



MINUTES

ORDINARY MEETING OF COUNCIL HELD AT COBRAM CIVIC CENTRE, WEDNESDAY 24 FEBRUARY 2021

The meeting commenced at 6.00 pm.

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
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 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

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

An apology was received from Cr Kevin Bourke.

APOLOGY

CRS PETER LAWLESS / ED COX

That Cr Kevin Bourke's apology 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 PETER LAWLESS / JULIE BROOKS

"That the minutes of the Ordinary Council Meeting held on Wednesday, 16 December 2020, as prepared, be confirmed."

(CARRIED)

8. COUNCILLOR REPORTS

- Cr Lawless attended the opening of K-Hub in Yarrawonga and an Australia Day event in Tungamah.

QUESTIONS FROM THE PUBLIC GALLERY

ORDINARY COUNCIL MEETING
WEDNESDAY, 24 FEBRUARY 2021

FILE NO: VARIOUS	ITEM NO:9
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QUESTIONS FROM THE PUBLIC GALLERY

- Yarrawonga Primary School site
- Community Engagement Policy
- Swimming Pool Registrations and the requirement to engage a building inspector
- Yarrawonga Multi Sports Stadium

FILE NO: F13/789
1. A GREAT PLACE TO LIVE

ITEM NO: 10.1.1

NUMURKAH SHOW AS A SUBSTITUTE PUBLIC HOLIDAY FOR THE APPOINTED MELBOURNE CUP DAY HOLIDAY IN 2021

Executive Summary

Council received a letter from the Numurkah Agricultural Society requesting that Moira Shire Council, under the Public Holiday Amendment Bill 2011, recommend the Society be granted a Public Holiday for the 2021 Numurkah Show which will be held on Wednesday 20 October 2021 for the Numurkah District. (The Numurkah district is defined by the Numurkah Agricultural and Pastoral Society Inc as the area within the Shire boundaries prior to amalgamation.)

Under the Act, Councils can request substitute public holiday days for Melbourne Cup Day. In the past, Council has successfully requested that a public holiday be declared for the last ten Numurkah Show Days. It is recommended that Council continue to support the full day public holiday for the Numurkah Show Day in 2021.

MOTION

CRS MARIE MARTIN / WAYNE LIMBRICK

That Council in accordance with section 8A of the *Public Holidays Act 1993*, request the Minister for Small Business, to declare a full day public holiday within the Numurkah district, as defined on the attached map, on Wednesday 20 October 2021 for the Numurkah Show as a substitute public holiday for the appointed Melbourne Cup Day holiday in 2021.

(CARRIED)

FILE NO: F19/8/004
4. A WELL RUN COUNCIL

ITEM NO: 10.1.2

COUNCILLOR APPOINTMENT AND OATH OF OFFICE DECLARATION

Executive Summary

The Victorian Electoral Commission (VEC) conducted their countback procedure to fill an extraordinary vacancy in Moira Shire Council, following the passing of Councillor Andrew Goldman.

On the 11th January 2021 the VEC held their live countback process via video link. As a result of this countback Councillor Ed Cox was elected as a Moira Shire Councillor.

On 14th January 2021 Cr Cox made his Oath of Office declaration in front of family, Councillors and council officers in the Councillor Briefing Room. This declaration was also live streamed via our Facebook page.

MOTION

CRS JULIE BROOKS / PETER LAWLESS

That Council:

1. Note Cr Cox as the elected Councillor following the Victorian Electoral Commission countback.
2. Note Cr Cox's Oath of Office declaration.

(CARRIED)

FILE NO: F19/8/004
4. A WELL RUN COUNCIL

ITEM NO: 10.1.2

COUNCILLOR APPOINTMENT AND OATH OF OFFICE DECLARATION
(cont'd)

ATTACHMENT No [1] - Oath of Office Declaration



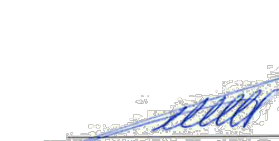
OATH OF OFFICE

I Ed Cox swear by almighty God that I will undertake the duties of the office of Councillor in the best interests of the municipal community.

I will abide by the Councillor Code of Conduct and uphold the standards of conduct set out in the Councillor Code of Conduct.

I will faithfully and impartially carry out and exercise the functions, powers, authorities and discretions vested in me under the Local Government Act 2020 and any other Act to the best of my skills and judgement.


Ed Cox – Signature


Made before Mark Henderson
Chief Executive Officer
on the 14 January 2021

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FILE NO: F20/69
4. A WELL RUN COUNCIL

ITEM NO: 10.2.1

COUNCILLOR CODE OF CONDUCT

Executive Summary

This report seeks Council's adoption of the revised and amended Councillor Code of Conduct.

In accordance with section 139 of the *Local Government Act 2020*, council must review and adopt a Councillor Code of Conduct within 4 months after a general election.

The revised document has been developed with references to several legislative documents and best practice.

MOTION

CRS PETER LAWLESS / ED COX

That Council adopt the updated and revised Councillor Code of Conduct.

(CARRIED)

FILE NO: F20/196
4. A WELL RUN COUNCIL

ITEM NO: 10.2.2

COMMUNITY ENGAGEMENT POLICY

Executive Summary

The *Local Government Act 2020* (the Act) requires Council to adopt its first Community Engagement Policy on or before 1 March 2021. This provides the policy framework in which Council will engage the community.

The Final Policy was developed in consultation with the community, with an initial survey conducted in August 2020, posting on the Council website, social media, newspaper advertising, and delivery in the annual rates notice to all ratepayers. Face-to-Face sessions were held in all the major towns in January 2021. Councillors and staff will reinforce councils commitment to deliver effective engagement opportunities for the community to participate in to influence decision making.

MOTION

CRS ED COX / PETER LAWLESS

That Council adopt the Community Engagement Policy.

(CARRIED)

FILE NO: F17/620
4. A WELL RUN COUNCIL

ITEM NO: 10.2.3

COUNCIL PLAN 2017 - 2021 HALF YEAR PERFORMANCE REPORT

Executive Summary

This report provides an update on Council's progress in delivering the 2017-2021 Council Plan priorities for the period 1 July to 31 December 2020.

The Plan included 28 indicators to measure Council's success in delivering the intent of the Plan.

The report demonstrates Council's progress against the key objectives of A Great Place to Live, A Thriving Local Economy, A Clean Green Environment, and A Well-Run Council.

MOTION

CRS ED COX / PETER LAWLESS

That Council note the progress achieved towards the 2017-2021 Council Plan Performance Indicators.

(CARRIED)

FILE NO: F16/701
4. A WELL RUN COUNCIL

ITEM NO: 10.2.4

QUARTERLY BUDGET REVIEW - DECEMBER 2020

Executive Summary

Income Statement

There has been an increase in the Approved September 2020 budget surplus of \$1.01 million to a surplus of \$1.27 million in the December 2020 forecast. This is mainly due to revenue generated from rates and charges on supplementary property valuations and income from planning and building fees.

Balance Sheet

The Balance Sheet of Moira Shire continues to remain strong.

Cash Flow Statement

The cash position of Moira Shire continues to remain strong.

Capital Expenditure

There is no change to the 2020/21 Adopted Budget capital works program, the capital works forecast for the December 2020 remains at \$22.79 million. In addition, a further \$22.07 million in other capital works remain, these include works commenced in 2019/20 and other capital works that have been scoped but construction has not yet commenced.

Financial Performance indicators

All Financial performance indicators remain within an acceptable range.

MOTION

CRS PETER LAWLESS / JULIE BROOKS

1. That Council notes the projections for the 2020/21 financial year contained in the December 2020 Quarterly Budget Review.
2. That Council notes the Environmental Upgrade Agreements quarterly performance report.

(CARRIED)

FILE NO: F13/3135
4. A WELL RUN COUNCIL

ITEM NO: 10.2.5

LGPRF 2020/21 HALF YEARLY REPORT

Executive Summary

This report details performance against Council's Performance Reporting Framework for the first 6 months of 2020/21.

Council's Performance Reporting Framework comprises of 58 indicators measuring financial and non-financial performance and is based on the Local Government Performance Reporting Framework (LGPRF) and the Government and Management Checklist.

The report has been prepared in accordance with Moira Shire's Performance Reporting Policy and Performance Reporting Framework and fulfils Council's reporting statutory and policy obligations.

Council's performance across the first 6 months of 2020/21 is summarised below.

MOTION

CRS ED COX / PETER ELLIOTT

That Council note the progress towards the Local Government Performance Reporting Framework for the first six months of 2020/21.

(CARRIED)

FILE NO: F13/2557
4. A WELL RUN COUNCIL

ITEM NO: 10.2.6

RATES AND CHARGES POLICY REVIEW

Executive Summary

The Rates & Charges Policy was adopted in February 2016. The purpose of the Policy was to provide direction on issues involving rates and charges. The Policy duplicates what is already covered in the rates and charges provisions of the *Local Government Act 1989*, which remain in place until they have been repealed and replaced in the *Local Government Act 2020*.

A review of this legislation has determined that it is no longer required as it is a duplication of what is covered in the Act. Council also has additional policies in place to provide guidance to ratepayers in respect to financial hardship and collection of rates and charges.

MOTION

CRS ED COX / PETER LAWLESS

That Council revoke its Rates and Charges Policy.

(CARRIED)

FILE NO: F13/2557
4. A WELL RUN COUNCIL

ITEM NO: 10.2.7

SALE OF COUNCIL LAND POLICY REVIEW

Executive Summary

The Sale of Council Land Policy was adopted in July 2013. The purpose of the Policy was to ensure that Council followed best practice and achieve statutory compliance in the sale, exchange and transfer of Council owned land.

A review of this policy has determined that it is not required as there is a legislated process for the sale of Council land in the *Local Government Act 1989* and adequate further guidance also exists in the *Local Government Best Practice Guideline for the Sale, Exchange and Transfer of Land*.

MOTION

CRS PETER LAWLESS / JULIE BROOKS

That Council revoke its Sale of Council Land Policy.

(CARRIED)

FILE NO: F21/28/001
4. A WELL RUN COUNCIL

ITEM NO: 10.4.1

COBRAM VISITOR INFORMATION CENTRE - RENOVATION WORKS

Executive Summary

Moirā Shire Council invited submissions for structural and building works at the Cobram Visitor Information Centre, 2 - 4 Station Street Cobram.

After consideration of the submissions, the evaluation panel recommends that the contract be awarded to Ultra Project Services Pty Ltd.

MOTION

CRS PETER ELLIOTT / ED COX

That Council:

1. Award the contract for the Cobram Visitor Information Centre Renovation Works to Ultra Project Services Pty Ltd.
2. Authorise the Chief Executive Officer to sign and seal the contract documents.

(CARRIED)

FILE NO: C038/20
4. A WELL RUN COUNCIL

ITEM NO: 10.4.2

C038/20 - RECONSTRUCTION OF POWER STREET, NATHALIA

Executive Summary

Moirā Shire Council invited submissions for the reconstruction of Power Street in Nathalia.

After consideration of the submissions, the evaluation panel recommends that contract C038/20 be awarded to Quarrell Civil Construction Pty Ltd.

MOTION

CRS WAYNE LIMBRICK / MARIE MARTIN

That Council:

1. Award the contract for C038/20 Reconstruction of Power Street, Nathalia to Quarrell Civil Construction Pty Ltd.
2. Authorise the Chief Executive Officer to sign and seal the contract documents.

(CARRIED)

FILE NO: VARIOUS

ITEM NO: 13

11. ACTION OFFICERS LIST

Nil

12. NOTICES OF MOTION

Nil

13. PETITIONS AND JOINT LETTERS

- A petition was tabled for Moira Shire Council to take a leadership role in resolving issues relating to the Numurkah Lake.

14. COUNCIL SEAL

Nil

FILE NO: VARIOUS

ITEM NO: 15

GENERAL BUSINESS

MOTION

CRS PETER MANSFIELD / MARIE MARTIN

That general business be accepted in relation to Queensland Fruit Fly management.

(CARRIED)

MOTION

CRS ED COX / PETER LAWLESS

That with the continued support of growers and partner Councils urgent representations be made to the Victorian State Government to continue existing funding for on the ground fruit fly eradication programs in northern Victoria.

(CARRIED)

FILE NO: VARIOUS**ITEM NO:****MEETING ADJOURNMENT****MOTION**

CRS PETER LAWLESS / ED COX

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 and 17.2 which the Council may, pursuant to the provisions of Section 66 (2) of the Act resolve to be considered in closed session.

(CARRIED)

MOTION

CRS MARIE MARTIN / PETER MANSFIELD

That the meeting be adjourned for 10 minutes.

(CARRIED)

MOTION

CRS JULIE BROOKS / ED COX

That the meeting be resumed.

(CARRIED)

MEETING CLOSE 7:00PM