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AGENDA

SCHEDULED MEETING OF COUNCIL **FOR** **WEDNESDAY 27 JULY 2022** **TO BE HELD AT COBRAM CIVIC CENTRE, PUNT ROAD COBRAM VIC 3644** **COMMENCING AT 5.00 PM**

RECORDING

Consistent with section 12.3 of our Governance Rules, Council officers have been authorised to record the public session of this meeting using an audio recording device.

LIVE STREAMING

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

1. WELCOME CALLING TO ORDER – CEO

2. PRAYER

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

Amen

3. ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

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

4. APOLOGIES / LEAVE OF ABSENCE

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

6. DISCLOSURE OF CONFLICTS OF INTEREST

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

Recommendation: “That the minutes of the Scheduled Council Meeting held on Wednesday, 22 June 2022, as prepared, be confirmed.”

8.	COUNCILLOR REPORTS	
	COUNCILLORS TO PROVIDE VERBAL REPORTS	
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20.	CLOSE OF MEETING	

FILE NO: VARIOUS

ITEM NO: 10

QUESTIONS FROM THE PUBLIC GALLERY

Questions of Council are an opportunity for the general public to submit a question prior to the Ordinary Meeting and receive a response from Council in the Questions of Council time.

- (1) The Council will hold Questions of Council Time for up to 30 minutes duration at the beginning of each Ordinary Meeting to allow questions of Council. Extension of time may be granted at the discretion of the Mayor.
- (2) Questions of Council are an opportunity for the general public to submit a question prior to the Ordinary Meeting and receive a response from Council in the Questions of Council time.
- (3) Council meetings are recorded and broadcasted to the public, this includes community questions and responses.
- (4) Questions of Council time will not apply during any period when the Council has resolved to close the meeting in respect of a matter under section 66 (1) of the Act.
- (5) Questions of Council may be on any matter relevant to the jurisdiction of the Council except if it:
 - (a) is considered malicious, defamatory, indecent, abusive, offensive, irrelevant, trivial, or objectionable in language or substance;
 - (b) relates to confidential information as defined under the Act;
 - (c) relates to the personal hardship of any resident or ratepayer; or
 - (d) relates to any other matter which the Council considers would prejudice the Council or any person.
 - (e) Deals with a subject matter already answered
- (6) No more than two questions will be accepted from any person at any one meeting.
- (7) Where the Chief Executive Officer does not accept a question, the submitter is to be informed of the reason or reasons for which their question was not accepted.
- (8) A question submitted in writing by a member of the public, which has been disallowed by the Chief Executive Officer will be provided to any Councillor on request.
- (9) Questions may be read by the submitter where they are present at the meeting. Where the submitter is not present they shall be read by a delegate of the Chief Executive Officer and may be abridged to get to remove unnecessary commentary and only state the question.
- (10) Questions submitted to the Council must be:
 - (a) in written form;
 - (b) contain the name, address and email or contact telephone number of the person submitting the question;
 - (c) in a form approved or permitted by the Council (Template available on Council's website);
 - (d) addressed to the Chief Executive Officer; and
 - (e) submitted no later than the day prior to the meeting by email to info@moira.vic.gov.au clearly stating is a question for the meeting.

FILE NO: F21/17
5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

ITEM NO: 11.1.1
(CHIEF EXECUTIVE OFFICER, CLARE
KEENAN)
(CHIEF EXECUTIVE OFFICER, CLARE
KEENAN)

RESPONSE TO MONITOR'S ADVICE

Recommendation

- Officers recommend that Council notes the advice of the Municipal Monitor and endorses the actions to give effect to the advice.
- That Council thanks the Municipal Monitor for her recommendations.

1. Executive Summary

Following the CEO raising her concerns with the then Minister for Local Government, Shaun Leane, regarding her inability to comply with her legislated workplace health and safety responsibilities, the Minister appointed a Municipal Monitor to Moira Shire Council. The Monitor has provided 11 points of governance advice to Council, for which Officers have formulated actions, which will give effect to this advice.

2. Conflict of interest declaration

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

3. Background

On 29 March 2022, Moira Shire Council Chief Executive Officer wrote a letter to the then Minister for Local Government, Shaun Leane, outlining her concerns regarding her responsibility under the *Occupational Health and Safety Act 2004* to provide and maintain for employees a working environment that is safe and without risks to health ('health' includes psychological health) as required by Part 3 21(1) of that Act. The CEO was concerned that the provision of a safe environment might be unachievable without the ability to exclude elected representatives from Council workplaces. She therefore and sought a solution from the Minister to allow CEOs to carry out their statutory obligations.

On 22 March 2022, the then Minister for Local Government appointed a Municipal Monitor for Moira Shire Council under section 179 *Local Government Act 2020*, with Terms of Reference 'to monitor the governance processes and practices of Council, with specific regard to the key areas of concern identified in the letter of the CEO at the Council'..

The then Local Government Victoria Executive Director, Sara Harbidge, advised the CEO that although the letter from the Minister stated a nine month appointment, the anticipated term of the appointment would be between three and six months, with a further three additional months (to a total of nine) to cover the caretaker period in the unlikely event they be required. The Minister has the power, under the Terms of Appointment of the Municipal Monitor, cease employment of the Monitor at any time.

4. Discussion

Moira Shire Council welcomes the governance advice provided by the Monitor to assist Council to achieve excellence and continuous improvement, and notes the Monitor's comments on the generally collegial nature of Councillors, the intent by all of them to do what is best for the community, as well as the Monitor's confidence in the Executive Leadership.

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5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

ITEM NO: 11.1.1
(CHIEF EXECUTIVE OFFICER, CLARE
KEENAN)
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KEENAN)

RESPONSE TO MONITOR'S ADVICE (cont'd)

We note that the key issue of concern raised by the CEO to the Minister for Local Government; namely, of the CEO being unable to carry out her responsibility under the *Occupational Health and Safety Act 2004*, remains unresolved and is conceivably not within the Monitor's scope or authority to resolve.

This remains a concern to Council. The issue brought to the attention of the Minister by the CEO is a systemic one experienced by other Councils, as evidenced by the resignation of La Trobe City Council's General Manager, Suzanne Miller because she believed she could "no longer ensure the safety of relevant council staff in performing their roles", and will likely only be resolved by revised legislation.

5 Budget / Financial Considerations

Moira Shire Council is required to pay the Monitor under s179(1) of the *Local Government Act.2020*. The Minister has set this amount at \$1240 per day plus out-of-pocket expenses.

6. Monitor's advice to Council – Governance Improvement

	MONITOR'S ADVICE TO COUNCIL	ACTIONS TO GIVE EFFECT TO MONITOR'S ADVICE
1	<p>Councillors should discuss the most effective meeting arrangements to ensure they are fully informed to make decisions, supported in professional development and are governing for the best interests of the whole of the Moira Shire.</p> <p>Consider how the meeting cycle can be re arranged to enable Councillors to be informed about areas of the shire they have lesser knowledge on, mechanisms that allow them to raise matters to come before council, share areas where they need professional development and access it, and develop strategic partnerships with external agencies. Potentially the following</p> <ul style="list-style-type: none"> - briefing on 2nd Wednesday of the month to include site visits deputations, workshops, training, strategic partnership meetings, general business and Councillor only session. - briefing on 3rd Wednesday of the month to include council meeting agenda review - council meeting on the 4th Wednesday of the month preceded by a briefing for final agenda review 	<p>Main briefing to be moved from 2nd Wednesday to the 3rd Wednesday of the month, and will include agenda review.</p> <ul style="list-style-type: none"> • Meetings on 2nd Wednesday of the month as required to include workshops, strategic meetings, general business, professional development and councillor`only sessions • Council meeting on the 4th Wednesday of the month as normal, with a briefing of the final agenda review prior. • A governance calendar to be developed, in consultation with Councillors and Council Officers, to include forward agenda items.

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KEENAN)

RESPONSE TO MONITOR'S ADVICE (cont'd)

	Officers to develop a forward agenda that is available to Councillors to understand when matters need decisions	
2	<p>Introducing General Business item at briefings as a mechanism to raise items that Councillors would like to be considered either verbally or via reports to council</p> <p>Establish a process whereby council can reflect in a structured manner on its performance, an identify areas for development which are then invested in. This could occur in a Councillor only session.</p> <p>A councillor development session which focusses on team development is recommended.</p>	<ul style="list-style-type: none"> • General business agenda item to be included at Council briefings. • A structured review of Councillor performance at Councillor-only sessions to be initiated. Council Officers to support Council with a structure to conduct the review. • Councillors to be surveyed on professional development requirements (training needs analysis to be conducted) to source best training. • Governance professional development, including meeting procedures in addition to team development sessions to be scoped, sourced and delivered.
3	Councillors should identify areas where they would benefit from professional development. Develop a councillor development/training program which all Councillors are required to attend	<ul style="list-style-type: none"> • Councillors to be surveyed on professional development requirements. Council Officers to scope (in consultation with Councillors) a development / training program which all Councillors are required to attend. • Council Officers are currently sourcing governance (meeting procedure), and finance training for Councillors.
4	<p>Agendas for all meetings should be distributed as least on the Friday before the Wednesday meeting with full reports attached.</p> <p>A councillor/executive development session which includes an explanation about the purpose of briefing session is recommended</p>	<ul style="list-style-type: none"> • Agendas for all meetings will be distributed at least on the Friday prior to the Wednesday meeting with full reports attached. • In-house governance training being sourced will include purposes of meetings, including briefing sessions.

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KEENAN)
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KEENAN)

RESPONSE TO MONITOR'S ADVICE (cont'd)

5	Council meeting agendas should be issued at least on the Friday before the Wednesday meeting, and upload to the public website on the Monday morning before the meeting	<ul style="list-style-type: none"> • The Council meeting agenda will be distributed no later than the Friday prior to the Wednesday meeting. The Council meeting agenda will be uploaded to the Moira Shire Council website on the Monday morning before the meeting.
6	An officer will a detailed understanding of the Governance Rules should be easily accessible to the Mayor during the council meeting	<ul style="list-style-type: none"> • The Director Corporate Governance and Performance (or delegate) will support the Mayor during Council Meetings with direct advice on governance rules.
7	<p>During the current financial year, undertake two processes:</p> <ul style="list-style-type: none"> ○ in the next two months Council to gain a full understanding of the capital works that will be delivered completely in the current financial year and monitor the delivery quarterly ○ Before November 2022, Council to set financial policy on how to manage carry forward works in future commencing with the balance of the carry forward works from 21/22 	<ul style="list-style-type: none"> • Council Officers will provide a briefing session to Councillors on the Capital Works program. • Council Officers will provide a quarterly report at Council briefing, of the Capital Works program. • Council Officers will draft a financial policy, with specific reference to how Council will manage carry forward works in the future.
8	Ensure compliance with Council's community engagement policy	<ul style="list-style-type: none"> • Council Officers will continue to ensure compliance with the community engagement policy.

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KEENAN)
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KEENAN)

RESPONSE TO MONITOR'S ADVICE (cont'd)

9	Invite the chair of the Audit and Risk committee to brief council as least every 6 months	<ul style="list-style-type: none"> Current Council Charter provides for Audit and Risk Committee chair to present to Council annually, or sooner if requested by Council or the Chair. Council Officers will review the Charter to include opportunity for Audit and Risk Committee chair to present every six months, or at the request of Council.
10	<p>Consider inviting community groups, and strategic partners to brief council on matters. This could be by way of deputation (they present to inform council but there is no debate with them about the merits) or for a discussion with council.</p> <p>Be fully briefed on the survey results from the Community Satisfaction survey and consider actions that can be taken to improve community level of satisfaction in the future.</p>	<ul style="list-style-type: none"> Council Officers to work with Councillors to engage community groups, and strategic partners to brief Council. This will form part of the governance calendar. Council Officers to arrange a briefing to Councillors by the providers of the survey to better understand the data and what actions may be required.
11	Council should keep a close eye on the outcome of the Work Safe investigation and any actions it may need to take in response.	<ul style="list-style-type: none"> Council Officers will report to both the Audit and Risk Committee, and Councillors at Council Briefing on any updates regarding the investigation.

7. Conclusion

The Monitor has provided 11 points of advice to the Moira Shire Council. For each point, Council has proposed actions that will give effect to this advice. Council aims to implement these with alacrity for the benefit of the Moira Shire Community and to reduce the financial cost to ratepayers.

Attachments

Nil

FILE NO: F13/2478
5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

ITEM NO: 11.2.1
(COMMERCIAL SERVICES COORDINATOR,
BRUCE BERG VON LINDHE)
(CHIEF FINANCE OFFICER, MATT JARVIS)

POLICY REVIEW - CONTRIBUTION TO FENCING COSTS

Recommendation

That Council adopt the revised Contribution to Fencing Costs Policy.

1. Executive Summary

The Contribution to Fences Policy has undergone a significant review and serves to provide the procedural framework for requests for Council to share fencing costs with adjoining property owners.

The current policy introduces a number of terms and contains a number of obligations in regard to Crown Land and freehold land which are inconsistent with the Fences Act 1968 (the Act) and which place additional obligations on Council not contained in the Act. The proposed draft is more aligned with the Act through the removal of these inconsistencies and provides clarity on the circumstances which Council will/will not share fencing costs.

2. Conflict of interest declaration

There are no known officer conflicts of interest to declare.

3. Background & Context

Moira Shire Council's current Contribution to Fencing Costs Policy (Fences Policy) was adopted 22 February 2017 and scheduled for review in 2022.

The Fences Act 1968 (the Act) provides the overall framework governing the arrangements for neighbours to share the costs of construction and maintenance of adjoining fences. In support of this, Council's Policy provides the internal framework for managing and responding to requests made of Council to share fencing costs.

4. Issues

The current Policy has undergone a significant review. The proposed version better clarifies the circumstances under which Council will/will not share fencing costs, the process for making applications and removes the incorrect references to Council sharing costs associated with Crown Land and freehold land.

The draft policy adopts the terminology used in the Act and provides an explanation of the exemption provided by the Act to owners of public land. As a result, the Policy is now more aligned to the Act and provides examples of land types which will have more meaning to residents and landowners.

Requests for Council to share fence costs must be made in writing, before work commences and requires only two quotations rather than three as required by the current policy.

FILE NO: F13/2478
5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

ITEM NO: 11.2.1
(COMMERCIAL SERVICES COORDINATOR,
BRUCE BERG VON LINDHE)
(CHIEF FINANCE OFFICER, MATT JARVIS)

POLICY REVIEW - CONTRIBUTION TO FENCING COSTS (cont'd)

5. Strategic Alignment

Council Plan

5. Transparent and accountable
governance

Safe and liveable community through
enforcement of local and state
government regulations

6. Internal & External Engagement

Engagement

Internal Draft reviewed by
Governance.

Feedback

Supported

Executive Leadership Team
28/6/2022.

Supported

External Council Agenda 27/7/2022

For consideration

7. Budget / Financial Considerations

The 21/22 and 22/23 budget for shared fencing costs is \$5,000. There are three current cases where Council has given “in-principle” agreement to share fencing costs subject to further documentation. If final approval is given to all of these requests the allocated budget amount will be exceeded should they be received in the same year.

8. Risk & Mitigation

Risk

Financial

Economic (regional context or
broader economic impact)

Environmental

Reputational

Legislative Compliance

Mitigation

The expected overall costs are expected to
remain relatively low and manageable

No risk of regional economic impact

Standard fencing does not provide any significant
additional environmental risks

Some risk occurs when an unfavourable response
is received. Managed by provision of consistent,
accurate and well prepared correspondence

Managed by consistent knowledge of and
application of the Act and current policy

9. Conclusion

The Contribution to Fences Policy has undergone a significant review and serves to provide the procedural framework for requests for Council to share fencing costs with adjoining property owners.

Attachments

- 1 Contribution to Fencing Costs Policy

FILE NO: F13/2478
5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

ITEM NO: 11.2.1
(COMMERCIAL SERVICES
COORDINATOR, BRUCE BERG VON
LINDHE)
(CHIEF FINANCE OFFICER, MATT
JARVIS)

POLICY REVIEW - CONTRIBUTION TO FENCING COSTS (cont'd)

ATTACHMENT No [1] - Contribution to Fencing Costs Policy

Contribution to Fencing Costs Policy



Policy type	Council
Adopted by	Moirá Shire Council
Responsible Director	Chief Financial Officer
Responsible Officer	Coordinator Commercial Services
Date adopted	
Scheduled for review	This policy will be reviewed four years from the date of adoption, or sooner if required.

PURPOSE

The purpose of this policy is to outline Council's responsibilities for contributing toward the cost of fencing between Council land and adjoining properties.

SCOPE

This policy applies to owners of private land abutting a property owned or occupied by the Council who seek a contribution from Council towards the cost of construction, repair or replacement of a dividing fence.

CONTEXT

The *Fences Act 1968* and *Fencing Amendment Act 2014* provides the framework for owners of adjoining land to construct a dividing fence sufficient for the purposes of both occupiers.

The definition of "owner" given in Section 4 of the *Fences Act 1968* excludes municipal councils and others who own or manage land for the purposes of a public park or public reserve.

Council is therefore not required to contribute to the costs of dividing fences between private property and Council land used for public purposes for example:

- Roads, footpaths and walking tracks
- Parks, Playgrounds, Recreation Reserves and Land Fills and Transfer Stations
- Drainage Reserves
- Municipal car parks
- Tree and plantation reserves

Council will contribute to dividing fencing costs where land is not used for public purposes for example:

- Council offices and depots
- Town Halls
- Council owned residential properties
- Pre-schools and Maternal and Child Health Centres

POLICY

Council's commitment

Moirá Shire Council
ABN: 29 539 141 700
Post: PO Box 578, Cobram, Vic 3643
DX: 37901, Cobram

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

Phone: 03 5971 9222
Fax: 03 5872 1567
NRS: 133 677

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



FILE NO: F13/2478
5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

ITEM NO: 11.2.1
(COMMERCIAL SERVICES
COORDINATOR, BRUCE BERG VON
LINDHE)
(CHIEF FINANCE OFFICER, MATT
JARVIS)

POLICY REVIEW - CONTRIBUTION TO FENCING COSTS (cont'd)

ATTACHMENT No [1] - Contribution to Fencing Costs Policy

Contribution to Fencing Costs Policy



Council will contribute to the cost of fencing with adjoining properties in accordance with the *Fences Act 1968 and Fences Amendment Act 2014*.

Quality and standard

Council reserves the right to require a specific quality and standard of fencing in keeping with the adjoining area, the requirements of Council, the *Fences Act 1968* and the *Fences Amendment Act 2014*.

Quotations required

Council will only consider fencing requests when the adjoining owner initiating the request has provided at least two acceptable written quotations from established fencing contractors, unless otherwise agreed by Council.

Agreements in writing

Council will confirm all fencing agreements in writing.

Works to be completed before payment

Where Council agrees to contribute to the cost of dividing fencing costs, payment will be made upon satisfactory completion of the fence's construction.

Prior Notice

Fencing requests must be made prior to the construction of a boundary fence. Council will not consider fencing requests if construction has been completed or has already commenced prior to the request.

RELATED LEGISLATION

Fences Act 1968

Fences Amendment Act 2014

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

ITEM NO: 11.3.1
(SENIOR GOVERNANCE OFFICER,
MARGARET HINCK)
(DIRECTOR CORPORATE GOVERNANCE
AND PERFORMANCE BRANT DOYLE)

ASSEMBLIES OF COUNCILLORS FOR JUNE 2022

Recommendation

That Council receive and note the record of Assemblies of Councillors for June 2022.

1. Executive Summary

The purpose of this report is to detail the Assemblies of Councillors held in June 2022. These records provide transparency in councils decision making process, in line with Council's commitment to the principles for public transparency and Council's Public Transparency Policy.

2. Conflict of interest declaration

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

3. Background & Context

This report provides details of Councillor Assemblies that have been held for the month of June 2022 and whether a conflict of interest disclosure was made by a Councillor.

An Assembly of Councillors can be defined as:

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

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

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

ITEM NO: 11.3.1
(SENIOR GOVERNANCE OFFICER,
MARGARET HINCK)
(DIRECTOR CORPORATE GOVERNANCE
AND PERFORMANCE BRANT DOYLE)

ASSEMBLIES OF COUNCILLORS FOR JUNE 2022 (cont'd)

4. Issues

Meeting	Present at meeting	Matters discussed	Declaration of Interest(s)
<p>Council Briefing 8 June 2022</p>	<p>Councillors: Libro Mustica Peter Lawless John Beitzel Julie Brooks Ed Cox Peter Elliott Judy Heather Wayne Limbrick Peter Mansfield</p> <p>Municipal Monitor: Marg Allan</p> <p>Staff: Chief Executive Officer, Clare Keenan Director Infrastructure Services, Joshua Lewis Director Sustainable Communities, Sally Rice Chief Financial Officer, Matt Jarvis Manager Governance and Performance, Amanda Chadwick Executive Assistant to Mayor and Councillors Commercial Services Coordinator Manager Parks, Recreation and Facilities Infrastructure Liaison Officer Economic Development Support Officer Senior Governance & Governance Officers Community Facilities and Recreation Officer</p>	<p>Budget feedback Pyke Street Drainage Civic Risk Mutual Cobram Scott Reserve Katunga Recreation Reserve Planning application call-in Lake Numurkah Concept – Community feedback Draft Agenda review Asset Rationalisation Proposed closure of two Transfer Stations Economic Development Article Management Report</p>	<p>Yes Cr Peter Elliott Pyke Street Drainage</p>

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

ITEM NO: 11.3.1
(SENIOR GOVERNANCE OFFICER,
MARGARET HINCK)
(DIRECTOR CORPORATE GOVERNANCE
AND PERFORMANCE BRANT DOYLE)

ASSEMBLIES OF COUNCILLORS FOR JUNE 2022 (cont'd)

Meeting	Present at meeting	Matters discussed	Declaration of Interest(s)
<p>Council Briefing 22 June 2022</p>	<p>Councillors: Libro Mustica Peter Lawless John Beitzel Julie Brooks Ed Cox Peter Elliott Judy Heather Wayne Limbrick Peter Mansfield</p> <p>Municipal Monitor: Marg Allan PSM</p> <p>Staff: Chief Executive Officer, Clare Keenan Director Corporate, Governance and Performance Brant Doyle Director Infrastructure Services, Joshua Lewis Director Sustainable Communities, Sally Rice Chief Financial Officer, Matt Jarvis Manager Governance and Performance, Amanda Chadwick Senior Governance Officer Infrastructure Liaison Officer Team Leader Construction Project Manager Executive Assistant to Mayor and Councillors</p>	<p>Yarrowonga Multisport Stadium Agenda review</p>	<p>Libro Mustica Agenda review item 11.2.1 Proposed Road Discontinuance Mivo Park</p>

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

ITEM NO: 11.3.1
(SENIOR GOVERNANCE OFFICER,
MARGARET HINCK)
(DIRECTOR CORPORATE GOVERNANCE
AND PERFORMANCE BRANT DOYLE)

ASSEMBLIES OF COUNCILLORS FOR JUNE 2022 (cont'd)

5. Strategic Alignment

Council Plan Objective 5. Transparent and Accountable Governance.

6. Internal & External Engagement

The Manager Governance & Performance and Executive Assistant, Mayor & Councillors were consulted in preparation of this report.

7. Budget / Financial Considerations

There are no financial implications to consider with this report.

8. Risk & Mitigation

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

9. Conclusion

The details of the Assemblies of Councillors incorporated into this report are a true and accurate record of all Assemblies of Councillors reported during June 2022.

Attachments

Nil

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

ITEM NO: 11.3.2
(SENIOR GOVERNANCE OFFICER,
MARGARET HINCK)
(DIRECTOR CORPORATE GOVERNANCE
AND PERFORMANCE BRANT DOYLE)

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

Recommendation

That Council resolves;

1. the members of Council staff referred to in the Instrument of Appointment and Authorisation, be appointed and authorised as set out in the Instrument; and
2. the Instrument be sealed with the Common Seal of Council; and
3. the Instrument come into force immediately following the seal being affixed to the Instrument, and remains in force until Council determines to vary or revoke it; and
4. upon the Instrument coming into force, the Instrument of Appointment and Authorisation to members of Council staff, as made by Council on 2 February 2022, is revoked.

1. Executive Summary

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

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

2. Conflict of interest declaration

There are no known conflicts of interest issues to consider with this report

3. Background & Context

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

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

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

The attached Instrument of Appointment and Authorisation has been updated to include the names of current Council officers.

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

ITEM NO: 11.3.2
(SENIOR GOVERNANCE OFFICER,
MARGARET HINCK)
(DIRECTOR CORPORATE GOVERNANCE
AND PERFORMANCE BRANT DOYLE)

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

Changes include -

- the appointment of
 - The Chief Financial Officer; and
 - Senior Town Planner; and
 - Environmental Sustainability Officer; and
 - Safety and Amenity Officer
- the conclusion of employment for the
 - Manager Building Town Planning & Regulatory Services; and
 - Town Planners; and
 - Environmental Sustainability Officer; and
 - Coordinator Safety and Amenity; and
 - Safety and Amenity Officer
- title change for the
 - Acting General Manager Corporate to Director Corporate, Governance and Performance

4. Strategic Alignment

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

5. Internal & External Engagement

This report has been informed by the advice provided by Maddocks Delegation and Authorisations Service, the Director Infrastructure Services, Planning Coordinator and Manager Sustainability.

6. Budget / Financial Considerations

Financial decisions are made in accordance with Council's budget

7. Risk & Mitigation

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

8. Conclusion

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

Attachments

- 1 Draft - Planning & Environment Act 1987 - Instrument of Appointment & Authorisation - July 2022

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

ITEM NO: 11.3.2
(SENIOR GOVERNANCE OFFICER,
MARGARET HINCK)
(DIRECTOR CORPORATE GOVERNANCE
AND PERFORMANCE BRANT DOYLE)

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

ATTACHMENT No [2] - Draft - Planning & Environment Act 1987 - Instrument of
Appointment & Authorisation - July 2022



Moira Shire Council

Instrument of Appointment and Authorisation

(Planning and Environment Act 1987)

27 July 2022

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

ITEM NO: 11.3.2
(SENIOR GOVERNANCE OFFICER,
MARGARET HINCK)
(DIRECTOR CORPORATE GOVERNANCE
AND PERFORMANCE BRANT DOYLE)

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

ATTACHMENT No [2] - Draft - Planning & Environment Act 1987 - Instrument of
Appointment & Authorisation - July 2022



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

In this instrument "officer" means –

Clare Keenan, Chief Executive Officer
Joshua Lewis, Director Infrastructure Services
Sally Rice, Director Sustainable Communities
Brant Doyle, Director Corporate, Governance and Performance
Matt Jarvis, Chief Financial Officer
Norman Kortum, Senior Town Planner
Melissa Burns, Senior Town Planner
Travis Basham, Planning Coordinator
James Andrew, Town Planner
Melissa Verduci, Land Use Planner
Rebecca Nye, Technical Support Officer
Jacqueline Miller, Development Compliance Officer
Scott Draper, Manager Sustainability
Deidre Andrews, Environmental Sustainability Officer
James Steinfort, Environmental Sustainability Officer
Christina Kalz, Safety and Amenity Technical Officer
Andrew Christie, Safety and Amenity Officer
Robert l'Anson, Safety and Amenity Officer
Umar Afridi, Safety and Amenity Officer

By this instrument of appointment and authorisation Moira Shire Council –

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

It is declared that this instrument -

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

This instrument is authorised by a resolution of the Moira Shire Council made on the 27 July 2022.

"The common seal of the
Moirá Shire Council
was hereunto affixed in the presence of

..... Chief Executive Officer

on the day of 2022.

FILE NO: 1
1. A WELCOMING AND INCLUSIVE PLACE

ITEM NO: 11.4.1
(DIRECTOR SUSTAINABLE COMMUNITIES,
SALLY RICE)
(DIRECTOR SUSTAINABLE COMMUNITIES,
SALLY RICE)

FUNDRAISING FOR THE FURNITURE AND FIT OUT OF THE YARRAWONGA LIBRARY

Recommendation

That Council:

1. set a fundraising target of \$230,000 for the new Yarrowonga Library; and
2. request Goulburn Valley Libraries to facilitate community fundraising for the furniture and fit out for the new Yarrowonga library.

1. Executive Summary

Moira Shire has awarded the contract for the construction of the Yarrowonga Library, Events and Performance precinct. During the construction phase the procurement of the furniture and fit out of the library will be undertaken.

Moira Shire Council, Strathbogie Shire Council and Greater Shepparton City Council all deliver library services through Goulburn Valley Libraries (GVL). Facility improvements are undertaken as required and on a regular basis. Occasionally large projects are delivered to improve the quality of libraries in the Goulburn Valley region. For example a new library was built in Cobram 2016 and a renovation and upgrade of Tatura library occurred in 2020.

Both of these large projects included an element of community fundraising to finance the loose furniture and fit out of the libraries operational spaces. GVL have led these community fundraising efforts on behalf of the individual council and they have worked closely with a fundraising committee and prominent members of the community as project champions.

The library design architects have itemised and specified the furniture and fit out required for the library site. Their recommendations have been used to prepare a fundraising target. This target is \$230,000.

This report recommends that Council set a fundraising target of \$230,000 and request GVL to facilitate and lead the community fundraising for the furniture and fit out for the new Yarrowonga library.

2. Conflict of interest declaration

There are no Officer conflicts of interest associated with this report.

3. Background & Context

Moira Shire Council, Strathbogie Shire Council and Greater Shepparton City Council all deliver library services through Goulburn Valley Libraries (GV Libraries). Facility improvements are undertaken as required and on a regular basis. Occasionally large projects are delivered to improve the quality of libraries in the Goulburn Valley region. For example a new library was built in Cobram 2016 and a renovation and upgrade of Tatura library occurred in 2020.

For these projects the respective Councils set a Community Fundraising target for the furniture and fit out of the libraries, and requested GV Libraries to facilitate and lead these efforts with the community. GV libraries hold Deductible Gift Recipient (DGR) status that ensures that all donations to the library are tax deductible.

FILE NO: 1
1. A WELCOMING AND INCLUSIVE PLACE

ITEM NO: 11.4.1
(DIRECTOR SUSTAINABLE COMMUNITIES,
SALLY RICE)
(DIRECTOR SUSTAINABLE COMMUNITIES,
SALLY RICE)

FUNDRAISING FOR THE FURNITURE AND FIT OUT OF THE YARRAWONGA LIBRARY (cont'd)

For the Cobram library \$211,000 was raised (the target was \$150,000). Those who donated over \$500 were recognised via being named in a feature of the roof of the library. Larger donations, greater the \$5,000 were recognized with naming rights of particular spaces or elements in the library. More recently the Tatura library fundraising effort raised \$134,000 (target \$100,000) and recognition occurred via similar methods.

With the construction contract awarded and works having commenced on site it is now timely to begin work on the operationalisation of the site. Therefore it is important to start fundraising for the loose items not included in the construction contract to allow for their timely procurement

4. Strategic Alignment

Council Plan

1. A welcoming and inclusive place	Our artistic, cultural programs and services will promote inclusiveness, social wellbeing and reflect the needs and values of communities
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5. Internal & External Engagement

In the event the Council endorsed the recommendations of this report then GV Libraries will lead an engagement with the community to establish a fundraising committee including with prominent members of the community to be project champions for the fundraising effort.

6. Budget / Financial Considerations

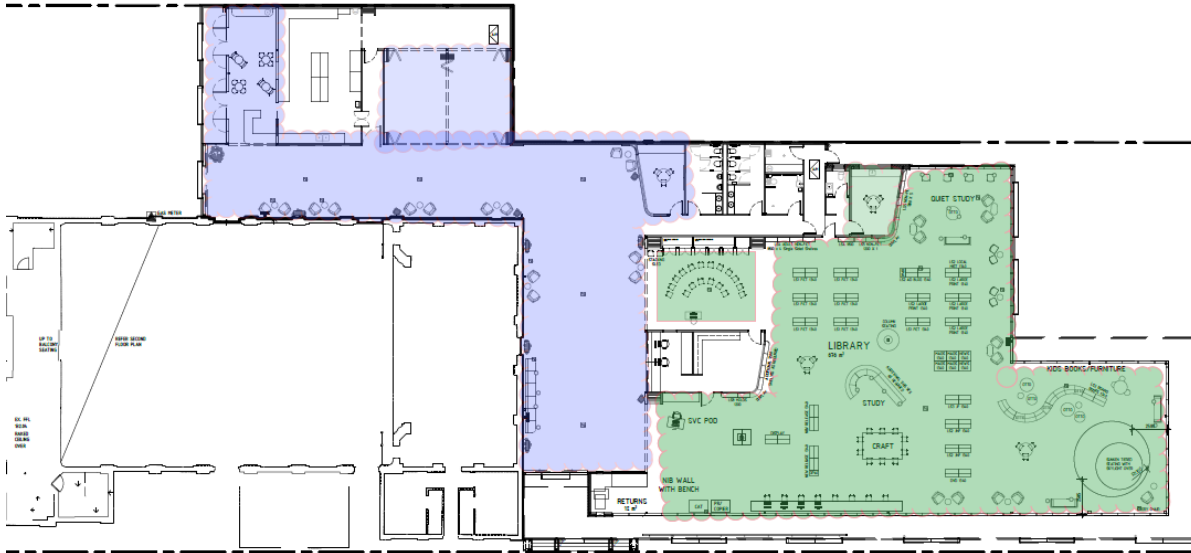
The library design architects have itemised and specified the furniture and fit out required for the library site in consultation with GV Libraries and the architects own library specialists. Their recommendations have been used to prepare a fundraising target. This target is \$230,000 and the assets will become Moira Shire Councils. GV libraries will also contribute \$30,000 for some loose items that they will own (kiosk, PCs). In addition to purchasing new equipment GV libraries will also relocate a substantial amount of IT equipment from the existing library.

The target of \$230,000 does not include the furniture and fit out for areas of the Library, Events and Performance Precinct that are not directly associated with the operations of the library (blue), it only relates to the library spaces (green).

FILE NO: 1
1. A WELCOMING AND INCLUSIVE PLACE

ITEM NO: 11.4.1
(DIRECTOR SUSTAINABLE COMMUNITIES,
SALLY RICE)
(DIRECTOR SUSTAINABLE COMMUNITIES,
SALLY RICE)

FUNDRAISING FOR THE FURNITURE AND FIT OUT OF THE YARRAWONGA LIBRARY (cont'd)



7. Risk & Mitigation

If Council decides to proceed with requesting GV Libraries to lead the fundraising effort it will be governed by a detailed agreement to define respective roles and responsibilities of both GV Libraries and Moira Shire Council.

8. Conclusion

With the construction contract awarded and works having commenced for the new Yarrowonga Library, Events and Performance Precinct it is now timely to begin work on the operationalisation of the site. Therefore it is important to start fundraising for the loose items not included in the construction contract to allow for their timely procurement.

The library design architects have itemized and specified the furniture and fit out required for the library site. Their recommendations have been used to prepare a fundraising target. This target is \$230,000.

This report recommends that Council set a fundraising target of \$230,000 and request GVL to facilitate and lead fundraising for the furniture and fit out for the new Yarrowonga library.

Attachments

Nil

FILE NO:
3. A CLEAN GREEN ENVIRONMENT

ITEM NO: 11.4.2
(MANAGER SUSTAINABILITY, SCOTT
DRAPER)
(MANAGER SUSTAINABILITY, SCOTT
DRAPER)

**MAINTAINING THE COMMUNITY VOICE IN THE CIRCULAR ECONOMY:
ESTABLISHMENT OF THE LOCAL GOVERNMENT STATE-WIDE WASTE FORUM**

Recommendation

That Council:

1. Endorse the supporting motion from the State Wide Waste Forum.
2. Appoint Cr Wayne Limbrick as Council's representative on the Recycling and Waste Matters new forum.

1. Executive Summary

Late in 2021 the State government introduced legislation that dissolved the regional waste management groups effective from 1 July 2022. The Statewide Forum recognised the benefits of regional collaboration between local governments including for delivering effective services, achieving efficiencies of scale, sharing expertise, advocating for better policy and legislation, education and procurement. The state-wide forum noted that the WRRGs have provided an effective mechanism for regional collaboration between councils. The statewide forum would like to formalise the new Forum so that beyond the 1 July 2022 there continues to be a structure for ongoing collaboration for Councils on a regional and state-wide level. To facilitate this the state wide forum are proposing that each Council endorses a supporting motion and appoints a representative to participate.

2. Conflict of interest declaration

Council officers preparing this report declare no conflict of interest

3. Background & Context

Council recently received correspondence from the former Chair of the Goulburn Valley Waste and Resource Recovery Forum and newly appointed Member of the recently assembled Local Government State-Wide Waste Forum. The Forum has been established through the Regional Waste Forums who voted unanimously to allow each of their Chairs to advocate to the State on their behalf regarding the roll out of the Waste Act and Recycling Victoria. There are seven members in total and between them they represent 79 LGAs across Victoria.

The Local Government State-Wide Waste Chairs Forum aims to ensure consistent representation across our rural, regional, and metropolitan Councils to advise the State Government in the lead up to the establishment of Recycling Victoria (Waste Authority), and implementation of the *Circular Economy (Waste and Recycling) Bill 2021*.

On commencement of Recycling Victoria (RV), the Waste and Resource Recovery Groups (WRRGs) were dissolved, and relevant functions transferred to Recycling Victoria. The Recycling Victoria Authority commenced from 1 July 2022 and the State Government has yet to provide any concrete detail as to an ongoing mechanism that would serve a similar function to the forum after June 30, 2022.

FILE NO:
3. A CLEAN GREEN ENVIRONMENT

ITEM NO: 11.4.2
(MANAGER SUSTAINABILITY, SCOTT
DRAPER)
(MANAGER SUSTAINABILITY, SCOTT
DRAPER)

**MAINTAINING THE COMMUNITY VOICE IN THE CIRCULAR ECONOMY:
ESTABLISHMENT OF THE LOCAL GOVERNMENT STATE-WIDE WASTE FORUM
(cont'd)**

The Minister for Energy, Environment and Climate Change in her second reading speech said:
"I intend to establish a local government advisory committee to advise the Head on the new functions, how these arrangements impact and can benefit councils, and how the set-up of Recycling Victoria can ensure effective relationships with local governments across the State."

The Statewide forum believes that the Forum is ideally positioned to support and advise the State Government as part of its design of regulatory and implementation measures associated with the Bill. They also believe it ensures effective relationships with local governments are fostered across the state and inform policy decisions that affect Councils in waste and resource recovery.

4. Issues

The state wide forum are proposing that each Council endorses the following supporting motion:

That Council:

"Note that the State government has introduced legislation that dissolves the regional waste management groups effective from 1 July 2022.

Recognises the benefits of regional collaboration between local governments including for delivering effective services, achieving efficiencies of scale, sharing expertise, advocating for better policy and legislation, education and procurement.

Notes that the WRRGs have provided an effective mechanism for regional collaboration between councils and Appoints Councillor Wayne Limbrick as Moira Shire's councillor representative on recycling and waste matters including for the purposes of:

- Meeting with other councils in the Goulburn Valley region to consider recycling and waste matters, and to provide advice to councils in the region.
- Appointing a chair of the regional advisory group on recycling and waste, who would represent the region in a state-wide advisory group, including electing a state-wide chair.
- Developing a proposal for governance (including a Terms of Reference) of regional coordination between the councils, for consideration by Council at a future date.
- Calling on the state government to support regional collaboration by providing the secretariat function via RV."

5. Strategic Alignment

Waste Management Strategy

Council Plan

3. A clean green environment

6. Internal & External Engagement

Engagement (who did you engage with?)	Feedback
Internal	Waste Coordinator
External	Councillor forum representative

FILE NO:
3. A CLEAN GREEN ENVIRONMENT

ITEM NO: 11.4.2
(MANAGER SUSTAINABILITY, SCOTT
DRAPER)
(MANAGER SUSTAINABILITY, SCOTT
DRAPER)

**MAINTAINING THE COMMUNITY VOICE IN THE CIRCULAR ECONOMY:
ESTABLISHMENT OF THE LOCAL GOVERNMENT STATE-WIDE WASTE FORUM
(cont'd)**

7. Budget / Financial Considerations

Nil

8. Risk & Mitigation

Risk

Legislative Compliance

Mitigation

Council will not be able to engage in regional collaboration in waste and recycling matters

9. Conclusion

Council will benefit from a continued voice at the table on waste and recycling matters and will continue to reap the benefits of regional collaboration between local governments including for delivering effective services, achieving efficiencies of scale, sharing expertise, advocating for better policy and legislation, education and procurement

Attachments

Nil

FILE NO: C005/22
5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

ITEM NO: 11.5.1
(PROCUREMENT COORDINATOR, JOVIAL
MATHEWS)
(DIRECTOR INFRASTRUCTURE SERVICES
JOSHUA LEWIS)

C005/22 - LEVEE BANK STRENGTHENING - SMITH STREET NATHALIA

RECOMMENDATION

That Council:

1. Award the contract for C005/22 – Levee bank strengthening - Smith St Nathalia to Murray Valley Piling Pty Ltd;
2. Authorise the Chief Executive Officer to sign and seal the contract documents; and
3. Assign Murray Valley Piling Pty Ltd as the Principal Contractor for undertaking the project.

1. Executive Summary

The Moira Shire Council invited submissions from suitably qualified Contractors for levee bank strengthening works in Nathalia. The section of levee bank is located on the Northern edge of Nathalia commencing at Smith Street with works extend approximately 400 metres in an Easterly direction.

After consideration of the submissions, the evaluation panel recommends that contract C005/22 be awarded to Murray Valley Piling Pty Ltd.

2. Background and Options

The project involves installation of driven interlocking sheet piling to form a continuous barrier from the crest of the levy to 2 meters below natural ground level. During the 2012 floods, the comments from many people involved with the flood were that the existing levy felt like 'putty'. Geotechnical investigations have been done on the levy and given the risk consequence of a levy potentially failing during a flood, the installation of the sheet piles is an 'insurance policy' to prevent the flood water from migrating through the levy and thereby causing a catastrophic failure.

Traditionally, sheet piling has been done with steel sheet piles. However, it is becoming more common in Europe for a modified PVC sheet pile to be used. The PVC is largely inert in soil and gives a greater asset life than a steel pile.

The sheet piling is located along the centre line of the existing levee bank.

The works will consist of:

- Securing the site
- Excavation of a shallow trench along the proposed alignment of works
- Supply and installation of approximately 400 lineal metres of driven interlocking sheet piling. The sheet piling will extend through the levee bank and penetrate 2 metres into the natural soil below the levee. The total depth of sheet piling from top to bottom varies to a maximum depth of approximately 4 metres.
- Backfilling of trench and making good the site.

The specification had originally asked for steel sheet piles. However, the recommended tenderer has provided an alternative bid using vinyl sheet as the material type for the sheet piling. The alternative proposal from the tenderer is acceptable for the council.

FILE NO: C005/22
5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

ITEM NO: 11.5.1

C005/22 - LEVEE BANK STRENGTHENING - SMITH STREET NATHALIA (cont'd)

The contractor is required to supply all plant, labour and materials necessary to complete the work. All works are to be completed within 8 weeks from acceptance by council and will be paid as lump sum.

Date of Public Notice

Paper	Date
TenderSearch	30 April 2022
Border Mail	30 April 2022
Shepparton News	3 May 2022
Cobram Courier	4 May 2022
Numurkah Leader	4 May 2022
Yarrawonga Chronicle	4 May 2022

Submissions closed 25 May 2022.

Receipt of Tenders

2 submissions were received.

Supervision

Superintendent: Manager Construction & Assets

Superintendent Representative: Team Leader Construction, Construction and Assets

Panel Membership

Staff in the following positions independently evaluated the submissions:

- Manager Operations
- Team Leader Construction, Construction and Assets
- Project Manager Construction & Assets

The Procurement Coordinator moderated the tender evaluation.

Non-conforming tenders

No submission was considered to be non-conforming.

Tender Evaluation

The following evaluation criteria and weightings were used:

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

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

3. Financial Implications

The recommendation is within the approved budget.

FILE NO: C005/22
5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

ITEM NO: 11.5.1

C005/22 - LEVEE BANK STRENGTHENING - SMITH STREET NATHALIA (cont'd)

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

4. Risk Management

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

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

5. Internal and External Consultation

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

The Team Leader Construction, Manager Construction & Assets and Director Infrastructure Services approved the tender documentation.

6. Regional Context

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

7. Council Plan Strategy

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

8. Legislative / Policy Implications

The tender process was undertaken in accordance with the requirements of the section 108 of the *Local Government Act* and Council's adopted Procurement Policy.

9. Environmental Impact

Clause 55 of the Formal instrument of Agreement stipulates the contractor's environmental responsibilities and will form part of the contract.

FILE NO: C005/22
5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

ITEM NO: 11.5.1

C005/22 - LEVEE BANK STRENGTHENING - SMITH STREET NATHALIA (cont'd)

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

10. Collaborative Procurement

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

11. Conflict of Interest Considerations

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

12. Conclusion

Following the tender process and evaluation, the recommendation is to award contract C005/22 to Murray Valley Piling Pty Ltd.

Attachments

- 1 C005/22 – Levee Bank Strengthening - Smith Street Nathalia - APPENDIX A
(CONFIDENTIAL) - *printed in separate document*

FILE NO: C011/22
5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

ITEM NO: 11.5.2
(PROCUREMENT COORDINATOR, JOVIAL
MATHEWS)
(DIRECTOR INFRASTRUCTURE SERVICES
JOSHUA LEWIS)

C011/22 - ANNUAL SUPPLY OF ASPHALT PRODUCTS AND BITUMINOUS EMULSIONS - PANEL

RECOMMENDATION

That Council:

1. Award panel contract C011/22 – Annual Supply of Asphalt Products and Bituminous Emulsions to the following tenderers:
 - Downer EDI Works Pty Ltd
 - Rich River Asphalt Pty Ltd
 - Fulton Hogan Industries Pty Ltd (Emulsion Products Only)
 - David Sessions Pty Ltd (Asphalt Products Only)
2. Authorise the Chief Executive Officer to sign and seal the contract documents and approve contract extensions within the provisions of the contract.

1. Executive Summary

Moira Shire Council invited submissions from suitably qualified organisations for the supply and delivery of asphalt products and bituminous emulsion to the Moira Shire Council at various locations.

After consideration of the submissions, the evaluation panel recommends that contract C011/22 – Annual Supply of Asphalt Products and Bituminous Emulsions be awarded to the following tenderers as follows:

Asphalt Products:

- Downer EDI Works Pty Ltd
- David Sessions Pty Ltd
- Rich River Asphalt Pty Ltd

Emulsion Products

- Downer EDI Works Pty Ltd
- Rich River Asphalt Pty Ltd
- Fulton Hogan Industries Pty Ltd

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

2. Background and Options

Council is responsible for the condition of a wide range of assets within the municipality including roads and drainage infrastructure, buildings and facilities. Council operates both reactive and routine maintenance programs to ensure that the assets in place fulfil their function.

This contract is for the supply and delivery of asphalt products and bituminous emulsion related to the maintenance and construction of Council assets.

FILE NO: C011/22
5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

ITEM NO: 11.5.2

C011/22 - ANNUAL SUPPLY OF ASPHALT PRODUCTS AND BITUMINOUS EMULSIONS - PANEL (cont'd)

Contract Details

The schedule of rates contract is for an initial term of 1 year commencing 29 July 2022. Upon mutual agreement the Contract can be extended in single periods of 1 year to a maximum contract period of three years (1+1+1).

Date of Public Notice

The tender was opened for an initial 3 weeks from 26 March 2022 to 20 April 2022.

Medium	Date
Tendersearch	26 March 2022
Border Mail	26 March 2022
Shepparton News	29 March 2022
Cobram Courier	30 March 2022
Numurkah Leader	30 March 2022
Yarrawonga Chronicle	30 March 2022

During this initial 3 weeks, the response received from tenderers was not considered to be competitive enough for the council. The tender was then reopened on 14 May 2022 for a further 2 weeks in order to achieve a better competitive result.

Medium	Reopened Date
Tendersearch	14 May 2022
Border Mail	14 May 2022
Shepparton News	17 May 2022
Cobram Courier	18 May 2022
Numurkah Leader	18 May 2022
Yarrawonga Chronicle	18 May 2022

Submissions closed on 1 June 2022.

Receipt of Tenders

A total of 6 submissions were received:

Supervision

Superintendent – Manager Operations

Superintendent Representative – Superintendent Works & Services, Operations

Panel Membership

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

- Manager Operations
- Superintendent Works & Services, Operations
- Team Leader Roads, Operations

The evaluation was moderated by the Procurement Coordinator.

FILE NO: C011/22
5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

ITEM NO: 11.5.2

C011/22 - ANNUAL SUPPLY OF ASPHALT PRODUCTS AND BITUMINOUS EMULSIONS - PANEL (cont'd)

Non-conforming tenders

One submission was considered as non-conforming because the provided submission did not conform with the Council's requirements.

Tender Evaluation

The following evaluation criteria and weightings were used:

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

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

3. Financial Implications

Submitted rates from the recommended tenderers are fair, reasonable and comparable to current rates.

The budget for this contract is drawn from various funds allocated to the repairs and upgrades for Council's road network. Some reactive and miscellaneous works may be drawn from other related project funds. The cost of the products provided under this contract is within the current financial year's approved budget. Future budgets will be set in accordance with the annual budget process.

4. Risk Management

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

- All materials identified under this contract are to comply with current VicRoads specification.
- Council reserves the right to sample any load supplied under this specification and submit for testing at a registered laboratory.
- The Superintendent Representative may audit the performance of the service at any time during the contract term.
- All personnel are required to undertake a Moira Shire Council site induction.
- Members of the panel are given no guaranteed as to level of work under contract.
- A plant risk assessment is required for each item of heavy plant to be supplied, hired or expected to enter Councils worksite.

5. Internal and External Consultation

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

The specification was approved by the Superintendent Works & Services - Operations, Manager Operations and Director – Infrastructure Services.

FILE NO: C011/22
5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

ITEM NO: 11.5.2

**C011/22 - ANNUAL SUPPLY OF ASPHALT PRODUCTS AND BITUMINOUS
EMULSIONS - PANEL (cont'd)**

6. Regional Context

The works under contract contributes to the repair and upgrades of Council's road network.

7. Council Plan Strategy

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

8. Legislative / Policy Implications

The tender process was undertaken in accordance with the requirements of the section 108 of the *Local Government Act 2020* and Council's adopted Procurement Policy.

9. Environmental Impact

Section 3.25 of the specification stipulates the contractor's environmental responsibilities and will form part of the contract.

10. Collaborative Procurement

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

11. Conflict of Interest Considerations

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

12. Conclusion

After consideration of the submissions, the evaluation panel recommends that the contract C011/22 – Annual Supply of Asphalt Products and Bituminous Emulsions Panel be awarded to the following tenderers as per their submitted schedule of rates for a period of 1 year with the option to extend in single 1 year periods to a maximum contract period of 3 years (1+1+1):

Asphalt Products:

- Downer EDI Works Pty Ltd
- David Sessions Pty Ltd
- Rich River Asphalt Pty Ltd

Emulsion Products

- Downer EDI Works Pty Ltd
- Rich River Asphalt Pty Ltd
- Fulton Hogan Industries Pty Ltd

Attachments

- 1 C011/22 - Annual Supply of Asphalt products and Bituminous Emulsions Panel - APPENDIX A (CONFIDENTIAL) - *printed in separate document*

FILE NO: F
5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

ITEM NO: 14.1
(SENIOR GOVERNANCE OFFICER, NANCY
MUSTICA)
(CHIEF EXECUTIVE OFFICER, CLARE
KEENAN)

NOTICE OF MOTION CR JUDY HEATHER

TAKE NOTICE that at the Council Meeting to be held on 27 July 2022, it is my intention to move the following motion:

That council advocate the State and Federal Governments to increase biosecurity measures for travellers entering Australia from countries that have foot and mouth disease, to protect our livestock industry from the highly infectious disease.

Judy Heather

Date: 27 July 2022

FILE NO: VARIOUS

ITEM NO:

GENERAL BUSINESS**6.4. General business**

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

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

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

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

FILE NO: VARIOUS

ITEM NO:

MEETING ADJOURNMENT

RECOMMENDATION

That the meeting be adjourned for 10 minutes.

RECOMMENDATION

That the meeting be resumed.

RECOMMENDATION

That pursuant to the provisions of the Local Government Act 2020 (the Act), the meeting will now be closed to members of the public to enable the meeting to discuss matters in items 18.1 and 18.2 which the Council may, pursuant to the provisions of Section 66 (2) of the Act resolve to be considered in closed session.

RECOMMENDATION

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

RECOMMENDATION

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