



## MINUTES

ORDINARY MEETING OF COUNCIL HELD AT  
DANCOCKS ROOM, NATHALIA,  
MONDAY 26 OCTOBER 2015

The meeting commenced at 6:00 pm.

### **PRESENT**

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

### **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**

The Mayor advised that Cr Wendy Buck will be arriving late for tonight's meeting.

### **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 / DON MCPHEE

"That the minutes of the Ordinary Council Meeting held on Monday, 28 September 2015, as prepared, be confirmed."

(CARRIED)

**8. COUNCILLOR REPORTS**

- Cr Kevin Bourke reported on his and the Mayor's attendance at a Community Safety Forum in Sydney.
- Cr Don McPhee reported on his attendance at the MAV Conference.
- Cr Marie Martin also reported on the MAV Conference and congratulated Cr Brian Keenan on receiving an award for 15 years' service during conference.
- Cr Peter Mansfield reported on his attendance at the Murray River Group of Council's meeting.

**9. OFFICER REPORTS FOR DETERMINATION**

**9.1 CORPORATE**

9.1.1	FINANCIAL POSITION REPORT AS AT 30 SEPTEMBER 2015	4
9.1.2	CONSIDERATION OF MOIRA SHIRE COUNCIL'S ANNUAL REPORT FOR 2014/15	5
9.1.3	2014 - 15 MAC INC. ANNUAL REPORT	6
9.1.4	REVIEW OF DELEGATIONS TO THE CHIEF EXECUTIVE OFFICER AND COUNCIL STAFF	7
9.1.5	MOIRA SHIRE COMMUNITY SAFETY PLAN	9
9.1.6	SECTION 86 COMMITTEE OF MANAGEMENT REPRESENTATIVE APPOINTMENTS - AMENDMENTS	10

**9.2 INFRASTRUCTURE**

9.2.1	KENNEDY PARK, COBRAM - DUMP POINT	12
9.2.2	ULUPNA BRIDGE ROAD - EXTENSION	13
9.2.3	52015209 - TWO (2) LOT SUBDIVISION AND REMOVAL OF EASEMENT AT 2-10 BOTTS ROAD, YARRAWONGA	14

---

<b>10. OFFICER REPORTS FOR INFORMATION AND DECISION</b>	
<b>10.1 CORPORATE</b>	
10.1.1 ASSEMBLIES OF COUNCILLORS	17
<b>10.2 INFRASTRUCTURE</b>	
NIL	
<b>11. ACTION OFFICERS LIST</b>	
11.1 ACTION OFFICERS LIST	18
<b>12. NOTICES OF MOTION</b>	
12.1 NOTICE OF MOTION - CR DON MCPHEE	19
<b>13. PETITIONS AND JOINT LETTERS</b>	
The Mayor advised that the following petitions have been received which will lay on the table until the next Council Meeting:	
• Lease for Numurkah Historic Society	
• Resurfacing of a road at Wunghnu	
<b>14. COUNCIL SEAL</b>	
14.1 GOULBURN MURRAY WATER RELINQUISHMENT OF SERVICE POINT AT NATHALIA TRANSFER STATION	20
<b>15. GENERAL BUSINESS</b>	<b>21</b>
<b>16. QUESTIONS FROM PUBLIC GALLERY</b>	<b>22</b>
<b>17. MEETING ADJOURNMENT</b>	<b>24</b>
<b>18. CONFIDENTIAL BUSINESS</b>	
<b>19. CONFIDENTIAL ACTION OFFICERS LIST</b>	
<b>20. URGENT OR GENERAL CONFIDENTIAL BUSINESS</b>	
<b>21. CLOSE OF MEETING</b>	

FILE NO: 180.11.0002  
3. OUR COMMUNICATIONS AND PROCESSES

ITEM NO: 9.1.1  
(TEAM LEADER - FINANCIAL  
ACCOUNTANT, RAMKI SUBRAMANIAM)  
(GENERAL MANAGER - CORPORATE,  
LEANNE MULCAHY)

## FINANCIAL POSITION REPORT AS AT 30 SEPTEMBER 2015

### 1. Executive Summary

The September 2015 finance report includes Rates and Charges totalling \$33.10 million (\$26.41 million in general rates and municipal charges, and \$6.69 million in garbage collection and recycling charges and environmental levy) which is recognised as income at the time of being levied.

The Adopted Budget 15/16 contains Operating Grant income of \$10.9 million. This budget includes \$4.85 million for the 2015/16 Financial Assistance Grant which was received in the 2014/15 financial year.

### MOTION

CRS PETER MANSFIELD / BRIAN KEENAN

That Council:

Receives and notes the Financial Position Report as at 30 September 2015.

(CARRIED)

FILE NO: 180.02.0019  
3. OUR COMMUNICATIONS AND PROCESSES

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

## CONSIDERATION OF MOIRA SHIRE COUNCIL'S ANNUAL REPORT FOR 2014/15

### 1. Executive Summary

Council submitted its 2014-15 Annual Report, including the audited Financial Statements and Performance Statement, to the Minister on 30 September 2015.

The Annual Report is now 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 KEVIN BOURKE / ED COX

That Council:

In accordance with section 134 of the *Local Government Act 1989*, considers and receives the 2014/15 Annual Report prepared as at 30 June, 2015.

(CARRIED)

FILE NO: F13/3147  
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.1.3  
(ARTS AND CULTURE OFFICER, MARILYN  
GOURLEY)  
(GENERAL MANAGER - CORPORATE,  
LEANNE MULCAHY)

## 2014 - 15 MAC INC. ANNUAL REPORT

### 1. Executive Summary

November 2014 saw the signing of a 2 year Funding Agreement (2014 – 2016) between Moira Shire Council and Moira Arts and Culture Inc. (MAC Inc.). The agreement requires that Moira Arts and Culture Inc. regularly reports on activities and key issues to Moira Shire Council.

This report presents MAC Inc.'s Second Annual Report and the first submitted to meet part of the requirements of the Funding agreement.

### MOTION

CRS ALEX MONK / DON MCPHEE

That Council:

Acknowledge and accepts the Moira Arts and Culture Inc. Annual Report 2014 – 2015 as a deliverable under the funding agreement between Moira Shire Council and Moira Arts and Culture Inc.

(CARRIED)

FILE NO: F13/202  
6. GOVERNANCE

ITEM NO: 9.1.4  
(MANAGER GOVERNANCE AND  
COMMUNICATIONS, LINDA  
NIEUWENHUIZEN)  
(GENERAL MANAGER - CORPORATE,  
LEANNE MULCAHY)

## REVIEW OF DELEGATIONS TO THE CHIEF EXECUTIVE OFFICER AND COUNCIL STAFF

### 1. Executive Summary

To support good governance and efficient business operations, the *Local Government Act 1989* provides for Council to delegate specific powers to

- the CEO, and
- Council officers.

Council regularly reviews and where necessary updates the instruments of delegation.

The updates detailed in this report reflect renaming, replacement and extension of existing legislation, inclusion of new provisions and the organisational structure in place as at July 2015. The updates affect the delegations to Council Officers, the delegations to the CEO are unchanged however for legal certainty the instruments are reviewed and adopted simultaneously.

FILE NO: F13/202  
6. GOVERNANCE

ITEM NO: 9.1.4  
(MANAGER GOVERNANCE AND  
COMMUNICATIONS, LINDA  
NIEUWENHUIZEN)  
(GENERAL MANAGER - CORPORATE,  
LEANNE MULCAHY)

**REVIEW OF DELEGATIONS TO THE CHIEF EXECUTIVE OFFICER AND COUNCIL  
STAFF (cont'd)**

**MOTION**

CRS PETER MANSFIELD / BRIAN KEENAN

In the exercise of the powers conferred by section 98(1) of the *Local Government Act 1989* (the Act) and the other legislation referred to in the attached instruments of delegation, Moira Shire Council (Council) resolves that:

**Chief Executive Officer delegations**

- there be delegated to the person holding the position, acting in or performing the duties of Chief Executive Officer the powers, duties and functions set out in the attached *Instrument of Delegation to the Chief Executive Officer*, subject to the conditions and limitations specified in that Instrument.
- the instrument comes into force immediately the common seal of Council is affixed to the instrument.
- on the coming into force of the instrument all previous delegations to the Chief Executive Officer are revoked.
- the duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.
- it is noted that the instrument includes a power of delegation to members of Council staff, in accordance with section 98(3) of the Act.

**Council staff delegations**

- there be delegated to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the attached *Instrument of Delegation to members of Council staff*, the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that instrument.
- the instrument comes into force immediately the common seal of Council is affixed to the instrument.
- on the coming into force of the instrument all previous delegations by Council to members of Council staff (other than the Chief Executive Officer) are revoked.
- the duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.

(CARRIED)



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

ITEM NO: 9.1.5  
(RECREATION CONTRACTS OFFICER ,  
CLINTON SHAND)  
(GENERAL MANAGER - CORPORATE,  
LEANNE MULCAHY)

## MOIRA SHIRE COMMUNITY SAFETY PLAN

### 1. Executive Summary

For 9 years Moira Shire has shown a strong commitment to community safety, through both the development of the Local Safety Committee and also the Moira Shire Community Safety Plan.

Both the committee and the plan provide an avenue through which local service providers, emergency services and the general public can both input and receive information relating to community safety within their town and the Shire more broadly.

The aim of the plan and in turn it's easy to follow design is to describe the wide range of issues that Council can either directly influence, or assist others to deliver services and programs that help improve the sense of safety within Moira Shire.

### MOTION

CRS KEVIN BOURKE / ALEX MONK

That the report to be deferred to such time that the information from the Community Safety Forum is considered.

(CARRIED)

FILE NO: F13/25  
2. COMMUNITYITEM NO: 9.1.6  
(MANAGER COMMUNITY SERVICES, DAVID  
BOOTH)  
(GENERAL MANAGER - CORPORATE,  
LEANNE MULCAHY)**SECTION 86 COMMITTEE OF MANAGEMENT REPRESENTATIVE APPOINTMENTS  
- AMENDMENTS****1. Executive Summary**

At Council's meeting held 16 September 2013, Council, in exercise of the powers conferred by section 86 of the *Local Government Act 1989* (the Act), resolved to appoint persons as Community or User Group representatives on various Special Committees, for the four (4) year period which commenced on 1 October 2013 and concludes on 30 September 2017.

Even though representatives are initially appointed for a period of four years, they are not obliged to remain on the Committee for the entire period. Should they wish to relinquish their position, notification to the committee of management of this decision is required.

In most instances, a replacement representative is provided by user groups and recommended for appointment by Council through a report such as this.

**MOTION**

CRS ALEX MONK / KEVIN BOURKE

That Council:

1. Rescind the appointments of the following persons representing Community and or User Groups on the Special Committee of Management, as appointed for the four (4) year term which commenced 1 October 2013 and concludes on 30 September 2017.

Committee of Management	User Group	First Name	Last Name
Cobram Scott Reserve	Yarroweyah United Cricket Club	Glenn	McMahon
Invergordon Recreation Reserve and Community Hall	Invergordon Cricket Club	Lachlan	Gilligan
Picola Recreation Reserve	Picola United Football Club	Robert	Graham
Picola Recreation Reserve	Picola United Netball Club	Tania	McKenna
Picola Recreation Reserve	Picola Bowling Club	Anne	Shore
Picola Recreation Reserve	Picola Bowling Club	Ron	Rigoni
Waaia Recreation Reserve	Waaia Playgroup	Anita	Stirling
Yarrowonga Eastern Foreshore	Community	Zelko	Erdec
Cobram Showgrounds Apex Reserve	Community	Dominic	Tedesco
Numurkah Showgrounds	Numurkah Cricket Club	Mark	Brown
Numurkah Showgrounds	Numurkah Soccer Club	Lisa	Butcher
Numurkah Showgrounds	Numurkah Soccer Club	Ali	Alwahame
Yarrowonga Showgrounds Victoria Park	Equestrian Users (Alternate)	Emma	Fredericks
Bearii Recreation Reserve	Community	Merlyn	Milligan
Bearii Recreation Reserve	Community	Kevin	Bramich
Bearii Recreation Reserve	Community	Mariea	Richards
Bearii Recreation Reserve	Community	Michael	Pepe
Bearii Recreation Reserve	Community	Alan	Carter
Bearii Recreation Reserve	Community	Linsey	Weppner

FILE NO: F13/25  
2. COMMUNITY

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

**SECTION 86 COMMITTEE OF MANAGEMENT REPRESENTATIVE APPOINTMENTS  
- AMENDMENTS (cont'd)**

2. Approve the appointments of the following persons representing Community and or User Groups, on the Special Committee of Management, as indicated, for the remaining period of the four (4) year term which commenced on 1 October 2013 and concludes on 30 September 2017.

Committee of Management	User Group	First Name	Last Name
Cobram Scott Reserve	Yarroweyah United Cricket Club	Barry	Opray
Invergordon Recreation Reserve and Community Hall	Invergordon Cricket Club	Lachlan	Scott
Picola Recreation Reserve	Picola United Football Club	Ian	Lubke
Picola Recreation Reserve	Picola United Netball Club	Kim	McPherson
Picola Recreation Reserve	Picola Bowling Club	Arthur	Morgan
Picola Recreation Reserve	Community	Robert	Graham
Waaia Recreation Reserve	Waaia Playgroup	Tahnee	King
Cobram Showgrounds Apex Reserve	Community	Nick	Mete
Numurkah Showgrounds	Numurkah Cricket Club	Doug	Small
Numurkah Showgrounds	Numurkah Soccer Club	Jacquie	Hughes
Numurkah Showgrounds	Numurkah Soccer Club	Angela	Gibbon
Yarrowonga Showgrounds Victoria Park	Equestrian Users (Alternate)	Scott	Olson
Yarroweyah Memorial Hall	Old Time Dance Group	Margaret	Sherlock
Tungamah Court House	Tungamah Historical Society	Tony	Haebich
Tungamah Court House	Tungamah Historical Society	Dianne	Sampson

3. Amend the composition of the Yarroweyah Memorial Hall Committee of Management.
4. Invite new members to attend an induction as part of the annual information session being planned for November 2015 and;
5. Write and thank outgoing Committee of Management members.

(CARRIED)

FILE NO: 057/14  
5. INFRASTRUCTURE

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

## KENNEDY PARK, COBRAM - DUMP POINT

### 1. Executive Summary

Council has approved works at Kennedy Park, Cobram as part of the Capital Works Programme. The works include establishment of a publically accessible sewer waste dump point on the Murray River.

Boat users will be able to connect their waste pipes to the facility and the waste will be pumped from the boat to the sewer system. This will provide additional facilities for users of the river and help reduce pollution by ensuring that waste water is not released into the river.

The costs of operation of the dump point will be significant and are proposed to be recovered via a user charge similar to that charged at other dump points along the river.

This report recommends that the following charges be introduced to recover costs of operation of the Kennedy Park dump point;

### MOTION

CRS BRIAN KEENAN / ED COX

That Council:

1. Determine the following Fees and Charges for use operation, access and disposal of waste from the Kennedy Park Dump Point which includes use of the associated infrastructure and disposal system;
  - Annual access charge - \$150 per annum
  - Bond Lodged at Application to cover provision and loss of keys and access card – \$100.
  - A Discharge Fee of \$12 per Kilolitre of material discharged to the Kennedy Sewerage system.
  - The cost of a replacement “key” to be levied at actual cost, plus \$20.00.
2. That the Fees and Charges with respect to use operation, access and disposal of waste from the Kennedy Park Dump Point, be incorporated into Council’s User Fees and Charges and reviewed annually as part of the annual budget process.

(CARRIED)

FILE NO: F13/2543  
3. DEVELOPMENT AND LIVEABILITY

ITEM NO: 9.2.2  
(MANAGER STRATEGIC PROJECTS, MARK  
FOORD)  
(GENERAL MANAGER INFRASTRUCTURE,  
ANDREW CLOSE)

## ULUPNA BRIDGE ROAD - EXTENSION

### 1. Executive Summary

A developer requires formal road access to a new development at the end of Ulupna Bridge Road. As is always the case, the developer must ensure that suitable infrastructure in the form of roads, drains, and other services are brought to any new development.

In this particular case the road, in a practical sense, actually exists and the developer only has to create the road in a legal sense. The developer is liaising with DELWP who own the land upon which the road is actually constructed, and there is no reason why Council should not agree to extension of Ulupna Bridge Road to provide access to the new Lots to be created as part of a subdivision.

### MOTION

CRS KEVIN BOURKE / ED COX

That Council:

1. support the proclamation of the extension of the road reserve, known as Ulupna Bridge Road, to provide formal road access to a new development at the end of Ulupna Bridge Road;
2. approve the gazettal of the new section of Ulupna Bridge Road as a Public Highway;
3. provide the Chief Executive Officer with permission to affix the Council Seal to all documentation to bring the above resolutions into effect; and
4. extend Ulupna Bridge Road, to include the new section of Road Reserve, within Council's Register of Public Road as a Rural Access - Residential Road.

(CARRIED)

FILE NO: 52015209  
3. DEVELOPMENT AND LIVEABILITY

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

**52015209 - TWO (2) LOT SUBDIVISION AND REMOVAL OF EASEMENT AT 2-10  
BOTTTS ROAD, YARRAWONGA**

**1. Executive Summary**

Planning Permit Application 5/2015/209 is for a two (2) lot subdivision and removal of easement at 2-10 Bottts Road, Yarrowonga. The lots will have areas of 6588 m<sup>2</sup> and 1971m<sup>2</sup> respectively.

The trigger for the application is subdivision within the General Residential Zone (Clause 32.08-2).

The application was advertised to adjoining owner/occupiers. One objection has been received. The applicant did not wish participate in any mediation.

Given that the land is zoned for residential use, accords with local and state planning policies and the proposed subdivision accords with the relevant guidelines and requirements and should not create any negative amenity impacts, it is recommended that the application be approved subject to the conditions.

**MOTION**

CRS DON MCPHEE / BRIAN KEENAN

That Council approve the issue of a Notice of Decision to Grant a Permit for Planning Application No. 52015209 for the two (2) lot subdivision and removal of easement at Lot A, PS707376, and known as 2-10 Bottts Road, Yarrowonga, subject to the following conditions:

1. The subdivision as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
2. Prior to the consent to Certification, any easements for the purpose of draining lots to the legal point of discharge must be created.
3. Prior to the issue of a Statement of Compliance, the applicant must provide a drainage plan that accords with the provisions of Clauses 17 (Rural Drainage) and 19 (On-site Detention Systems) 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 5 year ARI event to pre-developed rates, and conveyed by underground pipes and/or by natural or constructed channels 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 5-year ARI event must be collected and conveyed by underground pipes and/or by natural or constructed channels to a legal point of discharge nominated by the Responsible Authority;
  - c. all storm-water runoff originating from, or currently flowing through, the developed site in a 100-year ARI 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: 52015209  
3. DEVELOPMENT AND LIVEABILITY

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

**52015209 - TWO (2) LOT SUBDIVISION AND REMOVAL OF EASEMENT AT 2-10  
BOTTS ROAD, YARRAWONGA (cont'd)**

4. Prior to the issue of a Statement of Compliance, all drainage infrastructure required by the approved drainage plan must be constructed in accordance with plans and specifications approved by the Responsible Authority.
5. Prior to the issue of a Statement of Compliance, any required restriction to stormwater flows from the site will require a Section 173 Agreement to be registered on the title, to the specification and satisfaction of the Responsible Authority, in accordance with Section 181 of the Planning and Environment Act 1987. The Agreement must be registered on the title of each proposed Lot, at no expense to Council.
6. Prior to the issue of a Statement of Compliance, each proposed lot must have a stormwater property drain inlet point, and must be constructed in underground pipes extending from the legal point of discharge to within its property boundary to the specification and satisfaction of the Responsible Authority.
7. Prior to the issue of a Statement of Compliance, 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. proposed crossing serving Lot 1 from Shoreline Place must be constructed in accordance with Council's IDM Standard Drawing SD235.
8. All roof water from buildings and surface water from hard paved areas must be collected and conveyed to a drainage easement or to the legal point of discharge so as to prevent storm water nuisance to adjoining land.
9. Prior to the issue of a Statement of Compliance, all drains, batters and other disturbed areas must be topsoiled and seeded to establish grass cover.
10. In accordance with the Clause 22 of the 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.
11. 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 specification and satisfaction of the Responsible Authority.
12. 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.
13. The owner of the land must enter into an agreement with:
  - a telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and
  - a suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband

FILE NO: 52015209  
3. DEVELOPMENT AND LIVEABILITY

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

**52015209 - TWO (2) LOT SUBDIVISION AND REMOVAL OF EASEMENT AT 2-10  
BOTTS ROAD, YARRAWONGA (cont'd)**

Network will not be provided by optical fibre.

14. Before the issue of a Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:
  - a telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and
  - a suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.
15. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity and gas services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.
16. All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.
17. The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of that Act.

**Planning Note**

A consent to work within Road Reserve permit must be obtained from the Responsible Authority prior to the carrying out of any vehicle crossing works.

(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 August and September 2015 are included in the agenda.

### MOTION

CRS PETER MANSFIELD / ED COX

That Council:

Receive and note the Records of Assembly of Councillors.

(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 KEVIN BOURKE / ALEX MONK

That Council:

Receive and note the Action Officers List.

(CARRIED)

FILE NO: 100.01.003  
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 12.1  
(EXECUTIVE ASSISTANT TO CEO, ROBYN  
BONADDIO)  
(CHIEF EXECUTIVE OFFICER, MARK  
HENDERSON)

## NOTICE OF MOTION - CR DON MCPHEE

**TAKE NOTICE** that at the Council Meeting to be held on 26 October 2015, it is my intention to move the following motion:

Cr Don McPhee

Date: 26 October 2015

### MOTION

CRS DON MCPHEE / BRIAN KEENAN

That the sum of \$200,000 previously allocated for the Yarrawonga foreshore all abilities playground be now allocated to a playground in Yarrawonga with the emphasis on disability playground equipment.

(CARRIED)

### 13 PETITONS AND JOINT LETTERS

The Mayor tabled a joint letter from residents of Reilly's Pit Road seeking an all weather road.

FILE NO: F13/897  
5. INFRASTRUCTURE

ITEM NO: 14.1  
(ASSETS TECHNICAL OFFICER, TRICIA  
SIMPSON)  
(GENERAL MANAGER INFRASTRUCTURE,  
ANDREW CLOSE)

## **GOULBURN MURRAY WATER RELINQUISHMENT OF SERVICE POINT AT NATHALIA TRANSFER STATION**

1. A report on Council's Raw Water Irrigation Supply and Infrastructure was prepared by consultant DJDee's Consulting in 2007. As part of this report the Nathalia Transfer Station service was described as having no service point and there was no requirement for this water to remain at this location. It was recommended that Council should permanently transfer the water to a more suitable service within the Goulburn system and transfer the delivery share to another Allocation Bank Account (ABA).
2. The relinquishment agreement has been discussed with Goulburn Murray Water's Officers and Council Officers. It was determined that this service point had not been used by Council in a long period of time, if at all, and was not required for the ongoing use of the Nathalia Transfer Station.
3. As part of the relinquishment of this service point, the water use licence will be cancelled, the property will cease to exist as a serviceable property with Goulburn Murray Water, the delivery share will be transferred to the Invergordon Township ABA, being Council's most suitable ABA within the same zone as Nathalia Transfer Station.
4. It is recommended that Council authorise the CEO to sign and seal the above Service Point Relinquishment Agreement with Goulburn Murray Water and sign all other documents relating to the ceasing of this service point and transferring of the delivery shares.

### **MOTION**

CRS KEVIN BOURKE / BRIAN KEENAN

That Council:

Defer the surrendering of this access point until Council can be fully briefed on the situation regarding this and similar access points.

(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 / BRIAN KEENAN

That items of general business be considered.

(CARRIED)

**MOTION**

CRS PETER MANSFIELD / BRIAN KEENAN

That Moira Shire Council invite the Minister for Roads to Yarrawonga for discussion with Council regarding the route for the proposed Yarrawonga Mulwala Bridge.

(CARRIED)

**MOTION**

CRS KEVIN BOURKE / BRIAN KEENAN

That the Chief Executive Officer arrange a meeting with all alleged adversely affected landholders in the vicinity of Griffiths Lane, in an effort to alleviate their concerns with the recent road works.

(CARRIED)

**15.1 Power Street Submissions**

Cr Martin carried the matter of Power Street submissions for discussion.

**15.2 Numurkah Showgrounds Multipurpose Building**

Question: Mayor, Cr Marie Martin asked what was being done to address the problem with the access to the Numurkah Showgrounds Multipurpose building.

Answer: The General Manager of Infrastructure advised that funds have been allocated from the capital works budget to increase the length of the tread on the stairs and that Council is currently sourcing quotes for an access ramp.

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 Kelvin Trickey - Nathalia**

**Question:** Mr Trickey advised that as a property owner near Griffiths Lane he was concerned about the road works and the impact these works could have on flooding in the area. Mr Trickey asked if Council would meet on site to discuss concerns of the residents who have local knowledge of the area.

**Answer:** The Chief Executive Officer advised that Council has given a commitment to meet on site and will be organising a meeting as soon as possible.

**16.2 Leanne Pell - Nathalia**

**Question:** Ms Pell asked if the lift at the Numurkah Showgrounds Multipurpose building will be fixed in the interim of having the stairs and ramp works done.

**Answer:** The General Manager of Infrastructure advised that the lift was damaged at a function and that we are currently waiting on parts. At this stage delivery date for the parts is unknown.

**16.3 Anthony Debeen - Nathalia**

**Question:** Mr Debeen asked is the gas to Numurkah getting closer?

**Answer:** The Chief Executive Officer advised that Nathalia is on the list for the project roll out. At this stage Brookfield a global company will commence the roll out in mid-2016.

**Answer:** Cr Bourke further advised that it was full steam ahead with 70% of the town having the project rolled out. The project involves having a mother station for the gas which is trucked in instead of using pipes.

**Question:** Mr Debeen also raised concerns regarding the restriction on collecting fire wood and what could be done about this.

**Answer:** The Chief Executive Officer advised that Council has no control over the restriction of collection of fire wood, as the land is public land run by Parks Victoria. Council has been advocating on behalf of the community to have the restriction lifted.

**16.4 Vic Dohnt - Nathalia**

**Question:** Mr Dohnt asked if someone could come and inspect the trees near the Nathalia Men's Shed as the trees are clogging up the guttering of the new building.

**Answer:** The General Manager of Infrastructure advised that he will organise someone from the operations department to come out and inspect the tree.

FILE NO: VARIOUS

ITEM NO: 17

**MEETING ADJOURNMENT**

**MOTION**

CRS PETER MANSFIELD / DON MCPHEE

That the meeting be adjourned for 10 minutes.

(CARRIED)

The meeting adjourned at 7:10 PM

**Cr Wendy Buck arrived at the meeting at 7:25 PM**

**MOTION**

CRS DON MCPHEE / KEVIN BOURKE

That the meeting be resumed.

(CARRIED)

The meeting resumed at 7:25 PM

**MOTION**

CRS KEVIN BOURKE / BRIAN KEENAN

That pursuant to Section 89(2) (a) (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, industrial and any other matters which the Council considers would prejudice the Council or any person.

(CARRIED)

**MOTION**

CRS PETER MANSFIELD / BRIAN KEENAN

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

(CARRIED)



FILE NO: VARIOUS

ITEM NO: 17

## MEETING ADJOURNMENT

### 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)

### SUCCESSFUL TENDERS

#### **C016/14 Collection & Recycling of Recyclables from Transfer Stations**

- CJ & BB Lawrence Pty Ltd T/a Lawrence Brothers and K & J Tree Recycling

#### **C032/14 – Bituminous Resealing**

- Primal Surfacing Pty Ltd

**Meeting closed at 7.50pm**