



MINUTES

SCHEDULED MEETING OF COUNCIL HELD AT COBRAM
CIVIC CENTRE,
WEDNESDAY 15 DECEMBER 2021

The meeting commenced at 6.00 pm.

PRESENT

- Councillor Libro Mustica (Mayor)
- Councillor Peter Lawless (Deputy Mayor)
- Councillor Julie Brooks
- Councillor Ed Cox
- Councillor Peter Elliott
- Councillor Wayne Limbrick
- Councillor Peter Mansfield
- Councillor Judy Heather

IN ATTENDANCE:

Clare Keenan	Chief Executive Officer
Andrew Close	General Manager Infrastructure
Simon Rennie	General Manager Corporate
Sally Rice	General Manager Community

RECORDING

Consistent with section 12.3 of our Governance Rules, Council officers have been authorised to record the public session of this meeting using an audio recording device.

LIVE STREAMING

Council meetings are now live streamed to allow those interested in viewing proceedings greater access to Council decisions and debate, without attending the meeting in person.

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

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

6. DECLARATION OF ANY INTEREST OR CONFLICT OF INTEREST

Mayor Mustica declared a conflict of interest with item 10.4.4 being a material conflict as he benefits directly.

OATH OR AFFIRMATION OF OFFICE

On Tuesday 14 December 2021 the Victorian Electoral Commission (VEC) conducted a count back to fill the vacancy left by Kevin Bourke, and Judy Heather was the successful candidate.

The VEC declared this result Wednesday 15 December 2021 and Judy Heather took the oath of office in person.

The Mayor welcomed Cr Judy Heather to the Moira Shire Council.

The Mayor acknowledged Andrew Close General Manager Infrastructure's contribution to the Moira Shire and wished him well for his pending retirement.

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

MOTION:

CRS JULIE BROOKS / ED COX

"That the minutes of the scheduled Council Meeting held on Wednesday, 24 November 2021, as prepared, be confirmed".

(CARRIED)

8. COUNCILLORS PROVIDED VERBAL REPORTS

- Cr Peter Mansfield attended a Christmas BBQ at Wunghnu Recreation Reserve to present the Wunghnu Community Plan.
- Cr Julie Brooks attended the MHA Care AGM and the Goulburn Valley Regional Library Corporation Board Meeting along with Sally Rice where Cr Brooks was appointed chair for next 12 months.
- Cr Ed Cox & Cr Peter Mansfield attended the Barooga Sporties for the official opening of the mini golf course.
- Cr Wayne Limbrick attended GV Waste & Resource Management Group meeting.
- Cr Peter Lawless attended a Many Mobs Christmas Party in Yarrawonga. Cr Lawless also attended the Moira Staff Christmas Party and the opening of the Yarrawonga to Burramine Adventure Trail with Tim McCurdy and Damien Drum.

9. PUBLIC QUESTION TIME

Does the CEO have the power to negotiate for the Yarrawonga Primary School site?

FILE NO: F20/86
5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

ITEM NO: 10.1.1
(EXECUTIVE ASSISTANT TO CEO, ROBYN
BONADDIO)
(CHIEF EXECUTIVE OFFICER, KEENAN,
CLARE)

COUNCILLOR COMMITTEE APPOINTMENTS

Executive Summary

Each year Councillors are presented with a report which details Councillor appointments to committees and other bodies.

Councillors were appointed to committees following the Council meeting on 24 November 2020.

The next Audit and Risk Committee meeting will be held in February 2022, therefore we recommend appointing a Councillor to this committee in line with the Audit & Risk Committee Charter, prior to the next meeting.

Due to the two recent Councillors resignations, it is recommended to continue with the current appointments and the remaining vacancies on committees and other bodies be filled following the results of the Victorian Election Commission (VEC) Countback. This will give all Councillors the opportunity to nominate on all committees and other bodies.

It is anticipated the VEC Countback process will conclude by the end of January 2022, and a report to appoint Councillors to the remaining committees will be prepared for the February 2022 Council meeting.

MOTION

CRS PETER LAWLESS / JULIE BROOKS

That Council:

1. Appoint a Councillor Representative Cr Ed Cox to Council's Audit and Risk Committee.
2. Continue with the current appointments on other committees and bodies, as appointed in November 2020, until the Councillor vacancies have been filled.

(CARRIED)

FILE NO: F/12/16
5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

ITEM NO: 10.1.2
(EXECUTIVE ASSISTANT TO CEO, ROBYN
BONADDIO)
(GENERAL MANAGER CORPORATE,
RENNIE, SIMON)

COUNCIL REPORT ON NOTICE OF MOTION REGARDING GRANTS TO FOOTBALL/NETBALL AND SOCCER CLUBS

Executive Summary

At the October 2021 Council Meeting Cr Mansfield moved the following:

“To call for a Council report to grant Football/Netball Clubs and the Soccer Club Funds in appreciation of their efforts over the past two seasons in providing an outlet for the Youth of the Shire during this COVID 19 Pandemic and to thank the many volunteers who have strived to keep their clubs functioning”.

The impact of COVID 19 Pandemic (the Pandemic) on whole of community functioning has been profound. The additional impact of border closures on Moira Shire community activity has been an additional impost. It has taken considerable effort on behalf of volunteers in all manner of community activity and fundraising groups to maintain equilibrium throughout the Pandemic.

To date Council has provided COVID 19 relief to the 14 football/netball clubs located within the Shire, through the waiver of 2021 user fees. This relief, totalling \$45,000, was provided in acknowledgement of the financial impact of lockdowns over the winter playing season to all winter sports clubs operating from Council managed facilities.

In spite of the global nature of the Pandemic, not all sporting and non-sporting clubs are equally impacted. In addition to the 14 football/netball clubs the Shire is also home to 31 other sporting clubs and many other non-sporting service and recreational clubs and businesses. All of these organizations are volunteer run and/or service youth or other vulnerable groups.

In recognition of the value of all of these activity groups and clubs that support our communities across the entire shire, this report recommends that Council:

- supports all sports clubs and community groups in their recovery from the pandemic through additional promotion and encouraging the uptake of community recovery grants, quick response grants, or community strengthening grants; and
- provide additional support to those groups, a necessary, via considering increasing the available grants budgets at the March quarterly budget review.

In acknowledgement of the specific challenge produced by the Pandemic and the role of volunteers and clubs in supporting not only the youth of our Shire, but our communities more broadly this report also recommends that Council will investigate holding a series of volunteer recognition events and offer additional volunteer development opportunities. This option provides public awareness of the celebration and a positive acknowledgement.

FILE NO: F/12/16
5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

ITEM NO: 10.1.2

**COUNCIL REPORT ON NOTICE OF MOTION REGARDING GRANTS TO
FOOTBALL/NETBALL AND SOCCER CLUBS (cont'd)**

MOTION

CRS PETER MANSFIELD / PETER ELLIOTT

That Council:

- Supports all sports clubs and community groups in their recovery from the COVID 19 pandemic through additional promotion encouraging the uptake of community recovery grants, quick response grants, or community strengthening grants;
- Provide additional support to those groups, as necessary, via considering increasing the available grants budgets at the March quarterly budget review; and
- Investigate holding a series of volunteer recognition events and offer additional volunteer development opportunities.

(CARRIED)

FILE NO: F13/789
1. A GREAT PLACE TO LIVE

ITEM NO: 10.1.3

NUMURKAH SHOW AS A SUBSTITUTE PUBLIC HOLIDAY FOR THE APPOINTED MELBOURNE CUP DAY HOLIDAY IN 2022

Executive Summary

Council received a letter from the Numurkah Agricultural Society requesting that Moira Shire Council, under the Public Holiday Amendment Bill 2011, recommend the Society be granted a Public Holiday for the 2022 Numurkah Show which will be held on Wednesday 19 October 2022 for the Numurkah District. (The Numurkah district is defined by the Numurkah Agricultural and Pastoral Society Inc as the area within the Shire boundaries prior to amalgamation.)

Under the Act, Councils can request substitute public holiday days for Melbourne Cup Day. In the past, Council has successfully requested that a public holiday be declared for the last eleven Numurkah Show Days. It is recommended that Council continue to support the full day public holiday for the Numurkah Show Day in 2022.

MOTION

CRS ED COX / PETER LAWLESS

That Council in accordance with section 8A of the *Public Holidays Act 1993*, request the Minister for Small Business, to declare a full day public holiday within the Numurkah district, as defined on the attached map, on Wednesday 19 October 2022 for the Numurkah Show as a substitute public holiday for the appointed Melbourne Cup Day holiday in 2022.

(CARRIED)

FILE NO: F13/503
5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

ITEM NO: 10.2.1
(SENIOR GOVERNANCE OFFICER,
MARGARET HINCK)
(GENERAL MANAGER CORPORATE,
RENNIE, SIMON)

ASSEMBLIES OF COUNCILLORS NOVEMBER 2021

Executive Summary

The purpose of this report is to detail the Assemblies of Councillors held in November 2021. These records provide transparency in councils decision making process, in line with Council's commitment to the principles for public transparency and Council's Public Transparency Policy.

MOTION

CRS WAYNE LIMBRICK / PETER ELLIOTT

That Council receive and note the Record of Assemblies of Councillors for November 2021.

(CARRIED)

FILE NO:
4. CUSTOMER FOCUSED AND RESPONSIVE

ITEM NO: 10.2.2
(MANAGER GOVERNANCE & RISK,
AMANDA CHADWICK)
(GENERAL MANAGER CORPORATE,
RENNIE, SIMON)

COMPLAINT HANDLING POLICY AND COMPLAINT HANDLING PROCEDURE

Executive Summary

The Complaint Handling Policy and Complaint Handling Procedure have been reviewed in accordance with the new requirements detailed in the *Local Government Act 2020* (the Act).

This Complaint Handling Framework supports council's commitment to providing quality customer service. It sets out the prescribed process for people to make a complaint with Council and for Council to record and analyse complaint data to identify where we can improve our services.

The Act requires the Complaints Policy to be adopted by 31 December 2021.

MOTION

CRS PETER ELLIOTT / JULIE BROOKS

That Council adopt the Complaint Handling Policy and Complaint Handling Procedure that have been reviewed in accordance with the requirements of the Local Government Act 2020.

(CARRIED)

FILE NO:
5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

ITEM NO: 10.2.3
(MANAGER GOVERNANCE & RISK,
AMANDA CHADWICK)
(GENERAL MANAGER COMMUNITY, RICE,
SALLY)

PROPOSED DISCONTINUANCE OF SECTIONS OF UNUSED ROADS WITHIN LAKE NUMURKAH

Executive Summary

A report was presented to the Ordinary Council Meeting on 28 July 2021 seeking Council authorisation to commence community consultation on a request to discontinue sections of unused road from the end of Saxton Street Numurkah between Russell Street and Kinnairds Road and a section of Government road to the north of the existing island within Lake Numurkah and reserve the land for public use. At this meeting Council resolved to defer a decision on this issue until further information was provided by the consulting firm.

In September 2021 the project consultants Spiire briefed Council on the 'Lake Numurkah Landscape Master Plan and Storm Water Analysis'. This presentation identified potential site opportunities for the area. This work is currently with the majority owners of the lake, the Numurkah Development Company, for review.

Council has previously resolved to close these sections of road as part of the Lake Numurkah Concept Plan however the final process was not completed. Therefore, Council is required to conduct community consultation again under section 223 of the *Local Government Act 1989* and Section 12 of the *Road Management Act 2004*.

This report now seeks Council's authorisation to conduct the community consultation process and, following on from the public feedback, a final recommendation will be submitted to the 23 February 2022 Council meeting for consideration.

MOTION

CRS PETER LAWLESS / WAYNE LIMBRICK

That Council:

- 1 Authorise the Chief Executive Officer to:
 - a) give public notice of a request for Council to discontinue sections of unused road from the end of Saxton Street between Russell Street and Kinnairds Road, Numurkah as well as a section of unused Government Road to the north of the existing island within Lake Numurkah and reserve the land for public use;
 - b) make the proposal available for public inspection;
 - c) invite submissions in accordance with Section 223 of the *Local Government Act 1989*;
 - d) receive submissions until 5pm Wednesday 2 February 2022.
- 2 If required:
 - a) convene a Committee of Council comprising Cr Libro Mustica, Cr Peter Lawless and General Manager Community and/or delegate to meet at 1pm Wednesday 9 February 2022 at the Council Chambers, Melville Street Numurkah to hear any person wishing to be heard in support of their written submission;
 - b) consider a recommendation regarding the road discontinuance with or without amendment at the 23 February 2022 Ordinary Council meeting.

(CARRIED)

FILE NO:
1. A GREAT PLACE TO LIVE

ITEM NO: 10.3.1

COMMUNITY STRENGTHENING GRANTS PROGRAM - ROUND 1 - 2021

Executive Summary

Under the new Community Strengthening Grants Policy adopted 16 September 2020, the 2021/22 Community Strengthening Grants Program has a total budget of \$204,000. Major Grants up to \$10,000 (two rounds), Quick Response up to \$1,000 (always open) and Coronavirus Community Recovery Grants up to \$2,500 (one round). Round one Major Grants were open for applications via Smarty Grants between August and October 2021.

Council received 21 applications for round one of the 2021/22 Community Strengthening Grants Program. 18 of the applications passed the pre-eligibility stage and progressed to assessment. Following assessment, 12 are recommended for funding at a total cost of \$77,522.

All Projects recommended have been considered with the additional lens necessitated by the implications of the COVID-19 pandemic and arrangement to support our communities' recovery from this disaster. Council Officers will work with organisations to deliver their projects.

Projects not recommended for funding are either ineligible, require further planning, referred to alternative Council funding, provide limited community benefit and/or the applications were of poor quality.

MOTION

CRS PETER LAWLESS / PETER ELLIOTT

That Council approve 12 projects totalling \$77,522 as part of the 2020/21 Community Strengthening Grants Program.

(CARRIED)

FILE NO: C013/21
5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

ITEM NO: 10.3.2
(PROCUREMENT COORDINATOR, JOVIAL
MATHEWS)
(GENERAL MANAGER COMMUNITY, RICE,
SALLY)

C013/21 - SUPPLY, DELIVERY AND FINANCE OF ONE (1) TRACK LOADER

Executive Summary

Moirā Shire Council invited submissions for the supply, delivery and finance of one (1) Track Loader. Council reserved the right to purchase the equipment outright or to lease the equipment over a 5 year term.

After consideration of the submissions, the tender evaluation panel recommends that Council acquire the track loader as an operating lease from GD & MA Bordignon Pty Ltd under contract C013/21.

MOTION

CRS ED COX / PETER LAWLESS

That Council:

1. Award contract C013/21 – Supply, Delivery and Finance of one (1) Track Loader to GD & MA Bordignon Pty Ltd.
2. Authorise the Chief Executive Officer to sign and seal the contract documents.

(CARRIED)

FILE NO: 000.000.000
5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

ITEM NO: 10.4.1
(GENERAL MANAGER INFRASTRUCTURE,
ANDREW CLOSE)
(CHIEF EXECUTIVE OFFICER, KEENAN,
CLARE)

NUMURKAH FLOOD MITIGATION SCHEME

Executive Summary

The Australian Government is providing \$50 million toward national flood mitigation priorities in 2020-21 from the Emergency Response Fund. State Governments have been asked to submit projects for consideration of funding under this scheme.

The Victorian State Government, through DELWP, are seeking Council's support for the submission of a stage of the Numurkah Flood Mitigation project for funding under this scheme and a commitment that Council will deliver the project on the State Government's behalf should the funding be awarded.

In addition, the recent resignation of former Councillor Kevin Bourke leaves the Numurkah Flood Mitigation Project Steering Committee without a chairperson and Council will need to appoint a replacement to allow the committee to continue.

It is recommended that Council supports the State Government's application to the Federal Government's National Flood Mitigation Infrastructure Program for funding for Stage 1 of the Numurkah flood mitigation project, commits to delivering the project on behalf of the State Government, and appoint Cr Wayne Limbrick to the Chair of the Numurkah Flood Mitigation Project Steering Committee.

MOTION

CRS PETER LAWLESS / ED COX

That Council:

1. supports the State Government's application to the Federal Government's National Flood Mitigation Infrastructure Program for funding for Stage 1 of the Numurkah flood mitigation project,
2. commits to delivering the project on behalf of the State Government, and,
3. appoints Cr Wayne Limbrick to the Chair of the Numurkah Flood Mitigation Project Steering Committee.

(CARRIED)

FILE NO: C030/21
5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

ITEM NO: 10.4.2
(PROCUREMENT COORDINATOR, JOVIAL
MATHEWS)
(GENERAL MANAGER INFRASTRUCTURE,
CLOSE, ANDREW)

C030/21 - RECONSTRUCTION OF VELDT ST AND MCDONELL ST, NATHALIA

Executive Summary

Moiria Shire Council invited submissions from suitably qualified contractors for upgrade works to approximately 380 lineal meters of urban roadway in Veldt and McDonell Streets, Nathalia.

Council's contribution to the project is being funded through Phase 3 of the Federal Governments Local Roads and Community Infrastructure Program and Goulburn Valley Water will be reimbursing Council for the water main renewal that is included as part of the contract.

After consideration of the submissions, the evaluation panel recommends that contract C030/21 be awarded to Tactile Australia Pty Ltd t/a One Stop Civil.

MOTION

CRS WAYNE LIMBRICK / ED COX

That Council:

1. Award the contract for C030/21 – Reconstruction of Veldt Street and McDonell Street Nathalia to Tactile Australia Pty Ltd, trading as One Stop Civil.
2. Authorise the Chief Executive Officer to sign and seal the contract documents.
3. Assign Tactile Australia Pty Ltd, trading as One Stop Civil, as the Principal Contractor for undertaking the project.

(CARRIED)

FILE NO: C029/21
5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

ITEM NO: 10.4.3
(PROCUREMENT COORDINATOR, JOVIAL
MATHEWS)
(GENERAL MANAGER INFRASTRUCTURE,
CLOSE, ANDREW)

C029/21 - MAINTENANCE GRADING PANEL

Executive Summary

Moirā Shire Council invited submissions from suitably qualified contractors to form a panel of suppliers to perform gravel maintenance grading and resheeting services for the 2021/2022 through to 2024/2025 financial years.

After consideration of the submissions, the evaluation panel recommends that contract C029/21 – Maintenance Grading Panel be awarded to the following tenderers as per their submitted schedule of rates:

- NGH Earthmoving
- S.P & L.A O'Brien Pty Ltd
- Lawrence Brothers Quarries Pty Ltd
- O'Loughlin Excavations Pty Ltd

MOTION

CRS ED COX / PETER LAWLESS

That Council:

1. Award the schedule of rates contract to the following tenderers under Panel Contract C029/21 – Maintenance Grading, for an initial term of 1 year with the option to extend in single 1 year periods to a maximum contract period of 3 years:
 - NGH Earthmoving;
 - S.P & L.A O'Brien Pty Ltd;
 - Lawrence Brothers Quarries Pty Ltd; and
 - O'Loughlin Excavations 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: F20/239
5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

ITEM NO: 10.4.4
(SENIOR TOWN PLANNER, NORM KORTUM)
(GENERAL MANAGER INFRASTRUCTURE,
CLOSE, ANDREW)

PLANNING SCHEME AMENDMENT C93

Mayor Mustica left the room at 6.44pm due to his previously disclosed conflict of interest.

Deputy Mayor Peter Lawless took the chair.

Executive Summary

The purpose of Amendment C93 is to seek to make changes to the Moira Planning Scheme in accordance with the certain recommendations of the adopted 'Major Town's Strategy Plan Review, 2018' and the 'Yarrowonga Framework Plan, 2020'.

The amendment will effectively alter the Planning Scheme to reflect previous strategic planning work that has been completed, rezone land in Numurkah from Farming Zone to Industrial 1 Zone and from Industrial 1 Zone to Farming Zone, together with including relevant background documents.

Specifically, the amendment seeks to:

- Amend Planning Map Nos, 14, 14 Development Plan Overlay, 18 and 18 Development Plan Overlay
- Amend Clause 21.03
- Amend Clause 21.07
- Amend the Schedule to Clause 72.08, by inserting the following documents:
 - Yarrowonga Framework Plan (2020)
 - Yarrowonga Stormwater Drainage Strategy (2019)
 - Cobram and Yarrowonga: Background Analysis. SED Consulting (2017)

MOTION

CRS ED COX / PETER MANSFIELD

That Council:

1. Note the receipt of 13 submissions to Amendment C93.
2. Request the Minister for Planning to appoint an Independent Planning Panel to consider all submissions.
3. Refer all submissions to an Independent Planning Panel.

(CARRIED)

Mayor Mustica returned to the room and the chair at 6.50pm.

FILE NO:
4. CUSTOMER FOCUSED AND RESPONSIVE**ITEM NO: 13.1**
(MANAGER GOVERNANCE & RISK,
AMANDA CHADWICK)
(GENERAL MANAGER CORPORATE,
RENNIE, SIMON)**THE FUTURE OF THE FORMER YARRAWONGA PRIMARY SCHOOL SITE -
PETITION****Executive Summary**

Council received a petition at the scheduled Council meeting on the 24 November 2021 regarding the use of the former Primary School Site in Yarrawonga.

The petition stated "We the undersigned request that Moira Shire Council lease the whole of the former Yarrawonga Primary School Site from DET whilst negotiations continue to acquire the site urgently under First Right of Refusal for Community Use. The North East Water Crown Reserve should also become the Property of the Community Site."

Due to the ongoing investigation into the proposal raised by the petition and the timing of the December Council meeting, Council has not had the opportunity to review any findings or any recommended future options. A report will be provided to Councillors detailing available options in February 2022.

Council would like to acknowledge the petition and thank all signatories for raising their concerns with Council.

MOTION

CRS PETER MANSFIELD / PETER ELLIOTT

That Council:

1. Acknowledge the petition received regarding the former primary school site in Yarrawonga and continue to investigate the available options and report to a Council briefing in February 2022.
2. Thank the signatories of the petition and advise the first mentioned author of the petition of Council's findings.

(CARRIED)

FILE NO: VARIOUS

ITEM NO: 15

URGENT GENERAL BUSINESS

NIL

FILE NO: VARIOUS

ITEM NO:

MEETING ADJOURNMENT

MOTION

CRS PETER MANSFIELD / ED COX

That the meeting be adjourned for 10 minutes.

(CARRIED)

MOTION

CRS PETER MANSFIELD / PETER LAWLESS

That the meeting be resumed.

(CARRIED)

MOTION

CRS WAYNE LIMBRICK / ED COX

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 a closed session.

(CARRIED)

MOTION

CRS PETER LAWLESS / WAYNE LIMBRICK

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

(CARRIED)

FILE NO: VARIOUS

ITEM NO:

MEETING ADJOURNMENT

MOTION

CRS LIBRO MUSTICA / ED COX

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

(CARRIED)

MEETING CLOSE: 7:07PM