



MINUTES

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

The meeting commenced at 5:04 pm.

PRESENT Councillor Libro Mustica (Mayor)
Councillor Peter Lawless (Deputy Mayor)
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

Councillor Wendy Buck and Councillor Ed Cox are apologies for tonight's meeting.

MOTION

CRS PETER LAWLESS / GARY CLEVELAND

That Cr Wendy Buck and Cr Ed Cox apologies be accepted.

(CARRIED)

Cr Kevin Bourke entered the meeting at 5:06 PM.

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

Nil

6. DECLARATION OF ANY INTEREST OR CONFLICT OF INTEREST

Councillor Mustica has given notice that there are projects being considered in the upcoming budget in which he has a conflict of interest. The projects are Catona Crescent Cobram drainage and Cobram East Drainage and the conflict arises because of a direct interest. Having received notice of these conflicts the Council is required to consider a motion as to whether it will consider the projects for inclusion in the upcoming budget. If the Council agrees to this it will enable Cr Mustica to participate in the budget process and fulfil his obligations as a Councillor.

Cr Mustica left the chair and the meeting at 5:07 PM due to his previously declared conflict of interest. Cr Lawless took the chair.

MOTION

CRS GARY CLEVELAND / PETER MANSFIELD

That the Catona Crescent Cobram drainage and Cobram East Drainage projects be considered for inclusion in the 2020/21 Council budget.

(CARRIED)

Cr Mustica returned to the chair at 5:08 PM.

Councillor Lawless has given notice that there are projects being considered in the upcoming budget in which he has a conflict of interest. The projects are Muckatah anabranh drainage, a direct interest and the Tungamah Recreation Reserve an indirect interest. Having received notice of these conflicts the Council is required to consider a motion as to whether it will consider the projects for inclusion in the upcoming budget. If the Council agrees to this it will enable Cr Lawless to participate in the budget process and fulfil his obligations as a Councillor.

Cr Lawless left the meeting at 5:09 PM due to his previously disclosed conflict of interest.

MOTION

CRS PETER MANSFIELD / GARY CLEVELAND

That the Muckatah anabranh drainage and the Tungamah Recreation Reserve projects be considered for inclusion in the 2020/21 Council budget.

(CARRIED)

Cr Lawless returned to the meeting at 5:10 PM

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

MOTION:

CRS GARY CLEVELAND / PETER LAWLESS

"That the minutes of the Ordinary Council Meeting held on Wednesday, 25 March 2020, as prepared, be confirmed."

(CARRIED)

8. COUNCILLOR REPORTS

- Cr Martin reported on community members acknowledging Moira Shire Council as a great place to live and Grainstore's recent on line exhibitions.
- Cr Bourke reported on community members acknowledging the recent road works and congratulated staff on their work.
- Cr Lawless acknowledged the great work done in Gilmore Street Yarrawonga.
- Cr Cleveland acknowledged the CEO and staff for their continued work in the current situation.

9. OFFICER REPORTS FOR DETERMINATION

FILE NO: F20/19
2. A THRIVING LOCAL ECONOMY

ITEM NO: 9.1.1

COVID-19 FINANCIAL HARDSHIP POLICY

Executive Summary

This reports seeks Council's endorsement of the attached COVID-19 Hardship Policy.

COVID-19 was declared a global pandemic on the 30th January 2020 and a State of Emergency was declared in Victoria on the 16th March 2020.

In response to the impact of the COVID-19 pandemic on the community, Moira Shire Council is committed to helping its customers and businesses facing financial hardship through this policy framework. Ratepayers will be able to set up payments plans tailored to their specific situation, defer debt and waive interest.

MOTION

CRS GARY CLEVELAND / KEVIN BOURKE

That: Council adopt the attached COVID-19 Financial Hardship Policy.

(CARRIED)

FILE NO: F18/551
4. SMARTER DELIVERY OF SERVICES AND
PROGRAMS

ITEM NO: 9.2.1

MOIRA SHIRE COUNCIL DRAFT BUDGET 2020/21 AND 2020-2024 STRATEGIC RESOURCE PLAN

Executive Summary

This report requests council's approval to seek community feedback on the draft 2020/21 Budget and the draft Strategic Resource plan 2020-2024 through the community consultation process required under the Local Government Act 1989 (Section 223).

If approved,

- The draft 2020/21 budget will be available for public inspection at Cobram Service centre and on council's website from **Wednesday 29 April 2020**.
- Members of the community will be invited to view and make written submissions on the draft Budget by **5pm Wednesday 27 May 2020**.
- If required, a committee of council meeting will meet on **Wednesday 3 June 2020** to hear any person who has indicated in their written submission that they would like to speak in support of their submission on the draft 2020/21 Budget, and
- Council will consider the submissions before considering a recommendation to adopt the draft 2020/21 budget with or without amendments at the Ordinary Council Meeting to be held at **Wednesday 24 June 2020**.

Cr Beitzel entered the meeting at 5:27 PM

MOTION

CRS PETER MANSFIELD / KEVIN BOURKE

That Council:

1. Accept the draft 2020/21 Budget.
2. Accept the draft Strategic Resource Plan 2020-2024.
3. Authorise commencement of the statutory (S223) community consultation process for the draft budget and strategic resource plan as described in the Local Government Act 1989 and in doing so
 - Receive written submissions until 5pm Wednesday 27 May 2020.
 - If required, convene a Committee of Council comprising all available councillors and the CEO to meet at 5pm Wednesday 3 June 2020 for submitters wishing to be heard in person.
 - Encourage submitters seeking to appear to do so by electronic means which can then be conveyed to all Councillors and ensure COVID19 stay at home compliance
 - o Consider adoption of the 2020/21 Budget and Strategic Resource Plan 2020-2024 at the Ordinary Council meeting at 5pm 24 June 2020 with or without amendment.

(CARRIED)

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

ITEM NO: 9.2.2

QUARTERLY BUDGET REVIEW - MARCH 2020

Executive Summary

Income Statement

There has been a decrease in the forecast budget from a surplus of \$3.48 million in the approved December 2019 forecast to a surplus of \$2.88 million in the March 2020 forecast. The variance driven by timing differences in the recognition of operational and capital grants for delayed projects and a delay in the sale of Council land at the former Cobram Apex Caravan Park.

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 forecast for the March 2020 quarter is \$25.52 million; there is no change to the approved December 2019 forecast of \$25.52 million.

Financial Performance indicators

All Financial performance indicators remain within an acceptable range.

MOTION

CRS PETER LAWLESS / GARY CLEVELAND

1. That Council notes the projections for the 2019/20 financial year contained in the March 2020 Quarterly Budget Review.
2. That Audit Committee notes the Environment Upgrade Agreements quarterly performance report.

(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 March 2020. This report is prepared in accordance with the requirements of the section 80A of the Local Government Act 1989.

MOTION

CRS GARY CLEVELAND / JOHN BEITZEL

That Council receive and note the Record of Assemblies of Councillors.

(CARRIED)

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

ITEM NO: 9.2.4

VICTORIAN ELECTORAL COMMISSION - SERVICE AGREEMENT

Executive Summary

The Victorian Electoral Commission (VEC) has prepared individual Electoral Service Agreements for each Council holding 2020 Victoria Local Government elections.

Moira Shire Council's Electoral Service Agreement (the Agreement) attached to this report provides a detailed explanation of the VEC services and costs associated which consists of:

- The preparation of the voters' roll and conduct of the 2020 General Election for a quoted cost of \$210,832 (ex GST); and
- Compulsory voting enforcement following the Moira Shire Council General election 2020 with a quoted cost of \$23,525 (ex GST).

The total quoted cost is therefore, \$234,357 (ex GST) which requires formal Council approval.

Additional costs may be incurred if a countback is required or if a mid-term resignation results in a further election.

Approval of the Agreement will ensure the VEC is not delayed in its preparations for the 2020 Council Elections.

MOTION

CRS KEVIN BOURKE / PETER LAWLESS

That Council:

1. Accept the Electoral Service Agreement for four years commencing 1 July 2020.
2. Authorise the Chief Executive Officer to sign the above document.

(CARRIED)

FILE NO: C059/19
4. A WELL RUN COUNCIL

ITEM NO: 9.3.1

C059/19 - FINANCE OF ONE LANDFILL COMPACTOR

Executive Summary

Moira Shire Council invites submissions from suitably qualified companies for the finance and delivery of one Landfill Compactor.

After consideration of the submissions, the tender evaluation panel recommends that contract C059/19 be awarded to GCM Enviro Pty Ltd.

MOTION

CRS PETER LAWLESS / KEVIN BOURKE

That Council:

1. Award contract C059/19 – Finance of One Landfill Compactor to GCM Enviro Pty Ltd.
2. Authorise the Chief Executive Officer to sign and seal the contract and lease documents.

(CARRIED)

FILE NO: F132260
3. A CLEAN GREEN ENVIRONMENT

ITEM NO: 9.3.2

ROADSIDE WEED AND PEST CONTROL MANAGEMENT PLAN 2020-2027

Executive Summary

In accordance with the *Catchment and Land Protection Act 1994* (CaLP Act), Council is responsible for the management of Regionally Prohibited and Regionally Controlled weeds and established pest animals located on the rural roadsides that it manages.

The Roadside Weed and Pest Control Management Plan 2020-2027 provides guidance for the management of weeds and pests on Council management roadsides for the next 7 years. Its implementation will allow council to meet its legal obligations as specified under the CaLP Act.

MOTION

CRS PETER LAWLESS / KEVIN BOURKE

That Council:

1. Endorse the Roadside Weed and Pest Control Management Plan 2020-2027; and
2. Implement the strategy to the extent possible from the resources allocated as part of the annual budget process.

(CARRIED)

FILE NO: C051/19
4. A WELL RUN COUNCIL

ITEM NO: 9.4.1

**C051/19 - ROAD WIDENING AND INTERSECTION WORKS - CAMPBELL ROAD,
COBRAM**

Executive Summary

Moira Shire Council invited submissions from suitably qualified organisations or individuals for road widening and intersection upgrade works on Campbell Road between Pullar Road and McIntyre Road in Cobram.

After consideration of the submissions, the tender evaluation panel recommends that O'Loughlin Excavations Pty Ltd be appointed as the preferred tenderer for contract C051/19.

MOTION

CRS PETER LAWLESS / GARY CLEVELAND

That Council:

1. Select O'Loughlin Excavations Pty Ltd as the preferred tenderer for contract C051/19 – Road Widening and Intersection Works and authorise the Chief Executive Officer to undertake negotiations to achieve a best value outcome.
2. Authorise the Chief Executive Officer to sign and seal the contract documents.

(CARRIED)

**FILE NO: F/20/01
4. A WELL RUN COUNCIL**

ITEM NO: 10.1

ACTION OFFICERS' LIST

MOTION

CRS GARY CLEVELAND / PETER LAWLESS

That Council receive and note the Action Officers List.

(CARRIED)

10. NOTICES OF MOTION

NIL

FILE NO: F20/76 4. A WELL RUN COUNCIL
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ITEM NO: 12.1

**PETITION - THE FUTURE OF THE FORMER YARRAWONGA PRIMARY SCHOOL
SITE - 421 SIGNATURES****Executive Summary**

At the 25 March 2020 Ordinary Council Meeting a petition was tabled requesting Moira Shire Council gains access to the whole of the former Yarrawonga Primary School site of all available land parcels, through First Right of Refusal, at a discounted rate, for community purposes, and that the North East Water reserve should be retained as public land for community use.

Determination

Council has agreed to respond to the Department of Treasury and Finance's (DTF) first right of refusal process to try to secure the primary school site and has authorised the Chief Executive officer to negotiate with DTF, with the final form of that negotiation requiring Council approval.

The North East Water (NEW) land is currently permanently reserved for water supply purposes and is not part of the current primary school sale. NEW has indicated it is prepared to relinquish control over the land on the basis that the water tower goes with the land.

MOTION

CRS PETER MANSFIELD / PETER LAWLESS

That Council:

Thank the petitioners and advise the first mentioned petitioner of Council's previous decision on the first right of refusal process and the further background contained within this report.

(CARRIED)

FILE NO: VARIOUS

ITEM NO: 14

URGENT GENERAL BUSINESS

NIL

FILE NO: VARIOUS

ITEM NO: 15

QUESTIONS FROM THE PUBLIC GALLERY

Questions on notice where raised in relation to:

- Support of the Yarrawonga Library and Town Hall Precinct.
- Yarrawonga Foreshore walking track.
- Yarrawonga Town Hall Precinct future usage.
- Safety Barrier at Saxton Street Numurkah.
- The First Right of Refusal for the former Yarrawonga Primary School Site process and status.
- Future Yarrawonga Library events.
- Upgrade works for the Yarrawonga Town Hall.
- Numurkah Flood Mitigation.
- Draft Budget.

11. CLOSE OF MEETING: 6:11 PM