



MINUTES

ORDINARY MEETING OF COUNCIL HELD AT CIVIC
CENTRE, PUNT ROAD COBRAM,
WEDNESDAY 28 AUGUST 2019

The meeting commenced at 5:01 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
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

Nil

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

Nil

6. DECLARATION OF ANY INTEREST OR CONFLICT OF INTEREST

Councillor Libro Mustica declared a conflict of interest in item 12.1 being a direct interest.

Cr Martin entered the chamber at 5:02 PM.

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

MOTION:

CRS ED COX / JOHN BEITZEL

"That the minutes of the Ordinary Council Meeting held on Wednesday, 24 July 2019, as prepared, be confirmed."

(CARRIED)

8. COUNCILLOR REPORTS

Cr Mustica, Cr Lawless, Cr Buck and Cr Cleveland reported on their recent delegation to Varapodio and Molochio.

Cr Bourke, Cr Mansfield and Cr Beitzel reported on their attendance at the SEGRA conference held at Barooga.

Cr Martin reported on her attendance at a Councillor Development Weekend, Youth Council Meeting and a Food Security Meeting.

Cr Cox reported on his attendance at the Murray Darling Authority Workshop in Euston.

Cr Mustica presented the Chief Executive Officer with a plaque from Varapodio.

9. OFFICER REPORTS FOR DETERMINATION

FILE NO: F13/840
1. A GREAT PLACE TO LIVE

ITEM NO: 9.1.1

ACHIEVERS AWARD ASSISTANCE PROGRAM

Executive Summary

The purpose of this report is to advise Council of the recipients of the Achievers Award Assistance Program for the financial year 2018/2019.

MOTION

CRS MARIE MARTIN / GARY CLEVELAND

That Council note the Achievers Award Assistance Program applications received and donations made for the financial year 2018/2019.

(CARRIED)

FILE NO: C026/19
4. A WELL RUN COUNCIL

ITEM NO: 9.1.2

C026/19 - SUPPLY OF INDOOR CORPORATE UNIFORM

Executive Summary

Moira Shire Council invited submissions from suitably qualified organisations or individuals to supply Moira Shire Council with an appropriate and easy care range of quality monogrammed indoor staff uniforms.

After consideration of the tender submissions, the evaluation panel recommends that contract C026/19 - Supply of Indoor Corporate Uniform be awarded to The Trustee for Bromes Unit Trust t/a Quality Teams.

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

MOTION

CRS ED COX / JOHN BEITZEL

That Council:

1. Award Contract C026/19 – Supply of Indoor Corporate Uniform to The Trustee for Bromes Unit Trust t/a Quality Teams.
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: F13/765
4. A WELL RUN COUNCIL

ITEM NO: 9.1.3

REVIEW OF AUDIT COMMITTEE CHARTER

Executive Summary

Created by Council in accordance with Section 139 of the Local Government Act 1989, the Audit Committee is an advisory committee whose role is to report to Council and provide appropriate advice and recommendations on matters relevant to its Charter.

The Audit Committee Charter was last adopted by Moira Shire Council on 23 August 2017. It is appropriate to conduct a periodical review of the Charter to ensure that the document suits Council's needs and remains compliant with the "Audit Committees Guide to Good Practice for Audit Committees.

A minor amendment of the current audit charter has been made having regard to continued review of the Charter.

MOTION

CRS MARIE MARTIN / ED COX

That Council adopt the amended Audit Committee Charter.

(CARRIED)

FILE NO: F13/858
4. A WELL RUN COUNCIL

ITEM NO: 9.2.1

PROPOSAL TO DISCONTINUE ROAD RESERVE LOCATED AT 47 ELIZABETH STREET NATHALIA

Executive Summary

This report seeks council approval to proceed with the proposal to discontinue the road reserve located at 47 Elizabeth Street Nathalia.

The legislated process to discontinue a road reserve is in accordance with the Road Management Act 2004 and the Local Government Act 1989 council is required to seek community feedback (LGA s223) before it makes a decision to proceed or otherwise.

The community consultation process concluded on 27 June and one [submission](#) was received.

The submission highlighted that the land owners of 44 Kostadt have legal access to the subject road. An option to resolve this concern is for the property owner of Elizabeth Street to include easement rights over the subject land.

47 Elizabeth Street comprises 3 parcels of land in single ownership adjoining the subject road reserve. The proposal would remove the road reserve status that applies to a specific portion of the land. The road reserve has never been used as a public road and council has no plans to create a road in this location.

It is recommended that subject to successful negotiation between the two property holders over the provision of a carriageway easement to provide legal and practical access from Elizabeth Street to the rear of 44 Kostadt Street, Council proceed with the proposal to discontinue the road reserve.

MOTION

CRS KEVIN BOURKE / MARIE MARTIN

That Council:

1. Resolves to discontinue the road reserve located within 47 Elizabeth Street Nathalia, subject to successful negotiation between the two property holders.
2. Authorise the Chief Executive Officer to complete the associated administrative processes.

(CARRIED)

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

ITEM NO: 9.2.2

ASSEMBLIES OF COUNCIL

Executive Summary

This report details the Assembly of Councillors for June and July 2019. Report is prepared in accordance with the requirements of the Local Government Act (the Act) 1989 section 80A.

MOTION

CRS ED COX / GARY CLEVELAND

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

(CARRIED)

FILE NO: F18/551
4. A WELL RUN COUNCIL

ITEM NO: 9.2.3

PREPARATION OF 2018/19 ANNUAL REPORT

Executive Summary

This report seeks Council's

- in principle approval of the audited Financial Statement and Performance Statement, and
- authorisation for two councillors to certify the Financial and Performance statements in their final form after any changes recommended or agreed to by the auditor have been made.

These steps must occur prior to providing the audited statements to the Victorian Auditor-General. Following receipt of VAGO's Independent Auditor's Reports, the statements and reports will be included in Council's 2018/19 Annual Report that will be submitted to the Minister by 30 September 2019 and then to Council for noting.

MOTION

CRS ED COX / WENDY BUCK

That Council:

1. Provide in principal approval to the 2018/19 performance statement and financial statements
2. Authorise Mayor Councillor Libro Mustica and Deputy Mayor Councillor Peter Lawless to certify the 2018/19 Financial Statements and Performance Statement.
3. Authorise forwarding of the Annual Report, including the certified and audited Financial Statements and Performance Statement, to the Minister in accordance with the requirements of the Local Government Act 1989.

(CARRIED)

FILE NO: C0034/17
4. A WELL RUN COUNCIL

ITEM NO: 9.2.4

**C034/17 - PROVISION FOR PROFESSIONAL SERVICES FOR ENGINEERING,
ASSET MANAGEMENT AND DESIGN PANEL - PART E REFRESH**

Executive Summary

Moira Shire Council refreshed the professional services panel contract for engineering, asset management, surveying, project management and design services to allow additional consultants 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 5 tenderers be added to the project management panel.

MOTION

CRS PETER LAWLESS / WENDY BUCK

That Council:

1. Award the refresh of panel contract C034/17 – Part E Project Management for an initial term expiring 30 November 2020 with the option to extend for a further 2 years:
 - Michael Edward Smith t/a Michael Smith & Associates Architecture and Urban Design
 - Graeme Long t/a Blue Sky Trees
 - MPDCB Pty Ltd t/a Browns Project Solutions
 - Infrastructure Managers and Engineers Pty Ltd t/a Infracon Engineers
 - EDA Project Management 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: C024/19
4. A WELL RUN COUNCIL

ITEM NO: 9.2.5

C024/19 - INFORMATION SERVICES NETWORK SUPPORT

Executive Summary

Moira Shire Council invited submissions from suitably qualified and experienced service providers for the provision of high quality and cost effective IT technical support services and software purchasing services including:

- Remote IT service desk support services
- Ad hoc on site IT service desk support services
- Backup monitoring maintenance and repair
- IT improvement projects
- Software reseller services for the renewal of software licenses, maintenance and / or support agreements as required.

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

After consideration of the tender submissions and subsequent presentations, the evaluation panel recommends that Contract C024/19 be awarded to Interleave Australia Pty Limited.

MOTION

CRS ED COX / MARIE MARTIN

That Council:

1. Award Contract C024/19 – Information Services Network Support to Interleave Australia Pty Limited.
2. Authorise the Chief Executive Officer to sign and seal the contract documents and approve contract extension within the provisions of the contract.

(CARRIED)

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

ITEM NO: 9.3.1

ECONOMIC DEVELOPMENT STRATEGY APPROVAL

Executive Summary

The creation of a new Economic Development Strategy 2019-2023 is one of the main Council Plan 2017-2020 actions to ensure Moira Shire has “A thriving local economy”. In its June 2019 meeting Council approved the draft Strategy for public consultation from June to July 2019.

This report summarises the feedback received on the draft Strategy and the changes made to the draft in response. This report recommends that Council adopt for implementation the final Economic Development Strategy.

MOTION

CRS ED COX / WENDY BUCK

That Council

1. notes the feedback on and changes made to the draft Economic Development Strategy;
and
2. adopts the final Economic Development Strategy for implementation.

(CARRIED)

FILE NO: F17/110
2. A THRIVING LOCAL ECONOMY

ITEM NO: 9.4.1

**AMENDMENT TO DEVELOPMENT PLAN - 19-21 HENDERSON STREET,
YARRAWONGA, HOGANS ROAD, YARRAWONGA AND 8380 MURRAY VALLEY
HIGHWAY YARRAWONGA**

Executive Summary

Two requests have been received to amend the approved Development Plan for parcels of land on the north side of Murray Valley Highway, Yarrowonga known as the Yarrowonga East Development Plan.

The proposed amendment for the Henderson Street and Hogans Road parcels (DP-North) removes the link road between lots along Henderson Street and open space with drainage function to the lake be replaced with standard residential lots, a road and pedestrian path.

The proposed amendment for 8380 Murray Valley Highway (DP-South) includes modifying the subdivision layout, removal of the neighbourhood centre, enlargement of proposed drainage reserve and basin, reconfiguration of open space for the construction of an oval, reduction of access points to Murray Valley Highway.

The Development Plan Amendments were advertised to adjacent and surrounding landowners for comment and no submissions were received. The Development Plan Amendments were also referred to internal and external authorities and no objections were received.

The Development Plan Amendments generally satisfies the requirements of the Development Plan Overlay of the Planning Scheme, however the removal of the open space with drainage function challenges the intent of the original Development Plan.

It is recommended that the Amendments to Development Plan for 19-21 Henderson Street Yarrowonga, Hogans Road Yarrowonga with the exception of the former channel leading to Lake Mulwala changing from "open space associated with drainage function" to "standard residential" and 8380 Murray Valley Highway Yarrowonga be approved. The channel re-designation should be refused.

MOTION

CRS PETER MANSFIELD / WENDY BUCK

1. That Council approve the amendment to the Development Plan for 19-21 Henderson Street Yarrowonga, Hogans Road, Yarrowonga with the exception of the former channel leading to Lake Mulwala changing from "open space associated with drainage function" to "standard residential" and 8380 Murray Valley Highway Yarrowonga
2. That Council refuse the former channel leading to Lake Mulwala changing from "open space associated with drainage function" to "standard residential".
3. That a revised amended Development Plan be submitted for endorsement to reflect the above recommendations.

(CARRIED)

FILE NO: 0000000000
1. A GREAT PLACE TO LIVE

ITEM NO: 9.4.2

WAAIA SPECIAL CHARGE SCHEME

Executive Summary

Council approved a project in the 2019-2020 budget process for the sealing of North St, Fitzgerald St and Railway St Waaia, to provide dust control within the residential streets. This would complete the Waaia street sealing program that was commenced a number of years ago with the sealing of streets on the western side of the town.

A number of customer requests have been received over the past years requesting dust suppression measures be undertaken on these streets. The roads are currently unsealed with a high fines content pavement, an informal drainage system and require regular maintenance.

The Council approved the project on the basis that the benefiting landowners would contribute 50% of the cost of the works. Having allocated \$100,000 to the project this means Council and the benefiting landholders would each contribute up to \$50,000 toward the project.

Initial investigation and design suggest that a Special Charge scheme may be applicable for the construction of these streets. Whilst some property owners have requested that council take action others have not been given the opportunity to comment.

It is recommended that officers survey adjoining owners and determine indicative cost to ascertain if a Scheme would be supported.

MOTION

CRS KEVIN BOURKE / JOHN BEITZEL

That Council Consult with likely benefiting landowners to determine if there is support to proceed with a Special Charge Scheme for the provision of a dust suppression seal on North Street, Fitzgerald Street and Railway Street, Waaia.

(CARRIED)

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

ITEM NO: 10.1

ACTION OFFICERS' LIST

MOTION

CRS WENDY BUCK / ED COX

That Council receive and note the Action Officers' List.

(CARRIED)

10. NOTICES OF MOTION

NIL

FILE NO: 000000 1. A GREAT PLACE TO LIVE

ITEM NO: 12.1

CATONA CRESCENT COBRAM SPECIAL CHARGE SCHEME PROPOSAL

Cr Mustica left the meeting at 6:07 PM due to his previously disclosed conflict of interest. Deputy Mayor, Cr Lawless took the Chair.

Executive Summary

Council has received a petition from 25 residents of Cobram regarding the drainage in Catona Crescent, Cobram.

The petition was received on 19 July 2019 requesting that Moira Shire Council address their concerns over the poor condition of access to the crescent and improve the road to make it safer for all road users.

The drainage at Catona Crescent performs poorly with water often lying across the road after rain events. There is a current budget allowance for the feature survey and design work to improve the drainage for Catona Crescent. Some preliminary survey work has been completed.

While there is still considerable work to be done to actually commence the formal procedure to commence a Scheme, the proposal has significant merit as far as a Scheme is concerned.

It is therefore recommended that Council undertake the preparatory work to improve the drainage for the crescent and determine what the likely costs of construction would be, as well as develop an indication of apportionment. The design concept and likely costs could then be discussed with the residents at Catona Crescent.

If after the residents are aware of the likely costs and support a Scheme, Council could commence the formal procedure to develop a Scheme to reconstruct Catona Crescent, in Cobram.

MOTION

CRS MARIE MARTIN / ED COX

That Council:

1. Develop a concept, estimate of costs and an indication of apportionment for infrastructure works to address the concerns of the residents in Catona Crescent, Cobram.
2. Consult with the property owners who may have to contribute to a proposed Scheme to determine the level of support and report back to the Council.

(CARRIED)

Cr Libro Mustica return to the Meeting and the Chair at 6:11 PM.

FILE NO: 0000000 1. A GREAT PLACE TO LIVE
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ITEM NO: 12.2

JOINT LETTER FROM PROPERTIES IN CHAPEL STREET NATHALIA**Executive Summary**

At the July 2019 Ordinary Council meeting, a joint letter was tabled from residents in Chapel Street Nathalia requesting Council undertake infrastructure works in Robertson Street Nathalia.

Council can undertake these works and recover costs from benefiting land owners through a special charge scheme.

There are other sections of Robertson Street and Chapel Street that could benefit from the installation of kerb and channel and it is proposed to also survey them on their willingness to contribute to a special charge scheme to provide this infrastructure.

It is recommended that a survey of adjoining owners be undertaken to ascertain if a special charge scheme would be supported.

MOTION

CRS KEVIN BOURKE / MARIE MARTIN

That Council:

1. Develop a concept and estimate for the construction of kerbing, road shoulders, and drainage in Robertson Street Nathalia, fronting the properties of the signatories of the Joint letter tabled at the July 2019 Ordinary Council meeting.
2. Consult with likely benefiting landowners to determine if there is support to proceed to a Special Charge Scheme from the land owners who signed the joint letter and in the broader Robertson Street, Chapel Street and Manifold Street, area of Nathalia.

(CARRIED)

Cr Cox tabled a petition which stated " We the undersigned would like to get Campbell Road to be turned back into residential parking and not a carpark for workers and contractors of Ottrey Homes16 Campbell Rd.

13 COUNCIL SEAL

NIL

FILE NO: VARIOUS

ITEM NO: 14

URGENT GENERAL BUSINESS**MOTION**

CRS MARIE MARTIN / KEVIN BOURKE

That urgent business be considered.

(CARRIED)

MOTION

CRS MARIE MARTIN / KEVIN BOURKE

That Council rescind the original motion regarding the continuing development of a Library, Events and Performance Precinct at the Yarrawonga Town Hall Precinct until Council determines options for the former Yarrawonga Primary School.

(THIS MOTION WAS WITHDRAWN WITH LEAVE OF THE COUNCIL)

MOTION

CRS ED COX / JOHN BEITZEL

That Moira Shire Council

1. Call upon the Australian Federal Government to delay further implementation of the Murray Darling Basin Plans water recovery targets until research commissioned by the Federal Water Minister into the social and economic impacts on basin communities is available, the Australian Consumer and Competition Commission has completed its review on aspects of the basin plan and more rigorous scientific research is undertaken on the basin plans objective of maintaining the South Australian lower lakes as freshwater.
2. Encourage the Victorian and NSW State Governments to broaden their review of the sustainability of inter valley water transfers and its impact on river health and the Barmah National Park to include the proposition that Victorian and NSW water security arrangements be consolidated so that the southern connected basins water resources are managed as an integrated system.
3. Seek the Victorian State Government's acknowledgement that the current water trading arrangements in Victoria are exposing critical food and fibre sectors to industry collapse due to unsustainable water prices and urge the State Government to implement water trading zones and establish water trading rules that will limit manipulation of the water market by investors that are not directly involved in agriculture.

(CARRIED)

FILE NO: VARIOUS

ITEM NO: 14

GENERAL BUSINESS

MOTION

CRS KEVIN BOURKE / MARIE MARTIN

That Moira Shire Council, with Councillors and Executive, provide a suitably worded submission to the Yorta Yorta Joint Management Plan for the Barmah National Park, prior to submission closing date of 6 October 2019.

(CARRIED)

FILE NO: VARIOUS

ITEM NO: 15

QUESTIONS FROM THE PUBLIC GALLERY

Questions were raised in relation to:

- Yarrawonga Community Action Group survey.
- Acquisition of the former Yarrawonga Primary School.
- What works have been done in relation to Council's motion for the development of a Library, Events and Performance Precinct at the Yarrawonga.
- Yarrawonga Community Action Group delegation to Council.
- Environment water allocation.
- Library use.

FILE NO: VARIOUS

ITEM NO: 16

MEETING ADJOURNMENT

MOTION

CRS KEVIN BOURKE / ED COX

That the meeting be adjourned for 10 minutes.

(CARRIED)

The meeting was adjourned at 7:12 PM

MOTION

CRS WENDY BUCK / PETER LAWLESS

That the meeting be resumed.

(CARRIED)

The meeting resumed at 7:22 PM

MOTION

CRS WENDY BUCK / 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 ED COX / 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 / KEVIN BOURKE

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

(CARRIED)

CLOSE OF MEETING: 7:23 PM