



MINUTES  
of the  
SCHEDULED MEETING OF COUNCIL  
Wednesday 15 December 2021  
at  
Murrindindi Shire Council  
Council Chambers  
Alexandra  
Perkins Street  
6:00 PM

This Scheduled Meeting of Council was 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)

<b>1 PLEDGE AND RECONCILIATION STATEMENT.....</b>	<b>3</b>
<b>2 APOLOGIES AND REQUEST FOR LEAVE OF ABSENCE .....</b>	<b>3</b>
<b>3 COMMUNITY RECOGNITION.....</b>	<b>3</b>
<b>4 DISCLOSURES OF INTEREST OR CONFLICT OF INTEREST .....</b>	<b>3</b>
<b>5 CONFIRMATION OF MINUTES .....</b>	<b>3</b>
<b>6 PETITIONS .....</b>	<b>4</b>
<b>7 PUBLIC PARTICIPATION.....</b>	<b>4</b>
7.1 Open Forum.....	4
7.2 Questions of Council.....	4
<b>8 REPORT - DIRECTOR ASSETS &amp; DEVELOPMENT.....</b>	<b>4</b>
8.1 6 Unit Development - 102 Falls Road, Marysville.....	4
8.2 44 Villeneuve Street, Alexandra - 3 Lot Subdivision.....	23
8.3 CONT 21/8 - Civil Works Panel - Tender Award .....	37
8.4 CONT21/21 - Break O'Day Road Bridge Glenburn - Design & Construct - 2020-2022 - Tender Award .....	42
8.5 CONT21/25 - Annual Reseal Program 2021/2022 - Tender Award .....	47
8.6 CONT21/20 - Gravel Roads Resheeting Program 2022 - Tender Award.....	50
8.7 CONT21/23 - Yea Closed Landfill Rehabilitation 2021 - Tender Award.....	54
<b>9 REPORTS - DIRECTOR COMMUNITY ENGAGEMENT.....</b>	<b>57</b>
9.1 Eildon Improvement Precinct Funding Model.....	57
9.2 Grants and Contributions Program - December Allocations.....	60
<b>10 REPORTS - DIRECTOR CORPORATE &amp; SHARED SERVICES.....</b>	<b>65</b>
10.1 Service Provision and Fire Danger Ratings Policy.....	65
10.2 Council Meeting Schedule 2022.....	68
10.3 Audit and Risk Committee Confirmation of Minutes.....	70
<b>11 NOTICES OF MOTIONS .....</b>	<b>70</b>
<b>12 MATTERS DEFERRED FROM PREVIOUS MEETING .....</b>	<b>70</b>
<b>13 URGENT BUSINESS.....</b>	<b>70</b>
<b>14 COUNCILLOR REPORTS.....</b>	<b>70</b>
<b>15 CHIEF EXECUTIVE OFFICER REPORT .....</b>	<b>73</b>
<b>16 ASSEMBLIES OF COUNCILLORS .....</b>	<b>74</b>

**17 SEALING REGISTER.....76**

## 1 PLEDGE AND RECONCILIATION STATEMENT

The meeting was opened with the Chief Executive Officer declaring the following Pledge on behalf of the Murrindindi Shire Council:

“Murrindindi Shire Council is proud to acknowledge the Taungurung and Wurundjeri people as the traditional custodians of the land we now call Murrindindi Shire, we are committed to working together in the best interests of the people who live in our municipality, who conduct business here and those who visit.

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

## 2 APOLOGIES AND REQUEST FOR LEAVE OF ABSENCE

That Council accept the apologies of Cr Karine Haslam.

### **RESOLUTION**

**Cr S McAulay / Cr E Lording**

**That Council accept the apologies of Cr K Haslam.**

**CARRIED**

### **Present:**

Councillors S Carpenter (Chair), D Gallagher, S McAulay, I Gerencser, E Lording, J Walsh

### **In attendance:**

Chief Executive Officer: Livia Bonazzi  
Director Community Engagement: Shivaun Brown  
Director Assets and Development: Vito Albicini  
Manager Governance and Risk: Tara Carter  
Manager Development Services: Natalie Stewart  
Coordinator Planning: Cameron Fraser  
Senior Planner: Clara Gartland  
Planning Officer: Nicole Grey  
Systems Innovation Coordinator: Adam Dennis

## 3 COMMUNITY RECOGNITION

Nil.

## 4 DISCLOSURES OF INTEREST OR CONFLICT OF INTEREST

Cr D Gallagher declared a Material conflict of interest in Agenda item 9.2 being the "Grants and Contributions Program- December Allocations" and specifically part four due to an affiliation with Alexandra Events.

Cr S Carpenter declared a material conflict of interest in relation to item 9.2 being the “Grants and Contributions Program – December Allocations” and specifically part three as she is a member of the Yea Rotary Board which is being considered for a grant allocation.

## **5 CONFIRMATION OF MINUTES**

Minutes of the Scheduled Meeting of Council held on 24 November 2021.

### **Officer Recommendation**

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

### **RESOLUTION**

**Cr J Walsh / Cr I Gerencser**

**That Council confirm the minutes of the 24 November 2021 Scheduled Meeting of Council.**  
**CARRIED**

## **6 PETITIONS**

Nil.

## **7 PUBLIC PARTICIPATION**

### **7.1 Open Forum**

Dawn French spoke in relation to the use of public buildings in Yea being utilised for artisans and creative groups.

Andrew Woollard spoke against the Planning Application - 102 Falls Road (item 8.1 on the Agenda).

Stuart Shaw spoke against the Planning Application - 102 Falls Road (item 8.1 on the Agenda).

Margaret and Peter Barry spoke against the Planning Application – 102 Falls Road (item 8.1 on the Agenda).

Johnny and Tina Wong spoke against the Planning Application - 102 Falls Road (item 8.1 on the Agenda).

Liza Serapiglia spoke in support of the Planning Application - 102 Falls Road (item 8.1 on the Agenda).

Jackson Lai spoke in support of the Planning Application - 102 Falls Road (item 8.1 on the Agenda).

### **7.2 Questions of Council**

Nil.

## 8 REPORT - DIRECTOR ASSETS & DEVELOPMENT

### 8.1 6 Unit Development - 102 Falls Road, Marysville

#### Attachment(s):

1. 102 Falls Road, MARYSVILLE - Previous Plans [8.1.1 - 9 pages]
2. 102 Falls Road, MARYSVILLE - New Plans [8.1.2 - 3 pages]
3. 102 Falls Road, MARYSVILLE - Previous Submissions (distributed to Councillors separately)
4. 102 Falls Road, MARYSVILLE - New Submissions (distributed to Councillors separately)

**Presenter:** C Gartland, Senior Planner

**Land:** 102 Falls Road, Marysville

**Proposal:** Use and development of land for the purpose of six (6) dwellings

**Applicant:** M Serapiglia

**Zoning:** General Residential Zone

**Overlays:** Bushfire Management Overlay Schedule 2

Vegetation Protection Overlay Schedule 1

**Triggers:** Clause 32.08 - 6 (General Residential Zone) – Construction of six dwellings on a lot

Clause 44.06 (Bushfire Management Overlay) – Buildings and works associated with accommodation

Clause 42.02 (Vegetation Protection Overlay) - Removal of vegetation

#### Locality Plan





### Executive Summary

This report recommends that a notice of decision to grant a planning permit be issued for the use and development of land for the purpose of six (6) dwellings at 102 Falls Road Marysville. The application is being reported to Council because six objections have been received to the proposal.

### Officer Recommendation

That Council issue a notice of decision to grant a permit for the use and development of land for the purpose of six (6) dwellings at 102 Falls Road Marysville (Lot 1 on TP135028), subject to the following conditions:

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



- g. A maintenance schedule.
    - ii. Removal of waste collection area from plan.
- 2. The layout of the site and the size and type of the proposed buildings and works, including the materials of construction, as shown on the endorsed plans shall not be altered or modified without the consent in writing of the Responsible Authority
- 3. Unless otherwise agreed in writing by the Responsible Authority, the landscaping areas shown on the endorsed plans must be used for landscaping and no other purpose and any landscaping must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced. All future landowners must be provided with the endorsed landscaping plan
- 4. Prior to the commencement of use, all planting in accordance with the landscape plan required under condition 1 must be completed unless with the prior written consent of the Responsible Authority
- 5. Prior to commencement of the development a suitable prepared engineering plan detailing the proposed driveway, earthworks and drainage, including erosion and sediment control measures must be submitted to the Responsible Authority and receive its endorsement
- 6. Prior to the commencement of any use of the units, the developer must construct the access in accordance with approved construction drawings
- 7. All stormwater and surface water discharging from the building and works must be conveyed to a point of discharge, approved by the relevant authority. No stormwater discharge from downpipes or overflow from storage tank and surface water shall be directed or caused to be directed in a concentrated form that will cause erosion and or adverse effects within the site or to adjoining land or properties
- 8. The approved works must not cut off natural drainage to adjacent properties
- 9. Prior to the approval of any building construction plans, a stormwater management plan including arrangements for Onsite stormwater detention measures must be forwarded to and approved by the Responsible Authority. The plan must be in accordance with Council's Infrastructure Design Manual Section 16 – URBAN DRAINAGE and Section 19 - ON SITE DETENTION SYSTEMS. All new units must be connected to the Councils underground drainage system.
- 10. The vehicular crossing must be constructed to the road to suit the proposed driveway(s) to the satisfaction of the responsible authority and any existing crossing or crossing opening must be removed and replaced with nature strip to the satisfaction of the responsible authority. Construction of new vehicular crossing(s) must comply with the IDM guidelines as given below:
  - a. SD 240 of IDM for Residential Single Vehicle Crossing for Unit 1
  - b. Existing gravel crossover next to unit shall be removed
  - c. SD 250 of IDM for Residential Double Vehicle Crossing for Units 2 to 6.
- 11. Prior to the commencement of works for any stage of the development, a Construction Management Plan (CMP) must be submitted to and approved by the Responsible Authority. Upon approval of the CMP, the plan will be endorsed to form part of this permit. The plan must include:
  - a. A Site Environment Management Plan (SEMP), that shows:
    - i. Proposed erosion and sediment control works;
    - ii. Techniques and intervention levels to prevent a dust nuisance;
    - iii. Protection measures taken to preserve any vegetation identified for retention;



- iv. Techniques to prevent mud and dirt being transported from the site to nearby streets;
  - v. 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
  - vi. Measures relating to removal of hazardous or dangerous material from the site, where applicable.
- b. Hours for construction activity
  - c. Noise mitigation measures to ensure compliance with EPA regulations
  - d. A Traffic Management Plan showing truck routes to and from the site;
  - e. Measures to ensure that sub-contractors / tradespersons operating on the site are aware of the contents of the Construction Management Plan;
  - f. Contact details of key construction site staff;
  - g. Measures to control vibrations on surrounding properties
  - h. Measures for the protections of council assets.

The protection methods contain in the CMP must be implemented to the satisfaction of the Responsible Authority and the Environmental Protection Agency until the development is completed.

12. Prior to occupation of any of the approved dwellings, the developer must provide a concrete footpath along Falls Road for the entire site frontage to the satisfaction of the Responsible Authority. The works must be generally in accordance with the requirements of Council's Infrastructure Design Manual, with specific reference to section 13 *Mobility and Access Provisions*, and also Standard Drawing 205 and 210, or as amended. Alternatively, a cash payment contributing to the cost of construction can be made in lieu of development to the satisfaction of the Responsible Authority.

#### Country Fire Authority (CFA)

##### Bushfire Management Plan endorsed

13. The Bushfire Management Plan – 102 Falls Road, Marysville (prepared by BAL Assessments, version 5, dated 08/10/2021) must be endorsed to form part of the permit and must not be altered unless otherwise agreed in writing by the CFA and the Responsible Authority.

##### Mandatory condition to Clause 44.06-5 – Building and works

14. The bushfire protection measures forming part of this permit or shown on the endorsed plans, including those relating to construction standards, defensible space, water supply and access, must be maintained to the satisfaction of the responsible authority on a continuing basis. This condition continues to have force and effect after the development authorised by this permit has been completed.

##### Hydrants

15. An operable hydrant, above or below ground, must be provided to the satisfaction of CFA.
16. The maximum distance between this hydrant and the rear of all building envelopes (or in the absence of building envelopes, the rear of all lots) must be 120m. This distance must be measured around lot boundaries other than those that abut used roads or the common property access.
17. The hydrant must be maintained by the owner's corporation in accordance with Australian Standard AS1851-2012 "Routine service of fire protection systems and equipment".
18. The hydrant must be identified with a marker post and a road reflector to the satisfaction of the Country Fire Authority.

##### Goulburn Valley Water (the Corporation)

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

20. Provision of separate water supply meters to each tenement within the development, located at the property boundary and to the satisfaction of Goulburn Valley Region Water Corporation;
21. Payment of new customer contributions charges for sewerage services to the development, such amount being determined by the Corporation at the time of payment;
22. Connection of all sanitary fixtures within the development to reticulated sewerage, at the developer's expense, in accordance with standards of construction adopted by and to the satisfaction of the Goulburn Valley Region Water Corporation.
23. All works required are to be carried out in accordance with AS 3500.2 - 'Sanitary plumbing and drainage', and to the satisfaction of the Corporation's Property Services Section.

### Expiry

This permit shall expire if the development hereby permitted is not completed and the use commenced within two (2) years of the date hereof, or any extension of such period the Responsible Authority may allow in writing. A request for an extension of time may be made before or within 6 months after the permit expiry date, where the use or development allowed by the permit has not yet commenced, or within 12 months after the permit expiry date, where the development allowed by the permit lawfully commenced before the permit expired.

### Notations:

1. CFA - Requirements for identification of hydrants are specified in "Identification of Street Hydrants for Firefighting Purposes" is available under publications on the CFA web site ([www.cfa.vic.gov.au](http://www.cfa.vic.gov.au))
2. Goulburn Valley Water - Should the applicant wish to subdivide each tenement onto separate titles in the future, provision of appropriate servicing arrangements to facilitate a future subdivision proposal should be investigated as part of this development
3. An application for consent to work is required to be made prior to commencing any works on the road reserve and must comply with the requirements of the *Road Management Act 2004* and associated regulations.
4. This permit does not authorise the commencement of any building construction works. Before any such development may commence, the applicant must apply for and obtain appropriate building approval.

### **The Land and Surrounds**

The land is rectangular in shape with a northern property boundary and frontage with Falls Road of 39.78 metres in length, a matching 39.78 metre southern property boundary, and eastern and western property boundaries of 79.46 metres in length. The total area of the land is approximately 3200 square metres.

The land is described as 'Lot 1 on Title Plan 135028L, Vol 09718 Folio 774'. The site has a 1.56 metre wide drainage easement along the Western property boundary.

The subject land is located to the south-east of the Marysville township. The land is located on the southern side of Falls Road, approximately 1.1 kilometres from the centre of town. Falls Road comprises of a sealed 6.7m wide collector road within a 30m road reservation containing open swale drainage. There is currently no footpath or shared path connecting the subject land to the town centre and associated community facilities/school.

The subject site and broader area were impacted by the 2009 bushfires. Dwellings have been approved and are being re-built within the vicinity of the subject land. The subject land remains one of the largest undeveloped residential lots in Marysville's south-east.

### **Background**

The subject site has been vacant since the 2009 bushfires. Prior to this time the land was developed with a single dwelling and large garden.

A planning application (2018/118) was received for a 10-unit development on 5 June 2018. The application was subsequently amended to an 8-unit development. The application was refused at a meeting out council on 24 April 2019 in accordance with the officer recommendation. The application was refused due to impacts on neighbourhood character, density being incompatible with the Marysville Urban Design Framework and lack of footpath into the town centre.

The current application for a 6-unit development was received on 7 October 2019. Some concerns were raised by Council officers and the application was amended and placed on public notice 11 February 2020. Council Officers recommended approval of the application at the meeting of council on the 21 October 2020. Council determined not to make a decision on the application. It was the resolution of the Council that 'the application be referred back to the Planning Department, the applicant and the community for further discussion and consultation with the view of it returning to Council at the next available meeting'.

The current plans were received by Council on 28 September 2021 which were provided to the submitters to the application on 14 October 2021. The following notable changes were made to the plans following the previous Council Meeting:

- Reduction in the footprints of each unit
- Reduction in the number of bedrooms from 4 bedrooms to 3 bedrooms for units 1 and 6
- Provision of two additional visitor carparks.

### **Proposal**

The current application is for the use and development of the land for the purpose of 6 units. Each unit consists of 3 bedrooms. Each unit contains a double garage and there are 4 additional visitor carparks on the site. There will be one crossover onto Falls Road with all units accessed via a central common property driveway.

The units range in size from 431 square metres to 480 square metres with an average of 449 square metres.

The applicant has submitted that the updated plans differ from the plans presented to the October 2020 meeting of council as follows:

- The footprint of each unit has been reduced
- Unit 1 and 6 reduced from 4 bedroom to 3 bedroom
- Show pedestrian pathways accessing the mailbox and bin area at the front for safety
- An increase in the separations between each dwelling
- Provide additional two visitor car spaces to prevent visitors from parking on the street and help to reduce the congestion along Falls Road
- Revised floor levels for each unit
- Revised POS to each unit to ensure ample outdoor space more than the requirement as stated on the Council ResCode Standard
- Revised plan to show each unit has more than 300m<sup>2</sup> and to meet the large lot criteria and neighbourhood character
- Revised elevation and the architectural feature to blend in with the neighbourhood characteristics
- Revised the Site Coverage, Building Area and Garden Area table to coincide with the changes
- Revised Bushfire Management Plan prepared by 'BAL Assessment'.

### **Cultural Heritage Management Plan**

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

### **Community and Stakeholder Consultation**

Updated plans were received by Council on 28 September 2021 and 8 October 2021. They were provided to the five existing objectors on 14 October 2021. No objections were withdrawn. An additional objection was received from an adjoining neighbour. Many objectors responded that their existing objections to the proposal remain. The grounds for objection are summarised below:

- The application is inconsistent with the Marysville Urban Design Framework
- Design should better fit with character of the surrounding area
- Inappropriate density of development and precedent for the area
- Larger lots with more green/open space should be provided
- Use of Falls Road for on-street parking and lack of more visitor parking
- Lack of separation between units
- Lack of bin enclosure capacity for the new 4 bin system being introduced
- Concern dwellings will all be used as holiday accommodation
- Impact upon property values
- Impact upon tourism and aesthetics for visitors to Steavenson Falls
- Inappropriate to allow development without a footpath for pedestrians to the Falls or into town.

In addition to the consultation outlined in the previous report, a meeting was held with objectors, council officers and Councillors to discuss these concerns on Wednesday 24 November 2021. The above concerns were discussed; however, no objections were withdrawn following this meeting.

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

### **Referrals**

The application was referred to the Country Fire Authority who have provided conditional consent.

### **Discussion - Planning Considerations**

#### **Planning Policy**

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

Clause 02.03 sets out Council's Strategic Direction in relation to housing, which outlines that established townships and settlements offer a significant opportunity to expand and provide living opportunities in locations with infrastructure and leisure facilities, where natural environment is protected and where a high level of community safety is facilitated. Council seeks to manage the development of its towns by:

- Promoting and facilitating further residential development and housing diversity in established townships to meet the needs of the community, including affordable housing, public housing and aged care accommodation
- Supporting residential growth that is sustainable
- Facilitating the rebuilding of housing and residential diversity in towns and communities affected by natural disasters, including the 2009 bushfires.

The strategic direction for Marysville specifically includes a desire to facilitate development of the township for all year round residential, commercial and tourism destination.

It is considered that the proposal would provide a medium density residential development which achieves the stated policy objectives in a number of ways:

- The proposal would assist in increasing the availability and diversity of lots within Marysville (and Murrindindi Shire more broadly) through the creation of smaller lots with access close to the town centre
- The site is located in an area supported by infrastructure and close to community services and facilities. The proposal is located on a site inside an established township in a location zoned to support residential development.

It is noted that while the site does have access to community services, the lack of footpath into town and the Steavenson Falls is a limitation of the location. However, holistically it is considered that the proposal is still able to meet the strategic directions contained within the scheme.

#### Clause 02.04 Strategic Framework Plans

Clause 02.04 Strategic Framework Plans includes the 'Marysville Framework Plan'. This plan includes the subject site in the area marked to 'Encourage Development within Existing Strengthen Town Centre'.

The proposal will allow for increased residential use in this area and reflects the intention of this plan.

This plan is different from the *Marysville Urban Design Framework Plan* which is discussed later in this report.

#### Clause 11.01-1S Settlement

Clause 11.01-1S Settlement includes strategies to deliver networks of high-quality integrated settlements that have a strong identity and sense of place, are prosperous and are sustainable by:

- Building on strengths and capabilities of each region across Victoria to respond sustainably to population growth and changing environments
- Developing settlements that will support resilient communities and their ability to adapt and change
- Encourage a form and density of settlements that supports sustainable transport to reduce greenhouse gas emissions
- Limit urban sprawl and direct growth into existing settlements
- Promote and capitalise on opportunities for urban renewal and infill redevelopment.

The proposed multi-unit development is consistent with the planning policy as it will sustainably grow the population within an existing settlement. According to the most recent census data (2016) there are generally two people per household in Marysville. As such this subdivision has the potential to increase the population by 12 people.

#### Clause 13.02-1S Bushfire Planning

Clause 13.02-1S Bushfire Planning applies to land within the Bushfire Management Overlay and includes the objective to strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises protection of human life.

To achieve this objective, the policy includes a strategy of 'Directing population growth and development to low-risk locations and ensuring the availability of, and safe access to, areas where human life can be better protected from the effects of bushfire'.

Accordingly, the proposal seeks to subdivide land within a predominantly cleared urban infill site with a Bushfire Attack Level of BAL29 rating as established by the provided Bushfire Management Statement. This is considered consistent with the prioritisation of life over all other

considerations. The proposed site will have good access to the neighbourhood safer place, (Marysville Community Centre) which is located approximately 700 metres from the subject site along Falls Road.

#### Clause 13.02-1L Bushfire Planning

Clause 13.02-1L Bushfire Planning seeks to facilitate the re-building of communities, destroyed homes and damaged infrastructure affected by the 2009 bushfire and the re-establishment of the commercial centre. All decisions are made in a way that mitigates bushfire risk.

The subject site has remained vacant following the 2009 bushfires. Being undeveloped has meant that the land has not been managed to the same extent as will be required for compliance with the provided Bushfire Management Plans. Once each lot is developed there will be requirements to ensure that bushfire risk is mitigated to an acceptable level.

#### Clause 15.01S Neighbourhood Character

Clause 15.01S Neighbourhood Character includes objectives of contributing to existing or preferred neighbourhood character, and responding to characteristics of the local environment by emphasising features such as the local pattern of development and subdivision, the underlying natural landscape character and significant vegetation, and heritage and built form values that reflect community identity.

Council does not have a specified neighbourhood character contained within the planning scheme.

The existing character of the immediate area is defined by single dwellings on a range of larger residential lots typically having an open garden setting. While smaller lots have been approved as part of subdivisions within the broader area (prior to the 2009 bushfires), there are no medium density housing development sites within this outer area of the township. This form of development is typically provided within closer proximity to the town centre environs.

It is acknowledged that the design is not entirely consistent with the existing or preferred character for the area - particularly in relation to density and design. However, it is noted that amendments made to the application have largely reduced the density.

#### Clause 16.01-1S Housing Supply and Clause 16.01-2L Residential Development

Clause 16.01-1S Housing Supply and Clause 16.01-2L Residential Development strategies are to increase the proportion of housing in designated locations by reducing greenfield development and encourage higher density housing development on sites that are well located and serviced.

It is considered that the proposed unit development exemplifies this strategy as it will provide for medium density housing within an established and serviced township. The proposal would contribute to the diversity of housing within Marysville and Murrindindi Shire through the creation of smaller units.

#### Clause 16.01-2S Housing affordability

The objective of Clause 16.01-2S Housing Affordability is to deliver affordable housing closer to jobs, transport and services. This can be achieved by increasing choice in housing types and ensuring land supply continues to be sufficient to meet demand.

The proposal supports more affordable housing within close proximity to the centre of the township of Marysville. The proposed additional 6 units will increase the number of lots available for growth of the community within the existing urban area. Housing and land supply in Marysville is limited and the growth of the town is significantly constrained by surrounding natural features

which contribute to the character of the town. The proposed unit sizes will provide for greater diversity of housing types in Marysville that are more affordable and lower maintenance than larger lots that already exist within the town.

#### Clause 19.03 -2S Development infrastructure and Clause 19.03-2L Infrastructure Design

Clause 19.03 -2S Development infrastructure and Clause 19.03-2L Infrastructure Design and provision require an integrated approach to the planning and engineering design of new development and the Infrastructure Design Manual (IDM) be considered to ensure consistency across the municipality.

As the proposed development will be required to be in accordance with the IDM and will include acceptable outcomes, it is considered that the proposal meets the objective of this clause.

#### Marysville & Triangle Urban Design Framework, Roberts Day, 2009

The *Marysville & Triangle Urban Design Framework*, Roberts Day, 2009, released on 11 November 2009, is a background document to the Murrindindi Planning Scheme (under Clause 72.08), outlining strategic directions and design framework for the rebuilding of the Marysville township. The framework has the status of a policy document to guide Council's decision making for applications for planning permits.

The Marysville and Triangle Urban Design Framework (UDF) was prepared following the 2009 bushfires to guide reconstruction, priorities for funding and attracting investment to the Marysville and the Triangle communities.

The subject site is not specifically referenced in the UDF. However, the site is located within the identified 'urban area'.

The UDF includes the following guidelines for residential developments in residential areas:

- Maintain the garden and landscape character of residential areas
- Minimise the use of solid fences
- Encourage the development of environmentally sustainable and energy efficient dwellings
- Encourage innovative architecture
- Encourage architecture that reflects mountain village character of Marysville
- Encourage dwellings that are distinctive in design
- Support residential development that provides for self-catering visitor accommodation
- Support residential development for older persons and a range of other housing options.

The proposal is considered to be largely compliant with the general principles for residential development. The dwellings contain a greater percentage of garden area than the minimum requirements specified by the scheme. The residential development is considered capable of containing self-catering visitor accommodation and development for older persons and increasing the range of housing options within the township.

The proposal is not considered entirely consistent with the principles of encouraging dwellings with a mountain village character or distinctive in design. The design of the proposed dwellings is inconsistent with the design of surrounding dwellings and while the external fabric of the buildings is mixed with different textures and materials, they don't necessarily match the desired village character of the town or are distinctively "Marysville".

The Urban Design Framework specifies that accommodation needs of older and younger populations 'should be located as close to the town centre as possible to maintain high levels of access to services. The land is not within a walkable catchment (400 metres) as identified in the Framework and not currently serviced by a footpath.



The *Marysville & Triangle Urban Design Framework* is a document intended to be guiding. It does not have the same statutory weight as planning policy as it has not been reviewed by the Minister of Planning or been put on public notice as have all other provisions of the planning scheme.

#### Clause 32.08 General Residential Zone

The purpose of the General Residential Zone

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

The proposal would assist in diversifying housing stock within Marysville (and Murrindindi Shire more broadly) through the creation of smaller household types with excellent access to town infrastructure.

The General Residential Zone requires that any multi-unit development must meet the requirements of Clause 55 (ResCode) as discussed below.

The proposal is consistent with the neighbourhood character in terms of residential use. The schedule to the General Residential Zone does not contain specific neighbourhood character objectives to be achieved for the area.

#### Clause 44.06 Bushfire Management Overlay

The subject site is covered by the Bushfire Management Overlay. The purpose of this overlay is to:

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

The multi-unit development is considered consistent with applicable planning policy as discussed above. It is considered that appropriate bushfire mitigation measures have been implemented which reduce bushfire risk to an acceptable level.

The location of the multi-unit development within the existing settlement and in close proximity to the neighbourhood safer place are considered consistent with bushfire policy.

The application was accompanied by a Bushfire Management Statement. The application was referred to and received conditional consent from the Country Fire Authority. The officer recommendation includes the conditions provided by the CFA including the endorsement of the Bushfire Management Plan and provision of fire hydrants.

#### Clause 42.02 Vegetation Protection Overlay – Schedule 1

The purpose of the Vegetation Protection Overlay is to ensure areas of significant vegetation are protected and ensure that future development minimises the loss of vegetation.

No significant vegetation will be required to be removed to accommodate the proposed development. Accordingly, the proposal is considered consistent with the Vegetation Protection Overlay.

#### Clause 53.02 Bushfire Planning

The application included a Bushfire Management Statement and Plan that showed both approved measures to be implemented.

The provided Bushfire Management Statement and Bushfire Management Plan were referred to the Country Fire Authority who confirm the plans were to their satisfaction.

#### Assessment Against Clause 55 of the Murrindindi Planning Scheme

Clause 55 of the Murrindindi Planning Scheme sets out State Government planning provisions relating to the construction of two or more dwellings in residential zones. Under these provisions a development:

- must meet all of the objectives
- should meet all of the standards.

If Council is satisfied that an application for an alternative design solution meets the objective, the alternative design solution may be considered.

The application meets all of the standards contained within Clause 55.

#### Car Parking

Clause 52.06 (Car Parking) of the Murrindindi Planning Scheme prescribes the rate and design standards for car parking spaces required on site.

For dwellings with 3 or more bedrooms, 2 car parking spaces are required. Car parks must be provided to visitors at a rate of one car parking space per 5 dwellings.

Under these provisions the following car spaces are required:

Dwelling No.	No. of Bedrooms	Car Spaces Required	Car Spaces Provided	Complies
1	3	2	2	Yes
2	3	2	2	Yes
3	3	2	2	Yes
4	3	2	2	Yes
5	3	2	2	Yes
6	3	2	2	Yes
Visitor	NA	2	4	Yes

Two additional visitor car parking spaces are provided above the standard requirements set out in the Scheme.

However, it is acknowledged that Falls Road has limitations in regards to parking. The road is a busy tourist road that connects the town to the Steavenson Falls. The road is narrow and the slope of the road reserve and width if the open drain create limitations in terms of widening to create parking opportunities. Furthermore, there is no footpath and pedestrians are often seen walking on the road. Council Officers consider this limitation to be addressed with the inclusion of two additional car parking spaces. While the absence of any formal on street parking is a constraint, it does not constitute grounds for refusal.

Accordingly, it is considered that the proposed carparking exceeds the requirements set out in the planning scheme and sufficiently addresses the limitations of parking on Falls Road.

**Discussion - Submissions**

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

*The application is inconsistent with the Marysville Urban Design Framework*

As discussed above, the proposal falls short of meeting some of the decision guidelines contained within the Marysville Urban Design Framework. However, on the balance it is considered to be generally compliant with this plan.

*Design should better fit with character of the surrounding area:*

The preservation and enhancement of Marysville's distinct township character is important to local residents and visitors alike. Falls Road was significantly impacted through the events of the 2009 bushfires. As Falls Road and the broader Marysville township continue to be rebuilt, appropriate planning and design is required.

It is recognised that care needs to be taken in balancing Marysville's previous and desired future character.

The design comprises detached single storey dwellings with pitched roofing, with relatively dense landscape plantings. This approach aligns well with the treed character of the town, with units 1 and 6 appropriately facing the street frontage. From a streetscape perspective the development proposal presents as two single storey dwellings which is considered to be an acceptable outcome for this tourist road.

Changes proposed by the applicant in plans in August 2020 further assist in improving consistency between the proposed development and the character of the surrounding area. A reduction in crossovers and driveways from 3 to 1, reduction in dwelling sizes, greater separation between dwellings, materiality of building facades all assist in addressing issues raised by objectors.

*Inappropriate density of development and precedent for the area:*

The density of development in comparison to other developments has been a core concern raised by objections.

The proposal is not the highest density development in Falls Road nor the broader Marysville area.

The proposal is located on a large lot of 3,161sqm. Few zoned, cleared, undeveloped sites of this size exist within Marysville that do not have constraints related to vegetation and bushfire. It is not considered that the proposal sets a precedent, as identified in objections. Any future development in Marysville would be assessed on its merits.

*Larger lots with more green/open space should be provided:*

It is noted that the changes made through the course of the application have resulted in additional garden area within the proposed development.

All proposed dwellings are fully detached with no walls on side boundaries. Dwellings are setback between 3.92 metres to 10 metres from side and rear boundaries so as to provide for opportunities for landscaping between the proposed development and property boundaries.

Each dwelling exceeds the ResCode private open space area.

The total garden area is approximately 49% of the site which exceeds the requirement.

It is considered that changes made to the proposal are appropriate having regard to lot size, open/green space and have taken into consideration the character of the area

*Use of Falls Road for on-street parking and lack of more visitor parking:*

As discussed above, the characteristics of Falls Road have been considered in the assessment of this application.

It is acknowledged that Falls Road is constrained in terms of its potential to accommodate off street car parking. The location of the site away from the centre of town could result in additional visitor car parking demand which is not able to be accommodated within the road network as is currently the case for other dwellings in the area. As a result, this is required to be accommodated for within the subject site.

Pursuant to Clause 52.06 Car Parking of the Murrindindi Planning Scheme, 2 car spaces are required for a dwelling with three or more bedrooms and at least 1 of these is required to be undercover. Additionally, a multiunit development requires 1 visitor car space for every 5 units. The proposal includes four visitor car spaces on the site in addition to the double garage provided to each dwelling. This adequately satisfies the planning scheme requirements for the provision of on-site parking for the development.

As the applicant has exceeded the requirements for car parking as required by the Murrindindi Planning Scheme, it is considered that they have sufficiently addressed the limitations of parking on Falls Road.

*Lack of separation between units:*

This is a key issue raised by objectors and through the officer assessment.

Council Officers raised concerns with the initial plans with buildings being separated by a narrow 1-metre-wide gap. Through the course of the application, it became evident that dwellings were quite large and could be suitably altered to provide adequate separation with some modest changes.

The current plans show a minimum 4 metre separation between dwellings also provides opportunities for landscaping and useable open space.

*Lack of bin enclosure capacity for the new 4 bin system being introduced*

A waste collection area is shown at the front of the property, this will be removed and bins will be kept within each unit area with bins being placed on the nature strip for collection.

*Concerns dwellings will all be used as holiday homes (i.e. Airbnb, etc.)*

There is no application for the use of the units for group accommodation.

There is no justification to assume these dwellings would be used as holiday accommodation any more than any other dwellings. In isolation, this is not a valid planning ground on which to refuse the proposal.

*Impact upon property values*

Impacts upon property values are not a valid planning consideration.

Planning applications are required to be assessed on the basis of various other matters, including consistency with relevant planning policy, response to site constraints, design, and impacts on amenity.

*Impact upon tourism and aesthetics for visitors to Steavenson Falls*

It is recognised that the proposal is located in a tourist town on an approach route to Steavenson Falls.

A number of dwellings (including unit development) have been approved on Falls Road. It is not considered that multi-unit development hinders tourism and aesthetics, if appropriately designed. Given that the area is residentially used and zoned, the inclusion of additional dwellings to this area is not considered to impact on Steavenson Falls.

The proposal has been designed so as to comply with relevant planning requirements and has been improved through the course of the application to provide a better design response. This includes the removal of multiple access points from Falls Road, the requirement for landscaping, large garden areas and a reduction in the number of units.

It is not considered that there will be an impact upon tourist movements to, and appreciation of, the Steavenson Falls and Marysville township as a result of the proposal.

*Inappropriate to allow development without a footpath for pedestrians to the Steavenson Falls:*

It is acknowledged by Council Officers that Falls Road presents safety concerns for pedestrians. The linkage to town is limited due to the lack of a footpath. Consequently, the walkability of the development is somewhat limited. At both a state level as well as the Marysville UDF 'walkability' is considered to be within 400m. The site is located approximately 600m from the southern end of Gallipoli Park and 1.1km from the start of Falls Road (intersecting with Pack Road).

However, the subject land is one of a number of properties on Falls Road to be redeveloped following the events of 2009 bushfires. The development is not considered significant enough to warrant a requirement from the developer to construct a footpath to the township. Nor is it considered sufficient grounds to refuse the application. However, there is warrant to seek some contribution for the construction of a new footpath in the future.

It is noted that works are underway for the construction of a footpath from the town centre along Falls Road to Gould Terrace. Furthermore, a footpath has been designed to continue along Falls Road to Hill Avenue.

It is considered that the proposed development will have minimal impact on the current pedestrian volumes along this route.

**Relevant VCAT Cases**

In regards to the weight to be given to Marysville Urban Design Framework, *Rivette Pty Ltd v Macedon Ranges SC [2014]* is considered relevant. In this application the council argued that the structure plan should be used to support the refusal of an application. VCAT disagreed and determined that:

*36. We note that although Council has sought to assess the proposed subdivision against the neighbourhood character guidelines contained within the Woodend Structure Plan, there is no certainty as to what eventual form these guidelines may take in the Macedon Ranges Planning Scheme. Hence, we agree with the Applicant that the weight that should be given to the Woodend Structure Plan and the neighbourhood character guidelines is limited. Accordingly, although we do have regard to the Woodend Structure Plan, such regard is limited to considering the general directions and outcomes contained within it, that are relevant to the proposal.*

## Conclusion

Following detailed assessment and changes made to the proposal by the applicant in response to objections, Council officers are satisfied that this application for the proposed use and development of the land for the purpose of six (6) dwellings at 102 Falls Road can be supported and approved. The application has been assessed against relevant State, Regional and Local Planning Policy. Overall, the application demonstrates a high level of compliance with the objectives, purposes and decision guidelines of the Murrindindi Planning Scheme.

## Council Plan/Strategies/Policies

This report supports the *Council Plan 2021-2025 Resilient Communities* strategy to “engage with the community and partner organisations to enable older and vulnerable people to live safely, enjoy good health and stay involved”.

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

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

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

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

## Relevant Legislation

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

## Financial Implications and Risk

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

## Conflict of Interest

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

## RESOLUTION

### Cr E Lording / Cr I Gerencser

**That Council issue a notice of decision to grant a permit for the use and development of land for the purpose of six (6) dwellings at 102 Falls Road Marysville (Lot 1 on TP135028), subject to the following conditions:**

- 1. Prior to the commencement of the development, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions. The plans must generally be in accordance with the plans submitted with the application but modified to show:**
  - i. Before the *development* hereby permitted commences, a landscape plan prepared by a suitably qualified (*or experienced*) landscape designer to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of this permit. The landscaping plan must be generally in**

accordance with the landscape concept plan lodged with the application. The plan must show:

- a. A survey of all existing vegetation and natural features;
    - b. The area or areas set aside for landscaping;
    - c. A schedule of all proposed trees, shrubs/small and large trees and ground cover taking into account the Firewise plant selection tool; available on the CFA website for gardens in a high bushfire risk area;
    - d. The location of each species to be planted and the location of all areas to be covered by grass, lawn or other surface material;
    - e. Paving, retaining walls, fence design details and other landscape works including areas of cut and fill;
    - f. Appropriate irrigation systems;
    - g. A maintenance schedule.
  - ii. Removal of waste collection area from plan.
2. The layout of the site and the size and type of the proposed buildings and works, including the materials of construction, as shown on the endorsed plans shall not be altered or modified without the consent in writing of the Responsible Authority
  3. Unless otherwise agreed in writing by the Responsible Authority, the landscaping areas shown on the endorsed plans must be used for landscaping and no other purpose and any landscaping must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced. All future landowners must be provided with the endorsed landscaping plan
  4. Prior to the commencement of use, all planting in accordance with the landscape plan required under condition 1 must be completed unless with the prior written consent of the Responsible Authority
  5. Prior to commencement of the development a suitable prepared engineering plan detailing the proposed driveway, earthworks and drainage, including erosion and sediment control measures must be submitted to the Responsible Authority and receive its endorsement
  6. Prior to the commencement of any use of the units, the developer must construct the access in accordance with approved construction drawings
  7. All stormwater and surface water discharging from the building and works must be conveyed to a point of discharge, approved by the relevant authority. No stormwater discharge from downpipes or overflow from storage tank and surface water shall be directed or caused to be directed in a concentrated form that will cause erosion and or adverse effects within the site or to adjoining land or properties
  8. The approved works must not cut off natural drainage to adjacent properties
  9. Prior to the approval of any building construction plans, a stormwater management plan including arrangements for Onsite stormwater detention measures must be forwarded to and approved by the Responsible Authority. The plan must be in accordance with Council's Infrastructure Design Manual Section 16 – URBAN DRAINAGE and Section 19 - ON SITE DETENTION SYSTEMS. All new units must be connected to the Councils underground drainage system.



10. **The vehicular crossing must be constructed to the road to suit the proposed driveway(s) to the satisfaction of the responsible authority and any existing crossing or crossing opening must be removed and replaced with nature strip to the satisfaction of the responsible authority. Construction of new vehicular crossing(s) must comply with the IDM guidelines as given below:**
  - a. **SD 240 of IDM for Residential Single Vehicle Crossing for Unit 1**
  - b. **Existing gravel crossover next to unit shall be removed**
  - c. **SD 250 of IDM for Residential Double Vehicle Crossing for Units 2 to 6.**
  
11. **Prior to the commencement of works for any stage of the development, a Construction Management Plan (CMP) must be submitted to and approved by the Responsible Authority. Upon approval of the CMP, the plan will be endorsed to form part of this permit. The plan must include:**
  - a. **A Site Environment Management Plan (SEMP), that shows:**
    - i. **Proposed erosion and sediment control works;**
    - ii. **Techniques and intervention levels to prevent a dust nuisance;**
    - iii. **Protection measures taken to preserve any vegetation identified for retention;**
    - iv. **Techniques to prevent mud and dirt being transported from the site to nearby streets;**
    - v. **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**
    - vi. **Measures relating to removal of hazardous or dangerous material from the site, where applicable.**
  - b. **Hours for construction activity**
  - c. **Noise mitigation measures to ensure compliance with EPA regulations**
  - d. **A Traffic Management Plan showing truck routes to and from the site;**
  - e. **Measures to ensure that sub-contractors / tradespersons operating on the site are aware of the contents of the Construction Management Plan;**
  - f. **Contact details of key construction site staff;**
  - g. **Measures to control vibrations on surrounding properties**
  - h. **Measures for the protections of council assets.**

**The protection methods contain in the CMP must be implemented to the satisfaction of the Responsible Authority and the Environmental Protection Agency until the development is completed.**

12. **Prior to occupation of any of the approved dwellings, the developer must provide a concrete footpath along Falls Road for the entire site frontage to the satisfaction of the Responsible Authority. The works must be generally in accordance with the requirements of Council's Infrastructure Design Manual, with specific reference to section 13 *Mobility and Access Provisions*, and also Standard Drawing 205 and 210, or as amended. Alternatively, a cash payment contributing to the cost of construction can be made in lieu of development to the satisfaction of the Responsible Authority.**

#### **Country Fire Authority (CFA)**

#### **Bushfire Management Plan endorsed**

13. **The Bushfire Management Plan – 102 Falls Road, Marysville (prepared by BAL Assessments, version 5, dated 08/10/2021) must be endorsed to form part of the permit and must not be altered unless otherwise agreed in writing by the CFA and the Responsible Authority.**

#### **Mandatory condition to Clause 44.06-5 – Building and works**

14. The bushfire protection measures forming part of this permit or shown on the endorsed plans, including those relating to construction standards, defensible space, water supply and access, must be maintained to the satisfaction of the responsible authority on a continuing basis. This condition continues to have force and effect after the development authorised by this permit has been completed.

#### Hydrants

15. An operable hydrant, above or below ground, must be provided to the satisfaction of CFA.
16. The maximum distance between this hydrant and the rear of all building envelopes (or in the absence of building envelopes, the rear of all lots) must be 120m. This distance must be measured around lot boundaries other than those that abut used roads or the common property access.
17. The hydrant must be maintained by the owner's corporation in accordance with Australian Standard AS1851-2012 "Routine service of fire protection systems and equipment".
18. The hydrant must be identified with a marker post and a road reflector to the satisfaction of the Country Fire Authority.

#### Goulburn Valley Water (the Corporation)

19. Payment of new customer contribution charges for water supply to the development, such amount being determined by the Corporation at the time of payment;
20. Provision of separate water supply meters to each tenement within the development, located at the property boundary and to the satisfaction of Goulburn Valley Region Water Corporation;
21. Payment of new customer contributions charges for sewerage services to the development, such amount being determined by the Corporation at the time of payment;
22. Connection of all sanitary fixtures within the development to reticulated sewerage, at the developer's expense, in accordance with standards of construction adopted by and to the satisfaction of the Goulburn Valley Region Water Corporation.
23. All works required are to be carried out in accordance with AS 3500.2 - 'Sanitary plumbing and drainage', and to the satisfaction of the Corporation's Property Services Section.

#### Expiry

This permit shall expire if the development hereby permitted is not completed and the use commenced within two (2) years of the date hereof, or any extension of such period the Responsible Authority may allow in writing. A request for an extension of time may be made before or within 6 months after the permit expiry date, where the use or development allowed by the permit has not yet commenced, or within 12 months after the permit expiry date, where the development allowed by the permit lawfully commenced before the permit expired.

#### Notations:

1. CFA - Requirements for identification of hydrants are specified in "Identification of Street Hydrants for Firefighting Purposes" is available under publications on the CFA web site ([www.cfa.vic.gov.au](http://www.cfa.vic.gov.au))
2. Goulburn Valley Water - Should the applicant wish to subdivide each tenement onto separate titles in the future, provision of appropriate servicing arrangements to facilitate a future subdivision proposal should be investigated as part of this development

3. An application for consent to work is required to be made prior to commencing any works on the road reserve and must comply with the requirements of the *Road Management Act 2004* and associated regulations.
4. This permit does not authorise the commencement of any building construction works. Before any such development may commence, the applicant must apply for and obtain appropriate building approval.

**CARRIED**

## 8.2 44 Villeneuve Street, Alexandra - 3 Lot Subdivision

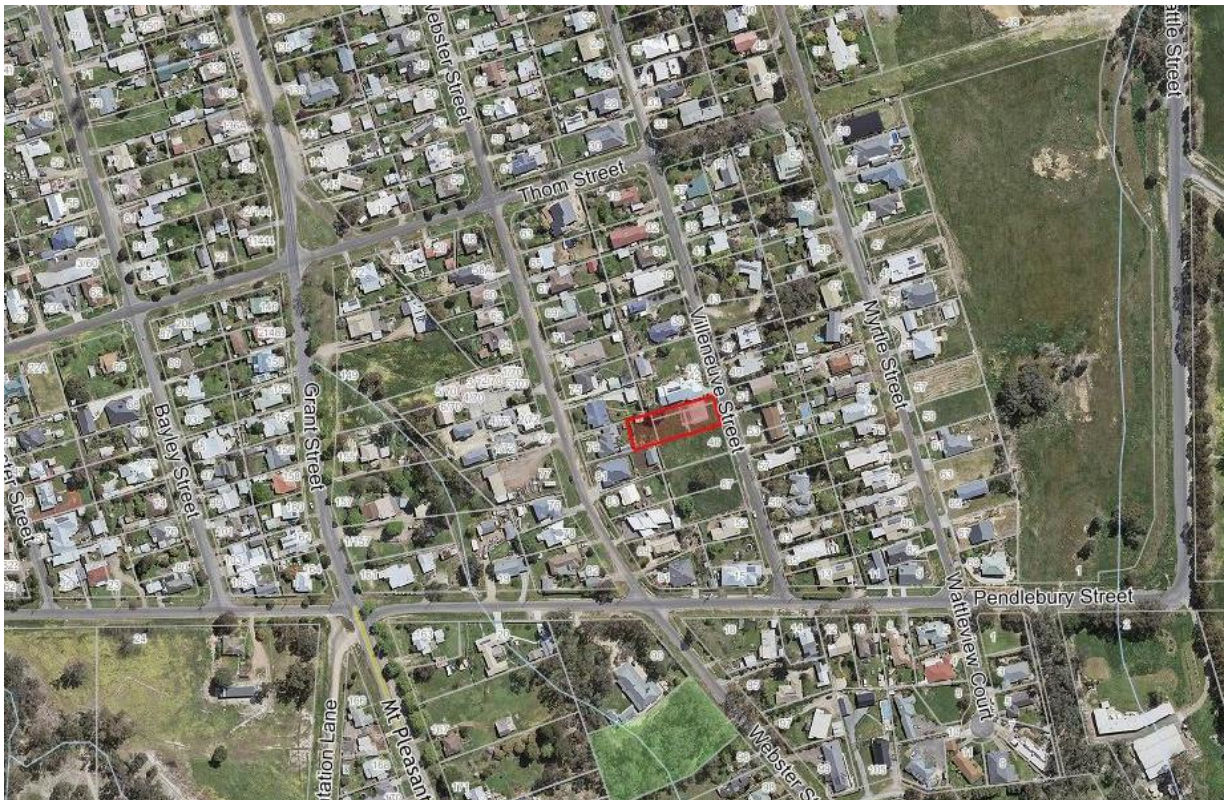
Attachment(s):

1. 44 Villeneuve Street, ALEXANDRA - Attachments [8.2.1 - 34 pages]
2. 44 Villeneuve Street, ALEXANDRA - Submissions (distributed to Councillors separately)

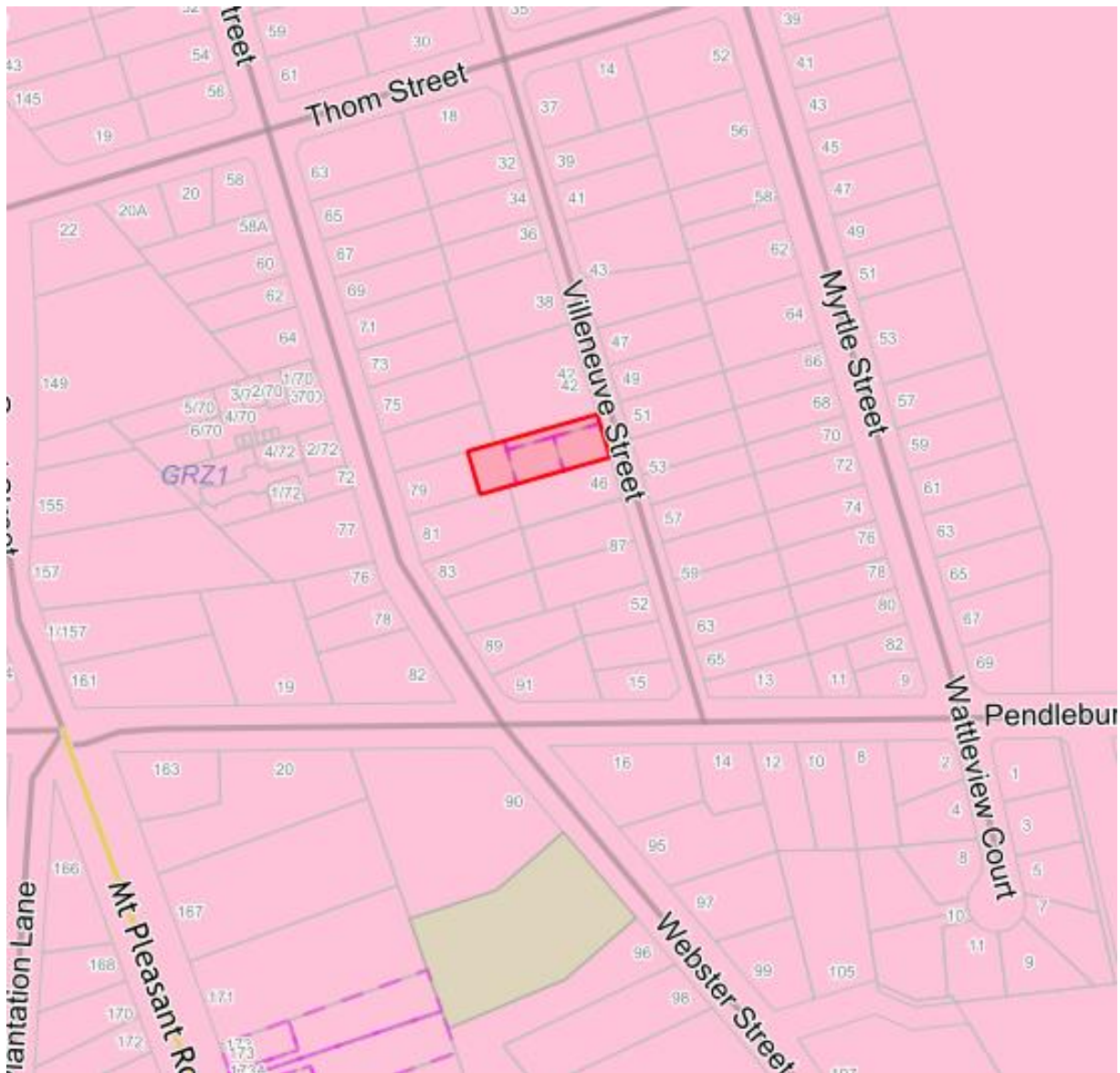
**Presenter:** N Grey, Planning Officer

Land: 44 Villeneuve Street, Alexandra  
Proposal: Three (3) Lot Subdivision  
Applicant: JCA Land Consultant  
Zoning: General Residential Zone  
Overlays: None  
Triggers: Clause 32.08-3 (General Residential Zone) – a permit is required to subdivide land

### Locality Plan







### Executive Summary

This report recommends that a notice of decision to grant a permit be issued for a three (3) lot subdivision at 44 Villeneuve Street, Alexandra. The application is being reported to Council because three (3) objections have been received in relation to the proposal.

### Officer Recommendation

That Council issue a Notice of Decision to grant a planning permit for a three (3) lot subdivision at 44 Villeneuve Street, Alexandra (Lot 1, Plan of Subdivision 518003), subject to the following conditions:

- (1) The subdivision must be in accordance with the endorsed plan. This endorsed plan can only be altered or modified with the prior written approval of the Responsible Authority, or to comply with statutory requirements.
- (2) All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.
- (3) 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.

- (4) Pursuant to Section 18 of the *Subdivision Act 1988*, the applicant must pay to the Responsible Authority a sum equivalent to 5% of the site value of all land in the subdivision for public open space unless it can be demonstrated that these has been previously paid. This payment shall be made prior to the issue of a Statement of Compliance and may be adjusted in accordance with the Section 19 of the *Subdivision Act 1988*.
- (5) All electricity/power lines installed are to be underground.
- (6) Prior to the issue of a Statement of Compliance for the subdivision under the *Subdivision Act 1988*, a Section 173 Agreement shall be entered into at no cost to Council, which ensures the following:
- 1 – Engineering Requirements
- a. The on-site detention for stormwater for the future dwellings will each be designed by a qualified drainage engineer and must be approved by the Responsible Authority prior to construction. A copy of each of the approved plans will be held by the Responsible Authority for future reference; and
  - b. The stormwater system must incorporate principles of Water Sensitive Urban design and be designed so that the rate of storm water runoff from the development must not be more than the rate of runoff from the site prior to the development, all to the satisfaction of the Responsible Authority. The drainage system must be designed in accordance with the requirements of Clause 19 of Councils Infrastructure Design Manual (IDM) 'On-site Detention Systems'. The onsite storage size for the development must be in accordance with Table 13. The allowable discharge rate to Council drains shall be the lesser of;
    - i. that which is outlined in Table 13 and;
    - ii. the remaining capacity of the existing pipe (Clause 19.3.1 of the IDM).
  - c. A default allowable discharge rate of 25 l/s/ha may be used in lieu of calculations to determine the remaining capacity of the existing drainage network. This requirement is based on IDM Version 5.10 released on 11 January 2018.
  - d. Each on-site detention stormwater system must be constructed either prior to, or concurrently with, the construction of any dwelling on the specified lots. Each onsite detention stormwater system on the specified lots must be completed prior to connection to Council's drainage system and be constructed in accordance with the approved design plans. This requirement is based on IDM Version 5.10 released on 11 January 2018.
  - e. The owner will maintain, and not modify without prior Council written approval, each onsite detention system and will allow each onsite stormwater detention system to be inspected by a duly appointed Officer of the Council at mutually agreed times;
  - f. The Owner will pay for all the costs associated with the construction and maintenance of each onsite detention system.
- 2 - Development
- a. Any dwelling constructed on a lot within this plan of subdivision must be single story only.

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

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

- (7) The owner of the land must enter into an agreement with:
  - a. 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
  - b. 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.
- (8) Before the issue of a Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:
  - a. A telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and
  - b. 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) Prior to the certification of the plan of subdivision, a suitably prepared engineering plan detailing the proposed access, associated earthworks and drainage must be submitted to and approved by the Responsible Authority.
- (10) Prior to the issue of a Statement of Compliance the access must be constructed in accordance with the approved engineering plans.
  - a. Any new or otherwise sealed vehicular access to the subject land from Villeneuve Street must be constructed at the permit holders expense to provide ingress and egress to the site at a location and of a size and standard satisfactory to the Responsible Authority. Refer to Councils Infrastructure Design Manual, Section 12.91 - New Residential Shared/Double Vehicle Crossing and Standard Drawing SD245.
  - b. The internal shared accessway shall be constructed to a size and standard satisfactory to the Responsible Authority to provide all weather access for emergency service vehicles.
  - c. The accessway must be of 25 MPA concrete with a single layer of SL72 mesh and a minimum thickness of 125mm on a 100mm compacted layer of 20mm Class 3 fine crushed rock, this concrete must be at least 3.5 metres in width with a 0.5 metre side clearance, 4.3 metre vertical clearance.
- (11) All stormwater and surface water discharging from any works must be conveyed to a point of discharge, approved by the Responsible Authority. No stormwater discharge shall be directed, or caused to be directed in a concentrated form that will cause erosion or adverse effects within the site or to adjoining land and properties.
- (12) The approved works must not cut off natural drainage to adjacent properties.

- (13) Prior to the certification of the plan of subdivision a Stormwater Management Plan, including arrangements for onsite stormwater detention measures, must be submitted for approval by the Responsible Authority. The plan must be in accordance with Councils Infrastructure Design Manual, Section 16 – Urban Drainage and Section 19 – Onsite Detention Systems. Each new lot must be connected to Councils underground drainage system via a suitably designed detention system.

#### AUSNET ELECTRICITY SERVICES PTY LTD

- (14) The plan of subdivision submitted for certification must be referred to AusNet Electricity Services Pty Ltd in accordance with Section 8 of the *Subdivision Act 1988*.
- (15) The applicant must enter into agreement with AusNet Electricity Services Pty Ltd for the extension, upgrading or rearrangement of the electricity supply to lots on the plan of subdivision. A payment to cover the cost of such work will be required.
- (16) The applicant must provide electricity easements internal and external to the subdivision in favour of AusNet Electricity Services Pty Ltd to service the lots on the plan of subdivision and/or abutting lands as required by AusNet Electricity Services Pty Ltd. The provision of reserves for electricity substations may also be required.

#### GOULBURN VALLEY WATER

- (17) Payment of new customer contribution charges for water supply to the development, such amount being determined by the Corporation at the time of payment.
- (18) Provision of one water tapping in Common Property with 3-way manifold meter assembly to service each 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.
- (19) Payment of new customer contributions charges for sewerage services to the development, such amount being determined by the Corporation at the time of payment.
- (20) Provision of combined sewer drains with an inspection opening 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.
- (21) A notation is to be placed on the plan of subdivision to note that pursuant to Section 12(2) of the *Subdivision Act 1988*, there exists "implied easements" over all of the allotments and the common property within the development.
- (22) Alternatively, the developer is to provide a two-metre-wide sewerage easement over the common portion of the house connection drain, in favour of the benefiting land, to the satisfaction of the Goulburn Valley Region Water Corporation.
- (23) 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*.

#### EXPIRY

- (1) This permit shall expire if the plan of subdivision hereby permitted are not certified within two (2) years of the date hereof or any extension of such period, the responsible authority may allow in writing on an application made before or within six months after such expiry.

#### NOTATIONS

- (1) Separate consent for 'works within the road reserve' and the specifications of these works may be required under the Road Management Act 2004. For the purposes of this application the works will include provision of:
- a. Construction of a crossover; and



- b. Any other works in the arterial road reserve.

### **The Land and Surrounds**

The land is described as Lot 1 on Plan of Subdivision 518003H, Volume 10844 Folio 631. The subject land is vacant and rectangular in shape with an eastern property boundary and frontage to Villeneuve Street of 20.12 metres and the southern and northern property boundaries are 60.71 metres in length. The total area of the property is 1,222 square metres. The land slopes down from east to west with an approximate slope of 11.5%.

The subject site is located in the south-east of the Alexandra Township and is on the west side of Villeneuve Street, approximately 850 metres from the centre of town. Villeneuve Street is a sealed access road, managed by Council with kerb and channelling along both sides. There are services (water and sewerage) along the east side of Villeneuve Street and within the adjoining properties to the south. Villeneuve Street does not have an existing footpath or pedestrian access and there is not an existing vehicle crossover to the subject land.

The surrounding area is residential development including single dwellings on lots of approximately 600 to 900 square metres. There are also some unit developments nearby to the west along Webster Street. This area of Alexandra is mostly sloping of varying degrees and existing dwellings and varying heights due to the slope of the land.

### **Background**

The subject land has always been vacant and was previously created by a seven (7) lot subdivision, approved in 2003. There have not been any other applications made in relation to this land in the past.

### **Proposal**

The proposal is for a three-lot subdivision with a shared common property access along the northern boundary to provide access for all lots. The proposal is for the three lots to all be of equal size (345 square metres) and the common property to be 187 square metres, with a width of 4.28 metres. The proposal does not include any development or dwelling plans.

### **Cultural Heritage Management Plan**

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

### **Community and Stakeholder Consultation**

Notice of the application was provided in accordance with the requirements of the *Planning and Environment Act 1987* in the form of letters to adjoining and nearby neighbours and a sign onsite. Following the notice period three submissions were received, objecting to the proposal. The objections related to:

- Current drainage issues
- Additional drainage issues from additional dwellings and non-permeable surfaces
- Possibility of double-storey dwellings
- Car parking associated with the development likely to occur on the street which has limited parking availability.

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

### **Referrals**

The application was referred to AusNet Electricity and Goulburn Valley Water. The referral authorities have provided conditional consent to the granting of a permit.

The application was referred internally to the engineering department who assessed the drainage concerns and access requirements to ensure compliance with Councils Infrastructure Design Manual.

## **Discussion - Planning Considerations**

### **Planning Policy**

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

#### Clause 02.03 - Strategic Directions

The serviced townships, particularly Alexandra and Yea, are identified as being suitable for further residential expansion including infill development. A variety of housing choice should be provided within townships, including Alexandra and Council specifically seeks to promote and facilitate residential development and housing diversity.

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

The objective of the framework is to *ensure the design of subdivisions achieves attractive, safe, accessible, diverse and sustainable neighbourhoods*.

The proposed subdivision design and proximity to the Alexandra Townships aligns with the framework and would provide for diverse housing opportunities that are within walking distance to services. The layout will also limit the necessity for vehicles to reverse onto Villeneuve Street as each lot has sufficient space to allow cars to turn around and exit in a forward direction.

#### Clause 15.01-5S Neighbourhood Character

There is an existing character in the surrounding area of mostly single storey dwellings on sloping land. Whilst the application is for subdivision only and does not include development of any dwellings, the applicant has confirmed that each lot will be developed in the future with single storey dwelling to be in keeping with the character of the area.

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

The objective of this Clause is *to locate housing in serviced towns that offer a range of community and physical services*.

The strategies of the policy for serviced towns are to:

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

The proposed subdivision is appropriately located within the township of Alexandra to comply with all of the objectives and strategies in this policy. The subject land is located on a sealed access road with kerb and guttering and is within close proximity to the main street and services. Furthermore, the proposed lot sizes will provide a slightly higher density of housing than currently exists in the immediate surroundings.

The subject land is not subject to any Bushfire Management Overlay and is not within an identified Bushfire Prone Area.

#### Clause 32.08 - General Residential Zone

The purpose of the zone is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework*
- *To encourage development that respects the neighbourhood character of the area*

- *To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.*

The schedule to the zone does not provide any specific neighbourhood character objectives for this area (Alexandra).

The proposed subdivision will provide an opportunity for future development of diverse housing types in a location that offers good access to services and transport. The lot layout and design of the subdivision with the proposed shared common property access will allow the front lot (proposed Lot 1) to have rear vehicle access from the common property and therefore will be able to provide pedestrian access to the front of any future dwelling.

Clause 32.08-3 Subdivision, of the General Residential Zone policy specifically requires that any proposal for a subdivision where lots are less than 400 square metres provides at least 25 percent (%) as garden area. The provided plans detail an indicative building envelope which meets the requirement for 25 percent garden area surrounding the envelope.

All applications for subdivision in the General Residential Zone must meet the relevant objectives of Clause 56 and should meet all relevant standards. Clause 56 is discussed in detail later in this report.

Clause 32.08-13 Decision Guidelines, of the General Residential Zone require the responsible authority to consider *any impact of overshadowing on existing rooftop solar energy systems on dwellings on adjoining lots and the pattern of subdivision and its effect on the spacing of buildings.*

As the application is for subdivision only and does not include any development of dwellings any potential overshadowing impact is not able to be assessed, this would be assessed under *ResCode* during the Building Permit Application process in accordance with the *Building Act 1993*.

The adjoining lot to the north (42 Villeneuve Street) has an existing dwelling and the garage is setback approximately 1 metre from the boundary however, as the common property access is proposed to be along the northern boundary there would be at least 5.5 metres of separation between the existing dwelling to the north and any future dwelling which may be constructed on proposed Lots 1 or 2.

The adjoining lot to the south (46 Villeneuve Street) is currently vacant and therefore the effect on spacing between future possible buildings is not able to be assessed as part of this application.

#### Clause 53.01 - Public Open Space Contribution and Subdivision

The proposal for subdivision does not include any land specifically set aside for public open space and therefore the applicant will be required to make a financial contribution being a percentage of the value of the land. It is unclear as to whether Public Open Space was previously paid. If this can be demonstrated by the applicant that the Public Open Space was previously provided that it will not be required

#### Clause 56 – Residential Subdivision

Clause 56 of the Murrindindi Planning Scheme sets out the State Government planning provisions relating to residential subdivision. Under these provisions a subdivision:

- Must meet all of the objectives; and
- Should meet all of the standards.

If Council is satisfied that an application for an alternative design solution meets the objective, the alternative design solution may be considered.

The proposed subdivision is considered to be consistent with Clause 56 of the *Murrindindi Planning Scheme*. Most relevant to the proposed application are as follows:

*Clause 56.01-2 Subdivision Design Response*

The application for subdivision proposes a shared common property access along the northern property boundary, which will allow for maximum setback from the north boundary for any future dwellings. This design outcome will enable future dwellings suitable access to north sunlight.

*Clause 56.04-1 Lot Diversity and Distribution Objectives*

The proposed three lot subdivision is set on one of the larger lots in the area and therefore when subdivided will be only marginally smaller than the surrounding properties. The slightly smaller lot sizes will allow for appropriate diversity of development in the future, catering for smaller single dwellings, units and higher density housing.

*Clause 56.04-2 Lot Area and Building Envelopes Objective*

A plan appended to the application details indicative building envelopes which meet the minimum standard of 10 metres by 15 metres. Each proposed lot has an indicative building envelope of approximately 12 metres by 17 metres.

*Clause 56.04-3 Solar Orientation of Lots Objective*

The subject site has a long north boundary and therefore is able to provide appropriate solar orientation for each proposed lot. The shared common property access also protects the north light for proposed Lots 1 and 2.

Clause 65.02 - Approval of an Application to Subdivide Land

The proposed three lot subdivision is in a suitable location in proximity to the township of Alexandra for a higher density of housing as the land has good access to services. The density of the subdivision will enable the existing character of the area to be retained with suitable landscaping and street frontage.

A body corporate is proposed for the shared common access, with each proposed Lot being equally responsible. The subject site and each proposed lot are able to be connected to reticulated electricity, water and sewerage and stormwater could be captured for any future dwellings to be used onsite.

**Discussion – Submissions**

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

*Current drainage issues*

The subject site and surrounding properties, particularly to the west of the site on Webster Street, currently have drainage issues which are exacerbated by development uphill which is not managed appropriately.

This is a result of management issues on the vacant site as well potential breaches of the *Water Act 1989* on adjoining properties which have been referred to Council's assets department and its response has been considered as part of the final assessment.

*Additional drainage issues from potential future dwellings and non-permeable surfaces*

There is a significant down slope from Villeneuve Street to the western property boundary (approximately 11.5%). In response to the slope, the proposed plans detail stormwater drain grates along the western boundary, within proposed Lot 3, and within the shared common property access where runoff water will likely flow as the surface will be non-permeable.

Increased water flows from the site into land to the west will be able to be sufficiently managed by way of conditions on a permit. A Section 173 Agreement requiring detailed drainage design with appropriate water storage to be approved by Council prior to the construction of any buildings or works on the proposed lots is included in the Officer Recommendation.

#### *Possibility of double-storey dwellings*

Dwellings are not proposed as part of this application. Should a permit issue and subdivision be completed, a single dwelling (regardless of height) on each of the approved lots will not require a planning permit.

The applicant has advised that only single storey dwellings are proposed to be developed on each of the three lots. Accordingly, Condition 6 of the Officer Recommendation requires the permit holder to enter into a Section 173 Agreement with a limitation for single storey buildings permitted to be developed on each lot.

#### *Car parking*

It is acknowledged that on street car parking is a limitation of the site given the lack of parking available on the street.

The plans provided show ingress and egress to garages which are able to be accommodated on the site.

It is considered that sufficient car parking spaces will be provided onsite, within each proposed lot, as is a requirement of any future building permit application.

#### **Conclusion**

It is considered that the proposed three (3) lot subdivision is appropriate for the area and will not significantly impact on the amenity of surrounding landowners and occupants. The issues raised through public notice have generally been able to be addressed by way of conditions on a permit. On the balance it is considered that the proposed three (3) lot subdivision is consistent with the provisions of the Murrindindi Planning Scheme.

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

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

#### **Relevant Legislation**

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

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

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

#### **Conflict of Interest**

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

#### **RESOLUTION**

**Cr D Gallagher / Cr E Lording**

**That Council issue a Notice of Decision to grant a planning permit for a three (3) lot subdivision at 44 Villeneuve Street, Alexandra (Lot 1, Plan of Subdivision 518003), subject to the following conditions:**

- (1) The subdivision must be in accordance with the endorsed plan. This endorsed plan can only be altered or modified with the prior written approval of the Responsible Authority, or to comply with statutory requirements.**
- (2) All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.**
- (3) 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.**
- (4) Pursuant to Section 18 of the *Subdivision Act 1988*, the applicant must pay to the Responsible Authority a sum equivalent to 5% of the site value of all land in the subdivision for public open space unless it can be demonstrated that these has been previously paid. This payment shall be made prior to the issue of a Statement of Compliance and may be adjusted in accordance with the Section 19 of the *Subdivision Act 1988*.**
- (5) All electricity/power lines installed are to be underground.**
- (6) Prior to the issue of a Statement of Compliance for the subdivision under the *Subdivision Act 1988*, a Section 173 Agreement shall be entered into at no cost to Council, which ensures the following:
  - 1 – Engineering Requirements**
    - a. The on-site detention for stormwater for the future dwellings will each be designed by a qualified drainage engineer and must be approved by the Responsible Authority prior to construction. A copy of each of the approved plans will be held by the Responsible Authority for future reference; and**
    - b. The stormwater system must incorporate principles of Water Sensitive Urban design and be designed so that the rate of storm water runoff from the development must not be more than the rate of runoff from the site prior to the development, all to the satisfaction of the Responsible Authority. The drainage system must be designed in accordance with the requirements of Clause 19 of Councils Infrastructure Design Manual (IDM) ‘On-site Detention Systems’. The onsite storage size for the development must be in accordance with Table 13. The allowable discharge rate to Council drains shall be the lesser of;
      - i. that which is outlined in Table 13 and;**
      - ii. the remaining capacity of the existing pipe (Clause 19.3.1 of the IDM).****
    - c. A default allowable discharge rate of 25 l/s/ha may be used in lieu of calculations to determine the remaining capacity of the existing drainage network. This requirement is based on IDM Version 5.10 released on 11 January 2018.**
    - d. Each on-site detention stormwater system must be constructed either prior to, or concurrently with, the construction of any dwelling on the specified lots. Each onsite detention stormwater system on the specified lots must be completed prior to connection to Council's drainage system and be constructed in accordance with the approved design plans. This requirement is based on IDM Version 5.10 released on 11 January 2018.****

- e. **The owner will maintain, and not modify without prior Council written approval, each onsite detention system and will allow each onsite stormwater detention system to be inspected by a duly appointed Officer of the Council at mutually agreed times;**
- f. **The Owner will pay for all the costs associated with the construction and maintenance of each onsite detention system.**

## **2 - Development**

- a. **Any dwelling constructed on a lot within this plan of subdivision must be single story only.**

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

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

- (7) **The owner of the land must enter into an agreement with:**
  - a. **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**
  - b. **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.**
- (8) **Before the issue of a Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:**
  - a. **A telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and**
  - b. **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) **Prior to the certification of the plan of subdivision, a suitably prepared engineering plan detailing the proposed access, associated earthworks and drainage must be submitted to and approved by the Responsible Authority.**
- (10) **Prior to the issue of a Statement of Compliance the access must be constructed in accordance with the approved engineering plans.**
  - a. **Any new or otherwise sealed vehicular access to the subject land from Villeneuve Street must be constructed at the permit holders expense to provide ingress and egress to the site at a location and of a size and standard satisfactory to the Responsible Authority. Refer to Councils**

**Infrastructure Design Manual, Section 12.91 - New Residential Shared/Double Vehicle Crossing and Standard Drawing SD245.**

- b. The internal shared accessway shall be constructed to a size and standard satisfactory to the Responsible Authority to provide all weather access for emergency service vehicles.
  - c. The accessway must be of 25 MPA concrete with a single layer of SL72 mesh and a minimum thickness of 125mm on a 100mm compacted layer of 20mm Class 3 fine crushed rock, this concrete must be at least 3.5 metres in width with a 0.5 metre side clearance, 4.3 metre vertical clearance.
- (11) All stormwater and surface water discharging from any works must be conveyed to a point of discharge, approved by the Responsible Authority. No stormwater discharge shall be directed, or caused to be directed in a concentrated form that will cause erosion or adverse effects within the site or to adjoining land and properties.
- (12) The approved works must not cut off natural drainage to adjacent properties.
- (13) Prior to the certification of the plan of subdivision a Stormwater Management Plan, including arrangements for onsite stormwater detention measures, must be submitted for approval by the Responsible Authority. The plan must be in accordance with Councils Infrastructure Design Manual, Section 16 – Urban Drainage and Section 19 – Onsite Detention Systems. Each new lot must be connected to Councils underground drainage system via a suitably designed detention system.

**AUSNET ELECTRICITY SERVICES PTY LTD**

- (14) The plan of subdivision submitted for certification must be referred to AusNet Electricity Services Pty Ltd in accordance with Section 8 of the *Subdivision Act 1988*.
- (15) The applicant must enter into agreement with AusNet Electricity Services Pty Ltd for the extension, upgrading or rearrangement of the electricity supply to lots on the plan of subdivision. A payment to cover the cost of such work will be required.
- (16) The applicant must provide electricity easements internal and external to the subdivision in favour of AusNet Electricity Services Pty Ltd to service the lots on the plan of subdivision and/or abutting lands as required by AusNet Electricity Services Pty Ltd. The provision of reserves for electricity substations may also be required.

**GOULBURN VALLEY WATER**

- (17) Payment of new customer contribution charges for water supply to the development, such amount being determined by the Corporation at the time of payment.
- (18) Provision of one water tapping in Common Property with 3-way manifold meter assembly to service each 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.
- (19) Payment of new customer contributions charges for sewerage services to the development, such amount being determined by the Corporation at the time of payment.
- (20) Provision of combined sewer drains with an inspection opening 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.

- (21) A notation is to be placed on the plan of subdivision to note that pursuant to Section 12(2) of the *Subdivision Act 1988*, there exists “implied easements” over all of the allotments and the common property within the development. Alternatively, the developer is to provide a two-metre-wide sewerage easement over the common portion of the house connection drain, in favour of the benefiting land, to the satisfaction of the Goulburn Valley Region Water Corporation.
- (22) 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*.

#### EXPIRY

- (1) This permit shall expire if the plan of subdivision hereby permitted are not certified within two (2) years of the date hereof or any extension of such period, the responsible authority may allow in writing on an application made before or within six months after such expiry.

#### NOTATIONS

- (1) Separate consent for ‘works within the road reserve’ and the specifications of these works may be required under the Road Management Act 2004. For the purposes of this application the works will include provision of:
- a. Construction of a crossover; and
  - b. Any other works in the arterial road reserve.

**CARRIED**

### 8.3 CONT 21/8 - Civil Works Panel - Tender Award

Attachment(s):

1. CONT21/8 - Civil Works Panel – Tender Evaluation (distributed to Councillors separately)

**Presenter:** Vito Albicini, Director Assets & Development

#### Executive Summary

The purpose of this report is to seek Council’s appointment of a panel of providers for the provision of minor, medium and major civil works projects for Council.

#### Officer Recommendation

That Council:

1. appoint the following suppliers to CONT21/8 – Panel for the Provision of Minor, Medium and Major Civil Works Projects for Council for an initial period of three years commencing 3 January 2022 to 02 January, 2025 with the option for two single year extensions:
  - o Contractor 1
  - o Contractor 2
  - o Contractor 3
  - o Contractor 4
  - o Contractor 5
  - o Contractor 6
  - o Contractor 7
  - o Contractor 8
  - o Contractor 9
  - o Contractor 10
  - o Contractor 11

- o Contractor 12
  - o Contractor 13
  - o Contractor 14
  - o Contractor 15
  - o Contractor 16.
2. note that the expenditure under this contract will not exceed \$20,000,000 (incl. GST) for the 5 year period (includes extension); and
  3. authorise the Chief Executive Officer to extend the Panel for the Provision of Minor, Medium and Major Civil Works Projects beyond the initial three-year term for up to two single year periods subject to satisfactory performance
  4. release the names of the Contractors with the minutes of the Council Scheduled Meeting of the 15 December 2021.

## Background

Civil works services have previously been procured under a panel arrangement (CONT17/4) that commenced on 05 March 2018 and expired on 05 March 2021. Two optional extension periods were available, but these were not exercised as the expiry of the original term provided an opportunity to renew and expand the range of available panel contractors.

The previous civil works panel provided access to a range of professional contractors distributed across 6 categories, including Bridge Maintenance, Landscaping, Stormwater, Road Construction and others. Four contractors were appointed to each category with contractors able to apply for multiple categories. As per the contract specification, Council seeks to expand the Civil Works Panel to include 8 categories to cover gaps that were identified in the categories provided by the previous panel. The number of contractors that could be nominated in each category was also increased from 4 to 5 in key categories to reduce delays caused by contractor availability during peak times. Contractors are not required to apply for all categories and may apply for as many or as few categories as their capacity allows. The eight categories are:

- Category A- Bridge Maintenance and Culvert Construction (Shortlist 4 Contractors)
- Category B- Earthworks, Landscaping and Retaining Structures (Shortlist 4 Contractors)
- Category C- Stormwater Drainage Construction and Maintenance (Shortlist 4 Contractors)
- Category D- Road Pavement and Path Maintenance and Path Reconstruction (Shortlist 5 Contractors)
- Category E- Seal Road Construction and Reconstruction (Shortlist 5 Contractors)
- Category F- Concrete Kerbs, Paths and General Concrete Works (Shortlist 5 Contractors)
- Category G- Asphalt Paths and General Asphalt Works (Shortlist 5 Contractors)
- Category H- Stabilisation of Pavements (Shortlist 5 Contractors).

Submissions were assessed independently across the 8 categories to identify areas of competence and speciality. The strongest responses for each category were shortlist and those contractors were recommended for inclusion in the overall Civil Works Panel (following referee checks). This means that contractors who applied for multiple categories but were only shortlisted in some categories would have all categories accepted. Allowing this overlap between categories in the panel was chosen because many civil works projects are not confined to a single category. For example, a road sealing and upgrade project may require road pavement construction (Cat D), asphalt (Cat G), stormwater drainage (Cat C) and a section of new footpath (Cat F). It was therefore important for the function and usability of the Panel that the accepted responses reflected the full capacity of each contractor.

While the previous panel was operating as intended, it provided an efficient and effective method of obtaining multiple quotes from suitably qualified contractors and provided value for money through a competitive tender process. The steps taken to increase the capacity of the new Civil Works Panel will reduce the risk of the panel becoming congested and help ensure that it continues to function effectively across its expected 3 to 5 year contract term.

**Discussion**

The panel was established through an open market process with a set number of panel members being engaged for services per category over a contracted period of time. The number of panel contractors shortlist per category was increased from 4 to 5 for some categories during this procurement given the volume of works experienced in the previous contract period.

Factors considered when determining the number of panel members for each service was as follows:

- The amount of works to be performed under the contract;
- The requirement to have suppliers available for works by users of the panel;
- The scope and specification of works to be performed under the contract and the capacity of suppliers to fulfil the requirements; and
- Ensuring an equitable level of works for panel members.

The objective of this panel is to continue to:

- Achieve value for money and continued improvement in the provision of services for the community
- Ensure that Council resources are used efficiently and effectively to improve the delivery of Council services to benefit our local community
- Support local suppliers and contribute to our local economy including supporting local employment opportunities
- Ensure that Council achieves compliance with required legislative requirements, both statutory and financial
- Achieve high standards of probity, transparency, accountability, contract and contractor management and risk management.

Having contracted these services previously under a panel contract we have been able to better manage our programmed and reactive requirements. Suppliers have been able to provide suitably qualified trade contractors capable of performing the required works under the contract.

Appointment to the civil works panel contract does not guarantee a commitment by Council to any future projects or works. Engagement will be subject to Council's procurement policy, including purchase order based on submitted schedule of rates as well as requesting quotes and tenders as per the current adopted procurement policy. Panel suppliers will be continually monitored and evaluated on their performance under the contract including risk management, cost effectiveness and delivery of services to Council.

The request for tender to potential contractors was opened through the Council's Tendersearch portal on the 25 May, 2021. The opportunity was advertised from 01 June, 2021 in the following publications:

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

The tender specification included separate schedules of rates for each of the eight categories. These schedules of rates were divided further into subcategories based on areas of further specialisation (e.g., bulk earthworks and retaining wall construction were priced separately within Category B - Earthworks, Landscaping and Retaining Structures) and expected project size (e.g., separate rates could be submitted for small, medium and large projects to allow council to benefit from the economy of scale).

Council offered a Bidders Briefing Session on the 23 June 2021 to support potential suppliers by assisting them in completing tender documentation and how to submit a conforming tender.

Discussion at this session revealed issues with the pricing structure used to establish site establishment fees across each category. Unanimous agreement was reached that an alternative pricing structure would provide a more reliable, accurate and user-friendly way of representing site establishment fees that would provide greater confidence for both the contractors and Council. The alternative pricing schedules were issued as an addendum on 24 June 2021 and the due date for the tender submission was extended by one week.

The tender for these works closed on 9 July 2021. Twenty-two submissions were received at the close of tender, with one late submission that was rejected under the standard procurement policy.

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

- Capital Works Engineer (Chair)
- Special Projects Engineer
- External Procurement Specialist.

The evaluation team also received significant support procurement and administrative from the following staff (not voting members of the panel):

- Procurement and Risk Management Officer
- Community Assets Administration Assistant.

An initial evaluation of all submissions was undertaken in relation to their compliance with the contract specification to identify conforming and non-conforming tenders (as per procurement policy guidelines). Any potential risks to Council were also noted.

The tender panel undertook a comprehensive assessment of all submitted data and any discrepancies and in the end 4 responses were labelled non-conforming and removed from further evaluation.

Each remaining submission was then evaluated to consider the supplier's ability to meet the requirements of the contract, including their ability to deliver the works specific to each category that they had applied for. Tenders were assessed with particular attention to the evaluation criteria requirements. These requirements were weighted as follows:

- Price – 40%
- Capacity to deliver (resources, equipment) - 20%
- Capability to deliver (OH&S, systems) – 20%
- Understanding of the requirement – 10%
- Relevant Experience - 10%.

Tenderers who were able to demonstrate a sound understanding of the requirement, provided evidence of relevant experience and OHS systems including emergency management and working alone procedures were then shortlisted per category and evaluated further. A reference check was then completed on all evaluated suppliers new to the panel that did not have an established record working within Murrindindi Shire Council.

Presented in the confidential report is the scoring break down from each of the 8 categories followed by a summary table listing each category that each contractor has been short listed for.

Based on this analysis, 16 contractors were recommended for appointment to the Civil Works Panel based on being shortlisted for one or more of the categories of specialisation.

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

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

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

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

### **Relevant Legislation**

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

### **Financial Implications and Risk**

Over the previous three-year contract, Council spent approximately \$4 million under the former Civil Works panel contract. Due to changes undertaken to improve the usability and capacity of the new civil works panel, this is anticipated to grow to \$20 million over the next 5 years.

All costs associated with the use of this Panel will be funded from a combination of Capital and Operational budgets dependant on the project scope and outcomes.

The civil works panel contract has and will continue to provide significant benefits and efficiencies to Council as less resources will be required to engage suitable suppliers in a timely and cost effective manner, including storms and emergencies.

### **Conflict of Interest**

A conflict of interest was declared by a Council officer in relation to this report.

One potential perceived conflict of interest was identified. One of the referees nominated in one of the submissions was a close relative of the panel chair. This was identified as a potential perceived conflict of interest. This was mitigated by raising the issue with procurement who arranged for an unbiased member of staff (the Procurement and Risk Management Officer) to undertake this referee check.

No other conflicts of interest were declared in relation to this contract.

### **Community and Stakeholder Consultation**

No external consultation was undertaken (beyond the bidders briefing session discussed previously). The opportunity was promoted through advertisements in local papers and uploaded to the Tender Search web portal. All members of the former civil works panel were invited to participate in the process.

### **RESOLUTION**

**Cr E Lording / Cr S McAulay**

**That Council:**

1. **appoint the following suppliers to CONT21/8 – Panel for the Provision of Minor, Medium and Major Civil Works Projects for Council for an initial period of three years commencing 3 January 2022 to 02 January, 2025 with the option for two single year extensions:**
  - o **AWS Services Vic Pty Ltd**
  - o **Bells Civil Excavations**
  - o **Bitu-Mill (Civil) Pty Ltd**
  - o **Bitu-Mill (Road Maintenance) Pty Ltd**
  - o **Boral Resources (VIC) Pty Ltd**
  - o **Fineblade Pty Ltd**
  - o **Foley Services Pty Ltd**
  - o **GW-BR Crameri Pty Ltd**
  - o **Hiway Stabilizers**

- o **JR Earthworks**
  - o **McDonough Contracting**
  - o **North Central Construction**
  - o **Plumbtrax PL**
  - o **Prestige Paving Pty Ltd**
  - o **Roadside Services and Solutions Pty Ltd**
  - o **Stabilico Pty Ltd.**
2. **note that the expenditure under this contract will not exceed \$20,000,000 (incl. GST) for the 5 year period (includes extension); and**
  3. **authorise the Chief Executive Officer to extend the Panel for the Provision of Minor, Medium and Major Civil Works Projects beyond the initial three-year term for up to two single year periods subject to satisfactory performance**
  4. **release the names of the successful tenderer in the minutes of the Council Scheduled Meeting for the 15 December 2021.**

**CARRIED**

#### **8.4 CONT21/21 - Break O'Day Road Bridge Glenburn - Design & Construct - 2020-2022 - Tender Award**

Attachment(s):

1. CONT21/21 - Break O'Day Road Bridge Glenburn - Design & Construct – Tender Evaluation (distributed to Councillors separately)

**Presenter:** Vito Albicini, Director Assets & Development

##### **Executive Summary**

This report provides the results of a tender process to appoint a contractor for CONT21/21 -. Design and Construct Contract for – The Renewal and Upgrade of Break O'Day Road Bridge over the Yea River, Break O'Day Road, Glenburn.

##### **Officer Recommendation**

That Council:

1. accept the tender from Tenderer 1 for option 1 and award CONT21/21 – Design and Construct Contract – for the Replacement of Break O'Day Road Bridge over the Yea River in Glenburn and associated road widening for approaches – for a lump sum Price of \$1,514,354.00 excluding GST to proceed with the contract and complete all required works.
2. approve the reallocation of \$112,773.00 of Council funds from other project budgets listed in the 2021/22 Capital Works Program as detailed below to this project. This will increase the total project budget to \$1,597,773.00 and will allow \$48,345.00 as a contingency amount to be used for the delivery of this contract as detailed in this report.
3. request Officers to continue seeking Ministerial approval to reallocate \$103,090.00 (or up to the full amount of \$112,773.85) to this project so as to increase the total project budget to \$1,700,863.00 that will provide a desired total contingency amount of \$151,435.00 being 10% contingency amount to be used for the delivery of this contract as detailed in this report.
4. release this resolution into the Minutes of the Scheduled Meeting of 15 December 2021.

##### **Background**

The existing single lane bridge was built in the 1960s and is no longer fit for purpose. The bridge is showing increasing instability proportionate with its age, requires high maintenance and is located on a poor alignment with limited visibility approaches that does not meet current road safety standards for driving speeds that apply to today's rural roads.

The proposed project will be provided via the design and construction of a replacement structure that is a new two-lane structure capable of supporting the standard SM1600 load rating (unrestricted). The alignment of the new bridge is to be maintained close to that of the existing bridge and not exceeding the road reserve width located at the site. Two options were requested to be explored. Option 1 considered replacement at the existing location with the provision of a Bailey bridge being installed for the duration of the works to allow continual access over the river for the public. Option 2 considered keeping the existing bridge open to traffic whilst constructing a new bridge to the north side of the existing structure.

The new integral bridge will provide a greater structural efficiency, reduce deflections and eliminates the ingress of water to the bridge joints. The elimination of mechanical connections results in a lower whole of life maintenance costs as well as an improved bridge appearance. Further to the above benefits the new bridge design will better match the waterway geography there and will result in less water bottlenecking in major events. The construction of an integral bridge will also assist in reducing construction periods and lowering construction costs in comparison to construction of other bridge types.

The scope includes:

- Investigation and foundation analysis of the new bridge site to determine its suitability for its design preference as an integrally designed and constructed bridge
- The full design and construction of a new bridge structure to satisfy AS5100
- Submission to and approval by council of the new bridge and roadway certified design drawings and specifications prior to any commencement of construction works
- The provision of a Bailey bridge to ensure access is maintained through the site during construction
- Complete removal & disposal of all components of the old bridge
- The construction of a new bridge structure located to connect its approaches directly on a current alignment with the existing roadway
- The design and construction/widening of the road approaches to the new bridge
- The supply & erection of steel guard rails & terminals to the new bridge
- All incidental and associated works required to deliver the works.

## **Discussion**

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

- Alexandra & Eildon Standard
- Yea Chronicle
- The Age
- E-Tender Search portal.

Tender specifications were prepared by Council officers and consultants. This included a geotechnical report, concept alignment for two proposed options to be considered and a schedule of quantities tailored to each proposed option.

The tender for these works closed on the 22 October 2021 at 3pm. There were two 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 Senior Project Engineer (Chair)
- Director Assets & Development
- Coordinator Project Delivery
- Capital Works Project Engineer.

Tenders were assessed against the following criteria:

- Price – 50%
- Capacity to Deliver (resources, equipment) – 20%
- Capability to deliver (OH&S, systems) – Pass/Fail
- Understanding of the requirements (Program & Methodology) - 20%
- Previous experience – 10%.

All submissions were assessed for compliance prior to evaluating. The Committee deemed one submission compliant and one tenderer was deemed non-conforming. The compliant submission required a clarification to be issued to ensure full compliance. This tender was then evaluated to consider the suppliers ability to meet the requirements of the contract including their ability to deliver the works by the required timeline. The non-conforming response had multiple non-conforming omissions and the tender was set aside.

Tenders were assessed with particular attention to the evaluation criteria requirements.

A reference check was then completed on the preferred supplier.

Furthermore, the preferred tenderer (Tender 1) has in accordance with the tender document, proposed an option that keeps access through the site for the duration of the works. They have allowed for the use of a temporary Bailey bridge to be installed on the north side of the existing bridge for access across the river until the new bridge is built. This minimises any disruptions to the community and allows for a quicker construction turn around.

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

Based on the analysis undertaken, the Committee recommend Tender 1 be awarded CONT21/21 – Design and Construct Contract – for the Renewal and Upgrade of Break O’Day Road Bridge over the Yea River, Break O’Day Road, Glenburn – for a lump sum price of \$1,514,354.00 (Excluding GST).

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

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

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

### **Relevant Legislation**

The procurement process for these works was carried out in accordance with Council’s Procurement Policy and section 186 of the *Local Government Act 1989*.  
*Road Management Act 2004*.

### **Financial Implications and Risk**

The total funding available for this project is \$1,485,000 (excl. GST) made up of equally share from Council (\$742,500) and (\$742,500) Federal Government – (Federal Bridge Renewal Grant Program Round 5 and Heavy Vehicle Safety & Productivity Grant Program Round 7)

Based on the preferred Tender price and a 10% contingency allowance to fund any latent conditions or any other unforeseen circumstances, the desired Total Overall Project Budget is:

<b>Description</b>	<b>Cost (Excluding GST)</b>
Tender price (Option 1)	\$ 1,514,354.00
10% Contingencies	\$ 151,435.00
<b>Total Contract Cost</b>	<b>\$ 1,665,789.00</b>



Preliminaries (Geotech & Survey)	\$ 10,074.00
Project Management	\$ 25,000.00
<b>Total Overall Project Cost</b>	<b>\$ 1,700,863.00</b>

Below is a budget 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)	\$ 1,485,000	\$ 1,700,863	\$ 215,863

There is a variance of \$215,863 excluding GST which requires additional funding for the project. It is noted however that \$151,435 of the variance is contingency funding which may not be required.

Council has recently achieved project savings for the McDonalds Bridge Design and Construct Project of \$225,547.70 which is made up of \$112,773.85 Council capital works funding and \$112,773.85 grant funding (Federal Bridge Renewal Grant Program Round 5 and Heavy Vehicle Safety & Productivity Grant Program Round 7).

The Federal Bridge Renewal Program Grant funders have been contacted by Council Officers to seek approval to transfer grant fund savings to fund this project. They have responded favourably and have supported the proposal but have advised that Ministerial approval is required. This has been sought and if approved, it is anticipated to be received by the end of December 2021.

In order to complete the project with desired contingency funding, it is recommended that \$215,863 of the savings from the McDonalds Bridge project be transferred to this project. It is further recommended that this is made up of \$112,773 of Council saved funding and \$103,090 of Federal Bridge Renewal Program Grant funds. The summary of the funding allocation and impact on the Total Project Budget is as shown

Project	Available Savings (excluding GST)	Additional Funds Required (excluding GST)	Total Project Budget compounded (excluding GST)
McDonalds Bridge Yarck – (Council Savings)	\$ 112,773.85	\$ 112,773.00	\$ 1,597,773.00
McDonalds Bridge Yarck – (Funding Body Savings)	\$ 112,773.85	\$ 103,090.00	\$ 1,700,863.00

It is noted that the total project budget after transferring the savings from Council funds is \$1,597,773. This is sufficient to fund the contract amount and other project costs but only provides extra funding for a contingency amount of \$48,345 or 3% contingency. Noting that the contract is a design and construct contract that places more responsibility on the contractor to deliver within the lump sum contract amount, the use of contingency funds is lower than a normal construction contract. Given this, it is likely that there will be sufficient funds to complete the project should Ministerial approval not be obtained. It is therefore recommended that Council proceed with the project and award the contract while waiting for the outcome of the Ministerial approval.

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**

External consultation will be undertaken in the preparation of the adopted construction program to discuss methods of undertaking the project as well as the final design plans. Affected community members will be engaged in person and online to ensure they are aware of the project timeline and construction expectations as well as local emergency services.

**RESOLUTION****Cr S McAulay / Cr E Lording****Officer Recommendation****That Council:**

1. accept the tender from CASA Projects Pty Ltd (Tender 1) for option 1 and award CONT21/21 – Design and Construct Contract – for the Replacement of Break O’Day Road Bridge over the Yea River in Glenburn and associated road widening for approaches and the installation of a baily bridge to allow access during the construction of the new bridge - for a lump sum Price of \$1,514,354.00 excluding GST to proceed with the contract and complete all required works.
2. approve the reallocation of \$112,773.00 (excluding GST) of Council funds from other project budgets listed in the 2021/22 Capital Works Program as detailed below to this project. This will increase the total project budget to \$1,597,773.00 (excluding GST) and will allow \$48,345.00 (excluding GST) as a contingency amount to be used for the delivery of this contract as detailed in this report.
3. request Officers to continue seeking Ministerial approval to reallocate \$103,090.00 (excluding GST) (or up to the full amount of \$112,773.85) to this project so as to increase the total project budget to \$1,700,863.00 (excluding GST) that will provide a desired total contingency amount of \$151,435.00 (excluding GST) being 10% contingency amount to be used for the delivery of this contract as detailed in this report.
4. release the name of the successful tenderer into the Minutes of the Scheduled Meeting of 15 December 2021.

**CARRIED****8.5 CONT21/25 - Annual Reseal Program 2021/2022 - Tender Award**

## Attachment(s):

1. CONT21/25 - Annual Reseal Program 2021/2022 - Design & Construct – Tender Evaluation (distributed to Councillors separately)

**Presenter:** Vito Albicini, Director Assets & Development**Executive Summary**

This report is to provide the results of the tender process to appoint a contractor for CONT21/25 Annual Reseal Program 2021/2022.

**Officer Recommendation****That Council:**

1. accept the tender from Tender 1 and award CONT21/25 - Annual Reseal Program – for a lump sum price of \$878,756.27 Incl GST) to complete all required works.
2. approves a contingency of 10% or \$87,875.63 (Incl GST) to be expended if required on legitimate variations which may occur.
3. release this resolution into the Minutes of the Scheduled Meeting of 15 December 2021.

**Background**

Every financial year Council undertakes a reseal program in an attempt to meet our renewal demand requirements for the sealed road assets. This financial year the Annual Reseal Program

was a joint tender with Mansfield Shire Council -CONT21/25 (Murrindindi) & CM2122.031 (Mansfield).

The joint tender was conducted with the aim to:

- Share resources and reduce the individual costs through the procurement process.
- Achieve a financial benefit to both Municipalities. The tender document had separate BOQ for each council.

The aim of the reseal program is to resurface existing sealed roads whose surface is at or near end of useful life in order to continue to service traffic and protect Councils sealed roads pavements, as such the program is put together from Council asset register based on a combination of current condition and feedback from maintenance records.

The proposed contract is a VicRoads general conditions contract. The contract term is from 1 February 2022 to 30 March 2022, works under both contracts must be completed no later than 30 March 2022.

All details regarding the reseal requirements were included in the request for tender documents released along with the advertisement for the tender.

The scope includes:

- Preliminary documentation such as project management plans (OH&S, Environmental management, Traffic Management Plans (TMP) and others.
- Preliminary investigation of the seal program.
- Conducting the reseals and day specific seal design (Considering current temperature elements).
- Providing all TMP requirements.
- Aftercare TMP management
- Sweeping at the approved time (Suction sweep in towns broom in rural)
- Reseal report submission.

### **Discussion**

The request for tender was advertised from 4 November 2021 in the following publications:

- Melbourne Age
- Alexandra Standard
- Yea Chronicle
- The Age.

The request for tender was also released and advertised from 28<sup>th</sup> October 2021 via Council's online tendering resource, TenderSearch portal

Tender specifications were prepared by Council officers that included a detailed project specification and VicRoads standard technical specifications.

The tender for these works closed on 26<sup>th</sup> November 2021. Five 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:

Panel members of Murrindindi Shire Council are as below:

- Coordinator Project Delivery
- Special Projects Engineer.

Panel members of Mansfield Shire Council are as below:

- Senior Coordinator Field Services
- Project Officer.

All Tenders were assessed against the following criteria:

- Price – 50%
- Capacity and Capability to deliver (Resources, equipment) – 15%
- Occupational Health & Safety (OH&S), Insurance & Quality Management Systems (QMS) – Pass/Fail
- Understanding of the requirements -15%
- Previous experience – 10%.
- Sustainable Procurement -10%.

All submissions were assessed for compliance prior to evaluating, some elements were not included in the specific submissions, these were discussed as minor non-conformances and agreed by the evaluation panel and procurement probity officer to be requested from the relevant respondents. This ensured that all submissions being evaluated were conforming. The submissions were then evaluated to consider the suppliers ability to meet the requirements of the contract including their ability to deliver the works by the required timeline.

Elements for compliance:

- Insurance requirements
- Financial Statement
- Covid Statement
- ISO9001
- Mansfield BOQ
- Murrindindi BOQ
- Section 3 Schedule 1 - 1.4 Murrindindi
- Section 3 Schedule 2, 1.3 & 1.4 Mansfield
- Status of Response
- Schedule 2
- Schedule 3
- 3 x Referees
- Sustainable Procurement Dot Point 5
- Statement of conformance
- Receipt of Addenda
- Statutory declaration
- OH & S/ Enviro Questionnaire
- Company References.

Tenders were assessed with particular attention to the evaluation criteria requirements.

Interview have been conducted on the preferred supplier.

A reference check was then completed on the preferred supplier.

A detailed evaluation of the tenders is provided as a confidential attachment to this report. Based on the analysis undertaken, the Committee recommend Tender 1 be awarded CONT21/25 Annual Reseal Program – for a lump sum price of **\$878,756.27** (Incl GST).

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

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

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

### **Relevant Legislation**

The procurement process for these works was carried out in accordance with Council’s Procurement Policy and section 186 of the *Local Government Act 1989 and Road Management Act 2004*.

### **Financial Implications and Risk**

The total funding available for this project is \$978,119.00 (excl. GST) or \$1,075,930.9 (incl. GST)

The total project cost is summarised below:

	<b>Cost (Exc. GST)</b>	<b>Cost (Incl GST)</b>
<b>Tender Price (including provisional items)</b>	\$798,869.34	\$ 878,756.27
<b>Project Management</b>	\$10,000.00	\$11,000.00
<b>Contingency 10%</b>	\$79,886.93	\$ 87,875.63
<b>Seal Preparation works (separate contractor)</b>	\$89,362.73	\$98,299.00
<b>Total Project Cost</b>	\$978,119.00	\$1,075,930.90

An allowance of \$87,875.63 (incl. GST) of contingencies is proposed to cover any latent conditions that may be experienced during the delivery of the project.

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

<b>Project</b>	<b>Total Budget</b>	<b>Total Project Cost</b>	<b>Variance</b>
<b>Excl GST</b>	\$978,119.00	\$978,119.00	\$0.00
<b>Incl GST</b>	\$1,075,930.90	\$1,075,930.90	\$0.00

The savings and 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. The community will be informed when the works are programmed to commence as minor disruptions may occur.

**RESOLUTION****Cr D Gallagher / Cr I Gerencser****That Council:**

1. **accept the tender from Boral Resources (VIC) Pty Ltd (Tender 1) and award CONT21/25 - Annual Reseal Program – for a lump sum price of \$878,756.27 Incl GST) to complete all required works.**
2. **approves a contingency of 10% or \$87,875.63 (Incl GST) to be expended if required on legitimate variations which may occur.**
3. **release the name of the successful tenderer into the Minutes of the Scheduled Meeting of 15 December 2021.**

**CARRIED****8.6 CONT21/20 - Gravel Roads Resheeting Program 2022 - Tender Award**

Attachment(s):

1. CONT21/20 - Gravel Roads Resheeting Program 2022 – Tender Evaluation (distributed to Councillors separately)

**Presenter:** Vito Albicini, Director Assets & Development**Executive Summary**

This report provides the results of a tender process to appoint a contractor for CONT21/20 – Gravel Roads Resheeting Program 2022.

**Officer Recommendation**

That Council:

1. accept the tender from Tender 1 and award CONT21/20 – for the Gravel Roads Resheeting Program 2022 (Including Sealed Road Shoulder Resheeting Program)– for a lump sum Price of \$1,175,064.50 excluding GST (\$1,292,570.95 including GST) to complete all required works including the following roads:
  - Centre Avenue RHS, Eildon
  - Connelly's Creek Road, Acheron
  - Coomb Street, Taggerty
  - Keens Road, Acheron
  - Kelly's Road, Alexandra
  - Kerr's Road, Taggerty
  - Lisa Court, Taggerty
  - Maintongoon Road, Maintongoon
  - McColl Lane, Acheron
  - McGuigan's Road, Kanumbra
  - McIntyre Lane, Alexandra
  - McMartin's Road, Alexandra
  - Mintern's Road, Kanumbra
  - Morris Street, Alexandra
  - Patagorang Place, Buxton
  - Robertson's Road, Taggerty
  - Squires Road, Acheron
  - Webb's Lane, Alexandra
  - Wilhelmina Falls Road, Murrindindi
  - Eildon Road, Eildon
  - High Street, Eildon
  - Highlands Road, Highlands
  - Park Avenue North, Eildon

- Ruffy Road, Highlands.
2. approve the allocation of \$68,916.50 excluding GST as a contingency amount to be used for the delivery of this contract as detailed in this report
  3. release this resolution into the Minutes of the Scheduled Meeting of 15 December 2021.

### Background

The 2021/2022 Capital Works Program identified various projects as part of the Gravel Road Resheeting Program and Sealed Roads Shoulder Resheeting 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 19 unsealed roads and 5 sealed roads across Alexandra, Eildon, Taggerty, Buxton, Maintongoon, Kanumbra and Murrindindi localities.

The following roads are included in this tender:

Job Number	Road Name
<b>Gravel Roads Resheeting</b>	
1	Centre Avenue RHS, Eildon
2	Connelly's Creek Road, Acheron
3	Coomb Street, Taggerty
4	Keens Road, Acheron
5	Kelly's Road, Alexandra
6	Kerr's Road, Taggerty
7	Lisa Court, Taggerty
8	Maintongoon Road, Maintongoon
9	McColl Lane, Acheron
10	McGuigan's Road, Kanumbra
11	McIntyre Lane, Alexandra
12	McMartin's Road, Alexandra
13	Mintern's Road, Kanumbra
14	Morris Street, Alexandra
15	Patagorang Place, Buxton
16	Robertson's Road, Taggerty
17	Squires Road, Acheron
18	Webb's Lane, Alexandra
19	Wilhelmina Falls Road, Murrindindi
<b>Sealed Roads Shoulder Resheeting</b>	
20	Eildon Road, Eildon
21	High Street, Eildon
22	Highlands Road, Highlands
23	Park Avenue North, Eildon
24	Ruffy Road, Highlands

### Discussion

The request for tender was advertised from 25 October 2021 in the following publications:

- Alexandra & Eildon Standard
- Yea Chronicle
- The Age
- E-Tender Search Portal.

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

The tender for these works closed on the 19 November 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 Senior Project Engineer
- Coordinator Project Delivery
- Capital Works Engineer.

Tenders were assessed against the following criteria:

- Price – 35%
- Capacity to Deliver (resources, equipment) – 25%
- Capability to deliver (OH&S, systems, Environmental) – Pass/Fail
- Understanding of the requirements (Program & Methodology) - 20%
- Previous experience – 20%.

An initial review of all submissions by the committee to note any non-conformances found no issues with any tender. All certificates and required attachments were provided and all addenda released had been received and incorporated into their responses. The committee then proceeded to evaluate the tender on all non-priced based criteria.

A reference check was then completed on all preferred suppliers.

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

Based on the analysis undertaken, the Committee recommend Tender 1 be awarded CONT21/20 Gravel Roads Resheeting Program Contract for a lump sum price of \$1,175,064.50 excluding GST.

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

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

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

### **Relevant Legislation**

The procurement process for these works was carried out in accordance with Council's Procurement Policy and section 186 of the *Local Government Act 1989*.  
*Road Management Act 2004*.

### **Financial Implications and Risk**

The total approved combined budget for the gravel road resheeting program and sealed road shoulder resheeting program is \$1,258,981.00 (excluding GST). Below is the apportionment of the budget.

<b>Funding Source</b>	<b>Excluding GST</b>
Gravel Roads Resheeting Budget	\$ 1,193,981.00
Sealed Road Shoulder Resheeting Budget	\$ 65,000.00
<b>Total Budget</b>	<b>\$ 1,258,981.00</b>



The total overall project cost is summarised below:

Description	Cost (Excluding GST)	Cost (Including GST)
Tender price	\$ 1,175,064.50	\$ 1,292,570.95
Contingencies	\$ 68,916.50	\$ 75,808.15
<b>Total Contract Cost</b>	<b>\$ 1,243,981.00</b>	<b>\$ 1,368,379.10</b>
Project Management	\$ 15,000.00	\$ 16,500.00
<b>Total Overall Project Cost</b>	<b>\$ 1,258,981.00</b>	<b>\$ 1,384,879.10</b>

An allowance of \$68,916.50 excluding 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	Available Budget (excluding GST)	Total Project Cost (excluding GST)	Variance (excluding GST)
Total Overall Project Cost	\$ 1,258,981.00	\$ 1,258,981.00	\$ 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.

### RESOLUTION

Cr J Walsh / Cr I Gerencser

Officer Recommendation

That Council:

1. accept the tender from Fineblade Pty Ltd (Tender 1) and award CONT21/20 – for the Gravel Roads Resheeting Program 2022 (Including Sealed Road Shoulder Resheeting Program)– for a lump sum Price of \$1,175,064.50 excluding GST (\$1,292,570.95 including GST) to complete all required works including the following roads:
  - Centre Avenue RHS, Eildon
  - Connelly's Creek Road, Acheron
  - Coomb Street, Taggerty
  - Keens Road, Acheron
  - Kelly's Road, Alexandra
  - Kerr's Road, Taggerty
  - Lisa Court, Taggerty
  - Maintongoon Road, Maintongoon
  - McColl Lane, Acheron
  - McGuigan's Road, Kanumbra
  - McIntyre Lane, Alexandra
  - McMartin's Road, Alexandra
  - Mintern's Road, Kanumbra
  - Morris Street, Alexandra
  - Patagorang Place, Buxton
  - Robertson's Road, Taggerty
  - Squires Road, Acheron

- **Webb's Lane, Alexandra**
  - **Wilhelmina Falls Road, Murrindindi**
  - **Eildon Road, Eildon**
  - **High Street, Eildon**
  - **Highlands Road, Highlands**
  - **Park Avenue North, Eildon**
  - **Ruffy Road, Highlands.**
2. **approve the allocation of \$68,916.50 excluding GST as a contingency amount to be used for the delivery of this contract as detailed in this report**
  3. **release the name of the successful tenderer into the Minutes of the Scheduled Meeting of 15 December 2021.**

**CARRIED**

## **8.7           CONT21/23 - Yea Closed Landfill Rehabilitation 2021 - Tender Award**

Attachment(s):

1. CONT21/23 - Yea Closed Landfill Rehabilitation 2021 – Tender Evaluation (distributed to Councillors separately)

**Presenter:** Vito Albicini, Director Assets & Development

### **Executive Summary**

This report provides details of the assessment of the tenders and seeks Council's approval for the appointment of a contractor to undertake Yea Closed Landfill Rehabilitation – Civil Works and Conservation Work.

### **Officer Recommendation**

That Council:

1. accept the tender from (Tenderer 1) and award CONT21/23 - for the lump sum price of \$706,645 (excl GST) to complete the civil works and conservation work at Yea Closed Landfill: and
2. release the name of Tenderer 1 into the Minutes of the Scheduled Meeting of December 2021.

### **Background**

The Victorian Auditor General's report on landfill management in Victoria, recommendation number 5, stated that, 'Councils (should) work with the Environmental Protection Authority and the regional waste and resource recovery groups to identify closed landfills, assess their risks and prioritise actions at a regional scale to address any concerns.'

Following on from this recommendation two reports were commissioned by the regional waste group Goulburn Valley Waste and Resource Group (GVWRRG) to undertake preliminary assessments of the risks posed by closed landfill across the region, and to rank the sites by risk. On the former Yea landfill site, a number of high level risks were identified, and so the site has been prioritised for further rehabilitation works by Murrindindi Shire Council.

Works to date have included installation of monitoring bores, detailed site investigation comprising of feature survey, an intrusive investigation and environmental testing to define the extent of waste material and the corresponding actual risks posed by the site. Based on the results of the site investigation a Rehabilitation Plan has been prepared by Mackenzie Environmental, including detailed design, to finalise rehabilitation at the site.

MSC has sought the services of a suitably experienced contractor to carry out the civil works and conservation works in accordance with the specification to finalise the rehabilitation of the site. These will include, vegetation clearance, bulk earthworks (cut/fill), topsoiling and revegetation.

The scope of works include:

- Limited Vegetation Clearance of regrowth on waste
- Bulk Earthworks to reshape batters (cut/fill)
- Revegetation.

### **Discussion**

Significant stakeholder engagement has occurred with this project due to the proposed rehabilitation works occurring on both land owned by council, and also Crown land. At the time of tender release permission to carry out the portion of the works on crown land had not been granted. As such the request for tender asked for a price to complete Stage 1, Stage 1 & Separable portion 2, Stage 1 and separable portions 2 & 3, with separable portions 2 and 3 being carried out on crown land. Permission has since been given to carry out the works on separable portion 2 and accordingly it is proposed to award works for Stage 1 and separable portion stage 2.

Council is currently working with the Taungurung in relation to separable portion stage 3 in order to develop a plan to rehabilitate this area. Stage 3 will not be awarded as part of this tender.

The tender was advertised on Council's e-Procure web portal from 20 October 2021 to 12 November 2021.

The tender was viewed and downloaded by 27 potential contractors.

The tender assessment was conducted by a tender evaluation panel comprising:

- Manager Resource Recovery and Environment
- Coordinator Waste Management
- Coordinator Resource Recovery.

Council received 4 tenders in total.

The panel reviewed all submissions and applied the evaluation techniques described in the Procurement Plan, including application of weightings to advertised criteria to arrive at a final score for each tender.

Tenders were assessed against the following criteria:

- Price – 50%
- Capacity to deliver (resources, equipment) – 15%
- Capacity to deliver (OH&S, systems) – PASS/FAIL
- Understanding of the requirement – 15%
- Relevant experience - 20%.

Mandatory criteria included:

- Attendance of Briefing Session

The mandatory requirement of attendance of briefing session was made mandatory to ensure contractors would fully understand the project by physically walking through the project stages. This mandatory requirement has been very effective in obtaining competitive tendering and limits Council's liability for contractors indicating they did not foresee site constraints.

Reference is made to the Confidential Attachment for the evaluation of the four tenders received.

Based on evaluation committee, the Committee recommend that Tenderer 1 be awarded Contract 21/23 for the Yea Closed Landfill Rehabilitation – Civil works and conservation works.

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

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

This report supports the *Council Plan 2021-2025 Our Protected Environment* strategy to “protect our waterways and improve associated human health outcomes”.

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

### **Relevant Legislation**

The procurement process for these works was carried out in accordance with the *Local Government Act 2020* (section 101; Financial Management Principles, and Section 109: Procurement) and with Council’s Procurement Policy.

### **Financial Implications and Risk**

The total approved budget for the Yea Closed Landfill Rehabilitation – Civil Works and Conservation Works is \$1,000,000 (excl. GST).

The project cost is summarised below:

Item	Cost (Excl. GST)
Tender Price	\$706,645.00
Total Project Cost	\$706,645.00

There is sufficient budget to complete this contract as well as to complete stage 3 works

### **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. Consultation with Parks Victoria, DELWP, Goulburn Broken Catchment Management Authority, and the Taungurung Land and Waters Council were carried out as part of this project.

### **RESOLUTION**

**Cr J Walsh / Cr S McAulay**

**That Council:**

- 1. accept the tender from Fineblade Pty Ltd (Tenderer 1) and award CONT21/23 - for the lump sum price of \$706,645 (excl GST) to complete the civil works and conservation work at Yea Closed Landfill: and**
- 2. release the name of Tenderer 1 into the Minutes of the Scheduled Meeting of December 2021.**

**CARRIED**

## 9 REPORTS - DIRECTOR COMMUNITY ENGAGEMENT

### 9.1 Eildon Improvement Precinct Funding Model

Attachment(s): Nil

**Presenter:** Shivaun Brown, Director Community Engagement

#### **Executive Summary**

This report provides Councillors with information about the proposed funding model to deliver the Eildon Improvement Precinct Plan. It also informs Council that there is an opportunity to apply for funding through the Regional Tourism Investment Fund.

#### **Officer Recommendation**

That Council:

1. endorse an application to the Regional Tourism Investment Fund to deliver the Eildon Improvement Precinct Project
2. commit up to \$1.2m over two financial years (2022/23 and 2023/24) as a contribution to the grant funded project
3. request a further report be provided to Council concerning the delivery of the project (following community consultation) that demonstrates the range of options available to meet Council's financial obligations to deliver the project.

#### **Background**

Council adopted the Eildon Reserve Precinct Improvement Plan in September 2020, and was subsequently awarded funding from Regional Development Victoria to deliver the detailed design for the project. The design project will be complete in February 2022, which enables strategic grant seeking and advocacy for infrastructure funding to deliver the project.

The staging diagram and overall cost (below), stages the project into four inter related components with a total value including contingencies of \$6,120,333.

The project is aligned with the Lake Eildon Masterplan objective of increasing the tourism product for Eildon and producing a significant asset to support stimulating the local economy. The Masterplan predicts that Lake Eildon Region with infrastructure intervention the Region will have a significant increase in visitation reaching 1,474,800 visitors by 2030. This is an additional 604,922 based on current data, and reinforces the need for a unique tourism experience and related infrastructure to service this growth.

Eildon is considered a disadvantaged township based on SEIFA rankings across the state, ranked 132 out of 2,672 state suburbs. Activating the Eildon Precinct will support increased visitor spend within existing markets and attract new higher yield visitor markets and residents to the region, creating economic and social benefits for the town. The project will benefit:

- New business and employment opportunities
- Tourism and event activity
- Community health, wellbeing and social interaction
- Sport, recreation and leisure
- Placemaking, civic amenity and community connection.

The Victorian Government is helping to revitalise regional Victoria following the 2019/20 bushfires and the global pandemic via the Regional Tourism Investment Fund (RTIF). The objectives of the RTIF are:

1. Deliver strategic tourism infrastructure projects that will increase visitation, improve quality of customer experience, and increase visitor yield and length of stay

2. Deliver projects that broaden Victoria's tourism offering, and support and encourage year round visitation and dispersal across regional Victoria
3. Leverage and facilitate private sector investment, including through strengthening public
4. tourism infrastructure
5. Drive new jobs and improved outcomes for the State's visitor economy.

Projects funded through the RTIF must support the delivery of:

- Increased yield (an increase in the total spend per visitor);
- Dispersal across seasons and regions (strengthening year-round visitation and visitor across regions); and
- Increased volume (growth in visitor numbers, repeat visitation and/or length of stay).

As a tier two Local Government Area the funding ratio of \$3:\$1 for funding of up to \$10 million per project, provides an attractive opportunity for prioritising this key project.

### **Discussion**

The retail precinct in the Township of Eildon has been in decline for many years, with a decreasing presence of offerings, retail businesses have struggled to remain viable, and the once iconic Golden Trout Hotel has been closed for years.

More recently, we have seen good levels of investment in the surrounding area, with developments like Cathedral Golf Course generating additional investment in Thornton. This project has delivered additional tourists to the area; however, the issue remains, that there is limited product or experience to drive visitation and spend in Eildon itself.

Previous work has been undertaken to understand the tourism potential of visitors to houseboats, and the recognition of the opportunity to generate visitation to the Eildon township by those visitors is well established.

The Lake Eildon Masterplan was delivered in partnership with Tourism North East, Goulburn Murray Water and Mansfield Shire. The Masterplan forms the second stage of the Activating Lake Eildon Project, following Stage 1 which was completed by Urban Enterprise in May 2019.

The impetus for the project came from a joint understanding that Lake Eildon and its surrounding townships has suffered from a lack of investment over the past two decades, due to a range of challenges including severe long-term drought, inconsistent governance due to multiple land managers, unsuitable land zoning for development, and lack of supporting infrastructure to facilitate investment.

The purpose of the Masterplan is to establish a shared vision for the activation of Lake Eildon, identifying priority tourism and recreation developments within an environmentally sustainable framework that optimise economic outcomes for the region.

The Masterplan states that 'Visitors to the Lake Eildon region are relatively low yielding, spending an average of \$153 per person per trip compared to \$340 for visitors to the High Country' and aims to lift the average expenditure via a number of projects working together to increase the offer for tourists in the area.

This project is listed as a Tier 2 Priority in the Lake Eildon Masterplan.

As a first step, the officer recommendation is to apply for \$4.6million from the state Government under the LTIF. Officers have identified that if this bid is unsuccessful, there are other avenues to seek funding (including the Federal Building Better Regions Fund which is not currently open but is anticipated to open early in the new year).

Alternatively, the detailed design demonstrates the opportunity to stage the project and deliver components of the project over a longer period of time if sufficient funding is not achieved. This would require a different cost benefit analysis to be applied, as initial stages may not provide as significant economic impact that will be delivered via delivering the project in total.

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

This report supports the *Council Plan 2021-2025 Resilient Communities* strategy to “in collaboration with our community, support our children and young people to be happy, healthy and engaged”.

This report supports the *Council Plan 2021-2025 Resilient Communities* strategy to “provide and promote safe, passive and active recreational opportunities that will enhance the health, and wellbeing of residents and visitors”.

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

This report supports the *Council Plan 2021-2025 Growth and Opportunity* strategic objective “to prioritise and promote a culture in which the economy, businesses and community can grow and thrive”.

This report supports the *Council Plan 2021-2025 Growth and Opportunity* strategy to “boost local investment and employment opportunities through activities that encourage businesses, social enterprise, and industry sectors to thrive and grow”.

This report supports the *Council Plan 2021-2025 Growth and Opportunity* strategy “support and promote our tourism and events sector to boost the economy through increased visitation”.

The project is supported by the Murrindindi Shire Council Eildon Structure Plan 2016, the 2020 Lake Eildon Masterplan and the 2018 Recreation and Open Space Strategy.

### **Relevant Legislation**

Nil.

### **Financial Implications and Risk**

Given the depth of the previous strategic work carried out in the area, this project represents little risk to Council.

The detailed design negates the financial risk associated with the proposed works. The project will be delivered over two consecutive financial years.

The size of the project demands an innovative approach to modelling Council’s contribution, and may require some rationalisation of both reserve funding or the sale of underutilised assets. It is envisaged that a number of sources of Council funds could be used to total the full amount required. This could include a number of Reserves (Open Space, Infrastructure and Shaw Avenue Reserve), the Capital Works budget, borrowings and/or the sale of underutilised assets currently held by Council in Eildon.

It is estimated that the ongoing additional maintenance cost for the upgraded precinct defined by this project is \$90,000 per annum. Council will need to allocate funding in future budgets to accommodate this increased maintenance need.

The average life of the precinct upgrades is 50 years and renewal funding allocations for the new assets will be required to be included in the long term financial plan. As an indication it is estimated that the average annual renewal allocation that will maintain service levels for the precinct upgrade over the 50 years is \$100,000 per annum. A detailed Life Cycle assessment will be conducted once the detailed design is complete.

### **Conflict of Interest**

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

### **Community and Stakeholder Consultation**

Comprehensive community consultation has been undertaken through the development of this project, and a further round will occur at the conclusion of the detailed design. A full engagement and communication plan will be delivered prior to the commencement of the project.

Further project consultation will be undertaken both on the detailed design and also for the model for Council's contribution.

### **RESOLUTION**

**Cr E Lording / Cr D Gallagher**

**That Council:**

- 1. endorse an application to the Regional Tourism Investment Fund to deliver the Eildon Improvement Precinct Project**
- 2. commit up to \$1.2m over two financial years (2022/23 and 2023/24) as a contribution to the grant funded project**
- 3. request a further report be provided to Council concerning the delivery of the project (following community consultation) that demonstrates the range of options available to meet Council's financial obligations to deliver the project.**

**CARRIED**

## **9.2 Grants and Contributions Program - December Allocations**

Attachment(s): Nil

### **Executive Summary**

The purpose of this report is to present Council with the November 2021 Grants and Contributions Program applications for noting and endorsement.

### **REPORT PART 1**

#### **Officer Recommendation**

That Council endorse the following allocations and variations recommended by the Grants and Contributions Assessment Panel:

Application	Original Grant Awarded	Variation Request
Rotary Club of Kinglake Ranges – Kinglake Art Show	\$3,500	Scope and budget change
Alexandra Community Christmas Tree Festival Committee - Alexandra Community Christmas Tree Festival	\$1,100	Budget change



Application	Amount
Tri Gym – Try Gym Inc.	\$4,500
Rotary Club of Alexandra – Easter Art Show 2022	\$2,500
Yea Golf Club – Ready, Set, Go - Golf Carts Project	\$3,500
2030 Yea Inc – Curtain Linings and Carbon Footprint Assessment for home energy efficiency	\$4,480
Alexandra Indoor Heated Pool Inc – Breathing Safely	\$1,982
OpenRoads Travel – OpenRoads Rally	\$5,000

## Background

The Grants and Contributions Program provides the opportunity for not-for-profit community groups and organisations, social enterprises and businesses to seek funding from Council to support events, activities and projects that align with the *Murrindindi Shire Council 2017-2021 Council Plan*.

The funding streams provided under the program are:

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

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

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

## Discussion

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

### Community Projects and Events

#### 1. Rotary Club of Kinglake Ranges – Kinglake Art Show

This project will deliver the 2021 Kinglake Art show, now celebrating its 10th annual event, supporting many artists within the Shire.

The applicant is seeking a variation due to COVID-19 restrictions impacting the ability to deliver the original project of a physical and online art show. The project was subsequently modified to a virtual art show only. This has incurred some additional costs but also an offset by reducing costs associated with a physical event. **Grant variation recommended with a revised grant amount of \$2,500.**

#### 2. Alexandra Community Christmas Tree Festival Committee - Alexandra Community Christmas Tree Festival

This project will see delivery of a display in Alexandra Shire Hall of decorated Christmas trees by local community groups, organisations, schools and businesses to promote what's available in the local community.

The applicant is seeking a variation due to misunderstanding around hall hire costs. **Grant variation recommended with a revised grant amount of \$3,040.**

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

Community Projects and Events

1. Tri Gym Inc. - Tri Gym Inc.

This project will see the reestablishment of a gym facility in Marysville and is an outcome of the Murrindindi Shire Council Community Planning process in Marysville in 2019.

The recently incorporated Tri Gym community group have worked hard to align the intent of the community gym project with Council and Health and Wellbeing Plan objectives for the Marysville Triangle communities, stemming as a priority from the community planning initiative. The gym will support physical and mental health outcomes for community members over 18, enhance a sense of place and belonging and increase civic participation. **Recommended for a grant of \$4,500.**

2. Rotary Club of Alexandra - Rotary Club of Alexandra Easter Art Show 2022

This project will deliver the Alexandra Easter Art Show providing an opportunity for artists, local and interstate residents to display and sell their paintings, sculpture, photographs and woodwork. It has become one of the must-see attractions for visitors to Alexandra over the Easter long weekend with proceeds from the event fund many important Rotary community support programs.

The well-established event supports community connection and artistic expression, providing overall health and wellbeing benefits to the community. As COVID restrictions reduce re-establishing this important annual event will encourage re-engagement by community, and ensure that Rotary Club of Alexandra can continue to support the spread programs offered to the community. **Recommended for a grant of \$2,500.**

3. Yea Golf Club Inc. - READY SET GO - Golf Cart project

The project will fund the purchase of a golf cart to create an opportunity for members to continue participating in the game of golf for as long as possible, in addition to providing an avenue for other residents within our community.

The application clearly identifies a strategy to support access and inclusion for aged community members or those who have disabilities that may prevent participation in the game of golf. Maintaining physical activity and being socially connected are benefits that provide positive mental health outcomes. The club has identified a need in the community and is taking action to support vulnerable community members to stay engaged or to become engaged in the sport of golf. **Recommended for a grant of \$3,500.**

4. 2030Yea Inc - Curtain linings and carbon footprint assessment for home energy efficiency

This project will see the delivery of two outcomes: 1. Provide 50 low-income households in Yea with curtain linings (window blankets) and pelmets for improved energy efficiency. 2. Provide community members with tools for making their homes more energy efficient and provide education in carbon footprint assessment.

The application aligns strongly with the net zero carbon footprint 2035 goal set by Council. The education and impact associated with the energy efficiency outcomes for 50 Yea homes will have

a positive impact on reducing the carbon footprint for Yea and supporting the community's response to climate change. **Recommended for a grant of \$4,480.**

### Community Sponsorship

#### 1. Alexandra Indoor Heated Pool Inc. - Breathing safely

This project is to purchase a Defibrillator and air purifier to further enable residents of all ages to swim in a safe aquatic space at the Alexandra Indoor Heated Pool. These elements will enable the Pool to ensure risk is minimised in case of an emergency and underpin the COVIDSafe hygiene measures that are in place.

The programs offered at the facility enhance water safety, physical activity and water therapy outcomes for all ages and abilities in the community. The purchase of a defibrillator and air purifier will enhance patron safety and wellbeing whilst using the facility. **Recommended for a grant of \$1,982.**

### Event Support

#### 1. OpenRoads Travel - OpenRoads Rally

This project will deliver the OpenRoads Rally, an annual three-day adventure motorcycle rally for amateur riders to be held at the Alexandra District Speedway. The multi-day event will see participants taking part in a range of motorcycling activities across Murrindindi Shire.

The event is scheduled to run for 3 days and will primarily attract attendance from outside Murrindindi Shire. The event will bring significant economic benefit with participants staying in local accommodation and purchasing food and fuel locally. The event has the potential to showcase the nature-based motorcycle experiences within Murrindindi Shire. **Recommended for a grant of \$5,000.**

### **RESOLUTION**

**Cr J Walsh / Cr E Lording**

**That Council endorse the following allocations and variations recommended by the Grants and Contributions Assessment Panel:**

Application	Original Grant Awarded	Variation Request
Rotary Club of Kinglake Ranges – Kinglake Art Show	\$3,500	Scope and budget change
Alexandra Community Christmas Tree Festival Committee - Alexandra Community Christmas Tree Festival	\$1,100	Budget change

Application	Amount
Tri Gym – Try Gym Inc.	\$4,500
Rotary Club of Alexandra – Easter Art Show 2022	\$2,500
Yea Golf Club – Ready, Set, Go - Golf Carts Project	\$3,500
2030 Yea Inc – Curtain Linings and Carbon Footprint Assessment for home energy efficiency	\$4,480
Alexandra Indoor Heated Pool Inc – Breathing Safely	\$1,982
OpenRoads Travel – OpenRoads Rally	\$5,000

**CARRIED**

**REPORT PART 2****Officer Recommendation**

That Council endorse the following allocation recommended by the Grants and Contributions Assessment Panel:

Application	Amount
Eildon Action Inc. – Eildon Twilight Market	\$5,000

Eildon Action Inc. - Eildon Easter Twilight Market

This project will deliver a one-off special Twilight Market within the ongoing Twilight Market series of events. It will include a traditional Taungurung Welcome to Country, Smoking Ceremony and interactive cultural activities providing community with the opportunity to learn about the ways of our traditional owners. The event will also include a fireworks display.

The market will provide a venue for community and visitors to connect in a safe and inclusive environment, supporting positive mental health outcomes and fostering a sense of place and spirit of community and volunteerism. The intent of the application to support social and economic outcomes is clearly demonstrated successfully throughout the submission. **Recommended for a grant of \$5,000.**

**RESOLUTION**

**Cr J Walsh / Cr I Gerencser**

**That Council endorse the following allocation recommended by the Grants and Contributions Assessment Panel:**

Application	Amount
Eildon Action Inc. – Eildon Twilight Market	\$5,000

**CARRIED**

Cr S Carpenter left the meeting at 7:57pm.

**REPORT PART 3****Officer Recommendation**

That Council endorse the following allocation recommended by the Grants and Contributions Assessment Panel:

Application	Amount
Rotary Club of Yea – Yea Art Show	\$3,000

Rotary Club of Yea – Yea Art Show

This project will deliver the annual Art Show which encourages participation by local, intrastate and interstate artists. The event attracts many visitors to Yea to enjoy the Show, spend money in Yea and supports the Tourism and Events Strategy goals of the Murrindindi Shire Council.

The event will support reintroducing community to social engagement opportunities, reducing feelings of loneliness and isolation. Increased visitation from across the region is anticipated that will support local businesses. Fundraising opportunities have been restricted during COVID which are a key component of the Rotary model which supports further re-investment back into the local community. **Recommended for a grant of \$3,000.**

**RESOLUTION****Cr I Gerencser / Cr S McAulay****That Council endorse the following allocation recommended by the Grants and Contributions Assessment Panel:**

Application	Amount
Rotary Club of Yea – Yea Art Show	\$3,000

**CARRIED**

Cr S Carpenter returned to the meeting at 7:59pm.

Cr D Gallagher left the meeting at 7:59pm.

**REPORT PART 4****Officer Recommendation**

That Council endorse the following allocation recommended by the Grants and Contributions Assessment Panel:

Application	Amount
Alexandra Events Corporation Ltd – 2022 Alexandra Pro Rodeo AND 2021 ARIRAT APRA National Finals Rodeo	\$20,000

Alexandra Events Corporation Ltd - 2022 Alexandra Pro Rodeo AND 2021 ARIAT APRA National Finals Rodeo

This project will see delivery of the 5th annual Alexandra Pro Rodeo which seeks to bring approximately 4,000 visitors to the area and the Australian Professional Rodeo Association National Finals Rodeo where approximately 5,000 visitors per night are expected. The National Finals event will be livestreamed to a global audience, providing a strong opportunity to showcase Murrindindi Shire to potential visitors

These large-scale events align with Council's Tourism and Events Strategy in delivering significant economic benefit for local business and community through accommodation and hospitality spend and provide opportunity for involvement by community groups in providing services at the events. The events also align with Murrindindi Shire's nature-based strengths and the opportunities for horse riders within the area. **Recommended for a grant of \$20,000.**

**Council Plan/Strategies/Policies**

This report supports the *Council Plan 2021-2025 Growth and Opportunity* strategic objective “to prioritise and promote a culture in which the economy, businesses and community can grow and thrive”.

This report supports the *Council Plan 2021-2025 Growth and Opportunity* strategy to “boost local investment and employment opportunities through activities that encourage businesses, social enterprise, and industry sectors to thrive and grow”.

This report supports the *Council Plan 2021-2025 Growth and Opportunity* strategy “support and promote our tourism and events sector to boost the economy through increased visitation”.

**Relevant Legislation**

There are no legislative considerations to this report.

### Financial Implications and Risk

The below financial table shows grant funds allocated, and recommended for allocation, for November and those allocated to date in this Financial Year:

Grant Stream	November allocations	Previous allocations	Total 21/22
Fee Reductions	\$1,940	\$7,151	\$9,091
Governance, Skills and Capacity Building		0	
Quick Response		\$600	\$600
Community Sponsorship, Projects and Events	\$23,962	\$15,230	\$39,192
Tourism Events	\$25,000	\$5,000	\$30,000
Business Plan Support		0	
<b>TOTAL</b>	<b>\$50,902</b>	<b>\$27,981</b>	<b>\$78,883</b>

The indicative total budget of the Grants and Contributions Program for the 21/22 financial year is \$180,000.

### 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.

### RESOLUTION

**Cr I Gerencser / Cr S McAulay**

**That Council endorse the following allocation recommended by the Grants and Contributions Assessment Panel:**

Application	Amount
Alexandra Events Corporation Ltd – 2022 Alexandra Pro Rodeo AND 2021 ARIRAT APRA National Finals Rodeo	\$20,000

**CARRIED**

Cr D Gallagher returned to the meeting at 8.02pm.

## 10 REPORTS - DIRECTOR CORPORATE & SHARED SERVICES

### 10.1 Service Provision and Fire Danger Ratings Policy

Attachment(s):

1. Policy - Service Provision and Fire Danger Ratings [10.1.1 - 4 pages]

**Presenter:** Tara Carter, Manager Governance & Risk

### Executive Summary

This report seeks Council's adoption of the revised Service Provision and Fire Danger Ratings Policy before it's proposed adoption at the December 2021 Scheduled Meeting.

Council has a legal obligation to ensure its employees, Councillors and the general public are not placed in situations of risk to safety due to its services and actions. The Service Provision and Fire Danger Ratings Policy (Policy) outlines changes to Council's services on days declared to be the most dangerous if a fire started, to minimise potential risks to personal safety.

**Officer Recommendation**

That Council adopt the revised Service Provision and Fire Danger Ratings Policy as contained in Attachment 10.1.1

**Background**

Council last reviewed this Policy in November 2018.

The current Policy sets out the anticipated level of service delivery by Council on days designated by the Country Fire Authority (CFA) as Code Red. Such days are considered by fire agencies to be the most dangerous, with fire behaviour predicted to be uncontrollable, unpredictable and fast moving. On such days the CFA advises people to leave areas of high bushfire risk, either the night before, or early in the morning and avoid heavily grassed or forested areas.

Many public services will be reduced or suspended on Code Red Days, including schools, kindergartens, pre-schools and employment generally is likely to be disrupted as people heed the advice of the CFA and enact their bushfire preparedness plans.

Council has a legal responsibility to provide a duty of care to its employees, Councillors and the general public to ensure people are not placed in undue risk as a consequence of Council's services and activities.

The current Policy can be invoked by the Chief Executive Officer (CEO) on days declared to pose Severe or Extreme Fire Danger, in addition to Code Red. Days with these fire danger ratings can also have unpredictable and fast-moving fires in the landscape.

**Discussion**

The Policy recognises that Council's services will operate with altered or reduced service levels on Severe, Extreme or Code Red Days for the following reasons:

- the large area within the Shire considered to be of high bushfire risk
- the need to ensure Council's operations do not unintentionally start a fire
- the need to provide for the safety of Council staff and to ensure that the public is not placed in situations of undue risk when travelling to and accessing Council services
- to ensure sufficient staff resources can be re-deployed to emergency response planning functions and, in the event of a fire event, provision of support to fire combating agencies and emergency relief centres; and
- the likelihood that some staff will take approved leave on such days to attend to family arrangements and to enact personal bushfire plans.

The Policy indicates that Council offices in Alexandra, Yea and Kinglake will remain open, as far as practicable, on Code Red Days.

The Policy emphasises the need to avoid all non-essential travel particularly on Code Red Days. The Policy requires that Council meetings as well as Council's Delegated Community Asset Committees or Council appointed Advisory Committee meetings be cancelled or held virtually on Code Red Days recognising the extent of travel often required for Councillors, staff, volunteers and members of the public to attend meetings.

Given that the urban centres of both Alexandra and Yea are the only areas in the Shire not considered bushfire prone there may be a greater propensity for people enacting their fire plans on Code Red Days to relocate to these towns. Where possible, Council's recreational services such as swimming pools and library services will be maintained in these towns.

The Policy also requires that a number of non-essential Council services in locations outside Yea and Alexandra will be suspended on Code Red Days, given the need for travel to, or through, higher risk bushfire prone areas by staff and the public to deliver or access these services. These

include Maternal Child and Health Services (Toolangi, Kinglake, Eildon, Marysville and Flowerdale), Swimming Pools in Eildon and Marysville and all mobile library services.

The Policy also indicates that Council's outdoor infrastructure operations will be suspended, with staff on stand-by arrangements to respond to any emergencies arising.

The Policy also indicates that Council will issue media releases outlining the services available on Code Red Days. Council's website and Facebook pages will include regularly updated information concerning the availability of Council services and Council will utilise the services of UGFM Community Radio to issue bulletins where possible.

The Policy also enables the Council's Chief Executive Officer to invoke some or all of the Policy on days of Severe or Extreme Fire Danger.

This revision has included minor wording updates to improve clarity and to reference the new Local Government Act 2020 and the new Council Plan 2021-2025.

A copy of the revised Policy is included in the Attachment.

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

This report supports the *Council Plan 2021-2025 Transparency, Inclusion and Accountability* strategy to "improve emergency readiness through active emergency management planning to enhance community preparedness and resilience".

### **Relevant Legislation**

Council is obliged under the *Occupational Health and Safety Act 2004* to provide a duty of care to its employees, Councillors and the general public. Therefore, Council needs to mitigate potential risk on days of significant fire danger by restricting work to essential services and those services that do not impose unnecessary risks.

This Policy supports the requirements of the *Emergency Management Act 2013* and *Country Fire Authority Act 1958*.

### **Financial Implications and Risk**

The Policy is aimed to ensure that Council personnel (including employees, Councillors, volunteers and contractors) and members of the public are not placed in situations of undue risk on days of significant fire danger when conducting Council business or in accessing Council services.

In the event of an actual fire emergency on a code red day, Council's emergency management procedures, documented in Council's Municipal Emergency Management Plan (MEMP), will come into operation.

### **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.

If the Policy is invoked by the Chief Executive Officer, the specific service delivery aspects will be communicated widely to the community.

### **RESOLUTION**

**Cr D Gallagher / Cr S McAulay**

**That Council adopt the revised Service Provision and Fire Danger Ratings Policy as contained in Attachment 10.1.1.**

**CARRIED**



## 10.2 Council Meeting Schedule 2022

Attachment(s): Nil

**Presenter:** Tara Carter, Manager Governance & Risk

### Executive Summary

The purpose of this report is to seek Council's endorsement of the monthly timetable of Council meetings for the 2022 calendar year.

### Officer Recommendation

That Council adopt the timetable of Scheduled Meetings for the 2022 calendar year as outlined in this report.

### Background

As per the Governance Rules 2020, Council is required to fix the date, time and place of all Council Meetings for the following year.

### Discussion

Council must review the coming year's schedule of meetings at or before its final meeting of the year. Council considers factors such as the day of the week to have the meeting, the time and location of the meeting that is best suited to encourage community participation.

Council is committed to ensuring that its decision-making processes are open and transparent, therefore meetings are open to the public to attend and participate, whether it is via face to face or virtual means.

The meetings are proposed to alternate between the Alexandra and Yea Chambers. Both venues have been fitted with filming equipment to enable livestreaming. Council will livestream all open Council meetings.

It is not proposed to hold a meeting in January 2022 due to the lack of business scheduled for this date.

A meeting is scheduled in November 2022 to elect the Mayor in accordance with Council's Governance Rules 2020. The proposed schedule is outlined below:

Meeting Date	Venue	Time
Wednesday 23 February 2022	Yea – Council Chamber	6 pm
Wednesday 23 March 2022	Alexandra – Council Chamber	6 pm
Wednesday 27 April 2022	Yea - Council Chamber	6 pm
Wednesday 25 May 2022	Alexandra - Council Chamber	6 pm
Wednesday 22 June 2022	Yea - Council Chamber	6 pm
Wednesday 27 July 2022	Alexandra - Council Chamber	6 pm
Wednesday 24 August 2022	Yea - Council Chamber	6 pm

Wednesday 28 September 2022	Alexandra - Council Chamber	6 pm
Wednesday 26 October 2022	Yea - Council Chamber	6 pm
Wednesday 16 November 2022 <i>Election of Mayor</i>	Alexandra - Council Chamber	6 pm
Wednesday 23 November 2022	Yea - Council Chamber	6 pm
Wednesday 14 December 2022	Alexandra - Council Chamber	6 pm

This schedule can be amended by Council resolution, or at the direction of the Chief Executive Officer at any time so long as public notice is given.

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

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

### **Relevant Legislation**

The *Local Government Act 2020* requires Council to have Governance Rules in place that set the way in which meetings are scheduled. Council's Governance Rules 2020 require the following year's meeting schedule to be adopted by Council at or before its last meeting of the year.

### **Financial Implications and Risk**

Costs associated with Council meetings are included in the annual budget.

### **Conflict of Interest**

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

### **Community and Stakeholder Consultation**

The timetable of Scheduled Meetings of Council for 2022 will be advertised and placed on Council's website once adopted by Council.

### **RESOLUTION**

**Cr E Lording / Cr D Gallagher**

**That Council adopt the timetable of Scheduled Meetings for the 2022 calendar year as outlined in this report.**

<b>Meeting Date</b>	<b>Venue</b>	<b>Time</b>
Wednesday 23 February 2022	Yea – Council Chamber	6 pm
Wednesday 23 March 2022	Alexandra – Council Chamber	6 pm
Wednesday 27 April 2022	Yea - Council Chamber	6 pm
Wednesday 25 May 2022	Alexandra - Council Chamber	6 pm
Wednesday 22 June 2022	Yea - Council Chamber	6 pm

Wednesday 27 July 2022	Alexandra - Council Chamber	6 pm
Wednesday 24 August 2022	Yea - Council Chamber	6 pm
Wednesday 28 September 2022	Alexandra - Council Chamber	6 pm
Wednesday 26 October 2022	Yea - Council Chamber	6 pm
Wednesday 16 November 2022 <i>Election of Mayor</i>	Alexandra - Council Chamber	6 pm
Wednesday 23 November 2022	Yea - Council Chamber	6 pm
Wednesday 14 December 2022	Alexandra - Council Chamber	6 pm

**CARRIED****10.3 Audit and Risk Committee Confirmation of Minutes**

Attachment(s):

1. 2021-12-09 Audit and Risk Committee Minutes [**10.3.1** - 31 pages]

**Presenter:** Tara Carter, Manager Governance & Risk**Executive Summary**

The purpose of this report is to present the minutes of the 9 December 2021 Audit and Risk Committee Meeting to Council for noting.

**Officer Recommendation**

That Council receive and note the minutes of the 9 December 2021 Audit and Risk Committee Meeting as enclosed in Attachment 10.3.1.

**RESOLUTION****Cr D Gallagher / Cr J Walsh**

**That Council receive and note the minutes of the 9 December 2021 Audit and Risk Committee Meeting as enclosed in Attachment 10.3.1.**

**CARRIED****11 NOTICES OF MOTIONS**

Nil.

**12 MATTERS DEFERRED FROM PREVIOUS MEETING**

Nil.

**13 URGENT BUSINESS**

Nil.

## **14 COUNCILLOR REPORTS**

### **14.1 Cr Karine Haslam**

Read by Cr S Carpenter as Cr K Haslam was an apology.

This is a year we will never forget. It has been one of the most trying in so many areas. However, many good things come out of difficult times.

I hope we can put this year behind us, and look forward to a brighter future. There is much to look forward to. The Blue Gums Recreational Trail will be a great asset for our area. There is also the opportunity to participate in the Eildon Community Plan, which starts early in the New Year. This is your chance to have a voice! If you have an idea or a suggestion you would like to see happen in Eildon, come and share it.

Help be part of a driving team to get things done. Who knows where it might lead and what could be achieved. As Paul Kelly says:- From little things, big things grow.

Don't forget entry to the Eildon Swimming Pool is FREE this season – take advantage and use it as much as possible.

I would like to take this opportunity to thank all our volunteers throughout our Shire. Many things would not operate or be available if it was not for these dedicated, caring members of our community that selflessly give their time and skills in many ways.

Volunteering can be a lot of fun, you can get involved with like-minded people to achieve great things. Whether it be to run a very successful Op Shop, which contributes back to the community in many instances.

Or operating the Information Centre which benefits visitors and locals alike.

There is also the Christmas Eve celebrations or the new Eildon Twilight Market. Needless to say thanks go to Lions, CFA and Eildon Action Inc.

There are many things to get involved with, in our community. It all starts with an idea and a little help from many. Think about giving a little of your time or expertise when you have a spare moment. Nine times out of ten volunteers feel they get more out of what they do, than they put in.

May you all have a safe, happy and healthy Christmas and New Year.

Thank You – Cr Karine Haslam

### **14.2 Cr Ilona Gerencser**

We are still looking for Australia Day Nominations for 2022. If you know of someone whom you think has done amazing things for our community please jump onto the Council Website and nominate them for;

1. Citizen of The Year
2. Senior Citizen of The Year
3. Young Citizen of The Year

The Kinglake Streetscape is nearing its final stages and all of the planting is nearly complete. I'd like to thank everyone who lives in Kinglake and the surrounding areas for their patience and

understanding whilst the contractors have moved this project along through Covid, rain, hail, wind and Kinglake sunshine (fog).

It has been an inconvenience for everyone I know, but your ability to work with the contractors is appreciated.

A new BBQ for locals and visitors is to be installed in the new gazebo outside the Council offices. This was a result of surplus funding being available (under budget) and will be a fantastic open space for everyone to utilize all year round. The whole project will look amazing once it is finished and with the extra parking spaces in Robertson Road, the disabled parking being moved to outside the Post Office and the resurfacing and actual designated spots near Bendigo Bank, I think we'll all be thankful to see the finished product. All of our businesses have been so understanding and I can't thank you enough.

A huge thank you to everyone involved in putting up the Christmas decorations. They look fantastic. I think we're still lucky to live in this beautiful part of Murrindindi. Special mention to Helen and John at the Pub. Each year your decorations get better and better, but this year I think you've outdone yourself because it looks spectacular.

Lastly I just wanted to thank absolutely everyone in our Shire for sticking together and helping each other throughout another difficult year. Food banks, food deliveries, the Kinglake Angels, the neighbourhood house, etc., you are all amazing people. Instead of giving up, you've all done what our town is known for and that is supporting each other.

Kinglake Twilight Market is on this weekend and after last month's bumper grand reopening of 180 stalls at the new location, it should be an absolutely fantastic day for the community and the many out of towners visiting. Don't forget that Rotary will be raising funds through the gold coin entry/donation, which goes into their many projects.

I hope everyone has a wonderful Christmas and a fantastic start to 2022. Look after yourselves and soak up this time with your families and I look forward to spending time with mine.

### **14.3 Cr Eric Lording**

No report.

The Mayor adjourned the meeting for a short break at 8:16pm

The Mayor recommenced the meeting at 8:18pm

### **14.4 Cr John Walsh**

Cr Walsh wished everyone a very Merry Christmas.

## 14.5 Cr Sandice McAulay

### Emergency management

This month I am able to report that a new Municipal Recovery Manager is being trained in this important role particularly coming into what could be a very late but active fire season. It is predicated that this fire season will start later in January to early February and grass fires are more likely due to the rains associated with La-Nina and the associated high grass growth. There will be a normal risk of forest fires from February onwards. The Christmas emergency management staffing roster has been updated to ensure that Council can rapidly respond to emergencies as required throughout the Christmas and the New Year period.

If you are interested in joining a new Community Advisory Committee to provide local community input regarding emergency matters to the Municipal Emergency Management Planning Committee or MEMPC, please send your expression of interest to: [mempc@murrindindi.vic.gov.au](mailto:mempc@murrindindi.vic.gov.au). There are four meetings a year which will be conducted online to make it easier for any remote community members to easily attend. The first meeting is planned to take place sometime in January.

### Community Assets

During a recent visit to Kinglake I was pleased to see the streetscape approaching completion of all of the major civil works with landscaping ongoing and asphaltting yet to be completed. It was lovely to chat to a number of residents about these works and how pleased the locals are with the overall design. However during a number of conversations a number of residents raised concerns about the apparent bitumen around the newly planted trees – please let me reassure residents that the surrounding material is totally permeable and the plants will still be able to receive valuable water to their root systems.

Other Asset works updates include the William Street footpath works which is approximately 50% complete with the scheduled completion still before Christmas, however this will still be weather dependent – so fingers crossed.

The re-sheet program for 2020/21 is progressing well with expected completion in February 2022.

The Yarck Road Bridge design is progressing well with expected proof engineered drawings to be completed before Christmas.

The swimming pool split system heating and cooling systems have been completed at Yea, Eildon and Alexandra.

The Marshbank and Craigie Street works are now complete.

Finally our crews are ready for a busy Holiday season with an already increasing workload with increased visitation since opening up and our crews are already seeing a much higher demand in cleaning and maintenance activities than last year.

With Christmas almost upon us and with the lifting of COVID restrictions we have all been participating in many activities. I have had pleasure attending:

- Various pop up survey opportunities across the Shire to discuss with community members their Communications Preferences and their thoughts about the Great ARTdoors Campaign for the Great Victorian Rail Trail
- The much anticipated official unveiling of the Art installation: Duguluk Ngarrgi - Croaking Frogs Ceremony - by Aboriginal Artist Annette Sax at the Yea Plantation in Yea High Street. I have to admit that this beautiful community event was particularly moving as it so beautifully demonstrated the commitment by many Yea community members to recognise an important local Traditional Owners story
- Audit and Risk Committee
- Municipal Association Victoria online meeting

- And of special note it was a pleasure to join with the Buxton Community at their Christmas Party and to watch the faces of the excited children when Santa Clause arrived on the back of the Buxton CFA Fire truck
- Finally I anticipate a lovely afternoon being able to join with staff at the Christmas Lunch and to hear about their achievements over the last two years. It has been two years since the staff have been able to come together and socialise due to the respective COVID lockdowns.

I would just like to say in closing that I wish everyone a merry Christmas and a happy and safe New Year.

## 14.6 Cr Damien Gallagher

I have had the fortune of attending the annual general meetings of [Kellock Lodge Alexandra](#) and Friends of Kellock Lodge. It was acknowledged that the majority of fundraising activity, and thus investment comes from within the township of Alexandra: An incredible contribution from the local community. The efforts of the outgoing CEO and Director of Nursing, Jo Cavill were acknowledged, as was the indomitable Maurie Pawsey for his contribution to all manner of local, social fundraising leadership.

I also had the privilege of witnessing the [Alexandra & District Kindergarten](#) AGM which saw Nicole Simpson hand over to Rhiannon Butler as the chair of the volunteer committee which oversees this crucial not-for-profit Alexandra institution.

### To portfolio and external committee matters:

The [Murrindindi Shire Council](#) Audit and Risk Committee met last week. Climate change was identified as the most substantial residual strategic risk facing the organisation. Independent audit consultants were again complementary of the organisation's readiness to delve deep when pursuing risk identification and mitigation measures.

In December, it was an honour to assist as [Alexandra Library](#) staff celebrated the crucial contributions of its many volunteers. From maintenance and repairs helpers, to reservation collectors, newsletter editors, and those who can just lift heavy things, Council's Library team – sometimes emotionally – acknowledged the efforts of the talented but humble helpers. It's not widely known that the second-hand bookshop adjacent to the Alexandra Pharmacy is a not-for-profit, volunteer-run enterprise diverting proceeds to the Alexandra Library. Bravo.

Murrindindi Shire community members are invited to nominate fellow citizens for the prestigious Murrindindi Shire Citizen, Young Citizen, and Senior Citizen of the Year acknowledgement. Visit [Council's website](#) or call 5772 0333 for nomination details. Nominations close on 3 January, 2022.

Council has been successful in securing FReeZA program funding to deliver safe, youth-friendly events for young Victorians aged 12 to 25. Council's [Youth Services](#) Team delivers leadership programs and music, arts, and culture initiatives. The funding also assists the Youth team to work with Victoria Police, schools, community houses, and [learning networks](#) to advance specialist youth services and support.

Community discussions have progressed at [The Loop](#), Murrindindi Shire's "Engagement Central". Community feedback has recently been sought and received for:

- The [Great Artdoors](#) project supporting art installations along the length of the [Great Victorian Rail Trail](#);
- [Communications preferences](#) feedback on how Council can best communicate with ratepayers, businesses, residents, and visitors.

It was my privilege, in the wake of the November Council meeting to share with the [Pathways for Carers](#) group their success on achieving support for their 2022 program of carer events via Council's Grants and Contributions Scheme. While meeting with the group, I learned a great deal about the lack of local mental health support resources which in turn hardened my resolve to support this Council's advocacy priorities for access – in our shire – to adequate medical, mental, and aged-care service provisions.

As a community, we also need to reach supporting partners and loved ones with dementia – who don't readily identify as carers.

I was affected by the recollection by a dedicated carer's observation by her adult son that "Dad isn't dad anymore". It demonstrates that support that is needed for carers and families as they slowly *or suddenly* encounter a very different relationship with their loved one.

#### Finally:

With the holiday season beckoning, I urge our community to be proud of Murrindindi. Be proud of this place we call home and share its virtues with friends, family and visitors.

Rediscover with awe, the beauty of our part of the world.

- Show off our [best secrets](#) to your guests this summer
- Visit one of our many special [seasonal markets](#)
- Get along to the [Alexandra Pro Rodeo](#)
- Celebrate our community at the [Alexandra Community Christmas Tree Festival](#)

And when you're done, knock on your neighbour's door and wish them a Merry Christmas and ensure that they're going ok too.

From Red Gate, a Merry Christmas, happy holiday, and the prospect of a prosperous, healthy 2022.

## **14.7 Cr Sue Carpenter - Mayoral Report**

I have had my first month in the role as your Mayor and am enjoying the challenge. It is a steep learning curve but I believe that it is good to put oneself outside of your comfort zone and tackle new perspectives.

I was delighted to attend the opening of the Dugaluk (Doogalook) Ngarri, Croaking Frog Ceremony and the unveiling of the permanent art installation in the plantation in Yea. It was an opportunity for our community and the Taungurung community to join together and celebrate Taungurung history and culture.

The shire initiative, The Community Planning program, was where a group "Honour the Taungurung" was born. That small group worked tirelessly to consult with the Yea community to find a way to honour the Taungurung people and came up with a wonderful outcome that sits proudly in the centre of the Yea township.

Yea has been fortunate to gain two other art projects recently.

The Pioneer Reserve was for many years looked after a committee of management. When they stopped managing the reserve they secured some funds for a set of sculptures to be placed as wayfinders on the hill above the building. A generous private donation was also received and now 7 sculptures depicting 7 historic buildings in the town have been installed by the Rotary Club of Yea.

The wall on the side of the Council offices is being turned into a mural of book shelves. A bequest from the estate of Pat Carter was given to the Yea community House to spend on the community. Titles of books can be purchased by anyone interested in this project, and they will be added to the mural.



The Yea Saleyards held a Christmas get together and I had the great pleasure of presenting certificates of appreciation to Peter Hauser and Jim Osbourne for their incredible dedication over many year to the success of the Yea Saleyards through their service on the committee of management.

I have met with the Murrindindi Shire Business Advisory Council and am developing a greater appreciation for the needs of Business and Tourism activities within the Shire.

The Yea Wetlands Discovery Centre held their AGM recently and I was able to Chair the voting for the committee members.

Many of these organizations are run by dedicated volunteers. Our communities are so fortunate to have people who are willing to give of their time for the betterment of our shire. I thank them for their commitment.

The film Happy Sad Man was screened at several venues around the shire. It was an excellent portrayal of the difficulties that men can have when dealing with mental health issues and their methods of dealing with their issues. The film-maker was able to answer questions afterwards. I found the screening most thought provoking and congratulate the shire for this initiative.

I have had the opportunity of hearing different viewpoints from residents regarding several planning applications. This improves our ability to make decisions after being well informed by all parties.

I have attended 2 pop-ups outside the Yea supermarket.

We have been able to get community feedback from residents and visitors on communication preferences; how the shire can improve its ways of informing people of relevant information and projects.

We have also sought feedback regarding the exciting project to install \$1.2 million dollars of art works along the Great Victorian Rail Trail.

These pop-ups also give me the opportunity of meeting with many residents and hearing of their concerns or comments about the shire.

My latest mayoral duty involved being filmed, interviewed by RACV solar who recently installed at no cost solar panels and batteries at the Yea Recreation Reserve. The community group 2030YEA had applied for a grant to the RACV and were successful in getting \$110 thousand dollars of equipment through a Resilience in the Regions grant. This is a terrific initiative from RACV Solar and will give the Rec reserve security of power and a huge savings to their electricity costs.

Finally I wish my fellow Councillors, Council officers, and the wider community a very joyous Christmas and a productive New Year and hope that the community has a safe summer break.

## **15 CHIEF EXECUTIVE OFFICER REPORT**

Current Covid-19 health directions expire at midnight tonight 15 December and we are expecting an updated set of health directions to be in place from tomorrow, as Victoria moves away from relying on state of emergency powers to operating under new pandemic laws.

Health authorities are taking a cautious approach to restrictions because of the uncertainty surrounding the new Omicron strain of the virus.

As of today there are 23 active cases in Murrindindi Shire, including 2 new cases, and I would like to remind people that the 3<sup>rd</sup> dose of the vaccine is available for people who have had their second dose 5 months ago.

Earlier this year, during the Shaping Our Future consultation to devise the Community Vision and the 4 yr. Council Plan, many respondents highlighted a desire for Council to show greater leadership in acknowledging the Aboriginal history and the First Nations people's ongoing connection and contribution to Murrindindi Shire.

One priority action for this financial year is for Council to develop a RAP. We have signed up to Reconciliation Australia, we will follow its framework of Reconciliation and its Reconciliation Action Plan program.

We are starting with the first of 4 progressive levels of RAPs. The first level is called *Reflect*: it provides for scoping our own organizational and personal capacity for reconciliation, and sets out the steps we should take to prepare our organisation for reconciliation initiatives in successive RAPs.

The next 3 levels are *Innovate*, *Stretch*, and *Elevate*.

This first RAP is an opportunity to show Council's commitment to improve partnerships with Aboriginal and Torres Strait Islander People. It focuses on the themes of Relationships, Respect and Opportunities and it sets a long-term approach for our organisation (and ultimately the community) towards reconciliation.

As well as developing the RAP, we have also been engaging with the Taungurung Land and Waters Council to formalise the way we work collaboratively, how we respectfully include them in the early planning stages of any works we may carry out on Taungurung Land, in a culturally sensitive way.

We will be guided by several principles, which establish the basis for our mutual commitment. These principles include:

- recognising that the arrival of non-aboriginal people to Taungurung Country brought massive change to the landscape and way of life of the Taungurung people;
- a desire to address the past, acknowledging that sovereignty was never ceded, and embracing the process of reconciliation;
- a commitment to working together to support the Taungurung people's self-determination.

Council received close to 17,000 customer requests in the last 12 months, these include Planning and Building Permit Enquiries, Roads and Parks – maintenance requests, Community Safety and animal management Enquiries, Bin replacements and so on. The target number of days for resolution varies according to the type of request, for instance 2 days for phone calls and 60 days for planning permits, with a weighted average target of 5 days. In the last year there has been a slippage in the response time, with only 77% of requests completed within the target days. This is partly due to a 28% increase in number of requests received in recent months, without a similar increase in resources. We strive to achieve or exceed our service levels, so we have now developed detailed reports to monitor how we track against the service targets and Officers have been focussing on improving the response time and service performance, this focus will continue in the new year until all outstanding requests have been duly completed and closed off.

Finally I would like to note that the 2020-21 Local Government Sector Performance data is now live on the Know Your Council website. This provides objective benchmarking of the performance of all Vic Councils across most functions and shows how MSC compares to the state average and to other councils. I encourage community members to view the report which is one of the several ways to hold Council and me as CEO accountable on service performance. Best wishes for a merry Christmas and a happy, safe and healthy.

## 16 ASSEMBLIES OF COUNCILLORS

### Purpose

This report presents the records of assemblies of Councillors for 24 November 2021 to 8 December 2021, for Council to note in accordance with Section 80A of the *Local Government Act 1989* (the Act).

### Officer Recommendation

That Council receive and note the records of assembly of Councillors for 22 November 2021 to 10 December 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 November 2021 to 8 December 2021:

Meeting Name/Type	Council Pre-Meet
Meeting Date:	24 November 2021
Matters Discussed:	<ol style="list-style-type: none"> <li>1. Domestic Animal Management Plan 2021-2025</li> <li>2. Consideration to join VECO - Victorian Energy Collaboration</li> <li>3. Take2 Climate Change Pledge</li> <li>4. Customer Complaints Policy</li> <li>5. Grants and Contribution Program – November Allocations</li> <li>6. Rural Councils Transformation Project</li> </ol>
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:	L Bonazzi, M Chesworth, V Albicini, S Brown, T Carter, C Southurst (virtual), Julie Kirkwood (virtual)
Conflict of Interest Disclosures: Nil	

Meeting Name/Type	Briefing Session
Meeting Date:	1 December 2021
Matters Discussed:	<ol style="list-style-type: none"> <li>1. Service Provision and Fire Danger Ratings Policy</li> <li>2. Workforce Management Strategy 2022-2026</li> <li>3. 2022/2023 Capital Works Program Preliminary Information</li> <li>4. Youth Services program update</li> <li>5. Guest Speaker – Planning issue local residents</li> <li>6. Guest Speaker - Lee Coller and Alison McLean - Lower Hume PCP - Goulburn Mental Health and Wellbeing project</li> <li>7. Guest Speaker - Steve Bowmaker (Regional Roads Victoria) -Regional Road Network</li> </ol>

Councillor Attendees:	Cr S Carpenter, Cr D Gallagher, Cr K Haslam, Cr I Gerencser, Cr E Lording, Cr S McAulay, Cr J Walsh
Council Officer Attendees:	L Bonazzi, M Chesworth, V Albicini, S Brown, N Stewart, S Russell, T Carter, L Kelly, S Coller, N Carter
Conflict of Interest Disclosures: Nil	

Meeting Name/Type		Briefing Session		
Meeting Date:		8 November 2021		
Matters Discussed:		<ol style="list-style-type: none"> <li>1. Guide for Preparing the 2022/2023 Operating and Capital Budgets</li> <li>2. Reconciliation Action Plan</li> <li>3. Eildon Improvement Precinct Funding Model</li> <li>4. Capital Works Monthly Report - November 2021</li> <li>5. CONT21/21 - Break O Day Road Bridge Glenburn - Tender Evaluation</li> <li>6. CONT21/25 - Sealed Roads Reseals Award - Tender Evaluation</li> <li>7. Gravel Roads Resheeting Program 2022 - Tender Evaluation</li> <li>8. Civil Works Panel - Tender Evaluation</li> <li>9. CONT21/23 - Yea Closed Landfill Rehabilitation 2021 - Tender Evaluation</li> <li>10. Encouraging Direct Reuse of Waste Materials at Councils Resource Recovery</li> <li>11. Amendment to 2020/103 - 3 Back Eildon Road, Thornton</li> <li>12. 6 Unit Development - 102 Falls Road, Marysville</li> <li>13. 3 Lot Subdivision, 44 Villeneuve Street</li> <li>14. Grants and Contributions Program - December Allocations</li> </ol>		
Councillor Attendees:		Cr S Carpenter, Cr D Gallagher, Cr K Haslam, Cr S McAulay, Cr J Walsh (virtual)		
Council Officer Attendees:		L Bonazzi, M Chesworth, V Albicini, S Brown, N Stewart, C Gartland, N Grey, C Fraser, S Mortensen, L Kelly, S Russell, B Scott, S Coller, A Paix		
Conflict of Interest Disclosures: Yes				
Matter No.	Councillor making disclosure	Was a vote taken?	Did the Councillor leave the room?	When? Before or after discussion?
11	Cr Walsh	No	Yes	Before
14	Cr Gallagher	No	Yes	Before
14	Cr Carpenter	No	Yes	Before
14	Cr Haslam	No	Yes	Before

### Council Plan/Strategies/Policies

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

### Relevant Legislation

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.

**RESOLUTION**

**Cr I Gerencser / Cr D Gallagher**

**That Council receive and note the records of assembly of Councillors for 22 November 2021 to 10 December 2021.**

**CARRIED**

**17 SEALING REGISTER**

No report.

The meeting was closed at 08:40 pm.

**CONFIRMED THIS**

A handwritten signature in black ink, appearing to read 'Susan Carpenter', written over a horizontal line.

**CHAIRPERSON**

**Cr S Carpenter**