



MINUTES

ORDINARY MEETING OF COUNCIL HELD AT
DANCOCKS ROOM NATHALIA,
WEDNESDAY 25 SEPTEMBER 2019

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

IN ATTENDANCE:

Mark Henderson	Chief Executive Officer
Andrew Close	General Manager Infrastructure
Simon Rennie	General Manager Corporate
Sally Rice	General Manager Community
Nancy Mustica	Senior Governance Officer

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

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.

4. APOLOGIES & REQUESTS FOR LEAVE OF ABSENCE

Cr Beitzel requested a leave of absence from 17 October 2019 to 3 November 2019.

MOTION

CRS GARY CLEVELAND / PETER LAWLESS

That Cr Beitzel's request for leave of absence be granted.

(CARRIED)

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

Nil

6. DECLARATION OF ANY INTEREST OR CONFLICT OF INTERES

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, 28 August 2019, as prepared, be confirmed."

(CARRIED)

8. COUNCILLOR REPORTS

- Cr Martin reported on her attendance at the Strathmerton Guides 60 years' of Service celebration for Josie Munroe.
- Cr Bourke reported on the 5th Grand Final win for the Nathalia Football Club Seniors.
- Cr Buck reported on her attendance on a waste tour to Western Composting & Vieola Environmental Services.
- Cr Cleveland reported on the Goulburn Valley Regional Library Board.
- Cr Lawless reported on the Yarrawonga Foreshore Launch, the meeting with Damien Drum MP and Susan Ley MP regarding the preferred Yarrawonga Mulwala bridge alignment and the Local Government Rating Review Consultation held in Wodonga.

FILE NO: F18/2232
1. A GREAT PLACE TO LIVE

ITEM NO: 9.1.1

YARRAWONGA MULWALA BRIDGE UPDATE

Executive Summary

The Chief Executive Officer provided a verbal report on the Yarrowonga Foreshore Launch and the meeting with the Hon Damien Drum MP and the Hon Susan Ley MP regarding the preferred Yarrowonga Mulwala bridge alignment.

It was acknowledged that Council should seek a deputation to the Minister for Roads.

Note: This matter was considered without resolution.

FILE NO: F19/11
4. A WELL RUN COUNCIL

ITEM NO: 9.1.2

COMMUNITY RECOGNITION POLICY, CONDOLENCE POLICY AND VOLUNTEER RECOGNITION POLICY

Executive Summary

The purpose of this report is to seek council's endorsement for the following policies:

- Community Recognition Policy
- Condolence Policy
- Volunteer Recognition Policy

The draft policies aim to establish a clear and concise direction on recognition, congratulatory, and condolences consistent with state and commonwealth polices and protocols.

MOTION

CRS MARIE MARTIN / PETER LAWLESS

That: Council endorse the attached:

- Community Recognition Policy
- Condolence Policy
- Volunteer Recognition Policy

(CARRIED)

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 August 2019. Report is prepared in accordance with the requirements of the Local Government Act (the Act) 1989 section 80A.

MOTION

CRS WENDY BUCK / ED COX

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

(CARRIED)

FILE NO: F13/203
4. A WELL RUN COUNCIL

ITEM NO: 9.2.2

**APPOINTMENT AND AUTHORISATION OF COUNCIL OFFICERS UNDER THE
PLANNING & ENVIRONMENT ACT 1987**

Executive Summary

This report seeks Council's approval of updates to the Instrument of Appointment and Authorisation (Planning and Environment Act) to reflect recent staff appointments and departures.

The appointments are necessary to ensure specific council officers are appropriately authorized to undertake functions under the the *Planning and Environment Act 1987* including inspections and enforcement.

MOTION

CRS WENDY BUCK / ED COX

That Council resolve that

1. the members of Council staff referred to in the instrument be appointed and authorised as set out in the instrument;
2. the instrument comes into force immediately the common seal of Council is affixed to the instrument, and remains in force until Council determines to vary or revoke it;
3. the instrument be sealed; and
4. on coming into force of the instrument, the instrument of appointment and authorisation to members of Council staff as made by Council on 28 February 2018 is revoked.

(CARRIED)

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

ITEM NO: 9.2.3

**ENVIRONMENTAL UPGRADE AGREEMENTS (EUA) - QUARTERLY
PERFORMANCE REPORT - JUNE 2019**

Executive Summary

This report provides an update on the Environmental Upgrade Agreements involving Council for the quarter ending 30 June 2019.

MOTION

CRS WENDY BUCK / ED COX

That Council notes the Environment Upgrade Agreements quarterly performance report for the June 2019 quarter.

(CARRIED)

FILE NO: F19/
4. A WELL RUN COUNCIL

ITEM NO: 9.2.4

FINANCIAL HARDSHIP POLICY

Executive Summary

The Financial Hardship Policy will assist Council in recovering unpaid rates and charges by offering payment plans & waiver of interest to ratepayers experiencing financial hardship.

MOTION

CRS ED COX / MARIE MARTIN

That Council adopt the Financial Hardship Policy for the collection of unpaid rates and charges

(CARRIED)

FILE NO: F14/254
4. A WELL RUN COUNCIL

ITEM NO: 9.2.5

MOIRA SHIRE COUNCIL ANNUAL REPORT 2018/19 - FOR NOTING

Executive Summary

Moira Shire Council's 2018/19 Annual Report including the audited Financial Statements and Performance Statement is provided for noting by Council.

Council is required to prepare its 2018/19 Annual Report in line with the requirements set out in the Local Government Act 1989 (The Act) and submit the report to the Minister by 30 September each year.

Following Council's noting of the Annual Report, the report will be made available to the community and stakeholders via Council's website and copies will be printed and made available from Council's service centres.

MOTION

CRS WENDY BUCK / ED COX

That Council receives and notes the 2018/19 Annual Report including the audited Financial Statements and Performance Statement.

(CARRIED)

FILE NO: F13/389
4. A WELL RUN COUNCIL

ITEM NO: 9.3.1

BARMAH FOREST HERITAGE AND EDUCATION CENTRE ADVISORY COMMITTEE TERMS OF REFERENCE

Executive Summary

The Barmah Forest Heritage and Education Centre (BFHEC) Advisory Committee (the Committee) has been an established special committee of Council since February 2013.

To ensure their currency the Terms of Reference (ToR) have been reviewed and a new revised ToR for the Committee developed. This report recommends that Council adopt the revised TOR and commence recruiting for community and organisational representatives.

MOTION

CRS KEVIN BOURKE / ED COX

That Council adopt:

- the Terms of Reference for the Barmah Forest Heritage and Education Centre Advisory Committee;
- commence an advertising process to recruit community members to the committee; and
- thank the community members who have served in the previous term.

(CARRIED)

FILE NO: F13/2955
4. A WELL RUN COUNCIL

ITEM NO: 9.3.2

MOIRA SUBMISSION TO DRAFT JOINT MANAGEMENT PLAN FOR BARMAH NATIONAL PARK

Executive Summary

This report seeks council's formal endorsement of the draft Moira Shire submission (draft submission) prepared in response to the Draft Joint Management Plan for Barmah National Park (BNP).

The Draft Joint Management Plan has been made available for a period of public consultation. This consultation period closes on the 6 October 2019.

The draft submission (attached) is a detailed response to the Draft Joint Management Plan for BNP. Contributions from Councillors, the Moira Shire Tourism Advisory Committee, and Officers have been consolidated to form the draft submission.

MOTION

CRS KEVIN BOURKE / PETER LAWLESS

That Council authorise the attached draft Moira Shire submission to the Draft Joint Management Plan for Barmah National Park.

(CARRIED)

FILE NO: F19/214
4. A WELL RUN COUNCIL

ITEM NO: 9.3.3

SECTION 86 COMMITTEE OF MANAGEMENT - FUTURE DIRECTIONS

Executive Summary

This report seeks Council's endorsement of 14 guiding principles that will underpin the transition of Council's Section 86 Committees of Management (committees) to suitable alternative management models.

Confirming an accepted set of principles is an important first step in transitioning Committees to new models. This will:

- ensure the review of committees is fair, reasonable and transparent from the outset; and
- provide the framework for developing a range of management options for consideration by committees.

In March 2019, Council released the *Section 86 Future Directions Discussion Paper* to the community. The discussion paper described 13 broad principles. The period of consultation aimed to determine if the principles as described provided a fair and reasonable starting point from which to develop future management models and commence discussions with individual committees.

Over the course of June 2019, eight community meetings were held. Councillors and Council Officers meet with committee executives to explain the principles and answer any questions regarding the principles.

The outcome of this consultation was confirmation from Section 86 Committees of Management that the proposed 13 principles, with the addition of a further principle as follows: *Council will ensure that in transitioning to a new model volunteers have the same level of protection as provided under the current Section 86 model*, were acceptable to them.

This report recommends that Council formally endorse the 14 principles as the foundation for the next phase of the transition process. Whilst the proposed new Local Government Act will necessitate transition of S86 Committees to a new format it would be a shame to lose the momentum that has been created by the recent meetings with committees. Therefore the report also recommends that the transition get underway progressively with an early focus on committees that are unlikely to transition to S62 committees based on application of the 14 principles.

MOTION

CRS PETER MANSFIELD / WENDY BUCK

That Council:

1. adopt the 14 guiding principles outlined in this report as a policy framework to underpin transitioning Section 86 Committees of Management to alternative models of management.
2. Proceed with implementation of the transition by application of the principles where a transition is not dependent on the provisions of the proposed new Local Government Act.
3. Authorise the CEO to undertake the required administrative arrangements to give effect to the transition.

(CARRIED)

FILE NO: XXX
1. A GREAT PLACE TO LIVE

ITEM NO: 9.4.1

UPPER BROKEN AND BOOSEY CREEK FLOOD STUDY - APPOINTMENT OF STEERING COMMITTEE MEMBERS AND CHAIR.

Executive Summary

The report seeks council's approval to appoint community members to the Upper Broken and Boosey Creek Flood Steering Committee, to appoint a councillor to Chair the Committee and to authorise the CEO to appoint further community representatives to the committee if further suitable candidates are identified.

Community representatives

The project steering committee will oversee a flood study of the upper Broken Creek and Boosey Creek catchments. The project is a joint initiative Moira Shire, Benalla Rural City, GBCMA, and VicSES and funded through State and Federal Grants.

- Council received five (5) applications in response to its call for expression of interest for community representatives to fill up to six positions on the committee.
- Three (3) of the applicants demonstrated they met the criteria of *residents or individuals who have a long association with the area under study* and it is recommended council accept and appoint the three nominees.

Robert	Wood
John	Parnell
Chris	Dowling

Councillor as chair

The Committee's terms of reference states that the chair of the committee will be a Moira Shire councillor and as nominated by council when the committee is appointed. To ensure the committee can commence its functions in a timely manner it is recommended council nominate a councillor to chair the committee.

Authorise CEO to appoint further community representatives

The committee's terms of reference provide for further members to be appointed during the life of the committee. To enable this process to occur in a timely manner it is recommended that council delegate authority to the CEO to appoint further community members to fill available positions where candidates are identified and fulfill the requirements described in the committee's terms of reference.

MOTION

CRS ED COX / WENDY BUCK

That Council

1. Appoint **Robert Wood, John Parnell** and **Chris Dowling** as community representative members of the Upper Broken and Boosey Creek Flood Project Steering Committee.
2. Appoint **Cr Peter Lawless** to chair the Committee.
3. Authorise the CEO to appoint community members to the Committee's unfilled community representative positions in accordance with the criteria provided in the Terms of Reference.

(CARRIED)

FILE NO: F13/2513
1. A GREAT PLACE TO LIVE

ITEM NO: 9.4.2

DOMESTIC ANIMAL MANAGEMENT PLAN - ANNUAL REVIEW

Executive Summary

Section 68A of the *Domestic Animals Act 1994* (the Act) states that 'Each Council must, in consultation with the Secretary, prepare a Domestic Animal Management Plan on 4 December 2021 and at the end of each period of 4 years after that'.

The Moira Shire Domestic Animal Management Plan 2018-2021 was adopted by Council on 25 October 2017.

The Act also states that every Council must:

1. review its domestic animal management plan annually and, if appropriate, amend the plan; and
2. provide the Secretary with a copy of the plan and any amendments to the plan; and
3. publish an evaluation of its implementation of the plan in its annual report.

Councils Safety and Amenity Officers have reviewed, in accordance with the legislative requirements, the Domestic Animal Management Plan 2018-2021. The following report details the 2018-2019 review and recommends the completion of requirements 2 and 3 above.

MOTION

CRS KEVIN BOURKE / ED COX

That:

1. Council receive and note the annual review of the Domestic Animal Management Plan.
2. Publish the annual review of Domestic Animal Plan as part of the 2018/2019 Annual Report; and
3. Forward the review of the Domestic Animal Plan to the Secretary prior to 3 November 2019.

(CARRIED)

FILE NO: C031/19
4. A WELL RUN COUNCIL

ITEM NO: 9.4.3

C031/19 - UPPER BROKEN AND BOOSEY CREEK REGIONAL FLOOD STUDY

Executive Summary

Moira Shire Council invited submissions from suitably qualified organisations or individuals for the undertaking of a regional flood study covering the Upper Broken and Boosey Creeks and its significant tributaries to some five kilometers downstream of the Broken Creek at the Katamatite Gauge.

After consideration of the submissions received, including price and all specification requirements, the evaluation panel recommends that Contract C031/19 be awarded to Hydrology and Risk Consulting Pty Ltd.

MOTION

CRS PETER LAWLESS / KEVIN BOURKE

That Council:

1. Award Contract C031/19 – Upper Broken and Boosey Creek Regional Flood Study to Hydrology and Risk Consulting Pty Ltd.
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 ED COX / KEVIN BOURKE

That Council receive and note the Action Officers' List.

(CARRIED)

9. NOTICES OF MOTION

NIL

FILE NO: D19/56071 1. A GREAT PLACE TO LIVE	ITEM NO: 12.1
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**RESPONSE TO PETITION FOR PARKING RESTRICTIONS IN CAMPBELL ROAD,
COBRAM****Executive Summary**

At the August Ordinary Council meeting, a petition was tabled requesting:

We the undersigned would like to get Campbell Road to be turned back into residential parking and not a car park for workers and contractors of Ottrey Homes 16 Campbell Road, Cobram. With the high volume of cars and trucks it is very dangerous for exiting driveways and pedestrians.

Building and construction works are currently being undertaken at Ottrey Homes and the main off-street car park was closed for a time with staff and contractors having little option but to park on Campbell Road. The main car park at Ottrey Homes has now reopened which has reduced the parking congestion in Campbell Road around the site.

The recommendation is to continue to monitor the on-street parking Campbell Road around Ottrey Homes and should the on-street parking increase, the implementation of parking restrictions is to be considered.

MOTION

CRS ED COX / GARY CLEVELAND

That Council note the report to continue to monitor the on-street parking Campbell Road around Ottrey Homes and, to consider the implementation of parking restrictions should the on-street parking increase.

(CARRIED)

10. 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:

- Living Libraries Infrastructure Program submission.
- Acquiring the former Yarrawonga Primary School.

FILE NO: VARIOUS

ITEM NO: 16

MEETING ADJOURNMENT

MOTION

CRS ED COX / GARY CLEVELAND

That the meeting be adjourned for 10 minutes.

(CARRIED)

The meeting adjourned at 6:01 PM

MOTION

CRS GARY CLEVELAND / PETER LAWLESS

That the meeting be resumed.

(CARRIED)

The meeting resumed at 6:14 PM

MOTION

CRS ED COX / GARY CLEVELAND

That pursuant to Sections 89(2) (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 / KEVIN BOURKE

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 / PETER LAWLESS

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

(CARRIED)

11. CLOSE OF MEETING 6:28 PM.