



MINUTES

ORDINARY MEETING OF COUNCIL HELD AT
YARRAWONGA TOWN HALL, BELMORE STREET,
YARRAWONGA,
WEDNESDAY 28 NOVEMBER 2018

The meeting commenced at 6:00 pm.

PRESENT Councillor Libro Mustica (Mayor)
Councillor Peter Lawless (Deputy Mayor)
Councillor Ed Cox
Councillor John Beitzel
Councillor Kevin Bourke
Councillor Wendy Buck
Councillor Gary Cleveland
Councillor Peter Mansfield
Councillor Marie Martin

IN ATTENDANCE: Mark Henderson Chief Executive Officer
Andrew Close General Manager Infrastructure
Simon Rennie General Manager Corporate
Sally Rice General Manager Community

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.

1. CALLING TO ORDER – CEO

2. PRAYER

Almighty God we humbly ask you to guide our deliberations for the welfare and benefit of the Moira Shire and its people whom we serve.

Amen

Read by the Mayor

3. ACKNOWLEDGEMENT OF COUNTRY

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

Read by the Mayor

4. APOLOGIES & REQUESTS FOR LEAVE OF ABSENCE

Nil

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 GARY CLEVELAND / PETER LAWLESS

"That the minutes of the Ordinary Council Meeting held on Wednesday, 24 October 2018 and the minutes of the Special Meeting of Council held on Wednesday, 14 November 2018, as prepared, be confirmed."

(CARRIED)

8. COUNCILLOR REPORTS

Cr Mansfield reported on his attendance at a Murray-Darling Basin Water Infrastructure Program Local Government consultation meeting at Echuca.

Cr Bourke reported on the upcoming launch of the Nathalia Community Plan and Fiona Boyes upcoming performance at the GRAIN Store in Nathalia.

Cr Martin reported on her attendance at the Dungala - Kaiela writing awards evening and a mental health symposium in Melbourne.

Cr Peter Lawless reported on student's addresses at a Remembrance Day Ceremony in Mulwala, a tourism networking lunch at Barooga, Moira Healthcare Alliance AGM, presenting a cheque to the Yarrawonga Swim Club and praised the recent road works undertaken by Council.

9. OFFICER REPORTS FOR DETERMINATION

FILE NO: 120.06.003
4. A WELL RUN COUNCIL

ITEM NO: 9.1.1

COUNCIL MEETING SCHEDULE 2019

Executive Summary

Under Part 3, Section 8(1) of Council's Meeting Procedures Local Law 2017: The date time and place of all Council meetings are to be fixed by the Council and reasonable notice of the meetings must be provided to the public.

MOTION

CRS PETER LAWLESS / GARY CLEVELAND

That Council:

1. Set the date, time and place of Council meetings as:
 - Ordinary Council Meetings to be held on the fourth Wednesday of the month (unless it conflicts with a public holiday) commencing at 5pm during eastern standard times and 6pm during daylight savings times.
 - One Ordinary meeting will be held at Yarrowonga, Numurkah and Nathalia and all other Ordinary Council Meetings to be held at the Cobram Civic Centre, Council Chambers.
2. Briefing sessions to be held on the second Wednesday of the month and held on the third Wednesday of the month if required.

(CARRIED)

FILE NO: F/18
4. A WELL RUN COUNCIL

ITEM NO: 9.1.2

SECTION 86, AUDIT AND OTHER COMMITTEE REPRESENTATIVES

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; Audit Committee; Moira Advisory Committees; Other Moira Committees and Other Representative Bodies for 2018.

MOTION

CRS KEVIN BOURKE / ED COX

That Council appoint Councillor Representatives to Council's Section 86 Committees; Audit Committee; Moira Advisory Committees; Other Moira Committees and Other Representative Bodies, in accordance with the attached lists.

(CARRIED)

FILE NO: F18/27
3. A CLEAN GREEN ENVIRONMENT

ITEM NO: 9.1.3

COMMITTEE OF COUNCIL - 31 OCTOBER 2018 - MINUTES

Executive Summary

The minutes of the Committee of Council Meeting held 31 October 2018 to hear submissions received for Yarrowonga Aerodrome – Authorisation to issue public notice of intention to sell land are attached for Council's endorsement.

MOTION

CRS ED COX / PETER LAWLESS

That Council:

1. Accept the attached minutes of the Committee of Council Meeting held 31 October 2018
2. Endorse the recommendation contained within the minutes.

(CARRIED)

FILE NO: F18/99
4. A WELL RUN COUNCIL

ITEM NO: 9.1.4

**CONSIDERATION OF MOVING THE 12 DECEMBER COUNCIL MEETING BACK TO
19 DECEMBER 2018**

Executive Summary

This report seeks to have Council defer the 12 December 2018 Council Meeting until 19 December 2018. This will allow more time between the scheduled November and December meetings, report generation and Council consideration.

MOTION

CRS GARY CLEVELAND / ED COX

That: Council defer the 12 December 2018 Council Meeting to 6:00 PM on 19 December 2018.

(CARRIED)

FILE NO: F13/789
1. A GREAT PLACE TO LIVE

ITEM NO: 9.1.5

NUMURKAH SHOW AS A SUBSTITUTE PUBLIC HOLIDAY FOR THE APPOINTED MELBOURNE CUP DAY HOLIDAY IN 2019

Executive Summary

Council received a letter from the Numurkah Agricultural Society requesting that Moira Shire Council, under the Public Holiday Amendment Bill 2011, recommend the Society be granted a Public Holiday for the 2019 Numurkah Show which will be held on Wednesday 23 October 2019 for the Numurkah District. (The Numurkah district is defined by the Numurkah Agricultural and Pastoral Society Inc as the area within the Shire boundaries prior to amalgamation.)

Under the Act, Councils can request substitute public holiday days for Melbourne Cup Day. In the past Council has requested that a public holiday be declared for the last eight Numurkah Show Days. It is recommended that Council continue to support the full day public holiday for the Numurkah Show Day in 2019.

MOTION

CRS MARIE MARTIN / JOHN BEITZEL

That Council in accordance with section 8A of the *Public Holidays Act 1993*, request the Minister for Small Business, to declare a full day public holiday within the Numurkah district, as defined on the attached map, on Wednesday 23 October 2019 for the Numurkah Show as a substitute public holiday for the appointed Melbourne Cup Day holiday in 2019.

(CARRIED)

FILE NO: F13/503
4. A WELL RUN COUNCIL

ITEM NO: 9.2.1

ASSEMBLIES OF COUNCIL

Executive Summary

This report details the Assembly of Councillors for October 2018 is prepared in accordance with the requirements of the Local Government Act (the Act) 1989 section 80A.

MOTION

CRS KEVIN BOURKE / PETER LAWLESS

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

(CARRIED)

FILE NO: F16/701
4. A WELL RUN COUNCIL

ITEM NO: 9.2.2

QUARTERLY BUDGET REVIEW - SEPTEMBER 2018

Executive Summary

Income Statement

There has been a decrease in the forecast budget from a surplus of \$0.82 million in the Adopted Budget 2018/19 to a deficit of \$0.87 million in the September 2018 forecast. This is mainly due to The Point Yarrowonga development, while the project of \$5.41 million is fully funded and is under construction, Council has excluded the capital contribution by the developer (Lotus Living) and Goulburn Murray Water because those funds are being paid directly by them. There is a corresponding reduction in capital expenditure thus the cash impact on Council is nil.

Balance Sheet

The Balance Sheet of Moira Shire continues to remain strong.

Cash Flow Statement

The cash position of Moira Shire continues to remain strong.

Capital Expenditure

The capital works forecast for the September 2018 quarter is \$19.57 million, this is a reduction of \$1.53 million on the Adopted Budget 2018-19 of \$21.11 million. This is mainly due to the reduction in capital expenditure on The Point Yarrowonga project incurred by the developer (Lotus Living) and Goulburn Murray Water. The reduction is partly offset by the cost of upgrading Mordens Road Nathalia following the successful application of State Government grant funding. The Council's total capital works program is \$25.52 million; this includes the carryover of capital projects from the 2017/18 financial year and expected to be completed in this financial year.

Financial Performance indicators

All Financial performance indicators remain within an acceptable range.

MOTION

CRS WENDY BUCK / ED COX

1. That Council notes the projections for the 2018/19 financial year contained in the September 2018 Quarterly Budget Review.
2. That Council notes the Environment Upgrade Agreements quarterly performance report.

(CARRIED)

FILE NO: F17/1221
1. A GREAT PLACE TO LIVE

ITEM NO: 9.4.1

**MOIRA SHIRE PLANNING SCHEME AMENDMENT C89
ENVIRONMENTAL SIGNIFICANCE OVERLAY FOR
WASTEWATER TREATMENT PLANTS
RECOMMENDED ODOUR BUFFERS**

Executive Summary

An application has been received from Russell Kennedy Pty Ltd on behalf of Goulburn Valley Water (GVW) to introduce an Environmental Significance Overlay in the Moira Planning Scheme to establish appropriate buffers to the Cobram, Strathmerton, Nathalia and Numurkah Wastewater Management Facilities.

Authorisation from the Minister for Planning is required to prepare a Planning Scheme Amendment. It is recommended that authorisation be sought.

MOTION

CRS KEVIN BOURKE / MARIE MARTIN

That Council seek to defer the report until such time as we can have a proper briefing to fully understand the report.

(LOST)

Cr Kevin Bourke called for a division.

FOR

Cr Bourke
Cr Mansfield
Cr Martin

AGAINST

Cr Beitzel
Cr Buck
Cr Cleveland
Cr Cox
Cr Lawless
Cr Mustica

(LOST)

MOTION

CRS ED COX / WENDY BUCK

That Council, in accordance with the Planning and Environment Act 1987, seek authorisation from the Minister for Planning to prepare Amendment C89 to the Moira Planning Scheme and exhibit the amendment in accordance with Part 3 Division 1 of the Act.

(CARRIED)

FILE NO: F18/459
1. A GREAT PLACE TO LIVE

ITEM NO: 9.4.2

IMPLEMENTATION OF THE INFRASTRUCTURE DESIGN MANUAL - PLANNING SCHEME AMENDMENT

Executive Summary

Council adopted the Infrastructure Design Manual (the 'IDM') on 18 June 2007.

The IDM has been in operation for over ten years and is increasingly used and relied upon by local government (and the Tribunal) in providing guidelines for the specification of infrastructure requirements.

The IDM has the support of a Planning Panel and a specific Ministerial Advisory Committee.

It is recommended that Council prepare and exhibit an amendment to the Moira Planning Scheme to implement the IDM.

MOTION

CRS ED COX / PETER LAWLESS

That Council:

Agree to participate in a Section 20(4) Ministerial Amendment coordinated by the Department of Environment Land Water and Planning which seeks to introduce the 'Infrastructure Design Manual' (IDM) provisions into the Moira Planning Scheme in accordance with the attached provisions.

(CARRIED)

Cr Kevin Bourke called for a division.

FOR

Cr Beitzel
Cr Buck
Cr Cleveland
Cr Cox
Cr Lawless
Cr Mansfield
Cr Mustica

AGAINST

Cr Bourke
Cr Martin

(CARRIED)

FILE NO: C002/19
4. A WELL RUN COUNCIL

ITEM NO: 9.4.3

C002/19 - SUPPLY AND DELIVERY OR FINANCE OF TWO MOTOR GRADERS

Executive Summary

Moira Shire Council sought submissions from suitably qualified companies for the supply and delivery or finance of two Motor Graders:

The tender provided the option for Council to purchase the graders or to lease them over five years.

Following an analysis of the purchase and lease options submitted by the tenderers, it concludes that the lump sum purchase option is more favorable to Council. For more information, please refer to Appendix A – Evaluation Summary (Confidential).

After consideration of the tender submissions, the evaluation panel recommends that the Council delegate to the Chief Executive Officer the authority to enter into negotiations with the preferred tenderer, William Adams Pty Ltd to achieve a best value outcome for one grader for the Council.

MOTION

CRS PETER LAWLESS / ED COX

That Council:

1. Authorise the Chief Executive Officer to undertake negotiations with the preferred tenderer, William Adams Pty Ltd in order to achieve a best value outcome for the purchase of one grader and award the contract.
2. Authorise the Chief Executive Officer to sign and seal the contract documents.

(CARRIED)

FILE NO: 000.000.000
1. A GREAT PLACE TO LIVE

ITEM NO: 9.4.4

REQUEST FOR DRAWDOWN OF LAKE MULWALA IN WINTER 2019

Executive Summary

Moira shire Council was successful in an application to the Federal Government under its Building Better Regions fund for a grant of \$2.7million to complete the Yarrawonga Tourism Trail between Hogans Road and Belmore Street, Yarrawonga.

The overall value of the works is \$5.4million comprising the installation of a pathway across the foreshore of the Silverwoods development and the upgrade of the pedestrian pathway along River Road between the Bank St and Yacht Club boat ramps.

The River Road works include sections of retaining wall to be installed by GMW and a drawdown of the lake will allow these works to take place on dry ground rather than in the water. This is more cost effective and allows more of the pathway to be along the water's edge.

It is recommended that Council write to the Murray Darling Basin Authority supporting a drawdown of Lake Mulwala over the 2019 winter period to allow for the retaining wall works to take place.

MOTION

CRS PETER MANSFIELD / MARIE MARTIN

That Council:

1. Supports a drawdown in Lake Mulwala over the 2019 winter period to allow for retaining wall works to be carried out by Goulburn Murray Water for the Yarrawonga Tourism Trail.
2. Write to the Murray Darling Basin Authority supporting a drawdown of Lake Mulwala over the 2019 winter period.

(CARRIED)

FILE NO: C002/19
4. A WELL RUN COUNCIL

ITEM NO: 9.4.5

C003/19 - SUPPLY AND DELIVERY OF NINE 4 X 4 UTILITIES

Executive Summary

Moira Shire Council invited submissions from suitably qualified organisations or individuals for the supply and delivery of nine (9) 4x4 Utilities.

Moira Shire Council reserved the right to award contracts for each of the vehicles to a single supplier or multiple suppliers.

After consideration of the submissions, including price and specification requirements, the evaluation panel recommends that contract C003/19 - Supply and Delivery of Nine 4 x4 Utilities be awarded as follows:

- 4 x Mitsubishi Triton GLX + Club Cab to De Maria Motors Pty Ltd T/as De Maria Mitsubishi for \$149,200.00
- 4 x Nissan Navara SL Dual Cab and 1 x Nissan Navara SL Dual Cab Pickup to Mustica Motors for \$191,984.00

MOTION

CRS PETER LAWLESS / ED COX

That Council:

1. Award contract C003/19 – Supply and Delivery of nine 4x4 Utilities for lump sums inclusive of registration, on roads and GST as follows:
 - 4 x Mitsubishi Triton GLX + Club Cab to De Maria Motors Pty Ltd T/as De Maria Mitsubishi for \$149,200.00
 - 4 x Nissan Navara SL Dual Cab and 1 x Nissan Navara SL Dual Cab Pickup to Mustica Motors for \$191,984.00
2. Authorise the Chief Executive Officer to sign and seal the contract documents.

(CARRIED)

FILE NO: F16/480
1. A GREAT PLACE TO LIVE

ITEM NO: 9.4.6

**COBRAM EAST FLOOD MITIGATION LEVEE DESIGN STEERING COMMITTEE -
APPOINTMENT OF COBRAM COMMUNITY REPRESENTATIVES**

Executive Summary

An Expression of Interest process has been run to select Cobram Community Representatives to join the Cobram East Flood Mitigation Design Steering Committee Project Steering Committee.

The Steering Committee's terms of reference provides for six (6) Community representatives from the Cobram community to join the committee to provide input and advice for the design of the Cobram East Flood Mitigation Levee. However at the close of nominations, only one person had nominated.

With five (5) Cobram Community Representative positions to be filled on the Steering Committee it is recommended Council conduct a second Expression of Interest process to seek further nominations.

MOTION

CRS MARIE MARTIN / GARY CLEVELAND

That Council

1. Appoint Mr Kevin Crow as a Cobram Community Representative member of the Cobram East Flood Mitigation Design Steering Committee.
2. Conduct a further Expression of Interest calling for further nominations to fill the remaining five (5) Cobram Community Representative positions on the Steering Committee.

(CARRIED)

FILE NO: F16/480
1. A GREAT PLACE TO LIVE

ITEM NO: 9.4.7

NUMURKAH FLOOD MITIGATION PROJECT STEERING COMMITTEE - APPOINTMENT OF COMMUNITY REPRESENTATIVE

Executive Summary

An Expression of Interest process has been run to select four community representative position on the Numurkah Mitigation Project Steering Committee with the criteria being:

- Two members representing interests in the area bounded by Corke Street, Powell Road, Tunnock Road and Katamatite Road, Numurkah,
- Two members representing interests in upstream study area of the Broken Creek Numurkah.

This report seeks to appoint the one nominee and to conduct a further expression of interest for the remaining positions.

MOTION

CRS KEVIN BOURKE / MARIE MARTIN

That Council

1. Appoint Mr John Blackman as a Community Representative member of the Numurkah Mitigation Project Steering Committee.
2. Conduct a further Expression of Interest calling for further nominations to fill the remaining three positions on the Steering Committee.

(CARRIED)

**FILE NO: F17/235
4. A WELL RUN COUNCIL**

ITEM NO: 10.1

ACTION OFFICERS' LIST

MOTION

CRS WENDY BUCK / GARY CLEVELAND

That Council receive and note the Action Officers' List.

(CARRIED)

10. NOTICES OF MOTION

NIL

FILE NO: F13/860-3 2. A THRIVING LOCAL ECONOMY

ITEM NO: 12.1

JOINT LETTER - SEALING OF RILEY STREET, COBRAM**Executive Summary**

A joint letter has been received regarding sealing of Riley Street, Cobram to an asphalt sealed surface standard.

The process that is outlined in the Local Government Act and widely used for retrofitting infrastructure to developed areas is the Special Charge Scheme. Council could construct the infrastructure and the costs would be distributed amongst the abutting property owners as per the legislation and Council Policy.

Council has a well-established process to determine if there is sufficient support to provide a constructed sealed road, and it is recommended that the abutting property business owners be asked about a Scheme for construction of a sealed road in accordance with Council's Policy and procedures.

MOTION

CRS ED COX / WENDY BUCK

That Council:

1. Conduct a survey of the owners of property in Riley Street, Cobram to determine the owners willingness to support construction of a sealed road pavement and their preferred sealing treatment option in accordance with Council's Special Rates and Charges Policy.
2. Undertake traffic counts to determine the traffic on Riley Street, and,
3. Thank the signatories of the joint letter for their work and advise the first mentioned author of the joint letter of Council's decision.

(CARRIED)

A petition was tabled containing 312 signatures requesting Council to rescind the part of resolution 9.3.2 passed by Council on 27 June 2018 which refers to the demolition of the Community Hall and would involve demolishing the Shire Hall kitchen facilities. Council must ensure that the Shire Hall has ongoing kitchen and dining facilities and adequate storage for chairs, tables and stage stairs before demolishing storage shed.

11. COUNCIL SEAL

NIL

FILE NO: VARIOUS

ITEM NO: 14

URGENT GENERAL BUSINESS

Nil

FILE NO: VARIOUS

ITEM NO: 15

QUESTIONS FROM THE PUBLIC GALLERY

Questions were raised in relation to:

- Reducing the speed limit at Dunlop Street Yarrawonga.
- The amount of disabled parking at Woolworths Yarrawonga.
- Possibility of Council rescinding part of resolution 9.3.2 June, 27, 2018, which refers to demolition of the Community Hall Yarrawonga.
- Possibility of Council purchasing the former Yarrawonga Primary School site.
- Sharing the Council Meetings around the major towns.
- Using different microphones at Council meetings.

FILE NO: VARIOUS

ITEM NO: 16

MEETING ADJOURNMENT

MOTION

CRS ED COX / KEVIN BOURKE

That the meeting be adjourned for 10 minutes.

(CARRIED)

The meeting adjourned at 7:24 PM

MOTION

CRS ED COX / PETER LAWLESS

That the meeting be resumed.

(CARRIED)

The meeting resumed at 7:37 PM

MOTION

CRS WENDY BUCK / KEVIN BOURKE

That pursuant to Sections 89(2) (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 GARY CLEVELAND / MARIE MARTIN

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 ED COX / KEVIN BOURKE

That the recommendations of the "Closed" Meeting of Council be adopted.

(CARRIED)

MEETING CLOSED

The meeting closed at: 7:46 PM