

Minutes

Ordinary Meeting of Council

Corryong Council Chamber

Wednesday 22 February 2023

Our Community Vision

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

This information is available in alternative formats on request

**MINUTES FOR THE ORDINARY MEETING OF COUNCIL HELD AT
TOWONG SHIRE COUNCIL CORRYONG OFFICE
ON WEDNESDAY 22 FEBRUARY 2023 COMMENCING AT 10.30AM.**

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
MF	Manager Finance
Government/Organisation	
ACSUM	Alliance of Councils and Shires of the Upper Murray
CH	Corryong Health (formerly Upper Murray Health and Community Services)
DJPR	Department of Jobs, Precincts and Regions
DOT	Department of Transport
DEECA	Department of Energy, Environment and Climate Action
GMW	Goulburn Murray Water
HRGLN	Hume Region Local Government Network
MAV	Municipal Association of Victoria
NECMA	North East Catchment Management Authority
NERPEN	North East Regional Procurement Excellence Network
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 declared the meeting open, the time being 11.01am.

The meeting was opened later than the advertised time of 10.30am due to technological issues with the audio equipment.

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, Scales, Anderson and Dikschei

In Attendance:	Title:
Ms Phelps	Chief Executive Officer
Ms Gadd	Director Infrastructure and Environment
Ms Pagan	Director Community and Planning

3 Apologies and Granting of Leave of Absence

Nil

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 any conflicts of interest.

5 Confirmation of Minutes

Special Council Meeting held on 1 February 2023.

The minutes were circulated following the meeting.

Recommendation:

That the Minutes as circulated be confirmed for the Special Council Meeting held on 1 February 2023.

Council Resolution:

CR SCALES

CR WORTMANN

THAT THE MINUTES AS CIRCULATED AND AMENDED BE CONFIRMED FOR THE SPECIAL COUNCIL MEETING HELD ON THE 1 FEBRUARY 2023.

CARRIED

6 Petitions and Joint Letters

Nil

7 Public Question Time

Public Question Time has now replaced the Open Forum section of the Council meeting.

In accordance with Council's *Governance Rules*, all questions must be submitted to Council in writing by 2.00pm on the day prior to the Council meeting.

An online form is available on Council's website, and a hard copy of the form is available at both the Tallangatta and Corryong Council offices.

Public Notice of Public Question Time was included in the advertisement for the Council meeting.

At the time of preparing the agenda there was one submission for Public Question Time. The submitter has met all requirements for their questions to be considered during Public Question Time.

Submitter: Ms. Debbie Monteny

Questions:

1. Can the council please discuss the 7 days that a truck was allowed to park on the Hut Reserve during the summer holidays as it was for sale and a permit was granted for this? Even when it was parked so dangerously close to the side of the road and was an eyesore. Will this type of activity be approved by council again in the future? If so why and for how long will council approve this type of activity?

2. The ability to use the alley way at the back of my premises at any time of day or night is often difficult due to skips being too close for services vehicles to park between them and they are half way on the road due to the rubbish around them including and not limited to a stove that has been in the alley for months!! So the service vehicles (ie PFD truck park in the middle of the road and you can't get around them due to other vehicles parked in the alley way , rubbish bins and rubbish left out for weeks on end and pot plants right at roads edge. Can council please explain how service, emergency and normal vehicles are supposed to negotiate the alleyway to gain access to properties they need to?

The Mayor advised Ms. Monteny that the Council would take the questions on notice and provide a response within five business days of the meeting.

8 Informal Meetings of Councillors

In accordance with Council's *Governance Rules*, a written summary of the matters discussed at each informal meeting of Councillors is to be tabled at the next convenient Council meeting and recorded in the minutes of that meeting.

The Meeting Record from the Informal Meeting of Councillors held on 25 January 2023 is attached at [Appendix 1](#).

Recommendation:

That the information be noted.

Council Resolution:

**CR WORTMANN
CR DIKSCHER**

THAT THE INFORMATION BE NOTED.

CARRIED

9 Organisational Improvement

9.1 Quarterly Budget Report (06/04/0212-DCOD)

Disclosure of Interests (S.130):

This report was prepared by Ms Emma Woolaston, Director Corporate and Organisational Development and Mr Dylan Howard, Manager Finance.

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

Purpose of Report:

To present the Quarterly Budget Report in accordance with the requirements of the *Local Government Act 2020*.

Summary:

At 31 December 2022, Council's financial position was \$7.9 million ahead of budget, primarily due to:

- \$5.4 million in grant income being carried forward from 2021/22 due to multi-year projects and COVID-19 related delays to capital works projects;
- \$0.5 million in funding for Bushfire Recovery that was not anticipated at the time of the budget;
- \$0.5 million in flood support funding that was not anticipated at the time of the budget;
- \$0.7 million in planned operational expenditure not yet spent; and
- \$0.4 million in wages savings due to unfilled positions.

Recommendation:

That:

1. The report be noted; and
2. It be noted that the Chief Executive Officer has advised that a revised budget is not required.

Attachment:

Appendix 2 – Quarterly Budget Report as at 31 December 2022.

Background/History:

This report provides a quarterly update on the financial performance of the organisation.

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

Section 97 of the *Local Government Act 2020* requires the following:

- (1) *As soon as practicable after the end of each quarter of the financial year, the Chief Executive Officer must ensure that a quarterly budget report is presented to the Council at a Council meeting which is open to the public.*
- (2) *A quarterly budget report must include –*
 - (a) *a comparison of the actual and budgeted results to date; and*
 - (b) *an explanation of any material variations; and*
 - (c) *any other matters prescribed by the regulations.*
- (3) *In addition, the second quarterly report of a financial year must include a statement by the Chief Executive Officer as to whether a revised budget is, or may be, required.*

This report meets the requirements of the *Act*.

The Chief Executive Officer has determined that a revised budget is not required.

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

Not applicable.

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

The year-to-date position is significantly ahead of budget, primarily due to the carry forward of selected one-off grant funds from the prior financial year, as well as additional one-off grant funds not anticipated at the time that the budget was adopted. It is expected that these funds will be expended as the relevant work being funded by the grants is progressed. Longer term financial sustainability is dependent on the ongoing receipt of grants to fund renewal of Council's aging infrastructure.

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

Not applicable.

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

The Budget Report reflects a significant amount of one-off grant funding which is being spent on improvements in services and infrastructure for the benefit of the community.

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

Not applicable.

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

Council has achieved a net budget position that is higher than anticipated primarily due to the carry forward of selected grant funds from 2021/22.

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

Not applicable.

Council Plans and Policies:

Council has prioritised grant applications and expenditure against the objectives outlined in the *Council Plan 2021-2025*.

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

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

Risk Assessment:

A substantial amount of grant funding has been secured to support various projects across the municipality, some of which has been carried forward from the prior year due to COVID-19 related delays. Additional resources have been recruited to ensure that these projects can be delivered.

Officer's View:

The financial position of the organisation remains strong particularly given the amount of one-off competitive grant funding secured to support project delivery over the next 12 months. Council remains dependent on the receipt of one-off grant funding to support renewal of its aging infrastructure into the future.

Council Resolution:

**CR SCALES
CR ANDERSON**

THAT:

- 1. THE REPORT BE NOTED; AND**
- 2. IT BE NOTED THAT THE CHIEF EXECUTIVE OFFICER HAS ADVISED THAT A REVISED BUDGET IS NOT REQUIRED.**

CARRIED

9.2 Occupational Health and Safety (06/04/0212-DCOD)

Disclosure of Interests (S.130):

This report was prepared by Ms. Emma Woolaston, Director Corporate and Organisational Development and Mr. Wayne Carter, Occupational Health and Safety Officer.

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

Purpose of Report:

The purpose of this report is to provide a bi-monthly update on Occupational Health and Safety activities throughout the organisation.

Summary:

Major OHS activities conducted during the period included:

- Continued progress against the recommendations of the 2021 OHS Management System audit;
- Distribution of Rapid Antigen Tests to staff and the community;
- Further progress in relation to completion of Council's insurance claim in relation to the 2019/20 bushfires;
- Review and action planning relating to the newly updated Child Safe Standards; and
- Review of the Working Alone procedure.

Recommendation:

That the report be noted.

Attachment:

Appendix 3 – Bi-Monthly Occupational Health and Safety Report.

Background/History:

The OHS report is provided on a bi-monthly basis to communicate the work being undertaken to ensure a healthy and safe work environment. The report highlights progress in strengthening processes, procedures and practices across the organisation and details how emerging health and safety risks are being addressed.

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

OHS activities are governed by the principles of health and safety protection in accordance with the *Occupational Health and Safety Act 2004* and the *Occupational Health and Safety Regulations 2017*. Employees, other persons at work and members of the public are given the highest level of protection of risks to their health and safety that are reasonably practicable in the circumstances.

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

Community members have been offered access to Rapid Antigen Tests as part of Victorian State Government programs.

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

Activities are prioritised to best support sustainable health and safety outcomes for employees, Councillors and the general community.

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

Not applicable.

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

Progress continues to be made in relation to the 2021 Audit of Council's OHS Management System with 9 actions now completed and a further 25 in progress, out of a total 56 recommended actions.

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

Officers continue to collaborate with other councils to ensure that our interpretation of current COVID-19 recommendations and requirements is consistent.

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

Budget requirements and availability have been confirmed, grant funding has been sought where possible and all expenditure is being monitored and managed within agreed budget allocations.

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

Victorian State Government Council Rapid Antigen Test (RAT) Distribution Program allows free RATs to be distributed to all community members free of charge.

Council Plans and Policies:

OHS improvement activities support the following *Council Plan 2021-2025* priority:

6.2 Provide a safe and healthy workplace for all Councillors and staff in a continually evolving environment.

Activities also undertaken in accordance to the *Occupational Health and Safety Policy* and *Risk Management Policy*.

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

It is the officers' view that it is appropriate to consider this matter in a Council meeting that is open to the public.

Risk Assessment:

Activities are prioritised commensurate to the likelihood and impact of identified OHS risks.

Officer's View:

COVID-19 case numbers are slowly declining throughout Victoria. Officers continue to support staff in understanding the appropriate course of action in case of contracting symptoms, testing positive to a Rapid Antigen Test (RAT) or coming into contact with positive cases. Officers have also been supporting the State government program to distribute RATs to community members.

Good progress continues to be made in relation to the actions stemming from the OHS Management System Audit. Risk assessments and subsequent follow-up actions to reduce risks have also been conducted relating to two major capital works projects at the Corryong Saleyards and Corryong Aerodrome to ensure that the facilities are safe for near term intended uses. The review of Council's obligations and requirements in accordance with the newly updated Child Safe Standards has also been a major focus.

Council Resolution:

**CR SCALES
CR WORTMANN**

THAT THE REPORT BE NOTED.

CARRIED

9.3 Corporate and Organisational Development Report (06/01/0011-DCOD)

Disclosure of Interests (S.130):

This report was prepared by Ms Emma Woolaston, Director Corporate and Organisational Development.

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:

The purpose of this report is to provide a quarterly update on the activities of the Corporate and Organisational Development area.

Summary:

The attached report provides an overview of activities within the Corporate and Organisational Development area between October and December 2022.

Highlights include the development of a fortnightly e-newsletter as an additional means to keep community members abreast of Council news, project updates and events, and a 'Halfway Point' communication to reflect on the achievements of the Council mid-way through the current term. The recruitment and onboarding of the lifeguards was a major activity for the quarter. Notably there was success in recruiting a new Accountant, Manager Finance and Governance Officer following a period of substantial recruitment challenges.

Recommendation:

That the report be noted.

Attachment:

[Appendix 4](#)– Corporate and Organisational Development Report.

Background/History:

The Corporate and Organisational Development Report is provided on a quarterly basis.

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

Corporate and Organisational Development activities and decisions have been made in accordance with the *Local Government Act 2020*.

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

Where appropriate our residents and ratepayers are engaged to ensure that our decisions are well informed and made in the best interests of current and future generations.

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

Both the Manager Finance and Accountant roles within the Finance team were filled, providing for long term sustainability and mitigating key person risk.

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

The Communications and Engagement team continues to support numerous community engagement activities in relation to community-facing projects and activities across the organisation. Notably the team's coverage of our flood damage updates received strong community interest, as did our advocacy in relation to the State Government reinstating funding to fix country roads.

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

Investigations were made to upgrade our IT network firewall to ensure that we have a contemporary solution to monitoring and blocking viruses and malware, and to provide for improved performance of internal IT networks.

The Customer Service team continued to focus on clarifying processes and MOUs are now in place between customer service and many departments. This has led to a noticeable reduction in the time to train a new staff member and has supported the provision of a more consistent customer experience.

Improvements also continue to be made to staff onboarding, offboarding and payroll processes.

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

Officers continue to collaborate with Alpine and Indigo Shire Councils, most notably in relation to the embedding of the new rates, property and receipting system, and

also in relation to the *Rural Councils Transformation Program* funded project to review planning and building systems and processes.

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

Budget requirements and availability have been confirmed and expenditure is being monitored within budget allocations.

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

Not applicable.

Council Plans and Policies:

The activities of the Corporate and Organisational Development team during the quarter supported the following *Council Plan 2021-2025* priorities:

6.1 Continue to improve awareness, engagement and involvement of the community in relation to matters that affect them – facebook page followers, reach and engagement all continued to trend upwards and a new e-newsletter was developed.

6.2 Continually improve the customer service experience across the organisation – MOUs were established between customer service and a number of internal departments to provide for clarity of roles and responsibilities and consistency of the customer experience.

6.3 Continually improve processes to support improved service delivery – ongoing improvements were made to the staff onboarding, offboarding and payroll processes.

6.8 Continue to seek opportunities to improve service delivery and achieve best value including further investigation of shared services – progress was made in relation to the *Rural Councils Transformation Program* funded project to review planning and building processes and systems, with a view to expanding the current shared service arrangement between Towong and Indigo Shire Councils to include Alpine Shire Council.

6.9 Continue to advocate for increased government funding support to ensure long term sustainability – advocacy work was undertaken in relation to reinstating government funding to support fixing country roads.

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

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

Risk Assessment:

The Manager Finance role was vacant from July through to mid-January which posed some risk to the continuity of financial management practices. External consultants were appointed to take carriage of the end-of-financial-year process, the Director worked directly with our Finance Officers to support key regular processes, and an external recruitment agent was appointed to assist with filling the position. Contact was maintained with the previous Manager Finance in his role at an Albury based audit firm and a commercial arrangement was put in place to enable us to secure his advice as required.

Officer's View:

Officers continued to prioritise work throughout the quarter given key staffing vacancies. Staffing has been a major challenge despite concerted efforts to recruit. It was pleasing to be able to appoint an Accountant, Manager Finance and Governance Officer, with the Accountant commencing in November and the latter two officers commencing in January.

Council Resolution:

**CR WORTMANN
CR DIKSCHER**

THAT THE REPORT BE NOTED.

CARRIED

9.4 Council Plan Priorities (07/05/0022-DCOD)

Disclosure of Interests (S.130):

This report was prepared by Ms Emma Woolaston, Director Corporate and Organisational Development.

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:

This is a standing report to provide an update on the progress of the *Council Plan 2021-2025* priorities.

Summary:

In accordance with section 90 of the *Local Government Act 2020*, Council must prepare and adopt a Council Plan for a period of at least the next four financial years after a general election in accordance with its deliberative engagement practices. This report provides a quarterly update on the progress of the priorities in our 2021-2025 Council Plan.

Recommendation:

That the report be noted.

Attachment:

[Appendix 5](#) – Council Plan Priorities – October to December 2022

Background/History:

Each quarter Council officers provide an update to Council on the progress of the priorities listed in the Council Plan for information only.

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

Council officers provide quarterly updates in relation to the Council Plan that has been set in accordance with section 90 of the *Local Government Act 2020*.

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

Not applicable.

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

Not applicable.

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

Not applicable.

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)):

Budget requirements and availability have been confirmed, grant funding has been sought where possible and all expenditure is being monitored and managed within agreed budget allocations.

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

Not applicable.

Council Plans and Policies:

This is a quarterly report to provide an update on the progress of the *Council Plan 2021-2025* priorities.

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

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

Risk Assessment:

Not applicable.

Officer's View:

It is the Officer's view that excellent progress is being made across all departments on a significant number of the Council Plan priorities.

Council Resolution:

**CR WORTMANN
CR ANDERSON**

THAT THE REPORT BE NOTED.

CARRIED

10 Bushfire Relief and Recovery

10.1 Bushfire Relief and Recovery Update (02/02/0013-DCP)

Disclosure of Interests (S.130):

This report was prepared by Ms Amanda Pagan, Director Community and Planning.

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:

The purpose of this report is to provide a six-monthly update for the period to December 2022 in relation to community recovery in the Upper Murray following the 2019/20 summer bushfires.

Summary:

The recovery staff have continued to progress key priorities within the constraints of COVID-19 related restrictions. Highlights include:

- Securing additional funding for continued operation of the recovery hub (\$480k) and additional funding for recovery projects (\$3.672m);
- Delivery of the Corryong Spirit event;
- Monitoring of the Municipal Recovery Plan and follow-up on actions; and
- Monitoring and continued collaboration with agencies and the community, with a strong focus on recovery transitioning towards resilience.

Recommendation:

That the report be noted.

Attachments:

Appendix 6 – Bushfire Relief and Recovery Update - June to December 2022

Background/History:

This report forms part of a six-monthly series monitoring the progress of actions undertaken towards community recovery in the Upper Murray following the 2019/20 summer bushfires.

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

The role of Local Government in relation to emergency management and community recovery following a disastrous event such as the 2019/2020 bushfires is outlined in the *Victorian Emergency Management Act 2013*.

The Act defines recovery as:

“the assisting of persons and communities affected by emergencies to achieve a proper and effective level of functioning”.

Council officers are ensuring that decisions in the delivery of relief and recovery services are in accordance with the Act.

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

Consistent with Section 9 of the *Local Government Act 2020*, bushfire recovery activities undertaken across the Shire are underpinned by the following principles:

- Community is at the centre and are the leader of what we do;
- We value the history and dynamics of each of the Upper Murray communities across the shire;
- Successful recovery builds on and supports the communities’ strengths and resilience; and
- Community ownership of recovery strategies and actions depends on effective and inclusive engagement.

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

Council’s community recovery approach is structured around the five pillars of recovery as identified in the *State Recovery Framework*. These are:

- People and Wellbeing
- Aboriginal Culture and Healing
- Environment and Biodiversity
- Business and Economy
- Buildings and Infrastructure.

This provides a comprehensive and sustainable approach to building and renewing community resilience into the future.

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

Officers have engaged with community recovery committees regarding the structures required to support medium to longer term recovery needs and the progress of relevant projects such as the Great River Road Stage 2 and the Playles Hill development.

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

The nature of recovery work is highly collaborative and officers continue to collaborate with relevant agencies and community groups to support recovery plans and activities.

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

The recovery team and associated services are supported by funding received from Bushfire Recovery Victoria (BRV) until 30 June 2024. Additional funding was secured during the period, including an additional \$480,000 to continue operation of the recovery hub and \$3.672m for bushfire recovery projects.

Recovery services spending is in accordance with the available budget and in line with the funding agreement.

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

The role of local government in community recovery is outlined in the *Victorian Emergency Management Act 2013*. Council has a *Municipal Emergency Management Plan* and a *Municipal Recovery Plan* which outline the priorities and directions for emergency management and in particular, community recovery following the Upper Murray bushfires. These are consistent with the *National Community Recovery Plan* and the Victorian Government *State Recovery Plan*.

Council Plans and Policies:

Council's approach to recovery is guided by the *Towong Municipal Recovery Plan*.

Activities are also conducted in alignment with the following *Council Plan 2021-2025* priority:

2.14 Support our communities to drive their recovery from bushfires and the COVID-19 pandemic and improve their mitigation of and resilience to future adverse events.

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:

Officers continue to work with community groups to address project implementation risks due to material and contractor shortages, and to provide advice on funding applications and project extension requests. As committed funding for recovery services is reducing, we continue to advocate for future funding to support the continuation of critical recovery services to the community.

Officer's View:

Officers have continued to deliver recovery services through the Upper Murray Community Recovery Hub and achieved key project delivery and community engagement objectives.

Council Resolution:

**CR ANDERSON
CR DIKSCHER**

THAT THE REPORT BE NOTED.

CARRIED

10.2 Bushfire Resilience and Recovery Fund - Proposed Allocations (02/02/0013-DCP)

Disclosure of Interests (S.130):

This report was prepared by Ms Amanda Pagan, Director Community and Planning.

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:

The purpose of this report is to seek approval for the allocation of the new Bushfire Resilience and Recovery Fund (\$3.672m) for recovery projects.

Summary:

Following the Black Summer Bushfires 2019-2020, we have been advised we have been allocated a final tranche of funding through the Resilience and Recovery Fund Program, through Emergency Recovery Victoria, of (\$3.672m) for recovery projects.

The proposed distribution of the Resilience and Recovery Fund provides significant investment to better prepare communities for future risks, particularly given the significant risk and impact of events resulting from climate change on our communities.

Achieving the outcomes articulated in the Municipal Recovery Plan and the Upper Murray Community Recovery Committee Plan, as well as providing assistance to all parts of the municipality to improve their resilience to future climate risks and emergencies, were key considerations in putting together the proposed allocations.

Recommendation:

That the proposed allocation of the \$3.672m Resilience and Recovery Fund as presented be adopted.

Attachments:

Appendix 7 – Proposed allocation of the Resilience and Recovery Fund

Background/History:

The Resilience and Recovery Fund was established to deliver the following outcomes:

- Communities' recover and build resilience together;
- Recovery and resilience of the whole community is strengthened through Aboriginal culture, knowledge, traditions and connection to country.
- Recovery of industries and businesses through leveraging economic strengths and opportunities.
- Local economies have increased capacity to respond and adapt to future disasters.
- Recovery responses strengthen community capability to manage their own recovery and resilience to future disasters.
- The recovery workforce has the capabilities and support needed to respond to community needs.

Council has been advised that \$3.672m will be available for use across Towong Shire.

The funding does not cover any operational costs associated with the recovery hub as this will be funded through the existing Council Support Fund program.

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

The role of Local Government in relation to emergency management and community recovery following a disastrous event such as the 2019/2020 bushfires is outlined in the *Victorian Emergency Management Act 2013*.

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

Consistent with Section 9 of the *Local Government Act 2020*, bushfire recovery activities undertaken across the Shire are underpinned by the following principles:

- Community is at the centre and are the leader of what we do;
- We value the history and dynamics of each of the Upper Murray communities across the shire;
- Successful recovery builds on and supports the communities' strengths and resilience; and
- Community ownership of recovery strategies and actions depends on effective and inclusive engagement.

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

Council's community recovery approach is structured around the five pillars of recovery as identified in the *State Recovery Framework*. These are:

- People and Wellbeing
- Aboriginal Culture and Healing
- Environment and Biodiversity
- Business and Economy
- Buildings and Infrastructure

This provides a comprehensive and sustainable approach to building and renewing community resilience into the future.

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

The proposed allocation of the Resilience and Recovery Fund provides significant investment to better prepare communities for future risks. The proposed allocations have also been designed to achieve the outcomes articulated in the *Municipal Recovery Plan, Upper Murray Community Recovery Committee Plan* and ensuring all parts of the municipality to improve their resilience to future climate risks and emergencies. These plans were the result of extensive community and stakeholder consultation.

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

The nature of recovery work is highly collaborative and officers continue to collaborate with relevant agencies and community groups to support recovery plans and activities.

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

The additional funding under the Resilience and Recovery Fund will provide additional financial support for Council to continue to undertake much needed recovery activities and projects.

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

The role of local government in community recovery is outlined in the *Victorian Emergency Management Act 2013*. Council has a *Municipal Emergency Management Plan* and a *Municipal Recovery Plan* which outline the priorities and directions for emergency management and in particular, community recovery following the Upper

Murray bushfires. These are consistent with the *National Community Recovery Plan* and the Victorian Government *State Recovery Plan*.

Council Plans and Policies:

Council's approach to recovery is guided by the *Towong Municipal Recovery Plan*.

Activities are also conducted in alignment with the following *Council Plan 2021-2025* priority:

2.14 Support our communities to drive their recovery from bushfires and the COVID-19 pandemic and improve their mitigation of and resilience to future adverse events.

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

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

Risk Assessment:

No risk assessment has been undertaken in relation to the proposed allocation of the funds.

Officer's View:

The proposed allocation of the Resilience and Recovery Fund provides significant investment to better prepare communities for future risks. The proposed allocations have been designed to achieve the outcomes articulated in the *Municipal Recovery Plan*, *Upper Murray Community Recovery Committee Plan* and ensuring all parts of the municipality to improve their resilience to future climate risks and emergencies.

Council Resolution:

**CR WORTMANN
CR ANDERSON**

THAT THE ITEM BE DEFERRED TO A WORKSHOP.

CARRIED

11 Community Wellbeing

The Community Services Report is presented bi-annually and will be provided in May 2023.

12 Asset Management

12.1 Asset Plan (01/07/0004-DIE)

At the time of agenda collation the report was not available. The report will be presented at the 8 March 2023 Special Council Meeting.

12.2 Discontinuance and Sale of Section of Road 1\TP329264 (01/01/0429-DIE)

Disclosure of Interests (S.130):

This report was prepared by 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:

The purpose of this report is to:

1. seek approval for the discontinuance and sale of a 612m² section of the Corryong Stock Route – Road 1\TP329264 to facilitate a road deviation and land exchange; and
2. seek approval to sell the discontinued section of road to the adjacent landowners of 201 Thomas Lane, Corryong.

Summary:

Upgrade works to the Corryong Stock Route to create a heavy vehicle bypass and redirect heavy vehicles off Hanson Street in Corryong are due to commence in late April 2023. The project includes re-alignment of sharp bends adjacent to 201 Thomas Lane. To facilitate the realignment of the road, a road discontinuance and land exchange is required with the adjacent property owners.

Recommendation:

That:

1. In accordance with Section 206, Schedule 10, Clause 3 and Sections 207A(a) and 223 of the *Local Government Act 1989* and Section 114 of the *Local Government Act 2020*, the statutory process to give public notice of the intention of Council to discontinue and sell to the adjacent landowner at 201 Thomas Lane, Corryong by private treaty the 612m² section of Road 1\TP329264 as shown on the attached Discontinuance Plan along the Stock Route, Corryong, be hereby commenced;
2. The Chief Executive Officer be authorised to make the proposed Discontinuance and sale of section of road 1\TP329264 available for public inspection and invite public submissions, with submissions closing at 5:00 pm on 24 March 2023; and
3. At the Council Meeting scheduled for 29 March 2023;
 - a. Any submission in relation to the proposed *Discontinuance and sale of section of road 1\TP329264* be considered;
 - b. Any person who has requested to appear in person (or their representative) in support of their submission be heard; and
 - c. The adoption of the proposed *Discontinuance and sale of section of road 1\TP329264* be considered.

Attachments:

Appendix 8 - Discontinuance Plan - including an encumbrance (for publication with the public notice and for community engagement).

Appendix 9 - Gazettal Plan (for publication following any decision of Council to discontinue the road).

Background/History:

The upgrade of the Corryong Stock Route to create a heavy vehicle bypass and redirect heavy vehicles off Hanson Street are due to commence in late April 2023. These works will also achieve road safety compliance including widening and realignment of bends. As a result, a section of the parcel of land Road 1\TP329264 is required to be discontinued to facilitate a land exchange.

Road 1\TP329264 is Council-owned land set aside and appropriated as a road. As such, Council has statutory powers to consider discontinuing the road. Any

discontinuance (and subsequent sale of the land) must be carried out in accordance with the provisions of Section 206, Schedule 10, Clause 3 and Sections 207A(a) and 223 of the *Local Government Act 1989* and Section 114 of the *Local Government Act 2020*.

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

Power of Councils over roads

Section 206 of the *Local Government Act 1989*

- (1) The powers of a Council in relation to roads in its municipal district include the powers set out in Schedule 10*
- (2) Except as provided in section 207B(1), the exercise of a power under clause 2, 3 or 8(1)(a) of Schedule 10 does not in itself vest the land in a Council.*

Power to discontinue roads

Schedule 10, Clause 3 of the *Local Government Act 1989*

A Council may, in addition to any power given to it by sections 43 and 44 of the Planning and Environment Act 1987 —

- a) discontinue a road, or part of a road, by a notice published in the Government Gazette; and*
- b) sell the land from that road (if it is not Crown land), transfer the land to the Crown or itself or retain the land.*

Submissions under section 223

Section 207A of the *Local Government Act 1989*

A person may make a submission under section 223 on the proposed exercise of any power under—

- (a) clauses 1(b), 2, 3, 7 and 8(1)(a) of Schedule 10;*

Right to make submission

Section 223 of the *Local Government Act 1989*

- 1. The following provisions apply if a person is given a right to make a submission to the Council under this section (whether under this or any other Act)—*
 - (a) the Council must publish a public notice—*

- i. *specifying the matter in respect of which the right to make a submission applies;*
 - ii. *containing the prescribed details in respect of that matter;*
 - iii. *specifying the date by which submissions are to be submitted, being a date which is not less than 28 days after the date on which the public notice is published;*
 - iv. *stating that a person making a submission is entitled to request in the submission that the person wishes to appear in person, or to be represented by a person specified in the submission, at a meeting to be heard in support of the submission;*
 - (b) *if a request has been made under paragraph (a)(iv), the Council must—*
 - i. *provide the person with the opportunity to be heard in support of the submission in accordance with the request at a meeting of the Council or of a committee determined by the Council;*
 - ii. *fix the day, time and place of the meeting;*
 - iii. *give reasonable notice of the day, time and place of the meeting to each person who made a request;*
 - (c) *if the committee determined under paragraph (b)(i) is not responsible for making the decision in respect of which the submissions have been made, the committee must provide a report on its proceedings, including a summary of hearings, to the Council or the special committee which is responsible for making the decision;*
 - (d) *the Council or special committee responsible for making the decision must—*
 - i. *consider all the submissions made under this section and any report made under paragraph (c);*
 - ii. *notify in writing, each person who has made a separate submission, and in the case of a submission made on behalf of a number of persons, one of those persons, of the decision and the reasons for that decision.*
2. *If a proposal by the Council involves the exercise of powers at the same time under more than one section giving a right to make a submission and written submissions are received under more than 1 of those sections the submission procedure may be carried out in respect of all the written submissions at the same time.*
3. *Despite section 98, a Council may authorise the appropriate members of Council staff to carry out administrative procedures necessary to enable the Council to carry out its functions under this section.*

4. *A member of a committee specified in subsection (1)(b)(i) is subject to section 79 as if that member were a member of a special committee.*

Restriction on power to sell or exchange land

Section 114 of the *Local Government Act 2020*.

- 1) *Except where section 116 applies, if a Council sells or exchanges any land it must comply with this section.*
- 2) *Before selling or exchanging the land, the Council must—*
 - i. *at least 4 weeks prior to selling or exchanging the land, publish notice of intention to do so—*
 - ii. *on the Council's Internet site; and*
 - iii. *in any other manner prescribed by the regulations for the purposes of this subsection; and*
- 3) *undertake a community engagement process in accordance with its community engagement policy; and*
- 4) *obtain from a person who holds the qualifications or experience specified under section 13DA(2) of the Valuation of Land Act 1960 a valuation of the land which is made not more than 6 months prior to the sale or exchange.*

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

Option 1 – Proceed with the road discontinuance and subsequent sale of Road 1\TP329264.

Option 2 – Officers develop an alternative route for the realignment of the Stock Route.

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

Economic and Social

Removing heavy vehicles from Hanson Street is a key priority for the community and will lead to increased opportunities for economic and tourism development in Corryong and improve safety along Hanson Street.

Environmental

Removing heavy vehicles from Hanson Street will improve air quality in the Corryong CBD area, as well as reducing vehicle noise and odour from the transport of stock.

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

A public notice will be published on Council's website and in local newspapers, with submissions to be received in accordance with Section 223 of the *Local Government Act 1989* and otherwise in compliance with Council's community engagement policy.

Any submissions received will be presented to Council for consideration before a final decision is made in relation to the proposed discontinuance and sale of the land.

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

The removal of heavy vehicles travelling through Corryong's main street will be a significant improvement in terms of traffic volume, noise, odour and safety.

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

Not applicable.

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

Survey and legal costs for the process will be funded through the Stock Route upgrade capital project budget.

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

Not applicable.

Council Plans and Policies:

The proposal will help deliver the following Council Plan 2021-2025 priorities:

- 1.1 Deliver 100% of the annual capital works program and bushfire recovery projects.*
- 1.6 Complete the Upgrade of the Stock Route Alignment in Corryong.*

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

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

Risk Assessment:

Not applicable.

Officer's View:

It is the officer's recommendation that, in order to facilitate the road deviation and land exchange, the discontinuance plan as presented and the sale of the discontinued section of land to the adjacent landowners of 201 Thomas Lane, Corryong be approved.

Council Resolution:

**CR WORTMANN
CR DIKSCHER**

THAT:

- 1. IN ACCORDANCE WITH SECTION 206, SCHEDULE 10, CLAUSE 3 AND SECTIONS 207(A) AND 223 OF THE LOCAL GOVERNMENT ACT 1989 AND SECTION 114 OF THE LOCAL GOVERNMENT ACT 2020, THAT STATUTORY PROCESS TO GIVE PUBLIC NOTICE OF THE INTENTION OF COUNCIL TO DISCONTINUE AND SELL TO THE ADJACENT LAND OWNER AT 201 THOMAS LANE, CORRYONG BY PRIVATE TREATY THE 612M2 SECTION OF THE ROAD 1/TP329264 AS SHOWN ON THE ATTACHED DISCONTINUANCE PLAN ALONG THE STOCK ROUTE, CORRYONG, BE HEREBY COMMENCED;**
- 2. THE CHIEF EXECUTIVE OFFICER BE AUTHORISED TO MAKE THE PROPOSED DISCONTINUANCE AND SALE OF THE SECTION OF ROAD 1/TP329264 AVAILABLE FOR PUBLIC INSPECTION AND INVITE PUBLIC SUBMISSIONS, WITH SUBMISSIONS CLOSING 5:00PM ON 24 MARCH 2023; AND**
- 3. AT THE COUNCIL MEETING SCHEDULED FOR 29 MARCH 2023;**
 - a. ANY SUBMISSION IN RELATION TO THE PROPOSED DISCONTINUANCE AND SALE OF SECTION OF ROAD 1/TP329264 BE CONSIDERED;**
 - b. ANY PERSON WHO HAS REQUESTED TO APPEAR IN PERSON (OR THEIR REPRESENTATIVE) IN SUPPORT OF THEIR SUBMISSION BE HEARD; AND**
 - c. THE ADOPTION OF THE PROPOSED DISCONTINUANCE AND SALE OF SECTION OF ROAD 1/TP329264 BE CONSIDERED.**

CARRIED

12.3 Mitta Streetscape Upgrade – Stage 1 Tender Evaluation - Contract No. 2022/23-001 (02/11/0022-DIE)

Disclosure of Interests (S.130):

This report was prepared by 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:

The purpose of this report is to provide information to support the assessment of tender submissions for stage one of the streetscape upgrade works at Mitta Mitta, including the intersection of Omeo Highway and Lafontaine Street. The report also seeks approval to appoint the recommended contractor.

Summary:

This report demonstrates the tender process followed for the procurement of a suitable contractor to undertake streetscape upgrade works in Mitta Mitta including upgrades to kerb and channel, new footpaths and formalised parking. This report also provides a recommendation for the appointment of a contractor to undertake these works.

Recommendation:

That:

1. Contract No. 2022/23-001 for stage one streetscape upgrade works at Mitta Mitta be awarded to ATD Civil Group Pty Ltd. for the lump sum of \$669,624.20 (excluding GST); which includes \$50,000 (excluding GST) of provisional items to implement any design changes;
4. The Chief Executive Officer be authorised to sign and seal Contract No. 2022/23-001 in accordance with Local Law 1 – Common Seal and Miscellaneous Penalties; and
5. The Chief Executive Officer be authorised to approve contract variations up to the value of the total allocated project budget.

Attachments:

A comparative tender evaluation for Contract No. 2022/23-001 has been provided to Councillors prior to the meeting.

Background/History:

Council has received Department of Transport funding under the Safe Pedestrian Program to support the upgrade of the Mitta Mitta intersection on the Omeo Highway.

A tender was issued in December 2022 in accordance with the Procurement Policy, with advertising through www.tenders.net, in local newspapers and Council's Facebook page. Four tenders were received. A comparative tender evaluation for Contract No. 2022/23-001 has been provided to Councillors prior to the meeting.

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

Section 109 of the *Local Government Act 2020* states:

"A Council must comply with its Procurement Policy before entering into a contract for the purchase of goods or services or the carrying out of works"

The procurement process followed for this tender and the subsequent assessment and recommendation have been undertaken in accordance with Council's Procurement Policy.

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

In terms of achieving the best outcome for the municipal community, including future generations, two options are proposed for consideration:

Option 1 – Approve the tender as presented and award Contract No. 2022/23-001 to ATD Civil Group Pty Ltd for a lump sum of \$669,624.20 (excluding GST.)

Option 2 – Retender the works.

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

Economic

The streetscape works are funded through the Department of Transport's Safe Pedestrian Program and a contribution from Council.

Social

The intersection is a high pedestrian activity zone for tourists and residents. The successful completion of the project will improve pedestrian safety in the Mitta Mitta township.

Climate change/Environmental

Awarding the contract to an Albury based contractor will minimise the transit time and therefore limit emissions and consumption of resources. Recycled materials (e.g. crushed concrete and compacted fill) will be used on site as required, with non-recycled material sourced from local suppliers (e.g. steel, paint).

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

Mitta Mitta members at the Mitta Mitta township have been consulted with plans circulated on Council's website and at the local general store.

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

Permeable sections of carparking have been implemented as part of the design to enable stormwater filtering and dispersion, and reduced impact on existing trees by allowing storm water to infiltrate into the ground around the base of the trees.

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

Not applicable.

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

The recommended tender value is \$669,624.20 (excluding GST). This is within the budget for the project and provides good value when compared to similar projects tendered in past twelve months.

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

Not applicable.

Council Plans and Policies:

The tender has been conducted in accordance with the *Procurement Policy* and supports the following *Council Plan 2021-2025* priority:

1.1 *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 a Council meeting that is open to public.

Risk Assessment:

The significant risk for this project is the limited time available to spend the allocated grant funding and the possibility of delays caused by weather. These risks will be mitigated by active management and supervision of the contractor.

Officers View:

It is the officer's view that ATD Civil Group Pty Ltd be awarded Contract No. 2022/23-001. The references provided by ATD Civil Group Pty Ltd in the tender submission demonstrate that they will deliver good value and are a low risk to Council for this project. They have experience undertaking similar works and have also completed high quality work for Council eg. reconstruction of the retaining wall at Bellbridge and as a sub contractor on the Towong Street East project.

Council Resolution:

**CR SCALES
CR WORTMANN**

THAT:

- 1. CONTRACT NO.2022/23-001 FOR STAGE ONE STREETScape UPGRADE WORKS AT MITTA MITTA BE AWARDED TO ATD CIVIL GROUP PTY LTD. FOR THE LUMP SUM OF \$669,624.20 (EXCLUDING GST); WHICH INCLUDES \$50,000 (EXCLUDING GST) OF PROVISIONAL ITEMS TO IMPLEMENT ANY DESIGN CHANGES;**
- 2. THE CHIEF EXECUTIVE OFFICER BE AUTHORISED TO SIGN AND SEAL CONTRACT NO. 2022/23-001 IN ACCORDANCE WITH LOCAL LAW 1 – COMMON SEAL AND MISCELLANEOUS PENALTIES; AND**
- 3. THE CHIEF EXECUTIVE OFFICER BE AUTHORISED TO APPROVE CONTRACT VARIATIONS UP TO THE VALUE OF THE TOTAL ALLOCATED PROJECT BUDGET.**

CARRIED

12.4 Proposed Alignment of Walking Track through Brooke Street, Towong – (05/02/0162-DIE)

At the time of agenda collation the report was not available. The report will be presented at the 8 March 2023 Special Council Meeting.

12.5 Flood Damage Repairs - Towong Shire Eastern Section – Contract No. 2022/2023-025; Flood Damage Repairs - Towong Shire Western Section – Contract No. 2022/2023-026 (01/01/0420-DIE)

Disclosure of Interests (S.130):

This report was prepared by 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:

The purpose of this report is to seek approval for the awarding of contracts for remedial works to rectify damage to the municipal road network caused by flooding.

Summary:

This report demonstrates the tender process followed for the procurement of suitable contractors to undertake flood remedial works across Council road networks including grading, resheeting and drainage works. This report also provides a recommendation of the most suitable contractors to undertake these works.

Recommendation:

That:

1. Contract No. 2022/23-025 for Flood Damage Repairs - Towong Shire Eastern Section – be awarded to Country Wide Asphalt Pty Ltd for the lump sum of \$137,690 (excluding GST);
2. Contract No. 2022/23-026 for Flood Damage Repairs - Towong Shire Western Section – be awarded to Tallangatta Construction and Maintenance for the lump sum of \$464,112 (excluding GST);
3. The Chief Executive Officer be authorised to sign and seal Contract No. 2022/23-025 and Contract No. 2022/23-026 in accordance with Local Law 1 – Common Seal and Miscellaneous Penalties; and
4. The Chief Executive Officer be approved to approve contract variations up to the total value of the allocated budget.

Attachments:

A comparative tender evaluation for Contract No. 2022/23-025 and Contract No. 2022/23-026 has been provided to Councillors prior to the meeting.

Background/History:

In January and October 2022, the Shire experienced severe storm events resulting in extensive damage to the municipal road network. Officers have applied for Disaster Recovery Funding Arrangements (DRFA) through Emergency Management Victoria (EMV) to undertake remedial works following these storm events. The events have been registered with Emergency Management Victoria (EMV) under Australian Government Reference Number AGRN 1004 and AGRN 1007.

A tender was issued in line with the Procurement Policy in January 2023 with advertising through www.tenders.net and in local newspapers and Council's Facebook site. The tender was divided into the Eastern and Western ends of the Shire. Two tender submissions were received for each area however one of the tenders received for the eastern end was non conforming and was not included in the assessment.

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

Section 109 of the *Local Government Act 2020* states:

"A Council must comply with its Procurement Policy before entering into a contract for the purchase of goods or services or the carrying out of works"

The procurement process followed for this tender and the subsequent assessment and recommendation have been undertaken in accordance with Council's Procurement Policy adopted in June 2022.

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

In terms of achieving the best outcome for the municipal community, including future generations, two options are proposed for consideration:

Option 1 – Award Contract No. 2022/23-025 to Country Wide Asphalt Pty Ltd for a lump sum amount of \$137,690 (excluding GST) and award Contract No. 2022/2023-026 to Tallangatta Construction and Maintenance for a lump sum amount of \$464,112 (excluding GST).

Option 2 – Retender the works.

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

Economic

The flood remedial works are funded through Disaster Recovery Funding Arrangements (DRFA) funding assistance from Emergency Management Victoria (EMV).

Social

Successful completion of the project will improve road safety conditions across the Shire.

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

Local community members will be notified before the commencement of work.

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 values are \$137,690 (excluding GST) for Contract No. 2022/23-025 (eastern section) and \$464,112 (excluding GST) for Contract No. 2022/23-026 (western section).

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

Not applicable.

Council Plans and Policies:

The tender process was conducted in accordance with the *Procurement Policy* and supports the following *Council Plan 2021-2025* priority:

1.27 - Deliver annual asset inspection and renewal programs per asset management and road management plan requirements

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

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

Risk Assessment:

The significant risk for this project is the limited time to spend the allocated grant funding and the possibility of weather delays. This risk will be mitigated where possible by active supervision and management of the contractor.

Officers View:

It is the officer's recommendation that Council proceed with option 1 and award Contract No. 2022/23-025 to Country Wide Asphalt Pty Ltd and Contract No. 2022/23-026 be awarded to Tallangatta Construction and Maintenance Pty Ltd.

The references provided by Country Wide Asphalt Pty Ltd and Tallangatta Construction and Maintenance Pty Ltd demonstrate that they will deliver good value

and are a low risk to Council for these projects. Both companies have undertaken similar works previously and have also completed high quality work for Council in the past.

Council Resolution:

**CR WORTMANN
CR DIKSCHEI**

THAT:

- 1. CONTRACT NO. 2022/23-025 FOR FLOOD DAMAGE REPAIRS - TOWONG SHIRE EASTERN SECTION - BE AWARDED TO COUNTRY WIDE ASPHALT PTY LTD. FOR THE LUMP SUM OF \$137,690 (EXCLUDING GST);**
- 2. CONTRACT NO. 2022/23-026 FOR FLOOD DAMAGE REPAIRS - TOWONG SHIRE WESTERN SECTION - BE AWARDED TO TALLANGATTA CONSTRUCTION AND MAINTENANCE FOR THE LUMP SUM OF \$464,112 (EXCLUDING GST);**
- 3. THE CHIEF EXECUTIVE OFFICER BE AUTHORISED TO SIGN AND SEAL CONTRACT NO. 2022/23-025 AND CONTRACT NO. 2022/23-026 IN ACCORDANCE WITH LOCAL LAW 1 – COMMON SEAL AND MISCELLANEOUS PENALTIES; AND**
- 4. THE CHIEF EXECUTIVE OFFICER BE AUTHORISED TO APPROVE CONTRACT VARIATIONS UP TO THE VALUE OF THE TOTAL ALLOCATED PROJECT BUDGET.**

CARRIED

13 Land Use Planning

13.1 Land Use Planning Report (03/02/0003-DCP)

The next Land Use Planning Report will be presented in March 2023.

14 Environmental Sustainability

14.1 Environmental Sustainability Report (01/07/0004-DIE)

The Environmental Sustainability Report is presented quarterly and will be presented in March 2023.

15 Economic and Tourism Development

15.1 Mobile and Internet Communications Strategy (05/01/0166-DCP)

Disclosure of Interests (S.130):

This report was prepared by Ms. Amanda Pagan, Director Community and Planning.

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:

The purpose of this report is to provide a summary of the feedback which resulted from the public exhibition of the draft *Mobile and Internet Communications Strategy*.

Summary:

The draft *Mobile and Internet Communications Strategy* provides a current state assessment and prioritised framework for Council to advocate for improvements to mobile and internet communications across the municipality.

The draft *Mobile and Internet Communications Strategy* outlines:

- The mobile and internet communication potential of Towong Shire as described by network providers;

- The lived experience of connectivity within Towong Shire;
- A roadmap to develop Towong Shire digital connectivity to sixth-generation technology by 2030; and
- Advocacy options and approaches to support the progress of Towong Shire's digital connectivity.

The draft strategy was placed on public exhibition and community feedback was invited during January 2023.

Recommendation:

That:

1. The feedback be noted regarding the draft *Mobile and Internet Communications Strategy*; and
2. Officers undertake further investigations into the feedback received regarding mobile connectivity in Talgarno, Towong, Bullioh, Upper Thowgla, and Nariel Valley, as well as future proofing the capacity of 3G/4G/5G networks to cater for tourism needs in key tourist areas.

Attachments:

Nil.

Background/History:

Towong Shire experiences some of the lowest levels of digital inclusion in the state, as demonstrated by the recent *Ovens Murray Regional Economic Development Strategy*. The highly dispersed population and the topography have resulted in a significant inequity in the delivery of telecommunications services within and outside of townships across the shire. There are also numerous mobile black spots along major transport routes, unreliable or low-capacity mobile 3/4G services and poorly performing ADSL and satellite services. Without access to high-performing telecommunications services, the population and economy within the shire cannot prosper.

To drive reform in telecommunications (mobile and internet) within the shire, Council engaged Gravelroad Group, in partnership with Alpine Shire Council, to develop a *Mobile and Internet Communications Strategy* specific to each local government area. The purpose of this strategy was to:

- Describe the mobile and internet communication potential of Towong Shire as described by network providers;
- Define the lived experience for Towong Shire;
- Provide a roadmap to develop Towong Shire digital connectivity to sixth-generation technology by 2030; and
- Provide prioritised advocacy options to support the development of Towong Shire's digital connectivity.

The Gravelroad Group developed the draft *Mobile and Internet Communications Strategy* through desktop review, field testing and limited community consultation. The strategy provides Council with a clear direction for the improvements to mobile and internet connectivity. The strategy highlights the priorities, new technologies, future funding opportunities and infrastructure that is required to improve telecommunications across the municipality.

In November 2022, the strategy was placed on public exhibition for community feedback. The feedback was sought through Facebook, flyers/posters in key locations and advertising through the Corryong Courier and Tallangatta Herald. Feedback was primarily received through the feedback survey.

The feedback is summarised as follows:

- Talgarno mobile connectivity has not been adequately captured in the current strategy;
- Towong mobile connectivity has not been adequately captured in the current strategy;
- Bullioh mobile connectivity has not been adequately captured in the current strategy;
- Upper Thowgla mobile connectivity has not been adequately captured and should be re-prioritised to a short term priority;
- Nariel Valley mobile connectivity should be re-prioritised to a short term priority; and
- Future proofing the capacity of 3G/4G/5G networks is required to cater for tourism needs in key tourist areas.

Some of the responses were related to areas where there are known projects that are yet to be delivered. Specifically these included fibre to the premises in Corryong, a new 5G tower being commissioned in Bandiana that will improve the mobile connectivity in Bellbridge, and a 5G tower upgrade in Bethanga. There is also a Rural Connectivity for Recovery and Resilience program being run by CBConnect to support valleys with 'last mile' technology. This is particularly pertinent to locations

such as Thowgla and Nariel Valley. Officers will work with CBConnect to ensure these locations are prioritised.

Many of the responses included proposed technological solutions that would not be viable from an infrastructure perspective. The responses suggested that digital literacy levels are generally low and there are some opportunities to address this within specific communities. Officers have commenced work to develop a digital literacy program to support this.

Although more work needs to be included in the strategy relating to the locations identified during the feedback, the strategy can be used as an effective tool for advocating to the state and federal government for potential improvements in the interim. To date this has been used to support the priorities within the Indi Telecommunications Action Group and for the Regional Connectivity Fund – Round 3.

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

All activities are undertaken in accordance with the service performance principles outlined in the section 106 of the *Local Government Act 2020*.

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

The draft *Mobile and Internet Communications Strategy* is designed to provide a roadmap to drive improvements to mobile, internet access and digital inclusion across the municipality, representing a positive outcome across the community.

To ensure that the strategy adequately captures all areas within Towong Shire, it is recommended the community feedback be included in the final version of the strategy. This will be presented to Council for adoption at a future meeting.

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

The draft *Mobile and Internet Communications Strategy* will assist with lobbying and seeking funds to improve the digital inclusion of the community. The increased digital inclusion will assist making the economy more sustainable and support population growth and retention across the municipality.

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

Limited community engagement has been undertaken to develop the strategy to date because of the technical nature of the content. In November 2022, the draft

strategy was placed on public exhibition for community feedback, which was sought through Facebook, flyers/posters in key locations and advertising through the Corryong Courier and Tallangatta Herald. The draft strategy was placed on public exhibition again in January 2023.

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

The strategy is designed to support and prioritise Council's advocacy efforts to improve mobile and internet connectivity across the municipality. Improving connectivity is key to supporting continuous improvement within the local economy.

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

This project was undertaken in collaboration with Alpine Shire Council.

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

Budget requirements and availability have been confirmed, grant funding has been sought where possible and all expenditure is being monitored and managed within agreed budget allocations.

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

The Towong Shire *Mobile and Internet Communications Strategy* aligns with regional, state and national policies including:

- *Ovens Murray Regional Economic Development Strategy*
- *Ovens Murray Digital Plan*
- *Universal Service Guarantee*
- *Upper Murray 2030 Masterplan*

Council Plans and Policies:

The draft *Mobile and Internet Communications Strategy* supports the

- *Council Plan 2021 – 2025:*
 - 2.14 - Support our communities to drive their recovery from bushfires and the COVID-19 pandemic and improve their mitigation of and resilience to future adverse events.
 - 3.17 – Deliver improved visitor information and experience across the Shire.

- 3.24 – Attract investment to address key weaknesses (connectivity and reliability) in critical infrastructure (mobile telecommunications, internet and power).
- *Economic Development Strategy 2021-25*
- *Strategic Plan for Agriculture 2022 – 26 (draft)*

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

It is the Officer's view that it is appropriate to consider this matter in a Council meeting that is open to the public.

Risk Assessment:

Not applicable.

Officer's View:

The draft *Mobile and Internet Communications Strategy* clearly sets out the telecommunications shortcomings across Towong Shire and is an excellent resource for advocating for telecommunications improvements. Whilst further work is still required to develop the strategy, it is still a valuable document in the interim.

Council Resolution:

**CR ANDERSON
CR DIKSCHER**

THAT:

- 1. THE FEEDBACK BE NOTED REGARDING THE DRAFT MOBILE AND INTERNET COMMUNICATIONS STRATEGY; AND**
- 2. OFFICERS UNDERTAKE FURTHER INVESTIGATIONS INTO THE FEEDBACK RECEIVED REGARDING MOBILE CONNECTIVITY IN TALGARNO, TOWONG, BULLIOH, UPPER THOWGLA, AND NARIEL VALLEY, AS WELL AS FUTURE PROOFING THE CAPACITY OF 3G/4G/5G NETWORKS TO CATER FOR TOURISM NEEDS IN KEY TOURIST AREAS.**

CARRIED

15.2 Economic Development (Tourism) Report (05/01/0164-DCP)

The Economic Development Report is presented bi-annually and will be presented in April 2023.

16 Councillor Reports

No Councillor reports had been received at the time of agenda preparation.

17 Urgent Business

There is no urgent business for consideration.

18 Committee Minutes

There are no Committee Minutes for consideration.

19 Occupational Health and Safety

19.1 OHS Committee (06/04/0212-CEO)

There are no Occupational Health and Safety Committee Minutes for consideration.

20 Council Policies (10/01/0007-CEO)

20.1 Policies for Review and Adoption

There are no policies for review or adoption this month.

21 Sealing of Documents

There are no documents for sealing this month.

22 Confidential

Section 66 of the *Local Government Act 2020* declares that meetings are to be open to the public unless the following specified circumstances apply:

- (1) *A Council or delegated committee must keep a meeting open to the public unless the Council or delegated committee considers it necessary to close the meeting to the public because a circumstance specified in subsection (2) applies.*
- (2) *The circumstances are –*
 - (a) *the meeting is to consider confidential information; or*
 - (b) *security reasons; or*
 - (c) *it is necessary to do so to enable the meeting to proceed in an orderly manner.*
- (3) *If the circumstance specified in subsection (2)(b) or (2)(c) applies, the meeting can only be closed to the public if the Council or delegated committee has made arrangements to enable the proceedings of the meeting to be viewed by members of the public as the meeting is being held.*
- (4) *For the purposes of subsection (3), the arrangements may include provision to view the proceedings on the Internet or on closed circuit television.*
- (5) *If a Council or delegated committee determines that a meeting is to be closed to the public to consider confidential information, the Council or delegated committee must record in the minutes of the meeting that are available for public inspection –*
 - (a) *the ground or grounds for determining to close the meeting to the public by reference to the grounds specified in the definition of confidential information in section 3(1); and*
 - (b) *an explanation of why the specified ground or grounds applied.*

As defined in section 3(1) of the *Local Government Act 2020* "confidential information" means the following information –

- (a) *Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released;*
- (b) *Security information, being information that if released is likely to endanger the security of Council property or the safety of any person;*
- (c) *Land use planning information, being information that if prematurely released is likely to encourage speculation in land values;*
- (d) *Law enforcement information, being information which if released would be reasonably likely to prejudice the investigation in an alleged breach of the law or the fair trial or hearing of any person;*
- (e) *Legal privileged information, being information to which legal professional privilege or client legal privilege applies;*
- (f) *Personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs;*
- (g) *Private commercial information, being information provided by a business, commercial or financial undertaking that –*
 - (i) *relates to trade secrets; or*
 - (ii) *if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage;*
- (h) *Confidential meeting information, being the records of meetings closed to the public under section 66(2)(a);*
- (i) *Internal arbitration information, being information specified in section 145;*
- (j) *Councillor Conduct Panel confidential information, being information specified in section 169;*
- (k) *Information prescribed by the regulations to be confidential information for the purposes of this definition; and*
- (l) *Information that was confidential information for the purposes of section 77 of the Local Government Act 1989.*

There are no confidential items for consideration.

Acknowledgement of Ms Emma Woolaston – Director Corporate and Organisational Development Department

The Mayor acknowledged appreciation on behalf of the Council to Ms. Emma Woolaston, the outgoing Director of Corporate and Organisational Development. Ms. Woolaston's contributions to the organisation over the last couple of years have been enormous, especially with work done in implementing the new Local Government Act. Emma has gone above and beyond in her role and is thanked for her time with Council.

There being no further business, the Mayor declared the meeting closed, the time being 11:39am.

Minutes were confirmed at the 22 March 2023 Council Meeting.