



MINUTES

ORDINARY MEETING OF COUNCIL HELD AT COBRAM
CIVIC CENTRE,
WEDNESDAY 22 SEPTEMBER 2021

The meeting commenced at 5.00pm.

PRESENT

- Councillor Libro Mustica (Mayor)
- Councillor Julie Brooks (Deputy Mayor)
- Councillor Ed Cox
- Councillor Peter Elliott
- Councillor Peter Lawless
- Councillor Wayne Limbrick
- Councillor Peter Mansfield

IN ATTENDANCE:

| | |
|--------------|--------------------------------|
| Clare Keenan | Chief Executive Officer |
| Andrew Close | General Manager Infrastructure |
| Simon Rennie | General Manager Corporate |

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 to allow those interested in viewing proceedings greater access to Council decisions and debate, without attending the meeting in person.

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

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.

4. APOLOGIES & REQUESTS FOR LEAVE OF ABSENCE

Cr Kevin Bourke and Cr Marie Martin

MOTION

CRS JULIE BROOKS / ED COX

That Cr Kevin Bourke and Cr Marie Martin apologies be accepted.

(CARRIED)

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

Nil

6. DECLARATION OF ANY INTEREST OR CONFLICT OF INTEREST

Mayor Mustica declared a conflict of interest with item 10.4.1 Local Roads & Community Infrastructure Program Phase 3 report being a material conflict as he benefits directly.

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

MOTION:

CRS JULIE BROOKS / ED COX

"That the minutes of the Ordinary Council Meeting held on Wednesday, 25 August 2021, as prepared, be confirmed."

(CARRIED)

8. COUNCILLOR VERBAL REPORTS

- Cr Peter Lawless attended a Disability Advisory Committee Meeting.
- Cr Wayne Limbrick acknowledged the progress made on the Numurkah Flood Study project.

9. PUBLIC QUESTION TIME

- Will Council investigate installing electric vehicle charging stations in our Shire?
- When will maintenance begin on the network of cycling and walking tracks to bring them up to all weather tracks?
- What measures does Moira Shire have to protect our health care professionals and anyone requiring the health system?
- What measures are taken to ensure industries survive and get back to doing business?
- Is the Shire going to enforce vaccinations for Councillors and employees?
- How many councillors and employees are vaccinated?

FILE NO: F13/503
5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

ITEM NO: 10.2.1
(SENIOR GOVERNANCE OFFICER,
MARGARET HINCK)
(GENERAL MANAGER CORPORATE, SIMON
RENNIE)

ASSEMBLIES OF COUNCILLORS AUGUST 2021

Executive Summary

The purpose of this report is to detail the Assemblies of Councillors held in August 2021. These records provide transparency in councils decision making process, in line with Council's commitment to the principles for public transparency and Council's Public Transparency Policy.

MOTION

CRS PETER ELLIOTT / PETER LAWLESS

That Council receive and note the Record of Assemblies of Councillors for August 2021.

(CARRIED)

FILE NO: F
5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

ITEM NO: 10.2.2
(SENIOR GOVERNANCE OFFICER, NANCY
MUSTICA)
(GENERAL MANAGER CORPORATE, SIMON
RENNIE)

AUDIT AND RISK COMMITTEE MEETING MINUTES 16 SEPTEMBER 2021

Executive Summary

The Audit and Risk Committee is an independent advisory Committee to Council. The primary objective of the committee is to assist Council in the effective conduct of its responsibilities for financial reporting, management of risks and maintaining a reliable system of internal controls.

The main objective of the September Audit and Risk Committee meeting was to consider the audited draft 2020/21 Financial Report the 2020/21 Performance Statement for certification by Council and inclusion into the Moira Shire Council 2020/21 Annual Report.

The Audit and Risk Committee considered the following reports:

- 2020/21 Asset Valuations – Conclusion on Fair Value
- Draft Financial Report and Performance Statement 2020/21
- VAGO Closing Report 2020/21

The minutes of the Audit and Risk Committee held on 16 September 2021 are attached for consideration.

MOTION

CRS WAYNE LIMBRICK / PETER LAWLESS

That Council:

1. Accept the minutes of the Audit and Risk Committee meeting held on 16 September 2021; and
2. Endorse the recommendations contained within the reports.

(CARRIED)

FILE NO: F
5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

ITEM NO: 10.2.3
(SENIOR GOVERNANCE OFFICER, NANCY
MUSTICA)
(GENERAL MANAGER CORPORATE, SIMON
RENNIE)

MOIRA SHIRE COUNCIL ANNUAL REPORT 2020/21

Executive Summary

Moira Shire Council's 2020/21 Annual Report including the audited Financial Statements and Performance Statement is provided for noting by Council.

The Financial Report for the year ended 30 June 2021 and the Performance Statements for 2020/21 have been prepared in accordance with the Australian Accounting Standards, the Local Government Act 2020 and the Local Government (Planning and Reporting) Regulations 2020.

The Annual Report 2020/21 is attached for Council to note and is required to be provided to the Local Government Minister by 30 September 2021.

MOTION

CRS PETER LAWLESS / ED COX

That Council receives and notes the 2020/21 Annual Report including the audited Financial Statements and Performance Statement.

(CARRIED)

FILE NO: 000.000.000
5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

ITEM NO: 10.4.1
(GENERAL MANAGER INFRASTRUCTURE,
ANDREW CLOSE)
(GENERAL MANAGER INFRASTRUCTURE,
ANDREW CLOSE)

LOCAL ROADS AND COMMUNITY INFRASTRUCTURE PROGRAM, PHASE 3 FUNDING ALLOCATION

Mayor Mustica left the room at 5.23pm due to his previously disclosed conflict of interest.

Deputy Mayor Cr Brooks took the chair.

Executive Summary

The 2021-22 Federal Budget also added additional funds to the Local Roads & Community Infrastructure Program (LRCIP) for Phase 3 of the program commencing on 1 January 2022, with funds to be acquitted by 30 June 2023. Council has been advised its allocation under Phase 3 is \$5,089,786.

\$1,275 million of the funds have been allocated through the 2021-22 budget process and the remaining funds are now to be allocated to allow planning for projects to be able to commence as soon as possible after the funding becomes available on 1 January.

This report notes one project, the Cobram East Drainage Project, includes land owned by Mayor Mustica. Councillor Mustica has to date and should continue to, declare a conflict of interest in relation to both the Cobram East project and out of an abundance of caution the broader program. More detail about this appears in the report below.

It is recommended that Council approve the allocation of the balance of the LRCIP funding to listed projects provided in Table 2 within the report.

MOTION

CRS PETER ELLIOTT / ED COX

That Council approve the allocation of the balance of the LRCIP funding to listed projects provided in Table 2 and on the basis set out within, the report.

(CARRIED)

Mayor Mustica returned to the room and the chair at 5.30pm.

FILE NO: F13/2478
5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

ITEM NO: 10.4.2
(INFRASTRUCTURE LIAISON OFFICER, LYN
COOPER)
(GENERAL MANAGER INFRASTRUCTURE,
ANDREW CLOSE)

SPECIAL RATES AND CHARGES POLICY - DRAFT

Executive Summary

The purpose of the Special Rates and Charges Policy is to provide guidance on how Council will implement and administer special rates and special charges that assist to fund the construction of new infrastructure or joint services, such as construction of kerb and channel, footpaths or marketing programs.

Council recognises that it does not have the financial resources to fully fund the upgrade of all existing infrastructure to current standards. Where Council considers that infrastructure improvements provide special benefits to abutting properties a Special Rate and Charge Scheme may be explored to share the costs. These benefits can include improvements in amenity, access, safety or economic benefits such as increased land value.

Council will achieve this using special rate and charge schemes that are implemented in accordance with this policy, section 163 of the *Local Government Act 1989* and *Ministerial Guidelines*.

It is recommended that Council accept the Draft Special Rates and Charges Policy 2021 and place it on exhibition for community feedback

MOTION

CRS WAYNE LIMBRICK / PETER LAWLESS

That Council accept the draft Special Rates and Charges Policy 2021 and refer it for public exhibition and comment.

(CARRIED)

FILE NO: F
4. CUSTOMER FOCUSED AND RESPONSIVE

ITEM NO: 13.1
(SENIOR GOVERNANCE OFFICER, NANCY
MUSTICA)
(GENERAL MANAGER CORPORATE, SIMON
RENNIE)

PETITION RESPONSE DOG COMPLAINT

Executive Summary

Council received a petition at the scheduled Council meeting on the 28 July 2021 regarding a barking dog complaint in Yarrawonga.

The Moira Shire Council Safety and Amenities team are investigating the matter raised in the petition with an objective to compile a Brief of Evidence that can satisfy the burden of proof beyond reasonable doubt in the Magistrates' Court of Victoria.

Officers are endeavoring to obtain statements together with evidentiary logs to support the allegation that the dog in question is barking excessively or continuously to such a degree that it is unreasonably interfering with the peace, comfort or convenience of any person in any other premises.

To date 2 logs have been returned by signatories to the petition. Not all signatories have been interviewed but some have indicated that they are not affected by the barking and some live a considerable distance from the property where the dogs are housed which would cast doubt that these dogs are a nuisance.

Two signatories have advised that the dog does not bark at all at night anymore since Council officers last visit to dog owner.

Any outcome of this investigation will be directly conveyed to the affected person/s and will remain confidential.

Council would like to acknowledge the petition and thank all signatories for rising their concerns with Council.

MOTION

CRS PETER ELLIOTT / ED COX

That Council:

1. Note the investigation of the concerns mentioned within the petition.
2. Thank the signatories of the petition and advise the first mentioned author of the petition of Council's findings.

(CARRIED)

FILE NO: VARIOUS

ITEM NO: 15

URGENT GENERAL BUSINESS

Nil

MEETING CLOSE: 5.35PM