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AGENDA

**ORDINARY MEETING OF COUNCIL
FOR
WEDNESDAY 28 NOVEMBER 2018
TO BE HELD AT YARRAWONGA TOWN HALL, BELMORE STREET, YARRAWONGA
COMMENCING AT 6:00 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, 24 October 2018 and the minutes of the Special Meeting of Council held on Wednesday, 14 November 2018, as prepared, be confirmed.”

8. COUNCILLOR REPORTS

COUNCILLORS TO PROVIDE VERBAL REPORTS

9. OFFICER REPORTS FOR DETERMINATION

9.1 OFFICE OF CEO

9.1.1	COUNCIL MEETING SCHEDULE 2019	4
9.1.2	SECTION 86, AUDIT AND OTHER COMMITTEE REPRESENTATIVES	8
9.1.3	COMMITTEE OF COUNCIL - 31 OCTOBER 2018 - MINUTES	16
9.1.4	CONSIDERATION OF MOVING THE 12 DECEMBER COUNCIL MEETING BACK TO 19 DECEMBER 2018	21
9.1.5	NUMURKAH SHOW AS A SUBSTITUTE PUBLIC HOLIDAY FOR THE APPOINTED MELBOURNE CUP DAY HOLIDAY IN 2019	23

9.2 CORPORATE

9.2.1	ASSEMBLIES OF COUNCIL	27
9.2.2	QUARTERLY BUDGET REVIEW - SEPTEMBER 2018	29

9.3 COMMUNITY

NIL

9.4 INFRASTRUCTURE

9.4.1	MOIRA SHIRE PLANNING SCHEME AMENDMENT C89 ENVIRONMENTAL SIGNIFICANCE OVERLAY FOR WASTEWATER TREATMENT PLANTS RECOMMENDED ODOUR BUFFERS	40
9.4.2	IMPLEMENTATION OF THE INFRASTRUCTURE DESIGN MANUAL - PLANNING SCHEME AMENDMENT	64
9.4.3	C002/19 - SUPPLY AND DELIVERY OR FINANCE OF TWO MOTOR GRADERS	71
9.4.4	REQUEST FOR DRAWDOWN OF LAKE MULWALA IN WINTER 2019	75
9.4.5	C003/19 - SUPPLY AND DELIVERY OF NINE 4 X 4 UTILITIES	78
9.4.6	COBRAM EAST FLOOD MITIGATION LEVEE DESIGN STEERING COMMITTEE - APPOINTMENT OF COBRAM COMMUNITY REPRESENTATIVES	81
9.4.7	NUMURKAH FLOOD MITIGATION PROJECT STEERING COMMITTEE - APPOINTMENT OF COMMUNITY REPRESENTATIVE	84

10. ACTION OFFICERS LIST

10.1	ACTION OFFICERS' LIST	86
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11. NOTICES OF MOTION

NIL

12. PETITIONS AND JOINT LETTERS

12.1	JOINT LETTER - SEALING OF RILEY STREET, COBRAM	87
13.	COUNCIL SEAL	
	NIL	
14.	GENERAL BUSINESS	91
15.	QUESTIONS FROM PUBLIC GALLERY	92
16.	MEETING ADJOURNMENT	93
17.	CONFIDENTIAL BUSINESS	
18.	URGENT GENERAL CONFIDENTIAL BUSINESS	
19.	CLOSE OF MEETING	

FILE NO: 120.06.003
4. A WELL RUN COUNCIL

ITEM NO: 9.1.1

COUNCIL MEETING SCHEDULE 2019

RECOMMENDATION

That Council:

1. Set the date, time and place of Council meetings as:
 - Ordinary Council Meetings to be held on the fourth Wednesday of the month (unless it conflicts with a public holiday) commencing at 5pm during eastern standard times and 6pm during daylight savings.
 - One Ordinary meeting will be held at Yarrawonga, Numurkah and Nathalia and all other Ordinary Council Meetings to be held at the Cobram Civic Centre, Council Chambers.
2. Briefing sessions to be held on the second Wednesday of the month and held on the third Wednesday of the month if required.

1. Executive Summary

Under Part 3, Section 8(1) of Council's Meeting Procedures Local Law 2017: The date time and place of all Council meetings are to be fixed by the Council and reasonable notice of the meetings must be provided to the public.

This report details the meeting and briefing schedule for 2019.

2. Background and Options

Meeting locations

In 2018 Council meetings took place in Cobram, Numurkah, Nathalia, and Yarrawonga with the majority of meetings held in Cobram.

In past years Council has scheduled meetings in smaller towns and this is well received by local communities but has not necessarily resulted in increased community attendance and increased the logistical and technology challenges as well as the time required of Council officers.

Proposal – Majority of Council Meetings and all Briefings to be held in a venue in Cobram.

Meeting times

There is no time of day that suits every segment of the community and this is reflected in the wide range of meeting times adopted by Councils across Victoria. Prior to 2017 Council scheduled meetings for 6pm which was 'unfriendly' to a range of demographics, requires considerable officer involvement outside of standard business hours and involves travel at higher risk periods of the day including dusk and night time.

In 2017 Council held meetings commencing at 5pm during the winter months and 6pm during daylight savings, which resulted in a greater attendance at the meetings.

Proposal – Council schedule meetings to commence at 5pm during eastern standard times and 6pm during daylight savings.

Week of the month

In 2017 Council Meetings were scheduled in the fourth week of each month. This enabled month end data to be included at the next meeting and hence improved the timeliness of officer reports.

The Council agenda will be available to Councillors and community a week before the meeting. Having the meetings during the fourth week of the month will allow additional time for agenda review by Councillors and the community.

FILE NO: 120.06.003
4. A WELL RUN COUNCIL

ITEM NO: 9.1.1

COUNCIL MEETING SCHEDULE 2019 (cont'd)

Proposal – Continue with fourth week of the month.

3. Financial Implications

Council meeting expenses are included in the adopted budget. The budget amount for 2017/2018 is: \$21,000. The meeting expenses include:

- Lunch, afternoon tea and dinner.
- Hire of venues that are not owned by Council.
- Cost of external bodies to present to Council.
- Equipment required for Council Meetings.

In addition to the meeting expenses, the cost of Councillor and staff travel, staff overtime and time demands of senior staff are hidden costs that needs to be taken into consideration.

4. Risk Management

Risk to Councillors, staff and community members of travelling long distances on country roads at night will be reduced by having the meetings starting earlier during the winter months and the venue accessible by major roads.

In addition to the above mitigation the physical workload and man hours required to set up venues without the required equipment is reduced, by having the meetings at venue with the appropriate ergonomic equipment.

5. Internal and External Consultation

An Ordinary meeting of Council forms part of Council's commitment to community engagement.

All Council Meetings and Special Council Meetings are advertised in the: Yarrowonga Chronicle, Numurkah Leader, Cobram Courier and the Nathalia Red Gum Courier. Council Meeting dates and times are available from the Moira Shire website (www.moira.vic.gov.au).

Copies of the agenda are available from the Moira Shire website and service centres.

Unconfirmed minutes of the previous meeting are uploaded onto the website within a week of the meeting and are confirmed by Council at the following meeting.

6. Regional Context

There are no regional issue to consider within this report.

7. Council Plan Strategy

A well run Council.

8. Legislative / Policy Implications

Under Part 3, Section 8(1) of Council's Meeting Procedures Local Law 2017, the date time and place of all Council meetings are to be fixed by the Council and reasonable notice of the meetings must be provided to the public.

FILE NO: 120.06.003
4. A WELL RUN COUNCIL

ITEM NO: 9.1.1

COUNCIL MEETING SCHEDULE 2019 (cont'd)

9. Environmental Impact

There is a carbon footprint left whenever meetings require travel. Councillors and Officers car pool where possible to reduce the amount of cars travelling to one location.

10. Conflict of Interest Considerations

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

11. Conclusion

That Council set the date, time and place for Council Meetings and Briefings for 2019 as per the attached schedule.

Attachments

- 1 Council Meeting Dates 2019

FILE NO: 120.06.003
4. A WELL RUN COUNCIL

ITEM NO: 9.1.1

COUNCIL MEETING SCHEDULE 2019 (cont'd)

ATTACHMENT No [1] - Council Meeting Dates 2019

Date	Venue	Meeting
Wed 27 Feb 2019	Cobram Civic Centre	Ordinary Council Meeting
Wed 27 Mar 2019	Cobram Civic Centre	Ordinary Council Meeting
Wed 17 April 2019 *	Cobram Civic Centre	Ordinary Council Meeting
Wed 22 May 2019	Numurkah Presidents Room	Ordinary Council Meeting
Wed 26 Jun 2019	Cobram Civic Centre	Ordinary Council Meeting
Wed 24 July 2019	Cobram Civic Centre	Ordinary Council Meeting
Wed 28 Aug 2019	Cobram Civic Centre	Ordinary Council Meeting
Wed 25 Sep 2019	Nathalia Dancocks	Ordinary Council Meeting
Wed 23 Oct 2019	Cobram Civic Centre	Ordinary Council Meeting
Wed 30 Oct 2019	Cobram Civic Centre	Mayoral Election
Wed 27 Nov 2019	Yarrowonga Town Hall	Ordinary Council Meeting
Wed 18 Dec 2019 *	Cobram Civic Centre	Ordinary Council Meeting

* Indicates meeting brought forward due to public holiday

FILE NO: F/18
4. A WELL RUN COUNCIL

ITEM NO: 9.1.2

SECTION 86, AUDIT AND OTHER COMMITTEE REPRESENTATIVES

RECOMMENDATION

That Council appoint Councillor Representatives to Council's Section 86 Committees; Audit Committee; Moira Advisory Committees; Other Moira Committees and Other Representative Bodies, in accordance with the attached lists.

1. Executive Summary

Section 86 of the *Local Government Act 1989* (the Act) enables councils to establish special committees, which may be the subject of delegations from the Council. It also recognises the possibility of establishing advisory committees, whose role it is to provide recommendations to the Council, although they do not have any formal delegated powers.

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

This report identifies Councillor Representatives to Council's Section 86 Committees; Audit Committee; Moira Advisory Committees; Other Moira Committees and Other Representative Bodies for 2018.

2. Background and Options

Special Committees of Council are in the case of Section 86 Committees established to manage community assets in partnership with Council whilst others advise Council on special interest areas of decision making. Committees may comprise individual community members, community group representatives and in some instances agency and government department representatives.

As a function of Council, Councillor Representation is also common.

An instrument of delegation to a committee is used to clearly articulate the nature of the delegation, and any conditions or limitations under which the delegation is exercised. Section 86(4) also imposes certain limitations, including the power to borrow money or enter into contracts for an amount exceeding that previously determined by the Council.

The process for establishing a special committee is relatively simple. It involves:

- Resolving to establish the committee, including setting out its purposes, members (and their voting rights), delegated powers, and reporting obligations back to the Council; and
- Delegating, via an instrument of delegation, certain Council powers to the committee to enable it to function effectively.

The Council is also able to impose conditions on the exercise of the delegated powers and to ensure it can operate effectively and provide the advice required. This option also often ensures that the Council will have continued access to funding from the Commonwealth and State Government (which may not be the case where the external body is appointed to manage the land, for example).

As appointees to special committees, Councillors will be provided with opportunities to attend conferences, workshops and forums that relate directly to their role on their appointed committees. This will allow for Councillors to expand on their knowledge in specific areas.

FILE NO: F/18
4. A WELL RUN COUNCIL

ITEM NO: 9.1.2

SECTION 86, AUDIT AND OTHER COMMITTEE REPRESENTATIVES (cont'd)

Special committees can be formed at any time where a need is identified. Once identified, a formal process of Council to advertise the formation of a committee and appointment of committee representatives is undertaken.

3. Financial Implications

Council's financial support for special committees is a budgeted item.

4. Risk Management

Risk is mitigated by Council meeting its statutory requirements and by having representation on external boards.

5. Internal and External Consultation

Once Councillors' have been appointed to the committees, each committee will be notified of their delegated Councillor. Councillors will then commence receiving correspondence regarding committee meetings.

6. Regional Context

There are no regional issues to consider within this report.

7. Council Plan Strategy

A well run Council.

8. Legislative / Policy Implications

The process of delegation of Council's powers is a legislative requirement and is accomplished by documentation for each committee.

Section 86 of the *Local Government Act 1989*, and

Section 86(4) of the *Local Government Act 1989* are particularly relevant.

9. Environmental Impact

There are no environmental sustainability issues to consider within this report.

10. Conflict of Interest Considerations

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

11. Conclusion

Following the committee appointments, should an alternative Councillor Representative be appointed to a Committee, the Instrument of Delegation and previous meeting Minutes will be forwarded to the Councillor for their information.

Attachments

- 1 2019 ADVISORY COMMITTEES AND BOARDS - PORTFOLIOS
- 2 2019 S86 CoM Councillor representative

FILE NO: F/18
4. A WELL RUN COUNCIL

ITEM NO: 9.1.2

SECTION 86, AUDIT AND OTHER COMMITTEE REPRESENTATIVES (cont'd)

ATTACHMENT No [1] - 2019 ADVISORY COMMITTEES AND BOARDS - PORTFOLIOS

ADVISORY COMMITTEES AND BOARDS			
	Representative	Dates	Occurrence
Moira Shire Council Audit Committee	Mayor Crs: Cox & Martin	Thursdays	Minimum Quarterly
Moira Shire Disability Advisory Committee	Crs: Bourke and Lawless	Second Tuesday	Bi Monthly
Moira Shire Environment Sustainability Advisory Committee	Crs: Cox and Martin	Third Tuesday	Quarterly
Moira Shire Youth Council	Mayor Crs: Mansfield, Martin, Cleveland	Tuesday	Six meetings per year
Moira Shire Community Safety Committee	Crs: Bourke and Martin	First Tuesday	Quarterly
Moira Shire Municipal Public Health & Wellbeing Plan Advisory Committee	Crs: Bourke and Cox		Quarterly
Moira Shire Tourism Advisory Committee	Cr Mansfield	Thursday	Bi Monthly
Numerkah Flood Mitigation Project Steering Committee	Cr Bourke	Thursday	Quarterly
Cobram East Flood Mitigation Levee Design Steering Committee	TBC	TBC	As required
Yarrawonga Library Project Steering Committee	Crs: Mansfield, Buck and Lawless	TBC	As required
Yarrawonga Multipurpose Sports Stadium Steering Committee	Cr Mansfield		Bi-monthly

FILE NO: F/18
4. A WELL RUN COUNCIL

ITEM NO: 9.1.2

SECTION 86, AUDIT AND OTHER COMMITTEE REPRESENTATIVES (cont'd)

ATTACHMENT No [1] - 2019 ADVISORY COMMITTEES AND BOARDS - PORTFOLIOS

OTHER REPRESENTATIVE BODIES			
	Representative	Dates	Occurrence
Goulburn Broken Greenhouse Alliance	Cr Martin	Third Thursday	Varies
Goulburn Valley Community Road Safety	Crs: Bourke and Cox	Varies	Quarterly
Goulburn Valley Regional Library Corporation Board	Cr Cleveland	Thursday	Quarterly
Goulburn Valley Waste and Resource Recovery Group	Cr Buck	Friday	Quarterly
Goulburn Valley Highway Bypass Action Group	Mayor		
Lake Mulwala Community Reference Group	Cr Mansfield	Various	Varies
Municipal Association of Victoria	Cr Buck	Friday	Quarterly
Murray River Group of Councils	Mayor		Bi Monthly
Murray Darling Association Inc	Cr Mansfield	Various	Twice yearly
Moira Shire Council Barmah Forest Heritage Education Centre	Cr Bourke	Thursday	Varies

FILE NO: F/18
4. A WELL RUN COUNCIL

ITEM NO: 9.1.2

SECTION 86, AUDIT AND OTHER COMMITTEE REPRESENTATIVES (cont'd)

ATTACHMENT No [2] - 2019 S86 CoM Councillor representative

SECTION 86 COMMITTEES			
	Representatives	Dates	Occurrence
Baulkamaugh Recreation Reserve & Community Hall	Cr Martin	Third or Fourth Thursday	Quarterly
Bundalong Dan Cronin Recreation Reserve & Public Hall	Cr Mansfield	First Monday	Quarterly
Cobram Scott Reserve	Cr Cleveland	Second Wednesday	Monthly
Floridan Park Recreation Reserve	Cr Beitzel	Third Tuesday	Quarterly
Invergordon Recreation Reserve & Community Hall	Cr Beitzel	Second Wednesday	Quarterly
Katamatite Recreation Reserve	Cr Lawless	Second Tuesday	Quarterly
Katunga Recreation Reserve & Community Centre	Cr Beitzel	Third Wednesday	Bi monthly
Koonoomoo Recreation Reserve	Cr Cleveland	Second Thursday	Quarterly
Picola Recreation Reserve	Cr Bourke	Second Tuesday	Quarterly
St James Recreation Reserve	Cr Lawless	First Monday	Quarterly

FILE NO: F/18
4. A WELL RUN COUNCIL

ITEM NO: 9.1.2

SECTION 86, AUDIT AND OTHER COMMITTEE REPRESENTATIVES (cont'd)

ATTACHMENT No [2] - 2019 S86 CoM Councillor representative

SECTION 86 COMMITTEES			
	Representatives	Dates	Occurrence
Strathmerton Recreation Reserve	Cr Cox	First Wednesday	Quarterly
Tungamah Jubilee Park Recreation Reserve	Cr Lawless	Tuesday	Quarterly
Waaia Recreation Reserve	Cr Bourke	Second Monday	Quarterly
Wilby Racecourse & Recreation Reserve	Cr Mansfield	Third Thursday	Quarterly
Wunghnu Recreation Reserve	Cr Martin	Second Wednesday	Every second month
Yaica North Recreation Reserve	Cr Bourke	First Monday	Quarterly
Yarrowonga JC Lowe Oval Reserve	Cr Lawless	First or second Wednesday	Quarterly
Yarroweyah Recreation Reserve	Cr Cox	Third Monday	Monthly
Yarrowonga Eastern Foreshore	Cr Mansfield	Fourth Tuesday	Monthly
Cobram Showgrounds Apex Reserve	Cr Cox	Monday	Quarterly

FILE NO: F/18
4. A WELL RUN COUNCIL

ITEM NO: 9.1.2

SECTION 86, AUDIT AND OTHER COMMITTEE REPRESENTATIVES (cont'd)

ATTACHMENT No [2] - 2019 S86 CoM Councillor representative

SECTION 86 COMMITTEES			
	Representatives	Dates	Occurrence
Nathalia Showgrounds & Recreation Reserve	Cr Bourke	Second Monday	Bi monthly
Numurkah Showgrounds Reserve	Cr Martin	Third Monday	Monthly
Yarrawonga Showgrounds Reserve & Victoria Park	Cr Mansfield	Fourth Tuesday	Bi monthly
Katamatite Public Hall	Cr Martin	First Monday	Quarterly
Lake Rowan Hall	Cr Lawless	Second Wednesday	Quarterly
Numurkah Town Hall	Cr Martin	First Monday	Bi monthly
Picola Public Hall	Cr Bourke	Second or Third Tuesday	Quarterly
St James Public Hall	Cr Lawless	Second Wednesday	Quarterly
Strathmerton Public Hall	Cr Beitzel	First Monday	Quarterly

FILE NO: F/18
4. A WELL RUN COUNCIL

ITEM NO: 9.1.2

SECTION 86, AUDIT AND OTHER COMMITTEE REPRESENTATIVES (cont'd)

ATTACHMENT No [2] - 2019 S86 CoM Councillor representative

SECTION 86 COMMITTEES			
	Representatives	Dates	Occurrence
Wilby Memorial Hall	Cr Mansfield	Third Thursday	Quarterly
Yarroweyah Memorial Hall	Cr Cox	First Monday	Bi monthly
Cobram Historical Precinct	Cr Cox	Third Monday	Quarterly
Nathalia Historical Precinct	Cr Bourke	Fourth Tuesday	Quarterly

FILE NO: F18/27
3. A CLEAN GREEN ENVIRONMENT

ITEM NO: 9.1.3

COMMITTEE OF COUNCIL - 31 OCTOBER 2018 - MINUTES

RECOMMENDATION

That Council:

1. Accept the attached minutes of the Committee of Council Meeting held 31 October 2018
2. Endorse the recommendation contained within the minutes.

1. Executive Summary

The minutes of the Committee of Council Meeting held 31 October 2018 to hear submissions received for Yarrawonga Aerodrome – Authorisation to issue public notice of intention to sell land are attached for Council's endorsement.

2. Background and Options

At the 25 July 2018 Ordinary Council meeting, Council resolved:

1. "In accordance with S189 of the Local Government Act public notice be given of Council's intention to sell Lot C, 122 – 140 Cahills Road, also known as the Yarrawonga Aerodrome and invite submissions in accordance with S223 of the Act for a 60-day period.
2. If required, convene a Committee comprising Councillors, General Manager Infrastructure and General Manager Corporate to hear any person wishing to be heard in support of their written submission.

3. Financial Implications

There are many financial implications linked with the possible sale of the Yarrawonga aerodrome which are yet to be determined. However, there are no direct financial implications associated with this report.

4. Risk Management

There are no aviation or financial risks associated with council inviting submissions and reputational risk can be mitigated by carefully following due process and carefully considering the merit of submissions. The 60-day submission period provided adequate time for all interested parties to contribute to the decision.

5. Internal and External Consultation

The Committee of Council met on 31 October 2018.

6. Regional Context

Aviation sites in the region are typically owned by Councils with Albury being the regional airport with substantial regular passenger traffic. Other sites cater for general aviation with the Mt Hotham airport being privately owned and catering to snow related visitation.

7. Council Plan Strategy

A Well run Council.

8. Legislative / Policy Implications

Legislative obligations are met by following the Local Government Act 1989 provisions for the sale of land.

9. Environmental Impact

There are no environmental impacts arising from the Council considering sale of the aerodrome.

FILE NO: F18/27
3. A CLEAN GREEN ENVIRONMENT

ITEM NO: 9.1.3

COMMITTEE OF COUNCIL - 31 OCTOBER 2018 - MINUTES (cont'd)

10. Conflict of Interest Considerations

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

11. Conclusion

This report provides the Minutes Committee of Council Meeting held 31 October 2018.

The Committee Minutes include recommendations that be referred to Council for consideration.

Attachments

- 1 Committee of Council Meeting - Minutes - 31 October 2018

FILE NO: F18/27
3. A CLEAN GREEN ENVIRONMENT

ITEM NO: 9.1.3

COMMITTEE OF COUNCIL - 31 OCTOBER 2018 - MINUTES (cont'd)

ATTACHMENT No [1] - Committee of Council Meeting - Minutes - 31 October 2018

COMMITTEE OF COUNCIL
WEDNESDAY, 31 OCTOBER 2018



MINUTES

COMMITTEE OF COUNCIL HELD AT YARRAWONGA
TOWN HALL, BELMORE STREET, YARRAWONGA ,
WEDNESDAY 31 OCTOBER 2018

The meeting commenced at 6:00 pm.

PRESENT Councillor Libro Mustica (Mayor)
Councillor Ed Cox (Deputy Mayor)
Councillor Kevin Bourke
Councillor Wendy Buck
Councillor Gary Cleveland
Councillor Peter Lawless
Councillor Peter Mansfield
Councillor Marie Martin

IN ATTENDANCE: Andrew Close General Manager Infrastructure
Simon Rennie General Manager Corporate
Linda Nieuwenhuizen Manager Governance and Communication

RECORDING

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

1. CALLING TO ORDER – GENERAL MANAGER CORPORATE

2. PRAYER

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

Amen

Read by the Mayor

3. ACKNOWLEDGEMENT OF COUNTRY

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

Read by the Mayor.

4. APOLOGIES & REQUESTS FOR LEAVE OF ABSENCE

Councillor John Beitzel is an apology for the meeting.

5. DECLARATION OF ANY INTEREST OR CONFLICT OF INTEREST

Nil

FILE NO: F18/27
3. A CLEAN GREEN ENVIRONMENT

ITEM NO: 9.1.3

COMMITTEE OF COUNCIL - 31 OCTOBER 2018 - MINUTES (cont'd)

ATTACHMENT No [1] - Committee of Council Meeting - Minutes - 31 October 2018

COMMITTEE OF COUNCIL
WEDNESDAY, 31 OCTOBER 2018

**6. SUBMISSIONS RECEIVED FOR YARRAWONGA AERODROME - AUTHORISATION
TO ISSUE PUBLIC NOTICE OF INTENTION TO SELL LAND**

MOTION

CRS ED COX / GARY CLEVELAND

That standing orders be suspended to hear from people who indicated in their submission that they would like to speak to their submission.

(CARRIED)

Standing orders were suspended at 6:05PM

MOTION

CRS MARIE MARTIN / KEVIN BOURKE

That standing orders be resumed.

(CARRIED)

Standing orders were resumed at 6:20 PM

MOTION

CRS ED COX / GARY CLEVELAND

That the Committee receive the submissions and refer them to the Council Meeting on 12 December 2018 as part of Council's consideration and decision.

(CARRIED)

MOTION

CRS KEVIN BOURKE / MARIE MARTIN

That standing orders be suspended to hear from a person who would now like to speak to their submission

(CARRIED)

Standing orders were suspended at 6:23PM

FILE NO: F18/27
3. A CLEAN GREEN ENVIRONMENT

ITEM NO: 9.1.3

COMMITTEE OF COUNCIL - 31 OCTOBER 2018 - MINUTES (cont'd)

ATTACHMENT No [1] - Committee of Council Meeting - Minutes - 31 October 2018

COMMITTEE OF COUNCIL
WEDNESDAY, 31 OCTOBER 2018

MOTION

CRS KEVIN BOURKE / ED COX

That standing orders be resumed.

(CARRIED)

Standing orders were resumed at 6:38 PM

7. CLOSE OF MEETING :

The meeting closed at 18:39 PM

FILE NO: F18/99
4. A WELL RUN COUNCIL

ITEM NO: 9.1.4

**CONSIDERATION OF MOVING THE 12 DECEMBER COUNCIL MEETING
BACK TO 19 DECEMBER 2018**

RECOMMENDATION

That: Council defer the 12 December 2018 Council Meeting to 6:00 PM on 19 December 2018.

1. Executive Summary

This report seeks to have Council defer the 12 December 2018 Council Meeting until 19 December 2018. This will allow more time between the scheduled November and December meetings, report generation and Council consideration.

2. Background and Options

Under Part 3, Section 8(1) of Council's Meeting Procedures Local Law 2017: The date time and place of all Council meetings are to be fixed by the Council and reasonable notice of the meetings must be provided to the public.

At the 22 November 2017 Council adopted the 2018 Council meeting schedule. This in effect meant there is only two weeks the difference between the November and December meetings.

As the Council agenda is available to Councillors and community a week before the meeting the time allocated for report generation between meetings will see some decision deferred to the February.

Given the tight time frame for report generation and the two weeks between the scheduled November and December Council meeting, it is recommended that Council defer the 12 December Council Meeting until the 19 December.

3. Financial Implications

Council meeting expenses are included in the adopted budget.

4. Risk Management

There are no risk management consideration associated with this report.

5. Internal and External Consultation

An Ordinary meeting of Council forms part of Council's commitment to community engagement.

All Council Meetings and Special Council Meetings are advertised in the Yarrowonga Chronicle, Numurkah Leader, Cobram Courier and the Nathalia Red Gum Courier. Council Meeting dates and times are available from the Moira Shire website (www.moira.vic.gov.au).

6. Council Plan Strategy

A well run Council

7. Legislative / Policy Implications

Under Part 3, Section 8(1) of Council's Meeting Procedures Local Law 2017, the date time and place of all Council meetings are to be fixed by the Council and reasonable notice of the meetings must be provided to the public.

FILE NO: F18/99
4. A WELL RUN COUNCIL

ITEM NO: 9.1.4

**CONSIDERATION OF MOVING THE 12 DECEMBER COUNCIL MEETING
BACK TO 19 DECEMBER 2018 (cont'd)**

8. Environmental Impact

There are no environmental impact considerations associated with this report.

9. Conflict of Interest Considerations

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

10. Conclusion

Given the tight time frame for report generation and the two weeks between the scheduled November and December Council meeting, it is recommended that Council defer the 12 December Council Meeting until the 19 December.

Attachments

Nil

FILE NO: F13/789
1. A GREAT PLACE TO LIVE

ITEM NO: 9.1.5

NUMURKAH SHOW AS A SUBSTITUTE PUBLIC HOLIDAY FOR THE APPOINTED MELBOURNE CUP DAY HOLIDAY IN 2019

RECOMMENDATION

That Council in accordance with section 8A of the *Public Holidays Act 1993*, request the Minister for Small Business, to declare a full day public holiday within the Numurkah district, as defined on the attached map, on Wednesday 23 October 2019 for the Numurkah Show as a substitute public holiday for the appointed Melbourne Cup Day holiday in 2019.

1. Executive Summary

Council received a letter from the Numurkah Agricultural Society requesting that Moira Shire Council, under the Public Holiday Amendment Bill 2011, recommend the Society be granted a Public Holiday for the 2019 Numurkah Show which will be held on Wednesday 23 October 2019 for the Numurkah District. (The Numurkah district is defined by the Numurkah Agricultural and Pastoral Society Inc as the area within the Shire boundaries prior to amalgamation.)

Under the Act, Councils can request substitute public holiday days for Melbourne Cup Day. In the past Council has requested that a public holiday be declared for the last eight Numurkah Show Days. It is recommended that Council continue to support the full day public holiday for the Numurkah Show Day in 2019.

2. Background and Options

The Public Holidays Act 1993 was amended in 2008 and as a result Melbourne Cup Day was automatically made a public holiday across the entire State of Victoria. This change ensured that all Victorians receive the same number of public holidays each year, regardless of where they live.

The Public Holiday Amendment Bill, May 2011 amended section 8 of the Public Holiday Act 1993 so that it is subject to a new section 8A. Section 8A states that Councils may request substitute public holiday days for Melbourne Cup Day.

Under the amended Act, non-metropolitan Councils may request in writing that the Minister make a declaration under Section 8(1),

- a) that the day appointed under section 6 being the first Tuesday in November (Melbourne Cup Day) is not in a specified year such a public holiday in the whole or any part of the municipal district of that Council; and
- b) that another day or 2 half days (one half day of which may be Melbourne Cup Day) be appointed as a public holiday or 2 public half-holidays in that year.

A request under subsection (1) must be made at least 90 days before the Melbourne Cup Day to which the request relates.

In years prior to 2008, Council declared a half day public holiday in the Numurkah district, as it existed prior to amalgamation, in recognition of the local Numurkah Show. However no alternate arrangements were declared in any other area.

FILE NO: F13/789
1. A GREAT PLACE TO LIVE

ITEM NO: 9.1.5

NUMURKAH SHOW AS A SUBSTITUTE PUBLIC HOLIDAY FOR THE APPOINTED MELBOURNE CUP DAY HOLIDAY IN 2019 (cont'd)

Since 2011 Council has requested that a public holiday be declared for the Numurkah Show Days. It is recommended that Council continue to support the full day public holiday for the Numurkah Show Day in 2019.

3. Financial Implications

There are no identified financial implications to Council in relation to this decision as the annual budget has taken into account all entitled public holidays.

4. Risk Management

There are no risk management issues associated with this report.

5. Internal and External Consultation

A petition was received by Council in early 2011. Council received a delegation from the Numurkah Agricultural and Pastoral Society on the 21st of March 2011 seeking support for the Show Day public holiday. Council has since received letters annually requesting that Council recommends a Public Holiday.

6. Regional Context

Regional councils have the ability to nominate a full-day public holiday or two half-day public holidays in different parts of their municipality for agricultural and pastoral shows or regional race days, following the amendment to the Public Holidays Act.

7. Council Plan Strategy

A great place to live.

8. Legislative / Policy Implications

The Public Holiday Amendment Bill, May 2011 amends section 8 of the Public Holiday Act 1993 so that it is subject to a new section 8A. Section 8 A councils may request a substitute holiday for Melbourne Cup Day.

Under the amended Act, non-metropolitan councils may request in writing that the Minister make a declaration under Section 8(1):

- (a) that the day appointed under section 6, being the first Tuesday in November (Melbourne Cup Day) is not in a specified year such a public holiday in the whole or any part of the municipal district of that Council; and
- (b) that another day or two half days (one half day of which may be Melbourne Cup Day) be appointed as a public holiday or two public half-holidays in that year.

A request under subsection (1) must be made at least 90 days before the Melbourne Cup Day to which the request relates.

9. Environmental Impacts

There are no identified environmental implications associated with this report.

10. Conflict of Interest Considerations

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

11. Conclusion

Council is aware that changes to the Public Holidays Act 1993, amended in 2011, creates an opportunity to support the Numurkah Show as a public holiday and that strong representations have been made, particularly from the Numurkah Agricultural and

FILE NO: F13/789
1. A GREAT PLACE TO LIVE

ITEM NO: 9.1.5

**NUMURKAH SHOW AS A SUBSTITUTE PUBLIC HOLIDAY FOR THE
APPOINTED MELBOURNE CUP DAY HOLIDAY IN 2019 (cont'd)**

Pastoral Society in relation to Council's ability to support the event and the public holiday in the area.

Moira Shire Council has requested the substitute public holiday for the Numurkah Annual shows for the last eight years and it is recommended that Council support the full day public holiday for the Numurkah Show in 2019.

Attachments

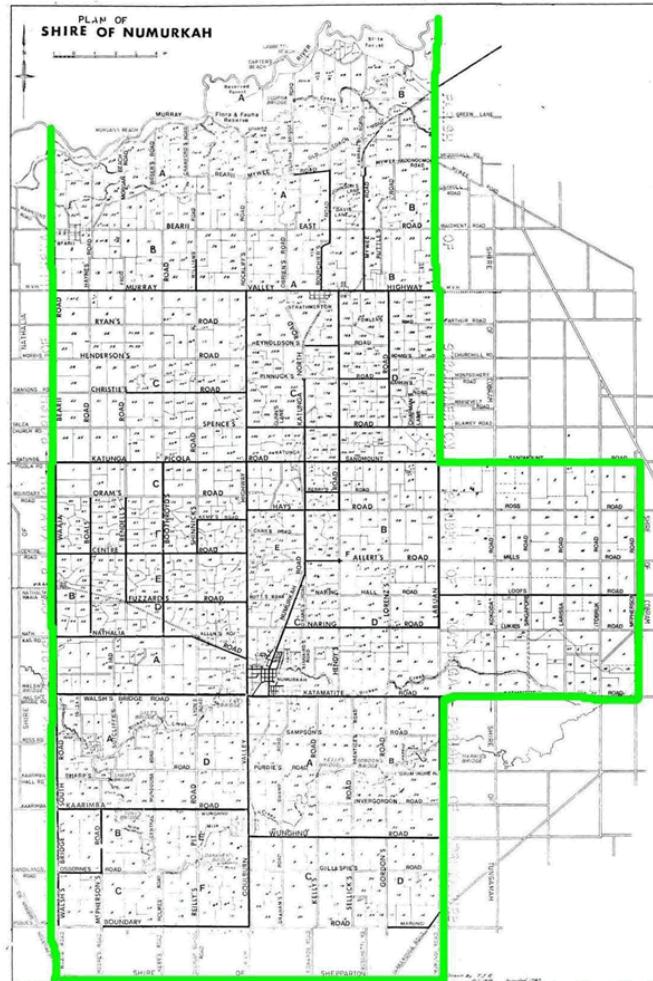
- 1 Map of Numurkah Boundary

FILE NO: F13/789
1. A GREAT PLACE TO LIVE

ITEM NO: 9.1.5

**NUMURKAH SHOW AS A SUBSTITUTE PUBLIC HOLIDAY FOR THE
APPOINTED MELBOURNE CUP DAY HOLIDAY IN 2019 (cont'd)**

ATTACHMENT No [1] - Map of Numurkah Boundary



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

ITEM NO: 9.2.1

ASSEMBLIES OF COUNCIL

RECOMMENDATION

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

1. Executive Summary

This report details the Assembly of Councillors for October 2018 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 10 October 2018	Councillor: John Beitzel Kevin Bourke Wendy Buck Ed Cox Gary Cleveland Peter Lawless Marie Martin Peter Mansfield Staff: Chief Executive Officer, Mark Henderson General Manager Community, Sally Rice General Manager Corporate, Simon Rennie Manager Governance and Communication, Linda Nieuwenhuizen Manager Community, Georgia Hills Manager Economic Development, Austin Ley Economic Development Officer, Frank Malcolm	<ul style="list-style-type: none"> • Draft Council Agenda review • Minor & Major Grants • Yarrawonga tourism Trail • Know Your council website 	Yes
Disability Advisory Committee 12 October 2018	Councillor: Peter Lawless Staff: Hayley Benson	<ul style="list-style-type: none"> • Footpath Strategy • NDIS • Tri State Games • Accessible Town Project 	Nil

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

ITEM NO: 9.2.1

ASSEMBLIES OF COUNCIL (cont'd)

Meeting	Present at meeting	Matters discussed	Declaration of Interest(s)
Council Briefing 24 October 2018	Councillor: Libro Mustica John Beitzel Kevin Bourke Peter Lawless Gary Cleveland Marie Martin Peter Mansfield Wendy Buck Staff: Chief Executive Officer, Mark Henderson General Manager Infrastructure, Andrew Close General Manager Community, Sally Rice General Manager Corporate, Simon Rennie Senior Governance Officer, Nancy Mustica	<ul style="list-style-type: none"> Council Agenda review 	Yes

3. Legislative / Policy Implications

Inclusion of the records of Assembly of Councillors in the Council agenda, and incorporation into the Minutes ensures Council meets its statutory obligations under section 80A of the Local Government act 1989 (the Act).

4. Environmental Implications

There are no environmental implications with this report.

5. Conflict of Interest Considerations

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

6. Conclusion

The Assembly of Councillors records incorporated into this report are a true and accurate record of all assemblies of Councillors reported during October 2018.

Attachments

Nil

FILE NO: F16/701
4. A WELL RUN COUNCIL

ITEM NO: 9.2.2

QUARTERLY BUDGET REVIEW - SEPTEMBER 2018

RECOMMENDATION

1. That Council notes the projections for the 2018/19 financial year contained in the September 2018 Quarterly Budget Review.
2. That Council notes the Environment Upgrade Agreements quarterly performance report.

1. Executive Summary

Income Statement

There has been a decrease in the forecast budget from a surplus of \$0.82 million in the Adopted Budget 2018/19 to a deficit of \$0.87 million in the September 2018 forecast. This is mainly due to The Point Yarrowonga development, while the project of \$5.41 million is fully funded and is under construction, Council has excluded the capital contribution by the developer (Lotus Living) and Goulburn Murray Water because those funds are being paid directly by them. There is a corresponding reduction in capital expenditure thus the cash impact on Council is nil.

Balance Sheet

The Balance Sheet of Moira Shire continues to remain strong.

Cash Flow Statement

The cash position of Moira Shire continues to remain strong.

Capital Expenditure

The capital works forecast for the September 2018 quarter is \$19.57 million, this is a reduction of \$1.53 million on the Adopted Budget 2018-19 of \$21.11 million. This is mainly due to the reduction in capital expenditure on The Point Yarrowonga project incurred by the developer (Lotus Living) and Goulburn Murray Water. The reduction is partly offset by the cost of upgrading Mordens Road Nathalia following the successful application of State Government grant funding. The Council's total capital works program is \$25.52 million; this includes the carryover of capital projects from the 2017/18 financial year and expected to be completed in this financial year.

Financial Performance indicators

All Financial performance indicators remain within an acceptable range.

2. Background and Options

The quarterly budget review is mandated under Section 138 of the Local Government Act 1989.

The Act requires that at least every three months the Chief Executive Officer must ensure a statement comparing the budgeted revenue and expenditure for the financial year with actual revenue and expenditure to date is presented to the Council.

3. Financial Implications

3.1 Summary of changes to projected operating result for the 2018/19 financial year

The deficit for the September 2018 Forecast is expected to be \$868,944 – a decrease of \$1,687,528 compared to the Adopted Budget surplus of \$818,584.

FILE NO: F16/701
4. A WELL RUN COUNCIL

ITEM NO: 9.2.2

QUARTERLY BUDGET REVIEW - SEPTEMBER 2018 (cont'd)

Budget 2018/19 vs Proposed Forecast September 2018	(Favourable) / Unfavourable \$
Surplus – Adopted Budget 2017/18	(818,584)
Rates Income	10,342
Operating Grants	(914,313)
Capital Grants	(522,000)
Capital Contributions	2,412,000
Other Operating Income	(44,916)
Employee Costs	(18,729)
Materials & Consumables	557,907
Contract Services	164,737
Other Operating Expenditure	42,500
Proposed September 2018 Forecast Deficit	868,944

The major reasons for the increase in the deficit are as follows:

- a) **Operating Grants** – Variance is driven by new funding for the Regional Fruit Fly Program Action Plan Two and additional Financial Assistance Grant funding following Victoria Grants Commission finalisation of the 2018/19 allocations.
- b) **Capital Grants** – Variance is driven by successful application for State Government grant funding for the Mordens Road Nathalia project.
- c) **Capital Contributions** – Variance is driven by reduction in contributions by the developer (Lotus Living) and Goulburn Murray Water to The Point Yarrawonga project. This is matched by a corresponding reduction in Capital Expenditure.
- d) **Materials and Services** – Variance is driven by new expenditure associated with the Regional Fruit Fly Program Action Plan Two, this is fully funded by the grant.
- e) **Contract Services** – Variance is driven by new expenditure associated with the Regional Fruit Fly Program Action Plan Two, this is fully funded by the grant.

FILE NO: F16/701
4. A WELL RUN COUNCIL

ITEM NO: 9.2.2

QUARTERLY BUDGET REVIEW - SEPTEMBER 2018 (cont'd)

3.2 Income Statement

Income Statement	Adopted Budget 2018/19	YTD Actuals 2018/19	Proposed Forecast Sep 2018	Budget 2018/19 vs Proposed Forecast September 2018
Income				
Rates	(36,390,877)	(36,337,414)	(36,380,535)	10,342
Operating Grants	(6,094,427)	(2,152,396)	(7,008,740)	(914,313)
Capital Grants	(6,610,753)	(1,869,337)	(7,132,753)	(522,000)
Capital Contributions	(3,349,760)	(160,000)	(937,760)	2,412,000
Operating Contributions	(53,200)	(38,150)	(62,350)	(9,150)
Contributions - non-monetary (Donated assets)	(200,000)	-	(200,000)	-
Reimbursements and Subsidies	(60,949)	(52,469)	(96,715)	(35,766)
User Charges	(2,389,831)	(578,094)	(2,389,831)	-
Statutory Fees and Fines	(1,244,500)	(343,723)	(1,244,500)	-
Interest	(450,000)	(18,380)	(450,000)	-
Other Revenues	(620,394)	(69,086)	(620,394)	-
Net Gain on Land Held for Resale	(13,000)	(54,545)	(13,000)	-
Net Gain on Disposal of Property, Plant & Equipment	(51,900)	(223,076)	(51,900)	-
Income Total	(57,529,591)	(41,896,670)	(56,588,478)	941,113
Expenditure				
Employee Costs	22,035,221	5,662,182	22,016,492	(18,729)
Materials & Services	15,673,657	4,279,636	16,231,564	557,907
Contract Services	5,987,861	869,250	6,152,598	164,737
Utilities	1,045,366	316,144	1,075,866	30,500
Bad and Doubtful Debts	10,000	669	10,000	-
Depreciation	10,632,000	2,658,000	10,632,000	-
Other Expenses	582,908	105,496	594,908	12,000
Interest on Borrowings	233,994	62,947	233,994	-
Interest on Unwinding of Discount of Provisions	300,000	-	300,000	-
Written Down Value of Infrastructure Replaced	200,000	-	200,000	-
Share of Net Loss of Associated Entity	10,000	-	10,000	-
Expenditure Total	56,711,007	13,954,323	57,457,422	746,415
Operating Result	(818,584)	(27,942,346)	868,944	1,687,528

FILE NO: F16/701
4. A WELL RUN COUNCIL

ITEM NO: 9.2.2

QUARTERLY BUDGET REVIEW - SEPTEMBER 2018 (cont'd)

3.3 Balance Sheet

	Adopted Budget 2018/19	Proposed Forecast Sep 2018	Budget 2018/19 vs Proposed Forecast September 2018
Balance Sheet			
Current Assets	27,498,000	35,634,448	(8,136,448)
Non-Current Assets	580,009,000	580,009,000	-
Total Assets	607,507,000	615,643,448	(8,136,448)
Current Liabilities	10,717,000	10,717,000	-
Non-current Liabilities	14,302,000	14,302,000	-
Total Liabilities	25,019,000	25,019,000	-
Net Assets	582,488,000	590,624,448	(8,136,448)
Equity	582,489,000	590,624,448	(8,136,448)

3.4 Statement of Cash Flow

	Adopted Budget 2018/19	Proposed Forecast Sep 2018	Budget 2018/19 vs Proposed Forecast September 2018
Statement of Cash Flow			
Net cash flows provided by operating activities	16,844,000	15,156,472	1,687,528
Net cash flow used on investing activities	(20,670,000)	(19,137,024)	(1,532,976)
Net cash flows provided by financing activities	(1,356,000)	(1,356,000)	-
Net change in cash held	(5,182,000)	(5,336,552)	154,552
Cash at the beginning of the year	26,900,000	35,191,000	(8,291,000)
Cash at the end of the year	21,718,000	29,854,448	(8,136,448)

FILE NO: F16/701
4. A WELL RUN COUNCIL

ITEM NO: 9.2.2

QUARTERLY BUDGET REVIEW - SEPTEMBER 2018 (cont'd)

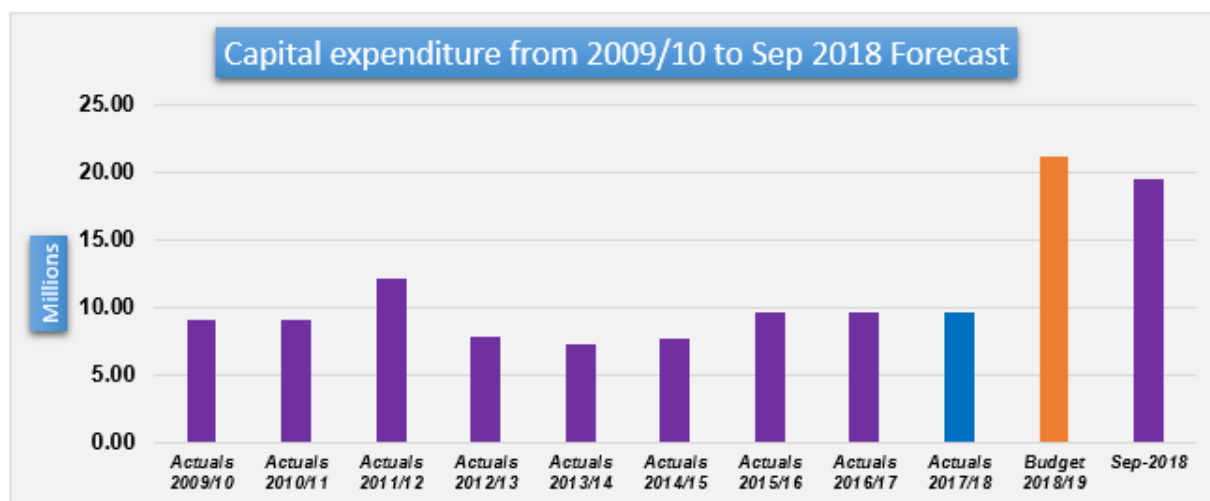
3.5 Capital

Capital	Adopted Budget 2018/19	YTD Actuals 2018/19	Proposed Forecast Sep 2018	Budget 2018/19 vs Proposed Forecast September 2018
Total capital income	(10,289,413)	(2,186,838)	(8,399,413)	1,890,000
Total capital expenditure	21,106,725	2,779,744	19,573,749	(1,532,976)
Grand Total	10,817,312	592,906	11,174,336	357,024

Capital Expenditure commitments outstanding of \$3,966,476.

3.6 Capital Expenditure

Historical expenditure on capital works:

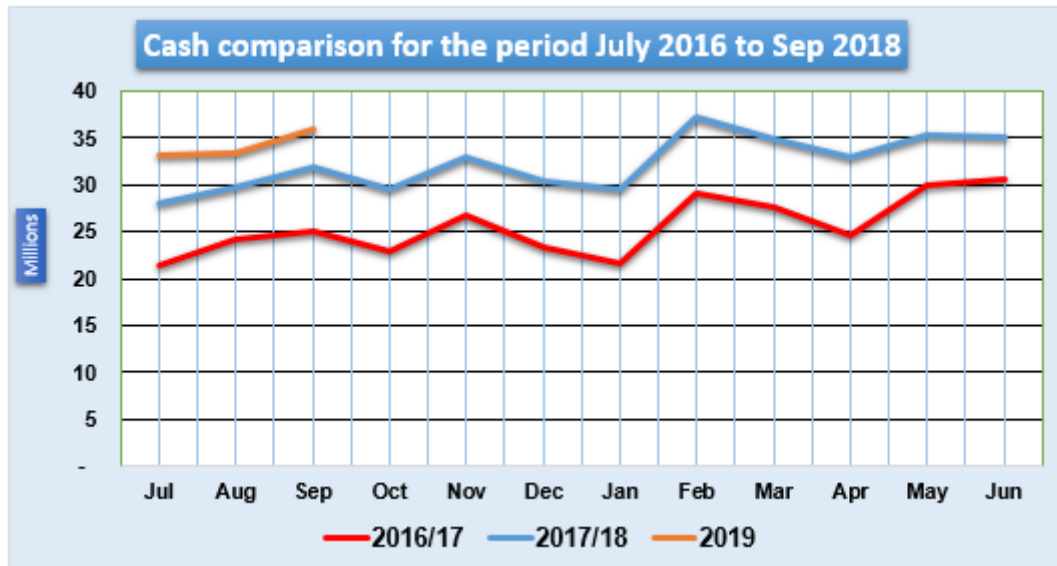


FILE NO: F16/701
4. A WELL RUN COUNCIL

ITEM NO: 9.2.2

QUARTERLY BUDGET REVIEW - SEPTEMBER 2018 (cont'd)

3.7 Cash Balance



The balance of Cash and cash equivalents at 30 June 2019 is proposed to be \$28.31 million.

FILE NO: F16/701
4. A WELL RUN COUNCIL

ITEM NO: 9.2.2

QUARTERLY BUDGET REVIEW - SEPTEMBER 2018 (cont'd)

3.8 Financial Performance Measures

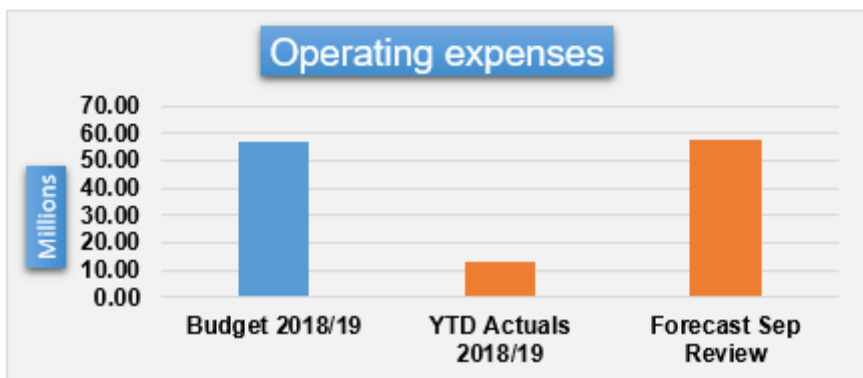
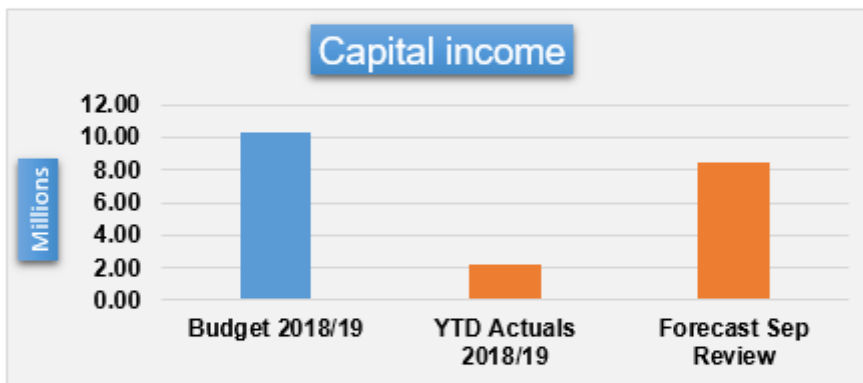
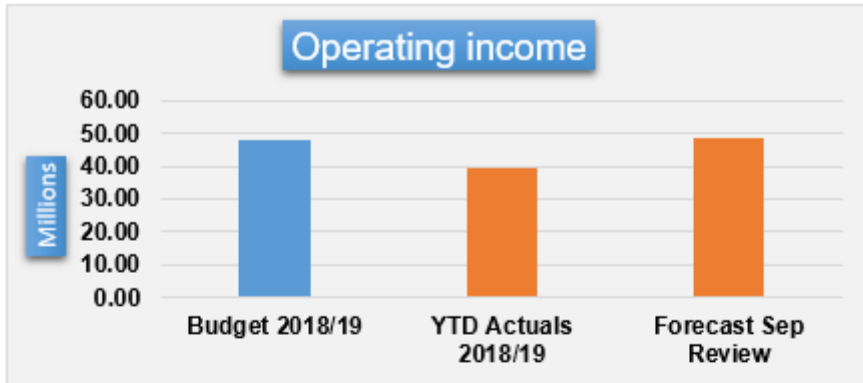
	Dimension/indicator /measure	Band / Range	Results 2016	Results 2017	Results 2018	Budget 2018/19	Sep 2018 Review
	Efficiency						
	Revenue level						
E1	Average residential rate per residential property assessment [Residential rate revenue / Number of residential property assessments]	\$700 to \$2,000	\$1,824	\$1,853	\$1,856	\$1,847	\$1,984
	Expenditure level						
E2	Expenses per property assessment [Total expenses / Number of property assessments]	\$2,000 to \$5,000	\$2,880	\$2,976	\$2,963	\$3,280	\$3,299
	Workforce turnover						
E3	Resignations and terminations compared to average staff [Number of permanent staff resignations and terminations / Average number of permanent staff for the financial year] x100	5% to 20%	10.10%	9.11%	9.75%	9.00%	9.00%
	Liquidity						
	Working capital						
L1	Current assets compared to current liabilities [Current assets / Current liabilities] x100	225% to 350%	334.10%	399.38%	444.74%	256.58%	318.11%
	Unrestricted cash						
L2	Unrestricted cash compared to current liabilities [Unrestricted cash / Current liabilities] x100	110% to 250%	252.29%	318.30%	360.82%	177.75%	239.29%
	Obligations						
	Asset renewal						
O1	Asset renewal compared to depreciation [Asset renewal expense / Asset depreciation] x100	75% to 100%	67.24%	89.95%	77.59%	83.62%	83.62%
	Loans and borrowings						
O2	Loans and borrowings compared to rates [Interest bearing loans and borrowings / Rate revenue] x100	0% to 20%	16.83%	13.54%	10.07%	6.75%	6.75%
O3	Loans and borrowings repayments compared to rates [Interest and principal repayments on interest bearing loans and borrowings / Rate revenue] x100	0% to 5%	4.46%	3.98%	3.82%	3.09%	3.09%
	Indebtedness						
O4	Non-current liabilities compared to own source revenue [Non-current liabilities / Own source revenue] x100	25% to 40%	40.23%	37.29%	33.41%	34.70%	34.67%
	Operating position						
	Adjusted underlying result						
OP1	Adjusted underlying surplus (or deficit) [Adjusted underlying surplus (deficit) / Adjusted underlying revenue] x100	0% to 3%	0.20%	14.30%	11.34%	-6.68%	-5.25%
	Stability						
	Rates concentration						
S1	Rates compared to adjusted underlying revenue [Rate revenue / Adjusted underlying revenue] x100	40% to 70%	66.26%	56.22%	60.70%	67.98%	66.60%
	Rates effort						
S2	Rates compared to property values [Rate revenue / Capital improved value of rateable properties in the municipality] x100	0.40% to 0.70%	0.66%	0.63%	64.00%	0.68%	0.60%

FILE NO: F16/701
4. A WELL RUN COUNCIL

ITEM NO: 9.2.2

QUARTERLY BUDGET REVIEW - SEPTEMBER 2018 (cont'd)

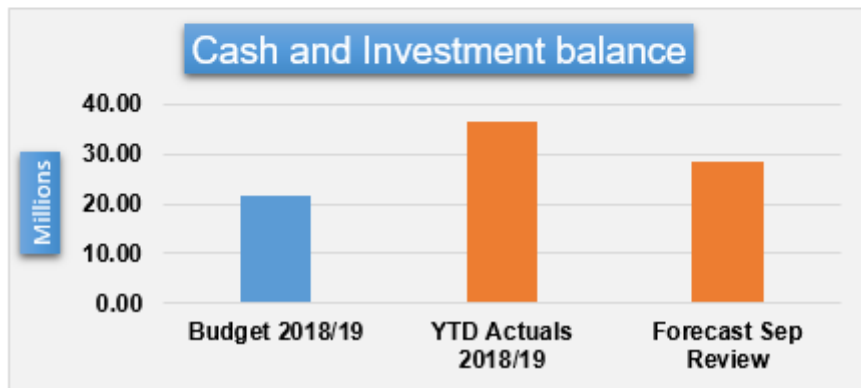
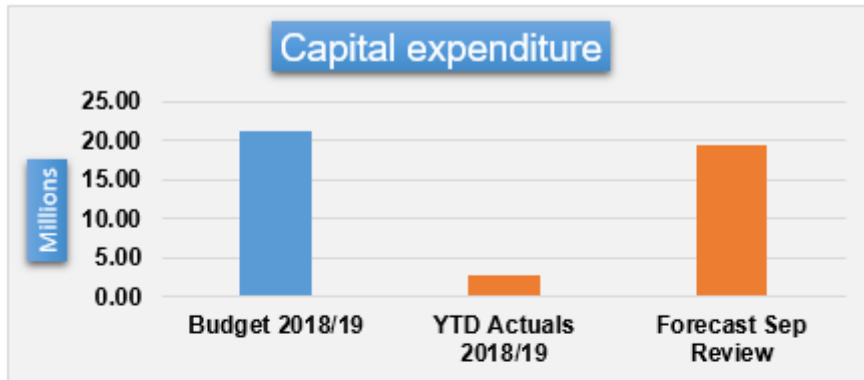
3.9 Financial Indicators



FILE NO: F16/701
4. A WELL RUN COUNCIL

ITEM NO: 9.2.2

QUARTERLY BUDGET REVIEW - SEPTEMBER 2018 (cont'd)



4. Risk Management

It is appropriate to examine the risks as they may impact on the financial position of Council. The areas identified are flagged to highlight potential impacts on Council.

Capital Works

Council's capital works need to be managed prudently to strengthen Council's financial position and ensure Council meets all the low risk financial sustainability indicators as specified by the Victorian Auditor-General's Office.

Grant Income

Council has a significant level of government grants. These grants underpin several capital works projects and operating programs, all of which are of importance to the Moira community. Capital grants for 2018/19, total \$7.13 million and operating grants \$7.01 million (this excludes the \$5.39 million of 2018/19 Financial Assistance Grant received in 2017/18).

FILE NO: F16/701
4. A WELL RUN COUNCIL

ITEM NO: 9.2.2

QUARTERLY BUDGET REVIEW - SEPTEMBER 2018 (cont'd)

5. Environmental Upgrade Agreement (EUAs) - Quarterly Performance Reporting

This report provides an update on the Environmental Upgrade Agreements involving Council, as required by Section 181G of the Local Government Act.

EUAs provide a mechanism to assist business located within Moira Shire to fund works that improve the energy, water or environmental efficiency or sustainability of a building on their rateable land.

Under an EUA, councils administer the recovery of the EUA charges and transfer the funds to the funding body. Council does not provide funding or assume financial risk.

Councils are required to report quarterly on the performance of EUAs involving council.

Reporting requirement	Status as at 30 September 2018
a) Each environmental upgrade agreement entered into in the last quarter, and the rateable land to which the agreement relates	No new agreements were entered into during the reporting period
b) Each environmental upgrade charge approved in respect of the agreements referred to in paragraph (a), and the value of the charges	No new agreements were entered into during the reporting period
c) The total number of environmental upgrade charges in operation in the last quarter;	2
d) The total value of all environmental upgrade charge payments that have fallen due and have not been paid;	Nil
e) The total value of all environmental upgrade charge payments that are yet to fall due.	\$6,012,166.04

6. Internal and External Consultation

The following members of staff were consulted:

- Corporate Management Team
- All Managers
- Finance Coordinator
- Financial Accountant

The Council's September 2018 budget review is provided for public viewing in accordance with Council's open and transparent governance policy.

7. Regional Context

There are no regional issues to consider within this report.

8. Council Plan Strategy

A well run Council.

FILE NO: F16/701
4. A WELL RUN COUNCIL

ITEM NO: 9.2.2

QUARTERLY BUDGET REVIEW - SEPTEMBER 2018 (cont'd)

9. Legislative / Policy Implications

This report complies with Sections 138 and 181G of the Local Government Act 1989, and Council's Budget and Financial Reporting policy.

10. Environmental Impact

Council's sound financial position continues to allow Council to implement and maintain its environmental projects.

11. Conflict of Interest Considerations

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

12. Conclusion

The projected cash position is \$29.85 million as at 30 June 2019.

An operating deficit of \$0.87 million is forecast as at 30 June 2019.

A total capital works program of \$25.52 million with a 2018/19 capital budget of \$19.57 million.

Council continues to manage its position and continues to seek additional revenue streams and monitor expenditure.

Attachments

Nil

FILE NO: F17/1221
1. A GREAT PLACE TO LIVE

ITEM NO: 9.4.1

**MOIRA SHIRE PLANNING SCHEME AMENDMENT C89
ENVIRONMENTAL SIGNIFICANCE OVERLAY FOR
WASTEWATER TREATMENT PLANTS
RECOMMENDED ODOUR BUFFERS**

RECOMMENDATION

That Council, in accordance with the Planning and Environment Act 1987, seek authorisation from the Minister for Planning to prepare Amendment C89 to the Moira Planning Scheme and exhibit the amendment in accordance with Part 3 Division 1 of the Act.

1. Executive Summary

An application has been received from Russell Kennedy Pty Ltd on behalf of Goulburn Valley Water (GVW) to introduce an Environmental Significance Overlay in the Moira Planning Scheme to establish appropriate buffers to the Cobram, Strathmerton, Nathalia and Numurkah Wastewater Management Facilities.

Authorisation from the Minister for Planning is required to prepare a Planning Scheme Amendment. It is recommended that authorisation be sought.

2. Background and Options

The amendment introduces an Environmental Significance Overlay (ESO) around the Cobram, Strathmerton, Nathalia and Numurkah Wastewater Management Facilities (WMFs) as shown on the maps forming part of the amendment.

The ESO will generate the need for a Section 55 referral of applications for a planning permit within the overlay area to Goulburn Valley Water. The amendment is supported by research and assessment of environmental conditions and odour modelling based on best practice techniques and liaison with the EPA.

The amendment provides a mechanism for protection of essential community infrastructure which in turn will provide for a more sustainable longer term future for the wastewater treatment facility and will therefore provide a net community benefit. The community benefit will far outweigh the minimal cost of the new ESO control. The amendment does not repeat provisions already applicable under the Moira Planning Scheme.

The proposal is a mechanism for considering development impacts upon an essential component of community infrastructure and therefore the planning scheme is a most appropriate means of controlling the land use impacts. There are other regulatory mechanisms that deal with some components associated with wastewater treatment facility management and development which potentially interrelate but which do not provide appropriate protection mechanisms to curb encroachment by inappropriate sensitive uses.

The amendment changes the Moira Planning Scheme to:

- Amend Planning Scheme Maps 4ESO, 6ESO, 7ESO, 11ESO and 13ESO;
- Insert new Planning Scheme Map 5ESO, 16ESO and 18ESO;
- Insert new Schedule 4, 5, 6 and 7 to Clause 42.01 Environmental Significance Overlay to include buffer areas to protect the Cobram, Strathmerton, Nathalia and Numurkah WMFs from encroachment by development that may adversely impact on the continued operation of these facilities;

FILE NO: F17/1221
1. A GREAT PLACE TO LIVE

ITEM NO: 9.4.1

**MOIRA SHIRE PLANNING SCHEME AMENDMENT C89
ENVIRONMENTAL SIGNIFICANCE OVERLAY FOR
WASTEWATER TREATMENT PLANTS
RECOMMENDED ODOUR BUFFERS (cont'd)**

- Amend the Schedule to Clause 72.03 to include new planning scheme maps in the Moira Planning Scheme; and
- Amend the Schedule to Clause 66.04 creating Goulburn Valley Water as a determining referral authority.

The Sites

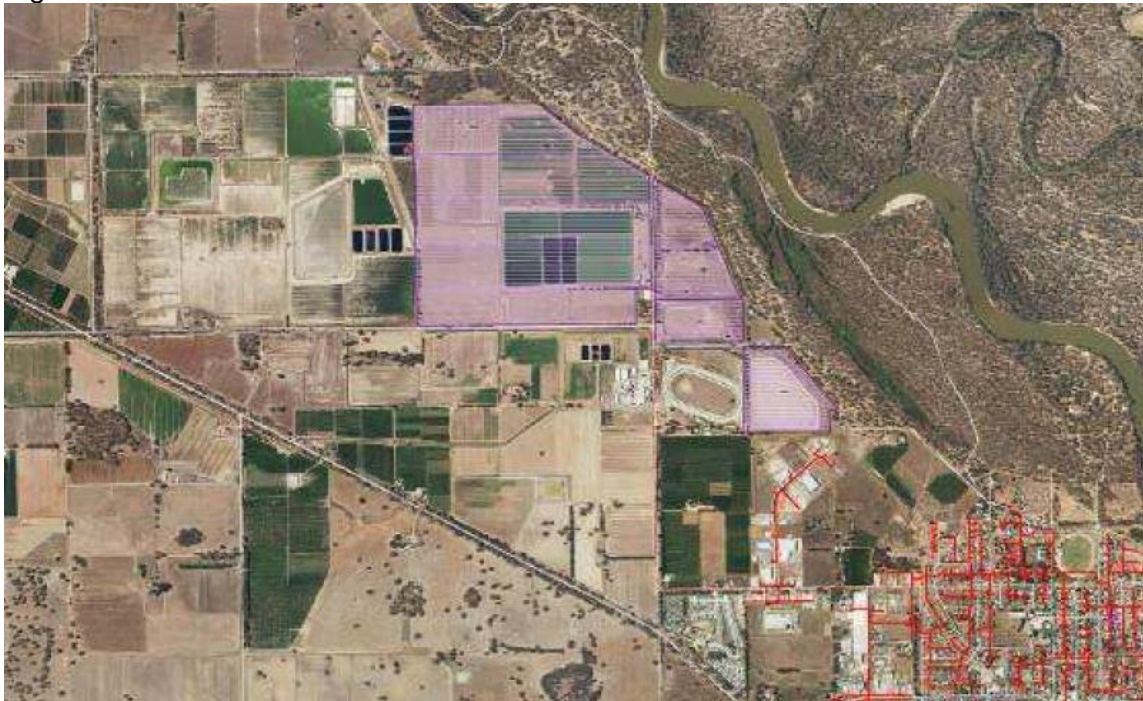
Cobram WMF

The Cobram WMF is located to the north-west of the town. The plant is located within the Public Use Zone (PUZ1). The Murray River floodplain is on the north and east boundaries of the WMF, with industrial wastewater treatment lagoons to the west, an abattoir and other industry to the south and south-east, and GVW land to the east.

The Cobram WMF currently treats an average of 1.47 ML/d of wastewater from residences (66 % of connections), commercial and tourist premises (23 % of connections) and industries (11 % of connections).

There is a satisfactory buffer zone of 1 km in all directions at present (although there are three rural residences within that zone). The Cobram Strategy Plan (Coomes, 2007) proposes that farming land to the south-east of the WMF should be re-zoned to general residential and rural residential uses, which would allow residences closer to the Cobram WMF. Figure 1 identifies the location of the site and its context to surrounding land uses.

Figure 1.



The Cobram WMF comprises ten lagoons arranged in a large rectangle. A new inlet screen with dewatering screw and screenings bin has recently been installed. After the screen, the wastewater enters one or two of the four central lagoons, depending on operating procedures and plant loads. The four anaerobic lagoons in the centre are operated in series. Each lagoon is approximately 1 ha in area.

FILE NO: F17/1221
1. A GREAT PLACE TO LIVE

ITEM NO: 9.4.1

**MOIRA SHIRE PLANNING SCHEME AMENDMENT C89
ENVIRONMENTAL SIGNIFICANCE OVERLAY FOR
WASTEWATER TREATMENT PLANTS
RECOMMENDED ODOUR BUFFERS (cont'd)**

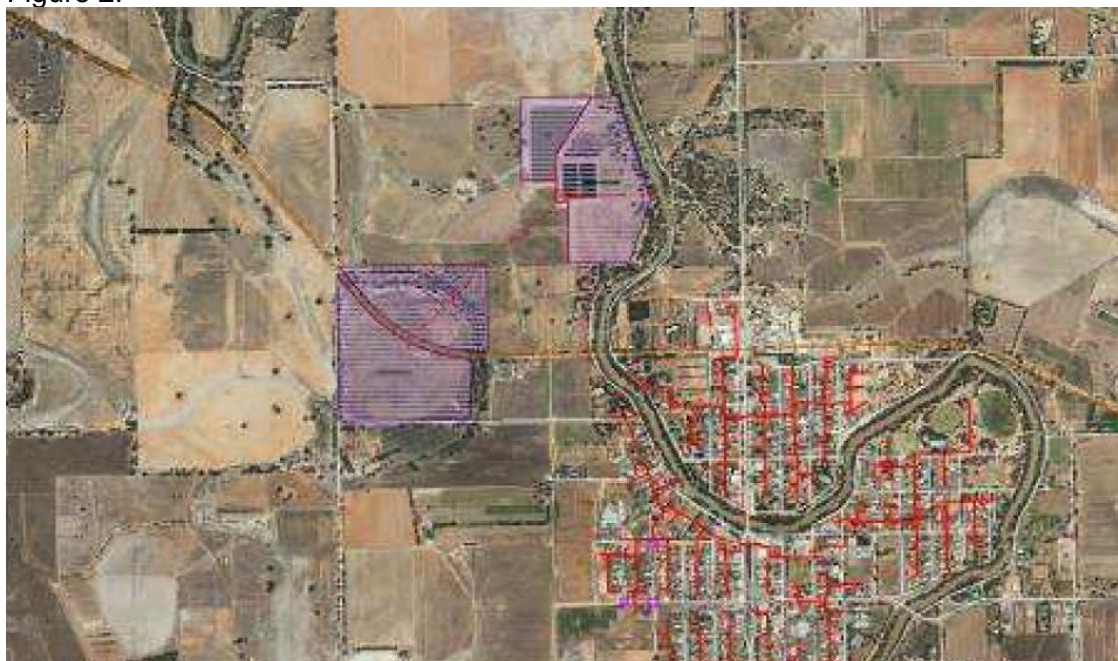
The treated effluent is stored in two on-site lagoons to the south-east of the site and used to irrigate pasture on land surrounding the lagoons.

Nathalia WMF

The Nathalia WMF is located to the north-west of the town, as shown in Figure 2. The treated effluent is irrigated on land adjacent to the treatment lagoons (to the north and south) and a larger area 450m south-west of the lagoons. The Broken River flows from south to north along the eastern boundary of the WMF. There is rural land on all sides of the treatment lagoons and the irrigation areas.

The Nathalia WMF currently treats an average of 33 kL/d of wastewater from residences (81 % of connections in Nathalia) and commercial premises (19 % of connections).

Figure 2.



The town of Nathalia is to the south-east, as shown in Figure 2 by the network of red sewers and the roofs of houses, shops and other buildings, with the area closest to the WMF being zoned for industrial use. Almost all the land between the WMF and the industrial zone on the north of Nathalia is subject to flooding by the Broken River and is included in the flood overlay in the Moira planning scheme.

The Nathalia WMF comprises a facultative lagoon and a maturation lagoon, each of 0.85 ha, with flow proceeding clockwise (viewed from above) through the lagoons. There is also a large effluent storage lagoon (21 ha) to the north-west of the WMF. The treated effluent is mostly used for on-site irrigation via a large centre pivot irrigator on land to the south-east of the WMF site.

FILE NO: F17/1221
1. A GREAT PLACE TO LIVE

ITEM NO: 9.4.1

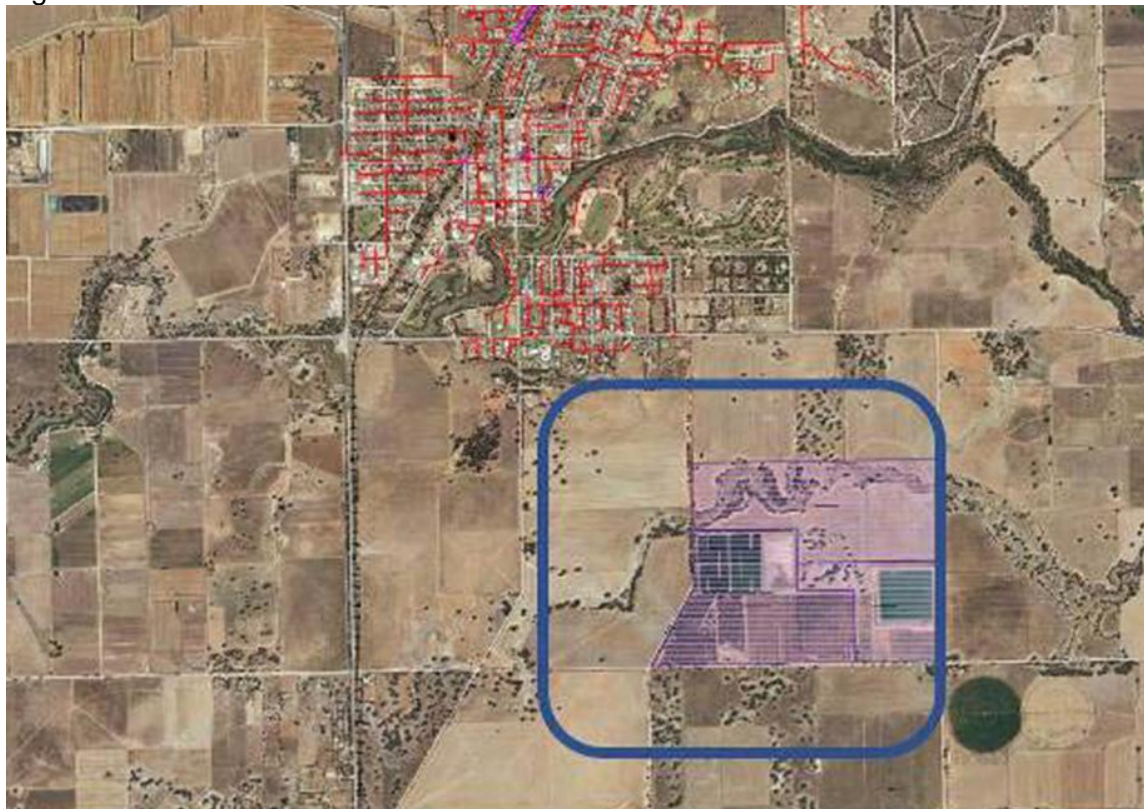
**MOIRA SHIRE PLANNING SCHEME AMENDMENT C89
ENVIRONMENTAL SIGNIFICANCE OVERLAY FOR
WASTEWATER TREATMENT PLANTS
RECOMMENDED ODOUR BUFFERS (cont'd)**

Numurkah WMF

The Numurkah WMF is located well to the south-east of the town, as shown in Figure 3. The treated effluent is irrigated on land adjacent to the treatment lagoons.

The Numurkah WMF currently treats an average of 1.15 ML/d of wastewater from residences (64 % of connections in Numurkah), commercial premises (14 % of connections) and industrial premises (22 % of connections).

Figure 3.



The Numurkah WMF comprises two parallel treatment trains, each with a facultative lagoon and a maturation lagoon. The trains are of similar but not equal size, with the north train being 5.0 ha in area and the south train being 4.5 ha. The facultative and maturation lagoons have good baffling, which avoids flow recirculation and makes effective use of the lagoons for treatment.

There are two effluent storage lagoons; one of 9.5 ha adjacent to the maturation lagoons and the second of 15 ha to the south-east of the WMF. The treated effluent is mostly used for off-site irrigation by a farmer, with a small proportion being used on-site for irrigation of pasture and a tree plantation.

Strathmerton WMF

The Strathmerton WMF is located to the south-west of the town, as shown in Figure 4. The three lagoons are near the east of the site owned by GVW with the balance of the

FILE NO: F17/1221
1. A GREAT PLACE TO LIVE

ITEM NO: 9.4.1

**MOIRA SHIRE PLANNING SCHEME AMENDMENT C89
ENVIRONMENTAL SIGNIFICANCE OVERLAY FOR
WASTEWATER TREATMENT PLANTS
RECOMMENDED ODOUR BUFFERS (cont'd)**

site available for irrigation of treated effluent. The WMF currently treats an average of 31 kL/d of wastewater from residences (86 % of connections) and commercial premises (14 % of connections).

Figure 4



The Strathmerton WMF comprises a 1 ha facultative lagoon (on the east), a central 0.3 ha maturation lagoon and a 1.1 ha effluent storage (on the west), with flow proceeding clockwise (viewed from above) through the lagoons to the storage. The wastewater flow enters the facultative lagoon in the northeast corner of the WMF. Most of the treated effluent is lost by evaporation, however there is the ability of irrigating GVW owned land when required.

There is a recent development of new houses on Arthur Street with the nearest residential site at 170 m north-east of the WMF. There is a new GVW pumping station on the south edge of this new development. It appears that a reasonable buffer zone for the Strathmerton WMF is already compromised by the encroachment of the recent residential development.

Adding the effluent from the milk transport to the Strathmerton sewerage system.

GVW advised in February 2018 that consideration was being given to receiving and treating the wastewater from the milk transport in the Strathmerton sewerage system. That would substantially increase the Biochemical Oxygen Demand (BOD) load to be treated at the plant by 480 kg/d of BOD making a total load in 2030 of 515 kg/d of BOD.

To handle the higher load, GVW proposes to construct a new aerated lagoon with an integral settling arrangement to the west of the existing lagoons. Under steady loading,

FILE NO: F17/1221
1. A GREAT PLACE TO LIVE

ITEM NO: 9.4.1

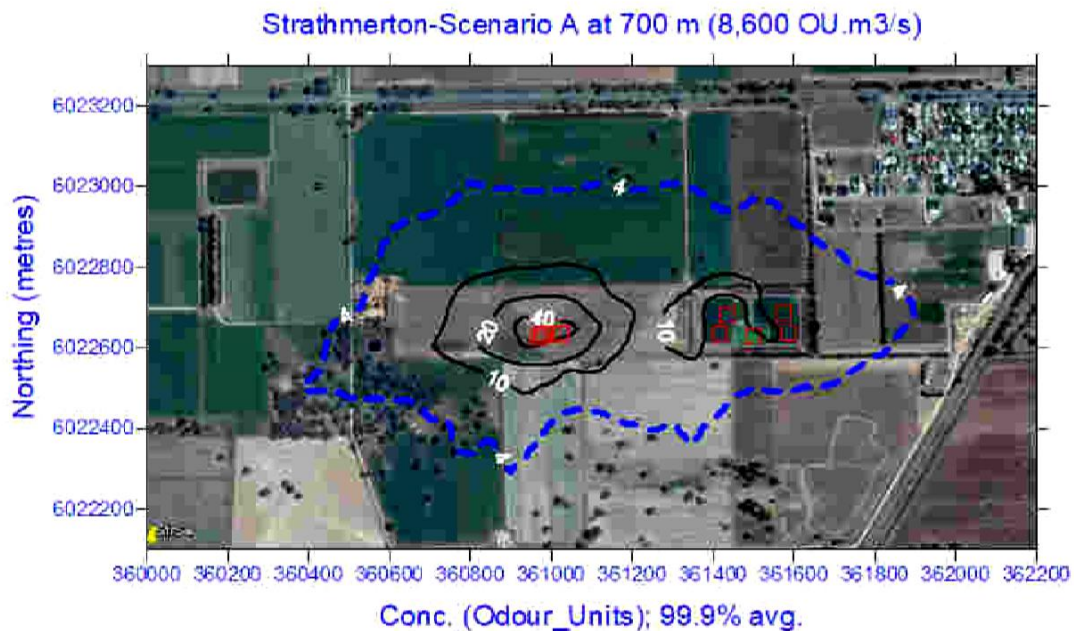
**MOIRA SHIRE PLANNING SCHEME AMENDMENT C89
ENVIRONMENTAL SIGNIFICANCE OVERLAY FOR
WASTEWATER TREATMENT PLANTS
RECOMMENDED ODOUR BUFFERS (cont'd)**

an aerated lagoon can achieve up to 95 % reduction in BOD so the residual load on the existing lagoons would be 26 kg/d. This is less than the current load on the lagoons and is expected to reduce odour emissions from the existing lagoons.

Figure 1 below shows the predicted odour contours for the future scenario assuming a relatively constant load each day (Scenario A). Figure 2 below shows an alternative scenario where there is some variation in loads from week to week, resulting in slightly less removal of organics in the aerated lagoon and thus slightly higher load on the existing lagoons (Scenario B).

To minimise the risk of odour nuisance in the township, the aerated lagoon has been sited at 700m west of the township.

Figure 1. Steady Future BOD Load at Strathmerton with Aerated Lagoon



FILE NO: F17/1221
1. A GREAT PLACE TO LIVE

ITEM NO: 9.4.1

**MOIRA SHIRE PLANNING SCHEME AMENDMENT C89
ENVIRONMENTAL SIGNIFICANCE OVERLAY FOR
WASTEWATER TREATMENT PLANTS
RECOMMENDED ODOUR BUFFERS (cont'd)**

Figure 2. Varying Future BOD Load at Strathmerton with Aerated Lagoon

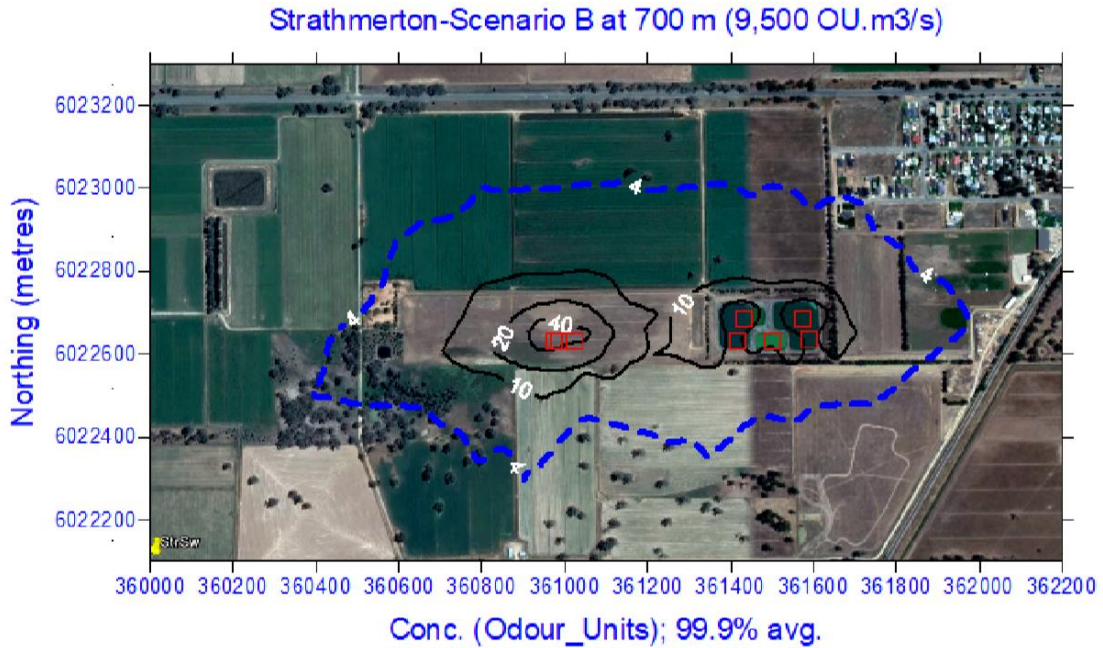


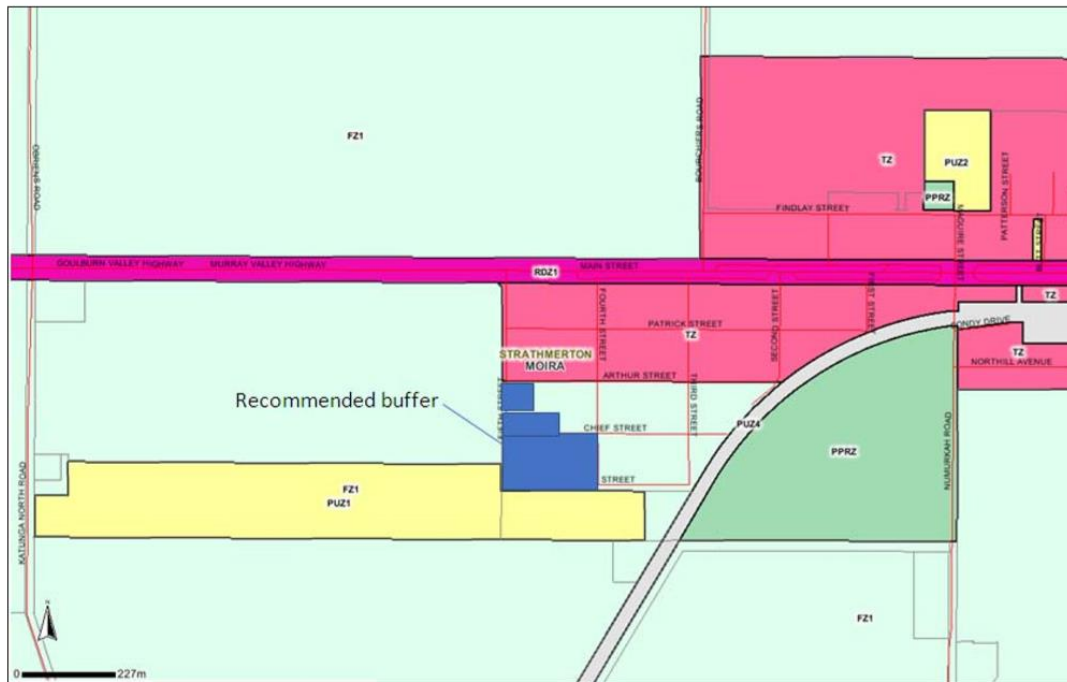
Figure 3 below shows the recommended buffer zone for the Strathmerton plant (the areas coloured blue). The buffer does not extend over any land currently zoned Township (pink area in Figure 3). It does extend over the south-west section of the recent residential development in the farming zone, encompassing five blocks to the north of Chief Street and ten blocks in the rectangle bounded by Fifth Street (to the west), Fourth Street (to the east), Chief Street (to the north) and Carlisle Street (to the south).

FILE NO: F17/1221
1. A GREAT PLACE TO LIVE

ITEM NO: 9.4.1

**MOIRA SHIRE PLANNING SCHEME AMENDMENT C89
ENVIRONMENTAL SIGNIFICANCE OVERLAY FOR
WASTEWATER TREATMENT PLANTS
RECOMMENDED ODOUR BUFFERS (cont'd)**

Figure 3. Varying Future BOD Load at Strathmerton with Aerated Lagoon



Odour modelling (shown in Figure 2 above) and experience at other lagoon plants with a small buffer distance demonstrates that there is a significant risk of odour nuisance within this area. It is recommended that no further residential or more intensive odour-sensitive development be permitted within the 240m buffer zone.

Options

Council has two options:

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

3. Financial Implications

There are a series of staged fees associated with a planning scheme amendment. All fees are paid by the proponent.

Fees are applied to each of the following stages of a planning scheme amendment:

1. Considering a request to amend the planning scheme, exhibition, considering any submission not seeking a change to the amendment and if applicable, abandoning the amendment;
2. Considering submissions seeking changes to the amendment and referring submissions to a Panel;
3. Council adopting the amendment or part of the amendment, submitting the amendment to the Minister for approval and giving notice of approval; and
4. The Minister considering a request to approve an amendment and giving of notice of approval.

FILE NO: F17/1221
1. A GREAT PLACE TO LIVE

ITEM NO: 9.4.1

**MOIRA SHIRE PLANNING SCHEME AMENDMENT C89
ENVIRONMENTAL SIGNIFICANCE OVERLAY FOR
WASTEWATER TREATMENT PLANTS
RECOMMENDED ODOUR BUFFERS (cont'd)**

If there is a need for a Planning Panel to hear submissions, the fees and charges of the Panel are paid by the proponent.

4. Risk Management

The amendment provides a mechanism for protection of essential community infrastructure which in turn will provide for a more sustainable longer term future for the wastewater treatment facility and will therefore provide a net community benefit. If development does however occur within this buffer area and without an approved permit, it becomes a compliance issue.

5. Internal and External Consultation

Preliminary consultation with the Department of Environment, Land, Water and Planning (DELWP).

A public exhibition of the planning scheme amendment will require notifying prescribed Ministers, external authorities and internal departments.

Public exhibition will also require notifying those property owners who may be materially affected by the Planning Scheme Amendment.

6. Regional Context

Similar amendments are being initiated across the region around waste water treatment facilities in an attempt to ensure that appropriate buffers are established around sensitive land uses. Moira Council has recently undergone a similar exercise with North East Water establishing buffers around its waste water treatment facilities, refer Planning Scheme Amendment C86 gazettal date 8/2/2018.

7. Council Plan Strategy

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It is considered that the proposed rezoning will ensure that appropriate buffers are established around sensitive land uses and therefore improving the liveability within the municipality in general.

8. Legislative / Policy Implications

Objectives of Planning in Victoria

The Amendment is founded on the objectives of planning in Victoria, including:
To protect public utilities and other assets and enable the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community.

State Planning Policy Framework (SPPF)

Council and the Proponent submitted that the Amendment is supported by the following clauses in the SPPF:

FILE NO: F17/1221
1. A GREAT PLACE TO LIVE

ITEM NO: 9.4.1

**MOIRA SHIRE PLANNING SCHEME AMENDMENT C89
ENVIRONMENTAL SIGNIFICANCE OVERLAY FOR
WASTEWATER TREATMENT PLANTS
RECOMMENDED ODOUR BUFFERS (cont'd)**

Clause 11 Settlement

Strategies include:

Ensure that planning for water supply, sewerage and drainage works receives high priority in early planning for areas of growth. Ensure a sustainable water supply, stormwater and sewerage treatment for all development.

Clause 13.06-1S Air Quality

Ensure, wherever possible, that there is suitable separation between land uses that reduce air amenity and sensitive land uses.

The following reference documents are identified:

-State Environment Protection Policy (Air Quality Management)

Local Planning Policy Framework

Council and the Proponent submitted that the Amendment supports the following local planning objectives:

Clause 21.05-6 Effluent management

Council is committed to effectively managing effluent disposal to protect public health, minimise environmental impacts, minimise the demand for water as a resource and maximise reuse opportunities in an economically viable manner. Council plays an important role in ensuring that developments either discharge effluent to a suitable treatment facility or have appropriate onsite methods for the treatment and disposal of effluent. Council also has a role in encouraging waste minimisation and reuse, including the use of new and viable technologies. It is important that the location of sewerage treatment facilities or disposal sites (septic or land applied) avoid sensitive environmental areas including drainage lines and floodways. Council is committed to preparing a Domestic Waster Water Management Plan to address effluent management in non-reticulated areas.

Strategy 1.4 - Maintain appropriate buffer distances between sewerage/wastewater treatment and disposal facilities and other land uses in accordance with EPA guidelines.

Other planning strategies or policies used in formulating the Amendment

The Proponent identified the following relevant policies:

- Hume Regional Growth Plan (Victorian Government, 2014) ("Hume Regional Growth Plan").

The Hume Regional Growth Plan provides strategic support for planning to provide and maintain appropriate buffers between sewage treatment plants and settlement areas.

The Hume Regional Growth Plan contemplates its implementation by further specific amendments, including subsequent review of each Council's Municipal Strategic Statement.

The Hume Regional Growth Plan recognises:

FILE NO: F17/1221
1. A GREAT PLACE TO LIVE

ITEM NO: 9.4.1

**MOIRA SHIRE PLANNING SCHEME AMENDMENT C89
ENVIRONMENTAL SIGNIFICANCE OVERLAY FOR
WASTEWATER TREATMENT PLANTS
RECOMMENDED ODOUR BUFFERS (cont'd)**

“Growth in the towns and cities in the Hume Region will result in demand for additional water, energy and utility infrastructure. Efficient use of existing systems and preservation and identification of utility infrastructure corridors and urban locations have been considered as part of this plan. The projected population and settlement patterns take into account high level planning for the currently planned and anticipated service utilities.”

Water treatment plants, wastewater management facilities and other waste management infrastructure are identified as State significant land uses.

The Hume Regional Growth Plan recommends that planning should provide and maintain appropriate buffers between sewage treatment facilities and settlement areas. This recognition is consistent with the Infrastructure Plan and the Regional Implementation Plan.

The Growth Plan identifies regional infrastructure required to facilitate the projected growth noting that urban locations are serviced by reticulated sewerage. Importantly, the Growth Plan recognises that:

“Planning should provide and maintain appropriate buffers between sewerage treatment facilities and settlement areas.”

Victorian Planning Provisions

Clause 19.03-6S (Waste and resource recovery) seeks to maximise resource recovery to reduce reliance on landfills and minimise environmental, community amenity and public health impacts. Policy documents include:

- the Statewide Waste and Resource Recovery Infrastructure Plan (Sustainability Victoria 2015) amended in 2018 (“Infrastructure Plan”);
- the Goulburn Valley Waste and Resource Recovery Implementation Plan (Goulburn Valley Waste and Resource Recovery Group, 2017) (“Regional Implementation Plan”);
- Victorian Organics Resource Recovery Strategy (Sustainability Victoria, 2015).

Strategies include:

- ensure future waste and resource recovery infrastructure needs are identified and planned for to safely and sustainably manage all waste and maximise opportunities for resource recovery;
- protect waste and resource recovery infrastructure against encroachment from incompatible land use and development by ensuring buffer areas are defined, protected and maintained;
- ensure waste and resource recovery facilities locate in close proximity in order to share separation distances, reduce the impact of waste transportation and improve the economic viability of resource recovery;
- integrate waste and resource recovery infrastructure planning with land use planning;
- and
- encourage development that facilitates sustainable waste and resource recovery.

State Environment Protection Policy (Air Quality Management)

Separation Distance Guideline and the State Planning Policy Framework (Air Quality Management). The Environment Protection Authority has confirmed the application of the Environmental Significance Overlay in this manner.

FILE NO: F17/1221
1. A GREAT PLACE TO LIVE

ITEM NO: 9.4.1

**MOIRA SHIRE PLANNING SCHEME AMENDMENT C89
ENVIRONMENTAL SIGNIFICANCE OVERLAY FOR
WASTEWATER TREATMENT PLANTS
RECOMMENDED ODOUR BUFFERS (cont'd)**

9. Environmental Impact

Incorporating an ESO into the planning scheme will address environmental issues, as it will:

- Reduce the risks to the Wastewater Treatment Plant from encroachment of sensitive development;
- Assist Council with future land use planning, and the processing of planning permit applications;
- Provide more certainty for communities and surrounding landowners regarding development considerations;
- Allow Wastewater Treatment Plant facilities to remain in their current location, where they can be upgraded when required to accommodate future demand and growth, which will eliminate a significant financial and environmental burden if they have to be relocated;
- Reduce the need for VCAT Hearings to resolve uncertainty;
- Minimise the potential impact for the community of living in an uncomfortable environment due to waste odours should inappropriate development be approved.

10. Conflict of Interest Considerations

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

11. Conclusion

A request to introduce an Environmental Significance Overlay in the Moira Planning Scheme requires the authorisation from the Minister for Planning to prepare a Planning Scheme Amendment.

It is recommended the authorisation to prepare a Planning Scheme Amendment be sought from the Minister.

Attachments

- 1 Explanatory Report - ESO Buffers - Russell Kennedy - C89.2

FILE NO: F17/1221
1. A GREAT PLACE TO LIVE

ITEM NO: 9.4.1

**MOIRA SHIRE PLANNING SCHEME AMENDMENT C89
ENVIRONMENTAL SIGNIFICANCE OVERLAY FOR
WASTEWATER TREATMENT PLANTS
RECOMMENDED ODOUR BUFFERS (cont'd)**

ATTACHMENT No [1] - Explanatory Report - ESO Buffers - Russell Kennedy - C89.2

Planning and Environment Act 1987

MOIRA PLANNING SCHEME

AMENDMENT C...

EXPLANATORY REPORT

Who is the planning authority?

This amendment has been prepared by the Moira Shire Council, which is the planning authority for this amendment.

The Amendment has been made at the request of Goulburn Valley Region Water Corporation ("Goulburn Valley Water").

Land affected by the Amendment

The Amendment applies to the wastewater management facilities at Cobram, Strathmerton, Nathalia and Numurkah and the buffer surrounding each facility potentially impacted by odour.



Cobram WMF approx. 830 m Buffer

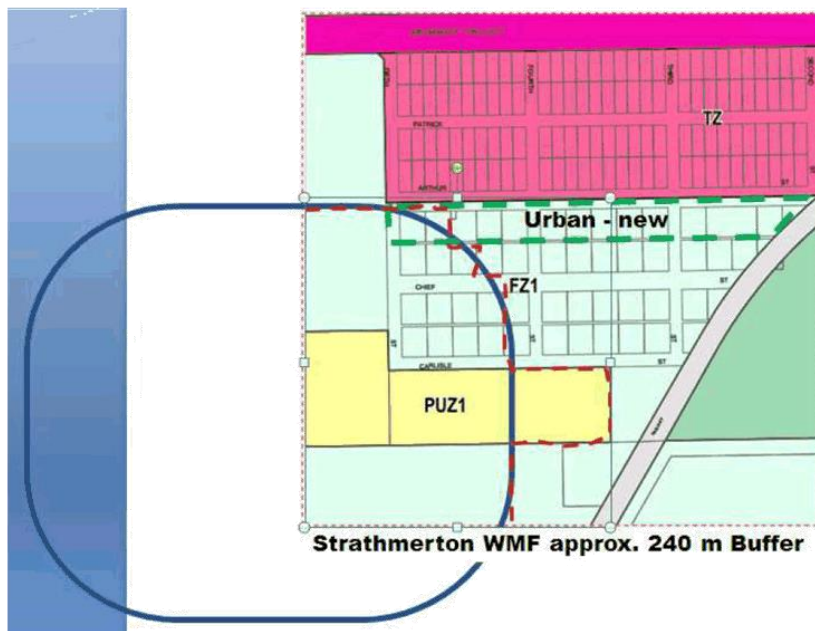
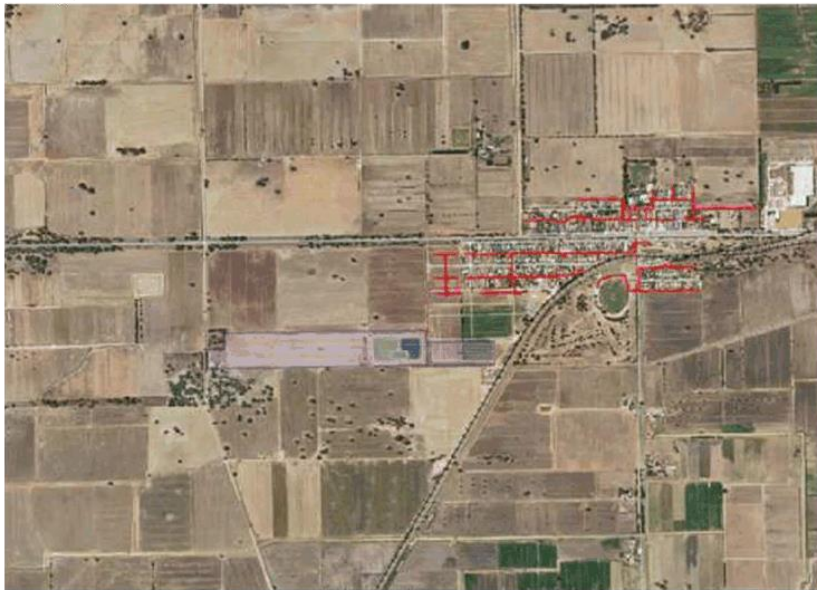
FILE NO: F17/1221
1. A GREAT PLACE TO LIVE

ITEM NO: 9.4.1

**MOIRA SHIRE PLANNING SCHEME AMENDMENT C89
ENVIRONMENTAL SIGNIFICANCE OVERLAY FOR
WASTEWATER TREATMENT PLANTS
RECOMMENDED ODOUR BUFFERS (cont'd)**

ATTACHMENT No [1] - Explanatory Report - ESO Buffers - Russell Kennedy - C89.2

Strathmerton WMF and Surrounding Land Uses

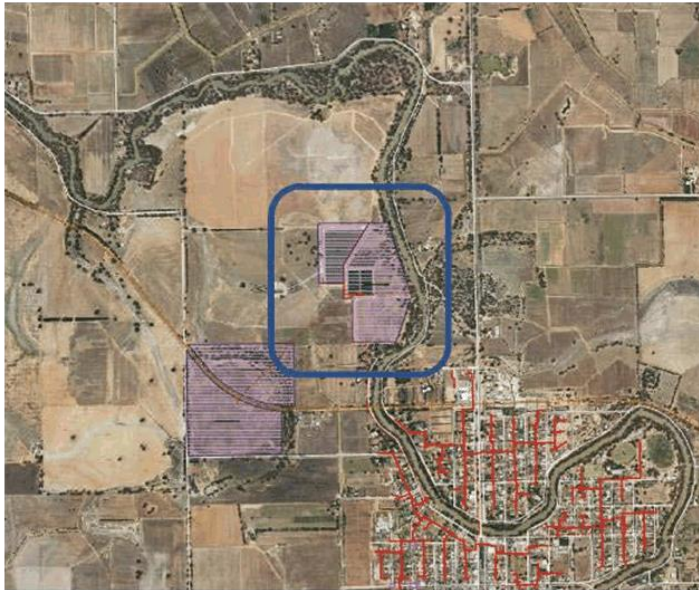


FILE NO: F17/1221
1. A GREAT PLACE TO LIVE

ITEM NO: 9.4.1

**MOIRA SHIRE PLANNING SCHEME AMENDMENT C89
ENVIRONMENTAL SIGNIFICANCE OVERLAY FOR
WASTEWATER TREATMENT PLANTS
RECOMMENDED ODOUR BUFFERS (cont'd)**

ATTACHMENT No [1] - Explanatory Report - ESO Buffers - Russell Kennedy - C89.2



Nathalia WMF approx. 430 m Buffer



Numurkah WMF approx. 800 m Buffer

A mapping reference table is attached at Attachment A to this Explanatory Report.

What the Amendment does

FILE NO: F17/1221
1. A GREAT PLACE TO LIVE

ITEM NO: 9.4.1

**MOIRA SHIRE PLANNING SCHEME AMENDMENT C89
ENVIRONMENTAL SIGNIFICANCE OVERLAY FOR
WASTEWATER TREATMENT PLANTS
RECOMMENDED ODOUR BUFFERS (cont'd)**

ATTACHMENT No [1] - Explanatory Report - ESO Buffers - Russell Kennedy - C89.2

The Amendment applies the Environmental Significance Overlay to the buffer distance surrounding wastewater management facilities where residual industrial air emissions (odour) may periodically impact amenity.

The Amendment facilitates the identification, recognition and protection of the wastewater management facilities owned and operated by Goulburn Valley Region Water Corporation located at Cobram, Strathmerton, Nathalia and Numurkah used for the provision of essential services, which underpins economic growth for the region.

The Environmental Significance Overlay introduces a requirement for a planning permit for development facilitating an incompatible use, which may compromise the efficient use and future configuration of the wastewater management facilities.

Strategic assessment of the Amendment

The wastewater management facilities are critical infrastructure for the provision of essential services (sewerage) to the municipality and the broader region.

Goulburn Valley Water utilises the wastewater management facilities to accept and treat domestic sewage and industrial trade waste, producing reclaimed water and biosolids that are beneficially reused for irrigation of community facilities (i.e. sports grounds) and applied to land in agriculture as a soil improver.

Wastewater management facilities emit odour. Variations in the incoming wastewater volume and quality, meteorological conditions, population served, industrial trade waste customers and infrastructure maintenance all contribute to fluctuations in odour emission which may discharge beyond Goulburn Valley Water's land holding and impact the amenity of the surrounding area (buffer).

Development allowing incompatible use within the buffer of these wastewater management facilities will restrict how Goulburn Valley Water maintains and operates the wastewater management facilities. These restrictions increase capital and operational costs, which are recovered from customers across the region (i.e. high water and sewerage bills).

Encroachment of development allowing incompatible use imposes a burden on Goulburn Valley Water and ultimately its customers, which is disproportionate and unsatisfactory.

Application of the Environmental Significance Overlay provides a desirable outcome by separating development for incompatible use, which creates certainty for the community both in terms of pricing (water and sewerage bills) and facilitating residential and industrial growth (provision of essential services).

Why is the Amendment required?

The Victoria Planning Provisions provide mechanisms to ensure a suitable separation distance is maintained between land uses such as wastewater management facilities that reduce amenity, and incompatible development and use where protection of amenity is necessary. The Victoria Planning Provisions identify as a reference document the 'Recommended buffer distances for industrial residual air emissions' (Environment Protection Authority 1990), which has now been superseded by publication 1518 titled 'Recommended Separation Distances for Industrial Residual Air Emissions' (Environment Protection Authority, 2017) ("**Separation Distance Guideline**").

In some zones there is no permit requirement for development allowing an incompatible use within the recommended separation distance for a wastewater management facility. In this instance neither Moira Shire Council nor Goulburn Valley Water has any control over encroachment, which compromises the utilisation of the wastewater management facility and ultimately allows a poor planning outcome where the encroaching development will be subject to odour emissions impacting amenity.

Where the zone and overlay controls require a planning permit for development within the recommended separation distance at present Goulburn Valley Water is not a determining referral authority. Moira Shire Council is required to determine the application seeking to assess any potential impact the wastewater management facility may have on the proposed development and also the impact the proposed development may have on the wastewater management facility, where appropriate. Goulburn Valley Water is the appropriate entity to assess any potential impact of a development on its wastewater management facilities. Moira Shire Council is not in a position to assess the wastewater engineering requirements of these facilities and the confidential budget and infrastructure planning for wastewater management facilities across the Goulburn Valley Water region.

FILE NO: F17/1221
1. A GREAT PLACE TO LIVE

ITEM NO: 9.4.1

**MOIRA SHIRE PLANNING SCHEME AMENDMENT C89
ENVIRONMENTAL SIGNIFICANCE OVERLAY FOR
WASTEWATER TREATMENT PLANTS
RECOMMENDED ODOUR BUFFERS (cont'd)**

ATTACHMENT No [1] - Explanatory Report - ESO Buffers - Russell Kennedy - C89.2

The Separation Distance Guideline provides for a calculation of the separation distance taking into account the equivalent population and general forms of wastewater management infrastructure. The Separation Distance Guideline does not take into account site specific considerations such as significant trade waste customers, topography, meteorological conditions, variations in load (i.e. holiday population expansion or major trade waste customer fluctuations) or the projected growth of the equivalent population to be served by the wastewater management facility. This may result in the buffer distances calculated in accordance with the Separation Distance Guideline being inadequate and in some instances excessive.

The existing zone and overlay controls do not identify or recognise the wastewater management facilities. While the local community would be well aware of the location and importance of a wastewater management facilities, others from outside the region, including developers and investors may be unaware of the wastewater management facilities and the importance of maintaining a separation distance around the facilities to support economic growth of the region.

Application of the Environmental Significance Overlay will provide an integrated and holistic approach to planning for the local communities of Cobram, Strathmerton, Nathalia and Numurkah, the municipality and the broader region.

How does the Amendment implement the objectives of planning in Victoria?

The objectives of planning in Victoria include:

- to provide for the fair, orderly, economic and sustainable use, and development of land;
- to secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria; and
- to protect public utilities and other assets and enable the orderly planning and co-ordination of public utilities and other facilities for the benefit of the community.

The wastewater management facilities at Cobram, Strathmerton, Nathalia and Numurkah are public utilities providing essential services (sewage and trade waste services) to the municipality and the broader region. Application of the Environmental Significance Overlay provides for an orderly planning outcome protecting both the public utilities and those using encroaching development for an incompatible use where amenity is an important aspect of the proposal.

How does the Amendment address any environmental, social and economic effects?

Application of the Environment Significance Overlay addresses the environmental, social and economic effects in different ways.

Environmental effects of the application of the Environment Significance Overlay is recognition the area within the municipality impacted by industrial residual air emissions (odour) on a periodic basis affecting the amenity of the ambient air environment. Application of the Environment Significance Overlay recognises this environmental effect and provides statutory controls to regulate development and the use of any development for an incompatible purpose within this area.

Application of the Environment Significance Overlay protects the community from the impact of industrial residual air emissions (odour) by preventing development and incompatible use of that development in an area where the ambient air environment is periodically impacted by these emissions. The social effect of applying the overlay control in this manner is to mitigate any adverse social impact by separating incompatible development and use.

Application of the Environment Significance Overlay to the correct area of the separation distance surrounding each of the wastewater management facilities will have a positive economic impact by creating certainty for industry and developers by identifying, recognising and protecting wastewater management facilities which are necessary for the delivery of essential services in an efficient and cost effective manner. Delivery of essential services (sewerage) is critical infrastructure to attract and sustain industrial and residential growth across the municipality.

Does the Amendment address relevant bushfire risk?

FILE NO: F17/1221
1. A GREAT PLACE TO LIVE

ITEM NO: 9.4.1

**MOIRA SHIRE PLANNING SCHEME AMENDMENT C89
ENVIRONMENTAL SIGNIFICANCE OVERLAY FOR
WASTEWATER TREATMENT PLANTS
RECOMMENDED ODOUR BUFFERS (cont'd)**

ATTACHMENT No [1] - Explanatory Report - ESO Buffers - Russell Kennedy - C89.2

Application of the Environment Significance Overlay will not result in any increased bushfire risk and is consistent with the objective and the overarching strategies of clause 13.05-1 (Bushfire Planning Strategies and Principles) of Victoria Planning Provisions.

Does the Amendment comply with the requirements of any Minister's Direction applicable to the Amendment?

The Amendment has been prepared in compliance with the Ministerial Direction on the form and content of planning schemes issued on most recently amended on 3 October 2018.

The Amendment is consistent with the Ministerial Direction 11 – Strategic Assessment of Amendments dated 18 October 2013.

How does the Amendment support or implement the State Planning Policy Framework and any adopted State policy?

The Amendment supports and implements the State Planning Policy Framework and State Government policies.

Clause 11 (Settlement) provides that:

- Planning is to anticipate and respond to the needs of existing and future communities through the provision of land for infrastructure;
- Planning is to prevent environmental problems by siting incompatible land uses close together; and
- Planning is to facilitate sustainable development that takes full advantage of existing settlement patterns and commercial infrastructure and services.

Clause 11.01-1S (Settlement) requires planning to limit urban sprawl and direct growth into existing settlements, and where relevant, consider and apply:

- the strategy 'Plan Melbourne 2017-2050: Metropolitan Planning Strategy' (Department of Environment, Land, Water and Planning 2017) ("**Plan Melbourne**"); and
- the Hume Regional Growth Plan (Victorian Government, 2014) ("**Hume Regional Growth Plan**").

Clause 11.02-1S (Supply of urban land) seeks to ensure there is a supply of land available for growth across communities.

Strategies include ensuring ongoing provision of supporting infrastructure for growth.

Planning for urban growth should occur at a Municipal level rather than township by township and planning for urban growth must consider matters including the limits of environmental quality.

Clause 11.02-3S (Sequencing of development) provides the planning for sewage (and water supply and drainage) receive high priority in early planning for areas of growth.

Clause 11.03-6S (Regional and local places) seeks to facilitate integrated place-based planning adopting strategies to consider the distinctive characteristics and needs of a region and local places and planning for future land use and development.

Clause 13 (Environmental Risks and Amenity) provides that:

- Planning should strengthen the resilience and safety of communities by adopting a best practice environmental management and risk management approach.
- Planning should aim to avoid or minimise human-made environmental hazards, environmental degradation and amenity conflicts.
- Planning should identify and manage the potential for environmental changes to impact on the economic, environmental or social wellbeing of society.
- Planning should prepare for and respond to impacts of climate changes.

Clause 13.01-1S (Natural hazards and climate change) adopts risk-based planning to anticipate impacts of climate change ensuring planning controls are implemented.

Clause 13.06-1S (Air quality management) sets a strategy to ensure, wherever possible, that there is a suitable separation between land uses that reduce air amenity and sensitive land uses. The State

FILE NO: F17/1221
1. A GREAT PLACE TO LIVE

ITEM NO: 9.4.1

**MOIRA SHIRE PLANNING SCHEME AMENDMENT C89
ENVIRONMENTAL SIGNIFICANCE OVERLAY FOR
WASTEWATER TREATMENT PLANTS
RECOMMENDED ODOUR BUFFERS (cont'd)**

ATTACHMENT No [1] - Explanatory Report - ESO Buffers - Russell Kennedy - C89.2

Environment Protection Policy (Air Quality Management) and the EPA publication titled 'Recommended buffer distances for industrial residual air emissions' dated 1990 now superseded by the Separation Distance Guideline.

Clause 13.07-1S (Land use compatibility) seeks to safeguard community amenity while facilitating appropriate commercial, industrial or other uses with potential off-site effects. Strategies include ensuring the compatibility of a use or development as appropriate to the land use functions and the character of the area by:

- directing land uses to appropriate locations; and
- using a range of building design, urban design, operational and land use separation measures.

Clause 14.02-3S (Water conservation) seeks to ensure that water resources are managed in a sustainable way including developing opportunities for recycled water use.

Clause 17 (Economic Development) provides that planning is to contribute to the economic well being of the State and foster economic growth by amongst other matters resolving land use conflicts, so that each region may build on its strengths and achieve its economic potential.

Clause 17.03-2S (Industrial development siting) provides amongst other matters that planning must provide adequate separation and buffer areas between sensitive uses and offensive or dangerous industries to ensure that residents are not affected by adverse environmental effects, nuisance or exposure to hazards.

Further the clause seeks to minimise inter-industry conflict and encourage like industries to locate within the same area.

Clause 19 (Infrastructure) provides amongst other matters that planning should facilitate efficient use of existing infrastructure and that the providers of that infrastructure should assist strategic land use planning.

Clause 19.03-6S (Waste and resource recovery) seeks to maximise resource recovery to reduce reliance on landfills and minimise environmental, community amenity and public health impacts. Policy documents include:

- the Statewide Waste and Resource Recovery Infrastructure Plan (Sustainability Victoria 2015) amended in 2018 ("**Infrastructure Plan**");
- the Goulburn Valley Waste and Resource Recovery Implementation Plan (Goulburn Valley Waste and Resource Recovery Group, 2017) ("**Regional Implementation Plan**");
- Victorian Organics Resource Recovery Strategy (Sustainability Victoria, 2015).

Strategies include:

- ensure future waste and resource recovery infrastructure needs are identified and planned for to safely and sustainably manage all waste and maximise opportunities for resource recovery;
- protect waste and resource recovery infrastructure against encroachment from incompatible land use and development by ensuring buffer areas are defined, protected and maintained;
- ensure waste and resource recovery facilities locate in close proximity in order to share separation distances, reduce the impact of waste transportation and improve the economic viability of resource recovery;
- integrate waste and resource recovery infrastructure planning with land use planning; [and](#)
- encourage development that facilitates sustainable waste and resource recovery.

Clause 19.03-3R (Water supply, sewerage and drainage – Hume) sets the strategy of avoiding locating water treatment plants close to development nodes.

The Infrastructure Plan and the Regional Implementation Plan are relevant to the wastewater management facilities at Cobram, Strathmerton, Nathalia and Numurkah in the context of resource recovery of organic waste such as sewage sludge stabilised into biosolids and then blended and manufactured with compost or other additives to produce soil conditioners suitable for broad acre land application in the agricultural sector.

Plan Melbourne identifies nine principles to deliver the vision for the city.

Principle 3 (a city of centres linked to regional Victoria) identifies Melbourne as the city centre linked to regional Victoria creating social and economic opportunities across the State.

FILE NO: F17/1221
1. A GREAT PLACE TO LIVE

ITEM NO: 9.4.1

**MOIRA SHIRE PLANNING SCHEME AMENDMENT C89
ENVIRONMENTAL SIGNIFICANCE OVERLAY FOR
WASTEWATER TREATMENT PLANTS
RECOMMENDED ODOUR BUFFERS (cont'd)**

ATTACHMENT No [1] - Explanatory Report - ESO Buffers - Russell Kennedy - C89.2

Principle 8 (infrastructure investment that supports balanced city growth) provides for infrastructure investment and improves utilisation of existing infrastructure in the right places to create vital social, economic and environmental balance across the city and region of Victoria.

Plan Melbourne identifies that regional Victoria is home to 20% of Victoria's population and that the projected population growth in regional Victoria is expected to reach 2.2 million by 2051. Further, regional Victoria provides 30% of the State's exports.

Direction 7.1 identifies the necessity to invest in regional Victoria to support housing and economic growth and bring significant social and lifestyle benefits to regional communities. The wastewater management facilities at Cobram, Strathmerton, Nathalia and Numurkah are critical infrastructure to support both residential and industrial growth in the municipality and more broadly the region.

Direction 6.7 identifies that resource recovery is an essential community service that protects the environment and public health and recovers valuable resources.

Plan Melbourne identifies that resource recovery infrastructure needs to be located to ensure waste management and resource recovery is timely, efficient and cost effective.

Direction 6.7 identifies the recovery of valuable resources from waste will create jobs and add value to the Victorian economy. Importantly, it identifies that resource recovery infrastructure planning must be effectively integrated with land use planning to provide long term certainty and to manage potential conflicts with incompatible nearby land uses.

Direction 6.7 identifies that maintaining full operational capacity and output of resource recovery facilities relies on a number of factors, such as securing and maintaining land separation distances. It is vital that these are sited, designed, built and operated to the highest standards so that the environment and public health benefits that Victorians expect are achieved.

Policy 6.7.1 seeks to improve the economic recovery of waste and reduce reliance on landfill. This is relevant in relation to biosolids produced by the wastewater management facilities which if not stabilised, blended and manufactured into soil improvers would otherwise be disposed of into landfill.

Opportunities exist for kerbside food organics or garden organics across the municipality to be processed with biosolids within the municipality. These and other opportunities relating to waste to energy initiatives are being investigated and initiated across Victoria with the ultimate aim of diverting organic waste from landfill.

The policy recognises that there are significant opportunities to grow resource recovery, including reducing the current trend of disposing of food and organic waste in landfill.

Policy 6.7.1 identifies that the Infrastructure Plan and the Regional Implementation Plan need to be integrated into planning schemes to ensure the long term viability of resource recovery infrastructure.

Policy 6.7.3 seeks to protect waste management and resource recovery facilities from urban encroachment and assess opportunities for new waste facilities.

This reiterates that the resource recovery facilities need to remain fully operational and productive over the life of the investment noting that it relies in part in land and separation distances being secured and on appropriate zoning of land with designated separation distances surrounding resource recovery sites.

Co-locating new waste related infrastructure with complimentary activities provides an opportunity to share existing separation distances and facilitate the integration of waste (including wastewater), water and energy management.

This policy seeks to co-locate resource recovery infrastructure with the wastewater management facilities at Cobram, Strathmerton, Nathalia and Numurkah. This further facilitates opportunities for biosolids reuse into soil improvers and the delivery of recycled water for community purposes.

Policy 6.7.3 identifies that these outcomes will be achieved by applying clearer policy guidance to identify and protect resource recovery facilities and maintaining recommended separation distances with appropriate statutory measures to manage their offsite impacts.

The Hume Regional Growth Plan provides strategic support for planning to provide and maintain appropriate buffers between sewage treatment plants and settlement areas.

The Hume Regional Growth Plan contemplates its implementation by further specific amendments, including subsequent review of each Council's Municipal Strategic Statement.

The Hume Regional Growth Plan recognises:

"Growth in the towns and cities in the Hume Region will result in demand for additional water, energy and utility infrastructure. Efficient use of existing systems and preservation and

FILE NO: F17/1221
1. A GREAT PLACE TO LIVE

ITEM NO: 9.4.1

**MOIRA SHIRE PLANNING SCHEME AMENDMENT C89
ENVIRONMENTAL SIGNIFICANCE OVERLAY FOR
WASTEWATER TREATMENT PLANTS
RECOMMENDED ODOUR BUFFERS (cont'd)**

ATTACHMENT No [1] - Explanatory Report - ESO Buffers - Russell Kennedy - C89.2

identification of utility infrastructure corridors and urban locations have been considered as part of this plan. The projected population and settlement patterns take into account high level planning for the currently planned and anticipated service utilities."

Water treatment plants, wastewater management facilities and other waste management infrastructure are identified as State significant land uses.

The Hume Regional Growth Plan recommends that planning should provide and maintain appropriate buffers between sewage treatment facilities and settlement areas. This recognition is consistent with the Infrastructure Plan and the Regional Implementation Plan.

The Infrastructure Plan provides an overarching statewide view of waste and resource recovery infrastructure. The Infrastructure Plan encourages the co-location of waste and resource recovery facilities with wastewater treatment plants.

The Infrastructure Plan identifies the opportunity for wastewater management facilities to contribute to the diversion of food waste from landfill through anaerobic digestion and processing of biosolids.

The Regional Implementation Plan identifies the opportunity for co-location of resource recovery facilities with wastewater management facilities. The Regional Implementation Plan also indicates that the preferred location for energy from waste facilities would be co-location with existing wastewater management facilities. This co-location is identified in the Regional Implementation Plan as the 'Ideal Hub'.

Application of the Environmental Significance Overlay is an important outcome underpinning State Government plans and policies for wastewater management, resource recovery and waste management investment across the State, including specifically the Hume Region.

How does the Amendment support or implement the Local Planning Policy Framework, and specifically the Municipal Strategic Statement?

The Amendment plays an important role in supporting the objectives and strategies identified across the Municipality.

Clause 21.02 Vision

The vision of the local planning policy framework adopts and implements the Hume Regional Growth Plan through documents including the Council Plan and the Municipal Strategic Framework Plan. Collectively these documents seek to facilitate the economic development and growth of the municipality, which is founded on the provision of essential services including sewage and water. The amendment seeks to identify, recognise and protect this infrastructure from compromise by encroachment of incompatible development and use.

Clause 21.03 Settlement

Key planning issues and challenges facing the Moira Shire relating to settlement are the facilitation of the orderly development of its townships and future populations and controlling future development. The Amendment will identify, recognise and protect infrastructure for the provision of essential services (sewage) protecting that infrastructure from encroachment of incompatible development and use which underpins economic growth of each of the townships and the broader municipality.

Clause 21.05 Environmental Risks

Council is committed to effectively managing effluent disposal to protect public health, minimise environmental impacts, minimise the demand for water as a resource and maximise reuse opportunities in an economically viable manner. Strategies including maintaining appropriate buffer distances between sewage/wastewater treatment and disposal facilities and other land uses in accordance with EPA guidelines.

Clause 21.06 Economic development

This Amendment will support the facilitation of the expansion of the Shire's 'value-adding' processing industries by managing wastewater from industrial facilities. This will ensure that the environmental impacts of industrial and commercial developments are in compliance with the legislation.

The Amendment is consistent with the objectives of the Municipal Strategic Statement. It seeks to protect the wastewater management facility across the Shire and does not seek to change the objectives or strategies of the Municipal Strategic Statement.

FILE NO: F17/1221
1. A GREAT PLACE TO LIVE

ITEM NO: 9.4.1

**MOIRA SHIRE PLANNING SCHEME AMENDMENT C89
ENVIRONMENTAL SIGNIFICANCE OVERLAY FOR
WASTEWATER TREATMENT PLANTS
RECOMMENDED ODOUR BUFFERS (cont'd)**

ATTACHMENT No [1] - Explanatory Report - ESO Buffers - Russell Kennedy - C89.2

The Amendment will identify, recognise and protect the wastewater management facilities at Cobram, Strathmerton, Nathalia and Numurkah which are critical for the provision of essential services for urban growth in terms of domestic sewage and also trade waste from industrial and commercial enterprises. The importance of Goulburn Valley Water's infrastructure cannot be understated in attracting regional enterprises to the townships providing employment opportunities and economic growth. For example the recent investment by a major logistics and dairy processing facility in Strathmerton, which will necessitate an augmentation to Goulburn Valley Water's infrastructure.

Clause 21.07 Local Areas

The Amendment is consistent with the local area policies for Cobram (21.07-1), Numurkah (21.07-3), Nathalia (21.07-4) and Strathmerton (21.07-10). The proposed Environmental Significance Overlay is consistent with the framework plan for Cobram, Numurkah and Nathalia. A framework plan is not provided for Strathmerton. The proposed Environmental Significance Overlay is consistent with contemporaneous planning policy and development pattern for Strathmerton. There is an interface and encroachment with land to the south/west of the township within the Farming Zone into small lots. This land was subdivided over a century ago and remains outside the township boundary and is largely undeveloped. Goulburn Valley Water is negotiating with the landowner for acquisition of lots within the separation distance.

Does the Amendment make proper use of the Victoria Planning Provisions?

Application of the Environmental Significance Overlay to identify, recognise and protect the separation distance of wastewater management facilities has been settled practice since at least 1997 when the Advisory Committee on the Victoria Planning Provisions confirmed this approach.

"The Committee considers that the ESO would be suitable for the purpose of protecting the type of major community infrastructure assets [being a sewage pond] referred to by the Central Highlands Water Board."

An early application by the ESO in this manner was recommended by the advisory committee for the new format Greater Dandenong Planning Scheme for the eastern treatment plant located at Carrum Downs.

Today in planning schemes across Victoria there are multiple examples of the application of the ESO for the protection of wastewater management facilities owned and operated by water corporations (wholly owned by State Government) and in some instances private corporations.

- Wodonga Planning Scheme – ESO5
- Moira Planning Scheme – ESO3
- Benalla Planning Scheme – ESO4
- Mildura Planning Scheme – ESO2
- Greater Shepparton Planning Scheme – ESO2
- Greater Dandenong Planning Scheme – ESO3
- Northern Grampians Planning Scheme – ESO3
- Central Goldfields Planning Scheme – ESO2
- South Gippsland Planning Scheme – ESO4

Contemporary guidance issued by State Government confirms the application of the Environmental Significance Overlay for the delineation of separation distances for wastewater management facilities – 'Using Victoria's Planning System' (Department of Environment, Land, Water and Planning, 2015).

"This Environmental Significance Overlay (clause 42.01 and Schedule)

This Overlay seeks to address areas where the development of land may be affected by environmental constraints such as the effects from noise or industrial buffer areas, as well as

FILE NO: F17/1221
1. A GREAT PLACE TO LIVE

ITEM NO: 9.4.1

**MOIRA SHIRE PLANNING SCHEME AMENDMENT C89
ENVIRONMENTAL SIGNIFICANCE OVERLAY FOR
WASTEWATER TREATMENT PLANTS
RECOMMENDED ODOUR BUFFERS (cont'd)**

ATTACHMENT No [1] - Explanatory Report - ESO Buffers - Russell Kennedy - C89.2

issues related to the natural environment. The Schedule to the Zone must clearly set out the environmental significance of the area and the resultant objective of the Overlay."

How does the Amendment address the views of any relevant agency?

The methodology used to delineate the extent of the separation distance for the wastewater management facilities at Cobram, Strathmerton, Nathalia and Numurkah was developed in compliance with the Separation Distance Guideline and the State Planning Policy Framework (Air Quality Management). The Environment Protection Authority has confirmed the application of the Environmental Significance Overlay in this manner.

Does the Amendment address relevant requirements of the Transport Integration Act 2010?

The transport system objectives and decision making principles have been considered in the preparation of this Amendment.

The Amendment will not have a significant impact on the transport system. Moira Shire Council is an interface body under the *Transport Integration Act 2010 (Vic)* with the *Planning and Environment Act 1987 (Vic)* constituting interface legislation. The decision to amend the Moira Planning Scheme is a decision under the interface legislation that is relevant under the *Transport Integration Act 2010 (Vic)* where the decision is likely to have a significant impact on the transport system.

Application of the Environmental Significance Overlay will not have a significant impact on the transport system.

Resource and administrative costs

It is not anticipated that the Amendment will add additional resource costs for the Moira Shire Council.

Where you may inspect this Amendment

The Amendment is available for public inspection, free of charge, during office hours at the following places:

- Moira Shire Council, 44 Station Street, Cobram
- Moira Shire Council website at www.moira.vic.gov.au
- Goulburn Valley Water website at www.gvwater.vic.gov.au

The Amendment can also be inspected free of charge at the Department of Environment, Land, Water and Planning website at www.delwp.vic.gov.au/public-inspection.

Submissions

Any person who may be affected by the Amendment may make a submission to the planning authority. Submissions about the Amendment must be received by close of business [...].

A submission must be sent to:

Strategic Planning Coordinator
Moira Shire Council
PO Box 578
Cobram Vic 3643

Panel hearing dates

In accordance with clause 4(2) of Ministerial Direction No.15 the following panel hearing dates have been set for this amendment:

- directions hearing: To be held in the week beginning ... 2018.

FILE NO: F17/1221
1. A GREAT PLACE TO LIVE

ITEM NO: 9.4.1

**MOIRA SHIRE PLANNING SCHEME AMENDMENT C89
ENVIRONMENTAL SIGNIFICANCE OVERLAY FOR
WASTEWATER TREATMENT PLANTS
RECOMMENDED ODOUR BUFFERS (cont'd)**

ATTACHMENT No [1] - Explanatory Report - ESO Buffers - Russell Kennedy - C89.2

- panel hearing: To commence in the week beginning .. 2018.

FILE NO: F18/459
1. A GREAT PLACE TO LIVE

ITEM NO: 9.4.2

IMPLEMENTATION OF THE INFRASTRUCTURE DESIGN MANUAL - PLANNING SCHEME AMENDMENT

RECOMMENDATION

That Council:

Agree to participate in a Section 20(4) Ministerial Amendment coordinated by the Department of Environment Land Water and Planning which seeks to introduce the 'Infrastructure Design Manual' (IDM) provisions into the Moira Planning Scheme in accordance with the attached provisions.

1. Executive Summary

Council adopted the Infrastructure Design Manual (the 'IDM') on 18 June 2007.

The IDM has been in operation for over ten years and is increasingly used and relied upon by local government (and the Tribunal) in providing guidelines for the specification of infrastructure requirements.

The IDM has the support of a Planning Panel and a specific Ministerial Advisory Committee.

It is recommended that Council prepare and exhibit an amendment to the Moira Planning Scheme to implement the IDM.

2. Proposal

The amendment to the Moira Planning Scheme to implement the IDM is to include:

- Modifications to Clause 22.18 to include updated references to the Infrastructure Design Manual.

Modifications to the Clause 22.18 to include the IDM as a Reference Document.

3. Background and Options

Clause 56 (Residential Subdivision) was introduced into all planning schemes by Amendment VC12 in 2001.

In 2004, Campaspe Shire Council, Greater Shepparton City Council and Greater Bendigo City Council agreed to work together to develop a common engineering manual to augment Clause 56 documenting common infrastructure standards across the three municipalities. The idea was to minimize disruptions to the development community where standards could be uniform across the borders of the three municipalities

In December 2006, a draft IDM was launched across the three municipalities and a seven-week consultation period commenced.

Around the end of 2007, six Gippsland councils received funding through (then) DPCD to investigate a common guideline for developers. As a result, these councils also joined the IDM membership group and adopted the IDM in early 2010.

FILE NO: F18/459
1. A GREAT PLACE TO LIVE

ITEM NO: 9.4.2

IMPLEMENTATION OF THE INFRASTRUCTURE DESIGN MANUAL - PLANNING SCHEME AMENDMENT (cont'd)

In late 2010, an extensive rollout of presentations to Councils in the west and north of state was undertaken. As a result of this "road trip" a number of other councils joined the growing list of regional councils making use of the IDM.

In October 2011, a further presentation was held in the north east of the state to discuss the IDM with the four remaining councils in this area who then joined the Group.

Councils advised that they mainly joined so as to provide a consistent approach to development across the region in order to construct infrastructure to a standard that the council required and that was not reflected within the existing Clause 56 (eg road widths, footpaths etc). It was also used to reduce the number of standard drawings used by councils allowing contractors to be confident with the machinery they needed to perform the works (eg kerb and channel profiles).

The IDM is currently utilised by 44 Councils across Victoria, despite not being included in the planning scheme of many of these Councils.

Moira Shire Council adopted the IDM at its meeting on 18 June 2007 and has been using it consistently from this date.

The IDM is designed to clearly document and standardise Councils' requirements for the design and development of municipal infrastructure. It also aims to expedite Councils' engineering approvals and ensure that minimum design criteria are met in regard to the design and construction of municipal infrastructure regardless of whether it is constructed by a Council or a developer.

Incorporating the IDM into the state structure of all planning schemes will enable a more consistent approach to the provision of infrastructure throughout all rural and regional areas of the state.

The inclusion of the IDM in the planning system will also provide certainty around the requirements for the provision of infrastructure. This will improve efficiency in planning processes and lead to a reduction in financial obligations and a greater certainty at development stage.

The IDM is a 'guideline' document (as opposed to a 'control' document) that is already widely used by Council planners and engineers and by developers and consultants for subdivision and development applications in regional Victoria. Unlike Clause 56, which only relates to residential subdivision, the IDM has a much wider coverage.

All subdivision and many development approvals are done via the planning permit and therefore it is the planning system that provides the most common conduit for linking the IDM to the approval process.

The proposal to include the IDM in the new Planning Policy Framework is consistent with all recently introduced *Regional Growth Plans*. Other existing State Planning Policies that are relevant to the IDM include:

Clause 15.01-03S (*Subdivision design*) contains the following objective:

- *To ensure the design of subdivisions achieves attractive, safe, accessible, diverse and sustainable neighbourhoods.*

FILE NO: F18/459
1. A GREAT PLACE TO LIVE

ITEM NO: 9.4.2

IMPLEMENTATION OF THE INFRASTRUCTURE DESIGN MANUAL - PLANNING SCHEME AMENDMENT (cont'd)

The IDM provides a consistent approach to ensure the design of subdivisions achieves attractive, safe, accessible, diverse and sustainable neighbourhoods.

Clause 16 (Housing) states that:

- *Planning should provide for housing diversity, and ensure the efficient provision of supporting infrastructure.*
- *Planning should ensure the long term sustainability of new housing including access to services, walkability to activity centres, public transport, schools and open space.*
- *Planning for housing should include the provision of land for affordable housing.*

This clause includes objectives and strategies relating to the provision of infrastructure to support future housing. The IDM provides a useful policy for the provision of consistent infrastructure including access, walkability public transport and roads to support future housing.

Clause 18 (Transport) states that:

- *Planning should ensure an integrated and sustainable transport system that provides access to social and economic opportunities, facilitates economic prosperity, contributes to environmental sustainability, coordinates reliable movements of people and goods, and is safe*

The proposed inclusion of the IDM gives effect to long-term strategic direction to require a consistent approach to the provision and development of new transport and access related infrastructure. The recent inclusion of the Sustainable Infrastructure Guidelines also provides additional guidance for long term environmental sustainability.

Clause 19 (Infrastructure) states that:

- *Planning for development of social and physical infrastructure should enable it to be provided in a way that is efficient, equitable, accessible and timely.*
- *Planning is to recognise social needs by providing land for a range of accessible community resources, such as education, cultural, health and community support (mental health, aged care, disability, youth and family services) facilities.*
- *Planning should ensure that the growth and redevelopment of settlements is planned in a manner that allows for the logical and efficient provision and maintenance of infrastructure, including the setting aside of land for the construction of future transport routes.*
- *Planning should facilitate efficient use of existing infrastructure and human services. Providers of infrastructure, whether public or private bodies, are to be guided by planning policies and should assist strategic land use planning.*
- *Planning authorities are to consider the use of development and infrastructure contributions in the funding of infrastructure.*

The proposal will give effect to these policies by providing a framework for future investigations into the consistent provision of infrastructure.

Amendment C112 in 2015 to the Greater Shepparton Planning Scheme was the first attempt to amend an existing Planning Scheme to include references to the Infrastructure Design Manual (IDM).

The C112 Planning Panel found that there was a high level of support for the amendment in submissions, although a number of detailed issues were raised about the proposed Municipal Strategic Statement (MSS) content and some elements of the current IDM.

FILE NO: F18/459
1. A GREAT PLACE TO LIVE

ITEM NO: 9.4.2

**IMPLEMENTATION OF THE INFRASTRUCTURE DESIGN MANUAL -
PLANNING SCHEME AMENDMENT (cont'd)**

The Panel was satisfied that the IDM was a useful resource that warranted recognition in the Greater Shepparton Planning Scheme and potentially in other rural and regional planning schemes. The Panel recommended that the IDM should be a 'guideline' document and that compliance with its standards should be discretionary and not mandatory.

In June 2015 the Minister for Planning also appointed an **Advisory Committee** to investigate various issues associated with the broader implementation of the IDM across Victoria.

The **Infrastructure Design Manual Advisory Committee** considered issues associated with the potential implementation of the Infrastructure Design Manual into planning schemes across regional Victoria.

The Terms of Reference for the Advisory Committee required:

- *An assessment of the scope of the Infrastructure Design Manual and whether it is appropriate given that it addresses residential, commercial, industrial and rural subdivision and development.*
- *Identification of the extent and scope of any change to the exhibited Infrastructure Design Manual and any recommendations in relation to the Infrastructure Design Manual content.*
- *Assess the merits of adopting a state-wide model for infrastructure standards to reflect the different standards that have evolved in areas of the state since the introduction of Clause 56.*
- *Identification and assessment of other planning scheme implementation options including, but not limited to, Municipal Strategic Statement, Local Planning Policy, Reference Document, Incorporated Document, Schedule to Clause 56, new stand-alone Clause 57.*
- *Advice on the suitability of, and most effective manner for the Infrastructure Design Manual to be included within other regional planning schemes.*

The Committee invited submissions from all non-metropolitan Councils; regional service authorities and referral authorities; and over 530 regional consultants, developers, practitioners and peak industry groups; and all of the submissions made in relation to the Greater Shepparton C112.

The Committee noted that **all but one** submission provided general support for the IDM, including support for its broader implementation. Submissions commented on the IDM's relationship to Clause 56 and some submissions supported a review of Clause 56.

The Committee concluded that the introduction of the IDM into regional planning schemes **should not be delayed** (emphasis added) pending a review of Clause 56. The Committee concluded that the IDM was a technically sound and useful document, the scope of the IDM was appropriate and there were appropriate processes in place to manage, review and update the IDM.

The Committee concluded that the IDM should be implemented in relevant regional planning schemes through the Municipal Strategic Statement, and should be included as a 'Reference Document'. The Committee believed it was appropriate to implement the IDM on a staged basis utilising the Minister's powers under section 20(4) of the Planning and Environment Act 1987.

FILE NO: F18/459
1. A GREAT PLACE TO LIVE

ITEM NO: 9.4.2

IMPLEMENTATION OF THE INFRASTRUCTURE DESIGN MANUAL - PLANNING SCHEME AMENDMENT (cont'd)

The Committee recommended the following:

- *The Infrastructure Design Manual be introduced in the Municipal Strategic Statement of regional council planning schemes....*
- *The Minister consider the implementation of the Infrastructure Design Manual into regional council planning schemes utilising powers under Section 20(4) of the Planning and Environment Act 1987.*
- *The Department of Environment, Land, Water and Planning review Clause 56 of the Victoria Planning Provisions, particularly with respect to the currency and completeness of standards.*

4. Financial Implications

Statutory fees for planning scheme amendments are prescribed by the *Planning and Environment (fees) Regulations 2016*. The proponent of this amendment is Council who is responsible for all costs associated with this amendment.

5. Risk Management

There are no identified risks associated with this amendment.

6. Internal and External Consultation

Section 19 of the Act specifies the extent of notification for an amendment.

Notice will be given to any adjoining landowners/occupiers (if applicable), relevant statutory authorities and prescribed Ministers.

Once notice has been given in accordance with the provisions of the Act, the amendment and any submissions will be reported to Council for consideration.

7. Regional Context

The introduction of the IDM is consistent with the Hume Region Growth Plan. The IDM is being introduced in planning schemes across regional Victoria.

8. Council Plan Strategy

This amendment to implement the IDM as a policy into the Planning Scheme cuts across all three strategies in the Council Plan of:

- A Great Place To Live
- A Thriving Local Economy
- A Clean Green Environment

The IDM provides a set of infrastructural standards the will benefit all sectors (residential, commercial industrial, recreational) of the community.

9. Legislative / Policy Implications

This report will lead to an amendment to Moira Planning Scheme. The amendment must be consistent with the Ministerial Direction on the Form and Content of Planning Schemes under section 7(5) of the *Planning and Environment Act 1987*. The amendment is to be prepared in accordance with the Practice Note "Strategic Assessment Guidelines for preparing and evaluating planning scheme amendments – revised April 2008" which outlines the key strategic considerations that must be evaluated by planning authorities to comply with the requirement of *Minister's Direction No. 11*.

FILE NO: F18/459
1. A GREAT PLACE TO LIVE

ITEM NO: 9.4.2

**IMPLEMENTATION OF THE INFRASTRUCTURE DESIGN MANUAL -
PLANNING SCHEME AMENDMENT (cont'd)**

Prior to commencing an amendment, the Council is required to seek authorisation from the Minister for Planning to prepare and exhibit the amendment. The authorisation will be requested shortly.

10. Environmental Impact

There should be no environmental implications in relation to this proposed planning scheme amendment.

11. Conflict of Interest Considerations

No Council officers or contractors who have provided advice in relation to this report have declared a conflict of interest in relation to the matter under consideration.

12. Conclusion

This planning scheme amendment will provide recognition of the IDM through a local planning policy in the planning scheme and will ensure a consistent approach to infrastructure for development on a regional basis.

Attachments

- 1 Proposed Planning Scheme Provision - Clause 22.18

FILE NO: F18/459
1. A GREAT PLACE TO LIVE

ITEM NO: 9.4.2

**IMPLEMENTATION OF THE INFRASTRUCTURE DESIGN MANUAL -
PLANNING SCHEME AMENDMENT (cont'd)**

ATTACHMENT No [1] - Proposed Planning Scheme Provision - Clause 22.18

MOIRA PLANNING SCHEME

22.18 INFRASTRUCTURE PLANNING, DESIGN AND CONSTRUCTION

Dd/mm/yyyy
Proposed
GCXX

This policy applies to all land.

22.18-1 Policy Basis

Dd/mm/yyyy
Proposed
GCXX

The design, management and delivery of infrastructure are key issues for Council. The efficient delivery of infrastructure is a fundamental element in providing affordable and diverse housing, generating economic growth and managing the municipality in a sustainable manner.

Standardised infrastructure design guidelines provide the opportunity to improve the efficient assessment and development of infrastructure. The *Infrastructure Design Manual* prepared by the Local Government Infrastructure Design Association (IDM) has been adopted by Council to assist in this assessment and is included as a Reference Document in this planning scheme.

The IDM includes guidelines for the design and construction of infrastructure within the municipality, including (among other things) roads, drainage, stormwater, car parking, landscaping, access, earthworks, public lighting and intersection infrastructure.

The IDM complements the objectives and standards of Clause 56 for residential subdivision applications. The IDM will also be used to assess subdivision and development applications in all other zones and in the development and assessment of Precinct Structure Plans and development plans.

22.18-2 Policy objective

Dd/mm/yyyy
Proposed
GCXX

To provide clear and consistent guidelines for the planning, design and construction of infrastructure.

22.18-3 Policy

Dd/mm/yyyy
Proposed
GCXX

It is policy that Council:

- Encourage a consistent approach to the design and construction of infrastructure across the municipality.
- Encourage an integrated approach to the planning and engineering assessment of new subdivision and development.
- Encourage new subdivision and development that has regard to the objectives and requirements of the IDM or an approved Precinct Structure Plan.
- Encourage the provision of infrastructure that is responsive to township and local character.

22.18-4 Policy References

Dd/mm/yyyy
Proposed
GCXX

Infrastructure Design Manual (as revised), Local Government Infrastructure Design Association.

FILE NO: C002/19
4. A WELL RUN COUNCIL

ITEM NO: 9.4.3

C002/19 - SUPPLY AND DELIVERY OR FINANCE OF TWO MOTOR GRADERS

RECOMMENDATION

That Council:

1. Authorise the Chief Executive Officer to undertake negotiations with the preferred tenderer, William Adams Pty Ltd in order to achieve a best value outcome for the purchase of one grader and award the contract.
2. Authorise the Chief Executive Officer to sign and seal the contract documents.

1. Executive Summary

Moira Shire Council sought submissions from suitably qualified companies for the supply and delivery or finance of two Motor Graders:

The tender provided the option for Council to purchase the graders or to lease them over five years.

Following an analysis of the purchase and lease options submitted by the tenderers, it concludes that the lump sum purchase option is more favorable to Council. For more information, please refer to Appendix A – Evaluation Summary (Confidential).

After consideration of the tender submissions, the evaluation panel recommends that the Council delegate to the Chief Executive Officer the authority to enter into negotiations with the preferred tenderer, William Adams Pty Ltd to achieve a best value outcome for one grader for the Council.

2. Background and Options

The primary use of the two graders will be to construct and maintain Councils road network.

The vehicles are expected to operate for approximately 1,600 engine hours per annum.

The proposed graders are replacements for the current graders at Nathalia and Tungamah Depots which are under leases due to expire in December 2018.

Contract Details

The proposed contract will be a lump sum purchase.

Date of Public Notice

Paper	Date
Border Mail	4 August 2018
The Age	4 August 2018
Shepparton News	7 August 2018
Cobram Courier	8 August 2018
Numurkah Leader	8 August 2018
Yarrawonga Chronicle	8 August 2018

FILE NO: C002/19
4. A WELL RUN COUNCIL

ITEM NO: 9.4.3

C002/19 - SUPPLY AND DELIVERY OR FINANCE OF TWO MOTOR GRADERS (cont'd)

Receipt of Tenders

A total of 6 submissions were received from the following companies:

- SG Fleet Australia Pty Limited
- William Adams Pty Ltd
- Porter Excavations Pty Ltd
- Hartwigs Pty Ltd
- Hitachi Construction Machinery
- Onetrak Pty Ltd

Supervision

Superintendent –Manager Operations

Superintendent Representative – Superintendent Parks and Fleet

Panel Membership

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

- Coordinator Works
- Team Leader, Tungamah
- Superintendent Parks, Garden and Fleet

The evaluation was moderated by the Procurement Coordinator.

Non-conforming tenders

No submissions were considered to be non-conforming.

Tender Evaluation

Each tender was evaluated separately utilising our electronic tendering system, TenderSearch.

The criteria and weightings from the original evaluation were utilised and are detailed in the following table:

Evaluation Criteria	Evaluation Weighting
Price	40%
Compliance with Specification	30%
Track Record	10%
Management of Schedules	10%
Contribution to Local Economy	10%

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

3. Financial Implications

The 2018/19 budget contained sufficient funds to lease the graders, however, as it is better value for Council to purchase the graders the remaining budget will be sourced from identified savings within the 2018/19 budget.

Please refer to Appendix A – Evaluation Summary (Confidential) for further information.

FILE NO: C002/19
4. A WELL RUN COUNCIL

ITEM NO: 9.4.3

C002/19 - SUPPLY AND DELIVERY OR FINANCE OF TWO MOTOR GRADERS (cont'd)

4. Risk Management

In order to minimise the risks associated with the purchase of plant, the specification contained the following conditions:

- The vehicle shall comply with all Federal and State Government Legislative requirements as well as all relevant Australian Standards and Australian Design Rules.
- Two (2) copies each of the operator, parts and workshop manuals shall be supplied (one hard copy and one disk) for the vehicle.
- An independent plant risk assessment is required to be supplied prior to the delivery of the vehicle.
- The tenderer shall give a written report to include noise level readings at operator's level and externally as per the relevant standard.
- On delivery, an initial induction of the capabilities of the vehicle is to be done for nominated Council staff. More intensive individual competency training is then to be carried out to ensure that all personnel are completely competent in the operation of all items on the vehicle. This will involve significant field time as the vehicles are operated in real situations.

5. Internal and External Consultation

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

The specification was approved by the responsible officer, Manager Operations and General Manager Infrastructure.

6. Regional Context

The graders will primarily be used to construct and maintain Councils road network.

7. Council Plan Strategy

The purchase of the graders will assist Council in meeting the objective of smarter delivery of existing services and programs; in addition, undertaking the tender process demonstrates good governance.

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

The proposed vehicles meet all the latest pollution and environmental requirements for vehicles of this type.

10. Conflict of Interest Considerations

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

11. Conclusion

After consideration of the tender submissions, the evaluation panel recommends

FILE NO: C002/19
4. A WELL RUN COUNCIL

ITEM NO: 9.4.3

**C002/19 - SUPPLY AND DELIVERY OR FINANCE OF TWO MOTOR
GRADERS (cont'd)**

that the Council delegate to the Chief Executive Officer the authority to enter into negotiations with the preferred tenderer, William Adams Pty Ltd to achieve a best value outcome for the Council.

Attachments

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

FILE NO: 000.000.000
1. A GREAT PLACE TO LIVE

ITEM NO: 9.4.4

REQUEST FOR DRAWDOWN OF LAKE MULWALA IN WINTER 2019

RECOMMENDATION

That Council:

1. Supports a drawdown in Lake Mulwala over the 2019 winter period to allow for retaining wall works to be carried out by Goulburn Murray Water for the Yarrowonga Tourism Trail.
2. Write to the Murray Darling Basin Authority supporting a drawdown of Lake Mulwala over the 2019 winter period.

1. Executive Summary

Moira shire Council was successful in an application to the Federal Government under its Building Better Regions fund for a grant of \$2.7million to complete the Yarrowonga Tourism Trail between Hogans Road and Belmore Street, Yarrowonga.

The overall value of the works is \$5.4million comprising the installation of a pathway across the foreshore of the Silverwoods development and the upgrade of the pedestrian pathway along River Road between the Bank St and Yacht Club boat ramps.

The River Road works include sections of retaining wall to be installed by GMW and a drawdown of the lake will allow these works to take place on dry ground rather than in the water. This is more cost effective and allows more of the pathway to be along the water's edge.

It is recommended that Council write to the Murray Darling Basin Authority supporting a drawdown of Lake Mulwala over the 2019 winter period to allow for the retaining wall works to take place.

2. Background and Options

Pedestrians currently walking along River Road are forced to walk along the shoulder of the road where the space between the top of the lake bank and the carriageway narrows.

The River Road section of the Yarrowonga Tourism Trail is intended to improve the separation between pedestrians and vehicles travelling along River Road. Where space on top of the bank allows, a granitic sand path will run beside the road pavement separated by a barrier kerb. Where the space narrows, the granitic sand path will be constructed behind a retaining wall that runs along the lake edge.

The base of the retaining wall is below the normal storage level of the lake. If the lake level is not dropped, the wall will need to be constructed in the water. This will add cost and also introduces risk in relation to the quality of the finished product as the water can make inspection of the works difficult.

To ensure the works are delivered as effectively and as economically as possible, GMW who are responsible for this section of the project has requested the MDBA to permit a drawdown of the lake by around 2.5m over the 2019 winter period.

The MDBA are prepared to consider the request provided there is community support for another drawdown given the most recent one was only a year earlier during the 2018 winter period.

FILE NO: 000.000.000
1. A GREAT PLACE TO LIVE

ITEM NO: 9.4.4

REQUEST FOR DRAWDOWN OF LAKE MULWALA IN WINTER 2019 (cont'd)

3. Financial Implications

The cost of the retaining wall has led to the Yarrawonga Tourist pathway being down along the back of the retaining wall for a portion of the way and along the top of the embankment next to River Road for the balance.

Reducing the cost per metre of the retaining wall can allow more metres to be installed which will improve the outcomes of the project.

4. Risk Management

The retaining wall also serves to protect the embankment from erosion. Installing the retaining wall on a dry surface will allow inspection to occur to ensure the works meet standards.

5. Internal and External Consultation

The MDBA have indicated they will consider the request from GMW for an approximate 2.5m drawdown of Lake Mulwala over the 2019 winter period if it is supported by the community around the lake.

Yarrawonga Mulwala Tourism indicated they are supportive of the proposal although suggested a 4.5m drawdown would create a safer environment for boating users.

The operators of the Paradise Queen and the Cumberoona were contacted for their views with one suggesting that delaying any drawdown to the end of May would have less impact upon on his business. The other operator did not support a second drawdown in two years as the impact upon his business would be significant.

6. Regional Context

This is a significant project within the region; savings in installation costs per metre of retaining wall will assist the project to be successfully delivered.

7. Council Plan Strategy

This fits within the Strategy objective to have a connected and welcoming Shire for all by providing well planned places and quality services.

8. Environmental Impact

Installing the retaining wall on dry ground rather than in the water will have a negligible impact upon water quality compared to if the wall were to be installed when the lake at normal storage levels.

9. Conflict of Interest Considerations

The author of this report has no conflict of interest with the subject of this report.

10. Conclusion

A drawdown of Lake Mulwala next winter would allow for GMW to be able to install the retaining wall component of the Yarrawonga Tourism Trail along River Road into a dry lake bed rather than through water.

The MDBA are prepared to consider the request provided there is community support for another drawdown given the most recent one was only a year earlier during the 2018 winter period.

FILE NO: 000.000.000
1. A GREAT PLACE TO LIVE

ITEM NO: 9.4.4

REQUEST FOR DRAWDOWN OF LAKE MULWALA IN WINTER 2019 (cont'd)

It is recommended that Council write to the Murray Darling Basin Authority supporting a drawdown of Lake Mulwala over the 2019 winter period to allow for the retaining wall works to take place.

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Attachments

Nil

FILE NO: C002/19
4. A WELL RUN COUNCIL

ITEM NO: 9.4.5

C003/19 - SUPPLY AND DELIVERY OF NINE 4 X 4 UTILITIES

RECOMMENDATION

That Council:

1. Award contract C003/19 – Supply and Delivery of nine 4x4 Utilities for lump sums inclusive of registration, on roads and GST as follows:
 - 4 x Mitsubishi Triton GLX + Club Cab to De Maria Motors Pty Ltd T/as De Maria Mitsubishi for \$149,200.00
 - 4 x Nissan Navara SL Dual Cab and 1 x Nissan Navara SL Dual Cab Pickup to Mustica Motors for \$191,984.00
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 supply and delivery of nine (9) 4x4 Utilities.

Moira Shire Council reserved the right to award contracts for each of the vehicles to a single supplier or multiple suppliers.

After consideration of the submissions, including price and specification requirements, the evaluation panel recommends that contract C003/19 - Supply and Delivery of Nine 4 x4 Utilities be awarded as follows:

- 4 x Mitsubishi Triton GLX + Club Cab to De Maria Motors Pty Ltd T/as De Maria Mitsubishi for \$149,200.00
- 4 x Nissan Navara SL Dual Cab and 1 x Nissan Navara SL Dual Cab Pickup to Mustica Motors for \$191,984.00

2. Background and Options

The purchase of the light fleet is in accordance with Councils light fleet replacement program.

Contract Details

The proposed contract will be a lump sum purchase.

Date of Public Notice

Paper	Date
Shepparton News	28 August 2018
Cobram Courier	29 August 2018
Numurkah Leader	29 August 2018
Yarrawonga Chronicle	29 August 2018

Receipt of Tenders

A total of 11 submissions were received from the following companies:

- Cobram Toyota
- Ken Muston Automotive

FILE NO: C002/19
4. A WELL RUN COUNCIL

ITEM NO: 9.4.5

C003/19 - SUPPLY AND DELIVERY OF NINE 4 X 4 UTILITIES (cont'd)

- HS West Motors Pty Ltd
- Waston Holden and Renault
- De Maria Mitsubishi
- Mustica Motors
- Pigdons Yarrawonga Pty Ltd
- Thompson Motor Group
- Bendigo Ford
- Brighton Holden and Mitsubishi
- Wangaratta Motor Group

Supervision

Superintendent –Manager Operations

Superintendent Representative – Superintendent Parks and Fleet

Panel Membership

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

- Administration Support Officer Operations
- Team Leader Parks and Town Maintenance East
- Superintendent Parks, Garden and Fleet

The evaluation was moderated by the Procurement Coordinator.

Non-conforming tenders

No submissions were considered to be non-conforming.

Tender Evaluation

Each tender was evaluated separately utilising our electronic tendering system, TenderSearch.

The criteria and weightings from the original evaluation were utilised and are detailed in the following table:

Evaluation Criteria	Evaluation Weighting
Price	40%
Compliance with Specification	50%
Contribution to Local Economy	10%

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

Following evaluation of the submissions, inspections of the three highest scored tractors were arranged.

3. Financial Implications

The 2018/19 budget contains sufficient funds to purchase the vehicles. Please refer to Appendix A – Evaluation Summary (Confidential) for further information.

FILE NO: C002/19
4. A WELL RUN COUNCIL

ITEM NO: 9.4.5

C003/19 - SUPPLY AND DELIVERY OF NINE 4 X 4 UTILITIES (cont'd)

4. Risk Management

Councils Motor Vehicle Policy addresses the risk associated with purchasing and maintaining light fleet including the minimum kerb weight, employee contribution and rates, modification and maintenance.

5. Internal and External Consultation

The public tender was advertised on Council's TenderSearch website, Shepparton News and the local papers.

The specification was approved by the responsible officer, Manager Operations and General Manager Infrastructure.

6. Regional Context

The recommended tenderers are located in Moira Shire contributing to the local economy.

7. Council Plan Strategy

The light fleet replacement program assists Council in meeting the objective of smarter delivery of existing programs.

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

The proposed vehicle meets all the latest pollution and environmental requirements for vehicles of this type.

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 C003/19 - Supply and Delivery of Nine 4 x4 Utilities be awarded as follows:

- 4 x Mitsubishi Triton GLX + Club Cab to De Maria Motors Pty Ltd T/as De Maria Mitsubishi for \$149,200.00
- 4 x Nissan Navara SL Dual Cab and 1 x Nissan Navara SL Dual Cab Pickup to Mustica Motors for \$191,984.00

Attachments

- 1 APPENDIX A - EVALUATION SUMMARY - *printed in separate document*

FILE NO: F16/480
1. A GREAT PLACE TO LIVE

ITEM NO: 9.4.6

**COBRAM EAST FLOOD MITIGATION LEVEE DESIGN STEERING
COMMITTEE - APPOINTMENT OF COBRAM COMMUNITY
REPRESENTATIVES**

RECOMMENDATION

That Council

1. Appoint Mr Kevin Crow as a Cobram Community Representative member of the Cobram East Flood Mitigation Design Steering Committee.
2. Conduct a further Expression of Interest calling for further nominations to fill the remaining five (5) Cobram Community Representative positions on the Steering Committee.

1. Executive Summary

An Expression of Interest process has been run to select Cobram Community Representatives to join the Cobram East Flood Mitigation Design Steering Committee Project Steering Committee.

The Steering Committee's terms of reference provides for six (6) Community representatives from the Cobram community to join the committee to provide input and advice for the design of the Cobram East Flood Mitigation Levee. However at the close of nominations, only one person had nominated.

With five (5) Cobram Community Representative positions to be filled on the Steering Committee it is recommended Council conduct a second Expression of Interest process to seek further nominations.

2. Background and Options

Council adopted the Terms of Reference for the establishment of the Cobram East Flood Mitigation Levee Design Steering Committee at the Ordinary Council meeting held on 22nd August 2018.

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

- The methods and results for the hydraulic modelling, including the mapping of flood extents and consequences for existing conditions and for mitigation options;
- The outcomes of public consultation and recommended options;
- The functional design of the flood protection at the Murray Valley Highway, Cobram East, including the financial sustainability of construction costs; and,
- The review of freeboard along the existing Cobram township levee and the conceptual designs addressing shortcomings in freeboard.

The steering committee compositions will be:

- 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 Goulburn Broken Catchment Management Authority representative
- 1 x Vicroads representative
- 6 x Cobram Community representatives

FILE NO: F16/480
1. A GREAT PLACE TO LIVE

ITEM NO: 9.4.6

**COBRAM EAST FLOOD MITIGATION LEVEE DESIGN STEERING
COMMITTEE - APPOINTMENT OF COBRAM COMMUNITY
REPRESENTATIVES (cont'd)**

3. Financial Implications

The costs to run meetings of the committee will be met from operational budgets.

4. Internal and External Consultation

Expressions of Interest calling for nominations were advertised in the following publication:

- 26 September 2018 – Cobram Courier and Council's Website

Closing date for receiving nominations was 19 October 2018.

Nominees were asked to complete a nomination form detailing their skills, knowledge and experience in participating in any previous flood studies, why they are interested in being involved as a community representative and how they can help providing input and advice to the Steering Committee.

At the time of closing only one (1) nomination had been received. The nomination was received from Mr Kevin Crow of Cobram. His nomination has been assessed as being suitable candidate to be a community representative based on his previous experience as a former Chair of the Cobram Flood Levee Association, a Councillor of the former Cobram Shire Council and Moira Shire Council plus his extensive knowledge of the levee system and past flood events.

5. Regional Context

The proposed Cobram East Flood Mitigation Levee will form part of the existing flood mitigation levee network that protects the Cobram Township. Community representation on the Steering Committee provides a link between the community, Goulburn Broken Catchment Management Authority, Vicroads and Moira Shire Council.

6. Council Plan Strategy

The project to provide flood mitigation to Cobram is aligned with Strategy 1 of the Council Plan, A great place to live

7. Legislative / Policy Implications

Council has the power under the Local Government Act 1989 to establish an advisory committee to be known as the Cobram East Flood Mitigation Levee Design Steering Committee.

8. Conflict of Interest Considerations

The author of this report has no conflict of interest.

Members of the committee will be required declare any conflict of interest they may have with any of the topics that may be raised within any meeting of the committee in accordance with the provisions within the draft Terms of Reference.

9. Conclusion

It is recommended that Council appoint Mr Kevin Crow to the Cobram East Flood Mitigation Levee Design Steering Committee as a Cobram Community Representative.

FILE NO: F16/480
1. A GREAT PLACE TO LIVE

ITEM NO: 9.4.6

**COBRAM EAST FLOOD MITIGATION LEVEE DESIGN STEERING
COMMITTEE - APPOINTMENT OF COBRAM COMMUNITY
REPRESENTATIVES (cont'd)**

As only one nomination was received, it is also recommended that a second Expression of Interest process be undertaken calling for further nominations to fill the remaining 5 Cobram Community Representative positions on the Steering Committee.

Attachments

Nil

FILE NO: F16/480
1. A GREAT PLACE TO LIVE

ITEM NO: 9.4.7

**NUMURKAH FLOOD MITIGATION PROJECT STEERING COMMITTEE -
APPOINTMENT OF COMMUNITY REPRESENTATIVE**

RECOMMENDATION

That Council

1. Appoint Mr John Blackman as a Community Representative member of the Numurkah Mitigation Project Steering Committee.
2. Conduct a further Expression of Interest calling for further nominations to fill the remaining three positions on the Steering Committee.

1. Executive Summary

An Expression of Interest process has been run to select four community representative position on the Numurkah Mitigation Project Steering Committee with the criteria being:

- Two members representing interests in the area bounded by Corke Street, Powell Road, Tunnock Road and Katamatite Road, Numurkah,
- Two members representing interests in upstream study area of the Broken Creek Numurkah.

This report seeks to appoint the one nominee and to conduct a further expression of interest for the remaining positions.

2. Background and Options

Council adopted the Terms of Reference for the Numurkah Flood Mitigation Project Steering Committee at the Ordinary Council meeting held on 26 September 2018.

- Facilitate community and stakeholder interest and support for implementation of the Numurkah Flood Mitigation measures (the project) identified within the Numurkah Floodplain Management and Plan – Flood Study Report, Option (A) November 2017 (the study) adopted by the Council at the Ordinary Council Meeting of 25 May 2018.
- Provide input and advice on the following as the need arises:
 - impact of the project on adjoining landholders;
 - integration of the project with existing infrastructure; and,
 - encouraging broad community perspectives and collaboration on the project's implementation.

The steering committee compositions will be:

- Councillors: 1
- Community representatives: 11
 - Comprising seven members generally representing interests within the proposed levee.
 - Two members representing interests in the area bounded by Corke Street, Powell Road, Tunnock Road and Katamatite Road, Numurkah,
 - Two members representing interests in upstream study area of the Broken Creek Numurkah.

3. Financial Implications

The costs to run meetings of the committee will be met from operational budgets.

FILE NO: F16/480
1. A GREAT PLACE TO LIVE

ITEM NO: 9.4.7

**NUMURKAH FLOOD MITIGATION PROJECT STEERING COMMITTEE -
APPOINTMENT OF COMMUNITY REPRESENTATIVE (cont'd)**

4. Internal and External Consultation

Expressions of Interest calling for nominations were advertised in the following publication:

- 10 October 2018 – Numurkah Leader and Council's Website

Closing date for receiving nominations was 9 November 2018.

Nominees were asked to apply in writing including relevant knowledge and outline their commitment to the project.

At the time of closing only one (1) nomination had been received. The nomination was received from Mr John Blackman of Numurkah. His nomination has been assessed as being a suitable candidate representing interests in the area bounded by Corke Street, Powell Road, Tunnock Road and Katamatite Road.

5. Council Plan Strategy

The project to provide flood mitigation to Numurkah is aligned with Strategy 1 of the Council Plan, A great place to live

6. Legislative / Policy Implications

Council has the power under the Local Government Act 1989 to establish an advisory committee to be known as the Numurkah Flood Implementation Project Steering Committee.

7. Conflict of Interest Considerations

The author of this report has no conflict of interest.

Members of the committee will be required declare any conflict of interest they may have with any of the topics that may be raised within any meeting of the committee in accordance with the provisions within the draft Terms of Reference.

8. Conclusion

It is recommended that Council appoint Mr John Blackman to the Numurkah Flood Mitigation Project Steering Committee as a Community Representative.

As only one nomination was received, it is also recommended that a second Expression of Interest process be undertaken calling for further nominations to fill the remaining three community positions on the Steering Committee.

Attachments

Nil

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: 22 August 2018

Subject – Urgent General Business

MOTION

That Council:

1. Request the CEO develop an action plan that ensures we are ready to deliver meaningful community and industry support, services and assistance if we move into drought conditions.
2. Continue our efforts to inform policy makers and political leaders on the social and economic impact of the unfolding seasonal conditions.
3. Call on the Victorian and Commonwealth Environmental Water Ministers to fast track the release significant environmental water onto the market so that farmers can make preparations before it's too late.

(CARRIED)

Completed

- A draft drought action plan and contact list of service providers have been compiled.
- Confirming contacts for the development of a brochure for service providers and customer service
- Initial action completed pending ongoing seasonal conditions

Attachments

Nil

FILE NO: F13/860-3 2. A THRIVING LOCAL ECONOMY	ITEM NO: 12.1
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JOINT LETTER - SEALING OF RILEY STREET, COBRAM

RECOMMENDATION

That Council:

1. 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.
2. Undertake traffic counts to determine the traffic on Riley Street, and,
3. Thank the signatories of the joint letter for their work and advise the first mentioned author of the joint letter of Council's decision.

1. Executive Summary

A joint letter has been received regarding sealing of Riley Street, Cobram to an asphalt sealed surface standard.

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

Council has a well-established process to determine if there is sufficient support to provide a constructed sealed road, and it is recommended that the abutting property business owners be asked about a Scheme for construction of a sealed road in accordance with Council's Policy and procedures.

2. Background and Options

a. Joint Letter

A joint letter has been received from abutting landowners in Riley Street, to have Riley Street unsealed road pavement upgraded to an asphalt sealed surface standard. Their request is based on the road being used more frequently and becoming extremely dusty. The joint letter was tabled at the Ordinary Council Meeting held on 24 October 2018.

b. Options of Road Sealing Treatments

- **Option One – Asphalt Seal treatment of existing road base**

This option involves widening the existing unsealed pavement to a pavement formation width of 8 metres, increasing the pavement thickness with a crushed rock overlay and asphalt sealing the pavement to a width of 7metres. Works also include associated table drain works including upgrade of driveway crossings to improve the flow of the open drains as well as design & supervision costs.

Total estimated cost is \$153,500 Ex GST

- **Option Two – Aggregate Spray Seal treatment of existing road base**

This option involves widening the existing unsealed pavement to a pavement formation width of 8 metres, increasing the pavement thickness with a crushed rock overlay and an aggregate spray sealing the pavement to a width of 7metres. Works

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

ITEM NO: 12.1

JOINT LETTER - SEALING OF RILEY STREET, COBRAM (cont'd)

also include associated table drain works including upgrade of driveway crossings to improve the flow of the open drains as well as design & supervision costs.

Total estimated cost is \$118,000 Ex GST

- **Option Three – Asphalt Seal treatment to full urban street design standard including kerb & drainage works**

This option involves widening and upgrading the existing road to a full urban industrial estate access road standard to a width of 12 metres with an asphalt seal, kerb & channel and upgrading the drainage to an urban piped drainage system as well as design & supervision costs.

Total estimated cost is \$345,300 Ex GST

3. Financial Implications

The Local Government Act provides legislation that enables Council to install infrastructure and then to pass the costs of any special benefit to the owners of adjacent land. The legislation is well known, often used and is the cornerstone of fitting infrastructure to areas that have been developed without complete infrastructure. Therefore, Council can elect to recover costs from abutting property owners under its Special Rates and Charges Policy.

Based on Council's Policy's for Special Rates and Charges for road infrastructure the abutting property owners are considered as the deemed beneficiaries. Apportionment of costs for the works is at full cost to the abutting property owners unless Council deems that there is also a community benefit on volume of through traffic even though Riley Street is a no through road. Should Council deem that there is a community benefit, then Council's contribution is 20% of the full cost as stated in Council's policy.

The likely contribution costs for each property owner for all three options based on no Council contribution are:

- **Option One – Asphalt Seal treatment of existing road base**

Contribution varies from \$19,000 to \$33,850 per property owner based on length of property frontage and access benefit.

- **Option Two – Aggregate Spray Seal treatment of existing road base**

Contribution varies from \$14,700 to \$26,000 per property owner based on length of property frontage and access benefit.

- **Option Three – Asphalt Seal treatment to full urban street design standard including kerb & drainage works**

Contribution varies from \$43,300 to \$76,000 per property owner based on length of property frontage and access benefit.

Payment of Special Charges

Council's Policy's for Special Rates and Charges allows for contributions to be paid by the following options:

- In full within 30 days after the date of issue of the notice; or
- Quarterly installments over a period of years as set by Council for each scheme, but not exceeding 10 years; and

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

ITEM NO: 12.1

JOINT LETTER - SEALING OF RILEY STREET, COBRAM (cont'd)

- Applications for relief or assistance due to hardship will be considered in accordance with Council's Rates and Charges Policy.

4. Risk Management

There are financial risks to Council with construction works and with undertaking the Special Charge Scheme process. These risks are mitigated by ensuring that Council's Special Charge Scheme Policy is followed along with the requirements set out in relevant legislation.

There are risks, with regard to the perceptions schemes may create within the community. Some property owners may believe that the Council's General Rate covers the cost of provision of new infrastructure, whereas this is not the case. The General Rate is to cover services that are available generally within the community. Services such as the provision of new roads that benefit a small minority of property owners, that is, those that receive special benefit are provided by Special Charge Schemes.

5. Internal and External Consultation

This report is regarding a consultation process. If Council were to proceed with a scheme extensive additional consultation would be required with the scheme contributors.

Schemes are not popular because they result in property owners having to pay for the special benefit that they receive. The consultation regarding schemes needs to be mindful of this fact, and also needs to ensure that property owners are provided with information that is correct, up to date and that should any scheme be considered for implementation, Council is required to undertake a legal process that is lengthy and time consuming.

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 sealing 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

Council has a Policy with respect to the installation of new road infrastructure – the Special Rates and Charges Policy. Under this Policy the abutting property owners will meet full cost to upgrade the road to a sealed standard as they will be the sole beneficiaries of the constructed sealed road.

Council may elect to contribute a maximum of 20% towards the construction costs should Council determine that there is benefit to the wider community to have the road upgraded to a sealed standard.

Any special charge scheme would be developed in accordance with the relevant provisions of the Local Government Act 1989, Ministerial Guidelines and Council's Special Rates and Charges Policy 2009. The procedure and limits to Council's power to impose a scheme are stipulated in the Local Government Act 1989.

9. Environmental Impact

Upgrading the road to a sealed surface will eliminate the dust problems that is being experienced by the abutting businesses.

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

ITEM NO: 12.1

JOINT LETTER - 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

The abutting property owners have requested that Council consider the costs for the upgrade of the road pavement to an asphalt sealed road standard in Riley Street, Cobram. It is recommended that the abutting property owners be asked about their willingness to contribute to the cost of upgrading the street to a sealed road based on all 3 sealing treatment options, via a questionnaire and that traffic counts be undertaken to determine the amount and nature of the traffic in the street.

The results of the questionnaire and traffic counts will be reported to Council at a later date.

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.