



MINUTES

SCHEDULED MEETING OF COUNCIL HELD AT COBRAM
CIVIC CENTRE,
WEDNESDAY 28 APRIL 2021

The meeting commenced at 5.10 pm.

PRESENT

- Councillor Libro Mustica (Mayor)
- Councillor Julie Brooks (Deputy Mayor)
- Councillor Kevin Bourke
- Councillor Ed Cox
- Councillor Peter Elliot
- Councillor Peter Lawless
- Councillor Wayne Limbrick
- Councillor Peter Mansfield

IN ATTENDANCE:

Mark Henderson	Chief Executive Officer
Andrew Close	General Manager Infrastructure
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 will now be lived 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

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 Martin was an apology

APOLOGY

CRS PETER LAWLESS / ED COX

That the apology be accepted.

(CARRIED)

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

Nil

6. DECLARATION OF ANY INTEREST OR CONFLICT OF INTEREST

Mayor Mustica declared a conflict with item 10.4.1 being a direct interest due to ownership of the subject land.

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

MOTION:

CRS KEVIN BOURKE / PETER LAWLESS

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

(CARRIED)

8. COUNCILLOR REPORTS

- Cr Mansfield attended Murray Darling Basin Authority meeting.
- Cr Bourke acknowledged the works in Power Street Nathalia.
- Cr Elliott attended the Bundalong Community Group meeting.
- Cr Cox attended Anzac Day ceremonies in Katamatite & Strathmerton.
- Cr Limbrick attended Anzac Day ceremonies in Barmah & Nathalia.
- Cr Lawless acknowledged a meeting he attended with Cr Brooks, Cr Elliott & the Mayor with Yarrowonga P-12 School. He also attended the Yarrowonga/Mulwala Anzac Day ceremony.
- Cr Brooks attended the Yarrowonga/Mulwala Anzac Day ceremony.

FILE NO: VARIOUS

ITEM NO: 9

QUESTIONS FROM THE PUBLIC GALLERY

- Consideration of the Rainbow Pride Flag
- Cycle/walking track in Yarrawonga
- Yarrawonga Community Hall
- Yarrawonga Primary School site

FILE NO: F13/69
4. A WELL RUN COUNCIL

ITEM NO: 10.1.1

ACHIEVER'S AWARD ASSISTANCE PROGRAM

Executive Summary

This reports seeks the adoption of the revised Achievers Award Policy.

Council policies provide guidance as to Council's intent on the many functions, activities or services it provides. All policies previously adopted are regularly reviewed for relevancy to the corporate direction of Council.

The Achievers Award Assistance Program policy was initially adopted by Council on 28 July 2003, with the latest version being adopted on 22 March 2017. A review of the Achievers Award Program policy has shown that it remains relevant with only minor amendment required.

MOTION

CRS ED COX / PETER LAWLESS

That Council:

1. Adopt the attached Achievers Award Assistance Program Policy and
2. Revoke the version previously adopted.

(CARRIED)

FILE NO:
4. A WELL RUN COUNCIL

ITEM NO: 10.2.1

PROPOSED LEASE AGREEMENT AT THE YARRAWONGA AERODROME

Executive Summary

The Bureau of Meteorology (BOM) currently lease an area of approximately 256m² within the parcel of land owned by Council at the Yarrowonga Aerodrome for the purposes of a Weather Watch Radar Station. The BOM intend to construct a new weather watch radar station adjacent to the current site and decommission the existing infrastructure and therefore wishes to enter into a new 20 year lease (10+5+5).

The new lease proposes essentially the same lease conditions as the current lease with the exception that the proposed lease has been prepared using current writing styles and legal requirements. The rental will remain the same and is currently set at \$1 per annum.

Council is requested to authorise the publication of a public notice advising the community of Council's intention to enter into the lease in accordance with section 190 of the Local Government Act 1989 (the Act), and invite submissions under section 223 of the Act.

A Committee of Council meeting may be convened to hear any objections received. If no objections are received, Council authorisation for the Chief Executive Officer to sign and seal the lease documents is sought.

MOTION

CRS PETER MANSFIELD / PETER LAWLESS

That Council:

- 1 Authorise the Chief Executive Officer to:
 - a) give public notice of Council's intention to enter into a new lease agreement with the Bureau of Meteorology (BOM) for the defined area within the parcel of land at the Yarrowonga Aerodrome;
 - b) make the lease 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 2nd June 2021; and
 - e) if no submissions are received sign and seal the lease.

- 2 If required:
 - a) convene a Committee of Council meeting comprising Cr Mustica, Cr Brooks and General Manager Corporate and/or delegate to meet at 5pm Monday 7th June 2021 at the Cobram Civic Centre, Punt Road Cobram to hear any person wishing to be heard in support of their written submission.
 - b) consider a recommendation to proceed with the lease with or without amendment at the 23rd June 2021 Ordinary Council meeting.

(CARRIED)

FILE NO: F20/622
4. A WELL RUN COUNCIL

ITEM NO: 10.2.2

MOIRA SHIRE COUNCIL DRAFT BUDGET 2021/22

Executive Summary

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

If approved,

- The draft 2021/22 Budget will be available for public inspection at Council Service Centres and on council's website from **Friday 30 April 2021**.
- Members of the community will be invited to view and make written submissions on the draft Budget by **5pm Wednesday 2 June 2021**.
- A Committee of Council Meeting will meet on **Monday 7 June 2021** 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 2021/22 Budget, and
- Council will consider the submissions before considering a recommendation to adopt the draft 2020/21 Budget with or without amendments at the Scheduled Council Meeting to be held on **Wednesday 23 June 2021**.

The timelines will ensure council fulfils its obligation to adopt the Annual Budget by 30 June 2021.

MOTION

CRS KEVIN BOURKE / ED COX

That Council:

1. Accept the draft 2021/22 Budget.
2. Authorise commencement of the statutory (S223) community consultation process for the draft budget and in doing so:
 - Receive written submissions until 5pm Wednesday 2 June 2021.
 - If required, convene a Committee of Council Meeting comprising all available councillors to meet at 5pm Monday 7 June 2021 to hear any person wishing to be heard in support of their submission.
 - Consider adoption of the 2021/22 Budget at the scheduled Council meeting at 5.00pm on Wednesday 23 June 2021 with or without amendment.

(CARRIED)

FILE NO: F20/210/001
4. A WELL RUN COUNCIL

ITEM NO: 10.2.3

DRAFT MOIRA SHIRE COUNCIL PLAN 2021 - 2025

Executive Summary

The purpose of this report is to request Council's approval to seek community feedback on the draft Moira Shire Council Plan 2021-2025.

Council is required to develop a Council Plan in the year following a general election.

If approved:

- The draft Council Plan 2021-2025 will be made available for public inspection at Council Service Centres and on council's website from **Friday 30 April 2021**.
- Members of the community will be invited to view and make written submissions on the draft Plans by **5pm Wednesday 2 June 2021**.
- Council will consider the submissions before considering a recommendation to adopt the draft Council Plan 2021-2025 with or without amendments at the Scheduled Council Meeting to be held at **Wednesday 23 June 2021**.

Council has undertaken a deliberative community engagement process that included:

- A facilitated Councillor workshop;
- Extensive advertising on radio, local newspapers, and social media;
- A community survey with feedback sought via our 'Have Your Say' section on the website;
- A series of community conversation sessions held in Cobram, Yarrawonga, Nathalia and Numurkah.

MOTION

CRS PETER ELLIOTT / ED COX

That Council:

1. Authorise the draft Council Plan 2021-2025 for community consultation and make the draft plan available for public inspection at Council Service Centres and on council's website by Friday 30 April 2021.
2. Receive written submissions on the draft Plans until 5pm Wednesday 2 June 2021.
3. Consider all submissions before considering a recommendation to adopt the draft Council Plan 2021-2025 with or without amendments at the Scheduled Council Meeting to be held on Wednesday 23 June 2021.

(CARRIED)

FILE NO: F20/210/001
4. A WELL RUN COUNCIL

ITEM NO: 10.2.4

DRAFT MOIRA SHIRE COUNCIL FINANCIAL PLAN 2021 - 2031

Executive Summary

The purpose of this report is to request Council's approval to seek community feedback on the draft Moira Shire Council Financial Plan.

The development of a Financial Plan is a new requirement that forms part of the implementation of the *Local Government Act 2020* (the Act).

If approved:

- The draft Financial Plan will be made available for public inspection at Council Service Centres and on council's website from **Friday 30 April 2021**.
- Members of the community will be invited to view and make written submissions on the draft Plans by **5pm Wednesday 2 June 2021**.
- Council will consider the submissions before considering a recommendation to adopt the draft Financial Plan with or without amendments at the Scheduled Council Meeting to be held at **Wednesday 23 June 2021**.

Council has undertaken a deliberative community engagement process that included:

- A facilitated Councillor workshop;
- Extensive advertising on radio, local newspapers, and social media;
- A community survey with feedback sought via our 'Have Your Say' section on the website;
- A series of community conversation sessions held in Cobram, Yarrawonga, Nathalia and Numurkah.

MOTION

CRS ED COX / PETER LAWLESS

That Council:

1. Authorise the draft Moira Shire Council Financial Plan for community consultation and make the draft plan available for public inspection at Council Service Centres and on council's website from Friday 30 April 2021.
2. Receive written submissions on the draft plan until 5pm Wednesday 2 June 2021.
3. Consider all submissions before considering a recommendation to adopt the draft Moira Shire Council Financial Plan with or without amendments at the Scheduled Council Meeting to be held on Wednesday 23 June 2021.

(CARRIED)

FILE NO: F20/210/001
4. A WELL RUN COUNCIL

ITEM NO: 10.2.5

DRAFT MOIRA SHIRE COUNCIL REVENUE AND RATING PLAN 2021 - 2025

Executive Summary

The purpose of this report is to request Council's approval to seek community feedback on the draft Revenue and Rating Plan.

Council is required to develop a Revenue and Rating Plan by 30 June in the year following a general election.

The Plan provides a medium-term strategy for how Council will generate income to deliver on the Council Plan, program and services and capital works commitments over a 4-year period.

If approved;

- The draft Revenue and Rating Plan will be made available for public inspection at Council Service Centres and on council's website from **Friday 30 April 2021**.
- Members of the community will be invited to view and make written submissions on the draft Plan by **5pm Wednesday 2 June 2021**.
- Council will consider all submissions before considering a recommendation to adopt the draft Revenue and Rating Plan with or without amendments at the Scheduled Council Meeting to be held at **Wednesday 23 June 2021**.

This timeline will allow Council to meet the requirement to adopt the Revenue and Rating Plan by 30 June 2021.

MOTION

CRS WAYNE LIMBRICK / KEVIN BOURKE

That Council authorises:

1. The draft Revenue and Rating Plan to be made available for public inspection at Council Service Centres and on council's website from Friday 30 April 2021.
2. Receive written submissions on the draft Plan until 5pm Wednesday 2 June 2021.
3. Council will consider all submissions before considering a recommendation to adopt the draft Revenue and Rating Plan with or without amendments at the Scheduled Council Meeting to be held on Wednesday 23 June 2021.

(CARRIED)

FILE NO: F19/20
2. A THRIVING LOCAL ECONOMY

ITEM NO: 10.4.1

COBRAM BUSINESS PARK - POST PUBLIC EXHIBITION

Executive Summary

The subject land at 34 Ritchie Road Cobram has been earmarked as a potential business park at least since the implementation of the Cobram Strategy Plan (2007).

A planning investigation has been undertaken to determine the best and most appropriate land use for the subject land and to apply the relevant planning controls which are by rezoning to Commercial 2 and use the Development Plan Overlay to control how the land should develop and also apply the Parking Overlay as with all other land that is zoned Commercial.

The Planning Report and Development Plan were placed on public exhibition for 4 weeks and 8 submissions have been received. No changes are proposed to the recommended rezoning and overlay controls.

It is recommended to accept the planning consultant's recommendations and therefore seek authorisation from the Minister for Planning to prepare an amendment to the Planning Scheme.

Mayor Mustica left the room at 5.55pm due to his previously disclosed conflict of interest and Deputy Mayor Brooks took the chair.

MOTION

CRS ED COX / PETER ELLIOTT

That Council defer the decision on Cobram Business Park for 6 to 12 months.

(CARRIED)

Cr Bourke called for a division.

FOR

Cr Brooks
Cr Cox
Cr Elliott
Cr Lawless
Cr Limbrick

AGAINST

Cr Bourke
Cr Mansfield

(CARRIED)

Mayor Mustica returned to the chair at 6.10pm

FILE NO: F13/567
1. A GREAT PLACE TO LIVE

ITEM NO: 10.4.2

JOINT LETTER -REQUEST FOR FOOTPATH IN HUME STREET, YARRAWONGA

Executive Summary

A joint letter / petition has been received requesting construction of a new footpath in Hume Street between Piper Street and Witt Street.

Preferred option is to construct a 1.5m wide concrete footpath on the west side of Hume Street between Piper Street and Witt Street at an estimated cost of \$26,400 Ex GST.

Council already has an annual new footpath investment program in its Capital Works Budget with a forecast budget of \$150,000 per annum for the next four years.

The proposed path meets the Principals for Warrants under the new footpath investment program.

It is recommended that the construction of the footpath be included in the 2021/22 new footpath investment program.

MOTION

CRS PETER ELLIOTT / PETER LAWLESS

That Council:

1. Include the construction of a new 1.5m wide concrete footpath in Hume Street Yarrowonga between Piper Street and Witt Street in its 2021/22 new footpath investment program.
2. Thank the signatories of the joint letter / petition for their work and advise the first mentioned author of the joint / letter petition of Council's decision.

(CARRIED)

FILE NO: 000.000.000
1. A GREAT PLACE TO LIVE

ITEM NO: 10.4.3

NUMURKAH PLAY SPACE UPGRADE PROJECT

Executive Summary

The Numurkah Play Space Upgrade Project comprises three elements;

1. Renewal and upgrade of the Apex Park playground,
2. The extension of the skatepark with the addition of a junior skatepark, and
3. The installation of a 'wombat' pedestrian crossing to provide a safer link across Tunnock road between the two play areas.

Two consultation processes have been undertaken, the first in August last year on the overall project concept, and the more recent one in February seeking feedback on the proposed concept design of the junior skatepark.

Contracts have been awarded for the playground equipment and the works are planned for completion by the end of June to meet the requirements of the funding for the project.

MOTION

CRS WAYNE LIMBRICK / ED COX

That Council:

1. Note the progress of the Numurkah Play Space Upgrade Project and the results of the two consultation processes
2. Endorse the overall project and the concept design comprised of the following three elements:
 - (a) Renewal and upgrade of the Apex Park playground,
 - (b) The extension of the skatepark with the addition of a junior skatepark, and
 - (c) The installation of a 'wombat' pedestrian crossing to provide a safer link across Tunnock road between the two play areas

(CARRIED)

Cr Bourke called for a division.

FOR

Cr Brooks
Cr Cox
Cr Elliott
Cr Lawless
Cr Limbrick
Cr Mansfield
Cr Mustica

AGAINST

Cr Bourke

(CARRIED)

FILE NO: C033/20
4. A WELL RUN COUNCIL

ITEM NO: 10.4.4

C033/20 - MAINTENANCE AND SERVICING OF AIR CONDITIONING UNITS

Executive Summary

Moira Shire Council invited submissions for the maintenance and servicing of air conditioning units in council service centers and buildings.

After consideration of the submissions, the evaluation panel recommends that contract C033/20 be awarded to Airmaster Australia Pty Ltd.

MOTION

CRS ED COX / PETER LAWLESS

That Council:

1. Award the contract for C033/20 Maintenance and Servicing of Air Conditioning Units to Airmaster Australia Pty Ltd; and
2. Authorise the Chief Executive Officer to sign and seal the contract documents.

(CARRIED)

FILE NO: C037/20
4. A WELL RUN COUNCIL

ITEM NO: 10.4.5

C037/20 - REPLACEMENT OF WRIGHTS BRIDGE, WRIGHTS BRIDGE ROAD

Executive Summary

Moira Shire Council invited submissions from suitably experienced contractors for the replacement of Wrights Bridge on Wrights Bridge Road, Barmah.

After consideration of the submissions, the evaluation panel recommends that contract C037/20 be awarded to Nelmac Pty Ltd.

MOTION

CRS KEVIN BOURKE / ED COX

That Council:

1. Award the contract for C037/20 Replacement of Wrights Bridge, Wrights Bridge Road to Nelmac Pty Ltd.
2. Authorise the Chief Executive Officer to sign and seal the contract documents.

(CARRIED)

FILE NO: C001/21
4. A WELL RUN COUNCIL

ITEM NO: 10.4.6

C001/21 - YARRAWONGA SHOWGROUNDS INTERNAL ACCESS ROAD AND DRAINAGE UPGRADE

Executive Summary

Moira Shire Council invited submissions for the internal road construction and associated works at the Yarrawonga Showgrounds, Dunlop Street Yarrawonga.

After consideration of the submissions, the evaluation panel recommends that contract C001/21 be awarded to BR Excavations Pty Ltd.

The works being undertaken under this contract will potentially be impacted in the future with the installation or variation of services for the future Yarrawonga Multisport Stadium. It is recommended that Council allocate \$300,000 of funds from cash reserves to undertake the installation or variation of services concurrently to minimise the risk of future damage to the works completed under this contract.

MOTION

CRS PETER MANSFIELD / PETER LAWLESS

That Council:

1. Award the contract for C001/21 Yarrawonga Showgrounds Internal Access Road and Drainage Upgrade to BR Excavations Pty Ltd.
2. Authorise the Chief Executive Officer to sign and seal the contract documents.
3. Approve the allocation of \$300,000 from cash reserves toward the variation and installation of services for the future Yarrawonga Multisport Stadium.

(CARRIED)

FILE NO: C045/20
4. A WELL RUN COUNCIL

ITEM NO: 10.4.7

C045/20 - BITUMINOUS RESEALING

Executive Summary

Moira Shire Council invited submissions from suitably qualified organisations or individuals for the bituminous resealing of designated local roads throughout the municipality.

After consideration of the submissions, the evaluation panel recommends that contract C045/20 be awarded to Primal Surfacing Pty Ltd.

MOTION

CRS ED COX / KEVIN BOURKE

That Council:

1. Award the contract for C045/20 Bituminous Resealing to Primal Surfacing Pty Ltd.
2. Authorise the Chief Executive Officer to sign and seal the contract documents.

(CARRIED)

FILE NO: C004/21
4. A WELL RUN COUNCIL

ITEM NO: 10.4.8

C004/21 - PUSHING UP AND CRUSHING OF HILL GRAVEL

Executive Summary

Moira Shire Council invited submissions for the pushing up and crushing of hill gravel from Council's pit at School Road, Tungamah.

After consideration of the submissions, the evaluation panel recommends that contract C004/21 be awarded to Mibus Bros (Aust) Pty Ltd.

MOTION

CRS ED COX / PETER MANSFIELD

That Council:

1. Award the contract for C004/21 Pushing Up and Crushing of Hill Gravel, to Mibus Bros (Aust) Pty Ltd.
2. Authorise the Chief Executive Officer to sign and seal the contract documents.

(CARRIED)

FILE NO: 1 4. A WELL RUN COUNCIL	ITEM NO: 13.1
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**PETITION - MOIRA SHIRE TO TAKE A LEADERSHIP ROLE IN RESOLVING
ISSUES RELATING TO LAKE NUMURKAH****Executive Summary**

Council has received a petition requesting the *“Moira Shire to take a leadership role in resolving issues relating to the extremely poor condition of Numurkah Lake.*

We are aware that the Moira Shire is not the only stakeholder in the lake issues, but recognize that by draining a large section of Numurkah directly into the lake, the Shire has contributed greatly to the poor condition of the water”.

This petition, which had 209 signatories, was tabled at the 24 February 2021 Ordinary Council meeting. Subsequently this petition (#1) was addressed at the Council meeting held on the 24 March 2021. Council resolved to endorse the recommendations listed 1:4 above.

Furthermore, at the 24 March 2021 Council Meeting a second petition (#2) was received. The wording of petition #2 was identical to that of number 1 and had 516 signatories. This report responds to petition #2.

This report also reiterates the information provided in the March 2021 Council papers relating to the current Lake Numurkah situation. As Petition number 1 and 2 were received within a month of one another the information provided is similar. This report does provide further information reflecting progress in relation to this matter. It specifically defines four key principles that will be applied to guide the development of the Lake Numurkah concept plan.

Council acknowledges that there are now over 700 signatories between the two petitions. Therefore, included in this report is a further recommendation regarding how to respond to future petitions about this matter.

MOTION

CRS ED COX / PETER LAWLESS

That Council:

1. notes the petition for Moira Shire to take a leadership role in resolving issues relating to the Numurkah Lake;
2. continue to discuss the management of Numurkah Lake with its owner;
3. continue to develop, including in consultation with the community, a concept plan for Lake Numurkah in line with a set of four key guiding principles outlined in this report;
4. thank the signatories of the petition for their work and advise the first mentioned signatory of the petition of Council’s decision; and
5. respond to any further petitions received on the lake in accordance with the decision of Council on the current petition without further referral to Council.

(CARRIED)

FILE NO: VARIOUS

ITEM NO:

GENERAL BUSINESS**MOTION**

CRS PETER MANSFIELD / ED COX

That general business be accepted to consider the commencement time of the May council meeting & the Yarrowonga library community hub.

(CARRIED)

MOTION

CRS PETER MANSFIELD / ED COX

That the May Council meeting be moved forward to 3.00pm to allow Councillors to attend the Rural Council Victoria Summit in Nagambie.

(CARRIED)

MOTION

CRS PETER ELLIOTT / PETER MANSFIELD

That subject to the outcome of a planning application for the Yarrowonga library community hub project and having now received additional State Government funding Council authorise the CEO to:

1. Finalise the design and put the project out to tender
2. Undertake demolition works separately to the building component to reduce project risk
3. Take all necessary steps to deliver the project in accordance with funding agreements with the Victorian State Government.

(CARRIED)

Cr Bourke called for a division.

FOR

Cr Brooks
Cr Cox
Cr Elliott
Cr Lawless
Cr Limbrick
Cr Mansfield
Cr Mustica

AGAINST

Cr Bourke

(CARRIED)

FILE NO: VARIOUS

ITEM NO:

MEETING ADJOURNMENT

MOTION

CRS WAYNE LIMBRICK / PETER ELLIOTT

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 closed section.

(CARRIED)

The Mayor adjourned the meeting at 6.51pm

MOTION

CRS JULIE BROOKS / KEVIN BOURKE

That the meeting be resumed

(CARRIED)

The meeting resumed at 6.55pm

The meeting resumed in open session at 6.59pm

19. CLOSE OF MEETING

The Mayor closed the meeting at 7.00pm