



MINUTES

ORDINARY MEETING OF COUNCIL
COBRAM CIVIC CENTRE,
WEDNESDAY 26 JULY 2017

The meeting commenced at 5:00 pm.

PRESENT	Councillor Gary Cleveland (Mayor)	
	Councillor Marie Martin (Deputy Mayor)	
	Councillor John Beitzel	
	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
	Sally Rice	General Manager Community
	Linda Nieuwenhuizen	Manager Governance and Communication

1. CALLING TO ORDER – CEO

RECORDING

Consistent with section 72 of our Meeting Procedures Local Law, Council officers have been authorised to record the public session of this meeting using an audio recording device.

2. PRAYER

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

Amen

Read by the Mayor

3. ACKNOWLEDGEMENT OF COUNTRY

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

Read by the Mayor

4. APOLOGIES & REQUESTS FOR LEAVE OF ABSENCE

- Councillor Bourke is an apology for tonight's meeting.
- Councillor Mustica advised he would be leaving the meeting at 6pm.

MOTION

CRS PETER MANSFIELD / ED COX

That the apologies for tonight's meeting be accepted.

(CARRIED)

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

Nil

6. DECLARATION OF ANY INTEREST OR CONFLICT OF INTEREST

Nil

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

MOTION:

CRS ED COX / PETER LAWLESS

"That the minutes of the Ordinary Council Meeting held on Wednesday, 28 June 2017, as prepared, be confirmed."

(CARRIED)

8. COUNCILLOR REPORTS

Councillor Mansfield reported on his attendance at a Murray Darling Association Region Two Meeting which was held in Cobram.

FILE NO: F13/260
2. A THRIVING LOCAL ECONOMY

ITEM NO: 9.1.1

BARMAH CARAVAN PARK - FUTURE COUNCIL INVOLVEMENT

Executive Summary

This report seeks Council's direction for Council's future involvement in the operation of the Barmah Caravan Park (BCP).

Following two Expression of Interest (EOI) processes, Council resolved at the April Council meeting *That a decision be deferred for three months, and that Moira Shire work with the Barmah Community to achieve a workable and amicable result for all parties concerned.* As a result, Council has not made a decision and the processes are not concluded. Since the April meeting, officers have undertaken community, business and industry consultation with the goal of better understanding the value of the BCP to the local community and economy, and to identify a park management model that is viable, compliant and would enable the ongoing operations of the BCP.

A range of options have been evaluated on their ability to

- satisfy Victorian Government legislative and best practice requirements for Caravan Parks on Crown land and Crown Land leasing policy requirements.
- ensure future Council involvement does not create unreasonable legal and/or financial risks for Council and is consistent with the principle that public funds should be invested in services and assets that provide broad public benefit in preference to services and assets that benefit a limited group and/or private business, and comply with rules of competitive neutrality that apply to local government.
- comply with rules of competitive neutrality which basically means public funds through operational or capital assistance should not subsidise the operation of a business in a competitive market.

Through this process four options have been identified for Council's consideration:

- a. Council undertake a prescriptive Expression of Interest process
- b. Council seek Ministerial approval to commence negotiations with the incumbent Lessee
- c. Council resume the EOI process and commence further discussions with existing applicants
- d. Council not renew the lease of the Barmah Caravan Park and transition the Park into a progressive closure phase based upon Council's obligations under the Residential Tenancies Act.

Council is asked to confirm which of these options it would like to pursue or whether there is a further option it would like to explore. Once Council's view is confirmed, a project plan will be developed to support the timely progress of Council's decision and communication to all affected parties.

MOTION

CRS ED COX / MARIE MARTIN

That Council confirm its preferred option for future involvement in the operation of the Barmah Caravan Park is to undertake a prescriptive Expression of Interest process.

(CARRIED)

FILE NO: D17/17020
4. A WELL RUN COUNCIL

ITEM NO: 9.2.1

CHILD SAFE POLICY

Executive Summary

In November 2013 the *Betrayal of Trust* report was tabled in Parliament with 15 recommendations, including compulsory minimum standards for creating child-safe environments. In November 2015 the Victorian Parliament passed the *Child Wellbeing and Safety Amendment (Child Safe Standards) Act 2015 (The Act)* to introduce Child Safe Standards.

The seven Child Safe standards are compulsory for all organisations providing services to children, and aim to drive cultural change in organisations so that protecting children from abuse is embedded in everyday thinking and practice.

The Child Safe Standards will assist organisations to:

- prevent child abuse
- encourage reporting of any abuse that does occur
- improve responses to any allegations of child abuse.

The Child Safe Policy (attached) outlines the requirements of Council staff, Councillors and volunteers to prevent child abuse, and increase the effectiveness of responses to allegations of child abuse.

MOTION

CRS WENDY BUCK / ED COX

That Council adopts the Child Safe Policy.

(CARRIED)

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

ITEM NO: 9.2.2

ASSEMBLIES OF COUNCIL

Executive Summary

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

MOTION

CRS JOHN BEITZEL / ED COX

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

(CARRIED)

FILE NO: F16/222
1. A GREAT PLACE TO LIVE

ITEM NO: 9.3.1

COMMUNITY STRENGTHENING GRANTS POLICY

Executive Summary

Council's Community and Events Grants policy is due for review. The Community and Events Grants policy provides the guiding principles upon which Council's community grants program is offered, ensuring grants are offered in accordance with community expectation as reflected in the Council Plan and strategy; and that a consistent and transparent and approach is applied to the delivery of the of the program.

MOTION

CRS WENDY BUCK / MARIE MARTIN

That Council adopt the attached Community Strengthening Grants policy.

(CARRIED)

FILE NO: F13/150-2
4. A WELL RUN COUNCIL

ITEM NO: 9.3.2

DISABILITY ADVISORY COMMITTEE - MEMBER NOMINATION

Executive Summary

Moira Shire Council's Disability Advisory Committee consists of representatives from relevant disability, community and health organisations, community members, Councilors and a Council Officer.

The role of the Disability Advisory Committee is to provide expert and personal advice on accessibility issues, to ensure that appropriate consultation and participation exists and advocate for a more accessible and inclusive community.

Following the recent resignation of a community member a vacancy exists on the Disability Advisory Committee. Advertising for the position ran for a total of 8 weeks and one nomination was received from Kate McRae. It is recommended that this nomination should be accepted.

Due to the increase of Councillor representatives the Disability Advisory Committee Terms of Reference have been amended to reflect the change of one to two Councillors.

MOTION

CRS PETER LAWLESS / JOHN BEITZEL

That Council:

1. Accept the nomination of Kate McRae to the Disability Advisory Committee;
2. Write and thank out going member Robyn Taylor and,
3. Endorse the amended Disability Advisory Committee Terms of Reference.

(CARRIED)

FILE NO: F13/474
3. A CLEAN GREEN ENVIRONMENT

ITEM NO: 9.4.1

FINALISING THE ENVIRONMENTAL SUSTAINABILITY STRATEGY 2017-2021

Executive Summary

The draft Environmental Sustainability Strategy (ESS) was released for public consultation for three weeks. We received nine responses to the online survey and three written submissions.

Suggestions from the surveys and submissions have been considered and changes have been made where appropriate. This report describes the feedback received and details how it has been used in finalising the ESS.

MOTION

CRS WENDY BUCK / PETER MANSFIELD

That Council adopt the Environmental Sustainability Strategy 2017-2021.

(CARRIED)

FILE NO: F13/2543
4. A WELL RUN COUNCIL

ITEM NO: 9.4.2

PROPOSED DISCONTINUATION OF HOODLE STREET, BUNDALONG

Executive Summary

Council has received a request from the property owner of No. 2 Ligar Street, Bundalong to discontinue the road reserve of Hoodle Street between Pasley Street and their two properties of 2 Ligar Street and 7 Bailey Bundalong. Both properties abut the Hoodle Street road reserve. Their purpose for the discontinuation is to incorporate the unused road reserve as part of their proposal to consolidate their abutting individual properties.

The property owner has advised the Department of Environment, Land, Water and Planning (DELWP) that it wish to use the road reserve for their own purposes.

DELWP have advised the property owner to request Council to commence the process to discontinue the road reserve under Clause 3, Schedule 10 of the Local Government Act 1989. Therefore the land would revert to being unused Crown land and an application may then be made to DELWP to use the road reserve either under a license or transfer of ownership.

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

It is therefore recommended that Council undertake the required consultation process to gauge the community's views about the discontinuation of this section of Hoodle Street.

MOTION

CRS PETER MANSFIELD / WENDY BUCK

That Council:

1. Resolves to commence the statutory process to discontinue Hoodle Street, Bundalong between Pasley Street and No. 2 Ligar Street under the Local Government Act and the Road Management Act.
2. Publish a Public Notice in local papers advising of Council's intention, setting out the details and informing people they have a right under Section 223 of the Local Government Act and Section 12 of the Road Management Act to make a submission regarding the proposed road discontinuance.
3. Write letters to adjoining property owners advising them of Council's proposal and also that they have a right to make a submission regarding the proposed road discontinuance.
4. Appoint a Committee of Council comprising the whole of Council and the General Manager Infrastructure under Section 223(1)(b)(i) of the Local Government to hear any persons who in their written submissions under Section 223 of the Act have requested that they be heard in support of their submissions.
5. Authorise the Chief Executive Officer to carry out any and all other administrative procedures necessary to enable Council to carry out its functions under Section 223 of the Local Government Act and the Road Management Act.

(CARRIED)

FILE NO: F15/38
1. A GREAT PLACE TO LIVE

ITEM NO: 9.4.3

**ADOPTION OF COMBINED PLANNING SCHEME AMENDMENT C79 AND
PLANNING PERMIT 52016173 - CULLENS ROAD, YARRAWONGA**

Executive Summary

The purpose of this report is to consider the adoption of Moira Planning Scheme Amendment C79 and the issue of Planning Permit 52016173.

This combined amendment comprises:

- The land at 17 Cullens Road (Lot 2 PS444834) rezoned from Rural Living Zone to Low Density Residential Zone; and
- The land at 21 Cullens Road (Lot 7 LP118722) and the land at 17 Cullens Road subdivided into nine (9) lots.

Combined Amendment C79 was received on 3 August 2016 and was seen at Council on 19 December 2016 for the recommendation that Council seek Authorisation from the Minister to prepare the amendment. The Minister gave Authorisation on 2 March 2017 to proceed. The exhibition period closed on 5 June 2017 and no submissions were received opposing the Planning Scheme Amendment/Planning Permit. The Responsible Authority must make a decision within 60 days of the closing date for Exhibition (3 August 2017).

MOTION

CRS WENDY BUCK / ED COX

That:

1. Having exhibited combined Planning Scheme Amendment C79 and Planning Permit application 52016173 in accordance with Section 96C of the *Planning and Environment Act 1987 (The Act)* and received no opposing submissions, in accordance with Section 29 of the Act, Council adopt Moira Planning Scheme Amendment C79 as exhibited.
2. Council request the Minister for Planning to approve the adopted amendment Moira C79 to the planning scheme under Section 31 of *The Act*.
3. In adopting Moira Planning Scheme Amendment C79, in accordance with Section 96G of *The Act*, Council recommends to the Minister that, a permit be granted subject to conditions as exhibited with the Amendment C79.

(CARRIED)

FILE NO: F13/877
5. DEMONSTRATING GOOD GOVERNANCE

ITEM NO: 9.4.4

NAMING OF RESERVE BETWEEN CAMPBELLFIELD DRIVE AND ROSEMARY COURT, YARRAWONGA

Executive Summary

At its meeting on 26 April 2017 Council adopted "Taylor Park" as the interim name for the unnamed park between Campbellfield Drive and Rosemary Court, Yarrawonga. Lance Corporal Ernest Taylor was born in Yarrawonga and was the uncle of William Stevenson, the original developer of the land in Woodlands. The name was proposed by Mr Stevenson's daughter as an alternative to the proposed name of Cooper Park.

The interim name was advertised in the Yarrawonga Chronical on 3 May 2017 and comments were sought on the proposed name from land owners and occupants in the area surrounding the reserve.

In response to the advertising, the alternative name of Woodlands Reserve was proposed to commemorate the history of the property "Woodlands" which included the reserve and was subdivided for development.

This report provides the results of the public consultation process and recommends the adoption of the name Taylors Park.

MOTION

CRS PETER MANSFIELD / WENDY BUCK

That Council:

1. Adopt the name Taylor Park for submission to the Office of Geographic Names.
2. Advise all submitters of the decision and their rights of appeal to Office of Geographic Names.

(CARRIED)

FILE NO: F13/858
4. A WELL RUN COUNCIL

ITEM NO: 9.4.5

PROPOSED DISCONTINUATION OF PART UNMADE ROAD RESERVE OFF BOURCHIERS ROAD, STRATHMERTON

Executive Summary

Council has received a request from the Department of Environment, Land, Water and Planning to discontinue the unmade road reserve off Bourchiers Road, Strathmerton being the government road traversing Lot 1 on LP94793, Parish of Strathmerton. Once the road has been discontinued, the land will revert to being Crown land and will then be made available for sale to the adjoining land owner.

Under Schedule 10, Clause 3 of the Local Government Act 1989 (the Act), Council has the power to discontinue a road by a notice published in the Government Gazette. Before this power can be exercised, the public has the right to make a submission on the proposed road discontinuance under Section 223 of the Act.

It is therefore recommended that Council undertake the required consultation process to gauge the community's views about the discontinuation of the unmade road reserve off Bourchiers Road, Strathmerton.

MOTION

CRS ED COX / WENDY BUCK

That Council:

1. place advertisements in local papers seeking comments within 28 days regarding the proposed discontinuance of an unmade road reserve off Bourchiers Road, Strathmerton under Section 223 of the Local Government Act 1989;
2. write letters to adjoining landowners seeking comments within 28 days regarding the proposed discontinuance of an unmade road reserve off Bourchiers Road, Strathmerton under Section 223 of the Local Government Act 1989;
3. appoint a Committee of the Council (whole of Council), to consider submissions and hear any person who wishes to be heard in support of their submission on the proposed discontinuance of an unmade road reserve off Bourchiers Road, Strathmerton;
4. will hear submissions on a date, time and place as set by the Chief Executive Officer;
5. if no objections are received following the Section 223 process, declare the unmade road reserve off Bourchiers Road, Strathmerton as discontinued; and
6. if the unmade road reserve off Bourchiers Road, Strathmerton is discontinued as per point 5 above, authorise the Chief Executive Officer to sign and seal the attached Consent to Closing of Road under Section 349, Land Act 1958, notifying the Department of Environment, Land, Water and Planning of Council's decision.

(CARRIED)

FILE NO: F16/651
2. A THRIVING LOCAL ECONOMY

ITEM NO: 9.4.6

**ADOPTION OF THE COBRAM AND YARRAWONGA RETAIL POLICY
FRAMEWORK BACKGROUND ANALYSIS AND OPTION REPORTS**

Executive Summary

The town centres of Cobram and Yarrawonga have recently attracted new investment interest. Prudent decision-making will ensure the future vibrancy and appropriate development of these community assets are maintained and enhanced. To ensure that these centres continue to grow and thrive, a project to develop a Retail Policy Framework for Cobram and Yarrawonga was undertaken.

The Retail Policy Framework for Cobram and Yarrawonga is aimed to assess the level and form of the existing and prospective retail market demand with a view to determine:

- the drivers of change,
- the forms of development that are likely to be most viable leading into the future, and,
- the prospects for growing the employment base of the two town centres.

To inform and assist with the preparation of the Retail Policy Framework for Cobram and Yarrawonga, consultation was undertaken on two instances; four open day sessions in November 2016 and formal public consultation for three weeks in July 2017.

Six submissions were received. The submissions were generally in agreement with the Retail Policy Framework for Cobram and Yarrawonga but suggested some clarifications to be made.

It is recommended that Council adopt the Retail Policy Framework for Cobram and Yarrawonga.

MOTION

CRS WENDY BUCK / ED COX

That Council:

1. Note the submissions received.
2. Adopts the Cobram and Yarrawonga Retail Policy Framework Background Analysis and Options Report.

(CARRIED)

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

ITEM NO: 10.1

ACTION OFFICERS' LIST

MOTION

CRS LIBRO MUSTICA / ED COX

That Council receive and note the Action Officers' List.

(CARRIED)

11. NOTICES OF MOTION

NIL

12. PETITIONS AND JOINT LETTERS

Councillor Cox tabled a petition objecting to the proposed closure of the Cobram Barooga Visitor Information Centre.

13. COUNCIL SEAL

NIL

FILE NO: VARIOUS

ITEM NO: 14

URGENT GENERAL BUSINESS

MOTION

CRS MARIE MARTIN / ED COX

That an item of general business in relation to the Visitor Services Strategy be accepted.

(CARRIED)

MOTION

CRS MARIE MARTIN / WENDY BUCK

That Council extend the period for submissions on the draft Moira Shire Visitor Service Strategy to 1 September 2017.

(CARRIED)

FILE NO: VARIOUS

ITEM NO: 15

QUESTIONS FROM THE PUBLIC GALLERY

Public questions were received in relation to:

- The Future of the Barmah Caravan Park.
- The expense of sealing the road network.

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 5:49 PM

Councillor Mustica left the meeting at 5:49 PM.

MOTION

CRS ED COX / JOHN BEITZEL

That the meeting be resumed.

(CARRIED)

The meeting resumed at 6:03 PM

MOTION

CRS ED COX / WENDY BUCK

That pursuant to Sections 89(2) (b) (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 and matters which the Council considers would prejudice the Council or any person.

(CARRIED)

MOTION

CRS PETER MANSFIELD / JOHN BEITZEL

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 PETER MANSFIELD / MARIE MARTIN

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

FILE NO: VARIOUS

ITEM NO: 16

MEETING ADJOURNMENT

(CARRIED)

CONTRACTS AWARDED

17.1 - 2017/18 RENEWAL OF INDUSTRIAL SPECIAL RISKS (PROPERTY)
INSURANCE:

Jardine Lloyd Thompsons Municipal Asset Protection Plan (JMAPP).

17.2 - C013/17 - PROVISION OF CONTAMINATED LAND AND LANDFILL
CONSULTANCY SERVICES AND ENVIRONMENTAL AUDIT SERVICES PANEL:
Municipal Association Australia (MAV) contract CL7700.

17.3 - SUPPLY OF ELECTRICITY FOR SMALL TARIFFS:
Municipal Association Australia (MAV) contract EC8317-2017-EL.

19. CLOSE OF MEETING

The meeting closed at 6:23 PM.