



MINUTES

ORDINARY MEETING OF COUNCIL HELD AT COBRAM
CIVIC CENTRE,
WEDNESDAY 25 OCTOBER 2017

The meeting commenced at 6:00 pm.

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

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

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 KEVIN BOURKE / ED COX

"That the minutes of the Ordinary Council Meeting held on Wednesday, 27 September 2017, as prepared, be confirmed."

(CARRIED)

8. COUNCILLOR REPORTS

Cr Mansfield reported on his and Cr Buck's attendance at the Murray Darling Association annual conference held in Renmark.

Cr Buck reported on her attendance at the Australian Local Government Women's Association conference held in Warnambool.

Cr Martin reported on her attendance at a Youth Council initiative "whats going on in your head" and the Rural Councils of Victoria forum.

Cr Gary Cleveland reported on his attendance at the Municipal Association of Victoria Conference in Melbourne.

FILE NO: F17/876
2. A THRIVING LOCAL ECONOMY

ITEM NO: 9.1.1

SHEPPARTON - MELBOURNE RAIL CORRIDOR

Executive Summary

Greater Shepparton, Mitchell, Moira and Strathbogie Shire Council representatives met on the 18 August 2017 regarding the infrastructure upgrades on the Shepparton to Melbourne rail corridor. It was agreed at this meeting that all four councils consider establishing an alliance calling for an immediate substantive improvement to passenger rail services between Melbourne and Shepparton. This upgrade is required to achieve eight VLocity services with a journey time of two hours and 10 minutes.

MOTION

CRS KEVIN BOURKE / ED COX

That Council confirm its in principle agreement to join a strategic alliance with Mitchell, Shepparton and Strathbogie Councils to advocate for improved rail connectivity to Melbourne and contribute financially to further economic assessment work based on a future MOU and agreed funding split.

(CARRIED)

FILE NO: F17
2. A THRIVING LOCAL ECONOMY

ITEM NO: 9.1.2

**2030 GREATER SHEPPARTON - VICTORIA COMMONWEALTH GAMES BID
PROJECT PREFEASIBILITY STUDY CONTRIBUTION**

Executive Summary

Council has been approached by Greater Shepparton Council to support a 2030 Commonwealth games bid project prefeasibility study.

MOTION

CRS ED COX / LIBRO MUSTICA

That Council support Greater Shepparton Council's 2030 Commonwealth games bid project prefeasibility study and offer funding support to the value of \$3000.

(CARRIED)

FILE NO: 001
4. A WELL RUN COUNCIL

ITEM NO: 9.2.1

REVIEW OF DELEGATIONS TO THE CHIEF EXECUTIVE OFFICER

Executive Summary

This report seeks council's approval of the instrument of delegation of council powers to the Chief Executive Officer (CEO).

The delegation is unchanged from the delegation adopted by council in October 2015, and fulfills council's statutory obligation to review its delegations within 12 months of a council election.

Council reviews its full suite of delegations at regular intervals to reflect changes in legislation and in organisational structure and staff titles.

MOTION

CRS WENDY BUCK / ED COX

That 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 instrument of delegation, Moira Shire Council (Council) resolves that –

1. 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
2. the instrument comes into force immediately upon the common seal of Council being affixed to the instrument
3. on the coming into force of the instrument all previous delegations to the Chief Executive Officer are revoked
4. 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
5. 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.

(CARRIED)

FILE NO: 001
4. A WELL RUN COUNCIL

ITEM NO: 9.2.2

REVIEW OF COUNCIL DELEGATIONS TO COUNCIL STAFF

Executive Summary

This report seeks council's approval of the instrument of delegation of council powers to council staff.

The delegations authorise staff to make timely, day to day decisions necessary to provide responsive and high quality services to the community.

The delegations have been updated from the delegations adopted by council in October 2015 to reflect renaming, replacement and extension of existing legislation, inclusion of some new provisions and changes to the organisational structure.

Council reviews its full suite of delegations at regular intervals to reflect changes in legislation and in organisational structure and staff titles.

MOTION

CRS WENDY BUCK / ED COX

That 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 instrument of delegation, Moira Shire Council (Council) resolves that –

1. 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.
2. the instrument comes into force immediately upon the common seal of Council being affixed to the instrument
3. on the coming into force of the instrument all previous delegations to members of council staff contained in the delegation superseded are revoked
4. 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: F13/503
4. A WELL RUN COUNCIL

ITEM NO: 9.2.3

ASSEMBLIES OF COUNCIL

Executive Summary

This report details the Assembly of Councillors for September 2017 and is prepared in accordance with the requirements of the Local Government Act (the Act) 1989 section 80A.

MOTION

CRS PETER LAWLESS / PETER MANSFIELD

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

(CARRIED)

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

ITEM NO: 9.2.4

QUARTERLY BUDGET REVIEW - SEPTEMBER 2017

Executive Summary

Income Statement

There has been an increase in the forecast deficit from \$3.30 million in the adopted budget to \$3.40 million in the September forecast. This is mainly driven by a timing difference in expenditure planned in the 2016/17 financial year being spent in the 2017/18 financial year, specifically costs associated with the Regional Fruit Fly program which is funded by a Victorian government grant.

Balance Sheet

The Balance Sheet of Moira Shire remains strong.

Cash Flow Statement

The cash position of Moira Shire remains strong.

Capital Expenditure

The capital works budget for the September quarter is \$9.71 million. The Council total capital works program is \$14.02 million; this includes the carryover of capital projects from the 2016/17 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

That Council notes the projections for the 2017/18 financial year contained in the September 2017 quarterly budget review.

(CARRIED)

FILE NO: 001
1. A GREAT PLACE TO LIVE

ITEM NO: 9.2.5

YARRAWONGA-MULWALA BRIDGE - COUNCIL RESPONSE TO PLEBISCITE RESULTS

Executive Summary

This report seeks Council's re-endorsement of the green route as Council's preferred alignment for the replacement of the Yarrawonga-Mulwala Bridge.

Council has considered the results of the rigorous, independent and transparent plebiscite delivered by the Victorian Electoral Commission (VEC) which provided the local Yarrawonga community with opportunity to express its view on the route options.

More than 56% of eligible voters participated in the plebiscite and the results confirmed emphatic support for the 'green route'.

The plebiscite is not binding on Council and for this reason it is recommended Council formally re-endorse its position in line with the community's expressed view.

MOTION

CRS PETER MANSFIELD / MARIE MARTIN

That Council confirm its ongoing support for the green route as the preferred alignment for the construction of the new Yarrawonga-Mulwala Bridge and continue its advocacy with key decision makers.

(CARRIED)

FILE NO: F17/88
1. A GREAT PLACE TO LIVE

ITEM NO: 9.3.1

THE BIG PEACH SCULPTURE

Executive Summary

The Big Peach Sculpture project was initiated by Cobram Barooga Business and Tourism (CBBT), to highlight Cobram's association with local peach themed events and agricultural history. Key aspects of the sculpture design include:

- a. easily recognisable as a peach;
- b. a dynamic sculpture when viewed from different angles; and
- c. illustrates a peach that is sliced or as a whole

MOTION

CRS ED COX / MARIE MARTIN

That Council authorise construction of the big peach sculpture in Federation Park Cobram.

(CARRIED)

FILE NO: F13/2477
4. A WELL RUN COUNCIL

ITEM NO: 9.4.1

POLICY REVIEW- WAIVER OR REFUND OF BUILDING PERMIT FEES

Executive Summary

The policy provides direction on how and when Council and its Municipal Building Surveyor will administer and enforce the Building Act 1993 (the Act) in relation to waiver or refund of Building Permit Fees.

MOTION

CRS WENDY BUCK / KEVIN BOURKE

That Council adopt the revised Policy for the Waiver or Refund of Building Permit Fees.

(CARRIED)

FILE NO: F17/794
1. A GREAT PLACE TO LIVE

ITEM NO: 9.4.2

YARRAWONGA FORESHORE - PLANNING SCHEME AMENDMENT

Executive Summary

An amendment is being prepared by and on behalf of Moira Shire Council to rezone three areas of the foreshore of Lake Mulwala. The three areas will be rezoned from Public Conservation and Resource Zone (PCRZ) and General Residential Zone (GRZ) to Public Park and Recreation Zone (PPRZ) to more appropriately reflect the current and proposed public land uses for leisure and recreation and appropriate commercial activities.

MOTION

CRS PETER MANSFIELD / WENDY BUCK

That Council in accordance with the *Planning and Environment Act 1987* seek authorisation from the Minister for Planning to prepare Amendment C87 to the Moira Planning Scheme and exhibit the amendment in accordance with Part 3 Division 1 of the Act.

(CARRIED)

FILE NO: D17/54588
1. A GREAT PLACE TO LIVE

ITEM NO: 9.4.3

2018-2021 DOMESTIC ANIMAL MANAGEMENT PLAN DRAFT

Executive Summary

In June 2017, work started on the development of a new Domestic Animal Management Plan 2018-2021 (DAM Plan), with the purpose of addressing Council legislative requirements by developing a DAM Plan that provides a professional, consistent and proactive approach to domestic animal management services for the next four years.

The purpose of this report is to outline the process undertaken in preparing the Draft DAM Plan and to recommend that it be endorsed by Council.

MOTION

CRS KEVIN BOURKE / PETER LAWLESS

That Council endorse the Domestic Animal Management Plan 2018-2021, which addresses the requirements of Section 68A of the Domestic Animals Act 1994.

(CARRIED)

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

ITEM NO: 10.1

ACTION OFFICERS' LIST

MOTION

CRS ED COX / LIBRO MUSTICA

That Council receive and note the Action Officers' List.

(CARRIED)

FILE NO: F17/587 4. A WELL RUN COUNCIL

ITEM NO: 11.1

NOTICE OF MOTION - CR LIBRO MUSTICA**MOTION**

CRS LIBRO MUSTICA / PETER LAWLESS

1. That the Moira Shire recognizes the difficulties small local business face in promoting their business activity due to the planning constraints of State Government Planning Legislation in relation to signage fronting roadsides
2. That Moira Shire work with the local business owners operating in smaller townships and those operating rural style cottage and boutique businesses to:
 - formulate a desired solution to the problem
 - Work with the local small business operators to seek a deputation to the Victorian State Government Minister for Planning to alert him to the signage issues and seek amendment to the Planning Legislation and/or regulations to rectify the problem

(CARRIED)

FILE NO: F17/19 4. A WELL RUN COUNCIL
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ITEM NO: 11.2

NOTICE OF MOTION - CR LIBRO MUSTICA**MOTION**

CRS LIBRO MUSTICA / PETER LAWLESS

1. That a planning committee be established to consider all planning permit applications that have a development cost in excess of \$1 million or attract 2 or more objections.
2. The committee to meet fortnightly.
3. The committee to comprise 3 councillors.
4. All pre-application discussions concerning rezoning or development proposals in excess of \$1 million be referred to the planning committee.
5. A internal process be established to inform all Councillors on a weekly basis of all new planning permit applications.

Cr Cox foreshadowed an alternative motion if the motion was lost.**The motion was withdrawn with the leave of Council.****MOTION**

CRS ED COX / WENDY BUCK

That a report be prepared on town planning governance and decision making models being used by Victorian councils that are achieving successful planning outcomes as measured by the Know Your Council performance indicators.

(CARRIED)
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FILE NO: F17/465
2. A THRIVING LOCAL ECONOMY

ITEM NO: 11.3

NOTICE OF MOTION - CR KEVIN BOURKE

MOTION

CRS KEVIN BOURKE / MARIE MARTIN

That in relation to Signage in Farming Zone (which is a prohibited use) that Council observe and respond to Clauses 63. 01 through to Clause 63. 11 of the Victorian Planning Provisions.

(CARRIED)

12 PETITIONS AND JOINT LETTERS

NIL

FILE NO: 52012400 1. A GREAT PLACE TO LIVE

ITEM NO: 13.1

CREATION OF EASEMENT - CARRIAGEWAY - 3 MEIKLEJOHN STREET NUMURKAH

Executive Summary

Planning Permit 52012400 was issued on 23 June 2014 and subsequently amended on several occasions for the purpose of a Supermarket Extension, car parking, liquor licence modifications, reduction in the number of parking spaces and waiving of on-site loading and unloading facilities on land known as 2-12 Melville Street and 3 Meiklejohn Street, Numurkah.

Condition 11 on such permit required the following:

An easement of carriageway be created over, at least, 3 Meiklejohn Street to provide legal access/egress for the users of the laneway while part of the laneway is closed for loading and unloading purposes for the supermarket. A plan for the creation of an easement must be registered prior to the use of the laneway for loading and unloading purposes.

A Plan for the creation of a carriageway easement has been prepared under Section 45(3) of the Transfer of Land Act 1958 and lodged seeking consent from Council.

The carriageway easement will be favour of Council.

This Plan for Creation of Easement would fulfil the condition in the planning permit, however, it is noted that the laneway is currently being used for loading and unloading.

MOTION

CRS JOHN BEITZEL / ED COX

That Council authorise the Chief Executive Officer to sign and seal the Creation of Easement document.

(CARRIED)

FILE NO: F13/2600 2. A THRIVING LOCAL ECONOMY
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ITEM NO: 13.2

FUNDING AGREEMENT - YARRAWONGA MULWALA BUSINESS AND TOURISM INC.: VISITOR SERVICES**Executive Summary**

1. Council has in the last three years contracted Yarrowonga Mulwala Tourism and Business Inc. (previously Yarrowonga Mulwala Tourism Inc.) to deliver visitor services in Yarrowonga.
2. Outsourcing the visitor service delivery in Yarrowonga has proven cost-effective for Council
3. Council endorsed the amended Visitor Services Strategy 2017-2019 on 27 September 2017. Recommendation 1 of this strategy seeks to *ensure we can promote our shire in other Visitor Information Centres (VICs) across Australia* by retaining the accreditation status of the Yarrowonga VIC. This will be achieved through the outsourcing of the delivery of accredited Visitor Information Services in Yarrowonga to Yarrowonga Mulwala Tourism and Business Inc.
4. The attached Funding Agreement has been negotiated with Yarrowonga Mulwala Tourism and Business Inc.
5. On 25 September 2017 a Ministerial exemption was granted (see attachment) under section 186 of the Local Government Act for Council to enter into this Funding Agreement without undertaking a tendering process.
6. The funding agreement entails the payment of \$225,000 plus GST per annum of the service delivery. The agreement is effective on the 1 October 2017 to 30 June 2020 (with an option to extend to 30 June 2023).

MOTION

CRS PETER MANSFIELD / PETER LAWLESS

That Council authorise the Chief Executive Officer to sign and seal the funding agreement between Moira Shire Council and Yarrowonga Mulwala Tourism & Business Inc.

(CARRIED)

FILE NO: VARIOUS

ITEM NO: 14

URGENT GENERAL BUSINESS

NIL

FILE NO: VARIOUS

ITEM NO: 15

QUESTIONS FROM THE PUBLIC GALLERY

Question were raised in relation to:

- The Cost of the Yarrawonga/Mulwala Bridge plebiscite.
- Town Planning position vacant advertising.
- Kerb and channel construction at Ely Street Yarrawonga.
- Documents tabled at the August Council meeting relating to Ulupna Bridge Rd.

FILE NO: VARIOUS

ITEM NO: 16

MEETING ADJOURNMENT

MOTION

CRS ED COX / PETER MANSFIELD

That the meeting be adjourned for 10 minutes.

(CARRIED)

The meeting adjourned at 7:38 PM

MOTION

CRS ED COX / JOHN BEITZEL

That the meeting be resumed.

(CARRIED)

The meeting resumed at 7:47 PM

MOTION

CRS ED COX / LIBRO MUSTICA

That pursuant to Sections 89(2) (d) and (f) 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 ED COX / WENDY BUCK

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 WENDY BUCK / PETER LAWLESS

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**Successful tenders****C034/17 - Provision of Professional Services for Engineering, Asset Management and Design Panel**

- Water Technology Pty Ltd
- TVN Group Pty Ltd
- Traffic Works Pty Ltd
- Tonkin Consulting Pty Ltd
- P.T. Tomkinson & Associates Pty Ltd
- Taylors Development Strategists Pty Ltd
- The Trustee for the J & K Dunn Family Trust T/A Rural Works Pty Ltd
- Regional Management Group Pty Ltd
- PLC Consulting Pty Ltd
- Juxtaposition Pty Ltd T/A Oxley & Company
- North East Survey Design Pty Ltd
- L R Pardo & Associates Pty Ltd
- Jovaras Westland Partnership Pty Ltd
- Irwin Consult Pty Ltd
- Infrastructure Solutions Pty Ltd ATF The Infrastructure Solutions Unit Trust
- HDS Australia Pty Ltd
- Haskell Architects Pty Ltd
- Ground Science Pty Ltd
- The Trustee for GMR Engineering Services Unit Trust
- Gerard Brandrick & Associates Pty Ltd
- Sandhurst Geotech Pty Ltd
- Deacon Engineers Pty Ltd
- Chris Smith & Associates ATF Subdivision Management & Design Unit Trust T/A Chris Smith & Associates Pty Ltd
- CAF Consulting Services Pty Ltd
- Bruce Mactier & Associates Pty Ltd
- Architecture Matters Pty Ltd ATF The Gionfriddo & Quigley Unit Trust T/A Architecture Matters Pty Ltd
- Architecture & Access (Aust) Pty Ltd
- 2MH Consulting Pty Ltd

C035/17 - Provision of Professional Services for Planning and Building Services

- Fisher Planning Pty Ltd
- Shannon Davies t/a SD Planning
- Chris Smith & Associates ATF Subdivision Management & Design Unit Trust T/A Chris Smith & Associates Pty Ltd
- Currie & Brown (Australia) Pty Ltd
- Louise Lunn
- Mecone Melbourne Pty Ltd
- North East Survey Design Pty Ltd
- Juxtaposition Pty Ltd T/A Oxley & Company
- PLC Consulting Pty Ltd
- SED Advisory ATF SED Partners Unit Trust
- P.T. Tomkinson & Associates Pty Ltd t/a Tomkinson Group
- Urban Enterprise Pty Ltd

Meeting Closed: 7:51 PM