



MOIRASHIRE



ENRICHING LIFE ON THE MURRAY

COUNCIL AGENDA

17 November 2014



Discover Moira



44 Station Street
Cobram Vic 3644

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AGENDA

ORDINARY MEETING OF COUNCIL **FOR** **MONDAY 17 NOVEMBER 2014** **TO BE HELD AT ST JAMES HALL** **COMMENCING AT 6:00 PM**

- 1. CALLING TO ORDER - CEO**
- 2. PRAYER**

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

Amen

- 3. ACKNOWLEDGEMENT OF COUNTRY**

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

- 4. APOLOGIES & REQUESTS FOR LEAVE OF ABSENCE**
- 5. DECLARATION UNDER ACTS, REGULATIONS, CODES OR LOCAL LAWS**
- 6. DECLARATION OF ANY INTEREST OR CONFLICT OF INTEREST**
- 7. CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

Recommendation: "That the minutes of the Ordinary Council Meeting held on Monday, 20 October 2014 and the minutes of the Special Ordinary Council Meeting held on Wednesday, 5 November 2014, as prepared and circulated, be confirmed."

8. COUNCILLOR REPORTS

NIL

9. OFFICER REPORTS FOR DETERMINATION

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10.2 COMMUNITY

NIL

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NIL

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**MARK HENDERSON
CHIEF EXECUTIVE OFFICER**

FILE NO: 180.11.0002
3. OUR COMMUNICATIONS AND PROCESSESITEM NO: 9.1.1
(ASSISTANT FINANCIAL ACCOUNTANT,
ANDREW WILSON)
(ACTING DIRECTOR CORPORATE
GOVERNANCE, DOUG SHARP)**FINANCIAL POSITION REPORT AS AT 31 OCTOBER 2014****RECOMMENDATION**

That Council receives and notes the Financial Position Report as at 31 October 2014.

1. Executive Summary

Moira Shire Council				
Executive Summary - Funding Analysis October 2014				
Operating Income Statement	Ref	Budget 14/15	Sep 14/15 Forecast	Actuals YTD October 14/15
Income				
Operating Grant		(11,215,994)	(11,272,101)	(3,278,191)
Operating Contributions		(93,600)	(93,600)	(29,409)
Reimbursements		(49,532)	(49,532)	(29,494)
Statutory Fees & Fines		(883,576)	(883,576)	(245,021)
User Charges		(2,637,997)	(2,637,997)	(786,887)
Other Revenues		(6,723,275)	(6,288,471)	(6,188,140)
Interest Income		(300,000)	(300,000)	(97,228)
Net Proceeds - Land for resale		(10,000)	(10,000)	(157,894)
Total Income		(21,913,974)	(21,535,277)	(10,812,264)
Expenditure				
Employee Costs		18,604,226	18,559,226	5,705,591
Contractors		6,300,072	5,853,369	1,187,067
Materials & Services		11,461,566	11,506,566	2,973,683
Utilities		968,072	968,072	357,020
Other Expenses		4,320,149	4,320,149	1,687,339
Interest on Borrowings		527,476	527,476	176,063
Visitor Information Centres		-	-	15,582
Bad & Doubtful Debts		5,000	5,000	-
WDV of Disposal of Assets		60,129	60,129	-
Total Expenditure		42,246,690	41,799,987	12,102,345
Net Operational (Inflow) / Outflow		20,332,716	20,106,894	1,270,925
Funding available through				
Rates and charges		25,812,968	25,762,157	24,615,275
Rate funds available for Capital Projects	A	5,480,252	5,655,262	23,344,350
Capital Expenditure		10,720,189	12,270,645	1,584,145
Capital External funding		(6,146,409)	(5,883,045)	(2,214,634)
Net Council Funding of Capital Projects	B	4,573,780	6,387,600	(630,489)
Surplus of Rate Funds after funding Capital Projects	A - B	906,472	(732,338)	23,974,839
Equity Inflow / (Outflow)		(829,560)	720,896	(268,226)
Net Rate Funds Surplus / (Shortfall)		76,912	(11,442)	23,706,613

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(ASSISTANT FINANCIAL ACCOUNTANT,
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GOVERNANCE, DOUG SHARP)

FINANCIAL POSITION REPORT AS AT 31 OCTOBER 2014 (cont'd)

- Operating result is tracking satisfactorily to YTD targets
- Council's cash position as at 31st October 2014 is \$17.9M, driven by the receipt of rate payments in October
- To the end of October 2014, 37.9% of rates have been collected against the amount levied, this is favourable to the 2013 result of 36.7%

2. Background and Options

Moira Shire Council			
Funding analysis by Department and Income Statement Reconciliation - Oct 2014			
Operational (Inflow) and Outflow:			
Department	Budget 14/15	Sep 14/15 Forecast	Actuals YTD October 14/15
Business and Innovation			
O-EX Total	2,365,223	2,350,965	887,319
O-IN Total	(120,600)	(143,600)	(248,169)
Outflow funded by Rates & Charges	2,244,623	2,207,365	639,150
Communications and Engagement			
O-EX Total	1,475,557	1,495,957	337,049
O-IN Total	(24,500)	(24,500)	(16,327)
Outflow funded by Rates & Charges	1,451,057	1,471,457	320,722
Community Service Delivery			
O-EX Total	5,911,537	5,911,537	1,518,941
O-IN Total	(963,558)	(963,558)	(452,806)
Outflow funded by Rates & Charges	4,947,979	4,947,979	1,066,135
Construction and Assets			
O-EX Total	3,303,404	3,359,022	1,215,205
O-IN Total	(330,711)	(322,153)	(256,676)
Outflow funded by Rates & Charges	2,972,693	3,036,869	958,529
Disaster Recovery			
O-EX Total	-	-	16,715
O-IN Total	-	-	(253,449)
Outflow funded by Rates & Charges	-	-	(236,734)
Finance			
O-EX Total	3,418,808	3,425,092	871,771
O-IN Total	(6,910,965)	(7,007,781)	(1,627,708)
Outflow funded by Rates & Charges	(3,492,157)	(3,582,689)	(755,937)
Governance Services			
O-EX Total	917,851	917,851	275,299
O-IN Total	(1,400)	(1,106)	(1,510)
Outflow funded by Rates & Charges	916,451	916,745	273,789
Information Technology			
O-EX Total	2,589,673	2,659,673	731,959
O-IN Total	(56,669)	(129,030)	(85,296)
Outflow funded by Rates & Charges	2,533,004	2,530,643	646,663

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FINANCIAL POSITION REPORT AS AT 31 OCTOBER 2014 (cont'd)

Office of CEO				
O-EX Total	1,910,767	1,844,469	535,969	
O-IN Total	(29,999)	(35,142)	(29,333)	
Outflow funded by Rates & Charges	1,880,768	1,809,327	506,636	
Operations				
O-EX Total	9,388,038	9,432,038	3,147,556	
O-IN Total	(3,904,228)	(3,923,519)	(1,026,230)	
Outflow funded by Rates & Charges	5,483,810	5,508,519	2,121,326	
People & Organisational Development				
O-EX Total	1,652,084	1,492,084	546,236	
O-IN Total	(10,961)	(10,961)	(3,856)	
Outflow funded by Rates & Charges	1,641,123	1,481,123	542,380	
Safety Amenity & Environment				
O-EX Total	7,853,759	7,451,056	1,800,066	
O-IN Total	(8,983,191)	(8,561,700)	(6,803,628)	
Outflow funded by Rates & Charges	(1,129,432)	(1,110,644)	(5,003,562)	
Town Planning & Building				
O-EX Total	1,459,989	1,467,393	392,304	
O-IN Total	(577,192)	(577,192)	(200,476)	
Outflow funded by Rates & Charges	882,797	890,201	191,828	
Net Operational (Inflow) / Outflow	20,332,716	20,106,894	1,270,925	
Funds available through				
Rates and charges	25,812,968	25,762,157	24,615,275	
Rate funds available for Capital projects	5,480,252	5,655,262	23,344,350	

Capital (Inflow) and Outflow:			
Department	Budget 2014/15	Sep 14/15 Forecast	Actuals YTD October 14/15
Construction and Assets			
Capital Outflow			
Capital Outflow Total	10,720,189	12,270,645	1,584,145
Capital Inflow			
Capital Inflow Total	(6,106,409)	(5,843,045)	(2,214,634)
Construction and Assets Total	4,613,780	6,427,600	(630,489)
Operations			
Capital Inflow			
Capital Inflow Total	(40,000)	(40,000)	-
Operations Total	(40,000)	(40,000)	-
Net Council Funding of Capital projects	4,573,780	6,387,600	(630,489)

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FINANCIAL POSITION REPORT AS AT 31 OCTOBER 2014 (cont'd)

	Budget 14/15	Sep 14/15 Forecast	Actuals YTD October 14/15
Equity Inflow / (Outflow)			
Repayment of Loans	829,560	829,560	268,226
Fund from Equity reserves for Capital carryover		1,550,456	
Net Rate Funds Surplus / (Shortfall)	76,912	(11,442)	23,706,613
Reconciliation with Income Statement			
Net Rate Funds Surplus / (Shortfall)	76,912	(11,442)	23,706,613
Eliminate Balance Sheet items			
Repayment of Loans	829,560	829,560	268,226
Fund from Equity reserves for Capital carryover	-	(1,550,456)	-
Capital Expenditure Capitalised as Assets	10,720,189	12,270,645	1,584,145
Accounting for Non-cash items			
Depreciation Expense and amortisation	(8,740,057)	(8,740,057)	(2,913,352)
Share Profit/Loss Associated Entity	(20,000)	(20,000)	-
Landfill - Interest Unwinding Discount	(429,831)	(429,831)	-
WDV of Infrastructure Replaced	(200,000)	(200,000)	-
Contributions - Non-Monetary Assets	200,000	200,000	-
Income Statement Surplus / (Deficit)	2,436,773	2,348,419	22,645,632

Cash & Cash Equivalents	Adopted	YTD Actuals	Variance
	Budget 2014/15	14/15	
Cash & Cash Equivalents	6,969,143	17,863,305	10,894,162

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3. OUR COMMUNICATIONS AND PROCESSES

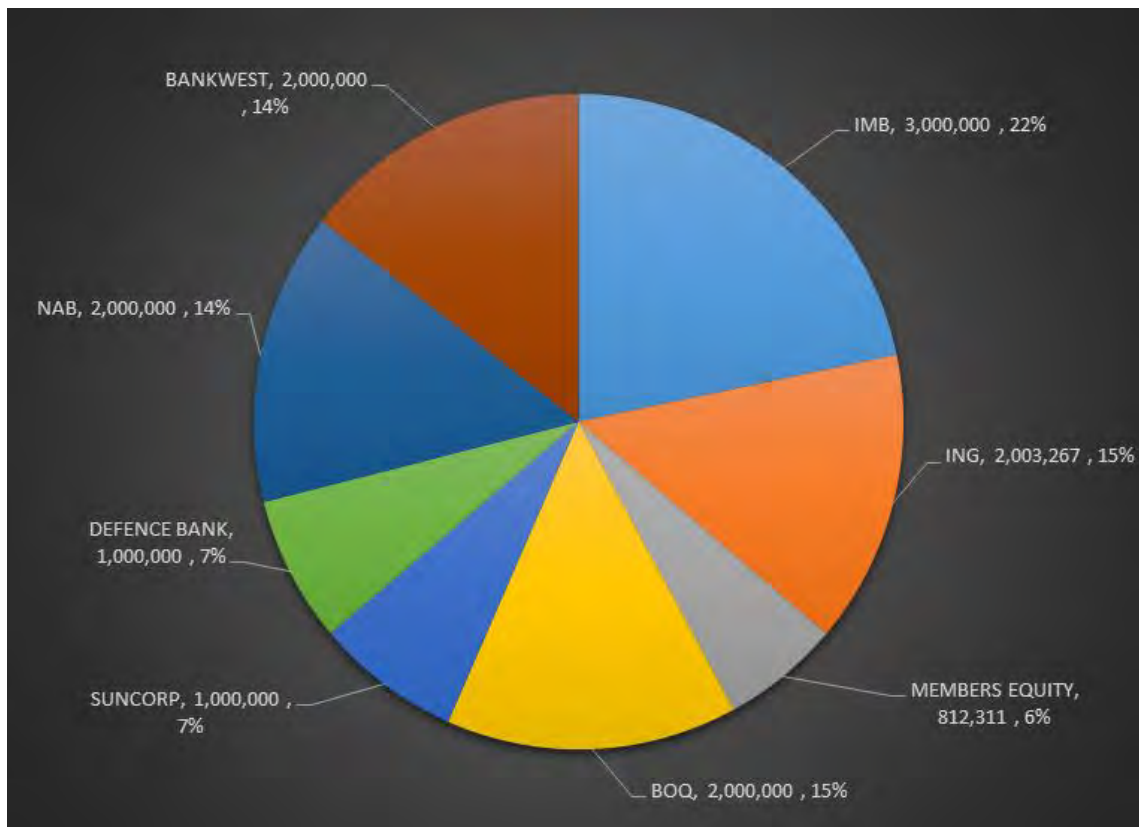
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FINANCIAL POSITION REPORT AS AT 31 OCTOBER 2014 (cont'd)

Current Investments as at 31 October 2014

Bank	Deposit Amount
IMB	3,000,000
ING	2,003,267
MEMBERS EQUITY	812,311
BOQ	2,000,000
SUNCORP	1,000,000
DEFENCE BANK	1,000,000
NAB	2,000,000
BANKWEST	2,000,000
Grand Total	13,815,578

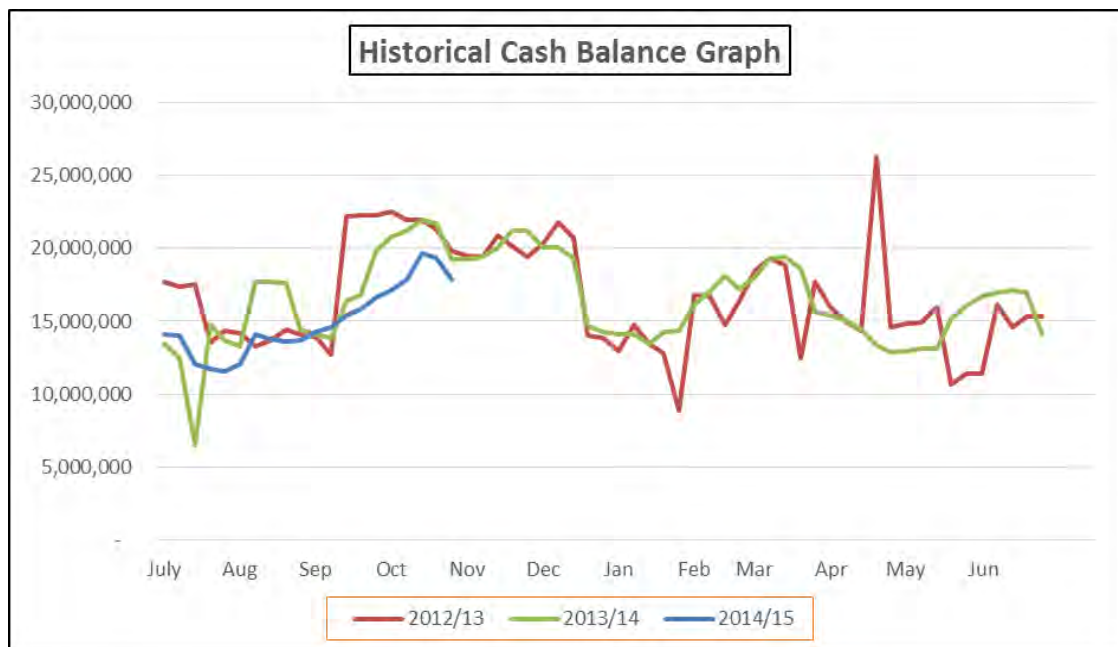
Active Investment Spread as at 31 October 2014



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FINANCIAL POSITION REPORT AS AT 31 OCTOBER 2014 (cont'd)



Rates & Other Debtors Summary

Rate Collection			
General Rates & Charges	Oct-13	Oct-14	Movements
Arrears carried forward	1,310,464	1,769,327	⬇️ 458,863
Total rates to be collected (amount levied)	29,168,983	31,090,880	⬆️ 1,921,897
Collection to date	10,713,539	11,781,051	⬆️ 1,067,512
No. of rateable assessments	17,020	17,448	⬆️ 428
Rateable Valuation C.I.V	4,909,992,400	4,969,789,600	⬆️ 59,797,200
Supplementary rate increase since adopted budget	0	(5,730)	⬇️ (5,730)
Fire Services Levy			
Fire Services Levied	3,605,359	3,255,860	⬇️ (349,499)
Fire Services Rebates/Concessions/Cancellations & Collections	822,733	1,309,226	⬆️ 486,493
Supplementary Fire Services	0	261	⬆️ 261
Special Rate Debtors			
	Sep-14	Oct-14	
Principal Outstanding	41,030	38,268	⬆️ 2,762
Interest Outstanding	2,350	1,930	⬆️ 420
Total	43,380	40,198	⬆️ 3,182
Debtors			
	Sep-14	Oct-14	
Current	444,448	493,817	⬆️ (49,369)
30 Days	383,281	202,191	⬆️ 181,090
60 Days	35,653	231,097	⬆️ (195,444)
90 Days	25,504	13,733	⬆️ 11,771
> 90 Days	201,342	263,888	⬆️ (62,546)
Total	1,090,228	1,204,726	⬆️ (114,498)
Infringements			
	Sep-14	Oct-14	
Balance Outstanding	142,189	140,618	⬆️ 1,571

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FINANCIAL POSITION REPORT AS AT 31 OCTOBER 2014 (cont'd)

3. Financial Implications

There are no financial implications outside of the normal quarterly review.

4. Risk Management

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

5. Internal and External Consultation

The following members of staff were consulted:

- Acting Director, Corporate Governance;
- Finance Manager;
- Team Leader, Financial Accountant;
- Finance Analysts;

Council's Financial Position Report is provided on a monthly basis for public viewing in accordance with Council's open and transparent governance policy.

6. Regional Context

There are no regional context issues to consider within this report.

7. Council Plan Strategy

The report assists Council to deliver on its organisation plan strategy by ensuring sound financial management practices.

8. Legislative / Policy Implications

The report complies with:

- the Local Government Act S.136; and
- Council's Budget and Financial Reporting Policy.
- The 2013/14 to 2016/17 Council Plan Strategic Goal 4 and Strategic Resource Plan

9. Environmental Impact

There are no environmental impacts associated with this report.

10. Conflict of Interest Considerations

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

11. Conclusion

Council's financial position as at 31 October 2014 is satisfactory, but it must continue to be managed prudently, particularly in the areas of capital income, capital expenditure and operational growth, for this situation to be maintained.

Attachments

Nil

FILE NO: 180.07.0021
3. OUR COMMUNICATIONS AND PROCESSES

ITEM NO: 9.1.2
(TEAM LEADER - FINANCIAL
ACCOUNTANT, RAMKI SUBRAMANIAM)
(ACTING DIRECTOR CORPORATE
GOVERNANCE, DOUG SHARP)

QUARTERLY BUDGET REVIEW - SEPTEMBER 2014

RECOMMENDATION




That Council notes and approves the projections for the 2014/15 financial year contained in the September 2014 quarterly budget review.

1. Executive Summary

Council has a projected surplus of \$2,348,419 for the current financial year, which is a decrease of \$88,355 from the projected surplus of \$2,436,774 in the Adopted Budget. The movements are detailed in Forecast overview table in the next page. For Council to remain in a sound underlying financial position throughout the 2014/15 financial year it will need to further reduce expenditure and increase income. Please refer to Operating cash flow detailed in Graph 2.3.

Background:

Council uses a reporting and monitoring system based on the concept of "traffic light" reporting to identify and indicate the level of concern regarding specific aspects of the finances. The three standard "light" of green, amber and red are used as explained below:

	No risk - an improving situation.
	Warning or caution - the situation needs monitoring and improving.
	Alert - remedial action required either in the short term or in the long term.

The following table summarises the forecast changes or movements arising from the September 2014 review:

FILE NO: 180.07.0021
3. OUR COMMUNICATIONS AND PROCESSES

ITEM NO: 9.1.2
(TEAM LEADER - FINANCIAL
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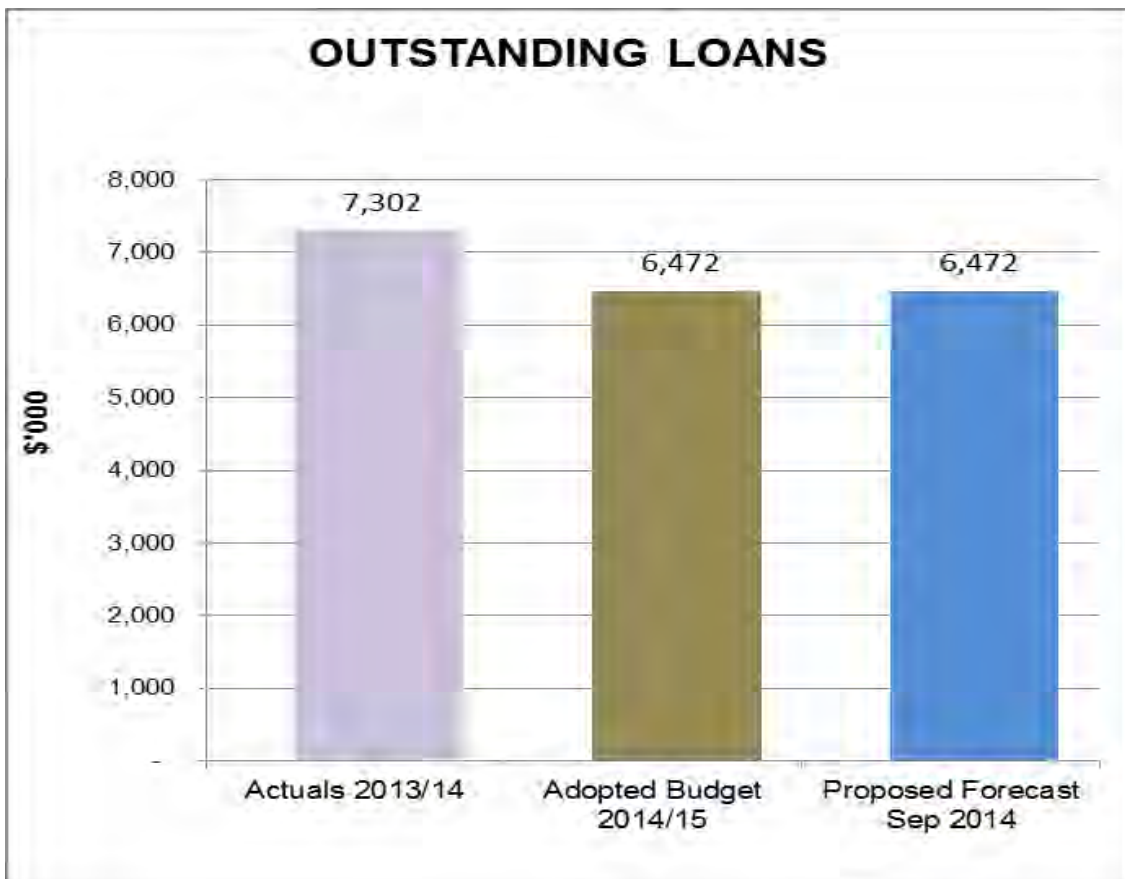
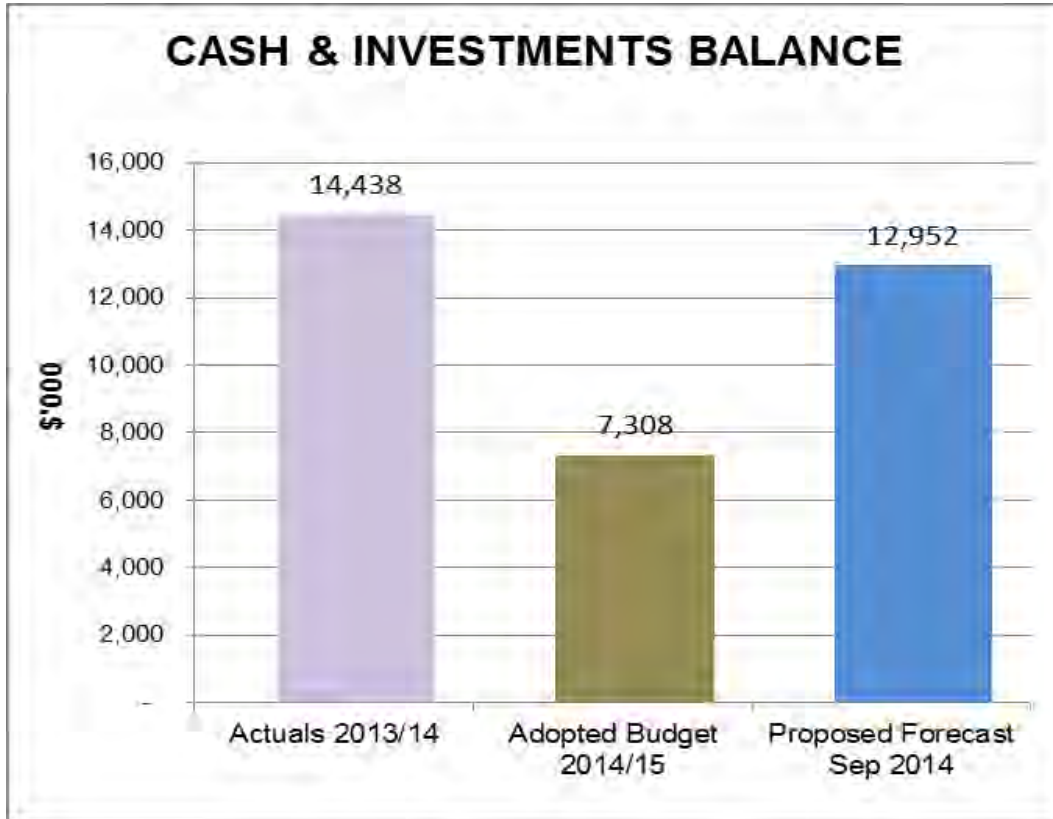
QUARTERLY BUDGET REVIEW - SEPTEMBER 2014 (cont'd)

Item	Actual 2013/14 \$	Adopted Budget 2014 \$	Proposed Forecast Sep 2014 \$	Variance 2014 Budget vs Sep 2014 (Favourable / Unfavourable) \$	Comments
BALANCE OF CASH & INVESTMENTS	14,438,149	7,307,868	12,951,573	5,643,705	Balance of cash is higher due to the last instalment of Flood Emergency funds and is expected to remain at this level.
OUTSTANDING LOANS	7,301,502	6,471,942	6,471,941	(1)	
CAPITAL EXPENDITURE	7,302,843	10,720,189	12,270,645	1,550,456	Variance driven by costs associated with a small number of 2013/14 projects being completed in 2014/15. The most significant project being the Cobram Landfill which was delayed from 2013/14 due to inclement weather conditions.
CAPITAL INCOME (A)	5,284,554	6,146,409	5,883,046	(263,363)	Variance due to Numurkah Pre-school grant funding being received in previous year and being replanned again in 2014/15 plan. This is offset by small contributions being received for projects completed in 2013/14.
OPERATING INCOME (B)	61,703,698	47,885,193	47,620,648	(264,545)	Reduction mainly due to the delay in implementation of the Organic Waste programme offset by a slight increase in the Grants Commission Funds.
TOTAL EXPENSES (C)	60,552,643	51,594,828	51,155,275	(439,553)	As stated above there is a corresponding reduction in the Organic Waste programme which has been postponed to Dec 2014. There has also been a reduction in Work Cover insurance premium.
SURPLUS	6,435,609	2,436,774	2,348,419	(88,355)	A + B - C

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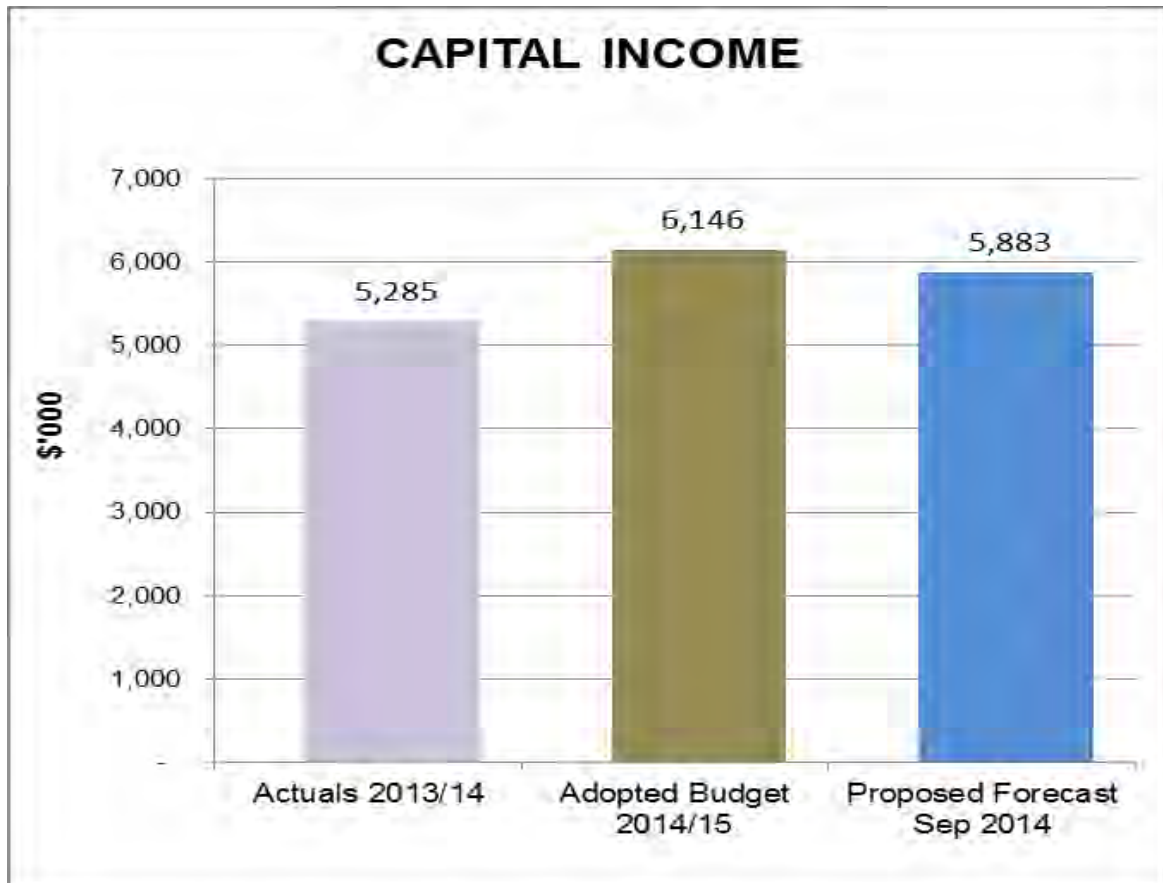
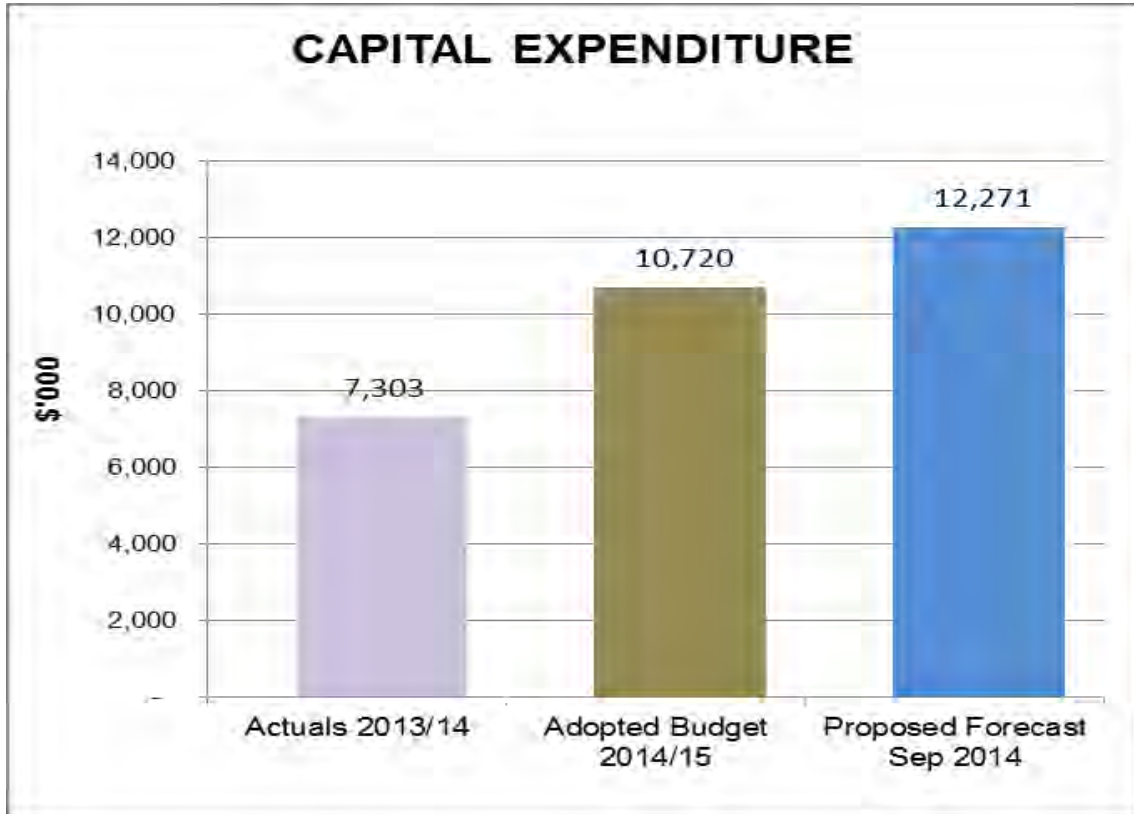
QUARTERLY BUDGET REVIEW - SEPTEMBER 2014 (cont'd)



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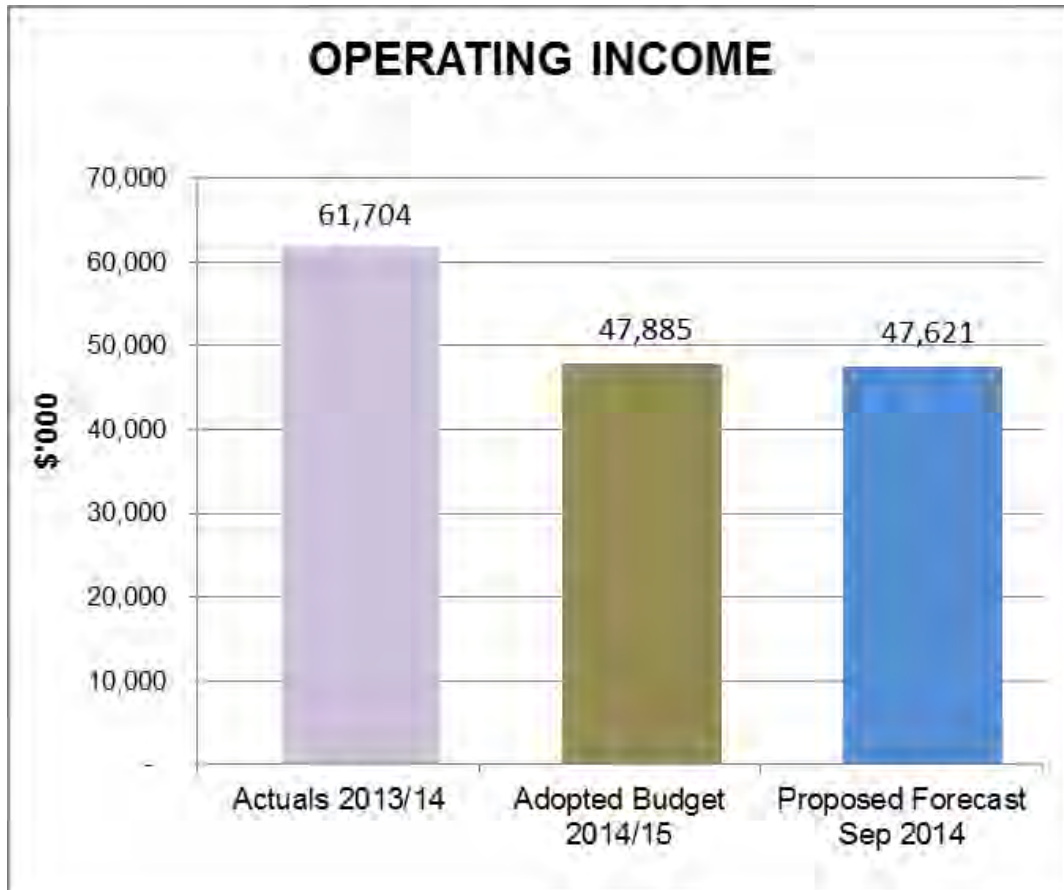
QUARTERLY BUDGET REVIEW - SEPTEMBER 2014 (cont'd)



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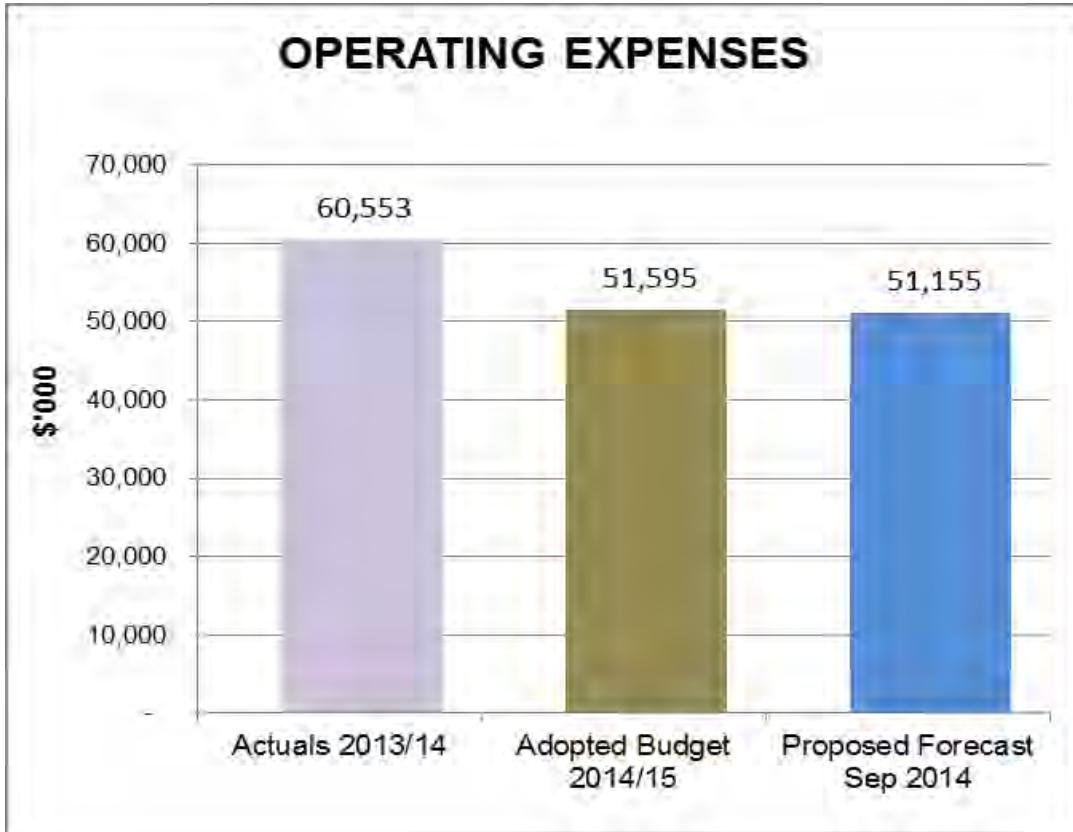
QUARTERLY BUDGET REVIEW - SEPTEMBER 2014 (cont'd)



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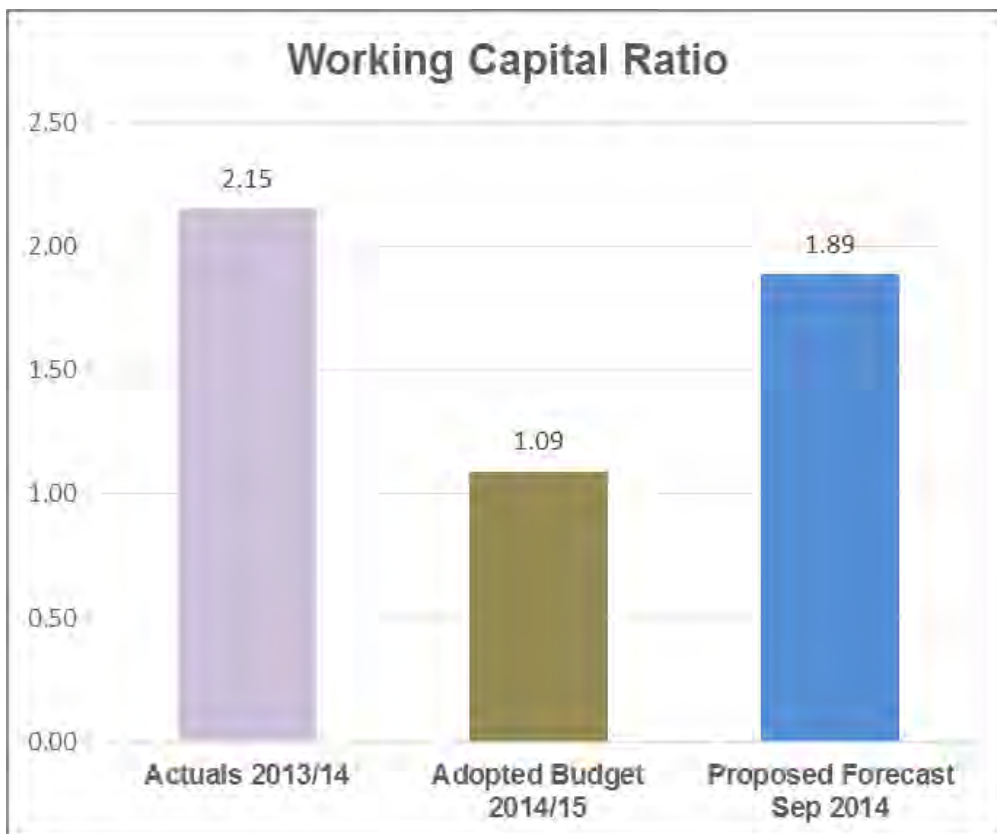
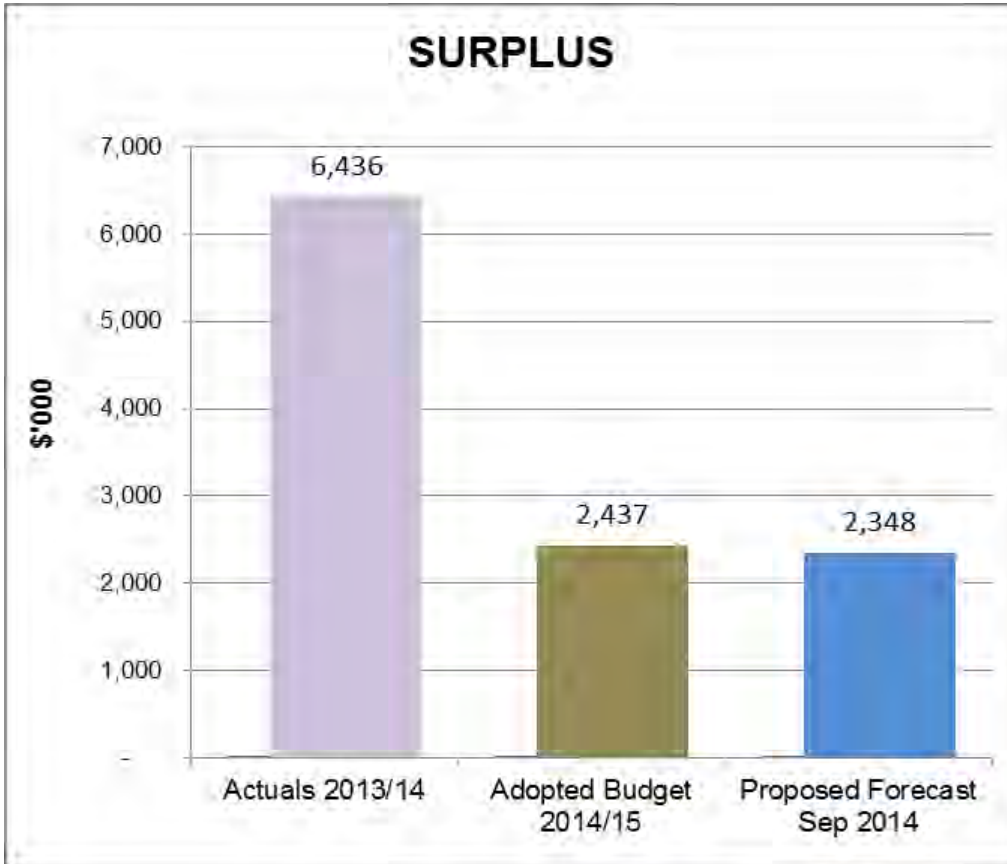
QUARTERLY BUDGET REVIEW - SEPTEMBER 2014 (cont'd)



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QUARTERLY BUDGET REVIEW - SEPTEMBER 2014 (cont'd)

2. Discussion

2.1 Summary of changes to projected operating surplus for the 2014/15 financial year

The surplus for the Proposed Forecast September 2014 is expected to be \$2,348,420 - a decrease in the surplus of \$88,354 compared to the Adopted Budget surplus for 2014/15 of \$2,436,774. The major reasons for this decrease in the deficit are as follows:

	Favourable / (Unfavourable) \$
Surplus – Adopted Budget 2014/15	2,436,774
Decrease in Rates income	(473,001)
Increase in Operating Grants	63,107
Increase in income from investment	60,000
Employee Costs	284,708
Material & Services	(134,596)
Other various variations to operating income and expenses	374,789
Proposed September 2014 forecast surplus.	2,348,419

Council has a forecast surplus of \$2,348,419. The significant points are as follows:

- a) Decrease in Rates income – The delay in implementation of the Organic Waste programme resulted in lower rates income being levied. This is matched by a reduction in planned costs.
- b) Decrease in Capital Income – The 2014/15 Adopted Budget included a budgeted Capital Grant, for which Moira Shire Council had already received payment, resulting in double counting of the grant.
- c) Increase in Operating Grants – Council has now received the confirmed amounts from the Victorian Grants Commission which was slightly higher than what was budgeted.
- d) Increase in Income from Investments – Mainly due to a higher average bank balance resulting from receipt of final Natural Disaster Emergency payments.
- e) Employee Cost – Savings from annual Work Cover premium and timing of replacement staff and staff still to be appointed.
- f) Materials & Services – Increase driven by correction of plan omissions for internal print costs and an underutilised grant allocation, also costs associated with an unplanned health & safety issue.

FILE NO: 180.07.0021
3. OUR COMMUNICATIONS AND PROCESSES

ITEM NO: 9.1.2
(TEAM LEADER - FINANCIAL
ACCOUNTANT, RAMKI SUBRAMANIAM)
(ACTING DIRECTOR CORPORATE
GOVERNANCE, DOUG SHARP)

QUARTERLY BUDGET REVIEW - SEPTEMBER 2014 (cont'd)

2.2 Income Statement

Income Statement	Actuals 2013/14 \$	Adopted Budget 2014/15 \$	Sep 2014 Forecast \$	Variance Adopted Budget Vs Sep 2014 Favourable / (Unfavourable) \$
Income				
Rates	28,916,674	31,901,299	31,428,298	(473,001)
Operating Grants	22,115,671	11,215,994	11,279,101	63,107
Capital Grants	4,169,885	5,934,400	5,648,036	(286,364)
Capital contributions	413,607	170,259	193,259	23,000
Contributions- cash	170,336	93,600	68,600	(25,000)
Contributions- non - monetary (Donated assets)	2,018,041	200,000	200,000	-
Reimbursements and Subsidies	82,991	49,532	53,678	4,146
User Charges	2,726,841	2,843,997	2,884,418	40,421
Statutory Fees and Fines	992,152	902,116	902,316	200
Interest	525,679	300,000	360,000	60,000
Other Revenue	239,988	410,405	433,988	23,583
Net Proceeds of Sale of Land Held for Resale	-	10,000	52,000	42,000
Share of Net Profit of Associated Entity	46,505	-	-	-
Previously Unrecognised Assets	4,569,882	-	-	-
Income Total	66,988,252	54,031,602	53,503,694	(527,908)
Expenditure				
Employee Costs	17,289,533	18,642,026	18,357,318	284,708
Materials & Services	13,682,710	11,423,766	11,558,362	(134,596)
Loss on disposal of Infrastructure	2,287,179	-	-	-
External Contract Services	11,179,423	6,300,072	5,933,369	366,703
Utilities	1,218,437	968,072	1,087,472	(119,400)
Bad and Doubtful Debts	-	5,000	5,000	-
Depreciation	9,725,604	8,740,057	8,740,057	-
Other expenses	4,078,053	4,320,149	4,278,011	42,138
Interest on Borrowings	587,100	527,476	527,476	-
Interest on Unwinding of Discount of Provisions	265,407	429,831	429,831	-
Written Down Value of Infrastructure Replaced	-	200,000	200,000	-
Net Loss on Disposal of Property, Plant & Equipment	130,632	18,379	18,379	-
Fair value adjustment of intangible asset	108,565	-	-	-
Share of Net Loss of Associated Entity	-	20,000	20,000	-
Expenditure Total	60,552,643	51,594,828	51,155,275	439,553
Operating Result	6,435,609	2,436,774	2,348,419	(88,355)

FILE NO: 180.07.0021
3. OUR COMMUNICATIONS AND PROCESSES

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(TEAM LEADER - FINANCIAL
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GOVERNANCE, DOUG SHARP)

QUARTERLY BUDGET REVIEW - SEPTEMBER 2014 (cont'd)

2.3 Statement of Cash Flow

Statement of Cash Flows	Actuals 2013/14 \$	Adopted Budget 2014/15 \$	Sep 2014 Forecast \$	Variation - from Adopted Budget (Unfavourable) \$
Net cash flows provided by operating activities	6,448,699	12,104,497	11,788,540	(315,957)
Net cash flow used on investing activities	(6,586,781)	(10,863,563)	(12,402,019)	(1,538,456)
Net cash flows provided by financing activities	(1,116,849)	(862,565)	(873,097)	(10,532)
Net change in cash held	(1,254,931)	378,369	(1,486,576)	(1,864,945)
Cash at the beginning of the year	15,693,080	6,929,498	14,438,149	7,508,651
Cash at the end of the year	14,438,149	7,307,867	12,951,573	5,643,706

2.4 Balance Sheet

Balance Sheet	Actuals 2013/14 \$	Adopted Budget 2014/15 \$	Proposed Forecast September 2014 \$	Variance (unfavourable)
Current Assets	18,427,763	11,848,660	17,392,743	5,544,083
Non-Current Assets	499,397,461	593,884,432	502,905,318	(90,979,114)
Total Assets	517,825,224	605,733,092	520,298,061	(85,435,031)
Current Liabilities	8,584,522	10,852,896	9,215,339	1,637,557
Non-current Liabilities	14,576,670	12,015,960	14,070,270	(2,054,310)
Total Liabilities	23,161,192	22,868,856	23,285,610	(416,754)
Equity	494,664,032	582,864,236	497,012,451	(85,851,785)

FILE NO: 180.07.0021
3. OUR COMMUNICATIONS AND PROCESSES

ITEM NO: 9.1.2
(TEAM LEADER - FINANCIAL
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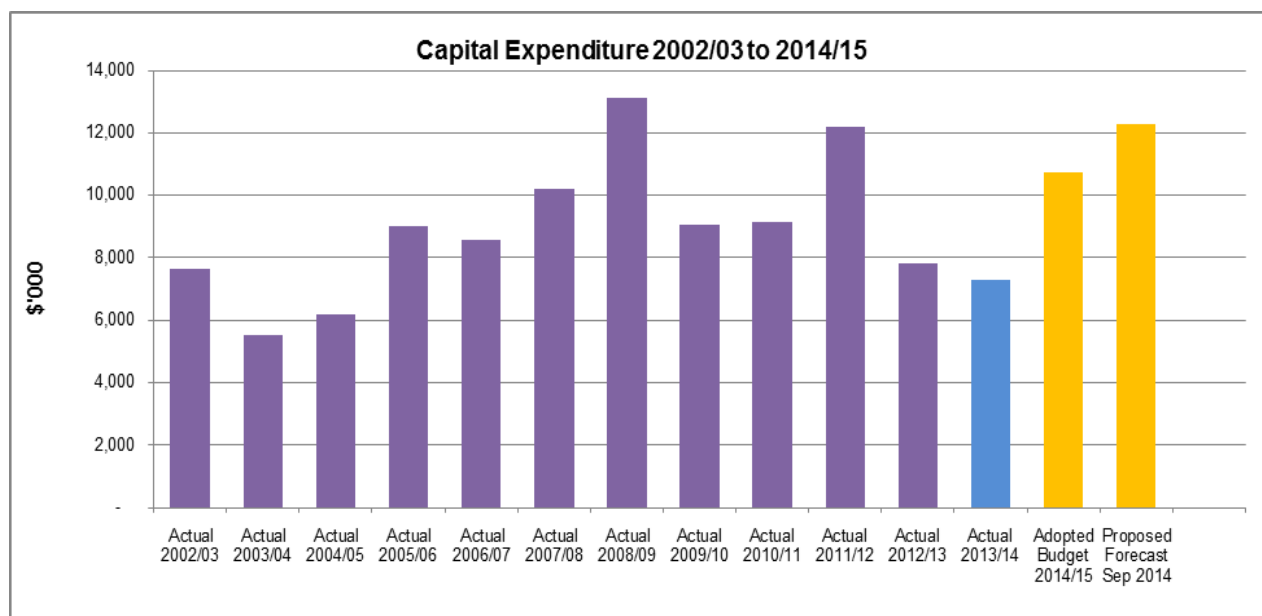
QUARTERLY BUDGET REVIEW - SEPTEMBER 2014 (cont'd)

2.5 Capital

	Actuals 2013/14	Adopted Budget 2014/15	Proposed Forecast Sep 2014	Variance from Adopted Budget \$
Total capital income	(5,284,554)	(6,146,409)	(5,883,046)	(263,363)
Total capital expenditure	7,302,843	10,720,189	12,270,645	(1,550,456)
Grand Total	2,018,289	4,573,780	6,387,599	(1,813,819)

2.6 Capital expenditure

Historical expenditure on capital works:

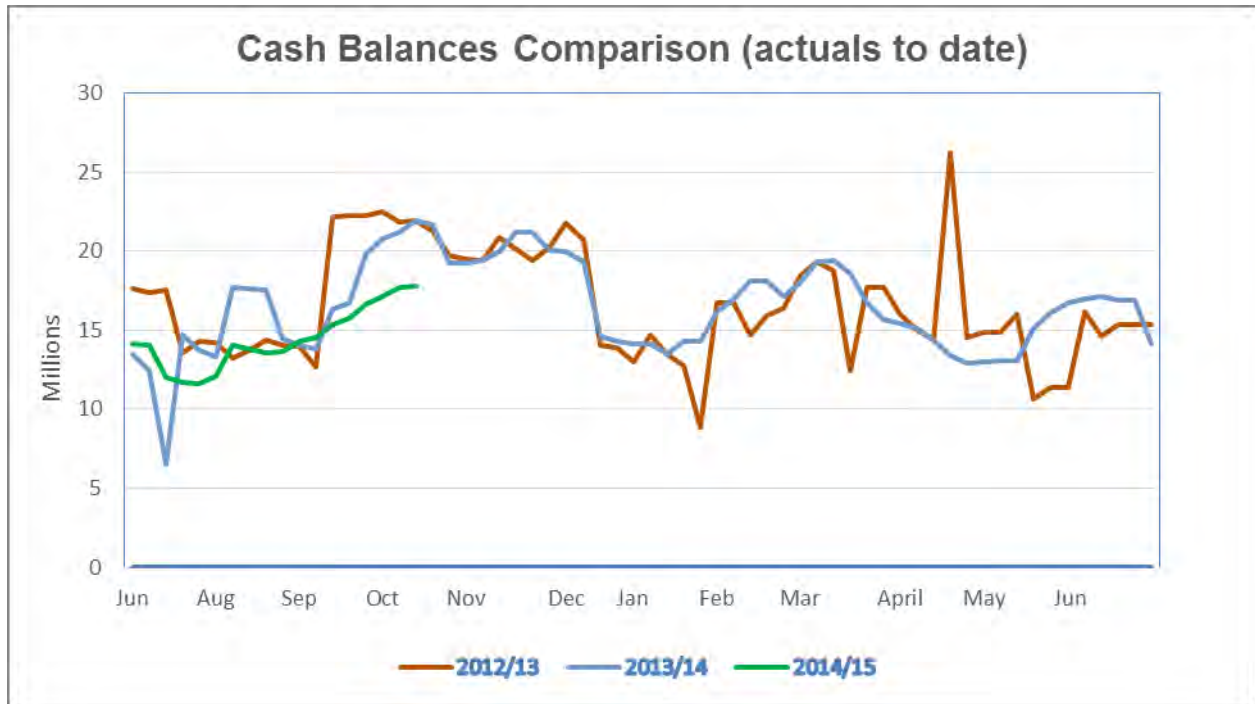


FILE NO: 180.07.0021
3. OUR COMMUNICATIONS AND PROCESSES

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QUARTERLY BUDGET REVIEW - SEPTEMBER 2014 (cont'd)

2.7 Cash Balances



This graph represents the balance of cash assets which comprises cash at bank and on hand plus investments. The balance of cash assets remains in a sound position at \$16.6 million as at 30 September 2014.

2.8 Working Capital

Working capital equals current assets (assets which can be turned into cash within one year) less current liabilities (amounts owing by Council which need to be paid within one year).

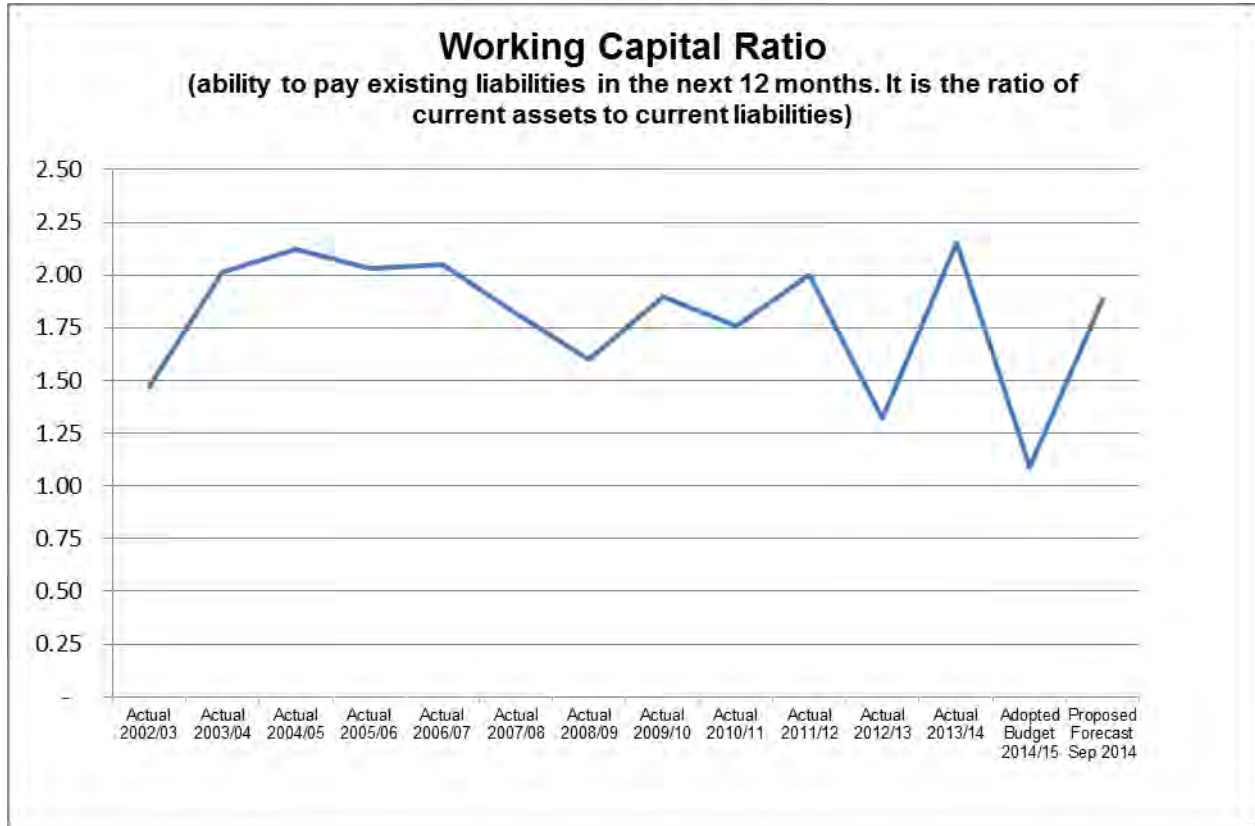
The working capital is projected to be \$8.2 million as at 30 June 2015. This would result in a working capital ratio of 1:1.89, which is above the low risk sustainability indicator of the Victorian Auditor-General's Office of better than 1:1.5. Council will continue to work hard to reduce expenditure and increase income to meet the VAGO ratio benchmark.

The long term financial plan model indicates that the working capital ratio (presently 1:1.89) will continue to meet the VAGO requirement.

FILE NO: 180.07.0021
3. OUR COMMUNICATIONS AND PROCESSES

ITEM NO: 9.1.2
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QUARTERLY BUDGET REVIEW - SEPTEMBER 2014 (cont'd)



2.9 Financial Risks

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

Capital Works

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

Grant Income

Council has a significant level of government grants - \$16.9 million. These grants underpin several capital works projects and operating programs, all of which are of importance to the community. Capital grants, for 2014/15, total \$5.6 million and operating grants \$11.3 million. Due to the current cash-strapped position of the Government there is a declining trend of Grants as a proportion of the total income. The continuation of this level of funding will be monitored closely and to actively look for more income streams.

Underlying Result

In essence, the underlying result is the operating result after eliminating non-cash capital income, which is contributed assets from developers. Projected for 2014/15 this financial indicator is 4.03% and therefore well above the VAGO target of greater than zero.

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3. OUR COMMUNICATIONS AND PROCESSES

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QUARTERLY BUDGET REVIEW - SEPTEMBER 2014 (cont'd)

Indebtedness (Total long term liabilities / Own source revenue)

This ratio measures the ability for Council to pay its liabilities from its own sources of income, which excludes all grants and contributions. Council's long term liabilities include loans and Council's obligation to rehabilitate landfills.

To be in the low financial risk category VAGO suggests that the ratio be 40% or lower. Council's ratio is currently 39% and reduces gradually as Council's does not plan to avail of new loans.

3. Community Consultation

The Council's September 2014 budget review is provided for public viewing in accordance with Council's open and transparent governance policy.

4. Internal Consultation

The following members of staff were consulted:

- Corporate Management Team
- All Managers
- Team Leader - Financial Accountant
- Financial Accountant

5. Legislative / Policy Implications

This report complies with the Local Government Act 1989 and Council's Budget and Financial Reporting policy.

In accordance with Section 138 of the Local Government Act 1989, at least every three months the Chief Executive Officer must ensure a statement comparing the budgeted revenue and expenditure for the financial year with actual revenue and expenditure to date is presented to the Council.

6. Environmental Sustainability

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

7. Conflict of Interest Considerations

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

8. Conclusion

The projected cash position is \$12.9 million as at 30 June 2015.

An operating surplus of \$2.3 million is forecast as at 30 June 2015.

A capital works program of \$12.3 million is currently forecast to be delivered as at 30 June 2015.

Council is facing a challenging position and will have to seek additional revenue streams and decrease expenditure as explained earlier.

Attachments

Nil

FILE NO: XX
6. GOVERNANCE

ITEM NO: 9.1.3
(ACTING DIRECTOR CORPORATE
GOVERNANCE, DOUG SHARP)
(ACTING DIRECTOR CORPORATE
GOVERNANCE, DOUG SHARP)

WHELAN REPORT: ASSESSMENT OF RELATIVE SUSTAINABLE CAPACITY

RECOMMENDATION

That:

1. The report be noted and that the Whelan Report re Assessment of Relative Sustainable Capacity for Moira Shire be used as a basis for further understanding the Shire's financial position and to inform on future planning deliberations in regard to finance, service delivery, infrastructure investment and expectations of accessibility to services.

1. Executive Summary

Conjecture over Moira Shire's financial position compounded by the distorting effects of massive flood recovery works over recent years has led to a need for clarity in this area.

The Whelan Report was commissioned to gain a greater understanding of Moira Shire's financial position and performance. It takes a different perspective by applying a methodology that utilises a community's capacity to pay, together with nominal costs of running a council assessed against inherent factors (its DNA), to produce a sustainability ratio (handicap) capable of being compared to other councils. It then assesses how the Council actually performs against a predicted outcome.

The Report finds that Moira Shire is significantly handicapped by the way it is made up, regardless of how it performs. It must carry a relative and distinct disadvantage in the journey to be a sustainable entity.

Despite this the Council performs better than predicted. Its operating costs are lower than predicted, it is raising revenue at a point equal to the community's capacity to pay and its operating result is slightly better than expected. The conclusion drawn from the analysis is that Moira Shire is costing its ratepayers less than it should for a Council but it also has very little room to move.

It is recommended that the Whelan Report be used to inform on future financial and service planning deliberations as Council strives to be more sustainable

2. Background and Options

Moira Shire's financial position has been the subject of considerable conjecture in recent times. Speculation of a deteriorating financial position from some quarters contrasted with reports that indicated otherwise. Compounding this situation was the distorting effect of \$50 million worth of flood recovery works necessarily undertaken by Council over the past three financial years.

In view of this situation there was a need to obtain clarity around Council's financial position, both in terms of its veracity and relative performance.

The Annual Report, recently released, was a first step down this path. It contains the audited financial statements of the Council as at 30 June 2014. The statements achieved a clean audit result from the Auditor-General and revealed an improving financial position. However, they are a snapshot in time and still contain the effect of abnormal or extraordinary impacts, such as the flood recovery works.

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WHELAN REPORT: ASSESSMENT OF RELATIVE SUSTAINABLE CAPACITY (cont'd)

The Whelan Report was commissioned to gain further understanding of Council's financial position. It takes a different perspective by assessing financial sustainability using independent published data from various sources and applying a methodology that objectively calculates a sustainable capacity ratio capable of being compared with other councils. The purpose of this methodology is to identify the factors beyond Council's control that it must confront regardless of any other considerations – its DNA for being the shire it is in terms of its character, population, geography and the like and then establishes a ratio, or handicap in horse racing terms, that it must carry on the journey towards being a sustainable municipality.

In doing so the report looks at four key elements:

- The communities capacity to pay;
- Inherent factors that drive Council's costs;
- How the capacity to pay and Council's revenues combine to define Council's sustainable capacity; and
- Comparison of Moira's actual and predicted performance.

The community's capacity to pay reflects individual and company incomes along with fees, fines and other revenue available to Council.

The research reveals that Moira's residents' capacity to pay ranks 65th out of the 79 Victorian councils and is the 2nd lowest of the eight large rural shires with which Moira is officially grouped for comparison purposes. In other words, the community well on which to draw is nowhere near as full as that for other councils on average. Moreover, Moira Shire is drawing on this capacity at a relatively higher rate than other councils. Additional income from tourism and shoppers is also relatively lower than councils in our group.

The report also reveals that the Moira Shire has inherently higher costs than average, that is the weight we are saddled with by virtue of such factors as population distribution, geography, age profile and climate is relatively heavier than most other councils.

Through the methodology used, a Sustainable Capacity Ratio is determined by comparing the capacity to pay with the council's nominal costs after government grants are deducted. Moira Shire's sustainability ratio is quite low and the worst of the large rural councils. Put another way, the Council has an inherent handicap that means it must work harder than most councils to be a financially viable entity.

Having established the starting weight that Moira Shire must carry, the Whelan Report then compares the predicted performance with actual performance. It shows that Moira is performing better than predicted – that we are punching above our weight.

The model predicted that Moira should have the highest costs out of the eight large rural councils and the 58th highest nominal costs out of the 79 Victorian councils. The report found that Council is delivering its services and projects at around 90% of the predicted costs.

Whelan also found that Moira Shire is raising revenue at a point equal to the community's capacity to pay and that the operating result is slightly better than expected.

The report was prepared by Merv and Rohan Whelan using a model developed over many years to analyse and inform Council's business planning, funding applications and service

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WHELAN REPORT: ASSESSMENT OF RELATIVE SUSTAINABLE CAPACITY (cont'd)

delivery. In developing and testing the model 11 inherent factors explain 98.8% of variability in actual costs of Victoria's 79 Councils. These are:

- Population number
- Population density
- Concentration of service delivery
- Average traffic volumes
- Population dispersion
- Council remoteness
- Population change eg growth
- Tourism
- Road cost index
- Bridges
- Aged population

The authors submit that the sustainable capacity ratio is a more meaningful baseline for comparing Council performance because no two councils have the same inherent factors.

To ensure the quality and integrity of the model Whelan uses independent data available from the ATO, ABS, Centrelink, Victoria Grants Commission, Council Annual Reports and the latest ABS census data. There are significant lags in publication of this data which means, for example, the Moira Shire report has been prepared using 2011 data.

The authors point out that the underlying factors do not change rapidly and any changes tend to be relatively small. For this reason, they claim, the relative trends remain relevant over a number of years.

This report should be seen as a further step in for understanding Council's financial position, cost drivers, challenges and opportunities. Further work will follow to give more clarity on Council's financial position as it prepares for budget deliberations.

3. Financial Implications

This report is intended to be used to inform Council on future financial planning including budget considerations.

4. Risk Management

This report can inform risk management in terms of the capacity of Council to deal with the range of assets and services under its control.

5. Internal and External Consultation

The Whelan Report is being made available publicly to assist with greater understanding of Moira Shire's financial position and performance, and the challenges it faces to achieve a sustainable future.

6. Regional Context

The report assists Council to understand the challenges it faces as compared to other regional councils.

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WHELAN REPORT: ASSESSMENT OF RELATIVE SUSTAINABLE CAPACITY (cont'd)

7. Council Plan Strategy

Governance: Moira will meet governance, communication, compliance and regulatory standards through its commitment to advocacy and effective decision making and demonstrate good governance by being consensus orientated, equitable, effective and efficient.

8. Legislative / Policy Implications

There are no Legislative / Policy Implications associated with this report.

9. Environmental Impact

There are no Environmental Impacts associated with this report.

10. Conflict of Interest Considerations

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

11. Conclusion

The Whelan Report was commissioned to gain a greater understanding of Moira Shire's financial position and performance. It takes a different perspective by applying a methodology that utilises a community's capacity to pay, together with nominal costs of running a council assessed against inherent factors (its DNA), to produce a sustainability ratio (handicap) capable of being compared to other councils. It then assesses how the Council actually performs against a predicted outcome.

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It is recommended that the Whelan Report be used to inform on future deliberations in regard to finance, service delivery, infrastructure investment and expectations of accessibility to services as Council strives to be more sustainable.

Attachments

- 1 Whelan Report

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(ACTING DIRECTOR CORPORATE
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**WHELAN REPORT: ASSESSMENT OF RELATIVE SUSTAINABLE CAPACITY
(cont'd)**

ATTACHMENT No [1] - Whelan Report



ASSESSMENT OF
RELATIVE SUSTAINABLE
CAPACITY - 2011

Moira Shire
Council

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FILE NO: XX
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**WHELAN REPORT: ASSESSMENT OF RELATIVE SUSTAINABLE CAPACITY
(cont'd)**

ATTACHMENT No [1] - Whelan Report

MOIRA SHIRE COUNCIL

ASSESSMENT OF RELATIVE SUSTAINABLE CAPACITY - 2011

CONTENTS:

SUSTAINABLE CAPACITY - OVERVIEW & METHODOLOGY

- 3 FINANCIAL SUSTAINABILITY OVERVIEW
- 4 ASSESSING SUSTAINABLE CAPACITY

SUSTAINABLE CAPACITY RATIO CALCULATION

- 5 CAPACITY TO PAY & NOMINAL COSTS
- 6 INHERENT FACTORS USED TO PREDICT (NOMINAL) RECURRENT COSTS
- 7 INHERENT FACTORS, RECURRENT GOVERNMENT GRANTS, SUSTAINABLE CAPACITY RATIO
- 8 POSITION RELATIVE TO ALL COUNCILS - KEY SUSTAINABILITY COMPONENTS
- 9 POSITION RELATIVE TO LARGE RURAL COUNCILS - KEY SUSTAINABILITY COMPONENTS

THE IMPACT OF MOIRA'S SUSTAINABLE CAPACITY

- 10 IMPACT ON RECURRENT OPERATIONS
- 11 IMPACT ON CAPACITY TO RAISE RATES & CHARGES REVENUE
- 12 IMPACT ON CAPACITY TO RAISE FEES, FINES & USER CHARGES / SUMMARY

SUSTAINABLE CAPACITY - FOUR YEAR TREND

- 13 TRENDS IN SUSTAINABLE CAPACITY 2007 - 2011
- 14 TRENDS IN KEY SUSTAINABILITY COMPONENTS - 2007 to 2011
- 15 TRENDS IN SUSTAINABLE CAPACITY & ITS IMPACT ON OPERATIONS 2007 - 2011

MOIRA'S APPROACH WITH RESPECT TO ITS CAPACITY

- 16 APPROACH TO OPERATING RESULT
- 17 APPROACH TO RATING LEVELS / SUMMARY

Moira Shire is classified as 'Large Rural'

This classification comprises:

<i>Bass Coast</i>	<i>Baw Baw</i>	<i>Campaspe</i>
<i>East Gippsland</i>	<i>Macedon Ranges</i>	<i>Mitchell</i>
<i>Moira</i>	<i>South Gippsland</i>	<i>Wellington</i>

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**WHELAN REPORT: ASSESSMENT OF RELATIVE SUSTAINABLE CAPACITY
(cont'd)**

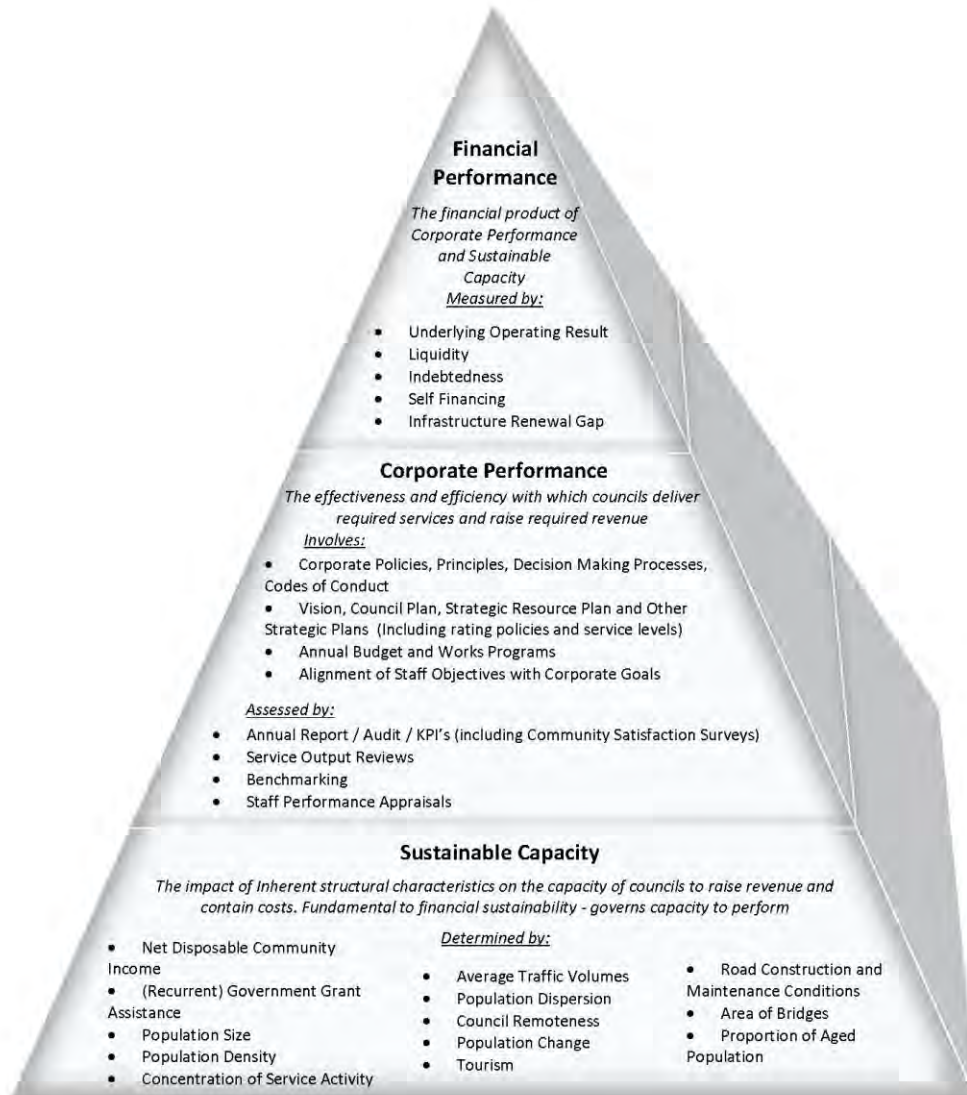
ATTACHMENT No [1] - Whelan Report

MOIRA SHIRE RELATIVE SUSTAINABLE CAPACITY 2011
FINANCIAL SUSTAINABILITY OVERVIEW

A financially sustainable council is able to provide and fund required services, ensure equitable imposition of rates and charges, maintain operational viability and preserve intergenerational equity.

Assessing the financial sustainability of Moira Shire Council involves determining its sustainable capacity, reviewing its corporate approach and measuring its financial performance. This process is represented graphically in the pyramid.

COUNCIL FINANCIAL SUSTAINABILITY PYRAMID



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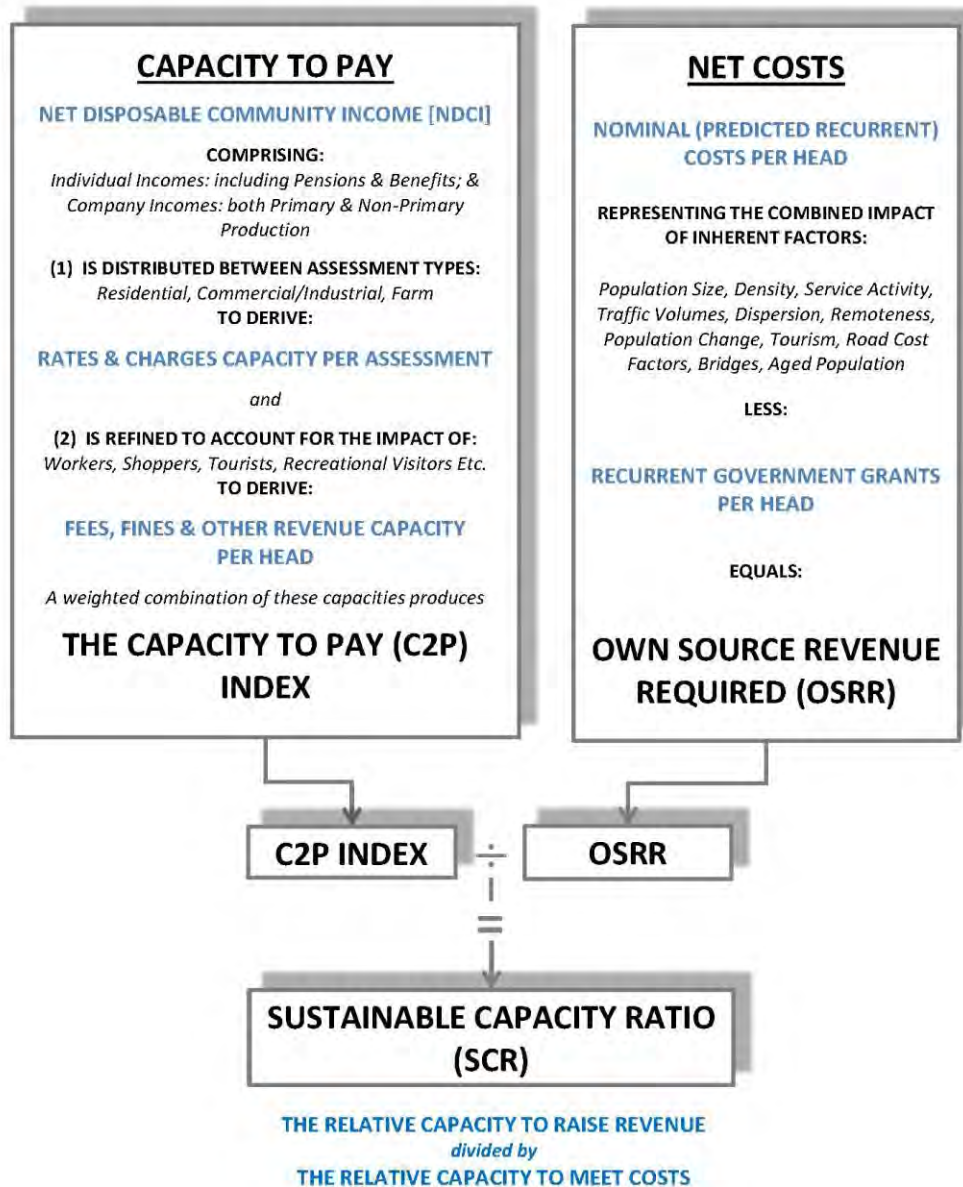
WHELAN REPORT: ASSESSMENT OF RELATIVE SUSTAINABLE CAPACITY
(cont'd)

ATTACHMENT No [1] - Whelan Report

MOIRA SHIRE RELATIVE SUSTAINABLE CAPACITY 2011
ASSESSING SUSTAINABLE CAPACITY

THE SUSTAINABLE CAPACITY RATIO

The Sustainable Capacity Ratio for Moira Shire Councils calculated in accordance with the methodology presented in the following diagram:



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**WHELAN REPORT: ASSESSMENT OF RELATIVE SUSTAINABLE CAPACITY
(cont'd)**

ATTACHMENT No [1] - Whelan Report

MOIRA SHIRE RELATIVE SUSTAINABLE CAPACITY 2011				
CAPACITY TO PAY & NOMINAL COSTS				
BASED ON 2010/11 DATA FROM THE AUSTRALIAN TAXATION OFFICE, THE AUSTRALIAN BUREAU of STATISTICS, CENTRELINK, THE VICTORIAN GRANTS COMMISSION, COUNCIL ANNUAL REPORTS AND ON THE 2011 ABS CENSUS DATA		MOIRA	MEDIAN ALL COUNCILS	LARGE RURAL AVERAGE
CAPACITY TO PAY (C2P)		* ex Melb.		
RATES, CHARGES & PROPERTY BASED FEES	Relative capacity to raise rates & charges revenue and property based fees (per assessment).	\$ 48,242	\$60,240	\$53,301
FEES, FINES, USER CHARGES & OTHER REVENUE	Relative capacity to raise fees, fines, user charges & other revenue (per head).	\$ 27,849	\$31,463	\$33,457
C2P INDEX	Relative capacity to raise own source revenue from Net Disposable Community Income. The Index is a weighted combination of the above two capacities.	\$ 47,130	\$56,801	\$53,118
<p>Moira's capacity to raise revenue from rates & charges is:</p> <ul style="list-style-type: none"> moderately low relative to all councils (Range: \$26,738 to \$137,020*); and moderately low with respect to Large Rural councils (Range: \$42,470 to \$68,696). <p>Its capacity to raise revenue from fees, fines & user charges is:</p> <ul style="list-style-type: none"> reasonably low relative to all councils (Range: \$15,469 to \$113,530*); and low with respect to Large Rural councils (Range: \$23,806 to \$56,360). <p>Council's capacity to raise own source revenue (C2P) is:</p> <ul style="list-style-type: none"> moderately low relative to all councils (Range: \$28,651 to \$148,870*); and low with respect to Large Rural councils (Range: \$44,228 to \$63,788). 				
OWN SOURCE REVENUE REQUIRED (OSRR) - NOMINAL COSTS less: RECURRENT GOVERNMENT GRANTS				
NOMINAL COSTS		* ex Melb.		
NOMINAL COSTS	Nominal (predicted recurrent) costs per head derived from inherent factors (independent variables).	\$ 1,745	\$ 1,427	\$ 1,524
<p>Moira's nominal cost per head is:</p> <ul style="list-style-type: none"> slightly high relative to all councils (Range: \$648 to \$3,460*); and particularly high with respect to Large Rural councils (Range: \$1,268 to \$1,745). 				

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(ACTING DIRECTOR CORPORATE
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(ACTING DIRECTOR CORPORATE
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**WHELAN REPORT: ASSESSMENT OF RELATIVE SUSTAINABLE CAPACITY
(cont'd)**

ATTACHMENT No [1] - Whelan Report

MOIRA SHIRE RELATIVE SUSTAINABLE CAPACITY 2011				
INHERENT FACTORS USED TO PREDICT (NOMINAL) RECURRENT COSTS				
BASED ON 2010/11 DATA FROM THE AUSTRALIAN TAXATION OFFICE, THE AUSTRALIAN BUREAU of STATISTICS, CENTRELINK, THE VICTORIAN GRANTS COMMISSION, COUNCIL ANNUAL REPORTS AND ON THE 2011 ABS CENSUS DATA		MOIRA	MEDIAN ALL COUNCILS	LARGE RURAL AVERAGE
These factors are used as independent variables in a regression model to predict recurrent (nominal) costs. The model explains 98.8% of variability in actual recurrent costs of the 79 councils.				
<i>Comments are made with reference to the State median; * ex Melb.</i>				
POPULATION NUMBER	Population is directly related to economies of scale. It has an exponential impact on cost per head; (State range: 3,061 to 261,282).	28,406	42,826	36,586
Moira's population is moderately small but growing slightly. This limits to some extent Council's relative ability to achieve economies of scale.				
POPULATION DENSITY	Population per kilometre of road. Provision of services to fewer residents over large distances increases service costs; (State range: 1.13 to 407).	5.69	21.90	14.82
Population is sparse, having a very negative impact on Council's operating costs.				
CONCENTRATION of SERVICE ACTIVITY (CSA)	Greater relative regional significance of a commercial centre intensifies demand for council services and infrastructure, and increases costs; (State range: 42.7 to 664*).	116.0	133.7	134.8
The relative Concentration of Service Activity in Moira is moderately low, minimising to some degree the costs of providing associated services and infrastructure.				
AVERAGE TRAFFIC VOLUMES (ATV)	Derived from traffic counts, ATV indicates the demand on infrastructure. It has a material impact on road & traffic management costs; (State range: 34.7 to 1,963*).	175.2	344.6	231.1
Average traffic volumes are low. This has a relatively modest impact on Council's road, traffic management and other infrastructure costs.				
POPULATION DISPERSION	Multiple (and distant) urban centres and townships increase costs through the duplication and administration of council services and infrastructure; (State range: 0.0 to 43.2).	28.6	3.4	19.6
Moira's population dispersion is very high, adding significantly to costs through service duplication and administration.				
COUNCIL REMOTENESS	Council distance by road from major population centres (based on ARIA+ score). Greater remoteness increases costs; (State range: 0.00 to 5.58).	2.10	1.08	2.22
Remoteness is rather high and has a reasonably significant impact on Council's costs.				
POPULATION CHANGE	Observed population change over the previous 10 years. While a higher population improves economies of scale, the growth itself increases costs in the short term.	7.6%	7.0%	12.6%
Moira's population is growing slightly, having a moderate impact on costs associated with growth.				

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**WHELAN REPORT: ASSESSMENT OF RELATIVE SUSTAINABLE CAPACITY
(cont'd)**

ATTACHMENT No [1] - Whelan Report

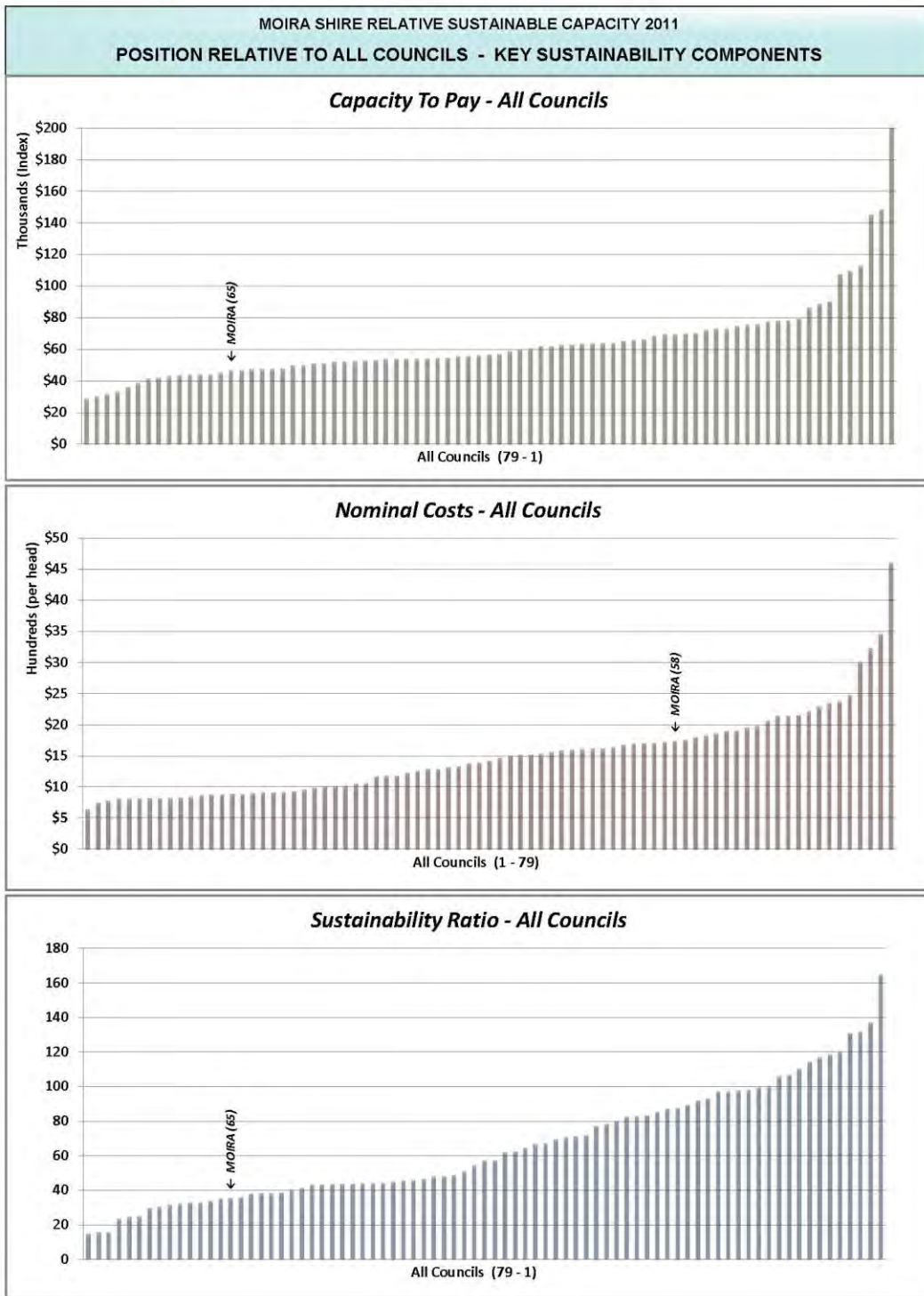
MOIRA SHIRE RELATIVE SUSTAINABLE CAPACITY 2011				
INHERENT FACTORS; RECURRENT GOVERNMENT GRANTS; SUSTAINABLE CAPACITY RATIO				
BASED ON 2010/11 DATA FROM THE AUSTRALIAN TAXATION OFFICE, THE AUSTRALIAN BUREAU of STATISTICS, CENTRELINK, THE VICTORIAN GRANTS COMMISSION, COUNCIL ANNUAL REPORTS AND ON THE 2011 ABS CENSUS DATA		MOIRA	MEDIAN ALL COUNCILS	LARGE RURAL AVERAGE
Comments are made with reference to the State median:			* ex Melb.	
TOURISM	Total visits per capita - 3 year average. Tourism adds to demand on council services and infrastructure; (State range: 4.4 to 177.1*).	35.68	21.01	42.36
Moirra experiences a modestly high level of tourism, placing some pressure on council to provide extra services and infrastructure.				
ROAD COST INDEX (RCI)	Sub-grades, materials, climate and freight combine to form a Road Cost Index; (State range: 0.07 to 0.74).	0.11	0.29	0.28
BRIDGES	Bridge area (sqm/head) included in the local road network; (State range: 0.00 to 1.74).	0.37	0.11	0.32
Road cost factors and bridges combined have a reasonably limited impact on Moira's road and bridge costs.				
AGED POPULATION	The percentage of the community aged 70+ impacts on aged care services costs; (State range: 4.0% to 23.2%).	15.0%	11.4%	12.3%
The percentage of Moira's community aged over 70 has a significant impact on aged care service costs.				
<i>less: RECURRENT GOVERNMENT GRANTS (per head)</i>				
UNTIED GRANTS	Distributed by the Victoria Grants Commission.	\$ 272	\$ 143	\$ 214
TIED GRANTS	Those provided for specific services (including R2R).	\$ 190	\$ 127	\$ 158
TOTAL GRANTS	Total recurrent government grants.	\$ 461	\$ 307	\$ 372
Moirra's total recurrent government grant level is modestly high relative to all councils (Range: \$75 to \$1,527) and very high with respect to Large Rural councils (Range: \$245 to \$485).				
<i>equals: OWN SOURCE REVENUE REQUIRED / NET COSTS (per head)</i>		\$ 1,319	\$ 1,028	\$ 1,163
SUSTAINABLE CAPACITY (SC)				
SC RATIO	<u>C2P Index divided by OSRR</u> . Number of times Capacity to Pay covers net costs per head.	35.7	57.5	46.3
SC RATING	RATING SCALE: 10 - VERY POSITIVE TO 1 - VERY NEGATIVE	3	N/A	4.1
Moirra's level of sustainable capacity is:				
<ul style="list-style-type: none"> • negative relative to all councils (Range: 15.1 to 165.1); and • particularly negative with respect to Large Rural councils (Range: 35.7 to 62.3). 				

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WHELAN REPORT: ASSESSMENT OF RELATIVE SUSTAINABLE CAPACITY
(cont'd)

ATTACHMENT No [1] - Whelan Report



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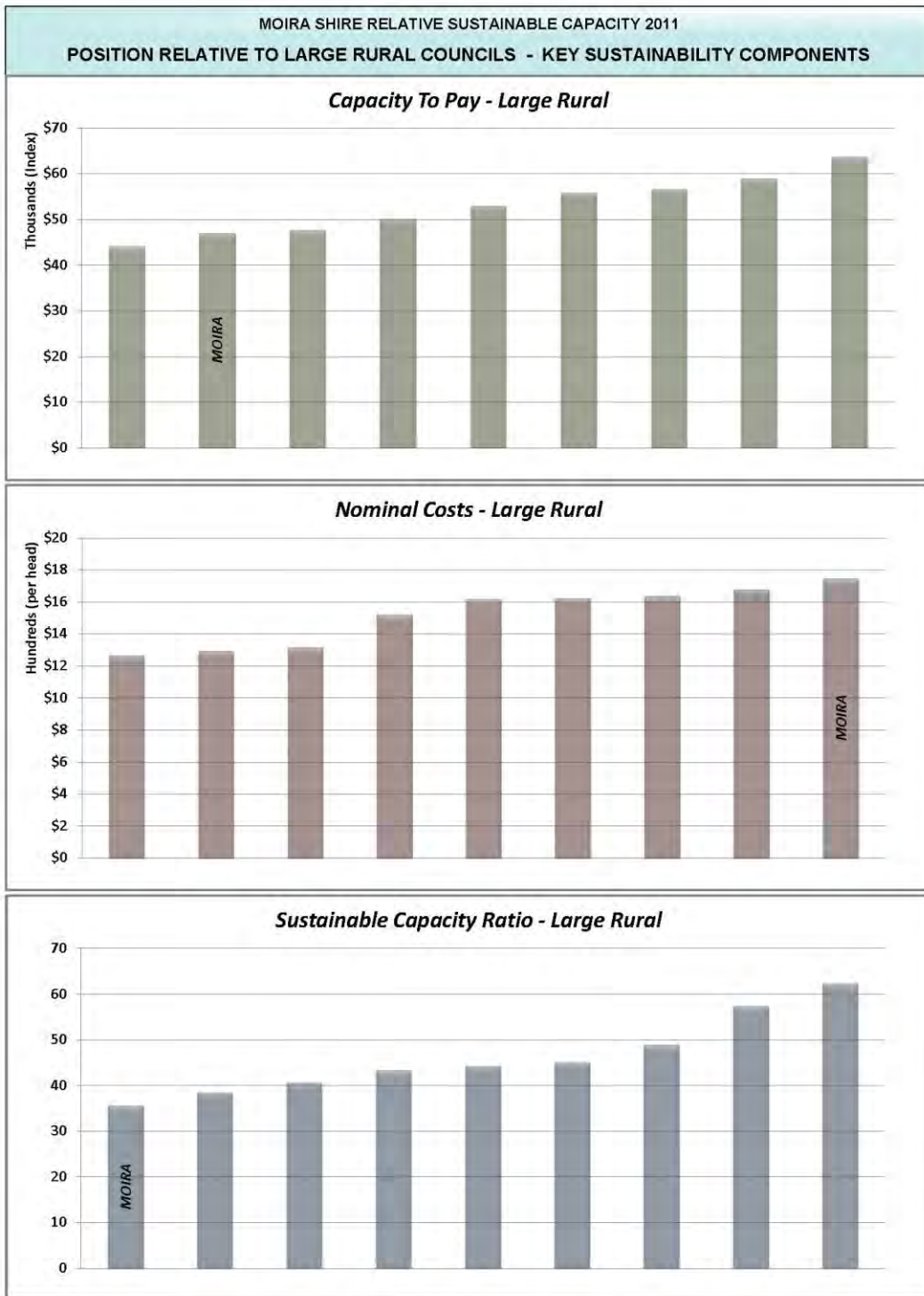
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**WHELAN REPORT: ASSESSMENT OF RELATIVE SUSTAINABLE CAPACITY
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**WHELAN REPORT: ASSESSMENT OF RELATIVE SUSTAINABLE CAPACITY
(cont'd)**

ATTACHMENT No [1] - Whelan Report

MOIRA SHIRE RELATIVE SUSTAINABLE CAPACITY 2011				
IMPACT ON RECURRENT OPERATIONS				
BASED ON 2010/11 DATA FROM THE AUSTRALIAN TAXATION OFFICE, THE AUSTRALIAN BUREAU of STATISTICS, CENTRELINK, THE VICTORIAN GRANTS COMMISSION, COUNCIL ANNUAL REPORTS AND ON THE 2011 ABS CENSUS DATA		MOIRA	MEDIAN ALL COUNCILS	LARGE RURAL AVERAGE
RECURRENT REVENUE *				
USE OF CAPACITY TO PAY	Compares actual own source revenue to the Capacity To Pay Index. (Refer Page 10 for details of components)	3.66%	3.09%	3.31%
	Average own source revenue per assessment divided by: Capacity to Pay Index	1,759 47,130	1,959 56,801	1,690 53,118
<p>Moira's use of total capacity to raise own source revenue is:</p> <ul style="list-style-type: none"> reasonably high relative to all councils (Range: 0.83% to 4.99%); and reasonably high with respect to Large Rural councils (Range: 2.51% to 4.36%). <p>- adjusted to allow for the outsourcing of aged care services.</p>				
RECURRENT COSTS				
NOMINAL COST RATIO	Compares recurrent operating cost per head to nominal (predicted recurrent) cost per head.	91%	100%	98%
	Actual cost per head divided by: Nominal cost per head	1,583 1,745	1,429 1,427	1,439 1,524
<p>Moira's actual recurrent operating cost per head, relative to the nominal cost level predicted by the Model, is low (adjusted for the outsourcing of aged care services).</p> <p>Possible explanations for this include:</p> <ul style="list-style-type: none"> Council placing emphasis on its recurrent operating result. The impact of the moderately low capacity to raise revenue from rates and charges (refer Page 5). The influence of a moderately low capacity to raise revenue from fees, fines, user charges and other sources (refer Page 5). 				
RECURRENT OPERATING RESULT				
RECURRENT OPERATING RESULT (ROR)	Recurrent (continuous, reliable) revenue less recurrent expenses divided by recurrent revenue.	-4.5%	-2.1%	-2.3%
	Actual recurrent revenue per head less: Actual recurrent expenses per head	1,367 1,429	1,367 1,429	1,415 1,439
<p>Moira's recurrent operating result is:</p> <ul style="list-style-type: none"> moderately weak relative to all councils (Range: -25.8% to 9.9%); but weak with respect to Large Rural councils (Range: -9.3% to 3.6%). 				
* Note: Medians / averages do not cross calculate.				

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**WHELAN REPORT: ASSESSMENT OF RELATIVE SUSTAINABLE CAPACITY
(cont'd)**

ATTACHMENT No [1] - Whelan Report

MOIRA SHIRE RELATIVE SUSTAINABLE CAPACITY 2011					
IMPACT ON CAPACITY TO RAISE RATES & CHARGES REVENUE					
BASED ON 2010/11 DATA FROM THE AUSTRALIAN TAXATION OFFICE, THE AUSTRALIAN BUREAU of STATISTICS, CENTRELINK, THE VICTORIAN GRANTS COMMISSION, COUNCIL ANNUAL REPORTS AND ON THE 2011 ABS CENSUS DATA		MOIRA	MEDIAN ALL COUNCILS	LARGE RURAL AVERAGE	
USE OF CAPACITY TO RAISE RATES, CHARGES & PROPERTY BASED FEES (PBF's) [‡]					
REVENUE MIX: # AS A % OF TOTAL ACTUAL RATES; * AS A % OF TOTAL ACTUAL OSR					
TOTAL RATES, CHARGES & PBF's	Compares actual total rates, charges & PBF's to the calculated capacity of the community to pay (disposable income available per assessment).	*	87.3%	80.2%	81.0%
			3.01%	2.47%	2.62%
	Average Rates, Charges & PBF's per assessment divided by: Disposable income available per assessment		1,475 48,242	1,600 60,240	1,366 53,301
RESIDENTIAL RATES, CHARGES & PBF's	Compares actual residential rates, charges & PBF's to the calculated capacity of the community to pay (disposable income available per residential assessment).	#	64.3%	75.4%	72.9%
			3.18%	2.47%	2.70%
	Average Rates, Charges & PBF's per residential assessment divided by: Disposable income available per residential assessment		1,363 42,927	1,341 49,168	1,205 45,822
COMMERCIAL, INDUSTRIAL & OTHER (CIO) RATES, CHARGES & PBF's	Compares actual CIO rates, charges & PBF's to the calculated capacity of the community to pay (disposable income available per CIO assessment).	#	11.2%	11.2%	9.9%
			2.41%	2.05%	2.21%
	Average Rates, Charges & PBF's per CIO assessment divided by: Disposable income available per CIO assessment		2,261 93,745	3,361 123,927	2,493 113,312
FARM RATES, CHARGES & PBF's	Compares actual farm rates, charges & PBF's to the calculated capacity of the community to pay (disposable income available per farm assessment).	#	24.4%	6.9%	17.3%
			3.52%	4.06%	3.84%
	Average Rates, Charges & PBF's per farm assessment divided by: Disposable income available per farm assessment		1,463 41,576	2,213 49,449	1,894 50,648
[‡] Note: Medians / averages do not cross calculate. Moira's use of its capacity to raise rates and charges is: <ul style="list-style-type: none"> • high relative to all councils (Range: 0.38% to 4.91%); and • particularly high with respect to Large Rural councils (Range: 2.25% to 3.01%). The relative impact of this source of revenue is increased because it comprises 87.3% of the Council's own source revenue, compared to the state median of 80.2%. Moira's approach is further clarified by analysing the degree to which Council uses its capacity to raise rates and charges from each assessment type; in particular both residential and farm as they constitute 64.3% and 24.4% respectively of total rates & charges. Council's use of its capacity to raise residential rates & charges is: <ul style="list-style-type: none"> • particularly high relative to all councils (Range: 1.52% to 4.03%); and • particularly high with respect to Large Rural councils (Range: 2.45% to 3.18%). Use of capacity to raise farm rates & charges is: <ul style="list-style-type: none"> • low relative to all councils (Range: 0.00% to 9.68%); and • low with respect to Large Rural councils (Range: 3.24% to 4.57%). 					

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**WHELAN REPORT: ASSESSMENT OF RELATIVE SUSTAINABLE CAPACITY
(cont'd)**

ATTACHMENT No [1] - Whelan Report

MOIRA SHIRE RELATIVE SUSTAINABLE CAPACITY 2011					
IMPACT ON CAPACITY TO RAISE FEES, FINES & USER CHARGES / SUMMARY					
BASED ON 2010/11 DATA FROM THE AUSTRALIAN TAXATION OFFICE, THE AUSTRALIAN BUREAU OF STATISTICS, CENTRELINK, THE VICTORIAN GRANTS COMMISSION, COUNCIL ANNUAL REPORTS AND ON THE 2011 ABS CENSUS DATA		MOIRA	MEDIAN ALL COUNCILS	LARGE RURAL AVERAGE	
USE OF CAPACITY TO RAISE FEES, FINES, USER CHARGES & OTHER REVENUE ^x					
REVENUE MIX: # ASA % OF TOTAL ACTUAL RATES; * ASA % OF TOTAL ACTUAL OSR					
FEES, FINES, USER CHARGES AND OTHER REVENUE	Compares actual fees, fines, user charges and other revenue to the assessed capacity of the community to pay. Viewed as an ability or effort to make <i>use</i> of capacity.	*	12.7%	19.8%	19.0%
			0.52%	0.56%	0.67%
	Average fees, fines & user charges per head	Ω	181	204	207
	divided by: Disposable income available per head		27,849	31,463	33,457
<p>Moira's effort to use its capacity to raise revenue from fees, fines & user charges is slightly low relative to all councils (Range: 0.26% to 1.90%); and reasonably low with respect to Large Rural councils (Range: 0.35% to 1.53%).</p> <p>Consequently, the revenue contribution of 12.7% received by Council from this source is very limited compared to the State Median of 19.8%.</p> <p>Sources of this revenue include: "User Charges" - \$1,434,000 (5.1% of OSR), Caravan Park - \$254,000 (0.9% of OSR) and Rent - \$62,000 (0.2% of OSR).</p> <p>^x Note: Medians / averages do not cross calculate. Ω adjusted to allow for the outsourcing of aged care services.</p>					
SUMMARY OF SUSTAINABLE CAPACITY WITH RESPECT TO...		ALL COUNCILS	LARGE RURAL COUNCILS		
Council's sustainable capacity level, as determined by the Model, is:		negative	particularly negative		
This position represents the combined impact of:					
• a capacity to raise own source revenue that:					
• for rates & charges is		moderately low	moderately low		
• for fees & fines is		reasonably low	low		
• a nominal (predicted) cost level that is:		slightly high	particularly high		
• a recurrent government grant level that is:		modestly high	very high		
Council has responded to its sustainable capacity by:					
• using own source revenue raising capacity to a level:					
• that for rates & charges is		high	particularly high		
• that for fees & fines is		slightly low	reasonably low		
• incurring actual costs compared to nominal that are:		low	low		
Moira has thereby achieved a recurrent operating result that is:		moderately weak	weak		
SUSTAINABLE CAPACITY RATING	10 9 8 7 6 5 4 3 2 1	NEGATIVE	PARTICULARLY NEGATIVE		
OPERATING RESULT RATING	A B B- C C- D D- E E- F	MODERATELY WEAK	WEAK		
SIGNIFICANT RATING DIFFERENCES INDICATIVE OF INFLUENCE OF OTHER FACTORS					

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**WHELAN REPORT: ASSESSMENT OF RELATIVE SUSTAINABLE CAPACITY
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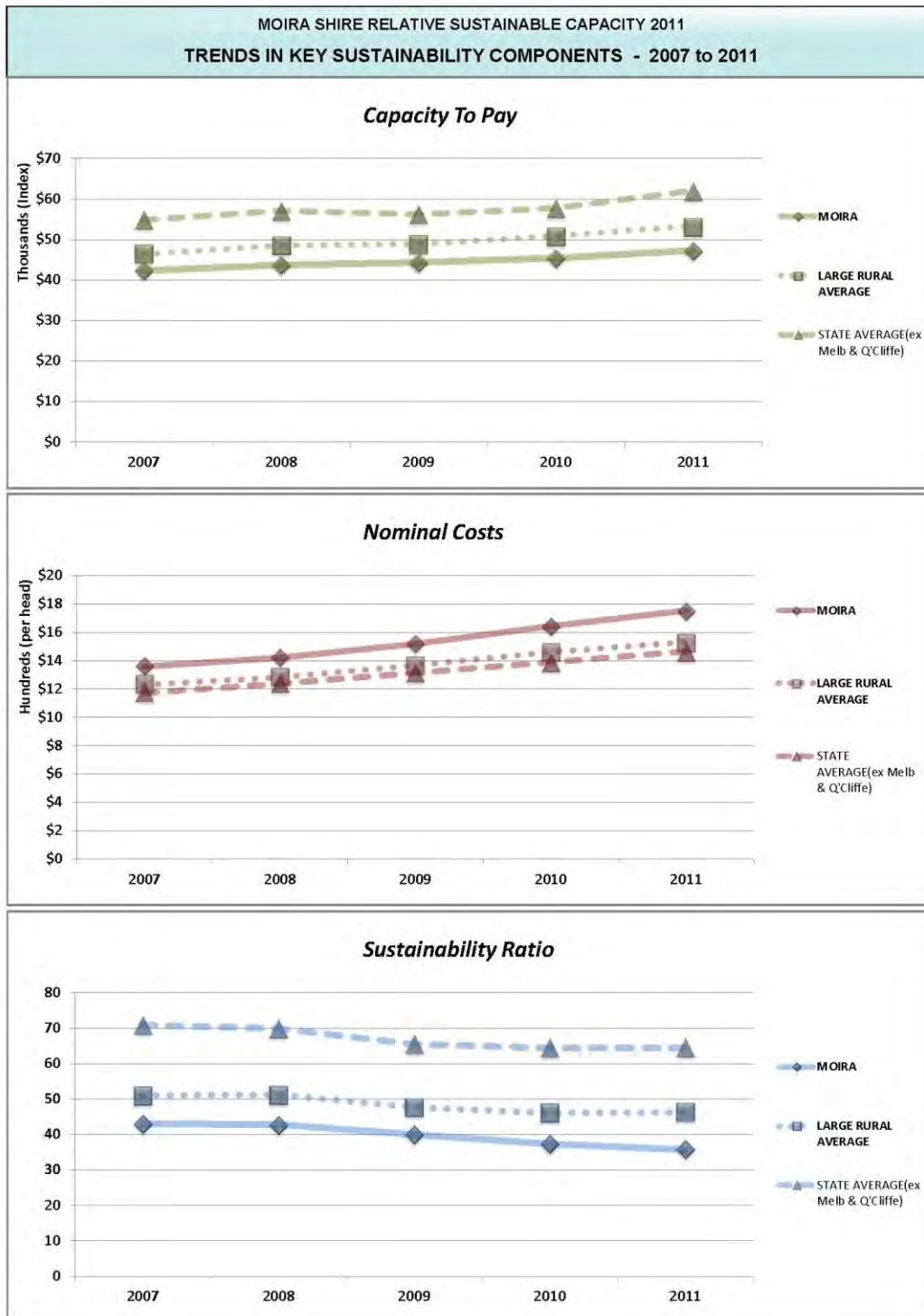
MOIRA SHIRE RELATIVE SUSTAINABLE CAPACITY 2011									
TRENDS IN SUSTAINABLE CAPACITY 2007 - 2011									
BASED ON 2010/11 DATA FROM THE AUSTRALIAN TAXATION OFFICE, THE AUSTRALIAN BUREAU OF STATISTICS, CENTRELINK, THE VICTORIAN GRANTS COMMISSION, COUNCIL ANNUAL REPORTS AND ON THE 2011 ABS CENSUS DATA				MOIRA		STATE AVERAGE <i>(excl. Meib & O'Cliffe)</i>		LARGE RURAL AVERAGE	
CAPACITY TO PAY	YEAR	# / \$	%	# / \$	%	# / \$	%		
<p>Moira's Capacity to Pay grew modestly from 2007 to 2011 (11.5%).</p> <p>Material changes in components of NDCI impacting on Capacity to Pay include:</p> <ul style="list-style-type: none"> An increase in Individual After Tax Income of 17.5% over the five years to 2011. Note the absence of virtually any change from 2008 to 2009. An increase in Pensions & Benefits Income of 38.4% over the five years to 2011. Note an increase of 14.1% from 2008 to 2009. A decrease in Company Profit After Tax of 8.4% over the five years to 2011. Note an increase of 10.6% from 2010 to 2011, more than offsetting the decrease of 10.0% from 2008 to 2009. 	2007	42,271		54,822		46,452			
	2008	43,643	3.2	56,954	4.0	48,555	4.5		
	2009	44,233	1.4	56,150	0.4	48,803	0.5		
	2010	45,314	2.4	57,641	2.7	50,707	3.9		
	2011	47,130	4.0	61,821	2.7	53,118	4.8		
	2007-2011		11.5		12.8		14.4		
	<p>NOMINAL COSTS</p> <p>Moira experienced a significant increase in Nominal Costs from 2007 to 2011 (28.2%).</p> <p>Material changes in inherent factors that have impacted on Nominal Costs include:</p> <ul style="list-style-type: none"> A decrease in Density of 5.4% from 2010 to 2011. 								
	YEAR	# / \$	%	# / \$	%	# / \$	%		
<p>Moira received a slightly below average increase in the level of Recurrent Government Grants from 2007 to 2011 (13.9%).</p> <p>Material changes in general sources of grants include:</p> <ul style="list-style-type: none"> An increase in Roads To Recovery Grants of 17.8% from 2009 to 2010. 	2007	405		316		316			
	2008	426	5.3	331	4.9	331	4.7		
	2009	442	3.6	348	5.0	337	2.0		
	2010	457	3.5	361	4.0	347	3.0		
	2011	461	0.9	368	1.9	372	7.2		
	2007-2011		13.9		16.6		17.8		
	<p>SUSTAINABILITY RATIO</p> <p>Moira's Sustainable Capacity level deteriorated significantly in the five years to 2011 (16.7%).</p>								
	YEAR	# / \$	%	# / \$	%	# / \$	%		
<p>Moira's Sustainable Capacity level deteriorated significantly in the five years to 2011 (16.7%).</p>	2007	42.9		70.8		50.9			
	2008	42.6	-0.7	69.8	-1.2	51.1	0.4		
	2009	39.9	-6.2	65.4	-5.5	47.6	-6.7		
	2010	37.2	-6.7	64.4	-2.4	46.1	-3.3		
	2011	35.7	-4.0	64.5	1.3	46.3	0.6		
	2007-2011		-16.7		-8.9		-8.9		

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WHELAN REPORT: ASSESSMENT OF RELATIVE SUSTAINABLE CAPACITY
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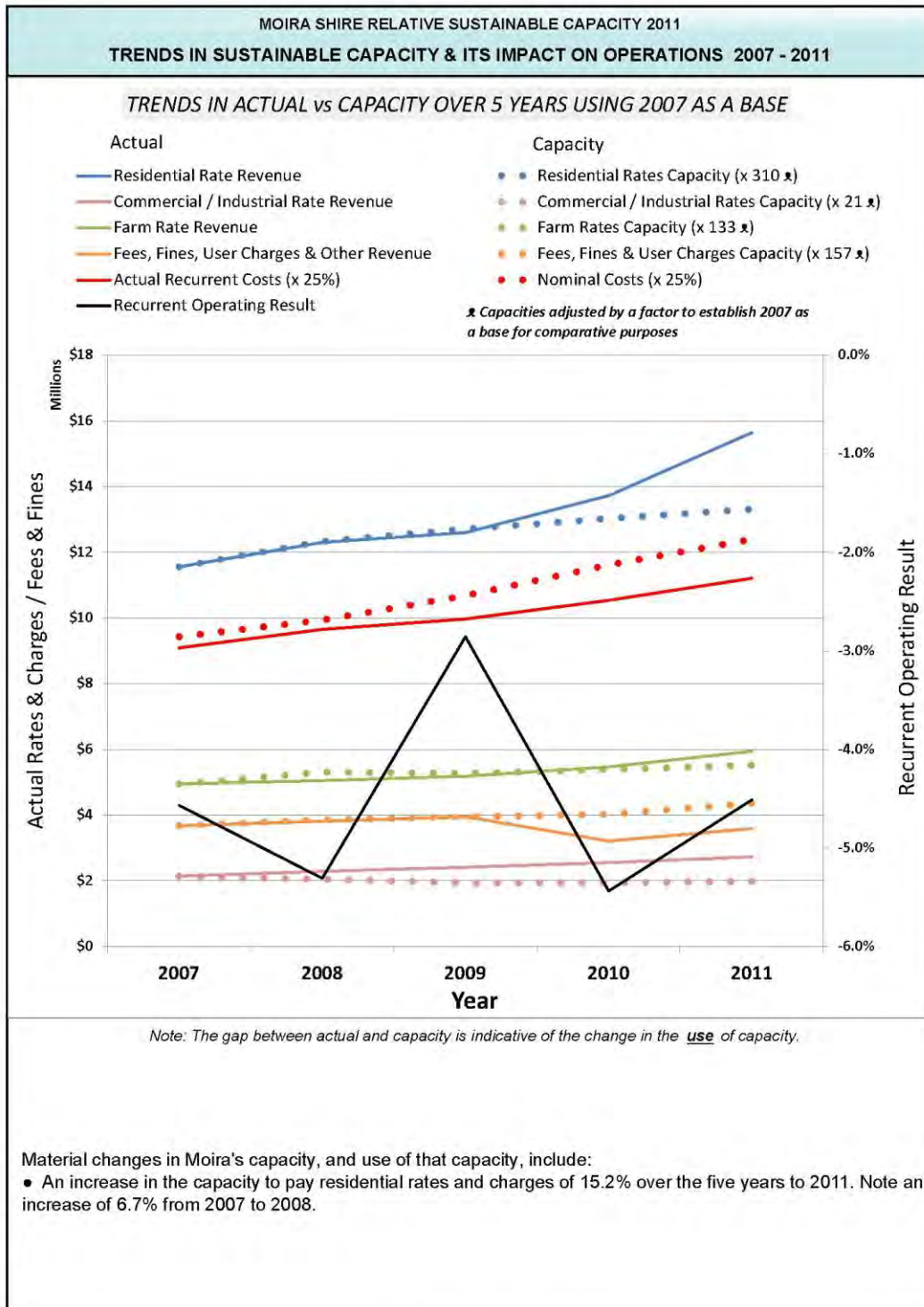
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**WHELAN REPORT: ASSESSMENT OF RELATIVE SUSTAINABLE CAPACITY
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ATTACHMENT No [1] - Whelan Report

MOIRA SHIRE RELATIVE SUSTAINABLE CAPACITY 2011
APPROACH TO OPERATING RESULT

Use Made of Sustainable Capacity / Councils Approach

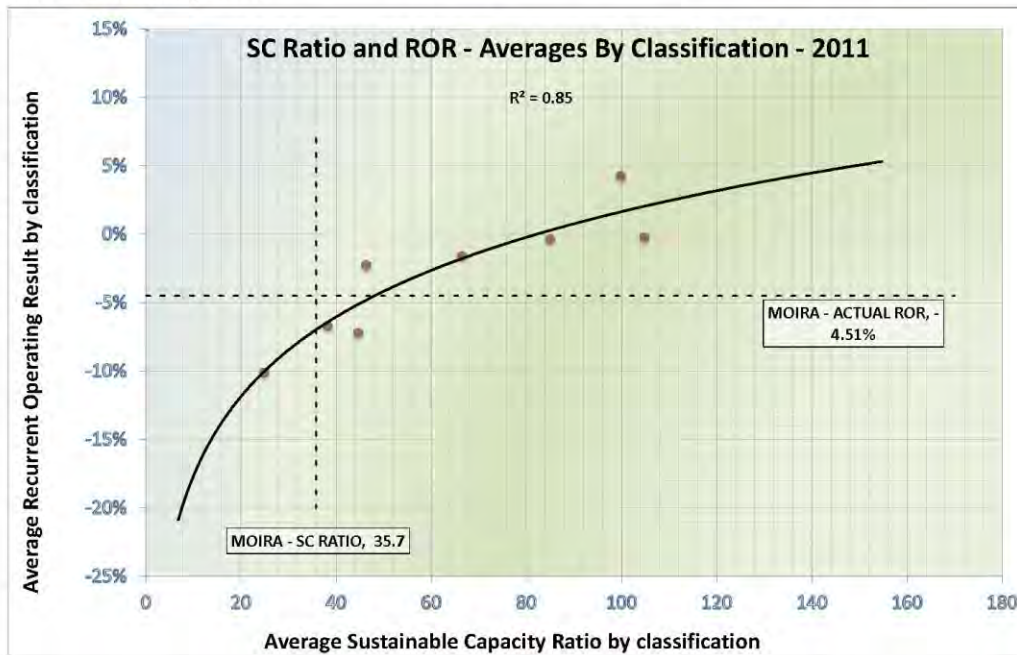
The strategies developed by Council in response to the impact of inherent structural characteristics on its capacity to perform may be observed from two perspectives.

The first is by comparing its actual financial results, revenue raising policies and approach to financing of operations with the State Median and the Large Rural Average (refer pages 9, 10 & 11 of this Report).

The second is by comparing each of these measures with the levels implied by its Sustainable Capacity Ratio and other relevant criteria. This method involves an analysis of Council's corporate approach and actual performance against its own capacity.

Operating Result

This graph plots average Sustainable Capacity Ratios by classification against average Recurrent Operating Result by classification. The trend line represents the expected Recurrent Operating Result based solely on the Sustainable Capacity Ratio.



The graph clearly demonstrates that sustainable capacity (inherent factors) impacts on the recurrent operating result (financial performance).

Moira's Sustainable Capacity Ratio implies a recurrent operating deficit of 7.0%.

Council actually incurred a recurrent operating deficit in 2011 of 4.5%, a result slightly more favourable than that indicated by the Ratio. Its average recurrent operating result over the five years to 2011 is a deficit of 4.5%.

This outcome is primarily due to the extent to which Council used its sustainable capacity to raise own source revenues and provide operational services.

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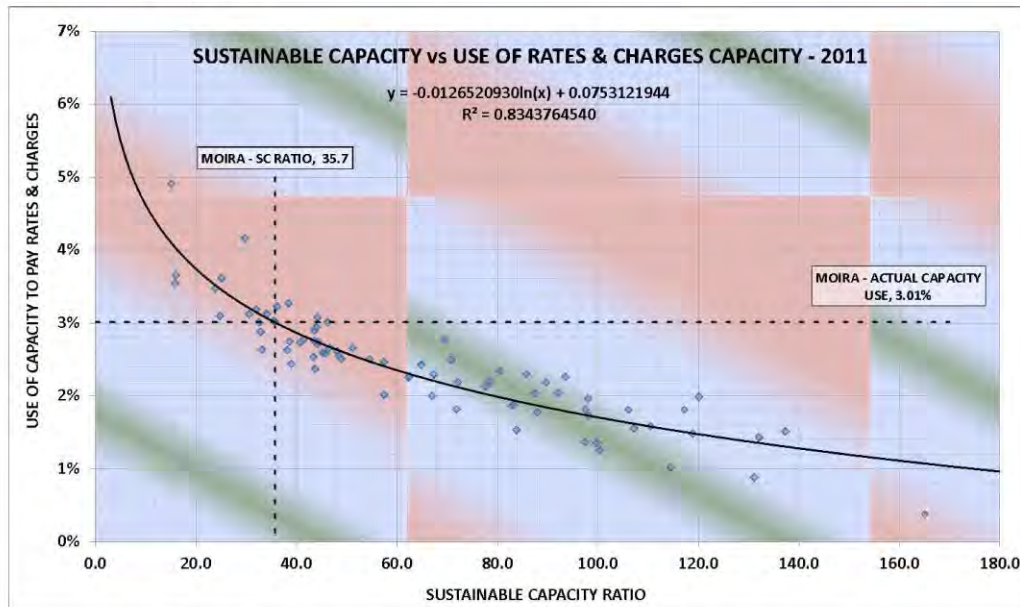
**WHELAN REPORT: ASSESSMENT OF RELATIVE SUSTAINABLE CAPACITY
(cont'd)**

ATTACHMENT No [1] - Whelan Report

MOIRA SHIRE RELATIVE SUSTAINABLE CAPACITY 2011
APPROACH TO RATING LEVELS / SUMMARY

Rating Levels

The following graph plots Sustainable Capacity Ratios against the use of capacity to pay rates & charges for all 79 councils. The trend line represents the expected use made of rates and charges capacity based solely on the Sustainable Capacity Ratio.



The graph clearly demonstrates that sustainable capacity (inherent factors) impacts on the use of capacity to pay rates and charges.

Moira's Sustainable Capacity Ratio implies a rates and charges capacity use of 3.01%.

Its actual use of rates and charges capacity in 2011 was 3.01%, approximately the same as that indicated by the Ratio.

Operating Costs

Council's actual recurrent operating costs are 91% of those predicted by the Model.

Fees, Fines, User Charges and Other Revenue

Council's USE of its capacity to raise fees, fines, user charges and other revenue is 78% of the average for large rural councils.

Summary

Moira's corporate approach, relative to its assessed capacity, includes:

- use of its community's capacity to pay rates and charges - as predicted;
- investment in operational services - very conservative;
- use of its capacity to raise revenue from fees, fines, user charges and other sources - moderately conservative; and
- recurrent operating result - slightly more favourable than expected (5 year average - slightly more favourable than expected).

FILE NO: 120.06.0003
1. OUR COMMUNITIES

ITEM NO: 9.1.4
(EXECUTIVE SUPPORT OFFICER, MAYOR
AND COUNCILLORS, BOBBY BROOK)
(ACTING DIRECTOR CORPORATE
GOVERNANCE, DOUG SHARP)

SECTION 86, AUDIT AND OTHER COMMITTEE REPRESENTATIVES

RECOMMENDATION

That Council:

1. Appoint Councillor Representatives to Council's Section 86 Committees; Advisory (Special) Committees; Audit Committee; Moira Advisory Committees; Other Moira Committees and Other Representative Bodies, in accordance with the attached list;
2. Note that Councillors will be provided with opportunities to attend conferences, workshops and forums that relate directly to their role on their appointed committees; and

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; Advisory (Special) Committees; Audit Committee; Moira Advisory Committees; Other Moira Committees and Other Representative Bodies for 2015. Note, the following additional committees have been included following their establishment by Council in 2014:

- Tourism Advisory Committee
- RV Friendly Advisory Committee

2. Discussion

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

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1. OUR COMMUNITIES

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

- 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.

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. Throughout 2014, two new special committees were formed. These were:

- Tourism Advisory Committee
- RV Friendly Advisory Committee

Each year, a review of the relevance of current committees is undertaken before Councillor appointments are made.

3. Financial Implications

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

4. Community Consultation

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.

5. Internal Consultation

Councillors held a discussion on which Councillor/s would be representatives on Council's Section 86 Committees; Advisory (Special) Committees; Audit Committee; Moira Advisory Committees; Other Moira Committees and Other Representative Bodies.

6. 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

7. Environmental Sustainability

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

8. Conflict of Interest Considerations

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

FILE NO: 120.06.0003
1. OUR COMMUNITIES

ITEM NO: 9.1.4
(EXECUTIVE SUPPORT OFFICER, MAYOR
AND COUNCILLORS, BOBBY BROOK)
(ACTING DIRECTOR CORPORATE
GOVERNANCE, DOUG SHARP)

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

9. 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.

Attachments

- 1 Committee Representatives - 2015

FILE NO: 120.06.0003
1. OUR COMMUNITIES

ITEM NO: 9.1.4
(EXECUTIVE SUPPORT OFFICER, MAYOR AND COUNCILLORS, BOBBY BROOK)
(ACTING DIRECTOR CORPORATE GOVERNANCE, DOUG SHARP)

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

ATTACHMENT No [1] - Committee Representatives - 2015

Committee of Management	Council Representative	Dates	Occurrence	Time	Contact person
Baulkamaugh Recreation Reserve and Community Hall	Marie Martin	Fourth Monday	Quarterly	7:30PM	Fiona Mulquiney
Bundalong Dan Cronin Recreation Reserve and Public Hall	Peter Mansfield	First Tuesday	Quarterly	7:30PM	Fiona Mulquiney
Cobram Scott Reserve	Gary Cleveland	Second Wednesday	Every second month	7:30PM	Fiona Mulquiney
Floridan Park Recreation Reserve	Alex Monk	TBC	TBC	TBC	Fiona Mulquiney
Invergordon Recreation Reserve and Community Hall	Alex Monk	Second Wednesday	Quarterly	7:30PM	Fiona Mulquiney
Katamatite Recreation Reserve	Alex Monk	Third Wednesday	Every second month	7:30PM	Fiona Mulquiney
Katunga Recreation Reserve and Community Centre	Wendy Buck	Third Wednesday	Every second month	7:30PM	Fiona Mulquiney
Koonoomoo Recreation Reserve	Gary Cleveland	First Thursday	Quarterly	7:00PM	Fiona Mulquiney
Picola Recreation Reserve	Kevin Bourke	First Wednesday	Quarterly	7:30PM	Fiona Mulquiney

FILE NO: 120.06.0003
1. OUR COMMUNITIES

ITEM NO: 9.1.4
(EXECUTIVE SUPPORT OFFICER, MAYOR AND COUNCILLORS, BOBBY BROOK)
(ACTING DIRECTOR CORPORATE GOVERNANCE, DOUG SHARP)

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

ATTACHMENT No [1] - Committee Representatives - 2015

Committee of Management	Council Representative	Dates	Occurrence	Time	Contact person
St James Recreation Reserve	Don McPhee	Second Tuesday	Quarterly	7:00PM	Fiona Mulquiney
Strathmerton Recreation Reserve	Wendy Buck	Fourth Wednesday	Quarterly	7:30PM	Fiona Mulquiney
Tungamah Jubilee Park Recreation Reserve	Alex Monk	Fourth Tuesday	Annual	7:00PM	Fiona Mulquiney
Waaia Recreation Reserve	Kevin Bourke	Second Monday	Three	7:30PM	Fiona Mulquiney
Wilby Racecourse and Recreation Reserve	Peter Mansfield	Second Wednesday	Quarterly	7:00PM	Fiona Mulquiney
Wunghnu Recreation Reserve	Marie Martin	Second Wednesday	Every second month	7:00PM	Fiona Mulquiney
Yalca North Recreation Reserve	Kevin Bourke	First Monday	Annual	6:30PM	Fiona Mulquiney
Yarrowonga JC Lowe Oval Reserve	Don McPhee	First Tuesday	Quarterly	6:00PM	Fiona Mulquiney
Yarroweyah Recreation Reserve	Ed Cox	Fourth Wednesday	Every second month	7:30PM	Fiona Mulquiney
Yarrowonga Eastern Foreshore	Peter Mansfield	Fourth Tuesday	Monthly	5:00PM	Fiona Mulquiney

FILE NO: 120.06.0003
1. OUR COMMUNITIES

ITEM NO: 9.1.4
(EXECUTIVE SUPPORT OFFICER, MAYOR AND COUNCILLORS, BOBBY BROOK)
(ACTING DIRECTOR CORPORATE GOVERNANCE, DOUG SHARP)

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

ATTACHMENT No [1] - Committee Representatives - 2015

Committee of Management	Council Representative	Dates	Occurrence	Time	Contact person
Cobram Showgrounds Apex Reserve	Edward Cox	Second Monday	Monthly	7:00PM	Fiona Mulquiney
Nathalia Showgrounds and Recreation Reserve	Kevin Bourke	Fourth Wednesday	Monthly	7:30PM	Fiona Mulquiney
Numurkah Showgrounds Reserve	Marie Martin	Second Monday	Monthly	7:30PM	Fiona Mulquiney
Yarrawonga Showgrounds Reserve / Victoria Park	Peter Mansfield	Fourth Tuesday	Monthly	7:30PM	Fiona Mulquiney
Katamatite Public Hall	Marie Martin	First Monday	Quarterly	7:30PM	Fiona Mulquiney
Bearii Recreation Reserve	Alex Monk	Third Tuesday	Three	3:30PM	Fiona Mulquiney
Lake Rowan Hall	Peter Mansfield	Third Tuesday	Three	7:30PM	Fiona Mulquiney
Numurkah Town Hall	Marie Martin	Third Wednesday	Every second month	7:30PM	Fiona Mulquiney
Picola Public Hall	Kevin Bourke	Third Tuesday	Quarterly	8:00PM	Fiona Mulquiney
St James Public Hall	Don McPhee	Second Tuesday	Quarterly	7:30PM	Fiona Mulquiney

FILE NO: 120.06.0003
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SECTION 86, AUDIT AND OTHER COMMITTEE REPRESENTATIVES (cont'd)

ATTACHMENT No [1] - Committee Representatives - 2015

Committee of Management	Council Representative	Dates	Occurrence	Time	Contact person
Strathmerton Public Hall	Wendy Buck	First Monday	Quarterly	8:00PM	Fiona Mulquiney
Wilby Memorial Hall	Don McPhee	Third Thursday	Quarterly	7:00PM	Fiona Mulquiney
Yarroweyah Memorial Hall	Ed Cox	Second Monday	Monthly	7:30PM	Fiona Mulquiney
Cobram Historical Precinct	Edward Cox	Third Monday	Quarterly	7:30PM	Fiona Mulquiney
Nathalia Historical Precinct	Kevin Bourke	Second Tuesday	Quarterly	8:00PM	Fiona Mulquiney
Tungamah Court House	Alex Monk	Varies	Quarterly	7:30PM	Fiona Mulquiney

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1. OUR COMMUNITIES

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

ATTACHMENT No [1] - Committee Representatives - 2015

Committee	Council Representative	Dates	Occurrence	Time	Contact Person
Yarrawonga Aerodrome Advisory Committee	Peter Mansfield Brian Keenan	First Thursday	Monthly	6.00PM	Mark Foord
Arts and Culture Board Inc	Alex Monk Marie Martin	To be confirmed	Quarterly	To be confirmed	Marilyn Gourley
Moira Shire Cultural Diversity Advisory Committee	Marie Martin	Varies	Quarterly	6:00PM	Annabelle Mendoza
Tourism Advisory Committee	Don McPhee	TBC	TBC	TBC	Louise Munk Klint
Moira Shire Disability Advisory Committee	Don McPhee	First Tuesday	Quarterly	9:30AM	Kim Fitzgerald
Moira Shire Environment Advisory Committee	Wendy Buck	Third Tuesday	Quarterly	10:30AM	Tom Brown
Moira Shire Junior Council	Alex Monk Ed Cox Gary Cleveland	Third Tuesday	Quarterly	10:30AM	Hollie Barnes

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1. OUR COMMUNITIES

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(EXECUTIVE SUPPORT OFFICER, MAYOR AND COUNCILLORS, BOBBY BROOK)
(ACTING DIRECTOR CORPORATE GOVERNANCE, DOUG SHARP)

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

ATTACHMENT No [1] - Committee Representatives - 2015

Committee	Council Representative	Dates	Occurrence	Time	Contact Person
Moira Shire Kinnards Wetland Advisory Committee	Ed Cox	Varies	Quarterly	10:00AM	Gary Deayton
Moira Shire Local Safety Committee	Kevin Bourke Wendy Buck	First Tuesday	Quarterly	11:00AM	Dylan Robinson
Moira Shire Municipal Public Health and Wellbeing Plan Advisory Committee	Marie Martin	Last Monday	Quarterly	10:00AM	Kim Fitzgerald
Moira Shire Council Audit Committee	Cr Ed Cox Cr Alex Monk Mayor Marie Martin (substitute) Mr Paul Flavel Mr Anthony Xerri Mrs Anne O'Connor	Thursday	Quarterly	Varies	David Booth
VicTrack Strategic Plan Project Advisory Committee	Don McPhee	Varies	Varies	Varies	TBC
Goulburn Broken Greenhouse Alliance	TBC	Third Thursday	Varies	9.30am	Tracey Taylor

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1. OUR COMMUNITIES

ITEM NO: 9.1.4
(EXECUTIVE SUPPORT OFFICER, MAYOR AND COUNCILLORS, BOBBY BROOK)
(ACTING DIRECTOR CORPORATE GOVERNANCE, DOUG SHARP)

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

ATTACHMENT No [1] - Committee Representatives - 2015

Committee	Council Representative	Dates	Occurrence	Time	Contact Person
Goulburn Valley Community Road Safety Council	Kevin Bourke	First Tuesday	Quarterly	11.00am	Dylan Robinson
Goulburn Valley Regional Library Corporation Board	Gary Cleveland	Thursday	Quarterly	4.00pm	Charles Genter
Goulburn Valley Waste & Resource Recovery	Wendy Buck	Friday	Quarterly	9.30am	Nick Nagle
RV Friendly Working Committee	TBC	TBC	TBC	TBC	Louise Munk Klint
Lake Mulwala Community Reference Group	Peter Mansfield	TBC	TBC	TBC	TBC
Moira Healthcare Alliance Board	Alex Monk	Last Monday	Every second month	7.00pm	Bernadette Edwards
Municipal Association of Victoria (Mayor)	Marie Martin	Friday	Quarterly	9.30am	Andrew Rowe
Murray River Group of Councils (Mayor)	Marie Martin	Thursday	Every Second Month	10:00 am	Geoff Turner

FILE NO: 120.06.0003
1. OUR COMMUNITIES

ITEM NO: 9.1.4
(EXECUTIVE SUPPORT OFFICER, MAYOR AND COUNCILLORS, BOBBY BROOK)
(ACTING DIRECTOR CORPORATE GOVERNANCE, DOUG SHARP)

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

ATTACHMENT No [1] - Committee Representatives - 2015

Committee	Council Representative	Dates	Occurrence	Time	Contact Person
Municipal Emergency Management Planning Committee	Kevin Bourke Wendy Buck Alex Monk	TBC	TBC	TBC	Peter Gunn
Municipal Saleyards Committee	Ed Cox	TBC	TBC	TBC	TBC
Victorian Local Governance Association	Ed Cox Wendy Buck	Various	Quarterly	TBC	Bobby Brook
Barmah Horse Advisory Committee	Kevin Bourke	TBC	TBC	TBC	TBC
Barmah Forest Education Centre	Kevin Bourke	TBC	TBC	TBC	TBC
L2P Program	Alex Monk	Various	Quarterly	5.30pm	Deb Kruz
Numurkah Flood Study Community Reference Group	Kevin Bourke	First Wednesday	Quarterly	6.30	Peter Bertolus
Sullivan Education Fund	Brian Keenan Peter Mansfield Don McPhee	No meetings required		TBC	TBC

FILE NO: 120.06.0003
1. OUR COMMUNITIES

ITEM NO: 9.1.4
(EXECUTIVE SUPPORT OFFICER, MAYOR AND COUNCILLORS, BOBBY BROOK)
(ACTING DIRECTOR CORPORATE GOVERNANCE, DOUG SHARP)

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

ATTACHMENT No [1] - Committee Representatives - 2015

Committee	Council Representative	Dates	Occurrence	Time	Contact Person
Yarrawonga / Mulwala Liquor Accord	Peter Mansfield	TBC	Varies	Varies	TBC
Murray Darling Association Inc.	Ed Cox Alex Monk	TBC	Twice	10:30AM	Adrian Wells
Neighbouring Councils	Marie Martin	TBC	Quarterly	12:00 PM	Robyn Bonaddio

FILE NO: 120.06.003
6. GOVERNANCE

ITEM NO: 9.1.5
(PERSONAL ASSISTANT TO CEO, ROBYN
BONADDIO)
(CHIEF EXECUTIVE OFFICER, MARK
HENDERSON)

COUNCIL MEETING SCHEDULE 2015

RECOMMENDATION

That: Council

1. Pursuant to Part 3, Section 8(1) of Local Law No. 1 (No. 1 of 2007 amended 22 July 2008) set the date, time and place of Council meetings as:
 - Ordinary Council Meetings to commence at 6pm except for the meetings held in June July and August where they will commence at 4pm.
 - Ordinary Council Meetings to be held on the fourth Monday of the month.
 - Two Ordinary Council Meetings to be held at Yarrowonga, Nathalia and Numurkah
 - One Ordinary meeting to be held at Tungamah
 - All other Ordinary Council Meetings including, Special Council Meetings and the Mayoral Election to be held at Cobram as detailed in the attached Council Meeting Schedule for 2015; and
2. Adopt the attached Council Briefing Schedule for 2015 as
 - Briefing sessions to be held generally on the second Monday of the month as detailed in the attached Council Meeting Schedule for 2015.

1. Executive Summary

Under Part 3, Section 8(1) of Council's Meeting Procedures Local Law 2007 (No. 1 of 2007 amended 22 July 2008) Council is required to set the date, time and place for Council Meetings.

This report provides the rationale for the change in the Ordinary Council meeting and briefing schedule to:

- Ordinary Council Meetings commencing at 6pm
- Ordinary Council Meetings to be held on the fourth Monday of the month
- Two Ordinary Council Meetings to be held at Yarrowonga, Nathalia, Numurkah and one Ordinary Council Meeting to be held at Tungamah
- All other Ordinary Council Meetings including, Special Council Meetings and the Mayoral Election to be held at Cobram.
- Briefing sessions to be held on the second Monday of the month. The first and third Monday will be available for other Council functions and activities.
- There will no longer be a briefing before an Ordinary Council Meeting as the week two briefing will set the scene for the Council agenda which will be issued a week prior to the meeting.

2. Background and Options

The 2013 and 2014 schedules had the meeting spreads across 11 towns commencing at 6:00pm, prior to this, the meeting were held in the four major towns commencing at 6:00pm.

The initiative of spreading the meeting across eleven towns was somewhat successful, however on reflection this initiative hasn't been the most effective and efficient way of using Councils resources time and funds.

FILE NO: 120.06.003
6. GOVERNANCE

ITEM NO: 9.1.5
(PERSONAL ASSISTANT TO CEO, ROBYN
BONADDIO)
(CHIEF EXECUTIVE OFFICER, MARK
HENDERSON)

COUNCIL MEETING SCHEDULE 2015 (cont'd)

Taking in to consideration the vast area of Moira it is proposed that the majority of the meetings will be held in Cobram which is the most centrally adequately equipped facility. The other three major towns will also benefit with two meetings being held there over the course of the year. The Tungamah area will also benefit with one meeting being held there in 2015.

The Council agenda will still be available to Councillors and Community by the end of the second week of the month. Having the meetings during the fourth week of the month will allow additional time for agenda review by Councillors and the community.

3. Financial Implications

Council meeting expenses are included in the adopted budget. The budget amount for 2014/2015 is: \$27,000. The meeting expenses include:

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

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

4. Risk Management

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

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

5. Internal and External Consultation

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

All Council Meetings and Special Council Meetings are advertised in the Moira Shire Full Page advertisement, which is advertised in the: Yarrawonga Chronicle, Numurkah Leader, Cobram Courier and the Nathalia Red Gum Courier. Council Meeting dates and times are available from the Moira Shire website (www.moira.vic.gov.au). Copies of the agenda are available from the Moira Shire website and service centres. Minutes of the previous meeting are uploaded onto the website once Council has approved them at the following meeting.

6. Regional Context

There are no regional issue to consider within this report.

7. Council Plan Strategy

Governance: Moira will meet governance, communication, compliance and regulatory standards through its commitment to advocacy and effective decision making and demonstrate good governance by being consensus orientated, equitable, effective and efficient.

FILE NO: 120.06.003
6. GOVERNANCE

ITEM NO: 9.1.5
(PERSONAL ASSISTANT TO CEO, ROBYN
BONADDIO)
(CHIEF EXECUTIVE OFFICER, MARK
HENDERSON)

COUNCIL MEETING SCHEDULE 2015 (cont'd)

8. Legislative / Policy Implications

Under Part 3, Section 8(1) of Council's Meeting Procedures Local Law 2001 (No. 1 of 2007 amended 22 July 2008) Council is required to set the date, time and place for Council Meetings.

9. Environmental Impact

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

10. Conflict of Interest Considerations

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

11. Conclusion

That Council set the date, time and place for Council meetings and Briefings for 2015 as per the attached schedule.

Attachments

- 1 Meeting schedule 2015

FILE NO: 120.06.003
6. GOVERNANCE

ITEM NO: 9.1.5
(PERSONAL ASSISTANT TO CEO,
ROBYN BONADDIO)
(CHIEF EXECUTIVE OFFICER, MARK
HENDERSON)

COUNCIL MEETING SCHEDULE 2015 (cont'd)

ATTACHMENT No [1] - Meeting schedule 2015

Council Meeting and Briefing Schedule – 2015

Date	Venue	Meeting
Mon 9 -Feb-15	Cobram Civic Centre	Briefing
Mon 23 Feb-15	Cobram Civic Centre	Ordinary Council Meeting
*Tue 10-Mar-15	Cobram Civic Centre	Briefing
Mon 23-Mar-15	Yarrowonga Town Hall	Ordinary Council Meeting
Mon 13-Apr-15	Cobram Civic Centre	Briefing
Mon 20 Apr - 15	Cobram Civic Centre	Special Council Meeting (Adopt draft budget)
Mon 27-Apr-15	Numurkah – Presidents Room	Ordinary Council Meeting
Mon 11 -May-15	Cobram Civic Centre	Briefing
Mon 25-May-15	Nathalia Dancocks Room	Ordinary Council Meeting
* Tue 9-Jun-15	Cobram Civic Centre	Briefing
*Tue 9-Jun-15	Cobram Civic Centre	Special Council Meeting (To hear budget submissions)
Mon 22-Jun-15	Numurkah – Presidents Room	Ordinary Council Meeting (Adopt Budget)
Mon 13 -Jul-15	Cobram Civic Centre	Briefing
Mon 27-Jul-15	Cobram Civic Centre	Ordinary Council Meeting
Mon 10 -Aug-15	Cobram Civic Centre	Briefing
Mon 24-Aug-15	Yarrowonga Town Hall	Ordinary Council Meeting
Mon 7-Sep-15	Cobram Civic Centre	Briefing
Mon 28-Sep-15	Cobram Civic Centre	Ordinary Council Meeting
Mon 12 -Oct-15	Cobram Civic Centre	Briefing
Mon 26-Oct-15	Nathalia Dancocks Room	Ordinary Council Meeting
Mon 9-Nov-15	Cobram Civic Centre	Briefing
Mon 9 -Nov-15	Cobram Civic Centre	Special Council Meeting – Mayoral Election
Mon 23 Nov-15	Tungamah Community Centre	Ordinary Council Meeting
Mon 7-Dec-15	Cobram Civic Centre	Briefing
Mon 14-Dec-15	Cobram Civic Centre	Ordinary Council Meeting

* Indicates a public holiday on the Monday

FILE NO: F13/150
2. COMMUNITY

ITEM NO: 9.2.1
(COMMUNITY SERVICES OFFICER, HAYLEY
OLOUGHLIN)
(DIRECTOR, COMMUNITY, PETER
BERTOLUS)

DISABILITY ADVISORY COMMITTEE - APPOINTMENT OF NEW MEMBERS

RECOMMENDATION

That:

1. Council appoint the following nominees to the Disability Advisory Committee:

- (a) Disability Services (2):
 - Gary Foley (PALs INC)
 - Leah Willis (Cobram and District Specialist School)
- (b) Neighbourhood/Community House Representatives (4)
 - Kellie Butler (Cobram Community House)
 - Debbie Cooper (YNH Services)
 - Debbie Fowler (Numurkah Community Learning Centre)
 - Susan Maloney (Nathalia District Community Association)
- (c) Moira Healthcare Alliance Representative (1)
 - Angela Giltrap (MHA Care)
- (d) Rural Access Worker
 - Bernie Ezeokoli (Department Human Services)
- (e) Local Learning and Employment Network Representative
 - Nil Received
- (f) Individual Community Representatives
 - Jenny Carroll
 - Robyn Taylor
 - Rebecca Einsporn
 - Dean Pritchett (Valley Sport)

1. Executive Summary

Under Section 3 of the Local Government Act 1989 councils can establish advisory committees, with the role of providing advice and recommendations in relation to specific matters.

Moira Shire Council established a Disability Advisory Committee (DAC) in 2003 to best ensure that all needs and requirements for general community involvement and liveability are accessible by all. The DAC meets bi-monthly, rotating their meetings throughout the four (4) major towns of Moira Shire Council.

The DAC consists of representatives from various relevant community services and general public that have an interest in accessibility issues. To ensure the effectiveness of an Advisory Committee, the membership and relevant terms of reference should be reviewed in a timely manner, with the completion of a 28 day advertising period for nominations this process is now complete.

The involvement of community members and relevant stakeholders is paramount to ensuring the committees success and ensure valid input to these specific matters. The terms of reference calls for eleven (11) pre-identified professional members to the DAC, one of which is a Council

FILE NO: F13/150
2. COMMUNITY

ITEM NO: 9.2.1
(COMMUNITY SERVICES OFFICER, HAYLEY
OLOUGHLIN)
(DIRECTOR, COMMUNITY, PETER
BERTOLUS)

DISABILITY ADVISORY COMMITTEE - APPOINTMENT OF NEW MEMBERS (cont'd)

appointed Moira Shire Councillor, and another is Moira Shire Council's Community Services Officer. Individual community members are to be appointed by resolution of Council, with any other interested person freely able to attend meetings to raise any relevant issues.

The purpose of this report is to seek Council endorsement of the received nomination for membership to Moira Shire Council's Disability Advisory Committee.

2. Background and Options

Moira Shire Council established a Disability Advisory Committee in 2003, in line with Section 3 of the Local Government Act 1989 where councils can establish Advisory Committees to provide advice to:

- a) the Council; or
- b) a special committee; or
- c) a member of Council staff who has been delegated a power.

Moira Shire's Disability Advisory Committee is one such committee. The purpose of the committee is to have relevant community members and stakeholders provide advice and advocate for accessibility for people with disabilities, their families, carers, advocates and service providers. The Disability Advisory Committee meets bi-monthly, rotating the meeting location through the Community/Neighbourhood Houses throughout the four (4) major towns, to assist the community's involvement in these meetings.

The Disability Advisory Committee's objectives are:

- Work with the community towards acknowledging and valuing people with disabilities.
- Inform and educate the Council and the community about issues for people with disabilities, their families, carers and others.
- Identify and prioritise access issues in the shire and contribute to the planning to address these issues through the review and evaluation of the Moira Shire Council Disability Action Plan.
- Inform and educate Federal, State and Local Government on rural disability issues to raise all abilities awareness.
- The committee will profile issues, support activities, report and action, disseminate information and advice.

As per the Disability Advisory Committees terms of reference, the DAC shall consist of 11 stakeholder and community members, these included:

- Moira Shire Council, Councillor Representative 1
- Moira Shire Council, Council officer representative 1
- Disability Services 2
- Neighbourhood/Community Houses representatives 4
- Moira Healthcare Alliance representative 1
- Rural Access Worker 1
- Local Learning and Employment Network representative 1

Community members were also invited to nominate for membership on the DAC. It should be noted that such advisory committees are open to the public and so community members are also invited to attend any Committee meeting to raise issues concerning disability issues.

FILE NO: F13/150
2. COMMUNITY

ITEM NO: 9.2.1
(COMMUNITY SERVICES OFFICER, HAYLEY OLOUGHLIN)
(DIRECTOR, COMMUNITY, PETER BERTOLUS)

DISABILITY ADVISORY COMMITTEE - APPOINTMENT OF NEW MEMBERS (cont'd)

Alternatively, correspondence received by Moira Shire Council pertaining to disability issues will be referred to the Committee for their consideration.

Following the adoption of a renewed Terms of Reference, advertising for a 28 day period occurred inviting community members and stakeholders to nominate for membership on the DAC, eleven (11) nominations were received as follows:

Name	Organisation	Stakeholder Group
Gary Foley	PALs Inc.	Disability Services
Leah Willis	Cobram and District Specialist School	Disability Services
Kellie Butler	Cobram Community House	Neighbourhood/Community House Representatives
Debbie Cooper	YNH Services	Neighbourhood/Community House Representatives
Debbie Fowler	Numurkah Community Learning Centre	Neighbourhood/Community House Representatives
Susan Maloney	Nathalia and District Community Association	Neighbourhood/Community House Representatives
Angela Giltrap	MHA Cares	Moira Health Care Alliance Representative
Bernie Ezeokoli	Goulburn Rural Access Project Officer (DHS)	Rural Access Worker
Dean Pritchett	AAA Officer at Valley Sport	Disability Services
Rebecca Einsporn	Cobram and District Specialist School	Disability Services
Jenny Carroll		Community Member
Robyn Taylor		Community Member

It is notable that whilst there are two allocated positions for the Disability Services sector, four (4) nominations were received. All nominations received were deemed as adequate for membership on the DAC. No nomination was received from a representative under the pre-identified Local Learning and Employment Network. Due to the calibre of nominations and that all that nominated have actively and positively engaged with the DAC before it is proposed that all nominations be appointed.

All nominations that were received were assessed by an internal review panel, consisting of Manager Community Service Delivery, Team Leader Community Services and Community Services Officer. A criteria matrix was utilised to analyse the applications, with all nominations scoring significantly high.

Community and stakeholder participation within these committees is critical to the success of the organisation and for such committees to function effectively, a diverse membership contingent is recommended, therefore all nominations received are recommended to be appointed to the DAC for a four (4) year period.

3. Financial Implications

There are no financial implications associated with the appointment of members to the Disability Advisory Committee. The operating costs are already accounted and attributed in Councils annual operating budget.

FILE NO: F13/150
2. COMMUNITY

ITEM NO: 9.2.1
(COMMUNITY SERVICES OFFICER, HAYLEY
OLOUGHLIN)
(DIRECTOR, COMMUNITY, PETER
BERTOLUS)

DISABILITY ADVISORY COMMITTEE - APPOINTMENT OF NEW MEMBERS (cont'd)

4. Risk Management

Through the positive and continual engagement of Moira Shire Council's Disability Advisory Committee, Council seeks to implement strategies and improvements to assets such that these efforts contribute to a reduce potential for personal injury claims or litigation under the Disability Act 2006.

5. Internal and External Consultation

External consultation occurred through a 28 day advertising process. Media releases newspaper and web presence as well as use of existing community networks were all utilised at various times throughout this period. Invitations to renominate were sent to existing DAC members, and key stakeholders in the region who are active in, share interest and/or have expertise in the disability and accessibility sectors were targeted.

Internal consultation occurred prior to and during the 28 day advertising period with involvement from Communications and Engagement Department, Corporate Governance Officer, Acting Manager Community Services Delivery, Team Leader Community Services and Community Services Officer to ensure full community engagement and proper processes occurred.

6. Regional Context

In 2011 the Municipal Association of Victoria released its 'Strategic Framework for Local Government: Creating a more inclusive community for people with a disability,' which is linked to the National Disability Strategy. Local Governments were deemed suitable due the key role that they play within promoting inclusiveness within local communities and the existing policies and procedures that exist support this theory.

Moira Shire Council works closely with Greater Shepparton City Council and Strathbogie Shire to support a regional approach of promoting Access for All Abilities across the region as well as advocating for rural disability needs to both State and Federal Governments and stakeholders.

This is evident in Moira Shire Councils recent presence at the Victorian Disability Advisory Committees meeting which was held in Shepparton and through the hosting of the NDIS Roadshow which was hosted and supported by all members of Moira Shire Councils DAC.

7. Council Plan Strategy

This report aligns to the strategic goal for Community, specifically;

Strategy 2.1 - Continue to plan, deliver and improve the quality, accessibility and relevance of community services, to ensure they meet current and future needs of all the demographic groups in Moira Shire.

8. Legislative / Policy Implications

The Disability Advisory Committee is established in accordance with the Local Government Act 1989. The Local Government Act 1989 also requires that Councils are to maintain a responsibility of addressing and improving the overall quality of life for its local communities and ensure that facilities that are provided by council should be accessible and equitable. Under Section 38 of the Victorian Disability Act, all Local Government bodies are required to have a Disability Action Plan that should be produced through the DAC and submitted for reporting as a part of its annual report.

FILE NO: F13/150
2. COMMUNITY

ITEM NO: 9.2.1
(COMMUNITY SERVICES OFFICER, HAYLEY
OLOUGHLIN)
(DIRECTOR, COMMUNITY, PETER
BERTOLUS)

DISABILITY ADVISORY COMMITTEE - APPOINTMENT OF NEW MEMBERS (cont'd)

Local Governments also have a legal obligation under the Charter of Human Rights and Responsibilities Act 2006, which requires all public authorities in Victoria to think about human rights when decisions are made about people. This includes ensuring that community members, regardless of their physical or mental abilities, should be involved in the planning and decision making process.

9. Environmental Impact

There are no environmental impact considerations associated with this report.

10. Conflict of Interest Considerations

There are no officer conflicts of interest considerations with this report.

11. Conclusion

Moira Shire Council established a Disability Advisory Committee (DAC) under section 3 of the Local Government Act 1989. The purpose of the DAC is:

“To inform and educate Council and the community to ensure that consultation and participation opportunities exist for people with disabilities, their families, carers, advocates and service providers. Particular emphasis is placed on highlighting rural disability issues to raise awareness to federal, state and local governments.”

This purpose is supported through the appointment of relevant members to the Disability Advisory Committee.

Through appointing the recommended eleven (11) nominated members to the DAC, Council shall be in a position to have a positive effect on enhancing an all-inclusive community, advocating for those with various accessibility needs and enabling opportunities for all members and visitors to Moira Shire Council to freely participate and contribute within our society.

Attachments

Nil

FILE NO: F13/2614
3. DEVELOPMENT AND LIVEABILITY

ITEM NO: 9.2.2
(TOURISM DEVELOPMENT OFFICER,
LOUISE MUNK KLINT)
(DIRECTOR, COMMUNITY, PETER
BERTOLUS)

ESTABLISHING AN RV FRIENDLY WORKING GROUP

RECOMMENDATION

That Council:

1. Appoint Councillor _____ as a representative to the RV Friendly Working Committee
2. Endorse the Terms of Reference for the RV Friendly Working Group
3. Appoint the following members of the community for the skills-based community representative positions;
 - (a) Elizabeth White, CEO Victorian Caravan Park Association Inc.
 - (b) Gail Peters, Cobram Visitor Information Centre ambassador
 - (c) Margaret Jean Quail, Consumer representative
 - (d) Margaret Paulo, Caravan Motorhome Club of Australia (CMCA) representative

1. Executive Summary

The RV Friendly Town Scheme is an initiative of The Caravan Motorhome Club of Australia (CMCA). Holding an RV Friendly status for a town means that the community welcomes and provides amenities to accommodate the needs of RV tourists, including parking, access to potable water and a free dump point.

As per the motion from Council on 20 June 2011 three months of Community consultation was undertaken where submissions were accepted and three town meetings were held. Following this a Terms of Reference (ToR) was drafted to enable the establishment of a Stakeholder Steering Committee – hereafter the RV Friendly Working Group. The RV Friendly Working Group will be for a one year period, terminating on 31 December 2015, unless otherwise extended or revoked in writing by Council.

In August 2014, a call for nominations was advertised in local newspapers and Council media releases seeking expressions of interest for community positions on the working group. A total of four nominations were received.

The purpose of this report is to provide an update on the selection of representatives for the working group and seeks Council's appointment of a Councillor Representative to the RV Friendly Working Group and endorsement of the community representative nominations.

2. Background and Options

The Caravan and Motorhome Club of Australia ('CMCA') was incorporated in 1988. With a membership base of 66,000 members, the CMCA is the largest motorhome club in Australia. The RV Friendly Town Scheme is an initiative of the CMCA that promotes RV friendly tourism related services across Australia.

Moira Shire has four RV Friendly towns – Cobram, Yarrowonga, Numurkah and Nathalia. Each of these towns has 'dump points' together with Strathmerton. A town holding RV Friendly status refers to communities that welcome and provide amenities to suit the needs of RV tourists.

At a Council Meeting on 20th June 2011, Council moved the following motion:

"That Council:

1. *Undertake three months community consultation:*
2. *Endorse the establishment of a Community Stakeholder Steering Committee to explore the adoption of an RV Friendly position: and*

FILE NO: F13/2614
3. DEVELOPMENT AND LIVEABILITY

ITEM NO: 9.2.2
(TOURISM DEVELOPMENT OFFICER,
LOUISE MUNK KLINT)
(DIRECTOR, COMMUNITY, PETER
BERTOLUS)

ESTABLISHING AN RV FRIENDLY WORKING GROUP (cont'd)

3. *Set a timeframe of 12 months for the Committee to develop an RV Friendly implementation framework."*

Following community consultation in 2011, CMT adopted the recommendation that Council proceed with the formation of a Stakeholder Steering Committee (i.e. RV Friendly Working Group) to further investigate how Moira Shire can take advantage of its RV Friendly status.

The attached ToR were prepared to enable the Business and Innovation Unit to proceed with the establishment of a RV Friendly Working Group in accordance with Council's motion. The ToR were drafted based on the ToR that was developed as part of the Briefing Report back in February 2013 and Council's template for ToRs.

Advertisements were placed in all local newspapers and Council media releases seeking expressions of interest for the community positions on the working group during the months of August and September 2014. A total of four nominations were received.

The Business and Innovation Unit set out to have the following skills matrix:

Community Representatives

- Caravan Park Owner/Manager
- Caravan Park Owner/Manager
- Retail shop owner
- Tourist attraction

RV Representative

- CMCA members
- CMCA members

The following skills provides an overview of the skills matrix based on nominations received that still provide a fair and equitable mix covering caravan park views, consumer views, tourism views and CMCA.

Nominations Received

Elizabeth White, CEO Victorian Caravan Park Association Inc.
Gail Peters, Cobram Visitor Information Centre Ambassador
Margaret Jean Quail, Consumer Representative
Margaret Paulo, CMCA Representative

3. Financial Implications

The only financial implications for Council in supporting these recommendations will be advertising costs in local newspapers and meeting costs. In total, these costs would be less than \$2,000 and can be supported in the Business and Innovation Unit budget.

4. Risk Management

There is a low risk associated with setting up this working group. The ToR set clear directions for what the working group members can and cannot do and what is expected of the working group.

5. Internal and External Consultation

External consultation has included:

FILE NO: F13/2614
3. DEVELOPMENT AND LIVEABILITY

ITEM NO: 9.2.2
(TOURISM DEVELOPMENT OFFICER,
LOUISE MUNK KLINT)
(DIRECTOR, COMMUNITY, PETER
BERTOLUS)

ESTABLISHING AN RV FRIENDLY WORKING GROUP (cont'd)

Meetings

In 2011, the Economic Development Unit distributed fifty-five invitations to accommodation houses to attend meetings in Yarrowonga, Cobram and Numurkah on 14th, 15th and 16th September respectively to discuss RV Friendly status in the Moira Shire. Each business was contacted by phone as a follow-up. Twelve people attended the meetings, representing nine businesses within the Moira Shire.

Online Survey

A survey was conducted through the Survey Monkey website, which attracted thirty-one responses.

Over the last couple of years, the internal consultation has included:

- Former Director Development
- Executive Manager, Business and Innovation
- Officers within the Business and Innovation Unit
- Officers from Sun Country
- Officers within Community Unit
- Officers within the Safety Amenity and Environment Unit

6. Regional Context

RV Friendly tourism fits into the larger regional context of continuing to grow visitor numbers that have an economic impact on the wider community and region. More localised research is required to identify what the economic impact of RV Friendly tourism is for Moira Shire and the Murray Region. Establishment of the RV Friendly Working Group will open up for opportunities to collate this information.

7. Council Plan Strategy

The establishment of the RV Friendly Working Group links to Council's strategic goal of ensuring that "Moira will be a great place to live and a vibrant, thriving community and a premier tourism, retail and investment destination with growing local business and an adaptive, entrepreneurial infrastructure and ethos."

8. Legislative / Policy Implications

There are no legislative/policy implications to consider within this report.

9. Environmental Impact

Whilst not directly relevant to this report, the Working Group (if established) will need to consider the maintenance and upkeep of the dump points and disposal of waste in public areas.

10. Conflict of Interest Considerations

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

11. Conclusion

The opportunity for Moira Shire to continue to be an RV Friendly Shire has been considered by Council since 2010. In June 2011 Council instructed Council Officers to conduct community consultation, establish a Community Stakeholder Steering Committee and give the group 12 months to develop an RV Friendly implementation framework.

FILE NO: F13/2614
3. DEVELOPMENT AND LIVEABILITY

ITEM NO: 9.2.2
(TOURISM DEVELOPMENT OFFICER,
LOUISE MUNK KLINT)
(DIRECTOR, COMMUNITY, PETER
BERTOLUS)

ESTABLISHING AN RV FRIENDLY WORKING GROUP (cont'd)

In late 2011, consultation was conducted and feedback was documented. A Working Group now needs to be established to complete the direction by Council.

This report seeks Council's appointment of a Councillor Representative to the RV Friendly Working Group, endorsement of the RV Friendly Working Group ToR and appointment of the nominated Community representatives.

Attachments

- 1 Terms of Reference (ToR) for RV Friendly Working Group

FILE NO: F13/2614
3. DEVELOPMENT AND LIVEABILITY

ITEM NO: 9.2.2
(TOURISM DEVELOPMENT OFFICER,
LOUISE MUNK KLINT)
(DIRECTOR, COMMUNITY, PETER
BERTOLUS)

ESTABLISHING AN RV FRIENDLY WORKING GROUP (cont'd)

ATTACHMENT No [1] - Terms of Reference (ToR) for RV Friendly Working Group



Terms of Reference

for the

RV Friendly Working Group



FILE NO: F13/2614
3. DEVELOPMENT AND LIVEABILITY

ITEM NO: 9.2.2
(TOURISM DEVELOPMENT OFFICER,
LOUISE MUNK KLINT)
(DIRECTOR, COMMUNITY, PETER
BERTOLUS)

ESTABLISHING AN RV FRIENDLY WORKING GROUP (cont'd)

ATTACHMENT No [1] - Terms of Reference (ToR) for RV Friendly Working Group

Terms of Reference for the RV Friendly Working Group



1. PURPOSE

To provide Moira Shire Council with informed and constructive advice exploring the adoption of a RV Friendly position and assisting with the development of a RV Friendly Implementation Framework and Plan.

2. DEFINITIONS

In this Schedule unless contrary intention appears:

Committee means the RV Friendly Working Group

Council means Moira Shire Council.

3. OBJECTIVES

The objectives of the RV Friendly Working Group shall be to:

- 3.1. Examine the potential for Moira Shire to continue to be an 'RV Friendly Shire' and the towns in the Shire as 'RV Friendly Towns';
- 3.2. Examine all of the issues that will need to be addressed to continue to pursue RV Friendly status;
- 3.3. Determine if the requirements to meet Campervan and Motorhome Club of Australia (CMCA) criteria for RV Friendly status can continue to be met within the Shire;
- 3.4. Consider the costs versus benefits of continuing to pursuing RV Friendly status;
- 3.5. Elect a member to inform Council of the processes, progress and recommendation by reporting bi-monthly to the Corporate Management Team (CMT); and
- 3.6. Develop an RV Friendly Implementation Framework and Plan for presentation to Council.

4. COMPOSITION AND PROCEEDINGS

4.1. The Committee shall comprise of up to eleven members as follows:

- Community representative with an interest in the specific working group focus, with the majority of these being from Caravan Park Owners/Operators, and local Business Operators (up to 4)
- RV representatives (up to 2)
- Council Business and Innovation Unit representative (up to 2)
- Council Community Development Unit representative (1)
- Council Safety Amenity and Environment representative (1)
- Moira Shire Council, Councillor representative (1)

4.2. All persons nominated to serve on the Committee are subject to the initial and continued approval of Council. Revocation provisions are contained in section 8.

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ITEM NO: 9.2.2
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LOUISE MUNK KLINT)
(DIRECTOR, COMMUNITY, PETER
BERTOLUS)

ESTABLISHING AN RV FRIENDLY WORKING GROUP (cont'd)

ATTACHMENT No [1] - Terms of Reference (ToR) for RV Friendly Working Group

Terms of Reference for the RV Friendly Working Group



- 4.3. The term of office for Committee members, unless otherwise specified by Council, will be one year, after which term they may be eligible for re-appointment.
- 4.4. On the resignation of a community representative and RV representative Committee member the Council may advertise for a replacement person. The term of office of persons appointed to fill such a vacancy shall expire on the date at which the previous member would have gone out of office. Members of the Committee so appointed may be eligible for re-appointment.
- 4.5. A Committee member may be granted leave of absence by the Committee.
- 4.6. The Council is empowered to declare a Committee member's office vacant if he/she fails to attend three consecutive meetings without leave of the Committee by resolution duly passed or on the recommendation of the Committee.
- 4.7. The Council may at its discretion nominate a Chairperson for the Committee. If Council chooses not to use this discretion then the Committee, at its first meeting, shall elect from its members a Chairperson.

Confidentiality

- 4.8. On occasions the Committee may be required to deal with a matter that has been identified as confidential in nature. Before a confidential matter can be dealt with any person in attendance, who is not an official member of the Committee, must leave the meeting. Committee members are required to deal with such matters in confidence and with discretion.

Conflict of Interest

- 4.9. The *Local Government Act 1989* is the primary source of guidance to any Councillor or Council officer on conflict of interest.
- 4.10. If a member of the Committee has a conflict of interest in any matter in which the Committee is concerned, the member must disclose the nature of that interest at the meeting at which the matter is discussed. The member must leave the room and remain outside until conclusion of discussion or any vote on the item.
- 4.11. A conflict of interest is considered to apply if a committee member:
 - (a) has a direct or indirect financial interest in the matter; or
 - (b) is of the opinion that the nature of his or her interest in the matter is such that it may conflict with the proper performance of his or her public duties in respect of the matter.

FILE NO: F13/2614
3. DEVELOPMENT AND LIVEABILITY

ITEM NO: 9.2.2
(TOURISM DEVELOPMENT OFFICER,
LOUISE MUNK KLINT)
(DIRECTOR, COMMUNITY, PETER
BERTOLUS)

ESTABLISHING AN RV FRIENDLY WORKING GROUP (cont'd)

ATTACHMENT No [1] - Terms of Reference (ToR) for RV Friendly Working Group

Terms of Reference for the RV Friendly Working Group



5. MEETINGS

- 5.1. Meetings of the Committee shall be held at least once every two months.
- 5.2. A meeting of the Committee must be held at a time and place determined by the Committee.
- 5.3. The Committee will seek to operate on a consensus basis on any motions it considers. Should a vote be necessary:
 - (a) Each member of the Committee who is entitled to vote is entitled to one vote;
 - (b) Unless the procedures of the Committee otherwise provide, voting must be by show of hands;
 - (c) If there is an equality of votes the motion is lost.
- 5.4. The Committee shall keep a record of each of its meetings and the Chairperson shall ensure that the minutes of the meeting are submitted to the next meeting for confirmation.
- 5.5. The majority of members of the Committee shall constitute a quorum at any meeting of the Committee and no business shall be transacted at any such meeting unless a quorum is present.
- 5.6. The Committee may form sub-committees from amongst its members for the purpose of recommending on matters pertaining to the provisions of this Instrument, provided that no decision may be acted upon until adopted by the full Committee.
- 5.7. The Chairperson shall be an ex-officio member of all sub-committees.
- 5.8. Such sub-committees shall only be established by resolution of the Committee and shall only carry out those functions stated in such resolution.

6. INDEMNITY

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

7. TERM OF COMMITTEE AND APPOINTMENTS

- 7.1. The Committee has been established for an initial period of one year, ending 31 December 2015. Council may review the Committee and could consider extending its term beyond this date.
- 7.2. Appointment of Advisory Committee members will be for a term ending on 31 December 2015 unless otherwise extended or revoked in writing by the Council.

8. REVOCATION

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FILE NO: F13/2614
3. DEVELOPMENT AND LIVEABILITY

ITEM NO: 9.2.2
(TOURISM DEVELOPMENT OFFICER,
LOUISE MUNK KLINT)
(DIRECTOR, COMMUNITY, PETER
BERTOLUS)

ESTABLISHING AN RV FRIENDLY WORKING GROUP (cont'd)

ATTACHMENT No [1] - Terms of Reference (ToR) for RV Friendly Working Group

Terms of Reference for the RV Friendly Working Group



- 8.1. A Committee member may have his or her term of office revoked by Council upon request by the Committee following a resolution carried by a two thirds majority vote of members of the Committee.
 - 8.2. Council may at its discretion revoke the membership of any member or the entire Committee at any time.
 - 8.3. The Council has the power to terminate the services of the Committee at any time.
 - 8.4. The Committee will terminate on 31 December 2015, unless otherwise extended or revoked in writing by the Council.
- 9. COMMITTEE REPRESENTATION**
- 9.1. It will be the responsibility of the Committee to notify Council of the resignation of members from the Committee.

FILE NO: F13/2272
3. DEVELOPMENT AND LIVEABILITY

ITEM NO: 9.3.1
(ACTING DIRECTOR, DEVELOPMENT AND
LIVEABILITY, MARK FOORD)
(ACTING DIRECTOR, DEVELOPMENT AND
LIVEABILITY, ANDREW CLOSE)

PETITION, CATONA CRESCENT, COBRAM

RECOMMENDATION

That:

1. Council commence a community engagement programme to construct footpaths and other infrastructure in Catona Crescent, Cobram, in accordance with the Special Rates and Charges Policy.
2. Council advise the petition organiser of its decision.

1. Executive Summary

Council has received a petition signed by 36 people regarding the installation of footpaths, drainage and street lights within Catona Crescent, Cobram. This represents approximately 56% of the property owners of the area.

The petition states that with the exception of garbage services the services provided to the area are almost non-existent.

Council has allocated within the 2014/15 budget an amount of \$225,000 for replacement and upgrade of the drainage outfall from the Catona Crescent area. The project includes the replacement of approximately 960 metres of pumped pipeline with 600mm pipe. The works will improve the drainage from the area by ensuring that as rain falls it is pumped away.

The Catona Crescent area is zoned "Low Density Residential" under the Planning Scheme. It is an area that includes large allotments and has been designed to provide "rural style" living adjacent to the township of Cobram.

It is recommended that Council commence a community engagement process with the residents of Catona Crescent for the provision of footpaths, drainage and streetlights in accordance with Council's Special Rates and Charges Policy.

2. Background and Options

Council has received a petition signed by 36 people regarding the installation of footpaths and other infrastructure within Catona Crescent, Cobram.

The petition requests that Council provide footpaths improved drainage and increase the number of street lights within Catona Crescent.

The petition represents approximately 56% of the property owners within the area.

Council has allocated within the 2014/15 budget an amount of \$225,000 for replacement and upgrade of the drainage outfall from the Catona Crescent area. The project includes the replacement of approximately 960 metres of pumped pipeline with 600mm pipe. The works will improve the drainage from the area by ensuring that as rain falls it is pumped away.

The works budgeted for, do not provide for any works that are "new" or include the re-establishment or construction of table drains throughout the road.

The Catona Crescent area within Cobram is zoned "Low Density Residential" under the Planning Scheme. The Infrastructure Design Manual, which sets out the construction standard

FILE NO: F13/2272
3. DEVELOPMENT AND LIVEABILITY

ITEM NO: 9.3.1
(ACTING DIRECTOR, DEVELOPMENT AND
LIVEABILITY, MARK FOORD)
(ACTING DIRECTOR, DEVELOPMENT AND
LIVEABILITY, ANDREW CLOSE)

PETITION, CATONA CRESCENT, COBRAM (cont'd)

with respect to the roads, and other infrastructure provides detailed design guidelines for such residential subdivisions.

Under the Design Guidelines, which have now been adopted by 41 different Councils, Low Density Residential subdivisions are not required to include footpaths, or underground drainage.

The “standard of construction” – a sealed bitumen road located within a relatively wide road reserve including open table drains is paramount to creating the low density or semi-rural character of the area.

Under Council’s Policy with respect to Special Charge Schemes Council may introduce a Scheme for construction of footpaths or other infrastructure, in accordance with the requirements of the Local Government Act.

The Policy recognises that a 50% Council contribution will assist in the development of footpaths and that footpaths are used by residents other than those that live directly adjacent to them and will promote footpath linkages between residential areas.

Council’s Special Rates and Charges Policy provides that Council will contribute 50% of the costs;

“For construction of a standard footpath servicing a residential area - where there is a community benefit that is less than or equal to this contribution; in recognition of use by other residents and to promote footpath linkages between residential areas.”

In the case of the footpath at Catona Crescent the 50% contribution from Council would not apply since there would be no community benefit. The benefit is restricted to those properties that are located within Catona Crescent.

Council has recently undertaken Schemes in Numurkah and Cobram for provision of footpaths.

3. Financial Implications

Under Council’s Special Rates and Charges Policy, Council may be required to contribute to the cost of a Scheme. Council’s costs would meet those of the general community and any land that Council held within the Scheme area, together with the cost of replacement of any public infrastructure that the residents have already contributed to.

The cost of drainage and other infrastructure would be met by those that benefit from the infrastructure, under Council’s Special Rates and Charges Policy.

The cost of provision of infrastructure into a Low Density area would be significantly higher per property owner than the costs normally associated with Schemes because the size of the allotments are much greater and there are fewer property owners to share the costs among.

4. Risk Management

The petition mentions that there is risk in the area because there is no footpath and people walk on the road.

The Road Traffic regulations make allowance for pedestrians to walk upon roads when there is no footpath.

FILE NO: F13/2272
3. DEVELOPMENT AND LIVEABILITY

ITEM NO: 9.3.1
(ACTING DIRECTOR, DEVELOPMENT AND
LIVEABILITY, MARK FOORD)
(ACTING DIRECTOR, DEVELOPMENT AND
LIVEABILITY, ANDREW CLOSE)

PETITION, CATONA CRESCENT, COBRAM (cont'd)

5. Internal and External Consultation

The Town Planning Department has been consulted and has provided information regarding this report.

If a Scheme were adopted to install infrastructure in Catona Crescent, an extensive consultation programme in accordance with the Local Government Act Section 223 would be required to be undertaken.

It is recommended that a community consultation process be undertaken with the land holders adjacent to any potential footpath requested by the signatories to the petition.

The main elements of the consultation programme to be undertaken over a six month period will be;

- Letter to be sent to affected residents with invitation to attend an open house forum / drop in session
- Consultation session held (open house forum / drop in session) with feedback forms and onsite meetings if necessary
- Develop survey to be sent with update letter
- Update letter sent to residents with results from feedback form, data collated, issues raised and inviting them to complete attached survey and advise of the next process
- Survey results to be included in Council report
- Council decision regarding progress of proposal to provide footpaths
- Budget bid for 14/15 budget
- Formal process to introduce a Special Charge Scheme

6. Regional Context

The installation of a footpath or other infrastructure into Catona Crescent or consideration of the petition will not have significant regional effects.

7. Council Plan Strategy

The Council Plan recognises the importance of maintenance of Council's existing footpaths, drains and roads throughout the Shire.

It also recognises the objective of involving the community in the decision making process, and in this respect the following Strategies are relevant;

- STRATEGY 2.4 Identify, develop and action community safety initiatives addressing real and perceived safety issues
- STRATEGY 2.5 Improve community engagement, participation and effectiveness by facilitating community involvement in decision making processes
- STRATEGY 2.6 Provide quality facilities, open spaces and programs to increase participation and cater for the communities needs and interests
- STRATEGY 2.9 Protect the Safety and Amenity for the Community

FILE NO: F13/2272
3. DEVELOPMENT AND LIVEABILITY

ITEM NO: 9.3.1
(ACTING DIRECTOR, DEVELOPMENT AND
LIVEABILITY, MARK FOORD)
(ACTING DIRECTOR, DEVELOPMENT AND
LIVEABILITY, ANDREW CLOSE)

PETITION, CATONA CRESCENT, COBRAM (cont'd)

- STRATEGY 3.2 Maintain Community Satisfaction by engaging, facilitating and involving the Community in sound development planning and building principles
- STRATEGY 3.3 Community Inclusion

8. Legislative / Policy Implications

Under Council's By Law regarding petitions, (Clause 66) Council is required to allow the petition to lay on the table until the next ordinary meeting of Council unless the Council agrees to deal with it earlier.

Council has a Policy with respect to the installation of footpaths – the Special Rates and Charges Policy. The Special Rates and Charges Policy also addresses the issue of installation of drainage and other infrastructure into residential and other areas.

Council has an extensive Quality Assurance Procedure with respect to the development of Special Charge Schemes to help ensure that any Scheme is carried out in accordance with the requirements of the Local Government Act.

Council's street lighting policy does not provide for street lights to be installed in low density residential nor rural type subdivisions or areas.

9. Environmental Impact

Should any footpath or other infrastructure be constructed, construction will be carried out in accordance with best environmental practices to ensure no disbenefit to the environment occurs.

Should any trees be required to be removed as part of construction replacement plantings will be installed.

10. Conflict of Interest Considerations

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

11. Conclusion

It is recommended that Council commence a program to provide footpaths and other infrastructure in Catona Crescent, Cobram in accordance with Councils Special Rates and Charges Policy, and the community consultation programme outlined in this report.

Attachments

- 1 Petition Catona Crescent

FILE NO: F13/2272
3. DEVELOPMENT AND LIVEABILITY

ITEM NO: 9.3.1
(ACTING DIRECTOR, DEVELOPMENT
AND LIVEABILITY, MARK FOORD)
(ACTING DIRECTOR, DEVELOPMENT
AND LIVEABILITY, ANDREW CLOSE)

PETITION, CATONA CRESCENT, COBRAM (cont'd)

ATTACHMENT No [1] - Petition Catona Crescent

28 August, 2014

Mayor Peter Mansfield
Moirā Shire Council
P.O. Box 578
COBRAM 3643

Dear Mayor,

The information on Rates provided in the Cobram Courier has provided background on how the rates are calculated and the services to which these are applied.

As a residential owner of Catona Crescent, I wish to advise that with exception to the garbage services, the services provided to this area are almost non-existent. For example:

- No drainage
- No footpaths. The road is very unsafe for pedestrians making it dangerous to walk along with traffic entering from both ends of the highway.
- Poor street lighting. The number of lights is unsatisfactory for such a built up area, again making it dangerous if walking after dark.
- The new church recently constructed and nearing completion will increase the amount of traffic entering from both ends of the highway.
- No sewerage.
- *Road Humps to slow traffic*

I have spoken to other residents on Catona Crescent who have similar concerns. We wish it to be a priority of Council to urgently provide footpath/s, improve drainage and increase street lights. A list of residents with names and signatures is attached.

A response to our concerns will be appreciated.

FILE NO: 52014677
3. DEVELOPMENT AND LIVEABILITY

ITEM NO: 9.3.2
(TOWN PLANNER, MARTINA FOLEY)
(ACTING DIRECTOR, DEVELOPMENT AND
LIVEABILITY, ANDREW CLOSE)

**52014677 - USE OF LAND ASSOCIATED WITH THE BUNDALONG TAVERN AT
7419 MURRAY VALLEY HIGHWAY, BUNDALONG AND ALSO AT 7403 MURRAY
VALLEY HIGHWAY, BUNDALONG AS A PLACE OF ASSEMBLY .**

RECOMMENDATION

That:

That Council approve the issue of a Notice of Decision to Grant a Permit for Application No. 52014677 for the temporary Place of Assembly use of three lots, Lot 2 on PS508761 also known as 7419 Murray Valley Highway, Bundalong and Lots 11 and Lot 16 on TP619980 also known as 7403 Murray Valley Highway, Bundalong for an event only on 31 December 2014 and extending into the morning of 1 January 2015, subject to the following conditions:

1. Before the use starts, 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 site plan that shows all of the measures set out in the:
 - (a) Traffic and Parking Management Plan required by Conditions 3 - 6
 - (b) Emergency Management Plan required by Condition 7, and
 - (c) Event Management Plan required by Condition 8.
2. The use as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
3. Before the use starts, an amended traffic and parking management plan to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plan will be endorsed and will then form part of the permit. Traffic and parking operations on and adjacent to the site must conform to this endorsed plan. Three copies of the plan must be submitted. The plan must be generally in accordance with the event traffic control plan submitted with the application but must include:
 - a. the location of all areas on- and/or off-site to be used for staff and patron parking
 - b. owner's permission and any required planning permission for parking on other land
 - c. specification of staff numbers adequate to enable efficient operation of car parking areas both on- and off-site
 - d. the number and location of all on- and off-site security staff
 - e. the means by which the direction of traffic and pedestrian flows to and from car parking areas will be controlled both on- and off-site
 - f. measures to discourage patron car parking in areas designated for emergency vehicles, on the public road south of the tavern and the Murray Valley Highway.
 - g. measures to preclude staff parking in designated patron car parking areas
 - h. staffing and other measures to ensure the orderly departure and arrival of patrons especially any large groups departing at closing time
4. Notwithstanding the generality of the first condition, the traffic and parking management plan shall include the following requirements by way of demonstrating the adequacy of the plan during the period when most patrons are attempting to arrive at the site:
 - a. Traffic flow along the Tavern driveway is to be one way only,
 - b. The flow of traffic is to be clockwise around the Tavern driveway circuit,
 - c. Pedestrians alighting from buses and from the vehicle drop off zone are to be restricted to crossing the road west of the Tavern's West entrance,

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- d. The bus drop off area is to be long enough to cater for a minimum of three buses at a time. The length of the bus bay shall be sufficient to cater for a standard bus and include the appropriate run in and run out lengths,
 - e. The car drop off area is to be linear (airport drop off) style and have sufficient length for 7 cars at any one time,
 - f. Cars are to be physically prevented from entering camping areas,
 - g. The point of sale for car parking and venue tickets are to be shown on the plan,
 - h. The length of queuing for the car parking area be shown on the plan and shall be of a minimum length to cater for 5 vehicles,
 - i. Provision of protected pedestrian walk areas to separate pedestrians from vehicles,
 - j. Provision of direction signage to direct pedestrians,
 - k. Maintain the public road as two-way access,
 - l. Allow for car parking queue length of four cars off the public road to ensure no cars queue on public road,
 - m. Locate entrance gates to match traffic control provisions
5. Notwithstanding the generality of the first condition, the traffic and parking management plan shall include the following requirements by way of demonstrating the adequacy of the plan during the period when most patrons are attempting to leave the site :-
- a. Traffic flow along the Tavern driveway is to be one way only,
 - b. The flow of traffic is to be clockwise around the Tavern driveway circuit,
 - c. Patrons boarding buses at the bus drop off zone are to be restricted to crossing the tavern driveway at a nominated point controlled by flagmen,
 - d. The bus drop off zone is to be long enough to cater for a minimum of six buses at a time. The length of the bus bay shall be sufficient to cater for a standard bus and include the appropriate run in and run out lengths. Alternatively, a standby area for buses shall be nominated and arranged such that patrons do not wait longer than ten minutes for the next service.
 - e. The car drop off area is to be linear (airport drop off) style and have sufficient length for 20 cars at any one time,
 - f. Provision of protected pedestrian walk areas to separate pedestrians from vehicles,
 - g. Provision of direction signage to direct pedestrians,
 - h. Maintain the public road as two-way access,
 - i. Provision of a flagman at the car park exit to control flows into the traffic stream.
6. The traffic and parking management plan shall show the location and extent of any temporary civil works such as temporary vehicle crossings and access tracks. Separate approval may be required for temporary works on public land.
7. Before the use starts, an emergency management plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. All activities forming part of the use must comply with the endorsed plan. The plan must include:
- a. emergency egress points,
 - b. nominated assembly points,
 - c. no emergency egress will be allowed directly onto the Murray Valley Highway, and
 - d. the plan must accord with the traffic management plan and the Place of Public Entertainment Permit.

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3. DEVELOPMENT AND LIVEABILITY

ITEM NO: 9.3.2
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52014677 - USE OF LAND ASSOCIATED WITH THE BUNDALONG TAVERN AT 7419 MURRAY VALLEY HIGHWAY, BUNDALONG AND ALSO AT 7403 MURRAY VALLEY HIGHWAY, BUNDALONG AS A PLACE OF ASSEMBLY . (cont'd)

8. Before the use starts, an event management plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. All activities forming part of the use must comply with the endorsed plan. The plan must include:
 - a. staffing and other measures which are designed to ensure the orderly arrival and departure of patrons
 - b. signage to be used to encourage responsible off-site patron behaviour
 - c. ticket sales booth locations
 - d. access and egress points to the arena area
 - e. waste collection areas and detail of how waste will be disposed of after the event
 - f. a comprehensive plan for the reinstatement of the lands
 - g. a comprehensive plan for the reinstatement of the vicinity with rubbish pick up etc. on nearby roads and streets with the potential for the clean-up of privately owned lands if required (subject to agreement with the affected landowner)
9. All of the infrastructure required to facilitate the event, including but not limited to fencing, temporary vehicular crossing, signage etc. must be in place 24 hours before the start of the event.
10. The arena / entertainment element of place of assembly use may operate only between the hours of 18.00 on 31 December 2014 and 01.00 on 1 January 2015. The camping element of the proposed development may operate only between the hours of 15.00 on 31 December 2014 and 23.59 on 1 January 2015.
11. The use of the land for the purpose of place of assembly must cease before midnight on the night of 1 January 2015 unless with the written consent of the Responsible Authority. The land must be fully reinstated before midnight on the night of 3 January 2014.
12. 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
 - d. presence of vermin
13. No more than 3,000 patrons may be present on the premises at any one time without the written consent of the Responsible Authority.
14. At all times during the operation of the use, there must be present on the premises a person over the age of 18/21 years who is responsible for ensuring that the activities on the premises and the conduct of persons attending the premises do not have a detrimental impact on the amenity of the locality to the satisfaction of the Responsible Authority (referred to in this permit as "the manager").

The manager must be authorised by the operator under this permit to make statements at any time on his/her behalf to any officer of the Responsible Authority and of the Victoria Police and/or of Liquor Licensing Victoria authorised under Section 129 of the Liquor

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Control Reform Act 1998; and/or to take action on his/her behalf in accordance with a direction by such officer.

15. The subject land must be kept neat and tidy at all times and its appearance must not, in the opinion of the Responsible Authority, adversely affect the amenity of the locality.
16. Access to the site must only be at the nominated crossing shown on the endorsed plan. The crossing and road pavement works are to be constructed to the satisfaction of the (VicRoads Corporation and/or the) Responsible Authority.
17. Access to and egress from the site for all commercial vehicles (including waste collection vehicles) must only be from (nominate the roads).
18. No fires will be permitted at the event.
19. No native vegetation (including trees, shrubs, herbs and grasses) shall be removed, lopped or destroyed unless a permit has been granted by the Responsible Authority.
20. A 'Tree Protection Zone' (TPZ) must be applied during set up and staging of events. A TRZ applies to a tree and is a specific area above and below the ground. The TPZ must have an area greater than the drip line of any native tree on or overhanging the area subject to events including but not restricted to vehicle parking areas, camping areas and temporary stands. No vehicular or pedestrian access, trenching or soil excavation, storage or dumping of tools, equipment or waste should occur within the Tree Protection Zone.
21. Before the event starts, a tree protection fence should be erected around all remnant native trees to define a Tree Protection Zone. The fence must exclude access within the Tree Protection Zone. The tree protection fence should remain in place until the event is completed.
22. 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.

EPA Condition

23. Noise emissions from the premises must comply with the requirements of the State Environment Protection Policies (Control of Music Noise from Public Premises) No. N-2.

Victoria Police Conditions

24. The entire event location is fenced by secure temporary fencing. The fencing should be of sufficient height and type to ensure security. A second mote type fencing should be in place around the first fence.
25. Emergency exits (gates) in the fencing are to be monitored by staff/security.

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26. Single egress/access point in the fencing (aside from emergency gates).
27. Fencing is to be at a standard that is deemed satisfactory to our Authority.
28. Crowd controllers are to be present at numbers in accordance with relevant legislation.
29. Relevant legislation (for example Liquor Control Reform Act & EPA) is to be complied with.
30. No glass.
31. Maximum of two opened beverages at point of sale.
32. Point of sale are set up as previous years with a ticketed system for patrons to obtain alcohol.
33. No pass outs provided to patrons.
34. The venue operator is to ensure that there is sufficient transportation (buses) to and from the venue to both Yarrawonga and Wangaratta. These buses are to be operating for the purpose of transporting patrons before, during and after the event.
35. The venue operator is responsible for obtaining relevant permits from road authorities (council and Vic Roads). An authorised traffic management company is engaged to control traffic along the Murray Valley Highway. This is to include slowing traffic to 40 kph.
36. The venue operator is to ensure that neighbouring residences are consulted and practices are put in place to mitigate the impact the proposed event may have on them.
37. An approved and staffed First Aid provider (eg: St Johns Ambulance) is to be present on the site at all times. This includes before and after the event and during periods of camping activities.
38. In relation to camping: Security are to be present at all times camping activities are occurring. Vehicles are not to be operated in the camping area with the exception of for the purpose of access and/or egress. There is no BYO alcohol to the camping area and security are responsible. There is no glass in the camping area. There is no fires in the camping area.

Permit Notes

1. Organisers to make themselves familiar with Council's Local Laws and ensure that compliance is maintained regarding signage.
2. All food vendors / premises must be registered under the Victorian Food Act 1984.
3. All food vendors / premises must submit a Statement of Trade through the Streatrader Website.
4. A Place of Public Entertainment Permit (POPE) is required.

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1. Executive Summary

Planning Permit Application 5/2014/677 is for the temporary use of land located at and in the vicinity of the Bundalong Tavern as a Place of Assembly. It is proposed to use three lots, Lot 2 on PS508761 also known as 7419 Murray Valley Highway, Bundalong and Lots 11 and Lot 16 on TP619980 also known as 7403 Murray Valley Highway, Bundalong to host a New Year's Event on the night of the 31 December 2014 and the morning of 1 January 2015.

The key issues relate to the protection of residential amenity, traffic management and event management. The application was widely advertised with a notice on the site, newspaper notice and letters sent to individual adjoining landowners and occupiers. Four objections were received. The applicant has responded to the objectors but to date no objection has been withdrawn.

The application was also referred internally and externally to all relevant authorities including the Victoria Police. No authority has objected to the issuing of a permit.

Most of the objections received relate only to the impact of similar smaller events on the amenity enjoyed by local residents and, in the case of one objection, concerns relating to personal safety and the impact upon their business. These matters have been considered and it is concluded that on balance there is little cause to refuse this application.

It should be noted that further information was received on 3 November 2014 in the form of a Traffic Management Plan. The document included material changes to the proposal that would normally have warranted readvertising. Further as a result of receipt of this information further requests for information would normally have been required. Following internal consultation with senior management a decision has been made to proceed to making a decision ensuring that any potential outstanding issue is resolved through conditions on the permit.

It is recommended that Council resolve to issue a Notice of Decision to Grant a Permit, subject to conditions.

2. Background and Options

Application Details

Applicant: Janice Wilce
Owner: Janice Wilce and Graham Creece
Land Address: 7403 Murray Valley Highway, Bundalong associated with 7419 Murray Valley Highway, Bundalong
Title Details: Lot 11 and 16 on TP619980, Lot 2 PS508761
Site Area: 4.24ha
File No: 52014677
Zone: Farming Zone
Overlays: None

Key Issues

- Farming Zone
- Protection of Residential Amenity
- Traffic Impact
- Safety Considerations

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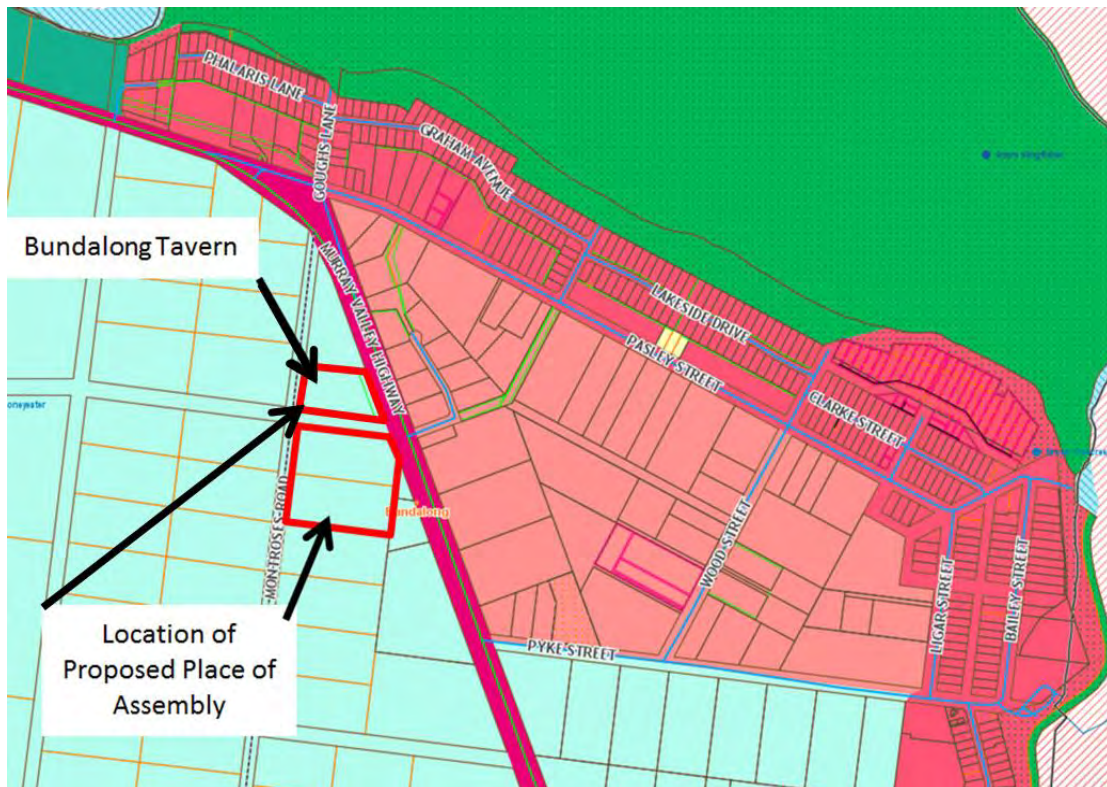
ITEM NO: 9.3.2
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The subject land is located on western side of the Murray Valley Highway to the west of Bundalong. It consists of three lots, Lot 2 on PS508761 also known as 7419 Murray Valley Highway and Lots 11 and Lot 16 on TP619980 also known as 7403 Murray Valley Highway. The current use of Lots 11 and 16 is agricultural. Lot 2 is currently the location of the Bundalong Tavern. The Lots 11 and 16 are separated from Lot 2 by an unnamed council road. Montrose Road runs along the western boundary of the lots.

With the exception of the Tavern and the Bundalong Holiday Resort to the north most of the land to the west of the highway is dominated by agricultural and residential uses. To the east of the highway is the township of Bundalong.

Records show the Bundalong Tavern has been holding the New Year's Eve event on the tavern land (Lot 2) since 2007/08. This proposal is to increase the number of patrons to 3,000 and relocate the arena, camping and car parking to Lot 11 and Lot 16 on TP619980 to the south of the Tavern. The Tavern itself will be closed on the night of the event with all alcohol sales occurring on Lots 11 and 16 only, subject to the granting of a Temporary Limited Licence by the Victorian Commission for Gambling and Liquor Regulation (VCGLR).



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Proposal

The applicants propose to use Lot 2 on PS508761 and Lots 11 and Lot 16 on TP619980 as a Place of Assembly - for a New Year's Eve celebration on 31 December 2014 to 1 January 2015. The application documentation, submitted 9 September 2014 and amended on 22 September 2014 and on 3 November 2014, states that up to 3,000 people will attend the event. The application includes the arena area, a camping area, car parking and a detailed bus and vehicular drop of area on the grounds of the Tavern.

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Planning History

There is no planning history associated with Lot 11 and Lot 16 on TP619980. There is however planning history associated with the Bundalong Tavern (7419 Murray Valley Highway) that is relevant. The key permits are as follows:

- | | |
|-------------|--|
| 5/1997/1003 | Boat Storage and Hotel |
| 5/2002/139 | Boundary Re-alignment |
| 5/2010/210 | Increase in patron number to 150 |
| 5/2013/324 | Development of Existing Hotel to include 35 Cabins |

Options

Council has the option to defer its decision for further assessment, issue a notice of refusal or issue a Notice of Decision to Grant Permit, given that there were objections to the application.

3. Financial Implications

In the event that Council's decision is appealed at VCAT, any cost associated with attending and responding to an appeal is not budgeted for.

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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

Pre-Lodgement Consultation

There was pre-lodgement consultation undertaken by the applicant with discussions with Council's Planning Coordinator and Manager of Town Planning and Building on 25th July 2014.

Internal Consultation

Internally the application was referred to our Assets, Building, Environmental Health, Infrastructure Planning, Natural Resources and Safety and Amenity sections. A number of departments recommended conditions be placed on any permit that is issued. None objected to the issuing of a permit.

The Infrastructure Planning Department in their referral response requested further information relating to traffic management on the site. A formal request for further information was issued on 15 October 2014 and a detailed response was received on 3 November 2014. As a result of the information received the Infrastructure Planning Department have set out a number of conditions that should be placed on any permit issued.

It should be noted that a number of the conditions set would normally have been sought prior to assessment rather than after a permit is issued. Following internal consultation with senior management a decision has been made to proceed to making a decision rather than resolving the detail of outstanding matters. For instance the following will be required by condition:

- Revised Traffic Impact Plan (altering proposals set out in further information supplied 3 November 2014)
- Emergency Management Plan
- Event Management Plan (including clean-up requirements for the wider locality on 1 January 2015)

The content of these plans must be agreed in writing by the Responsible Authority prior to the event taking place.

External Consultation

The application was also referred, externally, to Goulburn Murray Water, the Environmental Protection Agency, the Victorian Commission for Gambling and Liquor Regulation, VicRoads and Victoria Police, under Section 52 of the *Planning and Environment Act 1987*. None of the referral authorities objected to the issuing of a permit, subject to conditions.

Public Consultation

Public Notice of the application was given under Section 52 of the *Planning and Environment Act 1987* with a newspaper notice, site notice and letter to adjoining land owners. At the time of drafting this report 4 objections have been received. These are attached hereto.

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The objections focused upon the impact of the event on the amenity of local residents and in particular an adjoining landowner focused upon the history of previous events and the effect both on personal safety and his business.

Copies of the objections were provided to the applicant who responded, stating that security personal will be employed until 05.00 and a phone number will be provided to local residents so that they can respond to any concerns. It is noted that the Victoria Police have not objected to the event, indeed they have verbally indicated that they are happy for the event to go ahead as it in effect corrals any potential misbehaviour at one location where it can be easily managed.

Further information submitted on 3 November 2014 included alterations to the proposal regarding the location of car parking areas. The car parking will in effect come closer to the properties of two of the objectors. This material change to the proposal would normally have warranted readvertising however following internal consultation with senior management a decision has been made to proceed to making a decision.

6. Regional Context

There is no regional context associated with this Development Plan, given its small scale, temporary nature and location.

7. Council Plan Strategy

The Council Plan states as regards the community that Moira will be a Shire where all its people and communities are happy, healthy and safe. Safety is a consideration when assessing this application. While an objector has strongly indicated that previous events have resulted in an assault on his person the Police have not objected to the issuing of a permit and it is understood that no charges have been brought forward regarding the incident.

On balance this report concludes that the proposed event should not give rise to any undue safety concerns subject to compliance with the conditions set out by both the Police and the Shire.

8. Legislative / Policy Implications

Zoning

The subject lands are located in the Farming Zone (FZ). The purpose of the FZ, amongst others, is:

“To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.

To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.”

The proposed development is to use the subject lots as a place of assembly for a New Year's Eve event.

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It must therefore be assessed against the policies set out to control residential development in the FZ. Clause 35.07-1 indicates that Place of Assembly is a Section 2 use in the FZ and accordingly a planning permit is triggered for the use. Clause 35.07-4 sets out that buildings and works associated with any Section 2 use also triggers a planning permit requirement. This is the second trigger for this permit.

Clause 35.07-6 sets out the decision guidelines for developments in the FZ. The following are relevant to the assessment of this application:

- *The capability of the land to accommodate the proposed use or development, including the disposal of effluent.*
- *Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.*
- *How the use and development makes use of existing infrastructure and services.*
- *Whether the use or development will adversely affect soil quality or permanently remove land from agricultural production.*
- *The impact of the proposal on the natural physical features and resources of the area, in particular on soil and water quality.*

It is considered that the proposed development, as a temporary use, will not result in the loss of agricultural land. Conditions have been recommended that will ensure that there is enough capacity built into the proposal to cater for the number of people that will be attending the event. The compatibility of this temporary use with adjoining land owners is a major aspect of this assessment. It is considered that the conditions set out will ensure that this event shall not impact in a material manner upon the amenity of local residents and landowners.

It is concluded that this proposal meets the requirements of the FZ.

Overlays

There are no overlays associated with the subject lot.

State Planning Policies

Clause 11.05-3 "*Rural Productivity*" seeks to manage land use change and development in the rural areas to promote agricultural and rural production.

Clause 14.01-1 "*Protection of agricultural land*" notably states the following as an objective:

"To enable protection of productive farmland;" and;

"To ensure that the State's agricultural base is protected from the unplanned loss of productive agricultural land due to permanent changes of land use and take into consideration regional, state and local, issues and characteristics in the assessment of agricultural quality and productivity."

In considering a proposal for a single night event it is concluded that the lands can easily return to agricultural use. The application therefore accords with State level policies.

Local Planning Policy and Municipal Strategic Statement

Clause 22.01 sets out Moira Shire's Agricultural Policy. The purpose of the policy is to address two separate issues: being rural subdivision and rural dwellings.

FILE NO: 52014677
3. DEVELOPMENT AND LIVEABILITY

ITEM NO: 9.3.2
(TOWN PLANNER, MARTINA FOLEY)
(ACTING DIRECTOR, DEVELOPMENT AND
LIVEABILITY, ANDREW CLOSE)

52014677 - USE OF LAND ASSOCIATED WITH THE BUNDALONG TAVERN AT 7419 MURRAY VALLEY HIGHWAY, BUNDALONG AND ALSO AT 7403 MURRAY VALLEY HIGHWAY, BUNDALONG AS A PLACE OF ASSEMBLY . (cont'd)

There are no policies relating to the use of the lands as a Place of Assembly. Accordingly it is concluded that the subject application accords with Local Planning Policy.

The decision guidelines of Clause 65

Before deciding on an application or approval of a plan, the responsible authority must consider, as appropriate:

- *The matters set out in Section 60 of the Act.*
- *The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *The purpose of the zone, overlay or other provision.*
- *Any matter required to be considered in the zone, overlay or other provision.*
- *The orderly planning of the area.*
- *The effect on the amenity of the area.*
- *The proximity of the land to any public land.*
- *Factors likely to cause or contribute to land degradation, salinity or reduce water quality.*
- *Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.*
- *The extent and character of native vegetation and the likelihood of its destruction.*
- *Whether native vegetation is to be or can be protected, planted or allowed to regenerate.*
- *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.*

All the matters set out in Clause 65 have been considered. Those matters above that most closely relate to the proposed development, namely the purpose of the zone, overlay or other provisions, together with the orderly planning of the area and the effect on the amenity of the area have been addressed elsewhere in this report.

9. Environmental Impact

The impact of the proposed Place of Assembly will be high with the potential for noise, litter and nuisance. The impact however is not considered to be material as it relates only to a temporary use. Conditions will ensure that the amenity of residents and local land owners will not be unduly affected by this short (overnight) event. A condition requirement to prepare an Event Management Plan will ensure that the property and vicinity are adequate reinstated following the event.

10. Conflict of Interest Considerations

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

11. Conclusion

This report recommends that Council resolve to issue a Notice of Decision to Grant a Permit, subject to conditions.

Attachments

- 1 Objections and Applicant's Response

FILE NO: 52014677
3. DEVELOPMENT AND LIVEABILITY

ITEM NO: 9.3.2
(TOWN PLANNER, MARTINA FOLEY)
(ACTING DIRECTOR, DEVELOPMENT
AND LIVEABILITY, ANDREW CLOSE)

**52014677 - USE OF LAND ASSOCIATED WITH THE BUNDALONG TAVERN
AT 7419 MURRAY VALLEY HIGHWAY, BUNDALONG AND ALSO AT 7403
MURRAY VALLEY HIGHWAY, BUNDALONG AS A PLACE OF ASSEMBLY .
(cont'd)**

ATTACHMENT No [1] - Objections and Applicant's Response

3/10/2014

FROM [REDACTED] MURRAY VALLEY HIGHWAY, BUNDALONG,
[REDACTED]

Moira Shire Council
File #
Copy to
-5 OCT 2014
Copy to

TO MARTINA FOLEY & THE COUNCILLORS OF THE MOIRA SHIRE,

WE HAVE RECEIVED PAPERWORK FROM COUNCIL REGARDING A PLANNING PERMIT APPLICATION FILE NUMBER 5/2014/677 BEING FOR A PLACE OF ASSEMBLY FOR BUNDALONG TAVERN NEW YEARS EVE 2014. WE OBJECT TO THE GRANTING OF THIS PERMIT ON THE FOLLOWING GROUNDS, THE PROPOSED VENUE SITE AJOINS THE REAR AND SIDE BOUNDRY OF OUR PROPERTY AND IS APPROX 20 MTRS FROM OUR HOUSE. BOTTOM RIGHT CORNER OF ARIAL SITE MAP SHOWS THE CORNER OF OUR HOUSE. THE SECURITY OF OUR PROPERTY WOULD BE AT GREAT RISK. APPLICANT STATES THAT THEY HAVE HELD MANY SUCCESFUL EVENT IN THE PAST. WE HAVE HAD CANS AND RUBBISH THROWN IN OUR YARD, PEOPLE FIGHTING IN OUR YARD AND A GENERAL DISREGAURD SHOWN TO RESIDENTS BY HIGHLY INTOXICATED PATRONS GOING TO AND LEAVING THIS VENUE. ALSO I NOTE THAT A SIMILAR EVENT HELD AT EASTER 2014 WAS SHUT DOWN AT THE REQUEST OF POLICE AT AROUND 10 PM. WE PRESUME THIS WAS BECAUSE OF NOISE AND POOR BEHAVIOUR. WE BELIEVE AN INCREASE OF NUMBERS TO 2500 OR ABOVE WILL ONLY EXAGGERATE THE EFFECTS ON SURROUNDING PROPERTIES AND THE TOWN IN GENERAL. THE PROPOSED VENUE IS NOT SOUTH OF THE TOWNSHIP AS STATED IN THE PERMIT APPLICATION IT IS IN THE MIDDLE OF TOWN IN THE CENTRE OF THE RESTRICTED SPEED ZONE. WE HAVE NO OBJECTION TO THE TAVERN HOLDING ITS NEW YEARS EVE EVENT IN ITS CURRENT FORMAT BEING A LIMIT OF 1500 PATRONS AND HELD ON THE BUNDALONG TAVERNS COMMERCIALY ZONED EXISTING SITE. WE WOULD ONLY CONSIDER THIS PERMIT APPLICATION IF MANY OF OUR AND OTHER RESIDENCES SECURITY, NOISE AND POOR BEHAVIOUR ISSUES WERE PAID A GREAT DEAL OF RESPECT BY THE APPLICANT.

REGARDS [REDACTED]

FILE NO: 52014677
3. DEVELOPMENT AND LIVEABILITY

ITEM NO: 9.3.2
(TOWN PLANNER, MARTINA FOLEY)
(ACTING DIRECTOR, DEVELOPMENT
AND LIVEABILITY, ANDREW CLOSE)

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MURRAY VALLEY HIGHWAY, BUNDALONG AS A PLACE OF ASSEMBLY .
(cont'd)**

ATTACHMENT No [1] - Objections and Applicant's Response

Attn: Martina Foley

Planning and Permits

Reference to Application Number 5/204/677

Our names are [REDACTED] and our property is [REDACTED] Murray Valley Highway Bundalong and on the same side as the hotel and the proposed event. We have no issue with the hotel continuing a business, we would like to point out that the hotel over the past few years have had New Years events with approximately 1500 people attending. This is carried out on the hotel premises and whilst our property is a few hundred metres from them, the sound of the music and sound created by the crowd is extremely loud. Allowing them to move it closer to our place would make it excessive. Also whilst the crowd is controlled on the hotel premises once the event is over it is the residents along the Murray Valley Highway that have to put up with the loud sometimes foul language and occasionally aggressive arguments of the patrons walking along the road. Although our gate has been closed, we have had patrons at different states of intoxication enter our property to ask for directions or the use of a phone and on one occasion asked if we could supply them alcohol.

Whilst we understand that allowing camping onsite would reduce this we feel that it would not eliminate this completely, also having a finish time of 2 am then by the time the crowd has dispersed makes for a late sleepiness night. We can see that they have an excellent security plan in place for the event area have they considered any security for the surrounding properties, along both front and back fence lines.

Points of Objection

1. Excessive and lateness of noise.
2. Vagrant behaviour in street.
3. Property security.

Suggestions

1. Earlier finish times.
2. Security at the front of neighbouring properties to discourage loud boisterous behaviour from those walking home from the event.
3. Security at the rear of the properties to prevent those trying a short cut into and out of the event.



FILE NO: 52014677
3. DEVELOPMENT AND LIVEABILITY

ITEM NO: 9.3.2
(TOWN PLANNER, MARTINA FOLEY)
(ACTING DIRECTOR, DEVELOPMENT
AND LIVEABILITY, ANDREW CLOSE)

**52014677 - USE OF LAND ASSOCIATED WITH THE BUNDALONG TAVERN
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MURRAY VALLEY HIGHWAY, BUNDALONG AS A PLACE OF ASSEMBLY .
(cont'd)**

ATTACHMENT No [1] - Objections and Applicant's Response

Martina Foley

From: [REDACTED]
Sent: Wednesday, 8 October 2014 9:15 AM
To: Martina Foley
Cc: RecordsWebmaster
Subject: FW: Objection to NY Eve permit Number 5/2014/677

Attention Martina Foley.
Town Planner.

Martina
I wish to make an objection to the Planning Permit No. File number 5/2014/677
7419 Murray Valley hwy. Bundalong. 3730.

At approximately 2.45am last New Years Eve my wife and myself were assaulted by 2 men that attended the New Years Eve event held at the Tavern. I have not been able to work for 8 months. My shoulder injury will impair my future work as a plumber.

This is not the first time that there was an injury caused by assault at or after this event.

We have been concerned about security, and requested that it be provided to us independently, by the organisers for the last 5 years. Each time we have made this request to Council and or the Victorian Police we have been advised that there will be no problems as there is plenty of security. I have been advised to call 000. I have been told that this event would not get a permit to run anywhere else in the shire. The event is agreed to because it keeps all of the trouble out of the Towns. (Except Bundalong)

After the event last New Years Eve and the hospitalisation of myself many of our regular family guests did not renew their accommodation for this year. It was a traumatic time for them and they are concerned for their safety and the safety of their families.

The Easter music event run at the Tavern was closed down by Police at approx. 10pm. This year.

We note that the permit is for the event to be staged on farm land this New Years Eve. Being a music event it will be covered by

State Environment Protection Policy (Control of Music Noise from Public Premises) N-2.

- o noise levels must not exceed the following noise limits (see clauses 17 and 18 of SEPP N-2). The noise level is measured as LAeq in dB(A). The SEPP N-2 policy sets out the measurement method. 65 dB(A) (averaged over 15 minutes) when the measurement point is located outdoors at any residential premises and 55 dB(A) when the measurement point is located indoors (see clauses 17 and 18 of SEPP N-2)
- o operating times must be between 12.00 pm and 11.00 pm, or 12.00 pm and 10.00 pm for events longer than five hours

I note that the Permit is from 6pm to 2 am.

This event and the worry associated with the outcome each year is having an impact on our health.

Is there water connected to the property. (required for toilets and water supply to campers.)

FILE NO: 52014677
3. DEVELOPMENT AND LIVEABILITY

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(TOWN PLANNER, MARTINA FOLEY)
(ACTING DIRECTOR, DEVELOPMENT
AND LIVEABILITY, ANDREW CLOSE)

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(cont'd)**

ATTACHMENT No [1] - Objections and Applicant's Response

It was suggested by 2 our guests last year, and repeated to the Yarrawonga Police that the dog squad be in attendance.

Hours of security operation? (Part of permit relates to camping, Security to control them would be part of this application?)

If this event is given a permit we once again request independent security for our Resort provided by the applicant. We should not have to bear the cost of this.

Regards 



FILE NO: 52014677
3. DEVELOPMENT AND LIVEABILITY

ITEM NO: 9.3.2
(TOWN PLANNER, MARTINA FOLEY)
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AND LIVEABILITY, ANDREW CLOSE)

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(cont'd)**

ATTACHMENT No [1] - Objections and Applicant's Response

Attention : Martina Foley

3 October 2014

Objection to planning permit 5/2014/677

7419 Murray Valley Highway Bundalong

Land Title : Lot 2 P5508761

Applicant Janice Wilce : For a place of assembly



Our objection is mainly about the control of patrons in large numbers, noise level and when leaving venue "Place of assembly".

As in previous years, those patrons when walking home along nearby streets destroy letter boxes, fences, open gates throw bottles, cans and other rubbish over fences and along nature strips with pieces of broken glass every were.

Last year trees that were planted on nature strips after Tornado 2013 were bent and broken and supports pulled out of the ground.

Every Year we residents go around cleaning up and trying to put trees upright.



Residential Address : [redacted] Bundalong

Postal address : [redacted] Mobile [redacted]

FILE NO: 52014677
3. DEVELOPMENT AND LIVEABILITY

ITEM NO: 9.3.2
(TOWN PLANNER, MARTINA FOLEY)
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(cont'd)**

ATTACHMENT No [1] - Objections and Applicant's Response

BUNDALONG TAVERN
Est. 1997

Murray Valley Hwy,
Bundalong, Vic.
Phone: [redacted]
Fax: [redacted]

Moira Shire Council
Ref 5/2014/677

Dear Martina

Thank you for your letter.

I have been in discussion with Richard Williams. Also contacted Keith McEneaney. I feel that I have addressed these main concerns, which is after the event is over, and therefore anticipate they will withdraw these objections.

In regards to Mr Baute, no matter what step I take to address his concerns, he will never be satisfied and any mediation with him would be a waste of time.

I would like to address the noise issue. The Glenrahan Football Club approached me to see if they could have the event at the Tavern to raise money for their club. I agreed as long as it was near my way. On the night club members were intoxicated. The music was very loud and a number of complaints were noted to turn down. They ignored my request. It was my decision also along with Daire to close event down. You can confirm this with Sory John Higgins.

The Glenrahan Football Club had 2400 factor care for neighbours or residents, and also pay license.

FILE NO: 52014677
3. DEVELOPMENT AND LIVEABILITY

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(cont'd)**

ATTACHMENT No [1] - Objections and Applicant's Response



I Have also made application to liquor licensing
to hold event at the Tavern. In case the phony
permit is not granted.
Security to 500am will still be in place: either side

Thankyou for your assistance
Regards Janni Wilcox
JW


I would like to also add, that Claude Martin from
the Wallys cafe, has kindly offered his cafe during
and after the event until 500am, as a meeting point
for Police and security. Where they can have coffee
during the evening and following morning.
Security and Police will be at this location
to 500am New Years Day.

FILE NO: 52014677
3. DEVELOPMENT AND LIVEABILITY

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(cont'd)**

ATTACHMENT No [1] - Objections and Applicant's Response



Murray Valley Hwy.
Bundalong, Vic.
Phone: [REDACTED]
Fax: [REDACTED]

Moira Shire Council
Ref - 5/2014/677

Janine Liskie
14/11/14

Dear Martina

In Response to Michael Bourke's Objection

Last new years morning Mr Bourke was involved in a altercation with two guest of a customer of the holiday resort. No Police charges were laid against the two men or Mr Bourke.

Our Security for the event is more than legally required by Police or liquor licensing.

The holiday Park also supplies + sells alcohol to these customers, for the various new years eve parties at the holiday Park.

The customers of the Holiday Park are there responsibly.

The Holiday Resort will also be provided with the Security number and are asked to call them if there have any problems.

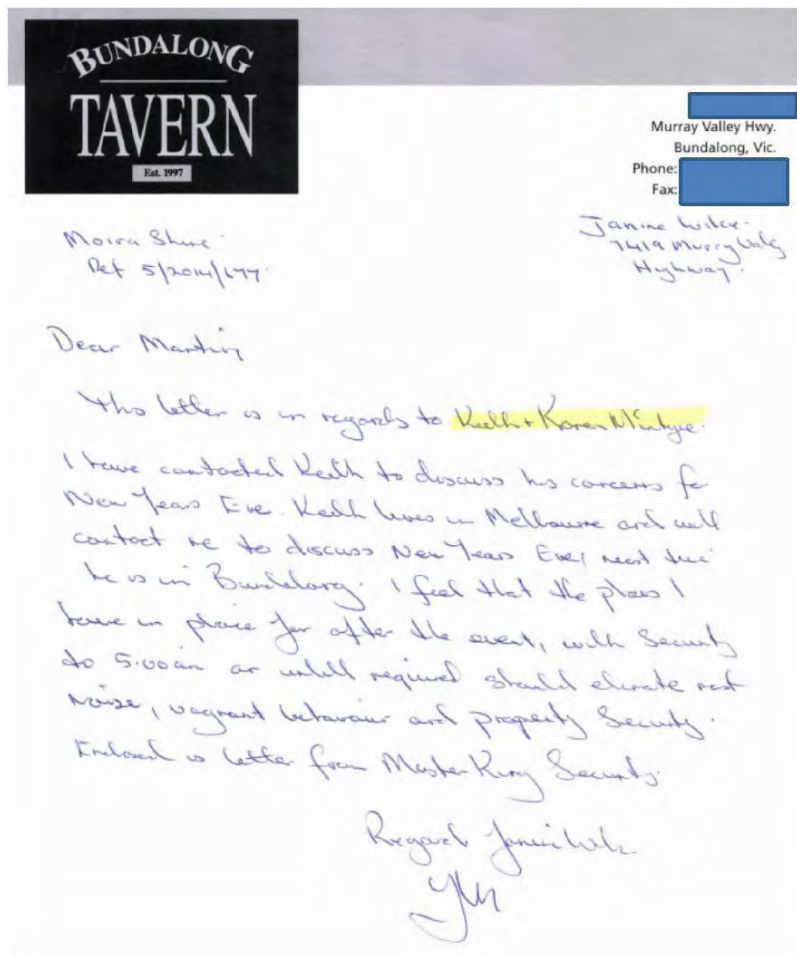
Regards
JLiskie

FILE NO: 52014677
3. DEVELOPMENT AND LIVEABILITY

ITEM NO: 9.3.2
(TOWN PLANNER, MARTINA FOLEY)
(ACTING DIRECTOR, DEVELOPMENT
AND LIVEABILITY, ANDREW CLOSE)

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ATTACHMENT No [1] - Objections and Applicant's Response

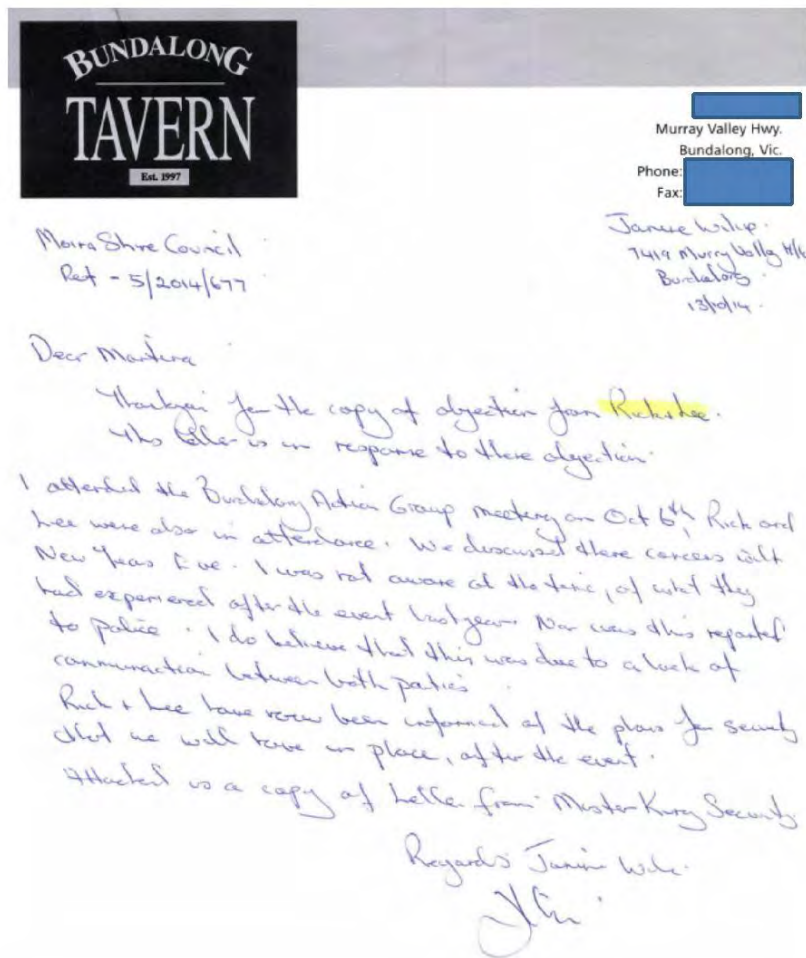


FILE NO: 52014677
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(TOWN PLANNER, MARTINA FOLEY)
(ACTING DIRECTOR, DEVELOPMENT
AND LIVEABILITY, ANDREW CLOSE)

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(cont'd)**

ATTACHMENT No [1] - Objections and Applicant's Response



FILE NO: 52014677
3. DEVELOPMENT AND LIVEABILITY

ITEM NO: 9.3.2
(TOWN PLANNER, MARTINA FOLEY)
(ACTING DIRECTOR, DEVELOPMENT
AND LIVEABILITY, ANDREW CLOSE)

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(cont'd)**

ATTACHMENT No [1] - Objections and Applicant's Response

Master King Security

'Over 30 years of Experience in Crowd Control'
N.S.W Master Licence: 409858336
Vic Licence No: 791-541-808

6/10/2014

To whom it may concern,

My name is [REDACTED] Director of Master King Security.

I am also a Justice of the Peace in NSW, registration number 200076.

As arranged with Janine at Bundalong Tavern as a part of the security arrangements for New Years Eve 2014, we have added another 4 security guards until 5am or until required.

Two will be patrolling on foot in the vicinity of the shops and residence, another 2 will be patrolling in a car. They will all be in radio contact with each other should any issues arise.

We will also give the shops and residents of the area a mobile contact number for these guards if they have any problems.

If you require any additional information I may be contacted during business hours on [REDACTED]

My email address is [REDACTED]

Regards

.....

[REDACTED]

FILE NO: 52014677
3. DEVELOPMENT AND LIVEABILITY

ITEM NO: 9.3.2
(TOWN PLANNER, MARTINA FOLEY)
(ACTING DIRECTOR, DEVELOPMENT
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(cont'd)**

ATTACHMENT No [1] - Objections and Applicant's Response

Martina Foley

From: [REDACTED]
Sent: Monday, 3 November 2014 11:54 AM
To: Martina Foley
Cc: RecordsWebmaster
Attachments: scan.pdf; scan.pdf; Complaint re Tavern Concert.docx

Good Morning Martina,
In response to Janine Wilce's letter to you dated 14/10/2014.

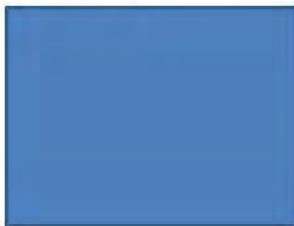
The letter does not address the issue that I raised in my objections.
I see from the attached letter from the security company that 2 guards will be patrolling the residences and shop area. There is not a mention of the Resort where every year we have had trespassers from the New Year Eve event. The swimming pool and eskies are generally targeted. Our guests safety is of paramount concern to us.
On other occasions we have been offered security by the Tavern. In the first instance 5 years ago it was provided and we were told by the Tavern that they would be paying for it but received an account from the security company. The next year we were advised by the Tavern that we could call a number for security if we required assistance. When the security company was called they didn't attend because they had their hands full at the event.
In the past the Police have said the same call 000 but they 2 have had their hands full in other places in the shire. M/s Wilce says in letter dated 14/10/2014 that if we have any issues we can call the security number which will be provided. Who is going to supervise this or again are we going to be told by security that they are too busy. This is why we asked for separate security.

As for M/s Wilce's opinions on the assault that occurred, it seems that she feels that she knows what occurred here, but the people that assaulted my wife and I were not guests of our guests. They were at the Taverns New Year's Eve event, pictures located on the Tavern New Year's Eve event page taken by a photographer (BT Nite life media) for 2013 shows these people in attendance until well after midnight, after the event finished, they tried to gain entry here, they were told that they could not enter our Resort as they were not registered guests. They were drunk and disorderly, so much for Responsible service of Alcohol.
In reference to our liquor sales, our office and kiosk closes at 6pm.

If this event go ahead, WHO do you suggest that we call in case of an emergency between 2 am onwards?

I have also attached a complaint that was sent in January 2014 to the shire, EPA and Vic Police after the event 2013.

Regards [REDACTED]



FILE NO: 52014677
3. DEVELOPMENT AND LIVEABILITY

ITEM NO: 9.3.2
(TOWN PLANNER, MARTINA FOLEY)
(ACTING DIRECTOR, DEVELOPMENT
AND LIVEABILITY, ANDREW CLOSE)

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(cont'd)**

ATTACHMENT No [1] - Objections and Applicant's Response



Whilst the applicant has contacted us and has discussed her concerns with our objection, we feel that she has overlooked our first point of objection being

1. The noise levels that are generated during the festival, by the music and 2000 people will not be a quiet affair.
This event is approximately 250 metres from our residence and even closer to the neighbours.
As the Applicant has not addressed this sound and noise I would request that the council change the permitted time for the event to final song and last drinks to 1 am so that the crowd can be dispersed of by 2 am and let the community return to normal at a reasonable hour and not have us all on tender hooks till 3 am or later.
2. The fact that we do not reside in Bundalong full time should be of no concern as we are both semi retired and ratepayers and are at the address for more than six months of the year.



FILE NO: N/A
3. DEVELOPMENT AND LIVEABILITY

ITEM NO: 9.3.3
(TOWN PLANNER, MARTINA FOLEY)
(ACTING DIRECTOR, DEVELOPMENT AND
LIVEABILITY, ANDREW CLOSE)

APPLICATIONS FOR TEMPORARY LIMITED LIQUOR LICENCES - BUNDALONG TAVERN, 7419 MURRAY VALLEY HIGHWAY, BUNDALONG AND LANDS ASSOCIATED WITH THE BUNDALONG TAVERN AT 7403 MURRAY VALLEY HIGHWAY, BUNDALONG

RECOMMENDATION

That Council have no objection to the two applications by Crewil Investments Limited for Temporary Limited Liquor Licences at the Bundalong Tavern, 7419 Murray Valley Highway, Bundalong for an New Year's Eve event.

1. Executive Summary

The Victorian Commission for Gambling and Liquor Regulation (VCGLR) has, in accordance with the *Liquor Control Reform Act 1998*, provided Moira Shire Council with an opportunity object to the issuing of Temporary Limited Licences associated with the Bundalong Tavern. The objection can only be based upon the potential amenity impact of the proposed temporary licence. There is no opportunity to apply conditions to the permit.

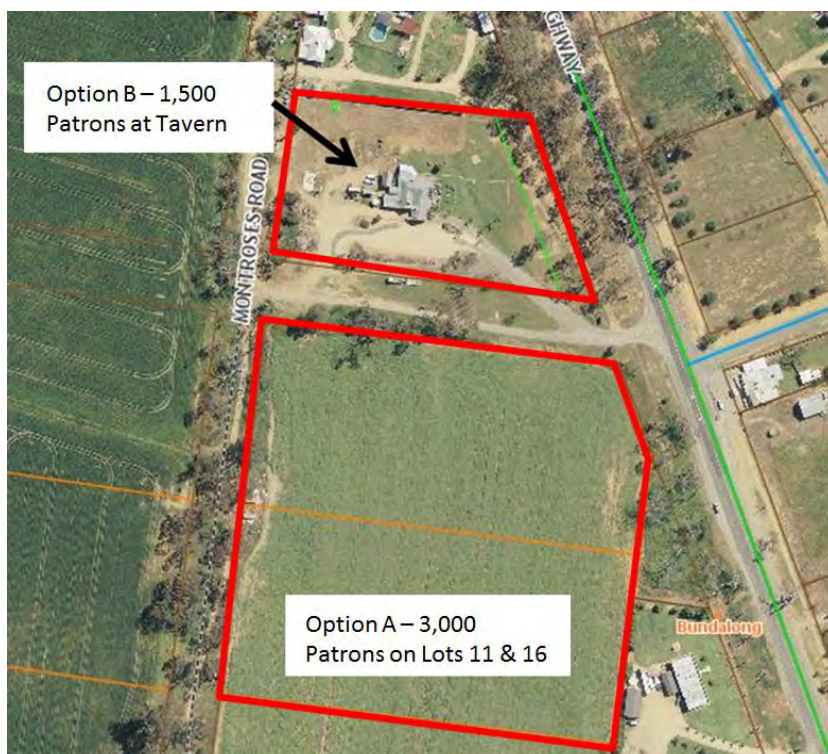
Council has received a total of 3 letters from the VCGLR. These relate to two separate alternative events as follows:

Option A

Temporary Limited Licence for up to 3,000 patrons on Lot 11 and 16 on TP619980, which are located to the south of the Bundalong Tavern.

Option B

Temporary Limited Licence for up to 1,500 patrons at the Bundalong Tavern. This option is in effect a backup, in case the larger event does not proceed.



FILE NO: N/A
3. DEVELOPMENT AND LIVEABILITY

ITEM NO: 9.3.3
(TOWN PLANNER, MARTINA FOLEY)
(ACTING DIRECTOR, DEVELOPMENT AND
LIVEABILITY, ANDREW CLOSE)

APPLICATIONS FOR TEMPORARY LIMITED LIQUOR LICENCES - BUNDALONG TAVERN, 7419 MURRAY VALLEY HIGHWAY, BUNDALONG AND LANDS ASSOCIATED WITH THE BUNDALONG TAVERN AT 7403 MURRAY VALLEY HIGHWAY, BUNDALONG (cont'd)

The Planning Department has replied to all three letters from the VCGLR requesting an extension in the period of time set out for our response to allow the matter to be brought to Council.

At their meeting on Monday 17 February 2014 Council resolved not to object to a similar proposal at the site, and requested VCGLR to impose conditions on the Limited Licence. It is understood the licence was issued without Council's requested conditions and the event proceeded. Further it should be noted that there have been a number of concerns raised by local residents regarding the impact of these types of events at the Bundalong Tavern on their amenity.

A current planning permit application required to facilitate Option B is subject to a separate Council Report at this meeting of 17 November 2014. The Planning Department is recommending that Council move to issue a notice of decision to grant a permit relating to this application (5/2014/677 – Place of Assembly). Accordingly this report recommends that Council does not object to the two applications for Temporary Limited Liquor Licences at the Bundalong Tavern, 7419 Murray Valley Highway, Bundalong for an New Year's Eve event.

2. Background and Options

Current Licence

The Bundalong Tavern currently holds a General Liquor Licence with the following trading hours:

FOR CONSUMPTION OFF THE LICENSED PREMISES -
Sunday (not being Anzac Day) Between 10 a.m. and 11 p.m.
Good Friday & Anzac Day Between 12 noon and 11 p.m.
On any other day Between 7 a.m. and 11 p.m.

FOR CONSUMPTION ON THE LICENSED PREMISES -
Sunday (not being Anzac Day) Between 10 a.m. and 11 p.m.
Good Friday & Anzac Day Between 12 noon and 11 p.m.
On any other day Between 7 a.m. and 1 a.m. the following morning except for the mornings of Good Friday and Anzac Day.

The licence is also limited to 150 patrons.

Background – Request from VCGLR

Three letters have been received from the Victorian Commission for Gambling and Liquor Regulation (VCGLR) relating to two proposed events at the Bundalong Tavern on New Year's Eve 2014/2015.

These letters relate to two separate proposals, that the lands to the south of the tavern be used for an event of up to 3,000 patrons (Option A) or, in the event that permission is not given for Option A that alternatively lands surrounding the tavern be used for a smaller scale event of up to 1,500 patrons (Option B).

Option A

FILE NO: N/A
3. DEVELOPMENT AND LIVEABILITY

ITEM NO: 9.3.3
(TOWN PLANNER, MARTINA FOLEY)
(ACTING DIRECTOR, DEVELOPMENT AND
LIVEABILITY, ANDREW CLOSE)

APPLICATIONS FOR TEMPORARY LIMITED LIQUOR LICENCES - BUNDALONG TAVERN, 7419 MURRAY VALLEY HIGHWAY, BUNDALONG AND LANDS ASSOCIATED WITH THE BUNDALONG TAVERN AT 7403 MURRAY VALLEY HIGHWAY, BUNDALONG (cont'd)

Temporary Limited Licence for up to 3,000 patrons on Lot 11 and 16 on TP619980, which are located to the south of the Bundalong Tavern. Use of these lots for the event triggers a planning permit requirement. An application for Place of Assembly was lodged on 9th September 2014 and is subject to a separate Council Report in this agenda.

Option B

Temporary Limited Licence for up to 1,500 patrons at the Bundalong Tavern. This option is in effect a backup, in case the Place of Assembly application is not successful.

Letter 1 from the VCGLR

On 11 September 2014 Council received a request from the Victorian Commission for Gambling and Liquor Regulation to provide comment regarding an application by Crewil Investments Limited for a Temporary Limited Licence for up to 3,000 patrons at 7403 Murray Valley Highway, Bundalong (Option A).

It is noted that this letter also referred to a second smaller scale event on 25 January 2014 for which little information was provided.

A planning permit application for use of these agricultural lands as a Place of Assembly was lodged on 9 September 2014. The Planning Department responded by letter, on 12 September 2014, to VCGLR stating that Council cannot provide comment until such time as a decision was made regarding the application.

Letter 2 from the VCGLR

On 21 October 2014 Council received a second letter from the VCGLR requesting comment regarding Option B – application by Crewil Investments Limited for a Temporary Limited Licence for up to 1,500 patrons on 31 December 2014 to 1 January 2014 from 1.00 – 3.00am at 7419 Murray Valley Highway, Bundalong (Bundalong Tavern).

This application also included two smaller scale events, the one referred to in Letter 1 scheduled for 25 January 2014, for a temporary limited extension until 1am for up to 150 patrons and a third event on 8 March 2014 a temporary limited extension until 1am for up to 150 patrons. It is considered that these smaller scale events are unlikely to give rise to any substantial amenity concerns and this report therefore does not discuss this element of VCGLR's letters any further.

Letter 3

On 31st October 2013 a third letter was received, setting out further information from the applicant regarding Option B. It set out the red line boundary for the serving of alcohol for the event.

Wider Context

Records show the Bundalong Tavern has been holding the New Year's Eve event on the land since 2007/08. It is however apparent that it is only in more recent years that the numbers of patrons has grown to the present levels (between 1,000 and 1,500 patrons).

The Planning Department has received a number of verbal and written complaints from the adjoining landowners (Bundalong Caravan Park) in regards to this event. Relating to the New Year's Eve event 2013/14, it is noted that an accusation of assault was lodged with VicPolice by

FILE NO: N/A
3. DEVELOPMENT AND LIVEABILITY

ITEM NO: 9.3.3
(TOWN PLANNER, MARTINA FOLEY)
(ACTING DIRECTOR, DEVELOPMENT AND
LIVEABILITY, ANDREW CLOSE)

APPLICATIONS FOR TEMPORARY LIMITED LIQUOR LICENCES - BUNDALONG TAVERN, 7419 MURRAY VALLEY HIGHWAY, BUNDALONG AND LANDS ASSOCIATED WITH THE BUNDALONG TAVERN AT 7403 MURRAY VALLEY HIGHWAY, BUNDALONG (cont'd)

one of the adjoining landowner. It is understood that no charges were brought forward as a result of this accusation.

It is noted that the owners/operators of the Tavern and Caravan Park have been involved in civil disputes during this time with one particular matter coming before the County Court this year

Because of the escalation in concerns relating to the event a VCGLR letter relating to an Easter 2014 event was referred to Council. At their meeting of Monday 17th February 2014 Council resolved to respond to the VCGLR as follows:

That Council has no objection to an application for Temporary Limited Liquor Licence at the Bundalong Tavern, 7419 Murray Valley Highway, Bundalong for an Easter event on the following basis:

- *Limited licence hours be limited to 12:00 midnight as the licence is reliant on a music event and the Licenced Premises is immediately adjacent to a sensitive use (tourist establishment and dwelling/caretaker residence);*
- *Noise levels after 10pm must be in accordance with the EPA's State Environment Protection Policy (Control of Music Noise from a Public Premises) No. N-2;*
- *That appropriate security is provided for the increase in patronage on the Licenced Premises from 150 to 1500 persons to control patron behaviour both on and of the Premises and both during and after the music event ceases;*
- *That the dismantling of the stage for the music event be undertaken the following day, no earlier than 9.00 am.*

It is noted that that there is no mechanism for including Council conditions on a Temporary Limited Licence rather Council can only make the request to VCGLR for conditions to be imposed on the licence. VCGLR is the issuing authority who may or may not impose conditions on the licence.

Accordingly the event did not proceed in accordance with the conditions regarding timeframes etc. Objectors to the issuing of permit application 5/2014/677 (Place of Assembly for Option A) have further indicated that their amenity was negatively impacted as a result of the event with anti-social behaviour, disturbance and, according to the objectors, littering and damage to street trees etc.

Scenario 1

Council could object to the issuing of both Temporary Limited Licences, replying to the VCGLR stating that the proposal would have an undue negative impact upon the amenity of local residents and landowners. The VCGLR may then require Council attendance at a hearing before they decide whether or not to issue the licence.

Scenario 2

Council could object to Option A if they choose to refuse planning application 5/2014/677 while accepting Option B, the "fall-back" proposal. A hearing may still be called by the VCGLR regarding Option A but as in this instance the proponents will have their second option available and they may withdraw this proposal.

FILE NO: N/A
3. DEVELOPMENT AND LIVEABILITY

ITEM NO: 9.3.3
(TOWN PLANNER, MARTINA FOLEY)
(ACTING DIRECTOR, DEVELOPMENT AND
LIVEABILITY, ANDREW CLOSE)

APPLICATIONS FOR TEMPORARY LIMITED LIQUOR LICENCES - BUNDALONG TAVERN, 7419 MURRAY VALLEY HIGHWAY, BUNDALONG AND LANDS ASSOCIATED WITH THE BUNDALONG TAVERN AT 7403 MURRAY VALLEY HIGHWAY, BUNDALONG (cont'd)

Scenario 3 – Preferred Option

Council could choose to reply to VCGLR stating that they have no objection to the issuing of either of the Temporary Limited Licences. This should only be considered if Council choose to issue a permit for planning application 5/2017/677 (Option A). The implications are that no conditions can be set out and there will be no hearing. Notwithstanding, Council should consider their duty of care to the wider community and whether or not the proposed development impacts materially on the amenity of the area.

3. Conflict of Interest Considerations

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

4. Conclusion

It is considered that Council should respond to VCGLR's letters stating that they have no objection to the issuing of a Temporary Limited Licence for either Option A or Option B.

Attachments

Nil

FILE NO: 120.16.0001
3. OUR COMMUNICATIONS AND PROCESSES

ITEM NO: 10.1.1
(GOVERNANCE RECORDS OFFICER,
MARGARET HINCK)
(ACTING DIRECTOR CORPORATE
GOVERNANCE, DOUG SHARP)

ASSEMBLIES OF COUNCILLORS

RECOMMENDATION

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

1. Executive Summary

The records of the Assembly of Councillors reported during the month of October 2014 are attached to this report.

Inclusion of the attached 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).

2. Background and Options

An Assembly of Councillors is defined under Division 1A – Conduct and interests in section 76AA of the Act:

assembly of Councillors (however titled) means a meeting of an advisory committee of the Council, if at least one Councillor is present, or a planned or scheduled meeting of at least half of the Councillors and one member of Council staff which considers matters that are intended or likely to be -

- (a) the subject of a decision of the Council; or
- (b) subject to the exercise of a function, duty or power of the Council that has been delegated to a person or committee—

but does not include a meeting of the Council, a special committee of the Council, an audit committee established under section 139, a club, association, peak body, political party or other organisation.

Section 80A of the Act requires the Chief Executive Officer to ensure that a written record of an assembly of Councillors is reported to an ordinary meeting of the Council as soon as practicable. The written record must include whether a Councillor who has disclosed a conflict of interest leaves the assembly.

Section 80A(1) requires that a record is kept of:

- (a) the names of all Councillors and members of Council staff attending;
- (b) the matters considered;
- (c) any conflict of interest disclosures made by a Councillor attending under subsection (3); and
- (d) whether a Councillor who has disclosed a conflict of interest as required by subsection (3) leaves the assembly.

3. Financial Implications

There are no financial implications with this report.

FILE NO: 120.16.0001
3. OUR COMMUNICATIONS AND PROCESSES

ITEM NO: 10.1.1
(GOVERNANCE RECORDS OFFICER,
MARGARET HINCK)
(ACTING DIRECTOR CORPORATE
GOVERNANCE, DOUG SHARP)

ASSEMBLIES OF COUNCILLORS (cont'd)

4. Risk Management

There are no risk implications with this report.

5. Internal and External Consultation

The community are able to access written records of assemblies of Councillors.

6. Regional Context

There are no regional contexts associated with this report.

7. Council Plan Strategy

Ensuring Good Governance to meet legislative obligations

8. Legislative / Policy Implications

This report complies with the requirements under the *Local Government Act 1989*.

9. Environmental Impact

There are no environmental impacts with this report.

10. Conflict of Interest Considerations

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

11. Conclusion

The Assembly of Councillors records attached to this report are a true and accurate record of all assemblies of Councillors reported during October 2014. Their recording into the Council Minutes ensures Council meets its statutory obligations under section 80A of the Act.

Attachments

- 1 Attachment 6 October
- 2 Attachment 13 October
- 3 Attachment 20 October
- 4 Attachment 28 October

FILE NO: 120.16.0001
3. OUR COMMUNICATIONS AND
PROCESSES

ITEM NO: 10.1.1
(GOVERNANCE RECORDS OFFICER,
MARGARET HINCK)
(ACTING DIRECTOR CORPORATE
GOVERNANCE, DOUG SHARP)

ASSEMBLIES OF COUNCILLORS (cont'd)

ATTACHMENT No [1] - Attachment 6 October



RECORD OF ASSEMBLY OF COUNCILLORS

Date held	6 October 2014
Name of meeting	Council Briefing
Councillors attending	Councillors Peter Mansfield, Alex Monk, Brian Keenan, Ed Cox, Gary Cleveland, Don McPhee and Wendy Buck (left meeting at 2.00pm)
Council staff attending	Chief Executive Officer, Mark Henderson Acting Director Corporate Governance, Doug Sharp Acting Director Development and Liveability, Andrew Close Manager Governance, David Booth
Matters discussed	
	1. Presentation by Merv and Rowan Whelan Financial sustainability for Moira "The Whelan Model"
Conflict of Interest Disclosures (indicate below if Nil or complete details)	
	Nil

FILE NO: 120.16.0001
3. OUR COMMUNICATIONS AND
PROCESSES

ITEM NO: 10.1.1
(GOVERNANCE RECORDS OFFICER,
MARGARET HINCK)
(ACTING DIRECTOR CORPORATE
GOVERNANCE, DOUG SHARP)

ASSEMBLIES OF COUNCILLORS (cont'd)

ATTACHMENT No [2] - Attachment 13 October



RECORD OF ASSEMBLY OF COUNCILLORS

Date held	13 October 2014	
Name of meeting	Council Briefing	
Councillors attending	Councillors Peter Mansfield, Ed Cox, Gary Cleveland, Kevin Bourke, Don McPhee, Brian Keenan, Wendy Buck	
Council staff attending	Chief Executive Officer, Mark Henderson Acting Director Corporate Governance, Doug Sharp Acting Director Development and Liveability, Andrew Close Director Community, Peter Bertolus Manager Governance, David Booth	
Matters discussed	<p>1. Councillor issues:</p> <ul style="list-style-type: none"> • Nathalia CFA refurbishment opening • Book launch of Dick Campbell book • Nathalia Men's Shed – concern over work site • Koonoomoo Recreation Reserve - refurbishment complete • Councillor function to welcome Mark Henderson • Numurkah Kindergarten official Opening • Cobram Caravan Park – Future options • Numurkah Community Learning Centre • Asset utilisation and rationalisation <p>2. Management Report</p> <p>3. Cobram Library</p> <p>4. Numurkah Flood Study</p> <p>5. Community and Event Grants – Round , 2014</p> <p>6. Tourism Advisory Committee report</p> <p>7. Local Law – Meeting Procedures</p>	
	1) Conflict of Interest Disclosures (indicate below if Nil or complete details)	
Matter No.	Councillor	Did Councillor leave meeting
4	David Booth – staff member left meeting from 2.35 – 3.05pm	Yes
5	David Booth – staff member left meeting from 2.35 – 3.05pm	Yes

FILE NO: 120.16.0001
3. OUR COMMUNICATIONS AND
PROCESSES

ITEM NO: 10.1.1
(GOVERNANCE RECORDS OFFICER,
MARGARET HINCK)
(ACTING DIRECTOR CORPORATE
GOVERNANCE, DOUG SHARP)

ASSEMBLIES OF COUNCILLORS (cont'd)

ATTACHMENT No [3] - Attachment 20 October



RECORD OF ASSEMBLY OF COUNCILLORS

Date held	20 October 2014	
Name of meeting	Council Briefing	
Councillors attending	Councillors Peter Mansfield, Ed Cox, Gary Cleveland, Kevin Bourke, Don McPhee, Brian Keenan, Wendy Buck Cr Martin and Cr Cox arrived following commencement of the meeting.	
Council staff attending	Chief Executive Officer, Mark Henderson Acting Director Corporate Governance, Doug Sharp Acting Director Development and Liveability, Andrew Close Director Community, Peter Bertolus Manager Governance, David Booth	
Matters discussed		
<p>1. Councillor issues:</p> <ul style="list-style-type: none"> • Murray Darling Basin Authority meeting • Mobile phone plans • Future Dam discussions • Men's Shed Funding announcements • Moira Shire Local Safety Committee – Update of the Safety Plan • Murray Region Tourism meeting • Shepparton Bypass Committee meeting <p>2. Agenda Review:</p> <p>3. Financials</p> <p>4. Annual Report</p> <p>5. Council Plan first Quarter report</p> <p>6. Delegations</p> <p>7. Community Grants</p> <p>8. Tourism Advisory Committee</p>		
1) Conflict of Interest Disclosures (indicate below if Nil or complete details)		
Yes		
Matter No.	Councillor	Did Councillor leave meeting
7	David Booth – staff member left meeting from 4.45 – 4.50pm	Yes

FILE NO: 120.16.0001
3. OUR COMMUNICATIONS AND
PROCESSES

ITEM NO: 10.1.1
(GOVERNANCE RECORDS OFFICER,
MARGARET HINCK)
(ACTING DIRECTOR CORPORATE
GOVERNANCE, DOUG SHARP)

ASSEMBLIES OF COUNCILLORS (cont'd)

ATTACHMENT No [4] - Attachment 28 October



RECORD OF ASSEMBLY OF COUNCILLORS

Date held	Tuesday 28 October 2014
Name of meeting	Moirashire Junior Council
Councillors attending	Councillors Alex Monk, Gary Cleveland, Ed Cox
Council staff attending	Youth Development Officer, Hollie Barnes Youth Trainee, Erin Walmsley
Matters discussed	
	1. Operations presentations 2. Cobba Boat Cruise 3. Certificate Presentation
Conflict of Interest Disclosures (indicate below if Nil or complete details)	
	Nil

**FILE NO: 100.01.0001
3. OUR COMMUNICATIONS AND PROCESSES**

**ITEM NO: 11.1
(EXECUTIVE SUPPORT OFFICER, MAYOR
AND COUNCILLORS, BOBBY BROOK)
(ACTING DIRECTOR CORPORATE
GOVERNANCE, DOUG SHARP)**

ACTION OFFICERS LIST

RECOMMENDATION

That Council receive and note the Action Officers List.

Attachments

- 1 Action officers - November 2014

FILE NO: 100.01.0001
3. OUR COMMUNICATIONS AND PROCESSES

ITEM NO: 11.1
(EXECUTIVE SUPPORT OFFICER, MAYOR AND COUNCILLORS, BOBBY BROOK)
(ACTING DIRECTOR CORPORATE GOVERNANCE, DOUG SHARP)

ACTION OFFICERS LIST (cont'd)

ATTACHMENT No [1] - Action officers - November 2014

ACTION OFFICERS LIST – October 2014

Meeting	Subject
Ordinary Council Meeting 20 October 2014	Consideration of Moira Shire Council's Annual Report for 2013/14
MOTION	
CRS BRIAN KEENAN / ALEX MONK That Council, in accordance with section 134 of the <i>Local Government Act 1989</i> , considers and receives the 2013/14 Annual Report, inclusive of audited financial, standard and performance statements as at 30 June, 2014.	
(CARRIED)	
COMPLETED Acknowledgement of receipt of the 2013/14 Annual Report has been received from the Minister for Local Government Office	
Meeting	Subject
Ordinary Council Meeting 15 September 2014	General Business – VCAT orders.
MOTION	
CRS KEVIN BOURKE / MARIE MARTIN That Council authorise the Chief Executive Officer to seek enforcement of the recent VCAT orders on the tyre storage facilities at Numurkah and Katunga.	
(CARRIED)	
ACTIVITY The process of referring the matter to the Supreme Court has commenced as there has not been full compliance to the Order which was issued. Affidavits have been prepared. The matter will now be filed to VCAT for certification and to enable proceedings to the Supreme Court.	
Ordinary Council Meeting 23 June 2014	Numurkah Heritage Centre
MOTION	
CRS MARIE MARTIN / KEVIN BOURKE I move as a matter of urgency that our Shire's Engineering department carry out a costing of structural and cosmetic work and a framework with how to proceed to get this building into tip-top condition.	
(CARRIED)	
Activity Council has received a copy of an Engineer's report with some recommendations for further works. The works will now have to be costed prioritised and then budgeted for. Report being prepared for Council	

FILE NO: 100.01.0001
3. OUR COMMUNICATIONS AND PROCESSES

ITEM NO: 11.1
(EXECUTIVE SUPPORT OFFICER, MAYOR AND COUNCILLORS, BOBBY BROOK)
(ACTING DIRECTOR CORPORATE GOVERNANCE, DOUG SHARP)

ACTION OFFICERS LIST (cont'd)

ATTACHMENT No [1] - Action officers - November 2014

ACTION OFFICERS LIST – October 2014

Meeting	Subject
Ordinary Council Meeting 09 December 2013	Cobram Library
MOTION	
CRS GARY CLEVELAND / MARIE MARTIN That: 1. Council approve the Cobram Civic Centre as the location for the new Cobram Library/Community Hub. 2. Authorise Council Officers to seek the services of a suitably qualified Architect to undertake the detailed design of a multiple staged 'Civic Centre Precinct' in order to meet with the projected future needs of the community, with Stage 1 of the project being a new Library facility and associated works. (CARRIED)	
ACTIVITY An architect is currently working on providing concept plans for a Learning Centre at the Civic Centre site in Cobram.	
Meeting	Subject
Ordinary Council Meeting 20 May 2013	Lease to National Broadband Network Cobram
MOTION	
That Council: 1. Resolve to enter into a lease with the National Broadband Network Company to occupy part of the telecommunications tower and land located at 44 Station St Cobram. 2. Authorise the Chief Executive Officer to sign and seal the lease documents (CARRIED)	
COMPLETED Lease signed, sealed and returned to NBN 28/10/14	
Meeting	Subject
Ordinary Council Meeting 17 September 2012	Bus Terminus - old Railway Station precinct
MOTION	
That Council: 1. Explore feasibility of establishing a bus terminus and lighted car parking area near the old railway station precinct; and 2. Seek funding from the appropriate authority for a sided bus shelter at corner of Orr and Belmore Streets to protect people from the weather. (CARRIED)	
ACTIVITY The area available at the old Railway Station will be dependent upon the option and alignment that VicRoads adopt for the new bridge at Yarrawonga. Current indications are that there will be no space available to develop the site. Vic track has agreed to fund works upon the railway station building. Currently no grant opportunity to funds this work.	

FILE NO: 100.01.0001
3. OUR COMMUNICATIONS AND PROCESSES

ITEM NO: 11.1
(EXECUTIVE SUPPORT OFFICER, MAYOR AND COUNCILLORS, BOBBY
BROOK)
(ACTING DIRECTOR CORPORATE GOVERNANCE, DOUG SHARP)

ACTION OFFICERS LIST (cont'd)**ATTACHMENT No [1] - Action officers - November 2014**

ACTION OFFICERS LIST – October 2014

Meeting	Subject
Ordinary Council Meeting 12 December 2011 MOTION That Council review the Local Law 2007 Meeting Procedure.	Local Law 2007 Meeting Procedure (CARRIED)
ACTIVITY A briefing note is being prepared and will be distributed in late November.	
Meeting	Subject
Ordinary Council Meeting 20 June 2011 MOTION That Council endorse the establishment of a Community Stakeholder Steering Committee to explore the adoption of a RV friendly position and set a timeframe of 12 months for the Committee to develop a RV Friendly implementation Framework and Plan	RV Friendly Shire (CARRIED)
ACTIVITY Four nominees for community and RV positions were received in total, a report will go to Council meeting on Monday 17 November and the first meeting is scheduled for 25 November.	
Meeting	Subject
Ordinary Council Meeting 10 December 2012 MOTION That a review of Transfer Station operating hours be undertaken and presented to Council.	Transfer Station operating hours (CARRIED)
ACTIVITY Following a review of patron behaviour a number of Councils transfer stations have been operating with new opening hours. These changes, effective since 1 November 2013 include Yarrowonga and Numurkah being open (and closing) 1 hour earlier and Nathalia being closed earlier on Saturdays. A further change implemented at this time included the Cobram Landfill tipping face being closed on weekends. Community feedback regarding the changes to opening hours has been positive. A more in-depth review of the landfill and transfer station operating hours is currently underway.	

FILE NO: 54995
5. INFRASTRUCTURE

ITEM NO: 13.1
(BUSINESS SUPPORT OFFICER, JULIE GERARD)
(ACTING DIRECTOR, DEVELOPMENT AND LIVEABILITY, ANDREW CLOSE)

PETITION TO INSTALL SPEED HUMPS ON CORNER OF THOMPSON AVENUE AND ELIZABETH STREET COBRAM

RECOMMENDATION

That:

1. Council receive a petition containing 27 signatures requesting Council install speed humps to deter speeding drivers in Thompson Avenue and Elizabeth Street Cobram

1. Executive Summary

A petition containing 27 signatures requesting Council install speed humps in Thompson Avenue and Elizabeth Street Cobram has been received.

In accordance with Section 66 of Meeting Procedures Local Laws 2007, it is recommended that the petition be received and lay on the table and be considered at the next ordinary meeting of Council on Monday 8 December 2014 where a report on the issues raised will be presented.

Attachments

- 1 Petition to Install Speed Humps on Corner of Thompson Avenue & Elizabeth Street Cobram

FILE NO: 54995
5. INFRASTRUCTURE

ITEM NO: 13.1
(BUSINESS SUPPORT OFFICER, JULIE GERARD)
(ACTING DIRECTOR, DEVELOPMENT AND LIVEABILITY, ANDREW CLOSE)

PETITION TO INSTALL SPEED HUMPS ON CORNER OF THOMPSON AVENUE AND ELIZABETH STREET COBRAM (cont'd)

ATTACHMENT No [1] - Petition to Install Speed Humps on Corner of Thompson Avenue & Elizabeth Street Cobram

File #	
Corres No.	D14/54995
	10 OCT 2014
referred to	
referred to	

Petition to Moira Shire regarding the installation of speed restriction humps on the corner of Thompson Avenue and Elizabeth Street, Cobram.

We the under signed would like the council to consider the installation of speed restricting humps in the above position, to ensure the safety of pedestrians and property.

This corner has a history of near misses. That is, vehicles traveling at excessive speeds while negotiating this corner. In February this resulted in the destruction of the front fence at 20 Thompson Ave., this is the second fence at this address to be demolished in this way. While destruction of property is of concern, a far greater concern is the safety of pedestrians on these streets. Many Secondary School students use these foot paths on their way to and from school. There are children that live and visit this area, and the 40 kilometer speed zone does not seem to be enough.

FILE NO: VARIOUS

ITEM NO: 15

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: 16

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: 17

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) and (d) 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 resume the Ordinary meeting.

RECOMMENDATION

That the recommendations of the "Closed" Meeting of Council with regard to contractual, industrial and any other matters which the Council or Special Committee considers would prejudice the Council or any person be adopted.