



MINUTES

ORDINARY MEETING OF COUNCIL HELD AT TUNGAMAH COMMUNITY CENTRE, MONDAY 23 NOVEMBER 2015

The meeting commenced at 6.00 pm.

PRESENT

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

IN ATTENDANCE:

| | |
|----------------|--------------------------------|
| Mark Henderson | Chief Executive Officer |
| Leanne Mulcahy | General Manager Corporate |
| Andrew Close | General Manager Infrastructure |

1. CALLING TO ORDER – CEO

RECORDING

Consistent with section 72 of our Meeting Procedures Local Law, Council officers have been authorised to record the public session of this meeting using an audio recording device.

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

Nil

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

Nil

6. DECLARATION OF ANY INTEREST OR CONFLICT OF INTEREST

Cr Cleveland and Cr McPhee declared a conflict of interest in item 9.1.6 Community Grants

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

MOTION:

CRS BRIAN KEENAN / ED COX

"That the minutes of the Ordinary Council Meeting held on Monday, 26 October 2015, and the minutes of the Special Ordinary Council Meeting held on Monday, 9 November 2015, as prepared be confirmed."

(CARRIED)

8. COUNCILLOR REPORTS

Cr Bourke reported on the progress of the Numurkah Flood Study.

9. OFFICER REPORTS FOR DETERMINATION

9.1 CORPORATE

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10.1 CORPORATE

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10.2 INFRASTRUCTURE

Nil

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| Nil | |
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FILE NO: 180.07.0021
3. OUR COMMUNICATIONS AND PROCESSES

ITEM NO: 9.1.1
(FINANCIAL ACCOUNTANT, ANDREW
WILSON)
(GENERAL MANAGER - CORPORATE,
LEANNE MULCAHY)

QUARTERLY BUDGET REVIEW - SEPTEMBER 2015

1. Executive Summary

Council has been able to counter the effect of the prepayment of \$4.8 million of Federal assistance grants [50% of 2015/16 grants income received in 2014/15] in the Income statement with capital income generating a net increase of \$1.12 million due to additional Roads to Recovery projects allocated by the Federal government.

In effect, this means that instead of a deficit of \$3.0 million due the above prepayment of Federal assistance grant, the projected deficit in the September 2015 review is \$2.4 million for the financial year 2015/16 as compared to the Adopted Budget surplus of \$1.8 million.

While the surplus / (deficit) variation between the Adopted Budget 2015/16 and the Sep 2015 quarterly review is \$4.25 million [as detailed in the table next page], it is stressed, that the cash flow remains unchanged due to the timing of receipt of the Federal assistance grant.

The movements are detailed in Forecast overview table in the next page. Council continues to closely monitor expenditure and income throughout the 2015/16 financial year. Operating cash flow is detailed in table 2.3.

MOTION

CRS ALEX MONK / ED COX

That Council notes and approves the projections for the 2015/16 financial year contained in the September 2015 quarterly budget review.

(CARRIED)

**FILE NO: 100.01
5. DEMONSTRATING GOOD GOVERNANCE**

**ITEM NO: 9.1.2
(MANAGER GOVERNANCE AND
COMMUNICATIONS, LINDA
NIEUWENHUIZEN)
(GENERAL MANAGER - CORPORATE,
LEANNE MULCAHY)**

COUNCIL PLAN QUARTERLY UPDATE (cont'd)

1. Executive Summary

Council adopted a revised Council Plan in June 2015. This report provides an update of progress against the goals and objectives identified in this Plan.

MOTION

CRS ALEX MONK / ED COX

That:

Council note the progress against the Council Plan 2013-17.

(CARRIED)

FILE NO: 100.09.001
7. DELIVER SOUND FINANCIAL
MANAGEMENT

ITEM NO: 9.1.3
(CHIEF EXECUTIVE OFFICER, MARK
HENDERSON)
(CHIEF EXECUTIVE OFFICER, MARK
HENDERSON)

GOULBURN VALLEY REGIONAL ALLIANCE

1. Executive Summary

There are increasing expectations upon the Local Government sector to reform business practices, improve the quality of council services and reduce costs.

Victorian councils are approaching rate capping which will have significant impact on their revenue and capacity to maintain current service levels. Also many councils continue to operate with underlying operating deficits that are not sustainable in the longer term.

Greater Shepparton City Council and Strathbogie Shire Council have developed a regional alliance exploring opportunities to collaborate to provide more efficient cost effective services.

MOTION

CRS KEVIN BOURKE / ED COX

That Council:

- (a) Participate in the Goulburn Valley Alliance (GVA) with Greater Shepparton City Council and Strathbogie Shire Council; and future Councils that seek to join.
- (b) Authorise the Chief Executive Officer to sign the necessary instruments to facilitate membership of the alliance.
- (c) Receive quarterly update on the outcomes being achieved through the alliance.

(CARRIED)

FILE NO: 120.06.0003
1. OUR COMMUNITIES

ITEM NO: 9.1.4
(EXECUTIVE ASSISTANT TO CEO,
ROBYN BONADDIO)
(CHIEF EXECUTIVE OFFICER, MARK
HENDERSON)

SECTION 86, AUDIT AND OTHER COMMITTEE REPRESENTATIVES

1. Executive Summary

Section 86 of the *Local Government Act 1989* (the Act) enables councils to establish special committees, which may be the subject of delegations from the Council. It also recognises the possibility of establishing advisory committees, whose role it is to provide recommendations to the Council, although they do not have any formal delegated powers.

Each year, Councillors are presented with a report which details the current special committees for which Councillor Representation is required. In turn, Councillors are nominated to these special committees for the coming 12 months.

This report identifies Councillor Representatives to Council's Section 86 Committees; Advisory (Special) Committees; Audit Committee; Moira Advisory Committees; Other Moira Committees and Other Representative Bodies for 2015.

MOTION

CRS DON MCPHEE / MARIE MARTIN

That Council:

1. Appoint Councillor Representatives to Council's Section 86 Committees; Advisory (Special) Committees; Audit Committee; Moira Advisory Committees; Other Moira Committees and Other Representative Bodies, in accordance with the list included with the agenda.

(CARRIED)

FILE NO: 120.06.003
6. GOVERNANCE

ITEM NO: 9.1.5
(EXECUTIVE ASSISTANT TO CEO,
ROBYN BONADDIO)
(CHIEF EXECUTIVE OFFICER, MARK
HENDERSON)

COUNCIL MEETING SCHEDULE 2016

Executive Summary

Under Part 3, Section 8(1) of Council's Meeting Procedures Local Law 2007 (No. 1 of 2007 amended 22 July 2008) Council is required to set the date, time and place for Council Meetings.

This report details the meeting and briefing schedule for 2016.

MOTION

CRS KEVIN BOURKE / MARIE MARTIN

That: Council

1. Pursuant to Part 3, Section 8(1) of Local Law No. 1 (No. 1 of 2007 amended 22 July 2008) set the date, time and place of Council meetings as:
 - Ordinary Council Meetings to be held on the fourth Monday of the month commencing at 5pm, except in June and September Ordinary Meeting where meetings will be scheduled for the third week of the month.
 - Two Ordinary Council Meetings to be held at each of Yarrawonga and Nathalia.
 - All other Ordinary Council Meetings to be held in Numurkah.
2. Briefing sessions to be held generally on the second Monday of the month.

(CARRIED)

FILE NO: F15/170
6. INVOLVING AND COMMUNICATING WITH
OUR COMMUNITY

ITEM NO: 9.1.6
(MANAGER COMMUNITY SERVICES,
DAVID BOOTH)
(GENERAL MANAGER - CORPORATE,
LEANNE MULCAHY)

2015 2016 COMMUNITY & EVENTS GRANTS SCHEME

Cr Cleveland and Cr McPhee declared a conflict of interest and left the meeting at 6.20pm
Cr Cox took the chair.

1. Executive Summary

Council received 89 applications totalling \$470,120 in requested funding for the Community and Events Grants Scheme 2015/16 across the following grant streams.

| Grant Stream | Applications Received | Funding available | Funding requested |
|-------------------------------|-----------------------|-------------------|-------------------|
| Community Major Grants | 33 | \$120,000 | \$363,517 |
| Community Minor Grants | 31 | \$80,000 | \$68,701 |
| Tourism Events Grants | 4 | \$20,000 | \$15,500 |
| Community Events Grants | 7 | \$10,000 | \$3,500 |
| Arts and Culture Small Grants | 10 | \$22,500 | \$17,152 |
| Health Promotion Grants | 4 | \$4,000 | \$1,750 |
| Total | 89 | \$256,500 | \$470,120 |

The recommendation is to fund 55 projects with funding totalling \$209,902 through the 2015 2016 Community and Events Grants Scheme, as detailed in this report.

Projects which are not recommended for funding are either ineligible, require further planning, other government agency responsibility or provide limited community benefit. Feedback will be provided to these applicants on this.

MOTION

CRS KEVIN BOURKE / PETER MANSFIELD

That:

- Council approve the list of projects recommended for funding under the 6 categories of the 2015/16 Community and Events Grants Scheme as detailed below.

| COMMUNITY MAJOR GRANTS | | |
|--|--|--------------------|
| Organisation | Project | Amount |
| Picola Recreation Reserve Committee of Management | Shower & Bathroom Renovation (Stage 2 of Change Room Refurbishment) | \$15,000.00 |
| Katamatite Recreation Reserve Committee of Management | Upgrade Electricity Mains & Metering to Community Hub Building | \$10,000.00 |
| Katunga Recreation Reserve and Community Centre Section 86 | Katunga Recreation Reserve and Community Centre Equipment Shed Project | \$15,000.00 |
| Nathalia & District Preschool Asset | Solar Panels Project | \$6,500.00 |
| Numurkah Toy Library Inc. | Stack it up and come on in | \$3,500.00 |

FILE NO: F15/170
6. INVOLVING AND COMMUNICATING WITH
OUR COMMUNITY

ITEM NO: 9.1.6
(MANAGER COMMUNITY SERVICES,
DAVID BOOTH)
(GENERAL MANAGER - CORPORATE,
LEANNE MULCAHY)

2015 2016 COMMUNITY & EVENTS GRANTS SCHEME (cont'd)

| | | |
|---|--|---------------------|
| Numurkah Football and Netball Club | Numurkah Showgrounds - Adventure Playground | \$14,000.00 |
| Yarroweyah Hall Committee of Management | 100 Chairs for Hall increase seating capacity to 200 | \$5,000.00 |
| Yarrowonga Yacht Club Inc | Upgrade of Training Room and Toilet Facilities | \$15,000.00 |
| Lions Club of Yarrowonga Inc | Continued Refurbishment and Upgrade of Lions Clubrooms, Kitchen, Toilets and Wool Pavilion | \$13,000.00 |
| Scott Reserve Committee of Management | Seating and Tree upgrade for Scott Reserve | \$14,000.00 |
| Yarrowonga & District Netball Association | Seating and Shelter around Netball Courts | \$8,000.00 |
| Numurkah & District Development Group | Outdoor Gym Equipment - Quinn St Numurkah Lake | \$15,000.00 |
| TOTAL | | \$134,000.00 |

COMMUNITY MINOR GRANTS

| Organisation | Project | Amount |
|-------------------------------------|--|------------|
| Yarrowonga Mulwala Development Inc. | Leasehold Improvements - Storage Cupboards and Security Lighting | \$2,500.00 |
| Numurkah Lawn Tennis Club | Tennis court net replacement project | \$2,500.00 |

COMMUNITY MINOR GRANTS continued

| Organisation | Project | Amount |
|--|---|------------|
| Katunga Cricket Club | Katunga Cricket Club Mower Purchase | \$2,500.00 |
| Showcase 2016 (Auspiced by The Lions Club of Numurkah Inc.) | Showcase 2016 - Numurkah Community Expo | \$1,500.00 |
| Muckatah Landcare Group (Auspiced by Farm Tree and Landcare Association) | Fence, Gate and Tree Project at Peter Kennedy Reserve | \$2,400.00 |
| Nathalia Recreation Reserve Committee of Management | Install Security Fence at Reserve | \$2,500.00 |
| Yarrowonga Yacht Club Inc. | Defibrillator Station | \$2,500.00 |
| Nathalia Golf Club | Rain Water Tank | \$2,500.00 |
| Numurkah Playgroup (Auspiced by Playgroup Victoria) | Play Shack Shambles - Toy storage | \$ 400.00 |

FILE NO: F15/170
6. INVOLVING AND COMMUNICATING WITH
OUR COMMUNITY

ITEM NO: 9.1.6
(MANAGER COMMUNITY SERVICES,
DAVID BOOTH)
(GENERAL MANAGER - CORPORATE,
LEANNE MULCAHY)

2015 2016 COMMUNITY & EVENTS GRANTS SCHEME (cont'd)

| | | |
|--|--|------------|
| Numurkah Friends of the Library (Auspiced by GV Libraries) | Digital Projector and Screen | \$1,400.00 |
| Strathmerton Netball Club (Auspiced by Strathmerton Recreation Reserve) | Purchase and Installation of Electronic Score Boards | \$2,500.00 |
| Strathmerton Public Hall Committee of Management | New Kitchen Stove | \$2,000.00 |
| Numurkah Pony Club (Auspiced by Floridan Park COM) | Show-jump Wings | \$1,900.00 |
| Cobram Cricket Club Inc. | Replace Fence in front of Pavilion | \$2,500.00 |
| Goulburn Valley Kart Club (GVKC INC) | All abilities ramp to improve accessibility | \$2,500.00 |
| Numurkah Senior Citizens Club Inc. | Main Hall Digital Integrated Audio Visual Equipment & Installation | \$2,500.00 |
| Yarrowonga Football Netball Club | Yarrowonga Football Netball Club Trainer's Shelter | \$2,500.00 |
| The Katamatite Cemetery Trust | Katamatite Cemetery Front Gates with signage | \$2,500.00 |
| Yarrowonga Pre-School & Occasional Care | Poster Storage Unit | \$2,000.00 |

COMMUNITY MINOR GRANTS continued

| Organisation | Project | Amount |
|---|---|--------------------|
| Waaia Football Netball Club | Seating | \$2,500.00 |
| Yarrowonga Health | A Community Showcase | \$1,400.00 |
| Numurkah RSL Sub Branch (Auspiced by GV Vietnam Veterans Assoc. Inc.) | Replace north Windows in Meeting Room and Bar area to protect memorabilia | \$2,500.00 |
| TOTAL | | \$48,000.00 |

TOURISM EVENTS GRANTS

| Organisation | Project | Amount |
|--|-------------------------|--------------------|
| Yorta Yorta | Dharnya Centre Event | \$4,000.00 |
| Nathalia Lions Club | New Year's Eve Carnival | \$3,000.00 |
| Cobram Barooga Business & Tourism Development Inc. | River Beach Festival | \$3,000.00 |
| TOTAL | | \$10,000.00 |

FILE NO: F15/170
6. INVOLVING AND COMMUNICATING WITH
OUR COMMUNITY

ITEM NO: 9.1.6
(MANAGER COMMUNITY SERVICES,
DAVID BOOTH)
(GENERAL MANAGER - CORPORATE,
LEANNE MULCAHY)

2015 2016 COMMUNITY & EVENTS GRANTS SCHEME (cont'd)

| COMMUNITY EVENTS GRANTS | | |
|--|--|-------------------|
| Organisation | Project | Amount |
| Katamatite Community Action Group | Katamatite Community Town BBQ | \$500.00 |
| Invergordon Primary School (Auspiced by Invergordon Primary School Parents Club) | End of Year Community Celebration | \$500.00 |
| PALS Inc. | Twilight Fete | \$500.00 |
| Cobram Commemoration Committee of Cobram Barooga RSL Sub branch (Auspiced by RSL Victoria) | Anzac Day Celebrations 2016 | \$500.00 |
| Muckatah Land care Group (Auspiced by Farm Tree and Land care Association) | Launch of Interpretive Sign at Peter Kennedy Reserve | \$500.00 |
| Lioness Club of Yarrawonga (Auspiced by Yarrawonga Lions Club) | Yarrawonga Lioness Craft Expo | \$500.00 |
| TOTAL | | \$3,000.00 |

FILE NO: F15/170
6. INVOLVING AND COMMUNICATING WITH
OUR COMMUNITY

ITEM NO: 9.1.6
(MANAGER COMMUNITY SERVICES,
DAVID BOOTH)
(GENERAL MANAGER - CORPORATE,
LEANNE MULCAHY)

2015 2016 COMMUNITY & EVENTS GRANTS SCHEME (cont'd)

| ARTS AND CULTURE SMALL GRANTS | | |
|--|---|--------------------|
| Organisation | Project | Amount |
| Bardi Gras Group | Bardi Gras Major Procession Items | \$1,972.00 |
| Rotary Club of Numurkah | Rotary Club of Numurkah 36th Annual Art & Craft Exhibition 11-14 March 2016 | \$2,000.00 |
| Peechelba & District Progress Association Inc | Peechelba History: In images and stitch | \$1,040.00 |
| Cobram Harness Racing Club (Auspice for Finley & District Camera Club) | Portraiture & iPhone Photographic Workshop | \$1,380.00 |
| Goulburn Valley Libraries | Advancing Art in the Library | \$1,400.00 |
| Nathalia & District Historical Society | Nathalia's Great War: The Display | \$1,860.00 |
| Yarrowonga P-12 Parents & Friends Assoc. | Community Workshop Brings the Lake to the School Project | \$2,000.00 |
| GRAIN. Inc | Moira's Aspiring Artists - Schools Exhibition | \$1,500.00 |
| Total | | \$13,152.00 |

| HEALTH PROMOTION GRANTS | | |
|--------------------------------|---|-------------------|
| Organisation | Project | Amount |
| Yarrowonga Health | Breaking the Silence - White Ribbon Day | \$500.00 |
| Goulburn Valley Library | A new idea for your salads | \$250.00 |
| Nathalia District Hospital | Pitstop - Men's Annual Health Night Out | \$500.00 |
| Rotary Club of Cobram Inc. | Cobram District Health 'Pitstop' Men's Health Program and Rotary Bowel scan Program | \$500.00 |
| TOTAL | | \$1,750.00 |

(CARRIED)

Cr Cleveland and Cr McPhee returned to the meeting at 6.24pm and Cr Cleveland took the chair.

FILE NO: F13/335
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.1
(TOWN PLANNER, MARTINA FOLEY)
(GENERAL MANAGER
INFRASTRUCTURE, ANDREW CLOSE)

**PLANNING SCHEME AMENDMENT C38 - HERITAGE OVERLAY
AMENDMENT - CONSIDERATION OF SUBMISSIONS**

1. Executive Summary

On 9 June 2015 Moira Shire received Authorisation from the Minister to prepare and exhibit Amendment C38. The 3 month exhibition period closed on 28 October 2015. Following analysis of the 24 submissions received it is recommended that Council request the Minister to appoint an Independent Panel to consider the submissions and recommendations for changes to C38 set out in this report.

MOTION

CRS BRIAN KEENAN / KEVIN BOURKE

That Council, in accordance with the provisions of Section 23(1)(b) of the *Planning and Environment Act 1987*:

1. Request that the Minister appoint an Independent Panel under Section 153 of the Act.
2. Refer the submissions received regarding Planning Scheme Amendment C38 to the Panel.
3. Adopt the recommendations set out in Tables 1 and 2 and submit them to the Panel for consideration.

(CARRIED)

FILE NO: 5/2013/665
3. BUILD ON OUR ECONOMIC STRENGTHS
IN AGRICULTURE, MANUFACTURING AND
TOURISM

ITEM NO: 9.2.2
(DEVELOPMENT COMPLIANCE OFFICER,
PATRICK DUBUC)
(GENERAL MANAGER
INFRASTRUCTURE, ANDREW CLOSE)

**PLANNING APPLICATION 5/2013/665 - 10 LOT SUBDIVISION - 30-36
TUNNOCK ROAD NUMURKAH**

1. Executive Summary

The proposal is for a 10 lot subdivision of a parcel of land zoned General Residential Zone (part) and Farming Zone (part) which is also affected by two Flood Overlays and by a Development Plan Overlay.

The absence of any approved Development Plan for the subject land means the application is premature and under Clause 43.04-1; *'a permit cannot be granted to use, develop or subdivide land until a development plan has been prepared to the satisfaction of the Responsible Authority'*.

The subject land is located at 30-36 Tunnock Road Numurkah, which comprises a dwelling and ancillary outbuildings and abuts three roads and an unformed road reserve. The subject land forms the transition between residential areas to the west (across from Corke Street) and a rural type living area to the east (across an unformed road reserve). The adjacent land to the north and south are occupied by the Numurkah Golf Club (across from Tunnock Road) and the Numurkah Cemetery (across from Madeline Street) respectively.

The proposal seeks to subdivide land onto 10 allotments of various areas in size, including an allotment for the existing dwelling. The proposal seeks approval for four lots covering approximately 2000sqm along Corke Street, transitioning to 4000sqm lots to 5000 and 9000sqm lots on the eastern end.

MOTION

CRS BRIAN KEENAN / KEVIN BOURKE

That:

1. Council refuse Planning Permit Application 5/2013/665 to subdivide land at 30-36 Tunnock Road Numurkah into 10 lots on the following grounds:
 - (a) The proposed subdivision does not accord with an approved Development Plan;
 - (b) The application is premature as there is no approved Development Plan for the subject land.
2. Advise the applicant that Council will consider a fresh application, following the approval a Development Plan, provided that it accords with the Plan.

(CARRIED)

FILE NO: F13/640
5. DEMONSTRATING GOOD GOVERNANCE

ITEM NO: 9.2.3
(DEVELOPMENT COORDINATOR / TEAM
LEADER LOCAL LAWS, JOHN SHAW)
(GENERAL MANAGER
INFRASTRUCTURE, ANDREW CLOSE)

**PERMITS TO BURN ISSUED BY COUNCIL DURING THE DECLARED FIRE
DANGER PERIOD**

1. Executive Summary

With recent fires in Victoria highlighting the importance of good risk assessments and onsite fire management, Moira Shire will no longer issue permits to burn during the Fire Danger Period.

Local farmers and property owners are encouraged to ensure they have appropriate permits in place. Permits are available from your local CFA or the regional CFA offices in Shepparton or Wangaratta.

Further information about applying for permits to burn is available online at <http://www.cfa.vic.gov.au/warnings-restrictions/fire-permits/> and from local CFA District Offices in Wangaratta and Shepparton or CFA headquarters on (03) 9262 8444.

| Shepparton - District 22 Headquarters | Wangaratta - District 23 Headquarters |
|--|---|
| Address: 195-205 Numurkah Road Shepparton , VIC 3630 Postal: PO Box 932 Shepparton , VIC 3630 Phone: (03) 5833 2400 Fax: (03) 5833 2482 | Address: 1 Ely Street Wangaratta , VIC 3677 Postal: PO Box 565 Wangaratta , VIC 3677 Phone: (03) 5721 4122 Fax: (03) 5721 3497 |

MOTION

CRS PETER MANSFIELD / BRIAN KEENAN

That:

1. Council endorse the Municipal Fire Prevention Officer's use of discretionary power to not supply Country Fire Authority Act 1958 Schedule 13 – Permit to Burn by a Private Person during the declared fire danger period and referring all applications to the CFA to approve and issue.

(CARRIED)

FILE NO: F13/503
3. OUR COMMUNICATIONS AND
PROCESSES

ITEM NO: 10.1.1
(GOVERNANCE RECORDS OFFICER,
MARGARET HINCK)
(GENERAL MANAGER - CORPORATE,
LEANNE MULCAHY)

ASSEMBLIES OF COUNCILLORS

1. Executive Summary

The records of the Assembly of Councillors reported during the month of October 2015 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).

MOTION

CRS WENDY BUCK / PETER MANSFIELD

That Council receive and note the attached Records of Assembly of Councillors with an amendment to the 12 October record to show Cr Buck present.

(CARRIED)

**FILE NO: 11.1
6. GOVERNANCE**

**ITEM NO: 11.1
(EXECUTIVE ASSISTANT TO CEO,
ROBYN BONADDIO)
(GENERAL MANAGER - CORPORATE,
LEANNE MULCAHY)**

ACTION OFFICERS LIST

MOTION

CRS DON MCPHEE / KEVIN BOURKE

That Council receive and note the Action Officers List.

(CARRIED)

FILE NO: D15/67229
1. STRONGER REGIONAL PARTNERSHIPS

ITEM NO: 13.1
(MANAGER STRATEGIC PROJECTS,
MARK FOORD)
(GENERAL MANAGER
INFRASTRUCTURE, ANDREW CLOSE)

REILLYS PIT ROAD PETITION (cont'd)

1. Executive Summary

A petition has been received requesting upgrade of Reillys Pit Road from a Rural Farm Access Road to an all-weather gravel road.

The section of Reillys Pit Road is described in Council's Road Management Plan and Road Register as a Rural Farm Access Road.

Council generally welcomes development of land within the Shire. Development provides economic stimulus, enhances diversity within the community and improves liveability. This is however tempered by the need to ensure that development increases community well-being and does not have undue adverse effects.

Predominant in consideration of petitions is the need to ensure that reasonableness and fairness is assured and assessed. This includes reasonableness and fairness to the petitioner as well as to the remainder of the ratepayers of the Shire.

Should a property owner wish to develop land, whether in Reillys Pit Road, or anywhere else in the Shire, and therefore require better or additional infrastructure, the costs of upgrade should be borne by the developer, as part of the development, to do otherwise is unfair to the remainder of the ratepayers within the Shire.

It is recommended that the petitioner be advised that the community and Council expect that developers meet the cost of upgraded infrastructure required as part of development of land, whether that be in a rural or urban situation. By ensuring that developers meet the costs of upgrade of required infrastructure, the costs of land reflects the true cost of development, and the costs are not unfairly borne by the ratepayers of the Shire.

MOTION

CRS KEVIN BOURKE / MARIE MARTIN

That:

1. The petitioner be thanked for the time and effort taken to prepare the petition.
2. The petitioner be advised it is expected that developers meet the cost of additional infrastructure required as part of development of land, whether that be in a rural or urban situation.

(CARRIED)

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 PETER MANSFIELD / WENDY BUCK

That items of general business be considered.

(CARRIED)

MOTION

CRS PETER MANSFIELD / BRIAN KEENAN

That Council staff prepare a submission to the Planning Minister championing the green option for the Yarrowonga Mulwala Bridge to be presented when appropriate.

(CARRIED)

MOTION

CRS PETER MANSFIELD / WENDY BUCK

That Council write to the Premier of Victoria expressing it's disappointment over the process and announcement of the Yarrowonga Mulwala Bridge route with a copy to the Roads Minister.

(CARRIED)

MOTION

CRS PETER MANSFIELD / DON MCPHEE

That Council establish a steering committee of stakeholders on the future options for the Yarrowonga Library to be considered during the budget process for 2016/2017.

(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 Ron Jones - Tungamah

Question: Would like Council to authorise the need for money box honesty system for campers who use the park on the creek in Barr Street Tungamah.

Answer: The CEO responded that Council has a draft RV strategy that will be presented to Council shortly, this strategy will then go out for public exhibition. The community is welcome to comment on the strategy.

Council would not endorse an honesty box system unless there was a high level of supervision due to theft and vandalism, if a committee of management was in place the circumstances may be different, currently our RV friendly status is that Council supports free camping.

16.2 Sandra Strahan - Tungamah

Question: Myself and other members of the community have been complaining for years about a property in Tungamah. The property is unsightly, a haven for vermin, dangerous to life and property, it is a chook breeding ground with roosters crowing day and night. I would like an answer on what council is doing about this property.

Answer: The CEO responded that Councils capacity under the local law where there is response to a request to comply is to issue an infringement. This then can progress through the magistrate court. When a property owner refuses to act on an order, public authorities have very little power and are often unable to enter the property. This question has reminded us of the problem and we'll do all we can to enforce the local law.

16.3 Sandra Strahan - Tungamah

Question: I have complained about roosters and chickens at a property in Tungamah, does this need to go to the magistrates Court also for action?

Answer: The CEO responded that Council will do what it can to ensure the roosters are removed.

FILE NO: VARIOUS

ITEM NO: 17

MEETING ADJOURNMENT**MOTION**

CRS PETER MANSFIELD / ALEX MONK

That the meeting be adjourned for 10 minutes.

(CARRIED)

Meeting adjourned at 7.08pm

Meeting resumed at 7.22pm

MOTION

CRS ALEX MONK / DON MCPHEE

That the meeting be resumed.

(CARRIED)

MOTION

CRS ALEX MONK / KEVIN BOURKE

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)

MOTION

CRS KEVIN BOURKE / ALEX MONK

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

(CARRIED)

MOTION

CRS PETER MANSFIELD / DON MCPHEE

That the recommendations of the "Closed" Meeting of Council with regard to contractual, industrial and any other matters which the Council considers would prejudice the Council or any person be adopted and the award of the tenders disclosed in the open minutes.

(CARRIED)

FILE NO: VARIOUS

ITEM NO: 17

MEETING ADJOURNMENT

Meeting closed at 7.37pm