



MINUTES

ORDINARY MEETING OF COUNCIL HELD AT
DANCOCKS ROOM, NATHALIA,
MONDAY 19 SEPTEMBER 2016

The meeting commenced at 5:00 pm.

PRESENT

Councillor Gary Cleveland (Mayor)
Councillor Kevin Bourke
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
Linda Nieuwenhuizen	Manager Communication and Governance

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

Read by the Mayor.

3. ACKNOWLEDGEMENT OF COUNTRY

We, the Moira Shire Council, would like to acknowledge the traditional owners of the land upon which we meet and pay our respects to their Elders both past and present.

Read by the Mayor.

4. APOLOGIES & REQUESTS FOR LEAVE OF ABSENCE

Councillor Wendy Buck is an apology for tonight's meeting.

MOTION

CRS PETER MANSFIELD / DON MCPHEE

That Cr Wendy Buck's apology be accepted.

(CARRIED)

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 ALEX MONK / ED COX

That the minutes of the Ordinary Council Meeting held on Monday, 22 August 2016, as prepared, be confirmed.

(CARRIED)

8. COUNCILLOR REPORTS

- Cr Kevin Bourke reported on his attendance at a Victorian Farmers Federation Forum on the GMW Connections irrigation project.
- Cr Gary Cleveland spoke on the honour and privilege of being the Mayor and thanked Councillors and staff for their support.
- The Mayor also congratulated the following Councillors on their years of service: Cr Brian Keenan – 15 years, Cr Ed Cox – 10 Years, Cr Alex Monk – 5 years and Cr Wendy Buck – 5 years.
- Cr Brian Keenan thanked everyone for their kind words and support over the last 15 years.

FILE NO: TBC
5. DEMONSTRATING GOOD GOVERNANCE

ITEM NO: 9.1.1

MOIRA SHIRE COUNCIL 2015/16 ANNUAL REPORT

1. Executive Summary

Council is required to prepare and submit its 2015/16 Annual Report, including the audited Financial Statements and Performance Statement, to the Minister on 30 September 2016. The 2015/16 report has been prepared in advance of this timeline to ensure Council has opportunity to note the report before the commencement of the Caretaker Period.

The Annual Report is provided for Council's consideration and receipt in accordance with the requirements of the Local Government Act 1989 (The Act).

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

MOTION

CRS ED COX / ALEX MONK

That Council, in accordance with section 134 of the Local Government Act 1989, considers and receives the 2015/16 Annual Report prepared as at 30 June, 2016.

(CARRIED)

FILE NO: F13/151
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.1.2

MOIRA SHIRE COMMUNITY SAFETY STRATEGY 2016 - 2019

1. Executive Summary

The Moira Shire Local Safety Committee has worked to develop the 2016 – 2019 Moira Shire Community Safety Strategy for Council approval.

During this meeting the committee also endorsed the following appointments to the committee:

Chairperson – Acting Inspector Mick Logan Victoria Police
Deputy Chairperson – Marie Martin – Moira Shire Councillor

The Moira Shire Community Safety Strategy (attached) is based on the following four objectives;

1. Personal Safety
2. Safety in the Home
3. Safety in The Community
4. Road Safety

The purpose of the strategy is to identify key contributors that put at risk community safety and to describe the interventions that member partners of the committee and indeed the wider community can use to improve the sense of safety within Moira Shire.

A terms of reference for the Moira Shire Local Safety Committee has also been developed and included with this report. This outlines how the committee operate as they work to action the strategy.

The Moira Shire Local Safety Committee has endorsed these draft documents and now seeks Council's endorsement.

MOTION

CRS KEVIN BOURKE / MARIE MARTIN

That Council:

1. Adopt the Moira Shire Community Safety Strategy 2016-2019;
2. Adopt the Terms of Reference for the Moira Shire Local Safety Committee;
3. Endorse the appointment of Acting Inspector Mick Logan, Victoria Police as Chairperson;
4. Authorise the CEO to undertake an expression of interest process to select up to two community members; and
5. Endorse the position of Deputy Chairperson to be held by a Moira Shire Councillor Community Safety Committee representative.

(CARRIED)

FILE NO: F13/2478
5. DEMONSTRATING GOOD GOVERNANCE

ITEM NO: 9.1.3

REVIEW OF FRAUD PREVENTION AND CONTROL POLICY

1. Executive Summary

The Fraud Prevention and Control Policy was adopted by Council on 17 September 2012. The purpose of the policy is to clearly establish Moira Shire Council's intent to effectively prevent and manage fraud risks and forms the basis of Council's fraud prevention framework in accordance with Australian Standard 8001 – 2008 as recommended by the Victorian Auditor General.

The existing policy has been reviewed and required only minor changes. It is recommended that Council adopt the reviewed Fraud Prevention and Control Policy 2016 - 2018.

In 2012, the Victorian Auditor General's Office (VAGO) conducted an audit to assess the effectiveness of Moira Shire Council's fraud prevention strategies. The draft Fraud Plan attached to this report has been developed to address one of the main VAGO recommendations by documenting Council's fraud management initiatives and responsibilities.

MOTION

CRS KEVIN BOURKE / DON MCPHEE

That Council adopt the Fraud Prevention and Control Policy.

(CARRIED)

FILE NO: F13/856
5. DEMONSTRATING GOOD GOVERNANCE

ITEM NO: 9.1.4

RISK MANAGEMENT POLICY REVIEW

1. Executive Summary

The purpose of the Risk Management Policy is to provide guidance to Council and staff to understand and manage the numerous risks to which Council is exposed.

A review of the Risk Management Policy resulted in no material changes. It is recommended that the Policy which is aligned to AS/NZS ISO 31000:2009 Risk Management Standard remains relevant.

The policy is supported by the Risk Management Plan which provides the operational framework for risk management throughout the organisation.

MOTION

CRS KEVIN BOURKE / ALEX MONK

That Council adopt the Risk Management Policy.

(CARRIED)

FILE NO: F13/503
5. DEMONSTRATING GOOD GOVERNANCE

ITEM NO: 9.1.5

ASSEMBLIES OF COUNCILLORS

1. Executive Summary

The records of the Assembly of Councillors reported during the month of August 2016 are incorporated into to this report.

Inclusion of the 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 DON MCPHEE / ED COX

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

(CARRIED)

FILE NO: F13/2894
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.1

AMENDMENT TO SILVERWOODS DEVELOPMENT PLAN

1. Executive Summary

A request has been received from the Bosco Jonson on behalf of Lotus Living Pty Ltd to amend the Development Plan for the Silverwoods, Murray Valley Highway, Yarrawonga.

The amendment includes the incorporation of a Seniors Living site within the Silverwoods Estate replacing a stage(s) for conventional residential development.

The amendment to the Development Plan was referred, however it was not advertised owing to the minor nature of the changes. The intent of the original concept has not changed and no specific advertising process was incorporated as part of the approval of the Development Plan.

The amendment is considered satisfactory and is recommended for approval.

MOTION

CRS PETER MANSFIELD / BRIAN KEENAN

That this item be delayed and considered at the November Council Meeting.

(CARRIED)

FILE NO: 5201685
6. INVOLVING AND COMMUNICATING WITH
OUR COMMUNITY

ITEM NO: 9.2.2

PETITION - PROPOSED BOTTLE SHOP, HIGH STREET, COBRAM

1. Executive Summary

On 26 April 2016 Council received an application for a planning permit from Dellcorp Pty Ltd to develop a drive through bottle shop at 101 Queen Street, Cobram.

The application was advertised and the notice period closed on 29 June 2016. A significant number of objections were received. On 29 August 2016 a meeting was held providing the applicant and objectors an opportunity to be heard. At this meeting the objectors submitted the subject petitions as a single petition to Council. The petitions with a combined total of 444 signatures are titled:

- No drive through bottle shop for High St
- No drive through bottle shop for High / Queen St
- People against drive through bottle shop - High St Cobram
- Petition for those opposed to a drive through bottle shop proposed for busy High St, opposite the kiddies play ground
- No bottle shop for High St Cobram
- People against bottle shop, High St
- Petition against drive through bottle shop High St, opposite the kiddies play ground

In accordance with Section 66 of the *Meeting Procedures Local Laws 2007*, this report recommends that the petition be received early to allow it to be considered when dealing with the planning permit application. A separate Council Report relating to the determination of Planning Permit Application 5/2016/85 forms part of the agenda for this meeting of 19 September 2016.

MOTION

CRS ED COX / BRIAN KEENAN

That Council receive the petitions containing a combined total of 444 signatures against the proposed bottle shop on High Street, Cobram, in addition to the petition provided to Council at this meeting.

(CARRIED)

MOTION

CRS ED COX / ALEX MONK

That Council:

1. Agrees to deal with the petitions early in accordance with Part 66 of the Meeting Procedures Local Law 2007.
2. Receive each petition as an objection (to the Planning Permit Application No 5/2016/85) in determining the Permit for Planning Application No. 5/2016/85 for the development of land for bottle shop, advertising signage and packaged liquor licence at 101 Queen Street, Cobram.

(CARRIED)

FILE NO: 5201685
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.3

PLANNING APPLICATION 5/2016/85 FOR DEVELOPMENT OF LAND FOR BOTTLE SHOP, ADVERTISING SIGNAGE AND PACKAGED LIQUOR LICENCE AT 101 QUEEN STREET, COBRAM

1. Executive Summary

Planning Permit Application 5/2016/85 is to develop land for the purpose of a bottle shop, advertising signage and packaged liquor licence at 101 Queen Street, Cobram.

There are 3 triggers for the permit:

- Clause 34.01-4 – planning permit is required for buildings and works in the Commercial 1 Zone.
- Clause 52.05 – planning permit is required advertising signage.
- Clause 52.27 – planning permit is required for a liquor licence.

The application was referred and advertised. Advertising consisted of a site notice and a letter to all adjoining property owner/occupiers. The application was also advertised in the Cobram Courier and on the Moira Shire's website. Eight (8) individual submissions and petitions have been received.

The application has been assessed against the relevant Clauses of the Moira Planning Scheme. The assessment has shown that the proposal accords with the purpose of the Commercial 1 Zone and Parking Overlay, the requirements of various Particular Provisions including Clause 52.27 which sets out decision guidelines for licenced premises. The proposal also accords with State or Local Planning Policies.

Accordingly this report recommends that the application be approved and a Notice of Decision to Grant a Permit be issued.

MOTION

CRS KEVIN BOURKE / BRIAN KEENAN

It is recommended that:

Council issue a Notice of Decision to Grant a Permit for Planning Application No. 5/2016/85 for the development of land for bottle shop, advertising signage and packaged liquor licence at 101 Queen Street, Cobram subject to the following conditions:

1. The use and operation of the liquor licence as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority
2. The licensed premises trading hours are permitted as follows:
Sunday to Wednesday: 9am – 10pm
Thursday to Saturday: 9am – 11pm
3. The location and details of signs, including those of the supporting structure and advertisement details, as shown on the endorsed plans must not be altered or modified except with the prior written consent of the Responsible Authority.
4. The signs may only be illuminated between the following hours:
Sunday to Wednesday: 9am – 10pm
Thursday to Saturday: 9am – 11pm

FILE NO: 5201685
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.3

PLANNING APPLICATION 5/2016/85 FOR DEVELOPMENT OF LAND FOR BOTTLE SHOP, ADVERTISING SIGNAGE AND PACKAGED LIQUOR LICENCE AT 101 QUEEN STREET, COBRAM (cont'd)

5. The sign(s) lighting must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land or declared road and to prevent direct light emission outside the boundaries of the subject land.
6. The signs must not be floodlit or illuminated by external lights except with the prior written consent of the Responsible Authority.
7. The permit expires and the signs permitted by this permit and shown on the endorsed plan must be removed on or before fifteen years from the date of this permit unless a further planning permit for the signs has been obtained within that time from the Responsible Authority.
8. The use must be managed so that the amenity of the area is not detrimentally affected, through the:
 - (a) Transport of materials, goods or commodities to or from the land and within the land;
 - (b) Emission of noise, artificial light, vibration, smell, odour, fumes, smoke, soot, ash, dust, waste water, litter, waste products or broken glass.
9. External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the Responsible Authority.
10. The sale of liquor on the site must be managed to the satisfaction of the Responsible Authority so that the amenity of the area is not detrimentally affected.
11. All garbage/waste generated from the commercial premises shall be stored on site until collected, screened from public view to the satisfaction of the Responsible Authority and must not be used for any other purpose.
12. Prior to construction commencing on the site, the applicant must provide a drainage plan that accords with the provisions of Council's Infrastructure Design Manual [IDM], and has been prepared to the satisfaction of the Responsible Authority. In particular demonstrate that:
 - a. provision for sufficient on-site detention to limit the peak outflow from the site during a 10% AEP rainfall event to the network capacity computed in accordance with the provisions of IDM Clause 19 (On-site Detention Systems), providing sufficient storage, unless proven otherwise, and conveyed by underground pipes to a legal point of discharge nominated by the Responsible Authority;
 - b. all storm-water deposited upon, and transferred through, the developed site during a 10% AEP rainfall event must be collected and conveyed by underground pipes and to a legal point of discharge nominated by the Responsible Authority;
 - c. all storm-water deposited upon, and transferred through, the developed site in a 1% AEP rainfall event must be collected and conveyed by secure overland and/or underground flood pathways to a legal point of discharge identified by the Responsible Authority; and
 - d. stormwater drainage plans for the development must incorporate measures to enhance the quality of water discharged from the site and to protect downstream infrastructure and waterways.

FILE NO: 5201685
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.3

PLANNING APPLICATION 5/2016/85 FOR DEVELOPMENT OF LAND FOR BOTTLE SHOP, ADVERTISING SIGNAGE AND PACKAGED LIQUOR LICENCE AT 101 QUEEN STREET, COBRAM (cont'd)

13. Prior to the commencement of the use, drainage infrastructure required by the approved drainage plan must be constructed in accordance with plans and specifications to the satisfaction of the Responsible Authority.
14. Prior to the commencement of the use, all internal customer parking, manoeuvring areas and loading and unloading areas created by the proposed development and as shown on the endorsed plan must be constructed sealed, drained and illuminated, including any associated signage in accordance with plans and specifications approved by the Responsible Authority. Unless otherwise agreed in writing, the Authority will only approve plans and specifications complying with Council's Infrastructure Design Manual [IDM].
15. Vehicle access and egress from the property must take place in a forward direction at all times.
16. Prior to the commencement of the use, the site must have a point of access known as a vehicle crossing that serves that lot. All new and existing vehicle crossings as shown on the endorsed plan must be constructed and sealed to the standards of Council's Infrastructure Design Manual [IDM] Clause 12.9.1 (Urban Vehicle Crossings), and to the satisfaction of the Responsible Authority. In particular:
 - a. any redundant vehicular crossing/s from Queen and High Streets serving the subject land must be removed and replaced with kerb and channel, and to the satisfaction of the Responsible Authority.
17. Prior to the commencement of the use, proposed alterations to and removal of street trees and on-street carparking along the High Street road reserve as shown on the endorsed plan must be carried out to the specifications and satisfaction of the Responsible Authority.
18. Prior to the commencement of the use, the nature-strip and all disturbed areas are to be topsoiled and seeded to establish grass cover.
19. In accordance with the Clause 22 (Environment Management during Construction) of Council's Infrastructure Design Manual [IDM], appropriate measures, satisfactory to the Responsible Authority, must be taken to minimise erosion and to retain dust, silt and debris on site, both during and after the construction phase.
20. Before the development starts, an amended landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale and three copies provided. The submitted plan must show:
 - a) Deletion of species 4 and 5 of the plant schedule to be replaced by native species;
 - b) Method of preparing, draining, irrigating and maintaining the plantings and landscaped areas.
21. Within twelve (12) months of the date of this permit or by such later date as is approved by the Responsible Authority in writing, the landscaping works shown on the endorsed Landscape Plan must be carried out and completed to the satisfaction of the Responsible Authority.

FILE NO: 5201685
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.3

PLANNING APPLICATION 5/2016/85 FOR DEVELOPMENT OF LAND FOR BOTTLE SHOP, ADVERTISING SIGNAGE AND PACKAGED LIQUOR LICENCE AT 101 QUEEN STREET, COBRAM (cont'd)

22. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are replaced.
23. This permit will expire if one of the following circumstances applies:
The development and use is/are not started within two years of the date of this permit.
The development is not completed within two years of the date of commencement.
The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires, or within six months afterwards.

Planning Notes

Before undertaking any works on public land or roads, the applicant must obtain a permit from the relevant authority giving *Consent to Work within a Road Reserve*.

This permit does not authorise the commencement of any building construction works. Before any such development may commence, the applicant must apply for and obtain appropriate building approval.

No construction materials or earth is to be placed or stored outside the site area or on adjoining road reserves. This does not apply to road or footpath construction works on adjoining roads required as part of this permit.

Care is to be taken to preserve the condition of existing infrastructure adjacent to the site. If any damage to existing infrastructure occurs as a result of this development, the affected infrastructure is to be replaced by the applicant, at the applicant's cost to the satisfaction and satisfaction of the Responsible Authority.

(CARRIED)

FILE NO: 52016112
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.4

PLANNING APPLICATION 5/2016/112 FOR USE AND DEVELOPMENT - LEISURE AND RECREATION - MOTOR CROSS PRACTICE AREA AT 3/14 HAVENSTOCK DRIVE, YARRAWONGA

1. Executive Summary

Planning Permit Application 5/2016/112 is an application for the use and development of a lot at 3/14 Havenstock Drive, Yarrowonga for Leisure and Recreation – Motor Cross Practice Area.

There are 3 triggers for the permit:

- Clause 32.03-1 – planning permit is required for the use of the subject lot for leisure and recreation – motor cross area as a Section 2 use in the Low Density Residential Zone.
- Clause 32.03-4 – planning permit is required for works associate with a Section 2 use.
- Clause 44.04-1 – planning permit is required for works in the Land Subject to Inundation Overlay

The application was advertised and four objections have been received. One objection has been withdrawn but three remain.

The application was referred internally and externally. The responses did not object to the issuing of a permit. One internal referral response highlighted the likelihood that this type of use would result in complaints from residents about noise.

The application has been assessed and found to be inconsistent with the planning scheme, specifically Clause 65.01. Importantly the proposed development could negatively impact upon the residential amenity enjoyed by near neighbors and is not consistent with the character of the area.

Therefore, it is recommended that the Permit Application 5/2016/112 for use and development of the lot leisure and recreation – motor cross practice area is refused.

MOTION

CRS PETER MANSFIELD / BRIAN KEENAN

That a Notice of Refusal be issued for Planning Permit Application No. 5/2016/112 to use and develop land at 3/14 Havenstock Drive, Yarrowonga for Leisure and Recreation – Motor Cross Practice Area on the following grounds:

1. The proposal does not accord with Clause 65.01 of the Moira Planning Scheme.
2. The proposal will detrimentally affect the amenity of the surrounding residential area.
3. The proposal is out of character with the surrounding residential area.
4. The proposal is not in the interest of the orderly development of the area.

(CARRIED)

FILE NO: F13/858
8. REBALANCING COUNCIL'S ASSET MIX

ITEM NO: 9.2.5

DISCONTINUATION OF DAVIS LANE, KOTUPNA

1. Executive Summary

Davis Lane in Kotupna has been identified by Council Officers as a road reserve that can be discontinued on a permanent basis and have the discontinued road reserve revert back to crown land.

The advantage of discontinuing the road reserve is that the road is in poor condition and at the time of writing the report is currently closed to all traffic due to the wet weather conditions being experienced this winter. The road formation is also at risk of a landslide subsidence into the abutting quarries on both sides of the road reserve due to erosion of the quarries banks thereby making the road unsafe for use by motorists.

Under Schedule 10 Clause 3 of the Local Government Act (the Act); Council has the power to discontinue a road by a notice published in the Government Gazette. Before this power can be exercised, the public has the right to make a submission on the proposed road discontinuance under Section 223 of the Act.

It is therefore recommended that Council undertake the required consultation process to gauge the community's views about the discontinuation of Davis Lane. The consultation process will commence after the completion of the Council's Caretaker period.

MOTION

CRS KEVIN BOURKE / MARIE MARTIN

That Council:

1. Resolves to commence the statutory process to discontinue Davis Lane, Kotupna under the Local Government Act and the Road Management Act.
2. Publish a Public Notice in local papers advising of Council's intention, setting out the details and informing people they have a right under Section 223 of the Local Government Act and Section 12 of the Road Management Act to make a submission regarding the proposed road discontinuance.
3. Write letters to adjoining property owners advising them of Council's proposal and also that they have a right to make a submission regarding the proposed road discontinuance.
4. Appoint a Committee of Council (whole of Council) under Section 223(1)(b)(i) of the Local Government to hear any persons who in their written submissions under Section 223 of the Act have requested that they be heard in support of their submissions.
5. Authorise the Chief Executive Officer to carry out any and all other administrative procedures necessary to enable Council to carry out its functions under Section 223 of the Local Government Act and the Road Management Act.

(CARRIED)

**FILE NO: 10.1
4. SMARTER DELIVERY OF SERVICES AND
PROGRAMS**

ITEM NO: 10.1

ACTION OFFICERS' LIST

MOTION

CRS ALEX MONK / DON MCPHEE

That Council receive and note the Action Officers' List.

(CARRIED)

11 NOTICES OF MOTION

NIL

12. PETITIONS AND JOINT LETTERS

NIL

FILE NO: F13/237 2. IMPROVING MOIRA'S LIVEABILITY
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ITEM NO: 13.1

LAND EXCHANGE ACACIA ST YARRAWONGA

Executive Summary

1. On 21 May 2012 Council resolved to enter into a land exchange agreement with the owners of 12A Acacia St Yarrawonga in order to establish a walking and cycling track in accordance with the plan below.
2. The exchange involved the transfer of Area A and B to the owner of 12A Acacia St in return for the parcel of land identified as Area C. Negotiations to finalise this matter have now occurred and Council approval is sought to sign and seal the appropriate transfer of land documents.

MOTION

CRS ALEX MONK / ED COX

That Council authorise the Chief Executive Officer to sign and seal the Transfer of Land documents relating to the land exchange at Acacia St Yarrawonga.

(CARRIED)

FILE NO: VARIOUS

ITEM NO: 14

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 / DON MCPHEE

That items of general business be considered.

(CARRIED)

MOTION

CRS PETER MANSFIELD / BRIAN KEENAN

That Megan Shultz be invited to brief Council on her company's views on the green and grey routes for the proposed Yarrawonga Mulwala Bridge.

(CARRIED)

Cr Marie Martin requested an update on Council's motion: 'that a community meeting needs to be held now for all involved agencies/authorities to provide feedback to the community on new learnings gained from the most recent minor flood event, occurring from August 8th through till the 15th August.'

The Chief Executive Officer advised that it has been a challenge to find a date as the SES is busy with the current flood events across the state. Also the Care-taker period commences tomorrow which restricts the facilitation of public meetings by Council. Staff will do their best to enact Council's motion at a suitable time.

Cr Kevin Bourke requested an update on Council's motion to request 13 permanent monitoring stations.

General Manager Infrastructure advised that the Department of Environment Land Water and Planning (DELWP) supports Council's resolution that installing flood monitoring stations will help alleviate community anxieties about the lack of information available during floods. DELWP is working with the Bureau of Meteorology to design a flood warning gauge network for the Broken Creek catchment.

FILE NO: VARIOUS

ITEM NO: 14

GENERAL BUSINESS

Mayor, Cr Gary Cleveland requested an update on the Cobram Library.

General Manager Infrastructure advised that the works are progressing, however the weather has impacted on external works. Subject to weather conditions the estimated completion date is mid-October.

Cr Peter Mansfield ask if the relevant government officials have been invited to open the Yarrawonga Showgrounds now that the works are complete

The Chief Executive Officer advised that it has been difficult to get the officials to commit to a date however council officers will continue to work towards locking in a suitable time.

Cr Alex Monk congratulated and thanked Cr Brian Keenan for his 15 years of dedication to the community.

MOTION

CRS ALEX MONK / ED COX

That Council record by resolution its acknowledgement and appreciation of Cr Brian Keenan's fifteen years' service to the Moira Shire.

(CARRIED)

Cr Brian Keenan thanked Councillors and staff for their support over the last 15 plus years.

FILE NO: VARIOUS

ITEM NO: 15

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: 15

QUESTIONS FROM THE PUBLIC GALLERY

15.1 **Ms Joy Hutchins - Nathalia**

Question: Ms Hutchins requested an update on a pedestrian crossing at Blake Street Nathalia

Answer: General Manager Infrastructure advised that Blake Street was a VicRoads road and the approval and funding would need to come from VicRoads. VicRoads has no plans at the moment to install the crossing.

15.2 **John Hay - Koonoomoo**

Question: Why have the works to seal Ulupna Road this year dropped off the program when it was listed at 28 September 2015 Council meeting.

Answer: The Chief Executive Officer advised that the Council resolution has not changed. The project has not scored high enough compared with other projects to be funded at this time.

Question: Why is Council advertising for a Land Use Planner and a Native Vegetation Officer when this money could be spent on roads?

Answer: The Chief Executive Officer advised that the positions are required to meet statutory requirements.

15.3 **Andrew Franklin - NADDCO**

Question: This question was ruled out of order.

FILE NO: VARIOUS

ITEM NO: 16

MEETING ADJOURNMENT

MOTION

CRS ED COX / BRIAN KEENAN

That the meeting be adjourned for 10 minutes.

(CARRIED)

The meeting adjourned at 6:25PM.

MOTION

CRS ED COX / BRIAN KEENAN

That the meeting be resumed.

(CARRIED)

The meeting resumed at 6:40PM.

MOTION

CRS ED COX / BRIAN KEENAN

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

(CARRIED)

MOTION

CRS DON MCPHEE / KEVIN BOURKE

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

(CARRIED)

FILE NO: VARIOUS

ITEM NO: 16

MEETING ADJOURNMENT**MOTION**

CRS KEVIN BOURKE / BRIAN KEENAN

That the recommendations of the "Closed" Meeting of Council be adopted and the award of tenders disclosed in the open minutes.

(CARRIED)

17.3 C005/17 - PAVEMENT STABILISATION SERVICES - PARNELL ROAD AND WALSHS BRIDGE ROAD

- Stabilised Pavements of Australia Pty Ltd

17.4 C041/16 - SUPPLY, LEASE AND MAINTENANCE OF ONE TRACK LOADER

- Liebherr Australia Pty Ltd

17.5 C004/17 - BLAKE STREET, NATHALIA - KERB AND FOOTPATH REPLACEMENT

- Tactile Australia Pty Ltd t/a One Stop Civil

17.6 C006/17 - MAV PROCUREMENT TELECOMMUNICATIONS CONTRACT TC4322-13

- Telstra Corporation Limited via Municipal Association of Victoria (MAV) Procurement contract

17.7 C040/16 - SUPPLY AND DELIVERY OF FOUR UTILITIES

- Award De Maria Motors Pty Ltd
- HS West Motors Pty Ltd

17.8 C026/11 - INTEGRATED CORPORATE SOFTWARE

- Integrated Corporate Software System

MEETING CLOSED

7:02PM