



MINUTES

ORDINARY MEETING OF COUNCIL HELD AT
YARRAWONGA TOWN HALL, BELMORE STREET
YARRAWONGA,
WEDNESDAY 27 NOVEMBER 2019

The meeting commenced at 6:00 pm.

PRESENT

- Councillor Libro Mustica (Mayor)
- Councillor Peter Lawless (Deputy Mayor)
- Councillor John Beitzel
- 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 |
| Nany Mustica | Senior Governance Officer |

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 Bourke and Cr Cox are apologies for tonight's meeting.

MOTION

CRS GARY CLEVELAND / PETER MANSFIELD

That Cr Bourke and Cr Cox apologies 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 / JOHN BEITZEL

"That the minutes of the Ordinary Council Meeting held on Wednesday, 23 October 2019 and the minutes of the Special Meeting of Council held on Wednesday, 6 November 2019, as prepared, be confirmed."

(CARRIED)

8. COUNCILLOR REPORTS

- Cr Martin acknowledge the passing of Mr Peter McPhee and reported on her attendance at the 2019 Dungala-Kaiela Writing Awards Presentation Night .
- Cr Wendy Buck discussed the heritage colours of the town hall.
- Cr Beitzel congratulated the Numurkah District Health Service for receiving the Premiers Small Health Service of the Year Award.
- Cr Lawless reported on the success of the Tungamah Remembrance Day Service.
- Cr Mustica awarded certificates to Cr Mansfield for ten years of service, Cr Buck for eight years of service, Cr Martin for four years of service , Cr Cleveland for four years of service and acknowledge Cr Bourke in his absence for four years of service as Councillors representing the Moira Shire Community.

9. OFFICER REPORTS FOR DETERMINATION

FILE NO: 120.06.003
4. A WELL RUN COUNCIL

ITEM NO: 9.1.1

COUNCIL MEETING SCHEDULE 2020

Executive Summary

Under Part 3, Section 8(1) of Council's Meeting Procedures Local Law 2017: The date time and place of all Council meetings are to be fixed by the Council and reasonable notice of the meetings must be provided to the public.

This report details the meeting and briefing schedule for 2020.

MOTION

CRS PETER MANSFIELD / WENDY BUCK

That Council:

1. Set the date, time and place of Council meetings as:
 - Ordinary Council Meetings to be held on the fourth Wednesday of the month (unless it conflicts with a public holiday or the caretaker and election period) commencing at 5pm during eastern standard times and 6pm during daylight savings.
 - One Ordinary meeting will be held at Yarrawonga, Numurkah and Nathalia and all other Ordinary Council Meetings to be held at the Cobram Civic Centre, Council Chambers.
2. Briefing sessions to be held on the second Wednesday of the month and held on the third Wednesday of the month if required.

(CARRIED)

FILE NO: F/18
4. A WELL RUN COUNCIL

ITEM NO: 9.1.2

SECTION 86, AUDIT AND OTHER COMMITTEE REPRESENTATIVES

Executive Summary

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.

This report identifies Councillor Representatives to Council's Section 86 Committees; Audit Committee; Moira Advisory Committees; Other Moira Committees and Other Representative Bodies for 2020.

MOTION

CRS PETER MANSFIELD / PETER LAWLESS

That Council:

1. 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 attached lists with the following amendments
 - Cr Buck to be appointed to the Disability Advisory Committee
 - Remove Cr Buck from the Yarrawonga Library Project Steering Committee and appoint Cr Cleveland
 - Appoint Cr Buck and Cr Lawless to the Yarrawonga Multipurpose Sport Stadium Steering Committee.
2. Note that during the term of these appointments some Section 86 committees may transition to alternate management models not directly controlled by Council in which case appointments will be determined by the rules of the new entity.

(CARRIED)

FILE NO: F19/22
4. A WELL RUN COUNCIL

ITEM NO: 9.1.3

COUNCILLOR EXPENSE, SUPPORT AND PROFESSIONAL DEVELOPMENT POLICIES

Executive Summary

This reports seeks Council's adoption of the revised Councillor Professional Development Policy Councillor Expense and Support Policy which have been updated to reflect the VAGO Fraud and Corruption recommendations.

MOTION

CRS PETER LAWLESS / WENDY BUCK

That Council

- Revoke the Councillor Expense Support and Professional Development Policy adopted on 13 December 2017.
- Adopt the attached Councillor Expense Support Policy and Professional Development Policy.

(CARRIED)

FILE NO: C034/19
4. A WELL RUN COUNCIL

ITEM NO: 9.1.4

C034/19 - PROVISION OF PROFESSIONAL SERVICES FOR HUMAN RESOURCE CONSULTING PANEL

Executive Summary

Moirā Shire Council invited submissions from suitably qualified organisations or individuals to create a panel of consultants for the provision of professional services relating to human resources consulting, employee and executive coaching, facilitated discussions/mediations, leadership development, team building and planning and workplace health and safety projects.

After consideration of the submissions, the evaluation panel recommends that all tenderers listed in the recommendation be awarded membership for panel contract C034/19.

MOTION

CRS PETER LAWLESS / JOHN BEITZEL

That Council:

1. Award panel contract C034/19 – Provision of Professional Services for Human Resource Consulting to the following tenderers:
 - Chandler Macleod People Insights Pty Ltd
 - DavidReddin.Com Pty Ltd
 - Davidson HR Consulting Pty Ltd
 - D.K Sonin & Associates Pty Ltd
 - JFE Global Pty Ltd trading as Fisher Leadership
 - CG People Pty Ltd
 - Jacqueline Halliday
 - Spencer Stuart Star Australia Pty Ltd t/a Kincentric
 - The Trustee for Harris Family Trust t/a LEADiversity
 - Bloodworth Family Trust t/a Fireball Management Group Pty Ltd
 - The Trustee for New Age HSE Services Unit Trust t/a New Age HSE Services
 - Professional Development Training Pty Ltd
 - Picks Group Pty Ltd
 - Peoplescape Pty Ltd
 - Time2Talk Leadership Pty Ltd
 - Workplace Wizards 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: C049/19
4. A WELL RUN COUNCIL

ITEM NO: 9.1.5

C049/19 - WORK HEALTH PROGRAM

Executive Summary

Moirā Shire Council invited submissions from suitably qualified organisations or individuals for the delivery of a work health program dedicated in preventing workplace injury through early intervention and the delivery of injury prevention and health management programs.

After consideration of the submissions, including price and specification requirements, the evaluation panel recommends contract C049/19 be awarded to Align Work Health Pty Ltd.

MOTION

CRS GARY CLEVELAND / PETER LAWLESS

That Council:

1. Award contract C049/19 – Work Health Program to Align Work Health 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: 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 October 2019. Report is prepared in accordance with the requirements of the Local Government Act (the Act) 1989 section 80A.

This report fulfills Council's legislative obligation to report the matters considered and whether a conflict of interest disclosure was made by a Councillor at

- A meeting of an advisory committee where at least one Councillor is present; or
- A meeting, briefing or other activity where at least half of the Council and a member of Council staff are present; and
- Where the matters considered may be subject to a decision of Council or exercise of a function, duty or power of the Council that has been delegated to a person or committee.

MOTION

CRS GARY CLEVELAND / JOHN BEITZEL

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

(CARRIED)

FILE NO: F19/809
4. A WELL RUN COUNCIL

ITEM NO: 9.2.2

COMMUNITY INFRASTRUCTURE LOAN SCHEME

Executive Summary

The Treasury Corporation Victoria are offering low interest loans under the Community Infrastructure Loans Scheme.

The Yarrawonga Library, Events and Performance Precinct, as a Council priority project, fits the criteria for the Scheme. The intergenerational nature of the project, makes it a suitable candidate for being partly funded through debt. Council is in a good financial position to engage with the Scheme and make the repayments.

It is recommended that Council approves the lodgment of an application for a loan of \$3.75 million under the Scheme for the Yarrawonga Precinct and if successful, refer the project and associated loan funding for consideration as part of its 2020-21 budget deliberations

MOTION

CRS GARY CLEVELAND / JOHN BEITZEL

That Council approves the lodgment of an application for a loan of \$3,750,000 under the 2019 Community Infrastructure Loans Scheme for the Yarrawonga Library, Events and Performance Precinct and if successful, refer the project and associated loan funding for consideration as part of its 2020-21 budget deliberations

(CARRIED)

FILE NO: F13/2478
4. A WELL RUN COUNCIL

ITEM NO: 9.2.3

PROCUREMENT POLICY REVIEW

Executive Summary

In accordance with s186A (1) of the Local Government Act (1989), this reports seeks Council's adoption of the revised Procurement Policy.

MOTION

CRS PETER LAWLESS / GARY CLEVELAND

That Council adopt the revised Procurement Policy.

(CARRIED)

FILE NO: F19/16
2. A THRIVING LOCAL ECONOMY

ITEM NO: 9.2.4

QUEENSLAND FRUIT FLY PROJECT - FUTURE FUNDING

Executive Summary

Queensland fruit fly (QFF) is now considered 'established' in the Goulburn Murray Valley (GMV), and other parts of Victoria and southern NSW, where it was previously unable to survive.

QFF is a constant threat to the GMV's annual production of 455,000m tonnes of fruit and vegetables that are known QFF hosts. This level of production represents 5,000 jobs (7.0% of all jobs in the region) and \$762.5 million (9.2% of the regional economy).

There is no practical prospect of total QFF eradication. Ongoing vigilant area-wide management is considered to be the only option.

The Goulburn Murray Valley Queensland fruit fly project (GMVRFFP) is a partnership between Agriculture Victoria, Fruit Growers Victoria, Cobram and District Fruit Growers Association and Campaspe, Shepparton, Strathbogie, Berrigan and Moira Councils and Lions International District 201V6.

The GMVRFFP achieved a 60% reduction in QFF populations between 2017-18 and 2018-19. The GMVRFFP continues its innovative approach to managing QFF by undertaking trailing Sterile Insect Technique (SIT) research to further control QFF numbers.

The project's success was recently acknowledged by winning first place in the Prime Super Agricultural Innovation Awards and was also voted overall winner of the Victorian Regional Achiever of the Year Award. A copy of Suzanna Sheed's letter of congratulations is attached.

The State Government, has contributed \$2.4million (\$800,000 per year) to the GMVRFFP. This funding is scheduled to cease in June 2020.

It is considered essential that the Victorian Government continue to protect the GMV's \$762.5 million, 5,000 job, fruit and vegetable industry, by continuing to fund the GMVRFFP over the next 3 years at \$800,000 per year (escalating at CPI). This report recommends that Council advocate to the state government via our local politicians for the ongoing funding of this important project.

MOTION

CRS PETER LAWLESS / GARY CLEVELAND

That Council:

1. write to the Minister for Agriculture, The Hon Jaclyn Symes, MLC seeking continued funding of the Goulburn Murray Valley Regional Fruit Fly Program over the next 3 years at a funding rate of \$800,000 per year (escalating at CPI)
2. seek the support of local members of parliament for the Victorian Government's continued funding of this project.

(CARRIED)

FILE NO: F19/587
4. A WELL RUN COUNCIL

ITEM NO: 9.2.5

ACQUISITION OF THE FORMER YARRAWONGA PRIMARY SCHOOL SITE

Executive Summary

The Department of Education and Training (DET) has indicated that the Former Yarrawonga Primary School site is no longer required for education and is being prepared for sale through a first right of refusal offer to public authorities.

On the 12th November 2019 Council received a letter from the Department of Environment Land, Water & Planning (DELWP) advising they received and accepted a nomination for the Yarrawonga Primary School and other buildings and structures on the land bordered by Tom, Piper, Hovell and Irvine Pde to be considered for inclusion in the Victorian Heritage Register.

The Heritage Act 2017 requires Heritage Victoria to accept applications which are administratively complete. The acceptance of this application does not indicate any assessment or judgement of the level of cultural heritage significance of this place.

It is not known whether the nomination will impact or delay the proposed sale of the site. Due to the uncertainty of the outcome of the nomination it is recommended that Council defer a decision on acquisition until after the outcome of the nomination is known.

MOTION

CRS JOHN BEITZEL / WENDY BUCK

That Council:

1. Note that a nomination to have the former Yarrawonga Primary School and associated buildings and land considered for inclusion in the Victorian Heritage Register has been lodged.
2. Defer a decision on purchasing the site until the application to Heritage Victoria is resolved.

(CARRIED)

FILE NO: F17/819
1. A GREAT PLACE TO LIVE

ITEM NO: 9.3.1

SECTION 86 COMMITTEES OF MANAGEMENT - OUTGOING AND INCOMING MEMBER AMENDMENTS

Executive Summary

Council has 33 Special Committees who manage community facilities located on both Crown land and Council land. These special committees are established under section 86 of the *Local Government Act 1989* and are commonly referred to as Section 86 Committees.

At the 27 September 2017 Council meeting, Council, in exercise of the powers conferred by section 86 of the *Local Government Act 1989*, resolved to appoint persons as Community or User Group representatives on the Special Committees to 30 September 2021. Council resolution is required for the removal of outgoing committee members and the appointment of nominated incoming members.

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 GARY CLEVELAND / MARIE MARTIN

That Council:

1. Approve the removal of outgoing representatives and appointment of nominated incoming representatives to 30 September 2021 for Community or User Groups on the Special Committees of Management as attached.
2. Amend the composition of the Nathalia Showgrounds and Recreation Reserve Committee of Management by removing the Nathalia Playgroup as a user Group.
3. Provide incoming representatives with appointment information and write and thank outgoing representatives.

(CARRIED)

FILE NO: C048/19
4. A WELL RUN COUNCIL

ITEM NO: 9.3.2

C048/19 - PROVISION OF WASTE MANAGEMENT OPERATING SOFTWARE

Executive Summary

Moirā Shire Council sought to engage a suitably qualified provider of a waste management and weighbridge program to assist with day-to-day operations, as well as overall reporting capabilities across all of Moirā Shire's waste sites.

After consideration of the submissions, including price and specification requirements, the evaluation panel recommends that Newcastle Weighing Services Pty Ltd be appointed as the preferred tenderer for contract C048/19.

MOTION

CRS WENDY BUCK / PETER LAWLESS

That Council:

1. Select Newcastle Weighing Services Pty Ltd as the preferred tenderer for contract C048/19 – Provision of Waste Management Operating Software and authorise the Chief Executive Office to undertake negotiations to achieve a best value outcome.
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: C042/19
4. A WELL RUN COUNCIL

ITEM NO: 9.4.1

C042/19 - SUPPLY OF DIESEL FUEL FOR HEAVY PLANT, TUNGAMAH

Executive Summary

Moirā Shire Council invited submissions from suitably qualified organisations or individuals for the supply and access to bulk diesel fuel at Tungamah.

After consideration of the submissions, including price and specification requirements, the evaluation panel recommends contract C042/19 be awarded to United Retail Group Pty Ltd.

MOTION

CRS PETER LAWLESS / GARY CLEVELAND

That Council:

1. Award contract C042/19 – Supply of Diesel Fuel for Heavy Plant, Tungamah to United Retail Group 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: C041/19
4. A WELL RUN COUNCIL

ITEM NO: 9.4.2

C041/19 - SUPPLY AND DELIVERY OF GUIDEPOSTS AND DELINEATORS

Executive Summary

The Moira Shire Council invited submissions from suitably qualified organisations or individuals for the supply and delivery of Guideposts and Delineators.

After consideration of the submissions, including price and specification requirements, the evaluation panel recommends contract C041/19 be awarded to Delnorth Pty Ltd.

MOTION

CRS PETER LAWLESS / JOHN BEITZEL

That Council:

1. Award contract C041/19 – Supply and Delivery of Guideposts and Delineators to Delnorth 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: C022/17
4. A WELL RUN COUNCIL

ITEM NO: 9.4.3

C022/17 - PROVISION FOR ASSET MAINTENANCE PANEL - PART B REFRESH

Executive Summary

Moirra Shire Council refreshed Contract C022/17 Part B – Concreting to allow additional contractors to register.

Existing suppliers will remain panel members and were not required to re-submit a tender.

After consideration of the submissions, including price and specification requirements, the evaluation panel recommends that 4 tenderers be added to Contract C022/17 Part B – Concreting. Please refer to Appendix A for further information.

MOTION

CRS JOHN BEITZEL / GARY CLEVELAND

That Council:

1. Award the refresh of panel contract C022/17 – Part B Concreting to:
 - Tactile Australia Pty Ltd trading as One Stop Civil
 - Amadei Bros Pty Ltd
 - Rhonda Innocenti
 - Stephen Eling Visser
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: 000.000.000
1. A GREAT PLACE TO LIVE

ITEM NO: 9.4.4

UPDATE ON YARRAWONGA STADIUM PROJECT

Executive Summary

The Yarrawonga Stadium Project is ready to move to the detailed design phase. The concept plan has been prepared, approved by the Community Reference Group and is now presented to the Council for endorsement.

MOTION

CRS PETER MANSFIELD / WENDY BUCK

That Council notes the progress on the Yarrawonga Stadium project and endorses the concept plan moving to the detailed design stage.

(CARRIED)

**FILE NO: F17/235
4. A WELL RUN COUNCIL****ITEM NO: 10.1****ACTION OFFICERS' LIST****MOTION**

CRS WENDY BUCK / GARY CLEVELAND

That Council receive and note the Action Officers' List.

(CARRIED)

10. NOTICES OF MOTION

NIL

11. PETITIONS AND JOINT LETTERS

Joint letters were received in relation to the following:

- Fans in the Numurkah Aquatic & Fitness Centre ladies change room.
- Moira Shire Council's decision to continue development of a Library at the Yarrawonga Town Hall precinct.
- Organic waste collection service

12. 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:

- Clarity around the living library grant and the infrastructure loan and impact of community dissent on the applications.
- Deferral of the first right of refusal for the former Yarrawonga Primary School
- Gilmore/Dunlop Street Yarrawonga works
- Organic green waste collection services
- Open spaces fund
- Drought funding
- YARC representation on the Yarrawonga Sports Stadium Multi-Sport Stadium Steering Committee.
- Heritage registration and overlays
- Maintenance of the former Yarrawonga Primary School site

FILE NO: VARIOUS

ITEM NO: 16

MEETING ADJOURNMENT

MOTION

CRS GARY CLEVELAND / PETER LAWLESS

That the meeting be adjourned for 10 minutes.

(CARRIED)

The meeting adjourned at 7:41 PM

MOTION

CRS GARY CLEVELAND / JOHN BEITZEL

That the meeting be resumed.

(CARRIED)

The meeting resumed at 7:53 PM

MOTION

CRS GARY CLEVELAND / PETER LAWLESS

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 GARY CLEVELAND / 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)

MOTION

CRS GARY CLEVELAND / MARIE MARTIN

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

(CARRIED)

13. CLOSE OF MEETING: 7:56 PM