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AGENDA

ORDINARY MEETING OF COUNCIL **FOR** **WEDNESDAY 24 MARCH 2021** **TO BE HELD AT COBRAM CIVIC CENTRE** **COMMENCING AT 6:00 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 to allow those interested in viewing proceedings greater access to Council decisions and debate, without attending the meeting in person.

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, 24 February 2021, as prepared, be confirmed.”

8. COUNCILLOR REPORTS

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NIL

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NIL

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NIL

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File No: Various

Item No: 9

QUESTIONS FROM THE PUBLIC GALLERY

Questions of Council are an opportunity for the general public to submit a question prior to the Ordinary Meeting and receive a response from Council in the Questions of Council time.

- (1) The Council will hold Questions of Council Time for up to 30 minutes duration at the beginning of each Ordinary Meeting to allow questions of Council. Extension of time may be granted at the discretion of the Mayor.
- (2) Questions of Council are an opportunity for the general public to submit a question prior to the Ordinary Meeting and receive a response from Council in the Questions of Council time.
- (3) Council meetings are recorded and broadcasted to the public, this includes community questions and responses.
- (4) Questions of Council time will not apply during any period when the Council has resolved to close the meeting in respect of a matter under section 66 (1) of the Act.
- (5) Questions of Council may be on any matter relevant to the jurisdiction of the Council except if it:
 - (a) is considered malicious, defamatory, indecent, abusive, offensive, irrelevant, trivial, or objectionable in language or substance;
 - (b) relates to confidential information as defined under the Act;
 - (c) relates to the personal hardship of any resident or ratepayer; or
 - (d) relates to any other matter which the Council considers would prejudice the Council or any person.
 - (e) Deals with a subject matter already answered
- (6) No more than two questions will be accepted from any person at any one meeting.
- (7) Where the Chief Executive Officer does not accept a question, the submitter is to be informed of the reason or reasons for which their question was not accepted.
- (8) A question submitted in writing by a member of the public, which has been disallowed by the Chief Executive Officer will be provided to any Councillor on request.
- (9) Questions may be read by the submitter where they are present at the meeting. Where the submitter is not present they shall be read by a delegate of the Chief Executive Officer and may be abridged to get to remove unnecessary commentary and only state the question.
- (10) Questions submitted to the Council must be:
 - (a) in written form;
 - (b) contain the name, address and email or contact telephone number of the person submitting the question;
 - (c) in a form approved or permitted by the Council (Template available on Council's website);
 - (d) addressed to the Chief Executive Officer; and
 - (e) submitted no later than the day prior to the meeting by email to info@moira.vic.gov.au clearly stating is a question for the meeting.

FILE NO: F20/86
4. A WELL RUN COUNCIL

ITEM NO: 10.1.1

COUNCILLOR APPOINTMENTS

RECOMMENDATION

That Council appoint Councillor Representatives to Moira Committees, and Other Representative Bodies, in accordance with the list provided.

1. Executive Summary

Each year, Councillors are presented with a report which details Councillor appointments to committees and other bodies.

Councillors were appointed to committees following the Council meeting on 24 November 2020. Due to the passing of Councillor Goldman there were a number of vacancies on committees and other bodies.

Below is the list of committees with amended Councillor representation for consideration.

2. Background and Options

Councillors were initially appointed to advisory committees and other bodies following the November 2020 Council meeting.

Below is a list of advisory committees and other bodies where there is a change in Councillor representation. The number of Councillor representatives on Council committees is discretionary.

Committees and Other Representative Bodies	
Moira Shire Community Safety Committee	Cr Bourke Cr Martin
Yarrawonga Library Project Steering Committee	Cr Lawless Cr Mansfield Cr Elliott
Cobram East Flood Mitigation Design Steering Committee	Cr Mustica Cr Cox
Upper Broken & Boosey Creek Flood Study Project Steering Committee	Cr Lawless
Murray Darling Association Inc	Cr Mansfield Cr Martin

3. Financial Implications

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

4. Risk Management

Risk is mitigated by Council meeting its statutory requirements and by having representation on external boards.

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4. A WELL RUN COUNCIL

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COUNCILLOR APPOINTMENTS (cont'd)

5. Internal and External Consultation

Once Councillors' have been appointed to the committees, each committee will be notified of their delegated Councillor. Councillors will then commence receiving correspondence regarding committee meetings.

6. Regional Context

There are no regional issues to consider within this report.

7. Council Plan Strategy

A well run Council.

8. Legislative / Policy Implications

The Victorian Local Government Act 2020 and the Terms of References for the individual committees.

9. Environmental Impact

There are no environmental impact considerations associated with this report.

10. Conflict of Interest Considerations

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

11. Conclusion

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

Attachments

Nil

FILE NO: 000
4. A WELL RUN COUNCIL

ITEM NO: 10.2.1

REVIEW OF MAYORAL AND COUNCILLOR ALLOWANCES

RECOMMENDATION

That Council:

1. proposes to retain the annual allowances for the Mayor and Councillors at the maximum limit set for a Category 2 Council, being:
 - (a) Mayoral Allowance – \$81,204
 - (b) Councillor Allowance – \$26,245
2. Authorise the Chief Executive Officer to:
 - (a) give public notice of the review of the annual allowances for the Mayor and Councillors;
 - (b) make the proposal available for public inspection;
 - (c) invite submissions in accordance with Section 223 of the *Local Government Act 1989*; and
 - (d) receive submissions until 5pm Wednesday 28 April 2021.
3. If required convene a Committee of Council comprising Cr _____, Cr _____ and General Manager Corporate and/or delegate to meet at 6.30pm Wednesday 12 May 2021 at the Cobram Civic Center, Punt Road Cobram to hear any person wishing to be heard in support of their written submission.
4. Consider a recommendation to adopt the proposal with or without amendment at the 23 June 2021 Ordinary Council Meeting.

1. Executive Summary

This report seeks Council's authorisation to commence community consultation on a proposal to retain the annual allowances for the Mayor and Councillors at the maximum limit set for a Category 2 Council. Mayoral and Councillor allowances are also subject to the addition of the equivalent of the Superannuation Guarantee Charge (9.5%).

Councils are required to review allowance levels by 30 June in the year following a general election and the allowance level determined by the Council remains in effect for the full term of the Council. Councils are also required to provide opportunity for community feedback on the proposed allowances in accordance with S223 of the Local Government Act (the Act).

Following approval of this report, community consultation will commence to allow submissions to be received by 5pm Wednesday 28 April 2021 and in line with the statutory 223 process requirements.

Council must consider the submissions prior to the Ordinary Council Meeting to be held on Wednesday 23 June 2021 at which Council may adopt the proposed allowances with or without amendment.

2. Background and Options

Mayors and Councillors are entitled to receive an allowance while performing their duty as an elected official under section 39 of the *Local Government Act 2020*. This section also provides

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ITEM NO: 10.2.1

REVIEW OF MAYORAL AND COUNCILLOR ALLOWANCES (cont'd)

for the transition of power to determine future mayoral, deputy mayoral and councillor allowances to the Remuneration Tribunal.

Councils are divided into three categories based on the income and population of each Council and the Minister for Local Government sets the upper and lower levels for allowances paid to Councillors for each of the categories. Moira Shire is a Category 2 Council and the Minister for Local Government approved Mayoral and Councillor allowances, effective 1 December 2019, of \$10,914 - \$26,245 for Councillors per annum and up to \$81,204 for the Mayor per annum.

The Mayoral and Councillor allowances will remain in place until the Remuneration Tribunal make a determination under section 23A of the *Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Act 2019*.

A Mayor, Deputy Mayor or Councillor may elect to receive:

- a) the entire allowance to which they are entitled; or
- b) a specified part of the allowance to which they are entitled; or
- c) no allowance.

Allowance levels are subject to annual automatic adjustments that are announced in the Victoria Government Gazette by the Minister for Local Government.

Mayoral and Councillor allowances are also subject to the addition of the equivalent of the Superannuation Guarantee Charge (9.5%).

Councillors are entitled to be reimbursed for any necessary out-of-pocket expenses they incur while performing their duties as a Councillor. Councils are also required to adopt and maintain a policy in relation to the reimbursement of Councillor expenses.

Councils are required to publish in their Annual Report the details of the expenses paid to Councillors.

3. Financial Implications

The proposed councillor allowances do not change current budget requirements and the allowance level determined by the Council remains in place until the Remuneration Tribunal make a determination under section 23A of the *Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Act 2019*.

4. Risk Management

Councils are required to review allowance levels by 30 June in the year following a general election.

5. Internal and External Consultation

This report seeks Council's authorisation to commence community consultation in accordance with section 223 of the Act.

6. Regional Context

Councils are divided into three categories based on the income and population of each Council and the Minister for Local Government sets the upper and lower levels for allowances paid to councillors for each of the categories. Moira Shire is a Category 2 Council.

7. Council Plan Strategy

This report aligns with the Council Plan Strategy of 'A Well Run Council'.

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REVIEW OF MAYORAL AND COUNCILLOR ALLOWANCES (cont'd)

8. Legislative / Policy Implications

Councils are required to review allowance levels by 30 June in the year following a general election.

Section 39 of the *Local Government Act 2020* provides for the transition of power to determine future mayoral, deputy mayoral and councillor allowances to the Remuneration Tribunal.

Under section 23A of the *Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Act 2019*, the Remuneration Tribunal will have six months to make a determination from the date determination is requested by the Minister.

9. Environmental Impact

Nil

10. Conflict of Interest Considerations

Councillors do not have a conflict of interest when voting on the payment of allowances to the Mayor or Councillors.

11. Conclusion

Following Council approval of this report, Council will commence community consultation in accordance with Section 223 of the Act beginning with advertisements in local media from Wednesday 31 March 2021. Through this process Council will seek community feedback on the proposed allowances and individuals who provide a written submission by 5pm Wednesday 28 April 2021 will have opportunity to speak to their submission at the Committee of Council Meeting on Wednesday 12 May 2021.

It is expected that the proposed allowances will be presented to Council for consideration at the Ordinary Council Meeting on 23 June 2021.

Attachments

Nil

FILE NO: F20/576
4. A WELL RUN COUNCIL

ITEM NO: 10.2.2

**MOIRA SHIRE COUNCIL USE OF THE COMMON SEAL AND CONDUCT AT
COUNCIL MEETINGS LOCAL LAW NO1 2021**

RECOMMENDATION

That Council

- 1 Authorise the Chief Executive Officer to:
 - a) give public notice to commence public consultation on the draft Moira Shire Council Use of the Common Seal and Conduct at Council Meetings Local Law No.1. 2021;
 - b) make the draft local law 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 April 2021.
- 2 If required:
 - a) convene a Committee of Council comprising Cr_____, Cr_____ and General Manager Corporate and/or delegate to meet at 6.30pm Wednesday 12 May 2021 at the Cobram Civic Center, Punt Road Cobram to hear any person wishing to be heard in support of their written submission;
 - b) consider a recommendation to adopt the Moira Shire Council Use of the Common Seal and Conduct at Council Meetings Local Law No.1. 2021 at the 23 June 2021 Scheduled Council meeting.

1. Executive Summary

The report seeks Council's approval to commence community consultation on the draft Moira Shire Council Use of the Common Seal and Conduct at Council Meetings Local Law No.1. 2021.

The Governance Rules adopted 26 August 2020 address most aspects of the Meeting Procedures Local Law 2017 except for the use of the Common Seal, offences & penalties. The current local law will cease in May 2027 unless revoked sooner.

The *Local Government Act 2020* (the Act) requires the common seal to be used in accordance with any applicable Local Law. A Local Law is also required to create offences and to apply penalties for the misuse of the Common Seal and disorderly conduct at Council meetings.

To eliminate any confusion between the current Meeting Procedures Local Law 2017 and the Governance Rules it is proposed to revoke the Meeting Procedures Local Law 2017 when the Moira Shire Council Use of the Common Seal and Conduct at Council Meetings Local Law No.1. 2021 is considered by Council on 23 June 2021.

The power to create a new Local Law remains under the *Local Government Act 1989* (89 Act) until repealed on 1 July 2021, therefore, Section 223 of the 89 Act applies.

A review of a Local Law requires the preparation of a Community Impact Statement that must accompany the Local Law for community consultation purposes. The Community Impact Statement is attached.

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4. A WELL RUN COUNCIL

ITEM NO: 10.2.2

MOIRA SHIRE COUNCIL USE OF THE COMMON SEAL AND CONDUCT AT COUNCIL MEETINGS LOCAL LAW NO1 2021 (cont'd)

2. Discussion

As part of the implementation of the Act Council was required to develop and adopt Governance Rules. The Governance Rules guide the conduct of Council meetings and delegated committee meetings. Most aspects of the Meeting Procedures Local Law 2017 has been replaced by the Governance Rules except for the use of the Common Seal and the ability to enforce penalties for offences.

The Act requires the Common Seal to be used in accordance with any applicable local law. The aim to repeal the Meeting Procedures Local Law 2017 at the same time the draft Local Law is considered by Council.

The power to make a local law remains under the 89 Act until 1 July 2021. This means s223 applies for the creation of this new local law, and the timeline is outlined below.

Proposed timeline

Date	Action
31 March	Submissions open. Public Notice and Government Gazette
30 April	Submissions close
12 May	If required, schedule a Committee of Council meeting to hear submissions
23 June	Consider adoption
1 July	Government Gazette & send copy to the Minister

A Community Impact Statement has been prepared to explain the prescribed details in relation to the draft Local Law. This statement will accompany the draft Local Law during the community consultation process.

External Consultation

The S223 process will involve external consultation.

In addition to the S223 process legal advice was sought from Macquarie Local Government Lawyers and all the recommendations were applied to the proposed local law.

Internal Consultation

Internal consultations were held with the Corporate Management Team, Safety and Amenity Coordinator, EA to CEO and Governance Team.

3. Conclusion

That the proposed Moira Shire Council Use of the Common Seal and Conduct at Council Meetings Local Law No.1. 2021 be considered for community consultation.

Attachments

- 1 Draft Moira Shire Council Use of the Common Seal and Conduct at Council Meetings Local Law No.1. 2021
- 2 Community Impact Statement

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4. A WELL RUN COUNCIL

ITEM NO: 10.2.2

**MOIRA SHIRE COUNCIL USE OF THE COMMON SEAL AND CONDUCT AT
COUNCIL MEETINGS LOCAL LAW NO1 2021 (cont'd)**

**ATTACHMENT No [1] - Draft Moira Shire Council Use of the Common Seal and
Conduct at Council Meetings Local Law No.1. 2021**



**Moira Shire Council Use of the
Common Seal and Conduct at
Council Meetings Local Law
No.1 2021**

This Local Law was adopted by Moira Shire Council at the Scheduled
Council Meeting held on <insert date>.

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4. A WELL RUN COUNCIL

ITEM NO: 10.2.2

**MOIRA SHIRE COUNCIL USE OF THE COMMON SEAL AND CONDUCT AT
COUNCIL MEETINGS LOCAL LAW NO1 2021 (cont'd)**

**ATTACHMENT No [1] - Draft Moira Shire Council Use of the Common Seal and
Conduct at Council Meetings Local Law No.1. 2021**

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4. A WELL RUN COUNCIL

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**MOIRA SHIRE COUNCIL USE OF THE COMMON SEAL AND CONDUCT AT
COUNCIL MEETINGS LOCAL LAW NO1 2021 (cont'd)**

**ATTACHMENT No [1] - Draft Moira Shire Council Use of the Common Seal and
Conduct at Council Meetings Local Law No.1. 2021**



Part 1 – Introduction

1.1 Title

This local law is titled the Moira Shire Council Use of the Common Seal and Conduct at Council Meetings Local Law No.1 2021.

1.2 Purpose of this Local Law

The purpose of this Local Law is to:

- (a) regulate the use of the common seal;
- (b) prohibit unauthorised use of the common seal and
- (c) make it an offence for non-compliance with the conduct provisions of Council's Governance Rules applying to Council meetings.

1.3 Authorising Provisions

This local law is made under section 111(1) of the *Local Government Act 1989*.

1.4 Operational Commencement

This Local Law:

- (a) comes into operation on 24 June 2021; and
- (b) operates throughout Council's municipal district.

1.5 Sunset

This Local Law will cease to operate on the 24 June 2031, unless revoked sooner by Council resolution.

1.6 Definitions

Unless the contrary intention appears in this Local Law, the following words and phrases are defined to mean:

Chairperson	means the Chairperson of a Council meeting
Chief Executive Officer	means the person appointed by Council to be its Chief Executive Officer or any person acting in this position.
common seal	means the common seal required under section 14 of the <i>Local Government Act 2020</i>

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4. A WELL RUN COUNCIL

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**MOIRA SHIRE COUNCIL USE OF THE COMMON SEAL AND CONDUCT AT
COUNCIL MEETINGS LOCAL LAW NO1 2021 (cont'd)**

**ATTACHMENT No [1] - Draft Moira Shire Council Use of the Common Seal and
Conduct at Council Meetings Local Law No.1. 2021**



Council	means Moira Shire Council
Councillor	means a person elected to hold the office of Councillor
Council meeting	means a Council meeting that complies with section 61 of the <i>Local Government Act 2020</i>
Governance Rules	means the Governance Rules developed by Council under section 60 of the <i>Local Government Act 2020</i>
penalty unit	means a penalty unit as prescribed in the <i>Sentencing Act 1991</i>

DRAFT

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**MOIRA SHIRE COUNCIL USE OF THE COMMON SEAL AND CONDUCT AT
COUNCIL MEETINGS LOCAL LAW NO1 2021 (cont'd)**

**ATTACHMENT No [1] - Draft Moira Shire Council Use of the Common Seal and
Conduct at Council Meetings Local Law No.1. 2021**



Part 2 – The Common Seal

2.1 Use of the Common Seal

The common seal of Council must be in the following form:

The Common Seal of the

Moira Shire Council

was hereunto affixed in the presence of

..... Chief Executive Officer

on the <insert day> of <insert month> <insert year>.

2.2 Authority for Use of the Common Seal

- a. The common seal may only be affixed to a document for the purpose of giving effect to a decision which has been made by Council resolution.

2.3 Security of the Common Seal

The Chief Executive Officer must ensure security of the common seal.

2.4 Unauthorised Use of the Common Seal

Any person who uses the common seal or any device resembling the common seal without authority is guilty of an offence.

Penalty: 5 Penalty Units.

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**MOIRA SHIRE COUNCIL USE OF THE COMMON SEAL AND CONDUCT AT
COUNCIL MEETINGS LOCAL LAW NO1 2021 (cont'd)**

**ATTACHMENT No [1] - Draft Moira Shire Council Use of the Common Seal and
Conduct at Council Meetings Local Law No.1. 2021**



Part 3 – Offences & Penalties

3.1 Offences

It is an offence for:

- (a) A person, other than the Chief Executive Officer (or other Council Officer authorised by the Chief Executive Officer) to operate photographic, audio or video recording equipment or any other recording device at any Council meeting without first obtaining the consent of the Chairperson which may be revoked at any time during the course of such meeting by the Chairperson or resolution of Council;

Infringement Notice Penalty: 2 penalty units

Penalty: 5 penalty units.

- (b) A Councillor attending a Council meeting to not withdraw an expression considered by the Chairperson to be offensive or disorderly and apologise when called on by the Chairperson to do so;

Infringement Notice Penalty: 1 penalty unit

Penalty: 2 penalty units.

- (c) Any person, not being a Councillor, attending a Council meeting who is in breach of the conduct requirements of Council's Governance Rules, to not leave the meeting when directed by the Chairperson to do so;

Infringement Notice Penalty: 2 penalty units

Penalty: 5 penalty units

- (d) Any person, including a Councillor, attending a Council meeting who has been called to order and directed by the Chairperson to remain silent and/or to resume their seat and who fails to comply with the Chairperson's direction;

Infringement Notice Penalty: 1 penalty unit

Penalty: 2 penalty units.

- (e) A Councillor to refuse to leave a Council meeting on suspension; and

Infringement Notice Penalty: 2 penalty units

Penalty: 5 penalty units.

- (f) A person to fraudulently sign a petition or joint letter to be considered at a Council meeting.

Infringement Notice Penalty: 2 penalty units

Penalty: 5 penalty units

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4. A WELL RUN COUNCIL

ITEM NO: 10.2.2

**MOIRA SHIRE COUNCIL USE OF THE COMMON SEAL AND CONDUCT AT
COUNCIL MEETINGS LOCAL LAW NO1 2021 (cont'd)**

**ATTACHMENT No [1] - Draft Moira Shire Council Use of the Common Seal and
Conduct at Council Meetings Local Law No.1. 2021**



3.2 Infringement Penalties

- 3.2.1 If an offence is committed against this Local Law, the Chairperson shall request the Chief Executive Officer to issue to the offender an infringement notice in a form approved by Council for the relevant number of penalty units as an alternative to a prosecution for the offence.
- 3.2.2 To avoid prosecution, a person to whom an infringement notice has been issued must pay to Council the amount specified in the notice within 28 days.
- 3.2.3 A person in receipt of an infringement notice is entitled to disregard the notice and defend a prosecution in court.

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**MOIRA SHIRE COUNCIL USE OF THE COMMON SEAL AND CONDUCT AT
COUNCIL MEETINGS LOCAL LAW NO1 2021 (cont'd)**

**ATTACHMENT No [1] - Draft Moira Shire Council Use of the Common Seal and
Conduct at Council Meetings Local Law No.1. 2021**



The Moira Shire Council Local Law No. 1 Use of Common Seal and Conduct at Council Meetings was adopted by Council on <insert date>.

The Common Seal of the

Moira Shire Council

was hereunto affixed in the presence of:

..... Chief Executive Officer

on the <insert day> of <insert month> <insert year>

DRAFT

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4. A WELL RUN COUNCIL

ITEM NO: 10.2.2

**MOIRA SHIRE COUNCIL USE OF THE COMMON SEAL AND CONDUCT AT
COUNCIL MEETINGS LOCAL LAW NO1 2021 (cont'd)**

ATTACHMENT No [2] - Community Impact Statement

Local Law Community Impact Statement

Moira Shire Council Use of the Common Seal and Conduct at Meetings Local Law No.1 2021.

Moira Shire Council (Council) provides the following information to the community in respect of the proposed Local Law.

Introduction

Council is proposing to make a new Moira Shire Council Use of the Common Seal and Conduct at Council Meetings Local Law (proposed law).

The proposed Local Law will revoke Council's Meeting Procedures Local Law 2017 (**current Local Law**) and replace the current Local Law to the extent that the current Local Law regulates the use of Council's common seal and conduct at meetings.

The community impact statement has been prepared to inform the community about the proposed Local Law and to assist any member of the public who may wish to make a submission to Council during the public consultation process required under the Local Government Act 1989 (**89 Act**).

Background

The current Local Law addresses the meeting procedure applicable to Council meetings. It also regulates the use of the Council's common seal and creates an offence for misuse of the common seal and disorderly conduct at Council meetings.

The meeting procedures applicable to Council (and Delegated Committee) meetings will now be addressed through the Governance Rules (adopted August 2020) made under the Local Government Act 2020 (**the Act**).

However, the use of the common seal cannot be addressed through the Governance Rules, nor can offences be created. Accordingly, Council will repeal the current Local Law and make the proposed Local Law to provide for the continued regulation of Council's common seal and offences in respect to conduct at meetings.

Overview of Proposed Local Law

The purpose of the proposed Local Law is to:

- Revoke the current Local Law;
- Regulate the use of the common seal; and
- Create offences relating to conduct as Council and Delegated Committee meetings.

The proposed Local Law will come into operation on 24 June 2021 and, unless it is revoked earlier, will expire 10 years after commencement.

On commencement of the proposed Local Law, the current local law will be revoked.

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**MOIRA SHIRE COUNCIL USE OF THE COMMON SEAL AND CONDUCT AT
COUNCIL MEETINGS LOCAL LAW NO1 2021 (cont'd)**

ATTACHMENT No [2] - Community Impact Statement

Issues	Evaluation
Objectives	The objectives of the proposed Local Law are to : <ul style="list-style-type: none"> revoke the current Local Law; regulate the use of the common seal; and create offences relating to conduct at Council and Delegated Committee meetings.
Legislative Framework	The Act gives councils broad powers to make Local Laws with respect to any function or power of the council and the 2020 Act gives councils power to make Local Laws with respect to use of their common seals. The proposed Local Law addresses matters within Council's broad functions and powers.
State legislation more appropriate	This Local Law is made under section 111(1) of the 89 Act.
Overlap with existing legislation	The proposed Local Law does not overlap with existing legislation, rather it operates in conjunction with the requirements of the 2020 Act.
Planning Scheme	The proposed Local Law has no relevance to the Planning Scheme.
Legislative Approach	No other legislation can be used. The proposed Local Law references the Moira Shire Council Code of Conduct and Governance Rules.
Performance Standards or Prescriptive Details	Council has adopted a prescriptive approach to the proposed Local Law that is considered appropriate to: <ul style="list-style-type: none"> offences may be committed; and Council's common seal may be lawfully used.
Risk Assessment	Council does not consider that there are any risks associated with the proposed Local Law.
Measures of Success	The success of the proposed Local Law will be measured by monitoring the level of compliance with the proposed Local Law.
Permits & Fees	The proposed Local Law does not make provisions for the issue of permits and does not prescribe any fees.
Penalties	This Local Law imposes penalties ranging from 1 penalty units to 5 penalty units. Council has compared the general level of penalties provided for in the proposed Local Law with the Local Laws of other like and neighbouring councils. Council is satisfied that penalties are similar in nature and amount to like and neighbouring councils and are sufficient to act as a deterrent for most offences while also reflecting the seriousness of those offences.
Restriction of competition	The proposed Local Law relates only to Council processes and there are no National Competition implications associated with the proposal.

FILE NO: F20/576
4. A WELL RUN COUNCIL

ITEM NO: 10.2.2

**MOIRA SHIRE COUNCIL USE OF THE COMMON SEAL AND CONDUCT AT
COUNCIL MEETINGS LOCAL LAW NO1 2021 (cont'd)**

ATTACHMENT No [2] - Community Impact Statement

Comparison with other Councils	In drafting the proposed Local Law, Council examined Local Laws from a number of like and neighbouring councils to assess similarities and differences and ensure consistency in content, approach and penalties.
Charter of Human Rights	<i>The Charter of Human Rights and Responsibilities Act 2006 (Charter)</i> contains twenty basic rights that promote and protect the values of freedom, respect, equality and dignity. Council must not knowingly be in breach of these rights and must always consider them when they create laws, develop policies and deliver services.
Community Engagement	<p>The proposed Local Law has been reviewed in consultation with Councillors, members of Council and legal advisers.</p> <p>A community consultation process will be conducted in accordance with s111 and s223 of the Act.</p> <p>This will require Council to give public notice of its intention to make the proposed Local Law and provide members of the public with an opportunity to make a written submission to Council in relation to the proposed Local Law. Council will consider submissions received before making a final decision on the proposed Local Law.</p> <p>A person who makes a written submission is entitled to request (in the request) to be heard by Council in support of their submission. When Council makes a final decision on the proposed Local Law, it must notify in writing each submitter of the decision and the reasons for the decision.</p> <p>This Community Impact Statement has been prepared to inform the community about the proposed Local Law and to assist any member of the public who may wish to make a submission to Council.</p>

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

ITEM NO: 10.2.3

PROPOSED ADOPTION OF THE NAME FEDERATION WAY, COBRAM

RECOMMENDATION

That Council:

1. Formally adopt the name 'Federation Way' as the name for the new road created within Federation Park Cobram and submit the name to Geographic Names Victoria.
2. Following approval by the Registrar of Geographic Names and publication of a notice in the Government Gazette, write to affected property owners and all submitters and advise them of Councils decision.

1. Executive Summary

Council has the authority and responsibility to name roads and geographic features within the municipality 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).

At its December 2020 Ordinary Meeting, Council adopted the interim name of 'Federation Way' for the new road constructed at Federation Park Cobram extending from the Murray Valley Highway to Dillon Street, Cobram. Council also authorised the commencement of community consultation for the interim name with the adjoining property owners and the wider community.

The community consultation period took place for 30 days from 13 January 2021 to 12 February 2021. During the community consultation period Council did not receive any objections to the proposed name of Federation Way, however Council did receive two submissions proposing alternate names.

This report is to seek that Council note these submissions and formally adopt the name of 'Federation Way' for this road.

2. Background and Options

At its December 2020 Ordinary Meeting, Council adopted the interim name of 'Federation Way' for the new road constructed at Federation Park Cobram extending from Murray Valley Highway to Dillon Street, Cobram. Council also authorised the commencement of community consultation for the interim name with the adjoining property owners and the wider community.

The community consultation period took place for 30 days from 13 January 2021 to 12 February 2021, with advertising appearing in the Cobram Courier on 13 January 2021 and on the Moira Shire Council Facebook page and website.

Letters were also issued to the adjoining land owners inviting their feedback.

Council also engaged with the 'Friends of Federation Park' group on the proposed name of 'Federation Way' prior to the initial report to Council. They were invited to make a submission during the formal consultation period.

Council did not receive any formal objections to the proposed name of Federation Way, however Council did receive two submissions proposing alternate names.

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

ITEM NO: 10.2.3

PROPOSED ADOPTION OF THE NAME FEDERATION WAY, COBRAM
(cont'd)

The two submissions are summarised in the following table:

Proposed Road Name	Reason	Recommendation
Eldridge	The name was suggested to commemorate the Eldridge family, in particular Tilden Eldridge's contributions to the Cobram community which included life membership at the Cobram Football Club and the Cobram District Hospital.	Retain this name for possible future use for a new road / or existing road requiring renaming in the Cobram area subject to compliance with the Naming Rules and any consultation requirements.
Radcliffe	The name was suggested to commemorate John 'Jack' Radcliffe's significant contributions in the community which included memberships on many committees and local sporting groups (some of which included Agricultural Society, Cobram District Hospital, CFA, Cobram Football Club, Cobram Tennis Club & Cobram Barooga Golf Club). John 'Jack' Radcliffe also represented the former Cobram Shire as a Councillor and Shire President.	Retain this name for possible future use for a new road / or existing road requiring renaming in the Cobram area subject to compliance with the Naming Rules and any consultation requirements.

This report seeks Council note the submissions received and their recommendations above, and continue with formally adopting the name of 'Federation Way' for this road.

3. Financial Implications

Naming or re-naming roads does not have a significant financial impact on Council. Costs relating to consultation, 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.

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 Governance and Risk, Assets, Planning, Revenue, Community Services and Information Technology departments of Council.

Council has sought feedback on the proposed road name from Geographic Names Victoria who have confirmed the interim name complies with the Naming Rules.

6. Regional Context

The naming of this road does not have any significant regional impact.

Use of the name 'Federation Way' with its linkage to Federation Park supports Principle C of the Naming Rules (Linking the name to the place).

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.

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

ITEM NO: 10.2.3

**PROPOSED ADOPTION OF THE NAME FEDERATION WAY, COBRAM
(cont'd)**

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.

9. Environmental Impact

There are no environmental implications resulting from the naming of this road.

10. Conflict of Interest Considerations

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

11. Conclusion

It is recommended that Council formally adopt the name 'Federation Way' as the name for the new road created within Federation Park, Cobram and submit the name to Geographic Names Victoria.

Attachments

Nil

FILE NO:
4. A WELL RUN COUNCIL

ITEM NO: 10.2.4

**REQUEST TO DISCONTINUE AND SELL A SECTION OF RICHARDSON
STREET NATHALIA**

RECOMMENDATION

That Council:

- 1 Authorise the Chief Executive Officer to:
 - a) give public notice of a request for Council to discontinue and sell a section of Richardson Street Nathalia defined in Plan of Subdivision 1315 Parish of Barwo County of Moira;
 - b) make the proposal available for public inspection;
 - c) invite submissions in accordance with Section 223 of the *Local Government Act 1989*;
 - d) receive submissions until 5pm Wednesday 28 April 2021.
- 2 If required:
 - a) convene a Committee of Council comprising Cr_____, Cr_____ and General Manager Infrastructure and/or delegate to meet at 6pm Wednesday 5 May 2021 at the Dancocks Room, Robertson Street Nathalia to hear any person wishing to be heard in support of their written submission;
 - b) consider a recommendation regarding the road discontinuance and sale with or without amendment at the 26 May 2021 Ordinary Council meeting.

1. Executive Summary

The purpose of this report is to seek Council's authorisation to seek community feedback on a request to discontinue a portion of Richardson Street Nathalia defined in Plan of Subdivision 1315 Parish of Barwo County of Moira and sale of the land to an adjoining land owner.

Council has received a request from an adjoining land owner to purchase the road reserve from Council for the purpose of further business development. To consider this request Council is required to conduct community consultation under s223 of the *Local Government Act 1989* and in accordance with our Community Engagement Policy.

Following on from the public feedback received a recommendation regarding this request will be submitted to the 26 May 2021 Council meeting for consideration.

2. Background and Options

Council has received a request from an adjoining land owner of an industrial property in Richardson Street Nathalia to purchase a further section of the road reserve from Council.

The east-west portion of Richardson Street Nathalia was also discontinued and sold to the same property owner in 2019, for the purpose of business development.

Process

- The process for council to discontinue a road is defined in Section 12 of the *Road Management Act 2004* and Schedule 10 Clause 3 of the *Local Government Act 1989*.
- The process for council to sell public owned land is defined in Section 114 of the *Local Government Act 2020* and the *Local Government Best Practice Guideline for the Sale, Exchange & Transfer of Land*.
- Both processes require council to seek community feedback on the proposal before making a decision to proceed or otherwise.

FILE NO:
4. A WELL RUN COUNCIL

ITEM NO: 10.2.4

**REQUEST TO DISCONTINUE AND SELL A SECTION OF RICHARDSON
STREET NATHALIA (cont'd)**

- If council decides to sell the land, a separate and subsequent process may involve public auction, tender, private treaty or any other method as determined by the Chief Executive Officer in accordance with the Local Government Best Practice Guidelines.
- Council is required to seek an independent valuation of the section of land prior to sale.

The proposal to be provided for community feedback

Council is seeking feedback on a request to discontinue and sell a portion of Richardson Street, Nathalia defined in Plan of Subdivision 1315 Parish of Barwon County of Moira (area shaded red on the below map).

Subsequent to the proposed discontinuance, the land may be sold in accordance with Section 114 of the *Local Government Act 2020*.

We are seeking your feedback on this request in accordance with Section 223 of the *Local Government Act 1989*.

- You can provide your feedback to Council by lodging a submission online, by mail or at our service centres in Cobram or Yarrawonga.
- Your submission must be received by 5pm Wednesday 28 April 2021 and be addressed to the Chief Executive Officer.
- When you lodge your submission please indicate if you, or your representative, would like to speak to your submission.
- If required, a Committee of Council will be held at 6pm Wednesday 5 May 2021 at the Dancocks Room, Robertson Street, Nathalia to hear any person who indicated they wished to be heard in support of their written submission.
- All submissions, including submitter's name and address, will be available at the meeting and on public display for 12 months.
- All submissions received by the deadline will be considered by Council prior to deciding whether to proceed with the request, with or without amendment, at the 26 May 2021 Ordinary Council Meeting.

Details of the section of road

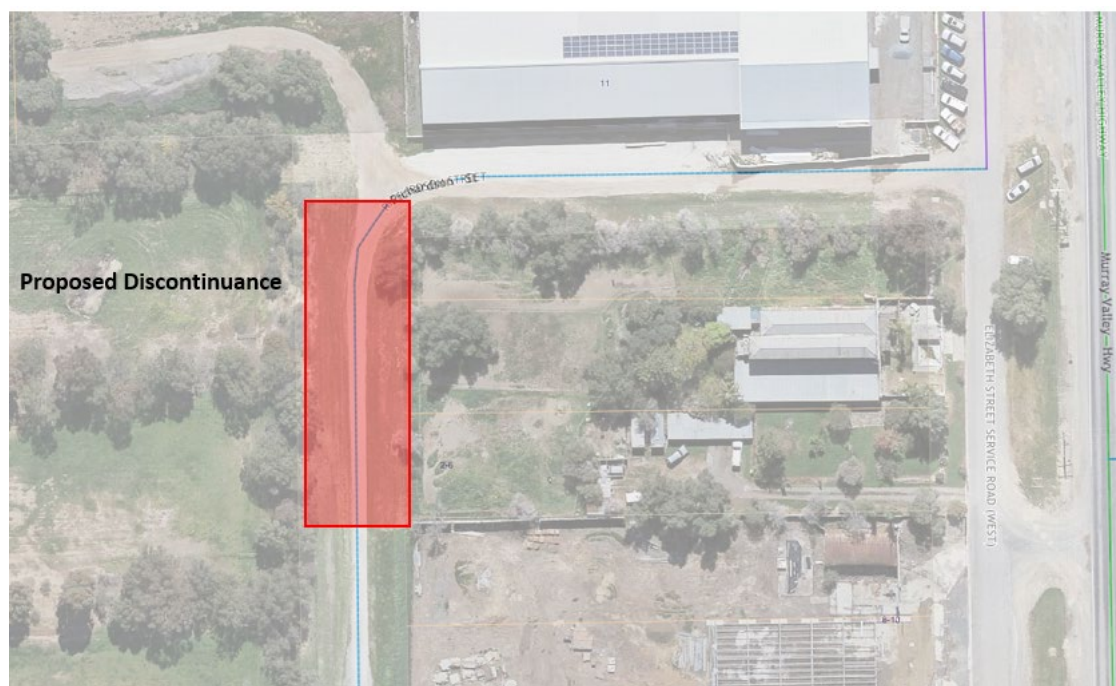
The section of road:

- runs north-south and marked in red on the diagram below
- classed as 'Access Residential' in Council's Road Hierarchy
- Approximately 63.7m in length, pending official survey
- 6m width pavement, road reserve width 20.1m

FILE NO:
4. A WELL RUN COUNCIL

ITEM NO: 10.2.4

**REQUEST TO DISCONTINUE AND SELL A SECTION OF RICHARDSON
STREET NATHALIA (cont'd)**



Should the road discontinuance be approved, legal access is maintained to the parcels of land on either side of the proposed discontinuance.

The lots to the east maintain legal and practical access to Elizabeth Street while the boundary of the lot to the west extends south of the proposed road discontinuance along Richardson St to maintain legal access with practical access currently from Scott Avenue.

Council's position on the road discontinuance will be informed by any feedback received regarding the proposed road discontinuance through the consultation process.

3. Financial Implications

If council resolves to discontinue and sell the land, a separate and subsequent sale process may involve a public auction, tender, private treaty or any other method as determined by the Chief Executive Officer in accordance with the *Local Government Best Practice Guidelines for the Sale, Exchange & Transfer of Land*.

Council will survey the portion of land and obtain a valid Valuation no more than 6 months prior to the sale.

4. Risk Management

Conducting a formal process to seek feedback from the community who may be affected by the discontinuance will ensure that council makes an informed decision and will also meet the requirements of the Act.

5. Internal and External Consultation

Council's Operations and Construction & Assets Departments were consulted regarding this proposal and concluded that there is minimal maintenance undertaken by Council on the proposed section of road and there are no Moira assets within the road reserve that require protection.

6. Regional Context

This report relates to land located within the Moira Municipality.

FILE NO:
4. A WELL RUN COUNCIL

ITEM NO: 10.2.4

**REQUEST TO DISCONTINUE AND SELL A SECTION OF RICHARDSON
STREET NATHALIA (cont'd)**

7. Council Plan Strategy

This report aligns with the Council Plan Strategies of 'A Great Place to Live' and 'A Well Run Council'.

8. Legislative / Policy Implications

This process is conducted in accordance with section 114 of the *Local Government Act 2020*, section 12 of the *Road Management Act 2004* and Schedule 10 Clause 3 of the *Local Government Act 1989*

9. Environmental Impact

NIL

10. Conflict of Interest Considerations

There are no officer conflicts of interest associated with the preparation of this report.

11. Conclusion

Following Council approval of this report, a community consultation process will commence in accordance with Section 223 of the Act beginning with advertisements in local media from Wednesday 31 March 2021. Through this process Council will seek community feedback on the requested road discontinuance and sale and individuals who provide a written submission by 5pm Wednesday 28 April 2021 will have opportunity to speak to their submission at a Committee of Council Meeting on Wednesday 5 May 2021.

It is expected that the recommendation regarding the requested road discontinuance and sale will be presented to Council for consideration at the Ordinary Council Meeting on 26 May 2021.

Attachments

Nil

FILE NO: F20/196/012
4. A WELL RUN COUNCIL

ITEM NO: 10.2.5

LIVE STREAMING AND PUBLISHING RECORDINGS OF COUNCIL MEETINGS POLICY

RECOMMENDATION

That Council adopt the Live Streaming and Publishing Recordings of Council Meetings Policy.

1. Executive Summary

This report is seeking Council adoption of the Live Streaming and Publishing Recordings of Council Meetings Policy.

Council has been livestreaming its Council meetings since April 2020 in response to the Victorian Government COVID-19 Pandemic Stay at Home directions and the temporary measures put in place for Council Meetings under the *COVID-19 Omnibus (Emergency Measures) Act 2020*.

It is proposed to continue to live-stream these meetings despite the continued easing of the Victorian Government restrictions, to give the community greater access to Council decision making on an ongoing basis.

This policy will inform Councillors, staff and members of the public of the processes, the potential benefits and any mitigation actions to manage the potential risks of live streaming and publishing of recordings.

2. Background and Options

Council commenced live streaming of Council Meetings in April 2020 in response to the COVID-19 Pandemic and the temporary amendments made to the *Local Government Act 2020* by the *COVID-19 Omnibus (Emergency Measures) Act 2020*. These measures are currently in place until 26 April 2021.

This purpose of this policy is to formalise the requirements associated with the live streaming and publishing of Council Meeting recordings. The policy will be relevant to all public Council Meetings (including unscheduled and joint meetings conducted by Council).

The policy will inform members of the public as well as Councillors and staff on the processes, the potential benefits and any mitigation actions to manage the potential risks of live streaming and publishing the recordings of Council Meetings.

It is intended that Council continue to live stream and publish the recordings of its Council Meetings even after repeal of the emergency measures, to continue to give the community greater access to Council decision making and to maintain openness and transparency of council operations.

Over the last three Council Meetings, our live streams have been viewed more than 4,700 times through Councils Facebook page, showing that this has been a great way of reaching our community.

FILE NO: F20/196/012
4. A WELL RUN COUNCIL

ITEM NO: 10.2.5

**LIVE STREAMING AND PUBLISHING RECORDINGS OF COUNCIL
MEETINGS POLICY (cont'd)**

September 2020	October 2020	November 2020	December 2020
1,000 views	<i>No Meeting – Caretaker Period</i>	1,500 views	2,200 views

3. Financial Implications

There are no financial implications with the adoption of this policy. Council already has the equipment & technology required for live streaming.

4. Risk Management

The risks associated with live streaming and publishing of Council Meetings have been set out the policy.

5. Internal and External Consultation

The review has been completed in consultation with the General Manager Corporate, Acting Manager Governance & Risk, Senior Governance Officers, Manager Information Services & Senior Communications Advisor.

No external consultation has been conducted however research has been conducted on other Council's policies.

6. Regional Context

This is a shire wide policy which will be relevant to all Councillors, staff and individuals in attendance at Council meetings or accessing live streaming or recordings of Council Meetings.

7. Council Plan Strategy

The adoption of the Live Streaming and Publishing Recordings of Council Meetings Policy aligns with Council Plan Strategy 1 'A great place to live' and Strategy 4 'A well run Council'.

8. Legislative / Policy Implications

The review of this policy is in line with the new *Local Government Act 2020* and the temporary measures implemented under the *COVID-19 Omnibus (Emergency Measures) Act 2020*.

9. Environmental Impact

There are no environmental considerations associated with this report.

10. Conflict of Interest Considerations

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

11. Conclusion

It is recommended that Council adopt the Live Streaming and Publishing Recordings of Council Meetings Policy.

Attachments

- 1 Draft Live Streaming and Publishing Recordings of Council Meetings Policy

FILE NO: F20/196/012
4. A WELL RUN COUNCIL

ITEM NO: 10.2.5

**LIVE STREAMING AND PUBLISHING RECORDINGS OF COUNCIL
MEETINGS POLICY (cont'd)**

**ATTACHMENT No [1] - Draft Live Streaming and Publishing Recordings of Council
Meetings Policy**

**Live Streaming and Publishing
Recordings of Council Meetings Policy**



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

PURPOSE

This Policy outlines the requirements associated with the live streaming and publishing of Council Meeting recordings via Councils chosen social media platform and the Council website.

This policy informs members of the public and Councillors on the processes, the potential benefits and any mitigation action to manage the potential risks of live streaming.

OBJECTIVE

Council is committed to improving accessibility and community participation in Council Meetings. Live streaming of meetings and making recordings available on Council's website will provide greater flexibility and convenient access for residents.

This gives the community greater access to Council decisions and debate, and eliminates geographic and time barriers which may prevent the public from attending meetings in person, (while also enabling compliance with any relevant COVID-19 stay at home directions that may be in place).

SCOPE

This Policy will apply to all public Council Meetings including unscheduled and joint meetings conducted by Council. The policy does not extend to any meetings closed to the public in accordance with Section 66(2) of the *Local Government Act 2020*.

DEFINITIONS

Chairperson	Chairperson of a Council meeting, usually the Mayor.
Council	Refers to the 'Moir Shire Council'.
Council Meeting	A Council Meeting, as defined in Section 61(1) of the <i>Local Government Act 2020</i> .
Unscheduled Meeting	A meeting of the Council convened for a particular purpose that cannot be effectively dealt with in the schedule of Council meetings already set by Council, as defined in Council's <i>Governance Rules</i> .
Joint Meeting	A Joint Meeting of two or more Councils, as defined in Section 62 of the <i>Local Government Act 2020</i> .

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ITEM NO: 10.2.5

**LIVE STREAMING AND PUBLISHING RECORDINGS OF COUNCIL
MEETINGS POLICY (cont'd)**

**ATTACHMENT No [1] - Draft Live Streaming and Publishing Recordings of Council
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**Live Streaming and Publishing
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Closed Meeting	A Meeting of the Council which has been closed to members of the public under Section 66(2) of the <i>Local Government Act 2020</i> .
Electronic attendance	Attendance at a Council Meeting by video/virtual means under the requirements of the <i>COVID-19 Omnibus (Emergency Measures) Act 2020</i> .
Defamation	Intentional false communication which damages the reputation of another individual.
Privacy Breach	Unauthorised access to, or collection, use or disclosure of personal information.

POLICY

Meetings to be Streamed Live and Recorded

All public Council meetings (including unscheduled and joint meetings) will be streamed live and made available to the public via Council's chosen social media platform and via a link made available on the Council website. After the meeting the recording will be made available on Council's website. While Closed Meetings may also be recorded, these files will not be made publicly available.

Access and Storage of Files

All recordings will be available via the Council website within five business days of the meeting. Following a Council meeting, members of the public will be able to access and watch the recording via a link on Council's website. These links will remain on the website for a minimum of 12 months.

Council reserves the right not to upload or publish a recording if it is believed it may contain information that could be considered misleading, offensive and/or defamatory. Council may, from time to time, also direct staff to remove recordings or portions of recordings from the website where it considers it appropriate or advisable to do so.

Notice to the Public

At the commencement of each meeting, the Chairperson shall notify those present (including electronic attendees) that the meeting is being streamed live via social media and that the recording will be made publicly available on Council's website.

Appropriate signage will also be placed at the entrance to the meeting location notifying all attendees that the meeting will be streamed live. Notice will also be given on Council's website and printed in the meeting agenda.

Electronic attendance at Council Meetings

In response to the COVID-19 Pandemic, temporary measures have been put in place to enable Councillors to attend and participate in meetings by electronic means. Temporary amendments have been made to the *Local Government Act 2020* under the *COVID-19 Omnibus (Emergency Measures) Act 2020* to allow for electronic attendance and for meetings to be closed to the public.

These requirements are detailed under Part 12 of the *Local Government Act 2020*. Council will comply with these requirements and any subsequent amendments, until these temporary

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4. A WELL RUN COUNCIL

ITEM NO: 10.2.5

LIVE STREAMING AND PUBLISHING RECORDINGS OF COUNCIL MEETINGS POLICY (cont'd)

ATTACHMENT No [1] - Draft Live Streaming and Publishing Recordings of Council Meetings Policy

Live Streaming and Publishing Recordings of Council Meetings Policy



measures have been repealed. Electronic attendees will also be live streamed as part of the meetings.

Recording by members of the gallery

In accordance with Councils Governance Rules, a person in the gallery must not operate film, photographic, tape-recording or other equipment to reproduce sound and/or images at any Meeting without first obtaining the consent of the Chairperson.

The consent of the Chairperson may be revoked at any time during the course of a Meeting by the Chairperson stating that consent has been revoked and ordering that the recording cease.

Identified Risks and Mitigation Action

Public Council meetings are an open forum of statements, questions and answers. Occasionally, comments could be made which may be regarded as offensive, defamatory or contrary to law.

By live streaming and publishing recordings of Council meetings, the potential audience is significantly increased, which also increases the likelihood and/or severity of potential liability.

No protection will be afforded to Councillors, staff or the public for comments made during meetings which are subsequently challenged in a court of law and determined to be slanderous.

While Council may not be liable for any inaccurate or defamatory comments made by an individual at a meeting, Council will endeavour to ensure that the broadcast of these comments is terminated or excluded from the livestream where deemed appropriate.

To avoid any such occurrences:

- the Chairperson may at any time during a meeting request that a live stream and/or recording be terminated;
- the CEO or General Manager Corporate may choose to exclude part or all of any meeting recording which they deem to be inappropriate for publishing on Councils website. Material considered as inappropriate may include, but is not limited to:
 - Defamation
 - Infringement of Copyright
 - Breach of privacy / disclosure of personal information
 - Offensive behaviour including discrimination
 - Vilification or inciting hatred
 - Confidential or privileged Council information

Disclaimers

A privacy and defamation disclaimer has been developed to ensure that gallery attendees are aware of possible privacy concerns regarding the live streaming of meetings. Privacy disclaimer signage will be posted at the entrance of the meeting location to advise attendees (refer to Appendix).

The disclaimer relating to defamation will ensure Councillors are fully aware of the possible legal consequences arising from making defamatory statements and/or comments.

Privacy Disclaimer

The audio-visual recording equipment will be configured in a way which avoids coverage of the public gallery area and Council will endeavour to ensure images in this area are not streamed

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4. A WELL RUN COUNCIL

ITEM NO: 10.2.5

**LIVE STREAMING AND PUBLISHING RECORDINGS OF COUNCIL
MEETINGS POLICY (cont'd)**

**ATTACHMENT No [1] - Draft Live Streaming and Publishing Recordings of Council
Meetings Policy**

**Live Streaming and Publishing
Recordings of Council Meetings Policy**



and recorded. However, Council expressly provides no assurances to this effect and in the event a person's image is webcast, by remaining in the public gallery area it is implied that consent has been given to the Council to broadcast a person's image.

Any members of the public who address Council will be heard on the livestream, and the audio of them speaking will be recorded. Any members of the public who submit a question for a Council Meeting should be aware that their name and question will be read out during the live streaming.

Defamation Disclaimer

The opinions or statements made during the course of the Council meeting are those of the particular individuals, and are not necessarily the opinions or statements of Council. Council does not necessarily endorse or support the views, opinions, standards or information contained in the live streaming/recording of the Council meetings.

Council does not accept any responsibility for the comments made or information provided during Council meetings and does not warrant nor represent that the material or statements made during the streamed meetings are complete, reliable, accurate or free from error. The Council does not accept any responsibility or liability for any loss, damage, cost or expense a person might incur as a result of the viewing, use or reliance of information or statements provided in the live streaming/recording of Council meetings.

Termination by the Chairperson

The Chairperson has the discretion and authority at any time to direct the termination or interruption of live streaming if they believe it is advisable to do so. Directions may include but are not limited to where the content of debate is considered misleading, defamatory or potentially inappropriate to be published.

Technical Disclaimer

There may be situations where, due to technical difficulties a live stream or recording may not be available. Council takes no responsibility for and cannot be held liable for, the live streaming or the recording on Council's website being temporarily unavailable due to technical issues beyond its control.

Technical issues may include, but are not limited to, the availability of the internet connection, device failure or malfunction, unavailability of social media platforms, power outages.

Every effort will be made to notify the community if live streaming is subject to any disruptions via social media and the Council website.

RELATED LEGISLATION

Privacy and Data Protection Act 2014
Freedom of Information Act 1982
Local Government Act 2020
COVID-19 Omnibus (Emergency Measures) Act 2020
Charter of Human Rights & Responsibilities Act 2006

REFERENCES

Councillor Code of Conduct
Employee Code of Conduct
Governance Rules

FILE NO: F20/196/012
4. A WELL RUN COUNCIL

ITEM NO: 10.2.5

LIVE STREAMING AND PUBLISHING RECORDINGS OF COUNCIL MEETINGS POLICY (cont'd)

ATTACHMENT No [1] - Draft Live Streaming and Publishing Recordings of Council Meetings Policy

Live Streaming and Publishing Recordings of Council Meetings Policy



Appendix

PUBLIC GALLERY NOTICE

This public meeting is being streamed live on the internet via Moira Shire Council social media. The recording will be available after the meeting on Council's website.

All care is taken to maintain your privacy. It is not intended that members of the public will be visible in a live stream of a meeting, however as a visitor in the public gallery, your presence may be recorded. By remaining in the public gallery it is assumed your consent is given in the event your image is broadcast.

Any members of the public who address Council will be heard on the live stream, and the audio of them speaking will be recorded.

MEETING CHAIRS STATEMENT

Please note that this meeting is being livestreamed on social media in accordance with Council's Live Streaming and Publishing Recordings of Council Meetings Policy.

If the meeting is closed to the public for security reasons (e.g. COVID-19 Stay at Home measures):

Please note that this meeting is being livestreamed on Council's Social Media. This meeting cannot be attended by the public. Council appreciates your understanding.

DISCLAIMERS

Agenda Disclaimer

Recording

Consistent with section 12.3 of our Governance Rules, 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 live streamed to allow those interested to view proceedings greater access to Council decisions and debate, without attending the meeting in person (and enables residents to comply with any relevant stay at home directions - if applicable).

Technical Disclaimer (website)

There may be situations where, due to technical difficulties a live stream may not be available. Whilst every effort will be made to ensure the live streaming and website are up and running smoothly, the Moira Shire Council takes no responsibility for and cannot be held liable for, the live streaming or Council website being temporarily unavailable due to technical issues beyond its control.

Technical issues may include, but are not limited to the availability of the internet connection, device failure or malfunction, unavailability of social media platforms or power outages.

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

Cobram Administration Centre:
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Yarrawonga Service Centre:
100 Balmore Street, Yarrawonga

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moira.vic.gov.au



FILE NO: F20/196/007
4. A WELL RUN COUNCIL

ITEM NO: 10.2.6

GIFT, BENEFIT AND HOSPITALITY POLICY

RECOMMENDATION

That Council adopt the Gift, Benefit and Hospitality Policy.

1. Executive Summary

This report is seeking Council adoption of the Gift, Benefit and Hospitality Policy.

Council must adopt a Councillor Gift Policy, which must include procedures for the maintenance of the Gift Register and any other matters prescribed by the regulations, under section 138 of the *Local Government Act 2020* (Act).

This purpose of this policy is to provide clear guidance to Councillors and employees on responding to the acceptance, or otherwise, of a gift, benefit and/or hospitality from individuals or other entities external to Council.

2. Background and Options

Section 138 of the Act requires the adoption of a Councillor Gift Policy that includes procedures for the maintenance of a Gift Register and any other matters prescribed by the regulations.

This policy applies to gifts, benefits and hospitality offered to or received by a Councillor or employee, whether they were accepted or declined.

The Gift, Benefit and Hospitality Policy has been developed based on the Victorian Public Sector Commission (VPSC) Gifts, Benefits and Hospitality Policy Guide and the Department of Environment, Land, Water and Planning (DELWP) Model Policies for Agencies and Boards.

Minimum accountabilities for the appropriate management of gifts, benefits and hospitality set by the VPSC have been incorporated into this draft policy. The minimum accountabilities set out requirements if offered a gift, benefit or hospitality and the actions to undertake to monitor and report on these offers.

The purpose of this report is to seek Council adoption of the Gift, Benefit and Hospitality Policy to comply with the requirements of the Act.

3. Financial Implications

There are no financial implications associated with this report.

4. Risk Management

The draft policy addresses the mitigation of risk associated with the acceptance of gifts, benefits and hospitality. It promotes good practice and puts in place a process for recording, reporting and monitoring.

5. Internal and External Consultation

The draft policy has been developed in consultation with the Governance Team, Acting Manager Governance & Risk, Manager Organisational Development and General Manager Corporate. The draft policy has been based on the VPSC Gifts, Benefits and Hospitality Policy Guide and the DELWP Model Policies for Agencies and Boards

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GIFT, BENEFIT AND HOSPITALITY POLICY (cont'd)

6. Regional Context

There are no regional issues to consider with this report.

7. Council Plan Strategy

The development of this policy contributes to the Council Plan Strategy of 'A well Run Council'.

8. Legislative / Policy Implications

Councils must adopt a Councillor Gift Policy by 28 April 2021 to comply with requirements of section 138 of the *Local Government Act 2020*.

9. Environmental Impact

There are no environmental sustainability issues to be considered with this policy.

10. Conflict of Interest Considerations

There are no known conflict of interest considerations with this report.

11. Conclusion

It is recommended that Council adopt the Gift, Benefit and Hospitality Policy.

Attachments

- 1 Gift, Benefit and Hospitality Policy - March 2021 - draft
- 2 Gift, Benefit and Hospitality Declaration Form - March 2021 - draft

FILE NO: F20/196/007
4. A WELL RUN COUNCIL

ITEM NO: 10.2.6

GIFT, BENEFIT AND HOSPITALITY POLICY (cont'd)

ATTACHMENT No [1] - Gift, Benefit and Hospitality Policy - March 2021 - draft

Gift, Benefit and Hospitality Policy



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

PURPOSE

This policy is to provide clear guidance to Councillors and employees on responding to the acceptance, or otherwise, of gifts, benefits and hospitality from individuals or other entities external to Council.

Council must adopt a Councillor Gift Policy, which must include procedures for the maintenance of the gift register and any other matters prescribed by the regulations, under section 138 of the *Local Government Act 2020* (the **Act**).

SCOPE

This policy applies to all Councillors and employees, and gifts made to them or others as a consequence of their role.

This policy does not apply to gifts received by Councillors or candidates during the donation period of an election campaign or internal gifts received by Councillors or employees.

The Act sets out legislative requirements and Councillors and employees are responsible to familiarise themselves with the provisions contained in the Act and the requirements of this policy.

Nothing in this policy shall be construed to override the provision of the Act.

DEFINITIONS

Benefits	<p>Something which is believed to be of value to the receiver, such as a service ie. access to sporting, cultural or social events, preferential treatment, privileged access, access to discounts and loyalty programs, accommodation, pleasure or vacation trips.</p> <p>The value of benefits may be difficult to define in dollars, but as they are valued by the Councillor or employee, they may be used to influence their behaviour.</p>
Bribe	<p>A bribe is an offer of money or other inducement made with the intention to procure action, decision of preferential treatment in favour of the giver or another person.</p>

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4. A WELL RUN COUNCIL

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GIFT, BENEFIT AND HOSPITALITY POLICY (cont'd)

ATTACHMENT No [1] - Gift, Benefit and Hospitality Policy - March 2021 - draft

Gift, Benefit and Hospitality Policy



Ceremonial/Official Gifts	<p>Official gifts provided as part of the culture and practices of communities and government, within Australia or internationally. Ceremonial gifts are usually provided when conducting business with official delegates or representatives from other organisations, community or foreign government.</p> <p>Ceremonial gifts are the property of Moira Shire Council irrespective of value and should be accepted on behalf of Council. The receipt of the ceremonial gift should be recorded in the register but does not need to be published.</p>
Conflict of Interest	
<i>General conflict of interest</i>	The public or a third party could reasonably form the view that the Councillors or employees private interests could improperly influence their decisions or actions.
<i>Material conflict of interest</i>	An affected person would gain a benefit or suffer a loss depending on the outcome of the matter.
Gifts (s3 LGA)	<p>Means any disposition of property otherwise than by will made by a person to another person without consideration in money or money's worth or with inadequate consideration, including –</p> <ul style="list-style-type: none"> a) the provision of a service (other than volunteer labour); and b) the payment of an amount in respect of a guarantee; and c) the making of a payment or contribution at a fundraising function;
Gift explanation to support definition	Free or discounted items or services and any item or service that would be generally be seen by the public as a gift. These include items of high value ie. artwork, jewellery, or expensive pens, low value ie small bunch flowers, ie chocolates. Fundraising that is consistent with relevant legislations and policies is not prohibited under the minimum accountabilities.
Gift disclosure threshold	<p>A disclosable gift means one or more gifts with a total value of, or more than, \$500 or a higher prescribed amount that a relevant person received in the preceding 5 years if -</p> <ul style="list-style-type: none"> a) the relevant person was a Councillor, member of Council staff or member of delegated committee at the time the gift was received.
Hospitality	Hospitality is the friendly reception and entertainment of guests. Hospitality may range from light refreshments at a business meeting to expensive restaurant meals and sponsored travel and accommodation.
Legitimate business benefit	Gift, benefit or hospitality if it furthers the conduct of official business or other legitimate goals of Council.
Minimum accountabilities	Minimum accountabilities set by the Victorian Public Sector Commission for managing, gifts, benefits and hospitality.

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4. A WELL RUN COUNCIL

ITEM NO: 10.2.6

GIFT, BENEFIT AND HOSPITALITY POLICY (cont'd)

ATTACHMENT No [1] - Gift, Benefit and Hospitality Policy - March 2021 - draft

Gift, Benefit and Hospitality Policy



Monetary gift	Defined as cash, or a cash equivalent including any form of cheque, gift vouchers, direct deposits, lottery tickets or items which can easily converted into money.
Public register	Record of a summary of information contained in a register, for publication as required by the minimum accountabilities.
Register	Record of all declarable gifts, benefits and hospitality.
Token offer	Is of such a nature or minimal value (less than \$50) that it could not reasonably be regarded as a capable of influencing any actions or decision of the relevant person in relation to the matter. Does not create a sense of obligation in the receiver that will influence, or appear to influence, the exercise of their official duties. In the event that a gift might reasonably be perceived to influence or appear to influence the recipient, it cannot be defined as a Token Gift.
Non-token offer	Gift, benefit or hospitality that is, or may be perceived to be by the recipient, the person making the offer or by the wider community, of more than inconsequential value. All offers worth more than \$50 are non-token offers.

POLICY

Management of offers of gifts, benefits and hospitality

Councillors or employees must

- Not solicit, demand or request gifts or any personal benefit for themselves or another person by virtue of their position;
- Not accept any gift, benefit or hospitality that could influence, or reasonably be perceived to influence them in the performance of their public or professional duties;
- Not accept any gift, benefit or hospitality where they are likely to make decisions including current and prospective suppliers;
- Not accept any gift, that may adversely affect their standing as a Councillor or employee or which may bring Moira Shire Council into disrepute;
- Ensure that a person, company or organisation is not placed in a position in which they feel obliged to offer gifts, benefits or hospitality in order to secure or retain Council business;
- Avoid circumstances where the offer of a gift, benefit or hospitality could be interpreted as having been made with the objective of securing, or in return for, a favour or preference;
- Under no circumstances accept or receive a monetary benefit, supplier's goods or services at no cost or at a non-commercial discount;
- Be fully accountable and responsive for their actions and ensure that the methods they use to arrive at decision are beyond reproach, do not create a conflict of interest and can withstand audit process and proper scrutiny; and
- Report any incidences where a bribe or inducement is offered.

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4. A WELL RUN COUNCIL

ITEM NO: 10.2.6

GIFT, BENEFIT AND HOSPITALITY POLICY (cont'd)

ATTACHMENT No [1] - Gift, Benefit and Hospitality Policy - March 2021 - draft

Gift, Benefit and Hospitality Policy



Acceptance of Gifts, Benefits or Hospitality

Official Gifts

Councillors or employees may be involved in conferences or social, cultural, community, industry events where official gifts are presented or exchanged. Where it would appear to be impolite or inappropriate to decline the offer, it is reasonable for official representatives to accept official gifts on behalf of Council.

A Gift, Benefit and Hospitality Declaration Form must be completed and the gift be recorded in Councils Gift Register but does not need to be included in the Public Register.

The gift would normally be considered the property of Council and where suitable, the official gift may be displayed in an appropriate and secure location for public viewing.

Gifts of appreciation

Councillors or employees are not to accept a gift of appreciation that has a significant monetary value (more than \$50). Where such gifts are offered, the Councillor should politely refuse the offer explaining that is against the Council's policy to accept such a gift.

If such a gift is offered in an open or public or public forum and refusal would be obviously discourteous or acceptance would cause any potential perceived or conflict of interest, the gift may be accepted but it is referred to the Chief Executive Officer for a decision as to the appropriate treatment.

While one gift of \$50 or less may be considered insufficient to cause concern that the recipient is deviating from Council policy, the sum of multiple gifts may be considered sufficient to do so.

A Gift, Benefit and Hospitality Declaration Form must be completed and the gift recorded in Councils Gift Register. In the event that the gift is used for purposes other than Council purposes, a record will be made in the Register.

Hospitality

Councillors or employees in the normal course of their duties, will from time to time receive invitations of hospitality to attend various functions and events.

Where such hospitality is modest in nature and provides an opportunity to network or undertake business of a common purpose, it may be appropriate to accept such invitations. Where practical, approval should be obtained prior to the attendance.

If, however, acceptance of the hospitality is likely to create the impression of compromised impartiality of the Councillor or employee or could be perceived as a conflict of interest, the offer of hospitality should be politely declined.

Any hospitality estimated to be in excess of \$50 must be reported in the same manner as a gift.

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4. A WELL RUN COUNCIL

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GIFT, BENEFIT AND HOSPITALITY POLICY (cont'd)

ATTACHMENT No [1] - Gift, Benefit and Hospitality Policy - March 2021 - draft

Gift, Benefit and Hospitality Policy



Token Gifts

Council may accept token gifts (valued less than \$50) without approval or declaring the offer on the Gift Register, provided they do not create a real or perceived sense of obligation that may lead to a perception of preferential service.

However, should the combined total made from a single source in a 12-month calendar year exceed \$200, these gifts need to be declared.

Note: No token gifts are to be accepted from those in relation to whom the Councillor or employee acting on behalf of Council is likely to make decisions including current and prospective suppliers.

Door prizes and raffle prizes at a functions or conferences are not considered a gift if the individual has personally paid for their attendance, or where the individual has paid for the raffle ticket.

Non-token Offers

Councillors or employees can only accept non-token offers if they have a legitimate business benefit. A Gift, Benefit and Hospitality Declaration Form must be completed.

All non-token offers (valued at \$50 or more) of gifts, benefits and hospitality (whether accepted or declined) must be declared on Council's Gift Register.

Donations and Bequests of Gifts to Council

Council may be offered or bequested gifts or donations. Such gifts could include:

- Real Property
- Donations
- Art work
- Free Training & Services.

Council does not encourage and will not automatically accept a gift or donation. Given the potential of a vast range in terms of quality, relevance and the ongoing responsibility and maintenance requirements. Council reserves the right to decline the offer.

Bequests

In relation to Bequests, consideration will be given to:

- The expressed wishes and intentions of the bequestor, as outlined in the Will, are paramount in determining the purpose for which the gift will be used.
- Where Council is unable to honour the intentions of the Will, all appropriate legal measures will be taken to determine a purpose for the gift that most closely aligns to the bequestor's intentions.

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4. A WELL RUN COUNCIL

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GIFT, BENEFIT AND HOSPITALITY POLICY (cont'd)

ATTACHMENT No [1] - Gift, Benefit and Hospitality Policy - March 2021 - draft

Gift, Benefit and Hospitality Policy



Attempts to Bribe

A Councillor or employee who receives a gift offer that they believe is an attempted bribe must refuse the offer. They must:

- Immediately notify the Chief Executive Officer or the Public Interest Disclosure Coordinator and lodge a Gift, Benefit and Hospitality Declaration Form, so their refusal can be properly recorded.
- Report the matter to the Chief Executive Officer or the Public Interest Disclosure Coordinator (who should report any criminal or corrupt conduct to Victoria Police or the Independent Broad-based Anti-corruption Commission).
- A Councillor or employee who believes another person within the Council may have solicited or been offered a bribe which they have not reported, must notify the Chief Executive Officer or the Public Interest Disclosure Coordinator or report the matter as a public interest disclosure in accordance with Councils Public Interest Disclosure Policy.

G.I.F.T. Test

In deciding whether to accept an offer, Councillors or employees should first consider if the offer could be perceived as influencing them in performing their duties or lead to reputational damage. The more valuable the gift, the more likely that a conflict of interest or reputational risks exists.

Developed by the Victorian Public Sectors Commission the G.I.F.T. test is a good example of what to think about when deciding whether to accept or decline a gift, benefit or hospitality.

G	Giver	<p>Who is offering the gift, benefit or hospitality and what is their relationship to me?</p> <p>Does my role require me to select contractors, award grants, regulate industries or determine government policies? Could the person or organisation benefit from a decision I make?</p>
I	Influence	<p>Are they seeking to gain an advantage or influence my decisions or actions?</p> <p>Has the gift, benefit or hospitality been offered to me publicly or privately? Is it a courtesy or a token of appreciation or valuable non-token offer? Does its timing coincide with a decision I am about to make or my endorsement of a product or service?</p>
F	Favour	<p>Are they seeking a favour in return for the gift, benefit or hospitality?</p> <p>Has the gift, benefit or hospitality been offered honestly? Has the person or organisation made several offers over the last 12 months? Would accepting it create an obligation to return a favour?</p>
T	Trust	<p>Would accepting the gift, benefit or hospitality diminish public trust?</p> <p>How would the public view acceptance of this gift, benefit or hospitality? What would my colleagues, family, friends or associates think?</p>

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4. A WELL RUN COUNCIL

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GIFT, BENEFIT AND HOSPITALITY POLICY (cont'd)

ATTACHMENT No [1] - Gift, Benefit and Hospitality Policy - March 2021 - draft

Gift, Benefit and Hospitality Policy



Compliance

Anonymous gifts

Councillors must not accept, directly or indirectly, a gift for the benefit of the Councillor anonymously. Section 137 of the Act details the requirements if this occurs and any penalties that may apply.

Declaration Form

A Gift, Benefit and Hospitality Declaration Form must be completed within fourteen (14) days from the date it was offered, or if the gift, benefit or hospitality was offered overseas, within fourteen (14) days of returning to Australia whether the offer was accepted or declined. Once completed the form should be provided to the Governance Department for including on the gift register.

Disclosure requirements

- A Councillor must disclose any gift valued at \$500 or more in their biannual personal interest return, unless the gift is from a family member;
- A Councillor who has conflict of interest as a result of receiving a gift or gifts from an entity must disclose the conflict of interest in accordance with the procedures outlined in the Governance Rules;
- Gifts above the gift disclosure threshold that are election campaign donations must be disclosed in the election campaign donation return;
- Gifts must be disclosed in the Council Gift Register.

Breaches

Where a Councillor fails to comply with this policy, the issue shall be dealt with in the same manner as disputes arising under the Councillor Code of Conduct.

When an employee fails to comply with this policy, the issue shall be dealt with in the same manner as a breach of the Employee Code of Conduct.

Gift, Benefits and Hospitality Register

The Governance Department maintains the Gift Register for all gift declarations.

Gifts accepted or declined over \$100 will be included in the public Gift Register. The public register is a summary of gifts, benefits and hospitality received which will contain the following information:

- Recipient details
- Provider's details
- Date received
- Description
- Estimated value
- Whether the gift was retained or declined

In accordance with Moira Shire Council Public Transparency Policy, the public Gift Register will be available on Councils website.

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GIFT, BENEFIT AND HOSPITALITY POLICY (cont'd)

ATTACHMENT No [1] - Gift, Benefit and Hospitality Policy - March 2021 - draft

Gift, Benefit and Hospitality Policy



Consideration will be given to monitor the Gift Register and report six monthly to the Corporate Management Team on any identified systematic pattern of gifts offered and accepted to ensure that unacceptable cultures do not develop within sections of the Council.

A report is to be presented annually to the Audit & Risk Committee.

ATTACHMENTS

Appendix A - Gift, Benefit and Hospitality Declaration Form

RELATED LEGISLATION

Local Government Act 2020

Charter of Human Rights & Responsibilities Act 2006

Regulations

REFERENCES

Councillors Code of Conduct

Employee Code of Conduct

Fraud Prevention and Control Policy

Procurement Policy

Moirā Shire Council Governance Rules

Department Environment Land Water and Planning - Model policy

Victorian Public Sector Commission's (VPSC) Gifts Benefits and Hospitality Policy Guide

IBAC - Local Government Integrity Frameworks review – March 2019

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4. A WELL RUN COUNCIL

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GIFT, BENEFIT AND HOSPITALITY POLICY (cont'd)

ATTACHMENT No [2] - Gift, Benefit and Hospitality Declaration Form - March 2021 - draft

FORM

Gift, Benefit or Hospitality Declaration



This declaration form supports the *Gift, Benefit and Hospitality Policy*, the Councillor Code of Conduct and the *Employee Code of Conduct*. This form must be completed within 14 days from the date of offer of a gift, benefit and hospitality (whether intended to accept or decline) and the Councillor/employee must seek written approval from the CEO (for Councillors or where otherwise applicable) or relevant General Manager, to accept any offer.

The completed form is to be returned to the Governance Department governancegroup@moira.vic.gov.au.

Details of this form will be kept on Councils Gift, Benefit Hospitality Register. In accordance with Councils *Public Transparency Policy*, a summary of the register will be available on Councils website.

Collection statement

Council is collecting the personal information contained in this declaration for the administration of its Gift, Benefit & Hospitality Register. The register is available to the public on Councils website as authorised by legislation. You may access information you have provided to Council and make corrections if you believe that information is incorrect.

For further information, including Council's information privacy policy please visit our website at www.moirá.vic.gov.au.

SECTION 1 – To be completed by Councillor / Employee

Your details:

Name:	
Role:	

Details about the gift, benefit or hospitality:

Name of Donor:	
Position:	
Organisation name:	
Organisation type:	
Description of item:	
Estimated value:	
Date received:	
Reason for gift / hospitality:	

FILE NO: F20/196/007
4. A WELL RUN COUNCIL

ITEM NO: 10.2.6

GIFT, BENEFIT AND HOSPITALITY POLICY (cont'd)

ATTACHMENT No [2] - Gift, Benefit and Hospitality Declaration Form - March 2021 - draft

FORM

Gift, Benefit or Hospitality Declaration



Could accepting the offer create a general or material conflict of interest?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<i>If yes, then the offer must be declined.</i>		
Could accepting the offer bring you, the agency or the public sector into disrepute?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<i>If yes, then the offer must be declined.</i>		
Is there a legitimate business benefit to the organisation, public sector or State for accepting the offer? (Yes / No)	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<p>For example:</p> <ul style="list-style-type: none"> a) Was it offered during the course of your official duties? b) Does it relate to your official responsibilities? c) Does it have a benefit to the organisation, public sector or State? <p><i>If no, then the offer must be declined</i></p> <p><i>If yes, then the business benefit must be detailed, in accordance with the minimum accountabilities</i></p>	<p><i>Details:</i></p>	
Is the offer an official or ceremonial gift provided when conducting business with official delegates or representatives from:	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<ul style="list-style-type: none"> a) another organisation; b) the community; or c) a another government? (Yes / No) <p><i>If yes, please provide details</i></p>	<p><i>Details:</i></p>	

Councillor / Employee Declaration:

I intend to accept the offer: ☐ Yes ☐ No

Signature:	Date:
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GIFT, BENEFIT AND HOSPITALITY POLICY (cont'd)

ATTACHMENT No [2] - Gift, Benefit and Hospitality Declaration Form - March 2021 - draft

FORM

Gift, Benefit or Hospitality Declaration



SECTION 2 – To be completed by General Manager / Chief Executive Officer

I have reviewed this declaration and have determined the Gift, Benefit, Hospitality offer:

- ☐ Appropriate for acceptance.
- ☐ Inappropriate for acceptance.

If determined as appropriate for acceptance:

- ☐ I have reviewed this declaration form and, confirm that, to my knowledge, accepting this offer:
- a) does not raise a general or material conflict of interest for the individual or myself; and
 - b) will not bring the individual, myself, the organisation or the public sector into disrepute; and
 - c) will provide a clear business benefit to the organisation, the public sector or the State

Outcome:

What has been decided: <i>Insert comments below</i>	<input type="checkbox"/> Councillor / Employee will retain the gift
	<input type="checkbox"/> accept an official or ceremonial gift on behalf of the organisation
	<input type="checkbox"/> transfer ownership of the gift to the organisation
	<input type="checkbox"/> return the gift to the donor
	<input type="checkbox"/> accept and donate the gift to charity (Staff charity fundraising group)

Comments:

Name:			
Position:			
Signature:		Date:	

FILE NO:
1. A GREAT PLACE TO LIVE

ITEM NO: 10.3.1

COMMUNITY STRENGTHENING GRANTS PROGRAM - ROUND 1 - 2021

RECOMMENDATION

That Council approve 18 projects totalling \$102,716.00 as part of the 2020/21 Community Strengthening Grants Program.

1. Executive Summary

Under the new Community Strengthening Grants Policy adopted 16 September 2020, the 2020/21 Community Strengthening Grants Program has a total budget of \$227,200. Major up to \$10,000 (two rounds), Quick Response up to \$1,000 (always open) and Coronavirus Community Recovery Grants up to \$2,500 (one round). Round one Major Grants were open for applications via Smarty Grants November/December/January 2020/21.

Council received 28 applications for the round of the 2020/21 Community Strengthening Grants Program. 24 of the applications passed the pre-eligibility stage and progressed to assessment. Following assessment, 18 are recommended for funding at a total cost of \$102,716.

All Projects recommended have been considered with the additional lens necessitated by the implications of the COVID-19 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 either ineligible, require further planning, referred to a budget bid, 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.
- Maximise the benefit of Council's investment by encouraging and matching contributions and seeking other external funding to support major projects and events.

The Community Strengthening Grant programs were open for eight weeks between November and January 2021. All submissions were evaluated in accordance with the Community Strengthening Grants Policy adopted in September 2020. The assessment panel was made up of three 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).

FILE NO:
1. A GREAT PLACE TO LIVE

ITEM NO: 10.3.1

COMMUNITY STRENGTHENING GRANTS PROGRAM - ROUND 1 - 2021
(cont'd)

Summary of Applications

App's Received	Recommended	Ineligible/ Not recommended	Funding Requested from applicants recommended	Recommended Funding Amount
28	18	4 / 6	\$126,003	\$102,716

Through the 202/21 Community Strengthening Grants - Round 1 program the Assessment Panel are recommending that the following projects be funded.

Applications recommended to be funded by the panel:

Organisation Project	Project Description	Total Project Cost	Recommended Amount (requested amount if different)
Bunbartha Pony Club Portable toilet	Purchase of a portable toilet on single toilet trailer for use at Kaarimba Racecourse and Recreation Reserve. Available for use by other community groups.	\$5,461.50	<i>Requested</i> \$5,461.50 <i>Recommended</i> \$2,731
Assessment Panel comments: Supports family friendly events, provides community and members with a portable clean, hygienic access to a toilet facility. Recommend a compostable toilet.			
Waaia Cricket Club Cricket pitch mower and scarifier	Purchase of pitch mower and scarifier to maintain cricket pitch.	\$5,818	\$2,900
Assessment Panel comments: Good co-contribution, existing mower is 25 years old therefore reasonable request.			
Moir Miniature Railway Furnishing of meeting room	Purchase of furnishing and equipment for new meeting room in Wunghnu. Available for use by all local community groups.	\$6,728	\$3,914
Assessment Panel comments: Proactive community group who support community connection. Available for use/access by all community groups. Good co-contribution.			
Cobram Community House Growing a Healthy Future: the Cobram Community Garden Project	Promotion/support of the Grow Your Own Health Community Garden Project. Purchase of gardening tools, promotion, signage, garden furniture, paving, plumbing and raised garden beds for disability access. Located at Cobram Showgrounds.	\$6,996	\$6,246
Assessment Panel comments: Aligns with Moira Shire Public Wellbeing Strategy.			
Numurkah Singers Club Cladding and insulation of Numurkah Singers shed	Purchase and installation of insulation and cladding for the Numurkah Singers Shed. Space available for use by all community groups.	\$18,330	\$10,000
Assessment Panel comments: Group has delivered strong programs in the past, great initiative, will enable them to deliver a broader range of activities and programs to the community.			

FILE NO:
1. A GREAT PLACE TO LIVE

ITEM NO: 10.3.1

COMMUNITY STRENGTHENING GRANTS PROGRAM - ROUND 1 - 2021
(cont'd)

Cobram Bowling Club Refurbishment of external toilet block	Refurbishment of the external bathrooms, current external bathrooms are run down.	\$17,700	\$10,000
Assessment Panel comments: Budget seems reasonable, approx. 50% being sought. Facility has a high usage rate.			
Nathalia Go Cart Club Maintenance of Go Cart Reserve	Purchase of a tractor to support the maintenance of the Nathalia Go Cart Track and ensure fire safety regulations are met.	\$9,800	<i>Requested</i> \$9,800 <i>Recommended</i> \$4,900
Assessment Panel comments: Equipment needed for fire safety. No capacity to self-fund the project is seen. As per guidelines will fund 50%.			
Nathalia & District Historical Society Inc. (NDHS) Support for researching your family tree.	Purchase and installation of split system and blinds workstations at the Muntz Room at the Nathalia Historical Precinct. To support people to access the genealogical research information.	\$7,046	\$4,000
Assessment Panel comments: Applicant delivers a number of community services through the historical society venue. The research room is in need of upgrading to support service delivery.			
Numurkah Toy Library Sensory Toy Acquisition Program	Purchase of sensory based toys in the Numurkah Toy Library to meet the needs of all children, and provide affordable access to families.	\$5,250	\$4,000
Assessment Panel comments: Great initiative which provides additional service to the community.			
Tungamah Police and Community Youth Club Tungamah PCYC Flooring upgrade	Purchase and installation of quality rubber mat gym flooring.	\$3,000	\$3,000
Assessment Panel comments: Supports health and wellbeing in the community.			
Victorian Skateboard Association (VSA) Moira Skateboarding Curriculum	Funding to recruit and train three skateboarding coaches who will deliver 16 All Aboard Skateboarding events across the Moira Shire.	\$12,112	\$10,000
Assessment Panel comments: Good application, strong stakeholder support. Ongoing benefits and promotes use of existing council facilities.			
Yarrawonga Football Netball Club (YFNC) Works to improve venue safety and usage	Purchase and installation of shade, fencing, drainage and seating.	\$30,000	\$10,000
Assessment Panel comments: Significant co-contribution. Drainage requires approval from infrastructure. Recommendation for grant funds to go towards shade, fencing and seating only.			
Cobram Barooga Canoe Club Making paddling accessible for all	Purchasing of a double outrigger canoe to remove barriers to participation and promote inclusiveness.	\$9,662	\$4,432

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COMMUNITY STRENGTHENING GRANTS PROGRAM - ROUND 1 - 2021
(cont'd)

Yarrawonga Community Garden Club Fruit Fly Protection and Community Toilet	Erect and cover with netting a timber framework over the club's fruit trees and to install a self-contained, disabled access, pre-fab toilet.	\$15,000	<i>Requested</i> \$10,000 <i>Recommended</i> \$5093
Assessment Panel comments: Fruit fly protection aligns with Moira Shire 'No Flies on Us' Project. Toilet not recommended for funding, speak to group about more permanent solution.			
Cobram Football Netball Club Tiered Seating	Purchase and installation of seating for participants and spectators who use Scotts Recreation Reserve.	\$12,870	<i>Requested</i> \$10,000 <i>Recommended</i> \$5000
Assessment Panel comments: Community need well established. Fund 50% of project as two applications submitted.			
Cobram Football Netball Club Lighting Tower Upgrade	Replacement and repairs to tower lights that are not working and need replacement.	\$10,780	<i>Requested</i> \$10,000 <i>Recommended</i> \$5000
Assessment Panel comments: Replacements/repairs will provide environmental and energy benefits. Fund 50% of project as two applications submitted.			
Invergordon Cricket Club Recreation Reserve Mower	Purchase of a mower to support the ongoing maintenance and preparation for competitions.	\$12,000	\$6,000
Assessment Panel comments: Strong application, supports ongoing maintenance of existing facility.			
Assessment Panel comments: Excellent application with good co-contribution. Project directly addresses participation issues. Supports community engagement.			
PARKRUN INC (t/as parkrun Australia) Nathalia Parkrun	To provide access to a free, timed 5km group walk, jog or run every weekend in Nathalia.	\$42,280	\$5,500
Assessment Panel comments: Historically popular event, promotes local health and well-being.			

Grant Summary:

The panel recommends that the above 18 projects totalling \$102,716 are funded under the Community Strengthening Grants.

As general rule, projects scoring less than 9 out of 25 are not recommended by the panel. Projects that have not been recommended by the panel have been poorly written and provide insufficient detail to justify the application, or have been referred to another means of funding more suitable to the application, i.e. a Budget bid Proposal. Council officers will make an active effort to meet with these applicants to work through their projects and encourage an application to be made.

3. Financial Implications

A total of \$102,716 is recommended by the grants review panel to be allocated to 18 community projects and events.

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COMMUNITY STRENGTHENING GRANTS PROGRAM - ROUND 1 - 2021
(cont'd)

4. Risk Management

The Community Strengthening Grants Program address 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 including OH&S 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:

- Grants Officer - Infrastructure
- Team Leader Arts and Culture
- Manager Sustainability

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

The Goulburn Valley Library Service and Neighborhood Houses provided support to applicants with the online application process; computer and internet access; and technical support with the SmartyGrants program.

6. Regional Context

18 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

Applications were assessed in accordance with 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 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.

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COMMUNITY STRENGTHENING GRANTS PROGRAM - ROUND 1 - 2021
(cont'd)

11. Conclusion

Following the assessments, the panel recommends funding 18 project (total value of \$102,716) through this round of the Community Strengthening Grants.

Attachments

- 1 Community Strengthening Grants Guidelines

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COMMUNITY STRENGTHENING GRANTS PROGRAM - ROUND 1 - 2021
(cont'd)

ATTACHMENT No [1] - Community Strengthening Grants Guidelines



Community Strengthening Grants Guidelines

Updated September 2020

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COMMUNITY STRENGTHENING GRANTS PROGRAM - ROUND 1 - 2021 (cont'd)

ATTACHMENT No [1] - Community Strengthening Grants Guidelines

1. Governance and Structure

1.1 Introduction

This document has been prepared to assist community groups in preparing an application for the Moira Shire Council's Community Strengthening Grants Program.

Council is a major provider of funding for community groups. In addition, it supports community organisations indirectly through a variety of other methods including the provision of buildings, maintenance and planning advice. Assistance and staff input is provided through various committee structures, the total cost of this is significant. It is recognised that the grants program is an important component of Council's support for the community.

Please note this information is specifically provided for the Community Strengthening Grants Program.

1.2 Program Owner

Moira Shire Council Community Strengthening Program is funded by Council, and managed by the Community Development Department.

1.3 Target Groups

The program is of particular interest to community organisations who are seeking funding for projects and/or events.

1.4 Overall Purpose

The overall purpose of the grants program is to provide a funding scheme that strengthens the involvement of community organisations in the development of services, management of facilities, events, arts and culture, tourism, promotion of health, supply of equipment, promotion of environmental sustainability and infrastructure in the community. Council recognises the economic, socio-cultural and health benefits projects and events can bring to Moira Shire and its communities.

1.5 Grant Categories

Funding will be allocated under the following categories. Council retains the right to vary the amounts granted.

As required, Council may release focused grant programs. These will be advertised through our regular channels.

Quick Response Grants

Up to \$1,000 open round

These grants aim to provide community organisations a responsive opportunity to apply for funding for small projects or events that will occur within 3 months of the application.

Major Grants

Up to \$10,000 - Two rounds per annum

These grants aim to provide community organisations an opportunity to apply for funding through the following streams:

- Arts and Culture
- Community Events
- Equipment
- Environmental Sustainability
- Health Promotion
- Infrastructure
- Tourism (must attract visitors from outside of the Shire)

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COMMUNITY STRENGTHENING GRANTS PROGRAM - ROUND 1 - 2021 (cont'd)

ATTACHMENT No [1] - Community Strengthening Grants Guidelines

1.6 Grant Aims

Through the different grant categories, the program seeks 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 Economic Development Strategy, Wellbeing for all Ages Strategy, Environmental Sustainability Strategy, and Arts and Culture Strategy.
- Maximise the benefit of Council's investment by encouraging and matching contributions and seeking of other external funding to support major projects and events.

1.7 Responsible Officers

The following people will perform identified roles in the management and coordination of the Community Strengthening Grants Program:

Job Title	Role in Program
Manager Community Development	Manager of program
Team Leader Business Support	Leader of program
Administration Support Officer	Administrator of program
Community Development and Economic Development Officers	Project supports and sponsors

1.8 Eligibility

For Community Organisations to be eligible for a Community Strengthening Grant they must:

- Be committed to providing direct benefits to residents in Moira Shire. Please note, Council may consider funding events held outside of Moira Shire, particularly in the two cross-border communities of Cobram-Barooga and Yarrawonga-Mulwala, where economic benefit to Moira Shire can be demonstrated.
- Be an incorporated 'not for profit' community organisation with open membership to residents in Moira Shire.
- Have an Australian Business Number (ABN) or have a community organisation who is willing to auspice the application and accept responsibility for the administration of the grant.
- Hold adequate public liability insurance to cover the project or event as applicable.
- Not have their own grant giving program or fundraising program that provides money to finance other organisation's community initiatives.
- Have satisfactorily accounted to Council for the expenditure of any previous Council grants.
- Have not received funding under the same grant category in the same financial year.
- Comply with all relevant Local Laws, Australian and Victorian legislation, including but not limited to:
 - Accounting and auditing requirements;
 - Equal opportunity and anti-discrimination laws;
 - Human rights laws;
 - Disability;
 - Occupational Health and Safety;
 - Privacy, confidentiality and freedom of information laws;
 - Registration or accreditation of professional employees;
 - Preparation and dissemination of annual reports.
- Have relevant management plans in place, including:
 - Risk
 - Project
 - Event
 - Financial

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COMMUNITY STRENGTHENING GRANTS PROGRAM - ROUND 1 - 2021 (cont'd)

ATTACHMENT No [1] - Community Strengthening Grants Guidelines

1.9 Funding Exclusions

The following will not be funded:

- Individuals and private profit-making organisations.
- Requests that are considered by Council to be the funding responsibility of other levels of Government (state or Federal government agencies).
- Applications from Primary or Secondary Schools (Council encourages partnerships between Schools and community organisations, whereby the community organisation is the applicant).
- Committees of Council (Council encourage applications from user groups).
- Community organisations that:
 - Are in debt to Council and are not meeting the agreed repayment arrangements.
 - Receive funding from other areas of council; except where funding is proposed for a different purpose.
 - Receive direct income from electronic gaming machines.
- Have been non-compliant with Local Laws and or state or federal legislation over the preceding year.
- Projects or Events that:
 - Have demonstrated self-sufficiency by running at a profit that is not reinvested back into the community organisation or their next event.
 - Have been, or are being, funded by other parts of Council; except where funding is proposed for a different purpose.
 - Have already started or have been completed (no retrospective funding).
 - Are run by (or involved with) political or religious groups seeking to promote core beliefs.
 - Are a clear duplication of existing services.
 - Are not open to the general public.
 - Are for interstate or overseas travel.
 - Are for operational expenses.
 - Are for funding of prizes, sponsorships, donations or gifts.
 - Will have a negative impact on the environment.

All applicants must complete the online application form and supply requested supporting documentation.

1.10 Promotion

The program will be promoted via the following methods:

- Council website www.molra.vic.gov.au.
- Moira Shire Council Facebook page.
- Media releases and advertisements in local papers.

1.11 Smarty Grants

Smarty Grants is an online grant administration system. It provides an easy way for grant applicants to complete their application form online. Some of the features of Smarty Grants are:

- You can save your progress and return to complete your application at a later time or date.
- Your application is stored online, therefore there is nothing for you to save to your own computer and; you can be certain that the grant maker has received your application when you submit.

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COMMUNITY STRENGTHENING GRANTS PROGRAM - ROUND 1 - 2021 (cont'd)

ATTACHMENT No [1] - Community Strengthening Grants Guidelines

2. Application Process

2.1 Application Process

Eligible community organisations can apply for a grant by completing an online application form via Smarty Grants. The website is <https://manage.smartygrants.com.au>. If you are a first time user of Smarty Grants you will need to register.

We suggest you use an organisational email address to register to ensure all your grant applications are in one place and can be accessed over time by relevant committee members.

2.2 Application Support

It is important to Moira Shire Council that applicants are able to submit a well thought through and well developed application that answers all compliance questions, addresses all criteria and provides the evidence and support documentation required.

If you are after some further guidance on how to complete an application form, Council offer one on one sessions to assist. Please contact the Community Development Department on 5871 9222 to book an appointment.

Local libraries and Community Houses are able to provide access to a computer and internet for grant applicants to work on their applications. Staff can also provide applicant assistance if required (by appointment only). Please contact the service to make an appointment if you are interested:

Library details are as below:
Tel: 1300 374 765

Cobram Library

14 Punt Road, Cobram

Yarrawonga Library

26-30 Belmore Street, Yarrawonga

Nathalia Library

75 Blake Street, Nathalia

Numurkah Library

Cnr Quinn & McCaskill Street, Numurkah

Cobram Community House

43 Punt Road, Cobram
Tel: 5872 2224

Yarrawonga Neighbourhood House

1 Hargrave Court, Yarrawonga
Tel: 5744 3911

Nathalia Community House

17 Harcourt Street, Nathalia
Tel: 5866 2449

Numurkah Community Learning Centre

99 Melville Street, Numurkah
Tel: 5862 2249

2.3 Application General Conditions

The following information is designed to guide applicants in preparing and submitting their applications. Adhering to these conditions is compulsory. Please read carefully, as failure to comply with these conditions may have a negative impact on the assessment of the application.

- Applications must be made via Smarty Grants.
- Funded projects and/or events must be for a specific project and/or event and have a defined operating period. Funding cannot be used for any other purpose without prior consultation and agreement by Council.
- Applicants must indicate all other sources of funding they have sought and/or received in relation to the project and/or event in their application.
- Each Community Organisation must provide copies of the previous years Financial Statements.
- Applicants are to contribute an amount which Council believes adequate based on the type of project, their financial position and their ability to secure alternative funding. Subject to this the degree of contribution will be considered in the assessment process.

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COMMUNITY STRENGTHENING GRANTS PROGRAM - ROUND 1 - 2021
(cont'd)

ATTACHMENT No [1] - Community Strengthening Grants Guidelines

- f. Groups that receive a grant must sign the Terms and Conditions of Grant before they are eligible to receive the allocated funds.
- g. A Completion Report (including all receipts for money expended) must be submitted at the completion of the project and/or event. A Progress Report is to be submitted for Major grant applications.
- h. Applications for portable objects must have a minimum cash contribution of 50 per cent of the total cost of the project and/or event. For the purpose of this application, mobile objects are considered to be items that can be easily taken, driven, lost or stolen and that do not have a permanent fixed position.
- i. The Community Strengthening Grants are made on the basis of a one off payment and no ongoing commitment by Council is implied.
- j. Grant monies must be accounted for separately within the organisations records and any unspent funds must be returned to Council.
- k. If the project and/or event is discontinued within 12 months from receipt of the grant, all unspent funds must be returned to Council and/or approval to reuse the funds must be negotiated with the Manager Community Development.
- l. Council will look favourably at applications which show consideration for availability of water, shade and healthy food and drink choices at events along with smoke and alcohol free zones.

2.4 Assessment Criteria

Assessment Criteria is directly based on that outlined in the Community Strengthening Grants Policy.

The Assessment Panel is made up of relevant Officers and Independent Council Officers.

The Assessment Panel will conduct the initial assessment of the grant applications, with endorsement from Council. Allocation of grant funding is not guaranteed and will depend upon how well applications meet the assessment criteria, the number and quality of applications received, funds held by the community organisations, and the amount available in Council's budget.

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COMMUNITY STRENGTHENING GRANTS PROGRAM - ROUND 1 - 2021 (cont'd)

ATTACHMENT No [1] - Community Strengthening Grants Guidelines

3. Awarding Grants

3.1 Assessment

Applications will initially be assessed by relevant Council Officers, with a report and recommendation submitted to the Ordinary Council meeting. The assessment will be carried out as outlined below:

1. Applications will be first assessed to ensure they meet eligibility criteria.

2. Applications will then be assessed by the Assessment Panel against the programs assessment criteria. Applicants may be requested to provide additional supporting information considered appropriate.

3. A Council report will be prepared for consideration and determination.

4. Successful and unsuccessful applicants will be notified of the decision immediately after the Council Meeting.

As stated above, the Assessment Panel will conduct the initial assessment of the grant applications with the final decision being made by Council.

Council reserves the right to offer less funding than requested, if it believes that the project or event can still proceed with a greater contribution from the applicant. Bank balance, equity and other funding opportunities are also taken into consideration during the assessment of applications.

3.2 Notification Process

Notification of successful and unsuccessful applications will take place immediately following the Council Meeting.

Successful applicants will be notified by:

- Email notification via Smarty Grants.

Unsuccessful applicants will be notified by:

- Initial email via Smarty Grants including details of Contact Officer to discuss the application and provide feedback.

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COMMUNITY STRENGTHENING GRANTS PROGRAM - ROUND 1 - 2021
(cont'd)

ATTACHMENT No [1] - Community Strengthening Grants Guidelines

4. Managing Grants

4.1 Funding Contract

Successful applicants will be required to enter a Funding Contract with Council by completing Terms and Conditions and Appendices.

4.2 Payment Arrangements

The payment process for the Community Strengthening Grants program is as follows:

- Payments are made by Council on receipt of the completed Terms and Conditions and Appendices.
- Payments will be made electronically or via cheque.

4.3 Application of GST to Funding

The imposition of the Goods and Services Tax (GST) applies to some funding submissions. In order for Council to comply, the following approach will be taken so that no applicant will be worse off:

- a. Successful applicants must have an Australian Business Number (ABN) to apply or be auspiced by a group / organisation that has an ABN.
- b. Applicants who are registered for GST must provide their GST details. Applicants that have applied for an ABN or for GST registration but have not yet received confirmation must state so on the form. Successful applicants will be required to provide completed details before funding can be paid.
- c. The Council will determine if the funding is considered a taxable supply for GST purposes and add GST to the funding if those conditions (set by the ATO) are met.
- d. If GST is added to the funding submission, applicants that are registered for GST will be required to report the funding on their BAS statement. Applicants that are not registered for GST will not be required to take any further action.

4.4 Terms and Conditions of Grant

If successful in this funding round, applicants will be subject to the following conditions:

1. The Grant must be used solely for the project and/or event as detailed in the Application Form.
2. The Grant will be paid in full when Council receives all of the required documentation.
3. A Progress Report on the status of the project and/or event is required by the date nominated in the Terms and Conditions signed by successful applicants.
4. The Completion Report must be signed off by the Grantee's appointed Project Sponsor.
5. The Grantee shall satisfactorily complete the project and/or event by the date nominated in the Terms and Conditions signed by successful applicants.
6. The Grantee must ensure that Moira Shire's contribution to the project and/or event is acknowledged on promotional materials, media reports and/or by appropriate signage.
7. The Grant is made on the basis that the Grantee provides a financial contribution to the project and/or event. If the funded project and/or event is of a mobile nature, the contribution must be 50 per cent cash.
8. The Grant recipient must advise Council immediately if the project and/or event is terminated. If a termination occurs, Council will request the refund of whole or part of the Grant previously paid to the Grantee.
9. The Grantee shall advise Council if the project and/or event is completed for less than the project and/or event total cost as set out in the Application Form. In such cases the Grant may be reduced on a pro rata basis.

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COMMUNITY STRENGTHENING GRANTS PROGRAM - ROUND 1 - 2021
(cont'd)

ATTACHMENT No [1] - Community Strengthening Grants Guidelines

10. Upon reasonable notice, the Grantee shall permit a Council Officer access to accounting records relating to the project and/or event and where relevant, to inspect any project and/or event site, works and/or equipment.
11. Any variations to the conditions of the Grant (as detailed in the Application Form) must be in writing and signed by both parties. Variations are subject to approval by Council. Council reserves the right to deny any variations.
12. If any Grant conditions are breached, or if Council is of the reasonable opinion that the project and/or event is not proceeding satisfactorily, Council may withhold payment to be made under this Grant and/or require the repayment to Council of the amount determined.
13. Council reserves the right to publicise the benefits accruing as a result of the provision of this Grant.
14. Council has the right to issue a mutually agreed media release regarding the project and/or event.
15. Council must include the name of the Grantee and the amount of the Grant in its annual report.
16. The Grantee shall comply with all Acts and Legislation inclusive of but not restricted to:
 - *Equal Employment Opportunity Act 2010*;
 - *Disability Discrimination Act 1992 (C'wealth)*;
 - *Occupational Health & Safety Act 2004*.
17. The Grantee shall engage where and when required, suitably qualified trades persons to complete works requiring certification.
18. The Grantee shall ensure that their funded project and/or event and all contractors/employees have appropriate insurance coverage.
19. The Grantee must obtain any necessary permits (for example – building, planning) and thereafter comply with the requirements of such permits.
20. Should the Grantee not commence the project and/or event by the nominated date in the returned Terms and Conditions document, the Grant may be terminated at the discretion of Council and the funds requested to be returned to Council.
21. The Grantee will sign and return the Terms and Conditions document by the date nominated.

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COMMUNITY STRENGTHENING GRANTS PROGRAM - ROUND 1 - 2021
(cont'd)

ATTACHMENT No [1] - Community Strengthening Grants Guidelines

5. Review and Evaluation

5.1 Reporting and Monitoring

The reporting arrangements for this program vary between grants. Reports are to be submitted as per the time frames identified in the successful applicant's administration package.

Grant	Reporting Requirements
Quick Response Grants	Completion Report
Major Grants	Progress Report Completion Report

All reports will need to be signed off by the Project Applicant and Council.

5.2 Feedback

In order to continually improve the manner of grant allocation, feedback from the community regarding the criteria, timing and targeting of these grants is encouraged.

Any comments regarding these matters should be directed to:

Manager Community Development
Moirā Shire Council
PO Box 578, Cobram VIC 3644

or via email grants@moira.vic.gov.au

FILE NO: C041/20
4. A WELL RUN COUNCIL

ITEM NO: 10.3.2

C041/20 - ROADSIDE WEED AND RABBIT CONTROL PANEL

RECOMMENDATION

That Council:

1. Award Panel Contract C041/20 Roadside Weed and Rabbit Control Panel to:
 - Tom McLoughlan Contracting Pty Ltd t/a TMC Enviro; and
 - AS & DM Knowles Pty Ltd t/a Greenacres Land Management
2. Appoint Squire Agricultural Services Pty Ltd as a preferred tenderer for contract C041/20 Roadside Weed and Rabbit Control Panel and authorise the Chief Executive Officer to undertake negotiations to achieve a best value outcome.
3. Authorise the Chief Executive Officer to sign and seal the contract documents.

1. Executive Summary

Moirā Shire Council invites submissions to create a panel of contractors to assist in meeting our obligations under the *Catchment and Land Protection Act 1994* (the Act).

After consideration of the submissions, including price and specification requirements, the evaluation panel recommends that 2 tenderers be awarded and 1 be appointed as preferred tenderer to Panel Contract C041/20. Please refer to Appendix A for further information.

2. Background and Options

This contract is to replace contract C035/15 which is due to expire on 3 April 2021.

As a landholder or land manager under Section 20 of the Act, Council must take all reasonable steps to:

- eradicate regionally prohibited weeds;
- prevent the growth and spread of regionally controlled weeds; and
- prevent the spread of, and as far as possible eradicate, established pest animals.

The Contract will be for a Schedule of Rates and commence on the 4 April 2021.

The Contract will be for an initial term of 3 years with the provision to extend in 12 monthly increments to a maximum contract period of 5 years (3+1+1).

Date of Public Notice

Paper	Date
The Border Mail	16 January 2021
Shepparton News	19 January 2021
Cobram Courier	20 January 2021
Numurkah Leader	20 January 2021
Yarrawonga Chronicle	20 January 2021
TenderSearch	16 January 2021

Submissions closed 10 February 2021.

FILE NO: C041/20
4. A WELL RUN COUNCIL

ITEM NO: 10.3.2

C041/20 - ROADSIDE WEED AND RABBIT CONTROL PANEL (cont'd)

Receipt of Tenders

A total of 3 submissions were received.

Supervision

Superintendent: Manager Sustainability

Superintendent Representative: Environmental Sustainability Officer

Panel Membership

Staff in the following positions independently evaluated the submissions:

- Manager Sustainability
- Environmental Sustainability Officer
- Team Leader Waste Management

The Procurement Coordinator moderated the tender evaluation.

Tender Evaluation

The following evaluation criteria and weightings were used:

Evaluation Criteria	Evaluation Weighting
Price	30%
Track Record	20%
Skills and Resources	20%
Compliance with Specification	10%
Contribution to Local Economy	10%
Management of Schedules	10%

Non-conforming tenders

No tender was considered to be non-conforming.

3. Financial Implications

Engaging contractors from the panel is funded within departmental operational budgets.

4. Risk Management

Tenderers addressed risk management issues as part of the tender. Additional risks will be assessed on an individual project basis.

5. Internal and External Consultation

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

The Environmental Sustainability Officer, Manager Sustainability and General Manager Community approved the tender documentation.

FILE NO: C041/20
4. A WELL RUN COUNCIL

ITEM NO: 10.3.2

C041/20 - ROADSIDE WEED AND RABBIT CONTROL PANEL (cont'd)

6. Regional Context

A 10% weighting based on a tenderer's contribution to the local economy is applied to the evaluation.

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 section 186 of the *Local Government Act 1989* and Council's adopted Procurement Policy.

9. Environmental Impact

There were no environmental implications relating to the tender process. Environmental risks will be assessed on an individual project basis.

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 and specification requirements, the evaluation panel recommends that 2 tenderers be awarded and 1 be appointed as preferred tenderer to Panel Contract C041/20.

Attachments

- 1 APPENDIX A - C041/20 Roadside Weed and Rabbit Panel - Tender Evaluation Report (Confidential) - *printed in separate document*

FILE NO: C043/20
4. A WELL RUN COUNCIL

ITEM NO: 10.4.1

C043/20 - PROVISION FOR AFTER HOUR RANGER SERVICES

RECOMMENDATION

That Council:

1. Award the contract for C043/20 Provision for After Hour Ranger Services to 4Site Australia Pty Ltd.
2. Authorise the Chief Executive Officer to sign and seal the contract documents.

1. Executive Summary

Moirā Shire Council invited submissions to provide an After Hour Ranger Call Centre and response service.

After consideration of the submission, the evaluation panel recommends that contract C043/20 be awarded to 4Site Australia Pty Ltd.

Background and Options

This contract is to replace C018/18 which is due to expire on 6 June 2021.

The service is to provide:

1. A Call Centre response to after hours calls
2. Response to stock on road callouts
3. Attendance to reports of serious dog attacks.

This is a Schedule of Rates contract and will commence of the 7 June 2021.

The Contract will be for an initial term of 3 years with the provision to extend in 12 monthly increments to a maximum contract period of 5 years (3+1+1).

Date of Public Notice

Paper	Date
The Border Mail	16 January 2021
Shepparton News	19 January 2021
Cobram Courier	20 January 2021
Numurkah Leader	20 January 2021
Yarrawonga Chronicle	20 January 2021
TenderSearch	16 January 2021

Submissions closed 10 February 2021.

Receipt of Tenders

Only the one submission was received which was from the current service provider.

Supervision

Superintendent: Manager Building, Safety and Amenity

Superintendent Representative: Safety and Amenity Coordinator

FILE NO: C043/20
4. A WELL RUN COUNCIL

ITEM NO: 10.4.1

C043/20 - PROVISION FOR AFTER HOUR RANGER SERVICES (cont'd)

Panel Membership

Staff in the following positions independently evaluated the submissions:

- Manager Building, Safety and Amenity
- Safety and Amenity Coordinator
- Safety and Amenity Technical 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	25%
Track Record	20%
Compliance with Specification	15%
Skills and Resources	15%
Management of Schedules	15%
Contribution to Local Economy	10%

Please refer to Appendix A for further information.

Financial Implications

The recommendation is within the approved budget.

Risk Management

Risk management issues were addressed as part of the tender, additional risks will be assessed on an ongoing basis.

2. Internal and External Consultation

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

The Safety and Amenity Coordinator, Manager Building, Safety and Amenity and General Manager Infrastructure approved the tender documentation.

3. Regional Context

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

4.

FILE NO: C043/20
4. A WELL RUN COUNCIL

ITEM NO: 10.4.1

C043/20 - PROVISION FOR AFTER HOUR RANGER SERVICES (cont'd)

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.

5. Legislative / Policy Implications

The tender process was undertaken in accordance with the requirements of the section 186 of the *Local Government Act 1989* and Council's adopted Procurement Policy.

6. Environmental Impact

There were no environmental implications relating to the tender process. Environmental risks will be assessed on an individual call out basis.

7. Conflict of Interest Considerations

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

8. Conclusion

The recommendation is to award contract C043/20 to 4Site Australia Pty Ltd.

Attachments

- 1 APPENDIX A - C043/20 Provision for After Hours Ranger Services - Evaluation Summary (Confidential) - *printed in separate document*

FILE NO: C028/20
4. A WELL RUN COUNCIL

ITEM NO: 10.4.2

**C028/20 - SUPPLY AND DELIVERY OF PLAYGROUND SOFT FALL MULCH
PANEL**

RECOMMENDATION

That Council:

1. Award panel contract C028/20 Supply and Delivery of Playground Soft Fall Mulch Panel to:
 1. Aztec Industries Pty Ltd; and
 2. Enviro Culture Services Pty Ltd
2. Appoint Ecodynamics Services Pty Ltd as a preferred tenderer for contract C028/20 Supply and Delivery of Playground Soft Fall Mulch Panel and authorise the Chief Executive Officer to undertake negotiations to achieve a best value outcome.
3. Authorise the Chief Executive Officer to sign and seal the contract documents.

1. Executive Summary

Moirā Shire Council invited submissions to create a panel for the supply, delivery and installation of playground soft fall mulch to top up the playground surfaces to the required height.

After consideration of the submissions, including price and specification requirements, the evaluation panel recommends that 2 tenderers be awarded and 1 be appointed as preferred tenderer to panel contract C028/20. Please refer to Appendix A for further information.

2. Background and Options

Council maintain up to 70 playgrounds and outdoor exercise stations, located in parks recreation reserves, showgrounds, childcare centres and pool grounds. Soft fall mulch is the main playground surface and is required to be maintained to a certain height in order to comply with the applicable Australian Standards.

The contract will be a Schedule of Rates for supply, delivery and installation.

The contract will be for a 3 year term with no provision to extend, and will commence on the date of contract execution.

Date of Public Notice

Paper	Date
The Age	16 January 2021
The Border Mail	16 January 2021
Shepparton News	19 January 2021
Cobram Courier	20 January 2021
Numurkah Leader	20 January 2021
Yarrawonga Chronicle	20 January 2021
TenderSearch	16 January 2021

FILE NO: C028/20
4. A WELL RUN COUNCIL

ITEM NO: 10.4.2

**C028/20 - SUPPLY AND DELIVERY OF PLAYGROUND SOFT FALL MULCH
PANEL (cont'd)**

Submissions closed 10 February 2021.

Receipt of Tenders

A total of 3 submissions were received.

Supervision

Superintendent: Superintendent Parks and Town Maintenance

Superintendent Representative: Project Coordinator

Panel Membership

Staff in the following positions independently evaluated the submissions:

- Manager Operations
- Superintendent Parks and Town Maintenance
- Project Coordinator

The Procurement Coordinator moderated the tender evaluation.

Tender Evaluation

The following evaluation criteria and weightings were used:

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

An 80% cut off score was applied to the evaluation.

Non-conforming tenders

No tender was considered to be non-conforming.

3. Financial Implications

Engaging contractors from the panel is funded within departmental operational budgets.

4. Risk Management

Tenderers addressed risk management issues as part of the tender. Additional risks will be assessed on an individual project basis.

5. Internal and External Consultation

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

The Project Coordinator, Superintendent Parks and Town Maintenance, Manager Operations and General Manager Infrastructure approved the tender documentation.

FILE NO: C028/20
4. A WELL RUN COUNCIL

ITEM NO: 10.4.2

**C028/20 - SUPPLY AND DELIVERY OF PLAYGROUND SOFT FALL MULCH
PANEL (cont'd)**

6. Regional Context

A 10% weighting based on a tenderer's contribution to the local economy is applied to the evaluation.

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 meets 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 section 186 of the *Local Government Act 1989* and Council's adopted Procurement Policy.

9. Environmental Impact

There were no environmental implications relating to the tender process. Environmental risks will be assessed on an individual project basis.

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 and specification requirements, the evaluation panel recommends that 2 tenderers be awarded and 1 be appointed as preferred tenderer to panel Contract C028/20.

Attachments

- 1 C028/20 - Playground Soft Fall Mulch Panel - APPENDIX A (Confidential) - *printed in separate document*

FILE NO: F21/6
4. A WELL RUN COUNCIL

ITEM NO: 10.4.3

ROAD MANAGEMENT PLAN REVIEW

RECOMMENDATION

That Council:

1. Accept the draft amendments to the Council's Road Management Plan and the Road Management Plan Review Report
2. Authorise the Chief Executive Officer to:
 - (a) give public notice of the preparation of the draft amendments to the Council's Road Management Plan;
 - (b) make the draft amendments to the Council's Road Management Plan and a copy of the Road Management Plan Review Report available for public inspection in accordance with Regulation 9(2) of the Road Management (General) Regulations 2016;
 - (c) invite submissions in accordance with Regulation 10 of the Road Management (General) Regulations 2016; and
 - (d) receive submissions until 5pm Friday 30 April 2021.

1. Executive Summary

This report seeks Council's approval to commence community consultation on the draft amendments to the Council's Road Management Plan

The review of Council's Road Management Plan has been conducted in accordance with the Road Management (General) Regulations 2016-Part 3 Road Management Plans.

The purpose of the review is to ensure that the standards in relation to, and the priorities given to the inspection, maintenance and repair of the roads and classes of road to which the Council's Road Management plan applies are safe, efficient and appropriate for use by the community served by the Council.

A written Review Report summarising the findings and conclusions of the review has been prepared. The Review Report makes a number of recommendations for proposed amendments to the Council's Road Management Plan.

Under Regulation 10 of the Road Management (General) Regulations 2016, Council as the road authority is required to give notice of its intention to amend its Road Management Plan. A notice is to be published in the Government Gazette and in a daily newspaper generally circulating in the area to which the Road Management Plan will apply. Any person who is aggrieved by the proposed amendment may make a submission on the proposed amendment to the Council within the period specified in the notice.

2. Background and Options

Council's current Road Management Plan Version 7 was adopted by the previous Council on 23 August 2018.

Under the Road Management (General) Regulations 2016 Part 3 - Road Management Plans - Each incoming municipal council must conduct a review of its Road Management Plan during the same period as it is preparing its Council Plan under the Local Government Act.

Section 90 (3) of the Local Government Act 2020 requires each municipal council to prepare a Council Plan by 31 October in the year following a general election. Section 90

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4. A WELL RUN COUNCIL

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ROAD MANAGEMENT PLAN REVIEW (cont'd)

(4) states that The Council Plan adopted under subsection (3) of the Act has effect from 1 July in the year following a general election.

A review of the Road Management Plan has been undertaken by Council Officers and a written report summarising the findings and conclusions of the review has been prepared.

The conclusions and findings of this report have identified a significant number of recommendations for amendments to the current road management plan. A number of these recommendations can be considered as administrative operational amendments as they relate to changes to the frequency of Mode 1 inspections, response times and definitions of intervention levels in the RMP appendices as detailed below:

- Appendix 2 – Details of Inspections
- Appendix 3 – Response Times Roads and Pathways
- Appendix 5 – Vehicle Cross-Over diagram

Other recommended amendments are administrative changes to reflect spelling corrections or where the RMP refers to legislative Acts or Regulations have been either discontinued or updated.

3. Financial Implications

The review of the Road Management plan has taken into consideration Council's available operating budget and resources to ensure that what is required (promised) under this plan can be met by Council.

4. Risk Management

The impact to Council of having an adopted Road Management Plan is that it provides a minimum guarantee level of service for undertaking road inspections and maintenance works for repair of roads that Council can sustainably undertake taking into consideration of available budget and resources. It also provides a mechanism of defence for any civil liability claims that Council may receive from the public for damages to their vehicles or property where they claim the road condition has contributed to the cause of damage.

5. Internal and External Consultation

Internal consultation was held with:

- Manager Operations including team leaders within the Operations Department
- Team Leader Assets including members of the Assets Team
- Acting Manager Governance and Risk including members of the Governance and Risk Team.
- Senior Communications Advisor within the Office of CEO
- General Manager Infrastructure

Public Consultation

Under Section 54 of the Road Management Act 2004, a public notice was placed in local newspapers and the Government Gazette advising Council's intention to review its Road Management Plan and that a copy of its current Road Management Plan was available for inspection by members of the public. In the public notice, members of the community were invited make a written submission within 28 days from the first date of publication. Public notices were published in:

- Government Gazette Edition No. G 4, Thursday 28 January 2021
- Shepparton News and the Border Mail Newspapers on Friday 29 January 2021

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ROAD MANAGEMENT PLAN REVIEW (cont'd)

- Numurkah Leader, Cobram Courier and Yarrawonga Chronicle newspapers on the dates of 3 February 2021 and 10 February 2021.

Closing date for receiving written submissions was 5pm Friday 26 February 2021. At the time of closing, 11 written submissions were received. Details of the submissions and Council Officers response to the submissions is included in the Road Management Plan Review Report.

Other External Consultation

Other councils in North East Victoria were also contacted for copies of their Road Management Plan so that Council's Road Management Plan can be compared for consistency in service levels for frequency of inspections and response times for repair of defects.

Council's Public Liability Insurance provider has also been consulted and has made a number of recommendations in relation to response times for defects on roads, line marking and signs. These amendments have been incorporated into the Draft Road Management Plan

6. Regional Context

The Road Management Plan covers all local roads that are maintained by Council within the municipality that are listed Council's Register of Public Roads.

The Road Management Plan does not cover Declared Arterial Roads and State Highways within the municipality as these roads are managed by Regional Roads Victoria (RRV).

Roads located on Crown Land and not listed on Council's Register of Public Roads are managed by the Department Environment Land Water and Planning (DELWP) and Parks Victoria.

The relevant rail authority is responsible for the maintenance of the road and infrastructure in the immediate vicinity of a rail crossing and some bridge structures. The Rail Safety National Law Application Act 2013 requires Safety Interface Agreements which fully detail the areas of responsibility.

For Utility Services, the relevant service provider including rural and urban water authorities, gas, sewer, phone or power is responsible for the maintenance of its infrastructure located within the road reserve.

7. Council Plan Strategy

The review of the Road Management Plan fits within the current Council Plan Strategy No. 4 – "A Well Run Council" under the strategic action "Providing clear and consistent understanding of Council's role and capacity."

8. Legislative / Policy Implications

This public review of the Road Management Plan is being carried out as required under the Road Management (General) Regulations 2016 – Part 3 Road Management Plans Clause 8 (1).

Section 90 (3) of the Local Government Act 2020 requires each municipal council to prepare a Council Plan by 31 October in the year following a general election. Section 90

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ROAD MANAGEMENT PLAN REVIEW (cont'd)

(4) states that The Council Plan adopted under subsection (3) of the Act has effect from 1 July in the year following a general election.

Under Section 41 (1) of the Road Management Act 2004, the road authority (Council) may determine the standard to which the road authority will construct, inspect, maintain and repair roadways, pathways, road infrastructure or road related infrastructure.

Under Regulation 10 (1) of the Road Management (General) Regulations 2016, if the road authority (Council) proposes to amend a road management plan and amendment relates to the determination of a standard of construction, inspection, maintenance or repair under section 41 of the Road Management act, the road authority must give a notice by publishing a notice in the Government Gazette and in a daily newspaper generally circulating in the area to which the road management will apply. As the proposed amendments do relate to the response times for inspections and repair of assets classes such as roads, signs and bridges, Council is required to give notice to the public in accordance with Regulation 10 of the Road Management (General) Regulations 2016.

9. Environmental Impact

The implementation of the revised Road Management Plan will have minimal impact on the environment. Any physical repair work on road assets that has been identified in accordance with the Road Management Plan will be undertaken with site specific environmental controls in place

10. Conflict of Interest Considerations

No conflict of Interest by Officers involved in the preparation of this report

11. Conclusion

It is recommended that Council accept the draft amendments to the Road Management Plan and the Road Management Plan Review Report and authorise the Chief Executive Officer to undertake community consultation in accordance with Regulation 10 of the Road Management (General) Regulations 2016 will commence, beginning with advertisements in the Government Gazette, regional daily newspapers and local media from Friday 26th March 2021.

Through this process Council will seek community feedback on the draft Road Management Plan and individuals who provide a written submission by 5pm Friday 30 April 2021. Any written submissions received will be considered as part of the final Review Report and final amendments to the Road Management Plan.

It is expected that the final amendments to the Road Management Plan will be presented to Council for consideration at its May Ordinary Council Meeting on 26 May 2021.

Attachments

- 1 Road Management Review Report
- 2 Draft Road Management Plan Version 8

FILE NO: F21/6
4. A WELL RUN COUNCIL

ITEM NO: 10.4.3

ROAD MANAGEMENT PLAN REVIEW (cont'd)

ATTACHMENT No [1] - Road Management Review Report



Road Management Plan Review Report

March 2021

FILE NO: F21/6
4. A WELL RUN COUNCIL

ITEM NO: 10.4.3

ROAD MANAGEMENT PLAN REVIEW (cont'd)

ATTACHMENT No [1] - Road Management Review Report

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ROAD MANAGEMENT PLAN REVIEW (cont'd)

ATTACHMENT No [1] - Road Management Review Report

Road Management Plan Review – 2021

Manager Construction and Assets, Infrastructure Directorate

The author of this report and officers/contractors providing advice in relation to this report do not have a direct or indirect interest, as provided in accordance with the Local Government Act 1989.

1.0 Introduction

Council's current Road Management Plan (RMP) was adopted by Council on 23 August 2018.

Under the *Road Management (General) Regulations 2016 Part 3 - Road Management Plans* - Each incoming municipal council must conduct a review of its RMP during the same period as it is preparing its Council Plan as provided by the *Local Government Act*. Section 90 (3) of the Local Government Act 2020 requires each municipal council to prepare a Council Plan by 31 October in the year following a general election. Section 90 (4) states that the Council Plan adopted under subsection (3) of the Act has effect from July 1 in the year following a general election.

A road authority may amend its RMP in accordance with the regulations.

Under Section 54 of the *Road Management Act 2004*, Council is required to inform the public of its intention to review its RMP by publishing a public notice in local newspapers and the Government Gazette. The public will have 28 days from the first date of publication to inspect Council's RMP and make any written submission within 28 days from the first date of Publications. Any submissions received from members of the public will be reviewed and incorporated in a briefing report and revised RMP for consideration by the Council.

This review of Council's RMP has been conducted in accordance with the *Road Management (General) Regulations 2016 - Part 3 Road Management Plans*.

The purpose of the review is to ensure that the standards in relation to, and the priorities given to the inspection, maintenance and repair of the roads and classes of road to which the Council's RMP applies are safe, efficient and appropriate for use by the community served by the Council.

In conclusion, this review has identified a number of recommendations for amendments to the current RMP. These recommendations can be considered as administrative operational amendments as they relate to changes to the response times and definitions of intervention levels in the RMP appendices.

2.0 Review Process and Methodology

The review process involved:

- Internal review meetings of Council officers
- Internal review of Council's resources and funding available to service its obligations under its RMP
- Public consultation for comment on the Council's existing RMP
- External consultation on insurance liability from the MAV Insurance Advisor

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ROAD MANAGEMENT PLAN REVIEW (cont'd)

ATTACHMENT No [1] - Road Management Review Report

- Council Officers preparing this Road Management Review Report summarising the findings and conclusions of its review including making recommendations for amendments to the RMP.
- Defining the process for adoption of any amendments to the RMP in accordance with the Road Management Act 2004 and the Road Management (General) Regulations 2016, including Council's delegation of authorisation.

2.1 Review Meetings

Review meetings were held on 13 January and 1 March 2021 with the following council officers attending all or some of the meetings:

- Manager Construction & Assets
- Executive Manager Operations
- Acting Manager Governance and Risk
- General Manager Infrastructure
- Senior Communications Officer – Office of CEO
- Team Leader Assets
- Assets Technical Officer
- Insurance Officer - Governance and Risk
- Senior Governance Officer – Governance and Risk

3.0 Recommended Changes

The outcomes of the review meetings are the following recommended changes:

Review Meeting 1

Administrative Amendments to the document to reflect current changes in legislation where it is referred to and also changes that have been made by Council such as office hours, contact details as listed below:

- 3.1 Section 1.1, Office hours change to 9am to 4.30pm instead of 8.30am to 5pm. Yarrawonga Service Centre Phone Number to change to 5871 9222
- 3.2 Section 4.7.4, Nature Strips, add in words "Road Management Act 2004" after opening paragraph words "Under S. 107
- 3.3 Section 4.4 Rail, replace "The Rail Safety (Local operations) Act 2006" with "Rail Safety National Law Application Act 2013"

Review Meeting 2

- 3.4 Refer to Appendix One for list of recommended amendments proposed by the MAV Insurance Risk Consultant and the Review Committee's comments of acceptance or non- acceptance.
- 3.5 Throughout the document, where it is referenced the Road Management Act 2004, change to (the Act)
- 3.6 Throughout the document, where it is referenced the Road Management (General) Regulations 2016, change to (the Regulations)

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ROAD MANAGEMENT PLAN REVIEW (cont'd)

ATTACHMENT No [1] - Road Management Review Report

- 3.7 Section 2.3.1 – change wording to read "A program of auditing, using internal auditors who alternate the scope of their annual audits to inspection compliance and Response Times following inspections. Also another audit using external auditors is undertaken every 4 years for the purpose of ensuring that all the management systems in place are delivering the levels of services adopted by Council for its road network assets."
- 3.8 Section 4.2 – add in "Codes of Practice under the Road Management Act: Vicroads.
- 3.9 Section 4.7.1 – Add second and third sentence to first paragraph to read as "Should Council be made aware of a defect within the area of a vehicle cross-over, Council will inform the property owner in writing of such defect and to inform/remind the property owner of their legal obligation to address and remedy the said defect. Failure to comply following issuance of the defect notice may result in the Property Owner issued with a penalty or Council may arrange to carry out such works as are necessary to ensure compliance with such notice, and all costs incurred shall be at the expense of the person on whom the notice was served. Refer 10.5 – Community Safety and Environment Local Law 2013 (No.1 of 2013)."
- 3.10 Section 4.7.1 – add new paragraph at end of section to read as "Appendix 5 illustrates the layout of a typical vehicle cross-over showing the areas of responsibility of the road authority and that of the Property Owner".
- 3.11 Section 5.1.1 – Add new opening paragraph "Council has developed an asset management inspection & defect assessment methodology document that meets the requirements of the Act, whilst accounting for the limited available funds Councils have to maintain extensive asset bases."
- 3.12 Section 5.1.1 – Add the following 4 paragraphs after the heading "Details of Mode 1 Inspections are included in Appendix 2
- All inspections (regardless of whether a defect is identified or not) are recorded in Council's asset management system and include the inspectors name, the inspection date and organization who conducted the inspection. All defects recorded include GPS location data or changes or both and are available for visual reference on Council's GIS mapping system.
- Road inspections are carried out using experienced internal staff or external organisations driving a registered motor vehicle within permitted speed limits and using current technology devices to allow visual recording of identified defects, GPS location points of reference and all inspectors' details.
- Footpath & pathway's, kerb & channel, drainage and bridge inspections are carried out by experienced internal staff or external organisations and are typically performed using a push bike, tricycle, quad bike or walking using current technology devices to allow visual recording of identified defects, GPS location points of reference and all inspectors' details.
- Any defects identified on non-Council Infrastructure assets such as utility companies (e.g Telstra, Water, Electricity, Gas) are recorded in Council's Asset Management System and details of defects are forwarded to the responsible company by Council's Operations Department for them to undertake repairs or replacements as required. These utility companies typically have their own rectification timelines and Council takes no responsibility if these companies fail to undertake adequate repairs within a

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ROAD MANAGEMENT PLAN REVIEW (cont'd)

ATTACHMENT No [1] - Road Management Review Report

timely manner. Council will however, make the area as safe as is possible to prevent or minimize the extent of injury to the general public whilst awaiting rectification works by the utility companies.

- 3.13 Section 6 – Throughout the section where it references Appendix 3, change to Appendix 3a and 3b.

- 3.14 Section 6 – Amend 3rd paragraph to read - All defects identified and confirmed as defects where urgent or immediate action is required are recorded in Council's Asset Management Database – Conquest and given a defect rating of five (5) meaning extreme. A works action is created in Conquest and remains open until works have been completed and the action is closed. The times in which these defects should be repaired or warning signs erected to make the area safe are also described in Appendix 3a and 3b. Once the defect area has been made safe the defect rating may be lowered until the defect repair has been completed and the works action is closed.

- 3.15 Section 7 – change heading to read as "Exceptional Circumstances – "Force Majeure"

- 3.16 Section 7 – Amend first paragraph to include events such as pandemics and Government Interventions.

- 3.17 Section 7 – Add in a new third paragraph

"Council statements to inform residents about the suspension or reduction of the services under the RMP due to the 'exceptional circumstances' will include reference to how the work that will be done has been prioritized, and the estimated period for which it is likely to be affected."

- 3.18 Section 8 – Add in "Appendix 5 – Typical Vehicle Cross-Over"

Appendix 2 – Details of Mode 1 Inspections

- 3.19 Definition for purpose of inspections for Bridge and Major Culvert Assets is further clarified to check for immediate safety of the road for road users and identifying works that can be scheduled as routine works at a later date.

Appendix 2 – Asset Type

- 3.20 Bridges & Major Culverts – Add wording

(The primary reasons for conducting Level 1 (mode 1) inspections are:

To check the general serviceability of the structure for obvious signs of defects which might affect the immediate safety of road users.

To identify maintenance items that require immediate action and/or to schedule routine maintenance for completion at a later date.

Appendix 3a – Response Times Roads & Road Related Assets

- 3.21 It was found the defects and response times for Item 1.4 – Deformation greater than 100mm required further clarification as the response times could be viewed as being unreasonable or inconsistent with other neighbouring Councils Road Management plans.

- 3.22 For Item 6 – Bridges and Major Culverts required further clarification in scope of items to be inspected and two new paragraphs added at bottom of the Table

- 3.23 For Item 1.4 – Sealed Pavement

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ROAD MANAGEMENT PLAN REVIEW (cont'd)

ATTACHMENT No [1] - Road Management Review Report

Change description to (measured with 1.2m straight edge traverse, or under a 3m straight edge longitudinal). Response times for transverse deformation shall be 3 months for all road categories. Response time for longitudinal deformations shall remain at 12 months.

3.24 For Item 6 – Structures – Bridges & Major Culverts

Added new descriptions as follows

- 3.24.1 6.1 Dirt or vegetation impacting on correct operation or structural integrity - Clear and clean when any accumulation of material causes interruption to the escape of drainage water, or the operation of expansion joints
- 3.24.2 6.2 Running or wearing surface - Repair of bridge deck or road surface causing an extreme risk hazard to road users.
- 3.24.3 6.3 Stream Maintenance - Clearing of debris >400mm or logs > 150mm diameter from streams within 10 m of structure.
- 3.24.4 6.4 Warning Signs and Bridge Furniture - damaged, missing or illegible
- 3.24.5 6.5 Accident Damage - When damage is considered to cause an extreme risk hazard to road users or to the structural integrity of the bridge.
- 3.24.6 6.6 Road Approach - When approach or abutment degradation is considered to cause an extreme risk hazard to road users.
- 3.24.7 6.7 Replace 'Significant' with Extreme and amend timings from 12 months to 3 months

3.25 New paragraphs added at bottom of Table:

The response for each of the hazards described in the above tables shall be to inspect and rectify if possible, or provide appropriate hazard warning to reduce level of risk.

Where, because of the nature of the repair required, level of resources required or workload, it is not possible to rectify within the time shown in the above table, Council shall implement appropriate hazard warning until the repair can be completed.

3.26 Appendix 3b – Response Times Pathways

New Paragraphs added at bottom of Table:

The response for each of the hazards described in the above tables shall be to inspect and rectify if possible, or provide appropriate hazard warning to reduce level of risk

3.27 Appendix 5 – Vehicle Cross-Over

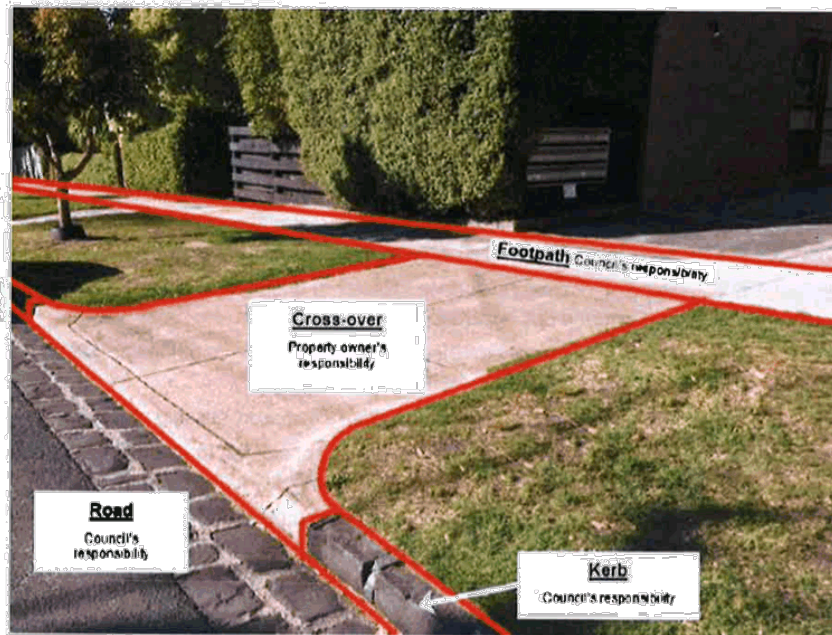
Added in diagram and comment as shown below:

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ROAD MANAGEMENT PLAN REVIEW (cont'd)

ATTACHMENT No [1] - Road Management Review Report



***"Roadside" the Road Management Act, specifically states that a road authority does not have a statutory or common law duty to inspect, maintain or repair 'roadside' refer to S.107 of the Road Management Act*

4.0 Public Consultation Process

Stage 1 – Public Consultation on existing Road Management Plan

Under Section 54 of the *Road Management Act 2004*, a public notice is to be placed in local newspapers and the Government Gazette advising Council's intention to review its RMP and that a copy of its current RMP is available for inspection by members of the public. In the public notice, members of the community are invited make a written submission within 28 days from the first date of publication.

Public notices were published in:

- Government Gazette Edition – 28 January 2021
- The Border Mail and Shepparton News – 29 January 2021
- Numurkah Leader, Cobram Courier and Yarrawonga Chronicle newspapers – 3 and 10 February 2021

Closing date for receiving submissions was 5pm Friday 26 February 2021. At the time of closing, 11 submissions were received. A Summary Table of the submissions received including the Review Committee's Response is attached in Appendix Two.

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4. A WELL RUN COUNCIL

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ROAD MANAGEMENT PLAN REVIEW (cont'd)

ATTACHMENT No [1] - Road Management Review Report

5.0 Summary of Report Conclusions and findings

The conclusions and findings of this report have identified a significant number of recommendations for amendments to the current road management plan. A number of these recommendations can be considered as administrative operational amendments as they relate to changes to the frequency of Mode 1 inspections, response times and definitions of intervention levels in the RMP appendices as detailed below:

- Appendix 2 – Details of Inspections
- Appendix 3 – Response Times Roads and Pathways
- Appendix 5 – Vehicle Cross-Over diagram

Other recommended amendments are administrative changes to reflect spelling corrections or where the RMP refers to legislative Acts or Regulations have been either discontinued or updated.

Under Section 41 (1) of the *Road Management Act 2004*, the road authority (Council) may determine the standard to which the road authority will construct, inspect, maintain and repair roadways, pathways, road infrastructure or road related infrastructure.

Under Regulation 10 (1) of the *Road Management (General) Regulations 2016*, if the road authority (Council) proposes to amend a road management plan and amendment relates to the determination of a standard of construction, inspection, maintenance or repair under section 41 of the Road Management act, the road authority must give a notice by publishing a notice in the Government Gazette and in a daily newspaper generally circulating in the area to which the road management will apply. As the proposed amendments do relate to the frequency of Mode 1 inspections, response times and definitions of intervention levels, Council will be required to give notice to the public in accordance with Regulation 10 of the *Road Management (General) Regulations 2016*.

6.0 Process for adoption of Amendment to the RMP

Following the completion of the review of its RMP, Council as the "road authority" will need to undertake the following steps in order to adopt amendments to its RMP.

Steps required under the *Road Management (General) Regulations 2016* include:

- 6.1 Produce a written report summarizing the findings and conclusions of the review as required under Regulation 9 (2)(a)

Note: A copy of the written report and a copy of the draft amendments to the road management plan will be presented to the full council for endorsement at the July 2018 Ordinary Council Meeting before proceeding with the remaining steps. Under Council's Instrument of Delegation to Members of Council Staff, only the Council has the power to amend the road management plan under Section 54(5) of the *Road Management Act 2004*.
- 6.2 Make the report available for copying or inspection as required under Regulation 9 (2)(b)
- 6.3 Give Notice under Regulation 10 – Procedure for certain amendments to road management plans. The notice includes:
 - Stating or describing the purpose and general purport of the proposed amendment;
 - Stating or describing the roads, roadways, pathways, road infrastructure or road related infrastructure or classes of roads, roadways, pathways, road infrastructure or road related infrastructure affected by the proposed amendment;

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ROAD MANAGEMENT PLAN REVIEW (cont'd)

ATTACHMENT No [1] - Road Management Review Report

- Stating where a copy of the proposed amendment may be obtained or inspected;
- Stating where any relevant written report produced in accordance with regulation 9(2) may be inspected or obtained; (see steps 1 & 2)
- Stating that any person who is aggrieved by the proposed amendment may make a submission on the proposed amendment to the road authority (Council) within 28 days after the date on which the notice is published in the Government Gazette.
- A notice must be published in the Government Gazette and in a daily newspaper generally circulating in the area to which the road management will apply. For this purpose the notice will need to be published in the Border Mail and Shepparton News newspapers as these 2 publications are the only regional daily newspapers that cover this municipality.

6.4 Under Regulation 12, the date of effect of the road management plan or amendment will take effect on the day after it is made by Council (scheduled for the June Ordinary Council Meeting after Council has completed Steps 1,2 & 3) if no date is specified in the road management plan or amendment.

6.5 Once Council as the "road authority" has adopted the amendments to its RMP at its Ordinary Council Meeting, Council is required to comply with Regulation 13 – Availability of amendments to road management plans, must give notice by publication of the notice in in the Government Gazette and in a daily newspaper generally circulating in the area to which the road management will apply. For this purpose the notice will need to be published in the Border Mail and Shepparton News newspapers as these 2 publications are the only regional daily newspapers that cover this municipality.

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ROAD MANAGEMENT PLAN REVIEW (cont'd)

ATTACHMENT No [1] - Road Management Review Report

Appendix One - Public Consultation - Summary of Submissions Received

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ROAD MANAGEMENT PLAN REVIEW (cont'd)

ATTACHMENT No [1] - Road Management Review Report



SUBMISSIONS

Review of the Road Management Plan 2018

Below is a summary of submissions received during the first round of community consultation in the review of the Road Management Plan. The first round of community consultation closed on 26 February 2021.

Summary of submission

1 Complaint about condition of Campbell Road south of the Murray Valley Highway.

2 Complaint about condition of Main street Cobram needing a resurface due to number of seal patch repairs. Also the need to upgrade the GWW channel bridge crossing on Labuan Road south of Allerts Road being only one lane wide.

3 Request for the gravel resheeting of Koonoomoo-Mywee Road due to continuous potholing.

4 Intersection roads along the Murray Valley Highway from Cobram to Yarrawonga suffering from seal edge breaks and through traffic lanes in Belmore Street Yarrawonga has uneven surfaces.

5 Intersection of Clive Puls Court and Campbell Road, Cobram, residents leaving the court to enter Campbell Road have trouble seeing oncoming traffic due to restricted view due fire services water tank within the grounds of Ottrey Homes and the car park obscuring their vision.

6 Request to upgrade the pavement surface from gravel to asphalt at the intersection of Cotton Road and Cassidy Road due to potholes regularly occurring.

Review Committee Response

Campbell Road has just been widened between Pullar Rd and Healy Road as part of the blackspot program. The section between the MV Highway and Pullar Road wasn't included in the Blackspot funded works.

Council is aware of the condition of Main Street Cobram cause by maintenance to Goulburn Valley Water (GVW) water main. Council could consider resurfacing Main Street once GVW has completed a renewal of their water main.

Budget request and outside the purpose of the review for the Road Management Plan.

Maintenance for the traffic lanes in Belmore Street, Yarrawonga comes under Regional Roads Victoria's responsibility. Maintenance of intersection bellmouth seals along the Murray Valley Highway also comes under the responsibility of Regional Roads Victoria.

Clive Puls Court is a private road located within the property boundaries of Ottrey Homes, therefore outside Council's responsibility. Suggest that Council Officers bring this matter to the attention of the management for Ottrey Homes.

Both roads are gravel roads and listed as "Collector" roads under Council's Road Hierarchy. Budget request and outside the purpose of the review of the road management plan.

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ATTACHMENT No [1] - Road Management Review Report

SUBMISSIONS

Review of the Road Management Plan 2018

Summary of submission

Suggested more upgraded pram crossings for wheel chair access and also review of Appendix 2 - Details of Mode 1 inspections to assess camber as criteria for assessing pathways. Finds it difficult to chair a manual wheelchair in a straight line if camber too high.

Complaint about Murray Valley Highway with safety concerns of narrow seal width, gravel shoulders, intersections with Giveway signage should be upgraded to STOP signs.

9 Widening of heavily used sealed roads that act as a preferred bypass of Yarrowonga. Suggested roads are southern end of Whites Road, full length of Carmichael Road and southern end of McPhalls Road.

Removal of tree growth in road carriageway across the whole shire. road carriageway getting too narrow due to tree growth in shoulders making it difficult for moving machinery.

Has requested if he speak to his submission to a Council Briefing.

10 Request for sealing of Coxon Avenue in Numurkah

11 Change speed sign at the north side of the roundabout at Gilmore Street & McLeod Street Yarrowonga from 60km to 50km

Review Committee Response

Upgrading of pram crossings comes under the footpath renewal program. Typical footpath crossfall is 1 in 40 for all new footpaths. Existing footpaths that have steeper grades can be addressed at time of replacement under the renewal program.

Complaint forward to Regional Roads Victoria for their response as they are the responsible authority for the highway. Outside the purpose of the review for the Road Management Plan.

Appendix 3a - Items 3.2 and 3.4 only make reference to fallen tree limbs obstructing into the traffic lanes. Ideally, traffic lanes including shoulders should be clear of new growth and have a minimum clearance height of 4.6m (cattle trucks have a height of 4.5m). Widening of road seals is considered a budget request and should go through the budget process.

Dust suppressant sealing of Coxon Avenue is included on the list of capital projects being considered by the Council for inclusion in the 21/22 Budget.

Request forward to the Traffic Liaison Committee for consideration. Traffic speed change request and outside the purpose of the review of the road management plan.

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ROAD MANAGEMENT PLAN REVIEW (cont'd)

ATTACHMENT No [1] - Road Management Review Report

Appendix Two - Mav Insurance - Summary of Proposed Amendments

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ROAD MANAGEMENT PLAN REVIEW (cont'd)

ATTACHMENT No [1] - Road Management Review Report



Road Management Plan Review 2021

MAV Insurance's Detailed Observations and Recommendations
with Council comments

NO.	MAV Observation	MAV Recommendations	Council Comments
1.1	<p>Page 6, Section 2.3.1 Audit. The following is specified:</p> <p>"A program of auditing, using both internal and external auditors, is in place for the purposes of ensuring that all the management systems in place are delivering the levels of service adopted by Council for its road network assets."</p> <p>The Council RMP does not specify the interval timings for the internal and external review.</p> <p>More specifically, no information is provided within the RMP in regards to what approach is taken when/if Non-Compliance issues are identified.</p>	<p>It is recommended that the internal and external audits / reviews of Council's compliance with their RMP's are undertaken at regular intervals and be in addition to the reviews required by the legislation. It is recommended that the process for undertaking the internal audits / reviews is specified within the RMP.</p> <p>Where non-compliance has been identified, Council should ensure such issues are formally documented, responded to and escalated (e.g. senior management and/or the Audit and Risk Committee).</p>	<p>Has been amended to include external audits at 4 year intervals and internal audits at 2 year intervals.</p>
1.2	<p>Page 10, Section 4.7.1 Owner Responsibilities</p> <p>While the description provided here is reasonably accurate, many Councils have chosen to include a diagram of a vehicle crossover to further clarify the demarcation of responsibilities relevant to private crossovers.</p>	<p>Council should consider including a diagram of a crossover and footpath / nature strip area to clearly designate the areas of responsibility.</p> <p>Annexure 1 illustrates the layout of a typical vehicle cross-over showing the areas of responsibility of the road authority and that of the Property Owner.</p>	<p>Diagram now included in Appendix 5 of the Draft Road Management Plan</p>

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ATTACHMENT No [1] - Road Management Review Report

NO.	MAV Observation	MAV Recommendations	Council Comments
1.3	<p>Page 10, Section 4.7.1 Owner Responsibilities The following is specified:</p> <p>"The Road Management Act 2004 provides that a road authority is not liable for private vehicle crossings (driveways) and pathways on road reserves that provide access to land adjoining a road, this responsibility being with the adjoining landowner."</p> <p>The RMP does not state the process of informing the landowner if a defect has been found within the area for the landowner in responsible.</p>	<p>Should Council be made aware of a defect within the area of the crossover, it is suggested that the property owner be informed of the identified defect and of their obligation to address it. Naturally, we suggest that such notification be appropriately documented and recorded as evidence of contact.</p> <p>Furthermore, Council may consider implementing a respective Local Law outlining the process implemented should the landowner fail to repair identified defects within the area for which they are responsible. E.g. a number of other Councils have adopted the approach whereby, after a certain timeframe, Council will implement repairs on behalf of the landowner and charge respective costs of repair to the respective landowner.</p>	<p>Section 4.7.1 amended to include reference of communication with the adjoining landowner for identified defects within the area of their driveway crossover.</p>
1.4	<p>Page 12, 5.1.1 General The following is specified:</p> <p>"Mode 1 Inspection by works officers (proactive maintenance) as per frequency shown in Appendix A"</p> <p>The abovementioned Appendix A does not exist in the Council RMP. Instead, the appendices are referenced with numbers. This section is likely referring to Appendix 3A.</p>	<p>Council should ensure the references made to the Appendices in the body of the RMP are correctly stated to avoid confusion or misinterpretation.</p>	<p>Has been corrected.</p>
1.5	<p>Page 12, 5.1.1 General The following is specified:</p>	<p>It is recommended that Council briefly state the inspection and documentation</p>	<p>Now Included in methodology</p>

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NO.	MAV Observation	MAV Recommendations	Council Comments
16	<p>"Mode 1 Inspection by works officers (proactive maintenance) as per frequency shown in Appendix A"</p> <p>No details are provided in regards to how such inspections are documented/recorded.</p>	<p>Are all proactive inspections documented regardless of whether a defect is identified?</p> <p>Are the footpath / shared pathway inspections completed in car or on foot?</p> <p>Ideally, the location of a defect should be linked to a GPS location, a house number, or the chainage for documentation and follow up purposes.</p> <p>Council should consider developing an inspection manual (with reference provided within the RMP), with consideration for the following points:</p> <ul style="list-style-type: none"> The training requirements of the staff undertaking the inspections: What will they need to be able to complete the inspections to an appropriate standard? Measuring tools? Camera? Record system? Photographs of different types of hazards, the circumstances under which photographs are taken and how, and the maintenance outcomes required. 	<p>Methodology of inspections now included</p>

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ROAD MANAGEMENT PLAN REVIEW (cont'd)

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NO.	MAV Observation	MAV Recommendations	Council Comments
1.7	<p>Other Asset Owners</p> <p>No details are provided in regards to how other asset owners are notified of any defects identified.</p>	<p>Reference to this inspection manual should ideally be placed on Page 12 Section 5.1. Inspections.</p> <p>We suggest that when carrying out its inspection programs, Council record any defects associated with another authority's assets (e.g. Telstra, electricity and gas suppliers), and have a procedure in place for notifying the particular authority. These notifications should be recorded as they will become crucial if Council is defending a legal action relating to that defect.</p> <p>This section should ideally be placed on Page 12, Section 5 Standards for Inspection.</p>	<p>Section 5.1.1 updated to include methodology for notifying other asset owners for defects.</p>
1.8	<p>Page 12, Section 6 Standards for Maintenance and Repair The following is specified:</p> <p>"Details of defect descriptions and Intervention levels are included in Appendix 2 & 3."</p> <p>"The times in which these defects should be repaired or warning signs erected to make</p>	<p>It is strongly recommended that footpath/shared pathway inspections, kerb & channel inspections and drainage inspections should not be done from a moving car.</p> <p>It is recommended that Council review the document and ensure all references made to the Appendices are correctly labelled.</p>	<p>Has been corrected</p>

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ROAD MANAGEMENT PLAN REVIEW (cont'd)

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NO.	MAV Observation	MAV Recommendations	Council Comments
1.9	<p>the area safe are also described in Appendix 3.</p> <p>"If the inspection confirms a defect is present, the defect is rated accordingly and programmed for repair works as per the timeframes shown in appendix 3."</p> <p>"If a defect is validated and recorded as having reached or exceeded intervention level criteria as shown in appendix 3 either..."</p> <p>In the RMP, the Appendix 3 has been split into Appendix 3a and 3b. Not clearly listing the correct reference of the appendices in the body of the document can lead to confusion and misinterpreted information.</p> <p>Page 12, Section 6 Standards for Maintenance and Repair The following is specified:</p> <p>"Defects identified as not being extreme (5) are rated between one (1) and four (4) have a works action created in Conquest and are placed on future works programs within the response timeframes as documented in Council's Road Asset Management Plan and or as resources permit."</p> <p>There are no references to "rating" defects extreme (5) or otherwise in this document (likely a remaining section from a previous system used). Rather the RMP has adopted the hierarchy system where defects are</p>	<p>As the Council is no longer using the "rating system", it is recommended this be removed from the document to avoid misunderstanding and confusion with the current Council defect management system.</p>	

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NO.	MAV Observation	MAV Recommendations	Council Comments
1.10	<p>measured by their intervention levels (which is recommended).</p> <p>Page 12, Section 6 Standards for Maintenance and Repair</p> <p>This section of the RMP does not clearly outline the flow of inspection/maintenance process in relation to the type of inspections conducted (e.g. reactive and proactive inspections).</p>	<p>It is recommended that Council develop a workflow diagram of the defect identification and inspection/maintenance process. The process flow will provide a clear outline of how such reactive/proactive inspections are documented/recorded and/or the type of system utilised based on the defect levels.</p> <p>Although not mandatory, in the interests of keeping documentation in "Plain English", it is recommended that the term "Exceptional Circumstances" be used.</p>	<p>Not included</p>
1.11	<p>Page 13, Section 7 "Force Majeure"</p>	<p>The Council should consider adding the below to ensure the changes/suspension of the RMP are well-communicated with the stakeholders.</p> <p>"Council statements to residents about the suspension or reduction of the services under the RMP will include reference to how the work that will be done has been prioritised, and the period for which it is likely to be affected."</p> <p>Additionally, Council should consider including "pandemic" and "government intervention" as specific events which may be a cause of invoking this exceptional circumstances clause and temporarily</p>	<p>"Exceptional Circumstances" added to the heading.</p>
1.12	<p>Page 13, Section 7 Force Majeure</p> <p>No information on how the stakeholders will be notified of the changes to the RMP.</p>		<p>Amendments made</p>

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ATTACHMENT No [1] - Road Management Review Report

NO	MAV Observation	MAV Recommendations	Council Comments
1.13	<p>Page 18-19, Appendix 3a – Response Times Following Inspection</p> <p>– Roads & Road Related Assets</p> <p>There are a number of defect types with response timeframes that are not reflective of a risk-based approach to allocation of resources (i.e. where defects are repaired in a shorter timeframe according to the hierarchy/usage of the asset on which they're identified), including the following:</p> <ul style="list-style-type: none"> 1.3 Major Failures greater than 50 sqm (all 12 months) 1.4 Deformation greater than 100mm under a 3 meter long straight edge (all 12 months) Pavement Markings (Line, Text, Symbol) – missing or illegible pavement markings making them substantially ineffective (all 12 months) 2.3 Major Failures (i.e. washout) – all 12 months <p>While this may be reasonable for Emergency/high risk type defects (e.g. Fallen trees), adopting the same response timeframe regardless of the hierarchy/usage of the asset on which they're identified may</p>	<p>suspend Road Management Plan related activities.</p> <p>Council should consider reviewing the timeframes specified for these listed defect types to ensure, where practicable, they are more reflective of a risk-based approach to the allocation of resources (i.e. where defects are repaired in a shorter timeframe according to the hierarchy/usage of the asset on which they're identified).</p> <p>Council should consider reviewing other Council RMPs as a reference to ensure the standard/wording adopted is reasonably reflective of that typically adopted across the sector.</p>	<p>1.3 – Major Failures – no change as works are programmed on an annual basis as part of the annual pavement stabilisation program.</p> <p>1.4 – Deformations – Traverse measured a 1.2m straight edge will now have a response time for repairs at 3 months.</p> <p>Longitudinal deformations measured under a 3m straight edge will continue to have a response time for repairs at 12 months as these works are programmed on an annual basis as part of the annual pavement stabilisation program.</p> <p>1.7 – Pavement Markings – no changes proposed for response times as works form part of annual line marking program.</p> <p>2.3 – Major Failures (washouts) – no changes proposed for response times as works form part of annual works program.</p>

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ROAD MANAGEMENT PLAN REVIEW (cont'd)

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NO.	MAV Observation	MAV Recommendations	Council Comments
1.14	<p>be used to cast doubt on the reasonableness of Council's adopted response timeframes.</p> <p>Page 19, Section 5 Roadside Furniture The following is stated:</p> <p>"Regulatory Stop signs & Give way signs missing, damaged or illegible"</p> <p>"Other Regulatory signs missing, damaged or illegible" "Warning Signs - missing or illegible"</p>	<p>Council should consider using the words "damaged" or "illegible" with a measurable defect intervention level (e.g. 50% sign legend illegible at 150 m under low beam or in daylight).</p>	<p>Words "damaged" or "illegible" added but measurable defect intervention level as suggested not included on the basis of being able to measure accuracy with certainty.</p>
1.15	<p>Page 19, Section 5 Roadside Furniture The following is stated:</p> <p>"Regulatory Stop signs & Give way signs missing, damaged or illegible"</p> <p>"Other Regulatory signs missing, damaged or illegible" "Warning Signs - missing or illegible"</p>	<p>Council should consider using the words "damaged" or "illegible" with a measurable defect intervention level (e.g. 50% sign legend illegible at 150 m under low beam or in daylight).</p>	<p>Words "damaged" or "illegible" added but measurable defect intervention level as suggested not included on the basis of being able to measure accuracy with certainty</p>

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ROAD MANAGEMENT PLAN REVIEW (cont'd)

ATTACHMENT No [2] - Draft Road Management Plan Version 8



Road Management Plan

DRAFT

June 2021 Version 8

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ROAD MANAGEMENT PLAN REVIEW (cont'd)

ATTACHMENT No [2] - Draft Road Management Plan Version 8

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ROAD MANAGEMENT PLAN REVIEW (cont'd)

ATTACHMENT No [2] - Draft Road Management Plan Version 8

1 GENERAL

1.1 DISTRIBUTION & AVAILABILITY

The General Manager Infrastructure shall be responsible for:

- Control of this Road Management Plan (RMP)
- Distribution of the RMP, and the
- Control and issue of any amendments

Copies (4) of the RMP shall be held by:

- General Manager Infrastructure,
- Manager Construction and Assets

This RMP is available at the following locations and may be viewed, free of charge, by the public during the hours of 9am to 4.30pm each working day:

Municipal Offices
44 Station Street
Cobram, 3643
Phone: 03 5871 9222

Service Centre
100 Belmore Street
Yarrawonga, 3630
Phone: 03 5871 9222

The RMP is also available on Council's website at www.moiravic.gov.au

1.2 AMENDMENT REGISTER

Rev No.	Date	Revision Details	Author
Draft	05/10/2004	Proposed Road Management Plan	Tony Parr
Gazetted	25/11/2004	Gazetted Road Management Plan	Tony Parr
Drafted	21/12/2006	Road Management Plan – Revision 2 (Draft)	Geoff Bolling
CMT	21/03/2007	Road Management Plan – Version 2 Adopted by Council on 16 July 2007 Advertised in Government Gazette on 9 August 2007	Geoff Bolling
Draft	08/05/2009	Revision which commenced on 1 Jan 2009 as required by State Government – Version 4	Geoff Bolling
Council	17/08/2009	Road Management Plan – Version 4 Adopted by Council on 17 August 2009. Advertised in Government Gazette on 3 September 2009	Geoff Bolling
Council	24/06/2013	Road Management Plan – Version 5 Adopted by Council 24/06/2013	Mark Foord
Gazetted	11/07/2013	Gazetted Road Management Plan	Mark Foord
Council	28/06/2017	Road Management Plan – Version 6 Adopted by Council 28/06/2017	Graham Henderson
Council	23/08/2018	Road Management Plan – Version 7 Adopted by Council 23/08/2018	Graham Henderson
Council		Road Management Plan – Version 8 Adopted by Council	Graham Henderson

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ROAD MANAGEMENT PLAN REVIEW (cont'd)

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1.3 DELEGATIONS

The Council and the Chief Executive Officer have delegated the various functions under the *Road Management Act 2004* (the Act) and Road Management (General) Regulations 2016 (the Regulations) to the respective officers of Council detailed in instruments of delegation. This allows Council, through its various members of staff to respond quickly to technical and administrative matters under the Plan.

2 INTRODUCTION

2.1 BACKGROUND

This Road Management Plan (RMP) is a document which describes road and road related infrastructure within road reserves for which Council is responsible. The RMP covers the following assets:

- Bridges (A structure with the primary purpose of carrying a roadway or pathway over an obstacle with a minimum span of 1.8m or a minimum waterway area of 3 m²)
- Major Culverts (A structure with the primary purpose of providing a passageway beneath a road or a path, usually but not necessarily for stormwater, with a minimum span or diameter of 1.8m, or a minimum waterway area of 3 m²)
- Drainage (Pits & Pit Lids, Surrounds & Grates – Not pipes)
- Pathways (Footpath & Shared Pathways – see full definition in appendix 1)
- Kerb & Channel
- Road Pavement
- Road Surface
- Signage (including regulatory & warning signs)

The RMP sets inspection intervals, intervention levels and response times as well as stating management systems which Council will implement to ensure that its responsibilities within the Act are met.

For Council to show that it has satisfied its statutory duty and duty of care to road users, it is required to demonstrate that it has in place a reasonable regime for inspecting and, where required, repairing and maintaining the road network. These aspects of inspection and response are dealt with in Section 5 and are the key components of this RMP.

Implementation and management of the RMP is consistent with Council's various strategic and corporate documents and policies, however, this document is and remains a stand-alone and all-encompassing policy document of the Moira Shire Council (for the inspection, repair and maintenance of public roads, paths and road infrastructure within the municipality of the Moira Shire Council) without recourse to any other policy, practice or procedure of the Council in relation to the performance of its public road, path and road infrastructure management functions.

2.2 PURPOSE

In accordance with Sections 1, 49 and 50 of the Act the purposes of this RMP are:

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ROAD MANAGEMENT PLAN REVIEW (cont'd)

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- To establish a management system for the road management functions of the Council which is based on policy and operational objectives and available resources; and
- To specify the relevant standards in relation to the discharge of duties in the performance of those road management functions.

This RMP details the management system that the Council proposes to implement in the discharge of its duty to inspect, maintain and repair public roads for which the Council is responsible.

2.3 REVIEW OF THIS PLAN

2.3.1 Audit

A program of auditing, using internal auditors who alternate the scope of their annual audits to inspection compliance and Response Times following inspections. Also another audit using external auditors is undertaken every four years for the purposes of ensuring that all the management systems in place are delivering the levels of service adopted by Council for its road network assets.

2.3.2 Plan Review

This RMP will be reviewed in accordance with Regulations 8 and 9 of the Regulations and will be conducted every four years in line with Council elections and by no later than 30 June following an election.

The review will consider the levels of service for road infrastructure on public roads maintained by this Council. Particular attention will be given to managing the demand for asset maintenance with the proposed level of resources made available through the Council budget.

2.3.3 Amendment

In conducting a review of the RMP, Council must ensure that the standards in relation to, and the priorities to be given to, the inspection, maintenance and repair of the roads and classes of road to which the RMP applies are reasonable in accordance with s.103 of the Act.

If the adopted level of service, i.e. tolerable level of defect and/or rectification response time, is not achievable, the level of maintenance effort may need to be varied. The level of service, the anticipated quantity of works and Council's budget and resources would have to be reviewed and a new RMP proposed.

Any revised RMP would be subject to the consultation and approval processes as detailed in Section 54 of the Act.

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3 LISTING OF ROAD INFRASTRUCTURE

3.1 CLASSIFICATION OF INFRASTRUCTURE

Council has adopted a hierarchy which provides for the classification of assets of a similar nature. The objective of a classification is to group assets based on factors including, but not limited to:

- Type and volume of use
- Standards of construction and maintenance

Details of Council's road hierarchy are included in Appendix 1.

3.2 ASSET REGISTERS

Council maintains asset registers of roads, roadways, pathways, road infrastructure or road related infrastructure for which Council is the responsible road authority.

3.2.1 Register of Public Roads

The Act places a mandatory requirement that a road authority keeps a register of public roads. The purpose of the Road Register (the Register) is to list those road assets which will be maintained by Council in accordance with this RMP. The Act provides guidance as to what must be included in the Register, which includes:

- Road name
- Date the road became a public road (if after 1 July 2004)
- Date the road ceases to be a public road
- Classification, if any
- Reference to any plan or instrument that fixes or varies the boundaries of the public road (if made after 1 July 2004,
- Any ancillary areas
- Reference to any arrangement under which management functions is transferred to or from another road authority
- Any matter required to be included by the relevant Road Minister under section 22 of the Act

The roads on the Register of Public Roads are those municipal roads that Council is responsible for and which Council considers are required for general public use.

Council's Register is held as a database. A copy of the Register is available for public viewing at the Municipal Offices. The mandatory information to be kept is listed in Schedule 1 of the Act and includes:

A hard copy record of the location of road assets is kept in the Road Names Folder. The Register is available to the public for inspection at no charge at the Municipal Offices located at 44 Station Street, Cobram, during normal business hours.

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3.2.2 Bridges & Major Culverts Asset Register

This register lists all bridges and major culverts for which Council is the responsible road authority. The register is held as a database and includes the following information:

- Age
- Description of type
- Dimensions
- Location
- Name
- Stream Name
- Tonnage

3.2.3 Pathways Asset Register

This register lists pathways for which Council is the responsible road authority. The register is held as a database and includes the following information:

- Description of type
- Dimension
- Location
- Side of road

3.2.4 Car Parks Asset Register

This register lists both on and off street car parks (not including private off-street car parks) that are maintained by this Council. Maintenance requirements for car park pavements, drains, signs and line markings are the same as Residential Access Roads as described in this RMP.

4 DEMARCATION OF RESPONSIBILITY

4.1 BORDERING MUNICIPALITIES

In the instance of boundary roads with other municipalities the responsibility is allocated according to an agreement between municipalities. The agreement allocates routine maintenance responsibility split on an equitable cost basis. Capital works and reseals costs are shared equitably by both municipalities. The Moira Shire Council borders:

- Campaspe Shire to the west
- Greater Shepparton City Council to the south
- Benalla Rural City Council to the south-east
- Rural City of Wangaratta to the east
- Indigo Shire to the north-east

4.2 ARTERIAL ROADS

For arterial urban roads VicRoads is the Coordinating Road Authority. Hard copy sketches of the line of demarcation between Council and VicRoads have been

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developed and can be viewed in the Act – Code of Practice
– Operational Responsibility for Public Roads [Codes of practice under the Road Management Act: VicRoads.](#)

A State Road may be a Freeway, a Declared Arterial Road or a Non-Declared Arterial State Road.

Highways in the Moira Shire are:

- Murray Valley Highway; and
- Goulburn Valley Highway

Declared Arterial Roads in the Moira Shire are:

Official Name	Local Name
Barmah-Shepparton Road	Murray Street
Barooga Road	Broadway Street & Mookarii Street
Benalla-Tocumwal Road	Beek Street
Benalla-Yarrawonga Road	Belmore Street & Burley Road
Cobram South Road	Cobram South Road
Cobram-Koonoomoo Road	Cobram-Koonoomoo Road
Katamatite-Nathalia Road	Katamatite-Nathalia Road
Katamatite-Yarrawonga Road	Katamatite-Yarrawonga Road
Katamatite-Shepparton Road	Katamatite-Shepparton Road
Tungamah Main Road	Middleton Street
Wangaratta-Yarrawonga Road	Wangaratta-Yarrawonga Road

In the rural areas, VicRoads is responsible for the full width of the road reserve, from property line to property line.

4.3 CROWN LAND

A number of roads are located on crown land managed by the Department of Environment Land Water and Planning (DELWP) and Parks Victoria. Where these roads do not service a Council asset or ratepayer, the road may be the responsibility of the relevant Department. In some instances, a road may pass through the crown land and Council may remain the responsible authority, if the road is on the road register.

4.4 RAIL

The relevant rail authority is responsible for the maintenance of the road and infrastructure in the immediate vicinity of a rail crossing and some bridge structures. *The Rail Safety National Law Application Act 2013* requires Safety Interface Agreements which fully detail the areas of responsibility.

4.5 UTILITY SERVICES

The relevant service provider including water, gas, sewer, phone or power is responsible for the maintenance of its infrastructure located within the road reserve.

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4.6 PRIVATE STREETS

A private street may have been created from the subdivision of private land. Where the street has been constructed to Council's requirements and approved, the street shall be maintained in accordance with this RMP, when it is transferred to the roads register subject to Council either declaring the road or street to be a public highway under section 204(1) of the *Local Government Act 1989* or forming the view that the road is reasonably required for general public use.

4.7 OWNER RESPONSIBILITIES

4.7.1 Vehicle Crossings

The Act provides that a road authority is not liable for private vehicle crossings (driveways) and pathways on road reserves that provide access to land adjoining a road, this responsibility being with the adjoining landowner. Should Council be made aware of a defect within the area of a vehicle cross-over, Council will inform the property owner in writing of such defect and to inform/remind the property owner of their legal obligation to address and remedy the said defect. Failure to comply following issuance of the defect notice may result in the Property Owner issued with a penalty or Council may arrange to carry out such works as are necessary to ensure compliance with such notice, and all costs incurred shall be at the expense of the person on whom the notice was served. Refer 10.5 – Community Safety and Environment Local Law 2013 (No.1 of 2013).

Vehicle crossings must comply with Moira Shire Council's specifications and are subject to the requirements of the *Local Government Act 1989* and Council's Local Laws

Proposed new or altered cross overs to properties adjoining Arterial Roads require a Planning Permit under the *Planning and Environment Act 1987* before any works can commence.

Appendix 5 illustrates the layout of a typical vehicle cross-over showing the areas of responsibility of the road authority and that of the Property Owner.

4.7.2 Overhanging Vegetation

Council has an obligation to ensure a reasonable clearance envelope above pathways, shared pathways and trafficable lanes on roadways it is responsible for. A landowner has a responsibility to keep vegetation growing on their property from encroaching onto pathways, shared pathways and trafficable lanes on roadways. Under the provisions of Council's Local Laws Council may direct the landowner to trim overhanging branches.

4.7.3 Obstructing Pathways and Roads

Council's Community Safety and Environment Local Law 2013 Local law No.1 of 2013 states it is the responsibility of landowners to keep pathways and roads clear of obstructions, including circumstances relating to:

- Tables, chairs, shop displays and signs on pathways in commercial areas (refer to the Footpath Trading Guidelines available on the Moira Shire Council's website at www.moira.vic.gov.au)
- Obstructions on nature strips, and
- Weeds affecting visibility

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4.7.4 Nature Strips

Under s.107 of the Road Management Act 2004, Council has no statutory of common law duty to inspect, maintain or repair roadside. The Act describes "roadside" as:

"...any land that is within the boundaries of a road (other than the shoulders of the road) which is not a roadway or a pathway and includes the land on which any vehicle crossing or pathway which connects from a roadway or pathway on a road to other land has been constructed;

Example

Any nature strip, forest, bushland, grassland or landscaped area within the road reserve would be roadside."

Historically the landowner has undertaken mowing and upkeep as a part of the presentation of their property.

4.7.5 Consent to Perform Works in Road Reserve

In general, any person considering performing works in road reserves must obtain consent from the Coordinating Road Authority unless they are exempted under the *Road Management (Works & Infrastructure) Regulations 2015*. Advice and application forms based on the Act and are available from the Council offices for work on Council roads.

4.8 ACCESS CONTROL

Under the provisions of the Act a road authority may make a decision concerning access onto a public road in relation to:

- Location
- Restrictions of use
- Conditions, and
- Works

VicRoads may specify requirements for highways and main roads and Council for local roads.

Under the Planning Permit process, Council may impose conditions on a permit for the use or development of land in relation to:

- Stock Crossings
- Vehicle crossings
- Driveway dimensions
- Turning lanes, and
- School bus stopping areas

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5 STANDARDS FOR INSPECTION

5.1 INSPECTIONS

5.1.1 General

Council has developed an asset management inspection & defect assessment methodology document that meets the requirements of the Act, whilst accounting for the limited available funds Councils have to maintain extensive asset bases.

The main reasons for the inspection of road and road related infrastructure are:

- To identify defects that exceed stated intervention levels and act to minimise the risk of injury to the asset users; and
- To assist with long term infrastructure planning regarding the lifespan of such assets so as to minimise the financial impact to the community of major renewal projects.

The Council and the community collectively identify the defects on roads and road related assets. Inspections are performed in three modes as follows:

- Mode 1 Inspection by works officers (proactive maintenance) as per frequency shown in Appendix 2
- Mode 2 Inspection based on customer complaints or incident reports (reactive maintenance)
- Mode 3 General assessment by assigned officer or by independent team aimed at assisting with long term infrastructure planning regarding the lifespan of such assets (conditions)

It is important to note that Mode 3 inspections are not intended to identify individual defects, this is done through Mode 1 and 2 inspections.

Details of Mode 1 Inspections are included in Appendix 2

All inspections (regardless of whether a defect is identified or not) are recorded in Council's asset management system and include the inspectors name, the inspection date and organization who conducted the inspection. All defects recorded include GPS location data or changes or both and are available for visual reference on Council's GIS mapping system.

Road inspections are carried out using experienced internal staff or external organisations driving a registered motor vehicle within permitted speed limits and using current technology devices to allow visual recording of identified defects, GPS location points of reference and all inspectors' details.

Footpath & pathways, kerb & channel, drainage and bridge inspections are carried out by experienced internal staff or external organisations and are typically performed using a push bike, tricycle, quad bike or walking using current technology devices to allow visual recording of identified defects, GPS location points of reference and all inspectors' details.

Any defects identified on non-Council Infrastructure assets such as utility companies (e.g Telstra, Water, Electricity, Gas) are recorded in Council's Asset Management System and details of defects are forwarded to the responsible company by Council's Operations Department for them to undertake repairs or replacements as required. These utility companies typically have their own rectification timelines and Council takes no responsibility if these companies fail to undertake adequate repairs within a timely manner. Council will however, make the area as safe as is possible to prevent or minimize the risk of injury to the general public whilst awaiting rectification works by

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the utility companies.

6 STANDARDS FOR MAINTENANCE AND REPAIR

Council has determined standards in relation to the maintenance and repair of roads, pathways and other road infrastructure following the inspection and identification of defects exceeding or approaching agreed intervention levels.

Details of defect descriptions and intervention levels are included in Appendix 2 & Appendix 3a&3b.

All defects identified and confirmed as defects where urgent or immediate action is required are recorded in Council's Asset Management Database – Conquest and given a defect rating of five (5) meaning extreme. A works action is created in Conquest and remains open until works have been completed and the action is closed. The times in which these defects should be repaired or warning signs erected to make the area safe are also described in Appendix 3a and 3b. Once the defect area has been made safe the defect rating may be lowered until the defect repair has been completed and the works action is closed.

Defects can be identified via routine asset inspections or via reporting of a potential defect through Council's Customer Request Management System (CRM). A CRM when raised triggers the requirement for an asset inspection to be undertaken.

If the inspection confirms a defect is present, the defect is rated accordingly and programmed for repair works as per the timeframes shown in appendix 3a and 3b or as documented in Council's Road Asset Management Plan.

Defects identified as not being extreme (5) may be rated between one (1) and four (4), may have a works action created in Conquest and may be placed on future works programs within the response timeframes as documented in Council's Road Asset Management Plan or as resources permit.

If a defect is validated and recorded as having reached or exceeded intervention level criteria as shown in appendix 3a and 3b, either through the Council's mode 1 routine maintenance inspections, or on a mode 2 inspection, Council will take appropriate action to reduce the risk of an incident by means of appropriate warning until the maintenance/repair works are completed.

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7 EXCEPTIONAL CIRCUMSTANCES - "FORCE MAJEURE"

Council will make every endeavour to meet all aspects of its RMP. However, in the event of natural disasters and other events including, but not limited to, fires, floods, droughts, pandemics and the like, together with human factors, such as Government interventions, lack of Council staff or suitably qualified contractors, pursuant with section 83 of the *Victorian Wrongs Act 1958*, as amended, Council reserves the right to suspend compliance with its RMP.

In the event that the Chief Executive Officer of the Council has considered the impact of such an event on the limited financial and other resources of the Council and the Council's other competing priorities and budgetary constraints (whether or not in conjunction with the Council), and has determined that any standards of the or requirements in the Plan cannot be adequately met, then pursuant to and reliant on the principles set out in Section 83 and otherwise they will write to Council's officer in charge of its RMP and inform them that some, or all, of the timeframes and response times are to be suspended.

Council statements to inform residents about the suspension or reduction of the services under the RMP due to the 'exceptional circumstances' will include reference to how the work that will be done has been prioritized, and the estimated period for which it is likely to be affected.

Once the events beyond the control of Council have abated, or if the events have partly abated, Council's CEO will write to Council's Officer responsible for Council's Plan and inform them which parts of Council's Plan are to be reactivated and the timeframes for each part of the RMP to be reactivated.

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8 APPENDICES

Appendix 1 – Hierarchies

Appendix 2 – Details of Mode 1 Inspections

Appendix 3a – Response Times Following Inspection - Roads & Road Related Assets

Appendix 3b – Response Times Pathways

Appendix 4 - Township CBD High Usage Footpath and Kerb Maps

Appendix 5 - Typical Vehicle Cross-Over

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Appendix 1 – Hierarchies

Road Hierarchy

Classification		Function	Accessibility	Surface
Urban	Link	Link between declared roads or industrial centres. Estimated to carry greater than 1,000 Vehicles per day (VPD).	All Weather Access	Gravel or Sealed
	Collector	Connects into residential areas, minor industrial centres or conveys traffic to link or arterial roads. Estimated to carry greater than 500 to less than 1,000 VPD.	All Weather Access	Gravel or Sealed
	Residential Access – (Local Access)	Access to residences or secondary commercial areas. Estimated to carry less than 500 VPD.	All Weather Access	Gravel or Sealed
	Laneway	Access to rear of properties, for property occupiers. Estimated to carry less than 100 VPD.	All Weather Access	Gravel or Sealed
Rural	Link	Link between townships, arterial roads, or industrial centres. Estimated to carry greater than 500 VPD	All Weather Access	Gravel or Sealed
	Collector	Connects between localities and industrial centres or conveys traffic to link or declared roads. Estimated to carry 100 to less than 500 VPD	All Weather Access	Gravel or Sealed
	Residential Access – (Local Access)	Primary access to residences, or roads with significant traffic. Estimated to carry less than 100 VPD	All Weather Access	Gravel or Sealed
	Farm Access & Laneway	Farm Access roads to residences or roads with some traffic but no residences. Estimated to carry less than 100 VPD	Dry Weather Only	Formed using local pavement materials
	Tracks	Other property access, river access, fire access	Dry Weather Only	Unformed or Formed using natural materials

Pathway Hierarchy

Classification	Function
High Usage	Pathways within the CBD areas as shown in appendix 4 in the townships of: <ul style="list-style-type: none"> Cobram Nathalia Numurkah Yarrawonga
Low Usage	Pathways that are not located in the high usage areas.

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Definition of Pathway under the Act - Under Part 1 – Definitions of the *Road Management Act 2004*, a pathway is defined as:

“**pathway** means a footpath, bicycle path or other area constructed or developed by a responsible road authority for use by members of the public other than with a motor vehicle but does not include any path

- (a) Which has not been constructed by a responsible road authority; or
- (b) Which connects to other land;

Examples

A footpath or bicycle path constructed on a road reserve by a responsible road authority for use by the general public would be a pathway.

A foot trodden track over roadside land or a path that connects from a roadway or footpath to privately owned land would not be a pathway.

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Appendix 2 – Details of Mode 1 Inspections

Asset Type	Criteria	Frequency
Sealed Roads	<ul style="list-style-type: none"> Potholing Crocodile Cracking Longitudinal Cracking Major Failures Pavement deformation Edge Break Edge Drop Off Pavement Markings (Line, Text, Symbol) 	<p>Link Roads – Minimum three times per year</p> <p>Collector Roads – Minimum Twice per year</p> <p>Residential Access Roads – Minimum once per year</p>
Unsealed Roads (link, collector and residential access) - all weather roads	<ul style="list-style-type: none"> Potholing Pavement deformities Major Failures 	<p>Link Roads – Minimum three times per year</p> <p>Collector Roads – Minimum twice per year</p> <p>Residential Access Roads – Minimum once per year</p>
Unsealed Roads (Farm access)	<ul style="list-style-type: none"> Pavement deformities Potholing 	Minimum once per year
Sealed Laneway	<ul style="list-style-type: none"> Potholing Clearance envelope 	Minimum once per year
Unsealed Laneway	<ul style="list-style-type: none"> Potholing Clearance envelope 	Minimum once per year
Regulatory and Warning Sign Inspections	<ul style="list-style-type: none"> Damaged Missing Reflectivity (Night Time Only) 	<p>Daylight Inspections - Minimum once per year</p> <p>Night Inspections - Minimum once per year</p>
<p>Bridges & Major Culverts</p> <p>The primary reasons for conducting Level 1 (mode 1) inspections are:</p> <p>To check the general serviceability of the structure for obvious signs of defects which might affect the immediate safety of road users</p> <p>To identify maintenance items that require immediate action and/or to schedule routine maintenance for completion at a later date.</p>	<ul style="list-style-type: none"> Dirt or vegetation Running or Wearing Surface Stream Maintenance Warning signs and furniture Accident Damage Road approach Post Flood events 	<p>Level 1 Bridge Inspection - Minimum once per year</p> <p>Also, within six (6) months for Post Flood Events at Level 1 Bridge Inspection</p>
Pathways	<ul style="list-style-type: none"> Vertical Lips Undulations Potholes/Depressions Displacement Clearance envelope Vegetation overgrowth Cracks & breaks Edge drop 	<p>Within 13 months of previous inspection for pathways classified as High usage</p> <p>Every two years for pathways classified as Low usage</p>

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Kerb & Channel	<ul style="list-style-type: none">• Broken structure (spalling or displacement)• Cracks & breaks• Edge drop – Back of Kerb• Uplift or subsidence	As per High Use Pathway Inspections As per Low Use pathway inspections for all other Kerb & Channel
Safety Barriers / Guard rails / Guideposts)	<ul style="list-style-type: none">• Damaged• Missing	Inspected as part of the road - mode 3 inspection type

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Appendix 3a – Response Times Following Inspection - Roads & Road Related Assets

Intervention Thresholds & Repair Response Times - Urban & Rural Areas

Hazard Description & Intervention Thresholds	Link	Collector	Residential Access & Laneways	Farm Access & Laneways & Tracks
1. Sealed Pavement				
1.1 Pothole in traffic lane greater than 300mm diameter and greater than 100mm deep.	2 weeks	2 weeks	3 months	12 months
1.2 Area in traffic lane where the seal is missing or cracked and can be removed by hand. Includes crocodile cracking greater than 3sqm & longitudinal cracking greater than 10m in length	2 weeks	2 weeks	3 months	12 months
1.3 Major Failures greater than 50 sqm.	12 months	12 months	12 months	12 months
1.4 Deformation greater 100mm measured with 1.2m straight edge transverse, or under a 3m straight edge longitudinal.	3 months 12 months	3 months 12 months	3 months 12 months	3 months 12 months
1.5 Edge break exceeds 150mm laterally over at least a 10m length from the nominal edge of seal.	8 weeks	16 weeks	24 weeks	12 months
1.6 Edge drops onto unsealed shoulder greater than 75mm and greater than 10m in length.	16 weeks	32 weeks	48 weeks	12 months
1.7 Pavement Markings (Line, Text, Symbol) - missing or illegible pavement markings making them substantially ineffective.	12 months	12 months	12 months	12 months
2. Unsealed Roads				
2.1 Pothole in traffic lane greater than 500mm diameter and greater than 150mm deep.	4 weeks	4 weeks	3 months	12 months
2.2 Pavement Deformities (rutting, corrugation).	8 weeks	16 weeks	24 weeks	12 months
2.3 Major Failures (i.e. washout,).	12 months	12 months	12 months	12 months

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Hazard Description & Intervention Thresholds	Link	Collector	Residential Access & Laneways	Farm Access & Laneways & Tracks
3. Obstruction & Substances in Traffic Lane				
3.1 Washaways, subsidence or other damage to a traffic lane or immediately adjacent to a traffic lane that presents an extreme risk hazard to the travelling public. Initial response to be signage or other treatment to reduce risk	48 hours	48 hours	48 hours	N/A
3.2 Fallen trees, oil spills or stray livestock or other obstructions Initial response to be signage or other treatment to reduce risk if item cannot be immediately removed	48 hours	48 hours	48 hours	N/A
3.3 Materials fallen from vehicles, dead animals, wet clay and other slippery substances, hazardous materials or other obstructions Initial response to be signage or other treatment to reduce risk	48 hours	48 hours	48 hours	N/A
3.4 Fallen limbs protruding into the traffic lane or otherwise presenting an extreme risk hazard to the travelling public	48 hours	48 hours	48 hours	N/A
4. Drainage / Kerb				
4.1 Damaged, blocked, missing drainage pit lids, surrounds or grates in or adjacent to traffic lanes Initial response to be signage or other treatment to reduce risk	48 hours	48 hours	1 month	N/A
4.2 Kerb & Channel – Displacement greater than 40mm	6 months	6 months	12 months	N/A
4.3 Kerb & Channel – Missing Back of Kerb greater than 1 metre	6 months	6 months	12 months	N/A
5. Roadside Furniture				
5.1 Safety barriers missing or damaged making them substantially ineffective	3 months	3 months	12 months	12 months
5.2 Regulatory Stop signs & Give way signs missing, damaged or illegible	1 week	1 week	1 week	2 weeks
5.3 Other Regulatory signs missing, damaged or illegible	1 month	1 month	3 months	3 months
5.4 Warning Signs - missing or illegible	3 months	3 months	12 months	12 months

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Hazard Description & Intervention Thresholds	Link	Collector	Residential Access & Laneways	Farm Access & Laneways & Tracks
6. Structures - Bridges & Major Culverts				
6.1 Dirt or vegetation build-up having an extreme impact on correct operation or structural integrity - Clear and clean when any accumulation of material causes interruption to the escape of drainage water, or the operation of expansion joints	48 hours	48 hours	48 hours	12 months
6.2 Running or wearing surface damage - Repair of bridge deck or road surface causing an extreme risk hazard to road users.	48 hours	48 hours	48 hours	12 months
6.3 Stream Maintenance - Clearing of debris >400mm or logs > 150mm diameter from streams within 10 m of structure.	1 week	1 week	1 week	12 months
6.4 Warning Signs and Bridge Furniture – damaged, missing or illegible	3 months	3 months	12 months	12 months
6.5 Accident Damage - When damage is considered to cause an extreme risk hazard to road users or to the structural integrity of the bridge.	48 hours	48 hours	48 hours	12 months
6.6 Road Approach - When approach or abutment degradation is considered to cause an extreme risk hazard to road users.	48 hours	48 hours	48 hours	12 months
6.7 Extreme defects identified from a level 2 inspection which potentially endanger the capacity and stability of the structure. Generally rated condition 4 as per Vic Roads – Roads Structure Inspection Manual	Detailed engineering inspection (Level 3) within 3 months	Detailed engineering inspection (Level 3) within 3 months	Detailed engineering inspection (Level 3) within 3 months	Detailed engineering inspection (Level 3) within 3 months

The response for each of the hazards described in the above tables shall be to inspect and rectify if possible, or provide appropriate hazard warning to reduce level of risk.

Where, because of the nature of the repair required, level of resources required or workload, it is not possible to rectify within the time shown in the above table, Council shall implement appropriate hazard warning until the repair can be completed.

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Appendix 3b – Response Times Pathways

Intervention Thresholds & Repair Response Times – Footpaths & Pathways

Hazard Description & Intervention Threshold	Repair Response Time	
	High	Low
1. Pathway surface		
1.1 Surface having a step greater than 25mm	1 month	12 months
1.2 Undulations - Footpath mounds or depressions >100mm under a 1.2m straight edge	1 month	12 months
1.3 Depression/deformation greater than 50mm measured under a 3 metre straight edge on sealed surface	1 month	12 months
1.4 Cracking greater than 25mm wide and greater than 300mm in length	1 month	12 months
1.5 Edge drop greater than 100mm from pathway surface to adjacent ground (excluding kerbs) and greater than 10m in length	1 month	12 months
1.6 Displacement greater than 25mm	1 month	12 months
2. Obstruction & Substances on Pathway		
2.1 Material fallen from a vehicle, wet clay, other slippery substances and hazardous materials on any surface Initial response to be signage or other treatment to reduce risk if item cannot be immediately removed	48 hours	48 hours
2.2 Fallen trees or other obstacles that obstruct traffic Initial response to be signage or other treatment to reduce risk if item cannot be immediately removed	48 hours	48 hours
3. Drainage		
3.1 Damaged or missing pit lids, surrounds and grates within pathway. (Make safe and report to pit owner if not Council's) Initial response to be signage or other treatment to reduce risk if item cannot be immediately removed	48 hours	48 hours
4. Vegetation		
4.1 Vegetation which presents a physical hazard to the public intruding into a clearance envelope between edges of pathway and at 2.5 metre height clearance over pathway	3 months	12 months
5. Pathside furniture		
5.1 Safety barriers or guideposts missing or damaged	3 months	12 months
5.2 Safety signs missing, illegible or damaged	3 months	12 months

The response for each of the hazards described in the above tables shall be to inspect and rectify if possible, or provide appropriate hazard warning to reduce level of risk.

Where, because of the nature of the repair required, level of resources required or workload, it is not possible to rectify within the time shown in the above table, Council shall implement appropriate hazard warning until the repair can be completed

FILE NO: F21/6
4. A WELL RUN COUNCIL

ITEM NO: 10.4.3

ROAD MANAGEMENT PLAN REVIEW (cont'd)

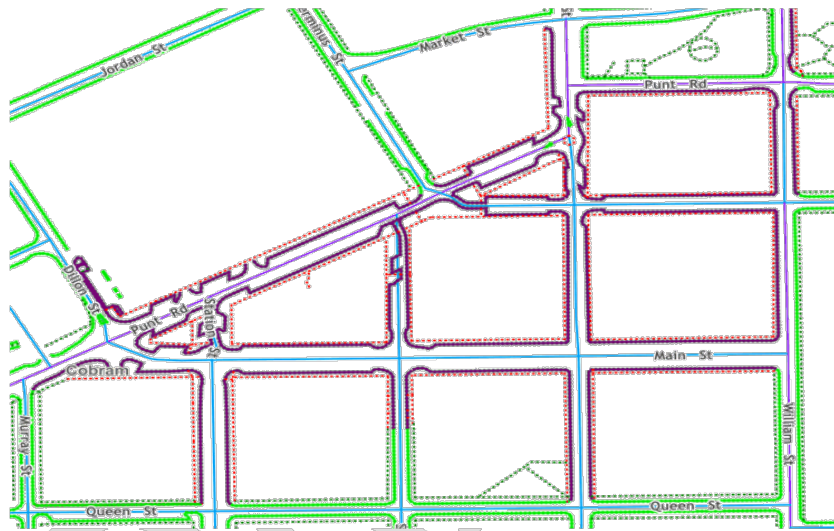
ATTACHMENT No [2] - Draft Road Management Plan Version 8

Appendix 4 - Township CBD - High Usage Footpath & Kerb Maps

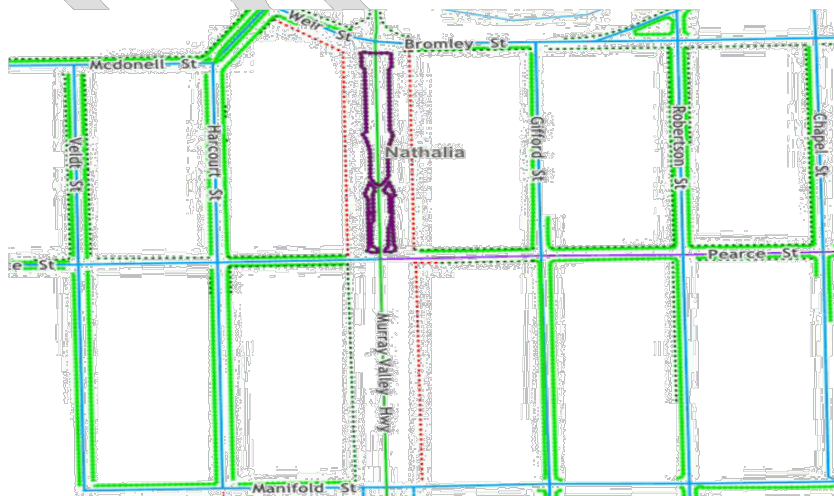
LEGEND

- ASSETS
- FOOTPATHS
 - MOIRA FOOTPATHS USAGE
 - High
 - Low
- KERBCHANNEL:
 - KERBCHANNEL HIGH USAGE

Cobram



Nathalia



Moira RMP Version

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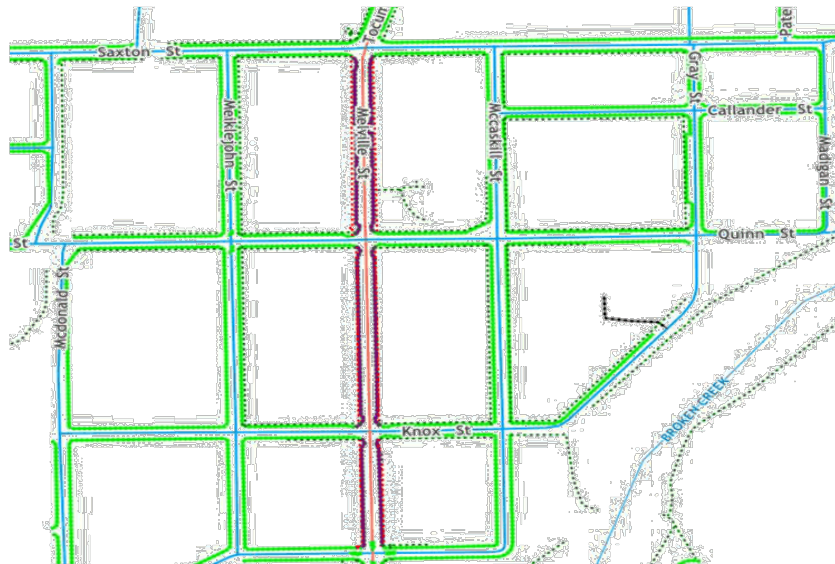
FILE NO: F21/6
4. A WELL RUN COUNCIL

ITEM NO: 10.4.3

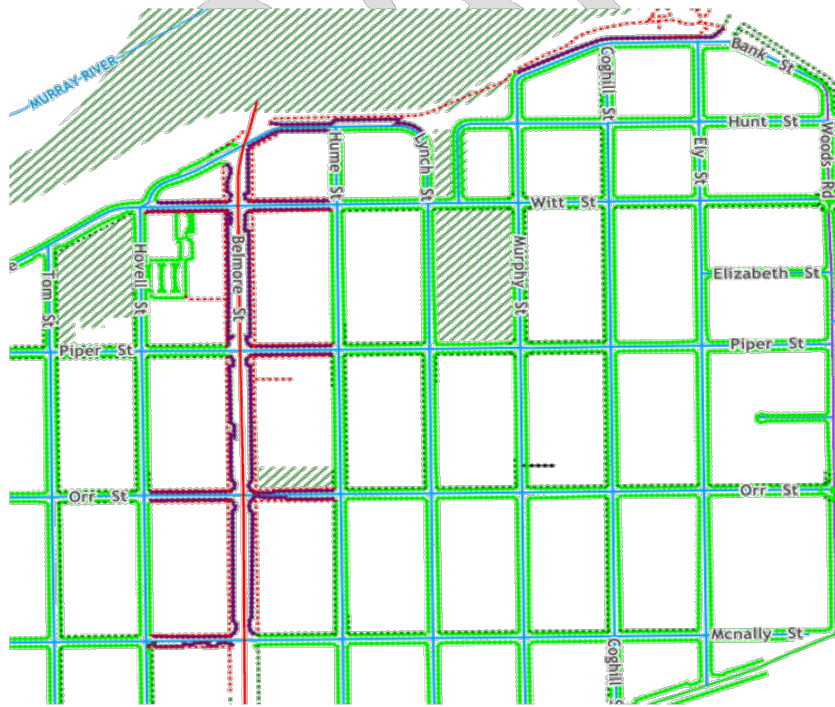
ROAD MANAGEMENT PLAN REVIEW (cont'd)

ATTACHMENT No [2] - Draft Road Management Plan Version 8

Numurkah



Yarrawonga



Moirā RMP Version

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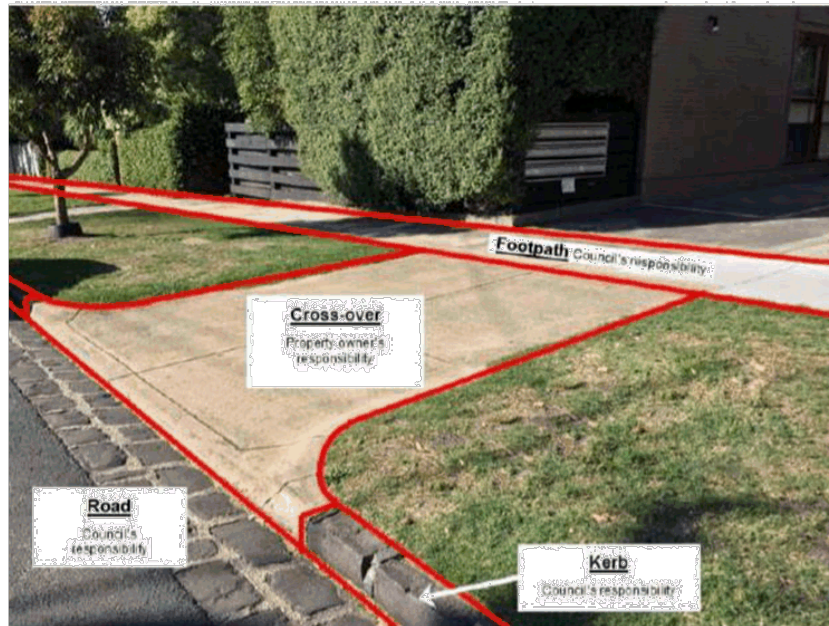
FILE NO: F21/6
4. A WELL RUN COUNCIL

ITEM NO: 10.4.3

ROAD MANAGEMENT PLAN REVIEW (cont'd)

ATTACHMENT No [2] - Draft Road Management Plan Version 8

Appendix 5 – Typical Vehicle Cross-Over



*"Roadside" the Road Management Act, specifically states that a road authority does not have a statutory or common law duty to inspect, maintain or repair 'roadside' refer to S.107 of the Road Management Act.

FILE NO: 1
4. A WELL RUN COUNCIL**ITEM NO: 13.1****PETITION - MOIRA SHIRE TO TAKE A LEADERSHIP ROLE IN RESOLVING
ISSUES RELATING TO LAKE NUMURKAH****RECOMMENDATION**

That Council:

1. notes the petition for Moira Shire to take a leadership role in resolving issues relating to the Numurkah Lake;
2. continue to discuss the management of Numurkah Lake with its owner;
3. continue to develop, including in consultation with the community, a concept plan for Lake Numurkah; and
4. thank the signatories of the petition for their work and advise the first mentioned signatory of the petition of Council's decision.

1. Executive Summary

Council has received a petition requesting the *“Moira Shire to take a leadership role in resolving issues relating to the extremely poor condition of Numurkah Lake.*

We are aware that the Moira Shire is not the only stakeholder in the lake issues, but recognize that by draining a large section of Numurkah directly into the lake, the Shire has contributed greatly to the poor condition of the water”.

The petition was tabled at the 24 February 2021 Ordinary Council meeting. The petition had 209 signatories.

This report describes the situation regarding Lake Numurkah. This background information and current situation update provides an explanation for the reports recommendations.

2. Background and Options

Previous reports to Council note the following salient points in relation to Lake Numurkah:

- the lake at Numurkah was constructed in the late 1970's by a private developer over a combination of private land, crown land, creek frontage reserve and road reserves;
- Numurkah Shire Council supported development of the lake which it saw as providing a lake that the community could enjoy as well as development opportunities for the private interest that owned most of the land;
- the proposal involved minimal if any construction and ongoing maintenance by the Council;
- the private land holders as the major land holders were responsible for the lake and for filling it with water from a privately held allocation;
- the owners of the lake have a 190ML water entitlement;
- Council does not own, manage or control any water supply specifically associated with the lake except for some town drainage outfalls; and
- the estimated average annual evaporation from the lake is 155ML per annum.

FILE NO: 1
4. A WELL RUN COUNCIL

ITEM NO: 13.1

**PETITION - MOIRA SHIRE TO TAKE A LEADERSHIP ROLE IN RESOLVING
ISSUES RELATING TO LAKE NUMURKAH (cont'd)**

Ownership and management of the lake is summarized in the following table:

Owner	Area	Percentage of total
Private ownership	8.2 ha	58%
DELWP owned and managed	1.9 ha	13%
DELWP owned Council managed	4.2 ha	29%
Total	14.3 ha	100%

During the millennium drought there was a significant decline in the condition of the lake. This resulted in the preparation of the Concept Plan for Lake Numurkah which was adopted on the 18 July 2011. This decision was taken post a two staged community consultation. Firstly, the consultation commenced with the establishment of the Numurkah Lake Advisory Committee who sought input from the community in the preparation of the draft concept. Secondly a broad consultation phase regarding the proposed draft took place.

Key features of the Concept Plan included a series of deep pools and connecting channels, ephemeral marshlands, wetlands, pedestrian circulation and a series of activity zones.

A number of significant things have occurred since 2011. This includes the floods of 2012, and the adoption of the Murray Darling Basin Plan and with it substantial reform of the water industry. These factors have contributed to the concept plan not progressing.

Since the millennium drought northern Victoria has experienced a series of wetter years' which saw the lake return to levels considered more 'normal'. However, over recent years' drought conditions have lowered the lakes water level once again. This has resulted in a decline in water quality and loss of recreational activity, habitat and amenity.

Furthermore, provision for future growth in Numurkah is northward of Wattle Drive. Storm water from this future development will ultimately need to discharge to the Broken Creek. Whether this is to occur through the land occupied by Lake Numurkah is a matter for consideration.

In response to the issues noted above, as well as increasing concern being raised by the community, an allocation of \$50,000 was made in the 2020/2021 Council budget. This allocation is to further develop, including in consultation with the community, a concept plan for Lake Numurkah.

Council Officers and representatives of the owners of Lake Numurkah have been in frequent contact over recent months and continue to discuss issues and explore future options regarding the lake. The owners of the lake are critical stakeholders in any matters relating to it and their input and cooperation is essential for any long term and permeant solution to what is otherwise a recurring issue for the Numurkah community.

The petition states that *"the Shire has contributed greatly to the poor condition of the water"*. The cause of the poor quality of water in the lake is unknown and may be a result of storm water discharge or evaporation concentrating naturally occurring contaminants, or a combination of both. A feature of the concept plans (both 2009 and

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**PETITION - MOIRA SHIRE TO TAKE A LEADERSHIP ROLE IN RESOLVING
ISSUES RELATING TO LAKE NUMURKAH (cont'd)**

proposed) is to provide areas that would remove sediment, nitrogen and phosphorous and therefore improve water quality.

3. Financial Implications

The cost of the works identified in the concept plan was estimated at the time to be approximately \$1.5 million + earthworks.

In recent years Council has undertaken a number of activities and made the following improvements in and around the lake:

- tree planting along Madigan St;
- installed exercise equipment along Madigan St;
- quarterly Water Quality readings (since January 2019) which has resulted in on site signage and media releases;
- aquatic Weed Management Plan 2018 prepared;
- aquatic Flora Survey 2018 prepared;
- fish Relocation 2019 in partnership with the Lake owners and Vic Fisheries; and
- photo point Monitoring – Ad Hoc basis since 2019

In addition, approx. 500 plants will be planted along Lake Numurkah in 2021 to fill in the gaps for shade, amenity and biodiversity purposes.

These works have cost approximately \$40,000.

4. Internal and External Consultation

Members of the public have approached Council numerous times over the past 18 months raising concerns about the condition of Lake Numurkah. This has resulted in a number of meetings and ongoing discussion between representatives of the owners of the lake, the manager of Lakeside resort and Council.

Therefore, Council is aware that many people have a strong interest in Lake Numurkah and value it highly for a variety of recreation activities and also as an environmental asset.

In addition to the petition which is the subject of this report, Council has also recently received a number of letters from members of the public expressing their concerns about the current condition of Lake Numurkah. These letters are being responded to directly.

5. Conflict of Interest Considerations

There are no Officer conflicts of interest to consider in relation to this report.

6. Conclusion

Council has recently received a petition, with 209 signatories, requesting *“Moira Shire to take a leadership role in resolving issues relating to the extremely poor condition of Numurkah Lake.”*

We are aware that the Moira Shire is not the only stakeholder in the lake issues, but recognize that by draining a large section of Numurkah directly into the lake, the Shire has contributed greatly to the poor condition of the water.”

This report outlines key information about Lake Numurkah and the history of its management. Council acknowledges that members of the community, including the signatories of the current petition have a strong interest in the lake.

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**PETITION - MOIRA SHIRE TO TAKE A LEADERSHIP ROLE IN RESOLVING
ISSUES RELATING TO LAKE NUMURKAH (cont'd)**

Therefore, an allocation of \$50,000 is in the current year's budget for further development of a concept plan for Lake Numurkah. Council Officers and representatives of the owners of Lake Numurkah have been in frequent contact over recent months and continue to discuss issues and explore options regarding the lake.

Recommendations are made for Council to:

1. note the petition for Moira Shire to take a leadership role in resolving issues relating to the Numurkah Lake;
2. continue to discuss the management of Numurkah Lake with its owner;
3. continue to develop the Lake Numurkah concept plan; and
4. thank the signatories of the petition for their work and advise the first mentioned author of the petition of Council's decision.

Attachments

Nil

FILE NO: VARIOUS

ITEM NO: 15

GENERAL BUSINESS**6.4. General business**

(1) If the Agenda for a Meeting makes provision for urgent business, business cannot be admitted as Urgent Business other than by resolution of Council and only then if:

- (a) It relates to or arises out of a matter which has arisen since distribution of the Agenda; and
- (b) deferring the item until the next Meeting will mean a decision on the item will not have any effect on the matter; or
- (c) the item involves a matter of urgency as determined by the Chief Executive Officer; and
- (d) it cannot be addressed through an operational service request process.
- (e) the matter does not:
 - substantially affect the levels of Council service;
 - commit Council to significant expenditure not included in the adopted budget;
 - establish or amend Council Policy; or
 - commit Council to any contractual arrangement.

(2) A Councillor proposing a matter be admitted as urgent business must lodge it in writing to the Chief Executive Officer four (4) hours prior to the Meeting.

(3) The Chief Executive Officer will advise the Mayor of any matter he or she determines appropriate for Council to consider admitting as urgent business.

FILE NO: VARIOUS

ITEM NO:

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 which the Council may, pursuant to the provisions of Section 66 (2) of the Act resolve to be considered in closed session.