



MINUTES

**SCHEDULED MEETING OF COUNCIL HELD AT COBRAM
CIVIC CENTRE, PUNT ROAD COBRAM VIC 3644,
WEDNESDAY 14 DECEMBER 2022**

The meeting commenced at 6.00 PM.

PRESENT

Councillor Peter Lawless (Mayor)
Councillor Julie Brooks (Deputy Mayor)
Councillor Ed Cox
Councillor Peter Elliott
Councillor Judy Heather
Councillor Wayne Limbrick
Councillor Peter Mansfield
Councillor Scott Olson

IN ATTENDANCE:

Clare Keenan	Chief Executive Officer
Rosanne Kava	Director Sustainable Communities
Matt Jarvis	Chief Financial Officer
Amanda Chadwick	Manager Governance & Performance
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 – CEO

2. PRAYER

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

Amen

3. ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

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

4. APOLOGIES / LEAVE OF ABSENCE

Nil

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

AFFIRMATION OF OFFICE

On Tuesday 6 December 2022 the Victorian Electoral Commission (VEC) conducted a count back to fill the vacancy left by John Beitzel, and Scott Olson was the successful candidate. The VEC declared this result on Wednesday 7 December 2022 and Scott Olson took the affirmation of office in person on Monday 12 December 2022. Welcome Cr Scott Olson to the Moira Shire Council.

Mayor Lawless also acknowledged Wendy Buck's return as a Councillor following the countback on 14 December 2022.

6. DISCLOSURE OF CONFLICTS OF INTEREST

CEO Clare Keenan declared a conflict with item 18.2

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

MOTION:

CRS WAYNE LIMBRICK / ED COX

"That the minutes of the Scheduled Council Meeting held on Wednesday, 23 November 2022, as prepared, be confirmed."

(CARRIED)

8. COUNCILLOR REPORTS

- Cr Peter Mansfield attended the Yarrawonga Scared Heart College awards and 40th Anniversary celebrations of the Mulwala Water Ski Club.
- Cr Judy Heather attended the opening of the Yarrawonga Community Showers and Acacia Street onsite drainage meeting.
- Cr Wayne Limbrick attended the Flood Recovery launch in Nathalia & Barmah, Tourism awards night in Melbourne and St Frances Nathalia end of year mass.
- Cr Peter Elliott attended the Yarrawonga Scared Heart College awards and acknowledged the Bundalong and Yarrawonga town Christmas decorations.
- Cr Julie Brooks is involved in GV Libraries CEO recruitment process and attended the All Abilities Advisory Committee Meeting.
- Cr Ed Cox attended the Nathalia Flood Recovery launch and end of year presentations at Cobram Special School and Cobram Anglican Grammar School.
- Mayor Lawless also attended the Nathalia & Barmah Flood Recovery Launch, Tourism Association meeting in Yarrawonga, MRGC meeting, presentation to Cobram Senior Citizens for Christmas decorations, onsite meeting in Kotupna and Moira staff Christmas party.

9. OFFICERS REPORTS

Nil

10. PUBLIC QUESTION TIME

No questions were submitted to Council this month.

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

ITEM NO: 11.1.1
(SENIOR GOVERNANCE OFFICER,
MARGARET HINCK)
(DIRECTOR CORPORATE GOVERNANCE
AND PERFORMANCE BRANT DOYLE)

ASSEMBLIES OF COUNCILLORS FOR OCTOBER AND NOVEMBER 2022

Executive Summary

The purpose of this report is to detail the Assemblies of Councillors held in October and November 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.

MOTION

CRS JULIE BROOKS / PETER ELLIOTT

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

(CARRIED)

FILE NO: F13/493-2/002
5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

ITEM NO: 11.1.2
(SENIOR GOVERNANCE OFFICER, NANCY
MUSTICA)
(DIRECTOR CORPORATE GOVERNANCE
AND PERFORMANCE BRANT DOYLE)

AUDIT & RISK COMMITTEE MEETING MINUTES OF MEETING HELD 3 NOVEMBER 2022

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 3 November 2022 are attached.

The following reports were considered by the committee:

- Draft Financial Report and Performance Statement 2021-22
- VAGO Closing Report 2021/22 and Final Management Letter
- 2021/22 Asset Valuations - Conclusion on Fair Value
- CivicRisk Mutual Risk Assurance Assessment
- Quarterly Budget Review - September 2022
- Quarterly Claims Management Report - September 2022
- Policy Register Update
- Risk Register Report
- Fraud Risk Register Report
- Major Project/Incidents and Legal Proceedings
- Internal Audit Program Status Update and Future Audits
- Internal Audit Report - Budgeting and Long Term Financial Planning
- Internal Audit Report - Cobram Landfill
- Audit and Risk Committee Meeting Dates for 2023
- Audit and Risk Committee Biannual Report
- Strategic Internal Audit Program Status Update

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

MOTION

CRS WAYNE LIMBRICK / ED COX

That Council:

1. Accepts the minutes of the Audit & Risk Committee meeting held on 3 November 2022.
2. Endorse the recommendations contained within the reports.

(CARRIED)

FILE NO:
5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

ITEM NO: 11.2.1
(SENIOR TOWN PLANNER, MELISSA
BURNS)
(DIRECTOR INFRASTRUCTURE SERVICES
JOSHUA LEWIS)

AMENDMENT C93MOIR PANEL REPORT - PLANNING FRAMEWORK FOR COBRAM, NATHALIA, NUMURKAH AND YARRAWONGA

Executive Summary

The Independent Planning Panel Report on Moira Planning Scheme Amendment 93 has now been received and has been made publically available on Council's website.

With some minor variations, the Panel has supported Council's position on the amendment.

The main issue previously identified regarding rezoning of land at Numurkah has been considered and the Panel agrees that this part of the amendment should not proceed. It has however provided some guidance on what will be required to progress with a separate amendment to rezone more industrial land.

Other changes are mostly administrative in nature and relate to drafting following the change in format of the planning scheme.

The Panel concludes the amendment is supported by, and implements, the relevant sections of the Planning Policy Framework, and is consistent with the relevant Ministerial Directions and Practice Notes. The amendment is well founded and strategically justified, and the Amendment should proceed.

The purpose of this report is to facilitate Council's consideration of the Panel's report before deciding whether or not to adopt the amendment. Ministerial Direction 15 - *The Planning Scheme Amendment Process*, requires a planning authority to make a decision to abandon or adopt an amendment within 40 business days of the date it received the Panel Report. It is recommended that Moira Planning Scheme Amendment C93 be changed and adopted as recommended by the Panel.

MOTION

CRS ED COX / JUDY HEATHER

That Council defer item 10.2.1 to a future meeting and seek an extension.

(CARRIED)

FILE NO: C031/22
5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

ITEM NO: 11.2.2
(PROCUREMENT COORDINATOR, JOVIAL
MATHEWS)
(DIRECTOR INFRASTRUCTURE SERVICES
JOSHUA LEWIS)

C031/22 - PROVISION OF PROFESSIONAL SERVICES FOR ENGINEERING, ASSET MANAGEMENT AND DESIGN PANEL

Executive Summary

Moirā Shire Council invited submissions from suitably qualified organisations or individuals to create a panel of consultants for the provision of professional services for the implementation of projects, design services and asset management services relating to engineering, asset management and design.

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

- Part A Mandatory Information **(to be completed by ALL tenderers)**
- Part B Building Architectural Services
- Part C Civil Engineering Services
- Part D Structural Engineering Services
- Part E Project Management Services
- Part F Geotechnical Engineering Services
- Part G Environmental Engineering Services
- Part H Licensed Surveying Services
- Part I Traffic Engineering Services

After consideration of the submissions, including price and specification requirements, the evaluation panel recommends the listed tenderers as successful panel members. For more information, please refer to Appendix A – Evaluation Summary (Confidential).

Table One

Sl. #	Registered Business Name	Selected Sections
1	Architecture Matters Pty Ltd	B
2	ARRB Group Ltd	C,D,F,G,I
3	Brown Project Solutions	E
4	Chris Smith & Associates Pty Ltd	C,E,H
5	CMW Geosciences (East Coast) Pty Ltd	F
6	Confluence Group Pty Ltd	C,E,H
7	Content Studio Pty Ltd	B
8	EDA Project Management Pty Ltd	E
9	Engeny Australia Pty Ltd	C,F,G
10	EPSM Consulting Engineers Pty Ltd	H
11	Foresight Engineering Services Pty Ltd	C,D,E
12	The Trustee for GMR Engineering Services Unit Trust	C,D,E,F,G,I
13	Infrastructure Solutions Pty Ltd	C,D,E,F,G,H
14	JCA Land Consultants Pty Ltd	C,H
15	JF Studio Pty Ltd	B
16	JJ Ryan Consulting Pty Ltd	F,I
17	Morphum Environmental Limited	C,E,G
18	Andrew O'Brien & Associates Pty Ltd	I
19	Ovens and Murray Land Survey	H

FILE NO: C031/22
5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

ITEM NO: 11.2.2

**C031/22 - PROVISION OF PROFESSIONAL SERVICES FOR ENGINEERING, ASSET
MANAGEMENT AND DESIGN PANEL (cont'd)**

20	The Trustee for Neartwo Unit Trust T/a Partnear	C,I
21	PV Engineering Solutions Pty Ltd	C,D,E
22	The Trustee for Hoare Family Trust T/a Phil Hoare Consulting	E
23	RMG (AUS) Pty Ltd	C,D,E,H
24	Strac Consulting Engineers Pty Ltd	E
25	Taylor's Development Strategists Pty Ltd	B,C
26	PT Tomkinson & Associates Pty Ltd	C,E,H
27	Trafficworks Pty Ltd	I
28	Water Technology Pty Ltd	C,G

MOTION

CRS PETER MANSFIELD / PETER ELLIOTT

That Council:

- Award the schedule of rates contract to the 28 nominated businesses detailed in table one of the report, under panel contract C031/22 – Provision of Professional Services for Engineering, Asset Management and Design for an initial term of 1 year with the option to extend in single periods of 2 years to a maximum of 5 years (1+2+2); and
- 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: C034/22
5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

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

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

Executive Summary

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

Works include approximately 550 lineal metres of K&C, 2600m² of road pavement and 613 lineal metres of drainage line.

Other works include:

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

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

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

MOTION

CRS JUDY HEATHER / WAYNE LIMBRICK

That Council:

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

(CARRIED)

FILE NO: C032/22
5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

ITEM NO: 11.2.4
(PROCUREMENT COORDINATOR, JOVIAL
MATHEWS)
(DIRECTOR INFRASTRUCTURE SERVICES
JOSHUA LEWIS)

C032/22 - CLEANING OF MUNICIPAL BUILDINGS

Executive Summary

Moirā Shire Council invited submissions from suitably qualified organisations or individuals for the cleaning of municipal buildings in Cobram, Strathmerton, Numurkah, Nathalia and Yarrawonga. Council reserved the right to award the contract in separable parts:

- Part A – Cobram & Strathmerton
- Part B – Numurkah & Nathalia
- Part C – Yarrawonga
- Part D – Cobram Municipal Pound

After consideration of the submissions, the evaluation panel recommends that all parts of the contract C032/22 be awarded to HACCP International Property Services Pty Ltd.

MOTION

CRS JULIE BROOKS / ED COX

That Council:

1. Award all parts of contract C032/22 – Cleaning of Municipal Buildings to HACCP International Property Services Pty Ltd; and
2. Authorise the Chief Executive Officer to sign and seal the contract documents;

(CARRIED)

11. OFFICER REPORTS FOR INFORMATION

NIL

12. ACTION OFFICERS LIST

NIL

13. NOTICES OF MOTION

NIL

14. PETITIONS AND JOINT LETTERS

Cr Judy Heather presented a petition from Cahill Road group regarding the flooding issues in the Glanmire Park Estate area.

FILE NO:
3. A CLEAN GREEN ENVIRONMENT**ITEM NO: 15.1**
(MANAGER SUSTAINABILITY, SCOTT
DRAPER)
(ACTING GENERAL MANAGER
SUSTAINABLE COMMUNITIES, ROSANNE
KAVA)**PETITION - REQUEST TO KEEP TUNGAMAH & YABBA SOUTH TRANSFER STATIONS OPEN****Executive Summary**

Council tabled two petition at the 28 September 2022 Council meeting requesting the Tungamah and Yabba South Transfer Stations remain open. This report provides a response to the signatories of these petitions.

Council is in the process of conducting a Transfer Station Rationalisation of which an outcome is yet to be determined by Council. It is expected that a recommendation will come before Council at the February 2023 Scheduled Council meeting for consideration.

Council would like to thank the signatories of both petitions.

MOTION

CRS JUDY HEATHER / PETER MANSFIELD

That Council:

1. Note the concerns raised in the petition tabled at the 28 September 2022 Council meeting.
2. Thank the signatories of both petitions and advise the first mentioned authors of the petition of Council's process for considering this matter at the February 2023 Council meeting.

(CARRIED)

15. COUNCIL SEAL

NIL

FILE NO: VARIOUS

ITEM NO:

URGENT BUSINESS

Nil

FILE NO: VARIOUS

ITEM NO:

MEETING ADJOURNMENT

MOTION

CRS PETER MANSFIELD / JULIE BROOKS

That the meeting be adjourned for 5 minutes.

(CARRIED)

The meeting adjourned at 6:40 PM

MOTION

CRS ED COX / WAYNE LIMBRICK

That the meeting be resumed.

(CARRIED)

The meeting resumed at 6:47 PM

MOTION

CRS ED COX / WAYNE LIMBRICK

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.

(CARRIED)

MEETING CLOSE: 7:00 PM