



## MINUTES

### ORDINARY MEETING OF COUNCIL HELD AT KATUNGA HALL, MONDAY 18 AUGUST 2014

The meeting commenced at 6:00 pm.

#### **PRESENT**

Councillor Peter Mansfield (Mayor)  
Councillor Kevin Bourke  
Councillor Wendy Buck  
Councillor Gary Cleveland  
Councillor Ed Cox  
Councillor Don McPhee  
Councillor Marie Martin  
Councillor Alex Monk

#### **IN ATTENDANCE:**

Mark Henderson	Chief Executive Officer
Peter Bertolus	Director Community
Andrew Close	Acting Director Shire Development and Liveability

#### **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 Brian Keenan
- Cr Don McPhee requested a leave of absence from 30 August 2014 to 3 October 2014.

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

Nil

#### **6. DECLARATION OF ANY INTEREST OR CONFLICT OF INTEREST**

Nil

**7. CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

**MOTION:**

CRS ED COX / ALEX MONK

"That the minutes of the Ordinary Council Meeting held on Monday, 21 July 2014, as prepared and circulated, be confirmed."

(CARRIED)

**8. COUNCILLOR REPORTS**

- Cr Wendy Buck provided a report on an onshore (coal seam) natural gas community information session held at Numurkah on 30 July 2014.
- Cr Kevin Bourke provided a report on information session to discuss the Draft Victorian Floodplain Management Strategy held at Shepparton on 15 July 2014.
- Cr Marie Martin provided a report on the MAV Councillor Development Weekend that was held at Crewswick in the last weekend in July.

**9. OFFICER REPORTS FOR DETERMINATION**

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**9.2 COMMUNITY**

NIL

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**12. NOTICES OF MOTION**

NIL

**13. PETITIONS AND JOINT LETTERS**

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**14. COUNCIL SEAL**

NIL

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**18. CONFIDENTIAL BUSINESS**

**19. CONFIDENTIAL ACTION OFFICERS LIST**

**20. URGENT OR GENERAL CONFIDENTIAL BUSINESS**

**21. CLOSE OF MEETING**

Meeting closed at 7:42 PM



**MARK HENDERSON  
CHIEF EXECUTIVE OFFICER**

FILE NO: 180.11.0002  
3. OUR COMMUNICATIONS AND PROCESSES

ITEM NO: 9.1.1  
(ASSISTANT FINANCIAL ACCOUNTANT,  
ANDREW WILSON)  
(DIRECTOR CORPORATE GOVERNANCE,  
ALISON COE)

## FINANCIAL POSITION REPORT AS AT 31 JULY 2014

### 1. Executive Summary

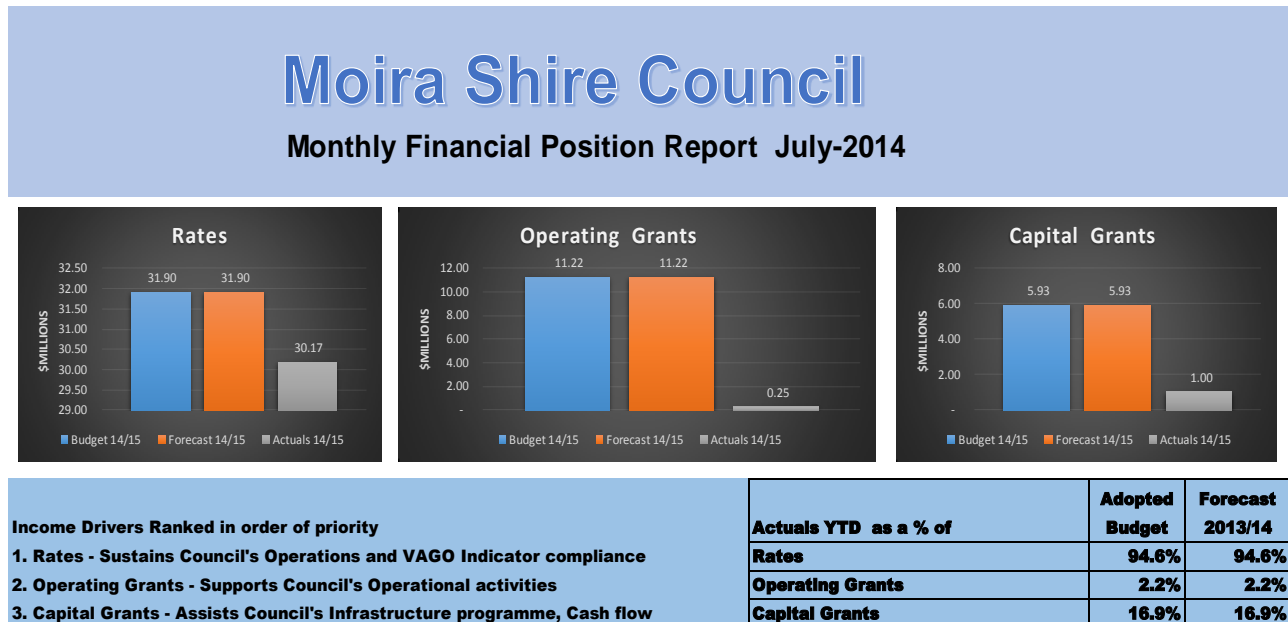
*Financial Position Report is subject to completion of end of period transactions (including Asset revaluations and depreciation) and Audit confirmation.*

*Highlights:*

- Council's cash position as at 31<sup>st</sup> July 2014 is \$11.9M.
- 2014/15 Rates were levied on 29<sup>th</sup> July 2014.

### 2. Background and Options

### Executive Summary Dashboard:



FILE NO: 180.11.0002  
3. OUR COMMUNICATIONS AND PROCESSES

ITEM NO: 9.1.1  
(ASSISTANT FINANCIAL ACCOUNTANT,  
ANDREW WILSON)  
(DIRECTOR CORPORATE GOVERNANCE,  
ALISON COE)

**FINANCIAL POSITION REPORT AS AT 31 JULY 2014 (cont'd)**


Income Statement	Adopted Budget 2014/15	YTD Actuals July-2014	Target completion % of Adopted Budget for month 1 of 12	Actual completion %
<b>Capital Income</b>				
Capital Grants	5,934,400	1,000,000	494,533	202.21%
Capital Contributions	170,259	13,636	14,188	96.11%
Net Gain /(Loss) on disposal of assets	(18,379)	9,650	(1,532)	(630.07)%
Other Capital Income	-	-	-	0.00%
<b>Total Capital Income</b>	<b>6,086,280</b>	<b>1,023,286</b>	<b>507,190</b>	<b>8.31%</b>
<b>Operating Income</b>				
Rates Income	31,901,299	30,171,864	2,658,442	1134.95%
Operating Grant	11,215,994	249,379	934,666	26.68%
<b>Other Operating Income</b>				
Reimbursement	49,532	6,130	4,128	148.50%
Statutory Fees & Fines	902,116	59,844	75,176	79.60%
Interest Income	300,000	26,781	25,000	107.12%
Operating Contributions	93,600	10,580	7,800	135.64%
User Charges	2,843,997	160,882	237,000	67.88%
Contributions Non Monetary assets	200,000	-	16,667	0.00%
Net Proceeds On Sale of Land	10,000	10,560	833	1267.20%
Other income	410,404	(654,181)	34,200	(1912.79)%
<b>Total Income</b>	<b>54,013,222</b>	<b>31,065,125</b>	<b>4,501,102</b>	<b>690.17%</b>
<b>Operating Costs</b>				
Employee Costs	18,642,026	1,551,783	1,553,502	8.32%
External Contract Services	6,300,072	160,544	525,006	2.55%
Materials Services	11,423,766	476,243	951,981	4.17%
Utilities	968,072	94,571	80,673	9.77%
Interest on Borrowing	527,476	45,675	43,956	8.66%
Bad Debts	5,000	-	417	0.00%
Other Expenses	4,320,149	746,032	360,012	17.27%
Net Proceeds On Sale of Land	-	-	-	
Net Gain /(Loss) on Disposal of Assets	-	-	1,532	
<b>Non Cash items</b>				
Depreciation Amortisation	8,740,057	728,338	728,338	8.33%
WDV of Infrastructure replaced	200,000	-	16,667	0.00%
Unwinding Interest of Landfill	429,831	-	35,819	0.00%
Revaluation of Intangibles	-	-	-	
Share of Profit/[Loss] Associated Company	20,000	-	1,667	0.00%
<b>Total operating expenditure</b>	<b>51,576,449</b>	<b>3,803,187</b>	<b>4,299,569</b>	<b>7.37%</b>
<b>Net Surplus / (Deficit)</b>	<b>2,436,773</b>	<b>27,261,938</b>	<b>201,533</b>	<b>13527.29%</b>


Note: Income and Expenses related to Disaster have been excluded from Actuals to provide a correct perspective of comparing with the Forecast

FILE NO: 180.11.0002  
3. OUR COMMUNICATIONS AND PROCESSES

ITEM NO: 9.1.1  
(ASSISTANT FINANCIAL ACCOUNTANT,  
ANDREW WILSON)  
(DIRECTOR CORPORATE GOVERNANCE,  
ALISON COE)

**FINANCIAL POSITION REPORT AS AT 31 JULY 2014 (cont'd)**

Capital expenditure	Adopted Budget 2014/15	YTD Actuals 2014/15	Target completion % of Adopted Budget for month 1 of 12	
				Variance %
Capital expenditure	10,720,189	264,962	893,349	 29.66%

Cash & Cash Equivalents	Adopted Budget 2014/15	YTD Actuals 14/15	Variance
Cash & Cash Equivalents	6,969,143	11,907,114	 4,937,971

**3. Financial Implications**

There are no financial implications outside of the normal quarterly review.

**4. Risk Management**

There are no risk management issues to consider within this report.

**5. Internal and External Consultation**

The following members of staff were consulted:

- Director, Corporate Governance;
- Executive Engineer;
- Manager, Construction & Assets
- Finance Manager;
- Team Leader, Financial Accountant
- Finance Analysts;
- Team Leader Revenue, Property and Valuation Services
- Corporate Management Team

Council's Financial Position Report is provided on a monthly basis for public viewing in accordance with Council's open and transparent governance policy.

**6. Regional Context**

There are no regional context issues to consider within this report.

FILE NO: 180.11.0002  
3. OUR COMMUNICATIONS AND PROCESSES

ITEM NO: 9.1.1  
(ASSISTANT FINANCIAL ACCOUNTANT,  
ANDREW WILSON)  
(DIRECTOR CORPORATE GOVERNANCE,  
ALISON COE)

## FINANCIAL POSITION REPORT AS AT 31 JULY 2014 (cont'd)

### 7. Council Plan Strategy

The report assists Council to deliver on its organisation plan strategy by ensuring sound financial management practices.

### 8. Legislative / Policy Implications

The report complies with:

- the Local Government Act S.136; and
- Council's Budget and Financial Reporting Policy.
- The 2013/14 to 2016/17 Council Plan Strategic Goal 4 and Strategic Resource Plan

### 9. Environmental Impact

Council's sound financial position continues to allow Council to implement and maintain its environmental projects.

### 10. Conflict of Interest Considerations

There are no officer conflict of interest issues to consider within this report.

### 11. Conclusion

Council is in a good underlying financial position as at 31 July 2014 and will continue to be, provided capital income, capital expenditure and operational growth are managed prudently.

### Attachments

Nil

### RECOMMENDATION

That Council receives and notes the Financial Position Report as at 31 July 2014.

### MOTION

CRS WENDY BUCK / ED COX

That Council receives and notes the Financial Position Report as at 31 July 2014.

(CARRIED)

FILE NO: 520136121  
3. DEVELOPMENT AND LIVEABILITY

ITEM NO: 9.3.1  
(MANAGER TOWN PLANNING AND  
BUILDING, JORINE BOTHMA)  
(ACTING DIRECTOR, DEVELOPMENT AND  
LIVEABILITY, ANDREW CLOSE, 58719292)

**REQUESTING MINISTERIAL INTERVENTION TO AMEND THE MOIRA TOWN  
PLANNING SCHEME - LOTS 15, 17 AND 18 PUNT ROAD, COBRAM -  
WOOLWORTHS EXPANSION PROPOSAL**

### 1. Executive Summary

The purpose of the report is to request Ministerial intervention in terms of Section 20, Part 4 of the *Planning and Environment Act, 1987* to remove particular Clauses from the Moira Town Planning Scheme which makes the Minister for Planning the responsible authority for administering and enforcing the Scheme at Lots 15, 17 and 18, Punt Road, Cobram (currently the premises where Cobram Woolworths and adjacent car parking area is located).

### 2. Background and Options

An application for a planning permit (No 5/2014/338) was lodged with Council in May 2014 to extend the existing Woolworths Supermarket and car park. The car parking area is partly located over land currently owned by Council and partly over land in the private ownership of Cobram Woolworths.

When assessing the application, it was revealed that a provision (Clause 36.01) in the Moira Town Planning Scheme stipulates that the Minister for Planning is the responsible authority for administering and enforcing the Scheme at Lots 15, 17 and 18, Punt Road Cobram as opposed to the Moira Shire. Under the current circumstances the Council is therefore not able to execute its delegated authority to issue a planning permit over the particular portion of land and the planning permit needs to be referred to the Minister for Planning for consideration.

There have been various proceedings between 1996 and 2000 which included Planning Appeals and Supreme Court Hearings with respect to the Woolworths Supermarket and car parking arrangements. It is understood that the above-mentioned clause was added to the Scheme provisions due to the Minister's intention to compulsorily acquire the land at the time. Shortly after the Moira Town Planning Scheme came into force on 9 September 1999, the Minister for Planning subsequently amended the Moira Town Planning Scheme by:

- Including the mentioned land in Schedule to the 'Public Use' Zone and specified the use and development for car parking; and
- Including in Clause 61 the Minister as responsible authority for the administration and enforcement of the Planning Scheme in relation to the subject land.

The Moira Town Planning Scheme was modified in June 2009 by rezoning the car park area located next to Woolworths from "Public Use" to "Business 1" (now zoned "Commercial 1". Both the car park area and the Woolworths commercial area now zoned Commercial 1).

The 2009 amendment to the Scheme did not remove this portion of land and its car parking reference from the Schedule to the Public Use Zone in the Scheme. Reference to this in the Schedule has therefore become obsolete and needs to be removed as the zoning has since changed.

In considering powers of intervention, the Minister for Planning requests that the proposal be made in writing, identifying the basis on which the Minister should intervene, hence initiating this report to Council. The Minister will then proceed without an unreasonable delay, to make a decision on the matter.

The proposal is in accordance with the General Practice note *Ministerial Powers of Intervention in Planning and Heritage Matters*. One of the criteria of this Practice Note that applies to this application for the Minister to consider using his powers is:



FILE NO: 520136121  
3. DEVELOPMENT AND LIVEABILITY

ITEM NO: 9.3.1  
(MANAGER TOWN PLANNING AND  
BUILDING, JORINE BOTHMA)  
(ACTING DIRECTOR, DEVELOPMENT AND  
LIVEABILITY, ANDREW CLOSE, 58719292)

**REQUESTING MINISTERIAL INTERVENTION TO AMEND THE MOIRA TOWN  
PLANNING SCHEME - LOTS 15, 17 AND 18 PUNT ROAD, COBRAM -  
WOOLWORTHS EXPANSION PROPOSAL (cont'd)**

*“ Criteria 4 - if the matter raises issues of fairness or public interest, where anomalous provisions apply and the valid intent is clearly evident or simple inconsequential correction is required.”*

The Planning permit application as submitted by the applicant is held in abeyance pending on the finalisation of the Ministerial Scheme Amendment. Once this is finalised the planning permit application can be assessed by Council under delegated authority.

The applicant had the option to withdraw its application from Council and to lodge a fresh application with the Department of Transport, Planning and Local Infrastructure but preferred to have the application remain with the Shire.

The Council has no alternative option than to request the removal of the mentioned Clause from the Moira Town Planning Scheme. By failing to have it removed may cause any permits the Shire issues on the land be declared void.

With this amendment being a Ministerial Amendment it is expected to be a streamlined and fast tracked application in comparison to a normal Scheme Amendment lodged with the Department of Transport, Planning and Local Infrastructure.

### **3. Financial Implications**

An application fee associated with the Scheme amendment will apply.

### **4. Risk Management**

If Council decides not to approve this request for Ministerial intervention to remove the Clauses from the Scheme and the Council continues to issue permits and other planning applications in contradiction to the Scheme, it may result in these permits issued being void.

### **5. Internal and External Consultation**

External consultation was undertaken with officers from the Department of Transport, Planning and Local Infrastructure. Normally a scheme amendment requires public exhibition and referral to external service agencies. With the amendment being a Ministerial amendment, it will be exempt from the formal notice procedure and exhibition requirements in terms of Sections 17, 18 and 19 of the *Planning and Environment Act, 1987* will not apply.

### **6. Regional Context**

The proposed extension of the Cobram Woolworths will effectively make it the biggest Woolworths for the Moira Shire area.

### **7. Council Plan Strategy**

It is considered that the subject development is consistent with the following strategies set out in the Council Plan:

Development – that Moira will be a great place to live with growing local business and an adaptive, entrepreneurial infrastructure and ethos. Once the Amendment is undertaken by the Minister for Planning it will enable the Shire to process the planning permit application. The proposal as submitted by the applicant to expand the Woolworths in Cobram will help a local business to grow.

FILE NO: 520136121  
3. DEVELOPMENT AND LIVEABILITY

ITEM NO: 9.3.1  
(MANAGER TOWN PLANNING AND  
BUILDING, JORINE BOTHMA)  
(ACTING DIRECTOR, DEVELOPMENT AND  
LIVEABILITY, ANDREW CLOSE, 58719292)

**REQUESTING MINISTERIAL INTERVENTION TO AMEND THE MOIRA TOWN  
PLANNING SCHEME - LOTS 15, 17 AND 18 PUNT ROAD, COBRAM -  
WOOLWORTHS EXPANSION PROPOSAL (cont'd)**

**8. Legislative / Policy Implications**

The *Planning and Environment Act, 1987* applies to the application both in respect to the request for Ministerial intervention and Scheme Amendment process.

**9. Environmental Impact**

The application will have no bearing or impact from an environmental perspective.

**10. Conflict of Interest Considerations**

No officer has registered a conflict of interest with respect to the application.

**11. Conclusion**

It is recommended that the request for Ministerial intervention be made to enable the application for extension of the Woolworths Supermarket in Cobram to be assessed by Council under delegated authority.

**Attachments**

Nil

**RECOMMENDATION**

That:

Council request Ministerial intervention in terms of Section 20 Part 4 of the *Planning and Environment Act, 1987* to:

- Amend the Moira Town Planning Scheme (Clause 61.01) by deleting Sub-Clause 2.0 which reads as follows: "*The Minister for Planning is the responsible authority for administering and enforcing the Scheme at Lots 15, 17 and 18, Plan of Subdivision 216901 W, Punt Road Cobram*"; and
- Delete "*Lots 15, 17 and 18, Plan of Subdivision 216901 W, Punt Road, Cobram*" from Column 1 and "*car parking*" from Column 2 of the Schedule to the Public Use zone.

**MOTION**

CRS ED COX / ALEX MONK

That:

Council request Ministerial intervention in terms of Section 20 Part 4 of the *Planning and Environment Act, 1987* to:

- Amend the Moira Town Planning Scheme (Clause 61.01) by deleting Sub-Clause 2.0 which reads as follows: "*The Minister for Planning is the responsible authority for administering and enforcing the Scheme at Lots 15, 17 and 18, Plan of Subdivision 216901 W, Punt Road Cobram*"; and
- Delete "*Lots 15, 17 and 18, Plan of Subdivision 216901 W, Punt Road, Cobram*" from Column 1 and "*car parking*" from Column 2 of the Schedule to the Public Use zone.

(CARRIED)

FILE NO: 120.16.0001  
3. OUR COMMUNICATIONS AND PROCESSES

ITEM NO: 10.1.1  
(GOVERNANCE RECORDS OFFICER,  
MARGARET HINCK)  
(DIRECTOR CORPORATE GOVERNANCE,  
ALISON COE)

## ASSEMBLIES OF COUNCILLORS

### 1. Executive Summary

The records of the Assembly of Councillors reported during the month of July 2014 are attached to this report.

Inclusion of the attached records of Assembly of Councillors in the Council agenda, and incorporation into the Minutes ensures Council meets its statutory obligations under section 80A of the Local Government Act 1989 (the Act).

### 2. Background and Options

An Assembly of Councillors is defined under Division 1A – Conduct and interests in section 76AA of the Act:

**assembly of Councillors** (however titled) means a meeting of an advisory committee of the Council, if at least one Councillor is present, or a planned or scheduled meeting of at least half of the Councillors and one member of Council staff which considers matters that are intended or likely to be -

- (a) the subject of a decision of the Council; or
- (b) subject to the exercise of a function, duty or power of the Council that has been delegated to a person or committee—

but does not include a meeting of the Council, a special committee of the Council, an audit committee established under section 139, a club, association, peak body, political party or other organisation.

Section 80A of the Act requires the Chief Executive Officer to ensure that a written record of an assembly of Councillors is reported to an ordinary meeting of the Council as soon as practicable. The written record must include whether a Councillor who has disclosed a conflict of interest leaves the assembly.

Section 80A(1) requires that a record is kept of:

- (a) the names of all Councillors and members of Council staff attending;
- (b) the matters considered;
- (c) any conflict of interest disclosures made by a Councillor attending under subsection (3); and
- (d) whether a Councillor who has disclosed a conflict of interest as required by subsection (3) leaves the assembly.

### 3. Financial Implications

There are no financial implications with this report.

### 4. Risk Management

There are no risk implications with this report.

### 5. Internal and External Consultation

The community are able to access written records of assemblies of Councillors.

### 6. Regional Context

There are no regional contexts associated with this report.

FILE NO: 120.16.0001  
3. OUR COMMUNICATIONS AND PROCESSES

ITEM NO: 10.1.1  
(GOVERNANCE RECORDS OFFICER,  
MARGARET HINCK)  
(DIRECTOR CORPORATE GOVERNANCE,  
ALISON COE)

## ASSEMBLIES OF COUNCILLORS (cont'd)

### 7. Council Plan Strategy

Ensuring Good Governance to meet legislative obligations

### 8. Legislative / Policy Implications

This report complies with the requirements under the *Local Government Act 1989*.

### 9. Environmental Impact

There are no environmental impacts with this report.

### 10. Conflict of Interest Considerations

There are no council officer conflict of interest issues to consider within this report.

### 11. Conclusion

The Assembly of Councillors records attached to this report are a true and accurate record of all assemblies of Councillors reported during July 2014. Their recording into the Council Minutes ensures Council meets its statutory obligations under section 80A of the Act.

### Attachments

- 1 Attachment 2 July
- 2 Attachment 7 July
- 3 Attachment 14 July
- 4 Attachment 21 July

## RECOMMENDATION

That Council receive and note the attached Records of Assembly of Councillors.

## MOTION

CRS DON MCPHEE / KEVIN BOURKE

That Council receive and note the attached Records of Assembly of Councillors.

(CARRIED)

FILE NO: 120.16.0001  
3. OUR COMMUNICATIONS AND  
PROCESSES

ITEM NO: 10.1.1  
(GOVERNANCE RECORDS OFFICER,  
MARGARET HINCK)  
(DIRECTOR CORPORATE GOVERNANCE,  
ALISON COE)

**ASSEMBLIES OF COUNCILLORS (cont'd)**

**ATTACHMENT No [1] - Attachment 2 July**



**RECORD OF ASSEMBLY OF COUNCILLORS**

Date held	2 July 2014
Name of meeting	Kinnairds Wetland Advisory Committee
Councillors attending	Cr Cox
Council staff attending	Gary Deayton, Natural Resources Officer James Walters, Environmental Technical Officer Simone Powles, Administration Support Officer Safety, Amenity and Environment
Matters discussed	<ol style="list-style-type: none"> <li>1. Environmental Management Plan implementation <ul style="list-style-type: none"> <li>• Environmental Management Plan distribution</li> <li>• Environmental water delivery</li> <li>• Cultural heritage survey</li> <li>• Ecological monitoring and nest boxes</li> </ul> </li> <li>2. Recent works <ul style="list-style-type: none"> <li>• Weed control and revegetation areas maintenance</li> <li>• Planting</li> </ul> </li> <li>3. Other business <ul style="list-style-type: none"> <li>• Recent media</li> <li>• GBCMA Board visit</li> <li>• Informal complaints re: duck shooting in vicinity of wetland</li> </ul> </li> </ol>
Conflict of Interest Disclosures (indicate below if Nil or complete details)	
Nil	

FILE NO: 120.16.0001  
3. OUR COMMUNICATIONS AND  
PROCESSES

ITEM NO: 10.1.1  
(GOVERNANCE RECORDS OFFICER,  
MARGARET HINCK)  
(DIRECTOR CORPORATE GOVERNANCE,  
ALISON COE)

**ASSEMBLIES OF COUNCILLORS (cont'd)**

ATTACHMENT No [2] - Attachment 7 July



**RECORD OF ASSEMBLY OF COUNCILLORS**

Date held	7 July 2014	
Name of meeting	Council Briefing	
Councillors attending	Councillors Wendy Buck, Kevin Bourke, Gary Cleveland, Ed Cox, Brian Keenan, Peter Mansfield, Don McPhee and Alex Monk	
Council staff attending	Chief Executive Officer, Mark Henderson Director Corporate Governance, Alison Coe Director Shire Development and Liveability, Mark Foord Director Community, Peter Bertolus Manager Governance, David Booth	
Matters discussed		
<ul style="list-style-type: none"> <li>• Grants Policy - Louise Munk Klint and Claire Lane</li> <li>• Numurkah Tyre Update - Mark Foord</li> <li>• Operations Calendar of Events 2014/15 - Rick Devlin</li> <li>• iPad testing - James Hargreaves, Natalie Tubbs &amp; Elizabeth Cox</li> <li>• CEO Performance Plan (Councillors and CEO)</li> <li>• Probity Audit (Councillors and CEO)</li> <li>• Councillor Development (Councillors and CEO)</li> </ul>		
Conflict of Interest Disclosures (indicate below if Nil or complete details)		
Matter No.	Councillor	Did Councillor leave meeting
Nil		

FILE NO: 120.16.0001  
3. OUR COMMUNICATIONS AND  
PROCESSES

ITEM NO: 10.1.1  
(GOVERNANCE RECORDS OFFICER,  
MARGARET HINCK)  
(DIRECTOR CORPORATE GOVERNANCE,  
ALISON COE)

**ASSEMBLIES OF COUNCILLORS (cont'd)**

ATTACHMENT No [3] - Attachment 14 July



**RECORD OF ASSEMBLY OF COUNCILLORS**

Date held	14 July 2014	
Name of meeting	Council Briefing	
Councillors attending	Councillors Wendy Buck, Kevin Bourke, Gary Cleveland, Ed Cox, Brian Keenan, Alex Monk	
Council staff attending	Chief Executive Officer, Mark Henderson	
Matters discussed	<ul style="list-style-type: none"><li>• Councillor issues</li><li>• Agenda Review</li></ul>	
Conflict of Interest Disclosures (indicate below if Nil or complete details)		
Matter No.	Councillor	Did Councillor leave meeting
Nil		

FILE NO: 120.16.0001  
3. OUR COMMUNICATIONS AND  
PROCESSES

ITEM NO: 10.1.1  
(GOVERNANCE RECORDS OFFICER,  
MARGARET HINCK)  
(DIRECTOR CORPORATE GOVERNANCE,  
ALISON COE)

**ASSEMBLIES OF COUNCILLORS (cont'd)**

ATTACHMENT No [4] - Attachment 21 July



**RECORD OF ASSEMBLY OF COUNCILLORS**

Date held	21 July 2014	
Name of meeting	Council Briefing	
Councillors attending	Councillors Wendy Buck, Kevin Bourke, Gary Cleveland, Ed Cox, Brian Keenan, Marie Martin, Don McPhee and Alex Monk	
Council staff attending	Chief Executive Officer, Mark Henderson Director Corporate Governance, Alison Coe Acting Director Shire Development and Liveability, Mark Foord Director Community, Peter Bertolus Manager Governance, David Booth	
Matters discussed		
Agenda Review:		
<ul style="list-style-type: none"> <li>• Council Plan 2013/14 - 2016/17 June 2014 Monthly Review</li> <li>• Disability Advisory Committee Terms of Reference</li> <li>• Achievers Award Assistance Program</li> <li>• Shire Development and Liveability</li> <li>• 52014299 - Buildings and Works: Alteration to refining process, increase in storage capacity and ancillary development at 46-50 McDonald Street, Numurkah</li> <li>• Feedback from legal proceedings in respect of illegal materials recycling at 7 &amp; 25 Saxton Street West, Numurkah &amp; 847 Numurkah Road, Katunga</li> <li>• Community Satisfaction Survey 2014</li> <li>• Assemblies of Councillors</li> <li>• Community and Events Grants Policy</li> <li>• Building and Planning Permit Activity Reports</li> <li>• Action Officers List</li> <li>• Extension of Lease to Telstra</li> </ul>		
Conflict of Interest Disclosures (indicate below if Nil or complete details)		
Matter No.	Councillor	Did Councillor leave meeting
Nil		



FILE NO: FF13/444  
2. COMMUNITY

ITEM NO: 10.2.1  
(ADMINISTRATION SUPPORT OFFICER,  
JEANETTE MORRISON)  
(TEAM LEADER ENVIRONMENTAL HEALTH,  
ALAN PETRIE)

## FOOD SAMPLING REPORT 1ST QUARTER 2014

### 1. Executive Summary

Councils are required by the Food Act 1984 to annually procure food samples from registered food businesses for the purpose of analysis. All Class 1 and 2 food businesses will be sampled during a 3 year period and the sampling schedule will continue to concentrate on the procurement of potentially hazardous foods. Moira Shire Council is required to submit a minimum of 70 food samples during the calendar year 2013–14. The sampling program is also required to obtain at least 10 food samples from Class 1 (eg. hospitals, child care centres) premises and 60 food samples from Class 2 premises (eg. hotels, restaurants, cafes).

### 2. Background and Options

The attached analyst's report details those samples submitted by Council for the first quarter and their accompanying results.

During the first quarter there was one food sample which failed to meet satisfactory standards.

This food sample was 'pesto and pumpkin pasta', and the analysis revealed an unsatisfactory level of bacterium of Enterobacteriaceae of 49,000 cfu/g. A cfu/g is a colony-forming unit per gram of food, and is a measure of the number of viable bacteria cells in a gram of sample.

The presence of this bacterium, and in such high levels, indicates very poor food handling, or the food has not been cooked thoroughly, or the product has been cross contaminated.

A satisfactory level of Enterobacteriaceae in foods should be no more than 100 cfu/g, and therefore the analysis result is 490 times higher than what is considered to be acceptable.

Enterobacteriaceae is a hygiene indicator organism and can give advance warning of failures in hygiene procedures within the food business. In some circumstances these organisms are causative agents of such diseases as meningitis, dysentery, typhoid, and food poisoning.

Council's procedures require Council's Environmental Health Officers (EHOs) to make direct contact with the food business proprietor upon receipt of an unsatisfactory food sampling analysis, as was in this instance. Council's EHO discusses the analysis result with the food proprietor in regards to the implications of the result, and also conducts an examination of conditions and practices within the business, and with the staff, that may be responsible for the unsatisfactory result.

In accordance with Council's procedures a further food sample is taken from the food business during the next food sampling program. This follow-up sampling and subsequent analysis, provides an opportunity for the food business to demonstrate that previous discussions and examinations of practices in respect to food safety, have resulted in improved outcomes.

### 3. Financial Implications

All costs of food sampling are expected to be within Council's adopted budget.

FILE NO: FF13/444  
2. COMMUNITY

ITEM NO: 10.2.1  
(ADMINISTRATION SUPPORT OFFICER,  
JEANETTE MORRISON)  
(TEAM LEADER ENVIRONMENTAL HEALTH,  
ALAN PETRIE)

## FOOD SAMPLING REPORT 1ST QUARTER 2014 (cont'd)

### 4. Risk Management

Not applicable

### 5. Internal and External Consultation

There is no formal internal or external consultation required.

### 6. Regional Context

Not applicable

### 7. Council Plan Strategy

Maintain and promote the environmental health of communities.

All registered premises inspected prior to the renewal of their registration including compliance enforcement as needed

### 8. Legislative / Policy Implications

In accordance with the requirements of S.32 of the Food Act 1984, the attached food sampling analyst's report is submitted for Council's information.

### 9. Environmental Impact

Notwithstanding the significant community health implications associated with the food sampling process, there are no direct (external) environmental impacts.

### 10. Conflict of Interest Considerations

The officers involved in food sampling have no conflicts of interest

### 11. Conclusion

Council's EHOs will continue to implement the food sampling programme and focus on those food premises that prepare and sell potentially hazardous foods, and monitor their compliance in respect to the requirements of the Food Standards Code.

### Attachments

- 1 Analyst's Report January to March 2014

## RECOMMENDATION

1. That Council receive and note the Food Sampling Report for January to March 2014

## MOTION

CRS ALEX MONK / ED COX

1. That Council receive and note the Food Sampling Report for January to March 2014  
(CARRIED)

FILE NO: FF13/444  
2. COMMUNITY

ITEM NO: 10.2.1  
(ADMINISTRATION SUPPORT OFFICER, JEANETTE MORRISON)  
(TEAM LEADER ENVIRONMENTAL HEALTH, ALAN PETRIE)

**FOOD SAMPLING REPORT 1ST QUARTER 2014 (cont'd)**

**ATTACHMENT No [1] - Analyst's Report January to March 2014**



Dairy Technical Services Ltd  
ABN 30 004 319 171  
www.dtsfoodlabs.com.au  
Fac: +61 (3) 9372 2013  
5/352 Marculley Road  
Kendington VIC Australia 3091  
Tel: +61 (3) 8371 7600

Postal Address  
PO Box 81  
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Chemistry Laboratory  
52-58 Park Street  
North Melbourne  
VIC 3051

Food Allergen  
Control Training  
Analysis (FACTA)  
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QUARTERLY FOOD SAMPLING REPORT

FOR: MOIRA SHIRE COUNCIL

Project Received Between: 01/01/2014 to 31/03/2014

P O Box 578  
Cobram VIC

3643

Report Date: 1/04/2014

DTS Job ID	Date Received	Council Sample ID	Council Sample Desc	Sample Type	Product Description	Chem	Micro	Labelling
CL1400537	29/01/2014	1036	SWIMMING POOL - NATHALIA HOLIDAY	ROUTINE	Pool/Spa water			
CL1400538	29/01/2014	1037-1	SWIMMING POOL-TODDLER (NATHALIA)	ROUTINE	Pool/Spa water			
CL1400539	29/01/2014	1037-2	SWIMMING POOL - MAIN (NATHALIA)	ROUTINE	Pool/Spa water			
CL1400540	29/01/2014	1038-1	SWIMMING POOL (MAIN) - NUMURKAH INDOOR	ROUTINE	Pool/Spa water			
CL1400541	29/01/2014	1038-2	SWIMMING POOL (SPA) - NUMURKAH INDOOR	ROUTINE	Pool/Spa water			
CL1400542	29/01/2014	1039-1	SWIMMING POOL (BABY) - NUMURKAH OUTDOOR	ROUTINE	Pool/Spa water			
CL1400543	29/01/2014	1039-2	SWIMMING POOL (TODDLER) - NUMURKAH OUTDOOR	ROUTINE	Pool/Spa water			
CL1400544	29/01/2014	1039-3	SWIMMING POOL (MAIN) - NUMURKAH OUTDOOR	ROUTINE	Pool/Spa water			
CL1400545	29/01/2014	1040	SWIMMING POOL - EL TORO	ROUTINE	Pool/Spa water			
CL1400546	29/01/2014	1041-1	SWIMMING POOL (BABY) - STRATHMERTON	ROUTINE	Pool/Spa water			
CL1400547	29/01/2014	1041-2	SWIMMING POOL (MAIN) - STRATHMERTON	ROUTINE	Pool/Spa water			
CL1400548	29/01/2014	1034	SWIMMING POOL - RIVERBEND	COMPLAINT	Pool/Spa water			
CL1400549	29/01/2014	1035	SWIMMING POOL - WAKITI	COMPLAINT	Pool/Spa water			
CL1400550	29/01/2014	130006509	BORE WATER SAMPLE	COMPLAINT	Ground Water			
CL1400551	29/01/2014	130006510	BORE WATER SAMPLE (TAP)	COMPLAINT	Ground Water			
CL1400960	14/02/2014	1042-1	SWIMMING POOL - MAIN (MURRAY RIVER)	ROUTINE	Pool/Spa water			
CL1400961	14/02/2014	1042-2	SWIMMING POOL - TODDLER (MURRAY RIVER)	ROUTINE	Pool/Spa water			
CL1400962	14/02/2014	1043	SWIMMING POOL (OASIS)	ROUTINE	Pool/Spa water			
CL1400963	14/02/2014	1044	SWIMMING POOL (CHARLES STURT)	ROUTINE	Pool/Spa water			

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(ADMINISTRATION SUPPORT OFFICER, JEANETTE MORRISON)  
(TEAM LEADER ENVIRONMENTAL HEALTH, ALAN PETRIE)

**FOOD SAMPLING REPORT 1ST QUARTER 2014 (cont'd)**

**ATTACHMENT No [1] - Analyst's Report January to March 2014**



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www.dtsfoodlabs.com.au  
Fax: +61 (3) 9372 2013  
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QUARTERLY FOOD SAMPLING REPORT

MOIRA SHIRE COUNCIL

DTS Job ID	Date Received	Council Sample ID	Council Sample Desc	Sample Type	Product Description	Chem	Micro	Labelling
CL1400964	14/02/2014	1045	SWIMMING POOL (REGENCY)	ROUTINE	Pool/Spa water			
CL1400965	14/02/2014	1046	SWIMMING POOL (COBRAM CENTRAL)	ROUTINE	Pool/Spa water			
CL1400966	14/02/2014	1047	SWIMMING POOL (COBRAM COLONIAL)	ROUTINE	Pool/Spa water			
CL1400967	14/02/2014	1048-1	SWIMMING POOL (MAIN)- RACV	ROUTINE	Pool/Spa water			
CL1400968	14/02/2014	1048-2	SWIMMING POOL (BABY) - RACV	ROUTINE	Pool/Spa water			
CL1400969	14/02/2014	1048-3	SWIMMING POOL (INDOOR) - RACV	ROUTINE	Pool/Spa water			
CL1400970	14/02/2014	1048-4	SWIMMING POOL (SPA) - RACV	ROUTINE	Pool/Spa water			
CL1400971	14/02/2014	1049	SWIMMING POOL - COBRAM EAST	ROUTINE	Pool/Spa water			
CL1400972	14/02/2014	1050-1	SWIMMING POOL - TODDLER (YARRA OUTDOOR)	ROUTINE	Pool/Spa water			
CL1400973	14/02/2014	1050-2	SWIMMING POOL - MAIN (YARRA OUTDOOR)	ROUTINE	Pool/Spa water			
CL1400974	14/02/2014	1051	SWIMMING POOL - SPLASH PARK	ROUTINE	Pool/Spa water			
CL1400975	14/02/2014	1052	SWIMMING POOL - TUNGAMAH	ROUTINE	Pool/Spa water			
CL1400976	14/02/2014	1053-1	SWIMMING POOL (BABY) - COBRAM OUTDOOR	ROUTINE	Pool/Spa water			
CL1400977	14/02/2014	1053-2	SWIMMING POOL (TODDLER) - COBRAM OUTDOOR	ROUTINE	Pool/Spa water			
CL1400978	14/02/2014	1053-3	SWIMMING POOL (MAIN) - COBRAM OUTDOOR	ROUTINE	Pool/Spa water			
CL1401680	13/03/2014	130006529	GRAVY	ROUTINE	Ready to eat / Composite foods			
CL1401682	13/03/2014	130006528	RICE (COOKED)	ROUTINE	Ready to eat / Composite foods			
CL1401683	13/03/2014	130006527	SATAY BEEF	ROUTINE	Ready to eat / Composite foods			
CL1401684	13/03/2014	130006526	COOKED EGGS	ROUTINE	Egg - Shell, cooked & egg- based sauces			
CL1401685	13/03/2014	130006525	TOMATO CHUTNEY	ROUTINE	Ready to eat / Composite foods			
CL1401687	13/03/2014	130006524	COOKED EGGS	ROUTINE	Egg - Shell, cooked & egg- based sauces			
CL1401688	13/03/2014	130006523	3 CHEESE & PUMPKIN TART	ROUTINE	Ready to eat / Composite foods			
CL1401689	13/03/2014	130006522	CORN FRITTER	ROUTINE	Ready to eat / Composite foods			

FILE NO: FF13/444  
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(ADMINISTRATION SUPPORT OFFICER, JEANETTE MORRISON)  
(TEAM LEADER ENVIRONMENTAL HEALTH, ALAN PETRIE)

**FOOD SAMPLING REPORT 1ST QUARTER 2014 (cont'd)**

**ATTACHMENT No [1] - Analyst's Report January to March 2014**



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**QUARTERLY FOOD SAMPLING REPORT**

**MOIRA SHIRE COUNCIL**

DTS Job ID	Date Received	Council Sample ID	Council Sample Desc	Sample Type	Product Description	Chem	Micro	Labelling
CL1401690	13/03/2014	130006521	COOKED CHICKEN	ROUTINE	Ready to eat / Composite foods			
CL1401691	13/03/2014	130006520	BEEF LASAGNE	ROUTINE	Ready to eat / Composite foods			
CL1401692	13/03/2014	130006519	EGG	ROUTINE	Egg - Shell, cooked & egg-based sauces			
CL1401693	13/03/2014	130006518	POTATO SALID	ROUTINE	Ready to eat / Composite foods			
CL1401694	13/03/2014	130006517	CAPERSAOLI	ROUTINE	Ready to eat / Composite foods			
CL1401695	13/03/2014	130006516	BEEF STOCK	ROUTINE	Ready to eat / Composite foods			
CL1401696	13/03/2014	130006515	COLESLAW	ROUTINE	Ready to eat / Composite foods			
CL1401697	13/03/2014	130006514	CREAMY CHICKEN AND CORN SOUP	ROUTINE	Ready to eat / Composite foods			
CL1401698	13/03/2014	130006513	PESTO & PUMPKIN PASTA	ROUTINE	Ready to eat / Composite foods		x	
CL1401699	13/03/2014	130006512	ZUCCHINI SLICE	ROUTINE	Ready to eat / Composite foods			
CL1401700	13/03/2014	130006511	ARACINI BALL	ROUTINE	Ready to eat / Composite foods			

NUMBER OF FOOD SAMPLES: 19	TOTAL FOOD FAILED: 5.26 %	#Samples	1
NUMBER OF OTHER SAMPLES: 34	MICRO: 5.26 %		1
	LABELLING: 0.00 %		0
	CHEM: 0.00 %		0
	NOTE: X = FAILED		

Leonard Vivian Davies

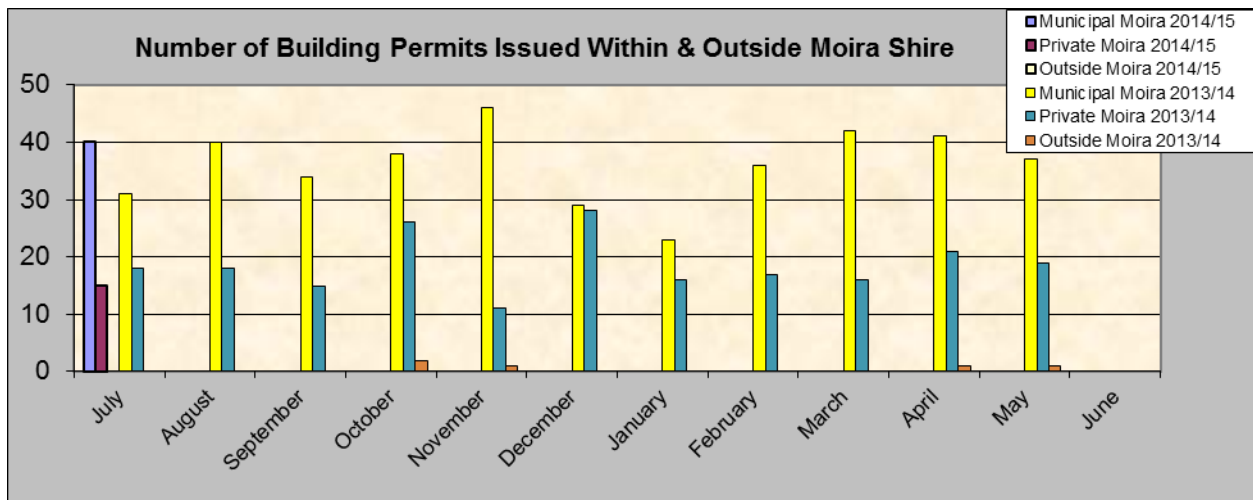
FILE NO: 250.08.0004  
3. OUR COMMUNICATIONS AND PROCESSES

ITEM NO: 10.3.1  
(ADMINISTRATION SUPPORT OFFICER,  
AMANDA MATHERS)  
(ACTING DIRECTOR, DEVELOPMENT AND  
LIVEABILITY, ANDREW CLOSE)

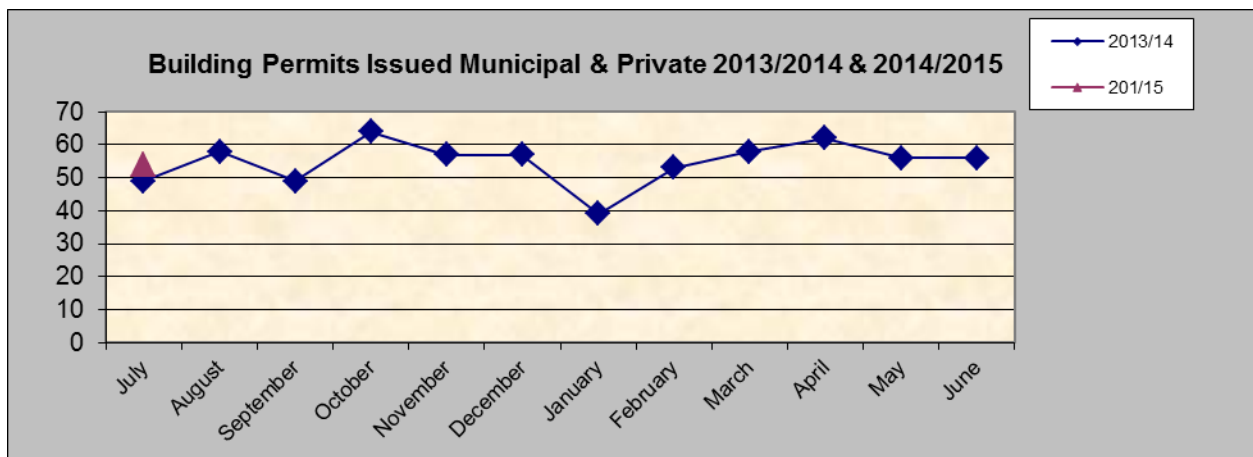
**BUILDING AND PLANNING PERMIT ACTIVITY REPORTS**

**Building Permits**

For the period of 1 to 31 July 2014, Fifty Four (54) building permits were issued to the value of \$6,111,805.00.



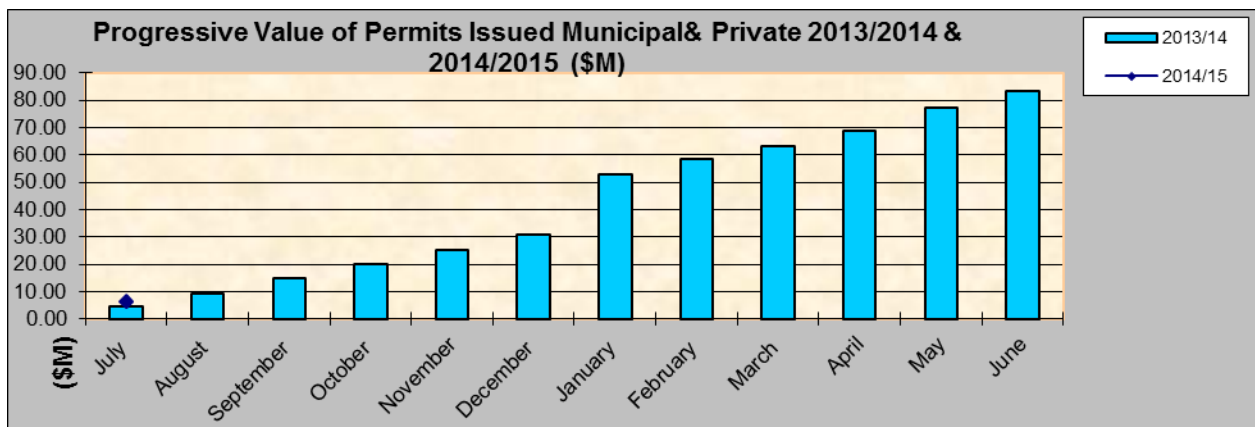
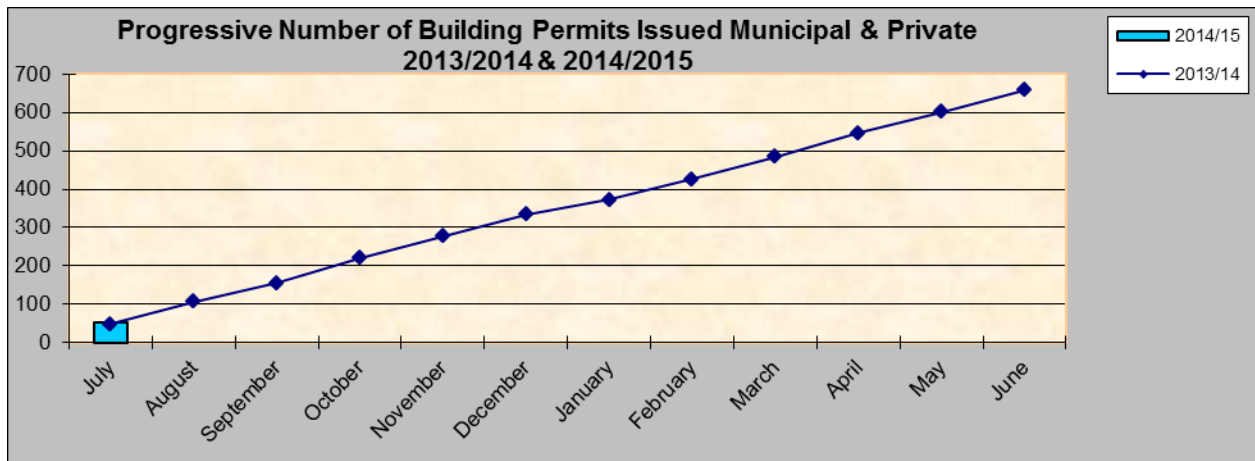
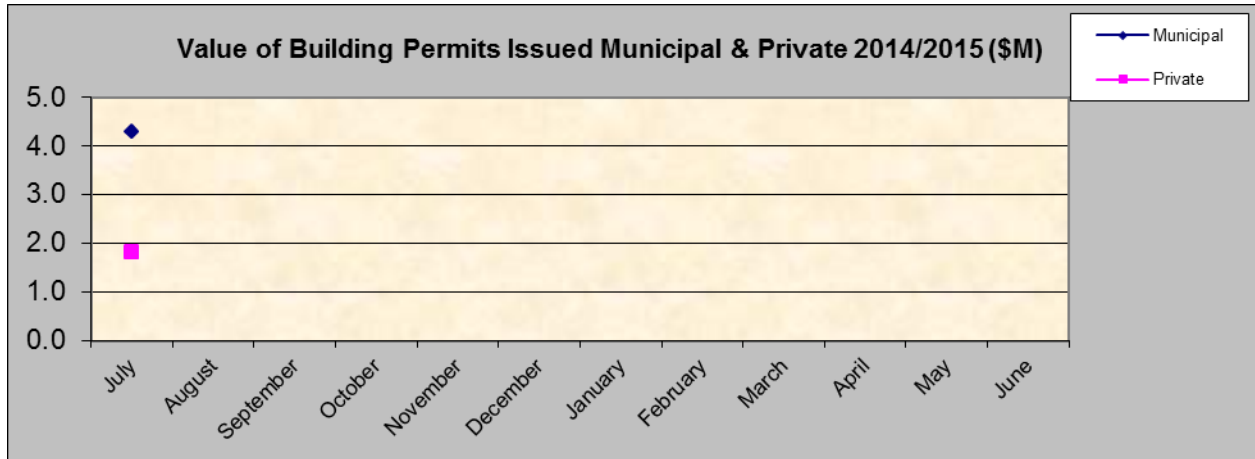
No building permits were issued outside Moira Shire during this month. Applications for building permits outside Shire boundaries vary.



FILE NO: 250.08.0004  
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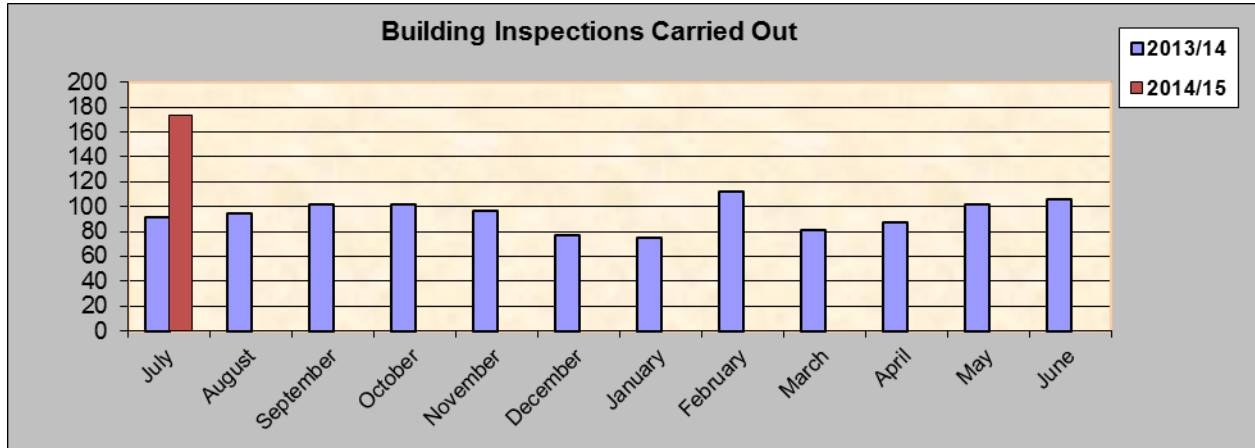
**BUILDING AND PLANNING PERMIT ACTIVITY REPORTS (cont'd)**



FILE NO: 250.08.0004  
3. OUR COMMUNICATIONS AND PROCESSES

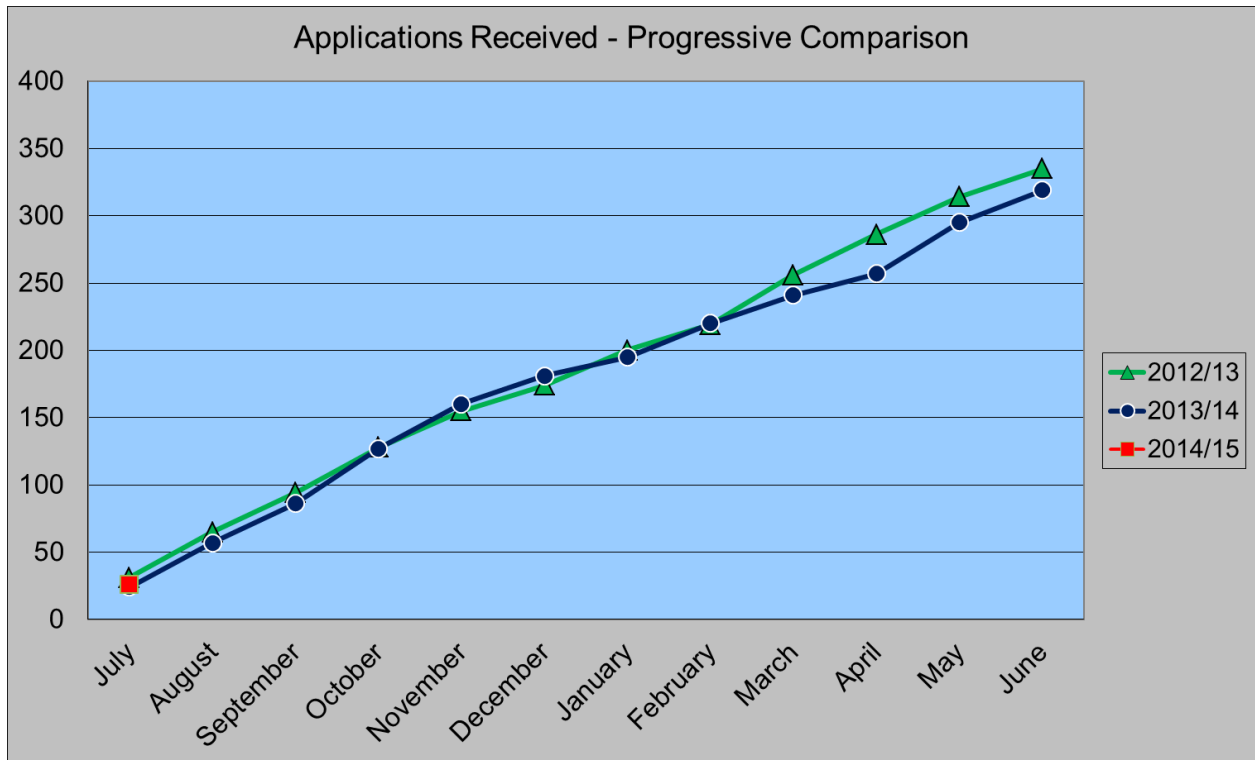
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(ACTING DIRECTOR, DEVELOPMENT AND  
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**BUILDING AND PLANNING PERMIT ACTIVITY REPORTS (cont'd)**



**Planning Permits**

In July 2014, twenty-seven (27) planning permits were issued to the value of \$2,597,700.00 and applications received for the month totalled twenty-six (26).

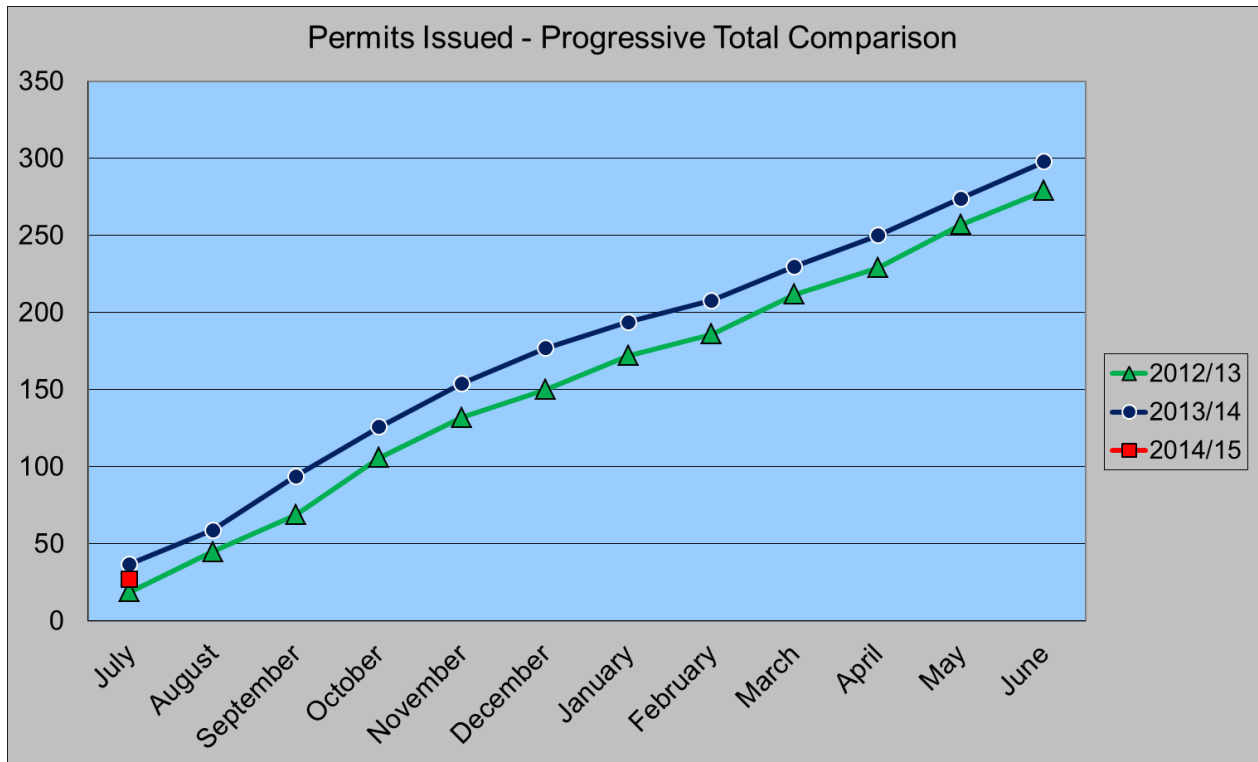
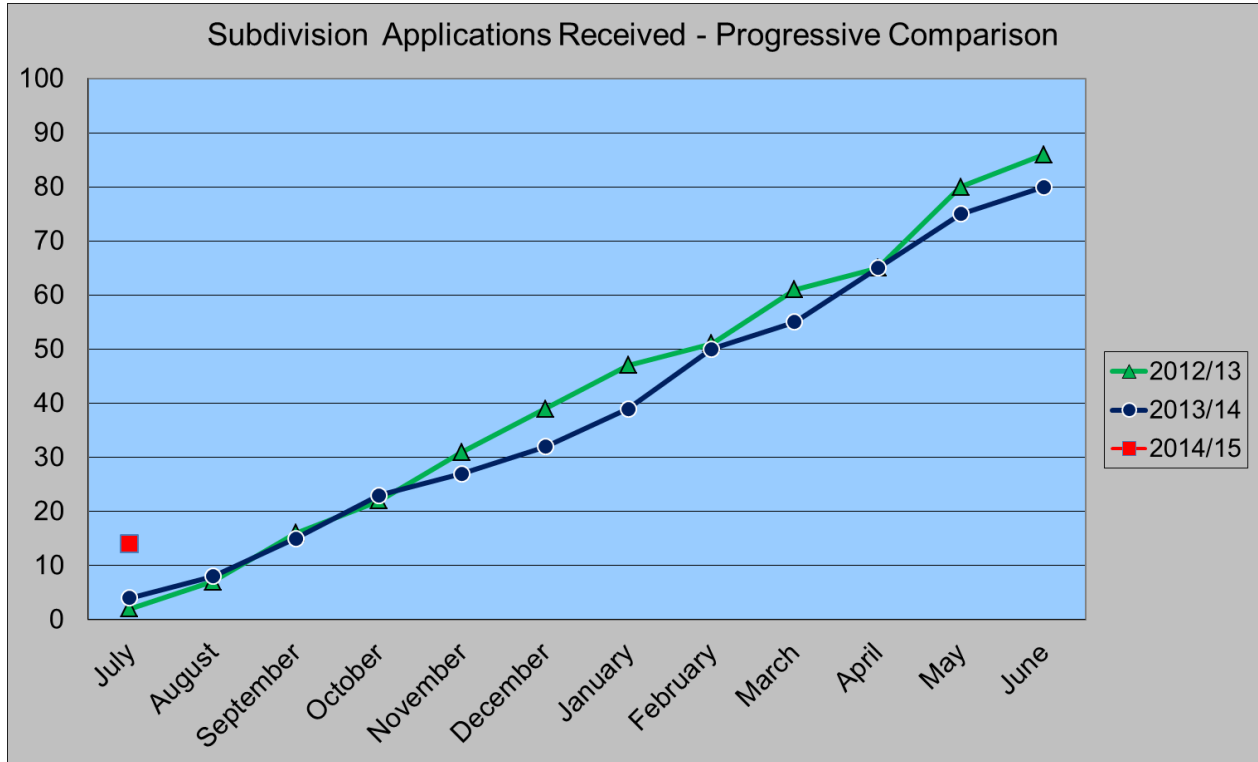




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(ACTING DIRECTOR, DEVELOPMENT AND  
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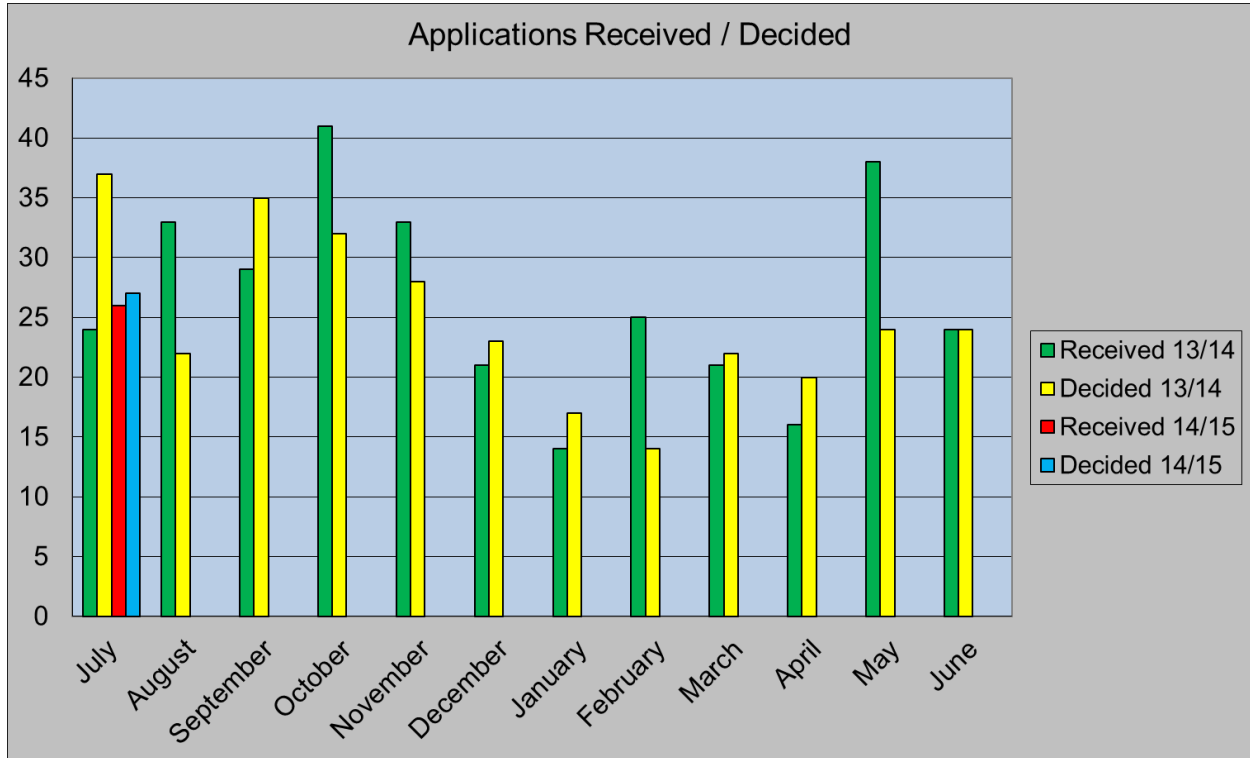
**BUILDING AND PLANNING PERMIT ACTIVITY REPORTS (cont'd)**



FILE NO: 250.08.0004  
3. OUR COMMUNICATIONS AND PROCESSES

ITEM NO: 10.3.1  
(ADMINISTRATION SUPPORT OFFICER,  
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(ACTING DIRECTOR, DEVELOPMENT AND  
LIVEABILITY, ANDREW CLOSE)

**BUILDING AND PLANNING PERMIT ACTIVITY REPORTS (cont'd)**



**Attachments**

- 1 Planning Permits Issued

**RECOMMENDATION**

That Council receive and note the combined Building and Planning Permit Activity Reports for the month of July 2014.

**MOTION**

CRS KEVIN BOURKE / DON MCPHEE

That Council receive and note the combined Building and Planning Permit Activity Reports for the month of July 2014.

(CARRIED)

FILE NO: 250.08.0004  
3. OUR COMMUNICATIONS AND  
PROCESSES

ITEM NO: 10.3.1  
(ADMINISTRATION SUPPORT OFFICER,  
AMANDA MATHERS)  
(ACTING DIRECTOR, DEVELOPMENT  
AND LIVEABILITY, ANDREW CLOSE)

**BUILDING AND PLANNING PERMIT ACTIVITY REPORTS (cont'd)**

**ATTACHMENT No [1] - Planning Permits Issued**



**Planning Permits issued - July 2014**

<u>Appl. No.</u>	<u>Date Received</u>	<u>Property Address</u>	<u>Use or Development</u>	<u>Date of Decision</u>	<u>Estimated Cost of Proposed Works</u>
005.2014.00000224.001	2/04/2014	66 Freemans RD BEARII	Use and Development - Dwelling	22/07/2014	\$ 50,000
005.2014.00000306.001	1/05/2014	1/41 Anchorage WY YARRAWONGA	Buildings & Works - Dwelling	31/07/2014	\$ 265,000
005.2014.00000331.001	9/05/2014	16 Bailey ST TUNGAMAH	Replacement Storage Shed	14/07/2014	\$ 7,000
005.2014.00000335.001	12/05/2014	90 Wyatt RD COBRAM	Development of the land for a replacement Dwelling	14/07/2014	\$ 320,000
005.2014.00000350.001	18/05/2014	11-13 Dockery ST WUNGHNU	Buildings & Works - Garage, Horse Stable, Shelter, verandah and outdo	10/07/2014	\$ 30,000
005.2014.00000363.001	21/05/2014	175 Belmore ST YARRAWONGA	Home Occupation - Real Estate Agency	17/07/2014	\$ 1,500
005.2014.00000372.001	26/05/2014	171 Lindsays RD PICOLA	Whole Farm Plan (Earthworks)	22/07/2014	\$ 100,000
005.2014.00000374.001	26/05/2014	White AVE INVERGORDON	Whole Farm Plan (Earthworks)	22/07/2014	\$ 45,000
005.2014.00000377.001	28/05/2014	633 Naring Hall RD NUMURKAH	Whole Farm Plan - Earthworks	22/07/2014	\$ 115,000
005.2014.00000378.001	28/05/2014	2431 Katunga-Picola RD NATHALIA	Whole Farm Plan - Earthworks	21/07/2014	\$ 330,000
005.2014.00000379.001	29/05/2014	78 Lukies RD KATAMATITE	Whole Farm Plan - Earthworks	22/07/2014	\$ 470,000

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ITEM NO: 10.3.1  
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(ACTING DIRECTOR, DEVELOPMENT  
AND LIVEABILITY, ANDREW CLOSE)

**BUILDING AND PLANNING PERMIT ACTIVITY REPORTS (cont'd)**

**ATTACHMENT No [1] - Planning Permits Issued**

<u>Appl. No.</u>	<u>Date Received</u>	<u>Property Address</u>	<u>Use or Development</u>	<u>Date of Decision</u>	<u>Estimated Cost of Proposed Works</u>
005.2014.00000380.001	21/05/2014	174 Melville ST NUMURKAH	Buildings & Works - Replacement Dwelling	17/07/2014	\$ 300,000
005.2014.00000396.001	30/05/2014	2212 Cosgrove RD INVERGORDON	Animal boarding	3/07/2014	\$ 9,000
005.2014.00000403.001	30/05/2014	42 Saxton STW NUMURKAH	Whole Farm Plan (Earthworks)	28/07/2014	\$ 150,000
005.2014.00000405.001	2/06/2014	458 Sutcliffes RD NUMURKAH	Use & development of the land for a dwelling	28/07/2014	\$ 350,000
005.2014.00000407.001	2/06/2014	2619 Murray Valley HWY COBRAM EAST	Subdivision - Realignment of Boundary	21/07/2014	\$ 0
005.2014.00000412.001	3/06/2014	5A Glenavon ST COBRAM	Removal of existing drainage and sewerage easement in favour of lots	15/07/2014	\$ 0
005.2014.00000414.001	4/06/2014	7588 Murray Valley HWY BUNDALONG	Buildings & Works - Domestic Shed	15/07/2014	\$ 40,000
005.2014.00000421.001	10/06/2014	345 Spences RD KATUNGA	Earthworks - Whole Farm Plan	22/07/2014	\$ 9,600
005.2014.00000433.001	11/06/2014	14B McNally ST YARRAWONGA	Buildings & Works	22/07/2014	\$ 5,600
005.2014.00000460.001	24/06/2014	933 Cottons RD KATAMATITE	Native Vegetation	24/07/2014	\$ 0
005.2014.00000493.001	9/07/2014	1368 Shinnicks RD NUMURKAH	Remove part of the condition in the nature of an easement	24/07/2014	\$ 0
005.2014.00000495.001	9/07/2014	74 Allerts RD KATUNGA	Subdivision - Removal of Covenant	22/07/2014	\$ 0
005.2014.00000497.001	9/07/2014	178 Allerts RD KATUNGA	Remove part of the condition in the nature of an easement	24/07/2014	\$ 0
005.2014.00000499.001	9/07/2014	Butts RD NUMURKAH	Subdivision - Removal of Covenant	22/07/2014	\$ 0

FILE NO: 250.08.0004  
3. OUR COMMUNICATIONS AND  
PROCESSES

ITEM NO: 10.3.1  
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**BUILDING AND PLANNING PERMIT ACTIVITY REPORTS (cont'd)**

**ATTACHMENT No [1] - Planning Permits Issued**

<u>Appl. No.</u>	<u>Date Received</u>	<u>Property Address</u>	<u>Use or Development</u>	<u>Date of Decision</u>	<u>Estimated Cost of Proposed Works</u>
005.2014.00000501.001	9/07/2014	1369 Shinnicks RD NUMURKAH	Subdivision - Removal of Covenant	24/07/2014	\$ 0
005.2014.00000515.001	14/07/2014	Shinnicks RD NUMURKAH	Easements, Restrictions & Reserves	22/07/2014	\$ 0

Applications Decided:	27	Total Estimated Value of Works:	\$ 2,597,700.00
Permits Approved under Delegation (APPD):	27		
Notice of Decision to Approve (AAPC):	0		
Notice of Decision to Refuse (APPR):	0		

**FILE NO: 100.01.0001  
3. OUR COMMUNICATIONS AND PROCESSES**

**ITEM NO: 11.1  
(PERSONAL ASSISTANT TO CEO, ROBYN  
BONADDIO)  
(DIRECTOR CORPORATE GOVERNANCE,  
ALISON COE)**

**ACTION OFFICERS LIST**

**Attachments**

- 1 Action Officers List - August 2014

**RECOMMENDATION**

That Council receive and note the Action Officers List.

**MOTION**

CRS ED COX / GARY CLEVELAND

That Council receive and note the Action Officers List.

(CARRIED)

FILE NO: 100.01.0001  
3. OUR COMMUNICATIONS AND PROCESSES

ITEM NO: 11.1  
(PERSONAL ASSISTANT TO CEO, ROBYN BONADDIO)  
(DIRECTOR CORPORATE GOVERNANCE, ALISON COE)

**ACTION OFFICERS LIST (cont'd)**

**ATTACHMENT No [1] - Action Officers List - August 2014**

ACTION OFFICERS LIST – August 2014

Meeting	Subject
Ordinary Council Meeting 21 July 2014	Petition "Institute immediately, an <i>'Independent'</i> Probity Audit of the fiscal and operational management processes at Moira Shire Council."
<b>MOTION</b>	
CRS MARIE MARTIN / KEVIN BOURKE	
That the petition is presented to the Mayor, Councillors and CEO: "Institute immediately, an <i>'Independent'</i> Probity Audit of the fiscal and operational management processes at Moira Shire Council."	
(CARRIED)	
<b>Activity</b> Report scheduled in the 18 August 2014 Ordinary Council Meeting.	
Meeting	Subject
Ordinary Council Meeting 23 June 2014	Numurkah Heritage Centre
<b>MOTION</b>	
CRS MARIE MARTIN / KEVIN BOURKE	
I move as a matter of urgency that our Shire's Engineering department carry out a costing of structural and cosmetic work and a framework with how to proceed to get this building into tip-top condition.	
(CARRIED)	
<b>Activity</b> Currently seeking quotes for building / heritage condition audit.	

**FILE NO: 100.01.0001  
3. OUR COMMUNICATIONS AND PROCESSES**

**ITEM NO: 11.1  
(PERSONAL ASSISTANT TO CEO, ROBYN BONADDIO)  
(DIRECTOR CORPORATE GOVERNANCE, ALISON COE)**

**ACTION OFFICERS LIST (cont'd)**

**ATTACHMENT No [1] - Action Officers List - August 2014**

ACTION OFFICERS LIST – August 2014

<b>Meeting</b>	<b>Subject</b>
Ordinary Council Meeting 17 February 2014	Disused Channel land, Cobram
<b>MOTION</b>	
CRS GARY CLEVELAND / ED COX	
That:	
<ol style="list-style-type: none"> <li>1. Council authorise the Chief Executive Officer to purchase the disused channel land in Cobram, adjacent to Punt Road, as offered by Goulburn Murray Water for the sum of \$45,000. The land being known as Lot 1 on TP880739 Volume 8269 Folio 631.</li> <li>2. An additional \$45,000 be added to the Cobram Library project to meet the cost of the land purchase.</li> <li>3. Council authorise the Chief Executive Officer to affix the Council Seal to the Contract of Sale, transfer documents and any other documents necessary to realise the purchase of the land.</li> </ol>	
(CARRIED)	
<b>COMPLETED</b>	
Deeds with title office for registration.	



**FILE NO: 100.01.0001  
3. OUR COMMUNICATIONS AND PROCESSES**

**ITEM NO: 11.1  
(PERSONAL ASSISTANT TO CEO, ROBYN BONADDIO)  
(DIRECTOR CORPORATE GOVERNANCE, ALISON COE)**

**ACTION OFFICERS LIST (cont'd)**

**ATTACHMENT No [1] - Action Officers List - August 2014**

ACTION OFFICERS LIST – August 2014

<b>Meeting</b>	<b>Subject</b>
Ordinary Council Meeting 09 December 2013	Cobram Library
<b>MOTION</b>	
CRS GARY CLEVELAND / MARIE MARTIN	
That:	
<ol style="list-style-type: none"> <li>1. Council approve the Cobram Civic Centre as the location for the new Cobram Library/Community Hub.</li> <li>2. Authorise Council Officers to seek the services of a suitably qualified Architect to undertake the detailed design of a multiple staged 'Civic Centre Precinct' in order to meet with the projected future needs of the community, with Stage 1 of the project being a new Library facility and associated works.</li> </ol>	
(CARRIED)	
<b>ACTIVITY</b>	
Tenders / quotes currently being sourced for architectural services.	

FILE NO: 100.01.0001  
3. OUR COMMUNICATIONS AND PROCESSES

ITEM NO: 11.1  
(PERSONAL ASSISTANT TO CEO, ROBYN BONADDIO)  
(DIRECTOR CORPORATE GOVERNANCE, ALISON COE)

**ACTION OFFICERS LIST (cont'd)****ATTACHMENT No [1] - Action Officers List - August 2014**

ACTION OFFICERS LIST – August 2014

Meeting	Subject
Ordinary Council Meeting 20 May 2013	Lease to National Broadband Network Cobram
<b>MOTION</b>	
That Council:	
<ol style="list-style-type: none"> <li>1. Resolve to enter into a lease with the National Broadband Network Company to occupy part of the telecommunications tower and land located at 44 Station St Cobram.</li> <li>2. Authorise the Chief Executive Officer to sign and seal the lease documents</li> </ol>	
(CARRIED)	
<b>ACTIVITY</b>	
NBN Co advised of Council approval. Awaiting lease document from NBN.	
Meeting	Subject
Ordinary Council Meeting 17 September 2012	Bus Terminus - old Railway Station precinct
<b>MOTION</b>	
That Council:	
<ol style="list-style-type: none"> <li>1. Explore feasibility of establishing a bus terminus and lighted car parking area near the old railway station precinct; and</li> <li>2. Seek funding from the appropriate authority for a sided bus shelter at corner of Orr and Belmore Streets to protect people from the weather.</li> </ol>	
(CARRIED)	
<b>ACTIVITY</b>	
The area available at the old Railway Station will be dependent upon the option and alignment that VicRoads adopt for the new bridge at Yarrawonga. Current indications are that there will be no space available to develop the site.	

FILE NO: 100.01.0001  
3. OUR COMMUNICATIONS AND PROCESSES

ITEM NO: 11.1  
(PERSONAL ASSISTANT TO CEO, ROBYN BONADDIO)  
(DIRECTOR CORPORATE GOVERNANCE, ALISON COE)

**ACTION OFFICERS LIST (cont'd)**

**ATTACHMENT No [1] - Action Officers List - August 2014**

ACTION OFFICERS LIST – August 2014

Meeting	Subject
Ordinary Council Meeting 12 December 2011 <b>MOTION</b> That Council review the Local Law 2007 Meeting Procedure.	Local Law 2007 Meeting Procedure  (CARRIED)
<b>ACTIVITY</b> Currently being reviewed with officers aiming to present the report to a September. Proposed Key changes: compliance with legislation changes and questions from the public gallery.	
Meeting	Subject
Ordinary Council Meeting 20 June 2011 <b>MOTION</b> That Council endorse the establishment of a Community Stakeholder Steering Committee to explore the adoption of a RV friendly position and set a timeframe of 12 months for the Committee to develop a RV Friendly implementation Framework and Plan	RV Friendly Shire  (CARRIED)
<b>ACTIVITY</b> Terms of Reference were approved by Council on 23rd June 2014. Advertisements have been placed in local newspapers calling for expressions of interest for community positions. First meeting of the Advisory Committee is anticipated to be in November 2014.	

FILE NO: 100.01.0001  
3. OUR COMMUNICATIONS AND PROCESSES

ITEM NO: 11.1  
(PERSONAL ASSISTANT TO CEO, ROBYN BONADDIO)  
(DIRECTOR CORPORATE GOVERNANCE, ALISON COE)

**ACTION OFFICERS LIST (cont'd)**

**ATTACHMENT No [1] - Action Officers List - August 2014**

ACTION OFFICERS LIST – August 2014

Meeting	Subject
Ordinary Council Meeting 10 December 2012	Transfer Station operating hours
<b>MOTION</b>	
That a review of Transfer Station operating hours be undertaken and presented to Council.	
(CARRIED)	
<b>ACTIVITY</b>	
Following a review of patron behaviour a number of Councils transfer stations have been operating with new opening hours. These changes, effective since 1 November 2013 include Yarrawonga and Numurkah being open (and closing) 1 hour earlier and Nathalia being closed earlier on Saturdays.	
A further change implemented at this time included the Cobram Landfill tipping face being closed on weekends. Community feedback regarding the changes to opening hours has been positive. A more in-depth review of the landfill and transfer station operating hours is currently underway.	

FILE NO: F13/492  
6. GOVERNANCE

ITEM NO: 13.1  
(MANAGER CORPORATE GOVERNANCE,  
DAVID BOOTH)  
(CHIEF EXECUTIVE OFFICER, MARK  
HENDERSON)

## PETITION - PROBITY AUDIT

### 1. Executive Summary

At its Ordinary meeting of 21 July 2014, a petition was tabled requesting that Council "Institute immediately, an 'Independent' Probity Audit of the fiscal and operational management processes at Moira Shire Council".

The petition had 1233 signatories and currently lies on the table pending Council's consideration of the request.

This report gives background to the petition lodged and aims to assist Council in its deliberations on this matter.

### 2. Background and Options

Council has previously considered the need for a probity audit and had resolved to undertake such an audit with agreed terms of reference. In seeking to maintain tight control over the audit process, a number of procedural and procurement policy matters were compromised such that proceeding with the audit was cautioned by independent legal advice and Local Government Victoria.

Lodgement of the petition and its consideration by Council provides a fresh opportunity to reassess the matters that prompted Council's initial interest in an audit,

It should be noted that in addition to the primary call of the petition, that Council "Institute immediately, an 'Independent' Probity Audit of the fiscal and operational management processes at Moira Shire Council", it was also prescriptive in the way in which it sought Council to proceed. Specifically that;

1. Council immediately execute Council's valid resolution passed on 17 February 2014 by instituting an independent probity audit on Council's fiscal and operational processes and;
2. The independent probity auditor appointed report findings directly to the Mayor and Councillors and not Council Officers and;
3. That the final report be made public.

It should be noted that whilst these two additional points don't satisfy the valid requirements of a petition in that they don't appear on each page signed by signatories, the intent of their inclusion on the cover page of the petition is clear and acknowledged.

In an attempt to draw the Council's previous decisions and the recent petition into a consolidated view four options have been considered in preparation of this report;

#### Option 1 – Full Independent Probity Audit

A fully independent audit of fiscal and operational processes, to assist this a related terms of reference would need to be agreed to confirm the scope of such an audit.

#### Option 2 – Part Independent Probity Audit

Using the terms of reference referred to above and in consideration of existing internal and external audit processes, Council could resolve to select key aspects of Council's financial and operational activities for which it seeks independent analysis. With this scope identified, an independent auditor could then be appointed and the project could then proceed.

FILE NO: F13/492  
6. GOVERNANCE

ITEM NO: 13.1  
(MANAGER CORPORATE GOVERNANCE,  
DAVID BOOTH)  
(CHIEF EXECUTIVE OFFICER, MARK  
HENDERSON)

## PETITION - PROBITY AUDIT (cont'd)

### Option 3 – Monitor existing audit processes

Council currently has in place a number of internal and external audit processes and procedures which consider the fiscal and operational activities of Moira Shire Council. Specifically, Councils internal auditor's undertake an audit program in accordance with an internal audit plan approved by Councils internal audit committee with the results reported to Council.

The Victorian Auditor General's Office undertakes an annual financial and performance audit as part of Moira Shire's Annual reporting requirements to the Minister for local Government and other stakeholders.

It is worth noting that Council has previously offered itself for audit by the Australian Government for its recently completed Flood recovery project which had a final value \$50.163M. Despite favourable reporting feedback from Department of Treasury and Finance over the life of the project, given the projects value, Council has sought to have its processes and procedures independently audited.

In addition to the above audit programs the CEO has discretion to audit other aspects of Councils business to ensure probity, compliance and best value.

### Option 4 – CEO performance measures

The fourth option for consideration is the manner in which Councils are able to enact Council resolutions other than through the CEO's office. There are some procedural aspects flowing from Council decisions that can be validly enacted directly by the Mayor subject to appropriate authority from the Council however these are largely civic in nature and do not extend to financial and operational functions of the organisation.

The Victorian Local government system provides a clear separation between the powers and functions of the Council and the CEO whereby the Council delivers its legislated functions through formal Council and committee meetings and the day to day operations of the Council, including audit are administered through the CEO's office.

The opportunity for Council to directly influence audit functions is through the established internal audit function or by resolving that additional audit be undertaken under the administration of the CEO. This can be done by resolution or by inclusion of a range of issues to be addressed through the CEO's performance plan.

The current CEO performance plan contains specific performance targets including, but not limited to the following;

- a. An organisational review including management;
- b. Introduction of comprehensive management reporting;
- c. A review of procurement practices to ensure compliance and best value;
- d. A review of fleet management to achieve reduced costs to Council
- e. Development of strategies to reduce the operating deficit

FILE NO: F13/492  
6. GOVERNANCE

ITEM NO: 13.1  
(MANAGER CORPORATE GOVERNANCE,  
DAVID BOOTH)  
(CHIEF EXECUTIVE OFFICER, MARK  
HENDERSON)

## PETITION - PROBITY AUDIT (cont'd)

### 3. Financial Implications

The indicative cost of each of the four options as described above can be summarised as follows;

Option 1 - \$150,000. Estimated, based on the terms of reference being similar to that used by the City of Greater Bendigo and that which is broadly referred to by the petition. It should be noted that the scope of the audit described in the petition is substantially broader than the terms of reference previously considered by Council and costed at \$60,000.

Option 2 - \$60,000 to \$100,000. Subject to the terms of reference being less than a full audit and with the expectation that the lower price range would lead to more detailed analysis of some aspects. .

Option 3 – Within current budget. Council spent in the order of \$96,996 on its existing internal and external audit processes and procedures in the 2013/14 financial year. Ongoing provision of these annual auditing costs are made in current operational budgets.

Option 4 – Within current budget. The performance measures form part of the CEO's existing employment contract and therefore does not require additional budget allocation.

There is currently no budget allocated for an Independent probity Audit as part of the 2014/15 budget. In order to fund any such audit, savings would be required to be made from other operational activities.

### 4. Risk Management

There are two primary risks associated with this report.

Firstly, the risk of financial and or operational activities not being in accordance with accepted local government best practice, the second being the risk to reputation as uncertainty remains about these same activities.

With regards the first risk, annual auditing forms part of Councils operation as described in the "Background and Options" section of this report. Whilst there remains uncertainty about Council's performance as measured by these existing audit processes, the need to verify by another means has merit.

The Local Government performance framework is being introduced this financial year and will provide a state wide comparison of the performance of councils thereby enabling comparisons by stakeholders.

With regards the risk to Councils corporate reputation, again, whilst commentary continues around the need or otherwise of an Independent Probity Audit, this matter will not be resolved.

In both instances, this report proposes to address these risks through action.

### 5. Internal and External Consultation

The need for an Independent Probity Audit has been the focus of a number of internal and external discussions over the past ten months. Councillors and management have sought legal, Ministerial, departmental and association advice on how to progress the intent of such an audit

<b>FILE NO: F13/492</b> <b>6. GOVERNANCE</b>	<b>ITEM NO: 13.1</b> <b>(MANAGER CORPORATE GOVERNANCE,</b> <b>DAVID BOOTH)</b> <b>(CHIEF EXECUTIVE OFFICER, MARK</b> <b>HENDERSON)</b>
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## PETITION - PROBITY AUDIT (cont'd)

and the combined advice is to progress Councils ongoing audit needs through established local government audit practices.

The petition seeks an approach to auditing that is on top of established practice and in a manner that conflicts with Council procurement policy and the matters prescribed to the CEO through the Local Government Act.

### 6. Regional Context

The petition calling for an Independent Probity Audit reflects the broader uncertainty surrounding Councils overall good governance and conduct.

As a matter that has been on the council agenda for some time and indeed broadcast through local, regional and state wide media, it is critical that a resolution be reached on this subject and conveyed to the wider community. Consideration of the petition and the manner in which Council moves the issues forward will send strong signals to our broader regional partners and stakeholders on how the Council intends to govern the Shire into the future.

### 7. Council Plan Strategy

This report serves to support two key strategies from the 2013/14 – 2016/17 Council Plan.

STRATEGY 6.1 Ensure responsible resource management and adherence to good governance practices as prescribed by internal and external audit requirements, and

STRATEGY 6.4 Ensure strategic and operational risks are managed to protect Council and the Community.

### 8. Legislative / Policy Implications

The major legislative and or policy implication associated with this report is associated with any procurement of services identified by Council. With Options 1 and 2, any proposed expenditure on an Independent Probity Auditor would need to be in accordance with Moira Shires Procurement Policy which was updated in June 2014.

### 9. Environmental Impact

There are no environmental impact considerations associated with this report.

### 10. Conflict of Interest Considerations

There are no conflict of interest considerations associated with this report.

### 11. Conclusion

Lodgement of this petition calling for an 'Independent' Probity Audit of the fiscal and operational management processes at Moira Shire Council" follows on from two previous resolutions of Council on 21 October 2013 and 17 February 2014 relating to such an audit. Neither resolution of Council has been able to be acted on for reasons of procedural process.

Resolving the ongoing uncertainty surrounding Councils financial and operational activities is critical to advancing the interests of Moira Shire into the future.

## Attachments



FILE NO: F13/492  
6. GOVERNANCE

ITEM NO: 13.1  
(MANAGER CORPORATE GOVERNANCE,  
DAVID BOOTH)  
(CHIEF EXECUTIVE OFFICER, MARK  
HENDERSON)

**PETITION - PROBITY AUDIT (cont'd)**

Nil

**RECOMMENDATION**

That:

1. Council note the petition calling for an independent probity audit and thank the petition organizers for their ongoing interest in Council activities.
2. Continue to monitor existing internal and external audit processes and the outcomes of the CEO's performance plan as the appropriate tools to ensure the ongoing financial viability and operational performance of the Shire.

**MOTION**

CRS WENDY BUCK / DON MCPHEE

That:

1. Council note the petition calling for an independent probity audit and thank the petition organizers for their ongoing interest in Council activities.
2. Continue to monitor existing internal and external audit processes and the outcomes of the CEO's performance plan as the appropriate tools to ensure the ongoing financial viability and operational performance of the Shire.
3. Request the VAGO auditor's Crowe and Howarth to present to council a full report on the state of our financial position and recommendations for moving forward.

FILE NO: F13/492  
6. GOVERNANCE

ITEM NO: 13.1  
(MANAGER CORPORATE GOVERNANCE,  
DAVID BOOTH)  
(CHIEF EXECUTIVE OFFICER, MARK  
HENDERSON)

**PETITION - PROBITY AUDIT (cont'd)**

**AMENDMENT**

CRS KEVIN BOURKE / MARIE MARTIN

That

1. Council note the petition calling for an independent probity audit and thank the petition organizers for their ongoing interest in Council activities.
3. That the Chief Executive Officer be granted authority to call for tenders from those organisations previously short-listed for the independent probity audit on both the fiscal and operations aspects of Moira Shire Council.

(LOST)

*Cr Kevin Bourke called for a division.*

**FOR**

Cr Bourke  
Cr Martin

**AGAINST**

Cr Buck  
Cr Cleveland  
Cr Cox  
Cr Mansfield  
Cr McPhee  
Cr Monk

**FURTHER AMENDMENT**

CRS ED COX / ALEX MONK

That

1. Council note the petition calling for an independent probity audit and thank the petition organizers for their ongoing interest in Council activities.
2. Continue to monitor existing internal and external audit processes and the outcomes of the CEO's performance plan as the appropriate tools to ensure the ongoing financial viability and operational performance of the Shire.

(LOST)

*Cr Alex Monk called for a division.*

**FOR**

Cr Cleveland  
Cr Cox  
Cr Monk

**AGAINST**

Cr Bourke  
Cr Buck  
Cr Mansfield  
Cr Martin  
Cr McPhee

FILE NO: F13/492  
6. GOVERNANCE

ITEM NO: 13.1  
(MANAGER CORPORATE GOVERNANCE,  
DAVID BOOTH)  
(CHIEF EXECUTIVE OFFICER, MARK  
HENDERSON)

**PETITION - PROBITY AUDIT (cont'd)**

**THE ORIGINAL MOTION WAS PUT AND TIED**

CRS WENDY BUCK / DON MCPHEE

*Cr Alex Monk called for a division.*

**FOR**

Cr Buck  
Cr Cox  
Cr Mansfield  
Cr McPhee

**AGAINST**

Cr Bourke  
Cr Cleveland  
Cr Martin  
Cr Monk

The Mayor Cr Peter Mansfield exercised his casting vote in favour of the motion.

(CARRIED)

FILE NO: D14/40429  
2. COMMUNITY

ITEM NO: 13.2  
(ACTING DIRECTOR, DEVELOPMENT AND  
LIVEABILITY , MARK FOORD)  
(ACTING DIRECTOR, DEVELOPMENT AND  
LIVEABILITY, ANDREW CLOSE)

**PETITION TO REDUCE SPEED IN QUEEN STREET NUMURKAH**

**1. Executive Summary**

A petition containing 18 signatures requesting the reduction in speed at Queen Street Numurkah has been received.

In accordance with Section 66 of Meeting Procedures Local Laws 2007, it is recommended that the petition be received and lay on the table and be considered at the next ordinary meeting of Council on 15 September 2014 where a report on the issues raised will be presented.

**Attachments**

- 1 Petition to Reduce Speed in Queen Street Numurkah

**RECOMMENDATION**

That:

- 1. Council receive a petition containing 18 signatures requesting the reduction in speed at Queen Street Numurkah as per Section 66 of the Meeting Procedures Local Laws 2007.

**MOTION**

CRS MARIE MARTIN / KEVIN BOURKE

That:

- 1. Council receive a petition containing 18 signatures requesting the reduction in speed at Queen Street Numurkah as per Section 66 of the Meeting Procedures Local Laws 2007.

(CARRIED)

FILE NO: D14/40429  
2. COMMUNITY

ITEM NO: 13.2  
(ACTING DIRECTOR, DEVELOPMENT  
AND LIVEABILITY, MARK FOORD)  
(ACTING DIRECTOR, DEVELOPMENT  
AND LIVEABILITY, ANDREW CLOSE)

**PETITION TO REDUCE SPEED IN QUEEN STREET NUMURKAH (cont'd)**

**ATTACHMENT No [1] - Petition to Reduce Speed in Queen Street Numurkah**

*formal petition received 2/8/2014*

Residents / Ratepayers  
Queen Street  
NUMURKAH VIC 3636

Attention: Moira Shire Council

31<sup>st</sup> July 2014

4 AUG 2014  
Referred to  
Copies to

We the following would like the Shire to consider measures with regards to decreasing the Traffic Speed in our Street.

Some of us have resided in Queen Street for many years and during that time we paid for the road to be sealed.

Queen Street has been a quiet residential area but recently it seems to have attracted the attention of being a race strip. Late at night or early hours of the morning vehicles tend to use the street for their pleasure and no respect to the noise level that their vehicles make. It seems to be easier to swing in to Queen Street from either the South end or the North end and to let it rip.

Also noticeably is the drop off and pick up time of the local school. Jubilee has vehicles parked on both sides of the street. When you are trying to enter in to Tocumwal Road from Jubilee Street, the vehicles parked in Tocumwal Road block your view. This is a Traffic Hazard as your vehicle has to poke out nearly its full body length to be able to see the flow of traffic. When returning from Tocumwal Road into Jubilee/Queen Street the vehicles parked on both sides, make a very tight squeeze when someone is trying to enter Tocumwal Road. This also has increased the flow of Traffic along Jubilee/Queen Street.

Maybe the Shire could consider speed humps, to reduce the speed of the traffic. Signs for speed control have been erected in Jubilee Street but vandals have decided to pull these out.

FILE NO: VARIOUS

ITEM NO: 15

**GENERAL BUSINESS****Clause 62 of Council's "Meeting Procedures Local Law 2007 (No 1 of 2007) states:****62. Urgent or general business**

1. Business which has not been listed on a meeting agenda may only be raised as urgent or general business if the majority of Councillors are present and it is agreed to by a resolution of the Council.
2. Notwithstanding sub-clause (1), if all Councillors are not present, the Chairperson may rule the matter is of urgency and accept an urgency motion to deal with the business which has not been listed on the meeting agenda.
3. An urgency motion can be moved without notice.
4. Only the mover of an urgency motion may speak to the motion before it is put

**MOTION**

CRS KEVIN BOURKE / DON MCPHEE

That items of General Business be received

(CARRIED)

**MOTION**

CRS KEVIN BOURKE / MARIE MARTIN

That Council invites Minister Walsh and the Shadow Minister for Water along with neighboring municipalities to discuss the Draft Victorian Floodplain Management Strategy.

(CARRIED)

**MOTION**

CRS KEVIN BOURKE / ED COX

That Council contact the neighboring Councils, Murray River Group of Councils and the Murray Darling Association informing them of the preceding motion.

(CARRIED)

**MOTION**

CRS MARIE MARTIN / KEVIN BOURKE

That Council extends the invitation to discuss the Draft Victorian Floodplain Management Strategy to other candidates nominated for the upcoming Victorian Government election. .

(CARRIED)

FILE NO: VARIOUS

ITEM NO: 16

**QUESTIONS FROM THE PUBLIC GALLERY**

**Clause 63 of Council's "Meeting Procedures Local Law 2007 (No. 1 of 2007) states:**

**63. Question Time**

1. At every ordinary meeting of the Council a maximum of 30 minutes may be allocated to enable members of the public to submit questions to Council.
2. The time allocated may be extended by unanimous resolution of Council.
3. Sub-clause (1) does not apply during any period when the Council has resolved to close a meeting in respect of a matter under section 89 (2) of the Act.
4. To assist the accurate recording of minutes and addressing any questions that may require written response or follow up, the Chief Executive Officer may require questions to be submitted in writing on a form approved or permitted by Council.  
No person may submit more than two (2) questions at any one (1) meeting.  
The Chairperson or member of Council staff nominated by the Chairperson may read a question to those present.

No question must be so read unless:

- (a) the person asking the same is in the gallery at the time it is due to be read; and
- (b) the person asking the question reads the same when called upon by the Chairperson to do so.

A question may be disallowed by the Chairperson if it:

- (a) relates to a matter outside the duties, functions and powers of Council;
- (b) is defamatory, indecent, abusive, offensive, irrelevant, trivial or objectionable in language or substance;
- (c) deals with a subject matter already answered;
- (d) is aimed at embarrassing a Councillor or a member of Council staff;
- (e) relates to personnel matters;
- (f) relates to the personal hardship of any resident or ratepayer;
- (g) relates to industrial matters;
- (h) relates to contractual matters;
- (i) relates to proposed developments;
- (j) relates to legal advice;
- (k) relates to matters affecting the security of Council property; or
- (l) relates to any other matter which Council considers would prejudice Council or any person.

All questions and answers must be as brief as possible, and no discussion may be allowed other than for the purposes of clarification.

The Chairperson may request a Councillor or member of Council staff to respond, if possible, to the question.

A Councillor or member of Council staff may require a question to be put on notice until the next Ordinary meeting, at which time the question must be answered, or elect to submit a written answer to the person asking the question.

A Councillor or member of Council staff may advise Council that it is his or her opinion that the reply to a question should be given in a meeting closed to members of the public . The Councillor or member of Council staff must state briefly the reason why to reply should be so given and, unless Council resolves to the contrary the reply to such question must be so given.

FILE NO: VARIOUS

ITEM NO: 16

**QUESTIONS FROM THE PUBLIC GALLERY**

**16.1 Lou Cook - Numurkah**

Question: Has the Mayor furnished a report on his trip to Italy detailing the benefits of the delegation?

Answer: Cr Peter Mansfield responded that he gave a verbal report during the meeting and that a written report would be provided at the next Council meeting.

**16.2 Lou Cook - Numurkah**

Question: When will I receive a response to my letter enquiring about Council's affiliations

Answer: The Chief Executive Officer responded that he was aware of the correspondence. Council has many affiliations and Mr Cook would receive a comprehensive list of all Council's affiliations in the near future.

**16.3 Leanne Pell - Numurkah**

Question: If Council has spent \$97,000 on internal and external auditors, why have the 42 breaches out of 68 not been picked up earlier?

Answer: The Chief Executive Officer responded firstly by acknowledging the document referred to was a confidential document not normally released to the public. Having said that Council's internal audit committee determines the annual internal audit program to be conducted. These internal audits, in particular the contract management audit refers to past procurement compliance. As previously stated matters identified from the contract management audit have been referred to IBAC for investigation.

**16.4 Scott Olson - Koonoomoo**

Question: In reference to the 17 February 2014 motion that was passed granting sole authority to the Acting Chief Executive Officer to proceed to undertake the independent probity audit, the visit by Nick Foa and involvement of the then Minister for Local Government Jeanette Powell, which Councillors approached Local Government Victoria on this matter?

Answer: The Mayor advised that any Councillor can seek advice or guidance from Local Government Victoria.

**16.5 Scott Olsen - Koonoomoo**

Question: Can you please advise what the flaws were in the process and if these flaws were fixed could Council proceed with the Probity Audit?

Answer: The Chief executive Officer responded by saying that following advice from Local Government Victoria and Council's Lawyers, the process was described as being flawed. If steps were taken to amend the motion addressing this advice, then it could proceed. The Council would have needed to take this action and have now chosen a different path.



FILE NO: VARIOUS

ITEM NO: 16

**QUESTIONS FROM THE PUBLIC GALLERY**

16.6 **John Lycett - Numurkah**

Question: Will Council have a funding black hole because of a reduced CIV on properties as he has observed on his rates notices?

Answer: The Chief Executive Officer responded by saying that whilst some CIV are lower following revaluations, others have risen. The nett effect is these variations largely balance out.

16.7 **John Lycett - Numurkah**

Question: What is happening about the tyres at Numurkah and Katunga?

Answer: The Chief Executive Officer responded by referring to the report tabled at the previous Ordinary Council meeting of July where the VCAT ruling was included outlining the obligations of the property owner of both sites. Legally, Moira Shire has done everything possible and there remains a commitment to ensure that both sites are cleared.

16.8 **Len Walen-Bates - Katunga**

Question: What confidence can ratepayers have in Council following tonights backflip?

Answer: The Mayor responded by saying he is confident that the debate has taken place, that the council takes full responsibility for representing the interests of all ratepayers and that the next election will enable ratepayers to again have their say.

16.9 **Leanne Pell - Nathalia**

Question: What are the limits of things passed by delegation and those presented to Council?

Answer: The Chief Executive Officer responded by referring to the Local Government Act which set limits for works at \$200K and Goods and Services at \$150K under which the CEO has delegation to authorise. Councils procurement policy is in line with these limits as set out by the Act.

16.10 **Leanne Pell - Nathalia**

Question: There have been instances where members of staff have made decisions outside their delegations. Where this has occurred, what action has been taken?

Answer: The Chief Executive Officer responded by alerting that the Contract Audit identified potential breaches of expenditure either above a contract value or without contract. Again, IBAC have been requested to investigate these instances, which are historical in nature.

FILE NO: VARIOUS

ITEM NO: 17

**STANDING ORDERS****RECOMMENDATION**

That standing orders be suspended for 10 minutes.

**MOTION**

CRS ED COX / DON MCPHEE

That the meeting be adjourned for 10 minutes.

(CARRIED)

**RECOMMENDATION**

That standing orders be resumed.

**MOTION**

CRS ED COX / ALEX MONK

That the meeting be resumed.

(CARRIED)

**RECOMMENDATION**

That pursuant to Section 89(2) of the Local Government Act, 1989, this meeting of Council be closed to members of the public in order for Council to discuss contractual, industrial and any other matters which the Council or Special Committee considers would prejudice the Council or any person.

**MOTION**

CRS MARIE MARTIN / GARY CLEVELAND

That pursuant to Section 89(2) of the Local Government Act, 1989, this meeting of Council be closed to members of the public in order for Council to discuss contractual, industrial and any other matters which the Council or Special Committee considers would prejudice the Council or any person.

(CARRIED)

FILE NO: VARIOUS

ITEM NO: 17

**STANDING ORDERS****RECOMMENDATION**

That pursuant to Section 89(2) of the Local Government Act 1989, Council resolve to resume the Ordinary meeting.

**The Chief Executive Officer was not present at the resumption of the meeting.**

**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.

(CARRIED)

**RECOMMENDATION**

That the recommendations of the "Closed" Meeting of Council with regard to contractual, industrial and any other matters which the Council or Special Committee considers would prejudice the Council or any person be adopted.

**MOTION**

CRS ED COX / GARY CLEVELAND

That the recommendations of the "Closed" Meeting of Council with regard to contractual, industrial and any other matters which the Council or Special Committee considers would prejudice the Council or any person be adopted.

(CARRIED)