



MINUTES

ORDINARY MEETING OF COUNCIL HELD AT COBRAM
CIVIC CENTRE, PUNT ROAD COBRAM,
WEDNESDAY 24 JUNE 2020

The meeting commenced at 5:00 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
	Mark Henderson, Chief Executive Officer
IN ATTENDANCE:	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 LAW

NIL

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

MOTION:

CRS GARY CLEVELAND / KEVIN BOURKE

"That the minutes of the Ordinary Council Meeting held on Wednesday, 27 May 2020, as prepared, be confirmed."

(CARRIED)

FILE NO: F/2088 2. A THRIVING LOCAL ECONOMY
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ITEM NO: 8.1

COUNCILLOR REPORT - CR PETER MANSFIELD - MDA REGION 2 GENERAL MEETING**Councillor Peter Mansfield**

At last week's MDA Region 2 meeting I was requested to provide the below motion from the group for Council's discussion and consideration. After discussion with the CEO a slightly modified recommendation is listed above.

REGION 2 MOTION

1. That the Murray Darling Association does not support the proposed buyback of 450 gl of water entitlements from the Murray Darling Basin.
2. That the passage of water intended for irrigation use downstream be minimised to flows that do not cause Environmental harm to river environs and in particular the Barmah Choke on the Murray River and the banks of the heritage listed Goulburn River downstream of Eildon Weir.
3. If on farm efficiency programs are to be used to obtain the proposed 450gl then they should be subject to an independent socio-economic analysis that proves that such transfers do not cause negative socio-economic issues in regions where water is being recovered.

MOTION**CRS PETER MANSFIELD / KEVIN BOURKE**

That Moira Shire Council support MDA Region 2 advocacy to the Murray Darling Association on the following basis:

1. That the proposed 450 GL up water should not be sourced through buybacks of irrigation entitlements in the southern connected basin.
2. If on farm efficiency programs are to be used to obtain the proposed 450GL then they should be subject to an independent socio-economic analysis that proves that such transfers do not cause negative socio-economic issues in regions where water is being recovered.
3. That the passage of water intended for irrigation use downstream be minimised to flows that do not cause environmental harm to river environs and in particular the Barmah National Park and Barmah choke on the Murray River and the banks of the heritage listed Goulburn River downstream of Eildon Weir.

(CARRIED)

Cr Wendy Buck reported on the appointment of Honourable Shaun Leane MP as the new Minister for Local Government and the recent letter of thanks praising the outdoor staff for quickly addressing the resident's request.

FILE NO: F20/06
1. A GREAT PLACE TO LIVE

ITEM NO: 9.1.1

GRANT - SPORTIES HEALTH AND FITNESS

Executive Summary

This reports seeks Council endorsement for a budget allocation of two annual contributions each of up to \$50,000 for the Barooga Sports Club Ltd to subsidise community access to indoor heated pool facilities..

Representative from the Barooga Sports Club Ltd (Sporties) have requested the following for the next two years:

1. An annual operating grant of \$100,000 (excluding GST) 50% of which would be provided by the Berrigan Shire Council and 50% by the Moira Shire Council. This grant would be specifically allocated to assist with the provision of the swimming pool operations and offset part of the estimated \$170,000 annual cost.
2. Support and assistance in securing additional funding for capital projects to maintain the facility.

Under this model the community not for profit Barooga Sporties Group via their members, will still be contributing over \$400,000 over this two-year period.

MOTION

CRS GARY CLEVELAND/ PETER MANSFIELD

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.

(CARRIED)

Cr Kevin Bourke called for a division.

FOR

Cr Beitzel
Cr Buck
Cr Cleveland
Cr Cox
Cr Lawless
Cr Mansfield
Cr Mustica

AGAINST

Cr Bourke
Cr Martin

(CARRIED)

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

ITEM NO: 9.2.1

2020/21 RENEWAL INSURANCE

Executive Summary

Council appointed Landell Consulting in February 2020 to undertake a public tender on behalf of Moira Shire Council and four other Victorian Councils for the provision of insurance broking and risk management services.

One tender was received; however, it did not provide the best value solution for Council. The tender received provided renewal premiums significant higher than in previous years and beyond the available budget. As a result, the Landell tender was set aside.

Council's current broker, Jardine Lloyd Thompson (JLT), provided renewal terms for Council's 2020/21 insurance portfolio outside the Landell tender which are consistent with the current portfolio and within next year's proposed budget.

The premium for Industrial Special Risks insurance (ISR/Property insurance) requires a Council resolution to accept.

MOTION

CRS PETER LAWLESS / WENDY BUCK

That Council:

1. Place the 2020/21 Industrial Special Risks (ISR) Insurance with Jardine Lloyd Thompsons Municipal Asset Protection Plan (JMAPP).
2. Authorise the Chief Executive Officer to sign the 2020/21 insurance renewal documents.

(CARRIED)

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

ITEM NO: 9.2.2

ASSEMBLIES OF COUNCIL

Executive Summary

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

MOTION

CRS JOHN BEITZEL / GARY CLEVELAND

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

(CARRIED)

FILE NO: F19/504
4. A WELL RUN COUNCIL

ITEM NO: 9.2.3

MOIRA SHIRE COUNCIL BUDGET 2020/21

Executive Summary

This report seeks Council's adoption of the Moira Shire Council Budget 2020/21.

This budget was initially prepared prior to the COVID-19 pandemic but following extensive public submissions and a very clear expectation from Government that the Council will play a lead role in the recovery phase it has been heavily modified to create a more responsive financial outlook.

The budget continues our efforts to provide modern facilities for our many communities whilst maintaining a sustained financial commitment to a large road network, continue Moira's enviable work on our sustainability agenda and ensure services continue to be available to our 30,000 residents.

The draft Budget was released for public feedback in April 2020. This followed extensive council and management involvement in its development.

The consultation process concluded on 27 May 2020 and council received 26 written submissions. Council heard from 12 submitters that spoke in support of their submissions. The submissions ranged from roads, tourism, recreation reserves, playgrounds, pedestrian crossings, arts and expressing support for capital works projects listed in the budget.

The vast majority of the submissions referred to works that can be delivered within the existing budget and funded works programs. Council also received some submissions that sought to better understand the more detailed financial elements of the budget.

Several submissions' proposals are earmarked for delivery in council's four-year capital investment program.

MOTION

CRS LIBRO MUSTICA / PETER LAWLESS

That Council

1. Adopt the 2020/21 Budget, including the Fees and Charges, as provided with this report.
2. Thanks submitters for their contributions to the development of the budget.
3. Authorise the CEO to complete actions required under Section 130 and Section 223 of the Local Government Act 1989.

(CARRIED)

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

ITEM NO: 9.2.4

STRATEGIC RESOURCE PLAN 2020 - 2024

Executive Summary

This report seeks council approval of the updated Strategic Resource Plan 2020-2024.

Each year council reviews the Strategic Resource Plan (SRP) to update the four-year outlook and to reflect the annual Budget. The 2020/21 budget should also be read in conjunction with the four-year Strategic Resource Plan (SRP).

The SRP proposes Council will deliver \$74 million of works over the four-year period to 2024 and identifies priority investment areas including more than \$14 million of new and upgraded infrastructure with investment in drainage and flood mitigation works.

The updated SRP was provided for community feedback during April and no submissions were received.

The Strategic Resource Plan 2020-2024 is attached for Council consideration and once adopted the SRP will be incorporated into the 2017 – 2021 Council Plan that will be presented for council's consideration at the June Ordinary Council Meeting.

MOTION

CRS PETER LAWLESS / WENDY BUCK

That Council adopt the Strategic Resource Plan 2020 – 2024.

(CARRIED)

FILE NO: C050/19
4. A WELL RUN COUNCIL

ITEM NO: 9.3.1

C050/19 - DETAILED DESIGN OF YARRAWONGA LIBRARY, EVENTS AND PERFORMANCE PRECINCT

Executive Summary

Moira Shire Council invited submissions for the design and preparation of tender specifications to construct the proposed Yarrowonga Library, Events and Performance Precinct.

Following the initial evaluation, the two highest scoring tenderers were invited to make a presentation of their proposal to the Evaluation Panel.

After consideration of the submissions and subsequent presentations, the Panel recommends that contract C050/19 be awarded to N2SH Pty Ltd.

MOTION

CRS PETER MANSFIELD / GARY CLEVELAND

That Council:

1. Award contract C050/19 – Detailed Design of the Yarrowonga Library, Events and Performance Precinct to N2SH Pty Ltd.
2. Authorise the Chief Executive Officer to sign and seal the contract documents.

(CARRIED)

Cr Wendy Buck called for a division.

FOR

Cr Beitzel
Cr Cleveland
Cr Cox
Cr Lawless
Cr Mansfield
Cr Mustica

AGAINST

Cr Bourke
Cr Buck
Cr Martin

(CARRIED)

FILE NO: C022/17
4. A WELL RUN COUNCIL

ITEM NO: 9.4.1

C022/17 - PROVISION FOR ASSET MAINTENANCE PANEL - PART C, F(B) AND H REFRESH

Executive Summary

Moira Shire Council refreshed panel contract C022/17 to seek additional contractors for Part C Tree Maintenance, add Part F (b) Refrigeration Mechanics and Part H Specialised Drainage Services to the panel.

After consideration of the submissions, including price and specification requirements, the evaluation panel recommends that 8 tenderers be added to Contract C022/17. Please refer to Appendix A for further information.

MOTION

CRS KEVIN BOURKE / MARIE MARTIN

That Council:

1. Award the refresh of panel contract C022/17 – Asset Maintenance Parts C, F(b) and H to:

Part C Tree Maintenance

- Arbor Dynamics Pty Ltd
- Carters Tree Services Pty Ltd

Part F(b) Refrigeration Mechanics

- Airmaster Australia Pty Ltd

Part H Specialised Drainage Services

- Cleanaway Co Pty Ltd
- Drainflow Solutions Pty Ltd
- Rangedale Drainage & Industrial Services Pty Ltd
- Gavlex Pty Ltd t/a RSP Environmental Services
- Total Drain Cleaning Services Pty Ltd

2. Authorise the Chief Executive Officer to sign and seal the contract documents.

(CARRIED)

FILE NO: C061/19
4. A WELL RUN COUNCIL

ITEM NO: 9.4.2

C061/19 - ANNUAL RURAL LINE MARKING PROGRAM

Executive Summary

Moira Shire Council invited submissions from suitably qualified organisations or individuals for the provision of line and road marking services throughout the municipality's rural road network.

After consideration of the submissions, the tender evaluation panel recommends that contract C061/19 be awarded to the Head of Transport, Victoria t/a Sprayline.

MOTION

CRS PETER LAWLESS / JOHN BEITZEL

That Council:

1. Award contract C061/19 – Annual Rural Line Marking Program to Head of Transport, Victoria t/a Sprayline.
2. Authorise the Chief Executive Officer to sign and seal the contract documents.

(CARRIED)

FILE NO: F13/860-3
1. A GREAT PLACE TO LIVE

ITEM NO: 9.4.3

PETITION - SEALING OF INVERNESS ROAD, INVERGORDON

Executive Summary

A petition has been received regarding the upgrade of Inverness Road between Katamatite Shepparton Road and Marungi Road, Invergordon, to a sealed standard.

Seal treatment options available include:

- Option 1 – Dust Suppressant Seal Treatment
- Option 2 – Full sealed pavement Construction

With Option 1, Council has set a precedence to seek 50% contribution towards costs from abutting landowners for dust suppressant seal treatments on rural roads. Council may elect to implement a Special Charge Scheme to seek the 50% contributions from abutting landowners.

The process that is outlined in the Local Government Act and widely used for retrofitting infrastructure to developed areas is the Special Charge Scheme. Council could construct the infrastructure and the costs would be distributed amongst the abutting property owners as per the legislation and Council Policy.

Council has a well-established process to determine if there is sufficient support to provide a constructed sealed road, and it is recommended that the abutting property owners be asked about a Scheme for construction of a dust suppressant seal treatment for Inverness Road in accordance with Council's Policy and procedures.

MOTION

CRS MARIE MARTIN / KEVIN BOURKE

That Council:

1. Conduct a survey of the owners of property abutting Inverness Road between Katamatite Shepparton Road and Marungi Road, Invergordon, to determine the owners' willingness to support 50% contributions towards cost for a dust suppressant seal treatment as outlined in Option 1 in accordance with Council's Special Rates and Charges Policy.
2. Undertake traffic counts to determine the traffic usage on Inverness Road, and,
3. Thank the signatories of the petition for their work and advise the first mentioned author of the petition of Council's decision.

(CARRIED)

FILE NO: F16/651
2. A THRIVING LOCAL ECONOMY

ITEM NO: 9.4.4

RETAIL POLICY FRAMEWORK FOR COBRAM AND YARRAWONGA

Executive Summary

A Retail Policy Framework for Cobram and Yarrawonga was prepared in 2017 providing analysis and options for future commercial development. Council subsequently adopted the report at its meeting on 26 July 2017.

In order for these reports to have a level of statutory force in the consideration of planning proposal, it is prudent to incorporate the reports into the Planning Scheme as Background Documents.

A planning scheme amendment is required, therefore authorisation should be sought from the Minister for Planning and request an exempt from public exhibition and notice, given that the reports had undergone a public exhibition process.

MOTION

CRS PETER LAWLESS / WENDY BUCK

That Council:

1. Seek to incorporate the Retail Policy Framework Background Analysis and Options Reports (2017) into the Moira Planning Scheme at Clause 72.08 – Background Documents.
2. Seek authorisation from the Minister for Planning to prepare a Planning Scheme Amendment pursuant to Section 8A of the Planning and Environment Act 1987.
3. Request the Minister for Planning under Section 20(4) of the Act to exempt himself from the requirements of Section 17, 18 & 19 of the Act in relation to the exhibition and notice of a planning scheme amendment.

(CARRIED)

7. ACTION OFFICERS LIST

NIL

FILE NO: F20/0603 4. A WELL RUN COUNCIL
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ITEM NO: 11.1

NOTICE OF MOTION: CR PETER MANSFIELD

TAKE NOTICE that at the Council Meeting to be held on 24 June 2020, it is my intention to move the following motion:

CR PETER MANSFIELD

Date: 3 June 2020

MOTION

CRS PETER MANSFIELD / KEVIN BOURKE

That Moira Shire Council accept asset responsibility for the bridge across Jacksons Creek Bundalong being proposed by the Bundalong Action Group (BAG) on the condition that:

- The design, construction and installation being funded by Goulburn Murray Water (GMW) in conjunction with BAG
- The project securing the necessary statutory approvals
- The design and engineering certification of the bridge being to Councils satisfaction
- BAG undertaking routine maintenance on the approved decking to ensure its longevity
- The Councils involvement in the project is limited to the bridge with land management remaining with GMW

(CARRIED)

Cr Wendy Buck called for a division.

FOR

Cr Beitzel
Cr Bourke
Cr Cleveland
Cr Cox
Cr Lawless
Cr Mansfield
Cr Martin
Cr Mustica

AGAINST

Cr Buck

(CARRIED)

8. PETITIONS AND JOINT LETTERS

- A petition was tabled to have Moira Shire Council do all things possible to have Numurkah reinstated as an RV Friendly Town.
- A joint letter was tabled requesting Council join with the Berrigan shire council and contribute to funding to keep the Barooga Sporties Health and Fitness facility open.

9. COUNCIL SEAL

NIL

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:

- The Illegal tobacco issue.
- The removal of murray pine trees on Ulupna Island.
- Funds for the acquisition of the former Yarrawonga Primary School site.
- The contract for the detailed design of the Yarrawonga Library and performance precinct.
- Council's Emissions Reduction Plan budget.
- The reopening of the Yarrawonga Service Centre.
- Rates increase from unoccupied commercial land.
- Planning Application for the Yarrawonga Library and Town Hall precinct.

FILE NO: VARIOUS

ITEM NO: 16

MEETING ADJOURNMENT

MOTION

CRS PETER MANSFIELD / MARIE MARTIN

That the meeting be adjourned for 10 minutes.

(CARRIED)

The meeting adjourned at 6:38 PM

MOTION

CRS MARIE MARTIN / GARY CLEVELAND

That the meeting be resumed.

(CARRIED)

The meeting resumed at 6:51 PM

MOTION

CRS KEVIN BOURKE / 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 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 LAWLESS

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

(CARRIED)

Meeting Closed at: 7:20 PM