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## **AGENDA**

### **SCHEDULED MEETING OF COUNCIL** **FOR** **WEDNESDAY 28 JULY 2021** **TO BE HELD AT COBRAM CIVIC CENTRE** **COMMENCING AT 5:00 PM**

#### **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 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, 23 June 2021, as prepared, be confirmed.”

#### **8. COUNCILLOR TO PROVIDE VERBAL REPORTS**

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<b>9. PUBLIC QUESTION TIME</b>	
<b>10. OFFICER REPORTS FOR DETERMINATION</b>	
<b>10.1 OFFICE OF CEO</b>	
NIL	
<b>10.2 CORPORATE</b>	
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<b>10.3 COMMUNITY</b>	
NIL	
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<b>11. ACTION OFFICERS LIST</b>	
NIL	
<b>12. NOTICES OF MOTION</b>	
NIL	
<b>13. PETITIONS AND JOINT LETTERS</b>	
NIL	
<b>14. COUNCIL SEAL</b>	
NIL	
<b>15. GENERAL BUSINESS</b>	<b>23</b>
<b>16. CLOSE OF MEETING</b>	

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](mailto:info@moira.vic.gov.au) clearly stating is a question for the meeting.

FILE NO: 0  
5. TRANSPARENT AND ACCOUNTABLE  
GOVERNANCE

ITEM NO: 10.2.1  
(ACTING MANAGER GOVERNANCE & RISK,  
AMANDA CHADWICK)  
(GENERAL MANAGER CORPORATE, SIMON  
RENNIE)

## 2021/22 LOCAL GOVERNMENT LIABILITY MUTUAL INSURANCE RENEWAL

### RECOMMENDATION

That Council:

1. Accept the renewal proposal for MAV Insurance's Liability Mutual Insurance Scheme;  
and
2. Authorise the Chief Executive Officer to sign the 2021/22 insurance renewal documents.

### 1. Executive Summary

Council was required by section 76A of the *Local Government Act 1989* to maintain public liability insurance. While the repeal of this section of the 1989 Act on 1 May 2020 removed the legislative requirement for Council to maintain public liability insurance, it remains critical for Council to do so to protect the community from litigation.

The Municipal Association of Victoria (MAV) has provided Public and Products Liability and Professional Indemnity insurance (PPL/PI insurance) to Victorian Councils since 1993 when commercial insurers withdrew from the market. While a large proportion of Councils purchase their PPL/PI insurance from MAV Insurance (MAVI), Councils are free to purchase their insurance from the open market if they wish.

Since then, Councils have also been provided with an exemption from the requirement to publicly tender their PPL/PI insurance needs if they insured through the MAV's Liability Mutual Insurance Scheme (LMI Scheme). Moira Shire Council has previously utilized the tendering exemption and insured through the LMI Scheme.

### 2. Background and Options

Moira Shire Council's premium to participate in the LMI Scheme for 2021/22 is \$355,239 (inclusive of stamp duty and GST). This represents a 6.5% increase over the previous year's premium.

Premiums across the entire scheme have increased by an average of 10% this year due to a considerable hardening in the general insurance market which has resulted in higher reinsurance program costs.

The MAV's policy is unable to continue to provide coverage for COVID losses and a new exclusion will be introduced into the policy at renewal for this risk. This is due to a worldwide movement to exclude COVID from reinsurance and retrocession policies. While investigating the purchase of COVID-specific coverage to provide some protection for members, the terms and conditions of coverage available in the market could not be considered acceptable and would not have provided coverage to a standard considered desirable to members.

The LMI scheme will again provide appropriately high coverage limits of \$600 million for each and every public liability claim and \$600m per member for professional indemnity (PI) claims, subject to one reinstatement (i.e. \$1.2b in total PI claims per member)

FILE NO: 0  
5. TRANSPARENT AND ACCOUNTABLE  
GOVERNANCE

ITEM NO: 10.2.1

**2021/22 LOCAL GOVERNMENT LIABILITY MUTUAL INSURANCE RENEWAL  
(cont'd)**

**Table 1: LMI Premiums for past 4 years**

Year	LMI Premium (including GST)	% increase over previous year
2021/22	\$355,239	6.5%
2020/21	\$333,557	16%
2019/20	\$287,549	16%
2018/19	\$247,887	2%

**3. Financial Implications**

MAVI has provided a renewal premium of \$355,239 inclusive of stamp duty and GST for the 2021/22 financial year which is an increase of 6.5% compared to last year.

The increase in premium has been allowed for in the 2021/22 Budget.

**4. Risk Management**

Adequate insurance is a fundamental and critical part of the Council's risk management framework. Failure to effect adequate insurance for the wide range of Council activities and services would place Council and community at significant risk.

**5. Internal and External Consultation**

Internal consultation occurred with the General Manager Corporate.

There was no public tender process this year as Councils have also been provided with an exemption from that requirement if they insured through the MAV's Liability Mutual Insurance Scheme (LMI Scheme).

**6. Council Plan Strategy**

The subject matter of this report supports the Council Plan Strategy of transparent and accountable governance.

**7. Conflict of Interest Considerations**

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

**8. Conclusion**

It is recommended that Council accept the offer of LMI insurance from the MAVI for 2021/22 financial year.

**Attachments**

- 1 MAVI - LMI Insurance Renewal Invitation - 2021/22 - *printed in separate document*

FILE NO:  
5. TRANSPARENT AND ACCOUNTABLE  
GOVERNANCE

ITEM NO: 10.2.2  
(ACTING MANAGER GOVERNANCE & RISK,  
AMANDA CHADWICK)  
(GENERAL MANAGER CORPORATE, SIMON  
RENNIE)

## PROPOSED DISCONTINUANCE OF SECTIONS OF UNUSED ROADS WITHIN LAKE NUMURKAH

### RECOMMENDATION

That Council:

- 1 Authorise the Chief Executive Officer to:
  - a) give public notice of a request for Council to discontinue sections of unused road from the end of Saxton Street between Russell Street and Kinnairds Road, Numurkah as well as a section of unused Government Road to the north of the existing island within Lake Numurkah and reserve the land for public use;
  - 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 31 August 2021.
- 2 If required:
  - a) convene a Committee of Council comprising Cr \_\_\_\_\_, Cr \_\_\_\_\_ and General Manager Community and/or delegate to meet at 1pm Wednesday 8 September 2021 at the Council Chambers, Melville Street Numurkah to hear any person wishing to be heard in support of their written submission;
  - b) consider a recommendation regarding the road discontinuance with or without amendment at the 22 September 2021 Ordinary Council meeting.

### 1. Executive Summary

The purpose of this report is to seek Council's authorisation to conduct community consultation on a request to discontinue sections of unused road from the end of Saxton Street Numurkah between Russell Street and Kinnairds Road and a section of Government road to the north of the existing island within Lake Numurkah and reserve the land for public use.

Council has previously resolved to close these sections of road as part of the Lake Numurkah Concept Plan however the final process was not completed. Therefore, Council is required to conduct community consultation again under section 223 of the *Local Government Act 1989* and Section 12 of the *Road Management Act 2004*.

Following on from the public feedback received a final recommendation will be submitted to the 22 September 2021 Council meeting for consideration.

### 2. Background and Options

At its Council meeting on 18 July 2011 Council resolved, as part of the Lake Numurkah Concept Plan, to discontinue a section of unused road between Russell Street and Kinnairds Road as well as a section of Government Road shown to the north of the existing island within the lake.

This resolution followed significant community consultation regarding Lake Numurkah including numerous discussions with the Department of Sustainability (now known as DEWLP). The intention was to close the roads and incorporate these areas into the surrounding crown land reserve with Council to be appointed as Committee of Management.

FILE NO:  
5. TRANSPARENT AND ACCOUNTABLE  
GOVERNANCE

ITEM NO: 10.2.2

## PROPOSED DISCONTINUANCE OF SECTIONS OF UNUSED ROADS WITHIN LAKE NUMURKAH (cont'd)

A letter received from Department of Sustainability requested for council to close the sections of land that are defined as roads, notwithstanding the fact that they are effectively incorporated within the Lake.

Given the length of time that has passed since the original resolution it is recommended that Council recommence the process with public consultation on the proposed closures.

### Process

The process 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*.

Council is to seek community feedback on the proposal before making a decision to proceed or otherwise under section 223 of the *Local Government Act 1989* and the Community Engagement Policy.

A Committee of Council meeting is required to hear any persons wishing to speak to their submission received during the consultation period.

### The proposal to be provided for community feedback

Council is seeking feedback on a request to discontinue portions of unused road at the end of Saxton Street Numurkah between Russell Street and Kinnairds Road, as well as a section of unused Government Road to the north of the existing island within Lake Numurkah (defined in the area marked in red on the map below).

Subsequent to the proposed discontinuance, the land will be reserved for public use as part of the Lake Numurkah Concept Plan.

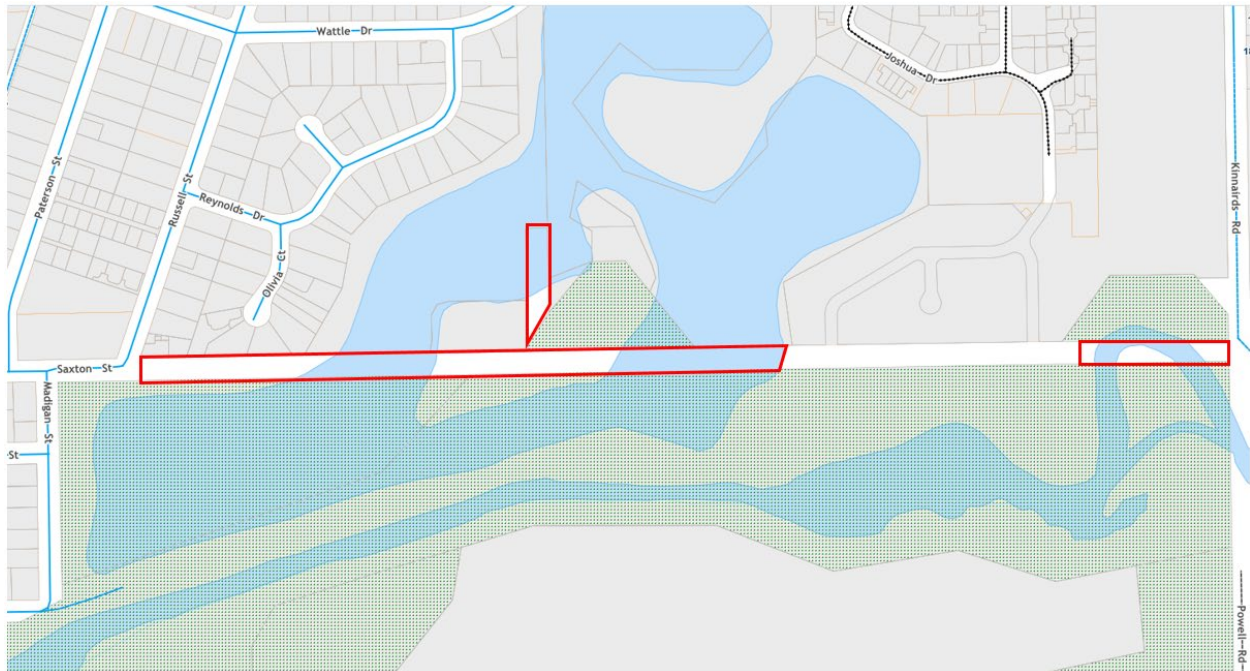
We are seeking the communities feedback on this request in accordance with Section 223 of the *Local Government Act 1989*.

- Feedback can be provided to Council by lodging a submission online, by mail or at our service centres in Cobram or Yarrawonga.
- Submissions must be received by 5pm Wednesday 31 August 2021 and be addressed to the Chief Executive Officer.
- Submitters should indicate in their submission whether they or a representative would like to speak to their submission.
- If required, a Committee of Council meeting will be held at 1pm Wednesday 8 September 2021 in the Council Chambers, Melville Street, Numurkah 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 22 September 2021 Ordinary Council Meeting.

FILE NO:  
5. TRANSPARENT AND ACCOUNTABLE  
GOVERNANCE

ITEM NO: 10.2.2

**PROPOSED DISCONTINUANCE OF SECTIONS OF UNUSED ROADS WITHIN LAKE  
NUMURKAH (cont'd)**



**3. Financial Implications**

There are no financial implications resulting from the community consultation.

**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 relevant Acts.

**5. Internal and External Consultation**

Consultation occurred with representatives of DEWLP regarding the request to close the unused roads.

**6. Regional Context**

This report relates to land located within the Moira Municipality.

**7. Council Plan Strategy**

This report aligns with the Council Plan Strategy of 'Transparent and Accountable Governance'.

**8. Legislative / Policy Implications**

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

**9. Conflict of Interest Considerations**

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



FILE NO:  
5. TRANSPARENT AND ACCOUNTABLE  
GOVERNANCE

ITEM NO: 10.2.2

**PROPOSED DISCONTINUANCE OF SECTIONS OF UNUSED ROADS WITHIN LAKE  
NUMURKAH (cont'd)**

**10. Conclusion**

Council has previously undertaken a consultation process regarding the closing of these sections of road reserve in 2011 however the process was not concluded.

Given the length of time that has passed since the original resolution it is advisable to recommence the process from the beginning with public consultation on the proposed closures.

Therefore it is recommended that Council authorise the community consultation process in accordance with Section 223 of the *Local Government Act 1989*, beginning with advertisements in local media from Wednesday 4 August 2021.

**Attachments**

Nil

FILE NO: F13/203  
5. TRANSPARENT AND ACCOUNTABLE  
GOVERNANCE

ITEM NO: 10.2.3  
(SENIOR GOVERNANCE OFFICER,  
MARGARET HINCK)  
(GENERAL MANAGER CORPORATE,  
SIMON RENNIE)

## APPOINTMENT AND AUTHORISATION OF COUNCIL OFFICERS UNDER THE PLANNING AND ENVIRONMENT ACT 1987

### RECOMMENDATION

Council resolves that;

1. the members of Council staff referred to in the Instrument of Appointment and Authorisation be appointed and authorised as set out in the Instrument; and
2. the Instrument be sealed with the common seal of Council; and
3. the Instrument come into force immediately following the common seal of Council being affixed to the Instrument, and remains in force until Council determines to vary or revoke it; and
4. upon the Instrument coming into force, the Instrument of Appointment and Authorisation to members of Council staff, as made by Council on 16 December 2020, is revoked.

### 1. Executive Summary

This report seeks Council's approval of the attached Instrument of Appointment and Authorisation (*Planning and Environment Act 1987*) to reflect recent staff appointments and departures.

The appointments are necessary to ensure specific Council officers are appropriately authorised to undertake functions under the *Planning and Environment Act 1987*, including inspections and enforcements.

### 2. Background and Options

The *Planning and Environment Act 1987* requires that Council officers must be appointed and authorised directly by Council, rather than by the Chief Executive Officer, as there are no powers provided for this to be sub-delegated.

An Instrument of Appointment and Authorisation provides the legal basis for authorised officers to undertake inspections and carry out enforcement functions.

Appointments and authorisations are made to individuals by name – not position – and must therefore be updated whenever there are changes to staff carrying out these functions.

The attached Instrument of Appointment and Authorisation has been updated to include the names of current Council officers. Changes include the appointment to the position of Chief Executive Officer, Manager Building, Town Planning & Regulatory Services, the resignation of the Planning Coordinator and a position title change.

### 3. Financial Implications

Financial decisions are made in accordance with Council's budget.

### 4. Risk Management

Without appropriate authorisations, the actions of Council officers are at risk of being invalid.

FILE NO: F13/203  
5. TRANSPARENT AND ACCOUNTABLE  
GOVERNANCE

ITEM NO: 10.2.3

**APPOINTMENT AND AUTHORISATION OF COUNCIL OFFICERS UNDER THE  
PLANNING AND ENVIRONMENT ACT 1987 (cont'd)**

**5. Internal and External Consultation**

This report has been informed by the advice provided by Maddocks Delegation and Authorisations Service, the Safety and Amenity Coordinator, the Manager Environment and the Manager Building, Planning and Regulatory Services.

**6. Council Plan Strategy**

The authorities contained in this report contributes to the Council Plan objective of 'Transparent and Accountable Governance'.

**7. Legislative / Policy Implications**

This report is prepared in accordance with section 147(4) of the *Planning and Environment Act 1987*, and section 313 of the *Local Government Act 2020*.

**8. Environmental Impact**

There are no environmental impact considerations associated with this report.

**9. Conflict of Interest Considerations**

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

**10. Conclusion**

The updated Instrument of Appointment and Authorisations ensures that Council staff are appropriately authorised to carry out their council duties under the *Planning and Environment Act 1987*.

**Attachments**

- 1 Marked up version - Instrument of Appointment & Authorisation (Planning & Environment Act 1987) - 28 July 2021
- 2 Draft - Instrument of Appointment & Authorisation (Planning & Environment Act 1987) - 28 July 2021

FILE NO: F13/203  
5. TRANSPARENT AND ACCOUNTABLE  
GOVERNANCE

ITEM NO: 10.2.3

**APPOINTMENT AND AUTHORISATION OF COUNCIL OFFICERS UNDER THE  
PLANNING AND ENVIRONMENT ACT 1987 (cont'd)**

ATTACHMENT No [1] - Marked up version - Instrument of Appointment &  
Authorisation (Planning & Environment Act 1987) - 28 July 2021



## Moirā Shire Council

### Instrument of Appointment and Authorisation

*(Planning and Environment Act 1987)*

**28 July 2021 ~~16 December 2020~~**

FILE NO: F13/203  
5. TRANSPARENT AND ACCOUNTABLE  
GOVERNANCE

ITEM NO: 10.2.3

**APPOINTMENT AND AUTHORISATION OF COUNCIL OFFICERS UNDER THE  
PLANNING AND ENVIRONMENT ACT 1987 (cont'd)**

**ATTACHMENT No [1] - Marked up version - Instrument of Appointment &  
Authorisation (Planning & Environment Act 1987) - 28 July 2021**



**Instrument of Appointment and Authorisation  
(Planning and Environment Act 1987)**

In this instrument "officer" means –

Clare Keenan Mark Henderson, Chief Executive Officer  
Andrew Close, General Manager Infrastructure  
Sally Rice, General Manager Community  
Simon Rennie, General Manager Corporate  
Norman Kortum, Senior Town Planner  
Christian Middlemiss, Town Planner  
David Young, Manager Building, Town Planning & Regulatory Services

**Town Planner**

Keith Longridge, Town Planner  
James Andrew, Town Planner  
Melissa Verduci, Land Use Planner  
Peter Stenhouse, Planning Co-ordinator  
Jacqueline Miller, Development Compliance Officer  
Scott Draper, Manager Sustainability  
Jane White, Environmental Sustainability Officer  
James Steinfort, Environmental Sustainability Officer  
John Shaw, Co-ordinator Safety and Amenity  
Christina Kalz, Safety and Amenity Technical Officer  
Andrew Christie, Safety and Amenity Officer  
Robert I'Anson, Safety and Amenity Officer  
Brent Waldron, Safety and Amenity Officer

By this instrument of appointment and authorisation Moira Shire Council –

1. under section 147(4) of the *Planning and Environment Act 1987* - appoints the officers to be authorised officers for the purposes of the *Planning and Environment Act 1987* and the regulations made under that Act; and
2. under section 313 of the *Local Government Act 2020* authorises the officers generally to institute proceedings for offences against the Acts and regulations described in this instrument.

It is declared that this instrument -

- (a) comes into force immediately upon its execution;
- (b) remains in force until varied or revoked.

This instrument is authorised by a resolution of the Moira Shire Council made on the 28 July 2021 ~~16 December 2020~~.

"The COMMON SEAL of the  
MOIRA SHIRE COUNCIL  
was hereunto affixed in the presence of

..... Chief Executive Officer

on the ..... day of ..... 2021

FILE NO: F13/203  
5. TRANSPARENT AND ACCOUNTABLE  
GOVERNANCE

ITEM NO: 10.2.3

**APPOINTMENT AND AUTHORISATION OF COUNCIL OFFICERS UNDER THE  
PLANNING AND ENVIRONMENT ACT 1987 (cont'd)**

**ATTACHMENT No [2] - Draft - Instrument of Appointment & Authorisation (Planning  
& Environment Act 1987) - 28 July 2021**



## **Moirā Shire Council**

### **Instrument of Appointment and Authorisation**

***(Planning and Environment Act 1987)***

**28 July 2021**

FILE NO: F13/203  
5. TRANSPARENT AND ACCOUNTABLE  
GOVERNANCE

ITEM NO: 10.2.3

**APPOINTMENT AND AUTHORISATION OF COUNCIL OFFICERS UNDER THE  
PLANNING AND ENVIRONMENT ACT 1987 (cont'd)**

**ATTACHMENT No [2] - Draft - Instrument of Appointment & Authorisation (Planning  
& Environment Act 1987) - 28 July 2021**

**Instrument of Appointment and Authorisation  
(Planning and Environment Act 1987)**



In this instrument "officer" means –

Clare Keenan, Chief Executive Officer  
Andrew Close, General Manager Infrastructure  
Sally Rice, General Manager Community  
Simon Rennie, General Manager Corporate  
Norman Kortum, Senior Town Planner  
Christian Middlemiss, Town Planner  
David Young, Manager Building, Town Planning & Regulatory Services  
Keith Longridge, Town Planner  
James Andrew, Town Planner  
Melissa Verduci, Land Use Planner  
Jacqueline Miller, Development Compliance Officer  
Scott Draper, Manager Sustainability  
Jane White, Environmental Sustainability Officer  
James Steinfort, Environmental Sustainability Officer  
John Shaw, Co-ordinator Safety and Amenity  
Christina Kalz, Safety and Amenity Technical Officer  
Andrew Christie, Safety and Amenity Officer  
Robert l'Anson, Safety and Amenity Officer  
Brent Waldron, Safety and Amenity Officer

**By this instrument of appointment and authorisation Moira Shire Council –**

1. under section 147(4) of the *Planning and Environment Act 1987* - appoints the officers to be authorised officers for the purposes of the *Planning and Environment Act 1987* and the regulations made under that Act; and
2. under section 313 of the *Local Government Act 2020* authorises the officers generally to institute proceedings for offences against the Acts and regulations described in this instrument.

**It is declared that this instrument -**

- (a) comes into force immediately upon its execution;
- (b) remains in force until varied or revoked.

This instrument is authorised by a resolution of the Moira Shire Council made on the 28 July 2021.

"The COMMON SEAL of the  
MOIRA SHIRE COUNCIL  
was hereunto affixed in the presence of

..... Chief Executive Officer

on the ..... day of..... 2021.

FILE NO: F13/503  
5. TRANSPARENT AND ACCOUNTABLE  
GOVERNANCE

ITEM NO: 10.2.4  
(SENIOR GOVERNANCE OFFICER,  
MARGARET HINCK)  
(GENERAL MANAGER CORPORATE,  
SIMON RENNIE)

## ASSEMBLIES OF COUNCIL

### RECOMMENDATION

That Council receive and note the Record of Assemblies of Councillors for June 2021.

#### 1. Executive Summary

The purpose of this report is to detail the Assembly of Councillors that have been held in June 2021. Although there is no longer a legislative requirement to report on these assemblies the preparation of these records provide transparency in councils decision making process, in line with Council's commitment to the principles for public transparency, and Council's Public Transparency Policy.

#### 2. Background and Options

This report provides details of Councillor Assemblies that have been held for the month of June 2021 and whether a conflict of interest disclosure was made by a Councillor.

An Assembly of Councillors can be defined as:

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

No formal decisions can be made at an Assembly but rather discussion and questions on the issues allow Councillors to be fully informed for the Council meeting.



FILE NO: F13/503  
5. TRANSPARENT AND ACCOUNTABLE  
GOVERNANCE

ITEM NO: 10.2.4

**ASSEMBLIES OF COUNCIL (cont'd)**

Meeting	Present at meeting	Matters discussed	Declaration of Interest(s)
Council Briefing 9 June 2021	<p><b>Councillors:</b> Libro Mustica Julie Brooks Ed Cox Peter Elliott Peter Lawless Wayne Limbrick Peter Mansfield</p> <p><b>Staff:</b> Chief Executive Officer, Mark Henderson General Manager Infrastructure, Andrew Close General Manager Community, Sally Rice General Manager Corporate, Simon Rennie Manager Community Development, Georgia Hill Acting Manager Governance and Risk, Amanda Chadwick</p>	<ul style="list-style-type: none"> <li>• Yarrawonga Stadium Funding options</li> <li>• Community Vision Update</li> <li>• Yarrawonga Library Design</li> <li>• Future of Tourism Advisory Committee</li> <li>• Budget Submissions</li> <li>• Section 181 Recovering of Rates</li> <li>• Draft agenda review</li> </ul>	Nil
Council Briefing 23 June 2021	<p><b>Councillors:</b> Libro Mustica Julie Brooks Kevin Bourke Ed Cox Peter Elliott Peter Lawless Wayne Limbrick Peter Mansfield Marie Martin</p> <p><b>Staff:</b> Chief Executive Officer, Mark Henderson General Manager Infrastructure, Andrew Close General Manager Community, Sally Rice General Manager Corporate, Simon Rennie</p>	<ul style="list-style-type: none"> <li>• Agenda Review</li> </ul>	Nil

**3. Financial Implications**

There are no financial implications to consider with this report.

FILE NO: F13/503  
5. TRANSPARENT AND ACCOUNTABLE  
GOVERNANCE

ITEM NO: 10.2.4

## ASSEMBLIES OF COUNCIL (cont'd)

### 4. Risk Management

Preparing Assemblies of Councillors provides transparency in Council's decision making process.

### 5. Internal

The General Manager Corporate was consulted in preparation of this report.

### 6. Council Plan Strategy

Transparent and accountable governance.

### 7. Legislative / Policy Implications

This report aligns with Council's commitment to the principles for public transparency detailed in Council's Public Transparency Policy.

### 8. Environmental Impact

There are no environmental impacts to consider with this report.

### 9. Conflict of Interest Considerations

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

### 10. Conclusion

The Assembly of Councillors records incorporated into this report are a true and accurate record of all Assemblies of Councillors reported during June 2021.

## Attachments

Nil

FILE NO: C012/21  
5. TRANSPARENT AND ACCOUNTABLE  
GOVERNANCE

ITEM NO: 10.4.1  
(PROCUREMENT COORDINATOR,  
JOVIAL MATHEWS)  
(GENERAL MANAGER  
INFRASTRUCTURE, ANDREW CLOSE)

## C012/21 - BOTTS ROAD YARRAWONGA DRAINAGE UPGRADE

### RECOMMENDATION

That Council:

1. Award the contract for C012/21 Botts Road, Yarrawonga Drainage Upgrade to Longford Civil Pty Ltd.
2. Authorise the Chief Executive Officer to sign and seal the contract documents.
3. Approve the allocation of \$250,000 from cash reserves towards the project budget.

### 1. Executive Summary

Moirā Shire Council invited submissions from suitably experienced contractors for drainage upgrade works in Botts Road Yarrawonga.

After consideration of the submissions, the evaluation panel recommends that contract C012/21 be awarded to Longford Civil Pty Ltd and to add \$250,000 from cash reserves to the project budget.

### 2. Background and Options

The project is comprised of two separate stages and each stage is separable. The scope of works under contract include:

#### Stage 1

- Supply and installation of approximately 680 lineal metres of twin 1200mm diameter concrete pipe
- Outfall works at Lake Mulwala including shaping and installation of beaching mats
- Construction of approximately 765 lineal metres of kerb & channel
- Construction of approximately 836 square metres of road pavement
- Associated works including pits, endwalls and drain connections
- Traffic control

#### Stage 2

- Culvert crossing below the Murray Valley Highway
- Supply and installation of a Gross Pollutant Trap
- Associated works including pits, endwalls and pavement reinstatement
- Removal of the existing culvert crossing
- Traffic control

The tenderers were advised to separately price each stage, and that the Council may elect to proceed with one or both stages under this contract.

Council elected to proceed with only Stage 1 of the project.

Works are to be completed within 18 weeks from the date of acceptance and will be paid as lump sum.

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5. TRANSPARENT AND ACCOUNTABLE  
GOVERNANCE

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**C012/21 - BOTTS ROAD YARRAWONGA DRAINAGE UPGRADE (cont'd)**

**Date of Public Notice**

Paper	Date
TenderSearch	5 June 2021
Border Mail	5 June 2021
Shepparton News	8 June 2021
Cobram Courier	9 June 2021
Numurkah Leader	9 June 2021
Yarrawonga Chronicle	9 June 2021

Submissions closed 5 July 2021.

**Receipt of Tenders**

9 submissions were received.

**Supervision**

Superintendent: Manager Construction and Assets

Superintendent Representative: Coordinator Design and Construction

**Panel Membership**

Staff in the following positions independently evaluated the submissions:

- Manager Construction and Assets
- Coordinator Design and Construction
- Design Engineer Construction and Assets

The Procurement Coordinator moderated the tender evaluation.

**Non-conforming tenders**

1 submission was considered to be non-conforming as they had only quoted for Stage 2 of the project.

**Tender Evaluation**

The following evaluation criteria and weightings were used:

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

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

3.

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**C012/21 - BOTTS ROAD YARRAWONGA DRAINAGE UPGRADE (cont'd)**

**Financial Implications**

The project is primarily funded through the 2<sup>nd</sup> round of the LRCIP program with \$963,000 allocated under this funding. Council is being asked to add an additional \$250,000 from cash reserves to the project budget, which will be sufficient to cover the cost of the contract.

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

**4. Risk Management**

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

- The successful contractor is to be the holder of Public Liability insurance with a minimum coverage of \$20 million.
- The successful contractor is required to submit a COVID 19 Management Plan including how they intend to implement the Government Guidelines.
- The successful contractor will be appointed as the Principal Contractor and is authorised to have management or control of the workplace and discharge of duties in relation to the Occupational Health and Safety Act and Regulations.
- Prior to the commencement of works, the successful contractor must supply the Superintendent with an Environmental Management Plan and a Health and Safety Coordination Plan inclusive of:
  - Contractor Verification Checklist
  - Coordination Plan
  - Safe Work Method Statements
- Various hold points will be applicable where the work may not proceed without review and approval by the Superintendent.
- All on-site personnel are required to undertake a Moira Shire Council Site Induction.
- A Plant Risk Assessment is required for each item of heavy plant to be supplied, hired or expected to enter the work site.

**5. Internal and External Consultation**

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

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

**6. Regional Context**

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

**7. Council Plan Strategy**

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

**8. Legislative / Policy Implications**

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

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**C012/21 - BOTTS ROAD YARRAWONGA DRAINAGE UPGRADE (cont'd)**

**9. Environmental Impact**

Clause 2.22 of the contract specific clauses stipulates the contractor's environmental responsibilities and will form part of the contract.

In addition, the contractor is required to provide an Environmental Management Plan prior to the works commencing.

**10. Conflict of Interest Considerations**

There are no conflicts of interest declared for this tender evaluation process.

**11. Conclusion**

Following the tender process and evaluation, the recommendation is to award contract C012/21 to Longford Civil Pty Ltd and to add \$250,000 from cash reserves to the project budget.

**Attachments**

- 1 C012/21 - Botts Road, Yarrawonga Drainage Upgrade - APPENDIX A  
(CONFIDENTIAL) - *printed in separate document*

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.