



AGENDA  
of the  
SCHEDULED MEETING OF COUNCIL

Wednesday 27 January 2021

at

Murrindindi Shire Council  
Council Chambers  
Alexandra  
Perkins Street

6:00 PM

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

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

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- 3 COMMUNITY RECOGNITION**
- 4 DISCLOSURES OF INTEREST OR CONFLICT OF INTEREST**
- 5 CONFIRMATION OF MINUTES**

Minutes of the Scheduled Meeting of Council held on 16 December 2020.

**Officer Recommendation**

**That Council confirm the minutes of the 16 December 2020 Scheduled Meeting of Council.**

- 6 PETITIONS**
- 7 PUBLIC PARTICIPATION**
  - 7.1 Open Forum**
  - 7.2 Questions of Council**
- 8 OUR PLACE**
  - 8.1 Eildon Closed Landfill Rehabilitation - Tender Evaluation - CONT20/35**

**Attachment(s):**

1. **CONFIDENTIAL REDACTED - CONF CONT20/35 Tender Evaluation Report Eildon Closed (distributed to Councillors separately) [8.1.1 - 4 pages]**

**Purpose**

This report provides the results of a tender process to appoint a suitable contractor for the Eildon Closed Landfill Rehabilitation – Civil Works and Conservation Work.

**Officer Recommendation**

**That Council:**

1. **accept the tender from Tenderer 2 and award CONT20/30 - Eildon Closed Landfill Rehabilitation – Civil Works and Conservation Work for the lump sum price of \$664,138.48 (Incl. GST) to complete the civil works and conservation work at Eildon Closed Landfill: and**
2. **approve the allocation of \$132,828 (Incl. GST) as a contingency amount to be used for the delivery of this contract as detailed in this report.**

## Background

The Victorian Auditor General's report on landfill management in Victoria, recommendation number 5, stated that, "Councils (should) work with the Environmental Protection Authority and the regional waste and resource recovery groups to identify closed landfills, assess their risks and prioritise actions at a regional scale to address any concerns."

Following on from this recommendation two reports were commissioned by the regional waste group Goulburn Valley Waste and Resource Group (GVWRRG) to undertake preliminary assessments of the risks posed by closed landfill across the region, and to rank the sites by risk. On the former Eildon landfill site, a number of high-level risks were identified, and so the site has been prioritised for further rehabilitation works by Murrindindi Shire Council.

Works to date have included detailed site investigation comprising of feature survey, an intrusive investigation and environmental testing to define the extent of waste material and the corresponding actual risks posed by the site. Based on the results of the site investigation a Rehabilitation Plan has been prepared by Mackenzie Environmental, including detailed design, to finalise rehabilitation at the site.

MSC has sought the services of a suitably experienced contractor to carry out the civil works and conservation works in accordance with the specification to finalise the rehabilitation of the site. These will include, vegetation clearance, bulk earthworks (cut/fill), drainage works, topsoiling and revegetation.

The scope of works include:

- Limited Vegetation Clearance of regrowth on waste
- Bulk Earthworks to reshape batters (cut/fill)
- Drainage works
- Topsoiling and revegetation.

## Discussion

The tender specification included detailed design drawings and technical specifications.

The request for tender was advertised in the following publications:

- The Age on Saturday 14<sup>th</sup> of November
- The Local Paper 18<sup>th</sup> and 25<sup>th</sup> of November
- Tendersearch portal 6<sup>th</sup> of November to 4<sup>th</sup> December.

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

- Coordinator Waste Infrastructure and Resource Recovery
- Coordinator Project Delivery
- Manager Resource Recovery and Environment.

The tender for these works closed on 4 December 2020. Six submissions were received at the close of tender.

All tenders were assessed against the following criteria:

- Price – 50%
- Capacity to Deliver (resources, equipment) – 15%
- Occupational Health & Safety (OH&S), Systems – Pass/Fail
- Understanding of Requirement - 25%
- Relevant Experience – 10%
- Tender Briefing Session – Pass/Fail.

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

Tenderers who were able to meet the required response timelines, demonstrated a sound understanding of the requirement, provided evidence of relevant experience and OHS systems including emergency management and working alone procedures were then shortlisted and evaluated further. Reference checks were completed on the preferred supplier which confirmed their capability to complete the proposed works. A financial check through a third party confirmed the preferred supplier was financially stable with minimal risk.

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

Based on the analysis undertaken, the Committee recommend that Tenderer 2 be awarded Contract 20/35 for the Eildon Closed Landfill Rehabilitation – Civil works and conservation works for the lump sum price of \$664,138.48 (Incl. GST)

### **Council Plan/Strategies/Policies**

This report supports the *Council Plan 2017-2021 Our Place* strategic objective to “we will maintain and enhance places to be attractive and liveable, in balance with our natural environment”.

### **Relevant Legislation**

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

### **Financial Implications and Risk**

The total approved budget for the Eildon Closed Landfill Rehabilitation – Civil Works and Conservation Works is \$1,000,000 (excl. GST).

The project cost is summarised below:

Item	Cost (Exc. GST)	Cost (Including GST)
Preferred Tender Price	\$603,762.25	\$664,138.48
Contingencies	\$120,752.45	\$132,827.70
Total Project Cost	\$724,514.70	\$796,966.18

An allowance of \$132,827.70 (Incl GST) for contingencies is proposed to cover latent conditions. This is a value of 20% of the contract sum and is justified given the limited number of test pits that were carried out along the western creek in an effort to minimise removal of vegetation.

There is sufficient budget to award the contract and complete the works.

### **Conflict of Interest**

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

### **Community and Stakeholder Consultation**

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

**9 OUR PEOPLE****10 OUR PROSPERITY****11 OUR PROMISE****11.1 Eildon Floating Cities - Civil Construction Works - Contract Award**

Attachment(s):

1. CONFIDENTIAL REDACTED - CONF Eildon Floating Cities Civil Construction Works Contract Award (distributed to Councillors separately) [11.1.1 - 5 pages]

**Purpose**

This report provides the results of a tender process to appoint a contractor for CONT20/36 - Releasing the Floating Cities – Civil Construction Works.

**Officer Recommendation**

**That Council accept the tender from Tenderer 1 and award CONT20/36 - Releasing the Floating Cities – Civil Construction Works for the lump sum price of \$661,387.10 (Incl GST) to complete the required works.**

**Background**

This project is to enable the expansion of the Lake Eildon houseboat manufacturing industry located in and around Eildon township. The aim of the project is to undertake some infrastructure improvements to reduce the existing operational constraints on the houseboat industry allowing it to expand to meet consumer demands with the flow on effect of providing new employment and tourism opportunities.

Council, in conjunction with Regional Development Victoria (RDV), Goulburn Murray Water (GMW) and the Lake Eildon Houseboat Industry Association have each contributed funding to enable the upgrade works required at the current Eildon boat ramp facilities to occur. The ramp is located at 190 Sugarloaf Road, Eildon.

The proposed works will widen and upgrade the access road leading to the boat ramp including a new turnaround point for large trailers delivering and picking up houseboats to and from the site. In addition, there will be an upgrade of the existing houseboat maintenance or “washdown bay” area including better waste water runoff controls. This will expand accessibility to Lake Eildon for the launch of new houseboats constructed at the nearby facilities as well as the removal of the existing boats for maintenance activities at the washdown area.

The scope includes:

- Private sewer main relocations
- Pavement upgrades
- New asphalt wearing course
- Underground drainage upgrades
- Earthworks
- Concrete works
- Installation of new triple interception pit and connection to realigned sewer
- All associated works.

**Discussion**

The request for tender was advertised from 12 November, 2020 in the following publications:

- Alexandra Standard

- Yea Chronicle
- Marysville Triangle
- Tendersearch portal

Tender specifications were prepared by Council officers. They included detailed design drawings and VicRoads standard technical specifications.

The tender for these works closed on 10 December 2020. Three submissions were received at the close of tender.

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

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

All Tenders were assessed against the following criteria:

- Price – 50%
- Capacity and Capability to deliver (Resources, equipment) – 20%
- Occupational Health & Safety (OH&S), Insurance & Quality Management Systems (QMS) – Pass/Fail.
- Understanding of the requirements (Program & Methodology) - 15%
- Previous experience – 15%.

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

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

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

Based on the analysis undertaken, the Committee recommend that Tenderer 1 be awarded Contract 20/36 for the Releasing the Floating Cities – Civil Construction Works for the lump sum price of \$661,387.10 (Incl GST).

### **Council Plan/Strategies/Policies**

This item relates to the *Council Plan 2017-2021* Our Promise strategic objective to 'maintain Council's financial sustainability through sound financial and asset management'.

### **Relevant Legislation**

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

### **Financial Implications and Risk**

The approved budget for the Releasing the Floating Cities project is \$750,000.00 (excl. GST).



A breakup of the project budget is shown below:

Project	Eildon Houseboat Industry Association	GMW Contribution (Excl. GST)	RDV Contribution (Excl. GST)	Council Contribution (Excl. GST)	Total (Excl. GST)
Lake Eildon – Floating Cities	\$25,000.00	\$175,000.00	\$500,000.00	\$50,000.00	\$750,000.00

Budget Year	Budget allocated (Excl. GST)	Budget spent (Excl. GST)	Budget remaining (Excl. GST)
2019/20	\$750,000.00	\$186,680.00	\$563,320.00
2020/21	\$563,320.00	\$31,546.00	\$531,774.00

Tree removal and bulk earthworks were completed in the 2019/20 financial year.

The project cost is summarised below:

Item	Cost (Exc. GST)	Cost (Incl GST)
Preferred Tender Price (including provisional items)	\$601,261.00	\$661,387.10
Design	\$ 31,546.00	\$34,700.60
Bulk earthworks and (Pine) tree removals already completed	\$186,680.00	\$205,348.00
<b>Total Project Cost</b>	<b>\$819,487.00</b>	<b>\$901,435.70</b>

No allowance for contingencies is proposed as this has been allowed for as part of the overall tender price.

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

Project	Total Budget	Total Project Cost	Variance
Lake Eildon Floating Cities (Excl. GST)	\$750,000.00	\$819,487.00	-\$69,487.00
Lake Eildon Floating Cities (Incl. GST)	\$825,000.00	\$901,435.70	-\$76,435.70

A meeting was held with funding providers to discuss the project funding shortfall and the removal of items from the scope to achieve the required deliverables. GMW have confirmed in writing that they will provide an additional \$75,000 (Excl. GST), \$82,500 (Incl. GST) in order to cover the additional cost to fund the project shortfall and enable the full project to be delivered. They have also allowed to cover the vegetation offsets which were estimated at \$15,000 (Excl. GST) which will be undertaken separately to this contract.

### Conflict of Interest

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

### Community and Stakeholder Consultation

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

## 11.2 Instrument of Appointment and Authorisation - Planning and Environment Act 1987

Attachment(s):

1. S11A Instrument of Appointment Authorisation Planning and Envi [11.2.1 - 3 pages]

**Purpose**

The purpose of this report is to seek Council's adoption of the revised Instrument of Appointment and Authorisation of staff and others under the prescribed legislation.

**Officer Recommendation**

**In the exercise of the powers conferred by s 224 of the *Local Government Act 1989* (the Act) and the other legislation referred to in the attached instrument of appointment and authorisation (the instrument), Murrindindi Shire Council (Council) RESOLVES THAT -**

- 1. The members of Council staff referred to in the instrument be appointed and authorised as set out in the instrument**
- 2. The instrument comes into force immediately the common seal of Council is affixed to the instrument, and remains in force until Council determines to vary or revoke it**
- 3. The instrument be sealed.**

**Background**

Council is a legal entity comprised of its members (the seven Councillors). Its decision making power exists only as a group through resolution, not as single Councillors. Most decisions are not required to be made at a Council level therefore the Council must entrust some of the decision making power to others. One form of entrusting this power is through Authorising Officers under the *Planning and Environment Act 1987*.

The *Local Government Act 2020* is currently being implemented and many sections of the former *Local Government Act 1989* are repealed. Section 224 of the *Local Government Act 1989* has not been repealed therefore Council retains its power to Authorise Officers under the *Local Government Act 1989* for the purposes of enforcement of the *Planning and Environment Act 1987*.

**Discussion**

Instruments of Appointment and Authorisations allow Council to authorise or appoint a person to a particular statutory position. Under the *Planning and Environment Act 1987* an employee of Council can only be authorised by Council, this is done through the attached S11A. Instrument of Appointment & Authorisation (*Planning and Environment Act 1987*).

Council adopted a revised version of the S11A. Instrument of Appointment & Authorisation at its August 2020 Ordinary Meeting, since that meeting Council has employed a Coordinator Planning and an additional Community Safety Officer. For these individuals to undertake their roles effectively they must have the appropriate authorisation under the *Planning and Environment Act 1987*.

The proposed Instrument reflects these staffing changes.

**Council Plan/Strategies/Policies**

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

**Relevant Legislation**

The *Local Government Act 1989* section 224 provides for Council to authorise officers to undertake delegated powers. The instruments cover various pieces of legislation and Council's responsibilities.

**Financial Implications and Risk**

Effective and efficient functioning of Local Government would not be possible without formal delegations to Council officers.

**Conflict of Interest**

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

**Community and Stakeholder Consultation**

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

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This report presents the records of assemblies of Councillors for 14 December 2020 to 20 January 2021, for Council to note in accordance with Section 80A of the *Local Government Act 1989* (the Act).

**Officer Recommendation**

**That Council receives and notes the record of assemblies of Councillors for 14 December 2020 to 22 January 2021.**

## Background

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

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

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

## Discussion

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

The following summary details are for 14 December 2020 to 20 January 2021.

Meeting Name/Type	Councillor Induction Session
Meeting Date:	14 December 2020
Matters Discussed:	<ol style="list-style-type: none"> <li>1. Circular Economy and Waste Strategy</li> <li>2. LGV – CEO, Mayors and Councillors Forum</li> <li>3. Budget Priority Briefing</li> <li>4. Directorate Overview – Community Engagement.</li> </ol>
Councillor Attendees:	Cr S Carpenter, Cr D Gallagher, Cr I Gerencser, Cr K Haslam, Cr E Lording, Cr S McAulay, Cr J Walsh
Council Officer Attendees:	M Chesworth, S Brown, V Albicini, M Kearney, G Haylock, B Byrne, S Collier, M Thomas, J Rabel.
Conflict of Interest Disclosures: Nil.	

Meeting Name/Type	Councillor Induction Session
Meeting Date:	16 December 2020 – via Videoconference
Matters Discussed:	<ol style="list-style-type: none"> <li>1. Development Services Overview</li> <li>2. Rubicon Village Briefing</li> <li>3. Section 181 Property Sales Briefing</li> <li>4. Pre-Brief for Scheduled Meeting</li> </ol>
Councillor Attendees:	Cr S Carpenter, Cr D Gallagher, Cr K Haslam, Cr E Lording, Cr S McAulay, Cr J Walsh
Council Officer Attendees:	M Chesworth, S Brown, V Albicini, M Kearney, G Haylock, N Stewart, C Southurst, K Girvan, C Gartland.
Conflict of Interest Disclosures: Nil.	

Meeting Name/Type	CEO Recruitment Consultant Interviews
Meeting Date:	21 December 2020
Matters Discussed:	1. CEO Recruitment Consultant Interviews.
Councillor Attendees:	Cr S Carpenter, Cr D Gallagher, Cr I Gerencser, Cr K Haslam, Cr E Lording, Cr S McAulay, Cr J Walsh
Council Officer Attendees:	M Kearney.
Conflict of Interest Disclosures: Nil.	

Meeting Name/Type	Briefing Session
Meeting Date:	13 January 2021
Matters Discussed:	1. CEO Recruitment Workshop

	2. Resource Recovery & Environment Service Area Overview.
Councillor Attendees:	Cr S Carpenter, Cr D Gallagher, Cr I Gerencser, Cr K Haslam, Cr E Lording, Cr S McAulay, Cr J Walsh
Council Officer Attendees:	M Chesworth, S Brown, V Albicini, M Kearney, B Byrne.
Conflict of Interest Disclosures: Nil.	

Meeting Name/Type	Workshop Session
Meeting Date:	20 January 2021
Matters Discussed:	<ol style="list-style-type: none"> <li>1. Draft Community Engagement Policy</li> <li>2. 2020/2021 – Capital Works Program Review</li> <li>3. Cobham Road Track, Kinglake</li> <li>4. Floating Cities Contract Award CONT20/36</li> <li>5. Eildon Closed Landfill Rehabilitation</li> <li>6. Councillor Code of Conduct Process Overview</li> <li>7. CEO Recruitment update.</li> </ol>
Councillor Attendees:	Cr S Carpenter, Cr D Gallagher, Cr K Haslam, Cr E Lording, Cr S McAulay, Cr J Walsh
Council Officer Attendees:	M Chesworth, S Brown, V Albicini, M Kearney, C Lintott, T Carter, S Coller, N Matheson, A Paix.
Conflict of Interest Disclosures: Nil.	

### Council Plan/Strategies/Policies

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

### Relevant Legislation

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

### Financial Implications and Risk

There are no financial or risk implications.

### Conflict of Interest

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

## 18 SEALING REGISTER

File Reference	Date Seal Affixed	Description of Documents	Signatures of Persons Sealing
DD003/2018/0000026/001	11 December 2020	Agreement made pursuant to Section 173 of the Planning and Environment Act 1987 between Murrindindi Shire Council and Ivan Marian Skok and Head, Transport for Victoria for Property: The Land described as Lot 1 on TP603843	Michael Chesworth
CONT20/16	21 December 2020	Formal Instrument of Agreement between Murrindindi Shire Council and MacDonald Flooring for panel for the provision of maintenance, programmed works, emergency works, minor building works and approved capital works - Flooring	Michael Chesworth Cr Sandice McAulay

CONT20/31	14 January 2021	Formal Instrument of Agreement between Murrindindi Shire Council and Trevor Carns for Panel provision of General Maintenance	Michael Chesworth Cr Sandice McAulay
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**Officer Recommendation**

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

**19 CONFIDENTIAL ITEMS**

*The Local Government Act 2020 section 66(2)(a)* allows Council to resolve to close a meeting to the public to consider confidential information. This is defined under section 3 of the *Local Government Act* this includes information that was confidential information for the purposes of section 77 of the *Local Government Act 1989*.

Where possible Council will resolve to make public any decision it makes in a closed meeting where the resolution does not disclose confidential information. There may be occasions where Council cannot make its decision public.

The report on the Chief Executive Officer Recruitment - Approval to Recruit is being considered in the closed part of this meeting because it is considered confidential under section 3 of *the Local Government Act 2020* as it is considered to be personal information.

**Recommendation**

**That Council, in accordance with section 66(2)(a) of the *Local Government Act 2020* resolve that the meeting be closed to members of the public for the consideration of items:**

- Chief Executive Officer Recruitment - Approval to Recruit