



MINUTES

ORDINARY MEETING OF COUNCIL HELD AT COBRAM
CIVIC CENTRE, PUNT ROAD COBRAM,
WEDNESDAY 22 JULY 2020

The meeting commenced at 5.02 pm.

PRESENT

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

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

NIL

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

MOTION:

CRS GARY CLEVELAND / KEVIN BOURKE

"That the minutes of the Ordinary Council Meeting held on Wednesday, 24 June 2020, as prepared, be confirmed."

(CARRIED)

8. COUNCILLOR VERBAL REPORTS

- Councillor Mansfield reported on Multisport Stadium committee meeting.
- Councillor Lawless reported on Multisport Stadium committee meeting, Victoria Park and Katamatite Recreation Reserve upgrade project.
- Councillor Mustica met with Federal member for Nicholls Damian Drum on the Federation Park playground project.

9. OFFICER REPORTS FOR DETERMINATION

9.1 OFFICE OF CEO

NIL

9.2 CORPORATE

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FILE NO: F13/503
4. A WELL RUN COUNCIL

ITEM NO: 9.2.1

ASSEMBLIES OF COUNCIL

Executive Summary

This report details the Assembly of Councillors for June 2020. This report is prepared in accordance with the requirements of the section 80A of the *Local Government Act 1989*.

MOTION

CRS MARIE MARTIN / GARY CLEVELAND

That Council receive and note the Record of Assemblies of Councillors, with the following amendments made to show that the June briefing date was the 24th and Councillors Buck, Cox and Martin were in attendance.

(CARRIED)

FILE NO: F13/202
4. A WELL RUN COUNCIL

ITEM NO: 9.2.2

**EXPANDED CHIEF EXECUTIVE OFFICER'S DELEGATION DURING 2020
GENERAL ELECTION CARETAKER PERIOD**

Executive Summary

Council approval is sought to increase the Chief Executive Officer's financial delegation \$1,000,000 during the 2020 General Council Election Caretaker Period.

The report recommendation seeks Council's approval to expand the CEO's financial delegations during the 2020 General Election Caretaker Period.

MOTION

CRS GARY CLEVELAND / PETER LAWLESS

That

1. Council resolve to increase the Chief Executive Officer's delegation during the 2020 General Council Election Caretaker Period as follows:
 - approve any expenditure contained in a Council approved budget of up to \$1,500,000 (including GST)
 - apply any money, up to the value of \$1,500,000 (including GST) to enable the Council to perform the functions and exercise the powers conferred on the Council by or under the Local Government Acts 1989 and 2020 or any other Act
2. The increased delegation shall come into force at midnight on 18 September 2020 and lapses at the start of the newly elected Council's first Ordinary Council meeting.
3. Council authorises the Chief Executive Officer to sign and seal the Instrument of Delegation.

(CARRIED)

FILE NO: F19/494
4. A WELL RUN COUNCIL

ITEM NO: 9.2.3

2020/21 PUBLIC LIABILITY INSURANCE RENEWAL

Executive Summary

Council was required by section 76A of the Local Government Act 1989 to maintain public liability insurance. While the repeal of this section of the 1989 Act on 1 May 2020 removed the legislative requirement for Council to maintain public liability insurance, it remains critical for Council to do so to protect the community from litigation.

The Municipal Association of Victoria (MAV) has provided public and products liability and professional indemnity insurance (PPL/PI insurance) to Victorian Councils since 1993 when commercial insurers withdrew from the market. While a large proportion of Councils purchase their PPL/PI insurance from MAVI, Councils are free to purchase their insurance from the open market if they wish.

Since then, Councils have also been provided with an exemption from the requirement to publicly tender their PPL/PI insurance needs if they insured through the MAV's Liability Mutual Insurance Scheme (LMI Scheme). Moira Shire Council has previously utilized the tendering exemption and insured through the LMI Scheme.

MOTION

CRS PETER LAWLESS / WENDY BUCK

That Council:

1. Accept the renewal proposal for MAV Insurance's Liability Mutual Insurance Scheme.
and
2. Authorise the Chief Executive Officer to sign the 2020/21 insurance renewal documents.

(CARRIED)

FILE NO: D19/80950
4. A WELL RUN COUNCIL

ITEM NO: 9.2.4

REPLACEMENT OF MULTI FUNCTION DEVICES / PHOTOCOPIERS

Executive Summary

Moira Shire Council requested quotes for the replacement of 22 multifunction devices (photocopiers/printers/scanners).

The service will be provided utilizing Procurement Australia contract 2103/0839 that covers the lease and support of multifunction devices.

The devices were previously purchased under a 5 year lease agreement through Equigroup (CBA) and are supported via an agreement with eFex (formerly Cloud Copy Click). eFex provide the support under what is called a 'Click Charge' or price per copy / print.

Council's lease expires at the end of August. Council could extend the lease, but the equipment is starting to approach end of life. A new support contract would also need to be negotiated (which the vendor has already indicated will be at a less favorable rate).

Rather than leasing the devices and paying for support, a number of Councils go for an all-in contract with vendors that include the lease and support of the devices. This is a less complicated way of doing things and will actually result in an extra cost saving to Council.

Quotes were received from 4 vendors;

- Canon (Thinkex Holdings Pty Ltd - eFex),
- Konica Minolta (The trustee for Peat's Office Equipment Unit Trust - Peat's Office Equipment),
- Ricoh (Franco Enterprises Pty Ltd - MicrotechDPS) and
- Toshiba (Southern Cross Telephone Company Pty Ltd - Scoe)

The vendors are all registered dealers for the equipment.

After consideration of the submissions, including price and specification requirements, it is recommended that the quote is awarded to eFex for a 5 year term for Canon equipment based on their quoted Click Charge (the cheapest vendor).

The resulting cost to Council over 5 years will be \$243,720 (ex GST).

MOTION

CRS KEVIN BOURKE / GARY CLEVELAND

That Council award the quotation to Thinkex Holdings Pty Ltd (trading as eFex) for a 5 year term for Canon equipment

(CARRIED)

FILE NO: C039/19
4. A WELL RUN COUNCIL

ITEM NO: 9.3.1

C039/19 - COLLECTION AND RECYCLING OF RECYCLABLES FROM TRANSFER STATIONS

Executive Summary

Moira Shire Council invited tenders for the collection and recycling of recyclable material from Council's Transfer Stations and the Cobram Landfill.

After consideration of the submissions, including price and specification requirements, the evaluation panel recommends that the contract be awarded as follows:

Part A Green Waste and Timber Collection and Processing to J & A Uebergang Pty Ltd t/a J & K Tree Recycling.

Part B Rubber Tyre Collection, **Part C** Silage Collection and **Part F** Mattress Collection and Processing to JLW Services Pty Ltd.

Part D Concrete Collection and Processing and **Part E** Masonry Products Collection to Lawrence Brothers Quarries Pty Ltd.

There were no submissions for Part G Florescent tubes. Please refer to Appendix A for further information.

MOTION

CRS WENDY BUCK / PETER LAWLESS

That Council:

1. Award contract C039/19 – Collection and Recycling of Recyclables from Transfer Stations to:

Part A Green Waste and Timber Collection and Processing to J & A Uebergang Pty Ltd t/a J & K Tree Recycling.

Part B Rubber Tyre Collection, **Part C** Silage Collection and **Part F** Mattress Collection and Processing to JLW Services Pty Ltd.

Part D Concrete Collection and Processing and **Part E** Masonry Products Collection to Lawrence Brothers Quarries Pty Ltd.
2. Authorise the Chief Executive Officer to sign and seal the contract documents.

(CARRIED)

FILE NO: C019/17
4. A WELL RUN COUNCIL

ITEM NO: 9.4.1

C019/17 - PROVISION OF PLANT AND LABOUR HIRE PANEL REFRESH

Executive Summary

Moira Shire Council refreshed panel contract C019/17 for the provision of plant and labour hire with the option of wet and dry hire.

After consideration of the submissions, including price and specification requirements, the evaluation panel recommends that 11 tenderers be added to Contract C019/17. Please refer to Appendix A for further information.

MOTION

CRS PETER LAWLESS / KEVIN BOURKE

That Council:

1. Award the refresh of panel contract C019/17 – Provision of Plant and Labour Hire to:
 - Bencon Civil Construction Pty Ltd
 - Crawford Civil Pty Ltd
 - FRF Civil Contractors Pty Ltd
 - Katty East Engineering Pty Ltd
 - Lawrence Brothers Pty Ltd aft The Trustee for B Lawrence Business Trust
 - Northern Constructions Group (Aust) Pty Ltd
 - Northern Hire Group Pty Ltd
 - Pascoe Grading & Earthmoving Contractors Pty Ltd
 - P.J & M.P Megarrity Cartage Pty Ltd
 - Tuddtrans Pty Ltd
 - W & L Birch Earthmoving Pty Ltd
2. Authorise the Chief Executive Officer to sign and seal the contract documents.

(CARRIED)

FILE NO: F13/2478
4. A WELL RUN COUNCIL

ITEM NO: 9.4.2

**POLICY REVIEWS - SWIMMING POOLS & SPA SAFETY BARRIERS POLICY,
INTERVENTION WHERE PRIVATE BUILDING SURVEYOR IS RESPONSIBLE
POLICY & WAIVER OR REFUND OF BUILDING PERMIT FEES POLICY**

Executive Summary

This report seeks Council adoption of the following reviewed policies:

- Swimming Pools & Spa Safety Barriers Policy
- Intervention where Private Building Surveyor is Responsible Policy
- Waiver or Refund of Building Permit Fees and Charges Policy

The current Swimming Pools and Spa Safety Barriers Policy was scheduled for review in February 2020 and the Intervention where Private Building Surveyor is Responsible Policy in March 2020. Each policy has been reviewed and are still required.

The current Waiver or Refund of Building Permit Fees and Charges Policy is scheduled for review in October 2021. This policy has been reviewed and changes have been made to the sliding scale for refunds.

MOTION

CRS GARY CLEVELAND / PETER LAWLESS

That Council adopt the reviewed policies.

(CARRIED)

FILE NO: F13/118 1. A GREAT PLACE TO LIVE
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ITEM NO: 10.1

BUNDALONG BRIDGE - ACTION OFFICERS REPORT**Bundalong Bridge**

Council Officers have had a site meeting with representatives of the Bundalong Action Group (BAG) and GMW regarding the proposed bridge to Jacksons Island.

The location of the proposed bridge is in a rural flood overlay and is culturally and environmentally sensitive. These factors add complexity to the project and require the necessary statutory permits.

Construction funding of the bridge by GMW has not been confirmed.

MOTION

CRS PETER MANSFIELD / WENDY BUCK

That the report be noted.

(CARRIED)

FILE NO: F18/504
4. A WELL RUN COUNCIL

ITEM NO: 11.1

SPEED LIMITS ON MURRAY VALLEY HIGHWAY EAST OF YARRAWONGA

TAKE NOTICE that at the Council Meeting to be held on 22 July 2020, it is my intention to move the following motion:

Cr Peter Mansfield

Date: 22 July 2020

MOTION

CRS PETER MANSFIELD / WENDY BUCK

That Regional Roads Victoria be contacted and asked to review the speed limits on the Murray Valley Highway east of Yarrawonga from Woods Rd to Hogans Road

(CARRIED)

FILE NO: D20/41039 1. A GREAT PLACE TO LIVE
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ITEM NO: 12.1

JOINT LETTER – FUNDING SUPPORT FOR THE BAROOGA SPORTIES HEALTH AND FITNESS CENTRE**Executive Summary**

A joint letter requesting Moira Shire Council join with the Berrigan Shire Council and contribute to funding to keep the Barooga Sporties Health and Fitness facility open, was tabled at the 24 June 2020 Council Meeting.

At the same meeting Council resolved to:

That Council allocate up to \$100,000 over two financial years (\$50,000 p.a.) to subsidise the provision of indoor heated pool facilities at the Barooga Sporties on the basis of an equivalent contribution from Berrigan Shire and that the CEO condition the funding allocation to ensure it meets Council's intent of helping local residents re-establish an active lifestyle in a COVID19 recovery phase.

MOTION

CRS GARY CLEVELAND / ED COX

That Council write and thank the first signatory of the joint letter and advise of Council's resolution.

(CARRIED)

FILE NO: 3 2. A THRIVING LOCAL ECONOMY

ITEM NO: 12.2

MAKE NUMURKAH RV FRIENDLY - RESPONSE TO PETITION**Petition**

Council has received a petition requesting that the Moira Shire to do all things necessary to enable Numurkah to qualify for CMCA RV Friendly Town status. By having RV Friendly status Numurkah could reap an economic benefit from the significant number of self-contained RV's currently travelling past.

The petition argues that:

- Numurkah business have been suffering since the Covid-19 lockdown started, many are struggling to survive;
- Reinstating Numurkah as an RV Friendly town would capitalise on the opportunity presented by very limited overseas travel, so travelling in their RV's will be the only holiday option for many grey nomads, retirees, holidaymakers and families. (*The petition states that there over 700,000 (RV's) registered caravans, camper trailers and motor homes currently registered in Australia*);
- RV travellers do more than just stay overnight, they enjoy time in Numurkah, stopping for a coffee, browsing in the shops or going for a walk along the creek; and
- Reinstating Numurkah's RV friendly status would not take business away from other accommodation venues. It would bring more tourists to the town, enabling businesses to work together to realise Numurkah's tourism potential.

The organiser of the petition states that:

- the petition signatures were collected in just a few days
- 90% of CBD businesses have already signed the petition, but some business owners away and very few of the community have had the opportunity to sign
- more petition pages will be sent prior to the next council meeting in July.

MOTION

CRS MARIE MARTIN / KEVIN BOURKE

That Council:

- notes the petition to reinstate Numurkah as an RV Friendly Town and thank the organiser of the petition for their efforts in this regard; and
- Staff and stakeholders review the RV strategy as it relates to Numurkah and report back to Council on any recommended changes to the strategy.

(CARRIED)

FILE NO: F13/139
4. A WELL RUN COUNCIL

ITEM NO: 13.1

TWINNING PACT BETWEEN THE MUNICIPALITIES OF MOLOCHIO AND MOIRA SHIRE

Council consent is sought to sign and seal the twinning pact between Molochio and Moira Shire Council.

MOTION

CRS ED COX / GARY CLEVELAND

That Council authorise the Mayor Libro Mustica to sign and seal the twinning pact between the municipalities of Molochio and Moira Shire Council.

(CARRIED)

FILE NO: VARIOUS

ITEM NO: 14

URGENT GENERAL BUSINESS

NIL

FILE NO: VARIOUS

ITEM NO: 15

QUESTIONS FROM THE PUBLIC GALLERY

Questions were raised in relation to:

- Procedure for recording questions in Council meeting minutes.
- Tunnock Road Numurkah speeding and drainage concerns.

FILE NO: VARIOUS

ITEM NO: 16

MEETING ADJOURNMENT**MOTION**

CRS MARIE MARTIN / GARY CLEVELAND

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 / GARY CLEVELAND

That the meeting be adjourned for 10 minutes.

The meeting adjourned at 5.53pm

(CARRIED)

MOTION

CRS GARY CLEVELAND / PETER LAWLESS

That the meeting be resumed.

The meeting resumed at 6.08pm

(CARRIED)

MOTION

CRS GARY CLEVELAND / JOHN BEITZEL

That pursuant to Section 66 (1) of the Local Government Act 2020, Council resolve to resume the Ordinary meeting in open session.

(CARRIED)

FILE NO: VARIOUS

ITEM NO: 16

MEETING ADJOURNMENT

MOTION

CRS MARIE MARTIN / KEVIN BOURKE

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

(CARRIED)

19 MEETING CLOSE: 6.36 PM