

Strathbogie Shire Council

Council Meeting Minutes / Decisions

Tuesday 21 May 2024

Minutes / Decisions

Council Meeting

Tuesday 21 May 2024, at 6pm

Meeting held at the Euroa Community Conference Centre and livestreamed on Council's website:

<https://www.strathbogie.vic.gov.au/council/our-council/council-meetings-and-minutes/>

Administrator:

Peter Stephenson

Officers:

Julie Salomon – Chief Executive Officer

John Harvey – Director Sustainable Infrastructure

Rachael Frampton – Director Community and Planning

Rosemary Scott – Executive Manager Communications, Engagement and Advocacy

Braydon Aitken – Manager Planning and Investment

Meeting Procedure

1. Welcome

2. Acknowledgement of Country

We acknowledge the Traditional Custodians of the places we live, work and play. We recognise and respect the enduring relationship they have with their lands and waters, and we pay respects to the Elders past, present and emerging. Today we are meeting on the lands of the Taungurung peoples of the Eastern Kulin nation, whose sovereignty here has never been ceded.

3. Privacy Notice

This public meeting was streamed live via our website ([Council Meetings and Minutes | Strathbogie Shire](#)) and is made available for public access on our website along with the official Minutes/Decisions of this meeting. All care is taken to maintain your privacy; however, as a visitor in the public gallery, it is assumed that your consent is given in the event that your image is broadcast to the public. It is also assumed that your consent is given to the use and disclosure of any information that you share at the meeting (including personal or sensitive information) to any person who accesses those recordings or Minutes/Decisions.

4. Governance Principles

Council considers that the recommendations contained in these Minutes/Decisions gives effect to the overarching governance principles stated in Section 9(2) of the Local Government Act 2020. These principles are as follows:

- 1. Council decisions are to be made and actions taken in accordance with the relevant law;*
- 2. priority is to be given to achieving the best outcomes for the municipal community, including future generations;*
- 3. the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted;*
- 4. the municipal community is to be engaged in strategic planning and strategic decision making;*
- 5. innovation and continuous improvement is to be pursued;*
- 6. collaboration with other Councils and Governments and statutory bodies is to be sought;*
- 7. the ongoing financial viability of the Council is to be ensured;*
- 8. regional, state and national plans and policies are to be taken into account in strategic planning and decision making;*
- 9. the transparency of Council decisions, actions and information is to be ensured.*

5. Apologies / Leave of Absence

Amanda Tingay – Director People and Governance

6. Disclosure of Conflicts of Interest

Nil

7. Confirmation of Minutes/Decisions of Previous Meetings

The Administrator adopted the Motion

That the Minutes/Decisions of the Council Meeting held on Tuesday, 16 April 2024, including for Confidential Business, be confirmed (Council Meetings and Minutes / Strathbogie Shire)

83-23/24 **CARRIED**

8. Petitions

A petition was received from Shirley Saywell, on behalf of EuroaConnect and the Petition Signatories.

The petition reads:-

PETITION TO CONNECT BINNEY STREET AND THE RAILWAY STATION
BRING ON BINNEY-LINK

We, the people who have signed below, want the

- ARTC,
- Inland Rail,
- the federal and state government Infrastructure and Transport Ministers, and
- the Shire of Strathbogie

to SUPPORT THE COMMUNITY ASPIRATION TO CONNECT Binney Street to the Euroa Railway Station by buying Klofty's Mechanic Shop, knocking it down, and building a state-of-the-art pedestrian underpass.

Ms Saywell's introductory commentary reads:-

You are already very familiar with the work the community has done here in Euroa to have the ARTC Inland Rail provide our town with appropriate railway infrastructure.

Having succeeded in persuading the ARTC of the clear merits of road under rail at Anderson Street you will be aware that we have now turned to retaining the 1873 goods shed. A hearing is listed in the Victorian Heritage Council on 18-20 June. The community is funding a barrister and a heritage expert is acting pro bono.

You will also be aware that the community is seeking improved railway station pedestrian infrastructure between town and the railway station - "Binney Link pedestrian underpass".

We attach a petition signed by over 1100 locals in which we call for support for a link between Binney Street and the railway precinct. We urge you to take notice of it (667 signatures were collected in Binney Street over several Saturday mornings, and the other 502 were received via our Change.Org on-line petition)

We understand that the ARTC Inland Rail initially intended to purchase the mechanics workshop (Kloft's) at the end of Binney Street, and remove the structure to provide a link between the main shopping strip and the railway station. We also understand they have withdrawn from those discussions.

Our community - across sectors, age groups, and interests - want the ARTC to return to the table on the Binney Link proposal.

8. Petitions (cont.)

We also want you as our council to support the Binney Link pedestrian underpass as the best railway/town infrastructure option.

The link would provide a safe and welcoming connection between the centre of town and the railway precinct. It would also reconnect the two sides of our town, promote Euroa as a tourist and railway destination, and ultimately leave a design legacy.

The Administrator adopted the Motion

1. ***That Council accept the petition in relation to connecting Binney Street and the Railway Station; and***
2. ***That the petition be referred to the Director Sustainable Infrastructure for consideration and response.***

84-23/24 **CARRIED**

9. Report of Administrator

I would like to review the month and shed some light on projects to come.

I have just completed an unbelievably valuable round of meetings titled Talk to the Administrator in which I was accompanied by the CEO Julie Salomon and members of the Executive to meet residents and for them to chat frankly to me about their issues and concerns.

There were several common themes throughout these meetings, and I gained a deeper understanding of this Shire's key issues.

As I have said before, positive feedback on Council's services was noted, but the predominant message I received emphasised the need to address road conditions, drainage issues, and improve our commitment to a timely response to enquiries from residents.

Council staff have also accompanied me to five educational sessions under the banner of Your CommUNITY Your Voice. At this stage we have only spoken to a few interested individuals so I can only hope that people who are considering standing for Council in October are holding their cards close to their chest at this moment. However, we will undertake another series of these educational meetings later in the year and I am talking to some individuals tomorrow.

Coming up - the Municipal Association of Victoria (MAV) will be holding sessions throughout our region. These Stand for Council sessions will again provide a broad outline of what Standing for Council encompasses and the session for Strathbogie is on Tuesday 11 June 2024 commencing at 6.00pm here in this Conference room. Earlier today, I had the pleasure of lunching with more than 70 shire volunteers to celebrate National Volunteer Week. The lunch was an opportunity to celebrate and acknowledge the great work of volunteers and to show our appreciation on behalf of Council and the community.

We also launched a new volunteer recognition program – Local Legends. Community members can nominate a local legend to recognise and honour exceptional volunteers who go above and beyond in their service. Nominations are open until the end of September and there will be a special acknowledgement event at the end of the year.

9. Report of Administrator (cont.)

Last Friday was IDAHOBIT day and Council acknowledged this International Day Against LGBTQIA+ Discrimination by flying the rainbow flag at the Euroa roundabout and the Nagambie Library.

This is an important way to raise awareness of the need for continued progress against discrimination. Flying the rainbow flag on IDAHOBIT day shows we support and value LGBTQIA+ people and that we are committed to supporting the creation of a fair, safe and inclusive community.

Next Sunday is National Sorry Day, officially the National Day of Healing. It is an event held annually in Australia on 26 May commemorating the Stolen Generations. It is part of the ongoing efforts towards reconciliation between Indigenous and non-Indigenous Australians.

Council will acknowledge Reconciliation Week next week as a time for all Australians to learn about our shared histories, cultures, and achievements, and to explore how each of us can contribute to achieving reconciliation in Australia.

Our Share Strathbogie engagement hub has been used actively this month with contributions for Pitch my Project prioritisation, the 2024-25 draft Budget and the Year 4 Council Plan Actions, and the draft Balmattum Hill Mountain Bike Trail, which will inform the business case for this exciting project.

On Tuesday 4 June there will be an extraordinary council meeting to hear these submissions to the Draft 2024-25 Budget and Fees and Charges along with submissions to the 2021-25 Council Plan Update – Draft Year 4 Actions 1 July 2024 – 30 June 2025. Comments for these close this Friday 24 May at 5.00pm.

Our annual community grants lodgement dates have been extended to Tuesday 11 June so if you are a not-for-profit community group, I encourage you to apply for one of our grants under either the Community Strengthening or Reducing Emissions Grant.

I represented Strathbogie Shire Council at the Municipal Association of Victoria State Council meeting last week. The annual meeting brings together Councils from across Victoria to raise important issues across the sector with a number of motions passed.

Finally, I remind you, if you have any questions, please do not hesitate to contact me. My contact details can be found on the Council website on the 'Administrator' page or you can contact Customer Service who will kindly pass your request on to me.

10. Public Question Time

Council Ref: TS: 16/2024

As the Principal of St Johns School, our community sent letters to the Administrator, Peter Stephenson, expressing our concern for the removal of our crossing supervisor, after the shire withdrew funding. I would like to know why the letters were insensitively returned to our school?

Response/s

We understand the time, energy and passion that went into the handwritten letters and original artworks. Whilst these were personally addressed to me, I felt that it was essential that these original documents were sent to the decision makers in this instance, namely, the Department of Transport and Planning or DTP. DTP is now the State Government Authority that directs, determines, and funds the School Crossing Program in Victoria.

10. Public Question Time (cont.)

I am sorry if you are disappointed by Council's actions sending these documents back to the school. It is a great learning opportunity for the children in relation to civic participation and advocacy and how they can potentially effect change. Therefore, I felt it was essential to get these letters and artworks back to you so that you could direct them to the decision makers relevant to this matter and receive a response from them.

Council Ref: RW: 17/2024 & 18/2024

1. Page 101 of the current agenda discloses what may be some alarming occurrences at council waste Collection depot, namely Avenel. Is this illegal dumping from outside of shire.
The supplied statistics indicate that unusual practices, eg, very high volume in waste drop-off appears to occur at the Avenel Depot.
Will the Administrator investigate? Will the Administrator supply a written report for the June meeting detailing?
The large volumes of unknown materials that have been deposited by rate payers or "others" in Avenel collection depot? Dates relevant supplied - Jan 24, Feb 24, Mar 24.
2. I note the change of meeting venue for the Shire of Strathbogie.
I ask the Administrator if he will guarantee safer access to the public meeting place.
The current stairway access to the Nagambie upstairs Regatta Centre meeting place room has been described, by some, as being "too steep", "unsafe", "narrow" and "dangerous."
Will the Administrator guarantee the disabled elevator access is operational and accessible to public members wishing to attend future Council meetings at Nagambie Regatta Centre?

Response/s

Please be assured there has been no illegal dumping of waste at the Avenel transfer station. All people who use the transfer station pay the appropriate fee which is based on a cost recovery model. Non-residents and ratepayers from outside our Shire who use our transfer station are charged a higher fee. Officers are unaware of any illegal dumping at the transfer stations.

Staff will continue to monitor trends in the amounts and types of wastes collected at our transfer stations to ensure we are offering best practice waste solutions to our residents".

In response to your second question, whilst you know there are no guarantees in life, the elevator at the Nagambie Lakes Regatta Centre is currently working. The elevator is serviced regularly to ensure its ongoing performance and reliability to provide our community the opportunity to attend any Council meetings held at the Nagambie Lakes Regatta Centre. Before a Council meeting is held at this venue, testing of the elevator is undertaken to ensure it is in good working order.

We also offer livestreaming of the Council meeting, should anyone like to view the meeting virtually.

10. Public Question Time (cont.)

Council Ref: TM: 19/2024

The Truck Wash upgrade for the Euroa Saleyards. It has been noted that the Council may approve this questionable project. Section 9 of the Local Government Act requires long-term implications to be taken into account. My question is in two parts:

- 1) Can the Administrator explain if he understands that the Saleyards are located inside the township boundary of Euroa?
There are more than two community activists who are concerned about animal welfare and might have the whole complex closed in the very near future.
The residential housing is very close to many parts of the Saleyards and on sale nights long distressed cries from cattle that are confined drift over the whole township and this can be disturbing.
- 2) Is the Administrator convinced that the Euroa Saleyards in its current position inside the township boundary is sustainable and a good investment for the whole of the Shire?
The Euroa Saleyards obviously do not meet the Public Health Standards with the residential lifestyles with the waste disposal and animal odour of these saleyards.

Response/s

1. Please be assured that I am aware of the Saleyards are within the Euroa township, and that they're located in an appropriately zoned area for such a facility.
I have consulted with the Council Officers and there has not been any recent complaints about the welfare of animals housed in the yards or the operation of the saleyards. The yards are frequently audited and visited by Department of Agriculture inspectors without any significant issues being identified
It is acknowledged that the future operation of the Saleyards is, at this time, uncertain based on the trends of animal sales moving to online platforms, however, the current management committee consider the closing down of the facility in the near future unlikely. In fact, we've expanded operations to now include horse sales from time to time.
Regardless of the animal sales, it is considered that the truck wash will continue to be required given that our Shire will always have agriculture at its heart. The location of the truck wash is seen as a transit point for agricultural trucks and machinery which need to use the facility to wash their equipment to maintain the biosecurity of the area.
Subsequently, the construction of the truck wash is considered appropriate both in the short and longer term.
2. The waste generated from the site is discharged via a licenced trade waste agreement with Goulburn Valley Water to the township sewerage system immediately it is deposited at the site, as is the current single truck wash facility.

Council Ref: SS: 20/2024

Comprehensive support for a safe, welcoming and well designed pedestrian underpass, as depicted in the BinneyLink concept, is evidenced by our Petition, presented to Council today.

On behalf of EuroaConnect and DESIGNEuroa and the 1169 signatories, what is Council's strategy to maximise community support for a vibrant, inviting and future ready Rail Precinct?

10. Public Question Time (cont.)

Response/s

Council has awarded the Euroa Railway Precinct Masterplan design contract to Urban Fold Pty Ltd. Council is working with Urban Fold and the Department of Transport and Planning to progress this project. Whilst still in its early stages, Council is developing a comprehensive communication and engagement plan to ensure this part of the precinct reflects the whole community's aspirations realistically. There will be opportunities for the community to inform the direction of the masterplan that recognises and builds on the existing community sentiment, and this includes the establishment of a community reference group. The funding received through Department of Transport and Planning is limited to the masterplan design and any implementation to realise the masterplan is subject to further funding. Council officers can offer you and/or any other members of the community the opportunity to meet and discuss the process Council will undertake and ensure the community's aspirations for the Euroa Railway Precinct will be incorporated. To organise a meeting time, please email info@strathbogie.vic.gov.au. When we talk about the community's aspirations, it might well be that everybody in the community wants what EuroaConnect and DESIGNEuroa want, but let's run this process to make sure that everybody's voice is heard before we make that decision.

11. Officer Reports

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- 11.5 Governance and Customer Service
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11. OFFICER REPORTS

11.1 **STRATEGIC AND STATUTORY PLANNING**

11.1.1 **Planning Permit Application No. P2023-109: Use and Development of Land for a Dwelling at 1823 Euroa-Strathbogie Road, Kithbrook**

Author: Manager Planning and Investment

Responsible Director: Director Community and Planning

EXECUTIVE SUMMARY

The proposal is for the use and development of the land for a dwelling on a Lot less than 40 hectares in the Farming Zone. A small-scale farming operation is proposed featuring chicken egg production, the planting of quince and apricot trees and conservation of onsite landscape values.

The subject site is located approximately two kilometres north of the township of Strathbogie and is set amongst larger farming operations.

The application was notified to adjacent and nearby property owners and occupiers and one objection was received. This objection raised concerns about the need for a dwelling in relation to the small scale and type of farming activity proposed.

The proposal was referred to Goulburn-Murray Water, given the subject site is located in the Special Water Catchment Area, Council's Health Officer and Engineering Department. There were no objections to the proposal and conditional consent was provided by all referral authorities.

Given the topography of the land, the risk of erosion and landslide has been assessed and a report provided shows that it will not be exacerbated by this proposed development.

Officers have undertaken an assessment of the application against the relevant considerations of the Farming Zone. It is considered that supporting the proposal could result in a rural lifestyle outcome given that it proposes a small scale farming activity that is not likely to be highly productive and does not require a dwelling to carry out. The subject land is in proximity to the township of Strathbogie and is an attractive location to those seeking a rural lifestyle opportunity. The subject land is not identified in the Rural Residential Strategy 2004 as an area for rural residential development. Approval of the application has the potential to set a precedent for the area without any formal strategic support.

Officers have undertaken an assessment of the application against the relevant policy considerations of the Strathbogie Planning Scheme. Officers consider that the proposed farming activity does not require a dwelling in order to be undertaken on the land. There is the potential for the proposed farming activity to become secondary to the primary use of the land for a dwelling. Given this, approval of a dwelling has the potential to impact surrounding farming activities and lead to a proliferation of dwellings in this locality that are used for rural lifestyle purposes.

In conclusion, an assessment of the application against the relevant planning considerations does not weigh in favour of support for this proposal. A detailed assessment of the application has been undertaken in the planning report included as Attachment 1 to this report.

11.1.1 Planning Permit Application No. P2023-109: Use and Development of Land for a Dwelling at 1823 Euroa-Strathbogie Road, Kithbrook (cont.)

The applicant for this application has lodged a review at the Victorian Civil and Administrative Tribunal (VCAT) for Council's failure to decide on the application within 60 statutory days. The purpose of this Council report is to seek a position from Council on the application; it is not to decide on the application as that now lies with VCAT.

The Applicant's consultant addressed the meeting.

The Administrator adopted the Motion

That Council:

- ***having caused notice of Planning Application No. P2023-109 to be given under Section 52 of the Planning and Environment Act 1987 and or the planning scheme;***
- ***and having considered all the matters required under Section 60 of the Planning and Environment Act 1987 decides that, should it have the power to determine on the application, Council's position on the matter is to issue a Notice of Decision to Refuse to Grant a Permit under the provisions of the Strathbogie Planning Scheme in respect of the land known as (L1 TP826506 V6294 F750 Parish of Marraweeny), 1823 Euroa-Strathbogie Road, Kithbrook VIC 3666, for the Use and Development of Land for a Dwelling based on the following grounds:***

Grounds of Refusal:

1. ***The proposal does not support the Purpose of the Farming Zone and does not weigh in favour of support when assessed against the appropriate decision guidelines of the Farming Zone:***
 - ***The proposal for a dwelling has no connection to productive farming pursuit that requires a dwelling on the land for its operation;***
 - ***The proposal has the potential to limit operation and expansion of adjoining and nearby agricultural uses; and***
 - ***The proposal has the potential to lead to proliferation of dwellings in the area, which are not connected to farming, with potential for adverse impacts on surrounding agricultural production.***
2. ***The proposal, when assessed against the policy directions throughout the Strathbogie Planning Scheme, is not weighted in favour of support. The relevant policy that provides direction are:***
 - a. ***Clause 02.03-4 – given the proximity to Melbourne and major regional centres, and the scenic nature of the area, there is a continual demand for rural lifestyle development not associated with farming. This leads to land use conflicts between farming and rural industries;***
 - b. ***Clause 14.01-1S – the proposal does not protect the state's agricultural base as it is an incompatible use with farming, in this location; and***
 - c. ***Clause 14.01-1L – the subject land is not identified in the Strathbogie Shire Rural Residential Strategy (Strathbogie Shire Council, 2004) as rural residential.***

11.1.2 Planning Applications Received and Planning Applications Determined - 1 to 30 April 2024

Author: Manager Planning and Investment

Responsible Director: Director Community and Planning

EXECUTIVE SUMMARY

This report provides listings of all Planning Applications Received (Attachment 1) and Planning Applications Determined (Attachment 2) for the period of 1 to 30 April 2024. The latest available Planning Permit Activity Performance (PPARS) Figures are also attached (Attachment 3). It should be noted that the latest PPARS Figures are for the month of March 2024. The April 2024 PPARS Figures were not available at the time of writing this report as the monthly figures are not updated until the 15th of each month. The contents of this report are provided for information purposes only.

It is noted that there were seventeen (17) new planning applications received and thirteen (13) planning applications decided on during the reporting period.

Attachment 4 to this report provides an update on current Victorian Civil and Administrative Tribunal (VCAT) appeals where no decision has been made.

The Administrator adopted the Motion

That Council:

- 1. Note that there were seventeen (17) new planning applications received, and thirteen (13) planning applications decided on during the period of 1 to 30 April 2024; and***
- 2. Note the report.***

86-24/25 **CARRIED**

11.2 COMMUNITY

11.2.1 Greening Euroa – Potential Funding Update

Author: Environment and Waste Coordinator

Responsible Director: Director Sustainable Infrastructure

EXECUTIVE SUMMARY

Due to climate change, our landscape is experiencing persistent and ongoing drought conditions, which leads to decreases in inflows into our catchments and decreases in potable water supplies.

During the drought in 2018/19, inflows into catchments within Strathbogie Shire meant that potable water was required to be tankered into Euroa to ensure ongoing town supply for drinking. This meant that water was not available for our recreation reserves and schools to keep their green spaces green.

In 2020, Council established, with Goulburn Valley Water (GV Water), a Project Steering Committee to finalise the detailed design for the recycled water pipeline, undertake community engagement and advocate for funding for the project.

This report provides an update on advocacy and potential funding opportunities that are available to fund the delivery of this project.

The Administrator adopted the Motion

That Council note the report regarding current advocacy and potential Federal Government funding to progress the Greening Euroa Recycling Water Pipeline Project.

87-24/25 **CARRIED**

11.3 **INFRASTRUCTURE**

11.3.1 **Tender for Contract No. 23/24-58: Request for Quotation – Collection, Transportation and Processing of Mattresses and Soft Furnishings from Transfer Stations**

Author: Procurement and Tenders Officer and Waste Management Officer

Responsible Director: Director Sustainable Infrastructure

EXECUTIVE SUMMARY

In collaboration with Mansfield Shire Council and Murrindindi Shire Council, Strathbogie Shire Council has undertaken a request for quotation (RFQ) from suppliers within the waste industry for Contract No. 23/24-58 – Collection, Transportation and Processing of Mattresses and Soft Furnishings from Transfer Stations.

This procurement option allows for the targeted and efficient quotes process from industry specialist suppliers, providing group buying pricing. This approach is in accordance with Strathbogie Shire Council's Procurement Policy (last update November 2023) clause 20, Exemptions, Collaborative Engagement. It allows for Council to continue to meet its obligation to obtain best value and remain compliant with the requirements of the *Local Government Act 2020*.

Mansfield Shire Council was the lead role in this procurement process. The tender was uploaded in TenderLink from Thursday 23 November 2023 until Thursday 14 December 2023. At the close of tenders, two (2) quotation submissions were received. Due to the collaboration required by Officers from each Council, and competing operational commitments, there has been a delay in presenting this report to Council.

Following assessment and evaluation from officers at all three (3) Councils, it is recommended that Council award the RFQ process to WM Waste Management Services Pty Ltd, based in Boronia, for a two-year contract, with an option for a further one year (at Council discretion).

The Administrator adopted the Motion

That Council:

- 1. Note the outcome of the Request for Quotation assessment process for Contract No. 23/24-58 - Collection, Transportation, and Processing of Mattresses and Soft Furnishings from Transfer Stations;***
- 2. Award the Contract No. 23/24-58 - Collection, Transportation, and Processing of Mattresses and Soft Furnishings from Transfer Stations to WM Waste Management Services Pty Ltd for two years, with an option of a further one year at Council discretion;***
- 3. Authorise Officers to advise the unsuccessful quoters; and***
- 4. Authorise the Chief Executive Officer to award the Contract by signing a letter of award.***

88-24/25

CARRIED

11.3.2 Variation to Contract No. 22/23-27: Streetscape Detailed Design - Euroa, Strathbogie and Violet Town

Author: Senior Project Officer

Responsible Director: Director Sustainable Infrastructure

EXECUTIVE SUMMARY

Council awarded the Contract for CN 22/23-27 Streetscape Detailed Design - Euroa, Strathbogie, and Violet Town to PT Tomkinson & Associates Pty Ltd, based in Bendigo, on 15 December 2022. The contract was valued at a lump sum of \$113,476.00 (including GST) to undertake:

- Euroa: Stage 2 Detailed Design (to replicate Stage 1 works);
- Strathbogie Township: Detailed Design; and
- Violet Town: Detailed Design.

The Euroa and Strathbogie Township components of the project have been delivered by the Consultant. The Euroa component required a variation of \$6,930.00 (including GST), approved under delegation, to complete the detailed design.

Given that the main street of Violet Town is a VicRoads Arterial Road, it has presented unique challenges during the design process. Council diligently followed the necessary processes, including obtaining endorsement from the Department of Transport and Planning (DTP) and engaging in a sequence of community consultations. Unfortunately, there have been delays in completing the design, primarily due to additional requests and design changes mandated by DTP, as well as extended community consultations throughout the process. A proposed variation of \$41,470.00 (including GST) is required to address DTP's additional requests and facilitate the completion of the Violet Town design phase.

The total value of the two (2) variations, being \$6,930.00 (including GST) and \$41,470.00 (including GST), is \$48,400.00 (including GST).

This report seeks Council endorsement for the proposed variation that will facilitate finalising the designs for Violet Town Streetscape and to note the variation approved under delegation to complete the Stage 2 works at Euroa to a total of \$48,400 (including GST).

The Administrator adopted the Motion

That Council:

- 1. Approve the variation of \$41,470.00 (including GST), increasing the value of Contract No. 22/23-37 Streetscape Detailed Design – Euroa, Strathbogie, and Violet Town, to \$161,876.00 (including GST) to cover additional works required to complete the Stage 1 designs;***
- 2. Note the previous project variation of \$6,930.00 (including GST), approved under delegation; and***
- 3. Note that the project variation to cover additional works required to complete Stage 1 designs can be accommodated within existing Streetscape budget allocations.***

89-24/25

CARRIED

11.3.3 Variation to Contract No. 23/24-35: Euroa Civic Centre Toilets Upgrade

The Chief Executive Officer advised that this item is withdrawn due to the additional works detailed not being delivered and, subsequently, the item no longer requiring a decision of Council. It is intended to proceed with the original scope of works approved some months ago. Works will commence on 24 June 2024 and it is anticipated they will be completed by the end of July 2024.

The Administrator noted the withdrawal of this item.

11.3.4 Variation to Contract No. 23/24-01: Roads Pavement Rehabilitation Program 2023/24

Author: Director Sustainable Infrastructure

Responsible Director: Chief Executive Officer

EXECUTIVE SUMMARY

At its 20 February 2024 Council meeting, Council varied Contract 23/24-01 Roads Pavement Rehabilitation Program 23/24, awarded to Bild Infrastructure, by an amount of \$15,523.20 (including GST) for a combined variation of 12.9% of the original contract value. This variation was to implement a treatment of the active springs encountered during the rehabilitation of the Creek Junction Road sites at Kithbrook within the contract.

Unfortunately, this treatment was unsuccessful in rectifying the unstable nature of the road at its location and, as a consequence of disturbing the springs, a significant additional length of the road now required treatment.

At the 19 March 2024 Council meeting, Council varied this contract by a further amount of \$50,135.00 (including GST) for a combined variation of 20.87% of the original contract value. This variation was implemented to treat the springs at a deeper level, going down a further 300 to 500mm over a 100m distance.

However, in four (4) sections, the subgrade pushed through the rock blanket due to the underground springs, causing this section to fail. Council have negotiated with the contractor to excavate these four (4) sections of the Rock Blanket and complete a layer of Cement Treated Crushed Rock to help stabilise the sections for \$40,072.45 (including GST), for a combined variation of 27.04% of the original contract value.

This amount was negotiated with the contractor and is considered to represent value for money. It is recommended that the additional funds required be assigned to the project budget from the existing 2023/24 Capital Works program budget allocation for Sealed Roads Rehabilitation Operations.

Due to the extent of the treatment required and the road not able to be opened without the works being completed, waiting the formal approvals at the 21 May 2024 Council meeting would have incurred additional costs estimated at \$10,000 per week.

Subsequently, after briefing Council, works were progressed to completion to enable the road to be reopened for the community on Thursday 11 April 2024.

The Administrator adopted the Motion

That Council:

- 1. Formally note the variations required to complete the road rehabilitation works along four (4) sections of Creek Junction Road, Kithbrook;***

11.3.4 Variation to Contract No. 23/24-01: Roads Pavement Rehabilitation Program 2023/24 (cont.)

MOTION (cont.)

2. ***Note that these variations increase the total project costs by a further \$40,072.45 (including GST) for a combined variation of 27.04% of the original contract value;***
3. ***Note that officers authorised these variations to expediate the completion of the works thereby reducing further impacts to the community and additional costs to the project;***
4. ***Authorise the Chief Executive Officer to sign the appropriate Variation Quotation Request form; and***
5. ***Note that the project variations can be accommodated within existing 2023/24 approved Capital Works budget allocations.***

90-24/25 **CARRIED**

11.3.5 Variation to Contract No. 21/22-23: Violet Town Landfill Rehabilitation Project

Author: Environment and Waste Coordinator

Responsible Director: Director Sustainable Infrastructure

EXECUTIVE SUMMARY

Council is required by the Environment Protection Authority (EPA) to complete capping works at the Violet Town Landfill. The competitive tender process for this contract was undertaken in 2022 and awarded to Apex Earthworks Pty Ltd at the July 2022 Council meeting for a total sum of \$2,151,946.50 (including GST). At its meeting in June 2023, Council approved an increase of the project budget to \$2,677,277.42 (including GST) with an additional \$200,000 to cover any additional works and variations that were required.

The project consists of five (5) separate contracts for:

- Construction - Apex Earthworks;
- Project Management - Strac Consulting Engineers;
- Geotechnical investigation and technical authority - Bajwa Enviro Consult;
- Design - SLR Consulting; and
- Environmental auditor - SMEC.

Works were originally scheduled to begin in October 2022 but due to the major flood event, the project was delayed until February 2023. Additional requirements imposed by the Environment Auditor and the EPA have resulted in additional costs. As recommended by the Environment Auditor, the landfill gas system and biofilter is required to be installed as the capping works were being completed as opposed to post construction.

At this stage, Council has received no further requests for variations for this project but it would be expected with the addition of the landfill gas and biofilter works, variations will be encountered to ensure the works have been completed to the EPA's approval. It is recommended that Council authorise the following amounts, if required, to complete the rehabilitation work to the EPA's satisfaction:

- \$50,000 for CN 21-22/24 - Bajwa Environ Consult
- \$50,000 for CN 21-22/49 - SMEC

The Administrator adopted the Motion

That Council:

1. ***Authorise the Chief Executive Officer to accept further variations up to the values listed below for each individual contract***
 - a. ***\$50,000 for CN 21-22/24 – Bajwa Enviro Consult***
 - b. ***\$50,000 for CN 21-22/49 – SMEC; and***
2. ***Note that project variations can be accommodated within the existing Environment and Waste Operational budget.***

91-24/25

CARRIED

11.3.6 Tender for Contract No. 23/24-50: Construction of Euroa Truck Wash

Author: Manager Project Delivery

Responsible Director: Director Sustainable Infrastructure

EXECUTIVE SUMMARY

The Euroa Saleyard is located at the corner of Boundary Road and Birkett Street, Euroa with sales currently held monthly. The Saleyard is owned by the Council and operated in partnership with the Saleyards Committee of Management (the Committee). To enhance and supplement the trade offer, and as a bio-security measure, the Committee proposed that the old truck wash be replaced with a twin bay truck wash.

As reported to the 20 February 2024 Council meeting, a business case was prepared by the Committee that demonstrated a twin truck wash valued at \$500,000 (excluding GST) was viable and the income derived from it would service the loan repayments required to construct the facility. Subsequently, this amount was borrowed, and the funds were received in June 2023 and detailed in the 2023/24 budget to complete the delivery of the project.

Council, using the procurement policies, offered the project to the market three times, varying the scope each time in an attempt to deliver the project within the \$500,000 (excluding GST) business case. All of these procurement processes delivered tender outcomes over the business case value.

Due to the budget challenges, Council had allocated a further \$83,613.00 (excluding GST) from General Revenue to the project in the 2023/24 financial year, subsequently increasing this contribution to \$296,000 (excluding GST), yet at that budget value the procurement processes had not resulted in an acceptable outcome.

In light of the unsuccessful procurement processes and the recommendation submitted for consideration in the February Council meeting to abandon the Project, the Midyear budget, submitted for noting to the same meeting, was adjusted reallocating the \$296,000 (excluding GST) to the Plant Replacement Budget.

At the 20 February 2024 Council meeting, the recommendations to abandon the program and repay the loan were put aside and Council endorsed one further procurement process to be carried out.

The fourth public tender was released on 23 February 2024 via eProcure, Council's tender management software. By the close of tenders at 4.00 pm on 26 March 2024, four (4) tenders were received and evaluated.

The tender evaluation process has identified the tender received from Miepol Pty Ltd of Geelong, for a total amount of \$642,095.85 (including GST) as representing value for money.

A review of the Plant replacement Budget has been completed and it is considered that the additional budget required to enable the awarding of the contract for the \$642,095.85 (including GST) is available from the Plant Replacement Budget.

11.3.6 Tender for Contract No. 23/24-50: Construction of Euroa Truck Wash (cont.)

The Committee was consulted regarding the requirement for all additional costs over and above the contract lump sum to be funded from future maintenance budgets for the Saleyards facility due to Council not having any further Capital Funds available for the project.

The Committee unanimously supported this requirement, subject to it not placing the operation of the facility at risk.

The Committee was informed that any further capital improvements would be subject to Council's asset management approval processes and would be considered on their individual merits and the needs of the entire municipality.

The Administrator adopted the Motion

That Council:

- 1. *Receive and note the outcome of the tender assessment process for Contract No 23/24-50 Construction of Euroa Truck Wash;***
- 2. *Approve the reallocation of \$85,000 (excluding GST) from the Plant Replacement Budget to the Truck Wash Budget to provide \$643,500 (including GST) budget for the project;***
- 3. *Award the tender for contract No 23/24-50 Construction of Euroa Truck Wash - Lump Sum to Miepól Pty Ltd of Geelong, for a total amount of \$642,095.85 (including GST);***
- 4. *Authorise officers to advise unsuccessful tenderers; and***
- 5. *Authorise the Chief Executive Officer to execute the Contract by signing and affixing the Common Seal of Strathbogie Shire Council.***

92-24/25 **CARRIED**

11.3.7 Tender for Contract No. 23/24-64: Refurbishment of Nagambie Comfort Station

Author: Senior Project Officer - Project Delivery

Responsible Director: Director Sustainable Infrastructure

EXECUTIVE SUMMARY

The current public toilet facilities located in High Street, Nagambie, are inadequate; failing to meet the basic needs of residents and visitors. This includes issues such as outdated amenities, inability to upkeep with ongoing maintenance, lack of accessibility features, and lack of compliance with current health and safety standards. Internal refurbishment is necessary to address these issues and provide a quality, compliant facility service to the community and visitors to our Shire.

Nagambie has experienced recent developments that are attracting many visitors to the town. With continual growth in Nagambie township, having clean and more contemporary comfort station facilities is essential to accommodate the increasing number of visitors. Refurbishment of the public toilets will ensure that the town can sustain its growth trajectory and offer a pleasant experience to all visitors. Clean, well-maintained public toilets contribute significantly to visitor satisfaction and can encourage longer stays and return visits. Positive experiences for visitors can lead to increased tourism revenue and benefit local businesses.

Refurbishing the public toilet facilities represents a strategic investment in essential town infrastructure. Upgraded public toilets not only meet immediate needs but will also contribute to the long-term liveability and attractiveness of Nagambie. This investment demonstrates Council's commitment to quality public amenities and reinforces the town's position as a desirable place to live, work and visit.

Council's detailed designs for Nagambie High Street's future streetscape works present an opportunity to integrate the refurbishment of the public toilet facilities. Improving this public amenity will complement the overall revitalisation of the main business precinct and functional aspects of the area.

Following the invitation for tenders under Contract 23/24-64 for the Refurbishment of Nagambie Comfort Station (Public Toilet Facilities), which was advertised from 27 March 2024 to 29 April 2024, Council received one (1) tender by the closing date. This tenderer submitted both a compliant tender and an alternative tender option, which provided for paint finishes for walls and similar fixtures instead of epoxy finishes and stainless-steel fixtures as specified in the tender requirements. A comprehensive evaluation of both submissions was conducted by the evaluation panel, and a summary of the evaluation results is provided in this report.

This report seeks to award the contract to Projects and Maintenance Squared Pty Ltd based in Reservoir, for a total amount of \$248,383.30 (inclusive of GST). It is anticipated that, pending approval, the project will commence in June 2024 and be completed by August 2024. During the construction period the contractor will supply and maintain temporary toilet facilities for public use. Under the project scope, three (3) single unisex toilets and one (1) ambulant facility will be provided for this purpose.

This project can be accommodated within Council's existing Streetscape Program funded through the Federal Government Local Roads and Community Infrastructure Program (LRCIP).

11.3.7 Tender for Contract No. 23/24-64: Refurbishment of Nagambie Comfort Station (cont.)

The Administrator adopted the Motion

That Council:

- 1. *Receive and note the outcome of the tender assessment process for Contract No. 23/24-64 Refurbishment of Nagambie Comfort Station;***
- 2. *Award the tender for contract No. 23/24-64 Refurbishment of Nagambie Comfort Station - Lump Sum compliant offer to Projects and Maintenance Squared Pty Ltd based in Reservoir, for a total amount of \$248,383.30 (inclusive of GST); and***
- 3. *Authorise the Chief Executive Officer to execute the Contract by signing and affixing the Common Seal of Strathbogie Shire Council.***

93-24/25 **CARRIED**

11.3.8 Tender for Contract No. 23/24-49: Major Patching Program 2023/24

Author: Senior Project Officer - Projects Delivery

Responsible Director: Director Sustainable Infrastructure

EXECUTIVE SUMMARY

Following routine inspections conducted by Operations Officers, several roads have been identified for major patching. The following roads have been prioritised for the 2023/24 major patching program due to the extent of damage, traffic volume, strategic importance, and safety concerns:

1. Creightons Creek Road (60 locations)
2. Euroa-Strathbogie Road (11 locations)
3. Spring Creek Road, Strathbogie (4 locations)
4. Merton-Strathbogie Road (16 locations)

The proposed work under this program aims to enhance road safety, improve commuter comfort and convenience, extend the lifespan of the roads, reduce ongoing maintenance costs, and decrease the frequency of maintenance activities. To implement this major patching program, tender documentation was prepared and publicly advertised.

Council invited tenders for the work under Contract No. 23/24-49, Major Patching Program, through public advertisements in local and state newspapers from 12 April 2024 to 9 May 2024. At the closing of the tender period, six (6) submissions were received. All tenders have been assessed and evaluated by Council Officers, with a detailed summary of the results included in this report.

Based on the tender evaluation outcomes, it is recommended that the Council award the lump sum contract to Central Vic Stabilising Pty Ltd for a total amount of \$717,998.82 (inclusive of GST).

It is proposed that the works commence in June 2024 and conclude August 2024 (weather dependant).

The Administrator adopted the Motion

That Council:

1. ***Note the outcome of the tender assessment process for Contract No. 23/24-49 Major Patching Program;***
2. ***Award the tender for Contract No 23/24-49 Major Patching Program - Lump Sum for a total amount of \$717,998.82 (inclusive of GST) to Central Vic Stabilising Pty Ltd based in Strathdale, Victoria;***
3. ***Authorise officers to advise the unsuccessful tenderers; and***
4. ***Authorise the Chief Executive Officer to execute the Contract by signing and affixing with the Common Seal of Strathbogie Shire Council.***

94-24/25

CARRIED

11.3.9 Capital Works Program Delivery Status as at 30 April 2024

Author: Director Sustainable Infrastructure

Responsible Director: Director Sustainable Infrastructure

EXECUTIVE SUMMARY

This report provides commentary on the delivery status of all approved capital works projects for the 2023/24 financial year, providing updates in terms of budget phasing comparison and completion timelines.

These key areas of the report are highlighted using a traffic light system with the following reporting condition:

- if the project actual expenses or the timeline for completion is within +/- 10% of the forecasted status, the information is provided in yellow,
- if the current actual expenses are greater than the phased budget forecast or the timeline for completion is past the original planned date, the information is reported in red, and
- if the current actual expenses are less than the phased budget forecast or the timeline for completion is before the original planned date, the information is reported in green.

The preference is for all items to be reported in yellow.

The red and green results context is dependent on the item being reported, i.e. over budget, under budget, late or early delivery. However, generally, both are seen to be not preferred and mitigation action is required.

The monthly Capital Works Report (refer Attachment 1) reflect that most projects are on track to be delivered in this financial year. However, two projects have slipped behind the previously reported completion milestones.

One of the projects is the awarding of the stormwater design for the Nagambie Industrial Estate. It is considered more appropriate to progress the Nagambie Industrial Estate drainage design work following the completion of the Municipal Stormwater Strategy. Carrying over this budget allocation to next financial year will permit this to occur.

The other project that has been delayed is the refurbishment of the toilets in the Euroa Civic Centre. This project has been delayed because of the discovery of asbestos in the ceiling of the existing facility resulting in a requirement for a variation to be approved by Council prior to proceeding with the work. It should be noted that there is currently no risk to users of these toilets and that a full risk mitigation plan will be developed for the removal. A project variation request for the removal of asbestos and additional works to ensure that the Accessible Toilet meets standards is included in the agenda of this meeting (Item 11.3.3) and the project's revised delivery timelines will be considered once this decision is made.

All other projects that are forecast to not be completed in the current financial year will be completed in the 2024/25 financial year.

11.3.9 Capital Works Program Delivery Status as at 30 April 2024 (cont.)

The Administrator adopted the Motion

That Council note the 2023/24 Capital Works Program Delivery status report as at 30 April 2024.

95-24/25 **CARRIED**

11.3.10 Contracts, Works, Variations and Grants Awarded under Delegation - 1 to 30 April 2024

Author: Procurement and Tenders Officer

Responsible Director: Director People and Governance

EXECUTIVE SUMMARY

The purpose of this report is to inform Council and the community of the status of request for publicly advertised tenders, invitations for written quotations and quotations provided using collaborative and/or third-party contracts which have been awarded under delegation for the period 1 to 30 April 2024. This report specifically relates to works that form part of Council's 2023/24 adopted Budget.

This report also details any grants awarded, or variations approved under delegation as per Council's adopted Community Funding Model. Council adopted a Community Funding Model at the June 2023 Council Meeting authorising the Chief Executive Officer to award Quick Response Grants.

The Administrator adopted the Motion

That Council note the:

- 1. *Contracts awarded under delegated authority by the Chief Executive Officer;***
- 2. *Low value contract variations of up to 15% of original Contract value, but less than \$15,000 (inclusive of GST), awarded under delegation by the Chief Executive Officer;***
- 3. *One Quick Response Grant awarded under delegated authority by the Chief Executive Officer; and***
- 4. *One Quick Response Grant Variation approved under delegated authority by the Chief Executive Officer.***

96-24/25 **CARRIED**

11.4 CORPORATE

11.4.1 Financial Report to 31 March 2024

Author: Acting Chief Finance Officer

Responsible Director: Director People and Governance

EXECUTIVE SUMMARY

The March Financial Report compares the year-to-date mid-year adopted budget to the actual financial position of March 2024.

The report contains the Operational Performance, Income Statement, Balance Sheet, Cash Flow Statement, and capital performance and other financial data in graphical format.

The current year operating surplus for the nine-month period ending 31 March was \$1,696,869.

As at 31 March 2024, the total expenditure on capital works was \$6,928,511, which excludes committed expenditure.

The Administrator adopted the Motion

That Council receive and note the Financial Report and Financial Statements for the nine months ending 31 March 2024.

97-24/25 **CARRIED**

11.5 GOVERNANCE AND CUSTOMER SERVICE

11.5.1 Monthly Performance Report

The May 2024 Monthly Performance Report includes reports as follows:

- Building Department – April 2024 Statistics
- Planning Department – Planning Application Approvals – Development Cost (Capital Improved Value) – April 2024
- Customer Enquiry Analysis Report – Report for April 2024
- Waste Management Reporting Year to Date – April 2024
- Transfer Station Date - April 2024
- Textile Recovery at Transfer Stations Quarterly Report – March 2024
- Actioning of Council Reports Resolutions – Council Meeting Tuesday 16 April 2024
- Outstanding Actions of Council Resolutions to 30 April 2024
- Review of Council Policies and Adoption of new Policies – April/May 2024
- Records of Informal Council Briefings / Meetings – 1 to 30 April 2024

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.

The Administrator adopted the Motion

That the report be accepted.

98-24/25

CARRIED

11.6 **EXECUTIVE**

11.6.1 **Appointment of Interim Chief Executive Officer**

Author: Chief Executive Officer

EXECUTIVE SUMMARY

Following the resignation of the Chief Executive Officer, Council Administrator Mr Peter Stephenson has determined that the appointment of a Chief Executive Officer should be one of the first tasks of the newly elected Councillors post the 26 October 2024 Council elections.

At the 16 April 2024 Council meeting, a report detailed the process for the appointment of an Interim Chief Executive Officer (Interim CEO) for a period of up to 12 months. During this appointment, the Interim CEO's roles and responsibilities will include inter alia:

- to fulfill the role and responsibilities of the CEO in accordance with the Local Government Act 2020;
- ensure business continuity and stability for the organisation over a period of up to 12 months or until a longer-term CEO is appointed;
- to lead the Councillor Induction Program, post the 26 October 2024 Council Elections; and
- assist the newly elected Councillor team with the recruitment, selection and decision making for the onboarding of the new CEO.

In accordance with the process detailed in resolution from the 16 April 2024 Council Meeting agenda item on this matter, the CEO Employment and Remuneration Committee have appointed Mr Tim Tamlin as Interim CEO for Strathbogrie Shire Council.

Mr Tamlin brings extensive experience in senior leadership roles within the Private Sector and Local Government across engineering and infrastructure planning, finance and governance/compliance roles. Moreover, Mr Tamlin was a CEO at South Gippsland Shire Council and has filled interim CEO roles at both Campaspe Shire Council and Kingston City Council.

The appointment of the Interim CEO is consistent with the principles as enunciated in Division 7, sections 44 and 45 of the *Local Government Act 2020*.

With the outgoing CEO, Ms Julie Salomon, concluding the role on 4 July 2024 and the Interim CEO commencing on 15 July 2024, Council, in accordance with section 44 of the Act, must appoint a person to be the Acting Chief Executive Officer. It is proposed that Ms Amanda Tingay, Director People and Governance, be appointed to the role of Acting Chief Executive Officer for the period from 5 July to 14 July

11.6.1 Appointment of Interim Chief Executive Officer (cont.)

The Administrator adopted the Motion

That Council:

- 1. *Endorse the appointment of Mr Tim Tamlin to the role of Interim Chief Executive Officer (CEO) for Strathbogie Shire Council for a period of up to 12 months effective 15 July 2024;***
- 2. *Note that the roles and responsibilities of the Interim CEO will include inter alia:***
 - a) *to fulfill the role and responsibilities of the CEO in accordance with the Local Government Act 2020;***
 - b) *ensure business continuity and stability for the organisation over a period of up to 12 months or until a longer-term CEO is appointed;***
 - c) *to lead the Councillor Induction Program, post the 26 October 2024 Council Elections; and***
 - d) *assist the newly elected Councillor team with the recruitment, selection and decision making for the onboarding of the new CEO; and***
- 3. *Endorse the appointment of Ms Amanda Tingay to the role of Acting Chief Executive Officer for the period 5 July to 14 July 2024.***

99-24/25

CARRIED

12. NOTICES OF MOTION

Nil.

13. NOTICES OF RESCISSION

Nil.

14. URGENT BUSINESS

Nil.

15. CONFIDENTIAL BUSINESS

Nil.

NEXT MEETING

The next monthly meeting of the Strathbogie Shire Council is scheduled to be held on Tuesday 18 June 2024, at the Euroa Community Conference Centre, at 6.00 pm.

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 7.56 PM

Confirmed as being a true and accurate record of the Meeting

.....
Chair

.....
Date