



## MINUTES

ORDINARY MEETING OF COUNCIL HELD AT CIVIC  
CENTRE, PUNT ROAD COBRAM,  
WEDNESDAY 17 APRIL 2019

The meeting commenced at 5:02 PM

**PRESENT** Councillor Libro Mustica (Mayor)  
Councillor Peter Lawless (Deputy Mayor)  
Councillor Ed Cox  
Councillor John Beitzel  
Councillor Kevin Bourke  
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

- Councillor Buck has previously requested leave of absence for this meeting.
- Councillor Martin requested a leave of absence for the 22 May 2019 Council Meeting.

**MOTION**

CRS PETER LAWLESS / GARY CLEVELAND

That Councillor Martin's request for 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**

Councillor Mustica declared a conflict of interest in item 9.2.3 being a direct interest.

**7. CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

**MOTION:**

CRS JOHN BEITZEL / GARY CLEVELAND

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

(CARRIED)

**8. COUNCILLOR REPORTS**

- Councillor Martin reported on her attendance at the Moira Shire Local Safety Committee Meeting and the presentation from Koori Court.
- Councillor Lawless reported on his attendance at the Lake Rowan Anzac Day ceremony, meeting with Tanya Maxwell, Member for Northern Victoria, public transport in Victoria, Tungamah netball court stands, and the amount of people utilising sporting facilities across the Shire.
- Councillor Bourke advised that the streetlights in Nathalia have been repaired, also reported on his attendance at the Moira Shire Local Safety Committee Meeting and the presentation from Koori Court, the installation of the 60kph speed limit signs at Strathmerton and the plight of the brumbies in the Barmah National Park.
- Councillor Cleveland reported on the success of the Multicultural Festival.
- Councillor Mansfield reported on the completed works at the Lynch Street toilet block.
- Councillor Mustica reported on his attendance at the Sustainable Economic Growth for Regional Australia (SEGRA) conference launch.

**9. OFFICER REPORTS FOR DETERMINATION**

FILE NO: F18/551  
4. SMARTER DELIVERY OF SERVICES AND  
PROGRAMS

ITEM NO: 9.2.1

## MOIRA SHIRE COUNCIL DRAFT BUDGET 2019/20 AND 2019-2023 STRATEGIC RESOURCE PLAN

### Executive Summary

This report requests council's approval to seek community feedback on the draft 2019/20 Budget and the draft Strategic Resource plan 2019-2023 through the community consultation process required under the Local Government Act 1989 (Section 223).

If approved,

- The draft 2019/20 budget will be available for public inspection at Council service centres and on council's website from **Wednesday 24 April 2018**.
- Members of the community will be invited to view and make written submissions on the draft Budget by **5pm Thursday 23 May 2019**.
- If required, a committee of council meeting will meet on **Wednesday 29 May 2018** to hear any person who has indicated in their written submission that they would like to speak in support of their submission on the draft 2019/20 Budget, and
- Council will consider the submissions before considering a recommendation to adopt the draft 2019/20 budget with or without amendments at the Special Council Meeting to be held at **Wednesday 12 June 2019**.

The timelines should ensure council fulfils its obligation to adopt the annual budget by 30 June 2019.

The draft Budget 2019/20 and Strategic Resource Plan 2019-2023 will be provided to council under separate cover prior to the meeting and tabled at the meeting.

### MOTION

CRS ED COX / MARIE MARTIN

That Council:

1. Accept the draft 2019/20 Budget
2. Accept the draft Strategic Resource Plan
3. Authorise commencement of the statutory (S223) community consultation process for the draft budget and strategic resource plan as described in the Local Government Act 1989 and in doing so
  - Receive written submissions until 5pm Thursday 23 May 2019.
  - If required, convene a Committee of Council comprising all available councillors to meet at 5pm Wednesday 29 May 2019 to hear any person wishing to be heard in support of their submission.
  - Schedule a Special Council Meeting at 5pm Wednesday 12 June 2019 to consider

(CARRIED)

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

ITEM NO: 9.2.2

## QUARTERLY BUDGET REVIEW - MARCH 2019

### Executive Summary

#### Income Statement

There has been an increase in the forecast budget from a deficit of \$1.03 million in the Approved December 2018 forecast to a deficit of \$1.63 million in the March 2019 forecast. The increase is mainly due to timing differences in Capital Grants budgeted in 2018/19 being reforecast to 2019/20 following reassessment of ability to complete existing works program within the current financial year; the movements 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 March 2019 is \$19.41 million this is an increase of \$0.07 million on the Approved December 2018 forecast \$19.36 million. This is mainly due to completion of 2017/18 funded capital works projects and a reassessment of ability to complete existing works program within the current financial year.

#### Financial Performance indicators

All Financial performance indicators remain within an acceptable range.

### MOTION

CRS KEVIN BOURKE / GARY CLEVELAND

1. That Council notes the projections for the 2018/19 financial year contained in the March 2019 Quarterly Budget Review.
2. That Council notes the Environment Upgrade Agreements quarterly performance report.

(CARRIED)

FILE NO: F  
4. A WELL RUN COUNCIL

ITEM NO: 9.2.3

## **PROPOSAL TO DISCONTINUE AND SELL A SECTION OF ROAD RESERVE ALONGSIDE HAY AVENUE COBRAM**

**Cr Mustica left the meeting at 5:29 PM due to his previously disclosed conflict of interest. Deputy Mayor, Cr Lawless took the Chair.**

### **Executive Summary**

This report requests Council's authorisation for the Chief Executive Officer to proceed with the proposal to:

- discontinue a road reserve alongside Hay Avenue Cobram, and
- sell a portion of land (triangle shaped parcel) to the adjoining land owner.

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.

The community consultation process concluded on 4 April and Council did not receive any submission on this proposal.

It is recommended Council proceed with this proposal to discontinue the road reserve and authorise the Chief Executive Officer to sell the land by private treaty to the adjoining landholder for the price determined by the independent valuation in accordance with section 189 of the Local Government Act 1989.

### **MOTION**

CRS ED COX / GARY CLEVELAND

That Council:

1. Discontinue the road reserve alongside Hay Avenue Cobram.
2. Authorise the Chief Executive Officer to sell the land to the adjoining landholder and to complete the associated contractual and administrative processes.

(CARRIED)

**Cr Libro Mustica return to the Meeting and the Chair at 5:32 PM.**

FILE NO: F19  
4. A WELL RUN COUNCIL

ITEM NO: 9.2.4

**VEC LOCAL GOVERNMENT ELECTORAL REPRESENTATION REVIEW -  
PRELIMINARY REPORT SUBMISSION**

**Executive Summary**

This report seeks council's formal endorsement of the submission prepared in response to the Preliminary Report released by the Victorian Electoral Commission as the second stage in its Local Council Representation Review for the Moira Shire.

The VEC's Preliminary Report recommends

- no change to Moira Shire's current number of councillors – 9 councillors
- no change to the electoral structure of the council - unsubdivided

After considering the information and analysis provided in the Preliminary Report it is recommended that council's submission endorse the VEC's recommendations.

**MOTION**

CRS MARIE MARTIN / ED COX

That council authorise a submission to be presented to the VEC that

1. Expresses council's support for the Preliminary Report's recommendations
2. Requests the opportunity to speak to our submission at the public hearing to be held 6pm Wednesday 8 May 2019 in Cobram
3. Authorises the CEO to take the necessary administrative steps to ensure the submission is received by the VEC by 1 May 2019 via the online submission process.
4. Nominates the Mayor and Deputy Mayor to present on behalf of council at the public hearings.

(CARRIED)

*Cr Peter Mansfield called for a division.*

**FOR**

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

**AGAINST**

Cr Mansfield

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

ITEM NO: 9.2.5

## ASSEMBLIES OF COUNCIL

### Executive Summary

This report details the Assembly of Councillors for 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: F15/257  
2. A THRIVING LOCAL ECONOMY

ITEM NO: 9.4.1

**AMENDMENT TO A DEVELOPMENT PLAN - 3479 MURRAY VALLEY HIGHWAY  
COBRAM**

**Executive Summary**

A request has been received to amend an approved Development Plan for a parcel of land on the south side of Murray Valley Highway, Cobram. The proposed amendment is to delete the aged care facility or similar, reduce the number of residential lots and modify the subdivision and design layout.

The Development Plan was advertised for comment and two submissions were received.

The Development Plan was referred and no objections have been received.

The Development Plan Amendment satisfies the requirements of the Development Plan Overlay of the Planning Scheme.

It is recommended that the Amendment to Development Plan for 3479 Murray Valley Highway Cobram be approved.

**MOTION**

CRS ED COX / GARY CLEVELAND

That Council approve the amendment to the Development Plan for 3479 Murray Valley Highway Cobram (Ref: M3188 ODP Revision 13).

(CARRIED)



FILE NO: C018/19  
4. A WELL RUN COUNCIL

ITEM NO: 9.4.2

## C018/19 - CONSTRUCTION OF DRAINAGE UPGRADES, YARRAWONGA

### Executive Summary

Moira Shire Council invited submissions from suitably qualified organisations or individuals to construct the drainage improvement works for Anchorage Way, Fields Avenue, Fiona Drive and Lakeviews Circuit, Yarrowonga.

After consideration of the tender submissions, the evaluation panel recommends that all parts of contract C018/19 be awarded to Cartwright Civil Contracting Pty Ltd as per the tendered lump sum.

### MOTION

CRS PETER LAWLESS / PETER MANSFIELD

That Council:

1. Award the lump sum contract C018/19 to Cartwright Civil Contracting Pty Ltd.
2. Allocate an additional \$200,000 from Council reserves toward the project budget in the Council's 2019/2020 Capital Works Budget.
3. Authorise the Chief Executive Officer to sign and seal the contract documents.

(CARRIED)

FILE NO: C014/19  
4. A WELL RUN COUNCIL

ITEM NO: 9.4.3

## C014/19 - GATEWAY SIGNAGE PROJECT

### Executive Summary

Moira Shire Council invited submissions from suitably qualified organisations or individuals to fabricate and install Gateway and Township Signage at various locations within the Moira Shire local government area.

Tenderers were provided with a broad framework of signage designs and size options and were required to submit their schedule of rates for each option.

After consideration of the submissions, the evaluation panel recommends that Croz Pty Ltd ATF Aloï Family Trust & Brabner Family Trust Partnership T/A Sign Express be appointed as the preferred tenderer for all parts of contract C014/19 – Gateway Signage Project.

### MOTION

CRS KEVIN BOURKE / MARIE MARTIN

That Council:

1. Authorise the Chief Executive Office to undertake negotiations with the preferred tenderer, Croz Pty Ltd ATF Aloï Family Trust & Brabner Family Trust Partnership T/A Sign Express to achieve a best value outcome and award contract C014/19 – Gateway Signage Project.
2. Following negotiations, authorise the Chief Executive Officer to sign and seal the contract documents.

(CARRIED)

FILE NO: C016/19  
4. A WELL RUN COUNCIL

ITEM NO: 9.4.4

## **C016/19 - FORGES PUMP LANE INTERSECTION UPGRADE, YARRAWONGA**

### **Executive Summary**

Moira Shire Council invited submissions from suitably qualified organisations or individuals for the upgrade of the intersection of Forges Pump Lane and Murray Valley Highway, Yarrowonga.

Works under contract include the widening of the road pavement, sealing, line marking, signage and associated drainage. The intersection will continue to be used throughout the contract period.

The contractor must be appropriately registered with VicRoads.

After consideration of the tender submissions, the evaluation panel recommends that contract C016/19 - Forges Pump Lane Intersection Upgrade, Yarrowonga be awarded to Bitu-Mill (Civil) Pty Ltd.

### **MOTION**

CRS PETER MANSFIELD / PETER LAWLESS

That Council:

1. Award Contract C016/19 – Forges Pump Lane Intersection Upgrade, Yarrowonga to Bitu-Mill (Civil) Pty Ltd.
2. Authorise the Chief Executive Officer to sign and seal the contract documents.

(CARRIED)

**FILE NO: F17/235  
4. A WELL RUN COUNCIL**

**ITEM NO: 10.1**

**ACTION OFFICERS' LIST**

**MOTION**

CRS GARY CLEVELAND / PETER LAWLESS

That Council receive and note the Action Officers' List.

(CARRIED)

**10. NOTICES OF MOTION**

NIL

FILE NO: F13/860-3 1. A GREAT PLACE TO LIVE	ITEM NO: 12.1
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**PETITION - ROAD SAFETY AT PUNT ROAD AND GREGORY STREET  
INTERSECTION, COBRAM****Executive Summary**

A petition has been received regarding road safety in Punt Road at the Gregory Street Intersection in the vicinity of the Punt Road Kindergarten & Childcare Centre.

The petition is requesting Council to consider installing a pedestrian crossing in Punt Road and also the use of the vacant block abutting the Kindergarten as a car park for dropping off and picking up children as a means of improving safety for all pedestrian and road users.

A pedestrian crossing is a major traffic control item under the Road Safety (Traffic Management) Regulations 2009 and require the consent of Regional Roads Victoria (RRV, formally Vicroads). In seeking approval from RRV to install a new crossing, Council officers must demonstrate certain warrants have been met.

Council Officers will also investigate the use of the vacant block as a car park including assessing construction costs for all associated works is required for providing a safer entrance to the Kindergarten.

The results of the investigations including construction cost estimates will be reported to Council for budget consideration.

**MOTION**

CRS GARY CLEVELAND / ED COX

That Council:

1. Thank the petitioners for their work and advise the authors of the attached letter with the petition, of Council's decision,
2. Undertake investigations to determine whether the warrants for the installation of a pedestrian crossing in Punt Road are met.
3. Undertake investigations regarding the development and ongoing use of the vacant block as a car park to facilitate a safer entrance to the Punt Road Kindergarten & Childcare Centre including assessing construction costs for all associated works.

(CARRIED)

**11. COUNCIL SEAL**

NIL

**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:

- Council's proposed fees and charges.
- Proposed Yarrawonga Library option four design floor plan.
- Publishing the minutes of the Yarrawonga Library Committees via Council's website.
- If council had been contacted for its 'first right of refusal' for the former Yarrawonga Primary School site.
- Regional Roads in Moira Shire.
- Advocacy for the shire on the Murray Darling Basin Plan.
- The poor visibility of the meeting PowerPoint.

**12. CLOSE OF MEETING**

Meeting closed at 6:06 PM.