



44 Station Street
Cobram Vic 3644
www.moirā.vic.gov.au
info@moirā.vic.gov.au

AGENDA

ORDINARY MEETING OF COUNCIL **FOR** **WEDNESDAY 22 JULY 2020** **TO BE HELD AT COBRAM CIVIC CENTRE, PUNT ROAD COBRAM** **COMMENCING AT 5:00 PM**

RECORDING

Consistent with section 72 of our Meeting Procedures Local Law, Council officers have been authorised to record the public session of this meeting using an audio recording device.

LIVE STREAMING

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

1. CALLING TO ORDER – CEO

2. PRAYER

Almighty God we humbly ask you to guide our deliberations for the welfare and benefit of the Moira Shire and its people whom we serve.

Amen

3. ACKNOWLEDGEMENT OF COUNTRY

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

4. APOLOGIES & REQUESTS FOR LEAVE OF ABSENCE

5. DECLARATION UNDER ACTS, REGULATIONS, CODES OR LOCAL LAWS

6. DECLARATION OF ANY INTEREST OR CONFLICT OF INTEREST

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

Recommendation: “That the minutes of the Ordinary Council Meeting held on Wednesday, 24 June 2020, as prepared, be confirmed.”

8. COUNCILLOR REPORTS

NIL

9. OFFICER REPORTS FOR DETERMINATION

9.1 OFFICE OF CEO

NIL

9.2 CORPORATE

9.2.1 ASSEMBLIES OF COUNCIL 4

9.2.2 EXPANDED CHIEF EXECUTIVE OFFICER'S DELEGATION DURING
2020 GENERAL ELECTION CARETAKER PERIOD 6

9.2.3 2020/21 PUBLIC LIABILITY INSURANCE RENEWAL 11

9.2.4 REPLACEMENT OF MULTI FUNCTION DEVICES / PHOTOCOPIERS 13

9.3 COMMUNITY

9.3.1 C039/19 - COLLECTION AND RECYCLING OF RECYCLABLES FROM
TRANSFER STATIONS 15

9.4 INFRASTRUCTURE

9.4.1 C019/17 - PROVISION OF PLANT AND LABOUR HIRE PANEL REFRESH 19

9.4.2 POLICY REVIEWS - SWIMMING POOLS & SPA SAFETY BARRIERS
POLICY, INTERVENTION WHERE PRIVATE BUILDING SURVEYOR IS
RESPONSIBLE POLICY & WAIVER OR REFUND OF BUILDING PERMIT
FEES POLICY 22

10. ACTION OFFICERS LIST

10.1 BUNDALONG BRIDGE - ACTION OFFICERS REPORT 37

11. NOTICES OF MOTION

11.1 SPEED LIMITS ON MURRAY VALLEY HIGHWAY EAST OF
YARRAWONGA 38

12. PETITIONS AND JOINT LETTERS

12.1 JOINT LETTER – FUNDING SUPPORT FOR THE BAROOGA SPORTIES
HEALTH AND FITNESS CENTRE 39

12.2 MAKE NUMURKAH RV FRIENDLY - RESPONSE TO PETITION 40

13. COUNCIL SEAL

13.1 TWINNING PACT BETWEEN THE MUNICIPALITIES OF MOLOCHIO AND
MOIRA SHIRE 42

14. GENERAL BUSINESS	49
15. QUESTIONS FROM PUBLIC GALLERY	50
16. MEETING ADJOURNMENT	51
17. CONFIDENTIAL BUSINESS	
18. URGENT GENERAL CONFIDENTIAL BUSINESS	
19. CLOSE OF MEETING	

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

ITEM NO: 9.2.1

ASSEMBLIES OF COUNCIL

RECOMMENDATION

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

1. Executive Summary

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

2. Background and Options

This report fulfills Council's legislative obligation to report the matters considered and whether a conflict of interest disclosure was made by a Councillor at:

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

Meeting	Present at meeting	Matters discussed	Declaration of Interest(s)
Numurkah Flood Mitigation Project 3 June 2020	<p>Councillors: Libro Mustica John Beitzel Kevin Bourke Gary Cleveland Peter Mansfield Marie Martin</p> <p>Staff: General Manager Community, Sally Rice Manager Infrastructure, Andrew Close</p>	<ul style="list-style-type: none"> • Numurkah Flood Mitigation Project • Proposed levee alignment through recreation reserve and golf course 	Nil

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

ITEM NO: 9.2.1

ASSEMBLIES OF COUNCIL (cont'd)

Meeting	Present at meeting	Matters discussed	Declaration of Interest(s)
Council Briefing 10 June 2020	<p>Councillors: Libro Mustica Peter Lawless John Beitzel Kevin Bourke Gary Cleveland Peter Mansfield Marie Martin</p> <p>Staff: Chief Executive Officer, Mark Henderson General Manager Community, Sally Rice General Manager Corporate, Simon Rennie Manager Infrastructure, Andrew Close Manager Economic Development, Austin Ley Economic Development Officer, Frank Malcolm Planning Coordinator, Peter Stenhouse</p>	<ul style="list-style-type: none"> • GMID Resilience Strategy • Schubert Street water supply upgrade • Proposed Development Plan overlay • Customer Satisfaction Survey • Budget submissions • Draft Agenda Review 	Nil
Council Briefing 26 June 2020	<p>Councillors: Libro Mustica Peter Lawless John Beitzel Kevin Bourke Gary Cleveland Peter Mansfield</p> <p>Staff: Chief Executive Officer, Mark Henderson General Manager Community, Sally Rice General Manager Corporate, Simon Rennie Manager Infrastructure, Andrew Close</p>	<ul style="list-style-type: none"> • Yarrawonga Primary School Site • 2020/21 Draft Budget and Strategic Resource Plan • Agenda Review 	Nil

3. Conflict of Interest Considerations

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

4. Conclusion

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

Attachments

Nil

FILE NO: F13/202
4. A WELL RUN COUNCIL

ITEM NO: 9.2.2

**EXPANDED CHIEF EXECUTIVE OFFICER'S DELEGATION DURING 2020
GENERAL ELECTION CARETAKER PERIOD**

RECOMMENDATION

That

1. Council resolve to increase the Chief Executive Officer's delegation during the 2020 General Council Election Caretaker Period as follows:
 - approve any expenditure contained in a Council approved budget of up to \$1,000,000 (including GST)
 - apply any money, up to the value of \$1,000,000 (including GST) to enable the Council to perform the functions and exercise the powers conferred on the Council by or under the Local Government Acts 1989 and 2020 or any other Act
2. The increased delegation shall come into force at midnight on 18 September 2020 and lapses at the start of the newly elected Council's first Ordinary Council meeting.
3. Council authorises the Chief Executive Officer to sign and seal the Instrument of Delegation.

1. Executive Summary

Council approval is sought to increase the Chief Executive Officer's financial delegation \$1,000,000 during the 2020 General Council Election Caretaker Period.

2. Background and Options

Section 11(1)(b) of the *Local Government Act 2020* (the Act) provides that a Council may delegate any power, duty or function of a Council under the *Local Government Act 2020* or any other Act, other than certain specified powers.

The September Ordinary Council Meeting has been brought forward and there will be no meeting in October 2020 due to the Caretaker Period. Increasing the CEO's delegation will enable Council to continue to provide budgeted services and community projects with a value in excess of the CEO's current financial delegation should the need arise during the Caretaker Period.

3. Financial Implications

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

4. Risk Management

Operational risks are mitigated by having sound contingencies in place. Increasing the CEO's financial delegation during the 2020 General Election Caretaker Period will enable Council to continue services and projects and respond appropriately to emergencies.

5. Internal and External Consultation

This is a Council decision.

FILE NO: F13/202
4. A WELL RUN COUNCIL

ITEM NO: 9.2.2

**EXPANDED CHIEF EXECUTIVE OFFICER'S DELEGATION DURING 2020
GENERAL ELECTION CARETAKER PERIOD (cont'd)**

6. Council Plan Strategy

A well run Council.

7. Legislative / Policy Implications

Council may delegate any power, duty or function of a Council under the Local Government Act 2020 or any other Act, other than certain specified powers to the Chief Executive Officer in accordance with Section 11(1)(b) of the Local Government Act 2020.

8. Environmental Impact

There are no environmental impact considerations associated with this report.

9. Conflict of Interest Considerations

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

10. Conclusion

The report recommendation seeks Council's approval to expand the CEO's financial delegations during the 2020 General Election Caretaker Period.

Attachments

1 s5 Instrument of Delegation to the Chief Executive Officer

FILE NO: F13/202
4. A WELL RUN COUNCIL

ITEM NO: 9.2.2

**EXPANDED CHIEF EXECUTIVE OFFICER'S DELEGATION DURING 2020
GENERAL ELECTION CARETAKER PERIOD (cont'd)**

ATTACHMENT No [1] - s5 Instrument of Delegation to the Chief Executive Officer

S5 Instrument of Delegation to The Chief Executive Officer



Instrument of Delegation

In exercise of the power conferred by section 11(1)(1) of the *Local Government Act 2020* (the Act) and all other powers enabling it, the Moira Shire Council (Council) delegates to the member of Council staff holding, acting in or performing the position of Chief Executive Officer, the powers, duties and functions set out in the Schedule to this Instrument of Delegation,

AND declares that

1. this Instrument of Delegation is authorised by a Resolution of Council passed on 22 July 2020
2. the delegation
 - 2.1 comes into force immediately the common seal of Council is affixed to this Instrument of Delegation;
 - 2.2 is subject to any conditions and limitations set out in the Schedule;
 - 2.3 must be exercised in accordance with any guidelines or policies which Council from time to time adopts;
and
 - 2.4 remains in force until Council resolves to vary or revoke it.

"The COMMON SEAL of the
MOIRA SHIRE COUNCIL
was affixed hereto by authority
of the Council on the
..... day of
in the presence of:

.....Chief Executive Officer

FILE NO: F13/202
4. A WELL RUN COUNCIL

ITEM NO: 9.2.2

**EXPANDED CHIEF EXECUTIVE OFFICER'S DELEGATION DURING 2020
GENERAL ELECTION CARETAKER PERIOD (cont'd)**

ATTACHMENT No [1] - s5 Instrument of Delegation to the Chief Executive Officer

S5 Instrument of Delegation to The Chief Executive Officer



The power to

1. determine any issue
2. take any action; or
3. do any act or thing

arising out of or connected with any duty imposed or function or power conferred on Council by or under any Act.

Conditions and Limitations

Only during the declared State of Emergency arising from the global pandemic COVID-19 and in circumstances where a Council quorum cannot be formed

The delegate may determine the issue, take the action or do the act or thing

3. if the issue, action, act or thing is an issue, action, act or thing which involves
 - 3.1 awarding a contract or making an expenditure exceeding a value of \$150,000 for contracts in relation to goods and services and \$200,000 for contracts in relation to works: [for avoidance to doubt, the delegate is able to approve all variations and extensions to contracts where the value of such variation or extension does not exceed the threshold amount]
 - 3.2 appointing an Acting Chief Executive Office for a period exceeding 28 days
 - 3.3 election of a Mayor or Deputy Mayor
 - 3.4 granting a reasonable request for leave under section 35 of the Act
 - 3.5 making any decision in relation to the employment dismissal or removal of the Chief Executive Officer
 - 3.6 approval or amendment of the Council Plan
 - 3.7 adoption or amendment of any policy that Council is required to adopt under the Act
 - 3.8 adoption or amendment of the Governance Rules
 - 3.9 appointment to the chair or the members to a delegated committee
 - 3.10 making, amending or revoking a local law
 - 3.11 approval of the Budget or Revised Budget
 - 3.12 borrowing money
 - 3.13 subject to section 181H(1)(b) of the *Local Government Act 1989*, declaring general rates, municipal charges, service rates and charges and specified rates and charges; or
4. The delegate must report to the next available meeting of the Council on decisions made under the expanded delegation

FILE NO: F13/202
4. A WELL RUN COUNCIL

ITEM NO: 9.2.2

**EXPANDED CHIEF EXECUTIVE OFFICER'S DELEGATION DURING 2020
GENERAL ELECTION CARETAKER PERIOD (cont'd)**

ATTACHMENT No [1] - s5 Instrument of Delegation to the Chief Executive Officer

S5 Instrument of Delegation to The Chief Executive Officer



Only during the 2020 General Council Elections Caretaker Period

The delegate may determine the issue, take the action or do the act or thing

5. if the issue, action, act or thing is an issue, action, act or thing which involves
 - 5.1 approve any expenditure contained in a Council approved budget of up to \$1,000,000, (incl GST)
 - 5.2 apply any money, up to the value of \$1,000,000, (incl GST) to enable the Council to perform the functions and exercise the powers conferred on the Council by or under the *Local Government Act 2020* to any other Act

The delegate must not determine the issue, take the action or do the act or thing

6. if the issue, action, act or thing is an issue, action, act or thing which is required by law to be done by Council resolution;
7. if the issue, action, act or thing is an issue, action or thing which Council has previously designated as an issue, action, act or thing which must be the subject of a Resolution of Council;
8. if the determining of the issue, taking of the action or doing of the act or thing would or would be likely to involve a decision which is inconsistent with a
 - 8.1 policy; or
 - 8.2 strategy adopted by Council; or
9. if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful delegation, whether on account of section 11(2)(a)-(n) (inclusive) of the Act or otherwise; or
10. the determining of the issue, the taking of the action or the doing of the act or thing is already the subject of an exclusive delegation to another member of Council staff.

FILE NO: F19/494
4. A WELL RUN COUNCIL

ITEM NO: 9.2.3

2020/21 PUBLIC LIABILITY INSURANCE RENEWAL

RECOMMENDATION

That Council:

1. Accept the renewal proposal for MAV Insurance's Liability Mutual Insurance Scheme.
and
2. Authorise the Chief Executive Officer to sign the 2020/21 insurance renewal documents.

1. Executive Summary

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

The Municipal Association of Victoria (MAV) has provided public and products liability and professional indemnity insurance (PPL/PI insurance) to Victorian Councils since 1993 when commercial insurers withdrew from the market. While a large proportion of Councils purchase their PPL/PI insurance from MAVI, Councils are free to purchase their insurance from the open market if they wish.

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

2. Background and Options

Moira Shire Council's premium to participate in the LMI scheme for 2020-21 is \$333,557 (inclusive of stamp duty and GST). For the second consecutive year, this represents a 16% increase over the previous year's premium.

Premiums across the entire scheme have increased by an average of 17.5% this year due to a considerable hardening in the general insurance market and higher than expected claims payments over the past year, including the largest claim in the scheme's history.

The MAV's policy continues to provide cover against key risks to the sector, including any exposures to non-compliant cladding, COVID-19 losses, and sexual molestation without the introduction of policy sub-limits or deductibles.

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

FILE NO: F19/494
4. A WELL RUN COUNCIL

ITEM NO: 9.2.3

2020/21 PUBLIC LIABILITY INSURANCE RENEWAL (cont'd)

Table 1: LMI Premiums for past 3 years

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

Moira Shire Council has purchased PPL/PI insurance through the MAV for many years. Three unsuccessful public tenders conducted over the past 4 years have failed to locate any other insurer prepared to provide the same level of cover for a competitive price.

3. Financial Implications

MAVI has provided a renewal premium of \$333,557 inclusive of stamp duty and GST for the 2020/21 year which is an increase of 16% compared to last year.

The increase in premium has been allowed for in the 2020/21 draft budget.

4. Risk Management

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

5. Internal and External Consultation

External consultation has occurred through the public tender processes conducted over recent years. This year, Landell Consultants were engaged to conduct a public insurance tender on behalf of 5 Councils including Moira. Unfortunately, the tender was unsuccessful.

6. Council Plan Strategy

The subject matter of this report supports the Council Plan Strategy to provide sound risk management and governance.

7. Conflict of Interest Considerations

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

8. Conclusion

It is recommended that Council accept the offer of LMI insurance from the MAVI for 2020/21.

Attachments

- 1 MAVI - LMI renewal Invitation Letter - *Confidential*

FILE NO: D19/80950
4. A WELL RUN COUNCIL

ITEM NO: 9.2.4

REPLACEMENT OF MULTI FUNCTION DEVICES / PHOTOCOPIERS

RECOMMENDATION

That Council award the quotation to Thinkex Holdings Pty Ltd (trading as eFex) for a 5 year term for Canon equipment

1. Executive Summary

Moira Shire Council requested quotes for the replacement of 22 multifunction devices (photocopiers/printers/scanners).

The service will be provided utilizing Procurement Australia contract 2103/0839 that covers the lease and support of multifunction devices.

The devices were previously purchased under a 5 year lease agreement through Equigroup (CBA) and are supported via an agreement with eFex (formerly Cloud Copy Click). eFex provide the support under what is called a 'Click Charge' or price per copy / print.

Council's lease expires at the end of August. Council could extend the lease, but the equipment is starting to approach end of life. A new support contract would also need to be negotiated (which the vendor has already indicated will be at a less favorable rate).

Rather than leasing the devices and paying for support, a number of Councils go for an all-in contract with vendors that include the lease and support of the devices. This is a less complicated way of doing things and will actually result in an extra cost saving to Council.

Quotes were received from 4 vendors;

- Canon (Thinkex Holdings Pty Ltd - eFex),
- Konica Minolta (The trustee for Peat's Office Equipment Unit Trust - Peat's Office Equipment),
- Ricoh (Franco Enterprises Pty Ltd - MicrotechDPS) and
- Toshiba (Southern Cross Telephone Company Pty Ltd - Scoe)

The vendors are all registered dealers for the equipment.

After consideration of the submissions, including price and specification requirements, it is recommended that the quote is awarded to eFex for a 5 year term for Canon equipment based on their quoted Click Charge (the cheapest vendor).

The resulting cost to Council over 5 years will be \$243,720 (ex GST).

2. Background and Options

Four major vendors were asked to respond to the quotation each of which had dealers able to service the Moira Shire region.

The vendors were given the model numbers of our existing equipment so they could replace with similar capacity devices. They were also given the print volumes for each device (based on a 12 month average – pre COVID19).

FILE NO: D19/80950
4. A WELL RUN COUNCIL

ITEM NO: 9.2.4

REPLACEMENT OF MULTI FUNCTION DEVICES / PHOTOCOPIERS (cont'd)

Consideration was given to continuing the current model i.e. lease the equipment with CBA and pay someone for support.

Quote Evaluation

As all vendors were asked to quote on exactly the same type of equipment, the evaluation was based solely on price.

3. Financial Implications

The recommendation is within the approved budget. The resulting cost to Council over 5 years will be \$243,720 (ex GST).

Moving to this new contract will save Council \$3,140 per month - \$188,400 (ex) over the term of the contract from what we are currently paying.

4. Legislative / Policy Implications

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

5. Conflict of Interest Considerations

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

6. Conclusion

After consideration of the submissions, including price and specification requirements, it is recommended that the contract be awarded to eFex for a 5 year term using Canon equipment.

Attachments

- 1 MDF Evaluation - *Confidential*

FILE NO: C039/19
4. A WELL RUN COUNCIL

ITEM NO: 9.3.1

C039/19 - COLLECTION AND RECYCLING OF RECYCLABLES FROM TRANSFER STATIONS

RECOMMENDATION

That Council:

1. Award contract C039/19 – Collection and Recycling of Recyclables from Transfer Stations to:

Part A Green Waste and Timber Collection and Processing to J & A Uebergang Pty Ltd t/a J & K Tree Recycling.

Part B Rubber Tyre Collection, **Part C** Silage Collection and **Part F** Mattress Collection and Processing to JLW Services Pty Ltd.

Part D Concrete Collection and Processing and **Part E** Masonry Products Collection to Lawrence Brothers Quarries Pty Ltd.

2. Authorise the Chief Executive Officer to sign and seal the contract documents.

1. Executive Summary

Moira Shire Council invited tenders for the collection and recycling of recyclable material from Council's Transfer Stations and the Cobram Landfill.

After consideration of the submissions, including price and specification requirements, the evaluation panel recommends that the contract be awarded as follows:

Part A Green Waste and Timber Collection and Processing to J & A Uebergang Pty Ltd t/a J & K Tree Recycling.

Part B Rubber Tyre Collection, **Part C** Silage Collection and **Part F** Mattress Collection and Processing to JLW Services Pty Ltd.

Part D Concrete Collection and Processing and **Part E** Masonry Products Collection to Lawrence Brothers Quarries Pty Ltd.

There were no submissions for Part G Florescent tubes. Please refer to Appendix A for further information.

2. Background and Options

Tenderers were able to make submissions for each or any separable part. The separable parts were:

Part A	Green Waste and Timber
Part B	Rubber Tyre Collection
Part C	Silage Wrap
Part D	Concrete Products
Part E	Masonry Products
Part F	Mattress Processing and Collection
Part G	Florescent Tubes

FILE NO: C039/19
4. A WELL RUN COUNCIL

ITEM NO: 9.3.1

C039/19 - COLLECTION AND RECYCLING OF RECYCLABLES FROM TRANSFER STATIONS (cont'd)

The materials of Parts A, B, C and F are for collection at all the transfer stations and the municipal landfill.

Parts D and E materials are collected at Cobram, Yarrawonga and Numurkah transfer stations and the municipal landfill.

Contract C039/19 is a schedule of rates contract.

The contract is for an initial term of 1 year commencing 23 November 2020. Upon mutual agreement the contract may extend in single periods of 2 years to a maximum contract period of 5 years (1+2+2).

Date of Public Notice

Paper	Date
Shepparton News	12 May 2020
Cobram Courier	13 May 2020
Numurkah Leader	13 May 2020
Yarrawonga Chronicle	13 May 2020
TenderSearch	12 May 2020

Submissions closed 3 June 2020.

Receipt of Tenders

A total of 4 submissions were received. Refer to Appendix A for more information.

There was no submission received for Part G – Florescent Tubes collection.

Supervision

Superintendent – Manager Sustainability

Superintendent Representative – Coordinator Waste Management Services

Panel Membership

Staff in the following positions independently evaluated the submissions:

- Manager Sustainability
- Coordinator Waste Management Services
- Team Leader Waste Management Services

The Procurement Coordinator moderated the tender evaluation.

FILE NO: C039/19
4. A WELL RUN COUNCIL

ITEM NO: 9.3.1

**C039/19 - COLLECTION AND RECYCLING OF RECYCLABLES FROM
TRANSFER STATIONS (cont'd)**

Tender Evaluation

The following evaluation criteria and weightings were used:

Evaluation Criteria	Evaluation Weighting
Price	50%
Compliance with Specification	10%
Skills and Resources	10%
Track Record	10%
Management of Schedules	10%
Contribution to Local Economy	10%

Non-conforming tenders

No submission was considered to be non-conforming.

3. Financial Implications

The 2019/20 budget contains sufficient funds.

4. Risk Management

Tenderers addressed risk management issues as part of the tender, additional risks will be assessed prior to the commencement of the contract.

5. Internal and External Consultation

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

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

6. Regional Context

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

7. Council Plan Strategy

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

8. Legislative / Policy Implications

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

9. Environmental Impact

There were no environmental implications relating to the tender process. Environmental risks will be assessed prior to the commencement of the contract.

FILE NO: C039/19
4. A WELL RUN COUNCIL

ITEM NO: 9.3.1

**C039/19 - COLLECTION AND RECYCLING OF RECYCLABLES FROM
TRANSFER STATIONS (cont'd)**

10. Conflict of Interest Considerations

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

11. Conclusion

After consideration of the submissions, including price and specification requirements, the evaluation panel recommends that Parts A to F be awarded for Contract C039/19. Please refer to the motion and Appendix A for further information.

Attachments

- 1 C039 19 - Collection and Processing of Recyclables from Transfer Stations - APPENDIX A (Confidential) - *Confidential - printed in separate document*

FILE NO: C019/17
4. A WELL RUN COUNCIL

ITEM NO: 9.4.1

C019/17 - PROVISION OF PLANT AND LABOUR HIRE PANEL REFRESH

RECOMMENDATION

That Council:

1. Award the refresh of panel contract C019/17 – Provision of Plant and Labour Hire to:
 - Bencon Civil Construction Pty Ltd
 - Crawford Civil Pty Ltd
 - FRF Civil Contractors Pty Ltd
 - Katty East Engineering Pty Ltd
 - Lawrence Brothers Pty Ltd aft The Trustee for B Lawrence Business Trust
 - Northern Constructions Group (Aust) Pty Ltd
 - Northern Hire Group Pty Ltd
 - Pascoe Grading & Earthmoving Contractors Pty Ltd
 - P.J & M.P Megarrity Cartage Pty Ltd
 - Tuddtrans Pty Ltd
 - W & L Birch Earthmoving Pty Ltd
2. Authorise the Chief Executive Officer to sign and seal the contract documents.

1. Executive Summary

Moira Shire Council refreshed panel contract C019/17 for the provision of plant and labour hire with the option of wet and dry hire.

After consideration of the submissions, including price and specification requirements, the evaluation panel recommends that 11 tenderers be added to Contract C019/17. Please refer to Appendix A for further information.

2. Background and Options

In 2017, Moira Shire Council invited submissions for the creation of a panel of contractors for the provision of plant and labour hire.

At the 23 August 2017 meeting, Council resolved to appoint 26 contractors for an initial term of 2 years with the option to extend the contract in single periods of 2 years to a maximum contract period of 6 years (2+2+2).

Contractors on the current panel remain and were not required to re-submit a tender.

To align with the existing contract term, this refresh will expire on 30 September 2021. Upon mutual agreement with the panel members there will be provision to extend the Contract for a further two-year period.

FILE NO: C019/17
4. A WELL RUN COUNCIL

ITEM NO: 9.4.1

**C019/17 - PROVISION OF PLANT AND LABOUR HIRE PANEL REFRESH
(cont'd)**

Date of Public Notice

Paper	Date
The Border Mail	23 May 2020
Shepparton News	26 May 2020
Cobram Courier	27 May 2020
Numurkah Leader	27 May 2020
Yarrawonga Chronicle	27 May 2020
TenderSearch	23 May 2020

Submissions closed 17 June 2020.

Receipt of Tenders

A total of 21 submissions were received. Refer to Appendix A for more information.

Supervision

Superintendent - Manager Operations.

Superintendent Representative – Superintendent Works and Services

Panel Membership

Staff in the following positions independently evaluated the submissions:

- Superintendent Works and Services
- Team Leader Roads West
- Team Leader Tungamah

The Procurement Coordinator moderated the tender evaluation.

Tender Evaluation

The following evaluation criteria and weightings were used:

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

Non-conforming tenders

No tenderer was considered to be non-conforming.

3. Financial Implications

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

FILE NO: C019/17
4. A WELL RUN COUNCIL

ITEM NO: 9.4.1

**C019/17 - PROVISION OF PLANT AND LABOUR HIRE PANEL REFRESH
(cont'd)**

4. Risk Management

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

5. Internal and External Consultation

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

The Superintendent Works and Services, Manager Operations and General Manager Infrastructure approved the tender documentation.

6. Regional Context

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

7. Council Plan Strategy

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

8. Legislative / Policy Implications

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

9. Environmental Impact

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

10. Conflict of Interest Considerations

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

11. Conclusion

After consideration of the submissions, including price and specification requirements, the evaluation panel recommends that 11 tenderers be included on panel contract C019/17.

Attachments

- 1 C019/17 - Provision for Plant and Labour Hire Panel Refresh - *Confidential - printed in separate document*

FILE NO: F13/2478
4. A WELL RUN COUNCIL

ITEM NO: 9.4.2

**POLICY REVIEWS - SWIMMING POOLS & SPA SAFETY BARRIERS POLICY,
INTERVENTION WHERE PRIVATE BUILDING SURVEYOR IS RESPONSIBLE
POLICY & WAIVER OR REFUND OF BUILDING PERMIT FEES POLICY**

RECOMMENDATION

That Council adopt the reviewed policies.

1. Executive Summary

This report seeks Council adoption of the following reviewed policies:

- Swimming Pools & Spa Safety Barriers Policy
- Intervention where Private Building Surveyor is Responsible Policy
- Waiver or Refund of Building Permit Fees and Charges Policy

The current Swimming Pools and Spa Safety Barriers Policy was scheduled for review in February 2020 and the Intervention where Private Building Surveyor is Responsible Policy in March 2020. Each policy has been reviewed and are still required.

The current Waiver or Refund of Building Permit Fees and Charges Policy is scheduled for review in October 2021. This policy has been reviewed and changes have been made to the sliding scale for refunds.

2. Background and Options

Swimming Pools and Spa Safety Barriers Policy

Councils current Swimming Pools and Spa Safety Barriers Policy was adopted on 22 February 2017. The purpose of this policy to minimise the risk of drowning or near drowning of young children in swimming pools or spas that do not comply with the relevant Building Regulation and to outline the approach Council will take to achieve compliance of swimming pools and spas with safety barrier requirements.

Following a major review of swimming pool and spa barrier compliance across the State, the State Government amended the Building Regulations 2018, to ensure the maintenance of these barriers was enshrined in legislation and set out the process required by both Council and owners into the future including –

- Establishment of a Register of all pools and spas that is to be maintained by Council
- A regulated inspection regime and submission of the appropriate results (Forms) on a recurring basis
- Amended enforcement action for non-compliances subject to the severity of non-compliance

Intervention where Private Building Surveyor is Responsible Policy

The current Intervention where Private Building Surveyor is Responsible Policy was adopted by Council on 22 March 2017. The policy provides direction on how and when Council and its Municipal Building Surveyor will administer and enforce the *Building Act 1993* relation to complaints where a private building surveyor has been appointed and is responsible to carry out functions under the Act.

The policy has been reviewed and there have been no changes to how Council deals with these complaints.

FILE NO: F13/2478
4. A WELL RUN COUNCIL

ITEM NO: 9.4.2

**POLICY REVIEWS - SWIMMING POOLS & SPA SAFETY BARRIERS POLICY,
INTERVENTION WHERE PRIVATE BUILDING SURVEYOR IS RESPONSIBLE
POLICY & WAIVER OR REFUND OF BUILDING PERMIT FEES POLICY
(cont'd)**

Waiver or Refund of Building Permit Fees and Charges Policy

The current Waiver or Refund of Building Permit Fees and Charges Policy was adopted by Council on 25 October 2017. The purpose of this policy is to establish when Council will waiver or refund building permit fees.

The main change from the current policy is the sliding scale for refunds of building fees when an application is withdrawn.

The checking of building permit applications has, over the past number of years, seen added layers of complexity by the amendments to the National Construction Code, Building Code of Australia, vols. 1 & 2. Major amendments to the Building Act 1993, the implementation of the Building Regulations 2018 and more recent amendments to many of the adopted Australian Standards. Standards such as – “Emergency lighting”, “Fire detection, warning, control and intercom systems”, “Pliable sarking membranes”, “Construction of buildings in bushfire-prone areas” and the soon to be adopted new standard applicable to swimming pool/spa barriers.

This all takes time and in the past Council has not been receiving full cost recovery for work undertaken on these applications when they have been either cancelled or withdrawn. The idea that other ratepayers having to pay for this shortfall of the costs incurred is unreasonable.

3. Financial Implications

Additional staffing requirements to ensure for swimming pool/spa compliance
Minor decrease for building permit applications with drawn or cancelled

4. Risk Management

Review of all processes associated with building control is best practice and necessary to ensure compliance with all legislated provisions placed on Council and the Municipal Building Surveyor. The review of these policies is a part of that process

5. Internal and External Consultation

Submission submitted to Engage Victoria, in relation to the proposed Swimming pool/spa Barrier Regulations and the associated Regulation Impact Statement

6. Council Plan Strategy

Strategy 1 - A great place to live

7. Legislative / Policy Implications

Council and the Municipal Building Surveyor, achieve compliance with relevant legislative controls

8. Conflict of Interest Considerations

Author of report has no conflict of interest

9. Conclusion

The changes to the policies are either minor in nature or have been amended to ensure compliance with recent changes in legislative controls and the recommendation is that Council adopt the policies.

FILE NO: F13/2478
4. A WELL RUN COUNCIL

ITEM NO: 9.4.2

**POLICY REVIEWS - SWIMMING POOLS & SPA SAFETY BARRIERS POLICY,
INTERVENTION WHERE PRIVATE BUILDING SURVEYOR IS RESPONSIBLE
POLICY & WAIVER OR REFUND OF BUILDING PERMIT FEES POLICY
(cont'd)**

Attachments

- 1 Policy Swimming Pool and Spa safety Barriers
- 2 Policy Swimming pool and Spa Safety Barriers PDF changes
- 3 Policy Intervention where a Private Building Surveyor is Responsible
- 4 Policy Intervention where a Private Building Surveyor is Responsible PDF changes
- 5 Policy Waiver or Refund of Building Permit Fees
- 6 Policy Waiver or Refund of Building Permit Fees PDF changes

FILE NO: F13/2478
4. A WELL RUN COUNCIL

ITEM NO: 9.4.2

**POLICY REVIEWS - SWIMMING POOLS & SPA SAFETY BARRIERS POLICY,
INTERVENTION WHERE PRIVATE BUILDING SURVEYOR IS RESPONSIBLE
POLICY & WAIVER OR REFUND OF BUILDING PERMIT FEES POLICY**
(cont'd)

ATTACHMENT No [1] - Policy Swimming Pool and Spa safety Barriers

**Swimming Pool and Spa Safety
Barriers Policy**



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

PURPOSE

- To minimise the risk of drowning or near drowning of young children in swimming pools or spas that do not comply with the relevant Building Regulations.
- To outline the approach Council and the Municipal Building Surveyor (the "MBS") will take to achieve compliance of swimming pools and spas with safety barrier requirements.

SCOPE

This policy applies to all domestic swimming pools and spas within the municipal district of Moira Shire Council.

DEFINITIONS

Domestic – includes all pools/spas that are appurtenant to a Class 1, 2, 3, & 10 building or a Class 4 part of a building as defined by the National Construction Code.

POLICY

Council will take the following approach:

1. Education

Council will make available to the community sufficient information to understand the legal requirements, owners responsibilities and reasons for those requirements through the following:

- a) Distribution of information brochures through Council's service centres and agencies.
- b) This policy will be posted on Council's website.
- c) At least one article on swimming pool safety will be prepared for media release each year.
- d) Enforcement action will be publicised to create greater public awareness of the consequences of non-compliance.

2. Proactive

Inspect swimming pool and spa safety barriers each time a council building officer is on site for other inspections to ascertain level of compliance.

3. Reactive

In accordance with legislative requirements, the MBS, upon becoming aware of any domestic swimming pool or spa within the municipality that may not have complainant barriers, will take action to bring about compliance through the following:

- a) That building officer must provide details of the non-compliance including photographs to the MBS

FILE NO: F13/2478
4. A WELL RUN COUNCIL

ITEM NO: 9.4.2

**POLICY REVIEWS - SWIMMING POOLS & SPA SAFETY BARRIERS POLICY,
INTERVENTION WHERE PRIVATE BUILDING SURVEYOR IS RESPONSIBLE
POLICY & WAIVER OR REFUND OF BUILDING PERMIT FEES POLICY
(cont'd)**

ATTACHMENT No [1] - Policy Swimming Pool and Spa safety Barriers

**Swimming Pool and Spa Safety
Barriers Policy**



- b) A Building Notice and/or Order as determined appropriate in the circumstances by the MBS, will be issued to the property owner pursuant to the enforcement provisions as set out in Part 8 of the Act.
- c) At the expiration of time stated in the appropriate Building Notice and/or Order, a follow-up site visit will be carried out by an authorised officer to check for compliance or otherwise of the swimming pool and/or spa safety barriers.
- d) Should the requirements of the Building Notice and/or Order be satisfied, no further enforcement action will be taken and the owner and/or occupier will be advised in writing as soon as possible.
- e) Should the requirements of the Building Notice and/or Order not be satisfied, the matter is to be referred to the MBS.
- f) If the MBS is satisfied that the Building Notice and/or Order has not been complied with, prosecution action will commence.

RELATED LEGISLATION

Building Act 1993

Building Regulations 2018 or any preceding/subsequent legislation

Local Government Act 2020

Charter of Human Rights & Responsibilities Act 2006

REFERENCES

Policy Development Guidelines

Moirá Shire Council
ABN: 20 538 141 700
Post: PO Box 578, Cobram, Vic 3643
DX: 37801, Cobram

Cobram Administration Centre:
44 Station Street, Cobram
Yarrowonga Service Centre:
100 Belmore Street, Yarrowonga

Phone: 03 5871 9222
Fax: 03 5872 1567
NRS: 133 677

Email: info@moira.vic.gov.au
moira.vic.gov.au



FILE NO: F13/2478
4. A WELL RUN COUNCIL

ITEM NO: 9.4.2

POLICY REVIEWS - SWIMMING POOLS & SPA SAFETY BARRIERS POLICY, INTERVENTION WHERE PRIVATE BUILDING SURVEYOR IS RESPONSIBLE POLICY & WAIVER OR REFUND OF BUILDING PERMIT FEES POLICY
(cont'd)

ATTACHMENT No [2] - Policy Swimming pool and Spa Safety Barriers PDF changes

Swimming Pool and Spa Safety Barriers Policy



Policy type	Council
Adopted by	Moirā Shire Council
Responsible GM	General Manager Infrastructure
Responsible officer	Municipal Building Surveyor
Date adopted	22 February 2017 Insert council date
Scheduled for review	22 February 2020 Insert council date

PURPOSE

- To minimise the risk of drowning or near drowning of young children in swimming pools or spas that do not comply with the relevant Building Regulations.
- To outline the approach Council and the Municipal Building Surveyor will take to achieve compliance of swimming pools and spas with safety barrier requirements.

SCOPE

This policy applies to all domestic swimming pools and spas within the municipal district of Moirā Shire Council. **Domestic - includes all pools/spas that are appurtenant to a Class 1, 2, 3 or 10 building or a Class 4 part of a building as defined by the National Construction Code**

POLICY

Council will take the following approach:

1. Education

Council will make available to the community sufficient information for persons to understand the legal requirements, owners responsibilities and reasons for those requirements through the following:

- 1.1. Distribution of information brochures through Council's service centres and agencies.
- 1.2. This policy will be posted on Council's website.
- 1.3. At least one article on swimming pool safety will be prepared for media release each year.
- 1.4. Enforcement action will be publicised to create greater public awareness of the consequences of non-compliance.

2. Proactive

- 2.1. ~~Maintain a database identifying where swimming pools and spas are located within the municipality.~~

Establish and maintain a Swimming Pool (Spa) Register in accordance with the Building Act sec. 216D and the Building Regulations

Moirā Shire Council
ABN: 20 538 141 700
Post: PO Box 578, Cobram, Vic 3643
DX: 37801, Cobram

Cobram Administration Centre:
44 Station Street, Cobram
Yarrowonga Service Centre:
100 Belmore Street, Yarrowonga

Phone: 03 5871 9222
Fax: 03 5872 1567
NRS: 133 677

Email: info@moira.vic.gov.au
moira.vic.gov.au

FILE NO: F13/2478
4. A WELL RUN COUNCIL

ITEM NO: 9.4.2

**POLICY REVIEWS - SWIMMING POOLS & SPA SAFETY BARRIERS POLICY,
INTERVENTION WHERE PRIVATE BUILDING SURVEYOR IS RESPONSIBLE
POLICY & WAIVER OR REFUND OF BUILDING PERMIT FEES POLICY**
(cont'd)

**ATTACHMENT No [2] - Policy Swimming pool and Spa Safety Barriers PDF
changes**

Swimming Pool and Spa Safety Barriers Policy



- 2.2. Inspect swimming pool and spa safety barriers each time a council building department officer is on site for other inspections. **to ascertain compliance**
- 2.3. ~~Publicise, at least annually, that Council is undertaking an inspection program.~~

3. Reactive

In accordance with legislative requirements, the Municipal Building Surveyor, upon becoming aware of any domestic swimming pool or spa within the municipality that may not have the required barriers, will take action to bring about compliance through the following.

- 3.1. ~~A letter will be sent to the property owner and/or occupier advising of a concern that their swimming pool and/or spa safety barriers may not comply with the Regulations.~~
- 3.2. ~~The letter will nominate a date and time that a Council authorised officer will visit the property to investigate the concern.~~
- 3.3. ~~The letter will also state that pursuant to section 230 of the Act at least 24 hours' notice is to be given before the authorised officer will visit the property.~~
- 3.4. ~~The letter will include a copy of section 230 of the Act for the information of the owner and/or occupier.~~
- 3.5. ~~The authorised officer will produce their identity card to the owner and/or occupier for inspection prior to entering the premises.~~
- 3.6. ~~The authorised officer will inform the occupier of the residence or land of the purpose of the inspection to be carried out at the residence or land.~~
- 3.7. Should it be found that the swimming pool and/or spa safety barriers do not comply with the requirements of the Regulations, details of non-compliance will be taken including photographs etc.
- 3.8. ~~Should it be found that the swimming pool and/or spa safety barriers do comply with the requirements of the Regulations, no further enforcement action is to be taken and the owner and/or occupier is to be advised accordingly in writing as soon as possible.~~
- 3.9. Should the swimming pool and/or spa safety barriers be found not to comply with the requirements of the Regulations, the appropriate building notice and/or order as determined appropriate in the circumstances by the Municipal Building Surveyor will be issued to the property owner pursuant to the enforcement provisions as set out in Part 8 of the Act.

Moirá Shire Council
ABN: 20 538 141 700
Post: PO Box 578, Cobram, Vic 3643
DX: 37801, Cobram

Cobram Administration Centre:
44 Station Street, Cobram
Yarrowonga Service Centre:
100 Belmore Street, Yarrowonga

Phone: 03 5871 9222
Fax: 03 5872 1567
NRS: 133 677

Email: info@moira.vic.gov.au
moira.vic.gov.au



FILE NO: F13/2478
4. A WELL RUN COUNCIL

ITEM NO: 9.4.2

**POLICY REVIEWS - SWIMMING POOLS & SPA SAFETY BARRIERS POLICY,
INTERVENTION WHERE PRIVATE BUILDING SURVEYOR IS RESPONSIBLE
POLICY & WAIVER OR REFUND OF BUILDING PERMIT FEES POLICY
(cont'd)**

**ATTACHMENT No [2] - Policy Swimming pool and Spa Safety Barriers PDF
changes**

Swimming Pool and Spa Safety Barriers Policy



- 3.10 At the expiration of time stated in the appropriate building notice and/or order, a follow-up site visit will be carried out by an authorised officer to check for compliance or otherwise of the swimming pool and/or spa safety barriers.
- 3.11 Should the requirements of the building notice and/or order be satisfied, no further enforcement action will be taken and the owner and/or occupier will be advised in writing as soon as possible.
- 3.12 Should the requirements of the building notice and/or order not be satisfied, the matter is to be referred to the Municipal Building Surveyor.
- 3.13 If the MBS is satisfied that the building notice and/or order has not been complied with, prosecution action will commence.

RELATED LEGISLATION

Building Act 1993 (section 212)

Building Regulations 2006 (~~Part 7, Division 1~~ **Part 12—Inspections, notices and orders, and register of powers of entry - Divisions 2 & 3**)

REFERENCES

Policy Development Guidelines

REVIEW

This policy will be reviewed three years from the date of adoption, with operational amendments as required, in accordance with Council's approval.



FILE NO: F13/2478
4. A WELL RUN COUNCIL

ITEM NO: 9.4.2

POLICY REVIEWS - SWIMMING POOLS & SPA SAFETY BARRIERS POLICY, INTERVENTION WHERE PRIVATE BUILDING SURVEYOR IS RESPONSIBLE POLICY & WAIVER OR REFUND OF BUILDING PERMIT FEES POLICY
(cont'd)

ATTACHMENT No [3] - Policy Intervention where a Private Building Surveyor is Responsible

Intervention where a Private Building Surveyor is responsible



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

PURPOSE

- To provide direction on how and when Council and its Municipal Building Surveyor will administer and enforce the Building Act 1993 ("the Act") in relation to complaints where a private building surveyor has been appointed and is responsible to carry out functions under the Act; and
- Specify when matters will be referred to the Victorian Building Authority for their administration and enforcement of the Act.

SCOPE

This policy applies to complaints against private building surveyors appointed to carry out functions under the Act within the municipal district of Moira Shire Council.

POLICY

- a) Council recognises the potential for a high demand on the Municipal Building Surveyor and building department resources in dealing with every complaint that could be raised, regardless of content, against a private building surveyor.
- b) A limited intervention approach which addresses risk management will be taken to deal with complaints in a methodical and consistent manner.
- c) When a complaint is received the Municipal Building Surveyor will use the Building Control Intervention Filter Criteria ('the filter criteria'), developed by the Victorian Municipal Building Surveyors Group, to determine when to intervene using the powers under the Act. The filter uses a risk assessment matrix to classify the method of response based on the level of risk to life and property
- d) The filter criteria provides for a range of actions - from immediate action by the Municipal Building Surveyor to referring the complainant to the relevant building surveyor (for him or her to attend to the matter) in the case of low risks.
- e) Serious misconduct by any building practitioner will be referred to the Victorian Building Authority for supervision, direction and/or discipline.

RELATED LEGISLATION

Building Act 1993
Building Regulations 2018 or any preceding/subsequent legislation
Local Government Act 2020
Charter of Human Rights & Responsibilities Act 2006
National Construction Code, Building Code of Australia Vol. 1 & 2

REFERENCES

Policy Development Guidelines
Victorian Municipal Building Surveyors Group and Hoey's Lawyers (2015),
Municipal Building Control Intervention Filter Criteria Guideline

Moirá Shire Council
ABN: 20 538 141 700
Post: PO Box 578, Cobram, Vic 3643
DX: 37801, Cobram

Cobram Administration Centre:
44 Station Street, Cobram
Yarrowonga Service Centre:
100 Belmore Street, Yarrowonga

Phone: 03 5871 9222
Fax: 03 5872 1567
NRS: 133 677

Email: info@moira.vic.gov.au
moira.vic.gov.au

FILE NO: F13/2478
4. A WELL RUN COUNCIL

ITEM NO: 9.4.2

**POLICY REVIEWS - SWIMMING POOLS & SPA SAFETY BARRIERS POLICY,
INTERVENTION WHERE PRIVATE BUILDING SURVEYOR IS RESPONSIBLE
POLICY & WAIVER OR REFUND OF BUILDING PERMIT FEES POLICY**
(cont'd)

ATTACHMENT No [4] - Policy Intervention where a Private Building Surveyor is Responsible PDF changes

**Intervention where a Private Building
Surveyor is responsible**



Policy type	Council
Adopted by	Moira Shire Council
Responsible General Manager	General Manage Infrastructure
Responsible officer	Municipal Building Surveyor
Date adopted	22 March 2017 Insert Council
Scheduled for review	22 March 2020 Insert Council

PURPOSE

- To provide direction on how and when Council and its Municipal Building Surveyor will administer and enforce the Building Act 1993 ("the Act") in relation to complaints where a private building surveyor has been appointed and is responsible to carry out functions under the Act; and
- Specify when matters will be referred to the Victorian Building Authority for their administration and enforcement of the Act.

OBJECTIVE

- Consistency and transparency of Council's approach in the administration and enforcement of the Building Act.
- Deterrence of wayward practitioners by threat of referral to the Victorian Building Authority for disciplinary or directive actions.

SCOPE

This policy applies to complaints against private building surveyors appointed to carry out functions under the Act within the municipal district of Moira Shire Council.

POLICY

1. Council recognises the potential for a high demand on the Municipal Building Surveyor and building department resources in dealing with every complaint that could be raised, regardless of content, against a private building surveyor.
2. A limited intervention approach which addresses risk management will be taken to deal with complaints in a methodical and consistent manner.
3. When a complaint is received the Municipal Building Surveyor will use the Building Control Intervention Filter Criteria ('the filter criteria'), developed by the Victorian Municipal Building Surveyors Group, to determine when to intervene using the powers under the Act. The filter uses a risk assessment matrix to classify the method of response based on the level of risk to life and property.

Moira Shire Council
ABN: 20 538 141 700
Post: PO Box 578, Cobram, Vic 3643
DX: 37801, Cobram

Cobram Administration Centre:
44 Station Street, Cobram
Yarrowonga Service Centre:
100 Belmore Street, Yarrowonga

Phone: 03 5871 9222
Fax: 03 5872 1567
NRS: 133 677

Email: info@moira.vic.gov.au
moira.vic.gov.au



FILE NO: F13/2478
4. A WELL RUN COUNCIL

ITEM NO: 9.4.2

**POLICY REVIEWS - SWIMMING POOLS & SPA SAFETY BARRIERS POLICY,
INTERVENTION WHERE PRIVATE BUILDING SURVEYOR IS RESPONSIBLE
POLICY & WAIVER OR REFUND OF BUILDING PERMIT FEES POLICY
(cont'd)**

**ATTACHMENT No [4] - Policy Intervention where a Private Building Surveyor is
Responsible PDF changes**

**Intervention where a Private Building
Surveyor is responsible**



4. The filter criteria provides for a range of actions - from immediate action by the Municipal Building Surveyor to referring the complainant to the relevant building surveyor (for him or her to attend to the matter) in the case of low risks.
5. Serious misconduct by any building practitioner will be referred to the Victorian Building Authority for supervision, direction and/or discipline.

RELATED POLICIES

Development of Policy Documents, and Policy Guideline

RELATED LEGISLATION

*Building Act 1993
Building Regulations ~~2006~~*

REFERENCES

*National Construction Code, Australian Building Codes Board
Victorian Municipal Building Surveyors Group and Hoeys Lawyers (2015),
Municipal Building Control Intervention Filter Criteria Guideline*

REVIEW

This policy will be reviewed three years from the date of adoption, with operational amendments as required, in accordance with Council's approval.

Moirá Shire Council
ABN: 20 538 141 700
Post: PO Box 578, Cobram, Vic 3643
DX: 37801, Cobram

Cobram Administration Centre:
44 Station Street, Cobram
Yarrowonga Service Centre:
100 Belmore Street, Yarrowonga

Phone: 03 5871 9222
Fax: 03 5872 1567
NRS: 133 677

Email: info@moira.vic.gov.au
moira.vic.gov.au

FILE NO: F13/2478
4. A WELL RUN COUNCIL

ITEM NO: 9.4.2

**POLICY REVIEWS - SWIMMING POOLS & SPA SAFETY BARRIERS POLICY,
INTERVENTION WHERE PRIVATE BUILDING SURVEYOR IS RESPONSIBLE
POLICY & WAIVER OR REFUND OF BUILDING PERMIT FEES POLICY
(cont'd)**

ATTACHMENT No [5] - Policy Waiver or Refund of Building Permit Fees

**Waiver or Refund of Building Permit
Fees Policy**



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

PURPOSE

To establish when Council will waive or refund building permit fees.

SCOPE

This policy applies to building permit fees, paid or payable, to Moira Shire Council, excluding any government levies and lodgement fees.

DEFINITIONS

Community based organisation means a body whether incorporated or not that:

- a) Is not established primarily for the purpose of profit or gain; and
- b) Does not distribute any profit or gain in the conduct of its activities to members; and
- c) Operates in the Moira community wholly for either:
 - i) A philanthropic or benevolent purpose (eg. a school council); or
 - ii) Any sporting or recreational purpose (eg. a football or netball club)

POLICY

Council may waive or refund building application fees, including any GST, in the following circumstances:

1. Application

Fees may only be waived following a written request forwarded to the Municipal Building Surveyor

2. Refund

When an application is withdrawn, building fees and any GST applicable may be refunded on the following sliding scale:

- a) 80% refund where an application has been registered and no further work undertaken.
- b) 50% refund where an application has been registered and partially processed; or
- c) 40% where a building permit has been issued but no inspections have taken place.
- d) A refund will not apply if the building permit has lapsed

3. Waiver

- a) Council building permit fees may be waived for not-for-profit community based organisations, on occasions when the use or development proposed is minor and would not cause material detriment to any person. Applicants will still be required to pay statutory costs, such as government levies and lodgement fees.

FILE NO: F13/2478
4. A WELL RUN COUNCIL

ITEM NO: 9.4.2

**POLICY REVIEWS - SWIMMING POOLS & SPA SAFETY BARRIERS POLICY,
INTERVENTION WHERE PRIVATE BUILDING SURVEYOR IS RESPONSIBLE
POLICY & WAIVER OR REFUND OF BUILDING PERMIT FEES POLICY
(cont'd)**

ATTACHMENT No [5] - Policy Waiver or Refund of Building Permit Fees

**Waiver or Refund of Building Permit
Fees Policy**



- b) In the event of a natural disaster the Municipal Building Surveyor may, following consultation with the Chief Executive Officer, waive all or part of the fees payable in respect of the demolition, reinstatement or replacement of any building destroyed provided that:
- i) it can be demonstrated that the building existed legally prior to the event,
 - ii) and that it is to be restored or replaced to that which previously existed;
 - iii) That the owner has no insurance that provides for permit fees

RELATED LEGISLATION

Building Act 1993

Building Regulations 2018 or any preceding/subsequent legislation

Local Government Act 2020

Charter of Human Rights & Responsibilities Act 2006

REFERENCES

Policy Development Guidelines

Moirá Shire Council
ABN: 20 538 141 700
Post: PO Box 578, Cobram, Vic 3643
DX: 37801, Cobram

Cobram Administration Centre:
44 Station Street, Cobram
Yarrowonga Service Centre:
100 Belmore Street, Yarrowonga

Phone: 03 5871 9222
Fax: 03 5872 1567
NRS: 133 677

Email: info@moira.vic.gov.au
moira.vic.gov.au



FILE NO: F13/2478
4. A WELL RUN COUNCIL

ITEM NO: 9.4.2

POLICY REVIEWS - SWIMMING POOLS & SPA SAFETY BARRIERS POLICY, INTERVENTION WHERE PRIVATE BUILDING SURVEYOR IS RESPONSIBLE POLICY & WAIVER OR REFUND OF BUILDING PERMIT FEES POLICY
(cont'd)

ATTACHMENT No [6] - PolicyWaiver or Refund of Building Permit Fees PDF changes



Waiver or Refund of Building Permit Fees

Policy type	Council
Adopted by	Moirá Shire Council
Responsible director	Infrastructure
Responsible officer	Manager Planning and Regulatory Services
Date adopted	25 October 2017
Scheduled for review	25 October 2021

PURPOSE

To establish when Council will waive or refund building permit fees.

SCOPE

This policy applies to building permit fees, paid or payable, to Moirá Shire Council, excluding any government levies and lodgement fees.

DEFINITION

Community based organisation means a body whether incorporated or not that:
Is not established primarily for the purpose of profit or gain; and
Does not distribute any profit or gain in the conduct of its activities to members; and
Operates in the Moirá community wholly for either:

- A philanthropic or benevolent purpose (eg. a school council); or
- Any sporting or recreational purpose (eg. a football or netball club)

POLICY

Council may waive or refund building application fees, including any GST, in the following circumstances:

1. Refund

When an application is withdrawn, building fees and any GST applicable may be refunded on the following sliding scale:

80% ~~00%~~ refund where an application has been registered and no further work undertaken.

40% ~~50%~~ refund where an application has been registered and partially processed;
or
where a building permit has been issued but no inspection has taken place.

40% where a building permit has been issued but no inspections have taken place.

A refund will not apply if the building permit has lapsed

Moirá Shire Council
ABN: 20 538 141 700
Post: PO Box 578, Cobram, Vic 3643
DX: 37801, Cobram

Cobram Administration Centre:
44 Station Street, Cobram
Yarrowonga Service Centre:
100 Belmore Street, Yarrowonga

Phone: 03 5871 9222
Fax: 03 5872 1567
NRS: 133 677

Email: info@moira.vic.gov.au
moira.vic.gov.au



FILE NO: F13/2478
4. A WELL RUN COUNCIL

ITEM NO: 9.4.2

**POLICY REVIEWS - SWIMMING POOLS & SPA SAFETY BARRIERS POLICY,
INTERVENTION WHERE PRIVATE BUILDING SURVEYOR IS RESPONSIBLE
POLICY & WAIVER OR REFUND OF BUILDING PERMIT FEES POLICY
(cont'd)**

**ATTACHMENT No [6] - Policy Waiver or Refund of Building Permit Fees PDF
changes**

Waiver or Refund of Building Permit Fees



2. Waiver

Council building permit fees may be waived for not-for-profit community based organisations, on occasions when the use or development proposed is minor and would not cause material detriment to any person. Applicants will still be required to pay statutory costs, such as government levies and lodgement fees.

In the event of a natural disaster the Municipal Building Surveyor may, following consultation with the Chief Executive Officer, waive all or part of the fees payable in respect of the demolition, reinstatement or replacement of any building destroyed provided that it can be demonstrated that the building existed legally prior to the event and that it is to be restored or replaced to that which previously existed.

~~A waiver or refund will not apply if the building permit has lapsed.~~

APPLICATION OF POLICY

Fees may only be waived following a written request forwarded to the Municipal Building Surveyor

RELATED POLICIES

Development of Policy Documents, and Policy Guideline

RELATED LEGISLATION

*Building Act 1993
Building Interim Regulations 2017*

Maira Shire Council
ABN: 20 538 141 700
Post: PO Box 578, Cobram, Vic 3643
DX: 37801, Cobram

Cobram Administration Centre:
44 Station Street, Cobram
Yarrowonga Service Centre:
100 Belmore Street, Yarrowonga

Phone: 03 5871 9222
Fax: 03 5872 1567
NRS: 133 677

Email: info@maira.vic.gov.au
maira.vic.gov.au



FILE NO: F13/118 1. A GREAT PLACE TO LIVE
--

ITEM NO: 10.1

BUNDALONG BRIDGE - ACTION OFFICERS REPORT**Bundalong Bridge**

Council Officers have had a site meeting with representatives of the Bundalong Action Group (BAG) and GMW regarding the proposed bridge to Jacksons Island.

The location of the proposed bridge is in a rural flood overlay and is culturally and environmentally sensitive. These factors add complexity to the project and require the necessary statutory permits.

Construction funding of the bridge by GMW has not been confirmed.

RECOMMENDATION:

That the report be noted.

Attachments

Nil

FILE NO: F18/504
4. A WELL RUN COUNCIL

ITEM NO: 11.1

SPEED LIMITS ON MURRAY VALLEY HIGHWAY EAST OF YARRAWONGA

TAKE NOTICE that at the Council Meeting to be held on 22 July 2020, it is my intention to move the following motion:

That VicRoads be contacted and asked to review the speed limits on the Murray Valley Highway east of Yarrawonga from Woods Rd to Hogans Road.

Cr Peter Mansfield

Date: 22 July 2020

FILE NO: D20/41039
1. A GREAT PLACE TO LIVE

ITEM NO: 12.1

**JOINT LETTER – FUNDING SUPPORT FOR THE BAROOGA SPORTIES
HEALTH AND FITNESS CENTRE**

RECOMMENDATION

That Council write and thank the first signatory of the joint letter and advise of Council's resolution.

1. Executive Summary

A joint letter requesting Moira Shire Council join with the Berrigan Shire Council and contribute to funding to keep the Barooga Sporties Health and Fitness facility open, was tabled at the 24 June 2020 Council Meeting.

At the same meeting Council resolved to:

That Council allocate up to \$100,000 over two financial years (\$50,000 p.a.) to subsidise the provision of indoor heated pool facilities at the Barooga Sporties on the basis of an equivalent contribution from Berrigan Shire and that the CEO condition the funding allocation to ensure it meets Council's intent of helping local residents re-establish an active lifestyle in a COVID19 recovery phase.

Attachments

Nil

FILE NO: 3
2. A THRIVING LOCAL ECONOMY

ITEM NO: 12.2

MAKE NUMURKAH RV FRIENDLY - RESPONSE TO PETITION

RECOMMENDATION

That Council:

- notes the petition to reinstate Numurkah as an RV Friendly Town and thank the organiser of the petition for their efforts in this regard; and
- Staff and stakeholders review the RV strategy as it relates to Numurkah and report back to Council on any recommended changes to the strategy.

Petition

Council has received a petition requesting that the Moira Shire to do all things necessary to enable Numurkah to qualify for CMCA RV Friendly Town status. By having RV Friendly status Numurkah could reap an economic benefit from the significant number of self-contained RV's currently travelling past.

The petition argues that:

- Numurkah business have been suffering since the Covid-19 lockdown started, many are struggling to survive;
- Reinstating Numurkah as an RV Friendly town would capitalise on the opportunity presented by very limited overseas travel, so travelling in their RV's will be the only holiday option for many grey nomads, retirees, holidaymakers and families. *(The petition states that there over 700,000 (RV's) registered caravans, camper trailers and motor homes currently registered in Australia);*
- RV travellers do more than just stay overnight, they enjoy time in Numurkah, stopping for a coffee, browsing in the shops or going for a walk along the creek; and
- Reinstating Numurkah's RV friendly status would not take business away from other accommodation venues. It would bring more tourists to the town, enabling businesses to work together to realise Numurkah's tourism potential.

The organiser of the petition states that:

- the petition signatures were collected in just a few days
- 90% of CBD businesses have already signed the petition, but some business owners away and very few of the community have had the opportunity to sign
- more petition pages will be sent prior to the next council meeting in July.

Background

In 2015/16 Council prepared a Draft Recreational Vehicle (RV) Friendly Strategy. Broad community consultation informed the preparation of the draft RV strategy.

The draft RV strategy included provision for trialling for one year, the provision of low cost overnight parking in the showgrounds of each of the Shires major towns (i.e. Yarrawonga, Cobram, Numurkah and Nathalia).

FILE NO: 3 2. A THRIVING LOCAL ECONOMY

ITEM NO: 12.2

MAKE NUMURKAH RV FRIENDLY - RESPONSE TO PETITION (cont'd)

The 2016 Draft RV Strategy noted that the provision of low cost overnight parking is somewhat controversial and it would require Council to comply with a number of regulatory requirements and service standards. Other issues were also relevant in terms of managing a low cost overnight parking site for example Council would be required to find a respectful and legal solution for how to address the issue of non-RVers using the sites once they are established, such as itinerant workers and homeless people that are not travelling in self-contained vehicles.

At its meeting on 26 April 2016, Council considered the draft Recreational Vehicle (RV) Friendly Strategy. In response to advocacy from some S86 Committees Council resolved to adopt a revised version of the RV strategy. The revision was to exclude showgrounds from the trial of overnight parking.

Response

Since the adoption of the RV strategy Councils policy position has not changed. RV destinations have developed to varying degrees in some smaller towns and Tungamah perhaps stands out as the best example of how RV travellers can bolster a small town's economy. It's proximity to town and the amenity of the location have been pivotal in that success but it's also been important to suppress aspiration to morph the site into a defacto caravan park thus ensuring it remains truly RV self-contained.

Four years have elapsed since the strategy adoption and times have changed. Council also appreciates that in these unprecedented times of COVID 19 the economy is under unique and unforeseen duress.

Reviewing Councils strategic position on all manner of topics is a regular occurrence. In acknowledging the passage of time and the current global (and local) situation a review of the current RV position is timely.

The current attitude of showground committees can be tested through this review and alternate suitable sites explored with local stakeholders. Given the petition from Numurkah it would be logical to commence a review of the strategy in that town as a starting point before embarking on a shire wide review. It could logically be a pilot study incorporating some simple methodology to measure its success and potential application to other towns.

Attachments

Nil

FILE NO: F13/139
4. A WELL RUN COUNCIL

ITEM NO: 13.1

**TWINNING PACT BETWEEN THE MUNICIPALITIES OF MOLOCHIO AND
MOIRA SHIRE**

RECOMMENDATION

That Council authorise the Mayor Libro Mustica to sign and seal the twinning pact between the municipalities of Molochio and Moira Shire Council.

Council consent is sought to sign and seal the twinning pact between Molochio and Moira Shire Council.

Attachments

- 1 Molochio and Moira Shire Twinning Pact

FILE NO: F13/139
4. A WELL RUN COUNCIL

ITEM NO: 13.1

**TWINNING PACT BETWEEN THE MUNICIPALITIES OF MOLOCHIO AND
MOIRA SHIRE (cont'd)****ATTACHMENT No [1] - Molochio and Moira Shire Twinning Pact****PATTO DI GEMELLAGGIO**

tra il Comune di Molochio e il Comune di Moira

Il Comune di Molochio della Repubblica Italiana e il Comune di Moira dello Stato del Victoria (Commonwealth dell'Australia), di seguito denominate "le Parti",

Premesso che il Comune di Molochio e il Comune di Moira hanno espresso la propria disponibilità a sottoscrivere il presente Gemellaggio, nello spirito di pace e collaborazione tra le rispettive comunità, impegnandosi in un reciproco aiuto, morale e materiale, per la creazione di uno spazio comune di convivenza pacifica;

Considerata la grande importanza dei rapporti e dei legami che uniscono le Parti, così lontane ma unite nel processo di avvicinamento tra gli uomini e nella condivisione di valori;

Rilevato che il Comune di Molochio intende gemellarsi investendo il "Comitato dei Gemellaggi", istituito con delibera del Consiglio Comunale n. 35 del 25/11/2019, del compito di provvedere a tutte le attività previste nel presente Gemellaggio, necessarie all'avvio e allo svolgimento di questa esperienza di alto valore civico secondo i fini e le modalità stabiliti;

nell'ambito delle proprie competenze, convengono quanto segue:

Art. 1 (Obiettivi e finalità)

Preso atto del piano di cooperazione, quale strumento per creare sviluppo a livello locale e a vantaggio dei territori interessati, proposto dalle Parti, le stesse concordano, per le caratteristiche e le peculiarità della propria realtà amministrativa e comunitaria, di condividere e attuare le sotto indicate iniziative:

- a) scambio e collaborazione su ogni aspetto della vita sociale delle Parti;
- b) scambio di esperienze anche tramite l'organizzazione di feste, manifestazioni sportive ed eventi della tradizione locale;
- c) scambi fra le istituzioni scolastiche, le associazioni culturali e del volontariato delle rispettive Parti;
- d) scambi di natura turistico-culturale ed economico-professionale.



FILE NO: F13/139
4. A WELL RUN COUNCIL

ITEM NO: 13.1

**TWINNING PACT BETWEEN THE MUNICIPALITIES OF MOLOCHIO AND
MOIRA SHIRE (cont'd)****ATTACHMENT No [1] - Molochio and Moira Shire Twinning Pact****Art. 2 (Clausola di invarianza normativa)**

Il presente gemellaggio sarà applicato nel pieno rispetto delle leggi e dei regolamenti nazionali dei rispettivi Paesi, nonché nel rispetto degli obblighi internazionali e di quelli derivanti dall'adesione dell'Italia all'Unione Europea.

Art. 3 (Attività di collaborazione)

Saranno mantenuti reciproci legami permanenti, favorendo gli scambi tra le rispettive comunità in ogni campo di comune interesse, promuovendo ricerche per lo sviluppo delle tradizioni locali, per la valorizzazione del patrimonio ambientale e culturale locale.

Saranno attivati scambi di formazione professionale e attività commerciale e lavorativa, nonché promossi interscambi tra le scuole per la reciproca conoscenza della lingua, tra le associazioni sportive e ricreative per sviluppare il confronto interculturale.

Saranno sviluppate attività culturali, iniziative per la valorizzazione del patrimonio artistico locale e per la promozione del turismo, con l'obiettivo di individuare strategie comuni di risoluzione delle problematiche locali di propria competenza.

Art. 4 (Clausola di neutralità finanziaria)

Tutte le attività previste o scaturenti dall'attuazione del presente Patto troveranno copertura, per la Parte italiana, nel bilancio del Comune di Molochio, senza generare oneri finanziari a carico dello Stato.

Art. 5 (Clausola per le integrazioni e modifiche)

Le eventuali modifiche del presente Patto potranno avvenire soltanto con il consenso delle Parti e per la Parte italiana secondo le procedure analoghe a quelle seguite per l'approvazione del presente Gemellaggio ai sensi dell'art. 6, co. 7, della Legge n. 131/2003.

Art. 6 (Clausola dell'informativa)

Le Rappresentanze Diplomatiche delle due Parti verranno periodicamente informate sullo stato di avanzamento delle iniziative programmate dalle Parti, in applicazione del presente Gemellaggio nei rispettivi territori di accreditamento.



FILE NO: F13/139
4. A WELL RUN COUNCIL

ITEM NO: 13.1

**TWINNING PACT BETWEEN THE MUNICIPALITIES OF MOLOCHIO AND
MOIRA SHIRE (cont'd)****ATTACHMENT No [1] - Molochio and Moira Shire Twinning Pact****Art. 7 (Clausola delle divergenze interpretative)**

Qualsiasi divergenza nell'interpretazione o nell'attuazione del presente Gemellaggio sarà risolta in via amichevole, mediante consultazioni dirette tra le Parti.

Art. 8 (Clausola dell'efficacia e della durata)

Il presente Gemellaggio acquista efficacia all'atto della firma e avrà una durata di 5 (cinque) anni. Esso sarà soggetto a tacito rinnovo, salvo diversa espressa volontà delle Parti e nel rispetto delle procedure previste dai rispettivi Ordinamenti nazionali. Ciascuna Parte potrà porre termine in qualsiasi momento all'efficacia del presente Gemellaggio tramite comunicazione scritta all'altra Parte.

Fatto in due originali ciascuno in lingua italiana e inglese, entrambi i testi facenti ugualmente fede.

Per il Comune di Molochio**Il Sindaco****Beniamino Alessio**

A handwritten signature in blue ink, appearing to read "Beniamino Alessio", is written over the printed name.

Per il Comune di Moira**Il Sindaco****Libro Mustica**

FILE NO: F13/139 4. A WELL RUN COUNCIL

ITEM NO: 13.1

TWINNING PACT BETWEEN THE MUNICIPALITIES OF MOLOCHIO AND MOIRA SHIRE (cont'd)

ATTACHMENT No [1] - Molochio and Moira Shire Twinning Pact

TWINNING PACT

between the Municipality of Molochio and the Moira Shire Council

The Municipality of Molochio of the Italian Republic and the Moira Shire Council in the State of Victoria (Commonwealth of Australia), hereinafter referred to as "the Parties",

Given that the Municipality of Molochio and the Moira Shire Council have expressed their willingness to sign this Twinning, in the spirit of peace and collaboration between the respective communities, engaging in mutual help, moral and material, for the creation of a common space of peaceful coexistence;

Considering the great importance of the relationships and ties that unite the Parties, so distant but united in the process of bringing people together and sharing values;

Noted that the Municipality of Molochio intends to twinning itself by investing the "Twinning Committee", established by resolution of the Moira Shire Council no. 35 of 25/11/2019, of the task of providing for all the activities envisaged in this Twinning, necessary for the start and the carrying out of this experience of high civic value according to the established purposes and methods;

within the scope of their competences, agree as follows:

Art. 1 (Objectives and purposes)

Having taken note of the cooperation plan, as a tool for creating development at local level and for the benefit of the territories concerned, proposed by the Parties, they agree, for the characteristics and peculiarities of their administrative and community reality, to share and implement the following initiatives:

- a) exchange and collaboration on every aspect of the social life of the Parties;
- b) exchange of experiences also through the organization of parties, sporting events and traditional local events;
- c) exchanges between educational institutions, cultural associations and voluntary associations of the respective Parties;
- d) exchanges of a tourist-cultural and economic-professional nature.



FILE NO: F13/139
4. A WELL RUN COUNCIL

ITEM NO: 13.1

**TWINNING PACT BETWEEN THE MUNICIPALITIES OF MOLOCHIO AND
MOIRA SHIRE (cont'd)****ATTACHMENT No [1] - Molochio and Moira Shire Twinning Pact****Art. 2 (Regulatory invariance clause)**

This twinning shall be applied in full compliance with the national laws and regulations of the respective Countries, as well as in compliance with international obligations and those arising from Italy's membership of the European Union.

Art. 3 (Collaboration activities)

Permanent reciprocal ties will be maintained, promoting exchanges between the respective communities in each field of common interest, promoting research for the development of local traditions, for the enhancement of the local environmental and cultural heritage.

Vocational training exchanges and commercial and work activities will be activated, as well as exchanges between schools for mutual knowledge of the language, between sports and recreational associations to develop intercultural dialogue.

Cultural activities will be developed, initiatives for the enhancement of the local artistic heritage and for the promotion of tourism, with the aim of identifying common strategies for solving local problems within its competence.

Art. 4 (Financial neutrality clause)

All activities envisaged or arising from the implementation of this Agreement will be covered, for the Italian side, in the budget of the Municipality of Molochio, without generating financial burdens on the State.

Art. 5 (Supplement and modification clause)

Any changes to this Agreement may only take place with the consent of the Parties and for the Italian Party according to procedures similar to those followed for the approval of this Twinning pursuant to art. 6, co. 7, of Law no. 131/2003.

Art. 6 (Disclosure clause)

The Diplomatic Representations of the two Parties will be periodically informed of the progress of the initiatives planned by the Parties, in application of this Twinning in their respective accreditation territories.



FILE NO: F13/139
4. A WELL RUN COUNCIL

ITEM NO: 13.1

**TWINNING PACT BETWEEN THE MUNICIPALITIES OF MOLOCHIO AND
MOIRA SHIRE (cont'd)****ATTACHMENT No [1] - Molochio and Moira Shire Twinning Pact****Art. 7 (Clause of interpretative differences)**

Any divergence in the interpretation or implementation of this Twinning will be resolved amicably, through direct consultations between the Parties.

Art. 8 (Effectiveness and duration clause)

This Twinning takes effect upon signing and will have a duration of 5 (five) years. It will be subject to tacit renewal, unless otherwise expressly desired by the Parties and in compliance with the procedures provided for by the respective national regulations. Each Party may terminate the effectiveness of this Twinning at any time through written communication to the other Party.

Done in two originals each in Italian and English, both texts being equally authentic.

For the Municipality of Molochio
The Mayor
Beniamino Alessio

For the Moira Shire Council
The Mayor
Libro Mustica



FILE NO: VARIOUS

ITEM NO: 14

URGENT GENERAL BUSINESS**Clause 60 of Council's "Meeting Procedures Local Law 2017 states:****60. Urgent general business**

- 1) Councillors must provide an outline of the matters to be considered before Council can accept the motion to consider urgent business. The outline must demonstrate how the matter meets the criteria for urgent business.
- 2) Urgent business can only be admitted by resolution of Council
- 3) Urgent business must not be admitted as urgent business unless
 - a) It relates to or arises out of a matter which has arisen since distribution of the agenda
 - b) Is manifestly urgent
 - c) Is material to the function of Council
 - d) Requires an urgent council resolution
 - e) Is otherwise determined by the CEO.
- 4) Only the mover of an urgency motion may speak to the motion before it is put.

FILE NO: VARIOUS

ITEM NO: 15

QUESTIONS FROM THE PUBLIC GALLERY

Clause 61 of Council’s “Meeting Procedures Local Law 2017 states:

61. Question Time

The Council will hold a Public Question Time of up to 30 minutes duration at each Ordinary Meeting, to enable members of the public to receive answers to questions previously submitted for consideration, and if the submitted questions are dealt with in less than the 30 minute period, the Chair can invite questions from the floor.

- 1) At every ordinary meeting of the Council a maximum of 30 minutes may be allocated to enable members of the public to submit questions to Council.
- 2) The time allocated may be extended by unanimous resolution of Council.
- 3) Sub-clause (1) does not apply during any period when the Council has resolved to close a meeting in respect of a matter under section 89(2) of the Act.
- 4) To assist the accurate recording of minutes and addressing any questions that may require written response or follow up, the Chief Executive Officer may require questions to be submitted in writing.
- 5) No person may submit more than two (2) questions at any one (1) meeting.
- 6) The Chairperson or member of Council staff nominated by the Chairperson may read a question to those present.
- 7) No question must be so read unless:
 - a) the person asking the same is in the gallery at the time it is due to be read; and
 - b) the person asking the question reads the same when called upon by the Chairperson to do so.
 - c) A question may be disallowed by the Chairperson if it:
 - d) relates to a matter outside the duties, functions and powers of Council;
 - e) is defamatory, indecent, abusive, offensive, irrelevant, trivial or objectionable in language or substance;
 - f) deals with a subject matter already answered;
 - g) is aimed at embarrassing a Councillor or a member of Council staff;
 - h) relates to personnel matters;
 - i) relates to the personal hardship of any resident or ratepayer;
 - j) relates to industrial matters;
 - k) relates to contractual matters;
 - l) relates to proposed developments;
 - m) relates to legal advice;
 - n) relates to matters affecting the security of Council property; or
 - o) relates to any other matter which Council considers would prejudice Council or any person.
- 8) The Chairperson may request a Councillor or member of Council staff to respond, if possible, to the question.
- 9) Councillor or member of Council staff may require a question to be put on notice until the next Ordinary meeting, at which time the question must be answered, or elect to submit a written answer to the person asking the question.
- 10) A Councillor or member of Council staff may advise Council that it is his or her opinion that the reply to a question should be given in a meeting closed to members of the public. The Councillor or member of Council staff must state briefly the reason why the reply should be so given and, unless Council resolves to the contrary, the reply to such question must be so given.

FILE NO: VARIOUS

ITEM NO: 16

MEETING ADJOURNMENT

RECOMMENDATION

That the meeting be adjourned for 10 minutes.

RECOMMENDATION

That the meeting be resumed.

RECOMMENDATION

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

RECOMMENDATION

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

RECOMMENDATION

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