The meeting commenced at 6:00 pm.

**PRESENT**  
Councillor Libro Mustica (Mayor)  
Councillor Gary Cleveland  
Councillor John Beitzel  
Councillor Kevin Bourke  
Councillor Peter Lawless  
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

1. **CALLING TO ORDER – CEO 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.

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**

   Councillors Wendy Buck and Ed Cox are apologies for tonight’s meeting.

**MOTION**

**CRS GARY CLEVELAND / PETER MANSFIELD**

That Councillors Wendy Buck and Ed Cox apologies for tonight’s meeting 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 GARY CLEVELAND / MARIE MARTIN

"That the minutes of the Ordinary Council Meeting held on Wednesday, 22 November 2017, as prepared, be confirmed."

(CARRIED)

8. COUNCILLOR REPORTS

Councillor Martin reported on her attendance at:
- Secondary Schools Presentations.
- The new Maple Street Park opening.
- Graincorp meeting.
- Neoen Group meeting regarding the solar farm at Wunghnu.

Councillor Bourke reported on:
- The release of the Numurkah Floodplain Management Study for community consultation.
- His attendance at an International Day of People with Disability event at Nathalia.

Councillor Lawless reported on:
- His attendance at an International Day of People with Disability event in Yarrawonga.
- The prompt customer service of Moira Shire Council when dealing with recent issues at Tungamah and Yarrawonga.

Councillor Cleveland reported on his attendance at:
- The Murray River Group of Councils meeting.

Mayor, Councillor Mustica reported on his attendance at a:
- Meeting with the Mayor's from Benalla and Campaspe to work together on common regional issues.

9. OFFICER REPORTS FOR DETERMINATION
Executive Summary

Section 86 of the Local Government Act 1989 (the Act) enables councils to establish special committees, which may be the subject of delegations from the Council. It also recognises the possibility of establishing advisory committees, whose role it is to provide recommendations to the Council, although they do not have any formal delegated powers.

Each year, Councillors are presented with a report which details the current special committees for which Councillor Representation is required. In turn, Councillors are nominated to these special committees for the coming 12 months.

MOTION

CRS MARIE MARTIN / KEVIN BOURKE
That Council appoint Councillor Representatives to Council’s Section 86 Committees; Audit Committee; Moira Advisory Committees; Other Moira Committees and Other Representative Bodies, in accordance with the below lists.

(CARRIED)

Audit Committee
- Moira Shire Council Audit Committee Crs: Cox and Martin

Advisory Committees
- Moira Shire Disability Advisory Committee: Crs: Bourke and Lawless
- Moira Shire Environment Advisory Committee: Crs: Cox and Martin
- Moira Shire Youth Council: Mayor, Crs: Mansfield, Martin and Cleveland
- Moira Shire Local Safety Committee: Crs: Bourke and Martin
- Moira Shire Municipal Public Health & Wellbeing Advisory Committee: Crs: Bourke and Cox
- Moira Shire Multicultural Advisory Committee: Crs: Martin and Cleveland
- Moira Shire Tourism Advisory Committee: Cr Mansfield

Representative Bodies
- Goulburn Broken Greenhouse Alliance: Cr Martin
- Goulburn Valley Community Road Safety: Crs: Bourke and Cox
- Goulburn Valley Regional Library Corporation Board: Cr Cleveland
- Goulburn Valley Waste and Resource Recovery Group: Cr Buck
- Goulburn Valley Highway Bypass Action Group: Mayor
- Lake Mulwala Community Reference Group: Cr Mansfield
- Municipal Association of Victoria: Cr Buck
- Murray River Group of Councils: Mayor
- Murray Darling Association Inc: Cr Mansfield
- Barmah Forest Heritage and Education Centre: Cr Bourke
- Numurkah Flood Study Community Reference Group: Cr Bourke
Section 86 Committees

- Baulkamaugh Recreation Reserve & Community Hall: Cr Martin
- Bundalong Dan Cronin Recreation Reserve & Public Hall: Cr Mansfield
- Cobram Scott Reserve: Cr Cleveland
- Floridan Park Recreation Reserve: Cr Beitzel
- Invergordon Recreation Reserve & Community Hall: Cr Beitzel
- Katamatite Recreation Reserve: Cr Lawless
- Katunga Recreation Reserve & Community Centre: Cr Beitzel
- Koonoomoo Recreation Reserve: Cr Cleveland
- Picola Recreation Reserve: Cr Bourke
- St James Recreation Reserve: Cr Lawless
- Strathmerton Recreation Reserve: Cr Cox
- Tungamah Jubilee Park Recreation Reserve: Cr Lawless
- Waaia Recreation Reserve: Cr Bourke
- Wilby Racecourse & Recreation Reserve: Cr Mansfield
- Wunghnu Recreation Reserve: Cr Martin
- Yalca North Recreation Reserve: Cr Bourke
- Yarrawonga JC Lowe Oval Reserve: Cr Lawless
- Yarroweyah Recreation Reserve: Cr Cox
- Yarrawonga Eastern Foreshor: Cr Mansfield
- Cobram Showgrounds Apex Reserve: Cr Cox
- Nathalia Showgrounds & Recreation Reserve: Cr Bourke
- Numurkah Showgrounds Reserve: Cr Martin
- Yarrawonga Showgrounds Reserve & Victoria Park: Cr Mansfield
- Katamatite Public Hall: Cr Martin
- Lake Rowan Hall: Cr Lawless
- Numurkah Town Hall: Cr Martin
- Picola Public Hall: Cr Bourke
- St James Public Hall: Cr Lawless
- Strathmerton Public Hal: Cr Beitzel
- Wilby Memorial Hall: Cr Mansfield
- Yarroweyah Memorial Hall: Cr Cox
- Cobram Historical Precinct: Cr Cox
- Nathalia Historical Precinct: Cr Bourke
Executive Summary
The Councillor Service Recognition Policy has been drafted for endorsement by Council. This policy will replace the current policy adopted in 2013 and will bring Councillor Service Recognition in line with the Council Staff Service Recognition Policy.

MOTION

CRS PETER LAWLESS / JOHN BEITZEL

That Council adopt the attached Councillor Service Recognition policy.

(CARRIED)
Executive Summary
The Councillor Support, Expense and Professional Development Policy has been drafted for endorsement by Council. This policy will replace the current policy adopted in 2016.

MOTION

CRS PETER MANSFIELD / MARIE MARTIN

That Council adopt the attached draft Councillor Support, Expense and Professional Development Policy.

(CARRIED)
Executive Summary
This report details the Assembly of Councillors for November 2017 and is prepared in accordance with the requirements of the Local Government Act (the Act) 1989 section 80A.

MOTION

CRS KEVIN BOURKE / JOHN BEITZEL

That Council receive and note the attached Records of Assembly of Councillors.

(CARRIED)
Executive Summary
The purpose of the Loan Borrowings policy is to provide guidance on how Council will consider and manage all existing and future loan borrowings to ensure that loan borrowing decisions are made within a sound financial management framework and meet prudential requirements.

MOTION

CRS PETER LAWLESS / GARY CLEVELAND

That Council adopt the revised Loan Borrowings Policy.

(CARRIED)
Executive Summary

This report seeks council’s authorisation to commence the required statutory consultation process to seek community feedback on council’s intention to sell the residential blocks created through the Northern Victoria Finances Ltd/Moira Shire joint venture residential development.

The consultation process seeks community views on council’s intention to dispose of land jointly owned by council and NVFL. The actual sale of land is a separate and subsequent process that may change in response to the feedback received through the consultation process.

Construction of the residential development at Bourke Road Nathalia is expected to commence shortly. The current proposal recommends the development and sale of blocks in stages. Undertaking community consultation for the entire development will maximise the scope of community feedback and minimise administrative delays if the proposal proceeds.

It is proposed that council convene a committee of council comprising two councillors and General Manager Community to hear submissions. The committee of council meeting is open to the public and councillors.

Council will then be asked to consider the proposal, with or without amendment, following consideration of the community consultation feedback.

MOTION

CRS PETER MANSFIELD / KEVIN BOURKE

That Council

1. Authorise the Chief Executive Officer to:
   (a) give public notice of the Council’s intention to sell the land identified as the joint residential development in Venture Court Nathalia (the proposal);
   (b) make the proposal available for public inspection;
   (c) invite submissions in accordance with Section 223 of the Local Government Act 1989; and
   (d) receive submissions until 5pm Thursday 1 February 2018.

2. Convene a Committee of Council comprising Cr Bourke, Cr Martin and General Manager Community, Sally Rice to meet on Wednesday 7 February 2018 from 6pm at the Nathalia Community Centre to hear any person wishing to be heard in support of their written submission;

3. Consider a recommendation to proceed with the proposal with or without amendment at the February Ordinary Council Meeting.

(CARRIED)
Executive Summary

Moira Shire Council has shown a strategic commitment to activities that prevent violence against women and families through:

- the Community Safety Strategy 2016-2019; and
- the draft Municipal Wellbeing for All Ages Strategy 2017 - 2021.

Additionally, Council has undertaken specific activities including:

- forming a subcommittee of the Community Safety Committee for the Prevention of Family and Gender Violence;
- supporting internal events such as White Ribbon Day and 16 Days of Activism of gender based violence;
- officer’s active participation in regional and state Preventing Violence against Women and Families Network Meetings; and

It is proposed to progress Council’s position on domestic and gendered violence through a Community Partnership for Prevention with Women’s Health Goulburn North East (WHGNE). This partnership will include the development of organisational and community action plans detailing agreed primary prevention initiatives and actions to address identified local issues.

MOTION

CRS MARIE MARTIN / PETER LAWLESS

That Council commit to work with Women's Health Goulburn North East to develop an organisational and community ‘Preventing Violence Against Women’ action plan under the provisions of the Community Safety Strategy.

(CARRIED)
ADOPTION OF PLANNING SCHEME AMENDMENT C85 - REZONING OF LAND AT 28 WILLIAM STREET, COBRAM FROM PUBLIC USE ZONE TO COMMERCIAL 1 ZONE AND THE APPLICATION OF THE PARKING OVERLAY TO THE LAND

Executive Summary
The purpose of this report is to consider the Adoption of Moira Planning Scheme Amendment C85.

The land affected by the amendment is part of 28 William Street, Cobram which is occupied by a disused fire station. The lands consist of Lot 1, TP599933N and part of Crown Allotment 33A, Parish of Cobram. The amendment proposes to rezone the subject land from a Public Use Zone (PUZ3) to Commercial 1 Zone (C1Z) and apply Schedule 2 to Clause 45.09 – Parking Overlay.

The applicant is the Country Fire Authority. The rezoning will release for commercial development land no longer required for a public use. The Parking Overlay will reduce the requirements for car parking for future development.

MOTION

CRS PETER LAWLESS / GARY CLEVELAND

That:

1. Having exhibited Planning Scheme Amendment C85 in accordance with Section 19 of the Planning and Environment Act 1987 (The Act), that Council adopt Moira Planning Scheme Amendment C85 as exhibited and in accordance with Section 29 of The Act.

2. In adopting Moira Planning Scheme C85 Council request the Minister for Planning to approve the adopted amendment C85 to the Moira Planning Scheme under Section 31 of The Act.

(CARRIED)
Executive Summary

Planning Permit Application 52017194 is an application for the Realignment of Boundaries on land located at 104 Katunga North Road, Katunga, otherwise known as Lots 1 and 2 on Plan of Subdivision 619264.

This application proposes to create Lot 1 measuring 4.4 hectares and Lot 2 measuring 22 hectares as shown in the submitted plan for endorsement. Lot 1 will be a vacant lot and Lot 2 will reconsolidate a previously excised dwelling.

The subject site is located approximately 500 metres north east from the township of Katunga in the Farming Zone. There are no overlays that control this site and no area of Aboriginal Heritage Cultural Sensitivity.

The proposal was not advertised, as allowed by Section 52 (1A) of the ‘Planning and Environment Act 1987’.

The proposal was referred to Goulburn Murray Water in accordance with Clause 22.03, as a Section 52 referral, as there is a GMW channel that crosses the land. They had no objection and required conditions for any permit issued.

The proposal has been assessed against the provisions of the Moira Planning Scheme and it is considered that the proposal will not produce an acceptable planning outcome with respect to the State and Local Planning Frameworks, the Zone and relevant provisions.

MOTION

CRS PETER LAWLESS / JOHN BEITZEL

That a Notice of Refusal be issued for Planning Permit Application No. 52017194 for the Realignment of Boundaries at 104 Katunga North Road, Katunga (between Lots 1 and 2 on Plan of Subdivision 619264):

1. The proposal does not support the Purpose of the Farming Zone and does not support appropriate decision guidelines.
2. The proposal does not accord with relevant State and Local Planning Policy.
3. The proposal will not produce acceptable outcomes in terms of the decision guidelines of Clause 65.

(CARRIED)
Executive Summary
Planning permit application 52017181 is an application to amend a restriction on the title of Lot 55 on PS703433Y to allow additional buildings to be constructed outside of the building envelope; building envelopes apply to all lots created on Plan of Subdivision PS703433Y. It is proposed to construct a pergola with outdoor kitchen and living area and swimming pool outside of the existing building envelope.

The subject land is located on the northern side of McCulloch Street, Bundalong and adjoins Lake Mulwala to the north. The subject land, and surrounding residential area, is zoned Township and Lake Mulwala and environs are zoned Public Conservation and Resource Zone.

Pursuant to Clause 52.02, Easements, Restrictions and Reserves, a planning permit is required before a person proceeds under Section 23 of the Subdivision Act 1988 to vary a restriction on title.

In considering this application Council must have regards to the interests of affected people as required by Clause 52.02. As such, the application was advertised to all landowners and occupiers affected by the covenant, which included 21 properties. The application was also referred to Goulburn-Murray Water (GMW) in accordance with Section 52 of the Planning and Environment Act 1987 as GMW is the public land manager of the Lake Mulwala foreshore. An objection was received from the owner of 7 McCulloch Street, Bundalong and GMW.

Having considered the objections received it has been determined that the proposed variation will affect the amenity of the adjoining landowner, the public amenity as viewed from the Lake Mulwala foreshore and will impact on the Lake Mulwala environs.

MOTION

CRS PETER MANSFIELD / PETER LAWLESS

That:

A Notice of Refusal be issued for Planning Permit Application 52017181 for a variation to a restriction of the title to build outside of the building envelope as set out in the Covenant on Lot 55 on PS703433Y at 5 McCulloch Street, Bundalong, on the following grounds:

1. The building setback imposed by the restriction on title is consistent with adjoining properties adjacent to the foreshore area. In order to protect public amenity, the foreshore area and Lake Mulwala environs the restriction on title should not be varied.
2. The amendment to the building envelope will affect the amenity of adjoining properties who have an interest in the restriction on title.

(CARRIED)
Executive Summary
A request has been received to consider a Development Plan for a parcel of land that will be subject to a planning permit for a solar farm.

The Development Plan has not been referred or advertised to date, rather, an alternate process is proposed to allow the progression of the planning matters to be considered in an endeavour to meeting time frames of State Government contracts for solar farms.

The proposed Development Plan generally accords with the requirements of the Planning Scheme provisions, therefore, if no objections are received as part of the planning permit application, then the Development Plan should be approved.

MOTION

CRS JOHN BEITZEL / PETER LAWLESS

That Council authorise the Chief Executive Office to approve a Development Plan subject to no objections being received against a planning permit application for a solar farm on the land known as 163 O’Kanes Road, Numurkah.

(CARRIED)

Cr Martin called for a division.

FOR
Cr Beitzel
Cr Cleveland
Cr Lawless
Cr Mustica

AGAINST
Cr Bourke
Cr Mansfield
Cr Martin
Executive Summary
Planning Permit Application 52017193 seeks approval to use and develop land on the foreshore of Lake Mulwala foreshore adjoining 28 Phalaris Lane Bundalong for the purpose of a Jetty. The proposal is to construct a Jetty have dimensions of 9.000 x 2.135 metres, steel construction with a modwood platform. The application was referred to external authorities and advertised to adjoining properties and one objection was received. Mediation did not result in the withdrawal of the objection. The application has been assessed against State and Local Planning Policies, Zone and Overlay provisions and other scheme provisions and consideration of the Planning and Environment Act 1987. The proposed use and development accords with the Planning Scheme, therefore it is recommended that the application be approved.

MOTION

CRS PETER MANSFIELD / KEVIN BOURKE

That Council approve the issue of a Notice of Decision to Grant a Permit for Planning Application No. 52017193 to use and develop land on Lake Mulwala foreshore adjoining 28 Phalaris Lane Bundalong for the purpose of a Jetty, subject to the following conditions:

(1) Prior to the commencement of the development, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:

   (a) The jetty located 5 metres from the extended western boundary of 28 Phalaris Lane;
   (b) The jetty oriented at 90 degree to the foreshore.

(2) The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.

(3) No native vegetation must be removed.

(4) Works are to be carried out with minimum impact on the riparian edge.

(5) Public access is not to be restricted along the foreshore by any means either during or post construction.

(6) This permit will expire if one of the following circumstances applies:

   (a) The development and use is/are not started within two years of the date of this permit.
   (b) The development is not completed within two years of the date of commencement.

The Responsible Authority may extend the periods referred to if a request is made in writing before or within 6 months after the expiry of the permit where the development has not yet started, or within 12 months where the development has commenced.

(CARRIED)
MOTION

CRS KEVIN BOURKE / PETER LAWLESS

That Council receive and note the Action Officers' List.

(CARRIED)

11. NOTICES OF MOTION

NIL

12. PETITIONS AND JOINT LETTERS

NIL

13. COUNCIL SEAL

NIL
MOTION
CRS PETER MANSFIELD / KEVIN BOURKE
That urgent business in relation to the use of B- Double trucks using local roads be considered.
(CARRIED)

MOTION
CRS PETER LAWLESS / JOHN BEITZEL
That Moira Shire work with the National Heavy Vehicle Regulator and Vic Roads to open up more of our local road network to B Double trucks for local low volume traffic particularly in the dry land cropping areas.
(CARRIED)
Questions were raised in relation to:
- Sealing of Ulupna Bridge Road.
- Impact on roads by B-double trucks.
MOTION

CRS PETER MANSFIELD / JOHN BEITZEL

That the meeting be adjourned for 5 minutes.

(CARRIED)

The meeting adjourned at 6:57 PM

MOTION

CRS PETER MANSFIELD / GARY CLEVELAND

That the meeting be resumed.

(CARRIED)

The meeting resumed at 7:04 PM

MOTION

CRS GARY CLEVELAND / PETER LAWLESS

That pursuant to Sections 89(2) (a) (d) (f)and (h) 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 / MARIE MARTIN

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

(CARRIED)

MOTION

CRS GARY CLEVELAND / MARIE MARTIN

That the recommendations of the "Closed" Meeting of Council be adopted and the award of tenders and grants disclosed in the open minutes.

(CARRIED)
17.1 17029/SD1 - STREET AND DRAINAGE STAGE 1 SUBDIVISION WORKS, CREEKSIDE ESTATE BOURKE RD NATHALIA

Mawson Constructions Pty Ltd

17.2 C008/18 - JC LOWE OVAL, YARRAWONGA - ENTRY ROAD UPGRADE

Judd & Sons Pty Ltd

17.3 C009/18 - SUPPLY AND DELIVERY OF ONE 4M3 CREW CAB TIP TRUCK

Adtrans Australia Pty Ltd t/a Whitehorse Truck and Bus

17.4 COMMUNITY STRENGTHENING GRANTS 2017/18 - ROUND 1

Minor Grants

- Cobram Community House - The Resilience Project
- Lake Mulwala Angling Club - Annual Fishing Competition
- Goulburn Murray Jersey Breeders Club - 60th Anniversary Celebration
- Cobram Barooga RSL Sub-Branch Portable Public Address System
- Waaia Tractor Pull Committee - Waaia Tractor Pull 2018
- Nathalia Golf Club - Golf Course Equipment Upgrade
- Providing All Living Supports Inc (PALS - Health and Wellbeing Pilot Program
- Invergordon Katandra Pony Club - Waterwise – Fresh Water project

Major Grants

- Cobram District Harness Racing Club - Walking Path and Stage Area
- Waaia Cricket Club - New Cricket Pitch Roller
- Movies at Numurkah Film Society - Retractable Screen
- Nathalia Lawn Tennis Club - Renovation of kitchen facilities
- Nathalia Recreation Reserve Committee of Management - Kitchen and Office Upgrade
- Tungamah Bowls Club - Installation of Watering System

Meeting Closed
7:21 PM