOVED: COUNCILLOR MURRAY
SECONDED: COUNCILLOR HOURIGAN

That Council:

1. ***Endorse the Notice of Motion which calls for the Minister for Local Government to reconsider the costs associated with the Victorian Electoral Commission Electoral Structure Review for small rural and regional Councils, and***
2. ***Authorise officers to submit the Motion to Municipal Association of Victoria (MAV) for consideration at the MAV State Council Meeting scheduled for 19 May 2023.***

61-22/23 **CARRIED**

9.6.4 Inquiry into the Implications of Severe Weather Events on the National Regional, Rural, and Remote Road Network

Author: Executive Manager Communications and Engagement

Responsible Director: Chief Executive Officer

EXECUTIVE SUMMARY

In December 2022, the House of Representatives Standing Committee on Regional Development, Infrastructure and Transport launched an [inquiry into the implications of severe weather events on the national regional, rural, and remote road network](#).

The inquiry will look at road engineering and construction standards to strengthen road resiliency against natural disasters, including the critical role of climate change trends and data to inform infrastructure standards.

The Committee is concerned about the increasing deterioration of the nation's road network, particularly in regional, rural, and remote areas. It is seeking to understand how road planning and construction may be improved to enhance road climate resiliency and support our communities.

The Committee is seeking written submissions by 28 February 2023.

This enquiry presents an opportunity for Strathbogie Shire Council to continue its advocacy efforts for funding to repair our extensive road network.

Flood and ongoing wet weather have had a significant impact on our road network, to a point where some sections are difficult to navigate without significant reductions in speed.

Across our Shire we have 2210km of roads – 1465km unsealed and 748km sealed. On top of this there are 521 bridges and culverts to maintain. Maintenance of this extensive road network is a significant ask, even when conditions are good.

***MOVED: COUNCILLOR RAEBURN
SECONDED: COUNCILLOR MURRAY***

That Council:

- 1. Notes the submission to the Inquiry into the implications of severe weather events on the national regional, rural and remote road network; and***
- 2. Continues to advocate for State and Federal Government funding to repair and maintain our road network.***

62-22/23 ***CARRIED***

9.6.5 Municipal Association of Victoria May 2023 State Council Motion: Submission for review of the current National Disaster Financial Assistance (NDFA) Betterment Funding

Author: Director Sustainable Infrastructure

EXECUTIVE SUMMARY

Strathbogie Shire Council is committed to the safety of its people and has an obligation under the OHS Act 2014 and the Roads Act 2004 to provide a safe environment for the travelling public.

The ongoing impact of our variable climate has seen increasing levels of extreme weather which in turn creates a higher volume of maintenance activity on our roads and drainage network.

Strathbogie Shire has approximately 2,210km of roads – 1,465km unsealed and 748km sealed. Council also maintain and renew 521 bridges and major culverts. Maintenance and renewal of this extensive road network including culverts is a significant ask, even when conditions are good.

After the October 2022 flood event about 22km of unsealed roads, more than 3km of sealed road patches and 98 bridges and major culverts required flood restoration works beyond the capacity of Council's Operations unit.

To stem the rapid deterioration of our Shires rural road network, and to reduce the cost to the budget of future climate events, the current State Government Betterment Funding arrangements falls short of Council's requirements.

As a small rural Shire our ability to generate enough revenue to cover the actual costs of emergency events, to repair damage and recover our essential assets is impossible without assistance from State and Federal governments which in times of disaster including Natural Disaster Recovery Funding (NDRF).

The 2022 October event has highlighted the need for a betterment program that will enable the Strathbogie Shire to build on our existing infrastructure to a resilient level. The increased rain and flood event we've seen over the past three years are unprecedented. What Council is calling for is unprecedented funding – not just to repair our roads, but to strengthen them for future events. It just makes good business sense to build back better.

MOVED: COUNCILLOR RAEBURN

SECONDED: COUNCILLOR MURRAY

That Council:

- 1. Endorse the Notice of Motion which calls for Victorian Government to consider the betterment component of the National Disaster Financial Assistance funding due to climate change;***
- 2. Urge the State Government to recognise that current rural and local roads National Disaster Financial Assistance funding is not sustainable as it does not promote resilience; and***

9.6.5 Municipal Association of Victoria May 2023 State Council Motion: Submission for review of the current National Disaster Financial Assistance Betterment Funding (cont.)

MOTION (cont.)

3. ***Authorise officers to submit the Motion to the Municipal Association of Victoria (MAV) for consideration at the MAV State Council Meeting scheduled for 19 May 2023.***

63-22/23 **CARRIED**

10. NOTICES OF MOTION

Nil

11. NOTICES OF RESCISSION

Nil

12. URGENT BUSINESS

Nil

13. CONFIDENTIAL BUSINESS

Nil

NEXT MEETING

The next monthly meeting of the Strathbogie Shire Council is scheduled to be held on Tuesday, March 21, 2023, at the Euroa Community Conference Centre, at 6pm.

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 9.18 P.M.

Confirmed as being a true and accurate record of the Meeting

.....
Chair

.....
Date