



## MINUTES

ORDINARY MEETING OF COUNCIL HELD AT  
DANCOCKS ROOM, NATHALIA,  
WEDNESDAY 22 MARCH 2017

The meeting commenced at 6:00pm.

**PRESENT**

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

**IN ATTENDANCE:**

Mark Henderson	Chief Executive Officer
Andrew Close	General Manager Infrastructure
Linda Nieuwenhuizen	Manager Governance and Communication
Simon Rennie	Chief Financial Officer

### 1. CALLING TO ORDER – CEO

#### RECORDING

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

### 2. PRAYER

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

Amen

*Read by Mayor.*

### 3. ACKNOWLEDGEMENT OF COUNTRY

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

*Read by Mayor.*

### 4. APOLOGIES & REQUESTS FOR LEAVE OF ABSENCE

Councillor Wendy Buck is an apology for tonight's meeting.

#### MOTION

CRS KEVIN BOURKE / PETER LAWLESS

That Councillor Wendy Buck's apology for tonight's meeting be accepted.

(CARRIED)

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

Nil

**6. DECLARATION OF ANY INTEREST OR CONFLICT OF INTEREST**

- Mayor Councillor Gary Cleveland declared a conflict of interest for item 9.1.3 Community and Events Grants Program 2016/17.
- Councillor Peter Mansfield declared a conflict of interest for item 9.1.3 Community and Events Grants Program 2016/17.
- Councillor Libro Mustica declared a conflict of interest for item 9.1.3 Community and Events Grants Program 2016/17.

**7. CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

**MOTION**

CRS JOHN BEITZEL / ED COX

"That the minutes of the Ordinary Council Meeting held on Wednesday, 22 February 2017, as prepared, be confirmed."

(CARRIED)

**8. COUNCILLOR REPORTS**

- Councillor Kevin Bourke:
  - acknowledge the passing of Stan Brown.
  - reported on his attendance at the Murray Darling Basin Forum.
  - reported on his attendance at Northern Victoria Home Heating Forum.
  - reported on his attendance at the All Abilities Fishing Platform Opening at Uncle Bob's Park and the work that the committee has done for the community.
- Councillor Peter Mansfield reported on his and Councillor Buck's attendance at the Murray River Erosion Management Plan Committee Meeting in Corowa.
- Councillor Marie Martin reported on her attendance at the International Women's Day breakfast hosted by the Cobram Soroptimists and the All Abilities Fishing Platform Opening.

**MOTION**

CRS KEVIN BOURKE / PETER MANSFIELD

That the order of the agenda be changed to enable petitions to be received earlier.

(CARRIED)

Councillor Peter Mansfield tabled a petition with 154 signatures stating "*We the petitioners oppose the construction of silos being erected on the GrainCorp site situated on 95 Benalla Rd Yarrawonga. We would like the site to be relocated out of town to benefit all persons who reside in Yarrawonga. With this happening it will reduce heavy traffic, noise pollution, dust residue and be more enviornmentally friendly and safe.*"

**MOTION**

CRS KEVIN BOURKE / MARIE MARTIN

That the content of the petition be considered in conjunction with item 9.2.6.

(CARRIED)

FILE NO: F13/240  
5. DEMONSTRATING GOOD GOVERNANCE

ITEM NO: 9.1.1

## AUTHORISATION TO COMMENCE CONSULTATION FOR LOCAL LAW - MEETING PROCEDURES 2017

### Executive Summary

This report seeks Council's approval to commence community consultation on the draft Local Law – Meeting Procedure 2017.

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

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

### MOTION

CRS ED COX / KEVIN BOURKE

That Council:

1. Accept the draft Local Law – Meeting Procedures 2017.
2. Authorise the Chief Executive Officer to:
  - a) give public notice of the preparation of the draft Local Law – Meeting Procedure 2017;
  - b) make the draft Local Law – Meeting Procedures 2017 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 27 April 2017.
3. A committee of Council meeting will be held at the Cobram Civic Centre, Cobram on Wednesday 10 May 2017 if required to consider submissions on any proposal or proposals contained in the draft Local Law – Meeting Procedures 2017.

(CARRIED)

FILE NO: F16/987  
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.1.2

## ACHIEVER'S AWARD ASSISTANCE POLICY

### Executive Summary

The Achievers Award Assistance Program policy was initially adopted by Council on 28 July 2003, with the latest version being adopted on 15 July 2013. A review of the Achievers Award Program policy has shown that it remains relevant with only minor amendment required.

Council policies provide guidance as to Council's intent on the many functions, activities or services it provides. All policies previously adopted are regularly reviewed for relevancy to the corporate direction of Council.

### MOTION

CRS PETER MANSFIELD / KEVIN BOURKE

That Council:

1. Adopt the attached Achievers Award Assistance Program Policy dated 22 March 2017;  
and
2. Revoke the version previously adopted.

(CARRIED)

FILE NO: F16/222  
4. SMARTER DELIVERY OF SERVICES AND  
PROGRAMS

ITEM NO: 9.1.3

## COMMUNITY AND EVENTS GRANTS PROGRAM 2016/17

- Mayor Councillor Cleveland, Mansfield and Mustica left the meeting at 6:17 PM having declared a conflict of interest in the following item.
- Deputy Mayor Councillor Martin took the Chair.

### Executive Summary

It is recommended that 45 projects are funded totalling \$170,857 through the 2016/17 Community and Events Grants Program, as detailed in this report.

Projects not recommended for funding are either ineligible, require further planning, are considered to be the responsibility of other government agencies, provide limited community benefit and are incomplete or of poor quality.

### MOTION

CRS ED COX / PETER LAWLESS

That Council approve the list of projects recommended for funding under the 6 categories of the 2016/17 Community and Events Grants Program as detailed below.

#### Community Major Grants – applications up to \$15,000

Organisation Project	Recommended Amount
<b>Cobram and District Pony Club</b> Toilet Amenities Upgrade – replacement, installation and painting	\$9,000
<b>Invergordon Recreation Reserve and Community Hall - Section 86 Committee of Management</b> Main Hall Upgrade	\$15,000
<b>Katamatite Recreation Reserve - Section 86 Committee of Management</b> Boundary Fence Project	\$13,500
<b>Koonoomoo Improvement Group Inc</b> Tourist Stop / Community Hub – entrance, seating and water	\$8,500
<b>Lions Club of Yarrawonga Inc</b> Making the most of our Showground Precinct – drainage, soil structure, grass and toilet block	\$15,000
<b>Numurkah and District Historical Society</b> Frank Yarwood Pavilion Improvement and Repair – spouting and signs	\$3,020
<b>Numurkah Love Our Lifestyle Inc</b> Numurkah Foodbowl Festival - Marketing Strategy and Business Plan	\$3,000
<b>Picola United Football Netball Club</b> Change Room Redevelopment (Stage 5) - Multi Purpose Verandah	\$15,000
<b>Wilby Park Motorsports Club Inc</b> Children's Playground	\$15,000
<b>Yarrawonga Football Netball Club Inc</b> Upgrade of Carpet in Club Home Change Rooms	\$7,250

FILE NO: F16/222  
4. SMARTER DELIVERY OF SERVICES AND  
PROGRAMS

ITEM NO: 9.1.3

**COMMUNITY AND EVENTS GRANTS PROGRAM 2016/17 (cont'd)**

<b>Yarrawonga Mulwala Men's Shed Inc</b> Heating and Cooling - Old gun Club - Victoria Park	<b>\$4,900</b>
<b>TOTAL</b>	<b>\$109,170</b>

**Community Minor Grants – applications up to \$2,500**

<b>Organisation Project</b>	<b>Recommended Amount</b>
<b>Bunbartha Pony Club Inc</b> Sand Riding Surfaces for Pony Club Arenas	<b>\$1,452</b>
<b>Cancer Council Victoria</b> Sun Country (Yarrawonga Mulwala) Relay for Life	<b>\$2,500</b>
<b>Cobram Agricultural Society</b> Improvements to Arts and Crafts Pavilion – external power supply and bollards	<b>\$2,500</b>
<b>Cobram and District Equestrian Club</b> Refurbishing Sand in Arena	<b>\$2,500</b>
<b>Cobram Senior Citizens Club Inc</b> Upgrade of Sound System	<b>\$1,480</b>
<b>Invergordon Katandra Pony Club</b> Horse / Pony Day Yards	<b>\$2,500</b>
<b>JC Lowe Oval - Section 86 Committee of Management</b> Fencing of the New Playground	<b>\$2,500</b>
<b>Lions Club of Yarrawonga</b> Improve Member Health and Safety – scissor lift	<b>\$264</b>
<b>Movies at Numurkah</b> Movies at Numurkah Community Cinema event	<b>\$2,310</b>
<b>Nathalia Learning Community</b> Nathalia - A Learning Community – book bags, book boxes, The Big Read and Community Reading Day	<b>\$2,390</b>
<b>Nathalia Public Cemetery</b> Noticeboard for Informative Purposes	<b>\$1,862</b>
<b>Northern Country Carriage Driving</b> Driven Dressage Arena, Gazebo and Marathon Obstacles	<b>\$2,500</b>
<b>Numurkah Croquet Club</b> Renovation of Tennis Courts for Shared Use	<b>\$2,500</b>
<b>Numurkah Town Hall Committee of Management</b> Public Address System for Supper Room	<b>\$2,500</b>
<b>Strathmerton Public Hall Committee of Management</b> New Vinyl Plans for Foyer	<b>\$2,000</b>
<b>Yarrawonga Mulwala Development Inc (YMD)</b> Noticeboard for Yarrawonga Railway Station	<b>\$400</b>
<b>TOTAL</b>	<b>\$32,158</b>

**Tourism Events Grants – applications up to \$5,000**

FILE NO: F16/222  
4. SMARTER DELIVERY OF SERVICES AND  
PROGRAMS

ITEM NO: 9.1.3

**COMMUNITY AND EVENTS GRANTS PROGRAM 2016/17 (cont'd)**

Organisation Project	Recommended Amount
<b>Cobram Barooga Business and Tourism Development Inc</b> Cobram Oktoberfest	\$5,000
<b>Rotary Club of Cobram</b> Big Band Concert	\$5,000
<b>TOTAL</b>	<b>\$10,000</b>

**Community Events Grants – applications up to \$500**

Organisation Project	Recommended Amount
<b>Goulburn Valley Vintage Tractors and Farm Machinery Club</b> Annual Engine Rally	\$400
<b>Invergordon Primary School</b> End of Year Community Celebration	\$500
<b>Katamatite Community Action Group</b> Katamatite Community Christmas Party	\$500
<b>Numurkah Support Youth Incorporated</b> Get to Work 2017!	\$500
<b>Rotary Club of Nathalia</b> Annual Art Show	\$500
<b>TOTAL</b>	<b>\$2,400</b>

**Arts and Culture Grants – applications up to \$2,000**

Organisation Project	Recommended Amount
<b>Cobram Community House Quilting Club</b> Quilts on the Murray	\$1,500
<b>Finley and District Camera Club</b> Digital Photography Workshop (Cobram)	\$1,180
<b>Nathalia and District Development Corporation (NADDCO)</b> Bardi Gras Frog Festival Book Project	\$1,749
<b>Nathalia Community Choir</b> Fiddle and Song - Nathalia Community Choir Soars with Friends	\$1,700
<b>Nathalia/Picola RSL (Sub-Branch)</b> Courage by the Dozen – publication and launch of book	\$2,000
<b>Rotary Club of Numurkah</b> 37th Annual Art and Craft Exhibition	\$2,000
<b>The GRAIN Store</b> Young at Art	\$2,000
<b>U3A Nathalia (Line Dancing Group)</b> Line Dancing Nathalia - Never Miss A Chance To Dance	\$2,000

FILE NO: F16/222  
4. SMARTER DELIVERY OF SERVICES AND  
PROGRAMS

ITEM NO: 9.1.3

**COMMUNITY AND EVENTS GRANTS PROGRAM 2016/17 (cont'd)**

<b>Yarroweyah Hall Committee</b> Old Time Dance Entertainment	<b>\$2,000</b>
<b>TOTAL</b>	<b>\$16,129</b>

**Health Promotion Grants – applications up to \$500**

<b>Organisation Project</b>	<b>Recommended Amount</b>
<b>Rotary Club of Cobram</b> Bowelscan and Pitstop	<b>\$500</b>
<b>Strathmerton Primary School Parents and Friends Committee</b> Yoga For All	<b>\$500</b>
<b>TOTAL</b>	<b>\$1,000</b>

(CARRIED)

- Councillors Cleveland, Mustica and Mansfield returned to the meeting at 6:23 PM and Mayor, Councillor Cleveland resumed the chair.



FILE NO: F13/2477  
5. DEMONSTRATING GOOD GOVERNANCE

ITEM NO: 9.1.4

## COMPLAINT HANDLING POLICY

### Executive Summary

This report seeks Council's adoption of the Complaint Handling Policy and to note the Complaint Handling Procedures.

The draft Policy aims to ensure that customers can raise their complaints with Council easily and with confidence that Council will listen to their concerns, be responsive and handle their complaints fairly and objectively.

The Policy and Procedures have been developed based on the Victorian Ombudsman's good practice guide and has been tailored to the needs of Council and to ensure staff are empowered to take immediate steps within their authority to resolve complaints at first contact.

The Policy will be supported by Procedures and the development of systems and resources including staff training and community awareness programs.

### MOTION

CRS KEVIN BOURKE / MARIE MARTIN

That Council

1. Adopt the Complaint handling Policy
2. Note the Complaint Handling Procedures

(CARRIED)

FILE NO: F13/275  
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.1.5

## LAND LEASE TO TELSTRA CORPORATION LIMITED - STRATHMERTON RECREATION RESERVE

### Executive Summary

In February 2003, Council leased a small area of the Strathmerton Recreation Reserve to Telstra Corporation Limited (Telstra) for the construction of a telecommunications mast which is now at capacity. Telstra now wish to construct a larger mast to install additional technology and require an increase their lease area. It is proposed to extend the existing leased area by 5 metres to the north which would increase the leased area from 27m<sup>2</sup> to 42m<sup>2</sup>.

In accordance with the State Government's Crown Land Leasing Policy, it is proposed to surrender the existing lease and enter into a new Crown Land lease for the extended area.

In accordance with section 190 of the Local Government Act ( the Act), Council placed a public notice of the proposed land lease in the Cobram Courier on 11 January 2017 and invited submissions under section 223 of the Act. No submissions were received by the closing date of 8 February 2017.

A resolution is sought from Council to sign and seal the lease documents.

### MOTION

CRS PETER LAWLESS / KEVIN BOURKE

That Council:

1. Resolve to enter into a lease with Telstra Corporation Limited to occupy land within the Strathmerton Recreation Reserve in Numurkah Rd Strathmerton for the purposes of a telecommunications mast and equipment shelter.
2. Authorise the CEO to sign and seal the lease documents.

(CARRIED)

FILE NO: .  
3. BUILD ON OUR ECONOMIC STRENGTHS IN  
AGRICULTURE, MANUFACTURING AND  
TOURISM

ITEM NO: 9.1.6

## GOULBURN MURRAY REGION FRUIT FLY ACTION PLAN

### Executive Summary

The Cobram-Barooga Regional Fruit Fly action plan was implemented in both Moira and Berrigan Shire in September 2015. The action plan consisted of \$35,000 in joint funding between the two Councils and the Cobram and District Fruit Growers Association (CDFGA). Consisting primarily of community education and awareness programs, the action plan has since grown to form part of a wider movement via regional alignment and large funding approvals from the Victorian State Government.

### MOTION

CRS MARIE MARTIN / KEVIN BOURKE

That Council note the successful funding applications and hosting of a Regional Fruit Fly Coordinator.

(CARRIED)

FILE NO: F13/877  
5. DEMONSTRATING GOOD GOVERNANCE

ITEM NO: 9.1.7

## **NAMING OF RESERVE BETWEEN CAMPBELLFIELD DRIVE AND ROSEMARY COURT, YARRAWONGA**

### **Executive Summary**

At its meeting on 22 August 2016 Council adopted “Cooper Park” as the interim name for the unnamed park between Campbellfield Drive and Rosemary Court, Yarrawonga. Private Cooper was put forward as a candidate name by the Yarrawonga Mulwala Historical Society to Council under the national ANZAC Centenary Commemoration 2014-2018 Project.

The interim name was advertised in the Yarrawonga Chronical on 31 August 2016 and comments were sought on the proposed name from land owners adjoining the reserve.

In response to the advertising, the following alternative names were received:

- Stevenson Park or William Stevenson Reserve, and
- Tamarisk Reserve.

This report provides the results of the public consultation process and a summary of each of the proposed names.

### **MOTION**

CRS PETER MANSFIELD / KEVIN BOURKE

That this item be held over until the April Council Meeting.

(CARRIED)

FILE NO: F13/877  
5. DEMONSTRATING GOOD GOVERNANCE

ITEM NO: 9.1.8

## **NAMING OF RESERVE BETWEEN NUMURKAH ROAD & KATUNGA NORTH ROAD, KATUNGA**

### **Executive Summary**

Council has the authority and responsibility to name roads and geographic features using the principles and procedures of the Guidelines for Geographic Names 2010. The precise naming of roads and other features provides an important service to the community, especially in the event of an emergency.

It is proposed to name the park between Numurkah Road and Katunga North Road, Katunga "Harrison Park" in memory of Mr Don Harrison who was a leading member of the Katunga community for many years.

### **MOTION**

CRS JOHN BEITZEL / MARIE MARTIN

That Council

1. Adopt "Harrison Park" as the interim name for the unnamed reserve between Numurkah Road and Katunga North Road, Katunga;
2. Place advertisements in local papers seeking comments on the proposed name within 30 days;
3. Write to owners of properties near the reserve seeking comments on the proposed name within 30 days; and
4. Adopt the interim name if no objections are received and submit the naming application to the Office of Geographic Names.

(CARRIED)

FILE NO: F13/503  
5. DEMONSTRATING GOOD GOVERNANCE

ITEM NO: 9.1.9

## ASSEMBLIES OF COUNCILLORS

### Executive Summary

The records of the Assembly of Councillors reported during the month of January and February 2017 are incorporated into to this report.

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).

### MOTION

CRS PETER MANSFIELD / JOHN BEITZEL

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

(CARRIED)

FILE NO: 120.26.0001  
3. OUR COMMUNICATIONS AND PROCESSES

ITEM NO: 9.2.1

## ASSET MANAGEMENT POLICY REVIEW 2017

### Executive Summary

Council policies provide guidance as to Council's intent on the many functions, activities or services it provides. All policies previously adopted are regularly reviewed for relevancy to the corporate direction of Council.

The purpose of the Asset Management Policy is to provide a framework to achieve sustainable asset management, which is based on service delivery needs and integrated into Council's corporate and financial planning processes.

A review of the Asset Management Policy has found that it remains relevant with only minor changes required to apply the new policy template style and recognise that the Asset Management Strategy was adopted by Council in May 2011.

### MOTION

CRS ED COX / KEVIN BOURKE

That Council adopt the attached reviewed Asset Management Policy and revoke the version previously adopted 18 March 2013.

(CARRIED)

FILE NO: F13/2557  
5. DEMONSTRATING GOOD GOVERNANCE

ITEM NO: 9.2.2

**SCHEDULED REVIEW - INTERVENTION WHERE A PRIVATE BUILDING  
SURVEYOR IS RESPONSIBLE**

**Executive Summary**

The policy provides direction on how and when Council and its Municipal Building Surveyor will administer and enforce the *Building Act 1993* (the Act) in relation to complaints where a private building surveyor has been appointed and is responsible to carry out functions under the Act.

**MOTION**

CRS ED COX / PETER LAWLESS

That Council adopt the updated Policy related to when Intervention is required for works undertaken by a Private Building Surveyor.

(CARRIED)



FILE NO: F15/420  
5. DEMONSTRATING GOOD GOVERNANCE

ITEM NO: 9.2.3

**SCHEME AMENDMENT C77 - MUNICIPAL STRATEGIC STATEMENT AND  
INCORPORATION OF THE SMALL TOWNS STRATEGY - SUBMISSIONS  
RECEIVED SUBSEQUENT TO EXHIBITION PERIOD**

**Executive Summary**

The purpose of Amendment C77 is to amend the planning scheme to:

- introduce the recommendations of the *Moirra Planning Scheme Review 2015*
- introduce the recommendations of the *Moirra Small Towns and Settlement Strategy 2013*
- correct several zone and overlay errors and anomalies within the planning scheme.

Amendment C77 was placed on exhibition between 8 December 2016 and 28 February 2017 for a period of 11 weeks. A total of 28 submissions were received.

This report recommends that all submissions be referred to an independent panel.

**MOTION**

CRS KEVIN BOURKE / ED COX

That Council:

1. Adopt the Small Towns and Settlement Strategy Addendum Report of February 2017
2. Note the receipt of 28 submissions to Amendment C77
3. Support submissions 4, 7, 8, 14, 15, 17, 22, 27, 28 in accordance with the assessment contained in Attachment B
4. Support in part submissions 3, 6 and 10, 18, 23, and 26 in accordance with the assessment contained in Attachment B
5. Not support submissions 1, 2, 5, 9, 11, 12, 13, 16, 19, 20, 21, 24, 25, in accordance with the assessment contained in Attachment B
6. Adopt the positions identified above as its position to an Independent Planning Panel.
7. Refer all submissions to an Independent Planning Panel.
8. Request the Minister for Planning to appoint an Independent Planning Panel to consider all submissions.

(CARRIED)

FILE NO: F  
6. INVOLVING AND COMMUNICATING WITH  
OUR COMMUNITY

ITEM NO: 9.2.4

## LUTON DRIVE RESERVE, YARRAWONGA

### Executive Summary

Council has received a petition from residents and others regarding a suggestion to sell the Luton Drive Reserve. Council has not considered or made a decision to sell the land.

Luton Drive Reserve is in an area well served by local open space. There is a duplication of services. The area is however not completely developed, as there are opportunities for further subdivision to the south, which are well within the defined catchment "area" of 500 metres for local open space.

It is clear that there is more than adequate open space available within the area, but it is not yet clear what opportunities may exist in the future for this particular space as well as others in the Yarrawonga area.

It is therefore recommended that no additional work be undertaken on the reserve, apart from routine maintenance. The land can be further reviewed as part of a review of the future open space and recreational facilities required for the Yarrawonga area in general.

Establishing a childrens swimming area at the reserve along with the enhancements being proposed by residents to attract increased patronage would lift the risk profile of this reserve in the event of an incident.

### MOTION

CRS PETER MANSFIELD / PETER LAWLESS

That Council:

1. Thank the petition organiser for their work in preparing the petition,
2. Advise the petition organiser of Council's decision,
3. Recognise that maintenance costs required to maintain infrastructure are restricted to current budget levels and that no development of the Luton Drive Reserve occur at this time,
4. Continue to develop and review the future open space and recreational facilities required for the Yarrawonga area in general, in association with the community, and ensure that the future needs of the community are met in accordance with the Recreation Strategy, the Council Plan, and the resources available.

(CARRIED)

FILE NO: 52016277  
3. BUILD ON OUR ECONOMIC STRENGTHS IN  
AGRICULTURE, MANUFACTURING AND  
TOURISM

ITEM NO: 9.2.5

**PLANNING PERMIT APPLICATION 52016277 - USE AND DEVELOPMENT  
INTENSIVE ANIMAL HUSBANDRY (EGG PRODUCTION), FOUR CARETAKERS  
DWELLINGS AND REMOVAL OF NATIVE VEGETATION AT 146 TINKLERS ROAD,  
NATHALIA**

**1. Executive Summary**

Planning Permit Application 5/2016/277 is an application for use and development – intensive animal husbandry (egg production), four caretakers dwellings and removal of native vegetation.

There are four planning permit triggers for this application as detailed below:

- **Clause 35.07-1** – Permit required for change of use to Intensive Animal husbandry and to use lots in the Farming Zone for caretakers dwellings (Section 2 uses).
- **Clause 35.07-4** – Permit required for buildings and works associated with Section 2 uses.
- **Clause 56.17** – Permit required to remove, lop or destroy native vegetation.

The application was advertised and to date 6 objections have been received. The objections raised a number of issues including traffic, pollution (odor, noise, water and light), impacts upon the sensitive environment, planning implications etc. Since the writing of this report all the objections have formally been withdrawn subject to meeting certain conditions.

These conditions will be discussed later in the report and in greater detail.

The application was referred internally and externally. No referral response has recommended refusal and most have set out conditions. Concerns raised regarding the protection of Native Vegetation have resulted in pre-commencement conditions that will ensure compliance with requirements.

The application has been assessed and found to be consistent with the Planning Scheme, specifically the Farming Zone in which the site is located and relevant policies contained within the State and Local Planning Policy Frameworks.

Therefore, it is recommended that the Planning Permit Application 5/2016/207 be approved, subject to conditions.

**MOTION**

CRS KEVIN BOURKE / MARIE MARTIN

That Council approve Planning Permit Application 5/2016/277 Use and Development – Intensive Animal Husbandry (Egg Production), Four Caretakers Dwellings and Removal of Native Vegetation at 146 Tinklers Road, Nathalia subject to the following conditions:

1. Before the *use and/or development* start(s), 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. The plans must be generally in accordance with *the plans submitted with the application* but modified to show:
  - a) all native vegetation to be removed, destroyed or lopped, clearly marked and numbered on an aerial map,
  - b) numbered photographs of all native vegetation to be removed, destroyed or lopped which relate to the aerial map and

FILE NO: 52016277  
3. BUILD ON OUR ECONOMIC STRENGTHS IN  
AGRICULTURE, MANUFACTURING AND  
TOURISM

ITEM NO: 9.2.5

**PLANNING PERMIT APPLICATION 52016277 - USE AND DEVELOPMENT  
INTENSIVE ANIMAL HUSBANDRY (EGG PRODUCTION), FOUR CARETAKERS  
DWELLINGS AND REMOVAL OF NATIVE VEGETATION AT 146 TINKLERS ROAD,  
NATHALIA (cont'd)**

- c) all alterations to proposed development required as a result of minimisation of native vegetation removal.
2. The *use and/or development* as shown on the endorsed plans must not be altered *without the written consent of the Responsible Authority*.
3. The use and development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
4. Before the *use and/or development* start(s), the applicant must submit a revised Biodiversity Assessment Report produced in accordance the Department of Environment, Land, Water and Planning's *Permitted Clearing of Native Vegetation - Biodiversity Assessment Guidelines* to the satisfaction of the Responsible Authority and approved by the Responsible Authority. When approved, the revised Biodiversity assessment report will be endorsed and will then form part of the permit. The revised Biodiversity assessment report must be generally in accordance with *the Biodiversity assessment report submitted with the application* but modified to show:
- a) The total mapped extent of all native vegetation losses associated with the use and development including consequential losses. This includes but is not limited to:
- i. the need for onsite firebreaks
  - ii. installation of infrastructure, driveways, services and utilities
  - iii. ongoing access and egress
  - iv. vehicle access for, and impacts of, construction activities
  - v. indirect impacts of the future use and development that destroy native vegetation, including but not limited to:
    - changes to hydrology
    - effluent discharge
    - stormwater runoff
    - compaction and excavation
    - high nutrient levels
    - intensive stocking
- b) Losses of planted native vegetation where public funding was provided to assist with planting or managing the native vegetation.
5. Native vegetation offsets are required to offset the removal of native vegetation shown in an approved revised Biodiversity assessment report. The applicant must provide a native vegetation offset that meets the following requirements, and is in accordance with the *Permitted clearing of native vegetation – Biodiversity assessment guidelines and the Native vegetation gain scoring manual (Department of Environment, Land, Water and Planning)*:
- The offset must:
- a) Contribute gain of at least the minimum required general biodiversity equivalence units shown in the approved revised Biodiversity assessment report
- b) Be located within the Goulburn Broken Catchment Management Authority boundary or Moira Shire Council Municipal district
- c) Have a strategic biodiversity score at least equal to the strategic biodiversity score shown in the approved revised Biodiversity assessment report

FILE NO: 52016277  
3. BUILD ON OUR ECONOMIC STRENGTHS IN  
AGRICULTURE, MANUFACTURING AND  
TOURISM

ITEM NO: 9.2.5

**PLANNING PERMIT APPLICATION 52016277 - USE AND DEVELOPMENT  
INTENSIVE ANIMAL HUSBANDRY (EGG PRODUCTION), FOUR CARETAKERS  
DWELLINGS AND REMOVAL OF NATIVE VEGETATION AT 146 TINKLERS ROAD,  
NATHALIA (cont'd)**

6. Before any native vegetation is removed, evidence that an offset has been secured must be provided to the satisfaction of and approved by the Responsible Authority. This offset must meet the offset requirements set out in the approved revised Biodiversity assessment report and be in accordance with the requirements of the *Permitted clearing of native vegetation – Biodiversity assessment guidelines and the Native vegetation gain scoring manual (Department of Environment, Land, Water and Planning)*.  
Offset evidence can be either:
  - a) An allocated native vegetation credit register extract from the Native Vegetation Credit Register;  
**or**
  - b) A security agreement to the required standard for the offset site or sites, including a 10-year Offset Management Plan to the satisfaction and approval of the Responsible Authority. The requirements noted in an approved and endorsed Offset Management Plan must not be altered except with the written consent of the Responsible Authority. Every year, for ten years from the date of approval of the Offset Management Plan, the applicant must provide to the Responsible Authority, notification of actions undertaken towards implementation of the Offset Management Plan, an offset site condition statement and site monitoring photographs.
7. The removal of native vegetation must only occur to the extent permitted and shown on the approved revised Biodiversity assessment report (whether or not to comply with any statute, statutory rule or regulations or for any other reason), except with the formal written consent of the Responsible Authority.
8. Large limbs and trunks over 250mm diameter and stumps of trees approved for removal must be retained as logs to create habitat and dispersed throughout the offset area or at another location by written agreement with and to the satisfaction of the Responsible Authority.
9. Vegetation removal and disposal must not cause damage to other native vegetation to be retained (including trees, shrubs, herbs and grasses) and to drainage lines and/or watercourses.
10. A 'Tree Protection Zone' (TPZ) must be applied during development and works (including earthworks).
  - a) The TPZ must have a minimum radius 12x the Diameter at Breast Height (being 1.3 metres from ground level); the TPZ of trees must be no less than 2 m or greater than 15m.
  - b) A TPZ applies to a tree and is a specific area above and below the ground.
  - c) No trenching, soil excavation, stockpiling or dumping of soil or storage of materials, equipment, machinery or waste products is to occur within the Tree Protection Zone except with the written consent of the Responsible Authority.
11. Before works and development start, a native vegetation temporary protection fence must be erected around all native vegetation including remnant patches and the Tree Protection Zone of scattered trees to be retained.  
Except with the written consent of the Responsible Authority, within the native vegetation

FILE NO: 52016277  
3. BUILD ON OUR ECONOMIC STRENGTHS IN  
AGRICULTURE, MANUFACTURING AND  
TOURISM

ITEM NO: 9.2.5

**PLANNING PERMIT APPLICATION 52016277 - USE AND DEVELOPMENT  
INTENSIVE ANIMAL HUSBANDRY (EGG PRODUCTION), FOUR CARETAKERS  
DWELLINGS AND REMOVAL OF NATIVE VEGETATION AT 146 TINKLERS ROAD,  
NATHALIA (cont'd)**

protection fenced area to be retained, the following is prohibited:

- a) vehicular or pedestrian access;
- b) trenching or soil excavation;
- c) storage or dumping of any soils, materials, equipment, vehicles, machinery or waste products
- d) entry and exit pits for underground services
- e) any other actions or activities that may result in adverse impacts to retained native vegetation.

The temporary protection fence must be constructed of star pickets/chain mesh/or similar to the satisfaction of the Responsible Authority.

A TPZ applies to a tree and is a specific area above and below the ground.

The temporary protection fence must remain in place until all works and development are completed to the satisfaction of the Responsible Authority.

12. Before the *use and/or development* start(s), an amended Landscape Plan 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 plan must be drawn to scale with dimensions and three copies must be provided. The plan must be generally in accordance with *the plans submitted with the application* but modified to show:
  - (a) planting of a minimum of three rows in a plantation ten metres wide using a mixture of indigenous (local native) tree and shrub species along the eastern and southern property boundaries to form an effective screen between the use and/or development on the land and Tinklers and Mordens Roads
  - (b) include an updated schedule of all proposed trees and shrubs, showing the use of indigenous (local native) tree and shrub species and include botanical names of such plants
  - (c) include the method of irrigating plantings to ensure establishment and long term survival
13. Within 12 months of the issue of this permit or by such later date as is approved by the Responsible Authority in writing, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
14. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.
15. All existing and new waste waters must be directed into approved septic tank systems. Application for permits must be submitted to Council and approved prior to any works commencing.
16. Prior to the commencement of the use, the developer must carryout and completed all the Recommendations as detailed in the Traffic Impact Assessment (prepared by TRAFFICWORKS Pty Ltd (Ref.: Project No. 163020, dated 09/01/2017). Any measures identified in the Report must be fully designed and constructed to the specification and satisfaction of the Responsible Authority. In particular, all works relating to the upgrade of Mordens Road must be carryout and completed at no cost to Council.

FILE NO: 52016277  
3. BUILD ON OUR ECONOMIC STRENGTHS IN  
AGRICULTURE, MANUFACTURING AND  
TOURISM

ITEM NO: 9.2.5

**PLANNING PERMIT APPLICATION 52016277 - USE AND DEVELOPMENT  
INTENSIVE ANIMAL HUSBANDRY (EGG PRODUCTION), FOUR CARETAKERS  
DWELLINGS AND REMOVAL OF NATIVE VEGETATION AT 146 TINKLERS ROAD,  
NATHALIA (cont'd)**

17. Prior to the commencement of the use, internal access tracks, staff / customer parking, manoeuvring and loading and unloading areas created by the proposed development and as shown on the endorsed plan are to be constructed to an all-weather standard and drained to the specifications and satisfactory to the Responsible Authority.
18. Prior to the commencement of the use, all new and existing vehicle crossings serving the subject land and as shown on the endorsed plan must be constructed to the appropriate standards for the intended use. All the works must conform to plans and specifications prepared at the expense of the developer by a qualified Engineer, and endorsed by the Responsible Authority prior to commencement of construction. Unless otherwise agreed in writing, the Authority will only approve plans and specifications complying with Council's Infrastructure Design Manual.
19. This permit will expire if one of the following circumstances applies:
  - i. The development and use is/are not started within two years of the date of this permit.
  - ii. The development is not completed within two years of the date of commencement.The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires, or within six months afterwards.
20. The adjoining Crown land must not be used for vehicle access to freehold, turning areas, entry/exit points, parking areas, temporary stock sites or any other unauthorised uses at any time.
21. No polluted and/or sediment laden run-off is to be discharged directly or indirectly into the adjoining Crown land. Overland flows must be maintained at the same rate post development as on the undeveloped land.
22. No stormwater is to be discharged into the adjoining Crown land without the consent of the Public Land Manager.
23. The finished floor level of all buildings for proposed Farm 3 must be constructed at least 300 millimetres above the 100-year ARI flood level of 99.6 metres AHD, i.e. 99.9 metres AHD, or higher level deemed necessary by the responsible authority.
24. The finished floor level of the proposed caretaker's house for Farm 2 must be constructed at least 300 millimetres above the 100-year ARI flood level of 99.6 metres AHD, i.e. 99.9 metres AHD, or higher level deemed necessary by the responsible authority.
25. The finished floor level of all buildings for proposed Farm 4 must be constructed at least 300 millimetres above the 100-year ARI flood level of 99.3 metres AHD, i.e. 99.6 metres AHD, or higher level deemed necessary by the responsible authority.
26. All construction and ongoing activities must be in accordance with sediment control principles outlined in 'Construction Techniques for Sediment Pollution Control' (EPA, 1991).

FILE NO: 52016277  
3. BUILD ON OUR ECONOMIC STRENGTHS IN  
AGRICULTURE, MANUFACTURING AND  
TOURISM

ITEM NO: 9.2.5

**PLANNING PERMIT APPLICATION 52016277 - USE AND DEVELOPMENT  
INTENSIVE ANIMAL HUSBANDRY (EGG PRODUCTION), FOUR CARETAKERS  
DWELLINGS AND REMOVAL OF NATIVE VEGETATION AT 146 TINKLERS ROAD,  
NATHALIA (cont'd)**

27. Potentially contaminated stormwater and drainage from hard stand areas and the areas around the sheds must be directed to retention dams which must be designed with a capacity and freeboard to enable the run-off from a 1 in 10 year storm to be retained. The overflow from these dams must be designed such that no water is discharged off-site or to any waterways. Overflow must not cause erosion.
28. All water from the retention dams must be re-used within the boundaries of the lot unless climatic conditions are significantly wetter than average for an extended period of time in which case the overflow to land may operate.
29. The floors of the sheds must be constructed with an impervious surface or of clay compacted to achieve a design permeability of  $1 \times 10^{-9}$  m/sec. The shed must be designed to ensure that all litter can be retained within the shed until removal following bird removal.
30. Contaminated litter removed from the sheds at the end of each growing cycle must be transported off site by an approved contractor to an approved site.
31. There must be no litter from the sheds stockpiled on the site. Any temporary storage areas for wet litter must have an impermeable base and bunding to ensure contaminated run-off does not discharge from the temporary storage area.
32. All dead birds must be disposed of off-site or managed on-site to the satisfaction of the Environment Protection Authority.
33. No direct connection from the effluent system, storage/reuse pond is allowed to any surface drain which exits the subject land.
34. No contaminated run-off is permitted to discharge off-site therefore all stormwater captured from the works area must be retained on site.
35. All wastewater from the proposed dwellings and amenities buildings must be treated and disposed of using an EPA approved system, installed, operated and maintained in compliance with the relevant EPA Code of Practice and Certificate of Approval.
36. The wastewater disposal areas must be kept free of all infrastructure including buildings, driveways tanks and service trenching and must be planted with appropriate vegetation to maximise its performance. Stormwater must be diverted away.
37. No buildings or works may be erected or carried out within 30 metres of any Goulburn-Murray Water surface infrastructure (including open irrigation channels and drains), 10 metres from any other structure (such as culverts, drainage inlets, subways, syphons), or 5 metres from any below surface infrastructure (including pipelines), located on any G-MW freehold, easements or reserves.
38. Any easements or reserves in favour of Goulburn Murray Water (GMW) or its predecessors no longer required must be removed from the land. Further enquiries should be directed to the Property department of GMW.



FILE NO: 52016277  
3. BUILD ON OUR ECONOMIC STRENGTHS IN  
AGRICULTURE, MANUFACTURING AND  
TOURISM

ITEM NO: 9.2.5

**PLANNING PERMIT APPLICATION 52016277 - USE AND DEVELOPMENT  
INTENSIVE ANIMAL HUSBANDRY (EGG PRODUCTION), FOUR CARETAKERS  
DWELLINGS AND REMOVAL OF NATIVE VEGETATION AT 146 TINKLERS ROAD,  
NATHALIA (cont'd)**

39. Irrigation and Wastewater reuse must be managed in accordance with the principles and requirements outlined in the 'Guidelines for Wastewater Reuse' (EPA Publication #464, 1996) and the 'EPA Guidelines for Wastewater Irrigation' (EPA Publication #168, April 1991).

Planning Notes

1. This permit does not authorise the commencement of any building construction works. Before any such development may commence, the applicant must apply for and obtain appropriate building approval.
2. Before works and development start, the permit holder must advise all persons undertaking works and development (including removal of native vegetation) on site of all relevant permit conditions and associated statutory requirements or approvals.
3. This is including but not limited to Native Vegetation Protection Zone and Tree Protection Zone. There must not be any discharge of concentrated drainage into the local road drains or culverts without the approval of the Responsible Authority.
4. At no time, any such contaminants will be permitted to enter the storm-water drainage system under any reasonably foreseeable circumstances.
5. All loading and unloading of vehicles must at all times be undertaken within the curtilage of the subject land, unless agreed otherwise by the Responsible Authority.
6. Vehicle access and egress from the property must take place in a forward direction at all times.
7. All roof water from buildings and surface water from hard paved areas must be collected and conveyed to a drainage easement or to the legal point of discharge so as to prevent storm water nuisance to adjoining land.
8. Before undertaking any works on public land or roads, the applicant must obtain a permit from the relevant authority giving Consent to Work within a Road Reserve.
9. Care is to be taken to preserve the condition of existing infrastructure adjacent to the site. If any damage to existing infrastructure occurs as a result of this development, the affected infrastructure is to be replaced by the applicant, at the applicant's cost to the specification and satisfaction of the Responsible Authority.

DELWP

10. A minimum setback of 50m from Crown land boundaries of the adjoining Nathalia Nature Conservation Reserve and Numurkah-Picola Rail Line Bushland Reserve is recommended for the protection of environmental values.

(CARRIED)

FILE NO: 52016261  
3. BUILD ON OUR ECONOMIC STRENGTHS IN  
AGRICULTURE, MANUFACTURING AND  
TOURISM

ITEM NO: 9.2.6

**PLANNING PERMIT APPLICATION 52016261 - BUILDINGS & WORKS  
ASSOCIATED WITH EXISTING RURAL STORE - GRAIN ELEVATOR, TWO SILOS  
AND ROAD HOPPER AT 95 BENALLA-YARRAWONGA ROAD, YARRAWONGA**

**Executive Summary**

Planning Permit Application 5/2016/261 is an application for buildings and works associated with and existing rural store at 95 Benalla Road, Yarrawonga. The proposal consists of:

- Two grain silos,
- Road hopper, and
- Grain elevator.

**MOTION**

CRS ED COX / KEVIN BOURKE

That Council approve Planning Permit Application 5/2016/261 for buildings and works – associated with existing store – grain elevator, two silos and road hopper at, 95 Benalla Road, Yarrawonga subject to the following conditions:

- (1) Before the *use and/or development* start(s), 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 include:
  - (a) Site Plan of entire lot to show:
    - i. footprint of proposed buildings and work on the subject property including principal dimensions and distances to boundary of proposed buildings and works,
    - ii. All existing bunkers to be retained.
    - iii. All existing vegetation on site.
    - iv. All driveways, car parking areas, structures etc. to be retained.
    - v. Existing earthen mound buffers.
    - vi. Landscaping as set out in plan endorsed as part of permit TP01/030.
    - vii. Plan must exclude any detail of proposal within neighbouring rail reserve.
  - (b) Elevations of all proposed structures in plan form (not “3D”) setting out all principal dimensions, materials and finishes.
- (2) The use and/or development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
- (3) Prior to the operation of the proposed grain elevator the landscaping as shown on the endorsed plan must be completed to the satisfaction of the Responsible Authority.
- (4) The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.
- (5) A ‘Tree Protection Zone’ (TPZ) must be applied during development and works (including earthworks).  
The TPZ must have a minimum radius 12x the Diameter at Breast Height (being 1.3m from ground level); the TPZ of trees must be no less than 2 m or greater than 15m.

FILE NO: 52016261  
3. BUILD ON OUR ECONOMIC STRENGTHS IN  
AGRICULTURE, MANUFACTURING AND  
TOURISM

ITEM NO: 9.2.6

**PLANNING PERMIT APPLICATION 52016261 - BUILDINGS & WORKS  
ASSOCIATED WITH EXISTING RURAL STORE - GRAIN ELEVATOR, TWO SILOS  
AND ROAD HOPPER AT 95 BENALLA-YARRAWONGA ROAD, YARRAWONGA  
(cont'd)**

A TPZ applies to a tree and is a specific area above and below the ground.

- (6) Before the use and/or development starts, areas set aside for parked vehicles and access lands as shown on the endorsed plans must be:
  - (a) Constructed to the satisfaction of the Responsible Authority.
  - (b) Properly formed to such levels that they can be used in accordance with the plans.
  - (c) Surfaced with an all-weather sealcoat or surfaced with crushed rock or gravel to the satisfaction of the Responsible Authority
  - (d) Drained and maintained to the satisfaction of the Responsible Authority.
  - (e) Line-marked to indicate each car space and all lanes to the satisfaction of the Responsible Authority.
- (7) The loading and unloading of vehicles and the delivery of goods shall at all time be carried out within the boundaries of the site.
- (8) No native vegetation (*including trees, dead native trees, shrubs, herbs and grasses*) must be removed, lopped or destroyed unless a permit has been granted by the Responsible Authority.
- (9) Prior to the commencement of the use, all drainage infrastructure required by the proposed development must be constructed in accordance with plans and specifications approved by the Responsible Authority.
- (10) The use and development must be managed so that the amenity of the area is not detrimentally affected, through the:
  - (a) transport of materials, goods or commodities to or from the land
  - (b) appearance of any building, works or materials
  - (c) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, and
  - (d) presence of vermin.
- (11) The permit holder must maintain a water car on the site for the purpose of suppressing dust generated by activities on the site and /or use other dust suppressant methods. The water cart or other methods must be utilised as often as necessary to prevent dust being carried from the site.
- (12) The hours of operation of the use must be confined to:
  - Monday to Saturday: 6.00 am – 8.00 pm
  - Sunday (*Grain Harvest Season*): 8.00 am – 7.00 pm
  - Sunday (*non-Grain Harvest Season*): 9.00 am – 6.00 pm
  - Christmas Day: no use permitted.
  - The rail out loading facility is not restricted in its hours of operation subject to the following:
    - The rail out loading facility is to comply with NIRV guidelines.
    - Prepositioning of grain into the rail out loading facility is to take place within the hours of operation specified in Clause 12

During a particular *Grain Harvest Season* the hours of operation may extend to 10.00 pm on not more than 10 occasions. The prior written consent of the Responsible Authority

FILE NO: 52016261  
3. BUILD ON OUR ECONOMIC STRENGTHS IN  
AGRICULTURE, MANUFACTURING AND  
TOURISM

ITEM NO: 9.2.6

**PLANNING PERMIT APPLICATION 52016261 - BUILDINGS & WORKS  
ASSOCIATED WITH EXISTING RURAL STORE - GRAIN ELEVATOR, TWO SILOS  
AND ROAD HOPPER AT 95 BENALLA-YARRAWONGA ROAD, YARRAWONGA  
(cont'd)**

must be obtained to extend the hours of operation to 10.00 pm during a *Grain Harvest Season* on more than 10 days.

If hours of operation are extended to 10.00 pm under this provision, the use must cease at 10.00 pm and there must be no activity on the land after that time, including the operation of a power generator.

During each *Grain Harvest Season*, a record of each occasion that the use extends beyond 8.00 pm (Monday to Saturday) and beyond 7.00 pm (Sunday) must be kept and must be made available for inspection by the Responsible Authority following a request in writing.

For the purposes of this condition, *Grain Harvest Season* means the period from the first day of November to the last day of February in the next year.

- (13) External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the Responsible Authority.
- (14) Flashing or intermittent light must not be displayed on the subject land except with the prior written consent of the Responsible Authority
- (15) This permit will expire if one of the following circumstances applies:
  - The development and use is/are not started within two years of the date of this permit.
  - The development is not completed within two years of the date of commencement.The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires, or within six months afterwards
- (16) Nuisance dust must not be discharged beyond the boundaries of the premises.
- (17) Noise emitted from the premises must not exceed the recommended levels as set out in Noise from Industry in Regional Victoria (NIRV; EPA Publication 1411, 2011) or as amended.

**Planning Note**

- (1) This permit does not authorise the commencement of any building construction works. Before any such development may commence, the applicant must apply for and obtain appropriate building approval.
- (2) Before works and development start, the permit holder must advise all persons undertaking works and development (including removal of native vegetation) on site of all relevant permit conditions and associated statutory requirements or approvals.  
This is including but not limited to Native Vegetation Protection Zone and Tree Protection Zone.
- (3) All roof water from buildings and surface water from hard paved areas must be collected and conveyed to a drainage easement or to the legal point of discharge so as to prevent storm water nuisance to adjoining land.
- (4) No such contaminants will be permitted to enter the storm-water drainage system under any reasonably foreseeable circumstances.

(CARRIED)

FILE NO: 52016240  
3. BUILD ON OUR ECONOMIC STRENGTHS IN  
AGRICULTURE, MANUFACTURING AND  
TOURISM

ITEM NO: 9.2.7

**PLANNING PERMIT APPLICATION 52016240 - WHOLE FARM PLAN AT 22 & 26  
TINKLERS ROAD, PICOLA**

**Executive Summary**

Planning Permit Application 52016240 is for a whole farm plan which includes 2 pivot irrigators.

A planning permit is required for the whole farm plan as it does not meet the requirement for an exemption as set out in the *Earthworks Controls in the Shire of Campaspe, City of Greater Shepparton and the Moira Shire August 2015* incorporated document.

The application was referred internally and externally. The Yorta Yorta Nation has objected to the issuing of the permit. All other responses did not object to the issuing of a permit subject to conditions being imposed on a permit.

The objection received does not relate specifically to the Whole Farm Plan, focusing on the removal of native vegetation which is a separate matter.

The application has been assessed and found to be consistent with the Planning Scheme. Therefore, it is recommended that the Planning Permit Application 5/2016/240 be approved and issue a Notice of Decision to Grant a Permit subject to conditions.

**NB: Following the agenda being finalized the Yorta Yorta Nation objection was withdrawn and so a permit can be granted.**

**MOTION**

CRS KEVIN BOURKE / ED COX

That Council approve Planning Permit Application 52016240 for Whole Farm Plan at 22 & 26 Tinklers Road, Picola subject to the following conditions:

- (1) The use and/or development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
- (2) The owner must enter into an agreement with the Coordinating Road Authority and made pursuant to Section 121 of the Road Management Act 2004 and Section 173 of the Planning and Environment Act 1987 with regard to the existing and any proposed new pipelines/culverts located within the road reserves of Hardings Road, setting out the arrangements for:
  - Ongoing ownership and use of the Asset;
  - Works; and
  - Risk allocation in respect of the Asset because it is located in, on or under the road.The Section 173 agreement will be prepared by Council at the owner's cost and will need to be entered into within six months of the permit being issued.
- (3) The removal of native vegetation must only occur to the extent permitted as shown on the endorsed plan/s (whether or not to comply with any statute, statutory rule or regulations or for any other reason), except with the formal written consent of the Responsible Authority.
- (4) Prior to the commencement of the use or development the applicant must undertake whatever civil works are necessary to retain all irrigation waters emanating from the

FILE NO: 52016240  
3. BUILD ON OUR ECONOMIC STRENGTHS IN  
AGRICULTURE, MANUFACTURING AND  
TOURISM

ITEM NO: 9.2.7

**PLANNING PERMIT APPLICATION 52016240 - WHOLE FARM PLAN AT 22 & 26  
TINKLERS ROAD, PICOLA (cont'd)**

proposed works in the property. All works including drains, sumps and pump/s must be so designed to prevent any irrigation waters discharges leaving the property.

- (5) There must not be any discharge of concentrated drainage into the local road drains or culverts without the approval of the Responsible Authority.
- (6) Any damage to Council or Roads Corporation assets ie roads, table drains etc must be repaired at the cost of the applicant to the satisfaction of the Responsible Authority.
- (7) Earthworks must not restrict the flow of water entering or leaving the depression and low lying land indicated on the plan.
- (8) The approved works must not cut off natural drainage from adjacent properties.
- (9) This permit will expire if one of the following circumstances applies:
  - i. The development and use is/are not started within two years of the date of this permit.
  - ii. The development is not completed within two years of the date of commencement.The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires, or within 6 months after the permit expiry date, where the use or development allowed by the permit has not yet started; and within 12 months after the permit expiry date, where the development allowed by the permit has lawfully started before the permit expires.
- (10) A separate Planning Permit must be obtained for the removal of any Native Vegetation.

**Planning Notes**

- (1) Consent to work within road reserve required for all works outside property boundary.
- (2) Application must be made to Goulburn-Murray Water prior to construction of any dams on the subject land. A licence must be obtained where surface or groundwater supplies are taken and used for commercial or irrigation purposes or if a dam is to be constructed on a waterway as defined in the *Water Act 1989*. For further information, the applicant should contact Goulburn-Murray Water on 1800 031 357.
- (3) Ability to supply a nominated flow rate on the property is dependent on several factors including: delivery share attached to the GMW metered outlet; meter installation, and on farm operations & maintenance. GMW's consent to this planning permit does not imply that the flow/capacity shown on the farm plan will be available at the meter.

(CARRIED)

FILE NO: 52016188  
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.8

**PLANNING PERMIT APPLICATION 52016188 DEVELOPMENT OF LAND - TEN (10) DWELLINGS AND THREE (3) JETTIES AT 2 & 4 IRVINE PARADE, YARRAWONGA AND ON THE LAKE MULWALA FORESHORE**

**Executive Summary**

Planning Permit Application 5/2016/188 was lodged for a ten (10) unit development with five (5) jetties and a reduction in car parking requirements.

There are five planning permit triggers for this application as detailed below:

- Clause 32.08-4 – buildings and works in General Residential Zone.
- Clause 36.03-2 – buildings and works not undertaken by public land manager in Public Conservation and Resource Zone.
- Clause 42.01-2 – buildings and works in Environmental Significance Overlay.
- Clause 44.03-1 – buildings and works in Rural Floodway Overlay.
- Clause 52.06-5 – reduction in car parking requirements

The application was advertised and referred and two objections were received. One objection was withdrawn while the second, from VicRoads, remains. This is the reason that the decision has been referred to Council.

The application has been assessed and, subject to compliance with conditions requiring revision, the application has been found to be consistent with the Planning Scheme, specifically the General Residential Zone, Public Conservation and Resource Zone, Rural Floodway Overlay and Environmental Significance Overlay in which the proposal is located and relevant policies contained within the State and Local Planning Policy Frameworks.

The assessment has however found that the application does not accord with the decision guidelines for assessing applications to reduce car parking requirements as set out at Clause 52.06-6. Accordingly a condition will require that all car parking will be provided on site.

As the Public Land Manager for the Lake Mulwala foreshore Goulburn Murray Water has limited the number of jetties to three (3).

Accordingly this report recommends that any permit issued should state that the permit is for *Development of land - ten (10) units and three (3) jetties*.

The proposed development, subject to conditions and the changes set out is in accordance with the orderly development of the area. It is recommended that the Planning Permit Application 5/2016/188 be approved.

**MOTION**

CRS PETER MANSFIELD / PETER LAWLESS

That Council approve Planning Permit Application 5/2016/188 for development of land – ten (10) dwellings and three (3) jetties at 2 & 4 Irvine Parade, Yarrawonga and issue a Notice of Decision to Grant a Permit subject to the following conditions:

- (1) Before the development start(s), 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

FILE NO: 52016188  
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.8

**PLANNING PERMIT APPLICATION 52016188 DEVELOPMENT OF LAND - TEN (10) DWELLINGS AND THREE (3) JETTIES AT 2 & 4 IRVINE PARADE, YARRAWONGA AND ON THE LAKE MULWALA FORESHORE (cont'd)**

- generally in accordance with the plans submitted with the application but modified to show:
- (a) Unit 10 having:
    - i. A minimum 1.6m (1600mm) setback from Irvine Parade at all levels, and
    - ii. An additional setback of no less than 1.0m (1000mm) (2.6m total setback) at first floor level.
  - (b) A minimum of two (2) visitor car parking spaces on the subject land.
  - (c) Three (3) jetties only as required by Condition 21.
- (2) The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
  - (3) A satisfactory landscaping plan for the subject land must be submitted within 30 days of the issue of this permit to and approved by the Responsible Authority. An endorsed copy of the plan must form part of this permit. The submitted plan must;
    - (a) show the predominate use of indigenous/native plant species
    - (b) where exotic species are proposed, demonstrate consideration of and provide reasons for use instead of native species, such as natural character of the Murray River environs, climate suitability, environmental weed spread
    - (c) include a schedule of all proposed trees, shrubs and groundcover which will include the botanical names of such plants to the satisfaction of the Responsible Authority
  - (4) Before the use starts or by such later date as is approved by the Responsible Authority in writing, the landscaping works shown on the application plans must be carried out and completed to the satisfaction of the Responsible Authority
  - (5) The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.
  - (6) Prior to construction commencing on the site, the applicant must provide a drainage plan that accords with the provisions of Council's Infrastructure Design Manual, and has been prepared to the satisfaction of the Responsible Authority. In particular demonstrate that:
    - (a) if connecting to Council's storm-water system then provision for sufficient on-site detention to limit the peak outflow from the site during a 18% AEP rainfall event to pre-developed rates, and conveyed by underground pipes to a legal point of discharge nominated by the Responsible Authority;
    - (b) all storm-water deposited upon, and transferred through, the developed site during a 18% AEP rainfall event must be collected and conveyed by underground pipes to a legal point of discharge nominated by the Responsible Authority;
    - (c) all storm-water runoff originating from, or currently flowing through, the developed site in a 1% AEP rainfall event must be collected and conveyed by secure overland and/or underground flood pathways to a legal point of discharge identified by the Responsible Authority; and
    - (d) stormwater drainage plans for the development must incorporate measures to enhance the quality of water discharged from the site and to protect downstream infrastructure and waterways.
  - (7) Prior to the commencement of the use, all drainage infrastructure required by the approved drainage plan must be constructed in accordance with plans and specifications approved by the Responsible Authority.



FILE NO: 52016188  
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.8

**PLANNING PERMIT APPLICATION 52016188 DEVELOPMENT OF LAND - TEN (10) DWELLINGS AND THREE (3) JETTIES AT 2 & 4 IRVINE PARADE, YARRAWONGA AND ON THE LAKE MULWALA FORESHORE (cont'd)**

- (8) Prior to the commencement of the use, access ways and manoeuvring areas created by the proposed development and as shown on the endorsed plan(s) must be constructed, sealed and drained and illuminated in accordance with plans and specifications approved by the Responsible Authority.
- (9) Prior to the commencement of the use, the applicant must provide a 1.5m wide concrete footpath extending the street frontage of the subject land and connecting to the pram crossing at Irvine Parade just east of the subject land to the satisfaction of the Responsible Authority. All the works must conform to plans and specifications prepared at the expense of the applicant by a qualified Engineer, and endorsed by the Responsible Authority prior to commencement of construction. Unless otherwise agreed in writing, the Authority will only approve plans and specifications complying with Council's Infrastructure Design Manual.
- (10) Prior to the commencement of the use, landscaping of the nature strip must include the planting of one (1) MATURE (2 – 3 metres high) Street Tree to each street frontage of the subject land (of an approved species and location) in accordance with Council's Infrastructure Design Manual or unless otherwise agreed to in writing by the Responsible Authority. In particular, as directed, any non-approved street tree(s) and / or scrub(s) not in-keeping with the street character of Irvine Parade are to be removed to the satisfaction of the Responsible Authority.
- (11) Any alterations to the existing vehicle crossings serving the subject land as shown on the endorsed plan must be to the standards of Council's Infrastructure Design Manual Clause 12.9.1 (Urban Vehicle Crossings), and to the satisfaction of the Responsible Authority.
- (12) Vehicle access and egress from the property must take place in a forward direction at all times.
- (13) All roof water from buildings and surface water from hard paved areas must be collected and conveyed to a drainage easement or to the legal point of discharge so as to prevent storm water nuisance to adjoining land.
- (14) In accordance with the Clause 22 of the IDM, appropriate measures, satisfactory to the Responsible Authority, must be taken to minimise erosion and to retain dust, silt and debris on site, both during and after the construction phase.
- (15) Care is to be taken to preserve the condition of existing infrastructure adjacent to the site. If any damage to existing infrastructure occurs as a result of this development, the affected infrastructure is to be replaced by the applicant, at the applicant's cost to the specification and satisfaction of the Responsible Authority.
- (16) No construction materials or earth is to be placed or stored outside the site area or on adjoining road reserves. This does not apply to road or footpath construction works on adjoining roads required as part of this permit.
- (17) External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the Responsible Authority.
- (18) The fence(s) as shown on the endorsed plans(s) must be erected and maintained to the

FILE NO: 52016188  
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.8

**PLANNING PERMIT APPLICATION 52016188 DEVELOPMENT OF LAND - TEN (10) DWELLINGS AND THREE (3) JETTIES AT 2 & 4 IRVINE PARADE, YARRAWONGA AND ON THE LAKE MULWALA FORESHORE (cont'd)**

satisfaction of the Responsible Authority.

- (19) This permit will expire if one of the following circumstances applies:
- The development and use is/are not started within two years of the date of this permit.
  - The development is not completed within two years of the date of commencement.
- The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires, or within six months afterwards.
- (20) Each dwelling must be connected to all reticulated water services in accordance with the requirements of North East Water.
- (21) There may be no more than 3 jetties constructed adjacent to the subject land.
- (22) The jetties must only extend into the water to a maximum length to allow between 0.75 and 1.0 metre draft. (i.e. depth of water)
- (23) The construction of the jetties must be in accordance with GMW's guidelines.
- (24) Prior to the commencement of any works, the applicant must obtain either jetty licences (private occupation) or commercial occupation licences from GMW.
- (25) The applicant must provide a minimum of 3 days notification to GMW's Yarrawonga Office prior to commencing works. (contact no. (03) 5743 9302).
- (26) The applicant must ensure that minimal disturbance to the lake bed occurs upon installation of jetties footings.
- (27) The applicant must ensure all surplus materials are removed from the site upon completion of the works.
- (28) The applicant must make good any ground disturbance from vehicular imprints with top dressing to the satisfaction of GMW.
- (29) The applicant must ensure that all OH&S procedures are followed as directed by GMW.
- (30) All stormwater discharged from the site must meet the urban run-off objectives and Standard C25 as specified in Clause 56.07-4 of the Victorian Planning Provisions. All infrastructure and works to manage stormwater must be in accordance with the requirements of the Responsible Authority.
- (31) Public access must be maintained at all times during and post construction of the dwellings
- (32) A security fence must be erected around the building site for public safety and to also prohibit rubbish from the site entering the Lake.
- (33) A suitable silt barrier is installed for the entire length of the building site to prohibit soil entering the Lake.
- (34) No buildings or works may be constructed or carried out on GMW managed crown land without prior consent.

FILE NO: 52016188  
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.8

**PLANNING PERMIT APPLICATION 52016188 DEVELOPMENT OF LAND - TEN (10) DWELLINGS AND THREE (3) JETTIES AT 2 & 4 IRVINE PARADE, YARRAWONGA AND ON THE LAKE MULWALA FORESHORE (cont'd)**

- (35) Prior to the issue of certificate of occupancy, the two parcels described as Lot 1 TP236342R and Lot 2 PS206529W must be consolidated to create one parcel of land.
- (36) All construction and ongoing activities must be in accordance with sediment control principles outlined in 'Construction Techniques for Sediment Pollution Control' (EPA, 1991)
- (37) Development must be located no closer than 6 metres to Full Supply Level of Yarrawonga Weir (124.895 m AHD).
- (38) The finished floor levels of the proposed dwellings must be constructed at least 300 millimetres above the 100-year ARI flood level of 125.8 metres AHD, i.e. 126.1 metres AHD, or higher level deemed necessary by the responsible authority.

Permit Notes

- (1) Before undertaking any works on public land or roads, the applicant must obtain a permit from the relevant authority giving Consent to Work within a Road Reserve.
- (2) This permit does not authorise the commencement of any building construction works. Before any such development may commence, the applicant must apply for and obtain appropriate building approval.
- (3) Fire separation will be required where dwellings are within 1.8m (1800mm) of each other.
- (4) That the access point to the underground car park may be altered as a result of the proposed upgrades which may restrict right in and right out traffic movements

(CARRIED)

**FILE NO: F/300  
5. DEMONSTRATING GOOD GOVERNANCE**

**ITEM NO: 10.1**

**ACTION OFFICERS' LIST.**

**MOTION**

CRS ED COX / KEVIN BOURKE

That Council receive and note the Action Officers' List.

(CARRIED)

**11 NOTICES OF MOTION**

NIL

**12 PETITIONS AND JOINT LETTERS**

This item was dealt with earlier in the meeting.

FILE NO: 300.135.888 7. DELIVER SOUND FINANCIAL MANAGEMENT
---

ITEM NO: 13.1
---------------

## SALE OF LAND TRANSFER DOCUMENTS

### Executive Summary

1. Lot 1 Dillon Street Cobram  
Sale of land documents for the sale of 1031.43 square metres of land part of the old Sale-yards site off Dillon Street Cobram for sealing by Council.
2. Lot 2 Mill Street Cobram  
Sale of land documents for the sale of 1.139 hectares of land part of the old Sale-yards site between Mill and Dillon Street's Cobram for sealing by Council.
3. Lot 3 Mill Street Cobram  
Sale of land documents for the sale of 1680 square metres of land part of the old Sale-yards site Mill Street Cobram for sealing by Council.
4. Lot 17/14 Schubert Street Cobram  
Sale of land documents for the sale of 9195 square metres of land in Council's industrial estate Schubert Street Cobram for sealing by Council.

### MOTION

CRS KEVIN BOURKE / ED COX

That Council authorise the Chief Executive Officer to sign and seal the transfer of land documents for:

1. Lot one Dillon Street Cobram,
2. Lot two Dillon Street Cobram,
3. Lot three Mill Street Cobram and
4. 14 Schubert Street Cobram.

(CARRIED)

FILE NO: VARIOUS

ITEM NO: 14

**GENERAL BUSINESS****Clause 62 of Council's "Meeting Procedures Local Law 2007 (No 1 of 2007) states:****62. Urgent or general business**

1. Business which has not been listed on a meeting agenda may only be raised as urgent or general business if the majority of Councillors are present and it is agreed to by a resolution of the Council.
2. Notwithstanding sub-clause (1), if all Councillors are not present, the Chairperson may rule the matter is of urgency and accept an urgency motion to deal with the business which has not been listed on the meeting agenda.
3. An urgency motion can be moved without notice.
4. Only the mover of an urgency motion may speak to the motion before it is put

FILE NO: VARIOUS

ITEM NO: 15

## QUESTIONS FROM THE PUBLIC GALLERY

**Clause 63 of Council's "Meeting Procedures Local Law 2007 (No. 1 of 2007) states:**

### **63. Question Time**

1. At every ordinary meeting of the Council a maximum of 30 minutes may be allocated to enable members of the public to submit questions to Council.
2. The time allocated may be extended by unanimous resolution of Council.
3. Sub-clause (1) does not apply during any period when the Council has resolved to close a meeting in respect of a matter under section 89 (2) of the Act.
4. To assist the accurate recording of minutes and addressing any questions that may require written response or follow up, the Chief Executive Officer may require questions to be submitted in writing on a form approved or permitted by Council.  
No person may submit more than two (2) questions at any one (1) meeting.  
The Chairperson or member of Council staff nominated by the Chairperson may read a question to those present.

No question must be so read unless:

- (a) the person asking the same is in the gallery at the time it is due to be read;  
and
- (b) the person asking the question reads the same when called upon by the Chairperson to do so.

A question may be disallowed by the Chairperson if it:

- (a) relates to a matter outside the duties, functions and powers of Council;
- (b) is defamatory, indecent, abusive, offensive, irrelevant, trivial or objectionable in language or substance;
- (c) deals with a subject matter already answered;
- (d) is aimed at embarrassing a Councillor or a member of Council staff;
- (e) relates to personnel matters;
- (f) relates to the personal hardship of any resident or ratepayer;
- (g) relates to industrial matters;
- (h) relates to contractual matters;
- (i) relates to proposed developments;
- (j) relates to legal advice;
- (k) relates to matters affecting the security of Council property; or
- (l) relates to any other matter which Council considers would prejudice Council or any person.

All questions and answers must be as brief as possible, and no discussion may be allowed other than for the purposes of clarification.

The Chairperson may request a Councillor or member of Council staff to respond, if possible, to the question.

A Councillor or member of Council staff may require a question to be put on notice until the next Ordinary meeting, at which time the question must be answered, or elect to submit a written answer to the person asking the question.

A Councillor or member of Council staff may advise Council that it is his or her opinion that the reply to a question should be given in a meeting closed to members of the public. The Councillor or member of Council staff must state briefly the reason why to reply should be so given and, unless Council resolves to the contrary the reply to such question must be so given.

FILE NO: VARIOUS

ITEM NO: 15

**QUESTIONS FROM THE PUBLIC GALLERY**

Statements from the Gallery have not been included.

**Lee Hammon Yarrawonga**

Question Where has the communication been in relation to our concern on the grain elevator application?

Answer The Chief Executive Officer advised that all objections and views were provided to Councillors for consideration in determining the matter.

**Lyn Loger - Nathalia**

Question Will Council take into consideration the social value of the Nathalia District Welfare Group and consider funding its town clock project?

Answer The Chief Executive Officer advised that Council can resolve to fund this project through the current budget process.

**Ron Martin - Numurkah**

Question In relation to the removal of the tyres at Numurkah are there timelines and is this being monitored?

Answer The Chief Executive Officer advised that officers have inspected the area and some progress has been achieved. The Supreme Court Order requires milestones to be met by certain dates and tracking information be provided within 14 days after the due date for compliance. The first date is in April.

**Graham Patterson - Yarrawonga**

Question Is Council interested in meeting with residents from Luton Drive and GMW to discuss development of the area?

Answer The Chief Executive Officer advised, as stated in the report a development of swimming area of this nature poses an additional risk burden on Council to ensure that the area is safe and fit for purpose.

Question Why does the report state that the area in question is a reserve for municipal purposes when the title states reserve for recreation purpose?

Answer The Chief Executive Officer advised that the intent is the same.

**Michael Oakes - Nathalia**

Question Will Council look at the drainage again at Griffiths Lane?

Answer The Chief Executive Officer advised that Council has put time and effort into fixing the drainage in conjunction with the Catchment Management Authority and is satisfied with the work. In the event of a flood Council will readdress the problem if deemed necessary.

**John Haye – Koonoomoo**

Question How long before Ulupna Island Road will have dust suppression?

Answer The General Manager Infrastructure advised residents to provide details of areas experiencing this issue and remedial action can be scheduled.

Question How much money has been spent on the Sun Country on the Murray Campaign

Answer The Chief Executive Officer advised that the amount was around \$85,000 for the current tourism marketing campaign.



FILE NO: VARIOUS

ITEM NO: 15

**QUESTIONS FROM THE PUBLIC GALLERY**

**Vic Donht - Nathalia**

Question Does Council have measures to enforce people to clean up their yards?

Answer Council does have enforcement measures however at times these can prove costly and have been ignored. Council can issue fire hazard warnings and act on penalties associated with the warning.

FILE NO: VARIOUS

ITEM NO: 16

**MEETING ADJOURNMENT**

**MOTION**

CRS ED COX / JOHN BEITZEL

That the meeting be adjourned for 10 minutes.

(CARRIED)

Meeting adjourned at 7:39 PM

**MOTION**

CRS ED COX / MARIE MARTIN

That the meeting be resumed.

(CARRIED)

Meeting resumed at 7:51 PM

**MOTION**

CRS ED COX / PETER LAWLESS

That pursuant to Sections 89(2) (h) of the Local Government Act, 1989, this meeting of Council be closed to members of the public in order for Council to matters which the Council considers would prejudice the Council or any person.

(CARRIED)

**MOTION**

CRS ED COX / MARIE MARTIN

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

(CARRIED)

**MOTION**

CRS PETER MANSFIELD / KEVIN BOURKE

That the recommendations of the "Closed" Meeting of Council be adopted.

(CARRIED)

**Meeting Closed: 8:03 PM**