



MINUTES

SCHEDULED MEETING OF COUNCIL HELD AT COBRAM
CIVIC CENTRE, PUNT ROAD COBRAM VIC 3644,
WEDNESDAY 31 JANUARY 2024

The meeting commenced at 4.30pm.

PRESENT Chair Administrator John Tanner
Administrator Suzanna Sheed
Administrator Graeme Emonson

IN ATTENDANCE: Matthew Morgan Chief Executive Officer
Josh Lewis Director Infrastructure
Matt Jarvis Director Corporate
Scott Williams Director Community
Bryan Sword Director Sustainable Development
Nancy Mustica Acting Manager Governance and Performance

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

Matthew Morgan declared a material conflict of interest in relation to item 9.2.2 CEO Employment and Remuneration Policy.

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

MOTION:

ADMINISTRATORS SUZANNA SHEED / GRAEME EMONSON

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

(CARRIED)

7. ADMINISTRATOR ADDRESSES

Chair Administrator John Tanner

Ladies and gentlemen I welcome you here all this evening to the first council meeting of 2024, and in doing so I would like to welcome both people in the galley and online.

I also would like to welcome the newly appointed CEO Mr Matthew Morgan who opened the meeting today, I certainly welcome his appointment and look forward to his tenure with us over the next 4 years.

I also welcome Mr Bryan Sword who recently joined council as the Director of Sustainable Development.

I acknowledge Scott Williams who has recently taking the role on as the Director of Community.

I acknowledge Josh Lewis as his role as the Director of Infrastructure who had spent a number of months acting in the CEO position.

I acknowledge Matthew Jarvis who has recently been appointed as Director of Corporate and Performance and thank Mr Beau Mittner for acting In the Chief Financial officer position.

I think it is important to acknowledge a number of people within our Municipality who received orders of Australia awards from their contribution to our communities and those people being

Heather Barrie from Cobram
Rosemary Kennett from Numurkah
Lynette Franklin from Nathalia
Brian Keenan from Yarrawonga

These recipients will be invited to attend the February council meeting to be formally recognised for these awards.

I would also like to acknowledge two others that received awards on Australia Day that do not reside within Moira, one being Ms Suzanna Sheed fellow administrator. Suzanna received an AM award for her service to the community and Victorian parliament. Also Robert Masters who resides in Melbourne and previously worked with council over a number of months to assist us with media and communications he received an AM award for his work within Media and Communications but also a number of charities that he is involved with.

I would like to touch on the Australia Day Celebrations which I attended, we acknowledge that not everyone celebrates Australia day and we respect that. I attended the Cobram and Katamatite events which was a privilege. Both events were well attended and highlighted the input from service clubs. Full credit to these clubs and to those who received awards. Also on Australia Day was the citizenship ceremony, 14 people received citizenships to Australia on this day and I was proud to be involved in this process. It was the 75th anniversary of Citizenship ceremony Australia and on Australia day this year there was over 15000 recipients of

citizenships which were from 140 different countries with 320 ceremonies over Australia. As a country we have come a long way in relation to citizenships.

I would also like to mention at 2pm today we had presentations of budget submissions. These presentations were professionally put to us for consideration and think it highlights the quality of the community with their submissions and greater engagement that we have had with the community. Full credit to staff that have been involved in this process as the number of submissions were double to those received last year.

I table my report and again welcome you all to tonight's council meeting.

Administrator Suzanna Sheed

I was delighted to attend the Numurkah Australia Day celebrations last Friday. The event was well attended, and a large crowd enjoyed the free breakfast and coffee provided by the Rotary club of Numurkah with overall support from the Numurkah RSL. The Numurkah Town Band and the Numurkah Ukulele Club provided excellent entertainment and it was wonderful to celebrate the Awards to local citizens with Dean Graham being awarded Numurkah Citizen of The Year and Show Us Ya Wheels winning the event of the year. The memorial gates at the Numurkah primary school project also received an award. Congratulations to all concerned for their outstanding contribution to the Numurkah community.

The previous day administrator Emonson and I had the opportunity to visit the Numurkah and district Historical Society. We enjoyed a guided tour of the Building and Exhibits by the knowledgeable volunteers who have a deep understanding of the history of the region. We heard a detailed history of the society and some of the challenges it was facing particularly in relation to its building. These are important community assets valued by the Moira Shire council and the work that the volunteer team is doing is much appreciated.

The Barmah Forest Heritage and Education Centre has been a landmark in Nathalia showcasing the history and natural beauty of the region. The Centre promotes discovery and engagement, from visitors and locals alike, with the unique ecological history of the area. By supporting and advancing this Centre, we not only enrich this invaluable community asset, but also enhance local tourism, grow local community initiatives, and strengthen Council's presence in Nathalia. Mutual support for the Centre, from both Council and the community, is important to its ongoing operation.

Expressions of interest for the Barmah Forest Heritage and Education Centre will be advertised shortly and I urge the Nathalia community to nominate for a position the advisory committee to ensure that this wonderful facility located in Nathalia is invigorated, not just through its potential for visitation by people passing through the town, but also to be used by the local community as a hub to further enhance community engagement. It is an opportunity for the community to provide advice to the council on future uses for the centre.

I am watching the water policy recently put into place by the Federal Government which on just last Monday released its Restoring Our Rivers Delivering The Basin Plan 2012 Draft Framework. We will need to review this piece of work carefully to understand the impacts for northern Victorian irrigators and for our local government communities. I will report further on this at future meetings.

Administrator Graeme Emonson

It was a great pleasure to attend Australia Day celebrations last Friday at both Yarrawonga and Tungamah. Both events were a wonderful opportunity for the respective communities to celebrate and reflect upon the history and achievements of our great country, and importantly, to acknowledge the fantastic contribution of local citizens through the Australia Day awards. Council extends its appreciation and congratulations to the Yarrawonga Mulwala Rotary Club and the Tungamah Lions Club for their efforts in hosting the events for the respective communities.

Administrators recently had an opportunity to meet with the Community Reference Group for the Yarrowonga Multisport Stadium. The meeting provided an opportunity for the Reference Group, Sport and Recreation Victoria and the Administrators to meet with the project architects to discuss the near-final designs. The multisport stadium will be a wonderful asset for the Yarrowonga community and the broader region, and it was great to have the Reference Group provide their important input into the building's final design. Council is looking forward to this construction project advancing throughout 2024 and for the facility to be available for the community's enjoyment in 2025.

I am also pleased to report that Council will be undertaking critical weather-proofing works at the Tungamah Courthouse. The Courthouse is a really important heritage building of significant importance to the Tungamah community and it is therefore important that immediate works are undertaken to provide weather protection. These works are scheduled to commence in February. Concurrently, Council will also be undertaking an assessment of other immediate works that may be required to the exterior of the building to ensure no safety risks exists. This should then allow for the barrier fencing that is currently in place to be removed.

8. OFFICERS REPORTS

Mr Matthew Morgan – CEO

Good evening everyone, my name is Matthew Morgan and I have Commenced as Council's Chief Executive Officer.

I am extremely grateful for the opportunity and to be appointed as CEO, I'm really looking forward to working with Council and community over the coming years.

Being born in central Victoria, I bring a deep understanding of the opportunities and challenges faced by rural and regional Councils

One of my main priorities will be getting to know our communities within Moira, what is most important to them, the local nuances and how we can partner together to realise the future visions for the area. Although I have a background in Local Government, there is an abundance of local knowledge, experience and expertise that we need to tap into and embrace as we look to the future.

Along with this, rest assured that I'll be working tirelessly to ensure that Council demonstrates good governance and provides strong advocacy and leadership for our community as well as high quality, relevant and value for money services.

Before handing over to my fellow colleagues I would also like to take the opportunity to thank the outgoing Acting CEO Michael Tudball for his strong leadership during this pivotal time at Moira Shire. Michael has steadied the ship, shared his knowledge and has implemented processes to streamline productivity. Moira is in a better position after having such an experience CEO take on the interim role. Thank you, Michael, for making my transition so smooth.

First impressions, I am impressed by the commitment, dedication and passion for our communities that our team members demonstrate, and I look forward to working closely and getting to know everyone over the coming weeks.

Mr Josh Lewis – Director Infrastructure

Parks & Gardens Maintenance

Council staff have been doing everything possible to "keep up" with the rapid growth in our parks, gardens and reserves along with general roadside maintenance.

We've had an unseasonal rainfall to date and this has created ideal growing conditions across much of the municipality.

We will continue with our current planned activities and if you notice things aren't as tidy as what they'd normally be, please be assured that we will not be too far away.

Rainfall and Flooding

Having just mentioned the unseasonal rainfall, I'd like to acknowledge the significant flooding that resulted for some near-by municipalities.

Moira Shire activated emergency management staff during these periods and luckily, we were spared the worst of the effects. Having said this, I would still like to acknowledge that it has impacted areas along the Goulburn River system and the anxiety that continues for some of our Community members, some of which have not been able to return to their homes since the October 2022 flood event.

Council will continue to remain vigilant to flood risk and will continue progressing flood restoration works across the municipality along with its flood recovery project.

If you or someone you know has been impacted by flood waters and require assistance, please do not hesitate in contacting Council's Customer Services number and ask for our Flood Recovery Team.

Yarrawonga Library

Council have been working closely with our Construction Contractor, Ultra Project Services in continuing progress on the Yarrawonga Library and Town Hall Precinct, with some minor redesign being required due to softer than expected ground conditions having been encountered.

Commencement of the concrete foundation is anticipated early to mid-February noting that much of the underground works (such as drainage, and services) have already been finalised.

I look forward to providing further updates on the project into the future.

Mr Bryan Sword – Director Sustainable Development

I commenced in the role last week, I'm currently relocating from South Gippsland and I'm excited about the opportunity to represent Moira and to call the Murray home

I'm looking forward to supporting Matthew and the panel of Administrators to implement the recommendations of the Commission of Inquiry and preparing the organisation in readiness for the return of elected members.

I spent my first week familiarising myself with the organisation, the staff and receiving some briefings on the major developments and projects within the directorate.

Mr Scott Williams – Director Community

Community Wellbeing

We're excited to announce that Wayne Muschialli from Barmah and Michael Coldham from Yarrawonga have been successful in receiving sponsorship from Council to participate in the Goulburn Murray Community Leadership's flagship Fairley Leadership Program 2024.

The Strathmerton Community Plan was launched at the Strathmerton Christmas Celebration. The event had a large attendance, with community members enjoying live music, a BBQ dinner, family activities, and conversations about the future of their town.

The Moira Creative Arts Hubs had a busy month with Markets, Workshops, Performances and Art Displays. Arts for All Cobram are seeking ideas and suggestions for a future public art project in Mivo Park. Please visit the Arts for All Facebook page to have your say.

“The Unbreakable Farmer” Moira Shire series will be held in Katamatite on 15 February, Tungamah on 28 February and Picola on 29 February. More information can be found on Council’s website.

Emergency Management

With the large rain event that swept across the state in the first week of January the increasing water in the river systems has kept our staff busy monitoring it as it moved through the many creeks and other tributaries. Although the impact to Moira was not as significant as some of our neighbouring Shires, we proactively took the chance to train some of our staff in the roles of Council Emergency Management Liaison whilst the ICC was open Shepparton.

Economic Development & Tourism

During this bustling summer period we have had an uptake of 5336 brochures from our Visitor Information Points, a 67.8% increase on this same period last year; we have attended 10 events in our mobile visitor van, inspiring a total of 1000s of tourist to explore our region further.

Recreation

We had a big turnout for Bush Nippers last week with 120 kids participating in the week-long program.

The program teaches children practical engaging water safety, lifesaving, healthy living and emergency response skills in a fun and supportive environment.

This great program was initiated by Moira Shire Council, and delivered in partnership with Life Saving Victoria and Barooga Aquatic & Recreation Centre.

FILE NO:
5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

ITEM NO: 11.1.1
(PROCUREMENT OFFICER, LISA KNIGHT)
(DIRECTOR CORPORATE PERFORMANCE
MATT JARVIS)

C009/23 - SPRAY SEALING AND ASSOCIATED SERVICES

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).

MOTION

ADMINISTRATORS GRAEME EMONSON / SUZANNA SHEED

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.

(CARRIED)

FILE NO:
5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

ITEM NO: 11.1.2
(PROCUREMENT OFFICER, LISA KNIGHT)
(ACTING DIRECTOR SUSTAINABLE
COMMUNITIES MATT JARVIS)

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

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.

MOTION

ADMINISTRATORS SUZANNA SHEED / GRAEME EMONSON

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.

(CARRIED)

FILE NO:
5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

ITEM NO: 11.1.3
(PROCUREMENT OFFICER, LISA KNIGHT)
(ACTING CHIEF FINANCIAL OFFICER, BEAU
MITTNER)

C016/23 PAVEMENT STABILISING PROGRAM NEW

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.

MOTION

ADMINISTRATORS GRAEME EMONSON / SUZANNA SHEED

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.

(CARRIED)

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

ITEM NO: 11.2.1
(ECONOMIC DEVELOPMENT OFFICER,
FRANK MALCOLM)
(DIRECTOR CORPORATE PERFORMANCE,
MATT JARVIS)

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

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*.

MOTION

ADMINISTRATORS GRAEME EMONSON / SUZANNA SHEED

That Council as the Responsible Road Authority, in accordance with clause 3 of schedule 10 of the Local Government Act 1989 resolve not 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.

(CARRIED)

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

ITEM NO: 11.2.2
(GOVERNANCE AND RISK COORDINATOR,
NANCY MUSTICA)
(ACTING DIRECTOR CORPORATE
GOVERNANCE AND PERFORMANCE,
AMANDA CHADWICK)

CHIEF EXECUTIVE OFFICER EMPLOYMENT AND REMUNERATION POLICY

Matthew Morgan left the chamber at 5.20pm due to his previously disclosed conflict of interest.

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.

MOTION

ADMINISTRATORS SUZANNA SHEED / GRAEME EMONSON

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

(CARRIED)

Matthew Morgan returned to the chamber at 5.25pm.

**FILE NO:
1. A WELCOMING AND INCLUSIVE PLACE**

**ITEM NO: 11.3.1
(COMMUNITY DEVELOPMENT OFFICER,
DANA SHARP)
(MANAGER MARKETING COMMUNICATION
AND ADVOCACY SCOTT WILLIAMS)**

PUBLIC ART POLICY

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.

MOTION

ADMINISTRATORS SUZANNA SHEED / GRAEME EMONSON

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

(CARRIED)

FILE NO:
3. A CLEAN GREEN ENVIRONMENT

ITEM NO: 11.3.2
(ENVIRONMENTAL SERVICES TECHNICAL
OFFICER, BETHAN MCKAY)
(ACTING DIRECTOR SUSTAINABLE
COMMUNITIES MATT JARVIS)

KERBSIDE TRANSITION PLAN - COMMUNITY CONSULTATION

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.

MOTION

ADMINISTRATORS GRAEME EMONSON / SUZANNA SHEED

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

(CARRIED)

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

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

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 (cont'd)

MOTION

ADMINISTRATORS SUZANNA SHEED / GRAEME EMONSON

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 variation of \$311,970 (excluding GST) to contract number C034/22, which has been agreed to in principle by staff.
3. Approve a contingency of \$40,000 (excluding GST) delegating authority to the Superintendent 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.

(CARRIED)

9. OFFICER REPORTS FOR INFORMATION

Nil

10. ACTION OFFICERS LIST

Nil

11. NOTICES OF MOTION

Nil

12. PETITIONS AND JOINT LETTERS

Nil

FILE NO: 5. TRANSPARENT AND ACCOUNTABLE GOVERNANCE	ITEM NO: 16.1 (COORDINATOR PLANNING, TRAVIS BASHAM) (DIRECTOR INFRASTRUCTURE SERVICES, JOSHUA LEWIS)
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SECTION 173 AGREEMENTS - AUTHORITY TO AFFIX THE COMMON SEAL

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, Yarrawonga – 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: 16.1
(COORDINATOR PLANNING, TRAVIS
BASHAM)
(DIRECTOR INFRASTRUCTURE SERVICES,
JOSHUA LEWIS)**

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

MOTION

ADMINISTRATORS GRAEME EMONSON / SUZANNA SHEED

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, Yarrawonga
2. 7586 Murray Valley Highway, Bundalong

(CARRIED)

FILE NO: VARIOUS

ITEM NO:

URGENT BUSINESS

Nil

FILE NO: VARIOUS

ITEM NO:

PUBLIC QUESTION TIME

Name	Summarised Question	Response
<p>Helen White</p>	<p>The community of Wilby is seeking advice from Moira Shire about any progress on the project to restore the bridge into Wilby Reserve which, after being closed to traffic in September 2017 has now, in the last few weeks, been closed to pedestrian access.</p> <p>This final closure creates a dangerous situation for children wanting to access the recreation reserve and choosing to clamber down the rough and steep creek bed. Another concern is the danger of only one entrance to the Reserve in the event of fire.</p> <p>The Moira Shire has \$21k remaining from funds allocated to Wilby projects and the Community Asset Committee has approximately \$20k which could be contributed to the costs. The committee is prepared to apply for grants to help defray costs as well.</p>	<p>The existing structure now presents as an unacceptable risk for all uses, including pedestrians.</p> <p>Removal of the structure has been arranged in acknowledgement of this risk.</p> <p>Council is exploring possible temporary structures in providing pedestrian access and will be considering bridge replacement options as part of the 2024/25 budget deliberations.</p>

MEETING CLOSE: 5.48 PM