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## **AGENDA**

### **SCHEDULED MEETING OF COUNCIL** **FOR** **WEDNESDAY 31 JANUARY 2024** **TO BE HELD AT COBRAM CIVIC CENTRE, PUNT ROAD COBRAM VIC 3644** **COMMENCING AT 4.30PM**

#### **RECORDING**

Consistent with section 13.3 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. WELCOME 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 TRADITIONAL OWNERS**

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

#### **4. APOLOGIES / LEAVE OF ABSENCE**

#### **5. DISCLOSURE OF CONFLICTS OF INTEREST**

#### **6. CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

**Recommendation:** That the minutes of the Scheduled Council Meeting held on Wednesday, 13 December 2023, as presented be adopted.

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FILE NO:  
5. TRANSPARENT AND ACCOUNTABLE  
GOVERNANCE

ITEM NO: 9.1.1  
(PROCUREMENT OFFICER, LISA KNIGHT)  
(DIRECTOR CORPORATE PERFORMANCE  
MATT JARVIS)

## C009/23 - SPRAY SEALING AND ASSOCIATED SERVICES

### Recommendation

That Council:

1. Award the 2023/2024 annual works program under contract C009/23 – Spray Sealing and Associated Services to Primal Surfacing Pty Ltd for the lump sum value of \$1,116,593.05 inc gst.
2. Authorise the Chief Executive Officer to sign the contract documents.

### 1. Executive Summary

Moira Shire Council has traditionally undertaken an individual tender process to procure services for the annual sealed roads bituminous surfacing program.

An opportunity existed for Council to participate in a collaborative procurement process with five (5) regional Councils to establish a standing panel of contractors for the provision of spray sealing and associated services.

The five (5) participating regional councils are:

- City of Wodonga
- Benalla Rural City
- Rural City of Wangaratta
- Towong Shire
- Moira Shire Council

Procurement Australia acted as the agent for the purposes of seeking tenders for Contract 2609/0338 – Spray Sealing and Associated Services North East RPEN (Regional Procurement Excellence Network).

### 2. Conflict of interest declaration

No conflicts of interest were identified during this process.

### 3. Background & Context

Procurement Australia has a long history in the delivery of procurement support services, working in close partnership with long-standing and emerging suppliers and members to find and deliver the most innovative and sustainable supply chain solutions.

Procurement Australia facilitated the evaluation process with the participating Council's evaluating tenderers submissions and agreed on the appointment of the following suppliers to the standing panel.

- Boral Resources (VIC) Pty Ltd
- Head, Transport for Victoria t/a SprayLine Road Services
- Fulton Hogan Industries Pty Ltd
- Primal Surfacing

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5. TRANSPARENT AND ACCOUNTABLE  
GOVERNANCE

ITEM NO: 9.1.1  
(PROCUREMENT OFFICER, LISA KNIGHT)  
(DIRECTOR CORPORATE PERFORMANCE  
MATT JARVIS)

**C009/23 - SPRAY SEALING AND ASSOCIATED SERVICES (cont'd)**

- Downer EDI Works Pty Ltd
- Quality Roads Sealing and Asphalt Pty Ltd
- Country Wide Asphalt
- Anthony T. Lindsay Pty Ltd

Each year Council will submit a program of works and seek quotes within the standing panel to achieve a best value outcome. Procurement Australia will act as the agent for this process each year.

**Contract Details**

The schedule of rates standing panel contract commenced on 1 October 2023 for an initial term of 3 years. Upon mutual agreement the Contract can be extended in 2 x 1 year periods.

**Date of Public Notice**

Medium	Date
Tenderlink	10 June 2023
The Herald Sun	14 June 2023

**Submissions closed** on 12 July 2023.

**Receipt of Tenders**

8 submissions were received.

**Supervision**

Superintendent – Manager Operations

Superintendent Representative – Superintendent Works and Services

**Panel Membership**

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

- Procurement Coordinator, Moira Shire Council
- Asset Systems and Infrastructure Engineer, Moira Shire Council
- Superintendent Works and Services, Moira Shire Council
- Senior Projects & Technical Services Engineer, Benalla Rural City Council
- Senior Asset Engineer, Towong Shire Council
- Senior Engineer Development, Wodonga City Council

The evaluation was moderated by the Procurement Coordinator.

**Non-conforming tenders**

No submissions were deemed non-conforming.

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5. TRANSPARENT AND ACCOUNTABLE  
GOVERNANCE

ITEM NO: 9.1.1  
(PROCUREMENT OFFICER, LISA KNIGHT)  
(DIRECTOR CORPORATE PERFORMANCE  
MATT JARVIS)

**C009/23 - SPRAY SEALING AND ASSOCIATED SERVICES (cont'd)**

**Tender Evaluation**

**Stage 1 - Standing Panel Evaluation**

The evaluation process occurred in two stages. The first stage was to evaluate and appoint a standing panel. The five participating Councils evaluated each submission based on the following criteria and weightings.

<b>Evaluation Criteria</b>	<b>Evaluation Weighting</b>
Company experience and past performance	60%
Company resources and technical capability	20%
Traffic management capability and performance	10%
Management systems utilisation and performance	10%

**Stage 2 - Program of Works Evaluation**

The second stage was to evaluate Moira Shire Council's annual program of works for the 2023 /2024 year. Standing panel members were invited to submit a tender response for Moira Shire Council's 2023/2024 program of works.

Each submission was evaluated by the following Moira Shire Council staff;

- Manager Operations
- Assets Systems and Infrastructure Engineer
- Team Leader Roads, Nathalia

The evaluation criteria and weightings used to evaluate Stage 2 – Program of Works are noted below.

<b>Evaluation Criteria</b>	<b>Evaluation Weighting</b>
Price	60%
Ability to meet timeframes	20%
Work practices and methodology	15%
Contribution to local economy and benefit to local region	5%

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

**4. Issues**

No issues to report.

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5. TRANSPARENT AND ACCOUNTABLE  
GOVERNANCE

ITEM NO: 9.1.1  
(PROCUREMENT OFFICER, LISA KNIGHT)  
(DIRECTOR CORPORATE PERFORMANCE  
MATT JARVIS)

**C009/23 - SPRAY SEALING AND ASSOCIATED SERVICES (cont'd)**

**5. Strategic Alignment**

**Council Plan**

5. Transparent and accountable  
governance

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.

**6. Internal & External Engagement**

Engagement (who did you engage  
with?)

Feedback

Internal            ELT

A report to appoint Procurement Australia to act as the tendering agent was presented and endorsed at the 7 February 2023 Executive Leadership Team meeting.

External           Tenderers

An industry briefing was held on 21 June 2023 via Microsoft Teams.

**7. Budget / Financial Considerations**

The recommendation to award the annual program of works for the 2023/ 2024 year is within the approved budget.

**8. Risk & Mitigation**

Tenderers addressed risk management as part of their application. Site and specific risks are assessed by the project managers prior to works commencing.

**9. Conclusion**

After consideration of the submissions, including price and specification requirements, the evaluation panel recommends C009/23 - Spray Sealing and Associated Services be awarded to Primal Surfacing Pty Ltd for the lump sum value of \$1,116,593.05 inc gst.

**Attachments**

- 1 C009/23 - Provision of Spray Sealing and Associated Services (PA 26090338) - Member Report - *printed in separate document*
- 2 C009/23 - Provision of Spray Sealing and Associated Services - Appendix A (Confidential) - *printed in separate document*

FILE NO:  
5. TRANSPARENT AND ACCOUNTABLE  
GOVERNANCE

ITEM NO: 9.1.2  
(PROCUREMENT OFFICER, LISA KNIGHT)  
(ACTING DIRECTOR SUSTAINABLE  
COMMUNITIES MATT JARVIS)

**C005/24 - APPOINTMENT OF RECRUITMENT SERVICES (MAV RS8017-2023)**

**Recommendation**

That Council:

1. Award the schedule of rates contract to the following tenderers under contract C005/24 – Appointment of Recruitment Services (MAV RS8017-2023) for Category 1 – Permanent and Fixed Term Recruitment Services:

- Chandler Macleod Group Limited
- Hoban Recruitment
- Adecco Australia Pty Ltd
- Programmed Skilled Workforce
- Davidson Recruitment

This contract will be for an initial term expiring on 30 September 2026 with the option to extend in two (2) additional periods of two (2) years.

Payments will be made in accordance with the fixed schedule of rates documented in Appendix C of the report.

2. Authorise the Chief Executive Officer to sign the contract documents and approve contract extensions within the provisions of the Contract.

**1. Executive Summary**

Moira Shire Council has traditionally internally recruited for team leader, management, executive and specialist positions.

An opportunity existed for Council to participate in a collaborative procurement process with Victorian Councils to establish a standing panel of contractors for the provision of recruitment services for the following categories.

Category 1 – Permanent and Fixed Term Recruitment Services

Category 2 – Temporary Recruitment Services

Category 3 – Recruitment Neutral Vendor Managed Services

Category 4 – Other Recruitment Related Services

Municipal Association of Victoria (MAV) acted as the agent for the purposes of seeking tenders for Contract RS8017-2023 – Appointment of Recruitment Services.

An evaluation of the top 5 ranked standing panel members for Category 1 – Permanent and Fixed Term Recruitment Services was conducted to determine a best value outcome for Council.

FILE NO:  
5. TRANSPARENT AND ACCOUNTABLE  
GOVERNANCE

ITEM NO: 9.1.2  
(PROCUREMENT OFFICER, LISA KNIGHT)  
(ACTING DIRECTOR SUSTAINABLE  
COMMUNITIES MATT JARVIS)

**C005/24 - APPOINTMENT OF RECRUITMENT SERVICES (MAV RS8017-2023)  
(cont'd)**

**2. Conflict of interest declaration**

There was a conflict of interest declared for this tender evaluation process as Council's talent acquisition and retention officer had previously been employed by Programmed Skilled Workforce, who is a supplier on the MAV panels.

This conflict did not have any influence on the recommendation due to the panel evaluations being conducted by the Procurement Coordinator.

A Conflict-of-Interest Declaration form was completed.

**3. Background & Context**

Municipal Association of Victoria (MAV) Procurement is a not-for-profit unit focused on achieving better procurement outcomes for local government in Victoria.

By leveraging the combined purchasing power of councils, better value on products and services can be achieved.

MAV facilitated the evaluation process with participating Council's evaluating tenderers submissions and agreed on the appointment of the 47 suppliers to the standing panel.

At the end of each term of the contract Council will conduct an evaluation of the standing panel members to determine best value.

**Contract Details**

This schedule of rates contract is for an initial period expiring on 30 September 2026, with an option to extend the Standing Offer for two (2) additional periods of two (2) years.

**Date of Public Notice**

Medium	Date
The Age	17 March 2023
Tenderlink	17 March 2023

**Submissions closed** on 25 August 2023.

**Receipt of Tenders**

48 submissions were received.

**Supervision**

Superintendent – Senior People Business Partner  
Superintendent Representative – Talent Acquisition and Retention Officer

**Tender Evaluation Panel (TEP)**

The submissions were evaluated independently by the following:



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ITEM NO: 9.1.2  
(PROCUREMENT OFFICER, LISA KNIGHT)  
(ACTING DIRECTOR SUSTAINABLE  
COMMUNITIES MATT JARVIS)

**C005/24 - APPOINTMENT OF RECRUITMENT SERVICES (MAV RS8017-2023)  
(cont'd)**

- MAV Senior Contract Manager
- MAV Contract Manager
- Procurement Specialist, City of Greater Bendigo
- Head of People Operations, People & Culture, City of Darebin
- Head of People Experience and Talent People and Culture, City of Casey

**Non-conforming tenders**

An initial compliance check was conducted to identify submissions that were non-conforming with the immediate requirements.

Following discussions during the consensus meeting held on 08/06/2023, the TEP agreed that the submission received by Flexy Services Pty Ltd did not comply with the Specifications and therefore they were removed from proceeding and were excluded from further consideration for this tender.

**Tender Evaluation**

**Stage 1 - Standing Panel Evaluation**

The evaluation process occurred in two stages. The first stage was to evaluate and appoint a standing panel. The five participating Councils evaluated each submission based on the following criteria and weightings.

<b>Evaluation Criteria (Qualitative)</b>	<b>Evaluation Weighting</b>
Ability to meet specification	30%
Experience and Referees	25%
Capability and Capacity	25%
Customer Service	10%
Sustainable Procurement	10%

Following the completion of the evaluations, the TEP discussed the final scores and were satisfied with the high-quality responses from a broad range of tenderers.

A key observation and outcome of the TEP assessments of Employment Group Pty Ltd, Australia Personnel Global and Cyos Solutions Pty. Ltd was the failure of their submissions to exceed an overall score of 50%.

Employment Group Pty Ltd scored 50% for Experience and Referees, 50% for Customer Service and 43% for Capability and Capacity, identifying that this tenderer could not demonstrate meeting an adequate level of requirements for Victorian Councils.

Cyos Solutions Pty. Ltd provided an inadequate response to the Ability to Meet Specifications criteria receiving an overall score of 20% in this section. This headlined their inability to adequately address key evaluation criteria within their submission.

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ITEM NO: 9.1.2  
(PROCUREMENT OFFICER, LISA KNIGHT)  
(ACTING DIRECTOR SUSTAINABLE  
COMMUNITIES MATT JARVIS)

**C005/24 - APPOINTMENT OF RECRUITMENT SERVICES (MAV RS8017-2023)  
(cont'd)**

Australia Personnel Global received scores of 31.67% in Customer Services and 46.67% in Experience and Referees as they were unable to demonstrate their commitment to customer service and issue resolution. Whilst they had reasonable experience in the recruitment industry the Local Government Sector experience was minimal.

It was agreed by the TEP that submissions from Employment Group Pty Ltd, Australia Personnel Global and Cyos Solutions Pty. Ltd, were not shortlisted for further consideration due to their low overall qualitative criteria score.

The TEP agreed that the remaining forty-four (44) tender submissions, adequately demonstrated their competence, organisational capability, capacity and experience to enable them to successfully deliver the required Recruitment Services to Councils.

A summary of the evaluation is provided in Appendix A – Tender Evaluation Recommended Report.

**Stage 2 - Moderation**

The second stage was to compare prices from the top 5 ranked standing panel members for Category 1 - Permanent and Fixed Term Recruitment to determine a moderated price.

Moderated prices are based on the recruitment of the following indicative positions for an initial term expiring on 30 September 2026.

- 10 Specialist / Team Leader positions
- 8 Management positions
- 3 Executive positions

To determine the Total Moderated Score the following criteria and weightings were used.

Evaluation Criteria	Evaluation Weighting
Price	15%
Moderated Qualitative Score	75%
Contribution to local economy and benefit to local region	10%

A summary of the evaluation is provided in Appendix B – Moderation Report (Confidential) attachment.

**4. Issues**

No issues to report.

FILE NO:  
5. TRANSPARENT AND ACCOUNTABLE  
GOVERNANCE

ITEM NO: 9.1.2  
(PROCUREMENT OFFICER, LISA KNIGHT)  
(ACTING DIRECTOR SUSTAINABLE  
COMMUNITIES MATT JARVIS)

**C005/24 - APPOINTMENT OF RECRUITMENT SERVICES (MAV RS8017-2023)  
(cont'd)**

**5. Strategic Alignment**

**Council Plan**

5. Transparent and accountable governance	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.
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**6. Internal & External Engagement**

Engagement (who did you engage with?)	Feedback
Internal Talent Acquisition and Retention Officer	Reviewed the tender submissions and contract terms and conditions.
External Tender Evaluation Panel	Each member of the Evaluation Panel participated and contributed to the evaluation and moderation of the tender.

**7. Budget / Financial Considerations**

Council conducted a price evaluation of the top 5 ranked standing panel members to determine best value.

When Council staff procure the services from a provider, it is a requirement under Council's Procurement Policy and Guidelines that the employees ensure Council is receiving value-for-money through supplier engagement.

Value-for-money is validated through applying the Market Testing Thresholds stipulated in the Procurement Policy, as well as considering other factors such as supplier experience, qualifications, resourcing and ability to deliver within timeframes.

The moderated costs has been calculated for an initial term expiring on 30 September 2026 is estimated at \$350,000.00 excluding GST.

**8. Risk & Mitigation**

The risk of failing to meet recruitment needs is mitigated through the MAV contract, which guarantees that any early departures from roles will be refilled at no additional cost. This type of agreement acts as a safeguard against unexpected turnover or vacancies within Council. This ensures continuity and minimises disruptions in the workforce.

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5. TRANSPARENT AND ACCOUNTABLE  
GOVERNANCE

ITEM NO: 9.1.2  
(PROCUREMENT OFFICER, LISA KNIGHT)  
(ACTING DIRECTOR SUSTAINABLE  
COMMUNITIES MATT JARVIS)

**C005/24 - APPOINTMENT OF RECRUITMENT SERVICES (MAV RS8017-2023)  
(cont'd)**

**9. Conclusion**

After consideration of the submissions, including price and specification requirements, it is recommended that Council engages the following suppliers for contract C005/24 – Appointment of Recruitment Services (MAV RS8017-2023) for an initial term expiring on 30 September 2026.

An internal panel of suppliers will ensure a Council has access to a range of providers located in both metro and regional areas of Victoria.

- Chandler Macleod Group Limited
- Hoban Recruitment
- Adecco Australia Pty Ltd
- Programmed Skilled Workforce
- Davidson Recruitment

**Attachments**

- 1 Appendix A - Tender Evaluation Recommendation Report - *printed in separate document*
- 2 Appendix B - Moderation Report (Confidential) - *printed in separate document*
- 3 Appendix C - Schedule of Rates

FILE NO:  
5. TRANSPARENT AND ACCOUNTABLE  
GOVERNANCE

ITEM NO: 9.1.2  
(PROCUREMENT OFFICER, LISA  
KNIGHT)  
(ACTING DIRECTOR SUSTAINABLE  
COMMUNITIES MATT JARVIS)

**C005/24 - APPOINTMENT OF RECRUITMENT SERVICES (MAV RS8017-2023)**  
(cont'd)

ATTACHMENT No [1] - Appendix C - Schedule of Rates

**Price Summary**

Category 1 - Permanent & Fixed Term Recruitment		Supplier A	Supplier B	Supplier C	Supplier D	Supplier E
Description	Price	Price	Price	Price	Price	Price
% of Annual Salary Package (\$50,000 - \$99,000)	11%	15%	16%	13%	17%	
% of Annual Salary Package (\$100,000 - \$149,000)	13%	15%	16%	15%	18%	
% of Annual Salary Package (Over \$150,000)	15%	15%	16%	16%	19%	
Establishment Fee	\$500.00	\$500.00	\$500.00	\$500.00	\$500.00	

\* The price for recruitment services are determined by applying the suppliers fixed rate to the Annual Salary Package of the position being advertised.

FILE NO:  
5. TRANSPARENT AND ACCOUNTABLE  
GOVERNANCE

ITEM NO: 9.1.3  
(PROCUREMENT OFFICER, LISA KNIGHT)  
(ACTING CHIEF FINANCIAL OFFICER, BEAU  
MITTNER)

## C016/23 PAVEMENT STABILISING PROGRAM

### Recommendation

That Council:

1. Award the schedule of rates contract C016/23 – Pavement Stabilising Program to Bild Infrastructure Pty Ltd.

This contract will be for an initial term expiring on 30 June 2024 with the option to extend in two (2) additional periods of one (1) year.

Payments will be made in accordance with the fixed schedule of rates documented in Appendix B of the report.

2. Authorise the Chief Executive Officer to sign the contract documents and approve contract extensions within the provisions of the Contract.

### 1. Executive Summary

Moira Shire Council invited submissions for the in-situ cement or lime stabilisation of failed sections of existing sealed pavement throughout the municipality in preparation of council's reseal program and the application of final seals, as required, over primer seals applied to the most recent stabilising program.

### 2. Conflict of interest declaration

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

### 3. Background & Context

The contract is for the in-situ cement or lime stabilisation of failed sections of existing pavement and the application of the final seals to the works performed under the previous year's stabilising program.

### Contract Details

The schedule of rates contract is for an initial term expiring on 30 June 2024. Upon mutual agreement between the Superintendent and the Contractor, the contract can be extended in 2 periods of one (1) year (1+1).

The negotiations to reach said mutual agreement shall commence in April of each year to ensure the appropriate delegated approvals are obtained prior to the 30<sup>th</sup> of June date should both parties agree to extend the Contract period.

FILE NO:  
5. TRANSPARENT AND ACCOUNTABLE  
GOVERNANCE

ITEM NO: 9.1.3  
(PROCUREMENT OFFICER, LISA KNIGHT)  
(ACTING CHIEF FINANCIAL OFFICER, BEAU  
MITTNER)

**C016/23 PAVEMENT STABILISING PROGRAM (cont'd)**

**Date of Public Notice**

Medium	Date
Eprocure	4 November 2023
Social Media	4 November 2023
The Age	4 November 2023
The Border Mail	4 November 2023
Shepparton News	7 November 2023
Cobram Courier	8 November 2023
Numurkah Leader	8 November 2023
Yarrawonga Chronicle	8 November 2023

**Submissions closed** on 29 November 2023.

**Receipt of Tenders**

5 submissions were received.

**Supervision**

Superintendent – Manager Parks, Recreation and Facilities  
Superintendent Representative – Coordinator Facilities Maintenance

**Panel Membership**

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

- Manager Operations
- Leading Hand, Tungamah
- Team Leader, Tungamah

The evaluation was moderated by the Procurement Coordinator.

**Non-conforming tenders**

No submissions were deemed non-conforming.

FILE NO:  
5. TRANSPARENT AND ACCOUNTABLE  
GOVERNANCE

ITEM NO: 9.1.3  
(PROCUREMENT OFFICER, LISA KNIGHT)  
(ACTING CHIEF FINANCIAL OFFICER, BEAU  
MITTNER)

**C016/23 PAVEMENT STABILISING PROGRAM (cont'd)**

**Tender Evaluation**

The following evaluation criteria and weightings were used:

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

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

**4. Issues**

No issues to report.

**5. Strategic Alignment**

**Council Plan**

5. Transparent and accountable governance

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.

**6. Internal & External Engagement**

Engagement Internal	Evaluation Panel	Feedback Each member of the Evaluation Panel participated and contributed to the evaluation and moderation of the tender.
External	Advertising	The tender was advertised in various newspapers and social media platforms.

**7. Budget / Financial Considerations**

The works assigned under this contract are reflected within Council’s approved budget.

Payments will be made in accordance with the approved schedule of rates noted in Appendix B.



FILE NO:  
5. TRANSPARENT AND ACCOUNTABLE  
GOVERNANCE

ITEM NO: 9.1.3  
(PROCUREMENT OFFICER, LISA KNIGHT)  
(ACTING CHIEF FINANCIAL OFFICER, BEAU  
MITTNER)

## **C016/23 PAVEMENT STABILISING PROGRAM (cont'd)**

### **8. Risk & Mitigation**

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

- All requirements under contract are to comply with current VicRoads specifications.
- The Contractor is responsible for the location and protection of services that may be in the vicinity of the works.
- Traffic control and roadwork signage shall be as per the Road Management Act 2004 Code of Practice Worksite Safety – Traffic Management.
- All 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 Councils worksite.

### **9. Conclusion**

After consideration of the submissions, including price and specification requirements, the evaluation panel recommends the schedule of rates contract C016/23 – Pavement Stabilising Program be awarded to Bild Infrastructure Pty Ltd.

### **Attachments**

- 1 C016 23 - Pavement Stabilising Program - Appendix A - (CONFIDENTIAL) - *printed in separate document*
- 2 C016 23 Appendix B - Schedule of rates

FILE NO:  
5. TRANSPARENT AND ACCOUNTABLE  
GOVERNANCE

ITEM NO: 9.1.3  
(PROCUREMENT OFFICER, LISA  
KNIGHT)  
(ACTING CHIEF FINANCIAL OFFICER,  
BEAU MITTNER)

**C016/23 PAVEMENT STABILISING PROGRAM NEW (cont'd)**

**ATTACHMENT No [1] - C016 23 Appendix B - Schedule of rates**

**Price Schedule**

Item No.	Description	Unit	Price ex gst
1	Site establishment per treatment location, including traffic control and disposal of any/all surplus materials	Per site	Included
2	Maintenance and collection of Alternate Signage of treatment areas	Per site	Included
3	Pavement Stabilisation - Cement, 3.0% binder by mass, 200mm depth, no seal - 0 <= 250m <sup>2</sup>	m <sup>2</sup>	\$34.00
4	Pavement Stabilisation - Cement, 3.0% binder by mass, 200mm depth, no seal - > 250m <sup>2</sup> <= 500m <sup>2</sup>	m <sup>2</sup>	\$29.50
5	Pavement Stabilisation - Cement, 3.0% binder by mass, 200mm depth, no seal - > 500m <sup>2</sup> <= 750m <sup>2</sup>	m <sup>2</sup>	\$24.50
6	Pavement Stabilisation - Cement, 3.0% binder by mass, 200mm depth, no seal - > 750m <sup>2</sup> <= 1,500m <sup>2</sup>	m <sup>2</sup>	\$22.00
7	Pavement Stabilisation - Cement, 3.0% binder by mass, 200mm depth, no seal - > 1,500m <sup>2</sup>	m <sup>2</sup>	\$19.50
8	Pavement Stabilisation - Lime, 3.0% binder by mass, 200mm depth, no seal - 0 <= 250m <sup>2</sup>	m <sup>2</sup>	\$36.00
9	Pavement Stabilisation - Lime, 3.0% binder by mass, 200mm depth, no seal - > 250m <sup>2</sup> <= 500m <sup>2</sup>	m <sup>2</sup>	\$31.50
10	Pavement Stabilisation - Lime, 3.0% binder by mass, 200mm depth, no seal - > 500m <sup>2</sup> <= 750m <sup>2</sup>	m <sup>2</sup>	\$26.50
11	Pavement Stabilisation - Lime, 3.0% binder by mass, 200mm depth, no seal - > 750m <sup>2</sup> <= 1,500m <sup>2</sup>	m <sup>2</sup>	\$24.00
12	Pavement Stabilisation - Lime, 3.0% binder by mass, 200mm depth, no seal - > 1,500m <sup>2</sup>	m <sup>2</sup>	\$21.50
13	regulation of treatment areas with 20mm class 3 for prior to stabilisation	100mm	\$95.00
14	Baumiusus Emulsion Seal - 7mm	m <sup>2</sup>	\$9.50
15	Baumiusus Emulsion Seal - 10mm	m <sup>2</sup>	\$9.00
16	Baumiusus Emulsion Seal - 10/18 mm Two Coat Seal	m <sup>2</sup>	\$14.50
17	Baumiusus 05170 Final Seal (over previous years program) - 10mm Final Seal	m <sup>2</sup>	\$15.00

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5. TRANSPARENT AND ACCOUNTABLE  
GOVERNANCE

ITEM NO: 9.2.1  
(ECONOMIC DEVELOPMENT OFFICER,  
FRANK MALCOLM)  
(DIRECTOR CORPORATE PERFORMANCE,  
MATT JARVIS)

## PROPOSAL TO DISCONTINUE AND LEASE A PORTION OF RICHARDSON STREET NATHALIA

### Recommendation

That Council as the Responsible Road Authority, in accordance with clause 3 of schedule 10 of the Local Government Act 1989 resolve to proceed with the proposal to discontinue and lease a portion of the north end of the southern section of Richardson Street Nathalia, as indicated in Diagram 1.

### 1. Executive Summary

Council received a request in March 2023 from Trans Tank International (TTi) to lease a portion of Richardson Street Nathalia to permit the safe transport of large spray tanks from their production facility to their warehouse and dispatch point.

Two separate community consultation processes were conducted in September and October 2023 in accordance with Council's Community Engagement Policy, clause 3 of schedule 10 of the Local Government Act 1989 and Section 115 of the *Local Government Act 2020*.

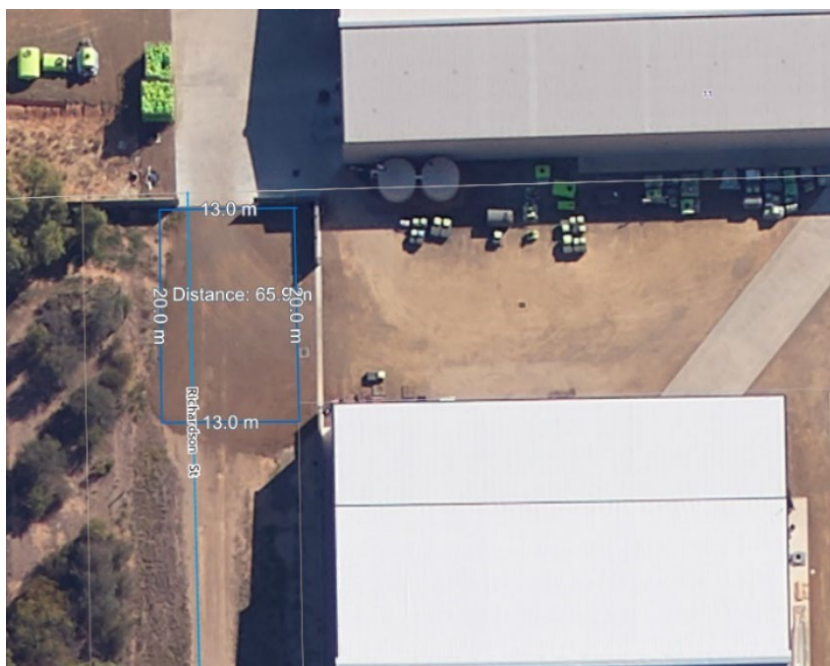
### 2. Conflict of interest declaration

There are no conflict of interest declarations to consider.

### 3. Background & Context

TTi have submitted a request to lease a 13-metre-wide by 20-metre-long section to the north end of Richardson Street Nathalia to ensure the safe transport of goods such as large spray tanks from the manufacturing point to the warehouse. A five-metre pedestrian access would be maintained along the western boundary of Richardson Street.

### DIAGRAM 1



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GOVERNANCE

ITEM NO: 9.2.1  
(ECONOMIC DEVELOPMENT OFFICER,  
FRANK MALCOLM)  
(DIRECTOR CORPORATE PERFORMANCE,  
MATT JARVIS)

## PROPOSAL TO DISCONTINUE AND LEASE A PORTION OF RICHARDSON STREET NATHALIA (cont'd)

The leased portion of roadway would be sealed for mud and dust suppression and fencing of the site would be permeable such as exists to the frontage of the business. A lease is preferred as it provides Council longer term control of this section of roadway.

### Indicative Terms and Conditions

Subject to Council's endorsement of this recommendation, Council will engage a licenced property valuation expert to provide an indication of an appropriate commercial rate for the rental of the portion of land for proposed industrial use.

Moira Shire will engage solicitors to draw up the lease with terms and conditions for Council to review including the annual rent. The length of lease expected to be recommended is 5 years, with two further options of 5 years each.

Terms of the lease will identify responsibilities of both parties being Council and TTI and may include:

- The lessee to fence the area at their cost complying with Australian standard fencing regulations that prohibit humans and animals entering the leased area and is consistent with existing fencing;
- The lessee to maintain the land, mitigate dust and mud, and keep free of chemical spills and fire hazards including vegetation growth;
- The lessee will utilise the land as permitted and not use as a parking bay or storage area; and
- The lessee will not sub lease the land.

### Community Consultation

Attachment 1 provides a summary of all submissions received.

The underlying themes of the submissions included:

- Safety concerns of road users in particular pedestrians sharing the road with heavy machinery;
- Concerns around dust and noise due to movements of heavy machinery;
- Restricted access to informal walking tracks;
- Impacts on any potential future residential developments; and
- Allegations of non-compliance with relevant planning and building permits by the proponent.

In consideration of the above submission themes the following response is provided for clarification:

- The proposal allows for a fence to be installed to safely separate members of the community (pedestrians) and approved activities within an industrial zone (heavy machinery movements);
- Dust suppression methods (such as requiring the proponent to seal the portion of road) would be a condition imposed on any proposal to lease the land. The road is in an Industrial Zone in which noise generating activities are already prevalent;

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ITEM NO: 9.2.1  
(ECONOMIC DEVELOPMENT OFFICER,  
FRANK MALCOLM)  
(DIRECTOR CORPORATE PERFORMANCE,  
MATT JARVIS)

## PROPOSAL TO DISCONTINUE AND LEASE A PORTION OF RICHARDSON STREET NATHALIA (cont'd)

- Previous access to the informal walking track was via private land which has been blocked, as is their right, by the owner. The proposal includes a 5 metre portion for public access along the western boundary of Richardson Street remaining;
- The land to the west of Richardson Street is currently zoned Farming and cannot be subdivided. It is also a buffer zone between residential and industrial uses. The owners of the land to the west of Richardson Street have the opportunity via the planning permit process to present a proposal to rezone their land; and
- The proponent has complied with all relevant planning and building permits including the demolition of buildings.

Each Submitter will be provided a written response to their submission as per Section 12 of the Road Management Act 2004 and Council's Community Engagement Policy once Council has determined an outcome.

### 4. Issues

Council needs to balance community interest with the safety and viability concerns of a local business.

At the Scheduled Council Meeting on 13 December 2023 Council resolved to defer the decision to consider all submissions received in relation to the request.

### 5. Strategic Alignment

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

### 6. Internal & External Engagement

#### Internal

Engagement occurred with the Executive Leadership Team, Panel of Administrators, Governance Team and Acting Manager Investment.

#### External

Two separate community engagement programs were conducted by Council in accordance with Schedule 10 Local Government Act 1989 and Section 207A & 223. Submissions were sought from the community via Public Notices, Social Media Posts and a Consultation Page on Councils corporate website.

Feedback closed on 27 September 2023 and 5 December 2023. In total Council received 22 submissions. These are summarised in Attachment 1.

Submissions Hearings were held on Thursday 12 October and Tuesday 5 December 2023. The Committee of Council heard from six presenters who spoke to their submissions at both Hearings.

### 7. Budget / Financial Considerations

There are no financial considerations in relation to this report.

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5. TRANSPARENT AND ACCOUNTABLE  
GOVERNANCE

ITEM NO: 9.2.1  
(ECONOMIC DEVELOPMENT OFFICER,  
FRANK MALCOLM)  
(DIRECTOR CORPORATE PERFORMANCE,  
MATT JARVIS)

**PROPOSAL TO DISCONTINUE AND LEASE A PORTION OF RICHARDSON  
STREET NATHALIA (cont'd)**

**8. Risk & Mitigation**

The request has been made to discontinue and secure a portion of the road with fencing to permit the safe transport of large spray tanks and reduce the risk to pedestrians in this area.

**9. Conclusion**

Following a request from TTI and consideration of the community submissions a recommendation is made to proceed with the closure of a portion of Richardson Street and enter in a lease arrangement with Trans Tank International (TTi).

**Attachments**

- 1 Proposal to Discontinue and Lease of Part of Richardson Street Nathalia - Combined Submission Summary Table

FILE NO: F16/104-2  
5. TRANSPARENT AND ACCOUNTABLE GOVERNANCE

ITEM NO: 9.2.1  
(ECONOMIC DEVELOPMENT OFFICER, FRANK MALCOLM)  
(DIRECTOR CORPORATE PERFORMANCE, MATT JARVIS)

**PROPOSAL TO DISCONTINUE AND LEASE A PORTION OF RICHARDSON STREET NATHALIA (cont'd)**

**ATTACHMENT No [1] - Proposal to Discontinue and Lease of Part of Richardson Street Nathalia - Combined Submission Summary Table**

**Richardson Street, Nathalia  
Consultation Summary**

**Proposed Closure and Lease of Part of Richardson Street, Nathalia  
Closing date 27 September 2023**

		Submission	
	Submitter Name	Submission Date	Present to Council
1	Anonymous D23/81829	08/09/2023	No
<b>Objects to the proposal</b>			
- Would mean more trucks and traffic coming down Richardson St leading to breaking up the road surface and creating dust and noise to the street.			
2	Scott Ray D23/84960	18/09/2023	No
<b>Objects to the proposal</b>			
- Questioning why the proposal is missing facts or figures.			
- The indicative terms need to show facts. Why should council hide or withhold information regarding the interests of ratepayers.			
3	Andre Buchner (TTI) D23/85551	20/09/2023	No
<b>Supports the proposal</b>			
- Feels that the request is a considered, fair and reasonable proposition which will greatly assist TTI with the safe carriage of the larger tanks and units from the assembly area to the testing and dispatch area.			
- TTI is a significant contributor to the local economy and Community, employing over 100 staff and is committed to reversing the trend seen in many small country towns, of the youth and others going to the cities for work.			
- Would appreciate this simple proposal being considered favourably by our neighbouring residents.			
4	Susan Ryan (Speaker: Linton Ryan) D23/85781	20/09/2023	Yes
<b>Objects to the proposal</b>			
- Shocked to read the proposal by the current administrators, given the history.			
- TTI extended business onto Richardson Street and the Railway Reserve, which cuts off access for anyone wanting to walk or drive this way. The Rail Reserve is the buffer from industrial to residential land. Not outcome they were promised.			
- TTI have acquired the end of Richardson Street from VicRoads that led directly to the <b>Murray Valley Highway</b> - this would provide access for trucks to enter.			
- There is land available towards the North of their business, without causing further concern and noise pollution to current landowners in Richardson Street.			
- Blocks would become landlocked with this proposal, so their value would depreciate and only be of any worth to TTI, who would then be able to secure them cheaply at our expense.			
- I would like the opportunity to have an audience with the Shire administrators and have a representative visit our area to get a clear idea of the landowner's concerns.			
- Other elements of submission relate to zoning of their land facing Richardson Street (which is titled as part of 8 Scott Avenue) rezoned from rural to residential.			
5	Hardwood Andrews Legal on behalf of Jane Hando and Susan Ryan D23/88236	27/09/2023	Yes
<b>Objects to the proposal</b>			
- 11 page letter submitted, with the main grounds for objection being that:			
- Council has failed to abide by the statutory procedure in relation to the proposed discontinuance of the road;			
- The road is reasonably required for general public use, meaning that there is no proper basis for Council to decide to discontinue the road and remove it from the Public Road Register			
- There is a lack of good reason and justification for the discontinuance of the road.			
6	Averil Kennedy & Collin Crane D23/88200	27/09/2023	No
<b>Objects to the proposal</b>			
- Access to the old railway line track will be permanently blocked. Access has already been fenced off - the disadvantage is that it has taken way a popular walking space, especially in fact for one resident in Richardson St who is blind, and, for regular walkers who can enjoy the amenity well away from the busy Murray Valley Highway.			
- The loss of this space would also mean that a number of prospective house blocks on the west side of the street would be lost forever as access would be denied.			
- Present owners would be severely impacted if wishing to subdivide as access would be non-existent for one landowner, and for the second landowner it would be extremely restrictive.			
7	C Thom D23/88199	27/09/2023	No
<b>Objects to the proposal</b>			
- Should not allow ANY business to buy local roads. They are for all tax payers to use.			
- Local Business support towns in many ways- not buy public roads to takeover community assess to roads-walking tracks, assess for local property owners , emergency transport assess, eg fire truck , police, etc - assess in emergencies.			
- St Mary's were unable to buy Power St. Nathalia. So same rules for all taxpayers.			
- Have 3 safe access on Elizabeth St Nathalia.			

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5. TRANSPARENT AND ACCOUNTABLE GOVERNANCE

ITEM NO: 9.2.1  
(ECONOMIC DEVELOPMENT OFFICER, FRANK MALCOLM)  
(DIRECTOR CORPORATE PERFORMANCE, MATT JARVIS)

**PROPOSAL TO DISCONTINUE AND LEASE A PORTION OF RICHARDSON STREET NATHALIA (cont'd)**

**ATTACHMENT No [1] - Proposal to Discontinue and Lease of Part of Richardson Street Nathalia - Combined Submission Summary Table**

**Richardson Street, Nathalia  
Consultation Summary**

		Submission	
Submitter Name	Submission Date	Present to Council	
8 David Wilson D23/88297	27/09/2023	No	<p><b>Objects to the proposal</b></p> <ul style="list-style-type: none"> <li>- No, need to reopen Richardson Street to access Scott Ave McCarron Road and Weir St via Railway Bridge. If both can be achieved go for it, but the reopening of them roadways is first priority.</li> </ul>
9 Heather Gaffy D23/88275	27/09/2023	Yes	<p><b>Objects to the proposal</b></p> <ul style="list-style-type: none"> <li>- Is a home owner in Richardson Street and opposes to the road being closed.</li> </ul>
10 Aaron Booth D23/88273	27/09/2023	Yes	<p><b>Objects to the proposal</b></p> <ul style="list-style-type: none"> <li>- The proposal is flawed and provides no consideration to the future residential development as identified in various strategic documents commissioned by Council. Richardson Street already compromised due to a previous road closure that has impacted the development opportunities of the adjoining properties and overall net negative result to the community.</li> <li>- Lack of detail makes it considerably difficult to provide concise feedback</li> <li>- Would appreciate that all information available to Council regarding this proposal and any supporting reports/drawings to made available prior to any meeting or public advertisement.</li> </ul>



FILE NO: F16/104-2  
5. TRANSPARENT AND ACCOUNTABLE GOVERNANCE

ITEM NO: 9.2.1  
(ECONOMIC DEVELOPMENT OFFICER, FRANK MALCOLM)  
(DIRECTOR CORPORATE PERFORMANCE, MATT JARVIS)

**PROPOSAL TO DISCONTINUE AND LEASE A PORTION OF RICHARDSON STREET NATHALIA (cont'd)**

**ATTACHMENT No [1] - Proposal to Discontinue and Lease of Part of Richardson Street Nathalia - Combined Submission Summary Table**

**Richardson Street, Nathalia  
Consultation Summary**

**Proposed Discontinuance and Lease of Part of Richardson Street, Nathalia  
Submission Summary – Closing date 5 December 2023**

Submitter Name	Submission Date	Present to Council	Submission
1 Janet Congues D23/102828	18/11/2023	No	<p><b>Objects to the proposal</b></p> <ul style="list-style-type: none"> <li>- The road has in the past, been well-used by vehicles, pedestrians, and bike riders. The section of road has been of significant recreational value.</li> <li>- TTI's previous application to purchase a section was rejected by council in 2021</li> <li>- The reason for the current proposed purchase not well-founded.</li> <li>- TTI should have planned for the transportation of their spray tanks from their production warehouse to their warehouse and dispatch point. TTI has two points of access to transport their spray tanks - from O'Mally Crt, and the service lane off Elizabeth St.</li> </ul>
2 Liam Bourke D23/102829	19/11/2023	No	<p><b>Objects to the proposal</b></p> <ul style="list-style-type: none"> <li>- Very little land is available for residential development in Nathalia. Richardson St allows for potential development to the west. We are a young 4-person family and about to leave the town as opportunities to build do not currently exist. I ask why would you restrict the town growth.</li> </ul>
3 David Wilson D23/102830	19/11/2023	No	<p><b>Objects to the proposal</b></p> <ul style="list-style-type: none"> <li>- TTI were supposed to make access between Weir St and Richardson St but failed to do so. Had no community consultation on knocking down the old hacienda. I just want that access between Richardson and Weir street back.</li> </ul>
4 Chris McCallum	27/11/2023	No	<p><b>Objects to the Proposal</b></p> <ul style="list-style-type: none"> <li>- The area of concern provides road access to property owners who own land immediately to the west of Richardson Street. The owners of this land currently have the potential to develop the land for housing.</li> <li>- Closing and leasing Richardson Street to Trans Tank International (TTI) would affectively eliminate access to this land and prohibit future residential development on the site.</li> <li>- Concerned with the previous actions of TTI that have occurred prior to the current land acquisition proposal, including fencing off the old railway line and restricting access to this area and demolishing the former Hacienda Hotel, one of oldest buildings in the area and of cultural significance with no community consultation that I'm aware of.</li> <li>- Acknowledge the importance of industry in Nathalia but do not believe that TTI should be allowed to expand their operation at the expense of current land owners.</li> </ul>
5 Karen Stortenbeker	1/12/2023	No	<p><b>Objects to the Proposal</b></p> <ul style="list-style-type: none"> <li>- Attempted to access the path leading off the northern end of Richardson St to the left of the TTI gates and found it was fenced off and access completely blocked. Prior to this I was able to walk through a pathway which continued left or west towards Broken Creek and the intersection of Scott Ave/McCarron Rd.</li> <li>- Wasn't aware of any prior plans to block access, however it is clear that access to this portion of the pathway and road was now blocked, making it impossible for pedestrians to continue in a western direction.</li> <li>- The priority of council should be enabling public access to as many walkways/routes around town, rather than making them inaccessible and subject to leases from private companies. If public access was maintained and made safer there should be absolutely no reason why TTI needs to essentially close off a public road and restrict or discontinue public access to pathways leading off the road. It is also in close proximity the nearby house and land blocks along Scott Ave and allows a private company exclusive use of this portion of roadway to the detriment of nearby landowners and pedestrians.</li> </ul>
6 Susan Ryan D23/112115	1/12/2023	Yes	<p><b>Objects to the Proposal</b></p> <ul style="list-style-type: none"> <li>- Shocked and frustrated to read the proposal by the current Administrators to discontinue and lease part of Richardson Street to TTI again.</li> <li>- TTI haven't honoured the Shire Council's decisions. However, nothing has been done about their illegal building and the blocking of access to Richardson Street.</li> <li>- TTI have already acquired the end of Richardson Street from VicRoads that led directly to the Murray Valley Highway. This road would still be able to provide access for their delivery trucks. Current neighbouring landowners were not given any notice of the acquisition of this end of Richardson Street.</li> <li>- Railway Reserve is the buffer from industrial to residential land. TTI have the opportunity to access land on the Northern side of their business property. If they eventually buy this land, why do they also need Richardson Street</li> <li>- Other elements of submission relate to zoning of their land facing Richardson Street (which is titled as part of 8 Scott Avenue) rezoned from rural to residential. Even if the sensible decision is made by Council and our blocks are rezoned from rural to residential, if Richardson Street is even partly closed, the noise pollution, dust, and danger from constant large vehicles using Richardson Street would make them unattractive for prospective buyers.</li> </ul>
7 Tracey Mark	1/12/2023	No	<p><b>Objects to the Proposal</b></p> <ul style="list-style-type: none"> <li>- As an owner of 22 Richardson Street objects to the above proposal. Delivery trucks will cause dust, road damage, noise and depreciate my property.</li> </ul>

FILE NO: F16/104-2  
5. TRANSPARENT AND ACCOUNTABLE GOVERNANCE

ITEM NO: 9.2.1  
(ECONOMIC DEVELOPMENT OFFICER, FRANK MALCOLM)  
(DIRECTOR CORPORATE PERFORMANCE, MATT JARVIS)

**PROPOSAL TO DISCONTINUE AND LEASE A PORTION OF RICHARDSON STREET NATHALIA (cont'd)**

**ATTACHMENT No [1] - Proposal to Discontinue and Lease of Part of Richardson Street Nathalia - Combined Submission Summary Table**

**Richardson Street, Nathalia  
Consultation Summary**

		Submission	
Submitter Name	Submission Date	Present to Council	
<b>8</b> Michael and John Eldridge	2/12/2023	No	<p><b>Objects to the Proposal</b></p> <ul style="list-style-type: none"> <li>- We would like to object to the proposed planned to discontinue and lease part of Richardson Street to TTI as they want to use it for access for their delivery trucks.</li> <li>- Street has been a residential street in the residential area and the proposal will increase noise and traffic close to houses at early hours.</li> <li>- We believe it will be unsafe as young children frequent on their bikes along with people walking their dogs.</li> <li>- Believe this to be inequitable as the residents in the area pay their rates and truck activity will only serve to devalue property and interest in the area.</li> </ul> <p><b>Objects to the proposal</b></p> <ul style="list-style-type: none"> <li>- Further concerns to previous submission.</li> <li>- The former Railway Hotel was sold to TTI on the 16th of October 2020 and was subsequently demolished despite there being a Heritage Overlay on the property. According to the Moira Planning Scheme the Former Railway Hotel was listed as a 'Heritage Place'. Urge Council to investigate the demolition of the old Railway Hotel.</li> <li>- Reinststate my concern about the way TTI seems to bypass processes in order to develop its business.</li> <li>- Given the administrative circumstances the Council finds itself in, redressing the oversights of the former Council in the following process would go some way to restoring confidence in The Moira Shire.</li> </ul>
<b>9</b> Jane Hando	5/12/2023	Yes	
<b>10</b> Phillippa Schapper D23/112277	5/12/2023	No	<p><b>Objects to the proposal</b></p> <ul style="list-style-type: none"> <li>- Surprised to find my access blocked to a regular walking route when some fencing and scaffolding appeared. It was unclear whether such an installation was authorized</li> <li>- The whole section of the Richardson Street access to the MV Highway has already been blocked.</li> <li>- I have also been dismayed to notice the removal of The Hacienda, a building I understood was to continue to be supported as it was part of a unique feature of Nathalia...the fact that it has a rare complete profile of settler architecture continuous through to now, of which The Hacienda was a more recent example. I wonder now whether that was also undertaken within Planning and Building regulations. A desk audit of the situation is confusing as evidenced by the two satellite images submitted.</li> <li>- Not confident that the five meters 'walkway' will be any more successfully enforced than other previous arrangements.</li> </ul> <p><b>Objects to the proposal</b></p> <ul style="list-style-type: none"> <li>- Rented a property in Scott avenue for nearly 10 years. This property has a paddock which backs onto Richardson street. As a mother of 5 children we have always walked around this block and found it very safe to do so.</li> <li>- Will no longer be a safe route with delivery trucks.</li> <li>- My children always ride bikes or walk this way around to their grandparents that reside in Richardson street and as a mother this has always been the safest route.</li> <li>- Dust will effect our home.</li> </ul>
<b>11</b> Stevee Byrne D23/112290	5/12/2023	No	
<b>12</b> Heather Gaffy D23/112292	5/12/2023	No	<p><b>Objects to the proposal</b></p> <p>Resident of 16-18 Richardson Street, Nathalia. No further details provided in submission.</p>

FILE NO: F20/196  
5. TRANSPARENT AND ACCOUNTABLE  
GOVERNANCE

ITEM NO: 9.2.2  
(GOVERNANCE AND RISK COORDINATOR,  
NANCY MUSTICA)  
(ACTING DIRECTOR CORPORATE  
GOVERNANCE AND PERFORMANCE,  
AMANDA CHADWICK)

## CHIEF EXECUTIVE OFFICER EMPLOYMENT AND REMUNERATION POLICY

### Recommendation

That Council adopt the Chief Executive Officer Employment and Remuneration Policy as presented in attachment one.

### 1. Executive Summary

The purpose of this report is for Council to consider the adoption of the attached Chief Executive Officer (CEO) Employment and Remuneration Policy.

Council is responsible for the appointment of the Chief Executive Officer (CEO) the attached policy supports the requirement of the Local Government Act 2020 (the Act).

This policy provides direction and guidance on the management of the life cycle of the Chief Executive Officer's employment including recruitment, contract terms, performance monitoring, annual review and dispute resolution.

This policy also provides the Terms of Reference for the CEO Employment and Remuneration Committee and allows for the provision of an Independent Advisor to form part of the Committee.

### 2. Conflict of interest declaration

There are no officer conflict of interest considerations.

### 3. Background & Context

The CEO Employment and Remuneration Policy is developed in accordance with s45 of the Act that outlines the following requirements:

- To provide for Council to obtain independent professional advice.
- Recruitment and appointment process.
- Provisions to be included in the contract of employment.
- Performance monitoring.
- Conduct an annual review.

The policy also outlines the Terms of Reference of the CEO Employment and Remuneration Committee, in particular the appointment of an independent Human Resources professional to the committee to help guide Council to achieve its objectives.

**FILE NO: F20/196  
5. TRANSPARENT AND ACCOUNTABLE  
GOVERNANCE**

**ITEM NO: 9.2.2  
(GOVERNANCE AND RISK COORDINATOR,  
NANCY MUSTICA)  
(ACTING DIRECTOR CORPORATE  
GOVERNANCE AND PERFORMANCE,  
AMANDA CHADWICK)**

**CHIEF EXECUTIVE OFFICER EMPLOYMENT AND REMUNERATION POLICY  
(cont'd)**

This policy provides guidance relating to the appointment, remuneration and performance appraisal of the CEO in accordance with the following best practice principles:

- Decision-making principles that are fair, transparent and applied consistently.
- Decision-making criteria that are relevant, objective, and available to the person subject to the decision.
- Decisions and actions that are conducive to ongoing good governance.
- Documentation that is clear and comprehensive to render decisions capable of effective review.
- Employment decisions that are based on the proper assessment of an individual's work related qualities, abilities, and potential against the genuine requirements of the role; and
- Decisions to appoint a new employee are based on merit.

**4. Issues**

Consultation with Macquarie Lawyers noted that the current policy didn't cover dispute resolution and it was recommended to include this in the policy. Following this recommendation, the policy was amended to reflect this.

**5. Strategic Alignment**

This policy aligns with Council Plan Pillar 5 Transparent and Accountable Governance.

**6. Internal & External Engagement**

Internal engagement was conducted with the CEO and the Panel of Administrators. Minor amendments were identified and applied to the policy.

Macquarie Lawyers also reviewed the policy and recommended the addition of the dispute resolution section within the policy.

**7. Budget / Financial Considerations**

CEO Employment and Remuneration Committee expenses are budgeted for within the 2023/2024 budget.

**8. Risk & Mitigation**

**Risk**

Financial

Economic (regional context or broader economic impact)

Environmental

Reputational

Legislative Compliance

**Mitigation**

Costs of this committee is managed within the 2023/2024 Budget.

There are no Economic risks to consider.

There are no environmental risks to consider.

The policy ensures transparent and accountable governance.

This policy is developed in accordance with the Local Government Act 2020

**FILE NO: F20/196  
5. TRANSPARENT AND ACCOUNTABLE  
GOVERNANCE**

**ITEM NO: 9.2.2  
(GOVERNANCE AND RISK COORDINATOR,  
NANCY MUSTICA)  
(ACTING DIRECTOR CORPORATE  
GOVERNANCE AND PERFORMANCE,  
AMANDA CHADWICK)**

**CHIEF EXECUTIVE OFFICER EMPLOYMENT AND REMUNERATION POLICY  
(cont'd)**

**9. Conclusion**

Following a review of this policy, it is now presented to Council to consider adoption.

**Attachments**

- 1 CEO Employment and Remuneration Policy - November 2023

FILE NO: F20/196  
5. TRANSPARENT AND ACCOUNTABLE  
GOVERNANCE

ITEM NO: 9.2.2  
(GOVERNANCE AND RISK  
COORDINATOR, NANCY MUSTICA)  
(ACTING DIRECTOR CORPORATE  
GOVERNANCE AND PERFORMANCE,  
AMANDA CHADWICK)

**CHIEF EXECUTIVE OFFICER EMPLOYMENT AND REMUNERATION POLICY  
(cont'd)**

ATTACHMENT No [1] - CEO Employment and Remuneration Policy - November  
2023



**Moira Shire Council**  
CEO Employment and Remuneration Policy

<b>Policy Type</b>	Council
<b>Version Number</b>	xx
<b>Responsible Director</b>	Chief Executive Officer
<b>Responsible Officer</b>	Manager People and Culture
<b>Date adopted by Council</b>	XX
<b>Scheduled for review</b>	This policy will be reviewed four years from the date of adoption, or sooner if required.

It is recognised that, from time to time, circumstances may change leading to the need for minor administrative changes to this document. Administrative changes do not materially alter the document (such as spelling/typographical errors, change to the name of a Council department, a change to the name of a Federal or State Government department). Administrative updates can be made in accordance with the Policy Framework Guidelines.



FILE NO: F20/196  
5. TRANSPARENT AND ACCOUNTABLE  
GOVERNANCE

ITEM NO: 9.2.2  
(GOVERNANCE AND RISK  
COORDINATOR, NANCY MUSTICA)  
(ACTING DIRECTOR CORPORATE  
GOVERNANCE AND PERFORMANCE,  
AMANDA CHADWICK)

## CHIEF EXECUTIVE OFFICER EMPLOYMENT AND REMUNERATION POLICY (cont'd)

ATTACHMENT No [1] - CEO Employment and Remuneration Policy - November  
2023



### PURPOSE

The CEO Employment and Remuneration Policy (the Policy) has been prepared for the Moira Shire Council (Council) in accordance with section 45 of the *Local Government Act 2020* (the Act) and will provide direction and guidance on the management of the life cycle of the Chief Executive Officer's employment including recruitment, contract terms, performance monitoring and annual review.

The Policy also provides the Terms of Reference for the CEO Employment and Remuneration Committee.

### SCOPE

This Policy provides for the following matters which Council is responsible for under the Act or as a requirement of this Policy:

- a) the recruitment and appointment of the Chief Executive Officer ensuring that:
  - (i) the recruitment decision is based on merit;
  - (ii) the recruitment processes support transparency and the public advertising of the position; and
  - (iii) regard is had to gender equity, diversity and inclusiveness
- b) approving the Contract of Employment entered into between Council and the Chief Executive Officer;
- c) the provision of independent professional advice in relation to the matters dealt with in the Policy;
- d) the monitoring of the Chief Executive Officer's performance;
- e) an annual review of the Chief Executive Officer's performance; and
- f) determining the Chief Executive Officer's remuneration.

### DEFINITIONS

TERM	DEFINITION
<b>Administrators</b>	Panel of Administrators including the Chair
<b>CEO</b>	Chief Executive Officer
<b>Contract</b>	Contract of Employment for the Chief Executive Officer
<b>Committee</b>	CEO Employment and Remuneration Committee established under this Policy
<b>Council</b>	Moirá Shire Council
<b>Independent Advisor</b>	A suitably qualified and experienced Human Resources professional who is not a member of the Panel of Administrators or Council Officer of Moira Shire but is a voting member of the Committee
<b>KPIs</b>	Key Performance Indicators or Performance Criteria however described
<b>Performance Plan</b>	The annual performance plan setting out KPIs for the CEO
<b>Policy</b>	This CEO Employment and Remuneration Policy adopted in accordance with section 45 of the Act
<b>Recruitment Consultant</b>	A Consultant or Agency with specialist expertise in sourcing and evaluating suitable candidates for senior executive roles

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ITEM NO: 9.2.2  
(GOVERNANCE AND RISK  
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**CHIEF EXECUTIVE OFFICER EMPLOYMENT AND REMUNERATION POLICY  
(cont'd)**

ATTACHMENT No [1] - CEO Employment and Remuneration Policy - November  
2023



<b>Recruitment Policy</b>	The Recruitment Policy adopted by the CEO under section 48(2) of the Act
<b>Regulations</b>	The Regulations made under Division 7 of Part 2 of the Act
<b>Remuneration</b>	Salary and salary equivalents
<b>Resolution</b>	A resolution of Council made at a properly constituted Council meeting

**POLICY STATEMENT**

This Policy reinforces Council's commitment to good governance practices and provides a consistent, fair, and transparent framework for employment matters relating to the CEO.

Council will carry out its functions relating to the recruitment, appointment, remuneration and performance appraisal of the CEO in accordance with the following best practice principles:

- Decision-making principles that are fair, transparent and applied consistently;
- Decision-making criteria that are relevant, objective and available to the person subject to the decision;
- Decisions and actions that are conducive to ongoing good governance;
- Documentation that is clear and comprehensive to render decisions capable of effective review;
- Employment decisions that are based on the proper assessment of an individual's work-related qualities, abilities and potential against the genuine requirements of the role; and
- Decisions to appoint a new employee are based on merit.

**1. CEO Employment and Remuneration Committee**

The responsibility for assisting Council with its obligations regarding CEO employment, performance and remuneration will be delivered through the CEO Employment and Remuneration Committee (Committee), established by Council to oversee matters in accordance with section 45(2) of the Act.

The purpose of the Committee is to consider, determine (when applicable) and make recommendations to Council with respect to the:

- preferred candidate to be appointed as Chief Executive Officer;
- terms and conditions of the CEO Contract of Employment including remuneration;
- provisions to be suggested for inclusion in the Contract of Employment from time to time;
- annual development of the CEO Performance Plan including KPI's;
- quarterly and annual review and monitoring of the CEO's performance with respect to achievement of the KPIs;
- selection and appointment of the Independent Advisor;
- any independent advice and recommendations received from time to time;
- implementation of this Policy.

The Committee is to be chaired by an Independent Advisor who is a full member of the Committee and is entitled to be remunerated for their advisory role.

The Committee's meeting procedures will be conducted in accordance with Section 3 of the Council's Governance Rules.



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ITEM NO: 9.2.2  
(GOVERNANCE AND RISK  
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AMANDA CHADWICK)

## CHIEF EXECUTIVE OFFICER EMPLOYMENT AND REMUNERATION POLICY (cont'd)

### ATTACHMENT No [1] - CEO Employment and Remuneration Policy - November 2023



The Committee is to hold meetings as often as is necessary to:

- consider documentation relevant to the CEO's performance and remuneration;
- prepare documentation relevant to the CEO's employment and remuneration, including, where that documentation concerns matters outside the Committee's delegation, Council reports and contractual documents, for the approval of Council; and
- review the Remuneration Package and conditions of employment of the CEO.

#### 1.1 Independent Advice

The Independent Advisor is responsible for providing independent professional advice in relation to the matters dealt with under this Policy in accordance with section 45(2)(a) of the Act.

The Independent Advisor will have:

- Human resource qualifications (or equivalent) and demonstrated management skills, senior business experience (including but not limited to Local Government) and/or employment law background;
- Demonstrated ability in relation to executive level performance appraisal, professional development and remuneration; and
- Significant experience working with Executives and Board Members in a similar professional advisory role.

The Independent Advisor must not be the Recruitment Consultant appointed by Council to assist in the recruitment process.

Council will appoint the Independent Advisor following a public process seeking Expressions of Interest from suitably qualified and experienced candidates.

The Independent Advisor will be appointed for a term of up to three years and will be eligible to apply to be reappointed at the discretion of Council for a second three-year term.

The remuneration for the Independent Advisor will be based on a sitting fee per meeting, in line with Victorian Government guidelines for like committees. Travel costs will be reimbursed in accordance with ATO allowances upon receipt of a completed claim form.

Council, or the Committee with the approval of a Resolution, can, on an as needed basis, obtain additional independent professional advice in relation to the matters dealt with under this Policy.

#### 1.2 Administrative Support

Support to the Committee will be provided by the Manager People & Culture or delegate and will include:

- coordinating meetings of the Committee including preparation of Agenda and Minutes;
- preparing relevant documentation including reports to Council and contractual documents;
- seeking expressions of interest from suitably qualified persons to undertake the role of Independent Advisor for the Committee's consideration;
- procuring independent legal advice on contractual or employment matters at the request of the Committee; and
- maintaining appropriate records regarding performance reviews.

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ITEM NO: 9.2.2  
(GOVERNANCE AND RISK  
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AMANDA CHADWICK)

## CHIEF EXECUTIVE OFFICER EMPLOYMENT AND REMUNERATION POLICY (cont'd)

### ATTACHMENT No [1] - CEO Employment and Remuneration Policy - November 2023



#### 2. Recruitment of the CEO

Council will engage an independent and suitably qualified Recruitment Consultant to undertake the recruitment of a CEO, in accordance with the Recruitment Policy.

The Committee will make recommendations to the Council when appointing a Recruitment Consultant, determining the CEO position requirements, selection criteria and developing the CEO's contract of employment.

The Recruitment Consultant will manage the end-to-end recruitment process including:

- taking a detailed brief from the Council on the role and the ideal candidate;
- preparing a detailed schedule outlining the end-to-end process;
- developing an advertising strategy to attract suitable candidates;
- assisting the Council to conduct first and second round interviews to determine a shortlist of candidates;
- conducting relevant psychometric assessments to determine best fit;
- conducting reference and probity checks on the preferred candidate;
- liaison with the Manager, People and Culture or nominated delegate regarding the employment contract for the successful candidate;
- liaison with the Committee regarding the public announcement of the appointment of the new CEO.

#### 3. Acting or Interim CEO Appointment

Council must appoint an Acting CEO when there is a vacancy in the office of the CEO which will exceed 28 consecutive days, or the CEO is unable to perform the duties of the office of Chief Executive Officer.

The appointment of the CEO must be made by a resolution of Council unless the Acting CEO is appointed for a period not exceeding 28 days, in which case the CEO may appoint an Acting CEO under delegation from Council pursuant to section 11(3) of the Act.

The Committee may advise Council on the selection and appointment of an Acting CEO.

In the case of an unplanned leave of absence, or the resignation of the CEO, the Committee will make a recommendation to the Council regarding appropriate arrangements.

#### 4. Contractual Requirements

A CEO will be appointed on a maximum term contract of employment for a period of up to five years. The contract of employment will generally be in accordance with the Maddocks Lawyer's Senior Officer model contract as updated from time to time.

The CEO Employment Contract will, at minimum, outline:

- the responsibilities of the position;
- conflict of interest management requirements;
- the total remuneration package and its inclusions;
- leave and other terms and conditions of employment;
- legislative obligations including those continuing after appointment; and
- processes for managing unsatisfactory performance and early termination provisions

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ITEM NO: 9.2.2  
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## CHIEF EXECUTIVE OFFICER EMPLOYMENT AND REMUNERATION POLICY (cont'd)

### ATTACHMENT No [1] - CEO Employment and Remuneration Policy - November 2023



#### 4.1 Dispute Resolution

In relation to any matter under this Policy or the CEO's Contract of Employment that may be in dispute, either the CEO or Council may:

- give written notice to each other of the particulars of any matter in dispute, and
- within 14 days of receiving a notice, a meeting will be convened between the Committee and the CEO in an attempt to resolve the dispute.

If the dispute is not resolved, Council (in consultation with the CEO and on the recommendation of the Committee) will either within 14 days:

- refer the dispute to an independent mediator (as agreed by the CEO and Council, or if they cannot agree a mediator appointed by the Executive Director of Local Government Victoria) and the Council agree to participate in any mediation process in good faith; or
- nominate one or more external persons for the purpose of conducting further investigation and discussion (including any consultation with the CEO, as required) and making a recommendation to Council. Persons nominated for this purpose will have had no prior involvement in the dispute.

The cost of any mediation or investigation will be met by Council.

Having regard to any proposed outcome from any mediation, or the recommendation made, Council will make a final decision regarding the dispute which shall be binding on the parties.

During this process, no party shall be prejudiced as to the final resolution of the dispute. The parties will co-operate to ensure that the steps required to reach a resolution are carried out as expeditiously as possible for the benefit of all concerned.

Council and/or the CEO may nominate a representative (including a legal representative) to assist it and/or the CEO in this process. The CEO and/or Council will each be responsible for meeting the cost of any nominated representative used by them or it.

Neither the Committee nor the Chair Administrator can make any binding decision under any dispute resolution process, without a Resolution.

#### 5. Remuneration and Expenses

The total remuneration package will be subject to review by the CEO Employment and Remuneration Committee.

The remuneration package will be consistent with the principles of the Victorian Government Public Entity Executive Remuneration Policy, which stipulate that remuneration:

- should be fair and reasonable;
- should consider entity performance as well as Victorian fiscal and economic conditions;
- should be set at a competitive level for the relevant market and sector, to attract and retain talented people;
- should be based on decisions that are robust, transparent, consistent and understandable to both the CEO and the public.

The total remuneration package will be inclusive of salary, superannuation and other employment benefits, including associated Fringe Benefits Tax.

No performance bonus arrangements will apply.

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## CHIEF EXECUTIVE OFFICER EMPLOYMENT AND REMUNERATION POLICY (cont'd)

### ATTACHMENT No [1] - CEO Employment and Remuneration Policy - November 2023



Remuneration will be reviewed annually in accordance with the terms of the contract. CEO Performance Review and contractual requirements. The annual review will take into consideration:

- increases in CPI in the preceding twelve-month period;
- the officer's achievement of the performance objectives;
- market rates for comparable positions; and
- the acquisition and satisfactory utilisation of new or enhanced skills by the officer if beneficial to, or required by, the Council.

The Council will meet reasonable expenses incurred by the CEO including:

- Membership and subscription fees payable to professional associations which are reasonably necessary or desirable in performance of duties
- Reasonable costs incurred where attending approved conferences, seminars or undertaking study
- Reasonable costs incurred in performance of duties.

The CEO may be provided a Corporate Purchase Card to use in transactions related to the role of CEO. Corporate expenditure will be reviewed and approved by the Chair Administrator and the Director Corporate Performance. The Council's Audit & Risk Committee can, at any time, ask to receive a report on all CEO corporate purchase card transactions.

#### 6. CEO Performance Objectives and Review

The Council will adopt a set of annual performance objectives for the CEO (the Performance Plan). The Performance Plan will be developed collaboratively by the CEO and the Committee within the first three months of employment.

The Performance Plan will document agreed objectives and outcomes to be delivered over a twelve-month period. A formal review of the CEO's performance, benchmarked against the Performance Plan, will be held annually by the Committee.

An informal review will occur every three months to ensure that objectives and actions are progressing and to discuss any challenges that may impact outcomes. The informal review will provide the CEO and Council with the opportunity to adjust any of the objectives set, by agreement, if required.

The CEO will provide a progress report to the Committee during the quarterly reviews.

The review will also include the opportunity for Council to provide the CEO with performance related feedback and input into the CEO's development plan. The CEO will also have the opportunity to provide feedback to the Council. This process will be facilitated by the Independent Advisor of the Committee.

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ITEM NO: 9.2.2  
(GOVERNANCE AND RISK  
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**CHIEF EXECUTIVE OFFICER EMPLOYMENT AND REMUNERATION POLICY  
(cont'd)**

**ATTACHMENT No [1] - CEO Employment and Remuneration Policy - November  
2023**



**7. Contract Expiry**

The Committee must make recommendations to Council six months prior to the expiry of the CEO contract and regarding current legislation to either:

- reappoint the CEO under a new contract of employment; or
- cease the employment of the CEO due to the expiry of the contract.

**8. Integrity of the process**

Failure to maintain and comply with this policy may constitute a breach of section 45 of the *Local Government Act 2020* and accordingly be subject to review by the Local Government Inspectorate.

All information relating to the recruitment, selection and performance review process must be kept strictly confidential. Administrators and staff involved in the process must take all reasonable steps to maintain confidentiality and respect the privacy of all persons involved. A breach of confidentiality may constitute a breach of the Administrator Code of Conduct or Employee Code of Conduct.

The Chair of the Committee shall report on any non-compliance matters to the Council.

**MONITORING AND EVALUATION**

This Policy will thereafter be reviewed at least every four years by the Committee and within 6 months of each Council election, and the Committee will make a recommendation to Council with respect to any suggested changes.

**RELATED LEGISLATION**

*Local Government Act 2020*  
*Charter of Human Rights & Responsibilities Act 2006*  
*Gender Equality Act 2020*

**RELATED POLICIES AND PROCEDURES**

Moirira Shire Council Procurement Policy  
Moirira Shire Council Recruitment Policy

**REFERENCES**

*Victorian Government Public Entity Executive Remuneration Policy*

**DOCUMENT REVISIONS**

Version	Summary of Changes	Approved by	Date
1	Original Policy adopted	Council	26/08/2020
2	Changes made to original policy included xxxxxx	Council	xxxx

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5. TRANSPARENT AND ACCOUNTABLE  
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**ITEM NO: 9.2.2  
(GOVERNANCE AND RISK  
COORDINATOR, NANCY MUSTICA)  
(ACTING DIRECTOR CORPORATE  
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AMANDA CHADWICK)**

**CHIEF EXECUTIVE OFFICER EMPLOYMENT AND REMUNERATION POLICY  
(cont'd)**

**ATTACHMENT No [1] - CEO Employment and Remuneration Policy - November  
2023**

FILE NO:  
1. A WELCOMING AND INCLUSIVE PLACE

ITEM NO: 9.3.1  
(COMMUNITY DEVELOPMENT OFFICER,  
DANA SHARP)  
(MANAGER MARKETING COMMUNICATION  
AND ADVOCACY SCOTT WILLIAMS)

## PUBLIC ART POLICY

### Recommendation

That Council endorse the draft Public Art Policy and Guidelines for community consultation as presented in Attachment 1.

### 1. Executive Summary

The development of a Public Art Policy is an aim of the Moira Shire Arts and Culture Strategy 2020 – 2026. As there has been an increase in community interest regarding public art recently (demonstrated through Community Project Proposal and Community Strengthening Grant submissions), a Public Art Policy has been deemed necessary in determining projects that will be supported by Council going forward.

It is requested that Council endorse the draft Public Art Policy and Guidelines before community consultation begins.

### 2. Conflict of interest declaration

There are no conflicts of interest associated with this report.

### 3. Background & Context

The inaugural Arts and Culture Strategy 2020 – 2026 was adopted by Council in December 2019. This strategy guides the provision of a “*service committed to actively shaping the future for Moira residents through arts and culture activities and programs...*” and supports the delivery of *Pillar 1: A Welcoming and Inclusive Place* of the Moira Shire Council Plan 2021 – 2025.

A key action of the Moira Shire Arts and Culture Strategy 2020 – 2026 is the development of a Public Art Policy that stimulates new work in public spaces. In recent years, Council have seen an increase in the delivery of public art projects with several murals, sculptures and mosaic projects taking place in Cobram, Numurkah, Katamatite, Strathmerton, and various other locations within the shire.

Currently, projects taking place on a Council owned or managed asset are assessed through the Community Project Proposal process, however there is no Policy in place that guides projects that should or should not be supported. Projects are assessed individually, and outcomes may be different depending on who has assessed the application. The Public Art Policy and Guidelines aim to provide a consistent approach to public art within Moira Shire.

The draft Public Art Policy and Guidelines have been distributed to staff in various departments for input and amendments have been made based on the feedback provided. Similarly, a report relating to a specific public art project was present to ELT in early October, and feedback provided has been incorporated into the draft Public Art Policy and Guidelines.

Community consultation for the draft Public Art Policy and Guidelines will commence on Thursday 1 February. Community members will be able to provide their feedback via the Moira Shire Council website, at a drop-in session in Cobram, Yarrowonga, Numurkah and Nathalia (dates to be promoted through social media and newspaper advertising, and will be confirmed before Wednesday 31 January), or through contacting Council’s Community Development, Arts

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(MANAGER MARKETING COMMUNICATION  
AND ADVOCACY SCOTT WILLIAMS)

## PUBLIC ART POLICY (cont'd)

and Culture team. The Moira Creative Arts Hubs Network will be engaged specifically to provide their thoughts and feedback on the draft Public Art Policy and Guidelines.

### 4. Issues

Currently, requests for Public Art projects taking place on Council owned or managed assets are assessed through the Community Project Proposal process, however there is no policy that guides which projects should or should not be supported. Projects are assessed by Council Officers, and outcomes may differ depending on who has assessed the application. The Public Art Policy and Guidelines aim to provide a consistent approach to Public Art within the shire.

Council funds four Moira Creative Arts Hubs annually, with all groups taking an interest in Public Art projects. Some of these projects have/are planned to take place on private property. As Council is a major funding source for all four groups, the Public Art Policy and Guidelines have been written to apply to all Public Art projects at Council owned or managed assets, or Public Art on private property is partially or fully funded through a Council funding stream.

### 5. Strategic Alignment

The development of a Public Art Policy is an action listed in the Arts and Culture Strategy 2020 – 2026, which itself aligns to the Council Plan.

1. A welcoming and inclusive place	The Arts and Culture Strategy 2020 - 2026 supports the delivery of <i>Pillar 1: A welcoming and Inclusive Place</i> of the Moira Shire Council Plan 2021 – 2025, but particularly 1.02 <i>Our artistic, cultural programs and services will promote inclusiveness, social wellbeing and reflect the needs and values of communities.</i>
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### 6. Internal & External Engagement

Internal	Team Leader Community Development, Arts and Culture; Governance Officer	The draft Public Art Policy and Guidelines were prepared by the Team Leader Community Development, Arts and Culture with support from the Governance Officer.
	Community Wellbeing; Governance; Economic Development; Parks, Recreation and Facilities; Assets; Insurance; Tourism; Communications and Engagement; Building; Planning	The draft Public Art Policy and Guidelines have been distributed to staff in various departments for input, and sections have been amended based on the feedback of staff.
	ELT	On Tuesday 3 October 2023, a report regarding a public art project was presented at ELT. Feedback provided regarding this specific project influenced sections of the draft Public Art Policy and Guidelines.
External		External consultation has not taken place yet, however will be a necessary step in the finalisation of the Public Art Policy and Guidelines.



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**ITEM NO: 9.3.1**  
**(COMMUNITY DEVELOPMENT OFFICER,**  
**DANA SHARP)**  
**(MANAGER MARKETING COMMUNICATION**  
**AND ADVOCACY SCOTT WILLIAMS)**

**PUBLIC ART POLICY (cont'd)**

		<p>Community consultation will commence on Thursday 1 February. Community members will be able to provide their feedback via the Moira Shire Council website, at drop-in sessions in Cobram, Yarrawonga, Numurkah and Nathalia (dates to be promoted through social media and newspaper advertising) or through contacting Council’s Community Development, Arts and Culture team.</p> <p>Drop-in sessions:</p> <p>Nathalia Library Tuesday 13 February 10.30-11.30am</p> <p>Cobram Library Tuesday 13 February 3-4pm</p> <p>Numurkah Library Wednesday 14 February 3-4pm</p> <p>Yarrawonga Library Friday 16 February 10.30 – 11.30am</p> <p>The Moira Creative Arts Hubs Network will be engaged specifically to provide their thoughts and feedback on the draft Public Art Policy and Guidelines.</p>
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**7. Budget / Financial Considerations**

There are no budget or financial considerations associated with this Policy, although some public art projects may be funded through Council funding streams (Community Strengthening Grants, Moira Creative Arts Hubs Triennial Funding, etc.).

**8. Risk & Mitigation**

Currently, with no guidelines around Public Art, Council does not have a consistent approach around which projects will and will not be supported by Council. The Public Art Policy and Guidelines aim to mitigate this.

**9. Conclusion**

A Public Art Policy is necessary for the future assessment of Public Art projects which take place on Council owned or managed assets, or those that may be partially or fully funded through a Council funding stream.

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**PUBLIC ART POLICY (cont'd)**

It is requested that Council endorse the draft Public Art Policy and Guidelines before community consultation begins.

**Attachments**

- 1 Draft Public Art Policy
- 2 Draft Public Art Guidelines

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ITEM NO: 9.3.1  
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DANA SHARP)  
(MANAGER MARKETING  
COMMUNICATION AND ADVOCACY  
SCOTT WILLIAMS)

**PUBLIC ART POLICY (cont'd)**

**ATTACHMENT No [1] - Draft Public Art Policy**



**Moira Shire Council**  
Public Art Policy

<b>Policy type</b>	Council
<b>Version Number</b>	
<b>Responsible Director</b>	Director Community
<b>Responsible Officer</b>	Manager Community Wellbeing
<b>Date endorsed by ELT</b>	
<b>Date adopted by Council</b>	
<b>Scheduled for review</b>	This Policy will be reviewed four years from the date of adoption, or sooner if required.



FILE NO:  
1. A WELCOMING AND INCLUSIVE PLACE

ITEM NO: 9.3.1  
(COMMUNITY DEVELOPMENT OFFICER,  
DANA SHARP)  
(MANAGER MARKETING  
COMMUNICATION AND ADVOCACY  
SCOTT WILLIAMS)

## PUBLIC ART POLICY (cont'd)

### ATTACHMENT No [1] - Draft Public Art Policy

#### PURPOSE

The purpose of this Policy is to support the ongoing development of a vibrant arts sector in the Moira Shire in accordance with Moira Shire Council's Arts and Culture Strategy.

This Policy should be read in conjunction with the Public Art Guidelines.

#### SCOPE

The Policy relates to Public Art which is developed, purchased, commissioned or maintained by Moira Shire Council (Council) on a Council owned or managed asset. This Policy may also apply to Public Art on privately owned property if the artwork is partially or fully funded by Council through a grant or funding stream.

#### DEFINITIONS

Term	Definition
Public Art	<p>Public Art, in this context, refers to the principle of improving the environment through the arts. Included within this concept is the practice of involving artists in the conception, development and transformation of a public space. The term usually refers to contemporary art practice that occurs outside the traditional gallery or museum system.</p> <p>In the built environment, Public Art can also involve a highly diverse range of design elements integrated in the built environment. Examples of Public Art range from seating and wall treatment to landscape and building design.</p>

#### POLICY STATEMENT

Council is committed to maintaining a professional and well-managed process for the inception, coordination and management of public art in Moira Shire including its funding, commissioning, installation, maintenance and decommissioning (and deaccessioning where relevant) and the role of community engagement within these processes.

This Policy contributes to delivering the vision of Council's Arts and Culture Strategy by:

- encouraging artistic and cultural interaction in public places within Moira Shire;
- acknowledging the fundamental value of arts and culture as a cornerstone of a healthy community;
- providing a coordinated approach to Public Art resulting in a range of accessible Public Art (both temporary and permanent) locations/trails; and
- utilising Public Art commissioning where possible, to encourage creative industry development and reinforce cultural tourism within the Moira Shire.

As part of our commitment, Council will:

- encourage art installation in public open spaces;
- articulate the principles Council and the community seek to express through Public Art;
- assist with required community consultation in relation to Public Art; and
- provide direction and guidelines that will support the development of Public Art in the Moira Shire.

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(MANAGER MARKETING  
COMMUNICATION AND ADVOCACY  
SCOTT WILLIAMS)

## PUBLIC ART POLICY (cont'd)

### ATTACHMENT No [1] - Draft Public Art Policy

The Public Art Guidelines will:

- provide guidance on the governance of funding, acquisition, management and disposal of Public Art;
- provide guidance for Public Art selection processes, location/display of Public Art and maintenance of Public Art; and
- provide guidance for assessing donations, bequests and memorials.

#### Selection Criteria

When considering the acquisition or installation of a public artwork selection, the following are taken into account:

- relevance to the objectives and actions in Council's Strategies, Plans and Policies including Council's Art and Culture Strategy;
- relevance to the principles of the Public Art Policy;
- artistic merit of the work;
- relevance and appropriateness of the work to the site and/or community identity;
- consideration of controversial, political or offensive themes;
- community views as determined through the application and/or consultation process if required;
- consistency with current planning, heritage and environmental policies where relevant;
- compliance with Occupational Health and Safety and public access;
- consideration of maintenance and durability requirements;
- evidence of funding source and budget including an allocation for ongoing maintenance, if needed;
- non-duplication of monuments commemorating the same or similar events; and
- any Council policies which may be relevant such as the Gift Benefit and Hospitality Policy and Memorials and Plaques Policy.

#### Ownership

All artworks commissioned on a Council asset, unless specially agreed otherwise, become the property of Council for insurance and asset management purposes. All projects undertaken within the scope of the Public Art Policy and Guidelines must proceed on this basis and appropriate paperwork be completed.

#### Maintenance

Maintenance of Public Art on a Council asset is the responsibility of Council. The level to which Public Art is maintained will be at the discretion of Council in line with the Council maintenance program. The requirements for maintenance, conservation or restoration will be included in all proposals for future acquisitions.

If an applicant or community member/group wishes to undertake or fund additional maintenance, this will be considered on a case by case basis.

#### Decommissioning and Deaccessioning

At times, works of art in the public domain may become damaged beyond reasonable repair, cease to have public relevance, or the site may be so changed that the work no longer fits or suits the site or is possible on the site. In these cases, Council Officers will consider and advise on the most suitable response.

In the case of works posing a risk to the public, immediate removal may be necessary.

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**(COMMUNITY DEVELOPMENT OFFICER,**  
**DANA SHARP)**  
**(MANAGER MARKETING**  
**COMMUNICATION AND ADVOCACY**  
**SCOTT WILLIAMS)**

## **PUBLIC ART POLICY (cont'd)**

### **ATTACHMENT No [1] - Draft Public Art Policy**

#### **MONITORING AND EVALUATION**

The Community Development, Arts and Culture team will monitor applications for Public Art, liaising with relevant Council departments to determine the suitability of projects. In cases of non-compliance, the Community Development, Arts and Culture team will report to ELT and/or Council to determine a suitable course of action.

The Moira Shire Council Public Art Database will be updated with new works, maintenance requirements, and other key information that will be utilised to determine the success of the Policy.

This Policy will be reviewed four years from the date of adoption, or sooner if required, in line with the Arts and Culture Strategy.

#### **RELATED LEGISLATION**

*Local Government Act 2020*  
*Charter of Human Rights and Responsibilities Act 2006*  
*Gender Equality Act 2020*

#### **RELATED POLICIES AND PROCEDURES**

Arts and Culture Strategy  
Memorials and Plaques Policy  
Gift, Benefit and Hospitality Policy  
Community Strengthening Grants Policy  
Community Engagement Policy

#### **REFERENCES**

Public Art Guidelines

#### **DOCUMENT REVISIONS**

<b>Version</b>	<b>Summary of Changes</b>	<b>Approved by</b>	<b>Date</b>
1	Original Policy adopted	Council	xxx
1.1	Administrative changes made to Policy (details of administrative changes)	xxx	xxx
2	Changes made to original Policy included xxxxxx	Council	xxxx
3	xxxxxx	Council	xxxx
3.1	Administrative changes made to Policy (details of administrative changes)	xxx	xxx

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**PUBLIC ART POLICY (cont'd)**

**ATTACHMENT No [2] - Draft Public Art Guidelines**



# **Public Art Guidelines**

**Approved by ELT/Council  
xxxxxx 2024**

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## PUBLIC ART POLICY (cont'd)

### ATTACHMENT No [2] - Draft Public Art Guidelines

## Public Art Guidelines



### INTRODUCTION

Moirā Shire Council (Council) recognises the role played by Public Art in meeting the strategic objectives and action plan of the Moirā Shire Council Arts and Culture Strategy 2020 – 2026.

The Public Art Policy and Guidelines have been developed to support the ongoing development of a vibrant art sector in accordance with the Strategy by:

- encouraging artistic and cultural interaction in public places within Moirā Shire;
- acknowledging the fundamental value of arts and culture as a cornerstone of a healthy community;
- providing a coordinated approach to Public Art resulting in a range of accessible public art (both temporary and permanent) locations/trails; and
- utilising Public Art commissioning where possible, to encourage creative industry development and reinforce cultural tourism within the Moirā Shire.

### SCOPE

These guidelines relate to Public Art which is developed, purchased, commissioned or maintained by Moirā Shire Council on a Council owned or managed asset. These guidelines may also apply to Public Art on privately owned property if the artwork is partially or fully funded by Council through a grant or funding stream.

### DEFINITIONS & CONCEPTS

<b>Public Art</b>	<p>Public Art, in this context, refers to the principle of improving the environment through the arts. Included within this concept is the practice of involving artists in the conception, development and transformation of a public space. The term usually refers to contemporary art practice that occurs outside the traditional gallery or museum system.</p> <p>In the built environment, Public Art can also involve a highly diverse range of design elements integrated in the built environment. Examples of Public Art range from seating and wall treatment to landscape and building design.</p>
<b>Public Artwork</b>	<p>Public artwork, being the work itself, can either be permanent, temporary or ephemeral and can vary in regard to size, scope, medium, functionality and location.</p> <p>Public artworks can include performance, installation, site specific work, sculptures, community art, painting, conceptual art, environment and land art, murals, water features, sound art, aerosol art, gateway signage, computer generated, and visually projected artworks.</p> <p>Public artwork can be found in parks and sporting venues, streetscapes, community centres, shopping centres, local government offices or any publicly accessible space.</p>
<b>Sense of Place</b>	<p>A sense of place refers to the way in which Moirā Shire and its surrounding region is defined by residents and visitors. It is important to understand our sense of place in the ongoing creation of meaningful, vibrant public places across the Shire. It is also important to appreciate that there are differing perceptions of place and to seek to represent these diverse constructs of our Shire in developing and valuing our public places. Important considerations in understanding "place" include:</p> <ul style="list-style-type: none"> <li>- Aboriginal Culture and Country;</li> <li>- history;</li> <li>- diversity and unity of community;</li> <li>- surrounding environments and how they are represented;</li> </ul>



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**PUBLIC ART POLICY (cont'd)**

**ATTACHMENT No [2] - Draft Public Art Guidelines**

**Public Art Guidelines**



	<ul style="list-style-type: none"> <li>- community vision and aspiration;</li> <li>- the wider identity (shire, regional);</li> <li>- contemporary culture;</li> <li>- urban design and planning; and</li> <li>- the environment, the landscape, the buildings, and the people.</li> </ul>
<b>Stakeholders</b>	Artistic and cultural expression relates to all people and as such key stakeholders are broad and include artists, art groups, residents, community groups, developers, philanthropic organisations, government agencies, developers, traders, artistic advisors, funding bodies, the Moira Creative Arts Hubs, any Artistic and Cultural Networks Group and Council Officers.
<b>Master Plan</b>	A Master Plan is a dynamic long-term planning document that provides a conceptual layout to guide future planning and use of a public space. Master Plans should consider scope for Public Art as an integral feature of the public space. This may include reimagining existing geographical or natural features i.e. Murray the Pelican, or discretely designed artworks. Generally speaking, all Master Plans include a phase of public consultation and this consultation should include consideration of Public Art.

**GUIDELINES**

**1. Initiating Public Art**

Public Art can originate via a range of mechanisms including:

- a. development of Council strategic documents and Master Plans (including via public consultation development of these documents);
- b. direct requests from the community;
- c. requests to install public artworks funded locally or through sponsored art programs (eg. Artists in Residence);
- d. requests for funding either through Council's Community Strengthening Grants or budget process to support community-led arts projects; and
- e. a bequest or donation.

**2. Applications for Public Art**

Community requests (See above 1b, 1c, 1d and/or 1e) for permission to install a piece of Public Art on Council owned or managed asset must be sought through the applicable and appropriate Council process. In each case the request needs to occur in line with the relevant process, and a memorandum of understanding (MOU) may need to be prepared to establish the responsibilities and understandings of parties involved.

If financial support is required, dependent on the amount and available co-contribution, a further application to Council's Community Strengthening Grants or a budget submission as part of Council's Annual Budget process can be made.

The Council lead for delivery of projects will be determined as relevant to the project, following its approval and/or funding. In the case of Public Art on privately owned property that is partially or fully funded by Council through a grant or funding stream, an MOU will be needed.

**3. Public Art Funding**

Public artwork can be funded through a number of mechanisms such as:

- Council's capital works program - specific allocations as part of the annual capital works program;
- partnership and donations - with artists, community groups, developers, philanthropic organisations and government agencies;

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## PUBLIC ART POLICY (cont'd)

### ATTACHMENT No [2] - Draft Public Art Guidelines

#### Public Art Guidelines



- developer-led commissions - Council will encourage private developers to incorporate public art in new residential and commercial developments;
- State and Federal government funding - Council will actively seek funding, either whole or part project costs, from other tiers of government; and
- Council's Community Strengthening Grants Program - Council will encourage the creation of small-scale ephemeral, temporary and permanent public artworks initiated by the community and local artists.

#### 4. Acquiring & Commissioning

Public Art may be acquired or commissioned with Council adoption through:

- a gift or donation – from individual or multiple donors, companies or organisations, artists or makers, through bequests or estates, or via the Australian Government's Cultural Gifts Program;
- transfer or exchange - with another institution or individual;
- commission - for a specific purpose/location, to commemorate an event or acknowledge a person; and
- purchase – with funds from Council, through grants, building/development allowances, nominated budgets, etc., or from third parties, such as foundations, benefactors, through grants, funds from insurance losses relating to another.

#### 5. Ownership of works

All artworks commissioned on a Council asset, unless specially agreed otherwise, become the property of Council for insurance and asset management purposes. All projects undertaken within the scope of our Public Art Policy and Guidelines must proceed on this basis and appropriate paperwork be completed.

#### 6. Acquisition and Selection Criteria

Acquiring Public Art in Moira Shire may be made by endorsement of the Executive Leadership Team. The Executive Leadership Team can determine that a recommendation or resolution is needed by Council in certain circumstances, including:

- acceptance of a gift, donation or commission;
- approval of the Community Strengthening Grants projects recommendations;
- endorsement of a site Master Plan;
- approval of the annual Council Budget; and
- the planning approval process.

When considering the acquisition or installation of a public artwork selection, the following are considered:

- relevance to the objectives and actions in Council's Strategies, Plans and Policies including Council's Art and Culture Strategy;
- relevance to the principles of the Public Art Policy;
- artistic merit of the work;
- relevance and appropriateness of the work to the site and/or community identity,
- community views as determined through the application and/or consultation process if required;
- consideration of controversial, political or offensive themes;
- consistency with current planning, heritage and environmental policies where relevant;
- compliance with Occupational Health and Safety and public access;
- consideration of maintenance and durability requirements;

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## PUBLIC ART POLICY (cont'd)

### ATTACHMENT No [2] - Draft Public Art Guidelines

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- evidence of funding source and budget including an allocation for ongoing maintenance, if needed;
- non-duplication of monuments commemorating the same or similar events; and
- any Council policies which may be relevant such as the Gift Benefit and Hospitality Policy and Memorials and Plaques Policy.

The following will also be considered if relevant:

- State, Federal and Peak Advisory Body Policies (e.g. VIC Roads Policies and Road Safety Reports, Cultural Heritage Significance Guidelines, Register of War Memorials and Monuments) should be considered where indicated;
- evidence of sustainable design practices;
- presence of the artist/s unique connection to Moira Shire; and
- works by professional artists that depict Moira Shire and are of state, national or international significance.

#### 7. Key factors for siting Public Art

The selection of potential sites for art works and their specific placement within a site should include due consideration of a number of factors. These factors include, but are not limited to:

- acknowledgement of a sense of place;
- the artist view in collaboration with Council Officers and/or Council if appropriate;
- constraints on size, placement, materials, form and subject matter;
- public safety;
- opportunity for tampering and vandalism;
- long term management and maintenance, including expectations of all stakeholders, resources and costs;
- surrounding environment and access including; pathways, entrances, existing elements, disabled access, plantings, and other Council overlays and requirements;
- heritage (including Cultural Heritage); and
- any requirements from other bodies (VicRoads/RSL).

#### 8. Maintenance, Conservation and Restoration

Maintenance of Public Art on a Council asset is the responsibility of Council. The level to which Public Art is maintained will be at the discretion of Council in line with Council's maintenance program. The requirements for maintenance, conservation or restoration will be included in all proposals for future acquisitions.

If an applicant or community member/group wishes to undertake or fund additional maintenance, this will be considered on a case by case basis and can be factored into an MOU. In the case of Public Art on privately owned property that is partially or fully funded by Council through a grant or funding stream, maintenance will be the responsibility of the applicant, unless decided otherwise.

A survey of the condition of all Public Art on the Shire's inventory will be undertaken annually, which will include a determination of further maintenance and/or conservation or restoration that is required.

#### 9. Copyright

Council, through these guidelines, will adhere to Part IX of the Commonwealth *Copyright Act 1968* (and any subsequent amendments) which provide for comprehensive moral rights protection in Australia. The legislation provides creators with three rights:

- the right of attribution of authorship;
- the right against false attribution; and

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## PUBLIC ART POLICY (cont'd)

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- the right of integrity of authorship.

Moral rights last for the same time as copyright duration, the term of which is usually 70 years after the calendar year in which the creator of the work died. Unlike copyright, moral rights are personal property and cannot be transferred. The public artworks will be, unless anonymity is specifically requested by the artist in writing:

- labelled in full view with the following information as a minimum requirement;
- artist's name, title of the artwork, date of the work, medium and as appropriate, the name of the donor;
- not be displayed so as to be obscured or altered without written permission of the artist; and
- not be displayed if it is in disrepair.

#### 10. Decommissioning and Deaccessioning

At times, works of art in the public domain may become damaged beyond reasonable repair, cease to have public relevance or the site may be so changed that the work no longer fits or suits the site or is possible on the site.

In these cases, Council Officers will consider the following options and advise Council on the most suitable response:

- relocation of a work to a more suitable site;
- offer to return to donors or artists, subject to cost agreement;
- donation of work to a school or other public utility;
- sale of work, with funds raised used for other public art projects; and
- destruction of artworks (last resort if the above options cannot be achieved).

In the case of works posing a risk to the public, immediate removal may be necessary.

#### 11. Role of the Moira Creative Arts Hubs Network

Council's decisions on Public Art projects will be informed, when required, in consultation with the Moira Creative Hubs Network group. Council staff who can provide advice on strategic planning, tourism, asset management, engineering, maintenance and environmental consideration will provide additional expertise, as required.

#### 12. Community Engagement

The success of many public art projects comes from community involvement because participation signifies ownership. Some Public Art projects can provide an opportunity for community members to be involved at varying levels of inclusion and to contribute to Public Art outcomes.

Community consultation will be an integral part in deciding the subject and/or theme of Public Art and will be required ahead of an application being lodged. The amount of community engagement necessary will differ from project to project and will be determined by Council Officers.

Further community consultation led by Council Officers may be undertaken prior to the subject and/or theme being determined.

#### 13. Public Artwork in relation to other property

Council is responsible for the planning strategies that guide future developments in the Shire. It develops strategies and policies to ensure the conservation and enhancement of Moira's high-quality town and rural environments. These planning strategies and policies may affect the entire Shire or be

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## PUBLIC ART POLICY (cont'd)

### ATTACHMENT No [2] - Draft Public Art Guidelines

#### Public Art Guidelines



specific to key sites or areas in order to encourage appropriate planning outcomes throughout the Shire.

There may be opportunities for the Council to encourage and assist private developers to incorporate Public Art in the areas that are accessible to the public and appropriate for such uses (See section 6). Council's role in this will be determined as applicable to the situation on a case by case basis.

#### REVIEW OF GUIDELINES

These guidelines will be reviewed four years from the date of adoption, or sooner if required.

#### RELATED LEGISLATION

*Local Government Act 2020*

*Charter of Human Rights and Responsibilities Act 2006*

*Copyright Act 1968*

#### REFERENCES

Arts and Culture Strategy

Memorials and Plaques Policy

Gift, Benefit and Hospitality Policy

Community Strengthening Grants Policy

Community Engagement Policy

FILE NO:  
3. A CLEAN GREEN ENVIRONMENT

ITEM NO: 9.3.2  
(ENVIRONMENTAL SERVICES TECHNICAL  
OFFICER, BETHAN MCKAY)  
(ACTING DIRECTOR SUSTAINABLE  
COMMUNITIES MATT JARVIS)

## KERBSIDE TRANSITION PLAN - COMMUNITY CONSULTATION

### Recommendation

That Council endorse the commencement of community consultation for the kerbside transition plan with the three options stated in this report.

### 1. Executive Summary

To meet mandatory service provisions required by Victorian Councils under the Victorian Circular Economy (Waste Reduction and Recycling) Act 2021, Council is required to introduce a mixture of kerbside glass bins and Resource Recovery Centre drop-off points to suit our rural population and organisational needs, while enabling better recycling with less waste to landfill.

Additionally, Australia's National Waste Policy Action Plan has a target of recycling and reusing 80% of the country's waste by 2030. Victoria's Circular Economy Action 2021 has set the same target of diverting 80% of waste from landfill by 2030 with an interim target of 72% by 2025. The introduction of a glass bin will assist Moira Shire Council in reaching both state and national government targets, but more needs to be done.

Moira Shire initially commenced with the introduction of glass and organic drop-off points at our Resource Recovery Centre in July 2023 which has seen 1500kgs of glass and 400kgs of organics diverted from landfill in the first 3 months.

The continuation of this project will see Moira residents receive an additional kerbside service, being a 120lt purple-lidded glass bin, collected on a monthly frequency. Funding for the bulk purchase of these bins has been provided by state government agencies with Council making up the remaining amount.

Currently, Moira Shire Council diverts approximately 55% of its kerbside materials from landfill. In 2022/23, Moira Shire Council emptied 1 million bins and dealt with nearly 11,000 tonnes of materials.

Moira Shire Council provide a kerbside service for nearly 14,000 households and will be changing waste contractors in November 2024. This makes November 2024 an ideal time to implement the kerbside transition.

To evaluate methods for Council to reach the national and state targets, Moira Shire Council put together an internal consultation group to narrow down our options for a kerbside transition, including the introduction of a kerbside glass service, which we will now go out for community consultation. Of the initial six options assessed, three have been shortlisted following a multi-criteria assessment, these options are detailed below with an outline of estimated recovery rate, change in rate charges, number of kilometres covered for the collection service and carbon emissions impact.

Due to the significant nature of these changes, it is proposed the Council implement an extensive engagement and consultation plan. This will incorporate over 16 community engagement and consultation events over Feb – April 2024.

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**KERBSIDE TRANSITION PLAN - COMMUNITY CONSULTATION (cont'd)**

**2. Conflict of interest declaration**

Nil

**3. Background & Context**

As of June 2023, 14 out of 79 Victorian Councils have introduced a four-bin system. In October 2022, Council was successful in receiving funding under the Transfer Station Upgrade Fund (Round 2), which provides a separate glass and organics drop-off at all Resource Recovery Centres, allowing access to the service for 100% of Moira residents from July 2023. This project was seen as Stage 1 of the kerbside rollout reform, with the introduction of a glass kerbside service being Stage 2. November 2023 saw further funding of the Kerbside Reform Service fund for the procurement of glass kerbside bins.

The Federal Government’s National Waste Policy Action Plan 2019 includes targets and actions to implement the 2018 National Waste Policy. As mentioned, identified in this policy is achieving an 80% recovery rate from all waste streams by 2030. The separation of individual waste streams will increase the values of recycled materials and assist with diverting waste from landfill. By introducing a kerbside glass service to our current kerbside services, we estimate an increase in waste recovery to around 3%, taking our kerbside diversion rate to 58%. This leaves us a long way from our target of 80%, so we have put together three options to go out for community consultation.

In addition, mounting landfill levies, and operational and compliance costs are pushing up the financial burden of landfilling, relative to recycling and composting. This results in significant long-term financial benefits for Moira in driving diversion towards the systems away from landfill.

Details of the options are in the table below.

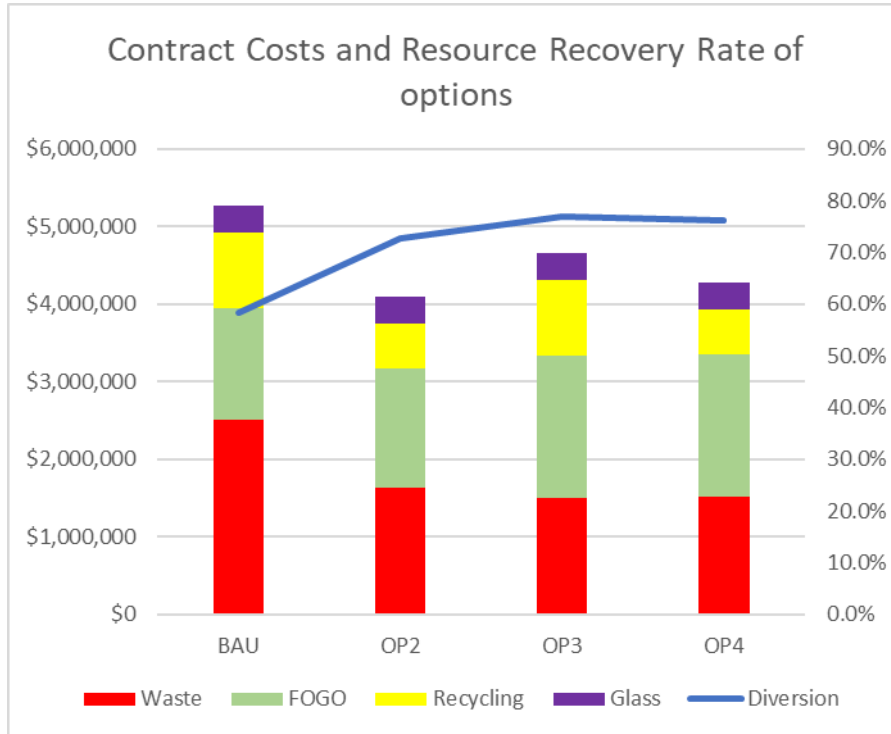
	Landfill	Recycling	Organics	Glass	Cost saved compared with BAU per household	Tonnes CO2 avoided	Annual km's '000
Option 1	Fortnight	Month	Fortnight	Month	\$70	3176	169
Option 2	Fortnight	Fortnight	Week	Month	\$32	4127	251
Option 3	Fortnight	Month	Week	Month	\$58	4068	217

Financial and performance details of the shortlisted options are detailed in the figure below.

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**KERBSIDE TRANSITION PLAN - COMMUNITY CONSULTATION (cont'd)**



To arrive at the sort listed 3 options, Moira Shire Councils internal working group undertook a multi-criteria assessment of 6 options. This group consisted of 14 members across Council's departments. The options were assessed through a combination of qualitative and quantitative methods, with considerations to the social, community, environmental and financial impacts.

**4. Issues**

By changing the frequency of collection of certain waste streams, we have the ability to increase kerbside waste recovery from 55% to 77%, enabling Moira Shire Council to be well in reach of an 80% waste recovery by 2030. If we introduce a kerbside glass collection with a business as usual approach, we estimate an increase in waste recovery to around 3%, taking our kerbside diversion rate to 58%, leaving us 22% from our target.

With the provision of funding, as well as early adoption, the following issues could be avoided:

- Delay in supply of new bins if Council goes live at the same time as a majority of other Councils (currently 65 Councils without the service)
- Council being responsible for total cost of the transition
- Increased cost for supply of new bins due to inflation
- High possibility of not meeting legislated requirements

Council currently applies a service charge and environmental levy for the collection and disposal of refuse and providing waste services for the municipality (street litter bins for instance). Council's Revenue and Rating Plan confirms the objective of setting the service charges for waste at a level that fully recovers the cost of the waste services, including providing for the cost of rehabilitation of the council's landfill once it reaches the end of its useful life. This would also include the purchase of replacement and additional bins.



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**KERBSIDE TRANSITION PLAN - COMMUNITY CONSULTATION (cont'd)**

One of Moira Shire’s neighbouring councils has begun implementing changes to their kerbside collection frequencies which has generated issues around the importance of proper communication and engagement with the community before commencing any changes to frequency (i.e. the reasons for the change in particular the government reforms and legislated changes) and the polarising response from community members about the impacts such as disposing of nappies and having a fourth bin stored on their property.

**5. Strategic Alignment**

**Council Plan 2021-2025**

3. A clean green environment

3:03 “We will achieve excellence and best practice in waste management

3:04 “We reduce waste to landfill with effective recycling and organic waste diversion systems

**Waste Management and Services Strategy 2018-2027**

“Deliver financially and environmentally sustainable waste services”

**Environmental Sustainable Strategy 2022-2026**

Focus area 7 “Sustainable management of waste – long term target, reduce waste to landfill  
Maximise the lifespan of the Cobram landfill through diversion and recycling  
Reduce consumption and production of waste

**6. Internal & External Engagement**

Engagement (who did you engage with?)		Feedback
Internal	Consultation working group including 13 staff members.	Three options over four is preferred. Ensure reasoning is behind it.
Internal	Finance	Multi-Criteria Analysis tool
External	Sustainability Victoria	Behavioral change funding
External	DEECA	Funding agreements and initial kerbside transition plan.
External	DEECA and numerous Victorian LGAs	Facilitating group discussions on kerbside transition – Monthly Glass service implementation catch-ups

**7. Budget / Financial Considerations**

A quote was sought during the expression of interest phase in October 2022, which highlighted the cost to purchase the relevant number of bins (14,000) being \$604,660.

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**KERBSIDE TRANSITION PLAN - COMMUNITY CONSULTATION (cont'd)**

While the funding amount offered is \$369,643, with Council to make up the remaining \$235,071.

Additionally, indirectly related to this project, Council has received \$62,000 from Sustainability Victoria to assist education and behavioural change programs with the community.

Funding source	Contribution (\$) (ex. GST)	Ledger
DEECA grant	\$119,200	01431.1358.0170
Glass early adopter expression of interest (Round 2)		
DEECA grant	\$210,443	03460.4355.0506
Kerbside Reform Service fund		
DEECA grant	\$40,000	03460.4355.0506
Waste transition plan		
<b>Total funding:</b>	<b>\$369,643</b>	
Council	\$235,017	
<b>Total Budget:</b>	<b>\$604,660</b>	

**8. Risk & Mitigation**

**Risk**

Economic (regional context or broader economic impact)  
Environmental

Reputational

**Mitigation**

Driving local employment with increased job opportunities with increased recycling streams. Options 1, 2 & 3 potential to significant reduction in landfill, resulting in a decrease of carbon emissions.

The kerbside transition plan is seeking to change the behaviour of the community regarding waste.

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## KERBSIDE TRANSITION PLAN - COMMUNITY CONSULTATION (cont'd)

Legislative Compliance

Proposing a change of frequency to kerbside collection can generate polarizing views (for example, experiences at neighbouring councils show disposal of nappies will be a contentious issue). Community consultation and execution are imperative to success in particular the need for a strong communication and engagement plan. Circular Economy Act 2021  
Kerbside Waste service standards (Pending 2024)  
National Waste Policy (2018)

### 9. Conclusion

That Council endorse the commencement of community consultation for the kerbside transition plan with the three options stated in this report.

### Attachments

- 1 Kerbside Transition Plan - Presentation
- 2 Kerbside Transition Plan - Gantt Chart
- 3 Kerbside Transition Plan - Community Consultation

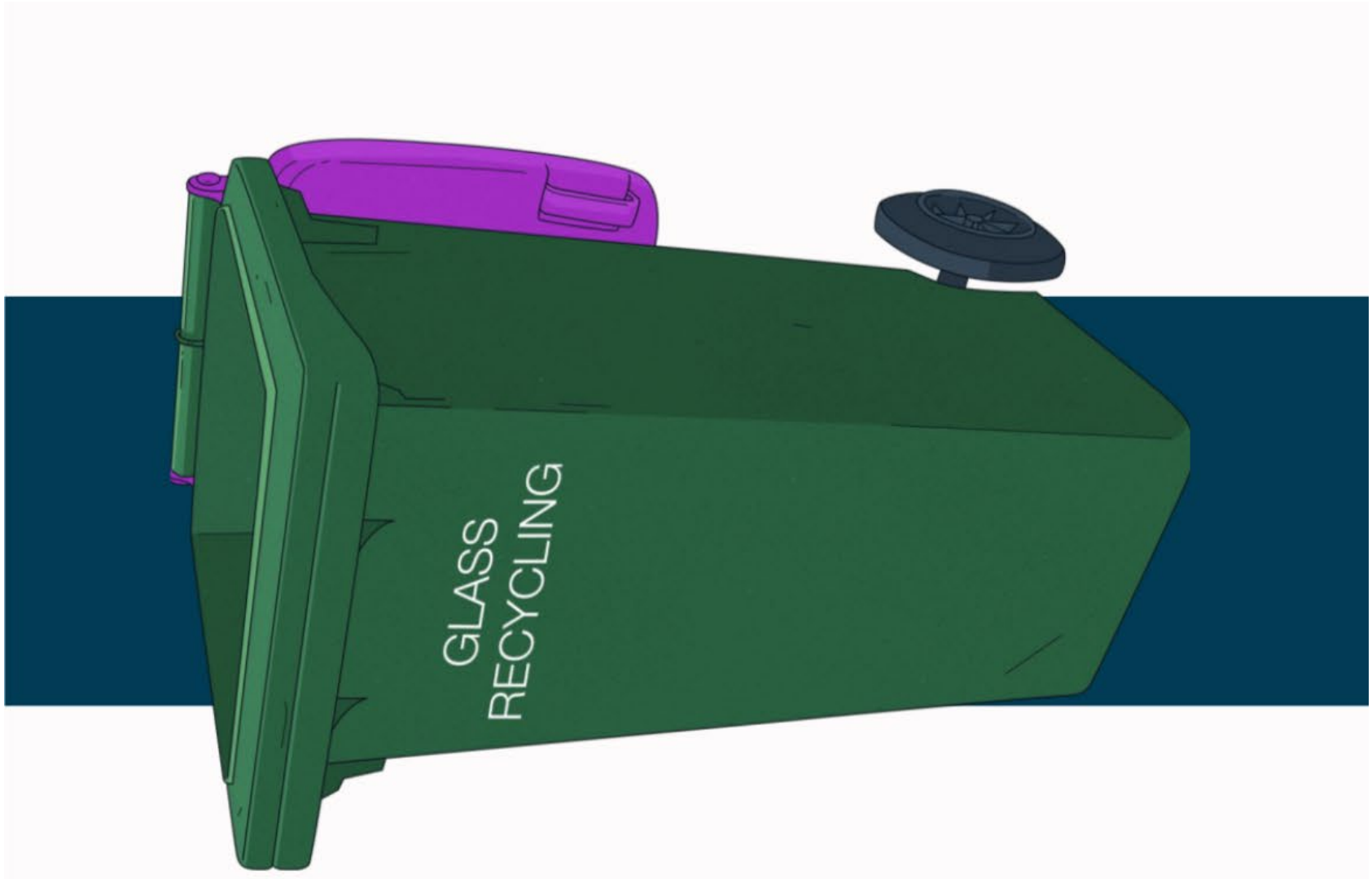


FILE NO:  
3. A CLEAN GREEN ENVIRONMENT

ITEM NO: 9.3.2  
(ENVIRONMENTAL SERVICES TECHNICAL OFFICER, BETHAN  
MCKAY)  
(ACTING DIRECTOR SUSTAINABLE COMMUNITIES MATT  
JARVIS)

**KERBSIDE TRANSITION PLAN - COMMUNITY CONSULTATION (cont'd)**

ATTACHMENT No [1] - Kerbside Transition Plan - Presentation



# KERBSIDE TRANSITION

FILE NO:  
3. A CLEAN GREEN ENVIRONMENT

ITEM NO: 9.3.2  
(ENVIRONMENTAL SERVICES TECHNICAL OFFICER, BETHAN MCKAY)  
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**KERBSIDE TRANSITION PLAN - COMMUNITY CONSULTATION (cont'd)**

ATTACHMENT No [1] - Kerbside Transition Plan - Presentation

# Overview

Meet State Government requirements, Council is required to produce a mixture of kerbside bins and Resource Recovery drop points to suit our rural location and organisational needs and enable better recycling less waste to landfill.

- Australia's National Waste Policy Action Plan** has a target of recycling and reusing 80% of the country's waste by 2030.
- Victoria's Circular Economy Act 2021** has set a target of diverting 80% of waste from landfill by 2030 with an interim target of 72% by 2025.
- Currently, Moira Shire Council sits at around 55% diversion from landfill. 2022/23 saw over 1 million bins emptied and nearly 11,000 tonnes of materials managed.
- Our 2021 kerbside waste audit shows our kerbside landfill bins contain around 51% of organic material and 10% of recyclables.

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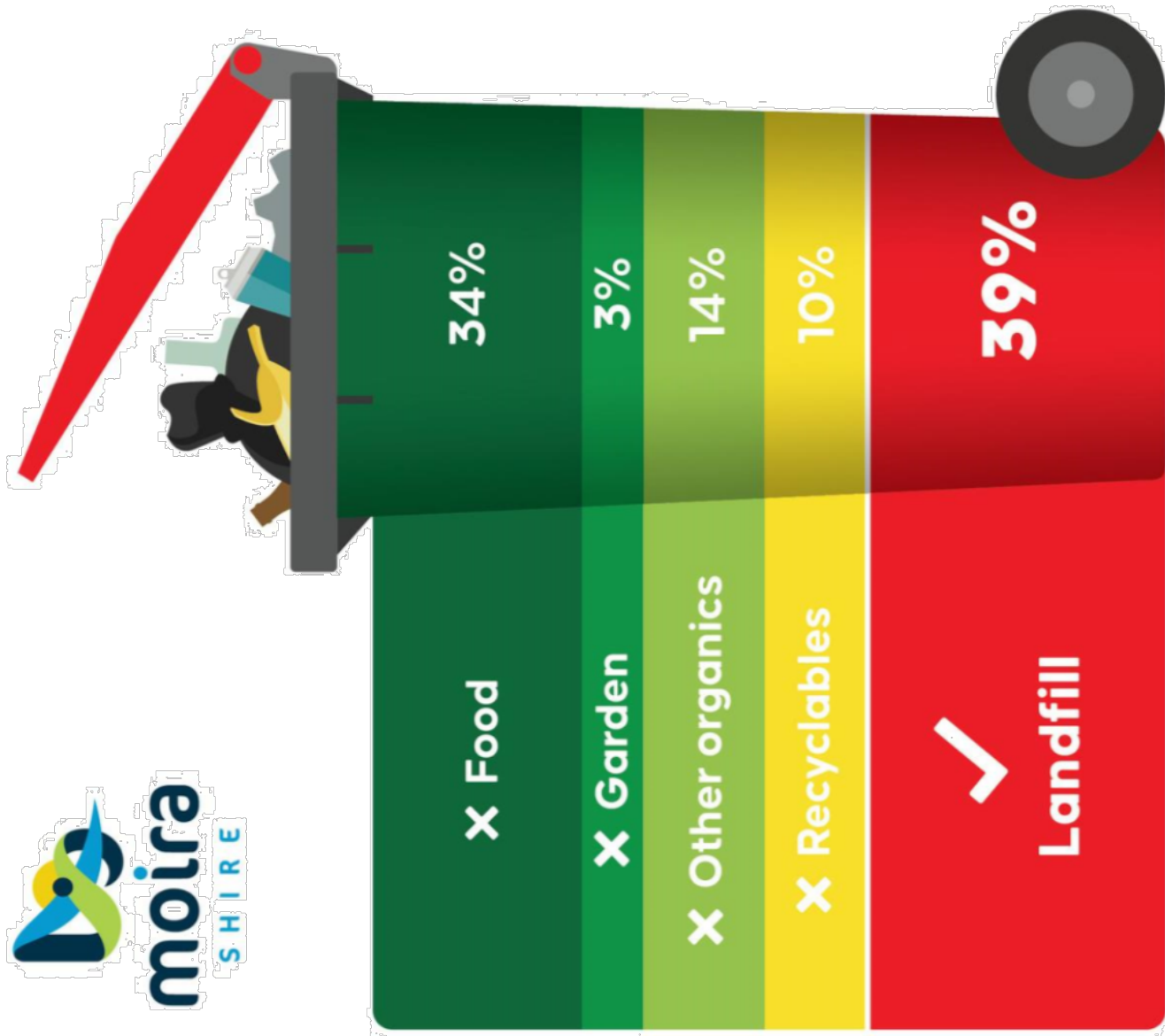
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**KERBSIDE TRANSITION PLAN - COMMUNITY CONSULTATION (cont'd)**

ATTACHMENT No [1] - Kerbside Transition Plan - Presentation

# 2021 Audit Statistics

The potentially recoverable materials in the kerbside landfill bin included textiles, soft plastics, e-waste, and hazardous materials such as batteries. With a staggering 51% being organic materials.

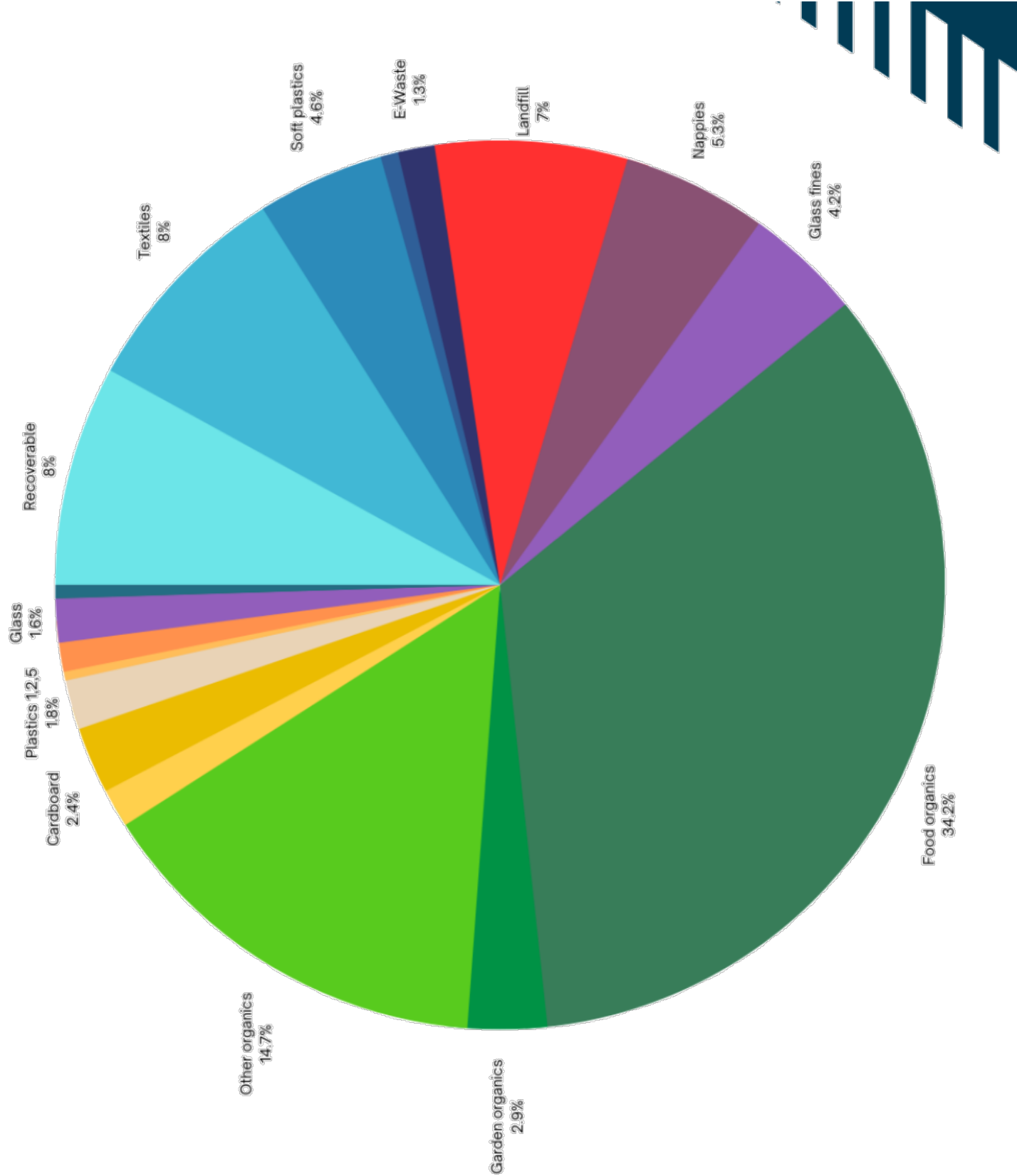


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**KERBSIDE TRANSITION PLAN - COMMUNITY CONSULTATION (cont'd)**

ATTACHMENT No [1] - Kerbside Transition Plan - Presentation



# A further breakdown

## Organics 51.8%

All household bins audited in 2021 have access to a green lidded organics bin. These items in landfill, breakdown creating greenhouse gases, including methane, which affect air quality and public health.

## Textiles 8%

ELT recently endorsed the installation of 3 textile recovery units at three of our Resource Recovery Centres. These units are able to take clothing, hats, soft toys, shoes, home textiles and belts.

## Glass and glass fines 5.8%

The introduction of a 4th purple lidded bin to take glass only will be introduced November 2024.



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**KERBSIDE TRANSITION PLAN - COMMUNITY CONSULTATION (cont'd)**

ATTACHMENT No [1] - Kerbside Transition Plan - Presentation

# Kerbside collections

Kerbside landfill potential



**1,870 tonnes**

Recoverable materials



*These recoverable materials have the potential to be turned into new products, minimising the need to harvest raw materials, reducing carbon emissions, saving energy and reducing costs.*

Kerbside landfill 2022/23



**4,807 tonnes**

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**KERBSIDE TRANSITION PLAN - COMMUNITY CONSULTATION (cont'd)**

ATTACHMENT No [1] - Kerbside Transition Plan - Presentation

# Kerbside Collection

This project will see Moira residents receive an additional kerbside service - a purple lidded glass bin.

- 

We provide a kerbside service to nearly 14,000 households.
- 

These households will have an additional kerbside service to manage source-separated glass for recycling.
- 

Changes to take place November 2024 when current waste contract expires.
- 

We will be going out for community consultation for our kerbside transition plan.

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**KERBSIDE TRANSITION PLAN - COMMUNITY CONSULTATION (cont'd)**

ATTACHMENT No [1] - Kerbside Transition Plan - Presentation

# Kerbside collection options



Option 1	FORTNIGHT	MONTH	FORTNIGHT	MONTH
Option 2	FORTNIGHT	FORTNIGHT	WEEK	MONTH
Option 3	FORTNIGHT	MONTH	WEEK	MONTH

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**KERBSIDE TRANSITION PLAN - COMMUNITY CONSULTATION (cont'd)**

ATTACHMENT No [1] - Kerbside Transition Plan - Presentation



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**KERBSIDE TRANSITION PLAN - COMMUNITY CONSULTATION (cont'd)**

ATTACHMENT No [1] - Kerbside Transition Plan - Presentation

**Why change organic collection to weekly?**

-  Food and garden organics are a useful product that can be turned into compost - growing food for our future.
-  Rotting food and garden organics in landfill releases methane into the air and contributes greatly to climate change.
-  A fortnight of organic waste in a kerbside bin can lead to unpleasant odours, especially over the summer months.
-  Research has shown that a more frequent collection of organics is a driver in encouraging behaviour change to reduce food waste in landfill bins.

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**KERBSIDE TRANSITION PLAN - COMMUNITY CONSULTATION (cont'd)**

ATTACHMENT No [1] - Kerbside Transition Plan - Presentation

# WHAT IS THE REST OF VIC DOING?

So far, Victoria has seen 17 Councils adopt a weekly organics and fortnightly landfill collection, with a number more planning to do so in the next two years. This frequency change could give us the potential to reach an 80% diversion rate by 2023.

**Strathbogie Shire Council** adopted a fortnightly waste and weekly organics in 2015 after audits found over 50% of food waste was going to landfill. An audit eight months later found landfill waste had dropped by 47% in six months.  
**City of Wodonga** changed their collection configuration in 2015 when they introduced organics. Waste diversion increased by 45.2% in two year.

**Macedon Ranges Shire Council** - Introduced their organics bin in 2015 with collection to weekly (landfill fortnightly) in 2020. This saw a 32% decrease in kerbside landfill waste in the first five months of changing the frequency. They have predicted further reductions as the change is rolled out across the shire.

**Surf Coast Shire** - Audits have shown that when waste is sorted properly, a fortnightly collection of a 120lt landfill bin is more than adequate.  
**Nillimbuk Shire Council** - Adopted a fortnightly waste collection around 2008 and it has been broadly accepted by the residents.

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**KERBSIDE TRANSITION PLAN - COMMUNITY CONSULTATION (cont'd)**

ATTACHMENT No [1] - Kerbside Transition Plan - Presentation

**Existing controls and mitigation**

- Options for larger bins.** Standard landfill bin is 120lt, additional sizes will range from 240lt - 360lt.
- Medical exemptions for additional landfill bin available to those who have additional medical waste to dispose of.**
- Additional recycling options for textiles, polystyrene, mobile phones, e-waste, light globes, batteries, oral care.**
- Look at increasing recycling options to include possibly soft plastics and nappies.**

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**KERBSIDE TRANSITION PLAN - COMMUNITY CONSULTATION (cont'd)**

ATTACHMENT No [1] - Kerbside Transition Plan - Presentation



**Thank you**

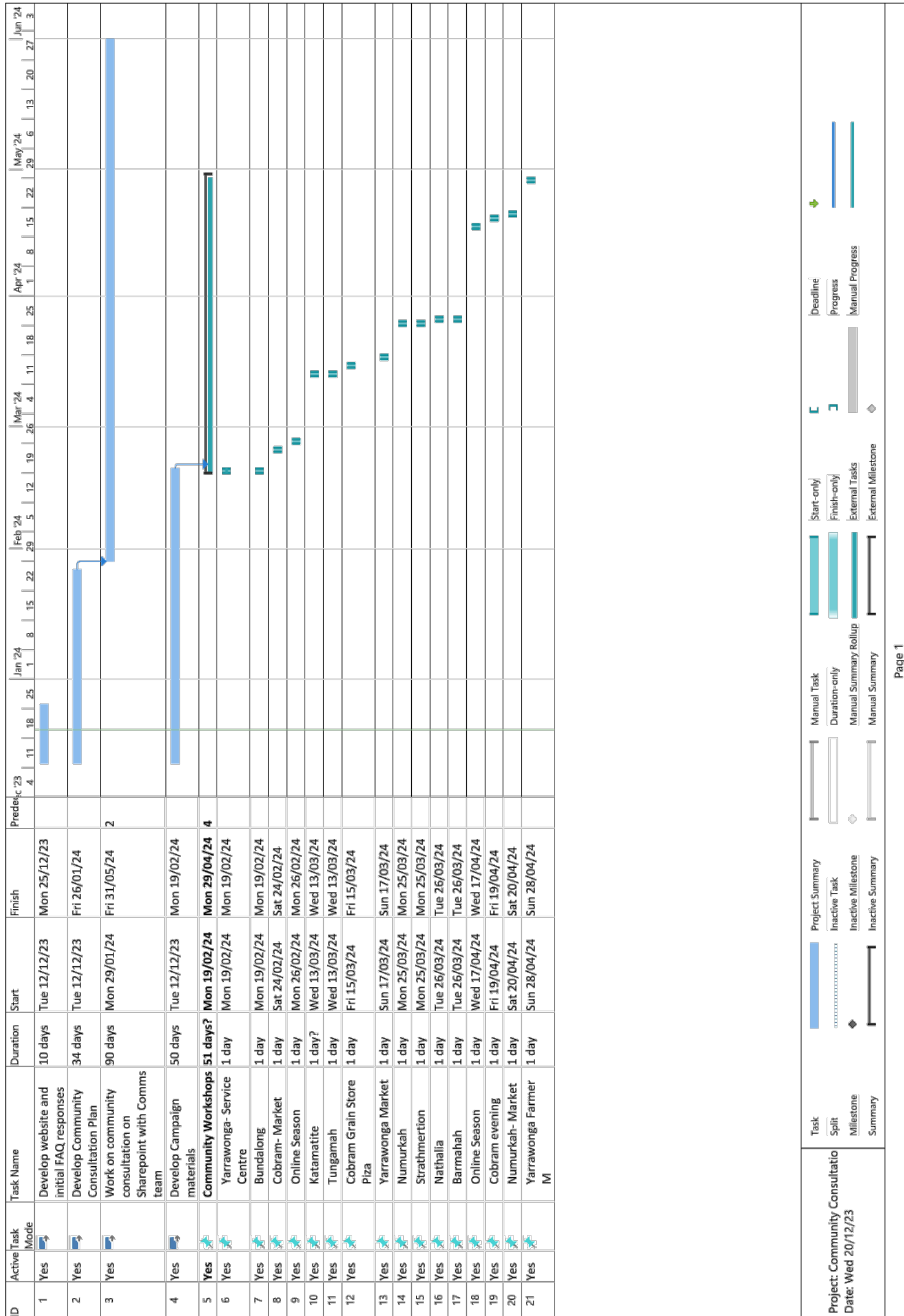


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**KERBSIDE TRANSITION PLAN - COMMUNITY CONSULTATION (cont'd)**

**ATTACHMENT No [2] - Kerbside Transition Plan - Gantt Chart**

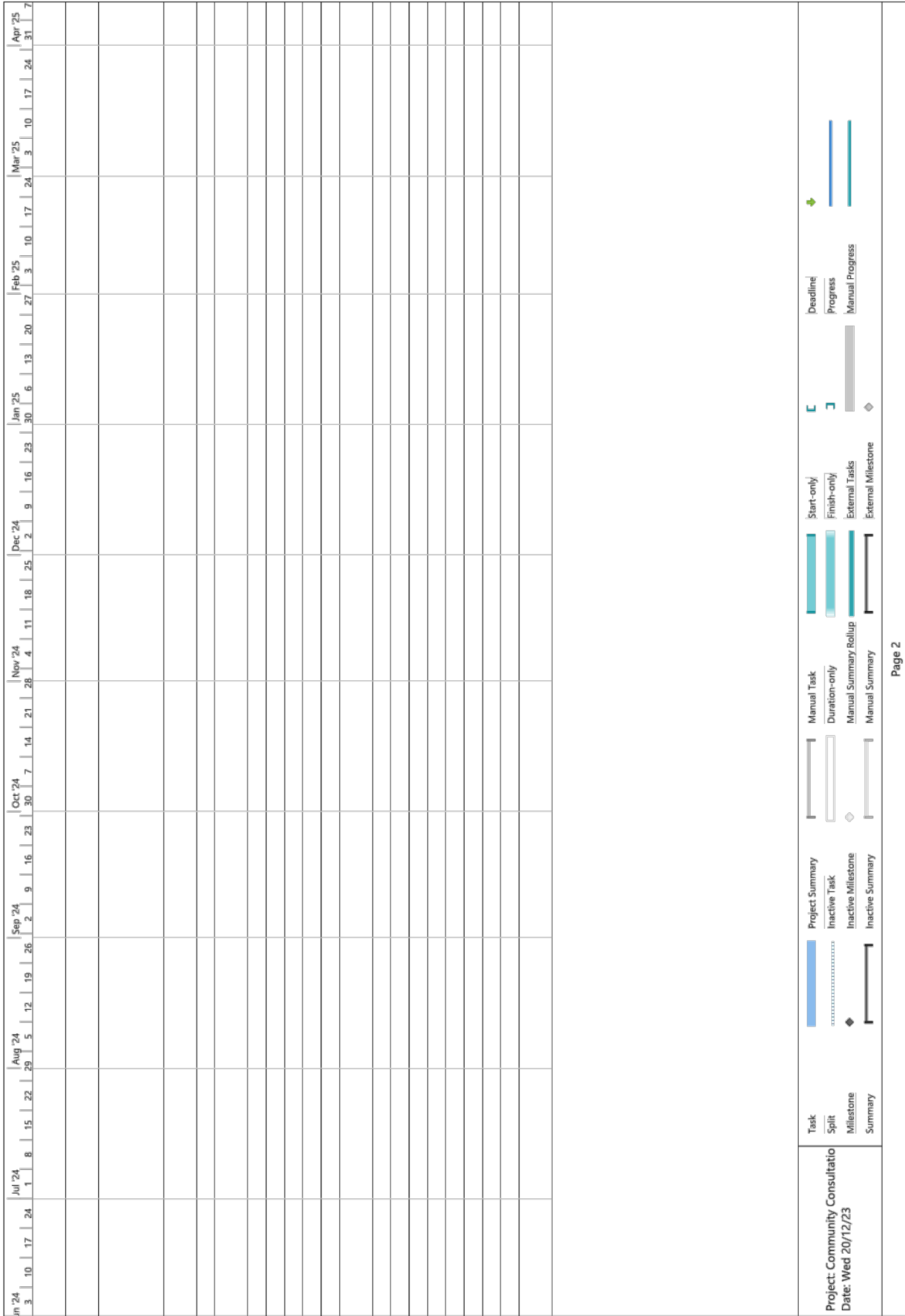


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**KERBSIDE TRANSITION PLAN - COMMUNITY CONSULTATION (cont'd)**

**ATTACHMENT No [2] - Kerbside Transition Plan - Gantt Chart**



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3. A CLEAN GREEN ENVIRONMENT

ITEM NO: 9.3.2  
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**KERBSIDE TRANSITION PLAN - COMMUNITY CONSULTATION (cont'd)**

**ATTACHMENT No [3] - Kerbside Transition Plan - Community Consultation**

Where	Date	Time
Bundalong Café	Monday 19 Feb	9:30 - 11:00
Yarrowonga Service Centre	Monday 19 Feb	12:00 - 2:00
Cobram Lions Market	Saturday 24 Feb	All day
Online Session	Monday 26 Feb	5:30 - 6:30
Tungamah	Wednesday 13 March	9:30 - 11:30
Katamatite	Wednesday 13 March	12:30 - 2:00
Cobram - Woolworths	Friday 15 March	11:00 - 1:00
Yarrowonga Rotary Market	Sunday 17 March	All day
Numurkah	Monday 25 March	9:30 - 11:30
Strathmerton	Monday 25 March	12:30 - 2
Barmah	Tuesday 26 March	9:30 - 11:30
Nathalia	Tuesday 26 March	12:30 - 2:00
Online Session	Wednesday 17 April	5:30 - 6:30
Cobram - evening	Friday 19 April	4:00 - 6:00
Numurkah Lions Market	Saturday 20 April	All day
Yarrowonga Farmers Market	Sunday 28 April	All day

FILE NO: F21/306  
2. A DIVERSE AND DYNAMIC ECONOMY

ITEM NO: 9.4.1  
(PROJECT MANAGER, CONSTRUCTION  
AND ASSETS, PAUL DIFFEY)  
(DIRECTOR INFRASTRUCTURE SERVICES,  
JOSHUA LEWIS)

**CONTRACT VARIATION - C034/22 - KERB AND DRAINAGE WORKS - HARCOURT STREET & MANIFOLD STREET, NATHALIA**

**Recommendation**

That Council, in relation to Contract No. C034/22 for Kerb & Drainage Works – Manifold Street, Nathalia:

1. Note the original approved contract sum of \$471,600 (excluding GST) and approved variations to date under officer delegation of \$46,683 (excluding GST);
2. Approve a new variation of \$311,970 (excluding GST) to contract number C034/22
3. Approve a contingency of \$40,000 (excluding GST) delegating authority to the Super Intendent to approve for any further minor variations within this contingency, making the new contract sum for C034/22 of \$870,253 (excluding GST); and
4. Extend the contract completion date of C034/22 to 28 February 2024.

**1. Executive Summary**

To address localized flooding and drainage issues in Nathalia Township Council has developed a project to reconstruct Manifold Street and Harcourt Street to include Kerb & Channel, improved Drainage pipes and road resurfacing.

In December 2022 Council accepted a report recommending negotiated award through the CEO for a contract to Tactile Australia (trading as One Stop Civil) for the first stage of this project to construct the drainage pipes and Kerb & Channel on the north side of Manifold Street, Nathalia. It is noted that the original C034/22 tender was tendered in separable portions with Part A for the construction of kerb and channel and drainage on the north side of Manifold Street and Part B for the construction of kerb and channel and drainage on the west side of Harcourt Street. Council did not award Part B as there was insufficient funds in the project budget in the 2022/23 financial year and a watermain in Harcourt Street needs to be relocated first.

Works on Manifold Street commenced in May 2023. Following the identification of several significant design defects during construction, works were requested to cease by the Superintendents Representative on site in July 2023 for a necessary redesign to take place.

The redesign has now been completed. To avoid unnecessary reworks, it is proposed to construct the full width of Manifold Street rather than just the north side.

The additional cost to Council for the full width road reconstruction is \$311,970 (ex GST). Council's finance department advises that the total project budget in the 2023/24 works program is \$890,000 (ex GST) which is sufficient to undertake full width road reconstruction of Manifold Street in the 2023/24 financial year.

This will represent a long-term saving of approximately \$150,000 by avoiding additional costs if Manifold Street were constructed in two stages as originally planned. It will also deliver a superior quality asset in terms of drivability and storm water management to our community with reduced ongoing maintenance to Council.

Harcourt Street works will be redesigned to rectify similar design issues with works proposed to take place in the 2024/25 financial year.

FILE NO: F21/306  
2. A DIVERSE AND DYNAMIC ECONOMY

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(DIRECTOR INFRASTRUCTURE SERVICES,  
JOSHUA LEWIS)

**CONTRACT VARIATION - C034/22 - KERB AND DRAINAGE WORKS - HARCOURT STREET & MANIFOLD STREET, NATHALIA (cont'd)**

**2. Conflict of interest declaration**

There are no officer conflict of interest considerations.

**3. Background & Context**

Project Background

Manifold Street Nathalia is an east-west residential street running from the Broken Creek in the east to Veld Street in the west. The road was originally constructed as part of the original Nathalia Township survey. At present the road is a 6m wide spray seal with swale drains and non-standard Kerb & Channel in places. The existing pipe system is significantly undersized, resulting in localized flooding in the area during storm events. The presence of swales and aged infrastructure creates a worn and neglected appearance which in turn reduces the amenity value of the area. Upgrade of the Nathalia Drainage system was identified in the Nathalia Drainage Strategy (Shire of Nathalia 1989), Moira Urban Drainage Strategy (1997) and Nathalia Drainage Strategy (2016).

To address these issues Construction & Assets developed a multistage project to be delivered over several financial years.

The proposal was:

- Stage 1 – Manifold Street north side Kerb & Channel + Drainage Pipe
- Stage 2 – Harcourt Street west side Kerb & Channel + Drainage Pipe + resurfacing
- Stage 3 – Manifold Street south side Kerb & Channel + resurfacing

Construction Plans for these works were undertaken by a now defunct Engineering Design firm often engaged by Council's Construction & Assets Department.

Initial Tender

In the 2022/23 capital works budget Council funded the first stage of the project for the construction of Manifold Street Kerb & Channel on the north side and drainage pipes and pits. For unknown reasons this project was tendered as separable portions with Part A for the budgeted Manifold Street works and a Part B for the construction of kerb & channel and drainage on the west side of Harcourt Street. This was an unusual decision on Council's then Project Manager to include the Part B in the tender as Council had not budgeted the construction Harcourt Street in its 2022/23 works program and pretender estimates showed that there would not be enough funding for both Parts A & B.

Moira Shire Council invited submissions from suitably qualified organisations to provide a conforming tender for the supply of all construction materials for the construction of drainage works including new kerb and channel in Harcourt Street and Manifold Street Nathalia.

Upon evaluation of the submitted tenders the evaluation panel recommended that One Stop Civil (OSC) be appointed as the preferred tenderer for C034/22.

At the Council meeting held on 14 December 2022 (see Attachment 1), Council resolved to;

FILE NO: F21/306  
2. A DIVERSE AND DYNAMIC ECONOMY

ITEM NO: 9.4.1  
(PROJECT MANAGER, CONSTRUCTION  
AND ASSETS, PAUL DIFFEY)  
(DIRECTOR INFRASTRUCTURE SERVICES,  
JOSHUA LEWIS)

**CONTRACT VARIATION - C034/22 - KERB AND DRAINAGE WORKS - HARCOURT STREET & MANIFOLD STREET, NATHALIA (cont'd)**

1. Authorise the Chief Executive Officer to undertake negotiations with the preferred tenderer, Tactile Australia Pty Ltd t/a One Stop Civil in order to achieve a best value outcome and award the contract C034/22 – Kerb & Drainage Works – Harcourt and Manifold Streets, Nathalia.
2. Authorise the Chief Executive Officer to sign and seal the contract documents.

Following this negotiation, it was agreed to award Part A of the tender only which was awarded under CEO delegation as per the Council resolution.

The Part B tender went unawarded for Harcourt Street, which was to be funded in a future new works program following a new tender. Reasons for Part B no award was lack of budget within the 2022/23 capital works program and a need to undertake watermain relocation works prior to tendering. Part B was to be retendered at a future date when the project is funded.

Works

Civil works commenced in May 2023 with delays caused by a shortage of precast concrete pipe which the construction industry was experiencing. One Stop Civil raised concerns prior to commencement of works regarding the design however were instructed to proceed.

In June 2023, a new project manager who had not previously been involved with the project was appointed by the Manager Engineering as Superintendents Representative. At a site meeting in June the contractor highlighted major design flaws that made the design not fit for purpose. At a follow-up site meeting on 10 July 2023 a decision was made to cease works on site and undertake a redesign of the project to comply with the Infrastructure Design Manual (IDM).

A second civil engineering company was engaged by Council to design associated water main relocation works in Harcourt Street.

Redesign

In July 2023 Council engaged a new engineering design consultancy to undertake a review of the plans and redesign to ensure compliance with Australian Standards and Council's Infrastructure Design Manual requirements.

To remove several of the design problems with the project, it is necessary to rescope the staging of the works and undertake the full Manifold Street reconstruction at once rather than the north side and south side in separate stages as previously proposed.

Change in Project Scope

This design was received in mid-October and a variation proposal sent to One Stop Civil. One Stop Civil advises that to complete the project under the new design will require \$614,565 ex GST in works. At present there is \$313,565 ex GST available in approved contract expenditure remaining, requiring approval for a variation of \$311,970 ex GST. While this will require additional cost within the current contract, it represents an estimated saving of approximately \$150,000 to Council by avoiding sacrificial pavement works and other costs that would have been required for a two stage Manifold Street pavement reconstruction project.

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2. A DIVERSE AND DYNAMIC ECONOMY

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(DIRECTOR INFRASTRUCTURE SERVICES, JOSHUA LEWIS)

**CONTRACT VARIATION - C034/22 - KERB AND DRAINAGE WORKS - HARCOURT STREET & MANIFOLD STREET, NATHALIA (cont'd)**

Summary of current financial state of the project:

Item	Value (exclusive GST)
Initial Contract Sum (IS)	\$471,600
Approved Variations to date (AV)	\$46,683
Proposed Variations (PV)	\$311,970
Proposed new contract lump sum (IS + AV + PV)	\$830,253
Proposed contingency allowance	\$40,000
<b>Proposed new contract sum with contingency</b>	<b>\$870,253</b>

Council's Finance Team advises that the 2023/2024 Q1 forecast review captured a \$390,000 carry forward from 2022/2023 in addition to the \$500,000 in the 2023/2024 adopted budget making the current year budget allocation \$890,000. With approximately \$109,000 spent last financial year (2022/2023) on the project the total whole of life budget allocation is \$999,000.

As such there is sufficient funds within the current project budget to cover the additional costs under contract without additional project funding required.

Harcourt Street

A redesign of Harcourt Street is currently at quotation for the design to be completed by 30 June 2024 for tender as part of 2024/25 capital works program if funding is approved as part of the 2024/25 budget.

**4. Issues**

It has been noted that there is an issue with designs that have been produced by the original design company in the past resulting in early rework, additional rectification work or safety issues with the assets constructed. Moira Shire Engineering Department will need to undertake an audit of any designs undertaken by this company on any planned works for compliance and redesign. Moira Shire Engineering Department will also need to investigate any potential claims Council may have for professional liability damages on substandard designs that were produced.

By rescoping the project to complete both north side and south side reconstruction works at once Council will save at least \$150,000 in the forward new works program by not having construct and then demolish the sacrificial road pavement on Manifold Street and avoid additional mobilization and overhead costs.

**Council Plan**

2. A diverse and dynamic economy

nt

Council's Capital Works Program

**5.**

**Strategic Alignment**

Project will advance the following adopted Council Strategies:

FILE NO: F21/306  
2. A DIVERSE AND DYNAMIC ECONOMY

ITEM NO: 9.4.1  
(PROJECT MANAGER, CONSTRUCTION AND ASSETS, PAUL DIFFEY)  
(DIRECTOR INFRASTRUCTURE SERVICES, JOSHUA LEWIS)

**CONTRACT VARIATION - C034/22 - KERB AND DRAINAGE WORKS - HARCOURT STREET & MANIFOLD STREET, NATHALIA (cont'd)**

- Nathalia Drainage Strategy (Shire of Nathalia, 1989)
- Moira Urban Drainage Strategy (1997)
- Nathalia Drainage Strategy (2016)

**6. Internal & External Engagement**

Engagement (who did you engage with?)		Feedback
Internal	Assets Team	Proposal will avoid unnecessary future costs and avoid substandard infrastructure being constructed
	Finance Department	Advise that Council has allocated sufficient budget to the Manifold Street & Harcourt Street project in 2023/24 capital works program to meet proposed contract charges
External	Marketing & Communications	Proposal will address feedback from the community.
	GVW	Works can incorporate watermain replacement at 100% cost recoverable agreement
	Infrastructure Solutions (Design consultant)	Initial design did not meet Council's adopted standard for design.
	Plymouth Brethren	Advice on achieving compliance and design improvements Support new proposal.
	Manifold, Veldt, Harcourt & Blake Street residents	Require improvement to storm water connection (provided at cost to Plymouth Brethren) Would like works to be completed as soon as possible.
		Want to know timing of Harcourt Street upgrade.

**7. Budget / Financial Considerations**

As part of the 2023/24 capital works program Council has a total of \$890,000 allocated for the Manifold Street and Harcourt Street Road Reconstruction and Drainage Upgrade project. This comprises of \$390,000 in carryover from 22/23 budget and \$500,000 in new funding. This is sufficient to cover the additional contract costs in the proposed variation.

**8. Risk & Mitigation**

The proposed changes to the design and contract will avoid unnecessary rework and ensure compliance with Council's IDM standards.



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2. A DIVERSE AND DYNAMIC ECONOMY

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(DIRECTOR INFRASTRUCTURE SERVICES,  
JOSHUA LEWIS)

**CONTRACT VARIATION - C034/22 - KERB AND DRAINAGE WORKS - HARCOURT STREET & MANIFOLD STREET, NATHALIA (cont'd)**

It is proposed to allow an additional \$40,000 in contingency for release at the CEO's discretion if any further minor variations are required.

**9. Conclusion**

Following a review of the project scope and Works under Contract for contract C034/22 – Kerb & Drainage Works – Harcourt Street & Manifold Streets, Nathalia the proposal to vary the contract to include the construction of Kerb & Channel on the south side of Manifold Street and associated road works is considered to represent best value to Council.

**Attachments**

- 1 C034/22 Tender Evaluation Report

FILE NO: F21/306  
2. A DIVERSE AND DYNAMIC ECONOMY

ITEM NO: 11.4.1  
(PROJECT MANAGER, CONSTRUCTION  
AND ASSETS, PAUL DIFFEY)  
(DIRECTOR INFRASTRUCTURE  
SERVICES, JOSHUA LEWIS)

**CONTRACT VARIATION - C034/22 - KERB AND DRAINAGE WORKS -  
HARCOURT STREET & MANIFOLD STREET, NATHALIA**

FILE NO: C034/22  
5. TRANSPARENT AND ACCOUNTABLE  
GOVERNANCE

ITEM NO: 11.2.3  
(PROCUREMENT COORDINATOR, JOVIAL  
MATHEWS)  
(DIRECTOR INFRASTRUCTURE SERVICES  
JOSHUA LEWIS)

**C034/22 - KERB & DRAINAGE WORKS - HARCOURT AND MANIFOLD STREETS -  
NATHALIA**

**RECOMMENDATION**

That Council:

1. Appoint Tactile Australia Pty Ltd as the preferred tenderer for contract C034/22 – Kerb & Drainage Works – Harcourt & Manifold St, Nathalia and authorise the Chief Executive Officer to undertake negotiations to achieve a best value outcome;
2. Authorise the Chief Executive Officer to sign and seal the contract documents.

**1. Executive Summary**

The Moira Shire Council invited submissions from suitably qualified contractors for the construction of kerb and channel, road pavement and drainage works in Harcourt and Manifold Streets in Nathalia.

Works include approximately 550 lineal metres of K&C, 2600m<sup>2</sup> of road pavement and 613 lineal metres of drainage line.

Other works include:

- Traffic management
- Liaison with service Authorities
- Possible underground service relocation
- Earthworks
- Spray seal wearing surface
- Other works as specified

The Council may, in consultation with the Contractor, vary the scope of works under this contract to suit the available budget.

After consideration of the submissions, the evaluation panel recommends that Tactile Australia Pty Ltd be appointed as the preferred tenderer for contract C034/22.

**2. Background and Options**

The project involves modernising the kerb side drainage in Harcourt Street and Manifold Street, Nathalia by replacing and constructing a new underground drainage network via rubber ring joint concrete pipes, new B2 kerb and channel including pedestrian crossings enabling for rain events to run into the drainage system. At the same time the existing sealing will be extended to the new lip of kerb hence reducing maintenance works on unsealed shoulders.

The works have been designed for a 2 stage approach, Manifold Street as stage 1 – the south end of the drainage system, then Harcourt Street as stage 2 the upper end of the drainage system. Harcourt Street has an existing Goulburn Valley Water (GVW) main within the road pavement with minimal cover 400mm and is estimated to be 80 plus year in age, and is of AC main type.

Collaborating with GVW the water main is required to be replaced prior to the commencement of construction in Harcourt Street, the main replacement is via a deed with GVW on this occasion GVW covering the entire 100% cost of the water main replacement.

FILE NO: F21/306  
2. A DIVERSE AND DYNAMIC ECONOMY

ITEM NO: 9.4.1  
(PROJECT MANAGER, CONSTRUCTION AND ASSETS, PAUL DIFFEY)  
(DIRECTOR INFRASTRUCTURE SERVICES, JOSHUA LEWIS)

**CONTRACT VARIATION - C034/22 - KERB AND DRAINAGE WORKS - HARCOURT STREET & MANIFOLD STREET, NATHALIA (cont'd)**

FILE NO: C034/22  
5. TRANSPARENT AND ACCOUNTABLE GOVERNANCE

ITEM NO: 11.2.3

**C034/22 - KERB & DRAINAGE WORKS - HARCOURT AND MANIFOLD STREETS - NATHALIA (cont'd)**

Proposed staging of the works

- Start construction of the Water Main in Harcourt Street in February 2023
- Start construction of Stage 1 Manifold Street in February 2023
- Project is placed on hold over the winter period
- Return to complete Harcourt Street in August 2023

The contractor is required to supply all plant, labour and materials necessary to complete the scope of work. This is a lump sum contract.

**Date of Public Notice**

Paper	Date
TenderSearch	1 October 2022
Border Mail	1 October 2022
Shepparton News	4 October 2022
Cobram Courier	5 October 2022
Numurkah Leader	5 October 2022
Yarrawonga Chronicle	5 October 2022

Submissions closed 26 October 2022.

**Receipt of Tenders**

5 submissions were received.

**Supervision**

Superintendent: Manager Engineering, Construction & Assets

Superintendent Representative: Consultant Project Manager, Construction and Assets

**Panel Membership**

Staff in the following positions independently evaluated the submissions:

- Manager Operations
- Project Manager, Construction & Assets
- Consultant Project Manager, Construction & Assets

The Procurement Coordinator moderated the tender evaluation.

**Non-conforming tenders**

No submission was considered to be non-conforming.

FILE NO: F21/306  
2. A DIVERSE AND DYNAMIC ECONOMY

ITEM NO: 9.4.1  
(PROJECT MANAGER, CONSTRUCTION  
AND ASSETS, PAUL DIFFEY)  
(DIRECTOR INFRASTRUCTURE  
SERVICES, JOSHUA LEWIS)

**CONTRACT VARIATION - C034/22 - KERB AND DRAINAGE WORKS -  
HARCOURT STREET & MANIFOLD STREET, NATHALIA (cont'd)**

FILE NO: C034/22  
5. TRANSPARENT AND ACCOUNTABLE  
GOVERNANCE

ITEM NO: 11.2.3

**C034/22 - KERB & DRAINAGE WORKS - HARCOURT AND MANIFOLD STREETS -  
NATHALIA (cont'd)**

**Tender Evaluation**

The following evaluation criteria and weightings were used:

Evaluation Criteria	Evaluation Weighting
Price	40%
Track Record	30%
Staff and Resources	5%
Management of Schedules	10%
Compliance with Specification	5%
Contribution to Local Economy	10%

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

**3. Financial Implications**

The project budget for 2022 – 2023 is \$476,000 of which \$149,000 is funded via the R2R program. As there are insufficient funds to complete the entire scope of the design in 2023 this supports the project being staged as an option enabling works to commence.

It is recommended the construction of Harcourt Street be funded in the 2023 – 2024 Program.

There are nil cost to Moira Shire Council for the water main replacement.

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

**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.

FILE NO: F21/306  
2. A DIVERSE AND DYNAMIC ECONOMY

ITEM NO: 9.4.1  
(PROJECT MANAGER, CONSTRUCTION  
AND ASSETS, PAUL DIFFEY)  
(DIRECTOR INFRASTRUCTURE  
SERVICES, JOSHUA LEWIS)

**CONTRACT VARIATION - C034/22 - KERB AND DRAINAGE WORKS -  
HARCOURT STREET & MANIFOLD STREET, NATHALIA (cont'd)**

FILE NO: C034/22  
5. TRANSPARENT AND ACCOUNTABLE  
GOVERNANCE

ITEM NO: 11.2.3

**C034/22 - KERB & DRAINAGE WORKS - HARCOURT AND MANIFOLD STREETS -  
NATHALIA (cont'd)**

**5. Internal and External Consultation**

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

The Consultant Project Manager - Construction & Assets and Director Infrastructure Services 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 108 of the *Local Government Act 2020* and Council's adopted Procurement Policy.

**9. Environmental Impact**

Clause 55 of the Formal instrument of Agreement 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. Collaborative Procurement**

As the project is unique to the Moira Shire Council a collaborative procurement opportunity was not possible.

**11. Conflict of Interest Considerations**

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

**12. Conclusion**

Following the tender process and evaluation, the recommendation is to appoint Tactile Australia Pty Ltd as the preferred tenderer for contract C034/22 – Kerb & Drainage Works – Harcourt & Manifold St, Nathalia.

**Attachments**

- 1 C034/22 – Kerb and Drainage Works - Harcourt and Manifold Streets, Nathalia- APPENDIX A (CONFIDENTIAL) - *printed in separate document*

**FILE NO: F21/306  
2. A DIVERSE AND DYNAMIC ECONOMY**

**ITEM NO: 9.4.1  
(PROJECT MANAGER, CONSTRUCTION  
AND ASSETS, PAUL DIFFEY)  
(DIRECTOR INFRASTRUCTURE  
SERVICES, JOSHUA LEWIS)**

**CONTRACT VARIATION - C034/22 - KERB AND DRAINAGE WORKS -  
HARCOURT STREET & MANIFOLD STREET, NATHALIA (cont'd)**

- 10. OFFICER REPORTS FOR INFORMATION**
- 11. ACTION OFFICERS LIST**
- 12. NOTICES OF MOTION**
- 13. PETITIONS AND JOINT LETTERS**

**FILE NO:**  
**5. TRANSPARENT AND ACCOUNTABLE  
GOVERNANCE**

**ITEM NO: 14.1**  
**(COORDINATOR PLANNING, TRAVIS  
BASHAM)**  
**(DIRECTOR INFRASTRUCTURE SERVICES,  
JOSHUA LEWIS)**

## **SECTION 173 AGREEMENTS - AUTHORITY TO AFFIX THE COMMON SEAL**

### **Recommendation**

That Council authorise the Chief Executive Officer to sign and seal the following 173 Agreement/s as presented to this meeting:

1. 8A-10 Irvine Parade, Yarrowonga
2. 7586 Murray Valley Highway, Bundalong

### **Introduction**

Planning permits approved by Council, either under delegation or through Council meeting resolution can contain the requirement for a Section 173 Agreement to be entered into.

A Section 173 Agreement is a legal contract made between Council and any other party or parties, under Section 173 of the Planning and Environmental Act 1987 (the Act). The landowner must be party to the Agreement, while in some cases a third party, such as a referral authority may also be involved.

The Section 173 Agreement is required to be registered on the Title to the land (in accordance with Section 181 of the Act). This ensures that all future landowners are aware of the requirements and are bound by the requirements.

An Agreement generally provides for someone to carry out, or not to carry out, any matters specified in the Agreement and is used where a condition on a permit or planning scheme controls will not provide for the requirements to be fulfilled. Under certain circumstances the Planning Scheme may also make it a mandatory requirement for permits to require a Section 173 Agreement to be entered into.

The execution of a Section 173 Agreement requires the Common Seal to be affixed (Section 174(1) of the Act). The use of the Common Seal is governed by Part 2 of Local Law No. 1 2021. Agreements for Execution

At the time of writing, the following agreements have been received and it is recommended that Council authorise the Chief Executive Officer to sign and seal the agreements.

### **8A-10 Irvine Parade, Yarrowonga – Vol 03907 Fol 307, Vol 10520 Fol 937 and Vol 10520 Fol 936**

This agreement relates to Planning Permit 5/2021/83 issued on 21 July 2021 for the resubdivision of the land from three lots into two lots, incorporating an existing dwelling on proposed Lot 1. The agreement provides that prior to the issue of a certificate of occupancy or the construction of any other building on Lot 2, the owner must install a submersible pump in accordance with the stormwater management plan.

### **7586 Murray Valley Highway, Bundalong – Vol 12097 Fol 752**

This agreement relates to Planning Permit 5/2022/158 issued on 6 September 2022 for the subdivision of the land into 7 lots and the creation of a common property. The agreement provides for the installation of an aboveground water tank and planter box on each lot prior to connection with the stormwater legal point of discharge or an occupancy permit, whichever occurs first, in accordance with the drainage plan.

**FILE NO:**  
**5. TRANSPARENT AND ACCOUNTABLE  
GOVERNANCE**

**ITEM NO: 14.1**  
**(COORDINATOR PLANNING, TRAVIS  
BASHAM)**  
**(DIRECTOR INFRASTRUCTURE SERVICES,  
JOSHUA LEWIS)**

## **SECTION 173 AGREEMENTS - AUTHORITY TO AFFIX THE COMMON SEAL (cont'd)**

### **Key Implications**

The agreements are required to comply with conditions of the relevant permits, which seek to achieve and advance the objectives of planning in Victoria or the objectives of the Moira Planning Scheme in relation to the land.

### **Financial Implications**

There are no financial implications. Permit holders bear the cost of the preparation and administration of Section 173 Agreements.

### **Policy Implications**

Nil.

### **Conclusion**

The agreements are required to give effect to the conditions of the planning permits issued in respect of the use or development of the land. It is recommended that the authority required under Part 2 of Local Law No. 1 2021 for the use of the Common Seal, for the execution of the above agreements, be provided to the CEO.

### **Attachments**

- 1 8A-10 Irvine Parade Yarrowonga - Confidential - *printed in separate document*
- 2 7586 Murray Valley Highway Bundalong - Confidential - *printed in separate document*



FILE NO: VARIOUS

ITEM NO: 15

**GENERAL BUSINESS****7.4. Urgent 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: 16**

**PUBLIC QUESTION TIME**



## MINUTES

SCHEDULED MEETING OF COUNCIL HELD AT COBRAM  
CIVIC CENTRE, PUNT ROAD COBRAM VIC 3644,  
WEDNESDAY 13 DECEMBER 2023

The meeting commenced at 4:30PM

**PRESENT** John Tanner – Chair Administrator  
Suzanna Sheed – Administrator  
Graeme Emonson – Administrator

**IN ATTENDANCE:** Michael Tudball Chief Executive Officer  
Josh Lewis Director Infrastructure Services  
Matt Jarvis Acting Director Sustainable Communities  
Amanda Chadwick Acting Director Corporate Governance & Performance  
Beau Mittner Acting Chief Financial Officer  
Nancy Mustica Governance and Risk Coordinator

### RECORDING

Consistent with section 13.3 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. WELCOME 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 TRADITIONAL OWNERS

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 / LEAVE OF ABSENCE

Nil

### 5. DISCLOSURE OF CONFLICTS OF INTEREST

Nil

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**6. CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

**MOTION:**

ADMINISTRATORS SUZANNA SHEED / GRAEME EMONSON

That the minutes of the Scheduled Council Meeting held on Wednesday, 22 November 2023, Committee of Council meeting held on Tuesday 5 December 2023 and CEO Employment and Remuneration Committee Meeting held on 6 December 2023 as presented, be adopted.

(CARRIED)

**7. ADMINISTRATORS ADDRESSES**

**Chair Administrator – John Tanner**

Welcome to those in the gallery and online.

I attended the Moira Health Care Alliance AGM on 27<sup>th</sup> November 2023 on the 28<sup>th</sup> November 2023 attended the Rural Council's Victoria presentations and on the 29 November 2023 we had a visit from Mr Mike Gooley the Executive Director Local Government Victoria.

On the 1<sup>st</sup> December Moira hosted the All Abilities Talent Show that was attended by 150 people. The day was full of entertainment with 18 applicants participating. Moira Shire Council also launched its All Abilities Plan.

6<sup>th</sup> December Mr Anthony Judd the Executive Director of Department of Transport and Planning visited the Moira Shire Council and attended a meeting in relation to the Yarrowonga-Mulwala Bridge.

Council also attended a Road Safety workshop in Wodonga that was facilitated by the Minister for Local Government Hon. Melissa Horne along with the Executive Director of Department of Transport and Planning and newly appointed CEO of TAC.

On the 8 December Moira hosted the Minister for Local Government, Minister for Road Safety and Minister for Libraries Hon. Melissa Horne and visited the future Yarrowonga Library site and visited Cobram to advocate for road safety.

The Administrators also discussed with the Minister the Statement of Expectations while Moira Shire is under administration and have agreed on this statement. This will be released to the public in the new year.

Moira Shire Council would like to wish all our community a very Merry Christmas and a safe New Year.

**Administrator Suzanna Sheed**

The Federal Government passed the Water Amendment (Restoring Our Rivers) Act 2023 in late November. This is a disappointing outcome for your community and for Northern Victoria.

Moira Shire will continue to advocate for our community and monitor the socio economic impact water buybacks will have on our community.

I recently attended the Numurkah Flood Mitigation Committee Meeting, the meeting was an opportunity to report to the community on the progress and that works are expected to commence in the first half of 2024.

Today I also attended a ceremony recognizing fallen soldiers from WW1 and WW2 from the Bearii community.

### **Administrator Graeme Emonson**

I had the pleasure of attending the Yarrawonga-Mulwala Business and Tourism (YMBT) AGM on the 29 November 2023. The AGM was a great opportunity for Moira to strengthen its partnership with YMBT.

The Administrators have also been participating in a number of school award ceremonies though out the Shire. It's been a great opportunity to reinforce council's commitment and collaboration with the local schools. This is also being reinforced with the proposal to enter into a Memorandum of Understanding with the local education sector that will be considered in the agenda this evening.

Administrators, together with Sam Birrell member for Nicholls and the Strathmerton Community Group, had the pleasure of opening and naming the new walking track around the Strathmerton golf course and recreation reserve in honor of the late Mick Cleary who tragically passed away. 18 months ago.

## **8. DIRECTOR REPORTS**

### **Mr Michael Tudball – Chief Executive Officer**

#### **Yarrawonga Splash Park**

Community would see some action of repainting the entire surface this week. We continue to work with the Contractor to ensure the surface is fit for purpose and able to opened safely in coming days. We will be applying one more coat this week, and then conducting slip tests prior to authorising the re-opening. Council again apologises to the community and assures we are committed to getting this right.

#### **Regional Collaboration**

Much of the past three weeks has been spent on Regional Collaboration with the intent to advance key Moira Shire and Regional priorities. This included active participation in:

- Goulburn Regional Partnership in Shepparton
- Murray River Group of Councils in Swan Hill
- Leadership Goulburn Valley in Shepparton
- Hume Region Local Government Network in Benalla
- Murray River Tourism Board CEO and regional tourism strategy redevelopment
- Local Government Victoria Executive Director and neighboring Council Executive Teams to raise key issues and potential solutions with State Government.

#### **Resource Sharing**

Recently I have also been working with other Councils including neighbors and metropolitan growth areas for resources to support our team and assist with current workloads. Leading into 2024 we will also explore our potential to support others in some of our areas of strength.

### **Ms Amanda Chadwick – Acting Director Corporate, Governance And Performance**

#### **Customer Experience**

The number of incoming calls remained steady last month with our Customer Experience Team managing over 3,500 incoming telephone calls through our Call Centre. Council staff entered over 4,400 new customer enquiries and requests for service.

#### **Office Closure**

The Customer Service Centres including the call centre will be closed for the Christmas period from 4pm Friday 22<sup>nd</sup> December and will reopen at 8.30am Tuesday 2<sup>nd</sup> January 2024.

During the closure period an automated phone service will be available by calling our main office number on 58719222. This service will provide access to assistance with issues relating to local laws such as missing or dangerous domestic animals, issues with street bins, public toilets or trees.

The Transfer Stations and Landfill will continue to operate as usual except for a closure on Christmas Day.

Residents and visitors can access information on our website [moira.vic.gov.au](http://moira.vic.gov.au) or face book page.

### **Mr Beau Mittner – Acting Chief Financial Officer**

#### **2024/25 Budget Consultation**

As a reminder to the Community, Council's 2024/25 budget consultation is open and is accessible via Council's website by clicking the 'Have your say' tab and following the budget link.

Its pleasing to see that Community is getting actively involved in this round of consultation, with over 200 unique visits to the budget consultation page and already 97 budget contributions have been registered.

For members of the community that do not have access to the internet, budget submissions can also be made in person at our customer service centres in Cobram or Yarrawonga, by completing a submission form.

Submissions for this first round of community consultation close on 19 January 2024 and we encourage all members of the community to make a submission.

#### **Water Buy-Backs**

Council staff participated in the 'Don't Turn Off The Tap' water buy-back rally held in Shepparton on Monday 27 November. Signs with hard hitting messages such as, "No Water, No Farmers, No Food" were created to communicate the impact water buy-backs may have on agricultural sector.

With the permission of farmers and business owners, 50 of these signs have also been placed in shop windows and on farm fences to raise attention to this major risk to our irrigation-based industries.

### **Mr Matt Jarvis – Acting Director Sustainable Communities**

#### **Community Wellbeing**

Community consultation on the draft Strathmerton Community Plan closed, with changes made to the document based on feedback received. The plan will be launched at the Strathmerton Community Christmas Party on Saturday 16 December.

Members of Across the Arts, Arts for All, CAN Hub and The G.R.A.I.N. Store came together for the Moira Creative Arts Hubs Network Meeting. Time was spent discussing 2023 achievements and planning elements of 2024. Jo Porter, CEO of Regional Arts Victoria, was in attendance and commended the Hubs on a brilliant year.

Council hosted the All Abilities Talent Show on the 1 December in conjunction with the Launch of the All Abilities Access and Inclusion Plan in celebration of International Day of Persons with a Disability. 17 acts performed various talents such as dancing, singing and a musical instrument. With 180 in attendance it was a great crowd and well supported by the local community. This event was in partnership with Cobram Community House, PALS and the Cobram District Specialist School.

16 days of activism was recognised between 25 November and 10 December. Council staff participated in a morning tea and Officers have supported the Community Houses in having an orange themed event with print based support provided. The campaign focuses on respect – the most important tool we can use to take steps towards gender equality.

Maternal and Child Health (MCH) currently have 145 active clients in the Enhanced MCH program and 11 in the Sleep and Settling Program. There were a total of 24 births across the Shire in November. A total of 97 clients were administered with 236 vaccines across the Infant, Secondary and Community immunisation programs.

### **Tourism**

In Tourism, we have extended our Visitor Information Point network outside the Shire, with two new points at the Benalla and Shepparton Train Stations. We have also partnered with GV Libraries, with a VIP now at the Nathalia Library.

The new Silo Art Brochure, now featuring the new Katamatite Silo Art as part of the popular trail, will soon be available at these points.

### **Mr Josh Lewis – Director Infrastructure Services**

#### **Numurkah Levee**

The Numurkah Flood Mitigation Implementation Committee again met on 29 November in progressing this vital project. This was Administrator Sheed's first attendance at the meeting and it was great to have her presence.

Phil Hoare, Council's Project Manager provided an overview of where various aspects of the project are up to, including native vegetation, cultural heritage assessments along with detailed design. There was also a presentation of a deployable levee system, similar to that which will be required at a number of road and shared path crossings.

The project is running slightly behind schedule, however it is anticipated that tender award will occur via a Council meeting later in the 2023/24 financial period, with physical works progressing soon thereafter.

I take this opportunity to personally thank all those on the Committee for their input to date. Their continued feedback has been a key to progressing and maximising the benefit to the Numurkah Community

#### **McCoy's Bridge**

Council are working closely with the Department of Transport concerning the current load limit applied to McCoy's Bridge on the Murray Valley Highway.

Council are hopeful of increased load limits in the near future, however the safety of the structure (and all those that use it) is paramount.

Due to the load limits, some heavy vehicles will be having to take alternate routes in making east-west trips across the municipality and I ask all road users to be aware of this change in road use and to keep safe out there.

I look forward to sharing further information as it comes to hand.

#### **Council's Municipal Emergency Management Planning Committee**

Council's Municipal Emergency Management Planning Committee came together at the Cobram State Emergency Services building earlier this month to progress all matters relating to emergency management preparedness and planning. It was great to see the majority of the emergency services and associated partners in one place with a common goal – that being to make Moira as safe as we possibly can together.

We know that Moira is susceptible to a variety of natural events and planning by the emergency services and individual Community Members is pivotal in ensuring we get through these safely.

It is therefore with pride that I also share that Moira has been instrumental in the initiation of the “72 Hours” program – a joint initiative between Moira Shire Council and Alpine Shire Council in affirming what to do during the first 72 hours of an event, ensuring that individuals are well planned and prepared (and not necessarily dependent upon others coming to the rescue.) If this is the first you’re hearing about the program – please jump onto Council’s website to learn more, noting there’ll continue to be a number of in-person presentations by Council staff across the municipality.

### **Cullen’s Road, Boat Ramp (The Commons) Yarrawonga**

Council staff have worked their way through a range of issues (namely the Murray River flows) in progressing the Cullen’s Road Boat Ramp.

The final concrete pour is scheduled for tomorrow and from there the associated formwork will be removed, beaching around the ramp will be installed, sheet piling removed and we anticipate a formal opening on Friday 21 December

I’m sure the Community are looking forward to making the most of this asset and getting into the Murray!

### **Clean Up Works - Belmore Street, Yarrawonga**

There’s a hive of activity in and around Belmore Street currently as a range of planned maintenance activities near completion prior to Christmas.

Works include pressure washing, repairing of concrete, topping up garden beds and replanting missing trees to name a few.

Whilst much of the work is being conducted outside normal business hours, we thank store owners and operators along with the Community for their patience as we complete these works.

### **Water Supply – Victoria Park, Yarrawonga**

Lastly, I’m pleased to share that through continued collaboration between Council and North East Water, a guaranteed water supply has been identified in supplementing the Integrated Water Management Plan in maximising the sustainable use of water throughout the precinct.

The solution will see raw water from Lake Mulwala being made available when required. Capital improvement works are needed to enact the agreed solution, however in the interim North East Water have kindly offered the use of potable water in ensuring Council and the Community are not left short.



FILE NO:  
5. TRANSPARENT AND ACCOUNTABLE  
GOVERNANCE

ITEM NO: 9.1.1  
(EXECUTIVE ASSISTANT TO THE  
ADMINISTRATORS, DANIELLE METZNER)  
(ACTING DIRECTOR CORPORATE  
GOVERNANCE AND PERFORMANCE,  
AMANDA CHADWICK)

## MEMORANDUM OF UNDERSTANDING MOIRA SHIRE COUNCIL, HEALTH AND EDUCATION ALLIANCE

### Executive Summary

The purpose of this report is to seek the endorsement of a Memorandum of Understanding (MoU) to form a strategic alliance and broader co-operation between local government (Moirra Shire Council) and local education and health sectors in delivering better outcomes for the Moira Shire in education, health, and general community wellbeing.

The objectives of the proposed Memorandum of Understanding are as below:

- Adopt a collaborative and community-orientated approach to planning, funding, and implementing services, programs, and projects for the Moira Shire communities;
- Deliver improved social and economic outcomes for the communities;
- Invite and encourage other stakeholders to participate in the alliance;
- Determine key initiatives and services for the combined initiatives by the alliance;
- Gain endorsement by the sectors to initiatives and services; and
- When appropriate, engage and consult the community to ensure we speak with one voice.

The proposed MoU includes a number of foundational partners across the health and education sectors. It is envisaged that other key partners within the health and education sectors will be encouraged to join the MoU. Building the partnership base of the MoU over time will be key to its success.

### MOTION

ADMINISTRATORS SUZANNA SHEED / GRAEME EMONSON

That Council adopt the Memorandum of Understanding Moira Shire Council, Health and Education Alliance as presented to this meeting.

(CARRIED)

FILE NO:  
2. A DIVERSE AND DYNAMIC ECONOMY

ITEM NO: 9.1.2  
(MANAGER MARKETING COMMUNICATION  
AND ADVOCACY, SCOTT WILLIAMS)  
(CHIEF EXECUTIVE OFFICER, MICHAEL  
TUDBALL)

## MURRAY REGIONAL TOURISM FUNDING AGREEMENT

### Executive Summary

This report recommends that Council enter into an agreement with Murray Regional Tourism (MRT) for 3 years, totaling \$172,107. This partnership allows Council to leverage collective strengths for sustainable economic development through tourism. The collaboration offers access to resources, expertise, and shared initiatives that will enhance tourism and stimulate economic growth.

### MOTION

ADMINISTRATORS GRAEME EMONSON / SUZANNA SHEED

That Council enter into the 2024-2027 Partner Councils Funding Agreement with Murray Regional Tourism as presented to this meeting.

(CARRIED)

FILE NO:  
5. TRANSPARENT AND ACCOUNTABLE  
GOVERNANCE

ITEM NO: 9.2.1  
(PROCUREMENT OFFICER, LISA KNIGHT)  
(ACTING CHIEF FINANCIAL OFFICER, BEAU  
MITTNER)

**C029/23 - CAR PARK ACCESS ROAD AND ASSOCIATED WORKS - APEX  
RESERVE, DOUG ROBINSON DRIVE, COBRAM**

**Executive Summary**

The Moira Shire Council (Council) invited submissions from suitably qualified Principal Contractor's for the construction Stage 1 of the car park at Apex Reserve, Doug Robinson Drive, Cobram.

**MOTION**

ADMINISTRATORS SUZANNA SHEED / GRAEME EMONSON

That Council:

1. Award contract C029/23 – Car Park Access Road and Associated Works – Apex Reserve, Doug Robinson Drive, Cobram, to Apex Earthworks Pty Ltd for a contract value of \$793,312.04 (ex. GST); and
2. Authorise the Chief Executive Officer to sign the contract documents.

(CARRIED)

FILE NO:  
5. TRANSPARENT AND ACCOUNTABLE  
GOVERNANCE

ITEM NO: 9.2.2  
(PROCUREMENT OFFICER, LISA KNIGHT)  
(ACTING CHIEF FINANCIAL OFFICER, BEAU  
MITTNER)

## **C018/23 - PROVISION OF ELECTRICAL MAINTENANCE SERVICES - PANEL**

### **Executive Summary**

Moira Shire Council invited submissions from suitability qualified and experienced service providers to create a panel of suppliers for the provision of electrical and refrigeration maintenance for scheduled and urgent repairs to Council assets.

After being evaluated against the scoring criteria by the evaluation panel, all applicants have been recommended for appointment to the Provision of Electrical Maintenance panel.

### **MOTION**

ADMINISTRATORS GRAEME EMONSON / SUZANNA SHEED

That Council:

1. Award the schedule of rates contract to the following tenderers under panel contract C018/23 – Provision of Electrical Maintenance – Panel for an initial term expiring on 30 September 2025 with the option to extend in 2 x 2 year periods to:
  - BEC Yarrawonga Pty Ltd
  - Byers Electrical (Vic) Pty Ltd
  - RTE Contracting Pty Ltd
  - Tonkin Plumbing Group Pty Ltd
  
2. Authorise the Chief Executive Officer to sign the contract documents and approve contract extensions within the provisions of the Contract.

(CARRIED)

FILE NO:  
5. TRANSPARENT AND ACCOUNTABLE  
GOVERNANCE

ITEM NO: 9.2.3  
(PROCUREMENT OFFICER, LISA KNIGHT)  
(ACTING CHIEF FINANCIAL OFFICER, BEAU  
MITTNER)

## **C019/23 - PROVISION OF PAINTING SERVICES - PANEL**

### **Executive Summary**

Moira Shire Council invited submissions from suitability qualified and experienced service providers to create a panel for the provision of scheduled and urgent painting services to maintain and repair Council assets.

2 submissions were received. After being evaluated against the scoring criteria by the evaluation panel, all applicants have been recommended for appointment to the Provision of Painting Services panel.

### **MOTION**

ADMINISTRATORS SUZANNA SHEED / GRAEME EMONSON

That Council:

1. Award the schedule of rates contract to the following tenderers under panel contract C019/23 – Provision of Painting Services – Panel for an initial term expiring on 30 September 2025 with the option to extend in 2 x 2 year periods to:
  - Melbourne Master Painting & Maintenance Pty Ltd
  - Powelly's Painting & Rendering Pty Ltd atf Matt Powell Family Trust
2. Authorise the Chief Executive Officer to sign the contract documents and approve contract extensions within the provisions of the Contract.

(CARRIED)

FILE NO:  
5. TRANSPARENT AND ACCOUNTABLE  
GOVERNANCE

ITEM NO: 9.2.4  
(PROCUREMENT OFFICER, LISA KNIGHT)  
(ACTING CHIEF FINANCIAL OFFICER, BEAU  
MITTNER)

## **C020/23 - PROVISION OF PLUMBING & GAS FITTING SERVICES - PANEL**

### **Executive Summary**

Moira Shire Council invited submissions from suitability qualified and experienced service providers to create a panel for the provision of specialised drainage and plumbing and gas fitting services to Council's assets.

Four submissions were received. After being evaluated against the scoring criteria by the evaluation panel, all applicants have been recommended for appointment to the Provision of Plumbing & Gas Fitting Services panel.

### **MOTION**

ADMINISTRATORS GRAEME EMONSON / SUZANNA SHEED

That Council:

1. Award the schedule of rates contract to the following tenderers under panel contract C020/23 – Provision of Plumbing & Gas Fitting Services - Panel for an initial term expiring on 30 September 2025 with the option to extend in 2 x 2 year periods to:
  - A1 Electric Motors Pty Ltd
  - Andy Hemingway Plumbing & Gasfitting Pty Ltd
  - AXT Plumbing Pty Ltd
  - Coulter Plumbing Pty Ltd
  - Total Drain Cleaning Services Pty Ltd
2. Authorise the Chief Executive Officer to sign the contract documents and approve contract extensions within the provisions of the Contract.

(CARRIED)

FILE NO:  
5. TRANSPARENT AND ACCOUNTABLE  
GOVERNANCE

ITEM NO: 9.2.5  
(PROCUREMENT OFFICER, LISA KNIGHT)  
(ACTING CHIEF FINANCIAL OFFICER, BEAU  
MITTNER)

## C021/23 - PROVISION OF TREE MAINTENANCE SERVICES - PANEL

### Executive Summary

Moira Shire Council invited submissions from suitability qualified and experienced service providers to create a panel for the provision of tree maintenance services for scheduled and urgent maintenance of Council trees.

6 submissions were received. After being evaluated against the scoring criteria by the evaluation panel, all applicants have been recommended for appointment to the Provision of Tree Maintenance Services panel.

### MOTION

ADMINISTRATORS SUZANNA SHEED / GRAEME EMONSON

That Council:

1. Award the schedule of rates contract to the following tenderers under panel contract C021/23 – Provision of Tree Maintenance Services – Panel for an initial term expiring on 30 September 2024 with the option to extend in 2 x 2 year periods.
  - Arboessence Pty Ltd atf The G&W Reynolds Family Trust
  - Border Trees Pty Ltd atf Spence Family Trust
  - Geoff Gerrish Tree Stump Removals Pty Ltd
  - HRL 019 Trust t/a Jones Tree Removal
  - RJ Bergamin & MJ Handford t/a Murray Valley Tree Maintenance
  - The Tree Company Arboricultural Services Pty Ltd
2. Authorise the Chief Executive Officer to sign the contract documents and approve contract extensions within the provisions of the Contract.

(CARRIED)

FILE NO:  
5. TRANSPARENT AND ACCOUNTABLE  
GOVERNANCE

ITEM NO: 9.2.6  
(PROCUREMENT OFFICER, LISA KNIGHT)  
(ACTING CHIEF FINANCIAL OFFICER, BEAU  
MITTNER)

## **C022/23 - PROVISION OF BUILDING MAINTENANCE SERVICES - PANEL**

### **Executive Summary**

Moira Shire Council invited submissions from suitability qualified and experienced service providers to create a panel for the provision of building maintenance services to carry out minor capital works, building renewal projects and building maintenance on Council's assets.

5 submissions were received. After being evaluated against the scoring criteria by the evaluation panel, all applicants have been recommended for appointment to the Provision of Building Maintenance Services panel.

### **MOTION**

ADMINISTRATORS GRAEME EMONSON / SUZANNA SHEED

That Council:

1. Award the schedule of rates contract to the following tenderers under panel contract C022/23 – Provision of Building Maintenance Services – Panel for an initial term expiring on 30 September 2024 with the option to extend in 2 x 2 year periods.
  - Custom Designed Kitchens (Group) Pty Ltd atf Custom Designed Kitchens Trust
  - Kennedy Builders Pty Ltd
  - Melbourne Master Painting & Maintenance Pty Ltd
  - Projects and Maintenance Squared Pty Ltd
  - Timothy James Garlic t/a Xtreme Gutter Clean - Vacuuming Service
  
2. Authorise the Chief Executive Officer to sign and contract documents and approve contract extensions within the provisions of the Contract.

(CARRIED)



FILE NO:  
5. TRANSPARENT AND ACCOUNTABLE  
GOVERNANCE

ITEM NO: 9.2.7  
(PROCUREMENT OFFICER, LISA KNIGHT)  
(ACTING CHIEF FINANCIAL OFFICER, BEAU  
MITTNER)

## C023/23 - PROVISION OF GENERAL TRADES & SERVICES - PANEL

### Executive Summary

Moira Shire Council invited submissions from suitability qualified and experienced service providers to create a panel of general trades and services to perform works and maintenance on Council's assets.

9 submissions were received. After being evaluated against the scoring criteria by the evaluation panel, all applicants have been recommended for appointment to the Provision of General Trades & Services panel.

### MOTION

ADMINISTRATORS SUZANNA SHEED / GRAEME EMONSON

That Council:

1. Award the schedule of rates contract to the following tenderers under panel contract C023/23 – Provision of General Trades & Services – Panel for an initial term expiring on 30 September 2024 with the option to extend in 2 single year periods.
  - Airmaster Corporation Pty Ltd
  - Burns, Jonathon Lee trading as JLB Concreting
  - Daniel Wilson
  - Dean Ciccone
  - Enrico Crestani trading as Murray River Concreting
  - Steven Iaria Pty Ltd atf The Steven Iaria Family Trust t/a GV Custom Kerbing
  - Melbourne Master Painting & Maintenance Pty Ltd
  - NT Avery Pty Ltd as The Trustee for NT Avery Family Trust
  - Watersmart Irrigation Pty Ltd
2. Authorise the Chief Executive Officer to sign the contract documents and approve contract extensions within the provisions of the Contract.

(CARRIED)

FILE NO:  
5. TRANSPARENT AND ACCOUNTABLE  
GOVERNANCE

ITEM NO: 9.2.8  
(PROCUREMENT OFFICER, LISA KNIGHT)  
(ACTING CHIEF FINANCIAL OFFICER, BEAU  
MITTNER)

## C024/23 - PROVISION OF PLANT AND LABOUR HIRE - PANEL

### Executive Summary

Moira Shire Council (Council) is inviting tenders from suitably qualified and experienced service providers to create a panel for the provision plant and labour hire with the option of wet and dry hire.

### MOTION

ADMINISTRATORS GRAEME EMONSON / SUZANNA SHEED

That Council:

1. Award the schedule of rates contract to the following tenderers under panel contract C024/23 – Provision of Plant and Labour Hire – Panel for an initial term expiring 30 September 2025, with the option to extend in 2 x 2 year periods.
  - Coates Hire Operations Pty Ltd
  - Worktrainers Ltd t/a GAME Traffic & Contracting
  - Jonathon Lee Burns t/a JLB Concreting
  - MR & NA Jeffery t/a Goulburn Valley Gutter Cleaning
  - The Trustee for AAEBT Trust t/a NGH Earthmoving
  - Pipe Doctor Australia Pty Ltd
  - PJM Machinery Pty Ltd
  - Recivil Pty Ltd
  - Service Stream Maintenance Pty Ltd
2. Authorise the Chief Executive Officer to sign the contract documents and approve contract extensions within the provisions of the Contract.

(CARRIED)

**FILE NO:  
5. TRANSPARENT AND ACCOUNTABLE  
GOVERNANCE**

**ITEM NO: 9.3.1  
(GOVERNANCE AND RISK COORDINATOR,  
NANCY MUSTICA)  
(ACTING DIRECTOR CORPORATE  
GOVERNANCE AND PERFORMANCE,  
AMANDA CHADWICK)**

## **2024 COUNCIL MEETING SCHEDULE**

### **Executive Summary**

The purpose of this report is to set the time, dates and locations of the Scheduled Council Meetings for 2024.

In accordance with Council's Governance Rules - Rule 4.1.1:

- at or before the last Meeting each calendar year, Council must fix the date, time and place of all Council Meetings and any Delegated Committee Meetings for the following calendar year.

### **MOTION**

ADMINISTRATORS SUZANNA SHEED / GRAEME EMONSON

That Council:

1. Set the dates and locations of the Scheduled Council Meetings in 2024 as listed in the Proposed 2024 Council Meeting Schedule detailed within this report; and
2. Set all Scheduled Council Meetings to commence at 4:30pm.

(CARRIED)

FILE NO:  
5. TRANSPARENT AND ACCOUNTABLE  
GOVERNANCE

ITEM NO: 9.3.2  
(ACTING DIRECTOR CORPORATE  
GOVERNANCE AND PERFORMANCE,  
AMANDA CHADWICK)  
(CHIEF EXECUTIVE OFFICER, MICHAEL  
TUDBALL)

## APPOINTMENT OF EXTERNAL INDEPENDENT MEMBER - AUDIT & RISK COMMITTEE

### Executive Summary

The Audit & Risk Committee comprises a maximum of seven members including two Administrators and a minimum of three to a maximum of five external independent members.

There are currently two vacancies within the external independent membership and this report recommends the appointment of one new member to the Audit & Risk Committee.

### MOTION

ADMINISTRATORS GRAEME EMONSON / SUZANNA SHEED

That Council appoint Steven Lambert as an External Independent Member to the Audit & Risk Committee.

(CARRIED)

FILE NO: F16/104-2  
5. TRANSPARENT AND ACCOUNTABLE  
GOVERNANCE

ITEM NO: 9.3.3  
(ACTING DIRECTOR CORPORATE  
GOVERNANCE AND PERFORMANCE,  
AMANDA CHADWICK)  
(CHIEF EXECUTIVE OFFICER, MICHAEL  
TUDBALL)

**PROPOSAL TO DISCONTINUE AND LEASE PART OF RICHARDSON STREET  
NATHALIA**

**Executive Summary**

Council recently completed a community consultation program on a proposal to discontinue and lease a portion of Richardson Street Nathalia, following a request from an adjacent business owner.

Council received 12 submissions through the recent engagement program and are currently considering all feedback, including feedback received during engagement undertaken during September 2023.

**MOTION**

ADMINISTRATORS SUZANNA SHEED / GRAEME EMONSON

That Council resolve to defer a decision regarding the proposal to discontinue and lease a portion of Richardson Street Nathalia until the Scheduled Council Meeting on 31 January 2024, to consider all submissions received.

(CARRIED)

**FILE NO:  
5. TRANSPARENT AND ACCOUNTABLE  
GOVERNANCE**

**ITEM NO: 9.3.4  
(ACTING DIRECTOR CORPORATE  
GOVERNANCE AND PERFORMANCE,  
AMANDA CHADWICK)  
(CHIEF EXECUTIVE OFFICER, MICHAEL  
TUDBALL)**

**APPOINTMENT OF INTERIM INDEPENDENT MEMBER TO THE CEO  
EMPLOYMENT AND REMUNERATION COMMITTEE**

**Executive Summary**

The purpose of this report is for Council to consider the appointment of an Interim Independent Member to Council's CEO Employment and Remuneration Committee, due to the leave of absence of the current Independent Member, Ms Linda Griffiths-Brown.

**MOTION**

ADMINISTRATORS GRAEME EMONSON / SUZANNA SHEED

That Council appoint Ms Laurinda Gardner as Interim Independent Member to the CEO Employment and Remuneration Committee until 13 March 2024, as endorsed by the CEO Employment and Remuneration Committee on 6 December 2023.

(CARRIED)

FILE NO:  
1. A WELCOMING AND INCLUSIVE PLACE

ITEM NO: 9.4.1  
(CASUAL ADMINISTRATION SUPPORT  
OFFICER, MELODIE HAWKINS)  
(ACTING DIRECTOR SUSTAINABLE  
COMMUNITIES MATT JARVIS)

## COMMUNITY STRENGTHENING GRANTS PROGRAM - ROUND 1 2023/24

### Executive Summary

The 2023/24 Community Strengthening Grants (CSG) program has a total budget of \$185,000, and is offered via four streams:

1. Major up to \$10,000 (up to two rounds per annum);
2. Quick Response up to \$1,000 (always open);
3. Quick Response up to \$5,000 (always open).

To date we have currently distributed a total of \$39,519.65 through the CSG program. Details of allocations are as follows:

Stream	Applications Received	Successful Applications	Amount Allocated
Quick Response Up to \$1,000*	4	2	\$1,437
Quick Response up to \$5,000	16	11	\$38,082.65
<b>Total</b>	<b>20</b>	<b>13</b>	<b>\$39,519.65</b>

Round One of the 2023/24 CSG Major Grant rounds was open for applications via Smarty Grants between September and October 2023. Council received 16 applications in this current round. Thirteen of the applications passed the pre-eligibility stage and progressed to assessment. Following assessment, eight are recommended for funding at a total cost of \$69,555.50.

### MOTION

ADMINISTRATORS SUZANNA SHEED / GRAEME EMONSON

That Council fund the eight projects, as recommended in this report, totalling \$69,555.50 under the Community Strengthening Grants Program - Major Grants - Round 1 – 2023/24.

(CARRIED)

**FILE NO:  
5. TRANSPARENT AND ACCOUNTABLE  
GOVERNANCE**

**ITEM NO: 9.5.1  
(TEAM LEADER COMMUNITY AND  
RECREATIONAL DEVELOPMENT, CORRENE  
COOPER)  
(DIRECTOR INFRASTRUCTURE SERVICES,  
JOSHUA LEWIS)**

**APPOINTMENT OF COMMITTEE MEMBERS - YARRAWONGA MULTISPORT  
STADIUM FUNDRAISING COMMITTEE**

**Executive Summary**

Council recently advertised for Expressions of Interest for interested persons to nominate as a member of the Yarrowonga Multisport Stadium Fundraising Committee. Three nominations have been received, Sue Bigger and Amanda Wheaton representing the Yarrowonga Mulwala Basketball Association and Dario Prighel representing the broader community.

**MOTION**

ADMINISTRATORS GRAEME EMONSON / SUZANNA SHEED

That Council appoint Sue Bigger, Amanda Wheaton and Dario Prighel as members of the Yarrowonga Multisport Fundraising Committee.

(CARRIED)



FILE NO:  
5. TRANSPARENT AND ACCOUNTABLE  
GOVERNANCE

ITEM NO: 9.5.2  
(MOIRA RECREATION COMMITTEE  
SUPPORT OFFICER, FIONA MULQUINEY)  
(DIRECTOR INFRASTRUCTURE SERVICES  
JOSHUA LEWIS)

## COMMUNITY ASSET COMMITTEES ANNUAL REPORT

### Executive Summary

The Local Government Act 2020 (the Act) provides the structure for formal committees of Council including Community Asset Committees.

At the Ordinary Council Meeting held in August 2020, Council resolved to create the Community Asset Committees, replacing the former Section 86 Committees of Management for the purpose of managing a range of community assets within the Moira Shire.

These committees have delegated authority in relation to specified financial delegation, compliance with specified governance requirements and specific monitoring and reporting of activities and performance.

This report provides details of the activities and performance of the Community Asset Committees in accordance with the requirement under their delegations and Section 47 (6) of the Act.

### MOTION

ADMINISTRATORS SUZANNA SHEED / GRAEME EMONSON

That Council note the Annual Report in relation to activities and performance of the Community Asset Committees, in accordance with the Local Government Act, 2020.

(CARRIED)

### 10. OFFICER REPORTS FOR INFORMATION

#### 11. ACTION OFFICERS LIST

NIL

#### 12. NOTICES OF MOTION

NIL

#### 13. PETITIONS AND JOINT LETTERS

NIL

**FILE NO:**  
**5. TRANSPARENT AND ACCOUNTABLE  
GOVERNANCE**

**ITEM NO: 14.1**  
**(COORDINATOR PLANNING, TRAVIS  
BASHAM)**  
**(DIRECTOR INFRASTRUCTURE SERVICES,  
JOSHUA LEWIS)**

## **SECTION 173 AGREEMENTS - AUTHORITY TO AFFIX THE COMMON SEAL**

### **Agreements for Execution**

#### **40 Newnham Road, Cobram – Volume 12314 Folio 564**

The agreement relates to Planning Permit 5/2021/258 issued on the 20<sup>th</sup> January 2022 for the subdivision of the land into 78 lots. The agreement is a mandatory requirement under the Bushfire Management Overlay and provides that if a dwelling is constructed on the land without a planning permit, that the bushfire measures set out in the Bushfire Management Plan (BMP) must be implemented and maintained and any building and vegetation must be managed and maintained in accordance with the BMP to the satisfaction of Council.

#### **Part of Silverwoods – 160 Peter Thomson Circuit, Yarrawonga – Volume 11974 Folio 046**

This agreement relates to Planning Permit 5/2017/236 issued on the 16<sup>th</sup> March 2018 allowing for use and development of the land for the purposes of a residential village. The agreement obligates the owners to arrangements set out for public asset care and maintenance, of which responsibility is to be transferred from the developer to the Owner's Corporation.

#### **205 O'Hares Road, Nathalia – Volume 11094 Folio 239 and Volume 11039 Folio 782**

This agreement relates to Planning Permit 5/2022/220 issued on the 27 October 2022 for the re-subdivision of two lots in the Farming Zone to excise the existing dwelling. The agreement provides that the balance agricultural lot must not be used or developed for the purposes of accommodation and that the land may not be further subdivided to create additional lots.

### **MOTION**

ADMINISTRATORS GRAEME EMONSON / SUZANNA SHEED

That Council authorise the Chief Executive Officer to sign and seal the following 173 Agreement as presented to this meeting:

1. 40 Newnham Road Cobram
2. Part of Silverwoods – 160 Peter Thomson Circuit, Yarrawonga
3. 205 O'Hares Road Nathalia

(CARRIED)

FILE NO: VARIOUS

ITEM NO: 15

**URGENT BUSINESS**

Nil

**Public Question Time**

<b>Name</b>	<b>Summarised Question</b>	<b>Response</b>
<b>Brett Butler</b>	<p>1. Why did Council Officers employ the lawyer firm Russell Kennedy to answer a question regarding the fact that there is no planning permit required under the Moira shire planning scheme to hold a one off event? In fact under section 62;01 it states that no planning permit is required for a one off event.</p> <p>2. Why couldn't the planner answer and work with us instead of using rate payers money to stop an event that will benefit the towns economic and tourism growth with well over 5000 spectators and competitors gathering in our shire coming from all over Australia to compete in a Rodeo which has been held in this town for many years.</p> <p>Under freedom of information could it be released to the public as soon as it is available what the invoice total is for this service.</p>	<p>Thanks very much for your question Brett and Council acknowledges our meeting yesterday. Council has issued a Planning Permit subject to conditions in August 2022 allowing use and development of land for the purpose of leisure and recreation (equine events) subject to a range of conditions. Your contention is that Council could provide an exemption for a planning permit to use land for a carnival or circus if the requirements of the "A 'Good Neighbour' Code of Practice (<b>Code</b>) for a circus or carnival October 1997 are met.</p> <p>The definition of 'carnival' in the Scheme does not include equine, competitive or sporting events. The definition of 'carnival' in the Code explicitly excludes sporting events.</p> <p>In Councils opinion and independent planning advice further reinforces the use of the land (rodeo) and therefore a range of requirements as per the approved planning permit, of which I understand you are yet to satisfy all of, but have a clear intention of this being achieved prior to the next rodeo in 2024.</p> <p>All of this being put forward Council is not in a position to support an exemption for a planning permit. This is reinforced by the existing approved permit and your description of the event.</p> <p>You heard yesterday from Council, that support of events and economic development opportunities across the Shire are important to Council and many successful community and other commercial events occur every year, Council wants to support and allow this event to happen, however we all have rules and regulations we need to observe and adhere to ensure community and patron safety as a priority.</p> <p>Council understands there are still other options for you to pursue although acknowledges time is tight and we undertake to work constructively with you to try and deliver this event.</p> <p>As committed yesterday I will be formally</p>

		<p>responding to you today, outlining details from within this answer.</p> <p>In regard to FOI the process, timelines and fees are available on our website.</p>
<b>Peter Mansfield</b>	<p>Why is council having trouble providing infrastructure projects in the eastern part of the shire and in a timely manner? The projects include:</p> <ul style="list-style-type: none"> <li>• Splash Park</li> <li>• Yarrowonga Library</li> <li>• Yarrowonga Multisport Stadium</li> <li>• Woods Rd Kerb</li> <li>• Sandy Creek bridge at Wilby</li> <li>• Drainage issues at Bundalong</li> <li>• Aldi Development</li> <li>• Botts Road and Murray Valley Highway intersection upgrade.</li> </ul>	<p>Thanks very much for your question Peter.</p> <p>Council has been contending with a back-log of capital works projects - this is not a geographical issue and is something Council is working hard on correcting.</p> <p>I will quickly respond to each of the projects raised:</p> <ul style="list-style-type: none"> <li>• Splash Park – The splash park has been completed, however remedial works have been enacted after concerns were raised with the surface texture. It is expected that the park will reopen in the very near future.</li> <li>• Yarrowonga Library – The project is progressing well, underground service works have commenced and we anticipate the project being completed in early 2025</li> <li>• Yarrowonga Multisport Stadium – A firm commitment has been made in relation to the delivery of the Multi-Sport stadium. A tender will be advertised and awarded in the first half of 2024.</li> <li>• Woods Rd Kerb – The functional design has been completed which, in turn, identified the need to undertake further drainage investigations. Next steps will be progressed dependent upon the associated findings.</li> <li>• Sandy Creek bridge at Wilby – The external funding sought for this project was unsuccessful, therefore the project will not progress this financial year. Council will further consider this project as part of future budget deliberations.</li> <li>• Drainage issues at Bundalong – A drainage study is currently in progress for Bundalong which will inform future infrastructure required for Bundalong.</li> <li>• Aldi Development – Council has processed all associated permit applications, the choice on when to act upon the associated permits and approvals is up to the associated proponent.</li> <li>• Botts Road and Murray Valley Highway intersection upgrade – Concept designs have been forwarded to the Department of Transport and Planning for comment (noting the interface with the arterial road network.)</li> </ul>

## **CONFIDENTIAL BUSINESS**

### **MOTION**

ADMINISTRATORS SUZANNA SHEED / GRAEME EMONSON

That pursuant to the provisions of the Local Government Act 2020 (the Act), the meeting be closed to members of the public to enable the meeting to discuss matters in item 17 which the Council may, pursuant to the provisions of Sections 66(2) and 3 (1) (a), (e) and (f) of the Act resolve to be considered in closed session.

(CARRIED)

### **MOTION**

ADMINISTRATORS SUZANNA SHEED / GRAEME EMONSON

That standing orders be suspended for 10 minutes.

(CARRIED)

*The meeting was suspended at 5.50pm.*

*Chair Administrator Tanner requested the gallery and staff leave the room.*

### **MOTION**

ADMINISTRATORS GRAEME EMONSON / SUZANNA SHEED

That standing orders be resumed.

(CARRIED)

*The meeting was resumed at 6pm.*

## **17. CEO Employment Matters**

### **MOTION**

ADMINISTRATORS GRAEME EMONSON / SUZANNA SHEED

That pursuant to the provisions of the Local Government Act 2020 (the Act) having considered the confidential business, the meeting now be open to members of the public.

(CARRIED)

**MEETING CLOSE: 6.15PM**