



AGENDA
of the
SCHEDULED MEETING OF COUNCIL
Wednesday 24 March 2021
at
Murrindindi Shire Council
Zoom
Virtual Meeting
Videoconference
6:00 PM

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

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

1 PLEDGE AND RECONCILIATION STATEMENT.....	3
2 APOLOGIES AND REQUEST FOR LEAVE OF ABSENCE	3
3 COMMUNITY RECOGNITION.....	3
4 DISCLOSURES OF INTEREST OR CONFLICT OF INTEREST	3
5 CONFIRMATION OF MINUTES	3
6 PETITIONS	3
7 PUBLIC PARTICIPATION.....	3
7.1 Open Forum.....	3
7.2 Questions of Council.....	3
8 OUR PLACE.....	3
9 OUR PEOPLE.....	3
10 OUR PROSPERITY	3
10.1 Grants and Contributions Program - Monthly Allocations	3
11 OUR PROMISE.....	6
11.1 Councillor Representative Appointment - Rubicon Outdoor School.....	6
11.2 Councillor Gifts and Benefits Policy	8
11.3 Audit and Risk Committee Bi-Annual Report	10
11.4 Audit and Risk Committee Confirmation of Minutes.....	11
11.5 CONT20/40 - Gravel Road Resheeting Program 2021 - Tender Evaluation	11
11.6 CONT21/1 - Yea Recreation Reserve Lighting Upgrade - Tender Evaluation	14
11.7 CONT20/32 - Supply and Delivery of a Motor Grader - Tender Evaluation	16
11.8 CONT21/2 - Kinglake Streetscape - Tender Evaluation.....	18
12 NOTICES OF MOTIONS	21
13 MATTERS DEFERRED FROM PREVIOUS MEETING	21
14 URGENT BUSINESS.....	21
15 COUNCILLOR REPORTS.....	21
15.1 Cr Karine Haslam	21
15.2 Cr Ilona Gerencser	21
15.3 Cr Eric Lording	21
15.4 Cr John Walsh.....	21
15.5 Cr Damien Gallagher.....	21

15.6 Cr Sue Carpenter21

15.7 Cr Sandice McAulay - Mayoral Report21

16 CHIEF EXECUTIVE OFFICER REPORT21

17 ASSEMBLIES OF COUNCILLORS21

18 SEALING REGISTER.....23

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

5.1 Minutes of the Scheduled Meeting of Council held on 24 February 2021.

Officer Recommendation

That Council confirm the minutes of the 24 February 2021 Scheduled Meeting of Council.

5.2 Minutes of the Unscheduled Confidential Meeting of Council – closed to the public held on 3 March 2021.

Officer Recommendation

That Council confirm the minutes of the 3 March 2021 Unscheduled Confidential Meeting of Council – closed to the public.

6 PETITIONS**7 PUBLIC PARTICIPATION****7.1 Open Forum****7.2 Questions of Council****8 OUR PLACE****9 OUR PEOPLE****10 OUR PROSPERITY**

10.1 Grants and Contributions Program - Monthly Allocations

Attachment(s): Nil

Purpose

The purpose of this report is to advise Council of the funding allocations from the 2020/21 Grants and Contributions Program for applications received since the November 2020 Ordinary Meeting of Council.

Officer Recommendation

That Council notes the following grants and contributions approved by officers under delegation:

Application	Reference	Funding Sought	Funding allocations
Community Projects and Events			
Upper Goulburn Landcare Network - Connecting Through Compost	CPE-20/2126Round2	\$4,948	\$4,948
Murrindindi Food and Wine Inc - Put Murrindindi On Your Table	CPE-20/21-022	\$5,000	\$5,000
Community Sponsorship			
Alexandra Football Netball Club - Anzac Spirit and Community Celebration	CS20/21011Round2	\$2,700	\$2,200
Business Growth and Establishment			
Park Life Alexandra Insta Home - Rapid Built Housing Project	BGE-20/21028Round2	\$20,000	\$16,200
Fee Reduction			
Marysville and District Kindergarten - Bus Hire for Excursions	FR-20/21015Round2	\$248	\$248

Background

The Grants and Contributions Program provides the opportunity for community groups, not for profit organisations, and businesses to seek funding from Council to support a range of activities and initiatives happening in Murrindindi Shire. There are a range of funding streams under the program including:

- fee reductions (and waivers by exception)
- quick response grants
- sponsorships (including eligible individuals)
- governance and capacity building
- community projects and events
- small and new tourism events
- events of state significance
- business growth or establishment
- industry or economy growth.

Each stream has its own objectives and eligibility criteria.

Assessment occurs monthly to meet the timeframes described in the Grants and Contributions Policy. This is the first assessment period of 2021 following the reopening of the Grants and Contributions Program on 1 February. The assessment is made against the objectives and criteria within each funding stream and currently includes consideration of the need to support business and community recovery associated with the COVID 19 pandemic.

Discussion

Council officers have assessed the grant applications received for the February assessment period and make the following allocations.

Community Projects and Events (CPE)**1. Upper Goulburn Landcare Network - Connecting Through Compost.**

This project will develop a composting program and kitchen garden at the Alexandra Primary School. VCAL students from Alexandra Secondary College will work with Alexandra Primary School students to establish a composting program and garden within the primary school grounds. Green waste will be collected from local businesses by the VCAL students and delivered to the primary school, where secondary and primary students will work together to turn the green waste into compost.

The application was assessed as strongly addressing the grant stream objectives of improving community health and wellbeing and in connecting people and encouraging participation in community life through the project format of delivering a hands on activity that supports youth leadership, empowerment and mentoring. In addition, the nature of the project will help to maintain and enhance our natural environment through tackling the waste issue and providing insight to young people.

Supported with a grant of \$4,948.

2. Murrindindi Food and Wine Inc - Put Murrindindi On Your Table

The project will deliver collaboration of Murrindindi producers and promotion of supporting and buying locally produced food and wine. The project will also raise awareness of the Murrindindi Food and Wine group, promote the Murrindindi suppliers guide and showcase a range of makers.

The assessment of this application noted that the proposed project had no natural fit within any of the grant streams however presented benefits to community in fostering buy local initiatives and community connections with food and wine producers within Murrindindi Shire. The project was also recognised to provide innovation to support businesses impacted by COVID-19 through the promotion and awareness raising nature of the project.

Supported with a grant of \$5,000.

Community Sponsorship (CS)**1. Alexandra Football Netball Club - Anzac Spirit and Community Celebration**

The project will support the club to deliver a community and Anzac Day focussed event centred around the football and netball derby between Alexandra and Broadford Football Netball Clubs on Saturday 24 April at Alexandra. This project will pull the two communities together and invite everyone to come along to reflect on the Anzac message whilst celebrating a long-standing local sporting rivalry.

The application was assessed as providing a positive benefit to the Alexandra and surrounding community in its role of bringing people together and recognising the importance of Anzac Day and in showcasing aspects that Murrindindi Shire is known for. The project was assessed to also provide appropriate benefits to Council through the recognition of grant funding support in local media, at the event and in the ability for Councillors to play a participatory role at the event.

Supported in part with a grant of \$2,200.

Business, Growth and Establishment (BGE)**1. Park Life Alexandra - Insta Home - Rapid Built Housing Project**

The project will deliver an innovative housing product to support expansion of the business through the provision of affordable housing at their site. The project will also serve as a pilot for expansion of product sales to other businesses within and beyond Murrindindi Shire.

Assessment of this application identified that the project had the potential to positively support business growth through the introduction of new housing units, and in improving efficiency in the portable housing sector through the provision of a new product to address an identified product gap. The applicant was viewed to have a strong capacity to deliver the project and that the project had the potential to provide employment growth and sustainability over an extended period. The proposed grant amount is reflective of the concept being untested in the marketplace to date.

Supported in part with a grant of \$16,200.

Fee Reduction (FR)**1. Marysville and District Kindergarten – Bus Hire for Excursions**

The funding will provide a fee reduction for community bus hire fees to support the school to provide offsite learning opportunities. The project will benefit from students through providing interactions with other Kinders, connections within the community and access to an increased number of excursions.

Assessment of this application noted that the fee for community bus hire would create a significant level of financial hardship in delivering the proposed activities and that the applicant had limited capacity to generate income to support the payment of full hire fees.

Supported with a grant of \$248.

Council Plan/Strategies/Policies

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

Relevant Legislation

There are no legislative considerations to this report.

Financial Implications and Risk

The below financial table details grant funds allocated for March and those allocated to date:

Grant Stream	March allocations	Previous allocations	Total 20/21
Fee Reductions	\$248	\$10,985.52	\$11,233.52
Governance, skills and capacity building	\$0	\$6,150	\$6,150
Quick response	\$0	\$0	\$0.00
Community sponsorship, projects and events	\$12,148	\$46,901	\$59,049
Small and new tourism events	\$0	\$12,000	\$12,000
Business growth or establishment	\$16,200	\$78,730	\$94,930
Industry or economic growth	\$0	\$0	\$0
TOTAL	\$28,596.00	\$154,766.52	\$183,362.52

The indicative total budget of the Grants and Contributions Program for the 20/21 financial year is \$251,000.

Conflict of Interest

Three officers declared a conflict of interest in relation to this report. These officers were not involved in any aspect of the assessment of the particular grant application for which they had a conflict.

Community and Stakeholder Consultation

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

11 OUR PROMISE

11.1 Councillor Representative Appointment - Rubicon Outdoor School

Attachment(s):

1. Councillor Representative List 2021 [11.1.1 - 1 page]

Purpose

The purpose of this report is to enable Council to review the representation list to enable the additional appointment of a Councillor as a representative to the Rubicon Outdoor School.

Appointment of Councillors to committees provides an opportunity for open and responsive communication between Councillors and local community groups and Local Government organisations.

Officer Recommendation

That Council:

1. **appoints Cr D Gallagher to as a Councillor Representative to the Rubicon Outdoor School**
2. **endorses the Councillor Representative List 2021 as enclosed in Attachment 11.1.1 for the remainder of the 12-month period (until November 2021).**

Background

At its 23 November 2020 meeting Council appointed representatives to many Council and external committees for a 12-month period. Councillors represent the interests of Council on a number of Committees. These include Council Committees that may perform a statutory or advisory function, and committees formed by other organisations for a variety of purposes. These range from state wide committees, through to regional or sub regional committees that support a particular program or activity.

The Rubicon Outdoor School has requested that Council appoint a representative to its School Council.

Discussion

Annually over 3000 state school students attend the Rubicon Outdoor Centre School for programs, with the majority of programs being five days. Students come from across Victoria but most are drawn from metropolitan Melbourne. Programs may be residential and based at either of the school's campuses with both day and overnight trips to adjoining natural environments. The school also uses base camp and journey based delivery models, which can be taken through bush, lake or river environments.

Rubicon Outdoor Centre School Council's functions are primarily based around setting and monitoring the school's direction. The School Council membership currently includes:

- Victorian Outdoor Education nominee

- Parks Victoria nominee
- Regional Director of Department of Education and Training
- Principals Association nominee
- Alexandra Traders and Tourism nominee
- six community representatives
- three Department of Education and Training employees.

The School Council approached Council in 2019 requesting that one of the community representative positions be filled by a Councillor. Cr Charlotte Bisset represented Council for the 2019 and 2020 calendar years. In November 2020 Council adopted the Councillor Representative List and at the time the School Council was still resolving whether to make amendments to their constitution and therefore a Council representative was not appointed. The Rubicon Outdoor School has recently indicated that its constitution is to be amended to include a representative from each municipality as part of the membership, and has requested a Councillor representative be appointed.

Attached to this agenda is the list of committees and organisations for which Council has current appointments (refer Attachment 11.1.1). The list has been divided into those which are Council committees and those external bodies with which Council has a relationship. Council appointed these representatives for a 12-month period in November 2020.

The attached list has been amended to include the Rubicon Outdoor School and Cr Damien Gallagher as the proposed Councillor Representative. Cr Gallagher's portfolio is Community Wellbeing which includes a focus on youth and recreation.

Council Plan/Strategies/Policies

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

Relevant Legislation

Representing Council on committees within the sector and the community is consistent with the principles of the *Local Government Act 2020* and the role of a Councillor.

Financial Implications and Risk

There are no financial or budget implications associated with this report. However, Council pays a membership fee to Local Government peak bodies such as Municipal Association of Victoria and the Victorian Local Governance Association.

Conflict of Interest

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

Community and Stakeholder Consultation

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

11.2 Councillor Gifts and Benefits Policy

Attachment(s):

1. Policy - Councillor Gifts and Benefits [11.2.1 - 8 pages]

Purpose

The purpose of this report is to present the Councillor Gifts Policy for Council consideration. The Councillor Gifts Policy provides clear guidelines to ensure Councillors are not compromised in the

performance of their duties by accepting gifts or benefits which may result in a sense of obligation or could be interpreted as an attempt to influence. This helps to protect and promote public trust.

Officer Recommendation

That Council adopt the Councillor Gifts and Benefits Policy as contained in Attachment 11.2.1.

Background

The Local Government Act 2020 legislates the following in regards to gifts:

1. Councillors must not accept a gift that exceeds the gift disclosure threshold (\$500) unless the name and address is known to the Councillor (section 137)
2. Council must adopt a Gifts Policy that addresses the requirement for a gift register and any requirements set by the regulations.

The *Local Government Act 1989* did not require that Council have a Gifts Policy, this is a new requirement under the *Local Government Act 2020*.

Discussion

Transparent and accountable practices are vital to maintaining the community's trust in Local Government and the public sector in general. This includes requiring the disclosure of and setting parameters regarding the acceptance of gifts and benefits which Councillors, Council staff, volunteers and contractors must adhere to.

The Victorian Public Sector Commission produced a Gifts, Benefits and Hospitality guidance suite that sets minimum accountabilities to apply in any policy of this regard. Although not binding for the Local Government sector, these minimum accountabilities have been implemented as best practice across many Council's including Murrindindi Shire Council. These minimum accountabilities are:

1. Do not, for themselves or others, seek or solicit gifts, benefits and hospitality.
2. Refuse all offers of gifts, benefits and hospitality that:
 - are money, items used in a similar way to money, or items easily converted to money
 - give rise to an actual, potential or perceived conflict of interest;
 - may adversely affect their standing as a public official or which may bring their public sector employer or the public sector into disrepute; or
 - are non-token offers without a legitimate business benefit.
3. Declare all non-token offers (valued at \$50 or more) of gifts, benefits and hospitality (whether accepted or declined) on their organisation's register, and seek written approval from their manager or organisational delegate to accept any non-token offer.
4. Refuse bribes or inducements and report inducements and bribery attempts to the head of the public sector organisation or their delegate (who should report any criminal or corrupt conduct to Victoria Police or the Independent Broad-based Anti-corruption Commission).

The Councillor Gifts and Benefits Policy (the Policy) is based on the above minimum accountabilities and takes into account the recommendations of integrity agency investigations into fraud and conflict of interest in across the Local Government Sector. The Policy also meets the Public Transparency Principles and supports the Councillor Code of Conduct and the Councillor Allowances and Support Policy.

The Policy provides guidance to Councillors in deciding whether or not to accept a gift. It sets requirements dependent on whether the gift is considered 'token' (less than \$50) or 'non-token' (equal to or exceeding \$50) in value, what is considered a gesture and how to handle official gifts to Council.

The Policy requires the disclosure of all offers and receipt of gifts, regardless of the value. This is to ensure transparency and to protect the integrity of the decision-making process. However, only

information regarding non-token gifts will be included in the publicly available gifts register in Council's website.

The *Local Government Act 2020* requires that Council adopt a Gifts Policy within 6 months of section 137 coming into force which was 24 October 2020.

Council Plan/Strategies/Policies

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

Relevant Legislation

The *Local Government Act 2020* sections 137 and 138 legislate how Councillors are to treat gifts and that a policy must be adopted in this regard.

Financial Implications and Risk

This Policy supports the mitigation and management of risk, in particular relating to minimising the risk of fraud and maintaining the integrity of the decision making process.

Conflict of Interest

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

Community and Stakeholder Consultation

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

11.3 Audit and Risk Committee Bi-Annual Report

Attachment(s):

1. Audit and Risk Committee Bi-Annual Report - July to December 2020 [**11.3.1** - 2 pages]

Purpose

The purpose of this report is to present to Council the Audit and Risk Committee's Bi-Annual Report for the period July to December 2020.

Officer Recommendation

That Council note the Audit and Risk Committee's Bi-Annual Report for July to December 2020.

Background

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

The Audit and Risk Committee Charter was adopted by Council at its 22 July 2020 Ordinary Meeting. This Charter requires that the Committee provide bi-annual reports to Council on the activities of the Committee for the previous 6 months. This is the first of the newly mandated bi-annual reports from the Audit and Risk Committee and covers the period July-December 2020.

Discussion

The Audit and Risk Committee at its 4 March 2021 meeting endorsed the attached bi-annual report to be presented to Council. The report seeks to highlight developments, achievements or risks of principal current concern to the Audit and Risk Committee.

Council Plan/Strategies/Policies

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

Relevant Legislation

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

Financial Implications and Risk

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

Conflict of Interest

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

Community and Stakeholder Consultation

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

11.4 Audit and Risk Committee Confirmation of Minutes

Attachment(s):

1. 2021-03-04 Audit and Risk Committee Minutes [11.4.1 - 24 pages]

Purpose

The purpose of this report is to present the minutes of the 4 March 2021 Audit and Risk Committee Meeting to Council for noting.

Officer Recommendation

That Council receive and note the minutes of the 4 March 2021 Audit and Risk Committee Meeting as enclosed in Attachment 11.4.1.

11.5 CONT20/40 - Gravel Road Resheeting Program 2021 - Tender Evaluation

Attachment(s):

1. CONT20/40 Gravel Roads Resheeting Program 2021 - Tender Evaluation (distributed to Councillors separately) [11.5.1 - 8 pages]

Purpose

This report provides the results of a tender process to appoint a contractor for CONT20/40 – Gravel Roads Resheeting Program 2021.

Officer Recommendation

That Council:

1. **accept the tender from Tender 1 and award CONT20/40 - for the lump sum price of \$1,304,928.08 (including GST) for the Gravel Roads Resheeting Program 2021, Including the following roads:**
 - **Bushy Park Estate Road, Kinglake**
 - **Captains Creek Road, Glenburn**
 - **Creekside Drive, Flowerdale**
 - **Guymer Road, Homewood**

- **King Parrot Court, Flowerdale**
 - **Kookaburra Court, Flowerdale**
 - **McMahons Road, Kinglake**
 - **Murrays Road, Kinglake**
 - **Old Spring Valley Road, Flowerdale**
 - **Rae Street, Kinglake West**
 - **Rosella Court, Flowerdale**
 - **Ryan Road, Kinglake West**
 - **Spring Valley Road, Flowerdale**
 - **Tooheys Road, Pheasant Creek**
 - **Unnamed Road (off Whittlesea-Yea Rd), Kinglake West**
 - **Upper King Parrot Creek Road, Flowerdale**
 - **Webbs Lane, Taggerty**
 - **Whittlesea-Yea Road Service Road, Kinglake West;**
2. **approve the allocation of \$103,071.92 (including GST) as a contingency amount to be used for the delivery of this contract as detailed in this report; and**
 3. **release the name of Tenderer 1 into the Minutes of the Scheduled Meeting of 24 March 2021.**

Background

The 2020/2021 Capital Works Program identified various projects as part of the Gravel Road Re-Sheeting Program. This program is part of the Roads to Recovery allocations for this financial year.

The scope includes the cleaning of table drains, re-shaping and re-sheeting of 18 unsealed roads across Kinglake, Kinglake West, Pheasant Creek, Glenburn, Flowerdale, Homewood and Taggerty localities.

The following roads are those included in this tender:

	Road Name
1	Bushy Park Estate Road, Kinglake
2	Captains Creek Road, Glenburn
3	Creekside Drive, Flowerdale
4	Guymer Road, Homewood
5	King Parrot Court, Flowerdale
6	Kookaburra Court, Flowerdale
7	McMahons Road, Kinglake
8	Murrays Road, Kinglake
9	Old Spring Valley Road, Flowerdale
10	Rae Street, Kinglake West
11	Rosella Court, Flowerdale
12	Ryan Road, Kinglake West
13	Spring Valley Road, Flowerdale
14	Tooheys Road, Pheasant Creek
15	Unnamed Road (off Whittlesea-Yea Rd), Kinglake West
16	Upper King Parrot Creek Road, Flowerdale
17	Webbs Lane, Taggerty
18	Whittlesea-Yea Road Service Road, Kinglake West

Discussion

The request for tender was advertised from 22 December 2020 in the following publications:

- Alexandra Standard
- Eildon Standard
- Yea Chronicle

- The Age
- Tendersearch portal.

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

The tender for these works closed on the 27th of January 2021 at 3pm. Seven submissions were received at the close of tender.

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

- Capital Works Senior Project Engineer
- Coordinator Project Delivery
- Capital Works Engineer.

All tenders were assessed against the following criteria:

- Price – 30%
- Capacity to Deliver (resources, equipment) – 25%
- Capability to deliver (OH&S, systems, Environmental) – 10%
- Understanding of the requirements (Program & Methodology) - 20%
- Previous experience – 15%.

An evaluation of all submissions was undertaken in relation to their compliance with the contract specification. Submissions with critical omissions were deemed non-conforming and were removed from further evaluation. Any submissions with minor omissions or clarifications were asked to clarify their submission to ensure submissions were conforming.

Each conforming submission was then evaluated against the evaluation criteria requirements listed above. This included evaluating their response timelines, OHS systems, insurances, financial capabilities and reference checks.

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

Based on the analysis undertaken, the Committee recommend that Tenderer 1 be awarded Contract 20/40 for the Gravel Roads Resheeting Program 2021 for the lump sum price of \$1,304,928.08 (including GST).

Council Plan/Strategies/Policies

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

Relevant Legislation

The procurement process for these works was carried out in accordance with Council's Procurement Policy and section 186 of the *Local Government Act 1989*.

Financial Implications and Risk

The total approved budget for the gravel road re-sheeting program is \$1,408,000 (incl. GST) (\$1,280,000 excl. GST).

The project cost is summarised below:

Description	Cost (excl. GST)	Cost (Incl. GST)
Tender price	\$1,186,298.25	\$ 1,304,928.08
Contingencies	\$93,701.75	\$ 103,071.92
Total Project Cost	\$1,280,000.00	\$ 1,408,000.00

An allowance of \$103,071.92 (incl. GST) for contingencies is proposed to cover any latent conditions as well as any need for additional culverts. This will be assessed during construction, as additional culverts may be required when lifting the road pavement. Installing additional culverts can reduce the risk of future washouts and water coursing damage, therefore increasing the life of the works.

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

Project	Budget (Incl.)	Total Project Cost (Incl. GST)	Variance
Gravel Road Resheeting Program 2021	\$1,408,000.00	\$1,408,000.00	\$0

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

Conflict of Interest

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

Community and Stakeholder Consultation

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

11.6 CONT21/1 - Yea Recreation Reserve Lighting Upgrade - Tender Evaluation

Attachment(s):

1. CONT21/1 Yea Recreation Reserve Lighting Upgrade - Tender Evaluation (distributed to Councillors separately) [11.6.1 - 5 pages]

Purpose

This report provides the results of a tender process to appoint a suitable contractor for CONT21/1 – Yea Recreation Reserve Lighting Upgrade.

Officer Recommendation

That Council:

1. **accept the tender from Tender 1 and award CONT21/1 – Yea Recreation Reserve Lighting Upgrade for the lump sum price of \$216,700.00 (Incl GST) to complete the required works;**
2. **approve the allocation of \$86,680.00 (Incl GST) as a contingency amount to be used for the delivery of this contract as detailed in this report; and**
3. **release the name of Tenderer 1 into the Minutes of the Scheduled Meeting of 24 March 2021.**

Background

The Yea Recreation Reserve is the home location for the Yea Football & Netball Club and the Yea Cricket Club. The oval where football and cricket are played has been floodlit for many years but the standard of lighting that it provides is now obsolete and requires upgrading to standards provided in Standards Association of Australia (SAA) codes that now apply for amateur sport. Council applied for and was awarded grant funding of \$250,000 to upgrade the floodlighting from the Department of Jobs, Precincts and Regions (DJPR) in 2020. This funding also requires a \$120,000 funding contribution from Council which was approved as part of the 2020/2021 capital works program.

The scope includes:

- Lighting design
- Upgrading of the 3-phase electrical supply and the total power capacity at the Yea Football Club Clubrooms
- Removal of the existing football ground floodlighting poles and luminaires
- Provision of new light towers and luminaires that provide adjustable average lighting intensity of between 50 and 100 lux over the entire football playing surface
- Installation of underground cable and all connecting systems for power connection
- Supply and installation of a lighting management system within the football clubrooms to control and adjust ground lighting intensity
- All permits and permissions necessary to carry out the works of this contract.

Discussion

The tender specifications included a preliminary electrical and lighting design report, geotechnical report and VicRoads standard technical specifications.

The request for tender was advertised from 27 January, 2021 in the following publications:

- Alexandra Standard
- Yea Chronicle
- Marysville Triangle
- Tendersearch portal
- Facebook.

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

- Capital Works Projects Engineer
- Coordinator Project Delivery
- Coordinator Recreation and Youth Services.

Tenders were assessed against the following criteria:

- Price – 50%
- Capacity and Capability to deliver (Resources, equipment) – 20%
- Occupational Health & Safety (OH&S), Insurance & Quality Management Systems (QMS) - Pass/Fail.
- Understanding of the requirements (Program & Methodology) - 15%
- Previous experience – 15%.

An evaluation of all submissions was undertaken in relation to their compliance with the contract specification. Submissions with critical omissions were deemed non-conforming and were removed from further evaluation. Any submissions with minor omissions or clarifications were asked to clarify their submission to ensure submissions were conforming.

Each conforming submission was then evaluated against the evaluation criteria requirements listed above. This included evaluating their response timelines, OHS systems, insurances, financial capabilities and reference checks.

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

Based on the analysis undertaken, the Committee recommends Tender 1 be awarded Contact 20/1 for the Yea Recreation Reserve Lighting Upgrade for the lump sum price of \$216,700 (Incl. GST).

Council Plan/Strategies/Policies

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

Relevant Legislation

The procurement process for these works was carried out in accordance with Council’s Procurement Policy and section 186 of the *Local Government Act 1989*.

Financial Implications and Risk

The total approved budget for the Yea Recreation Reserve Lighting Upgrade is \$407,000 (incl. GST) (\$370,000 excl. GST). A breakup of the project budget is shown below:

Project	DJPR Grant (Excl. GST)	Council Contribution (Excl. GST)	Total Cost (Excl. GST)
Yea Recreation Reserve Lighting Upgrade	\$250,000.00	\$120,000.00	\$370,000.00

The project cost is summarised below:

Description	Cost (excl. GST)	Cost (Incl. GST)
Tender price	\$197,000.00	\$216,700.00
Contingencies	\$ 78,800.00	\$ 86,680.00
Total Project Cost	\$275,800.00	\$303,380.00

As this is a design/construct project, an allowance of \$86,680.00 (incl. GST) for contingencies is proposed to cover any unforeseen design amendments, condition of soil and any latent conditions.

Project	Budget (incl. GST)	Total Project Cost (Incl. GST)	Variance (Incl. GST)
Yea Recreation Reserve – Oval Lighting upgrade (Incl GST)	\$407,000.00	\$303,380.00	\$103,620.00

As the budget for this project was drawn from grant funding and Council’s Open Space Reserve it is not possible to reallocate the funds to any other existing project. As such, at the completion of the project any remaining contingencies and savings will be returned to the funding body and Council’s Open Space Reserve.

Conflict of Interest

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

Community and Stakeholder Consultation

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

11.7 CONT20/32 - Supply and Delivery of a Motor Grader - Tender Evaluation

Attachment(s):

1. CONT20/32 Supply and Delivery of a Motor Grader - Evaluation Report (distributed to Councillors separately) [11.7.1 - 5 pages]

Purpose

This report provides the results of a tender process to appoint a supplier for CONT20/32 – Supply and delivery of a motor grader.

Officer Recommendation**That Council:**

1. **accept the tender from Tender 2 and award CONT20/32 - Supply and Delivery of a Motor Grader including an optional roll control system, for the lump sum price of \$468,490.00 (incl. on road costs and GST); and**
2. **release the name of Tenderer 2 into the Minutes of the Scheduled Meeting of 24 March 2021.**

Background

A new grader is required to replace a similar plant machine (Plant 1608) and is well overdue for replacement as part of Council's approved plant replacement program.

The specification is for the supply and delivery of a Class 15 Motor Grader with the following basic features:

- industrial type Class 15 grader with heavy duty 18,000kg articulated frame
- capacity and certification to tow an 11 Tonne compactor roller
- certified 9 teeth ripper/scarifier assembly
- emissions, noise and safety system compliance
- electro-Hydraulic "Joystick" controls system
- powershift transmission with 8 forward and 6 reverse gears
- 12' Moldboard (Blade) with 2D cross-slope guidance system
- satellite tracking with remote monitoring.

Discussion

Tenders were sought from the MAV Procurement Panel via the National Procurement Networks (NPN2.15) under their Earthmoving Equipment Panel.

Tender specifications were prepared by Council officers (including plant operators). The machine includes a fit out with equipment to undertake road formation, general grading and roller towing.

The tender for these works closed on 1 February 2021. Three submissions were received.

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

- Plant & Fleet Officer
- Coordinator Roads & Parks Maintenance
- Team Leader – Sealed Roads
- Plant Operator – Unsealed Roads Team.

Tenders were assessed against the following criteria:

- Price – 60%
- Capacity to deliver – 20%
- Capability to deliver – 10%
- Relevant experience – 10%.

An evaluation of all submissions was undertaken in relation to their compliance with the contract specification. Submissions with critical omissions were deemed non-conforming and were removed from further evaluation. Any submissions with minor omissions or clarifications were asked to clarify their submission to ensure submissions were conforming.

Each conforming submission was then evaluated against the evaluation criteria requirements listed above. This included evaluating their response timelines, OHS systems, insurances, financial capabilities and reference checks.

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

Based on the analysis undertaken, the Committee recommend Tender 2 be awarded Contract 20/32 for the supply and delivery of a motor grader including an optional roll control system for the lump sum price of \$468,490.00 incl. GST and on road costs.

Council Plan/Strategies/Policies

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

Relevant Legislation

Council sought tender prices for this supply contract through Municipal Association of Victoria (MAV) – National Procurement Networks (NPN) Earthmoving Equipment Panel contract arrangements. These procurement arrangements are carried out in accordance with section 186(5)(c) of the *Local Government Act 1989* which provides approval for Council to enter into a contract made available by the Municipal Association of Victoria for the purchase of earthmoving equipment.

Financial Implications and Risk

The total approved annual revised budget for 2020/2021 for the major plant replacement program is \$2,067,015.50 (incl. GST) of which \$1,161,739.70 (Incl GST) is committed and \$905,275.80 (Incl. GST) available to fund this contract

The tender price of \$468,490.00 (incl. on road costs and GST) (\$426,100.00 excl. GST and on road costs) for this grader plus roll control system is within the overall program budget.

The remaining budget is allocated to fund other approved plant replacements identified for the 2020/2021 program.

Conflict of Interest

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

Community and Stakeholder Consultation

No external community consultation was required for this matter. Internal staff were consulted on the final specification.

11.8 CONT21/2 - Kinglake Streetscape - Tender Evaluation

Attachment(s):

1. CONT21/2 Kinglake Streetscape - Tender Evaluation (distributed to Councillors separately)
[11.8.1 - 7 pages]

Purpose

This report provides the results of a tender process to appoint a contractor for CONT21/2 - Kinglake Streetscape.

Officer Recommendation

That Council:

1. accept the tender from Tenderer 1 for the lump sum price of \$1,336,387.80 (Including GST) to complete the Kinglake Streetscape works;
2. approve the allocation of \$152,826.30 (including GST) as a contingency amount to be used for the delivery of this contract as detailed in this report;
3. approve the reallocation of \$89,364.00 (including GST) from another project budget listed in the 2020/21 Capital Works Program as detailed below. This will increase the total project budget to \$2,189,264.00 (including GST); and
4. release the name of Tenderer 1 into the Minutes of the Scheduled Meeting of 24 March 2021.

Background

The Kinglake Streetscape project aims to revitalise and improve both the safety features as well as the aesthetics of Kinglake's main street. Council is contributing \$409,000 with \$750,000 from the Federal Government's Building Better Regions Fund (BBRF) and a further \$750,000 from the State Government's Regional Development Victoria (RDV) to provide a total project budget of \$1,909,000 to deliver the project. The extent of works will be along Whittlesea-Kinglake Road from the Victoria Street Roundabout to the pedestrian access at Bollygum Park. Some works will also occur in Glenburn Road to properly interface the recently completed Aitkin Crescent works into the overall project.

The project will involve renewal and improvement of the existing footpath, renewal of the kerb and channel, the introduction of a splitter island and aesthetic improvements that included landscaping and streetscape furniture. The parking configuration will be modified to improve the safety aspects of the site, taking into account pedestrian movements and creating appropriate pedestrian crossing points, whilst also making the area compliant with the disability discrimination act (DDA). Kerb outstands, artwork and appropriate signage will be used to formalise the town entry points delineating the new proposed economic/pedestrian hub from the external highway.

Discussion

The request for tender was advertised from 28 January, 2021 in the following publications:

- Alexandra & Eildon Standard
- Yea Chronicle
- The Age
- TenderSearch portal.

Tender specifications were prepared by Council officers and contracted consultants. They included a detailed civil design, detailed landscaping design materials & colour palette, 3D artist impression and a schedule of quantities for the entire scope of works.

The tender for these works closed on the 24 February, 2021 at 3pm. There were three submissions received at the close of tender.

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

- Capital Works Special Projects Engineer
- Director Assets & Development
- Director Community Engagement.

A Probity Advisor was also included as part of the evaluation to provide advice on potential probity issues and to review the process.

Tenders were assessed against the following criteria:

- Price – 30%
- Capacity to Deliver (resources, equipment) – 15%
- Capability to deliver (OH&S, systems, Environmental) – 15%
- Understanding of the requirements (Program & Methodology) - 20%
- Previous experience – 20%.

An evaluation of all submissions was undertaken in relation to their compliance with the contract specification. Submissions with critical omissions were deemed non-conforming and were removed from further evaluation. Any submissions with minor omissions or clarifications were asked to clarify their submission to ensure submissions were conforming.

Each conforming submission was then evaluated against the evaluation criteria requirements listed above. This included evaluating their response timelines, OHS systems, insurances, financial capabilities and reference checks.

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

Based on the analysis undertaken, the Committee recommend Tenderer 1 be awarded Contract 21/2 for Kinglake Streetscape for the lump sum price of \$1,336,387.80 (Including GST).

Council Plan/Strategies/Policies

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

Relevant Legislation

The procurement process for these works was carried out in accordance with Council’s Procurement Policy and section 186 of the *Local Government Act 1989*.

Financial Implications and Risk

The total budget for the Kinglake Streetscape is \$1,909,000 (excluding GST). Below is the apportionment of the budget.

Funding Source	Excluding GST
BBRF Contribution	\$ 750,000
RDV Contribution	\$ 750,000
Council Contribution	\$ 409,000
Total Budget	\$ 1,909,000

The total overall project cost is summarised below:

Description	Cost (Excluding GST)	Cost (Including GST)
Tender price (This Tender)	\$ 1,145,965.00	\$ 1,336,387.80
Contingencies (This Tender)	\$ 138,933.00	\$ 152,826.30
Total Construction Cost (This Tender)	\$ 1,284,898.00	\$ 1,424,387.80
Aitkin Crescent (Separate Project)	\$ 365,800.41	\$ 402,380.45
Design (Separate Project)	\$ 169,541.59	\$ 186,495.75
Toilet Upgrade Design (Separate Project)	\$ 110,000.00	\$ 121,000.00
Electric Vehicle Charge Station (Separate Project)	\$ 60,000.00	\$ 55,000.00
Total Overall Project Cost	\$ 1,990,240.00	\$ 2,189,264.00

Overall the preferred tender price is within budget, however this project will require adequate contingencies to fund any latent conditions or any other unforeseen circumstances that may occur during construction. It is proposed that an allowance of \$138,933.00 excluding GST or \$152,826.30 including GST, be made to fund these contingencies.

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

Project	Available Budget (excluding GST)	Total Project Cost (excluding GST)	Variance (excluding GST)
Total Overall Project Cost (includes this tender)	\$ 1,909,000	\$ 1,990,240	-\$ 81,240

In order to allow for these contingencies, there is a variance of -\$81,240.00 which requires additional funding. It is recommended that funds be transferred from another project within the capital works program. This will ensure that any risks or issues that arise during construction can be addressed.

The previous five years of the capital works programs, a budget line nominated for vegetation projects land leasing program (\$81,240.00 excluding GST or \$89,364.00 including GST) has been included with no progression. Landholders have declined to participate. This project is unlikely to proceed in the near future. If this project was required to proceed in future capital works programs, further funds would be sought during the capital works budgeting process.

Project	Available Budget (excluding GST)	Total Construction Cost (excluding GST)	Variance (excluding GST)
Kinglake Streetscape (This tender)	\$ 1,145,965 + \$138,933 (includes \$81,240 from vegetation project) Total = \$1,284,898	\$1,284,898	\$ 0

The required funds to undertake the construction works for this tender is \$1,284,898.00 (excluding GST) or \$1,424,387.80 (including GST). As detailed in the above table there are currently savings from the current capital works program available for reallocation to this project. This would allow adequate contingencies that may occur during construction. Any savings will be returned to the capital works program as savings.

Conflict of Interest

There were two conflicts of interest declared from the original evaluation panel after all submissions were received. The Manager Community Assets and Senior Project Engineer (Chair) both highlighted a potential conflict after it was noted that a project manager who has previously worked for Murrindindi Shire Council was listed by one respondent. Due to the close working relationship developed with this individual over their time working for Council, both officers removed themselves from the tender evaluation to ensure probity and transparency. As four officers were originally nominated on the panel, the two officers were replaced on the panel by the Special Projects Engineer as the chair bringing the total number of members to three.

Community and Stakeholder Consultation

External consultation was undertaken in the preparation of the design for this project. Community members were engaged online and in person and provided input into the final design for the Kinglake Streetscape. Where possible, these ideas were incorporated into the final design and the final update was release to the community for viewing.

12 NOTICES OF MOTIONS

13 MATTERS DEFERRED FROM PREVIOUS MEETING

14 URGENT BUSINESS

15 COUNCILLOR REPORTS

15.1 Cr Karine Haslam

15.2 Cr Ilona Gerencser

15.3 Cr Eric Lording

- 15.4 Cr John Walsh**
- 15.5 Cr Damien Gallagher**
- 15.6 Cr Sue Carpenter**
- 15.7 Cr Sandice McAulay - Mayoral Report**
- 16 CHIEF EXECUTIVE OFFICER REPORT**
- 17 ASSEMBLIES OF COUNCILLORS**

Purpose

This report presents the records of assemblies of Councillors for 24 February 2021 to 17 March 2021, for Council to note in accordance with Section 80A of the *Local Government Act 1989* (the Act).

Officer Recommendation

That Council receives and notes the record of assemblies of Councillors for 22 February 2021 to 19 March 2021.

Background

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

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

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

Discussion

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

The following summary details are for 24 February 2021 to 17 March 2021:

Meeting Name/Type	Council Pre-Meet
Meeting Date:	24 February 2021
Matters Discussed:	<ol style="list-style-type: none"> 1. Use and Development of the Land for the Purpose of a Dwelling – 105 Parsons Road, Fawcett 2. Final Draft Community Engagement Policy 3. Councillor Code of Conduct 2021 4. Quarterly Council Plan 2017-2021 Report – 31 December 2020 5. Quarterly Finance Report – 31 December 2020

	6. Quarterly Capital Works Report – 31 December 2020 7. Rubicon Music Event
Councillor Attendees:	Cr S Carpenter, Cr D Gallagher, Cr I Gerencser, Cr K Haslam, Cr E Lording, Cr S McAulay, Cr J Walsh
Council Officer Attendees:	M Chesworth, S Brown, V Albicini, M Kearney, T Carter, N Stewart, C Fraser, C Gartland, K Girvan, C Lintott, G Haylock
Conflict of Interest Disclosures: Nil.	

Meeting Name/Type	Briefing Session
Meeting Date:	3 March 2021
Matters Discussed:	<ol style="list-style-type: none"> 1. CEO Recruitment Matters 2. Pre brief – Confidential Unscheduled Meeting of Council – CEO Recruitment matters 3. Introduction to Bess Nolan-Cook (TNE) and Matt Nelson (RDV) 4. Operational and Capital Works Budget 2021-2022
Councillor Attendees:	Cr S Carpenter, Cr D Gallagher, Cr I Gerencser, Cr K Haslam, Cr E Lording, Cr S McAulay, Cr J Walsh
Council Officer Attendees:	M Chesworth, S Brown, V Albicini, M Kearney, L Kelly, C Lintott, G Haylock
Conflict of Interest Disclosures: Nil.	

Meeting Name/Type	CEO Recruitment Applicant Interviews
Meeting Date:	10 March 2021
Matters Discussed:	1. CEO Recruitment Interviews
Councillor Attendees:	Cr S Carpenter, Cr D Gallagher, Cr K Haslam, Cr E Lording, Cr S McAulay, Cr J Walsh
Council Officer Attendees:	M Kearney
Conflict of Interest Disclosures: Nil.	

Meeting Name/Type	Workshop Session
Meeting Date:	17 March 2021
Matters Discussed:	<ol style="list-style-type: none"> 1. Councillor Gifts & Benefits Policy 2. Grants & Contributions Program – Monthly Allocations 3. Taungurung Land & Waters Council briefing 4. Rubicon Forest Protection Group presentation 5. Monthly Capital Works Report 6. CONT20/40 - Gravel Road Resheeting Program 2021 – Tender Evaluation 7. CONT21/1 - Yea Recreation Reserve Lighting Update – Tender Evaluation 8. CONT21/2 - Kinglake Streetscape – Tender Evaluation 9. CONT20/32 - Supply and Delivery of a Motor Grader – Tender Evaluation 10. Eildon Playspace Detailed Design – Tender Report
Councillor Attendees:	Cr S Carpenter, Cr D Gallagher, Cr K Haslam, Cr S McAulay, Cr J Walsh

Council Officer Attendees:	M Chesworth, V Albicini, M Kearney, C Lintott, M Thomas, T Carter
Conflict of Interest Disclosures: Nil.	

Council Plan/Strategies/Policies

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

Relevant Legislation

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

Financial Implications and Risk

There are no financial or risk implications.

Conflict of Interest

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

18 SEALING REGISTER

File Reference	Date Seal Affixed	Description of Documents	Signatures of Persons Sealing
SF/3939	14 January 2021	Crown Lease between Strath Creek Progress Association and Murrindindi Shire Council for Strath Creek Pioneer Reserve	Michael Chesworth Cr Sandice McAulay
21/14703	22 February 2021	Agreement made pursuant to Section 173 of the Planning and Environment Act 1987 between Murrindindi Shire Council and Jodie Leanne Thorneycroft and Andrew Maxwell Beattie for 852 Whittlesea-Kinglake Road, Pheasant Creek	Michael Chesworth
21/14716	22 February 2021	Agreement made pursuant to Section 173 of the Planning and Environment Act 1987 between Murrindindi Shire Council and Barry Robert Cahill and Brian Thomas Cahill for Property: Lot 1 on TP690123S, Lot: 1 on TP216499T, and Lot: 1 on TP215765E, Deviation Road, Kinglake	Michael Chesworth
CONT20/39	1 March 2021	Victorian Public Sector General Conditions of Contract for Minor Works (VPS MWC August 2018) between Murrindindi Shire Council and Prestige Paving Pty Ltd for Tenth Street Eildon, Kerb and Channel Renewal	Michael Chesworth
SF/123	10 March 2021	S11A Instrument of Appointment and Authorisation (Planning and Environment Act 1987)	Michael Chesworth Cr Sandice McAulay
SF/806	17 March 2021	Deed of Variation - Murrindindi Shire Council and Marysville Holiday Park P/L re: Section 17D Crown Land (Reserves) Act 1978 Lease (Non Retail) - Marysville Caravan and Holiday Park, Marysville	Michael Chesworth Cr Sandice McAulay

Officer Recommendation

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