



## MINUTES

ORDINARY MEETING OF COUNCIL HELD AT  
PRESIDENTS ROOM, NUMURKAH,  
WEDNESDAY 24 MAY 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  
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

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 ED COX / WENDY BUCK

"That the minutes of the Ordinary Council Meeting held on Wednesday, 26 April 2017 as prepared, be confirmed."

(CARRIED)

**8. COUNCILLOR REPORTS**

Cr Marie Martin reported on the Strathmerton Community Planning Day held on Sunday 21 May 2017.

FILE NO: F16/98  
7. DELIVER SOUND FINANCIAL MANAGEMENT

ITEM NO: 9.1.1

## QUARTERLY BUDGET REVIEW - MARCH 2017

### Executive Summary

#### Income Statement

There has been a decrease in the forecast surplus from \$2.91 million in the December quarter to \$1.09 million in March. This is mainly driven by a timing difference in receipt of Roads to Recovery grant funding of \$1.80 million, which will now be received in the 2017/18 financial year. Excluding this timing difference in receipts the (unfavorable) variance is \$16,809.

#### Balance Sheet

The Balance Sheet of Moira Shire remains strong. The variance in Current Assets is mainly due to a projected reduction in the cash balance resulting from the delay in receiving the Roads to Recovery funding.

#### Cash Flow Statement

The March forecast for cash flow is affected by the delay in receiving the Roads to Recovery funding. This is a timing issue only. The cash position of Moira Shire remains strong.

#### Capital Expenditure

The capital works budget for the March quarter is \$13.19 million. The Council total capital works program is \$15.77 million, this includes the carryover of capital projects expected to be completed in the next future 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 2016/17 financial year contained in the March 2017 quarterly budget review.

(CARRIED)

FILE NO: F13/240  
5. DEMONSTRATING GOOD GOVERNANCE

ITEM NO: 9.1.2

## LOCAL LAW - MEETING PROCEDURES 2017

### Executive Summary

The purpose of this report is to seek Council's approval and adoption of the Local Law – Meeting Procedure 2017

The Local Law Meeting Procedures was provided for public feedback in accordance with the requirements of the Local Government Act 1989. No submissions were received and Council is now asked to adopt the Local Law – Meeting procedures as attached.

The Local Law has been prepared in accordance with the requirements of the *Local Government Act 1989* (the Act) and with reference to best practice guidance.

Local Laws expire after 10 years if not reviewed earlier. Council's current Local Law – Meeting Procedures will expire 30 June 2017.

### MOTION

CRS KEVIN BOURKE / ED COX

That Council adopt the Local Law – Meeting Procedures 2017 with the following amendments:

1. That question time occur after urgent general business.
2. That Notice of Motions be provided to the CEO not less than seven working days prior to the Council meeting.

(CARRIED)

FILE NO: F14/356  
1. STRONGER REGIONAL PARTNERSHIPS

ITEM NO: 9.1.3

## MURRAY DARLING ASSOCIATION REGION 2 CHAIR

### Executive Summary

Due to the Chair of Region 2 of the Murray Darling Association being vacant, the Chief Executive Officer of the Murray Darling Association has invited Moira Shire to nominate a councillor to act as Chair of Region 2 of the Association for a period of up to 12-18 months to assist to reengage the region and to ensure strong and credible representation of local government and the issues facing the region.

This report is presented to Council to seek Council's support of to act as Chair of Region 2 of the Murray Darling Association until a formal election occurs.

### MOTION

CRS PETER LAWLESS / WENDY BUCK

1. That Council endorse Councillor Peter Mansfield as Chair of Region 2 of the Murray Darling Association until a formal election is held in 12-18 months time.
2. That Council notes indicative expenses of \$3-4K to travel to and arrange meetings.

(CARRIED)

FILE NO: F17/654  
7. DELIVER SOUND FINANCIAL MANAGEMENT

ITEM NO: 9.1.4

## MOTOR VEHICLE POLICY

### Executive Summary

The purpose of the Motor Vehicle Policy is to provide guidelines for use, ownership and cost recovery of Council motor vehicles.

The policy applies to all Moira Shire employees and Councillors having regard to existing employment obligations.

The thrust of the revised policy is to reduce the light vehicle fleet, encourage staff with existing use rights to move to private vehicle ownership and to ensure appropriate cost recovery for private use.

### MOTION

CRS WENDY BUCK / JOHN BEITZEL

That Council adopt the attached Motor Vehicle Policy and revoke the version previously adopted.

(CARRIED)

FILE NO: F13/503  
5. DEMONSTRATING GOOD GOVERNANCE

ITEM NO: 9.1.5

## ASSEMBLIES OF COUNCILLORS

### Executive Summary

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

### MOTION

CRS KEVIN BOURKE / ED COX

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

(CARRIED)

FILE NO: 1  
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.1

## DRAFT 2017 ENVIRONMENTAL SUSTAINABILITY STRATEGY

### Executive Summary

Council's previous Environmental Sustainability Strategy (ESS) (2012) has been reviewed. As part of the review an Achievements Report was compiled to highlight and summarise the significant progress made between 2012 and 2016.

A draft 2017 Environmental Sustainability Strategy has been prepared: this has involved internal and external consultation with key partners. Subject to Council approval the draft ESS 2017 is now ready to be made available for public consultation.

### MOTION

CRS WENDY BUCK / KEVIN BOURKE

That Council endorse the draft 2017 Environmental Sustainability Strategy for public consultation.

(CARRIED)



FILE NO: F13/858  
8. REBALANCING COUNCIL'S ASSET MIX

ITEM NO: 9.2.2

## DISCONTINUATION OF ROADS IN NATHALIA

### Executive Summary

At Council's meeting of 25 July 2016, Council resolved to commence the process to discontinue Grinter Street between Garonne Street and Tuckett Street and to discontinue Tuckett Street between Cemetery Road and Grinter 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 5 August 2016 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 2<sup>nd</sup> September 2016.

At the time of the closing date for receiving submissions from the public, 3 submissions had been received. All 3 submissions requested that they be heard a Committee of the Whole Council which was held on 22 March 2017. Outcome of the Hearing was that the Cemetery Trust is willing to work with the affected abutting property owners to ensure no impacts on farming operations until demand to extend the cemetery into the unused road reserves is reached in an estimated period of 60 years.

It is therefore recommended that Council proceed with the discontinuation of Grinter Street between Garonne Street and Tuckett Street and to discontinue Tuckett Street between Cemetery Road and Grinter Street by a notice published in the Government Gazette in accordance with Schedule 10 Clause 3 of the Local Government Act.

### MOTION

CRS KEVIN BOURKE / ED COX

That Council exercise its powers under the Schedule 10 Clause 3 of the Local Government Act 1989 to discontinue Grinter Street between Garonne Street and Tuckett Street and to discontinue Tuckett Street between Cemetery Road and Grinter Street by a notice published in the Government Gazette and the land be transferred to the Crown.

(CARRIED)

FILE NO: F13/858  
8. REBALANCING COUNCIL'S ASSET MIX

ITEM NO: 9.2.3

## DISCONTINUATION OF DAVIS LANE, KOTUPNA

### Executive Summary

At Council's meeting of 19 September 2016, Council resolved to commence the process to discontinue Davis Lane, Kotupna 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 10 December 2016 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 20 January 2017.

At the time of the closing date for receiving submissions from the public, seven submissions had been received. Of the seven submissions received, three submissions requested that they be heard at a Committee of the Whole Council which was held on 22 March 2017. Outcome of the Hearing was that all three submissions had stated that they did not support the proposed road discontinuation. Of the remaining four submissions, only two submissions were in favour of the discontinuation and did not request to be heard at a Committee of the Whole Council.

As there is demonstrated support from the Kotupna Community to keep Davis Lane open to traffic, it is therefore recommended that Council does not proceed with the process for the discontinuation of Davis Lane.

### MOTION

CRS MARIE MARTIN / JOHN BEITZEL

That Council does not proceed with the process for the discontinuation of Davis Lane, Kotupna.

(CARRIED)

FILE NO: 52016209  
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.4

**PLANNING PERMIT APPLICATION NO. 52016209 FOR THE USE AND  
DEVELOPMENT - MINIATURE RAILWAY COMPLEX**

**Executive Summary**

An application has been received from Moira Miniature Rail Inc for the use and development of the Wunghnu Park and Recreation Reserve in Carlisle Street, Wunghnu, for a miniature railway complex. This will comprise two dual gauge railway lines with a return loop at each end forming an enclosed railway; a main station which is an open sided shelter constructed in Colourbond, located on disused tennis courts; a workshop and steaming bays for maintenance; and two shipping containers for storage. The railway is planned to be used by qualified members and open to the public at least twice a month with the intention to also cater for special functions. Car parking is available on site with access to public toilets. Landscaping is proposed once the railway is completed. No vegetation is proposed to be removed for the development. It is envisaged that the miniature railway could attract around 100 people in a day.

The reserve has existing development and infrastructure on site comprising a community building; netball and tennis courts; an oval; playground; secure compound; a large engine shed and club room; a storage shed; car parking; and a 60m telecommunications tower.

The proposed use and development of the miniature railway complex has gained consent from the Committee of Management (Wunghnu Recreation Reserve CoM). The administrator of this Crown Land is Moira Shire Council.

One objection has been received with concerns regarding a number of issues that are discussed later in the report and are also attached. A mediation and information meeting was held on site between Council's planning officer, the objector and the applicant. The concerns have been thoroughly considered and investigated. The objection was not withdrawn.

The proposed development accords with the purpose of the zone, supports appropriate decision guidelines and is supported by relevant state and local policies. With regards to the overlay, the relevant authority, Goulburn Broken Catchment Management Authority, has ascertained that the majority of the development is outside the flood extent and they have no objection to the proposal.

It is therefore considered that the proposal can be recommended for support and a Notice of Decision to Grant a Permit should be issued with appropriate conditions.

FILE NO: 52016209  
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.4

**PLANNING PERMIT APPLICATION NO. 52016209 FOR THE USE AND  
DEVELOPMENT - MINIATURE RAILWAY COMPLEX (cont'd)**

**MOTION**

CRS MARIE MARTIN / JOHN BEITZEL

That Council issue a Notice of Decision to Grant a Permit for Planning Permit Application No. 52016209 for the 'Use and Development – Miniature Railway Complex' at Carlisle Street, Wunghnu (Crown Allotments 7, 8, 8A, 8B, 8C, Section 5 Township of Wunghnu Parish of Drumanure – Wunghnu Park and Recreation Reserve 0802628), subject to the following conditions:

**CONDITIONS:**

1. Before the use and/or development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit and must not be altered without the written consent of the Responsible Authority. The plans must be drawn to scale with dimensions and three copies provided. The plans must be generally in accordance with the plans submitted but modified to show:

- a) A reduced length of track to the existing northern park access and loading ramp.

**Expiry of Permit**

2. This permit will expire if one of the following circumstances applies:
  - i. The development is not started within two years of the date of this permit.
  - ii. The development is not completed within two years of the date of commencement

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires, or within 6 months after the permit expiry date, where the use or development allowed by the permit has not yet started; and within 12 months after the permit expiry date, where the development allowed by the permit has lawfully started before the permit expires.

**Landscape Plan Required**

3. A satisfactory landscaping plan for the whole of the subject land must be submitted to and approved by the Responsible Authority, prior to the development permitted by this permit commencing or, within 30 days of the issue of the Building Permit, whichever is the sooner. An endorsed copy of the plan must form part of this permit. The submitted plan must;
  - (a) include a survey of all existing vegetation and natural features;
  - (b) include a schedule of all proposed trees, shrubs and ground cover, which will include the location, number and size at maturity of all plants, the botanical names of such plants and the location of all areas to be covered by grass, lawn or other surface materials as specified,
  - (c) the method of preparing, draining, watering and maintaining the landscaped area,
  - (d) the weed management program.

The landscaping must be maintained on an ongoing basis to the satisfaction of the Responsible Authority with any dead or damaged plants being replaced.

FILE NO: 52016209  
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.4

**PLANNING PERMIT APPLICATION NO. 52016209 FOR THE USE AND  
DEVELOPMENT - MINIATURE RAILWAY COMPLEX (cont'd)**

**Natural Resources Conditions**

4. No native vegetation (including trees, shrubs, herbs and grasses) shall be removed, lopped or destroyed without the consent of the Responsible Authority.
5. The use and development must not cause damage to retained native vegetation (including trees, shrubs, herbs and grasses), natural drainage lines and/or watercourses.
6. A tree protection zone (TPZ) must be applied during development and use. The TPZ must have a minimum radius twelve times the diameter at breast height (DBH) (being 1.3m from ground level). The TPZ of trees must be no less than 2m or greater than 15m. A TPZ applies to a tree and is a specific area above and below ground.
7. Except for surface installation and use of the miniature railway track a minimum distance of no less than 1m away from the base of all native trees is to be retained within the development area, the following is prohibited within the TPZ;
  - a) Construction and use of buildings and or hard surfaced areas;
  - b) Trenching and/or excavation;
  - c) Storage or dumping of any soils, materials, equipment, vehicles, machinery or waste products and any other activities that may result in adverse impacts to retained native vegetation;
  - d) Entry and exit pits for underground services; and
  - e) Vehicle parking.
8. Before the use and development commences, a temporary protection fence must be erected at a minimum distance of no less than 1m from the base of all native trees within the development area. Except with the written consent of the Responsible Authority:
  - a) Installation and use of the miniature railway track within the protection area is prohibited;
  - b) The temporary fence must be constructed of star pickets and flagging or similar to the satisfaction of the Responsible Authority; and
  - c) The temporary fence must remain in place until all works and development are completed to the satisfaction of the Responsible Authority.

**Infrastructure Planning Conditions**

9. The approved works must not cut off natural drainage from adjacent properties.
10. There must not be any discharge of concentrated drainage into the local road drains or culverts, or into adjoining properties, without the approval of the Responsible Authority.

**Assets Conditions**

11. Notification of the cost to build each asset including installation must be made to Council's Assets Department to be included on Council's Assets Register within three months of completion.
12. Moira Miniature Rail Inc. will be responsible for the ongoing maintenance and capital works associated with the assets created.
13. If the Moira Miniature Rail Inc. disbands the track and associated infrastructure will be

FILE NO: 52016209  
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.4

**PLANNING PERMIT APPLICATION NO. 52016209 FOR THE USE AND  
DEVELOPMENT - MINIATURE RAILWAY COMPLEX (cont'd)**

removed and the land reinstated to the satisfaction of the Responsible Authority at the cost of the Moira Miniature Rail Inc.

**Environmental Health Conditions**

14. All construction must be at least three metres away from any part of the septic tank system including the disposal field.

**VicTrack Conditions**

15. The permit holder must not enter any railway land without the written consent of the Rail Operator. If the permit holder has obtained the Rail Operator's written consent to enter railway land the permit holder must comply with the Rail Operator's Site Access Procedures and Conditions when accessing the railway land.
16. The permit holder must not at any time interfere with, or damage any railway infrastructure (including limitation overhead power and supporting infrastructure for trains and trams and underground telecommunications cables). The permit holder must at its own cost rectify any damage to railway infrastructure, or disruption to the rail operations, arising out of or in connection with the development to the satisfaction of VicTrack and the Rail Operator within fourteen (14) days of such damage or disruption occurring or such other time agreed by VicTrack and the Rail Operator.
17. The permit holder must at all times ensure that the common boundary with the railway land is fenced at the permit holders expense to prohibit unauthorised access to the rail corridor.
18. The permit holder must not, at any time:
  - a) Allow any drainage, effluent, waste, soil or other materials to enter or be directed to the railway land; or
  - b) Store or deposit any waste, soil or other materials on the railway land.
19. All works including hoardings, must be undertaken within the subject land and must not encroach onto the railway land.
20. The permit holder must not at any time erect lighting (permanent or temporary) that spills light onto the railway tracks or which interferes with the visibility of signals and rail lines by train drivers.

**Natural Resources Planning Notes**

- Prior to works commencing the permit holder must advise all persons undertaking the development on site of all relevant permit conditions and associated statutory requirements or approvals.

(CARRIED)

FILE NO: F16/698  
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.5

**PLANNING SCHEME AMENDMENT C85 - REZONING OF PART OF 28 WILLIAM STREET COBRAM TO COMMERCIAL 1 ZONE AND THE INCLUSION OF THE PARKING OVERLAY**

**Executive Summary**

On 22 February 2017 Council resolved to seek authorisation from the Minister for Planning to prepare Amendment C85. Amendment C85 proposes that lands at 28 William Street, Cobram be rezoned from Public Use Zone to Commercial 1 Zone and that the Parking Overlay be applied.

The previous report to Council did not include any reference to the Parking Overlay change. The purpose of this report is to ensure that Council is aware that the proposed amendment to the Moira Planning Scheme will also apply the Parking Overlay to these lands. Further a new resolution is required to reflect this change before authorisation can be sought from the Minister.

**Options**

Council has two options:

- To ratify the request to initiate the Amendment; or
- To refuse the request to initiate the Amendment.

**MOTION**

CRS ED COX / WENDY BUCK

That Council, in accordance with the *Planning and Environment Act 1987*, seek authorisation from the Minister for Planning to prepare Amendment C85 to the Moira Planning Scheme and exhibit the amendment in accordance with Part 3 Division 1 of the Act.

(CARRIED)

FILE NO: F17/300  
5. DEMONSTRATING GOOD GOVERNANCE

ITEM NO: 10.1

**ACTION OFFICERS' LIST**

**MOTION**

CRS PETER MANSFIELD / WENDY BUCK

That Council receive and note the Action Officers' List.

(CARRIED)

**11. NOTICES OF MOTION**

NIL



FILE NO: D17/26864  
6. INVOLVING AND COMMUNICATING WITH  
OUR COMMUNITY

ITEM NO: 12.1

## PETITION - FOOTPATH, CHAPEL STREET, NATHALIA

### Executive Summary

A petition has been received regarding construction of a footpath in Chapel Street, Nathalia between Pearce Street and Manifold Street.

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

Council has a well-established process to determine if there is sufficient support to provide a footpath, and it is recommended that residents be asked about a Scheme for construction of a footpath in accordance with Council's Policy and procedures.

### MOTION

CRS KEVIN BOURKE / MARIE MARTIN

That Council:

1. Thank the petitioners for their work and advise the first mentioned petitioner, as well as the authors of the attached letters, of Council's decision,
2. Conduct a survey of the owners of property in Chapel Street, Nathalia to determine the owners willingness to support construction of a footpath in accordance with Council's Special Rates and Charges Policy.
3. Undertake traffic counts to determine the traffic on Chapel Street.

(CARRIED)

FILE NO: F17/581 5. DEMONSTRATING GOOD GOVERNANCE
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ITEM NO: 12.2
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## YARRAWONGA-MULWALA BRIDGE PETITION

### Executive Summary

Council is commissioning an independent plebiscite to determine the community's preferred alignment for the replacement of the Yarrawonga-Mulwala Bridge. Council has received a petition requesting that Council support construction of a new bridge along the grey route.

Council acknowledges the concerns raised by the petition signatories that include their concerns for the future prosperity and success of the Yarrawonga shopping precinct.

Council believes the many concerns and competing views expressed by the community will best be addressed by ensuring the plebiscite delivers a comprehensive, rigorous and independent process to understand the community's preference.

### MOTION

CRS PETER MANSFIELD / WENDY BUCK

That Council

1. Thank the petitioners for their work and note the concerns raised;
2. Encourage the petition signatories to participate in the planned plebiscite.

(CARRIED)

FILE NO: F13/567 5. DEMONSTRATING GOOD GOVERNANCE
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ITEM NO: 13.1
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**BOURKE ROAD NATHALIA - RESIDENTIAL JOINT VENTURE**

The transfer document secures Councils shared ownership in the land upon which the joint venture is to be developed.

**MOTION**

CRS ED COX / PETER LAWLESS

That Council authorise the Chief Executive Officer to sign and seal the transfer of land documents for land title Volume 11496 Folio 999 as to one half part or share of land Bourke Road, Nathalia.

(CARRIED)

FILE NO: VARIOUS

ITEM NO: 14

**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 KEVIN BOURKE / PETER MANSFIELD

That items of general business be considered.

(CARRIED)

**MOTION**

CRS KEVIN BOURKE / PETER LAWLESS

That Council invite executive members of St Mary's of the Angels School, St Francis Primary School and St Mary's Parish, to brief Council in order to be informed of proposed developments and future expansion requirements of the school sites

(CARRIED)  
(CARRIED)**Cr Libro Mustica left the meeting at 7.02pm and did not return to the meeting.**

FILE NO: VARIOUS

ITEM NO: 15

**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: 15

**QUESTIONS FROM THE PUBLIC GALLERY**

15.1 **John Hay - Koonoomoo**

Question: The boundary alignment and legal points of access are required for his development?

Answer: The General Manager Infrastructure responded that these are conditions on the planning permit to provide legal and practicable access at the same point.

Question: Does the State Government have the same requirements for the Strathmerton Bypass?

Answer: General Manager Infrastructure responded that State Government have their own planning requirements.

UNCONFIRMED

FILE NO: VARIOUS

ITEM NO: 16

**MEETING ADJOURNMENT****MOTION**

CRS PETER MANSFIELD / KEVIN BOURKE

That the meeting be adjourned for 10 minutes.

(CARRIED)

**Meeting was adjourned at 7.06pm****MOTION**

CRS ED COX / MARIE MARTIN

That the meeting be resumed.

(CARRIED)

**Meeting resumed at 7.19pm****MOTION**

CRS KEVIN BOURKE / ED COX

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 legal advice and contractual matters which the Council considers would prejudice the Council or any person.

(CARRIED)

**MOTION**

CRS WENDY BUCK / KEVIN BOURKE

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

(CARRIED)

FILE NO: VARIOUS

ITEM NO: 16

**MEETING ADJOURNMENT**

**MOTION**

CRS ED COX / KEVIN BOURKE

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

(CARRIED)

**Tenders approved in the closed meeting**

**C039/16 - SUPPLY OF COMPOSTABLE BAGS PANEL**

- Cardia Bioplastics (Australia) Pty Ltd
- The Trustee for WRS Trust t/a Mastec Australia Pty Ltd
- Nucam Industries Pty Ltd t/a Wrapall Packagings
- BioBag World Australia Pty Ltd
- Source Separation Systems Pty Ltd

**CLOSE OF MEETING**

Meeting closed at 7.40pm