



AGENDA
of the
SCHEDULED MEETING OF COUNCIL
WEDNESDAY 16 DECEMBER 2020
at
Murrindindi Shire Council
Zoom
Virtual Meeting
Videoconference
6:00 PM

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

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

1 PLEDGE AND RECONCILIATION STATEMENT.....	3
2 APOLOGIES AND REQUEST FOR LEAVE OF ABSENCE	3
3 COMMUNITY RECOGNITION.....	3
4 DISCLOSURES OF INTEREST OR CONFLICT OF INTEREST	3
5 CONFIRMATION OF MINUTES	3
6 PETITIONS	3
7 PUBLIC PARTICIPATION.....	3
7.1 Open Forum.....	3
7.2 Questions of Council.....	3
8 OUR PLACE.....	3
8.1 6 Lot Residential Subdivision - 20 Falls Road, Marysville	3
9 OUR PEOPLE.....	14
10 OUR PROSPERITY	14
11 OUR PROMISE.....	14
11.1 General Maintenance Panel Contract	14
11.2 Variation and Contract Extension - CONT 17 17 - Panel for Provision of Building Services	18
11.3 Pathway Renewal Program 2020 - 2021.....	19
11.4 Goulburn Broken Greenhouse Alliance - Auspice.....	23
11.5 Councillor Portfolios	25
11.6 Council Meeting Schedule 2021.....	27
12 NOTICES OF MOTIONS	28
13 MATTERS DEFERRED FROM PREVIOUS MEETING	28
14 URGENT BUSINESS.....	28
15 COUNCILLOR REPORTS.....	28
15.1 Cr Damien Gallagher.....	28
15.2 Cr Eric Lording	28
15.3 Cr John Walsh.....	28
15.4 Cr Ilona Gerencser	28
15.5 Cr Karine Haslam	28
15.6 Cr Sue Carpenter	28

15.7 Cr Sandice McAulay - Mayoral Report28

16 CHIEF EXECUTIVE OFFICER REPORT28

17 ASSEMBLIES OF COUNCILLORS28

18 SEALING REGISTER.....31

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

5.1 Minutes of the Unscheduled Meeting of Council held on 23 November 2020.

Officer Recommendation

That Council confirm the minutes of the 23 November 2020 Unscheduled Meeting of Council.

5.2 Minutes of the Scheduled Meeting of Council held on 25 November 2020.

Officer Recommendation

That Council confirm the minutes of the 25 November 2020 Scheduled Meeting of Council.

6 PETITIONS**7 PUBLIC PARTICIPATION****7.1 Open Forum****7.2 Questions of Council****8 OUR PLACE****8.1 6 Lot Residential Subdivision - 20 Falls Road, Marysville**

Attachment(s):

1. 1 2018 299 1 - 20 Falls Road MARYSVILLE 3779 - Council report attachments [8.1.1 - 36 pages]

Land: 20 Falls Road Marysville
Proposal: 6 Lot Subdivision
Applicant: Russell Varcoe RSVPlanning Pty Ltd
Zoning: General Residential
Overlays: Vegetation Protection, Bushfire Management
Triggers: Clause 32.08-3 General Residential Zone - subdivision
Clause: 44.06-2 Bushfire Management Overlay - subdivision

Locality Plan



Purpose

This report recommends that a notice of decision to grant a permit be issued for a six-lot subdivision at 20 Falls Road, Marysville.

Officer Recommendation

That Council issue a Notice of Decision to grant a planning permit for a six lot subdivision at 20 Falls Road, Marysville (CA 13, Sec H, Township Marysville - TP569330) subject to the following conditions:

1. **Prior to the plan of subdivision being certified under the Subdivision Act 1988, amended plans to the satisfaction of the Responsible Authority shall be submitted to and approved by the Responsible Authority. The plans must be drawn to a scale with dimensions and generally in accordance with the plan by *Salter Surveying Pty Ltd*, reference 11125 and modified to show:**
 - a. removal of contour lines;
 - b. trees to remain on the property
 - c. relocation of the fire hydrant away from the tree protection zone
 - d. method of ensuring vehicles do not enter or remain within the tree protection zone

When approved these plans shall be endorsed and form part of this permit.

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

- a. This agreement has been prepared for the purpose of an exemption from a planning permit under Clause 44.06-2 of the Murrindindi Planning Scheme.
 - b. The incorporation of the plan prepared in accordance with Clause 53.02-4.4 of the Murrindindi Planning Scheme and approved under this permit.
 - c. If a dwelling is constructed on the land without a planning permit that the bushfire protection measures set out in the plan incorporated into the agreement must be implemented and maintained to the satisfaction of the Responsible Authority on a continuing basis.
 - d. No vehicles may enter the tree protection zone as shown on the endorsed plan and that this area will be maintained to ensure there is no detrimental impact on the trees located on the south eastern property.
 - e. Trees on the property that are shown to be retained may not thereafter be removed unless with the written consent of the Responsible Authority.
 - f. The Section 173 Agreement must be prepared by Council's Solicitors, to the satisfaction of the Responsible Authority and must be registered at the Office of Titles pursuant to Section 181 of the Planning and Environment Act 1987.
5. The owner of the land must enter into an agreement with:
- A telecommunications network or service provider for the provision of telecommunications services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and
 - A suitably qualified person for the provision of fibre ready telecommunications facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.
6. Before the issue of a Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:
- A telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and
 - A suitable qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Telecommunications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.
7. Prior to any works commencing on the subdivision, permission must be granted to relocate the speed sign and school crossing sign away from the property entrance to the satisfaction of the Responsible Authority.

Plans General

8. Prior to certification of the subdivision plan or commencement of construction works, a suitable prepared engineering plan detailing the proposed driveway, earthworks and drainage, including the erosion and sediment control measures must be submitted to the Responsible Authority and receive its endorsement. These plans must include construction standards in accordance the Arboricultural Impact Assessment dated 10 June 2020 recommendation 8.1.5.
9. Prior to certification of the plan of subdivision or the approval of any building construction plans, a stormwater management plan including arrangements for

onsite stormwater detention measures must be forwarded to and approved by the Responsible Authority. The plan must be in accordance with Council's Infrastructure Design Manual Section 16 – URBAN DRAINAGE and Section 19 - ON SITE DETENTION SYSTEMS. All new units must be connected to the Councils underground drainage system.

Drainage

10. All stormwater and surface water discharging from the site must be conveyed to a point of discharge, approved by the relevant authority. No stormwater discharge from downpipes or overflow from storage tank and surface water shall be directed or caused to be directed in a concentrated form that will cause erosion and or adverse effects within the site or to adjoining land or properties.
11. The approved works must not cut off natural drainage to adjacent properties.

Crossovers

12. Prior to commencing any works on the site the vehicular entrance to the subject land from the road must be constructed at applicant's expense to provide ingress and egress to the site at a location and of a size and standard satisfactory to the Responsible Authority. Refer to Council's Infrastructure Design Manual Section 12.9.1 – Urban Vehicle Crossings and standard drawing SD 255.
13. An application for consent to work on the road reserve is required to be made prior to commencing any works on the road reserve and must comply with the requirements of the Road Management Act 2004 and associated Regulations.
14. Prior to the issue of a Statement of Compliance by the Responsible Authority, the Developer must undertake or cause to be provided in accordance with the requirements of the Responsible Authority the following:
 - a. Payment to the Responsible Authority of a supervision fee to a maximum of 2.5% of the actual cost of the subdivision 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);
 - b. Payment to the Responsible Authority of an engineering design checking fee of up to 0.75% of the value of documented Stage 3 works, the amount to be determined by the Responsible Authority;
 - c. Fire hydrant in accordance with the Country Fire Authority requirements (generally at a maximum spacing of 120 m), at the subdivider's expense;
 - d. Reticulated water supply, sewerage, telecommunications and electricity to each lot, in conjunction with the relevant authorities
 - e. Relocate school crossing sign and speed sign to an agreed location
 - f. Completion of all works in accordance with approved plans.

Cultural Heritage Management Plan

15. All works must be in accordance with the requirements of the Cultural Heritage Management Plan dated 25 September 2020 and written by Renee Johnson and Jamie Rooney. In particular this requires:
 - copy of approved CHMP to be kept on-site
 - cultural awareness induction for personnel involved in ground disturbance works
 - compliance inspections and supervision of ground works during activity
 - repatriation of artefacts.

Department of Environment, Land Water and Planning (DELWP)

16. The subject land, CA 13 Section H, Township of Marysville, must not utilise the adjoining Crown land (P182567) for the purpose of defensible space.

AusNet

17. The applicant must:

- Enter into an agreement with AusNet Electricity Services Pty Ltd for the extension, upgrading or rearrangement of the electricity supply to lots on the plan of subdivision. A payment to cover the cost of such work will be required.
- Provide electricity easements internal and external to the subdivision in favour of AusNet Electricity Services Pty Ltd to service the lots on the plan of subdivision and/or abutting lands as required by AusNet Electricity Services Pty Ltd. The provision of reserves for electricity substations may also be required.

Goulburn Valley Water (GVW)

18. Pursuant to Section 56(1)(B) of the Planning and Environment Act, the Corporation does not object to the granting of a permit, providing the following specified conditions are placed on the permit:

- a. Payment of new customer contribution charges for water supply to the development, such amount being determined by the Corporation at the time of payment;
- b. Payment of new customer contributions charges for sewerage services to the development, such amount being determined by the Corporation at the time of payment;
- c. 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;
- d. Provision of easements in favour of the Goulburn Valley Region Water Corporation over all existing and proposed sewer mains located within private property;
- e. 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;
- f. 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.

Country Fire Authority (CFA)

19. The Bushfire Management Plan (prepared by Fireguard, drawing no.: 101 Revision D, dated 16/11/2020,) must be endorsed to form part of the permit and must not be altered unless otherwise agreed in writing by the CFA and the Responsible Authority. When endorsed the plan must be included as an annexure to the section 173 agreement prepared to give effect to Clause 44.06-5 of the Murrindindi Planning Scheme.
20. Before the Statement of Compliance is issued under the Subdivision Act 1988, defensible space on every lot in the subdivision must be implemented and maintained as specified on the endorsed Bushfire Management Plan, unless otherwise agreed in writing by the CFA and the Responsible Authority.

21. Before the statement of compliance is issued under the Subdivision Act 1988 the owner must enter into an agreement with the responsible authority under Section 173 of the Planning and Environment Act 1987. The agreement must:

- **State that it has been prepared for the purpose of an exemption from a planning permit under Clause 44.06-2 of the Murrindindi Planning Scheme.**
- **Incorporate the plan prepared in accordance with Clause 53.02-4.4 of this planning scheme and approved under this permit**
- **State that if a dwelling is constructed on the land without a planning permit that the bushfire protection measures set out in the plan incorporated into the agreement must be implemented and maintained to the satisfaction of the responsible authority on a continuing basis**
- **The land owner must pay the reasonable costs of the preparation, execution and registration of the Section 173 Agreement**
- **The Section 173 Agreement must be prepared by Council's Solicitors, to the satisfaction of the Responsible Authority and must be registered at the Office of Titles pursuant to Section 181 of the Planning and Environment Act 1987**
- **Council will undertake to have the Agreement prepared upon written notification from the applicant. All fees associated with the documentation must be fully paid prior to execution and registration of the document by Council.**

Planning Permit Expiry

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

Notation

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

Background

The application was lodged in January 2019 and proposed to create eight (8) lots from a 4,888 square metre lot and removal of two trees, a mature silver maple and a Douglas Fir. Proposed lots were to range from 452 to 565 square metres and a common property driveway providing access to all lots along the south eastern boundary. Building envelopes had been identified for each lot, ranging in size from 250-299 square metres, providing a site coverage of 49-55.9% of each lot for future dwellings.

The application was referred to relevant agencies and a notice placed in the paper. Thirteen objecting submissions were received and a public meeting was held between all parties.

An amended plan has since been lodged with the number of proposed lots reduced to six.

The Land and Surrounds

The subject land comprises a vacant lot of 4,888 square metres located 270 metres from the Marysville town centre (corner of Murchison Street and Pack Road) and is directly opposite the Marysville Community Centre and close to the swimming pool and school. The land has a 39 metre frontage to Falls Road with a length of 120 metres rising 5.5 metres from the front to the rear boundary. The land is undeveloped with some vegetation located mostly around the edges of the property. There is existing planning permission for the construction of a dwelling and removal of vegetation (pruning).

The adjoining property to the north west is a similar sized property with group accommodation villas. The other property to the south east is also of similar size and undeveloped with scattered trees. This property also contains the main driveway to what was the Marylands Country House Hotel and has substantial trees on both sides of this driveway. While the trees are all located on the abutting land their tree protection zones impact on the subject land.

Proposal

The amended proposal is to subdivide the land into six lots with four lots being 510 square metres, one lot of 628 square metres and a larger lot at the front of the subdivision being 1306 square metres in area. Building envelope areas range from 258 to 459 square metres with a percentage of the site coverage of each individual lot ranging from 35.1% to 50.6%. Access is proposed from Falls Road along the south eastern boundary of the land. From the boundary of the south eastern lot there is a three metre wide tree protection zone (for the trees on the abutting land), a half metre gravel shoulder, a 3½ metre driveway, and then a 1.5m service area for sewerage, water, electricity and phone services and incorporating another half metre gravel shoulder. A total 8.5m width of common property.

The building envelopes for each lot allow for a double garage and a setback from the driveway to allow a vehicle to park. There is a gap in the tree protection zone to allow a *safe work area* for a Country Fire Authority (CFA) vehicle if required in an emergency.

The proposal was accompanied by a Bushfire Management Statement, Waste Management Plan, Cultural Heritage Management Plan, Traffic Plan and Planning Assessments.

Cultural Heritage Management Plan (CHMP)

The site is in an area of cultural sensitivity as defined by the *Aboriginal Heritage Regulations 2018*. Consequently, a Cultural Heritage Management Plan has been supplied with the application. A condition requiring compliance with the CHMP would be included in any permit issued.

Community and Stakeholder Consultation

Notice of the application was originally made by giving notice to adjoining and nearby landowners, displaying a notice on the land and publishing a notice in the paper. The amended plan was then sent to abutting owners and the thirteen (13) submitters. No further submissions were received. The original submissions are still current as none were withdrawn. They are summarised as follows:

1. Lots size and design

- Lots too small with little space for garden and trees
- Proposed setback of 4 metres is out of character with area
- Lot orientation means no access to winter sun for house which will also be affected by summer sun
- No open space
- 3 metre planting strip on eastern boundary could be used informally for parking of cars or motorbikes.

2. Character of Marysville

- Retain village feel, natural beauty and country lifestyle which is important for a tourism town
- Scale of development does not protect, enhance or contribute to the existing character of the neighbourhood
- Not sympathetic to area and adjoining Marylands site
- Density of development and pre-fabricated houses will not lift Marysville's character
- Inconsistent with Clause 56.03, Liveable and sustainable communities, and Triangle Urban Design Framework Report and Roberts Day report
- Town needs more population but not investment properties and absentee landlords that this development will bring

- Negative long term impact on historical reputation and viability
- Need to rebuild an uncluttered community oriented residential environment
- May set precedent for possible future development.

3. Tree Removal

- Removal of 2 trees will impact on area and remove 2 trees that survived the fires
- Invasion of root zone with development impacting on trees
- Protect heritage trees
- Don't need pruning to boundary
- Cannot effectively replace trees
- Build sympathetically to existing trees.

4. Traffic and car parking

- Lack of parking with too much parking in Falls Road
- Narrow, one way traffic with tight turning
- May bank up traffic on Falls Road, causing conflict with nearby community activities
- Congestion jeopardises access for fire trucks and other service vehicles.

5. Existing drainage infrastructure will not accommodate increased development

- Drainage flows will increase with runoff off impermeable surfaces
- Proposal will exacerbate existing drainage problem.

6. Other

- Potential for 16 dogs which could adversely impact on tourism
- Reduction in property values.

Amendments to the proposal suggested by objectors is to have less lots (potentially down to 2 or 4), increase front setbacks to reflect neighbours, retain the Douglas fir and silver maple trees.

Discussion - Submissions

Council officer's response to the objections is summarised below:

1. Lot size and design

The amended plan has reduced the number of lots from eight to six, with lots 2 to 6 approximately 40 square metres larger than the previous plan and lot 1 increased from 558 square metres to 1306 square metres. The front setback from the property boundary has increased from four to nine metres with nine metres being the accepted setback on a single lot in the General Residential Zone.

The plan shows building envelopes for each lot and with the exception of lot 1 which has 847 square metres outside the building envelope, the other lots have at least 252 square metres outside the building envelope. This includes a minimum 96 square metres in one area at the rear of the lots. The minimum requirement for private open space is 40 square metres.

The orientation of the land is north east at the front and south west at the rear. This allows solar exposure to the rear of the properties which includes the private open space with solar access to the front of the buildings limited due to the proximity of the building envelopes with potentially 3 metres between buildings.

The three metre tree protection zone would be protected by a legal agreement on title and the safe work area would be restricted to use by the CFA. Bollards can also be installed to ensure vehicles do not use this area.

2. Character of Marysville

This application is for subdivision and future building styles are not known. The design supports a larger house on the front lot which will give the impression of a single dwelling across the frontage. The common property area will contain the driveway, vegetation protection area and services with a width of 8.5 metres. There is also a four metre setback within the individual lots

giving a total of 12.5 metres setback from the abutting lot to the north east. These remaining five lots will remain relatively private from Falls Road with limited visibility into the subdivision.

Houses on these lots will not require a planning permit as the only trigger for a planning permit is the Bushfire Management Overlay. These lots will have an assessment as part of the subdivision and a Section 173 Agreement will be registered on title that includes all of the bushfire building requirements for each lot. Consequently, the design of the individual houses will not be considered by the planning unit, as was the case for all lots in Marysville prior to the Bushfire Management Overlay mapping being amended in 2017 and included in Marysville.

3. Tree removal

The application originally included the removal of some trees under the Vegetation Protection Overlay and the removal of others that would be exempt due to the bushfire protection measures required by the Bushfire Management Overlay.

In order to reduce the amount of vegetation required a number of changes have been made to the plan including the location of all services along the front of the lots, the construction of the accessway to be of permeable material and the Country Fire Authority (CFA) safe work area slightly moved. Also, the lot 6 and lot 1 building envelopes have been altered to protect vegetation.

Trees will be removed in accordance with the Bushfire Management Overlay, one of the requirements being that there must be a five metre separation between canopies. This means that the Pin Oak (located on the road reserve) and the Silver Maple can remain however the Douglas Fir will need to be removed due to the proximity to the other two trees. A number of trees along the north western boundary will also need to be removed due to canopy separation requirements. The trees on the neighbouring lot to the south east will only be slightly impacted with some canopy uplift required to allow for vehicle movements. This pruning has previously been approved and a planning permit was issued in 2018 for this pruning and a single dwelling.

4. Traffic and carparking

Each lot has an area set aside for a double garage, as well there is enough room within each lot to park a car between the garage and the front boundary. Any parking outside this will be located on Falls Road.

The traffic engineering assessment states that sight distances along Falls Road when leaving the property will be adequate and due to the driveway elevation will not be impacted when bins are located on the road reserve waiting pickup.

There is a three metre gravelled area which would allow for both bin pickup and car parking.

5. Drainage

Prior to the commencement of any subdivision work on the site appropriate detailed plans will need to be lodged with Council and approved. This will include a stormwater management plan and driveway construction plan. All works would be required to be completed prior to the issue of a Statement of Compliance (final approval before titles can issue) for the subdivision.

While existing drainage issues can be taken into account, they cannot be made the responsibility of the developer.

6. Other

Dogs will be registered in accordance with the existing Community Local Law. It is unknown how many prospective owners will have dogs and is not a relevant consideration.

The potential for a reduction in property values is not a planning issue.

Referrals

The application was referred to the Country Fire Authority (CFA), Department of Environment, Land Water and Planning, Goulburn Valley Water and Ausnet Services.

Consent to the application, subject to standard servicing conditions were received by all.

Discussion - Planning Considerations

Planning Policy

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

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

Council seeks to manage the development of its towns by:

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

The proposal would provide a medium density residential development which achieves the stated policy objectives in a number of ways:

- The proposal would assist in diversifying housing stock within Marysville (and Murrindindi Shire more broadly) through the creation of smaller lots with close access to the town centre.
- The site is located in an area supported by infrastructure and close to community services and facilities.

The proposal is located on a site inside an established township in a location zoned to support residential development.

Clause 04.04 Marysville Framework Plan shows this site for use as a guest house and major accommodation site for tourist use. Since the *Marysville & Triangle Urban Design Framework* was completed after the 2009 bushfires this site has been sold in three parts to separate owners removing the ability to use the site for this purpose. The land to the south is also proposed for residential subdivision. It is likely that a future review of the Murrindindi Planning Scheme will make changes to the framework plan to reflect the changes in the use of the land. The framework plan does not stop Council approving a residential subdivision on this land.

Clause 13.02-1S Bushfire Planning applies to land within the Bushfire Management Overlay, and has strategies of 'Directing population growth and development to low risk locations and ensuring the availability of, and safe access to, areas where human life can be better protected from the effects of bushfire'.

Accordingly, the proposal seeks to subdivide land within a predominantly cleared urban infill site with an established BAL29 rating under Schedule 2 of the Bushfire Management Overlay.

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

Clause 15.01-3S Subdivision Design objective is to ensure the design of subdivisions achieves attractive, safe, accessible, diverse and sustainable neighbourhoods by creating walkable distance between activities, provide a range of lot sizes, reduced car dependency within the town, access to safe and attractive spaces and networks for walking and cycling.

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

Clause 16.01-2L Residential development in serviced and non-serviced towns encourages a diversity of housing including higher density housing and encouraging housing in well serviced areas to maximise infrastructure provision.

The *Marysville & Triangle Urban Design Framework* (UDF) is a background document to the Murrindindi Planning Scheme. It was adopted by Council in November 2009 and went through extensive discussions and consultations with the community, agencies, government and business stakeholders.

The study found that Marysville residents had a strong sense of place with the natural environment, with both native and exotic landscaping predominating as the unifying element. Other components were the modesty of scale with efforts to be made to reduce the perceived size. A good example of this is the Vibe Hotel which although substantial with 100 rooms and five conference/event spaces has been built to take advantage of the slope of the land and with a relatively low scale frontage to Murchison Street and a mountain village character to the buildings with the roof lines and cladding.

One of the opportunities that came out of this plan was to re-establish a mix of residential options including housing for retirees and older persons and affordable rental options.

While the main focus of the UDF is on the public and commercial areas there are still design principles that can guide residential development. These include maintaining garden and landscape character, minimising the use of solid fences, encouraging environmental sustainability and energy efficiency as well as encouraging innovative architecture and also architecture that reflects the mountain village character.

Clause 32.08 General Residential Zone (GRZ) – a planning permit is required for the subdivision of land into six lots.

The purpose of the GRZ is to:

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

The proposed subdivision respects neighbourhood character by retaining vegetation, providing a good setback and visual presentation to the street with a single dwelling being the focus. The

smaller lots allow for diversity while still retaining substantial amounts of private open space and frontage to an attractive accessway.

Clause 42.02 Vegetation Protection Overlay – does not apply in this instance as all vegetation to be removed is either exempt or is required for removal due to the Bushfire Management Overlay which overrides this control.

Clause 44.06 Bushfire Management Overlay – applies to this land. A permit is required to subdivide land. Any permit issued must include a mandatory condition requiring a Section 173 Agreement under the Planning & Environment Act 1987 that will be lodged on each individual title and must:

- state that it provides an exemption from a planning permit under clause 44.06-2 of the Murrindindi Planning Scheme
- incorporate the plan prepared in accordance with Clause 53.02-4.4
- state that no planning permit is required for a dwelling as long as the bushfire protection measures set out in a plan incorporated with the agreement are implemented and maintained.

An approved Bushfire Management Plan must be endorsed as part of any permit and this has specific requirements relating to access, water, building protection zones.

Clause 56 Rescode A subdivision between 3 and 15 lots must meet certain objectives of Clause 56 which includes neighbourhood character, walking and cycling network, neighbourhood street network, lot access. The proposal meets all of these objectives.

Conclusion

It is considered that the six lot subdivision of this land is an appropriate and consistent with the provisions of the Murrindindi Planning Scheme.

Council Plan/Strategies/Policies

This report supports the *Council Plan 2017-2021 Our Place* strategy to “through good land use planning enhance the liveability, prosperity and the rural character of our Shire”.

Relevant Legislation

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

Financial Implications and Risk

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

Conflict of Interest

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

9 OUR PEOPLE

10 OUR PROSPERITY

11 OUR PROMISE

11.1 General Maintenance Panel Contract

Attachment(s): Nil

Purpose

The purpose of this report is for Council to appoint a panel of providers for the provision of maintenance, programmed works, emergency works, minor building works and approved capital works – general maintenance.

Officer Recommendation

That Council:

1. **appoint the following suppliers to CONT20/31 – Panel for the Provision of Maintenance, Programmed Works, Emergency Works, Minor Building Works and Approved Capital Works – General Maintenance for an initial period of three years commencing 1 January 2021 to 31 December 2024 with the option for a two-year extension:**
 - Trevor Carns
 - Melbourne Master Painting & Maintenance Pty Ltd.
2. **note that the expenditure will not exceed \$2,500,000 (incl. GST) for the 5-year period (includes extension); and**
3. **authorise the Chief Executive Officer to extend the Panel for the Provision of Maintenance, Programmed Works, Emergency Works, Minor Building Works and Approved Capital Works – General Maintenance beyond the initial term for a two-year period subject to satisfactory performance.**

Background

General maintenance services have previously been procured under a panel arrangement that commenced on 1 December 2015 and ended on 31 November 2020. The optional extensions were exercised in 2018 and 2019.

The general maintenance services panel arrangement provides access to a range of professional services to assist Council in the delivery of our maintenance and minor capital programs as well as attending to reactive maintenance issues. As per the contract specification, Council seeks to appoint up to 4 suppliers that have suitably addressed the evaluation criteria.

Council has significant expenditure on services that are required to carry out Council's maintenance activities and capital works program. The majority of these services, individually, are below Council's procurement threshold of \$10,000.00 (Inc. GST) for the requirement of sourcing alternative quotes and as such are not tested against the market. To ensure value for money, tenders have been advertised to provide a competitive process. Following the success of the initial panel contract this will be the second panel contract engagement for these services.

Discussion

The panels are established through an open market process with a set number of panel members being engaged for services over a contracted period of time. The number of panel contractors for this procurement was increased for this procurement given the volume of works experienced over the existing contract period.

Factors taken into account when determining the number of panel members for each service is as follows:

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

The number of panel members will not exceed the maximum as advertised in the general maintenance services tender.

The objective of this panel is to continue to:

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

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

Works covered in the contract include the following:

- **Compliance Works** – Compliance works, including Statutory works, undertaken to provide temporary or permanent repair to protect against a public safety risk and/or to rectify a failure to restore the asset's intended functionality.
- **Emergency Works** – Emergency works undertaken to provide temporary or permanent repair to protect against a public safety risk and/or to rectify a failure to restore the asset's intended functionality.
- **Reactive Maintenance** – Maintenance works undertaken to provide temporary or permanent repair to protect against a public safety risks and/or to rectify a failure to restore the asset's intended functionality.
- **Routine Maintenance** – Maintenance works undertaken to preserve the life of the asset and ensure that it retains its intended functionality. This includes statutory inspections as required under individual legislative requirements and cyclical maintenance works.
- **Minor Renewal** – Works undertaken to renew or replace an existing asset. The works restore the service potential and life of the asset.
- **Minor New/Upgrade Works** – New installation works up to the value of \$200,000 (Incl. GST).

To obtain value for money and fixed emergency response costs, suppliers were required to provide the following rates:

- Hourly labour rates – normal working hours
- Hourly emergency call out rate – outside normal working hours (cost per call out)
- Margin on materials % on actual invoice.

Appointment to the general maintenance supplier's panel contract does not guarantee a commitment by Council to any future projects or works. Engagement will be subject to Council's procurement policy, including requesting quotes and tenders as deemed necessary. Panel suppliers will be continually monitored and evaluated on their performance under the contract including risk management, cost effectiveness and delivery of services to Council.

In order to assist local contractors in being able to complete tender documentation and submit a conforming tender, an optional bidder's brief was offered to potential bidders via Zoom. There was no interest registered for this opportunity, so the briefing session did not proceed.

The opportunity was advertised widely and the existing panel supplier and registered suppliers were invited to this opportunity via the Tender Search Portal.

Council's Procurement Policy requires that all tenders be evaluated by a tender evaluation committee (Committee). To ensure transparency, a probity auditor was included in the evaluation process. The committee responsible for evaluating this tender comprised of:

- Probity Auditor – Procurement & Risk Management Officer
- Coordinator Facilities
- Coordinator Roads & Parks Maintenance
- Integrity & Governance Coordinator.

Tenders were assessed against the following criteria:

- Price – 40%
- Response Times – 10%
- Capacity to deliver (resources & equipment) - 15%
- Capability to deliver (OH&S systems) – 10%
- Understanding of the requirement – 10%
- Relevant Experience - 15%.

An initial evaluation of all submissions was undertaken in relation to their compliance with the contract specification. Any potential risks to Council were also noted. Each submission was then evaluated to consider the suppliers ability to meet the requirements of the contract including their ability to meet the required response times. This was an essential requirement. Tenders were assessed with particular attention to the evaluation criteria requirements. Submissions deemed non-conforming were removed from further evaluation.

Tenderers who were able to meet the required response timelines, demonstrated a sound understanding of the requirements, provided evidence of relevant experience and OHS systems including emergency management and working alone procedures were then shortlisted and evaluated further. A reference check was then completed on all evaluated suppliers new to the panel.

The supplied rates and the tender evaluation have been distributed to Council separately to ensure confidentiality.

Council Plan/Strategies/Policies

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

Relevant Legislation

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

Financial Implications and Risk

Over the current five-year contract, Council spent approximately \$969,577 (incl. GST) under the existing general maintenance panel. It is anticipated that this trend will continue and increase with Council potentially spending up to \$2.5M (incl. GST) over the next five years for general maintenance services.

All costs associated with the use of this Panel will be funded from operational budgets as well as funded capital works budgets.

The general maintenance services panel contract has and will continue to provide significant benefits and efficiencies to Council as less resources will be required to engage suitable suppliers in a timely and cost-effective manner, particularly in an emergency call out situation.

Conflict of Interest

A conflict of interest was declared by a Council officer in relation to this report. This was managed by having a probity auditor and an independent evaluation team to evaluate the submissions. No

discussion was entered into regarding existing panel contractors until after individual evaluations were completed. Another panel member declared a conflict of interest and was removed from the Panel and replaced with another suitably qualified Council Officer. No other conflicts of interest were declared in relation to this contract.

Community and Stakeholder Consultation

No external consultation was undertaken. The opportunity was promoted through advertisements in local papers, Facebook and uploaded to the Tender Search web portal. The existing general maintenance services panel supplier was invited to participate in the process.

11.2 Variation and Contract Extension - CONT 17 17 - Panel for Provision of Building Services

Attachment(s): Nil

Purpose

This report seeks Council to endorse a variation to the total contract amount for the Panel for the Provision of Building Maintenance and Minor Building Works - Builders (CONT17/17) to allow its application of the final two-year extension.

Officer Recommendation

That Council:

- 1. note that the two-year extension of contract, CONT17/17 Panel for Provision of Building Maintenance and Minor Building Works – Builders will be executed in line with the contract terms; and**
- 2. approve a variation of \$800,000 (incl. GST) to the contract CONT17/17 Panel for Provision of Building Maintenance and Minor Building Works – Builders, thus increasing the total contract amount of up to \$1,600,000 (incl. GST).**

Background

At the 27 September 2017 Council meeting, the Panel for Provision of Building Maintenance and Minor Building Works - Builders contract was awarded to M & A Dean Builders, Stace & Newman Builders Pty Ltd and Daniel Duna Constructions Pty Ltd.

The Council resolution of the Council meeting of the 27 September 2017 was as follows:

“That Council:

1. Notes that total expenditure on builder services was estimated to be \$800,000 over the next three years.
2. Agrees to establish a panel (CONT17/17) for builders with the following suppliers:
 - Daniel Duna Constructions Pty Ltd
 - Stace and Newman Builders Pty Ltd and
 - M & A Dean.
3. Authorise the signing and sealing of Contract number 17/17 with each of the above suppliers for a 3-year period, with optional 2-year extension period.”

The panel contractors have satisfactorily completed the building services for the first three years of the contract.

Discussion

The commencement date for this contract was 2 October 2017. The initial term was three years and this expired on 1 October 2020. This is a panel contract with schedule of rates for works of a value of less than \$200,000. Contractors are paid when utilised.

Specifically, the panel aimed to seek building trade contractors capable of performing improvements to Council's buildings and associated assets. The works covered is wide ranging and may include the following:

- Repairs and maintenance to building structures and surrounds
- Minor refurbishment/upgrade works.

The total cost for building services for the first three years under this contract is \$618,711.54 (excl. GST). This leaves a remaining budget of \$108,571 (excl. GST) which will not be sufficient to cover the 2-year extension.

The estimated amount provided for approval was based on usage of contractors and works of that time. As a result, the original total contract value of \$800,000 (inc. GST) approved by Council is now not a sufficient amount to allow for Council's increasing demand for building capital works and maintenance program. This is due to Council's aging building stock requiring increased renewal and maintenance needs to mitigate risk and to meet service needs. As such, a variation of the total contract amount is sought from Council. Without this variation, the building services contract is unable to be implemented in accordance with the initial Council resolution.

With the recommended variation of \$800,000 (incl. GST) the total value of the contract will increase from \$800,000 (inc. GST) to \$1,600,000 (incl. GST). Following the completion of the 2-year extension the contract will have reached the end of its term and will be subject to tender in 2022.

Council Plan/Strategies/Policies

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

Relevant Legislation

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

Financial Implications and Risk

The recommend increased contract amount of up to \$1,600,000 (Inc. GST) can be accommodated by the current and future maintenance and capital works budgets.

Conflict of Interest

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

Community and Stakeholder Consultation

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

11.3 Pathway Renewal Program 2020 - 2021

Attachment(s):

1. Pathway Renewal Program 2020 2021 - Locations [**11.3.1** - 10 pages]

Purpose

This report provides the results of a tender process to appoint a contractor for CONT20/30 - Pathway Renewal Program – 2020/21.

Officer Recommendation**That Council:**

1. **Accept the tender from Tenderer 1 for CONT20/30 - Pathway Renewal Program 2020/2021 for the lump sum price of \$400,800.95 (including GST) (\$364,364.50 excluding GST), consisting of works to be completed on the following paths:**
 - **Perkins Street (South Side), Alexandra**
 - **Kinglake Office - Entrance Road Path, Kinglake**
 - **Whittlesea-Kinglake Road (Shared Path), Kinglake**
 - **Healesville-Kinglake Road (North side), Kinglake**
 - **Riverside Drive (North Side), Eildon**
2. **Approve the allocation of a contingency amount \$3,674.55 (including GST) (\$3,340.50 excluding GST), as detailed in this report**
3. **Release the Company name of the awarded Tenderer as part of the minutes.**

Background

The 2020/21 Capital Works Program has identified various renewal projects as part of its pathway renewal program. The scope includes the renewal and replacement of pathways in various locations across the shire.

The following areas are those included in this tender and the attachment provides the locations for this renewal.

Primary List of Works

Segment Number	Locality	Asset Name	Treatment Required
Red Gate Ward			
PATH000033	Alexandra	Perkins Street South Side Path01	Concrete 125mm
Kinglake Ward			
PATH000925	Kinglake	Kinglake Office entrance road Path01	Concrete 125mm
PATH000980	Kinglake	Whittlesea-Kinglake Road Kinglake Ranges Shared Path	Asphalt
PATH000981	Kinglake	Whittlesea-Kinglake Road Kinglake Ranges Shared Path	Asphalt
PATH000995	Kinglake Central	Whittlesea-Kinglake Road Kinglake Ranges Shared Path	Asphalt
PATH000996	Kinglake Central	Whittlesea-Kinglake Road Kinglake Ranges Shared Path	Asphalt
PATH002865	Kinglake Central	Whittlesea-Kinglake Road Kinglake Ranges Shared Path	Asphalt
PATH002877	Kinglake	Healesville-Kinglake Road North Side	Asphalt
PATH002878	Kinglake	Healesville-Kinglake Road North Side	Asphalt
PATH002879	Kinglake	Healesville-Kinglake Road North Side	Asphalt
PATH002880	Kinglake	Healesville-Kinglake Road North Side	Asphalt
PATH002881	Kinglake	Healesville-Kinglake Road North Side	Asphalt

PATH002882	Kinglake	Healesville-Kinglake Road North Side	Asphalt
PATH002883	Kinglake	Healesville-Kinglake Road North Side	Asphalt
PATH002884	Kinglake	Healesville-Kinglake Road North Side	Asphalt
PATH002885	Kinglake	Healesville-Kinglake Road North Side	Asphalt
Eildon Ward			
PATH000956	Eildon	Riverside Drive North Side	Asphalt

Provisional List of Works

(works which will only proceed if the primary list came in under budget)

PATH000978	Kinglake	Whittlesea-Kinglake Rd Kinglake Ranges Shared Path	Asphalt
PATH000979	Kinglake	Whittlesea-Kinglake Rd Kinglake Ranges Shared Path	Asphalt
PATH000982	Kinglake	Whittlesea-Kinglake Rd Kinglake Ranges Shared Path	Asphalt
PATH000994	Kinglake Central	Whittlesea-Kinglake Rd Kinglake Ranges Shared Path	Asphalt

Discussion

The request for tender was advertised from 2 October 2020 in the following publications:

- Alexandra & Eildon Standard
- Yea Chronicle
- Marysville Triangle

Tender specifications were prepared by Council officers. They included information from Council officer site inspections, Infrastructure Design Manual and VicRoads Standards.

The original tender included a primary list of works as well as works which would only proceed if the primary list came in under budget, this additional list is referred to as the provisional list of works.

Tender	Total Price (GST Excl.) including provisional items
Tenderer 1	\$753,779.50
Tenderer 2	\$883,906.15
Tenderer 3	\$871,064.15

An early decision was made by the evaluation panel based on the submitted prices and available budget to remove all items on the provisional list.

Tender	Tender Price (GST Excl.) excluding provisional items
Tenderer 1	\$540,839.50
Tenderer 2	\$629,055.63
Tenderer 3	\$631,826.39

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

- Coordinator Project Delivery
- Special Projects Engineer
- Capital Works Officer

Tenders were assessed against the following criteria:

- Price – 50%
- Capacity and Capability – 20%
- Understanding of the Requirement – 20%
- Relevant Experience – 10%.

A summary of the evaluation and individual scoring is outlined below:

Criteria	Weighting	Tenderer 1	Tenderer 2	Tenderer 3
Price	50%	50	45	40
Capacity & Capability	20%	15	16	17
Understanding of the requirement	20%	15	16	17
Relevant experience	10%	8	8	7
TOTAL	100%	88	85	81
Rank		1	2	3

Details of the Evaluation:

‘**Capacity and Capability**’ was assessed based on the completed tender schedules where contractors list their available staff members, items of plant (Machinery) and any sub-contractors they will be using.

The ‘**Understanding of the Requirements**’ is also assessed by the submitted schedules as well as the general response provided by the tender. In the schedules, they are required to list a methodology for how to complete the works as well as a program for the time to complete each stage.

The ‘**Relevant Experience**’, was assessed based on references as well as previous experience completing similar works.

Council Plan/Strategies/Policies

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

Relevant Legislation

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

Financial Implications and Risk

The approved budget for the 2020/21 path program is \$367,705.00 (excl. GST).

The project cost is summarised below:

	Cost (Ex GST)
Tender price excluding provisional items (Recommended Tender)	\$540,839.50
Contingencies	\$20,000.00
Total Project Cost	\$560,839.50

An allowance of \$20,000.00 excl. GST for contingencies was proposed to cover any latent conditions or any other unforeseen circumstances.

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

Project	Budget (Ex GST)	Total Project Cost (Ex GST)	Variance (Ex GST)
Pathway Renewal Program	\$367,705.00	\$560,839.50	-\$193,134.50

As a result, there is a variance of -\$193,134.50 (excl. GST).

Upon further investigation it was found that the scope of works was far greater than the budget allowed. Estimates undertaken pre-tender were calculated lower than the true costs. In future, this will be rectified as the capital works process has changed to ensure that there will be greater scrutiny of the estimates of projects submitted so that the program reflects more accurate project costs.

To meet the budget, further segments had to be removed from the program. Segments 000995 & 000996 have been removed from the Pathway renewal program 2020/2021 based on confirmation from the Assets team. It was determined that these segments require redesign along new alignments to correct their grades and widths to comply with Disability Discrimination Act (DDA) requirements. As a result, this could present a risk to the program resulting in possible delays and costs.

The remaining path segments removed from the program list to reduce the works so as to match the budget comprises of the provisional items and two additional segments (000980 & 002865). The two segments removed due to budget constraints will be the priority segments to add back into the program should savings be achieved over the course of delivering the works. It is unlikely that any provisional item in the list below will be delivered and these will be included for consideration as part of the 2021/22 financial year pathway program.

These paths were removed as they provided the most economical saving and were in better condition in comparison to other tendered path segments.

As a result of removing the above segments, the project cost is summarised below:

	Cost (Ex GST)
Revised Tender price (Recommended Tenderer)	\$364,364.50
Contingencies	\$3,340.50
Total Project Cost	\$367,705.00

The contingency amount has been lowered due to the reduced amount of works that will be undertaken. It is expected that there will be minimal issues with the remaining works.

Project	Budget (Ex GST)	Total Project Cost (Ex GST)	Variance (Ex GST)
Pathway Renewal Program	\$367,705.00	\$367,705.00	\$0

Conflict of Interest

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

Community and Stakeholder Consultation

No external consultation was undertaken in the preparation of this report.

11.4 Goulburn Broken Greenhouse Alliance - Auspice

Attachment(s): Nil

Purpose

This report seeks Council's endorsement to become the auspice (host) Council for the Goulburn Broken Greenhouse Alliance (GBGA).

Officer Recommendation

That Council endorses the arrangement to become auspice for the Goulburn Broken Greenhouse Alliance for the period 1 July 2021 to 30 June 2025.

Background

In July 2020, Council's Chief Executive Officer was approached by the Goulburn Broken Greenhouse Alliance (GBGA) to investigate Council's interest to become auspice for the GBGA for the period 1 July 2021 to 30 June 2025. After considering the offer, it was thought that this would be beneficial for the Murrindindi Shire and that the matter would be reported to the new Council in December 2020. The GBGA requires confirmation of Council's support by the end of December so that necessary works to finalise the auspice arrangements are completed by June 2021.

The Goulburn Broken Greenhouse Alliance is an alliance of 13 Councils and key environment agencies in the Goulburn Broken and North East regions of Victoria, working together on responses to the challenge of climate change. The GBGA was established in 2007. Its current members are: Greater Shepparton City Council (current auspice Council), Alpine Shire Council, Benalla Rural City Council, Campaspe Shire Council, Indigo Shire Council, Mansfield Shire Council, Mitchell Shire Council, Moira Shire Council, Murrindindi Shire Council, Strathbogie Shire Council, Towong Shire Council, Wangaratta Rural City, City of Wodonga, Goulburn Broken Catchment Management Authority, North East Catchment Management Authority and Department of Environment, Land, Water and Planning.

Member Councils join via a membership memorandum of understanding, and are represented in the GBGA through two Council Representatives - a Councillor and an officer. The GBGA works to identify and respond to the challenges of climate change including both adaptation and mitigation. Today the GBGA is a well-respected local government network in the Hume region of Victoria and has contributed to responses on climate change through project delivery, education and capacity building. Such cooperation is typical of the way that environmental management has been approached in the region for many years and adds to what makes the region a renowned area of Victoria.

The GBGA is an unincorporated organisation and is currently auspiced by the City of Shepparton. Members fund an Executive Officer to manage and develop the GBGA and its projects through annual contributions. The GBGA operates through an AGM and four quarterly ordinary meetings of the GBGA committee, along with various project management meetings to support project delivery functions. Between GBGA meetings, the skills-based Alliance Committee oversees the Executive Officer and other functions of the GBGA.

Discussion

As auspice Council for GBGA, Murrindindi has the opportunity to deliver high profile, climate change adaptation and mitigation projects and solidify our position as a collaborative and progressive leader in this sector.

In recent times the GBGA has delivered a number of significant regional projects under leadership from the auspice Council, including;

- *Watts Working Better* upgrade to energy efficient residential streetlights, replacing over 12,600 lamps in a \$5 million project. The project achieved significant saving in cost and greenhouse gas emissions, helping members meet greenhouse reduction goals. Collectively, members expect an annual saving of around \$800,000 and 4500 tonnes of greenhouse gas per year
- Climate Smart Agricultural Development in the Goulburn Broken Region (2016) and the North East Region. These projects have modelled the future of many agricultural commodities to provide information to assist the sector in the opportunities and impacts of climate change to 2050
- Collaboration of 55 councils in a state-wide study, 'Charging the Regions' to understand the potential for a state-wide electric vehicle charging network
- Collaboration of 47 councils to develop the procurement project for renewable energy 'Local Government Power Purchase Agreement'
- Preparing a 2020 submission to the Australian Energy Regulator to counter price rises sought by electricity distribution companies in fees and charges. This advocacy has the potential to save Victorian councils up to \$30 million over 5 years.

Responsibilities of the auspice Council include hosting the Executive Officer (EO). The EO performs strategic planning, external liaison and presentations, detailed committee and project work, project inception, draft advocacy positions and submissions on behalf of the GBGA. The EO is subject to all employee policies of auspice Council. The auspice Council also has the following administrative responsibilities;

- Manage financial affairs of Alliance
 - Payment of creditors, preparation of invoices
 - End of year and monthly reporting of financial state and YTD budgets to Committee & Forum meetings
 - Preparation of annual budget & 4 year rolling budget
 - Manage the alliance EO as a staff member of the auspice body.
- Recruitment of Executive Officer as per Auspice Council policies
- Management of Executive Officer by Senior Officer – weekly meetings and annual review
- Ensure compliance with Auspice Council employment and other relevant policies
- Assist with governance of Alliance through membership of Alliance Committee.

Provision of auspice responsibilities is common practice in local government and the opportunity to become the auspice Council for the GBGA will boost the profile of Murrindindi Shire and our efforts to support climate action.

Council Plan/Strategies/Policies

This report supports the *Council Plan 2017-2021 Our Place* strategy to 'strengthen the environmental sustainability of our communities, protect our natural environment and reduce resource consumption.

Relevant Legislation

Being the auspice Council for the GBGA will align with the requirements of the *Climate Change Act 2017*, *Local Government Act 2020* and the *Planning and Environment Act 1987*.

Financial Implications and Risk

In becoming the auspice Council for the GBGA, some administrative costs and other overheads can be recovered, estimated at approximately \$16,500 per annum. Council would provide in-kind support including expenses such as management of the EO, use of Council pool vehicles, office space, photo-copying etc.

Conflict of Interest

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

Community and Stakeholder Consultation

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

11.5 Councillor Portfolios

Attachment(s): Nil

Purpose

The purpose of this report is to seek Council's endorsement of the Councillor Portfolio Structure for 2021.

Officer Recommendation**That Council:**

1. Establishes the following portfolios and Councillor appointments
 - a. Corporate and Governance – Cr John Walsh
 - b. Resource Recovery and Environment – Cr Karine Haslam
 - c. Community Assets and Emergencies – Cr Eric Lording
 - d. Planning and Compliance – Cr Sue Carpenter
 - e. Community Engagement and Wellbeing – Cr Damien Gallagher
 - f. Tourism, Events and Business Support – Cr Ilona Gerencser.

Background

Council has historically had in place a portfolio system to enable Councillors to focus on specific areas of Council, have input into the strategic and policy development on portfolio issues and to better inform Council. The Portfolio Councillor Policy (adopted March 2019) articulates the role of, and support to be provided to, Portfolio Councillors.

Discussion

Council has indicated a preference for a Portfolio structure to be put in place for the 2021 year, in alignment with the Council Portfolio Policy. The Portfolio subject areas and appointed Councillors are reviewed and established on an annual basis for the coming year. Council has discussed the preferred Portfolio structure and the officer recommendation is based upon this decision.

Once the portfolios are established each Councillor will have the opportunity to work with the relevant Director to ensure that they remain informed and engaged in that subject area. Councillors are encouraged to report on their Portfolios as part of their monthly report to Council in an effort to keep the community informed.

Council Plan/Strategies/Policies

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

This report supports the *Council Plan 2017-2021 Our Promise* strategy to “ensure the range of services we provide and the way we provide them are best aligned with community priorities and Council's resources”.

Relevant Legislation

The *Local Government Act 2020* requires Council to best support Councillors in undertaking their role. Councillor Portfolios enable Councillors to be better informed regarding how Council provides services to the community.

Financial Implications and Risk

Support to Portfolio Councillors is undertaken by Council officers as part of their normal duties.

Conflict of Interest

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

Community and Stakeholder Consultation

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

11.6 Council Meeting Schedule 2021

Attachment(s): Nil

Purpose

The purpose of this report is to seek Council's endorsement of the monthly timetable of Council meetings from January 2021 to December 2021.

Officer Recommendation

That Council adopt the following timetable of Scheduled Meetings of Council for January 2021 to December 2021:

Meeting Date	Venue	Time
Wednesday 27 January 2021	Virtual - via ZOOM	6pm
Wednesday 24 February 2021	Virtual – via ZOOM	6pm
Wednesday 24 March 2021	Alexandra Council Chambers	6pm
Wednesday 28 April 2021	Yea Council Chambers	6pm
Wednesday 26 May 2021	Alexandra Council Chambers	6pm
Wednesday 23 June 2021	Yea Council Chambers	6pm
Wednesday 28 July 2021	Alexandra Council Chambers	6pm
Wednesday 25 August 2021	Yea Council Chambers	6pm
Wednesday 22 September 2021	Alexandra Council Chambers	6pm
Wednesday 27 October 2021	Yea Council Chambers	6pm
Wednesday 17 November 2021 Election of the Mayor	Alexandra Council Chambers	6pm
Wednesday 24 November 2021	Yea Council Chambers	6pm
Wednesday 15 December 2021	Alexandra Council Chambers	6pm

Background

As per the Governance Rules 2020 Council is required to fix the date, time and place of all Council Meetings for the following year, this forms the timetable of Scheduled Meetings for 2021. This may be changed by Council resolution or by the Chief Executive Officer in the future if required.

Discussion

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

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

The meetings are proposed to alternate between the Alexandra and Yea Chambers when safe to resume with public attendance, both venues are being fitted with filming equipment to enable livestreaming. Council will endeavour to livestream all Council meetings that are open to the public and any Council meetings closed to the public due to security reasons, for example if COVID-19 restrictions don't allow for a gallery to be present.

A meeting is scheduled in November to elect the Mayor in accordance with Council's Governance Rules 2020.

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

Council Plan/Strategies/Policies

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

Relevant Legislation

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

Financial Implications and Risk

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

Conflict of Interest

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

Community and Stakeholder Consultation

The timetable of Scheduled Meetings of Council for 2021 will be advertised and placed on Council's website once adopted by Council.

12 NOTICES OF MOTIONS

13 MATTERS DEFERRED FROM PREVIOUS MEETING

14 URGENT BUSINESS

15 COUNCILLOR REPORTS

15.1 Cr Damien Gallagher

15.2 Cr Eric Lording

15.3 Cr John Walsh

15.4 Cr Ilona Gerencser

15.5 Cr Karine Haslam

15.6 Cr Sue Carpenter

15.7 Cr Sandice McAulay - Mayoral Report**16 CHIEF EXECUTIVE OFFICER REPORT****17 ASSEMBLIES OF COUNCILLORS****Purpose**

This report presents the records of assemblies of Councillors for 23 November 2020 to 9 December 2020, for Council to note in accordance with Section 80A of the *Local Government Act 1989* (the Act).

Officer Recommendation

That Council receives and notes the record of assemblies of Councillors for 23 November 2020 to 11 December 2020.

Background

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

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

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

Discussion

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

The following summary details are for 23 November 2020 to 9 December 2020:

Meeting Name/Type	Council Pre-Meet
Meeting Date:	23 November 2020
Matters Discussed:	<ol style="list-style-type: none"> 1. Confirmation of Swearing in by Councillors 2. Term of Mayor and Deputy Mayor 3. Election of Mayor 4. Election of Deputy Mayor Councillor appointments to Committees
Councillor Attendees:	Cr S Carpenter, Cr D Gallagher, Cr I Gerencser, Cr K Haslam, Cr E Lording, Cr S McAulay, Cr J Walsh
Council Officer Attendees:	M Chesworth, T Carter
Conflict of Interest Disclosures:	Nil.

Meeting Name/Type	Councillor Induction Session
Meeting Date:	24 November 2020
Matters Discussed:	<ol style="list-style-type: none"> 1. Brief Overview of Murrindindi Planning Scheme 2. Council role in Planning 3. Planning Scheme Amendment or issues 4. Community Engagement Framework Councillor Development Workshop – Facilitator Chris Kotur

Councillor Attendees:	Cr S Carpenter, Cr D Gallagher, Cr I Gerencser, Cr K Haslam, Cr E Lording, Cr S McAulay, Cr J Walsh
Council Officer Attendees:	M Chesworth, S Brown, V Albicini, M Kearney, T Carter, N Stewart, C Gartland, K Girvan
Conflict of Interest Disclosures: Nil.	

Meeting Name/Type	Councillor Induction Session
Meeting Date:	25 November 2020
Matters Discussed:	<ol style="list-style-type: none"> 1. Maddocks Solicitors – Understanding the Local Government Act 2. Emergency Management Overview 3. Pre-Brief for Unscheduled Meeting of Council
Councillor Attendees:	Cr S Carpenter, Cr D Gallagher, Cr I Gerencser, Cr K Haslam, Cr E Lording, Cr S McAulay, Cr J Walsh
Council Officer Attendees:	M Chesworth, S Brown, V Albicini, T Carter, C Price
Conflict of Interest Disclosures: Nil.	

Meeting Name/Type	Councillor Induction Session
Meeting Date:	1 December 2020
Matters Discussed:	<ol style="list-style-type: none"> 1. OH&S Understanding and Councillors role 2. Risk Management service area overview 3. Procurement process and awarding of Contracts 4. Councillor Development Workshop - Facilitator Chris Kotur
Councillor Attendees:	Cr S Carpenter, Cr D Gallagher, Cr I Gerencser, Cr K Haslam, Cr E Lording, Cr S McAulay, Cr J Walsh
Council Officer Attendees:	M Chesworth, S Brown, V Albicini, M Kearney, T Carter, C Lintott
Conflict of Interest Disclosures: Nil.	

Meeting Name/Type	Councillor Induction Session
Meeting Date:	2 December 2020
Matters Discussed:	<ol style="list-style-type: none"> 1. VLGA – Inclusion and Diversity 2. Councillor Integrity 3. Serious Complaints – Public Interest Disclosures 4. Yea Cemetery Trust Overview 5. Lake Eildon Masterplan 6. RDV Shovel ready projects 7. Business Advisory Committee 8. CEO Recruitment
Councillor Attendees:	Cr S Carpenter, Cr D Gallagher, Cr K Haslam, Cr E Lording, Cr S McAulay, Cr J Walsh
Council Officer Attendees:	M Chesworth, S Brown, V Albicini, M Kearney, T Carter
Conflict of Interest Disclosures: Nil.	

Meeting Name/Type	Councillor Induction Session
Meeting Date:	7 December 2020
Matters Discussed:	<ol style="list-style-type: none"> 1. Business Services – Finance Overview 2. Asset Management Planning 3. Community Assets Overview 4. CEO Recruitment Process

Councillor Attendees:	Cr S Carpenter, Cr D Gallagher, Cr I Gerencser, Cr K Haslam, Cr E Lording, Cr S McAulay, Cr J Walsh
Council Officer Attendees:	M Chesworth, S Brown, V Albicini, M Kearney, G Haylock, C Lintott, L Kelly
Conflict of Interest Disclosures: Nil.	

Meeting Name/Type	Briefing Session
Meeting Date:	9 December 2020
Matters Discussed:	<ol style="list-style-type: none"> 1. Planning Application - 20 Falls Road, Marysville 2. Pathway Renewal Program – 2020/2021 Tender Award 3. Goulburn Broken Greenhouse Alliance – Auspice 4. Council Meeting Dates 5. Councillor Portfolios
Councillor Attendees:	Cr S Carpenter, Cr D Gallagher, Cr I Gerencser (by Video), Cr K Haslam, Cr E Lording, Cr S McAulay, Cr J Walsh
Council Officer Attendees:	M Chesworth, S Brown, V Albicini, T Carter, C Lintott, N Stewart, K Girvan
Conflict of Interest Disclosures: Nil.	

Council Plan/Strategies/Policies

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

Relevant Legislation

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

Financial Implications and Risk

There are no financial or risk implications.

Conflict of Interest

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

18 SEALING REGISTER

File Reference	Date Seal Affixed	Description of Documents	Signatures of Persons Sealing
20/94676	2 December 2020	Section 173 of the Planning and Environment Act 1987 between Murrindindi Shire Council and Ivn Marian Skok for Property: The Land described as Lot 1 on TP603843	Michael Chesworth
CONT20/18	7 December 2020	Formal Instrument of Agreement between Murrindindi Shire Council and A & C Wood Plumbing for panel for the provision of maintenance, programmed works, emergency works, minor building works and approved capital works - Plumbing	Michael Chesworth Cr Sandice McAulay
CONT20/24	7 December 2020	Formal Instrument of Agreement between Murrindindi Shire Council and Assetic Australia Pty Ltd for Consultancy Services Panel	Michael Chesworth Cr Sandice McAulay

CONT20/20	7 December 2020	Formal Instrument of Agreement between Murrindindi Shire Council and MMP Projects for provision of maintenance, programmed works, emergency works, minor building works and approved capital works - Painting	Michael Chesworth Cr Sandice McAulay
CONT20/20	7 December 2020	Formal Instrument of Agreement between Murrindindi Shire Council and I Paint Melbourne Pty Ltd for provision of maintenance, programmed works, emergency works, minor building works and approved capital works - Painting	Michael Chesworth Cr Sandice McAulay
CONT20/18	7 December 2020	Formal Instrument of Agreement between Murrindindi Shire Council and Hydrotech Services Pty Ltd for panel for the provision of maintenance, programmed works, emergency works, minor building works and approved capital works - Plumbing	Michael Chesworth Cr Sandice McAulay
CONT20/18	7 December 2020	Formal Instrument of Agreement between Murrindindi Shire Council and ODM Plumbing Pty Ltd for panel for the provision of maintenance, programmed works, emergency works, minor building works and approved capital works - Plumbing	Michael Chesworth Cr Sandice McAulay
CONT20/19	7 December 2020	Formal Instrument of Agreement between Murrindindi Shire Council and O'Brien Electrical Thomastown for panel for the provision of maintenance, programmed works, emergency works, minor building works and approved capital works - Electrical	Michael Chesworth Cr Sandice McAulay
CONT20/16	7 December 2020	Formal Instrument of Agreement between Murrindindi Shire Council and Chookies Flooringxtra for panel for the provision of maintenance, programmed works, emergency works, minor building works and approved capital works - Flooring	Michael Chesworth Cr Sandice McAulay
CONT20/16	7 December 2020	Formal Instrument of Agreement between Murrindindi Shire Council and Alternative Epoxy Coatings for panel for the provision of maintenance, programmed works, emergency works, minor building works and approved capital works - Flooring	Michael Chesworth Cr Sandice McAulay
CONT20/19	7 December 2020	Formal Instrument of Agreement between Murrindindi Shire Council and J Williams Electrical Pty Ltd AFT JRW Trust for panel for the provision of maintenance, programmed works, emergency works, minor building works and approved capital works - Electrical	Michael Chesworth Cr Sandice McAulay
CONT20/19	7 December 2020	Formal Instrument of Agreement between Murrindindi Shire Council and E-Tec Pty Ltd for panel for the provision of maintenance, programmed works, emergency works, minor building works and approved capital works - Electrical	Michael Chesworth Cr Sandice McAulay
CONT20/19	7 December 2020	Formal Instrument of Agreement between Murrindindi Shire Council and Allround Electrical Services (Victoria) Pty Ltd for panel for the provision of maintenance, programmed works, emergency works, minor building works and approved capital works - Electrical	Michael Chesworth Cr Sandice McAulay

CONT20/19	7 December 2020	Formal Instrument of Agreement between Murrindindi Shire Council and Tollec Electrical Services Pty Ltd for panel for the provision of maintenance, programmed works, emergency works, minor building works and approved capital works - Electrical	Michael Chesworth Cr Sandice McAulay
CONT20/20	7 December 2020	Formal Instrument of Agreement between Murrindindi Shire Council and Argyle Maintenance Unit Trust for provision of maintenance, programmed works, emergency works, minor building works and approved capital works - Painting	Michael Chesworth Cr Sandice McAulay
CONT20/18	7 December 2020	Formal Instrument of Agreement between Murrindindi Shire Council and Plumbtrax Infrastructure Services for panel for the provision of maintenance, programmed works, emergency works, minor building works and approved capital works - Plumbing	Michael Chesworth Cr Sandice McAulay
CONT20/18	7 December 2020	Formal Instrument of Agreement between Murrindindi Shire Council and Travis Capp Plumbing Pty Ltd for panel for the provision of maintenance, programmed works, emergency works, minor building works and approved capital works - Plumbing	Michael Chesworth Cr Sandice McAulay
SF/316	9 December 2020	Rubicon Village Septic Tank Installation and Inspection Agreement between Murrindindi Shire Council and Daniel Clark for Lot: 26 PS: 529035	Michael Chesworth

Officer Recommendation

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