



MINUTES

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

The meeting commenced at 6:00 pm.

PRESENT

Councillor Libro Mustica (Mayor)
Councillor Julie Brooks (Deputy Mayor)
Councillor Kevin Bourke
Councillor Ed Cox
Councillor Peter Elliott
Councillor Peter Lawless
Councillor Wayne Limbrick
Councillor Peter Mansfield
Councillor Marie Martin

IN ATTENDANCE:

Doug Sharp	Acting Chief Executive Officer
Rick Devlin	Acting 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.

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 – DOUG SHARP ACTING 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

Nil

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

MOTION:

CRS MARIE MARTIN / PETER LAWLESS

"That the minutes of the Ordinary Council Meeting held on Wednesday, 24 February 2021, be confirmed subject to the following alteration; in petitions and joint letters recognise that a further two joint letters were tabled regarding issues of Numurkah Lake."

(CARRIED)

8. COUNCILLOR REPORTS

COUNCILLORS TO PROVIDE VERBAL REPORTS

- Cr Elliott provided a recap on the Councillor Induction bus tour.
- Cr Bourke acknowledged the passing of Jim Liddell of Nathalia and provided an update on the new irrigation system installed at Nathalia Recreation Reserve.
- Cr Limbrick attended a Goulburn Murray Irrigation District meeting and Tourism Advisory Committee Meeting. Cr Limbrick along with the Mayor attended the opening of the Picola Silo Art Launch. Cr Limbrick also acknowledged Jim Liddell passing and contribution to Nathalia.
- Cr Martin attended the opening of the Ephemeral Art opening. Attended the Numurkah Community Development meeting and International Women's Day event in Yarrawonga.
- Cr Lawless attended the community consultation sessions.
- Cr Brooks attended International Women's Day event in Yarrawonga.

QUESTIONS FROM THE PUBLIC GALLERY

**ORDINARY COUNCIL MEETING
WEDNESDAY, 24 MARCH 2021**

FILE NO: VARIOUS

ITEM NO:9

QUESTIONS FROM THE PUBLIC GALLERY

- Question on notice process
- Specific questions for the elected representatives
- Bike path strategy plan

FILE NO: F20/86
4. A WELL RUN COUNCIL

ITEM NO: 10.1.1

COUNCILLOR APPOINTMENTS

Executive Summary

Each year, Councillors are presented with a report which details Councillor appointments to committees and other bodies.

Councillors were appointed to committees following the Council meeting on 24 November 2020. Due to the passing of Councillor Goldman there were a number of vacancies on committees and other bodies.

Below is the list of committees with amended Councillor representation for consideration.

Committees and Other Representative Bodies	
Moira Shire Community Safety Committee	Cr Bourke Cr Martin
Yarrawonga Library Project Steering Committee	Cr Lawless Cr Mansfield Cr Elliott
Cobram East Flood Mitigation Design Steering Committee	Cr Mustica Cr Cox
Upper Broken & Boosey Creek Flood Study Project Steering Committee	Cr Lawless
Murray Darling Association Inc	Cr Mansfield Cr Martin

MOTION

CRS KEVIN BOURKE / ED COX

That Council appoint Councillor Representatives to Moira Committees, and Other Representative Bodies, in accordance with the list provided.

(CARRIED)

FILE NO: 000
4. A WELL RUN COUNCIL

ITEM NO: 10.2.1

REVIEW OF MAYORAL AND COUNCILLOR ALLOWANCES

Executive Summary

This report seeks Council's authorisation to commence community consultation on a proposal to retain the annual allowances for the Mayor and Councillors at the maximum limit set for a Category 2 Council. Mayoral and Councillor allowances are also subject to the addition of the equivalent of the Superannuation Guarantee Charge (9.5%).

Councils are required to review allowance levels by 30 June in the year following a general election and the allowance level determined by the Council remains in effect for the full term of the Council. Councils are also required to provide opportunity for community feedback on the proposed allowances in accordance with S223 of the Local Government Act (the Act).

Following approval of this report, community consultation will commence to allow submissions to be received by 5pm Wednesday 28 April 2021 and in line with the statutory 223 process requirements.

Council must consider the submissions prior to the Ordinary Council Meeting to be held on Wednesday 23 June 2021 at which Council may adopt the proposed allowances with or without amendment.

MOTION

CRS PETER ELLIOTT / PETER LAWLESS

That Council:

1. proposes to retain the annual allowances for the Mayor and Councillors at the maximum limit set for a Category 2 Council, being:
 - (a) Mayoral Allowance – \$81,204
 - (b) Councillor Allowance – \$26,245
2. Authorise the Chief Executive Officer to:
 - (a) give public notice of the review of the annual allowances for the Mayor and Councillors;
 - (b) make the proposal available for public inspection;
 - (c) invite submissions in accordance with Section 223 of the *Local Government Act 1989*; and
 - (d) receive submissions until 5pm Wednesday 28 April 2021.
3. If required convene a Committee of Council comprising Cr Mustica, Cr Brooks and General Manager Corporate and/or delegate to meet at 6.30pm Wednesday 12 May 2021 at the Cobram Civic Center, Punt Road Cobram to hear any person wishing to be heard in support of their written submission.
4. Consider a recommendation to adopt the proposal with or without amendment at the 23 June 2021 Ordinary Council Meeting.

(CARRIED)

FILE NO: F20/576
4. A WELL RUN COUNCIL

ITEM NO: 10.2.2

MOIRA SHIRE COUNCIL USE OF THE COMMON SEAL AND CONDUCT AT COUNCIL MEETINGS LOCAL LAW NO1 2021

Executive Summary

The report seeks Council's approval to commence community consultation on the draft Moira Shire Council Use of the Common Seal and Conduct at Council Meetings Local Law No.1. 2021.

The Governance Rules adopted 26 August 2020 address most aspects of the Meeting Procedures Local Law 2017 except for the use of the Common Seal, offences & penalties. The current local law will cease in May 2027 unless revoked sooner.

The *Local Government Act 2020* (the Act) requires the common seal to be used in accordance with any applicable Local Law. A Local Law is also required to create offences and to apply penalties for the misuse of the Common Seal and disorderly conduct at Council meetings.

To eliminate any confusion between the current Meeting Procedures Local Law 2017 and the Governance Rules it is proposed to revoke the Meeting Procedures Local Law 2017 when the Moira Shire Council Use of the Common Seal and Conduct at Council Meetings Local Law No.1. 2021 is considered by Council on 23 June 2021.

The power to create a new Local Law remains under the *Local Government Act 1989* (89 Act) until repealed on 1 July 2021, therefore, Section 223 of the 89 Act applies.

A review of a Local Law requires the preparation of a Community Impact Statement that must accompany the Local Law for community consultation purposes. The Community Impact Statement is attached.

MOTION

CRS KEVIN BOURKE / PETER LAWLESS

That Council

- 1 Authorise the Chief Executive Officer to:
 - a) give public notice to commence public consultation on the draft Moira Shire Council Use of the Common Seal and Conduct at Council Meetings Local Law No.1. 2021;
 - b) make the draft local law available for public inspection;
 - c) invite submissions in accordance with Section 223 of the *Local Government Act 1989*;
 - d) receive submissions until 5pm Friday 30 April 2021.
- 2 If required:
 - a) convene a Committee of Council comprising Cr Mustica, Cr Brooks and General Manager Corporate and/or delegate to meet at 6.30pm Wednesday 12 May 2021 at the Cobram Civic Center, Punt Road Cobram to hear any person wishing to be heard in support of their written submission;
 - b) consider a recommendation to adopt the Moira Shire Council Use of the Common Seal and Conduct at Council Meetings Local Law No.1. 2021 at the 23 June 2021 Scheduled Council meeting.

(CARRIED)

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

ITEM NO: 10.2.3

PROPOSED ADOPTION OF THE NAME FEDERATION WAY, COBRAM

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).

At its December 2020 Ordinary Meeting, Council adopted the interim name of 'Federation Way' for the new road constructed at Federation Park Cobram extending from the Murray Valley Highway to Dillon Street, Cobram. Council also authorised the commencement of community consultation for the interim name with the adjoining property owners and the wider community.

The community consultation period took place for 30 days from 13 January 2021 to 12 February 2021. During the community consultation period Council did not receive any objections to the proposed name of Federation Way, however Council did receive two submissions proposing alternate names.

This report is to seek that Council note these submissions and formally adopt the name of 'Federation Way' for this road.

MOTION

CRS JULIE BROOKS / ED COX

That Council:

1. Formally adopt the name 'Federation Way' as the name for the new road created within Federation Park Cobram and submit the name to Geographic Names Victoria.
2. Following approval by the Registrar of Geographic Names and publication of a notice in the Government Gazette, write to affected property owners and all submitters and advise them of Councils decision.

(CARRIED)

FILE NO:
4. A WELL RUN COUNCIL

ITEM NO: 10.2.4

REQUEST TO DISCONTINUE AND SELL A SECTION OF RICHARDSON STREET NATHALIA

Executive Summary

The purpose of this report is to seek Council's authorisation to seek community feedback on a request to discontinue a portion of Richardson Street Nathalia defined in Plan of Subdivision 1315 Parish of Barwo County of Moira and sale of the land to an adjoining land owner.

Council has received a request from an adjoining land owner to purchase the road reserve from Council for the purpose of further business development. To consider this request Council is required to conduct community consultation under s223 of the *Local Government Act 1989* and in accordance with our Community Engagement Policy.

Following on from the public feedback received a recommendation regarding this request will be submitted to the 26 May 2021 Council meeting for consideration.

MOTION

CRS WAYNE LIMBRICK / MARIE MARTIN

That Council:

- 1 Authorise the Chief Executive Officer to:
 - a) give public notice of a request for Council to discontinue and sell a section of Richardson Street Nathalia defined in Plan of Subdivision 1315 Parish of Barwo County of Moira;
 - b) make the proposal available for public inspection;
 - c) invite submissions in accordance with Section 223 of the *Local Government Act 1989*;
 - d) receive submissions until 5pm Wednesday 28 April 2021.
- 2 If required:
 - a) convene a Committee of Council comprising Cr Mustica, Cr Brooks and General Manager Infrastructure and/or delegate to meet at 6pm Wednesday 5 May 2021 at the Dancocks Room, Robertson Street Nathalia to hear any person wishing to be heard in support of their written submission;
 - b) consider a recommendation regarding the road discontinuance and sale with or without amendment at the 26 May 2021 Ordinary Council meeting.

(CARRIED)

FILE NO: F20/196/012
4. A WELL RUN COUNCIL

ITEM NO: 10.2.5

LIVE STREAMING AND PUBLISHING RECORDINGS OF COUNCIL MEETINGS POLICY

Executive Summary

This report is seeking Council adoption of the Live Streaming and Publishing Recordings of Council Meetings Policy.

Council has been livestreaming its Council meetings since April 2020 in response to the Victorian Government COVID-19 Pandemic Stay at Home directions and the temporary measures put in place for Council Meetings under the *COVID-19 Omnibus (Emergency Measures) Act 2020*.

It is proposed to continue to live-stream these meetings despite the continued easing of the Victorian Government restrictions, to give the community greater access to Council decision making on an ongoing basis.

This policy will inform Councillors, staff and members of the public of the processes, the potential benefits and any mitigation actions to manage the potential risks of live streaming and publishing of recordings.

MOTION

CRS PETER ELLIOTT / ED COX

That Council adopt the Live Streaming and Publishing Recordings of Council Meetings Policy.

(CARRIED)

FILE NO: F20/196/007
4. A WELL RUN COUNCIL

ITEM NO: 10.2.6

GIFT, BENEFIT AND HOSPITALITY POLICY

Executive Summary

This report is seeking Council adoption of the Gift, Benefit and Hospitality Policy.

Council must adopt a Councillor Gift Policy, which must include procedures for the maintenance of the Gift Register and any other matters prescribed by the regulations, under section 138 of the *Local Government Act 2020* (Act).

This purpose of this policy is to provide clear guidance to Councillors and employees on responding to the acceptance, or otherwise, of a gift, benefit and/or hospitality from individuals or other entities external to Council.

MOTION

CRS JULIE BROOKS / ED COX

That Council adopt the Gift, Benefit and Hospitality Policy.

(CARRIED)

FILE NO:
1. A GREAT PLACE TO LIVE

ITEM NO: 10.3.1

COMMUNITY STRENGTHENING GRANTS PROGRAM - ROUND 1 - 2021

Executive Summary

Under the new Community Strengthening Grants Policy adopted 16 September 2020, the 2020/21 Community Strengthening Grants Program has a total budget of \$227,200. Major up to \$10,000 (two rounds), Quick Response up to \$1,000 (always open) and Coronavirus Community Recovery Grants up to \$2,500 (one round). Round one Major Grants were open for applications via Smarty Grants November/December/January 2020/21.

Council received 28 applications for the round of the 2020/21 Community Strengthening Grants Program. 24 of the applications passed the pre-eligibility stage and progressed to assessment. Following assessment, 18 are recommended for funding at a total cost of \$102,716.

All Projects recommended have been considered with the additional lens necessitated by the implications of the COVID-19 pandemic and arrangement to support our communities' recovery from this disaster. Council Officers will work with organisations to deliver their projects.

Projects not recommended for funding are either ineligible, require further planning, referred to a budget bid, provide limited community benefit and/or the applications were of poor quality.

MOTION

CRS KEVIN BOURKE / ED COX

That Council approve 18 projects totalling \$102,716.00 as part of the 2020/21 Community Strengthening Grants Program.

(CARRIED)

FILE NO: C041/20
4. A WELL RUN COUNCIL

ITEM NO: 10.3.2

C041/20 - ROADSIDE WEED AND RABBIT CONTROL PANEL

Executive Summary

Moirā Shire Council invited submissions to create a panel of contractors to assist in meeting our obligations under the *Catchment and Land Protection Act 1994* (the Act).

After consideration of the submissions, including price and specification requirements, the evaluation panel recommends that 2 tenderers be awarded and 1 be appointed as preferred tenderer to Panel Contract C041/20. Please refer to Appendix A for further information.

MOTION

CRS KEVIN BOURKE / ED COX

That Council:

1. Award Panel Contract C041/20 Roadside Weed and Rabbit Control Panel to:
 - Tom McLoughlan Contracting Pty Ltd t/a TMC Enviro; and
 - AS & DM Knowles Pty Ltd t/a Greenacres Land Management
2. Appoint Squire Agricultural Services Pty Ltd as a preferred tenderer for contract C041/20 Roadside Weed and Rabbit Control Panel and authorise the Chief Executive Officer to undertake negotiations to achieve a best value outcome.
3. Authorise the Chief Executive Officer to sign and seal the contract documents.

(CARRIED)

FILE NO: C043/20
4. A WELL RUN COUNCIL

ITEM NO: 10.4.1

C043/20 - PROVISION FOR AFTER HOUR RANGER SERVICES

Executive Summary

Moirā Shire Council invited submissions to provide an After Hour Ranger Call Centre and response service.

After consideration of the submission, the evaluation panel recommends that contract C043/20 be awarded to 4Site Australia Pty Ltd.

MOTION

CRS PETER LAWLESS / ED COX

That Council:

1. Award the contract for C043/20 Provision for After Hour Ranger Services to 4Site Australia Pty Ltd.
2. Authorise the Chief Executive Officer to sign and seal the contract documents.

(CARRIED)

FILE NO: C028/20
4. A WELL RUN COUNCIL

ITEM NO: 10.4.2

C028/20 - SUPPLY AND DELIVERY OF PLAYGROUND SOFT FALL MULCH PANEL

Executive Summary

Moirā Shire Council invited submissions to create a panel for the supply, delivery and installation of playground soft fall mulch to top up the playground surfaces to the required height.

After consideration of the submissions, including price and specification requirements, the evaluation panel recommends that 2 tenderers be awarded and 1 be appointed as preferred tenderer to panel contract C028/20. Please refer to Appendix A for further information.

MOTION

CRS PETER LAWLESS / ED COX

That Council:

1. Award panel contract C028/20 Supply and Delivery of Playground Soft Fall Mulch Panel to:
 1. Aztec Industries Pty Ltd; and
 2. Enviro Culture Services Pty Ltd
2. Appoint Ecodynamics Services Pty Ltd as a preferred tenderer for contract C028/20 Supply and Delivery of Playground Soft Fall Mulch Panel and authorise the Chief Executive Officer to undertake negotiations to achieve a best value outcome.
3. Authorise the Chief Executive Officer to sign and seal the contract documents.

(CARRIED)

FILE NO: F21/6
4. A WELL RUN COUNCIL

ITEM NO: 10.4.3

ROAD MANAGEMENT PLAN REVIEW

Executive Summary

This report seeks Council's approval to commence community consultation on the draft amendments to the Council's Road Management Plan

The review of Council's Road Management Plan has been conducted in accordance with the Road Management (General) Regulations 2016-Part 3 Road Management Plans.

The purpose of the review is to ensure that the standards in relation to, and the priorities given to the inspection, maintenance and repair of the roads and classes of road to which the Council's Road Management plan applies are safe, efficient and appropriate for use by the community served by the Council.

A written Review Report summarising the findings and conclusions of the review has been prepared. The Review Report makes a number of recommendations for proposed amendments to the Council's Road Management Plan.

Under Regulation 10 of the Road Management (General) Regulations 2016, Council as the road authority is required to give notice of its intention to amend its Road Management Plan. A notice is to be published in the Government Gazette and in a daily newspaper generally circulating in the area to which the Road Management Plan will apply. Any person who is aggrieved by the proposed amendment may make a submission on the proposed amendment to the Council within the period specified in the notice.

MOTION

CRS KEVIN BOURKE / WAYNE LIMBRICK

That Council:

1. Accept the draft amendments to the Council's Road Management Plan and the Road Management Plan Review Report
2. Authorise the Chief Executive Officer to:
 - (a) give public notice of the preparation of the draft amendments to the Council's Road Management Plan;
 - (b) make the draft amendments to the Council's Road Management Plan 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;
 - (c) invite submissions in accordance with Regulation 10 of the Road Management (General) Regulations 2016; and
 - (d) receive submissions until 5pm Friday 30 April 2021.

(CARRIED)

FILE NO: 1 4. A WELL RUN COUNCIL

ITEM NO: 13.1

PETITION - MOIRA SHIRE TO TAKE A LEADERSHIP ROLE IN RESOLVING ISSUES RELATING TO LAKE NUMURKAH**Executive Summary**

Council has received a petition requesting the *“Moira Shire to take a leadership role in resolving issues relating to the extremely poor condition of Numurkah Lake.*

We are aware that the Moira Shire is not the only stakeholder in the lake issues, but recognize that by draining a large section of Numurkah directly into the lake, the Shire has contributed greatly to the poor condition of the water”.

The petition was tabled at the 24 February 2021 Ordinary Council meeting. The petition had 209 signatories.

This report describes the situation regarding Lake Numurkah. This background information and current situation update provides an explanation for the reports recommendations.

MOTION

CRS MARIE MARTIN / PETER MANSFIELD

That Council:

1. notes the petition for Moira Shire to take a leadership role in resolving issues relating to the Numurkah Lake;
2. continue to discuss the management of Numurkah Lake with its owner;
3. continue to develop, including in consultation with the community, a concept plan for Lake Numurkah; and
4. thank the signatories of the petition for their work and advise the first mentioned signatory of the petition of Council’s decision.

(CARRIED)

FILE NO: VARIOUS

ITEM NO:

11. ACTION OFFICERS LIST

Nil

12. NOTICES OF MOTION

Nil

13. PETITIONS AND JOINT LETTERS

- A joint letter was tabled in relation to a request to provide a footpath at 1-5 Hume Street Yarrawonga.
- Additional signatures were received in relation to the Lake Numurkah petition.

14. COUNCIL SEAL

Nil

FILE NO: VARIOUS

ITEM NO: 15

GENERAL BUSINESS

Nil

FILE NO: VARIOUS

ITEM NO:

MEETING ADJOURNMENT**MOTION**

CRS KEVIN BOURKE / ED COX

That the meeting be adjourned for 10 minutes.

(CARRIED)

*The meeting adjourned at 7.05pm***MOTION**

CRS ED COX / WAYNE LIMBRICK

That the meeting be resumed.

(CARRIED)

*The meeting resumed at 7.15pm***MOTION**

CRS ED COX / MARIE MARTIN

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)

MOTION

CRS KEVIN BOURKE / MARIE MARTIN

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

(CARRIED)

19. CLOSE OF MEETING

The Mayor closed the meeting 7.27pm