



## MINUTES

ORDINARY MEETING OF COUNCIL HELD AT  
PRESIDENTS ROOM, NUMURKAH TOURIST  
INFORMATION CENTRE, MELVILLE STREET  
NUMURKAH,  
MONDAY 30 MAY 2016

The meeting commenced at 5:00 pm.

**PRESENT** Councillor Gary Cleveland (Mayor)  
Councillor Ed Cox  
Councillor Kevin Bourke  
Councillor Wendy Buck  
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 Governance and Communication  
Simon Rennie Manager Finance

### 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

NIL

---

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

NIL

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

NIL DECLARED

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

**MOTION:**

CRS ALEX MONK / ED COX

"That the minutes of the Ordinary Council Meeting held on Tuesday, 26 April 2016 and the minutes of the Special Council Meeting held on Wednesday, 18 May 2016, as prepared, be confirmed."

(CARRIED)

**8. COUNCILLOR REPORTS**

- Cr Kevin Bourke reported on his attendance at Nathalia Flood Demonstration Information Day and the Numurkah Flood Study Reference Group meeting.
- Cr Alex Monk reported on her attendance at the Cobram Harness Racing Pink Ribbon Day.

FILE NO: 100.00.01  
4. ORGANISATION

ITEM NO: 9.1.1  
(MANAGER FINANCE, SIMON RENNIE)  
(GENERAL MANAGER - CORPORATE,  
LEANNE MULCAHY)

## MOIRA SHIRE COUNCIL PROPOSED 2016/17 BUDGET

### Executive Summary

The Draft Budget 2016-2017 has been prepared and advertised by Council for public submissions. The closing date for public submissions to the Draft Budget was 5.00pm, 12 May 2016.

It is recommended that Council adopts the Budget 2016-2017 including the User Fees and Charges.

### MOTION

CRS ED COX / ALEX MONK

That Council:

1. Adopt the Budget 2016-2017 including the User Fees and Charges; and
2. Authorise the Chief Executive Officer to give public notice of the decision to adopt the Budget 2016-2017 in accordance with Section 130 of the *Local Government Act 1989*.

### AMENDMENT

CRS PETER MANSFIELD / KEVIN BOURKE

That the 2016/17 budget adoption be delayed to 20 June 2016.

(CARRIED)

Cr Wendy Buck gave notice that she would foreshadow an alternative motion if the amendment was lost.

THE AMENDMENT WAS (CARRIED) AND BECAME THE MOTION

THE MOTION WAS PUT AND (CARRIED)

FILE NO: 180.11.0002  
3. OUR COMMUNICATIONS AND PROCESSES

ITEM NO: 9.1.2  
(TEAM LEADER - FINANCIAL  
ACCOUNTANT, RAMKI SUBRAMANIAM)  
(GENERAL MANAGER - CORPORATE,  
LEANNE MULCAHY)

## FINANCIAL POSITION REPORT AS AT 30 APRIL 2016

### Executive Summary

The April 2016 finance report includes 2015/16 Rates and Charges totalling \$33.43 million (\$26.73 million in general rates, municipal charges, interest and legal charges and \$6.70 million in garbage collection charges, recycling and organic waste charges and environmental levy) which is recognised as income at the time of being levied.

As at the end of April, the total Rates and Charges outstanding as at 30 April is \$7.80 million, in addition the Fire Services Levy to be collected from ratepayers is \$84K. The final ten instalment payments are due for payment on 28 May 2016 and quarterly rate payments on 31 May 2016.

For the month of April, a total of \$62,837 of receipts were collected for prior year's rate debtors, this brings the year-to-date total collected to \$1.81 million or 78.18% of the total outstanding at the end of 2014/15. Payments of outstanding rates are being actively managed with payment plans and any rate payers who are experiencing difficulty are encouraged to contact Council officers to discuss options.

Current Sundry debtors is \$210K higher than the previous month. This is mainly due to Department of Health owing \$180K Sundry debtors in excess of 30 days are within acceptable levels of 1.77% of total sundry debtors; this represents a figure of \$8,944 out of the total of \$504,340 and is under active management.

Cash and Cash Equivalents balance as at 30 April 2016 is \$25.34 million, and the higher than average balance is due to delayed cash outflows now expected in the June quarter for capital work commitments and creditors. Interest continues to be earned on these funds which will exceed the March forecast.

There continues to be a challenge delivering a substantive \$14.08 million capital works program within the current financial year. Some projects will roll into the 2016/17 year, such as the completion of the Cobram Library. Actual spend including commitments to date are \$9.67million which include \$4.82 million for roads, \$2.2 million for building works, \$75K on plant and equipment, \$71K on kerb and channel, \$78K on landfill and land improvements and \$150K on drainage.

Council's tracking against budget and cash balances remains satisfactory as Council approaches year end.

### MOTION

CRS ALEX MONK / ED COX

That Council receives and notes the Financial Position Report as at 30 April 2016.

(CARRIED)

FILE NO: F13/2188  
1. STRONGER REGIONAL PARTNERSHIPS

ITEM NO: 9.1.3  
(EXECUTIVE ASSISTANT TO CEO, ROBYN  
BONADDIO)  
(CHIEF EXECUTIVE OFFICER, MARK  
HENDERSON)

## SECTION 193 ENTREPRENEURIAL POWERS - INCORPORATION OF RURAL COUNCILS VICTORIA

### Executive Summary

Rural Councils Victoria (RCV) has been operating for many years as an unincorporated association.

Over time, RCV has identified that this is an unsatisfactory means of conducting RCV's business – it exposes its members to liability and limits RCV's ability to enter into contracts. As a result, RCV has been considering alternative vehicles for the conduct of its business.

After extensive consideration, RCV's Executive Committee has determined that RCV should apply to the Registrar for Incorporated Associations for incorporation as Rural Councils Victoria Incorporated.

This will not change the way that RCV operates, or the enthusiasm with which it will continue to pursue outcomes that benefit all of its rural council members. It will simply ensure that RCV can operate more effectively when pursuing those outcomes.

### MOTION

CRS PETER MANSFIELD / DON MCPHEE

That Council:

1. Note that its ongoing membership of Rural Councils Victoria as an Incorporated Association does not involve an investment and/or risk exposure that exceeds the thresholds set out in s 193(5C) of the *Local Government Act 1989*;
2. Votes in favour of authorising Jim Nolan, Chief Executive Officer of Pyrenees Shire Council, to apply to the Registrar of Incorporated Associations for the incorporation of Rural Councils Victoria Incorporated;
3. Approves the draft Rules attached to this report as 'Attachment A' as the Rules for Rural Councils Victoria Incorporated; and
4. Authorise the Mayor to vote on Council's behalf on this matter, in accordance with this resolution.

(CARRIED)

FILE NO: F13/790  
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.1.4  
(MANAGER COMMUNITY DEVELOPMENT,  
DAVID BOOTH)  
(GENERAL MANAGER - CORPORATE,  
LEANNE MULCAHY)

## MAC INC.

### Executive Summary

MAC Inc was first established in 2013. A two year Funding Agreement (2014 – 2016) between Moira Shire Council and Moira Arts and Culture Inc (MAC Inc) was signed in November 2014 and concludes 30 June 2016.

It is recommended that Council seek to enter into a sponsorship arrangement with MAC Inc over a three year period. The recommended annual sponsorship amount is \$70,000. It is anticipated this will enable MAC Inc to continue in its current role and further build on its long term financial stability.

### MOTION

CRS MARIE MARTIN / WENDY BUCK

That Council defer the report until 20 June 2016 to allow for further discussion.

(CARRIED)

FILE NO: F13/503  
5. DEMONSTRATING GOOD GOVERNANCE

ITEM NO: 9.1.5  
(GOVERNANCE RECORDS OFFICER,  
MARGARET HINCK)  
(GENERAL MANAGER - CORPORATE,  
LEANNE MULCAHY)

## ASSEMBLIES OF COUNCILLORS

### Executive Summary

The records of the Assembly of Councillors reported during the month of April 2016 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 ED COX / KEVIN BOURKE

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

(CARRIED)

FILE NO: F13/2359  
8. REBALANCING COUNCIL'S ASSET MIX

ITEM NO: 9.2.1  
(MANAGER STRATEGIC PROJECTS, MARK  
FOORD)  
(GENERAL MANAGER INFRASTRUCTURE,  
ANDREW CLOSE)

## ASSET RATIONALISATION

### Executive Summary

Buildings exist to help provide services. The provision of services is a key element of what Council is about. This is made clear within Council's mission;

*"To serve our community through transparent open governance, active engagement, strong advocacy and the provision of affordable services".*

The provision of a building, of itself, is not really provision of a service. It may be a necessary part of delivering a service, particularly, if it is being provided to a community group that may in turn provide a service. What is important is the provision of services, not necessarily the provision of buildings for their own sake.

The costs of keeping buildings that are in poor condition, not used and/or contain dangerous materials within their construction are real. The annual depreciation on the Numurkah Youth Club building is in excess of \$20,000. This cost attributes unwanted and unnecessary costs to Council's Annual Financial Performance. All buildings require water and associated rates to be paid, the fire levy is also payable, as well as any costs to keep the building safe.

Councils Asset Management Policy, Plans and associated documentation provides that assets are managed for a purpose – that is, to provide services and facilities for users. If no services are provided the assets are candidates for disposal.

In the case of the Katamatite Maternal and Child Health Building no services are provided from the facility, a thorough process has been undertaken to ensure that there are no user groups available, so the decision to demolish the building is clear. Some additional seats and a shelter could then be installed at the Park to provide for users of the Park.

In the case of the Tungamah Tennis Club Building the facility is in poor condition – it is partially closed due to structural failure. An alternative facility can be provided at the site for users as well as visitors for approximately \$130,000.

The Numurkah Youth Club Building is constructed from materials containing asbestos, it is in poor condition and also has areas damaged by termites. While there may be ideas about Youth and other services that could be provided in Numurkah, none of these can operate from the current building. There are no users using this building nor has it been used for several years – it cannot be used in its current condition, and perhaps, it should not be used in any condition due to the amount of asbestos enclosed within its materials. The decision is therefore clear that it should be demolished.

Funds for the demolition can be provided from a combination of savings in the Capital Works budget, as well as specific funds included within the capital works budget to cater for building urgent safety works.



FILE NO: F13/2359  
8. REBALANCING COUNCIL'S ASSET MIX

ITEM NO: 9.2.1  
(MANAGER STRATEGIC PROJECTS, MARK  
FOORD)  
(GENERAL MANAGER INFRASTRUCTURE,  
ANDREW CLOSE)

## ASSET RATIONALISATION (cont'd)

### MOTION

CRS KEVIN BOURKE / DON MCPHEE

That Council:

1. Note that the;

- Katamatite Maternal and Child Health Building,
- Tungamah Tennis Club Building, and the
- Numurkah Youth Club Building,

having reached the end of their useful life are no longer fit for purpose and are beyond economic restoration

2. Authorise the General Manager Infrastructure to arrange removal of the buildings and reinstatement of the sites for ongoing public use.

(CARRIED)

FILE NO: 52015339  
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.2  
(STATUTORY PLANNING COORDINATOR,  
PETER STENHOUSE)  
(GENERAL MANAGER INFRASTRUCTURE,  
ANDREW CLOSE)

**PLANNING PERMIT APPLICATION 52015339 - USE AND DEVELOPMENT FOR A DWELLING - 678 HENDYS ROAD, NUMURKAH**

**Executive Summary**

Planning Permit 5/2015/339 seeks approval to use and develop land at 678 Hendys Road, Numurkah for the purpose of a dwelling in the Farming Zone and Land Subject to Inundation Overlay.

The proposal is to convert an existing shearing shed into a dwelling on a lot having an area of 1.2 hectares and to support an aquaponics farming activity.

The application was advertised and 2 objections have been received.

The application was referred to external authorities and internal departments offering no objections, subject to conditions.

The application has been assessed against the State and Local Planning Policies, Zone and Overlay provisions and other scheme provisions. It was found to be inconsistent with those planning scheme policies and provisions.

It is recommended that the application be refused and a Notice of Refusal be issued on a number of grounds.

**MOTION**

CRS MARIE MARTIN / KEVIN BOURKE

That a Notice of Refusal be issued for Planning Permit Application No. 5/2015/339 to use and develop land at 678 Hendys Road, Numurkah for a dwelling on the following grounds:

1. The proposal is not consistent with the State Planning Policy Framework
2. The proposal is not consistent with the Local Planning Policy Framework in particular the Agricultural Policy as set out in Clause 22.01;
3. The proposal is not consistent with the Housing in Rural Areas Strategy of the Municipal Strategic Statement which seek to control the development of housing in rural areas to ensure that it is responsive to a demonstrated need and will not prejudice the long-term sustainability of farming;
4. The proposal does not achieve the purpose of the Farming Zone;

(CARRIED)

FILE NO: 52015306  
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.3  
(TOWN PLANNER, MARTINA FOLEY)  
(GENERAL MANAGER INFRASTRUCTURE,  
ANDREW CLOSE)

**PLANNING PERMIT APPLICATION 52015306 - USE AND DEVELOPMENT FOR  
ANIMAL KEEPING (GREYHOUNDS) - 39 SCOTT AVENUE, INVERGORDON**

**Executive Summary**

Planning Permit Application 5/2015/306 is an application for the use and development of a lot at, 39 Scott Avenue, Invergordon, for Animal keeping – Greyhounds.

The application was advertised and one objection has been received.

The application was referred internally and externally. The responses did not object to the issuing of a permit though it is noted that the Safety and Amenity response stated that the proposal as submitted did not comply with the Department of the Environment, Land, Water and Planning's *Code of Practice for the Operation of Greyhound Establishments*.

The application has been assessed against the State and Local Planning Policies and provisions as set out in the Moira Planning Scheme. It was found to be inconsistent with the planning scheme. Importantly the proposed development could negatively impact upon the residential amenity enjoyed by near neighbors.

Therefore, it is recommended that the Permit Application 5/2015/306 for use and development of the lot for Animal Keeping – Greyhounds is refused.

**MOTION**

CRS ED COX / BRIAN KEENAN

That a Notice of Refusal be issued for Planning Permit Application No. 5/2015/306 to use and develop land at 39 Scott Avenue, Invergordon for Animal Keeping – Greyhounds on the following grounds:

1. The proposal is not consistent with the State Planning Policy Framework;
2. The proposal is not consistent with the Local Planning Policy Framework in particular in Clause 21.05-3;
3. The proposal is not consistent with the Department of the Environment, Land, Water and Planning's *Code of Practice for the Operation of Greyhound Establishments*, and
4. The proposal does accord with the Decision Guidelines for the Farming Zone.

(CARRIED)

FILE NO: 2  
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.4  
(MANAGER SAFETY AMENITY AND  
ENVIRONMENT, SALLY RICE)  
(GENERAL MANAGER INFRASTRUCTURE,  
ANDREW CLOSE)

## MOSQUITO MONITORING AND MANAGEMENT PROCEDURE 2016

### Executive Summary

Mosquito management in Victoria is carried out for two reasons: disease control and amenity value. Moira Shire has participated in the Victorian Mosquito Control Program for over 15 years.

The Statewide management of mosquitos is defined in the "Framework for Mosquito Management in Victoria". Section Six of the 'Framework' refers to the development of local management plans. The Moira Shire Mosquito Monitoring and Management Procedure was initially prepared, however not formally endorsed, in 2011.

This procedure was recently reviewed and a number of minor updates made. The reviewed Moira Shire Mosquito Monitoring and Management Procedure 2016 was endorsed by the Corporate Management Team on the 26 April 2016. This procedure is now presented to Council for noting.

### MOTION

CRS KEVIN BOURKE / BRIAN KEENAN

That Council note the Moira Shire Mosquito Monitoring and Management Procedure 2016.

(CARRIED)

**FILE NO: 11.1  
6. GOVERNANCE**

**ITEM NO: 10.1  
(EXECUTIVE ASSISTANT TO CEO, ROBYN  
BONADDIO)  
(CHIEF EXECUTIVE OFFICER, MARK  
HENDERSON)**

**ACTION OFFICERS LIST**

**Executive Summary**

The attached Action Officers' List provides an update on the status of actions from previous Council meetings. It is provided to Councillors in order to keep them informed of progress.

**MOTION**

CRS PETER MANSFIELD / DON MCPHEE

That Council receive and note the Action Officers' List.

(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 WENDY BUCK / PETER MANSFIELD

That items of urgent general business be received.

(CARRIED)

**MOTION**

CRS WENDY BUCK / PETER MANSFIELD

That

1. reports on the status of: the outdoor exercise equipment for Yarrawonga, provision of an all abilities playground in Yarrawonga, the Numurkah Flood study be presented at the next Council meeting and
2. Council reaffirms its commitment to the green route for the Yarrawonga-Mulwala Bridge

(CARRIED)

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 Ian Price - Numurkah**

**Question** Will the Council honour its commitment and trust to the donors and establish a capital fund of \$63,522 to ensure the community's funds are used for the purpose for which they were donated and honour its commitment to the project and invest the unexpended capital of \$166,000 from the \$1.3m budget approved by the Council for this project to ensure the on-going operation of the project? Is it not unreasonable to conclude the motion put and passed by the Council "that Council note the information contained in this report reviewing the Numurkah Senior Citizens Hub Project" means that Council has not approved the findings of an internal audit and has only noted that the AFA associates has undertaken procedures to confirm the validity of the briefing note of the CEO?

Is it not reasonable for me to consider the letter I received from the CEO, on the same day I received the AFS report, to be intimidatory, threatening, insulting and offensive? Does the Council endorse this letter and does this represent the Moira Shire's culture, procedures and values in the resolution of difficult issues of governance?

**Answer** The Chief Executive Officer advised that all the community funds were spent on furnishings, fittings and equipment for the hub. Council's internal auditor AFS prepared a report for the Councillors verifying this true cost.

The Chief Executive Officer advised that personal correspondence is not a matter to be brought to Council.

**15.2 Rob Purtell - Yarrawonga**

**Question** Does Moira Shire Council support the green route for the Yarrawonga-Mulwala Bridge?

**Answer** The Mayor advised that the Council resolution in favour of the green route has not changed.

**Answer** The Chief Executive Officer added that Council just passed a motion reaffirming its commitment.

**15.3 Janene Champion - Numurkah**

**Question** Can Council explain what fact checks will take place in Council reaching its decision for the proposed ACSO rehabilitation centre for example the catchment area for clients?

**Answer** The Chief Executive Officer advised that nearly 200 submission have been received and have been provided to all Councillors. This provides adequate time for Councillors to evaluate and fact check content before the matter is considered by Council.

**Question** On the grounds that the Numurkah Flood Study is not complete nor the consequences known for Brookfield how could this application get this far through the planning process?

**Answer** The Chief Executive Officer advised that the Catchment Management Authority is the referral authority for these matters. Any conditions required by the CMA will be included in the report that comes to Council for its consideration..



FILE NO: VARIOUS

ITEM NO: 15

**QUESTIONS FROM THE PUBLIC GALLERY**

**15.4 Bob Jenkins - Numurkah**

Question In relation to the proposed rehabilitation centre, has there been an environmental impact study done by anyone?

Answer Environmental impact studies are sometimes required for large projects such as the Yarrowonga - Mulwala Bridge. The application in question is for buildings in a rural area and it is not anticipated that a study will be required.

Question What impact will the road widening of Watters Road have on the State Park?

Answer The Chief Executive Officer advised that officers are currently drafting the Council report and road access and suitability will be given careful consideration.

**15.5 Lou Cook - Numurkah**

Question. I raised a question at the last meeting, when can I expect an answer to my question in relation to the 'Welcome to Country'?

Answer The Chief Executive Officer advised that the question was answered at the meeting that Council resolved to formally acknowledge the traditional owners.

Question At what meeting and who moved and seconded the motion?

Answer The Chief Executive Officer advised it is the decision of Council that matters, the detail would be in Council minutes.

**15.6 Sandy Rodwell - Wunghnu**

Question. What confidence do we have in Councillors making the right decision for the best interest of its constituents when some of the information in relation to the proposed rehabilitation Centre is not necessarily correct.

Answer: The Mayor advised that Councillors have the information to assist in making a decision at the 20 June 2016 Council meeting.

Question In terms of submissions what right do others from outside the Shire have to comment on the matter?

Answer The Chief Executive Officer advised that there is no geographic boundary that limits who can make comment on a planning application. It is up to Councillors to weigh up each of the submissions.

**15.7 Brett Childs - Koonoomoo**

Question If Council voted for the boundary realignment at Ulupna Bridge Road why can't I get a permit.

Answer General Manager Infrastructure advised that a condition of the permit is that legal road access and practical road access is to be the same. It is understood that the plan of sub division that creates a legal road reserve over the current access road is sitting with the Minister for approval. Once approved, the condition on the permit will be met and the plan of subdivision can be certified.

FILE NO: VARIOUS

ITEM NO: 15

**QUESTIONS FROM THE PUBLIC GALLERY**

15.8 **John Hay - Koonoomoo**

Question: In relation to the rates notices what is the environmental levy and what is it used for?

Answer: The Chief Executive Officer advised the environmental charge or levee is used to spread the cost of environmental services more evenly and used to offset the charges at the landfill and transfer stations. Keeping the landfill charges at an affordable price will help mitigate illegal dumping of rubbish on the road side and in bushlands.

15.9 **Lou Cook - Numurkah**

Answer: What is Moira Shire Council doing to help the farmers affected by the large dairy organisations?

Question: General Manager Corporate advised the Council is limited in what it can do. Council is working with Regional Development Victoria, Dairy Australia, and Murray Dairy linking farmers with assistance services. If any farmer has a problem with paying their rates they are encouraged to contact Council to arrange suitable payment plans.

15.10 **Kayleen Giles - Numurkah**

Question: Why were the houses in a two kilometre radius of the proposed rehabilitation centre the only ones to receive notification of the application and why didn't I receive notification?

Answer: The Chief Executive Officer advised that the application has been widely canvassed through media, media releases, Council's website, Council service centres and public meetings.

15.11 **Trevor Sellick - Wunghnu**

Question: I live in the radius, and I am still waiting for the letter, when will I be receiving it?

Answer: The Chief Executive Officer advised that he would check what letters were sent and reiterated that the application has been widely canvassed and it would be highly unlikely that people would not be aware.

FILE NO: VARIOUS

ITEM NO: 16

**MEETING ADJOURNMENT****MOTION**

CRS BRIAN KEENAN / ED COX

That the meeting be adjourned for 10 minutes.

(CARRIED)

The meeting adjourned at 6:22 PM

**MOTION**

CRS WENDY BUCK / BRIAN KEENAN

That the meeting be resumed.

(CARRIED)

The meeting resumed at 6:38 PM

**MOTION**

CRS WENDY BUCK / 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 contractual matters which the Council considers would prejudice the Council or any person.

(CARRIED)

**MOTION**

CRS PETER MANSFIELD / ED COX

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 KEVIN BOURKE / DON MCPHEE

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

(CARRIED)

FILE NO: VARIOUS

ITEM NO: 16

## MEETING ADJOURNMENT

### TENDERS AWARDED

#### **C029/16 – Annual Supply of Asphalt Products and Bituminous Emulsion**

- Downer EDI works Pty Ltd

#### **C027/16 – Pushing up and crushing of hill gravel**

- Award Mibus Bros (Australia) Pty Ltd

#### **C017/16- Provision of traffic management services panel**

- The Trustee for Bedrock Traffic Control Trust t/a Bedrock Traffic Control
- Worktrainers Ltd trading as GAME Traffic and Contracting
- Evolution Traffic Control Pty Ltd
- West Traffic Pty Ltd
- Global Traffic Australia Pty Ltd t/a Global Traffic Management

#### **Retail Electricity and associated services**

- AGL Sales Pty Ltd

**Meeting Closed**  
**7:29 PM**