



44 Station Street
Cobram Vic 3644
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AGENDA

ORDINARY MEETING OF COUNCIL FOR WEDNESDAY 24 OCTOBER 2018 TO BE HELD AT COBRAM CIVIC CENTRE COMMENCING AT 6PM

RECORDING

Consistent with section 72 of our Meeting Procedures Local Law, Council officers have been authorised to record the public session of this meeting using an audio recording device.

1. CALLING TO ORDER – CEO

2. PRAYER

Almighty God we humbly ask you to guide our deliberations for the welfare and benefit of the Moira Shire and its people whom we serve.

Amen

3. ACKNOWLEDGEMENT OF COUNTRY

We, the Moira Shire Council, would like to acknowledge the traditional owners of the land upon which we meet and pay our respects to their Elders both past and present.

4. APOLOGIES & REQUESTS FOR LEAVE OF ABSENCE

5. DECLARATION UNDER ACTS, REGULATIONS, CODES OR LOCAL LAWS

6. DECLARATION OF ANY INTEREST OR CONFLICT OF INTEREST

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

Recommendation: “That the minutes of the Ordinary Council Meeting held on Wednesday, 26 September 2018, as prepared, be confirmed.”

8. COUNCILLOR REPORTS

COUNCILLORS TO PROVIDE VERBAL REPORTS

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NIL

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18. URGENT GENERAL CONFIDENTIAL BUSINESS

19. CLOSE OF MEETING

FILE NO: F13/277
1. A GREAT PLACE TO LIVE

ITEM NO: 9.2.1

TELSTRA LEASE - WILBY

RECOMMENDATION

That Council:

1 Authorise the Chief Executive Officer to:

- a) give public notice of Council's intention to enter into a lease with Telstra Corporation Ltd for the defined area within the parcel of land at the Wilby Hall 7 Swanson St Wilby;
- b) make the lease proposal available for public inspection;
- c) invite submissions in accordance with Section 223 of the Local Government Act 1989;
- d) receive submissions until 5pm Friday 30 November 2018; and
- e) if no submissions are received sign and seal the lease.

2 If required:

- a) convene a Committee of Council comprising Cr_____, Cr_____ and General Manager Corporate to meet at 6pm Wednesday 5 December 2018 at the Councillor Briefing Room, 44 Station Street Cobram to hear any person wishing to be heard in support of their written submission.
- b) consider a recommendation to proceed with the lease with or without amendment at the December Ordinary Council meeting.

1. Executive Summary

Telstra Corporation Ltd (Telstra) currently leases an area of approximately 150m² within the parcel of land owned by Council at 7 Swanson St Wilby (the Wilby Hall). The lease is due to expire on 31 August 2019 and Telstra wishes to enter into a new 20 year (10+5+5) lease over the area currently occupied.

The new lease proposes essentially the same lease conditions as the current lease with the exception that the proposed lease has been prepared using current writing styles and legal requirements. The rental has also been increased from \$650 to \$750 per annum indexed by 2% annually.

A copy of the proposed lease is attached to this report.

Council is requested to authorise the publication of a public notice advising the community of Council's intention to enter into the lease in accordance with section 190 of the Local Government Act (LGA), and invite submissions under section 223 of the LGA.

A Committee of Council meeting will be convened to hear any objections received. If no objections are received, Council authorisation for the Chief Executive Officer to sign and seal the lease documents is sought.

2. Background and Options

The current lease to Telstra over approximately 150m² of Council land located within 7 Swanson St Wilby (the Wilby Hall) commenced on 1 September 1999 and is due to expire on 31

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TELSTRA LEASE - WILBY (cont'd)

August 2019. The Telstra exchange which services Wilby is located on the leased area which has operated, without issue for the duration.

Telstra wish to lease the same area for a further 20 years and it is proposed that the new lease commences the day after the current lease expires.

3. Financial Implications

The proposed rental is \$750 plus GST to be indexed by 2% on each anniversary. The current rent is \$650 plus GST subject to a five yearly market review. The net present value of the proposed lease is therefore \$18,223 plus GST.

4. Risk Management

Telstra will carry all risks associated with the lease area and their continued operations. The proposed lease imposes no significant additional risk to Council and is protected from liability associated with Telstra's operations by the terms and conditions of the lease.

5. Internal and External Consultation

The intent of this report is to seek Council's consent to give public notice of Council's intention to enter into the proposed lease with Telstra. If Council's consent is given, public notice will be given in accordance with section 189 of the LGA.

6. Regional Context

The telecommunication services provided by Telstra at Wilby is a vital component of the local and regional communications system.

7. Council Plan Strategy

The proposed leases will provide tenure security to Telstra which will ensure their continued service to Wilby which is consistent with Moira Shire Council Plan strategies relating to investment attraction and commercial development, as well as supporting the wider community's access to more effective communication services.

8. Legislative / Policy Implications

Council will comply with section 190 of the LGA by advertising the proposed lease and inviting submissions in accordance with section 223 of the LGA.

9. Environmental Impact

As Telstra already occupy the land, there is no change to the level of environmental impact caused by their continuing operations currently permitted under lease.

Telstra has on-going lease obligations to address any environmental issues associated with their equipment and activities.

10. Conflict of Interest Considerations

There are no known officer conflicts of interest.

11. Conclusion

Telstra wish to secure tenure over their leased site at Wilby for a further 20 years from the expiry date of their current lease.

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The new lease contains essentially the same lease terms and conditions as the current leases and proposes a 20 year lease term (10+5+5) with a rental on commencement of \$750 plus GST indexed by 2% per annum at each site.

A Council resolution is sought to give public notice of Council's intention to enter the lease with Telstra, convene a Committee of Council to hear objections if necessary and to authorise the CEO to sign and seal the lease documents if no objections are received.

Attachments

- 1 Telstra Lease - Wilby Exchange

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1. A GREAT PLACE TO LIVE

ITEM NO: 9.2.1

TELSTRA LEASE - WILBY (cont'd)

ATTACHMENT No [1] - Telstra Lease - Wilby Exchange



Australian Government Solicitor

DEED

DEED IN RELATION TO RENEWAL AND VARIATION OF LEASE AT 7 SWANSON
STREET, WILBY, VICTORIA

Moira Shire Council
(Lessor)

Telstra Corporation Limited
ACN 051 775 556 (Lessee)

Australian Government Solicitor
Level 21, 200 Queen Street
Melbourne VIC 3000
File reference: 14083174
Contact: Robert Cole
T: 03 9242 1392 F: 03 9242 1481

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1. A GREAT PLACE TO LIVE

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TELSTRA LEASE - WILBY (cont'd)

ATTACHMENT No [1] - Telstra Lease - Wilby Exchange

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TELSTRA LEASE - WILBY (cont'd)

ATTACHMENT No [1] - Telstra Lease - Wilby Exchange

Australian Government Solicitor

DEED

DEED IN RELATION TO RENEWAL AND VARIATION OF LEASE AT 7 SWANSON STREET, WILBY, VICTORIA

Date

This Deed is dated day of 20

Parties

This Deed is made between and binds the following parties:

1. **Moira Shire Council**
(Lessor)
2. **Telstra Corporation Limited ACN 051 775 556**
(Lessee)

Context

This Deed is made in the following context:

- A By the Original Lease the Premises were demised by the Lessor to the Lessee for the term commencing on 1 September 1999 and expiring on 31 August 2009 and subject to the terms and conditions contained in the Original Lease.
- B The Original Lease granted the Lessee two (2) options of renewal of five (5) years each.
- C The Lessee exercised the option to renew the Original Lease for the first further term commencing on 1 September 2009 on the terms and conditions of the Lease.
- D The Lessee has exercised the option to renew the Lease for the second further term commencing on 1 September 2014.
- E The parties have agreed to vary the Lease on the terms and conditions contained in this Deed.
- F The parties have agreed to the terms and conditions of this Deed.

Operative Provisions

In consideration of the mutual promises contained in this Deed, the parties to this Deed agree as follows:

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TELSTRA LEASE - WILBY (cont'd)

ATTACHMENT No [1] - Telstra Lease - Wilby Exchange

Australian Government Solicitor

1. Interpretation

1.1. Definitions

1.2. Unless the contrary intention appears a term in bold type has the meaning shown opposite it:

Deed	this Deed and includes all schedules and attachments to this Deed
Effective Date	1 September 2014
First Deed	the Deed of Renewal and Variation of Lease dated 17 November 2008 between the Lessor and the Lessee which is annexed at Annexure A of this Deed
Lessor	Moirā Shire Council (formerly known as The President Councillors and Ratepayers of the Shire of Yarrawonga)
Lease	the Original Lease as varied by the First Deed
Lessee	Telstra Corporation Limited ACN 051 775 556
Original Lease	the Lease dated 23 August 1999 between the Lessor and the Lessee (a copy of which is annexed to the First Deed)
Premises	the premises described in the Lease
Renewed Lease	the renewed lease created by the renewal of the Lease on the terms and conditions of this Deed

- 1.3. The singular includes the plural.
- 1.4. A reference to one gender includes a reference to all other genders.
- 1.5. Wherever the context permits "Lessor" and "Lessee" include their respective successors in title or assignees.
- 1.6. A covenant on the part of two or more persons binds them jointly and severally and a covenant for the benefit of two or more persons is for the benefit of them jointly and severally.
- 1.7. Unless the context or circumstances otherwise require all words and phrases used in this Deed will be read and construed as having the meaning ascribed to them in the Lease.
- 1.8. Any reference in this Deed to any statute or regulation includes all amendments and revisions made from time to time to that statute or regulation.
- 1.9. Headings in this Deed have been inserted for convenience and reference only.
- 1.10. In the interpretation of this Deed no rules of construction apply to the disadvantage of any party on the basis that it put forward this Deed.

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TELSTRA LEASE - WILBY (cont'd)

ATTACHMENT No [1] - Telstra Lease - Wilby Exchange

Australian Government Solicitor

2. Grant of Renewed Lease

- 2.1. In consideration of the matters described in the Context section of this Deed the Lessor hereby demises the Premises to the Lessee for the term of five (5) years commencing on the Effective Date subject to and with the benefit of the terms and conditions of the Renewed Lease.

3. Variation

- 3.1. With effect from the Effective Date the Lease is varied in the following manner:

- a. The description appearing opposite the word "LESSEE" is replaced with:

Name: **Telstra Corporation Limited**
Director, Telstra Property
Address: c/- Jones Lang LaSalle
Level 34, 242 Exhibition Street
MELBOURNE VIC 3000
Attention: Property Management Director
Email: Telstra.Notices@ap.jll.com and
F0901953@team.telstra.com

- b. The words appearing opposite the word "TERM" are replaced with:

Five (5) years from 1 September 2014

- c. Opposite the word "RENT", the figure "\$550" is replaced with "\$650".

- d. Opposite the words "RENT REVIEW", the word "initial" is deleted.

- e. Opposite the words "FENCING", the words "erect and" are deleted.

- f. The GST clause is replaced with the following:

GST

- (a) Recovery of GST

If one party (supplying party) makes a taxable supply and the consideration for that supply does not expressly include GST, the party that is liable to provide the consideration (receiving party) must also pay an amount (GST amount) equal to the GST payable in respect of that supply.

- (b) Time for payment of GST amount

Subject to first receiving a tax invoice or adjustment note as appropriate, the receiving party must pay the GST amount when it is liable to provide the consideration.

- (c) Indemnity and reimbursement payments

If one party must indemnify or reimburse another party (payee) for any loss or expense incurred by the payee, the required payment does not include any amount which the payee (or an entity that is in the same GST group as the payee) is entitled to claim as an

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TELSTRA LEASE - WILBY (cont'd)

ATTACHMENT No [1] - Telstra Lease - Wilby Exchange

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input tax credit, but will be increased under GST clause (a) if the payment is consideration for a taxable supply.

(d) Adjustment events

If an adjustment event arises in respect of a taxable supply made by a supplying party, the GST amount payable by the receiving party under GST clause (a) will be recalculated to reflect the adjustment event and a payment will be made by the receiving party to the supplying party, or by the supplying party to the receiving party, as the case requires.

(e) Time limit on payment of the GST amount

Notwithstanding any other provision in this Deed, the receiving party is not required to pay the GST amount referred to in GST clause (b) unless it has received a tax invoice in respect of the supply (or, if section 156-5(1) of the GST Act applies to the supply, the periodic or progressive component of the supply) from the supplying party within three years and 11 months after the end of:

- i. the first calendar month in which any of the consideration for the supply (or the periodic or progressive component of the supply) is provided; or
- ii. if an invoice is issued prior to the provision of any of the consideration for the supply (or the periodic or progressive component of the supply), the calendar month in which the invoice is issued.

(f) Interpretation

In this Lease:

- i. terms used that are defined in the A New Tax System (Goods and Services Tax) Act 1999 (Cth) (GST Act) have the meaning given in that Act, unless the context makes it clear that a different meaning is intended; and
- ii. consideration includes non-monetary consideration, in respect of which the parties must agree on a market value, acting reasonably; and
- iii. in addition to the meaning given in the GST Act, the term "GST" includes a notional liability for GST.

g. Below the GST clause, a new clause is inserted in the Lease as follows:

Notice by Email

- (a) In addition to any other valid method of service, notices under this lease may be served on the Lessee by email.

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TELSTRA LEASE - WILBY (cont'd)

ATTACHMENT No [1] - Telstra Lease - Wilby Exchange

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- (b) Where notice is given by email, notice is regarded as given or served:
- i. *if delivered by 5.00 pm on a Business Day* - at the time (local time in the place of receipt) specified in the delivery confirmation or receipt generated by the sender's email; or
 - ii. *if delivered after 5.00 pm on a Business Day or on a day that is not a Business Day* - on the next Business Day after the time (local time in the place of receipt) specified in the delivery confirmation or receipt generated by the sender's email.
- (b) Where more than one email address is specified, the notice consent or other communication must be sent to all specified email addresses.

4. Terms and Conditions of Renewed Lease

- 4.1. The Lessor and the Lessee both agree that except for the modifications made by this Deed the terms and conditions of the Lease apply to and are incorporated into the Renewed Lease.
- 4.2. The Lessor and the Lessee must perform and observe the terms of the Renewed Lease.

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TELSTRA LEASE - WILBY (cont'd)

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ANNEXURE A – FIRST DEED

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1. A GREAT PLACE TO LIVE

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TELSTRA LEASE - WILBY (cont'd)

ATTACHMENT No [1] - Telstra Lease - Wilby Exchange

FILE COPY



Australian Government Solicitor

DEED

DEED IN RELATION TO RENEWAL AND VARIATION OF LEASE AT 7 SWANSON
STREET, WILBY VICTORIA

Moira Shire Council
(Lessor)

Telstra Corporation Limited
ACN 051 775 556
(Lessee)

Australian Government Solicitor
Level 21, 200 Queen Street
Melbourne VIC 3000

File reference: 08062630

Contact: Joel Seignior
T: 03 9242 1216 F: 03 9242 1481

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1. A GREAT PLACE TO LIVE

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TELSTRA LEASE - WILBY (cont'd)

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TELSTRA LEASE - WILBY (cont'd)

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Australian Government Solicitor

DEED

DEED IN RELATION TO RENEWAL AND VARIATION OF LEASE AT 7 SWANSON STREET, WILBY VICTORIA

Date

This Deed is dated 17th day of November 2008.

Parties

This Deed is made between and binds the following parties:

1. **Molra Shire Council**
(Lessor)
2. **Telstra Corporation Limited ACN 051 775 556**
(Lessee)

Context

This Deed is made in the following context:

- A By the Lease the Premises were demised by the Lessor to the Lessee for the term commencing on 1 September 1999 and expiring on 31 August 2009 and subject to the terms and conditions contained in the Lease.
- B The Lease granted the Lessee two (2) further options of renewal of five (5) years for each option.
- C The Lessee has exercised the first option to renew the Lease for the further term commencing on 1 September 2009.
- D The parties have agreed to vary the Lease on the terms and conditions contained in this Deed.
- E The parties have agreed to the terms and conditions of this Deed.

Operative Provisions

In consideration of the mutual promises contained in this Deed, the parties to this Deed agree as follows:

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TELSTRA LEASE - WILBY (cont'd)

ATTACHMENT No [1] - Telstra Lease - Wilby Exchange

Australian Government Solicitor

1. Interpretation

1.1. Definitions

1.2. Unless the contrary intention appears a term in bold type has the meaning shown opposite it:

Deed	this Deed and includes all schedules and attachments to this Deed
Effective Date	1 September 2009
Lessor	Moirā Shire Council (formerly known as The President Councillors and Ratepayers of the Shire of Yarrawonga)
Lease	the lease dated 23 August 1999 between the Lessor and the Lessee (a copy of which is annexed at Annexure A)
Lessee	Telstra Corporation Limited ACN 051 775 556
Premises	the premises described in the Lease
Renewed Lease	the lease created by this Deed

1.3. The singular includes the plural.

1.4. A reference to one gender includes a reference to all other genders.

1.5. Wherever the context permits "Lessor" and "Lessee" includes any respective successors in title or assignees.

1.6. A covenant on the part of two or more persons binds them jointly and severally and a covenant for the benefit of two or more persons is for the benefit of them jointly and severally.

1.7. Unless the context or circumstances otherwise require all words and phrases used in this Deed will be read and construed as having the meaning ascribed to them in the Lease.

1.8. Any reference in this Deed to any statute or regulation includes all amendments and revisions made from time to time to that statute or regulation.

1.9. Headings in this Deed have been inserted for convenience and reference only.

1.10. In the interpretation of this Deed no rules of construction apply to the disadvantage of any party on the basis that it put forward this Deed.

2. Grant of Renewed Lease

2.1. In consideration of the matters described in the Context section of this Deed the Lessor hereby demises the Premises to the Lessee for the term of five (5) years

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commencing on the Effective Date subject to, and with the benefit of, the terms and conditions of the Renewed Lease.

3. Variation

3.1. The Lease is varied by the insertion of the following clauses

- a. The Lessor details appearing opposite the word "**LESSOR**" in the Lease are deleted and replaced with the following"

Moirra Shire Council
44 Station Street
COBRAM VIC 3644
PO Box 578
COBRAM VIC 3643

- b. The Lessee details appearing opposite the word "**LESSEE**" in the Lease are deleted and replaced with the following:

Telstra Corporation Limited ACN 051 775 556

C/- United Group Services Pty Limited
GPO Box 2474
BRISBANE QLD 4001

Level 13, 215 Adelaide Street
BRISBANE QLD 4000

Attention: Telstra Client Manager
Tel: (07) 3239 4000
Fax: (07) 3239 4010

AND

Telstra Corporation Limited ACN 051 775 556
Level 41
242 Exhibition Street
Melbourne Victoria 3000

Attention: Director, Telstra Property
Fax: (03) 9632 3215

- c. The details of the Term of the Lease appearing opposite the word "**TERM**" in the Lease are deleted and replaced with the following:
Five (5) years from 1 September 2009, together with one option to renew of five (5) years.
- d. The details of the Rent payable under the Lease appearing opposite the word "**RENT**" in the Lease are deleted and replaced with the following:

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TELSTRA LEASE - WILBY (cont'd)

ATTACHMENT No [1] - Telstra Lease - Wilby Exchange

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\$550.00 per annum, payable yearly in advance by Direct Deposit, on the first of September each year.

- e. A new clause is inserted in the Lease as follows:

GST

- a. Recovery of GST

If one party (**supplying party**) makes a taxable supply and the consideration for that supply does not expressly include GST, the party that is liable to provide the consideration (**receiving party**) must also pay an amount equal to the GST payable in respect of that supply.

- b. Time for payment of GST amount

Subject to first receiving a tax invoice, the receiving party must pay the GST amount when it is liable to provide the consideration.

- c. Indemnity and reimbursement payments

If one party must indemnify or reimburse another party (**payee**) for any loss or expense incurred by the payee, the required payment does not include any amount which the payee (or an entity that is in the same GST group as the payee) is entitled to claim as an input tax credit, but will be increased under clause 6.1 if the payment is consideration for a taxable supply.

- d. Interpretation

In this Deed:

- (i) terms used that are defined in the A New Tax System (Goods and Services Tax) Act 1999 (Cth) have the meaning given in that Act, unless the context makes it clear that a different meaning is intended; and
- (ii) consideration includes non-monetary consideration, in respect of which the parties must agree on a market value, acting reasonably.

4. Terms and Conditions of Renewed Lease

- 4.1. The Lessor and the Lessee both agree that except for the modifications made by this Deed the terms and conditions of the Lease apply to and are incorporated into the Renewed Lease.
- 4.2. The Lessor and the Lessee must perform and observe the terms of the Renewed Lease.

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TELSTRA LEASE - WILBY (cont'd)

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ANNEXURE A - LEASE

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TELSTRA LEASE - WILBY (cont'd)

ATTACHMENT No [1] - Telstra Lease - Wilby Exchange

LEASE

LESSOR MOIRA SHIRE COUNCIL

LESSEE TELSTRA CORPORATION LIMITED
ACN 051 775 556

Site for Automatic Telephone Exchange

WILBY - VICTORIA

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TELSTRA LEASE - WILBY (cont'd)

ATTACHMENT No [1] - Telstra Lease - Wilby Exchange

**LEASE OF VACANT LAND
OCCUPIED BY TELSTRA CORPORATION LIMITED**

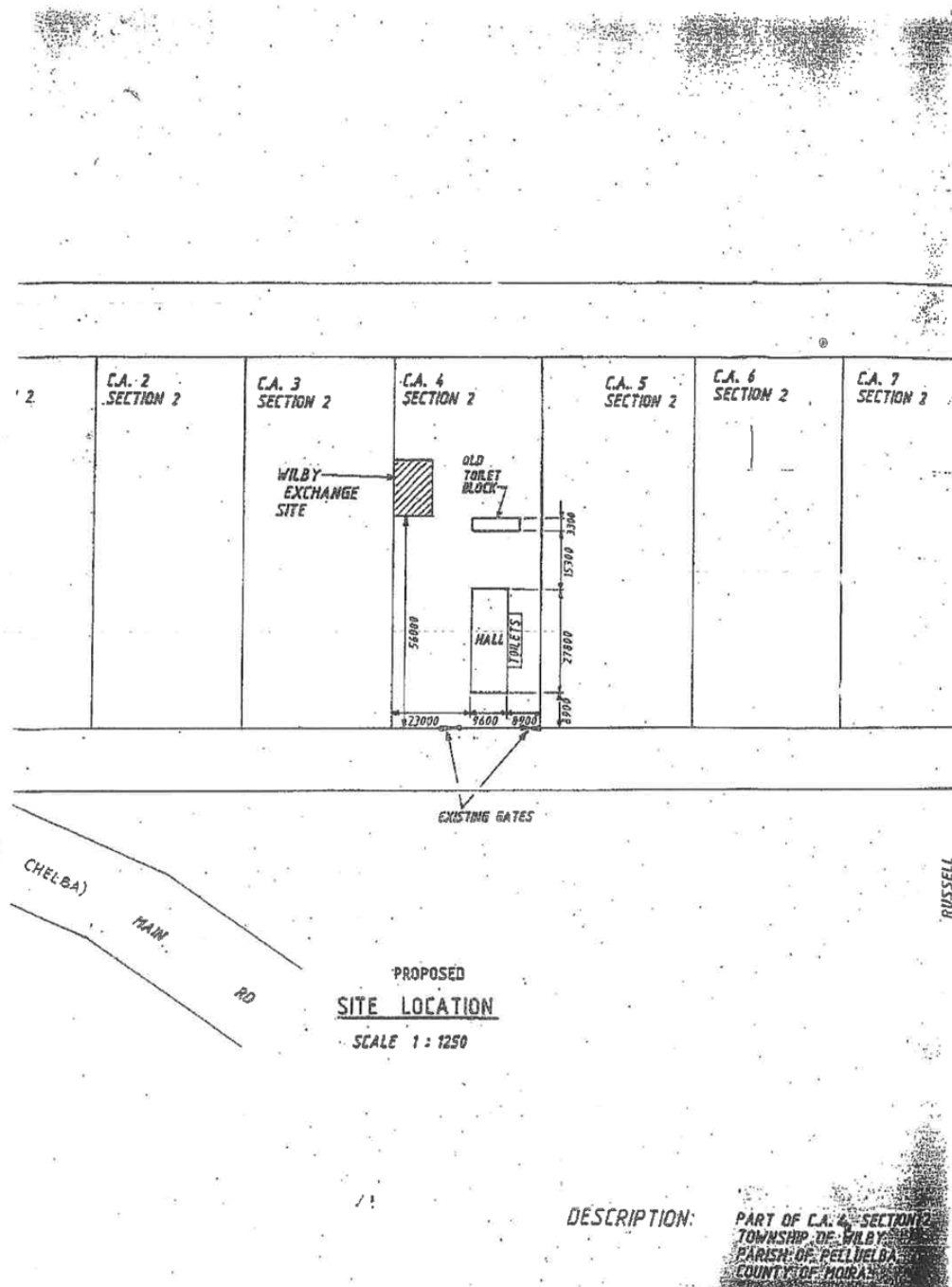
LESSOR	Moir Shire Council P.O. Box 354 YARRAWONGA VIC 3730
LESSEE	Telstra Corporation Limited ACN 051 775 556 Corporate Property Services 6/ 333 Queen Street, Melbourne Vic 3000 (Attention Regional Manager)
PREMISES	An area of approx. 150m ² and part of Crown Allotment 4 Section 2 Parish of Pelluelba and shown on the attached Plan, together with an unrestricted right of access to the Premises at all times.
TERM	10 years, from 1st September, 1999, together with 2 options to renew, each of 5 years.
OPTIONS TO RENEW	The Lessee will be deemed to have exercised its right to renew for a further Term unless the Lessor is advised otherwise by the Lessee in writing.
RENT	\$350 per annum, payable yearly in advance by Direct Deposit, on the first of September each year.
RENT REVIEW	Fixed for the initial Term. To be reviewed to current market rent from the commencement of each further term. Any dispute shall be determined by an agreed Valuer.
PERMITTED USE	Telecommunications Operations and associated services.
FENCING	The Lessee will erect and maintain fencing on the boundaries of the premises.
GRANT OF LEASE	The Lessor leases the Premises to the Lessee for the Term and at the Rent and on the Conditions set out in this Lease.
SURRENDER	During the initial term or any option period, the Lessee may terminate this Lease on the giving of 6 months written advice to the Lessor should the facility no longer be required.
HOLDING OVER	If the Lessee remains in possession of the Premises after the expiry of the extended Terms then the Lessee shall be deemed to be a tenant from month to month.

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ATTACHMENT No [1] - Telstra Lease - Wilby Exchange



FILE NO: F13/277
1. A GREAT PLACE TO LIVE

ITEM NO: 9.2.1

TELSTRA LEASE - WILBY (cont'd)

ATTACHMENT No [1] - Telstra Lease - Wilby Exchange

Australian Government Solicitor

EXECUTED as a Deed.

The Common Seal of **MOIRA SHIRE COUNCIL** was hereunto affixed in the presence of:

presence of:

Chaudhary

Chief Executive Officer



SIGNED, SEALED AND DELIVERED by

ATTORNEY GENERAL JAMES C. DONNELLY

(Attorney's full name),

LEASING MANAGER

(position) as

attorney for **TELSTRA CORPORATION LIMITED**
under Power of Attorney dated 6 May 2005 a
certified copy of which is filed in Permanent Order
Book No. 277 at page 022 item 24 in the presence
of _____

of White

Signature of Witness

NATALIE THERESE WOZNIAK

Name of Witness (block letters)

Signature of Attorney

Signature of Attorney

By executing this Deed the attorney states that the attorney has received no notice of the revocation of the power of attorney

FILE NO: F13/277
1. A GREAT PLACE TO LIVE

ITEM NO: 9.2.1

TELSTRA LEASE - WILBY (cont'd)

ATTACHMENT No [1] - Telstra Lease - Wilby Exchange

Australian Government Solicitor

EXECUTED as a Deed.

EXECUTED BY LESSOR

The Common Seal of **MOIRA SHIRE COUNCIL** was hereunto affixed in the presence of:

.....

.....

Chief Executive Officer

EXECUTED BY LESSEE

SIGNED, SEALED AND DELIVERED by)


EMILY DEAN -)
LEASING MANAGER)
_____)
(Attorney's full name),)

as attorney for **TELSTRA CORPORATION LIMITED**)
under Power of Attorney copy of which is filed in)
Permanent Order Book No. 277 at page 022 item 24)
in the presence of:)


.....
Signature of Witness


.....

Name of Witness (block letters)


.....
Signature of Attorney

By executing this Deed the attorney states that the attorney has received no notice of the revocation of the power of attorney

FILE NO: F13/503
4. A WELL RUN COUNCIL

ITEM NO: 9.2.2

ASSEMBLIES OF COUNCIL

RECOMMENDATION

That Council receive and note the Records of Assembly of Councillors.

1. Executive Summary

This report details the Assembly of Councillors for September 2018 is prepared in accordance with the requirements of the Local Government Act (the Act) 1989 section 80A.

2. Background and Options

This report fulfills Council's legislative obligation to report the matters considered and whether a conflict of interest disclosure was made by a Councillor at

- A meeting of an advisory committee where at least one Councilor is present; or
- A meeting, briefing or other activity where at least half of the Council and a member of Council staff are present; and
- Where the matters considered may be subject to a decision of Council or exercise of a function, duty or power of the Council that has been delegated to a person or committee.

Meeting	Present at meeting	Matters discussed	Declaration of Interest(s)
Council Briefing 12 September 2018	<p>Councillor:</p> <p>John Beitzel Kevin Bourke Wendy Buck Ed Cox Gary Cleveland Peter Lawless Marie Martin Peter Mansfield</p> <p>Staff:</p> <p>Chief Executive Officer, Mark Henderson General Manager Community, Sally Rice General Manager Corporate, Simon Rennie Manager Governance and Communication, Linda Nieuwenhuizen Peter Stenhouse Christian Middlemiss Frank Malcolm Austin Ley Graham Henderson Paul Somerville</p>	<ul style="list-style-type: none"> • Draft Council Agenda review • Moira Health Care • Barmah Development opportunities 	Nil

FILE NO: F13/503
4. A WELL RUN COUNCIL

ITEM NO: 9.2.2

ASSEMBLIES OF COUNCIL (cont'd)

Meeting	Present at meeting	Matters discussed	Declaration of Interest(s)
Council Briefing 26 September 2018	Councillor: Libro Mustica John Beitzel Kevin Bourke Peter Lawless Gary Cleveland Marie Martin Peter Mansfield Staff: Chief Executive Officer, Mark Henderson General Manager Infrastructure, Andrew Close General Manager Community, Sally Rice General Manager Corporate, Simon Rennie Acting Manager Governance and Communication, Margaret Hinck	<ul style="list-style-type: none">Council Agenda review	Nil

3. Legislative / Policy Implications

Inclusion of the records of Assembly of Councillors in the Council agenda, and incorporation into the Minutes ensures Council meets its statutory obligations under section 80A of the Local Government act 1989 (the Act).

4. Environmental Implications

There are no environmental implications with this report.

5. Conflict of Interest Considerations

There are no council officer conflict of interest issues to consider within this report.

6. Conclusion

The Assembly of Councillors records incorporated into this report are a true and accurate record of all assemblies of Councillors reported during September 2018.

Attachments

Nil

FILE NO: C024/18
4. A WELL RUN COUNCIL

ITEM NO: 9.2.3

C024/18 - PROVISION OF OPERATING LEASE SERVICES

RECOMMENDATION

That Council:

1. Authorise the CEO to undertake negotiation with the Preferred Tenderer, Commonwealth Bank of Australia to finalise a Master Operating Lease / Rental Facility to achieve a best value outcome and award contract C024/18 – Provision of Operating Lease Services.
2. Authorise the Chief Executive Officer to sign and seal the contract documents and approve contract extensions within the provisions of the contract.

1. Executive Summary

Following an Expression of Interest (EOI) process, Moira Shire Council invited submissions from five suitably qualified and experienced leasing companies for the provision of a Master Operating Lease Facility of information and communications technology equipment.

After consideration of the submissions, the evaluation panel recommends that the Council delegate to the Chief Executive Officer the authority to enter into negotiations with the preferred tenderer, Commonwealth Bank of Australia to achieve a best value outcome for the Council.

2. Background and Options

The EOI process was publically advertised with a closing date of 30 May 2018.

A total of five submissions were received from the following leasing companies:

1. Commonwealth Bank of Australia
2. Eclix Commercial Pty Ltd
3. IBM Global Financing Australia Limited
4. Macquarie Bank Limited
5. Maia Financial Pty Limited

The submissions were independently evaluated by an industry specialist, Axiom Leasing Advisors Pty Ltd on behalf of Council.

All five leasing companies were recommended to proceed to the Request For Tender (RFT) stage. Invitations to submit a tender were sent to all five companies 8 August 2018 with a closing date of 29 August 2018.

The Lease Facility will be required to cover:

- IT and office equipment with an aggregate capital cost of approximately \$1,500,000. The exact amount to be financed will be subject to change in accordance with Council's future budget and operational requirements.
- Equipment that includes: Servers, Desktop Computers, Notebook Computers, Communications/Telephony, Network, Photocopiers, MFDs, Printers, Scanners, RFID and other Technology Equipment.

FILE NO: C024/18
4. A WELL RUN COUNCIL

ITEM NO: 9.2.3

C024/18 - PROVISION OF OPERATING LEASE SERVICES (cont'd)

- The sale and leaseback of owned equipment as well as the direct leasing of new equipment.
- The ability to enter into leases on a progressive basis throughout the term of the arrangement.
- Individual lease terms that could range from 3 to 5 years depending on the equipment involved.

Additional equipment will be financed under the Lease Facility on a progressive basis as determined by Council's annual budget considerations.

Negotiation Required

Several terms within the Master Lease Agreement proposed by the Commonwealth Bank require further negotiation including:

Fixed Extension Periods	Council will seek more flexibility to extend the lease periods
Casual Extension Periods	Council will seek an additional casual extension period above that which has been proposed
Early lease termination periods	Council will seek a reduction in the period from 2 years to 1.5 years
Residual Risk percentage	Council will seek an increase in the residual risk percentage to reduce the lease costs.

Contract Details

The successful tenderer will be required to provide the leasing services to Council for an initial period of 4 years or more from the date of appointment, at the discretion of Council.

Council reserves the right to cancel the Lease Facility at any time based upon its determination of the continuing performance of the Lessor and the ongoing commercial competitiveness of the Lease Facility. No minimum amount will be guaranteed to be drawn down by Council under the Lease Facility.

Receipt of Tenders

A total of 3 submissions were received from the five RFT invitations:

1. Macquarie Bank Limited
2. Eclix Commercial Pty Ltd
3. Commonwealth Bank of Australia

Supervision

Superintendent – General Manager Corporate Services

Superintendent Representative – Manager Information Services

Panel Membership

The submissions were independently evaluated by an industry specialist, Axiom Leasing Advisors Pty Ltd.

FILE NO: C024/18
4. A WELL RUN COUNCIL

ITEM NO: 9.2.3

C024/18 - PROVISION OF OPERATING LEASE SERVICES (cont'd)

Axiom Leasing Advisors Pty Ltd provided evaluation summary sheets and a recommendation which was approved by the Manager Information Services.

The EOI and RFT process was managed by the Procurement Coordinator.

Non-conforming Submissions

No submissions were considered to be non-conforming.

Evaluation

The criteria and weightings utilised and are detailed in the following table:

Evaluation Criteria	Evaluation Weighting
Technical Operational details e.g. lease term, minimum drawdown, equipment categories	10%
Financial Cost to Council e.g. rental calculation basis, actual rate, credit margin, residual values	75%
Commercial Terms and conditions e.g. maintenance of pricing, notice periods, end of term details	15%

Weightings were given to both 3-year and 4-year pricing according to the expected lease term for each equipment category. Tender responses were evaluated in accordance with the form and substance of the proposed Master Lease Agreement.

For more information, please refer to Appendix A – Evaluation Summary (Confidential).

3. Financial Implications

The aggregate capital cost of equipment to be included under the Lease Facility will be approximately \$1,500,000 ex GST, to be drawn down progressively over approximately the next 4 years.

The amount of goods financed under the Lease Facility will be subject to the continuing performance of the Lessor and the ongoing commercial competitiveness of the Lease Facility.

No minimum amount will be guaranteed to be drawn down by Council.

The budget for this contract is drawn from funds allocated to Information Services in the Operational Budget.

4. Risk Management

There are no risks associated with this tender.

FILE NO: C024/18
4. A WELL RUN COUNCIL

ITEM NO: 9.2.3

C024/18 - PROVISION OF OPERATING LEASE SERVICES (cont'd)

5. Internal and External Consultation

The EOI was advertised on Council's TenderSearch website, The Age and the local papers.

The specification, EOI and RFT evaluations were approved by the Procurement Coordinator, Manager Information Technology and General Manager Corporate Services.

6. Regional Context

The provision of a lease facility to Council for IT and office equipment does not have any real strategic regional impact.

7. Council Plan Strategy

The lease facility supports Council in fulfilling its objectives in the Council Plan for a 'Well run Council' by implementing a transparent, engaging and accountable governance structure. The tendering processes undertaken meet the legislative and policy requirements relating to procurement and tendering.

8. Legislative / Policy Implications

The tender process was undertaken in accordance with the requirements of the section 186 of the Local Government Act and Council's adopted Procurement Policy.

9. Environmental Impact

There are no environmental issues relating to this tender.

10. Conflict of Interest Considerations

There was no conflict of interest declared for this tender evaluation process.

11. Conclusion

After consideration of the submissions, the evaluation panel recommends that the Council delegate to the Chief Executive Officer the authority to enter into negotiations with the preferred tenderer, Commonwealth Bank of Australia to achieve a best value outcome for the Council.

Attachments

- 1 APPENDIX A - Evaluation Summary - *printed in separate document*

FILE NO: F13/119
1. A GREAT PLACE TO LIVE

ITEM NO: 9.3.1

WILBY DEVELOPMENT PRIORITIES CONSULTATION RESULTS

RECOMMENDATION

That: Council

1. Allocate capital budget of \$285,000 to remediate the Wilby Community Hall in accordance with the communities first preference.
2. Resolves that any residual funds will be allocated to the replacement of the Wilby Bridge in accordance with the communities second preference.

1. Executive Summary

Council has allocated \$285,000 in the 2018/19 budget for projects in the Wilby district. As part of the recent budget bid process members of the Wilby community identified three projects as a priority for the town. These projects are:

- replacement of the Wilby **Bridge**;
- **dust suppression**; and
- repair of the Wilby **Hall**.

The budget allocation is insufficient to deliver all three community projects, accordingly, Council Officers sought feedback from residents of Wilby and District (including Pelluebla, Almonds, Boweya North, Boomahnoomoonah and east of the Three Chain Rd in Telford and Tungamah) regarding their project priorities.

The consultation occurred via a letter asking residents to rank their priorities from 1 (most important) to 3 (least important). Residents were also asked to provide additional comments. A summary of the votes and full details of comments received are attached to this report.

The consultation identified that the top priority was remediation of the Wilby Memorial Hall, followed by replacement of the Wilby Bridge and finally dust suppression. This report recommends proceeding with capital works in the current budget in line with the priorities as identified through the community consultation.

2. Background and Options

Moirā Shire Council's 2018/19 budget included an allocation of up to \$200,000 to be used in the Wilby township to deliver on the development priorities identified by residents. This amount was supplemented by \$85,000 which was set aside in previous budgets for an unsuccessful CFA-MSC partnership project to provide a new community building; resulting in an investment of up to \$285,000 in Wilby.

As there were three separate projects identified by the community in the budget process it was determined to ask residents of the community to priorities the three projects. The result of this consultation will determine which project proceeds in this year's budget.

While community members identified their priorities there were a number of comments submitted via phone or the voting slip setting out their issues which included:

- the term dust suppression was unclear to residents; we should have used 'seal roads'
- while the hall was the top priority, both the Hall and bridge are seen as important and the community feels that we should be able to afford both with the money we have.

FILE NO: F13/119
1. A GREAT PLACE TO LIVE

ITEM NO: 9.3.1

WILBY DEVELOPMENT PRIORITIES CONSULTATION RESULTS (cont'd)

The full list of comments submitted please see attached report.

3. Financial Implications

Through Council's recent budget process, the community identified three major projects:

- **Bridge into Wilby Recreation Reserve**

New, single lane bridge that will take heavy rigid vehicles but not semi or b-double trucks.

Expected Cost: \$150,000

- **Dust Suppression**

It is expected that it will cost in excess of \$450,000 to seal all the roads in the township. If this is selected as the top priority for the town then we will seal up to \$285,000 worth of roads starting with the highest traffic areas.

- **Wilby Memorial Hall**

The hall requires extensive remediation including removal of termite damage and replacement of external walls, windows and flooring. It will also require an upgrade to the toilets to bring them up to current standards.

Expected cost: \$200,000 - \$285,000

A letter was sent to all residents of Wilby, Pelluebla, Almonds, Boweya North, Boomahnoomoonah and east of the Three Chain Rd in Telford and Tungamah. Property addresses were sourced from Intramaps.

The letter asked residents to prioritise the three options for how to spend the budgeted amount of \$285 000 by numbering them 1-3, with 1 being the highest priority. The list of properties was randomly sorted and allocated against one of six versions of the letter (each version showing the options in a different order). Votes were only counted if they arrived in the reply paid envelope supplied with the letter. Letters were posted on 3 August 2018 and 'voting' closed with the last post delivered to Council on 31 August 2018.

It was noted in the letter that if the work on the first priority did not utilise all the allocated funds there may be the opportunity to do some minor works on the second highest priority.

4. Risk Management

Consultation was held to reduce risk of negative sentiment in relation to how the allocated budget was to be spent.

The Hall will be subject to further building inspection for presence and management of asbestos and to scope works required.

5. Internal and External Consultation

A letter was sent to all residents of Wilby, Pelluebla, Almonds, Boweya North, Boomahnoomoonah and east of the Three Chain Rd in Telford and Tungamah. Property addresses were sourced from Intramaps.

Consultation Summary:

306 - letters sent to residents (not property owners)

148 - letters returned as no house or resident on property

FILE NO: F13/119
1. A GREAT PLACE TO LIVE

ITEM NO: 9.3.1

WILBY DEVELOPMENT PRIORITIES CONSULTATION RESULTS (cont'd)

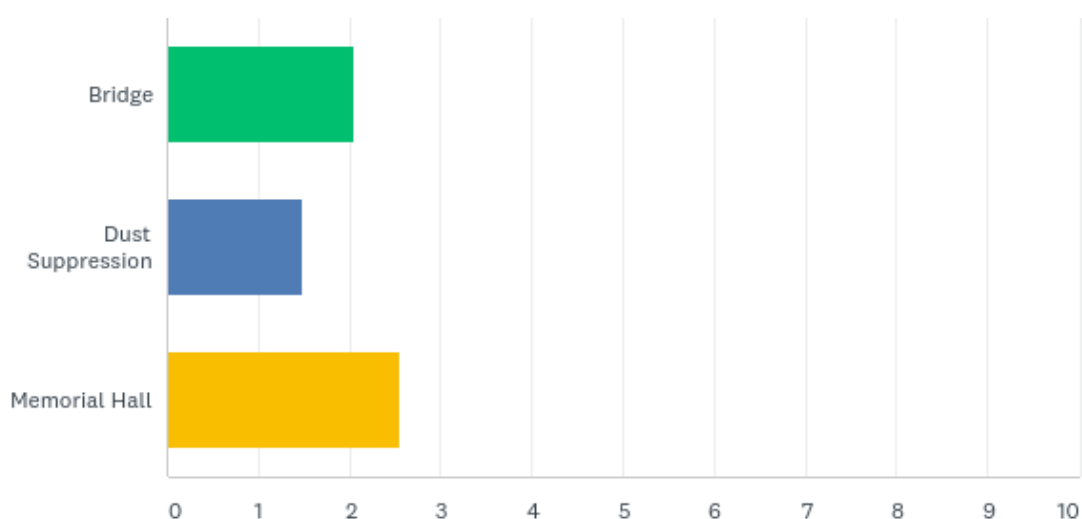
158 - letters remained eligible for voting

Response Summary:

71 - responses received and entered into Survey Monkey

45% - response rate

Result Summary



	1	2	3	TOTAL	SCORE
Bridge	26.15% 17	53.85% 35	20.00% 13	65	2.06
Dust Suppression	20.00% 13	7.69% 5	72.31% 47	65	1.48
Memorial Hall	59.09% 39	37.88% 25	3.03% 2	66	2.56

A meeting was held between infrastructure, assets and community development to determine the best process for allocation of budgeted funds.

6. Council Plan Strategy

Strategy 1-A Great Place to Live

7. Legislative / Policy Implications

This report has been prepared to confirm the use of budgeted expenditure in the 2018/2019 Moira Shire Council budget.

8. Environmental Impact

All works will be carried out in accordance with relevant legislative and building codes and standards.

FILE NO: F13/119
1. A GREAT PLACE TO LIVE

ITEM NO: 9.3.1

WILBY DEVELOPMENT PRIORITIES CONSULTATION RESULTS (cont'd)

9. Conflict of Interest Considerations

There are no Officer conflicts of issue in relation to this matter.

10. Conclusion

Based on the information supplied by the community vote, repair of the Memorial Hall is the top priority. Therefore, this report recommends proceeding with this project using the allocation of funds for Wilby infrastructure within the 2018/2019 budget. If any funds remain they should be spent on the communities second priority which was identified to be the Wilby Bridge. As a minimum the bridge could be retained to provide pedestrian access to the recreation reserve.

The Wilby community will be consulted about proposed remediation of the Wilby Memorial Hall and timing of proposed works.

Attachments

- 1 Sample Letter
- 2 Survey Monkey Report - all responses

FILE NO: F13/119
1. A GREAT PLACE TO LIVE

ITEM NO: 9.3.1

WILBY DEVELOPMENT PRIORITIES CONSULTATION RESULTS (cont'd)

ATTACHMENT No [1] - Sample Letter



Ref: F13/119
D18/49594

31 July 2018

The Resident
«Property_Address1»
«Property_Address2»

Dear Sir/Madam

WILBY DEVELOPMENT PRIORITIES

Moirā Shire Council's 2018/19 budget includes an allocation of up to \$200,000 to be used in the Wilby township to deliver on the development priorities identified by residents. This amount will be supplemented by \$85,000 which was set aside in previous budgets for an unsuccessful CFA-MSC partnership project to provide a new community building, resulting in an investment of up to \$285,000 in Wilby.

Through Council's recent budget process, the community identified three major projects that are outlined below. Unfortunately, \$285,000 will not be enough to deliver all of these projects so we are asking you to identify your priority by numbering them from 1 (highest priority) to 3 (lowest priority) in the boxes beside each project. We will then collate all the responses and develop a delivery plan to meet the highest priorities of the whole community.

If the work on the first priority does not utilise all the allocated funds, there may be the opportunity to do some minor works on the second highest priority so please clearly identify your preferences below.

Closing Date for voting: all votes must be received by Council by the last post delivered on **Friday 31 August 2018**.

Please detach this slip and return to Council in the reply paid envelope supplied.
Only nominations sent in this envelope will be counted.

Preferences must be clear, with each number only used once.

Please indicate your priorities by placing a 1 (highest), 2 (next highest), 3 (lowest priority) in the boxes beside each project:

☐

Bridge into Wilby Recreation Reserve

New, single lane bridge that will take heavy rigid vehicles but not semi or b-double trucks.

Expected Cost: \$150,000

☐

Dust Suppression

It is expected that it will cost in excess of \$450,000 to seal all the roads in the township. If this is selected as the top priority for the town then we will seal up to \$285,000 worth of roads starting with the highest traffic areas.

☐

Wilby Memorial Hall

The hall requires extensive remediation including removal of termite damage and replacement of external walls, windows and flooring. It will also require an upgrade to the toilets to bring them up to current standards.

Expected cost: \$200,000 - \$285,000

FILE NO: F13/119
1. A GREAT PLACE TO LIVE

ITEM NO: 9.3.1

WILBY DEVELOPMENT PRIORITIES CONSULTATION RESULTS (cont'd)

ATTACHMENT No [1] - Sample Letter



If you have any queries or wish to discuss this matter further, do not hesitate to contact Lyn Cooper, Team Leader Community & Recreational Development on (03) 5871 9222.

Yours sincerely

Andrew Close
General Manager Infrastructure

cc <Georgia Hills, Sally Rice, Graham Henderson, Mark Henderson>

Any further comments:

FILE NO: F13/119
1. A GREAT PLACE TO LIVE

ITEM NO: 9.3.1

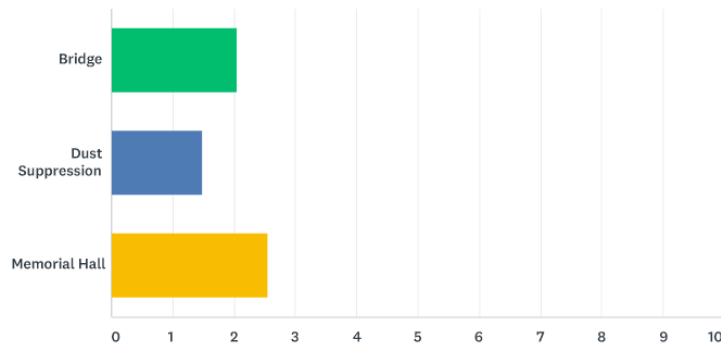
WILBY DEVELOPMENT PRIORITIES CONSULTATION RESULTS (cont'd)

ATTACHMENT No [2] - Survey Monkey Report - all responses

Wilby Development Priorities

Q1 Wilby Development Priorities

Answered: 69 Skipped: 2



	1	2	3	TOTAL	SCORE
Bridge	26.15% 17	53.85% 35	20.00% 13	65	2.06
Dust Suppression	20.00% 13	7.69% 5	72.31% 47	65	1.48
Memorial Hall	59.09% 39	37.88% 25	3.03% 2	66	2.56

FILE NO: F13/119
1. A GREAT PLACE TO LIVE

ITEM NO: 9.3.1

WILBY DEVELOPMENT PRIORITIES CONSULTATION RESULTS (cont'd)

ATTACHMENT No [2] - Survey Monkey Report - all responses

Wilby Development Priorities

Q2 Comment

Answered: 19 Skipped: 52

#	RESPONSES	DATE
1	We don't think the bridge needs to be any higher load than the current 2t. Any trucks can go around via Cemetery Road.	8/29/2018 10:37 AM
2	Feel there is adequate all weather access to oval. Current bridge to be left as foot bridge. Hall doesn't get used enough and has not enough people consistently attending to warrant major works. Dust suppression is number one concern for those who live on these roads as the town grows with more people moving here it needs to be addressed and not patched up like it usually is.	8/29/2018 10:34 AM
3	Would also like to see shade over playground. Make the bridge just a walkway bridge to cut costs	8/24/2018 2:24 PM
4	Hall - pull it down and start from scratch Bridge - what a stupid waste of money! Keep it as a pedestrian way eh? Dust Jealously unlimited! Nil nominations acceptable. To be quite honest they are a waste of money. 1. Put the money to good use i.e. give the town water, water, water. Something of importance to the town. 2. Dust suppression, how about Old Wilby Road and seal said road. If Hargreaves Road can get sealed why not Old Wilby Rd as it is now becoming a busy road.	8/24/2018 2:22 PM
5	4 - street lighting	8/24/2018 2:16 PM
6	Bridge needs to be done urgently for fire safety for people using the park.	8/21/2018 3:14 PM
7	In last 12 months, 5 new houses built to town. Town water to Wilby. Back road (old Wilby Road) to be tarred.	8/21/2018 3:07 PM
8	We do not think Dust Suppression should even be considered. The hall restoration would definitely be the most useful spend of money.	8/20/2018 11:06 AM
9	The Hall and Bridge add no value to our properties.	8/20/2018 11:05 AM
10	Dust suppression should not be out of this funding - should be roadworks funded	8/20/2018 11:03 AM
11	The \$85k component of the funding should only go to work on the hall. No work has been done at the hall for over 4 years whilst the community has been waiting for its future to be decided. Meanwhile it has continued to be well used and is a vital hub of Wilby & District.	8/15/2018 11:05 AM
12	Seal Forest Road Boweya 3675. Would be a better idea.	8/14/2018 9:35 AM
13	A bridge is vital. Without a second exit that area is a fire death trap. I have experienced it. We only need a 3 tonne bridge, not for a heavy vehicle. The hall only needs \$80,000 - \$100,000 at the most. Get real with your costings. Your own Shire employees say the dust suppression is very temporary - perhaps only a month - don't waste money.	8/14/2018 9:19 AM
14	All communities need a centre, the Wilby Hall has served this purpose for over 50 years. Now is the time to catch up n some of the repairs and maintenance to keep the community together. It doesn't have to be done at once, can be done in stages. The south wall and entrance should be first stage. The bridge only needs to be able to take passenger vehicles i.e. 3 ton limit.	8/14/2018 9:17 AM
15	"Wilby is no longer a Farmer's town". Water for Wilby - this town has increased in population so much in the past 10 yrs - much needed resource is a mobile tower - people's right to have access to communication!!! We need stock & domestic water connected!!	8/14/2018 9:13 AM
16	As a rate payer I voted 1, 2 & 3. Personally 1 & 2 (hall and bridge) are totally necessary. Dust suppression should not be funded by rate payers. I believe council estimates for repairs to hall and bridge are too high. Council should allow wilby residences to coordinate repairs as I'm sure they could make the money go further. Thanks.	8/14/2018 9:08 AM
17	Put a stoney crossing in!	8/14/2018 9:03 AM
18	Dust suppression is a waste of money. Don't do it: a temporary 'fix' at best, the real solution is to drive slower and don't create dust by ploughing up the farm paddocks in unsuitable weather.	8/14/2018 8:51 AM
19	The hall is a community asset that should be retained. The hall draws people from all surrounding communities to enjoy activities and social gatherings.	8/10/2018 9:52 AM

2 / 2

FILE NO: F18/213
1. A GREAT PLACE TO LIVE

ITEM NO: 9.3.2

2018/19 COMMUNITY STRENGTHENING GRANTS MINOR AND MAJOR GRANT ROUND 1

RECOMMENDATION

That Council approve 21 projects totalling \$140,291 as part of the 2018/19 Community Strengthening Grants Program.

1. Executive Summary

The 2018/19 Community Strengthening Grants Program has a total budget of \$254,000 and are being offered in three categories Major to \$10,000 (one round), Minor up to \$5,000 (two rounds) and Quick Response up to \$1,000 (always open). Round One comprising the Major and Minor grant were open for applications via Smarty Grants in July/August 2018.

Council received 31 applications for the first round of the 2018/19 Community Strengthening Grants Program. 27 of the applications passed the pre-eligibility stage. Following assessment, 21 are recommended for funding at a total cost of \$140,291. Projects not recommended for funding are either ineligible, require further planning, provide limited community benefit and/or the applications were of poor quality.

2. Background and Options

The Community Strengthening Grant program aims to:

- Support strategic goals identified in the Council Plan;
- Support community organisations that provide diverse and effective local services, facilities and activities;
- Support community action plans resulting from the community planning process;
- Support the goals and directions outlined in Council's strategic plans primarily but not limited to the, Municipal Public Health and Wellbeing Plan;
- Support the key pillars or actions outlined in Council's Business and Innovation Strategy; and
- Maximise the benefit of Council's investment by encouraging matching contributions and seeking of other external funding to support major projects and events.

Prior to the opening of the 2018/19 Community Strengthening Grants Program, information sessions were advertised in Numurkah and Cobram. Due to limited people registering interest in Cobram, the session did not go ahead. 12 representatives from various community organisations attended the Numurkah session. The session provided information regarding the online application process through Smarty Grants, the Grant Policy, its implications for eligibility, the program outline including dates and support and guidance, information on the new grant guru website and the assessment process. One-on-one sessions were also offered to a number of community group representatives.

The Goulburn Valley Library service provided support applicants with the on line application process; computer and internet access; and technical support with the Smarty Grants program. Council Officers also provided one on one sessions if further assistance was required.

The Community Strengthening Grants were open for six weeks in July / August. All submissions were evaluated in accordance with the Community Strengthening Grants

FILE NO: F18/213
1. A GREAT PLACE TO LIVE

ITEM NO: 9.3.2

**2018/19 COMMUNITY STRENGTHENING GRANTS MINOR AND MAJOR
GRANT ROUND 1 (cont'd)**

Policy adopted by Council at the July 2018, Council Meeting. The assessment panels were made up of three to four Council Officers from various departments across the organisation.

Utilising Council's Community Strengthening Policy, the assessment panel utilised the scoring matrix to provide a recommended list of successful applicants (listed below) for both the Minor and Major grant categories.

Summary of Applications

	App's Received	Recommended	Ineligible / Not Recommended	Funding Requested	Recommended Funding Amount
Minor Grants (up to \$5,000)	10	7	2 / 1	\$35,792	\$27,690
Major Grants (up to \$10,000)	21	14	2 / 5	\$157,756	\$112,601
TOTAL	31	21	4 / 6	\$193,548.00	\$140,291.00

Through the 2018/19 Community Strengthening Grants – Round 1 program the Assessment Panel are recommending that the following projects be funded.

Minor Grants – recommended to be funded by the panel:

Organisation Project	Project Description	Total Project Cost	Recommended Amount (requested amount if different)
U3A Cobram and District Learning the Ropes – Volunteer Training Program	Training program to provide volunteers with confidence and skills to understand and fulfill organisational and governance requirements.	\$4,500	\$4,500
Assessment Panel comments: Meets community need and will benefit a number of community originations.			
Tungamah Football Netball Club Inc Netball Grandstand Seating	2 x grandstand seating for netball courts at Jubilee Park.	\$5,852	\$5,000
Assessment Panel comments: Will increase social capacity however could of provided further detail in relation to health and wellbeing impacts.			
Soroptomist International Cobram and Barooga State to State Walk Against Domestic Violence	5km walk from Thompson's Beach to Barooga Community Hall to raise awareness of Domestic Violence in the community.	\$7,000	\$2,500 (\$5,000)
Assessment Panel comments: Project highlights violence against women issue. Request contribution from Berrigan Shire Council.			

FILE NO: F18/213
1. A GREAT PLACE TO LIVE

ITEM NO: 9.3.2

**2018/19 COMMUNITY STRENGTHENING GRANTS MINOR AND MAJOR
GRANT ROUND 1 (cont'd)**

Organisation Project	Project Description	Total Project Cost	Amount Requested
Lions Club of Strathmerton Playground Fencing at Lions Park Strathmerton	Install 'pool type' fencing around the existing playground and associated equipment to improve safety.	\$6,700	\$4,750
Assessment Panel comments: Good financial support and will improve children's safety.			
Numurkah Town Hall Committee of Management Installation of AED (Automated External Defibrillator)	Installation of AED in Numurkah Town Hall available for emergency cardiac arrest treatment of patrons and personnel.	\$2,850	\$2,850
Assessment Panel comments: Improves safety of users. Conditions around who will be responsible for maintaining the device.			
Yarrawonga Mulwala Cricket Club Cylinder Mower	Replace the cylinder mower to prepare the turf pitch at Stan Hargreaves Oval.	\$7,500	\$3,250 (\$5,000)
Assessment Panel comments: Greater financial contribution required from applicant. Project will meet the needs of the Cricket Club.			
The GRAIN Store Recycled Items workshops and exhibition	A series of workshops conducted by artists who are committed to environmental sustainability using recycled items to create their art.	\$22,440	\$4,840
Assessment Panel Comments: Good application with strong outcomes for participants.			

Minor Grants Summary:

The panel recommend that the above 7 projects totalling \$27,690 are funded under the Community Strengthening Grants – Minor Category.

Projects scoring less than 17 out of 25 are not recommended by the panel under this category. Projects that have not been recommended by the panel were due to poorly written applications. As such Council Officers will make an active effort to meet with these applicants to work through their projects and encourage an application to be made in the next grant round.

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1. A GREAT PLACE TO LIVE

ITEM NO: 9.3.2

**2018/19 COMMUNITY STRENGTHENING GRANTS MINOR AND MAJOR
GRANT ROUND 1 (cont'd)**

Major Grants – recommended to be funded by the panel:

Organisation Project	Project Description	Total Project Cost	Recommended Amount (requested amount if different)
Cobram Girl Guides Fisher Guide Hall Renovation	Paint interior building white and replace curtains with practical covering.	\$7,200	\$6,400
Assessment Panel comments: Good application which will provide a cheerful environment for the group.			
Nathalia Recreation Reserve Multi-Purpose Hot Water Service	Replace and update the hot water service.	\$33,000	\$11,000
Assessment Panel comments: Good project and application.			
Wunghnu Recreation Reserve Purchase Second Hand Council Mower	Purchase a second hand self-propelled mower from Council to keep reserve clean and tidy.	\$10,000	\$5,000
Assessment Panel comments: Good project which will benefit hardworking committee who take pride in their town and reserve.			
Peechelba and District Progress Association Reinstatement of Hall storeroom.	Restore storeroom concrete floor, walls and roof to provide a practical, safe and secure room.	\$12,223.37	\$10,000
Assessment Panel comments: Good project which will benefit a number of community groups and improve safety and compliance.			
Cobram Community House Promoting Play	Upgrade new flooring in the Kid's House and refresh the sandpit.	\$3,851	\$3851
Assessment Panel comments: Good application and project.			
Moir Miniature Rail Inc Wunghnu Miniature Railway Stage 2	Complete of Stage – allow passengers to travel the entire 1200m ride.	\$7,910	\$6,750
Assessment Panel comments: Good community outcomes with tourism component once completed.			
Cobram Lawn Tennis Club Facility Maintenance Storage Area	Replace existing maintenance facility area for valuable equipment.	\$15,057	\$7,500
Assessment Panel comments: Worthwhile project, club supports health communities.			

FILE NO: F18/213
1. A GREAT PLACE TO LIVE

ITEM NO: 9.3.2

**2018/19 COMMUNITY STRENGTHENING GRANTS MINOR AND MAJOR
GRANT ROUND 1 (cont'd)**

Organisation Project	Project Description	Total Project Cost	Recommended Amount (requested amount if different)
Strathmerton Community Steering Committee Inc Strathmerton Rail Trail Feasibility Study	Feasibility study to consider a rail trail from Cobram to Strathmerton.	\$15,000	\$10,000
Assessment Panel comments: Identified as part of community plan. Long term health and wellbeing project benefits.			
Nathalia Golf Club Refurbishment of Kitchen Facilities	Improve standards of kitchen to meet food handling and health and safety standards.	\$7,600	\$5,600
Assessment Panel comments: Will assist in making facility more user friendly. Good support letters.			
Yarrawonga Mulwala Swimming Club Lane rope and reel replacement	Replace existing lane ropes and reels at the Yarrawonga Swimming Pool.	\$21,682	\$10,000
Assessment Panel comments: Necessary equipment for swimming events. Good project and application.			
Koonoomoo Improvement Group Upgrade Water Supply	Upgrade water facilities to meet the demands of the public toilet and pavilion facilities.	\$7,733	\$6,500
Assessment Panel comments: Good project and application.			
Picola and District Improvement Group Play Equipment for Picola Park	Install play equipment at Picola Heritage Park.	\$14,000	\$10,000
Assessment Panel comments: Great community driven project with strong health and wellbeing outcomes.			
Cobram Cricket Club Shower Facilities Upgrade	Upgrade clubroom shower facilities to conform with female friendly / universal guidelines.	\$31,450	\$10,000
Assessment Panel Comments: Good application.			
Yarrawonga Rowing Club Inc Septic to Sewer	Disconnect and decommission septic tank and connect to town sewer.	\$14,000	\$10,000
Assessment Panel Comments: Good application.			

FILE NO: F18/213
1. A GREAT PLACE TO LIVE

ITEM NO: 9.3.2

**2018/19 COMMUNITY STRENGTHENING GRANTS MINOR AND MAJOR
GRANT ROUND 1 (cont'd)**

Major Grant Summary:

The panel recommends that the above 14 projects totalling \$112,601 are funded under the Community Strengthening Grants – Major Category.

As general rule, projects scoring less than 16 out of 25 are not recommended by the panel under this category. Projects that have not been recommended by the panel have been poorly written and provided insufficient detail to justify the application. Council Officers will make an active effort to meet with these applicants to work through their projects and encourage an application to be made in the next grant round.

3. Financial Implications

A total of \$140,291 is recommended by the grants review panel to be allocated to 21 community projects and events.

4. Risk Management

The Community Strengthening Grants Program addresses risk by:

- Ensuring a financial agreement and process is in place before funding is provided;
- Ensuring Council's responsibilities are clearly identified in the signed funding agreement between Council and the funding recipient;
- Ensuring relevant documents (e.g. funding applications and funding agreements) outline the responsibilities of applicants in terms of occupational health and safety and risk management; and
- Having an evaluation process in place to ensure delivery of the funded community projects and events.

5. Internal and External Consultation

Internal consultation has taken place with the grant review panel evaluations. These Assessment Panel included:

- Team Leader Arts and Culture;
- Community Services Officer;
- Team Leader Recreation and Community Planning;
- Projects and Events Officer

The Business Support Officer participated in all panels to provide administrative support. The Manager Community Development provided direction where indicated.

Consultation also included discussions with Manager Construction and Assets, Coordinator Facilities Maintenance and Superintendent Parks and Fleet (Operations).

An information session was held in Numurkah. 12 representatives from various community organisations attended the information session. Due to lack of interest the planned second session did not progress.

The Cobram, Yarrawonga, Numurkah and Nathalia libraries were utilised as access points for those who did not have access to a computer and internet to work on their online applications or those who required the support of a librarian to work through the Smarty Grants program.

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1. A GREAT PLACE TO LIVE

ITEM NO: 9.3.2

**2018/19 COMMUNITY STRENGTHENING GRANTS MINOR AND MAJOR
GRANT ROUND 1 (cont'd)**

6. Regional Context

21 projects are recommended for funding in this round. These applicants were able to demonstrate that their project will improve the quality of facilities and services that currently benefit residents of, and visitors to Moira Shire.

7. Council Plan Strategy

The Community Strengthening Grants Program will assist Council in meeting its Council Plan strategic objective of having 'a connected and welcoming Shire for all by providing well planned places and quality services.'

8. Legislative / Policy Implications

The applications have been assessed in accordance with the Moira Shire Strengthening Grants policy and guidelines.

9. Environmental Impact

Moira Shires Community Strengthening Grants Program aims to support a wide range of diverse projects and events. Where appropriate, the grant review pane ensures that environmentally sustainable options are considered when scoping projects and events.

10. Conflict of Interest Considerations

One conflict of Interest was declared by a member of the assessment panel. The panel member withdrew from scoring and assessing the relevant application.

11. Conclusion

Following the assessments of applications received, the assessment panel recommends funding 21 under Round One of the Community Strengthening Grants Program with a total value of \$140,291.

Attachments

Nil

FILE NO: D18/7276
1. A GREAT PLACE TO LIVE

ITEM NO: 9.3.3

MOIRA SHIRE COUNCIL MEMORIALS AND PLAQUES POLICY

RECOMMENDATION

That Council endorse the Moira Shire Memorials and Plaques Policy.

1. Executive Summary

Moira Shire Council recognises that members of the community may wish to use public or open space to commemorate a person or group of people or event. The purpose of this policy is to provide a framework for the consideration and installation of plaques and memorials in Moira Shire.

2. Conflict of Interest Consideration

There are no officer conflict of interest issues to consider within this report.

3. Introduction

As a general principle memorial gardens and cemeteries are considered primary places for the erection of memorials within Moira Shire. However, it is recognised that in some circumstances events or people of outstanding significance may be appropriately commemorated by a plaque or memorial in some other location.

The policy encompasses the various types of memorials and plaques for which Moira Shire receives requests, and provides criteria to enable council officers to adequately assess and manage applications in a timely manner.

4. Discussion

Council has not previously developed a framework document to determine the outcome of a request for memorials or plaques.

The main objective of the policy is to provide:

- guidelines and an equitable decision-making approach for applications received from community groups, individuals and Moira Shire Council; and
- an agreed management of informal roadside memorials on Council managed roadside reserves.

The policy includes the following types of memorials:

- Plaques
- Memorial/Commemorative Trees and Plantings
- Roadside Memorials
- Heritage Recognition Markers
- War Memorials
- Historical Commemorative/Memorial Plaques
- Statues, Sculptures and Other Memorials
- Bequests
- Burial of Pets on Public Reserves

The policy will also provide the community with guidance on how to formally apply for a memorial or plaque to be installed on council managed land and provide the mandate for removal or remediation of plaques or memorials in specific situations.

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ITEM NO: 9.3.3

MOIRA SHIRE COUNCIL MEMORIALS AND PLAQUES POLICY (cont'd)

Financial Implications

Costs associated with the implementation and ongoing maintenance of plaques and memorials in public places are addressed within the policy.

Risk and Mitigation

The purpose of the Memorials and Plaques policy is to ensure that any memorials or plaques are controlled on land managed by Moira Shire Council. Council will not consider requests for plaques, memorials and monuments that will either interfere with the purpose and use of the proposed location or be attached to vegetation, or other living things.

Approved plaques, memorials and monuments will be required to be suitable to the proposed location, contribute to the design and function of the building or setting and conserve the cultural character and natural environment of the building and space.

External Consultation

No external consultation has taken place in the development of this policy.

Internal Consultation

Initial consultation in the development phase was sought from Governance and Operations. The policy has been circulated through the Management and Corporate Management teams for feedback.

Legislative / Policy Implications

This is a newly developed policy for Moira Shire Council. There are no legislative requirements aligned with the policy. The policy will have no effect on existing policies.

Environmental Sustainability

The community, when considering a plaque or a memorial, is encouraged to plant memorial trees in recognition of loved ones. The policy outlines that under no circumstances are plaques or memorials to be attached to vegetation, or other living things.

5. Conclusion

The attached policy, along with the procedure and form which form part of the approval process, will provide guidance for responding to the submissions and requests Council receives for memorials and plaques.

Attachments

- 1 Moira Shire Memorials and Plaques - Application Form
- 2 Moira Shire Council Memorials and Plaques Policy

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MOIRA SHIRE COUNCIL MEMORIALS AND PLAQUES POLICY (cont'd)

ATTACHMENT No [1] - Moira Shire Memorials and Plaques - Application Form

F O R M



Memorials and Plaques Application Form

BEFORE SUBMITTING THIS FORM PLEASE ENSURE YOU COMPLETED THE FOLLOWING:

1 - I have read the Memorials and Plaques Policy	
2 - I/my organisation understand the requirements associated with the proposal	
3 - I have discussed my proposal (including the location) with a Moira Shire Council Officer	

Applicant/s Details

Surname			
Given Names			
Postal Address			Postcode
Address			Postcode
Telephone No	(Home)	(Work)	(Mobile)

Preferred method of communication (please tick)

Phone	
Mail	
Email	

Proposal is for the following

Plaque	
Memorial	
Memorial/Commemorative Trees and Plantings	
Other (Please detail below)	

Reason for the proposed plaque or memorial request

An individual or Association that has contributed significantly to the cultural, political or social aspects of the regions development	
An individual or Association strongly linked to the Moira Shire region and its history	
A significant anniversary of an event unique to the history and development of the locality; historical or other information relevant to the site/location of the plaque	
A public artwork of significance	

Moira Shire Council
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Post: PO Box 578, Cobram, Vic 3643
DX: 37801, Cobram

Cobram Administration Centre:
44 Station Street, Cobram
Yarrawonga Service Centre:
100 Belmore Street, Yarrawonga

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MOIRA SHIRE COUNCIL MEMORIALS AND PLAQUES POLICY (cont'd)

ATTACHMENT No [1] - Moira Shire Memorials and Plaques - Application Form

Please provide details of the contribution of the subject being memorialised

--

Proposed wording for plaque/memorial

Final wording for the plaque/memorial will be subject to Council approval.
The wording to be included on the plaque/memorial as detailed below.

--

Materials, Design and Dimensions Information

Materials, design and dimension information is attached

Preferred Location of the plaque/memorial

Photograph/sketch of the proposed location of the plaque/memorial is attached

Applicant declaration

I accept responsibility for the full cost of supply and installation of the plaque / memorial

Applicant signature

Organisation (if applicable)

Date

Please submit your form online or deliver to a council service centre.

Collection/Privacy Statement

Moira Shire Council is collecting information on this form for the administration of your plaque or memorial application. The information collected will be used for the purpose it was collected and/or a directly related purpose. If you do not provide the information required, we may not be able to process your application.

Information collected may be disclosed to VicRoads, Goulburn Murray Water or if required by legislation. You can find out more about how we use and protect your information by viewing our Privacy Statement on our website www.moira.vic.gov.au.

Moira Shire Council
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MOIRA SHIRE COUNCIL MEMORIALS AND PLAQUES POLICY (cont'd)

ATTACHMENT No [2] - Moira Shire Council Memorials and Plaques Policy

Memorials and Plaques Policy



Policy type	Council
Adopted by	Council
Responsible General Manager	Sally Rice
Responsible officer	Georgia Hills
Date adopted	
Scheduled for review	This policy will be reviewed four years from the date of adoption, or sooner if required.

PURPOSE

The purpose of this policy is to provide a framework for the installation of plaques and memorials in Moira Shire.

SCOPE

This policy applies to any applicants wishing to apply for a memorial or plaque on Council's public and open space.

This policy only relates to:

- Requests related to locations within Moira Shire Council and on land it manages.
- Requests for memorials.
- Requests for one-off plaques.
- Requests for a cluster or series of plaques associated with a particular theme.

OUT OF SCOPE

Memorialising through the naming or renaming of a road (whether public or private) and public assets such as reserves, buildings or trails.

Memorials on road reserves not managed by Council under the Road Management Act, 2004.

DEFINITIONS

Applicant - A person or group who propose the installation of a memorial, and who will pay all costs of supply and installation of the memorial item/s, as per the application and approval.

Memorial - A memorial is a two or three-dimensional object or feature designed to recognise a person, group or event. It could be a sculptural or artistic work, or a water, horticultural or landscape element.

Open Space - Open space refers to all land owned and/or managed by Council that is available for public access. Typically, open space includes parks, gardens, trails, habitat corridors, utilities reserves, foreshores, waterways, sportsgrounds and conservation reserves. It does not include vacant municipal land zoned for other purposes.

Plaque - A plaque is a flat piece of metal, stone or other durable material with a two-dimensional face that can be fixed to an object, pavement or building. A plaque includes text

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MOIRA SHIRE COUNCIL MEMORIALS AND PLAQUES POLICY (cont'd)

ATTACHMENT No [2] - Moira Shire Council Memorials and Plaques Policy

Memorials and Plaques Policy



and/or images to recognise a person, group, place or event, or to interpret the history of a public place.

Public Place - Public Place refers to road reserves, Municipal Buildings, streetscapes and other council lands that are owned and/or managed by Council.

Roadsides - Roadsides refers road reserve area outside of the carriageway on roads that under the Road Management Act are the responsibility of Council. People should be aware that Arterial roads, Highways, and Freeways are, in most instances, the responsibility of Regional Roads Victoria.

POLICY

Moira Shire Council recognises that members of the community may wish to use public or open space to commemorate a person or group of people or event. The purpose of this document is to provide a policy framework for management of plaques and memorials and assessment and installation of new plaques and memorials within public space in Moira Shire.

Introduction

As a general principle memorial gardens and cemeteries are considered primary places for the erection of memorials. However, it is recognised that in some circumstances events or people of outstanding significance may be appropriately commemorated by a plaque or memorial.

Subjects for plaques and memorials will be limited to the following:

- An individual or Association that has contributed significantly to the cultural, political or social aspects of the regions development;
- An individual or Association strongly linked to the Moira Shire region and its history;
- A significant anniversary of an event unique to the history and development of the locality, historical or other information relevant to the site/location of the plaque;
- A public artwork of significance.

Council will not consider requests for plaques, memorials and monuments that will:

- Commemorate a person, event or occasion already memorialised in Moira Shire;
- Interfere with the purpose and use of the proposed location;
- Adversely affect the heritage significance of the building and place;
- Be attached to vegetation.

Approved plaques, memorials and monuments are required to:

- Be suitable to the location;
- Relate to the proposed site and contribute to the design, function of the building or the setting and conserve the cultural character and natural environment of the building and space.

All approved plaques and memorials become a Council asset once installed.

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MOIRA SHIRE COUNCIL MEMORIALS AND PLAQUES POLICY (cont'd)

ATTACHMENT No [2] - Moira Shire Council Memorials and Plaques Policy

Memorials and Plaques Policy



Burial of Pets on Public Reserves

Under no circumstances will Moira Shire Council allow the burial or memorialisation of domestic animals in open or public space. Any plaques and memorials dedicated to pets will be removed.

PLAQUES

The installation of a plaque is generally reserved for official Council endorsed ceremonies, openings of a major project, the marking of a historic event or to commemorate and recognise the contribution an individual has made within Moira Shire. However, the installation of a memorial plaque may be considered, at the discretion of Council, to commemorate a deceased person (in accordance with the above criterion).

The placement of plaques may be permitted on existing park furniture, structures or utilities as appropriate and at the discretion of Council. The size, design and wording of plaques should be discrete and consistent with the character of the site in which it is being placed.

Council will install the plaque at the donor/applicant's cost. Plaques shall have no sharp edges or corners and be designed to allow for epoxy glue mounting with rear location spigots or for corner screw mounting with one-way vandal resistant or tamper proof fixings.

Moira Shire Council reserves the right to remove a memorial if it falls into a state of disrepair, is accidentally damaged or vandalised or if the asset it is fixed to requires replacement in order to maintain its amenity. Every effort will be made to contact next of kin prior to such removal however as the plaque or memorial is a Council asset Council retains the right to conduct any works impacting a memorial or plaque directly or indirectly without further consent from the original applicant. Memorials will only be replaced or repaired at the specific request of the donor and at their cost.

The following details outline specific arrangements for installation of approved plaques in specific situations or locations.

Memorial/Commemorative plaque on a picnic setting, seat or bench

Council reserves the right to determine the need for a memorial seat and to negotiate the precise positioning and the appropriate maintenance of the seat to ensure maximum benefit to the community and compliance with the street furniture in that location.

Following the approval process Council will install the approved memorial seat.

Council reserves the right to remove or reposition a memorial seat if necessary for any future park and reserve improvements.

A plaque for installation on the seat shall be made of a Council approve metal (i.e. stainless steel or bronze) and of maximum dimensions 100mm long x 45mm wide x 1.5mm thick with standard laser cut wording.

Only one plaque per seat will be approved.

The cost of the seat and the plaque and installation will be borne by the applicant.

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MOIRA SHIRE COUNCIL MEMORIALS AND PLAQUES POLICY (cont'd)

ATTACHMENT No [2] - Moira Shire Council Memorials and Plaques Policy

Memorials and Plaques Policy



Plaque Inscription for Seat Memorials Sample

JOHN CITIZEN
24.05.44 – 31.08.15
PLACED HERE IN HIS HONOUR BY JOHN'S FAMILY
FOR THE ENJOYMENT OF SPORT. FOR MANY YEARS HE GAVE
GENEROUSLY OF HIS TIME AND TALENTS TO THE COMMUNITY.

Plaque installation for Trees and Plantings

Should a tree memorial plaque be permitted for installation within close proximity to a memorial tree the suggested size of the plaque is 150mm x 100mm mounted on a concrete or stone base plinth as near as practicable to the tree trunk.

The wording shall be proposed by the donor / applicant for Council approval. Only one plaque per tree will be approved. Plaques are to be durable, safe, correctly fixed and located so as not to cause any hazard or risk.

The method of plaque fixing to a stone or concrete plinth and the method of fixing the plinth to the ground will need to be detailed and approved by Council prior to any fabrication. Plinths must not cause trip hazards, damage mowing machinery or be installed like grave stones so that they are visually intrusive in the landscape.

All materials are to be complementary to the context of the surrounding site. Marked memorials are not permitted on or near street trees.

Plaques can also be attached to existing infrastructure at nature reserves. Small commemorative metal plaques (100mm x 100mm being standard size) for groups or individuals, may be attached to a timber bollard or similar fixed infrastructure.

MEMORIALS

Memorial/Commemorative Trees and Plantings

Memorial/Commemorative tree(s) can be ordered through Council's Operations Department. Trees available will adhere to the planting scheme at the requested site (as detailed in the Landscape Planting Guidelines) and planted as part of Council's routine planting program. Planting will include digging the tree hole and provision of backfill, stakes and guards if required and mulch. Plaques on trees are not permitted, but can be installed as detailed above.

All costs will be met by the applicant.

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MOIRA SHIRE COUNCIL MEMORIALS AND PLAQUES POLICY (cont'd)

ATTACHMENT No [2] - Moira Shire Council Memorials and Plaques Policy

Memorials and Plaques Policy



Disclaimer on Memorial Trees

Every effort will be made on the part of Council to ensure the successful establishment and the longevity of the memorial tree.

Council will provide for and be responsible for the establishment and ongoing maintenance of the memorial tree. The maintenance of the memorial trees will be carried out under the supervision of Council's Tree Management Officer and may include pruning.

Donors of memorial trees must note that Council does not guarantee the longevity of the memorial tree. Trees are subject to various environmental stresses which may include (but not limited to) drought, borer attack, lightning strike and vandalism.

Trees have a finite life span. If a tree dies or requires removal Council may replace the tree at Council's discretion. It should be noted that the memorial tree may need to be removed entirely if the tree develops structural defects.

Roadside Memorials

Roadsides for the purpose of this policy are road reserve areas outside of the carriageway on roads that

A roadside memorial is any object constructed, erected or placed on the road or within the road reserve to commemorate/indicate a road fatality. Memorials may include items such as wooden crosses, coloured posts, flowers or any type of construction with or without plaques or inscriptions.

Roadside memorials erected for any reason other than a fatal motor vehicle accident will be removed.

The nature of roadside memorials is that they tend to occur organically and at times of significant tragedy. This section of the policy addresses the erection of permanent or semi-permanent roadside memorials.

Memorials must not:

- Distract drivers' attention, disrupt traffic flow, upset nearby residents or road users, or prevent road maintenance;
- Provide a hazard for footpath users;
- Alter a public road;
- Be constructed of materials that will cause injury if struck by a vehicle;
- Become the subject of gathering creating public disturbance or littering;
- Be disrespectful, offensive or cause concern for other road users;
- Be attached to road or non-road related infra-structure (power poles, signs etc.).

In the event any of the above are evident the memorial will be removed unless corrected to Council's satisfaction.

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MOIRA SHIRE COUNCIL MEMORIALS AND PLAQUES POLICY (cont'd)

ATTACHMENT No [2] - Moira Shire Council Memorials and Plaques Policy

Memorials and Plaques Policy



When placing a roadside memorial, the memorial maker's details are encouraged to be included on the memorial for contact purposes. When Moira Shire Council needs to undertake any works in the vicinity of a roadside memorial, requiring its modification, relocation or removal, Moira Shire Council will endeavour to contact the memorial maker.

For further information relating to Roadside Memorials please refer to the VicRoads Roadside Memorial Policy (2015) link below.

[VicRoads Roadside Memorial Policy \(2015\)](#)

Members of the community affected by the fatal crash are a key consideration. A roadside memorial may be a constant reminder of a traumatic event for some members of the community as they travel past the location on a daily basis.

Moira Shire Council understands that it is not only the family and friends who may be affected by a fatal crash. People who attend a crash (i.e. emergency services personnel), other members of the community, and those people living/working near a crash location may also be affected.

Roadside memorials are to be discreet to respect the feelings of members of the community affected by the fatal crash, whilst still supporting the needs of family and friends.

Memorials are generally not to be located in close proximity to residential dwellings. Where this cannot be avoided, consultation with the nearby resident and a discreet memorial option is to be considered. Family and friends congregating at roadside memorials are encouraged to be respectful of nearby residents, private property and other road users.

Heritage Recognition Markers

Heritage Recognition Markers are installed by Moira Shire Council on private and public property and communicate the listing of the building, its history and its significance.

The following criteria apply to Heritage Recognition Markers:

- The property must be State or Local Heritage listed
- Development Approval is required
- Property Owner permission is required.

Markers are generally installed directly onto the building or fence, if this is not possible, the markers will be post mounted as close to the building or fence as practical.

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MOIRA SHIRE COUNCIL MEMORIALS AND PLAQUES POLICY (cont'd)

ATTACHMENT No [2] - Moira Shire Council Memorials and Plaques Policy

Memorials and Plaques Policy



War Memorials

A war memorial commemorates the people who served in and died as a result of war. They vary widely in form, but, all have the same intention, that is to remind us of those we have lost to war.

All war memorial requests will be referred to Council for their consideration and approval in line with:

- Wherever possible any war memorial and the remembrance of any future conflict should be made at an existing war memorial site (in consultation with the relevant Ex-Services Organisations RSL/SSA);
- Where a request for a new war memorial is made on a site not currently recorded or used as a war memorial site, the request should be referred to Councils Planning Department for comment prior to Councils consideration;
- Any proposal to move or significantly change an existing memorial shall be considered under this policy.

Historical Commemorative/Memorial Plaques

Commemorative and Memorial Plaques are used to signify or commemorate an historic or significant occasion, or feature and will be considered by Council on an individual basis.

Statues, Sculptures and Other Memorials

A formal written request for the installation of a statue, sculpture or other memorial not contained within the details of this policy shall be required by the applicant / donor for formal Council resolution and approval.

Details of the type of statue, sculpture or memorial proposed and a suggested location on Council open or public space will be required and further information is to be provided to Council as applicable upon request. Council will consider the application on its merits and under exceptional circumstances only.

Any significant commemorative or memorial feature will be referred to Council for their consideration and/or approval.

BEQUESTS

Memorials may take the form of bequests. There are opportunities to commemorate people, groups, places or events outside of the scope of this policy including:

- Gifting pre-existing memorial artworks. People who wish to do this should contact the Moira Shire Arts and Culture team.
- Donations that could contribute to the purchase of books, artworks, manuscript material, maps or other items that can be used in municipal buildings such as civic buildings and public libraries.

Prospective bequestors are advised to seek the advice of independent legal and/or financial counsel in the bequest planning process.

FILE NO: D18/7276
1. A GREAT PLACE TO LIVE

ITEM NO: 9.3.3

MOIRA SHIRE COUNCIL MEMORIALS AND PLAQUES POLICY (cont'd)

ATTACHMENT No [2] - Moira Shire Council Memorials and Plaques Policy

Memorials and Plaques Policy



APPLICATION FOR PLAQUES AND MEMORIALS

All requests for a plaque or memorial can be submitted using the Memorials and Plaques Application Form. The form can be found at council service centres or filled out online, refer to link to the [Moira Shire Council website](#)

RELATED LEGISLATION

Local Government Act 1989
Charter of Human Rights & Responsibilities Act 2006

REFERENCES

VicRoads Roadside Memorial Policy 2015
Landscape Planting Guidelines

FILE NO: F13/150-2
1. A GREAT PLACE TO LIVE

ITEM NO: 9.3.4

DISABILITY ADVISORY COMMITTEE - MEMBER NOMINATION

RECOMMENDATION

That Council

1. Accept all nominations the Disability Advisory Committee; and,
2. Endorse the amended Disability Advisory Committee Terms of Reference

1. Executive Summary

Council's Disability Advisory Committee (DAC) includes representatives from relevant disability, community and health organisations, community members, Councillors and a Council Officer.

The role of the DAC is to provide expert and personal advice on accessibility issues. This is to ensure that appropriate consultation and participation occurs and that Council effectively advocates for a more accessible and inclusive community.

In preparation for the expiration of the current DAC's office term in September 2018, advertising for new members has occurred. A total of 13 nominations were received, this is a significant increase from previous years.

This report recommends accepting all nominations to the DAC. This therefore increases the community membership from two to five. The attached DAC Terms of Reference reflect these changes and offer a new term of expiry for 30 October 2022. Otherwise the Terms of Reference have been reviewed and are considered current and relevant and are therefore unchanged.

2. Background and Options

The DAC consists of representatives from various relevant community services and general public where there is an interest in accessibility issues. To ensure the effectiveness of the DAC the membership and relevant terms of reference are reviewed regularly.

In preparation for the completion of the current term of appointment advertising for new members has occurred. This has resulted in applications from:

- 5 community representatives; and
- 8 community and disability service organizational representative.

The DAC aims to consult with relevant community and professional members to ensure Council achieves best practice in regards to inclusion and accessibility. The Committee also aims to reduce risk of noncompliance with the Disability Discrimination Act 1992 and the Victorian Disability Act 2006.

Under Section 3 of the Local Government Act 1989 Councils can establish advisory committees, with the role of providing advice and recommendations in relation to specific matters.

The DAC's purpose is:

"The committee aims to inform and educate Council and the community on accessibility and inclusion matters. The committee aims to ensure consultation and participation opportunities exist for people with disabilities, their families, carers,

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1. A GREAT PLACE TO LIVE

ITEM NO: 9.3.4

DISABILITY ADVISORY COMMITTEE - MEMBER NOMINATION (cont'd)

advocates and service providers. Particular emphasis is placed on highlighting rural disability issues to raise awareness to federal, state and local governments”.

As the previous DAC has served a term of four years, advertising occurred for nomination of membership to the next term. Council received 13 nominations from community member and relevant organisations. These nominations are in addition to the two Councillor representatives and three position based members.

The involvement of community members and relevant stakeholders is paramount to ensuring the committees success. Community member nominations increased from two to five. Upon review of the nominations, which were of quality and relevance, all nominees have been recommended to be accepted and endorsed. The attached terms of reference have been amended to reflect these changes and include the appointment of two Councillor representatives to the Committee.

Advertising for nominations occurred from 23 July 2018 to 20 August 2018 with the following nominations received:

Membership Type	Name	Organisation (if relevant)
Disability Services	Nancy Campbell	Women with Disabilities Victoria
Disability Services	Leah Willis	Cobram & District Specialist School
Disability Services	Paul Quinane	Providing All Living Support (PALS) Inc
Neighbourhood/Community House	Sally Bate	Cobram Community House
Neighbourhood/Community House	Deb Fowler	Numurkah Community Learning Centre
Neighbourhood/Community House	Debbie Cooper	Yarrawonga Neighbourhood House
Neighbourhood/Community House	Sue Maloney	Nathalia Community House
Position Based		Moir Health Care Alliance – Aged and Disability Services
Position Based		Rural Access Officer - Disability Services
Position Based		Local Learning and Employment Network - Employment
Regional Sport Assembly	Jarryd Culter	Valley Sport
Community Member	Janita Crawford	
Community Member	Renee McCarthy	
Community Member	Melanie Tomlin	
Community Member	Anthony McNamara	
Community Member	Jenny Godwin	

Due to the quality and depth of experience it is recommended that all nominations be accepted.

The Terms of Reference have been reviewed in preparation for the new DAC term. They are considered current and relevant and are therefore unchanged with the following exceptions:

- the expansion of the number of community members from two to five; and
- the ending period of the committee being 3 October 2022.

3. Financial Implications

The financial implications associated with this report is included in the DAC general ledger.

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ITEM NO: 9.3.4

DISABILITY ADVISORY COMMITTEE - MEMBER NOMINATION (cont'd)

4. Risk Management

The DAC meets Council's legislative obligations under the Section 3 of the *Local Government Act, 1989*.

5. Internal and External Consultation

Internal consultation occurred with the Community Development Department and the Governance and Communications Team.

The opportunity was advertised in the four local newspapers, as well as through emails and social media posts. The current DAC was engaged throughout the process of member recruitment

6. Regional Context

The Disability Advisory Committee works closely with regional services and organization to deliver and promote cohesive and relevant social supports for people with disability.

7. Council Plan Strategy

This report and the Disability Advisory Committee aligns with Moira Shire Council Plan 2017-21 Strategy 1; A great place to live. In particular, it meets the following goals "Our communities will be resilient and actively involved in shaping their future," and "Our plans, strategies and services will match and evolve with the needs of our communities."

8. Legislative / Policy Implications

The DAC and the Disability Access and Inclusion Plan meet Council's legislative obligations under the *Local Government Act, 1989*. The recruitment process for new members complied with the DAC Terms of Reference which were adopted by Council in May 2014.

9. Environmental Impact

The DAC and the Community Services Unit is reflective of environmental sustainable practices and in all actions strives to limit environmental impact and respect sustainability.

10. Conflict of Interest Considerations

There is no officer conflict of interest associated with this report.

11. Conclusion

Advertising for the recruitment of a member to the Disability Advisory Committee has concluded and resulted in the five community representative applications and eight community and disability service organizational representative applications.

Attachments

- 1 Terms of Reference - Disability Advisory Committee - DRAFT - 2018

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1. A GREAT PLACE TO LIVE

ITEM NO: 9.3.4

DISABILITY ADVISORY COMMITTEE - MEMBER NOMINATION (cont'd)

ATTACHMENT No [1] - Terms of Reference - Disability Advisory Committee -
DRAFT - 2018



DRAFT: Terms of Reference

for the

Disability Advisory Committee

2018 to 2022

Endorsed by Council:

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1. A GREAT PLACE TO LIVE

ITEM NO: 9.3.4

DISABILITY ADVISORY COMMITTEE - MEMBER NOMINATION (cont'd)

**ATTACHMENT No [1] - Terms of Reference - Disability Advisory Committee -
DRAFT - 2018**

Terms of Reference

Disability Advisory Committee

PURPOSE

The committee aims to inform and educate Council and the community on accessibility and inclusion matters. The committee aims to ensure consultation and participation opportunities exist for people with disabilities, their families, carers, advocates and service providers. Particular emphasis is placed on highlighting rural disability issues to raise awareness to federal, state and local governments.

DEFINITIONS

In this Schedule unless contrary intention appears:

Committee means the Disability Advisory Committee

Council means Moira Shire Council.

OBJECTIVES

The objectives of the Disability Advisory Committee shall be to:

- 3.1. Work with the community towards acknowledging and valuing people with disabilities.
- 3.2. Inform and educate the Council and the community about issues for people with disabilities, their families, carers and others.
- 3.3. Identify and prioritise access issues in the shire and contribute to the review and evaluation of the Moira Shire Council Disability Accessibility and Inclusion Plan.
- 3.4. Inform and educate Federal, State and Local Government on rural disability issues to raise all abilities awareness.
- 3.5. Advocate, promote and contribute to policy development.
- 3.6. Profile issues, support activities, and disseminate information and advice.

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ITEM NO: 9.3.4

DISABILITY ADVISORY COMMITTEE - MEMBER NOMINATION (cont'd)

**ATTACHMENT No [1] - Terms of Reference - Disability Advisory Committee -
DRAFT - 2018**

Terms of Reference

Disability Advisory Committee

COMPOSITION AND PROCEEDINGS

4.1. The Committee shall comprise of 18 members as follows, with individual community representatives being appointed by resolution of Council:-

- Moira Shire Council, Councillor representative 2
- Disability Services Providers 3
- Neighborhood/Community Houses representative 4
- Moira Healthcare Alliance representative 1
- Rural Access Officer 1
- Local Learning and Employment Network representative 1
- Local Sport Assembly 1
- Community member 5

4.2. Community members will be invited to attend any Committee meeting to raise issues concerning disability issues. Alternately, correspondence received by Moira Shire Council pertaining to disability issues will be referred to the Committee for their consideration.

4.3. Moira Shire officers will attend the meetings as non-voting members who provide secretarial support.

4.4. All organisations and persons nominated to serve on the Committee are subject to the initial and continued approval of Council. Revocation provisions are contained in section 8.

4.5. The term of office for Committee members, unless otherwise specified by Council, will be four years, after which term they may be eligible for re-appointment.

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ITEM NO: 9.3.4

DISABILITY ADVISORY COMMITTEE - MEMBER NOMINATION (cont'd)

**ATTACHMENT No [1] - Terms of Reference - Disability Advisory Committee -
DRAFT - 2018**

Terms of Reference

Disability Advisory Committee

- 4.6. On the resignation of a Committee member the Council may advertise for a replacement person. The term of office of persons appointed to fill such a vacancy shall expire on the date at which the previous member would have gone out of office. Members of the Committee so appointed may be eligible for re-appointment.
- 4.7. A Committee member may be granted leave of absence by the Committee. Where the member is an appointed representative of an organisation or group, they may be replaced by another representative during any period of leave of absence.
- 4.8. The Council is empowered to declare a Committee member's office vacant if he/she fails to attend three consecutive meetings without leave of the Committee by resolution duly passed or on the recommendation of the Committee.
- 4.9. The Council may at its discretion nominate a Chairperson for the Committee. If Council chooses not to use this discretion then the Committee, at its first meeting, shall elect from its members a Chairperson.

Confidentiality

- 4.10. On occasions the Committee may be required to deal with a matter that has been identified as confidential in nature. Before a confidential matter can be dealt with any person in attendance, who is not an official member of the Committee, must leave the meeting. Committee members are required to deal with such matters in confidence and with discretion.

Conflict of Interest

- 4.11. The *Local Government Act 1989* is the primary source of guidance to any Councillor or Council officer on conflict of interest.

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ITEM NO: 9.3.4

DISABILITY ADVISORY COMMITTEE - MEMBER NOMINATION (cont'd)

**ATTACHMENT No [1] - Terms of Reference - Disability Advisory Committee -
DRAFT - 2018**

Terms of Reference

Disability Advisory Committee

4.12. If a member of the Committee has a conflict of interest in any matter in which the Committee is concerned, the member must disclose the nature of that interest at the meeting at which the matter is discussed. The member must leave the room and remain outside until conclusion of discussion or any vote on the item.

4.13. A conflict of interest is considered to apply if a committee member:

- (a) has a direct or indirect financial interest in the matter; or
- (b) is of the opinion that the nature of his or her interest in the matter is such that it may conflict with the proper performance of his or her public duties in respect of the matter.

5. MEETINGS

5.1. Meetings of the Committee shall be held once every two months.

5.2. A meeting of the Committee will be held at a time and place determined by the Committee.

5.3. The Committee will seek to operate on a consensus basis on any motions it considers. Should a vote be necessary:

- (a) Each member of the Committee who is entitled to vote is entitled to one vote;
- (b) Unless the procedures of the Committee otherwise provide, voting must be by show of hands;
- (c) If there is an equality of votes the motion is lost.

5.4. The Moira Shire Council Officer shall keep a record of each of its meetings and the Chairperson shall ensure that the minutes of the meeting are submitted to the next meeting for confirmation.

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ITEM NO: 9.3.4

DISABILITY ADVISORY COMMITTEE - MEMBER NOMINATION (cont'd)

**ATTACHMENT No [1] - Terms of Reference - Disability Advisory Committee -
DRAFT - 2018**

Terms of Reference

Disability Advisory Committee

- 5.5. The majority of members of the Committee shall constitute a quorum at any meeting of the Committee and no business shall be transacted at any such meeting unless a quorum is present.
- 5.6. The Committee may form sub-committees from amongst its members for the purpose of recommending on matters pertaining to the provisions of this Instrument, provided that no decision may be acted upon until adopted by the full Committee.
- 5.7. The Chairperson shall be a Moira Shire Council Councillor.
- 5.8. The Chairperson shall be an ex-officio member of all sub-committees.
- 5.9. Such sub-committees shall only be established by resolution of the Committee and shall only carry out those functions stated in such resolution.
- 5.10. Moira Shire Council Officers will attend the meetings as non-voting members who provide secretarial support including the keeping and distribution of minutes and agendas.

6. INDEMNITY

- 6.1. The Council will indemnify members of the Committee against any action liability claim or demand on account of any matter or thing done by them on behalf of the Committee when they are acting in accordance with this terms of reference in the honest and reasonable belief or under a mistake of law that the member was properly exercising any function or power of the Committee.

7. TERM OF APPOINTMENT

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1. A GREAT PLACE TO LIVE

ITEM NO: 9.3.4

DISABILITY ADVISORY COMMITTEE - MEMBER NOMINATION (cont'd)

**ATTACHMENT No [1] - Terms of Reference - Disability Advisory Committee -
DRAFT - 2018**

Terms of Reference

Disability Advisory Committee

- 7.1. Appointment of Advisory Committee members will be for a four year term ending on 30 September 2022 unless otherwise extended or revoked in writing by the Council.

8. REVOCATION

- 8.1. A Committee member may have his or her term of office revoked by Council upon request by the Committee following a resolution carried by a two thirds majority vote of members of the Committee.

- 8.2. Council may at its discretion revoke the membership of any member or the entire Committee at any time.

- 8.3. The Council has the power to terminate the services of the Committee at any time.

9. COMMITTEE REPRESENTATION

- 9.1. It will be the responsibility of the Committee to notify Council of the resignation of members from the Committee.

FILE NO: F17/819
1. A GREAT PLACE TO LIVE

ITEM NO: 9.3.5

**SECTION 86 COMMITTEES OF MANAGEMENT - OUTGOING AND INCOMING
MEMBER AMENDMENTS**

RECOMMENDATION

That Council approve the removal of outgoing representatives and appointment of nominated incoming representatives to 30 September 2021 for Community or User Groups on the Special Committees of Management as detailed below.

Committee of Management	User Group	Outgoing representative	Incoming representative
Baulkamaugh Recreation Reserve	Community		Eric Schmidt
Bundalong Dan Cronin Recreation Reserve and Public Hall	Community	Mathew Prestage	Peter Vipond
Bundalong Dan Cronin Recreation Reserve and Public Hall	Community	Terry Booth	Neville Blake
Cobram Scott Reserve	Community	Matthew Ross-Soden	
Invergordon Recreation Reserve	Community		Jamie Guthrie
Koonoomoo Recreation Reserve	Cobram Campdrafting Club Inc	Trudy Holden	
Koonoomoo Recreation Reserve	Carriage Horse Driving Trials Club	Rob Robertson	Alice Austin
Koonoomoo Recreation Reserve	Northern Country Carriage Driving Club		Leanne Kirby
Koonoomoo Recreation Reserve	Northern Country Carriage Driving Club		Vicki Stevenson
Koonoomoo Recreation Reserve	Community		Greg White
Strathmerton Recreation Reserve	Community		Elly Burley
Wunghnu Recreation Reserve	Moir Miniature Railway Club	Robin Glasson	Tony Carter
Yarroweyah Recreation Reserve	Community	Sam Opray	Mick Stephan
Yarrowong Eastern Foreshore	Community	Thomas Hutchison	
Cobram Showgrounds Apex Reserve	Cobram Agricultural Society	Anthony Hicks	Andrew Wilson
Numurkah Showgrounds Reserve	Numurkah Football Netball Club	Steven Dalitz	
Numurkah Showgrounds Reserve	Numurkah Agricultural Society	Hank Sanders	Jeffery Stanyer
Numurkah Showgrounds Reserve	Community		Beverly Patrick
Yarrowong Showgrounds	Yarrowong & District Garden Club	Tony Farey	

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1. A GREAT PLACE TO LIVE

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**SECTION 86 COMMITTEES OF MANAGEMENT - OUTGOING AND INCOMING
MEMBER AMENDMENTS (cont'd)**

Reserve / Victoria Park	(Alternative Representative)		
Strathmerton Public Hall	Strathmerton Branch of the Returned Soldiers League		Joanne Donelan
Wilby Memorial Hall	Community		Louise Regan
Cobram Historical Precinct	Community	Ann Rampling	Josie Cassidy
Nathalia Historical Precinct	Nathalia & District Historical Society Inc	Alan Lubke	
1. Amend the composition of the respective committees as follows: Invergordon Recreation Reserve – add one community representative position Koonoomoo Recreation Reserve – add two Northern Country Carriage Driving Club representative positions			
2. Provide incoming representatives with appointment information and write and thank outgoing representatives.			

1. Executive Summary

Council has 33 Special Committees who manage community facilities located on both Crown land and Council land. These special committees are established under section 86 of the *Local Government Act* 1989 and are commonly referred to as Section 86 Committees.

At the 27 September 2017 Council meeting, Council, in exercise of the powers conferred by section 86 of the *Local Government Act* 1989, resolved to appoint persons as Community or User Group representatives on the Special Committees to 30 September 2021. Council resolution is required for the removal of outgoing committee members and the appointment of nominated incoming members.

Each year, Councillors are presented with a report which details the current special committees for which Councillor representation is required. In turn, Councillors are nominated to these special committees for the coming 12 months.

2. Background and Options

Detailed in the recommendation are amendments to the respective committees, in particular the removal of outgoing representatives, the appointment of incoming nominated representatives and the amendments to the composition of committees, as notified by each committee.

On confirmation of appointment, incoming committee members are provided with confirmation of appointment, a copy of their delegation as set out in the respective committee Instrument of Delegation and an electronic copy of the Operation and Risk Management Manual. New members will also be requested to complete the online volunteer induction.

3. Financial Implications

Council's financial support for special committees is a budgeted item.

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1. A GREAT PLACE TO LIVE

ITEM NO: 9.3.5

SECTION 86 COMMITTEES OF MANAGEMENT - OUTGOING AND INCOMING MEMBER AMENDMENTS (cont'd)

4. Risk Management

If incoming members are not appointed to replace outgoing members, user groups may not have adequate representation on committees.

5. Internal and External Consultation

As the Section 86 Committees are in essence an extension of Council and are managing the facilities in partnership with Council, it is important for Council to maintain an appropriate balance of representation from user groups and the community on each of the Committees of Management.

To ensure the accuracy of the database, it is essential that each committee advise Council when changes are required so that Council resolution may be obtained for the removal of outgoing and appointment of nominated incoming members to respective positions.

6. Regional Context

There are no regional issues to consider within this report.

7. Council Plan Strategy

Within Strategy 1, A great place to live, there is a specific goal that recreation, sport, art and cultural facilities and programs will respond to cultural diversity and community needs. As a strategic action we will achieve this by continuing to maintain and provide facilities and services that our community values and need.

8. Legislative / Policy Implications

Council's statutory obligations under the Local Government Act 1989 have been considered within this report, Section 86 is particularly relevant.

9. Environmental Impact

There are no environmental sustainability issues to consider within this report.

10. Conflict of Interest Considerations

There are no officer conflict of interest issues to consider within this report.

11. Conclusion

To ensure that interested and appropriate persons and user groups are actively involved in the management of facilities managed by Special Committees of Management, it is recommended that the Community and User Group representatives, as detailed, be approved by Council.

Attachments

Nil

FILE NO: .
1. A GREAT PLACE TO LIVE

ITEM NO: 9.3.6

APPOINTMENT OF REPRESENTATIVES TO THE YARRAWONGA LIBRARY PROJECT STEERING COMMITTEE

RECOMMENDATION

That Council appoint Jan Parker and Janet Schwartz to the Yarrawonga Library Project Steering Committee as representatives of the Yarrawonga Town Hall Precinct and Library Project Community Reference Group.

1. Executive Summary

This reports seeks council's appointment of two representatives, Jan Parker and Janet Schwatz, from the Yarrawonga Town Hall Precinct and Library Project Community Reference Group (Reference Group) to join the Yarrawonga Library Project Steering Committee (Steering Committee).

The Steering Committee's terms of reference provides for two representatives from the Reference Group to join the committee to enable views and ideas to be shared between the two groups. Jan and Janet were selected via a vote by members of the Reference Group at the 9 October meeting.

2. Background and Options

At the Council meeting held on the 22 August 2018 the Terms of Reference (ToR) for the Yarrawonga Library Project Steering Committee were adopted. These ToR outline all aspects of the Steering Committee including appointment, purpose, objectives and composition and proceedings.

The Steering Committees purpose is to inform the delivery of a new library in Yarrawonga. The steering committee compositions will be:

- **Moir Shire Council** - Councillors (including Chair) 3, Management, 1
- **Goulburn Valley Regional Libraries** - Chief Executive Officer 1, Library Staff 1, Board Member, 1
- **Community Representation** - Community Organisation 1, Individual 2, Yarrawonga Town Hall Precinct & Library Project Community Reference Group (2)

The ToR of the Steering Committee also calls for two representatives of the Reference Group. This will allow for the Reference Group to continue conversations of their ideas and concerns with the Steering Committee. The representatives will be asked to commit time to attending meetings of both the Steering Committee and Reference Group. They will be required to fairly represent the Reference Groups views and to speak to all points raised in the Reference Group meetings.

The first meeting of the Reference Group took place on the 9 October 2018. At this meeting a call for nominations and vote for the two representatives took place. For clarity, and prior to voting, the purpose and objectives of the steering committee was read.

The result of the vote was that Jan Parker and Janet Schwartz were elected to be the representatives of the Reference Group on the Steering Committee.

3. Financial Implications

There are no financial implications to consider within this report.

4. Risk Management

There are no risk management considerations associated with this report.

FILE NO: .
1. A GREAT PLACE TO LIVE

ITEM NO: 9.3.6

**APPOINTMENT OF REPRESENTATIVES TO THE YARRAWONGA LIBRARY
PROJECT STEERING COMMITTEE (cont'd)**

5. Regional Context

Community representation on the Steering Committee provides a link between the community, GV Libraries and Moira Shire in the delivery of this important project for the community.

6. Conflict of Interest Considerations

There is no conflict of interest considerations associated with this report.

7. Conclusion

The Reference Group has undertaken a process to elect representatives to the Steering Committee. This report recommends appointing Jan Parker and Janet Schwartz to the Yarrowong Library Project Steering Committee as representatives of the Yarrowonga Town Hall Precinct and Library Project on the Yarrowonga Library Steering Committee.

Attachments

Nil

FILE NO: 52018140
1. A GREAT PLACE TO LIVE

ITEM NO: 9.4.1

**PLANNING PERMIT APPLICATION 52018140 - 30-36 TUNNOCK ROAD,
NUMURKAH, 2 LOT SUBDIVISION**

RECOMMENDATION

It is recommended that Council approve Planning Permit Application 52018140 for '2 Lot Subdivision' over 30-36 Tunnock Road, Numurkah and issue a Notice of Decision to Grant a Permit subject to the following conditions:

1. The subdivision as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
2. Prior to the Certification under the Subdivision Act 1988, any easements for the purpose of draining lots to the legal point of discharge must be created.
3. Prior to the issue of a Statement of Compliance all roof, water from buildings and surface water from hard paved areas must be controlled and conveyed to a legal point of discharge so as to prevent stormwater nuisance to adjoining land, to specifications to the satisfaction of the Responsible Authority.
4. Prior to the issue of a Statement of Compliance, each proposed lot must have a practical and safe point of access known as a vehicle crossing that serves that lot. All new and existing vehicle crossings must be constructed to the specifications and satisfaction of the Responsible Authority.
5. The owner of the land must enter into an agreement with:
 - a telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and
 - a suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

Before the issue of a Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:

- a telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and
 - a suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.
6. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity and gas services to each lot shown on the endorsed plan in accordance with the authority's

FILE NO: 52018140
1. A GREAT PLACE TO LIVE

ITEM NO: 9.4.1

**PLANNING PERMIT APPLICATION 52018140 - 30-36 TUNNOCK ROAD,
NUMURKAH, 2 LOT SUBDIVISION (cont'd)**

requirements and relevant legislation at the time.

7. All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.
8. The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of that Act.
9. This permit will expire if:
 - (a) The plan of subdivision is not certified within two years from the date of this permit;
 - (b) The subdivision is not completed within five years from the date of certification of the plan of subdivision.

The Responsible Authority may extend the time if a request is made in writing before the permit expires or within six months afterwards.

Planning Notes

Goulburn Broken Catchment Management Authority

- (1) The Authority's best estimate of the 100-year ARI flood level for the location is 108.25 metres AHD, which was established from the Numurkah Floodplain Management Study and Plan Final Study Report (2017) Based on available ground surface level information, the property would flood up to 0.7 metres deep in a 100-year ARI flood event.

Moira Shire Council

- (2) Prior to works commencing on public land or roads, the applicant must obtain a permit from the relevant authority giving Consent to Work Within a Road Reserve.

1. Executive Summary

Planning Permit Application 52018133 was lodged with Council on 7 July 2018 for 2 Lot Subdivision over 30-36 Tunnock Road, Numurkah.

Council sought clarification regarding the legality of assessing the proposal. Specifically, a lot is proposed to contain land in the General Residential Zone and Farming Zone – proposed lot 2 (3.406ha). Legal Advice was received by Council on 23 August 2018 advising that the application can be assessed.

The proposal was referred to the Goulburn Broken Catchment Management Authority (GBCMA) who did not object. Flood information provided by the GBCMA is recommended to be included as a planning note, specifically:

The Authority's best estimate of the 100-year ARI flood level for the location described above is 108.25 metres AHD, which was established from Numurkah Floodplain Management Study and Plan Final Study Report (2017) Based on

FILE NO: 52018140
1. A GREAT PLACE TO LIVE

ITEM NO: 9.4.1

**PLANNING PERMIT APPLICATION 52018140 - 30-36 TUNNOCK ROAD,
NUMURKAH, 2 LOT SUBDIVISION (cont'd)**

available ground surface level information, the property would flood up to 0.7 metres deep in a 100-year ARI flood event.

The proposal was advertised to adjoining and nearby owners and occupiers in accordance with the *Planning and Environment Act 1987*.

Seventeen (17) objections have been received. The objectors are concerned that the proposed subdivision creates a lot (proposed lot 2) which may be further subdivided in the future. If additional lots are created in the future and dwellings are constructed objectors are concerned that flooding impacts will be exacerbated. Objections are addressed later in the report.

The applicant has advised they do not wish to hold a mediation meeting to discuss the proposal with objectors.

The proposed development accords with the Moira Planning Scheme and it is recommended that a planning permit be issued subject to conditions.

2. Background and Options

Application Details

Applicant:	Onleys Consulting
Owners:	Darren Smith and Elizabeth Smith
Property Address:	30-36 Tunnock Road, Numurkah
Title:	CA: 26 Township of Numurkah Parish of Katunga
Site Area:	4.02ha
File No:	52018140
Zone:	Farming Zone
Overlays:	Development Plan Overlay Schedule 11 (DPO11), Land Subject to Inundation Overlay (LSIO), Rural Floodway Overlay (RFO).
Permit Triggers:	Clause 32.08-3 Subdivision – General Residential Zone Clause 35.07-3 Subdivision – Farming Zone Clause 44.04-3 Subdivision – Land Subject to Inundation Overlay

Proposal

The application seeks approval for a 2 Lot Subdivision. The existing dwelling is proposed to be excised from the balance of the lot.

- Proposed Lot 1 is 6,409m² and contains an existing Dwelling
- Proposed Lot 2 is 3.406ha and is vacant except for vegetation

Subject site below:

FILE NO: 52018140
1. A GREAT PLACE TO LIVE

ITEM NO: 9.4.1

**PLANNING PERMIT APPLICATION 52018140 - 30-36 TUNNOCK ROAD,
NUMURKAH, 2 LOT SUBDIVISION (cont'd)**



Proposal plan superimposed over aerial photo below:



No development is proposed as part of the current application.

Access to the existing dwelling will continue to be via Tunnock Road.

It is anticipated that an application to subdivide proposed lot 2 will be received by Council in the future. A previous 10 lot subdivision over the site was refused by Council due to no approved Development Plan.

FILE NO: 52018140
1. A GREAT PLACE TO LIVE

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**PLANNING PERMIT APPLICATION 52018140 - 30-36 TUNNOCK ROAD,
NUMURKAH, 2 LOT SUBDIVISION (cont'd)**

Site Context

The subject site is approximately 1 kilometre by road to the commercial centre of Numurkah.

Planning History

Planning Permit Application 52013665 for a 10 lot subdivision was refused by Council on 26 November 2015 due to no approved Development Plan.

Options

Council has the following options:

- Issue a Notice of Decision to Grant a Permit.
- Issue a Notice of Refusal.
- Defer a decision.

3. Financial Implications

In the event that Council's decision is appealed at VCAT, there will be associated costs.

4. Risk Management

Council should consider the following:

- Non-budgeted costs to Council from any appeal.
- Net community benefit (positive or negative).

5. Internal and External Consultation

Internal Consultation

The proposal was referred internally to:

- Environmental Health – No objection has raised.
- Infrastructure Planning - Standard engineering conditions have been recommended.

External Consultation

The proposal was referred externally to:

- Goulburn Broken Catchment Management Authority as a Section 55 notice referral who did not object.

Public Consultation

The proposal was notified to adjacent and nearby owners and occupiers.

Seventeen (17) objections have been received. Copies of the objections were sent to the applicant for their consideration.

These objections cite concerns regarding property devaluation, amenity, safety, impact flood impacts. These are addressed below.

The applicant and owner are aware of the objections received for the application. The owner advised they did not want to take part in a mediation / consultation session. The owner is the same owner who lodged the previous 10 lot subdivision proposal over the site being Application 52013665. Submissions received for the current application raised similar issues to the submissions received for the previous subdivision application.

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1. A GREAT PLACE TO LIVE

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**PLANNING PERMIT APPLICATION 52018140 - 30-36 TUNNOCK ROAD,
NUMURKAH, 2 LOT SUBDIVISION (cont'd)**

The objectors' concerns are summarised below with an officer response:

Objection	Officer Response
Property Devaluation	<p>In assessment of any proposal private economic impacts such as property valuations are not part of planning consideration.</p> <p>As an overall economic consideration of the proposal, it is considered that the proposed 2 lot subdivision of land in the General Residential Zone is expected in accordance with the planning scheme. The flood authority for the region, the GBCMA have not objected to the proposal as part of a Section 55 Recommending Authority response.</p>
Safety Concerns	<p>Subjective fears that cannot be substantiated are not regarded as legitimate social effects and are not considered as part of the planning assessment. However, development impacts on communities regarding their health and wellbeing including their perceptions about safety, are considerations.</p> <p>The current proposal is for 2 lot subdivision only and no development is proposed. Submitter concerns that the proposal will increase flood levels in the area are not substantiated. Furthermore, the flood authority for the region, the GBCMA have not objected to the proposal.</p>
Amenity	<p>Detriment to the amenity of a neighbourhood is an important planning consideration and includes any features, benefits or advantages of the local environment that people currently enjoy. Any effect on views, noise, odour, dust, traffic or the general atmosphere of the area is relevant.</p> <p>With regards to the proposed 2 lot subdivision the existing dwelling is proposed to be excised and a balance lot created in appropriately Zoned land.</p> <p>Objector concerns about the future development of the site creating additional traffic and noise impacts are not relevant to the current application.</p>

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**PLANNING PERMIT APPLICATION 52018140 - 30-36 TUNNOCK ROAD,
NUMURKAH, 2 LOT SUBDIVISION (cont'd)**

6. Regional Context

The proposed 2 lot subdivision involves the excision of an existing dwelling over appropriately zoned General Residential land. Any future proposed development over the site in the General Residential zone will need to comply with the planning scheme, relevant policies and external referral entity requirements.

7. Council Plan Strategy

Moirra Shire's current Council Plan (2017-2021) includes the strategic goal of making Moirra Shire 'A great place to live' which states 'We will have a connected and welcoming Shire for all by providing well planned places and quality services'. The goals include 'Our communities will be resilient and actively involved in shaping their future' and 'Our plans, strategies and services will match and evolve with the needs of our communities'.

This proposal provides the opportunity to excise an existing dwelling in the General Residential zone and create a balance lot. The balance lot will be included in the General Residential Zone and Farming Zone. Any future proposed development over the balance lot in the General Residential zone will need to comply with the planning scheme, relevant policies and external referral entity requirements.

**Legislative / Policy Implications
General Residential Zone**

Pursuant to Clause 32.08-3 of the General Residential Zone a planning permit is required to subdivide land.

Appropriate decision guidelines are considered to be:

- The purpose of this zone, including:
 - To encourage development that respects the neighbourhood character of the area.
 - To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.
- For subdivision of land for residential development, the objectives and standards of Clause 56.

Farming Zone

Pursuant to Clause 35.07-3 of the Farming Zone a planning permit is required to subdivide land.

Appropriate decision guidelines are considered to be:

- Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.
- How the use and development makes use of existing infrastructure and services.

Overlays

Pursuant to Clause 44.04-3 of the Land Subject to Inundation Overlay, a planning permit is required to subdivide land.

Appropriate decision guidelines are considered to be:

- Any comments from the relevant floodplain management authority.
- The existing use and development of the land.
- The susceptibility of the development to flooding and flood damage.
- The potential flood risk to life, health and safety associated with the development.

Pursuant to Clause 43.04-2 of the Development Plan Overlay requires that a Development plan must be prepared to the satisfaction of the Responsible Authority.

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**PLANNING PERMIT APPLICATION 52018140 - 30-36 TUNNOCK ROAD,
NUMURKAH, 2 LOT SUBDIVISION (cont'd)**

However, this does not apply if the schedule to the Overlay specifically states that a permit may be granted for a use, subdivision or carrying out buildings or works, before a Development Plan is prepared.

The Schedule to the Overlay states that:

The Responsible Authority may grant a permit for subdivision, use or development prior to the approval of a Development Plan only where it is satisfied that the proposed subdivision, use, or development will not prejudice the orderly use and development of land as intended by the Numurkah Strategy Plan, January 2010.

A proposed 2 lot subdivision to excise an existing dwelling fits in within the above provision.

The Objectives of Planning in Victoria

The objectives of planning as set out in Section 4 of the *Planning and Environment Act 1987* include:

- to provide for the fair, orderly, economic and sustainable use, and development of land;
- to secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria;
- To balance the present and future interests of all Victorians.

Planning Policy Framework

Clause 11 Settlement

This policy directs planning to *anticipate and respond to the needs of existing and future communities through provision of zoned and serviced land for housing, employment, recreation and open space, commercial and community facilities and infrastructure. Planning is to recognise the need for, and as far as practicable contribute towards:*

- Health, wellbeing and safety.
- Diversity of choice.
- Adaptation in response to changing technology.
- Economic viability.
- A high standard of urban design and amenity.
- Energy efficiency.
- Prevention of pollution to land, water and air.
- Protection of environmentally sensitive areas and natural resources.
- Accessibility.
- Land use and transport integration.

Planning is to prevent environmental and amenity problems created by siting incompatible land uses close together. Planning is to facilitate sustainable development that takes full advantage of existing settlement patterns and investment in transport, utility, social, community and commercial infrastructure and services.

Clause 16.01-2S Location of residential development

The Objective of Clause 16.01-2S is *to locate new housing in designated locations that offer good access to jobs, services and transport.* It is noted that the current proposal is for excision of an existing dwelling and creation of a balance lot only. Clause 16.01-2S will need to be considered as part of any future application to subdivide the balance lot into residential lots.

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**PLANNING PERMIT APPLICATION 52018140 - 30-36 TUNNOCK ROAD,
NUMURKAH, 2 LOT SUBDIVISION (cont'd)**

Applicable strategies that may need to be considered in the future include:

- Increase the proportion of new housing in designated locations within established urban areas and reduce the share of new dwellings in greenfield and dispersed development areas.*
- Encourage higher density housing development on sites that are well located in relation to jobs, services and public transport.*
- Facilitate residential development that is cost effective in infrastructure provision and use, energy efficient, water efficient and encourages public transport use.*

Local Planning Policy Framework including the Municipal Strategic Framework Plan

21.02-3 Municipal Strategic Framework Plan

The Municipal Strategic Framework Plan provides a broad overview of the key characteristics and issues across the Shire.

Clause 21.03-3 of the Municipal Strategic Statement talks about Housing Diversity. Once again, the current application is a 2 lot subdivision only, however any future proposal to subdivide the proposed balance lot will need to address Clause 21.03-3.

The key planning issues and challenges relating to Housing Diversity include:

- To provide a diverse range of housing options for the existing and future population.*
- Promote a wide range of housing opportunities in urban areas that respond to the housing needs of the population through all stages of the lifecycle.*
- Support low density residential housing on land not required for conventional urban development.*

Particular Provisions

Public Open Space contribution at Clause 52.03 is applied to all residential land. In this case it should be applied where there is a likelihood of further development over the balance lot.

For residential subdivision Clause 56 of the planning scheme is relevant. The Purpose of Clause 56 is:

- To create liveable and sustainable neighbourhoods and urban places with character and identity.*
- To achieve residential subdivision outcomes that appropriately respond to the site and its context*

Clause 56.03-5 Neighbourhood character objective

To design subdivisions that respond to neighbourhood character Subdivision should:

- Respect the existing neighbourhood character or achieve a preferred neighbourhood character consistent with any relevant neighbourhood character objective, policy or statement set out in this scheme.*
- Respond to and integrate with the surrounding urban environment.*
- Protect significant vegetation and site features.*

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**PLANNING PERMIT APPLICATION 52018140 - 30-36 TUNNOCK ROAD,
NUMURKAH, 2 LOT SUBDIVISION (cont'd)**

Clause 56.04-2 Lot area and building envelopes objective

To provide lots with areas and dimensions that enable the appropriate siting and construction of a dwelling, solar access, private open space, vehicle access and parking, water management, easements and the retention of significant vegetation and site features.

Lots greater than 500 square metres should be able to contain a rectangle measuring 10 metres by 15 metres, and may contain a building envelope.

Lot dimensions and building envelopes should protect:

- Solar access for future dwellings and support the siting and design of dwellings that achieve the energy rating requirements of the Building Regulations.*
- Existing or proposed easements on lots.*
- Significant vegetation and site features.*

Clause 56.04-3 Solar orientation of lots objective

To provide good solar orientation of lots and solar access for future dwellings.

Clause 56.06-8 Lot access objective

To provide for safe vehicle access between roads and lots.

Clause 56.09-2 Electricity, telecommunications and gas objectives

To provide public utilities to each lot in a timely, efficient and cost effective manner.

It is determined that the proposed 2 lot subdivision complies with the relevant particular provisions.

8. Environmental Impact

The application proposes a 2 lot subdivision and has been referred to the GBCMA and Council's Environmental Health and Infrastructure Planning teams.

These referral entities have provided no objection to the proposal and imposed conditions. The conditions relate to the management of stormwater, easements, vehicle crossings and planning notes relating to flood levels.

No vegetation is proposed to be removed.

9. Conflict of Interest Considerations

There is no officer conflict of interest associated with this proposal and report.

10. Assessment and Conclusion

The proposal is for '2 Lot Subdivision' over 30-36 Tunnock Road, Numurkah.

The proposal involves the excision of the existing dwelling onto a 6,409m² lot and creation of a 3.406ha balance lot.

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1. A GREAT PLACE TO LIVE

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**PLANNING PERMIT APPLICATION 52018140 - 30-36 TUNNOCK ROAD,
NUMURKAH, 2 LOT SUBDIVISION (cont'd)**

The proposal was referred to the Goulburn Broken Catchment Management Authority (GBCMA) who did not object. Flood information provided by the GBCMA is recommended to be included as a planning note.

The proposal was advertised to adjoining and nearby owners and occupiers in accordance with the *Planning and Environment Act 1987*.

Seventeen (17) objections have been received. The objectors are concerned that the proposed subdivision creates a lot (proposed lot 2) which may be further subdivided in the future. If additional lots are created in the future and dwellings are constructed, objectors are concerned that flooding impacts will be exacerbated.

The applicant has advised they do not wish to hold a mediation meeting to discuss the proposal with objectors.

It is concluded that, after consideration of the objections and after assessment against the relevant state and local policy within the Moira Planning Scheme that the proposal should be supported and recommend approval subject to conditions.

Attachments

Nil

FILE NO: F13/877

5. DEMONSTRATING GOOD GOVERNANCE

ITEM NO: 9.4.2

NAMING OF GRAHAM STREET, WUNGHNU

RECOMMENDATION

That Council:

1. Adopt Bretherton Road as the interim name for the section of Graham Street, Wunghnu South East off Taylor Street, Wunghnu to Wunghnu Road, Wunghnu.
2. Place advertisements in local papers seeking comments on the proposed names within 30 days.
3. Write to owners of properties adjoining this road seeking comments within 30 days, and
4. Adopt the interim name if no objections are received and submit them to the Office of Geographic Names.

1. Executive Summary

Council has the authority and responsibility to name roads and geographic features using the principles and procedures of the Naming rules for places in Victoria - Statutory requirements for naming roads, features and localities 2016 (the naming rules).

Council has received a request from a resident to eliminate the confusion caused by similar road names in Wunghnu; Grahams Road and Graham Street.

Re-naming of one road is required to remove duplication and confusion for emergency service. There are no houses on Graham Street which is located within Broken Boosey State Park. The road is approximately 620m long and extends from Taylor Street through to Wunghnu Road, Wunghnu.

Support for the naming has been received from Parks Victoria who manage the Park.

2. Background and Options

It is proposed to change the name of Graham Street rather than Grahams Road to minimize inconvenience to rate payers.

Graham Street is completely within the Broken Boosey State Park which is managed by Parks Victoria. Grahams Road extends from Wunghnu to Boundary Road and is over 4km long, with multiple houses and farms adjoining the road.

In the event of an incident, delays in reaching the correct destination may be experienced by emergency services if road names are duplicated within a small area. Statutory requirements for new road naming's do not allow duplication within 30km in rural areas.

The name Bretherton Road has been selected as part of the Anzac Day Commemorative naming project and was suggested by a family member in a submission for the renaming of Gillespies Road, Wunghnu. Richard Bretherton settled in Wunghnu prior to 1900 and with his wife Ella had 10 sons and 3 daughters, with one son dying at a young age. Of Richard's 9 surviving sons 8 enlisted in the Second World War fighting in a number of countries, all 8 sons returned from War.

FILE NO: F13/877
5. DEMONSTRATING GOOD GOVERNANCE

ITEM NO: 9.4.2

NAMING OF GRAHAM STREET, WUNGHNU (cont'd)

The proposed re-naming is depicted in the following map:



3. Financial Implications

Naming or re-naming roads does not have a significant financial impact on Council. Any costs relating to signage and system changes are met from operational budgets.

4. Risk Management

The precise naming of roads and geographical features is important for emergency services response. Changing the name of one of the two Graham Street and Grahams Road in Wunghnu will reduce the risk to public safety created by the current duplication.

5. Internal and External Consultation

This naming matter has been considered and is supported by the internal road naming group which consists of staff representing the Commercial Services, Assets, Revenue Services, Community Services and Information Technology departments of Council.

The Office of Geographic Names has been consulted and has advised that support from Parks Victoria and DELWP is required. Parks Victoria has been consulted and supports the change. Response from DELWP has not been received to date.

6. Regional Context

Re-naming of existing local roads does not have any significant regional impact.

FILE NO: F13/877

5. DEMONSTRATING GOOD GOVERNANCE

ITEM NO: 9.4.2

NAMING OF GRAHAM STREET, WUNGHNU (cont'd)

7. Council Plan Strategy

The road naming function contributes to the Council Plan's Strategy 4 "A well run Council" by improving emergency services response for the local community.

8. Legislative / Policy Implications

In considering this matter, Council is acting with the authority as a Naming Authority provided by section 1.5 of the Naming rules for places in Victoria - Statutory requirements for naming roads, features and localities 2016 (the naming rules).

If Council adopts the proposed interim names, public advertising will occur in accordance with the naming rules.

9. Environmental Impact

There are no environmental implications resulting from naming or changing the name of a road.

10. Conflict of Interest Considerations

There are no known conflicts of interest relating to this report.

11. Conclusion

Re-naming Graham Street, Wunghnu will remove the duplication and reduce the risk to public safety created by the current duplication. It is proposed that Graham Street, Wunghnu be renamed Bretherton Road in commemoration of Richard Bretherton as well as his eight sons who were returned Anzac soldiers.

Attachments

- 1 Supporting information - Bretherton

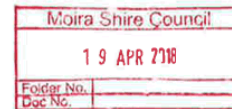
FILE NO: F13/877
5. DEMONSTRATING GOOD GOVERNANCE

ITEM NO: 9.4.2

NAMING OF GRAHAM STREET, WUNGHNU (cont'd)

ATTACHMENT No [1] - Supporting information - Bretherton

D18/25834



13th April 2018

The Chief Executive Officer
Moirā Shire Council
PO Box 578
Cobram Vic 3644

RE: RENAMING OF GILESPIES ROAD WUNGHNU

Dear Sir

I am currently travelling around Australia and can be contacted on the at the above address and Mobile Phone number

I would like to submit the name **BREThERTON** as the new name for Gillespie's Road for the following reasons

Joseph Bretherton aged 17 with two of his brothers aged 16 and 13 emigrated from England arriving at Port Phillip on 31st December 1851. He married Ann Robertson and they had 13 children two of which have a relationship with the Wunghnu, Numurkah, Shepparton and surrounding districts.

The Bretherton family came to Wunghnu in prior to 1900 when Richard Bretherton married Ell Wilson of Bunbartha. They had 13 children (10 sons and 3 daughters). One son died at 12 months of age. They lived in Wunghnu opposite the Recreation Reserve. The children were christened at the Wunghnu Church of England and attended school there.

Numurkah Standard and Wunghnu, Cobram, Yarraweyah and Strathmerton Advocate (Vic. 1914 - 1918) Wed 10 May 1916 Page 2 NEWS AND NOTES.

NEWS AND NOTES.

Holy Baptism—At St. Columb's, Wunghnu, Sunday, May 7th, at Matins—Herbert Charles DeLarus, Caroline Bretherton, Ella Bretherton, George Bretherton, Arthur Bretherton, Collin Bretherton, Athol Bretherton, Maurice Denzil Meinhel.

The boys played football for Wunghnu and Drumanure.

FILE NO: F13/877
5. DEMONSTRATING GOOD GOVERNANCE

ITEM NO: 9.4.2

NAMING OF GRAHAM STREET, WUNGHNU (cont'd)

ATTACHMENT No [1] - Supporting information - Bretherton

D18/25834

The Bretherton family has a strong military connection. Of Richard and Ella's 9 sons, 8 enlisted in the Second World War fighting in a number of arenas. Those 8 sons returned.

Richard's brother James was a Sub Inspector based in Shepparton in charge of the Northern district. He died in 1920 of complications from an appendix operation. He spent time in the Wunghnu and Numurkah and surrounding areas as he was the Police Prosecutor.

(Numurkah Leader (Vic.: 1895 - 1948), Wednesday 29 October 1919, page 3

NUMURKAH COURT OF PETTY SESSIONS.

WEDNESDAY, 22nd OCTOBER before Mr G. J. Rogers, P.M.

Vaccination

Leslie A. Dockery, of Wunghnu, was fined £2 for failing to have his child vaccinated.

Drunk and Disorderly

Two brothers were charged as above. One was discharged, he being a returned soldier and it being his first offence: the other charge was adjourned for eight weeks at the request of Senior-Constable O'Donnell, to give the defendant a chance of proving that his promise to keep off the liquor was bonafide.

Drunk and "Language." On these charges James H. Carlisle was fined 10/- and 20/- with costs. Mr W. J. Teare (Morrison & Teare) appeared for the defendant.

Killing Native Game. George Rooks was charged on the information of Constable Perry, of Shepparton with killing 60 and opossums at Wunghnu on or about 18th and 24th July last respectively. **Sub-Inspector Bretherton** prosecuted and Mr W. J. Teare represented the defendant. Evidence was given by an Inspector from Melbourne that the skins had been consigned by defendant to an address at Abbotsford, and that the consignee (one Lyons) had been prosecuted and fined £20. The 66 skins had also been consigned by defendant to the same man, but had been intercepted en route. Constable Perry gave evidence, and also read a statement by the defendant admitting his guilt. Defendant also admitted prior convictions for similar offences at Tungamah and Tatura. Mr Teare appealed to the Bench not to impose the maximum penalty on the defendant, because the result "would certainly be that those who were dependent on him would be the sufferers" After discussion, defendant was fined £10. With £3/10/9 costs: also, as fixed by the Game Act, 5/- for each of the 126 skins. Defendant was then examined by the Inspector as to his means of paying the sums mentioned. These were "nil," and the court was about to commit defendant to goal, but after a strenuous appeal by Mr Teare, and a severe lecture by the P.M., defendant, who promised to "give up the game." was ordered to pay the costs forthwith (which he did) and to pay the fine by weekly instalments of 10/-.

Disputed Account.

William Bradford of Tallygaroopna sued John O' Beirne for £7/14/7, balance of account due for bread, etc. Mr Teare appeared for plaintiff and Mr Tunnock for the defendant after hearing the evidence of the Parties, which was very contradictory an order was made for the amount claimed, with £1/6/-costs.)

Ballarat Star (Vic.: 1865 - 1924), Saturday 17 January 1920, page 1
SHEPPARTON.

DEATH OF A POLICE INSPECTOR. Shepparton, Friday.

FILE NO: F13/877
5. DEMONSTRATING GOOD GOVERNANCE

ITEM NO: 9.4.2

NAMING OF GRAHAM STREET, WUNGHNU (cont'd)

ATTACHMENT No [1] - Supporting information - Bretherton

D18/25834

Sub-inspector, James Bretherton who has been in charge of the Shepparton policy for nearly two years, died last evening from peritonitis, resulting from an operation for appendicitis performed on him on the previous Tuesday. **Sub-inspector Bretherton** joined the police force in August, 1880 and in July 1918; he was promoted from sergeant in charge, at Prahran to sub-inspector in charge of the Shepparton division. At different times he was stationed in the Gippsland district. Box Hill and East Melbourne. He was 58 years of age, and was very popular with all sections of the community. He was of a sympathetic nature, and extremely fair when conducting prosecutions. He has left a widow and grownup family. In April, 1900, while in Gippsland he displayed great courage in rescuing settlers whose lives were imperilled by floods in the Moe swamp. Three of his sons served in the war one of them having been killed. .

Richard and Ella Bretherton's son Colin stayed in the area and was a local shearer for many years and played football for Drumanure as a young man and in latter years played bowls for Wunghnu. Richard Bretherton's daughter Ella was related to the Gillespie family by marriage and another daughter Caroline whose in-laws came from Marungi. The youngest daughter Dora lived on an orchard at Invergordon and then Cobram. Their sons lived and worked in the area until they moved away

Numurkah Leader (Vic.: 1895 - 1948), Monday 1 September 1947, page 3

Mr Richard Bretherton, formerly of Wunghnu and Bunbartha, whose death took place on August 24th, had eight out of his nine sons in the last war. One gained the rank of major and two were appointed captains, and the whole eight returned. One son (Colin) lives in Numurkah, and Mrs Bretherton survives her husband.

Richard and Ella Bretherton's children have all passed on now. The last being their youngest daughter Dora in 2004 aged 86. Their second youngest son Jack's wife is still alive aged 96. Their descendants now number in the hundreds and the family history is large.

The Bretherton family has had a strong connection with the Wunghnu area since 1900 and still has. The family has a very strong military connection and still does with some of Richards's many descendants having served in all the three forces as well as his great grandchildren who still serve today in our modern day defence force. I think it would be a fitting honour and tribute to the family to have the road named after them.

as the late Garry Bretherton (son of Colin) who passed away in 2009. He lived and worked in the area all his life. children grew up and attended school in Numurkah and also played Football and Netball for Wunghnu. Both children joined the defence force. son is a Flight Lieutenant in the RAAF and is about to be deployed overseas for the next 6 months.

FILE NO: C025/18
4. A WELL RUN COUNCIL

ITEM NO: 9.4.3

C025/18 - SUPPLY AND DELIVERY OR FINANCE OF TWO TRACTORS

RECOMMENDATION

That Council:

1. Award contract C025/18 – Supply and Delivery of Two Tractors to Bertoli Farm Machinery Pty Ltd for the lump sum purchase price of \$243,555.00 inc GST.
2. Authorise the Chief Executive Officer to sign and seal the contract documents.

1. Executive Summary

Moirā Shire Council sought submissions from suitably qualified companies for the supply and delivery or finance of two 4WD Tractors:

- 1 x 140 – 150 hp 4WD Tractor
- 1 x 160 – 170 hp 4WD Tractor.

The tender provided the option for Council to purchase the tractors or to lease them over five years.

Following an analysis of the purchase and lease options submitted by the tenderers, it is recommended that the tractors be purchased outright. The analysis concludes that the lump sum purchase option is more favorable to Council. For more information, please refer to Appendix A – Evaluation Summary (Confidential).

After consideration of the submissions, including price, specification requirements and inspection of the top three submissions, the evaluation panel recommends that contract C025/18 Supply and Delivery of Two Tractors be awarded to Bertoli Farm Machinery Pty Ltd who will supply two Kubota tractors.

2. Background and Options

The primary use of the two 4WD Tractors will be to construct and maintain Council's road network which involves pulling of a combination roller weighing up to 14 tonnes.

The 140-150hp tractor will be located at the Nathalia Depot and the 160-170hp tractor at the Tungamah Depot.

The tractors are expected to operate for approximately 1,400 engine hours per annum.

The proposed tractors are replacements for the current tractors at Nathalia and Tungamah Depots which are under leases due to expire in November 2018. It is likely that the current tractors will be purchased by Council and on-sold at the end of the lease term.

Contract Details

The proposed contract will be a lump sum purchase.

FILE NO: C025/18
4. A WELL RUN COUNCIL

ITEM NO: 9.4.3

**C025/18 - SUPPLY AND DELIVERY OR FINANCE OF TWO TRACTORS
(cont'd)**

Date of Public Notice

Paper	Date
Border Mail	7 July 2018
The Age	7 July 2018
Shepparton News	10 July 2018
Cobram Courier	11 July 2018
Numurkah Leader	11 July 2018
Yarrawonga Chronicle	11 July 2018

Receipt of Tenders

A total of 7 submissions were received from the following companies:

- Bertoli Farm Machinery Pty Ltd
- Cobram Farm Equipment Pty Ltd
- Cobram Rural
- Hutcheon and Pearce Operations Pty Ltd
- O'Connors Farm Machinery
- SG Fleet Australia Pty Limited

Supervision

Superintendent –Manager Operations

Superintendent Representative – Superintendent Parks and Fleet

Panel Membership

The submissions were independently evaluated in TenderSearch by the following positions:

- Coordinator Works
- Leading Hand, Tungamah
- Superintendent Parks, Garden and Fleet

The evaluation was moderated by the Procurement Coordinator.

Non-conforming tenders

No submissions were considered to be non-conforming.

FILE NO: C025/18
4. A WELL RUN COUNCIL

ITEM NO: 9.4.3

**C025/18 - SUPPLY AND DELIVERY OR FINANCE OF TWO TRACTORS
(cont'd)**

Tender Evaluation

Each tender was evaluated separately utilising our electronic tendering system, TenderSearch.

The criteria and weightings from the original evaluation were utilised and are detailed in the following table:

Evaluation Criteria	Evaluation Weighting
Price	40%
Compliance with Specification	30%
Track Record	10%
Management of Schedules	10%
Contribution to Local Economy	10%

For more information, please refer to Appendix A – Evaluation Summary (Confidential).

Following evaluation of the submissions, inspections of the three highest scored tractors were arranged.

The top three tractor brands were:

- Massey Ferguson
- Kubota
- New Holland

After the inspection and a test drive of each of the tractors, the operators from both depots found the Kubota tractors to be most suitable for their requirements. They found that the Kubota tractors had superior:

- All round vision
- Increased cabin room
- Hydraulic lever location
- Cabin suspension
- Seat suspension

3. Financial Implications

The 2018/19 budget contained sufficient funds to lease the tractors, however, as it is better value for Council to purchase the tractors the remaining budget will be sourced from savings identified within the 2018/19 capital works program.

Please refer to Appendix A – Evaluation Summary (Confidential) for further information.

4. Risk Management

In order to minimise the risks associated with the purchase of plant, the specification contained the following conditions:

- The vehicle shall comply with all Federal and State Government Legislative requirements as well as all relevant Australian Standards and Australian Design Rules.

FILE NO: C025/18
4. A WELL RUN COUNCIL

ITEM NO: 9.4.3

**C025/18 - SUPPLY AND DELIVERY OR FINANCE OF TWO TRACTORS
(cont'd)**

- Two (2) copies each of the operator, parts and workshop manuals shall be supplied (one hard copy and one disk) for the vehicle.
- An independent plant risk assessment is required to be supplied prior to the delivery of the vehicle.
- The tenderer shall give a written report to include noise level readings at operator's level and externally as per the relevant standard.
- On delivery, an initial induction of the capabilities of the vehicle is to be done for nominated Council staff. More intensive individual competency training is then to be carried out to ensure that all personnel are completely competent in the operation of all items on the vehicle. This will involve significant field time as the vehicles are operated in real situations.

5. Internal and External Consultation

The public tender was advertised on Council's TenderSearch website, Shepparton News, Border Mail, The Age and the local papers.

The specification was approved by the responsible officer, Manager Operations and General Manager Infrastructure.

6. Regional Context

The tractors will primarily be used to construct and maintain Councils road network.

7. Council Plan Strategy

The purchase of the tractors will assist Council in meeting the objective of smarter delivery of existing services and programs; in addition, undertaking the tender process demonstrates good governance.

8. Legislative / Policy Implications

The tender process was undertaken in accordance with the requirements of the section 186 of the Local Government Act and Council's adopted Procurement Policy.

9. Environmental Impact

The proposed vehicle meets all the latest pollution and environmental requirements for vehicles of this type.

10. Conflict of Interest Considerations

There was no conflict of interest declared for this tender evaluation process.

11. Conclusion

After consideration of the submissions, including price, specification requirements and inspection of the top three submissions, the evaluation panel recommends that contract C025/18 – Supply and Delivery of Two Tractors be awarded to Bertoli Farm Machinery Pty Ltd.

Attachments

- 1 APPENDIX A - EVALUATION SUMMARY - *printed in separate document*

FILE NO: C001/19
4. A WELL RUN COUNCIL

ITEM NO: 9.4.4

C001/19 - MAINTENANCE GRADING PANEL

RECOMMENDATION

That Council:

1. Award the schedule of rates contract to the following tenderers under Panel Contract C001/19 – Maintenance Grading for an initial term of 1 year with the option to extend in single 1 year periods to a maximum contract period of 3 years (1+1+1):
 - Trustee for AAEBT Trust t/a NGH Earthmoving
 - Precision Grading Pty Ltd
 - SP & LA O'Brien Pty Ltd
 - Andrew Goldman Excavations Pty Ltd
 - The Trustee for the Dwane O'Loughlin Family Trust t/a O'Loughlin Excavations
 - CJ & BB Lawrence Pty Ltd t/a Lawrence Brothers
2. Authorise the Chief Executive Officer to sign and seal the contract documents and approve contract extensions within the provisions of the contract.

1. Executive Summary

Moira Shire Council invited submissions from suitably qualified contractors to form a panel of suppliers to perform gravel maintenance grading for the 2018/2019 through to 2020/2021 financial years.

After consideration of the submissions, the evaluation panel recommends that contract C001/19 – Maintenance Grading Panel be awarded to the following tenderers as per their submitted schedule of rates:

- Trustee for AAEBT Trust t/a NGH Earthmoving
- Precision Grading Pty Ltd
- SP & LA O'Brien Pty Ltd
- Andrew Goldman Excavations Pty Ltd
- The Trustee for the Dwane O'Loughlin Family Trust t/a O'Loughlin Excavations
- CJ & BB Lawrence Pty Ltd t/a Lawrence Brothers

2. Background and Options

This contract is for the supply of maintenance grading services on Council assets. The panel of suppliers will perform the works covered in the specification at a fixed price for the 2018/2019 through to 2020/2021 financial years and include:

- The supply of graders, tractors, combination rollers and water trucks.
- The supply of competent and accredited operators.
- The existing formation to be scarified as required, graded and compacted to reshape the formation.
- The removal of all vegetation, corrugations, potholes and rutting.
- Each road segment being tightly packed with a crowned surface.
- The surface to be free from loose material and large rocks for smooth riding qualities.
- Whilst the works under contract will generally involve maintenance grading, there may be the requirement to spread extra gravel.
- The maintenance of off shoot drains and sealed road shoulders.

FILE NO: C001/19
4. A WELL RUN COUNCIL

ITEM NO: 9.4.4

C001/19 - MAINTENANCE GRADING PANEL (cont'd)

- The road reserve shall be left clean of material resulting from the works.
- Guide and signposts will be left erect and straight.
- All culverts are to be left clear of obstructions.

Contract Details

The schedule of rates contract is for an initial term of 1 year commencing the 1 February 2019.

Upon mutual agreement the Contract can be extended in single periods of 1 year to a maximum contract period of three years (1+1+1).

Date of Public Notice

Paper	Date
Border Mail	28 July 2018
Shepparton News	31 July 2018
Cobram Courier	1 August 2018
Numurkah Leader	1 August 2018
Yarrawonga Chronicle	1 August 2018

Receipt of Tenders

A total of 12 submissions were received:

1. Trustee for AAEBT Trust t/a NGH Earthmoving as
2. Precision Grading Pty Ltd
3. SP & LA O'Brien Pty Ltd
4. Andrew Goldman Excavations Pty Ltd
5. The Trustee for the Dwane O'Loughlin Family Trust t/a O'Loughlin Excavations
6. CJ & BB Lawrence Pty Ltd t/a Lawrence Brothers
7. LR & KF Wright Pty Ltd
8. Scott Newberry Earthmoving Pty Ltd
9. Cleaves Earthmoving & Drainage Pty Ltd
10. Tactile Australia Pty Ltd t/a One Stop Civil
11. Katunga Earthworks Pty Ltd
12. Extons Pty Ltd

Supervision

Superintendent – Manager Operations

Superintendent Representative – Coordinator Works

Panel Membership

The submissions were independently evaluated in TenderSearch by the following positions:

- Coordinator Works
- Team Leader Tungamah
- Team Leader Roads West

The evaluation was moderated by the Procurement Coordinator.

Non-conforming tenders

No submissions were considered to be non-conforming, however, marks were deducted from the tenderers that did not meet the minimum requirements.

FILE NO: C001/19
4. A WELL RUN COUNCIL

ITEM NO: 9.4.4

C001/19 - MAINTENANCE GRADING PANEL (cont'd)

Tender Evaluation

Each tender was evaluated separately utilising our electronic tendering system, TenderSearch.

The criteria and weightings utilised and are detailed in the following table:

Evaluation Criteria	Evaluation Weighting
Price	30%
Track Record	30%
Management of Schedules	10%
Skills and Resources	10%
Contribution to Local Economy	10%
Compliance with Specification	10%

For more information, please refer to Appendix A – Evaluation Summary (Confidential).

3. Financial Implications

This is a Schedule of Rates contract for maintenance grading works of roads within the Moira Shire Council. Submitted rates from the recommended tenderers are fair, reasonable and comparable to current rates.

The budget for this contract is drawn from the funds allocated to maintenance grading. Some reactive and miscellaneous works may be drawn from other road project funds. The cost of the services provided under this contract is within the current financial year's approved budget.

Future budgets will be set in accordance with the annual budget process.

4. Risk Management

To minimise the risks associated with the works under the contract, the following conditions are required to be delivered by the successful contractor and/or Council:

- Works are to be conducted in an area nominated by the Superintendent Representative.
- The Contractor is required to make provision for traffic in accordance with the relevant sections of the Road Management Act 2004 and Codes of Practice.
- The Superintendent Representative will conduct regular site visits for compliance of the work required under contract.
- All personnel are required to undertake a Moira Shire Council site induction.
- The Contractor is to undertake a risk/hazard assessment of each work site / activity to determine the risks and treatments required to treat those risks.
- A plant risk assessment is required for each item of heavy plant to be supplied, hired or expected to enter Councils worksite.

5. Internal and External Consultation

The public tender was advertised on Council's TenderSearch website, in the Shepparton News, Border Mail and the local papers.

FILE NO: C001/19
4. A WELL RUN COUNCIL

ITEM NO: 9.4.4

C001/19 - MAINTENANCE GRADING PANEL (cont'd)

The specification was approved by the responsible officer, Procurement Coordinator, Manager Operations and General Manager Infrastructure.

6. Regional Context

The works under C001/19 – Maintenance Grading Panel contributes to the repair and upgrades of Council's road network.

7. Council Plan Strategy

The Council Plan addresses the need for a well-run Council by implementing a transparent, engaging and accountable governance structure for current and future generations. The processes undertaken to award the contract meet the legislative and policy requirements relating to procurement and tendering.

8. Legislative / Policy Implications

The tender process was undertaken in accordance with the requirements of the section 186 of the Local Government Act and Council's adopted Procurement Policy.

9. Environmental Impact

Section 3.18 of the specification stipulates the contractor's environmental responsibilities and will form part of the contract.

10. Conflict of Interest Considerations

There was no conflict of interest declared for this tender evaluation process.

11. Conclusion

After consideration of the submissions, the evaluation panel recommends that contract C001/19 – Maintenance Grading Panel be awarded to the following tenderers as per their submitted schedule of rates:

- NGH Earthmoving as Trustee for AAEBT Trust
- Precision Grading Pty Ltd
- SP & LA O'Brien Pty Ltd
- Andrew Goldman Excavations Pty Ltd
- The Trustee for the Dwane O'Loughlin Family Trust t/a O'Loughlin Excavations
- CJ & BB Lawrence Pty Ltd t/a Lawrence Brothers

Attachments

- 1 Appendix A - *printed in separate document*

FILE NO: F17/235
4. A WELL RUN COUNCIL**ITEM NO: 10.1****ACTION OFFICERS' LIST****RECOMMENDATION**

That Council receive and note the Action Officers' List.

Meeting: 22 August 2018**Subject – Urgent General Business****MOTION**

That Council:

1. Request the CEO develop an action plan that ensures we are ready to deliver meaningful community and industry support, services and assistance if we move into drought conditions.
2. Continue our efforts to inform policy makers and political leaders on the social and economic impact of the unfolding seasonal conditions.
3. Call on the Victorian and Commonwealth Environmental Water Ministers to fast track the release significant environmental water onto the market so that farmers can make preparations before it's too late.

(CARRIED)

Activity

- A draft drought action plan and contact list of service providers have been compiled.
- Letter sent to the Minister. requesting consideration of Council's resolution. An acknowledgment letter has been received from the Minister advising that a response will follow.

Attachments

Nil

FILE NO: F18/23
1. A GREAT PLACE TO LIVE

ITEM NO: 11.1

**MASTER PLAN FOR RECREATIONAL FACILITIES AT WOODLANDS PARK
YARRAWONGA**

TAKE NOTICE that at the Council Meeting to be held on 24 October 2018, it is my intention to move the following motion:

That Council prepare a Master Plan for recreational facilities at Woodlands Park in conjunction with local residents and interested stakeholders.



Cr Peter Mansfield

Date: 8 October 2018

FILE NO: F/22
4. A WELL RUN COUNCIL**ITEM NO: 12.1****PETITION AGAINST THE ESTABLISHMENT OF A CHICKEN FARM AT 197
LEAFS ROAD NATHALIA****RECOMMENDATION**

That: Council

1. Receive the petition containing nine signatures against the establishment of the proposed chicken farm at 197 Leafs Road Nathalia.
2. Note the applicant for the chicken farm at 197 Leafs Road Nathalia has withdrawn their application.
3. Advise the petitioners of the withdrawal by writing to the organiser of the petition.

Executive Summary

At the 26 September 2018 a petition containing nine signatures against the establishment of the proposed chicken farm at 197 Leafs Road Nathalia was tabled.

In accordance with Section 64 of Meeting Procedures Local Laws 2017, a petition or joint letter presented to the Council will lay on the table until the next ordinary meeting of the Council and no motion other than to receive the petition or joint letter may be accepted by the chair, unless the Council agrees to deal with it earlier.

Since receipt of the petition the applicant for Planning Permit Application No 52018133 for Intensive Animal Husbandry - Egg Production at 197 Leafs Road Nathalia has been withdrawn.

Attachments

Nil

FILE NO: VARIOUS

ITEM NO: 14

URGENT GENERAL BUSINESS**Clause 60 of Council's "Meeting Procedures Local Law 2017 states:****60. Urgent general business**

- 1) Councillors must provide an outline of the matters to be considered before Council can accept the motion to consider urgent business. The outline must demonstrate how the matter meets the criteria for urgent business.
- 2) Urgent business can only be admitted by resolution of Council
- 3) Urgent business must not be admitted as urgent business unless
 - a) It relates to or arises out of a matter which has arisen since distribution of the agenda
 - b) Is manifestly urgent
 - c) Is material to the function of Council
 - d) Requires an urgent council resolution
 - e) Is otherwise determined by the CEO.
- 4) Only the mover of an urgency motion may speak to the motion before it is put.

FILE NO: VARIOUS

ITEM NO: 15

QUESTIONS FROM THE PUBLIC GALLERY

Clause 61 of Council's "Meeting Procedures Local Law 2017 states:

61. Question Time

The Council will hold a Public Question Time of up to 30 minutes duration at each Ordinary Meeting, to enable members of the public to receive answers to questions previously submitted for consideration, and if the submitted questions are dealt with in less than the 30 minute period, the Chair can invite questions from the floor.

- 1) At every ordinary meeting of the Council a maximum of 30 minutes may be allocated to enable members of the public to submit questions to Council.
- 2) The time allocated may be extended by unanimous resolution of Council.
- 3) Sub-clause (1) does not apply during any period when the Council has resolved to close a meeting in respect of a matter under section 89(2) of the Act.
- 4) To assist the accurate recording of minutes and addressing any questions that may require written response or follow up, the Chief Executive Officer may require questions to be submitted in writing.
- 5) No person may submit more than two (2) questions at any one (1) meeting.
- 6) The Chairperson or member of Council staff nominated by the Chairperson may read a question to those present.
- 7) No question must be so read unless:
 - a) the person asking the same is in the gallery at the time it is due to be read; and
 - b) the person asking the question reads the same when called upon by the Chairperson to do so.
 - c) A question may be disallowed by the Chairperson if it:
 - d) relates to a matter outside the duties, functions and powers of Council;
 - e) is defamatory, indecent, abusive, offensive, irrelevant, trivial or objectionable in language or substance;
 - f) deals with a subject matter already answered;
 - g) is aimed at embarrassing a Councillor or a member of Council staff;
 - h) relates to personnel matters;
 - i) relates to the personal hardship of any resident or ratepayer;
 - j) relates to industrial matters;
 - k) relates to contractual matters;
 - l) relates to proposed developments;
 - m) relates to legal advice;
 - n) relates to matters affecting the security of Council property; or
 - o) relates to any other matter which Council considers would prejudice Council or any person.
- 8) The Chairperson may request a Councillor or member of Council staff to respond, if possible, to the question.
- 9) Councillor or member of Council staff may require a question to be put on notice until the next Ordinary meeting, at which time the question must be answered, or elect to submit a written answer to the person asking the question.
- 10) A Councillor or member of Council staff may advise Council that it is his or her opinion that the reply to a question should be given in a meeting closed to members of the public. The Councillor or member of Council staff must state briefly the reason why the reply should be so given and, unless Council resolves to the contrary, the reply to such question must be so given.

FILE NO: VARIOUS

ITEM NO: 16

MEETING ADJOURNMENT**RECOMMENDATION**

That the meeting be adjourned for 10 minutes.

RECOMMENDATION

That the meeting be resumed.

RECOMMENDATION

That pursuant to Sections 89(2) (h) of the Local Government Act, 1989, this meeting of Council be closed to members of the public in order for Council to discuss personnel and contractual matters which the Council considers would prejudice the Council or any person.

RECOMMENDATION

That pursuant to Section 89(2) of the Local Government Act 1989, Council resolve to continue in open session.

RECOMMENDATION

That the recommendations of the "Closed" Meeting of Council be adopted.