

Strathbogie Shire Council

Council Meeting Minutes / Decisions

Tuesday 20 February 2024

Minutes/Decisions

Council Meeting

Tuesday 20 February 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/>

Interim Administrator:

Peter Stephenson

Officers:

Julie Salomon – Chief Executive Officer

Amanda Tingay – Acting Director People and Governance

John Harvey – Director Sustainable Infrastructure

Rachael Frampton – Acting Director Community and Planning

David Roff – Acting Chief Financial Officer

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

Nil

6. Disclosure of Conflicts of Interest

Nil

7. Confirmation of Minutes/Decisions of Previous Meetings

The Administrator adopted the Motion

1. ***That the Minutes/Decisions of the Council Meeting held on Tuesday 13 December 2023, be confirmed*** (Council Meetings and Minutes | Strathbogie Shire)
2. ***That the Minutes/Decisions of the Extraordinary Council Meeting held on Tuesday 23 January 2024, be confirmed*** (Council Meetings and Minutes | Strathbogie Shire)
3. ***That the Minutes/Decisions of the Extraordinary Council Meeting held on Tuesday 6 February 2024, be confirmed*** (Council Meetings and Minutes | Strathbogie Shire)

18-23/24 **CARRIED**

8. Petitions

A petition has been received by Council from David Andrews of Nagambie in relation to 'Drainage (lack thereof) in Park Street, Nagambie'.

The petition contains 15 signatories.

The petition reads:-

We, the undersigned, petition the Mayor and Councillors of the Strathbogie Shire Council to:

Properly maintain the drainage system in Park Street, Nagambie, to allow surface water to flow away.

We appreciate that the Council is not responsible for weather events. We believe the Council has a responsibility to maintain a reliable drainage system, that allows water to 'get away' into the main drainage system, and not flood properties and lay-around for days.

BACKGROUND: It appears that there is no drainage system or plan for drainage, in Park Street, Nagambie. As such the kerbing, nature strips, yards, roadways, are subject to flooding every time there is a reasonable rain event. As I understand it (and I have spoken to the farmer concerned), there was a 'handshake' agreement between the Council engineer and the farmer at the east end of Park Street, to allow water to naturally flow east down Park Street, into one of his dams. From there, when the water was at a certain level, the water would flow across to another dam. What would then occur, was when that dam was full, or a resident in Park Street, notified the local council depot, that water was backing up in the street, the depot would send out some staff with a pump, to take water from the second dam, and send that water back some 800 metres west to the main streets drainage system. When the CFA established themselves, at the front corner of the farmers property, they cut the pipe off at the rear of their property, as their on-site pumps could not handle the excess water, (told to me by [REDACTED] (details redacted for privacy reasons). As such, no replacement plan or system has been in place for two or three years now.

8. Petitions (cont.)

When the October 2022 flood were upon us, all the yards of the Park Street houses were under water. Only the actions of the residents, via sandbagging and SES engagement with a large pump, stopped two of the houses from inundation of water. May we say that it is NOT acceptable, especially in this day and age, to have such an unsatisfactory situation, and the previous 'Mickey-Mouse' arrangement, beggars belief.

We request a review of the Park Street drainage situation, with an implemented and effective solution.

The Administrator adopted the Motion

1. ***That Council accept the petition in relation to the drainage in Park Street, Nagambie, submitted by David Andrews.***
2. ***That the petition be referred to the Director Sustainable Infrastructure for consideration in the development of the Municipal Stormwater Strategy.***

19-23/24 **CARRIED**

9. Reports/s of Interim Administrator

Talk to the Administrator

This month we began our series of 'Talk to the Administrator' sessions throughout the Shire. The first one was held in Avenel last Tuesday 13 February 2024.

It was a terrific opportunity to get out and hear from residents directly and to provide an opportunity for them to ask any burning questions. I was accompanied by senior staff so we could provide answers to people's questions, or if not, be able to link them to further conversations and understand the issues and have a resolution at a later point.

We have another session in Euroa next Tuesday followed by several other sessions in various towns over the coming months. The Euroa session next week and Nagambie session the following week are now booked out, but you can head onto the Council website at www.strathbogie.vic.gov.au if you'd still like to secure a spot in Strathbogie, Ruffy or Violet Town. And I would like to add that if people would still like to meet with me outside of those times, please call Customer Service and I'll try to be as flexible as I can in meeting with them.

International Women's Day

Another exciting event on Council's program next month is International Women's Day. Council is hosting an event at the Tahbilk Homestead's Private Gardens featuring two amazing local guest speakers on Friday 8 March 2024.

The event will begin at 10.30am where guests can enjoy morning tea and hear from Sustainability and Environmental Activist, Hayley Purbrick, and Short Film Director and Disability Advocate, Emily Quattrocchi.

Be sure to book your spot at this free event as tickets always go quick. You can find the booking links and information on Council's website, social media, and in local newspapers.

9. Reports/s of Interim Administrator (cont.)

Pitch My Project closing soon

The annual Pitch my Project initiative is taking place again and applications close very soon. It is a great way to pitch your ideas for potential inclusion in the 2024/25 Budget.

A reminder to potential applicants that your pitch ideas must be Council-led and delivered with no direct allocation of funds given to community groups, clubs, organisations or commercial business.

Council has proposed an allocation of \$300,000 for Pitch My Project as part of the 2024/25 annual budget. Each of the six Strategic Focus Areas within the Council Plan will be allocated \$50,000. This year we've also include the opportunity to pitch infrastructure projects.

Head to Council's online engagement platform Share Strathbogie at www.share.strathbogie.vic.gov.au to read the guidelines, find inspiration of past successful pitches and get pitching. Before pitching, you'll be asked to contact a Council officer who will advise you about your pitch. The pitch period will close at **5pm on Friday 23 February 2024**.

Municipal Stormwater Strategy

Council is currently in the process of seeking a consultant to develop a Municipal Stormwater Strategy. We know that drainage is an issue right across our Shire. The strategy will inform Council on work and renewal priorities for stormwater asset development in all the Shire's townships.

These priorities will rectify the current drainage issues within the towns and the required drainage assets to facilitate the anticipated township growth strategies.

The anticipated outcomes of the Municipal Stormwater Strategy will identify choke points in the systems where older assets lack capacity to pass the current, and possibly future, flows - ultimately creating flooding issues.

The outcomes will also identify where no drainage assets, or inadequate drainage assets, are located and provide preliminary design solutions for these locations.

From the information identified in the Strategy, Council can then prioritise drainage improvement works and identify options for funding for construction.

It is expected this information, and the capital works program it informs, will significantly improve the amenity of the communities within the municipality over the coming years.

ARTBOX

There is another incredible exhibition on display at ARTBOX which is currently situated on the banks of Lake Nagambie at Jacobson's Outlook.

ARTBOX features different artists on a frequent basis and also changes venues throughout the Shire.

This month, artist Terri MacDonald's works are on display until 27 February. Her exhibition 'A Brush with Nature' celebrates the natural world through the depiction of some of the most colourful subjects.

You can view the exhibition through the glass windows at any time and there is also an opportunity to meet the artist this Saturday 24 February at the Nagambie On Water Festival.

9. Reports/s of Interim Administrator (cont.)

LEAPing into Resilience

Council officers are continuing to work through the LEAPing into Resilience Project which is a joint project between Strathbogie, Mansfield and Murrindindi Shire Councils, funded by the Federal Government.

The project involves the creation of several Local Emergency Action Plans in townships throughout the Shire.

Avenel and Euroa have already completed their LEAPs and residents of these townships can expect to see a fridge magnet arrive in their letterboxes very soon.

The magnet provides a useful guide of local emergency contacts as well as a map featuring key emergency points. We encourage you to pop this on your fridge when you receive it and refer to it during times of emergency.

Customer Satisfaction Survey currently taking place

Since 29 January through to mid-March Shire residents may receive a phone call from an independent market research agency called National Field Services.

We have commissioned them to conduct a community satisfaction survey on behalf of Council, and these surveys are being undertaken across Victorian councils.

The survey is designed to assess our performance and to identify ways to improve our service delivery. Around 400 interviews will be conducted among a representative sample of Strathbogie Shire residents.

We appreciate you taking the time to assist us with your valuable feedback. Please be assured your details and individual responses are confidential. Only the overall results are shared with the Council.

If you have any questions, contact the Customer Service team on 1800 065 993.

Electoral Structure Review Outcome

The Minister announced on Thursday the outcomes from the Electoral Structure Review. This community will be represented in the future by seven (7) Councillors in an unsubdivided Shire. That means, no Wards and seven (7) Councillors. We move away from the previous Ward-based structure, so now all 7 councillors will represent the interests of the whole Shire, not just part of the Shire. Officers will be preparing a report for the 19 March 2024 Council Meeting, and we will talk more about it then.

10. Public Question Time

Council Ref: DT: 06/2024

I ask this question as a resident of the Strathbogie Shire. I am seeking an update on planning application P2023-104, which was noted as received at the November 2023 council meeting and relates to building a KFC at the Euroa Service Station. Could council please advise why this has not yet been determined or not yet noted as determined at a council meeting, including the reasons for any delays

Response

A Notice of Decision to Grant a Planning Permit has been issued by officers under delegation. The Notice of Decision was issued on 13 February 2024.

The application received one objection.

Both the applicant and the objector have been made aware of the decision.

Officers will be able to issue a planning permit if no appeal against the decision is made to the Victorian Civil and Administrative Tribunal, by the objector, within the required timeframe (12 March 2024).

10. Public Question Time (cont.)

For your information, I also advise that this planning application approval will be listed in the 'Planning Applications Determined' report for the period ending 29 February 2024, which will be included as an attachment to the March 2024 Council meeting Agenda.

Council Ref: DT: 07/2024

I ask this question as a resident of the Strathbogie Shire. I'd like to note I am asking this in good faith; it is not my intention to make a statement or a point, but simply to better inform myself and fellow residents. The mid-year budget statement notes that funding from five grants from FY2022/23 remained unspent and has been carried forward. Why has council not spent the flood support grant funding, and what requirements (if any) have been given by funders regarding how long council has to spend the funding from this and the other four grants.

Response

The carried forward grants noted in mid-year review (these are only major items) are as follows:

Flood Support grants \$1,027,000

Following the 2022 October Flood Event Council received funding for recovery and resilience. This funding is a 2.5 year funding program that will finish June 30 2025. Council have been delivering a range of recovery services and has entered a partnership with Mitchell Shire Council to deliver a shared recovery service model. Several recovery activities and initiatives have been delivered and will continue to be for the next 17 months, following Council's recovery engagement via Share Strathbogie.

Nagambie Growth Plan grant \$181,688.

The Nagambie Growth Management Plan (NGMS) is still progressing and is not completed. Council will be going back out on consultation for the NGMS in the Middle of the year with the Rural Residential and Settlement Strategies.

Euroa Rail Precinct Master Plan grant \$80,000

Consultancy to undertake this project was advertised on 19 January and it closes 28 February.

Balmattum Hill Mountain Bike Trail Planning \$241,600

Stage One has been completed, and Stage two is underway with the project due to be completed 30 June 2024.

Stage one - the initial assessment included the investigation and viability assessment of a number of trail alignments, geotechnical assessment, ecological assessment, bushfire management, heritage and traffic management and a cost benefit analysis. Stage One was completed with stakeholder engagement including the Euroa Mountain Bike group, DEECA, Taungurung Land and Waters Council and other important stakeholders.

Stage two will build on the findings from Stage One, with more detailed track drawings and assessments that can be used to ensure the project is shovel ready and to provide an accurate picture of the costs involved in the delivery and whole of life considerations. The aim of the project is to provide a range of tracks, respectful of the ecology of the mountain providing trails that challenge all types of riders – from beginner, intermediate and advanced.

10. Public Question Time (cont.)

Nagambie Recreation Reserve grant \$104,901

Project was for installation of lights and the project is nearing completion, awaiting final connections due to be completed by Ausnet. Works by Ausnet were planned for last week, but due to the storms and the significant damage across the Victorian power network, the job was postponed. Council Officers have not been given a new works date, to date.

There are no issues with funding deadlines for the above projects and associated timelines.

Council Ref: LC: 08/2024

Can we have the 2 Mile Creek floodway fixed once and for all. \$6,000.00 is spent every year, for the gravel to end up in the creek.

The gravel from the floodway that's in the creek has built up so that the water is now being diverted and is eroding the sides of the embankment.

Response

The maintenance of this and numerous other floodways across the municipality, as you have observed at this location, is a constant battle with the ever-increasing frequency of late of the high rainfall events.

Our Asset Management team is reviewing all the locations within the municipality that have a floodway currently to identify the priorities for their upgrading as part of our asset management process.

Once the priority list has been created, we can submit them for funding consideration in Council's Annual Budget cycle.

Council Ref: RF: 09/2024

1. *Will Strathbogie Shire be rejoining the school crossing program and if not, why not?*
2. *As the only school left without a crossing supervisor, will the Shire provide a temporary crossing supervisor for Nagambie Primary School?*

Response

Council made the decision to exit the State Government's School Crossing Supervision Program, following an unsuccessful advocacy campaign for a cost neutral program. Previously, Council received a small amount of funding to deliver supervision at the five schools crossings in the municipality, however the funding received only covered approximately 40% of the program delivery cost. This cost was further exacerbated with the casual nature of the role and finding backfill where staff were unable to undertake a shift.

Council is responsible under the Road Management Act 2004 for School Crossing Infrastructure. Due to concerns raised by the community regarding safety at this site, Council engaged an independent Road Safety Consultancy to complete an Audit. This report was presented to Council for consideration in November 2023. As a result of this, a funding allocation has been recommended in the midyear budget inclusion to design and construct new infrastructure to support pedestrian safety and traffic conditions at this site consistent with the recommendations from the Road Safety Audit. This funding is a matter on tonight's agenda which I will be considering. These improvements, if improved in the mid-year budget, will deliver long term safety benefits to pedestrians and road users. In accordance with the Road Safety Audit recommendations, we will deliver traffic calming devices and pursue a revised speed limit of 30 kph.

10. Public Question Time (cont.)

The traffic calming devices may include pedestrian refuges, either in the centre of the road, or on each side of the road or a combination of both, and/or raised pavement to elevate the pedestrians to improve visibility of people using the crossing and further reduce the speed of the motorists, and additional line marking to further delineate the crossing is an option.

Upon completion of the detailed design the treatments will be assessed by an independent road safety auditor and installed as quickly as possible. Timelines will be communicated with you directly once we have finalised and confirmed the safety designs.

Following questions from the submitter as to whether Strathbogie Shire would be rejoining the school crossing program, or provide a temporary school crossing supervisor, the Chair advised not at this point.

Council Ref: TM: 10/2024

1. Landfill at Violet Town - What date is this landfill to be completed and with what requirements to meet ongoing?
2. Assets Owned - What Assets (in total) are still owned in this Shire of Strathbogie to date?

Response

Regarding your first question, I am pleased to advise that the on ground rehabilitation works at the Violet Town landfill were completed in mid-December 2023. The Geotechnical Inspection and Testing Authority (GITA) is currently preparing the final report for the Environmental Auditor.

Council anticipates that full sign off for the project by the EPA will occur in the next 2 months.

Once the Rehabilitation has been approved by the EPA Council will update the existing Aftercare Management Plan to reflect the new conditions on site and will undertake monitoring and inspections as outlined in the Plan.

Until this time, we will continue to undertake environmental monitoring and inspections quarterly.

In response to your second question, I advise that Council manages a portfolio of assets worth over \$283 million. This includes all our property, plant and equipment, and infrastructure. These assets have been built up progressively over many years, and ensuring our assets are appropriate for the Shire's needs enables us to deliver the services that make the Shire of Strathbogie a great place to live, work and visit. Council's Asset Management Plan 2021 - 2031 adopted at the June 2022 Council Meeting provides guidance on all Council infrastructure assets, which are grouped into key asset classes. Table 2 of this Plan details Council's Asset portfolio and Table 3 highlights some examples of Community Buildings and Structure.

As detailed in Table 2 of this document, currently we have:

- 735 kms of Sealed Roads
- 1469 kms of Unsealed Roads
- 125 Road Bridges
- 8 Foot Bridges
- 387 Major Culverts
- 405 Buildings and Structures
- 37 Footpaths/Cycleways
- 11 Parks and Reserves
- 14.8 kms of Walking Tracks
- 400 m2 of Garden Beds

10. Public Question Time (cont.)

- 4 Aquatic Centres
- 26 Playgrounds
- 42 Hardcourts/ Bowling Greens

Table 3 provides details of our 133 Community Buildings and 272 Buildings and Structures.

Examples of our 133 Community Buildings include: -

- 4 Outdoor Swimming Facilities
- 8 Community Halls
- 4 Public Toilets
- 4 Kindergartens
- 4 Maternal Child Health Centres
- 4 Senior Citizens Clubs
- 3 Public Libraries
- 1 Cinema
- 7 Transfer Stations

The 272 Buildings and Structures includes sheds, stores, shade sails, ramps, water tanks, pumps etc that we maintain.

The Asset Management Plan is available on Council's website under Plans.

Council Ref: MM: 11/2024

1. Rates - I have previously asked questions in council meetings and I am still awaiting an appointment for this meeting to occur. The Rates are still incorrect to date.
2. Balmattum Recreation Reserve - I would like a detailed report on this reserve as there has been Grant money allocated to the Reserve and the current Storm damage done to the

Response

Firstly, in response to a number of previous requests, Council has provided responses on rate matters and copies of rate notices.

If you could provide specific, written advice of what errors you believe have occurred and on what rate assessments, officers will investigate and arrange a meeting to discuss.

In response to your second question, storm damage, to what is described under the National Disaster Recovery Funding as Unessential Assets, includes damage to Council buildings, fences, and trees etc and are not eligible

Council resources are currently continuing to work on clearing the trees felled from the recent storm events from the Council road networks and open spaces where community safety is at risk.

Our officers will attend to all of our open spaces as quickly as possible and I will ask that Director Harvey reminds the team to ensure that Balmattum Reserve is included.

11. Officer Reports

- 11.1 Strategic and Statutory
- 11.2 Community
- 11.3 Infrastructure
- 11.4 Corporate
- 11.5 Governance and Customer Service
- 11.6 Executive

12. Notices of Motion

Nil

13. Notices of Rescission

Nil

14. Urgent Business

Nil

15. Confidential Business

Nil

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	<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>(g) <i>private commercial information, being information provided by a business, commercial or financial undertaking that—</i></p> <p style="padding-left: 40px;">(ii) <i>if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage</i></p>	
	Appendix 1:	Tender Evaluation for Contract 23/24-35: Euroa Civic Centre Toilets Upgrade

11. OFFICER REPORTS

11.1 **STRATEGIC AND STATUTORY PLANNING**

11.1.1 **Planning Applications Received and Planning Applications Determined 1 December 2023 to 31 January 2024**

Author: Manager Planning and Investment

Responsible Director: Acting 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 December 2023 to 31 January 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 December 2023. The January 2024 PPARS figures were not available at the time of writing this report as the monthly figures are not updated until 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 twenty-four (24) planning applications decided upon 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 twenty-four (24) planning applications decided on during the period of period of 1 December 2023 to 31 January 2024.***
2. ***Note the report.***

20-23/24 **CARRIED**

11.3 INFRASTRUCTURE

11.3.1 Tender for Contract No. 23/24-32: Bulk Diesel Supply

Author: Procurement and Tenders Officer, Manager Operations

Responsible Director: Sustainable Infrastructure

EXECUTIVE SUMMARY

Council has undertaken a competitive tender process to ensure that Council's Bulk Diesel Fuel procurement represents overall Best Value and meets compliance requirements of the *Local Government Act 2020* and Strathbogie Shire's Procurement Policy (last update November 2023).

Through public advertisement in local and national newspapers, Council invited tenders for Bulk Diesel Supply with the initial tender opening on 9am Friday 27 October 2023. At close of the initial tender on Thursday 23 November 2023, one (1) tender submission was received.

After initial independent assessment and evaluation, the final result of Council Officer's evaluations is summarised in the tables within this report. It should be noted that each delivery is of a volume that is only a portion of the fuel capable of being carted by the one tanker. Council requires between 400 litres and 1200 litres per delivery, where the tanker would hold a minimum of approximately 10,000 litres.

Subsequently, the delivery of fuel to these requirements is not attractive to many distributors. Distributors comment that it is uneconomical to deliver such low volumes of fuel without several other customers in the vicinity that can take deliveries of the balance of the tanker (i.e. economies of scale). Without other customers to take the balance of the load, the delivery tanker travels significant distance's part full, thus increasing the delivery costs and reducing margins on its sale.

This report seeks Council's authorisation to award this Contract and authorise the Chief Executive Officer to execute the Contract accordingly.

The Administrator adopted the Motion

That Council:

- 1. *Awards Contract No. 23/24-32 - Bulk Diesel Supply to McCombe Transport from Euroa on a schedule of rates Contract;***
- 2. *Authorises the Chief Executive Officer to execute the Contract by signing and affixing with the Common Seal of Strathbogie Shire Council; and***
- 3. *Notes that the Contract will commence in February 2024 and conclude in January 2029.***

21-23/24 **CARRIED**

11.3.2 Tender for Contract No. 23/24-35: Euroa Civic Centre Toilets Upgrade

Author: Procurement and Tenders Officer, Acting Manager Projects

Responsible Director: Director of Sustainable Infrastructure

EXECUTIVE SUMMARY

Council has undertaken a competitive tender process to ensure that Council's Euroa Civic Centre Toilets Upgrade procurement represents the overall Best Value and meets compliance requirements of the *Local Government Act 2020* and Strathbogie Shire Council's Procurement Policy (last update November 2023).

Through public advertisement in local and national newspapers, Council invited tenders for the Euroa Civic Centre Toilets Upgrade with the initial tender opening at 9am Friday 10 November 2023. At the close of the tender at 4pm Wednesday 6 December 2023, two (2) tender submissions were received.

After initial independent assessment and evaluation, the result of the officer evaluations is summarised in the tables within this report.

The contract was awarded to the successful tenderer on the 14 December 2023 under the CEO's delegation (refer Item No 11.3.3). However, the tender amount of \$153,984.00 exclusive of GST (\$169,382.40 inclusive of GST) was \$5,920.00, exclusive of GST, over the approved 2023/24 capital budget of \$148,064.00, exclusive of GST.

This report seeks Council to formally note the awarding of this contract and note that the extra funds required for this contract can be accommodated within the approved 2023/24 budget allocations.

It is important to note that contracts exceeding the Council budget allocation are not able to be awarded under delegation and must be approved through a formal Council meeting. This procedural oversight has been identified and swift action has been taken to ensure that this cannot occur again into the future. Steps have included the immediate amendment of Council's contract evaluation process and amendments to the current delegation's policy.

The Administrator adopted the Motion

That Council:

- 1. Formally note the award of the tender for Contract No. 23/24-35 Euroa Civic Centre Toilets Upgrade - Lump Sum to Projects and Maintenance Squared Pty Ltd of Mickleham, Victoria, for a total amount of \$153,984.00, exclusive of GST (\$169,382.40 inclusive of GST);***
- 2. Authorise Council Officers to use surplus funds from the approved budget for Buildings, Ledger 3033337.760030 Contractors - Others to cover the 2023/24 adopted budget shortfall of \$5,920.00, exclusive of GST, for this project; and***

11.3.2 Tender for Contract No. 23/24-35: Euroa Civic Centre Toilets Upgrade (cont.)

MOTION (cont.)

3. ***Note the error made in approving this award under delegation and the amendments to the current process to prevent this governance issue from occurring again.***

22-23/24 **CARRIED**

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

Author: Director Sustainable Infrastructure

Responsible Director: Chief Executive Officer

EXECUTIVE SUMMARY

At the 21 November 2023 Council meeting, Council awarded Contract No. 23/24-01 Roads Pavement Rehabilitation Program 2023/24 to Bild Infrastructure at a cost of \$649,174.57, inclusive of GST. This contract forms part of the 2023/24 adopted Capital Works program to carry out pavement rehabilitation of selected sections of the municipal roads.

Prior to the commencement of the works, the condition of the network was assessed and repairs to alternate sections of road were given higher priority than those listed in the original tender schedule for this contract. The roads were prioritised due to the accelerated deterioration of the pavement in these areas, resulting in an increased risk to the travelling public, compared to the locations in the original scope.

Subsequently, on the basis the works represented value for money, the Director Sustainable Infrastructure, within his delegation, approved the Variation Request Quotation (VQR)–01 to the contract by removing and replacing sections of road to reflect the current priorities.

However, during the performance of the works, active springs have been encountered at a location included in the contract sections of the failed pavement. Additional work involving removing the unstable pavement materials and subgrade, providing drainage points for the natural springs and reconstructing the pavements in these areas, was required to provide the required ultimate life for the treatments. Therefore, on the basis the variation represented value for money, variation VQR-02 was approved under the delegation by the Director Sustainable Infrastructure.

At a further site in the contract, springs under the existing pavement were also found requiring the spring activity to be provided a drainage path out from under the road pavement and the removal and reconstruction of the existing pavement materials. The additional works required that form VQR-3 have been assessed as representing value for money and are recommended for approval.

This report is presented to Council to note the additional funds required for these works to be offset from the Sealed Roads Rehabilitation Operations Budget, which currently has sufficient unspent budget to cover this expenditure.

The Administrator adopted the Motion***That Council:***

- 1. Note that Variation Quotation Requests VQR-01 and VQR-02 have been approved within the delegation provided to the Director Sustainable Infrastructure, varying the contract by a combined 9.68% at a cost of \$62,867.49;***

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

MOTION (cont.)

2. ***Approve Variation Quotation Request VQR-03 which varies the increase in the total project costs by \$15,523.20 (incl. GST) for a combined variation of 12.9% of the original contract value and authorise the Chief Executive Officer to sign the appropriate Variation Quotation Request form;***
3. ***Authorise the Chief Executive Officer to approve up to a further \$30,000 of Variation Quotation Requests should further road and drainage conditions be encountered, thereby preventing further project delays, and that any further variations be reported to Council via the Contacts Awarded Under Delegation monthly report; and***
4. ***Note that the project variations can be accommodated within existing budget allocations sourced from the Sealed Roads Rehabilitation Operations Budget, which currently has sufficient unspent budget to cover this expenditure.***

23-23/24 **CARRIED**

11.3.4 Tender for Contract No. 23/24-25 Construction of Truck Wash – Kerb and Channel and Associated Works at Boundary Road North, Euroa

Author: Director of Sustainable Infrastructure

Responsible Officer: Chief Executive Officer

EXECUTIVE SUMMARY

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

A business case was prepared by the Committee that demonstrated a twin B-Double truck wash valued at \$500,000 was viable and the income derived from the truck wash would service loan repayments. Subsequently this amount of money was borrowed, and the funds received in June 2023 and detailed in the 2023/24 budget to complete the delivery of the project. Due to the foreshadowed project challenges, Council allocated a further \$83,613.00 (excluding GST) from general revenue to the project amount.

Council has undertaken three (3) competitive tender processes for the Construction of the Truck Wash – Kerb & Channel and Associated Works at the Sales Yards, Boundary Road North, Euroa, revising the design each time in an attempt to receive tendered pricing that fell within the approved Council Budget for the works.

Despite the multiple revisions of the design for the truck wash and negotiations with potential preferred tenders, all have resulted in bids significantly greater than the allocated budget for the project.

As such, officers recommend that Council abandon the tender, remove the project from the Capital Works Program and repay the loan funds for the construction of the Truck Wash in full utilising the funds borrowed for this purpose.

A member of the Saleyards Committee addressed the meeting.

The Administrator moved an alternate Recommendation, which became the Resolution

That Council defers this matter to undertake a final open public tender process and receive a report in the April 2024 Council meeting cycle.

24-23/24 **CARRIED**

11.3.5 Longwood Ruffy Road Culvert Emergency Repairs - Procurement Variation Approval

Author: Director Sustainable Infrastructure

Responsible Officer: Chief Executive Officer

EXECUTIVE SUMMARY

During routine inspections of the road network in August 2023, it was discovered that a major culvert on the Logwood Ruffy Road had failed and initiated a land slip on the downstream end of the culvert. The extent of the slip required the road to be closed to one-lane traffic under traffic signal control with a significant risk of the balance of the road slipping down the embankment which would require the entire road to be closed.

It was determined that this urgent repair treatment required the existing pipes to be removed and replaced and the installation to be constructed in accordance with the Infrastructure Design Manual (IDM) standard for mass concrete end walls and the road reconstructed to reinstate the slip and open the road.

The 2023/24 approved capital budget has a \$300,000 (excluding GST) provision for drainage improvements that had not been allocated to specific projects, therefore these funds were available to immediately rectify the slip failure and replace the culvert.

An exemption to the procurement guidelines to engage Sevens Creek Excavations to perform the culvert replacement for a cost of \$69,909.40 (incl GST) under the emergency classification was used to repair and reduce the inconvenience to the community and significantly reduce the likelihood of having to close the road altogether.

During the execution of the works, significant volumes of wet unsuitable materials were discovered under the existing culvert. The additional works required for the culvert repair extended the planned road closure from two (2) days to five (5) and significantly extended the scope of work required to complete the repairs.

In December 2023, the contractor, as requested, submitted their price for the entire value of the work done to complete the culvert installation, valued at \$102,304.41 (incl GST).

The price increase has been reviewed and the additional works required to be performed is as agreed at the time of its execution and considered to represent value for money. This variation to the initial approved project cost represents an increase of 46% and is above the approved variation threshold of 10% requiring Council endorsement.

If an interim treatment was not performed prior to Council's approval of the variation, the works would have cost considerably more than the final cost and was considered that it would have resulted in the road being closed for possibly 4 months.

11.3.5 Longwood Ruffy Road Culvert Emergency Repairs - Procurement Variation Approval (cont.)

The Administrator adopted the Motion

That Council:

- 1. Note the additional reinstatement works and variation of \$32,395.01 (incl. GST), required to complete the emergency culvert installation works on the Longwood Ruffy Road, initially awarded at \$69,909.40 (incl. GST) to rectify the slip failure and mitigate the risk of the balance of the road slipping down the embankment;***
- 2. Note that whilst this increase in costs is outside of officer delegation, waiting to gain prior approval of the variation through to normal Council meeting timelines would have resulted in increased costs, a delay to the works and a lengthened road closure period;***
- 3. Note that the emergency repair construction methodology was performed to a standard to provide the maximum life possible; and***
- 4. Note that the costs can be accommodated within the 2023/24 approved capital budget allocated for drainage improvements.***

25-23/24 **CARRIED**

**11.3.6 Contracts, Works and Grants Awarded Under Delegation
- 1 December 2023 to 31 January 2024**

Author: Procurement and Tenders Officer

Responsible Director: Acting Director People and Governance

EXECUTIVE SUMMARY

The purpose of this report is to inform Council and the community of the status of request for the 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 December 2023 to 31 January 2024. This report specifically relates to works that form part of Council's 2023/24 budget.

This report also details any grants awarded 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:***

- 1. The Contracts awarded under delegated authority by the Chief Executive Officer and Director/s; and***
- 2. That no quick response grant applications were received during the reporting period.***

26-23/24 **CARRIED**

11.4 CORPORATE

11.4.1 Strathbogie Shire Council Audit and Risk Committee - Audit and Risk Committee Charter **- Use of Exceptional Circumstances Exemption Clause to Reappoint Two Independent Community Members**

Author: Coordinator Governance and Records Management

Responsible Director: Acting Director People and Governance

EXECUTIVE SUMMARY

Under the Strathbogie Shire Council Audit and Risk Committee Charter, four (4) independent community members are appointed for a term of three (3) years to provide independent oversight over Council's financial management, risk management and good governance framework.

The terms of two existing Audit and Risk Committee independent community members, Alistair Thomson and Chair Paul Ayton, expire on 1 June 2024.

Clause (3.2) of the Charter states that "Council may reappoint current independent members if exceptional circumstances are considered to exist". It is considered that the organisational impacts arising from the Minister for Local Government's decision of 5 December 2023 to suspend all of the Councillors of the Strathbogie Shire Council and appoint a Council Administrator represents such exceptional circumstances.

Furthermore, membership continuity and stability of the Audit and Risk Committee is considered to be of paramount importance given the following circumstances:

- the Local Government elections to be held in October 2024 will see the election of a new group of Councillor representatives, and
- the contract with newly appointed internal auditors, RSD Audit came into force in September 2023 and the three-year internal audit program is yet to be fully confirmed.

With the recent appointment of Sophie Lukeis in December 2023, the appointment of two (2) new independent community members would mean there will be three (3) new Audit and Risk Committee members within a 6-month period. This represents a significant turnover in committee membership and results in loss of experience, expertise, knowledge and background around Council's current operations and governance challenges.

Given that the Charter aims to stagger the end of the terms of independent community members to avoid loss of continuity, it is proposed to extend the terms of Alistair Thomson and Paul Ayton for a further three years.

11.4.1 Strathbogie Shire Council Audit and Risk Committee - Audit and Risk Committee Charter
- Use of Exceptional Circumstances Exemption Clause to Reappoint Two Independent Community Members (cont.)

The Administrator adopted the Motion

That Council:

1. ***Determines that under clause (3.2) of the Audit and Risk Committee Charter exceptional circumstances currently exist that require continuity in Committee membership given:***
 - i) ***the Ministerial decision of 5 December 2023 to suspend all Councillors of the Strathbogie Shire Council and appoint an Administrator, effective 6 December 2023 until the 2024 Local Government Council elections,***
 - ii) ***the contract with newly appointed internal auditors, RSD Audit, came into effect in September 2023 and the three-year internal audit program is yet to be fully confirmed, and***
 - iii) ***the Audit and Risk Committee requirements under the Local Government Act 2020.***
2. ***Reappoint Alistair Thomson and Paul Ayton for an additional three (3) years (terms ending 1 June 2027).***

27-23/24 **CARRIED**

11.4.2 Strathbogie Shire Council Audit and Risk Committee – Annual Committee Performance Report January 2023 to December 2023

Author: Coordinator Governance & Records Management

Responsible Director: Acting Director People & Governance

EXECUTIVE SUMMARY

This report presents the Strathbogie Shire Council Audit and Risk Committee Annual Committee Performance Report for the period January 2023 to December 2023.

The Committee prepares an annual committee performance report that describes the activities of the Audit and Risk Committee and includes the Committee's findings and recommendations in accordance with section 54(5a) of the *Local Government Act 2020 (the Act)*, and clause 6 of the Audit and Risk Committee Charter (the Charter).

The Annual Committee Performance Report covers the Audit and Risk Committee activities from 1 January 2023 to 31 December 2023. In the period, the Committee met seven times as detailed in Table 1.

Table 1: Meetings held in the calendar year

Meeting Date	Purpose of Meeting
3 March 2023	Ordinary Meeting
21 April 2023	Ordinary Meeting – to consider the 2023/2024 Draft Budget and Capital Works Program
2 June 2023	Ordinary Meeting
12 July 2023	Strategic Planning Workshop
8 September 2023	Ordinary Meeting
6 October 2023	Policy Review Meeting
27 November 2023	Ordinary Meeting

The report details:

- Membership Attendance
- Key Activities for the Reporting Period
- External Audit report summary
- Internal Audit report summary
- Risk Management summary
- Assessment of the Committee's Performance summary
- Forward Meeting Schedule
- Audit Committee Work Plan – Summary of Actions/Updates to December 2023

The Administrator adopted the Motion

That Council receive and note the Strathbogie Shire Council Audit and Risk Committee Annual Committee Performance Report January 2023 – December 2023.

28-23/24

CARRIED

11.4.3 Mid-Year Budget Review 2023/24

Author: Chief Financial Officer

Responsible Director: Director People & Governance

EXECUTIVE SUMMARY

A mid-year budget review for the 2023/24 financial year has been undertaken as a means of tracking where the delivery of the budget and capital works program is at, and also to better inform the development of the 2024-25 budget and revision of our 2024/25 to 2033-34 Long Term Financial Plan.

The Mid-year budget review for the 2023/24 financial year records an improvement of operating result by \$984,779 and increased capital expenditure of \$4,134,203 (which is largely offset by grants or expenditure carried forward) when compared to the adopted Budget.

The mid-year review, and associated financial statements, are presented to Council for noting.

The Administrator adopted the Motion

That Council note the Mid-Year Review of the Financial Statements for the period ending 30 June 2024.

29-23/24 **CARRIED**

11.4.4 2021-2025 Council Plan – 2023/2024 Six Monthly Review

Author: Acting Director People and Governance

Responsible Director: Chief Executive Officer

EXECUTIVE SUMMARY

The Council Plan represents a four-year road map for Council and describes the key priorities that Council will focus on between 2021 and 2025. The Strathbogie Shire Council Plan 2021-25 Council Plan was adopted in October 2021. A key consideration in developing this Council Plan was the new Community Vision, which captures the long-term goals and aspirations of the community for Strathbogie Shire. The Council Plan provides a guide to Council's strategic direction, objectives and key strategies for the period 2021 - 2025 and the role that Council plays in achieving the Community Vision. Together, these are important strategic plans to help plan for the future of the Shire.

The first annual review of the Council Plan was undertaken in June 2022 and with an updated Plan adopted by Council on 21 June 2022. The second annual review was presented to Council at the August 2023 Council Meeting and actions in focus for the 2023/2024 year were set.

To provide greater reporting transparency and updates to our community, this report represents a six-month review of the 2023-2024 actions and attachment 1 provides a tracking document that gives a specific breakdown of the 2023/2024 actions, their progress and supporting commentary.

The Administrator adopted the Motion***That Council:***

- 1. Note the progress on a range of actions across the six Strategic Focus Areas for the six-month period of the 2023/2024 Council Plan; and***
- 2. Inform the community on the six-monthly progress of the 2023/2024 Council Plan actions through Council's website.***

30-23/24 **CARRIED**

11.4.5 Master Inland Rail Development Agreement – Australian Rail Track Corporation

Author: Acting Director People and Governance

Responsible Director: Chief Executive Officer

EXECUTIVE SUMMARY

The Commonwealth Government's Inland Rail Project lead by the Australian Rail Track Corporation (ARTC) has a clear aim of getting more freight on rail. To support this vision in Victoria as part of the Tottenham to Albury project, work will be undertaken along the existing rail corridor throughout North East Victoria. More specifically in Euroa, there is not adequate clearance under the Anderson Street Bridge and new infrastructure will be required to safely allow for double-stacked carriage trains.

The Master Inland Rail Development Agreement (MIRDA) sets out the rules of engagement between Strathbogie Shire Council and the ARTC in order to successfully deliver the Inland Rail Programme, covering (but not limited to) the identification of assets impacted, returned works and standards to be used for the design, construction and handback of Council assets. This agreement is specifically between the ARTC and Strathbogie Shire Council. Similar agreements are in place with other local government authorities where the Inland Rail Project is occurring.

Following an extensive revision process including legal review, the final agreement is now developed. It is important to note that provisions within the agreement allow for amendments to occur throughout the life of the agreement.

This report seeks Council's authorisation for the Chief Executive Officer to enter into the agreement.

The Administrator moved an alternate Recommendation, which became the Resolution

That Council:

- 1. Authorise the Chief Executive Officer to execute the Master Inland Rail Development Agreement with the Australian Rail Track Corporation, pending the following changes to the proposed Agreement:**
 - a. Remove any reference to specific return assets or new assets (that would be the responsibility of Council) from the Agreement until such time that they are negotiated between the parties; and**
 - b. Remove any reference to the Goods Shed until such time as its heritage status is resolved; and**
 - c. Any amendments consequential on the above changes, and**
 - d. Direct that the date of execution of the Agreement be conditional upon the Chief Executive Officer being satisfied that there is sufficient opportunity to provide comment and feedback on design solutions prior to Council acceptance;**

11.4.5 Master Inland Rail Development Agreement – Australian Rail Track Corporation (cont.)

MOTION (cont.)

2. ***Request that, following execution, the Chief Executive Officer table the executed Agreement at a Council meeting for noting by Council;***
3. ***Authorise the Chief Executive Officer to subsequently execute any documents that are necessary to give effect to the Agreement, including any Further or Supplementary Agreements recording amendments to the Agreement that are minor in character; and***
4. ***Note that the Agreement does not preclude Council from publicly supporting the broader community to ensure the best design outcome for the underpass option.***

31-23/24 **CARRIED**

11.5 GOVERNANCE AND CUSTOMER SERVICE

11.5.1 Monthly Performance Report

The February 2024 Monthly Performance Report includes reports as follows:-

- Building Department – December 2023 and January 2024 Statistics
- Planning Department – Planning Application Approvals – Development Cost (Capital Improved Value) – December 2023 and January 2024
- Customer Enquiry Analysis Report – Report for December 2023 and January 2024
- Waste Management Reporting ~ Year to Date – November and December 2023 and January 2024
- Transfer Station Data - December 2023 and January 2024
- Actioning of Council Reports Resolutions – Council Meeting Tuesday 12 December 2023, and Extraordinary Council Meetings on Tuesday 23 January 2024 and Tuesday 6 February 2024
- Outstanding Actions of Council Resolutions to 31 January 2024
- Review of Council Policies and Adoption of new Policies – December 2023/January 2024
- Records of Informal Council Briefings / Meetings – 1 to 31 December 2023 and 1 to 31 January 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.

32-23/24 CARRIED

12. NOTICES OF MOTION

Nil

13. NOTICES OF RESCISSION

Nil

14. URGENT BUSINESS

Nil

15. CONFIDENTIAL BUSINESS

Nil

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*

C.A. 1 (g) Tender Evaluation for Contract 23/24-35:
Euroa Civic Centre Toilets Upgrade

NEXT MEETING

The next monthly meeting of the Strathbogie Shire Council is scheduled to be held on Tuesday, March 19 2024, at the Euroa Community Conference Centre, at 6pm.

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 7.27 P.M.

Confirmed as being a true and accurate record of the Meeting

.....
Chair

.....
Date