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AGENDA

SCHEDULED MEETING OF COUNCIL **FOR** **WEDNESDAY 25 OCTOBER 2023** **TO BE HELD AT COBRAM CIVIC CENTRE, PUNT ROAD COBRAM VIC 3644** **COMMENCING AT 4:30 PM**

RECORDING

Consistent with section 13.3 of our Governance Rules, Council officers have been authorised to record the public session of this meeting using an audio recording device.

LIVE STREAMING

Council meetings will now be lived streamed to allow those interested in viewing proceedings greater access to Council decisions and debate, without attending the meeting in person.

1. WELCOME CALLING TO ORDER – CEO

2. PRAYER

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

Amen

3. ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

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

4. APOLOGIES / LEAVE OF ABSENCE

5. DISCLOSURE OF CONFLICTS OF INTEREST

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

Recommendation: That the minutes of the Scheduled Council Meeting held on Wednesday, 27 September 2023 and the Committee of Council Meeting Held on Thursday 12 October as presented, be adopted.

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

ITEM NO: 9.1.1
(ACTING DIRECTOR CORPORATE
GOVERNANCE AND PERFORMANCE,
AMANDA CHADWICK)
(ACTING DIRECTOR CORPORATE
GOVERNANCE AND PERFORMANCE,
AMANDA CHADWICK)

PROPOSAL TO DISCONTINUE AND LEASE PART OF RICHARDSON STREET NATHALIA

Recommendation

That Council resolve to:

1. Defer a decision regarding the proposal to close and lease a portion of Richardson Street Nathalia to undertake a revised consultation program in accordance with item 3;
2. accept the submissions already received in relation to the proposal to close the road, as part of the revised consultation;
3. in accordance with clause 3 of Schedule 10 to the *Local Government Act 1989*, the statutory procedure to discontinue 20 x 13 metres of road at the North end of Richardson Street Nathalia and enter into a lease with Trans Tank International, be commenced;
4. directs, in accordance with sections 207A and 223 of the Local Government Act, that public notice of the proposed discontinuance be given in local newspapers and the Moira Shire Council website;
5. authorises the Chief Executive Officer to undertake the administrative procedures necessary to enable Council to carry out its functions under section 223 of the Local Government Act; and
6. resolves that a Committee comprising the Panel of Administrators and the Chief Executive Officer be appointed to hear any persons wishing to be heard in support of their written submissions, on a date to be determined by Council's Chief Executive Officer.

1. Executive Summary

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

During the consultation program administrative errors were identified which will require a decision to be deferred on the proposal and a revised community consultation program to commence to discontinue the road.

2. Conflict of interest declaration

Nil

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5. TRANSPARENT AND ACCOUNTABLE
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(ACTING DIRECTOR CORPORATE
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AMANDA CHADWICK)
(ACTING DIRECTOR CORPORATE
GOVERNANCE AND PERFORMANCE,
AMANDA CHADWICK)

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

3. Background & Context

At the Scheduled Council Meeting on 23 August 2023 Council resolved to authorise the Chief Executive Officer to give public notice of Council's intention to close 20 x 13 metres of road at the North end of Richardson Street Nathalia and enter into a lease with Trans Tank International (TTi) and invite submissions in accordance with Section 12 of the *Road Management Act*, Schedule 10 *Local Government Act 1989* and Section 115 of the *Local Government Act 2020*.



It is recommended Council defer this decision and seek further submissions from the community in relation to the proposal to *discontinue* a portion of road on Richardson Street Nathalia, as indicated in the map above for the purpose of then entering into a lease with Trans Tank International to ensure the safe transport of goods from the manufacturing point to their warehouse. A five-metre pedestrian access would be maintained within the roadway along the western boundary of Richardson Street.

Council if it accedes to this request for discontinuance, it should require that the leased portion of roadway be sealed for mud and dust suppression and that fencing of the site be permeable such as exists to the frontage of the business. A lease is preferred as it gives Council some longer term control of this section of roadway.

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AMANDA CHADWICK)

PROPOSAL TO DISCONTINUE AND LEASE PART OF RICHARDSON STREET NATHALIA (cont'd)

4. Issue

An administrative error in the preparation of the Public Notice relating to this proposal was identified. This relates to the Notice not referring to Section 12 of the *Road Management Act* and the notice was not clear on the process for presenting submissions under Section 223 of the *Local Government Act 1989*.

The resolution has also been amended to clarify the intent to *discontinue* the road rather than *close*.

As an issue has been identified it is only appropriate that Council follow good governance processes and defer a decision until a further community consultation program is conducted.

The submissions received during the first round of community consultation will be accepted as part of this revised consultation program.

5. Strategic Alignment

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

6. Internal & External Engagement

Internal engagement occurred with the Executive Leadership Team, Panel of Administrators, Governance Team and Manager Investment.

External advice and guidance were received by Councils legal representatives.

7. Budget / Financial Considerations

Costs associated with the community engagement program form part of the operational budget.

8. Risk & Mitigation

Conducting a revised community engagement program and correcting identified administrative issues mitigated the risk of an incorrect process.

9. Conclusion

Following consideration of submissions received through the recent community consultation process and the subsequent discussions held at the Committee of Council Meeting on Thursday 12 October, it is recommended that the decision to close and lease the portion of road is deferred and a revised community consultation program is undertaken to rectify the administrative errors identified and to further seek submissions on a proposal to discontinue the portion of road.

Attachments

Nil

FILE NO:
5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

ITEM NO: 9.1.2
(FINANCIAL ACCOUNTANT, ANDREW
WILSON)
(ACTING CHIEF FINANCIAL OFFICER, BEAU
MITTNER)

QUARTERLY BUDGET REVIEW - SEPTEMBER 2023

RECOMMENDATION

That Council:

1. Adopt the forecast for the 2023/24 financial year contained in the September 2023 Quarterly Budget Review; and
2. Note the Environment Upgrade Agreements quarterly performance report.

1. Executive Summary

The proposed September 2023 budget reforecast has been developed within the context of Council continuing its response to the findings of the Commission of Inquiry and the difficulties in Council delivering its capital works program.

Income Statement

There has been a decrease in the forecast budget surplus from \$17.61 million in the Adopted 2023/24 Budget to a surplus of \$11.23 million in the Proposed September 2023 Quarterly Forecast. The main impact has been the reduction of capital grant income due to delays in completing grant-funded projects and the corresponding deferral of the income received until such time that Council has satisfied the performance obligations contained in the funding agreement.

Balance Sheet

The Balance Sheet of Council is forecast to remain in a financially healthy position by 30 June 2024, with current assets expected to be 2.95 times current liabilities. Strong reserves are set aside to fund the revised forecast capital works program of \$41.74 million.

Cash Flow

The cash position of Council continues to remain strong. As at 30 September, Council held \$61.95 million in cash and investments.

Capital Expenditure

The proposed capital works forecast for September 2023 is \$41.74 million compared to the Adopted 2023/24 Budget of \$42.22 million. Year to date spend at the end of September 2023 is \$2.85 million with a further \$11.01 million in outstanding commitments.

2. Conflict of interest declaration

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

3. Background and Context

The quarterly budget review mandated under Section 97 of the *Local Government Act 2020* (the Act). The Act requires that at least every three months the Chief Executive Officer must ensure a statement comparing the budgeted revenue and expenditure for the financial year with actual revenue and expenditure to date presented to Council.

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QUARTERLY BUDGET REVIEW - SEPTEMBER 2023 (cont'd)

4. Issues

Carried Forward Capital Works

Council's capital works need to be managed prudently to strengthen Council's financial position and ensure Council meets all the low risk financial sustainability indicators as specified by the Victorian Auditor-General's Office.

Delivery of the 2023/24 capital works program continues to be impacted by a combination of adverse factors including availability of contractors, internal resources and construction materials (in particular concrete pipes). With the adverse conditions experienced in 2022/23 delays to some projects have occurred, these projects have been carried forward into the 2023/24 financial year.

Grant Income

Council has a significant level of government grants. These grants underpin several capital works projects and operating programs, all of which are of importance to the Moira community. Operating grants for 2023/24 total \$14.62 million and capital grants \$16.82 million.

It is forecast that capital grant receipts totalling \$5.20 million will be held in unearned income as at 30 June 2024. This amount represents capital grants which have been received but the performance obligations under the funding agreement have not been satisfied.

5. Strategic Alignment

Council Plan

5. Transparent and accountable
governance

Performance Reporting Policy
Public Transparency Policy

6. Internal & External Engagement

Internal	Executive Leadership Team
	All Managers
External	Not Applicable

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5. TRANSPARENT AND ACCOUNTABLE
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ITEM NO: 9.1.2

QUARTERLY BUDGET REVIEW - SEPTEMBER 2023 (cont'd)

7. Budget/ Financial Considerations

7.1 Summary of changes to projected operating result for the 2023/24 financial year

The surplus for the Proposed September 2023 Forecast expected to be \$11,231,317 – a decrease of \$6,379,872 compared to the Adopted Budget surplus of \$17,611,189.

Adopted Budget vs Proposed Forecast Sep 2023	(Favourable) / Unfavourable \$
Adopted Budget 2023/24 Surplus	(17,611,189)
Rates and charges	(160,486)
Grants - operating	46,591
Grants - capital	5,072,231
Contributions - monetary	83,500
Net gain on disposal of property, infrastructure, plant & equipment	(15,000)
Other income	(100)
Materials & services	
- <i>Materials & consumables</i>	297,785
- <i>Contract services</i>	706,000
Other expenses	349,351
Proposed September 2023 Forecast Surplus	(11,231,317)

The key reasons for the decrease in the surplus are as follows:

- a) **Rates and charges** – Increase in 2023/24 rates and charges levied on 1 July 2023 (\$63k), increased income from 2023/24 supplementary property assessments processed in quarter one (\$117k); offset by reduced revenue from Solar Farm charges \$20k.
- b) **Grants - operating** – Increase in grant income from VLGGC Financial Assistance Grant (\$238k), offset by reduced October 2022 Flood Community Recovery (Hubs) grant \$285k which was paid in full by the State Government and recognised in the 2022/23 accounts.
- c) **Grants – capital** – Income increased due to recognition of grants related to delayed Yarrowonga Boat Ramp (\$666k) project that will be completed in 2023/24. This is offset by:
 - a. Reallocation of LRCIP Phase 3 funding from Cobram East Drainage to Apex Park Cobram projects \$136k;
 - b. Projects included in the Adopted Budget that were subject to funding opportunities being successful in 2023/24, including: Katunga Recreation Reserve Change Rooms \$631k, Yarroweyah Recreation Reserve Lighting \$230k; and
 - c. Delays in projects which results in recognition of income in 2024/25, including Flood Road and Culvert Recovery Works \$4.0 million and Yarrowonga Multisport Stadium \$741k.
- d) **Contributions – monetary** – Income received from receipt of final community contribution to the Tungamah Recreation Reserve project (\$13k), offset by:
 - a. Reduced contribution to Live 4 Life program (\$4k); and
 - b. Income from projects where income included in Adopted Budget subject to grant funding opportunities be successful which have yet to be identified for 2023/24:

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QUARTERLY BUDGET REVIEW - SEPTEMBER 2023 (cont'd)

Katunga Recreation Reserve Change Rooms \$50k, Yarroweyah Recreation Reserve Lighting \$40k.

- e) **Materials and consumables** – Materials and consumables costs for 2022/23 grant funded programs October 2022 Flood Community Recovery (Hubs) \$260k and Waste Transition Plan \$55k where grant funding was received and recognised in prior year, increase in FreeZa Program \$8k in line with increase in State Government grant funding.
- f) **Contract services** – Expense for new program Road Safety Community Education and Awareness \$350k, increase in support cost for Council public communication \$120k, cost for Thompson's Beach Cobram Masterplan \$100k approved during 2023/24 budget deliberations but omitted from final adopted budget and contractor costs for 2022/23 grant funded programs Bridging the Gap \$75k and October 2022 Flood Community Recovery (Hubs) \$61k and Waste Transition Plan \$55k where grant funding was received and recognised in prior year
- g) **Other expenses** – Increased Administrator allowance cost \$342k as advised by the Local Government Minister and increase in additional Cobram office rental costs \$7k.

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QUARTERLY BUDGET REVIEW - SEPTEMBER 2023 (cont'd)

7.2 Income Statement

Income Statement	Adopted Budget 2023/24	YTD Actuals 2023/24	Proposed Forecast Sep 2023	Adopted Budget vs Proposed Forecast Sep 2023
Income				
Rates and charges	(44,454,755)	(44,371,224)	(44,615,241)	(160,486)
Statutory fees and fines	(1,736,420)	(336,362)	(1,736,420)	-
User fees	(2,296,111)	(520,589)	(2,296,111)	-
Grants - operating	(14,661,464)	(547,972)	(14,614,873)	46,591
Grants - capital	(21,892,208)	(205,584)	(16,819,977)	5,072,231
Contributions - monetary	(210,000)	(367,500)	(126,500)	83,500
Contributions - non-monetary	(1,000,000)	-	(1,000,000)	-
Net gain on disposal of property, infrastructure, plant & equipment	(40,071)	(80,480)	(55,071)	(15,000)
Other income	(1,991,842)	(601,725)	(1,991,942)	(100)
Income Total	(88,282,871)	(47,031,436)	(83,256,135)	5,026,736
Expenditure				
Employee costs	28,303,150	7,446,910	28,303,150	-
Materials & services				
- <i>Materials & consumables</i>	18,442,762	5,656,332	18,740,547	297,785
- <i>Contract services</i>	8,632,862	1,522,872	9,338,862	706,000
- <i>Utilities</i>	1,182,741	278,262	1,182,741	-
Depreciation and amortisation	12,815,307	3,023,901	12,815,307	-
Bad and doubtful debts	15,000	-	15,000	-
Finance costs - leases	99,970	26,700	99,970	-
Share of Net Loss of Associated Entity	10,000	-	10,000	-
Other Expenses	1,169,890	253,307	1,519,241	349,351
Expenditure Total	70,671,682	18,208,284	72,024,818	1,353,136
Operating Result	(17,611,189)	(28,823,152)	(11,231,317)	6,379,872

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QUARTERLY BUDGET REVIEW - SEPTEMBER 2023 (cont'd)

7.3 Balance Sheet

Balance Sheet	Adopted Budget 2023/24	YTD Actuals 2023/24	Proposed Forecast Sep 2023
Assets			
Cash and cash equivalents	3,525,421	3,951,762	6,439,877
Other financial assets	43,200,000	58,000,000	42,750,000
Trade and other receivables	4,181,120	40,324,592	4,190,467
Inventories	816,000	644,378	666,000
Other assets	1,190,000	1,626,186	2,998,000
Total current assets	52,912,541	104,546,918	57,044,344
Investments in Associates & Joint Ventures	1,456,000	1,393,956	1,396,000
Property Plant Equipment & Infrastructure	704,283,405	771,883,523	817,975,950
Right-of- Use Assets	1,889,000	2,574,439	1,889,000
Intangible Assets	3,062,000	6,718,217	6,472,000
Total non-current assets	710,690,405	782,570,135	827,732,950
Total Assets	763,602,946	887,117,053	884,777,294
Liabilities			
Trade and other payables	2,635,402	778,866	2,640,090
Trust funds & deposits	2,557,000	7,593,478	3,398,000
Unearned income/revenue	4,188,000	8,258,927	5,203,000
Provisions	6,021,000	6,403,474	7,021,000
Interest-bearing liabilities	613,364	41,928	612,592
Lease liabilities	464,000	564,690	464,000
Total current liabilities	16,478,766	23,641,363	19,338,683
Provisions	12,324,000	8,471,976	7,056,000
Interest-bearing liabilities	6,670,801	466,495	6,664,311
Lease liabilities	1,427,000	1,947,448	1,474,000
Total non-current liabilities	20,421,801	10,885,919	15,194,311
Total liabilities	36,900,567	34,527,282	34,532,993
Net assets	726,702,379	852,589,771	850,244,301
Equity			
Accumulated surplus	236,644,974	284,487,646	269,718,351
Reserves	490,057,405	568,102,125	580,525,950
Net equity	726,702,379	852,589,771	850,244,301

a) **Current Assets** – As at 30 September 2023, \$40.05 million in Rates and Fire Services Levy debtors remain outstanding. As capital projects are completed over 2023/24, Council will see a reduction in cash held Other Financial Assets.

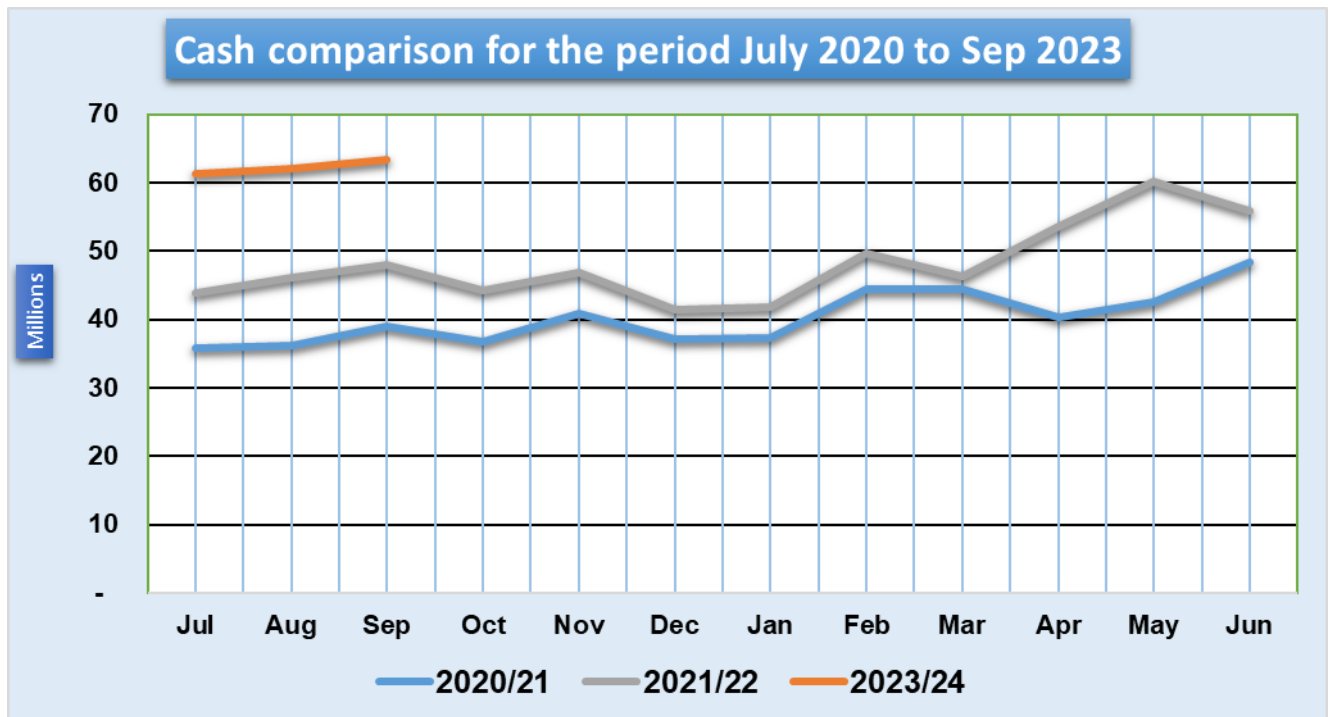
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QUARTERLY BUDGET REVIEW - SEPTEMBER 2023 (cont'd)

- b) **Non-Current Assets** – Property Plant Equipment and Infrastructure variance is expected to close out when 2023/24 capital works program is capitalised. The forecast balance is also significantly higher than the Adopted Budget due to the 2022/23 asset revaluation increasing by more than budget.
- c) **Current Liabilities** – As at 30 September 2023 there is \$8.3 million in unrecognised grant income, which is \$3.1 million greater than the forecast amount expected as at 30 June 2024. This is due to capital projects being delayed and expected to be carried forward into the 2024/25 financial year.
- d) **Non-Current Liabilities** – Provisions have declined significantly from budget due to the landfill provision model discount rates being updated as at 30 June 2023, which decreased the carrying value of the provision significantly. Furthermore, there have been a number of employees terminate from Council that had large balances of leave entitlements and therefore the forecast balance is expected to be less than the Adopt Budget.

7.4 Cash Flow



The balance of Cash and cash equivalents at 30 June 2024 proposed to be \$49.19 million.

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QUARTERLY BUDGET REVIEW - SEPTEMBER 2023 (cont'd)

7.5 Statement of Capital Works - Proposed September 2023 Forecast

Capital Works	Adopted Budget 2023/24	YTD Actuals 2023/24	Proposed Forecast Sep 2023
Property			
Land	-	4,593	20,000
Land improvements (incl land development)	1,157,703	38,590	2,481,318
Buildings	16,195,122	703,269	14,326,693
Total property	17,352,825	746,452	16,828,011
Plant and equipment			
Plant, machinery and equipment	3,117,000	517,234	4,170,386
Computers and telecommunications	-	-	64,000
Total plant and equipment	3,117,000	517,234	4,234,386
Infrastructure			
Roads	11,117,015	449,507	9,605,922
Bridges	1,418,235	585	1,593,979
Footpaths and cycleways	675,000	346,967	940,913
Drainage	5,287,989	352,587	3,974,013
Kerb and channel	420,598	20,490	810,762
Recreational, leisure and community facilities	1,550,773	334,203	2,380,562
Waste management	-	39,045	39,045
Parks, open space and streetscapes	438,000	32,597	475,257
Aerodromes	262,587	7,500	262,587
Other infrastructure	582,703	2,858	593,435
Total infrastructure	21,752,900	1,586,339	20,676,475
Total capital works expenditure	42,222,725	2,850,025	41,738,872

Outstanding commitments	11,011,200
Total YTD Actuals plus commitments	13,861,225

*Total Adopted Budget Capital Works includes capital works carried over from previous years.

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QUARTERLY BUDGET REVIEW - SEPTEMBER 2023 (cont'd)

7.6 Proposed budget amendments to capital works for the 2023/24 financial year

Capital Works Project	Comment	Budget Impact \$
Capital Budget Reductions		
Flood Recovery Works - Other Roads	Forecast 2023/24 allocation of flood recovery works on roads other than Stewarts Bridge Road	(2,500,000)
Yarrowonga Multisport Stadium	Project delayed carried forward to 2024/25 financial year	(2,000,000)
Flood Recovery Works - Culverts	Forecast 2023/24 allocation of flood recovery works on culverts to be completed at the same time as roads	(1,500,000)
Katunga Recreation Reserve - Change Rooms	Project delayed carried forward to 2024/25 financial year	(1,170,449)
Cobram East Drainage Plan	Project delayed to be included in LRCIP stage 4 funding. Carried forward to 2024/25 financial year.	(500,000)
Yarroweyah Recreation Reserve Lighting Renewal	Project delayed carried forward to 2024/25 financial year.	(327,000)
Heavy Plant New Plant Purchases	Fleet Coordinator confirmed actual spend on Heavy Plant was less than budget for the quarter.	(42,852)

Capital Works Project	Comment	Budget Impact \$
Capital Budget Increases		
Yarrowonga Boat Ramp	LRCIP Phase 2 project carry forward original project budget \$1.03 million	665,527
Light Fleet Replacement Vehicles	Fleet Coordinator confirmed carry forward of 2022/23 underspend which has now been committed	608,629
Victoria Park Yarrowonga Retardation Basin	New project required to be completed prior to Yarrowonga MultiSports Stadium, 2024/25 budget bought forward	600,000
Apex Park Cobram-Car Park & Landscaping	Additional funding for LRCIP 3 project, transfer from Cobram East Drainage project	500,000
Yarrowonga Library	Carry forward budget for works committed in 2022/23 but not completed by 30 June 2023	472,058
Kerb & Channel Renewal Program	2022/23 Roads to Recovery funding required to be spent to ensure full grant funding is received.	390,164
Manifold & Harcourt Streets Nathalia Drainage	Carry forward budget for works committed in 2022/23 but not completed by 30 June 2023	390,010
Heavy Plant Replacement Plant	Fleet Coordinator confirmed carry forward of 2022/23 underspend which has now been committed	364,609
Numurkah Rec Reserve Lighting Renewal	State Government Grant funded project, contract has been executed for construction in 2023/24	334,471
Yarrowonga Splash park Upgrade	Carry forward budget for committed 2022/23 works not completed by 30 June 2023	244,179
Final Seals Sealed Road Network	Carry forward 2022/23 budget underspend to apply a final seal in 2023/24	227,979
Botts Road Yarrowonga - Shared Pathway	Carried forward LRCIP 3 project is currently under construction	222,913

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QUARTERLY BUDGET REVIEW - SEPTEMBER 2023 (cont'd)

Capital Works Project	Comment	Budget Impact \$
Capital Budget Increases continued		
Building Key Register Update	Project management resource unavailable during 2022-23, Manager Parks, Recreation & Facilities requested budget carry forward	203,176
Road Asphaltting Program (R2R)	2022/23 Roads to Recovery funding required to be spent to ensure full grant funding is received.	200,000
Naring Road & Numurkah Road Intersection	Land purchase and intersection safety and design work for project planned in 2024/25	193,995
Karook St Cobram (Scott Res) Drainage	Carry forward budget for committed 2022/23 works not completed by 30 June 2023	188,530
Numurkah Town Hall - Power Supply & Replacement Meters	Carry forward 2022/23 budget for project not commenced	175,000
Bridges Renewal Program	Renewal works delayed due to lack of quotes received, new RFQ's have been issued	159,285
Gravel Road Resheeting 10 Year Cycle R2R	2022/23 Roads to Recovery funding required to be spent to ensure full grant funding is received.	142,770
Gravel Shoulder Resheets R2R	2022/23 Roads to Recovery funding required to be spent to ensure full grant funding is received.	131,697
Small Plant Replacement - Plant > \$2500	Budget reduction on one mower to fund additional cost of wood chipper, a trailer mounted spray unit omitted from budget, and transfer \$86k for a Tag Trailer from Heavy Plant to Small Plant	123,000
Yarrowonga North & South Outfall Reline	Carry forward 2022/23 unspent budget project to be scoped	100,000
Sports & Recreation-Energy & Solar Installation	Year one of Sustainability Officer program not delivered in 2022/23 due to role being unfilled, carried forward to be delivered in 2023/24.	90,000
Municipal Building Toilet Renewal Program	Carry forward budget for committed 2022/23 works not completed by 30 June 2023	53,189
Public Toilets Renewal Program	Waaia Public Toilet renewal and Strathmerton Lions Park original budget cut in error.	50,794
Roads - Pavement Renewal Program	Carry forward funding to complete Loofs Road project as requested by Roads Superintendent	50,000
Tungamah Equestrian Arena	LRCIP Phase 3 project carried forward and now completed in 2023/24	48,302
Security and Surveillance CCTV and VMS	Carry forward 2022/23 unspent budget project to be scoped	48,000
Upper Broken & Boosey Regional Flood Study	Carry forward budget for committed 2022/23 costs not completed by 30 June 2023	45,788
Strathmerton Recreation Reserve Walking Track	Carry forward 2022/23 unspent budget project to be scoped	43,000
Transfer Station Upgrade Recycling Reform	Carry forward budget for committed 2022/23 costs not completed by 30 June 2023	39,045
Depots - Bulk Material Bays	Carry forward 2022/23 underspend to complete bays at Cobram Depot, Yarrowonga & Tungamah Depots to be scoped in new Master Plans	38,799

FILE NO:
5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

ITEM NO: 9.1.2

QUARTERLY BUDGET REVIEW - SEPTEMBER 2023 (cont'd)

Capital Works Project	Comment	Budget Impact \$
Capital Budget Increases continued		
Septic Tank Renewals Program	Carry forward 2022/23 project budget add \$25k for Tungamah Recreation Reserve septic tanks as requested Civic Buildings saving identified in Operating expenses	35,000
Building Essential Services Renewal	Carry forward budget for committed 2022/23 works not completed by 30 June 2023	32,986
Tweddle Street Park Numurkah	Design and development budget, project on hold subject to Planning Re-zone & Subdivision	30,000
Municipal Building Fit Out Renewal Program	Carry forward budget for committed 2022/23 works not completed by 30 June 2023	29,333
Katunga Rec Reserve - Community Space	Carry forward budget for committed 2022/23 works not completed by 30 June 2023	23,650
Municipal Buildings Floor Coverings Renewal	Carry forward budget for committed 2022/23 works not completed by 30 June 2023	22,345
Municipal Buildings Painting	Carry forward budget for committed 2022/23 works not completed by 30 June 2023	21,963
Playground Shade Sails - New Installations	Carry forward budget for committed 2022/23 works not completed by 30 June 2023	21,246
Land Acquisitions	Purchase of land from Nathalia Angling Club to allow Council clear access to creek frontage	20,000
Public Toilet - St James	Project primarily completed in 2022/23 with final claim in August 2023	19,000
Conquest Mobile Access Rollout	Carry forward 2022/23 unspent budget project to be incurred following successful testing	16,000
Woods Rd & Gilmore St Yarrawonga Intersection Works	Project planned for 2024/25, design costs from 2022/23 carried forward	13,650
Botts Rd & MVH Yarrawonga Intersection Works	Carry forward budget for committed 2022/23 works not completed by 30 June 2023	13,550
Cobram East Levee	Carry forward budget for committed 2022/23 design works not completed by 30 June 2023	12,300
Bartrops Bridge (Griffiths Lane) Renewal	State Government Grant funded project budget in 2024/25, design and development costs budget	11,464
Signage Renewal Program	Carry forward budget for committed 2022/23 works not completed by 30 June 2023	10,732
Municipal Building Wall Renewal Program	Carry forward budget for committed 2022/23 works not completed by 30 June 2023	10,261
Yarrawonga Town Hall - Clock Upgrade	Clock upgrade completed in August 2023	8,602
Aquatic Facilities Renewal Program	Carry forward budget for committed 2022/23 works not completed by 30 June 2023	8,591

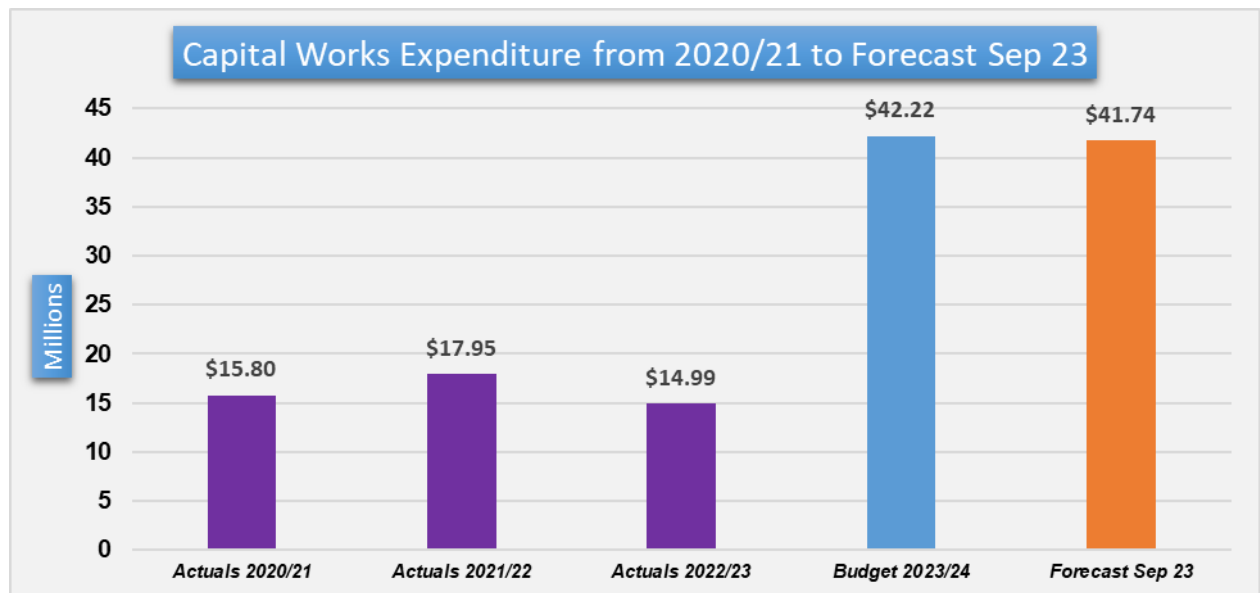
FILE NO:
5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

ITEM NO: 9.1.2

QUARTERLY BUDGET REVIEW - SEPTEMBER 2023 (cont'd)

Capital Works Project	Comment	Budget Impact \$
Capital Budget Increases continued		
Acacia & Melaleuca Streets Yarrowonga Road Works	Carry forward budget for committed 2022/23 works not completed by 30 June 2023	7,691
Wrights Bridge Road Intersection Realignment	Carry forward budget for committed 2022/23 works not completed by 30 June 2023	7,575
Yarrowonga West Drainage Flood Protection	Carry forward budget for committed 2022/23 works not completed by 30 June 2023	7,484
Municipal Building Roof Renewal Program	Carry forward budget for committed 2022/23 works not completed by 30 June 2023	7,371
Numurkah Lake Development	Carry forward 2022/23 unspent budget project to be scoped	7,257
Punt Road Cobram Kindergarten Extension	Final component (Storage Shed) not delivered in 2022/23, installed in 2023/24	6,852
Bourkes Bridge Renewal	Carry forward design and development underspend to construction budget for 2023/24	4,995
Municipal Building Flooring Renewal Program	Carry forward budget for committed 2022/23 works not completed by 30 June 2023	1,641
Total Capital Works Budget Amendments		(483,853)

7.7 Capital Works Expenditure – From 2014/15 to 2023/24



FILE NO:
5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

ITEM NO: 9.1.2

QUARTERLY BUDGET REVIEW - SEPTEMBER 2023 (cont'd)

7.8 Financial Performance Indicators

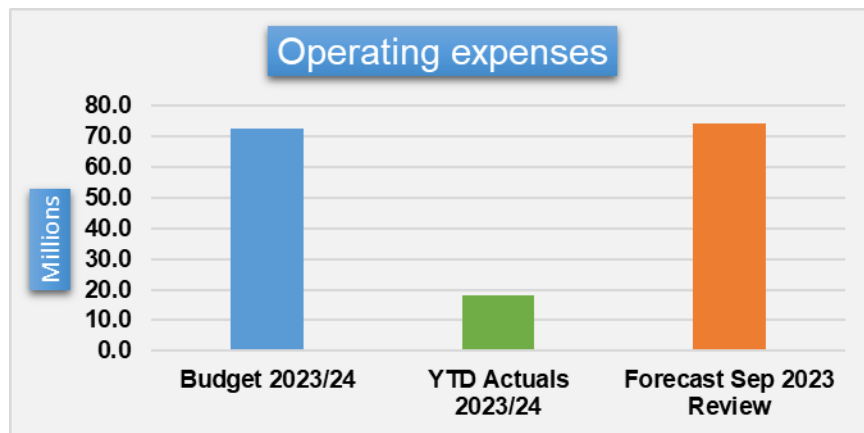
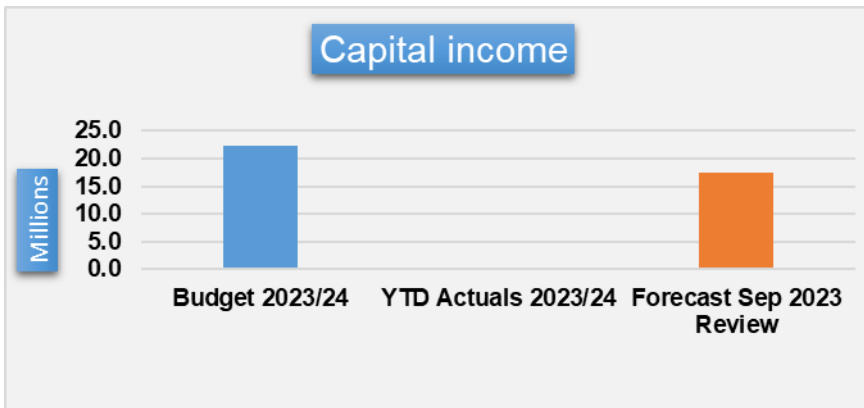
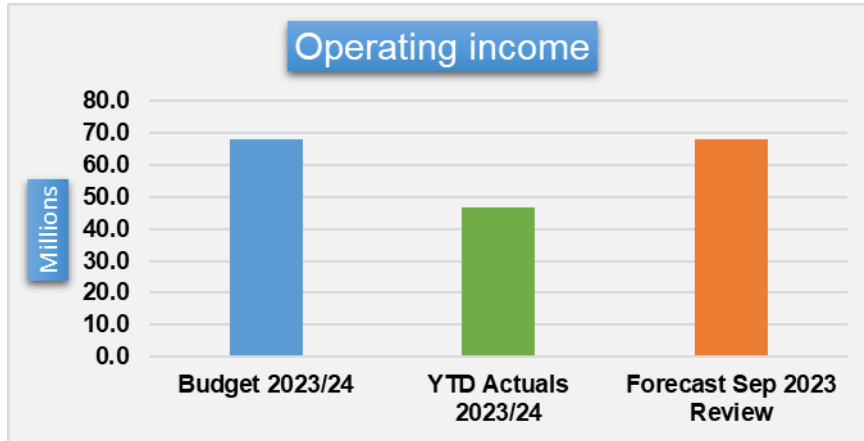
	Dimension/indicator /measure	Results 2021	Results 2022	Results 2023	Budget 2023/24	Sep 2023 Review
	Efficiency					
	Expenditure level					
E2	Expenses per property assessment [Total expenses / Number of property assessments]	\$3,288	\$3,280	\$3,498	\$3,829	\$3,992
	Revenue level					
E4	Average rate per property assessment [General rates and Municipal charges / Number of property assessments]	\$1,732	\$1,761	\$1,793	\$1,851	\$1,876
	Liquidity					
	Working capital					
L1	Current assets compared to current liabilities [Current assets / Current liabilities] x100	259.88%	346.04%	330.43%	321.11%	294.98%
	Unrestricted cash					
L2	Unrestricted cash compared to current liabilities [Unrestricted cash / Current liabilities] x100	208.08%	285.73%	189.29%	163.81%	252.98%
	Obligations					
	Loans and borrowings					
O2	Loans and borrowings compared to rates [Interest bearing loans and borrowings / Rate revenue] x100	2.23%	1.97%	1.20%	16.39%	16.31%
O3	Loans and borrowings repayments compared to rates [Interest and principal repayments on interest bearing loans and borrowings / Rate revenue] x100	1.80%	1.64%	0.73%	0.32%	0.21%
	Indebtedness					
O4	Non-current liabilities compared to own source revenue [Non-current liabilities / Own source revenue] x100	30.30%	28.94%	21.99%	40.33%	29.65%
	Asset renewal and upgrade					
O5	Asset renewal and upgrade compared to depreciation [Asset renewal and upgrade expense / Asset depreciation] x100	100.48%	106.15%	97.89%	209.28%	203.38%
	Operating position					
	Adjusted underlying result					
OP1	Adjusted underlying surplus (or deficit) [Adjusted underlying surplus (deficit)/ Adjusted underlying revenue] x100	2.91%	11.48%	11.75%	(4.20)%	(5.98)%
	Stability					
	Rates concentration					
S1	Rates compared to adjusted underlying revenue [Rate revenue / Adjusted underlying revenue] x100	65.02%	60.55%	57.88%	65.48%	63.75%
	Rates effort					
S2	Rates compared to property values [Rate revenue / Capital improved value of rateable properties in the municipality] x100	0.58%	0.53%	0.43%	0.44%	0.38%

FILE NO:
5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

ITEM NO: 9.1.2

QUARTERLY BUDGET REVIEW - SEPTEMBER 2023 (cont'd)

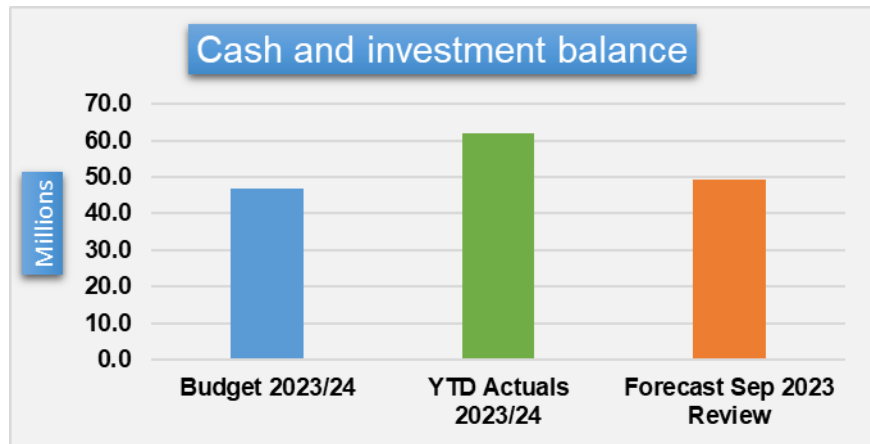
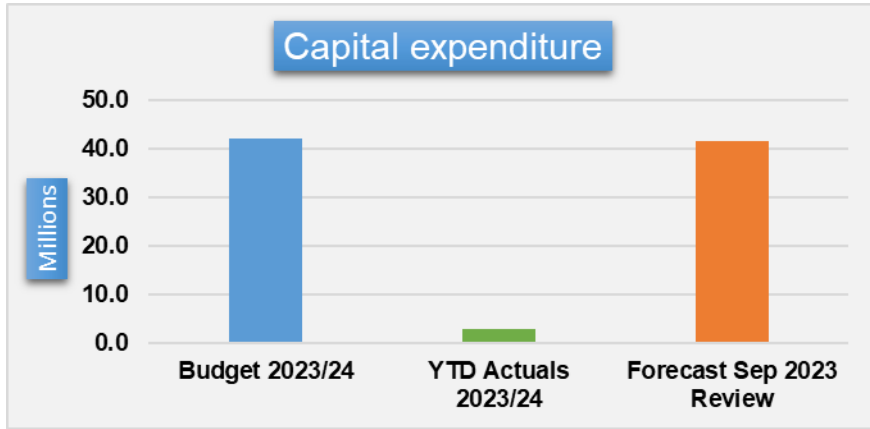
7.9 Financial Indicators



FILE NO:
5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

ITEM NO: 9.1.2

QUARTERLY BUDGET REVIEW - SEPTEMBER 2023 (cont'd)



FILE NO:
5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

ITEM NO: 9.1.2

QUARTERLY BUDGET REVIEW - SEPTEMBER 2023 (cont'd)

8. Environmental Upgrade Agreement (EUAs) - Quarterly Performance Reporting

A EUA is a financing mechanism made under the *Local Government Act 1989* (Vic) which allows building owners to repay a loan for upgrades through a local council charge on the land. This financing mechanism can be used for a range of upgrade works improving the environmental and sustainability performance of existing buildings.

Under a EUA, an independent service provider administers the recovery of the EUA loan repayments and transfer of funds to the funding body, Council provides support on an on-going basis. Council does not provide direct funding to applicants

Section 181 (G) of the *Local Government Act 1989* (Vic) requires Council to report on the following matters pertaining to EUAs:

Local Government Act 1989 (Vic)	Status as at 30 September 2023
s.181G (a) Each environmental upgrade agreement entered into in the last quarter, and the rateable land to which the agreement relates.	No new agreements were entered into during the reporting period
s.181G (b) Each environmental upgrade charge approved in respect of the agreements referred to in paragraph (a), and the value of the charges.	No new agreements were entered into during the reporting period
s.181G (c) The total number of environmental upgrade charges in operation in the last quarter.	6
s.181G (d) The total value of all environmental upgrade charge payments that have fallen due and have not been paid.	Nil
s.181G (e) The total value of all environmental upgrade charge payments that are yet to fall due.	\$5,676,703

9. Risk Mitigation

There are no risks issues to consider with this report.

10. Conclusion

The projected cash and term deposit position is \$49.19 million as at 30 June 2024.

An operating surplus of \$11.23 million forecast as at 30 June 2024.

A forecast total 2023/24 capital works program of \$41.74 million.

Attachments

Nil

FILE NO:
5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

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

CONTRACTS AWARDED UNDER DELEGATION REPORT

Recommendation

That Council note the quarterly report for contracts awarded under delegation.

1. Executive Summary

Council's *Instrument of Delegation to the Chief Executive Officer* was adopted on 27 October 2021 which provides a delegation to the Chief Executive Officer (CEO) to award contracts up to the value of \$350,000.

This report lists all contracts awarded under the CEO delegation for the period 1 July 2023 – 30 September 2023.

2. Conflict of interest declaration

There are no officer conflict of interest considerations.

3. Background & Context

In accordance with Section 108 of the *Local Government Act 2020*, Council adopted a Procurement Policy ('Policy') on 27 October 2021. One of the Policy's objectives is to achieve an outcome of 'High standards of probity, transparency, accountability and risk management'.

Council's Instrument of Delegation to the Chief Executive Officer, adopted on 27 October 2021, confirms a delegation to the CEO to award contracts up to the value of \$350,000 (exc. GST). As purchases between \$150,001 - \$350,000 (exc. GST) must be approved by the CEO, this report highlights contracts awarded within this delegation threshold.

Under Appendix A of the Policy, purchases between \$150,001 - \$350,000 (exc. GST) must follow an advertised Request for Quote (RFQ) process unless an eligible procurement exemption applies.

The below table lists the contracts awarded under delegation between 1 July 2023 - 30 September 2023.

Contract No.	Contract Details	Value ex GST	Awarded to:
C013/23	Numurkah - Strathmerton Growth Corridor Land Use Strategy	\$171,000.00	Charter Keck Cramer Pty Ltd
C025/23	Engagement Lead Consultant - Yarrowonga Town Hall Precinct	\$100,000.00	Jennifer Lilburn & Associates Pty Ltd
C026/23	Powewline Clearance of Trees in Declared Areas	\$85,785.00	Felicitatem Pty Ltd atf The Rheese Family Trust t/a Smith's Tree Services Victoria

4. Issues

No issues were raised within the contracts awarded under delegation.

FILE NO:
5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

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

CONTRACTS AWARDED UNDER DELEGATION REPORT (cont'd)

5. Strategic Alignment

Council Plan

5. Transparent and accountable
governance

This report details the advertised RFQs that have been awarded or renewed under delegated authority. Under the Strategic Objective Pillar 5, communicating decisions made under delegation allows for greater transparency.

6. Internal & External Engagement

Internal and External Consultation was not required.

7. Budget / Financial Considerations

The Instrument of Delegation to the Chief Executive Officer includes a delegation to award a contract for goods, services or works to \$350,000 (exc. GST), provided the costs are included in Council's approved budget.

8. Risk & Mitigation

The Procurement Policy provides guidance to the entire organisation on procurement practices that set a tone for a framework that upholds accountability and transparency. The policy is therefore a critical component of Council's overall risk management framework.

The Instrument of Delegation to the Chief Executive Officer supports Council's management of business risk and commitment to good governance.

9. Conclusion

This report details the contracts awarded under the CEO delegation for the period 1 July 2023 – 30 September 2023. Contracts were awarded through an advertised RFQ procurement process.

Attachments

Nil

FILE NO:
5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

ITEM NO: 9.2.1
(SENIOR GOVERNANCE OFFICER, NANCY
MUSTICA)
(ACTING DIRECTOR CORPORATE
GOVERNANCE AND PERFORMANCE,
AMANDA CHADWICK)

PROPOSAL TO ACQUIRE LOT 97 ON PLAN OF SUBDIVISION 735241D

Recommendation

That Council authorise the Chief Executive Officer to:

1. Proceed with negotiations to acquire Lot 97 on Plan of Subdivision 735241D being located on Packham Drive in Cobram; and
2. Sign and seal all necessary documentation pertaining to the transfer of the land without any consideration.

1. Executive Summary

The purpose of this report is to seek Council's authorisation to proceed with the acquisition of Lot 97 on Plan of Subdivision 735241D, which is located in a new residential subdivision on Packham Drive in Cobram.

A subdivision development has occurred and, in the process a legacy issue has arisen due to Council approving the Planning Permit amendment which affected the already created Lot 97. This is now required to be changed to a Council Reserve and ownership transferred to the Council without any consideration.

Due to the current classification of the lot it cannot be transferred to Council in the usual Planning Permit process. A separate process is required in accordance with Section 112 of the *Local Government Act* (the Act) and in accordance with Council's Community Engagement Policy.

Community engagement was conducted and no submission were received, on this basis this report seeks Council to consider the acquisition.

2. Conflict of interest declaration

There is no officer conflict of interest considerations.

3. Background & Context

A development plan for a subdivision has taken place on the land know as 1 Packham Drive Cobram being all of the land contained in lot 97 on Plan of Subdivision 735241D.

FILE NO:
5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

ITEM NO: 9.2.1
(SENIOR GOVERNANCE OFFICER, NANCY
MUSTICA)
(ACTING DIRECTOR CORPORATE
GOVERNANCE AND PERFORMANCE,
AMANDA CHADWICK)

PROPOSAL TO ACQUIRE LOT 97 ON PLAN OF SUBDIVISION 735241D (cont'd)



The development plan for this subdivision was amended on the 17 April 2019 just after a statement of compliance for Stage 1 of subdivision being issued on the 12 April 2019. The amended development plan showed Lot 97 as a reserve but as a statement of compliance had already been issued, the land could not be created as a reserve at that time.

It would have been preferable for the plan of subdivision to be amended to show Lot 97 as a reserve prior to a statement of compliance being issued for Stage 1, however there was 14 months between the plan of subdivision being certified and a statement of compliance being issued.

Condition 12 of the planning permit which was amended on the 26 June 2019 indicates that the reserves must be “constructed and drained and handed over to the Council”. The intent of condition 12 was for Lot 97 to be handed over to Council however Lot 97 had already been created on the plan of subdivision for Stage 1 of the subdivision. All of the land contained in this parcel comprise easements in favor of Moira Shire Council.

As a result, a separate process for the transfer of land under the *Local Government Act 2020* is required to be undertaken to enable the lot to be transferred to Council.

Section 112 (1) (3) of the *Local Government Act 2020* provides Council the powers to acquire land following community engagement in accordance with Council’s community engagement policy.

Community consultation commenced on 23 August 2023 and closed on 27 September 2023 during this time no submissions were received and the submissions hearing scheduled for 11 October was not required.

Following consideration of this report Council will proceed to negotiate with the current registered proprietor (s.45 *Transfer of Land Act 1958*) then Council may lodge a plan of subdivision and create the land as a reserve on that plan (s.22 *Subdivision Act 1988*).

FILE NO:
5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

ITEM NO: 9.2.1
(SENIOR GOVERNANCE OFFICER, NANCY
MUSTICA)
(ACTING DIRECTOR CORPORATE
GOVERNANCE AND PERFORMANCE,
AMANDA CHADWICK)

PROPOSAL TO ACQUIRE LOT 97 ON PLAN OF SUBDIVISION 735241D (cont'd)

4. Issues

This process will allow Council and the developer to rectify the issue and fulfill and comply with the planning permit conditions.

5. Strategic Alignment

Council Plan

5. Transparent and accountable governance

6. Internal & External Engagement

Internal engagement has occurred with the Planning and Development Assessment Engineers.

Community engagement occurred and no feedback was received.

7. Budget / Financial Considerations

It is expected that any associated administrative costs will be within the current 2023/24 Budget.

8. Risk & Mitigation

Risk	Mitigation
Economic (regional context or broader economic impact)	Nil
Environmental	Nil
Reputational	Nil
Legislative Compliance	Conduct public consultation in accordance with the Act

9. Conclusion

That Council consider proceeding with negotiations to acquire Lot 97 on Plan of Subdivision 735241D on Packham Drive Cobram.

Attachments

Nil

FILE NO:
5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

ITEM NO: 9.2.2
(GOVERNANCE OFFICER, NATALIE EVANS)
(ACTING DIRECTOR CORPORATE
GOVERNANCE AND PERFORMANCE,
AMANDA CHADWICK)

MOIRA SHIRE COUNCIL ANNUAL REPORT 2022/23

Recommendation

That Council receives and notes the 2022/23 Annual Report, including the audited Financial Statements and Performance Statement.

1. Executive Summary

Moira Shire Council's 2022/23 Annual Report including the audited Financial Statements and Performance Statement is provided for presentation by Council.

This Annual Report provides an overview of the functions, achievements and performance of the Moira Shire Council.

The Financial Report for the year ended 30 June 2023 and the Performance Statements for 2022/23 have been prepared in accordance with the Australian Accounting Standards, the *Local Government Act 2020* and the *Local Government (Planning and Reporting) Regulations 2020*.

2. Conflict of interest declaration

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

3. Background & Context

Preparation of an Annual Report is a requirement of the *Local Government Act 2020*. Council must prepare an Annual Report for each financial year that includes a:

- Report of Operations;
- Audited Financial Statement; and
- Audited Performance Statement

This Annual Report provides an outline of Moira Shire Council's achievements against the 2021-2025 Council Plan and the Local Government Performance Reporting Framework (LGPRF) Indicators and details the Council's financial position for the 2022/23 financial year.

FILE NO:
5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

ITEM NO: 9.2.2
(GOVERNANCE OFFICER, NATALIE EVANS)
(ACTING DIRECTOR CORPORATE
GOVERNANCE AND PERFORMANCE,
AMANDA CHADWICK)

MOIRA SHIRE COUNCIL ANNUAL REPORT 2022/23 (cont'd)

Highlights

Some of the key highlights for the 2022/23 year include:

- Development and adoption of our Environmental Sustainability Strategy 2022-2026 which will support and encourage an environmentally sustainable community and organisation.
- Development of a Competency Framework which establishes common standards of behaviour to guide the way we work.
- Delivery of a number of key projects including:
 - New netball courts at the Nathalia Recreation Reserve
 - Shared path along the Murray Valley Highway from Silverwoods Boulevard to Botts Road, Yarrowonga
 - Reconstruction and upgrade of drainage and kerb & channel in Veldt and McDonnell Streets, Nathalia
 - EV Charging Station at Federation Park, Cobram
 - Airconditioning installation at the Cobram Sports Stadium
 - Public Toilet renewal at George Graham Park, Wungnhu

Organisational Performance

Moira Shire Council's financial performance is detailed in the audited financial statements, included in the Annual Report. In summary, Council reported an operating surplus of \$15.44 million, greater than the forecasted result in the adopted budget largely due to the early receipt of 100% of the 2023/24 Federal Financial Assistance Grant, capital asset contributions from developers for new residential estates bring greater than budget and operating expenses being maintained within 1% of budget.

The Report of Operations details progress on major initiatives and provides the results of strategic indicators and various service indicators. The audited performance statement provides the results of sustainable capacity indicators, specific service performance indicators and financial performance indicators. The financial performance indicators show Council to be in a satisfactory underlying financial position as at 30 June 2023.

4. Strategic Alignment

Council Plan

5. Transparent and accountable governance Delivery of the Annual Report and reporting on Councils achievements and performance aligns with this objective.

5. Internal & External Engagement

Internal

Consultation has taken place with internal departments to provide data and commentary as part of the Council Plan and LGPRF reporting.

Council's Audit and Risk Committee reviewed the draft Financial Statements and the draft Performance Statement for the 2022/2023 financial year prior to in-principle approval and certification by Council and the Victorian Auditor General's Office. The auditor's closing report and management letter was tabled with Council's Audit and Risk Committee during the October

FILE NO:
5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

ITEM NO: 9.2.2
(GOVERNANCE OFFICER, NATALIE EVANS)
(ACTING DIRECTOR CORPORATE
GOVERNANCE AND PERFORMANCE,
AMANDA CHADWICK)

MOIRA SHIRE COUNCIL ANNUAL REPORT 2022/23 (cont'd)

2023 meeting.

External

The Annual Report will be made available to the community on the Moira Shire Council website and in hardcopy at Council Service Centres following consideration of this report.

6. Budget / Financial Considerations

Costs relating to the design and printing of the Annual Report and relevant advertising are provided for in Council's operating budget.

7. Risk & Mitigation

The Annual Report meets Council's obligations under the *Local Government Act 2020* and is prepared in accordance with the model reports provided by the Department.

8. Conclusion

The Annual Report has been prepared in accordance with the Australian Accounting Standards, the *Local Government Act 2020* and the *Local Government (Planning and Reporting) Regulations 2020*.

It is recommended that Council present the Moira Shire Council 2022/23 Annual Report.

Attachments

- 1 Moira Shire Annual Report 2022-2023 - *printed in separate document*

FILE NO:
1. A WELCOMING AND INCLUSIVE PLACE

ITEM NO: 9.3.1
(TEAM LEADER BUSINESS SUPPORT,
COMMUNITY SERVICE DELIVERY, NATALIE
MCDONALD)
(CHIEF FINANCE OFFICER MATT JARVIS)

DRAFT ALL ABILITIES ACCESS AND INCLUSION PLAN

Recommendation

That Council endorse the All Abilities Access and Inclusion Plan.

1. Executive Summary

The draft All Abilities Access and Inclusion Plan 2023-2026 (attached) has been developed in consultation with the All Abilities Advisory Committee (AAAC), community members, service providers and internal stakeholders. This Plan will replace Council's existing Disability Access and Inclusion Plan 2017-2021.

The draft Plan is a strategic document that includes outcome based actions and direction for the improvement of access and inclusion for the next three years. The goal of the draft Plan is to make Moira Shire a more accessible and inclusive community for all, by supporting and advocating for people with a disability to participate in their local communities. The draft Plan outlines Council's commitment to promote a more inclusive and accessible community and priorities associated with access to the built environment, social connections and communication processes.

Consultation has taken place around the draft Plan and a Gender Impact Assessment has been completed.

Council endorsement is being request so the Plan can be launched and promoted within the community and so that Council and key stakeholders can commence (or continue) working on delivering the actions.

2. Conflict of interest declaration

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

3. Background & Context

The draft All Abilities Access and Inclusion Plan 2023-2026 has been developed in consultation with the All Abilities Advisory Committee (AAAC), community members, service providers and internal stakeholders.

The goal of the draft Plan is to make Moira Shire a more accessible and inclusive community for all, by supporting and advocating for people with a disability to participate in their local communities. The draft Plan outlines Council's commitment to promote a more inclusive and accessible community and priorities associated with access to the built environment, social connections and communication processes.

Section 38(1) of the *Disability Act 2006* requires that government departments, prescribed statutory authorities and prescribed statutory corporations must develop a Disability Action Plan. The objectives outlined in the *Act* have been meet through the following themes:

- Accessible Places & Spaces
- Leadership & Opportunity
- Participation & Inclusion
- Respect & Recognition

FILE NO:
1. A WELCOMING AND INCLUSIVE PLACE

ITEM NO: 9.3.1
(TEAM LEADER BUSINESS SUPPORT,
COMMUNITY SERVICE DELIVERY, NATALIE
MCDONALD)
(CHIEF FINANCE OFFICER MATT JARVIS)

DRAFT ALL ABILITIES ACCESS AND INCLUSION PLAN (cont'd)

Recent consultation with the AAAC, community members and internal Council departments has informed the draft Plan to ensure that it is relevant to the communities needs and adequately reflects expectations.

4. Issues

The aim of the draft Plan is to ensure Moira Shire is an accessible and inclusive community for all, including advocacy for people with a disability to participate in their local community.

Through the consultation process feedback raised by community members related to specific issues around accessibility, parking, services and transport. As these issues were specific requests and the draft Plan is at a higher level than the feedback provided, only minor updates were made to the Plan. Issues raised through this process were not appropriate to be included in the Plan due to their specific and detailed nature and will be actioned separately through CRM's and working with other Council departments (where appropriate). Additionally, Officers will incorporate this feedback into a working Action Plan including who is responsible for each action, timeframes and status updates.

A Gender Impact Assessment was completed and after working through the process it was determined that the overall impact of the draft Plan will have a positive impact on the community. It is anticipated that delivery of the actions within the draft Plan will ensure Council is inclusive and accessible by all community members.

5. Strategic Alignment

Throughout the Council Plan, the Disability Access and Inclusion Plan (now named the All Abilities Access and Inclusion Plan) has been referenced in the following pillars:

- Pillar 1: A welcoming and inclusive place
- Pillar 2: A diverse and dynamic economy
- Pillar 4: Customer focused and responsive

The All Abilities Access and Inclusion Plan will be an important strategic document in assisting Council in meeting actions and performance indicators outlined in the Council Plan.

The draft Plan has considered Councils legislative and policy responsibilities and aims to address a range of inequality issues whilst promoting and enhance equality within our Communities.

6. Internal & External Engagement

Internal – a number of departments have had input into the development of the draft Plan and have regular involvement in the All Abilities Advisory Committee.

External – feedback on draft Plan was sought from the All Abilities Advisory Committee which consists of external representatives from the community, disability service providers and community organisations. Four community consultation drop in sessions were held where community members or stakeholders could attend and provide their feedback. In addition to this feedback opportunities were offered at our customer service centers, via email and/or on Council's website.

FILE NO:
1. A WELCOMING AND INCLUSIVE PLACE

ITEM NO: 9.3.1
(TEAM LEADER BUSINESS SUPPORT,
COMMUNITY SERVICE DELIVERY, NATALIE
MCDONALD)
(CHIEF FINANCE OFFICER MATT JARVIS)

DRAFT ALL ABILITIES ACCESS AND INCLUSION PLAN (cont'd)

7. Budget / Financial Considerations

The cost of the development of the draft Plan has been absorbed in Council's operational budget. Council allocates \$4,500 each financial year to support the activities of the AAAC and deliver actions outlined in the draft Plan.

It should be noted that by endorsing the draft Plan, it is not intended that Council are committing funding to any additional capital projects outside of the existing process. Should a project come up via the AAAC, it would be expected that the project is scoped appropriately through a business case and treated like any other new project coming into Council. A Council Officer from the Operations Department is represented on the AAAC providing detail and up to date information on projects then considered by the Committee in relation to accessibility and inclusion.

8. Risk & Mitigation

Through this draft Plan it is anticipated that Council will continue to focus on identifying and mitigating risk for people in our communities whom are living with a disability. It would be expected that a risk and mitigation lens is applied to any action that is being delivered from the draft Plan. The risk and mitigation applied to each of the actions will range depending on what is being delivered.

9. Conclusion

Once the Plan has been endorsed by Council, a working Action Plan document will be developed with more specific details including who is responsible for each action, timeframes and a status update. This Action Plan will be used as a working document for the AAAC and status updates can be provided on a regular basis. This information will form part of the annual review.

Council endorsement is being requested so the Plan can be launched and promoted within the community and so that Council and key stakeholders can commence (or continue) working on delivering the actions.

Attachments

- 1 Draft All Abilities Access and Inclusion Plan 2023-2026

FILE NO:
1. A WELCOMING AND INCLUSIVE PLACE

ITEM NO: 9.3.1
(TEAM LEADER BUSINESS SUPPORT,
COMMUNITY SERVICE DELIVERY,
NATALIE MCDONALD)
(CHIEF FINANCE OFFICER MATT
JARVIS)

DRAFT ALL ABILITIES ACCESS AND INCLUSION PLAN (cont'd)

ATTACHMENT No [1] - Draft All Abilities Access and Inclusion Plan 2023-2026



DRAFT

All Abilities Access and Inclusion Plan

2023-2026

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ATTACHMENT No [1] - Draft All Abilities Access and Inclusion Plan 2023-2026



Our Vision

To be a welcoming, healthy and sustainable community that encourages diversity, business ingenuity and inclusion.

Acknowledgement of Country

The Moira Shire acknowledges the traditional custodians of country, Yorta Yorta. We acknowledge their continuing connection to the land, water and community and pay our respects to them and their cultures and to their elders past, present and emerging.

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All Abilities Access and Inclusion Plan 2023-2026

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ATTACHMENT No [1] - Draft All Abilities Access and Inclusion Plan 2023-2026

Administrator's Message

It is with great pleasure that we present the Moira Shire Council's All Abilities Access and Inclusion Plan 2023-2026.

The aim of the All Abilities Access and Inclusion Plan is to make Moira Shire a more accessible and inclusive community for all, including advocating for people with disability to participate in their local community.

The 2023-2026 All Abilities Access and Inclusion Plan has been developed to prioritise actions over the coming four years for the continuous improvement of outcomes for people with disability.

The Plan was created with the help of the Moira Shire Council's All Abilities Advisory Committee, which comprises services and community members, including community members with lived experience of disability and representatives from local disability service providers.

This collaborative process provided valuable information on the issues and barriers facing people with disabilities within Moira Shire and allowed Council to build on its previous work. The priority areas of the Plan have been framed by the requirements set out in the *Victorian Disability Act 2006*.

Themes were developed through development of the previous Disability Access and Inclusion Plan 2017-2021 in consultation with the community and the Disability Advisory Committee to meet its obligation under the *Victorian Disability Act 2006*.

These are:

- Accessible Places and Spaces;
- Leadership and Opportunity;
- Participation and Inclusion; and
- Respect and Recognition

The All Abilities Advisory Committee will continue to have input into the prioritisation and implementation of these actions, and Council will continue to advocate and work with all three tiers of government.

The Plan will be revised annually with the goal of Council's services and programs being inclusive of people with disability.

It is our pleasure to endorse this All Abilities Access and Inclusion Plan.

John Tanner AM
Chair of Panel of Administrators

Suzanna Sheed
Administrator

Dr Graeme Emonson PSM
Administrator

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Acknowledgments

Our Community

Moira Shire Council would like to thank the many community groups and individuals who participated in our community engagement process; sharing their lived experiences, knowledge and ideas.

This feedback was reviewed by the All Abilities Advisory Committee to identify the priorities for this All Abilities Access and Inclusion Plan and was used to inform the actions.

All Abilities Advisory Committee (AAAC)

This All Abilities Access and Inclusion Plan was developed with the assistance of Moira Shire Council's All Abilities Advisory Committee (AAAC).

The AAAC is a committee which can comprise a maximum of 20 services and community representatives. The committee is currently made up by the following volunteer members:

- 4 community members with lived experience of disability; and
- 8 representatives of local disability service providers.

The objectives of the AAAC are:

- Advise Council on opportunities improve access and inclusion for people of all abilities that reside in and visit the Moira Shire.
- Advocate for improved access and inclusion, and promote participation in Moira Shire community activities for people of all abilities.

Additional responsibilities include:

- Provide advice on barriers to access and improvement opportunities for people of all abilities to better access Council services, programs, events and infrastructure within the Shire.
- Provide input into the planning stage of Council strategies, plans and policies which relate to the access and inclusion for people of all abilities including the All Abilities Access and Inclusion Plan.
- Participate in committees and community engagement processes of Council, which relate to access and inclusion for people of all abilities.
- Advise Council on local, regional and statewide issues which have implications for the inclusion of people of all abilities in Moira Shire.



Photo: Teegan Doyle, Hollie Barnes, Renee McCarthy, Gayle Berg von Lindhe, Jenny Godwin (front).

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DRAFT ALL ABILITIES ACCESS AND INCLUSION PLAN (cont'd)

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Executive Summary

The goal of the All Abilities Access and Inclusion Plan is to make Moira Shire a more accessible and inclusive community for all, by supporting and advocating for people with a disability to participate in their local communities.

Moira Shire Council's All Abilities Access and Inclusion Plan 2023-2026 outlines Council's commitment to promoting a more inclusive and accessible community. The Plan outlines the priorities of Council to improve access to the built environment, social connections and communication processes. Moira Shire will be a better community for its residents and visitors, increasing the economic, social and tourism potential for all.

Promoting, providing and planning for an accessible environment meets Council's obligation under the *Victorian Charter of Human Rights and Responsibilities Act 2006* and *Disability Act 2006*. The Plan focuses on the following themes:

Accessible Places & Spaces

- Taking a leadership role in promoting, influencing and advocating for an accessible built environment.
- Developing and planning for a connected and accessible community environment.
- Promoting and implementing universal design principles.
- Advocating for improved public transport.

Leadership & Opportunity

- Promoting leadership and involvement for people with disabilities around all matters and in particular those that have a direct impact on access and inclusion.
- Ensuring new strategies and plans consider disability access and inclusion.
- Promoting employment of people with disabilities.
- Promoting ongoing benefits of engagement and volunteering in the community.

Participation & Inclusion

- Maximising engagement with people with disabilities.
- Supporting housing and independence.
- Promoting inclusive activities and events.

Respect & Recognition

- Taking a leadership role in the promotion of inclusion and respect.
- Influencing attitudes and educating the community.
- Integrating access and inclusion practices throughout Council's decision making processes.

The Plan was developed with a focus on existing resources and incorporating access and inclusion principles into everyday decision making, project design and policy development. The Plan and its actions rely on the existing and development of new relationships with the community, service providers and other interested organisations.

The Plan has been designed to work in conjunction with, and provide support to other Council plans, either existing or under development. In particular, the Plan will both provide support to, and be supported by, the Wellbeing for All Ages Strategy.

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ATTACHMENT No [1] - Draft All Abilities Access and Inclusion Plan 2023-2026

Our Legislative and Policy responsibilities

International

- United Nations Convention on the Rights of Persons with Disabilities 2006
- Universal Declaration of Human Rights 1948

Australian Government

- *Disability Discrimination Act 1992*
- *National Disability Insurance Scheme Act 2013*
- Australian Standards and Building Code of Australia
- Australia's Disability Strategy 2021-2031
- National Agreement on Closing the Gap
- Information Linkages and Capacity Building program
- Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability

Victorian Government

- *Disability Act 2006*
- *Disability Amendment Act 2012*
- *Victorian Charter of Human Rights and Responsibilities Act 2006*
- *Victorian Equal Opportunity Act 2010*
- Inclusive Victoria: State Disability Plan (2022-2026)
- The Victorian Aboriginal Affairs Framework 2018–2023

Local Government

- Creating a More Inclusive Community for People with a Disability; A Strategic Framework for Local Government (Municipal Association of Victoria, 2011)

Section 38(1) of the *Disability Act 2006* requires that government departments, prescribed statutory authorities and prescribed statutory corporations must develop a Disability Action Plan for the purpose of:

1. reducing barriers to persons with a disability accessing goods, services and facilities;
2. reducing barriers to persons with a disability obtaining and maintaining employment;
3. promoting inclusion and participation in the community of persons with a disability; and
4. achieving tangible changes in attitudes and practices that discriminate against persons with a disability.

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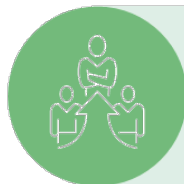
Themes

The following themes were developed through development of the previous Disability Access and Inclusion Plan 2017-2021. The current All Abilities Advisory Committee (previously known as the Disability Advisory Committee) determined that these themes were still relevant with some small additions. The themes meet Council's obligation under the *Victorian Disability Act 2006*.



1. Accessible Places & Spaces

Physical Access
Services & Businesses
Universal Design Principles
Transport



2. Leadership & Opportunity

Employment
Volunteering
Representation
Education & Training



3. Participation & Inclusion

Events & Activities
Communications
Sports & Recreation
Housing & Independence



4. Respect & Recognition

Attitudes
Advocacy
Celebrating Diversity

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1. Accessible Places & Spaces

Accessible places and spaces are fundamental to promoting inclusion throughout all aspects of community life and will enhance the promotion of participation for all.

NO.	ACTION
1.1	Take a leadership role in promoting, influencing and advocating for accessible built environments
1.1.1	Support opportunities for local sporting and community facilities to become accessible, through researching appropriate grants and creating funding channels by: <ul style="list-style-type: none"> • Finding opportunities for grants and strengthening guidelines around access and inclusion • Ensuring assessment criteria promotes accessibility and inclusiveness • Promotion of other grant opportunities
1.1.2	Encourage and support local businesses to make accessibility and inclusion a priority by: <ul style="list-style-type: none"> • Providing information and promotion of access and inclusion through existing communication networks • Supporting and promoting the 'Access at a Glance' community program
1.1.3	Review access to local nature reserves for increased access through: <ul style="list-style-type: none"> • Community feedback • Identification of funding opportunities • Advocacy to other agencies
1.2	Develop and plan for a connected and accessible community environment
1.2.1	Improve pedestrian and cycling infrastructure (including crossing points) to facilitate a connected and accessible community by: <ul style="list-style-type: none"> • Review existing Strategy • Reviewing existing footpath networks in major towns • Develop a schedule for long term implementation
1.2.2	Improve accessible car parking at key community buildings and in shopping precincts to ensure safe access and sufficient spaces are provided by: <ul style="list-style-type: none"> • Review of existing car parks • Ensuring all new developments comply with current standards
1.2.3	Provide sufficient Council owned public toilets through: <ul style="list-style-type: none"> • Identifying existing facilities • Develop a prioritised schedule for upgrade to meet best practice standards for provision of disabled toilets • Increase signage and advertising of facilities

All Abilities Access and Inclusion Plan 2023-2026

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NO.	ACTION
1.2.4	Educate community on Disabled Car parking legalities through: <ul style="list-style-type: none"> • Media and social media campaign
1.2.5	Improve public parks, playgrounds, gardens and facilities to ensure that they are connected, accessible and inviting to all by ensuring: <ul style="list-style-type: none"> • The All Abilities Advisory Committee have input in the development of all new parks and playgrounds • All new park amenities including shelters, BBQs, park furniture, water drinking fountains etc. are accessible to all • Where possible, there is an accessible path that connects facilities within the park
1.3	Promote and implement universal design principles
1.3.1	Review existing Council owned and managed buildings and develop a program to meet universal design principles through: <ul style="list-style-type: none"> • Utilising and updating existing facility audits processes • Prioritising areas for improvement • Develop an implementation plan for Council managed buildings <i>Appendix 1, Principles of Universal Design.</i>
1.3.2	Promote and implement current accessible building standards to new developments, public buildings and facilities through: <ul style="list-style-type: none"> • Creation and distribution of a Universal Design Principle factsheet • Update procurement and tender documentation to promote universal design
1.4	Advocate for improved public transport
1.4.1	Improve public transport to facilitate improved community involvement by: <ul style="list-style-type: none"> • Advocating for increased frequency of accessible public transport and sufficient accessible infrastructure to State and Federal Governments • Supporting current studies and any subsequent outcomes or consultation needed • Progressing the recommendations from the Community Transport Review

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2. Leadership & Opportunity

Participating in work and volunteer activities leads to new connections with others, fosters a cohesive community, promotes self-worth and is beneficial to the economic and social wellbeing of our communities. Having diverse participation throughout our communities allows for informal learning, while providing pathways for individuals to connect with others.

NO.	ACTION
2.1	Ensure that new strategies and plans consider disability access and inclusion
2.1.1	All new strategies and plans demonstrate consideration and/or implication on access and inclusion through: <ul style="list-style-type: none"> • Presentation of key new strategies and plans to the All Abilities Advisory Committee • Internal awareness of procedures to ensure compliance
2.2	Encourage employment of people with disabilities in the community and the Council
2.2.1	Assist with increasing awareness of the valuable contribution people with disabilities can make as employees and/or volunteers through: <ul style="list-style-type: none"> • Promoting existing government support • Promotion of available resources to networks • Creating partnerships with local business leaders, including trader groups to reinforce key messages
2.2.2	As a major employer of choice: <ul style="list-style-type: none"> • Develop a strategic approach to enhancing employment opportunities and retention of persons with disability at Council
2.2.3	Promote opportunities for skill development, leadership, education, training and employment opportunities for people with a disability by: <ul style="list-style-type: none"> • Investigating and promoting new social enterprise opportunities • Ensuring disability networks are aware of community grants • Sharing education, training and employment opportunities with disability networks and the community
2.3	Promote ongoing benefits of engagement and volunteering in the community
2.3.1	Promote volunteering opportunities for people with disabilities as a key social inclusion strategy within sporting, social and community groups and clubs by: <ul style="list-style-type: none"> • Promoting training/information on volunteering as it becomes available • Develop a Volunteer register on the council website where by resources will be shared with community organisations across the shire
2.4	Identify leadership and involvement for people with disabilities
2.4.1	Ensure that access and inclusion aspects are included in policy development from all tiers of government by: <ul style="list-style-type: none"> • Seeking input and feedback from All Abilities Advisory Committee on consultation matters • Promoting representation of people with disability on Council advisory and steering committees

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3. Participation & Inclusion

Developing and fostering participation and inclusion for all members of our community is beneficial to economic growth, social participation, employment opportunities and key to building a cohesive community.

NO.	ACTION
3.1	Maximise engagement with people with disabilities, making strategic and operational decisions especially regarding access and inclusion
3.1.1	Enhance engagement with people with disabilities on all Council matters by: <ul style="list-style-type: none"> Offering training to new and existing employees on benefits of consulting with people with disability Reviewing and update the Corporate Style Guide to incorporate accessibility standards (contrast, capitalisation, size, font) translation of information into other formats and Easy English
3.1.2	Ensure more people with disability have access to online information and services by: <ul style="list-style-type: none"> Adopting the mandated conformance levels for web accessibility as a baseline requirement (WCAG 2.0 compliance)
3.2	Promote inclusive activities and events
3.2.1	Promote participation of persons with a disability in all activities, events and festivals, including planning and advertising by: <ul style="list-style-type: none"> Including checklists and audit tools in all risk assessments Taking a leadership role in demonstrating inclusion in Council lead events and activities through compliance with the Internal Events Guidelines Promoting the use of the Companion Card at all Council events and facilities that incur charges Supporting existing organisations by making funding opportunities available for initiatives
3.3	Housing and independence
3.3.1	Promote participation of persons with a disability in all areas of life activities and life administration by: <ul style="list-style-type: none"> Ensuring work that occurs in the affordable housing space and strategic objectives has advocacy for the disability community Staying abreast of the community housing program 'The Big Build' and identifying any possibilities of development within the Moira Shire Promoting independence through activities and networking opportunities that support and develop skills in this area

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4. Respect & Recognition

Australia is known and respected for its diverse communities. Moira Shire Council recognises the benefits of celebrating this diversity and endeavours to show and promote respect throughout all communities.

NO.	ACTION
4.1	Take a leadership role in the promotion of inclusion and respect
4.1.1	Advocate and allow for a more inclusive community, increasing the social, economic and health outcomes of people with a disability and the wider community through: <ul style="list-style-type: none"> • Developing partnerships between other organisations, support services and groups, creating opportunities for cross promotion and reinforcement of key messages • Promoting inclusive Council Meetings where all members of the community feel welcome and safe to participate, including carers, through a community and media campaign
4.1.2	Promote awareness and acceptance of the rights of people with disability through: <ul style="list-style-type: none"> • Community education programs and opportunities • Supporting independent advocacy of people with disability through promotion of external resources, organisations and opportunities
4.2	Influence attitudes and educate the community through celebration
4.2.1	Celebrate and promote the achievements of people with disability through: <ul style="list-style-type: none"> • The facilitation of community and school events honouring International Day of People with Disability • Increasing community education/awareness programs throughout the Shire including local schools by designing and promoting all abilities events and activities
4.3	Integrate access and inclusion practices throughout Council's decision making process
4.3.1	Ensure that Council lead by example through: <ul style="list-style-type: none"> • Providing practical training for staff on their obligations embedded in everyday decision making • Providing information to staff on the rights of people with disabilities

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Appendix

7 Principles of Universal Design

1. Equitable Use

- Design is appealing and provides the same means of use to all individuals.
- Provisions for privacy, security, and safety are equally available.

2. Flexibility in Use

- There is choice in methods of use.
- Accommodations for right or left handed use.
- Allow for accuracy and precision as well as adaptable to the individual's pace.

3. Simple and Intuitive Use

- Use of the design is easy to understand.
- Any undue complexity is removed.

4. Perceptible Information

- Ambient conditions do not affect use.
- Consider individual's sensory abilities.
- Provide contrast between essential information and its surroundings.

5. Tolerance for Error

- Consider and minimize hazards and the adverse consequences of accidental or unintended actions.
- Provide fail-safe features.

6. Low Physical Effort

- Allow user to maintain a neutral body position.
- Minimize repetitive actions and sustained physical effort.

7. Size and Space for Approach and Use

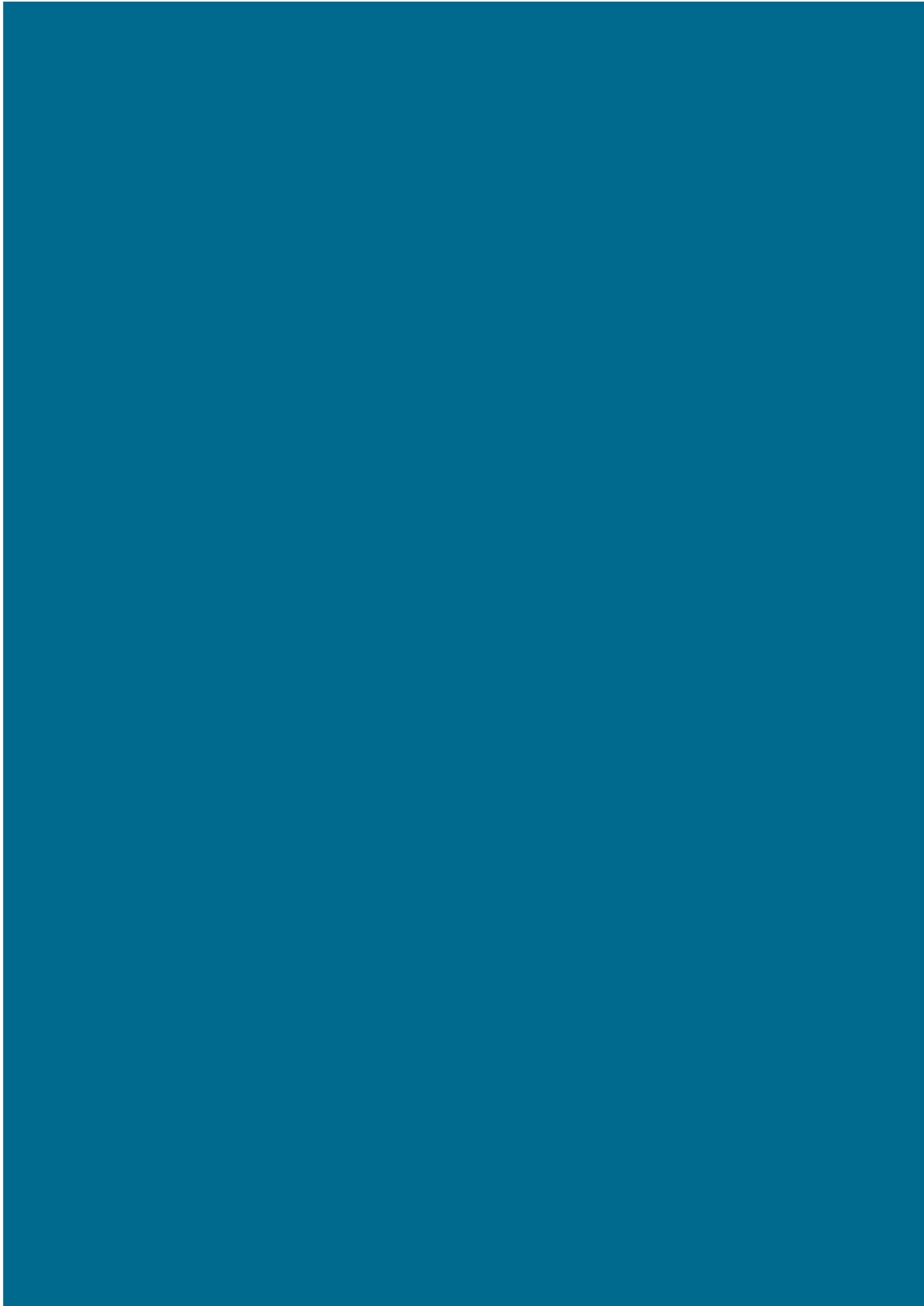
- Provide a clear line of sight to important elements for any seated or standing user.
- Make reach to all components comfortable for any seated or standing user.
- Accommodate variations in hand and grip size.
- Provide adequate space for the use of assistive devices or personal assistance.

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FILE NO:
5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

ITEM NO: 9.4.1
(COORDINATOR PLANNING, TRAVIS
BASHAM)
(ACTING DIRECTOR INFRASTRUCTURE
SERVICES, DAMIEN BURTON)

SECTION 173 AGREEMENTS - AUTHORITY TO AFFIX THE COMMON SEAL

Recommendation

That Council resolve that the person holding or acting in the position of Chief Executive Officer may, on behalf of the Council, affix the Common Seal of the Council to an agreement made pursuant to Section 173 of the Planning and Environment Act 1987.

1. Executive Summary

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. Under these circumstances, the decision to grant a permit includes a decision to enter into a Section 173 Agreement.

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 Planning and Environment Act 1987). The use of the Common Seal is governed by Part 2 of Local Law No. 1 2021, which requires a Council resolution for the use of the Common Seal.

The current arrangement creates an administrative burden and delays in relation to the administration of the planning system by seeing each Section 173 Agreement presented, being reported to Council for a decision to affix the Common Seal. This is generally one of the last matters attended to by permit holders and therefore often a source of frustration with the administration of the system.

A common mechanism used by Councils to address this (where the Local Law does not specifically have an alternate means of administering the use of the common seal in relation to Section 173 Agreements), is to pass a standing resolution that delegates the use of the Common Seal in relation to Section 173 Agreements.

This recommendation seeks to remove additional steps in the administration of Section 173 Agreements, thereby reducing the processing time involved in finalising Planning Permits, and removing the need for a further Council resolution.

2. Conflict of interest declaration

There are no conflict of interest disclosures to consider.

3. Background & Context

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. Under these circumstances, the decision to grant a permit includes a decision to enter into a Section 173 Agreement.

FILE NO:
5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

ITEM NO: 9.4.1
(COORDINATOR PLANNING, TRAVIS
BASHAM)
(ACTING DIRECTOR INFRASTRUCTURE
SERVICES, DAMIEN BURTON)

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

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.

An Agreement may provide for:

- The prohibition, restriction or regulation of the use or development of the land.
- The conditions subject to which the land may be used or developed for specified purposes.
- Any matters intended to achieve or advance the objectives of planning in Victoria or the objectives of the planning scheme or an amendment to the planning scheme.

A Section 173 Agreement may be used for example:

- To establish an agreement for monetary contributions for road construction.
- To prevent the further subdivision of land.
- To provide for the provision of infrastructure.
- To provide for environmental improvements.
- To protect native vegetation.
- To provide for maintenance of a facility or property.

4. Issues

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 which, at Clause 2.2 a. provides that, "the common seal may only be affixed to a document for the purpose of giving effect to a decision which has been made by Council resolution."

The wording of the Local Law potentially creates issues in terms of administering the planning system by effectively requiring a Council resolution to enter into each Section 173 Agreement which, in effect, asks Council to resolve a matter which has already been decided by the issue of a permit, either through delegated authority or by Council meeting resolution.

This could also be interpreted such that the Local Law establishes an administrative bar to exercising the discretion required under the Planning and Environment Act 1987 in relation to issuing permits that may need to contain a requirement for a Section 173 Agreement, by discretion or as a mandatory Planning Scheme requirement.

The current arrangement creates an administrative burden and delays in relation to the administration of the planning system by seeing each Section 173 Agreement presented, being

FILE NO:
5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

ITEM NO: 9.4.1
(COORDINATOR PLANNING, TRAVIS
BASHAM)
(ACTING DIRECTOR INFRASTRUCTURE
SERVICES, DAMIEN BURTON)

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

reported to Council for a decision to affix the Common Seal. This is generally one of the last matters attended to by permit holders and therefore often a source of frustration with the administration of the system.

A common mechanism used by Councils to address this (where the Local Law does not specifically have an alternate means of administering the use of the common seal in relation to Section 173 Agreements), is to pass a standing resolution that delegates the use of the Common Seal in relation to Section 173 Agreements.

A previous survey of Councils regarding the administration of Section 173 Agreements showed that of the 22 respondents, 18 had delegated the use of the Common Seal in relation to Section 173 Agreements and the remaining 4 were looking to do so. Of the respondents that had delegated the ability to use the Common Seal: 7 had delegated to the CEO; 2 to General Manager level; 7 to Manager level, and; 2 to Planning Officer level.

This recommendation seeks to remove additional steps in the administration of Section 173 Agreements, thereby reducing the processing time involved in finalising Planning Permits, and removing the need for a further Council resolution.

5. Strategic Alignment

This report relates to Council Plan Strategic Objectives 4 and 5 to provide good governance and customer response.

The recommendation provides for an improved administrative function in the processing of approved Planning Permits, which contain a requirement to enter into a Section 173 Agreement, resulting in improved processing time.

6. Internal & External Engagement

Nil.

7. Budget / Financial Considerations

There are no financial implications.

8. Risk & Mitigation

This report relates to ensuring compliance with legislative requirements in relation to the administration of the planning system and in particular the execution of Section 173 agreements under Section 173 agreements.

9. Conclusion

This recommendation seeks to provide the authority required under Part 2 of Local Law No. 1 2021 for the use of the Common Seal, where an agreement under Section 173 of the Planning and Environment Act 1987 is required.

The recommendation warrants support as it provides an administrative improvement, streamlining process and enhancing the time taken to finalise planning permits.

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(ACTING DIRECTOR INFRASTRUCTURE
SERVICES, DAMIEN BURTON)**

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

Attachments

Nil

FILE NO:
3. A CLEAN GREEN ENVIRONMENT

ITEM NO: 10.1.1
(ENVIRONMENTAL SUSTAINABILITY
OFFICER - BIODIVERSITY, DEIDRE
ANDREWS)
(ACTING DIRECTOR SUSTAINABLE
COMMUNITIES, MATT JARVIS)

ASBESTOS INVESTIGATION AND REMEDIATION

Recommendation

That Council note the information provided in relation to the completed Asbestos investigation and remediation works.

1. Executive Summary

Following on from the Commission of Inquiry, Moira Shire Council (Council) made a commitment to investigate the causes of historical illegal dumping of asbestos containing material (ACM) on Council land. In addition, Council made a commitment to a safe and thorough remediation of the sites where ACM was detected.

Council has engaged with the Independent Broad-based Anti-corruption Commission (IBAC) following from the Commission of Inquiry. Council has provided regular updates to IBAC on this matter.

The final Confidential Investigation Report by an independent investigator (Warfield & Associates), including Management responses to recommendations on mitigating actions going forward, has been forwarded to IBAC.

Remediation works were safely completed in the month of September at the identified locations of Yarrowonga, Tungamah and Strathmerton Resource Recovery Centres and Clearance Certificate sign-off has been received from the Occupational Hygienist.

This is the final operational report expected to be tabled to Scheduled Council Meetings.

2. Conflict of interest declaration

No conflict of interest to declare.

3. Background & Context

Tungamah Resource Recovery Centre (RRC) is constructed on the site of a historical landfill that operated prior to 1981. The site is registered as Waste and Resource Recovery (Permission A13c) which allows the site to accept residential waste and recycling from the community.

Aerial photography shows that in late 2019 a large number of soil stacks were deposited at the rear of Tungamah RCC.

On the 12th of August 2020, Council was issued with a Notice to Clean-up by EPA (90011297) following reports of ACM being observed at the site. Council engaged the specialist company *Identifibre* to undertake the screening of the soil stacks, to identify if there was any ACM contained in the soil. Following the screening and processing of materials the sites were deemed safe and a Revocation of Notice (90011297) was issued by the EPA.

In 2022, during a monthly inspection at Tungamah RCC, several large stacks of soil were observed at the rear of the site with mixed waste strewn throughout the stacks. This

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ASBESTOS INVESTIGATION AND REMEDIATION (cont'd)

subsequently led to an investigation by Council officers which noted the presence of suspected ACM within the stacks.

Samples of the suspect ACM were tested by Australian Laboratory Services (ALS) global. The samples were confirmed to contain asbestos. There is an estimated 1,600m³ of asbestos containing soils inappropriately stored at the Tungamah RRC.

Following this identification, HazMat Solutions were engaged as a licensed occupational hygienist to inspect the site and provide guidance on Council's required response and obligations.

Furthermore, Yarrawonga RRC was inspected on the 8 March 2023 with suspected ACM material identified. This was followed up with a licensed occupational hygienist on 9 March 2023. Test results were received by Council on 17 March 2023 identifying that the material was ACM.

On 24 May 2023 as part of the independent investigation, ACM was identified at the Strathmerton RRC and confirmed through independent testing.

To address all these issues, Council engaged contractors to undertake clean-up and rehabilitation works across the sites, including removal and capping, as per EPA standards at the time.

In response to the Commission of Inquiry, an independent investigator was appointed to provide insight into how the illegal dumping occurred and measures Council could undertake to ensure such occurrences were not experienced again by Council and the Community.

The independent investigator, Brett Warfield from Warfield & Associates, lodged his final report with the Council's Executive Management on 1 August 2023 following his investigation. The Investigation Report outlined a range of recommendations which focussed on training and education, checking and upholding the obligations of contractors, access to sites/security, RRC operating practices and other factors.

Council Officers have carefully considered the recommendations outlined in the Investigation Report, and Management responses to the recommendations have been forwarded along with the Investigation Report to IBAC.

As part of actions in addressing the asbestos on the sites, Council has implemented a range of improvements to processes, systems and checks/measures to seek to ensure that such event/s do not occur again.

Additionally, the actions include the ongoing testing of stockpiles throughout the Moira Shire Council for ACM.

4. Remediation

As per the decision at the July Council meeting, Council appointed EnviroPacific Service Limited (Enviropacific) to undertake the remediation works of the dumped ACM. EnviroPacific have undertaken remediation works at Tungamah, Strathmerton and Yarrawonga with an

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ASBESTOS INVESTIGATION AND REMEDIATION (cont'd)

occupational hygienist from HazMat Solutions on site to inspect piles as the clean-up progressed.

Remediation works at Tungamah, Strathmerton and Yarrowonga commenced in September and have since been completed. These works have been signed off by the occupational hygienist who has provided clearance certificates for all sites.

During the remediation works, all health and safety risks were appropriately managed.

Moira Shire Council have forwarded all Clearance Certificates, received from the occupational hygienist, to IBAC to demonstrate completion of remediation works.

Moira Shire Council are now consulting with WorkSafe, the ASU and relevant staff regarding the full re-opening of the Tungamah RRC to the public. Sections of the Strathmerton and Yarrowonga RRCs remain closed, however, these are not impacting operations. All affected RRCs are anticipated to be fully open from the first weekend of November.

This is the final operational report expected to be tabled to Scheduled Council Meetings.

5. Strategic Alignment

Waste Management Services Strategy 2018-2027 Objective 1
Operate compliant and, where possible, best practice management facilities

6. Budget / Financial Considerations

The 2023/2024 Adopted Budget has an allocation of \$1.261 million for works associated with the investigation and remediation of the Resource Recovery Centre sites.

To date, recorded expenditure relating to investigation and remediation of all identified sites is approximately \$816,000 and is within budget.

7. Risk & Mitigation

Risk	Mitigation
Financial	Multiple quotes were sourced for the remediation contracts and a thorough procurement process was undertaken
Economic (regional context or broader economic impact)	There will be financial penalties applied to Council if it fails to act
Environmental	The site is to be rehabilitated to mitigate risk to environmental and human health
Reputational	Risk of reputational damage to Council
Legislative Compliance	Council must act as duty holder in line the GED requirements of the Environmental Protection Act, 2017

8. Conclusion

The Information included in this report is to be noted.

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COMMUNITIES, MATT JARVIS)

ASBESTOS INVESTIGATION AND REMEDIATION (cont'd)

Attachments

Nil

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

ITEM NO: 14.1
**(COORDINATOR PLANNING, TRAVIS
BASHAM)**
**(ACTING DIRECTOR INFRASTRUCTURE
SERVICES, DAMIEN BURTON)**

SECTION 173 AGREEMENTS - AUTHORITY TO AFFIX THE COMMON SEAL - PINE STREET, YARRAWONGA, GRAHAMS ROAD, WUNGHNU, RANKINS ROAD, STRATHMERTON

Recommendation

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

1. 22 Pine Street, Yarrowonga
2. 35 Grahams Road, Wunghnu
3. Rankins Road, Strathmerton
4. 19A Hogans Road, Yarrowonga
5. 21 Hogans Road, Yarrowonga
6. 1080 Hawkers Road, Waaia

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.

1. 22 Pine Street, Yarrowonga - Volume 10647 Folio 524
The agreement relates to Planning Permit 5/2020/254 issued on the 13 April 2021 for the subdivision of land in the Low Density Residential Zone into 4 lots. The agreement relates to stormwater management and provides that the future development of the dwellings and any outbuildings on proposed lots 2, 3 and 4 must occur as follows:
 - the required works must be constructed as a precondition to an occupancy permit for any dwelling on the respective Lot 2, Lot 3 and Lot 4;

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SECTION 173 AGREEMENTS - AUTHORITY TO AFFIX THE COMMON SEAL - PINE STREET, YARRAWONGA, GRAHAMS ROAD, WUNGHNU, RANKINS ROAD, STRATHMERTON (cont'd)

- once installed, the required works and stormwater connection must be retained permanently and maintained, to the satisfaction of Council; and
 - the required stormwater works must be in accordance with the Rainwater Tank Plan as at Annexure 2 of the agreement;
 - the Owner must itself or themselves facilitate, and ensure that any owners corporation established through the subdivision facilitates, the construction, collection and discharge of stormwater from the Development in accordance with the Rainwater Tank Plan
2. 35 Grahams Road, Wunghnu - Volume 07030 Folio 916
The agreement relates to Planning Permit 5/2022/70 issued on the 22 November 2022 for the subdivision of land in the Farming Zone into 2 lots, excising the existing dwelling. The agreement provides that the vacant lot created must not be used or developed for the purposes of accommodation and that the land may not be further subdivided to create additional lots (including re-subdivision).
 3. Rankins Road, Strathmerton -
Volume 09899 Folio 167, Volume 09834 Folio 362, Volume 09457 Folio 037, Volume 09297 Folio 725, Volume 09071 Folio 240, Volume 12259 Folio 135, Volume 11309 Folio 757, Volume 11051 Folio 861 & Volume 09429 Folio 785.

The agreement relates to Planning Permit 5/2021/364 issued on the 13 December 2022 for the subdivision of land in the Farming Zone into 5 lots (excising 4 dwellings with a 5th dwelling retained on the balance 486ha lot). The agreement provides that the land must not be further subdivided to create additional lots and that the land must not be developed with any additional dwellings or accommodation.
 4. 19A Hogans Road, Yarrowonga – Volume 11133 Folio 765
The agreement relates to Planning Permit 5/2020/271 issued on 30 June 2021 for the subdivision of land in the General Residential Zone into 24 lots. The agreement provides that proposed lots 13, 14, 15 and 16 in the proposed plan must not be further subdivided to create additional lots or construct multiple dwellings or buildings with dual occupancy. The intent of the agreement is to limit further demand for additional on-street carparking and property vehicular points given the restraints of the road reserve.
 5. 21 Hogans Road, Yarrowonga – Volume 12446 Folio 083
The agreement relates to Planning Permit 5/2020/272 issued on 30 June 2021 for the subdivision of land and realignment of boundaries in General Residential Zone into 18 lots. The agreements provides that proposed lots 36, 37 and 38 in the proposed plan must not be further subdivided to create additional lots or construct multiple dwellings or buildings with dual occupancy. The intent of the agreement is to limit further demand for additional on-street carparking and property vehicular points given the restraints of the road reserve.
 6. 1080 Hawkers Road, Waaia – Volume 10847 Folio 619 & Volume 10847 Folio 633
The agreement relates to Planning Permit 5/2022/38 issued on 17 March 2023 for the subdivision of land in the Farming Zone into 2 lots, excising the dwelling. The agreement provides that the land must not be further subdivided to create additional lots, must not be

FILE NO: 5. TRANSPARENT AND ACCOUNTABLE GOVERNANCE	ITEM NO: 14.1 (COORDINATOR PLANNING, TRAVIS BASHAM) (ACTING DIRECTOR INFRASTRUCTURE SERVICES, DAMIEN BURTON)
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SECTION 173 AGREEMENTS - AUTHORITY TO AFFIX THE COMMON SEAL - PINE STREET, YARRAWONGA, GRAHAMS ROAD, WUNGHNU, RANKINS ROAD, STRATHMERTON (cont'd)

developed with any additional dwellings or accommodation and that the owner/occupiers of Lot 1 acknowledge the rights of adjoining properties to undertake agricultural activities.

Key Implications

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

Financial Implications

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

Policy Implications

Nil.

Conclusion

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

Attachments

Nil

FILE NO: VARIOUS

ITEM NO: 15

URGENT BUSINESS**7.4. Urgent business**

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

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

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

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



MINUTES

**SCHEDULED MEETING OF COUNCIL HELD AT COBRAM
CIVIC CENTRE, PUNT ROAD COBRAM VIC 3644,
WEDNESDAY 27 SEPTEMBER 2023**

The meeting commenced at 4:30 PM

PRESENT Chair Administrator John Tanner
Administrator Suzanna Sheed
Administrator Graeme Emonson

IN ATTENDANCE: Josh Lewis Acting Chief Executive Officer
Matt Jarvis Acting Director Sustainable Communities
Amanda Chadwick A/Director Corporate Governance & Performance
Beau Mittner Acting Chief Financial Officer
Damien Burton Acting Director Infrastructure Services
Nancy Mustica Senior Governance Officer

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 – ACTING CEO JOSH LEWIS

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

Mr Matt Jarvis declared an indirect non-financial conflict of interest in relation to items 10.1.7 & 10.1.8.

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

MOTION:

ADMINISTRATORS GRAEME EMONSON / SUZANNA SHEED

That the minutes of the Scheduled Council Meeting held on Wednesday, 23 August 2023 and the minutes of the Unscheduled Meeting of Council held on Wednesday, 13 September 2023 and the minutes of the Committee of Council Meeting held on Friday 1 September 2023 as prepared, be confirmed.

(CARRIED)

7. CHAIR ADMINISTRATOR ADDRESS

In light of the recent trauma on our local roads Council has taken a position to create a campaign on the importance of road safety in our local community. As a result council has submitted an application to State and Federal Government to assist Moira run a local campaign on road safety and driver behavior.

Administrators attended a celebration in Katamatite to acknowledge the Silo Art work. Administrators also took part in the Yarrowonga-Mulwala Little Athletics that have been awarded Regional Club of the Year, what a fantastic achievement.

In Cobram Administrators have taken a position in regards to the Punt Road Precinct, which incorporates the former Apex Caravan Park. A master plan will commence for this area shortly.

ADMINISTRATOR SUZANNA SHEED ADDRESS

Thank you Chair Administrator Tanner for the opportunity to address the community on this important issue.

The Moira Shire is located within the Goulburn Murray irrigation District of northern Victorian and its regional community is heavily engaged in agricultural, horticultural and mixed farming activities. On the back of this we have major Food processors in the Shire together with significant transport companies and many other businesses that support these industries. Access to a plentiful supply of water through our man-made irrigation systems and from the Murray River are critical to the future economic prosperity of our region.

It is for this reason that the Moira Shire Council Administrators have engaged in a range of advocacy activities to preserve the overall well-being of our communities and to oppose further water buybacks.

Since the implementation of the Murray Darling Basin plan in 2012 our communities have closely watched the impacts of continuing water recovery and advocated strongly to government to ensure that our industries can maintain their capacity to be sustainable and viable.

We all saw the impacts of the buybacks of the period in 2008 when, at the end of the millennium drought, the federal government came in and purchased water across the region leaving stranded assets and what we now know as the Swiss cheese effect, that is, some farms still irrigating and other farms without water following its sale to the government.

We do not want to see this happen again. And yet on 6 September 2023 the federal government introduced the Water Amendment (Restoring Our Rivers) Bill 2023 into parliament. The Senate has referred this legislation to a Senate Standing Committee and Moira Shire will be making a submission to that Inquiry pointing out the issues that members and other members of parliament should take into account when it comes to voting on the legislation.

Victoria has done the heavy lifting in providing water under the plan with over 1800 GL having been recovered in the southern basin so far and only 300 GL in the Northern basin. More water

recovery in the southern basin will not address the environmental issues that beset the Darling River.

We all saw the fish kills along the Darling Barka and it is well understood that the system is under considerable stress. The Federal Parliament by way of the new legislation intends to lift the cap on the 1500 GL limit for water purchases, to enable buybacks of all water necessary to complete the plan on time and also to extend the time limits for some of the environmental projects to 2026.

The risk of further buybacks in the southern basin will have major negative impacts on our community. It is for this reason that we are taking a strong advocacy role. Not only will Moira Shire make its own submission to the Senate Inquiry but it will engage in further advocacy both on its own account and in conjunction with other advocacy groups and local government across the region.

We are most concerned that the legislation in its present form will be harmful to our Shire and we will take every step we can to advocate for amendments in the hope that our economic security based on food production, the future food security of our nation and appropriate environmental outcomes can all be achieved.

ADMINISTRATOR GRAEME EMONSON ADDRESS

I am pleased to provide an update on the progress we are making with the State Government on the former Yarrawonga Primary School site.

The Department of Education and Training has vacated the site and the site has been declared surplus government land. There are very active discussions underway with the Surplus Government Land division of Department of Transport and Planning (DTP) to ensure the government understands Moira Shire Council's strong interest in securing the site for community use in perpetuity. This has been very favourably received by the Surplus Land division.

The current status of the site from the department is that they have now commissioned a detailed environmental assessment of the site and its buildings and this will take at least 8 weeks. Following this, the Valuer General will then be requested to undertake an update valuation. The valuation will then be made available to Council for its consideration.

We continue to work closely with the Alexandra Park Club and a number of community organisations who may have an interest in the site.

Any future community use of the site will rely on a detailed master plan to ensure the community's enjoyment of the site has a long term, strategic and well planned approach to maximise the benefits of the site.

8. DIRECTOR REPORTS

Mr Josh Lewis – Acting CEO

Yarrawonga – Mulwala Bridge (Advocacy)

Council continue to advocate for the replacement of the Yarrawonga – Mulwala Bridge and the associated new road connection.

The current bridge has served the Community well for nearly 100yrs, however is unable to meet current expectations, noting that initially a horse and dray would have been the a common mode of transport at that time.

I was talking to a local resident recently that reminded me that once upon a time the bridge was essentially on a constant grade and that the “dip” we now witness is due to settlement of the foundations.

An agreed alignment has been “locked-in” for quite a while for the new bridge and connecting road and Council are eager to see progression of this vital project to realise the benefits such as improved safety, connectivity and use by all transport modes.

McCoy’s Bridge (Advocacy)

Council is aware of the major inconvenience to road users due to the load and speed limit on McCoy’s bridge after it was damaged in last years’ flood.

Some of the issues being experienced include trucks having to take lengthy detours, traffic using “rat runs” and arterial road traffic detouring onto the local road network to name a few ...

Council is working closely with the Department of Transport and Planning in highlighting these issues in the hope of expediting the required remedial works and minimising the impact on our Community.

Ms Amanda Chadwick – Acting Director Corporate Governance & Performance

Customer Experience

Incoming call volumes rose by 25% last month due to the issuing of the annual rates notices with our Customer Experience Team managing over 3,900 incoming telephone calls through our Call Centre. Council staff entered over 4,600 new customer enquiries and requests for service.

Business Continuity Plan

The Governance Team are currently reviewing Councils Business Continuity Plan to ensure that we maintain critical business functions during an incident and to recover with as little downtime as possible.

Audit and Risk Committee

Council are currently reviewing the 18 expressions of interest received for the vacant external independent member positions on the Audit & Risk Committee and will make a recommendation for the preferred candidates at a future Scheduled Council Meeting.

Community Engagement Activities

Submissions have now closed for community feedback on our draft Community Amenity Local Law. We are currently collating the feedback and will prepare a report for the October Scheduled Council meeting.

There is still time to have your say on other consultation opportunities currently open to the community including the Barmah Community Plan, a proposal to acquire land on Packham Drive Cobram, a proposal to close and lease part of Richardson Street Nathalia, the Youth Fest 2023 Logo Competition and expressions of interest to join our Youth Council Committee.

Please head to the Have Your Say page on our website. Moiravic.gov.au

Mr Beau Mittner – Acting Chief Financial Officer

Ministerial Guidelines Submission Relating to Payment of Rates and Charges

The consultation period to provide feedback on the ministerial guidelines relating to payment of rates and charges closed on 15 September 2023.

These Guidelines address a range of matters in relation to the payment of rates and charges, including, which must be reflected in council hardship and financial hardship policies.

Moirra Shire Council provided feedback to the guidelines, with the key themes being:

- Affording consideration to those residents in the municipality who cannot access the property market, who will be disadvantaged by not having access to similar financial hardship supports or concessions.
- Refuting the presumption that Council rates teams, particularly in rural areas, are adequately resourced to perform payment arrangement serviceability assessments.
- Reinforcing the important role financial counsellors can play in establishing a payment arrangement that is fair and reasonable for the rate payer experiencing financial hardship; and
- The important role penalty interest plays in ensuring that fairness is afforded to those rate payers who pay on time and to ensure Council is not seen as an interest-free source of finance.

Victoria's Housing Statement - Short Stay Levy

In Victoria's 2024 – 2034 Housing Statement, the statement references the introduction of a Short Stay Levy, which is a levy set at 7.5% of the short-stay accommodation platform's revenue.

Council is concerned that such a levy could have implications for the Tourism sector. However, the revenue raised from the levy will go towards Homes Victoria, supporting their work in building and maintaining social and affordable housing across the state, with 25% of funds invested in regional Victoria.

From a Local Government perspective, this also means that charges on short stay accommodation by Councils can no longer be charged and will be removed. Moira Shire Council currently does not have a separate charge for properties used solely for Short Stay Accommodation.

Mr Matt Jarvis – Acting Director Sustainable Communities

Tourism

The Katamatite Silo Art was officially launched at an event with Graincorp and the Katamatite Lions. This artwork is amazing and we encourage all residents to check it out for themselves. We commend the dedication of Julie Ballard from the Katamatite Silo Art Working Group for bringing the idea to fruition.

Safety and Amenity Unit

Council is continuing to receive numerous surrendered dogs and cats and encourages pet owners to be responsible and address any behavioural problems as they arise. 84 cats and dogs have been surrendered to Council since the start of the year. Please consider de-sexing your pet to avoid any unwanted litters.

Sustainability

The Expression of Interest process for the Moira Shire Council Rural Tree Scheme, giving rural ratepayers access to subsidised indigenous plants, has now closed, Council received an overwhelming response from rural landowners with around 110 expressions of interest received. The scheme is anticipated to open again on 1 July 2024.

Community Wellbeing

Maternal and Child Health (MCH) currently have 130 active clients in the Enhanced MCH program and 15 in the Sleep and Settling Program. There were a total of 37 births across the Shire in August. A total of 121 clients were administered with 265 vaccines across the Infant, Secondary and Community immunisation programs.

A Flood Recovery and Resilience Art Therapy Program was delivered to students at Nathalia Primary School, Barmah Kindergarten and Tungamah Primary School – the program was well received and some of the art works will be displayed at the Yarrowonga Agriculture Show and One Year Anniversary Flood Event.

Flood Recovery Disaster Legal Sessions were held at Picola and Tungamah in conjunction with an online session for those community members who were not able to attend in person.

Goulburn Valley Regional Libraries

The Numurkah library refresh has recently been completed with the library receiving a fresh coat of paint, new shelving, furniture and upgraded security.

Tomorrow, sees the launch of the Community Fundraising Project for the furniture and fit out of the new Yarrowonga Library. The launch commences 1pm at the Yarrowonga Library, 26-30 Belmore Street.

Mr Damien Burton – Acting Director Infrastructure Services

Operations Report

With Spring's arrival, the Operations teams have now commenced roadside spraying and slashing in Zones F, G, and D, with road grading commenced in Zones J, C, H, M, and O.

General maintenance will commence in Zones F, I, D, and J, which incorporates pot holes, shoulder repairs and road edge drops.

The CASA Yarrowonga Aerodrome's previous observations to improve safety are being addressed, with tree clearance proceeding, parking lot modifications, line marking, and the disposal of an old bathroom block.

And additionally in the interest of public safety, The Department of Transport and Planning and the Moira Shire are working in collaboration to reduce the speed limit on Labuan Road to 80km. The Operation and the Communication Teams will be releasing a public communication to inform our communities of the speed reduction, followed up by the installation of the new signage.

Within the Planning and Building Teams

The Planning Permit Activity Reporting indicates 76% of applications determined in August were within the sixty-day timeframe compared to 62% from the previous month of July.

This is an excellence outcome for the Planning Team and the Moira Shire Council, particularly in comparison when measured against the regional average determined applications, of 56% and 62% for the State for the month August.

The average processing days to determination was 114.9 days, compared to the Regional average of 138.2 days and the State average of 132 days.

The Planning Team, continue to work on process improvement opportunities with further efficiencies being developed within their department, and the continued focus on clearing the backlog of applications.

Building Applications continued to be steadily for the month of August. The team completed 123 Building Inspections, including 22 swimming pool Safety Barrier Inspections.

The Building Administration team, along with other staff, have also been busy completing the onerous task of updating all Building documentation templates and procedures, including working on updating information and the functionality of the Building Department within our Council website.

Our Parks, Recreation and Facilities Teams

Are in its final stages of practical completion of the Yarrowonga Slash Park, with landscape works underway within the garden areas and the finalisation of the screening and planting out of the pump station building. Completion of works is forecasted, for late October 2023.

Building Maintenance

Are focused on vandalism repairs across various towns, with the addition CCTV recently being installed at Numurkah Recreation Reserve and Federation Park in Cobram.

Additionally a new alarm system has been installed at Killara House, with Strathmerton Bowls Club receiving new windows, doors and security meshing and the Nathalia Community Centre has been rekeyed due to recent break-ins.

Recreation & Facilities

The Recreation and Facilities Team have been very busy with the preparation and planning for the Tri State Games, the Bush Nippers Program, The Small Town Sport Sustainability Strategy and the Yarrawonga JC Lowe Oval Master Plan.

Additionally a new User Agreement process for all Recreation Reserves has been introduced, inclusive of a new online booking system being rolled out October 2023 for all Community Halls.

Our Engineering Team continue to work on

Yarrawonga Library

With Foundation trothing completed, that verified the Kpa of the instui material against the specification requirements.

Earthworks on site are now completed, the Building Permit has been re-issued to the contractor, and Contractor is now working towards commencing the slab on ground.

The Yarrawonga Multisport stadium

Façade option has been presented, with the Architect currently working on re-engineering the foundation slab and building specifications, this will enable high level cost analysis to be presented based upon the functionality that is adopted.

Additionally consultation meetings are be scheduled with stakeholders and the steering committee to present Stadium layout options, this enable the completion of the Detailed Design. An EOI tender is proposed for late October 2023.

Within Flood Recovery

Package 1, for Stewarts Bridge Road is scheduled for tender late September 2023, with 25km of gravel reformation of existing pavement estimated at a project cost of \$4.5m.

Apex Park Reserve Cobram

The Detailed Design is completed, with the Tender scheduled for late September 2023 for Stage 1, with Stage 2 as a provisional item. (LRCIP funding)

The Numurkah Flood Study Implementation Project

Continues to move forward, with RedGum consulting being procured to complete the Cultural Heritage Management Plan and the Native Vegetation Assessment.

CAF consulting are finalising the alignment to minimise vegetation impacts and project costs, in-line with the outcome of the Native Vegetation Assessment.

CAF are working on detailed design aspects associated with the interaction of the levee with the urban drainage system and other utility services, particularly in the vicinity of the water tower, and treatment plant.

And finally, the Cobram East Drainage

Project delays have occurred, with the original Consultancy agreement being terminated for failure to produce a design that met the terms of the engagement. A new Consultancy firm has been engaged with the design scope forecasted for completion November 2023.

9. PUBLIC QUESTION TIME

Name	Summarised Question	Response
Andrew Kelly	<p>Why is it the Community Amenity Local Law 2023 Legislated in 2020 under the new Act during a pandemic has taken 3 years for local ratepayers to be given notice a chance to comment on its contents.</p> <p>Could you please explain the Infringement Penalty Point system and what does 2 Penalty Points means in a monetary component? In other word how much are the fines and who comes up with them?</p>	<p>Moira Shire Council's current Community Safety and Environment Local Law 2013 is due to expire on 30 November 2023 and we are in the process of preparing a new Local Law.</p> <p>As part of the development of the Community Amenity Local Law 2023 we are consulting with the community and seeking feedback.</p> <p>The Infringement Penalty Point system is based on the values determined by the Department of Justice and Community Safety. From 1 July 2023 to 30 June 2024, the value of the penalty unit is \$192.31. This means that two penalty units would equate to two times the infringement amount – being \$384.62. Council has determined the Points system however these are also available for community comment.</p>

FILE NO:
5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

ITEM NO: 11.1.1
(FINANCE MANAGER, BEAU MITTNER)
(CHIEF FINANCE OFFICER, MATT JARVIS)

CERTIFICATION OF THE 2022-23 FINANCIAL REPORT AND PERFORMANCE STATEMENT

Executive Summary

The Financial Report for the year ended 30 June 2023 and the Performance Statement for 2022/23 have been prepared in accordance with the Australian Accounting Standards, the Local Government Act 2020 and the Local Government (Planning and Reporting) Regulations 2020

The draft Financial Report and the Performance Statement have been audited by the Victorian Auditor General's Office and are currently being reviewed. These reports will be ready for signing in their final form after any changes recommended, or agreed to by the Auditor-General have been made.

The actual result for 2022/23 represents a surplus of \$15.4 million compared to the adopted budget surplus of \$14.06 million. Overall Council's financial sustainability indicators show Council to be in a satisfactory underlying financial position as at 30 June 2023.

The Moira Shire Council Audit and Risk Committee have reviewed the financial report and performance statement and have recommended that the Council certify the statements in their final form (draft minutes attached), and after any changes recommended, or agreed to by the Auditor-General have been made, in accordance with Section 99(3) of the Local Government Act 2020.

MOTION

ADMINISTRATORS GRAEME EMONSON / SUZANNA SHEED

That the Council:

1. Approve in principle the Financial report and the Performance Statement for the financial year ended 30 June 2023;
2. Authorise Chair Administrator Tanner and Administrator Emonson to certify the statements, in conjunction with the Acting Chief Executive Officer and the Principal Accounting Officer, in their final form, and after any changes recommended, or agreed to by the Auditor-General have been made, in accordance with Section 99(3) of the Local Government Act 2020; and
3. Authorise the 2022/23 Financial report and the 2022/23 Performance Statements, in their final form, be included in the 2022/23 Annual Report in accordance with Section 98 of the Local Government Act 2020.

(CARRIED)

FILE NO:
5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

ITEM NO: 11.1.2
(PROCUREMENT OFFICER, LISA KNIGHT)
(CHIEF FINANCE OFFICER MATT JARVIS)

C018/23 - PROVISION OF ELECTRICAL MAINTENANCE SERVICES - PANEL

Executive Summary

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

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

MOTION

ADMINISTRATORS SUZANNA SHEED / GRAEME EMONSON

That Council:

1. Award the schedule of rates contract to the following tenderers under panel contract C018/23 – Provision of Electrical Maintenance – Panel for an initial term of 2 years with the option to extend in 2 x 2 year periods to a maximum contract period of 6 years (2+2+2)
 - Purtle Electrical (NSW) Pty Ltd
 - Cobram Electrical and Data Pty Ltd
 - RT Butler Electrical Pty Ltd atf RT Butler Family Trust t/a RT Butler Electrical
 - Floyd Industries Pty Ltd
 - Marks, Mitchell Shaun t/a Amped & Charged Electrical
 - McCurdy, Jordan Thomas t/a McCurdy Electrical
 - P&M Hartmann Family Trust t/a Adapt Essential Services Pty Ltd
 - Watters Electrical Pty Ltd
2. Authorise the Chief Executive Officer to sign and seal 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)
(CHIEF FINANCE OFFICER MATT JARVIS)

C019/23 - PROVISION OF PAINTING SERVICES - PANEL

Executive Summary

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

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

MOTION

ADMINISTRATORS GRAEME EMONSON / SUZANNA SHEED

That Council:

1. Award the schedule of rates contract to the following tenderers under panel contract C019/23 – Provision of Painting Services – Panel for an initial term of 2 years with the option to extend in 2 x 2 year periods to a maximum contract period of 6 years (2+2+2).
 - Desmond Craig Bentley t/a Northern Painting Services (Business Name: Moira Painting Services)
 - Higgins Coatings Pty Ltd
 - Mark O'Rafferty t/a AGP Painting Services
 - P&R Baxa Painting & Decorating Pty Ltd atf The P & R Baxa Family Trust
 - Programmed Maintenance Services Limited t/a Programmed Property Services
2. Authorise the Chief Executive Officer to sign and seal the contract documents and approve contract extensions within the provisions of the Contract.

(CARRIED)

FILE NO:
5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

ITEM NO: 11.1.4
(PROCUREMENT OFFICER, LISA KNIGHT)
(CHIEF FINANCE OFFICER MATT JARVIS)

C021/23 - PROVISION OF TREE MAINTENANCE SERVICES - PANEL

Executive Summary

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

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

FILE NO:
5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

ITEM NO: 11.1.4
(PROCUREMENT OFFICER, LISA KNIGHT)
(CHIEF FINANCE OFFICER MATT JARVIS)

C021/23 - PROVISION OF TREE MAINTENANCE SERVICES - PANEL (cont'd)

MOTION

ADMINISTRATORS SUZANNA SHEED / GRAEME EMONSON

That Council:

1. Award the schedule of rates contract to the following tenderers under panel contract C021/23 – Provision of Tree Maintenance Services – Panel for an initial term of 1 year with the option to extend in 2 x 2 year periods to a maximum contract period of 5 years (1+2+2).
 - Advanced Tree Care Vic Pty Ltd
 - Albury Wodonga Tree Services P/L ATF Kurt Dunston Family Trust T/A Albury Wodonga Tree Services
 - Arbor Dynamics Pty Ltd
 - Asplundh Tree Expert t/a Summit Open Space Services
 - Austral Tree Services Pty Ltd
 - Carrick, Jake Andrew
 - ENBOM & HORE Pty Ltd t/a Murray River Tree Services
 - G&J Tree Services Pty Ltd
 - Kialla Lawn Garden Pty Ltd
 - Ollington Family Trust ATF Federation Tree Care Pty Ltd
 - Tree Solutions North East Pty Ltd
2. Authorise the Chief Executive Officer to sign and seal the contract documents and approve contract extensions within the provisions of the Contract.

(CARRIED)

FILE NO:
5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

ITEM NO: 11.1.5
(PROCUREMENT OFFICER, LISA KNIGHT)
(CHIEF FINANCE OFFICER MATT JARVIS)

C022/23 - PROVISION OF BUILDING MAINTENANCE SERVICES - PANEL

Executive Summary

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

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

MOTION

That Council:

1. Award the schedule of rates contract to the following tenderers under panel contract C022/23 – Provision of Building Maintenance Services – Panel for an initial term of 1 year with the option to extend in 2 x 2 year periods to a maximum contract period of 5 years (1+2+2).
 - Leigh Varcoe Plastering Pty Ltd
 - MP Larkin & TM Panter t/a Complete Plaster Services
 - OHMAC Constructions Pty Ltd
2. Authorise the Chief Executive Officer to sign and seal the contract documents and approve contract extensions within the provisions of the Contract.

FILE NO:
5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

ITEM NO: 11.1.6
(PROCUREMENT OFFICER, LISA KNIGHT)
(CHIEF FINANCE OFFICER MATT JARVIS)

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

Executive Summary

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

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

MOTION

ADMINISTRATORS GRAEME EMONSON / SUZANNA SHEED

That Council:

1. Award the schedule of rates contract to the following tenderers under panel contract C020/23 – Provision of Plumbing & Gas Fitting Services - Panel for an initial term of 2 years with the option to extend in 2 x 2 year periods to a maximum contract period of 6 years (2+2+2).
 - Bradley Wilson t/a BW Plumbing
 - Christopher Hemingway t/a Hemingway Plumbing
 - Drainflow Solutions Pty Ltd
 - Phantoms Plumbing Pty Ltd
2. Authorise the Chief Executive Officer to sign and seal the contract documents and approve contract extensions within the provisions of the Contract.

(CARRIED)

FILE NO:
5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

ITEM NO: 11.1.7
(PROCUREMENT OFFICER, LISA KNIGHT)
(ACTING DIRECTOR INFRASTRUCTURE
SERVICES DAMIEN BURTON)

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

Executive Summary

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

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

MOTION

ADMINISTRATORS SUZANNA SHEED / GRAEME EMONSON

That Council:

1. Award the schedule of rates contract to the following tenderers under panel contract C023/23 – Provision of General Trades & Services – Panel for an initial term of 1 year with the option to extend in 2 single year periods to a maximum contract period of 3 years (1+1+1).
 - BR Excavations Pty Ltd
 - Drainflow Solutions Pty Ltd
 - Floyd Industries Pty Ltd
 - Katty East Engineering Pty Ltd
 - Kialla Lawn & Garden Pty Ltd
 - Mictel Pty Ltd & Gertel Pty Ltd atf Michael Telford Family Trust and Gerard Telford Family Trust t/a Global Factory Maintenance
 - O'Loughlin Excavations
 - Water Dynamics Pty Ltd
2. Authorise the Chief Executive Officer to sign and seal the contract documents and approve contract extensions within the provisions of the Contract.

(CARRIED)

FILE NO:
5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

ITEM NO: 11.1.8
(PROCUREMENT OFFICER, LISA KNIGHT)
(ACTING DIRECTOR INFRASTRUCTURE
SERVICES DAMIEN BURTON)

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

Executive Summary

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

35 submissions were received from 31 applicants. After being evaluated against the scoring criteria by the evaluation panel, all applicants have been recommended for appointment to the Provision of Plant and Labour Hire Panel.

MOTION

ADMINISTRATOR SUZANNA SHEED / GRAEME EMONSON

That Council:

1. Award the schedule of rates contract to the following tenderers under panel contract C024/23 – Provision of Plant and Labour Hire – Panel for an initial term of 2 years commencing 1 October 2023, with the option to extend in 2 x 2 year periods to a maximum contract period of 6 years (2+2+2).

- Allied Entities Pty Ltd ATF M&K Hogan Family Trust T/as Mick Hogan Excavations
- Andrew Goldman Excavation Pty Ltd
- Apex Earthworks Pty Ltd
- B & T Butler Excavations P/L
- B Lawrence Business Trust t/a Lawrence Brothers Quarries Pty Ltd
- Bell Earthmoving & Civil Pty Ltd
- Bencon Civil Construction Pty. Ltd.
- Bild Infrastructure Pty Ltd
- BR Excavations Pty Ltd
- Cleanaway Co Pty Ltd
- Cleaves Earthmoving & Drainage Pty Ltd
- Coates Hire Operations Pty Ltd
- Conplant Pty Ltd
- Double Gully Services Pty Ltd
- Environmental Vegetation Management Australia Pty Ltd atf EVM Unit Trust
- Extons Pty Ltd
- Grampians Excavations Pty Ltd
- Judd & Sons Pty Ltd
- Katunga Earthworks Pty Ltd
- Luxton Plant Pty Ltd
- Miller Pipe & Civil Pty Ltd
- MS Excavations Pty Ltd
- Murray River Excavations Pty Ltd

FILE NO:
5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

ITEM NO: 11.1.8
(PROCUREMENT OFFICER, LISA KNIGHT)
(ACTING DIRECTOR INFRASTRUCTURE
SERVICES DAMIEN BURTON)

C024/23 - PROVISION OF PLANT AND LABOUR HIRE - PANEL (cont'd)

- Northern Hire Group Pty Ltd
 - O'Loughlin Excavation t/a Olex Civil
 - Pascoe Grading & Earthmoving Contractors Pty Ltd
 - Porter Excavations Pty Ltd
 - Precision Grading Pty Ltd
 - Rollers Australia Pty Ltd
 - SP & LA O'Brien Pty Ltd
 - W&L Birch Earthmoving
2. Authorise the Chief Executive Officer to sign and seal the contract documents and approve contract extensions within the provisions of the Contract.

(CARRIED)

FILE NO:
5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

ITEM NO: 11.2.1
(SENIOR GOVERNANCE OFFICER, NANCY
MUSTICA)
(ACTING DIRECTOR CORPORATE
GOVERNANCE AND PERFORMANCE,
AMANDA CHADWICK)

APPOINTMENT OF THE PANEL OF ADMINISTRATORS TO ADVISORY COMMITTEES, BOARDS AND REPRESENTATIVE BODIES

Executive Summary

The purpose of this report is to appoint the Panel of Administrators to a selection of Advisory Committees, Boards and Representative Bodies where there are current vacancies that require a Councillor Representative.

MOTION

ADMINISTRATORS GRAEME EMONSON / SUZANNA SHEED

That Council endorse the appointment of the Panel of Administrators to the selected Advisory Committees, Boards and Representative Bodies that require Councillor representation:

1. Chair Administrator Tanner, Administrator Emonson and Administrator Sheed to the Moira Shire Youth Council;
2. Administrator Sheed to the Numurkah Flood Mitigation Implementation Committee;
3. Administrator Sheed to the Cobram East Flood Mitigation Design Steering Committee;
4. Administrator Sheed to the Upper Broken & Boosey Creek Flood Study Project Steering Committee;
5. Chair Administrator Tanner as the representative for the Municipal Association of Victoria; and
6. Administrator Sheed as the representative to the Murray Darling Association Inc.

(CARRIED)

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

**ITEM NO: 11.2.2
(ACTING DIRECTOR CORPORATE
GOVERNANCE AND PERFORMANCE,
AMANDA CHADWICK)
(ACTING CHIEF EXECUTIVE OFFICER,
JOSHUA LEWIS)**

ADMINISTRATOR CODE OF CONDUCT

Executive Summary

This report seeks Council's adoption of the Administrator Code of Conduct that was developed in conjunction with the Panel of Administrators to show their commitment to work together in the best interests of the community and the standards of conduct and behaviour that will aim to achieve the greatest outcomes.

MOTION

ADMINISTRATORS SUZANNA SHEED / GRAEME EMONSON

That Council adopt the Administrator Code of Conduct, as developed by the Panel of Administrators and shown in the attachment.

(CARRIED)

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

**ITEM NO: 11.2.3
(ACTING DIRECTOR CORPORATE
GOVERNANCE AND PERFORMANCE,
AMANDA CHADWICK)
(ACTING CHIEF EXECUTIVE OFFICER,
JOSHUA LEWIS)**

RISK APPETITE STATEMENT

Executive Summary

A Risk Appetite Statement has been prepared to form part of the Moira Shire Council Risk Management Framework and will determine the level of risk that Council is willing to accept in pursuit of its strategic objectives.

The Risk Appetite Statement also provides crucial risk management guidance and establishes boundaries for decision making processes related to risk.

MOTION

ADMINISTRATORS GRAEME EMONSON / SUZANNA SHEED

That Council adopt the Risk Appetite Statement which will form part of the Risk Management Framework, shown in the attachment.

(CARRIED)

FILE NO:
5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

ITEM NO: 11.2.4
(ACTING DIRECTOR CORPORATE
GOVERNANCE AND PERFORMANCE,
AMANDA CHADWICK)
(ACTING CHIEF EXECUTIVE OFFICER,
JOSHUA LEWIS)

**CEO EMPLOYMENT AND REMUNERATION COMMITTEE MEETING MINUTES 22
SEPTEMBER 2023**

Executive Summary

The responsibility for assisting Council with its obligations regarding CEO employment, performance and remuneration is delivered through the CEO Employment and Remuneration Committee.

The purpose of this report is to present the minutes of the recent CEO Employment and Remuneration Committee including recommendations for Council to consider.

MOTION

ADMINISTRATORS SUZANNA SHEED / GRAEME EMONSON

That Council:

1. Accepts the minutes of the CEO Employment and Remuneration Committee Meeting held on 22 September 2023; and
2. Endorse the recommendations within the minutes,
3. Including the appointment of GEM Executive to undertake an executive recruitment program for a permanent Chief Executive Officer.

(CARRIED)

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

**ITEM NO: 11.2.5
(ACTING DIRECTOR CORPORATE
GOVERNANCE AND PERFORMANCE,
AMANDA CHADWICK)
(CHIEF FINANCE OFFICER, MATT JARVIS)**

APPOINTMENT OF ACTING CHIEF EXECUTIVE OFFICER

Executive Summary

The position of Chief Executive Officer (CEO) for Moira Shire Council is currently vacant and the purpose of this report is for Council to approve the interim appointment of Mr Michael Tudball as Acting CEO for a period of six months, commencing 23 October 2023.

MOTION

ADMINISTRATORS GRAEME EMONSON / SUZANNA SHEED

That Council:

1. Appoint Mr Michael Tudball as the Acting Chief Executive Officer for an interim period of six months commencing 23 October 2023 until a permanent CEO recruitment process has been concluded; and
2. Authorise Chair Administrator John Tanner AM to sign the Contract of Employment on behalf of Council.

(CARRIED)

FILE NO: F13/493
5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

ITEM NO: 12.1.1
(SENIOR GOVERNANCE OFFICER, NANCY
MUSTICA)
(ACTING DIRECTOR CORPORATE
GOVERNANCE AND PERFORMANCE,
AMANDA CHADWICK)

AUDIT & RISK COMMITTEE MEETING MINUTES 20 JULY 2023

Executive Summary

The Audit & Risk Committee (the Committee) is an independent advisory Committee to Council. The primary objective of the Committee is to assist Council in the effective conduct of its responsibilities for financial reporting, management of risks and maintaining a reliable system of internal controls.

In accordance with the Audit & Risk Committee Charter, the minutes of the Audit & Risk Committee held on 20 July 2023 are attached.

The following reports were considered by the committee:

- Major Projects/Incidents and Legal Proceedings
- 2022/23 Asset Valuations – Report on Progress
- Quarterly Claims Management Report – June 2023
- Policy Register – Quarterly Report
- Risk Management – Quarterly Update
- Fraud Risk – Quarterly Report
- Council Purchase Card Usage Report for period 1 January 2022 to 31 December 2022.
- Audit & Risk Committee Annual Report
- Strategic Internal Audit Program Status Update
- Election of the Audit & Risk Committee Chair
- 90-Day Administrator Report.

The key recommendations from the Audit & Risk Committee is to refer these matters to Council for consideration and noting.

MOTION

ADMINISTRATORS SUZANNA SHEED / GRAEME EMONSON

That Council:

1. Accepts the minutes of the Audit & Risk Committee meeting held on 20 July 2023; and
2. Note the recommendations contained within the reports.

(CARRIED)

FILE NO:
3. A CLEAN GREEN ENVIRONMENT

ITEM NO: 12.2.1
(ACTING MANAGER - SUSTAINABILITY
MATT JARVIS)
(CHIEF FINANCE OFFICER, MATT JARVIS)

ASBESTOS INVESTIGATION AND REMEDIATION

Executive Summary

Following on from the Commission of Inquiry, Moira Shire Council (Council) made a commitment to investigate the causes of historical illegal dumping of asbestos containing material (ACM) on Council land. In addition, Council made a commitment to a safe and thorough remediation of the sites where ACM was detected.

Council has been engaging with the Independent Broad-based Anti-corruption Commission (IBAC) following from the Commission of Inquiry. Council has provided monthly updates to IBAC on this matter.

The final Confidential Investigation Report by an independent investigator (Warfield & Associates), including Management responses to recommendations on mitigating actions going forward, has been forwarded to IBAC.

Remediation works were safely completed in the month of September at the identified locations of Yarrowonga, Tungamah and Strathmerton.

MOTION

ADMINISTRATORS GRAEME EMONSON / SUZANNA SHEED

That Council note the information provided in relation to the current Asbestos investigation and remediation.

(CARRIED)

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
(ASSISTANT TO DIRECTOR OF
INFRASTRUCTURE SERVICE, ROBYN
BONADDIO)
(ACTING CHIEF EXECUTIVE OFFICER,
JOSHUA LEWIS)

AUTHORISATION OF USE OF COUNCIL'S COMMON SEAL

MOTION

ADMINISTRATORS SUZANNA SHEED / GRAEME EMONSON

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

- 285 Settlement Boundary Road, Waaia
- 16 Duffield Street Yarrawonga
- 647 O'Deas Road, Burramine South
- 457 Settlement Boundary Road, and 467 Settlement Boundary Road
- 13 Ligar Street Bundalong
- 176 Paynes Road, Nathalia

(CARRIED)

FILE NO: VARIOUS

ITEM NO:

URGENT BUSINESS

NIL

MEETING CLOSE: 5.54PM



MINUTES

COMMITTEE OF COUNCIL
FOR CONSIDERATION OF SUBMISSIONS REGARDING
THE PROPOSAL TO CLOSE AND LEASE PART OF
RICHARDSON STREET NATHALIA
HELD AT DAN COCKS ROOM
ROBERTSON STREET NATHALIA,
THURSDAY 12 OCTOBER 2023

The meeting commenced at 5.00pm.

PRESENT Mr John Tanner – Chair Administrator
Ms Suzanna Sheed – Administrator
Mr Graeme Emonson – Administrator

IN ATTENDANCE: Mr Josh Lewis Acting Chief Executive Officer
Mr Matt Jarvis Acting Director Sustainable Communities
Ms Amanda Chadwick Acting Director Corporate Governance & Performance
Mr Damien Burton Acting Director Infrastructure

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. CALLING TO ORDER – ACTING CEO JOSH LEWIS

2. PRAYER

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

Amen

3. ACKNOWLEDGEMENT OF COUNTRY

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

3. DISCLOSURE OF CONFLICTS OF INTEREST

Nil

4. APOLOGIES & REQUESTS FOR LEAVE OF ABSENCE

Nil

5. PROPOSAL TO CLOSE AND LEASE PART OF RICHARDSON STREET NATHALIA

MOTION

ADMINISTRATORS GRAEME EMONSON / SUZANNA SHEED

That standing orders be suspended to hear from people who indicated in their submission that they would like to speak to the committee.

(CARRIED)

Considerations of submitters wishing to speak.

	Name
1	Linton Ryan
2	Jane Hando
3	Heather Gaffy
4	Aaron Booth

MOTION

ADMINISTRATORS SUZANNA SHEED / GRAEME EMONSON

That standing orders are resumed.

(CARRIED)

MOTION

ADMINISTRATORS GRAEME EMONSON / SUZANNA SHEED

That the Council note the submissions received and refer them to the Scheduled Meeting of Council on 25 October 2023 as part of Council's consideration of the proposal to close and lease part of Richardson Street Nathalia.

(CARRIED)

6. MEETING CLOSE: 5.35pm