



MINUTES

ORDINARY MEETING OF COUNCIL HELD AT COBRAM
CIVIC CENTRE,
WEDNESDAY 22 AUGUST 2018

The meeting commenced at 5:00 pm.

PRESENT Councillor Libro Mustica (Mayor)
Councillor Ed Cox (Deputy Mayor)
Councillor John Beitzel
Councillor Kevin Bourke
Councillor Wendy Buck
Councillor Gary Cleveland
Councillor Peter Lawless
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 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

Ready 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.

Ready by the Mayor.

4. APOLOGIES & REQUESTS FOR LEAVE OF ABSENCE

Cr Wendy Buck requested a leave of absence from 22 September to the 6 October 2018.

MOTION

CRS KEVIN BOURKE / GARY CLEVELAND

That Cr Wendy Buck'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

Cr Peter Mansfield declared a conflict of interest in item 12.1 being an indirect interest due to impact of residential amenity.

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

MOTION:

CRS GARY CLEVELAND / ED COX

"That the minutes of the Ordinary Council Meeting held on Wednesday, 25 July 2018, as prepared, be confirmed."

(CARRIED)

8. COUNCILLOR REPORTS

- Cr Wendy Buck reported on her attendance at a North East Agricultural Dinner and the MAV Rural and Regional Forum.
- Cr Marie Martin reported on her attendance at the MAV Councillor Development Weekend, the 60th anniversary celebration for the Strathmerton Girl Guides and the success of a White Ribbon Day event held in Numurkah.
- Cr Ed Cox reported on his attendance at the Goulburn Murray Scouting District 2018 Annual Report & Awards Presentation.
- Cr Kevin Bourke reported on his attendance at the Nathalia & District Men's Shed get together and Makita demonstration and training day.

9. OFFICER REPORTS FOR DETERMINATION

9.1 OFFICE OF CEO

NIL

FILE NO: F13/260
6. GOVERNANCE

ITEM NO: 9.2.1

BARMAH CARAVAN PARK LEASE

Executive Summary

Subject to Council and Ministerial approval, agreement has been reached between the parties on the terms of a new lease of the Barmah Caravan Park. Matters which have been successfully negotiated to give clarity to the terms of agreement include responsibility for maintenance, development obligations and the capital works to be performed over the term of the lease.

In accordance with Council's resolution of 28 March 2018, Barmah Bridge Investments Pty Ltd has been operating the park since 1 July 2018 under a temporary Licence arrangement and public notice of Council's intention to enter into a new lease has been given without objection.

Council is now in a position to consider the negotiated terms of the new lease.

MOTION

CRS KEVIN BOURKE / MARIE MARTIN

That Council:

1. Resolve to enter into a lease of the Barmah Caravan Park with Barmah Bridge Investments Pty Ltd (T/A Barmah Bridge Caravan Park).
2. Authorise the Chief Executive Officer to sign and seal the lease documents.

(CARRIED)

FILE NO: F17/987
4. A WELL RUN COUNCIL

ITEM NO: 9.2.2

PREPARATION OF 2017/18 ANNUAL REPORT

Executive Summary

This report seeks Council's

- in principle approval of the audited Financial Statement and Performance Statement, and
- authorization 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 2017/18 Annual Report that will be submitted to the Minister and then to Council for noting at the September Council Meeting.

MOTION

CRS ED COX / WENDY BUCK

That Council:

1. Provide in principal approval to the 2017/18 performance statement and financial statements.
2. Authorise Mayor Councillor Libro Mustica and Deputy Mayor Councillor Ed Cox to certify the 2017/18 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: 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 July 2018 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 Records of Assembly of Councillors with an amendment made to include Cr Peter Mansfield as attending the 25 July Council Briefing.

(CARRIED)

FILE NO: F13/2657
4. A WELL RUN COUNCIL

ITEM NO: 9.3.1

**YARRAWONGA LIBRARY AND TOWN HALL PRECINCT COMMUNITY
REFERENCE GROUP AND YARRAWONGA LIBRARY STEERING COMMITTEE
TERMS OF REFERENCE**

Executive Summary

Council has progressively been working towards building a new library in Yarrawonga. This process began a number of years ago with the establishment of the Yarrawonga Library Steering Committee (Steering Committee). The aim of the committee is to undertake community consultation and engage with professional consultants.

Through the Future Needs Analysis and Site Identification report, endorsed by Council on the 21 November 2016 the Yarrawonga Town Hall site was identified as the preferred site for a new library. Recently a number of options for a new library on this site were presented to the public for a period of consultation and feedback. This occurred through an online survey regarding the entire Yarrawonga Town Hall Precinct (the precinct).

Following on from this period of consultation Council resolved to proceed with the development of a new library as described in Option A (27 June 2018). Option A includes the demolition of the Community Hall and Old Kindergarten building and the construction of a new library. It also includes a second stage in which the Yarrawonga Town Hall is refurbished and the entire site is revitalized.

During this consultation 32 respondents indicated that they would like to remain involved in fundraising or contributing to the design and planning of a new library or the Precinct. Of those 32 people 20 provided contact details.

To continue making progress on a new library this report recommends reviewing the Terms of Reference and membership of the Steering Committee as well as establishing the Yarrawonga Town Hall Precinct and Library Project Community Reference Group (Reference Group) through endorsing the draft Terms of Reference. If endorsed Council will need to undertake a process inviting and seek nominations for the two committees.

MOTION

CRS PETER MANSFIELD / WENDY BUCK

That Council:

Endorse the Terms of Reference for the Yarrawonga Library Project Steering Committee and the Terms of Reference for the Yarrawonga Town Hall Precinct and Library Project Community Reference group with the following amendments:

1. Decrease the number of Moira Shire Council representatives by one and increase the community representation by one for the Steering Committee.
2. Add to the objectives section of each terms of reference the following clause "that all efforts be made to incorporate the current uses of the community hall in the new precinct"

Then commence a process of inviting and seeking nominations for the above mentioned committees.

(CARRIED)

FILE NO: 000.000.000
1. A GREAT PLACE TO LIVE

ITEM NO: 9.4.1

**TERMS OF REFERENCE FOR NUMURKAH FLOOD MITIGATION
IMPLEMENTATION COMMITTEE**

Executive Summary

The Council adopted the Numurkah Floodplain Management Study and Plan – Study Report, November 2017 at its Ordinary Council meeting of 25 May 2018.

The 5th part of the recommendation appointed a Numurkah Flood Mitigation Implementation Committee, with terms of reference to be determined.

The purpose of this report is to put the draft Terms of Reference for the Numurkah Flood Mitigation Implementation Committee before the Council for adoption.

MOTION

CRS GARY CLEVELAND / KEVIN BOURKE

That Council delay a decision until the next council meeting to allow for further discussion.

(CARRIED)

FILE NO: F16/480
1. A GREAT PLACE TO LIVE

ITEM NO: 9.4.2

**TERMS OF REFERENCE FOR COBRAM EAST FLOOD MITIGATION LEVEE
DESIGN STEERING COMMITTEE**

Executive Summary

The purpose of this report is to put the draft terms of Reference for the Cobram East Flood Mitigation Levee Design Steering Committee before the Council for adoption.

Once adopted, Council will publically call for Expressions of Interest from members of the Cobram Community to fill the 6 vacant positions on the committee.

MOTION

CRS WENDY BUCK / GARY CLEVELAND

That Council:

1. Adopt the Terms of Reference for the Cobram East Flood Mitigation Levee Design Steering Committee;
2. Councillor Ed Cox be appointed as the Chair of the Steering Committee; and
3. Call for expressions of interest from members of the Cobram Community to fill the six vacant positions on the committee.

(CARRIED)

FILE NO: F17/625
4. A WELL RUN COUNCIL

ITEM NO: 9.4.3

ROAD MANAGEMENT PLAN REVIEW

Executive Summary

This report seeks Council's adoption of the final draft amendments to the Council's Road Management Plan Version No. 7.

The final draft amendments have been made following the completion of the public consultation period inviting members of the public that felt aggrieved by the proposed amendments to the Road Management plan to make a written submission under Regulation 10 of the Road Management (General) Regulations 2016. The period for the public to make a submission was open until 5pm 16 July 2018.

One submission was received from the public. Details of the submission and Council Officers response to the submission are included in the Road Management Plan Review Report.

Council officers completed a final review of the draft amendments to the Road Management Plan. The review concluded that reducing the frequency of inspections on Kerb and Channel assets and Guardrail assets will not increase Council's risk exposure. The final draft amendment to the Road Management Plan Version No. 7, will ensure that Council is able to meet its minimum guaranteed level of service.

A further public notice will be published in the Government Gazette and local newspapers advising Council's adoption of its amended Road Management Plan. The public notice will also advise that copies of the Council's adopted Road Management Plan Version No. 7 and Road Management Plan Review Report will be made available for public inspection at Council's Offices and on Council's Website.

MOTION

CRS WENDY BUCK / ED COX

That Council:

1. Adopt the final draft amendments to the Council's Road Management Plan Version No. 7.
2. Authorise the Chief Executive Officer to:
 - a. give public notice advising of Council's adoption amendments to the Council's Road Management Plan Version No. 7 in accordance with Regulation 13 of the of the Road Management (General) Regulations 2016;
 - b. make a copy of the adopted Council's Road Management Plan Version No. 7 and a copy of the Road Management Plan Review Report available for public inspection in accordance with Regulation 9(2) of the Road Management (General) Regulations 2016.

(CARRIED)

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

ITEM NO: 10.1

ACTION OFFICERS' LIST

MOTION

CRS WENDY BUCK / KEVIN BOURKE

That Council receive and note the Action Officers' List.

(CARRIED)

11. NOTICES OF MOTION

NIL

FILE NO: F18/227 1. A GREAT PLACE TO LIVE
--

ITEM NO: 12.1

PARKING TIME RESTRICTIONS IN LYNCH ST, YARRAWONGA

Cr Peter Mansfield left the meeting at 5:34 PM in accordance with his previously declared conflict of interest.

Executive Summary

Council has received a Joint Letter from the Yarrawonga Anglican Parish with an attachment having 12 signatures from mothers requesting the provision of timed parking adjacent to the Kennedy Park playground in Lynch Street, Yarrawonga.

In 2017, Council received a request from Yarrawonga Health to introduce time restricted parking in Lynch St, Yarrawonga, adjacent to the hospital. After community consultation, time restricted parking was introduced to Lynch St adjacent to the hospital.

However, the installation of the time restricted parking adjacent to the playground in Kennedy Park was deferred until a review of the impact of the time restrictions around the hospital was undertaken.

The review concluded that the installation of six 2-hour parking bays in Lynch St adjacent to the playground was justified and the works will be programmed to occur over the coming weeks.

MOTION

CRS WENDY BUCK / MARIE MARTIN

That Council agrees to deal with the matter raised in the Joint Letter regarding time restricted car parking in Lynch St, Yarrawonga.

(CARRIED)

That having resolved to deal with the matter:

MOTION

CRS WENDY BUCK / MARIE MARTIN

Council receives the Joint Letter for time restricted car parking in Lynch St, Yarrawonga from Yarrawonga Anglican Parish and notes the outcome of the review to install the six 2-hour parking bays in Lynch St adjacent to the playground.

(CARRIED)

Cr Peter Mansfield returned to the meeting at 5:39 PM.

13. COUNCIL SEAL

NIL

FILE NO: VARIOUS

ITEM NO: 14

URGENT GENERAL BUSINESS**MOTION**

CRS ED COX / WENDY BUCK

That urgent business in relation to dry seasonal conditions be considered.

(CARRIED)

MOTION

CRS ED COX / KEVIN BOURKE

That Council:

1. Request the CEO develop an action plan that ensures we are ready to deliver meaningful community and industry support, services and assistance if we move into drought conditions.
2. Continue our efforts to inform policy makers and political leaders on the social and economic impact of the unfolding seasonal conditions.
3. Call on the Victorian and Commonwealth Environmental Water Ministers to fast track the release significant environmental water onto the market so that farmers can make preparations before it's too late.

(CARRIED)

MOTION

CRS WENDY BUCK / MARIE MARTIN

That urgent business in relation to the Murray Valley Highway and Woods Road Yarrawonga intersection be considered.

(CARRIED)

MOTION

CRS WENDY BUCK / MARIE MARTIN

That Council seek an update from Vicroads in relation to upgrading the Murray Valley Highway and Woods Road intersection.

(CARRIED)

FILE NO: VARIOUS

ITEM NO: 15

QUESTIONS FROM THE PUBLIC GALLERY

Questions were raised in relation to:

- Road works along the Murray Valley Highway.
- The Chief Executive Officer's authority as stated in the Yarrawonga Library Project Steering Committee Terms of Reference.
- Yarrawonga College P-12 land exchange.
- Condition reports for the Yarrawonga Community Hall.

FILE NO: VARIOUS

ITEM NO: 16

MEETING ADJOURNMENT

MOTION

CRS ED COX / MARIE MARTIN

That the meeting be adjourned for 10 minutes.

(CARRIED)

The meeting adjourned at 6:10 PM

MOTION

CRS PETER MANSFIELD / ED COX

That the meeting be resumed.

(CARRIED)

The meeting resumed at 6:20 PM

MOTION

CRS GARY CLEVELAND / KEVIN BOURKE

That pursuant to Sections 89(2) (a) of the Local Government Act, 1989, this meeting of Council be closed to members of the public in order for Council to discuss personnel matters which the Council considers would prejudice the Council or any person.

(CARRIED)

MOTION

CRS GARY CLEVELAND / ED COX

That pursuant to Section 89(2) of the Local Government Act 1989, Council resolve to resume the Ordinary meeting in open session.

(CARRIED)

Cr Marie Martin returned to the meeting at 6:24 PM.

MOTION

CRS WENDY BUCK / ED COX

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

(CARRIED)

MEETING CLOSE: 6:25 PM