



## MINUTES

ORDINARY MEETING OF COUNCIL HELD AT CIVIC  
CENTRE, PUNT ROAD COBRAM,  
WEDNESDAY 19 DECEMBER 2018

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 Lawless advised that he would be an apology for the Australia Day ceremony.

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

Nil

## 6. DECLARATION OF ANY INTEREST OR CONFLICT OF INTEREST

The Chief Executive Officer declared a direct conflict of interest in an item in the confidential section of the meeting.

## 7. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

### MOTION:

CRS GARY CLEVELAND / ED COX

"That the minutes of the Ordinary Council Meeting held on Wednesday, 28 November 2018, as prepared, be confirmed."

(CARRIED)

## 8. COUNCILLOR REPORTS

- Cr Buck reported on her attendance at the Fairley Leadership Graduation.
- Cr Mansfield reported on his attendance at the Minister for Environment funding announcement to remove the tyre stockpile at Numurkah.
- Mayor Cr Mustica also reported on his attendance at the Ministers for Environment funding announcement to remove the tyre stockpile at Numurkah and thanked the Minister for the assistance.
- Cr Bourke reported on the Nathalia District Community Plan, the Red Gum Courier item praising the works at Blake Street Natalia and the effects of the environmental flows on the Barmah Forest.
- Cr Martin thanked the staff for the pump, a defibrillator at the Numurkah hall and the new footpath at the Wunghnu Café.
- Cr Lawless reported on the success of the Tungamah Kick Start Committee, his attendance at the Federal Member for Murray Damien Drum's funding announcement for the Yarrawonga Tennis Court and the effects of the dry weather conditions on farmers and businesses.
- Mayor, Cr Libro Mustica awarded Cr Cox a certificate for his 15 years of service as a Moira Shire Councillor.

## 9. OFFICER REPORTS FOR DETERMINATION

FILE NO: F18/345  
3. A CLEAN GREEN ENVIRONMENT

ITEM NO: 9.1.1

## NUMURKAH TYRE STOCKPILE UPDATE

### Executive Summary

A resolution to the long standing illegal tyre stockpile at Saxton Street Numurkah has finally been reached with the Victorian Environment Protection Authority (EPA) deciding to exercise its right of entry to remove the tyres. The Victorian State Government will be funding the clean-up.

The clean-up operation is expected to get underway in late December 2018 and take up to 10 weeks to complete. Works on site will be suspended over the Christmas / New Year break.

Council is owed substantial legal costs that have been awarded by VCAT and the Supreme Court but has previously resolved to not seek immediate recovery pending removal of the Stockpile.

### MOTION

CRS MARIE MARTIN / KEVIN BOURKE

That Council note the report in relation to removal of the Numurkah tyre stockpile and authorise the CEO to seek recovery of Councils costs following removal of the stockpile.

(CARRIED)

FILE NO: F18/486  
2. A THRIVING LOCAL ECONOMY

ITEM NO: 9.1.2

## VARAPODIO AND MOLOCHIO EXCHANGE VISIT

### Executive Summary

In 2005 Council formalised a relationship with Varapodio (Calabria region in Italy).

In support of this relationship, approximately 15 delegates from Varapodio visited Australia in December 2015.

Moira Shire Council has been invited to be a part of a delegation to Varapodio and Molochio in July 2019.

It is recommended that Council continues to foster strong relations and arrange a delegation of students and council representatives.

### MOTION

CRS ED COX / GARY CLEVELAND

That Council:

1. Acknowledge the invitation from the Mayor of Varapodio and seek the participation of local school students and community members with a view to sending a delegation to Varapodio and Molochio in July 2019.
2. Approve meeting the costs of two official council delegates with additional delegates to meet their own costs.
3. Determine that the Mayor be the lead delegate with one other delegate for planning purposes.

(CARRIED)

*Cr Bourke called for a division.*

#### FOR

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

#### AGAINST

Cr Bourke

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

ITEM NO: 9.2.1

## ASSEMBLIES OF COUNCIL

### Executive Summary

This report details the Assembly of Councillors for November 2018 is prepared in accordance with the requirements of the Local Government Act (the Act) 1989 section 80A.

### MOTION

CRS KEVIN BOURKE / PETER LAWLESS

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

(CARRIED)

FILE NO: 123  
2. A THRIVING LOCAL ECONOMY

ITEM NO: 9.2.2

## PROPOSED SALE OF YARRAWONGA AERODROME - COMMUNITY FEEDBACK AND NEXT STEPS

### Executive Summary

This report seeks Council's approval to defer its decision on the proposal to sell the public land areas of the aerodrome until the first quarter of 2019 following further discussion with stakeholders and the community.

This recommendation reflects the feedback received by council as part of the recent statutory (S223) consultation process to explore community interest in the proposal to sell the public land areas of the Yarrawonga Aerodrome.

At the conclusion of the s223 consultation period (12 October 2018) 19 submissions were received and 3 people spoke in support of their submission at the 31 October Committee of Council meeting.

- There was limited community feedback on the proposal with only two submissions received from the community and both were in support of the sale of the aerodrome.
- The vast majority of the submissions (17) were from site owners directly associated with the aerodrome.
- In addition to submissions, stakeholders sought information and answers to a wide range of questions about the future ownership, operation and development of the aerodrome if it was sold. Council is unable to provide answers to many of these questions because the statutory process requires council to seek community feedback on whether it should even explore the proposal to sell the aerodrome before moving to the next stage of defining the form and nature of future ownership through an EOI or similar process.

The consultation process emphasised the need to engage with the community and stakeholders to seek their input on future operation, management, development and ownership options and to ensure adequate future protection of their existing rights. Council and aerodrome stakeholders have participated in further discussions since the conclusion of the statutory process.

### MOTION

CRS PETER MANSFIELD / ED COX

That following consideration of the submissions received under Section 223 of the Local Government Act and informal discussions with stakeholders since then Council proceed with further community and stakeholder engagement with a view to determining the outcome of the section 223 process at the March 2019 Council meeting.

(CARRIED)

FILE NO: F13/236  
4. A WELL RUN COUNCIL

ITEM NO: 9.2.3

## YARRAWONGA FORESHORE - GMW OCCUPATION LICENCE

### Executive Summary

Moira Shire Council currently maintains the Yarrawonga Foreshore and other river front reserves between Yarrawonga and Bundalong under a Maintenance Agreement from Goulburn Murray Water Corporation (GMW).

GMW wish to establish an additional Occupation Licence to more formally document Council's occupation and responsibilities as Licensee over the designated areas. Negotiations with GMW over the past year have produced the attached draft Occupation Licence for consideration.

While the proposed 20-year Occupation Licence doesn't materially change Council's current ground maintenance responsibilities, it does provide Council with:

- increased authority to approve and control events and use of the foreshore reserves, and
- responsibility to act as GMW's Agent to manage the newly created land leases for the Yarrawonga Yacht Club and Yarrawonga Rowing Club.

### MOTION

CRS ED COX / WENDY BUCK

That Council:

1. adopts the Goulburn Murray Water Occupation Licence over the Lake Mulwala Foreshore Reserves, and
2. accepts the Appointment of Agent over the land leases held by Yarrawonga Yacht Club and Yarrawonga Rowing Club.

(CARRIED)

FILE NO: F16/701  
4. A WELL RUN COUNCIL

ITEM NO: 9.2.4

## QUARTERLY BUDGET REVIEW - DECEMBER 2018

### Executive Summary

#### Income Statement

There has been an increase in the forecast budget from a deficit of \$0.87 million in the Approved September 2018 forecast to a deficit of \$1.03 million in the December 2018 forecast. Every effort is made to seek funding or identify savings to meet new expenditures; the movement in the Income statement are discussed in the financial implications in item 3.1.

#### Balance Sheet

The Balance Sheet of Moira Shire continues to remain strong.

#### Cash Flow Statement

The cash position of Moira Shire continues to remain strong.

#### Capital Expenditure

The capital works forecast for December 2018 is \$19.34 million this is a reduction of \$0.24 million on the Approved September 2018 forecast \$19.57 million. This is mainly due to new funded capital works projects and a reassessment of ability to complete existing works program within the current financial year.

### MOTION

CRS WENDY BUCK / ED COX

1. That Council notes the projections for the 2018/19 financial year contained in the December 2018 Quarterly Budget Review.
2. That Council notes the Environment Upgrade Agreements quarterly performance report.

(CARRIED)

FILE NO: C010/16  
4. A WELL RUN COUNCIL

ITEM NO: 9.2.5

## C010/19 - PROVISION OF DEBT COLLECTION SERVICES

### Executive Summary

Moira Shire Council invited submissions from suitably qualified organisations or individuals for the provision of debt collection services in relation to overdue rates, charges and general debtors.

After consideration of the submissions, the evaluation panel recommends that contract C010/19 – Provision of Debt Collection be awarded to Midstate CreditCollect Pty Ltd as per the Schedule of Rates.

### MOTION

CRS ED COX / PETER LAWLESS

That Council:

1. Award contract C010/19 – Debt Collection Services as per the Schedule of Rates to Midstate CreditCollect Pty Ltd.
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: 1  
3. A CLEAN GREEN ENVIRONMENT

ITEM NO: 9.3.1

## SIGNING UP TO THE VICTORIAN GOVERNMENTS TAKE2 CLIMATE ACTION PROGRAM

### Executive Summary

TAKE2 is the Victorian Government's collective climate change initiative. It supports Victorian individuals, business, government, educational and community organizations to take meaningful action to reduce climate change.

Recognized as a leader within regional Victoria, Moira Shire Council has already committed to zero net emissions by 2050 (Environment Sustainability Strategy (ESS) 2017-2021). This report recommends that Council reinforce this commitment and sign up to TAKE2 thereby pledging to "work together to play our part and take action on climate change for Victoria, our country and our planet".

### MOTION

CRS WENDY BUCK / MARIE MARTIN

That Council support the decision to sign up to the Victorian Governments TAKE2 pledge "*working together, we pledge to play our part and take action on climate change for Victoria, our country and our planet*"

(CARRIED)

FILE NO: F16/438  
1. A GREAT PLACE TO LIVE

ITEM NO: 9.3.2

## AQUATIC FACILITIES STRATEGIC REVIEW 2018-2027

### Executive Summary

Moira Shire Council has undertaken to develop a Draft Aquatic Facilities Strategic Review (the Review). This Review is to capture not only current service provision but to also consider asset condition, access and participation trends to determine future directions in provision of aquatic facilities and services in the Shire. This information will inform the development of a Moira Shire Aquatics Facility Strategy.

The Review provides a clear assessment of the current condition of aquatic facilities across the Shire. It sets out a short, mid and long term approach over nine years to assess and review facilities and a framework for decision making in relation to future capital investment in aquatic facilities.

The Review further gives community members clear direction on how they can influence the viability of, and future investment in, aquatic facilities through increasing their attendance and community involvement.

This reports seeks Council approval to make the draft strategic review available for public feedback until 28 February 2019. Council will consider the community feedback prior to adopting this as Council's Aquatic Facilities Strategy.

### MOTION

CRS KEVIN BOURKE / ED COX

That Council:

1. note the draft Moira Shire Council Aquatic Facilities Strategic Review 2018-2027 and,
2. approve the draft strategic review be placed on public display for feedback until 29 March 2019.

(CARRIED)

FILE NO: F13/152  
1. A GREAT PLACE TO LIVE

ITEM NO: 9.3.3

**ANNUAL REVIEW OF ACHIEVEMENTS FOR THE MUNICIPAL WELLBEING FOR ALL AGES STRATEGY 2017 - 2021**

**Executive Summary**

Moira Shire Council adopted the Municipal Wellbeing for All Ages Strategy 2017 – 2021 in November 2017. In accordance with the Victorian Public Health and Wellbeing Act 2008 Victorian Councils are required to review their plan's annually.

Since its adoption there has been a variety of work undertaken to implement actions from the strategy. This report will highlight the achievements and current work in regard to the actions from the following themes and goals:

**MOTION**

CRS MARIE MARTIN / KEVIN BOURKE

That Council endorse the annual review of achievements for the Municipal Wellbeing for All Ages Strategy 2017 – 2021.

(CARRIED)

FILE NO:  
2. A THRIVING LOCAL ECONOMY

ITEM NO: 9.3.4

## DRY SEASONS PREPAREDNESS ACTION PLAN

### Executive Summary

Moira Shire Council recognizes the impact of the ongoing dry conditions across the Shire. The community are feeling the effect from a social, environmental and economic perspective.

In times of stress, the community often look to their local Council as a source of support and information. As a result of this the Moira Shire Dry Seasons Preparedness Action Plan (attached) has been developed to inform, document and monitor the work undertaken by Council to support our community. This is a working document that will be updated as work is undertaken, programs are implemented, as new information comes to hand or as conditions change.

This report aims to inform Council and the community of the planning and advocacy work that is underway and work that has been implemented to date.

### MOTION

CRS PETER LAWLESS / ED COX

That Council note the attached Dry Seasons Preparedness Action Plan.

(CARRIED)

FILE NO: C005/19  
4. A WELL RUN COUNCIL

ITEM NO: 9.3.5

## C005/19 - PROVISION OF ENVIRONMENTAL HEALTH SERVICES

### Executive Summary

Moira Shire Council invited submissions from suitably qualified organisations or individuals for the provision of Environmental Health Services.

The prime objective of the Contract is the provision of a professional, customer focused, service that aims to protect the health of the community through minimising public health risks.

After consideration of the submissions, the evaluation panel recommends that contract C005/19 – Provision of Environmental Health Services be awarded to Kernow Environmental Services Pty Ltd as per the annual lump sum.

### MOTION

CRS KEVIN BOURKE / WENDY BUCK

That Council:

1. Award contract C005/19 – Provision of Environmental Health Services to Kernow Environmental Services Pty Ltd.
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: C001/18  
4. A WELL RUN COUNCIL

ITEM NO: 9.3.6

## C001/18 - LANDFILL WASTE AND RECYCLABLES COLLECTION

### Executive Summary

Moira Shire Council and Berrigan Shire Council invited submissions from suitably qualified organisations or individuals for the kerbside collection and disposal of domestic waste and recyclables from town and rural areas within Moira and Berrigan municipalities.

After consideration of the submissions, the evaluation panel recommends that contract C001/18 – Landfill Waste and Recyclables Collection be awarded to D S Kendall Waste Services Pty Ltd as per the Schedule of Rates.

### MOTION

CRS WENDY BUCK / ED COX

That Council:

1. Award contract C001/18 –Landfill Waste and Recyclables Collection to D S Kendall Waste Services Pty Ltd.
2. Authorise the Chief Executive Officer to sign and seal the contract documents.

(CARRIED)

FILE NO: C006/19  
4. A WELL RUN COUNCIL

ITEM NO: 9.4.1

## C006/19 - BRIDGE REPLACEMENT

### Executive Summary

Moira Shire Council invited submissions from suitably qualified organisations or individuals for the replacement of the Mahoneys and Wallala Bridges and associated roadworks on Stewarts Bridge Road, Lower Moira.

The package of works is separated into four parts and tenderers were able to make a submission for all or some of the parts. The parts are:

- A. Mahoneys Bridge replacement
- B. Wallala Bridge replacement
- C. Mahoneys Bridge approach roadworks
- D. Wallala Bridge approach roadworks

Council reserved the right to award the contracts for each part to a single contractor or multiple contractors.

Following evaluation of the submissions, presentations were requested with the top four scored tenderers.

After consideration of the tender submissions and subsequent presentations, the evaluation panel recommends that contract C006/19 – Bridge Replacement be awarded as per the lump sums to:

- PART A - Mahoneys Bridge replacement to Murray Valley Piling Pty Ltd
- 
- PART B - Wallala Bridge replacement to Haring Constructions Pty Ltd

Part C and D exceeds Council's budget and will not be awarded. Works will be completed in house.

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

### MOTION

CRS KEVIN BOURKE / ED COX

That Council:

1. Award contract C006/19 – Bridge Replacement as per the lump sums for:
  - PART A - Mahoneys Bridge replacement to Murray Valley Piling Pty Ltd
  - PART B - Wallala Bridge replacement to Haring Constructions Pty Ltd
2. Authorise the Chief Executive Officer to sign and seal the contracts.
3. Authorise the allocation of \$250,000 from Council's Reserves for funding of the roadworks for the bridge approaches

(CARRIED)

FILE NO: 5/2017/204  
2. A THRIVING LOCAL ECONOMY

ITEM NO: 9.4.2

**COMBINED PLANNING SCHEME AMENDMENT C88 AND PLANNING PERMIT  
APPLICATION 5/2017/204 FOR 2-6 COLGAN STREET, COBRAM**

**Executive Summary**

The purpose of Amendment C88 is to rezone the land at 2-6 Colgan Street from the Commercial 2 Zone to the Commercial 1 Zone. Specifically, the Amendment will result in the following changes to the Moira Planning Scheme:

- Rezone the land at 2-6 Colgan Street to the Commercial 1 Zone;
- Amend Planning Scheme Map No. 7.

Under the current Commercial 2 Zone a supermarket cannot exceed 1,800 square metres and because of this restriction, the proponent is seeking a rezoning to allow a 'full-line' supermarket. If the supermarket was limited to 1,800 square metres the rezoning would not be required and a planning permit application could be lodged for the use and the development.

The planning permit application seeks approval for:

- Buildings and works associated with the development of two supermarkets, associated shops and medical centre;
- Variation of an existing easement;
- Removal of native vegetation;
- Creation of an access to a road in a Road Zone Category 1.

**MOTION**

CRS ED COX / GARY CLEVELAND

That Council:

1. Note the receipt of 88 submissions to Amendment C88.
2. Refer all submissions to an Independent Planning Panel.
3. Request the Minister for Planning to appoint an Independent Planning Panel to consider all submissions.

(CARRIED)

**10. ACTION OFFICERS LIST**

NIL

**11. NOTICES OF MOTION**

NIL

FILE NO: 1  
1. A GREAT PLACE TO LIVE

ITEM NO: 12.1

**PETITION - YARRAWONGA LIBRARY****Executive Summary**

Council has been working towards improving the library facilities in Yarrawonga for many years. Space constraints at the current library site limit its capacity to provide contemporary library services.

On the 21 November 2016 Council resolved to “endorse the Yarrawonga Library Future Needs Analysis and Site Identification Report”. This report identified the Yarrawonga Town Hall precinct as the preferred location for the future Yarrawonga Library. As a result of endorsing this report the development of the entire Town Hall precinct; including all existing buildings, was brought into focus.

At its 27 June 2018 meeting Council resolved item 9.3.2 by carrying the following motion:

1. note the results of the recently conducted community consultation; and
2. endorse the Yarrawonga Library Project Steering Committees recommendation to proceed with the development of a new library at the Yarrawonga Town Hall Precinct as described in Option A.

Throughout this year Council has received strong feedback from representatives of user groups of the Community Hall (and kitchen) and some members of the general public who are opposed to the demolition of the community hall. This feedback has recently been formalized and the petition was tabled before Council:

**MOTION**

CRS ED COX / PETER MANSFIELD

That Council:

- Continue to progress the development of a new library in Yarrawonga in line with the motion carried at the Ordinary Council meeting held on 27 June 2018;
- continue to engage with the community on the development of a new library within the Town Hall precinct; and
- inform the first mentioned signatory of the petition of Council's decision

(CARRIED)

*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

**FILE NO: VARIOUS**

**ITEM NO: 14**

**URGENT GENERAL BUSINESS**

Nil

FILE NO: VARIOUS

ITEM NO: 15

**QUESTIONS FROM THE PUBLIC GALLERY**

Questions were raised in relation to:

- Yarrawonga Town Hall and Library Precinct development
- Possibility of Council purchasing the former Yarrawonga Primary School site.
- Maintenance at the Community Hall at Yarrawonga.
- Environmental flows.
- Traffic to Ulupna Island.
- Off street parking for the proposed Yarrawonga Library Precinct.
- Aquatic Facilities Review.

FILE NO: VARIOUS

ITEM NO: 16

**MEETING ADJOURNMENT**

**MOTION**

CRS GARY CLEVELAND / ED COX

That the meeting be adjourned for 10 minutes.

(CARRIED)

The meeting adjourned at 8:11 PM

Mark Henderson, Andrew Close, Simon Rennie, Sally Rice left the meeting and did not return.

**MOTION**

CRS GARY CLEVELAND / PETER LAWLESS

That the meeting be resumed.

(CARRIED)

The meeting resumed at 8:23 PM

**MOTION**

CRS GARY CLEVELAND / ED COX

That pursuant to Sections 89(2) (a) of the Local Government Act, 1989, this meeting of Council be closed to members of the public in order for Council to discuss personnel and contractual matters which the Council considers would prejudice the Council or any person.

(CARRIED)

**MOTION**

CRS KEVIN BOURKE / PETER LAWLESS

That pursuant to Section 89(2) of the Local Government Act 1989, Council resolve to resume the Ordinary meeting in open session.

(CARRIED)

FILE NO: VARIOUS

ITEM NO: 16

**MEETING ADJOURNMENT**

**MOTION**

CRS GARY CLEVELAND / MARIE MARTIN

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

(CARRIED)

**CLOSE OF MEETING**

Meeting closed at 8:26 PM