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AGENDA

**ORDINARY MEETING OF COUNCIL
FOR
WEDNESDAY 13 DECEMBER 2017
TO BE HELD AT COBRAM CIVIC CENTRE
COMMENCING AT 6:00 PM**

1. CALLING TO ORDER – CEO

RECORDING

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

2. PRAYER

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

Amen

3. ACKNOWLEDGEMENT OF COUNTRY

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

4. APOLOGIES & REQUESTS FOR LEAVE OF ABSENCE

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

6. DECLARATION OF ANY INTEREST OR CONFLICT OF INTEREST

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

Recommendation: “That the minutes of the Ordinary Council Meeting held on Wednesday, 22 November 2017, as prepared, be confirmed.”

8. COUNCILLOR REPORTS

COUNCILLORS TO PROVIDE VERBAL REPORTS

9. OFFICER REPORTS FOR DETERMINATION

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11. NOTICES OF MOTION

NIL

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NIL

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NIL

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

ITEM NO: 9.1.1

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.

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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

Council's representation on committees enables timely information transfer.

5. Internal and External Consultation

Councillors held a discussion on which Councillor/s would be representatives on Council's Section 86 Committees; Audit Committee; Moira Advisory Committees; Other Moira Committees and Other Representative Bodies at the December briefing.

Once Councillors' have been appointed to the committees, each committee will be notified of their delegated Councillors appointment 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.

It is then suggested the relevant Council Manager will brief the Councillor Representative on the workings and issues relevant to the Committee.

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4. A WELL RUN COUNCIL

ITEM NO: 9.1.1

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

Attachments

- 1 2018 Councillor Committee Representatives - Advisory Committees and Boards
- 2 2018 Section 86 Committees - Councillor Representative

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

ITEM NO: 9.1.1

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

ATTACHMENT No [1] - 2018 Councillor Committee Representatives - Advisory Committees and Boards

ADVISORY COMMITTEES AND BOARDS	Representative	Dates	Occurrence
Moira Shire Disability Advisory Committee	Crs: Bourke and Lawless	Second Tuesday	Bi Monthly
Moira Shire Environment Advisory Committee	Crs: Cox and Martin	Third Tuesday	Quarterly
Moira Shire Junior Council	Mayor Crs: Mansfield and Martin	Tuesdays	Six meetings per year
Moira Shire Local Safety Committee	Crs: Bourke and Martin	First Tuesday	Quarterly
Moira Shire Municipal Public Health & Wellbeing Advisory Committee	Crs: Bourke and Cox		Quarterly
Moira Shire Multicultural Advisory Committee	Crs: Martin and Cleveland		Quarterly
Moira Shire Tourism Advisory Board	Cr Mansfield	Second Thursday	Bi Monthly

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

ATTACHMENT No [1] - 2018 Councillor Committee Representatives - Advisory Committees and Boards

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	Various	Varies
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

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4. A WELL RUN COUNCIL

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

ATTACHMENT No [1] - 2018 Councillor Committee Representatives - Advisory Committees and Boards

OTHER REPRESENTATIVE BODIES			
	Representative	Dates	Occurrence
Murray Darling Association Inc	Cr Mansfield	Various	Twice yearly
Barmah Forest Heritage and Education Centre	Cr Bourke	First Wednesday	Quarterly
Numurkah Flood Study Community Reference Group	Cr Bourke	Thursdays	Varies
AUDIT COMMITTEE			
	Representatives	Dates	Occurrence
Moira Shire Council Audit Committee	Crs: Cox and Martin	Thursdays	Minimum Quarterly

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4. A WELL RUN COUNCIL

ITEM NO: 9.1.1

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

ATTACHMENT No [2] - 2018 Section 86 Committees - Councillor Representative

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

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ITEM NO: 9.1.1

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

ATTACHMENT No [2] - 2018 Section 86 Committees - Councillor Representative

SECTION 86 COMMITTEES	Representative	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
Yalca North Recreation Reserve	Cr Bourke	First Monday	Quarterly
Yarrowonga JC Lowe Oval Reserve	Cr Lawless	First or Second Wednesday	Quarterly
Yarrowyah Recreation Reserve	Cr Cox	Fourth Wednesday	Quarterly
Yarrowonga Eastern Foreshore	Cr Mansfield	Fourth Tuesday	Monthly
Cobram Showgrounds Apex Reserve	Cr Cox	Monday	Quarterly

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ITEM NO: 9.1.1

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

ATTACHMENT No [2] - 2018 Section 86 Committees - Councillor Representative

SECTION 86 COMMITTEES			
	Representative	Dates	Occurrence
Nathalia Showgrounds & Recreation Reserve	Cr Bourke	Second Monday	Every second month
Numurkah Showgrounds Reserve	Cr Martin	Third Monday	Monthly
Yarrowonga Showgrounds Reserve & Victoria Park	Cr Mansfield	Fourth Tuesday	Every second month
Katamatite Public Hall	Cr Martin	First Monday	Quarterly
Lake Rowan Hall	Cr Lawless	Second Wednesday	Quarterly
Numurkah Town Hall	Cr Martin	First Monday	Every second month
Picola Public Hall	Cr Bourke	Second Tuesday	Quarterly
St James Public Hall	Cr Lawless	Second Tuesday	Quarterly
Strathmerton Public Hall	Cr Beitzel	First Monday	Quarterly
Wilby Memorial Hall	Cr Mansfield	Third Thursday	Quarterly
Yarroweyah Memorial Hall	Cr Cox	First Monday	Quarterly

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ITEM NO: 9.1.1

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

ATTACHMENT No [2] - 2018 Section 86 Committees - Councillor Representative

SECTION 86 COMMITTEES		Representative	Dates	Occurrence
Cobram Historical Precinct	Cr Cox	Fourth Monday	Quarterly	
Nathalia Historical Precinct	Cr Bourke	Second Tuesday	Quarterly	

DRAFT

FILE NO: 1
4. A WELL RUN COUNCIL

ITEM NO: 9.1.2

COUNCILLOR SERVICE RECOGNITION POLICY

RECOMMENDATION

That Council adopt the attached Councillor Service Recognition policy.

1. Executive Summary

The Councillor Service Recognition Policy has been drafted for endorsement by Council. This policy will replace the current policy adopted in 2013 and will bring Councillor Service Recognition in line with the Council Staff Service Recognition Policy.

2. Background and Options

This policy will allow the Mayor to use their discretion for service recognition gifts to long serving and retiring Councillors.

3. Financial Implications

The policy has been developed for the Mayor to use discretion with the purchase of gifts for long standing or retiring Councillors, the financial implications will be lessened by this policy.

Funding to implement this policy is included in annual budget considerations by Council.

4. Risk Management

Risk is mitigated by this policy direction.

5. Internal and External Consultation

Consultation between the Mayor and Chief Executive Officer occurred, no external consultation was required.

6. Regional Context

There are no regional issues to consider within this report.

7. Council Plan Strategy

This policy fits within the Council Plan Strategy of '*a well run council*'.

8. Legislative / Policy Implications

This policy complies with legislation and Council's Council Policy Protocol.

9. Environmental Impact

There are no environmental impacts associated with this policy.

10. Conflict of Interest Considerations

There are no conflicts associated with this policy.

FILE NO: 1
4. A WELL RUN COUNCIL

ITEM NO: 9.1.2

COUNCILLOR SERVICE RECOGNITION POLICY (cont'd)

11. Conclusion

The adoption of this reviewed policy will provide the guidance required for these Council activities and ensure that Councillors are appropriately recognised.

Attachments

- 1 Draft - Councillor Service Recognition Policy

FILE NO: 1
4. A WELL RUN COUNCIL

ITEM NO: 9.1.2

COUNCILLOR SERVICE RECOGNITION POLICY (cont'd)

ATTACHMENT No [1] - Draft - Councillor Service Recognition Policy



Councillor Service Recognition Policy

Policy type	Council
Adopted by	Moira Shire Council
Responsible General Manager	Chief Executive Officer
Responsible officer	Executive Assistant – Mayor and Councillors
Date adopted	
Scheduled for review	

PURPOSE

To recognise the contribution made by serving and long serving councillors to the Moira Shire community.

SCOPE

This policy applies to all Moira Shire councillors.

DEFINITIONS

Service means continuous service since commencement as a Councillor with Moira Shire Council.

POLICY

Council will acknowledge the contribution made by serving and long serving councillors in the following manner:

Service Acknowledgement

A certificate of service will be presented at four and eight years of service.

For milestones greater than eight years a presentation for long serving Councillors will be made at the discretion of the Mayor along with a certificate of service.

Service Acknowledgement Function

Presentation of service acknowledgements will be made at an afternoon tea or equivalent event held by Council. All councillors, their spouses or partners, will be invited to attend.

FILE NO: 1
4. A WELL RUN COUNCIL

ITEM NO: 9.1.2

COUNCILLOR SERVICE RECOGNITION POLICY (cont'd)

ATTACHMENT No [1] - Draft - Councillor Service Recognition Policy

Councillor Service Recognition Policy



Farewell Service Presentations

Long serving councillors who leave the organisation, will be recognised when they cease to hold the title of councillor, either through the result of an election, resignation or retirement. An appropriate ceremony will be held in their honour including presentation of a suitable gift.

RELATED POLICIES

*Service Recognition – Employees
Development of Policy Documents, and Policy Guideline*

REFERENCES

Policy Development Guidelines

REVIEW

This policy will be reviewed four years from the date of adoption, with operational amendments as required, in accordance with Council's approval.

DRAFT

FILE NO: 1
4. A WELL RUN COUNCIL

ITEM NO: 9.1.3

COUNCILLOR SUPPORT, EXPENSE AND PROFESSIONAL DEVELOPMENT POLICY

RECOMMENDATION

That Council adopt the attached draft Councillor Support, Expense and Professional Development Policy.

1. Executive Summary

The Councillor Support, Expense and Professional Development Policy has been drafted for endorsement by Council. This policy will replace the current policy adopted in 2016.

2. Background and Options

The current policy was adopted in 2015 and is scheduled for review in December 2017, one year after the new term of Councillors took their oath in office.

This policy has been developed to incorporate two current policies, the expense and support policy and the professional support policy.

3. Financial Implications

All financial implications are budgeted for yearly.

4. Risk Management

Risk is mitigated by this policy direction.

5. Internal and External Consultation

Consultation between the Corporate Management Team and the Executive Assistant to Mayor and Councillors during the development of this policy.

6. Regional Context

There are no regional issues to consider within this report.

7. Council Plan Strategy

This policy fits within the Council Plan Strategy of '*a well run council*'.

8. Legislative / Policy Implications

This policy complies with legislation and Council's Council Policy Protocol.

9. Environmental Impact

There are no environmental impacts associated with this policy.

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4. A WELL RUN COUNCIL

ITEM NO: 9.1.3

**COUNCILLOR SUPPORT, EXPENSE AND PROFESSIONAL DEVELOPMENT
POLICY (cont'd)**

10. Conflict of Interest Considerations

There are no conflicts associated with this policy.

11. Conclusion

The adoption of this reviewed policy will provide guidance required for Councillors on their professional development, expenses and support to fulfil their role as a Councillor.

Attachments

- 1 Draft - Councillor Support, Expense and Professional Development Policy

FILE NO: 1
4. A WELL RUN COUNCIL

ITEM NO: 9.1.3

**COUNCILLOR SUPPORT, EXPENSE AND PROFESSIONAL DEVELOPMENT
POLICY (cont'd)**

**ATTACHMENT No [1] - Draft - Councillor Support, Expense and Professional
Development Policy**

**Councillor Expense, Support & Professional
Development Policy**



Policy type	Council
Adopted by	Moirá Shire Council
Responsible General Manager	Corporate
Responsible officer	Chief Financial Officer
Date adopted	
Scheduled for review	

PURPOSE

This policy has been developed in recognition of the essential support Councillors require to serve, engage and act in the best interests of the community – in the elected representative role as a Councillor. It provides guidance on the allowance, reimbursement of expenses, provision of facilities and support for Councillors in accordance with Section 74 and 75B(1) of the Local Government Act 1989 Act (“the Act”) which requires Council to review, adopt and maintain a policies in relation to Councillor allowances and the reimbursement of expenses.

SCOPE

This policy applies to all Moirá Shire Councillors.

DEFINITIONS

Personal expenses	Out of pocket expenses incurred by councillors that are not related to their duties as a councillor. This may include the use of a council phone for personal calls or attendance at an event in a personal capacity and not as the councillor representative.
Councillor expenses	Section 75 of the Act describes reimbursement of out of pocket expenses to Councillors performing duties as a Councillors.
Duties as a councillor	Activities and functions that may include authorised representation of council at events and activities.
Authorised meetings and functions	Meetings of bodies to which a councillor is formally appointed by the council, including Section 86 Committees of Management, Advisory Committees and Representative Bodies or as directed by the Mayor.

RELATED LEGISLATION

Local Government Act 1989
Local Government Regulations 2004

REFERENCES

- Policy Development Guidelines
- Moirá Shire Council, Councillor Code of Conduct
- Moirá Shire Council, Corporate Uniform Policy
- Moirá Shire Council, Use of Council’s E-mail and Internet Facilities Policy
- Motor Vehicle CEO Directive – Conditions of Use for a Council Motor Vehicle

REVIEW

This policy will be reviewed four years from the date of adoption, or sooner if required.

FILE NO: 1
4. A WELL RUN COUNCIL

ITEM NO: 9.1.3

COUNCILLOR SUPPORT, EXPENSE AND PROFESSIONAL DEVELOPMENT POLICY (cont'd)

ATTACHMENT No [1] - Draft - Councillor Support, Expense and Professional Development Policy

Councillor Expense, Support & Professional Development Policy



Councillor allowances and superannuation

- Councillor allowances are paid in accordance with the Act.
- Council must review Councillor allowances within 6 months of a council election.
- Mayoral and Councillor allowances are subject to the addition of the equivalent of the superannuation guarantee.
- Councillors can sacrifice any amount of their allowances into a complying superannuation fund in accordance with ATO ID 2007/205.
- Councillors are deemed not to be an employee under common law.
- Council may enter into an arrangement with a Councillor under which the Councillor agrees to forego all or part of their annual fee in exchange for the council making contributions to a complying superannuation fund on their behalf in accordance with the ATO Interpretative Decision 2007/205.
- Any request by a Councillor to redirect their fees as a superannuation contribution must be in writing and cannot be retrospective once the facility is established.

Council Expenses

General expenses:

- Section 75 of the Act describes reimbursement of out of pocket expenses to Councillors performing duties as a Councillors.
- In recognition of the special role of Mayor, this policy provides for the provision of some additional facilities and expenditure specific to the Mayoral office.
- Councillors will be reimbursed for necessary out of pocket expenses on the presentation of a signed statement of expenditure and supported by official receipts, relevant documentation and completion of a Councillor Reimbursement Form (Appendix A).
- Councillors are required to submit travel expense claims on a monthly basis with the completion of a Councillor Reimbursement for Motor Vehicle Travel Expenses Form (Appendix B).
- A report will be submitted annually to the Internal Audit Committee on the costs incurred by each Councillor for that financial year including travel, phone calls, legal expenses and any personal development or events attended.
- Councillor expenses are reported on each year in the Annual Report and are available on council's website.
- Councillor expenses will be reported to Councillors on a monthly basis.

Access to facilities and resources

Councillors will be provided with the following support and resources:

- Computer – tablet PC
- Mobile phone if required
- Stationary
- Access to copier/printer

The Mayor will also be provided with the following additional support and resources:

- Administrative support
- Office
- Vehicle including fuel card

Reimbursement

- Travel - including reimbursement of public transport costs
- Internet or data – reimbursement of relevant call costs
- Child care/family care

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4. A WELL RUN COUNCIL

ITEM NO: 9.1.3

COUNCILLOR SUPPORT, EXPENSE AND PROFESSIONAL DEVELOPMENT POLICY (cont'd)

ATTACHMENT No [1] - Draft - Councillor Support, Expense and Professional Development Policy

Councillor Expense, Support & Professional Development Policy



Additional support will be provided for councillors as follows:

PROVISION FOR FACILITIES AND SUPPORT

Administrative support

All Councillors will be provided with appropriate administrative support using existing Council staff, so that official duties may be pursued in a professional manner.

Office space and facilities

An office will be provided for the mayor to conduct Council business, a lounge and a small interview room will be provided for Councillors use.

Communications

- Connection to council's computer network, internet or email will be in accordance with the Use of Council's E-mail and Internet Facilities Policy.
- Council will fund the associated rental and service charges of a dedicated internet connection where this is provided.

Corporate Uniform

Each Councillor is provided with a uniform allowance to fund the purchase of corporate uniform, in accordance with Council's Corporate Uniform Policy and the Chief Executive Officer's Corporate Uniform Directive.

Protective Clothing

Councillors will be provided with protective clothing and head wear as required as part of their official duties. Councillors must wear the protective clothing in accordance with relevant Council policy.

Stationary

Councillors may request stationary to assist them in the conduct of their council duties. Moira Shire Council letterhead will not be provided.

Access to a Council Pool Vehicle

- A vehicle will be made available to the mayor for council and private use. The vehicle includes a council fuel card.
- A council vehicle will be provided to a Councillor when attending events that form part of the councilor's official duties or professional development.
- A Council vehicle should be used when travelling outside the municipality. A personal vehicle may be used if a pool vehicle is not available or its use is unreasonable or impractical.
- Use of a council vehicle must be in accordance with Council's Motor Vehicle Policy, the CEO Motor Vehicle Directive - Conditions of Use for a Council Motor Vehicle.

Travel Expenses

Reasonable travel expenses incurred by a Councillor to attend a Council function, Council meetings and briefings or other functions as an authorised representative of Moira Shire Council will be reimbursed with presentation of tax invoice and Councillor Reimbursement Form completed (Appendix A).

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4. A WELL RUN COUNCIL

ITEM NO: 9.1.3

COUNCILLOR SUPPORT, EXPENSE AND PROFESSIONAL DEVELOPMENT POLICY (cont'd)

ATTACHMENT No [1] - Draft - Councillor Support, Expense and Professional Development Policy

Councillor Expense, Support & Professional Development Policy



Councillors may choose to travel by public transport when representing council or for professional development.

- Tickets can be obtained in advance through the Office of CEO with 48 hours' notice prior to travel.
- Ticket costs will be reimbursed with presentation of tax invoice and Councillor Reimbursement Form completed (Appendix A).

Reimbursement of private vehicle use expenses will be in accordance with the Act and at the per kilometre business rate set by the Australian Taxation Office.

Councillors will be paid an extra \$40 remote travel allowance for each day they attend authorised meetings or functions that are held more than 50kms away from their primary residents (up to a maximum of \$5,000 per year).

Accommodation

- Council will pay for accommodation for council business or professional development if fatigue or driver safety is a reasonable concern.
- Accommodation requests should be made via the Office of CEO at least 48 hours prior to travel.
- Council accommodation will be at venues that provide Government rates. Other venues will be considered if a Government-rate venue is not available or its use is unreasonable or impractical.
- The standard of accommodation will include a standard room or four star equivalent.

Meals and Entertainment

Councillors will be provided meals (morning/afternoon tea, lunch and dinner) when meeting for extended time frames or when held at meal times.

Partner Reimbursement

- If a partner chooses to attend a function with their spouse, the cost of the program and/or reception will be reimbursed in full to Council.
- Partner attendance at Council functions is not required.

Corporate Credit Card

- The Mayoral credit card has a monthly credit limit of \$2,000.
- Credit card usage will be limited to bona fide expenses associated with the Office of Mayor.
- All tax invoices and receipts are to be provided to the Executive Assistant at the end of each month for reconciliation and for approval by the Chief Finance Officer or General Manager Corporate.

Memberships

Councillors may be eligible to have their individual memberships covered by Council if the CEO and Mayor determine that the membership will directly benefit the Council.

A financial contribution may be requested from Council. The contribution may be paid upon receipt of the paid tax invoice provided by the Councillor and with completion of Councillor Reimbursement form (Appendix A).

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4. A WELL RUN COUNCIL

ITEM NO: 9.1.3

COUNCILLOR SUPPORT, EXPENSE AND PROFESSIONAL DEVELOPMENT POLICY (cont'd)

ATTACHMENT No [1] - Draft - Councillor Support, Expense and Professional Development Policy

Councillor Expense, Support & Professional Development Policy



Professional Development

Councillors are encouraged to attend appropriate conferences and undertake professional development to enhance their function as a Councillor.

- Professional Development must be approved by the Mayor and Chief Executive Officer prior to attendance and upon completion the Councillor Professional Development form (Appendix C).
- Each Councillor is provided with professional development funding of up to \$5000 per year and \$8000 for the Mayor.
- If a councillor's attendance is funded by council, the Councillor is representing Council and may claim reimbursement of relevant expenses.
- If a requested professional development cannot be accommodated within the budget allocation, the CEO and Mayor will determine if additional funding is available and appropriate.

Legal Advice Expenses

The Council will only meet legal expenses incurred as a result of a Councillor executing their official duties. Councillors need to be aware of their role and responsibilities under the Act.

- If a Councillor requires legal advice in connection with his or her functions as a Councillor:
- (a) The Councillor may submit a Notice of Motion requesting that Council facilitate and fund such legal advice; or
 - (b) The Chief Executive Officer may facilitate such legal advice and confirm that Council will meet expenses if:
 - i. appropriate to do so taking into the consideration the same criteria used by Council (below); and
 - ii. the Councillor requirement for legal advice cannot be deferred until the lodgment or consideration of a Notice of Motion.
 - (c) Council will evaluate any requirement by a Councillor for legal advice against the following criteria:
 - i. the extent to which the subject-matter of the advice required relates to the Councillors functions as a Councillor;
 - ii. the extent to which the subject-matter of the advice required relates to a matter before Council or the Councillors representative role as a Councillor
 - iii. the extent to which the subject-matter of the advice required will or is likely to be of interest to all Councillors;
 - iv. the public interest; and
 - v. any other relevant considerations.
 - (d) In the event that legal advice relates to a writ, action or pending action against a Councillor or Councillors, the Councillor or Councillors must supply a copy of the writ or action or provide the information which may lead to an action, to the Chief Executive Officer, who will advise Council's insurers as soon as possible, in accordance with Council's insurance policy conditions.

Other Expenditure

Any expenditure not specified in this policy will be the responsibility of the Councillor, except where the Chief Executive Officer grants approval.

FILE NO: 1
4. A WELL RUN COUNCIL

ITEM NO: 9.1.3

**COUNCILLOR SUPPORT, EXPENSE AND PROFESSIONAL DEVELOPMENT
POLICY (cont'd)**

**ATTACHMENT No [1] - Draft - Councillor Support, Expense and Professional
Development Policy**

**Councillor Expense, Support & Professional
Development Policy**



Exclusions

The expenses below will not be reimbursed by Council:

- Any expense/s incurred from breach of road, traffic, parking, local law or any other regulation or law will not be reimbursed or paid by Council
- Any expenses such as minibar items incurred while staying in accommodation.
- Any unlawful or accidental damage caused in an accommodation venue.

Reimbursements by councillor

A Councillor may at any time if they choose, reimburse council for Councillor expense/s they have incurred.

Councillors are required to advise of and reimburse council for private expenses incurred in the use of council resources. These may include private use of a council provided mobile phone, accommodation or any other expense as mentioned in this policy.

DRAFT

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

ITEM NO: 9.2.1

ASSEMBLIES OF COUNCIL

RECOMMENDATION

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

1. Executive Summary

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

2. Background and Options

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

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

Meeting	Present at meeting	Matters discussed	Declaration of Interest(s)
Council Briefing – 8 November 2017	<p>Councillors: Gary Cleveland Kevin Bourke Libro Mustica Marie Martin Ed Cox Peter Lawless Wendy Buck John Beitzel Peter Mansfield</p> <p>Staff: Chief Executive Officer, Mark Henderson General Manager Infrastructure, Andrew Close General Manager Community, Sally Rice General Manager Corporate, Simon Rennie Manager Governance and Communications, Linda Nieuwenhuizen Manager Community Development, Georgia Hills Team leader Community, Kim Fitzgerald</p>	<ul style="list-style-type: none"> • Long term financial plan • Health and Wellbeing plan • Floodplain management study – presented by GBCMA • Large vehicle access to council road network • General business 	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 – 15 November 2017	<p>Councillors: Libro Mustica Gary Cleveland Kevin Bourke Marie Martin Ed Cox Peter Lawless Wendy Buck Peter Mansfield</p> <p>Staff: Chief Executive Officer, Mark Henderson General Manager Infrastructure, Andrew Close General Manager Community, Sally Rice</p>	<ul style="list-style-type: none"> • Agenda review • Management review • Food Truck submissions 	Nil
Good Governance Workshop – 16 November 2017	<p>Councillors: Libro Mustica Gary Cleveland Kevin Bourke Ed Cox Peter Lawless Wendy Buck Peter Mansfield</p> <p>Staff: Chief Executive Officer, Mark Henderson Manager Governance and Communication, Linda Nieuwenhuizen Executive Assistant to the CEO, Robyn Bonaddio</p>	<ul style="list-style-type: none"> • Meeting procedures 	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)
Environment Sustainability Advisory Committee – 21 November 2017	<p>Councillor: Marie Martin</p> <p>Staff: General Manager Community, Sally Rice Team Leader Environmental Services – Kate Bell Environmental Services Officer, Jackson Tennant Native Vegetation Assessment Officer, Heather Bradbury Administration Support Officer, Tracey Argent</p>	<ul style="list-style-type: none"> • Terms of Reference • Membership • Final Environmental Sustainability Strategy 2017-2021 • Environmental Sustainability Reporting • North East Water approach to tackling climate change • Round table updates • Environmental Sustainability school excursion • Platypus/river health education day Numurkah • Environment Sustainability Strategy - communication plan development • School water quality and environmental sustainability awareness education 	Nil
Moira Shire Community Safety Committee – 1 November 2017	<p>Councillor: Marie Martin</p> <p>Staff: Manager Community Development, Georgia Hills Community Services Officer, Hayley Benson Team Leader Community and Recreational Development, Lyn Cooper Hollie Barnes, Youth Development Officer Community Development Officer, Annabelle Mendoza</p>	<ul style="list-style-type: none"> • Memorandum of Understanding • Streets Ahead • Family Violence Working Group • Crime Trends and Focused Activities Implementation Plan • L2P Driving Program • 2016/17 Dept Justice and Regulations Crime Prevention Committee • Media and Communication Strategy • Road Safety sub-committee formation • Adding Welcome to Country 	Nil

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

ITEM NO: 9.2.1

ASSEMBLIES OF COUNCIL (cont'd)

3. Financial Implications

There are no financial implications with this report.

4. Risk Management

Risk is mitigated by responsible officers recording assemblies of Council when they occur.

5. Regional Context

All Victorian Councils have statutory obligations under section 80A of the Local Government act 1989 (the Act) to record assemblies of Councils.

6. 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).

7. Environmental Implications

There are no environmental implications with this report.

8. Conflict of Interest Considerations

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

9. Conclusion

The Assembly of Councillors records incorporated into this report are a true and accurate record of all assemblies of Councillors reported during November 2017.

Attachments

Nil

FILE NO: F13/497
4. A WELL RUN COUNCIL

ITEM NO: 9.2.2

POLICY REVIEW - LOAN BORROWINGS POLICY

RECOMMENDATION

That Council adopt the revised Loan Borrowings Policy.

1. Executive Summary

The purpose of the Loan Borrowings policy is to provide guidance on how Council will consider and manage all existing and future loan borrowings to ensure that loan borrowing decisions are made within a sound financial management framework and meet prudential requirements.

2. Background and Options

The Loan Borrowings Policy was last reviewed in 2010 and has now been revised to:

- Provide access to borrowing opportunities in the current financial market;
- Update the reporting requirements contained in the Local Government (Planning and Reporting) Regulations 2014; and
- Ensure Council meets its prudential obligations.

3. Financial Implications

The Loan Borrowings Policy will assist Council maintain financial sustainability and ensure its loan portfolio is maintained in terms of its ability to meet future repayments, budgetary constraints and prudential ratios.

4. Risk Management

The Loan Borrowings Policy provides guidance to Council in regard to management of financial stability and liquidity and is a significant component of Council's overall risk management framework. Council's ability to meet its loan commitments is the subject of scrutiny by the Victorian Auditor-General's Office.

5. Internal and External Consultation

Consultation was conducted with the following staff and their views considered in the preparation of this report and the amended policy:

- General Manager Corporate
- Finance Coordinator
- Financial Accountant

6. Regional Context

There is no regional context relating to this policy.

7. Council Plan Strategy

The policy and its update will demonstrate a well-run Council and good governance.

8. Legislative / Policy Implications

The policy was developed with reference to Local Government Act 1989 and Local Government (Planning and Reporting) Regulations 2014.

9. Environmental Impact

There is no environmental impact relating to this policy.

FILE NO: F13/497
4. A WELL RUN COUNCIL

ITEM NO: 9.2.2

POLICY REVIEW - LOAN BORROWINGS POLICY (cont'd)

10. Conflict of Interest Considerations

There are no conflict of interest considerations relating to this policy.

11. Conclusion

It is recommended the proposed Loan Borrowings Policy be adopted.

Attachments

- 1 Loan Borrowings Policy

FILE NO: F13/497
4. A WELL RUN COUNCIL

ITEM NO: 9.2.2

POLICY REVIEW - LOAN BORROWINGS POLICY (cont'd)

ATTACHMENT No [1] - Loan Borrowings Policy

Loan Borrowings Policy



Policy type	Council
Adopted by	Moirá Shire Council
Responsible General Manager	General Manager Corporate
Responsible officer	Finance Coordinator
Date adopted	22 November 2017
Scheduled for review	22 November 2020

PURPOSE

The purpose of the Loan Borrowings Policy is to:

- Establish objectives and principles that outline when it is appropriate for Council to undertake borrowings within a sound financial management framework; and
- Ensure Council operates within the relevant prudential requirements of the Victorian Government as monitored by the Victorian Auditor-General's Office.

SCOPE

The Loan Borrowings Policy applies to the consideration and management of all existing and future loan borrowings undertaken by Council.

POLICY

Policy Objectives & Principles

- Loan borrowings will be considered as part of Council's long term financial planning using sound financial management principles.
- Council will only borrow funds for capital projects that are of strategic importance and that provide intergenerational equity. The term of a loan will not exceed the expected life of the relevant asset, or 15 years, whichever is the lesser.
- Council will ensure the total amount of loan borrowings is sustainable in terms of its ability to meet future repayments, budgetary constraints and prudential ratios.
- The nature of any loan borrowings (short or long term) and the interest rate (fixed or variable) will take into account the purpose of the loan and seek to balance interest rate exposure with refinancing flexibility.
- During annual budget preparations Council will review its loan borrowing needs and manage existing and new borrowings in the context of optimising cash flow.
- All loan borrowings are to be authorised by Council resolution.
- All loans are to be recorded in Council's Loan Register.

FILE NO: F13/497
4. A WELL RUN COUNCIL

ITEM NO: 9.2.2

POLICY REVIEW - LOAN BORROWINGS POLICY (cont'd)

ATTACHMENT No [1] - Loan Borrowings Policy

Loan Borrowings Policy



Determining Appropriate Lending Institution

- Once a borrowing has been approved by Council, requests to appropriate lending institutions in accordance with Council's Procurement Policy will be made inviting written quotations on Council's borrowing requirements.
- Written quotations must include the:
 - Interest rate;
 - Term of loan;
 - Repayment intervals (monthly, quarterly, etc.);
 - Repayment instalment amount;
 - Any applicable fees;
 - Loan break costs.

Borrowing Arrangements

- When entering into borrowing arrangements, Council will seek to minimise interest costs over the over the long term without introducing undue volatility in annual interest costs.
- Council's borrowings will be appropriately structured to constrain risk and will be consistent with the following parameters:
 - Council will consider the appropriateness of the various types of debt products available; ;
 - Council to maintain a repayment schedule consistent with "principal and interest" repayment calculations; and
 - Loan repayments will be made in a regular schedule, such as monthly or quarterly or otherwise determined at the time of entering the loan agreement. Consideration should be given to efficiency of payment while minimising interest costs.

Prudential Control:

- The Local Government Performance Reporting Framework (LGPRF) outlines the measures Council must report in Council's Annual Report. This framework includes financial performance measures of Council, and specific to this policy, includes measures in relation to Council's obligations.
- Council must maintain a level of loan borrowings that ensures it stays within the LGPRF expected range as per the table below.

FILE NO: F13/497
4. A WELL RUN COUNCIL

ITEM NO: 9.2.2

POLICY REVIEW - LOAN BORROWINGS POLICY (cont'd)

ATTACHMENT No [1] - Loan Borrowings Policy

Loan Borrowings Policy



Obligations Indicator	Financial Performance Measure	LGPRF Expected Range
Loans and Borrowings	Loans and borrowings compared to rates (Interest bearing loans and borrowings / rate revenue)	0% to 70%
Loans and Borrowings	Loans and borrowings repayments compared to rates (Interest and principal repayments on interest bearing loans and borrowings / rate revenue)	0% to 20%
Indebtedness	Non-current liabilities compared to own source revenue (Non-current liabilities / own Source revenue)	2% to 70%

RELATED POLICIES

Procurement Policy
Budget Preparation and Financial Reporting Policy
Development of Policy Documents Policy

RELATED LEGISLATION

Local Government Act 1989 (Vic) s. 98(1)(c), s.144 - 150
Local Government (Planning and Reporting) Regulations 2014

REFERENCES

Moirá Shire Council, Annual Report
Moirá Shire Council, Strategic Resource Plan
Victorian Auditor-General's Office, Local Government: Audit Snapshot

REVIEW

This policy will be reviewed three years from the date of adoption, with operational amendments as required in accordance with Council's approval.

FILE NO: 001
1. A GREAT PLACE TO LIVE

ITEM NO: 9.2.3

**NATHALIA JOINT VENTURE - AUTHORISATION TO COMMENCE
COMMUNITY CONSULTATION**

RECOMMENDATION

That Council

1. Authorise the Chief Executive Officer to:
 - (a) give public notice of the Council's intention to sell the land identified as the joint residential development in Venture Court Nathalia (the proposal);
 - (b) make the proposal available for public inspection;
 - (c) invite submissions in accordance with Section 223 of the Local Government Act 1989; and
 - (d) receive submissions until **5pm Thursday 1 February 2018**.
2. Convene a Committee of Council comprising Cr _____, Cr _____ and General Manager Community, Sally Rice to meet on **Wednesday 7 February 2018 from 6pm at the Nathalia Community Centre** to hear any person wishing to be heard in support of their written submission;
3. Consider a recommendation to proceed with the proposal with or without amendment at the February Ordinary Council Meeting.

1. Executive Summary

This report seeks council's authorisation to commence the required statutory consultation process to seek community feedback on council's intention to sell the residential blocks created through the Northern Victoria Finances Ltd/Moira Shire joint venture residential development.

The consultation process seeks community views on council's intention to dispose of land jointly owned by council and NVFL. The actual sale of land is a separate and subsequent process that may change in response to the feedback received through the consultation process.

Construction of the residential development at Bourke Road Nathalia is expected to commence shortly. The current proposal recommends the development and sale of blocks in stages. Undertaking community consultation for the entire development will maximise the scope of community feedback and minimise administrative delays if the proposal proceeds.

It is proposed that council convene a committee of council comprising two councillors and General Manager Community to hear submissions. The committee of council meeting is open to the public and councillors.

Council will then be asked to consider the proposal, with or without amendment, following consideration of the community consultation feedback.

2. Background and Options

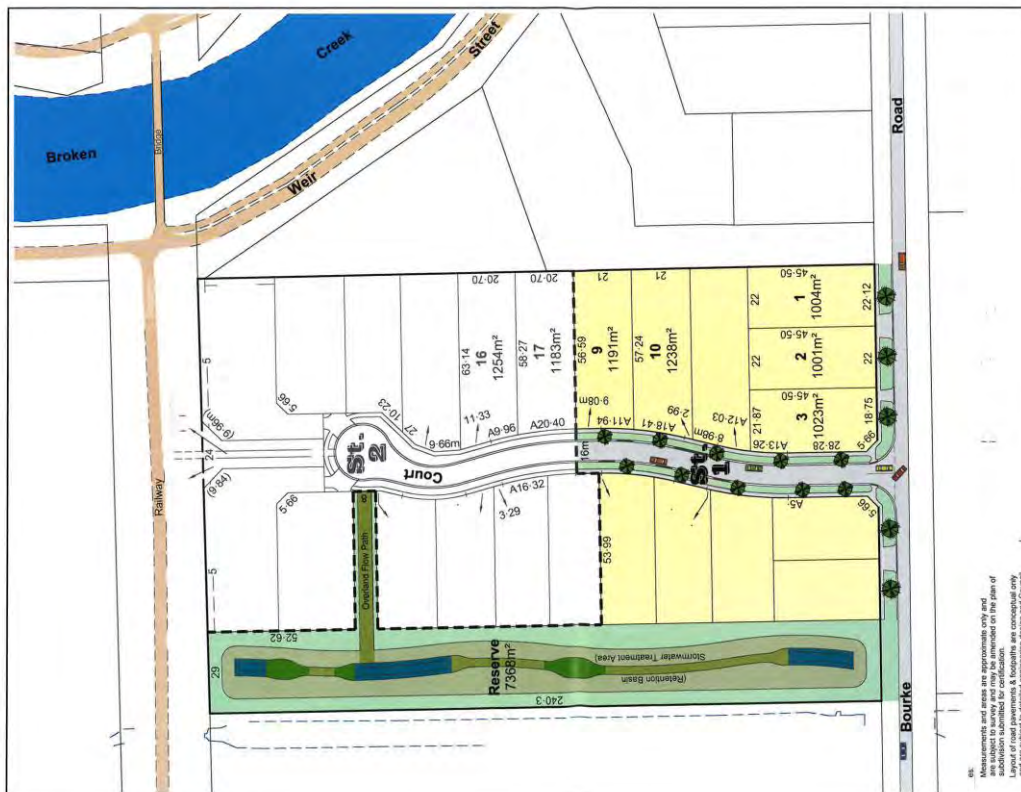
The proposal

FILE NO: 001
1. A GREAT PLACE TO LIVE

ITEM NO: 9.2.3

**NATHALIA JOINT VENTURE - AUTHORISATION TO COMMENCE
COMMUNITY CONSULTATION (cont'd)**

- In 2016, council entered into a joint venture with Northern Victoria Finances to develop land (the site) adjacent to Bourke Road Nathalia (Venture Court) into a 23 lot residential estate.
- The site is identified as Lot 1 PS 716319 in the Parish of Barwo, Parish Plan B690A3.
- Construction of the residential development lots is expected to commence shortly.
- The 23 blocks will be released for sale in stages over at least 12 months.
- The sale process may involve public auction, tender, private treaty or any other method as determined by the Chief Executive Officer in accordance with section 189 of the Local Government Act 1989.
- Council will obtain a valid valuation no more than 6 months prior to the sale of blocks.



Community consultation requirements

- The Local Government Act (section 189) requires council to seek community feedback on its intention to dispose of a land.
- The community feedback process must be conducted in accordance with section 223 of the Act.
- Council is required to consider all written feedback received in response to the consultation process and may amend its proposal.
- It is proposed that council convene a committee of council comprising two councillors and General Manager Community to hear submissions. The committee of council meeting is open to the public and councillors. The committee does not make decisions, it is charged with hearing anyone who nominated to speak to their submission and then preparing a report for consideration by the full council.
- It is proposed that council undertake the required consultation for the entire residential development even though the proposal in its current form proposes to release the

FILE NO: 001
1. A GREAT PLACE TO LIVE

ITEM NO: 9.2.3

NATHALIA JOINT VENTURE - AUTHORISATION TO COMMENCE COMMUNITY CONSULTATION (cont'd)

developed blocks to market in stages. This approach provides greatest scope for community feedback and if the proposal proceeds will minimize administrative delays to the sale of the constructed blocks.

- Council will be asked to consider the proposal, with or without amendment, following consideration of the community feedback. Depending on the proposal presented to council at this time, council may be asked to authorise further actions by the CEO to streamline the sale of land process to maximize the commercial return to the joint venture..

Community consultation process

- The community consultation will commence **Wednesday 20 December and will conclude 5pm Thursday 1 February**. The feedback period has been extended to allow for the Christmas - New Year break.
- All written feedback received by the deadline will be considered by Council.
- Submitters can nominate to speak to their submission at a Committee of Council meeting that will be held Wednesday 7 February commencing at 6 pm at the Nathalia community centre. If no written submissions are received the meeting is not required and will not occur.
- During the feedback period individuals, business as well as community and industry groups can provide their written feedback in a number of ways including online, by mail, by email and at Council's service centres in Cobram and Yarrawonga.
- Council will consider the recommendation to proceed with the proposal, with or without amendment, at the February Council Meeting..

3. Financial Implications

There are no financial implications associated with the community consultation process.

4. Risk Management

A comprehensive risk assessment was conducted and approved by the Minister for Local Government prior to Council entering into the joint venture.

5. Internal and External Consultation

This proposal fulfills council's statutory obligations for community consultation.

6. Legislative / Policy Implications

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

7. Conflict of Interest Considerations

There are no conflicts of interest identified for officers involved in the preparation of this report.

8. Conclusion

This report outlines the obligations council must fulfill before proceeding with a proposal to dispose of council land. It provides clarity on how the community can provide feedback and the processes through which this feedback will be considered and Council's initial proposal may be amended.

FILE NO: 001
1. A GREAT PLACE TO LIVE

ITEM NO: 9.2.3

**NATHALIA JOINT VENTURE - AUTHORISATION TO COMMENCE
COMMUNITY CONSULTATION (cont'd)**

It is recommended council proceed with the extended feedback period, conclude the consultation process at its February council meeting and in doing so provide certainty for the future progress of the joint venture residential development in Nathalia.

Attachments

Nil

FILE NO: F13/172
1. A GREAT PLACE TO LIVE

ITEM NO: 9.3.1

**PREVENTING VIOLENCE AGAINST WOMEN AND FAMILIES -
DEVELOPMENT OF ACTION PLAN**

RECOMMENDATION

That Council commit to work with Women's Health Goulburn North East to develop an organisational and community 'Preventing Violence Against Women' action plan under the provisions of the Community Safety Strategy.

1. Executive Summary

Moira Shire Council has shown a strategic commitment to activities that prevent violence against women and families through:

- the Municipal Public Health and Wellbeing Plan 2013 – 2017;
- the Community Safety Strategy 2016-2019; and
- the draft Municipal Wellbeing for All Ages Strategy 2017 - 2021.

Additionally, Council has undertaken specific activities including:

- forming a subcommittee of the Community Safety Committee for the Prevention of Family and Gender Violence;
- supporting internal events such as White Ribbon Day and 16 Days of Activism of gender based violence;
- officer's active participation in regional and state Preventing Violence against Women and Families Network Meetings; and
- endorsing the Municipal Association of Victoria's Prevention of Violence against Women Leadership Statement in 2012.

It is proposed to progress Council's position on domestic and gendered violence through a Community Partnership for Prevention with Women's Health Goulburn North East (WHGNE). This partnership will include the development of organisational and community action plans detailing agreed primary prevention initiatives and actions to address identified local issues.

2. Background and Options

Domestic violence is a form of physical control, psychological, emotional and/or financial manipulation or harm that occurs within domesticated and/or intimate relationships. Violence against women can occur within a domestic situation as well as in social environments by a known or unknown person.

Family and gender violence is a social health issue. It is the highest contributing factor to disease burden in Australian women aged 18-44 (double the effect of tobacco use or obesity). Over the last year in Moira Shire, instances of police attended family incident crimes has increased by 16%. Over the past five years the increase has been 135%, this is significantly higher than the state average increase of 45%. In considering these figures it is important to appreciate that there is likely multiple factors for the increase including an increase in reporting and awareness of support available to victims.

FILE NO: F13/172
1. A GREAT PLACE TO LIVE

ITEM NO: 9.3.1

**PREVENTING VIOLENCE AGAINST WOMEN AND FAMILIES -
DEVELOPMENT OF ACTION PLAN (cont'd)**

Research conducted by VicHealth and the Australia's National Research Organization for Women's Safety (ANROW) has found that the most effective measures in the prevention of violence against women are activities that redress gender inequality.

Council currently have two strategic documents that reference the need to introduce measures that will promote the prevention of violence against women and family violence; the draft Wellbeing for All Ages Strategy 2017 - 2021 and the Community Safety Strategy 2016-2019. Through the consultation regarding the Community Safety Strategy 2016-2019, it was identified that additional specific actions were appropriate for the prevention of domestic violence and violence against women.

Following the release of the Royal Commission into Family Violence (the Commission), three recommendations were made that would directly impact Local Governments:

- Inclusion of prevention activities within the Municipal Public Health and Wellbeing Plan,
- developing a regional and community strategy; and,
- prioritising works within regional, rural and remote Victoria in reducing family violence.

To better meet the above obligations and those outlined in Council strategies, it is proposed that Council formalise its relationship with Women's Health Goulburn North East (WHGNE) by way of a partnership agreement.

WHGNE were successful in obtaining funding for Community Partnerships for Prevention of Violence against Women and Families. This funding and resultant partnership will realise the development of Organisational and community Preventing Family and Gender Violence Action Plans. As part of this work a nominated council officer will be supported by WHGNE in the development of the Plans through:

- provision of monthly support;
- assistance in completing a gender audit of current council practices and policies;
- provision of training for Council staff;
- assistance with internal consultation in development of the organisational plan; and
- assistance with engaging with the Prevention of Violence Against Women Working Group and key stakeholders to develop the community action plan

In addition WHGNE have requested a Council commitment of two council officers at the regional Community of Practice meetings and training sessions.

The work associated with the partnership in both the development of Plans and implementation of resultant action items, will have an impact on current business operations. These impacts were considered in deliberating Council engagement in the partnership and are mitigated by the expert support that will be provided by WHGNE meaning that officers will have access to greater resources and support.

It is anticipated that training will be a core recommendation in Action Plans. In this event training would be provided at no cost as part of the partnership with WHGNE. Other

FILE NO: F13/172
1. A GREAT PLACE TO LIVE

ITEM NO: 9.3.1

PREVENTING VIOLENCE AGAINST WOMEN AND FAMILIES - DEVELOPMENT OF ACTION PLAN (cont'd)

larger anticipated projects and actions, such as the application to become a White Ribbon Accredited Organisation, will be considered in the consultation and development phase, and would be subject to successful budget submissions.

It is anticipated that both the organisational and community action plans will be completed and submitted to Council for endorsement by November 2018.

3. Financial Implications

There are no direct financial costs to Council to partner with the WHGNE in developing Action Plans. Any associated in-kind costs will be covered by existing resources and operational costs. Future budgetary considerations will be reviewed as part of Councils existing processes.

4. Risk Management

It is expected that in adopting and delivering on the recommendations contained in this report Council will reduce risk associated with failing to address the recommendations from the Commission.

5. Internal and External Consultation

Consultation has occurred with relevant Community Development Officers, this included the Facility and Recreation Team, Youth Development Officer, Community Services Officer, Community Services Team Leader, Manager Community Development and Manager People and Organisational Development.

Consultation with members of the Local Safety Committee occurred during the development of the Moira Shire Council Community Safety Plan and through the Preventing Family and Gendered Violence Sub Committee of the Community Safety Committee.

6. Regional Context

In a recent survey by MAV it was found that 48 per cent of Councils' in Victoria has a standalone Preventing Violence Against Women (PVAW) action plan and 12 per cent have a standalone gender equality plan.

WHGNE organise and host the Hume region Preventing Violence Against Women Community of Practice. A regional plan will be developed as part of the Primary Prevention Partnerships funding, which Council will participate in through attendance at relevant meetings and through the recommendations associated with this report.

7. Council Plan Strategy

This report will assist Council in meeting its Council Plan strategic objective of *"having a connected and welcoming Shire for all by providing well planned places and quality service,"* and its associated strategic goals of *"Delivering appropriate programs and services to prevent disease and support healthy, safe and secure environments; Prioritising support for community groups and agencies working to address disadvantage and improve social cohesion; and, Implementing the Community Safety Plan."*

FILE NO: F13/172
1. A GREAT PLACE TO LIVE

ITEM NO: 9.3.1

**PREVENTING VIOLENCE AGAINST WOMEN AND FAMILIES -
DEVELOPMENT OF ACTION PLAN (cont'd)**

8. Legislative / Policy Implications

The development of the Action Plans is intended to further support delivery of the actions articulated in Council's Municipal Public Well Plan relating to family and gender violence as mandated by the Public Health and Wellbeing Act; and those within Community Safety Strategy 2016-2019.

9. Environmental Impact

The report and its recommendations will be reflective of environmental sustainability considerations and consistent with the recently adopted Environment Sustainability Strategy.

10. Conflict of Interest Considerations

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

11. Conclusion

Council supports activities that prevent the violence against family and women. Following the release of the Royal Commission Report into Family Violence in March 2016 and the associated recommendations Council is required to continue to developing and enhance these activities.

This report recommends the formalisation of a partnership with Women's Health Goulburn North East to provide guidance and assistance with the development of Organisational and community Prevention of Violence against Women Action Plans.

Attachments

Nil

FILE NO: F16/698
2. A THRIVING LOCAL ECONOMY

ITEM NO: 9.4.1

ADOPTION OF PLANNING SCHEME AMENDMENT C85 - REZONING OF LAND AT 28 WILLIAM STREET, COBRAM FROM PUBLIC USE ZONE TO COMMERCIAL 1 ZONE AND THE APPLICATION OF THE PARKING OVERLAY TO THE LAND

RECOMMENDATION

That:

1. Having exhibited Planning Scheme Amendment C85 in accordance with Section 19 of the *Planning and Environment Act 1987 (The Act)*, that Council adopt Moira Planning Scheme Amendment C85 as exhibited and in accordance with Section 29 of *The Act*.
2. In adopting Moira Planning Scheme C85 Council request the Minister for Planning to approve the adopted amendment C85 to the Moira Planning Scheme under Section 31 of *The Act*.

1. Executive Summary

The purpose of this report is to consider the Adoption of Moira Planning Scheme Amendment C85.

The land affected by the amendment is part of 28 William Street, Cobram which is occupied by a disused fire station. The lands consist of Lot 1, TP599933N and part of Crown Allotment 33A, Parish of Cobram. The amendment proposes to rezone the subject land from a Public Use Zone (PUZ3) to Commercial 1 Zone (C1Z) and apply Schedule 2 to Clause 45.09 – Parking Overlay.

The applicant is the Country Fire Authority. The rezoning will release for commercial development land no longer required for a public use. The Parking Overlay will reduce the requirements for car parking for future development



FILE NO: F16/698
2. A THRIVING LOCAL ECONOMY

ITEM NO: 9.4.1

ADOPTION OF PLANNING SCHEME AMENDMENT C85 - REZONING OF LAND AT 28 WILLIAM STREET, COBRAM FROM PUBLIC USE ZONE TO COMMERCIAL 1 ZONE AND THE APPLICATION OF THE PARKING OVERLAY TO THE LAND (cont'd)

2. Background and Options

The amendment has been before Council in February 2017 and May 2017 whereby Council consented to application to the Minister for Authorisation to Prepare the Amendment. The amendment was on Exhibition from 17 October 2017 and closed on 17 November 2017. No submissions have been received.

The Responsible Authority must make a decision within 60 business days of the closing date for Exhibition being 14 February 2018.

Options

Council has three options to:

- To adopt the amendment,
- To refuse the amendment, or
- To defer the decision to a later time.

3. Financial Implications

All fees are paid by the proponent.

4. Risk Management

If the amendment does not proceed in a timely manner the deadline may be missed and the process may have to begin again.

5. Internal and External Consultation

Notice was given in accordance with Section 19 of *The Act*.

No prescribed Minister has objected nor made a submission. No relevant Referral Authority has objected to the Amendment. No submissions have been made by the public.

6. Council Plan Strategy

Moira Shire's newly adopted Council Plan 2017-2021 states that it has strategic goals to provide:

- *A great place to live.*
- *A thriving local economy.*

It is considered that the proposed rezoning will ensure appropriate and best use of land as a scarce resource by making it available in the market for sale.

7. Legislative / Policy Implications

The amendment is consistent with the Ministerial Direction on the form and content of Planning Schemes under Section 7(5) of *The Act*.

FILE NO: F16/698
2. A THRIVING LOCAL ECONOMY

ITEM NO: 9.4.1

**ADOPTION OF PLANNING SCHEME AMENDMENT C85 - REZONING OF
LAND AT 28 WILLIAM STREET, COBRAM FROM PUBLIC USE ZONE TO
COMMERCIAL 1 ZONE AND THE APPLICATION OF THE PARKING
OVERLAY TO THE LAND (cont'd)**

8. Conflict of Interest Considerations

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

9. Conclusion

Having exhibited Moira Planning Scheme Amendment C85 in accordance with the requirements of Section 19 of *The Act* and having received no submissions, it is recommended that the amendment be adopted.

Attachments

Nil

FILE NO: 52017194
1. A GREAT PLACE TO LIVE

ITEM NO: 9.4.2

**PLANNING PERMIT APPLICATION 52017194 - REALIGNMENT OF
BOUNDARIES AT 104 KATUNGA NORTH ROAD, KATUNGA**

RECOMMENDATION

That a Notice of Refusal be issued for Planning Permit Application No. 52017194 for the Realignment of Boundaries at 104 Katunga North Road, Katunga (between Lots 1 and 2 on Plan of Subdivision 619264):

1. The proposal does not support the Purpose of the Farming Zone and does not support appropriate decision guidelines.
2. The proposal does not accord with relevant State and Local Planning Policy.
3. The proposal will not produce acceptable outcomes in terms of the decision guidelines of Clause 65.

1. Executive Summary

Planning Permit Application 52017194 is an application for the Realignment of Boundaries on land located at 104 Katunga North Road, Katunga, otherwise known as Lots 1 and 2 on Plan of Subdivision 619264.

This application proposes to create Lot 1 measuring 4.4 hectares and Lot 2 measuring 22 hectares as shown in the submitted plan for endorsement. Lot 1 will be a vacant lot and Lot 2 will reconsolidate a previously excised dwelling.



The subject site is located approximately 500 metres north east from the township of Katunga in the Farming Zone. There are no overlays that control this site and no area of Aboriginal Heritage Cultural Sensitivity.

The proposal was not advertised, as allowed by Section 52 (1A) of the 'Planning and Environment Act 1987'.

FILE NO: 52017194
1. A GREAT PLACE TO LIVE

ITEM NO: 9.4.2

PLANNING PERMIT APPLICATION 52017194 - REALIGNMENT OF BOUNDARIES AT 104 KATUNGA NORTH ROAD, KATUNGA (cont'd)

The proposal was referred to Goulburn Murray Water in accordance with Clause 22.03, as a Section 52 referral, as there is a GMW channel that crosses the land. They had no objection and required conditions for any permit issued.

The proposal has been assessed against the provisions of the Moira Planning Scheme and it is considered that the proposal will not produce an acceptable planning outcome with respect to the State and Local Planning Frameworks, the Zone and relevant provisions.

2. Background and Options

Subject Application Details

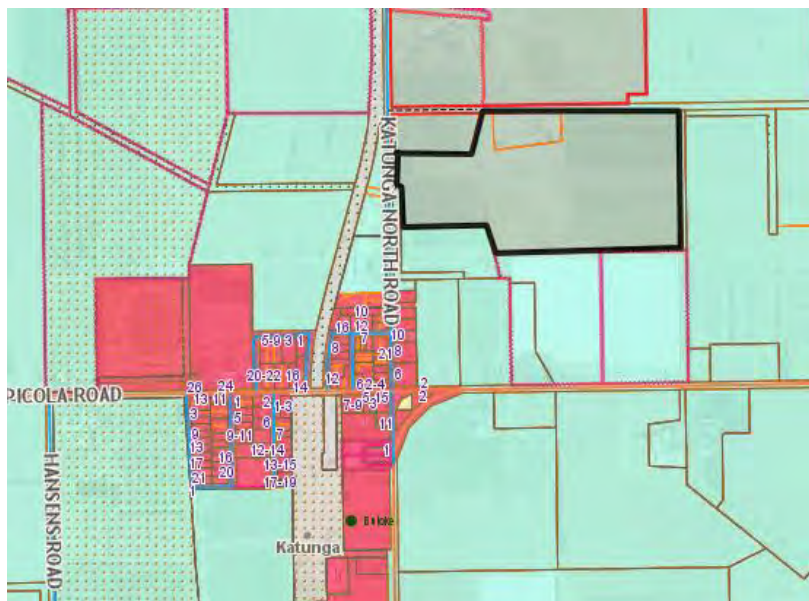
Applicant/Owner: Mr William Gamble
Land Address: 104 Katunga North Road, Katunga 3640
Title Details: Lots 1 and 2 on PS619264
Site Area: 26.352 hectares
File No.: 52017194
Zone: Farming Zone Schedule 1
Overlays: Nil overlays
Encumbrances on title: Section 173 Agreement (AH362726W) which provides 'The land may not be further subdivided so as to create a smaller lot for an existing dwelling.'

Proposal

This proposal is for the realignment of boundaries between two lots, resulting in the consolidation of a previously described 'redundant' dwelling into Lot 2 which will measure 22 hectares in area; and the creation of a vacant lot, Lot 1, which will measure 4.4 hectares in area.

Location

The subject site is located at 104 Katunga North Road, approximately 500 metres north east of the township of Katunga, in farming land, as shown below (outlined in black):



FILE NO: 52017194
1. A GREAT PLACE TO LIVE

ITEM NO: 9.4.2

**PLANNING PERMIT APPLICATION 52017194 - REALIGNMENT OF
BOUNDARIES AT 104 KATUNGA NORTH ROAD, KATUNGA (cont'd)**

Planning History

There is previous planning history associated with this land:

- 5201539 – Removal of an easement – Approved
- 52012303 – Removal of an easement – Approved
- 5200835 – Two Lot Subdivision for excision of a house – Approved
- 5200833 – Two Lot Subdivision for excision of a house - Approved

The excision of an existing dwelling, under 5200833, resulted in a house lot at 6.5ha and a remaining lot of 45.5ha which was considered acceptable for continued farming purposes. This was land to the north of the current subject site and in the same ownership.

A later excision of an existing dwelling under planning permit 5200835 was justified by deeming it '*redundant*', creating a house lot of 1.8ha, leaving a workable sized farm of 24.5ha, cleared and well laid out for continued agricultural use. The applicant also justifies this subdivision by stating '*the excision of the house lot will not compromise future agricultural activities*'.

The applicant justifies the current excision by claiming '*a buyer is interested in Lots 1 and part of Lot 2 on Plan of Subdivision 619264P, but not in that part of Lot 2 west of the GMW channel.*' This proposal results in bringing the once '*redundant*' dwelling back into a larger lot and excising off a vacant small lot.

3. Financial Implications

In the event that Council's decision is appealed at VCAT, any costs associated with responding and attending, as well as any requirements to outcomes from any appeal, are not budgeted for.

4. Risk Management

Non budgeted costs to Council from any appeals.

5. Internal and External Consultation

The proposal was referred internally to Council's Infrastructure Planning Department for consideration of access and stormwater. They had no objection and no conditions.

The proposal was referred to Goulburn Murray Water, pursuant to Clause 22.03, as the subdivision is adjacent to an irrigation channel and it was considered pertinent to find out the view of GMW, even though it was considered that the proposal was being recommended for refusal. GMW did not object and put forward conditions for any permit issued.

The proposal was not advertised as allowed by Section 52 (1A) of the '*Planning and Environment Act 1987*'. If the proposal goes to VCAT then they may require notice to be given.

6. Regional Context

Pursuant to Clause 11.07 '*Regional Victoria*' the objective is to develop regions and settlements which have a strong identity, are prosperous and are environmentally sustainable. This is to be achieved by avoiding development impacts on land that contains, amongst other things, food production; and limiting urban sprawl and directing growth into existing settlements.

FILE NO: 52017194
1. A GREAT PLACE TO LIVE

ITEM NO: 9.4.2

**PLANNING PERMIT APPLICATION 52017194 - REALIGNMENT OF
BOUNDARIES AT 104 KATUNGA NORTH ROAD, KATUNGA (cont'd)**

Pursuant to Clause 11.12 'Hume' the objective is to develop a more diverse regional economy whilst managing and enhancing key economic assets. With relevance to the proposal, the policy directs planning to avoid encroachment from rural residential settlement and other land uses that are non-complementary to agriculture.

Pursuant to Clause 14.01 'Protection of Agriculture Land' the objective is to protect productive farmland which is of strategic importance in the local or regional context. Planning is directed to ensure that the State's agricultural base is protected from unplanned loss of productive agricultural land due to permanent changes of land use and permanent removal. Planning must consider the impacts of removing land from primary production given its agricultural productivity; the impacts on adjacent land with regards to land values; as well as the consideration that subdivision of productive agricultural land should not detract from the long term productive capacity of the land.

The loss of strategically important agricultural land by fragmentation as well as potential for inappropriate development resulting in increased prices for farming land, is not supported by the Planning Scheme. This proposal will have detrimental effect on the local, regional and state economy. The 'Municipal Overview' at Clause 21.01 identifies that Moira Shire is located within the alluvial flood plains of the Murray, Goulburn and Ovens Rivers and as such has rich, fertile soils which support the intensive agricultural activities. The policy identifies the significance of Agriculture in the Moira Shire locally, regionally, state and nationwide:

'The economic strengths of the Moira Shire include intensive irrigated agricultural production, associated food processing industries and tourism. The Shire is home to a variety of agricultural industries including horticulture, cereal, oilseed, livestock and dairy production. Agricultural land use accounts for approximately 71 per cent of the total land area, divided equally between irrigated and dryland production. The value of agricultural production alone is estimated at approximately \$300 million and employs 28.7 per cent of the population. The farms in the Shire provide a cost efficient source of fresh produce and raw materials for the supply of value-added products to rapidly expanding export markets around the world. Local producers and processors play a significant role in the food industry of the local, regional, state and national economy.'

Discussion

It has been ascertained that agriculture in the Shire is of significance not only locally and statewide but on a national and world scale and therefore land and associated infrastructure and resources are to be protected to ensure ongoing growth for provision of food both nationally and overseas. The diverse range of agriculture and associated activities provides for significant employment and addition to the Australian economy and must be maintained and supported to grow.

FILE NO: 52017194
1. A GREAT PLACE TO LIVE

ITEM NO: 9.4.2

**PLANNING PERMIT APPLICATION 52017194 - REALIGNMENT OF
BOUNDARIES AT 104 KATUNGA NORTH ROAD, KATUNGA (cont'd)**

7. Council Plan Strategy

Moira Shire's current Council Plan (2017-2021) recognises that the irrigated agriculture is the Shire's '*economic engine and is inextricably linked to the region's waterways and secure supply of high-quality water.*'

Strategy 2 aims to continue to support existing industries and businesses to prosper and grow and with relevance to agriculture, support revitalised and renewed irrigation infrastructure

8. Legislative / Policy Implications

The planning permit triggers are:

Pursuant to Clause 35.07-3 of the Farming Zone a permit is required to subdivide land. Each lot must be at least the area specified for the land in a schedule to this zone (60ha). A permit may be granted to create smaller lots if the subdivision is a resubdivision of existing lots and the number of lots is not increased.

The purpose of the Farming Zone is:

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- To provide for the use of land for agriculture.
- To encourage the retention of productive agricultural land.
- To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.
- To encourage the retention of employment and population to support rural communities.
- To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.

Appropriate decision guidelines are:

- The State and Local Planning Policy Framework.
- How the use or development relates to sustainable land management.
- Whether the use or development will support and enhance agricultural production.
- The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.
- The capacity of the site to sustain the agricultural use.

Response

The proposal does not encourage retention of productive agricultural land and exposes the site to inappropriate development that will have detrimental impact on surrounding agricultural activities.

FILE NO: 52017194
1. A GREAT PLACE TO LIVE

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**PLANNING PERMIT APPLICATION 52017194 - REALIGNMENT OF
BOUNDARIES AT 104 KATUNGA NORTH ROAD, KATUNGA (cont'd)**

Objectives of Planning in Victoria

- (1) *The objectives of planning in Victoria are—*
- (a) *to provide for the fair, orderly, economic and sustainable use, and development of land;*
 - (b) *to provide for the protection of natural and man-made resources and the maintenance of ecological processes and genetic diversity;*
 - (c) *to secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria;*
 - (d) *to conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value;*
 - (e) *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;*
 - (f) *to facilitate development in accordance with the objectives set out in paragraphs (a), (b), (c), (d) and (e);*
 - (g) *to balance the present and future interests of all Victorians.*

Response

The proposal does not allow for orderly, economic and sustainable use and development of land as it fails to protect viable sized lots for continued farming and any growth of the agricultural activities. It is in fact fragmenting what are currently viable lots that can be consolidated. It also has the potential to allow for the expectation for a dwelling on the vacant lot that is 4.4 hectares which is proliferation within the Farming Zone of dwellings not associated with agriculture. This proposal does not balance the present and future interests of all Victorians as it potentially erodes the ability to provide agricultural products for not only Victorians, but Australia and the world.

State Planning Policy Framework

Clause 10 Operation of the State Planning Policy Framework

This policy informs us that society has various needs and expectations and that planning aims to meet these by addressing aspects of economic, environmental and social well-being affected by land use and development.

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

Clause 11.07 Regional Victoria

Pursuant to Clause 11.07 '*Regional Victoria*' the objective is to develop regions and settlements which have a strong identity, are prosperous and are environmentally sustainable. This is to be achieved by avoiding development impacts on land that contains, amongst other things, food production; and limiting urban sprawl and directing growth into existing settlements.

Clause 11.12 Hume

Pursuant to Clause 11.12 '*Hume*' the objective is to develop a more diverse regional economy whilst managing and enhancing key economic assets. With relevance to the proposal, the policy directs planning to avoid encroachment from rural residential settlement and other land uses that are non-complementary to agriculture.

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1. A GREAT PLACE TO LIVE

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**PLANNING PERMIT APPLICATION 52017194 - REALIGNMENT OF
BOUNDARIES AT 104 KATUNGA NORTH ROAD, KATUNGA (cont'd)**

Clause 14 Natural Resource Management

Pursuant to Clause 14.01 '*Protection of Agriculture Land*' the objective is to protect productive farmland which is of strategic importance in the local or regional context. Planning is directed to ensure that the State's agricultural base is protected from unplanned loss of productive agricultural land due to permanent changes of land use and permanent removal. Planning must consider the impacts of removing land from primary production given its agricultural productivity; the impacts on adjacent land with regards to land values; as well as the consideration that subdivision of productive agricultural land should not detract from the long term productive capacity of the land.

Response

The proposal does not support the continuing development of the region to prosper and exposes the potential for non-complementary development impacts on significant agricultural land. This proposal does not protect productive agricultural land, removing land from primary production and detracting from long term productive capacity.

Local Planning Policy Framework

Clause 21.01 Municipal Overview

Pursuant to Clause 21.01 '*Economic Development*', the economic strengths of the Moira Shire include intensive agricultural production and associated food processing industries, horticulture, crops, livestock and dairy production. Agricultural land accounts for around 70% of the Shire and the value of agricultural production is around \$300 million and employs around 28% of the population. The farming activities in the Shire provide for rapidly expanding exports around the world. Agricultural industries in the Shire are recognised as key elements for the long term prosperity of the shire, region and state.

Clause 21.02 Vision for Moira

This policy identifies employment opportunities will be dominated by agricultural, industrial and tourism, with economic growth dependent on raw and value added agriculture. Council is committed to ensuring that the intent and content of the local planning policy framework for the basis of future decision making.

Clause 21.04 Settlement

This policy identifies the challenges of controlling future development of housing in rural areas to ensure that it is responsive to a demonstrated need and will not prejudice long term sustainability of farming. Housing in rural area requires careful consideration ensuring that farming is protected as the dominant activity as the major source of economic activity within the shire.

A relevant objective is '*to protect the use of agricultural land for agricultural purposes and to ensure that housing in rural areas minimises the impact on the environmental and economic sustainability of the shires agricultural resources*'.

The '*Settlement Strategies*' relevant to this proposal are to ensure that rural residential living is focused towards the rural villages; ensure that housing in rural areas is primarily associated with the agricultural activities; and the consideration of adverse impacts on the ability to effectively farm surrounding lots.

Clause 21.05 Economic Development

This policy identifies the challenges that include protecting agricultural land from inappropriate use, development and subdivision.

FILE NO: 52017194
1. A GREAT PLACE TO LIVE

ITEM NO: 9.4.2

**PLANNING PERMIT APPLICATION 52017194 - REALIGNMENT OF
BOUNDARIES AT 104 KATUNGA NORTH ROAD, KATUNGA (cont'd)**

This policy, once again, states the national importance of the agricultural production in the Shire both on food provision and employment. The policy suggests that regardless of the scale of the agricultural enterprise, future success is based on continuing increased scale of production and expansion of land required; consolidation into contiguous properties to optimise water supply; minimising the number of neighbours; and ensuring that land remains competitively priced for agriculture rather than inflated land values due to subdivision providing for hobby farms. This policy goes on to state *'it is increasingly evident that prospective agricultural investment is jeopardised, deterred or completely lost, by land uses and development that have the potential to compromise the scale and location of such investment. In particular, agricultural investment is far less likely where land is already fragmented in ownership with housing dispersed throughout.'*

A 'Regional Rural Land Use Strategy 2008' identifies three categories of farming areas suggesting different subdivision and minimum lot sizes for dwellings. It is considered that this proposal falls within the 'Consolidation Areas' supporting an existing farm business with good soils near to a settlement. This farm provides opportunity to expand and consolidate and the development of additional dwellings threatens this and are discouraged.

Important principles that apply in rural areas are that there should be no expectation that there is an automatic entitlement to erect a dwelling on all newly created lots in the Farming Zone and small lot subdivisions should not create additional entitlements for a dwelling.

Clause 22.01 Agricultural Policy

This policy applies to all land within the Farming Zone and addresses two main issues, that of rural subdivision and rural dwellings.

Consolidation is considered fundamental to the long term viability of the agricultural base of the Shire. Fragmentation of existing farms is discouraged due to this. Fragmentation also leads to rural living opportunities introducing residents with non-farming, urban amenity expectations. Council acknowledges the demand for rural lifestyle lots and adequate land has been allocated to accommodate this demand in appropriate areas. New dwellings on farms must be limited to those that genuinely relate to agricultural production.

The objectives are:

To limit the further fragmentation of rural land by subdivision.

- To ensure that lots resulting from subdivision are of a sufficient size to be of benefit to agricultural production.
- To encourage the consolidation of rural lots.
- To provide for the incremental growth of farming enterprises.
- To provide for small lot subdivision only where there are positive agricultural outcomes and where no additional house entitlements are created.
- To discourage new dwellings unless it can be demonstrated that it is required for the agricultural use of the land.

It is policy to discourage small lot subdivisions except where restructure is an outcome, no new opportunities for additional houses below the minimum subdivision area are created, the impact on neighbouring agricultural activity is not impacted and that any lot excised must have existed at 9/9/99.

It is also policy to assess proposals against the criteria of the dwelling lot being no greater than 2 hectares unless there is a need to take account of natural or public infrastructure or provide a farm boundary that supports efficient farm practices.

FILE NO: 52017194
1. A GREAT PLACE TO LIVE

ITEM NO: 9.4.2

PLANNING PERMIT APPLICATION 52017194 - REALIGNMENT OF BOUNDARIES AT 104 KATUNGA NORTH ROAD, KATUNGA (cont'd)

When considering an application for a small lot subdivision of a lot containing a dwelling or the re-subdivision of existing lots, the responsible authority will consider;

- *The degree to which the subdivision supports productive agricultural outcomes, particularly farm consolidation.*
- *Whether the land is suitable for agricultural use based on:*
 - *Evidence of the capability and versatility of the land.*
 - *The planning history of the land and surrounding land.*
 - *Whether an Integrated Land Management Plan under Clause 35.07-6 has been prepared for the site.*
- *The size of the lot containing the dwelling and associated infrastructure and whether there is a need for a larger parcel to take account of natural or public infrastructure or to provide a farm boundary configuration that supports efficient agricultural practices.*
- *Whether the area of the 'balance' lot complies with the minimum subdivision area for the zone.*
- *Whether the dwelling on the lot existed on the land at 9 September 1999.*
- *Whether the existing dwelling on the lot is habitable.*
- *Whether the dwelling on the lot has existing use rights pursuant to Clause 63.*
- *Whether a condition is required that the landowner enter into an agreement under section 173 of the Act.*
- *Whether the proposal relies on land which was previously a road reserve, channel, utility lot, crown land or was of insufficient size to support a dwelling.*
- *Whether the subdivision creates an additional lot where a dwelling can be erected without a permit.*
- *Whether the proposal to realign lot boundaries is for the purpose of making minor adjustments including taking account of topographical or public infrastructure features.*
- *Whether the new lots create more productive and efficient agricultural outcomes, particularly through farm consolidation.*

Response

This proposal ultimately removes land from productive agricultural potential and exposes it to future development further negatively impacting on the potential for agricultural production. It also elevates the potential of increasing land values that are detrimental for farming when trying to consolidate and expand production. This subdivision was also part of a subdivision post 1999 and policy discourages re-subdivision of lots after this time. This proposal will not create more productive and efficient agricultural outcomes.

Particular / General Provisions

Clause 65.02 Decision Guidelines

<i>The matters set out in Section 60 of the Act.</i>	Considered throughout report.
<i>The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.</i>	Considered throughout report.
<i>The purpose of the zone, overlay or other provision.</i>	Considered in report.
<i>Any matter required to be considered in the zone, overlay or other provision.</i>	Considered in report.
<i>The orderly planning of the area.</i>	It is considered that the proposal will result in fragmentation of viable farming

FILE NO: 52017194
1. A GREAT PLACE TO LIVE

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PLANNING PERMIT APPLICATION 52017194 - REALIGNMENT OF BOUNDARIES AT 104 KATUNGA NORTH ROAD, KATUNGA (cont'd)

	land with the potential for development of a dwelling that is not associated with agriculture. It will not therefore result in orderly planning of the area.
<i>The effect on the amenity of the area.</i>	Currently with the vacant lot being created there will be no effect on amenity. Should the expectation be that a dwelling might be developed there, this will be exposed to detrimental effect on amenity for residents from surrounding farming activities.
<i>The proximity of the land to any public land.</i>	The subject site is not in proximity to public land.
<i>Factors likely to cause or contribute to land degradation, salinity or reduce water quality.</i>	At this current time none as known.
<i>Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.</i>	No development is proposed that currently will affect the stormwater on site.
<i>The extent and character of native vegetation and the likelihood of its destruction.</i>	At this current time none as known.
<i>Whether native vegetation is to be or can be protected, planted or allowed to regenerate.</i>	Not applicable at this time.
<i>The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.</i>	There are no overlays indicating a heightened exposure to flood, erosion or fire.

Strategic Documents

- Campaspe, Greater Shepparton and Moira Rural Land Use Strategy October 2008

9. Environmental Impact

At this current time there is no perceived environmental impact from the proposal.

10. Conflict of Interest Considerations

There is no Officer conflict of interest issues associated with this proposal.

11. Conclusion

This proposal for a boundary realignment, which creates a small vacant lot at 4.4 hectares and reconsolidates what was only recently considered a redundant dwelling back into a lot that measures 24 hectares, ultimately removes productive agricultural land, exposing potential for inappropriate development not associated with agriculture and inflating land prices, taking away future opportunities for reconsolidation to grow any farming business.

FILE NO: 52017194
1. A GREAT PLACE TO LIVE

ITEM NO: 9.4.2

**PLANNING PERMIT APPLICATION 52017194 - REALIGNMENT OF
BOUNDARIES AT 104 KATUNGA NORTH ROAD, KATUNGA (cont'd)**

The farming land in Moira Shire is recognised for its food production on a local, state, national and international level. It provides for employment and supports the national economy significantly. It is also recognised that future investment in farming is far less likely where land is already fragmented in ownership with housing dispersed throughout.

The loss of strategically important agricultural land by fragmentation as well as potential for inappropriate development resulting in increased prices for farming land, is not supported by the Planning Scheme.

The proposal does not support the purpose and appropriate decision guidelines of the Farming Zone. When assessed against relevant state and local policies it is considered that the weighting is against the proposal. It is considered that the proposal will not result in a reasonable planning outcome.

It is therefore concluded and recommended that planning permit 52017194 be refused.

Attachments

Nil

FILE NO: 5/2017/181
1. A GREAT PLACE TO LIVE

ITEM NO: 9.4.3

PLANNING PERMIT APPLICATION 52017181 - AMENDMENT OF A BUILDING ENVELOPE COVENANT - 5 MCCULLOCH, STREET, BUNDALONG

RECOMMENDATION

That:

A Notice of Refusal be issued for Planning Permit Application 52017181 for a variation to a restriction of the title to build outside of the building envelope as set out in the Covenant on Lot 55 on PS703433Y at 5 McCulloch Street, Bundalong, on the following grounds:

1. The building setback imposed by the restriction on title is consistent with adjoining properties adjacent to the foreshore area. In order to protect public amenity, the foreshore area and Lake Mulwala environs the restriction on title should not be varied.
2. The amendment to the building envelope will affect the amenity of adjoining properties who have an interest in the restriction on title.

1. Executive Summary

Planning permit application 52017181 is an application to amend a restriction on the title of Lot 55 on PS703433Y to allow additional buildings to be constructed outside of the building envelope; building envelopes apply to all lots created on Plan of Subdivision PS703433Y. It is proposed to construct a pergola with outdoor kitchen and living area and swimming pool outside of the existing building envelope.

The subject land is located on the northern side of McCulloch Street, Bundalong and adjoins Lake Mulwala to the north. The subject land, and surrounding residential area, is zoned Township and Lake Mulwala and environs are zoned Public Conservation and Resource Zone.

Pursuant to Clause 52.02, *Easements, Restrictions and Reserves*, a planning permit is required before a person proceeds under Section 23 of the *Subdivision Act 1988* to vary a restriction on title.

In considering this application Council must have regards to the interests of affected people as required by Clause 52.02. As such, the application was advertised to all landowners and occupiers affected by the covenant, which included 21 properties. The application was also referred to Goulburn-Murray Water (GMW) in accordance with Section 52 of the *Planning and Environment Act 1987* as GMW is the public land manager of the Lake Mulwala foreshore. An objection was received from the owner of 7 McCulloch Street, Bundalong and GMW.

Having considered the objections received it has been determined that the proposed variation will affect the amenity of the adjoining landowner, the public amenity as viewed from the Lake Mulwala foreshore and will impact on the Lake Mulwala environs.

2. Background and Options

Subject Application Details

Applicant/Owner: Mark Stanley with the owner being Normond Pty Ltd
Land Address: 5 McCulloch Street, Bundalong
Title Details: Lot 55 on PS703433Y
Site Area: 1,236m²
File No.: 52017181
Zone: Township Zone

FILE NO: 5/2017/181
1. A GREAT PLACE TO LIVE

ITEM NO: 9.4.3

PLANNING PERMIT APPLICATION 52017181 - AMENDMENT OF A BUILDING ENVELOPE COVENANT - 5 MCCULLOCH, STREET, BUNDALONG (cont'd)

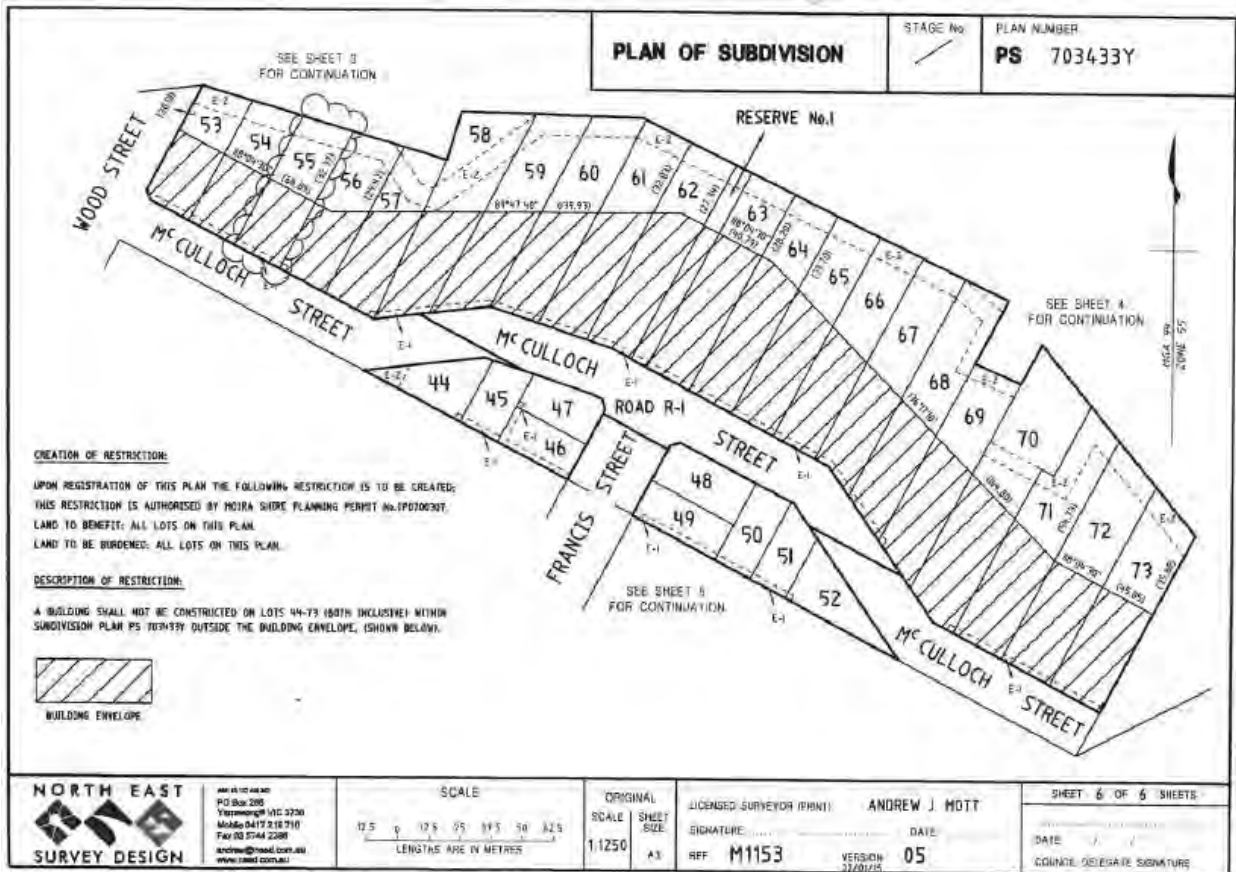
Overlays: No overlays

Proposal

It is proposed to vary a restriction on the title of Lot 55 on PS703433Y. The restriction on title requires that all buildings are located within the building envelope shown in covenant PS703433Y contained on the title of the subject land. The covenant also applies to all other lots, on the northern side of McCulloch Street, created by Plan of Subdivision PS703433Y.

The existing building envelopes for this Plan of Subdivision were a requirement by GMW to the planning permit (TP0700307) which permitted the subdivision.

The existing building envelope extends from the front boundary and extends to the north approximately 36m. The existing building envelope has an area of approximately 738m². The existing building envelope is shown in the figure.



A dwelling has been designed for the subject land that occupies most of the building envelope. The dwelling comprises of two buildings with a larger “L” shaped building comprising of two garages, three bedrooms and an open planed kitchen, dining, living and bar area. A second, smaller building is proposed to be located in the south east corner and this appears to be a second dwelling consisting of a bedroom with ensuite and a kitchen and living room. The proposed dwelling will be setback 4m from McCulloch Street and will extend all the way to the northern boundary of the existing building envelope.

FILE NO: 5/2017/181
1. A GREAT PLACE TO LIVE

ITEM NO: 9.4.3

PLANNING PERMIT APPLICATION 52017181 - AMENDMENT OF A BUILDING ENVELOPE COVENANT - 5 MCCULLOCH, STREET, BUNDALONG (cont'd)

The buildings proposed outside of the existing building envelope include a 7m by 9m pergola covering an outdoor kitchen and living area, these will be accessible from the dining and living room within the dwelling. Adjoining the pergola on the eastern side is a proposed pool. The proposed development outside of the building envelope are defined as a *building* under the *Planning and Environment Act 1987* as:

- (a) *A structure and part of a building or a structure; and*
- (b) *Fences, walls, out-buildings, service installations and other appurtenances of a building; and*
- (c) *A boat or a pontoon which is permanently moored or fixed to land.*

It is submitted that the pergola is a structure which is part of a building and the pool is a structure; therefore, the proposed development falls within the definition of a building.

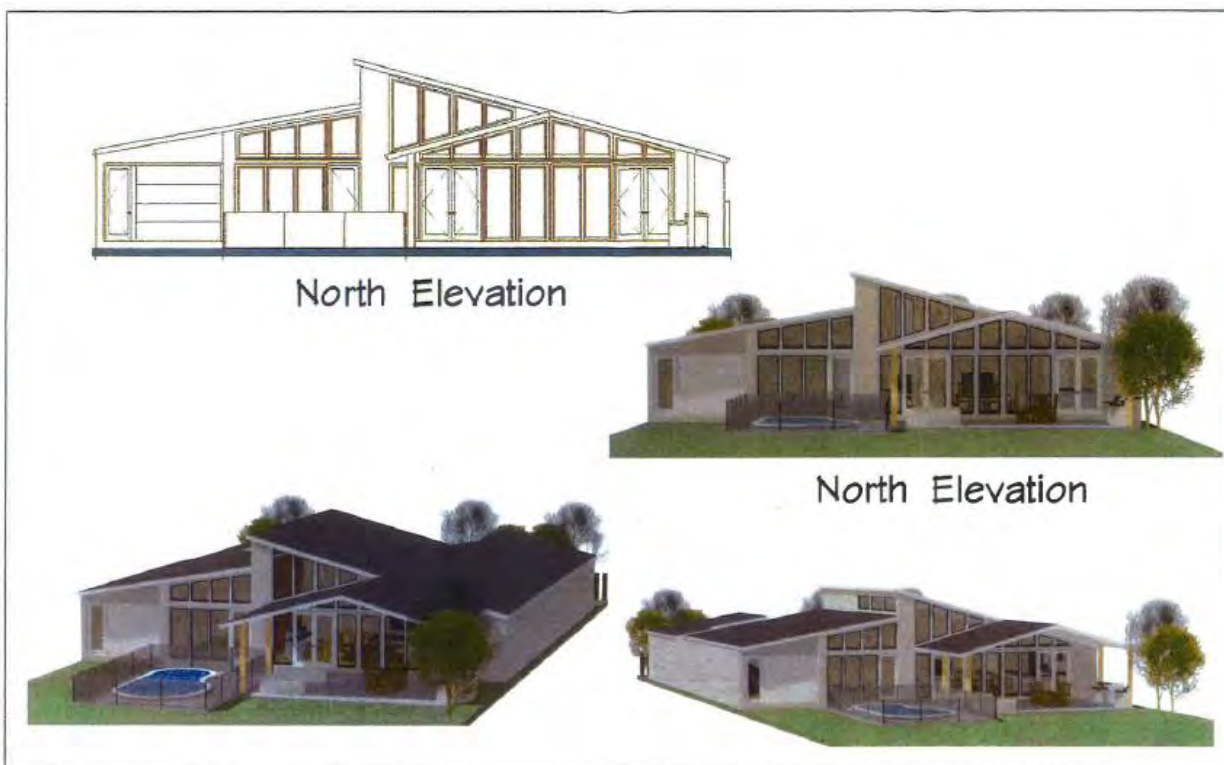
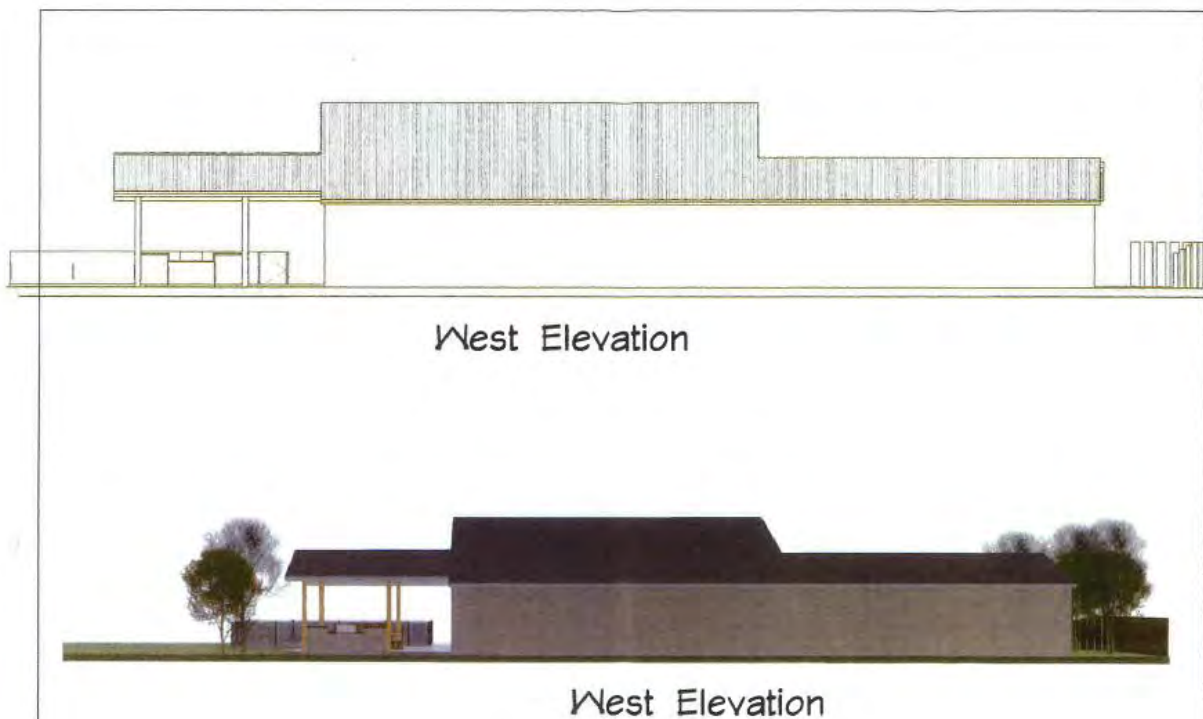
The plans of the proposed dwelling are provided in the following figures.



FILE NO: 5/2017/181
1. A GREAT PLACE TO LIVE

ITEM NO: 9.4.3

PLANNING PERMIT APPLICATION 52017181 - AMENDMENT OF A BUILDING ENVELOPE COVENANT - 5 MCCULLOCH, STREET, BUNDALONG (cont'd)



Location

The subject land is located at 5 McCulloch Street, Bundalong. The subject land is located on the northern side of McCulloch Street. It has a frontage to McCulloch Street of 20.5m and a depth, measured along the eastern boundary, of 62.37m. The land is 1,236m² in area and is currently vacant.

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The land to the east, west and south is zoned Township Zone and consists of residential allotments of a similar size to the subject land. The land adjoining the subject land to the east and west are currently vacant.

There is a single dwelling located south of the subject land at 8 Clark Street, Bundalong with all other allotments being vacant.

To the north of the subject land is Lake Mulwala. There is a section of foreshore between the northern boundary of the subject land and the top of the bank; there is an informal access track located in this area.

The subject land and surrounds are shown in the figure below.



Planning History

Planning Permit TP0700307 was issued allowing the 30 lot subdivision of the land. The application was referred to GMW during the assessment of the application who required the inclusion of building envelopes for each allotment abutting Lake Mulwala to protect the public amenity and the Lake Mulwala environs.

The restriction on the Plan of Subdivision states:

A building shall not be constructed on lots 44-73 (both inclusive) within subdivision plan PS703433Y outside the building envelope.

The wording of the restriction does not differentiate between different buildings and it also provides no ability for Council to vary the restriction by way of secondary consent. The restriction does not permit any buildings outside of the building envelope.

3. Financial Implications

In the event that Council's decision is appealed at VCAT, any costs associated with responding and attending, as well as any requirements to outcomes from any appeal, are not budgeted for.

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4. Risk Management

Non-budgeted costs to Council from any appeals.

5. Internal and External Consultation

The application referred to GMW and the Department of Environment, Land, Water & Planning (DELWP) under Section 52 of the *Planning and Environment Act 1987*.

DELWP provided a response to Council on 12 October 2017 and stated that they do not have any objection to proposal.

GMW, acting as an adjoining land owner/public land manager (not a determining referral authority), provided a response on 13 October 2017 and objected to the grant of a planning permit on the following grounds:

The building setback imposed by the restriction on title is consistent with adjoining properties adjacent to the foreshore area. In order to protect public amenity, the foreshore area and Lake Mulwala environs the restriction on title should not be varied.

The application was also advertised in accordance with Section 52 of the *Planning and Environment Act 1987* and all landowners affected by the same covenant were notified of the application. An objection was received from the owner of 7 McCulloch Street, Bundalong. The objection from the adjoining landowner along with a planning response is provided below:

Objection	Planning Response
Impingement on the view corridor	<p>It is a well-established planning principle that no one owns a view and that views must be shared. However, the circumstances of this case are different as a building envelope has been imposed to restrict the siting of development on the land. This may not have been for the purposes of protecting views from adjoining lots, however, adjoining landowners have a reasonable expectation that buildings would be located within the building envelope and therefore views outside of this area would be unobstructed.</p> <p>It is submitted that the adjoining landowner has purchased the land in good faith, knowing that all other lots on the Plan of Subdivision have a building envelope restriction, and that no buildings could be constructed outside of the building envelope area.</p> <p>In this circumstance it is submitted that the concern raised by the objector is valid as the building envelope restriction applies to all lots on the Plan of Subdivision and the</p>

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	<p>objector was correct to assume that no buildings would be constructed outside of the building envelope. The construction of buildings outside of the building envelope will affect the view corridor when viewed from 7 McCulloch Street and given the restriction on title is submitted that this has planning merit.</p>
<p>The dwelling design is not site responsive and has not be designed to fit within the building envelope</p>	<p>The proposed dwelling does occupy a very large portion of the building envelope. The only area not developed with a building is the internal driveway and the 4m front setback which is the minimum permissible in this instance.</p> <p>The objector has stated that if the applicant proposed such a large dwelling that one of the larger allotments on the Plan of Subdivision should have been brought. Lots 53-55 have the smallest building envelopes whilst lots 62 and 63 have building envelopes approximately twice the size as the subject land.</p> <p>It was always good practice to design a dwelling to the site constraints and perhaps the objector has raised a valid point that the development proposed is simply too large for the subject land which has a building envelope restriction.</p>
<p>The land was purchased knowing where a dwelling could be constructed on the adjoining lot</p>	<p>As discussed earlier the objector has purchased the adjoining allotment in good faith with the expectation that a building would be constructed within the building envelope shown on the Plan of Subdivision. The approval of the variation to the covenant would jeopardise the original intent of the building envelope and would lead to an expectation from other landowners that a similar variation could be applied for. It is important for a consistent approach to be applied across this Plan of Subdivision to ensure that this area is developed in an orderly manner and for other landowners to expect that buildings will be constructed within the building envelopes.</p>

6. Regional Context

There are no regional considerations associated with the application.

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7. Council Plan Strategy

Moira Shire's current Council Plan includes the strategic goal to '*Improve Moira's Livability*'. It is considered that issuing a permit for the proposed variation to the covenant would not be consistent with Council's goal to enhance livability as set out on Page 8 which states '*Our Council Plan gives priority to improving our regions livability across all aspects of Council business and activity ... ensuring appropriate support to the main cultural, recreational, arts, heritage and sporting opportunities offered within the Shire.*'

It is submitted that support of the variation of the covenant and subsequent encroachment of development on the Lake Mulwala environs will detrimentally affect the landscape qualities of the area. It is orderly planning to ensure that development is setback sufficiently from Lake Mulwala to protect public view lines and to minimise impacts on the environment.

8. Legislative / Policy Implications

Clause 52.02, *Easements, restrictions and reserves*, states that a planning permit is required before a person proceeds under Section 23 of the *Subdivision Act 1988* to vary a restriction.

The decision guideline for considering an application under Clause 52.02 states:

Before deciding on an application, in addition to the decision guidelines in clause 65, the responsible authority must consider the interests of affected people.

The other relevant considerations within the Moira Planning Scheme include:

Clause 14.02, *Water*
Clause 21.03-2, *Environmental Goal*
Clause 65, *Decision guidelines*

Objectives of Planning in Victoria

The relevant objectives of planning as set out in Section 4 of the *Planning and Environment Act 1987* include:

To secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria;

To conserve and enhance those buildings, area or other places which are of scientific, architectural or historical interest or otherwise of special cultural values;

To facilitate development in accordance with the objectives set out in Section 4(a), (b), (c), (d) and (e).

It is considered that the proposal variation is not consistent as the construction of buildings outside of the building envelope will compromise the residential amenity of the adjoining land and will impact on the environmental and landscape values of Lake Mulwala.

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State Planning Policy Framework (SPPF)

Clause 14.02 Water

It is State policy that waterways are protected through the implementation of buffer zones of at least 30m from a waterway. Further, works near waterways should provide for the protection and enhancement of the environmental qualities of the waterway.

The existing building envelope is setback approximately 27m from the northern boundary of the subject land. The proposed variation would reduce this setback to approximately 18.6m. There is approximately 12m of public land between the subject land and the top of the bank of Lake Mulwala. Despite this however, it is considered that the encroachment of the buffer is contrary to the State policy where buffers should be retained and protected.

Local Planning Policy Framework (LPPF)

The Municipal Strategic Statement at Clause 21.03-2 sets out the environmental objectives and strategies to be achieved by development. The relevant strategy is:

Minimise visually intrusive development around Lake Mulwala and discourage development in the lake environs that reduces the quality of irrigation water, landscape character, recreation use, visitor amenity and public access to the lake.

It is submitted that the original intent of the building envelope restriction on title was to achieve this objective of Clause 21.03-2. Setting out building envelope area across the Plan of Subdivision with a consistent setback from the top of bank would help protect water quality, it would protect the landscape character and it would enhance the public amenity. The proposed variation to the covenant would jeopardise the strategic intent of Clause 21.03-2 and facilitate a development that would be out of character with the area, it would affect the landscape character and affect the public amenity. As such, it is submitted that the proposal is inconsistent with the LPPF.

Particular Provisions

Clause 52.02 Easements, Restrictions and Reserves

The purpose of Clause 52.02 is:

To enable the removal and variation of an easement or restrictions to enable a use or development that complies with the planning scheme after the interests of affected people are considered.

The decision guideline of Clause 52.02 also requires consideration of affected people.

In this instance the affected people are GMW and the owners of 7 McCulloch Street as they have lodged an objection to the proposal.

It is considered that the matters raised by both GMW and the owners of 7 McCulloch Street are valid planning concerns. The matters raised include:

- the variation would be inconsistent with the restriction on other lots on the Plan of Subdivision

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- the variation would affect the public amenity
- the variation would affect the foreshore area and Lake Mulwala environs
- the variation would allow building outside of the building envelope which affect the view lines
- the adjoining owner purchased their land knowing exactly where development on adjoining land could be constructed

It is submitted that these matters are valid planning concerns and consideration should be given to these issues in the assessment of the application. In summary the following is submitted in relation to these issues:

- the variation would be inconsistent with the building envelopes on other lots on the Plan of Subdivision which may compromise the character of the area. Further, it may lead to expectations from other landowners that building envelopes on other allotments may be varied.
- the public amenity would be affected as development would encroach the Lake Mulwala environs. The intent of the original planning approval was to ensure that development was sufficiently setback from the lake to protect the public amenity.
- the foreshore area is publicly accessible and the encroachment of development would compromise the foreshore area. It is a local strategy that development does not encroach Lake Mulwala and therefore it is important that the current extent of all the building envelopes on the Plan of Subdivision are maintained.
- the adjoining landowner has a reasonable expectation that development would not occur outside of the building envelope. The building envelope restrictions also ensure that future residential amenity is protected and any future landowners should have confidence that development will not occur outside of the building envelope. Whilst views are generally not considered a valid planning issue it is considered relevant in this instance as there was intent by the previous planning permit to protect the area outside of the building envelope.

The proposed variation of the covenant would detrimentally affect GMW and the owner of 7 McCulloch Street and having considered their interests the application should not be supported.

Clause 65.01 Decision Guidelines

The decision guidelines of Clause 65 have been considered. It has been considered and concluded that the proposal will affect the amenity for benefitting parties and therefore the proposal would not result in a reasonable planning outcome.

9. Environmental Impact

The environmental impact is unknown.

10. Conflict of Interest Considerations

There is no officer conflict to declare.

11. Conclusion

Pursuant to Clause 60(5) of the *'Planning and Environment Act 1987'* the Responsible Authority must not grant a permit which allows the removal or variation of a restriction unless it is satisfied that –

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-the owner of any land benefitted by the restriction (other than an owner who, before or after the making of the application for the permit but not more than three months before its making, has consented in writing to the grant of the permit) will be unlikely to suffer any detriment of any kind (including perceived detriment) as a consequence of the removal or variation of the restriction; and
-if that owner has objected to the grant of the permit, the objection is vexatious or not made in good faith.

It is concluded that after notice of the proposal, affected parties have objected and therefore the proposal will not be supported as the Responsible Authority cannot ensure that any detriment of any kind, including any perceived detriment, will not be caused as a consequence of the variation to the restriction.

The Responsible Authority is satisfied that the objection from a benefitting owner is not vexatious as they have clearly outlined their reason for objecting as discussed above in the report.

A Notice of Decision to Refuse To Grant a Permit for a 'Variation to a Restriction on Title' at 5 McCulloch Street, Bundalong also known as Lot 55 on Plan of Subdivision 703433Y therefore should be issued.

Attachments

Nil

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2. A THRIVING LOCAL ECONOMY

ITEM NO: 9.4.4

**PROPOSED DEVELOPMENT PLAN - 163 O'KANES ROAD, NUMURKAH -
FIRST SOLAR**

RECOMMENDATION

That Council authorise the Chief Executive Office to approve a Development Plan subject to no objections being received against a planning permit application for a solar farm on the land known as 163 O'Kanes Road, Numurkah.

1. Executive Summary

A request has been received to consider a Development Plan for a parcel of land that will be subject to a planning permit for a solar farm.

The Development Plan has not been referred or advertised to date, rather, an alternate process is proposed to allow the progression of the planning matters to be considered in an endeavour to meeting time frames of State Government contracts for solar farms.

The proposed Development Plan generally accords with the requirements of the Planning Scheme provisions, therefore, if no objections are received as part of the planning permit application, then the Development Plan should be approved.

2. Background and Options

The subject land has been and continues to be used for agricultural purposes.

The land is currently zoned part Farming and Low Density Residential and is affected by a Development Plan Overlay (DPO11).

Planning Scheme Amendment C63 (26 July 2012) implemented the recommendations of the Numurkah Strategy Plan which included rezoning part of the subject land from Farming to Low Density Residential and imposed a Development Plan Overlay.

Under normal conditions, the options open to Council with respect to this Development Plan would be to approve, refuse or defer consideration, however, due to time constraints for meeting State Government deadlines for Solar contracts, an alternative option is put forward to allow the CEO to approve a Development Plan provided that no objections are received against an application for a planning permit (pending) for a solar farm.

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**PROPOSED DEVELOPMENT PLAN - 163 O'KANES ROAD, NUMURKAH -
FIRST SOLAR (cont'd)**

3. Proposal

The ultimate proposal is to use and develop land, not just affected by the DPO but includes adjoining land, for a solar farm producing 80 megawatts of energy.



4. Subject Land and Locality

The subject land, affected by the DPO, has an area of 56.71 ha, is located on the north-east corner of Numurkah Road and Naring Road and extends eastward to O'Kanes Road.

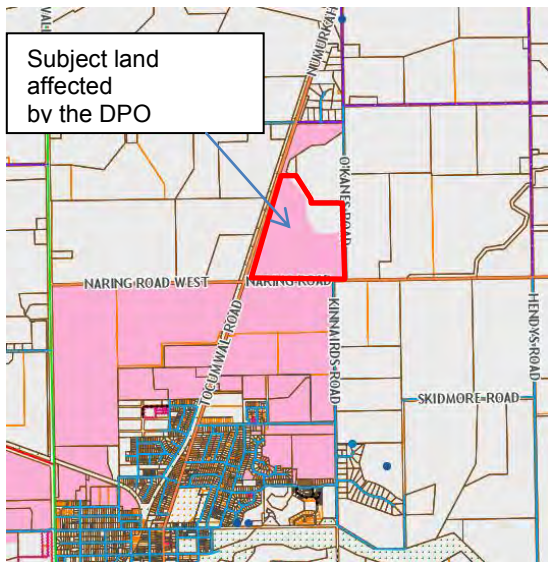
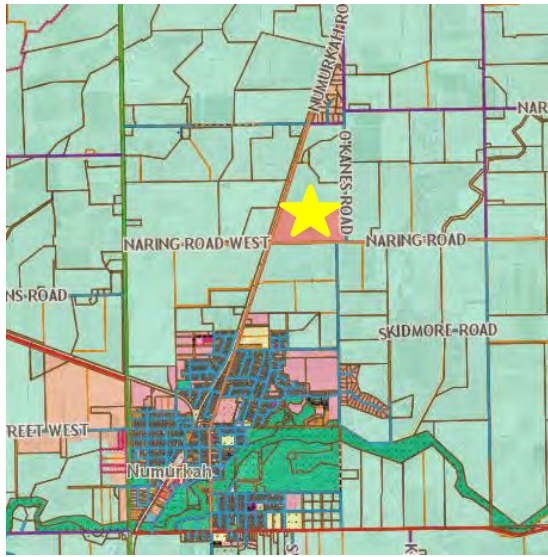
The land is generally flat and has a GMW channel (No. 6/6) traversing through it in a north south direction.

Surrounding the land includes a Goulburn Valley Water raw water storage facility and water treatment plant to the north, farmland to the east, railway line and farmland to the west and an electricity power plant and farmland to the south.

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**PROPOSED DEVELOPMENT PLAN - 163 O'KANES ROAD, NUMURKAH -
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**PROPOSED DEVELOPMENT PLAN - 163 O'KANES ROAD, NUMURKAH -
FIRST SOLAR (cont'd)**

5. Planning Scheme Provisions

The purpose of the Development Plan Overlay is:

To identify areas which require the form and conditions of future use and development to be shown on a development plan before a permit can be granted to use or develop the land.

Schedule 11 to the Overlay specifically outlines what is required to be contained in the Development Plan, namely:

- *The Development Plan should be accompanied by the following information to the satisfaction of the Responsible Authority:*
 - *An Environmental Assessment of the land,*
 - *An archaeological survey and heritage assessment*
 - *A Stormwater Management Plan*
 - *A Drainage Management Plan,*
 - *A Preliminary Soil Assessment*
 - *A Traffic Management and Impact Mitigation Plan*

The development plan should show or include the following details to the satisfaction of the Responsible Authority:

- *The proposed development of each part of the land.*
- *The relationship of the land to the adjoining land.*
- *The layout of the subdivision and development of the land including roads, lot boundaries, building envelopes and areas of open space.*
- *Provision of public open space that:*
 - *Has an area no less than 5% of the land to be used for residential, industrial or commercial purposes.*
 - *Provides appropriate interfaces between residential areas and surrounding areas.*
 - *Provides for connectivity both internally and externally.*
 - *Incorporates low-lying areas.*
 - *Recognises important landscape views and vistas.*
 - *Is landscaped and planted out with lawn areas, native grass areas and trees and shrubs of local provenance.*
 - *Ensures that where land adjoins the Murray Valley Highway and where no service or access road exists immediately adjoining the Highway road reserve, it is provided with a landscape buffer treatment a minimum of 10 metres wide.*
 - *Provision is made for the watering of existing and proposed vegetation.*
 - *Is based on a landscape design prepared by a suitably qualified person.*
- *Areas for any recreational uses including sporting facilities, walking and cycling tracks and internal water features.*
- *The provision of safe and efficient vehicle and pedestrian access to and from the land.*
- *Provision for public transport throughout the neighbourhood with appropriately located and designed bus stops.*
- *How the proposed development addresses any flood or inundation impacts on the land.*
- *Underground infrastructure provision including sewerage, water, drainage, telecommunications and other utility services.*
- *The location and connectivity of constructed footpaths along proposed streets.*

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**PROPOSED DEVELOPMENT PLAN - 163 O'KANES ROAD, NUMURKAH -
FIRST SOLAR (cont'd)**

- *The proposed street tree and planting regime with preference given to vegetation of local indigenous species.*
- *An assessment of required social services and community infrastructure and the means by which the services and infrastructure are to be provided including, but not limited to, the type of community, commercial and recreational facility, locations, timings and means of delivery.*
- *An environmental assessment of the flora, fauna and habitat significance of the land which includes recommended actions for management, revegetation and restoration of conservation and vegetation protection areas and the links between such areas.*
- *Retention and integration of individual and stands of mature trees, particularly indigenous trees. An arboriculture survey of all existing trees on the land and their condition, health and integrity including appropriate measures for the long term preservation of the tree(s) having regard to their proposed open space or development context.*
- *A "Net Gain" assessment of any native vegetation to be removed having regard to Victoria's Native Vegetation Management – A Framework For Action including the location of any off-sets.*
 - *The use of water sensitive urban design providing for the protection of natural systems, integration of stormwater treatment into the landscape, protection of water quality and reduction of run-off and peak flows.*
 - *The location of any detention tanks, drainage retardation basins or other utility infrastructure required to service the neighbourhood.*
 - *Opportunities for a diverse range of allotment densities and dwelling types. A statement of housing outcomes, population and lot yield targets must be submitted.*
- *An environmental assessment identifying any environmental hazards or contamination on the land and proposed treatments, if any; or a qualified statement indicating the absence of such hazards or contamination.*
 - *Where land abuts a road in a road zone, new street access to the road is to be minimized and/or managed in line with the requirements of VicRoads.*
 - *Appropriate transitional arrangements are required at the interface of land zoned for Low Density Residential and Residential 1 being either a graduated decrease in lot size from the larger lots to the smaller lots or the provision of public open space at the interface.*

Any development plan that is prepared and approved must include:

- *Processes for making changes to the development plan, including, if appropriate, a public consultation period and a requirement that the responsible authority approve any changes to the development plan.*

It is recognized that whilst this Development Plan does not have a flavour of residential development, the applicant has addressed the essential ingredients of the Overlay and submitted a planning report (appended) including:

- A Fauna and Flora Assessment;
- A Cultural Heritage Assessment;
- A Stormwater Management Plan;
- A Drainage Management Plan;
- A Preliminary Soil Assessment; and
- A Traffic Management and Impact Mitigation Plan.

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**PROPOSED DEVELOPMENT PLAN - 163 O'KANES ROAD, NUMURKAH -
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6. Financial Implications

The approval of the Development Plan will allow the proponent to lodge a planning permit application(s). Statutory fees will apply to any planning permit application.

7. Risk Management

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

8. Internal and External Consultation

The proposed Development Plan will be referred to appropriate internal departments and external authorities.

9. Community Consultation

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

Consultation will occur as part of the planning permit application for a solar farm on this DPO affected land and adjoining land.

10. Regional Context

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

11. Council Plan Strategy

In Council's strategy for *A Thriving Local Economy* there is a direct action to achieve the strategic objective to *...support local business and attract new investment to generate employment opportunities:*

- *Attracting investment in energy sources for industry including alternative and renewable energy such as solar and waste-to-energy.*

12. Legislative / Policy Implications

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

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

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

If the planning permit application accords with the approved Development Plan, it is exempt from the Public Notice requirements and appeal rights, pursuant to Clause 43.04-2 of the Planning Scheme. However, as the Solar Farm proposal extends on to adjoining land to the east that is not affected by the DPO, then the permit application will be required to be advertised which will include all the parcels of land either affected or not affected by the DPO.

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**PROPOSED DEVELOPMENT PLAN - 163 O'KANES ROAD, NUMURKAH -
FIRST SOLAR (cont'd)**

13. Environmental Impact

The approval of this Development Plan is unlikely to result in an adverse effect on the environment.

14. Conflict of Interest Considerations

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

15. Conclusion

A Development Plan has been prepared with supporting documents generally in accordance with the Schedule 11 of the Development Plan Overlay.

This is the first planning instalment for the Solar Farm in order to allow the consideration of an application for a Planning Permit.

Given the time constraints for State Government contracts for solar farms, an alternative process is proposed to approve the Development Plan.

Attachments

- 1 Planning Report for Development Plan

FILE NO: F13/2405-4
2. A THRIVING LOCAL ECONOMY

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**PROPOSED DEVELOPMENT PLAN - 163 O'KANES ROAD, NUMURKAH -
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ATTACHMENT No [1] - Planning Report for Development Plan



WATER | ENERGY & RESOURCES | ENVIRONMENT | PROPERTY & BUILDINGS | TRANSPORTATION

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2. A THRIVING LOCAL ECONOMY

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**PROPOSED DEVELOPMENT PLAN - 163 O'KANES ROAD, NUMURKAH -
FIRST SOLAR (cont'd)**

ATTACHMENT No [1] - Planning Report for Development Plan

This Development Plan has been prepared by GHD Pty Ltd (GHD) for First Solar (Australia) Pty Ltd (First Solar) and may only be used and relied on by First Solar for the purpose agreed between GHD and First Solar as set out in Section 1 of this report.

GHD otherwise disclaims responsibility to any person other than First Solar arising in connection with this Development Plan. GHD also excludes implied warranties and conditions, to the extent legally permissible.

The services undertaken by GHD in connection with preparing this Development Plan were limited to those specifically detailed in the Development Plan and are subject to the scope and any limitations set out in the Development Plan.

The opinions, conclusions and any recommendations in this Development Plan are based on conditions encountered and information reviewed at the date of preparation of the report. GHD has no responsibility or obligation to update this Development Plan to account for events or changes occurring subsequent to the date that the report was prepared.

The opinions, conclusions and any recommendations in this Development Plan are based on assumptions made by GHD described in this Development Plan. GHD disclaims liability arising from any of the assumptions being incorrect.

GHD has prepared this Development Plan on the basis of information provided by First Solar and others who provided information to GHD (including Government authorities), which GHD has not independently verified or checked beyond the agreed scope of work. GHD does not accept liability in connection with such unverified information, including errors and omissions in the Development Plan which were caused by errors or omissions in that information.

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**PROPOSED DEVELOPMENT PLAN - 163 O'KANES ROAD, NUMURKAH -
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ATTACHMENT No [1] - Planning Report for Development Plan

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Appendices

- Appendix A – Concept Development Plan
- Appendix B – Flora and Fauna Assessment
- Appendix C – Cultural Heritage Assessment
- Appendix D – Flood Study

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**PROPOSED DEVELOPMENT PLAN - 163 O'KANES ROAD, NUMURKAH -
FIRST SOLAR (cont'd)**

ATTACHMENT No [1] - Planning Report for Development Plan

1. Introduction

1.1 The Development Plan

This Development Plan has been prepared by GHD Pty Ltd (GHD) on behalf of First Solar (Australia) Pty Ltd (First Solar) associated with the proposed development of land for the purpose of a solar farm at 163 Okanes Road, Numurkah (Moirra Solar Farm).

The Development Plan has been prepared generally in accordance with the provisions of Schedule 11 to the Development Plan Overlay at Clause 43.04 of the Moira Planning Scheme (planning scheme).

The Development Plan provides the following:

- Site context plan
- Zone and overlay plans
- Site layout concept plan
- Ecological assessment and mapping
- Cultural heritage assessment and mapping
- Flood assessment and mapping

This Development Plan applies to the Moira Solar Farm land only and does not include land outside of First Solar's control and as otherwise affected by DPO11.

1.2 Development Plan Structure

This document is structured into four key sections, as follows:

- Introduction
- Site and surrounding area analysis
- Planning context
- Response to Development Plan requirements.

FILE NO: F13/2405-4
2. A THRIVING LOCAL ECONOMY

ITEM NO: 9.4.4

**PROPOSED DEVELOPMENT PLAN - 163 O'KANES ROAD, NUMURKAH -
FIRST SOLAR (cont'd)**

ATTACHMENT No [1] - Planning Report for Development Plan

2. Site and Context

2.1 Site area

The site is located approximately three kilometres to the north east of the Township of Numurkah in northern Victoria. The wider site which will be subject to a future planning permit application comprises three land parcels across a total area of approximately 134 hectares (ha) of generally vacant grazing land.

The wider site controlled by First Solar is more particularly described as follows:

- **Lot 2 PS644395**, (subject to this development plan) is the largest lot comprising 57 ha. This site is an irregular allotment with three frontages to Numurkah Road (west), Naring Road (south) and Okanes Road (east). A Goulburn Murray Water (GMW) supply channel (Channel 6/6) divides the site in a north-south direction.
- **Crown Allotment 13C Section C Parish of Katunga** is a 33 ha rectangular allotment with two frontages to Okanes Road (west) and Naring Road (south).
- **Crown Allotment 8 Section C Parish of Katunga** is a 44 ha rectangular allotment with two frontages to Okanes Road (west) and Naring Hall Road (north).

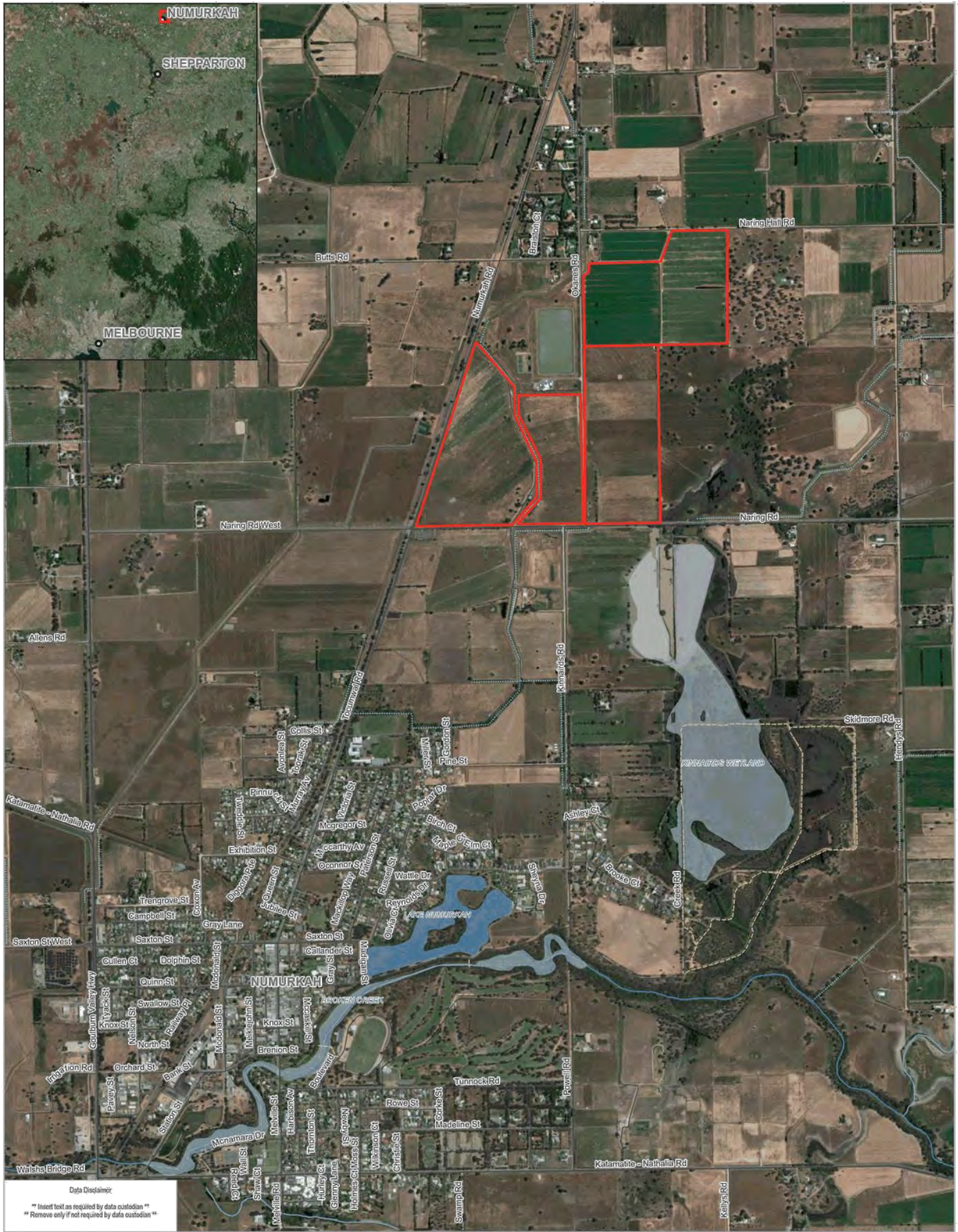
Please refer to the locality plan at Figure 1 for site and surrounding context.

2.2 Site analysis

First Solar has undertaken an initial feasibility assessment to assess the suitability of the area to accommodate a solar farm.

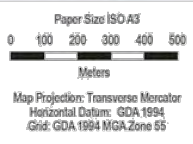
The site is located in a rural agricultural area, where the character of the surrounding land is typically fragmented farming properties of varying lot sizes. Agricultural operations in the area include irrigated cropping and grazing generally with associated dwelling development.

Dwellings in the immediate area are limited. The closest dwelling is located on the western side of Numurkah Road and is located on Farming Zone land. Residential zoned land is located approximately 1 km to the south of the site, at the entrance to the Numurkah town proper. Rural Living zoned land is located closer, approximately 300m to the north.



Data Disclaimer
 ** Insert text as required by data custodian **
 ** Remove only if not required by data custodian **

- Legend**
- Site layout
 - Highway
 - Arterial
 - Collector
 - Tracks
 - Watercourse
 - Flat
 - Lake
 - LGA outline



First Solar
 Numurkah Solar Farm

Project No. 31-35512
 Revision No. B
 Date: 17/11/2017

Locality Map

FIGURE 1

G:\3156\GIS\Map\Working\315612_00_LocalityMap_South.mxd
 Print date: 17 Nov 2017 - 11:55

Data Source: Sphero, Esri, DigitalGlobe, GeoEye, Earthstar/GeoEye, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, BILMAP, Vomp, Behrman, Locality/Overview 2003, Created by: gpd/tyler

3. Planning Context

The site is located in the Shire of Moira and is subject to the provisions of the Moira Planning Scheme (planning scheme).

3.1 Zones

The site straddles two planning scheme zones, as follows. (Refer to Figure 2).

3.1.1 Low Density Residential Zone (LDRZ)

The purposes of the LDRZ at Clause 32.03 of the planning scheme are:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies*
- *To provide for low-density residential development on lots which, in the absence of reticulated sewerage, can treat and retain all wastewater.*

A planning permit will be required for the use and development of the land for the purpose of a renewable energy facility (solar farm) under the zone provisions.

The solar farm must also meet the requirements specified in Clause 52.42 *Renewable Energy Facility (other than Wind Energy Facility and Geothermal Energy Extraction)* of the Moira Planning Scheme.

3.1.2 Farming Zone (FZ)

The purposes of the FZ at Clause 35.07 are:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies*
- *To provide for the use of land for agriculture*
- *To encourage the retention of productive agricultural land*
- *To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture*
- *To encourage the retention of employment and population to support rural communities*
- *To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.*

Similar to the LDRZ, a planning permit will be required for the use and development of the land for the purpose of a renewable energy facility (solar farm) under the zone provisions. The solar farm must also meet the requirements specified in Clause 52.42 as referenced above.

3.2 Overlays

The site is affected by a number of overlay controls, as follows. (Refer to Figure 3).

3.2.1 Floodway Overlay (RFO)

The purpose of the RFO at Clause 44.03 are:

- *To ensure that any development maintains the free passage and temporary storage of floodwater, minimises flood damage and is compatible with flood hazard, local drainage conditions and the minimisation of soil erosion, sedimentation and silting*
- *To reflect any declarations under Division 4 of Part 10 of the Water Act, 1989 if a declaration has been made*
- *To protect water quality and waterways as natural resources in accordance with the provisions of relevant State Environment Protection Policies, and particularly in accordance with Clauses 33 and 35 of the State Environment Protection Policy (Waters of Victoria)*
- *To ensure that development maintains or improves river and wetland health, waterway protection and flood plain health.*

3.2.2 Land Subject to Inundation Overlay (LSIO)

The purposes of the LSIO at Clause 44.04 are:

- *To identify land in a flood storage or flood fringe area affected by the 1 in 100 year flood or any other area determined by the floodplain management authority*
- *To ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, is compatible with the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity*
- *To reflect any declaration under Division 4 of Part 10 of the Water Act, 1989 where a declaration has been made*
- *To protect water quality in accordance with the provisions of relevant State Environment Protection Policies, particularly in accordance with Clauses 33 and 35 of the State Environment Protection Policy (Waters of Victoria)*
- *To ensure that development maintains or improves river and wetland health, waterway protection and flood plain health.*

3.2.3 Development Plan Overlay – Schedule 11 (DPO11)

DPO11 at Clause 43.04 of the planning scheme affects part of the wider First Solar landholding and directly impacts land included in both the Farming Zone and the Low Density Residential Zone (refer to the DPO11 map in Figure 4).

The purpose of DPO11 is essentially to ensure that subdivision, use, or development will not prejudice the orderly use and development of land as intended by the *Numurkah Strategy Plan, January 2010*.

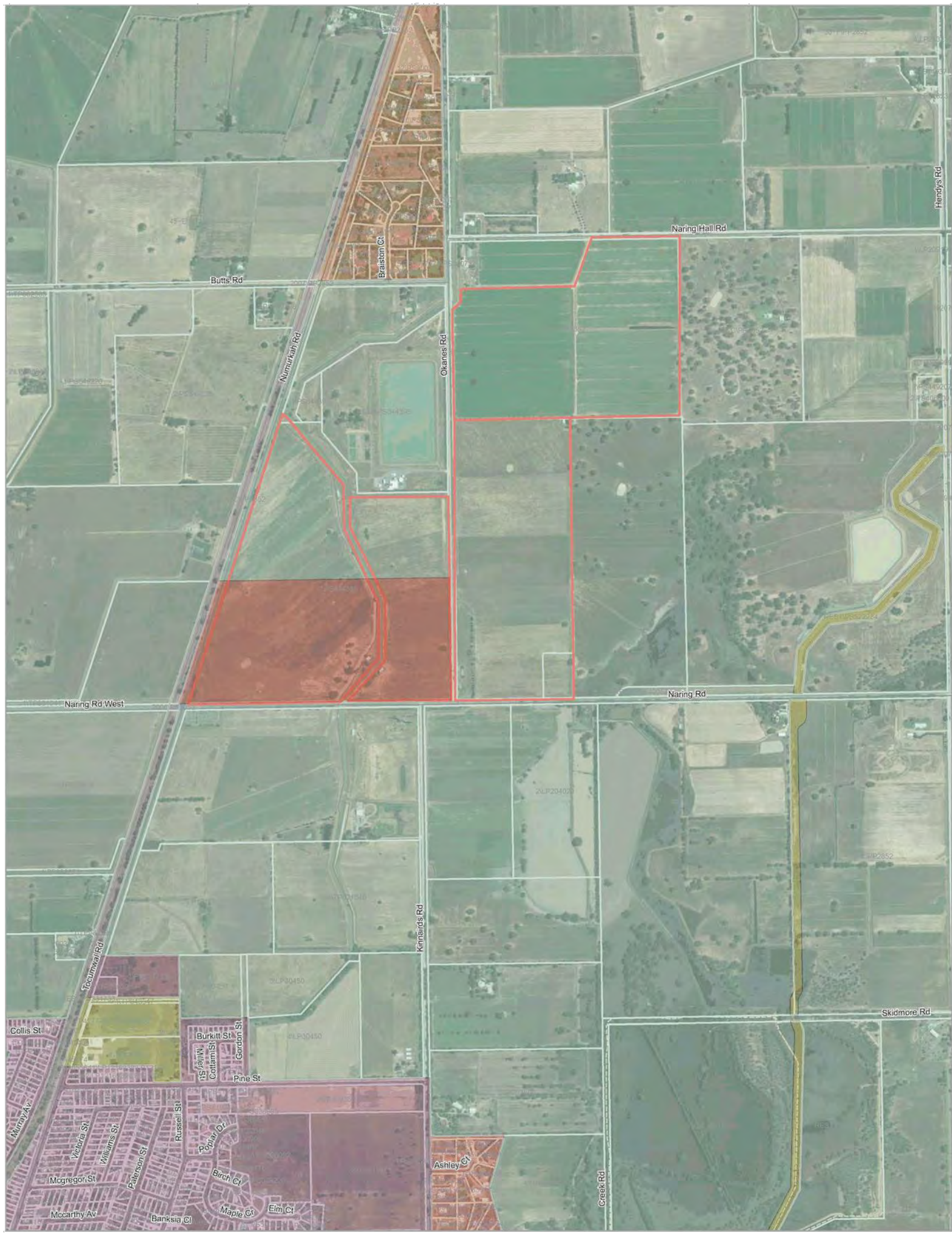
Whilst DPO11 enables a permit to be granted in the absence of an approved development plan, the proposal by First Solar is not such a use or development and accordingly a Development Plan must be required.

Section 2 of DPO11 steps out the details that should accompany the Development Plan, to the satisfaction of the Responsible Authority:

-
- Environmental assessment
 - Archaeological survey and heritage assessment
 - Stormwater management plan
 - Drainage management plan
 - Preliminary soil assessment
 - Traffic management and impact mitigation plan.

This Development Plan has been provided and provides the level of detailed considered reasonable to support a concept level development of the site for a solar farm.

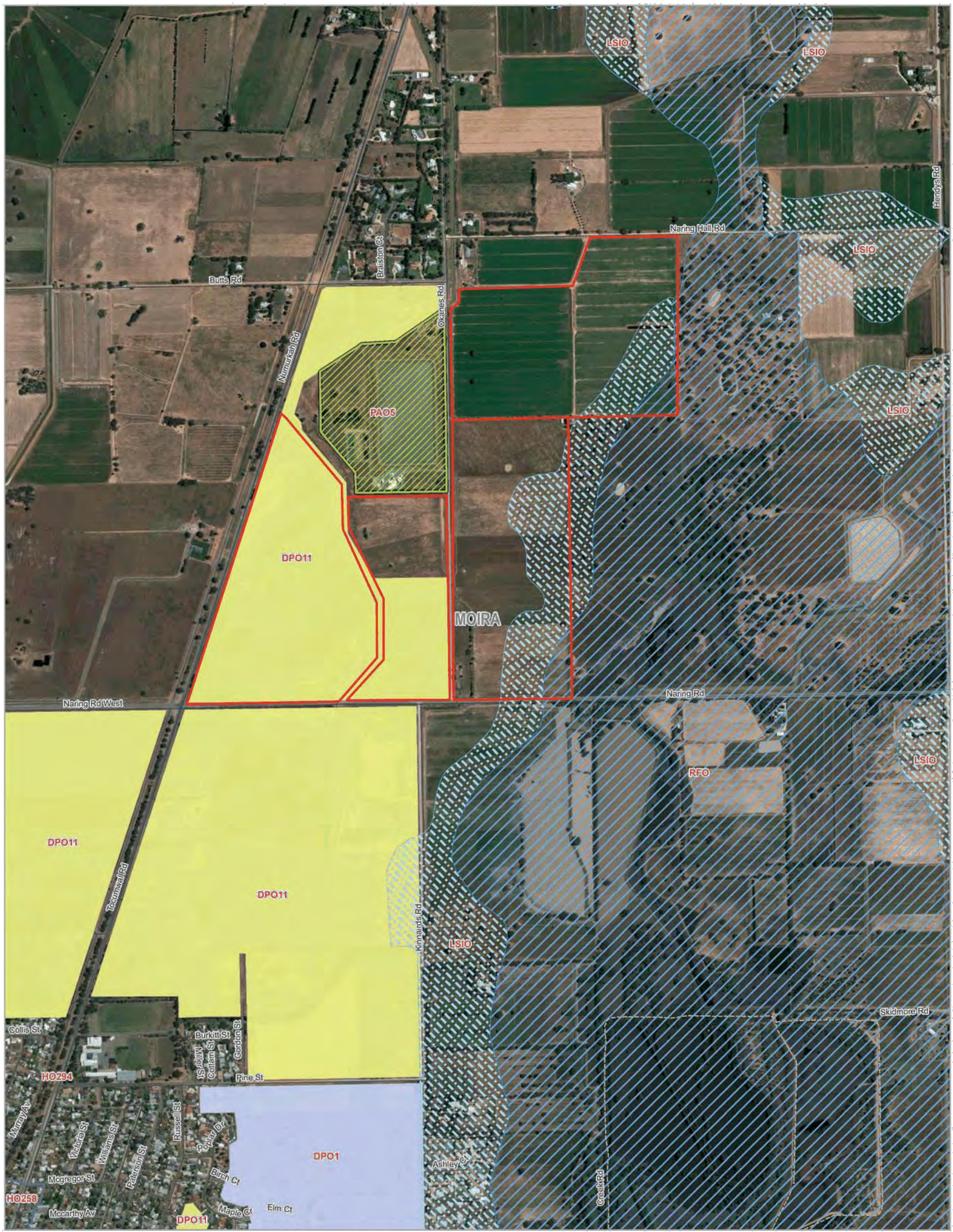
Significantly, detailed investigations will be undertaken and provided to Council when a planning permit application is sought for use and development of the land and when further details of the development are known.



Legend Site layout Farming General Residential Low Density Residential Public Use Public Park and Recreation Public use - Transport Rural Living Parcel		Paper Size: ISO A3 Meters Map Projection: Transverse Mercator Horizontal Datum: GDA 1994 Grid: GDA 1994 MGA Zone 55	 	First Solar Numurkah Solar Farm	Project No: 31-35512 Revision No: B Date: 17/11/2017
Planning Overview Map			FIGURE 2		

© 31-35512-01-Map-Working-31-35512-01-Zone-Overview-Rev1.mxd
Printed: 31 Nov 2017, 15:58

Data source: © Garmin Ltd, DigitalGlobe, GeoEye, Earthstar Geographics, CNR/SARLabs, IGN, USDA, AeroGRID, IGN, and the IGN User Community, USGS Topographic Legacy Imagery 2003
© Created by: Biondy



- Legend**
- Site layout
 - Heritage
 - Development Plan 1
 - Development Plan 11
 - Land Subject to Inundation
 - Public Acquisition 5
 - Rural Floodway

Paper Size: ISO A3
 0 60 120 180 240 300
 Meters
 Map Projection: Transverse Mercator
 Horizontal Datum: GDA 1994
 Grid: GDA 1994 MGA Zone 55



First Solar
 Numurkah Solar Farm

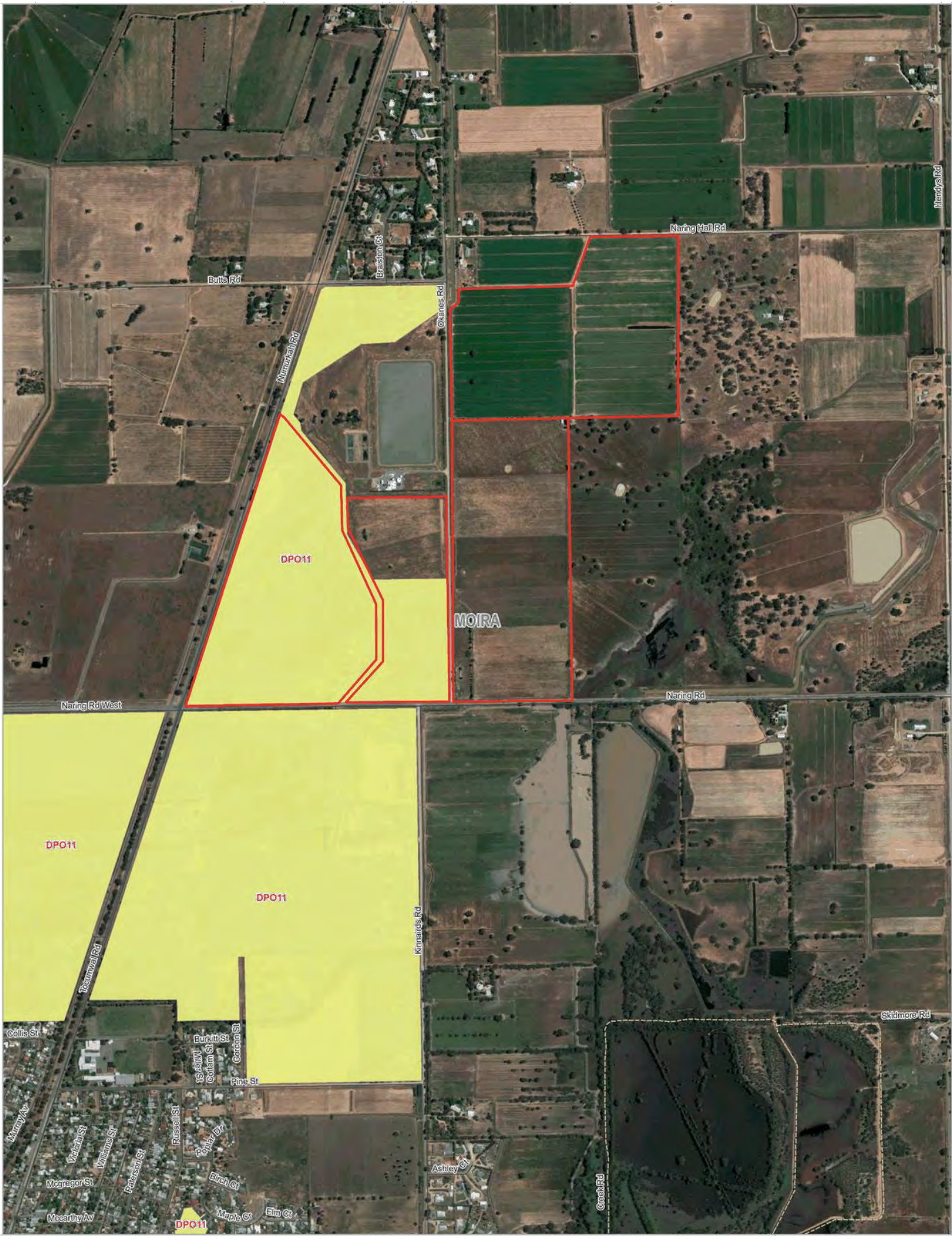
Project No. 31-35512
 Revision No. B
 Date: 17/11/2017

Planning Overlay Map

FIGURE 3

© 31-35512-001-Map-Overlay-001-Overlay-001.mxd
 Printed: 31 Nov 2017, 15:41

Data source: © Bentley Ltd, DigitalGlobe, GeoEye, Earthstar Geographics, CNR/SARLabs, USDA, USGS, AeroGRID, IGN, and the GIS User Community, SCOWS Viewport Reference, Local Government
 Created by Bentley



Legend
 Site layout
Zones:
 Development Plan 11

Paper Size ISO A3
 0 60 120 180 240 300
 Meters
 Map Projection: Transverse Mercator
 Horizontal Datum: GDA 1994
 Grid: GDA 1994 MGA Zone 55



First Solar
 Numurkah Solar Farm

Project No. 31-35512
 Revision No. A
 Date: 17/11/2017

Development Plan Overlay Map

FIGURE 4

© 13/11/2017 10:28:38 AM Map: \\work\131117\10_03_2017_12.mxd
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Data source: Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNR/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, ESRI's Shapefile to Geopackage Conversion Tool.
 Created by: Wendy

4. Development Plan

This section sets out the requirements of DPO11 and provides responses considered to be appropriate to the development of the land for the purpose of a solar farm.

The contents of this Development Plan should be read in conjunction with the Concept Development Plan layout plan in Appendix A.

4.1 Requirements of this plan

The following section responds to the information required by the DPO11 and as considered relevant to the proposed solar farm development.

Accordingly, matters including public open space provision, lot layout and diversity and others typically associated with detailed subdivision planning and residential development are not included.

The future planning permit application for use and development of the land for the purpose of a solar farm will provide further detailed information and studies to support the proposal.

4.1.1 Land to which the plan applies

This Development Plan applies to the land known as Lot 2 PS 644395, 163 Okanes Road Numurkah (the area of the First Solar land affected by DPO11).

4.1.2 Proposed use and development of the land

The proposed use and development of the site is for a solar farm, which is defined as a 'renewable energy facility' pursuant to the Clause 74 of the planning scheme.

The indicative layout of the site is attached at Appendix A. This 'general development arrangement' responds to the site context and features including:

- Ensuring site access is safe and does not conflict with any present or known future intersections
- Setting back the solar panels and associated infrastructure from site boundaries and providing opportunities for landscape screening in appropriate locations
- Setting the solar panels and associated infrastructure clear of the GMW No.6 Channel to ensure ease of access and ensure the development does not impact upon this important channel to the local irrigation network
- A layout which avoids and minimises where necessary any potential impact upon native vegetation surrounding the channel and across the site.

When reading this Development Plan, it is important to note that a planning permit application will be submitted in the future and this will provide further detailed information in support of the proposal.

4.1.3 Relationship with adjoining land interfaces

This concept layout prepared for the Development Plan has been designed so that it is respectful of and compatible with the use and development on adjoining land as follows:

- The site is generally bounded by roads, notably along the south, east and west boundaries
- The GMW supply channel (Channel No. 8/6) which effectively divides the site in a north-south direction has been factored into the proposed concept layout
- The adjoining land to the north is land owned by Goulburn Valley Water and is associated with the raw water storage facility at the Numurkah Water Treatment Plant (WTP)
- The site is surrounded by the Farming Zone to the north, east, south and west
- The closest dwelling is located west of the site and across Numurkah Road
- The Farming Zone property to the immediate east forms part of First Solar's wider land holding and will form part of the future planning permit application for use and development of a solar farm.

4.1.4 Provision of access

The development layout plan indicates a new access point proposed at the south west corner of the site off Naring Road. This is stepped back from the intersection with Numurkah Road to ensure safety of vehicle movements in and out of the site and to avoid potential conflict with vehicles travelling along Numurkah Road.

Once operational, it is considered that any impacts to existing traffic volumes would be minimal, as access to the site on a daily basis is not required.

Any traffic impacts during the construction period would be suitably managed in a Construction Management Plan, to be developed at a later stage as required.

4.1.5 Environment (Flooding)

The proposed development of the land for a solar farm has been designed to factor in the potential for the land and surrounding area to flood (as evidenced by the LSIO, RFO / FO and discussions with the Goulburn Broken CMA). The lowest part of the land is located in the north eastern corner where the ground surface levels are approximately 108.2 m AHD.

A desktop flood study has been undertaken in consultation with CMA who advised that the 100 year ARI flood level is 108.41m AHD and likely exceeds the coverage of the currently flooding overlays (ie. LSIO and RFO / FO).

Overall, the proposed solar panels and associated infrastructure can be appropriately positioned on the site outside of flood affected areas (where required) to meet CMA requirements. A summary of the CMA requirements for siting development includes:

- No works are to be located within 30 metres of the top of bank of any waterways
- Operation and maintenance buildings are required to be located on the highest available land
- There are no restrictions on the positioning of solar panels providing that the panels are set well above ground level on supported pole structures which are spaced at least several metres apart.

4.1.6 Environment (Ecology)

A desktop flora and fauna ecological assessment has been prepared by First Solar for the site. The majority of the land is cleared, owing to the historic use of the site for dryland and irrigated agriculture purposes. Some native vegetation is scattered close to the water channel (GMW No.6 Channel).

The flora and fauna assessment concluded:

- It is possible that the Superb Parrot (*Polytelis swainsonii*) and Growling Grass Frog (*Litoria raniformis*) listed under the Commonwealth Environment Protection and Biodiversity Conservation (EPBC) Act 1999 may occasionally occur on the site
- The site offers potentially valuable forest / woodland habitat, despite its historic and current disturbance. While the site does not constitute a large patch of native vegetation at a landscape scale, it is large enough at a local scale to support a range of native fauna, potentially including threatened fauna
- The following actions to avoid and minimise impacts to flora and fauna on-site are recommended:
 - The development plan should retain trees along the perimeter of the land.
 - An Environmental Management Plan should be prepared in order to minimise the potential for ecological impacts within and around the site before, during and after the construction process, including flagging of Tree Protection Zones and Structural Root Zones.
 - An arborist's report should be prepared to identify and quantify encroachment from earthworks to Tree Protection Zones and Structural Root Zones where trees may be affected by associated works.

The Concept Development Plan layout (Appendix A) shows the indicative layout for infrastructure on-site which will be further guided following an ecological field assessment at the time where the planning permit application is being prepared.

4.1.7 Heritage

Andrew Long + Associates (ALA) undertook a desktop study of potential Aboriginal and European heritage values on the land. The assessment concluded the following:

- No registered Aboriginal cultural heritage places and no mapped areas of Aboriginal cultural heritage sensitivity are within the activity area.
- In accordance with Regulation 6 of the Aboriginal Heritage Regulations 2007 (Vic) a mandatory Cultural Heritage Management Plan (CHMP) will not be required
- No mapped European heritage listings were found within the project area.

The proposed development of the land will not impact any mapped areas of Aboriginal cultural heritage or European heritage and this will be confirmed at the time when a planning permit application is prepared and lodged.

4.2 Development Plan supporting studies

Pursuant to Section 2 of DPO11, the Development Plan should be accompanied by additional studies to the satisfaction of the Responsible Authority.

Accordingly, and following on from the above discussion, Table 1 below provides a brief and direct response to the specific requirements outlined.

Table 1 Requirements for Development Plan

Report	Information required	Location
<i>Environmental Assessment</i>	An <i>Environmental Assessment</i> of the land involving a flora and fauna survey identifying the health and habitat value of all native vegetation, location of any areas of biodiversity significance and the proposed treatment of those areas, location of areas of vegetation to be protected, and areas where Net Gain offset requirements will be provided;	Flora and Fauna are assessed in Appendix B
<i>Archaeological survey and heritage assessment</i>	An <i>archaeological survey and heritage assessment</i> which includes recommendations for the protection, restoration and interpretation of significant individual sites and, where appropriate, design measures to sensitively integrate sites into the proposed open space network	Aboriginal and European heritage are address in Appendix C
<i>Stormwater Management Plan</i>	A <i>Stormwater Management Plan</i> detailing how stormwater will be collected and treated within the development, with particular emphasis on the removal of sediment, litter and urban waste from stormwater prior to its discharge into local watercourses, and how that process will not impact adversely on the natural flood carrying capacity of the local watercourses.	Flood impacts are addressed in Appendix D
<i>Drainage Management Plan</i>	A <i>Drainage Management Plan</i> , to be subject to appraisal by the Goulburn Broken Catchment Management Authority to ensure that no impediment would be introduced that would result in an increase in flood impacts of properties contained in the Plan that were not the subject of the development plan under consideration.	Flood impacts are addressed in Appendix D
<i>Preliminary Soil Assessment</i>	A <i>Preliminary Soil Assessment</i> demonstrating the extent of any contaminated soils that may exist on the subject land, and if detected, a more detailed assessment (Contamination Management Plan) outlining the location of the contaminated soil, the type of contaminants detected, and the strategies required to be undertaken to decontaminate the affected areas.	Not considered applicable to a solar farm
<i>Traffic Management and Impact Mitigation Plan</i>	A <i>Traffic Management and Impact Mitigation Plan</i> that includes the identification of appropriate access and circulation of vehicles on the existing and future road network, and upgrade works necessary to accommodate traffic generated by the development and to mitigate the impact of the development. The Traffic Impact and Management Mitigation Plan must address the following: <ul style="list-style-type: none"> - minimisation of access to Goulburn Valley Highway in accordance with VicRoads' Access Management Policies; and - Recommendations of a qualified acoustic consultant which identifies appropriate noise attenuation measures in future residential areas, including provision of suitable setbacks of residential development from the Goulburn Valley Highway. 	Not applicable. Potential traffic impacts during the construction period would be addressed as part of a CEMP.

5. Conclusion

This Development Plan has been prepared for the First Solar Moira Solar Farm and generally in accordance with the requirements of Schedule 11 of the Development Plan Overlay at Clause 43.04 of the Moira Planning Scheme.

The Development Plan reasonably responds to the requirements of Section 2 of DPO11 and in the context of the Moira Solar Farm development. Further detail will, of course, be provided to Council as part of any future planning permit application for the use and development of the land.

Accordingly, we are of the view that this Development Plan should receive the support of Moira Shire so that it may act as a guide to the detailed design and planning for the site.



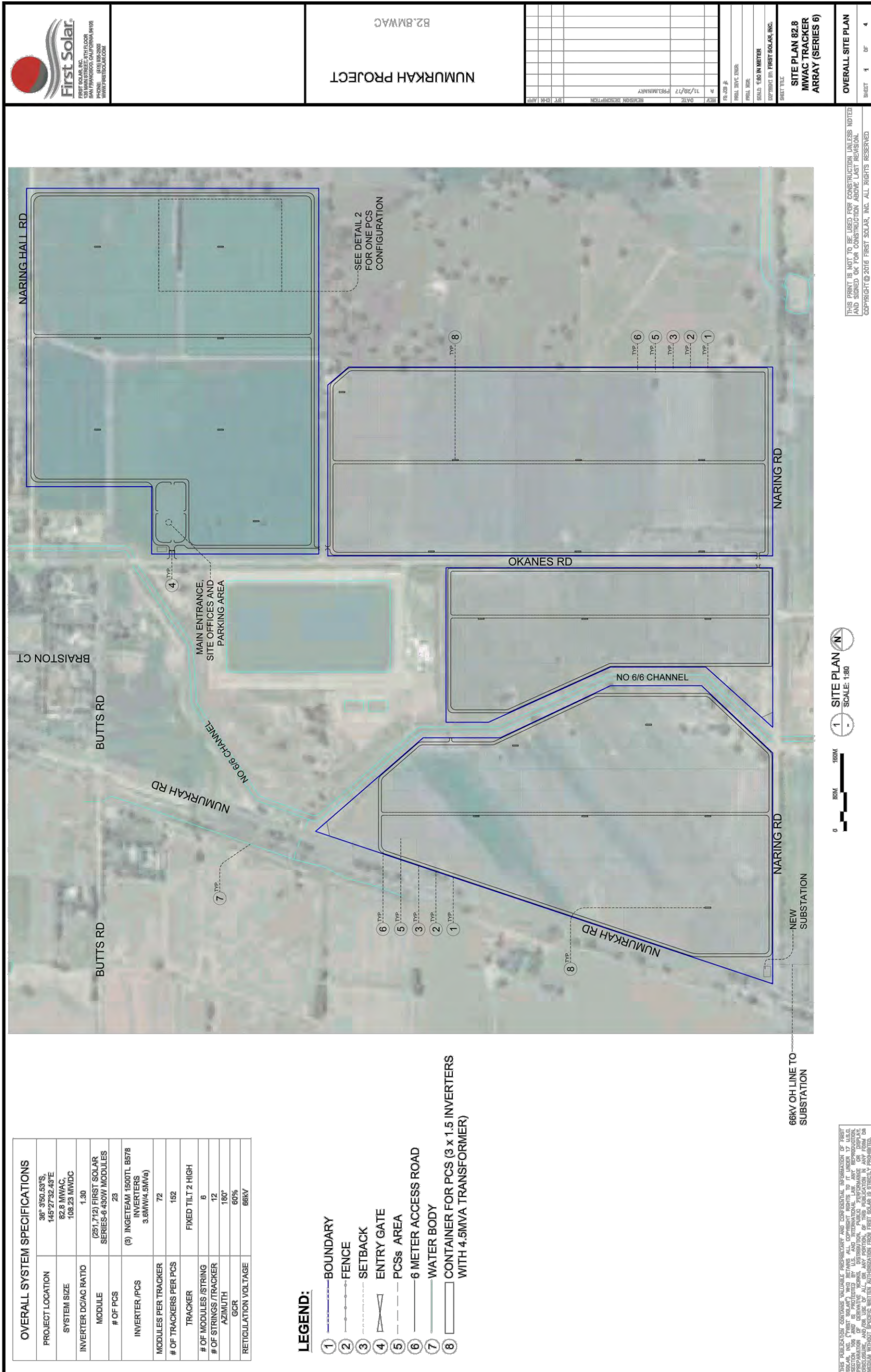
Appendices

Appendix A – Concept Development Plan

FILE NO: F13/2405-4
2. A THRIVING LOCAL ECONOMY

ITEM NO: 9.4.4

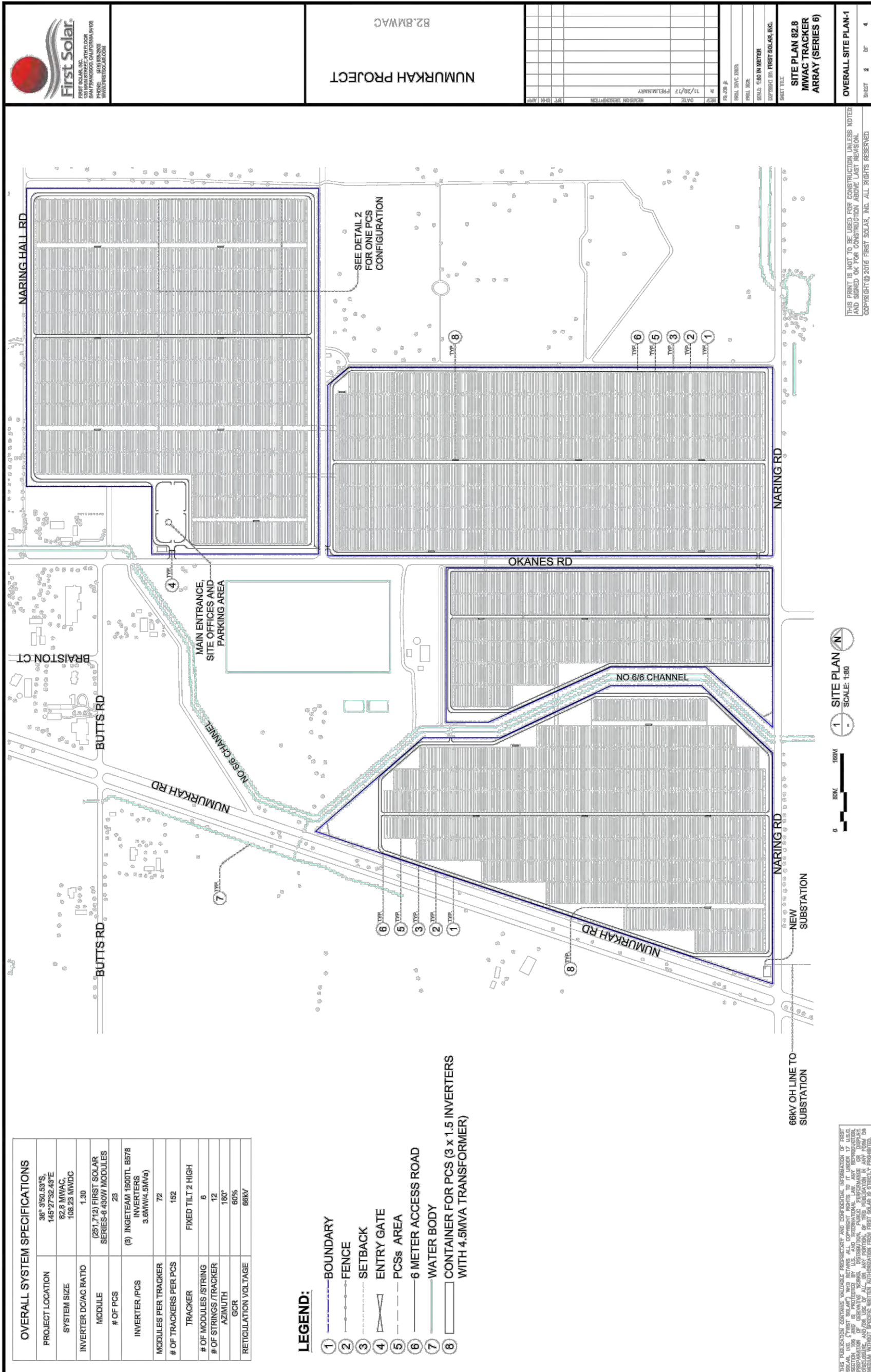
PROPOSED DEVELOPMENT PLAN - 163 O'KANES ROAD, NUMURKAH - FIRST SOLAR (cont'd)



FILE NO: F13/2405-4
2. A THRIVING LOCAL ECONOMY

ITEM NO: 9.4.4

PROPOSED DEVELOPMENT PLAN - 163 O'KANES ROAD, NUMURKAH - FIRST SOLAR (cont'd)



NUMURKAH PROJECT
B2.BMWAC

REV	DATE	DESCRIPTION
1	11/20/17	PRELIMINARY

PROJECT #	163 OKANES RD
PROJ. NO.	82.8 MWAC
DESIGNED BY	FIRST SOLAR, INC.
CHECKED BY	

SHEET TITLE
SITE PLAN 82.8 MWAC TRACKER ARRAY (SERIES 6)
OVERALL SITE PLAN-1
SHEET 2 OF 4

FILE NO: 52017193
2. A THRIVING LOCAL ECONOMY

ITEM NO: 9.4.5

**PLANNING PERMIT APPLICATION 52017193 - USE AND DEVELOPMENT
FOR A JETTY - LAKE MULWALA FORESHORE ADJOINING 28 PHALARIS
LANE BUNDALONG**

RECOMMENDATION

That Council approve the issue of a Notice of Decision to Grant a Permit for Planning Application No. 52017193 to use and develop land on Lake Mulwala foreshore adjoining 28 Phalaris Lane Bundalong for the purpose of a Jetty, subject to the following conditions:

- (1) Prior to the commencement of the development, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with *the plans submitted with the application* but modified to show:
 - (a) The jetty located 5 metres from the extended western boundary of 28 Phalaris Lane;
 - (b) The jetty oriented at 90 degree to the foreshore.
- (2) The development as shown on the endorsed plans must not be altered *without the written consent of the Responsible Authority*.
- (3) No native vegetation must be removed.
- (4) Works are to be carried out with minimum impact on the riparian edge.
- (5) Public access is not to be restricted along the foreshore by any means either during or post construction.
- (6) This permit will expire if one of the following circumstances applies:
 - (a) The development and use is/are not started within two years of the date of this permit.
 - (b) The development is not completed within two years of the date of commencement.

The Responsible Authority may extend the periods referred to if a request is made in writing before or within 6 months after the expiry of the permit where the development has not yet started, or within 12 months where the development has commenced.

1. Executive Summary

Planning Permit Application 52017193 seeks approval to use and develop land on the foreshore of Lake Mulwala foreshore adjoining 28 Phalaris Lane Bundalong for the purpose of a Jetty.

The proposal is to construct a Jetty have dimensions of 9.000 x 2.135 metres, steel construction with a modwood platform.

The application was referred to external authorities and advertised to adjoining properties and one objection was received.

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2. A THRIVING LOCAL ECONOMY

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**PLANNING PERMIT APPLICATION 52017193 - USE AND DEVELOPMENT
FOR A JETTY - LAKE MULWALA FORESHORE ADJOINING 28 PHALARIS
LANE BUNDALONG (cont'd)**

Mediation did not result in the withdrawal of the objection.

The application has been assessed against State and Local Planning Policies, Zone and Overlay provisions and other scheme provisions and consideration of the *Planning and Environment Act 1987*.

The proposed use and development accords with the Planning Scheme, therefore it is recommended that the application be approved.

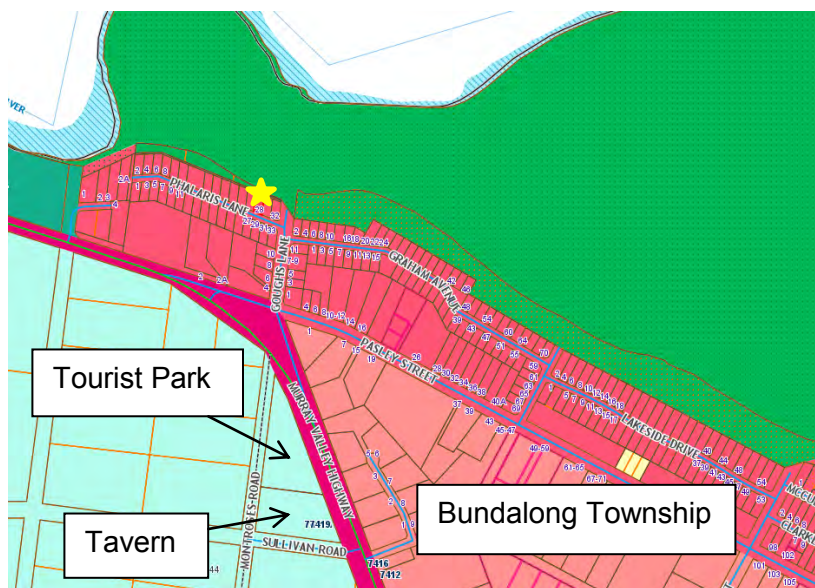
2. Background and Options

Application Details

Applicant: Raymond V Gamble
Owners: Goulburn Murray Water
Property Address: Lake Mulwala Foreshore adjoining 28 Phalaris Lane Bundalong
Title: Crown Allotment 10A, PP2272 (adjoins Lot 15 PS93784)
Site Area: 702 ha
File No: 52017193
Zone: Public Conservation and Resource Zone (PCRZ)
Overlays: Rural Floodway Overlay (RFO)
Environmental Significance Overlay (ESO)
Permit Triggers: Clause 36.03-1 & 2 (PCRZ)
Clause 42.01-2 (ESO)
Clause 44.03-1 (RFO)

Locality and subject land

The subject site of the proposed jetty is located on the foreshore of Lake Mulwala approximately 50 metres west of Goughs Lane.



The foreshore in this immediate location contains 4 private jetties, one of which has recently been constructed in front of 30 Phalaris Lane and is a similar size and design to the proposed jetty subject to this application. The 2 of the 3 other jetties are an older design and smaller in size and are located in front of 24 and 26 Phalaris Lane. The 4th jetty is at 32 Phalaris Lane. Each of these existing jetties are setback at varying distances

FILE NO: 52017193
2. A THRIVING LOCAL ECONOMY

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**PLANNING PERMIT APPLICATION 52017193 - USE AND DEVELOPMENT
FOR A JETTY - LAKE MULWALA FORESHORE ADJOINING 28 PHALARIS
LANE BUNDALONG (cont'd)**

from extended side boundaries of allotments. Cumbungi is present in front of 24 and 26 Phalaris Lane.



Proposal

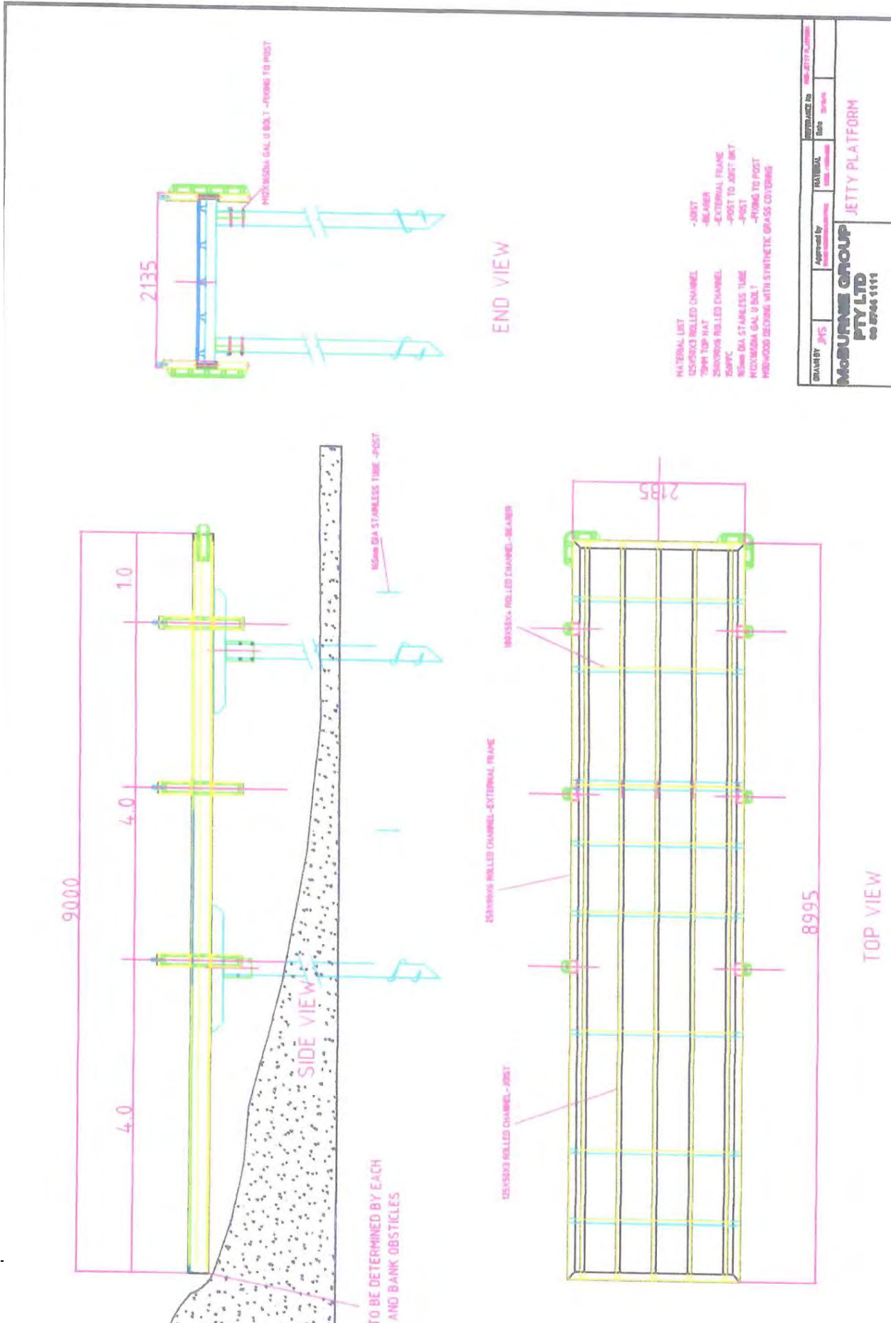
The proposal is to construct a Jetty have dimensions of 9.000 x 2.135 metres, steel construction with a modwood platform. It is to be located 5 metres from the extended western boundary of Lot 15 PS 93784, being 28 Phalaris Lane Bundalong.

The plans below were submitted with the application, showing the jetty location being 3 metres from the extended side boundary and the construction design of the jetty.

FILE NO: 52017193
2. A THRIVING LOCAL ECONOMY

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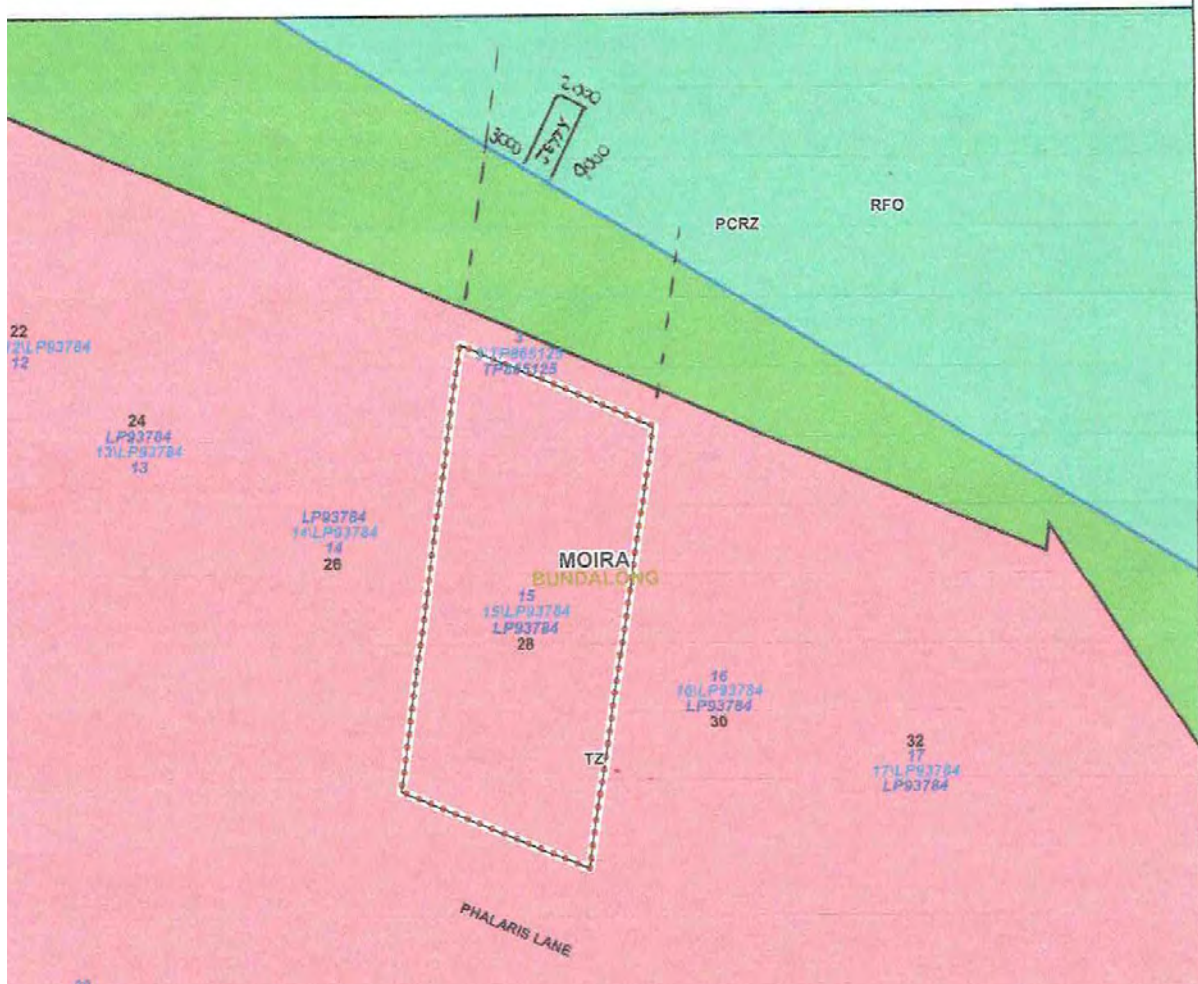
PLANNING PERMIT APPLICATION 52017193 - USE AND DEVELOPMENT FOR A JETTY - LAKE MULWALA FORESHORE ADJOINING 28 PHALARIS LANE BUNDALONG (cont'd)



FILE NO: 52017193
2. A THRIVING LOCAL ECONOMY

ITEM NO: 9.4.5

**PLANNING PERMIT APPLICATION 52017193 - USE AND DEVELOPMENT
FOR A JETTY - LAKE MULWALA FORESHORE ADJOINING 28 PHALARIS
LANE BUNDALONG (cont'd)**



3. Financial Implications

In the event that Council's decision is appealed at VCAT, any cost associated with attending and responding to an appeal would need to be funded.

4. Risk Management

If Council decides to grant a permit and conditions are not fulfilled, it may become a compliance issue.

5. Internal and External Consultation

The application did not require to be referred to internal departments.

The application was referred to:

- Goulburn Broken Catchment Management Authority (GBCMA) who offered no objection; and
- Goulburn Murray Water (GMW) who offered no objection, subject to conditions

The application was advertised to adjoining land owners and one objection was received. The basis of the objection is:

- Size of jetty to large, both length and width

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2. A THRIVING LOCAL ECONOMY

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**PLANNING PERMIT APPLICATION 52017193 - USE AND DEVELOPMENT
FOR A JETTY - LAKE MULWALA FORESHORE ADJOINING 28 PHALARIS
LANE BUNDALONG (cont'd)**

- Will have a detrimental impact on safety and amenity within the water zone of 26 Phalaris Lane with respect to boat manoeuvrability resulting in conflicts between boats and swimmers
- Too close to extended boundary of 26 Phalaris Lane. Jetties should be equally spaced, hence proposed location should be 10.75m from the extended boundary of 26 Phalaris Lane
- Design of jetty should not exceed 450mm above summer levels and no wider than 1300mm. No lighting fixtures, no reflective material and the material colours should be dark muted tones.

Objection	Comment
Size	The design of the jetty is similar to recently constructed jetties between Yarrawonga and Bundalong. It is understood that these private jetties do not pose an issue with water traffic under the control of NSW Roads and Maritime.
Safety & Amenity	A jetty acts as a place to moor a boat or watercraft. The same level of boating activity may well occur without a jetty, hence a jetty should not increase the level of risk to safety. Risk is more associated with the driver of the boat or watercraft. Amenity is not considered an issue with respect to the actual structure and its location.
Location	There is no consistency of location of jetties to property boundaries, other than GMW's guidelines that must be no closer than 3 metres from extended side boundaries. The proposed 5 metre setback achieves these guidelines.
Design	GMW requires an occupation licence must be constructed to their standards

The applicant was sent the objection and responded refuting many of the claims, but was prepared to relocate the jetty to 5 metres from the extended boundary with 26 Phalaris Lane.

As part of the mediation process with the applicant and objector, Council officers suggested an alternative location for the jetty being in the middle of 28 Phalaris, that is, about 8.1 meters from the extended side boundaries with 26 and 30 Phalaris Lane.

The objector responded to this compromised location as follows:

1. *The centreline of the jetty width to be at the centre point of the property boundary and at right angles to the foreshore (this will see the jetty angled away from our boundary)*
2. *Size of jetty to be reduced to 8.0m x 1.6m as previously proposed by the applicant's son in a phone call;*
3. *Max height shall not exceed previously nominated height;*
4. *Jetty to be constructed of materials that are not reflective and of dark muted tones as previously nominated, no lighting or moveable part;*

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**PLANNING PERMIT APPLICATION 52017193 - USE AND DEVELOPMENT
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LANE BUNDALONG (cont'd)**

5. *The existing tyres and moorings to be removed from the river and no additional moorings, or tyres to be installed.*

If the applicant is prepared to accept these provisions as originally outlined in our first letter of objection we would accept the compromised central location as you propose.

A summary of the response from the applicant to the compromised location and what can best be described as a conditional withdrawal of objection from the objector as stated above, is as follows:

- The application is in accordance with the planning requirements and are not prepared to accept any further compromise;
- The objection has no basis;
- Precedence has been set and applied in a consistent manner along the entire Lake Mulwala foreshore;
- Anything other than an approved planning permit without conditions would be considered inconsistent without merit, unreasonable and vigorously defended;
- Have been patient and obliging to move the jetty location further away to keep peace with neighbour.

Given that there is no agreed resolution to the proposed location of the jetty, the objection stands, therefore Council must make a decision on the application.

6. Regional Context

There is no regional context associated with this application.

7. Council Plan Strategy

One of the goals of A Thriving Local Economy:

- *Our parks, beaches, foreshores and wetlands will be enjoyed by more locals and visitors.*

Jetties along the foreshore of Lake Mulwala would achieve this goal.

8. Legislative / Policy Implications

The State Planning Policy Framework (SPPF)

There are relevant state planning policies that need to be given some consideration for this proposal, namely:

- Clause 12.01-1 Protection of biodiversity
- Clause 12.01-2 Native vegetation management
- Clause 12.04-1 Environmentally sensitive areas
- Clause 13.02-1 Floodplain management
- Clause 14.02-1 Catchment planning and management

The Local Planning Policy Framework (LPPF)- including the Municipal Strategic Statement (MSS) and local planning policies

There are no specific local planning policies pertaining jetties however there are matters stated in the Municipal Strategic Statement that require some consideration, namely:

- Clause 21.03-1 Environment, in particular, the Murray River Corridor

Relevant Particular Provisions

There are no relevant particular provisions.

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Public Conservation and Resource Zone

In the table of uses of Clause 36.03-1, a Jetty is a Section 1 (no permit required) use on condition that it is conducted by or on behalf of the Public Land Manager. However, as this condition is not complied with, the use of land for a Jetty becomes a Section 2 (permit required) use.

Under Clause 36.03-2 of the PCRZ, a permit is also required to construct a building or construct or carry out works.

The purpose is:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To protect and conserve the natural environment and natural processes for their historic, scientific, landscape, habitat or cultural values.*
- *To provide facilities which assist in public education and interpretation of the natural environment with minimal degradation of the natural environment or natural processes.*
- *To provide for appropriate resource based uses.*

The application is accompanied by consent from the Public Land Manager being GMW. Further, GMW has already approved the occupational licence to install the jetty.

Appropriate decision guidelines are:

- *The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
Response
The planning scheme has been considered and there are some relevant state and local policies that apply but not specific enough to relate to this proposal.
- *The comments of any public land manager or other relevant land manager having responsibility for the care or management of the land or adjacent land.*
Response
GMW is the Public Land Manager and they have given consent and issued an occupational licence.
- *Whether the development is appropriately located and designed, including in accordance with any relevant use, design or siting guidelines.*
Response
The proposal is to be located 5 metres from the extended side boundary which is more than the minimum setback of 3 metres imposed by the Public Land Manager. The design is similar to other recently constructed jetties on Lake Mulwala.

Environmental Significance Overlay Schedule 2 Clause 42.01

Pursuant to Clause 42.01-2 of the ESO2 a permit is required to construct a building or construct or carry out works.

The purpose is:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*

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LANE BUNDALONG (cont'd)**

- *To identify areas where the development of land may be affected by environmental*
- *constraints.*
- *To ensure that development is compatible with identified environmental values.*

Appropriate decision guidelines are:

- *Whether the proposal will result in the obstruction of the waterway and the foreshore resource.*
Response
The proposal will not result in the obstruction of the waterway and foreshore resource.
- *Whether the proposed access will adversely impact on flora and fauna and areas of native vegetation.*
Response
No native vegetation is proposed or allowed to be removed.
- *Whether the proposal will result in disturbance to the shape of the bank and condition or extent of riparian vegetation.*
Response
It is not likely that the proposal will result in disturbance to the shape of the bank and on existing vegetation. There is an existing retaining wall that will be utilised to tie the jetty to the embankment. Conditions on permit will refer to this by way of stating that the works carried out must not disturb the riparian edge to any extent more than is required to carry out the works and that no native vegetation is to be removed and this would include native bulrushes (Cumbungi).
- *Whether the proposal:*
 - *Will adversely impact on existing flora and fauna values (including migratory species) including the potential for future recovery of threatened populations.*
Response
This is not a RAMSAR area and the jetty should not impact on existing flora and fauna.
 - *Will adversely impact on flora and fauna and areas of native vegetation.*
Response
As above.
 - *Is located on land that has the capability to sustain the development.*
Response
The riparian edge in this location is retained by a timber wall. It is assumed that this retaining wall has the capability to sustain the development.
 - *Does not reduce vegetation connectivity or reduce opportunities for increasing vegetation connectivity.*
Response
The jetty should not reduce the extent of the vegetation connectivity. No objections or concerns have been raised by the Public Land Manager and referral authority (GMW).
 - *Incorporates appropriate revegetation and tree planting programs.*
Response
Not required.
 - *Does not impact on adjoining environmentally sensitive areas.*
Response

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LANE BUNDALONG (cont'd)**

All development along the foreshore has the potential impact on environmentally sensitive flora and fauna. This is not a RAMSAR site.

- *Whether the development is within 100 metres of a watercourse or from an existing river levee or Crown land boundary (whichever is the greater).*

Response

The proposal is within 100m of a watercourse being the Murray River within Lake Mulwala.

- *The setback of the proposed development from a watercourse or from an existing river levee or Crown land boundary.*

Response

The jetty will be located directly in the Lake.

- *Whether the proposed development is designed so as to complement the natural environment.*

Response

The jetty is to be constructed of steel and modwood which is similar to other recently installed jetties in the between Yarrowonga and Bundalong hence, this design is deemed to complement the environment in which it will be located.

- *Whether the proposal will adversely impact on flora and fauna and areas of native vegetation.*

Response

The proposal may not have an adversely impact on flora and fauna.

- *Whether the proposal will result in earthworks which obstruct natural flow paths or drainage lines or impact existing wetlands.*

Response

The proposal will not result in earthworks that obstruct natural flow paths. It is unknown if natural drainage lines are at this location.

- *Whether it is appropriate for any approval within this overlay area to include permit conditions which provide for and facilitate public access to the foreshore.*

Response

A condition will stipulate that public access is not to be hindered.

Rural Floodway Overlay Clause 44.03

Pursuant to Clause 44.03-1 of the RFO a permit is required to construct a building or to construct or carry out works.

The purpose is:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To identify waterways, major floodpaths, drainage depressions and high hazard areas which have the greatest risk and frequency of being affected by flooding.*
- *To ensure that any development maintains the free passage and temporary storage of floodwater, minimises flood damage and is compatible with flood hazard, local drainage conditions and the minimisation of soil erosion, sedimentation and silting.*
- *To protect water quality and waterways as natural resources in accordance with the provisions of relevant State Environment Protection Policies, and particularly in accordance with Clauses 33 and 35 of the State Environment Protection Policy (Waters of Victoria).*
- *To ensure that development maintains or improves river and wetland health, waterway protection and flood plain health.*

Appropriate decision guidelines:

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LANE BUNDALONG (cont'd)**

- *The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*

Response

As above.

- *Any comments of the relevant floodplain management authority.*

Response

GBCMA has not objected to the application.

9. Environmental Impact

Any impact on the environment has been discussed in previous sections of this report.

10. Conflict of Interest Considerations

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

11. Conclusion

The proposal has been assessed against the provisions of the planning scheme and consideration given to matters required under the Planning and Environment Act 1987.

The proposed jetty is considered to be consistent with the planning scheme and is in keeping with its surrounds. Further, it should not have a detrimental effect on the amenity of the area.

It is therefore considered that the application be approved subject to conditions.

Attachments

- 1 Objection letter
- 2 Objectors map
- 3 Objectors photo
- 4 Objector's additional condition
- 5 Applicant's response to objection
- 6 Objectors response to suggested compromised jetty location
- 7 Applicant's response to suggested compromised jetty location and to objectors response

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LANE BUNDALONG (cont'd)**

ATTACHMENT No [1] - Objection letter



24 October 2017

██████████
Planning Coordinator
Planning and Regulatory Services

████████████████████
████████████████████

Dear ██████████

RE: Application 5/2017/193 – Jetty at 28 Phalaris Lane, Bundalong

I refer to the planning permit for a jetty at 28 Phalaris Lane Bundalong. In principle, our family, owner of ██████ Phalaris Lane, does not object to the construction of a jetty, however we do object to its size and location.

Size

The proposed jetty is 9m long and 2.0m wide as shown on the site plan. A standard ski/wakeboard boat is 6.5m long. The length of the jetty is considered excessive and unnecessary. The 9m long jetty is out of character with other modest jetties in the immediate location which are shorter and narrower (Appendix A –Markups 03). Its length allows more than one boat to be moored either side of the jetty and in turn results in additional boating activity in its vicinity. This will have a detrimental impact, particularly on safety and amenity, within the water zone of ██████ Phalaris Lane.

Further, the jetty width allows a couple of people to entertain and can result in intrusive night time noise.

Location

The 3.0m setback of the proposed jetty from the western boundary of 28 Phalaris Lane is inadequate as it clearly impinges on the water zone of ██████ Phalaris Lane. The beam of a ski boat is typically 2.5m. Therefore any moored boat on the western side of the jetty would be on the boundary and all boat maneuverability would be wholly within the water zone of ██████ Phalaris Lane, thereby compromising our use resulting in conflicts between boats and swimmers (Appendix B – Foreshore markups 02).

Our preference for the proposed jetty location is at the most eastern boundary of 28 Phalaris Lane to ensure all boat craft maneuvering is within the water zone of 28 Phalaris Lane. This provides for our continued safety and enjoyment in the water zone in front of ██████ Phalaris Lane. At the very least we would accept a location that is equal distance between our jetty at ██████ and the existing jetty at ██████ Phalaris Lane. This would see the jetty move to the east by 7.7m from it's

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LANE BUNDALONG (cont'd)**

ATTACHMENT No [1] - Objection letter

proposed 3.0m setback (ie. 10.75 m from the western boundary of 28 Phalaris Lane to the west side of the jetty (Appendix A and Appendix B - markups). This ensures that all owners share water zones equally.

Design

We suggest the maximum jetty height not exceed 450mm above normal summer levels and be no wider than 1300mm. The jetty at [REDACTED] Phalaris Lane is unusually wide and long. (We were not notified of this jetty). The structural details of the proposed jetty indicate that it is fixed. This is considered satisfactory. It is requested that no reflective materials and no lighting fixtures are attached due to nighttime disturbances. Suitable building material colours should be of dark muted tones.

Like all property owners along the foreshore, we would like equal and safe use of the water zone in front of our house without our amenity being compromised. With a shared understanding of safety and enjoyment everybody can continue to use the water zones without impacting unnecessarily on adjoining properties.

We look forward to a fair and reasonable assessment of the proposed jetty. If you have any questions please do not hesitate to contact [REDACTED]

Yours sincerely

[REDACTED]
[REDACTED]

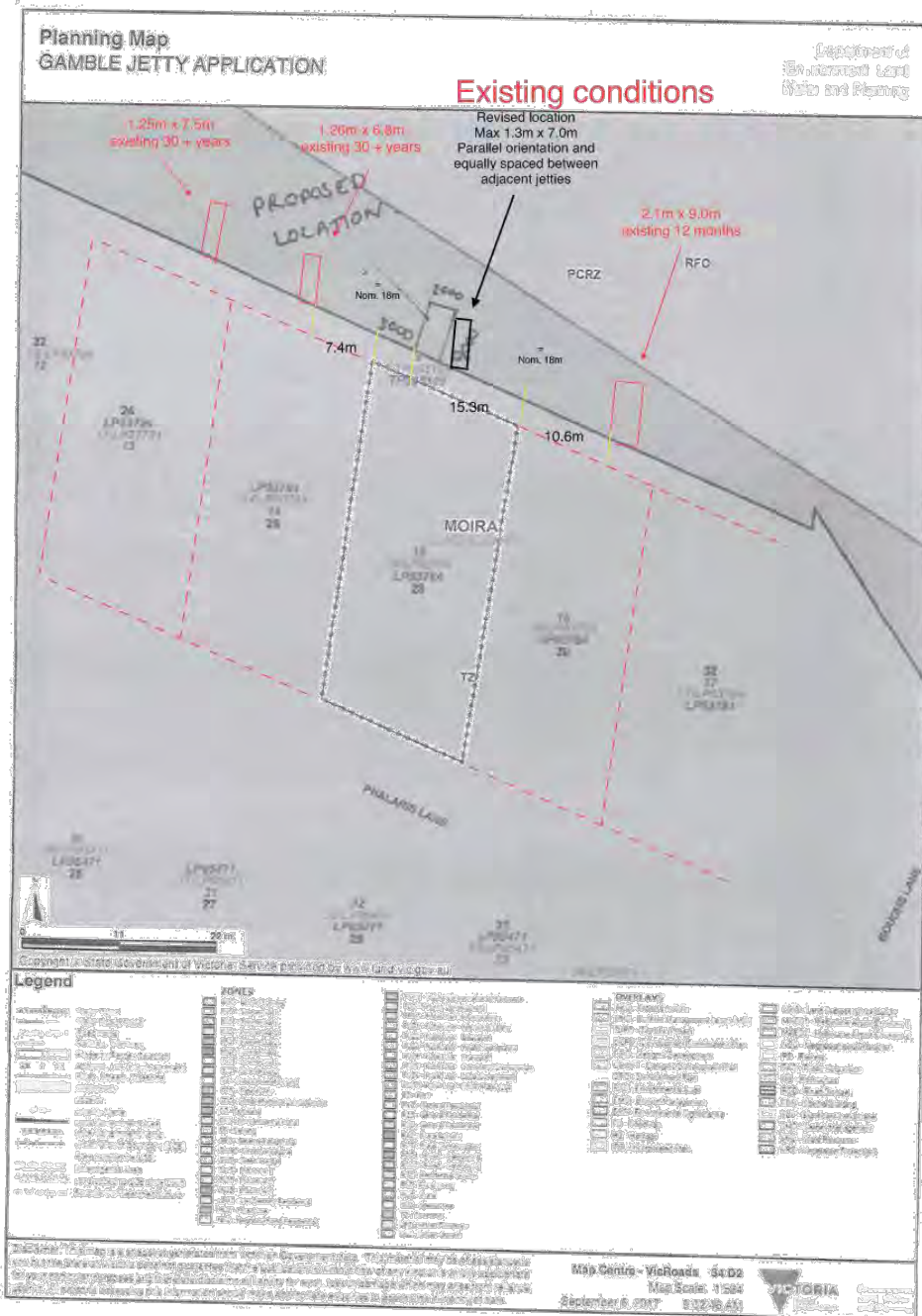
[REDACTED]
[REDACTED]
[REDACTED]

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LANE BUNDALONG (cont'd)**

ATTACHMENT No [2] - Objectors map

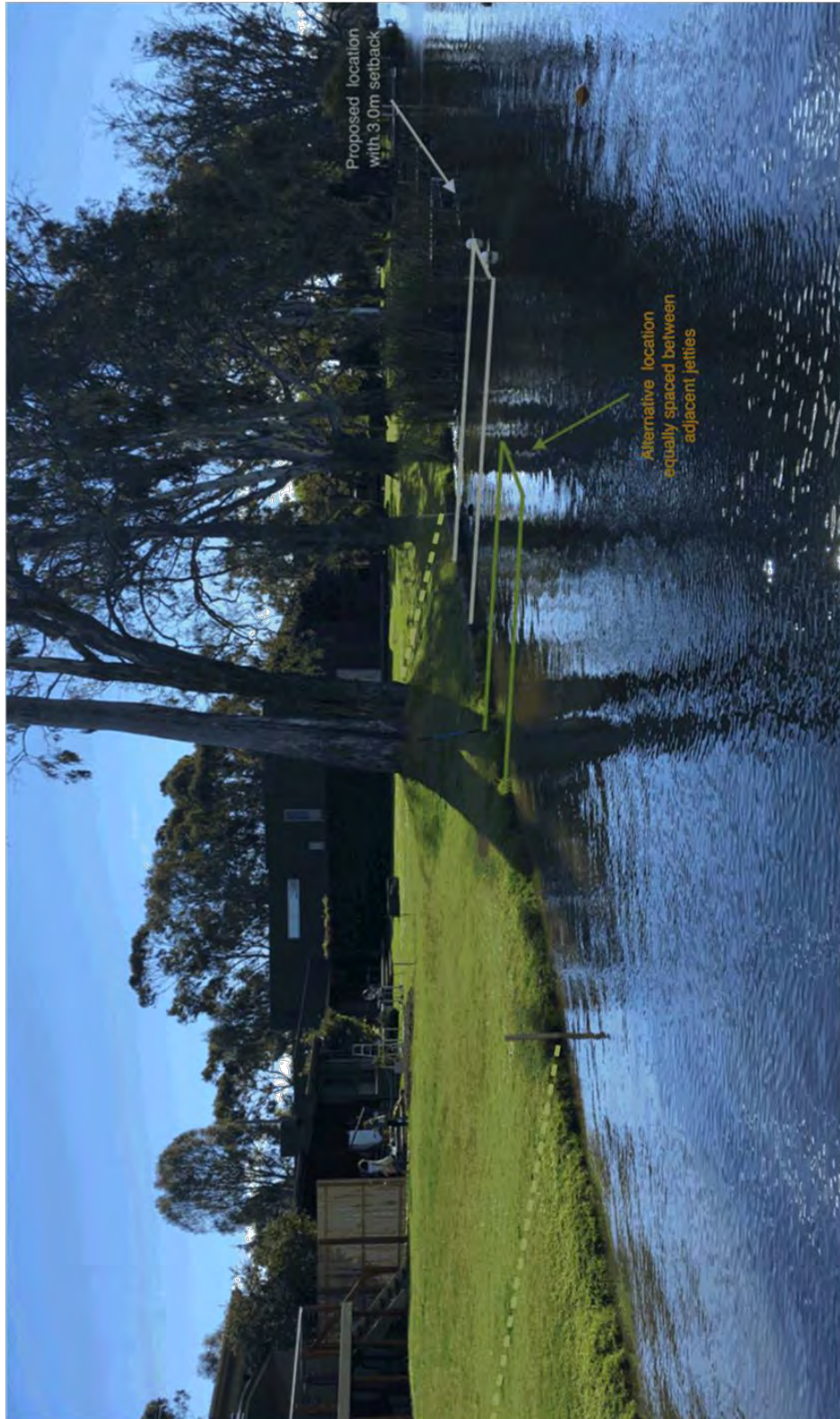


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ATTACHMENT No [3] - Objectors photo

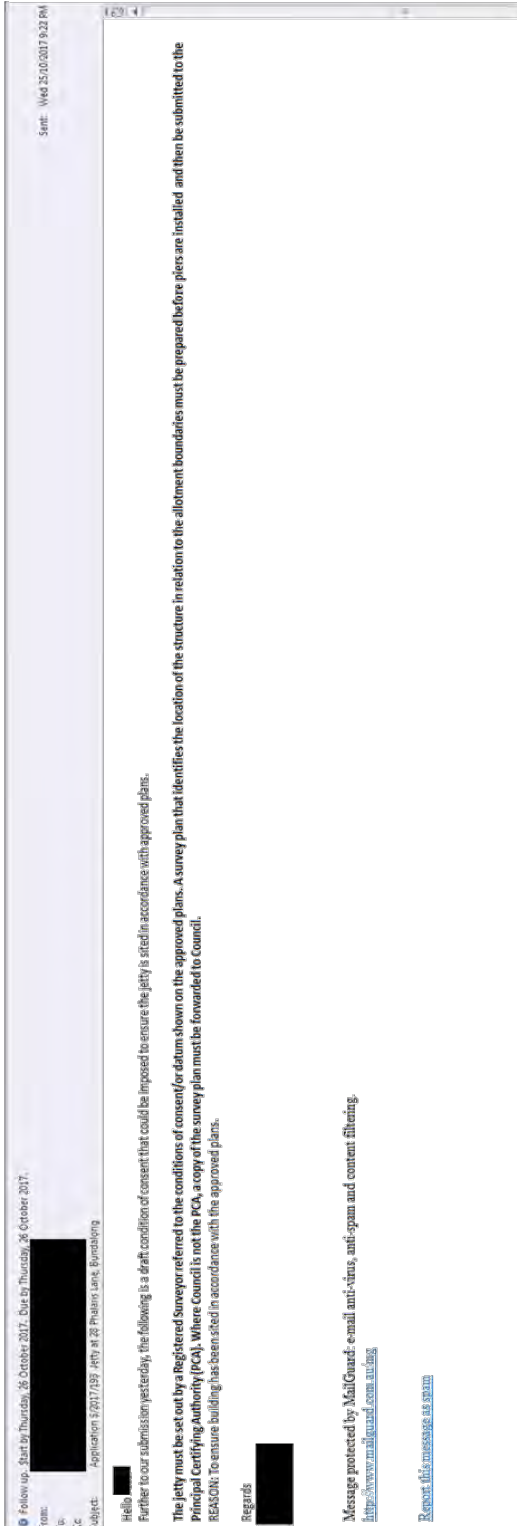


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ATTACHMENT No [4] - Objector's additional condition



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LANE BUNDALONG (cont'd)**

ATTACHMENT No [5] - Applicant's response to objection

[REDACTED]
Bundalong Vic 3730



1 November 2017

[REDACTED]
Moirā Shire
Planning Coordinator
Planning and Regulatory Services
PO Box 578
Cobram Vic 3643

Re: Planning Permit Application 52017193

Dear [REDACTED],

Thank you for notifying me that you have received an objection against my permit application for a jetty.

A number of points have been raised within the objection. A response to each concern raised has been provided below.

Size

I refute the claim the jetty is out of character with other jetties. The proposal is identical to my upstream immediate neighbour and that of most other jetties being approved by the licencing authority.

The proposed length of the jetty is a fundamental requirement to moor an 8.2m "BBQ" boat that I own. The proposed length of the jetty is vital to ensure appropriate mooring operations for this vessel and to ensure I have undertaken my obligations to securely moor a vessel.

I refute the claim that this will have a detrimental impact, particularly on safety. I consider this be an enhanced safety control to the risk that presents. The risk is an 8.2m vessel becoming loose from its mooring, the control is to construct a mooring that secures the vessel and controls the risk.

The suggestion that the jetty can allow for a couple of people to entertain and can result in an intrusive night time noise has been made. The potential for this exists for all jetty owners and we are mindful to avoid neighbourly disruption. The use of the jetty is proposed to moor a vessel and not to be used as an entertaining platform.

1

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LANE BUNDALONG (cont'd)**

ATTACHMENT No [5] - Applicant's response to objection

Location

After careful consideration regarding the proposed jetty location, I am prepared to move the proposed jetty further away from the aligned property frontage of ■ Phalaris Lane. I now propose that the jetty will be installed approximately 5m away from the aligned property frontage of ■ Phalaris Lane as opposed to the 3m set back described in my original application.

I do not consider that a stationary jetty has any adverse impact on other vessels or swimmers, nor do I believe this claim could be substantiated.

My proposal is now to position my jetty 5m away from ■ Phalaris Lane property. The jetty downstream of ■ Phalaris lane is located approximately a mere 2.5m away from their boundary.

The revised proposed location of the jetty has been determined with regard to minimising any environmental impact. An existing retaining wall is situated within my proposed footprint that will mitigate erosion. My proposed location will align with GMW Land and on water plans to ensure all users from boaters to swimmers all enjoy the opportunities the foreshore presents. For these reasons the proposed jetty location allows for all activities in a collaborative harmonious manner with the least environmental disturbance.

Design

The proposed jetty is consistent with planning permit conditions and recent jetties approved by GMW.

My jetty proposal does not include lighting fixtures.

The waterway allows for the use of vessels day and night. The proposal to use building material colours that mitigate the risk of an accident is our preferred approach. I consider a structure placed in the waterway of dark muted tones would be irresponsible.

My proposed jetty will be installed by Mc Burnie group. My proposed jetty is the same design as designed and approved by council and GMW in the following locations.

5 on River Rd, 2 at Judd Rd, 6 at Woodlands, 2 on Irvine Parade Yarrawonga and 6 more in Bundalong.

Summary

My application has been made in good faith and designed to accommodate my mooring requirements with regard to safety.

I consider my initial and revised jetty location to be within the optimum location to mitigate any environmental impact by utilising the existing retaining wall as a secure buffer.

I have agreed to move my jetty further away from the frontage of ■ Phalaris lane as a matter of goodwill.

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LANE BUNDALONG (cont'd)**

ATTACHMENT No [5] - Applicant's response to objection

I request that council proceed to make a decision and trust that I have provided all reasonable undertakings that warrant an approved planning permit as per my application that includes the revised 5m set back from [redacted] Phalaris Lane.

Regards

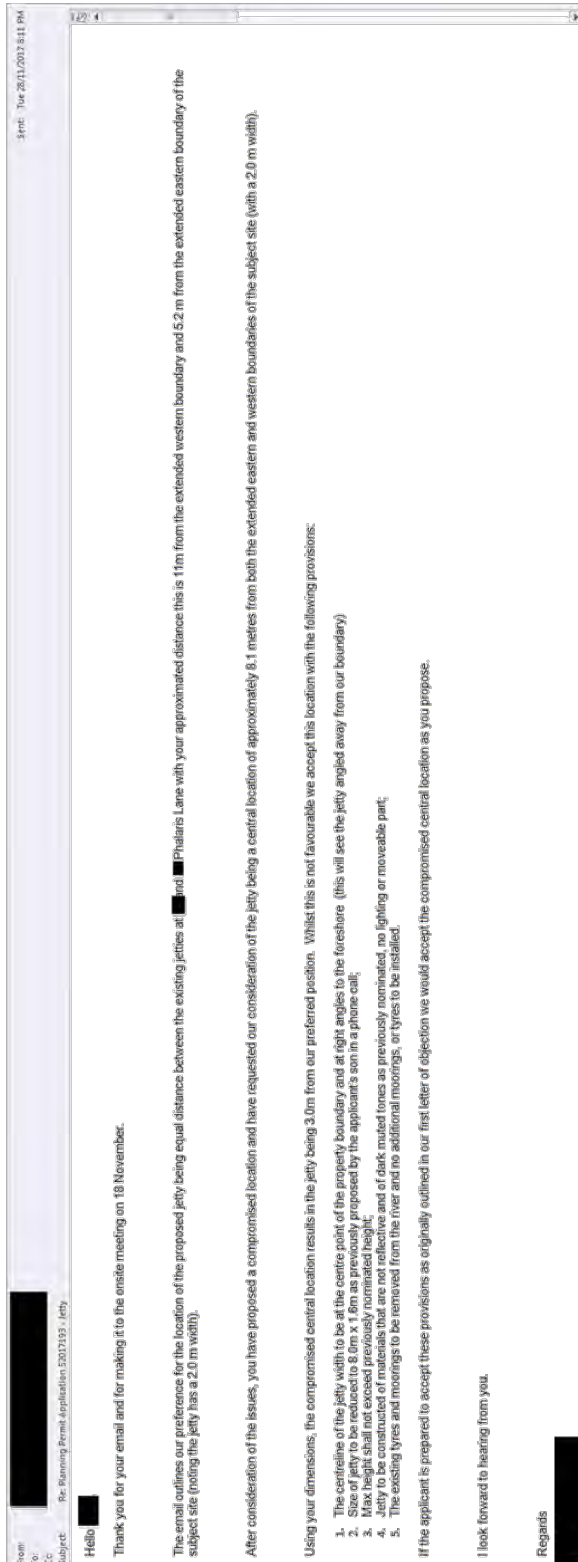


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**ATTACHMENT No [6] - Objectors response to suggested compromised jetty
location**



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LANE BUNDALONG (cont'd)**

**ATTACHMENT No [7] - Applicant's response to suggested compromised jetty
location and to objectors response**

██████████
██████████
4/12/2017

██████████
Planning Coordinator
Planning and Regulatory Services
Moirā Shire

Re: Planning Permit Application (52017193, as referred by you 8/11/17)

Planning Permit Application (52017204, as referred by you 22/11/17)

Dear ██████████,

In response to your email 22 & 29 November 2017, I provide further details below to support and maintain our position.

I consider the objection to be of a vexatious nature without any substantiated merit or validity.

Please see attached approval of our application from Goulburn Murray Water.

After a discussion with Goulburn Murray Water officer ██████████, he approved the size and dimensions of the jetty as appropriate and the set back from a neighbouring waterfront property be a minimum of 3 meters, this is 5 meters away. ██████████ informed us that he has consulted with NSW RMS who are the responsible statutory authority for vessel safety on the lake and concluded that they support such applications and compliant with all safety requirements.

Goulburn Murray Water is the public land manager and responsible for the licencing and governance to ensure jetties are maintained and positioned without risk or harm to any person or the environment. These matters have been considered by the responsible statutory authority and considered reasonable and compliant.

The Lake Mulwala Land and On-Water Management Plan ('the Plan') was publicly released in December 2004 and reviewed in October 2013. The Plan was conceived in response to the identified need for a strategic approach to the management of land and on-water management activities at Lake Mulwala. The Plan was developed by Goulburn-Murray Water acting on behalf of the Murray Darling Basin Commission, now Murray Darling Basin Authority.

The Plan aims to increase communication, consistency, coordination and cooperation between agencies, stakeholder groups and the community to protect and promote the values and attributes of Lake Mulwala.

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**PLANNING PERMIT APPLICATION 52017193 - USE AND DEVELOPMENT
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LANE BUNDALONG (cont'd)**

**ATTACHMENT No [7] - Applicant's response to suggested compromised jetty
location and to objectors response**

The intent of the Plan is to better manage the ever increasing pressures on the important values of the lake and its foreshore, such as the water quality and environmental values, recreation and public access, planning and development, cultural heritage and others.

Goulburn Murray Water's approval has been made with regard to the plan. The plan was developed with consultation with the Moira Shire, MDBA, NSW RMS and the entire community and endorsed by the Lake Mulwala Community reference group. Seven Moira Shire representatives were on the original steering committee. The application and approval is aligned with all expectations of those consulted with the development of the plan.



The above photo is located within the land and on water management plan for Lake Mulwala as an indication of an approved jetty. Our proposed jetty will look almost exactly like the one advertised and a greater distance away from the neighbouring jetty than the one in the picture. This meets all community expectations of a safe jetty.

Our application, size, dimension and location aligns with all stakeholders and meets the objective of the plan, being a consistent approach meeting the values and attributes of Lake Mulwala.

To further explore the objection based on the matter of safety. No clear advice has been articulated as to what the actual safety risk is. A trip hazard currently exists with the objector's jetty as it is raised above the natural foreshore ground level. Our proposed jetty will be constructed so that this safety hazard will be controlled by meeting approved safety design measures.

The operation of our vessels complying with all regulatory standards relating to speed and mooring is monitored by NSW RMS. No claim can be substantiated that suggests these safety measures are not adopted.

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LANE BUNDALONG (cont'd)**

**ATTACHMENT No [7] - Applicant's response to suggested compromised jetty
location and to objectors response**

Regardless of the fact as to whether or not we have a jetty, the fact remains that we will be operating vessels and bringing them into the foreshore adjacent to our property. There can be no argument that a jetty will heighten any risk of safety.

When we consider the OHS Act and safety, we must firstly describe an activity, identify the risk and adopt a control that is reasonable and practicable.

The activity of operating a vessel on inland water's and identifying a risk of contact with another vessel, structure or person, the risk is controlled by adhering to the 5 knot rule when close to shores and jetties. This is a reasonable and practicable safety control.

Moving a jetty one way or another does nothing to influence a control of the objector's perceived risk. Vessels will continue to operate across the entire stretch of foreshore in this area.

Summary

The objection has no basis for the Moira Shire to not approve our planning application.

Precedent has been set and applied in a consistent manner along the entire Lake Mulwala foreshore and supported by all statutory authorities.

Anything other than an approved planning permit without conditions would be considered inconsistent without merit, unreasonable and vigorously defended.

I have been extremely patient and obliging to move our proposed jetty location further away to keep the neighbourly peace. We have phoned the objector's family to discuss their concern in a harmonious manner to try and resolve the matter.

We are not agreeable to the objector's suggestion and urge council to now rule on this.

Regards



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: 25 October 2017

Subject – Rural roadside signage

MOTION

1. That the Moira Shire recognizes the difficulties small local business face in promoting their business activity due to the planning constraints of State Government Planning Legislation in relation to signage fronting roadsides
2. That Moira Shire work with the local business owners operating in smaller townships and those operating rural style cottage and boutique businesses to:
 - formulate a desired solution to the problem
 - Work with the local small business operators to seek a deputation to the Victorian State Government Minister for Planning to alert him to the signage issues and seek amendment to the Planning Legislation and/or regulations to rectify the problem.

(CARRIED)

Activity

- A letter has been received back from the Minister's office suggesting communicating with their department's "Smart Planning Team" as the Minister is unable to meet.
- Council Officers are working on a number of solutions to signage issues. These include supporting the 15yr existing use provision and exploring options and guidelines for directional signage on local and VicRoads roads.

Meeting: 25 October 2017

Subject – Planning decision making models

MOTION

That a report be prepared on town planning governance and decision making models being used by Victorian councils that are achieving successful planning outcomes as measured by the Know Your Council performance indicators.

(CARRIED)

Activity

Work has commenced on this report.

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

ITEM NO: 10.1

ACTION OFFICERS' LIST (cont'd)

Meeting: 25 October 2017

Subject – Existing use rights

MOTION

That in relation to Signage in Farming Zone (which is a prohibited use) that Council observe and respond to Clauses 63. 01 through to Clause 63. 11 of the Victorian Planning Provisions.

(CARRIED)

Activity

A signage framework guide is being drafted for a future briefing discussion.

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) (a) (f) (d) and (h) of the Local Government Act, 1989, this meeting of Council be closed to members of the public in order for Council to discuss personnel and contractual matters which the Council considers would prejudice the Council or any person.

RECOMMENDATION

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

RECOMMENDATION

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