



MINUTES

ORDINARY MEETING OF COUNCIL HELD AT CIVIC
CENTRE, PUNT ROAD COBRAM,
WEDNESDAY 24 JULY 2019

The meeting commenced at 5:00 pm.

PRESENT

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

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

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.

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

Cr Mansfield has previously been granted 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 GARY CLEVELAND / KEVIN BOURKE

"That the minutes of the Ordinary Council Meeting held on Wednesday, 26 June 2019, as prepared, be confirmed."

(CARRIED)

8. COUNCILLOR REPORTS

- Cr Martin reported on her attendance at a NAIDOC week event and a TAC Towards Zero Forum.
- Cr Bourke reported on his attendance at a TAC Towards Zero Forum, the benefits of Nathalia Recreation Reserve lights and a broken street light in Blake Street Nathalia.
- Cr Buck reported on her attendance at the Yarrawonga Lions Club Changeover dinner.
- Cr Lawless reported on his attendance at the Yarrawonga Primary School site assessment, Lake Rowan Hall Meeting, Yarrawonga Library Steering Committee and a Citizenship Ceremony.

FILE NO: F19/07
4. A WELL RUN COUNCIL

ITEM NO: 9.1.1

FORMER YARRAWONGA PRIMARY SCHOOL SITE ANALYSIS

Executive Summary

Council has requested an assessment of whether all or part of the former Yarrawonga primary school site should be retained for community use. The site has been previously independently assessed for suitability for a new VIC and more recently for a new library and did not score well in either of those assessments.

The apparent overlap of buildings and title boundaries would indicate that securing only part of the site would be problematic if there were multiple future owners. Estimates for restoring the core buildings to a useable condition are substantial and in their current built form have limited re-use potential as they were purpose built.

The site however is a unique parcel of land that may provide a longer term benefit to support Yarrawonga's growth but acquisition and building restoration would seriously impact council's budget position in the short to medium term. Given the complexity of the site it seems likely that the shire is the only public authority with the capacity and interest to work through the restrictions the site presents so that it can contribute to Yarrawonga's future.

MOTION

CRS ED COX / WENDY BUCK

That:

1. The former Yarrawonga Primary School site assessment be noted
2. Council give further consideration to its interest in acquiring the site when it becomes clear whether the property is being offered for sale as a whole or in separate parts.

(CARRIED)

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

ITEM NO: 9.2.1

ASSEMBLIES OF COUNCIL

Executive Summary

This report details the Assembly of Councillors for June 2019. Report is prepared in accordance with the requirements of the Local Government Act (the Act) 1989 section 80A.

MOTION

CRS KEVIN BOURKE / GARY CLEVELAND

That Council receive and note the Record of Assemblies of Councillors.

(CARRIED)

FILE NO: F13/2478
4. A WELL RUN COUNCIL

ITEM NO: 9.2.2

PERFORMANCE REPORTING POLICY

Executive Summary

The purpose of this report is to seek council's endorsement of the updated Performance Reporting Policy.

The policy details the scope and frequency of corporate reports that will be provided to Council. The schedule has been developed to ensure compliance with the legislative and regulatory requirements for Local Government.

The report has been revised to include Best Value reporting requirements that were being met in practice but were not referenced in the policy.

MOTION

CRS WENDY BUCK / ED COX

That Council adopt the revised Performance Reporting Policy.

(CARRIED)

FILE NO: F13/2657-2
1. A GREAT PLACE TO LIVE

ITEM NO: 9.3.1

YARRAWONGA LIBRARY COMMUNITY CONSULTATION

Executive

This report outlines the community feedback received on the current draft concept masterplan of the proposed Yarrawonga Library, Events and Performance at the Yarrawonga Town Hall precinct.

Previously Council has resolved to develop a new library and community hub at the Yarrawonga Town Hall Precinct. The process to design the proposed facility's layout has involved the broad community and specific user groups of both the existing library and Town Hall precinct.

Council's decision in March 2019 to pause consultation and undertake broader community consultation recognizes the importance of the facility to the Yarrawonga community - from its impact on the local streetscape to the host of new and future users who will enjoy the contemporary library and community services and facilities.

MOTION

CRS GARY CLEVELAND / ED COX

That Council:

1. Note the outcomes of the Yarrawonga Library, Events and Performance Precinct Community Consultation; and
2. Continue development of a Library, Events and Performance Precinct at the Yarrawonga Town Hall Precinct.

(CARRIED)

Cr Martin called for a division.

FOR

Cr Beitzel
Cr Buck
Cr Cleveland
Cr Cox
Cr Lawless
Cr Mustica

AGAINST

Cr Bourke
Cr Martin

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

ITEM NO: 9.3.2

SECTION 86 COMMITTEES OF MANAGEMENT - OUTGOING AND INCOMING MEMBER APPOINTMENTS

Executive Summary

Council has 33 Special Committees who manage community facilities located on both Crown land and Council land. These special committees are established under section 86 of the *Local Government Act 1989* and are commonly referred to as Section 86 Committees.

At the 27 September 2017 Council meeting, Council, in exercise of the powers conferred by section 86 of the *Local Government Act 1989*, resolved to appoint persons as Community or User Group representatives on the Special Committees to 30 September 2021.

Council resolution is required for the removal of outgoing committee members and the appointment of nominated incoming members.

Each year, Councillors are presented with a report which details the current special committees for which Councillor representation is required. In turn, Councillors are nominated to these special committees for the coming 12 months.

MOTION

CRS KEVIN BOURKE / ED COX

That Council approve the removal of outgoing representatives and appointment of nominated incoming representatives to 30 September 2021 for Community or User Groups on the Special Committees of Management as detailed below.

Committee of Management	User Group	Outgoing representative	Incoming representative
Cobram Showgrounds Apex Reserve	Cobram Roar	Albert Zito	John Pauw
Invergordon Recreation Reserve and Community Hall	Community	Tony Mason	Angie Grills
Invergordon Recreation Reserve and Community Hall	Community	Sarah Rovers	Steve Whittingham
Invergordon Recreation Reserve and Community Hall	Invergordon Cricket Club		Patrick Riordan
Wilby Racecourse and Recreation Reserve	Community	Lindsay Howard	
Wunghnu Recreation Reserve	Goulburn Valley Vintage Tractors and Farm Machinery Club Inc	Lloyd Healey	Alec Jarvis
Yarroweyah Recreation Reserve	Community	Michael Ryan	
Yarrowonga Eastern Foreshore	Community		Thomas Hutchison
Yarrowonga Showgrounds Reserve / Victoria Park	Yarrowonga Mulwala Cricket Club Inc (Alternative Representative)	Gerard Martin	Terry Brear

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

ITEM NO: 9.3.2

**SECTION 86 COMMITTEES OF MANAGEMENT - OUTGOING AND INCOMING
MEMBER APPOINTMENTS (cont'd)**

Yarrawonga Showgrounds Reserve / Victoria Park	Community		Bruce Pitcher
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1. Amend the composition of the Invergordon Recreation Reserve and Community Hall Committee of Management - remove the Invergordon Indoor Bowls Club as a User Group.
2. Provide incoming representatives with appointment information and write and thank outgoing representatives.

(CARRIED)

FILE NO: 1
3. A CLEAN GREEN ENVIRONMENT

ITEM NO: 9.3.3

LOCAL GOVERNMENT RENEWABLE ENERGY POWER PURCHASE AGREEMENT

Executive Summary

In 2018 a Local Government Power Purchase Agreement (LG PPA) project was initiated by the Victorian Greenhouse Alliances. PPAs are a long term agreement for sale and supply of energy and in this case, for the supply of energy from 100% renewable sources.

The first phase of the project involved 39 Victorian Councils and resulted in market testing and the development of a business case.

The market testing and business case demonstrated that a renewable energy PPA:

1. provides certainty in a volatile electricity market;
2. will contribute significantly to our emission reduction targets; and
3. compared to Business as Usual (BAU), could deliver cheaper electricity whilst delivering 100% renewable energy.

The next step in the project is to undertake a tender process seeking a retailer to deliver the PPA to the project partners. To take part in the renewable energy PPA Councils are required to sign a letter of commitment and agree to delegate the CEO to finalise and execute the retail supply agreement contract(s) on behalf of Moira Shire Council, subject to the final offer(s) being within the agreed parameters.

MOTION

CRS WENDY BUCK / MARIE MARTIN

That Council:

1. Participate in the tender process for the Victorian Local Government Power Purchasing Agreement for 100% of council's electricity load.
2. Delegates authority to the Chief Executive Officer to sign and seal a retail supply agreement contract(s) on behalf of Moira Shire Council, subject to the final offer(s) being within the agreed parameters and to approve contract extensions within the provisions of the contract.

(CARRIED)

FILE NO: F10/69/003
4. A WELL RUN COUNCIL

ITEM NO: 9.4.1

DRAFT MOIRA SHIRE MUNICIPAL EMERGENCY MANAGEMENT PLAN

Executive Summary

The Draft of the Moira Shire Municipal Emergency Management Plan has been prepared and recommended by the Moira Shire Municipal Emergency Management Planning Committee for endorsement by Moira Shire Council.

MOTION

CRS PETER LAWLESS / KEVIN BOURKE

That Council endorses the Draft Moira Shire Municipal Emergency Management Plan as recommended by the Moira Shire Municipal Emergency Management Planning Committee.

(CARRIED)

FILE NO: XXX
4. A WELL RUN COUNCIL

ITEM NO: 9.4.2

CHAPEL ROAD KATAMATITE - CONSULTATION OUTCOMES AND NEXT STEPS - FOR NOTING

Executive Summary

During April council sought community feedback on a proposal to close Chapel Road Katamatite to through traffic. In response to the feedback council proposes to conduct a 12-month trial closure of the road that will close the road to through traffic – local access will remain.

The decision to progress with a trial closure reflects

- Council received 29 responses that demonstrated the many legitimate and often competing concerns of users and residents.
- Key agencies including Regional Roads Victoria (RRV) and Victoria Police have requested council address identified speeding, safety and traffic flow concerns.

The trial closure will

- Involve installing bollards approximately mid-way along Chapel Road and signage at either end to advise the road is closed to through traffic.
- Remain in place for 12 months. Community feedback, experiences and observations will again be considered before making a decision on the permanent outcome for the road.
- Be preceded by communications to notify the impacted communities.

Council will also investigate and seek correction of the issues associated with GPS directions that currently send road users along Chapel Road.

Council recognizes the trial will inconvenience several road users particularly those who use the road to relocate large farm equipment. Victoria Police's advice to council is that Chapel road's construction, lighting and signage do not make it a safer option compared with the alternative route.

MOTION

CRS ED COX / PETER LAWLESS

That Council note the report and not proceed with the 12 month trial closure to through traffic of Chapel Road, Katamatite.

(CARRIED)

FILE NO: 52017228
2. A THRIVING LOCAL ECONOMY

ITEM NO: 9.4.3

**PLANNING PERMIT APPLICATION NO.52017228 - STAGED SUBDIVISION OF
LAND - 6 SHEYNA DRIVE NUMURKAH**

Executive Summary

Planning Permit Application No. 52017228 is an application for the subdivision of land in stages to create a total of 64 residential lots.

The application was referred to authorities and no objection from those authorities have been received, subject to conditions.

The application was advertised and 5 objections have been received relating traffic, amenity and lot design.

The subject land is contained within the General Residential Zone and affected by the Rural Floodway and Land Subject to Inundation Overlays.

The application has been assessed and found to be consistent with the Planning Scheme, the General Residential Zone, Rural Floodway Overlay and Land Subject to Inundation Overlay, Particular Provisions and relevant policies contained within the State and Local Planning Policy Frameworks.

The application has been designed to address the matters raised by the Victorian Civil and Administrative Tribunal (VCAT) in a previous planning permit application for subdivision and found to be satisfactory.

It is recommended that the Planning Permit Application No. 52017228 be approved and a Notice of Decision be issued subject to conditions.

MOTION

CRS JOHN BEITZEL / ED COX

That Council approve Planning Permit Application No.52017228 for a Staged Subdivision of Land at 6 Sheyna Drive Numurkah and issue a Notice of Decision to Grant a Permit subject to the following conditions:

- (1) The subdivision as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
- (2) The eastern embankment of the existing channel must be retained and secured via an easement for flood protection purposes in favour of Moira Shire Council.
- (3) Prior to the Certification under the *Subdivision Act 1988*, any easements for the purpose of draining lots to the legal point of discharge or ensuring continued vehicle access is maintained must be created. In particular, an easement of way or similar must be created over any proposed temporary road turning circle areas ensuring continued and ongoing legal access.(4) Shall the works be completed in stages, construction plans and specifications for each stage must be submitted to and approved by the Responsible Authority. The applicant must construct, or cause to be constructed, the works to the satisfaction of the Responsible Authority and any temporary works required to facilitate traffic movements after each stage has been completed.
- (5) Prior to any approval or acceptance of civil design plans setting out construction of roads, drainage and related infrastructure, the developer must provide a Traffic Impact

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**PLANNING PERMIT APPLICATION NO.52017228 - STAGED SUBDIVISION OF
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Assessment Report that accords with Clause 9 (Traffic Management Strategy) of Council's Infrastructure Design Manual must be submitted to, and approved by the Responsible Authority. Any measures identified in that Report must be fully designed and constructed to the specifications and satisfaction of the Responsible Authority, prior to the commencement of use/issue of a Statement of Compliance for the relevant stage.

- (6) Prior to the issue of Statement of Compliance, the subdivider must construct/provide vehicle crossing to each and every lot and/or reserves within the subdivision development in accordance with Council's Infrastructure Design Manual. Alternatively, vehicle crossings are not required to be constructed where mountable kerb and channel is used.
- (7) Prior to the issue of Statement of Compliance, and in accordance with the Endorsed Plan, the developer must undertake or cause to be undertaken, full construction of all new roads, paths, drainage and related infrastructure. All the works must conform to plans and specifications prepared at the expense of the developer by a suitably qualified engineer, and endorsed by the Responsible Authority prior to commencement of construction. Unless otherwise agreed in writing, the Authority will only approve plans and specifications complying with Council's Infrastructure Design Manual. In particular the works must include:
 - (a) fully sealed pavement with kerb and channel;
 - (b) footpaths / shared paths, including extending and connecting into the existing path networks at Wattle Drive and the recreational path south of the subject land;
 - (c) underground reticulated stormwater drainage and provision of 1% AEP rain event flow paths in catering for the local event;
 - (d) street trees;
 - (e) appropriate intersection and traffic control/mitigation measures;
 - (f) appropriate street lighting and signage;
 - (g) high stability permanent survey marks;
 - (h) unless agreed otherwise in writing, relocate and formalise the track traversing the subject land in the west transferring pedestrians, cyclists and the local community to and from Sheyna Drive and the recreational path south of the subject land. The works must be to a Shared Path standard, and its alignment relocated between the development site area and Lake Numurkah. Any ownership matters, must be addressed to the satisfaction of the Responsible Authority;(i) unless an alternative treatment is agreed to in writing, install bollards with a ground surface trim treatment (for maintenance purposes), along the entire southern boundary of the subject land and in the interests of managing vehicle traffic from traversing the shared boundary in an effort to prohibit vehicles from accessing the Crown Land reserve to the south;
 - (j) a fully constructed and functioning stormwater treatment and retardation basin, with a pumped outfall and drained to an approved point, vested in Council; and
 - (k) that the development adheres to the findings of the VCAT Report (Reference 1355 dated 1 August 2013); that the road network and pocket park reserves areas are designed in such a way to ensure they contain, convey and direct the 1% AEP flood event ("area event") flows in protecting the immediate community from the effects of pluvial flooding and fluvial flooding from the near-by Broken Creek catchment when its banks break. This will include, ensuring no risk to public safety, that vehicle traffic can access roads at all times, that no adverse effects are caused to Wattle Drive's drainage system and that lots are filled to or above the nominated flood height level

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**PLANNING PERMIT APPLICATION NO.52017228 - STAGED SUBDIVISION OF
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as set by the relevant Authority, nominally the Catchment Management Authority.

- (8) Prior to the commencement of construction on the site, a properly prepared drainage report with plan(s) and with certified computations must be submitted to and approved by the Responsible Authority. The report and plan(s) must accord with the provisions of Council's Infrastructure Design Manual (IDM) and be prepared by a suitably qualified person to the satisfaction of the Responsible Authority. In particular, demonstrating the following:
- (a) how all storm-water deposited upon, and transferred through, the developed site during a 'minor' 20% AEP rainfall event is collected and conveyed by underground pipes to a legal point of discharge nominated by the Responsible Authority;
 - (b) how all storm-water runoff originating from, or currently flowing through, the developed site in a 'major' 1% AEP rainfall event is collected and conveyed by secure overland and/or underground flood pathways to a legal point of discharge identified by the Responsible Authority;
 - (c) a maximum discharge rate from the site be determined by computations to the satisfaction of the Responsible Authority;
 - (d) that the Eastern Detention Basin is designed as a fully functioning treatment and retardation basin with a pumped outfall, providing for the following:
 - i) meet the Objectives of Clause 18 (Retardation Basins) of Council's IDM;
 - ii) in the absence of the Basin being able to drain down by a gravity system, install a pumped outfall system, pumping it to an agreed point of discharge; iii) the Basin must be able to withstand and contain the 1% AEP event effects, including any impacting effects from upstream catchments with freeboard, consider larger rain event effects that could be reasonably expected, pumping failure and the net flood effects from fluvial flooding from the Broken Creek;
 - iii) design, construct and commission a stormwater pumping station and rising main conveying stormwater to an approved Legal Point of Discharge;
 - iv) that the area is safe for public access, or by agreement, constructed in a way to prohibit public access, with allowance for maintenance and emergency services; and
 - v) that any removal of native vegetation will require separate approval.
 - (e) storm-water drainage plans for the development must meet the WSUD principles to enhance the quality of water discharged from the site and to protect downstream infrastructure and waterways, in accordance with Clause 20 (Stormwater Treatment) of Council's IDM;
 - (f) each proposed lot having a stormwater property drain inlet point, constructed in underground pipes extending from the legal point of discharge to within its property boundary; and
 - (g) that the development adheres to the findings of the VCAT Report (Reference 1355 dated 1 August 2013); that the road network and pocket park reserves areas are designed in such a way to ensure they contain, convey and direct the 1% AEP flood event ("area event") flows in protecting the immediate community from the effects of pluvial flood events and fluvial flooding from the near-by Broken Creek catchment when its banks break. This will include, ensuring no risk to public safety, that vehicle traffic can access roads at all times, that no adverse effects are caused to Wattle

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Drive's drainage system and that lots are filled to or above the nominated flood height level as set by the relevant Authority, nominally the Catchment Management Authority.

- (9) Prior to the issue of the Statement of Compliance for the relevant stage of the subdivision under the Subdivision Act 1988, the developer must construct and complete road works, drainage and other civil works, in accordance with endorsed plans and specifications approved by the Responsible Authority and in accordance with Council's Infrastructure Design Manual. Road works, drainage and other civil works to be constructed must include:
- (a) construction of roads;
 - (b) street and drainage in accordance with the approved construction drawings;
 - (c) landscaping in accordance with the approved landscape plans;
 - (d) construction of shared paths and footpaths;
 - (e) underground and open drainage where appropriate;
 - (f) underground conduits for water, gas, electricity and telecommunications;
 - (g) intersection and traffic control/mitigation measures;
 - (h) street lighting and signage; and
 - (i) high stability permanent survey marks.
- (10) Before the Statement of Compliance for each stage, the developer must make a payment comprising up to 2.5% of the value of the works, to the Responsible Authority, for supervising the works on the land.
- (11) Before the Statement of Compliance for each stage, the developer must make a payment comprising of 0.75% of the value of the works to the Responsible Authority, for the checking of the engineering design of the works.
- (12) Prior to the issue of a Statement of Compliance for each stage, the developer must provide the Responsible Authority with a maintenance bond(s) for the total costs of roads, drainage and landscaping works (excluding GST) and the calculated amount based on the priced Bill of Quantities, and lodged with Council for the term of the Defect Liability Period. The Authority will hold the bond(s) until any and all defects notified to the developer before or during the liability period have been made good to the satisfaction of the authority. A request must be made to Council for their release and maintenance bond(s) shall be to the following values:
- (a) equal to 5% of roads, drainage and hard landscaping related infrastructure; and
 - (b) a percentage of the replacement costs for all soft landscaping
- (13) Prior to the issue of a Statement of Compliance for each stage, the developer must provide as-constructed information for all infrastructure created by this development, and passing into the ownership and control of Council in accordance with Council's Infrastructure Design Manual, and be submitted to and accepted by the Responsible Authority. The following must be submitted:
- (a) an assets statement for each street;
 - (b) 'as-constructed' information for the entire works area as per approved civil construction plans in each development stage detailing information as listed in the Council's Infrastructure Design Manual;
 - (c) a certified plan showing the extent and depth of fill in excess of 300mm placed on

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any of the allotments;

- (d) certified as-constructed information presented as being true and correct; and
 - (e) information to be presented in pdf., dwg., D, and R SPEC formats, or unless otherwise agreed in writing by the Authority.
- (14) Prior to the issue of a Statement of Compliance the developer must provide and plant Street trees, appropriately spaced and to specifications of Council's Infrastructure Design Manual and to the satisfaction of the Responsible Authority.
Street trees must be maintained for a period of twelve (12) months, or until the Developer can demonstrate that the plantings have become established from the date of acceptance of the works, to the satisfaction of the responsible authority. Any dead, dying or diseased trees are to be replaced within twelve (12) months of the date of acceptance of the works.
- (15) Nature Strip
Prior to the issue of a Statement of Compliance, the nature-strip and all disturbed areas are to be topsoiled and seeded to establish grass cover. Alternative finishes may be approved by written agreement.
- (16) Reserves
Prior to the issue of a Statement of Compliance, the Drainage Reserve and pocket park area as shown on the Endorsed Plan(s) must be fully constructed, drained and handed over to the Council. All works must conform to plans and specifications prepared at the expense of the developer and endorsed by the Responsible Authority prior to commencement of construction. Unless otherwise agreed in writing, the Authority will only approve plans and specifications complying with Council's Infrastructure Design Manual
The works must include:
(a) fencing and bollards to restrict vehicular access with allowance for maintenance vehicles;
(b) closed style fencing of reserve boundaries adjoining proposed lots in a uniform type and colour and height (minimum 1.8m high);
(c) illumination;
(d) a sealed access for ongoing maintenance purposes;
(e) recreational facilities; and
(f) landscaping and any associated irrigation. Maintenance of reserve(s) must be in accordance with Council's Infrastructure Design Manual and to the satisfaction of the Responsible Authority.
- (17) Prior to the commencement of any works associated with the development or subdivision, the following items must be satisfied:
(a) certification of the Plan of Subdivision;
(b) approval of the construction plans; and
(c) an on-site meeting be undertaken with officers of the Responsible Authority, the contractor and the developer and/or developer's consultant to discuss, amongst other things, roadside management, construction techniques, vegetation clearing controls and vegetated areas to be barricaded off prior to and during construction must have taken place.
- (18) Prior to commencement of works, a Construction Site Management Plan in accordance with Council's Infrastructure Design Manual must be prepared, approved and implemented to the satisfaction of the Responsible Authority. The plan must show:
(a) measures to control erosion and sediment and sediment laden water runoff,

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- including the design details of structures;
- (b) measures to retain dust, silt and debris onsite, both during and after the construction phase;
 - (c) locations of any construction wastes, equipment, machinery and/or earth storage/stockpiling during construction;
 - (d) where access to the site for construction vehicle traffic will occur;
 - (e) tree protection zones;
 - (f) the location and details of a sign to be erected at the entrance(s) of the site advising contractors that they are entering a 'sensitive site' with prescribed tree protection zones and fences;
 - (g) the location of trenching works, boring, and pits associated with the provision of services;
 - (h) the location of any temporary buildings or yards; and
 - (i) other as specified by the Responsible Authority.
- (19) The subdivision must proceed in the order of stages as shown on the endorsed plan unless otherwise agreed in writing by the Responsible Authority.
- (20) All earthworks and lot filling must be in accordance with Council's Infrastructure Design Manual.
- (21) No excavated or construction materials may be placed or stored outside the site area or on the adjoining road reserves, except where the materials are required in connection with any road or footpath construction works in such reserves that are required as part of this permit.
- (22) Care must be taken to preserve the condition of existing infrastructure adjacent to the site. If any damage to existing infrastructure occurs as a result of this development, the affected infrastructure must be replaced, and the full cost met, by the developer, to the specification and satisfaction of the Responsible Authority.
- (23) All infrastructure created by this development, and passing into the ownership and control of Council, must be maintained by the developer for a period of 3 months following practical completion, and the developer must thereafter accept liability for correcting defects that become evident during the following 9 months in accordance with Council's Infrastructure Design Manual and to the satisfaction of the Responsible Authority.
- (24) No such contaminants will be permitted to enter the storm-water drainage system under any reasonably foreseeable circumstances.
- (25) All construction plan approvals will lapse at the time of a request to extend this Planning Permit.
- (26) Prior to Certification, road names for the proposed roads (and/or common property) must be submitted on a plan of subdivision to Council for approval. Road names must be in accordance with Naming Rules for Places in Victoria, Statutory Requirements for Naming Roads, Features and Localities 2016.

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- (27) No native vegetation (including trees, shrubs, herbs and grasses) must be removed, lopped or destroyed unless a permit has been granted by the Responsible Authority.
- (28) Prior to the issue of a Statement of Compliance for the relevant stage of the subdivision under the *Subdivision Act 1988*, a Landscape Plan for the subject land (inclusive of road reserves and public open space reserves) must be submitted to and approved by the Responsible Authority. 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 showing plants (over 2.0 metres in height) to be removed;
 - (b) the use of indigenous/local native species in new plantings (except for areas of lawn);
 - (c) where exotic species are proposed, provide justification for use instead of native species; and
 - (d) 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.
- (29) Prior to the issue of a Statement of Compliance for the relevant stage of the subdivision under the *Subdivision Act 1988*, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
- (30) Before the Statement of Compliance is issued under the Subdivision Act 1988, the applicant or owner must provide 5% of land or contribute 5 per cent of the site value of all the land in the subdivision or a combination of both to the satisfaction of the Responsible Authority. The applicant or owner must advise Council, in writing, to undertake the property valuation and must pay the Council's reasonable costs and expenses to provide such a valuation for payment in lieu of open space.
- (31) The owner of the land must enter into an agreement with:
- a telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time;
 - and a suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.
- (32) Before the issue of a Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:
 - a telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and
 - a suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

FILE NO: 52017228
2. A THRIVING LOCAL ECONOMY

ITEM NO: 9.4.3

**PLANNING PERMIT APPLICATION NO.52017228 - STAGED SUBDIVISION OF
LAND - 6 SHEYNA DRIVE NUMURKAH (cont'd)**

(33) This permit will expire if:

(a) A plan of subdivision for each stage is not certified within:

- a) 2 years for stage 1
- b) 4 years for stage 2
- c) 6 years for stage 3
- d) 8 years for stage 4
- e) 10 years for stage 5
- f) 12 years for stage 6

(b) The subdivision is not completed within five years from the dates of certification of each plan of subdivision.

The Responsible Authority may extend the time if a request is made in writing before the permit expires or within six months afterwards.

APA Group Conditions

(34) Easements in favor of "Australian Gas Networks (VIC) Pty Ltd" must be created on the plan to the satisfaction of APT.

(35) The plan of subdivision submitted for certification must be referred to APT O&M Services Pty Ltd, in accordance with Section 8 of the Subdivision Act 1988.

Country Fire Authority conditions

(36) Hydrants

Prior to the issue of a Statement of Compliance under the Subdivision Act 1988 the following requirements must be met to the satisfaction of the CFA:

1.1 Above or below ground operable hydrants must be provided. The maximum distance between these hydrants and the rear of all building envelopes (or in the absence of building envelopes, the rear of the lots) must be 120 metres and the hydrants must be no more than 200 metres apart. These distances must be measured around lot boundaries.

1.2 The hydrants must be identified with marker posts and road reflectors as applicable to the satisfaction of the Country Fire Authority. Note – CFA's requirements for identification of hydrants are specified in 'Identification of Street Hydrants for Firefighting Purposes' available under publications on the CFA web site (www.cfa.vic.gov.au)

(37) Roads

Roads must be constructed to a standard so that they are accessible in all weather conditions and capable of accommodating a vehicle of 15 tonnes for the trafficable road width.

2.1 The average grade must be no more than 1 in 7 (14.4%) (8.1 degrees) with a maximum of no more than 1 in 5 (20%) (11.3 degrees) for no more than 50 meters. Dips must have no more than a 1 in 8 (12%) (7.1 degree) entry and exit angle.

2.2 Curves must have a minimum inner radius of 10 metres.

2.3 Roads must have a minimum trafficable width of:

- 5.5m if parking is prohibited on one or both sides of the road,
- 7.3m where parking is allowable on both sides of the road.

2.4 Provision shall be made at the end of all dead-end streets greater than 60m in length (whether or not created by staged construction) for turning a design vehicle to the

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satisfaction of the Responsible Authority.

Goulburn Murray Water conditions

- (8) All works within the subdivision must be done in accordance with EPA Publication 960 "Doing It Right on Subdivisions, Temporary Environmental Protection Measures for Subdivision Construction Sites", September 2004.
- (39) Any Plan of Subdivision lodged for certification must be referred to Goulburn-Murray Rural Water Corporation pursuant to Section 8(1)(a) of the Subdivision Act.
- (40) Prior to Certification of the Plan of Subdivision, the landowner must enter into an Agreement with Goulburn-Murray Water in accordance with Section 17 (2) (c) of the Subdivision Act 1988 for the conversion of Goulburn-Murray Water open channel no. 6/6 to a pipeline to remove rural infrastructure from residential areas. The Agreement will address monetary contributions payable by the landowner to Goulburn-Murray Water for the pipeline conversion, in lieu of financial benefits gained by landowner from Goulburn-Murray Water's relinquishment of its interest in the land, by way of the reduction of the channel easement registered on Lot 2 on TP894688, any additional lot yield and improved overall subdivision amenity.
- (41) Prior to Statement of Compliance, for subdivision of property holding delivery shares the applicant must either:
- a. make application to Goulburn-Murray Water pursuant to sections 224 and 229 of the Water Act 1989 to: terminate or transfer the delivery shares in relation to the property; make a declaration that the property cease to be a serviced property (to effect excision from the district); or alternatively
 - b. demonstrate to Goulburn-Murray Water reasonable satisfaction the means by which a Goulburn-Murray Water water supply will be metered and delivered to the lots created by the subdivision, bearing in mind requirements for water use licences and annual use limits.
- (42) Each lot must be provided with connection to the reticulated sewerage system in accordance with the requirements of the relevant urban water authority.
- (43) All stormwater discharged from the site must meet the urban run-off objectives and Standard C25 as specified in Clause 56.07-4 of the Victorian Planning Provisions. All infrastructure and works to manage stormwater must be in accordance with the requirements of the Responsible Authority.

Goulburn Valley Water conditions

- (44) Payment of new customer contribution charges for water supply to the development, such amount being determined by the Corporation at the time of payment;
- (45) Provision of a reticulated water supply and associated construction works to each allotment within the development, at the developer's expense, in accordance with standards of construction adopted by and to the satisfaction of the Goulburn Valley Region Water Corporation. Once 40 lots are exceeded, a second connection point to the network will be required for the purpose of security supply.
- (46) Payment of new customer contributions charges for sewerage services to the development, such amount being determined by the Corporation at the time of payment;
- (47) Provision of reticulated sewerage and associated construction works to each allotment within the development, at the developer's expense, in accordance with standards of construction adopted by and to the satisfaction of the Goulburn Valley Region Water Corporation; (The works may include, but not be limited to the construction of a sewerage pumping station, rising mains and gravity mains);

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- (48) Provision of easements in favour of the Goulburn Valley Region Water Corporation over all existing and proposed sewer mains located within private property;
- (49) The operator under this permit shall be obliged to enter into an Agreement with Goulburn Valley Region Water Corporation relating to the design and construction of any sewerage or water works required. The form of such Agreement shall be to the satisfaction of Goulburn Valley Water. A copy of the format of the Agreement will be provided on request;
- (50) The plan of subdivision lodged for certification is to be referred to the Goulburn Valley Region Water Corporation pursuant to Section 8(1) of the Subdivision Act, 1988.

Powercor conditions

- (51) The plan of subdivision submitted for certification under the Subdivision Act 1988 shall be referred to the Distributor in accordance with Section 8 of that Act.
- (52) The applicant shall provide an electricity supply to all lots in the subdivision in accordance with the Distributor's requirements and standards. Notes: Extension, augmentation or rearrangement of the Distributor's electrical assets may be required to make such supplies available, with the cost of such works generally borne by the applicant.
- (53) The applicant shall ensure that existing and proposed buildings and electrical installations on the subject land are compliant with the Victorian Service and Installation Rules (VSIR). Notes: Where electrical works are required to achieve VSIR compliance, a registered electrical contractor must be engaged to undertake such works.
- (54) The applicant shall, when required by the Distributor, set aside areas with the subdivision for the purposes of establishing a substation or substations. Notes: Areas set aside for substations will be formalised to the Distributor's requirements under one of the following arrangements:
- RESERVES established by the applicant in favour of the Distributor.
 - SUBSTATION LEASE at nominal rental for a period of 30 years with rights to extend the lease for a further 30 years. The Distributor will register such leases on title by way of a caveat prior to the registration of the plan of subdivision.
- (55) The applicant shall establish easements on the subdivision, for all existing Distributor electric lines where easements have not been otherwise provided on the land and for any new powerlines to service the lots or adjust the positioning existing easements.
- Notes:
- Existing easements may need to be amended to meet the Distributor's requirements
 - Easements required by the Distributor shall be specified on the subdivision and show the Purpose, Origin and the In Favour of party as follows:

Easement Reference	Purpose	Width (Metres)	Origin	Land Benefited / In Favour Of
	Power Line		Section 88 - Electricity Industry Act 2000	Powercor Australia Ltd

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Planning Note(s)

- (1) Prior to works commencing on public land or roads, the applicant must obtain a permit from the relevant authority giving Consent to Work Within a Road Reserve.
- (2) Native vegetation is proposed to be removed from the Eastern Detention Basin which may require a separate planning permit application for the removal of Native Vegetation.
- (3) The Council's Landscape Plan Guide (as amended) be used in designing a landscape plan for the road reserves and public open space reserves.
- (4) Any creation, variation or removal of the easement on Lot 2 TP894688 will be subject to a separate planning approval.

(CARRIED)

9. ACTION OFFICERS LIST

NIL

10. NOTICES OF MOTION

NIL

11. PETITIONS AND JOINT LETTERS

- A Joint letter in relation to a proposed subdivision at Chapel Street Nathalia was tabled.
- A petition in relation to road improvements at Catona Crescent Cobram was tabled.

12. COUNCIL SEAL

NIL

FILE NO: VARIOUS

ITEM NO: 14

URGENT GENERAL BUSINESS

MOTION

CRS GARY CLEVELAND / ED COX

That urgent business in relation to homelessness be considered.

(CARRIED)

MOTION

CRS WENDY BUCK / MARIE MARTIN

That Council investigate the possibility of showers for the homeless being incorporated in existing or new toilet facilities in the shire and this report be brought to a council briefing session for consideration by Councillors.

(CARRIED)

FILE NO: VARIOUS

ITEM NO: 15

QUESTIONS FROM THE PUBLIC GALLERY

Questions were raised in relation to :

- Yarrawonga Town Hall Precinct design plans.
- Future plans for the Yarrawonga Primary School Site.
- Yarrawonga Community Hall.
- Community Consultation Group minutes.
- Yarrawonga Town Hall Precinct Community Consultation Process.
- Yarrawonga Library site assessment ratings.
- Bass Coast acquisition of a secondary college site.
- Subsidising fees and charges of Council facilities.
- Differing views of Councillors across the shire.
- Parking provisions near the Yarrawonga Town Hall.
- Location of other Council's libraries.
- Council being proactive in acquiring the former Yarrawonga Primary School site.
- Design of the Inglewood Library.
- Yarrawonga Library funding process.
- Heavy vehicle diversion for Belmore Street Yarrawonga.
- Catona Crescent petition.
- The Civic Centre visual equipment.

13. CLOSE OF MEETING : 6:59 PM