



MINUTES

ORDINARY MEETING OF COUNCIL HELD AT COBRAM
CIVIC CENTRE, PUNT ROAD COBRAM,
WEDNESDAY 16 DECEMBER 2020

The meeting commenced at 6.01 pm.

PRESENT Councillor Libro Mustica (Mayor)
Councillor Julie Brooks (Deputy Mayor)
Councillor Kevin Bourke
Councillor Peter Elliott
Councillor Peter Lawless
Councillor Wayne Limbrick
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

RECORDING

Consistent with section 12.3 of our Governance Rules, Council officers have been authorised to record the public session of this meeting using an audio recording device.

LIVE STREAMING

Council meetings will now be lived streamed, allowing those interested to view proceedings without attending the meeting. This gives access to Council decisions and debate and enables residents to comply with COVID19 stay at home directions

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

Cr Kevin Bourke declared a conflict of interest with item 10.4.4 being a indirect interest due to land ownership affected by the Major Towns Strategy review.

MOTION

CRS LIBRO MUSTICA / JULIE BROOKS

That Moira Shire Council expresses its deepest sympathy and regret on the tragic death of Councillor Andrew Goldman.

Council acknowledges their appreciation for his dedication, passion and valued contribution to the Moira Shire Community.

Council offers sincere sympathy to members of his family in their bereavement.

(CARRIED)

One minutes silence was held in honour of Cr Goldman.

ADJOURNMENT

CRS PETER LAWLESS / PETER MANSFIELD

That the meeting be adjourned for 10 minutes

(CARRIED)

The meeting was adjourned at 6.03pm

RESUMPTION OF MEETING

CRS JULIE BROOKS / PETER LAWLESS

That the Meeting be resumed.

(CARRIED)

The meeting was resumed at 6.13pm

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

MOTION:

CRS WAYNE LIMBRICK / PETER LAWLESS

"That the minutes of the Ordinary Council Meeting held on Wednesday, 25 November 2020, as prepared, be confirmed."

(CARRIED)

8. COUNCILLOR REPORTS

Councillor Peter Mansfield provided a statement relating to a motion he moved on 16 September 2020 to award a contract to Crow Constructions for construction of change rooms, Tungamah Recreation Reserve. Cr Mansfield states that he had no knowledge that his son would be engaged as a sub-contractor for Crow Constructions until well after that decision was made.

Cr Mansfield also attended a Murray Darling Association Region 2 Annual Meeting.

Councillor Kevin Bourke praised the Picola community on their silo painting and attended the Goulburn Valley Road Safe meeting.

Councillor Peter Elliot attended the Library Steering Committee along with Cr Lawless and Cr Mansfield.

Councillor Marie Martin was involved in the Numurkah Secondary College virtual school presentation and GRAIN Store virtual art exhibition. Cr Martin also attended the Men's Shed AGM and Cactus Country forum.

Councillor Wayne Limbrick attended the Nathalia Christmas market and praised the community on their efforts.

Councillor Peter Lawless attended the Library Steering Committee and Katamatite Recreation Reserve meeting.

Cr Mustica attended the Murray River Group of Councils dinner in Swan Hill but due to Cr Goldman's passing didn't attend the meeting and returned to Cobram.

Cr Mustica along with the CEO went to the Goldman residence to offer their condolences.

FILE NO: VARIOUS

ITEM NO: 9

PUBLIC QUESTION TIME

- Would council reconsider having a visitor information center again in Cobram.

FILE NO: F21/12
4. A WELL RUN COUNCIL

ITEM NO: 10.1.1

COUNCIL MEETING SCHEDULE 2021

Executive Summary

Under Section 3.1 of Moira Shire Council's Governance Rules: At or before the last Meeting each calendar year, Council must fix the date, time and place of all Council Meetings and any Delegated Committee Meetings for the following calendar year. Council by resolution, or the Chief Executive Officer, may change the date, time and place of, or cancel, any Meeting which has been fixed and must provide notice of the change to the public.

This report details the meeting schedule for 2021.

MOTION

CRS PETER LAWLESS / PETER ELLIOTT

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) commencing at 5pm during eastern standard times and 6pm during daylight savings.
 - That all 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)

Cr Kevin Bourke called for a division.

FOR

Cr Brooks
Cr Elliott
Cr Lawless
Cr Limbrick
Cr Mansfield
Cr Martin
Cr Mustica

AGAINST

Cr Bourke

(CARRIED)

FILE NO: F13/877
4. A WELL RUN COUNCIL

ITEM NO: 10.2.1

NAMING OF NEW ROAD AT FEDERATION PARK, COBRAM (OLD COBRAM RAILWAY STATION)

Executive Summary

Council has the authority and responsibility to name roads and geographic features within the municipality using the principles and procedures of the 'Naming Rules for places in Victoria - Statutory requirements for naming roads, features and localities 2016' (the Naming Rules).

A new road has been constructed within Federation Park Cobram, extending from the Murray Valley Highway to Dillon Street with a split/loop section to access car parking from the western side of the road. This road was designed and constructed in line with the Federation Park Master Plan which was endorsed by Council in September 2010, following extensive community consultation.

This Master Plan reflected the design of the new road extending from Murray Valley Highway to Dillon Street, Cobram. A section of the existing 'Cobram Railway Station Access Road' has also been incorporated in the design of this new road. The land in which the road has been constructed is owned by Council.

This report is to seek Council adoption of the interim name of 'Federation Way' for this road. Council has already sought feedback on the proposed road name from Geographic Names Victoria for compliance with the Naming Rules so can now proceed with consultation with the adjoining property owners and wider community.

There are 10 properties adjoining this new road with none being directly impacted by the name proposal.

MOTION

CRS JULIE BROOKS / MARIE MARTIN

That Council:

1. Adopt 'Federation Way' as the interim name for the new road created within Federation Park Cobram.
2. Place advertisements in the local papers seeking comments on the proposed name (within 30 days of the advertisement).
3. Write to owners of the properties adjoining this road seeking comments (within 30 days of advertisement), and
4. If no objections are received, adopt the interim name 'Federation Way' as the formal name and then submit the name to Geographic Names Victoria.

(CARRIED)

FILE NO: F13/203
4. A WELL RUN COUNCIL

ITEM NO: 10.2.2

**APPOINTMENT AND AUTHORISATION OF COUNCIL OFFICERS UNDER THE
PLANNING AND ENVIRONMENT ACT 1987**

Executive Summary

This report seeks Council's approval of the attached Instrument of Appointment and Authorisation (Planning and Environment Act 1987) to reflect two recent staff appointments.

The appointments are necessary to ensure specific Council officers are appropriately authorised to undertake functions under the Planning and Environment Act 1987, including inspections and enforcement.

MOTION

CRS PETER LAWLESS / PETER ELLIOTT

That Council resolves:

1. To appoint and authorise the members of Council staff as contained in the Instrument of Appointment and Authorisation (Planning and Environment Act 1987) attached to this report.
2. To affix the Common Seal of Council to the attached Instrument.
3. That the Instrument shall come into force immediately after the Common Seal of Council is affixed to the Instrument, and remains in force until varied or revoked.
4. That all previous appointments and authorisations to Council staff are revoked when the attached Instrument comes into force.

(CARRIED)

FILE NO: F13/497
4. A WELL RUN COUNCIL

ITEM NO: 10.2.3

POLICY REVIEW - LOAN BORROWINGS POLICY

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 borrowing decisions are within a sound financial management framework and meet prudential requirements.

MOTION

CRS KEVIN BOURKE / PETER LAWLESS

That Council adopt the revised Loan Borrowings Policy.

(CARRIED)

FILE NO: 1
1. A GREAT PLACE TO LIVE

ITEM NO: 10.2.4

LOCAL ROADS AND COMMUNITY INFRASTRUCTURE PROGRAM

Executive Summary

Council have received an allocation of funding from the Federal Government of \$2,483,229 for priority, shovel ready, road and community infrastructure programs. The projects must be completed and acquitted by December 2021, and so this gives Council an opportunity to provide much needed funds to complete projects that were not funded during the 20/21 Budget. Further funds were received through the Bridges renewal program of \$658,753 which will be matched with Council funds of \$658,753 to re-construct Wrights Bridge, Barmah

MOTION

CRS PETER LAWLESS / PETER MANSFIELD

That:

1. Council agrees to allocate the Australian Government's Local Roads and Community Infrastructure funding of \$2,483,229 to the following shovel ready projects.
 - (a) \$733,229 towards Botts road Drainage, Yarrawonga
 - (b) \$750,000 to construct the Yarrawonga Boat Ramp
 - (c) \$300,000 towards River Road Kerb and Channel, Yarrawonga
 - (d) \$200,000 towards the Barmah Boat Ramp Masterplan
 - (e) \$500,000 towards the Federation Park Masterplan, Cobram
2. That Council provide funds of \$658,753 from council reserves to match the grant received for the bridges renewal program of \$658,753 to re-construct Wright's Bridge on the Wrights Bridge Road.

(CARRIED)

FILE NO:
2. A THRIVING LOCAL ECONOMY

ITEM NO: 10.3.1

COVID ASSISTANCE TO ACTIVATE OUTDOOR PUBLIC SPACES

Executive Summary

Council has received \$250,000 of Victorian Government funding to support outdoor dining and entertainment. Individual businesses may also apply for a grant of \$5,000 from the State Government's \$58 million Outdoor Eating and Entertainment Package to adapt their trading operations to focus on outdoor eating.

This report recommends how the \$250,000 grant to Moira Shire to activate public space dining and entertainment should be distributed equitably and in accordance with the State Government guidelines.

MOTION

CRS PETER ELLIOTT / KEVIN BOURKE

That:

1. Council agrees to allocate the State Government's \$250,000 Outdoor Eating and Entertainment Package as follows:
 - (a) \$130,000 for Council to activate the public space outside hospitality businesses
 - (b) \$120,000 to activate towns by further supporting Local Tourism Associations' and one of events and entertainment.
2. Where possible, local businesses are engaged to provide the above.

(CARRIED)

FILE NO: F13/433
4. A WELL RUN COUNCIL

ITEM NO: 10.3.2

ESTABLISHMENT OF THE MUNICIPAL EMERGENCY MANAGEMENT PLANNING COMMITTEE (MEMPC) IN ACCORDANCE WITH THE PROVISIONS OF S68 OF THE EMERGENCY MANAGEMENT LEGISLATION AMENDMENT

Executive Summary

The purpose of this report is for Council to resolve to establish a Municipal Emergency Management Planning Committee (MEMPC) in accordance with the State Government Emergency Management Planning reform 2020.

Council has had an operational MEMPC for many years. However, under the current planning reform this committee will change in a number of ways including it becoming a committee that is accountable to the Regional Emergency Management Committee and not to Council. Council will continue to Chair the Committee (an officer of Council, delegated by the CEO) and administer the plan upgrades and meetings.

The Emergency Management Legislation Amendment Bill of 2018 was passed in the upper house in September 9, 2018. Implementation of the new legislation has been occurring through a three phase approach: state, regional and municipal. The municipal phase take effect on 1 December 2020.

To meet the obligations of the new EMLA Act this report recommends that Council dissolve the existing MEMPC and establish a new MEMPC under a revised Terms of Reference that comply with the new legislation.

MOTION

CRS PETER MANSFIELD / PETER LAWLESS

That Council:

- Dissolve the current Municipal Emergency Management Planning Committee; and
- establish a Municipal Emergency Management Planning Committee in accordance with the State Government Emergency Management Planning Reform 2020-20201.

(CARRIED)

FILE NO:
4. A WELL RUN COUNCIL

ITEM NO: 10.4.1

REMOVAL OF SECTION OF COBRAM RAILWAY STATION ACCESS ROAD FROM COUNCILS REGISTER OF PUBLIC ROADS

Executive Summary

This report seeks Council's approval to remove from its Register of Public Roads a section of road known as, the Cobram Railway Station Access Road as it is no longer reasonably required for general public use.

The Cobram Railway Station Access Road listed in Council's Register of Public Roads runs from Punt Road to Murray Valley Highway, Cobram. The road is located within Council owned land known as Federation Park and is zoned as Public Park & Recreation.

The removal of a section of the road is in line with the Federation Park Master Plan which was initially endorsed by Council in September 2010 following extensive community consultation. The section of road to be removed was previously used to access the Cobram Railway Station and is no longer required for public use as a road.

The remaining existing section of road has been incorporated into the new road design. The new road extends from the Murray Valley Highway to Dillon Street, Cobram. Separate to this report is a proposal to name this new road.

The power to remove a road from its Register of Public Roads rests with Council. This report recommends Council approve the removal of the section of the 'Cobram Railway Station Access Road' from its Register of Public Roads in accordance with Section 17(4) of the Road Management Act 2004.

MOTION

CRS JULIE BROOKS / KEVIN BOURKE

That Council approve the removal of the section of the 'Cobram Railway Station Access Road' from its Register of Public Roads as it is no longer reasonably required for general public use in accordance with Section 17(4) of the Road Management Act 2004.

(CARRIED)

FILE NO: C014/20
4. A WELL RUN COUNCIL

ITEM NO: 10.4.2

**C014/20 - ROAD AND DRAINAGE UPGRADE WORKS - RIVER ROAD,
YARRAWONGA**

Executive Summary

Moira Shire Council invited submissions for road and drainage upgrade works at River Road, Yarrowonga.

The project is comprised of three separate parts which were priced separately and Council reserved the right to elect to proceed with one or multiple parts under the contract.

After consideration of the submissions, the evaluation panel recommends that Tactile Australia Pty Ltd as the preferred tenderer for all parts of contract C014/20.

MOTION

CRS PETER ELLIOTT / PETER LAWLESS

That Council:

1. Appoint Tactile Australia Pty Ltd as the preferred tenderer for contract C014/20 – Road and Drainage Upgrade Works – River Road, Yarrowonga and authorise the Chief Executive Officer to undertake negotiations to achieve a best value outcome.
2. Authorise the Chief Executive Officer to sign and seal the contract documents.

(CARRIED)

FILE NO: C030/20
4. A WELL RUN COUNCIL

ITEM NO: 10.4.3

C030/20 SUPPLY AND INSTALLATION OF PLAYGROUND EQUIPMENT - COBRAM AND NUMURKAH

Executive Summary

Moira Shire Council are developing two popular town parks in Cobram and Numurkah and invited submissions to supply and install playground equipment for either Federation Park Cobram, Apex Park Numurkah or both.

The project is comprised of two separate parts which were priced separately and Council reserved the right to elect to proceed with one or multiple parts under the contract.

After consideration of the submissions, the evaluation panel recommends that Proludic Pty Ltd and Moduplay Group Pty Ltd be appointed as the preferred tenderers for contract C030/20.

MOTION

CRS MARIE MARTIN / JULIE BROOKS

That Council:

1. Appoint Proludic Pty Ltd and Moduplay Group Pty Ltd as the preferred tenderers for contract C030/20 Supply and Install of Playground Equipment – Cobram and Numurkah and authorise the Chief Executive Officer to undertake negotiations to achieve a best value outcome.
2. Authorise the Chief Executive Officer to sign and seal the contract documents.

(CARRIED)

FILE NO: F20/539
2. A THRIVING LOCAL ECONOMY

ITEM NO: 10.4.4

**PLANNING SCHEME AMENDMENT TO INCOPORATE STRATEGIC PLANNING
WORK - RETAIL POLICY FRAMEWORK FOR COBRAM AND YARRAWONGA,
MAJOR TOWNS STRATEGY REVIEW AND YARRAWONGA FRAMEWORK PLAN**

Executive Summary

The purpose of this report is for Council to consider the proposed form and content of Amendment C93. This amendment seeks to make changes to the planning scheme in accordance with the some of the recommendations of the adopted 'Major Town's Strategy Plan Review, 2018' and the 'Yarrowonga Framework Plan, 2020'.

It is also a recommendation of this report that Council, resolve to a request that the Minister for Planning authorise the preparation and exhibition of proposed Amendment C93 to the Moira Planning Scheme.

Cr Bourke left the room at 7.10pm due to his previously disclosed conflict of interest.

MOTION

CRS WAYNE LIMBRICK / PETER LAWLESS

That Council:

- Notes the variance in the proposed approach to include the Retail Policy Framework Background Analysis and Options Report (2017), as well as no longer seeking exemption under 20(4) of the Act, for the process of implementation. This will mean a varied approach to that adopted by the resolution of Council on 24 June 2020 which stated that *'Request the Minister for Planning under Section 20(4) of the Act to exempt himself from the requirements of Section 17, 18 and 19 of the Act in relation to the exhibition and notice of a planning scheme amendment'*
- Seeks Authorisation from the Minister for Planning to prepare Planning Scheme Amendment C93 in accordance with Section 8A of the *Planning and Environment Act 1987*. The amendment will be generally in accordance with the attachments of this report, and will seek to:
 - introduce the recommendations of the Major Town's Strategy Plan Review into planning policy;
 - update the Strategy Plans for Nathalia, Cobram and Numurkah;
 - introduce the Yarrowonga Framework Plan and Yarrowonga Stormwater Drainage Plan into planning policy;
 - rezone land in Numurkah from Farming Zone to Industrial 1 Zone;
 - apply the Development Plan Overlay Schedule 12 to land in Numurkah;
 - rezone land in Numurkah from Industrial 1 Zone to Farming Zone;
 - introduce new background documents to Clause 72.08.
- Subject to Ministerial authorisation, prepares and exhibits C93 to the Moira Planning Scheme in accordance with Section 19 of the *Planning and Environment Act 1987*, generally in accordance with the attachments to this report.
- Delegates the Planning Coordinator to carry out advertising of Amendment C93, in accordance with Council's resolution and to make any administrative changes required, including any corrections to the documentation.

(CARRIED)

Cr Bourke returned to the meeting at 7.13pm.

FILE NO: F20/0603
4. A WELL RUN COUNCIL

ITEM NO: 12.1

NOTICE OF MOTION: CR PETER MANSFIELD

TAKE NOTICE that at the Council Meeting to be held on 16 December 2020, it is my intention to move the following motion:

CR PETER MANSFIELD

Date: 30 November 2020

That council investigate possible land or buildings that can be disposed of, with the proceeds used to provide recreational infrastructure for residents across the shire.

CRS PETER MANSFIELD / MARIE MARTIN

MOTION

CRS PETER MANSFIELD / MARIE MARTIN

That council investigate possible land or buildings that can be disposed of, with the proceeds used to provide infrastructure for residents across the shire.

(LOST)

Cr Mansfield called for a division.

FOR

Cr Bourke
Cr Mansfield
Cr Martin

AGAINST

Cr Brooks
Cr Elliott
Cr Lawless
Cr Limbrick
Cr Mustica

(LOST)

FILE NO: VARIOUS

ITEM NO: 15

GENERAL BUSINESS

MOTION

CRS KEVIN BOURKE / PETER LAWLESS

That general business be accepted in relation to levee management.

(CARRIED)

MOTION

CRS KEVIN BOURKE / PETER LAWLESS

That Council accepts the risk to the ratepayers of proposals put forward by the Catchment Management Authority to involve Local Government in the management of levee systems.

(WITHDRAWN)

FILE NO: VARIOUS

ITEM NO: Error! Reference source not found.

MEETING ADJOURNMENT

MOTION

CRS PETER MANSFIELD / KEVIN BOURKE

That the meeting be adjourned for one minute.

(CARRIED)

The meeting adjourned at 7.28 pm

MOTION

CRS PETER LAWLESS / WAYNE LIMBRICK

That the meeting be resumed.

(CARRIED)

The meeting resumed at 7.29 pm

MOTION

CRS MARIE MARTIN / WAYNE LIMBRICK

That pursuant to the provisions of the Local Government Act 2020 (the Act), the meeting will now be closed to members of the public to enable the meeting to discuss matters in items 17.1 which the Council may, pursuant to the provisions of Section 66 (2) of the Act resolve to be considered in closed session.

(CARRIED)

MEETING CLOSE: 7.30pm