



MINUTES

ORDINARY MEETING OF COUNCIL HELD AT CIVIC CENTRE, PUNT ROAD COBRAM, WEDNESDAY 27 MARCH 2019

The meeting commenced at 6:00 PM.

PRESENT

- Councillor Libro Mustica (Mayor)
- Councillor Peter Lawless (Deputy Mayor)
- Councillor Ed Cox
- Councillor John Beitzel
- Councillor Kevin Bourke
- Councillor Wendy Buck
- Councillor Gary Cleveland
- Councillor Peter Mansfield
- Councillor Marie Martin

IN ATTENDANCE:

| | |
|---------------------|--------------------------------------|
| Mark Henderson | Chief Executive Officer |
| Andrew Close | General Manager Infrastructure |
| Simon Rennie | General Manager Corporate |
| Sally Rice | General Manager Community |
| Linda Nieuwenhuizen | Manager Governance and Communication |

RECORDING

Consistent with section 72 of our Meeting Procedures Local Law, Council officers have been authorised to record the public session of this meeting using an audio recording device.

1. CALLING TO ORDER – CEO

2. PRAYER

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

Amen

Read by the Mayor.

3. ACKNOWLEDGEMENT OF COUNTRY

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

Read by the Mayor.

4. APOLOGIES & REQUESTS FOR LEAVE OF ABSENCE

Cr Buck requested a leave of absence from the 11th to 20th of April.

MOTION

CRS PETER LAWLESS / ED COX

That Cr Buck's leave of absence be accepted.

(CARRIED)

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

Nil

6. DECLARATION OF ANY INTEREST OR CONFLICT OF INTEREST

Nil

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

MOTION:

CRS ED COX / GARY CLEVELAND

"That the minutes of the Ordinary Council Meeting held on Wednesday, 27 February 2019, as prepared, be confirmed."

(CARRIED)

8. COUNCILLOR REPORTS

Cr Bourke reported on his attendance at a Road Safety Forum, Community information and consultation session in relation to the proposal to merge Nathalia, Cobram and Numurkah Health Services, inspections of completed works at Yambena and Shackle Folleys Bridges, Northern Victoria Irrigation Communities meeting and recognized the communities achievement in lobbying to have the speed limits at Strathmerton reduced to 60 kph.

Cr Mansfield reported on his attendance at the Murray Farm Gate Trail launch in Melbourne.

Cr Martin reported on her attendance at community run International Women's Day events held in Numurkah, Nathalia and Cobram and a North East Catchment Management Authority Embedding Climate Change Adaptation in Agriculture Forum.

Cr Cox reported on his attendance at the Opening and Dedication of the Cobram Barooga RSL River Bends Room at the Barooga Golf Club.

Cr Martin left the meeting at 6:11 PM.

Cr Buck reported on the passing of Lance Oswald a former St Kilda player and Strathmerton resident and congratulated Bruce Wright for his 67 years of volunteering for the Yarrawonga Table Tennis Association.

Cr Cleveland also spoke on the passing of Lance Oswald.

Cr Martin returned to the meeting at 6:15 PM.

Cr Lawless reported on site tours at Yarawonga and Tungamah with Damian Drum MP on proposed projects, Friends of the Yarrawonga Shire and Community Halls Meeting, the CFA Championship held at Strathmerton and acknowledge long standing firefighting volunteers in the area.

Cr Beitzel reported on his attendance at a Northern Victorian Irrigation Communities meeting.

FILE NO: F19
4. A WELL RUN COUNCIL

ITEM NO: 9.1.1

COMMITTEES OF MANAGEMENT - FUTURE DIRECTIONS DISCUSSION PAPER

Executive Summary

Moirā Shire has a relatively small population spread across a large land area. Across the shire, local communities have and continue to enjoy facilities that are above and beyond council's financial capacity because of the significant contribution over many years by local volunteer committees.

With a range of changes to the Local Government Act on the horizon, Council wants to ensure this legacy is not lost. In partnership with local committees and communities, council has set the goal of developing management arrangements that can moderate the compliance and regulation demands on local committees while promoting the safe ongoing contributions from current and future volunteers.

The discussion paper begins this conversation. The paper will be distributed to council committees to encourage discussion and debate on what the future could look like for council committees and for the wider community that they serve.

MOTION

CRS KEVIN BOURKE / MARIE MARTIN

That council note the discussion paper and the planned distribution to council committees for feedback.

(CARRIED)

FILE NO: XXX
4. A WELL RUN COUNCIL

ITEM NO: 9.2.1

RATING AND SERVICE CHARGES STRATEGY REVIEW

Executive Summary

This report recommends council adopt the updated 2018 – 2022 Rating and Service Charges Strategy following consideration of the community feedback received during the consultation program last year.

The strategy establishes the principles that will guide the setting of rates and service charges each year through the annual budget process.

- Through differential rates, council aims to strike an appropriate balance amongst the various categories of rate payers.
- Council reserves the right to vary its decision in future budgets from the adopted principles to respond to unique or immediate events and circumstances.

Council received two submissions during the consultation program in 2018. One submission argued for a lower business rate and a higher farm vacant rate and the second submission argued for a lower farm rate.

- The reduction in the rate applied to one category of rate payers, shifts the burden to other categories of rate payers.
- A reduced farm rate would be in addition to the existing support provided through the Single Farm Enterprise exemption. Following examination of the transfer impact and the existing support available to farmers, it is not recommended that council adopt a reduced differential farm rate.
- It is not recommended that council increase the vacant farm rate and reduce the business rate because most productive farm land in active use is vacant for rating purposes - vacant farm land is farm land that does not have buildings. It is recommended that the categories of farm land be treated the same and hence continue to have the same differential rate.

Council is extremely aware of the very difficult seasonal conditions currently being experienced by agricultural sector and its flow through to our regions agribusiness manufacturing, processing and service providers. Council will continue to advocate for Victorian and Federal Government financial support and other meaningful assistance for local farmers and agribusiness sector rather than transferring this burden to other categories of ratepayers in the shire.

MOTION

CRS WENDY BUCK / ED COX

That Council adopt the updated 2018 – 2022 Rating and Service Charges Strategy.

(CARRIED)

FILE NO: LN
2. A THRIVING LOCAL ECONOMY

ITEM NO: 9.2.2

YARRAWONGA AERODROME - FUTURE DIRECTIONS

Executive Summary

This report closes off a S223 submission process and seeks Council's authorisation to proceed with the next step of either selling or leasing the Yarrowonga aerodrome through a prescriptive expression of interest (EOI) process.

- The EOI is described as prescriptive because submitters will be required to show how they intend to meet a series of key criteria including the protection of existing users' rights.
- The EOI scope is proposed to include options of purchase or lease to attract a broader range of proposals
- The conclusion of the S223 process follows community and user consultation and feedback.

The EOI process will also help inform council's consideration of a number of related but separate issues including the future CASA status of the aerodrome, options for generating revenue to offset the aerodrome's operating costs, and the public benefit the aerodrome provide.

There is no guarantee the EOI process will attract an acceptable proposal and Council will reserve the right to not to proceed with any offer. In the absence of any acceptable offer, either through the EOI, or in the future, the aerodrome will continue to operate as a council owned facility. It is anticipated there will be no change to the current operating arrangements during the EOI process and any future evaluation and contractual stages.

MOTION

CRS ED COX / MARIE MARTIN

That having considered submissions lodged under S223 of the Local Government Act Council hereby resolves to:

1. Proceed with its proposal to offer for sale it's freehold interests in Lot C 122-140 Cahills Rd Yarrowonga, otherwise known as the Yarrowonga aerodrome
2. undertake a prescriptive Expression of Interest process inviting proposals for purchase or lease of the site
3. consider any proposals that in the view of the CEO adequately address the EOI criteria and offer a realistic market value having regard to the required pre-sale valuation.

Cr Buck called for a division.

FOR

Cr Beitzel
Cr Bourke
Cr Cleveland
Cr Cox
Cr Lawless
Cr Mansfield
Cr Martin
Cr Mustica

AGAINST

Cr Buck

(CARRIED)

FILE NO: 1
4. A WELL RUN COUNCIL

ITEM NO: 9.2.3

INVESTMENT AND CASH MANAGEMENT POLICY

Executive Summary

This report provides the revised Investment and Cash Management Policy which contributes to the safe and effective management of Council's cash resources.

MOTION

CRS WENDY BUCK / ED COX

That: Council adopt the revised Investment and Cash Management Policy.

(CARRIED)

FILE NO: F13/858
4. A WELL RUN COUNCIL

ITEM NO: 9.2.4

PROPOSAL TO DISCONTINUE AND SELL PORTION OF RICHARDSON STREET NATHALIA

Executive Summary

This report seeks council's authorisation to proceed with an amended proposal to discontinue a reduced portion of Richardson Street Nathalia, defined in Plan of Subdivision 1315 Parish of Barwo County of Moira, and sell the land to an adjoining land owner.

Following consideration of the submissions received during the consultation period, it is proposed that the discontinuance be reduced to only include the east-west section of Richardson Street, with the north-south section excluded. The amendment enables ongoing access along the entire north-south section of Richardson Street.

The discontinuance and sale of land to the adjoining land owner is a separate and subsequent process in accordance with the requirements detailed in the Local Government Act. This report seeks council's authorisation for the CEO to execute these administrative processes which may include working with GV Water to create an easement for assets located within the road reserve.

MOTION

CRS KEVIN BOURKE / MARIE MARTIN

That Council:

1. Resolves to discontinue the east-west section of Richardson Street, Nathalia
2. Authorise the Chief Executive Officer to undertake the administrative processes required to close the section of road and transfer ownership to the adjoining landowner in accordance with the requirements of the Local Government Act 1989
3. To sign and seal all necessary documentation pertaining to the transfer of the land without further resolution of Council.

(CARRIED)

FILE NO: F13/858/004
4. A WELL RUN COUNCIL

ITEM NO: 9.2.5

**PROPOSAL TO DISCONTINUE AND SELL ORR STREET LANEWAY BETWEEN
LYNCH STREET AND MURPHY STREET YARRAWONGA.**

Executive Summary

This reports requests Council's authorisation to seek community feedback on the proposal to

- discontinue a road reserve Orr Street laneway between Lynch Street and Murphy Street Yarrawonga.
- sell the portions of land to the adjoining land owners.

The legislated processes for council to discontinue a road and to sell public owned land require council to seek community feedback on the proposal before making a decision to proceed or otherwise. This report seeks council's approval to complete this consultation process.

Historically the road reserve was reserved for a laneway behind properties 34 to 42 Orr Street. The laneway was not constructed and hence the land is not required by council for this purpose.

Council has received a request from an adjoining landowner to formally discontinue the laneway in order to purchase and consolidate their portion of the laneway into their property. Council proposes to undertake this process for the entire reserve and so enable the same opportunity for all adjoining landowners. The remaining property owners will also need to purchase and consolidate their part of the laneway.

MOTION

CRS PETER MANSFIELD / PETER LAWLESS

That Council:

1. Authorise the Chief Executive Officer to:

- a) give public notice of Council's proposal to discontinue a road reserve and sell a portion of land Orr Street laneway between Lynch Street and Murphy Street Yarrawonga.
- b) make the proposal available for public inspection;
- c) invite submissions in accordance with Section 223 of the Local Government Act 1989;
- d) receive submissions until 5pm Monday 6 May 2019.

2. If required:

- a) convene a Committee of Council comprising all available Councillors and General Manager Infrastructure and/or delegate to meet at 5pm Wednesday 8 May 2019 at the Councillor Briefing Room, 44 Station Street, Cobram to hear any person wishing to be heard in support of their written submission.
- b) consider a recommendation to proceed with the road closure and sale with or without amendment at the June Ordinary Council meeting.

(CARRIED)

FILE NO: C012/19
4. A WELL RUN COUNCIL

ITEM NO: 9.2.6

C012/19 - E-WASTE STORAGE FACILITIES

Executive Summary

Moirā Shire Council invited submissions from suitably qualified organisations or individuals to design and construct E - Storage Facilities at the Waste Transfer Stations of Cobram, Yarrawonga, Numurkah and Nathalia.

After consideration of the submissions, the evaluation panel recommends that O'Halloran Property Services Pty Ltd t/a Cobram Sheds and Garages be appointed as the preferred tenderer for all parts of contract C012/19 – E-Waste Storage Facilities.

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

MOTION

CRS WENDY BUCK / ED COX

That Council:

1. Authorise the Chief Executive Officer to undertake negotiations with the preferred tenderer, O'Halloran Property Services Pty Ltd t/a Cobram Sheds and Garages to achieve a best value outcome and award contract C012/19 – E-Waste Storage Facilities.
2. Following negotiations, authorise the Chief Executive Officer to sign and seal the contract documents.

(CARRIED)

FILE NO: C017/19
4. A WELL RUN COUNCIL

ITEM NO: 9.2.7

C017/19 - PROVISION OF SUPPORT SERVICES FOR STRATEGIC PLANNING SOFTWARE

Executive Summary

Moirā Shire Council invited submissions from suitably qualified organisations or individuals to provide support for Council's strategic planning software.

After consideration of the submissions, the evaluation panel recommends that PMH Insights Inc. be appointed as the preferred tenderer for contract C017/19 – Provision of Support Services for Strategic Planning Software.

MOTION

CRS WENDY BUCK / MARIE MARTIN

That Council:

1. Authorise the Chief Executive Officer to undertake negotiations with the preferred tenderer, PMH Insights Inc. in order to achieve a best value outcome and award the contract C017/19 – Provision of Support Services for Strategic Planning Software.
2. Authorise the Chief Executive Officer to sign and seal the contract documents and approve contract extensions within the provisions of the contract.

(CARRIED)

FILE NO: F13/503
4. A WELL RUN COUNCIL

ITEM NO: 9.2.8

ASSEMBLIES OF COUNCIL

Executive Summary

This report details the Assembly of Councillors for February and March 2019. Report is prepared in accordance with the requirements of the Local Government Act (the Act) 1989 section 80A.

MOTION

CRS KEVIN BOURKE / GARY CLEVELAND

That Council receive and note the Record of Assemblies of Councillors.

(CARRIED)

FILE NO: F13/2657-2
1. A GREAT PLACE TO LIVE

ITEM NO: 9.3.1

YARRAWONGA TOWN HALL PRECINCT AND LIBRARY - DRAFT CONCEPT MASTERPLAN COMMUNITY CONSULTATION

Executive Summary

This report outlines the community consultation process that has commenced to seek feedback on the current draft concept masterplan for redevelopment of the Yarrawonga Library and Town Hall precinct.

The redevelopment of the Yarrawonga Town Hall Precinct provides a once-in-a-lifetime opportunity to reinvigorate Yarrawonga's most prominent public precinct to deliver a mix of community services and public facilities for current and future Yarrawonga residents and visitors.

Council has progressively released and sought community, user group and library technical and user feedback on draft concept plans for the redevelopment of the Yarrawonga Town Hall Precinct. This process has involved the Yarrawonga Library and Town Hall Precinct Community Reference Group (Reference Group), the Yarrawonga Library Project Steering Committee (Steering Committee), and the Technical Advisory Committee. The committees and group have not endorsed the draft master plan as a final design and continue to make recommendations regarding the draft design.

However, whilst it was agreed that further amendments could be made to ensure the most functional spaces were developed, at the 1 March 2019 Steering Committee Meeting the following motion was moved:

"the Committee recommend to Council that the Draft Concept plan be made available for the public for a period of consultation."

In light of this recommendation and while the committees and group continue to work through ideas and proposals, council has commenced a community feedback program to seek broader Moira Shire and Yarrawonga community feedback on the draft concept plan.

This community feedback program recognizes the importance of understanding the needs and ideas of all ages and interests, residents and visitors – in addition to current users. The community is invited to consider, discuss and share their ideas on the draft master plan with council via a range of feedback options including face to face drop in sessions, online, and through social and traditional media.

MOTION

CRS PETER LAWLESS / WENDY BUCK

That Council:

1. Pause development of detailed plans for a new library / community hub on the Yarrawonga Town Hall site while it undertakes further broad community engagement on the proposal.
2. That an assessment of the former Yarrawonga Primary School site be undertaken to establish whether all or part of the site should be retained for community use.

(CARRIED)

FILE NO: D18/63640
3. A CLEAN GREEN ENVIRONMENT

ITEM NO: 9.3.2

KERBSIDE GENERAL WASTE, RECYCLING AND ORGANIC COLLECTION POLICY REVIEW

Executive Summary

Council provides Kerbside collections to the majority of households in the Moira Shire. The purpose of the Kerbside General Waste, Recycling and Organic Collection policy (attached) is to:

- provide guidance on the provision of kerbside collection services;
- to provide guidance regarding kerbside collection routes;
- provide a criteria for organic exemptions; and
- provide for the application of the associated service charges.

The current Kerbside Garbage, Recycling and Organic Collection policy has been in place since June 2014. With Councils endorsement of Waste Management and Services Strategy in July 2018, and awarding of a new kerbside collection contract in December 2018 it is now timely to review this policy.

The changes as a result of this current review relate to broadening the scope of the policy to be inclusive of:

- standard and alternative bin sizes;
- the potential for increased frequency of collection; and
- provision for changes to collection routes.

The application of this Policy will be supported by the "Extension of Kerbside Waste Recycling and Organics Collection Routes Procedure" This procedure has also been revised to be reflective of this Draft Policy.

MOTION

CRS WENDY BUCK / ED COX

That Council:

1. Adopt the attached Kerbside General Waste, Recycling and Organic Collection policy; and
2. Revoke the Kerbside Garbage, Recycling and Organic Collection policy.

(CARRIED)

FILE NO: C008/19
4. A WELL RUN COUNCIL

ITEM NO: 9.4.1

C008/19 - SUPPLY AND DELIVERY OR FINANCE OF TWO 4X2 TIP TRUCKS

Executive Summary

Moirā Shire Council invited submissions from suitably qualified companies for the supply and delivery or finance of:

- 1 x 4x2 Single Cab Tip Truck
- 1 x 4x2 Crew Cab Tip Truck

The tender provided the option for Council to purchase the tip trucks or to lease them over five years.

Following an analysis of the purchase and lease options submitted by the top three scored tenderers, it concludes that the lump sum purchase option is more favorable to Council. For more information, please refer to Appendix A – Evaluation Summary (Confidential).

After consideration of the tender submissions, the evaluation panel recommends that contract C008/19 – Supply and Delivery of Two Tip Trucks be awarded to Patterson Cheney Pty Ltd as per the tendered lump sum.

MOTION

CRS PETER LAWLESS / KEVIN BOURKE

That Council:

1. Award contract C008/19 – Supply and Delivery of Two Tip Trucks to Patterson Cheney Pty Ltd.
2. Authorise the Chief Executive Officer to sign and seal the contract documents.

(CARRIED)

FILE NO: C011/19
4. A WELL RUN COUNCIL

ITEM NO: 9.4.2

C011/19 - SUPPLY AND DELIVERY OR FINANCE OF TWO ROUND COMBINATION ROLLERS

Executive Summary

Moirā Shire Council invited submissions from suitably qualified organisations for the supply and delivery or finance of two Round Combination Rollers.

The tender provided the option for Council to purchase the graders or to lease them over five years.

Following an analysis of the purchase and lease options submitted by the tenderers, it concludes that the lump sum purchase option is more favorable to Council. For more information, please refer to Appendix A – Evaluation Summary (Confidential).

After consideration of the submissions, the evaluation panel recommends that contract C011/19 – Supply and Delivery of Two Round Combination Rollers be awarded to Porter Excavations Pty Ltd as per their tendered lump sum. Please refer to Appendix A for further information

MOTION

CRS PETER LAWLESS / KEVIN BOURKE

That Council:

1. Award contract C011/19 – Supply and Delivery of Two Round Combination Rollers to Porter Excavations Pty Ltd.
2. Authorise the Chief Executive Officer to sign and seal the contract documents.

(CARRIED)

FILE NO: F18/345 AND 52018251
2. A THRIVING LOCAL ECONOMY

ITEM NO: 9.4.3

COMBINED PLANNING SCHEME AMENDMENT C090 TO REZONE LAND FROM PUBLIC PARK AND RECREATION TO GENERAL RESIDENTIAL AND PLANNING PERMIT 52018251 FOR THE SUBDIVISION OF LAND CREATING A PARK RESERVE AND ROAD RESERVE AT 24-38 EXHIBITION STREET, NUMURKAH

Executive Summary

Council is initiating an amendment to the Moira Planning Scheme to rezone part of land at 24-38 Exhibition Street, Numurkah from Public Park and Recreation Zone (PPRZ) to General Residential Zone (GRZ). An application for Planning Permit is combined with this Amendment to subdivide land creating Park Reserve and a Road Reserve over Tweddle Street.

Authorisation from the Minister for Planning is required to prepare a Planning Scheme Amendment. When combining a Planning Permit Application with a Planning Scheme Amendment, the Minister will decide whether the permit should be granted.

It is recommended that authorisation be sought.

MOTION

CRS MARIE MARTIN / JOHN BEITZEL

That Council seek authorisation from the Minister for Planning to prepare Planning Scheme Amendment C090 combined with Planning Permit Application 52018251, pursuant to 96A of the Planning and Environment Act 1987.

(CARRIED)

FILE NO: F16/480
1. A GREAT PLACE TO LIVE

ITEM NO: 9.4.4

**COBRAM EAST FLOOD MITIGATION LEVEE DESIGN STEERING COMMITTEE -
APPOINTMENT OF COBRAM COMMUNITY REPRESENTATIVES**

Executive Summary

A second Expression of Interest process was conducted seeking community representatives to join the Cobram East Flood Mitigation Design Steering Committee Project Steering Committee.

Council received another two nominations and these nominees have been assessed as suitable candidates to join the steering committee.

The Steering Committee's terms of reference provides for six (6) Community representatives from the Cobram community with the inclusion of Brendan Mustica and Patrick Connolly (the committee will comprise of three community representatives.

MOTION

CRS ED COX / GARY CLEVELAND

That Council appoint Mr Brendan Mustica and Mr Patrick Connolly as Cobram Community Representatives member of the Cobram East Flood Mitigation Design Steering Committee.

(CARRIED)

9. ACTION OFFICERS LIST

NIL

10. NOTICES OF MOTION

NIL

11. PETITIONS AND JOINT LETTERS

A petition to change the entrance to Punt Road Kindergarten & Childcare and put a pedestrian crossing in for the community to cross Punt Road safely was tabled.

12. COUNCIL SEAL

NIL

FILE NO: VARIOUS

ITEM NO: 14

URGENT GENERAL BUSINESS**MOTION**

CRS ED COX / GARY CLEVELAND

That urgent business in relation to the proposed merger of the Cobram, Nathalia and Numurkah hospitals be considered.

(CARRIED)

MOTION

CRS ED COX / WENDY BUCK

That Moira Shire Council support the proposed merger of the Cobram, Nathalia and Numurkah hospitals on the basis that a united health service will enable Moira residents to access a broader range of locally available healthcare, create increased opportunity to attract specialist skills into the local health network, strengthen the united boards capacity to attract government funding for future capital improvements and provide increased career development opportunities for health staff.

Cr Bourke called for a division.

FOR

Cr Beitzel
Cr Buck
Cr Cleveland
Cr Cox
Cr Lawless
Cr Mansfield
Cr Mustica

AGAINST

Cr Bourke
Cr Martin

(CARRIED)

FILE NO: VARIOUS

ITEM NO: 15

QUESTIONS FROM THE PUBLIC GALLERY

Questions were raised in relation to:

- The next steps for the Yarrawonga Aerodrome.
- Grant funding options for the old Yarrawonga Primary School site land.
- Sealing of Ulupna Island Bridge Road.
- Views on Climate Change.

Meeting Close: 7:41 PM