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AGENDA
ORDINARY MEETING OF COUNCIL
FOR
WEDNESDAY 26 JUNE 2019
TO BE HELD AT CIVIC CENTRE, PUNT ROAD COBRAM
COMMENCING AT 5:00 PM

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

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.

4. APOLOGIES & REQUESTS FOR LEAVE OF ABSENCE

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

6. DECLARATION OF ANY INTEREST OR CONFLICT OF INTEREST

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

Recommendation: "That the minutes of the Ordinary Council Meeting held on Wednesday, 22 May 2019 and the minutes of the Special Meeting of Council held on Wednesday, 12 June 2019, as prepared, be confirmed."

8. COUNCILLOR REPORTS

COUNCILLORS TO PROVIDE VERBAL REPORTS

9. OFFICER REPORTS FOR DETERMINATION

9.1 OFFICE OF CEO

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FILE NO: 1
4. A WELL RUN COUNCIL

ITEM NO: 9.1.1

APPOINTMENT OF ACTING MAYOR

RECOMMENDATION

That Council appoint Cr as Acting Mayor from 1 August 2019 to 24 August 2019 inclusive, to perform any function or exercise any power conferred on the Mayor during this time.

1. Executive Summary

The Mayor and Deputy Mayor will both be partaking in a delegation of Council during August 2019 to Varapodio in Reggio Calabria, Italy. During this time Council is required to appoint an Acting Mayor to perform any duties required, perform any function or exercise any power conferred on the Mayor.

2. Background and Options

In 2018 the Mayor was invited by the Mayor of Varapodio Italy to take part in a delegation of Councillors, community members and students. The Mayor has accepted this invitation and will travel from 1 August to 24 August with the Deputy Mayor and two Councillors who will form this delegation.

The dates for the delegation were chosen to not interrupt normal Council business and will not affect the Ordinary Council meetings schedule.

The appointed Acting Mayor will perform any function or exercise any power conferred on the Mayor during the tenure.

3. Financial Implications

There are no financial implications associated with appointing an Acting Mayor during this period. On this occasion the Acting Mayor will be appointed for 24 days and financial implications arise when an acting Mayor is appointed for a period for a continuous period exceeding 50 days, when the Acting Mayor may be paid a Mayoral allowance instead of a Councillor allowance.

4. Risk Management

There are no risk management issues to consider within the report.

5. Internal and External Consultation

Consultation between internal departments in relation to the *Local Government Act 1989* and Councils *Meeting Procedure Local Law* occurred.

6. Regional Context

There are no regional implications associated with this report.

7. Council Plan Strategy

A well run Council.

8. Legislative / Policy Implications

The advice provided within this report complies with the *Local Government Act 1989*.

FILE NO: 1
4. A WELL RUN COUNCIL

ITEM NO: 9.1.1

APPOINTMENT OF ACTING MAYOR (cont'd)

9. Environmental Impact

There are no environmental implications to consider within this report.

10. Conflict of Interest Considerations

There are no conflict of interest considerations associated with this report.

11. Conclusion

Moira Shire Council is required to appoint an Acting Mayor in accordance with section 73 of the *Local Government Act 1989*.

Attachments

Nil

FILE NO: F17/620
4. A WELL RUN COUNCIL

ITEM NO: 9.2.1

REVIEW OF 2017-2021 COUNCIL PLAN

RECOMMENDATION

That Council endorse that the 2017-2021 Council Plan continues to reflect the priorities of Council and does not require material amendment.

1. Executive Summary

The Council Plan is required to be reviewed annually to consider whether the current plan requires any adjustment in respect of the remaining period of the Council Plan.

The Council Plan was adopted in June 2017 following extensive involvement by councillors and management, and community consultation. The plan commenced July 2017 and continues through to June 2021.

The Council Plan remains current and continues to reflect the priorities of Council and does not require material amendments. There are a couple of administrative amendments recommended to reflect the current mayor.

2. Background and Options

The Council Plan is a document that guides the Moira Shire Council's direction and activities during the Council's term of office. It provides the framework to support Council decisions on budget allocation and service delivery.

The plan enforces our commitment to providing our strategies:

- A great place to live
- A thriving local economy
- A clean green environment
- A well run Council

The Council Plan was adopted in June 2017 following extensive involvement by councillors and management, and community consultation. The plan commenced July 2017 and continues through to June 2021.

The review of the plan recommends a couple administrative amendments to reflect the current mayor. These amendments are not material and do not alter the priorities of Council.

3. Conflict of Interest Considerations

There are no officer conflicts of interests to consider.

4. Conclusion

That Council endorse that the 2017-2021 Council Plan continues to reflect the priorities of Council and does not require material amendment.

Attachments

- 1 Council Plan 2017-2021 - *printed in separate document*

FILE NO: F17/1128
4. A WELL RUN COUNCIL

ITEM NO: 9.2.2

2019/20 RENEWAL INSURANCE

RECOMMENDATION

That Council:

1. Place the 2019/20 Industrial Special Risks (ISR) Insurance with Jardine Lloyd Thompsons Municipal Asset Protection Plan (JMAPP).
2. Authorise the Chief Executive Officer to sign the 2019/20 insurance renewal documents.

1. Executive Summary

Procurement Australia were appointed in August 2018 to undertake a public tender on behalf of Moira Shire Council and eight other Victorian Councils for the provision of insurance broking and risk management services.

While two tenders were received, the overall result of the tender did not provide the best value solution for Council. One tender provided comparable services and premiums to the current level but with significantly reduced cover for bridges, artwork and flood. The other tender provided renewal premiums for Council's insurance portfolio which were almost double the current cost.

With the tender set aside, Council's current broker, Jardine Lloyd Thompson (JLT), were requested to provide 2019/20 renewal terms for Council's insurance portfolio. As the premium for Industrial Special Risks ISR/Property insurance exceeds the Chief Executive Officer's financial delegation, a Council resolution is sought to accept the proposal for this insurance JMAPP.

2. Background and Options

Acting on behalf of Council, Procurement Australia advertised a public tender in January 2019 for the 2019/20 insurance portfolios, broking and risk management services for nine Victorian Councils.

Four broking firms registered their Expression of Interest, however, only two tenders were submitted prior to the tender closing date of 4 April 2019.

As the tender did not provide an acceptable result, the tender was set aside and Jardine Lloyd Thompson were approached to provide renewal terms for brokerage and Council's insurance portfolio which includes:

- ISR/Property Insurance,
- Community Liability
- Motor Vehicle
- Cyber Liability
- Councillors' & Officers
- Personal Accident & Travel
- Commercial Crime
- Aerodrome Operators
- Contract Works
- Plumbers Liability.

The ISR/Property insurance premium is the only one which exceeds the CEO's financial delegation, all other premiums can be accepted under Council's Financial Delegations.

FILE NO: F17/1128
4. A WELL RUN COUNCIL

ITEM NO: 9.2.2

2019/20 RENEWAL INSURANCE (cont'd)

Council's asset value for insurance purposes rose from \$150M in 2018/19 to \$166M in 2019/20. The increase is due to the result of a condition audit and valuation conducted on Council's buildings, the discovery of a small number of previously unidentified building assets and an increase in the value of pumps, unregistered plant, playground equipment and IT equipment.

A summary of the property insurance renewal terms provided by JMAPP is provided in the confidential Appendix A.

3. Financial Implications

The premium for ISR/Property insurance has increased 18.49% compared to last year. More than half of the increase is attributable to the increase in asset value and the remainder as a result of market conditions.

The increase in premium has been allowed for in the 2019/20 adopted budget.

4. Risk Management

Adequate insurance forms a critical part of the fundamental risk management framework which must be in place to protect Council and the community from incidents. Failure to have adequate insurance in place at any time places Council and the community at significant risk from incidents which could give rise to a property claim.

While the coming year's premium is increased as a result of the increase in asset value, it is important that Council remains properly insured against the loss of community assets.

5. Internal and External Consultation

External consultation occurred through the public tender process. Internal consultation occurred during the renewal process with a number of internal departments including Finance, Fleet Management, Organisational Development, Assets & Construction, Fleet Management and Information Services.

6. Regional Context

The subject matter of this report does not have any direct impact on issues of regional significance.

7. Council Plan Strategy

The subject matter of this report supports the Council Plan Strategy to provide sound risk management and governance.

8. Legislative / Policy Implications

Section 186 of the Local Government Act requires Council to conduct a public tender process for any supply with a value of \$150,000 or more. Council is compliant with the Act by having appointed Procurement Australia to conduct a public tender on Council's behalf.

In accordance with the Moira Shire Council Procurement Policy, a Council resolution is required to accept any supply valued over \$150,000.

9. Environmental Impact

The subject matter of this report does not have any direct environmental impacts other than those related to the administrative function of Council.

10. Conflict of Interest Considerations

There are no council officer conflict of interest issues within this report.

FILE NO: F17/1128
4. A WELL RUN COUNCIL

ITEM NO: 9.2.2

2019/20 RENEWAL INSURANCE (cont'd)

11. Conclusion

The Industrial Special Risks insurance policy provides protection for over \$166M million of Council assets. While JMAPP has provided an increased premium for ISR/Property insurance for the 2019/20 year, the premium is within the expected budget range.

It is recommended that Council accept the offer of ISR/Property insurance from Jardine Lloyd Thompson's Municipal Assets Protection Plan (JMAPP) for 2019/20.

Attachments

- 1 Appendix A - JLT ISR Insurance Premium - *Confidential - printed in separate document*

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

ITEM NO: 9.2.3

ASSEMBLIES OF COUNCIL

RECOMMENDATION

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

1. Executive Summary

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

2. Background and Options

This report fulfills Council's legislative obligation to report the matters considered and whether a conflict of interest disclosure was made by a Councillor at

- A meeting of an advisory committee where at least one Councillor is present; or
- A meeting, briefing or other activity where at least half of the Council and a member of Council staff are present; and
- Where the matters considered may be subject to a decision of Council or exercise of a function, duty or power of the Council that has been delegated to a person or committee.

Meeting	Present at meeting	Matters discussed	Declaration of Interest(s)
Council Briefing 8 May 2019	<p>Councillors: Libro Mustica Peter Lawless Kevin Bourke Gary Cleveland Peter Mansfield Marie Martin</p> <p>Staff: Chief Executive Officer, Mark Henderson General Manager Community, Sally Rice General Manager Corporate, Simon Rennie Acting Manager Infrastructure, Graeme Henderson</p>	<ul style="list-style-type: none"> • Draft agenda review • Community Grants • Aquatic Strategy • Oral History Project • Financial Hardship Policy 	Nil

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

ITEM NO: 9.2.3

ASSEMBLIES OF COUNCIL (cont'd)

Meeting	Present at meeting	Matters discussed	Declaration of Interest(s)
Council Briefing 22 May 2019	<p>Councillors: Libro Mustica Peter Lawless John Beitzel Kevin Bourke Wendy Buck Gary Cleveland Peter Mansfield</p> <p>Staff: Chief Executive Officer, Mark Henderson General Manager Community, Sally Rice Acting General Manager Corporate, Warren Gardner Manager Governance and Communication, Linda Nieuwenhuizen</p>	<ul style="list-style-type: none"> Agenda review 	Nil

3. Conflict of Interest Considerations

There are no council officer conflict of interest issues to consider within this report.

4. Conclusion

The Assembly of Councillors records incorporated into this report are a true and accurate record of all assemblies of Councillors reported during May 2019.

Attachments

Nil

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

ITEM NO: 9.2.4

PROPOSAL TO DISCONTINUE AND SELL ORR STREET LANEWAY YARRAWONGA

RECOMMENDATION

That Council:

1. Resolves to discontinue the road reserve behind properties 34-42 Orr Street Yarrawonga.
2. Authorise the Chief Executive Officer to sell the land to the adjoining landholders and to complete the associated contractual and administrative processes.

1. Executive Summary

This report seeks council approval to proceed with the proposal to discontinue the laneway and sell the portions of land to the adjoining land owners.

The legislated processes for council to discontinue a road and to sell public owned land require council to seek community feedback on the proposal before making a decision to proceed or otherwise.

The community consultation process concluded on 6 May 2019 and one [submission](#) was received.

It is recommended Council proceed with this proposal to discontinue the road reserve and authorise the Chief Executive Officer to sell the land by private treaty to the adjoining landholders for the price determined by the independent valuation in accordance with section 189 of the Local Government Act 1989.

2. Background and Options

Council's consideration of a potential sale of the laneway has been triggered by a request from an adjoining land owner to acquire the land and realign their property boundary.

In accordance with the Road Management Act 2004 and the Local Government Act 1989 council is required to seek community feedback (LGA s223) before it makes a decision to proceed or otherwise.

Community consultation outcomes

Council completed a S223 community consultation process and received one submission. The submission is available to view on council's website. The community consultation process concluded on 6 May 2019.

The submission highlighted concerns of the property holder to north of the road reserve regarding their driveway access to the rear of the property. The attached images imply that the part of the driveway sits on the road reserve but this will be confirmed by survey should Council resolve to discontinue the road reserve.

The intent is that following the land survey to determine the exact location of the road reserve, the adjoining landholders will have the opportunity to purchase the section of discontinued road reserve that sits within the existing fence lines at a price determined by independent valuation.

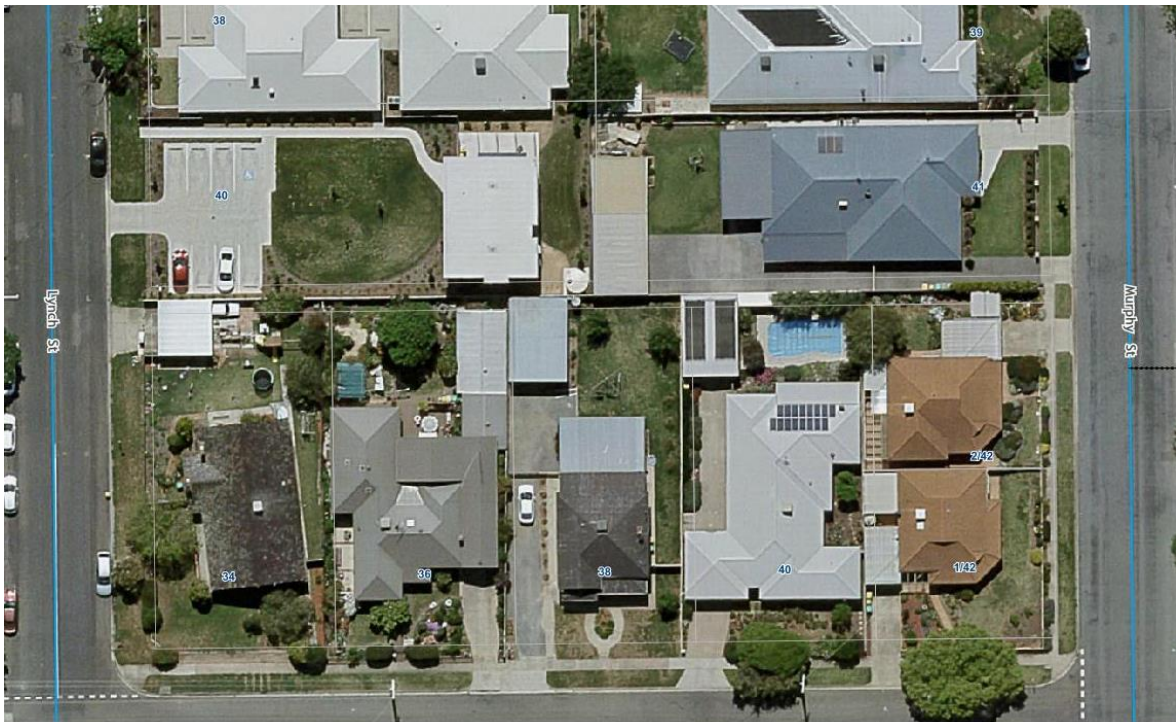
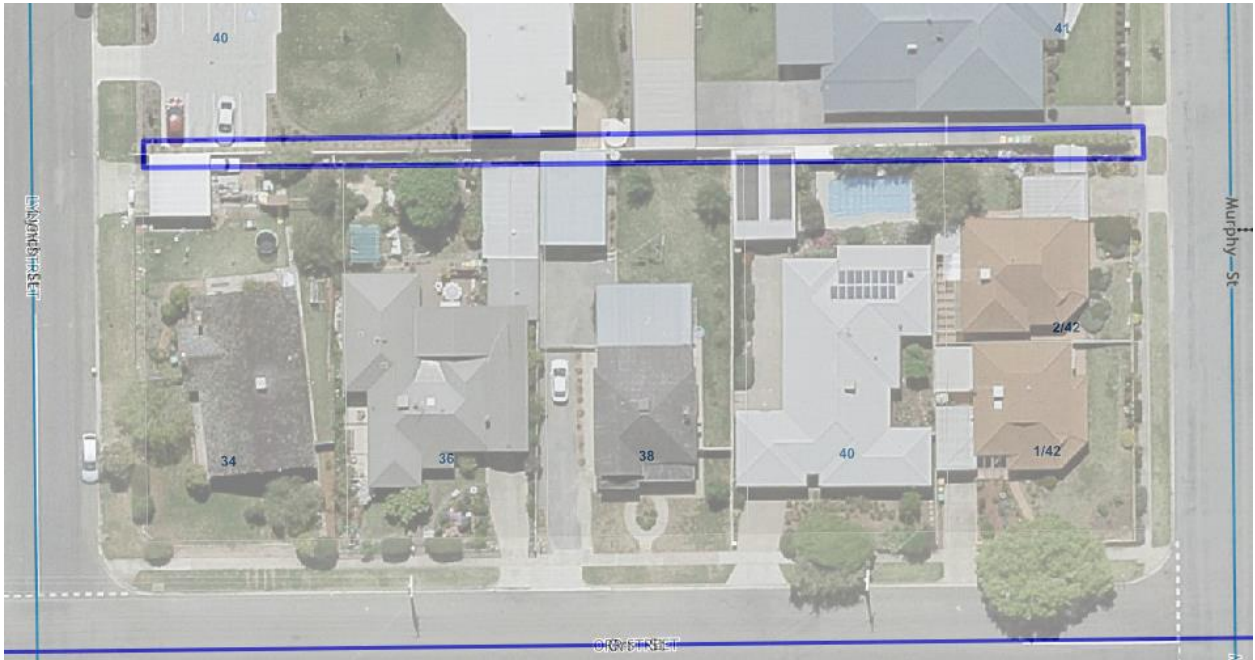
While the land remains a road reserve, the adjoining land owners with buildings or other assets on the road reserve face the ongoing risk of being requested to remove them from what is legally a 'public highway'.

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

ITEM NO: 9.2.4

**PROPOSAL TO DISCONTINUE AND SELL ORR STREET LANEWAY
YARRAWONGA (cont'd)**

Proceeding with the discontinuance of the laneway will allow council to address this risk by recognising the existing alignment of property boundaries and in doing so provide ongoing certainty for neighboring property owners.



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

ITEM NO: 9.2.4

**PROPOSAL TO DISCONTINUE AND SELL ORR STREET LANEWAY
YARRAWONGA (cont'd)**

3. Financial Implications

The sale of the land is a separate and subsequent process may involve public auction, tender, private treaty or any other method as determined by the Chief Executive Officer in accordance with section 189 of the Local Government Act 1989.

- Council will obtain a valid valuation no more than 6 months prior to the sale.

The individual adjoining landowners will be responsible for the costs associated with any purchase and consolidation of their portion of the laneway into their property.

4. Legislative / Policy Implications

The consultation process was in accordance with Section 189 and Section 223 of the Act.

5. Conflict of Interest Considerations

There are no officer conflicts of interest associated with the preparation of this report.

6. Conclusion

It is recommended that Council resolves to discontinue the road reserve and authorise the Chief Executive Officer to sell the land to the adjoining landholders.

Attachments

Nil

FILE NO: F18/503
1. A GREAT PLACE TO LIVE

ITEM NO: 9.3.1

EQUITY READY PROJECT OVERVIEW

RECOMMENDATION

That Council note the strategic aims of the Equity Ready project.

1. Executive Summary

Under the Victorian Government's Free from Violence prevention strategy, Moira Shire Council was one of 35 Victorian local governments who were successful in securing project funding to deliver a best-practice workplace prevention program. The Equity Ready project aims for Council's workplace to be an inclusive environment that promotes and supports gender equality.

This report provides an overview of, and seeks Council support for, the strategic aims and activities required to achieve objectives of the Free from Violence program. These activities are based on the 'Workplace Equality and Respect Standards'. These standards recognise that best practice in effective workplace prevention requires:

- strong leadership endorsement;
- supportive governance structures; and
- a workplace culture that consciously seeks and supports equality and respect.

2. Background and Options

The impacts of gender inequality are widespread and continue to be an issue today. Women continue to experience inequality and discrimination in many areas, including those directly related to the workplace and employment. For example, across Australia, women continue to be under-represented in senior leadership roles, comprising 16.3% of CEOs and 28.5% of other senior leadership roles. Women are typically spending more than double the amount of time as men caring for children and for people with a disability. This time out of the workforce for child-rearing and caring responsibilities contributes to a gender gap in superannuation, with the average superannuation payout for women being a third of the payout amount for men.

Through the Equity Ready project, Council has an opportunity to lead a change process across the entire workplace to embed a culture of respect and equality for all staff. It is important to highlight that this project has not come about as a reaction to any particular issues. Rather the project presents an opportunity for Council to identify the many things that we are already doing well, and identify where any improvements could be made.

Major project outcomes include development of a work place Gender Equity strategy and annual action plan, which will set out measurable targets that align with the state-wide vision that Victorian organisations and communities are safe and inclusive.

A Gender Equity Project Officer has been employed to facilitate internal activities, including development of steering committee, review of policies and procedures, delivery of staff training on gender equity, and conducting a workplace self-assessment.

A community component has been built into the later stages of the project, with opportunities to explore the potential to liaise with key stakeholders across the Moira Shire to facilitate a collaborative planning process for a community-based Gender Equity Strategy.

3. Financial Implications

Council was successful in receiving funding from the Victorian government under the Free from Violence program to deliver Equity Ready project for 12 months (Dec 2018-Dec 2019).

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1. A GREAT PLACE TO LIVE

ITEM NO: 9.3.1

EQUITY READY PROJECT OVERVIEW (cont'd)

4. Risk Management

Managing and responding to disclosures

In demonstrating and communicating commitment to gender equality in the workplace, there is a likelihood that staff may feel safe to disclose personal experiences of violence or harassment. Additionally, promoting the project externally to community stakeholders, may also result in disclosures made to council representatives, including Councillors.

A key part of the project includes ensuring that necessary supports and referral pathways are set up, and key staff and managers are trained to confidently manage and respond to any disclosures.

Managing backlash and resistance

This project involves moving through an organisational change process, which may produce backlash and resistance from some staff, and the broader community. The nature of staff discussions throughout the project will involve individual reflection on privilege, unconscious bias, and rigid stereotypes of men and women, which may produce discomfort. It is critical that staff who experience any acts of resistance are adequately supported and discussions are conducted in an open and respectful manner that aims to engage all staff.

5. Internal and External Consultation

A project governance group has been developed to oversee project implementation and achievement of key reporting milestones, and includes:

- Manager Community Development – Georgia Hills
- Manager Organisational Development – Brant Doyle
- Team Leader Community Services – Jessica Orr
- Community Services Officer – Hayley Benson
- Gender Equity Project Officer – Renata Lucas

An internal steering committee will be developed, with representation from all departments/teams, and at different levels across Council.

Externally, there will be opportunities to provide project updates and consult with key stakeholders via the Moira Shire Safety Committee and Preventing Family and Gender-based Violence sub-committee.

At the state-wide level, MAV and Our Watch are supporting project implementation and the use of Workplace Equality and Respect Standards. These standards are based on best-practice evidence in implementing and embedding a whole-of-organisation approach to gender equality in workplaces. Part of the project involves participation in a quarterly MAV Community of Practice series held in Melbourne.

6. Regional Context

The Equity Ready project is one of many local government initiatives that support the Victorian Government's Free from Violence prevention strategy. Developed as a direct response to recommendations from the Royal Commission into Family Violence, the Free from Violence First Action Plan 2018-2021 identifies local government as a key setting to deliver innovative prevention activity at the grassroots level.

There are six other Councils in North East Victoria that have received Free from Violence funding: Wodonga, Strathbogie, Mitchell, Alpine, Towong, and Mansfield. This indicates that there is considerable support and leadership opportunity across the region to be able to collectively advance gender equality and harness the current momentum for change.

FILE NO: F18/503
1. A GREAT PLACE TO LIVE

ITEM NO: 9.3.1

EQUITY READY PROJECT OVERVIEW (cont'd)

7. Council Plan Strategy

The Equity Ready project aligns with 'Strategy 1: A Great Place to Live' in 2017-2021 Council Plan, and supports health and wellbeing actions. In particular, the Wellbeing for All Ages Strategy 2017-2021, outlines that Moira Shire Council will lead by example and support initiatives that aim to address gender inequity and family and gender-based violence.

8. Legislative / Policy Implications

- Victorian Free from Violence Prevention Strategy: First Action Plan 2018-2021
- Victorian Gender Equality Strategy
- Charter of Human Rights and Responsibilities Act 2006 (Vic)
- Sex Discrimination Act 1984
- Public Health and Wellbeing Act 2008
- Local Government Act 1989
- Victorian Equal Opportunity Act 2010

9. Environmental Impact

Nothing to report.

10. Conflict of Interest Considerations

No conflict of interest is recorded.

11. Conclusion

As an employer and a leader in the community, Council has legal and social obligations to ensure that the workplace provides a safe environment where all staff are respected and have equal opportunities to reach their full potential. The Equity Ready project is an opportunity to review and identify what we are already doing well, where we can continue to improve, and how we can measure and track our progress in supporting gender equality.

The best practice standards referenced in this report detail the importance of strong leadership in achieving success in gender equity initiatives. It is recognised that as key community figures Councilors have a unique opportunity to lead cultural change through support of initiatives such as this. Accordingly, this report provides Councilors with an overview of the Equity Ready project and seeks Council commitment and support for the project.

Attachments

Nil

FILE NO: D19/28024
2. A THRIVING LOCAL ECONOMY

ITEM NO: 9.3.2

MOIRA SHIRE ECONOMIC DEVELOPMENT STRATEGY 2019-2023

ECOMMENDATION

That Council approves the draft strategy document to go out for public consultation.

1. Executive Summary

The creation of a new Economic Development Strategy is one of the main Council Plan 2017-2020 actions to ensure Moira Shire has “A thriving local economy”.

The Economic Development Strategy is being developed in three stages as follows:

1. Draft Strategy Preparation - September 2018 to May 2019
2. Draft Strategy Public Consultation - June to July 2019
3. Final Strategy Adoption - August 2019

The draft strategy builds on the existing strengths of the local economy while seeking to exploit new opportunities. It incorporates a synthesis of data, analysis, opinions and findings from:

- a review of the achievements and lessons learned from Council’s previous Business and Innovation Strategy 2014-2017
- 30 individual and collective structured-interviews with Moira Shire Councillors, managers and staff
- 20 individual and collective structured-interviews with members of the Moira Shire’s five Business and Tourism Advisory Committees and key stakeholders
- the Moira Shire Economic Analysis, Urban Enterprise Report 2016, which included over 30 stakeholder interviews and 51 online survey responses
- Moira Shire’s population and employment forecasts and economic gap analysis, undertaken in 2019 by Remplan consultants, which update the Urban Enterprise Report
- a review of a wide range of relevant economic, social and environmental reports
- outcomes from a range of internal and external workshops
- a review of a range of relevant Economic Development Strategies by other Councils and regional organisations.

This report seeks Councils approval for the draft “Economic Development Strategy 2019-2023”, (Attachment 1) to be made available to the public and for the stage 2 consultation to commence.

2. Financial Implications

The costs for preparing the Draft Strategy and undertaking further consultation in line with the recommendations of this report are budgeted within the 2018/2019 operational budget.

3. Risk Management

The Economic Development Strategy will provide a strategic framework to assist Council with decision making and prioritisation around issues that affect investment within Moira Shire. It also highlights the need for Council to focus on identifying and mitigating potential risks.

4. Internal and External Consultation

Internal consultation to date has included 30 individual and collective structured-interviews with Moira Shire Councillors, managers and staff managers.

External consultation to date has included:

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2. A THRIVING LOCAL ECONOMY

ITEM NO: 9.3.2

MOIRA SHIRE ECONOMIC DEVELOPMENT STRATEGY 2019-2023 (cont'd)

- 20 individual and collective structured-interviews with members of the Moira Shire's five Business and Tourism Advisory Committees and key stakeholders
- The Moira Shire Economic Analysis, Urban Enterprise Report 2016, which included over 30 stakeholder interviews, four workshops and 51 online survey responses

5. Regional Context

An over-arching theme of the draft strategy is to boost the profile of the Shire's towns and communities, by identifying and celebrating their individual characteristics, cultures and histories. They each have a distinctive role to play in the overall economic wellbeing of the broader Moira community

6. Council Plan Strategy

As a local government, Moira Shire Council contributes to economic development in several ways. While there are limitations in our ability to directly deliver business outcomes, we can facilitate and promote economic development within the context of our objectives, for example in planning, infrastructure and the environment. Council can influence the economy in line with its goals in other domains and support businesses by creating an environment conducive to economic activity.

To capitalise on the Shire's strengths, advantages and opportunities, the Strategy has identified the following five priority areas:

- Priority 1: Enhancing infrastructure and land use
- Priority 2: Providing information, learning and networking
- Priority 3: Encouraging growth, innovation and diversification
- Priority 4: Fostering the visitor economy
- Priority 5: Making great places for people

Undertaking a range of actions identified under each of these priorities will ensure the Shire's economy is vibrant and thriving.

7. Legislative / Policy Implications

There are no legislative or policy implications associated with this report.

8. Environmental Impact

Environmental sustainability has been a key consideration in development of the draft strategy. This includes a review of Council's Environmental Strategy and discussions with members of Council's Environmental staff.

9. Conflict of Interest Considerations

There are no conflicts of interest considerations relevant to this report.

10. Conclusion

The creation of a new Economic Development Strategy is one of the main Council Plan 2017-2020 actions to ensure Moira Shire has "A thriving local economy". This report seeks Council's approval for the draft "Economic Development Strategy 2019-2023" to be made available to the public and for the stage 2 consultation to commence.

Attachments

- 1 Moira Shire Economic Development Strategy 2019-2023 - DRAFT

FILE NO: D19/28024
2. A THRIVING LOCAL ECONOMY

ITEM NO: 9.3.2

MOIRA SHIRE ECONOMIC DEVELOPMENT STRATEGY 2019-2023 (cont'd)

ATTACHMENT No [1] - Moira Shire Economic Development Strategy 2019-2023 -
DRAFT

**Moira Shire
Economic Development Strategy
2019 – 2023
Draft for Discussion**



FILE NO: D19/28024
2. A THRIVING LOCAL ECONOMY

ITEM NO: 9.3.2

MOIRA SHIRE ECONOMIC DEVELOPMENT STRATEGY 2019-2023 (cont'd)

**ATTACHMENT No [1] - Moira Shire Economic Development Strategy 2019-2023 -
DRAFT**

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Cover image: Greenhouse at Katunga Fresh, Katunga.

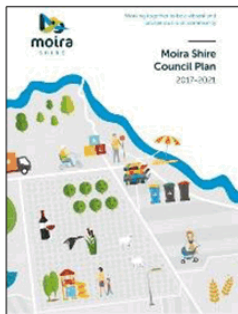
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MOIRA SHIRE ECONOMIC DEVELOPMENT STRATEGY 2019-2023 (cont'd)

ATTACHMENT No [1] - Moira Shire Economic Development Strategy 2019-2023 - DRAFT

Introduction



Moira Shire's Council Plan 2017-2020 guides Council's strategic direction, decision making and service delivery. The plan centres around four key strategies:

1. A great place to live
2. A thriving local economy
3. A clean green environment
4. A well run Council

To ensure Moira Shire retains a thriving, resilient economy into the future, Council has developed a draft economic development strategy 2019-2023.

This draft Economic Development Strategy **builds on the existing strengths of the local economy while seeking to embrace new opportunities that create diversity and resilience.**

Locational Advantages

Moira Shire is strategically positioned on the Murray River and major transport corridors two and a half hours north of Melbourne. The Shire's 4,045 square kilometres are bounded by the Murray, Goulburn and Ovens Rivers and comprise the four centres of Cobram, Nathalia, Numurkah and Yarrawonga, as well as eighteen small towns and communities each with their own characteristics, offerings and appeal.

Population Growth

The Shire's population of 29,486 (2016) is projected to reach over 32,000 by 2031 based on immigration of empty nesters and retirees, attracted by the Shire's climate, liveability and affordable housing.

Profile Raising

Moira's residents take great pride in where they live and are passionate about their respective towns' culture and history. An over-arching theme of the draft strategy is to boost the profile of the Shire's towns and communities, by identifying and celebrating their individual characteristics, cultures and histories. They each have a distinctive role to play in the overall economic wellbeing of the broader Moira community.

Economic Strengths

The economic strengths of Moira Shire are agricultural production, including intensive irrigation and broadacre cropping, associated food processing industries, horticulture, health, education, business services and tourism. Irrigated agriculture is the Shire's main economic driver and is inextricably linked to the region's modern irrigation network and secure high-quality surface and groundwater.

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Competitive Advantages

Moira Shire has an excellent opportunity to build on its competitive advantages, continue to diversify its economy, increase its resilience and attract families to the area. In addition to supporting its dairy and horticulture sectors, Moira's economy needs to transition to employment sectors that are less sensitive to water prices. The Shire has strong growth prospects for its retail trade, health and education sectors, specialised and high value-added tourism and new and emerging industries, including renewable energy generation.

Tourism Opportunities

Tourism and recreation are largely generated by visitors' attraction to the Shire's significant environmental assets such, as the Murray, Goulburn and Ovens river systems, national parks and Ramsar listed wetlands. These natural assets are complemented by outstanding golf courses, quality accommodation and the many water based recreational activities available.

Connection Opportunities

Reliable infrastructure, transport, energy and communications will be important for retaining and growing established industries and attracting new investment. Moira needs to leverage its position in proximity to major regional centres, capital cities and along major transport routes.

Diversity Opportunities

Celebrating and growing the diversity of the Shire's towns and communities will strengthen its resilience - its ability to withstand stresses and shocks.

The Strategy's Five Priorities

To capitalise on the Shire's strengths, advantages and opportunities outlined above, the Strategy has identified the following five priority areas:

- Priority 1: Enhancing infrastructure and land use
- Priority 2: Providing information, learning and networking
- Priority 3: Encouraging growth, innovation and diversification
- Priority 4: Fostering the visitor economy
- Priority 5: Making great places for people

Undertaking a range of actions identified under each of these priorities will ensure the Shire's economy is vibrant and thriving:

- with increasing business investment, jobs, employee income and consumer spending
- more focussed on value-added production and less reliant on irrigation water
- well-endowed with infrastructure such as telecommunications, energy, and transport
- attractive to residents, visitors, workers, businesses, and entrepreneurs of all ages.

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The role of local government in economic development

As a local government, Moira Shire Council contributes to economic development in several ways. While there are limitations in our ability to directly deliver business outcomes, we can facilitate and promote economic development within the context of our objectives, for example in planning, infrastructure and the environment. As such, we can influence the economy in line with our goals in other domains and support businesses by creating an environment conducive to economic activity.

Our toolkit includes:

- Planning to attract investment, support major projects and facilitate development
- Proactively supporting business applicants at various stages of permitting systems
- Facilitating engagement and networks to ensure businesses are supported and informed
- Marketing and promotion to highlight the Shire's strengths, raise its profile and reputation
- Raising awareness and supporting development of submissions to external funding sources
- Advocating for business in the community, Federal and State departments and agencies
- Leveraging relationships and partnerships with local, regional and community groups
- Supporting businesses to prepare for, respond to and recovering from, significant events

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Economic development priorities

At the core of this draft strategy is an action framework presented under five thematic priorities.

Priority 1: Enhancing infrastructure and land use

Priority 2: Providing information, learning and networking

Priority 3: Encouraging growth, innovation and diversification

Priority 4: Fostering the visitor economy

Priority 5: Making great places for people

The draft action framework outlined in this section comprises 42 existing and new actions under these priorities.

The priorities and actions have been identified as a response to the state of the economy (Appendix C), the megatrends expected to influence regional Australia (Appendix D) and a SWOT analysis of the Moira Shire Economy (Appendix E).

The purpose of this draft strategy is to sense-check these actions with businesses and the wider community.

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Priority 1: Enhancing infrastructure and land

Rationale	
<p>Access to infrastructure and appropriately developed land are fundamental for economic activity to prosper in Moira Shire. They create a platform on which Council can genuinely claim to businesses that the shire is ready for their investment. Businesses making locational decisions will assess areas for their infrastructure assets (e.g. electricity, gas, water, waste, transport, telecommunications and specialised supply-chain infrastructure). For businesses to set up or expand in the Shire, these assets, together with land, need to be available and ready for use. They also need to be cost-effective, modern and reliable.</p> <p>Council can provide and manage some types of infrastructure, while Council can only advocate for other types of infrastructure that is provided by Federal, State or other agencies.</p>	
Suggested actions	Start or Continue
1. Support industrial, commercial and residential land development opportunities (e.g. through targeted funds or joint ventures) that respond to the unique needs of each main town and other business activity areas.	Continue
2. Advocate for and support initiatives to increase the availability of water at lower cost to agriculture within the region.	Continue
3. Work with business and industry to deliver the Shire's strategic land use plans, including precinct plans, rezoning and specific projects.	Continue
4. Ensure investment in the upgrade of Council-managed road infrastructure is targeted and prioritised. Continue to advocate for enhancements to road and rail infrastructure managed by Victorian State agencies.	Continue
5. Identify priority infrastructure projects and ensure a proportion of these are 'shovel ready' in order to respond promptly to State and Federal infrastructure funding opportunities.	Continue
6. Explore ways to enable the development of a robust distributed energy system (e.g. solar and battery systems) to overcome prevailing electricity grid infrastructure constraints.	Continue
7. Identify candidate sites for business park development. Seek interest from developers to form development partnerships.	Start
8. Develop an infrastructure plan which maintains a clear understanding of infrastructure coverage and performance, in order to target identified deficits. Where feasible, develop a program of works to address deficits in key business activity areas (e.g. boosting signal strength and Wi-Fi coverage).	Start

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Priority 2: Providing information, learning and networking

Rationale

A well-informed and innovative business sector enables a strong economy. Access to information, learning and networking opportunities can lead to industry adopt new technical, managerial or market possibilities. In turn, business growth and diversification become possible. In changing and challenging times, businesses need to apply good foresight and understanding of the factors that will impact business profitability.

Council is well-positioned to support business needs for information, learning and networking.

Suggested actions	Start or Continue
9. Convene meetings with businesses, Moira Shire management and Council, for periodic exchanges of views and knowledge.	Continue
10. Monitor and undertake research on the local economy and share findings and other information (e.g., tools, models, briefs, newsletters) with businesses.	Continue
11. Ensure Council itself is proactive and responsive in facilitating access to information relating to Council planning, permits and policy matters. Explore the establishment of a "concierge service" to assign a case officer to support businesses in their dealings with Council.	Continue
12. Explore the feasibility of new models of energy production and carbon offsetting including community owned solar and bioenergy facilities and carbon offsetting programs.	Continue
13. Identify and invite leaders and experts in rural economic development to the Shire to participate in business forums.	Continue
14. Refine and tailor our training support programs and the method of their delivery, to meet business needs more effectively.	Continue
15. Develop our program to showcase local business career opportunities to local school children.	Continue
16. Offer industry a study tour program (inbound and outbound) to raise awareness of innovative practices.	Start
17. Explore showcasing the Shire through a biennial business expo rotating between each of Moira's four main commercial centres.	Start

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Priority 3: Encouraging growth, diversification and innovation

Rationale

Economic diversity builds resilience in an economy. When local economies are dependent on a small number of dominant sectors, (as is the case with the dairy industry's dominance of the Moira economy), they can be dragged down by a downturn in any one of those sectors. A diversified economy can better withstand sectoral downturns as retail and supporting industries (industries servicing other industries) are sustained by multiple dissociated sectors.

Diversification and innovation also have other benefits. Businesses substitute scarce and costly production inputs (such as irrigation water) and new 'cross-pollination' synergies are possible with different types of sectors.

Achieving this priority will involve promoting the uptake of new business models, identifying new market destinations, changing land and irrigation practices, and establishing the infrastructural foundations for new types of businesses to enter, or emerge within, the Shire.

Suggested actions	Start or Continue
18. Organise and host the biennial Business Excellence Awards to celebrate business excellence and innovation.	Continue
19. Support the aspirations of high growth local businesses by facilitating access to funding and business mentorship, and by highlighting their achievements through existing marketing and promotion channels.	Continue
20. Undertake a skills demand study in partnerships with neighbouring councils and build workforce capacity (with a focus on reskilling and transitioning to new industries) by reviewing and updating the curricula of existing Council supported adult-learning initiatives.	Continue
21. Work with business to showcase employment opportunities in the Shire to workers in Melbourne and major regional centres and introduce a "buddy" program to assist potential workers and their families to relocate and settle in the Shire.	Start
22. Invite selected outside businesses and post-secondary education institutions to Moira Shire to explore the potential to set up operations in the area.	Start
23. Use innovative methods such as open innovation competitions, hackathons and the release and external use of municipal data to address local economic and business development issues.	Start
24. Invite startups, vendors and researchers developing new agricultural and food processing technologies to showcase and trial their innovations within Moira Shire in collaboration with local businesses.	Start
25. Explore the feasibility of establishing a production facility that would act as a cooperative hub for value-added / artisan food producers.	Start

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Priority 4: Fostering the visitor economy

Rationale

The Moira visitor economy refers to the production of goods and services for consumption by visitors. This includes industries that directly serve visitors, such as hotels, transport providers, tour companies and attractions, as well as intermediaries and those involved indirectly, such as retail and food production. Local residents also play a significant role through their connection to visiting friends and relatives, which represents a key purpose for visitors travelling to the region.

Tourism growth is dependent on attracting new visitors, extending their stay and evolving tourism products to meet the changing needs of existing and new target markets. To achieve this, we need to fill identified tourism infrastructure gaps and attract investment to diversify our tourism offer.

The Shire collaborates with the Sun Country on the Murray region, tourism and business groups, to raise awareness of our region as a tourism destination. Council is mid-way through its Visitor Services Strategy implementation that aims to deliver best practice visitor information services.

Council plays a significant role in supporting the visitor economy. Ease of access and use of facilities and infrastructure influence visitors' perception of a destination, their length of stay and overall satisfaction and ultimately the likelihood of repeat visits and word-of-mouth promotion.

Suggested actions	Start or Continue
26. Implement the Visitor Services Strategy 2017-2019.	Continue
27. Implement the Recreational Vehicle Strategy.	Continue
28. Support existing events, and attract the Meetings, Incentives, Conferences and Events (MICE) market to the region.	Continue
29. Develop and implement a marketing plan to promote Moira Shire as a tourism destination.	Continue
30. Implement the <i>Mid Eastern Murray Farm to Plate Cluster Plan</i> actions.	Continue
31. Create an environment in which the hospitality and retail sectors are keen to extend their trading hours.	Continue
32. Work with and support the Tourism Advisory Committee and Local Tourism Associations to develop the Shire's profile and tourism offer.	Continue
33. Partner with the Murray Region to advocate for and lead develop of the region's tourism industry, the Murray River Adventure Trail, Ports of the Murray and other regional tourism projects.	Continue
34. Undertake research, including tourism research and mystery shopping to identify tourism infrastructure, product and service gaps and work proactively to bridge them.	Start
35. Develop and implement a clear and effective process that enables businesses to deliver events, with defined support from Council and other agencies.	Start

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Priority 5: Making great places for people

Rationale

Placemaking programs play a vital role in promoting economic development. Through such measures as civic beautification, the refurbishment and reconfiguration of spaces and public programming, Council can enhance the quality of place and therefore reinforce perceptions of liveability, a key attractor of residents, workers and businesses.

Placemaking interventions can be applied to streetscapes, open spaces and areas of aesthetic, urban or natural significance. They should build on each locality's unique assets and attributes to create experiences that are context-relevant, memorable and distinctive. They should highlight and promote the defining characteristics of the community and involve the community at all stages of design.

Suggested actions	Start or Continue
36. Enhance existing and develop new walking and cycling infrastructure within and between localities.	Continue
37. Develop, expand and enhance open spaces in urban areas (e.g. redevelopment of Cobram Piazza).	Continue
38. Work with hospitality and retailers to expand areas of footpath trading where feasible.	Start
39. Develop open-air public spaces that can be adapted for events such as temporary markets, public talks, concerts, festivals and film screenings.	Start
40. Work with the community to clarify the nature and timing of events suitable for precincts within the Shire's major tourist features, such as Thompsons Beach and the Yarrowonga foreshore.	Start
41. Support public artwork in urban and rural areas (e.g. murals on silos).	Start
42. Develop and implement an effective business signage and wayfinding policy for the Shire.	Start

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Where to from here?

We welcome your response to this draft strategic plan. In particular, we are seeking the following feedback:

1. Your views as to the general direction taken by Council.
 - A. What is missing in our approach, and what are we under or over emphasising?
 - B. Have we accurately framed the economic development challenge for the Shire?

2. Your views on the priority areas and associated actions suggested in the draft strategic plan, including:
 - Council's jurisdiction, sphere of influence and ideal role
 - the current and likely future state of the economy (outlined in appendices C, D and E)
 - the implementation, feasibility and likely cost of our suggested actions (or your alternative actions) versus their likely benefit for the economy.

If you wish to provide your feedback, please do so via Council's "Your Say" portal:

In addition to providing feedback you can also register your interest to participate in one of four workshops and/or respond to a feedback survey on the draft strategy.

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Appendices

The following appendices provide context to the draft actions for the economic development strategy presented above.

- Appendix A outlines the strategy development process and timeline
- Appendix B explains why an economic development strategy is necessary
- Appendix C discusses the current state of the economy
- Appendix D identifies the issues that may impact the economy in the near future
- Appendix E outlines the Shire's strengths, weaknesses, opportunities and threats

A. Strategy development process and timeline

The creation of a new Economic Development Strategy is one of the main Council Plan 2017-2020 actions to ensure Moira Shire has "A thriving local economy".

The Economic Development Strategy is being developed in three stages as follows:

1. Draft Strategy Preparation - September 2018 to May 2019
2. Draft Strategy Consultation - June to July 2019
3. Final Strategy Adoption - August 2019

B. Why have an economic development strategy?

A clear strategic direction is vital for Council to perform its role as an enabler of economic development. It is also important for strategic direction to be reappraised every few years to ensure the work being delivered by Council is appropriately responsive to current economic conditions. Moira Shire last put in place an economic development strategy in 2013 (The Business and Innovation Strategy 2013 – 2017) with an update of this strategy in 2014.

Since then, conditions and opportunities (such as the price of irrigation water and international trade patterns) have shifted to alter the economic landscape, necessitating a reappraisal of direction.

This strategy seeks to respond to these changes and provide clarity and direction with regards to the Shire's future economic development activities.

Strategy formulation is also an opportunity to listen to the voice of business and the broader community to understand expectations and inform the prioritisation of resources to the economy. Ongoing business and community input ensure the economic vision for the future is collective. The Council is an important contributor to economic development, but it is by no means the only one.

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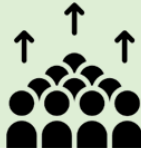




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C. Our existing economy

Overview of the economy

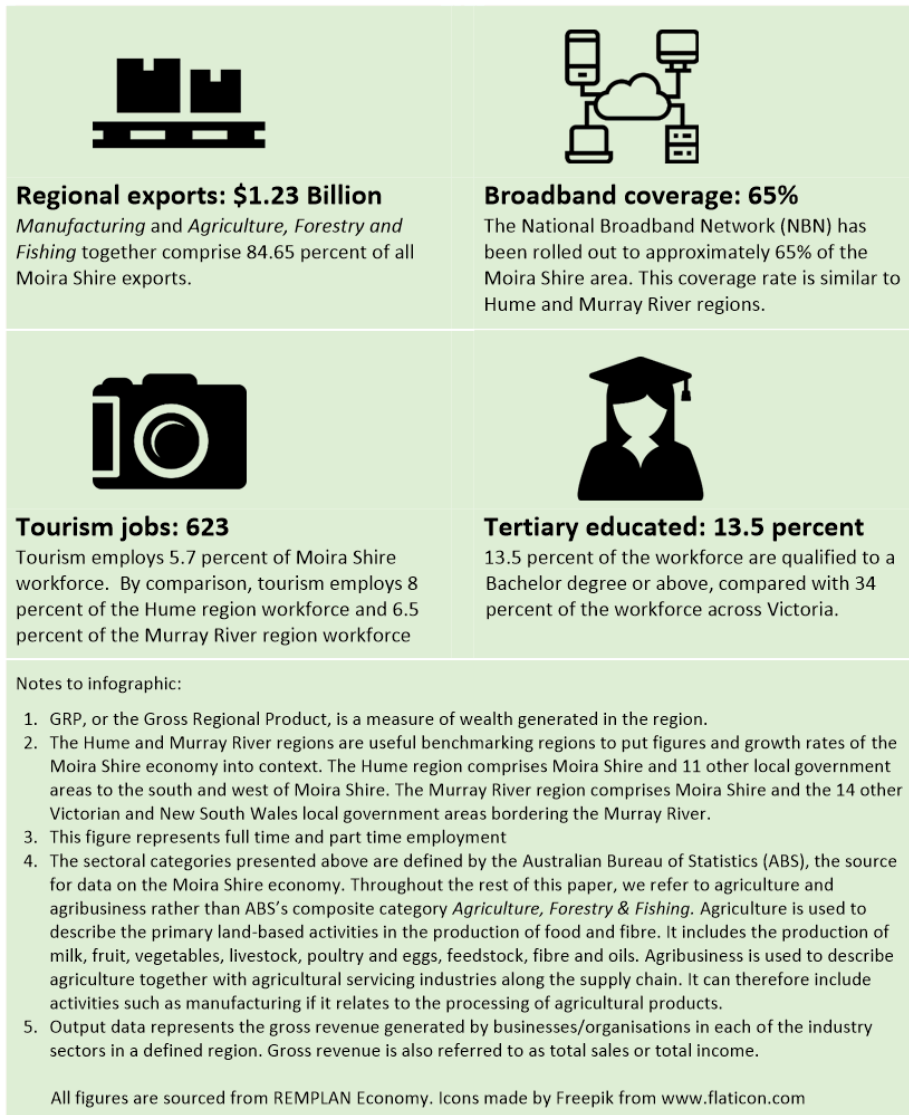
 <p>Population: 29,108 The Moira Shire resident population is rising, albeit at a slow rate - much like other areas in Northern Victoria.</p>	 <p>Per capita GRP¹: \$52,127 Moira Shire GRP is \$1.517 billion, or \$52,127 on a per capita basis. By comparison, the Hume (\$58,618) and Murray River (\$65,199) regions² have higher per capita GRPs.</p>
 <p>Employment³: 10,913 736 jobs were added in the five-year period between 2011 and 2016. The fastest growing sector over this period was the <i>Professional, Scientific and Technical Services</i> sector, which increased job numbers by 42%.</p>	 <p>Largest jobs sector: Agriculture⁴ The sector called <i>Agriculture, Forestry and Fishing</i> employs 2,131 people or 22.68 percent of total Moira Shire employment – a far greater proportion than Hume and Murray River regions.</p>
 <p>Total output: \$3.39 Billion There has been slight growth in output⁵ (or revenue) over recent years. Hume and Murray River regions have similar growth rates.</p>	 <p>Largest sector: Manufacturing <i>Manufacturing</i> (mostly agriculturally derived) accounts for \$1.030 billion (or 30.4 per cent of total output) followed by <i>Agriculture, Forestry & Fishing</i> (\$586.35 million) and <i>Construction</i> (\$430.84 million). These are also the three largest sectors by output in the Hume and Murray River regions.</p>

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Agriculture and Agribusiness

Agriculture and agribusiness underpin the Moira Shire economy. Although the sector has experienced challenging conditions over the past decade, export opportunities are creating new markets and local investment. Moira Shire has strong agricultural foundations, and associated supporting infrastructure and services are key assets for future economic development.

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Agricultural land use accounts for approximately 71 percent of the total land area, currently divided equally between irrigated and dry-land production.

The Shire is one of the largest milk-producing areas in Australia. The strength of the dairy sector supports other industries, such as agricultural services, transport and logistics, and manufacturing. It remains a significant jobs and income generator despite the recent and long-term trend of sectoral decline. Dairy product manufacturing accounts for 47.5 percent of the Shire's exports and 25.5 percent of its imports. It creates 842 direct manufacturing jobs and a turnover in excess of \$600 million.

Meat and other food processing (oils and fats, fruits and vegetables, wine) is also significant.

Producers in Moira Shire have started to capitalise on emerging opportunities in the niche food product sector, particularly through the exploration of new cropping industries, generating greater output from small land holdings (intensive farming), leveraging tourism assets, growing export markets and creating new branded and differentiated products.

Reduced water availability and affordability

Agribusiness in the Shire is being transformed by the need to become less reliant on water following water reforms that greatly reduced irrigation water availability and affordability.

Production models in agriculture, particularly dairy, are very sensitive to reductions in water. As a result, there have been changes to land use and property ownership patterns across the Shire, including property amalgamations, a transition to dry-land business opportunities and many farmers opting to leave the industry. Since 2007, farmers in the Goulburn Murray Irrigation District (of which Moira Shire is a part) have reduced their water ownership by 57 percent and are now highly reliant on the highly competitive, temporary water market.

The main drivers of water reductions have been the unbundling of water rights to land and the Federal Government's buy-back scheme to recover water for environmental flows. Expectations of further water recovery for the environment highlights the permanency of this issue.

Horticulture has a strong future in Moira Shire because of its water-effectiveness. Dairy is more challenged because of its relatively high water use although improved water efficiency and less pasture-based production may improve outcomes in the longer term.

Given the significance of the dairy sector to the Moira Shire economy, water reforms and the changes it has triggered will have wide ranging consequences for the whole economy.

Other sectors

Tourism is an important sector to Moira Shire in terms of economic output and job creation. It generates \$101 million of economic output (3.7 per cent of Moira Shire's total of \$2.7 billion) and employs 623 people or 5.7 percent of Moira Shire workforce. By comparison, 8 percent of the Hume region workforce and 6.5 percent of the Murray River region workforce are employed in tourism.

Effective visitor services can positively influence visitor behaviour in terms of increasing the visitor's length of stay and expenditure, and motivating visitors to re-visit and recommend the destination to others. Visitor services (such as information centres, signage and marketing) therefore play a vital role for Council.

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Health and Social Services recorded strong employment growth over the past census period (2011 - 2016) as a result of an ageing population and an influx of retirees to the area. This is expected to continue over the coming years as aged care providers are expanding operations. A trend in the aged care sector towards independent living may also provide opportunities for growth.

The retail sector is predominantly based in Moira Shire's four medium sized towns, and aimed at servicing residents, surrounding rural catchments, and tourist markets. Higher order retail shopping is accessed in the nearby major centres of Shepparton, Wangaratta, Albury/Wodonga and Echuca/Moama.

The future growth of this sector is expected to continue in line with population and tourism growth. Some opportunities include:

- The strategic location of retail along major transport routes;
- A growing tourism market and the renewal of the town centres leveraging more boutique retail and hospitality, and growth of the events and conferences market;
- Major national retailers entering Yarrawonga in response to its population growth.

The workforce

The defining characteristics of Moira's workforce are its aging demographic and the misalignment between existing skills and the skills required for the jobs of the future. These issues are common across regional Australia and indeed elsewhere across the developed world. They have arisen largely due to the loss of young residents and workers to Melbourne and other large regional centres to pursue employment and education opportunities, and the significant challenges in attracting highly skilled workers to the region. Today, only 31 percent of the workforce is aged 34 or younger compared with 38 percent nationally.

There is a critical need to upskill workers to replace an ageing workforce, keep pace with technology advancements, support higher value-added products, and leverage emerging agribusiness opportunities. Addressing workforce gaps and issues will require a sustained effort across industry, government authorities at all levels, and education providers. Currently there are limited tertiary education opportunities in Moira Shire, with the nearest institutions located in Wangaratta and Shepparton. Council should be pro-active in engaging with industry and regional education providers to understand local workforce issues and the education and training initiatives required to bridge the skills gaps. The Hume Regional Development Plan provides a regional approach and action plan.

Other points to note of the Moira workforce are the facts that:

- The three most prevalent occupation types are *Managers* (20 percent of the Moira workforce) *Labourers* (19 percent) and *Technician and Trades Workers* (13 per cent);
- 75 percent of the workforce reside in Moira Shire; and
- 13.5 percent of the workforce are qualified to a Bachelor degree or above, compared with 34 percent of the workforce across Victoria.

D. The future

Rural Victoria's economy is constantly changing. Climate variability, water security, low population growth and changes to agribusiness employment have become challenging issues. For our Economic Development Strategy to have a positive impact on Moira's economy, we need to understand these changes and identify what can and cannot be influenced.

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Megatrends impacting regional Australia

A recent CSIRO report *Strategic foresight for regional Australia (2017)* identified five megatrends that are impacting regional areas such as Moira Shire. These trends have been observed in recent years and are expected to continue into the foreseeable future.

Megatrend 1: Defeating distance

Overcoming long distances has shaped development in the regions and continues to be a major influence on the way people live and work in regions, and on the performance of regional businesses. Notable trends include:

- Residents making locational decisions on an array of amenity-related factors rather than solely on the location of employment opportunities
- A more mobile workforce and improvements to workforce flexibility, such as work-from-home options, telecommuting and co-working
- Cheaper and faster transportation of goods
- Enhanced communications through wider and better internet and mobile connections and the prevalence of social media
- A lessening of the digital divide (though digital literacy and access in regional areas still lag urban areas).

Megatrend 2: Global exposure

Global markets will continue to shape economic activity in Australia's regions as communities and businesses become increasingly exposed economically and culturally. Notable trends include:

- Asia as the primary destination and source of exports and imports
- Growth in demand from Asia for higher value food categories such as fresh fruit and vegetables, protein sources and processed foods
- Growth in capital investment from overseas in areas including, agricultural properties and processing facilities, energy, water, telecommunications and other infrastructure
- Environmental consciousness and a need for producers to demonstrate "sustainability credentials" to gain access to international markets
- International migrants and temporary workers preferring to settle in urban areas and only being drawn to regions for employment, particularly if enticed through various visa schemes
- A greater number of inbound passenger movements to Australia.

Megatrend 3: Diverging places

Regional and urban areas continue to diverge with respect to community values, household income and other attributes. Notable trends include:

- Long-term population flows favouring cities over rural areas due to centralisation forces with some counter-centralisation coming from retirees and other cohorts seeking to benefit from lifestyle and housing cost advantages of rural areas.
- Migration flows to areas with high natural and social amenity and reputation for liveability
- An ageing demographic caused by increases in life expectancy and declining birth rates
- Rising income and wealth inequality within regions and between urban and rural areas
- A shift from government to governance - the tendency for an increasing number of non-government stakeholders to be involved in what might previously have been considered 'public' decision-making and discussion.

FILE NO: D19/28024
2. A THRIVING LOCAL ECONOMY

ITEM NO: 9.3.2

MOIRA SHIRE ECONOMIC DEVELOPMENT STRATEGY 2019-2023 (cont'd)

**ATTACHMENT No [1] - Moira Shire Economic Development Strategy 2019-2023 -
DRAFT**

- Rise of localisation as a counter-trend to globalisation and a result of mistrust in distant decision makers
- Greater rates of turnover of property ownership – particularly agricultural property

Megatrend 4: New economies

The Australian economy, like other economies globally, is in transition. Two major aspects of the transition are the generation of value through knowledge, innovation, and new services; and the changing mix of energy demand and sources of energy generation. Notable trends include:

- An increasing contribution to Australia's economy by service industries, in particular by four broad groups of enabling services: professional and support services; ICT and the digital economy; trade, transport and logistics; and utilities services
- Increased viability of biofuels and renewables due to cost reductions and improvements in technology – especially in solar generation and battery storage
- Self-generation of electricity (getting off grid) in houses, communities and entire towns by using improved solar technologies
- Growth in supply of natural gas
- A rise in organisations employing digital collaboration, regional hubs and co-working arrangements for employee and business-to-business interaction
- Prevalence of automation and un-crewed vehicles; computers and robotics replacing labour in routine, remote, dirty or dangerous work environments
- Demand and policy settings that support carbon farming and other emerging ecosystem service-based markets.

Megatrend 5: Environment as risk

Regional Australia's communities and businesses have long known the environment as a source of both livelihood and risk. However, a range of risks are presenting new or expanded challenges. Notable trends include:

- Increases in extreme weather events and irregular rainfall patterns induced by climate change
- Pressure on biodiversity and the condition of natural assets
- Biosecurity maintenance increasingly pressured by greater international movement of people and products
- More vulnerability in cybersecurity systems due to greater connectedness and complexity of information technology networks
- Geopolitical instability in isolated instances countering the dominant trend of greater cooperation between countries
- New technologies such as cloud computing, remote and proximate sensing, and predictive and big data analytics are improving decision-support and modelling capabilities in the public and private sectors.

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2. A THRIVING LOCAL ECONOMY

ITEM NO: 9.3.2

MOIRA SHIRE ECONOMIC DEVELOPMENT STRATEGY 2019-2023 (cont'd)

ATTACHMENT No [1] - Moira Shire Economic Development Strategy 2019-2023 - DRAFT

E. Moira Shire's strengths, weaknesses, threats and opportunities

An analysis of the strengths, weaknesses, threats and opportunities (SWOT) facing the Moira Shire economy today and into the near future is an important prerequisite to the development of an economic development strategy. The strategy will need to build on existing strengths, address and mitigate weaknesses and threats, and exploit opportunities.

Strengths	Weaknesses
<p>Community support for economic development</p> <p>Close to South Central New South Wales, Melbourne and the major regional centres of Shepparton, Albury/Wodonga, Wangaratta and Echuca/Moama</p> <p>An established and renowned agribusiness sector comprising suitable topography, soils and climate, and advanced irrigation infrastructure</p> <p>High lifestyle appeal including a comfortable 'Mediterranean-like' climate, recreational and natural assets, and good health services and schools</p> <p>Low cost land, property and housing</p> <p>An established tourism sector based around golf, the Murray River, Barmah National Park, Lake Mulwala, inland beaches and walking trails</p> <p>Strong growth prospects for new and emerging industries including alternative energy generation, specialised and high value-added food products and food-focussed tourism</p>	<p>A lack of economic diversity with a concentration on water dependent industries</p> <p>The low profile of Moira's attractiveness and many of its assets, outside the region</p> <p>A small labour and professional pool for select industries and a lack of policy initiatives to encourage attainment of skills required in the future</p> <p>A lack of venues for meetings, conferences and events</p> <p>A constrained retail sector due to a small and dispersed population and proximity to major centres in neighbouring areas</p> <p>Substandard broadband coverage, performance and reliability</p> <p>Supply constraints for gas, electricity and waste water treatment</p> <p>A lack of readily available zoned and serviced land for industry (and for commercial uses in Numurkah and Nathalia)</p> <p>An ageing population and the flight of youth</p> <p>A substandard road system in terms of connectivity, condition, and capacity</p> <p>Inadequate facilities for freight and logistics</p> <p>Poor public transport connectivity within and beyond the Shire restricting journey to work choices and access to some services.</p>

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2. A THRIVING LOCAL ECONOMY

ITEM NO: 9.3.2

MOIRA SHIRE ECONOMIC DEVELOPMENT STRATEGY 2019-2023 (cont'd)

ATTACHMENT No [1] - Moira Shire Economic Development Strategy 2019-2023 - DRAFT

Opportunities	Threats
<p>Promote the individuality of the towns (e.g. their built form, their unique micro-economies and culture) to highlight points of difference and provide a greater regional offer</p> <p>Support food-based and business tourism as well as continued growth of recreational and ecotourism</p> <p>Expand the value-added activities associated with existing industries, especially within agribusiness</p> <p>Exploit grant funding opportunities at the state and federal level</p> <p>Promote the Shire as a testbed for innovation in irrigation, recycling and renewable energy particularly in an agricultural context</p> <p>Enhance transport infrastructure</p> <p>Zone land for industrial, commercial and residential activity and facilitate its development where there has been clear market failure</p> <p>Activate new partnership models to support economic development, including with the community and surrounding Shire councils</p> <p>Establish deeper links between the visitor economy and the indigenous community</p> <p>Promote employment pathways to local school-aged children, and attract young people back to the Shire following completion of tertiary education</p> <p>Encourage new forms of public and shared transport to increase journey-to-work choices, and explore opportunities to enable workers and students to 'virtually commute'</p>	<p>Adverse weather patterns due to climate change</p> <p>Natural events such as cyclones and blue green algae outbreaks</p> <p>Further reductions to the availability and/or affordability of irrigation water placing increased pressure on the viability of agriculture</p> <p>Increasing energy costs</p> <p>Prolonged inadequacy of digital and communications infrastructure</p> <p>Cost and price competitiveness of foreign producers, especially in food production</p> <p>Local government areas near Moira Shire with competing investment attraction strategies</p> <p>A volatile global economy and/or an Australian recession reducing investment and demand for Moira goods and services</p> <p>A reluctance and inability of some existing industries to adapt, innovate and be entrepreneurial, due to increasing red-tape, knowledge deficits, lack of capital and/or risk aversion</p> <p>Potential conflict of land uses, increased congestion with heavy vehicles, industry, tourism and residential areas</p> <p>An aging population with substandard facilities and services</p> <p>A disengaged young population with limited local employment opportunities</p>

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2. A THRIVING LOCAL ECONOMY

ITEM NO: 9.3.2

MOIRA SHIRE ECONOMIC DEVELOPMENT STRATEGY 2019-2023 (cont'd)

ATTACHMENT No [1] - Moira Shire Economic Development Strategy 2019-2023 - DRAFT

F. Information Sources

Preparation of the draft strategy incorporates a synthesis of findings from the following documents, reports, strategies conferences and workshops.

External Documents

- Moira Shire Council Plan 2017-2020
- Moira Shire Annual Reports, 2013/14 to 2017/18
- Moira Shire Business and Innovation Strategy 2014-2017
- Remplan consultants, 2019: Moira Sire Population and Employment Forecasts, Economic Profile: www.economyprofile.com.au/moira and www.moira.vic.gov.au.
- Hume Regional Growth Plan
- Future Focus, Dairy Industry Strategy Murray Region 2019
- Major Towns' Strategy Plan Review - Yarrawonga, Cobram, Numurkah and Nathalia. Yarrawonga Growth Management Strategy, MacroPlan 2016
- The Murray Regional Economic Development Strategy 2018-2022 (The Balmoral Group 2018)
- Trends Impacting Regional Australia (CSIRO 2017)
- The Role of Local Government in Local and Regional Economic Development (University of Technology Sydney 2017)
- Economic Development Strategies of Greater Shepparton, Wangaratta, Indigo, Federation, Campaspe, Berrigan and Corowa Shire Councils.

Internal Documents

- Moira Shire Economic Analysis (Urban Enterprise 2016)
- Yarrawonga Growth Management Strategy (MacroPlan 2016)
- Analysis and Feasibility Study on Industrial Land at Nathalia and Numurkah (Spade Consultants 2011)
- Retail Policy Framework for Cobram and Yarrawonga: Background Analysis (SED Consulting 2017)
- Retail Policy Framework for Cobram and Yarrawonga: Options Report (SED Consulting 2017)
- Numurkah Economic Development Plan (Spade Consultants 2016)
- Remplan consultants, 2019: Moira Sire Gap Analysis

Conferences and Workshops

- SEGRA 2018
- Hume Economic Development Network
- North Central Dry Seasons Conditions Coordination Group
- Goulburn Murray Region Workshop
- RDV & DEDJTR meetings
- Rural Councils Victoria - Goulburn Investment Attraction Program workshop
- Dairy Australia 2018 Outlook breakfast

In addition to the above, the draft Strategy included:

- 30 individual and collective structured-interviews with Moira Shire Councillors, managers and staff
- 20 individual and collective structured-interviews with members of the Moira Shire's five Business and Tourism Advisory Committees and key stakeholders

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2. A THRIVING LOCAL ECONOMY

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MOIRA SHIRE ECONOMIC DEVELOPMENT STRATEGY 2019-2023 (cont'd)

**ATTACHMENT No [1] - Moira Shire Economic Development Strategy 2019-2023 -
DRAFT**

In preparation of the Moira Shire Economic Analysis report 2016, the Urban Enterprise consultant's consultation program included:

- business workshops within each of Moira's four major towns
- discussions with regional and state authorities
- over 30 one-on-one interviews with businesses and stakeholders which represent the key economic sectors in Moira; and
- an online survey of Moira's business community, in February and March 2016. A total of 51 survey responses were obtained.

FILE NO: 00
3. A CLEAN GREEN ENVIRONMENT

ITEM NO: 9.3.3

EXPANSION OF KERBSIDE ORGANICS SERVICE

RECOMMENDATION

That Council endorses a compulsory expansion of the Kerbside Organics Service (KOS) to:

- Barmah, Bundalong, Katamatite, Katunga, Picola, St James, Strathmerton, Waaia Wilby, Wunghnu, Yarroweyah, Tungamah and the currently unserved areas of Cobram, Numurkah and Yarrawonga.

1. Executive Summary

At the April 2014 Ordinary Meeting Council resolved to “approve the implementation of a full organic kerbside service for the residential areas of the four major towns of Cobram, Nathalia, Numurkah and Yarrawonga based on a full cost recovery model”.

The introduction of this kerbside organic service (KOS) in December 2014 has been very successful. The service has collected 11,5000 tonnes of organic material which has been converted to valuable compost and has reduced the volume of household waste sent to landfill by approximately 5,500 tonnes.

As well as effectively removing waste from landfill the service has operated at a contamination rate below 1% which has reset the industry benchmark. The KOS received a Premiers sustainability award (Government Category) in 2015 and in that same year was also a finalist in the National Banksia environmental sustainability awards.

Since 2015 Council has endorsed a new Council Plan, Environment Sustainability Strategy, Waste Services and Management Strategy and Kerbside Waste, Recycling and Collection Policy. These Strategic and Policy documents support the expansion of the KOS beyond the initial service routes.

This report recommends that the KOS be expanded to townships and areas within the current serviced areas that do not yet receive the service. The suggested implementation of this recommendation would be via a two stage expansion as follows:

- Unserviced areas of Cobram, Numurkah and Yarrawonga plus Tungamah during the first week of September 2019; and
- Barmah, Bundalong, Katamatite, Katunga, Picola, St James, Strathmerton, Waaia Wilby, Wunghnu and Yarroweyah during the first week of October 2019.

2. Background and Options

Context

At the April 2014 Ordinary Council Meeting Moira Shire Council resolved to “approve the implementation of a full organic kerbside service for the residential areas of the four major towns of Cobram, Nathalia, Numurkah and Yarrawonga based on a full cost recovery model”. The service provided in Moira Shire is described as a FOGO (Food Organics and Garden Organics) service.

FOGO services are considered best practice in waste management. In addition to being best practice they also see significant savings and environmental benefits through decreasing the amount of landfill levy required to be paid, reduction in landfill airspace consumption, and long term savings associated with environmental benefits; primarily leachate control, landfill / greenhouse gas minimisation, licence compliance and site management.

FILE NO: 00
3. A CLEAN GREEN ENVIRONMENT

ITEM NO: 9.3.3

EXPANSION OF KERBSIDE ORGANICS SERVICE (cont'd)

Proposed Service

The introduction of the Kerbside Organic Service in the four large towns has been very successful. The following achievements can be reported:

- collecting and converting 11,500 tonnes of organic material into valuable compost;
- reducing the volumes of waste to landfill by 5,500 tonnes; and
- maintaining a contamination rate well below 1% thereby setting a new industry benchmark.

These achievements have been recognised with Moira Shire along with our key partners including DS Kendall, Western Composting and the Goulburn Valley Waste and Recycling Group being announced as:

- Winners of the Government Category of the 2015 Premiers Sustainability Award; and
- Finalists for the 2015 National Banksia Environmental Awards.

Council has recently revised its Council Plan, Environmental Sustainability Strategy, Waste Management and Services Strategy and Kerbside Waste, Recycling and Collection Policy. These documents all support, at a strategic level, the expansion of the kerbside organic service to other towns within the Shire.

The current contracts that Council has in place, with DS Kendall and Western Composting, are both schedule of rates contracts. Therefore, increasing the number of tenements serviced and volumes collected under these contracts can be accommodated through existing contractual arrangements. Both contractors are supportive of the proposed expansion.

This report seeks approved for a compulsory service to be extended to the following areas:

- Barmah, Bundalong, Katamatite, Katunga, Picola, St James, Strathmerton, Waaia Wilby, Wunghnu, Yarroweyah, Tungamah and the currently unserved areas of Cobram, Numurkah and Yarrawonga.

The suggested expansion would occur via a two stage process, one to commence on in the first week of September 2019, the second to commence on the first week of October 2019.

This report mentions 'unserved' areas of Cobram Numurkah and Yarrawonga. Specifically, this refers to:

- Cobram – Catona Crescent
- Numurkah – Braiston Court; and
- Yarrawonga – Rosemary and Stevenson Courts, South Road, Havenstock Drive and James Lillis Drive.

Each household will receive a 240L Mobile Organics Bin (MOB) which will be serviced fortnightly. Along with the MOB, each household will receive a small kitchen caddy and roll of compostable bags to collect their household scraps prior to disposal into their MOB.

3. Financial Implications

The payment for the service is facilitated through rating the serviced properties. Please note that the rateable charge for the 2019/20 financial year will be adjusted pro rata according to the date on which tenements begin receiving the service.

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3. A CLEAN GREEN ENVIRONMENT

ITEM NO: 9.3.3

EXPANSION OF KERBSIDE ORGANICS SERVICE (cont'd)

4. Risk Management

The risks associated with providing a kerbside organic service are:

- community backlash in relation to the additional service charge on rate notices; and
- high contamination rates and subsequent costs.

The plan to manage these risks centres on public awareness delivered through a strong media campaign. Council has successfully introduced this service in the four large towns of the Shire in recent years. Council learnt valuable lessons during this previous experience and will use and build on these lessons in future expansions of the KOS.

In addition to learning from past experience, Council is aware that some residents want and do not currently get the KOS. These people will be invited to 'champion' the service and assist others in the community appreciate its value.

The implementation of a kerbside organic service also addresses a number of significant risks to Council. These include:

- decreasing Councils annual EPA levy contribution;
- extending the lifespan of the Cobram landfill;
- reducing risks associated with EPA landfill compliance as organic material is higher risk than non-putrescible waste; and
- reducing Councils greenhouse gas emissions.

5. Internal and External Consultation

An extensive media campaign will accompany the implementation of this service and describe all aspects of the service to the community.

6. Regional Context

Since 2014 the provision of municipal kerbside organic services has increased significantly.

All our neighbouring Councils now provide a version of FOGO. Generally they are compulsory for urban areas. There is some variation of weekly or fortnightly collections and with the size (120Ltr or 240Ltr) of MOB.

	Frequency of collection (weekly or fortnightly)	Full or just garden service	Size bin	Compulsory or not	Extent of service
Wang	Weekly	Garden/Organic	120 Ltr	Yes	Urban
Wodonga	Weekly	Garden/Organic	240 Ltr	Yes	Urban
Indigo	Weekly	Garden/Organic	240 Ltr	Yes	Urban
Shepp	Fortnightly	Garden/Organic	240 Ltr	Yes	Urban – rural optional
Strathbogie	Weekly	Garden/Organic	120 Ltr	Yes	Urban – rural optional
Campaspe	Fortnightly	Garden/Organic	240 Ltr	No – need to request	Urban
Benalla	Weekly	Garden/Organic	120 Ltr	Yes	Urban

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3. A CLEAN GREEN ENVIRONMENT

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EXPANSION OF KERBSIDE ORGANICS SERVICE (cont'd)

7. Council Plan Strategy

An extension of Councils kerbside organics service is in line with the following Strategic documents:

- Moira Shire Council Plan 2017 – 2021:
 - continue implementation of best practice waste management; and
 - reduce volumes of waste to landfill
- Moira Shire Environment Sustainability Strategy 2017 – 2021:
 - build on kerbside organics
- Waste Management and Services Strategy 2018 – 2027:
 - continue to pursue opportunities to remove organics from landfill
 - where feasible expand the organic collection service

8. Legislative / Policy Implications

This service aligns with the State-wide Waste and Resource Recovery Infrastructure Plan and the Environment Protection Act 1970. In relation to the introduction of a new service rate and/ or Charge Section 162 of the Local Government Act 1989 states the following:

Service rate and service charge

- (1) A Council may declare a service rate or an annual service charge or any combination of such a rate and charge for any of the following services—
 - (a) the provision of a water supply;
 - (b) the collection and disposal of refuse;
 - (c) the provision of sewage services;
 - (d) any other prescribed service.
- (2) A service rate or service charge may be declared on the basis of any criteria specified by the Council in the rate or charge

9. Environmental Impact

A kerbside organic service is considered best practice and leading industry standard in waste management. Once implemented, Council will achieve environmental benefits through the diversion of organic waste. This occurs through improved leachate control, a reduction in greenhouse gas emissions, reduced airspace consumption and the production of valuable organic compost with numerous possible beneficial applications within the region.

10. Conflict of Interest Considerations

There are no officer conflicts of interest declared for this tender evaluation process.

11. Conclusion

This report recommends that the KOS be expanded to townships and areas within the current serviced area that do not yet receive the service. The suggested implementation of this recommendation would be via a two stage expansion as follows:

- Unserviced areas of Cobram, Numurkah and Yarrawonga and Tungamah during the first week of September 2019; and
- Barmah, Bundalong, Katamatite, Katunga, Picola, St James, Strathmerton, Waaia Wilby, Wunghnu and Yarroweyah during the first week of October 2019.

Attachments

Nil

FILE NO: XYZ
4. A WELL RUN COUNCIL

ITEM NO: 9.4.1

**TERMS OF REFERENCE FOR THE UPPER BROKEN & BOOSEY CREEK
FLOOD STUDY PROJECT STEERING COMMITTEE**

RECOMMENDATION

That Council: endorse the terms of reference for Upper Broken & Boosey Creek Flood Study Project Steering Committee and commence the process to recruit the community members.

1. Executive Summary

Council was successful with the Benalla Rural City Council, the Goulburn Broken Catchment Management Authority (GBCMA) and the Victorian State Emergency Service (VicSES) in obtaining a \$180,000 grant from the Federal and State governments to undertake a flood study of the upper Broken Creek and Boosey Creek catchments.

In looking to access the knowledge within the community of past flood behaviour within the catchment it is proposed to form a project steering committee to be available for the yet to be appointed consultants to provide input and feedback on the findings of the study.

The terms of reference for the committee are attached for Council's endorsement and following which, an expression of interest process will be conducted to appoint members of the community to the six positions available on the committee.

2. Background and Options

A regional flood study for the upper Broken and Boosey Creeks catchment is a proposed action of the Goulburn Broken Regional Floodplain Management Strategy 2018-2028.

A grant application was made to the Natural Disaster Resilience Grants Scheme in September 2018 by Moira Shire with partner agencies; the Benalla Rural City Council, the GBCMA, and the VicSES.

The grant application was successful and Council was awarded a grant of \$180,000 toward the project. Moira Shire is auspicing the grant and taking the lead role in facilitating the project given that the majority of the study sits within the Municipality.

A project steering committee is to be formed to oversee the project and provide advice to the consultant. The committee is proposed to be made up of 11 members with representation from Moira Shire, Benalla Rural City, GBCMA, and VicSES. Up to six community representatives who are residents or have a long association with the area under study will be appointed through an expression of interest (EOI) process. The chairperson of the Committee will be a Moira Shire Councillor as nominated by the Council when the committee is appointed. A map of the study area is on the following page.

A copy of the draft terms of reference for the committee are attached for Council's consideration. Upon adoption of the terms of reference, the EOI process for the community representatives will be commenced through advertisements through local papers that circulate through the Moira Shire and Benalla Rural City Council sections of the study area.

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4. A WELL RUN COUNCIL

ITEM NO: 9.4.1

**TERMS OF REFERENCE FOR THE UPPER BROKEN & BOOSEY CREEK
FLOOD STUDY PROJECT STEERING COMMITTEE (cont'd)**

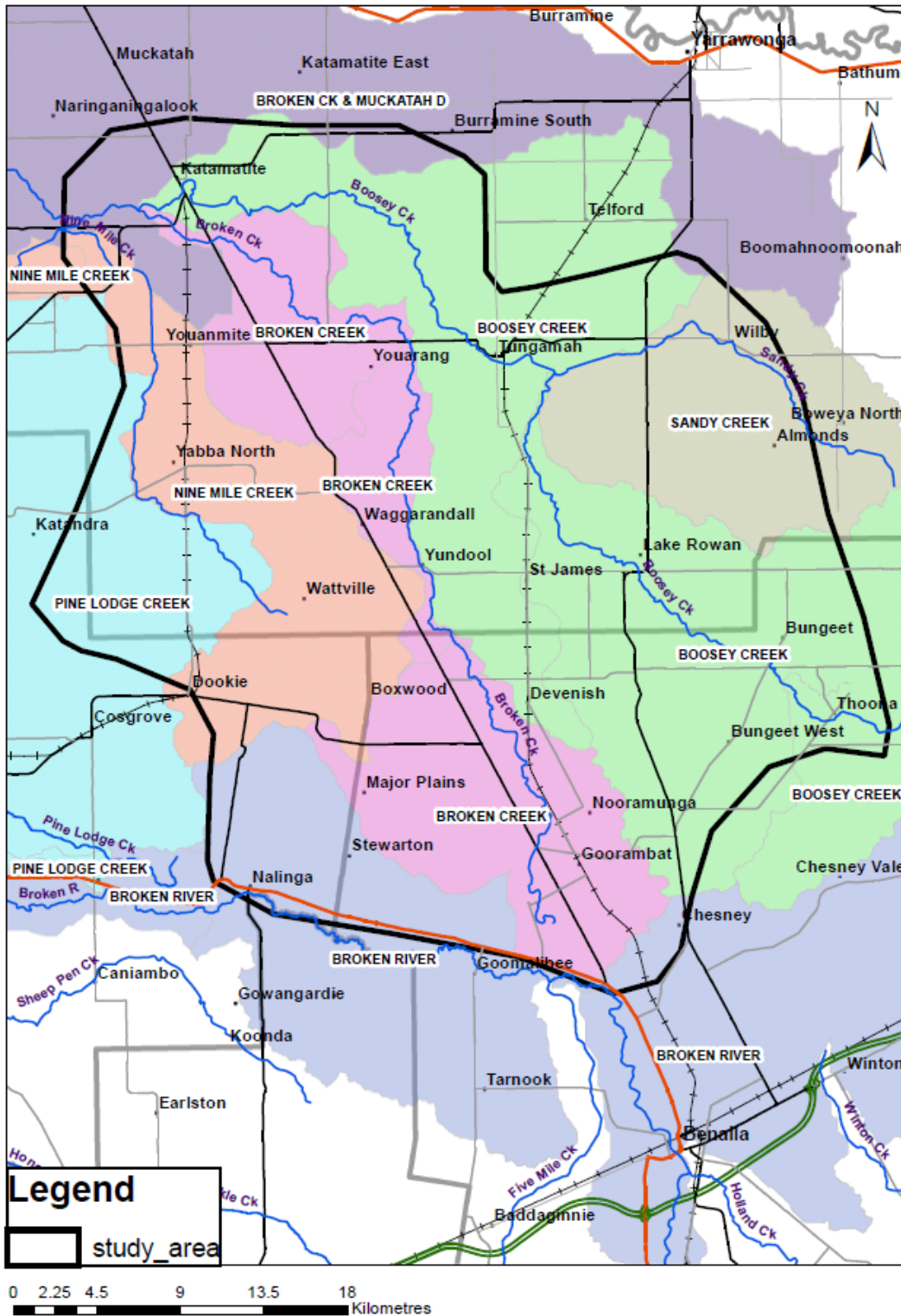


Figure 1: Map of flood study area

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**TERMS OF REFERENCE FOR THE UPPER BROKEN & BOOSEY CREEK
FLOOD STUDY PROJECT STEERING COMMITTEE (cont'd)**

3. Financial Implications

The project is valued at \$275,000 and is made up of the following contributions in cash and in kind:

- | | |
|----------------------------|-----------|
| • NDRGS | \$180,000 |
| • Moira Shire | \$50,000 |
| • Benalla Rural City | \$15,000 |
| • VicSES (in kind) | \$15,000 |
| • GBCMA (cash and in kind) | \$15,000 |

4. Risk Management

The flood study looks to provide the necessary information to allow measures to be put in place to address flooding risks for communities along the Upper Broken and Boosey creeks.

Project milestones have been established as part of the grant application. Progress will be monitored against these milestones and any delays will be negotiated with the funding body.

5. Internal and External Consultation

It is acknowledged that effective community consultation will be critical to the success of this project and acceptance of its outputs.

The goals for community engagement and consultation are to:

- Inform the community about the study.
- Gather information from the community by participation.
- Develop and maintain community confidence and collaboration with the study results.

Communities and other stakeholders shall:

- Be invited to submit local knowledge and information relating to historic flood events.
- Be kept informed about the progress of the investigation

6. Regional Context

Flood studies have been conducted along the lower and middle reaches of the Broken Creek and this body of work will complete the studies for the Broken Creek catchment.

The outputs from the study will guide the next steps in providing a flood warning system for communities along the upper Broken and Boosey Creek networks. This will be important for those communities as historically flooding can occur with little warning.

7. Council Plan Strategy

This supports the Council Plan Strategy of a 'Well run Council'.

8. Conflict of Interest Considerations

The officer writing this report has no conflict of interest.

FILE NO: XYZ
4. A WELL RUN COUNCIL

ITEM NO: 9.4.1

**TERMS OF REFERENCE FOR THE UPPER BROKEN & BOOSEY CREEK
FLOOD STUDY PROJECT STEERING COMMITTEE (cont'd)**

9. Conclusion

The formation of the project steering committee provides a means to access the knowledge within the community of past flood behaviour within the upper Broken & Boosey Creeks catchment.

The terms of reference for the committee are attached for Council's endorsement and following which, an expression of interest process will be conducted to appoint members of the community to the six positions available on the committee.

Attachments

- 1 Terms of Reference for the Upper Broken & Boosey Creek Flood

FILE NO: XYZ
4. A WELL RUN COUNCIL

ITEM NO: 9.4.1

**TERMS OF REFERENCE FOR THE UPPER BROKEN & BOOSEY CREEK
FLOOD STUDY PROJECT STEERING COMMITTEE (cont'd)**

ATTACHMENT No [1] - Terms of Reference for the Upper Broken & Boosey Creek
Flood



Draft Terms of Reference

for the

**Upper Broken and Boosey Creek
Flood Study
Project Steering Committee**

Adopted by Council ???

FILE NO: XYZ
4. A WELL RUN COUNCIL

ITEM NO: 9.4.1

**TERMS OF REFERENCE FOR THE UPPER BROKEN & BOOSEY CREEK
FLOOD STUDY PROJECT STEERING COMMITTEE (cont'd)**

**ATTACHMENT No [1] - Terms of Reference for the Upper Broken & Boosey Creek
Flood**

Draft Terms of Reference for
Upper Broken and Boosey Creek Flood Study Project Steering Committee.



1 APPOINTMENT

Pursuant to its powers under the Local Government Act 1989 the Moira Shire Council (the council) has established an advisory committee to be known as Upper Broken and Boosey Creek Flood Study Project Steering Committee (the committee). These terms of reference for the committee provide guidance on its role and purpose and may be varied at the discretion of the Council.

2 OBJECTIVES

The objectives of the committee shall be to provide input and advice on the following as the need arises:

- The methods and results for the hydraulic modeling, including the mapping of flood extents;
- The outcomes of public consultation.

3 DEFINITIONS

In this schedule:

Council means Moira Shire Council

Committee means the Upper Broken and Boosey Creek Flood Study Project Steering Committee.

4 COMPOSITION AND PROCEEDINGS

- 4.1 The committee shall comprise representatives from:
- 1 x Moira Shire Councillor representative to fill the role of Chair for the Steering Committee
 - 1 x Moira Shire Council Staff member to act as Secretariat to the Steering Committee
 - 1 x Benalla Rural City Council representative
 - 1 x Goulburn Broken Catchment Management Authority representative
 - 1 x Vic SES representative
 - 6 x Community representatives
- 4.2 The Community Representative membership of the committee will be limited to six for the sake of manageability. Persons interested in becoming members of the committee as a community representative can make application in writing outlining the skills and value that they would provide to the Committee for Councils consideration. Any nominees will be considered and appointed by Council based upon the skills and value that they would provide to the Committee. The preference will be for Community representatives to be residents or have a long association with the area under study.

FILE NO: XYZ
4. A WELL RUN COUNCIL

ITEM NO: 9.4.1

**TERMS OF REFERENCE FOR THE UPPER BROKEN & BOOSEY CREEK
FLOOD STUDY PROJECT STEERING COMMITTEE (cont'd)**

**ATTACHMENT No [1] - Terms of Reference for the Upper Broken & Boosey Creek
Flood**

Draft Terms of Reference for
Upper Broken and Boosey Creek Flood Study Project Steering Committee.



- 4.3 The Chair of the committee will be the Moira Shire Councillor representative on the committee as determined by Council from time to time. If the Councillor is absent from a meeting, the committee can elect an acting chair from amongst the attending committee members.
- 4.4 On the resignation of a member from the committee, the Council may appoint a replacement person through publically calling for nominees or at the discretion of the CEO may wait until the annual call for nominees .
- 4.5 A Moira Shire staff representative/s (the coordinator) will coordinate the committee including the provision of secretarial services.
- 4.6 Half of the members of the Committee shall constitute a quorum at any meeting of the Committee and no business shall be transacted at any such meeting unless a quorum is present.
- 4.7 The Committee will seek to operate on a consensus basis on any matters it considers. Should a vote be necessary;
 - Each member of the Committee is entitled to one vote;
 - Unless the procedures of the Committee otherwise provide, voting must be by show of hands,
 - If there is an equality of votes the motion is lost.

5 OPERATIONAL GUIDELINES

- 5.1 Council will coordinate communications and activities of the Committee.
- 5.2 The frequency of meetings will depend upon the progress on the implementation and the need for input to Council management and/or the Council from the committee.
- 5.3 Council will facilitate at least three meetings for the life of the design project.
- 5.4 The Chair will provide quarterly updates by email to the Committee of any progress on the implementation of the project.
- 5.5 A meeting of the committee will otherwise be called when there is the need for input into considerations regarding the implementation of the project.
- 5.6 The Coordinator will be the key point of contact at Council for the committee
- 5.7 Council will support and encourage members to:
 - Liaise with the Coordinator on matters related to the project
 - Assist with providing information to the public;
 - Act as a conduit for the community to provide feedback on the project

FILE NO: XYZ
4. A WELL RUN COUNCIL

ITEM NO: 9.4.1

**TERMS OF REFERENCE FOR THE UPPER BROKEN & BOOSEY CREEK
FLOOD STUDY PROJECT STEERING COMMITTEE (cont'd)**

**ATTACHMENT No [1] - Terms of Reference for the Upper Broken & Boosey Creek
Flood**

Draft Terms of Reference for
Upper Broken and Boosey Creek Flood Study Project Steering Committee.



6 CONFLICT OF INTEREST

Members shall be bound by the Local Government Act provisions in relation to conflict of interest. Given the broad nature of the project and its general benefit to the wider Cobram community conflict shall specifically arise where a matter under consideration directly affects a member or their extended families property interests.

7 INDEMNITY

The Council will indemnify members of the Committee against any action liability claim or demand on account of any matter or thing done by them on behalf of the Committee when they are acting in accordance with this Terms of Reference in the honest and reasonable belief or under a mistake of law that the member was properly exercising their function as a member of the Committee.

8 TERM OF APPOINTMENT

The term of the original committee members will be for a minimum period of 12 months until a resignation is submitted unless otherwise terminated by the Council or CEO.

9 REVOCATION

9.1 Council may at its absolute discretion revoke the membership of any member of the Committee.

9.2 The Council may terminate the appointment of the Committee at any time.

10 COMMITTEE REPRESENTATION

A failure by a member of the committee to attend two meetings in succession without submitting an apology will be taken as the resignation by that member from the Committee.

11 CONFIDENTIALITY

On occasions the Committee may be required to deal with a matter that has been identified as confidential in nature. Committee members are required to deal with such matters in confidence and with discretion.

12 INTELLECTUAL PROPERTY

All intellectual property remains the property of the Council unless otherwise contracted to a third party.

FILE NO: F13/860-3
2. A THRIVING LOCAL ECONOMY

ITEM NO: 9.4.2

SEALING OF RILEY STREET, COBRAM

RECOMMENDATION

That Council:

1. Include the resheeting of Riley Street at an estimated cost of \$53,000 under its 2019/20 Capital Works Program for Gravel Road Resheets.
2. Thank the respondents to the survey regarding the upgrade of Riley Street for their time and effort in replying to the survey.

1. Executive Summary

Council at its Ordinary Meeting held on the 28th November 2018 considered the joint letter received from the property owners in Riley Street requesting for the upgrade of Riley Street, Cobram, to an asphalt sealed surface standard and resolved to conduct a survey of the property owners' willingness to participate in a Special Charge Scheme to fund the upgrade works.

A survey of the property owners has since been conducted. Based on the results of the survey and follow up information session with Council Officers, the abutting property owners have expressed that they do not support an implementation of a Special Charge Scheme to upgrade Riley Street to a sealed road standard.

The property owners have expressed that their preferred treatment is to have the road reshaped and resheeted with a layer of hill gravel and a granitic sand surface to provide dust control and a turning point for trucks provided at the end of the street. Works that are normally associated with Council's annual Gravel Road Resheet Program that is funded by Council under its capital works program.

Council's Asset Database has listed the condition rating for Riley Street road pavement as poor and is due for a resheet under the Council's Gravel Road Resheet Program.

Council's 2019/20 Capital Works Budget for Gravel Road Resheet Program has a forecast allocation of \$500,000 funded by the Federal Government's Roads to Recovery Program. It is recommended that the resheeting of Riley Street at an estimated cost of \$53,000 be included under this program for 2019/20.

2. Background and Options

Council at its Ordinary Meeting held on 28 November 2018 resolved to conduct a survey of the owners of property in Riley Street, Cobram, to determine the owners' willingness to support construction of a sealed road pavement and their preferred sealing treatment option in accordance with Council's Special rates and Charges Policy.

A survey of the property owners in Riley Street was conducted in February / March this year followed up by an information session held with the property owners and Council Officers at the conclusion of the survey period.

FILE NO: F13/860-3
2. A THRIVING LOCAL ECONOMY

ITEM NO: 9.4.2

SEALING OF RILEY STREET, COBRAM (cont'd)

3. Financial Implications

Preferred Treatment – Hill Gravel Resheet with Granitic Sand Surface

Works include reshaping the existing road base and roadside drainage, provide a turning point for trucks at the end of the street, add 100mm layer of crushed hill gravel and top layer of 50mm layer of granitic sand material to mitigate dust.

Total estimated cost is \$53,000 Ex GST.

This cost estimate compares favourably to the cost of an aggregate spray seal treatment of \$118,000 Ex GST.

Council has the option of funding the cost of these works from its annual capital works Gravel Roads Resheeting program as these works would normally be funded under this program. Budget allocation for the 2019/20 Capital Works Program for Gravel Roads Resheeting is \$500,000 Ex GST and is funded under the Federal Government's Roads to Recovery Program.

It is also noted that the current condition of the road is rated as poor in accordance to Council's Asset Data Base and therefore is due for a gravel resheet within the next 2 years under the Council's Gravel Road Resheeting Program.

4. Risk Management

By not proceeding with the implementation of a Special Charge Scheme to construct a sealed road under the Council's Special Rates and Charges Policy, Council's risk exposure in implementing such a scheme is eliminated.

However, Council is still exposed to some risk in property owners' expectations in not being met should mitigation measures to reduce dust pollution fail to alleviate their concerns.

5. Internal and External Consultation

Letters with survey questionnaire forms were sent to landowners for each of the six abutting properties in Riley Street on 12 February 2019 with landowners to respond by 29 March 2019. Landowners were asked to indicate their preference for the following questions:

- Support a scheme to construct the road surface to sealed standard in Riley Street. Preferred treatment option is:
- Option 1 – Asphalt Seal treatment of existing road base to a sealed width of 7m at a cost of \$153,000 Ex GST.
- Option 2 – Aggregate Spray Seal treatment of existing road base to a sealed width of 7m at a cost of \$118,000 Ex GST.
- Option 3 – Asphalt Seal treatment width of 12m to full urban street design standard including kerb & drainage works at a cost of \$345,300 Ex GST.
- Do not support a scheme to construct the road surface to a sealed standard in Riley Street.

FILE NO: F13/860-3
2. A THRIVING LOCAL ECONOMY

ITEM NO: 9.4.2

SEALING OF RILEY STREET, COBRAM (cont'd)

- Would like Council to conduct an information session regarding a scheme to construct the road surface to a sealed standard in Riley Street.

Landowners for three of the abutting properties had responded to the survey by the closing date. Below is a summary of their response:

- Two in support of a scheme but differed in preferred type of seal treatment with each supporting either Option 1 or Option 2 treatment seal; and
- All three landowners were in support of Council conducting an information session with the landowners.

A follow up Information session was held on 16 May 2019 at the Council's Cobram Administration Offices. Landowners for five of the abutting properties were in attendance with one property owner being an apology unable to attend. Council staff in attendance included the General Manager Infrastructure and Manager Construction & Assets.

Outcomes of the information were:

- All property owners were in agreement that their preferred treatment was to have the road remain unsealed but resheeted with crushed hill gravel and surfaced with a granitic sand pavement to reduce the dust impact. The cost of these works to be funded by Council, same as a normal gravel road resheet program that is funded by Council.
- Council provide a turning circle at the end of Riley Street to allow for trucks to turnaround as Riley Street is a No Through Road. Trucks currently turnaround on unfenced private property.
- All of the property owners expressed concerns in regard to speeding traffic causing more generation of dust and if speed limit signs can be installed at the intersection with the Murray Valley Highway. The speed limit in Riley Street is default 50km/hr for an urban area but not sign posted.

6. Regional Context

All of the abutting properties are businesses that provide services to a local and regional customer base

7. Council Plan Strategy

The request for the upgrade of Riley Street is linked to the Council Plan's Strategy 2 – "A thriving local economy" under the strategic action "Connecting with local business to understand and work with their needs".

8. Legislative / Policy Implications

By not proceeding with the implementation of a Special Charge Scheme to construct a sealed road under the Council's Special Rates and Charges Policy, Council would need to approve funding under its Capital Works Budget for its gravel road resheeting program.

9. Environmental Impact

Resheeting the road with crushed hill gravel and applying a granitic sand surface layer will help mitigate the dust problem that is being experienced by the abutting businesses but will not totally eliminate dust being generated by traffic.

FILE NO: F13/860-3
2. A THRIVING LOCAL ECONOMY

ITEM NO: 9.4.2

SEALING OF RILEY STREET, COBRAM (cont'd)

10. Conflict of Interest Considerations

There are no Officer conflicts of interest with respect to this report

11. Conclusion

Based on the results of the survey and follow up information session with Council Officers, the abutting property owners have expressed that they do not support an implementation of a Special Charge Scheme to upgrade Riley Street to a sealed road standard.

The property owners have expressed that their preferred treatment is to have the road reshaped and resheeted with a layer of hill gravel and a granitic sand surface to provide dust control and a turning point for trucks provided at the end of the street. Works that are normally associated with Council's annual Gravel Road Resheet Program that is funded by Council under its capital works program.

Council's Asset Database has listed the condition rating for Riley Street road pavement as poor and is due for a resheet under the Council's Gravel Road Resheet Program.

Council's 2019/20 Capital Works Budget for Gravel Road Resheet Program has a forecast allocation of \$500,000 funded by the Federal Government's Roads to Recovery Program. It is recommended that the resheeting of Riley Street at an estimated cost of \$53,000 be included under this program for 2019/20.

Attachments

Nil

FILE NO: F13/604
2. A THRIVING LOCAL ECONOMY

ITEM NO: 9.4.3

**APPROVAL OF A DEVELOPMENT PLAN - 8308 MURRAY VALLEY
HIGHWAY, BATHUMI**

RECOMMENDATION

That Council approve the Development Plan for 8308 Murray Valley Highway, Bathumi (Prepared by North East Survey Design reference T1010, Version 16 and dated 16 October 2018).

1. Executive Summary

A request has been received from North East Survey Design to approve a Development Plan for a parcel of land on the north side of the Murray Valley Highway, Bathumi.

The Development Plan was advertised for comment and received one submission.

The Development Plan was referred and no objections from Authorities have been received.

The Development Plan satisfies the requirements of the Development Plan Overlay of the Moira Planning Scheme.

It is recommended that the Development Plan for 8308 Murray Valley Highway, Bathumi, be approved.

2. Background and Options

The Woodlands Development Plan is located on the north side of the Murray Valley Highway, Bathumi, approximately 5.6 kilometers east of Belmore Street, Yarrawonga and 8.1 kilometers from Bundalong.

A request was originally received on 4 April 2011 from North East Survey Design which included the following reports:

- Site Analysis Survey
- Development Plan
- Stormwater Quality Management Strategy
- Soil Assessment
- Correspondence from North East Water
- Flora & Fauna Assessment
- Archaeological Assessment
- Copy of Title

Since this original request the proposal has been advertised and referred to relevant authorities a number of times, resulting in a number of amendments to supporting documents and the Development Plan itself.

The latest iteration of the Development Plan was in October 2018 in response to ongoing discussions with Councils Infrastructure Planning Department and VicRoads.

The options available to Council with respect to this proposed amended Development Plan are:

- 1) Approve the amended Development Plan
- 2) Refuse the amended Development Plan
- 3) Defer consideration

FILE NO: F13/604
2. A THRIVING LOCAL ECONOMY

ITEM NO: 9.4.3

**APPROVAL OF A DEVELOPMENT PLAN - 8308 MURRAY VALLEY
HIGHWAY, BATHUMI (cont'd)**

3. Proposal

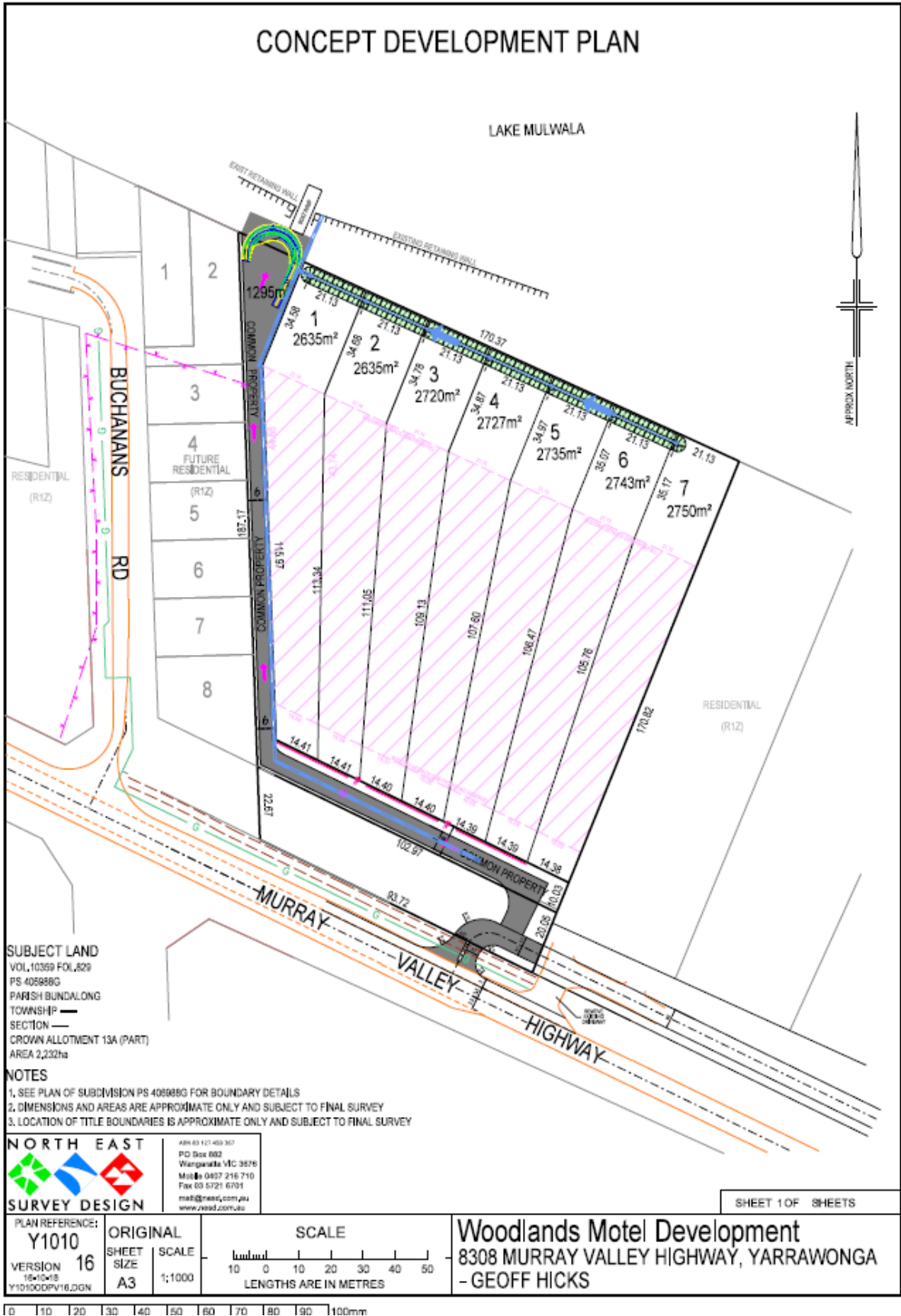
The proposed Development Plan includes:

- A new service lane entry off the Murray Valley Highway with the existing driveway to be removed.
- Seven allotments ranging from 2,635m² - 2,750m².
- Access to the lots is provided via common property from the service lane. The common property runs along the southern boundary of the lots and along the western boundary to provide access to the boat ramp in the north west corner of the site.
- Each allotment is provided with a building envelope being approximately 35m from the northern boundary and approximately 40m from the Murray Valley Highway.

FILE NO: F13/604
2. A THRIVING LOCAL ECONOMY

ITEM NO: 9.4.3

APPROVAL OF A DEVELOPMENT PLAN - 8308 MURRAY VALLEY HIGHWAY, BATHUMI (cont'd)



FILE NO: F13/604
2. A THRIVING LOCAL ECONOMY

ITEM NO: 9.4.3

**APPROVAL OF A DEVELOPMENT PLAN - 8308 MURRAY VALLEY
HIGHWAY, BATHUMI (cont'd)**

4. Subject Land and Locality

The subject land, having an area of 2.3ha is located on the north side of the Murray Valley Highway, approximately 35m to the east of the intersection with Buchanan's Road. Lake Mulwala is located immediately to the north whilst the land to the east is developed with dwelling and the south is generally used for grazing purposes.

5. Financial Implications

The approval of the Development Plan will allow the proponent to lodge planning permit applications for the subdivision of land. Statutory fees will apply to any planning permit application and the certification of plans of subdivision.

Any development costs associated with the subdivision of land i.e. construction of roads, drainage, provision of services (electricity, water, sewerage, telecommunications, gas etc.) are borne by the developer.

6. Risk Management

The Development Plan provides the opportunity for future development that must produce assessments or reports on various aspects mentioned elsewhere in this report. Any problem with the development in this area would be identified and therefore could be addressed through the planning permit process.

7. Internal and External Consultation

The proposed Development Plan was referred to both internal departments and external authorities as detailed below.

Department/Authority	Comments
Infrastructure Planning	No objection
VicRoads	VicRoads does not object to the development plan.
Powercor	Powercor requested conditions that would be imposed for a Planning Application.
Goulburn-Murray Water	G-MW requested conditions that would be imposed for a Planning Application.
North East Regional Water Authority	No response to the latest version, however no objection was given to earlier versions. Further, a letter of confirmation was submitted with the original request to approve a Development Plan as required by the Overlay provisions.
APA Group	No response

FILE NO: F13/604
2. A THRIVING LOCAL ECONOMY

ITEM NO: 9.4.3

APPROVAL OF A DEVELOPMENT PLAN - 8308 MURRAY VALLEY HIGHWAY, BATHUMI (cont'd)

8. Community Consultation

There are no statutory processes in exhibiting a Development Plan or for making submissions. Such plans are prepared only 'to the satisfaction of the Responsible Authority' without the statutory requirement to give notice, ability to consider objections or provide a right of review.

Notwithstanding the above, the Development Plan was advertised via notices to the immediately adjoining owners and occupiers together with information on Council's website.

A submission was received from an adjoining land owner requesting the boat ramp on the subject site be publically accessible. Given the boat ramp is and will remain in private ownership, the Development Plan does not need to be further amended.

9. Regional Context

There is no regional context associated with this proposal, given its scale and location.

10. Council Plan Strategy

One of the strategic actions to the Strategy is to develop a thriving local economy:

- Facilitating growth by working with developers to provide industrial, commercial and residential land to satisfy projected demand.

A Development Plan provides the means to create residential neighborhoods in areas that growing or expanding in a coordinated manner, hence the strategy is achieved.

11. Legislative / Policy Implications

The Moira Planning Scheme required that prior to any approval of a planning permit, a Development Plan be approved under Clause 43.04 of the Scheme.

As previously states there is no statutory process in approving a Development Plan, exhibiting a Plan or making a submission to a Plan.

This Development Plan process was triggered by the DPO4 status of the land. Schedule 4 of the Development Plan Overlay sets out that a Development Plan for this land must include:

- *All lots connected to reticulated water and sewer services.*
- *All lots with a minimum area of 2500sqm.*
- *Building setback of 50m from the full supply level of Lake Mulwala or a setback of 15m from the common property boundary, whichever is the greater.*
- *A stormwater management plan which shows how all stormwater will be retained on site.*
- *A preliminary soil assessment demonstrating the extent of any contaminated soils that may exist on the subject land, and if detected, a more detailed assessment outlining the location of the contaminated soil, the type of contaminants detected, and strategies to be undertaken to de-contaminate the affected areas.*
- *Building setback of 20m from the Murray Valley Highway.*
- *Means to prevent erosion due to public access to Lake Mulwala Foreshore.*
- *Written confirmation from North East Water Authority that reticulated sewer and water is available to, and be connected to each lot, at the cost of the landowner.*

FILE NO: F13/604
2. A THRIVING LOCAL ECONOMY

ITEM NO: 9.4.3

**APPROVAL OF A DEVELOPMENT PLAN - 8308 MURRAY VALLEY
HIGHWAY, BATHUMI (cont'd)**

The development plan must also describe/show:

- *The treatment of the interface with Lake Mulwala including the provision of a road along the land in preference to allotments with lake frontage.*
- *The maintained public access to the lake.*
- *The staging of development.*
- *The means of servicing to lots including the provision of reticulated water and sewerage to all residential lots.*
- *Layout of collector roads and the impact on the surrounding road system.*
- *The design and make up of residential lot density in a manner that reflects demand of the area.*
- *The need for open space and any other community infrastructure as considered necessary by the Responsible Authority.*
- *The environmental impact of the development on the lake and on any sites of flora or fauna significance, archaeological significance or significant views that may affect the land.*
- *The means whereby safe access to the Murray Valley Highway and rationalized intersection design can be provided to the satisfaction of VicRoads.*

It is considered the proposed development plan complies with each of the requirements listed above (where applicable) with the exception of a road along the frontage of Lake Mulwala.

The public access and road to the lake is an aspirational policy. The established pattern of development in the area, including an approved Development Plan at 8280, 8282, 8228 Murray Valley Highway do not specifically provide for public access or a road along that part of the foreshore due a range of factors including terrain and vegetation. It is therefore considered acceptable.

Once a Development Plan is approved a planning permit application is able to be lodged for consideration. Such application must generally accord with the approved Development Plan.

If the planning permit application accords with the approved Development Plan, it is exempt from the Public Notice requirements and appeal rights, pursuant to Clause 43.04-2 of the Planning Scheme.

12. Environmental Impact

The subject site is located within a General Residential Zone and given the setback distances are complied with, should not have a detrimental impact upon the environment.

13. Conflict of Interest Considerations

No officer conflict of interest applies to the matters in this report.

14. Conclusion

This report has considered a request from North East Survey Design to approve the Woodlands Development Plan at 8308 Murray Valley Highway, Bathumi.

The Development Plan has essentially fulfilled the requirements of Schedule 4 of the Development Plan Overlay and is consistent with similar development plans on adjoining sites.

FILE NO: F13/604
2. A THRIVING LOCAL ECONOMY

ITEM NO: 9.4.3

**APPROVAL OF A DEVELOPMENT PLAN - 8308 MURRAY VALLEY
HIGHWAY, BATHUMI (cont'd)**

A submission was received in relation to public access to the private boat ramp on the subject site however this is not considered relevant to the layout of the Development Plan. It is noted that there were no concerns or objections raised by internal Council departments or external authorities.

It is therefore considered that the Development Plan is satisfactory and is recommended for approval.

Attachments

Nil

FILE NO: C025/19
4. A WELL RUN COUNCIL

ITEM NO: 9.4.4

C025/19 - PUBLIC TOILET UPGRADE - BANK STREET, YARRAWONGA

RECOMMENDATION

That Council:

1. Award Contract C025/19 – Public Toilet Upgrade, Bank Street, Yarrawonga to Kennedy Builders Pty Ltd.
2. Authorise the Chief Executive Officer to sign and seal the contract documents.

1. Executive Summary

Moira Shire Council invited submissions from suitably qualified organisations or individuals for the construction of a Public Toilet Block including a Changing Places Facility in Bank Street, Yarrawonga.

After consideration of the submissions received, including price and all specification requirements, the evaluation panel recommends that Contract C025/19 be awarded to Kennedy Builders Pty Ltd.

2. Background and Options

Contract C025/19 is a lump sum contract for works located on the Lake Mulwala foreshore on Bank Street, Yarrawonga.

This project is for the construction of an extension to an existing toilet block to accommodate new public toilets, a Changing Places Facility and pumping equipment for a nearby Council owned splash park.

The scope of works under contract includes:

- Supply and installation of pier and beam footings including a suspended concrete slab.
- Construction of the brick building envelope with metal roof and covered area.
- Fitout of the public toilets, Changing Places Facility and pump room as specified
- Supply and installation of utility services including water, sewer, electricity and solar panels.
- Basic landscaping at completion.

Council will supply and install the existing splash park pumping equipment and associated infrastructure in the pump room.

FILE NO: C025/19
4. A WELL RUN COUNCIL

ITEM NO: 9.4.4

**C025/19 - PUBLIC TOILET UPGRADE - BANK STREET, YARRAWONGA
(cont'd)**

Date of Public Notice

The tender was advertised as follows:

Paper	Date
Shepparton News	7 May 2019
Cobram Courier	8 May 2019
Numurkah Leader	8 May 2019
Yarrawonga Chronicle	8 May 2019
Border Mail	11 May 2019
TenderSearch	7 May 2019

The tender closed 5 June 2019.

Receipt of Tenders

A total of two submissions were received from the following organisations:

1. Kennedy Builders Pty Ltd
2. Crow Constructions Pty Ltd

Supervision

Superintendent – Manager Construction and Assets

Superintendent Representative – Coordinator Design and Construction

Panel Membership

The submissions were independently evaluated in TenderSearch by the following positions:

- Coordinator Design and Construction
- Project Engineer
- Design Engineer

The evaluation was moderated by the Procurement Coordinator.

Non-conforming tenders

No submission was considered to be non-conforming.

FILE NO: C025/19
4. A WELL RUN COUNCIL

ITEM NO: 9.4.4

**C025/19 - PUBLIC TOILET UPGRADE - BANK STREET, YARRAWONGA
(cont'd)**

Tender Evaluation

The criteria and weightings utilised and are detailed in the following table:

Evaluation Criteria	Evaluation Weighting
Price	40%
Track Record	20%
Skills and Resources	10%
Management of Schedules	10%
Contribution to Local Economy	10%
Compliance with Specification	10%

For more information, please refer to Appendix A – Evaluation Summary (Confidential).

3. Financial Implications

The recommended tenderer submitted the most competitive lump sum price.

For more information, please refer to Appendix A – Evaluation Summary (Confidential)

4. Risk Management

To minimise the risks associated with the works under contract, the following conditions are required to be met by the successful contractor:

- Prior to the commencement of works the successful contractor must supply the Superintendent with a detailed Site Management Plan.
- Various Hold Points have been specified (Hold Points are points beyond which the work may not proceed without review by the Superintendent).
- All on-site personnel are required to undertake a Moira Shire Council site induction.
- A plant risk assessment is required for each item of heavy plant to be supplied, hired or expected to enter the work site.

5. Internal and External Consultation

The tender was advertised on Council's TenderSearch website, Shepparton News, Border Mail and the local newspapers.

The specification was approved by the Coordinator Design and Construction, Manager Assets and Construction and General Manager Infrastructure.

6. Regional Context

This project contributes to the strategic objective of continuing to maintain and provide facilities and services that our community value and need.

FILE NO: C025/19
4. A WELL RUN COUNCIL

ITEM NO: 9.4.4

**C025/19 - PUBLIC TOILET UPGRADE - BANK STREET, YARRAWONGA
(cont'd)**

7. Council Plan Strategy

The Council Plan addresses the need for a well-run Council by implementing a transparent, engaging and accountable governance structure for current and future generations. The processes undertaken to award the contract meet the legislative and policy requirements relating to procurement and tendering.

8. Legislative / Policy Implications

The tender process was undertaken in accordance with the requirements of the section 186 of the Local Government Act and Council's adopted Procurement Policy.

9. Environmental Impact

Section 3.24 of the specification stipulates the contractor's environmental responsibilities and will form part of the contract.

Section 4.39 of the specification stipulates that the contractor must maintain the site in a tidy and safe condition during the contract period including removal of mud from roads left there as a result of vehicles entering or leaving the site.

At the completion of works the site must be cleared of all remaining construction or demolition debris and any damage to the grounds or occupation made good. This includes topdressing wheel marks and bare areas resulting from works and generally leaving the area in a tidy condition.

The area immediately surrounding the new facility should be top-dressed and left in an attractive condition presenting no hazards to foot traffic.

Top-dressing soil must be:

- From an approved supplier
- Weed free
- Quality sandy loam containing organic material
- Fit for purpose.

A soil sample and supplier details must be approved by the Superintendent prior to use.

10. Conflict of Interest Considerations

There was no conflict of interest declared for this tender evaluation process.

11. Conclusion

After consideration of the submissions, including price and specification requirements, the evaluation panel recommends that contract C025/19 – Public Toilet Upgrade, Bank Street, Yarrowonga to Kennedy Builders Pty Ltd.

Attachments

- 1 APPENDIX A - EVALUATION SUMMARY (CONFIDENTIAL) - *printed in separate document*

FILE NO: 5/2017/204
1. A GREAT PLACE TO LIVE

ITEM NO: 9.4.5

**SEEKING APPROVAL FOR COMBINED PLANNING SCHEME
AMENDMENT C88 AND PLANNING PERMIT APPLICATION 5/2017/204 FOR 2-
4 COLGAN STREET, COBRAM**

RECOMMENDATION

That Council:

- Notes the findings and recommendations of the Panel appointed to consider Amendment C88 to the Moira Planning Scheme, documented in the Panel Report dated 3 June 2019, at Attachment 1 to this report.
- Adopt Amendment C88 with changes, as outlined in the attached Panel Report documentation, pursuant to Section 29(1) of the *Planning and Environment Act 1987*.
- Submits Amendment C88 to the Moira Planning Scheme to the Minister for Planning for approval, pursuant to Section 31(1) of the *Planning and Environment Act 1987*.
- Delegates the Planning Coordinator to finalise Amendment C88, in accordance with Council's resolution and to make any administrative changes required, including any corrections to the documentation.
- Notifies all submitters of Council's decision and of the Minister's decision on Amendment C88 to the Moira Planning Scheme, once received.

1. Executive Summary

An application has been received from Tipalea Partners Pty Ltd, to combine a Planning Scheme Amendment C88 to rezone the land at 2-6 Colgan Street, Cobram from a Commercial 2 Zone to a Commercial 1 Zone together with a concurrent application (Planning Permit Application 5/2017/204) for buildings and works associated with two supermarkets, shops and a medical centre, together with a variation of an easement, removal of native vegetation and creation of access to a road in a Road Zone Category 1.

The Section 96A Amendment has undergone consultation which resulted in four (4) submissions opposing or seeking alterations with the proposal subsequently considered at an independent Planning Panel. Planning Panels Victoria have recommended Council abandon the Amendment.

It is considered there are inconsistencies with the independent Panel Report and there is sufficient strategic planning policy and economic evidence to support the proposal and it is therefore recommended Council seek approval for the Amendment from the Minister for Planning.

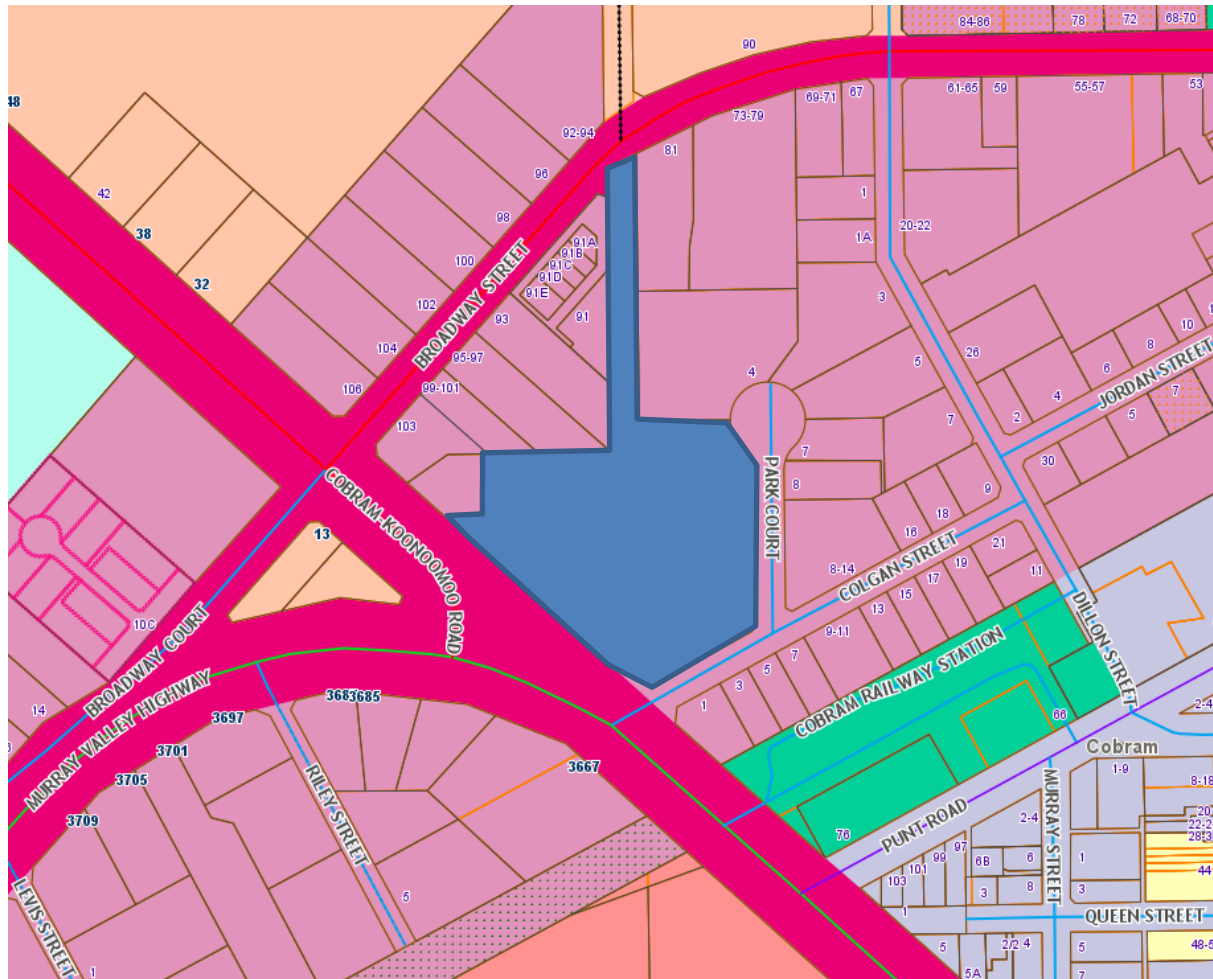
2. Background and Options

The land at 2-6 Colgan Street, Cobram, being 1-3 LP22274, Lots 2-5, LP58039, Lot 1 TP434807S, CA's 40D, 40E & 40G Parish of Cobram is contained with the Commercial 2 Zone. This land was previously rezoned from Industrial 1 to Business 4 as a result of Planning Scheme Amendment C41 (4/6/2009) implementing the Cobram Strategy Plan (2007) and then rezoned again as a result of a Statewide revision of Business zones (VC100 – 15/7/2013) to Commercial 2.

FILE NO: 5/2017/204
1. A GREAT PLACE TO LIVE

ITEM NO: 9.4.5

**SEEKING APPROVAL FOR COMBINED PLANNING SCHEME
AMENDMENT C88 AND PLANNING PERMIT APPLICATION 5/2017/204 FOR 2-
4 COLGAN STREET, COBRAM (cont'd)**



Planning Permit Application Details

Applicant: Tipalea Partners Pty Ltd
Owners: H.S West Motors Pty Ltd
Land Address: 2-6 Colgan Street, Cobram
Title Details: 1-3 LP22274, Lots 2-5, LP58039, Lot 1 TP434807S, CA's 40D,
40E & 40G Parish of Cobram
Total Site Area: 3.013 hectares
File No: 52017204
Zone: Commercial 1 (if rezoning is approved)
Overlays: Parking Overlay 2

The application for planning permit involves the following:

- A full-line supermarket of 3,800sqm
- A small supermarket of 1,700sqm
- A 'mini major' of 635sqm
- A medical centre of 320sqm
- 12 retail tenancies totaling 2,160sqm
- Two 20sqm kiosks,
- Mall area, service and amenities areas,
- 434 car parking spaces

FILE NO: 5/2017/204
1. A GREAT PLACE TO LIVE

ITEM NO: 9.4.5

**SEEKING APPROVAL FOR COMBINED PLANNING SCHEME
AMENDMENT C88 AND PLANNING PERMIT APPLICATION 5/2017/204 FOR 2-
4 COLGAN STREET, COBRAM (cont'd)**

At the Ordinary Meeting on 22 November 2017 Council determined to seek Authorisation from the Minister for Planning to prepare Amendment C88.

3. Financial Implications

If Council adopts this recommendation, there are additional fees associated with submitting the amendment for approval by the Minister. The funds required to administer this amendment can be accommodated within the current financial year operating budget.

4. Risk Management

If the Amendment is approved there is potential that the development may not occur (e.g. the planning permit expires) resulting in 31,500sqm of vacant Commercial 1 Zone land.

5. Internal and External Consultation

The Amendment was on exhibition for a period of six weeks from 25 October 2018 – 6 December 2018) via letters to all adjoining land owners and occupiers together with a notice in two editions of the Cobram Courier resulting in a total of ninety submissions being received.

The vast majority of submissions were in favour of the proposal with four either opposing or requesting alterations. Item 9.4.2 within the agenda for the 19 December 2019 Council meeting included a detailed response to the submissions.

Notice of the Amendment and permit was provided to the Environmental Protection Authority, Country Fire Authority, Transport Victoria, VicRoads, Powercor and Goulburn Valley Water for comment with a number of these authorities identifying permit conditions which have been directly transcribed into the draft permit.

6. Regional Context

There is no regional context associated with this planning scheme amendment to rezone a parcel of land.

7. Council Plan Strategy

A relevant objective in the Council Plan for the Strategy “A thriving local economy” is as follows:

- We will support local businesses and attract new investment to generate employment opportunities

This proposal accords with the intent of the above strategy in the Council Plan.

8. Legislative / Policy Implications

Under Section 96A of the Planning and Environment Act 1987, a Planning Authority is able to consider combining a Planning Scheme Amendment and a Planning Permit application in a single process. A draft Planning Permit with conditions is prepared and exhibited with the Planning Scheme Amendment.

Should Council decide to adopt Amendment C88 the Minister for Planning becomes responsible for deciding whether the rezoning occurs and a Planning Permit is issued.

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1. A GREAT PLACE TO LIVE

ITEM NO: 9.4.5

**SEEKING APPROVAL FOR COMBINED PLANNING SCHEME
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The underpinning rationale for the proposed rezoning is to allow a 'full-line' supermarket on the subject site. The table below outlines land uses typical for a shopping centre development and compares what requires a permit within the current Commercial 2 Zone and the proposed Commercial 1 Zone.

Commercial 2 Zone

Section 1 Use – Permit not required

Use	Condition
Food and drink premises	The leasable floor area must not exceed 100 square metres
Office (includes Medical centre)	
Postal agency	
Shop	Must adjoin, or be on the same land as, a supermarket when the use commenced.

The combined leasable floor area for all shops adjoining the same land as the supermarket must not exceed 500 square metres.

The site must adjoin, or have access to, a road in a Road Zone.

Supermarket The leasable floor area must not exceed 1800 square metres.

The site must adjoin, or have access to, a road in a Road Zone.

Must be on land within the City of Greater Geelong or within an urban growth boundary in metropolitan Melbourne.

Section 2 Use – Permit required

Retail premises (other than Food and drink premises, Postal agency, Restricted retail premises, Supermarket and Trade Supplies)	
Supermarket – if the section 1 conditions are not met	The leasable floor area must not exceed 1800 square metres unless within the City of Greater Geelong or within an urban growth boundary in metropolitan Melbourne.
	The site must adjoin, or have access to, a road in a Road Zone.

Commercial 1 Zone

Section 1 Use – Permit not required

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Use	Condition
Office (includes Medical centre)	
Retail premises (other than a shop)	
Shop (includes Supermarket)	
Section 2 Use – Permit required	
Any other use not in Section 1 or 3	

Under the current Commercial 2 Zone, a Planning Permit is required for a supermarket, noting it cannot exceed 1,800sqm, together with all shops if they exceed 500sqm. Therefore, the only aspect of the proposal that cannot occur within the current zone is the 3,800sqm full-line supermarket.

It is noted that there are 12 retail tenancies total 2,160sqm and given tenants have not been obtained it has not been determined if they will be occupied as shops, offices, food and drink premises etc. and whether any additional use permits are required.

Panel Report Recommendations

Following the Hearing in March 2019, Planning Panels Victoria released the Panel Report on 3 June 2019 and recommended the following:

- That Moira Planning Scheme Amendment be abandoned.
- That planning permit 5/2017/204 for the development of buildings and works for the construction of two supermarkets, a medical centre and retail premises, variation of an easement, removal of native vegetation and creation of access to a Road Zone Category 1 not be issued.

The Panel Report raised a number of issues when reaching the above recommendation including the economic impact on the Cobram Activity Centre, the policy support within the Planning Scheme, the provision of 31,500sqm of additional Commercial 1 Zoned land together with certain design elements of the proposal.

It is considered many of these concerns were adequately addressed during the Panel Hearing with expert evidence on behalf of Council and the proponent. This included economic evidence stating that whilst the proposal may have an economic impact of 15%-17%, this would be confined to the existing Woolworth store and would have a lower impact on IGA and even less so on the smaller retail shops.

There is currently little strategic guidance within the Moira Planning Scheme when assessing the current proposal with Clause 21.07-1 seeking to consolidate the retail town centre and the Panel considers the proposal does not align with this policy objective but also acknowledges the work undertaken by Council in the development of the Retail Policy Framework and Strategy Review. The strategic work undertaken has been afforded less weight given that they have not been incorporated into the Planning Scheme.

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It is acknowledged that whilst these documents, which are endorsed/adopted by Council and therefore considered 'Seriously Entertained Documents', have not been tested through the rigors of a Planning Scheme Amendment process, provide sufficient emphasis on the need for greater retail floor space, together with, identifying the subject site as a potential location.

Furthermore, there are some inconsistencies within the Panel Report where the full-line supermarket is supported in the proposed location while the major concerns relates to the second supermarket (1,700sqm), 'mini major' (635sqm) and retail tenancies (2,160sqm) and the potential to detract from the existing retail core along Punt Road.

Within the Panel Report the Panel states the following:

"The Panel acknowledges that it may be impractical to locate the larger proposed supermarket in the existing retail core and a more flexible approach to this policy may need to be sought. However, there is little reason to depart from existing policy to support retail floor space beyond a full line supermarket because all other parts of the proposal can be accommodated on the considerable underutilised and vacant land in Cobram's existing retail core". (Page ii)

"...there is therefore insufficient policy or strategic support for anything other than a supermarket to locate outside the existing retail core". (Page ii)

"The Panel may have taken a different view if the Amendment was to rezone land solely for a single supermarket. The Panel notes that the Cobram's existing retail core has many sites that could accommodate the proposal's smaller mini major supermarket of 1,700 square meters and mini major area of 635 square meters". (Pages 30-31)

The Panel has no concerns with the full-line supermarket and finds that the larger floor space requires a larger site to accommodate the 3,800sqm together with car parking, and back of house (loading bays, waste etc.) and may have supported a smaller rezoning if just to allow the full-line supermarket.

It is noted that the only reason for the rezoning is to allow a full-line supermarket (i.e. exceeding 1,800sqm). If a planning permit was to be issued for a 1,700sqm supermarket, the remaining uses may be as-of-right and not require additional approval depending on the occupiers. Given the shops/retail premises may occur as-of-right and not require planning approval under the current zoning, it is considered inconceivable that this be the main grounds to abandon the amendment.

The discussion regarding the development being out of the Cobram core retail area and its appropriateness was explored in the *Retail Policy Framework for Cobram and Yarrowonga: Options Report*. The investigation identified three investigation sites within Cobram to accommodate large floor plate retail as detailed below.

Of the three sites, Site 1 has development approval for a large commercial building and is within multiple ownerships. Site 2 has since been subdivided resulting in the only large scale site being Site 3 – the subject site.

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Additionally, if the proposal is abandoned and the subject site is developed for another use, any future similar development may be on a site further removed from the retail core and thereby compounding many of the issues and concerns raised by the Planning Panel.

The following three sites have been analysed:

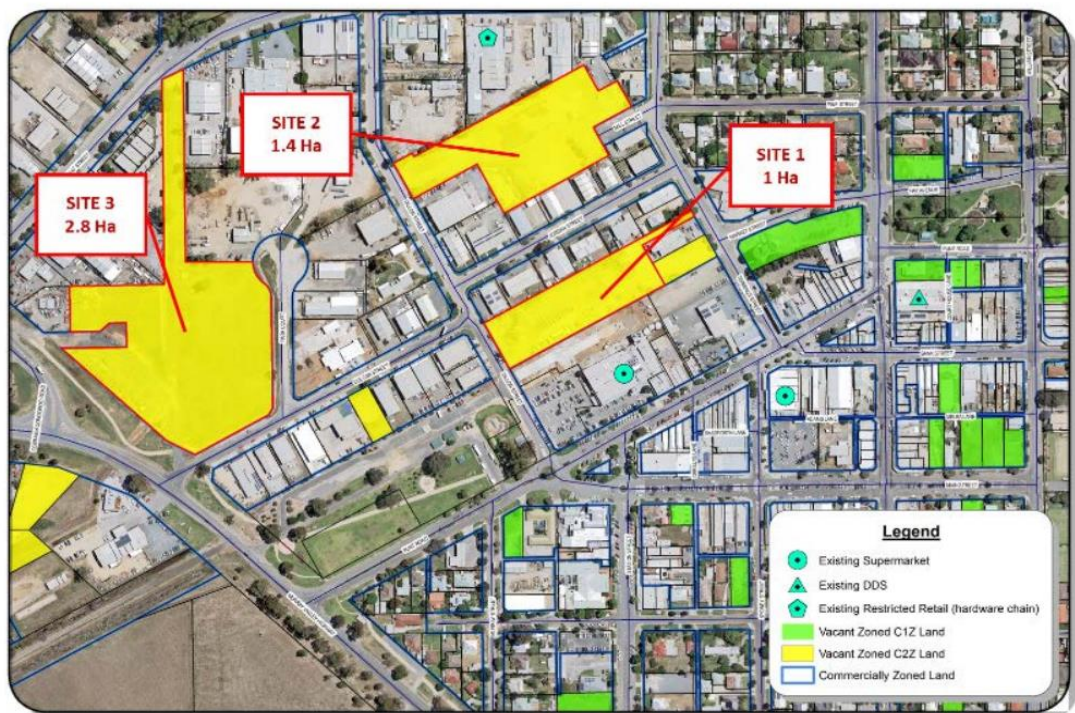


Figure 17: Investigation Sites for Large Floor Plate Conventional Retail in Cobram

It is considered that Site 3 remains the only readily developable site within one ownership, vacant and with adequate road frontages identified for large floor retail opportunities.

The design elements and integration of the proposal into the public realm and the retail core have been addressed via permit conditions including the increased pedestrian connectivity to Dillion Street, and urban design elements to the Park Court elevations.

9. Environmental Impact

An Environmental Audit Report was submitted as part of the consideration of the amendment with the recommendations of this report being implemented through amended permit conditions thereby addressing any contamination concerns.

It is also noted that seven (7) scattered trees are proposed to be removed however these are to be offset and therefore does not result in a net loss of vegetation.

Overall, it is considered combined Planning Scheme Amendment C88 and Planning Permit Application 5/2017/204 would not have a detrimental environmental impact.

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10. Conflict of Interest Considerations

There is no officer conflict of interest issues associated with this report.

11. Conclusion

The Amendment and Planning Permit applications are appropriately located and would not have a detrimental impact on the Cobram retail core either through the fragmentation of the commercial area or a significant negative economic effect on existing retailers.

As detailed within the Panel Report, the Panel acknowledged that the site was the only one available for the provision of a full scale supermarket (>1,800sqm) within close proximity to the retail core of Cobram. They therefore express support to rezone the land to allow this to occur.

Their issue is with the ancillary retail that is already allowed within the existing Commercial 2 Zone, subject to a planning permit.

Given the reasoning for the application to rezone the land is to allow the full scale supermarket and that the Panel would support one in this location, it is recommended that the Council refer the application to the Minister for Planning for approval.

Attachments

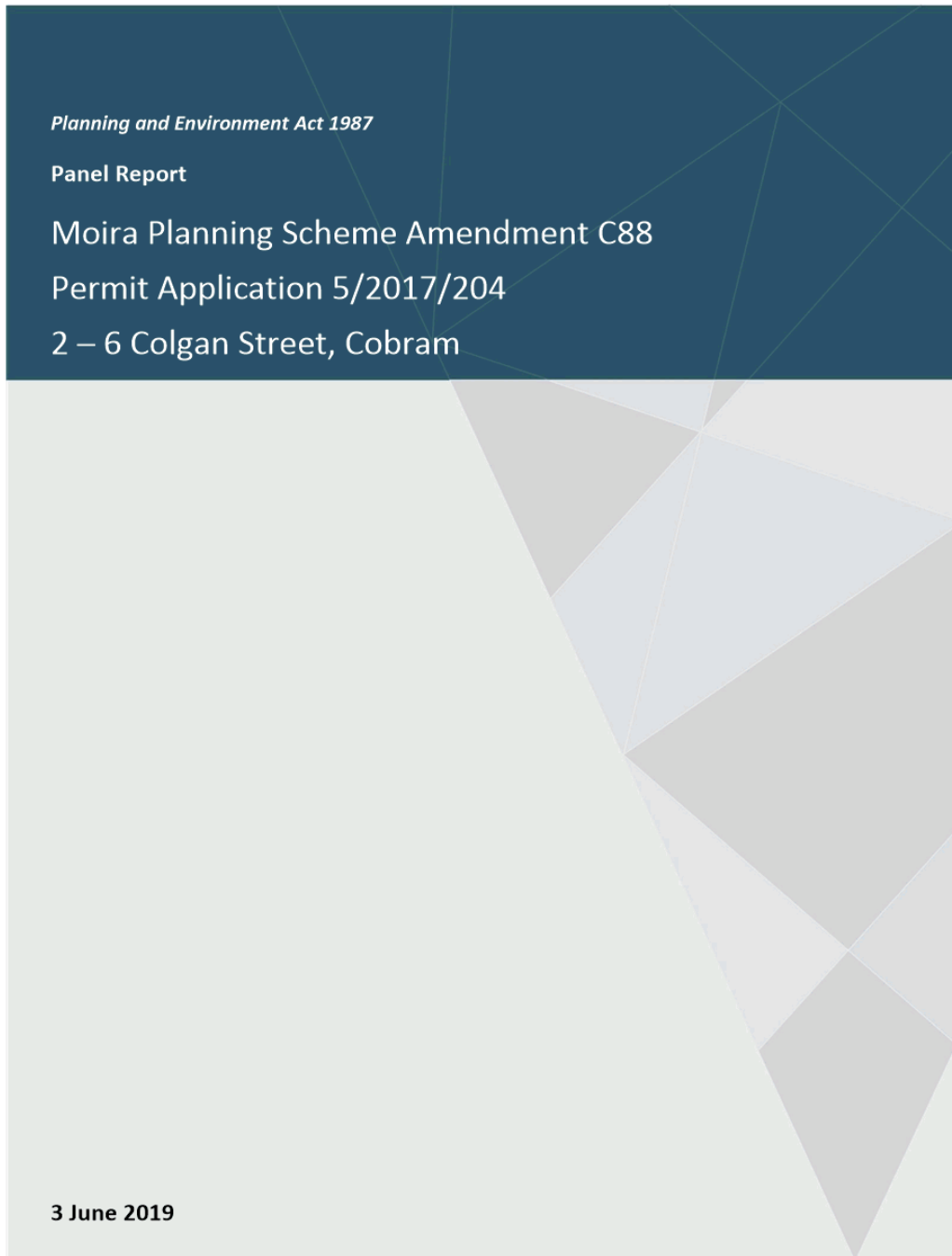
- 1 Moira C88 Planning Panel Report (3 June 2019)

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ATTACHMENT No [1] - Moira C88 Planning Panel Report (3 June 2019)



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ATTACHMENT No [1] - Moira C88 Planning Panel Report (3 June 2019)

Planning and Environment Act 1987
Panel Report pursuant to section 25 of the Act
Moira Planning Scheme Amendment C88
Permit application 5/2017/204
2 – 6 Colgan Street, Cobram
3 June 2019



Tim Hellsten, Chair



Con Tsotsoros, Member

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ATTACHMENT No [1] - Moira C88 Planning Panel Report (3 June 2019)

Moira Planning Scheme Amendment C88 | Panel Report | 3 June 2019

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Glossary and abbreviations

ACM	Asbestos containing material
Act	<i>Planning and Environment Act 1987</i>
C1Z	Commercial 1 Zone
C2Z	Commercial 2 Zone
Cobram Strategy Plan	Cobram 2025: Cobram Strategy Plan
Council	Moira Shire Council
DDS	Discount Department Store
DELWP	Department of Environment, Land, Water and Planning
EPA	Environment Protection Authority
LPPF	Local Planning Policy Framework
MTA	Main Trade Area
permit	Planning Permit 5/2017/204
Planning Scheme	Moira Planning Scheme
PPF	Planning Policy Framework
Proponent	Tipalea Partners Pty Ltd
RDZ1	Road Zone Category 1
Retail Policy Framework	Retail Policy Framework for Cobram and Yarrawonga: Options Report, July 2017
Strategy Review	Major Towns' Strategy Plan Review (Yarrawonga, Cobram, Numurka and Nathalia), June 2018
TTA	Total Trade Area
Urban Design Framework	<i>Cobram Urban Design Framework</i> , David Lock Associates, July 2005
VCAT	Victorian and Civil Administrative Tribunal

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Moira Planning Scheme Amendment C88 | Panel Report | 3 June 2019

Overview

Amendment/permit summary	
The Amendment	Moira Planning Scheme Amendment C88
Permit	Permit Application 5/2017/204
Common name	2 – 6 Colgan Street, Cobram
Brief description	Rezoning of land from Commercial 2 Zone to Commercial 1 Zone Planning Permit No 5/2017/204 for development of buildings and works for the construction of two supermarkets, a medical centre and retail premises, variation of an easement, removal of native vegetation and creation of accesses to a Road Zone Category 1
Subject land	2 – 6 Colgan Street, Cobram
The Proponent	Tipalea Pty Ltd
Planning Authority	Moira Shire Council
Authorisation	27 September 2018
Exhibition	25 October to 6 December 2018
Submissions	Number of Submissions: 92, of which four were opposed
Panel process	
The Panel	Tim Hellsten (Chair) and Con Tsotsoros
Directions Hearing	Cobram Civic Centre, 30 January 2018
Panel Hearing	1 Spring Street, Melbourne, 19, 21, 22 and 26 March 2019
Site inspections	Unaccompanied, 29 January and 30 January 2019 (Chair only) and 8 April 2019 (both members)
Appearances	Moira Shire Council represented by Ian Pridgeon of Russell Kennedy, calling evidence from: <ul style="list-style-type: none"> - Warwick Horsfall of Habitat Planning on planning - Tony Irish of SED Regional Advisory on economics Tipalea Pty Ltd represented by Susan Brennan SC instructed by Jane Sharp of Rigby Cooke, who called expert evidence from: <ul style="list-style-type: none"> - Rob Milner of 10CG on planning - Gavin Duane of Location IQ on economics - Stuart McGurn of Urbis on planning Now Make Pty Ltd represented by Mark Bartley of HWL Ebsworth with Mr Watson of Burgess Rawson
Citation	Moira Planning Scheme PSA C88 [2019] PPV
Date of this Report	3 June 2019

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Moira Planning Scheme Amendment C88 | Panel Report | 3 June 2019

Executive summary

Cobram, located on the Murray River and approximately 70 kilometres north of Shepparton, is, with Yarrawonga, one of the two major towns supporting Moira Shire's population of approximately 29,000. Cobram is an important economic hub for the Goulburn Valley agricultural region and a service and retail hub to a rural community that extends into New South Wales to include the towns of Barooga, Finley, Tocumwal and Berrigan.

With the Shire's population expected to grow to 32,000 by 2031, Council has identified opportunities to meet anticipated growth in retail floor space needs in Cobram and Yarrawonga through the development and adoption of a Retail Policy Framework and the Major Towns' Strategy Plan Review in 2017 and 2018.

Tipalea Pty Ltd (the Proponent) applied for a combined amendment and permit application through section 96A of the *Planning and Environment Act 1987*. Amendment C88 to the Moira Planning Scheme (the Amendment) proposes to rezone 31,500 square metres of land at 2 – 6 Colgan Street, Cobram from the Commercial 2 Zone to the Commercial 1 Zone. Planning permit application 5/2017/204 seeks approval to construct a freestanding centre comprising 8,615 square metres of retail and commercial floor space including two supermarkets, medical centre and retail premises.

The Amendment and permit were exhibited from 25 October to 6 December 2018 and received 90 submissions. Most submissions supported the proposal because they sought, among other things, greater retail choice and convenience, tourism, employment opportunities and better competition within and beyond Cobram.

Key issues identified in the four opposing submissions were:

- lack of policy support
- impact on the Cobram activity centre
- inadequacy of recent retail strategy work
- lack of identified tenants
- traffic volumes and speed on the Murray Valley Highway
- impact on Park Court including loss of views to business signage from the highway and other roads and the need for road construction.

Council, the Proponent and their economic witnesses agreed that Cobram's primary, secondary and tertiary trade areas may have demand by 2031 to support the proposed centre. The key issues were whether there was sufficient strategic support for the proposal, whether the subject land was in or out of the Cobram activity centre and its retail core, the economic impact of the proposed centre, and how the centre would integrate with the existing Cobram retail core.

After reviewing all written submissions, observations from site visits, evidence and other material presented during the Hearing, the Panel considers that the Amendment and permit are premature. More targeted planning policy and strategic direction is needed in the Moira Planning Scheme for a centre of this scale and nature. Moira's population growth by 2031 presents an opportunity for Council to revisit Cobram's existing out-of-date policies and strategies and to review how the town centre can operate cohesively for the benefit of its broader community.

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Moira Planning Scheme Amendment C88 | Panel Report | 3 June 2019

Approving the Amendment and permit at this stage would result in community disbenefit for several reasons.

Local planning policy encourages specialty retail to be consolidated within Cobram's existing retail core. The Panel acknowledges that it may be impractical to locate the larger proposed supermarket in the existing retail core and a more flexible approach to this policy may need to be sought. However, there is little reason to depart from existing policy to support retail floor space beyond a full line supermarket because all other parts of the proposal can be accommodated on the considerable underused and vacant land in Cobram's existing retail core.

The Panel finds that there is insufficient strategic justification in the Moira Planning Scheme to support rezoning 31,500 square metres to the Commercial 1 Zone to accommodate a major freestanding retail development of this scale outside the existing retail core.

Of particular concern is that the proposed centre represents the majority of Cobram's Total Trade Area retail floor space needs for about a decade. The 17 per cent impact on the Cobram activity centre will unreasonably impact the existing retail core's long-term functionality and sustainability.

The subject land is located approximately 285 metres from the western edge of the town centre retail core and the existing urban structure in the area west of the former railway corridor was intended for an industrial area. The existing retail core has buildings hard-edged to footpaths to activate public spaces. The permit proposes a freestanding building, mostly with internal access to shops, set back by an expansive car park. The proposed centre presents an approximately 82-metre long and 8-metre tall blank concrete wall at its eastern elevation along Park Court.

More current and detailed strategic direction on Cobram's future town centre structure in the Moira Planning Scheme would have provided an assessment framework to determine the appropriateness of the proposal's response. While Council has commenced strategic work to understand how the town centre should accommodate further supermarkets, it is yet to be implemented through the Moira Planning Scheme. When assessed against its own merits, the Panel finds that the proposal's design response will detrimentally affect the ability to connect the proposed centre with the existing retail core.

Council should continue its strategic work and determine the future urban structure of the Cobram activity centre so that it can understand how the centre can function cohesively. Without this understanding, Cobram will have two independent operating retail cores with longer-term structural issues. This work would inform future Planning Scheme retail policies which in turn would establish an appropriate framework for assessing a planning permit application for a major retail proposal.

While the proposal may generate net economic benefits, these may be outweighed by the negative economic, social and community impacts resulting from a new disjointed major retail core (west) and a considerably less vibrant retail core (east) for a significant time.

The Panel concludes that the Amendment should be abandoned, and the planning permit should not be granted.

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ATTACHMENT No [1] - Moira C88 Planning Panel Report (3 June 2019)

Moira Planning Scheme Amendment C88 | Panel Report | 3 June 2019

Should the planning authority not support the Panel's recommendations and determine to support the Amendment, and issue of a permit, a suggested final form of the permit is included in Appendix C.

Recommendations

Based on the reasons set out in this Report, the Panel recommends:

1. That Moira Planning Scheme Amendment C88 be abandoned.
2. That planning permit 5/2017/204 for the development of buildings and works for the construction of two supermarkets, a medical centre and retail premises, variation of an easement, removal of native vegetation and creation of accesses to a Road Zone Category 1 not be issued.

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ATTACHMENT No [1] - Moira C88 Planning Panel Report (3 June 2019)

Moira Planning Scheme Amendment C88 | Panel Report | 3 June 2019

1 Introduction

1.1 The Amendment

Amendment C88 to the Moira Planning Scheme (the Amendment) proposes to rezone 2 – 6 Colgan Street, Cobram (subject land) from Commercial Zone 2 (CZ2) to Commercial Zone 1 (CZ1) to facilitate the commercial development of the site for two supermarkets and retail premises through the approval of a planning permit.

The existing CZ2 prohibits a supermarket larger than 1,800 square metres outside metropolitan Melbourne.

1.2 Planning permit application

Planning permit application 5/2017/204 was lodged under section 96A of the *Planning and Environment Act 1987* and exhibited with the Amendment. It seeks approval for buildings and works to construct a freestanding retail centre, vary an easement, remove native vegetation and to access Road Zone Category 1.

The proposed centre, as shown in Figure 2, comprises 8,615 square metres of floor space including:

- a full line supermarket of 3,800 square metres
- a second supermarket of 1,700 square metres
- a 'mini major' area of 635 square metres (referred to as a discount department store or DDS in this report)
- a medical centre of 320 square metres
- 12 retail tenancies totalling 2,160 square metres, ranging from 107 to 141 square metres
- two 20 square metre kiosks
- mall area, service and amenities areas
- three loading areas to the northern side of the building and smaller loading area for the medical rooms and chemist off the Cobram – Koonoomoo Road.

The proposal seeks to:

- provide 434 car parking spaces distributed across two parking areas to the south and north of the proposed building
- construct two vehicular access points (one for limited loading access only) off the Cobram - Koonoomoo Road and Murray Valley Highway road reserve (these two access points require a planning permit), two vehicular access points off Park Court to the southern and northern carparks, and an access off Broadway Street (also requiring a planning permit)
- remove seven River Red Gums (permit required)
- remove and realign a portion of the stormwater drain and easement running under the proposed site buildings (permit required) and provide stormwater retention and treatment areas in the southern carpark.

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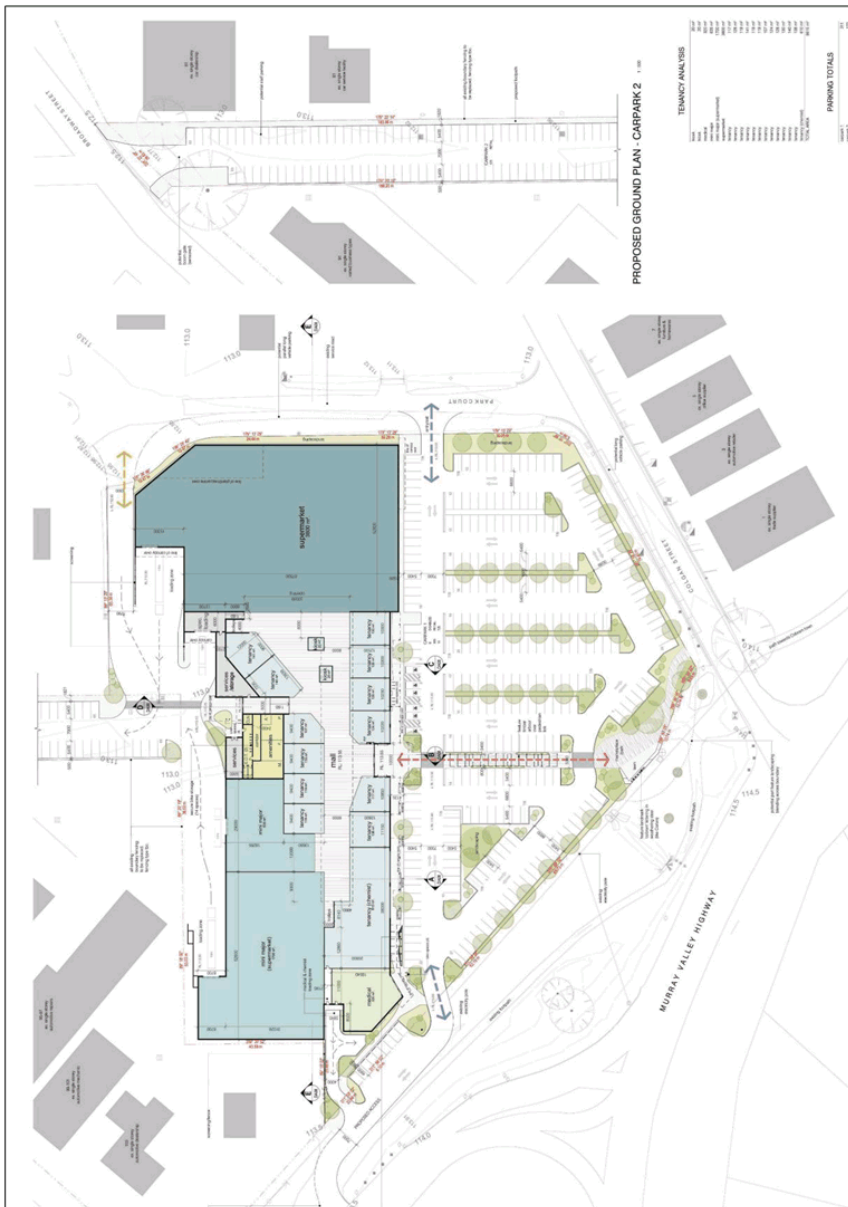
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Figure 1 The proposal



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- provide landscaping comprising approximately 73 native trees of various species along the site's major road frontages and within the southern carpark and retention of an existing tree, construction of an arbour pedestrian structure linking the southern entry to a 'marketplace/park' grassed area which will also potentially include a Cobram welcome landmark feature.

The permit application was supported by:

- application plans (drawing numbers DA01 to DA09, 28 September 2017) prepared by i2C
- landscape plan (drawing NoTP01, September 2017) prepared by John Patrick Landscape architects
- planning report (August 2018) prepared by Debra Butcher Consulting (which also addresses the rezoning proposal)
- planning and aboriginal heritage advice letter (10 September 2018) from Clarkeology
- Retail Market Potential Assessment (September 2017) prepared by Location IQ
- Ecological Features and Constraints report (22 September 2017) prepared by Paul Kelly and Associates Ecological Services
- Stormwater Drainage Strategy (October 2017) prepared by Chris Smith and Associates
- Traffic Engineering Assessment (October 2017) prepared by Traffix Group
- Preliminary Environmental Site Assessment (March 2016) prepared by Greencap.

The building is proposed to have a typical height of approximately 8 metres and runs on an east-west alignment across the subject land. It is substantially set back from the Colgan Street frontage behind the primary car park. The building is proposed to be clad in precast concrete panels (including panels with painted and textured finishes), feature sections of standing seam metal cladding, grey blockwork and red brickwork and a limited use of timber battens and louvres details around entry areas. The roof structure has a slope of between 3 and 5 per cent and is proposed to be clad in corrugated metal sheeting. The proposed building has extensive lengths of solid walls across the eastern and western elevations. The northern elevation features openings only at the pedestrian entry point. The southern elevation includes more extensive areas of glazing associated with retail tenancies and the main pedestrian entry.

1.3 Subject land

The subject land (Figure 2) is located within an established industrial-commercial precinct west of the C1Z extent of Cobram activity centre's retail core. It is approximately 3.15 hectares in area and comprises eleven land parcels (Lots 1 – 3 LP22274, Lots 2 – 5 LP58039, Lot 1 TP4348075, CA 40D TP312239L, CA40E TP313040F and CA40G TP61859Y).

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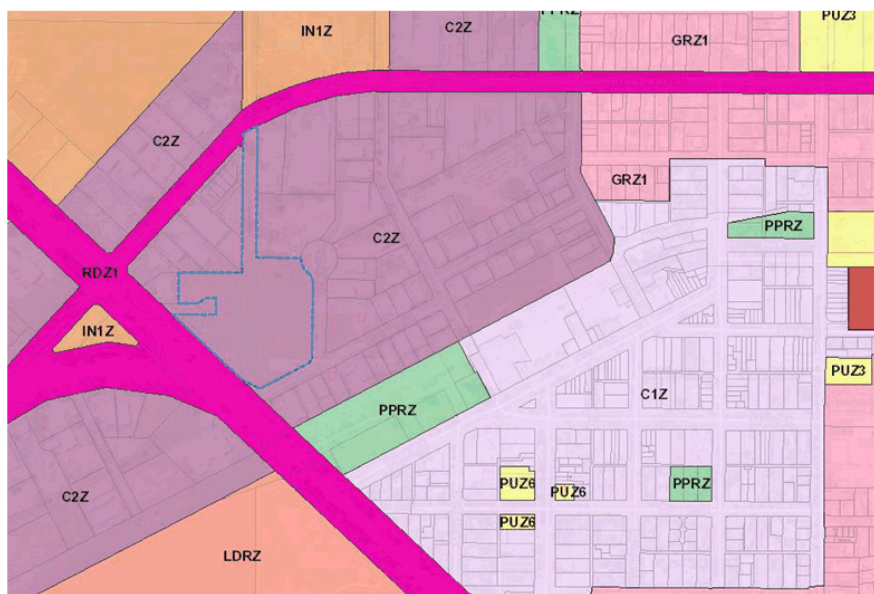
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Figure 2 Subject land



Source: Amendment C88 Explanatory Report

The land has frontages to:

- Cobram – Koonoomoo Road and Murray Valley Highway, of approximately 165 metres. A wide grassed reserve extends between the site boundary and sealed road edge and contains a gravel pedestrian path (Figure 3).
- Colgan Street, of approximately 80 metres. Colgan Street (Figure 4) is constructed with parallel parking and kerb and channel. There is no footpath on either side of Colgan Street.
- Park Court, of approximately 144 metres. Park Court (Figure 5) is constructed with a gravel surface with no kerb and channel, drainage or footpath and provides access to five other businesses.
- Broadway Street, of approximately 28 metres. Broadway Street is constructed with kerb and channel.

The site is generally flat (other than a drainage culvert) comprises areas of exotic grass and weeds, a gravel hard stand area and seven mature, remnant River Red Gums in the northern portion of the site.

The site contains no structures. Agricultural machinery is currently on display towards the Murray Valley Highway frontage, reflecting the site's previous use.

A 900 millimetre diameter stormwater pipe traverses the site from north to south and is contained within an easement in favour of Council.

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Figure 3 Murray Valley Highway frontage



Figure 4 Colgan Street frontage



Figure 5 Park Court frontage



The site is adjoined or adjacent to a range of industrial and commercial activities including automotive parts and accessories, farm supply sales, welding, locksmiths, garage and shed sales and manufacture, electrician, sand and gravel supplier, kitchen and cabinet manufacture and car dealerships.

The subject land is zoned Commercial 2 as is the adjoining industrial-commercial precinct as shown in Figure 1. The retail core of the Cobram activity centre (C1Z) is located approximately

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285 metres walking distance of the site¹ (measured). The Parking Overlay (Schedule 2 - Commercial and Mixed Use Zones Cobram) applies to the subject land.

1.4 Background

(i) Cobram and its town centre

Cobram, located on the Murray River and approximately 70 kilometres north of Shepparton, is within the Moira Shire, of which Cobram and Yarrawonga are the two major towns supporting a municipal population of approximately 29,000. The Shire's population is expected to grow to 32,000 by 2031.² Cobram has a population of 6,014.³ Both Cobram and Yarrawonga serve a wider rural community that extends into New South Wales, including the towns of Barooga, Finley, Tocumwal and Berrigan. Cobram is the administrative centre of the Shire with the municipal offices, VicRoads regional office and a range of banking services present. Agriculture plays a significant part in the Shire's economy as the largest employment sector followed by manufacturing. Cobram's largest employer, Murray Goulburn Co-operative, has its processing plant located in Broadway Street, north of the subject land.

For the purposes of this Report, the Panel has used the following terms to distinguish the Cobram activity centre from its retail core:

- Town centre – defined by the extent of the C1Z and the portion of C2Z west of the Murray Valley Highway/Koonoomoo Cobram Road and south of Broadway Street
- Retail core – C1Z land generally within an area defined by Punt Road, Williams Street, Queen Street and Murray Street.

These components of the town centre are further discussed in Chapter 3.

In terms of retail and commercial land use activity, the Cobram activity centre comprises a traditional retail core area adjoined by a C2Z precinct to the north which contains a range of commercial-industrial uses. It functionally forms part of the broader town centre by way of its land uses (in its southern portion), and the roads linking the core area with the arterial road network. This is a land use and town centre structure characteristic to many regional centres.

The retail core is focused along Punt Road and generally extends east to High Street, Queen Street to the south and Station Street to the west, Bank and Main Streets to the east although the C1Z extends well beyond this area, transitioning from Queen Street to residential land use activity to the south-east.

The town centre retail core is visually coherent. It has, in the main, strong edges and built form elements. It comprises mostly modern commercial buildings which are built to the street frontage and of single storey scale. The main commercial streets feature footpaths, street furniture, parallel or centre of the road parking and street tree planting. Federation Park performs a key landmark entry element at the western end of Punt Road. There are many underutilised and vacant lots on the periphery of the town centre (Bank Street, the eastern

¹ As measured from the south - eastern corner of the site at the intersection of Park Court and Colgan Street, westwards along Colgan Street to Dillon Street and south to the north – western corner of the Woolworths supermarket carpark, using VicPlan.

² Victoria in Future 2016 population and household projections to 2051

³ ABS 2016 census

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end of Punt Road and Main Street) and pockets of vacant shops (High Street, Station Street and William Street). The Cobram Police Station, Bowling Club, HHL Farrel Park and the Cobram Civic centre and library are located to the eastern edge of C1Z.

The C2Z precinct north of the retail core on the other hand, comprises large, freestanding, concrete panel or steel clad shed style buildings, typically setback from the street behind off street carparking or landscaped areas (refer Figure 9 as an example).

The town centre contains an estimated 62,744 square metres of retail and commercial floor space of which 36,940 square metres is estimated as retail floor space.⁴ The retail core features a good mix of retail, professional and other services including:

- two supermarkets with large at grade carparks - Woolworths at 4,224 square metres located at the western edge of the retail core on Punt Road and a Ritchies Supa IGA of 1,500 square metres on the corner of Punt and Sydney Street
- a Target Country store of 1,257 square metres, located on the intersection of Punt Road and High Street
- a range of other brand retailers and food services, banking, financial and other professional offices including the Shire offices and VicRoads office.

1.5 Summary of issues raised in submissions and Panel's approach

The exhibition of the Amendment generated 90 submissions including two late submissions. Most of these submissions (all but four) supported the Amendment and more particularly the establishment of a supermarket on the basis that it would provide additional retail floor space to support population growth and tourism demands, encourage and retain spending in the town, reduce travelling to other centres, increase the diversity of retail offer and create competition and generate employment.

The four opposing submissions from Now Make Pty Ltd, Ritchies Supa IGA, Cobram Kitchens and Cabinets and Ms Edwards raised concerns about:

- lack of policy support
- impact of an out-of-centre retail development
- impact on the Cobram activity centre
- inadequacy of recent retail policy work
- lack of identified tenants
- traffic volumes and speed on the Murray Valley Highway
- impacts on Park Court including loss of views to business signage from the highway and other roads and the need for road construction
- other issues including lack of toilets and tourist information centre and inability to vote on the proposal.

Notice of the Amendment and permit was provided to the Environment Protection Authority (EPA), Country Fire Authority, Transport for Victoria, VicRoads, Powercor and Goulburn Valley Water following informal discussions with these authorities in the preparation of the Amendment and permit. These agencies did not object to the Amendment or permit and VicRoads, Powercor and Goulburn Valley Water identified permit conditions which have been

⁴ Retail Policy Framework for Cobram and Yarrawonga: Background Analysis, SED, February 2017.

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directly transcribed into the draft permit. The EPA supported the Amendment but recommended “that site remediation is undertaken to satisfy Council that the land is suitable for the intended purpose”. This is discussed further at Chapter 5.

The Panel has assessed the Amendment against the principles of net community benefit and sustainable development, as set out in Clause 71.02-3 (Integrated decision making) of the Planning Scheme.

The Panel considered all written submissions made in response to the exhibition of the Amendment, observations from site visits, and submissions, evidence and other material presented to it during the Hearing. It has reviewed a large volume of material and has had to be selective in referring to the more relevant or determinative material in the Report. All submissions and materials have been considered by the Panel in reaching its conclusions, regardless of whether they are specifically mentioned in the Report.

This Report deals with the issues under the following headings:

- Planning context
- Strategic issues
- Other issues
- The planning permit.

1.6 Terminology

There were various terms to describe the Cobram activity centre and its retail core in background reports, submissions, evidence and at the Hearing. The Moira Planning Scheme does not clearly define the extent of the Cobram activity centre and it applies different terminology interchangeably.

For simplicity, the Panel has used the following terms throughout the report, particularly to explore issues in Chapter 3:

- Cobram activity centre: The generic term applied in Victoria to describe similar centres
- Retail core: The retail and commercial area within the Cobram activity centre.

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2 Planning context

2.1 Planning policy framework

Victorian planning objectives

Council submitted that the Amendment will assist in implementing State policy objectives set out in section 4 of the Act by assisting in the fair, orderly, economic and sustainable use of land and contribute to a continued pleasant, efficient and safe working, living and recreational environment for residents and for visitors to Cobram through:

- the development of a shopping centre including a full line supermarket, a second smaller supermarket, associated specialty stores and a medical centre which will ensure the retail needs of existing and future residents in Cobram can be met
- meeting the current shortfall in retail floor space that services the town as identified in the *Retail Policy Framework*
- the development of an underutilised prominent corner site, with frontage to the Murray Valley Highway and Colgan Street, and within the existing commercial area of Cobram as a 'gateway' to the town centre creating a significantly improved urban design outcome for the town entrance and bringing economic benefits.

Clause 11 (Settlement)

Council submitted that the Amendment supports Clause 11 by:

- anticipating and responding *"to the needs of existing and future communities through provision of zoned and serviced land for housing, employment, recreation and open space, commercial and community facilities and infrastructure"*
- *"providing for appropriately located supplies of residential, commercial, and industrial land across a region, sufficient to meet community needs in accordance with the relevant growth plan"* including consistency with the *Hume Regional Growth Plan* - Clause 11.01-1S (Settlement)
- facilitating growth and development in the regional cities of Shepparton, Wangaratta, Wodonga and in Benalla, consistent with the *Hume Regional Growth Plan* with Cobram is identified as a cross-border settlement with Barooga and a key urban settlement where growth in urban locations and lifestyle opportunities should be supported - Clause 11.01-1R (Settlement – Hume)
- ensuring a sufficient supply of land is available for commercial and retail development and to ensure such development is appropriately planned and that development occurs in an orderly manner - Clauses 11.02 (Managing Growth) and Clause 11.02-1S (Supply of urban land)
- encouraging *"the concentration of major retail, residential, commercial, administrative, entertainment and cultural development into activity centres that are highly accessible to the community"* and building up activity centres *"as a focus for high-quality development, activity and living by developing a network of activity centres that:*
 - *Comprises a range of centres that differ in size and function.*
 - *Is a focus for business, shopping, working, leisure and community facilities.*
 - *Is connected by transport.*

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- *Maximises choices in services, employment, and social interaction' - Clause 11.03-1S (Activity Centres).*

Clause 12 (Native Vegetation Management)

Council submitted that the Amendment supports Clause 12 by:

- ensuring that the removal of native vegetation will not result in a net loss in biodiversity through offset arrangements - Clause 12.01 (Biodiversity) and Clause 12.01-2S (Native vegetation management).

Clause 15 (Urban Environment and Heritage)

Council submitted that the Amendment supports Clause 15 by:

- ensuring that the development is designed to a high standard in a manner which reflects its setting and surrounding landscape, creates a safe and easy to use environment, enhances the public realm and contributes to a sense of place - Clause 15.01-1S (Urban design) and Clause 15.01-2S (Building design)
- ensuring the siting, scale and appearance of development responds appropriately to the local character – Clause 15.01-5S (Neighbourhood character) and Clause 15.01-6S (Design for Rural Areas).

Clause 17 (Economic Development)

Council submitted that the Amendment supports Clause 17 by:

- encouraging development that meets the communities' needs for retail, entertainment, office and other commercial services
- planning for adequate supply of commercial land in appropriate locations
- locating commercial facilities in existing or planned activity centres
- providing new convenience shopping facilities to meet the needs of the local population in new residential areas and within, or immediately adjacent to, existing commercial centres
- providing small scale shopping opportunities that meet the needs of local residents and workers in convenient locations - Clause 17.02-1S (Business)
- managing out-of-centre development by discouraging proposals for expansion of single use retail, commercial and recreational facilities outside activity centres, giving preference to locations in or on the border of an activity centre for expansion of single use retail and commercial facilities - Clause 17.02-2S (Out-of-centre development)
- ensuring that out-of-centre proposals are only considered where the proposed use or development is of net benefit to the community in the region served by the proposal or provides small scale shopping opportunities that meet the needs of local residents and works in convenient locations - Clause 17.02-2S (Out-of-centre development)
- Encouraging tourism by developing a range of well-designed and sited retail opportunities – Clause 17.04-1S (Facilitating tourism).

Clause 18 (Transport)

Council submitted that the Amendment supports Clause 18 by:

- integrating land use and transport to create a safe and sustainable transport system through the provision of a proposed pedestrian connection between the site and the

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existing Woolworths supermarket along the northern side of Colgan Street and the eastern side of Dillon Street - Clause 18.01-1S (Land use and transport planning)

- encouraging the use of walking and cycling by creating environments that are safe and attractive through the development of high-quality pedestrian environments - Clause 18.02-1S (Sustainable personal transport).

Clause 21 (Municipal Strategic Statement)

Council submitted that the Amendment supports the Municipal Strategic Statement by:

- Clause 21.03 (Settlement), which supports the development of Cobram, identified as one of the Shire's four principal townships.
- Clause 21.03-2 (Orderly development of towns and settlements), which seeks to ensure that development in Cobram is consistent with adopted strategy plans and town framework plans including the Cobram 2025 Cobram Strategy Plan and Addendum 2008
- Clause 21.03-9 (Further Strategic Work), which identifies the need to review existing strategy plans for the four major towns – Cobram, Yarrawonga, Nathalia and Numurkah, and which has recently taken place but not yet introduced into the Moira Planning Scheme (refer Chapter 1.2(ii))
- Clause 21.04 (Environment and Heritage), through the application of permit conditions which aim to protect native vegetation and biodiversity and improve water management
- Clause 21.06 (Economic Development), by supporting tourism growth and facilitating retail and industrial growth in the urban areas
- Clause 21.07-1 (Cobram), ensuring development is generally consistent with the Cobram Framework Plan 2007 (refer Figure 6) which shows the site located within a broader area designated "*consolidate restricted retail uses and other complimentary uses*" and the area to the east of the site, around Punt Road, identified as "*consolidate town retail centre*", and includes strategies which seek to:
 - maintain the clear division between land use activities
 - relocate inappropriate, non-core uses in the town centre to more suitable and appropriately zoned sites
 - encourage the redevelopment of vacant and underutilised sites in the commercial precincts, including the town centre
 - protect the town centre by supporting new retail developments that provide active frontages on the ground floor with offices above the ground floor in the streets surrounding the town centre
 - encourage the establishment of a Cobram Business Park
 - facilitate the redevelopment of surplus railway land for open space or commercial uses.

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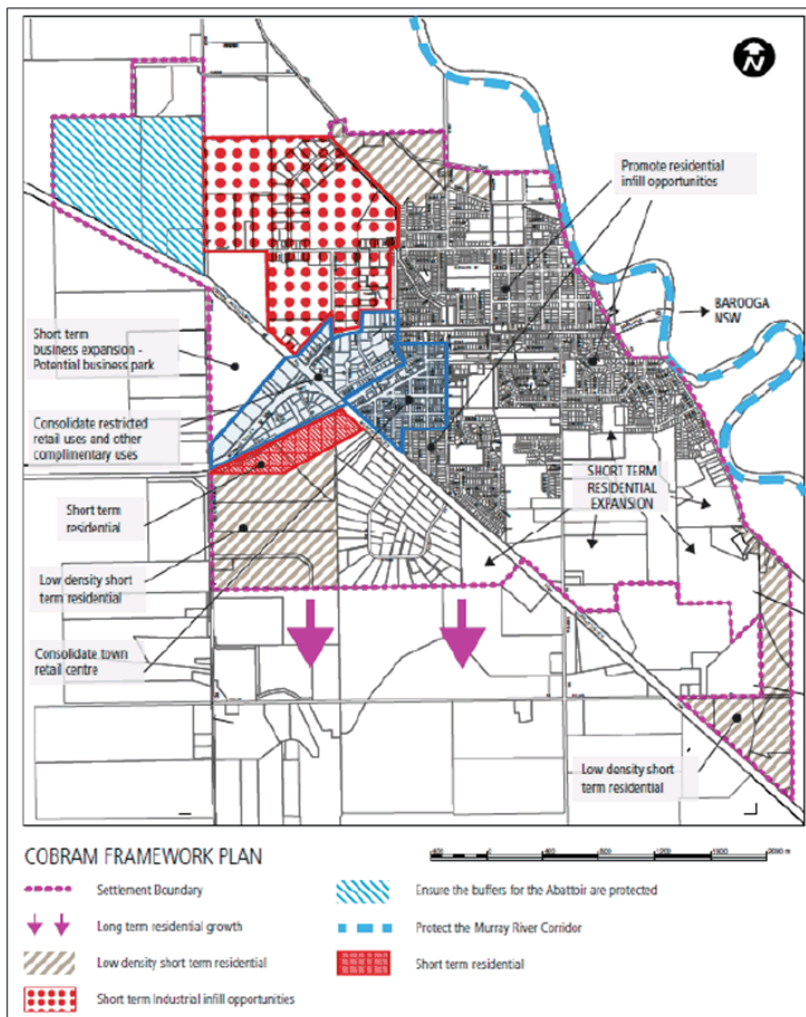
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Figure 6 Cobram Framework Plan



Source: Clause 21.07 of the Moira Planning Scheme

2.2 Other relevant planning strategies and policies

(i) Hume Regional Growth Plan

The Hume Regional Growth Plan provides broad direction for land use and development across the Hume region, as well as more detailed planning frameworks for the key regional centres of Shepparton and Wangaratta. Tourism is identified in the plan as an important

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industry and employer for the Hume Region. The plan recognises that key regional attractions, such as the Murray River, have provided the region with a niche in tourism markets. The plan recognises the interdependent relationship between the cross-border twin towns of Cobram-Barooga and Yarrawonga-Mulwala in terms of services and that these relationships comprise larger and more diverse economies. Council submitted that the Amendment supports the Hume Regional Growth Plan because Cobram is identified as one of three cross border towns where growth is supported.

(ii) Cobram 2025: Cobram Strategy Plan

The Cobram Strategy Plan, produced in 2007, provides guidance for the development of the land. It is identified as a reference document (background document) in Clause 21.03 and informed the Cobram Framework Plan included in Clause 27.01-1.

The Cobram Strategy Plan was informed by the:

- *Cobram Urban Design Framework*, David Lock Associates, July 2005 (Urban Design Framework) and which is relied upon in the Strategy⁵
- *Industrial Land Review*, SGS Economics and Planning, January 2007 which forms the Industrial Land Use and Development chapter of the Strategy Plan.

Chapter 6 of the Strategy Plan deals with Commercial and Retail activity and identifies that the town centre:

- is described as being “generally defined by the Murray Valley Highway to the south, Broadway Street to the north and west and Williams Road to the east”
- contains a mix of retail outlets and other services such as commercial, professional, entertainment and health
- is relatively consolidated and should be able to accommodate growth and its relative compactness has been a major contributor to its success as a commercial centre.

The Strategy Plan notes some of the context and perceptions analysis from the Urban Design Framework including:

- potential growth constraints of the town centre because of leasing arrangements of railway land and resultant impacts on centre spread with the anchor Woolworths supermarket separated from much of the centre by the Ford dealership
- lack of visibility of the retail area from Broadway Street and Murray Valley Highway
- shortage of larger sites (in excess of 6,000 square metres) to provide opportunities for major operators
- many empty retail shops (10) and seven vacant sites
- Yarrawonga’s growth may impact on the centre.

Other Urban Design Framework observations and associated recommendations included:

- ‘ordinary’ quality and appeal of public spaces and streetscapes, relatively illegible street layout, with footpath upgrading, pedestrian crossing improvements and street tree planting recommended
- lack of a defined ‘centre’ of town for non-shopping activity with a town square proposed in in Bank Street

⁵ p47

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- the corner of Punt Road and Murray Valley Highway is the town's entry feature with a square and gateway treatment recommended for Federation Park.

The Strategy Plan identifies one of the recommendations of the Urban Design Framework to create a vibrant and effective core by ensuring the Business 1 Zone area (now C1Z) "*maintains its consolidated scale and full business occupancy rates in shops*" is encouraged, and the Business 3 Zone (now C2Z) and "*adjacent Industrial 1 Zone are protected to some extent to provide for manufacturing and industrial land in the future*".

In response to increasing competition from nearby towns the Strategy Plan identifies that there is a need to emphasise Cobram's opportunities as a location for entertainment, tourism and speciality retailing. It also promotes the town centre as the location for higher order professional and community services and to meet the retail/commercial needs of expanding residential areas. The Strategy identifies that a retail floor space analysis is required "*to determine how much floor space is likely to be required over the next 15 to 20 years, and to identify the preferred future mix and roles of different commercial locations*". The Strategy Plan identifies the need to provide a variety of commercial and business land to cater for different retailing activities, with the majority of such land provided in a consolidated town centre and bulky goods/highway retailers on periphery sites, and convenience shopping within emerging residential neighbourhoods.

Both the Strategy Plan and Urban Design Framework explore options for future commercial activity and the role of different sites (refer Figure 7):

- Vacant sites – support recommendations of Urban Design Framework for improvements to the town centre to encourage full occupancy
- Saleyards site – possible relocation of saleyards to provide for commercial redevelopment although cautioning application of a Business 1 Zone until a retail floorspace analysis has been completed to avoid the risk of further dispersing and fragmenting the commercial centre
- Railway land – potential to better utilise former vacant or underutilised railway land to provide better centre connectivity
- Punt/Terminus Streets (Ford dealership site) – opportunity for redevelopment into smaller tenancies to provide an active shop front
- The Triangle – high exposure site bound by Murray Valley Highway, Cobram Koonoomoo Road and Ritchie Road
- Village green – development of a town centre/village green along Bank Street between Punt Road and High Street.

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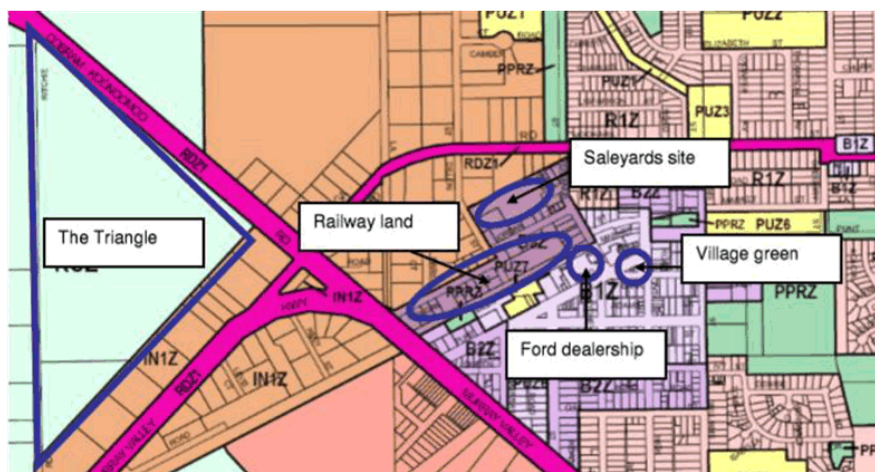
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Figure 7 Land supply options for future commercial development (Cobram Strategy Plan Figure 10)



Specific recommendations relating to the Cobram activity centre include:

- Maintain the compact nature of the Cobram town centre and to intensify retail and commercial uses within the existing town centre, including the existing Business 1 zoned land;
- Encourage the urban design initiatives for the town centre as set out in the Cobram Urban Design Framework David Lock & Associates, July 2005);
- Encourage the relocation of businesses such as car dealerships to less centralised areas in Cobram, such as adjacent to existing car dealerships on the Murray Valley Highway. It is further noted that the sites with frontage to Punt Road are more appropriate for higher order retail and commercial uses. Such uses would facilitate continuity of the "active shop front retail experience" along the northern side of Punt Road, east of the Safeway supermarket;
- Continue discussions with VicTrack in regard to undertaking a land swap to relocate the railway station and associated land from the town centre. This would free up the railway reservation for commercial development and enhance connectivity between commercial areas north and south of the railway line;
- Encourage higher density residential development on the periphery of the town centre to provide support and contribute to its vibrancy.

Specific recommendations relating to the bulky goods and peripheral sales include:

- Initiate a new Business 4 Zone (peripheral sales) precinct as per the recommendations of the Industrial Land Review (Maunsell Australia, 2004)⁶
- Establish a 'Business Park' to be zoned Business 4 in the triangle defined by The Murray Valley Highway, Cobram Koonoomoo Road and Ritchie Road (subject to further floorspace needs analysis). ...
- Encourage the relocation of businesses such as car dealerships to less centralised areas in Cobram, such as to the abovementioned Business 4 Zone precincts. It is further noted that the sites with frontage to Punt Road are more appropriate for

⁶ This included the subject land within the then Industrial 1 Zone precinct bound by Murray Valley Highway, Cobram Koonoomoo Road, Broadway Road and Colgan Street and Industrial 1 zoned land along Murray Valley Highway south-east of the Triangle site.

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higher order retail and commercial uses. Such uses would facilitate continuity of the "active shop front retail experience" along the northern side of Punt Road, east of the Safeway supermarket

The recommendations are generally reflected in the Cobram Framework Plan (Figure 18).

Council indicated that the strategy identifying the site and surrounding Industrial 1 zoned land to be rezoned to Business 4 reflects the age of the recommendation and that the Business 4 zoning was implemented some years ago.

Council submitted that the Amendment was consistent with the Cobram Strategy Plan.

2.3 Planning scheme provision

A common zone and overlay purpose is to implement the Municipal Planning Strategy or Municipal Strategic Statement and the Planning Policy Framework.

(i) Zones

The C2Z applies to the subject land and its surrounding area. The purposes of the Zone are:

- To encourage commercial areas for offices, appropriate manufacturing and industries, bulky goods retailing, other retail uses, and associated business and commercial services.
- To ensure that uses do not affect the safety and amenity of adjacent, more sensitive uses.

The C2Z requires a permit for certain retail premises, including a supermarket of no more than 1,800 square metres. It does not require a permit for:

- a shop if it is associated with a supermarket, the combined floor area for all shops does not exceed 500 square metres and the site adjoins a Road Zone
- a restricted retail premises.

The Amendment proposes to apply the C1Z to the subject land. Its purposes include:

- To create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses.
- To provide for residential uses at densities complementary to the role and scale of the commercial centre.

The C1Z does not require a permit for a shop, including a supermarket and office (which includes medical centre). There is no maximum leasable floor area for an office or shop. The zone requires a permit to develop the subject land.

The subject land abuts two Category 1 roads (Murray Valley Highway and Broadway Street) located within a Road Zone (RDZ1). The RDZ1 requires a planning permit to construct a building or construct or carry out works (an access in this case) for a use which requires a permit.

(ii) Overlays

Parking Overlay Schedule 2 applies to the subject land and specifies varied parking rates from those nominated at Clause 52.06 (Car parking).

The subject land is not located in a Bushfire Management Overlay or in a designated bushfire prone area.

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(iii) Other provisions

Relevant particular provisions include:

- Clause 52.02 (Easements, Restrictions and Reserves), which provides for the creation, removal and variation of an easement (as proposed) through a planning permit.
- Clause 52.06 (Car Parking), which requires a planning permit to reduce the provision of on-site car parking below the nominated rates for specified uses or in a parking Overlay. A Traffic Engineering Assessment was provided in support of the Amendment which identifies that the required number of spaces has been provided within the proposed development.
- Clause 52.17 (Native Vegetation), which requires a permit to remove, destroy or lop native vegetation, including dead native vegetation on land greater than 0.4 hectares in area and which is not otherwise exempt. The vegetation to be removed by the proposed planning permit is not exempt. Clause 52.17 provides a tree stepped approach to ensure no net loss of biodiversity and requires the provision of offsets for vegetation removed. An Ecological Features and Constraints report was provided in support of the Amendment which identifies offset requirements. Conditions 5 and 6 of the exhibited planning permit provide for offsets.
- Clause 52.19 (Land Adjacent to a RDZ1 or a Public Acquisition Overlay for a Category 1 Road), which requires a planning permit to create or alter access to a road in a RDZ1.
- Clause 52.34 (Bicycle Facilities), which requires a planning permit to reduce the provision of on-site bicycle parking facilities below the nominated rates for specified uses. A Traffic Engineering Assessment was provided in support of the Amendment which identifies that the required number of bicycle spaces has been provided within the proposed development.

2.4 Ministerial Directions and Practice Notes

The Explanatory Report discusses how the Amendment meets the relevant requirements of Ministerial Direction 11 (Strategic Assessment of Amendments) and Planning Practice Note 46: Strategic Assessment Guidelines, August 2018 (PPN46). That discussion is not repeated here.

The combined Amendment and permit application are consistent with the Ministerial Direction on the Form and Content of Planning Schemes pursuant to Section 7(5) of the Planning and Environment Act. It is consistent with the Ministerial Direction 1 – Potentially Contaminated Land, Ministerial Direction 11 - Strategic Assessment of Amendments as discussed in Chapter 6. The Amendment has been prepared consistent with Ministerial Direction No. 15 – Planning Scheme amendment process.

Chapter 3 of this Report considers the key strategic issues and discusses whether the proposal (the Amendment and permit) has a sufficient level of strategic justification to support it.

2.5 Recent strategies

Council submitted that there were two recent strategic reviews which support the Amendment and planning permit application.

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(i) Retail Policy Framework for Cobram and Yarrowonga: Options Report

The *Retail Policy Framework for Cobram and Yarrowonga: Options Report* (Retail Policy Framework) was prepared by SED Planning in July 2017 to inform a review of the Moira Planning Scheme in relation to retail provision in the two centres. It is supported by a Background Analysis (February 2017). While Council has adopted the Retail Policy Framework, Council indicated that it was not likely to form part of the Moira Planning Scheme in the future.

The Retail Policy Framework provides a policy statement or vision:

Retail use and development in Cobram and Yarrowonga will provide choice and diversity for local residents, support local employment and tourism, and reduce escape expenditure to other centres.

It provides guiding principles for retail development and identifies:

- the need for approximately 7,150 square metres of additional retail floor space (or 1.75 to 2 hectares of commercial land) in Cobram by 2031 (based on the 2.2 square metres per capita retail floor space ratio allowing for projected tourism demand and applying a 10 per cent allocation for leakage) noting that 6,500 square metres of this projected demand is a projected current shortfall
- that this floor area could accommodate a full line supermarket, a small discount department store and additional retail and restricted retail floor space
- impacts of an expanded retail sector on traders is considered minimal, but development should support the overall functioning of the centre, create economies of scale, be of a scale consistent with demand and provide increased choice and diversity to the retail offer
- while integrated development within the C1Z is preferred to support a centralised town centre, the lack of large vacant sites requires redevelopment and consolidation of properties to accommodate larger floor plate development which could be cost inhibitive, supports the use of vacant C2Z parcels near the core retail area
- a range of C1Z and C2Z site options (Figure 8) to accommodate future retail floor space
- analysis of three large vacant C2Z sites (Figure 9) investigated for their suitability to accommodate large plate conventional retail development such as a full line supermarket of 3,200 to 3,500 square metres and/or a discount department store and based on proximity to the C1Z and retail core, road access, frontage and exposure criteria:
 - Site 1 – a 1 hectare site fronting Dillon and Terminus Streets (VicTrack site)
 - Site 2 – a 1.4 hectare site (former saleyards) fronting Dillon and Mill
 - Site 3 – a 2.8 hectare site (the subject land and Amendment site).

The Options Report concludes that the three sites are generally suitable for a supermarket or discount department store depending upon the development outcome sought, but identified that building size and design is less limited on Sites 2 and 3 given site dimensions. Based on the location criteria and the large amount of retail floor space required to meet current and future demand, Site 3 was identified as the only viable option.

The Retail Policy Framework recommends implementing a decision-making framework to guide decisions for large scale developments or developments outside zoned and planned

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retail nodes, with significant developments providing an Economic Impact Statement to Council outlining:

- trade area and catchment details
- economic impacts on existing retail within the town centre
- net community benefit
- response to the guiding principles for retail development included in the Retail Framework Plan.

Figure 8 Potential retail expansion areas

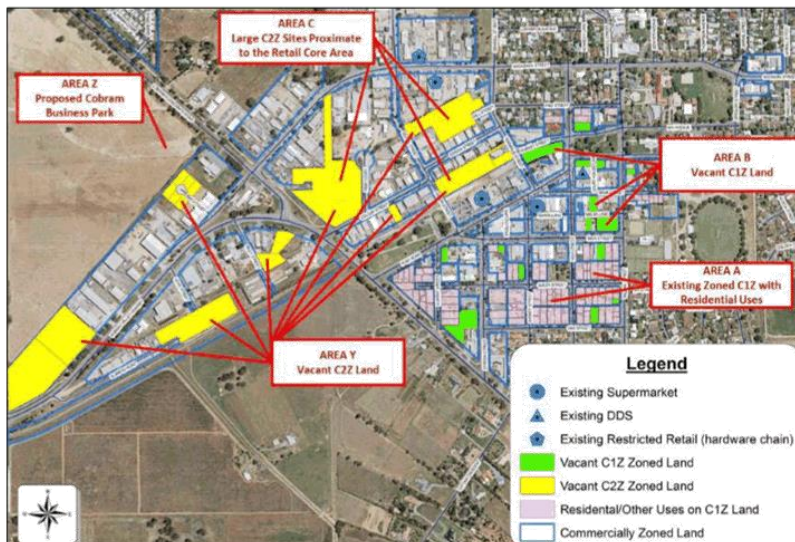


Figure 9 Large retail floor plate Investigation sites



Other recommendations include amending Clauses 21.06 (Economic Development) and 21.07 (Local Areas) in the Moira Planning Scheme to:

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- introduce a vision and guiding principles for retail development
- discourage retail development outside the C1Z and C2Z
- encourage the use of vacant sites and redevelopment of sites in the C1Z to support a compact town centre structure
- seek inappropriate, non-core uses in the town centre to relocate to suitably zoned sites
- consider rezoning a suitable strategically located C2Z site to C1Z to accommodate a large floor plate conventional retail development.

(ii) Background Analysis

The Background Analysis identifies:

- an estimated primary retail catchment area for Cobram and Yarrawonga which reflects important cross-border links with Barooga and Mulwala and extends into southern New South Wales
- an estimated resident population in the primary retail catchment area for Cobram of 20,150 which is expected to grow by 126 to 1,360 persons (dependant on whether a conservative or higher growth rates is applied) by 2031
- an existing retail floor space assessment with:
 - an estimated conventional retail floor space in Cobram (comprising the town centre and developed commercial land) of 34,457 square metres and a total retail floor area space for the Cobram catchment (including tourism retail floor space) of 40,392 square metres
 - a per capita retail floor space allocation (without the tourism component) for Cobram of 1.84 square metres (compared to 2.39 square metres in Yarrawonga) which indicates potential under supply and leakage to other centres for higher order goods
- a projected retail floor space demand to 2031 with:
 - a per person retail floor space demand (excluding tourism) of 2.2 square metres (theoretical equilibrium for supply and demand) and 2.4 square metres (a higher allocation recognising existing trade leakage to other centres and the strategic benefits of additional supply in terms of choice and range)
 - need for between 7,512 and 11,567 square metres of additional retail floor space in Cobram to 2031
- zoned land supply comprising:
 - over 8 hectares (44 per cent) of C1Z land in Cobram (which has a total of 19.8 hectares of C1Z) is vacant or used for residential or other purposes, potentially requiring consolidation of lots for larger floor plate developments such as supermarkets
 - over 11 hectares (23 per cent) of C2Z land in Cobram (which has a total of 47.2 hectares of C2Z) that is vacant, which is considered adequate to meet the future supply needs of restricted retail and bulky goods developments
- the C1Z can accommodate significant growth, while the C2Z has three vacant sites capable of accommodating medium to large retail developments near the retail core.

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(iii) Major Towns' Strategy Plan Review (Yarrawonga, Cobram, Numurka and Nathalia)

The Major Towns' Strategy Review (Strategy Review) was prepared by SED Planning in June 2018 and adopted by Council on 25 July 2018. It reviewed the Cobram Strategy Plan 2025 (2007) and adopted the findings of the Retail Policy Framework.

The Strategy Review:

- identified that the Cobram Strategy Plan is well founded and remains relevant but recommends it be updated to reflect policy changes identified in the Retail Policy Framework and include a new structure plan map
- identified that despite significant commercial zoned land in Cobram, "*the commercial real estate market is relatively underutilised*" due primarily to the dominant role of agriculture and manufacturing in the local economy
- suggested that demand for commercial and office floor space is unlikely to grow above recent trends, with growth in the health, education and professional services sectors likely to define future requirements
- identified that the fragmentation of existing sites in C1Z and use of C2Z constrain the Cobram activity centre from being able to offer an appropriate site for a new discount department store or large size supermarket 'type' development, requiring additional C1Z
- recommended the inclusion of site 3 (the subject land) within the revised structure plan map to meet immediate term retail needs
- recommended that the Ritchies Road site be identified for future investigation for rezoning to Mixed Use Zone or C1Z to facilitate future growth.

The Strategy Review has not been implemented into the Moira Planning Scheme and Council anticipates that this process will commence later in 2019.

2.6 Discussion and conclusions

Council submitted that the Amendment was consistent with the Planning Policy Framework and Municipal Strategic Statement and recent strategic planning work. The Panel considers that the proposal presents a number of strategic policy and planning issues which are examined in greater detail in Chapter 3.

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3 Strategic issues

3.1 Planning policy support

(i) The issue

The issue is whether there is planning policy support for the proposal.

(ii) Submissions and evidence

The Panel requested Council to identify retail policies and strategies that support the subject land being used for commercial purposes.

Council submitted that there were no policies or strategies that are part of the Planning Scheme that specifically support the proposed use of the land for the level of development. Council considered the proposal to be consistent with the strategies in Clauses 21.06-1 and 21.07-1.

Mr Horsfall considered that the Amendment would benefit from strengthening Clause 21.07-1, consistent with the Retail Policy Framework and Strategy Review. Specifically, the Review recommended replacing the annotation for the area surrounding the subject land from 'Consolidate restricted retail uses and other complimentary uses' to a site specific 'Commercial 1 Zone'. Mr Horsfall explained:

In the absence of such an inclusion and change, there is little in this clause to guide the future commercial development within the central core of Cobram other than to encourage the development of vacant sites and for such development to have active street frontages. This is potentially problematic for the amendment as there is a general lack of strategic support in the MSS and clause 23.02 of the planning scheme requires Council's to take into account the MSS when formulating amendments and considering planning permit applications. However, post-dating the current MSS there is convincing recent evidence provided in the CRMPA and RPF to support the rezoning.

Council did not support this change. In response to a question from the Panel, Mr McGurn indicated that, while it would be preferable to reflect the rezoning in Clause 21.07-1, it wasn't necessary.

Mr Milner and Mr McGurn considered that the proposal was consistent with policy objectives and strategies in Clauses 11, 11.03-1S and 17.02-1S. Ms Brennan submitted that the proposal was supported by policies in the Municipal Strategic Statement that support growth and development in Cobram generally consistent with the Cobram Framework Plan and by extension, the Cobram Strategy Plan. Ms Brennan added that the retail Policy Framework and Strategy Review reflected Council's most recent strategic thinking and established clear and express policy support for the proposal.

Mr Bartley presented an alternative view that the subject land was outside the Cobram activity centre, as identified in Clause 21.07-1, and was an out-of-centre development. He submitted that, while the Retail Policy Framework and Strategy Review documents may have some relevance, they have not undergone a level scrutiny that a planning scheme amendment would provide and should not take precedence over documents in the Moira Planning Scheme.

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(iii) Discussion and conclusions

In reviewing the submissions, evidence and the content of Clause 21.07-1, the Panel considers that for a retail development of this size, the policy is unclear and contradictory. Clause 21.07-1 provides policy support for an expanded centre to accommodate retail uses requiring larger sites. The policy at the same time is aiming for a consolidated retail core and vibrant centre. This would seem to suggest that there is a level of policy support for uses such as supermarkets and offices in the C2Z and consolidating specialty retail activities within the retail core. Similarly, while there is no specific existing policy support for the proposal or for applying the C1Z to the subject land. Neither is there policy discouraging the C1Z to achieve a particular development outcome that, cannot at face value, be accommodated within the core or immediately adjacent to it.

As identified by Mr Horsfall, Clause 21.07-1 is ambiguous in its intentions and contains "... little ... to guide the future commercial development within the central core of Cobram ..." and "... a general lack of strategic support in the MSS ... when formulating amendments and considering permit applications".

The Panel acknowledges the work of Council in developing the Retail Policy Framework and Strategy Review to address this policy gap as a step in the right direction. The work adds a greater level of direction to where future supermarket or discount department store retail floor space demand may be met. This work will inform future structure planning in the town centre but does not support the proposal now.

Clause 21.07-1 seeks to consolidate the retail town centre (C1Z). The proposal does not align with this policy objective. The proposal, given its extensive retail floorspace and retail mix and its physical separation from the existing retail core, represents a second retail core.

The Panel accepts Ms Brennan's arguments that the adopted strategic work can be a relevant consideration consistent with PPN46 in response to a broad range of factors including the age of the Cobram Strategy Plan, changes in policy context, the level of community engagement and the independent evidence provided. The Panel notes that the Cobram Strategy Plan is over 12 years old, (although the Amendment to introduce it is not) and the timing of recent strategic work did not enable changes to Clause 21.07 as part of Amendment C77 in December 2017. The Panel considers that the recent strategic work reinforces some of the key observations of the Cobram Strategy Plan relating to the role of key sites, the centre's limited highway visibility and the need for larger commercial development sites. The Retail Policy Framework responds to the identified need to undertake a retail floor space analysis and demand for retail floor space in and around the town centre. It assisted the Panel to understand the current level of commercial floor space needs for Cobram and the wider trade area, which have been reflected in the economic evidence provided. The Panel notes that the proposal is inconsistent with the proposed Retail Policy Framework which encourages "the use of vacant sites and redevelopment of existing sites in the C1Z area for retail uses to support the compact town centre structure".

However, given that the Strategy Review (and the Retail Policy Framework directions it incorporates) have not been through an Amendment process, the Panel has given the document less weight as a policy document.

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Mr Horsfall's evidence sought changes seek to address policy confusion and deficiencies to provide more strategic support for the rezoning of the site to C1Z. However, the Panel does not support including changes to Clause 21.07-1 that effectively 'cherry pick' elements out of the Strategy Review to support the rezoning. It notes that neither Council nor the Proponent sought such a change.

The Panel considers it inappropriate, in the context of considering submissions to this Amendment, to comment on the Retail Policy Framework or Strategy Review beyond a broader observation about the limitations of existing policy, which the Panel considers needs strengthening to provide a more robust policy framework for considering proposals of this scale.

The Panel concludes:

- There is no specific policy support for a retail centre of the scale and nature proposed in the exhibited permit application
- Establishing a second retail core on the subject land does not align with planning policy which seeks to consolidate 'town retail centre' on C1Z (existing retail core).
- In the absence of relevant policy, the proposal should be considered on its merits taking into account its economic impact and impact on the functionality of the town centre and retail core.

3.2 Is the subject land in the Cobram activity centre and its retail core?

(i) The issue

The issue is whether the subject land is located in the Cobram activity centre and its retail core.

(ii) Evidence and submissions

The Panel heard submissions from Council, the Proponent (Tipalea Pty Ltd) which owns the subject land and Now Make Pty Ltd (Now Make) which owns 54-58 Punt Road Cobram which is tenanted by Woolworths. Council called planning evidence from Mr Horsfall and economic evidence from Mr Irish. The Proponent called planning evidence from Mr Milner and Mr McGurn and economic evidence from Mr Duane.

Submissions and evidence used a range of terms to describe the nature and extent of Cobram's town centre and whether the subject land was in or outside the town centre. Terms used included town centre, activity centre, retail core, commercial core and CBD. In part, these terms and the positions on them were informed by:

- Clause 21.07-1 Cobram Framework Plan notations: 'Consolidate town retail centre' and 'Consolidate restricted retail uses and other complimentary uses' – the latter area including the subject land
- the extent of the C1Z and C2Z and the similarities of those two zones in terms of permissible retail uses
- the extent of Heritage Overlay HO251 (Cobram Town Centre precinct) and Parking Overlay

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- the Cobram Strategy Plan including context discussions in Part 6.1 which describes the Cobram Town Centre as generally defined by the Murray Valley Highway, Broadway Street and Williams Road (Document 8) noting this area also includes a large area of General Residential 1 zoned land
- the Urban Design Framework which informed the Cobram Strategy Plan and identified the retail town centre as Punt and Main Roads
- various VCAT decisions and Panel reports including the panel's report on Moira Planning Scheme Amendment C77⁷
- the broader use of those terms from an urban planning perspective based on building form and land use mix and the likely experience of users of the centre.

Parties and their expert witnesses were asked before the Hearing to provide a definitive position on whether the subject land was in or out of the town centre, or whether this could not be determined based on available information. Table 1 summarises their responses and highlights the various terms used to describe the town centre.

Table 1 Cobram activity centre extent

Party/expert	Position
Council	The subject land is in the Town centre as identified in the Cobram Strategy Plan
Mr Horsfall	The subject land is in the Cobram CBD and part of the commercial core
Proponent	The subject land is not in the defined town retail centre (as identified in Clause 21.07-1 Framework Plan map) but is within the commercial area of the township and close to or adjacent to the town retail centre
Mr Milner	The subject land is not in the town retail centre (as identified in Clause 21.07-1 Framework Plan map) but is adjacent to it and within the Cobram Activity Centre (as defined by the extent of commercial zones)
Mr McGurn	The subject land is set slightly apart from the town retail centre (the C1Z zoned land) and traditional town centre and is an 'out of centre' development for the purposes of clause 17.02-2S but satisfies those provisions
Now Make	The subject land is out of the retail town centre (and is an out-of-centre development for the purposes of Clause 17.02-2S) based on extent of C1Z, the Framework Plan map in Clause 21.07-1, the Urban Design Framework description and HO251 extent. Greater weight should be attributed to Clause 21.07-1 than the reference document (Cobram Strategy Plan)

Ms Brennan considered the terms used by the parties and various documents to describe the Cobram activity centre and the relative location of the subject land in the absence of definitive direction to be interchangeable 'nomenclature'.

⁷ Amendment C77 sought to amend the Moira Planning Scheme to revise the Local Planning Policy Framework to reflect a new structure and revised content and implement the Moira Small Towns and Settlement Strategy Plan, 2013 and Moira Small Towns and Settlement Strategy Plan Addendum Report, 2017 and correct various zone anomalies.

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(iii) Discussion

The parties did not reach a common position as to the extent of the Cobram activity centre and whether the subject land was in or out of the centre. The Panel has given Clause 21.07-1 greater weight than a 12-year-old reference document (Cobram Strategy Plan).

While Clause 21.07-1 refers to a town centre, it does not clearly identify the town centre in the clause's Framework Plan. The Framework Plan seeks to "*consolidate town retail centre*" on C1Z land which differs from the town centre term referred to in the clause's local area implementation strategies. It also seeks to consolidate restricted retail uses and other complimentary uses on C2Z.

The two-pronged policies to consolidate two different types of retail premises in two different identified areas may infer that they form part of a modern defined activity centre. However, the Panel considers that the policy does not clearly define the extent of the Cobram activity centre.

The Cobram Strategy Plan, while it is 12 years old and does not form part of the Planning Scheme, defines the town centre as all C1Z land and C2Z land bounded by Broadway Street and the Murray Valley Highway. Clause 11.03-1S (Activity centres) identifies that activity centres comprise a range of different sizes and functions and are focused on business, shopping, working, leisure and community facilities.

The Panel considers the relationship between the application of the C1Z and C2Z are useful pointers as to the mix of uses sought for a centre and the location of the retail core, but they do not necessarily define the extent of it. Town centres typically support a range of community facilities and services with non-commercial zones. It is not unusual for a retail core to be supported by a peripheral sales precinct supporting bulky goods and larger format retailing which cannot be easily accommodated within the more fine-grained, active frontage characteristics of the traditional town centre or retail core. In some centres, the retail core will have a clearly defined core and hard edge with residential areas (the Panel observed this form of town centre in Yarrowonga).

In Cobram, a distinct hard edge exists with a retail core along Punt Road and the streets to the immediate south. This core area immediately adjoins the C2Z to the north which comprises a mix of light industrial, and industrial sales, machinery and vehicle sales, and restricted retail-commercial uses particularly in the southern portion along Colgan Street (such as Repco). While the built form in these two areas is markedly different, the former rail line no longer acts as a barrier to a land use and movement interaction between the two zones. This functional relationship is aided by the improved road connections along Dillon Street and the more recent introduction of the C2Z to replace the previous Business 3, Business 4 and Industrial 1 zones which possibly has had the effect of diminishing the strategic land use clarity that the previous zone typologies provided.

The Panel therefore broadly accepts Mr Milner's definition of the Cobram activity centre. The Panel considers the area referred to as 'town retail centre' to be the activity centre's retail core. The activity centre has a restricted retail and complementary uses area, as identified in the Clause 21.07-1 Framework Plan. In line with the Cobram Strategy Plan, the Panel considers

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that the restricted retail and complementary uses area is generally bounded by Murray Valley Highway/Koonoomoo Cobram Road and south of Broadway Street.

(iv) Conclusion

The Panel concludes:

- The subject land is:
 - in the Cobram activity centre
 - outside the retail core of the activity centre
- Clause 17.02-25 (Out-of-centre development) is not relevant.

3.3 Is the Commercial 1 Zone appropriate in this location?

(i) The issues

The issues are:

- Whether rezoning 31,500 square metres of land to C1Z to enable 8,615 square metres of retail floorspace on the subject land is appropriate and justified.
- Whether applying the C1Z will negatively impact the structure of the Cobram activity centre or retail core.

(ii) Evidence and submissions

The submissions of Council and the Proponent along with the planning evidence of Mr Milner and Mr McGurn supported the C1Z being applied to the subject land to accommodate the proposed development.

Council, the Proponent and planning experts considered that the rezoning was necessary to accommodate a large retail proposal on a site with highway exposure as anticipated in the Cobram Strategy Plan and to activate an underutilised C2Z zoned site identified in the Retail Policy Framework. The submissions and evidence acknowledged existing strategic work that identified the constraints of accommodating such a proposal within the existing retail core or other strategic sites identified which were considered less favourable.

Mr Bartley submitted that the Amendment and permit would fragment retail shopping and disconnect the commercial centre. He added that there was no clear strategy for the C2Z land and overall structure of the town centre. He considered that the proposal would do nothing to redevelop vacant and underutilised sites and would exacerbate vacancies and declining retail activity, particularly towards the eastern end of town. As a result, he submitted that there would be a blurring of the division between the C1Z and C2Z, little strategic justification to stop other sites being rezoned to C1Z or ability to manage the interface C2Z land between the site and the retail core C1Z. He indicated that any support for the site rezoning and development should be on the basis of a proper review of the area.

Referring to Mitchell C79 (PSA) [2012] PPV82, Mr Bartley submitted it was not *“acceptable to seek outcomes that set aside adopted strategic directions or retrospectively altered to suit”*. In this regard, he considered that Council *“has put the cart before the horse”* and likened the s96A approach to that adopted by the Panel in Greater Geelong C321 (PSA) [2016] PPV 88, where the panel identified that Council should have embarked on incorporating an adopted

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structure plan that it was relying on from a policy perspective before it sought to support an amendment and permit.

Mr Bartley questioned whether sufficient strategic analysis had been undertaken of the existing C1Z area to establish if there was capacity to accommodate a supermarket or the shops in the retail core given the objectives of Clause 21.07-2. He explored this in his questioning of the planning experts. In response to Mr Bartley's submission that the owner of the subject land also owns the large HS West Motors in Punt Road within the retail core, a site identified for relocation, Ms Brennan indicated that the owner had no intention of relocating that operation from the site.

Mr Milner considered it likely that over time, in response to the rezoning and development the C2Z land in Colgan Street could transition to restricted retail uses, but there was no need to undertake a structure plan process to drive this change as the fundamental structure (road network, pedestrian connections and commercial businesses) was in place. This was distinct from other situations he identified in Shepparton⁸ and Churchill⁹ where this structure was absent. Mr McGurn considered that the proposal would be a catalyst for further investment and refurbishment and questioned what a structure plan for the area would show other than a footpath along Colgan Street to Dillon Street. He considered the strategic work had already been done.

Council agreed with the positions of the planning experts that the proposed development and rezoning would result in a change in land use in the intermediate area to the retail core, from the more traditional C2Z uses to retail and commercial orientated uses in an expanded retail core. Mr Pridgeon indicated that the existing C2Z provided the basis to consider such uses. In doing so, Council identified that there is nothing in the Planning Scheme or any seriously entertained strategy plan that provides guidance on how this intermediate land would be used and developed in the future but considered the C2Z provided the flexibility to support retail uses.

Council submitted that while having a structure plan in place may be preferable, its absence should not be fatal to a favourable consideration of the proposal. Mr Pridgeon referred the Panel to VCAT decisions¹⁰ which reinforced the exercise of informed judgement based on existing scheme provisions and site context considerations and the limits of structure planning directions in requiring development opportunities to be taken up. The Proponent's submission reinforced this approach.

Ms Brennan submitted that the *"(p)roposal offers a different product to the Cobram community and will not create a new town centre but rather be an addition to, and extension to the Town Centre"* with the heart continuing to be Punt Road.

Council referred to the findings of the Strategy Review analysis which concluded that *"(t)he cost and related complications of having to consolidate land will very likely discourage the development of a full-line supermarket or DDS in this area, and smaller retail and commercial*

⁸ Amendments C192 and C193 to Greater Shepparton Planning Scheme

⁹ *Fabcot Pty Ltd v Latrobe CC* [2007] VCAT

¹⁰ *Golker v Hume CC* [2018] VCAT 336, *Carinish Holdings Unit Trust v Monash CC* [2017] VCAT 2005 and *Golden Ridge v Whitehorse CC* [2004] VCAT 1706

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developments are most likely to develop in this area over time". It submitted that the Retail Policy Framework states that there are no suitable sites currently available for a full-line supermarket or discount department store. Council added that trying to acquire land could displace existing commercial uses or create conflict with residential uses or result in development outcomes restricted by the Heritage Overlay.

In cross examination, Mr Milner acknowledged that the broader benefits of the proposal were derived from the site development, although rezoning was required to deliver the latent benefit. Mr McGurn in response to questions from the Panel, indicated that it was preferable to have a planning permit in place to make the rezoning more compelling but that the rezoning alone could be justified. Mr McGurn indicated that the C1Z delivers the opportunity for the benefits of the proposal to be delivered.

(iii) Discussion and conclusions

The C1Z is needed to support the permit application for a major retail centre with multiple land uses in the Cobram activity centre, but outside the existing retail core. Applying the C1Z would remove existing relevant land use permit requirements and floorspace prohibitions beyond a maximum area. This is reflected in the permit application which seeks to develop the land – it does not seek to use the land.

The C1Z is a suitable zone to accommodate such a large retail centre. The question for the Panel is whether rezoning 31,500 square metres of land to C1Z, approximately 285 metres away from existing C1Z land, is appropriate?

Council and the Proponent each submitted that the subject land should be rezoned because there was effectively no site in the retail core or close to the core (such as site option 1) that could accommodate the proposed major retail centre. However, the Retail Policy Framework (including its background report) directs larger plate retail such as a full-line supermarket or discount department store to potential land identified in its Figure 17. The Framework never envisaged the need to accommodate the proposed major retail centre or its non-supermarket land uses being located outside Cobram's existing retail core. To the contrary, existing policy, strategies and the more recent Retail Policy Framework encourage such land uses to locate on the many vacant or underused sites in the existing retail core.

There is therefore insufficient policy or strategic support for anything other than a supermarket to locate outside the existing retail core.

The Panel considers that, in the absence of relevant strategic guidance or structure planning, rezoning the subject land will result in Cobram having two poorly connected retail cores.

Rezoning an isolated site in the C2Z area will create a 285-metre distance between the subject land and the existing retail core. While some retail uses are permitted in the C2Z subject to conditions, a permit is not required for a range of manufacturing, industry and offices. The C2Z area appears to be attracting new industrial development and facilities such as the Country Fire Authority's base. It is less likely that these industrial sites will opt to move after recently developing their land. The existing road structure does not directly connect the subject land to the existing retail core because the streets align parallel to the former railway line which effectively dissected the industrial area (now the C2Z part of the Cobram activity centre) with the retail core.

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The Panel accepts the Proponent's submission that, because this is a section 96A proposal, the two elements must be considered together. However, the Planning Scheme should have strategic direction about the future of the subject land and its connectivity to the existing retail core in the event that the Proponent does not act on its permit in the near future. In such a circumstance, Council would be faced with 31,500 square metres of additional C1Z land in the Cobram activity centre without guidance on how to assess a permit application for a very different proposal.

The Panel has reviewed the panel reports and VCAT determinations provided to it during the Hearing. The Panel agrees with the Proponent to the extent that it may be appropriate to locate a supermarket at the edge of an activity centre in some circumstances. However, it is more common to locate them as retail 'anchors' at the edge of the centre's retail/commercial core. The existing Cobram Woolworths is an example of such as use on the edge of the retail/commercial core. It abuts existing retail uses to its east, is located close to the street and has its car park on the core's edge. The Woolworths store in Yarrawonga has a similar arrangement on the edge of the commercial core. Medical centres are often found on the periphery of activity centre given floor space, parking and access needs of patients and also have a place in such locations.

Mr Bartley considered Council's recent strategic work to be insufficient and he identified existing sites within the retail core. The Panel explored this through questions of Council, Mr Milner and McGurn. At first blush, there appears to be a significant amount of land in the retail core to accommodate additional floor space particularly for specialty retail. There are many vacant buildings and underused land, particularly at its eastern and southern edges, including several sites for sale. The retail core has underutilised land to the rear of buildings that can support additional retail floor space, consolidation and redevelopment. This is consistent with the policy objectives of the Cobram Strategy Plan to consolidate retail uses in the core. The planning approvals (Documents 16 and 17) had been issued for sites identified in options 1 and 2 which respectively provide for a large shed/warehouse structure and a multi lot subdivision with a street court which remove the opportunity for these sites to be used for more conventional retail uses (including supermarkets or discount department stores). These are examples of decisions being made in the absence of a clear strategic direction for a cohesive town centre.

It is not the Panel's role to identify other site options or deconstruct the proposal to achieve an ideal or preferred outcome of the development being integrated into the centre. However, it is relevant in the context of Clause 21.07-1 to establish whether the proposal could have a negative impact on the existing retail core.

The Panel is concerned that this proposal (on a low growth scenario) is enabling all of the TTA short-medium term retail floor space needs to be accommodated on a single property which will effectively limit any opportunity for future growth in the existing retail core. Without the necessary structure plan to understand how to integrate the subject land with the rest of the town centre, potential structural issues are likely to be long term and profound.

The Panel may have taken a different view if the Amendment was to rezone land solely for a single supermarket. The Panel notes that the Cobram's existing retail core has many sites that

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could accommodate the proposal's smaller mini major supermarket of 1,700 square metres and mini major area of 635 square metres.

The Panel concludes that:

- There is insufficient strategic justification in the Moira Planning Scheme to support applying the C1Z to 31,500 square metres on the subject land to support the proposed major retail development.
- Without the necessary structure plan and key policy direction, the proposal is likely to have a negative impact on the structure and sustainability of the town centre, particularly the retail core.

3.4 Economic impact

(i) What are the issues

The issues are:

- Is there sufficient demand to support additional floorspace?
- What economic impact would the proposal have on the Cobram activity centre and its retail core?

(ii) Background

In addition to recent strategy work undertaken by Council, the Amendment and permit application was supported by a Retail Market Potential Assessment (Market Assessment) prepared by Location IQ.

The Market Assessment identifies the development's Main Trade Area (MTA) which has a total population of 26,300 including a 'primary' catchment (encompassing the towns of Cobram, Barooga, Tocumwal, Strathmerton and Yarraweyah) and two 'secondary' catchments, extending 80 kilometres north of Cobram to include the towns of Berrigan, Jerilderie and Finley, and 30 kilometres south of Cobram to include the towns of Numurkah, Katunga, Katamatite and Burramine (Figure 10). A Total Trade Area (TTA) population of 38,320 is identified which includes a 'tertiary' catchment to the east including the town of Yarrawonga and surrounds. The MTA and TTA are expected to grow 2,025 and 4,375 persons respectively by 2036.

The Market Assessment identifies:

- per capita retail expenditure of residents in the MTA
- retail expenditure generated by the MTA (\$350.1M) and the TTA (\$515.2M) increasing to \$471.9M and \$719.4M respectively by 2036 based on an estimated average annual retail spending growth rate of 1.8 per cent
- retail spending by commodity, with the largest spending market being food and liquor (48.9 per cent of spending)
- the competitive retail floor space and supermarket environment within and beyond the MTA (including Shepparton, Yarrawonga and Deniliquin). All centres identified have at least one supermarket although they are of various sizes. Cobram has a Woolworths and IGA both located in the town centre. The closest identified supermarket outside Cobram is in Tocumwal (IGA) some 19 kilometres away and the

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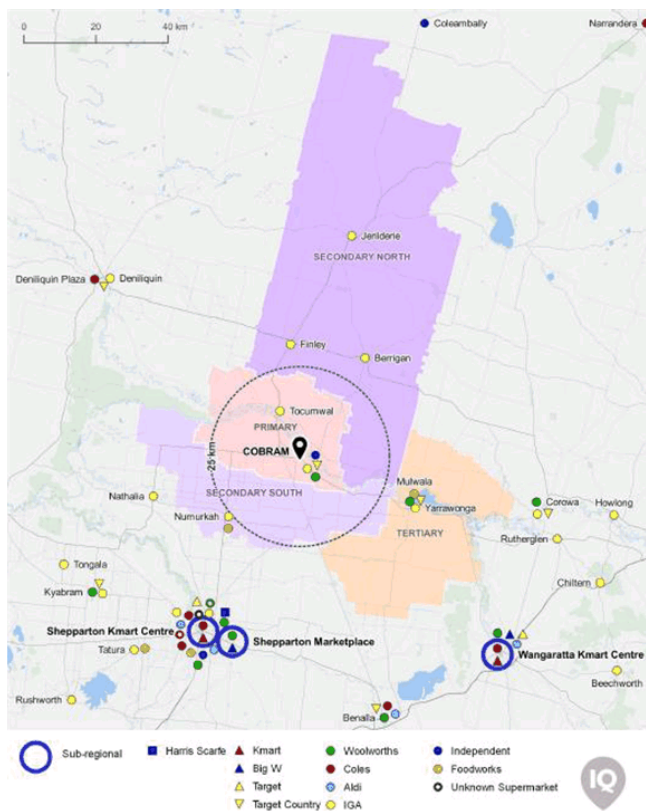
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closest full line supermarket in Yarrawonga. The Cobram Target store is the only discount department store in the MTA

- some supermarket spending in the TTA would escape to Shepparton

Figure 10 Trade area catchments



- Aldi and Coles are not represented in the TTA, and if they were in Cobram, they would provide convenience, choice and competition
- a discount department store is typically supported by a population of 35,000 – 40,000 persons. This would support a small discount department store of 5,000 to 5,500 square metres in a TTA catchment of 38,320 which should be in the town with the largest catchment (Cobram)
- a modern full-line supermarket which serves the local needs of residents is at least 2,500 square metres (of which there is one in the MTA) with full-line supermarkets 3,200 square metres or larger and supported by populations of 8,000 to 10,000 suggesting the MTA could support three or more (accounting for tourist activity)
- that any additional retail facilities will result in positive economic benefits including:
 - additional choice, convenience and competition

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- meet retail demand and reinforce Cobram as a regional retail destination
- provide employment
- retain resident and tourist escape expenditure
- save travel time and associated costs to access like facilities in Shepparton
- The proposed development is in line with the retail floorspace demands identified in the Retail Policy Framework.

(iii) Submissions and evidence

Evidence on the economic impacts of the proposal on the TTA and MTA was provided by Mr Irish (who was an author of the Retail Policy Framework) and Mr Duane (author of the Market Assessment).

Mr Irish's retail demand and supply evidence identified a current shortfall of 3,137 square metres of retail floor space within the MTA. His evidence identified a current MTA shortfall of 1,470 square metres for the supermarket sector increasing to 5,804 square metres by 2036.

Mr Irish estimated the impact of the development (assuming commencement in 2022 and full operation by 2025) would result in a decrease of 11 and 10 per cent for the 2022 - 2026 and 2027 -2031 periods respectively within the primary trade area. He added that the decrease would reduce to 1 per cent by 2032 and these impacts would be short term. The secondary trade areas were forecasted to be affected by -5 per cent for these three time periods (and likely to be permanent) given current retail offerings, low population growth and retail leakage reduction benefits primarily benefiting the primary trade area. Mr Irish forecasted short to medium term impacts on the tertiary trade area which includes Yarrowonga, but these were offset over time as a result of tourism industry growth.

In conclusion, Mr Irish opined that *"The development will have a positive overall impact on retail sector, increasing MTA catchment in relation to the FG&L category (supermarkets) by 22% by 2036"* and a 7 per cent positive catchment impact on the TTA to 2036. He considered that existing supermarkets would be most negatively impacted by the new development.

Mr Duane's evidence included a detailed analysis of the current competitive retail environment (supermarket and discount department store) within the TTA and outside the TTA including Shepparton, and a shop front (retail) analysis for Cobram and Yarrowonga. The shop front analysis stated that, in addition to the five major tenants (supermarkets, discount department stores and mini-majors), Cobram has 58 retail specialty stores (compared to Yarrowonga's 83) with a further 37 non-retail or vacant buildings. The only full-line supermarkets within the TTA are in Cobram and Yarrowonga with Shepparton, the focus higher order retail facilities as the sub regional centre, 66 kilometres south of Cobram.

Mr Duane adopted a similar retail floorspace per person as Mr Irish to establish future retail floor space demand for the TTA. He identified high and low growth scenarios and concluded that *"(t)his analysis is consistent with the findings of the Retail Policy Framework, which indicated an under-supply of around 7,150 sq.m of retail floorspace"*.

Mr Duane's analysis identified that, allowing for existing TTA supermarket floor space, the TTA would be undersupplied by 5,015 square metres by 2021 (Mr Duane's estimate for the development to be operational), with the proposal effectively achieving equilibrium (or

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slightly oversupplied). Through questioning, it was established that this oversupply would continue to 2031.

Mr Duane's evidence identified the impacts on centres within the TTA as follows:

- Cobram activity centre: a decline of \$18.9 million or 17.5 per cent – predominantly on supermarkets, given only eight specialty retail stores in the town centre were in the food and liquor category. Some competition would occur between specialty stores and the development depending on the final tenant mix, but these impacts would be offset by reducing escape expenditure.
- Yarrowonga town centre: a decline of \$10.4 million or 8 per cent.
- Other: a decline of 7.5 per cent or less on other TTA towns given travel distance, existing shopping patterns and within the normal competitive range. Estimated impacts on Shepparton and Wangaratta were less than 2.3 per cent. These impacts were considered one-off impacts that would be, in part, ameliorated by increases in sales activity the opening of the development in 2021.

Mr Duane indicated that economic impacts of up to 10 per cent were within the normal range of expectations and were sustainable, 11 to 15 per cent impacts were sustainable and impact over 17 per cent were very high. In this instance, he identified that the impacts would be greater on the existing supermarket competitors but would still be sustainable in line with benchmark levels. He pointed to the contribution of demand from tourist activity.

In response to cross examination, Mr Duane indicated that, while different methodologies and assumptions were used in his and Mr Irish's expert witness statements, the same conclusions were reached. He indicated that vacancy rates of 5 to 7 per cent were about average.

Ms Brennan submitted that it was not the role of planning to protect the private interests of traders that might lose out to competition and that it was telling that there was a lack of evidence from Now Make to substantiate an objection based on economic impact on the town centre.

(iv) Discussion and conclusions

The Panel notes that while different methodologies were used in the witness statements of Mr Irish and Mr Duane, the conclusions were similar in the context of latent and future demand for retail floor space in the MTA (particularly for supermarkets) and the range of impacts of the development on those areas. The opinions were consistent with the application support materials and the Retail Policy Framework. Commonly supported factors in the offset of impacts included:

- growth in tourism trade (particularly given the highway location of the subject land)
- reduced escape expenditure
- modest population growth
- broader Cobram retail offer
- a decline in expenditure in the Cobram and Yarrowonga activity centres – the existing supermarkets would experience most of the decline and existing businesses could adjust
- net community benefit.

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The economic evidence from Mr Irish and Mr Duane is sufficiently sound, however the Panel found Mr Duane's evidence more extensive and robust in relation to the analysis of the TTA and impacts on the Cobram activity centre. The Panel adopts Mr Duane's evidence for the purposes of assessing the impacts of the Amendment.

There was no economic evidence provided by any other submitters. Mr Watson of Burgess Rawson, who supported Mr Bartley with the Now Make submission, provided information on trading figures for Woolworths. Ms Brennan sought written evidence to substantiate this advice. While this material was subsequently provided, the Panel has attributed little weight to it and has not relied on it to reach its conclusions.

The Panel accepts that the Retail Policy Framework and evidence point to a shortage of, and demand for, further retail floor space within the MTA and TTA, particularly for supermarkets. This was not disputed. The Panel accepts that it is likely that most of this demand would be satisfied within Cobram as the largest centre in the MTA, although it considers that Shepparton could draw on the southern secondary catchment with its subregional offer. The Panel agrees that this demand should be provided in the Cobram activity centre given that at this point of time, population growth in Cobram is unlikely to support a larger secondary centre elsewhere in Cobram (for example to serve a new growth area).

Mr Duane's evidence is useful to understand the more localised impacts on the Cobram activity centre as opposed to the MTA or TTA. Given that the TTA is extensive and largely theoretical (it wasn't based on surveys for example) and other centres within the TTA are much smaller than Cobram with limited retail offers that focus on daily convenience needs, the Panel considers an impact of 5 per cent to be within normal competitive tolerances.

The Panel considers that the tertiary catchment plays a minimal role to the TTA. The Panel notes the travel distance between Yarrawonga and Cobram makes it unlikely that the proposal would draw significant trade from Yarrawonga, particularly as that centre appears to be vibrant, trading well and has a similar or greater retail offer than Cobram.

The Panel considers that a potential decline of 17.5 per cent in the Cobram activity centre is beyond a tolerable impact, particularly for a centre the size of Cobram and its low to modest growth rate. Both economic expert reports consider the impacts would be predominantly on the existing Woolworths and IGA supermarkets in Cobram. However, as the proposal includes a retail offer beyond a supermarket, the Panel expects there will be considerable impact on the existing retail core which will affect its overall vibrancy.

The proposal effectively takes up all of the TTA's current latent and future retail floor space demand (at the low growth scenario) to 2031 in a single isolated location and potentially 10 years ahead of achieving sufficient demand to meet that total floor area. This is significant given the size of the TTA and number of town centres within it. This impact has the potential to diminish investment in these other centres for many years. Of greater concern is the potential impact on the Cobram activity centre, given an initial decline of 17.5 per cent and a medium-term decline of at least 10 per cent anticipated to last for a decade or more. This level of economic impact may be able to be absorbed by national brand supermarket retailers (given that a new supermarket entrant could have been expected). However there remains a very real prospect of longer-term impacts on the sustainability of smaller retailers and other commercial uses that rely on a spatial relationship with these core activities if the focus of

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centre trading is substantially shifted in an unplanned manner. This impact is manifested when the retail core shows signs of under development and under performance (focus of shop vacancies) at its southern and eastern edges. It is not the role of planning to consider the impact of individual traders. However, the cumulative impact on specialty retailing in the retail core will further exacerbate these existing issues.

It is readily apparent that an additional full-line supermarket would meet latent demand for that retail offering. It would be likely that a new full-line supermarket would have minimal negative economic impact beyond a tolerable level with competitors. However, there is no substantive strategic arguments put forward that the majority of existing and future supermarket floor space needs of the MTA to 2031 should be accommodated at the one 'super' site at the same time (no staging has been proposed) along with additional discount department store and retail specialty floor space.

The Panel is concerned that it is largely unclear what the impacts on the existing specialty shops in Cobram will be, given that the tenancies of the proposed development are unknown. The floor area of the proposed 12 specialty shops are equivalent to 20 per cent of Cobram activity centre's existing retail specialties. The Panel does not consider it particularly critical that neither the supermarket, discount department store or specialty retail tenancies are known at this stage. However, the location of large format or larger scale retail centre provision needs to be critically considered particularly where the potential economic impacts are identified at the higher end. The Panel agrees with Mr McGurn that *"the question of retail expansion in Cobram appears to be not so much as to whether the Town Centre should be expanded, but where and how that expansion might occur"*.

The Panel concludes that:

- There is sufficient demand in the MTA for a full-line supermarket in the Cobram activity centre.
- The proposed development would result in an unreasonable economic impact on primary trade area (focused on the Cobram activity centre), specifically:
 - an initial decrease of up to 17.5 per cent
 - more than 10 per cent over a 10 year period.
- There is insufficient information to understand the economic impact on the existing retail core.

3.5 Net community benefit

(i) Key issues

Both the planning objectives for Victoria contained in the Act and Clause 71.02-3 seek decision makers to address aspects of economic, environmental and social wellbeing affected by land use and development. Clause 71.02-3 seeks to:

... integrate the range of planning policies relevant to the issues to be determined and balance conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations.

The key issue is:

- Does the proposal have a net community benefit?

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(ii) Evidence and submissions

Mr Bartley submitted that neither Council or the Proponent had articulated a position that the community will be better served under the new arrangements than previously. In this instance, he suggested that the proposal will duplicate existing uses in the town centre and that the level of sales impacts predicted by Mr Duane on existing retailers was not known nor had modelling of job losses been undertaken. Mr Bartley said that, regardless of whether there was an economic benefit, this should not trump other relevant matters in the Planning Scheme. He considered the level of sales impacts identified would result in retailers closing down or the creation of an unappealing retail area that shoppers will avoid.

Ms Brennan submitted that inherent to planning was the concept of balancing benefits and dis-benefits of a proposal to achieve a positive or acceptable outcome. It was not, she said, "*directed to ideal, utopian or even optimum principles, but to balanced, satisfactory, practical and functional outcomes*".

Mr Milner indicated that the proposal would create community benefit by supporting investment, jobs, more services and choices, and a strengthened activity centre. He suggested the proposal achieved Council's strategic objectives of using an underutilised site and improving the sense of arrival to the entrance of the town and did not displace any significant uses. Mr McGurn identified similar economic benefits from the proposal.

Both Mr Irish and Mr Duane identified that there would be net community benefit resulting from additional jobs (estimated by Mr McGurn to be in the order of 150 to 180 jobs allowing for some transferring of jobs), increased competition and choice (including opportunity to attract national traders not present such as Coles and Aldi), meeting undersupply of floorspace and less local residents spending their money outside the trade catchment. Both considered that these benefits outweighed the short to medium term trading level impacts on the primary trade area and MTA.

(iii) Discussion and conclusions

Clause 71.02-3 seeks to balance conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations.

The Panel acknowledges that most submissions supported the proposal because it provided more choice, reduced travel times by not having to travel to other centres and employment opportunities. Existing planning policy supports the outcomes sought by the community. However, the proposed retail centre is expected to absorb about \$18.9 million or 17.5 per cent of trade from the existing Cobram activity centre. The Panel considers that this disbenefit outweighs the proposed centre's economic benefit. The impact on the existing C1Z land would affect the ability to achieve a purpose of the zone which is to "*create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses*".

The proposal conflicts with Clause 21.07, which seeks to consolidate proposed land uses such as those proposed in the permit application into the town retail centre, as defined in the Cobram Framework Plan. There does not appear to be the practical ability to assemble land for the proposal major supermarket. In this instance, there may be a community benefit in enabling a major supermarket in C2Z land near the existing retail core if there is a clear vision of how to connect the two areas.

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It is not in the community's benefit to allow a major retail centre to proceed on the subject land without understanding:

- how the town centre's two independently operating retail cores will work together
- the relationship between the two retail cores and how the proposed retail centre will be appropriately integrated with the town centre
- what land uses and structure is needed for the land between the two
- whether the full extent of the C1Z land, particularly the south-eastern part, will continue to be needed to meet long-term needs.

The Panel considers it is for these reasons why Clause 11.02-2S of the Planning Scheme calls for structure plans to be prepared to, among other reasons, consider the strategic and physical context of the location and to assist with walkable neighbourhoods.

The Panel concludes:

- That on balance, the proposal will not create an acceptable planning outcome or a net community benefit.

3.6 Is the Amendment strategically justified and should the permit be supported?

There is no evidence to suggest that the existing Cobram activity centre is not performing adequately without the provision of an additional supermarket. While the economic evidence points to there being capacity to accommodate an additional full-line supermarket within the MTA.

As discussed in this Chapter, the Panel considers that the extent of retail floor space proposed by the permit application and the area of C1Z being applied by the Amendment cannot be supported. While the rezoning of a portion of land to accommodate a single full line supermarket might be acceptable if evidence suggests that one cannot be accommodated within the retail core or adjacent to it, there is limited policy support or imperative for the establishment of a large stand-alone retail centre in this location. There is alternatively policy that points to the location of the proposed specialty shops in the retail core rather than the periphery of the town centre.

While the Panel accepts that economic competition is positive, the potential impacts of such a shift in the town centre could have long term consequences on its sustainability and its ability to achieve Council's identified policy outcomes. Overall, the Panel considers that the proposal does not deliver a positive community benefit. In the absence of more certain policy direction for the town centre, the Panel cautions Council's support for the proposal without an understanding of the consequences or planning in place to manage them.

However, the Panel acknowledges the work undertaken by Council over recent years to provide guidance for the expansion of the town centre to provide additional capacity to accommodate a supermarket, a DSS or both.

As discussed in more detail in Chapter 4, the development response reinforces the role of the site as stand-alone centre, though within the Cobram activity centre, which cannot easily be integrated into the retail core.

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The Panel concludes:

- The Amendment should be abandoned
- The Planning Permit should not be granted.

(i) Recommendations

For the reasons set out in this Chapter, the Panel recommends:

1. That Moira Planning Scheme Amendment C88 be abandoned.
2. That planning permit 5/2017/204 for the development of buildings and works for the construction of two supermarkets, a medical centre and retail premises, variation of an easement, removal of native vegetation and creation of accesses to a Road Zone Category 1 not be issued.

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4 Other issues

4.1 Site layout and built form

(i) The issue

The issue is whether the proposal's site layout and built form appropriately respond to the subject land's context.

(ii) Evidence and submissions

Mr Milner and Mr McGurn considered that the proposed built form appropriately responds to the subject land's highway location and shed style vernacular apparent in the immediate commercial area, though with minor design alterations.

Mr Milner stated that the design response helped to achieve "... a strong sense and statement of 'arrival' ..." – the gateway outcome sought in the Urban Design Framework and Cobram Strategy Plan. He added that the building's orientation achieved visual integration. He said that, while Federation Park complimented the town centre, it did not have the complexity or vitality needed to perform a gateway function.

Mr McGurn and Mr Milner stated that were not particularly concerned with the proposed solid wall treatment along the Park Court frontage. They suggested that Park Court was not a primary access and that internal floor space arrangements creates a design outcome which landscaping would soften.

Mr McGurn described the proposal as a freestanding shopping centre, while Mr Horsfall considered the proposal was proximate enough not to operate as a secondary centre. Mr Milner considered that the proposal was not a stand-alone centre because it could easily be integrated by pedestrian connections and infill commercial development between the subject land and existing retail core over time.

Mr Milner referred to an existing gravel pathway that passes the subject land's Murray Valley Highway frontage leading to the retail core through Federation Park but called for more to be "required to improve the choice and quality of pedestrian connections". He identified a lack of footpaths in Colgan Street. He recommended a continuous link be constructed from the front entrance of the proposed complex, along Park Court and Colgan Street (north side) to Dillon Street (west side) and intersecting with footpaths adjacent to the Woolworths supermarket. Mr Milner indicated that the pedestrian path along the southern supermarket wall should be widened with a continuation of the pergola treatment. He acknowledged this would have an impact on the carpark arrangement. Mr McGurn's evidence suggested improved pedestrian connections to the subject land from Colgan Street to provide a better sense of connection within the Cobram activity centre.

Mr McGurn stated that the southern elevation of the supermarket should preferably "include window openings and articulation as a more 'active' response to the adjoining public areas".

The Proponent provided revised drawings (Document 22) in response to the evidence from Mr Milner and Mr McGurn with details of this pathway route (through the site with a widened walkway and canopy over, and within the adjoining road reserves) along with a revised Park

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Court crossover (shifted further south) and carpark layout (reduced to 406 spaces which was still above the scheme requirement). The revised drawings identified a notation to the southern supermarket façade identifying "Place based 'local' historic artwork ...".

These plan changes were reflected in conditions 1(h) and 19(i) and conditions 3 and 4 in revised version (Version 4) of the Permit provided by the Proponent (Document 34) and included in Appendix C. The version history of the proposed permit is discussed in Chapter 5.

(iii) Discussion

The Panel considers that there is insufficient strategic direction to assess whether the proposed built form appropriately responds to the subject land's context although it notes that Clause 21.07-1 seeks new retail development within and surrounding the town centre to provide active frontages. It is important to consider whether the proposed centre has been appropriately designed to effectively integrate it with the town centre and connect it to the existing retail core. The existing urban structure offers little direction because it was designed for an industrial area west of the former railway corridor. Council is yet to identify the preferred future character of the Cobram activity centre.

In the absence of a structure plan or similar, and when considering the proposal on its own merits, the Panel finds that proposed centre has serious site layout and built form issues. There is no clear understanding how a proposed centre of this scale and form, which has a largely internalised building set back by an expansive car park, will function with the existing town centre which has a different urban design typology.

The proposed centre presents itself, and is likely to operate, as an internalised freestanding centre with little relationship to its surrounds. It does not sufficiently integrate its built form and layout with the rest of the Cobram activity centre. The Panel acknowledges that, the building has been designed to address its considerable mass. Its use of different building materials, colours and features will better articulate what would ultimately be the activity centre's largest commercial building. The proposed landscaping somewhat softens the extensive car park in the building's foreground when viewed from most street frontages.

The exhibited proposed centre would result in:

- approximately 311 metres of car park along the street frontage with minimal pedestrian access
- an 82-metre long and 8-metre tall blank concrete wall at its eastern elevation along Park Court with no public access.

The proposal does not attempt to encourage street activation or pedestrian activity along any of its street frontages. The 82-metre blank wall provides no connectivity along one of the eastern interfaces to the C2Z which leads to the Cobram's existing retail core. The proposed covered walkway to Colgan Street will do little to activate such activity on Colgan Street.

The proposed centre's main entrance to the internal mall is oriented to serve the main car park. The entrance is approximately 93 metres from Park Court and similar distances to its other street frontages which requires a pedestrian to walk along a path through the car park. The Panel considers that this does not support a sufficiently direct pedestrian access to the main entrance. Suggested paths and connection points by Mr Milner and Mr McGurn go part way to address this issue. However, the Panel considers these to be 'band aid' responses

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rather than long term solutions informed from a more strategic review of the subject land, the existing retail core and the intervening C2Z land.

The Panel considers that it is premature to progress the Amendment and permit application before Council progresses its strategic work to better understand how these site layout and built form issues can be addressed within the context of the rest of the Cobram activity centre. This includes the C2Z land between the subject land the existing retail core, with its existing industrial land uses, will be transformed to connect the two separate retail cores together. Enabling the proposed centre to proceed before future strategic work is introduced into the Moira Planning Scheme is likely to result in long term, and potentially irreversible, urban structure issues.

(iv) Conclusions

The Panel concludes:

- The proposal has serious site layout and built form issues which do not appropriately respond to the subject land's context.
- It is premature to progress the Amendment and permit application before Council progresses its strategic work to better understand how these serious issues can be addressed within the context of the rest of the activity centre.
- Enabling the proposed centre to proceed before being informed by new planning scheme provisions which implement the future strategic work is likely to result in long term, and potentially irreversible, urban structure issues.

4.2 Traffic and parking

(i) The issue

The issues are whether the proposal:

- will result in unreasonable traffic impact on the surrounding road network, including Murray Valley Highway.
- appropriately responds to its parking needs.

(ii) Background

The Traffic Engineering Assessment states:

- the traffic speeds and volumes on the surrounding arterial roads and Colgan Street, as summarised in Table 2
- car parking requirements are met through the 434 car parking spaces which include:
 - 275 spaces for the supermarket
 - 111 spaces for other shops
 - 20 spaces for the medical centres
- bicycle parking requirements are met through 34 spaces
- the centre is estimated to generate 492 vehicle trips each hour during evening peak
- peak hour traffic generation for entering and exiting traffic, with the majority occurring at the Park Court to Colgan Street entry/exit
- estimated traffic impact which identify low degrees of saturation to adjacent roads and short average delays, with the conclusion that the "traffic generated from the

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proposal will have no adverse impact on the surrounding road network or intersections” and without the need for mitigating works.

Table 2 Traffic volumes and speeds

Road	Volume (vehicles per day)	Speed limit km/h
Murray Valley Highway	3,600 two-way	70 ¹¹
Broadway Street	7,600 two-way	60
Cobram-Koonoomoo Road	2,600 two-way	70
Colgan Street	878 two-way	50
Park Court	Not applicable	50

(iii) Submissions

Ms Edwards submitted that traffic along the Murray Valley Highway is heavy and that truck traffic pushes “road users to go over the speed limit” and questions whether this will improve. Neither Council or the Proponent specifically responded to this issue in its submissions or evidence.

Version 4 of the draft permit (Appendix C) reduced the number of car parking spaces from 406 to 400 to allow more room to widen onsite pedestrian paths. Council did not support the reduced number of spaces and the Proponent later accepted retaining the original 406 car parking spaces nominated on the exhibited permit.

(iv) Discussion

It is appropriate that site access from adjoining roads, particularly arterial roads and the traffic movements generated by a major use do not significantly impact on the operations of the road network. To establish this impact and any remediation response, the Panel has relied on the Traffic Engineering Assessment and the views of VicRoads and Council (as expressed in the Council report considering submissions). In this regard, the Panel notes that:

- the Traffic Engineering Assessment concluded “*traffic generated from the proposal will have no adverse impact on the surrounding road network or intersections*”
- VicRoads offered no objections to the development and identified specific conditions (which included requirements to address identified deficiencies in the Traffic Engineering Assessment relating to access) that have been included on the planning permit relating to access (including restricted egress) to Cobram-Koonoomoo Road and Broadway Street
- Council’s support for the development with conditions on the planning permit managing site access from non-arterial roads.

(v) Conclusions

The Panel concludes:

¹¹ VicRoads submission identifies that the speed limit is 80km/h

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- The adjoining road network has adequate capacity to manage the volumes of traffic to be generated by the sites' proposed development.
- The planning permit conditions proposed by VicRoads relating to access to Cobram-Koonoomoo Road and Broadway Street adequately manage access to and from the site to the arterial road network.
- The planning permit conditions proposed by Council to manage access to and from the site from Park Court and proposed line marking works in Colgan Street, provides for an appropriate management of traffic impacts on the non-arterial road network.

4.3 Park Court

(i) The issues

The issues are:

- Whether Park Court should be constructed as a result of the development.
- Whether the development will inappropriately impact on business signage in Park Court.

(ii) Permit conditions

The exhibited planning permit included a condition (Condition 19, updated to Condition 22 in the Appendix C version) requiring upgrades to adjacent roads, including Park Court. For Park Court, the condition includes requirements for:

- an upgrade to the carriageway including kerb and channel and a sealed wearing course
- a footpath
- underground drainage
- intersection and traffic control measures
- streetlighting and signage
- street trees.

(iii) Submissions

Cobram Kitchens and Cabinets which operates from Park Court, identified the need for Park Court to be upgraded with gutters and kerbs due to additional truck traffic using the court.

The submission further raised concerns about the blocking of the business' signage from the Murray Valley Highway and Colgan Road by the new development. It identified that the remedy sought involved the developer erecting appropriate business identification signage on the corner of Colgan Street and Park Court. The submission did not identify whether this signage was to be constructed on the subject land or another location.

In relation to the construction of Park Court, Council submitted that it "*need only be upgraded to the extent that is reasonably required by the proposed development*". The proponent did not raise concerns with the Park Court construction condition proposed by Council.

Council submitted that the obscuring of existing business signage by the proposal was "*not a matter that could be directly addressed by way of relevant planning considerations*".

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(iv) Discussion

The Traffic Engineering Assessment states that the development will generate significant additional traffic volumes (including further truck movements associated with delivery activity) into Park Court and that an upgrade of the Court is appropriate. The Panel considers that the condition proposed to require the construction of Park Court is required.

The Panel agrees with Council that it is not appropriate for the Panel to require the proponent to erect additional business identification signage for a third party. The existing site signage for the business is not overly visible from the Murray Valley Highway and the setback of the proposed buildings will still maintain view lines to the business from Colgan Street. It is a reasonable expectation given the C2Z zoning of the land and highway location of the site, that the subject land would be developed in the future and that this may obscure the distant views to signage on nearby premises. In any event, it is likely that a major development on this site may attract more patronage and activity to this locality, with benefit to nearby businesses of greater passing traffic and business awareness.

(v) Conclusions

The Panel concludes:

- The planning permit Condition proposed by Council, and shown as Condition 22 in Appendix C, provides an appropriate level of construction of Park Court.
- It is not appropriate or reasonable for the proposal to provide signage for a nearby business.

4.4 On site facilities

(i) The issue

The issue is:

- Whether the development should include additional facilities for tourists including toilets and visitor information.

(ii) Submissions

In her submission, Ms Edwards made a general comment that there was lack of a tourist information centre and limited toilet facilities. She did not clarify how this related to the subject land. Council responded that these matters are general in nature and not directly related to the proposal.

(iii) Discussion

The Panel notes that a tourist information centre is located a few hundred metres southeast of the subject land in Punt Road. While the Proponent indicated that gateway entry signage was being considered, subject to a future planning permit application, there is no basis to require the development to include a tourist information centre.

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The Cobram Strategy Plan notes, in referencing the findings of the Urban Design Framework, that an enhanced visitor information centre is needed for Cobram, preferably in a high-profile site and potentially as part of the proposed redevelopment of Federation Park¹².

The Panel agrees with Council that providing public toilets on the subject land is a building approval matter. However, it notes that the development plans include toilet facilities in a central location off the northern pedestrian entry.

(iv) Conclusion

The Panel concludes:

- It is not appropriate or reasonable for the proposal to provide for additional facilities and services for tourists.

4.5 Potential land contamination

(i) Background

Ministerial Direction No 1 provides that:

In preparing an amendment which would have the effect of allowing (whether or not subject to the grant of a permit) potentially contaminated land to be used for a sensitive use, agriculture or public open space, a planning authority must satisfy itself that the environmental conditions of that land are or will be suitable for that use.

(ii) The issue

The issue is whether the proposed planning permit appropriately responds to potential site contamination.

(iii) Evidence and submissions

Council referred to a Preliminary Environmental Site Assessment which was prepared following site inspection, historical research and soil sampling based on potential contaminants of concern relating to the previous use of the site. While the analysis identifies that the levels of target contaminants were within acceptable levels for a non-sensitive use, the presence of Asbestos Containing Materials (ACM) were identified on site. The Assessment makes particular recommendations about the management and removal of ACM from the site including the preparation of a soil management plan. Condition 36 of the exhibited planning permit references the Assessment and requires a soil management plan to be prepared before site material is removed.

EPA submitted that it did not object to the rezoning or to the proposed permit subject to any land contamination being remediated. EPA recommended *“that site remediation is undertaken to satisfy Council that the land is suitable for the intended purpose”* consistent with Ministerial Direction No 1 Potentially Contaminated Land based on the identification of remnant asbestos on the site.

Mr McGurn stated that, while the proposed commercial development was not a sensitive use as defined in the Ministerial Direction, the C1Z permits a wide range of uses ‘as of right’

¹² p49

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including residential use and education centres. In this instance, he said the Ministerial Direction supported the use of an Environmental Audit Overlay. However, Mr McGurn considered residential use unlikely and indicated other options including an additional environmental assessment (and or remediation) or a s173 Agreement restricting land uses.

Council's Part A submission identified that Ministerial Direction No 1 only applies to rezoning to allow residential use, public open space, agriculture, a child care, preschool centre or a primary school. Version 3 of the Permit provided by Council (Document 14) included a modified condition 10 relating to a waste management plan which referenced the Preliminary Environmental Site Assessment and the requirement for a s173 Agreement to prohibit sensitive uses without a statement or certificate of environmental audit.

The Proponent supported this approach and the amended condition was been retained in Version 4 of the permit (renumbered to Condition 13).

(iv) Discussion and conclusion

The Panel is satisfied that exhibited and revised permit conditions align with EPA's submission to ensure that site remediation is undertaken to satisfy Council that the land is suitable for the intended purpose.

The Panel concludes that the proposed planning permit, with the renumbered Condition 13, appropriately responds to potential site contamination.

While the Panel agrees that the development does not propose a sensitive use, it supports the precautionary approach adopted by Council and the Proponent in the drafting of Condition 13 of the Permit (Version 4). The application of the Environmental Audit Overlay is not warranted given the highway location of the site and relationship with industrial and commercial land uses.

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5 Planning permit drafting matters

The Panel considers the Amendment is not strategically justified and the permit should not be granted. However, the Panel provides further comment on the draft planning permit should that recommendation not be adopted.

5.1 Exhibited draft planning permit

The exhibited permit contains 55 conditions addressing:

- amended and endorsed plans (conditions 1 and 2)
- landscaping and native vegetation offsets (conditions 1 to 7)
- services plant and equipment (condition 8)
- waste storage and collection (conditions 9, 10 and 31)
- glazing (condition 11)
- lighting (conditions 12 and 13)
- car and bicycle parking (conditions 14 to 17 and 21)
- drainage (conditions 18, 23, 24 and 29)
- road upgrades and access (conditions 19, 20, 28 and 32)
- site construction management (condition 22, 33 to 36)
- infrastructure construction plans and maintenance (conditions 25 to 27 and 30)
- permit expiry (condition 37)
- Powercor (conditions 38 to 46)
- Goulburn Valley Water (conditions 47 to 53)
- VicRoads (conditions 54 and 55).

The draft permit has five notes relating to general planning matters and from VicRoads.

5.2 Post-exhibition draft planning permit versions

At the Hearing, Council provided two further versions of the planning permit with revised conditions:

- Version 2 (Document 10) which responded to the Panel's observations at the Directions Hearing that a number of conditions which related to 'use' or 'commencement of use' (conditions 1, 2, 4, 7, 17, 19-21, 23, 26-29). This version sought to remove conditions 10, 31 and 32
- Version 3 (Document 14) which retained the Version 2 changes and introduced further Condition 1 amended plans changes to include the suggested building articulation and pedestrian linkages identified in the evidence of Mr McGurn and Mr Milner, and a new condition requiring the provision of a waste management plan as recommended in the evidence of Mr Horsfall.

The Proponent provided Version 4 of the draft planning permit (Document 34) during its closing submission. Version 4 was broadly consistent with Version 3 and:

- requires a wider pedestrian path along the southern elevation of the supermarket and related changes to the carpark and Park Court entry - condition 1(h)
- simplifies the evidence of Mr McGurn's building articulation changes - condition 1(i)

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- provides for a monetary contribution to public art – condition 1(j)
- includes and further specifies the key elements of the evidence of Mr Milner relating to pedestrian connections as a new condition – condition 3
- provides for a monetary contribution towards the construction of footpath connections identified in the new condition 3 through a section 173 Agreement – condition 4
- reduces the number of car parking spaces from 406 to 400 spaces
- extends the permit expiry from two to three years for development commencement and six years for development completion.

Council supported these changes, other than the reduced car parking numbers.

The tracked changes accepted version was supported by Council (with the proviso to maintain 406 car spaces) and is included in Appendix C.

5.3 Discussion

As discussed elsewhere in this report the Panel considers the proposal has serious site layout and built form issues and is premature before Council's progresses its strategic work for the Cobram activity centre. However, Version 4 of the draft planning permit go part way to address some of these issues. Should Council decide not to support the Panel's recommendations to abandon the Amendment and issue a planning permit, then it should adopt changes in Version 4 of the draft planning permit. It should do so noting that they will not resolve all outstanding issues. The Panel provides reasons why it supports some of the post-exhibition changes to the draft planning permit earlier in this report.

Replacing "*occupation*" with "*development*" in conditions 3 and 4 will recognise that these conditions relate to development elements that should be resolved in the detailed plans development phase rather than before occupation of the supermarket buildings. The permit should still provide for the provision of 406 spaces.

5.4 Conclusion

Should the planning authority not support the Panel's recommendations to abandon the Amendment and not issue a planning permit, the planning permit should be revised, as shown in Appendix C, subject to:

- replace the word "*occupation*" with "*development*" in Conditions 3 and 4.
- revise Condition 17 to provide for a minimum of 406 car spaces.

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Appendix A Submitters to the Amendment

No.	Submitter	No.	Submitter
1	Pam Gallagher	32	Doug Miller
2	Barry Maher	33	Janice Dodson
3	Renee Carpinelli	34	Jenny Trounce
4	W & B Skinner	35	Jillene Spackman
5	Karen and Robert Beckett	36	Kristina Dare
6	Bill and Helen Brady	37	Kerrie Cosoleto
7	Brianna Tedesco	38	Carole Childs
8	Isobel Brierly	39	Leanna Loy
9	Lynette Cain	40	Linda Milovitch
10	Marie Morris	41	Shelley Lissington
11	Christina Grant	42	Lois Newnham
12	Yvonne Millsum	43	Michelle Watt
13	Danielle Large	44	Marie Parr
14	William and Julie Darvell	45	Mary Swoffer
15	Denise Bateman	46	Maureen Nye
16	Diane Naismith	47	Michael Davies
17	Dianne Rigby	48	Megan Barnard
18	Greg Dinsdale	49	Michael and Sherrell Taylor
19	Diane Hansen	50	Mirandah Cosoleto
20	Barbara and Don Sutton	51	Marina Buchmann
21	Dennis and Avelyn Sutton	52	Nicole Baker
22	Dean Knight	53	Patricia Slatterie
23	Ellen Booth	54	Paula Nolan
24	Tracey Strawhorn and Matt Perrin	55	Peter Campbell
25	Eve Hartshorne	56	Phil Strawhorn
26	Frank and Margaret Bland	57	Michelle Johnston
27	Deb Fry	58	Rebecca Clemson
28	Simone Bath	59	Catherine Broome
29	Glen Swoffer	60	Rebecca Parker
30	Michelle Harris	61	Rodney Kruz
31	Hayley Muller	62	Sallie Robinson

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No.	Submitter	No.	Submitter
63	Sharon Berning	79	Imre Mogyorossy
64	Russell Sullivan	80	Trish Mogyorossy
65	Cheryl Sproules	81	S Woodhall
66	Stephanie Thompson	82	Iris and Peter Eldridge
67	Susan LaRose	83	Gwen Price
68	Peter Carpinelli	84	Marjorie Baldwin
69	Tanika Murray	85	Josephine Lindfield
70	Julie Rae	86	Brenda Clarke
71	Thomas Dellanno	87	Terry and June Peddler
72	Krystin Mynard	88	J & A Mackell
73	Tammy Munson	89	Grace Edwards
74	Tracey Mueller	90	Now Make P/L
75	Tracy Ryan	91	Michael Hayler
76	Terry and June Peddler	92	Ritchies Supermarkets and Liquor Stores
77	J and A Mackell		
78	Lesley Chandler		

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Appendix B Document list

No.	Date	Description	Presented by
Prehearing documents			
1	12/3/2019	Council Part A submission	Council
2	12/3/2019	Anthony Irish, SED Regional Advisory, expert witness statement	Council
3	12/3/2019	Warwick Horsfall, Habitat Planning, expert witness statement	Council
4	12/3/2019	Gavin Duane, LocationIQ, expert witness statement	Rhodie Anderson of Rigby Cooke Lawyers
5	12/3/2019	Robert Milner, 10CG, expert witness statement	Ms Anderson
6	12/3/2019	Stuart McGurn, Urbis, expert witness statement	Ms Anderson
Hearing documents			
7	19/3/2019	Council Part B Submission	Council
8	19/3/2019	Map – Cobram activity centre boundary	Council
9	19/3/2019	Submission – Response to 15 March Panel direction	Mr Bartley
10	19/3/2019	Draft Planning Permit – Council tracked changes version 2	Council
11	21/3/2019	Council Part B Supplementary Submission	Council
12	21/3/2019	Referral authority responses, November 2017	Council
13	21/3/2019	Referral authority responses to formal notice, 2018	Council
14	21/3/2019	Draft Planning Permit – Council tracked changes version 3	Council
15	21/3/2019	Aerial map – larger sites	Council
16	21/3/2019	Subdivision concept plan – former saleyards site	Council
17	21/3/2019	Elevations – Railway land site	Council
18	21/3/2019	Zone map – Town retail centre and restricted retail uses	Ms Brennan
19	21/3/2019	Annotated development plan	Ms Brennan
20	21/3/2019	Aerial maps – Shepparton and Churchill	Mr Milner
21	21/3/2019	Greater Shepparton C192 and C193 / Permit Application 2106-269 Panel report	Ms Brennan
22	21/3/2019	Option plans with measurements	Ms Brennan
23	22/3/2019	Aerial map	Ms Brennan
24	22/3/2019	Submission – Tipalea Partners Pty Ltd	Ms Brennan
25	22/3/2019	Extract - Vicinity Centres Pty Ltd v Mornington Peninsula SC [2017] VCAT 1802	Ms Brennan

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No.	Date	Description	Presented by
26	22/3/2019	Extract – Greater Geelong PSA C65 and C100 Panel Report [2005] PPV	Ms Brennan
27	22/3/2019	Extract – Save Bright Action Group v Alpine SC [2008] VCAT 1425	Ms Brennan
28	22/3/2019	Extract – Hammond Royce Corporation Pty Ltd v Mornington Peninsula Shire Council [2006] VCAT 1706	Ms Brennan
29	26/3/2019	Submission – Now Make Pty Ltd	Mr Bartley
30	26/3/2019	Aerial map – Sorrento activity	Mr Bartley
31	26/3/2019	Aerial map – Bright activity centre	Mr Bartley
32	26/3/2019	Various emails from Coles to Mr Watson	Mr Bartley
33	26/3/2019	Letter – Coles to Tipalea Partners	Ms Brennan
34	26/3/2019	Draft Planning Permit – Proponent tracked changes version 4	Ms Brennan
35	26/3/2019	Proposed Stage 2 Expansion of Epping Plaza Shopping Centre	Mr Bartley
36	26/3/2019	Greater Geelong PSA C321 Panel Report [2014] PPV	Mr Bartley
37	26/3/2019	Extract – Mitchell PSA C79 Panel Report [2012] PPV	Mr Bartley
38	26/3/2019	Fabcot Pty Ltd v Latrobe CC [2017] VCAT 354	Mr Bartley
39	26/3/2019	Maverston Property Pty Ltd v Greater Bendigo CC [2013] VCAT 1244	Mr Bartley
40	26/3/2019	Council closing submission	Council
41	26/3/2019	Carinish Holdings Unit Trust v Monash CC [2017] VCAT 2005	Council
42	26/3/2019	Gokler v Hume CC [2018] VCAT 336	Council
43	26/3/2019	Golden Ridge Investments v Whitehorse CC [2004] VCAT 1706	Council
44	1/4/2019	Cobram Woolworths turnover figures	Mr Bartley

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Appendix C Version 4 of the Planning Permit

**PLANNING
PERMIT**

GRANTED UNDER SECTION 96I OF THE
PLANNING AND ENVIRONMENT ACT 1987

Permit No.: 5/2017/204

Planning scheme: Moira Planning Scheme

Responsible authority: Moira Shire Council

ADDRESS OF THE LAND: 2-6 COLGAN STREET, COBRAM

THE PERMIT ALLOWS: Buildings and works for the construction of two supermarkets, medical centre and retail premises, the variation of an easement, the removal of native vegetation and the creation of accesses to a Road Zone Category 1.

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

- (1) Prior to the commencement of the development, 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.
The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - (a) Shade structures located over at least 15% of the customer car parking spaces located to the south of the shopping centre;
 - (b) A minimum of nine (9) disabled car parking bays with at least two (2) bays located adjacent to the medical centre;
 - (c) Additional passive surveillance of the eastern portion of the car park through the provision of additional glazing from the smaller retail tenancies;
 - (d) The access and egress from Car Park 2 to be restricted to employees and delivery vehicles only via a secured boom gate or other restrictive measure located at least six (6) metres inside the property boundary;
 - (e) Delineation of the Park Court bowl as detailed in Condition 22;
 - (f) Any requirements from VicRoads as detailed within Condition 54;
 - (g) A landscape plan in accordance with Condition 5;
 - (h) Modification of the pedestrian path along the southern elevation of the supermarket to be at least 4m in width and generally aligned with the path along the retail frontage of the tenancies and consequential changes to the carpark layout and carpark entry;
 - (i) Modification of the southern elevation of the supermarket to include suitable features to improve the activation and articulation of the façade; and
 - (j) Location of public art work (to a minimum value of \$50,000) to be erected on the site to the satisfaction of the Responsible Authority.
- (2) The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.

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- (3) Prior to the commencement of the occupation of the supermarkets, a plan showing a continuous and integrated footpath along the road reserve of the following streets must be submitted and approved by the responsible authority:
- (a) Western side of Park Court to Colgan Street;
 - (b) Northern side of Colgan Street to Dillon Street; and
 - (c) Western side of Dillon Street to Punt Road.
- When approved, the plan will be endorsed and form part of the permit.
- (4) Prior to the commencement of the occupation of the supermarkets, the owner of the land must enter into an agreement under section 173 of the Planning and Environment Act 1987 in which the owner agrees to pay the following monetary contribution to the responsible authority:
- (a) \$50,000 as a contribution to the footpath as shown on the plan endorsed under Condition 3 of this permit.
- The agreement must provide for the timing of the payment of the contributions to the responsible authority to be prior to the occupation of the supermarkets, unless otherwise agreed between the parties.
- The agreement may provide for the payment of the contributions in instalments.
- The agreement must provide for the owner to pay the costs of the responsible authority for the preparation and registering of the agreement on title and then upon its ending, deregistering the agreement.
- (5) Prior to the endorsement of plans under Condition 1, a landscape plan must be submitted to the Responsible Authority for approval. When approved, the plan will be endorsed and will then form part of the permit.
- The landscape plan must be drawn to scale with dimensions and two (2) copies must be provided. The landscape plan must be prepared by a suitably qualified person, generally in accordance with the landscape plan prepared by John Patrick Landscape Architects dated Sept 2017 to include:
- (a) The site at a scale of 1:100/200, including site boundaries, proposed buildings, neighbouring buildings, car parking, access and egress points, indicative topography and spot levels at the at the site corners, existing and proposed vegetation, nature strip trees, easements, and landscape setbacks;
 - (b) The plan must be generally in accordance with the '*Landscape Guide for Developments in Campaspe Shire Council, City of Greater Shepparton and Moira Shire Council*';
 - (c) Details of the proposed layout, type and height of fencing;
 - (d) Legend of all plant types, surfaces, materials and landscape items to be used including the total areas of garden and lawn;
 - (e) A plant schedule giving a description of botanical name, common name, mature height and spread, pot size, purchase height (if a tree) and individual plan quantities;
 - (f) The provision of canopy tree plantings dispersed throughout the car parking spaces; and
 - (g) Additional landscaping within the garden bed to the east of the major supermarket tenancy to soften the build form of the development.
- (6) Prior to the commencement of the use of the development authorised by this permit, or by such later date as is approved by the Responsible Authority in writing, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.

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Once completed, the landscaping must be maintained to the satisfaction of the Responsible Authority, including any dead, diseased or damaged plants being replaced.

- (7) Native vegetation offsets are required to offset the removal of seven scattered trees approved as part of this permit.

The applicant must provide native vegetation offset that meet the following requirement, and is in accordance with the 'Permitted clearing of native vegetation – Biodiversity assessment guidelines' and the 'Native vegetation gain score manual' (Department of Environment, Land, Water and Planning). The offset must:

- (a) Contribute gain of at least 0.015 general biodiversity equivalence units;
 - (b) Be located within the Goulburn Broken Catchment Management Authority boundary or Moira Shire Council Municipal district; and
 - (c) Have a strategic biodiversity score of at least 0.100.
- (8) Before any native vegetation is removed, evidence that an offset has been secured must be provided to the satisfaction of and approved by the Responsible Authority. This offset must meet the offset requirements set out in this permit and be in accordance with the requirements of the permitted clearing of native vegetation – biodiversity assessment guidelines and the native vegetation gain scoring manual (Department of Environment, Land, Water and Planning). Offset evidence can be either:
- (a) An allocated native vegetation credit register extract from the Native Vegetation Credit Register; or
 - (b) A security agreement to the required standard for the offset site or sites, including a 10-year Offset Management Plan to the satisfaction and approval of the Responsible Authority. The requirements noted in an approved and endorsed Offset Management Plan must not be altered except with the written consent of the Responsible Authority;

Every year, for ten years from the date of approval of the Offset Management Plan, the applicant must provide to the Responsible Authority, notification of actions undertaken towards implementation of the Offset Management Plan, an offset site condition statement and site monitoring photographs.

- (9) The development must be managed so that the amenity of the area or locality, in the opinion of the Responsible Authority, is not detrimentally affected, through the:
- (c) transport of materials, goods or commodities to or from the land;
 - (d) appearance of any building, works or materials;
 - (e) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil; and
 - (f) presence of vermin.
- (10) All pipes, fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
- (11) No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building(s) without the written consent of the Responsible Authority.
- (12) Provision must be made on the land for the storage and collection of garbage and other solid waste. This area must be covered, graded and drained and screened from public view to the satisfaction of the Responsible Authority.
- (13) Prior to the endorsement of plans under Condition 1, a waste management plan for the collection and disposal of garbage and recyclables for all uses must be submitted to the

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Responsible Authority for approval. The waste management plan must provide for; the method of collection of garbage and recyclables, designation of methods of collection, appropriate areas for bin storage on site and areas for bin storage on collection days and litter management. When approved, the plan will be endorsed and will then form part of the permit. The waste management plan must include the recommendations of the *Preliminary Environmental Site Assessment 2-6 Colgan Street, Cobram, March 2016*, prepared by Greencap – NAA Pty Ltd in relation to the potential contamination of the site by way of asbestos, including a requirement that an agreement under section 173 of the *Planning and Environment Act 1987* be entered into with the Responsible Authority to the effect that the land cannot be used for a sensitive use unless there is a statement or certificate of environment audit under the *Environment Protection Act 1970* (or any subsequent relevant Act) to the effect that the land may be used for that sensitive use.

- (14) In the order of eighty percent (80%) of the glazed areas of the southern building façade must remain transparent at all times, to the satisfaction of the Responsible Authority.
- (15) External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the Responsible Authority.
- (16) Flashing or intermittent light must not be displayed on the subject land except with the prior written consent of the Responsible Authority.
- (17) No fewer than 400 car spaces must be provided on the land for the use and development, including 9 spaces clearly marked for use by disabled persons. The disabled car spaces must be provided as close as practicable to suitable entrances of the building including the medical centre and must be clearly marked with a sign to indicate that the spaces must only be utilised by disabled persons. The dimensions of the car spaces must accord with Australian Standard 2890 series.
- (18) The car parking area must be lit if in use during hours of darkness, and all lights must be designed, fitted with suitable baffles and located to prevent any adverse effect on adjoining land, to the satisfaction of the Responsible Authority.
- (19) A concrete kerb or other barrier/wheel stop must be provided within car parking spaces as protective measures to the landscaping treatment, to the satisfaction of the Responsible Authority.
- (20) Prior to the commencement of the use of the development authorised by this permit, provision must be made for the parking of 34 bicycles on the subject land to the satisfaction of the Responsible Authority.
- (21) Prior to the commencement of construction on the site, the Stormwater Drainage Strategy report prepared by Chris Smith & Associates (Reference: 17113, October 2017) must be amended to the satisfaction of the Responsible Authority to address the following:
 - (a) unless proven otherwise, in discharging to Council's drainage system, computations must be based on the 63% AEP rainfall event and the existing site conditions and not post development site condition coefficients as the strategy sets out;
 - (b) demonstrate a safe depth of water will be maintained in the carpark storage areas;
 - (c) demonstrate self-cleaning velocities, pit losses and pipe top cover minimum standards will achieve in diverting the Council owned stormwater pipe asset;
 - (d) demonstrate overland flow path/s through the fully developed site are maintained when storm retention areas are full/in operation; and
 - (e) demonstrate any upstream catchment/s that may need to be considered having potential impact on the site.

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- (22) Prior to the commencement of use of the development authorised by this permit, upgrades of Park Court, Colgan Street, Cobram-Koonoomoo and Murray Valley Highway adjacent to and extending the full frontage of the subject land must be undertaken in accordance with the Endorsed Plans.

The works must be designed and constructed to best match into the surrounding infrastructure in-keeping with the current street appearance. 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 (IDM). In particular the works must include:

Park Court

- (a) upgrade the road carriageway to an Access Standard width, providing kerb and channel to each side of the road with a sealed wearing course and court bowl. As agreed and once works are completed, Council will make a cash contribution for the construction works associated with the remaining section of the court bowl to be brought up to the same standard, as delineated on the Endorsed Plans;
- (b) footpath;
- (c) underground drainage;
- (d) appropriate intersection and traffic control/mitigation measures;
- (e) appropriate street lighting and signage, including 'No Standing' street signs where appropriate;
- (f) high stability permanent survey marks;
- (g) all disused or redundant vehicle crossings must be removed and reinstated to the satisfaction of the Responsible Authority; and
- (h) Street trees where appropriate.

Colgan Street

- (i) Blacking out and linemarking of 'long vehicle parking bays' and appropriate signage; and
- (j) Street trees where appropriate.

Cobram-Koonoomoo Road

- (k) proposed access road constructed, sealed, and drained to the satisfaction of the Responsible Authority, including provision of street lighting and signage as required; and
- (l) Street trees where appropriate.

Murray Valley Highway

- (m) provide sealed path connection for pedestrians connecting the site to the existing path network; and
 - (n) Street trees where appropriate.
- (22) Prior to the commencement of the use of the development authorised by this permit, all new and existing vehicle crossings as shown on the endorsed plan must be constructed and sealed to the standards of Council's Infrastructure Design Manual, and to the satisfaction of the Responsible Authority. In particular, any redundant vehicular crossing/s serving the subject land must be removed and replaced with kerb and channel, to the satisfaction of the Responsible Authority.

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The final location of the crossing is to be approved by the Responsible Authority via a "Consent to Work within the Road Reserve", prior to the undertaking of works.

- (23) Prior to the commencement of the use of the development authorised by this permit, any internal customer parking, manoeuvring areas and loading and unloading areas created by the proposed development and as shown on the endorsed plan are to be in accordance with Council's Infrastructure Design Manual, and any specifications approved by the Responsible Authority, and be:
- (a) constructed;
 - (b) properly formed to such levels that they can be used in accordance with the plans;
 - (c) drained;
 - (d) surfaced with an all-weather (sealed) surface;
 - (e) include shade structures over at least 20% of the car parking areas;
 - (f) line marked to indicate each car space and all access lanes, including pedestrian path ways;
 - (g) clearly marked to show the direction of traffic along access lanes and driveway;
 - (h) restrict vehicle access to only the site's entry/exit points; and
 - (i) signed and illuminated.
- Car spaces, access lanes and driveways must be kept available for these purposes at all times.
- (24) 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, 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; and
 - (h) the location of any temporary buildings or yards.
- (25) Prior to the commencement of the use of the development authorised by this permit, all drainage infrastructure required by the approved drainage plan must be constructed in accordance with plans and specifications approved by the Responsible Authority.
- (26) Prior to the commencement of construction on the site, a properly prepared drainage plan with certified computations must be submitted to and approved by the Responsible Authority. The plan must accord with the provisions of Council's Infrastructure Design Manual and be prepared

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by a suitably qualified person to the satisfaction of the Responsible Authority. In particular the plan must demonstrate:

- (a) all storm-water deposited upon, and transferred through, the developed site during a 5% AEP event is collected and conveyed by underground pipes to a legal point of discharge nominated by the Responsible Authority;
 - (b) all storm-water runoff originating from, or currently flowing through, the developed site in a 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) storm-water drainage plans for the development incorporate measures to enhance the quality of water discharged from the site and to protect downstream infrastructure and waterways;
 - (e) relocation of any Council exiting drainage infrastructure must be carried out in accordance with plans and specifications, approved by the Responsible Authority; and
 - (f) unless agreed otherwise, the drainage design must be generally in accordance with the accepted Stormwater Drainage report prepared by Chris Smith & Associates (Reference: 17113).
- (27) 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.
- (28) Prior to the commencement of use of the development authorised by this permit, the developer must provide the Responsible Authority with a maintenance bond(s) for the total costs of roads, drainage and landscaping works passing into the ownership and control of the Council. Bonds are to be calculated on excluding GST amounts and based on the priced Bill of Quantities, and lodged with Council for the term of the Defect Liability Period, being a minimum twelve (12) month 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
- (29) Prior to the commencement of the use of the development authorised by this permit 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 approved by the Responsible Authority. The following must be submitted:
- (a) an assets statement for each street;
 - (b) 'as constructed' information for the entire work in each development stage detailing information as listed in the council's Infrastructure Design Manual; and
 - (c) information to be presented in pdf., dwg. and D, O and R SPEC formats as appropriate, unless otherwise agreed in writing by the Authority.

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- (30) Prior to the commencement of the use of the development authorised by this permit the nature-strip and all disturbed areas are to be topsoiled and seeded to establish grass cover, unless other treatments/finishes are approved by the Responsible Authority.
- (31) Prior to the commencement of the use of the development authorised by this permit, appropriate drainage easements must be created in favour of the Moira Shire Council covering any relocation of Council's drainage assets, to the satisfaction of the Responsible Authority.
- (32) All construction plan approvals will lapse at the time of a request to extend this Planning Permit.
- (33) 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.
- (34) 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.
- (35) No such contaminants will be permitted to enter the storm-water drainage system under any reasonably foreseeable circumstances.
- (36) Prior to the commencement of the development on the site, a Soil Management Plan must be prepared and approved to the satisfaction of the Responsible Authority. The Soil Management Plan must address the proposed excavation works on the site as well as the ongoing development of the site, and identify measures to minimise risks to site workers, future site workers, future site users and the environment associated with potentially contaminated soil that may be encountered during development works at the site, in accordance with the recommendations of the Greencap – NAA Pty Ltd report dated March 2016.
- (37) This permit will expire if one of the following circumstances applies:
 - The development is not started within three years of the date of this permit.
 - The development is not completed within six years of the date of this permit.

The Responsible Authority may extend the periods referred to if a request is made in writing before or within 6 months after the expiry of the permit where the development has not yet started, or within 12 months where the development has commenced.

Powercor Conditions

- (38) Provide an electricity supply to all lots in the subdivision in accordance with Powercor requirements and standards, including the extension, augmentation or re-arrangement of any existing electricity supply system, as required by Powercor (A payment to cover the cost of such work will be required). In the event that a supply is not provided the applicant shall provide a written undertaking to Powercor Australia Ltd that prospective purchasers will be so informed.
- (39) Where buildings or other installations exist on the land to be subdivided and are connected to the electricity supply, they shall be brought into compliance with the Service and Installation Rules issued by the Victorian Electricity Supply Industry. You shall arrange compliance through a Registered Electrical Contractor.
- (40) Any buildings must comply with the clearances required by the Electricity Safety (Installations) Regulations.
- (41) Any construction work must comply with Energy Safe Victoria's "No Go Zone" rules.
- (42) Set aside on the plan of subdivision for the use of Powercor Australia Ltd reserves and/or easements satisfactory to Powercor Australia Ltd where any electric substation (other than a pole mounted type) is required to service the subdivision.

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Alternatively, at the discretion of Powercor Australia Ltd a lease(s) of the site(s) and for easements for associated powerlines, cables and access ways shall be provided. Such a lease shall be for a period of 30 years at a nominal rental with a right to extend the lease for a further 30 years. Powercor Australia Ltd will register such leases on the title by way of a caveat prior to the registration of the plan of subdivision.

- (43) Provide easements satisfactory to Powercor Australia Ltd, where easements have not been otherwise provided, for all existing Powercor Australia Ltd electric lines on the land and for any new powerlines required to service the lots and adjoining land, save for lines located, or to be located, on public roads set out on the plan. These easements shall show on the plan an easement(s) in favour of "Powercor Australia Ltd" for "Power Line" pursuant to Section 88 of the Electricity Industry Act 2000.
- (44) Obtain for the use of Powercor Australia Ltd any other easement external to the subdivision required to service the lots.
- (45) Obtain Powercor Australia Ltd's approval for lot boundaries within any area affected by an easement for a powerline and for the construction of any works in such an area.
- (46) Provide to Powercor Australia Ltd, a copy of the version of the plan of subdivision submitted for certification, which shows any amendments which have been required.

Goulburn Valley Water Conditions

- (47) Payment of new customer contribution charges for water supply to the development, such amount being determined by the Corporation at the time of payment.
- (48) Provision of a reticulated water supply and associated construction works to replace the existing water main that currently lies 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.
- (49) Provision of individual water supply meters to each tenement within the development.
- (50) Payment of new customer contributions charges for sewerage services to the development, such amount being determined by the Corporation at the time of payment.
- (51) Connection of all sanitary fixtures within the development to reticulated sewerage, at the developer's expense, in accordance with standards of construction adopted by and to the satisfaction of the Goulburn Valley Region Water Corporation.

All works required are to be carried out in accordance with AS 3500.2 - 'Sanitary plumbing and drainage', and to the satisfaction of the Corporation's Property Services Section;

- (52) Discharge of trade waste from the development shall be subject to a Trade Waste Consent Agreement.
The Owner and or occupier is required to submit a completed Trade Water Application, and install the required pre-treatment facility to the satisfaction of Goulburn Valley Water's Trade Waste Section, before approval to discharge trade waste from the development into the Corporation's sewer is granted.
- (53) The operator under this permit shall be obliged to enter into an Agreement with Goulburn Valley 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.

VicRoads Conditions

- (54) Before the development starts amended functional layout plans must be submitted to and approved by the Roads Corporation. When approved by the Roads Corporation, the plans may be endorsed by the Responsible Authority and will then form part of the permit. The functional

Date issued:

Date permit comes into operation:

(or if no date is specified, the permit comes into operation on the same day as the amendment to which the permit applies comes into operation)

Signature for the responsible authority:

Permit No.: 5/2017/204

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FILE NO: 5/2017/204
1. A GREAT PLACE TO LIVE

ITEM NO: 9.4.5

**SEEKING APPROVAL FOR COMBINED PLANNING SCHEME
AMENDMENT C88 AND PLANNING PERMIT APPLICATION 5/2017/204 FOR 2-
4 COLGAN STREET, COBRAM (cont'd)**

ATTACHMENT No [1] - Moira C88 Planning Panel Report (3 June 2019)

Moira Planning Scheme Amendment C88 | Panel Report | 3 June 2019

layout plans must be drawn to scale generally in accordance with the plan (DA04, issue A prepared by i2C) date stamped 11/09/17 and annotated as but modified to show:

- (a) One-way entry only access from Cobram-Koonoomoo Road to the subject land with a median and signs on the arterial road preventing right turns into the access including swept path analysis for the appropriate design vehicle for all movements associated with the proposed access point, including the largest design vehicle for all movements associated with reasonable anticipated to use this access.
 - (b) One-way egress only access from the subject land to Broadway Street including swept path analysis for the appropriate design vehicle for all movements associated with the proposed access point, including the largest design vehicle that could be reasonable anticipated to use this access.
- (55) Prior to the development coming into use the applicant shall construct the mitigating works to the satisfaction of and at no cost to the Roads Corporation as follows:
- (a) Access to the subject land in accordance with the endorsed plans.
 - (b) A median on the Cobram-Koonoomoo Road preventing right turns into the proposed access.

Planning Notes

- (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) This permit does not authorise the commencement of any building construction works. Before any such development may commence, the applicant must apply for and obtain appropriate building approval.
- (3) Unless no permit is required under the planning scheme, no sign must be constructed, erected or displayed without a further permit.

VicRoads Notes

- (4) Separate consent for works within the road reserve and the specifications of these works may be required under the Road Management Act.
- (5) It should be noted that the consent application will be treated as a developer funded application which requires fees and detailed plans and specifications.

Date issued:

Date permit comes into operation:

(or if no date is specified, the permit comes into operation on the same day as the amendment to which the permit applies comes into operation)

Signature for the responsible authority:

Permit No.: 5/2017/204

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

ITEM NO: 10.1

ACTION OFFICERS' LIST

RECOMMENDATION

That Council receive and note the Action Officers' List.

Meeting: 27 March 2019

Subject: Yarrawonga Town Hall Precinct and Library Concept Plan

That Council:

1. Pause development of detailed plans for a new library / community hub on the Yarrawonga Town Hall site while it undertakes further broad community engagement on the proposal.
2. That an assessment of the former Yarrawonga Primary School site be undertaken to establish whether all or part of the site should be retained for community use.

(CARRIED)

Activity

- Broad community engagement on the proposed town hall precinct concluded on 19 June, the results will be reported to the relevant committees and council.
- Assessment of the former Yarrawonga Primary School site is nearing completion. The site is a complex mix of land tenure with significant heritage, demolition and restoration issues.

Attachments

Nil

FILE NO: VARIOUS

ITEM NO: 14

URGENT GENERAL BUSINESS**Clause 60 of Council's "Meeting Procedures Local Law 2017 states:****60. Urgent general business**

- 1) Councillors must provide an outline of the matters to be considered before Council can accept the motion to consider urgent business. The outline must demonstrate how the matter meets the criteria for urgent business.
- 2) Urgent business can only be admitted by resolution of Council
- 3) Urgent business must not be admitted as urgent business unless
 - a) It relates to or arises out of a matter which has arisen since distribution of the agenda
 - b) Is manifestly urgent
 - c) Is material to the function of Council
 - d) Requires an urgent council resolution
 - e) Is otherwise determined by the CEO.
- 4) Only the mover of an urgency motion may speak to the motion before it is put.

FILE NO: VARIOUS

ITEM NO: 15

QUESTIONS FROM THE PUBLIC GALLERY

Clause 61 of Council's "Meeting Procedures Local Law 2017 states:

61. Question Time

The Council will hold a Public Question Time of up to 30 minutes duration at each Ordinary Meeting, to enable members of the public to receive answers to questions previously submitted for consideration, and if the submitted questions are dealt with in less than the 30 minute period, the Chair can invite questions from the floor.

- 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.
- 5) No person may submit more than two (2) questions at any one (1) meeting.
- 6) The Chairperson or member of Council staff nominated by the Chairperson may read a question to those present.
- 7) 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.
 - c) A question may be disallowed by the Chairperson if it:
 - d) relates to a matter outside the duties, functions and powers of Council;
 - e) is defamatory, indecent, abusive, offensive, irrelevant, trivial or objectionable in language or substance;
 - f) deals with a subject matter already answered;
 - g) is aimed at embarrassing a Councillor or a member of Council staff;
 - h) relates to personnel matters;
 - i) relates to the personal hardship of any resident or ratepayer;
 - j) relates to industrial matters;
 - k) relates to contractual matters;
 - l) relates to proposed developments;
 - m) relates to legal advice;
 - n) relates to matters affecting the security of Council property; or
 - o) relates to any other matter which Council considers would prejudice Council or any person.
- 8) The Chairperson may request a Councillor or member of Council staff to respond, if possible, to the question.
- 9) 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.
- 10) 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 the 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: 16

MEETING ADJOURNMENT

RECOMMENDATION

That the meeting be adjourned for 10 minutes.

RECOMMENDATION

That the meeting be resumed.

RECOMMENDATION

That pursuant to Sections 89(2) (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.

RECOMMENDATION

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

RECOMMENDATION

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