



## MINUTES

ORDINARY MEETING OF COUNCIL HELD AT  
NUMURKAH PRESIDENTS ROOM,  
WEDNESDAY 23 MAY 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
Linda Nieuwenhuizen	Manager Governance and Communication

### 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

*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

Cr Marie Martin requested a leave of absence for the 30 May 2018 Special Council Meeting.

### MOTION

CRS ED COX / GARY CLEVELAND

That Cr Marie Martin'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 9.1.1 being an indirect interest due to close association.
- Cr John Beitzel declared a conflict of interest in item 9.4.1 being an indirect interest due to close association.

**7. CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

**MOTION:**

CRS ED COX / GARY CLEVELAND

"That the minutes of the Ordinary Council Meeting held on Wednesday, 18 April 2018, as prepared, be confirmed."

(CARRIED)

**8. COUNCILLOR REPORTS**

- Cr Wendy Buck reported on her attendance at the Goulburn Valley Waste Forum, Budget/Rating & Services Strategy Community Consultation Sessions, Murray River Erosion Management Committee Meeting, MAV State Council Meeting, Business & Councillor Networking Meet & Greet and the Yarrawonga Library Project review of community feedback meeting.
- Cr Peter Mansfield reported on his attendance at the Rural Council Victoria Summit.
- Cr Marie Martin reported on her attendance at the Rural Council Victoria Summit.
- Cr Peter Lawless reported on his attendance at the Yarrawonga Library Project Review of Community Feedback Meeting, Recreation Reserve Meetings, Business & Councillor Networking Meet & Greet and the Budget/Rating & Services Strategy Community Consultation Sessions.

**9. OFFICER REPORTS FOR DETERMINATION**

FILE NO: F14/356  
1. STRONGER REGIONAL PARTNERSHIPS

ITEM NO: 9.1.1

## MURRAY DARLING ASSOCIATION REGION 2 CHAIR

**Councillor Peter Mansfield left the meeting at 5:11 PM in accordance with previously declared conflict of interest.**

### **Executive Summary**

Councillor Peter Mansfield has held the position of Chair for Region 2 of the Murray Darling Association for the past 12 months after it had been vacant for some time. Cr Mansfield's nomination, if successful will assist the shire and region to ensure strong and credible representation of local government and the issues facing the region.

This report is presented to Council to seek support to nominate for the Chair of Region 2 of the Murray Darling Association for the next 12 months.

### **MOTION**

CRS KEVIN BOURKE / MARIE MARTIN

That Council endorse Councillor Peter Mansfield's nomination for Chair of Region 2 of the Murray Darling Association (MDA) for the next 12 months.

(CARRIED)

**Councillor Peter Mansfield returned to the meeting at 5:13 PM.**

FILE NO: F13/123  
4. A WELL RUN COUNCIL

ITEM NO: 9.2.1

## LEASE TO OPTUS MOBILE PTY LTD - NATHALIA

### Executive Summary

Optus Mobile Pty Ltd (Optus) currently leases part of the land beneath and space on Council's telecommunication towers in Cobram, Nathalia, Numurkah and Yarrawonga.

The Nathalia lease expires on 1 June 2020 and Optus wishes to enter into a new long term lease on the same commercial terms as the Cobram, Numurkah and Yarrawonga tower leases which were renewed by Council in February 2015.

This report provides the details of the proposed lease to Optus for land beneath and space on Council's telecommunications tower in Nathalia to commence 2 June 2020.

### MOTION

CRS KEVIN BOURKE / PETER LAWLESS

That Council:

1. Enter into a lease with Optus Mobile Pty Ltd to occupy part of Moira Shire Council's telecommunications tower and land located at 77 Blake St Nathalia and,
2. Authorise the CEO to sign and seal the lease documents.

(CARRIED)

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

ITEM NO: 9.2.2

## QUARTERLY BUDGET REVIEW - MARCH 2018

### Executive Summary

#### Income Statement

There has been a decrease in the forecast deficit from \$3.36 million in the December 2017 review to \$2.59 million in the March 2018 forecast. This is mainly driven by the receipt of Black Spot Roads grants and unplanned Planning Fee income.

#### 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

The capital works budget for the December quarter is \$9.72 million. The Council total capital works program is \$14.05 million; this includes the carryover of capital projects from the 2016/17 financial year and expected to be completed in this financial year.

#### Financial Performance indicators

All Financial performance indicators remain within an acceptable range.

The quarterly budget review is mandated under Section 138 of the Local Government Act 1989. The Act requires that at least every three months the Chief Executive Officer must ensure a statement comparing the budgeted revenue and expenditure for the financial year with actual revenue and expenditure to date is presented to the Council.

### MOTION

CRS WENDY BUCK / ED COX

That Council notes the projections for the 2017/18 financial year contained in the March 2018 Quarterly Budget Review.

(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 April 2018 is prepared in accordance with the requirements of the Local Government Act (the Act) 1989 section 80A.

### MOTION

CRS ED COX / GARY CLEVELAND

That Council receive and note the Records of Assembly of Councillors.

(CARRIED)

FILE NO: 1  
3. A CLEAN GREEN ENVIRONMENT

ITEM NO: 9.3.1

## EMISSIONS REDUCTION PLAN 2018-2021

### Executive Summary

The development and implementation of an Emissions Reduction Plan (ERP) was identified as a performance indicator in Council's Environment Sustainability Strategy 2017-2021 (ESS). The ERP:

- includes an emissions reduction target of 35% below 2008-09 levels by 2021;
- details Council's current emissions profile;
- notes Council's recent achievements in reducing corporate emissions;
- identifies seven priority areas for further action; and
- lists actions for meeting these targets.

This report seeks Council endorsement of the recently prepared 2018-2021 Emissions Reduction Plan.

### MOTION

CRS MARIE MARTIN / KEVIN BOURKE

That Council endorse the attached 2018-2021 Emissions Reduction Plan with amendments made to item 6.1 and 6.2 to remove the words decorative and standard.

### AMENDMENT

CRS PETER MANSFIELD / ED COX

That the item be held over to the June meeting.

THE AMENDMENT WAS (CARRIED) AND BECAME THE MOTION

THE MOTION WAS PUT AND (CARRIED)

FILE NO: 000.000.000  
1. A GREAT PLACE TO LIVE

ITEM NO: 9.4.1

## NUMURKAH FLOOD STUDY REPORT

**Councillor John Beitzel left the meeting at 5:46 PM in accordance with previously declared conflict of interest.**

### Executive Summary

The Numurkah Floodplain Management Study and Plan – Study Report (copy attached) is presented to Council for adoption. The study was initiated in October 2012 following the flood event that seriously impacted the town of Numurkah in early March 2012.

The first round of public consultation occurred in September of 2015. The community feedback indicated that there was strong demand for more permanent mitigation measures to protect homes at risk in the residential area south of the Broken Creek or better still a levee protecting the whole town.

Further scenarios were tested resulting in the three preferred mitigation options offered to the community for feedback by the the Numurkah Flood Study Community Reference Group in the Summary Report published in December 2017 (copy attached).

Following a well attended public information session held on 1 March 2018, 125 submissions were received from the Numurkah community by the nominated closing date of 6 April 2018 with a further 10 submissions received over the following week bringing the total number to 135.

The majority of the submissions supported the preferred mitigation option of the the Numurkah Flood Study Community Reference Group being option A. A number of submissions raised concerns for those properties outside the proposed levee system and how those properties might be impacted and protected from the effects of the proposed mitigation option.

There was considerable support at the community information session for continued community involvement in the continuing process to acquire flood mitigation for Numurkah. Following the dissolution of the Numurkah Flood Study Community Reference Group, it is proposed to form a Consultative Group to continue community involvement as the project moves in to the design and implementation phases. Council will be asked to invite persons interested in participating to register their interest in writing once the terms of reference for the Consultative Group have been formulated.

Council has been successful in attracting funding under the Natural Disaster Resilience Grant process and has \$250,000 to commence preparing a functional design for the mitigation works upon adoption of the Numurkah Floodplain Management Study and Plan – Study Report.



FILE NO: 000.000.000  
1. A GREAT PLACE TO LIVE

ITEM NO: 9.4.1

## NUMURKAH FLOOD STUDY REPORT (cont'd)

### MOTION

CRS KEVIN BOURKE / PETER MANSFIELD

That Council:

1. Adopts the Numurkah Floodplain Management Study and Plan – Study Report, November 2017
2. Acknowledges that mitigation Option A put forward by the Numurkah Flood Study Community Reference Group in the Numurkah Floodplain Management Study and Plan Summary Report is the Numurkah community's preferred mitigation option
3. Acknowledges that properties outside of the preferred mitigation option may require local mitigation to protect homes from above floor flooding due to the implementation of the preferred mitigation option as part of any implementation scheme
4. Dissolves the Numurkah Flood Study Community Reference Group and thanks the community members for their time and dedication in contributing to the development of the report and the recommendations
5. That Council appoints a Numurkah Flood Mitigation Implementation Committee, with terms of reference to be determined, consisting of the following community members:
  - Mr Peter Sprunt, former Community Reference Group member
  - Mr Colin Pendlebury, former Community Reference Group member
  - Mr Ray Thornton, former Community Reference Group member
  - Mr Joe Frew, former Numurkah Flood Action Group member
  - Ms Kerry Curzons, former Community Reference Group member
  - Mr Neil Hutchins former Nathalia Flood Study member, former Nathalia and Moira Shire employee, Numurkah Resident
  - Mr Terry Brennan, former Community Reference Group member
  - Cr Kevin Bourke former Chair of Community Reference Group

With power to add further members.

As overwhelmingly supported by the Numurkah community at the recent Flood Study Meeting.

(CARRIED)

**Councillor John Beitzel returned to the meeting at 6:01 PM.**

FILE NO: C014/18  
4. A WELL RUN COUNCIL

ITEM NO: 9.4.2

## C014/18 - FINANCE OF ONE HORIZONTAL DISCHARGE UNIT

### Executive Summary

Moira Shire Council invited submissions from suitably qualified organisations or individuals for the Supply and Delivery or Finance of One Four Axle Twin Steer Rigid Horizontal Discharge Vehicle.

After consideration of the submissions, the evaluation panel recommends that contract C014/18 – Finance of One Four Axle Twin Steer Horizontal Discharge Vehicle be awarded to CMV Truck & Bus Pty Ltd as per the finance rates.

### MOTION

CRS ED COX / PETER LAWLESS

That Council:

1. Award contract C014/18 – Finance of One Four Axle Twin Steer Horizontal Discharge Vehicle as per the finance rates to CMV Truck & Bus Pty Ltd.
2. Authorise the Chief Executive Officer to sign and seal the contract documents and approve contract extensions within the provisions of the contract.

(CARRIED)

FILE NO: C0021/18  
4. A WELL RUN COUNCIL

ITEM NO: 9.4.3

**C021/18 - SUPPLY AND DELIVERY OR FINANCE OF ONE STREET SWEEPER**

**Executive Summary**

Moira Shire Council sought submissions from suitably qualified companies for the supply and delivery or finance of one Suction Street Sweeper.

The tender provided the option to purchase outright or for Council to lease the vehicle over five years. The lease costs included maintenance of the vehicle and Council will own the vehicle at the end of the lease.

After consideration of the submissions, including price and specification requirements, the evaluation panel recommends that contract C021/18 – Finance of One Street Sweeper be awarded to SG Fleet Australia Pty Limited as a fully maintained lease over a five year term.

**MOTION**

CRS ED COX / PETER LAWLESS

That Council:

1. Award contract C021/18 – Finance of One Street Sweeper to SG Fleet Australia Pty Limited.
2. Authorise the Chief Executive Officer to sign and seal the contract documents.

(CARRIED)

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

**ITEM NO: 10.1**

**ACTION OFFICERS' LIST**

**MOTION**

CRS WENDY BUCK / GARY CLEVELAND

That Council receive and note the Action Officers' List.

(CARRIED)

**11 NOTICES OF MOTION**

NIL

**12 PETITIONS AND JOINT LETTERS**

NIL

FILE NO: F18/2 4. A WELL RUN COUNCIL
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ITEM NO: 13.1
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**PLAN OF CREATION OF CARRIAGEWAY EASEMENT AT 19A HOGANS ROAD****Executive Summary**

This Application serves to create carriageway rights in favour of Council over the land containing road turn-around areas abutting Courtney and Koop Streets, Yarrawonga.

These are known as Carriageway E-3 and E-5 on Plan of Creation of Easement, prepared by North East Survey Design, dated 21/02/2018. Their area is approximately each 18m by 18m square.

Their sole purpose is to ensure ongoing public use rights, and to protect the landowner/s of which they exist upon, against any claims arising from public use.

These Carriageways will remain in place until such time as the road network is further extended to the south, and at which time these will be removed and / or revised.

It is recommended that Council authorise the CEO to sign and seal the Creation of Easement Application.

**MOTION**

CRS PETER MANSFIELD / MARIE MARTIN

That Council authorise the Chief Executive Officer to sign and seal the Creation of Easement Application prepared by Maddocks law firm, to accept public use rights "Carriageway" over the land, known as 19 Hogans Road, Yarrawonga 3730.

(CARRIED)

FILE NO: VARIOUS

ITEM NO: 14

**URGENT GENERAL BUSINESS****MOTION**

CRS KEVIN BOURKE / MARIE MARTIN

That items of urgent general business relating to the lights in Blake Street Nathalia and the Barmah - Shepparton Road, the Katie Walsh's Bridge Road and the Murray Valley Highway be considered.

(CARRIED)

**MOTION**

CRS KEVIN BOURKE / MARIE MARTIN

That a committee be formed, comprising the whole of Council, to find an amicable and, community driven, energy efficient and policy compliant solution to the heritage street lamps in Blake Street Nathalia.

(CARRIED)

**MOTION**

CRS KEVIN BOURKE / MARIE MARTIN

That Council liaise with Vicroads to provide safety treatment to the intersection of the Barmah-Shepparton Road and Katie Walsh's Bridge Road and also the Barmah - Shepparton Road and Murray Valley Highway South of Nathalia including rejuvenation of rumble strips and more pronounced signage at both intersections.

(CARRIED)

FILE NO: VARIOUS

ITEM NO: 15

**QUESTIONS FROM THE PUBLIC GALLERY**

Questions were raised in relation to:

- Nathalia Street lights
- Numurkah tyres
- Community consultation
- Strathmerton pedestrian refuge

FILE NO: VARIOUS

ITEM NO: 16

**MEETING ADJOURNMENT****MOTION**

CRS GARY CLEVELAND / PETER LAWLESS

That the meeting be adjourned for 10 minutes.

(CARRIED)

The meeting adjourned at 6:59 PM

**MOTION**

CRS ED COX / GARY CLEVELAND

That the meeting be resumed.

(CARRIED)

The meeting resumed at 7:15 PM

**MOTION**

CRS ED COX / GARY CLEVELAND

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

(CARRIED)

**MOTION**

CRS ED COX / PETER MANSFIELD

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

(CARRIED)

**MOTION**

CRS ED COX / GARY CLEVELAND

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

(CARRIED)

**Meeting Close: 7:33 PM**