



STRATHBOGRIE SHIRE COUNCIL

Notice is hereby given that a Meeting of the Strathbogrie Shire Council will be held, virtually, on Tuesday 19 January 2021, commencing at 6.00 p.m.

Chair:	Chris Raeburn (Mayor)	<i>(Honeysuckle Creek Ward)</i>
Councillors:	Melanie Likos (Deputy Mayor)	<i>(Lake Nagambie Ward)</i>
	Laura Binks	<i>(Mount Wombat Ward)</i>
	Reg Dickinson	<i>(Lake Nagambie Ward)</i>
	Sally Hayes-Burke	<i>(Seven Creeks Ward)</i>
	Kristy Hourigan	<i>(Seven Creeks Ward)</i>
	Paul Murray	<i>(Hughes Creek Ward)</i>
Officers:	Julie Salomon	Chief Executive Officer (CEO)
	David Roff	Director, Corporate Operations (DCO)
	Amanda Tingay	Director, Community and Planning (DCP)
	Kristin Favaloro	Executive Manager, Communications and Engagement (EMCE)

Until further notice, all meetings conducted by Strathbogrie Shire Council will be virtually, and live streamed on our website at www.strathbogrie.vic.gov.au. This ensures we are meeting the Victorian Government's COVID-19 social distancing requirements to help keep our communities safe

We encourage all community members to watch the meeting online, given we have had to close the public gallery until further notice following legal advice around how to comply with COVID-19 social distancing rules.

Questions for the Ordinary Council Meeting can still be submitted, and will be read out by the Mayor during the Public Question Time component of the meeting and responded to in the usual way by Councillors and/or Officers. **Questions must be submitted by 12 noon on Tuesday 19 January 2021** by emailing info@strathbogrie.vic.gov.au

1. Welcome
2. Acknowledgement of Traditional Land Owners
'I acknowledge the Traditional Owners of the land on which we are meeting. I pay my respects to their Elders, past and present'

3. Apologies / Leave of Absence

Dawn Bray Executive Manager, Governance and Customer
Service (EMGCS)

4. Disclosure of Conflicts of Interest
5. Confirmation of Minutes of Previous Meetings
- Ordinary Council Meeting Tuesday 15 December 2020
6. Petitions
7. Reports of Mayor and Councillors and Delegates
8. Public Question Time

Public Question Time will be conducted as per Rule 31 of Strathbogie Shire Council's Governance Rules. A copy of the required form for completion and lodgment, and associated Procedural Guidelines, are attached for information.

As the questions are a permanent public record and to meet the requirements of the Privacy and Data Protection Act 2014, only the initials of the person asking the question will be used together with a Council reference number.

Response/s to Public Questions raised and responded to at the Ordinary Council meeting held on Tuesday 15 December 2020 were documented in the Minutes of the meeting.

9. Officer Reports
10. Notices of Motion
11. Notices of Rescission
12. Urgent Business
13. Confidential Business

Julie Salomon
CHIEF EXECUTIVE OFFICER

15 January 2021

Council does not generally permit individuals to make audio recordings of meetings. Individuals are required to make a written request addressed to the Council (Director, Corporate Operations) should they seek to obtain permission to do so.

NEXT MEETING

The next Ordinary Meeting of the Strathbogie Shire Council is scheduled to be held on Tuesday 16 February 2021, at the Euroa Community Conference Centre, commencing at 6.00 p.m.



Council Ref. / 2020

Public Question Time Form Ordinary Council Meeting

Strathbogie Shire Council has allocated a time for the public to ask questions in the business of an Ordinary Meeting of the Council.

How to ask a question:

Questions submitted to Council must be:

- (a) in writing, state the name, address and telephone number of the person submitting the question and generally be on this form, approved by Council; and
- (b) submitted to Council in person or electronically.

The Chair may refrain from reading a question or having a question read if the person who submitted the question is not present in the gallery at the time when the question is due to be read. Please refer to the back of this form for procedural guidelines.

Question/s: (please print clearly with a maximum of 25 words)

1.....
.....
.....
.....
.....

2.....
.....
.....
.....
.....

Name:

Address:

Telephone Number:

Signature: (signature not required if submitted by email)

Date of Ordinary Council Meeting:

Privacy Declaration: Personal information is collected on this form to allow Council to undertake follow-up / response and to confirm identity for future reference where necessary. The questioner's initials only, together with a question reference number, will be included in Council's Minutes. Council Minutes are a public document which will be published on Council's Website and are available for public scrutiny at any time. Other personal details included on this form will not be included in the Minutes and will be kept for Council reference only, unless disclosure is required for law enforcement purposes or under any other statutory requirement.

Public Question Time - Procedural Guidelines

Question Time

- (1) There must be a public question time at every Ordinary meeting to enable members of the public to submit questions to Council.
- (2) Sub-clause (1) does not apply during any period when a meeting is closed to members of the public in accordance with section 66(2) of the Local Government Act 2020 (the Act)
- (3) Public question time will not exceed in duration any time limit imposed by the Chairperson, in the Chairperson's discretion in order to ensure that Council has sufficient time in which to transact Council business.
- (4) Questions submitted to Council must be:
 - a) in writing, state the name and address of the person submitting the question and generally be in a form approved or permitted by Council; and
 - b) submitted to Council in person or electronically.
- (5) No person may submit more than 2 questions at any 1 meeting.
- (6) If a person has submitted 2 questions to a meeting, the second question:
 - a) may, at the discretion of the Chair, be deferred until all other persons who have asked a question have had their questions asked and answered; or
 - b) may not be asked if the time allotted for public question has expired.
- (7) The Chair, a Councillor or a member of Council staff nominated by the Chair may read to those present at the meeting a question which has been submitted in accordance with this clause.
- (8) Notwithstanding sub-clause (6), the Chair may refrain from reading a question or having a question read if the person who submitted the question is not present in the gallery at the time when the question is due to be read.
- (9) A question may be disallowed by the Chair if the Chair determines that it:
 - a) relates to a matter outside the duties, functions and powers of Council;
 - b) is defamatory, indecent, abusive, offensive, irrelevant, trivial or objectionable in language or substance;
 - c) deals with a subject matter already answered;
 - d) is aimed at embarrassing a Councillor or a member of Council staff;
 - e) relates to personnel matters;
 - f) relates to the personal hardship of any resident or ratepayer;
 - g) relates to industrial matters;
 - h) relates to contractual matters that are commercial in confidence;
 - i) relates to proposed developments;
 - j) relates to legal advice;
 - k) relates to matters affecting the security of Council property; or
 - l) relates to any other matter which Council considers would prejudice Council or any person.
- (10) Any question which has been disallowed by the Chair must be made available to any other Councillor upon request.
- (11) All questions and answers must be as brief as possible, and no discussion may be allowed other than by Councillors for the purposes of clarification.
- (12) Like questions may be grouped together and a single answer provided.
- (13) The Chair may nominate a Councillor or the Chief Executive Officer to respond to a question.
- (14) A Councillor or the Chief Executive Officer may require a question to be put on notice. If a question is put on notice, a written copy of the answer will be sent within 14 days to the person who asked the question.
- (15) A Councillor or the Chief Executive Officer may advise Council that it is his or her opinion that the reply to a question should be given in a meeting closed to members of the public. The Councillor or Chief Executive Officer (as the case may be) must state briefly the reason why the reply should be so given and, unless Council resolves to the contrary, the reply to such question must be so given.

REPORTS INDEX

		Page No.
9.	OFFICER REPORTS	
9.1	Planning Application No. P2020-019 - Use and development of land for a dwelling ~ 114 Jeffries Road, Locksley	1
9.2	Planning Application No. P2020-140 - Two (2) Lot Subdivision - Use and development of land for a dwelling ~ 239 Cowells Lane, Euroa	23
9.3	Request for Waiver of Fees - Planning Application No. P2020-150: Development of land for a shed – 33 Filson Street, Nagambie Vic 3608	50
9.4	Planning Applications Received and Planning Applications Determined - 1 to 31 December 2020	55
9.5	Tender for Contract Number 19/20-44: Mullers Road – Road Reconstruction – Stage 2	61
9.6	Tender for Contract Number 20/21-61: Shoulders Pavement Program (Ewing’s Road, Avenel & Goulburn Weir – Murchison Road, Kirwans Bridge)	68
9.7	Tender for Contract Number 20/21-57: Violet Town Netball Multi-Purpose Court – Design & Construct	77
9.8	Tender for Contract Number 19/20-43: Longwood-Ruffy Road, Tarcombe Road Reconstruction – Stage 2	84
9.9	Tender for Contract Number 20/21-60: Avenel Ewing’s Road and Livingston Street Intersection Upgrade	91
9.10	Mid-Year Budget Review 2020/21	99
9.11	Australian Rail Track Corporation (ARTC)	107
9.12	Business Management System	112
10.	NOTICES OF MOTION	137
11.	NOTICES OF RESCISSION	137
12.	URGENT BUSINESS	137
13.	CONFIDENTIAL BUSINESS	137

CONFIDENTIAL APPENDICES		
<p><i>APPENDICES DEEMED CONFIDENTIAL IN ACCORDANCE WITH SECTION 66(2)(A) AND PART 1, CLAUSE 3 OF THE LOCAL GOVERNMENT ACT 2020</i></p> <p><i>(g) private commercial information, being information provided by a business, commercial or financial undertaking that -</i></p> <p><i>(ii) if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage</i></p>		
Appendix 1	(g)	Tender for Contract Number 19/20-44: Mullers Road – Road Reconstruction – Stage 2
Appendix 2	(g)	Tender for Contract Number 20/21-61: Shoulders Pavement Program (Ewing’s Road, Avenel & Goulburn Weir – Murchison Road, Kirwans Bridge)
Appendix 3	(g)	Tender for Contract Number 20/21-57: Violet Town Netball Multi-Purpose Court – Design & Construct
Appendix 4	(g)	Tender for Contract Number 19/20-43: Longwood-Ruffy Road, Tarcombe Road Reconstruction – Stage 2
Appendix 5	(g)	Tender for Contract Number 20/21-60: Avenel Ewing’s Road and Livingston Street Intersection Upgrade

9. REPORTS

9.1 Planning Application No. P2020-019 - Use and development of land for a dwelling ~ 114 Jeffries Road, Locksley

Author: Principal Planner

Responsible Director: Director Community and Planning

EXECUTIVE SUMMARY

- The proposal is for use and development of a dwelling.
- The application was advertised, and no objections were received.
- The application is being heard before Council due to the proposal being for a dwelling on a lot less than the as of right size (40 hectares) in the Farming Zone.
- The application has not been assessed within the 60-day statutory timeframe due to delays due to agenda timeframes for council meetings.
- The proposal meets the objectives of the Planning Policy Framework, Local Planning Policy Framework and the Farming Zone.
- It is recommended that Council resolve to grant a permit in accordance with the Officer's recommendation.

Application is for:	Use and Development of land for a Dwelling
Applicant's/Owner's Name:	Sandro Tomaino
Date Received:	04 March 2020
Statutory Days:	70
Application Number:	P2020-019
Planner: Name, title & department	Melissa Crane Principal Planner Planning and Investment Department
Land/Address:	Lot 1 on Plan of Subdivision 125177 Certificate of title Volume 09482 Folio 511 Parish of Monea South 114 Jefferies Road, Locksley VIC 3665
Zoning:	Farming Zone
Overlays:	No Overlay
Is a CHMP required?	No, the site is not in an area of cultural sensitivity.
Is it within an Open Potable Catchment Area?	No, the site is not in an open potable catchment area.
Under what clause(s) is a permit required? (include description)	Clause 35.07, Farming Zone – Permit required for a dwelling on a lot less than 40 hectares Clause 35.07, Farming Zone – Buildings and works associated with a section 2 use.
Restrictive covenants on the title?	No
Current use and development:	Agriculture

- 9.1 Planning Application No. P2020-019
- Use and development of land for a dwelling ~ 114 Jeffries Road, Locksley (cont.)

RECOMMENDATION

That Council

- ***having Caused notice of Planning Application No. P2020-019 to be given under Section 52 of the Planning and Environment Act 1987 and having considered all the matters required under Section 60 of the Planning and Environment Act 1987 decides to grant a permit under the provisions of Clause 35.07 Farming Zone of the Strathbogie Planning Scheme in respect of the land known as Lot 1 on Plan of Subdivision 125177 Certificate of title Volume 9482 Folio 511 Parish of Monea South, 114 Jefferies Road, Locksley VIC 3665, for the use and development of land for dwelling, in accordance with endorsed plans, subject to the following conditions:***

Endorsed Plans:

1. ***The development must be sited and constructed in accordance with the endorsed plans. These endorsed plans can only be altered or modified with the prior written approval of the Responsible Authority, or to comply with statutory requirements.***

Section 173 Agreement:

2. ***Prior to the commencement of works a Section 173 Agreement must be entered into at no cost to Council, which ensures the following:***
 - (a) ***Prevent subdivision of the land so as to excise the dwelling.***
 - (b) ***Require that the use of the land for a dwelling must be undertaken in accordance with an agricultural use of the property in accordance with the Whole Farm Plan endorsed as part of this permit.***
 - (c) ***The Owner acknowledges and accepts that the possibility of nuisance from adjoining or nearby agricultural operations may occur. The possible off site impacts include but are not limited to dust, noise, odour, waste, vibration, soot, smoke or the presence of vermin, from animal husbandry, animal waste, spray drift, agricultural machinery use, pumps, trucks and associated hours of operation.***

The Section 173 Agreement must be prepared by Council's solicitors, to the satisfaction of the Responsible Authority and must be recorded on the folio of the Register to the subject land pursuant to Section 181 of the Planning and Environment Act 1987.

- 9.1 Planning Application No. P2020-019
- Use and development of land for a dwelling ~ 114 Jeffries Road, Locksley (cont.)

Engineering Conditions:

Rural Vehicle Crossing Location

3. ***Prior to the commencement of works on site, any new, relocated, alteration or replacement of required vehicular entrances to the subject land from the road shall be constructed at a location and of a size and standard in accordance with the requirements of the relevant Authority and shall be at the applicant's expense. The final location of the crossing is to be approved by the Responsible Authority via a Vehicle Crossing Permit. Reference should be made to Clause 12.9.2 "Rural Vehicle Crossings" of the Infrastructure Design Manual. Refer to standard drawing SD255 for small vehicles or SD265 for large vehicles.***
4. ***The vehicular crossing shall have satisfactory clearance to any power or Telecommunications pole, manhole cover or marker, or street tree and have a minimum of 50mm of gravel from the shoulder to the property boundary.***

Internal Access Roads

5. ***Prior to the commencement of the use all internal access roads must be constructed, formed and drained to avoid erosion and to minimise disturbance to natural topography of the land to the satisfaction of the Responsible Authority. Internal access, including the turn-around areas for emergency vehicles, must be all weather construction with a minimum trafficable width of 4m.***

Rural Drainage - Works

6. ***All stormwater and surface water discharging from the site, buildings and works must be conveyed to the legal point of discharge drains to the satisfaction of the Responsible Authority/Goulburn Murray Water or dissipated within the site boundaries. No effluent or polluted water of any type may be allowed to enter the stormwater drainage system.***
7. ***Appropriate steps must be taken to retain all silt and sediment on site during the construction phase to the satisfaction of the Responsible Authority and must be carried out in accordance with Construction Techniques for Sedimentation Pollution Control (EPA publication No. 275, May 1991)***
8. ***Prior to the commencement of any works, the design parameters for any defined watercourse crossing(s), both structural and hydraulic design, shall be approved by the Responsible Authority (GBCMA – Works on Waterways Permit).***

- 9.1 Planning Application No. P2020-019
- Use and development of land for a dwelling ~ 114 Jeffries Road, Locksley (cont.)

Council's Assets

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

Environmental Health Conditions:

10. *Prior to installation works commencing on the septic tank system, a Permit to Install must be obtained from Council.*
11. *All sewage and sullage waters shall be treated in accordance with the requirements of the Environment Protection Act 1970 and the Guidelines for Environmental Management: Code of Practice – Onsite Wastewater Management 891. 4 (2016) and the Responsible Authority. All wastewater shall be disposed of within the curtilage of the land and sufficient area shall be kept available for the purpose of wastewater disposal to the satisfaction of the Responsible Authority. No wastewater shall drain directly or indirectly onto an adjoining property, street or any watercourse or drain to the satisfaction of the Responsible Authority.*
12. *All wastewater and liquid are to be contained and treated on site by an approved septic tank system or equivalent. The system must be at least 300 metres from potable water supply. The system must be at least 60 metres from any watercourse and/or dam (non-potable water supply) for primary sewage and 30 metres for secondary sewage, on the subject or neighbouring properties, and must meet the Guidelines for Environmental Management: Code of Practice – Onsite Wastewater Management 891. 4 (2016).*
13. *No buildings or works shall occur over any part of the approved waste disposal system including the septic tank in accordance with the requirements of the Environment Protection Act 1970 and the Guidelines for Environmental Management: Code of Practice – Onsite Wastewater Management 891.4 (2016).*

General Conditions:

14. *The external cladding of the proposed buildings, including the roof, must be constructed of materials in good order and condition and must be of muted colours to enhance the aesthetic amenity of the area. Material having a highly reflective surface must not be used.*

9.1 Planning Application No. P2020-019
- Use and development of land for a dwelling ~ 114 Jeffries Road, Locksley (cont.)

15. The amenity of the area must not be detrimentally affected by the use, through the:

- (a) Appearance of any building, works or materials.**
- (b) Transport of materials, goods or commodities to or from the land;**
- (c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, wastewater, waste products, grit or oil;**
- (d) Presence of vermin, and;**
- (e) Others as appropriate.**

Bushfire Protection Measures:

Water Supply

16. A minimum of 10,000 litres of effective water supply for firefighting purposes must be provided which meets the following requirements:

- Be stored in an above ground water tank constructed of concrete or metal.**
- Have all fixed above ground water pipes and fittings required for firefighting purposes made of corrosive resistant metal.**
- Include a separate outlet for occupant use.**
- Be readily identifiable from the building or appropriate identification signage to the satisfaction of the relevant fire authority.**
- Be located within 60 metres of the outer edge of the approved building.**
- The outlet/s of the water tank must be within 4 metres of the accessway and unobstructed.**
- Incorporate a separate ball or gate valve (British Standard Pipe (BSP 65 millimetre) and coupling (64-millimetre CFA 3 thread per inch male fitting).**
- Any pipework and fittings must be a minimum of 65 millimetres (excluding the CFA coupling)**

Access

17. Access for fire-fighting purposes must be provided which meets the following requirements:

- All weather construction.**
- A load limit of at least 15 tonnes.**
- Provide a minimum trafficable width of 3.5 metres**
- Be clear of encroachments for at least 0.5 metre on each side and at least 4 metres vertically.**
- Curves must have a minimum inner radius of 10m.**
- The average grade must be no more than 1 in 7 (14.4 per cent) (8.1 degrees) with a maximum of no more than 1 in 5 (20 per cent) (11.3 degrees) for no more than 50m.**
- Dips must have no more than a 1 in 8 (12.5 per cent) (7.1 degrees) entry and exit angle.**

- 9.1 Planning Application No. P2020-019
- Use and development of land for a dwelling ~ 114 Jeffries Road, Locksley (cont.)

Permit Expiry:

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

- (a) The development is not started within two (2) years of the date of this Permit,**
- (b) The development is not completed within four (4) years of the date of this Permit.**

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.**

Planning Notes:

- This Permit does not authorise the commencement of any building construction works. Before any such development may commence, the Applicant must apply for and obtain appropriate Building approval.**
- This Permit does not authorise the removal of any native vegetation including for access. Before any such works may commence, the Applicant must apply for and obtain appropriate Planning approval.**
- This Permit does not authorise the creation of a new access way/crossover. Before any such development may commence, the Applicant must apply for and obtain appropriate approval from Council.**

PROPOSAL

The application is for the use and development of land at 114 Jeffries Road, Locksley for a dwelling. The subject site is identified as requiring a land size of 40 hectares for an as of right use for a dwelling under the Farming Zone in the Strathbogie Planning Scheme. The subject site has an area of 20.06 hectares.

The proposed dwelling is located on Lot 1 and is proposed to be setback 344 metres from the northern boundary and Jeffries Road and 27 metres from the eastern boundary. The dwelling is proposed to sit on the eastern side of the existing vineyard and shedding.

9.1 Planning Application No. P2020-019
- Use and development of land for a dwelling ~ 114 Jeffries Road, Locksley (cont.)

The proposed site plan is as follows:



The proposed dwelling is an “L” shaped building, and contains separate entry, three bedrooms, laundry, two bathrooms, open family meals and separate lounge and dining rooms. The dwelling is 21.49 metres by 19.17 metres at its widest points. The dwelling will have slab footings with a total area of 343 square metres.

The proposal includes a Whole Farm Plan (WFP); the landowner manages cattle on their own land and has an existing small (2.2 acres) vineyard on the property. The WFP proposes to increase the size of the vineyard by another 10 acres (4.1ha), resulting in an final vineyard of approximately 5 hectares in area. The balance of the land will be used for cattle grazing.

The application documents advise that the owner is looking to focus on maintaining and establishing a new vineyard with grapes to be harvested then processed off site for the production of wine. The business relies upon on the income from wine sales from grapes produced on property. The business requires management of vineyard maintenance activities including pruning, slashing, spray program, irrigation, pest control and harvest. It is proposed to be managed on a fulltime basis and will require a manager to be in attendance on the land at all times. There will be periods that require additional workers on the land, including plumbers (irrigation specialists), contractors for planting and labour for high workload activities such as harvest.

9.1 Planning Application No. P2020-019
- Use and development of land for a dwelling ~ 114 Jeffries Road, Locksley (cont.)

SUBJECT SITE AND LOCALITY

The subject site is located 114 Jeffries Road, Locksley also known as Certificate of Title Volume 09482 Folio 511, Lot 1 on Plan of Subdivision 125177. The subject site is 20.06 hectares in size.

The land is relatively flat and rectangular in shape. There is existing shedding on the western side of the property. The property is predominantly clear, with some trees in the paddocks and near the dams on the site. There are three dams on the property, with one dam located between the shedding and the proposed house site, one south of the proposed dwelling site and the third dam in the south western corner of the allotment.

The neighbouring lot on the west contains a dwelling and shedding on a similar sized allotment, the property is bounded by Jeffries Road then the Hume Freeway to the north. To the east is a larger property with a dwelling and associated shedding. To the south is vacant farming land. Two waterways impact the property, one through the existing dams on the site and one crossing the southwestern corner of the allotment.

The land is grassed and divided into multiple paddocks.



PERMIT/SITE HISTORY

A search of Council's electronic records showed no previous planning permits for the subject site.

9.1 Planning Application No. P2020-019
- Use and development of land for a dwelling ~ 114 Jeffries Road, Locksley (cont.)

PUBLIC NOTIFICATION

The original application has been advertised pursuant to Section 52 of the *Planning and Environment Act 1987*, by

- Sending letters to adjoining landowners
- Placing (a) sign on site.

The notification has been carried out correctly. Council has received no objections to date.

REFERRALS

External Referrals/Notices required by the Planning Scheme:

Referrals/Notice	Advice/Response/Conditions
Section 55 Referrals	None required

Internal Council Referrals	Advice/Response/Conditions
Asset	No objection subject to Conditions
Environmental Health	No objection subject to Conditions

ASSESSMENT

The Zoning of the land and any relevant overlay provisions

Farming Zone

Purpose:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To provide for the use of land for agriculture.*
- *To encourage the retention of productive agricultural land.*
- *To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.*
- *To encourage the retention of employment and population to support rural communities.*
- *To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.*

Officer Comment:

The proposal has been assessed against the decision guidelines of the zone as follows:

Decision Guidelines	Officer Comments	Complies?
General Issues		
The Municipal Planning Strategy and the Planning Policy Framework.	Assessment against MPS & PPF is provided below.	Yes
Any Regional Catchment Strategy and associated plan applying to the land	It is considered the proposal will not have any adverse impact on the local water catchment. All buildings are located off the waterways and effluent will be treated according to the requirements of the Environmental Health Officer. The proposal is considered in accordance with the Goulburn Broken Regional Catchment Strategy.	Yes

9.1 Planning Application No. P2020-019
- Use and development of land for a dwelling ~ 114 Jeffries Road, Locksley (cont.)

<p>The capability of the land to accommodate the proposed use or development, including the disposal of effluent.</p>	<p>A Land Capability Assessment has been prepared as part of the application and assessed by Council's Environmental Health Officer who has no objections subject to conditions on a permit.</p>	<p>Yes</p>
<p>How the use or development relates to sustainable land management</p>	<p>The application proposes to expand the existing vineyard from 0.9ha to 5.0ha in total. The owner is currently limited as to the size of this vineyard as they are not present on site, and the dwelling is required to allow this expansion of the agricultural use of the land. The subject site is in an area of 40 hectares for an as of right use for a dwelling. The application includes a Whole Farm Plan for the expansion of the vineyard and cattle grazing on the balance of the land.</p>	<p>Yes</p>
<p>Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.</p>	<p>The subject site approximately 20 hectares area and is currently used for a small vineyard and grazing. A condition will be included to ensure muted tones are used for any buildings. Lot sizes in the area vary, and some of the lots contain dwellings and shedding. The neighbouring lot to the west is of a similar size and contains a dwelling. The location of a dwelling on this lot will not create a conflict of use in the area.</p>	<p>Yes</p>
<p>How the use and development make use of existing infrastructure and services.</p>	<p>The subject site already contains associated infrastructure in the form of dams and shedding. Existing internal access is proposed to be upgraded in accordance with Council's requirements and Infrastructure Design Manual standards. Any Planning permit issued will include conditions and regards to access and provided services. The proposed dwelling will be accessed from Jeffries Road. Jeffries Road is sealed road and access to the site is already constructed. Water, sewer and gas are not available to the subject site, alternative sources will be required to be provided on site.</p>	<p>Yes</p>

9.1 Planning Application No. P2020-019
- Use and development of land for a dwelling ~ 114 Jeffries Road, Locksley (cont.)

Agricultural issues and the impacts from non-agricultural uses		
Whether the use or development will support and enhance agricultural production	The proposed dwelling application includes a Whole Farm Plan for the expansion of an existing vineyard and grazing of cattle. The subject site already contains farm shedding. The proposed dwelling is required for security and to allow the expansion of the vineyard which is unable to be managed remotely. The Whole Farm Plan will be endorsed and included in a Section 173 Agreement for any planning permit issued. The land size will be able to continue operating the vineyard and grazing and or smaller boutique agricultural enterprises should the land ownership change.	Yes
Whether the use or development will adversely affect soil quality or permanently remove land from agricultural production.	It is considered the application for a dwelling will not permanently remove the land from agricultural production. The Whole Farm Plan submitted with the application demonstrates that the site will be increasing its agricultural element as a result of the dwelling being on site. A Section 173 Agreement will be required on any planning permit issued preventing any future subdivision, or house lot excision. The agreement will also acknowledge agricultural pursuits being undertaken on the surrounding properties.	Yes
The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.	It is considered the proposed use and development will not limit the operation of adjoining and nearby agricultural uses due to the location of the dwelling. The application will require the consolidation of two smaller lots in the Farming Zone. A Section 173-agreement required on title will acknowledge agricultural pursuits being undertaken on the surrounding properties. The surrounding land uses include mixed agricultural uses, similar to the proposal.	Yes
The capacity of the site to sustain the agricultural use	While the site is 20 hectares, the 5 hectare vineyard is a reasonable and more intensive horticultural enterprise well suited for this type of site. The site will still be able to be utilised for grazing and smaller type agricultural pursuits.	Yes
The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure.	No detrimental impacts are likely to result from this proposal.	Yes

9.1 Planning Application No. P2020-019
- Use and development of land for a dwelling ~ 114 Jeffries Road, Locksley (cont.)

Any integrated land management plan prepared for the site.	A Whole Farm Plan has been prepared.	Yes
Dwelling Issues		
Whether the dwelling will result in the loss or fragmentation of productive agricultural land	The proposed dwelling will not result in the loss or fragmentation of productive agricultural land. Lot sizes in the area vary, and some of the lots contain dwellings and shedding. The neighbouring lot to the west is of a similar size and used the same way as this proposal. The development of a dwelling on this lot is unlikely to create a detrimental impact on the adjoining land uses. The dwelling has been appropriately setback within the subject site.	Yes
Whether the dwelling will be adversely affected by agricultural activities on adjacent and nearby land due to dust, noise, odour, use of chemicals and farm machinery, traffic and hours of operation.	The dwelling is proposed to be used in conjunction with an agricultural pursuit and is appropriately located on site. The site will be operated in accordance with a Whole Farm Plan for a vineyard and cattle grazing. A Section 173-agreement required on title will acknowledge agricultural pursuits being undertaken on the surrounding properties.	Yes
Whether the dwelling will adversely affect the operation and expansion of adjoining and nearby agricultural uses.	The use of the land for a dwelling is unlikely to impact on the surrounding agricultural properties. The dwelling has been sited on the lot away from the boundaries to ensure little impact is made to the adjoining agricultural properties.	Yes
The potential for the proposal to lead to a concentration or proliferation of dwellings in the area and the impact of this on the use of the land for agriculture.	Lot sizes in the area vary, and some of the lots contain dwellings and shedding. The additional development of a dwelling on this lot is unlikely to create any further detrimental impact on the adjoining land uses. The dwelling has been appropriately setback within the subject site. The site is capable of supporting the agricultural use proposed.	Yes
Environmental Issues		
The impact of the proposal on the natural physical features and resources of the area, in particular on soil and water quality.	The dwelling has been sited appropriately on the site. The land is flat. The proposed dwelling is located away from the waterway on the site. The application was referred to Strathbogie Environmental Health Department who does not object subject to conditions.	Yes
The impact of the use or development on the flora and fauna on the site and its surrounds.	No native vegetation is proposed to be removed.	Yes

9.1 Planning Application No. P2020-019
- Use and development of land for a dwelling ~ 114 Jeffries Road, Locksley (cont.)

<p>The need to protect and enhance the biodiversity of the area, including the retention of vegetation and faunal habitat and the need to revegetate land including riparian buffers along waterways, gullies, ridgelines, property boundaries and saline discharge and recharge area.</p>	<p>The proposal does not include the removal of any native vegetation, nor is it likely that it would lead to vegetation removal in the future.</p>	<p>Yes</p>
<p>The location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.</p>	<p>On site effluent disposal will be carried out in accordance with the requirements of the Responsible Authority.</p>	<p>Yes</p>

Design and siting issues

<p>The need to locate buildings in one area to avoid any adverse impacts on surrounding agricultural uses and to minimise the loss of productive agricultural land.</p>	<p>The proposed dwelling is located appropriately on the site, where it can be appropriately drained, and is located away from the boundaries and clear of vegetation. The application will require the consolidation of two smaller lots in the Farming Zone. A Whole Farm plan has been submitted as part of the application.</p>	<p>Yes</p>
<p>The impact of the siting, design, height, bulk, colours and materials to be used, on the natural environment, major roads, vistas and water features and the measures to be undertaken to minimise any adverse impacts.</p>	<p>The proposed siting is considered appropriate. The design and materials employed are appropriate within the rural context and the site's landscape. Should a permit be issued, a condition will be placed on the permit requiring muted tones on the exterior of the dwelling.</p>	<p>Yes</p>
<p>The impact on the character and appearance of the area or features of architectural, historic or scientific significance or of natural scenic beauty or importance.</p>	<p>The proposed dwelling is unlikely to detract from the existing character and amenity values of the area. Permit conditions will require that muted materials are used. This will mitigate any potential adverse visual impacts from buildings.</p>	<p>Yes</p>

9.1 Planning Application No. P2020-019
- Use and development of land for a dwelling ~ 114 Jeffries Road, Locksley (cont.)

The location and design of existing and proposed infrastructure including roads, gas, water, drainage, telecommunications and sewerage facilities	The proposed building is appropriately located on the site away from significant vegetation and significant physical features. The proposal utilises the existing road network. The only other infrastructure to be constructed will be the wastewater management system, which will be located in an appropriate place on the site.	Yes
Whether the use and development will require traffic management measures.	As the proposal is for a single dwelling, it is deemed not necessary for there to be traffic management measures implemented.	Yes

The Planning Policy Framework (PPF)

Clause 13.02-1S Bushfire planning

- To strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life.

Officer Comment:

The subject site is within a bushfire prone area. Standard bushfire protection conditions regarding water supply and access will be included on any planning permit issued.

Clause 13.04-2S Erosion and landslip

Objective

- To protect areas prone to erosion, landslip or other land degradation processes.

Officer Comment:

The subject site is not within the Erosion Management Overlay, however; Conditions will be included on any planning permit issued to ensure any works required for the construction of the dwelling or ancillary services will be stabilised to the satisfaction of the Responsible Authority. The proposed dwelling, including access is proposed to be located on relatively flat land. The land does not contain any steep rises or ridgelines.

Clause 14.01-1S Protection of agricultural land

Objective

- To protect the state's agricultural base by preserving productive farmland.

Officer Comment:

The application is supported by a Whole Farm Plan proposing the expansion of the existing vineyard on a 20.06 hectare parcel. The land will continue to be used for agricultural production in accordance with the relevant policies within the Planning Policy Framework. The Whole Farm Plan will be endorsed a part of any Planning permit issued and any Conditions will include a Section 173 agreement prohibiting any future subdivision including house lot excision to prevent any proliferation of dwellings in the area.

9.1 Planning Application No. P2020-019
- Use and development of land for a dwelling ~ 114 Jeffries Road, Locksley (cont.)

The development of a dwelling on this lot is unlikely to create a detrimental impact on the adjoining land uses. The dwelling has been appropriately setback within the subject site.

Clause 14.01-2S Sustainable agricultural land use

Objective

- *To encourage sustainable agricultural land use.*

Officer Comment:

The subject site contains established agricultural infrastructure in the form of shedding. The dwelling is proposed for the expansion of an existing vineyard and cattle grazing. The use of the land for a dwelling in conjunction with an agricultural use and ongoing land management as proposed is considered an appropriate land use for the site. Surrounding land is generally used for livestock grazing purposes.

The type of intensive horticultural use proposed will require on site management to ensure success of the planting. The land will continue to be used for agricultural production in accordance with the relevant policies within the Planning Policy Framework.

The Local Planning Policy Framework (LPPF) - including the Municipal Planning Strategy (MPS) and local planning policies

Clause 21.02-4 Rural Zones

Objective

- *To protect and maintain established farming areas.*
- *To ensure suitable land is available to provide for emerging rural enterprises, e.g. intensive animal husbandry, horticulture and equine industry.*

Officer Comment:

The subject site is in an area of 40 hectares for an as of right use for a dwelling. The land will continue to be used for agricultural production in accordance with the relevant policies within the Planning Policy Framework. The surrounding lots are typically used for grazing the development of the proposed dwelling is appropriately setback on site. A condition will be included on any planning permit issued requiring Section 173 Agreement that acknowledges amenity impacts from surrounding agricultural pursuits.

Clause 21.02-6 Building Material – Muted Tones

Objective:

- *To ensure that all structures blend in with the surrounding environment and that the aesthetic amenity of the area is preserved and/or enhanced.*

Officer Comment:

The dwelling is proposed to be constructed of new materials. The materials are unlikely to impact the aesthetic amenity currently enjoyed in the area. Standard conditions will be included on any planning permit issued to ensure the materials are muted and non-reflective. As such, this proposal is consistent with this Local planning policy within the Strathbogie Planning Scheme.

9.1 Planning Application No. P2020-019
- Use and development of land for a dwelling ~ 114 Jeffries Road, Locksley (cont.)

Clause 22.01-3 *Dwellings on small lots in the Farming Zone*
Policies:

- *The construction of a new dwelling on an existing small lot will be discouraged unless it meets all the following requirements:*
 - *The lot is accessed by an all-weather road and has appropriate service provisions.*
 - *Emergency ingress and egress is at an appropriate standard.*
 - *The dwelling will not inhibit the operation of agriculture and rural industries.*
 - *The site must be able to contain and treat onsite effluent and wastewater in accordance with the relevant Code of Practice and Australian Standards, and;*
 - *Meets at least one of the following requirements:*
 - *The dwelling should be associated with a sustainable rural pursuit that requires a dwelling on the land to manage that pursuit. The application should be supported by a farm management plan that justifies the need for a dwelling to assist in the operation of the farm.*
 - *The applicant can substantiate that the land has no agricultural potential due to environmental significance and the dwelling is to be used in conjunction with sustainable land management and the significant vegetation is protected on title.*
 - *The lot has been identified in the Strathbogie Shire Rural Residential Strategy, 2004 as rural residential; implying that that there is an historic use and development pattern. Consideration should be given to the recommendations in the Strategy.*
 - *The applicant is proposing to consolidate one or more lots in the same ownership with the subject land prior to the construction of the dwelling.*

Officer Comment:

It is considered the dwelling is appropriately setback on the subject site. A Section 173 Agreement included on title via conditions will ensure any future occupiers accept the potential of any adverse amenity impacts due to agricultural pursuits being undertaken on neighbouring sites. The agreement will also prevent further subdivision including house lot excision.

The subject site is not identified within the Strathbogie Shire Rural Residential Strategy. An assessment of how the proposal complies with the relevant policy is as follows:

<i>Policy Requirement</i>	<i>Officer Comment</i>	<i>Complies?</i>
<i>The lot is accessed by an all-weather road and has appropriate service provisions.</i>	The lot is accessed by an all-weather road. Jeffries Road is sealed road.	Yes

9.1 Planning Application No. P2020-019
- Use and development of land for a dwelling ~ 114 Jeffries Road, Locksley (cont.)

<i>Policy Requirement</i>	<i>Officer Comment</i>	<i>Complies?</i>
<i>Emergency ingress and egress is at an appropriate standard.</i>	The existing driveway provides all weather access and minimum trafficable width for safe ingress and egress of emergency vehicles.	Yes
<i>The dwelling will not inhibit the operation of agriculture and rural industries</i>	The dwelling is setback appropriately setback on the subject site. The land will continue to be used for agricultural production in accordance with the relevant policies within the Planning Policy Framework. As discussed in the report the subject site does not meet the 40-hectare requirement in the Farming Zone, however due to Whole Farm Plan, a Section 173 Agreement and the location of the site the proposal is considered appropriate.	Yes
<i>The site must be able to contain and treat onsite effluent and wastewater in accordance with the relevant Code of Practice and Australian Standards</i>	The application has been referred to Environmental Health who do not object subject to conditions.	Yes
<i>Meets at least one of the following requirements: The dwelling should be associated with a sustainable rural pursuit that requires a dwelling on the land to manage that pursuit. The application should be supported by a farm management plan that justifies the need for a dwelling to assist in the operation of the farm.</i>	The application has been supported by a Whole Farm Plan detailing the proposed expansion of the vineyard with cattle grazing to be done on the balance of the land.	Yes

The policy requires that a Section 173 Agreement condition be included on any planning permit issued to ensure subdivision of the land which increases the number of lots including house lot excision is prevented and that the property owner acknowledges and accepts that the possibility of some amenity impacts from adjoining and/or nearby land uses including agriculture.

Relevant Particular Provisions

There are no provisions considered applicable to this planning permit application.

The decision guidelines of Clause 65

Clause 65.01, *Approval of an application or plan*, states that; *before deciding on an application or approval of a plan, the responsible authority must consider, as appropriate:*

- The matters set out in Section 60 of the Act.
- The Municipal Planning Strategy and the Planning Policy Framework.
- The purpose of the zone overlay or other provision.
- Any matter required to be considered in the zone, overlay or other provision.

9.1 Planning Application No. P2020-019
- Use and development of land for a dwelling ~ 114 Jeffries Road, Locksley (cont.)

- The orderly planning of the area.
- The effect on the amenity of the area.
- The proximity of the land to any public land.
- Factors likely to cause or contribute to land degradation, salinity or reduce water quality.
- Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.
- The extent and character of native vegetation and the likelihood of its destruction.
- Whether native vegetation is to be or can be protected, planted or allowed to regenerate.
- The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land to minimise any such hazard.
- The adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts.

Other relevant adopted State policies/strategies – (e.g. Melbourne 2030.)

There are no relevant adopted State policies.

Relevant incorporated, reference or adopted documents

There are no relevant incorporated, reference or adopted documents.

Relevant Planning Scheme amendments

There are no relevant planning scheme amendments.

Risk Management

The author of this report considers that there are no significant Risk Management factors relating to the report and recommendation.

Strategic Links – policy implications and relevance to Council Plan

The author of this report considers that the report is consistent with Council Policies, key strategic documents and the Council Plan.

POLICY CONSIDERATIONS

Council Plans and Policies

There are no implications on the Council Plan or any Council Policies as a result of this decision.

Regional, State and National Plans and Policies

One of the Overarching governance principles in section 9 of the *Local Government Act 2020* is that regional, state and national plans and policies are to be taken into account in strategic planning and decision-making.

The state policies are considered in the *Planning Policy Framework* section (above) from the Strathbogie Planning Scheme.

9.1 Planning Application No. P2020-019
- Use and development of land for a dwelling ~ 114 Jeffries Road, Locksley (cont.)

LEGAL CONSIDERATIONS

One of the Overarching governance principles in section 9 of the *Local Government Act 2020* is that Council decisions are to be made and actions taken in accordance with the relevant law.

This application is being considered in accordance with Section 61 of the *Planning and Environment Act 1987* and the Strathbogie Planning Scheme.

Conflict of Interest Declaration

All officers, and/or contractors, involved in the preparation of this report have signed a written declaration that they do not have a conflict of interest in the subject matter of this report.

Transparency

One of the Overarching governance principles in section 9 of the *Local Government Act 2020* is that the transparency of Council decisions, actions and information is to be ensured. The process to hear applications on lots under the minimum lot size provides transparency in our decision making.

SUSTAINABILITY CONSIDERATIONS

One of the Overarching governance principles in section 9 of the *Local Government Act 2020* is that the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted.

Economic

The proposal is to construct a dwelling to support and enhance an existing agricultural enterprise within the municipality.

Social

There are no broader social implications from the proposed dwelling or as a result of this decision.

Environmental

The application has been assessed against the relevant provisions of the *Planning and Environment Act 1987* and will have no negative impact on the environment.

Climate change

The Strathbogie Planning Scheme has incorporated broader considerations on Climate Change, with the assessment that the proposed dwelling will not have an impact on climate change within the municipality, as all construction works will be required to comply with relevant legislation including the Infrastructure Design Manual and the *Environment Protection Act 1970*.

HUMAN RIGHTS CONSIDERATIONS

There are no human rights implications with this proposal. The application is being assessed in accordance with relevant legislation, and all parties will be afforded all relevant rights of appeal at the Victorian Civil and Administrative Tribunal.

9.1 Planning Application No. P2020-019
- Use and development of land for a dwelling ~ 114 Jeffries Road, Locksley (cont.)

SUMMARY OF KEY ISSUES

With regard to the Farming Zone: As discussed in the report the subject site does not meet the 40-hectare requirement in the Farming Zone. However, it is considered the proposal is appropriate. The application includes a Whole Farm Plan for the expansion of an existing vineyard and grazing of cattle. The subject site already contains farm shedding. The proposed dwelling is required for security and to undertake processes in association with expansion of the vineyard.

The applicant has demonstrated the land will be used for expanded agricultural production in accordance with the relevant policies within the Planning Policy Framework. The dwelling is setback appropriately setback on the subject site. A Section 173 Agreement will be conditioned on any planning permit issued to prevent any future subdivision and acknowledges agricultural enterprise being carried out in the surrounding area.

In summary, the proposal meets the objectives of the Planning Policy Framework, Local Planning Policy Framework and Farming Zone.

CONCLUSION

After due assessment of all the relevant factors, it is considered appropriate to grant a planning permit, subject to conditions and in accordance with the officers recommendation.

ATTACHMENTS

Attachment 1: Site plan and locality plan.

ATTACHMENT 1:





9.2 Planning Application No. P2020-140
Two (2) Lot Subdivision - Use and development of land for a dwelling ~ 239
Cowells Lane, Euroa

Author: Town Planner

Responsible Director: Director Community and Planning

EXECUTIVE SUMMARY

- The proposal is for a two (2) lot subdivision (house lot excision) and the use and development of the land for a dwelling.
- The site has an area of 24.98 hectares.
- The site is in the Farming Zone and is affected in part by both the Land Subject to Inundation Overlay and the Floodway Overlay.
- The application was referred internally to Council's Asset Services and Environmental Health Departments who have consented to the proposal, subject to conditions.
- The application was referred externally to the Goulburn Broken Catchment Management Authority who has consented to the proposal subject to conditions regarding the floor height of the dwelling.
- The application was referred to APA who consent to the proposal.
- An assessment against the Farming Zone, Floodway Overlay and Land Subject to Inundation Overlay, Decision Guidelines and State and Local Policies indicates the proposal is consistent with these provisions of the Strathbogie Planning Scheme.
- The application was advertised to adjoining landowners and no objections have been received.
- The application is being presented to Council as the proposal is for the development of a dwelling on a lot less than 80 hectares.
- The application has been assessed outside the 60-day statutory time period due to the Christmas holiday period.
- It is recommended Council resolve to Grant a Permit subject to conditions as outlined in the Officer's recommendation.

Application is for:	Two (2) Lot Subdivision and the Use and Development of the land for a dwelling and shed
Applicant's/Owner's Name:	Troy Spencer Planography Pty Ltd
Date Received:	27 October 2020 Application Received 29 October 2020 Fee Paid
Statutory Days:	67
Application Number:	P2020-140
Planner: Name, title & department	Trish Hall Town Planner Planning and Investment Department
Land/Address:	Lot 2 Plan of Subdivision 94006, Certificate of Title Volume 8917 Folio 633, 239 Cowells Lane, Euroa VIC 3666

9.2 Planning Application No. P2020-140
Two (2) Lot Subdivision - Use and development of land for a dwelling ~ 239 Cowells Lane, Euroa (cont.)

Zoning:	Farming Zone
Overlays:	Land Subject to Inundation Overlay (Part) Floodway Overlay (Part)
Is a CHMP required?	No The subject site is not within a Culturally Sensitive area.
Is it within an Open Potable Catchment Area?	No The subject site is not within an Open Potable Water Catchment Area
Under what clause(s) is a permit required?	Clause 35.07-1 Use and development of land for a dwelling on a small lot in the Farming Zone Clause 35.07-3 Subdivision in the Farming Zone Clause 35.07-4 Buildings and works in the Farming Zone Clause 44.01-2 Building and works in the Land Subject to Inundation Overlay Clause 44.01-3 Subdivision in the Land Subject to Inundation Overlay Clause 44.03-3 Subdivision in the Floodway Overlay
Restrictive covenants on the title?	Nil
Current use and development:	Agriculture and Dwelling

RECOMMENDATION

That Council having Caused notice of Planning Application No. P2020-140 to be given under Section 52 of the Planning and Environment Act 1987 and having considered all the matters required under Section 60 of the Planning and Environment Act 1987 decides to grant a permit under the provisions of Clause 35.07-1 Use and development of land for a dwelling on a small lot in the Farming Zone, Clause 35.07-3 Subdivision in the Farming Zone, Clause 35.07-4 Buildings and works in the Farming Zone, Clause 44.01-2 Building and works in the Land Subject to Inundation Overlay, Clause 44.01-3 Subdivision in the Land Subject to Inundation Overlay, Clause 44.03-3 Subdivision in the Floodway Overlay of the Strathbogie Planning Scheme in respect of the land known as Lot 2 Plan of Subdivision 94006, Certificate of Title Volume 8917 Folio 633, 239 Cowells Lane, Euroa VIC 3666, for the Subdivision of land into two (2) lots and the use and development of the land for a dwelling, in accordance with endorsed plans, subject to the following conditions:

- 9.2 Planning Application No. P2020-140
Two (2) Lot Subdivision - Use and development of land for a dwelling ~ 239 Cowells Lane, Euroa (cont.)

Endorsed Plans:

1. *The development must be sited and constructed in accordance with the endorsed plans. These endorsed plans can only be altered or modified with the prior written approval of the Responsible Authority, or to comply with statutory requirements.*

Dwelling Construction:

2. *Prior to the commencement of buildings and works, the subdivision approved as part of this permit must be submitted to the Responsible Authority for certification under the Subdivision Act 1988.*
3. *Prior to the commencement of the use of the approved dwelling, the subdivision approved as part of this permit must be completed to the satisfaction of the Responsible Authority.*

Amended Plans:

4. *Prior to the commencement of works hereby permitted, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be generally in accordance with the application but modified to include:
 - a) *Setback distances of proposed shed from two boundaries.**
5. *Prior to the commencement of works hereby permitted, additional plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must show:
 - a) *Floor and elevation plans of proposed shed*
 - b) *List of materials.**

Section 173 Agreement:

6. *Prior to the commencement of use, the owner must enter into an agreement with the Responsible Authority pursuant to Section 173 of the Planning and Environment Act 1987 to the satisfaction of the Responsible Authority. Such agreement shall:
 - a) *Prevent subdivision, including house lot excision which increases the number of lots.*
 - b) *Require that the use of the land for a dwelling must be undertaken in accordance with an agricultural use of the property in accordance with the Whole Farm Plan endorsed as part of this permit.*
 - c) *The Owner acknowledges and accepts that the possibility of nuisance from adjoining or nearby agricultural operations may occur. The possible off site impacts include but are not limited to dust, noise, odour, waste, vibration, soot, smoke or the presence of vermin, from animal husbandry, animal waste, spray drift, agricultural machinery use, pumps, trucks and associated hours of operation.**

9.2 Planning Application No. P2020-140
Two (2) Lot Subdivision - Use and development of land for a dwelling ~ 239 Cowells Lane, Euroa (cont.)

The Section 173 Agreement must be prepared by Council's solicitors, to the satisfaction of the Responsible Authority and must be recorded on the folio of the Register to the subject land pursuant to Section 181 of the Planning and Environment Act 1987.

Environmental Health Conditions:

- 7. Prior to installation/alterations works commencing on the septic tank system, a Permit to Install/Alter must be obtained from Council.***
- 8. All sewage and sullage waters shall be treated in accordance with the requirements of the Environment Protection Act 1970 and the Guidelines for Environmental Management: Code of Practice – Onsite Wastewater Management 891. 4 (2016) and the Responsible Authority.***
- 9. All wastewater shall be disposed of within the curtilage of the land and sufficient area shall be kept available for the purpose of wastewater disposal to the satisfaction of the Responsible Authority.***
- 10. No wastewater shall drain directly or indirectly onto an adjoining property, street or any watercourse or drain to the satisfaction of the Responsible Authority.***
- 11. All wastewater and liquid are to be contained and treated on site by an approved septic tank system or equivalent. The system must be at least 300 metres from potable water supply. The system must be at least 60 metres from any watercourse and/or dam (non-potable water supply) for primary sewage and 30 metres for secondary sewage, on the subject or neighbouring properties, and must meet the Guidelines for Environmental Management: Code of Practice – Onsite Wastewater Management 891. 4 (2016).***
- 12. No buildings or works shall occur over any part of the approved waste disposal system including the septic tank in accordance with the requirements of the Environment Protection Act 1970, the Guidelines for Environmental Management: Code of Practice – Onsite Wastewater Management 891. 4 (2016).***

Engineering Conditions:

Rural Vehicle Crossing Location

- 13. Prior to the commencement of works on site, any new, relocated, alteration or replacement of required vehicular entrances to the subject land from the road shall be constructed at a location and of a size and standard in accordance with the requirements of the relevant Authority and shall be at the applicant's expense. The final location of the crossing is to be approved by the Responsible Authority via a Vehicle Crossing Permit. Reference should be made to Clause 12.9.2 "Rural Vehicle Crossings" of the Infrastructure Design Manual. Refer to standard drawing SD255 for small vehicles or SD265 for large vehicles.***

9.2 Planning Application No. P2020-140
Two (2) Lot Subdivision - Use and development of land for a dwelling ~ 239 Cowells Lane, Euroa (cont.)

- 14. The vehicular crossing shall have satisfactory clearance to any power or Telecommunications pole, manhole cover or marker, or street tree and have a minimum of 50mm of gravel from the shoulder to the property boundary.**

Internal Access Roads

- 15. Prior to the issue of Statement of Compliance and the Certificate of Occupancy all internal access roads must be constructed, formed and drained to avoid erosion and to minimise disturbance to natural topography of the land to the satisfaction of the Responsible Authority. Internal access, including the turn-around areas for emergency vehicles, must be all weather construction with a minimum trafficable width of 4m.**

Rural Drainage - Works

- 16. All stormwater and surface water discharging from the site, buildings and works must be conveyed to the legal point of discharge drains to the satisfaction of the Responsible Authority/Goulburn Murray Water or dissipated within the site boundaries. No effluent or polluted water of any type may be allowed to enter the stormwater drainage system.**
- 17. Appropriate steps must be taken to retain all silt and sediment on site during the construction phase to the satisfaction of the Responsible Authority and must be carried out in accordance with the following EPA guidelines and policies: -**
- **Environmental Guidelines for Major Construction Sites (EPA publication No. 480, December 19985); and**
 - **Construction Techniques for Sedimentation Pollution Control (EPA publication No. 275, May 1991)**
- 18. Prior to the commencement of any works, the design parameters for any defined watercourse crossing(s), both structural and hydraulic design, shall be approved by the Responsible Authority (GBCMA – Works on Waterways Permit).**

Council's Assets:

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

- 9.2 Planning Application No. P2020-140
Two (2) Lot Subdivision - Use and development of land for a dwelling ~ 239 Cowells Lane, Euroa (cont.)

Subdivision Conditions:

- 20. Prior to the certification of plans under the Subdivision Act 1988, the landowner must complete and duly sign a Statutory Declaration agreeing to the Allocation of Street Numbers.**
- 21. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity and gas services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.**
- 22. All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.**
- 23. Prior to the issue of a Statement of Compliance, the owner of the land must enter into an agreement with:**
 - a) a telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and**
 - b) a suitably qualified person for the provision of fibre ready telecommunication 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.**
- 24. Prior to the issue of a Statement of Compliance under the Subdivision Act 1988, the owner of the land must provide written confirmation from:**
 - a) A telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and**
 - b) A suitably qualified person that fibre ready telecommunications 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 National Broadband Network will not be provided by optical fibre.**
- 25. The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of that Act.**

- 9.2 Planning Application No. P2020-140
Two (2) Lot Subdivision - Use and development of land for a dwelling ~ 239 Cowells Lane, Euroa (cont.)

Dwelling Conditions:

- 26. Access to the dwelling approved by this permit must be provided via an all-weather road with dimensions adequate to accommodate emergency vehicles.**
- 27. The dwelling approved by this permit must be connected to a reticulated sewerage system or if not available, the wastewater must be treated and retained on-site in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970.**
- 28. The dwelling approved by this permit must be connected to a reticulated potable water supply or have an alternative potable water supply with adequate storage for domestic use as well as for firefighting purposes.**
- 29. The dwelling approved by this permit must be connected to a reticulated electricity supply or have an alternative energy source.**
- 30. The use of the land for a dwelling must be used in conjunction with an agricultural pursuit on the subject site and in accordance with the endorsed Whole Farm Plan.**
- 31. The use and development must be sited and constructed in accordance with the endorsed plans. These endorsed plans can only be altered or modified with the prior written approval of the Responsible Authority, or to comply with statutory requirements.**
- 32. The external cladding of the proposed buildings, including the roof, must be constructed of materials in good order and condition and must be of muted colours to enhance the aesthetic amenity of the area. Material having a highly reflective surface must not be used.**
- 33. The amenity of the area must not be detrimentally affected by the use, through the:**
 - (a) Appearance of any building, works or materials;**
 - (b) Transport of materials, goods or commodities to or from the land;**
 - (c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, wastewater, waste products, grit or oil;**
 - (d) Presence of vermin, and;**
 - (e) Others as appropriate.**

Goulburn Broken Catchment Management Authority:

- 34. The finished floor level of the proposed dwelling must be constructed the higher level of:**
 - a. at least 300mm above the 100-year ARI Flood level of 166.6 metres AHD, i.e 166.9 metres AHD, or**
 - b. at least 300mm above the general surround surface level.**

9.2 Planning Application No. P2020-140
Two (2) Lot Subdivision - Use and development of land for a dwelling ~ 239 Cowells Lane, Euroa (cont.)

Expiry:

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

- (c) The development is not started within two (2) years of the date of this Permit,**
- (d) The development is not completed within four (4) years of the date of this Permit.**
- (e) the subdivision is not started (Certification) within two (2) years of the date of this permit;**
- (f) 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.**

Planning Notes:

- This Permit does not authorise the commencement of any building construction works. Before any such development may commence, the Applicant must apply for and obtain appropriate Building approval.**
- This Permit does not authorise the removal of any native vegetation including for access. Before any such works may commence, the Applicant must apply for and obtain appropriate Planning approval.**
- A Land Capability Assessment may be required and should be undertaken by a suitability qualified person. The Responsible Authority reserves the right to accept, reject or amend the recommendations of an LCA report.**
- This Permit does not authorise the creation of a new access way/crossover. Before any such development may commence, the Applicant must apply for and obtain appropriate approval from Council.**

Environmental Health Notes:

- The property is located near Sevens Creek and Castle Creek. Therefore, the property has been identified as a Medium Risk Area (Minor Catchment Area).**

9.2 Planning Application No. P2020-140
Two (2) Lot Subdivision - Use and development of land for a dwelling ~ 239 Cowells Lane, Euroa (cont.)

- ***A High-Risk Template - Land Capability Assessment must be provided for this proposal to determine if wastewater can be contained on site before any further comment can be made by the Environmental Health Unit. The land is affected by Flood Overlay (FO) and Land Subject to Inundation Overlay (LSIO).***
- ***The floor plan shows a study room that could be closed off with a door and may need to be included as a bedroom for the purposes of calculating the minimum daily domestic flow rates.***

Goulburn Broken Catchment Management Authority Notes:

- ***The Authority's best estimate of the 100-year ARI Flood Level for the above-mentioned property ranges from 165.8 metres AHD in the north western corner to 167.0 metres AHD in the south eastern corner.***
- ***The best estimate of the 100-year ARI flood level at the site of the proposed dwelling is 166.6 metres AHD, which was established from Euroa Post Flood Mapping and Intelligence Project (2015).***
- ***Please note that the 100-year ARI flood is not the maximum possible flood. There is always a possibility that a larger in height and extent, than the 100-year ARI flood may occur in the future.***

PROPOSAL

An application has been received for a two (2) lot subdivision and the use and development of land for a dwelling and shed on the subject site. The subdivision proposes to excise an existing dwelling on the subject site and the two lots will be configured as follows:

- Lot 1 - 22.82 Hectares
- Lot 2 - 2.16 Hectares



9.2 Planning Application No. P2020-140
Two (2) Lot Subdivision - Use and development of land for a dwelling ~ 239 Cowells Lane, Euroa (cont.)

Access to proposed Lot 1 will be to the east from Cowells Lane.

The application also proposes to use and develop proposed Lot 1 for a dwelling. The proposed dwelling is a four-bedroom single storey brick home with an area of 353.96 square metres. The roof is proposed to be clad in Colourbond.

It is proposed the dwelling will be located approximately 58 metres from the southern boundary and approximately 142 metres from the eastern boundary. It is also proposed to construct shedding, fencing and round yards. No plans have been provided for the proposed shed. The dwelling will be accessed from the proposed crossover to be constructed on Cowells Lane.

The proposed dwelling is required to facilitate the use of this lot for horse agistment and providing a facility for training. The agistment facility for boarding a person's horse and include a service fee that provides daily feeding, watering, grooming, rugging, health care and exercise. It is proposed the property will be capable of maintaining 8 horses. It is proposed the business will generate a yearly income of \$46,000.



Proposed Improvements

The existing dwelling and shedding on the subject site will be retained within Lot 2. Access to Lot 2 will be from Cowells Lane.

SUBJECT SITE & LOCALITY

The subject site is formally identified as Lot 2 on Plan of Subdivision 094006, Certificate of Title Volume 08917 Folio 633 and is located on the western side of Cowells Lane and has an area of 24.98 hectares.

9.2 Planning Application No. P2020-140
Two (2) Lot Subdivision - Use and development of land for a dwelling ~ 239 Cowells Lane, Euroa (cont.)

The land is developed with a single dwelling and associated shedding in the north eastern corner. The site is used for landscape supplies and the balance of the land is used for agriculture, namely grazing. The site is generally flat in topography however contains a slight depression towards the eastern boundary. The site is currently accessed from Cowells Lane.

The site known as 239 Cowells Lane is bound to the north east by the Euroa-Shepparton Road running in a south east to north west direction. To the north is the Euroa Gas Works and to the south west is a waterway surrounded by Crown land.

Land surrounding the subject site is used primarily for agricultural purposes with dwellings scattered throughout.

The site contains two dams located on land identified for grazing.

The site is in close proximity to the township of Euroa and the surrounding lots containing dwellings vary in size. Some of the lots are less than 80 hectares.

PERMIT/SITE HISTORY

A search of Council's electronic records system shows that the following planning permit has been issued for the subject site:

- P2005/036 Use of land for construction of a dwelling and sheds
- P2015-017 Two Lot Subdivision and Use and development of land for a dwelling (Lapsed)

PUBLIC NOTIFICATION

The original application has been advertised pursuant to Section 52 of the *Planning and Environment Act 1987*, by

- Sending letters to adjoining landowners
- Placing (a) sign on the site.

The notification has been carried out correctly. Council has received no objections to date.

REFERRALS

External Referrals/Notices required by the Planning Scheme:

Referrals/Notice	Advice/Response/Conditions
Section 55 Referrals	Goulburn Broken Management Catchment Authority – No objection subject to Conditions
Section 52 Referrals	APA – No Objection

Internal Council Referrals	Advice/Response/Conditions
Asset	No objection subject to Conditions
Environmental Health	No objection subject to Conditions

9.2 Planning Application No. P2020-140
Two (2) Lot Subdivision - Use and development of land for a dwelling ~ 239 Cowells Lane, Euroa (cont.)

ASSESSMENT

The Zoning of the land and any relevant overlay provisions

Farming Zone

Purpose:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To provide for the use of land for agriculture.*
- *To encourage the retention of productive agricultural land.*
- *To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.*
- *To encourage the retention of employment and population to support rural communities.*
- *To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.*

Officer Comment:

A permit is required for the use and development of land for the purposes of a dwelling as the site is less than the minimum lot size (80 ha). A planning permit is required for the subdivision of land. The minimum lot size for subdivision in this area of the municipality is 80 hectares however a permit can be granted for lots under this size in the following circumstances:

- *The subdivision is to create a lot for an existing dwelling. The subdivision must be a two-lot subdivision.*
- *The subdivision is the re-subdivision of existing lots and the number of lots is not increased.*
- *The subdivision is by a public authority or utility service provider to create a lot for a utility installation.*

As the proposed subdivision will create a lot for an existing dwelling, the application can be considered.

In assessing an application for a dwelling on this site consideration needs to be given to the capacity of the site for agriculture, the impact of a dwelling on surrounding agricultural uses as well as a number of environmental and design issues.

The use and development of the site for a dwelling and the proposed house lot excision is unlikely to lead to a loss in productive agricultural land. It is considered that the proposed location is appropriate from an environmental perspective as well as the potential impact on surrounding landowners and occupiers. The use and development of the land for a dwelling is to be undertaken in conjunction with a proposed agricultural land use (equine agistment). An assessment of the proposal against the individual decision guidelines of the Farming Zone is provided in the table below:

9.2 Planning Application No. P2020-140
Two (2) Lot Subdivision - Use and development of land for a dwelling ~ 239 Cowells Lane, Euroa (cont.)

General Issues	Complies	Officers Comment
<i>The Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.</i>	Yes	Assessment against the Planning Policy Framework & Local Planning Policy Framework is provided below.
<i>Any Regional Catchment Strategy and associated plan applying to the land.</i>	N/A	There is no relevant regional catchment strategy.
<i>The capability of the land to accommodate the proposed use or development, including the disposal of effluent.</i>	Yes	The site is considered capable of appropriately managing the proposed house lot excision and dwelling. Both lots will contain sufficient space for an onsite effluent disposal system to the satisfaction of the Responsible Authority.
<i>How the use or development relates to sustainable land management.</i>	Yes	The site has an area of approximately 25 hectares and is currently used primarily for residential purposes. There is limited opportunity to use the land for large scope agriculture due to surrounding residential land uses and the gas works to the north of the site. It is proposed to develop the larger lot with an equine training and boarding facility in conjunction with a dwelling on the site. The proposed dwelling is likely to ensure the land is maintained in terms of vermin and weeds.
<i>Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.</i>	Yes	The proposed vacant lot is considered to be a small lot suitable for an ancillary residential use in conjunction with an agricultural use. The proposed dwelling location allows for adequate setbacks from the adjoining boundaries. This allows a buffer between the proposed use and development and the surrounding residential land uses. The proposed equine enterprise will improve the agricultural use of the area.
<i>How the use and development makes use of existing infrastructure and service.</i>	Yes	Access is proposed to be via Wood Road which is located on the northern boundary of the site.

9.2 Planning Application No. P2020-140
Two (2) Lot Subdivision - Use and development of land for a dwelling ~ 239 Cowells Lane, Euroa (cont.)

Agricultural Issues	Complies	Officers Comment
<i>Whether the use or development will support and enhance agricultural production.</i>	Yes	The subject site has an area of approximately 25ha. The site is characterised by its surrounding residential and agricultural land uses. The proposed dwelling will support a proposed equine boarding and training facility. Given the size of the lots, surrounding land uses and proximity to the Euroa town centre it is unlikely that the smaller lot containing the existing dwelling site could be sustainably used for agriculture. A Whole Farm Plan has been submitted as part of the application and will be endorsed if a planning permit is granted.
<i>Whether the use or development will permanently remove land from agricultural production.</i>	Yes	Given the size of the lot and surrounding residential development, it is considered that the subject site is already somewhat removed from agriculture. The proposed development is unlikely to have an impact on the potential future use of the land for agriculture. The proposed use and development of a dwelling and two lot subdivision will provide for further agricultural use of the subject site.
<i>The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.</i>	Yes	Given the adjoining land uses and lot sizes there is unlikely to be any operation or expansion of agricultural land uses on adjoining or nearby properties.
<i>The capacity of the site to sustain the agricultural use.</i>	Yes	The site has limited capacity as detailed above due to its size and surrounding development however the proposed agricultural land use has been conceived around the capabilities and capacity of the site.
<i>The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure.</i>	Yes	The quality of the land in this area is generally considered productive. However as detailed above the lot has an area of approximately 25 ha.
<i>Any integrated land management plan prepared for the site.</i>	n/a	No integrated land management plan has been prepared for the subject site.

9.2 Planning Application No. P2020-140
Two (2) Lot Subdivision - Use and development of land for a dwelling ~ 239 Cowells Lane, Euroa (cont.)

Dwelling Issues	Complies	Officers Comment
<i>Whether the dwelling will result in the loss or fragmentation of productive agricultural land.</i>	Yes	As detailed above the dwelling is unlikely to result in the loss or fragmentation of productive agricultural land. It is considered that this has already occurred in part due to previous subdivision and residential development in the area.
<i>Whether the dwelling will be adversely affected by agricultural activities on adjacent and nearby land due to dust, noise, odour, use of chemicals and farm machinery, traffic and hours of operation.</i>	Yes	The dwelling is surrounded by rural residential uses and the building envelope allows appropriate setback from all boundaries.
<i>Whether the dwelling will adversely affect the operation and expansion of adjoining and nearby agricultural uses.</i>	Yes	As detailed above the dwelling is not in proximity to large agricultural uses and is therefore unlikely to affect the operation and expansion of adjoining and nearby agricultural uses.
<i>The potential for the proposal to lead to a concentration or proliferation of dwellings in the area and the impact of this on the use of the land for agriculture.</i>	Yes	The proposed dwelling has been assessed on its merit. It is unlikely that the proposed dwelling would directly result in the proliferation of dwellings.
Environmental issues	Complies	Officers Comment
<i>The impact of the proposal on the natural physical features and resources of the area, in particular on soil and water quality.</i>	Yes	The proposed dwelling is unlikely to significantly impact on the surrounding environment. The dwelling will be connected to an appropriate on-site waste-water disposal area to the satisfaction of the responsible authority.
<i>The impact of the use or development on the flora and fauna on the site and its surrounds.</i>	Yes	The proposal does not include the removal of any vegetation and is appropriately located not to damage any vegetation.
<i>The need to protect and enhance the biodiversity of the area, including the retention of vegetation and faunal habitat and the need to revegetate land including riparian buffers along waterways, gullies, ridgelines, property boundaries and saline discharge and recharge area.</i>	Yes	The proposal does not include the removal of any vegetation.

9.2 Planning Application No. P2020-140
Two (2) Lot Subdivision - Use and development of land for a dwelling ~ 239 Cowells Lane, Euroa (cont.)

<i>The location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.</i>	Yes	On site effluent disposal will be provided to both lots to the satisfaction of the responsible authority.
Design and siting issue	Complies	Officers Comment
<i>The need to locate buildings in one area to avoid any adverse impacts on surrounding agricultural uses and to minimise the loss of productive agricultural land.</i>	Yes	As detailed above the dwelling can be appropriately setback from the adjoining boundaries within the proposed building envelope.
<i>The impact of the siting, design, height, bulk, colours and materials to be used, on the natural environment, major roads, vistas and water features and the measures to be undertaken to minimise any adverse impacts.</i>	Yes	The proposed siting and design are considered appropriate. Should a permit be issued, a condition will be placed on the permit requiring muted tones.
<i>The impact on the character and appearance of the area or features of architectural, historic or scientific significance or of natural scenic beauty or importance.</i>	Yes	The proposed dwelling is unlikely to impact the character and appearance of the area.
<i>The location and design of existing and proposed infrastructure including roads, gas, water, drainage, telecommunications and sewerage facilities.</i>	Yes	The proposed dwelling and associated infrastructure are appropriately located.
<i>Whether the use and development will require traffic management measures.</i>	Yes	The application was referred to Councils Assets Department who raised no concerns in relation to traffic management measures. A single dwelling is unlikely to unreasonably increase traffic in the area.

Land Subject to Inundation Overlay

Purpose:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To identify land in a flood storage or flood fringe area affected by the 1 in 100-year flood or any other area determined by the floodplain management authority.*

9.2 Planning Application No. P2020-140
Two (2) Lot Subdivision - Use and development of land for a dwelling ~ 239 Cowells Lane, Euroa (cont.)

- *To ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, is compatible with the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity.*
- *To reflect any declaration under Division 4 of Part 10 of the Water Act, 1989 where a declaration has been made.*
- *To protect water quality in accordance with the provisions of relevant State Environment Protection Policies, particularly in accordance with Clauses 33 and 35 of the State Environment Protection Policy (Waters of Victoria).*
- *To ensure that development maintains or improves river and wetland health, waterway protection and flood plain health.*

Floodway Overlay

Purpose:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To identify waterways, major flood paths, drainage depressions and high hazard areas which have the greatest risk and frequency of being affected by flooding.*
- *To ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, is compatible with the flood hazard and local drainage conditions and the minimisation of soil erosion, sedimentation and silting.*
- *To reflect any declaration under Division 4 of Part 10 of the Water Act, 1989 where a declaration has been made.*
- *To protect water quality in accordance with the provisions of relevant State Environment Protection Policies, particularly in accordance with Clauses 33 and 35 of the State Environment Protection Policy (Waters of Victoria).*
- *To ensure that development maintains or improves river and wetland health, waterway protection and flood plain health.*

Officer Comment:

A planning permit is required for subdivision Under Clause 44.03 (Floodway Overlay) and 44.04 (Land Subject to Inundation Overlay). The buildings and works are located outside of the Floodway Overlay however the buildings and works are located within the Land Subject to Inundation Overlay.

As part of the assessment of an application under the provisions of these Clauses, the application was required to be referred to Goulburn Broken Catchment Management Authority (GBCMA) who have consented to the proposed development subject to conditions regarding the construction of the dwelling being built 300mm above the nominated AHD. It is considered that the proposed development will not lead to an unacceptable level of flood risk to human life as the land will be developed in accordance with GBCMA requirements. It is therefore considered that the proposal is consistent with the purpose and decision guidelines of Clause 44.04 of the Strathbogie Planning Scheme.

9.2 Planning Application No. P2020-140
Two (2) Lot Subdivision - Use and development of land for a dwelling ~ 239 Cowells Lane, Euroa (cont.)

The Planning Policy Framework (PPF)

Clause 13.02-1S Bushfire planning

- To strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life.

Clause 13.04-2S Erosion and landslip

Objective

- To protect areas prone to erosion, landslip or other land degradation processes.

Clause 14.01-1S Protection of agricultural land

Objective

- To protect the state's agricultural base by preserving productive farmland.

Clause 14.01-2S Sustainable agricultural land use

Objective

- To encourage sustainable agricultural land use.

Clause 14.02-1S, Catchment planning and management

Objective

- To assist the protection and, where possible, restoration of catchments, waterways, water bodies, groundwater, and the marine environment.

Officer Comment:

The subject site has an area of approximately 25 hectares. Land surrounding the site to the north south and west is predominantly used for agriculture with dwellings scattered throughout and a gas facility located directly north of the site on Wood Road. Land to the east of the site is located within an area identified for rural residential development. The application proposes a two (2) lot subdivision (house lot excision) and the use and development of land for a single dwelling and shedding on the balance lot. The proposed excision and dwelling will facilitate an equine agistment facility on the site which will contribute to the agricultural use of this area on the western edge of Euroa.

It is considered that the proposed dwelling and subdivision will not create or worsen any salinity or erosion issues as no vegetation is proposed to be removed and any works required for the construction of the dwelling or ancillary services will be stabilised if required.

The proposal is unlikely to create any significant flooding issues and has been consented to by the Goulburn Broken Catchment Management Authority. The application was referred to Council's Assets Services Department who have not raised any concerns with the proposal.

9.2 Planning Application No. P2020-140
Two (2) Lot Subdivision - Use and development of land for a dwelling ~ 239 Cowells Lane, Euroa (cont.)

The agricultural productivity or potential of the land is not considered to be lost as part of this proposal. The land will be used as part of an equine boarding and training facility which will contribute to the agricultural use of the wider area while respecting nearby residential land uses. The land to the east of the site has previously been identified in the Rural Residential Study (2004) as part of an existing rural residential area which would be assessed in more detail for rezoning to fit the existing residential character.

The Local Planning Policy Framework (LPPF) - including the Municipal Planning Strategy (MPS) and local planning policies

Clause 21.02-4 Rural Zones

Objective

- *To protect and maintain established farming areas.*
- *To ensure suitable land is available to provide for emerging rural enterprises, e.g. intensive animal husbandry, horticulture and equine industry.*

Officer Comment:

The subject site is in an area of 80 hectares for an as of right use for a dwelling. The land will continue to be used for agricultural production in accordance with the relevant policies within the Planning Policy Framework. The surrounding lots are typically used for grazing the development of the proposed dwelling is appropriately setback on site. A condition will be included on any planning permit issued requiring a Section 173 Agreement that acknowledges amenity impacts from surrounding agricultural pursuits, and to prevent further subdivision.

Strathbogie Shire Planning Scheme outlines the minimum requirement for an as of right use for dwellings in the Farming Zone. The land sizes vary across the Shire from 40 hectares to 100 hectares dependant on the agricultural values of the land. Whilst this parcel is located in the 80-hectare area, it is located in close proximity to the Township of Euroa and land identified as rural living in the 2004 Strathbogie Shire Rural Living Strategy. The strategy is sixteen (16) years old and it is considered the area in which the parcel of land is situated will have future growth and demand on smaller lots due to the proximity to the Township and rural living areas.

Clause 21.02-6 Building Material – Muted Tones

Objective:

- *To ensure that all structures blend in with the surrounding environment and that the aesthetic amenity of the area is preserved and/or enhanced.*

Officer Comment:

The dwelling is proposed to be constructed of new materials. The materials are unlikely to impact the aesthetic amenity currently enjoyed in the area. Standard conditions will be included on any planning permit issued to ensure the materials are muted and non-reflective. As such, this proposed is consistent with this Local planning policy within the Strathbogie Planning Scheme.

9.2 Planning Application No. P2020-140
Two (2) Lot Subdivision - Use and development of land for a dwelling ~ 239 Cowells Lane, Euroa (cont.)

Clause 22.01-3 *Dwellings on small lots in the Farming Zone*
Policies:

- *The construction of a new dwelling on an existing small lot will be discouraged unless it meets all the following requirements:*
 - *The lot is accessed by an all-weather road and has appropriate service provisions.*
 - *Emergency ingress and egress is at an appropriate standard.*
 - *The dwelling will not inhibit the operation of agriculture and rural industries.*
 - *The site must be able to contain and treat onsite effluent and wastewater in accordance with the relevant Code of Practice and Australian Standards, and;*
 - *Meets at least one of the following requirements:*
 - *The dwelling should be associated with a sustainable rural pursuit that requires a dwelling on the land to manage that pursuit. The application should be supported by a farm management plan that justifies the need for a dwelling to assist in the operation of the farm.*
 - *The applicant can substantiate that the land has no agricultural potential due to environmental significance and the dwelling is to be used in conjunction with sustainable land management and the significant vegetation is protected on title.*
 - *The lot has been identified in the Strathbogrie Shire Rural Residential Strategy, 2004 as rural residential; implying that that there is an historic use and development pattern. Consideration should be given to the recommendations in the Strategy.*
 - *The applicant is proposing to consolidate one or more lots in the same ownership with the subject land prior to the construction of the dwelling.*

Officer Comment:

Cowells Lane is gravel and is easily accessed from Euroa-Shepparton Road to the east. Euroa-Shepparton Road is the main connector road.

It is considered the dwelling is appropriately setback on the subject site. A Section 173 Agreement included on title via conditions will ensure any future occupiers accept the potential of any adverse amenity impacts due to agricultural pursuits being undertaken on neighbouring sites. The agreement will also prevent further subdivision including house lot excision.

9.2 Planning Application No. P2020-140
Two (2) Lot Subdivision - Use and development of land for a dwelling ~ 239 Cowells Lane, Euroa (cont.)

The subject site is not identified within the Strathbogrie Shire Rural Residential Strategy. However, the site is located in close proximity to the Township of Euroa. An assessment of how the proposal complies with the relevant policy is as follows:

<i>Policy Requirement</i>	<i>Officer Comment</i>	<i>Complies?</i>
<i>The lot is accessed by an all-weather road and has appropriate service provisions.</i>	The lot is accessed by an all-weather road. Cowells Lane is gravel and adjoins Euroa-Shepparton Road. Euroa-Shepparton Road is the main connector road. Council's Infrastructure Design Manual standards will be conditioned on any planning permit issued. The dwelling will be able to connect services or have an alternative source and this will be conditioned on any planning permit issued. The property is large enough to contain onsite wastewater for a single dwelling.	Yes
<i>Emergency ingress and egress is at an appropriate standard.</i>	The proposed driveway will be required to be constructed to allow all weather access and minimum trafficable width for safe ingress and egress of emergency vehicles.	Yes
<i>The dwelling will not inhibit the operation of agriculture and rural industries</i>	The dwelling is setback appropriately setback on the subject site. The land will continue to be used for agricultural production in accordance with the relevant policies within the Planning Policy Framework. As discussed in the report the subject site does not meet the 80-hectare requirement in the Farming Zone, however the site will continue to be used for agricultural purposes and the area may experience future growth due to the close proximity to the Euroa Township and Rural living areas.	Yes
<i>The site must be able to contain and treat onsite effluent and wastewater in accordance with the relevant Code of Practice and Australian Standards</i>	The application has been referred to Environmental Health who do not object subject to conditions.	Yes

9.2 Planning Application No. P2020-140
Two (2) Lot Subdivision - Use and development of land for a dwelling ~ 239 Cowells Lane, Euroa (cont.)

<p><i>Meets at least one of the following requirements: The dwelling should be associated with a sustainable rural pursuit that requires a dwelling on the land to manage that pursuit. The application should be supported by a farm management plan that justifies the need for a dwelling to assist in the operation of the farm.</i></p>	<p>The land will continue to be used for agricultural production in accordance with the relevant policies within the Planning Policy Framework.</p>	<p>Yes</p>
--	---	-------------------

The policy requires that a Section 173 Agreement condition be included on any planning permit issued to ensure subdivision of the land which increases the number of lots including house lot excision is prevented and that the property owner acknowledges and accepts that the possibility of some amenity impacts from adjoining and/or nearby land uses including agriculture.

Relevant Particular Provisions

There are no provisions considered applicable to this planning permit application.

The decision guidelines of Clause 65

Clause 65.01, *Approval of an application or plan*, states that; *before deciding on an application or approval of a plan, the responsible authority must consider, as appropriate:*

- *The matters set out in Section 60 of the Act.*
- *The Municipal Planning Strategy and the Planning Policy Framework.*
- *The purpose of the zone overlay or other provision.*
- *Any matter required to be considered in the zone, overlay or other provision.*
- *The orderly planning of the area.*
- *The effect on the amenity of the area.*
- *The proximity of the land to any public land.*
- *Factors likely to cause or contribute to land degradation, salinity or reduce water quality.*
- *Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.*
- *The extent and character of native vegetation and the likelihood of its destruction.*
- *Whether native vegetation is to be or can be protected, planted or allowed to regenerate.*
- *The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land to minimise any such hazard.*
- *The adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts.*

9.2 Planning Application No. P2020-140
Two (2) Lot Subdivision - Use and development of land for a dwelling ~ 239 Cowells Lane, Euroa (cont.)

Other relevant adopted State policies/strategies – (e.g. Melbourne 2030.)

There are no relevant adopted State policies.

Relevant incorporated, reference or adopted documents

There are no relevant incorporated, reference or adopted documents.

Relevant Planning Scheme amendments

There are no relevant planning scheme amendments.

Risk Management

The author of this report considers that there are no significant Risk Management factors relating to the report and recommendation.

Strategic Links – policy implications and relevance to Council Plan

The author of this report considers that the report is consistent with Council Policies, key strategic documents and the Council Plan.

POLICY CONSIDERATIONS

Council Plans and Policies

There are no implications on the Council Plan or any Council Policies as a result of this decision.

Regional, State and National Plans and Policies

One of the Overarching governance principles in section 9 of the *Local Government Act 2020* is that regional, state and national plans and policies are to be taken into account in strategic planning and decision-making.

The state policies are considered in the *Planning Policy Framework* section (above) from the Strathbogie Planning Scheme.

LEGAL CONSIDERATIONS

One of the Overarching governance principles in section 9 of the *Local Government Act 2020* is that Council decisions are to be made and actions taken in accordance with the relevant law.

This application has been processed and assessed in accordance with under Section 61 of the *Planning and Environment Act 1987* and the Strathbogie Planning Scheme.

Conflict of Interest Declaration

All officers, and/or contractors, involved in the preparation of this report have signed a written declaration that they do not have a conflict of interest in the subject matter of this report.

9.2 Planning Application No. P2020-140
Two (2) Lot Subdivision - Use and development of land for a dwelling ~ 239 Cowells Lane, Euroa (cont.)

Transparency

One of the Overarching governance principles in section 9 of the *Local Government Act 2020* is that the transparency of Council decisions, actions and information is to be ensured. The process to hear applications on lots under the minimum lot size provides transparency in our decision making. The application was advertised to potentially affected parties as required under section 52 of the Planning and Environment Act 1987.

SUSTAINABILITY CONSIDERATIONS

One of the Overarching governance principles in section 9 of the *Local Government Act 2020* is that the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted.

Economic

The proposal is to construct a dwelling to support and enhance an existing agricultural enterprise within the municipality.

Environmental

The application has been assessed against the relevant provisions of the *Planning and Environment Act 1987* and is considered to have no negative impact on the environment.

Climate change

The Strathbogie Planning Scheme has incorporated broader considerations on Climate Change, with the assessment that the proposed dwelling will not have an impact on climate change within the municipality, as all construction works will be required to comply with relevant legislation including the Infrastructure Design Manual and the *Environment Protection Act 1970*.

HUMAN RIGHTS CONSIDERATIONS

There are no human rights implications with this proposal. The application is being assessed in accordance with relevant legislation, and all parties will be afforded all relevant rights of appeal at the Victorian Civil and Administrative Tribunal.

SUMMARY OF KEY ISSUES

As discussed in the report the subject site does not meet the 80-hectare requirement in the Farming Zone. However, it is considered the proposal is appropriate. A Whole Farm Plan for the horse agistment enterprise has been provided and will be endorsed as part of any permit issued. The proposed dwelling is required for security and management to undertake processes in association with the agistment business.

The applicant has demonstrated the land will continue to be used for agricultural production in accordance with the relevant policies within the Planning Policy Framework. The dwelling is appropriately setback on the subject site. It is considered the area may experience future growth due to the proximity to the Euroa Township and Rural living areas. A Section 173 Agreement will be conditioned on any planning permit issued to prevent any future subdivision and acknowledges agricultural enterprise being carried out in the surrounding area.

9.2 Planning Application No. P2020-140
Two (2) Lot Subdivision - Use and development of land for a dwelling ~ 239 Cowells Lane, Euroa (cont.)

With regard to the Floodway Overlay and Land Subject to Inundation Overlay, the application was referred to Goulburn Broken Catchment Management Authority who did not object subject to conditions. These conditions will be included on any planning permit issued.

In summary, the proposal meets the objectives of the Planning Policy Framework, Local Planning Policy Framework, Farming Zone and Land Subject to Inundation Overlay.

CONCLUSION

After due assessment of all the relevant factors, it is considered appropriate to grant a planning permit, subject to conditions and in accordance with the officer's recommendation.

ATTACHMENTS

Attachment 1: Site plan and locality plan.

ATTACHMENT 1:





9.3 Request for Waiver of Fees
- Planning Application No. P2020-150: Development of land for a shed – 33
Filson Street, Nagambie Vic 3608

Author: Town Planner

Responsible Director: Director Community and Planning

EXECUTIVE SUMMARY

This report is in relation to a request for the waiver of fees for a VicSmart planning permit application (P2020-150). The planning fees for the above proposal are \$199.90.

The request has been made due to the applicant being a not for profit community group (Nagambie Lakes Men's Shed).

The Planning Permit proposal is for the development of land for a shed (Shipping Container to be utilised to store materials and equipment including BBQ for the Nagambie Lakes Men's Shed).

In considering a request to waive fees for an application lodged under Section 47 of the *Planning and Environment Act 1987*, a fee can only be waived pursuant to section 20 of the *Planning and Environment Regulations (Fees) 2016*.

The request complies with section 20(d) of these Regulations as the Men's Shed is a not for profit organisation.

RECOMMENDATION

That Council:

- 1. Notes the request by the Nagambie Lakes Men's Shed to waive a planning permit application fee.***
- 2. Waives the \$199.90 VicSmart application fee under Section 20(d) of the Planning and Environment Regulations (Fees) 2016 for application P2020-150 - development of land for a shed (Storage Container) at 33 Filson Street, Nagambie.***

PURPOSE AND BACKGROUND

An application has been submitted for the development of land at 33 Filson Street, Nagambie by the Nagambie Lakes Men's Shed for a storage shed in association with the Men's Shed for the purpose or additional storage on site.

In order to facilitate the consideration of this proposal, the fee waiver request is being put to Council for consideration.

The request is for a full waiver of the planning application fee for the amount of \$199.90.

9.3 Request for Waiver of Fees
- Planning Application No. P2020-150: Development of land for a shed – 33
Filson Street, Nagambie Vic 3608 (cont.)

ISSUES, OPTIONS AND DISCUSSION

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

The request for a fee waiver for a Planning Application will assist the Nagambie Lakes Men's Shed financially by assisting in savings for the project.

COMMUNITY ENGAGEMENT

One of the Overarching governance principles in section 9 of the *Local Government Act 2020* is that the municipal community is to be engaged in strategic planning and strategic decision making.

The Nagambie Lakes Men's Shed have requested a fee waiver for the Planning Permit application, this is not a decision on the application itself, but a decision of a request to waive fees for the application. Therefore, community engagement for this request is not warranted.

POLICY CONSIDERATIONS

Council Plans and Policies

There are no implications on the Council Plan or any Council Policies as a result of this decision.

LEGAL CONSIDERATIONS

In considering a request to waive fees for an application lodged under Section 47 of the *Planning and Environment Act 1987*, a fee can only be waived in the following circumstances pursuant to Section 20 of the Planning and Environment Regulations (Fees) 2016:

- (a) *an application is withdrawn and a new application is submitted in its place; or*
- (b) *in the opinion of the responsible authority or the Minister the payment of the fee is not warranted because—*
 - (i) *of the minor nature of the consideration of the matter decided or to be decided; or*
 - (ii) *the requested service imposes on the responsible authority or the Minister (as the case may be) no appreciable burden or a lesser burden than usual for supplying that service; or*
- (c) *in the opinion of the responsible authority or the Minister (as the case may be) the application or determination assists—*
 - (i) *the proper development of the State, region or municipal district; or*
 - (ii) *the proper development of part of the State, region or municipal district; or*

9.3 Request for Waiver of Fees
- Planning Application No. P2020-150: Development of land for a shed – 33
Filson Street, Nagambie Vic 3608 (cont.)

- (iii) *the preservation of buildings or places in the State, region or municipal district which are of historical or environmental interest; or*
- (d) *the application relates to land used exclusively for charitable purposes.*

It is considered that (d) is applicable as the Men's Shed is a not for profit organisation.

Conflict of Interest Declaration

All officers, and/or contractors, involved in the preparation of this report have signed a written declaration that they do not have a conflict of interest in the subject matter of this report.

Transparency

One of the Overarching governance principles in section 9 of the *Local Government Act 2020* is that the transparency of Council decisions, actions and information is to be ensured. The process to hear applications on waiving fees provides transparency in our decision making.

SUSTAINABILITY CONSIDERATIONS

One of the Overarching governance principles in section 9 of the *Local Government Act 2020* is that the economic, social and environmental sustainability of the municipal district is to be promoted.

Economic

A request for a fee waiver by the Nagambie Lakes Men's Shed will assist the group in being able to retain funds to assist with the development. The Nagambie Lakes Men's Shed are applying for a grant to enable this project.

The Nagambie Lakes Men's Shed is a not for profit group.

Social

The Nagambie Lakes Men's Shed provide much needed to support to their members in ways of participation, sense of community and community health and well being to mention a few.

In general, Men's Sheds are considered an important part of rural communities and have proven benefits to individuals and targeted groups.

Climate change

The request for a fee waiver is not relevant in regard to consider of Climate Change impacts. Should the application proceed further, then will be a consideration of the development proposal and environmental impacts will be assessed.

- 9.3 Request for Waiver of Fees
- Planning Application No. P2020-150: Development of land for a shed – 33
Filson Street, Nagambie Vic 3608 (cont.)

HUMAN RIGHTS CONSIDERATIONS

The *Charter of Human Rights and Responsibilities Act 2006* is a consideration when reporting to Council. However, in this instance, as the request is for a fee waiver and not consideration on the development itself, it is considered that this matter will be addressed within the decision making process for the development.

CONCLUSION

This report is presented to Council for decision in relation to the waiver of fees for a planning permit application.

This request has been made due to the applicant being a not for profit community group. As the proposal meets the requirements of a VicSmart application, the fees for this type of planning permit application for development less than \$10,000 is \$199.90.

Officers consider that the circumstances outlined in Section 20(d) of the regulations are applicable in this instance. That is, the 'use' of the Nagambie Men's Shed is for charitable purposes and is a 'not for profit' community group.

ATTACHMENTS

Attachment 1: Letter requesting waiver of planning fees.

ATTACHMENT 1:

Dear Members of the council, on behalf of the Nagambie Lakes Men's Shed I am applying for a fee waiver under section 47 of the Planning and Environment act 1987 pursuant to Section 20 of the Planning and Environment Regulations (fees) 2016 for our current grant application. The application is for a new shed/container to house our BBQ trailer. Now it is taking up room inside the shed.

The shelter will be a movable structure and placed next to our current container. The shed and container and proposed shelter is on council property.

The Men's Shed is a not-for-profit organisation and the land used is used exclusively for charitable purposes. The Men's Shed was originally started in 2012 with a large group of men willing to see this community organisation get off the ground. After several attempts to find a suitable location we finally could use a small shed at the rear of the Scout Hall.

Over the ensuing years we have applied for grants to get us to where we are today.

We have several men who cover a wide range of disabilities and loneliness who attend on a regular basis. Over the years we have made many items for the community. These include the primary schools, the Hostel, the kindergarten and play group. We have also made planter boxes for the community of Nagambie to brighten the street scape. We do made items for the residents when required and we also do repairs. We have had a regular BBQ at the community market but because of the Covid restrictions we have not been able to raise funds to buy materials which we have not been able to do, leaving us short of funds.

We are very active within the community and make no profit from our work. We charge for materials only.

I ask you most sincerely that the council consider our request for a fee waiver.

Yours most sincerely
David Keall President

9.4 Planning Applications Received and Planning Applications Determined
- 1 to 31 December 2020

Responsible Officer: Manager Planning and Investment

Listings of Planning Applications Received and Planning Applications Determined for the period 1 to 31 December 2020 – provided for information.

RECOMMENDATION

That the report be noted.

PLANNING APPLICATIONS RECEIVED

Tuesday, 1 December 2020

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
43 Meakins Avenue, Violet Town VIC 3669	P2020-156	Four (4) lot subdivision		\$0.00

Friday, 4 December 2020

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
105 Drysdale Road, Euroa VIC 3666	P2020-157	2 new sheds		\$50,000.00
874 Aerodrome Road, Avenel VIC 3664	P2020-159	Development of land for an extension to a dwelling		\$210,000.00

Monday, 7 December 2020

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
160 Lobbs Lane, Nagambie VIC 3608	P2020-160	Four (4) lot subdivision (3 lots into 4); Use and development of existing building into dwelling		\$300,000.00
47 Branjee Road, Euroa VIC 3666	P2020-158	Use and development of land for a dwelling, studio, swimming pool and shed		\$350,000.00

Friday, 11 December 2020

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
1878 Northwood Road, Mitchellstown VIC 3608	P2020-161	Alterations and additions to an existing dwelling and a new machinery shed		\$850,000.00

Thursday, 17 December 2020

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
45-85 Boundary Road South, Euroa VIC 3666	P2020-163	Staged subdivision for 52 lots	Avni Asim	\$1,500,000.00

Monday, 21 December 2020

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
22 Nolans Road, Ruffy VIC 3666	P2020-162	Proposed Military Memorabilia Display Museum and a Caretakers Dwelling with associated Car parking and Signage.	Troy Spencer	\$85,000.00

PLANNING APPLICATIONS DETERMINED

1/12/2020 12:00:00 AM

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works	Decision
691 Creightons Creek Road, Creightons Creek VIC 3666	P2020-153	Development of land for a swimming pool		\$25,000.00	Issued

2/12/2020 12:00:00 AM

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works	Decision
6 McGuinness Street, Euroa VIC 3666	P2020-111	Development of land for an extension to a dwelling and shed		\$175,000.00	Issued

9/12/2020 12:00:00 AM

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works	Decision
244 Smiths Road, Boho VIC 3669	P2020-116	Three (3) Lot Subdivision		\$0.00	Issued
277-279 High Street, Nagambie VIC 3608	P2020-138	Development of land for refurbishment and external extension of restaurant; Alteration to Red Line area for Liquor License.		\$500,000.00	Issued
736 Mitchellstown Road, Mitchellstown VIC 3608	P2020-139	Development of land for a boat ramp, staircase and jetty.		\$30,000.00	Issued

14/12/2020 12:00:00 AM

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works	Decision
77 Siems Road, Euroa VIC 3666	P2020-149	Development of land for a shed		\$34,000.00	Issued

15/12/2020 12:00:00 AM

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works	Decision
247 High Street, Nagambie VIC 3608	P2020-122	Four (4) Lot Subdivision		\$0.00	Issued
33-35 Industrial Crescent, Nagambie VIC 3608	P2020-129	Development of land for a cement silo and signage		\$200,000.00	Issued
36 McLeod Street, Kirwans Bridge VIC 3608	P2020-151	Development of land for an extension and a shed		\$210,000.00	Issued

16/12/2020 12:00:00 AM

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works	Decision
533 Zanelli Road, Nagambie VIC 3608	P2020-112	Use and development of land for Clay Quarry		\$25,000.00	Issued

17/12/2020 12:00:00 AM

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works	Decision
547 Euroa-Strathbogrie Road, Euroa VIC 3666	P2020-137	Development of land for a dwelling		\$300,000.00	Issued

21/12/2020 12:00:00 AM

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works	Decision
53 Clifton Street, Euroa VIC 3666	P2020-142	Buildings and works including changes to the facade of the reception building, including undercover carports (x2), walkway disabled access ramp and new portico. Two business identification signs (One internally illuminated).		\$200,000.00	Issued

9.5 **Tender for Contract Number 19/20-44: Mullers Road – Road Reconstruction – Stage 2**

Authors: Manager Projects Delivery and the Senior Project officer

Responsible Director: Director Community & Planning

EXECUTIVE SUMMARY

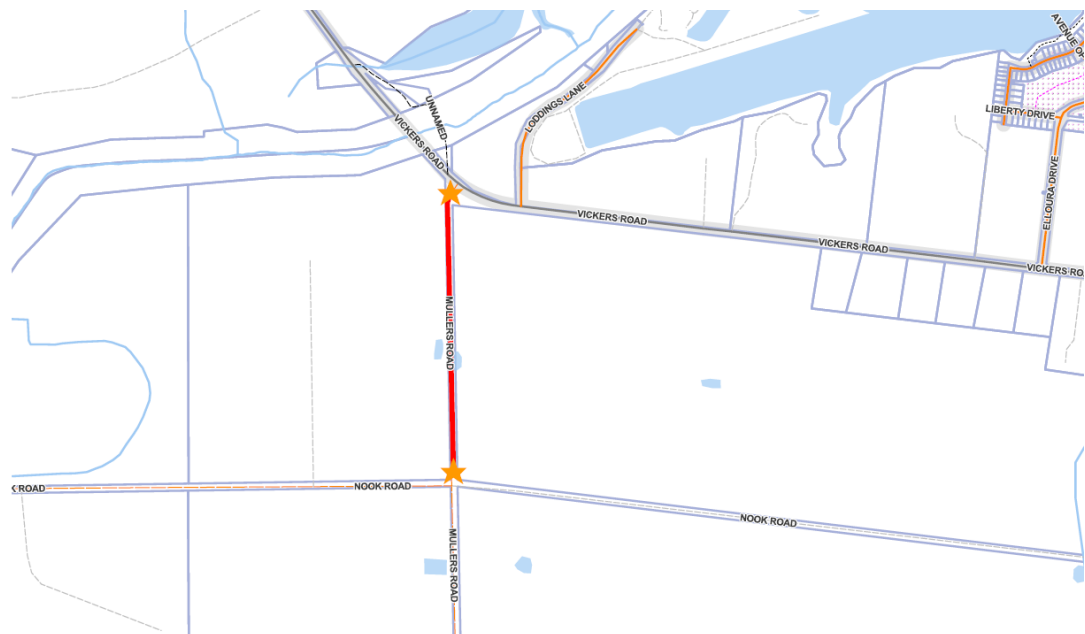
Re-construction of Mullers Stage 2 road has been integrated into the Strathbogie Shire Capital Work Program for the Financial Year 2020-21, being the second stage of the road work currently under construction.

Through public advertisement in local and national newspapers, Council invited tenders for the Work under Contract No. 19/20-44, between 13/11/2020 and 16/12/2020.

Four (4) tenderers submitted tenders for the work. These tenders have been assessed and evaluated by Council Officers and a summary of results outlined in this report. All tenders were found to be conforming.

Having considered the results of the evaluation, it is hereby recommended to the Council that the tender submissions be received and noted, with the tender being awarded to Bitu-mill (Civil) Pty Ltd for a total amount of \$505,987.63 plus GST and advise the tendering parties accordingly.

Subject location



9.5 Tender for Contract Number 19/20-44: Mullers Road – Road Reconstruction – Stage 2 (cont.)

RECOMMENDATION

That Council:

1. ***Receives and notes the outcome of the tender assessment process for Contract No 19/20-44 Mullers Road – Road Reconstruction – Stage 2- Lump Sum as set out in the confidential appendices attached to this agenda;***
2. ***Awards the tender for Contract No 19/20-44 Mullers Road – Road Reconstruction – Stage 2 - Lump Sum to Bitu-mill (Civil) Pty Ltd for a total amount of \$505,987.63 plus GST;***
3. ***Authorises officers to advise the unsuccessful tenderers; and***
4. ***Authorises the Chief Executive Officer to execute the Contract by signing and affixing with the Common Seal of Strathbogie Shire Council.***

PURPOSE AND BACKGROUND

This report seeks Council approval of the recommendations on Tender Evaluation exercise on Contract No 19/20-44 – *Mullers Road – Road Reconstruction – Stage 2* and to award the contract to the winning tenderer as provided in this report.

TENDER PROCESS

The public tender was released on “Tendersearch” via the Council website on the 13 November 2020. The tender was advertised in Saturday’s The Age newspaper (state-wide reach), Shepparton News, Seymour Telegraph, and the Euroa Gazette, in the week following release.

The public tender was open for submissions for 23 days in total. By close of tenders at 4.00pm on 16 December 2020, four (4) tenders’ submissions had been received. All tenders’ submissions were accessed for their compliance including the contractual terms and conditions and the requirements of the response schedules, and all tender submissions were deemed conforming.

9.5 Tender for Contract Number 19/20-44: Mullers Road – Road Reconstruction – Stage 2 (cont.)

Table 1 below lists the tenders that were received at the close of the advertised tender period.

Table 1: Tender Submissions Received

Tender Submissions Received at the close of Tender Period (in Alphabetical Order)
Bitu-mill (Civil) Pty Ltd
Grampians Excavations Pty Ltd
Jarvis Delahey Contractors
Wrights Earthmoving Pty Ltd

Table 2 below lists the tender offer (excluding GST) at the close of the advertised tender period.

Table 2: Tender Offers Received (excl GST)

Tender Offers Received at Close of Tender Period (excl GST) in lowest to highest order
\$505,987.63
\$724,375.46
\$805,387.83
\$843,424.59

Panel Assessment Process

In accordance with Council’s Procurement Policy, the evaluation panel and evaluation criteria weightings were determined prior to release of the Tender documentation. The evaluation panel members were nominated prior to release of the tender submissions for evaluation. The panel signed ‘Conflict of Interest’ statements prior to the evaluation panel viewing the submitted tenders.

The Tender Evaluation Panel members were made up of the following Strathbogie Shire Council staff members:

1. Senior Project Officer
2. Projects & Contracts Coordinator
3. Manager Infrastructure
4. Procurement & Tender Officer (moderating).

The principle that underlies the awarding of all Council contracts is that a contract is awarded based on providing the overall Best Value, offering the most benefit to the community and the greatest advantage to Council.

9.5 Tender for Contract Number 19/20-44: Mullers Road – Road Reconstruction – Stage 2 (cont.)

The tenders were assessed and evaluated against the following criteria and weightings:

Tendered Price (60%)

This criterion measures the price only – either lump sum or unit rates – submitted by the tenderer. In accordance with Council’s Procurement Guidelines, a price weighting of 60% is applied, unless a Council exemption is sought.

All submissions were given a weighted score for their submitted price based on a comparative assessment of pricing for all tenders. The comparative assessment awards the highest evaluation score (60%) to the lowest priced tender submission. The subsequent tender submissions received reduced evaluation scores based on the percentage difference between them and the lowest priced tender.

Demonstrated Qualifications / Skills and Experience (10%)

Due to the high level of technical skills required to provide this service, a weighting of 10% was allocated to this criterium.

Compliance with Specification (5%)

Due to the importance for the tender to meet the specification, a weighting of 10% was allocated. This is standard for most contracts.

Project Methodology (5%)

As the Work requires timely completion and elimination/mitigation of work-related risks, this criterium is considered important and therefore allocated a weighting of 5%. This is also standard for most contracts.

Management - Schedules (10%)

Quality Management Systems, policies, relevant certifications, and insurance are likewise considered vital and therefore included with an allocated weighting of 5%.

Local Content (10%)

In accordance with Procurement Guidelines and being consistent with value for money principles, where different products are of comparable price, quality and equivalent value can be sourced either locally or regionally; preference will be given to local suppliers. A weighting of 10% was allocated to this tender.

TABLE 3: Evaluation Criteria

Criteria	Weighting (%)
Price	60
Qualifications / Skills & Experience	10
Compliance with Specification	5
Project Methodology	5
Management Schedules	10
Local Content	10
Total	100

9.5 Tender for Contract Number 19/20-44: Mullers Road – Road Reconstruction – Stage 2 (cont.)

ISSUES, OPTIONS AND DISCUSSION

Evaluation Moderation Process

The purpose of the moderation meeting is to discuss and moderate scoring discrepancies larger than three points and to raise any concerns and/or queries that may need to be put to the tenderers prior to recommending the preferred Tenderer.

The Tender Evaluation Panel individually reviewed all tender submissions in detail and assessed tenderers submitted schedules and attachments against the evaluation criteria.

The Moderator (Procurement & Tender Officer) averaged the scores and highlighted scoring discrepancies larger than three (3) points. On Tuesday 22 December 2020, the Panel members and the Moderator met for the tender moderation meeting.

Panel Assessment Summary

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

At the completion of the tender evaluation process, Bitu-mill (Civil) Pty Ltd attained the top ranking with a total score of 87.80%.

Bitu-mill offered the lowest tendered price giving them the highest score available on pricing of 60% and received a good qualitative total score of 27.80%.

The Tender Evaluation Panel was therefore satisfied that their tender represents the best value outcome for Council.

The company has sufficient experience in roadworks, have completed several road works with other Local Councils in Victoria and have demonstrated capability to complete Works under the tender with minimal supervision. Their references are good and consistent with their declared project history.

COMMUNITY ENGAGEMENT

One of the Overarching governance principles in section 9 of the Local Government Act 2020 is that the municipal community is to be engaged in strategic planning and strategic decision making.

Consultation

The author of this report considers that the matter under consideration did not warrant a community consultation process and is not required under the *Local Government Act 2020*. However, it should be noted that a public tender process was undertaken.

RISK MANAGEMENT

The Tender Evaluation Panel considers early commencement of Work in 2021 as vital to its successful delivery, to ensure work is completed before the unfavourable winter weather. The Panel therefore advise timely award and signing of Contract Agreement with the appointed contractor.

9.5 Tender for Contract Number 19/20-44: Mullers Road – Road Reconstruction – Stage 2 (cont.)

POLICY CONSIDERATIONS

Council Plans and Policies

The author of this report considers that the report is consistent with Council Policies, key strategic documents, and the Council Plan.

The *Council Plan* is relevant with the following:

- Goal 3 - To provide quality infrastructure.
- Key Strategy – Provide best practice management of all assets including roads, bridges, and facilities.
- Approach – Target major capital works projects to seek government funding to reduce Council's costs.

The advertising, assessment and awarding of the tender is in accordance with the Strathbogie Shire Council Procurement Policy.

Asset Management Policy

- Asset renewal – is the upgrading or replacement of an existing Asset, or a component, that restores the service capability of the Asset to its original functional condition and performance.

Asset Management Strategy

- Ensure the Shires infrastructure enhances efficiency for people and freight movement, service delivery and community amenities.

LEGAL CONSIDERATIONS

One of the Overarching governance principles in section 9 of the *Local Government Act 2020* is that Council decisions are to be made and actions taken in accordance with the relevant law.

The author of this report considers that the recommendation has no legal or statutory implications which require the consideration of Council aside from the process complying with the requirements of the Local Government Acts 1989 and 2000 in relation to procurement.

Conflict of Interest Declaration

All officers, and/or contractors, involved in the preparation of this report have signed a written declaration that they do not have a conflict of interest in the subject matter of this report.

Transparency

One of the Overarching governance principles in section 9 of the *Local Government Act 2020* is that the transparency of Council decisions, actions and information is to be ensured.

It is considered by the author of this report that all steps have been taken in line with Council's Procurement Policy which ensures transparency in the process.

9.5 Tender for Contract Number 19/20-44: Mullers Road – Road Reconstruction – Stage 2 (cont.)

Decisions made by Council will be:

- undertaken in accordance with the Act and the Governance Rules.
- will be conducted in an open and transparent forum with information available via Council reports

Council meetings will be open to the community or can be viewed on the livestream (and available as a recording) unless closed for reasons permitted by s.66(2) of the Act.

Commercial in confidence information, as classified under section 3 (g) of the *Local Government Act 2020*, which relates to:

private commercial information, being information provided by a business, commercial or financial undertaking that—

(ii) if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage

has been provided to Councillors to enable due consideration of relevant information pertaining to the tender.

SUSTAINABILITY CONSIDERATIONS

One of the Overarching governance principles in section 9 of the *Local Government Act 2020* is that the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted.

Social

A reconstructed Mullers Road would enhance safety for road users and encourage usage of the road as a safe alternative to O'Dwyer Road.

HUMAN RIGHTS CONSIDERATIONS

Victorian Charter of Human Rights and Responsibilities Act 2006

The author of this report considers that the recommendation does not limit any human rights under the *Victorian Charter of Human Rights and Responsibilities Act 2006*.

CONCLUSION

Council invited tenders for the Reconstruction of Mullers Road – Stage 2. The submitted tenders were sought and evaluated strictly in accordance with the Council's Procurement Policy and against the provided brief and specifications. It is proposed that Council endorses the recommended contract for construction of Mullers Road – Stage 2 and awards the tender to Bitu-mill (Civil) Pty Ltd for a total amount of \$505,987.63 plus GST.

APPENDICES:

Appendix 1: Tender Evaluation for CONTRACT No 19/20-44 Mullers Road – Reconstruction – Stage 2 - CONFIDENTIAL

9.6 Tender for Contract Number 20/21-61: Shoulders Pavement Program (Ewing's Road, Avenel & Goulburn Weir – Murchison Road, Kirwans Bridge)

Authors: Manager Projects Delivery and the Project Manager

Responsible Director: Director Community and Planning

EXECUTIVE SUMMARY

As part of the Strathbogie Shire Council's approved budget, selected municipal roads are required to be widened and upgraded to meet current requirements that will improve safety based on current traffic volumes and proposed increase of use from proposed developments. To implement the shoulder pavement program, tender documentation was prepared for public advertisement.

Through public advertisement in local and state newspapers, Council invited tenders for the Work under Contract No. 20/21-61 Shoulders Pavement Program (Ewing's Road, Avenel, Goulburn Weir – Murchison Road, Kirwans Bridge) between 20/11/20 and 16/12/20.

Nine (9) tenders were submitted for the work. These tender submissions have been assessed and evaluated by Council Officers, and a summary of results is shown in the attached table.

All tenders were found to be conforming.

Having considered the results of the evaluation, it is hereby recommended to the Council that the tender submissions be received and noted, with the tender being awarded to MACA Infrastructure Pty Ltd for a total amount of \$514,676.00 plus GST and advise the tendering parties accordingly.

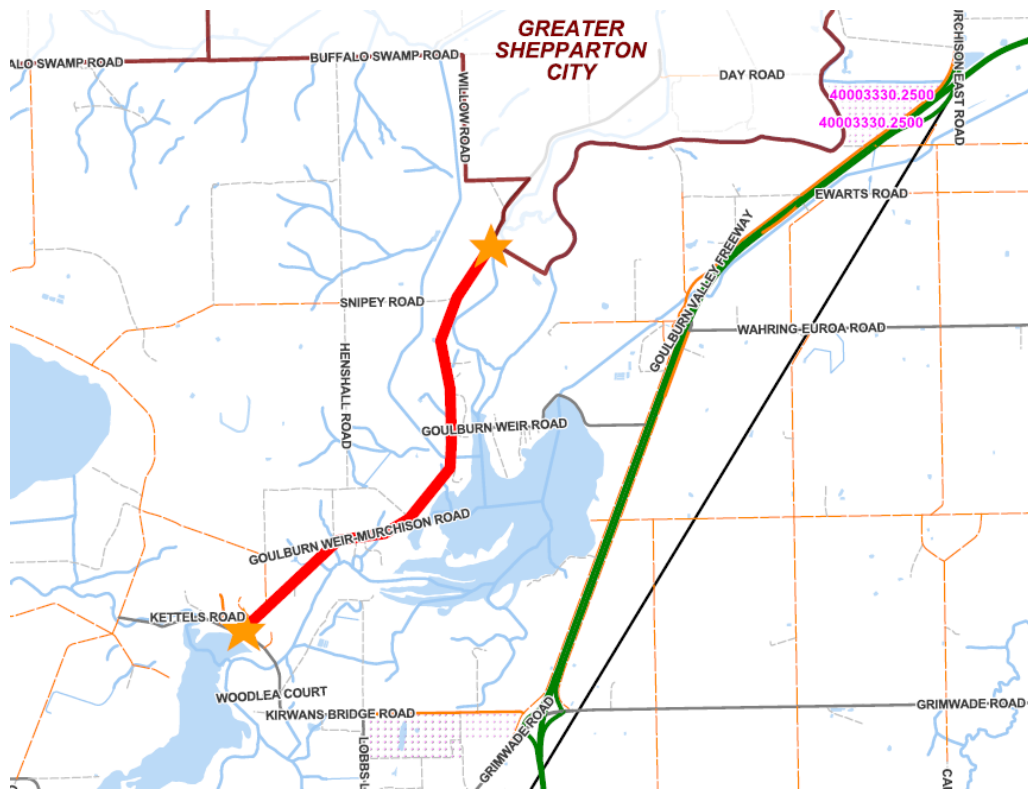
Subject locations

- Ewing's Road, Avenel



9.6 Tender for Contract Number 20/21-61: Shoulders Pavement Program (Ewing's Road, Avenel & Goulburn Weir – Murchison Road, Kirwans Bridge) (cont.)

- Goulburn Weir – Murchison Road, Kirwans Bridge



RECOMMENDATION

That Council:

1. ***Receives and notes the outcome of the tender assessment process for Contract No. 20/21-61 Shoulders Pavement Program (Ewing's Road, Avenel & Goulburn Weir – Murchison Road, Kirwans Bridge) – Lump Sum as set out in the confidential appendices attached to this report;***
2. ***Awards the tender for Contract No. 20/21-61 Shoulders Pavement Program (Ewing's Road, Avenel & Goulburn Weir – Murchison Road, Kirwans Bridge) – Lump Sum to MACA Infrastructure Pty Ltd for a total amount of \$514,676.00 + GST;***
3. ***Authorises officers to advise the unsuccessful Tenderers; and***
4. ***Authorises the Chief Executive Officer to execute the Contract by signing and affixing with the Common Seal of Strathbogie Shire Council.***

9.6 Tender for Contract Number 20/21-61: Shoulders Pavement Program (Ewing’s Road, Avenel & Goulburn Weir – Murchison Road, Kirwans Bridge) (cont.)

PURPOSE AND BACKGROUND

The shoulder pavement widening works are to bring Ewing’s Road, Avenel, and Goulburn Weir – Murchison Road, Kirwans Bridge, to the minimum requirements of the Infrastructure Design Manual based on existing traffic counts and future increases based on proposed developments.

The shoulder pavement works is an extension of the existing sealed pavement and to be completed on both sides of the road. The width shall be 0.9m wide for Ewing’s Road, Avenel and 0.6m wide for Goulburn Weir – Murchison Road, Kirwans Bridge.

TENDER PROCESS

The public tender was released on “Tendersearch” via the Council website on the 20 November 2020. The tender was advertised in Saturday’s The Age newspaper (state-wide reach), Shepparton News, Benalla Ensign, Euroa Gazette, Violet Town Village Voice, and the Nagambie Community Voice.

The public tender was open for submissions for 27 days in total. By close of tenders at 4.00pm on 16 December 2020, nine (9) tender submissions had been received.

All tenders’ submissions were accessed for their compliance including the contractual terms and conditions and the requirements of the response schedules, and all tender submissions were deemed conforming.

Table 1 below lists the tenders that were received at the close of the advertised tender period.

Table 1: Tender Submissions Received

Tender Submissions Received at the close of Tender Period (in Alphabetical Order)
Anthony T. Lindsay Pty Ltd
Avard Civil Pty Ltd
Bitu-mill (Civil) Pty Ltd
Cleaves Earthmoving
Downer EDI Works Pty Ltd
GW & BR Cramer Pty Ltd
MACA Infrastructure Pty Ltd
Seven Creeks Excavations
Wrights Earthmoving

9.6 Tender for Contract Number 20/21-61: Shoulders Pavement Program (Ewing's Road, Avenel & Goulburn Weir – Murchison Road, Kirwans Bridge) (cont.)

Table 2 below lists the tender offer (excluding GST) at the close of the advertised tender period.

Table 2: Tender Offers Received (excl GST)

Tender Offers Received at Close of Tender Period (excl GST) in lowest to highest order
\$463,272.60
\$508,982.00
\$514,676.00
\$536,583.53
\$571,104.00
\$608,060.00
\$609,374.24
\$683,896.57
\$697,125.16

PANEL ASSESSMENT

In accordance with Council's Procurement Policy, the evaluation panel and evaluation criteria weightings were determined prior to release of the Tender documentation. The evaluation panel members were nominated prior to release of the tender submissions for evaluation.

The panel signed 'Conflict of Interest' statements prior to the evaluation panel viewing the submitted tenders. After the receipt of the tender submissions, the usual moderator, Council's Procurement and Tenders Officer declared a material conflict of interest under the *Local Government Act 2020* to the Chief Executive Officer and excluded themselves from any further involvement in the deliberations, discussions or implementation of any decision.

The Tender Evaluation Panel members were made up of the following Strathbogie Shire Council staff members:

1. Project Officer
2. Project Support Officer
3. Technical Officer
4. Finance Manager (moderating).

The principle that underlies the awarding of all Council contracts is that a contract is awarded based on providing the overall Best Value, offering the most benefit to the community and the greatest advantage to Council.

9.6 Tender for Contract Number 20/21-61: Shoulders Pavement Program (Ewing's Road, Avenel & Goulburn Weir – Murchison Road, Kirwans Bridge) (cont.)

The tenders were assessed and evaluated against the following criteria and weightings:

Tendered Price (60%)

This criterion measures the price only, either lump sum or unit rates, submitted by the Tenderer. In accordance with Council's Procurement Guidelines, a price weighting of 60% is applied, unless a Council exemption is sought.

All submissions were given a weighted score for their submitted price based on a comparative assessment of pricing for all tenders. The comparative assessment awards the highest evaluation score (60%) to the lowest priced tender submission. The subsequent tender submissions received reduced evaluation scores based on the percentage difference between them and the lowest priced tender.

Qualifications / Skills and Experience (10%)

Due to the high level of technical skills required to provide this service, a weighting of 10% was allocated to this criterion.

Compliance with Specification (5%)

Due to the importance for the tender to meet the specification, a weighting of 5% was allocated.

Project Methodology (5%)

As the work requires timely completion and elimination / mitigation of work-related risks, this criterion is considered important and therefore allocated a weighting of 5%. This is standard for most contracts.

Management – Schedules (10%)

Quality Management Systems, Policies, Relevant Certifications, and Insurance are likewise considered vital and therefore included with an allocated weighting of 10%.

Local Content (10%)

In accordance with Procurement Guidelines and being consistent with value for money principles, where different products are of comparable price, quality and equivalent value can be sourced either locally or regionally; preference will be given to local suppliers. A weighting of 10% was allocated to this tender.

Table 3: Evaluation Criteria

Criteria	Weighting (%)
Price	60
Qualifications / Skills & Experience	10
Compliance with Specification	5
Project Methodology	5
Management Schedules	10
Local Content	10
Total	100

9.6 Tender for Contract Number 20/21-61: Shoulders Pavement Program (Ewing's Road, Avenel & Goulburn Weir – Murchison Road, Kirwans Bridge) (cont.)

EVALUATION MODERATION PROCESS

The purpose of the moderation meeting is to discuss and moderate scoring discrepancies larger than three points and to raise any concerns and/or queries that may need to be put to the Tenderers prior to recommending the preferred Tenderer.

The Tender Evaluation Panel individually reviewed all tender submissions in detail and assessed Tenderers submitted schedules and attachments against the evaluation criteria. The Moderator (Finance Manager) averaged the scores and highlighted scoring discrepancies larger than three (3) points. On Tuesday, 22 December 2020 the Panel members and the Moderator met for the tender moderation meeting.

PANEL ASSESSMENT SUMMARY

At the completion of the tender evaluation process, MACA Infrastructure Pty Ltd attained the top ranking with a total score of 84.01%.

MACA Infrastructure Pty Ltd was not the lowest priced tender and received a pricing score of 54.01%. However, their qualitative total score of 30% was excellent compared to the lowest price Tenderer and, as a result, moved their overall score to be the top position.

The Tender Evaluation Panel were satisfied that their tender represents the best value outcome for Council.

The company has extensive experience in road and shoulder pavement construction, completing several similar works and have demonstrate capability to complete the works under the tender with minimal supervision. Their references are good and consistent with their declared project history.

COMMUNITY ENGAGEMENT

One of the Overarching governance principles in section 9 of the Local Government Act 2020 is that the municipal community is to be engaged in strategic planning and strategic decision making.

The author of this report considers that the matter under consideration did not warrant a community consultation process and is not required under the *Local Government Act 2020*. However, it should be noted that a public tender process was undertaken.

RISK MANAGEMENT

The shoulder pavement works is an extension of the existing sealed pavement and therefore improves road safety.

POLICY CONSIDERATIONS

Strategic Links – policy implications and relevance to Council Plan

The author of this report considers that the report is consistent with Council Policies, key strategic documents, and the Council Plan.

9.6 Tender for Contract Number 20/21-61: Shoulders Pavement Program (Ewing's Road, Avenel & Goulburn Weir – Murchison Road, Kirwans Bridge) (cont.)

The *Council Plan* is relevant with the following:

Goal 3 - To provide quality infrastructure.

Key Strategy – Provide best practice management of all assets including roads, bridges, and facilities.

Approach – Target major capital works projects to seek government funding to reduce Council's costs.

The advertising, assessment and awarding of the tender is in accordance with the Strathbogie Shire Council Procurement Policy.

Asset Management Policy

- Asset renewal – is the upgrading or replacement of an existing Asset, or a component, that restores the service capability of the Asset to its original functional condition and performance.

Asset Management Strategy

- Ensure the Shires infrastructure enhances efficiency for people and freight movement, service delivery and community amenities.

LEGAL CONSIDERATIONS

One of the Overarching governance principles in Section 9 of the *Local Government Act 2020* is that Council decisions are to be made and actions taken in accordance with the relevant law.

The author of this report considers that the recommendation has no legal or statutory implications which require the consideration of Council aside from the process complying with the requirements of the Local Government Acts 1989 and 2000 in relation to procurement.

Conflict of Interest Declaration

All officers, and / or contractors, involved in the preparation of this report have signed a written declaration that they do not have a conflict of interest in the subject matter of this report.

After the receipt of the tender submissions, the usual moderator, Council's Procurement and Tenders Officer declared a material conflict of interest under the *Local Government Act 2020* to the Chief Executive Officer and excluded themselves from any further involvement in the deliberations, discussions or implementation of any decision.

Transparency

One of the Overarching governance principles in section 9 of the *Local Government Act 2020* is that the transparency of Council decisions, actions and information is to be ensured.

It is considered by the author of this report that all steps have been taken in line with Council's Procurement Policy which ensures transparency in the process.

9.6 Tender for Contract Number 20/21-61: Shoulders Pavement Program (Ewing's Road, Avenel & Goulburn Weir – Murchison Road, Kirwans Bridge) (cont.)

Decisions made by Council will be:

- undertaken in accordance with the Act and the Governance Rules.
- will be conducted in an open and transparent forum with information available via Council reports

Council meetings will be open to the community or can be viewed on the livestream (and available as a recording) unless closed for reasons permitted by s.66(2) of the Act.

Commercial in confidence information, as classified under section 3 (g) of the *Local Government Act 2020*, which relates to:

- private commercial information, being information provided by a business, commercial or financial undertaking that—*
- (ii) *if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage*

has been provided to Councillors to enable due consideration of relevant information pertaining to the tender.

FINANCIAL VIABILITY CONSIDERATIONS

One of the Overarching governance principles in section 9 of the *Local Government Act 2020* is that the ongoing financial viability of the Council is to be ensured.

Financial / Budgetary Implications

The recommended tender of \$514,676.00 is not under Council's allocated budget of \$400,000 in the 2020/21 Capital Works Program. The difference of \$114,676.00 will be re-allocated from the Capital Works Reseal Program budget. There are a number of factors which have resulted in the tenders being over the allocated budget.

The contract for the Reseal Program has been awarded and there are surplus funds available to support the short fall for the Shoulders Pavement Program.

SUSTAINABILITY CONSIDERATIONS

One of the Overarching governance principles in section 9 of the *Local Government Act 2020* is that the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted.

The author considers that there are no significant sustainability impacts arising from this matter.

HUMAN RIGHTS CONSIDERATIONS

Victorian Charter of Human Rights and Responsibilities Act 2006

The author of this report considers that the recommendation does not limit any human rights under the *Victorian Charter of Human Rights and Responsibilities Act 2006*.

9.6 Tender for Contract Number 20/21-61: Shoulders Pavement Program (Ewing's Road, Avenel & Goulburn Weir – Murchison Road, Kirwans Bridge) (cont.)

CONCLUSION

Council invited tenders for the provision of works for the Shoulders Pavement Program. The submitted tenders were sought and evaluated strictly in accordance with the Council's Procurement Policy and against the provided brief and specifications.

It is recommended that Council endorses the recommended Contractor, MACA Infrastructure Pty Ltd to complete the Shoulders Pavement Program for a total amount of \$514,676.00 plus GST and advise all the tendering parties accordingly.

APPENDICES:

Appendix 2: Tender for Contract Number 20/21-61: Shoulders Pavement Program (Ewing's Road, Avenel & Goulburn Weir – Murchison Road, Kirwans Bridge) - CONFIDENTIAL

9.7 Tender for Contract Number 20/21-57: Violet Town Netball Multi-Purpose Court – Design & Construct

Authors: Manager Projects Delivery and the Project Manager

Responsible Director: Director Community and Planning

EXECUTIVE SUMMARY

As part of the Strathbogie Shire Council's approved budget, the existing multipurpose court in the Violet Town Recreation Reserve is identified as requiring upgrading to improve safety and achieve compliance with current guidelines for netball and tennis activities. To implement the design and construction of the multipurpose court, tender documentation was prepared for public advertisement.

Through public advertisement on the Shire's website, in local and state-wide newspapers, Council invited tenders for the Work under Contract No. 20/21-57 Violet Town Netball Multi-Purpose Court – Design & Construct between 06/11/20 and 02/12/20.

Two (2) tenders were received for the work. These tender submissions have been assessed and evaluated by Council Officers, and a summary of results is shown in the attached table. Having considered the results of the evaluation, it is hereby recommended to the Council awards the tender to iDwala Pty Ltd for a total amount of \$309,969 plus GST and advise the tendering parties accordingly.

Subject location



9.7 Tender for Contract Number 20/21-57: Violet Town Netball Multi-Purpose Court – Design & Construct (cont.)

RECOMMENDATION

That Council:

1. ***Receives and notes the outcome of the tender assessment process for Contract No. 20/21-57 Violet Town Netball Multi-Purpose Court – Design & Construct – Lump Sum as set out in the confidential appendices attached to this agenda;***
2. ***Awards the tender for Contract No. 20/21-57 Violet Town Netball Multi-Purpose Court – Design & Construct – Lump Sum to iDwala Pty Ltd for a total amount of \$309,969.00 + GST;***
3. ***Authorises officers to advise the unsuccessful Tenderers; and***
4. ***Authorises the Chief Executive Officer to execute the Contract by signing and affixing with the Common Seal of Strathbogie Shire Council.***

PURPOSE AND BACKGROUND

The most northern courts at the Violet Town Recreational Reserve were independently audited and found to be unsafe and not fit for purpose for any type of activity. To ensure recreational activity in the form of netball and tennis can continue at this venue, these courts need immediate and urgent upgrading. The audit included a concept drawing of the works that were required and the expected cost of completing the required works.

The tender documentation sought submissions to construct a new multipurpose court (tennis / netball) on the old courts, north of the existing tennis courts. The multipurpose court is to be centrally located between the four (4) existing light poles to allow for the best lighting outcome on the court.

These proposed works are a continuation of recent upgrade works completed at other Council sporting facilities and will allow the continuation of sport and recreational activity in Violet Town.

TENDER PROCESS

The public tender was released on “Tendersearch” via the Council website on the 6 November 2020. The tender was advertised in Saturday’s The Age newspaper (state-wide reach), Shepparton News, Benalla Ensign, Euroa Gazette, Violet Town Village Voice and the Nagambie Community Voice and the Euroa Gazette. The public tender was open for submissions for 27 days in total. By close of tenders at 4.00pm on 2 December 2020, two (2) tenders’ submissions had been received.

9.7 Tender for Contract Number 20/21-57: Violet Town Netball Multi-Purpose Court – Design & Construct (cont.)

All tenders' submissions were accessed for their compliance including the contractual terms and conditions and the requirements of the response schedules. The submission from iDwala Pty Ltd was deemed conforming. The submission from Jarvis Delahey Contractors contained inconsistencies in their pricing schedule relating to line item values and lump sum total. Following further post-tender written clarification, Council Officers requested confirmation that Jarvis Delahey honour their original offer. Jarvis Delahey advised that their lump sum offer had increased due to a miscalculation. A fundamental fairness condition of Tendering is no late tenders will be accepted, as such Jarvis Delahey's tender was determined non-conforming.

Table 1 below lists the tenders that were received at the close of the advertised tender period.

Table 1: Tender Submissions Received.

Tender Submissions Received at the close of Tender Period (in Alphabetical Order)
iDwala Pty Ltd
Jarvis Delahey Contractors

Table 2 below lists the tender offer (excluding GST) at the close of the advertised tender period.

Table 2: Tender Offers Received (excl GST).

Tender Offers Received at Close of Tender Period (excl GST) in lowest to highest order
\$0.00
\$309,969.00

PANEL ASSESSMENT

In accordance with Council's Procurement Policy, the evaluation panel and evaluation criteria weightings were determined prior to release of the Tender documentation. The evaluation panel members were nominated prior to release of the tender submissions for evaluation. The panel signed 'Conflict of Interest' statements prior to the evaluation panel viewing the submitted tenders.

The Tender Evaluation Panel members were made up of the following Strathbogie Shire Council staff members:

1. Senior Project Officer, Community & Planning.
2. Project Officer, Community & Planning.
3. Technical Officer, Community & Planning.
4. Procurement & Tender Officer, Finance (moderating).

The principle that underlies the awarding of all Council contracts is that a contract is awarded on the basis of providing the overall Best Value, offering the most benefit to the community and the greatest advantage to Council.

9.7 Tender for Contract Number 20/21-57: Violet Town Netball Multi-Purpose Court – Design & Construct (cont.)

The tenders were assessed and evaluated against the following criteria and weightings:

Tendered Price (60%)

This criterion measures the price only, either lump sum or unit rates, submitted by the Tenderer. In accordance with Council's Procurement Guidelines, a price weighting of 60% is applied, unless a Council exemption is sought.

All submissions were given a weighted score for their submitted price based on a comparative assessment of pricing for all tenders. The comparative assessment awards the highest evaluation score (60%) to the lowest priced tender submission. The subsequent tender submissions received reduced evaluation scores based on the percentage difference between them and the lowest priced tender.

Qualifications / Skills and Experience (10%)

Due to the high level of technical skills required to provide this service, a weighting of 10% was allocated to this criterion.

Compliance with Specification (5%)

Due to the importance for the tender to meet the specification, a weighting of 5% was allocated.

Project Methodology (5%)

As the work requires timely completion and elimination / mitigation of work-related risks, this criterion is considered important and therefore allocated a weighting of 5%. This is standard for most contracts.

Management – Schedules (10%)

Quality Management Systems, policies, relevant certifications, and insurance are likewise considered vital and therefore included with an allocated weighting of 5%.

Local Content (10%)

In accordance with Procurement Guidelines and being consistent with value for money principles, where different products are of comparable price, quality and equivalent value can be sourced either locally or regionally; preference will be given to local suppliers. A weighting of 10% was allocated to this tender.

Table 3: Evaluation Criteria.

Criteria	Weighting (%)
Price	60
Qualifications / Skills & Experience	10
Compliance with Specification	5
Project Methodology	5
Management Schedules	10
Local Content	10
Total	100

9.7 Tender for Contract Number 20/21-57: Violet Town Netball Multi-Purpose Court – Design & Construct (cont.)

EVALUATION MODERATION PROCESS

The purpose of the moderation meeting is to discuss and moderate scoring discrepancies larger than three points and to raise any concerns and/ or queries that may need to be put to the Tenderers prior to recommending the preferred Tenderer.

The Tender Evaluation Panel individually reviewed all tender submissions in detail and assessed Tenderers submitted schedules and attachments against the evaluation criteria. The Moderator (Procurement & Tender Officer) averaged the scores and highlighted scoring discrepancies larger than three (3) points. On Tuesday, 22 December 2020 the Panel members and the Moderator met for the tender moderation meeting.

PANEL ASSESSMENT SUMMARY

At the completion of the tender evaluation process, iDwala Pty Ltd attained the top ranking with a total score of 84.31%, including a qualitative total score of 24.31%.

The Tender Evaluation Panel were satisfied that their tender represents the best value outcome for Council. The company has extensive experience in sport courts and fields, completing several similar projects and have demonstrate capability to complete the works under the tender with minimal supervision. Their references are good and consistent with their declared project history.

COMMUNITY ENGAGEMENT

One of the Overarching governance principles in section 9 of the Local Government Act 2020 is that the municipal community is to be engaged in strategic planning and strategic decision making.

The author of this report considers that the matter under consideration did not warrant a community consultation process and none is required under the Local Government Act 2020. However, it should be noted that a public tender process was undertaken.

POLICY CONSIDERATIONS

Strategic Links – policy implications and relevance to Council Plan

The author of this report considers that the awarding of the tender is consistent with Council Policies, key strategic documents and the Council Plan.

The *Council Plan* is relevant with the following:

Goal 3 - To provide quality infrastructure.

Asset Management Policy

- Asset renewal – is the upgrading or replacement of an existing Asset, or a component, that restores the service capability of the Asset to its original functional condition and performance.

The advertising, assessment and awarding of the tender is in accordance with the Strathbogie Shire Council Procurement Policy.

9.7 Tender for Contract Number 20/21-57: Violet Town Netball Multi-Purpose Court – Design & Construct (cont.)

LEGAL CONSIDERATIONS

One of the Overarching governance principles in Section 9 of the *Local Government Act 2020* is that Council decisions are to be made and actions taken in accordance with the relevant law.

The author of this report considers that the recommendation has no legal or statutory implications which require the consideration of Council aside from the process complying with the requirements of the Local Government Acts 1989 and 2000 in relation to procurement.

Conflict of Interest Declaration

All officers, and / or contractors, involved in the preparation of this report have signed a written declaration that they do not have a conflict of interest in the subject matter of this report.

Transparency

One of the Overarching governance principles in section 9 of the *Local Government Act 2020* is that the transparency of Council decisions, actions and information is to be ensured.

It is considered by the author of this report that all steps have been taken in line with Council's Procurement Policy which ensures transparency in the process.

Decisions made by Council will be:

- undertaken in accordance with the Act and the Governance Rules
- will be conducted in an open and transparent forum with information available via Council reports

Council meetings will be open to the community or can be viewed on the livestream (and available as a recording) unless closed for reasons permitted by s.66(2) of the Act.

Commercial in confidence information, as classified under section 3 (g) of the Local Government Act 2020, which relates to:

*private commercial information, being information provided by a business, commercial or financial undertaking that—
(ii) if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage*

has been provided to Councillors to enable due consideration of relevant information pertaining to the tender.

FINANCIAL VIABILITY CONSIDERATIONS

One of the Overarching governance principles in section 9 of the *Local Government Act 2020* is that the ongoing financial viability of the Council is to be ensured.

Financial / Budgetary Implications

The recommended tender of \$309,969.00 is under Council's allocated budget of \$350,000 in the 2020/21 Capital Works Program.

9.7 Tender for Contract Number 20/21-57: Violet Town Netball Multi-Purpose Court – Design & Construct (cont.)

SUSTAINABILITY CONSIDERATIONS

One of the Overarching governance principles in section 9 of the *Local Government Act 2020* is that the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted.

Social

The author of this report considers that the recommendation will significantly improve social wellbeing for Council or the broader community by implementing an upgrading facility that will allow and enhance sporting and social activities.

Environmental / Amenity Implications

The author of this report considers that the recommendation will enable our broader community and visitors to have an improved user experience by way of providing improved infrastructure.

HUMAN RIGHTS CONSIDERATIONS

Victorian Charter of Human Rights and Responsibilities Act 2006

The author of this report considers that the recommendation does not limit any human rights under the *Victorian Charter of Human Rights and Responsibilities Act 2006*.

CONCLUSION

Council invited tenders for the provision of works for the design and construction of the Violet Town Netball Multi-Purpose Court. The submitted tenders evaluated strictly in accordance with the Council's Procurement Policy and against the provided brief and specifications. It is recommended that Council endorses the recommended Contractor to complete the design and construction of the Violet Town Netball Multi-Purpose Court.

APPENDICES:

Appendix 3: Tender for Contract Number 20/21-57: Violet Town Netball Multi-Purpose Court – Design & Construct - CONFIDENTIAL

9.8 **Tender for Contract Number 19/20-43: Longwood-Ruffy Road, Tarcombe Road Reconstruction – Stage 2**

Authors: Manager Projects Delivery and Project Manager

Responsible Director: Director Community and Planning

EXECUTIVE SUMMARY

As part of the Fixing Country Roads Funding Program, Council was successful in receiving funds for the reconstruction of Longwood-Ruffy Road, Tarcombe. These works will be conducted by replacing the existing degraded pavement, widening, levelling off of the shoulders and renewing the swales to provide improved drainage during the inclement months. To implement the road reconstruction, tender documentation was prepared for public advertisement.

Through public advertisement in local and state-wide newspapers, Council invited tenders for the Work under Contract No. 19/20-43 Longwood-Ruffy Road, Tarcombe Road Reconstruction – Stage 2 between 06/11/20 and 02/12/20.

Six (6) Tenderers submitted proposals for the work. These tender submissions have been assessed and evaluated by Council Officers, and a summary of results is shown in the table included in this report.

Having considered the results of the evaluation, it is hereby recommended to the Council that the tender submissions be received and noted, with the tender being awarded to RECivil Pty Ltd for a total amount of \$652,422 plus GST and advise the tendering parties accordingly.

Subject location



9.8 Tender for Contract Number 19/20-43: Longwood-Ruffly Road, Tarcombe Road Reconstruction – Stage 2 (cont.)

RECOMMENDATION

That Council:

1. ***Receives and notes the outcome of the tender assessment process for Contract No. 19/20-43 Longwood-Ruffly Road, Tarcombe Road Reconstruction – Stage 2 – Lump Sum as set out in the confidential appendices attached to this agenda;***
2. ***Awards the tender for Contract No. 19/20-43 Longwood-Ruffly Road, Tarcombe Road Reconstruction – Stage 2 – Lump Sum to RECivil Pty Ltd for a total amount of \$652,422.00 + GST;***
3. ***Authorises officers to advise the unsuccessful Tenderers of Council's decision; and***
4. ***Authorises the Chief Executive Officer to execute the Contract by signing and affixing with the Common Seal of Strathbogie Shire Council.***

PURPOSE AND BACKGROUND

As part of Round 2 of the Fixing Country Roads Funding Program, Council applied for six (6) road safety projects and was awarded three projects, to which the proposed safety upgrades to Longwood-Ruffly Road was successful. This project has been broken into two (2) stages, with Stage 1 having been previously tendered, accepted and constructed.

Stage 2 works are a continuation from Stage 1, linking the newly constructed pavement at Chainage 2200.425 and continuing for an additional 1,076.44 metres. The pavement reconstruction will replace the existing degraded pavement, will widen and level off the shoulders and renew the swale drains to provide improved drainage during the wetter months.

TENDER PROCESS

The public tender was released on "Tendersearch" via the Council website on the 6 November 2020. The tender was advertised in Saturday's The Age newspaper (state-wide reach), Shepparton News, Euroa Gazette, and the Seymour Telegraph. The public tender was open for submissions for 27 days in total. By close of tenders at 4.00pm on 2 December 2020, six (6) tender submissions had been received.

All submissions were accessed for their compliance including the contractual terms and conditions and the requirements of the response schedules, and all tender submissions were deemed conforming.

9.8 Tender for Contract Number 19/20-43: Longwood-Ruffly Road, Tarcombe Road Reconstruction – Stage 2 (cont.)

Table 1 below lists the tenders that were received at the close of the advertised tender period.

Table 1: Tender Submissions Received.

Tender Submissions Received at the close of Tender Period (in Alphabetical Order)
Avard Civil Pty Ltd
Bitu-mill (Civil) Pty Ltd
Mawson Constructions Pty Ltd
North East Civil Construction
RECivil Pty Ltd
Wrights Earthmoving

Table 2 below lists the tender offer (excluding GST) at the close of the advertised tender period.

Table 2: Tender Offers Received (excl GST).

Tender Offers Received at Close of Tender Period (excl GST) in lowest to highest order
\$652,422.00
\$690,616.14
\$759,041.01
\$825,793.97
\$870,338.42
\$1,316,142.96

PANEL ASSESSMENT

In accordance with Council's Procurement Policy, the evaluation panel and evaluation criteria weightings were determined prior to release of the Tender documentation. The evaluation panel members were nominated prior to release of the tender submissions for evaluation. The panel signed 'Conflict of Interest' statements prior to the evaluation panel viewing the submitted tenders.

The Tender Evaluation Panel members were made up of the following Strathbogie Shire Council staff members:

1. Project Officer, Community & Planning.
2. Manager Infrastructure, Community & Planning.
3. Technical Officer, Community & Planning.
4. Procurement & Tender Officer, Finance (moderating).

The principle that underlies the awarding of all Council contracts is that a contract is awarded based on providing the overall Best Value, offering the most benefit to the community and the greatest advantage to Council.

9.8 Tender for Contract Number 19/20-43: Longwood-Ruffy Road, Tarcombe Road Reconstruction – Stage 2 (cont.)

The tenders were assessed and evaluated against the following criteria and weightings:

Tendered Price (60%)

This criterion measures the price only, either lump sum or unit rates, submitted by the Tenderer. In accordance with Council's Procurement Guidelines, a price weighting of 60% is applied, unless a Council exemption is sought.

All submissions were given a weighted score for their submitted price based on a comparative assessment of pricing for all tenders. The comparative assessment awards the highest evaluation score (60%) to the lowest priced tender submission. The subsequent tender submissions received reduced evaluation scores based on the percentage difference between them and the lowest priced tender.

Qualifications / Skills and Experience (10%)

Due to the high level of technical skills required to provide this service, a weighting of 10% was allocated to this criterion.

Compliance with Specification (5%)

Due to the importance for the tender to meet the specification, a weighting of 5% was allocated.

Project Methodology (5%)

As the work requires timely completion and elimination / mitigation of work-related risks, this criterion is considered important and therefore allocated a weighting of 5%. This is standard for most contracts.

Management – Schedules (10%)

Quality Management Systems, Policies, Relevant Certifications, and Insurance are likewise considered vital and therefore included with an allocated weighting of 10%.

Local Content (10%)

In accordance with Procurement Guidelines and being consistent with value for money principles, where different products are of comparable price, quality and equivalent value can be sourced either locally or regionally; preference will be given to local suppliers. A weighting of 10% was allocated to this tender.

Table 3: Evaluation Criteria

Criteria	Weighting (%)
Price	60
Qualifications / Skills & Experience	10
Compliance with Specification	5
Project Methodology	5
Management Schedules	10
Local Content	10
Total	100

9.8 Tender for Contract Number 19/20-43: Longwood-Ruffy Road, Tarcombe Road Reconstruction – Stage 2 (cont.)

EVALUATION MODERATION PROCESS

The purpose of the moderation meeting is to discuss and moderate scoring discrepancies larger than three points and to raise any concerns and/or queries that may need to be put to the Tenderers prior to recommending the preferred Tenderer.

The Tender Evaluation Panel individually reviewed all tender submissions in detail and assessed Tenderers submitted schedules and attachments against the evaluation criteria. The Moderator (Procurement & Tender Officer) averaged the scores and highlighted scoring discrepancies larger than three (3) points. On Tuesday, 22 December 2020 the Panel members and the Moderator met for the tender moderation meeting.

PANEL ASSESSMENT SUMMARY

At the completion of the tender evaluation process, RECivil Pty Ltd attained the top ranking with a total score of 86.64%, including a qualitative total score of 26.64%.

The Tender Evaluation Panel was satisfied that their tender represents the best value outcome for Council. The company has extensive experience in road reconstructions, completing a number of similar works and have demonstrate capability to complete the works under the tender with minimal supervision. Their references are good and consistent with their declared project history.

COMMUNITY ENGAGEMENT

One of the Overarching governance principles in section 9 of the Local Government Act 2020 is that the municipal community is to be engaged in strategic planning and strategic decision making.

The author of this report considers that the matter under consideration did not warrant a community consultation process and none is required under the Local Government Act 2020. However, it should be noted that a public tender process was undertaken.

POLICY CONSIDERATIONS

Strategic Links – policy implications and relevance to Council Plan

The author of this report considers that the report is consistent with Council Policies, key strategic documents and the Council Plan.

The advertising, assessment and awarding of the tender is in accordance with the Strathbogie Shire Council Procurement Policy.

The *Council Plan* is relevant with the following:

Goal 3 - To provide quality infrastructure.

Key Strategy – Provide best practice management of all assets including roads, bridges, and facilities.

Approach – Target major capital works projects to seek government funding to reduce Council's costs.

9.8 Tender for Contract Number 19/20-43: Longwood-Ruffy Road, Tarcombe Road Reconstruction – Stage 2 (cont.)

Asset Management Policy

- Asset renewal – is the upgrading or replacement of an existing Asset, or a component, that restores the service capability of the Asset to its original functional condition and performance.

Asset Management Strategy

- Ensure the Shires infrastructure enhances efficiency for people and freight movement, service delivery and community amenities.

LEGAL CONSIDERATIONS

One of the Overarching governance principles in Section 9 of the *Local Government Act 2020* is that Council decisions are to be made and actions taken in accordance with the relevant law.

The author of this report considers that the recommendation has no legal or statutory implications which require the consideration of Council aside from the process complying with the requirements of the Local Government Acts 1989 and 2000 in relation to procurement.

Conflict of Interest Declaration

All officers, and / or contractors, involved in the preparation of this report have signed a written declaration that they do not have a conflict of interest in the subject matter of this report.

Transparency

One of the Overarching governance principles in section 9 of the *Local Government Act 2020* is that the transparency of Council decisions, actions and information is to be ensured.

It is considered by the author of this report that all steps have been taken in line with Council's Procurement Policy which ensures transparency in the process.

Decisions made by Council will be:

- undertaken in accordance with the Act and the Governance Rules
- will be conducted in an open and transparent forum with information available via Council reports

Council meetings will be open to the community or can be viewed on the livestream (and available as a recording) unless closed for reasons permitted by s.66(2) of the Act.

Commercial in confidence information, as classified under section 3 (g) of the Local Government Act 2020, which relates to:

*private commercial information, being information provided by a business, commercial or financial undertaking that—
(ii) if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage*

has been provided to Councillors to enable due consideration of relevant information pertaining to the tender.

9.8 Tender for Contract Number 19/20-43: Longwood-Ruffy Road, Tarcombe Road Reconstruction – Stage 2 (cont.)

FINANCIAL VIABILITY CONSIDERATIONS

One of the Overarching governance principles in section 9 of the *Local Government Act 2020* is that the ongoing financial viability of the Council is to be ensured.

Financial / Budgetary Implications

The recommended tender of \$652,422.00 is under Council's allocated budget of \$750,000 in the 2020/21 Capital Works Program.

SUSTAINABILITY CONSIDERATIONS

One of the Overarching governance principles in section 9 of the *Local Government Act 2020* is that the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted.

Social

The author of this report considers that the recommendation will significantly improve social wellbeing for Council or the broader community by implementing an upgrading facility that will allow and enhance sporting and social activities.

Environmental / Amenity Implications

The author of this report considers that the recommendation will enable our broader community and visitors to have an improved user experience by way of providing improved infrastructure.

HUMAN RIGHTS CONSIDERATIONS

Victorian Charter of Human Rights and Responsibilities Act 2006

The author of this report considers that the recommendation does not limit any human rights under the *Victorian Charter of Human Rights and Responsibilities Act 2006*.

CONCLUSION

Council invited tenders for the provision of works for the Longwood-Ruffy Road Reconstruction – Stage 2 works. The submitted tenders were sought and evaluated strictly in accordance with the Council's Procurement Policy and against the provided brief and specifications. It is proposed that Council endorses the recommended Contractor to complete the Longwood-Ruffy Road Reconstruction – Stage 2 works.

APPENDICES:

Appendix 4: Tender for Contract Number 19/20-43: Longwood-Ruffy Road, Tarcombe Road Reconstruction – Stage 2 - CONFIDENTIAL

9.9 **Tender for Contract Number 20/21-60: Avenel Ewing's Road and Livingston Street Intersection Upgrade**

Authors: Manager Projects Delivery and the Senior Project officer

Responsible Director: Director Community and Planning

EXECUTIVE SUMMARY

Future Commercial and Residential development towards the Avenel township has triggered an upgrade of the intersection at Ewing's Road and Livingston Street, Avenel, to ensure the safety of vehicles due to the forecast increase in traffic volumes. This work is part of Strathbogie Shire Capital Work Program for the Financial Year 2020-21.

Through public advertisement in local and national newspapers, Council invited tenders for the Work under Contract No. 20/21-60, between 20/11/2020 and 23/12/2020.

Five (5) tender submission were received for the Work. These tenders have been assessed and evaluated by Council Officers and all were found to be conforming.

Having considered the results of the evaluation, it is hereby recommended to the Council that the tender submissions be received and noted, with the tender being awarded to Anthony T. Lindsay Pty Ltd for a total amount of \$153,175.00 + GST and advise the tendering parties accordingly.

Subject location



9.9 Tender for Contract Number 20/21-60: Avenel Ewing's Road and Livingstone Street Intersection Upgrade (cont.)

RECOMMENDATION

That Council:

1. ***Receives and notes the outcome of the tender assessment process for Contract No 20/21-60 Avenel Ewing's Road and Livingstone Street Intersection Upgrade - Lump Sum as set out in the confidential appendices attached to this agenda;***
2. ***Awards the tender for Contract No 20/21-60 Avenel Ewing's Road and Livingstone Street Intersection Upgrade - Lump Sum to Anthony T. Lindsay Pty Ltd for a total amount of \$153,175.00 plus GST;***
3. ***Authorises officers to advise the unsuccessful tenderers; and***
4. ***Authorises the Chief Executive Officer to execute the Contract by signing and affixing with the Common Seal of Strathbogie Shire Council.***

PURPOSE AND BACKGROUND

This report seeks Council approval of the recommendations on Tender Evaluation exercise on Contract No 20/21-60 Avenel Ewing's Road and Livingstone Street Intersection Upgrade, and to award the contract to the winning tenderer as provided in this report.

TENDER PROCESS

The public tender was released on "Tendersearch" via the Council website on the 20 November 2020. The tender was advertised in Saturday's The Age newspaper (State-wide reach), Shepparton News, and Seymour Telegraph, in the week following release. The public tender was open for submissions for 24 days in total. By the close of tenders at 4.00pm on 23 December 2020, five (5) tender submissions had been received.

All tender submissions were accessed for their compliance including the contractual terms and conditions and the requirements of the response schedules, and all tender submissions were deemed conforming.

9.9 Tender for Contract Number 20/21-60: Avenel Ewing’s Road and Livingston Street Intersection Upgrade (cont.)

Table 1 below lists the tenders that were received at the close of the advertised tender period.

Table 1: Tender Submissions Received

Tender Submissions Received at the close of Tender Period (in Alphabetical Order)
Anthony T. Lindsay Pty Ltd
Avard Civil Pty Ltd
CRS (NSW) Pty Ltd
RECivil Pty Ltd
Wrights Earthmoving Pty Ltd

Table 2 below lists the tender offer (excluding GST) at the close of the advertised tender period.

Table 2: Tender Offers Received (excl GST)

Tender Offers Received at Close of Tender Period (excl GST) in lowest to highest order
\$153,175.00
\$197,813.85
\$218,097.00
\$228,401.09
\$450,554.50

Panel Assessment Process

In accordance with Council’s Procurement Policy, the evaluation panel and evaluation criteria weightings were determined prior to release of the Tender documentation. The evaluation panel members were nominated prior to release of the tender submissions for evaluation. The panel signed ‘Conflict of Interest’ statements prior to the evaluation panel viewing the submitted tenders.

The Tender Evaluation Panel members were made up of the following Strathbogie Shire Council staff members:

1. Senior Project Officer
2. Manager Project Delivery
3. Manager Infrastructure
4. Procurement & Tender Officer (moderating).

The principle that underlies the awarding of all Council contracts is that a contract is awarded based on providing the overall Best Value, offering the most benefit to the community and the greatest advantage to Council.

9.9 Tender for Contract Number 20/21-60: Avenel Ewing's Road and Livingston Street Intersection Upgrade (cont.)

The tenders were assessed and evaluated against the following criteria and weightings:

Tendered Price (60%)

This criterion measures the price only – either lump sum or unit rates – submitted by the tenderer. In accordance with Council's Procurement Guidelines, a price weighting of 60% is applied, unless a Council exemption is sought.

All submissions were given a weighted score for their submitted price based on a comparative assessment of pricing for all tenders. The comparative assessment awards the highest evaluation score (60%) to the lowest priced tender submission. The subsequent tender submissions received reduced evaluation scores based on the percentage difference between them and the lowest priced tender.

Demonstrated Qualifications / Skills and Experience (10%)

Due to the high level of technical skills required to provide this service, a weighting of 10% was allocated to this criterium.

Compliance with Specification (5%)

Due to the importance for the tender to meet the specification, a weighting of 10% was allocated. This is standard for most contracts.

Project Methodology (5%)

As the Work requires timely completion and elimination/mitigation of work-related risks, this criterium is considered important and therefore allocated a weighting of 5%. This is also standard for most contracts.

Management - Schedules (10%)

Quality Management Systems, Policies, Relevant Certifications, and Insurance are likewise considered vital and therefore included with an allocated weighting of 5%.

Local Content (10%)

In accordance with Procurement Guidelines and being consistent with value for money principles, where different products are of comparable price, quality and equivalent value can be sourced either locally or regionally; preference will be given to local suppliers. A weighting of 10% was allocated to this tender.

9.9 Tender for Contract Number 20/21-60: Avenel Ewing's Road and Livingston Street Intersection Upgrade (cont.)

TABLE 3: Evaluation Criteria

Criteria	Weighting (%)
Price	60
Qualifications / Skills & Experience	10
Compliance with Specification	5
Project Methodology	5
Management Schedules	10
Local Content	10
Total	100

ISSUES, OPTIONS AND DISCUSSION

Evaluation Moderation Process

The purpose of the moderation meeting is to discuss and moderate scoring discrepancies larger than three points and to raise any concerns and/or queries that may need to be put to the tenderers prior to recommending the preferred Tenderer.

The Tender Evaluation Panel individually reviewed all tender submissions in detail and assessed tenderers submitted schedules and attachments against the evaluation criteria. The Moderator (Procurement & Tender Officer) averaged the scores and highlighted scoring discrepancies larger than three (3) points. On Monday 04 January 2021, the Panel members and the Moderator met for the tender moderation meeting.

Panel Assessment Summary

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

At the completion of the tender evaluation process, Anthony T. Lindsay Pty Ltd attained the top ranking with a total score of 83.00%. Anthony T. Lindsay offered the lowest tendered price giving them the highest score available on pricing of 60% and received a good qualitative total score of 23.0%.

The Tender Evaluation Panel was therefore satisfied that their tender represents the best value outcome for Council. The company is based in Benalla, has ample experience in road and bridge construction, and have completed notable works like Works in Tender. They have demonstrated capability to complete Works in the tender with minimal supervision based on their submitted documents. Their references are good and consistent with their declared project history.

COMMUNITY ENGAGEMENT

One of the Overarching governance principles in section 9 of the *Local Government Act 2020* is that the municipal community is to be engaged in strategic planning and strategic decision making.

9.9 Tender for Contract Number 20/21-60: Avenel Ewing's Road and Livingston Street Intersection Upgrade (cont.)

Consultation

The author of this report considers that the matter under consideration did not warrant a community consultation process and is not required under the *Local Government Act 2020*. However, it should be noted that a public tender process was undertaken.

RISK MANAGEMENT

The Tender Evaluation Panel considers early commencement of Work in 2021 as vital to its successful delivery, to ensure work is completed before the unfavourable winter weather. The Panel therefore advise timely award and signing of Contract Agreement with the appointed contractor.

POLICY CONSIDERATIONS

Council Plans and Policies

The author of this report considers that the report is consistent with Council Policies, key strategic documents, and the Council Plan.

The *Council Plan* is relevant with the following:

- Goal 3 - To provide quality infrastructure.
- Key Strategy – Provide best practice management of all assets including roads, bridges and facilities.
- Approach – Target major capital works projects to seek government funding to reduce Council's costs.

The advertising, assessment and awarding of the tender is in accordance with the Strathbogie Shire Council Procurement Policy.

Asset Management Policy

- Asset renewal – is the upgrading or replacement of an existing Asset, or a component, that restores the service capability of the Asset to its original functional condition and performance.

Asset Management Strategy

- Ensure the Shires infrastructure enhances efficiency for people and freight movement, service delivery and community amenities.

LEGAL CONSIDERATIONS

One of the Overarching governance principles in section 9 of the *Local Government Act 2020* is that Council decisions are to be made and actions taken in accordance with the relevant law.

The author of this report considers that the recommendation has no legal or statutory implications which require the consideration of Council aside from the process complying with the requirements of the Local Government Acts 1989 and 2000 in relation to procurement.

9.9 Tender for Contract Number 20/21-60: Avenel Ewing's Road and Livingston Street Intersection Upgrade (cont.)

Conflict of Interest Declaration

All officers, and/or contractors, involved in the preparation of this report have signed a written declaration that they do not have a conflict of interest in the subject matter of this report.

Transparency

One of the Overarching governance principles in section 9 of the *Local Government Act 2020* is that the transparency of Council decisions, actions and information is to be ensured.

It is considered by the author of this report that all steps have been taken in line with Council's Procurement Policy which ensures transparency in the process.

Decisions made by Council will be:

- undertaken in accordance with the Act and the Governance Rules
- will be conducted in an open and transparent forum with information available via Council reports

Council meetings will be open to the community or can be viewed on the livestream (and available as a recording) unless closed for reasons permitted by s.66(2) of the Act.

Commercial in confidence information, as classified under section 3 (g) of the *Local Government Act 2020*, which relates to:

- private commercial information, being information provided by a business, commercial or financial undertaking that—*
 - (ii) *if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage*

has been provided to Councillors to enable due consideration of relevant information pertaining to the tender.

SUSTAINABILITY CONSIDERATIONS

One of the Overarching governance principles in section 9 of the *Local Government Act 2020* is that the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted.

Economic and Social

The reconstruction work when completed would enable traffic flow for both commercial and private vehicles in a safer manner. Currently, turning left from Ewing's road into Livingstone street is quite dangerous, this project when completed would therefore enhance safety for road users as its realignment would increase safer ingress and egress.

HUMAN RIGHTS CONSIDERATIONS

Victorian Charter of Human Rights and Responsibilities Act 2006

The author of this report considers that the recommendation does not limit any human rights under the *Victorian Charter of Human Rights and Responsibilities Act 2006*.

9.9 Tender for Contract Number 20/21-60: Avenel Ewing's Road and Livingston Street Intersection Upgrade (cont.)

CONCLUSION

Council invited tenders for Contract No 20/21-60 - Avenel Ewing's Road and Livingstone Street Intersection Upgrade. The submitted tenders were sought and evaluated strictly in accordance with the Council's Procurement Policy and against the provided brief and specifications.

It is proposed that Council endorses the recommended contract for the upgrade/re-construction of Ewing's Road and Livingstone Street Intersection and awards the tender to Anthony T. Lindsay Pty Ltd for a total amount of \$153,175.00 + GST and advise the tendering parties accordingly.

APPENDICES:

Appendix 5: Tender for Contract Number 20/21-60: Avenel Ewing's Road and Livingston Street Intersection Upgrade - CONFIDENTIAL

9.10 Mid-Year Budget Review 2020/21

Author: Finance Manager

Responsible Director: Director Corporate Operations

EXECUTIVE SUMMARY

One of the key principles of the *Local Government Act 2020* is to ensure the ongoing viability of the Council.

One way in which we monitor progress of our financial position is to undertake a mid-year budget review.

This report presents the mid-year review for the 2020/21 financial year, which has been informed by a review of expenditure and income across all departments.

The mid-year budget review has been prepared to accommodate changes that have occurred since the original budget preparation and adoption process. The mid-year budget is expected to strengthen the financial performance by \$1,877,533 and the cash flow position by \$268,085. Further total investment in capital assets increase by \$3,057,471, which strengthen the financial position and long-term sustainability of the Council.

Overall, there is a net financial adjustment of impact \$386,938 arising from the review, which reflects an improvement of operating results and increase in capital expenditure.

RECOMMENDATION

That Council note the outcomes of the 2020/21 budget mid-year review.

PURPOSE AND BACKGROUND

The 2020/21 Budget was prepared in accordance with the *Local Government Act 1989* following substantial community engagement and was formally adopted at a Special Meeting of Council held on 14 July 2020.

Council considers and notes that the current budget is also in accordance with the new *Local Government Act 2020* (the Act). Under Section 96 and 97 of the Act, Council must establish and maintain a budgeting and reporting framework that is consistent with the principles of sound financial management. This report satisfies those requirements.

9.10 Mid-Year Budget Review 2020/21 (cont.)**ISSUES, OPTIONS AND DISCUSSION**

The appended Mid-Year Review shows the following:

Improvement in Operating Result	1,877,533
Less: Carried forward grant income	(1,438,530)
Less: Increase in Capital Expense	(3,057,471)
Subtotal	(2,618,468)
Items funded from underspend in 2019/20	2,574,590
Add: Other operating savings in 2019/20	312,083
Net Cash Impact	268,205

Major reasons for variations are:

Positive

- Grant funding received in 2019/20 but income recognised in 2020/21 as per new Australian Accounting Standards (\$1.4m).
- Grant funding achieved but not budgeted - stage 2 infrastructure funding grant (\$622k), Federal grant for Nagambie Locksley road bridge (\$600k), Local Government outdoor eating and entertainment package (\$250k) and cinema seating grant income (\$130k).
- Additional roads to recovery and fixing country roads funding (\$446k).
- Savings in tendering of road rehabilitation (\$204k) and reseals (\$470k).

Negative

- Carried forward capital expenditure from 2019/20 (\$2.5m).
- Lining up expenditure on projects with income achieved particularly capital - Nagambie Locksley road bridge (\$900k), cinema seating (\$130k), Local Government outdoor eating and entertainment package (\$250k), Greening Euroa project (\$329k).
- Reduction in expected Interest on Investments due to reduction in interest rates (\$25k)

In relation to the current year, the forecasted operating surplus at the end of the period ending 30 June 2021 is \$5,245,533.

The report contains the Comprehensive Income Statement, Balance Sheet, Cash Flow Statement and Statement of Capital Works.

As at 30 June 2021 total capital works are expected to be \$18,561,471, including committed works.

COMMUNITY ENGAGEMENT

One of the Overarching governance principles in section 9 of the Local Government Act 2020 is that the municipal community is to be engaged in strategic planning and strategic decision making.

This report has no significant unfavourable community or social implications for the Council or the broader community. Improved capital grant funding will result in improved infrastructure renewal outcomes.

9.10 Mid-Year Budget Review 2020/21 (cont.)

POLICY CONSIDERATIONS

Council Plans and Policies

The Council Plan is relevant in terms of Goal 5.3, which has strategies to:

- *Refine Long Term Financial Plan covering Ten Year period*
- *Continue to create a secure investment environment through sound financial management.*

Council considers and notes are in accordance with the *Local Government Act 2020* (Act). Under Section 96 and 97 of the Act, Council must establish and maintain a budgeting and reporting framework that is consistent with the principles of sound financial management. This report satisfies the following council plan requirement.

Regional, State and National Plans and Policies

One of the Overarching governance principles in section 9 of the *Local Government Act 2020* is that regional, state and national plans and policies are to be taken into account in strategic planning and decision-making.

The following regional, state and national plans and policies are to be taken into account when preparing mid-year budget review.

State government funding which are aimed at post pandemic economic and social recovery:

- Local Government outdoor eating & entertainment package
- Community connector program
- Working for Victoria program.

Federal government funding:

- Drought Funding
- Community infrastructure grants.

LEGAL CONSIDERATIONS

One of the Overarching governance principles in section 9 of the *Local Government Act 2020* is that Council decisions are to be made and actions taken in accordance with the relevant law.

There are no legal implications. The *Local Government Act 2020* allows for budget reallocations, updated forecasts and minor amendments without further community consultation.

Consideration and adoption of periodic Financial reports as per the *Local Government Act 2020* ensures Council complies with its Legal and Statutory obligations.

Conflict of Interest Declaration

All officers, and/or contractors, involved in the preparation of this report have signed a written declaration that they do not have a conflict of interest in the subject matter of this report.

There are no declared conflict of interest.

9.10 Mid-Year Budget Review 2020/21 (cont.)

Transparency

One of the Overarching governance principles in section 9 of the *Local Government Act 2020* is that the transparency of Council decisions, actions and information is to be ensured.

The 2020/21 budget process followed all the transparency principles. Community consultation was carried out during the preparation of 2020/21 budget. Further the council provides community with quarterly reports on financial position, financial performance, and cash flow statement along with budget variation notes.

FINANCIAL VIABILITY CONSIDERATIONS

One of the Overarching governance principles in section 9 of the *Local Government Act 2020* is that the ongoing financial viability of the Council is to be ensured.

Overall financial performance is expected increase by \$1,877,533. Investment in capital assets are expected to increase by \$3,057,471. Net impact on cash and cash equivalent at the end of year is favourable \$268,085.

CONCLUSION

The intent of the mid-year budget review is to provide greater transparency to the community and to align council to best reporting practices. Mid-year budget review has been prepared to accommodate changes that took place after the original budget preparation process. Mid-year budget is expected to strengthen the financial performance by \$1,877,533 and the cash flow position by \$268,085. Further total investment in capital assets increase by \$3,057,471 which strengthen the financial position and long-term sustainability of the council.

ATTACHMENTS

- Income Statement
- Balance Sheet
- Cash Flow Statement
- Capital Works Statement

ATTACHMENTS:**Comprehensive Income Statement**

	Note	2020/21			
		Adopted Budget \$	Mid Year Review \$	Variance \$	
Income					
Rates and charges		19,942,000	20,052,738	110,738	1
Statutory fees and fines		494,000	570,700	76,700	2
User fees		602,000	492,345	(109,655)	3
Grants - operating		8,416,000	8,073,249	(342,751)	4
Grants - capital		5,214,000	8,176,056	2,962,056	5
Contributions - monetary		275,000	378,082	103,082	6
Contributions - non monetary		-	-	-	
Net gain on disposal of property, infrastructure, plant and equipment		(839,000)	(839,000)	-	
Fair value adjustments for investment property		-	-	-	
Share of net profits (or loss) of associates and joint		-	-	-	
Other income		424,000	440,707	16,707	
Total income		34,528,000	37,344,877	2,816,877	
Expenses					
Employee costs		12,167,000	12,245,610	78,610	7
Materials and services		12,581,000	13,407,768	826,768	8
Depreciation		5,835,000	5,847,100	12,100	
Amortisation - intangible assets		-	-	-	
Amortisation - right of use assets		227,000	226,539	(461)	
Bad and doubtful debts		1,000	5,000	4,000	
Borrowing costs		20,000	19,508	(492)	
Net loss on disposal of property, infrastructure, plant and equipment		-	-	-	
Finance costs - leases		26,000	26,219	219	
Other expenses		303,000	321,600	18,600	9
Total expenses		31,160,000	32,099,344	939,344	
Surplus/(deficit) for the period		3,368,000	5,245,533	1,877,533	

Financial Performance Overview**Income**

Note 1 - Increase in rates and charged is mainly due to supplementary rates notices issued.

Note 2 - Increase in Statutory fees and fines is mainly due to increase in subdivision fee income.

Note 3 - Decrease in User fees is mainly due to Cinema income and Regatta Centre income which were affected by COVID-19.

Note 4 - Decrease in operating grants is mainly due to timing of receipts - 'Working for Victoria' grant (\$752k) partly offset by LG Outdoor Eating & Entertainment grant \$250k and timing of greening Euroa grant.

Note 5 - Increase in capital grant is mainly due to reversal of un-earned income recorded as at 30th June 2020 (\$1,165k) and infrastructure funding grant (\$621k) and Federal Government grant for Nagambie Locksley Road bridge (\$600k) and fixing country road grants \$436k.

Note 6 - Increase in monetary contribution is mainly due to GV Water contribution towards Greening Euroa project.

Expense

Note 7 - Increase in employee cost is due to payments made on employee terminations.

Note 8 - Increase in materials and services is mainly due to LG Outdoor Eating & Entertainment Package (\$250k) which is funded by new grant income and Greening Euroa project (\$330k) which will be partly funded by contributions and grant income.

Balance Sheet

	2020/21		
	Adopted Budget \$	Mid Year Review \$	Variance \$
Assets			
Current assets			
Cash and cash equivalents	12,689,000	12,957,085	268,085
Trade and other receivables	2,228,000	2,224,000	(4,000)
Other financial assets	-	-	-
Inventories	5,000	5,000	-
Non-current assets classified as held for sale	-	-	-
Other assets	113,000	113,000	-
Total current assets	15,035,000	15,299,085	264,085
Non-current assets			
Trade and other receivables	-	-	-
Other financial assets	651,000	651,000	-
Investments in associates, joint arrangements and s	243,000	243,000	-
Property, infrastructure, plant and equipment	307,876,000	309,489,448	1,613,448
Right-of-use assets	649,000	649,000	-
Investment property	-	-	-
Intangible assets	-	-	-
Total non-current assets	309,419,000	311,032,448	1,613,448
Total assets	324,454,000	326,331,533	1,877,533
Liabilities			
Current liabilities			
Trade and other payables	(2,873,000)	(2,873,000)	-
Trust funds and deposits	(468,000)	(468,000)	-
Provisions	(3,350,000)	(3,350,000)	-
Interest-bearing liabilities	(385,000)	(385,000)	-
Lease liabilities	(176,000)	(176,000)	-
Total current liabilities	(7,252,000)	(7,252,000)	-
Non-current liabilities			
Trust funds and deposits	-	-	-
Provisions	(6,196,000)	(6,196,000)	-
Interest-bearing liabilities	(4,903,000)	(4,903,000)	-
Lease liabilities	(473,000)	(473,000)	-
Total non-current liabilities	(11,572,000)	(11,572,000)	-
Total liabilities	(18,824,000)	(18,824,000)	-
Net assets	305,630,000	307,507,533	1,877,533
Equity			
Accumulated surplus	(99,965,000)	(101,842,533)	(1,877,533)
Reserves	(205,665,000)	(205,665,000)	-
Total Equity	(305,630,000)	(307,507,533)	(1,877,533)

Statement of Cash Flows

	2020/21		
	Adopted Budget \$	Mid Year Review \$	Variance \$
Cash flows from operating activities			
Rates and charges	19,942,000	20,052,738	110,738
Statutory fees and fines	494,000	570,700	76,700
User fees	602,000	492,345	(109,655)
Grants - operating	4,778,000	4,435,249	(342,751)
Grants - capital	5,214,000	8,176,056	2,962,056
Contributions - monetary	275,000	378,082	103,082
Interest received	180,000	180,000	-
Dividends received	-	-	-
Trust funds and deposits taken	-	-	-
Other receipts	244,000	260,707	16,707
Net GST refund/payment	1,472,880	1,472,880	-
Employee costs	(12,167,000)	(12,245,610)	(78,610)
Materials and services	(12,581,000)	(13,407,768)	(826,768)
Trust funds and deposits repaid	-	-	-
Other payments	(304,000)	(321,746)	(17,746)
Net cash provided by/(used in) operating activities	8,149,880	10,043,633	1,893,753
Cash flows from investing activities			
Payments for property, infrastructure, plant and equ	(16,202,000)	(19,260,157)	(3,058,157)
Payments for intangible assets	-	-	-
Proceeds from sale of property, infrastructure, plant	698,000	698,000	-
Payments for investments - Other Financial Assets	-	-	-
Proceeds from sale of investments	-	-	-
Loans and advances made	-	-	-
Payments of loans and advances	-	-	-
Net cash provided by/(used in) investing activities	(15,504,000)	(18,562,157)	(3,058,157)
Cash flows from financing activities			
Finance costs	(20,000)	(20,000)	-
Proceeds from borrowings	5,000,000	5,000,000	-
Repayment of borrowings	(81,000)	(81,000)	-
Interest paid - lease liability	-	-	-
Repayment of lease liabilities	-	-	-
Net cash provided by/(used in) financing activities	4,899,000	4,899,000	-
Net increase (decrease) in cash and cash equivalents	(2,455,120)	(3,619,524)	(1,164,404)
Cash and cash equivalents at the beginning of the pe	15,144,000	16,576,609	1,432,609
Cash and cash equivalents at the end of the period*	12,688,880	12,957,085	268,205

Statement of Capital Works				
For the four years ending 30 June 2024				
		2020/21		
		Adopted Budget \$	Mid Year Review \$	Variance \$
Property				
Land		-	-	-
Total land		-	-	
Buildings		978,000	1,236,552	258,552
Total buildings		978,000	1,236,552	258,552
Total property		978,000	1,236,552	258,552
Plant and equipment				
Plant, machinery and equipment		1,262,000	1,755,108	493,108
Computers and telecommunications		570,000	670,000	100,000
Total plant and equipment		1,832,000	2,425,108	593,108
Infrastructure				
Roads		6,613,000	6,461,244	(151,756)
Bridges		513,000	2,291,750	1,778,750
Footpaths and cycleways		378,000	1,120,279	742,279
Drainage		1,031,000	1,319,964	288,964
Recreational, leisure and community facilities		1,332,000	1,424,458	92,458
Waste management		-	10,000	10,000
Parks, open space and streetscapes		2,827,000	2,272,116	(554,884)
Total infrastructure		12,694,000	14,899,811	2,205,811
Total capital works expenditure		15,504,000	18,561,471	3,057,471
Represented by:				
New asset expenditure		2,296,000	2,695,779	399,779
Asset renewal expenditure		9,559,000	7,495,540	(2,063,460)
Asset expansion expenditure		2,507,000	1,958,060	(548,940)
Asset upgrade expenditure		1,142,000	6,412,092	5,270,092
Total capital works expenditure		15,504,000	18,561,471	3,057,471
Funding sources represented by:				
Grants		5,214,000	8,176,056	2,962,056
Contributions		-	-	-
Council cash		10,290,000	10,385,415	95,415
Borrowings		-	-	-
Total capital works expenditure		15,504,000	18,561,471	3,057,471

9.11 Australian Rail Track Corporation (ARTC)

Author: Manager Planning & Investment

Director: Director Community & Planning

EXECUTIVE SUMMARY

The purpose of this report is to continue to inform our community of Council's ongoing role with the Australian Rail Track Corporation Ltd (ARTC) Inland Rail project.

It is necessary to continue to emphasise our support for the Euroa Working Group and the broader community. We are advocating to ensure a best practice community engagement approach is implemented by the ARTC in the next phase of the project.

Following a meeting with Dr Helen Haines, Member for Indi, attended by well in excess of 60 people from the Euroa community, it is proposed that Council strongly advocate to the ARTC for further community engagement. We believe a deliberative engagement process is needed to provide the ARTC and AECOM with clear direction on the design, following completion of the Urban Design Framework.

RECOMMENDATION

That Council:

- 1. Support the Euroa Working Group with ongoing representation of Councillors and continued advocacy.***
- 2. Write to the Australian Rail Track Corporation Ltd, to:***
 - a) confirm that broad community engagement will be undertaken by the Australian Rail Track Corporation Ltd and AECOM to inform the development of the Urban Design Framework for the precinct, and***
 - b) On completion of the Urban Design Framework, undertake a deliberative community engagement process that results in a clear and united community direction on the preferred design.***
- 3. Recognise and acknowledge that the broader Euroa community is the key stakeholder in future engagement process, supported by the work undertaken through the Euroa Working Group.***

PURPOSE AND BACKGROUND

The purpose of this report is to continue to inform our community of Council's ongoing role with the ARTC Inland Rail project.

9.11 Australian Rail Track Corporation (ARTC) (cont.)

At the September 2020 Council Meeting, it was resolved that Council write to Department of Transport, Local and State Politicians, requesting they recognise Council's formal position and seek support to work with the Australian Rail Track Corporation (ARTC) and the Euroa Inland Rail Working Group (Euroa Working Group), to ensure the Euroa Community has a project delivered which recognises the work put in to the planning of this project. As a result of sending correspondence, letters of acknowledgement were received from the following:

- Letter from Ed Walker, General Manager Victorian Projects, ARTC, dated 17-09-2020
- Letter from Mr Damian Drum MP, Member for Nicholls, dated 22-09-2020
- Email from Caitlyn Putt on behalf of Ms Steph Ryan MP, dated 01-10-2020
- Letter from Deputy Prime Minister the Hon. Michael McCormack MP, Minister for Infrastructure, Transport and Regional Development, dated 29-10-2020

The Euroa Working Group Meeting held 1 December 2020, was conducted face-to-face. All members were able to come together with Councillors who were present. At this meeting, the Euroa Working Group heard from a company known as AECOM who have been engaged by ARTC to commence work on the Urban Design Framework.

The Euroa Working Group was informed about what the Urban Design Framework sets out to achieve and were advised there would be a follow up session in February 2021.

In addition to the Urban Design Framework presentation, the current Terms of Reference were discussed and it was acknowledged these will require updating given the new representation of Council with recent elections. The next meeting is scheduled for the 27 January 2021.

An Urban Design Framework is a reference document developed by involving stakeholders, such as the community and those with specialist skills, to consider all aspects of a location or place. Consideration of strategies, sustainability, synergy, responsiveness, specificity and quality in regard to the preparation of realistic design concepts should be considered, as highlighted with Urban Design Framework Planning Practice Note – 17, by the Department of Environment, Land, Water and Planning, (DELWP).

The Urban Design Framework guidelines incorporate what the Urban Design Framework should include and how it should be prepared with the aim of achieving a high quality urban design response which enhances urban amenity and minimises any adverse impacts which may result from the proposed project and its associated structures.

9.11 Australian Rail Track Corporation (ARTC) (cont.)

To continue to support the Euroa Working Group's expectations regarding greater community engagement on this significant project, it is proposed that Council provide further advocacy on behalf of the community to ARTC by requesting the need to undertake further community engagement, namely:

- Broad community engagement undertaken to inform the development of the Urban Design Framework.
- Following the completion of the Urban Design Process, undertake a comprehensive deliberative engagement process.
A deliberative community engagement process is the opportunity for a group of people to consider relevant facts from multiple points of view, identify options and form a group decision.
This would ensure a united community decision can inform the Early Contractor Involvement (design) stage of the project.
Best practice deliberative engagement processes are facilitated independently, by experienced engagement practitioners. A random and representative sample of participants is necessary to achieve integrity with the process.

These best practice processes will enable our community greater participation in this significant project.

ISSUES, OPTIONS AND DISCUSSION

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that priority is to be given to achieving the best outcomes for the municipal community, including future generations. This is an important project for the Euroa community and is incumbent upon Council to continue to strongly advocate for our community to achieve the best outcomes for our community.

COMMUNITY ENGAGEMENT

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that the municipal community is to be engaged in strategic planning and strategic decision making.

Council is committed to ensuring we advocate to ARTC and the Federal Government to ensure our community is genuinely engaged using best practice methodologies.

Federal member for Indi, Dr Helen Haines, was invited to Euroa by community members to hear their views on the status of the Inland Rail project and their concerns with the public consultation undertaken with the Euroa community to date.

This meeting was held on 7 January 2021 and was attended by more than 60 local residents and four Councillors.

Dr Haines outlined her desire to continue to advocate for communities in the North East affected by the project and stated that she had met with the Deputy Prime Minister and Minister for Infrastructure, Transport and Regional Development, Michael McCormack, regarding the need to genuinely engage local communities in the design of this project.

9.11 Australian Rail Track Corporation (ARTC) (cont.)

Dr Haines also commented that in her discussions with the ARTC that she had been assured they are open to options raised by the community and that they had not determined at this point that the building of a new overpass was the only option they would entertain.

Dr Haines encouraged the community to make their views known to the ARTC through the 'pop up' office, which was recommencing operations following the relaxation of COVID restrictions.

When provided with the opportunity to voice their opinions on the project and consultation processes to date, members of the community raised the following issues:

- It was felt that ARTC had closed their mind to any other solution other than an overpass bridge – that is it was a pre-determined outcome
- That the Euroa Working Group was not working as an effective representative of the broader community
- That consultation was not genuinely being undertaken by the ARTC
- It was important for the Euroa community to avoid the building of a new overpass bridge given it would continue to split the town into two
- There was a clear opportunity to achieve significant community and economic benefits by removing the overpass
- That the preparation of the Urban Design Framework by AECOM was a closed process that would focus only on supporting the construction of an overpass. Options to consider would include to re-route the freight line around the town, install a level crossing or underpass and create a heavy vehicles diversion around the town.
- That all those present should talk to several people within the community to gain some momentum and raise awareness within the broader community about this project and the need to engage with it.

Conflict of Interest Declaration

All officers, and/or contractors, involved in the preparation of this report have signed a written declaration that they do not have a conflict of interest in the subject matter of this report.

Transparency

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that the transparency of Council decisions, actions and information is to be ensured.

This report demonstrates that Council is being transparent in its position in relation to the Inland Rail Project and its advocacy role for the Euroa Working Group.

FINANCIAL VIABILITY CONSIDERATIONS

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that the ongoing financial viability of the Council is to be ensured.

9.11 Australian Rail Track Corporation (ARTC) (cont.)

It is imperative that Council continue to support the Euroa Working Group so that the best outcome is achieved for our community. Consideration regarding design and delivery is fundamental to ensure there is no financial burden on Council to “make good” the rail precinct as a result of a project which is not driven by Council.

SUSTAINABILITY CONSIDERATIONS

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted.

Economic

The Inland Rail Project with the re configuration of the Anderson Street overpass has the potential to create significant economic enhancements for Euroa if considered carefully. These works have potential to place the township of Euroa in a far greater position to capture people passing the town via road or train to stay or visit Euroa as a destination of choice by enhancing a railway precinct to bring greater community economic benefit.

Social

Council’s decision to support ongoing advocacy is in the best interest of the community to achieve an acceptable outcome.

Environmental

The Inland Rail project (Anderson Street overpass) has an opportunity to clean up an unsightly piece of land i.e. VicTrack land with the old goods shed. The rail precinct could be created into an inviting green space as well as a space for a community hub, arts and cultural precinct and car parking as reflected in several strategic studies.

Conversely, should the ARTC project be delivered poorly this would result in adverse amenity impacts.

Climate change

By supporting the Euroa Working Group, Council can advocate with the community that the impact of climate change are taken into consideration, in particular detailed design addressing Climate Change.

HUMAN RIGHTS CONSIDERATIONS

This report considers that the recommendations do not limit any Human Rights under the Victorian Charter of Human Rights and Responsibilities Act 2006.

CONCLUSION

It is recommended that Council formally write to ARTC reiterating Council’s ongoing support for the Euroa Working Group and request that ARTC undertake further community engagement to inform the development of the Urban Design Framework and then a deliberative community engagement process to inform the design process thereby ensuring that our community has genuine participation in this significant project.

9.12 Business Management System

The January 2021 Business Management System Report includes reports as follows:-

- Building Department – December 2020 Statistics
- Planning Department – Planning Application Approvals – Development Cost (Capital Improved Value) - December 2020
- Customer Enquiry Analysis Report – Report for December 2020
- Waste Management Reporting ~ Year to Date – December 2020
- Contracts Awarded Under Delegation - Project Delivery Department
- Actioning of Council Reports Resolutions – Council Meeting 15 December 2020
- Outstanding Actions of Council Resolutions to 31 December 2020
- Review of Council Policies and Adoption of new Policies – December 2020
- Records of Council Briefings / Meetings
- Record of Minutes of Meetings of Special Committees of Council received in the past month

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

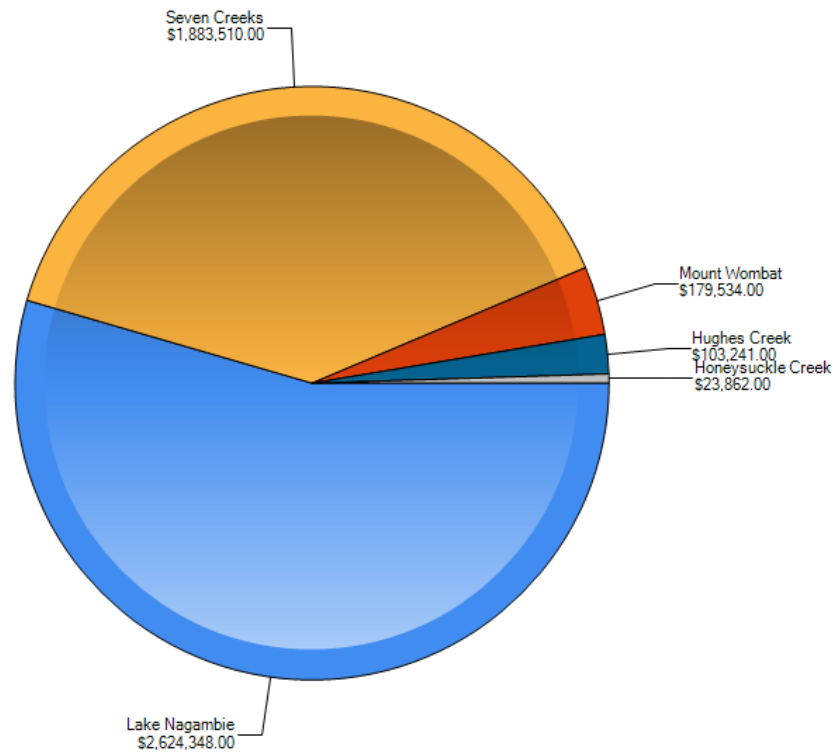
RECOMMENDATION

That Council note the Business Management System Report for January 2021.

BUILDING ACTIVITY

DECEMBER 2020

Thirty-three (33) permits, with a works value of \$4,814,495, were lodged with Council in December. This follows on from thirty-three permits lodged in November; however, six of the lodgments in December were for completed projects where the lodgment from the private Building Surveyor was not previously received by Council. The Lake Nagambie ward again showed the most proposed development; and for 2020 overall had 39.5% of the total number of permits and 57.3% of the proposed value of works.



Honeysuckle Creek

Permit Number	Permit Date	Works	Building Use	Town	Cost of Works
2358625101268/0	9/12/2020	Construction of	Spa safety barrier	Upotipotpon	\$2,550.00
8950419642484	14/12/2020	Construction of	Shed	Violet Town	\$21,312.00

Hughes Creek

Permit Number	Permit Date	Works	Building Use	Town	Cost of Works
3025155157991	8/12/2020	Construction of	Verandah	Avenel	\$14,455.00
6356393901932	23/12/2020	Construction of	Shed	Longwood	\$24,598.00
7290148262661	14/12/2020	Alteration to	Dwelling	Avenel	\$56,188.00
7748763656420	14/12/2020	Restump of	Dwelling	Avenel	\$8,000.00

Lake Nagambie

Permit Number	Permit Date	Works	Building Use	Town	Cost of Works
1149920351190	1/12/2020	Alteration to	Restaurant	Nagambie	\$1,500.00
1431447005278	9/12/2020	Construction of	Dwelling & Garage	Nagambie	\$292,318.00
1473032905424	13/04/2020	Construction of	Shed	Arcadia South	\$40,683.00
1644330262325	10/12/2020	Construction of	Dwelling & Garage	Nagambie	\$373,779.00
3605575094765	25/11/2020	Construction of	Dwelling & Garage	Nagambie	\$262,000.00
3700618275329	18/12/2020	Construction of	Shed	Nagambie	\$15,250.00
3946828977393	10/12/2020	Construction of	Dwelling & Garage	Nagambie	\$343,708.00
5431665957987	4/11/2020	Extension to	Dwelling & Carport	Goulburn Weir	\$700,000.00
6919643739568	15/12/2020	Construction of	Dwelling & Garage, Retaining Wall	Nagambie	\$550,000.00
7317084497639	5/12/2020	Construction of	Shed	Nagambie	\$15,500.00
8422877406728	5/12/2020	Construction of	Shed	Nagambie	\$14,310.00
8611987661401	23/12/2020	Construction of	Shed	Moormbool West	\$15,300.00

Mount Wombat

Permit Number	Permit Date	Works	Building Use	Town	Cost of Works
1451256333928	5/12/2020	Construction of	Shed	Strathbogie	\$29,000.00
1504146099158	14/08/2019	Construction of	Shed	Boho South	\$28,817.00
2794070196240	10/01/2020	Construction of	Shed	Creightons Creek	\$29,195.00
3786046924689	18/12/2020	Construction of	Shed	Strathbogie	\$42,361.00
6032437299067	14/11/2019	Construction of	Shed	Longwood East	\$42,661.00
6320529466854	14/12/2020	Construction of	Verandah	Strathbogie	\$7,500.00

Seven Creeks

Permit Number	Permit Date	Works	Building Use	Town	Cost of Works
1434633542297	30/11/2020	Construction of	Verandah	Euroa	\$27,450.00
20182812/0	19/09/2018	Extension to	Dwelling	Euroa	\$85,000.00
2018449056508	27/11/2020	Construction of	Dwelling & Garage	Euroa	\$257,580.00
3808906335473/0	3/12/2020	Demolition of	School building	Euroa	\$114,000.00
4452467273851	22/11/2019	Construction of	Shed	Euroa	\$56,816.00
4609224362951	7/11/2019	Construction of	Carport	Euroa	\$8,431.00
6552265907492	14/12/2020	Construction of	Dwelling & Garage	Euroa	\$329,593.00
7875508731933	1/12/2020	Construction of	Swimming Pool	Euroa	\$9,500.00
8030361056759/0	23/12/2020	Construction of	Dwelling, Shed	Euroa	\$995,140.00

Building Activity for 2020

Ward	Sum number of Lodgments	Sum cost of works	Average number of lodgments per month	Average cost of works per month \$	Average cost of works per permit \$
Honeysuckle Creek	30	\$2,459,897.00	2.5	204,991.42	81,996.57
Hughes Creek	36	\$3,441,198.00	3	286,766.50	95,588.83
Lake Nagambie	109	\$25,093,179.00	9.08	2,091,098.25	230,212.65
Mount Wombat	42	\$3,329,927.00	3.5	277,493.92	79,283.98
Seven Creeks	59	\$9,485,015.00	4.92	790,417.92	160,762.97
Total	276	\$43,809,216.00	23	3,650,768	158,729.04

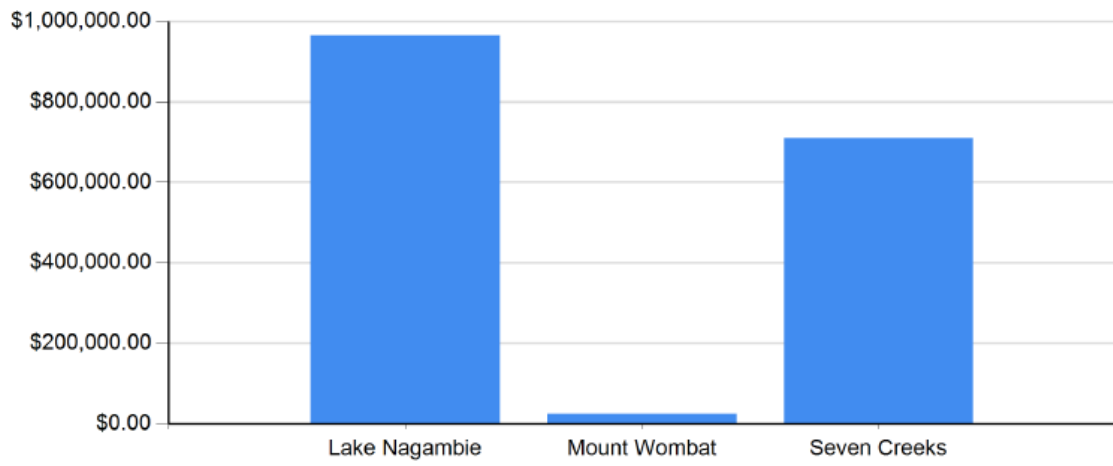
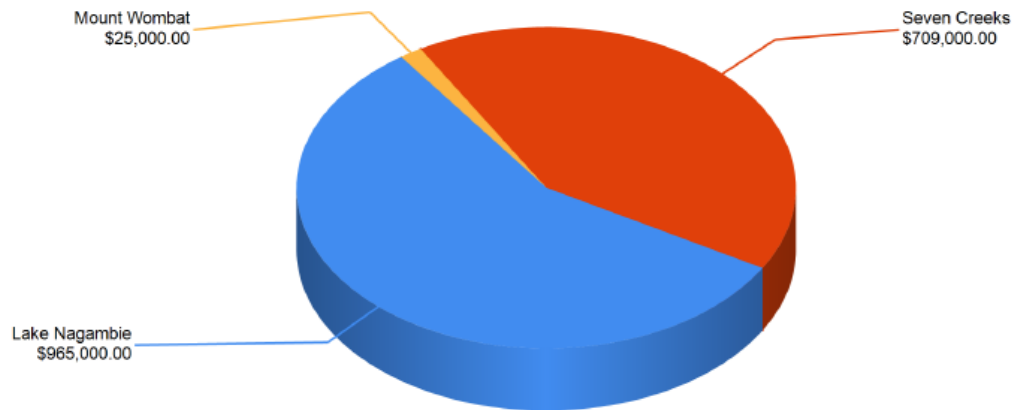
**PLANNING APPLICATION APPROVALS – DEVELOPMENT COST (CAPITAL
IMPROVED VALUE)
DECEMBER 2020**



Planning Applications Determined

December 2020

Lake Nagambie	\$965,000.00
Kirwans Bridge	\$210,000.00
Mitchellstown	\$30,000.00
Nagambie	\$25,000.00
Nagambie	\$200,000.00
Nagambie	\$500,000.00
Mount Wombat	\$25,000.00
Creightons Creek	\$25,000.00
Seven Creeks	\$709,000.00
Euroa	\$175,000.00
Euroa	\$300,000.00
Euroa	\$200,000.00
Euroa	\$34,000.00
Total Value	\$1,699,000.00



CUSTOMER ENQUIRY ANALYSIS REPORT
- REPORT FOR DECEMBER 2020

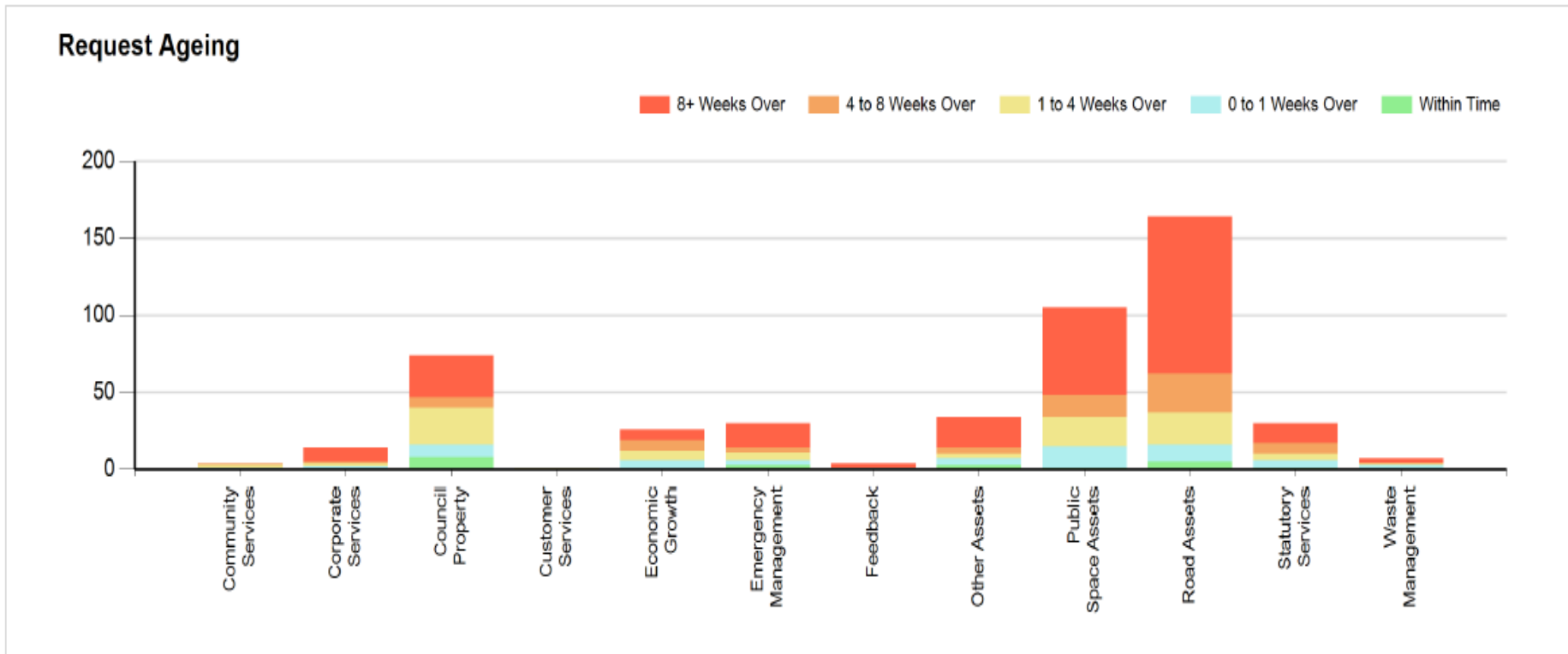


Request Throughput Analysis

01/12/2020 to 31/12/2020

C N	Complete / New	> 80%	50-80%	< 50%
	O R	Overdue / Remaining	< 33%	34-70% > 70%

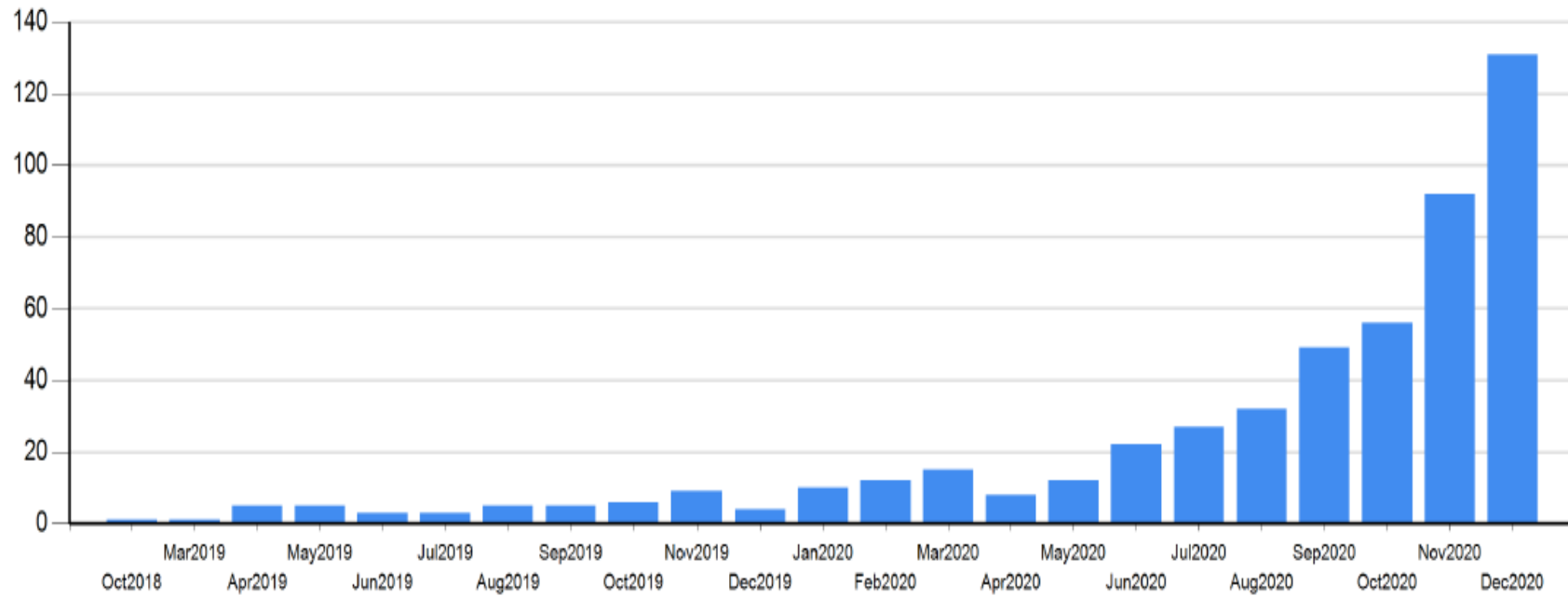
Service Area	Existing Requests	New Requests	Completed Requests	Remaining Requests	C N	Within Time	Over Time	O R	Pending Resources	Service Area Usage
Community Services	4	26	25	5		0	5		0	
Corporate Services	50	55	91	14		0	14		0	
Council Property	60	64	50	74		8	66		0	
Customer Services	2	8	9	1		0	1		0	
Economic Growth	38	234	244	28		0	28		0	
Emergency Management	59	51	78	32		3	29		0	
Feedback	9	3	8	4		0	4		0	
Other Assets	33	19	18	34		3	31		0	
Public Space Assets	128	47	62	105		1	104		8	
Road Assets	174	64	68	168		5	163		2	
Statutory Services	52	105	126	31		1	30		0	
Waste Management	12	19	24	7		0	7		0	



Service Usage



Remaining Requests by Original Request Date



		Community Services	Corporate Services	Council Property	Customer Services	Economic Growth	Emergency Management	Feedback	Other Assets	Public Space Assets	Road Assets	Statutory Services	Waste Management
2018	October										1		
	March									1			
	April									2	3		
	May									2	3		
	June									1	2		
2019	July									2	1		
	August			1						1	3		
	September									5			
	October									3	3		
	November						2			6	1		
	December						1			2	1		
2020	January		1	2			2		1	2	2		
	February			1		1	1		1	2	4	1	1
	March			2			3		2	1	6	1	
	April								2	1	4	1	
2020	May			1		2	2		1	3	3		
	June			4			2	1	2	5	7	1	
	July			5			1		2	5	13	1	
	August		1	4		2	1		3	6	8	5	2
	September		5	5			1		3	9	24	2	
	October	1	2	3		3	1	2	5	10	24	5	
	November	1	1	20		8	7		3	20	26	6	
December	3	4	26	1	12	8	1	9	24	31	8	4	
Total		5	14	74	1	28	32	4	34	113	170	31	7

Definitions

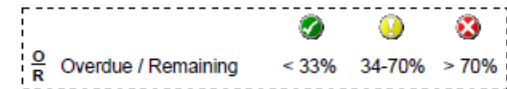
Service Area	Grouping of services by area of responsibility
Existing	Requests open prior to reporting period
New	Requests made during reporting period
Within Time	Remaining Requests where defined deadline is after reporting period
Pending Resources	Requests where additional resources are required to continue. This includes labour, materials, and financial resources.

Service	Activities that provide value to the customer
Remaining	Requests incomplete at end of reporting period
Completed	Requests completed during reporting period
Over Time	Remaining Requests where defined deadline is before the end of the reporting period

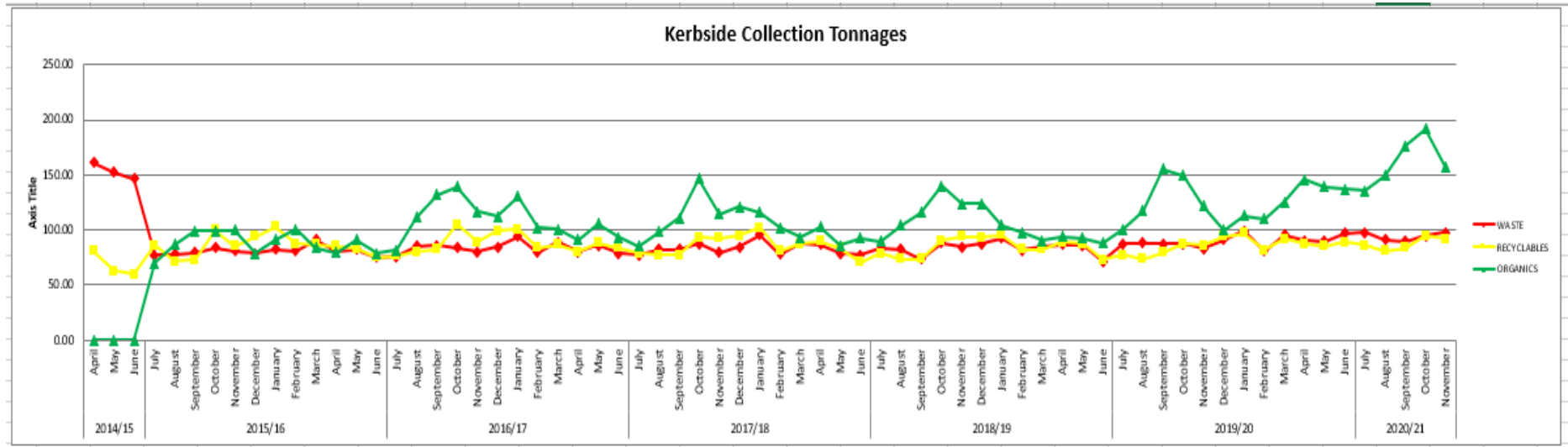
**Complete
New** An indicator showing the ratio of Completed requests and New requests. Designed to represent how well we are keeping up with the demand for a service.

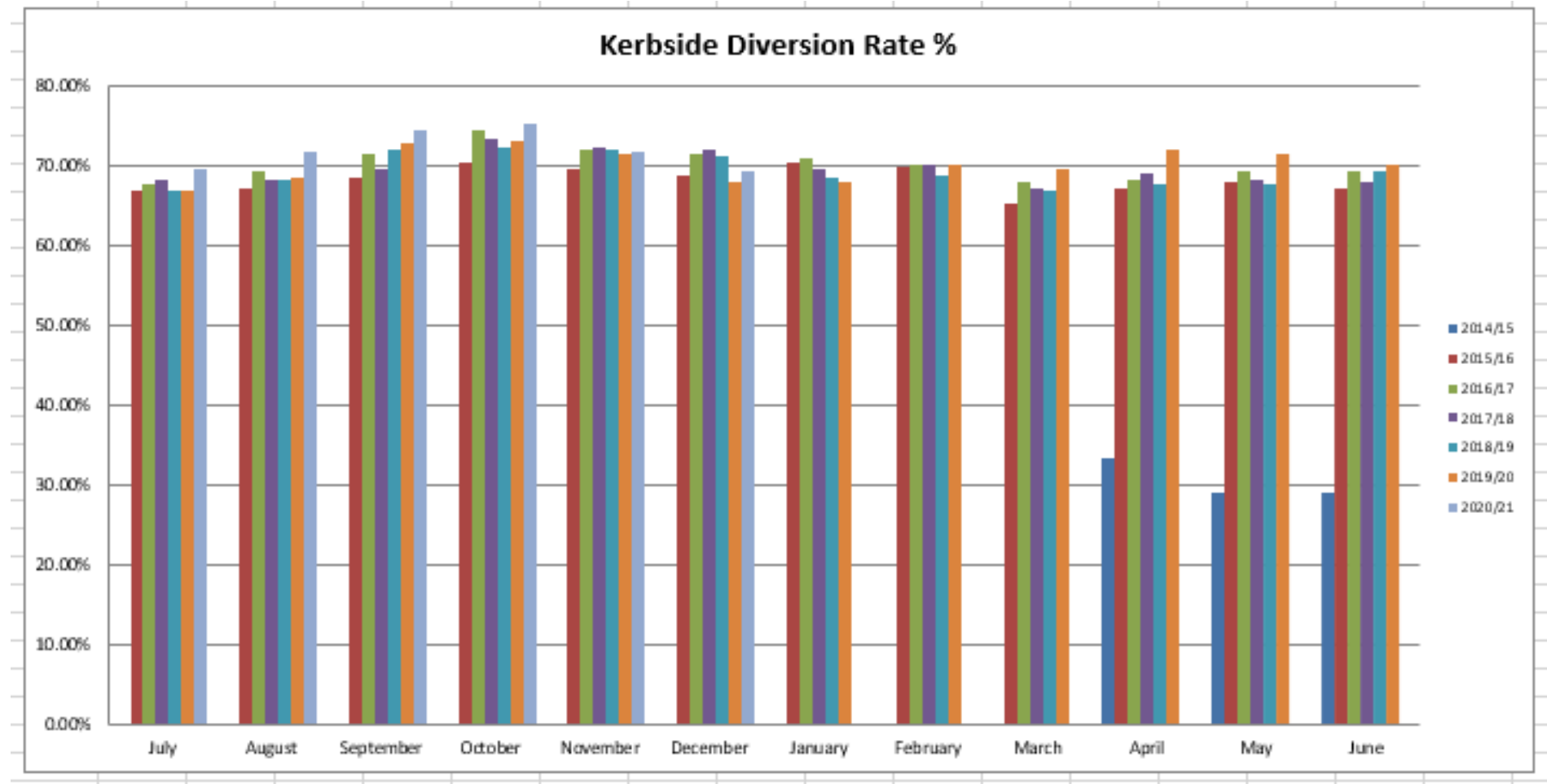


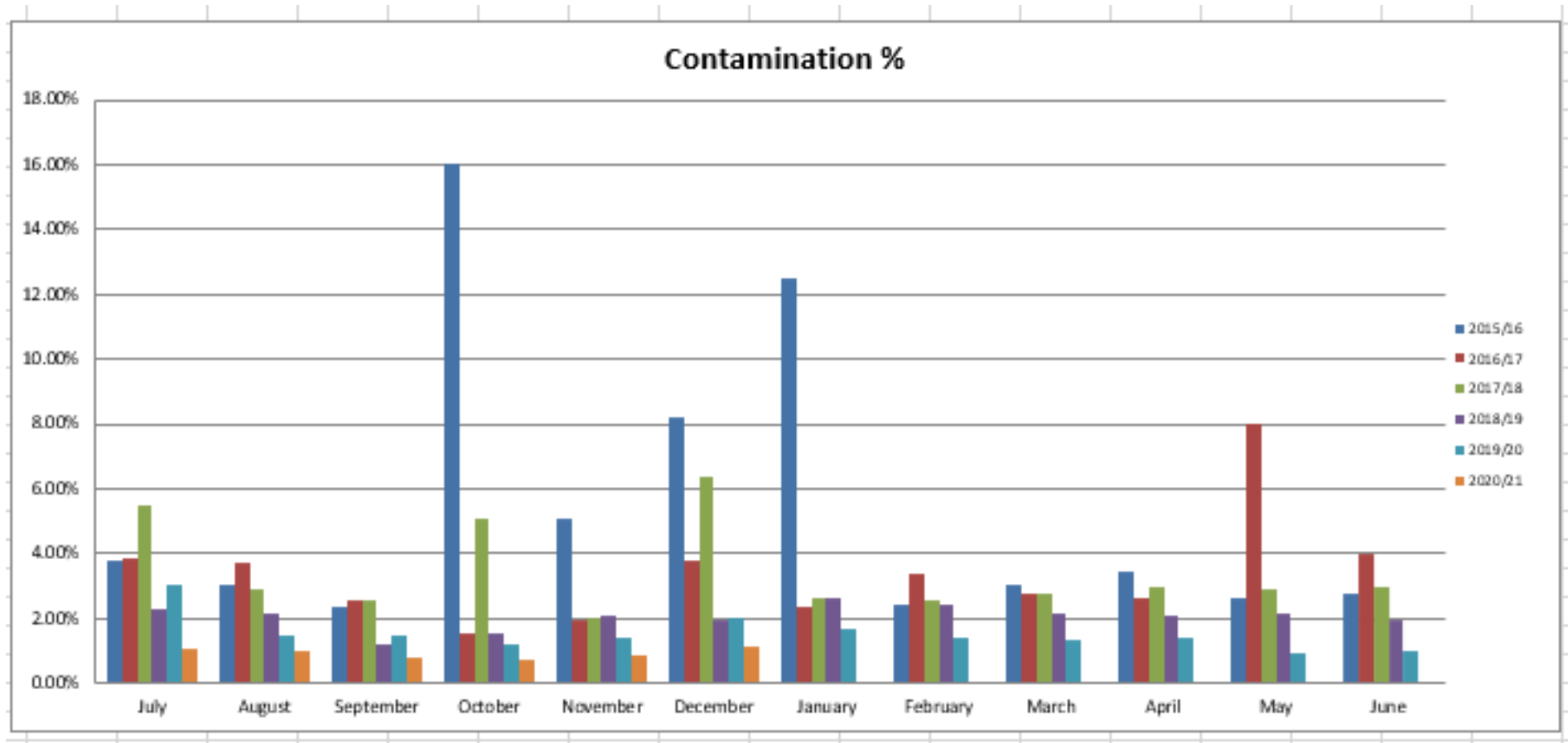
**Overdue
Remaining** An indicator showing the ratio of Overdue requests and Remaining requests. Designed to represent how well we are keeping to the defined deadlines.



WASTE MANAGEMENT REPORTING
YEAR TO DATE - DECEMBER 2020







CONTRACTS AWARDED UNDER DELEGATION
- PROJECT DELIVERY DEPARTMENT

In line with Council's approach to transparency and good governance, the Contracts Awarded Under Delegation Report will be tabled on a monthly basis for information purposes at each Council Meeting for the period immediately preceding that meeting. This will ensure Council meets its reporting obligations and demonstrates its continual adherence to set delegation limits in the awarding of contracts.

Through the *Instrument of Delegation to the Chief Executive Officer* the Council has delegated authority to the Chief Executive Officer to award a contract up to the value of \$150,000 for Goods & Services and \$200,000 for Works. Directors may approve a contract up to the value of \$50,000 for goods and services and works under the financial delegations.

Tendered Contracts Awarded under Delegated Authority by the CEO or Director

Contract No.	Contract Name	Contract details, including terms and provisions for extensions	Value Excluding GST	Awarded to
CN 20/21-09	Tracks & Trails	Lump Sum Contract for the construction of Tracks & Trails at various location across Avenel, Violet Town Strathbogie	\$135,187	BR Excavation Pty Ltd
CN 20/21-40	Avenel Exercise Station	Lump Sum Contract for the Construction of Avenel Exercise Station	\$49,960	A Space Australia Pty Ltd
CN 20/21-59	Asbestos Survey	Lump Sum Contract for the Asbestos Survey of 49 sites Managed by Strathbogie Shire Council	\$12,555.40	AER Environmental Pty Ltd
CN20/21-21	Saleyards Water Tank	Lump Sum Contract for the Supply & Installation of 100,00Lt water tank	\$46,304	Saville's Plumbing Services
RFQ	Footpath Renewal Program	Supply & Installation footpaths to Anderson St, Scobie St & Atkins St	\$38,649	Spot on Concrete Pty Ltd

ACTIONING OF COUNCIL REPORTS RESOLUTIONS
COUNCIL MEETING – 15 DECEMBER 2020

Due to the office closure over the Christmas/New Year period and, subsequently, the shortened period of time for officers to action, some recommendations from reports presented to, and determined at, the December 2020 are yet to be actioned and/or progressed. An update of actions of reports resolutions from the December 2020 Council meeting will be included in the February 2021 report.

OUTSTANDING ACTIONS OF COUNCIL RESOLUTIONS TO
31 DECEMBER 2020

This Report is to advise the Executive Management Team, Councillors and the community of the status of previous Council resolutions which are in progress but are yet to be finalised.

Council Meeting Date	Item No.	Description
<i>Nil for the period prior to December 2020.</i>		
<i>Refer to comments provided in the 'Actioning of Council Reports Resolutions – Council Meeting 15 December 2020' above.</i>		

REVIEW OF EXISTING COUNCIL POLICIES
AND ADOPTION OF NEW POLICIES

Review of Policy / New Policy	Policy Name	Details
Review	Child Safe Policy	Minor administrative changes only, e.g. review dates/officer titles, etc.

RECORDS OF COUNCIL BRIEFINGS / MEETINGS

For period 10 November to 22 December 2020

Record in accordance with Council's Public Transparency Policy 2020

Note: Details of matters discussed at the meeting that have been designated confidential under Rule 103 of the Governance Rules and sections 3 and 125 of the LG Act 2020 are described in a separate "confidential addendum" that will be reported to the next closed Council meeting

Name of Meeting: Councillor Induction and Briefing Session

Date of Meeting: Tuesday 10 November 2020

Time: 1.00 p.m. – 6.30 p.m.

Attendees:

Councillors-Elect

Laura Binks

Reg Dickinson

Sally Hayes-Burke

Kristy Hourigan

Melanie Likos

Paul Murray

Chris Raeburn

Officers

Julie Salomon (Chief Executive Officer)

David Roff (Director, Corporate Operations)

Dawn Bray (Executive Manager, Governance and Customer Service)

Kristin Favaloro (Executive Manager, Communications and Engagement)

Chris Dube (Executive Manager, People and Culture)

Emma Kubeil (Acting Director, Community and Planning)

Apologies

Nil

1. Welcome to incoming Councillors and Overview of Induction Program / Introduction to Executive Leadership Team
2. Chief Executive Officer Presentation
3. Pre-Statutory Council meeting for Councillors and CEO
4. Councillors Only Discussions

Record of Council Briefings / Meetings

Record in accordance with Council's Public Transparency Policy 2020

Note: Details of matters discussed at the meeting that have been designated confidential under Rule 103 of the Governance Rules and sections 3 and 125 of the LG Act 2020 are described in a separate "confidential addendum" that will be reported to the next closed Council meeting

Name of Meeting: Councillor Induction and Briefing Session

Date of Meeting: Tuesday 17 November 2020

Time: 2.30 p.m. – 6.36 p.m.

Attendees:

Councillors-Elect

Laura Binks

Reg Dickinson

Sally Hayes-Burke

Kristy Hourigan

Melanie Likos

Paul Murray

Chris Raeburn

Officers

Julie Salomon (Chief Executive Officer)

David Roff (Director, Corporate Operations)

Dawn Bray (Executive Manager, Governance and Customer Service)

Kristin Favaloro (Executive Manager, Communications and Engagement)

Apologies

Nil

1. Corporate Operations Presentation
2. Communications and Engagement Presentation
3. Statutory Meeting Agenda Review
4. Statutory Council Meeting

Record of Council Briefings / Meetings

Record in accordance with Council's Public Transparency Policy 2020

Note: Details of matters discussed at the meeting that have been designated confidential under Rule 103 of the Governance Rules and sections 3 and 125 of the LG Act 2020 are described in a separate "confidential addendum" that will be reported to the next closed Council meeting

Name of Meeting: Councillor Induction and Briefing Session

Date of Meeting: Tuesday 24 November 2020

Time: 12.00 noon – 4.00 p.m.

Attendees:

Councillors

Chris Raeburn

Laura Binks

Reg Dickinson

Sally Hayes-Burke

Kristy Hourigan

Melanie Likos

Paul Murray

Officers

Julie Salomon (Chief Executive Officer)

David Roff (Director, Corporate Operations)

Dawn Bray (Executive Manager, Governance and Customer Service)

Kristin Favaloro (Executive Manager, Communications and Engagement)

Chris Dube (Executive Manager, People and Culture)

Emma Kubeil (Acting Director, Community and Planning)

Apologies

Nil

1. Governance and Customer Service Presentation
2. Governance Reporting briefing – expenses, gifts/benefits
3. Good Governance Workshop (virtual) with Mark Hayes, Maddocks Lawyers

Record of Council Briefings / Meetings

Record in accordance with Council's Public Transparency Policy 2020

Note: Details of matters discussed at the meeting that have been designated confidential under Rule 103 of the Governance Rules and sections 3 and 125 of the LG Act 2020 are described in a separate "confidential addendum" that will be reported to the next closed Council meeting

Name of Meeting: Councillor Induction and Briefing Session

Date of Meeting: Tuesday 1 December 2020

Time: 10.00 a.m. – 5.00 p.m.

Attendees:

Councillors

Chris Raeburn

Laura Binks

Reg Dickinson

Sally Hayes-Burke

Kristy Hourigan

Melanie Likos

Paul Murray

Officers

Julie Salomon (Chief Executive Officer)

David Roff (Director, Corporate Operations)

Dawn Bray (Executive Manager, Governance and Customer Service)

Kristin Favaloro (Executive Manager, Communications and Engagement)

Emma Kubeil (Acting Director, Community and Planning)

Claire Taylor (Manager, Tourism Arts and Culture) *(Item 6)*

Libby Webster (Visitor Economy and Events Co-Ordinator) *(Item 6)*

Apologies

Nil

1. Councillors / CEO Discussions
2. Audit and Risk Committee Overview / meeting with external members
3. Outdoor Dining and Entertainment Program Activation
4. Communications and Engagement Presentation
5. Good Governance and Effective Decision Making Workshop (virtual) with Terry Bramham, Macquarie Lawyers
6. Australia Day Awards Review

Record of Council Briefings / Meetings

Record in accordance with Council's Public Transparency Policy 2020

Note: Details of matters discussed at the meeting that have been designated confidential under Rule 103 of the Governance Rules and sections 3 and 125 of the LG Act 2020 are described in a separate "confidential addendum" that will be reported to the next closed Council meeting

Name of Meeting: Councillor Induction and Briefing Session

Date of Meeting: Tuesday 8 December 2020

Time: 10.00 a.m. – 4.30 p.m.

Attendees:

Councillors

Laura Binks
Reg Dickinson
Sally Hayes-Burke
Kristy Hourigan
Melanie Likos
Paul Murray

Officers

Julie Salomon (Chief Executive Officer)
David Roff (Director, Corporate Operations)
Dawn Bray (Executive Manager, Governance and Customer Service)
Kristin Favaloro (Executive Manager, Communications and Engagement)
Emma Kubeil (Acting Director, Community and Planning)
Melissa Crane (Acting Manager, Planning and Investment) (*Item 2*)
Upul Sathurusinghe (Manager, Finance) (*Item 5*)

Apologies

Cr Chris Raeburn

1. Councillors / CEO Discussions
2. Community and Planning Overview
3. Council Agenda Review
4. Financial Management Overview (virtual) with Mark Davies, Financial Performance Solutions
5. Budget / Mid-Year Review

Councillor/s - Declaration of Interest/s / Direct or Indirect

Matter No.	Names of Councillor/s who disclosed interest	Did the Councillor/s leave the meeting?
3 / Item 9.17	Cr Hourigan	Yes
3 / Item 9.18	Cr Murray	Yes

Officer/s - Declaration of Interest/s / Direct or Indirect - NIL

Record of Council Briefings / Meetings

Record in accordance with Council's Public Transparency Policy 2020

Note: Details of matters discussed at the meeting that have been designated confidential under Rule 103 of the Governance Rules and sections 3 and 125 of the LG Act 2020 are described in a separate "confidential addendum" that will be reported to the next closed Council meeting

Name of Meeting: Councillor Induction and Briefing Session

Date of Meeting: Tuesday 15 December 2020

Time: 10.00 a.m. – 7.04 p.m.

Attendees:

Councillors

Chris Raeburn
Laura Binks
Reg Dickinson
Sally Hayes-Burke
Kristy Hourigan
Melanie Likos
Paul Murray

Officers

Julie Salomon (Chief Executive Officer)
David Roff (Director, Corporate Operations)
Dawn Bray (Executive Manager, Governance and Customer Service)
Kristin Favaloro (Executive Manager, Communications and Engagement)
Amanda Tingay (Director, Community and Planning)

Apologies

Nil

1. Councillors / CEO Discussions
2. Planning 101 Workshop with Darren Wong, Planology
3. Council Objectives and First Council Plan and Vision Workshop (virtual) with Keith Greaves, Mosaic Lab
4. Agenda Review
5. Council Meeting

Councillor/s - Declaration of Interest/s / Direct or Indirect

Matter No.	Names of Councillor/s who disclosed interest	Did the Councillor/s leave the meeting?
4 & 5 / Item 9.17	Cr Hourigan	Yes
4 & 5 / Item 9.18	Cr Murray	Yes

Officer/s - Declaration of Interest/s / Direct or Indirect – NIL

Record of Council Briefings / Meetings

Record in accordance with Council's Public Transparency Policy 2020

Note: Details of matters discussed at the meeting that have been designated confidential under Rule 103 of the Governance Rules and sections 3 and 125 of the LG Act 2020 are described in a separate "confidential addendum" that will be reported to the next closed Council meeting

Name of Meeting: Councillor Induction and Briefing Session

Date of Meeting: Tuesday 22 December 2020

Time: 10.00 a.m. – 5.00 p.m.

Attendees:

Councillors

Chris Raeburn

Laura Binks

Reg Dickinson

Sally Hayes-Burke

Kristy Hourigan

Melanie Likos

Paul Murray

Officers

Julie Salomon (Chief Executive Officer)

David Roff (Director, Corporate Operations)

Dawn Bray (Executive Manager, Governance and Customer Service)

Kristin Favaloro (Executive Manager, Communications and Engagement)

Amanda Tingay (Director, Community and Planning)

Upul Sathurusinghe (Manager, Finance) *(Item 2)*

Apologies

Nil

1. Councillors / CEO Discussions
2. Budget / Mid-Year Review
3. Development of Councillor Code of Conduct Workshop
4. Deliberative Engagement / Development of Community Engagement Policy Workshop (virtual) with Keith Greaves, Mosaic Lab
5. Councillors only discussions

Councillor/s - Declaration of Interest/s / Direct or Indirect - NIL

Officer/s - Declaration of Interest/s / Direct or Indirect - NIL

RECORD OF MEETINGS OF SPECIAL COMMITTEES OF COUNCIL

Record of Minutes of Meetings received in the December 2020 Period

Name of Special Committee	Date of Meeting
Avenel Action Group	09/12/20 (AGM)

10. NOTICES OF MOTION

11. NOTICES OF RESCISSION

12. URGENT BUSINESS

13. CONFIDENTIAL BUSINESS

Confidential Appendices

These appendices have been classified as being confidential in accordance with section 66(2)(a) and Part 1, section 3 of the Local Government Act 2020 as they relate to:

- (g) *private commercial information, being information provided by a business, commercial or financial undertaking that—*
- (ii) *if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage*

- Appendix 1 Tender for Contract Number 19/20-44: Mullers Road – Road Reconstruction – Stage 2
- Appendix 2 Tender for Contract Number 20/21-61: Shoulders Pavement Program (Ewing’s Road, Avenel & Goulburn Weir – Murchison Road, Kirwans Bridge)
- Appendix 3 Tender for Contract Number 20/21-57: Violet Town Netball Multi-Purpose Court – Design & Construct
- Appendix 4 Tender for Contract Number 19/20-43: Longwood-Ruffy Road, Tarcombe Road Reconstruction – Stage 2
- Appendix 5 Tender for Contract Number 20/21-60: Avenel Ewing’s Road and Livingston Street Intersection Upgrade

NEXT MEETING

The next Ordinary Meeting of the Strathbogie Shire Council is scheduled to be held on Tuesday 16 February 2021, at the Euroa Community Conference Centre, commencing at 6.00 p.m.

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