

# Minutes

## Special Meeting of Council

Tallangatta Council Chamber

Wednesday 11 May 2022

### **Our Community Vision:**

Towong Shire will be the ideal place to be: welcoming, vibrant and inclusive communities with quality facilities and services.

This information is available in alternative formats on request

**Commonly Used Acronyms:**

ABBREVIATION	TITLE
Council Officers	
SAE	Senior Asset Engineer
CEO	Chief Executive Officer
DIE	Director Infrastructure and Environment
DCP	Director Community and Planning
DCOD	Director Corporate and Organisational Development
COCEO	Coordinator, Office of the CEO
MF	Manager Finance
TLCS	Team Leader Customer Service
MRR	Manager Relief and Recovery
Government/Organisation	
ACSUM	Alliance of Councils and Shires of the Upper Murray
CHS	Corryong Health Service (formerly Upper Murray Health and Community Services)
DJPR	Department of Jobs, Precincts and Regions
DOT	Department of Transport
DELWP	Department of Environment, Land, Water and Planning
GMW	Goulburn Murray Water
HRGLN	Hume Region Local Government Network
MAV	Municipal Association of Victoria
NECMA	North East Catchment Management Authority
NEW	North East Water
NEWRRG	North East Waste and Resource Recovery Group
RCV	Rural Councils Victoria
RDA	Regional Development Australia
RDV	Regional Development Victoria
THS	Tallangatta Health Service
VGC	Victorian Grants Commission

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The Mayor opened the meeting, the time being 10.33am.

## **1 Opening Prayer**

"Almighty God, we ask that you be present at this meeting to assist us in our service to the Community through Local Government.

We pray that our decisions will be wise and taken with goodwill and clear conscience.

Amen."

## **2 Councillor and Officer Presence at the Meeting**

Crs Whitehead, Wortmann, Anderson (via Zoom), Dikschei and Scales

<b>In Attendance:</b>	<b>Title:</b>
Ms Gadd	Director Infrastructure and Environment
Ms Pagan	Director Community and Planning
Ms Weddall	Co-ordinator, Office of the Chief Executive Officer

## **3 Apologies and Granting of Leave of Absence**

Apology: Ms Juliana Phelps, Chief Executive Officer.

**CR WORTMANN  
CR DIKSCHAI**

**THAT THE APOLOGY BE ACCEPTED.**

**CARRIED**

## **4 Disclosure of Conflicts of Interest**

Section 130 of the Act requires that a 'Relevant person' (which means a person who is a Councillor, a member of a delegated committee who is not a Councillor or a member of Council staff) disclose any conflict of interest in the manner required by Council's *Governance Rules* and exclude themselves from the decision making process in relation to the matter including any discussion or vote on the matter at any Council meeting.

Council's *Governance Rules* state as follows:

### ***A2 Obligations with regards to conflict of interest***

*Councillors, members of delegated committee, and Council staff are required to:*

- a. Avoid all situations which may give rise to conflicts of interest;*
- b. Identify any conflicts of interest; and*
- c. Disclose or declare all conflicts of interest.*

### ***A3 Disclosure of a conflict of interest at a Council meeting***

*A Councillor who has a conflict of interest in a matter being considered at a Council meeting at which he or she:*

*A3.1 is present must disclose that conflict of interest by explaining the nature of the conflict of interest to those present at the Council meeting immediately before the matter is considered; or*

*A3.2 intends to be present must disclose that conflict of interest by providing to the Chief Executive Officer before the Council meeting commences a written notice:*

*A3.2.1 advising of the conflict of interest;*

*A3.2.2 explaining the nature of the conflict of interest; and*

*A3.2.3 detailing, if the nature of the conflict of interest involves a Councillor's relationship with or a gift from another person, the:*

- a. name of the other person;*
- b. nature of the relationship with that other person or the date of receipt, value and type of gift received from the other person; and*
- c. nature of that other person's interest in the matter, and then immediately before the matter is considered at the meeting announcing to those present that he or she has a conflict of interest and that a*

*written notice has been given to the Chief Executive Officer under this sub-Rule.*

*The Councillor must, in either event, leave the Council meeting immediately after giving the explanation or making the announcement (as the case may be) and not return to the meeting until after the matter has been disposed of.*

There were no disclosures of Conflicts of Interest.

## **5     Asset Management**

### **5.1   Great River Road – Path Construction Works - Tender 2021/2022-86 (05/02/0162-DIE)**

#### **Disclosure of Interests (S.130):**

This report was prepared by Mr Russell Fagan, Project Manager, Infrastructure.

At the time of preparation of this report, the officer did not have a general or material conflict of interest in any matter to which the report or advice relates.

#### **Purpose of Report:**

To provide information on the assessment of tenders for the construction of a walking path from the intersection of Main Street Walwa and River Road towards Jingellic for 1.45 km as part of the Great River Road Stage 2 project; and to seek Council approval to appoint the recommended contractor.

#### **Summary:**

This report demonstrates the tender process followed for the procurement of a suitable contractor to undertake the construction works and provides a recommendation of the most suitable contractor to undertake the works.

#### **Recommendation:**

That Council:

1. Award Contract No. 2021/2022-86 for the construction of the new path and associated works to Marwood Earthmoving for the lump sum of \$93,060 excluding GST.
2. Authorise the use of the Common Seal in accordance with *Local Law 1 – Common Seal and Miscellaneous Penalties* for the purpose of signing the contract document; and
3. Authorise the Chief Executive Office to approve contract variations up to the total value of the allocated project budget.

**Attachments:**

A comparative tender evaluation for Contract 2021/2022-86 has been provided to Councillors prior to the meeting.

**Background/History:**

The Walwa to Jingellic walking track is a key deliverable of the Great River Road – Stage 2 project, funded through Bushfire Recovery Victoria's (BRV's) Local Economic Recovery fund (LER). The request for tender was advertised on Council's website and on [www.tenders.net](http://www.tenders.net) in April 2022. Three companies tendered for the works including companies from North East Victoria and Melbourne. Marwood Earthmoving was identified as the most suitable contractor to complete the works.

**Relevant Law (s.9(2)(a)):**

Part 5, Division 2, Section 108 – Procurement, of the Victorian Local Government Act 2020 states that until a new procurement policy has been adopted under the above Act any existing procurement policy adopted under 186A of the Local Government Act 1989 will apply. The procurement process followed for this tender and the subsequent assessment and recommendation have been undertaken in line with Council's existing procurement policy adopted on 23 February 2022.

**Options – Best Outcomes for the Community (s.9(2)(b)):**

*Option 1*

To award Marwood Earthmoving as the recommended contractor; or

*Option 2*

Award to an alternative contractor from the tender submissions.

**Sustainability Implications (s.9(2)(c)):**

*Economic*

The upfront capital cost of the project is sourced from grant funding. Post construction there will be an increase in Council's ongoing maintenance and renewal expenditure to ensure the ongoing amenity and safety of the walking path. The maintenance of the path has been included as a provisional item in the Walwa and



surrounds town maintenance contract. The construction and maintenance works will provide local economic stimulus through the employment of local contractors.

#### *Social*

The establishment of the Walwa to Jingellic walking path has been identified through bushfire community recovery activities and will contribute to safe pedestrian and cyclist passage between Walwa and Jingellic townships.

#### *Climate change/Environmental*

Proximity of contractors to the project site will be prioritised throughout the project to reduce carbon emission through vehicle travel to site. The use of locally sourced materials will be supported during the procurement process for this project. This project will contribute to an increase in Council's carbon emissions due to the production of construction materials.

#### **Community Engagement (s.9(2)(d)):**

The walking track concept was developed in consultation with the Walwa Community Recovery Committee (CRC) following the 2019/2020 bushfires and has been identified by the community as a priority recovery project. The project manager has regularly attended CRC meetings throughout the development of the walking track.

#### **Innovation and Continuous Improvement (s.9(2)(e)):**

Not applicable.

#### **Collaboration (s.9(2)(f)):**

Not applicable.

#### **Financial Viability/Budget Impact (s.9(2)(g)):**

The recommended tender price is \$93,060 excluding GST. This is within the allocated project budget.

#### **Regional, State and National Plans and Policies (s.9(2)(h)):**

Not applicable.

**Council Plans and Policies:**

The project is identified in the *Council Plan 2021 – 2025 priority 1.3 - Complete Stage 2 Great River Road* and forms part of the community bushfire recovery activities.

**Transparency of Decision (s.9(2)(i)):**

It is the officer's view that it is appropriate to consider this matter in an open meeting.

**Risk Assessment:**

The significant risk for this project is weather delays with construction continuing over winter. This risk will be mitigated by active management and supervision of the contractor, contract provision for wet weather delays and undertaking construction works in stages.

**Officer's View:**

The references provided by Marwood Earthmoving in their tender submission support the view that awarding the contract to them will deliver the best value and less risk to Council for this project. It is the officer's recommendations that Marwood Earthmoving are awarded the contract.

**Council Resolution:**

**CR SCALES  
CR DIKSCHIE**

**THAT COUNCIL:**

- 1. AWARD CONTRACT NO. 2021/2022-86 FOR THE CONSTRUCTION OF THE NEW PATH AND ASSOCIATED WORKS TO MARWOOD EARTHMOVING FOR THE LUMP SUM OF \$93,060 EXCLUDING GST;**
- 2. AUTHORISE THE USE OF THE COMMON SEAL IN ACCORDANCE WITH LOCAL LAW 1 – COMMON SEAL AND MISCELLANEOUS PENALTIES FOR THE PURPOSE OF SIGNING THE CONTRACT DOCUMENT; AND**
- 3. AUTHORISE THE CHIEF EXECUTIVE OFFICE TO APPROVE CONTRACT VARIATIONS UP TO THE TOTAL VALUE OF THE ALLOCATED PROJECT BUDGET.**

**CARRIED**

## 5.2 Great River Road – Construction of Pedestrian Bridges – Tender 2021/2022-99 (05/02/0162-DIE)

### **Disclosure of Interests (S.130):**

This report was prepared by Mr Russell Fagan, Project Manager Infrastructure.

At the time of preparation of this report, the officer did not have a general or material conflict of interest in any matter to which the report or advice relates.

### **Purpose of Report:**

To provide information on the assessment of tenders for the construction of three pedestrian bridges along the walking track from Walwa to Jingellic as part of the Great River Road Stage 2 project and to seek approval to appoint the recommended contractor.

### **Summary:**

This report demonstrates the tender process followed for the procurement of a suitable contractor to undertake the construction works and provides a recommendation of the most suitable contractor to undertake the works.

### **Recommendation:**

That Council:

1. Award Contract No. 2021/2022-99 for the construction of the three pedestrian bridges along the Great River Road walking track, plus associated works, to Ezibuild Pty Ltd trading as Struktis Steel for the lump sum of \$655,920 excluding GST;
2. Authorise the use of the Common Seal in accordance with *Local Law 1 – Common Seal and Miscellaneous Penalties* for the purpose of signing the contract document; and.
3. Authorise the Chief Executive Office to approve contract variations up to the total value of the allocated project budget.

### **Attachments:**

A comparative tender evaluation for Contract 2021/2022-99 has been provided to Councillors prior to the meeting.

**Background/History:**

The Walwa to Jingellic walking track is a key deliverable of the Great River Road – Stage 2 project, funded through Bushfire Recovery Victoria's (BRV's) Local Economic Recovery fund (LER). The bridges will form the final connection along the path creating safe transit through a shared path arrangement for pedestrians, cyclists, and non-motorised vehicles from Walwa to Jingellic. The request for tender was advertised on Council's website and on [www.tenders.net](http://www.tenders.net) in April 2022 for a period of three weeks. Three companies tendered for the works with a comparative evaluation process identifying Ezibuild Pty Ltd as the most suitable contractor.

**Relevant Law (s.9(2)(a)):**

Part 5, Division 2, Section 108 – Procurement, of the Victorian Local Government Act 2020 states that until a new procurement policy has been adopted under the above Act any existing procurement policy adopted under 186A of the Local Government Act 1989 will apply. The procurement process followed for this tender and the subsequent assessment and recommendation have been undertaken in line with Council's existing procurement policy adopted on 23 February 2022.

**Options – Best Outcomes for the Community (s.9(2)(b)):**

*Option 1*

Award the contract to Ezibuild Pty Ltd; for the lump sum of \$655,920 excluding GST.

*Option 2*

Re-tender works and/or consider another contractor to undertake the works.

**Sustainability Implications (s.9(2)(c)):**

*Economic*

The upfront capital cost of the project is sourced from grant funding. Post construction there will be an increase in Council's ongoing maintenance and renewal expenditure to ensure the ongoing amenity and safety of the walking path. The maintenance of the path has been included as a provisional item in the Walwa and surrounds town maintenance contract. The construction and maintenance works will provide local economic stimulus through the employment of local contractors.

### *Social*

The establishment of the Walwa to Jingellic walking path has been identified through bushfire community recovery activities and will contribute to safe pedestrian and cyclist passage between the townships of Walwa and Jingellic. The walking path will also increase the amenity and attractiveness of the area to tourists.

### *Climate change/Environmental*

This project will contribute to an increase in Council's carbon emissions due to the production of construction materials.

### **Community Engagement (s.9(2)(d)):**

The walking track concept was developed in consultation with the Walwa Community Recovery Committee (CRC) following the 2019/2020 bushfires and has been identified by the community as a priority recovery project.

### **Innovation and Continuous Improvement (s.9(2)(e)):**

Not applicable.

### **Collaboration (s.9(2)(f)):**

Not applicable.

### **Financial Viability/Budget Impact (s.9(2)(g)):**

The recommended tender price is \$655,920 excluding GST. This is within the allocated project budget.

### **Regional, State and National Plans and Policies (s.9(2)(h)):**

Not applicable.

### **Council Plans and Policies:**

The project is identified in the *Council Plan 2021 – 2025 priority 1.3 - Complete Stage 2 Great River Road* and forms part of the community bushfire recovery activities.

**Transparency of Decision (s.9(2)(i)):**

It is the officer's view that it is appropriate to consider this matter in an open meeting.

**Risk Assessment:**

The significant risk for this project weather delays with construction continuing over winter. This risk will be mitigated by active management and supervision of the contractor, contract provision for wet weather delays and undertaking construction works in stages with some off-site construction.

**Officer's View:**

The references provided by Ezibuild Pty Ltd in their tender submission support the view that awarding the contract to them will deliver the best value and least risk to Council for this project. It is the offices recommendation that Ezibuild Pty Ltd are awarded the contract.

**Council Resolution:**

**CR WORTMANN  
CR DIKSCHER**

**THAT COUNCIL:**

- 1. AWARD CONTRACT NO. 2021/2022-99 FOR THE CONSTRUCTION OF THE THREE PEDESTRIAN BRIDGES ALONG THE GREAT RIVER ROAD WALKING TRACK, PLUS ASSOCIATED WORKS, TO EZIBUILD PTY LTD TRADING AS STRUKTIS STEEL FOR THE LUMP SUM OF \$655,920 EXCLUDING GST;**
- 2. AUTHORISE THE USE OF THE COMMON SEAL IN ACCORDANCE WITH LOCAL LAW 1 – COMMON SEAL AND MISCELLANEOUS PENALTIES FOR THE PURPOSE OF SIGNING THE CONTRACT DOCUMENT; AND**
- 3. AUTHORISE THE CHIEF EXECUTIVE OFFICER TO APPROVE CONTRACT VARIATIONS UP TO THE TOTAL VALUE OF THE ALLOCATED PROJECT BUDGET.**

**CARRIED**

### 5.3 Corryong Weighbridge and Truck Wash – Hydraulic Works - Tender 2021/2022-76 (01/04/0124-DIE)

#### **Disclosure of Interests (S.130):**

This report was prepared by Mr. Shane Warren, Project Manager, AKPS on behalf of Mr Vilfred Correa, Deputy Director Infrastructure and Environment.

At the time of preparation of this report, the officer did not have a general or material conflict of interest in any matter to which the report or advice relates.

#### **Purpose of Report:**

To provide information to support the assessment of tender submissions for the supply and installation of hydraulic upgrade works for the truck wash as part of the Corryong saleyard redevelopment.

#### **Summary:**

This report demonstrates the tender and procurement process undertaken for the procurement of a suitable contractor for the supply, installation and construction of hydraulic services required for the truck wash at the Corryong saleyards. It outlines a recommendation of the most suitable contractor to undertake these works.

#### **Recommendation:**

That Council:

1. Award Contract No. 2021/2022-76 for the supply and installation of hydraulic upgrade works for the Corryong Saleyard Redevelopment to Wilvie Plumbing for the lump sum of \$308,620 excluding GST.
2. Authorise the use of the Common Seal in accordance with *Local Law 1 – Common Seal and Miscellaneous Penalties* for the purpose of signing the contract document; and.
3. Authorise the Chief Executive Office to approve contract variations up to the total value of the allocated project budget.

#### **Attachments:**

A comparative tender evaluation for Contract 2021/2022-76 has been provided to Councillors prior to the meeting.

**Background/History:**

Council has received funding under the Federal Government's Local Roads and Community Infrastructure Fund phase one and the Agrilinks Upgrade Program to support the construction of a public access heavy vehicle weighbridge and truck wash at the Corryong saleyards, to service agricultural businesses in the Upper Murray region. This project consists of several components. In December 2021 Council approved the weighbridge construction component. This component is for the supply, installation and upgrade of hydraulic works. Future components will be brought to Council for electrical and structural works.

The hydraulic works component of this project was issued for tender in line with the procurement policy in March 2022 through [www.tenders.net](http://www.tenders.net) and advertised in local newspapers and Council's Facebook site. Two submissions were received for the works with a comparative evaluation process identifying Wilvie Plumbing as the most suitable contractor.

**Relevant Law (s.9(2)(a)):**

Part 5, Division 2, Section 108 – Procurement, of the *Victorian Local Government Act 2020* states that until a new Procurement Policy has been adopted under the above Act any existing Procurement Policy adopted under 186A of the *Local Government Act 1989* will apply. The procurement process followed for this tender and the subsequent assessment and recommendation have been undertaken in line with Council's existing Procurement Policy adopted on 23 February 2022.

**Options – Best Outcomes for the Community (s.9(2)(b)):**

*Option 1*

Approve the tender assessment presented and award the contract to Wilvie Plumbing for the lump sum of \$308,620 excluding GST.

*Option 2*

Award to an alternative contractor from the tender submissions.



**Sustainability Implications (s.9(2)(c)):**

*Economic*

Successful completion of these will improve services offered to the wider livestock community and also bring in a small income for Council through user fees.

*Social*

Safety for transport drivers, council workers and the general public will improve with the new truck wash meeting all current safety standards.

*Climate change/Environmental*

The specific nature of the hydraulic works requires specialised contractors which are not available within the Shire. This will result in additional emissions due to travel.

**Community Engagement (s.9(2)(d)):**

Local community members and users of the saleyards have been consulted on potential usage, required functions, and layout for the weighbridge and truck wash. Local contractors with the relevant skills and licences were approached with advice on where to access the tender documentation through tenders.net if they would like to view and tender for the works.

**Innovation and Continuous Improvement (s.9(2)(e)):**

This will be a 24-hour autonomous service for both the weighbridge and truck wash which is a new service for the community.

**Collaboration (s.9(2)(f)):**

Not applicable.

**Financial Viability/Budget Impact (s.9(2)(g)):**

The presented tender price is within the allocated budget.

**Regional, State and National Plans and Policies (s.9(2)(h)):**

Not applicable.

**Council Plans and Policies:**

As part of the newly adopted *Council Plan 2021-2025* under Asset Management – Initiative and Priorities 1.1, The Council is aiming to deliver 100% of the annual capital works program and bushfire recovery projects.

**Transparency of Decision (s.9(2)(i)):**

It is the officer's view that it is appropriate to consider this matter in an open meeting.

**Risk Assessment:**

The significant risks for this project are weather delays and the limited time to spend the allocated grant funding. These risks will be mitigated by active management and supervision of the contractor. The ongoing unpredictable COVID-19 environment continues to affect the availability of selected contractors and increase the cost of various materials.

**Officer's View:**

The references provided by Wilvie Plumbing in their tender submission support the view that they will deliver the best value and least risk to Council for this project. It is the offices recommendation that Wilvie Plumbing are awarded the contract.

**Council Resolution:**

**CR SCALES**

**CR ANDERSON**

**THAT COUNCIL:**

- 1. AWARD CONTRACT NO. 2021/2022-76 FOR THE SUPPLY AND INSTALLATION OF HYDRAULIC UPGRADE WORKS FOR THE CORRYONG SALEYARD REDEVELOPMENT TO WILVIE PLUMBING FOR THE LUMP SUM OF \$308,620 EXCLUDING GST;**
- 2. AUTHORISE THE USE OF THE COMMON SEAL IN ACCORDANCE WITH LOCAL LAW 1 – COMMON SEAL AND MISCELLANEOUS PENALTIES FOR THE PURPOSE OF SIGNING THE CONTRACT DOCUMENT;**
- 3. AUTHORISE THE CHIEF EXECUTIVE OFFICE TO APPROVE CONTRACT VARIATIONS UP TO THE TOTAL VALUE OF THE ALLOCATED PROJECT BUDGET; AND**
- 4. THAT OFFICERS CONDUCT FURTHER CONSULTATION WITH THE SALEYARDS COMMITTEE, LOCAL AGENTS AND OTHER SALEYARDS USERS.**

**CARRIED**

There being no further business the Mayor declared the meeting closed, the time being 10.40am.

Minutes confirmed on 25 May 2022.

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**Mayor**