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AGENDA

ORDINARY MEETING OF COUNCIL FOR WEDNESDAY 27 MAY 2020 TO BE HELD AT NUMURKAH PRESIDENTS ROOM, MELVILLE STREET NUMURKAH COMMENCING AT 5:00 PM

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.

LIVE STREAMING

Council meetings will now be lived streamed, allowing those interested to view proceedings without attending the meeting. This gives access to Council decisions and debate and enables residents to comply with COVID19 stay at home directions.

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, 22 April 2020, as prepared, be confirmed.”

8. COUNCILLOR REPORTS

COUNCILLORS TO PROVIDE VERBAL REPORTS

9.	OFFICER REPORTS FOR DETERMINATION	
9.1	OFFICE OF CEO	
9.1.1	PROSPECTIVE DECISION MAKING ON PLANNING APPLICATION FOR YARRAWONGA LIBRARY PROJECT	3
9.2	CORPORATE	
9.2.1	ASSEMBLIES OF COUNCIL	5
9.2.2	FRAUD CONTROL POLICY	7
9.2.3	RE-ESTABLISHMENT OF THE AUDIT AND RISK COMMITTEE AND CHARTER	14
9.3	COMMUNITY	
9.3.1	C055/19 - CONSTRUCTION OF A LANDFILL CELL (CELL 9), COBRAM	22
9.3.2	2019/20 COMMUNITY STRENGTHENING GRANTS PROGRAM - ROUND 2 - MINOR GRANTS AND ONE OFF ARTS AND CULTURE GRANTS	25
9.4	INFRASTRUCTURE	
9.4.1	C063/19 - DETAILED DESIGN OF THE YARRAWONGA SPORTS PRECINCT	32
9.4.2	C060/19 - PROVISION OF SECURITY AND CASH COLLECTION	35
9.4.3	PROPOSAL TO DELIST KANGAN ROAD, KOONOOMOO, FROM COUNCIL'S REGISTER OF PUBLIC ROADS	39
10.	ACTION OFFICERS LIST	
	NIL	
11.	NOTICES OF MOTION	
	NIL	
12.	PETITIONS AND JOINT LETTERS	
	NIL	
13.	COUNCIL SEAL	
	NIL	
14.	GENERAL BUSINESS	45
15.	QUESTIONS FROM PUBLIC GALLERY	46
16.	MEETING ADJOURNMENT	47
17.	CONFIDENTIAL BUSINESS	
18.	URGENT GENERAL CONFIDENTIAL BUSINESS	
19.	CLOSE OF MEETING	

FILE NO: F13/2657-2
1. A GREAT PLACE TO LIVE

ITEM NO: 9.1.1

PROSPECTIVE DECISION MAKING ON PLANNING APPLICATION FOR YARRAWONGA LIBRARY PROJECT

RECOMMENDATION

That pursuant to Section 97C of the Planning and Environment Act 1987, Council request the Minister for Planning to decide the planning permit application for the demolition of the Yarrowonga Community Hall and construction of a new replacement Library building.

1. Executive Summary

A planning permit application has been lodged for the demolition of the Community Hall in Yarrowonga and to construct a replacement building principally used for the purpose of a Library.

There is significant community interest in the project and its consequences with a Heritage Victoria Register nomination for the Shire Hall and Community Hall under consideration.

Therefore it is recommended that Council request the Minister to determine the planning application for the demolition of the Yarrowonga Community Hall and to construct a new replacement Library building, pursuant to Section 97C of the said Act

2. Introduction

Council or its Delegate is responsible to make decisions on planning permit applications under the Planning and Environment Act, however the Act does allow that responsibility to be effectively transferred to the Minister. The Minister has the power to “call-in” an application under certain circumstances, or the responsible authority (Council) may request the Minister to decide a planning application. There is no criteria to satisfy for a request to be made.

If the Minister agrees to the request, he will take responsibility for the application and will appoint a Panel to consider objections or submissions to the application and will give opportunity for them to be heard as well as from the applicant (Council).

The Panel will thereafter make a recommendation to the Minister who will in turn decide on the application.

3. Issues and discussion

A planning permit application has been lodged for the Yarrowonga Library Project which involves the demolition of the Community Hall and the construction of a new Library/Community Hub connected to the Yarrowonga Shire Hall.

The application is likely to attract objections in which case would then normally be put to Council for determination.

Given Council’s past decisions on this project its objectivity as a planning authority can be best achieved by referral of the application to an independent umpire thereby ensuring procedural fairness.

FILE NO: F13/2657-2
1. A GREAT PLACE TO LIVE

ITEM NO: 9.1.1

**PROSPECTIVE DECISION MAKING ON PLANNING APPLICATION FOR
YARRAWONGA LIBRARY PROJECT (cont'd)**

Financial Implications

If the Minister agrees to determine the application, Council could be asked to contribute to the costs of a Panel.

Risk and Mitigation

If Council were to remain the responsible planning authority for this project there is a risk that the decision could be challenged based on the principles of procedural fairness and pre-determined position resulting in a denial of natural justice. Referring the application to the Minister for decision effectively mitigates that risk.

Legislative / Policy Implications

Under Section 97C of the Planning and Environment Act, Council acting as the responsible authority may request the Minister for Planning to decide the application.

4. Conclusion

Procedural fairness can best be achieved by Council requesting the Minister to determine the planning application for the demolition of the Yarrowonga Community Hall and to construct a new replacement Library building, pursuant to Section 97C of the said Act.

Attachments

Nil

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

ITEM NO: 9.2.1

ASSEMBLIES OF COUNCIL

RECOMMENDATION

That Council receive and note the Record of Assemblies of Councillors.

1. Executive Summary

This report details the Assembly of Councillors for April 2020. This report is prepared in accordance with the requirements of the section 80A of the Local Government Act 1989.

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 Councillor is present; or
- A meeting, briefing or other activity where at least half of the Council and a member of Council staff is 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 6 April 2020	<p>Councillors: Libro Mustica Peter Lawless Wendy Buck Gary Cleveland Peter Mansfield</p> <p>Staff: Chief Executive Officer, Mark Henderson General Manager Community, Sally Rice General Manager Corporate, Simon Rennie Manager Infrastructure, Andrew Close</p>	<ul style="list-style-type: none"> • COVID-19 hardship policy • Pandemic update • Draft budget timeline • Numurkah Flood Mitigation update • Numurkah Lake update • Draft agenda review 	Nil

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

ITEM NO: 9.2.1

ASSEMBLIES OF COUNCIL (cont'd)

Meeting	Present at meeting	Matters discussed	Declaration of Interest(s)
Council Briefing (online) 29 April 2020	<p>Councillors: Libro Mustica Peter Lawless Wendy Buck Gary Cleveland Peter Mansfield Marie Martin John Beitzel Ed Cox</p> <p>Staff: Chief Executive Officer, Mark Henderson General Manager Community, Sally Rice General Manager Corporate, Simon Rennie Manager Infrastructure, Andrew Close</p>	<ul style="list-style-type: none"> • COVID-19 hardship policy • Pandemic update • Draft budget • Yarrowonga Library update • Cobram Landfill Cell 9 update 	Nil

3. Conflict of Interest Considerations

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

4. Conclusion

The Assembly of Councillors records incorporated into this report are a true and accurate record of all assemblies of Councillors reported during April 2020.

Attachments

Nil

FILE NO: F13/22222
4. A WELL RUN COUNCIL

ITEM NO: 9.2.2

FRAUD CONTROL POLICY

RECOMMENDATION

That Council adopt the Fraud Prevention and Control Policy

1. Executive Summary

The purpose of the Fraud Prevention and Control Policy (Fraud Policy) is to protect public funds and Council property and provide guidance on the measures Council will take to prevent fraudulent behavior.

A review of the Fraud Policy proposes a number of relatively minor amendments that seek to improve the clarity and readability of the document and reflect the suggestions for amendments received from the internal consultation process.

The Policy remains relevant and supports a number of other referenced documents including the Employee Code of Conduct, which together, form the overall framework of fraud prevention within the organisation.

2. Background and Options

The Fraud Policy was adopted by Council on 19 September 2016 and provides guidance to the organisation in regard to the broad framework of Council's commitment, tolerances and attitude towards controlling fraudulent behaviour within Council.

The policy integrates with the Council Plan objective to demonstrate good governance and it is a critical component of Council's overall fraud management framework. A summary of the proposed changes to the policy follows:

Reference	From	To
Definitions	No defined meaning of "Council"	Definition of "Council" inserted
	Making false claims for allowances	Making false claims. "for allowances" removed to expand the definition
Policy	1 st paragraph	Expanded to include training and reporting.
	4 th Paragraph	Removed emotive 1 st sentence that fraudulent acts will not be tolerated. Council's commitment is already clear.
Responsibilities	Not present	Added to define the commitment and responsibilities of stakeholders. Consistent with ISO 8001.
Reports of Fraud	All reports to the CEO	All reports to the CEO except any concerning the CEO to be made to GM Corporate or other relevant GM.
Fraud Incident	Not present	Register to be kept

FILE NO: F13/22222
4. A WELL RUN COUNCIL

ITEM NO: 9.2.2

FRAUD CONTROL POLICY (cont'd)

Register		
Responsibility for Investigations	As determined by the CEO	As determined by the CEO or GM Corporate or other authorised member
Related Policies & Legislation		Updated

3. Financial Implications

While there are no direct cost implications associated with this report or the Fraud Policy itself, the Fraud Policy is a key component to the overall financial and risk management framework of Council. The level of financial commitment made by Council to fraud risk management is determined through the annual budget process.

4. Risk Management

The Fraud Policy provides the guidance to Council and staff to understand the broad nature of fraud and the mechanism's Council will use to prevent fraudulent activity. This Policy is a major component of Council's overall fraud management framework.

Risk	Mitigation
Failure to comply with legislation	The policy and its supporting operating procedures comply with council's obligations under the Act and VAGO's recommended fraud control measures.
Lack of awareness	Once adopted the policy and procedures will be shared with staff and posted on Council's website. Regular fraud awareness training is provided to all staff.

5. Internal and External Consultation

Amendments to the policy were made following feedback received from members of the Management Team and other internal staff. The policy was considered and recommended by the Corporate Management Team on 20/4/2020 and the Audit Committee on 7/5/2020.

6. Council Plan Strategy

The Fraud Policy contributes to the Council Plan objective for sound governance systems of a well-run Council.

7. Legislative / Policy Implications

ISO 8001:2008 has been used as the basis for the development of Council's Fraud Policy.

8. Conflict of Interest Considerations

There are no conflict of interest considerations relating to this policy.

9. Conclusion

A review of the Fraud Policy was conducted and included an internal consultation process. The policy is aligned with ISO 8001:2008 Fraud and corruption control and remains an important component in Council's overall risk management framework.

Attachments¹ FRAUD PREVENTION AND CONTROL POLICY

FILE NO: F13/22222
4. A WELL RUN COUNCIL

ITEM NO: 9.2.2

FRAUD CONTROL POLICY (cont'd)

ATTACHMENT No [1] - FRAUD PREVENTION AND CONTROL POLICY

Fraud Prevention and Control Policy



Policy type	Council
Adopted by	Moira Shire Council
Responsible General Manager	General Manager Corporate
Responsible officer	Manager Commercial Services
Date adopted	
Scheduled for review	This policy will be reviewed four years from the date of adoption, or sooner if required.

PURPOSE

To protect public funds and Council property from fraud and outline the measures to be taken by Moira Shire Council to prevent and control fraudulent behaviour.

OBJECTIVES

The objectives of the Fraud Prevention and Control Policy are to:

- promote and guide Moira Shire Council's commitment to protecting itself against any form of fraudulent behaviour which could lead to a financial or property loss or a loss of public confidence.
- provide the elements of the fraud prevention and control measures Moira Shire Council will take to prevent, detect, investigate and manage fraudulent activity or suspected fraudulent activity.
- create and promote a culture of strong and consistent ethical organisational behaviour which effectively reduces Council's fraud risks while providing clear responsibilities in the event that fraudulent activity is detected or suspected.

SCOPE

This policy applies to all Councillors, employees, contractors, volunteers and agents of Moira Shire Council.

DEFINITIONS

Council means any member of the Moira Shire Council including Councillors individually and collectively, staff, volunteers, contractors and agents.

Fraud is generally defined as the crime of obtaining financial or other benefits by deception or other means. It covers a wide range of fraudulent behaviour from misappropriation of Council property to misrepresentation, misuse of confidential information or discretionary power.

Internal fraud refers to fraudulent acts by Councillors, employees, contractors, volunteers and agents of Moira Shire Council.

External fraud refers to fraudulent acts committed against Council by persons external to Council.

FILE NO: F13/22222
4. A WELL RUN COUNCIL

ITEM NO: 9.2.2

FRAUD CONTROL POLICY (cont'd)

ATTACHMENT No [1] - FRAUD PREVENTION AND CONTROL POLICY

Fraud Prevention and Control Policy



Fraudulent behaviour includes but is not limited to:

- Theft or misappropriation of Council funds, including cash, property, plant and equipment.
- Obtaining any financial or other benefit by deception.
- False invoicing and making false claims.
- Unlawful or unauthorised use of Council's credit cards, computers, vehicles, telephones or any other item of Council property.
- Bribery, corruption or abuse of office to gain some form of financial advantage.
- Theft or misuse of intellectual property, or other confidential information.
- Providing false or misleading information or failing to provide information when an obligation exists to do so.
- Financial reporting fraud.
- Making, using or possessing forged or falsified documents.
- Falsification of time records.
- Making false claims
- Failure to declare a conflict of interest.
- Misrepresentation of qualifications or experience.

POLICY

Council will implement controls to either eliminate or reduce the possibility of fraud occurring. This will include, but will not be limited to a Fraud Control Plan, training, a fraud risk assessment, maintenance and reporting of a fraud risk register and internal and external auditing including random checks of fraud risk areas.

Council will apply available resources to implement and manage effective fraud controls, conduct appropriate fraud awareness training for all employees and to investigate and analyse any fraudulent, or suspected fraudulent behaviour.

All Councillors, employees, contractors, volunteers and agents of Moira Shire Council must act at all times with integrity and must not engage in fraudulent activity of any kind, including fraudulent activity which may benefit Council.

Moira Shire Council will investigate all reports of suspected or detected fraudulent activity and take all appropriate actions which may include disciplinary action including dismissal, civil loss recovery action and/or criminal prosecution.

All Councillors, staff, contractors, volunteers and agents of Moira Shire Council are required to report fraudulent activity and any activity which is suspected to be fraudulent.

RESPONSIBILITIES

Responsibility for fraud prevention rests with all members and representatives of Council who collectively must accept ownership of the intent and principles of this policy.

Councillors

As members of the body which has overall responsibility for the good governance of the municipality, Councillors must approve the Fraud Prevention and Control Policy and set the tone for honesty and integrity across the organisation.

Council will ensure that Management has appropriate measures in place to detect and prevent fraud.

FILE NO: F13/22222
4. A WELL RUN COUNCIL

ITEM NO: 9.2.2

FRAUD CONTROL POLICY (cont'd)

ATTACHMENT No [1] - FRAUD PREVENTION AND CONTROL POLICY

Fraud Prevention and Control Policy



Chief Executive Officer (CEO)

The Chief Executive Officer has primary responsibility for fraud control and compliance with this Policy throughout the organisation and to ensure that effective fraud prevention controls are established and maintained.

Subject to this Policy, all suspected cases or incidents of fraud will be reported to the Chief Executive Officer.

General Managers and Managers

General Managers and Managers play a major role in assisting the Chief Executive Officer by ensuring that there are adequate measures to prevent and detect fraud within the areas under their control by:

- complying with legislation and Council policies and practices;
- ensuring staff understand their responsibilities through adequate supervision, acting within their delegated powers, written procedures and position descriptions;
- responding positively to matters raised and advice given by internal and external audit.
- Ensuring that appropriate corporate systems, procedures and controls designed to prevent and detect fraud are in place, effectively audited and managed within their Departments and operational units.
- Ensuring that staff implement recommendations to eliminate or reduce the risk of fraud;

Employee Responsibility

Employees are responsible for acting with propriety in all council activities and must not use their position with the council to gain personal advantage or to confer advantage, or disadvantage, on any other person.

Employees are responsible for the safeguard of council assets against theft, misuse or improper use.

Employees are required to report any suspicion of fraud.

Audit & Risk Committee

The Audit & Risk Committee will receive a report each meeting relating to the implementation of the policy and any matters reported to the Chief Executive Officer under this policy.

Audit

The role of Internal Audit is to assist management and Council to achieve sound managerial review and control over all Council activities. This process can aid fraud control and assist in detecting corrupt behaviour.

FILE NO: F13/22222
4. A WELL RUN COUNCIL

ITEM NO: 9.2.2

FRAUD CONTROL POLICY (cont'd)

ATTACHMENT No [1] - FRAUD PREVENTION AND CONTROL POLICY

Fraud Prevention and Control Policy



Internal Audit therefore has an important role in assisting management in the prevention and detection of fraud by independently reviewing systems, procedures and controls to ensure that there are adequate safeguards to prevent, deter and detect fraud; with particular attention paid to areas where there is a significant risk;

External audit is conducted by the Victorian Auditor General's office to certify that Council's accounts represent a true and fair view of the Council's financial position.

Reports of Fraud or Suspected Fraud

Reports of fraud or suspected fraud should be made, in writing, to the Chief Executive Officer, General Manager Corporate or in accordance with the Protected Disclosure Act 2012 and the Moira Shire Council's Protected Disclosure Procedures.

Any suspected cases or incidents of fraud concerning the Chief Executive Officer should be reported to the General Manager Corporate or the next most senior officer not included in the report.

Council respects the rights of individuals and has a commitment to the principles of natural justice, compliance to the Protected Disclosure Act 2012 and the Charter of Human Rights. Any member of Council identified in a report or suspected of fraud will be treated fairly and afforded natural justice should an investigation be necessary.

Fraud Incident Register

The CEO shall ensure that a register of fraud and corruption incidents is kept to accurately record suspected incidents of fraud and corruption, their handling and all relevant supporting documentation.

Responsibility for Investigations

The Chief Executive Officer, General Manager Corporate, or other authorised member of Council shall determine how the investigation of reports will proceed and may include staff, notification to the Police and/or appointing an external investigator.

All members of Council are required to cooperate fully with any fraud investigation if requested to do so by the Chief Executive Officer, General Manager Corporate or other person authorised to make the request.

Responsibility for any enforcement action shall rest with the Council Chief Executive Officer, or relevant General Manager.

The Chief Executive Officer shall arrange for a review of relevant internal procedures and an analysis of any proven fraudulent activity to identify and make recommendations to mitigate any identified contributing factors.

RELATED POLICIES

Use of Network, Email and Internet Facilities
Motor Vehicle
Budget and Financial Reporting
Community Strengthening Grants
Councillor Expenses Support and Professional Development
Sponsorship (outgoing)

FILE NO: F13/22222
4. A WELL RUN COUNCIL

ITEM NO: 9.2.2

FRAUD CONTROL POLICY (cont'd)

ATTACHMENT No [1] - FRAUD PREVENTION AND CONTROL POLICY

Fraud Prevention and Control Policy



Investment and Cash Management
Procurement

RELATED LEGISLATION

Local Government Act 2020
Protected Disclosure Act 2012
Privacy and Data Protection Act 2014
Charter of Human Rights & Responsibilities Act 2006

REFERENCES

Standards Australia, *AS 8001—2008 Fraud and Corruption Control*
Victorian Auditor-General's Report (June 2012), *Fraud Prevention Strategies in Local Government*

Moira Shire Council:

- Employee Code of Conduct/Ethical Behaviour
- Contractor Code of Conduct/Ethical Behaviour
- Councillor Code of Conduct
- Access to Network, Email and Internet Agreement (Employee and Contractor)
- Access to Network, Email and Internet Agreement (Councillor)
- Protected Disclosure Procedures
- Human Resources Manual

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FILE NO: F13/493
4. A WELL RUN COUNCIL

ITEM NO: 9.2.3

RE-ESTABLISHMENT OF THE AUDIT AND RISK COMMITTEE AND CHARTER

RECOMMENDATION

That Council:

- 1) Establish the Audit & Risk Committee under section 53 of the Local Government Act 2020.
- 2) Approve the Audit & Risk Committee Charter under section 54 of the Local Government Act 2020.

1. Executive Summary

The Local Government Act 2020 (**LGA 2020**) received Royal Assent on 24 March 2020 and will commence in 4 stages between 6 April 2020 and 1 July 2021. As each stage is proclaimed, the corresponding sections of the 1989 Act are repealed.

Section 139 of the LGA 1989 requiring Council to establish an Audit Committee was repealed on 1 May 2020 and was replaced with sections 53 & 54 in LGA 2020.

Council is therefore required to re-establish the Audit & Risk Committee in accordance with section 53 of LGA 2020 and also adopt an Audit & Risk Committee Charter in accordance with section 54 before 1 September 2020.

2. Background and Options

Council's Audit Committee and Charter was correctly established under section 139 of the Local Government Act 1989. This section of the LGA 1989 was repealed under stage 2 of the LGA 2020 implementation on 6 May 2020.

Council is required to re-establish the newly named Audit & Risk Committee under section 53 of LGA 2020 and must also consider the Audit & Risk Committee Charter under section 54.

Section 54 of LGA 2020 provides details of the matters which must be included in the new Charter. A review of the current Charter resulted in a number of minor changes only as Council's existing Charter already included most of the matters now required by the LGA 2020. A summary of the changes made to the Charter follows:

Clause	Comments	Suggestion/Action
1.1 General	S 139 of LGA 1989 has been repealed	Section 139 has been replaced by Section 53
2.1 Membership	The members may not include any person who is a member of Council Staff.	Inserted into 2.1
2.10 Membership	The Chairperson of an Audit and Risk Committee must not be a Councillor of the Council	Inserted into 2.10
2.17 Membership	All Audit Committee members shall not misuse their position, shall ensure all matters remain confidential and advise any conflict of interest.	Inserted into 2.17

FILE NO: F13/493
4. A WELL RUN COUNCIL

ITEM NO: 9.2.3

RE-ESTABLISHMENT OF THE AUDIT AND RISK COMMITTEE AND CHARTER (cont'd)

3. Financial Implications

Re-establishing the Committee and approval of the Charter has no impact on the approved budget for the Audit Committee function.

4. Risk Management

A properly functioning Audit and Risk Committee is a critical component of Council's financial and operational risk management framework.

5. Risk	Mitigation
Failure to comply with legislation	The adoption of the recommendations in this report complies with the requirements of the LGA 2020.
Unclear role and operations	The Charter provides the Audit & Risk Committees role, operating rules for meetings and membership.

6. Internal and External Consultation

The revised Charter was considered and supported by the Audit Committee on 7 May 2020.

7. Council Plan Strategy

Ensuring the Audit & Risk Committee and Charter is established in accordance with the requirements of the LGA 2020 is an important component of Council's risk management framework and contributes to the Council's good governance objective.

8. Legislative / Policy Implications

The establishment of the Audit & Risk Committee and Charter complies with the requirements of sections 53 & 54 of the Local Government Act 2020.

9. Conflict of Interest Considerations

There are no known conflicts of interest related to the preparation of this report.

10. Conclusion

The re-establishment of the Audit & Risk Committee and adoption of the Charter complies with the requirements of LGA 2020 well within the required time limit.

Attachments

- 1 Audit & Risk Committee Charter

FILE NO: F13/493
4. A WELL RUN COUNCIL

ITEM NO: 9.2.3

**RE-ESTABLISHMENT OF THE AUDIT AND RISK COMMITTEE AND
CHARTER (cont'd)**



Moira Shire Council

Audit & Risk Committee

Charter

Adopted by Moira Shire Council -

FILE NO: F13/493
4. A WELL RUN COUNCIL

ITEM NO: 9.2.3

RE-ESTABLISHMENT OF THE AUDIT AND RISK COMMITTEE AND CHARTER (cont'd)



Moira Shire Council Audit & Risk Committee

PART 1 - CHARTER

The Audit & Risk Committee (the "Committee") is an independent advisory Committee to Council. The primary objective of the Audit Committee is to assist Council in the effective conduct of its responsibilities for financial reporting, management of risk, maintaining a reliable system of internal controls and facilitating the organisation's ethical development.

The Committee is established to assist the co-ordination of relevant activities of management, the internal audit function and the external auditor to facilitate achieving overall organisational objectives in an efficient and effective manner. As part of Council's governance obligations to its community, Council has constituted the Committee to facilitate:

Objectives

- the enhancement of the credibility and objectivity of internal and external financial reporting;
- effective management of financial and other risks and the protection of Council assets;
- compliance with laws and regulations as well as use of best practice guidelines;
- the effectiveness of the internal audit function;
- the provision of an effective means of communication between the external auditor, internal audit, management and the Council.

PART 2 - TERMS OF REFERENCE

1. General

- 1.1. The Committee is an advisory committee of Council as set out in Section 53 of the Local Government Act 2020. The Committee does not have executive powers or authority to implement actions in areas over which management has responsibility and does not have any delegated financial responsibility. The Committee does not have any management functions and is therefore independent of management.
- 1.2. The Committee's role is to report to Council and provide appropriate advice and recommendations on matters relevant to its Charter in order to facilitate decision making by Council in relation to the discharge of its responsibilities.

2. Membership

- 2.1. The Committee will comprise a minimum of four members – two Councillors, nominated by Council, and a minimum of two and a maximum of three external independent members, with the Chairperson having a casting vote. The members may not include any person who is a staff member of Moira Shire Council. Where a meeting of the Committee is unable to form a quorum the Mayor and or CEO may nominate an alternate Councillor as a substitute member. All members shall have full voting rights.

FILE NO: F13/493
4. A WELL RUN COUNCIL

ITEM NO: 9.2.3

**RE-ESTABLISHMENT OF THE AUDIT AND RISK COMMITTEE AND
CHARTER (cont'd)**

**Moira Shire Council
Audit & Risk Committee**

- 2.2. The Mayor of the Moira Shire Council will be an ex-officio member of the Committee but shall not have voting rights. Where a meeting of the Committee is unable to form a quorum the Mayor may substitute for a member with full voting rights.
- 2.3. External independent persons will have senior business experience, be a qualified accountant or have significant financial management/reporting knowledge and experience, and be conversant with the Local Government financial and other reporting requirements. The evaluation of potential members will be undertaken by the Mayor and Chief Executive Officer taking account of the experience of candidates and their likely ability to apply appropriate analytical and strategic management skills, and a recommendation for appointment put to Council.
- 2.4. Appointments of external persons shall be made by Council by way of a public advertisement and be for a maximum term of three years. The terms of the appointment should be arranged to ensure an orderly rotation and continuity of membership despite changes to Council's elected representatives.
- 2.5. The consecutive service of external members shall be limited to two, three year terms. Having served two consecutive three year terms, external members may serve additional terms provided a period of not less than three years has elapsed since their last term. Subject to this Charter, there is no restriction to the total number of terms an external member may serve.
- 2.6. Notwithstanding anything in this Charter to the contrary, the term of an external member may be extended by a majority vote of the Audit Committee for up to 1 year to enable the objectives of clause 2.4 to be achieved. If a term of an external member is extended under these provisions the extension period shall be added to the existing term and considered as part of that term. For calculation purposes, a term shall include any period of time served regardless of whether it is more or less than 3 years.
- 2.7. If the Council proposes to remove a member of the Committee, it must give written notice to the member of its intention to do so and provide that member with the opportunity to be heard at a Council meeting which is open to the public, if that member so requests.
- 2.8. In addition, the Council may remove a member of the committee if he/she fails to attend three (3) consecutive meetings without leave of the Committee by resolution duly passed, or on the recommendation of the Committee.
- 2.9. Remuneration will be paid to each independent member of the Committee at a rate determined by Council.
- 2.10. The Chairperson shall be appointed by the Committee annually from the external members for a term of one year. The Chairperson of the Committee must not be a Councillor of the Council. The appointment of the Chairperson is subject to Council's approval.

FILE NO: F13/493
4. A WELL RUN COUNCIL

ITEM NO: 9.2.3

**RE-ESTABLISHMENT OF THE AUDIT AND RISK COMMITTEE AND
CHARTER (cont'd)**

**Moira Shire Council
Audit & Risk Committee**

- 2.11. A member appointed as Chairperson shall be entitled to serve as Chairperson for multiple terms provided that no more than two terms shall be served consecutively.
- 2.12. In the absence of the appointed Chairperson from a meeting, the meeting will appoint an acting Chairperson from the external members present.
- 2.13. A quorum will be a majority of the Committee membership. Members may attend meetings in person, by telephone or by video conference or equivalent.
- 2.14. The General Manager - Corporate and internal auditor (whether a member of staff or contractor) should attend all meetings. Other members of Council or Council staff may be invited to attend at the discretion of the Committee to advise and provide information when required.
- 2.15. Representatives of the external auditor should be invited to attend at the discretion of the Committee but **must** attend meetings considering the draft annual financial report and results of the external audit.
- 2.16. Council shall provide secretarial and administrative support to the Committee.
- 2.17. All Committee members shall not misuse their position, shall ensure all matters remain confidential and advise any conflict of interest.

3. Meetings

- 3.1. The Committee shall meet at least quarterly. A schedule of meetings will be developed and agreed to by the members. As an indicative guide, meetings would be arranged to coincide with relevant Council reporting deadlines, for example in June to coincide with the approval of Council Plans, business plans and budgets and in August to coincide with the finalisation of the financial statements and the draft annual report to the Minister.
- 3.2. Additional meetings shall be convened at the discretion of the Chairperson, the General Manager - Corporate or at the written request of any member of the Committee, internal or external auditor.
- 3.3. The Committee, without the presence of the Council management, shall meet with the Internal and External Auditors at least annually.

4. Reporting

- 4.1. The Committee shall after every meeting forward the Minutes of that meeting to the next Ordinary meeting of the Council, including a report explaining any specific recommendations and key outcomes.
- 4.2. The Committee shall report annually to the Council summarising the activities of the Committee during the previous financial year.

FILE NO: F13/493
4. A WELL RUN COUNCIL

ITEM NO: 9.2.3

**RE-ESTABLISHMENT OF THE AUDIT AND RISK COMMITTEE AND
CHARTER (cont'd)**

Moirā Shire Council

Audit & Risk Committee

- 4.3. The Committee shall annually conduct evaluation of the satisfaction of the internal audit function and report to Council.
- 4.4. The Committee shall conduct an annual evaluation of the Audit Committee's performance and report to Council.

5. Duties and Responsibilities

- 5.3. The following are the duties and responsibilities of the Committee in pursuing its Charter:
 - 5.3.1. To review the scope of the internal audit plan and programme and the effectiveness of the function. This review should consider whether, over a period of years the internal audit plan systematically addresses:
 - internal controls over significant areas of risk, including non-financial management control systems;
 - internal controls over revenue, expenditure, assets and liability processes;
 - the efficiency, effectiveness and economy of significant Council programmes; and
 - compliance with regulations, policies, best practice guidelines, instructions and contractual arrangements.
 - 5.3.2. Review the appropriateness of special internal audit assignments undertaken by internal audit at the request of Council or Chief Executive Officer.
 - 5.3.3. Review the level of resources allocated to internal audit and the scope of its authority.
 - 5.3.4. Review reports of internal audit and the extent to which Council and management react to matters raised by internal audit, by monitoring the implementation of recommendations made by internal audit.
 - 5.3.5. Facilitate liaison between the internal and external auditor to promote compatibility, to the extent appropriate, between their audit programmes.
 - 5.3.6. Critically analyse and follow up any internal or external audit report that raises significant issues relating to risk management, internal control, financial reporting and other accountability or governance issues, and any other matters relevant under the Committee's terms of reference. Review management's response to, and actions taken as a result of the issues raised.
 - 5.3.7. Monitor the risk exposure of Council by determining if management has appropriate risk management processes and adequate management information systems.

FILE NO: F13/493
4. A WELL RUN COUNCIL

ITEM NO: 9.2.3

**RE-ESTABLISHMENT OF THE AUDIT AND RISK COMMITTEE AND
CHARTER (cont'd)**

**Moira Shire Council
Audit & Risk Committee**

- 5.3.8. Monitor ethical standards and related party transactions by determining whether the systems of control are adequate.
- 5.3.9. Review Council's draft annual financial report, focusing on:
- accounting policies and practices;
 - changes to accounting policies and practices;
 - the process used in making significant accounting estimates;
 - significant adjustments to the financial report (if any) arising from the audit process;
 - compliance with accounting standards and other reporting requirements;
 - significant variances from prior years.
- 5.3.10. Recommend adoption of the annual financial report to Council. Review any significant changes that may arise subsequent to any such recommendation but before the financial report is signed.
- 5.3.11. Discuss with the external auditor the scope of the audit and the planning of the audit.
- 5.3.12. Discuss with the external auditor issues arising from the audit, including any management letter issued by the auditor and the resolution of such matters.
- 5.3.13. Review tendering arrangements and advise Council.
- 5.3.14. Review the annual performance statement and recommend its adoption to Council.
- 5.3.15. Review issues relating to Council's Business Continuity Plan, Information Technology Disaster Plan, National Competition Policy, financial reporting by Council business units and comparative performance indicators.
- 5.4. The Committee, through the Chief Executive Officer and following authorisation from the Council, and within the scope of its responsibilities, may seek information or obtain expert advice on matters of concern.

6. Review

6. This Charter shall be reviewed at least every 2 years.
- 6.1 The Committee shall conduct a biannual review and assessment of the adequacy of the Charter and request Council approval for proposed changes.

FILE NO: C055/19
4. A WELL RUN COUNCIL

ITEM NO: 9.3.1

C055/19 - CONSTRUCTION OF A LANDFILL CELL (CELL 9), COBRAM

RECOMMENDATION

That Council:

1. Award contract C055/19 – Construction of a Landfill Cell (Cell 9) to Northern Constructions Group (Aust.) Pty Ltd.
2. Authorise the Chief Executive Officer to sign and seal the contract documents.

1. Executive Summary

Moira Shire Council invited tender submissions for the construction of Cobram landfill Cell 9 and associated works to achieve Environmental Protection Authority (EPA) approval.

Following the initial evaluation, the four highest scoring tenderers were invited to make a presentation of their proposal to the Evaluation Panel.

After consideration of the submissions and subsequent presentations, the evaluation panel recommends that contract C055/19 be awarded to Northern Constructions Group (Aust.) Pty Ltd.

2. Background and Options

Contract C055/19 is a lump sum contract.

Date of Public Notice

Paper	Date
TenderSearch	29 February 2020
The Age	29 February 2020
The Border Mail	29 February 2020
Shepparton News	3 March 2020
Cobram Courier	4 March 2020
Numurkah Leader	4 March 2020
Yarrawonga Chronicle	4 March 2020

Submissions closed 8 April 2020.

Receipt of Tenders

7 Submissions were received.

Supervision

Superintendent – General Manager Community

Superintendent Representative – Coordinator Waste Management Services

Panel Membership

Staff in the following positions independently evaluated the submissions:

- General Manager Community

FILE NO: C055/19
4. A WELL RUN COUNCIL

ITEM NO: 9.3.1

**C055/19 - CONSTRUCTION OF A LANDFILL CELL (CELL 9), COBRAM
(cont'd)**

- Coordinator Waste Management Services
- Team Leader Waste Management Services

The Procurement Coordinator moderated the tender evaluation.

Non-conforming tenders

One tenderer was considered to be non-conforming due to not having experience as the principal contractor for cell construction and limited experience with EPA audited projects.

Tender Evaluation

The following evaluation criteria and weightings were used:

Evaluation Criteria	Evaluation Weighting
Price	40%
Track Record	20%
Management of Schedules	10%
Skills and Resources	10%
Compliance with Specification	10%
Contribution to Local Economy	10%

Subsequent presentations were weighted out of 40%.

A summary of the evaluation is provided in the confidential attachment.

3. Financial Implications

The recommendation is within budget.

4. Risk Management

To minimise the risks associated with the works under contract, the following conditions must be met:

- The successful contractor is to be the holder of public liability insurance with a minimum coverage of \$20 million.
- The successful contractor will be appointed as the Principal Contractor and is authorised to have management or control of the workplace and discharge of duties in relation to the Occupational Health and Safety Act and Regulations.
- Prior to the commencement of works, the successful contractor must supply the Superintendent with a detailed Site Management Plan.
- Various Hold Points have been specified (Hold Points are points beyond which the work may not proceed without review by the Superintendent).
- All on-site personnel are required to undertake a Moira Shire Council site induction.
- A plant risk assessment is required for each item of heavy plant to be supplied, hired or expected to enter the work site.

FILE NO: C055/19
4. A WELL RUN COUNCIL

ITEM NO: 9.3.1

**C055/19 - CONSTRUCTION OF A LANDFILL CELL (CELL 9), COBRAM
(cont'd)**

5. Internal and External Consultation

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

The Coordinator Waste Management Services and General Manager Community approved the tender documentation.

6. Regional Context

This project contributes to the strategic objective of continuing to maintain and provide facilities and services that our community value and need.

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 1.17 and 2.27 of the specification stipulates the contractor's environmental responsibilities and will form part of the contract.

In addition, the Contractor will be responsible to respond to requests by EPA during the course of the works. Approval by EPA will be obtained by Council.

10. Conflict of Interest Considerations

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

11. Conclusion

The recommendation is to award contract C055/19 – Construction of a Landfill Cell (Cell 9) to Northern Constructions Group (Aust.) Pty Ltd.

Attachments

- 1 C055 19 - Construction of Landfill Cell (Cell 9) - APPENDIX A - *printed in separate document*

FILE NO: F18/213
2. A THRIVING LOCAL ECONOMY

ITEM NO: 9.3.2

**2019/20 COMMUNITY STRENGTHENING GRANTS PROGRAM - ROUND 2 -
MINOR GRANTS AND ONE OFF ARTS AND CULTURE GRANTS**

RECOMMENDATION

That:

1. Twelve projects totalling \$48,329 are funded as part of the 2019/20 Community Strengthening Grants Program – Round 2 – Minor Grants; and
2. Eight projects totalling \$60,900 are funded as part of the 2020 Arts and Culture Grants.

1. Executive Summary

The 2019/20 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 two comprising Minor Grants were open for applications via Smarty Grants in February/March 2020. The 2020 Arts and Culture Grants (a one off grant program) with a total budget of \$60,000 were also offered via Smarty Grants in February / March 2020.

Council received 17 applications for the second round of the 2019/20 Community Strengthening Grants Program. 14 of the applications passed the pre-eligibility stage. Following assessment, 12 are recommended for funding at a total cost of \$48,329.

Council received 11 applications for the 2020 Arts and Culture Grants Program. All applications passed the pre-eligibility stage. Following assessment 8 are recommended for funding at a total cost of \$60,900. While this exceeds the total funding available for the one off Arts and Culture Program of \$60,000, it is proposed that available funds from the Community Strengthening Grants, arts stream, be utilised to cover the \$900 shortfall, given both the eligibility for these projects to be considered as part of that program and the core role these projects will play in promoting social recovery from the current COVID 19 pandemic.

All projects recommended have been considered with the additional lens necessitated by the implications of the COVID19 pandemic and arrangement to support our communities' recovery from this disaster. Council Officers will work with organisations to deliver their projects.

Projects not recommended for funding are ineligible (3) or applications were poor quality (5).

2. Background and Options

The Community Strengthening Grant program aims to:

- Progress activities to meet the strategic goals identified in the Council Plan;
- Support community organisations which provide diverse and effective local services, facilities and activities;
- Support delivery of Community Action Plans through funding of identified projects and initiatives.
- Support the goals and directions outlined in Council's strategic plans primarily but not limited to the, Municipal Public Health and Wellbeing Plan;
- Support delivery of projects which are in accordance with or progress the agenda established Council's Business and Innovation Strategy; and

FILE NO: F18/213
2. A THRIVING LOCAL ECONOMY

ITEM NO: 9.3.2

**2019/20 COMMUNITY STRENGTHENING GRANTS PROGRAM - ROUND 2 -
MINOR GRANTS AND ONE OFF ARTS AND CULTURE GRANTS (cont'd)**

- Maximise the benefit of Council funding through community contribution and securement of external funding to support major projects and events.

The Arts and Culture Grant program aims to:

- Support strategic goals identified in the Arts and Culture Strategy 2020-26;
- Support strategic goals identified in the Council Plan;
- Provide opportunities for people of all ages and abilities to participate in the arts;
- Support artists to develop and execute new ideas which have strong community outcomes;
- Assist artists and arts organisation in building the sustainability and financial viability; and/or
- Provide one-off support to community organisations wishing to present quality art based projects.

The Community Strengthening and the Arts and Culture Grant programs were open for six weeks in February / March. All submissions were evaluated in accordance with the Community Strengthening Grants Policy. The assessment panel was made up of three Council Officers from Community Development, Economic Development and Infrastructure departments.

The Goulburn Valley Library Service and local Community Houses were available to, and did provide: support to applicants to complete 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 across the four main towns of Cobram, Nathalia, Numurkah and Yarrawonga. These sessions were well attended by community with an average of 6 people per session.

Summary of Applications

	App's Received	Recommended	Ineligible / Not recommended	Funding Requested from applicants recommended	Recommended Funding Amount
Minor Grants (up to \$5,000)	17	12	3 / 2	\$50,610	\$48,329
Arts and Culture Grants (up to \$10,000)	11	8	0 / 3	\$70,900	\$60,900
TOTAL	29	20	3 / 5	\$121,510	\$109,229

Through the 2019/20 Community Strengthening Grants – Round 2 program the Assessment Panel are recommending that the following projects be funded.

Minor Grants – Recommended Applications:

Organisation Project	Project Description	Total Project Cost	Recommended Amount (requested amount if different)
Cobram Barooga Canoe Club New Signage and	Installation of new signage, upgrading equipment.	\$11,138	\$5,000

FILE NO: F18/213
2. A THRIVING LOCAL ECONOMY

ITEM NO: 9.3.2

**2019/20 COMMUNITY STRENGTHENING GRANTS PROGRAM - ROUND 2 -
MINOR GRANTS AND ONE OFF ARTS AND CULTURE GRANTS (cont'd)**

Equipment			
Assessment Panel comments: Good project which promotes physical activity to support community health and wellbeing.			
Wilby and District Memorial Hall Section 86 Committee of Management Install Heating and Cooling System	Purchase and install split system air conditioner units.	\$11,010	\$5,000
Assessment Panel comments: Project will complete the upgrade to the building. Good contribution by group. A condition to be included that maintenance and cleaning will be the responsibility of the applicant.			
Yarrawonga Mulwala Little Athletics Purchase Mower	Purchase ride on mower to maintain grounds.	\$6,299	\$5,000
Assessment Panel comments: Good project for council owned asset.			
Numurkah Croquet Club New Air Conditioning Units	Installation of split system units in shared club rooms.	\$5,500	\$5,000
Assessment Panel comments: There is an established need for this project, Good project benefiting multiple user groups. A condition to be included that maintenance and cleaning will be the responsibility of the applicant.			
Cobram Showgrounds Apex Reserve Committee of Management Tennis Court Renewal	Pressure cleaning and remarking lines on tennis courts and repair of the perimeter fencing.	\$5,500	\$3,219 (\$5,500)
Assessment Panel comments: A good project reducing the spread of weeds and enhancing the facility. Note: This application was to include crushed granite around the perimeter of the tennis courts however it has been determined that this is not a safe solution and therefore the recommended amount has been reduced.			
Organisation Project	Project Description	Total Project Cost	Recommended Amount (requested amount if different)
Yarrawonga Mulwala Cricket Club Public Seating Project	Installation of aluminum three tier seating for the small Junior Ovals Pavilion.	\$10,000	\$5,000
Assessment Panel comments: A good project enhancing sporting facility.			
Women's Health Goulburn North East Women at the edge: Access and Beyond	A community forum bringing together key organisations and community members to discuss local access issues barriers with a focus on outcomes	\$17,825	\$5,000

FILE NO: F18/213
2. A THRIVING LOCAL ECONOMY

ITEM NO: 9.3.2

**2019/20 COMMUNITY STRENGTHENING GRANTS PROGRAM - ROUND 2 -
MINOR GRANTS AND ONE OFF ARTS AND CULTURE GRANTS (cont'd)**

Assessment Panel comments: Great project supporting women and women with a disability in our community to come together and hear positive strategies and stories to offer support.

Parkrun Inc Parkrun for Numurkah	Parkrun for Numurkah. Free timed 5km community event focusing on physical activity and community connections	\$7,500	\$5,000
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Assessment Panel comments: A proven concept with good social and health benefits. All inclusive.

Waaia Community Plan Committee Inc Waaia Community Garden Improvements	A plant garden, ground cover and watering system.	\$1,500	\$1,000
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Assessment Panel comments: Nice little project for a small community. Will support their town action planning. A positive project for a small community

Nathalia and District Historical Society Protecting the Historic Fowler Traction Engine	Construct pergola over Traction Engine.	\$11,270	\$5,000
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Assessment Panel comments: A valuable project protecting a piece of history, significant contribution from the group. Links to the Barmah Forest Heritage and Education Centre.

Lions Club of Katamatite Inc. Big Day Out Event, Family entertainment	Free entertainment for families at the Big Day Out event Katamatite.	\$1,610	\$1,610
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Assessment Panel comments: Good community capacity project and community event.

Organisation Project	Project Description	Total Project Cost	Recommended Amount (requested amount if different)
Numurkah Historical Society Artifacts Display	Upgrade to internal shelving displays and install pergola.	\$4,850	\$3,000

Assessment Panel comments: Project allows group to enhance their displays and interpretative information for the benefit of the community, visitors to the town and for future generations.

Minor Grants – Summary:

The panel recommend that the above 12 projects totalling \$48,329 are funded under the Community Strengthening Grants – Minor Category.

Arts and Culture Grants

Through the Arts and Culture Grants program the Assessment Panel are recommending that the following projects be funded.

FILE NO: F18/213
2. A THRIVING LOCAL ECONOMY

ITEM NO: 9.3.2

**2019/20 COMMUNITY STRENGTHENING GRANTS PROGRAM - ROUND 2 -
MINOR GRANTS AND ONE OFF ARTS AND CULTURE GRANTS (cont'd)**

Arts and Culture Grants – Recommended Applications:

Organisation Project	Project Description	Total Project Cost	Recommended Amount (requested amount if different)
Katamatite Community Action Group Mural on Katamatite toilet block	3D Mural – Katamatite Toilet Block	\$10,000	\$10,000
Assessment Panel comments: A good project to tie into the silo art in the region.			
Katunga Parents and Friends Learning about Wildlife	Commission local artist to run workshops and exhibition for school aged children.	\$7,505	\$5,000
Assessment Panel comments: A good project which brings skill development for school aged children with broader community outcomes in celebrating and showcasing students work.			
Cobram Community Cinema Wiring of Raised Platform	Connect raised platform with wiring to projector, speakers and screens in both cinemas.	\$34,249	\$10,000
Assessment Panel comments: A great project that is part of a bigger project of getting the Cobram Cinema up and running. Application was well supported by evidence and it is clear they have a sound committee behind the project.			
Numurkah Community Learning Centre Arts Alive Numurkah	Commission and installation of street art in Numurkah on the Numurkah singers building	\$11,000	\$10,000
Assessment Panel comments: Good application. Good project which will have successful outcomes in the community and to build on the current murals in town and the region.			
Yarrowonga P-12 Parents and friends Association Magical Mystery Tour Around the World	Stage production incorporating, arts, puppetry, dance, theatre and storytelling.	\$120,150	\$10,000
Assessment Panel comments: Excellent project which will have great outcomes for all of the community.			
Organisation Project	Project Description	Total Project Cost	Recommended Amount (requested amount if different)
Katamatite Lions Club Inc Bunyip Sculpture	Sculpture incorporating 7 panels to telling the Bunyip story installed at Lions Park Katamatite.	\$7,898	\$6,750
Assessment Panel comments: A great project that builds on the existing sculpture in the town.			
Numurkah District Development Community	Photo montage installed on the Numurkah Pool Pump Shed.	\$7,500	\$7,500

FILE NO: F18/213
2. A THRIVING LOCAL ECONOMY

ITEM NO: 9.3.2

**2019/20 COMMUNITY STRENGTHENING GRANTS PROGRAM - ROUND 2 -
MINOR GRANTS AND ONE OFF ARTS AND CULTURE GRANTS (cont'd)**

Numurkah Outdoor Pool Pump Shed Montage			
Assessment Panel comments: Project has strong community outcomes for all of the community across all age groups. It will also bring art into a public space and adds value to an existing facility in town.			
Baulkamaugh Branch of the CWA Hat Mobile Van	Mobile Van Hat making – travelling teaching hat making, weaving and artistic textiles to country women	\$3,000	\$3,000
Assessment Panel Comments: Great project which brings a new skills development opportunity to the area.			

Arts and Culture Grants – Summary:

The panel recommends that the above 8 projects totalling \$60,900 are funded under the Arts and Culture Grant.

3. Financial Implications

1. A total of twelve projects totalling \$48,329 is recommended by the grants review panel to be allocated to community projects and events.
2. A total of eight projects totalling \$60,900 is recommended by the grants review panel to be allocated to as part of the 2020 Arts and Culture Grants.

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, Culture and Events
- Tourism Development Coordinator
- Grants Officer

The Community Development Administration Support Officer participated in all panels to provide administrative support. The Manager Community provided direction as required.

Goulburn Valley Library service and local Community Houses provided support to applicants with the on line application process; computer and internet access; and technical support with the Smarty Grants program.

FILE NO: F18/213
2. A THRIVING LOCAL ECONOMY

ITEM NO: 9.3.2

**2019/20 COMMUNITY STRENGTHENING GRANTS PROGRAM - ROUND 2 -
MINOR GRANTS AND ONE OFF ARTS AND CULTURE GRANTS (cont'd)**

Council Officers also provided one on one sessions across the four main towns of Cobram, Nathalia, Numurkah and Yarrawonga. These sessions were well attended by community.

6. Regional Context

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

7. Council Plan Strategy

The Community Strengthening and Arts and Culture grant programs 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 / Arts and Culture 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 panel ensures that environmentally sustainable options are considered when scoping projects and events

10. Conflict of Interest Considerations

No conflict of interest was declared by the panel members.

11. Conclusion

Following the assessments of applications received, the assessment panel recommends funding 12 under Round Two of the Community Strengthening Grants Program and 8 under the Arts and Culture Grants with a total value of \$109,229.

Attachments

Nil

FILE NO: C063/19
4. A WELL RUN COUNCIL

ITEM NO: 9.4.1

C063/19 - DETAILED DESIGN OF THE YARRAWONGA SPORTS PRECINCT

RECOMMENDATION

That Council:

1. Award contract C063/19 – Detailed Design of the Yarrawonga Sports Precinct to N2SH Pty Ltd.
2. Authorise the Chief Executive Officer to sign and seal the contract documents.

1. Executive Summary

Moira Shire Council invited submissions from suitably qualified organisations or individuals to deliver the detailed design and tender specifications for the construction of the proposed Yarrawonga Multi Sports Centre.

Following the initial evaluation, the two highest scoring tenderers were invited to make a presentation of their proposal to the Evaluation Panel.

After consideration of the submissions and subsequent presentations, the evaluation panel recommends that contract C063/19 be awarded to N2SH Pty Ltd.

2. Background and Options

The project will be through a phased design process including cost estimates, indicative programme and delivery of the design and tender documentation for the Centre, including:

- Initial briefing / discussion with Council staff
- Development of the site concept plan and how it is sited with the Yarrawonga Showgrounds
- Development of the functional design
- Development of the appropriate plans for associated services including structural, electrical, mechanical and other required services
- Finalisation of the construction set of plans appropriate for tender and subsequent construction issue.

Contract C063/19 is a lump sum contract.

Date of Public Notice

Paper	Date
TenderSearch	29 February 2020
The Border Mail	29 February 2020
Shepparton News	3 March 2020
Cobram Courier	4 March 2020
Numurkah Leader	4 March 2020
Yarrawonga Chronicle	4 March 2020

Submissions closed 1 April 2020.

FILE NO: C063/19
4. A WELL RUN COUNCIL

ITEM NO: 9.4.1

**C063/19 - DETAILED DESIGN OF THE YARRAWONGA SPORTS PRECINCT
(cont'd)**

Receipt of Tenders

16 Submissions were received.

Supervision

Superintendent –Manager Construction and Assets

Superintendent Representative – Coordinator Design and Construction

Panel Membership

Staff in the following positions independently evaluated the submissions:

- Manager Construction and Assets
- Coordinator Design and Construction
- Infrastructure Liaison Officer

The Procurement Coordinator moderated the tender evaluation.

Non-conforming tenders

No submission was considered to be non-conforming.

Tender Evaluation

The following evaluation criteria and weightings were used:

Evaluation Criteria	Evaluation Weighting
Price	40%
Track Record	15%
Skills and Resources	15%
Management of Schedules	10%
Compliance with Specification	10%
Contribution to Local Economy	10%

Subsequent presentations were weighted out of 120%.

A summary of the evaluation is provided in the confidential attachment.

3. Financial Implications

The 2019/20 budget contains sufficient funds.

4. Risk Management

To minimise the risks associated with the works under contract, the following contract conditions are included:

- The contract is governed and construed by the Australian Standard AS4122-2010 – General Conditions of Contract for Consultants.
- The successful contractor is to be the holder of public liability insurance with a minimum coverage of \$10 million and professional indemnity with a minimum coverage of \$5 million.
- All on-site personnel are required to undertake a Moira Shire Council site

FILE NO: C063/19
4. A WELL RUN COUNCIL

ITEM NO: 9.4.1

**C063/19 - DETAILED DESIGN OF THE YARRAWONGA SPORTS PRECINCT
(cont'd)**

induction.

5. Internal and External Consultation

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

The Coordinator Design and Construction, Manager Assets and Construction and General Manager Infrastructure approved the tender documentation.

6. Regional Context

This project contributes to the strategic objective of continuing to maintain and provide facilities and services that our community value and need.

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

Clause 2.3.3 of the specification detailed the desired environmental objectives to be included in the design of the Multisport Pavilion including a passive solar design, solar hot water, natural lighting, evaporative heating / cooling and where possible, the carbon footprint of the building and its operations is to be minimised.

10. Conflict of Interest Considerations

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

11. Conclusion

The recommendation is to award contract C063/19 – Detailed Design of the Yarrawonga Sports Precinct to N2SH Pty Ltd

Attachments

- 1 CO63/19 - Detailed Design of Yarrawonga Sports Precinct - APPENDIX A (Confidential) - *printed in separate document*

FILE NO: C060/19
4. A WELL RUN COUNCIL

ITEM NO: 9.4.2

C060/19 - PROVISION OF SECURITY AND CASH COLLECTION

RECOMMENDATION

That Council:

1. Award Murray Security Services Pty Ltd Parts 1 and 3 of Contract C060/19 – Provision of Security and Cash Collection (“Contract C060/19”).
2. Award Borderline Security Services Parts 2 and 4 of Contract C060/19.
3. Appoint Murray Security Services Pty Ltd and Borderline Security Services as joint preferred tenderers for Part 5 of contract C060/19 and authorise the Chief Executive Officer to undertake negotiations to achieve a best value outcome.
4. Appoint Murray Security Services Pty Ltd as the preferred tenderer for Part 6 of contract C060/19 and authorise the Chief Executive Officer to undertake negotiations to achieve a best value outcome.
5. Authorise the Chief Executive Officer to sign and seal the contract documents.

1. Executive Summary

Moira Shire Council invited submissions from suitably qualified organisations or individuals to provide security services to Council’s buildings and assets in Cobram, Yarrowonga, Numurkah, Wunghnu, Nathalia and Tungamah (Parts 1 to 5) and cash collection services at Cobram, Numurkah, Strathmerton and Yarrowonga (Part 6).

After consideration of the submissions, the tender evaluation panel recommends that:

1. Murray Security Services Pty Ltd be awarded Parts 1 and 3
2. Borderline Security Services be awarded Parts 2 and 4
3. Murray Security Services Pty Ltd and Borderline Security Services be appointed preferred tenderer status for Part 5 and negotiate the provision of this Part
4. Murray Security Services Pty Ltd is appointed preferred tenderer status for Part 6 and negotiate the provision of this Part.

2. Background and Options

Contract C060/19 is a lump sum contract to be awarded in Separable Parts:

Part 1 – Cobram	Provision of security services to 10 Council buildings and assets
Part 2 – Numurkah and Wunghnu	Provision of security services to 11 Council buildings and assets
Part 3 – Yarrowonga	Provision of security services to 10 Council buildings and assets
Part 4 – Nathalia	Provision of security services to 4 Council buildings and assets
Part 5 – Tungamah	Provision of security services to 2 Council buildings and assets
Part 6 – Cash Collections	Cash collection services at 5 Council sites

FILE NO: C060/19
4. A WELL RUN COUNCIL

ITEM NO: 9.4.2

C060/19 - PROVISION OF SECURITY AND CASH COLLECTION (cont'd)

Council has the ability to award Separable Parts to individual contractors or multiple Parts to the same contractor.

The contract shall be for an initial term of one year commencing 1 September 2020 with the provision to extend in 2 year periods to a maximum contract period of 5 years (1+2+2).

Date of Public Notice

Paper	Date
TenderSearch	21 March 2020
The Age	21 March 2020
The Border Mail	21 March 2020
Shepparton News	24 March 2020
Cobram Courier	25 March 2020
Numurkah Leader	25 March 2020
Yarrawonga Chronicle	25 March 2020

Submissions closed 15 April 2020.

Receipt of Tenders

3 Submissions were received. The first submission for Parts 1, 3 and 6. The second submission for Parts 2 and 4 and the third submission for Part 6 only.

Supervision

Superintendent –Manager Construction and Assets
Superintendent Representative – Assets Officer

Panel Membership

Staff in the following positions independently evaluated the submissions:

- Manager Construction and Assets
- Team Leader Assets
- Assets Officer

The Procurement Coordinator moderated the tender evaluation.

Non-conforming tenders

No submission was considered to be non-conforming.

FILE NO: C060/19
4. A WELL RUN COUNCIL

ITEM NO: 9.4.2

C060/19 - PROVISION OF SECURITY AND CASH COLLECTION (cont'd)

Tender Evaluation

The following evaluation criteria and weightings were used:

Evaluation Criteria	Evaluation Weighting
Price	40%
Management of Schedules	15%
Track Record	15%
Skills and Resources	10%
Compliance with Specification	10%
Contribution to Local Economy	10%

No submission was received for Part 5 – Tungamah. The recommendation to appoint Murray Security Services Pty Ltd and Borderline Security Services as preferred tenderers for Part 5 will allow for negotiations to include these services under the contract.

The changed work processes necessitated by the current COVID 19 pandemic, has provided an opportunity to consider becoming “cashless” at some sites, in particular at transfer stations and possibly the Cobram landfill. This will modify the final scope of services required under Part 6 – Cash Collections so the recommendation to appoint Murray Security Services Pty Ltd as the preferred tenderer for Part 6 will allow for the final services under contract to be negotiated.

3. Financial Implications

The price submitted by the recommended tenderers is considered fair and reasonable and consistent with the rates being paid under the current contract.

The recommendation to appoint preferred tenderers for Parts 5 and 6 will allow for negotiations to ensure a best value outcome for all stakeholders and allow Council to improve their processes for cash collections.

4. Risk Management

To minimise the risks associated with the works under contract, the following conditions must be met:

- The contract will be governed and construed by the Australian Standard 4919-2003 provision of asset maintenance and services.
- The successful contractor is to be the holder of public liability insurance with a minimum coverage of \$20 million.
- All personnel are required to undertake a Moira Shire Council site induction.
- The successful contractor must hold a current Victorian Security Licence.

5. Internal and External Consultation

The tender was advertised on Council’s TenderSearch website, The Age, The Border Mail, Shepparton News and the local newspapers.

The Assets Officer, Manager Assets and Construction and General Manager

FILE NO: C060/19
4. A WELL RUN COUNCIL

ITEM NO: 9.4.2

C060/19 - PROVISION OF SECURITY AND CASH COLLECTION (cont'd)

Infrastructure approved the tender documentation.

6. Regional Context

The works under contract contribute to the strategic objective of continuing to maintain and provide facilities and services that our community value and need.

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 1.25 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

The recommendation is to award Parts 1 and 3 to Murray Security Services Pty Ltd, award Parts 2 and 4 to Borderline Security Services, appoint both Murray Security Services Pty Ltd and Borderline Security Services as joint preferred tenderers for Part 5 and appoint Murray Security Services Pty Ltd as the preferred tenderer for Part 6 of contract C060/19 – Provision of Security and Cash Collection.

Attachments

- 1 C060/19 - Provision of Security and Cash Collection - APPENDIX A - *printed in separate document*

FILE NO: F13/877
4. A WELL RUN COUNCIL

ITEM NO: 9.4.3

PROPOSAL TO DELIST KANGAN ROAD, KOONOOMOO, FROM COUNCIL'S REGISTER OF PUBLIC ROADS

RECOMMENDATION

That:

1. Council remove the road named as "Kangan Road" from its Register of Public Roads as the road is no longer reasonably required for general public use in accordance with Section 17(4) of the Road Management Act 2004.
2. Council will advise the landowner of No 7075 Goulburn Valley Highway, Koonoomoo, that Council has delisted the road from its Register of Public Roads and that ongoing maintenance of the road is now the responsibility of the landowner.

1. Executive Summary

Council has received a request from the landowner of No 7075 Goulburn Valley Highway, Koonoomoo to close off the road known as "Kangan Road" to the general public as the road is used as a through road from Mywee-Koonoomoo Road to the Goulburn Valley Highway.

The road known as "Kangan Road" is actually a carriageway easement on the property of No. 7075 Goulburn Valley Highway, Koonoomoo. The carriageway easement only provides access for the four abutting properties that border the west side property boundary of No. 7075 Goulburn Valley Highway, Koonoomoo.

The carriageway easement does not grant access to any other person or the general public and therefore it does not meet the criteria to be considered as reasonably required to be declared as a public road by Council in accordance with the Road Management Act 2004 and the Local Government Act 1989.

Geographic Names Victoria has confirmed that they had not been able to find any historical records of this road being named or ever been published in the Government Gazette.

It is recommended that Council remove the road named as "Kangan Road" from its Register of Public Roads as the road is no longer reasonably required for general public use in accordance with Section 17(4) of the Road Management Act 2004.

Ongoing maintenance of the road will become the responsibility of the landowner once the road is delisted from Council's Register of Public Roads.

2. Background and Options

The landowner of No 7075 Goulburn Valley Highway has approached Council in having the road known as "Kangan Road" that runs through inside their property closed to through traffic. Their reason for wanting to close the road to through traffic is that the road is being used as a short cut from Mywee-Koonoomoo Road to the Goulburn Valley Highway in Koonoomoo causing dust and safety issues. The landowner's preference is to restrict traffic to abutting local residents only in accordance with the purpose of the carriageway easements registered on their property title.

FILE NO: F13/877
4. A WELL RUN COUNCIL

ITEM NO: 9.4.3

PROPOSAL TO DELIST KANGAN ROAD, KOONOOMOO, FROM COUNCIL'S REGISTER OF PUBLIC ROADS (cont'd)

A search of the property title shows that there is a carriageway easement on the property title granting carriageway access to four properties that abut the landowner's western boundary. The subdivision that created the carriageway easements registered on the property title was registered with the Titles Office back in 1987.

Although the road within the property is a private easement of carriageway, it has been listed on Council's Register of Public Roads known as "Kangan Road" since the commencement of the Road Management Act 2004. The road has been inspected and maintained by Council in accordance with its Road Management Plan. Typically, the landowner would have been responsible to maintain the access road within their property that serves the purpose of a carriageway easement instead of the Road Authority such as the Council.

As the road is within private property, Council is unable to have the road declared as a public road / highway for use by the general public. Therefore, the name of the road should be delisted from Council's Register of Public Roads.

A Council Resolution is required to have the road name delisted from the Council's Register of Public Roads.

FILE NO: F13/877
4. A WELL RUN COUNCIL

ITEM NO: 9.4.3

PROPOSAL TO DELIST KANGAN ROAD, KOONOOMOO, FROM COUNCIL'S REGISTER OF PUBLIC ROADS (cont'd)



3. Financial Implications

Once the road is delisted from Council's Register of Public Roads, Council will no longer need to undertake any inspections or maintenance of the road. This will save Council an average yearly cost of \$1,000.

Future maintenance of the road will become the responsibility of the landowner at their own cost.

4. Risk Management

Council's risk exposure to future claims of liability is eliminated as it will no longer be responsible for the maintenance of the road. The landowner will be responsible for any future claim of liability at their own cost.

5. Internal and External Consultation

Internal Consultation

FILE NO: F13/877
4. A WELL RUN COUNCIL

ITEM NO: 9.4.3

PROPOSAL TO DELIST KANGAN ROAD, KOONOOMOO, FROM COUNCIL'S REGISTER OF PUBLIC ROADS (cont'd)

Council's Operations Department have confirmed that that the road has been maintained by Council at cost to Council and is inspected at intervals in accordance with Council's Road Management Plan intervention levels. They have no objections to being delisted off the Register

Team Leader Assets has confirmed that the name "Kangan Road" is listed on the Council's Register of Public Roads and Council's Asset database shows records of inspections and maintenance works undertaken by Council.

The Manager of Governance & Risk has provided advice that as the land is under private ownership with carriageway easements, the landowner is within their rights to assume full control of the land including controlling who has access through their property. Abutting property owners will still have access to their property through the protection of the Instrument of carriageway easements created on the property title.

The Planning Coordinator, Planning and Regulatory Services has provided the advice that Council will need to investigate the impact of the change on the street numbering for four properties on the west side of Kangan Road. The Team Leader Revenue advises that once the road is delisted the Rural Road Numbers (RRN) on the road may remain the same if the property owners so wish. Council officers will consult with affected residents as part of the deregistration process.

External Consultation

Council officers met with the landowner of No. 7075 Goulburn Valley Highway, Koonoomoo, to discuss their concerns about having general public traffic using the access road within their property as a through road. The landowner advised that they have spoken with all of the abutting property owners that use the access road to access their properties as part of the condition of their easement agreements. The landowner confirmed that none of the abutting property owners had any objection to the access road being closed to through traffic by the general public.

The landowner was advised that a resolution of Council is required to have the road name delisted of Council's Register of Public Roads.

The landowner was also advised that they have full responsibility of the maintenance of the access road at their own cost including legal liability obligations and Council will no longer have any responsibility for the road.

Geographic Names Victoria has confirmed they have checked the Registrar of Geographic Names and conducted a search on the Victorian Government Gazette and is unable to find any historical information on this road.

6. Regional Context

The purpose of the carriageway easement within the property of No 7075 Goulburn Valley Highway is to provide access to the four abutting properties that border the western boundary of the property. The easement was never created to provide access to the general public as a through road between Mywee-Koonoomoo Road and the Goulburn Valley Highway in Koonoomoo.

FILE NO: F13/877
4. A WELL RUN COUNCIL

ITEM NO: 9.4.3

PROPOSAL TO DELIST KANGAN ROAD, KOONOOMOO, FROM COUNCIL'S REGISTER OF PUBLIC ROADS (cont'd)

7. Council Plan Strategy

The delisting of "Kangan Road" from Council's Register of Public Roads fits in with the Council Plan's strategic action "Reviewing and rationalizing assets and services to identify gaps, overlaps and surplus" as Council will no longer maintain this asset.

8. Legislative / Policy Implications

Road Management Act 2004

Council as a Road Authority has the power to declare and name a road under Section 11 of the Act. This includes freehold land owned by a public authority or any other person providing the Road Authority has obtained the written consent of the public authority or other person. In this case, Council does not have the written consent of the current landowner to declare or name the road.

Section 17 (1) of the Act defines a public road if it is-

- (a) A freeway; or
- (b) An arterial road; or
- (c) Declared under section 204(1) of the Local Government Act 1989

Section 17 (4) states that a Road Authority must remove a road from its register of public roads if the Road Authority has made a decision that the road is no longer reasonably required for general public use.

As Council is the Road Authority, a council resolution is required to remove this road from its register of public roads on the basis that it does not meet requirements to be considered as a public road for general public use.

Under Section 19 of the Act, a Road Authority must keep a register of public roads specifying the public roads in respect of which it is the coordinating road authority. This includes details of roads that are discontinued and delisted from the Register.

Local Government Act 1989

Section 204 (1) states that a Council may, by notice published in the Government Gazette, declare a road in its municipal district to be a public highway for the purpose of this Act.

Section 204 (2) states that a Council may, by resolution, declare a road that is reasonably required for public use to be open to public traffic.

In this case, the carriageway easement registered on the property title only grants access to the four abutting properties that are listed on the property title by an Instrument of Agreement. The easement does not grant access to any other person or general public. Therefore, Council cannot declare the road to be a public highway as it does not meet the requirement to be reasonably required for public use to be open to the public traffic.

9. Environmental Impact

Council will no longer have any responsibilities in managing the vegetation along the road within the property once the road has been delisted from the Council's Register of Public Roads.

10. Conflict of Interest Considerations

No Council Officers dealing with this matter have any declared conflicts of interest.

FILE NO: F13/877
4. A WELL RUN COUNCIL

ITEM NO: 9.4.3

PROPOSAL TO DELIST KANGAN ROAD, KOONOOMOO, FROM COUNCIL'S REGISTER OF PUBLIC ROADS (cont'd)

11. Conclusion

The road known as "Kangan Road" is actually a carriageway easement on the property of No. 7075 Goulburn Valley Highway, Koonoomoo. The carriageway easement only provides access for the four abutting properties that border the west side property boundary of No. 7075 Goulburn Valley Highway, Koonoomoo.

The carriageway easement does not grant access to any other person or the general public and therefore it does not meet the criteria to be considered as reasonably required to be declared as a public road by Council in accordance with the Road Management Act 2004 and the Local Government Act 1989.

Geographic Names Victoria has confirmed that their records that that not been able to find any historical records of this road being named or ever been published in the Government Gazette.

It is recommended that Council remove the road named as "Kangan Road" from its Register of Public Roads as the road is no longer reasonably required for general public use in accordance with Section 17(4) of the Road Management Act 2004

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 the provisions of the Local Government Act 2020 (the Act), the meeting will now be closed to members of the public to enable the meeting to discuss matters in items 17.1 and 17.2 which the Council may, pursuant to the provisions of Section 66 (2) of the Act resolve to be considered in closed session.

RECOMMENDATION

That pursuant to Section 66 (1) of the Local Government Act 2020, Council resolve to continue in open session.

RECOMMENDATION

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