



Murrindindi
Shire Council

Scheduled Meeting of Council

Agenda

Wednesday 26 July 2023
Alexandra Council Chambers
Perkins Street
6:00 PM

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1 ACKNOWLEDGEMENT OF COUNTRY AND COUNCILLORS' PLEDGE

1.1 Acknowledgement of Country

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

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

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

1.2 Councillors' Pledge

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

2 PROCEDURAL MATTERS

2.1 Privacy Note

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

2.2 Apologies and Request for Planned Leave

2.3 Disclosure of Interest or Conflict of Interest

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

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

2.4 Confirmation of Minutes

Minutes of the Scheduled Meeting of Council held on 28 June 2023.

RECOMMENDATION

That Council confirm the minutes of the 28 June 2023 Scheduled Meeting of Council.

2.5 Petitions

2.5.1 Road Sealing – Steavenson Road & Aroona Drive Buxton

Attachment(s)	Confidential Attachment 1 – Petition – Road Sealing – Steavenson Road & Aroona Drive Buxton (<i>distributed to Councillors separately</i>)
Presenter	L Bonazzi, Chief Executive Officer
Approved by	Director People & Corporate Performance
Purpose	For decision

Council received a petition titled “Road Sealing – Steavenson Road & Aroona Drive Buxton” from Susan Maffei on 19 July 2023. The petition is signed by 21 people with addresses in either Steavenson Road or Aroona Drive Buxton. The petition is confirmed as meeting the requirements of Council’s Governance Rules.

RECOMMENDATION

That Council:

- 1. receive the petition titled ‘Road Sealing – Steavenson Road & Aroona Drive Buxton’ from Susan Maffei**
- 2. refer the petition to the Director Assets & Environment for consideration and response.**

2.6 Community Recognition

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

2.7 Matters Deferred from Previous Meeting

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

2.8 Urgent Business

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

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

3 PUBLIC PARTICIPATION

3.1 Open Forum

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

3.2 Questions of Council

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

4 REPORTS - COMMUNITY & DEVELOPMENT GROUP

4.1 Planning Application - 10 Murchison Street, Marysville - Signage

Attachment(s)	Attachment 1 - 10 Murchison Street, Marysville - Application [4.1.1 - 4 pages] Attachment 2 - 10 Murchison Street, Marysville - Title [4.1.2 - 3 pages] Attachment 3 - 10 Murchison Street, Marysville - Planning Report [4.1.3 - 15 pages] Attachment 4 - 10 Murchison Street, Marysville - Plans [4.1.4 - 6 pages] Attachment 5 - 10 Murchison Street, Marysville - DOT Response [4.1.5 - 2 pages]
Presenter	N Maguire, Planning Officer
Approved by	Director Community & Development
Purpose	For decision
Land:	10 Murchison Street, Marysville
Proposal:	Development of land for the display of an internally illuminated pole sign and promotion sign
Applicant:	SLR Consulting Australia Pty Ltd
Zoning:	Commercial 1 Zone
Overlays:	Vegetation Protection Overlay (VPO1) Bushfire Management Overlay, Design and Development Overlay (DDO2)
Triggers:	Clause 52.05-11 (Signs)

Locality Plan



Executive Summary

An application has been received for the development of the land to display an internally illuminated pole sign and promotion sign (non-illuminated price board sign) to replace existing pole sign and promotion sign at 10 Murchison Street, Marysville (subject land) under the provisions of the Murrindindi Planning Scheme. The application is retrospective as the development has already been completed.

The proposal is summarised as follows:

- Construction of a 6-metre-high internally illuminated pole sign.
- The pole sign will have a maximum width of 2.02 metres.
- Construction of a promotion sign to be 2.4 metres in height.
- The promotion sign is a width of 1.2 metres.

The application has been advertised to adjoining properties. Two (2) objections were received and relate to amenity impacts to neighbouring residence, illumination of signage, and excessive height.

This report recommends that a Notice of Decision to Refuse to Grant a Permit be issued for Development of the land to display internally illuminated pole sign and promotion sign (non-illuminated price board sign) to replace existing pole sign and promotion sign in accordance with the grounds of refusal. The application is presented to Council due to the two (2) objections received and because the recommendation is to refuse the application.

RECOMMENDATION

That Council issue a Notice of Decision to Refuse to Grant a Permit for Development of the land to display internally illuminated pole sign and promotion sign (non-illuminated price board sign) to replace existing pole sign and promotion sign at 10 Murchison Street, Marysville (Lot 3 on Title Plan 841414S), based on the following grounds of refusal:

- 1. The signage is not in accordance with the purpose of clause 52.05 (signs).**
- 2. The size and scale of the sign are an overdevelopment of the site, which is an existing small scale fuel station.**
- 3. Existing signage for other businesses within the commercial zone generally have small scale signage which is reflective of the character of the surrounds.**
- 4. The size and brightness of the proposed signs are incompatible with the character of the area, inconsistent with the outdoor advertising theme in the area, and is disproportionate to the streetscape and the host site.**
- 5. The proposed siting and positioning of the internally illuminated pole sign creates an unreasonable amenity impact to nearby residents.**

Background – The Land and Surrounds

The subject site is approximately 1639 square metres in size which is made up of three lots, with Lot 1 being 150 square metres, Lot 2 being 183 square metres and Lot 3 being 1306 square metres. The site is irregular shaped with a frontage to Murchison Street and Darwin Street on the northern boundary. The site has no significant slopes. There is no significant vegetation located on the site.

It must be noted that the proposed signage has been erected without planning permit approval and this application seeks retrospective approval. Without approval, the sign will need to be removed.

The site is adjoined by a residential dwelling and shop (lolly shop) to the east.

The site is accessed from Murchison Street and has rear pedestrian access to Darwin Street.

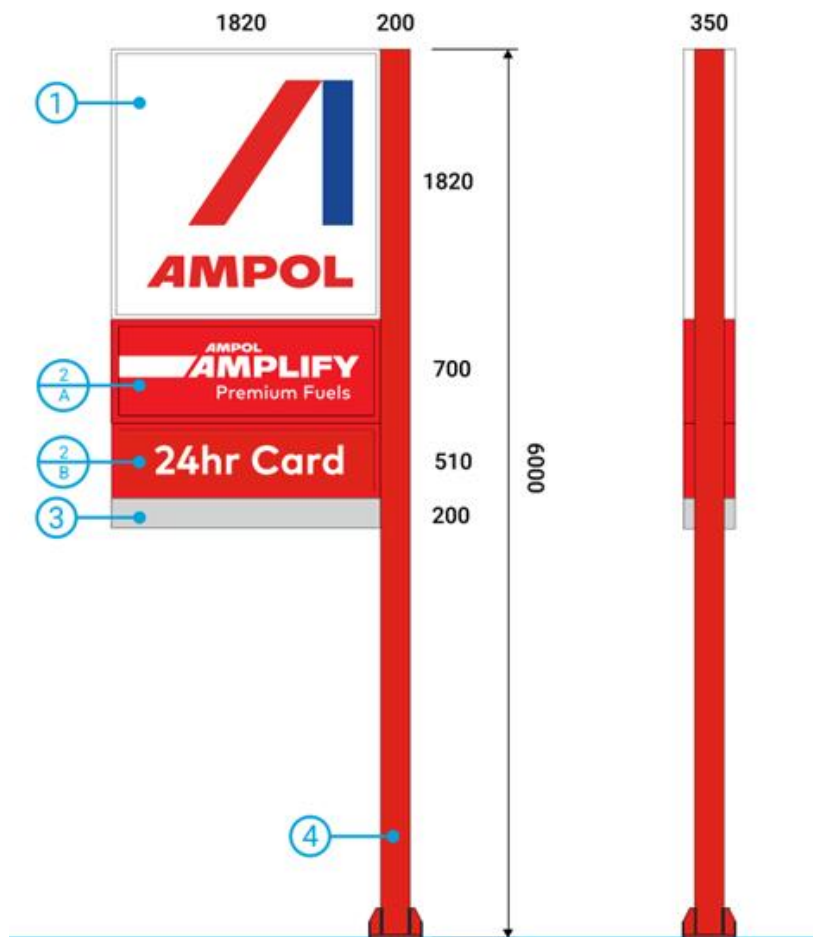
Proposal

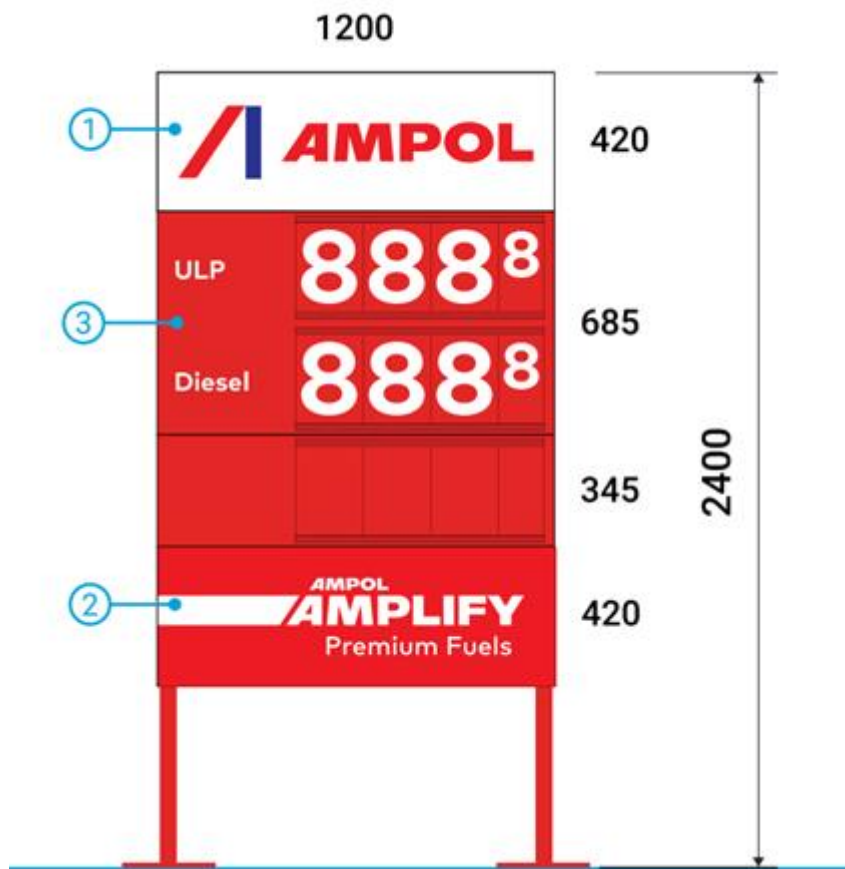
The application proposes the development of the land to display internally illuminated pole sign and promotion sign (non-illuminated price board sign) to replace existing pole sign and promotion sign.

In summary, the proposed works are as follows:

- 1 illuminated pole (pylon sign) sign
- 1 non-illuminated promotion sign (price board sign)

Further details of the signage are detailed in the images below:





Cultural Heritage Management Plan

The site is in an area of cultural sensitivity as defined by the *Aboriginal Heritage Regulations 2018*.

The proposed signage is not considered a high impact development of the site and is exempt from the requirement of a Cultural Heritage Management Plan.

Community and Stakeholder Consultation

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

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

Following the notice, two (2) objections were received, and the submissions can be summarised as follows:

- Impact on visual amenity.
- Unreasonable amenity impacts on adjoining dwelling due to the brightness, size, and location.
- The proposed signage is excessive for the site context.

Following receipt of the objections, a copy of all submissions was provided to the permit applicant who provided a response to each objection. These responses were subsequently provided to objectors.

Continuous correspondence was made between Council and the applicant, many attempts have been made to resolve some of the amenity concerns, but no resolution has been proposed.

No objections have been resolved to date.

Referrals

The application was referred to the Department of Transport under Section 55 of the *Planning and Environment Act 1987* and was required as part of the assessment of this application.

Notice was given to the following authorities:

- Department of Transport

The Department of Transport did not object to the proposal with a number of conditions requested to be on the permit as follows, should a permit be granted:

1. *During the operation of the sign, the following maximum average luminance and threshold increment values must not be exceeded 0.25 cd/m² upon the driver's approach to sign.*
2. *All signs must remain static.*
3. *The signs must be dimmable and have a suitable control system to enable maximum lighting levels to be set or adjusted if deemed necessary by the Responsible Authority and the Head, Transport for Victoria.*
4. *Where illuminated during the day, the sign must be fitted with Photocell/s (light sensor/s) that measure the ambient light and control system technology that enables the luminance of the sign to automatically adjust relative to the measured ambient light level.*
5. *There must be no sight lines blocked from any of the signs.*
6. *The signs must not be flashing or reflective.*
7. *The signs must not dazzle and distract road users.*

Discussion – Planning Considerations

Planning Policy

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

Clause 02.02 – Vision

The planning scheme outlines the overall vision for the municipality. This includes:

- *Council seeks to enhance the liveability, amenity and quality of life in the municipality.*
- *Council will facilitate sustainable population and economic growth.*
- *The municipal rate base will be actively grown through sound planning, support for continued economic development and protection of the natural and built environment.*
- *A strong economy will attract people to the municipality, creating further opportunities for lifestyle choice, business investment and prosperity.*
- *Increased economic growth and investment will enhance population growth, employment and social and cultural benefits for the municipality.*

Clause 02.03 - Strategic Directions

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

- *Encouraging sustainable growth in tourism, leveraging Murrindindi Shire's natural assets, proximity to Melbourne and links with neighbouring regions.*
- *Encouraging small enterprises in tourism, creative arts, home-based businesses, overnight visitor accommodation and farm enterprises and markets that showcase local produce.*

Clause 13.07-1S – Land Use Capability

Objective

- To protect community amenity, human health and safety while facilitating appropriate commercial, industrial, infrastructure or other uses with potential adverse off-site impacts.

Strategies

- Ensure that use or development of land is compatible with adjoining and nearby land uses.
- Avoid locating incompatible uses in areas that may be impacted by adverse off-site impacts from commercial, industrial and other uses.
- Avoid or otherwise minimise adverse off-site impacts from commercial, industrial and other uses through land use separation, siting, building design and operational measures.
- Protect existing commercial, industrial and other uses from encroachment by use or development that would compromise the ability of those uses to function safely and effectively.

The proposal will result in excessive amenity impact on the neighbouring dwelling. The scale of the proposed signage is not necessary to provide adequate exposure to the function of the site as a service station in this main street. Murchison Street is not an arterial road and large signage is not essential for attracting customers. Wayfinding signage at town entrances indicates to motorists that fuel is available in the town.

Overall, the impacts of the signage do not protect the amenity of the local community and is not necessary for the improved function of the commercial site.

Clause – 15.01-5S – Neighbourhood Character

Objective

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

Strategies

- Support development that respects the existing neighbourhood character or contributes to a preferred neighbourhood character.
- Ensure the preferred neighbourhood character is consistent with medium and higher density housing outcomes in areas identified for increased housing.
- Ensure development responds to its context and reinforces a sense of place and the valued features and characteristics of the local environment and place by respecting the:
 - Pattern of local urban structure and subdivision.
 - Underlying natural landscape character and significant vegetation.

- Neighbourhood character values and built form that reflect community identity.

The proposed signage is of a scale and bulk that is not typically found within the streetscape and area. Overall, the size, scale, and illumination of the signage is at odds with the neighborhood and is excessive for the intensity of the service offerings.

Furthermore, the scale of the signage may create precedent for excessive signage that can detract from the existing historical community identity.

Clause 13.07-1S - Land use compatibility

Objective

- To protect community amenity, human health and safety while facilitating appropriate commercial, industrial, infrastructure or other uses with potential adverse off-site impacts.

Strategies

- Ensure that use or development of land is compatible with adjoining and nearby land uses.
- Avoid locating incompatible uses in areas that may be impacted by adverse off-site impacts from commercial, industrial and other uses.
- Avoid or otherwise minimise adverse off-site impacts from commercial, industrial and other uses through land use separation, siting, building design and operational measures.
- Protect existing commercial, industrial and other uses from encroachment by use or development that would compromise the ability of those uses to function safely and effectively.

Roberts Day 2009 Marysville and Triangle Urban Design Framework Report provides an overarching response to the prevailing character and vision for the future development of Murchison Street. The proposed signage does not contribute to the overarching vision for the character of the streetscape and detracts from the key vistas of the streetscape with its excessive height and dominant form.

Zone

Commercial 1 Zone (C1Z)

Purpose

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses.*
- *To provide for residential uses at densities complementary to the role and scale of the commercial centre.*

No permit is required in the C1Z. Pursuant to Clause 34.01-9 the proposal was assessed under the provision of Clause 52.05 and will be discussed below.

Overlays

Bushfire Management Overlay (BMO)

Purpose

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To ensure that the development of land prioritises the protection of human life and strengthens community resilience to bushfire.*

- *To identify areas where the bushfire hazard warrants bushfire protection measures to be implemented.*
- *To ensure development is only permitted where the risk to life and property from bushfire can be reduced to an acceptable level.*

Pursuant to Clause 44.06-2 a planning permit is required to construct a building or construct or carry out works associated with the use of the land as a service station.

Vegetation Protection Overlay- Schedule 1 (VPO1)

Purpose

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To protect areas of significant vegetation.*
- *To ensure that development minimises loss of vegetation.*
- *To preserve existing trees and other vegetation.*
- *To recognise vegetation protection areas as locations of special significance, natural beauty, interest and importance.*
- *To maintain and enhance habitat and habitat corridors for indigenous fauna.*
- *To encourage the regeneration of native vegetation.*

No permit is required under the VPO as no vegetation is proposed to be lopped, destroyed or removed as part of the proposed signage.

Design and Development Overlay- Schedule 2 (DDO2)

Purpose

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To identify areas which are affected by specific requirements relating to the design and built form of new development.*

No permit is required in the DDO2. Pursuant to Clause 43.02-4 the proposal was assessed under the provision of Clause 52.05 and will be discussed below.

Particular Provisions

Clause 52.05 – Signs

Pursuant to 52.05-11 a planning permit is required within the commercial area for:

- An internally illuminated sign exceeding 1.5sqm and more than 3.7m above pavement level.
- A pole sign.
- A promotion sign where the total display area of all signs to each premises exceeds 8sqm.

The decision guidelines for any signs requiring a permit are as follows:

- *The character of the area including:*
 - *The sensitivity of the area in terms of the natural environment, heritage values, waterways and open space, rural landscape or residential character.*
 - *The compatibility of the proposed sign with the existing or desired future character of the area in which it is proposed to be located.*
 - *The cumulative impact of signs on the character of an area or route, including the need to avoid visual disorder or clutter of signs.*
 - *The consistency with any identifiable outdoor advertising theme in the area.*

- *Impacts on views and vistas:*
 - *The potential to obscure or compromise important views from the public realm.*
 - *The potential to dominate the skyline.*
 - *The potential to impact on the quality of significant public views.*
 - *The potential to impede views to existing signs.*
- *The relationship to the streetscape, setting or landscape:*
 - *The proportion, scale and form of the proposed sign relative to the streetscape, setting or landscape.*
 - *The position of the sign, including the extent to which it protrudes above existing buildings or landscape and natural elements.*
 - *The ability to screen unsightly built or other elements.*
 - *The ability to reduce the number of signs by rationalising or simplifying signs.*
 - *The ability to include landscaping to reduce the visual impact of parts of the sign structure.*
- *The relationship to the site and building:*
 - *The scale and form of the sign relative to the scale, proportion and any other significant characteristics of the host site and host building.*
 - *The extent to which the sign displays innovation relative to the host site and host building.*
 - *The extent to which the sign requires the removal of vegetation or includes new landscaping.*
- *The impact of structures associated with the sign:*
 - *The extent to which associated structures integrate with the sign.*
 - *The potential of associated structures to impact any important or significant features of the building, site, streetscape, setting or landscape, views and vistas or area.*
- *The impact of any illumination:*
 - *The impact of glare and illumination on the safety of pedestrians and vehicles.*
 - *The impact of illumination on the amenity of nearby residents and the amenity of the area.*
 - *The potential to control illumination temporally or in terms of intensity.*
- *The impact of any logo box associated with the sign:*
 - *The extent to which the logo box forms an integral part of the sign through its position, lighting and any structures used to attach the logo box to the sign.*
 - *The suitability of the size of the logo box in relation to its identification purpose and the size of the sign.*
- *The need for identification and the opportunities for adequate identification on the site or locality.*
- *The impact on road safety. A sign is a safety hazard if the sign:*
 - *Obstructs a driver's line of sight at an intersection, curve or point of egress from an adjacent property.*
 - *Obstructs a driver's view of a traffic control device or is likely to create a confusing or dominating background that may reduce the clarity or effectiveness of a traffic control device.*
 - *Could dazzle or distract drivers due to its size, design or colouring, or it being illuminated, reflective, animated or flashing.*
 - *Is at a location where particular concentration is required, such as a high pedestrian volume intersection.*
 - *Is likely to be mistaken for a traffic control device, because it contains red, green or yellow lighting, or has red circles, octagons, crosses, triangles or arrows.*
 - *Requires close study from a moving or stationary vehicle in a location where the vehicle would be unprotected from passing traffic.*
 - *Invites drivers to turn where there is fast moving traffic or the sign is so close to the turning point that there is no time to signal and turn safely.*

- *Is within 100 metres of a rural railway crossing.*
- *Has insufficient clearance from vehicles on the carriageway.*
- *Could mislead drivers or be mistaken as an instruction to drivers.*

In considering the decision guidelines in Clause 52.05-8 the following issues are identified:

- The size and brightness of the sign is incompatible with the character of the area.
- The sign is inconsistent with the outdoor advertising theme in the area and is disproportionate to the streetscape and commercial intensity of the host site.
- The siting and positioning of the sign creates an unreasonable amenity impact into the habitable rooms of nearby residents.
- The scale of the sign is excessive having regard to the extent of the use on site.

Discussion – Submissions

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

Submissions

Following notice of the application, two (2) objections were received, and the submissions can be summarised as follows:

- Impact on visual amenity.
- Unreasonable amenity impacts on adjoining dwelling.
- The proposed signage is excessive for the site context.

The objectors provided images that indicated the views and vistas from their habitable room window. The visual bulk of the signage is apparent from this perspective and the amenity issues associated with the illumination and bulk of signage are an unreasonable impact on the adjoining residential dwelling.

Furthermore, as discussed in the assessment section of this report, the scale, bulk and illumination of the sign is at odds with the context of the streetscape and areas which generally consist of low-scale non-illuminated promotion signage.

A response was provided by the applicant to reduce the sign height by a total of 1 metre. However, it was determined that this failed to respond to the ongoing concerns of Council and residents as the sign will continue to contradict the following decision guidelines:

- a. The size and brightness of the proposed sign is incompatible with the character of the area, inconsistent with the outdoor advertising theme in the area, and is disproportionate to the streetscape and the host site.
- b. The proposed siting and positioning of the internally illuminated pole sign creates an unreasonable amenity impact on nearby residents.

Conclusion

It is considered that the development of the land to display internally illuminated pole sign and promotion sign (non-illuminated price board sign) is inappropriate due to the size and scale of the proposed signage and is inconsistent with the provisions of the Murrindindi Planning Scheme.

Council Plan/Strategies/Policies

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

Relevant Legislation

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

Financial Implications and Risk

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

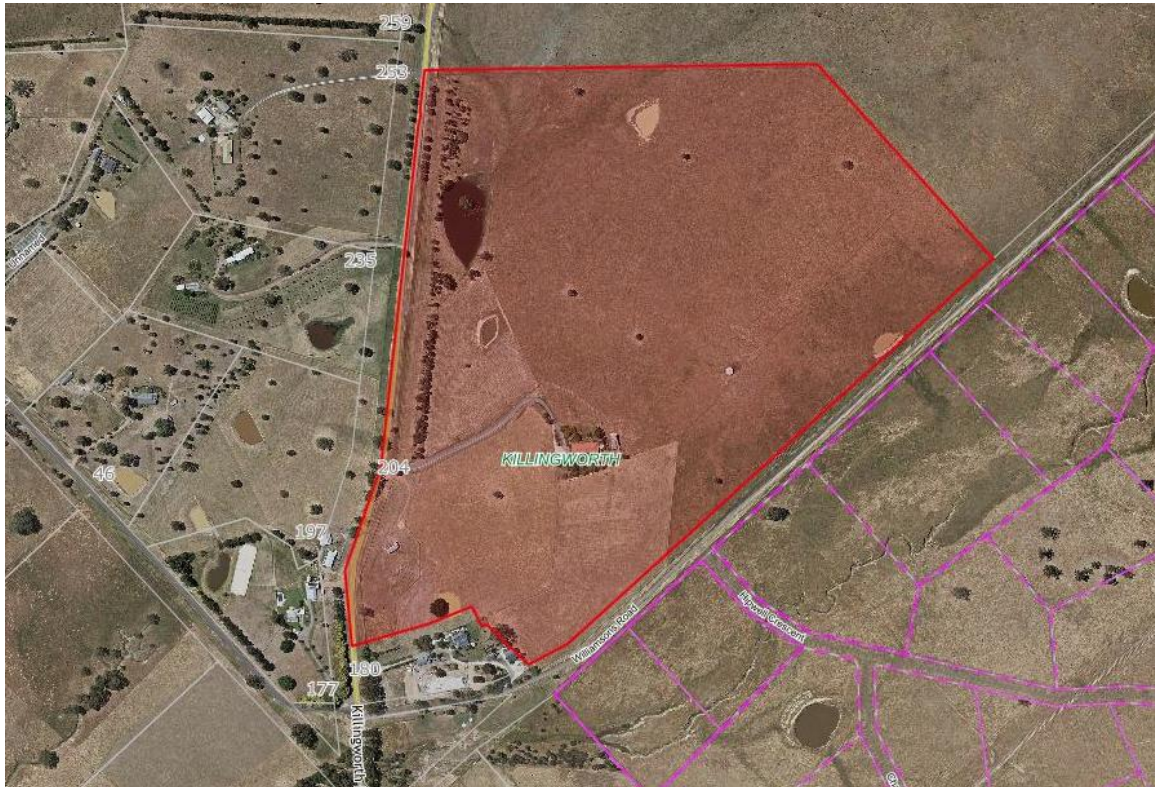
Conflict of Interest

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

4.2 Planning Application - 204 Killingworth Road, Killingworth - Development Plan

Attachment(s)	Attachment 1 - Proposed Development Plan - 204 Killingworth Road, Killingworth - Ellen Hogan [4.2.1 - 11 pages] Attachment 2 - Proposed Development Plan - 204 Killingworth Road, Killingworth - Ellen Hogan - Title [4.2.2 - 2 pages] Attachment 3 - Proposed Development Plan - 204 Killingworth Road, Killingworth - Ellen Hogan - Title Plan [4.2.3 - 5 pages] Attachment 4 - Proposed Development Plan - 204 Killingworth Road, Killingworth - Ellen Hogan - LCA [4.2.4 - 35 pages] Attachment 5 - Proposed Development Plan - 204 Killingworth Road, Killingworth - Ellen Hogan - Feature survey [4.2.5 - 1 page] Attachment 6 - Proposed Development Plan - 204 Killingworth Road, Killingworth - Ellen Hogan - Tentative POS [4.2.6 - 2 pages]
Presenter	C Fraser, Coordinator Planning
Approved by	Director Community & Development
Purpose	For decision
Land:	204 Killingworth Road, Killingworth
Proposal:	Development Plan Approval
Applicant:	Ellen Hogan & Associates
Zoning:	Rural Living Zone
Overlays:	Development Plan Overlay (DPO3)

Locality Plan



Executive Summary

This report proposes a Development Plan for the land at 204 Killingworth Road. The development plan provides the basis for the future development of the land which has been zoned for rural residential land uses. Future planning applications would need to be consistent with the development plan and will be the subject of a separate planning application.

The land is located on Killingworth Road with frontage to Williamsons Road and has an area of 36.3 Hectares. The land is in the Rural Living Zone and is affected by the Development Plan Overlay (DPO3)

A development plan has been approved by Council in 2019 for the land on the opposite side of Williamsons Road for which subsequent planning permits have been issued with works to commence in the second half of 2023.

The development plan proposed includes the construction of a new internal road and will provide up to 16 lots. The Development Plan application has been advertised to adjoining land owners and relevant referral authorities.

External agencies have provided general comments for inclusion in the approved Development Plan. No written submissions were received from neighbours.

This report recommends that Council approve the submitted development plan for the land located at 204 Killingworth Road, Killingworth.

RECOMMENDATION

That Council approve the Development Plan – 204 Killingworth Road, Killingworth in accordance with Schedule 3 to the Development Plan Overlay in the Murrindindi Planning Scheme as attached.

Land and Surrounds

The site is described as 204 Killingworth Road, Killingworth or Lot 2 on Plan of Subdivision 436440P. The site is located approximately 2.5 kilometres northeast of the Yea township and has an area of approximately 36.3 Hectares.

The site contains a single dwelling, shedding and is used for agricultural purposes. The land is in the Rural Living Zone and is affected by the Development Plan Overlay – Schedule 3.

The topography of the site consists of a range of both gentle and steeper sloping areas with the highest point being located towards the east. Vegetation is scattered throughout the site.

The site contains two easements.

- E-1, as shown on the plan is an electricity easement under the *Electricity Industry Act 1993*.
- E-2 is located along the frontage of the land and is in favour of Melbourne Water. This easement protects the North-South pipeline.

Access to the site is available from both Killingworth Road and Carey Road.

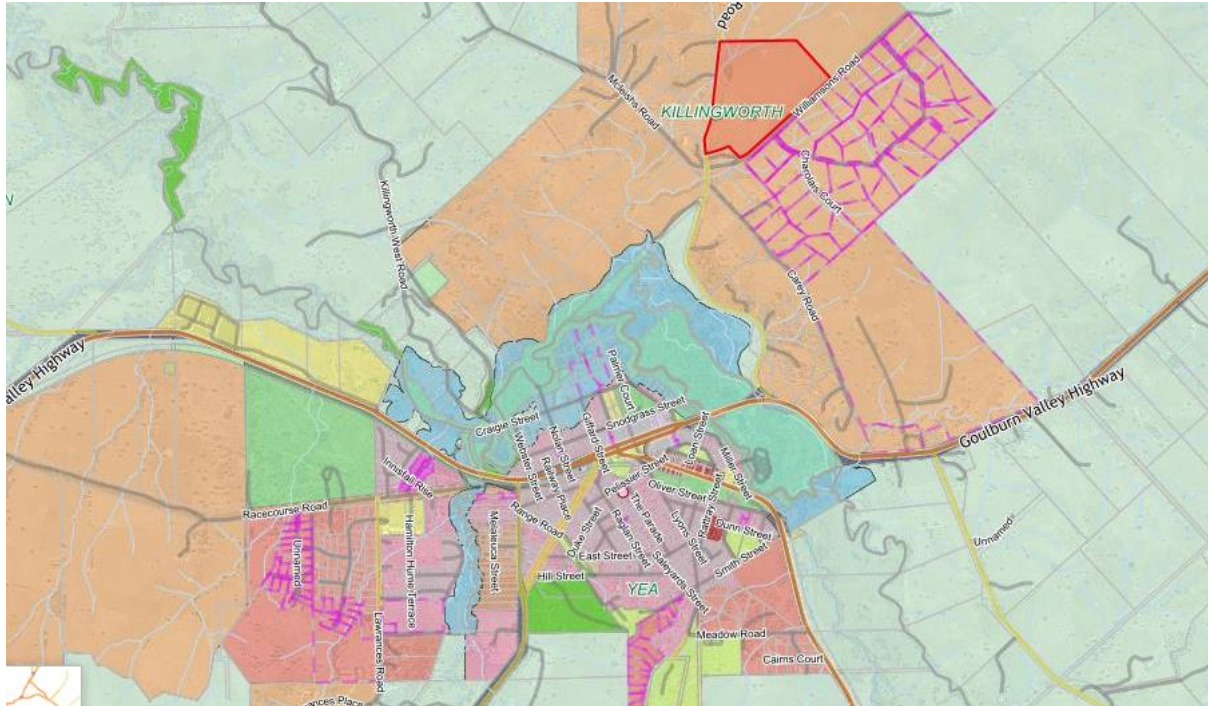
Surrounding parcels of land are located in the Rural Living Zone with established dwellings located on the land to the south and west of the site.

Land to the south east of the site is currently being developed and upon completion will provide for a total of 47 lots, which are expected to contain single dwellings and associated infrastructure. This development relates to the currently approved Development Plan for 45 Carey Road.

Land to the north of the site, on the eastern side of Killingworth Road is similarly used to the subject site and is currently undeveloped, although is zoned for further rural living development.

Background

The subject land is located abutting Williamsons and Killingworth Road and is 36.3 hectares in area, approximately 2.5 kilometres northeast of the Yea township with access via Killingworth Road.



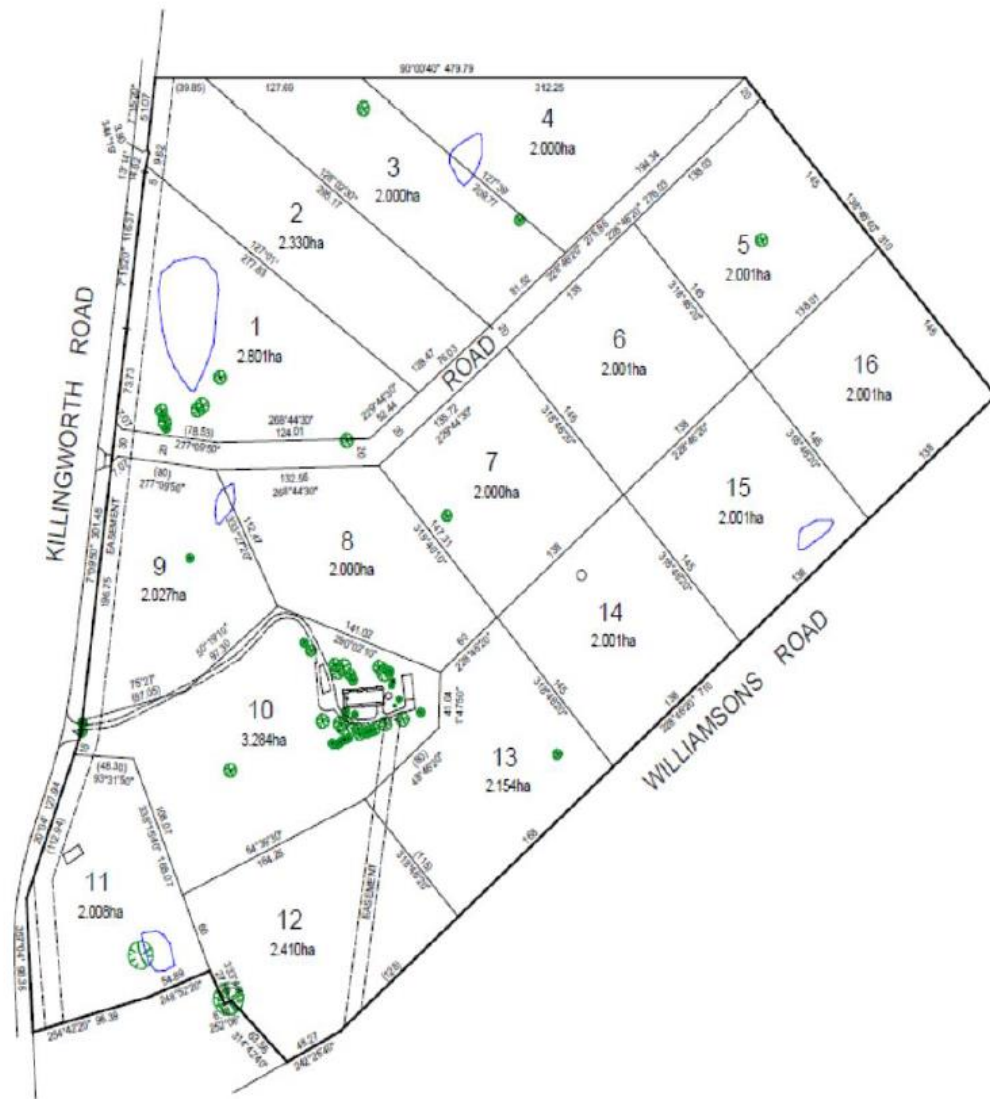
There is a waterway running through the north western corner of the site and varies from gentle slopes to over 30% slopes on the southern portions of the land.

The land was zoned Rural Living under Amendment C14 in July 2006 and has the Development Plan Overlay 3 (Rural Living Zone) applying to it. Minimum and average lot sizes of 4 and 6 hectares respectively originally applied to the land when it was first rezoned to Rural Living in 2006.

Amendment C55, implementing the Yea Structure Plan 2014 in August 2016, reduced the minimum lot size in this location to 2 hectares in area.

Rural services are available to the land. Road access would be provided via Killingsworth and Williamsons Roads, water would be from onsite collection, wastewater disposal would be onsite through septic systems and electricity is available to the land. New drainage infrastructure will be required to manage runoff between proposed and existing lots as well as into the adjoining road network. This is in addition to upgrades to existing infrastructure.

The Development Plan Overlay (DPO) requires that prior to the approval of any development for individual parcels of land, an overall development plan be approved to guide the coordination of subdivision, servicing and development for the overall area. The proposed Development Plan provides for creation of 16 Lots as shown in the plan below:



Any future planning permit for the subdivision, use and development of land must be generally in accordance with the approved development plan. Any future application in accordance with an approved development plan is exempt from notification (advertising) and review (appeal) provisions of the planning scheme. Schedule 3 (Rural Living Zone) of the DPO outlines requirements to address in the preparation of any development plan.

Discussion

Authority Submissions

1. Goulburn Murray Water (GMW):

No objection. A waterway determination would confirm whether the minor and major drainage lines are waterways. GMW requires a 30 metre building setback from any waterways, 60 metres for treated wastewater from any waterways, 30 metres for secondary treatment, with all wastewater to be at least 40 metres from any drainage lines. GMW notes these distances have been achieved in the proposal with 60 metre setback for effluent disposal.

2. Goulburn Valley Water:

No objection. Although some neighbouring properties receive a private potable water supply, it is not intended that this existing private supply be extended to include this development. No sewer is available, however all sewerage and sullage from the proposed development must be adequately treated, retained and disposed of within the boundaries of the allotments.

3. Goulburn Broken Catchment Management Authority (GBCMA):

No flood data available, but flooding is likely to be confined in and immediately along the waterways. Waterways and surrounds need to be protected from encroachment. In many instances, the GBCMA encourages waterway riparian areas to be restored/enhanced with native vegetation species. The proposed subdivision should avoid new lot boundaries through the waterways with new lot boundaries having a minimum of 30 metres measured from the top of bank of the waterways.

4. Department of Environment, Land, Water and Planning (DELWP, now DEECA):

No objection. Retention of native vegetation is to be seriously considered. As part of the documentation prepared as part of this approval, the applicant has prepared an assessment of the existing vegetation on site. This has concluded that the development will not result in the loss of vegetation as a result of development and has been provided to the department.

5. Melbourne Water:

No Objection. Crossovers must be designed so as not to impact on the Yea-Sugarloaf Main running along the frontage of the property.

Submissions

Agency submissions are considered to be either met by the proposed development plan or may be fully considered and implemented through future applications for planning permit for subdivision. The subject land is outside the serviced water and sewerage district and may be satisfactorily serviced through onsite water collection and onsite effluent treatment and disposal to Council standards for septic tank design, siting and disposal.

The application was advertised to all adjoining properties and no written submissions have been received. Concerns were raised verbally in relation to water extraction from the Yea River and the protection of an avenue of trees planted along Killingworth Road to commemorate a community member's involvement in the torch relay for the 2000 Sydney Olympic Games

Water Extraction from the Yea River:

- Any lot created under the development plan would use onsite water only. Potential water extraction from the Yea River is not an issue that can be directly controlled by Council or restricted through a development plan. Potential water extraction requires a water use and extraction license from GMW. The lot owner would also need to purchase water on the open market. GMW also restricts the diversion of water to dams and location of dams in proximity to waterways. If any future application for water extraction on the individual lots is made to GMW, it would be considered on its merits at the time. GMW is also responsible for licensing water bores.

Protection of Planted Vegetation on Killingworth Road:

- Vegetation planted along Killingworth Road to commemorate the participation of a community member in the torch relay for the 2000 Sydney Olympic Games is not protected under the current provisions of the Murrindindi Planning Scheme.



- Planted vegetation is exempt from the requirements of Clause 52.17 of the Murrindindi Planning Scheme and the trees do not meet the criteria for heritage protection. To minimise the risk of the removal of this vegetation, it is considered appropriate to protect the vegetation through a Section 173 Agreement which prohibits access to Killingworth Road for all lots with frontage to the road proposed as part of this Development Plan or Williamsons Road.

Lots 10 and 11 are the only lots shown on the plan which are accessible only via Killingworth Road which should be excluded from the agreement. All other lots are accessible either via the proposed road or Williamsons Road. Access is existing for Lot 10 and there is no vegetation along the frontage of proposed Lot 11.

Compliance with Planning Controls and Policy

The proposed development plan meets the provisions and strategic directions of the Murrindindi Planning Scheme, in particular the applicable Rural Living Zone and Development Plan Overlay 3 (Rural Living Zone), and the Yea Framework Plan (indicating the subject land as 'Rural Living' under Clause 02.04, Vision and Clause 02.03, Housing). No substantive changes have been made since consultation. The resultant lots will all be more than 2 hectares in area and will not require a planning permit for the development of individual lots for a single dwelling. Accordingly, at the subdivision stage each lot will be subject to a Section 173 Agreement that sets out building and effluent disposal exclusion zones, protection of vegetation and other design criteria.

The proposed development plan provides a suitable layout and performance measures for the full rural living subdivision and layout of the land. Approval of the plan is now recommended, including an expiry of 15 years to allow sufficient time for the completion of the proposal.

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 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 Development Plan.

Conflict of Interest

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

Community and Stakeholder Consultation

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

4.3 Planning Application – 7 Peterkin Street Alexandra – 19 Lot Subdivision

Attachment(s)	Attachment 1 - 7 Peterkin Street, Alexandra - Application Proposal [4.3.1 - 22 pages] Attachment 2 - 7 Peterkin Street, Alexandra - Subdivision Plan - Building Envelopes [4.3.2 - 1 page] Attachment 3 - 7 Peterkin Street, Alexandra - Clause 56 Assessment [4.3.3 - 22 pages] Attachment 4 - 7 Peterkin Street, Alexandra - Traffic Impact Assessment Report [4.3.4 - 20 pages]
Presenter	C Fraser, Coordinator Planning
Approved by	Director Community & Development
Purpose	For decision
Land:	1 and 7 Peterkin Street Alexandra
Proposal:	19 Lot Subdivision
Applicant:	Warne Family
Zoning:	General Residential Zone
Overlays:	N/A
Triggers:	32.08-3 – Subdivision in the General Residential Zone 52.29-2 – Subdivision of land adjacent to the Principal Road Network

Locality Plan



Executive Summary

An application has been received for a 19 lot subdivision on the land at 7 Peterkin Street, Alexandra. The land is in the General Residential Zone and is not affected by any overlays. The site is located on the northern edge of the Alexandra Township and is accessible only via Peterkin Street. The application has been referred externally to Goulburn Valley Water, CFA, Ausnet and Department of Transport who have consented subject to conditions. Three objections have been received in relation drainage, lot sizes and amenity. This report recommends that a Notice of Decision to grant a permit be issued for the proposed 19 lot subdivision at 7 Peterkin Street, Alexandra.

RECOMMENDATION

That Council issue a Notice of Decision to grant a planning permit for the subdivision of land into 19 lots at 1 and 7 Peterkin Street, Alexandra (Lot 1 on PS727873J, Lot 1 on Title Plan 808517U and Crown Allotment 3 Section 68 Township of Alexandra, Parish of Alexandra), subject to the following conditions:

- 1. Prior to the certification of the plan of subdivision, amended plans must be submitted to and approved by the Responsible Authority showing the consolidation of Lots 3 and 4 into Lot 6 as per the Plan of Proposed Subdivision Version 4 Prepared by Peyton Waite submitted with this application.**
- 2. 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.**
- 3. Prior to the certification of the plan of subdivision, road names must be submitted to and approved by the Responsible Authority. Until such time as these road names are approved, they should not be shown on any plans submitted for endorsement or certification.**
- 4. All new powerlines within the subdivision must be underground.**

5. 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. This payment shall be made prior to the issue of a Statement of Compliance and may be adjusted in accordance with Section 19 of the *Subdivision Act 1988*.
6. Prior to certification of the plan of subdivision, drainage plans and calculations must be submitted to and approved by the Responsible Authority, detailing the following:
 - a. The level of stormwater discharge estimated from a fully constructed development (including dwellings).
 - b. Provision of underground stormwater drains along Peterkin Street.
 - c. Provision of appropriate detention works, including onsite detention, if necessary, to ensure that the discharge from the site to the main drainage outfall under Maroondah Highway is kept to predevelopment levels.
 - d. Adverse impacts on downstream properties must be considered and outfall requirements upgraded to accommodate diverted or concentrated flows.
 - e. Design of the lots, roads, and stormwater drainage system to restrict outflows from the development to predevelopment levels.
 - f. Drainage calculations shall include a hydraulic grade line analysis considering the 1 in 100-year storm event for the total catchment contributing to the outfall of the development.
7. Before any works associated with the development commence, the developer shall appoint a competent and suitably qualified Project Manager who shall be responsible for the supervision and management of the project, to the satisfaction of the Responsible Authority.
8. Prior to commencement of any construction works on the development, the Developer must undertake or caused to be provided in accordance with the requirements of the Responsible Authority. The following:
 - a. the layout of the roads shall generally be in accordance with the endorsed plan.
 - b. the road and drainage design must meet the objectives for the minor and major drainage systems as defined in Infrastructure Design Manual (IDM) guidelines.
 - c. the road and stormwater drainage systems for the development shall incorporate water sensitive urban design and shall be designed in accordance with Urban Stormwater Best Practice Environmental Guidelines 1999.
 - d. the road design shall incorporate measures to protect infiltration area by deterring unauthorised parking and/or access of vehicles in those areas.
 - e. each lot must be independently drained to the satisfaction of the Responsible Authority. Drainage pipes from each lot should not discharge directly to the kerb and channel.
 - f. a landscaping plan detailing features designed to enhance the visual and environmental amenity of the development. The plan should provide for extensive planting of predominantly native trees, shrubs, and grasses in the road reserves through and abutting the development.
 - g. plans and specifications for the landscaping, road, and stormwater drainage system, including computations and supporting information must be prepared to the satisfaction of the Responsible Authority and be endorsed.

9. The parameters used for the design and construction of roads, footpaths and drainage must be as follows:

a. Court and bowl

- minimum pavement width of 6.0 metres (m) invert to invert, with semi-mountable kerb and channel measured invert to invert as per IDM SD605
- pavement depth shall be designed based on geotechnical investigation results carried by a qualified engineering company.
- the pavement shall be primed and have minimum two coat sealed (size 7 mm and 10 mm); or 30 mm asphaltic final surface.
- design and construct a 1.5 m wide concrete footpath, on one side of the road as per IDM SD205.
- the road shall be designed and constructed with batter slopes not steeper than 5 to 1 fill and 3 to 1 cut.
- dips must have no more than 1:7 (14.4%), however, a maximum of 1:5 (20%) may be allowed for maximum length of 50m.
- roads must have minimum crossfall alignment of 1:33 (3%) and minimum inner radius of 10m.
- vehicle crossings for all lots shall be designed and constructed. The design of the crossings shall generally be in accordance with Infrastructure Design Manual Guidelines for urban areas with kerb and channel with necessary modifications to accommodate drainage system operation as per IDM SD240.
- court bowl shall be provided with trafficable turning radius of 12 m.
- court bowl shall be constructed with asphalt and designed to withstand waste truck movement and be based on geotechnical investigation results carried by a qualified engineering company.
- standard intersection bell mouth shall be constructed at the intersection of the proposed new road and Peterkin Street with asphalt and designed to withstand waste truck movement be based on geotechnical investigation results carried by a qualified engineering company.

b. Peterkin Street (frontage to the subject land and including the VicRoads transport zone)

- Construction shall be within the existing road reserve.
- minimum pavement width of 7.3 metres (m), invert to invert with semi-mountable kerb and channel measured invert to invert as per IDM SD605.
- pavement depth shall be designed based on geotechnical investigation results carried by a qualified engineering company.
- the pavement shall be primed and have minimum two coat sealed (size 7 mm and 10 mm); or 30 mm asphaltic final surface.
- design and construct a 1.5 m wide concrete footpath, on northern side of the road as per IDM SD205.
- construct full width sealed road pavement with kerb and channel and footpath on the northern side. Construction of the footpath and kerb and channel on the south side of the road is not required.
- vehicle crossings for Lots 1, 2 & 21 (as shown on Plan of Proposed Subdivision Version 4 Prepared by Peyton Waite) are permitted directly on to Peterkin Street as per IDM SD240.
- vehicle crossings for all lots shall be designed and constructed. The design of the crossings shall generally be in accordance with Infrastructure Design Manual Guidelines for urban areas with kerb and channel with necessary modifications to accommodate drainage system operation as per IDM SD240.

10. Prior to the issue of a Statement of Compliance by the Responsible Authority, the Developer must undertake or caused to be provided in accordance with the requirements of the Responsible Authority the following:

- **construct road and court bowl including landscaping, roads, footpaths, vehicle crossings and stormwater drainage systems in accordance with the endorsed plans and specifications to the satisfaction of the Responsible Authority.**
- **the maintenance of all construction works for a defect liability period of 12 months from the date, construction is practically completed including the lodgement of a refundable bond calculated at 5% of the road and drainage construction costs. The Responsible Authority will only accept the works at the end of this period if there is no damage or defects identified during or at the conclusion of the defect liability period. Effects shall be rectified to the satisfaction of the Responsible Authority.**
- **Payment to the Responsible Authority of a supervision fee to a maximum of 2.5% of the actual cost of the construction works, the amount to be determined by the Responsible Authority (the developer must submit a copy of the Construction Contract Schedule for verification of the amount by Council)**
- **Payment to the Responsible Authority of an engineering design checking fee to a maximum of 0.75% of the actual cost of the construction works, the amount to be determined by the Responsible Authority (the developer must submit a copy of the Construction Contract Schedule for verification of the amount by Council)**
- **Complete planting of trees, shrubs, and grasses in accordance with the landscaping plan. Planting is to be completed at least nine months prior conclusion of defects liability period.**
- **Install and provide details of permanent survey/bench marks.**
- **Install public lighting in the court bowl and road. Public street lighting shall be installed on steel or concrete poles. Underground electric cables are required for public street lighting.**
- **Reticulated water supply, sewerage, telecommunications, and electricity to each lot, in conjunction with relevant authorities.**
- **Under road conduits for water services.**
- **Full set of 'as constructed drawings' digitized construction plans for roads and drainage (DXF format or similar)**
- **An 'as constructed' set of plans for entire work.**

11. Before commencement of works of the subdivision, a Construction Management Plan (CMP) must be submitted to and approved by the Responsible Authority.

The plan must include:

- **a site-specific plan showing proposed erosion and sedimentation control works.**
- **techniques and intervention levels to prevent a dust nuisance, including provision of a water cart for dust suppression throughout the construction phase.**
- **techniques to prevent mud and dirt being transported from site to the nearby streets.**
- **the protection measures taken to preserve any vegetation identified for retention.**

CFA Conditions

- 12. Above or below ground operable hydrants must be provided. The maximum distance between these hydrants and the rear of all building envelopes (or in the absence of building envelopes, the rear of the lots) must be 120 metres and the hydrants must be no more than 200 metres apart. These distances must be measured around lot boundaries.**
- 13. The hydrants must be identified with marker posts and road reflectors as applicable to the satisfaction of the Country Fire Authority.**

Department of Transport Conditions

- 14. No direct access will be permitted from the subject land to the Maroondah Highway as shown on the plan appended to the application.**
- 15. Prior to the issue of Certification, the Plan of Subdivision must be amended to ensure that all lots including but not limited to Lots 3 and 4 abut either the access court or Peterkin Street.**

Goulburn Valley Water Conditions

- 16. Payment of new customer contribution charges for water supply to the development, such amount being determined by the Corporation at the time of payment;**
- 17. Provision of a reticulated water supply and associated construction works to each allotment within the development, at the developer's expense, in accordance with standards of construction adopted by and to the satisfaction of the Goulburn Valley Region Water Corporation;**
- 18. Provision of one water tapping per lot at the developer's expense, in accordance with standards of construction adopted by and to the satisfaction of the Goulburn Valley Region Water Corporation;**
- 19. Any existing water service that crosses any of the proposed allotment boundaries within the proposed development must be disconnected and re-located at the developer's expense, to be wholly within one allotment only, including notification of the proposed lot to be serviced by the existing water meter, to the satisfaction of the Goulburn Valley Region Water Corporation;**
- 20. Payment of new customer contributions charges for sewerage services to the development, such amount being determined by the Corporation at the time of payment;**
- 21. Provision of reticulated sewerage and associated construction works to each allotment within the development, at the developer's expense, in accordance with standards of construction adopted by and to the satisfaction of the Goulburn Valley Region Water Corporation; (The works may include, but not be limited to the construction of a sewerage pumping station, rising mains and gravity mains);**
- 22. Provision of easements in favour of the Goulburn Valley Region Water Corporation over all existing and proposed sewer mains located within private property;**
- 23. The operator under this permit shall be obliged to enter into an Agreement with Goulburn Valley Region Water Corporation relating to the design and construction of any sewerage or water works required. The form of such Agreement shall be to the satisfaction of Goulburn Valley Water. A copy of the format of the Agreement will be provided on request;**
- 24. 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*.**

AUSNET Conditions**25. The applicant must –**

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

Permit Expiry

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

- a. the subdivision is not started (Certification) within two (2) years of the date of this permit;**
- b. the subdivision is not completed (Statement of Compliance) within five (5) years of the date of Certification under the Subdivision Act 1988.**

The Responsible Authority may extend the periods referred to if a request is made in writing:

- before the permit expires; or**
- within six months afterwards if the use or development has not yet started; or**
- within 12 months after the permit expiry date, where the development allowed by the permit has lawfully started before the permit expires.**

The Land and Surrounds

The subject site comprises of three parcels across two separate properties, is irregular in shape and has a lot size of 2.65 hectares. There is a frontage to Peterkin Street of 73.84 metres and the subject site also fronts Maroondah highway.

The site is surrounded by a variety of lot sizes from smaller single dwelling lots to rural residential lots. Lots along Aitken Street are as small as 257m² and increase in size along Peterkin Street with a minimum of approximately 500m².

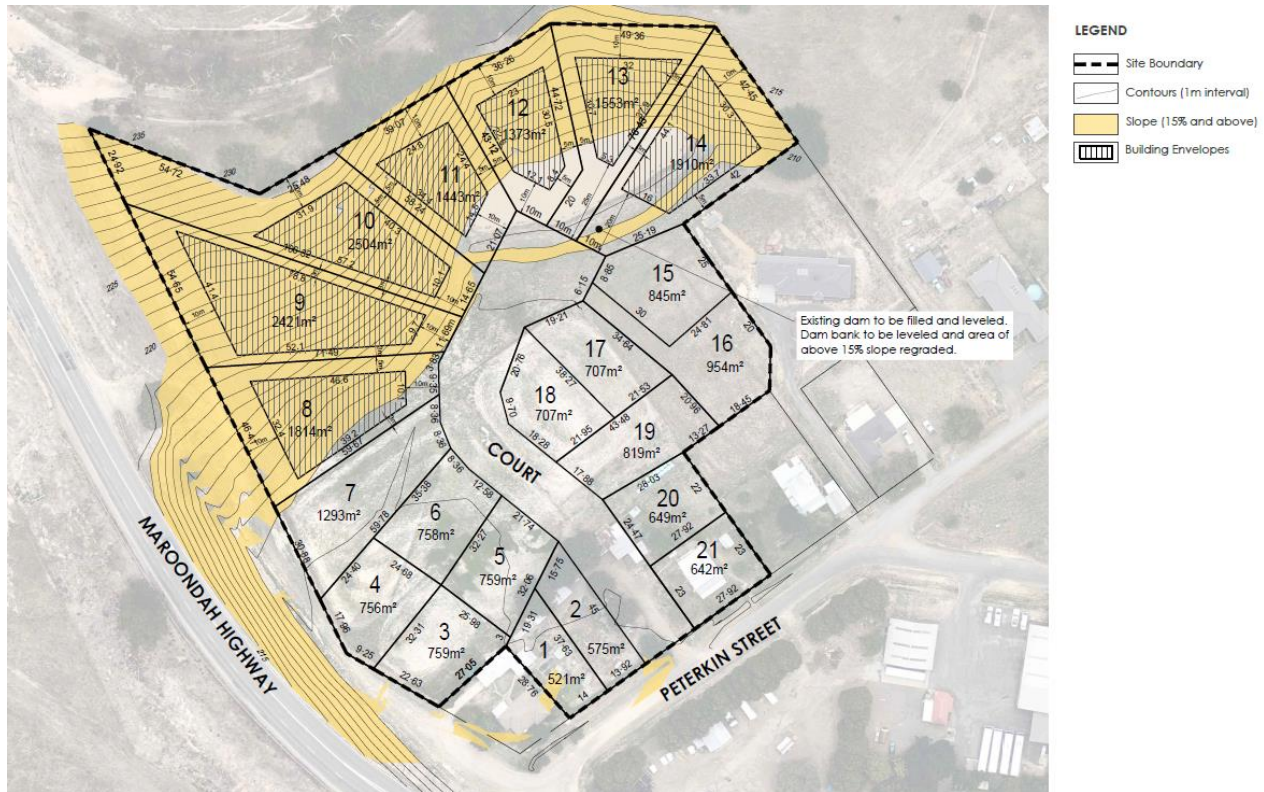
The area is predominately residential with rural land to the north and is within proximity to services and amenities. The site is approximately 1km to the town centre of Alexandra.

Background

The site contains an existing dwelling, several outbuildings and a small dam.

Proposal

The original proposal was for the subdivision of land into 21 lots however this was reduced to 19 lots to assist in resolving some of the constraints of the site. The proposed lots have a mixture of lot sizes from 521m² to 2,504m². The main access will be from a new internal road that connects to Peterkin Street. Two lots are proposed to gain access from a small service road within the Maroondah Highway road reserve.



No lots will have direct access onto Maroondah Highway. There is a proposed court bowl which will allow vehicles and emergency services to access each proposed lot and the provision for safe turning of all vehicles.

There is no native vegetation located on the subject site. The site slopes from the rear of the property to Peterkin Street. The lots with larger gradients along the rear of the site have included building envelopes shown on the proposed plan of subdivision.

Amendment to the application

The application was amended by the applicant pursuant to Section 57A of the *Planning and Environment Act 1987* to reduce the number of lots from 21 to 19.

This includes the consolidation of Lots 3 and 4 into Lot 6 on the submitted plans to have no lots requiring access on to the Maroondah Highway Road Reserve. All lots will be accessible utilising the existing and proposed road networks.

This is in response to requirements from the Department of Transport and the formalisation of a required service road within the Maroondah Highway Road Reserve. The construction of a service road within this area would require formal land transfers as well as a Planning Scheme Amendment to facilitate the transfer of this land to the management of Council.

To expedite the balance of the subdivision, the applicant has amended the application to remove lots accessing the highway. In the future, a separate application may be received for further subdivision or other type of residential development which would be considered at the time.

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:

1. Current drainage issues
2. Traffic
3. Amenity impacts of additional small lots
4. Dwelling size and type on new allotments.

Following the amendment to the application to reduce the number of lots, it was considered by officers that the application did not need to be re advertised. The changes proposed are a reduction in the scope of the overall development and the only property adjoining the affected lots is in the same ownership as the subject land.

Referrals

The application was referred to Goulburn Valley Water, CFA, Department of Transport and internally to the engineering and assets departments.

All referrals have consented with conditions to be included within the permit.

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 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 choices should be provided within townships, including Alexandra and the 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 township 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 Peterkin Street as there will be a court bowl to allow cars to turn around and exit in a forward direction.

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:

1. *Facilitate residential expansion in established, serviced townships that have potential for further growth, in particular Yea and Alexandra.*
2. *Encourage a diversity of housing including higher density housing, retirement villages and residential aged care facilities.*
3. *Encourage housing in well serviced areas to maximise infrastructure provision.*
4. *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 the objectives and strategies in this policy. The subject land is located within close proximity to the main street and services. Furthermore, the proposed lot sizes will provide a diversity of housing than what currently exists in the immediate surroundings.

The subject land is not subject to any Bushfire Management Overlay however it is 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 road layout will provide vehicle and pedestrian access for future dwellings.

Clause 32.08-3 *Subdivision*, of the General Residential Zone policy specifically requires that any proposal for a subdivision where lots are between 500-600 square metres provides at least 30 percent (%) as garden area. The lots in the proposed subdivision will be able to accommodate this requirement.

All applications for subdivision in the General Residential Zone must meet the relevant objectives of Clause 56, *Residential Subdivision*, 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*.

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 5% of the value of the land.

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 mix of lot sizes with access being provided via the construction of a new road. The layout has been designed to take into account the slope of the land with lots that have a larger gradient being larger than lots with a lesser gradient.

Clause 56.02-1 Strategic implementation objective

The proposed subdivision will be consistent with the general area and will provide for residential demand in Alexandra in the short-term future. The Housing and Settlement Strategy recently adopted by Council in December 2022, describes a critical need for housing supply in the near future and has identified the serviced towns of Alexandra and Yea to be where the primary increase will occur.

Clause 56.03-4 Built Environment Objective

The proposal will allow for housing choice and is designed to respect the existing character of the area. It will support development of the current neighbourhood character of the area, and also provide a growing and diverse community within the municipality.

Clause 56.04-1 Lot Diversity and Distribution Objectives

The proposed 19 lot subdivision is set on one of the larger lots in the area and provides diversity in the size of the lots, some being 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. The subdivision is within walking and cycling distance of Alexandra town centre, and public transport (bus line) can be utilised to commute to Melbourne, Marysville and Seymour.

Clause 56.04-2 Lot Area and Building Envelopes Objective

There are no allotments under 300m² or between 300-500m² proposed and therefore there is not a requirement for building envelopes. All lots greater than 500m² will be able to contain a 10m x 15m rectangle. The only building envelopes which have been proposed are within the lots which are defined by slope to the rear (north) of the lot. The subdivision design will ensure proper siting of a dwelling to gain street frontage and maximum solar access.

Clause 56.04-3 Solar Orientation of Lots Objective

All of the proposed lots are generally orientated (due to slope) to provide adequate solar access to the lots and will also take into account the relationship of neighbouring dwellings including the need for building along boundaries if required.

Clause 56.04-4 Street Orientation Objective

All of the allotments have proposed footpath access, which is provided along the frontages of the allotments.

Clause 56.04-5 Common Area Objective

There are no common areas proposed in the subdivision.

Clause 56.05-1 Integrated Urban Landscape Objective

The subdivision provides for walking and cycling networks that link with Alexandra town centre. A detailed landscape design plan will be required as a condition of any planning permit issued.

Clause 56.05-2 Open Space Provision Objective

There is no open space to be provided within the proposed subdivision. A cash contribution will be required to be paid to council in lieu of land contribution.

Clause 56.06-3 Walking and Cycling Objective

The addition of all-weather footpaths will increase the safety of walking and cycling within the subdivision and create a division between vehicles and walking paths which is also provided for people with impaired mobility to access the Alexandra town centre.

Clause 56.06-4 Neighbourhood Street Network Objective

The proposed subdivision will provide safe access and egress for emergency vehicles which will have a clear access point to each lot. The walking and cycling infrastructure provide direct links to the Alexandra town centre, education facilities, health services and public transport (bus stop).

Clause 56.06-5 Walking and Cycling Network Objective

The footpaths will provide an extension to the integrated pedestrian network for the subdivision and recent development to the east. The construction standards of the footpath infrastructure will be of a high standard, which will allow for accessibility for people with impaired mobility and other footpath bound vehicles.

Clause 56.06-6 Public Transport Network Objective

Footpaths are located from each lot within the subdivision to nearby recent development and eventually the Alexandra town centre. The public transport network (bus service) connects to Metropolitan Melbourne. The bus service is located approximately 905m from the subject site.

Clause 56.06-7 Neighbourhood Street Network Detail Objective

The proposed road will be to a standard that will be approved by the Responsible Authority, with access to and from the subject site. The road network will be of low speed in order to maintain a safe community with promotion of walking and cycling over sole vehicle dependency. The proposed road will be in accordance with the relevant standards of the Infrastructure Design Manual (IDM) to the satisfaction of the Responsible Authority.

Clause 56.06-8 Lot Access Objective

The road shown within the proposed Plan of Subdivision shows appropriate road access to each lot within the subdivision in accordance with access management requirements of the roads authority. The road and construction of crossovers will meet the requirements of the relevant road authority and Council standards.

Clause 56.07-1 Drinking Water Supply Objective

Lot sizes allow for water tanks to be located on each lot if required.

Clause 56.07-2 Reused and Recycled Water Objective

Lot sizes allow for water tanks to be located on each lot if required.

Clause 56.07-3 Wastewater Management Objective

Reticulated sewerage infrastructure will be provided to the boundary of all lots within the subdivision.

Clause 56.07-4 Stormwater Management Objective

The stormwater management system/drainage system will be developed to connect to the existing system within and adjacent to the site. A drainage system will be designed to ensure there are no detrimental impacts within the immediate area. A suitable Drainage Strategy has been provided with the application.

Clause 56.08-1 Site Management Objective

Relevant conditions requiring a construction management plan can be included in any planning permit issued.

Clause 56.09-1 Shared Trenching Objective

Reticulated services will be provided in shared trenching where deemed appropriate by the relevant authorities.

Clause 56.09-2 Electricity, Telecommunication and Gas Objective

Electricity will be provided to the boundary of each lot within the subdivision and located underground. Telecommunication systems will be supplied to the boundary of each lot within the subdivision and are to be located underground. Gas is not currently available to the site.

Clause 56.09-3 Fire Hydrants Objective

Fire hydrants are to be supplied along the street frontage in accordance with the fire authority's requirements. Plugs currently are provided along Peterkin Street.

Clause 56.09-4 Public Lighting Objective

Street lighting will be consistent with Council's and Australian street lighting standards. Public lighting will be in accordance with relevant Australian Standards.

Clause 65.02 - Approval of an Application to Subdivide Land

The proposed 19 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.

Discussion - Submissions

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

Current drainage issues

- Drainage issues have been highlighted as a key concern by all objectors. This is recognised by officers as a substantial risk with the proposed development of the land. Drainage concerns have been considered by Council's qualified engineering staff and a drainage plan will need to be finalised and approved prior to the commencement of any works on the site. Such plans will need to consider off site drainage impacts as a result of this proposal.

Traffic

- Peterkin Street is a sealed road with access only to Johnston Street as there is no direct access onto the Maroondah Highway/Aitken Street. The application will create additional traffic burden on to the existing road network. It is considered that the existing road network is capable of managing the additional traffic generated by this development.

Amenity impacts of additional small lots

- An objection has been received with regard to the lot sizes proposed. The application proposes a broad range of lot sizes from 521 square metres to 2504 square metres. Smaller lots are located on the flatter area of the site and increase in size as the lots extend into the hill. Peterkin Street contains a broad range of lot sizes varying from as small as 500 square metres approximately to 7500 square metres (this does not include the subject site). The application proposes standard residential development which accommodates the constraints of the site while maintaining the purpose of the General Residential Zone. The proposal is supported by the Housing and Settlement Strategy approved by Council in December 2022.

Dwelling size and type on new allotments

- The application does not include the construction of any dwellings. Should a permit issue and the subdivision be completed, no planning permit would be required for the construction of a dwelling on the newly created lots however the General Residential Zone contains requirements around garden areas, as well as building code requirements in relation to setbacks, open space, permeability and orientation. In some circumstances, developers may place restrictive covenants on title to direct the form of development however this is not a common occurrence in Murrindindi Shire. The construction of dwellings on these newly created lots will have some visual impact on views, particularly to the north however the Josephine Cutting is not a protected view or landscape.

Conclusion

It is considered that the subdivision of land into nineteen lots is appropriate and will provide additional residential land within the existing boundaries of the Alexandra Township. On the balance it is considered that the proposed 19 lot subdivision is consistent with the provisions of the Murrindindi Planning Scheme.

Council Plan/Strategies/Policies

The report is consistent with the Murrindindi Shire Housing and Settlement Strategy which aims to provide housing growth in the serviced towns of Yea and Alexandra. One way to increase housing supply is by opening up existing zoned land for further development.

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 officer's conflicts of interest in relation to this report.

4.4 Murrindindi Planning Scheme Review

Attachment(s)	Attachment 1 - Murrindindi Planning Scheme Review - Version 3 Draft Report [4.4.1 - 79 pages] Attachment 2 - Murrindindi Planning Scheme Review - Consolidated Further Strategic Work [4.4.2 - 1 page] Attachment 3 - Murrindindi Planning Scheme Review - Local Content Mark Up [4.4.3 - 188 pages]
Presenter	A Paxton, Director Community & Development
Approved by	Director Community & Development
Purpose	For noting

Executive Summary

Council as the planning authority for the Murrindindi Planning Scheme is required to review its planning scheme every four years under Section 12(B) of the *Planning and Environment Act 1987* (P&E Act).

The Murrindindi Planning Scheme needs to be consistent with the State Provisions and requires Ministerial support for any amendment. The Planning scheme sets the tone and direction for the use and development of land across the Shire.

The draft Planning Scheme Review Report has now been prepared and the final Review Report will be forwarded to the Minister for Planning as required under section 12(B) of the P&E Act once approved by Council.

RECOMMENDATION

That Council note the Draft Murrindindi Planning Scheme Review, and commence community consultation, for a period of one month, to seek input from the community on the planning review.

Background

Council last undertook a comprehensive review of the planning scheme in 2014. The findings of this review were translated into the planning scheme via amendment C54murri which was gazetted in June 2015. Another review was conducted in 2019 but was not implemented.

In 2018, the planning scheme was restructured via a statewide change to all Victorian Planning Schemes, this process inserted a new Municipal Planning Strategy (MPS) which replaced the former Municipal Strategic Statement (MSS) and Local Planning Policies to replace the former Local Policy Planning Framework (LPPF). This was implemented via Amendment C65murri and was a policy neutral amendment undertaken by the Victorian government to align with the new format planning scheme,

Murrindindi Shire Council, with funding from the Department of Transport and Planning, and assistance from Plan2Place Consulting has now prepared a planning scheme review as required by section 12B(1) of the *Planning and Environment Act 1987* (the Act). This process is required to be completed every four years.

In accordance with section 12B(3) of the Act, this review identifies opportunities, set out in this report, which enhances the effectiveness and efficiency of the planning scheme in achieving the objectives of planning in Victoria and the objectives of the planning framework established in the Act.

In accordance with section 12B(4) of the Act, the review evaluates the planning scheme to ensure that it:

- Is consistent with Ministerial Direction on the Form and Content of Planning Schemes.
- Sets out the policy objectives for the use and development of land.
- Makes effective use of state and local provisions to achieve state and local planning policy objectives.

With methodology developed by the Department of Transport and Planning (DTP), the following process as contained in **Figure 1** below, has been followed to complete the review of the Murrindindi Planning Scheme. This process was developed by the Department of Transport and Planning (DTP) for undertaking planning scheme reviews and the methodology is supported by the 'Good Practice Guide to Planning Scheme Reviews.

1	2	3	4	5	6
Initiate	Analyse	Engage	Report	Consult	Implement
Establish timelines	Audit the planning scheme	Councillors and executive	Planning scheme review report	Test findings with community	Planning scheme review to Minister for Planning
Collate materials for review	Strategic documents and new policy	Statutory and strategic planners	Further strategic work plan	Test further strategic work priorities with community	Planning scheme amendment
Survey planners	VCAT decisions	Internal referrals	Marked up ordinance		Budgeting for further strategic work
Contact referral authorities	Planning panel recommendations	External referrals			Process improvements
Inform DELWP	Previous planning scheme review	Registered Aboriginal parties			Advocacy
	Planning permit activity	Other identified stakeholder groups			
	Survey results				

Figure 1

Plan2Place Consulting has been engaged by DTP to work with Murrindindi Shire Council to conduct Stages 1 to 4. Stage 5 and 6 will be the responsibility of Council to undertake and will involve a planning scheme amendment to implement the recommendations of the review, which the community will be consulted on.

Discussion

As noted, and contained within the Review Report, overall, the Murrindindi Planning Scheme (the scheme) provides a robust strategic and statutory framework for land use and development in Murrindindi Shire.

As the Murrindindi Planning Scheme was the first planning scheme in Victoria to undertake the translation process to the new format the MPS and integrated PPF and now needs updating due to improvements that have been to the MPS and PPF structure over the last few years.

The scheme’s MPS requires some administrative and population updates and a clearer settlement hierarchy with an improved Strategic Framework Plan. Planning policies in the PPF could also be clearer to express the settlement directions and town framework plans.

It should be also noted that through the review process, it has been identified that the Low density residential and rural zone schedules and their mapping should be more clearly mapped and expressed with single schedules to improve their clarity. Special Use Zones need to be redrafted to be consistent with the Ministerial Direction on the Form and Content of Planning Schemes.

Overlays contained within the current planning scheme, including Environmental Significance, Vegetation Protection and Significant Landscape Overlays require redrafting to be consistent with the Ministerial Direction on the Form and Content of Planning Schemes. There could be greater use of VicSmart local provisions for simple, non-contentious applications and those examples have been identified.

A review of applications received by Council over the last five years has been undertaken. The number of applications received have mostly matched the numbers of applications decided, which demonstrates that Council is assessing applications and administering its scheme well. There is, however, a very low number of appeals and refusals for planning applications subject to the scheme and a moderate number of withdrawn and no permit required applications, which partly explains the low number of refusals.

As contained within the Review Report, further strategic work is needed to reinforce and improve strategic directions of the scheme to better guide decision making around:

- Implementation of the municipal housing and settlement strategy through a minor update to the Strategic Framework Plan at 02.04 and then more extensive implementation through local planning policies, zones and overlays.
- Implementation of a tourism strategy local planning policy and potential zones and overlays.
- Prepare and implement Alexandra Structure Plan.
- The Eildon Structure Plan and its implementation.
- Significant landscapes and their implementation through local planning policy and Significant Landscape Overlays.
- Yea Saleyards Precinct – strategy development and implementation through local planning policy and a Buffer Area Overlay.
- Implementation of the Domestic Wastewater Management Plan.
- Identifying high-value horticultural land (strawberries and potatoes) and biosecurity risks through a potential local planning policy and overlay.
- Improved shire-wide understanding of industrial and commercial land needs and supply.
- Social infrastructure requirements to better understand growth issues and settlement planning.
- Advocating for better resolution of the continuing tensions in rural zones between farming/agriculture and dwellings/residential subdivision.
- Review Schedule 1 to Clause 59.16 for local VicSmart applications to incorporate additional local classes of minor applications.

Resourcing was also considered when assessing the functions at Council. As noted within the review report, there appears to be adequate resourcing of the planning functions at Council, but this could always be improved, particularly in the Strategic Planning area. One strategic planner is employed at Council which is insufficient to manage the more than 15 strategic and other projects currently underway and the new projects proposed through future strategic work.

Given the Shire's rural location in north-central Victoria, staff attraction and retention can be a significant issue. The budgetary impact in the funding of strategic projects and their implementation is also a significant issue for Council in a rate capped and inflationary fiscal environment.

A full list of recommendations is contained within the Review Report contained at Attachment 4.4.1 to this report.

Council Plan/Strategies/Policies

This report supports the following strategies under the *Council Plan 2021-2025 Beautiful Townships and Rural Settings* pillar to:

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

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

Relevant Legislation

Planning and Environment Act 1987.

Financial Implications and Risk

There are no significant financial risks with the preparation of the Review Report, however it must be noted that the Further Strategic Work section of the review report will require future consideration in any budget prepared.

Conflict of Interest

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

Community and Stakeholder Consultation

Consultation as outlined within Figure 1 of this report has been undertaken.

External consultation involved both written communication and online meetings with authorities who regularly use the Murrindindi Planning Scheme and are identified within the planning scheme as formal referral authorities for planning permit applications.

The comments of the authorities have been considered as part of the review report.

Further consultation is recommended with the community prior to adoption of the Draft Planning Scheme Review Report, which will become the Final Review Report for submission to the Minister of Planning.

Upon completion of the community consultation period to test the initial findings of the review, a report will be submitted to Council for consideration.

5 REPORTS - PEOPLE & CORPORATE PERFORMANCE GROUP

5.1 Tender for Collaborative Digital Innovation (CODI) IT Systems Alignment Project

Attachment(s)	Confidential Attachment 1 - Tender for Collaborative Digital Innovation (CODI) IT Systems Alignment Project (<i>distributed to Councillors separately</i>)
Presenter	M Chesworth, Director People & Corporate Performance
Approved by	Director People & Corporate Performance
Purpose	For decision

Executive Summary

Project CODI is a collaborative digital transformation project across the rural Councils of Mansfield (lead Council), Murrindindi, Strathbogie and the Benalla, involving the replacement of a number of out-of-date business systems. A tender was undertaken inviting both 'best of breed' and providers of complete enterprise-wide systems to respond.

The Project is funded by a \$1,000,000 grant from the State's Rural Council's Transformation Program (RCTP), \$888,000 from the State's Business Acceleration Fund (BAF) and \$2,276,480 from the four partner councils (equating to a contribution of \$569,120 per Council across three financial years). Both grants have very tight timeframes, with the BAF originally required to be expended by December 2023 and the RCTP originally required to be expended by June 2024. Table 9 in the attachment provides a summary of the CODI project funding.

It is noted the grant funding covers the procurement and installation of the new business systems, not the ongoing licensing (operating) costs associated with their use.

Council officers have maintained regular contact with both funding agencies to ensure that any delays do not affect the funding. Both agencies have recently agreed to extend the timeframes for project implementation.

At the close of the tender, the evaluation panel has recommended that councils award part of the program, being the Information Management modules and Planning, Building and Regulatory Services. As the lead Council, Mansfield Shire Council will award contracts for the implementation phase of the CODI project subject to the endorsement of all four Councils.

It is proposed that a further procurement process be undertaken on the Finance, Property and Rates and Customer Management elements of the transformation program. This procurement may also include HR, Payroll and Asset Management as optional modules in response to identified gaps across the four councils.

RECOMMENDATION

That Council:

1. **endorse the awarding of contracts by Mansfield Shire Council for the implementation of new business systems in accordance with the Memorandum of Understanding signed by the four (4) partner Councils, being Mansfield Shire Council, Murrindindi Shire Council, Strathbogie Shire Council and Benalla Rural City (as endorsed at the 22 September 2022 Council Meeting), including payment of all agreed contributions, for the following modules:**
 - a. **award a lump sum contract to Logicalis Pty Ltd for implementation of the Information Management module across the four (4) partner Councils, and**
 - b. **award of a lump sum contract to E-Vis Pty Ltd for the implementation of the Planning, Building and Regulatory Services module across the four (4) partner Councils.**
2. **award licensing agreements between Murrindindi Shire Council and the selected vendors as follows:**
 - a. **to Logicalis Pty Ltd for the Information Management module for a term of 5 years, with the option of two, 2-year extensions to a maximum value of \$280,402, and**
 - b. **to E-Vis Pty Ltd for the Planning, Building and Regulatory Services module for a term of 5 years, with the option of two, 2-year extensions to a maximum value of \$1,155,344.**
3. **authorise the Chief Executive Officer to execute the licensing agreements.**

Background

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that priority be given to achieving the best outcomes for the municipal community, including future generations.

The CODI Project vision is to “To transform ICT & Digital Systems to enable improved service delivery whilst supporting efficient and productive business processes and enhancing shared capabilities for councils’ collaboration.”

The project involves replacing out-of-date ICT systems across the four councils including:

- Planning, Building and Regulatory Services
- Finance
- Customer Relationship Management, including Customer Request Management.
- Rates and Property
- SharePoint based Information Management (Records). This includes the Microsoft Platform alignment and governance requirements.

The transition to new systems will be supported through the alignment of business processes across the four councils, to provide future opportunities for the establishment of shared service arrangements.

The tender documentation included options for the replacement of Human Resources and Payroll systems, however evaluation of these modules was not pursued due to limited tender responses.

The tender was for an initial term of 5 years, with two, 2-year extensions, making a total maximum contract length of 9 years.

Table 1 details the revised timelines for the delivery of these programs.

Table 1: Timelines for implementation

Module	Details	Revised Commencement Date	Revised Completion Date
Information Management System	IM system project commences immediately upon contract signing for a single council, which must be live by 22 December 2023. Other councils will follow and must be delivered for two additional councils by 1 July 2024 and for the remaining council by 1 December 2024.	1 August 2023	1 December 2024
Planning, Building and Regulatory Services System	PB&R system project commences immediately upon contract signing and must be delivered for all four councils by 2 January 2024.	1 August 2023	2 January 2024
Finance System	Finance system project commences shortly after contract signing and must be delivered for all four councils by 1 May 2024.	1 November 2023	1 May 2024
Customer System	CRM system project commences shortly after contract signing. The full system must be delivered to all four councils by 1 September 2024.	1 December 2024	1 September 2024
Property and Rating System	P&R system project commences shortly after contract signing and must be delivered for all four councils by 30 December 2024.	2 January 2024	30 December 2024

As detailed in the table from a grant milestone perspective, the priority programs to be replaced are the Information Management and Planning, Building and Regulatory Services Systems.

A tender was prepared and advertised on Mansfield's electronic tender portal on 12 April 2023 and closed on 11 May 2023. Tenderers could submit a proposal for either a 'best of breed' solution for an individual module, or an enterprise-wide solution covering all modules.

There were six (6) mandatory requirements that needed to be met by vendors to be shortlisted as follows:

1. Satisfaction of insurance requirements.
2. Financial capacity.
3. Satisfactory COVID-19 Vaccination statement.
4. Compliance with OHS Regulations.
5. Fully Cloud Based Solution.
6. Solution able to integrate with Share Point based information management systems.

The evaluation panel consisted of each council's nominated representatives on the Project Control Group (typically Director level) and the Project Management Group (typically Manager level). Table 2 shows the weightings applied to the evaluation. It is noted that consideration of price included both implementation (covered by the CODI Project budget) and ongoing estimated licencing (operating) costs.

Table 2: Evaluation weightings

Item	Description	Weighting
Price	Tendered total cost within budget and represents value for money.	40%
Previous performance and technical capability	Extensive demonstrated evidence of recent successful deliveries in local government or similar industries and significant technical expertise and timely support.	25%
Delivery capacity and methodology	Delivery methodology is fit-for-purpose to the requirements and demonstrated sufficient capacity to successfully deliver to timelines across four councils.	25%
Local benefit	Provides a benefit to local region and economic development.	5%
Environment & Sustainability	Evidence of a commitment to reduction of greenhouse gases, plus concrete sustainability initiatives in place that consider social, economic and environmental impacts.	5%

The assessment for each module included an assessment of submitted tender documents, evaluations undertaken by subject matter experts from demonstrations of each vendor and two reference checks for each vendor.

At the close of the tender, seven submissions had been received. Five of these were selected for shortlisting and demonstrations arranged to assist with the evaluations, these being Council Wise, DataCom, E-vis, Logicalis and Open Office. Two tenderers submitted for enterprise-wide-systems.

The number of tenders applicable to each business module were as follows:

- Planning, Building and Regulatory Services (3)
- Finance (2)
- Customer Request Management (2)
- Rates and Property (3)
- Information Management (Records) (2)

The two tenderers submitting for Information Management proposed an arrangement with AvePoint Cloud Records. AvePoint is an in-place solution that captures records in the content sources at the point of creation and provides the information governance framework to satisfy required Victorian Public Record Management standards.

Discussion

A detailed tender evaluation report is included as a confidential attachment to this report.

After consideration of all the criteria, the evaluation panel was satisfied that it could recommend awarding contracts for the implementation of the two higher priority modules being Information Management and Planning, Building and Regulatory Services, but that it would be necessary to conduct a new procurement process for the remaining modules.

The evaluation panel recommend that Logicalis be appointed to deliver the Information Management module and E-Vis Pty Ltd be appointed to deliver the Planning, Building and Regulatory Services module.

The following key points informed the officer recommendation:

1. Price

While the prices (implementation and ongoing licensing costs) for E-Vis and Logicalis are slightly higher than the other vendors, the quality of the interface and demonstrated successful use of the products across councils in Victoria, as well as the demonstrated implementation and technical support, resulted in these products being rated higher than the lower priced options from the two other tenderers.

2. Capability

Both vendors, E-Vis and Logicalis, demonstrated to the satisfaction of the evaluation panel that they are capable of implementing the systems across all four councils within the required timeframes. They also demonstrated that they have the in-house specialists required to fully address the specific regulatory requirements for these areas, which is very important.

Supporting the change management process was also a key strength for these vendors, with the ability for both to consider and assist with the changes that will be required across all four councils.

3. Capacity

Both vendors have the ability and resources to complete the works within the expected timeframes. They have extensive experience working with local government, and their support teams are both highly experienced.

With respect to the financial and customer request management modules it was only possible to compare the individual modules of the two enterprise-wide vendors, as the tender did not attract any 'best of breed' vendors for these modules. Implementation of individual modules from an enterprise-wide system proved not to be a cost-effective option under the current tender. Further, the evaluation panel was not satisfied that the solutions provided by either vendor represented the most beneficial outcome for the four Councils.

Three tenderers submitted for the Property and rating module, with two as part of an enterprise-wide solution. In addition to the concerns about the cost effectiveness of selecting an individual module from an enterprise-wide solution, the demonstrations were not able to provide the evaluation panel enough confidence that the products would provide the most beneficial outcomes for the councils.

It is therefore proposed to recommence a procurement process to seek an enterprise-wide solution covering the remaining financial, customer management and rates and property modules, with the optional addition of payroll, HR management and asset management modules.

It is considered that this suite of modules would provide an attractive offering for vendors of enterprise systems, and would lower the system integration effort that would be needed in a fully 'best of breed' environment.

As per the MOU for this project signed by the four councils, Mansfield Shire Council is the lead Council for the Project and holds the project grant funds on behalf of the four Councils. As such, Mansfield Shire Council will award a single contract to each successful tenderer for the implementation of the two project modules across the four councils.

The estimated annual licencing costs for Murrindindi for each of the recommended tenderer and associated modules is shown below. Costs are shown over 5 years (initial contract term) and over 9 years (includes options for further 2 years plus 2 years). These costs are outside of the grant funded project budget, which covers implementation only. Council will be required to commit to the licencing costs as part of the tender award process.

Licencing/subscription costs – E-Vis Planning, Building and Regulatory Services	Year 1-5	Year 1-9
Total	\$579,574	\$1,155,344

Licencing/subscription costs – Logicalis Information Management	Year 1-5	Year 1-9
Total Annual Costs	\$141,810	\$280,402

Council Plan/Strategies/Policies

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

Relevant Legislation

The tender has been undertaken in compliance with all four (4) Council partners Procurement Policies, as required by the *Local Government Act 2020*.

Financial Implications and Risk

Project CODI has been funded with a \$1,000,000 grant from the Rural Council’s Transformation Program (RCTP), \$888,000 from the Business Acceleration Fund (BAF) and \$2,276,480 from the four partner councils (equating to a contribution of \$569,120 per Council), across three financial years.

The overall funding for the project, per component, has been allocated as detailed in Table 3 below:

Table 3: Project CODI Funding

Component	RCTP Funding	BAF Funding	Council Contribution	Total Budget
Program Management	\$224,289	\$82,000	\$510,591	\$816,880
Non-System Components	\$26,736	Nil	\$60,864	\$87,600
MS365 Alignment and Governance	\$20,144	Nil	\$45,856	\$66,000
Information Management	\$164,506	Nil	\$374,494	\$539,000
Financials	\$262,477	Nil	\$597,523	\$860,000
Customer Relationship Management	\$119,030	Nil	\$270,970	\$390,000
Property and Rating Management	\$182,818	Nil	\$416,182	\$599,000
Planning, Building and Regulatory Services	Nil	\$806,000	Nil	\$806,000
TOTAL	\$1,000,000	\$888,000	\$2,276,480	\$4,164,480
per Council Contribution			\$569,120	

Conflict of Interest

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

Community and Stakeholder Consultation

Community consultation is not considered required with Project CODI as it involves the implementation of IT System upgrades to support improved operational efficiencies and is part of a collaborative tender process with four partner councils. The two funding bodies are major stakeholders in the project and have been kept informed of the progress of the project and the potential need to go back to the market for the unresolved modules.

The project team has, and continues to, liaise with other councils across the state with regard to digital transformation solutions.

5.2 Public Liability Insurance Renewal

Attachment(s)	Nil
Presenter	M Chesworth, Director People & Corporate Performance
Approved by	Director People & Corporate Performance
Purpose	For decision

Executive Summary

The cost of the 2023/24 annual renewal of Council's public liability and professional indemnity insurance cover is above the financial delegation of the Chief Executive Officer. This report seeks Council's approval of the renewal payment.

RECOMMENDATION

That Council approve the payment of \$312,039.70 (plus GST) for the renewal of Council's public liability and professional indemnity insurance cover for 2023/24.

Background

Murrindindi Shire Council is a member of the MAV Liability Mutual Insurance (LMI) Scheme which provides public liability and professional indemnity insurance cover for 78 of the 79 councils in Victoria. In 2021/22 the MAV appointed Marsh/JLT as the provider of this insurance under the LMI Scheme following an open tender process.

Advice from the Scheme administrators indicates that the insurance market is currently facing many challenges including an increased number of claims especially personal injury and property damage claims and increases in professional indemnity claims. There has also been an unprecedented rise in claims above one million dollars during the last financial year across the insurance sector. This has led to what is considered a hardening insurance market.

Discussion

Murrindindi's annual premium increases across these types of insurance have in the past been within local government sector-wide trends, however a single road-related incident which has resulted in a significant claim against Council has contributed to an unexpected increase of 22% in the public liability premium compared to the previous year. The average rise experienced by councils across the Scheme this year was 13%.

The incident occurred in January 2019 but Council was not aware nor informed of the incident until November of 2021 when legal action was initiated by the third party. The size, complexity, and potential for a major settlement amount has had a direct effect on the premium cost. The matter is ongoing and expected to be settled either in late 2023 or early 2024.

The 2023/24 annual premium amount of \$312,039.70 (ex GST) is outside the Chief Executive Officer's financial delegation of \$300,000 (ex GST), and therefore a Council resolution is required to approve the payment.

Council Plan/Strategies/Policies

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

Procurement of insurance is exempt from the requirement of publicly advertised tendering under Council's Procurement Policy section 4.3.3.

Relevant Legislation

The procurement of Councils Public Liability and Professional Indemnity insurance is consistent with the Financial Management Principles 101(1)(a) and 102(a) and (b) under the *Local Government Act 2020*.

Financial Implications and Risk

Council had allowed for a 10% increase in its insurance budget for the 2023/24 year. The 22% increase has resulted in an additional cost of \$30,692 over the budgeted amount. This increase is based on a worst-case scenario claim outcome for the incident mentioned above. Should the settlement result in a more favourable outcome for Council, this would have a positive influence on future premium costs. The adjustment to the insurance budget will be incorporated into the September 2023 quarterly budget review.

Conflict of Interest

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

Community and Stakeholder Consultation

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

5.3 Referendum on an Aboriginal and Torres Strait Islander Voice to Parliament - Information sharing campaign

Attachment(s)	Nil
Presenter	A Cullen, Manager Customer Experience
Approved by	Director People & Corporate Performance
Purpose	For decision

Executive Summary

This report seeks Council's endorsement of an information sharing campaign to support community understanding of the upcoming Referendum on an Aboriginal and Torres Strait Islander Voice to Parliament. Specifically, the communications approach will focus on: What is a referendum? What is the Voice? Why a Voice? How a Voice would work, utilising content sourced primarily from the Australian Government's 'Recognising Aboriginal and Torres Strait Islander Peoples through a Voice' resources.

RECOMMENDATION

That Council endorse the commencement of an information sharing program to support community understanding of the upcoming Referendum on an Aboriginal and Torres Strait Islander Voice to Parliament.

Background

Referendum on an Aboriginal and Torres Strait Islander Voice

As part of the Australian Government's commitment to implement the Uluru Statement from the Heart, a Referendum will be held between October and December 2023 to recognise Aboriginal and Torres Strait Islander peoples in the Constitution by establishing an Aboriginal and Torres Strait Islander Voice.

On 23 March 2023, the Prime Minister, the Hon Anthony Albanese MP announced the constitutional amendment and the question that will be put to the Australian people at a referendum later this year. The amendment and question were developed in consultation with the First Nations Referendum Working Group.

The proposed constitutional amendment was introduced into Parliament through a Constitution Alteration Bill on 30 March 2023. A Joint Select Committee on the Aboriginal and Torres Strait Islander Voice Referendum has considered the Bill and delivered its report on 11 May 2023, stating its recommendation that "*the Constitution Alteration (Aboriginal and Torres Strait Islander Voice) 2023 be passed unamended*".

The Parliament passed the Constitution Alteration Bill on Monday 19 June 2023. This means the referendum question and proposed amendment to section 128 of the Constitution are now set and the referendum can be held by the end of the year.

At the referendum, Australians will be asked whether to alter the Constitution to recognise the First Peoples of Australia by establishing an Aboriginal and Torres Strait Islander Voice.

The Bill proposes to add a new 'Chapter IX – Recognition of Aboriginal and Torres Strait Islander Peoples' at the end of the Constitution.

The proposed chapter will hold a new section 129:

129 Aboriginal and Torres Strait Islander Voice

In recognition of Aboriginal and Torres Strait Islander peoples as the First Peoples of Australia:

1. there shall be a body, to be called the Aboriginal and Torres Strait Islander Voice;
2. the Aboriginal and Torres Strait Islander Voice may make representations to the Parliament and the Executive Government of the Commonwealth on matters relating to Aboriginal and Torres Strait Islander peoples;
3. the Parliament shall, subject to this Constitution, have power to make laws with respect to matters relating to the Aboriginal and Torres Strait Islander Voice, including its composition, functions, powers and procedures.

The Uluru Statement from the Heart follows two years of engagement and consultations with First Nations people and calls for all Australian people to “walk with us in a movement of the Australian people for a better future.” It calls for three reforms:

- Voice
- Treaty
- Truth

The first of these, “The Voice” will enable First Nations peoples to express First Nations views to the parliament and government on issues that affect First Nations people.

The Voice will not have a veto power.

The Voice will:

- make representations to the Parliament and Executive Government on matters relating to First Nations people.
- be able to respond to requests for representations from Parliament and the Executive government.
- have its own resources to allow it to research, develop and make representations.
- be chosen by Aboriginal and Torres Strait Islander people based on wishes of local communities.
- have members selected by Aboriginal and Torres Strait Islanders not appointed by the executive government.
- have members serving a fixed term.

It is noted that a Referendum is a legal process, not a political one, as a general election is. It does not sit with a political party, it is a vote of conscience for all Australians enrolled to vote, to enable a change in law enshrined within the Australian Constitution. However, political parties typically express a view about the subject of a referendum, and if there are opposing views, the issue can involve political debate.

Discussion

The purpose of this report is to seek Council’s endorsement to commence an information sharing program on the upcoming Referendum to assist the community to understand the purpose of the referendum and to feel confident in having respectful and factual conversations regarding the Voice to Parliament, and to cast their vote in the upcoming Referendum.

The information sharing program is underpinned by four content pillars, being:

1. What is a referendum?
2. What is the Voice?
3. Why a Voice?
4. How a Voice would work.

Campaign content will be sourced from reputable and fact-checked publications, primarily from the Australian Government's 'Recognising Aboriginal and Torres Strait Islander Peoples through a Voice' resources <https://voice.gov.au/> both in print and digital formats.

The information sharing program has been designed to have presence across all Council Library and Customer Services Centres (including the Mobile Library Service), in print through Council's Quarterly Community Newsletter, on radio through Councillor segment discussions on UGFM, as well as on Council's website and Facebook platforms.

The program will run for a six-week period, beginning 31 July 2023.

Council Plan/Strategies/Policies

This report supports the *Council Plan 2021-2025 Resilient Communities* strategic objective "to ensure we are welcoming, inclusive, caring and connected".

It also supports the community's long-term aspirations, as part of the Murrindindi Shire 10-year Community Vision, through our combined efforts, our community is vibrant and resilient. "We respect and celebrate the cultural heritage of our First Nations People and those who have come before us".

As part of Council's Reflect Reconciliation Action Plan (RAP), this report also supports Action 3 of the Relationships Section, by "promoting reconciliation through our sphere of influence".

Relevant Legislation

With respect to the Council's legislative role in sharing information about the referendum, Section 56 (b) of the *Local Government Act 2020*, in reference to community engagement states: 'participants must have access to objective, relevant and timely information to inform their participation.'

Financial Implications and Risk

Council's commitment to Reconciliation is supported by budget allocation and time. Within that resourcing, officers will supply existing information to the community on The Voice and assist residents to understand and participate in the referendum. Advertising expense can be accommodated within Council's existing budget.

Conflict of Interest

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

Community and Stakeholder Consultation

Both the local Wurundjeri and Taungurung Traditional Owner groups have advised that they support a Voice to Parliament.

A national referendum concerns all citizens and as such, clear and accessible information is required to support this important democratic process.

5.4 Motion to MAV State Council

Attachment(s)	Nil
Presenter	M Chesworth, Director People & Corporate Performance
Approved by	Director People & Corporate Performance
Purpose	For decision

Executive Summary

This report seeks Council's endorsement of a motion to be put to the October 2023 meeting of the MAV State Council concerning the need for a review of the formulae used by the Victorian Grants Commission to allocate Commonwealth Financial Assistance Grants to Victorian Councils.

RECOMMENDATION

That Council submit the following motion to the MAV State Council Meeting to be held on 13 October 2023:

'That the formulae used by the Victorian Grants Commission in determining the allocation of Commonwealth Financial Assistance Grants be reviewed to place greater emphasis on the impacts of natural disasters and climate change, the limited alternate revenue options for rural Councils, and the increased demands of heavy transport and tourism impacting local roads.'

Background

The next State Council Meeting of the Municipal Association of Victoria (MAV) is scheduled for 13 October 2023. Under the MAV Rules 2022, all motions to the meeting from member councils must be submitted not later than 60 days before the meeting, with motion submissions closing on 14 August 2023. In addition, motions are required to be of strategic relevance to the MAV or of such significance to local government that they ought to be considered at the State Council meeting.

Motions of strategic relevance should relate to the MAV Strategy 2021-25 which identifies the following six MAV Strategic Outcomes:

- Economically sound councils.
- Healthy, diverse and thriving communities.
- Well-planned, connected and resilient built environment.
- Changing climate and a circular economy.
- Sector capability and good governance.
- Effective and responsive MAV.

The MAV Board will determine whether a motion is submitted for State Council consideration.

This report concerns the proposed submission of a motion by Council for consideration at the State Council Meeting.

Discussion

In 2022 Council made a submission to the Victorian Grant's Commission concerning its allocation of the Commonwealth's Local Government Financial Assistance Grants to Victorian councils. The submission expressed Council's concerns that Murrindindi Shire Council and rural councils in general are not receiving a fair share of the grant allocation, and that the methodology and formulae used to distribute the funds should be thoroughly reviewed to address the inequities.

Whilst the submission was acknowledged by the Grants Commission at a follow up meeting with Council's Chief Executive Officer, to date there has not been a willingness to undertake such a review.

Council is concerned that the formulae and weightings used to calculate the grants allocation do not adequately reflect the impacts of natural disasters and climate change, the limited capacity of rural councils to raise own sourced revenue and the increasing demands of heavy transport and tourism impacting local roads, increased facility and waste management and associated costs.

This report seeks Council's endorsement of a motion to the next MAV State Council that reflects these concerns. Such a motion is consistent with the MAV's Strategic Outcomes.

Council Plan/Strategies/Policies

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

Relevant Legislation

There are no legislative obligations in relation to this report.

Financial Implications and Risk

Council is very much dependent on the revenue it receives from the Financial Assistance Grants. Whilst there are no financial implications in submitting a motion to State Council, if the motion is supported at that Meeting, the result of advocacy by the MAV to press for a review of the Grants Commission's grant allocation methodology could lead to a more favourable distribution of these Grants to rural councils and Murrindindi Shire Council in particular, thus contributing to Council's longer term financial sustainability.

Conflict of Interest

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

Community and Stakeholder Consultation

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

6 REPORTS - ASSETS & ENVIRONMENT GROUP

6.1 Contract 23/1 - Sealed Roads Rehabilitation Program - Tender Award

Attachment(s)	Confidential Attachment 1 – Contract 23/1 – Sealed Road Rehabilitation Program – Tender Evaluation (<i>distributed to Councillors separately</i>)
Presenter	V Albicini, Director Assets & Environment
Approved by	Director Assets & Environment
Purpose	For decision

Executive Summary

This report provides the results of a tender process to appoint a contractor for CONT23/1 – Sealed Roads Rehabilitation Program.

The Scope of the contract is to undertake rehabilitation works to repair localised failures of road pavement and seal on 15 roads across the Shire. The scope of works includes roads and associated budget from the 2022/23 program that were not able to be rehabilitated due to extreme weather and have been carried forward to this 2023/24 program. Successful completion of the sealed roads rehabilitation program is an essential requirement that must be met prior to the large resealing program scheduled for 2023/24.

An open Tender process was undertaken, and one response was received. This response was assessed against the tender evaluation criteria and was found to be on-market for price given that it was only slightly higher than last year's tender. The recommended tenderer is experienced and has successfully carried out these works in past years.

Based on the evaluation, it is recommended that Tender 1 be awarded CONT23/1 – Sealed Roads Rehabilitation Program 2023/24 for a lump sum price of \$632,087 to complete the required works.

RECOMMENDATION

That Council:

1. accept the tender from Tender 1 and award CONT23/1 – for the Sealed Roads Rehabilitation Program 2023/24 – for a lump sum price of \$632,087 to complete all required rehabilitation works for the nominated roads;
2. approve the allocation of \$50,000 as contingency to be used in the delivery of this contract as detailed in this report;
3. allocate \$279,000 carry forward funding from the 2022/23 Sealed Roads Rehabilitation Program and \$173,087 carry forward funding from the 2022/23 Road Major Maintenance Program to the 2023/24 Sealed Roads Rehabilitation Program so that the revised total budget for the 2023/24 Sealed Roads Rehabilitation Program is \$692,087; and
4. release this resolution and the name of Tender 1 into the Minutes of the Scheduled Meeting of 26 July 2023.

Background

The 2023/2024 Capital Works Program set aside funds for sealed road maintenance where the seal and pavement have failed in localised spots. This program is essential to repair the sealed road network and to minimise further degradation to the roads from these localised pavement failures.

Some of the work was deferred from the 2022/23 year to the 2023/24 year due to the ongoing wet weather.

The scope includes removing the top 100mm of seal and pavement and stabilising the next 200mm of pavement. The stabilised pavement is then topped with 100mm of 20mm class 2 crushed rock before the repair is sealed.

Repairs to the following roads have been included in this tender based on condition assessments:

Sealed Roads Rehabilitation

Job Number	Road Name
1	Park Avenue, Eildon
2	South Crescent, Eildon
3	High Street, Eildon
4	Fourth Street, Eildon
5	Marr Court, Eildon
6	Kinglake – Glenburn Road, Kinglake West
7	Redgate Place, Alexandra
8	Myrtle Street, Alexandra
9	King Parrott Creek Road, Strath Creek
10	Upper King Parrott Creek Road, Strath Creek
11	Miller Street, Yea
12	Ghin Ghin Road, Yea
13	Yarck Road, Gobur
14	Break O'Day Road, Glenburn
15	Highlands Road, Kobyoyyn

Discussion

The request for tender was advertised from 9 March 2023 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 the specified stabilised rehabilitation for all works.

The tender for these works closed on the 4 April 2023 at 3pm. There was only one submission 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:

- Project Engineer (Chair)
- Acting Coordinator Project Delivery
- Capital Works Engineer

Tenders were assessed against the following criteria:

- Price – 40%
- Understanding of the requirements (timeframes, program & quality) – 15%
- Capacity to Deliver (resources, equipment) – 10%
- Capability to deliver (OH&S, systems, Environmental) – Pass/Fail
- Relevant Experience – 15%
- Youth Employment opportunities / training – 10%
- Environmental Management – 10%

The submission was assessed for compliance prior to evaluating and was found to be conforming.

This tender was then evaluated to consider the supplier ability to meet the requirements of the contract including their ability to deliver the works by the required timeline.

The respondent holds a position on Councils Civil Works Panel where reference checks were undertaken as part of the evaluation. As a result, no further reference checks were undertaken as part of the evaluation.

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

Based on the analysis undertaken, the Committee recommend that Tender 1 be awarded Contract 23/1 for the Sealed Roads Rehabilitation Program 2023/24 for a lump sum Tender Price of \$632,087 to complete all required rehabilitation works for the nominated roads.

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 also supports the *Council Plan 2021-2025 Transparency, Inclusion and Accountability* strategic objective 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 2020*.

Road Management Act 2004.

Financial Implications and Risk

This project has been partially deferred from the 2022/23 financial year to the current 2023/24 financial year. The total approved combined budget is shown below:

Funding Source	Amount
Sealed Roads Rehabilitation Budget 2022/23	\$ 279,000
Road Major Maintenance Budget 2022/23	\$ 173,087
Sealed Roads Rehabilitation Budget 2023/24	\$ 240,000
Total Budget	\$ 692,087

The total overall project cost is summarised below:

Description	Amount
Tender price	\$ 632,087
Contingencies	\$ 50,000
Total Contract Cost	\$ 682,087
Project Management	\$ 10,000
Total Overall Project Cost	\$ 692,087

A contingency of \$50,000 is recommended to cover any latent conditions as well as any need for additional work due to further deterioration in the road pavement since the final inspections before the tender was advertised.

Due to the state of the pavement defects, Council officers believe that it is essential that all these rehabilitation works are carried out as per the specified scope of work. The majority of the work will be completed in September 2023.

Conflict of Interest

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

Community and Stakeholder Consultation

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

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

8 RECORD OF COUNCIL BRIEFING SESSIONS

Purpose

For noting.

Executive Summary

This report presents the records of Council Briefing Sessions for 28 June 2023 to 19 July 2023, for Council to note.

RECOMMENDATION

That Council receive and note the records of Council Briefing Sessions for 26 June 2023 to 21 July 2023.

Background

The Governance Rules adopted by Council at its 24 August 2022 meeting sets the order of business for scheduled meetings. As part of section 7.2.1 “Record of Council Briefing Sessions” is listed as to be included in the order of business.

Discussion

The purpose of keeping a record of Council Briefing Sessions is so that the content of the Briefing Session, the attendance and any declared conflicts of interest are recorded in a formal document. Council is making every effort to ensure that it is transparent in the content of Briefing Sessions and any conflicts of interest, therefore the formal record is presented for noting as part of the Scheduled Meeting Agenda.

The following summary details are for 28 June 2023 to 19 July 2023:

Meeting Name/Type	Council Pre-Meet
Meeting Date:	28 June 2023
Matters Discussed:	<ol style="list-style-type: none"> 1. Grants and Contributions Policy 2. Grants and Contributions Program – June Allocations 3. Audit and Risk Committee – Independent Member Appointment 4. Audit and Risk Committee Charter 5. Audit and Risk Committee Confirmation of Minutes 6. Instruments of Delegation and Authorisation to Council Staff 7. Panel Contract 20/18 – Plumbing Services – Adjustment to total contract value 8. Asset Management Strategy 2023-2027
Councillor Attendees:	Cr J Walsh, Cr K Haslam, Cr S Carpenter, Cr D Gallagher, Cr E Lording, Cr S McAulay, Cr I Gerencser
Council Officer Attendees:	L Bonazzi, M Chesworth, V Albicini, A Paxton, D Echeverry
Conflict of Interest Disclosures: Nil	

Meeting Name/Type	Briefing Session
Meeting Date:	5 July 2023
Matters Discussed:	<ol style="list-style-type: none"> 1. UT Creek Catchment (Alexandra) Flood Scoping Study 2. Community Satisfaction Survey
Councillor Attendees:	Cr J Walsh, Cr K Haslam, Cr S Carpenter, Cr D Gallagher, Cr E Lording (V)
Council Officer Attendees:	L Bonazzi, M Chesworth, A Paxton, V Albicini, P Bain (V), B Chapman
Conflict of Interest Disclosures: Nil	

Meeting Name/Type	Briefing Session
Meeting Date:	12 July 2023
Matters Discussed:	<ol style="list-style-type: none"> 1. Communications Plan – Referendum on the Aboriginal and Torres Strait Islander Voice to Parliament 2. Murrindindi Speed Zone Review 3. Planning Application - 7 Peterkin Street, Alexandra - 19 Lot Subdivision 4. Planning Application - 2 Bolte Bay Road, Taylor Bay - Single Dwelling - Refusal (GMW Objection) 5. Planning Application - 10 Murchison Street, Marysville – Signage 6. Planning Application - 2427 Maroondah Highway, Buxton - Creation of a carriageway easement
Councillor Attendees:	Cr J Walsh, Cr K Haslam, Cr S Carpenter, Cr D Gallagher, Cr E Lording, Cr S McAulay, Cr I Gerencser
Council Officer Attendees:	L Bonazzi, M Chesworth, A Paxton, V Albicini, A Cullen, P Richardson, D Leonard, C Fraser, N Stewart, N Maguire
Conflict of Interest Disclosures: Nil	

Meeting Name/Type	Briefing Session
Meeting Date:	19 July 2023
Matters Discussed:	<ol style="list-style-type: none"> 1. Mental Health prevention program update 2. Planning Application - 204 Killingworth Road, Killingworth - Development Plan 3. Development Services Monthly Report 4. Tender for Collaborative Digital Innovation (CODI) IT Systems Alignment Project 5. Capital Works Program Review
Councillor Attendees:	Cr J Walsh, Cr K Haslam, Cr S Carpenter, Cr D Gallagher, Cr E Lording, Cr S McAulay, Cr I Gerencser
Council Officer Attendees:	L Bonazzi, M Chesworth, A Paxton, V Albicini, A Cullen, P Richardson, D Leonard, C Fraser, N Stewart, N Maguire
Conflict of Interest Disclosures: Nil	

Council Plan/Strategies/Policies

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

Relevant Legislation

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

Financial Implications and Risk

There are no financial or risk implications.

Conflict of Interest

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

9 SEALING REGISTER

File Reference	Date Seal Affixed	Description of Documents	Signatures of Persons Sealing
SF/123	4 July 2023	S18 – Instrument of Sub-Delegation under the Environment Protection Act 2017 - May 2023	Livia Bonazzi Cr J Walsh
SF/123	4 July 2023	S6 - Instrument of Delegation - Members of Council Staff (June 2023)	Livia Bonazzi Cr J Walsh
SF/123	4 July 2023	S11A - Instrument of Appointment and Authorisation (Planning and Environment Act 1987) June 2023	Livia Bonazzi Cr J Walsh
CONT22/19	13 July 2023	Formal Instrument of Agreement between Murrindindi Shire Council and Murrindindi Tree Services	Livia Bonazzi Cr J Walsh
CONT22/19	13 July 2023	Formal Instrument of Agreement between Murrindindi Shire Council and Sherbrook Tree Service	Livia Bonazzi Cr J Walsh
CONT22/19	13 July 2023	Formal Instrument of Agreement between Murrindindi Shire Council and Unlimbited Tree Service Pty Ltd	Livia Bonazzi Cr J Walsh

RECOMMENDATION

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