



MINUTES

ORDINARY MEETING OF COUNCIL HELD AT COBRAM
CIVIC CENTRE,
WEDNESDAY 27 SEPTEMBER 2017

The meeting commenced at 5:00 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 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
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 Lawless has previously requested leave of absence for this 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 ED COX / MARIE MARTIN

"That the minutes of the Ordinary Council Meeting held on Wednesday, 23 August 2017, as prepared, be confirmed."

(CARRIED)

8. COUNCILLOR REPORTS

Councillor Bourke reported on his attendance at a River Red Gum Management Plan meeting in Echuca and a Sustainable regions: Agriculture and Regional Communities forum in Shepparton.

Councillor Martin reported on her attendance at a GrainCorp meeting in Numurkah and a Rural and Regional Councils Sustainability Reform Program Regional Workshop in Wangaratta.

The Mayor Councillor Cleveland reported on his attendance as part of an advocacy delegation from the Murray River Group of Councils to Canberra.

FILE NO: 001
4. A WELL RUN COUNCIL

ITEM NO: 9.2.1

MOIRA SHIRE COUNCIL ANNUAL REPORT 2016/17 - FOR NOTING

Executive Summary

Moira Shire Council's 2017 Annual Report including the audited Financial Statements and Performance Statement is provided for noting by Council.

Council is required to prepare its 2016/17 Annual Report in line with the requirements set out in the Local Government Act 1989 (The Act) and submit the report to the Minister by 30 September each year.

Following Council's noting 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 WENDY BUCK / KEVIN BOURKE

That Council receives and notes the 2016/17 Annual Report including the audited Financial Statements and Performance Statement.

(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 August 2017 and is prepared in accordance with the requirements of the Local Government Act (the Act) 1989 section 80A.

MOTION

CRS KEVIN BOURKE / MARIE MARTIN

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

(CARRIED)

FILE NO: F17/930
2. A THRIVING LOCAL ECONOMY

ITEM NO: 9.3.1

AMENDED VISITOR SERVICES STRATEGY

Executive Summary

This Council report outlines proposed amendments to the recommendations contained in the draft Visitor Services Strategy (VSS).

The amendments have been developed following consideration of:

- The feedback received through the community consultation process that concluded 1 September 2017;
- Council's legal and financial capability and capacity - notably competitive neutrality; and
- Existing council commitments to projects and master plans.

It is proposed that the five VSS recommendations be expanded to include eight further points. The additional points clarify, confirm and in some cases commit Council to particular operating arrangements. The latter are largely driven by community concerns expressed through the community consultation phase. The submissions have been provided to Councillors under separate cover.

A revised draft strategy has been attached for Council's consideration and possible adoption.

MOTION

CRS MARIE MARTIN / KEVIN BOURKE

That Council:

1. Note the submissions received from the community consultation and thank the participants that have made a submission (where contact details have been provided)
2. Approve the amended Visitor Services Strategy in response to submissions received
3. Authorize the CEO to progressively activate the strategy over the anticipated 2 year implementation timeframe
4. Actively continue to seek external funding opportunities to assist with the cost of construction of a public piazza adjacent to the Cobram VIC

(CARRIED)

FILE NO: F17/823
1. A GREAT PLACE TO LIVE

ITEM NO: 9.3.2

**REVIEW DELEGATIONS MADE TO SPECIAL COMMITTEES AND EXEMPTIONS TO
SUBMIT REGISTER OF INTEREST RETURNS**

Executive Summary

Under the Local Government Act 1989 Council must review delegations made to special committees and review exemptions to submit Register of Interest Returns within 12 months of a Council election. Therefore following the October 2016 Council election a review has been conducted.

This report is to provide an update and make recommendations regarding the recent reviews of Councils Section 86 Committees:

- Instrument of Delegation; and
- Exemptions to submit Register of Interest Returns.

MOTION

CRS WENDY BUCK / KEVIN BOURKE

That Council in exercise of the powers conferred by Sections 81 (2B), 86 and 87 of the *Local Government Act 1989* (the Act) resolves that:

1. The Instrument of Delegation authorised by a resolution of Council passed on 24 June 2013 remain in force;
2. The members of all Special Committees who are not Councillors, with the exception of members of the Cobram, Numurkah and Yarrawonga Showgrounds committees are exempted from being required to submit a primary return or ordinary return.

(CARRIED)

FILE NO: F17/819
1. A GREAT PLACE TO LIVE

ITEM NO: 9.3.3

**SPECIAL COMMITTEE MEMBER APPOINTMENTS 1 OCTOBER 2017 TO 30
SEPTEMBER 2021**

Executive Summary

Moirā Shire Council has established Special Committees, commonly referred to as Section 86 Committees, under section 86 of the *Local Government Act 1989*. Section 86 Committees manage facilities for which Council has responsibility including Recreation Reserves, Showgrounds, Public Halls and Historical Precincts.

The current term of appointment for the Special Committees concludes on 30 September 2017. In order for committees to continue to function in their current form over the next four year term new committee representatives need to be appointed. In anticipation of the current Special Committee term concluding, a process for renewing committee memberships has been undertaken.

User groups have nominated their representatives and expressions of interest have been received from community representatives. Nominations are included in this report for Council consideration and subsequent appointment. This report also recommends a number of amendments to some committees composition. In addition, as the Bearii Recreation Reserve and Tungamah Court House Committees of Management are no longer operational, it is recommended that both committees be dissolved.

MOTION

CRS WENDY BUCK / KEVIN BOURKE

That Council in exercise of the powers conferred by sections 86 and 87 of the *Local Government Act 1989*, in relation to Special Committees (Committees of Management) resolve that:

1. For the four year period commencing on 1 October 2017 and concluding on 30 September 2021:
 - 1.1 the composition for each Special Committee will be one Councillor as nominated by Council; and a combination of User Group and or Community representatives as detailed in Appendix A to this report; and
 - 1.2 the persons appointed as either a User Group or Community Representative of the special committee as detailed in Appendix A, unless Council determines to vary or revoke the appointment.
2. All previous community or user group representative appointments are revoked as from midnight on 30 September 2017.
3. The composition of the Baulkamaugh Recreation Reserve, Koonoomoo Recreation Reserve, Waaia Recreation Reserve, Yarrowonga JC Lowe Oval Reserve, Yarrowonga Eastern Foreshore, Nathalia Showgrounds and Recreation Reserve, Numurkah Town Hall, Strathmerton Public Hall, Nathalia Historical Precinct Committees of Management as detailed in this report be amended.
4. The Bearii Recreation Reserve and Tungamah Court House Committees of Management be dissolved.
5. Outgoing committee members be thanked.

(CARRIED)

FILE NO: F13/100
1. A GREAT PLACE TO LIVE

ITEM NO: 9.3.4

TUNGAMAH COMMUNITY OUTDOOR POOL

Executive Summary

The Tungamah and District Swimming Pool is located at the Tungamah Primary School and as such is an asset of the Education Department. It is managed via a 50 year Joint User Agreement (JUA) between the former Tungamah Shire Council and the Tungamah Primary School Council. This JUA was signed in November 1980.

On 21 August 2017 Council received correspondence from the Victorian School Building Authority (VSBA) to advise that the Tungamah Primary School Council has requested the JUA be terminated on the basis that the School Council is no longer able to support the pools operation. The VSBA is supportive of this request and has expressed a desire to re-purpose the site for alternative use.

However, the VSBA has offered Council the opportunity to lease the pool site in the event that Council wish to manage the pool on an exclusive basis into the future.

Due to the ageing infrastructure impacting ongoing operational and capital costs and exceptionally low levels of patronage, it is recommended that Council decline the VSBA's offer of a lease to enable Council management of the pool. This report also recommends that Council agree to support the Tungamah Primary School Council in their wish and endorse the termination of the JUA.

MOTION

CRS WENDY BUCK / PETER MANSFIELD

That Council authorise the CEO to terminate the Joint User Agreement and decline the Victorian School Building Authority's offer to lease the swimming pool facility.

(CARRIED)

FILE NO: D17/55306
1. A GREAT PLACE TO LIVE

ITEM NO: 9.3.5

ESTABLISHMENT OF FRIENDS OF COBRAM FEDERATION PARK

Executive Summary

In June 2017 the founding members of the Cobram Federation Park Committee approached Council seeking assistance to establish a committee to have oversight of Federation Park. In response, it was suggested that a Friends of Cobram Federation Park committee be established under the direct management and supervision of the Council Chief Executive (CEO).

The proposed group will facilitate community and stakeholder interest and provide information and feedback on matters relating to Cobram Federation Park.

It is recommended that Council endorse the establishment of the group and attached draft Terms of Reference (ToR).

Following endorsement recruitment for membership will commence and nominations sought for the Friends of Cobram Federation Park.

MOTION

CRS ED COX / LIBRO MUSTICA

That Council:

1. Endorse the Terms of Reference for the Friends of Cobram Federation Park, and;
2. Endorse the formation of the Friends of Cobram Federation Park through a public call for nominations.

(CARRIED)

FILE NO: 1
3. A CLEAN GREEN ENVIRONMENT

ITEM NO: 9.3.6

ENVIRONMENTAL SUSTAINABILITY ADVISORY COMMITTEE 2017-2021

Executive Summary

The current term of the Environment Sustainability Advisory Committee (ESAC) expired on the 30 April 2017. Council endorsed the revised Terms of Reference for the Environmental Sustainability Advisory Committee (ESAC) on 28 June 2017. All previous members were formally thanked for their contribution.

A process to appoint new members has been undertaken in accordance with the ToR.

This report recommends noting the regional stakeholders who have accepted the invitation to participate and endorse the applications received from Julie Ballard as a community member and GrainCorp as a business representative.

MOTION

CRS KEVIN BOURKE / MARIE MARTIN

That Council:

1. note the key regional stakeholders that accepted an invitation to be a member of the Environmental Sustainability Advisory Committee.
2. endorse the representative on the Environmental Sustainability Advisory Committee: Julie Ballard; and
3. endorse the GrainCorp as a business representative on Environmental Sustainability Advisory Committee.

(CARRIED)

FILE NO: F13/860-2
4. A WELL RUN COUNCIL

ITEM NO: 9.4.1

BRIDGE CLOSURE WILBY RECREATION RESERVE

Executive Summary

The bridge across the Sandy Creek at Wilby, was originally constructed as a footbridge. It has been strengthened over the years, and has been in poor condition for many years, but has now deteriorated to a stage that it should not be carrying vehicles.

The bridge is only used to access the recreation reserve and there is alternative access available. The alternate access is via a short detour from the bridge and will be upgraded by re-sheeting because it will now serve as the main entrance to the Reserve.

The bridge is listed within Council's heritage study as a footbridge that is quite significant. It should not therefore be replaced by an alternate vehicle bridge but preserved as a footbridge.

It is recommended that Council seek funds under an appropriate program to refurbish the bridge and return it to its historical state. It is quite likely given the significance of the bridge that a historic funding application would be successful.

MOTION

CRS WENDY BUCK / LIBRO MUSTICA

That:

1. The bridge across the Sandy Creek at Wilby, remain closed to all traffic as it cannot reliably support the normally expected loads that such a bridge should be able to support.
2. That the alternate route be upgraded by re-sheeting with gravel.
3. Council seek funding to restore the bridge to a footbridge as it was originally built.
4. Council advise users of the bridge, and the community of Wilby of its decision.

(CARRIED)

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

ITEM NO: 9.4.2

PROPOSED DISCONTINUATION OF BARRY STREET, NATHALIA

Executive Summary

At Council's meeting of 28 June 2017, Council resolved to commence the process to discontinue Barry Street, Nathalia between Park Street and Pelling Street and accordingly undertake the required consultation process under Section 223 of the Local Government Act.

As part of the consultation process, public notices were advertised on the Council's Website and in the local newspapers commencing on 12 July 2017 inviting the public to make a submission on the proposed road discontinuation under Section 223 of the Act. The period for the public to make a submission was open until 11 August 2017. No submissions had been received.

MOTION

CRS KEVIN BOURKE / MARIE MARTIN

That Council exercise its powers under the Schedule 10 Clause 3 of the Local Government Act to discontinue Barry Street, Nathalia between Park Street and Pelling Street by a notice published in the Government Gazette and the land be transferred to the Crown.

(CARRIED)

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

ITEM NO: 9.4.3

PROPOSED DISCONTINUATION OF HOODLE STREET, BUNDALONG

Executive Summary

Following consideration of the submissions and presentations by residents, this report proposes that the discontinuation of Hoodle Street, Bundalong not proceed.

A local resident requested council discontinue a section of Hoodle Street. Council sought community feedback. The feedback confirmed the local residents oppose the proposal because of

- the perceived impact on access to their property,
- risk of further similar discontinuances
- loss of a valued community open space

The road way is crown land and the discontinuance would see the land revert to the crown. The applicant would need to negotiate with DEWLP to determine future access arrangements or purchase. Discontinuance would not guarantee the outcome sought by the resident.

It is therefore recommended that Council not proceed with the proposal to discontinue Hoodle St.

MOTION

CRS PETER MANSFIELD / WENDY BUCK

That Council does not proceed with the process for the discontinuation of Hoodle Street, Bundalong.

(CARRIED)

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

ITEM NO: 10.1

ACTION OFFICERS' LIST

MOTION

CRS KEVIN BOURKE / ED COX

That Council receive and note the Action Officers' List.

(CARRIED)

11. NOTICES OF MOTION

NIL

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| FILE NO: D17/57766 2. A THRIVING LOCAL ECONOMY |
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| ITEM NO: 12.1 |
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JOINT LETTER LONERGAN ROAD, COBRAM

Executive Summary

This report advises Council of steps to address the concerns identified by property owners along Lonergan Road, Cobram and submitted to Council in a joint letter by four local property owners.

The letter requests that Council widen approximately 2 kilometres of Lonergan Road, to minimise dust from vehicles travelling along the road, and mentions that State Government funding may be available to undertake this work.

Lonergan Road is a Local Road built and maintained to support use by local property owners.

Traffic investigations show an average 186 vehicles per day – with the 85thile around the local speed limit of 100kph. This is normal and expected. The traffic volumes are not high and the average speeds, are not unusual for this type of road. There is some concern that a few vehicles are travelling at very high speeds.

Road widening is proposed as a solution by the local property owners. Improving the road would require full reconstruction of the road estimated at around \$300,000 per km.

State Government funding programs have been available in the past, however the application process is extremely competitive.

An alternative option is to close all or part of the road. This would effectively eliminate the through traffic, reducing the volume of traffic, dust and also reduce road maintenance costs. Local property owners have confirmed they are not willing to consider this option.

MOTION

CRS KEVIN BOURKE / ED COX

That Council

- consider the issues raised in the joint letter received by Council and thank the author.
- consider Lonergan Road as a potential candidate for State or Federal Government funding, provided the application is not at the expense of other projects identified for such grants.
- advise the traffic liaison Committee of the incidence of a few vehicles travelling at very high speeds upon Lonergan Road.

(CARRIED)

12. PETITIONS AND JOINT LETTERS

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

FILE NO: F13/2955
1. A GREAT PLACE TO LIVE

ITEM NO:

SUBMISSION ON RIVER RED GUM PARKS DRAFT MANAGEMENT PLAN

MOTION

CRS WENDY BUCK / PETER MANSFIELD

That Council receive the two late items on:

- River Red Gums Management Plan
- Yarrowonga Mulwala bridge plebiscite results

(CARRIED)

Executive Summary

Parks Victoria have released a draft Red Gum Parks and Reserves Management Plan for comment.

The River Red Gums Parks Draft Management Plan is a strategic guide for managing and protecting over 215 000 ha of parks and reserves along the Murray, Goulburn and Ovens Rivers between Wodonga and the South Australian border. The plan includes Gunbower, Warby–Ovens, Lower Goulburn, Hattah–Kulkyne National Parks, part of Murray–Sunset National Park, Leaghur State Park, Gadsen Bend, Kings Billabong, Nyah–Vinifera and Murray–Kulkyne Parks and the proposed Murray River Park, and 100 other parks and reserves.

Moira Shire’s entire Northern, Eastern and South Western borders are River Red Gum parks. Therefore their management is of particular interest to the Moira Shire in terms of the:

- Community as personal users of the River Red Gum Parks;
- Community and businesses as beneficiaries of the tourism and economic activity the River Red Gum Parks generate;
- Community and Council for their landscape and environmental values; and
- Council from an operational perspective

MOTION

CRS WENDY BUCK / PETER MANSFIELD

That Council endorse the submission to the River Red Gums Management Plan.

(CARRIED)

FILE NO: 001
1. A GREAT PLACE TO LIVE

ITEM NO:

YARRAWONGA-MULWALA BRIDGE PLEBISCITE - RESULTS

Executive Summary

This report provides a summary of the processes that have contributed to the successful delivery of the Yarrowonga-Mulwala Bridge Plebiscite.

Council has worked with the Victorian Electoral Commission (VEC) to ensure a rigorous, independent and transparent plebiscite through which the local community can express its view.

The community, agencies and local media actively engaged on the topic with a range of information and views shared with the goal of informing and or influencing the views of voters. To protect the integrity of the plebiscite Council did not engage in this debate.

The Yarrowonga-Mulwala Bridge Plebiscite results will be officially announced by the VEC on Wednesday 27 September. A copy of the ad will be provided to council prior to the meeting.

More than 56% of eligible voters participated in the plebiscite – this is considered an excellent participation rate for a voluntary postal plebiscite.

The unofficial results indicate overwhelming support for option 1 – the green route.

The plebiscite is not binding on council or other agencies. It is recommended council consider the results before making a formal decision at a later council meeting.

It is also recommended that council acknowledge the participation by so many in the community.

MOTION

CRS WENDY BUCK / ED COX

That Council:

1. Thank the Yarrowonga community for their participation in the plebiscite
2. Note the official results published by the VEC.

(CARRIED)

FILE NO: VARIOUS

ITEM NO: 14

URGENT GENERAL BUSINESS

Nil

FILE NO: VARIOUS

ITEM NO: 15

QUESTIONS FROM THE PUBLIC GALLERY

Public questions were received in relation to:

- Cobram Visitor Information Centre proposed closure
- Enforcement of roadside signage
- Small business assistance
- Visitor Service Strategy
- Yarrawonga Mulwala Bridge
- Farming Zones

FILE NO: VARIOUS

ITEM NO: 16

MEETING ADJOURNMENT

MOTION

CRS ED COX / MARIE MARTIN

That the meeting be adjourned for 10 minutes.

(CARRIED)

The meeting adjourned at 7:18 PM

MOTION

CRS Peter Mansfield / Kevin Bourke

That the meeting be resumed.

(CARRIED)

The meeting resumed at 7:32 PM

MOTION

CRS KEVIN BOURKE / WENDY BUCK

That pursuant to Sections 89(2) (a) (f) 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 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 / ED COX

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

(CARRIED)

Meeting Closed
7:46 PM