



MINUTES

ORDINARY MEETING OF COUNCIL HELD AT CIVIC
CENTRE, PUNT ROAD COBRAM,
WEDNESDAY 26 JUNE 2019

The meeting commenced at 5:00 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 Mansfield requested a leave of absence from 16 July to 24 August 2019.

MOTION

CRS ED COX / GARY CLEVELAND

That Cr Mansfield's request for leave of absence be granted.

(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 JOHN BEITZEL / GARY CLEVELAND

"That the minutes of the Ordinary Council Meeting held on Wednesday, 22 May 2019 and the minutes of the Special Meeting of Council held on Wednesday, 12 June 2019, as prepared, be confirmed."

(CARRIED)

8. COUNCILLOR REPORTS

- Cr Bourke reported on the works at Stewart Bridge Road.
- Cr Mansfield reported on his attendance at the National General Assembly held in Canberra.
- Cr Martin reported on her attendance at a Youth Council tour and the Cranlana Executive Colloquium.
- Cr Lawless reported on his attendance at the Yarrawonga Community Hall 60th birthday celebration, the electoral review and the increased number of pelicans in Yarrawonga.
- Cr Cleveland reported on his attendance at a Refugee Week event.
- The Mayor acknowledged Cr Mansfield's effort as Chair of region 2 of the Murray Darling Association for two years and presented him with a plaque.

9. OFFICER REPORTS FOR DETERMINATION

FILE NO: 1
4. A WELL RUN COUNCIL

ITEM NO: 9.1.1

APPOINTMENT OF ACTING MAYOR

Executive Summary

The Mayor and Deputy Mayor will both be partaking in a delegation of Council during August 2019 to Varapodio in Reggio Calabria, Italy. During this time Council is required to appoint an Acting Mayor to perform any duties required, perform any function or exercise any power conferred on the Mayor.

MOTION

CRS ED COX / GARY CLEVELAND

That Council appoint Cr John Beitzel as Acting Mayor from 1 August 2019 to 24 August 2019 inclusive, to perform any function or exercise any power conferred on the Mayor during this time.

(CARRIED)

Cr Kevin 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: F17/620
4. A WELL RUN COUNCIL

ITEM NO: 9.2.1

REVIEW OF 2017-2021 COUNCIL PLAN

Executive Summary

The Council Plan is required to be reviewed annually to consider whether the current plan requires any adjustment in respect of the remaining period of the Council Plan.

The Council Plan was adopted in June 2017 following extensive involvement by councillors and management, and community consultation. The plan commenced July 2017 and continues through to June 2021.

The Council Plan remains current and continues to reflect the priorities of Council and does not require material amendments. There are a couple of administrative amendments recommended to reflect the current mayor.

MOTION

CRS ED COX / KEVIN BOURKE

That Council endorse that the 2017-2021 Council Plan continues to reflect the priorities of Council and does not require material amendment.

(CARRIED)

FILE NO: F17/1128
4. A WELL RUN COUNCIL

ITEM NO: 9.2.2

2019/20 RENEWAL INSURANCE

Executive Summary

Procurement Australia were appointed in August 2018 to undertake a public tender on behalf of Moira Shire Council and eight other Victorian Councils for the provision of insurance broking and risk management services.

While two tenders were received, the overall result of the tender did not provide the best value solution for Council. One tender provided comparable services and premiums to the current level but with significantly reduced cover for bridges, artwork and flood. The other tender provided renewal premiums for Council's insurance portfolio which were almost double the current cost.

With the tender set aside, Council's current broker, Jardine Lloyd Thompson (JLT), were requested to provide 2019/20 renewal terms for Council's insurance portfolio. As the premium for Industrial Special Risks ISR/Property insurance exceeds the Chief Executive Officer's financial delegation, a Council resolution is sought to accept the proposal for this insurance JMAPP.

MOTION

CRS WENDY BUCK / ED COX

That Council:

1. Place the 2019/20 Industrial Special Risks (ISR) Insurance with Jardine Lloyd Thompsons Municipal Asset Protection Plan (JMAPP).
2. Authorise the Chief Executive Officer to sign the 2019/20 insurance renewal documents.

(CARRIED)

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

ITEM NO: 9.2.3

ASSEMBLIES OF COUNCIL

Executive Summary

This report details the Assembly of Councillors for May 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: F13/858
4. A WELL RUN COUNCIL

ITEM NO: 9.2.4

PROPOSAL TO DISCONTINUE AND SELL ORR STREET LANEWAY YARRAWONGA

Executive Summary

This report seeks council approval to proceed with the proposal to discontinue the laneway and 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.

The community consultation process concluded on 6 May 2019 and one submission was received.

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 landholders for the price determined by the independent valuation in accordance with section 189 of the Local Government Act 1989.

MOTION

CRS PETER MANSFIELD / ED COX

That Council:

1. Resolves to discontinue the road reserve behind properties 34-42 Orr Street Yarrawonga.
2. Authorise the Chief Executive Officer to sell the land to the adjoining landholders and to complete the associated contractual and administrative processes.

(CARRIED)

FILE NO: F18/503
1. A GREAT PLACE TO LIVE

ITEM NO: 9.3.1

EQUITY READY PROJECT OVERVIEW

Executive Summary

Under the Victorian Government's Free from Violence prevention strategy, Moira Shire Council was one of 35 Victorian local governments who were successful in securing project funding to deliver a best-practice workplace prevention program. The Equity Ready project aims for Council's workplace to be an inclusive environment that promotes and supports gender equality.

This report provides an overview of, and seeks Council support for, the strategic aims and activities required to achieve objectives of the Free from Violence program. These activities are based on the 'Workplace Equality and Respect Standards'. These standards recognise that best practice in effective workplace prevention requires:

- strong leadership endorsement;
- supportive governance structures; and
- a workplace culture that consciously seeks and supports equality and respect.

MOTION

CRS ED COX / WENDY BUCK

That Council note the strategic aims of the Equity Ready project.

(CARRIED)

FILE NO: D19/28024
2. A THRIVING LOCAL ECONOMY

ITEM NO: 9.3.2

MOIRA SHIRE ECONOMIC DEVELOPMENT STRATEGY 2019-2023

Executive Summary

The creation of a new Economic Development Strategy is one of the main Council Plan 2017-2020 actions to ensure Moira Shire has “A thriving local economy”.

The Economic Development Strategy is being developed in three stages as follows:

1. Draft Strategy Preparation - September 2018 to May 2019
2. Draft Strategy Public Consultation - June to July 2019
3. Final Strategy Adoption - August 2019

The draft strategy builds on the existing strengths of the local economy while seeking to exploit new opportunities. It incorporates a synthesis of data, analysis, opinions and findings from:

- a review of the achievements and lessons learned from Council’s previous Business and Innovation Strategy 2014-2017
- 30 individual and collective structured-interviews with Moira Shire Councillors, managers and staff
- 20 individual and collective structured-interviews with members of the Moira Shire’s five Business and Tourism Advisory Committees and key stakeholders
- the Moira Shire Economic Analysis, Urban Enterprise Report 2016, which included over 30 stakeholder interviews and 51 online survey responses
- Moira Shire’s population and employment forecasts and economic gap analysis, undertaken in 2019 by Remplan consultants, which update the Urban Enterprise Report
- a review of a wide range of relevant economic, social and environmental reports
- outcomes from a range of internal and external workshops
- a review of a range of relevant Economic Development Strategies by other Councils and regional organisations.

This report seeks Councils approval for the draft “Economic Development Strategy 2019-2023”, (Attachment 1) to be made available to the public and for the stage 2 consultation to commence.

MOTION

CRS KEVIN BOURKE / MARIE MARTIN

That Council approves the draft strategy document to go out for public consultation.

(CARRIED)

FILE NO: 00
3. A CLEAN GREEN ENVIRONMENT

ITEM NO: 9.3.3

EXPANSION OF KERBSIDE ORGANICS SERVICE

Executive Summary

At the April 2014 Ordinary Meeting Council resolved to “approve the implementation of a full organic kerbside service for the residential areas of the four major towns of Cobram, Nathalia, Numurkah and Yarrawonga based on a full cost recovery model”.

The introduction of this kerbside organic service (KOS) in December 2014 has been very successful. The service has collected 11,5000 tonnes of organic material which has been converted to valuable compost and has reduced the volume of household waste sent to landfill by approximately 5,500 tonnes.

As well as effectively removing waste from landfill the service has operated at a contamination rate below 1% which has reset the industry benchmark. The KOS received a Premiers sustainability award (Government Category) in 2015 and in that same year was also a finalist in the National Banksia environmental sustainability awards.

Since 2015 Council has endorsed a new Council Plan, Environment Sustainability Strategy, Waste Services and Management Strategy and Kerbside Waste, Recycling and Collection Policy. These Strategic and Policy documents support the expansion of the KOS beyond the initial service routes.

This report recommends that the KOS be expanded to townships and areas within the current serviced areas that do not yet receive the service. The suggested implementation of this recommendation would be via a two stage expansion as follows:

- Unserviced areas of Cobram, Numurkah and Yarrawonga plus Tungamah during the first week of September 2019; and
- Barmah, Bundalong, Katamatite, Katunga, Picola, St James, Strathmerton, Waaia Wilby, Wunghnu and Yarroweyah during the first week of October 2019.

MOTION

CRS WENDY BUCK / PETER LAWLESS

That Council endorses a compulsory expansion of the Kerbside Organics Service (KOS) to:

- Barmah, Bundalong, Katamatite, Katunga, Picola, St James, Strathmerton, Waaia Wilby, Wunghnu, Yarroweyah, Tungamah and the currently unserviced areas of Cobram, Numurkah and Yarrawonga.

(CARRIED)

FILE NO: XYZ
4. A WELL RUN COUNCIL

ITEM NO: 9.4.1

**TERMS OF REFERENCE FOR THE UPPER BROKEN & BOOSEY CREEK FLOOD
STUDY PROJECT STEERING COMMITTEE**

Executive Summary

Council was successful with the Benalla Rural City Council, the Goulburn Broken Catchment Management Authority (GBCMA) and the Victorian State Emergency Service (VicSES) in obtaining a \$180,000 grant from the Federal and State governments to undertake a flood study of the upper Broken Creek and Boosey Creek catchments.

In looking to access the knowledge within the community of past flood behaviour within the catchment it is proposed to form a project steering committee to be available for the yet to be appointed consultants to provide input and feedback on the findings of the study.

The terms of reference for the committee are attached for Council's endorsement and following which, an expression of interest process will be conducted to appoint members of the community to the six positions available on the committee.

MOTION

CRS ED COX / PETER LAWLESS

That Council: endorse the terms of reference for Upper Broken & Boosey Creek Flood Study Project Steering Committee and commence the process to recruit the community members.

(CARRIED)

FILE NO: F13/860-3
2. A THRIVING LOCAL ECONOMY

ITEM NO: 9.4.2

SEALING OF RILEY STREET, COBRAM

Executive Summary

Council at its Ordinary Meeting held on the 28th November 2018 considered the joint letter received from the property owners in Riley Street requesting for the upgrade of Riley Street, Cobram, to an asphalt sealed surface standard and resolved to conduct a survey of the property owners' willingness to participate in a Special Charge Scheme to fund the upgrade works.

A survey of the property owners has since been conducted. Based on the results of the survey and follow up information session with Council Officers, the abutting property owners have expressed that they do not support an implementation of a Special Charge Scheme to upgrade Riley Street to a sealed road standard.

The property owners have expressed that their preferred treatment is to have the road reshaped and resheeted with a layer of hill gravel and a granitic sand surface to provide dust control and a turning point for trucks provided at the end of the street. Works that are normally associated with Council's annual Gravel Road Resheet Program that is funded by Council under its capital works program.

Council's Asset Database has listed the condition rating for Riley Street road pavement as poor and is due for a resheet under the Council's Gravel Road Resheet Program.

Council's 2019/20 Capital Works Budget for Gravel Road Resheet Program has a forecast allocation of \$500,000 funded by the Federal Government's Roads to Recovery Program. It is recommended that the resheeting of Riley Street at an estimated cost of \$53,000 be included under this program for 2019/20.

MOTION

CRS ED COX / GARY CLEVELAND

That Council:

1. Include the resheeting of Riley Street at an estimated cost of \$53,000 under its 2019/20 Capital Works Program for Gravel Road Resheets.
2. Thank the respondents to the survey regarding the upgrade of Riley Street for their time and effort in replying to the survey.

(CARRIED)

FILE NO: F13/604
2. A THRIVING LOCAL ECONOMY

ITEM NO: 9.4.3

**APPROVAL OF A DEVELOPMENT PLAN - 8308 MURRAY VALLEY HIGHWAY,
BATHUMI**

Executive Summary

A request has been received from North East Survey Design to approve a Development Plan for a parcel of land on the north side of the Murray Valley Highway, Bathumi.

The Development Plan was advertised for comment and received one submission.

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

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

It is recommended that the Development Plan for 8308 Murray Valley Highway, Bathumi, be approved.

MOTION

CRS PETER MANSFIELD / PETER LAWLESS

That Council approve the Development Plan for 8308 Murray Valley Highway, Bathumi (Prepared by North East Survey Design reference T1010, Version 16 and dated 16 October 2018).

(CARRIED)

FILE NO: C025/19
4. A WELL RUN COUNCIL

ITEM NO: 9.4.4

C025/19 - PUBLIC TOILET UPGRADE - BANK STREET, YARRAWONGA

Executive Summary

Moira Shire Council invited submissions from suitably qualified organisations or individuals for the construction of a Public Toilet Block including a Changing Places Facility in Bank Street, Yarrawonga.

After consideration of the submissions received, including price and all specification requirements, the evaluation panel recommends that Contract C025/19 be awarded to Kennedy Builders Pty Ltd.

MOTION

CRS WENDY BUCK / ED COX

That Council:

1. Award Contract C025/19 – Public Toilet Upgrade, Bank Street, Yarrawonga to Kennedy Builders Pty Ltd.
2. Authorise the Chief Executive Officer to sign and seal the contract documents.

(CARRIED)

FILE NO: 5/2017/204
1. A GREAT PLACE TO LIVE

ITEM NO: 9.4.5

**SEEKING APPROVAL FOR COMBINED PLANNING SCHEME AMENDMENT C88
AND PLANNING PERMIT APPLICATION 5/2017/204 FOR 2-4 COLGAN
STREET, COBRAM**

Executive Summary

An application has been received from Tipalea Partners Pty Ltd, to combine a Planning Scheme Amendment C88 to rezone the land at 2-6 Colgan Street, Cobram from a Commercial 2 Zone to a Commercial 1 Zone together with a concurrent application (Planning Permit Application 5/2017/204) for buildings and works associated with two supermarkets, shops and a medical centre, together with a variation of an easement, removal of native vegetation and creation of access to a road in a Road Zone Category 1.

The Section 96A Amendment has undergone consultation which resulted in four (4) submissions opposing or seeking alterations with the proposal subsequently considered at an independent Planning Panel. Planning Panels Victoria have recommended Council abandon the Amendment.

It is considered there are inconsistencies with the independent Panel Report and there is sufficient strategic planning policy and economic evidence to support the proposal and it is therefore recommended Council seek approval for the Amendment from the Minister for Planning.

MOTION

CRS ED COX / GARY CLEVELAND

That Council:

- Notes the findings and recommendations of the Panel appointed to consider Amendment C88 to the Moira Planning Scheme, documented in the Panel Report dated 3 June 2019, at Attachment 1 to this report.
- Adopt Amendment C88 with changes, as outlined in the attached Panel Report documentation, pursuant to Section 29(1) of the Planning and Environment Act 1987.
- Submits Amendment C88 to the Moira Planning Scheme to the Minister for Planning for approval, pursuant to Section 31(1) of the Planning and Environment Act 1987.
- Delegates the Planning Coordinator to finalise Amendment C88, in accordance with Council's resolution and to make any administrative changes required, including any corrections to the documentation.
- Notifies all submitters of Council's decision and of the Minister's decision on Amendment C88 to the Moira Planning Scheme, once received.

(CARRIED)

Cr Martin called for a division.

FOR

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

AGAINST

Cr Bourke
Cr Mansfield
Cr Martin

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

ITEM NO: 10.1

ACTION OFFICERS' LIST

MOTION

CRS PETER MANSFIELD / GARY CLEVELAND

That Council receive and note the Action Officers' List.

(CARRIED)

10. NOTICES OF MOTION

NIL

11. PETITIONS AND JOINT LETTERS

NIL

12. COUNCIL SEAL

NIL

FILE NO: VARIOUS

ITEM NO: 14

URGENT GENERAL BUSINESS

MOTION

CRS PETER LAWLESS / KEVIN BOURKE

That urgent business in relation to a conference concerning the Murray Darling Basin be considered.

(CARRIED)

MOTION

CRS PETER MANSFIELD / WENDY BUCK

That Council assist any Councillors to attend the Moira to Mildura conference at Euston Club on Thursday 11 July 2019.

(CARRIED)

FILE NO: VARIOUS

ITEM NO: 15

QUESTIONS FROM THE PUBLIC GALLERY

Questions were raised in relation to:

- VPA Yarrawonga 2050 consultation
- Yarrawonga Primary School Assessment
- Yarrawonga Library Surveys
- Barmah Brumbies
- Budget submissions
- Jobs advertised

FILE NO: VARIOUS

ITEM NO: 16

MEETING ADJOURNMENT

MOTION

CRS ED COX / GARY CLEVELAND

That the meeting be adjourned for 10 minutes.

The meeting adjourned at 6:30 PM

(CARRIED)

MOTION

CRS WENDY BUCK / GARY CLEVELAND

That the meeting be resumed.

The meeting resumed at 6:42 PM

(CARRIED)

MOTION

CRS WENDY BUCK / GARY CLEVELAND

That pursuant to Sections 89(2) (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 / GARY CLEVELAND

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.

(CARRIED)

CLOSE OF MEETING: 6:48 PM