



## MINUTES

ORDINARY MEETING OF COUNCIL HELD AT  
DANCOCKS ROOM, COMMUNITY CENTRE,  
ROBERTSON STREET, NATHALIA,  
MONDAY 21 JULY 2014

The meeting commenced at 6.00 pm.

### **PRESENT**

Councillor Wendy Buck (Acting Mayor)  
Councillor Kevin Bourke  
Councillor Gary Cleveland  
Councillor Ed Cox  
Councillor Brian Keenan  
Councillor Don McPhee  
Councillor Marie Martin  
Councillor Alex Monk

### **IN ATTENDANCE:**

Mark Henderson	Chief Executive Officer
Peter Bertolus	Director Community
Alison Coe	Director Corporate Governance
Mark Foord	Acting Director Shire Development and Liveability

### **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 MOTION**

CRS KEVIN BOURKE / ED COX

That:

Councillor Brian Keenan requested leave for the next Council Meeting being held on 18 August 2014; and

Councillor Don McPhee requested leave on behalf of Councillor Peter Mansfield from 10 July 2014 till 14 August 2014.

(CARRIED)

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

Nil

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

Cr Kevin Bourke declared a conflict of interest for item 18.6 in the confidential section of the meeting.

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

**MOTION:**

CRS ED COX / DON MCPHEE

"That the minutes of the Ordinary Council Meeting held on Monday, 23 June 2014, and the minutes from the Special Committee Meeting on Tuesday, 10 June 2014 as prepared and circulated, be confirmed."

(CARRIED)

**8. COUNCILLOR REPORTS**

**COUNCILLOR ED COX:**

Attended the afternoon tea held for the Cobram and Yarrawonga saleyards. It was an opportunity to recognise the work of the Section 86 Committees, representatives from various agents, farmers and business people from both sides of the river, New South Wales and Victoria. As a shire discussion took place that money was set aside for a history of saleyards book for Cobram and Yarrawonga. This historical document will be beneficial for future generations, as the saleyards have closed down.

Last Tuesday, 15 July 2014 attended the Draft Victorian Floodplain Management Strategy in Shepparton. What the State Government has in store for the shire, will put a lot of pressure on us. We need to put a submission in to protect ourselves as a Council. Ratepayers were also present at the meeting and are very concerned. Levee banks could become quite costly. We need to make sure we have input into the draft and highlight our concerns as this will have a significant impact on Council.

**COUNCILLOR DON MCPHEE:**

Attended the Rural and Regional Planning Conference in Yarra Valley. The conference was for 'Future Proofing Regional Victoria' and around 160 delegates attended. The speakers were:

Marcus Westbury a consultant from Renew Australia projects: spoke on Newcastle project and other projects. The basic idea is to stimulate activity in shopping streets in towns and cities that are suffering a business downturn. Renew Australia gains permission to sub-lease buildings in shopping centres to people who have the motivation to start a small business in a small scale and try new ideas and products. Virtually no investment for lease or rent is required to set up these potential businesses and buildings can be reverted back for other uses.

Gary Dawson from Australia Food and Grocery discussed getting the incentives right for Economic Growth. Discussed the SPC situation.

Kathy Mitchell the Chief Planner for Planning Panel Victoria.

Professor Rob Adams, Chief Planner of Melbourne City 'Greening Melbourne Central'.  
Melbourne City Council is leading by example.

Mathew Guy MP, Minister for Planning discussed planning flying squads which provide expertise to small and medium councils who have limited expertise in complicated planning issues.

Christine Wyatt, Deputy Secretary for Department of Transport Planning, Local Infrastructure and Corporate Finance. Estimates that the population for Victoria in 2051 will be 10 million and Melbourne will be 7.8 million.

Gary White the Chief Planner of Macroplan Dimasi Consultants. Major planner of urban designs across Victoria. He highlighted that Councils must have a 'Future Plan", know their backyard and understand regional issues and needs in order to stimulate the economy.

Dan Kirkland, Director of Planning from Detroit City in the USA discussed making your city centre attractive, liveability and green space.

Corangamite Shire (Camperdown) have a population of 16137 and 32% of the population have an income from dairy / milk industry. Around 23% of the population are now involved in 'The Aussie Farmers Direct Success Story'.

Ian Gibb, Director discussed that Councils need to find opportunities to attract businesses to suit your shire and to focus on partnerships.

Peter Skene, CEO Aussie Farmers Direct explained how The Aussie Farmers Direct was successful.

#### **COUNCILLOR ALEX MONK:**

Moira Arts and Culture Board Inc hosted a St Kilda Film Festival at the Yarroweyah Hall. The event was very well attended and we received positive feedback on the event and the facilities.

In August this year, 'In the Bin' a short film making workshop will run over two weeks in the four major towns. It is a three day film making experience, where students create shoot and edit their own short films over a three day period. In The Bin teachers educate the students over the three days in all aspects of film making and provide camera, supports, and editing systems to make the films happen. At the conclusion of the third day we have a special screening of the students films, plus 8 short films from the In The bin Program which is open to the public.

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<b>MOTION</b>		
CRS MARIE MARTIN / KEVIN BOURKE		
That the petition is presented to the Mayor, Councillors and CEO: "Institute immediately, an <i>'Independent'</i> Probity Audit of the fiscal and operational management processes at Moira Shire Council."		
(CARRIED)		
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21. CLOSE OF MEETING

A handwritten signature in black ink, appearing to read 'Mark Henderson', is written over a long, thin horizontal line.

**MARK HENDERSON**  
**CHIEF EXECUTIVE OFFICER**

FILE NO: F13/3145  
3. OUR COMMUNICATIONS AND PROCESSES

ITEM NO: 9.1.1  
(EXECUTIVE SUPPORT OFFICER,  
ELIZABETH COX)  
(DIRECTOR CORPORATE GOVERNANCE,  
ALISON COE)

## COUNCIL PLAN 2013/14 - 2016/17 JUNE 2014 MONTHLY REVIEW

### 1. Executive Summary

In accordance with the requirements of the Local Government Act 1989, a quarterly report is required to be presented to Council detailing the progress against the Council Plan in that reporting period. Council reports monthly against the Council Plan ensuring a regular review and raised awareness of Councils progress throughout the reporting period.

This report contains details of the Key Performance Indicators (KPIs) contained within the adopted 2013-14 to 2016/17 Council Plan as at 30 June 2014. Each of the 118 identified KPIs are on target. More detail on these KPIs is included in **Attachment 1**.

A number of the identified Key Performance Indicators relate to the results of the Department of Planning and Community Development (DPCD)'s Annual Community Satisfaction Survey. The results of this Survey have been received and are included in this agenda.

### 2. Discussion

Council identified a number of Key Performance Indicators for inclusion in the Council Plan.

These KPIs form the base of the Council Plan and are KPIs which have been identified by the Victorian Auditor General's Office (VAGO) as core KPIs which will be compulsorily reported against from 2014. The identified KPIs reflect the 'core business' of Council and it is anticipated that further KPIs will be added to the Council plan as they are identified moving forward.

### 3. Financial Implications

This report contains no financial implications.

### 4. Community Consultation

Community consultation is achieved through the publishing of this report as part of Councils Agenda and also its placement on Councils website.

### 5. Internal Consultation

Internal consultation has been achieved through the Director of Corporate Governance, Manager of Governance, Management team and officers responsible for updating individual actions culminating in the overall review by the Corporate Management Team.

### 6. Legislative / Policy Implications

This report is in compliance with legislative requirements relating to progress reporting on objectives contained within the current Council Plan.

### 7. Environmental Sustainability

The report contains no environmental implications.

### 8. Conflict of Interest Considerations

There are no identified conflicts of interest with staff responsible for the compilation of this report.

### 9. Conclusion

This report provides an update on progress in relation in achieving the objectives of the Council Plan as at 30 June 2014.

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**COUNCIL PLAN 2013/14 - 2016/17 JUNE 2014 MONTHLY REVIEW (cont'd)**

**Attachments**

- 1 Council Plan Progress Report - June 2014

**RECOMMENDATION**

That Council receive the Council Plan Progress Report for the period ending 30 June 2014 in relation to the adopted 2013/14 to 2016/17 Council Plan.

**MOTION**

CRS ALEX MONK / ED COX

That Council receive the Council Plan Progress Report for the period ending 30 June 2014 in relation to the adopted 2013/14 to 2016/17 Council Plan.

(CARRIED)

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**COUNCIL PLAN 2013/14 - 2016/17 JUNE 2014 MONTHLY REVIEW (cont'd)**

**ATTACHMENT No [1] - Council Plan Progress Report - June 2014**

<b>STRATEGIC GOAL - 1.ENVIRONMENT</b>				
<i>Strategy: 1.1 Strengthen Moira's focus on the environment, environmental health and sustainability agendas by building on innovation, leading practice, education and communication for the community</i>				
<i>Performance Measures</i>	<i>Target</i>	<i>Risk</i>	<i>Progress 30 June 2014</i>	<i>Comments</i>
1.1.1 Annual residential waste generation (kilograms) for recycling, landfill & green waste: * Per Capital * Per residential assessment	* Less than 600 Kilograms per capita * 1000 kilograms per residential assessment	Medium	100%	Draft Specifications have been completed and are currently being reviewed. Landfill Rehab is still underway.
<i>Department</i>				
Environment/ Operations				
<i>Strategy: 1.2 Environmental Health</i>				
<i>Performance Measures</i>	<i>Target</i>	<i>Risk</i>	<i>Progress 30 June 2014</i>	<i>Comments</i>
1.2.1 Percentage community satisfaction (index score) with waste management	65%	Medium	100%	Council scored 74 for waste management, which was up a significant 6 points from 2013.
<i>Department</i>				
Environment/ Operations				

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**COUNCIL PLAN 2013/14 - 2016/17 JUNE 2014 MONTHLY REVIEW (cont'd)**

**ATTACHMENT No [1] - Council Plan Progress Report - June 2014**

<i>Strategy: 1.3 &gt; Natural Resource Management &gt; Environmental Sustainability programs and services</i>				
<i>Performance Measures</i>	<i>Target</i>	<i>Risk</i>	<i>Progress 30 June 2014</i>	<i>Comments</i>
1.3.1 Implement the Environment Sustainability Strategy and report it to Council in a timely manner	* Host 4 Advisory Committee meetings * Facilitate 6 educational activities	Med	100%	Delivered outcomes of the key focus areas of the Environment Sustainability Strategy through participating, including leading, regional networks and projects with Environmental deliverables. Four meetings held on: 17 September 2013 3 December 2013 18 March 2014 and 17 June 2014. More than 6 education activities organised.
<i>Department</i>				
Safety, Amenity & Environment				
<i>Strategy: 1.4 Comply with legislative and regulatory obligations</i>				
<i>Performance Measures</i>	<i>Target</i>	<i>Risk</i>	<i>Progress 30 June 2014</i>	<i>Comments</i>
1.4.1 Compliance with EPA landfill requirements	80%	High	100%	Currently all compliance requirements have been met. Attended a meeting with EPA in regards to the new / updated requirements for the Post Closure PAN notices. Will work with EPA to meet these requirements.
<i>Department</i>				
Safety, Amenity & Environment				

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**COUNCIL PLAN 2013/14 - 2016/17 JUNE 2014 MONTHLY REVIEW (cont'd)**

**ATTACHMENT No [1] - Council Plan Progress Report - June 2014**

<p>1.4.2 Respond to native vegetation referrals within 30 days</p>	<p>100% referrals processed</p>	<p>High</p>	<p>100%</p>	<p>Responded to 298 Natural Resource Management related referrals and requests to 24 June 2014. Technical advice and support provided for implementation of RWPMP. Priority areas were identified, quotes sourced and a work schedule developed. Held a contractor induction meeting to discuss works plan and mapping. Works and mapping commenced early 2014 with roads Zone 1 completed by the end of January. Zone 2 completed end of February. Zone 3 completed end of May, Zone 4 end of June. Maintaining ongoing liaison with Environmental Technical Officer and contractor and monitored progress.</p>	<p>Safety, Amenity &amp; Environment</p>
<p><b>Strategy: 1.5 Lead and support Council and the community in moving towards and adopting sustainable energy options, programs and services and reducing its own environmental footprint</b></p>					
<p><b>Performance Measures</b></p>					
<p><b>Target</b></p>			<p><b>Progress 30 June 2014</b></p>		<p><b>Department</b></p>
<p><b>Risk</b></p>			<p><b>Comments</b></p>		<p><b>Department</b></p>

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**COUNCIL PLAN 2013/14 - 2016/17 JUNE 2014 MONTHLY REVIEW (cont'd)**

**ATTACHMENT No [1] - Council Plan Progress Report - June 2014**

<p>1.5.1 Lead by example in preparing for and adapting to a more variable climate</p>	<p>100% of new or upgraded Council buildings exceed the six star rating</p>	<p>Med</p>	<p>100%</p>	<p>Electricity accounts continue to be consolidated into the existing AGL electricity supply contract. Accounts consolidated include recreation reserves and kindergartens. CEEP Watts Working Better project is progressing strongly with LED luminaires ordered and installation agreement with Powercor completed and signed. First installations should occur in August 2014. Victorian Adaptation and Sustainability Partnership projects are both secure with both funding deeds now completed. Project planning in detail is now underway.</p>	<p>Safety, Amenity &amp; Environment</p>
<p>1.5.2 Increase Councils uptake and renewable energy</p>	<p>Implement 100% of all renewable energy business cases demonstrating a feasible return on investment</p>	<p>Med</p>	<p>100%</p>	<p>Ongoing work on data base to collate required material is continuing. Business case put up to Council for additional funds to procure LED street lights was successful as it was based on a strong business case and a solid return on investment.</p>	<p>Safety, Amenity &amp; Environment</p>

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**COUNCIL PLAN 2013/14 - 2016/17 JUNE 2014 MONTHLY REVIEW (cont'd)**

**ATTACHMENT No [1] - Council Plan Progress Report - June 2014**

<i>Strategy: 1.6 Reduce the environmental impacts of Council and use the communities natural resources efficiently, and protect vulnerable elements of the environment</i>					
<i>Performance Measures</i>	<i>Target</i>	<i>Risk</i>	<i>Progress 30 June 2014</i>	<i>Comments</i>	<i>Department</i>
1.6.1 Maintain or decrease environmental footprint	Councils emissions < 5000 TC02 e per annum	High	100%	Planet foot print subscription will be downgraded to provide better value for money from our subscription. Council now has access to AGL insight program which provides additional account management abilities to Officers.	Safety, Amenity & Environment
1.6.2 Waste Diversion from Landfill, calculated as the proportion of the overall kerbside waste stream that is recycled (includes paper, bottles and green waste) instead of being disposed to landfill	53%	Med	100%	New stationary Poly machine has been purchased and is located at Yarrawonga, allowing for the mobile machine to service the other transfer stations. Team Leader has been working with local community groups / op shops to help them identify better ways to handle their waste therefore reducing waste to landfill. Continue to divert items for the resource recovery shed and looking at other alternatives for other waste products.	Environment/ Operations



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**COUNCIL PLAN 2013/14 - 2016/17 JUNE 2014 MONTHLY REVIEW (cont'd)**

**ATTACHMENT No [1] - Council Plan Progress Report - June 2014**

<i>Strategy: 1.7 Develop a Green Waste Strategy</i>				
<i>Performance Measures</i>	<i>Target</i>	<i>Risk</i>	<i>Progress 30 June 2014</i>	<i>Comments</i>
1.7.1 Develop 1 Green Waste Strategy	100%	High	100%	Contracts have been awarded as per 23 June 2014 Ordinary Council Meeting decision. Caddies and compostable bags are in the process of being ordered.
				Environment/ Operations

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**COUNCIL PLAN 2013/14 - 2016/17 JUNE 2014 MONTHLY REVIEW (cont'd)**

**ATTACHMENT No [1] - Council Plan Progress Report - June 2014**

<b>STRATEGIC GOAL - 2. COMMUNITY</b>					
<i>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 demo graphic groups in Moira Shire</i>					
<i>Performance Measures</i>	<i>Target</i>	<i>Risk</i>	<i>Progress 30 June 2014</i>	<i>Comments</i>	
				<i>Department</i>	
2.1.1 The Disability Action Plan be implemented and reported to Council in a timely manner	Host four Advisory Committees	Medium	100%	Staff training has been held for Understanding Disability Access Legislation and Standards. 11 staff members were in attendance from a variety of Departments. There were six meetings held on the following dates / locations: 6 August 2013 – Cobram 1 October 2013 – Nathalia 3 December 2013 – Numurkah 20 February 2014 – Cobram 1 April 2014 - Yarrawonga 3 June 2014 – Nathalia	Community Services
2.1.2 The Positive Ageing Strategy be reviewed and report to Council in a timely manner	Complete strategy review	Low	50%	Survey has been distributed in the community with over 100 responses received already. Community Services staff have been visiting seniors groups to promote the survey and discuss the proposed strategy. Survey now complete with the results currently being collated, draft strategy will be commenced as soon as data is collated. Surveys have been collated and work has commenced on draft strategy.	Community Services

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**COUNCIL PLAN 2013/14 - 2016/17 JUNE 2014 MONTHLY REVIEW (cont'd)**

**ATTACHMENT No [1] - Council Plan Progress Report - June 2014**

Performance Measures	Target	Risk	Progress 30 June 2014	Comments	Department
2.1.3 Continue to provide immunisation services within Moira	*Deliver an immunisation service in all 8 Secondary schools and the four main centres within Moira * 40% of Childhood Infant Immunisations delivered by Councils service	High	100%	There is a four month gap between the second and third round of Secondary School immunisation. The final round commences in September. A new trial of extended immunisation hours commences for four months in July. Evening sessions will be conducted in Yarrawonga and Cobram. Attendance will be reviewed in regard to continuation of the evening service. Sessions delivered in all 8 Secondary Schools.	Community Services
2.1.4 Number of families participating in Parental Early Education Partnership (PEEP) support program	Increase the number of PEEP pro- grams operating from 1 (Cobram) to 2 (Cobram and Numurkah)	Low	100%	Program completed on 30 June 2014 with good attendances in both Cobram and Yarrawonga. Interestingly Cobram was attended by Katamatite and Strathmerton clients, no-one invited from the Cobram area attended. Speech therapists in Yarrawonga are likely to continue a service - Maternal and Child Health may be involved. Cobram less likely as Speech Therapist unavailable. Discussions to commence with Community Services in regard to funding from Linking Learning project.	Maternal and Child Health

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**COUNCIL PLAN 2013/14 - 2016/17 JUNE 2014 MONTHLY REVIEW (cont'd)**

**ATTACHMENT No [1] - Council Plan Progress Report - June 2014**

Performance Measures	Target	Risk	Progress 30 June 2014	Comments	Department
2.1.5 Provide youth focused social and sporting events	Host six events throughout the Shire	Medium	100%	"Bring the Bounce" youth event held 21 June 2014 in Cobram in conjunction with Youth Foundation and Youth Leadership participants. Approximately 300 attended a very successful event. Kool Skools recording project held in Studio 52 in Collingwood on 30 June and 1 July 2014. 8 tracks recorded by all major towns within the Shire. Over 15 youth events hosted throughout 2013/14 - reported on monthly basis.	Sport, Recreation and Youth
2.1.6 Engage with local youth	Host four Junior Council Meetings per year	Host four Junior Council Meetings per year	100%	Meeting was held on 29 April 2014 at Nurrurkahn. Two guest speakers covered topics of Emergency Management and Youth Leadership Program event. Next meeting held 24 June 2014 at the Cobram Civic Centre. Topics included Arts and Culture and the Cobram Library project. Guest speakers involved Council staff within these areas. Next meeting will be held on 26 August 2014 in Nurrurkahn. Four Junior Council meetings held throughout 2013/14 - reported on monthly basis.	Sport, Recreation and Youth

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**COUNCIL PLAN 2013/14 - 2016/17 JUNE 2014 MONTHLY REVIEW (cont'd)**

**ATTACHMENT No [1] - Council Plan Progress Report - June 2014**

<i>Strategy: 2.2 Facilitate Maternal and Child Health and wellbeing</i>					
<i>Performance Measures</i>	<i>Target</i>	<i>Risk</i>	<i>Progress 30 June 2014</i>	<i>Comments</i>	
				<i>Department</i>	
2.2.1 Proportion of infants born that receive primary immunisations	90%	Medium	100%	In June 2013, 93.51% of infants born are receiving primary immunisations (up to 15months of age). New data will be published soon.	Maternal and Child Health
2.2.2. Percentage participation of Children in the 3.5 year old maternal and child health check *No visits attended	No. visits No. records	Medium	100%	Year to date performance indicators are at 82% of 3.5 year old Key Age and Stage Assessments have been completed - 1 May 2013 to 30 April 2014.	Maternal and Child Health
2.2.4 Percentage participation of Children in Maternal and Child Health.	Meet or exceed state average of 85%	Medium	100%	Period 1 December 2013 - 31 May 2014. Performance indicators, average 89%. Home visit - 95% 2 Week - 93% 4 Week - 95% 8 Week - 97% 4 Month - 93% 8 Month - 86% 12 Month - 89% 18 Month - 82% 2 Year - 80% 3.5 Year - 81%. Also telephone consultations and other visits outside Key Age and Stage visits. These statistics show an increase across all Key Age and Stage assessments except 4 week and 18 month assessments.	Maternal and Child Health

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**ATTACHMENT No [1] - Council Plan Progress Report - June 2014**

<i>Performance Measures</i>	<i>Target</i>	<i>Risk</i>	<i>Progress 30 June 2014</i>	<i>Comments</i>	<i>Department</i>
2.2.6 Participation satisfaction with Moira Maternal and Child Health Service	95%	Medium	Data not available	Satisfaction survey completed - data to be available in July 2014. One of the initiatives implemented from the results include the extension of Immunisation and Maternal and Child Health hours under trial. Data still being reviewed. Advertising of new Maternal and Child Health nurse positions underway. A new reliever has applied and will commence soon.	Maternal and Child Health
2.2.7 Operate a Family Day Care service within Moira Shire	Maintain at least 15 educators that provide Family Day Care	Low	100%	21 Educators were operating during June with 1 further registration occurring during July. A successful training day for Educators was held in May. Positive promotion continues.	Family Day Care
<i>Strategy: 2.3 Maintain and enhance community health and wellbeing through high quality service provision and partnerships to meet the needs of the broader community</i>					
<i>Performance Measures</i>	<i>Target</i>	<i>Risk</i>	<i>Progress 30 June 2014</i>	<i>Comments</i>	<i>Department</i>
2.3.1 The Municipal Public Health and Wellbeing Plan be implemented and reported to Council in a timely manner	Host four meetings with relevant stakeholders to monitor MPHWP	Medium	100%	Plan was adopted at the November Council meeting. May meeting was held with good attendance, we have agreed on priorities for the year and developed an annual review template. Two steering committee meetings have been held, with good attendance, working on initiatives to implement strategies from the plan with various groups.	Community Services

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<i>Performance Measures</i>	<i>Target</i>	<i>Risk</i>	<i>Progress 30 June 2014</i>	<i>Comments</i>	<i>Department</i>
2.3.2 Continue to support Moira HealthCare Alliance (MHA) in the delivery of HACC Services	Council is an active participant on the Board of Moira Healthcare Alliance (100% meetings Councilor representative or delegate) Annual presentation by MHA to Council	Low	100%	Councils Director of Corporate Governance and a Councilor attend monthly Moira Healthcare Alliance board meetings.	Community Services
<b>Strategy: 2.4 Identify, develop and action community safety initiatives ad- dressing real and perceived safety issues</b>					
<i>Performance Measures</i>	<i>Target</i>	<i>Risk</i>	<i>Progress 30 June 2014</i>	<i>Comments</i>	<i>Department</i>
2.4.1 Support the Moira Shire Safety Committee through facilitating meetings involving all relevant stakeholder	Host four Safety Committee meetings per year	Low	100%	Local Safety Committee meetings are scheduled based on calendar year, with meetings held across the four major towns on 04 February, 01 April, 03 June, 05 August and 07 October. February meeting discussed re- focusing the group on the Local Safety Plan to complete objectives identified. June meeting focused on objectives in the current Community Safety Plan. Sub-committee formed to develop next Community Safety Plan and will meet 8 July 2014 to discuss future direction of Committee.	Community Services

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<i>Strategy: 2.5 Improve community engagement, participation and effectiveness by facilitating community involvement in decision making processes</i>				
<i>Performance Measures</i>	<i>Target</i>	<i>Risk</i>	<i>Progress 30 June 2014</i>	<i>Comments</i>
2.5.1 Maintain and strengthen the community volunteer base	* 22 townships within Moira meet to deliver on their Community Action Plan * Deliver two volunteer skills based workshops	Medium	75%	Community Development Officers attended a number of meetings during June with Community Coordinators, and project task groups on project priorities identified in Community Action Plans. Yarrawonga Community Plan update meeting has been held. Planning for the delivery of Volunteer Training Workshops has commenced with workshops to be delivered by the end of 2014. Surveys have been distributed for feedback on potential topics to be delivered.
				Community Services
<i>Strategy: 2.6 Provide quality facilities, open spaces and programs to increase participation and cater for the communities needs and interests</i>				
<i>Performance Measures</i>	<i>Target</i>	<i>Risk</i>	<i>Progress 30 June 2014</i>	<i>Comments</i>
2.6.1 Deliver Community Assistance and Small Grants Program	100% uptake of grant program	Low	100%	The January Small Grants Scheme has closed with 21 projects recommended for funding at a total of \$38,400. Report was passed at March Council meeting. Applicants have been notified of outcome. The Community Assistance Grant program will be advertised in July 2014. All grant money expended for all of the community grant programs.
				Community Services



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<i>Performance Measures</i>	<i>Target</i>	<i>Risk</i>	<i>Progress 30 June 2014</i>	<i>Comments</i>	<i>Department</i>
2.6.2 In partnership with the community and contracts proactively manage Councils community facilities	Increase the patronage of Council owned aquatic facilities to over 65,000 per year. 100% of Councils community facilities recorded usage and statistics	Medium	100% Data not available	79,673 - next update to be provided end of June 2014.  KPI reviewed and updated so data can be collected and reported appropriately as of July 2014.	Community Services
2.6.3 Monthly audit scores of Parks measuring the quality, appearance and maintenance performance of public open space areas	Number of complaints received 20< per annum	Low	100%	There were no complaints received during June regarding the appearance and maintenance of public open spaces. A total of six complaints have been received for the 2013/14 financial year.	Operations
<b>Strategy: 2.7 Recognise and enhance Moira's diverse cultural and indigenous heritage through events and programs supporting the arts, traditions and history</b>					
<i>Performance Measures</i>	<i>Target</i>	<i>Risk</i>	<i>Progress 30 June 2014</i>	<i>Comments</i>	<i>Department</i>
2.7.1 Multicultural Action Plan is reported to Council in a timely manner	Establish one new multicultural advisory committee * Review new multicultural action plan and deliver on two priorities	Medium	100%	Implementation of the two actions identified by the Committee are continuing to be implemented. Cultural Diversity Week events successfully held, Henna Workshop and Exhibition, Talking Books, and Junior World Cup were held with over 100 participants attending Cultural Diversity Week events. Multicultural Committee Meeting held on 05 June 2014.	Community Services

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2.7.2 Maintain the sustainable relationship with the local indigenous committee through the development and support of social inclusion projects	Establish one community garden in Barmah	Medium	100%	Successful Reconciliation Week event at Barmah Heritage and Education Centre held. Barmah Community Garden has been complete. Work continues to keep the garden maintained.	Community Services
<b>Strategy: 2.7 Recognise and enhance Moira's diverse cultural and indigenous heritage through events and programs supporting the arts, traditions and history</b>					
<i>Performance Measures</i>	<i>Target</i>	<i>Risk</i>	<i>Progress 30 June 2014</i>	<i>Comments</i>	<i>Department</i>
2.7.3 Develop Moira Shire Arts and Culture Board	* One board implemented * One Strategy implemented * One Strategic Plan implemented	Medium	98%	Funding Agreement template completed. Drafting Funding Agreement between Moira Shire and Moira Arts and Culture Inc. Draft Strategic Action Plan to go to community for last opportunity for feedback. Final document completed by end of July.	Community Services
2.7.4 Develop a 3 year Arts and Culture Strategic Plan to steer Arts and Culture development and programs across Moira.	* Subject to funding * 10 Community Arts projects funded * In partnership host 8 community arts programs * Run four skill development workshops for the art community * Total attendance for all events 4120	Medium	100%	Reconciliation Week Art Exhibition at Barmah Heritage & Education Centre closes on the 14 July 2014. Hosted a very successful St Kilda Film Festival screening in Yarraweyah on 27 June 2014 with 100+ attendees. Excellent feedback presented at Junior Council regarding youth opportunities for arts and cultural development across Moira. Organising a bus trip to Bald Archies / Benalla Nude Exhibition with Cobram U3A for 11 July 2014.	Community Services

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<i>Strategy: 2.8 Emergency Management</i>				
<i>Performance Measures</i>	<i>Target</i>	<i>Risk</i>	<i>Progress 30 June 2014</i>	<i>Comments</i>
2.8.1 The Municipal Emergency Management Plan be implemented and reported to Council in a timely manner	100% compliance with Emergency Management Victoria requirements	Med	100%	The final audit of MEEMP has been deferred for 6 months pending a reformat of the plan to include the latest requirements set out and recommended in the guidelines - Emergency Management Manual Victoria. The new format will include a risk assessment completed by using the newly released Community Emergency Risk Assessment (CERA) process. This process will be undertaken 19 July 2014.
				Safety, Amenity & Environment
<i>Strategy: 2.9 Protect the Safety and Amenity for the Community</i>				
<i>Performance Measures</i>	<i>Target</i>	<i>Risk</i>	<i>Progress 30 June 2014</i>	<i>Comments</i>
2.9.1 The Domestic Animal Management Plan be implemented and reported to Council in a timely manner	Domestic Animal Management Plan 100% compliant with the Victorian Government requirements	Med	100%	Following the recent Animal renewal registration deadline 5562 animals are currently registered on Council's Animal Management Database.
2.9.2 Respond to complaints received regarding to Moira Shire Local Laws	100% responses processed	Med	100%	Officers continue to attend to complaints received from the public in a timely manner. All requests received to date have been assigned to an action officer and responded to within the required timeframe.
				Safety, Amenity & Environment

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<b>Strategy: 2.10 Regulation and Public Safety</b>					
<b>Performance Measures</b>	<b>Target</b>	<b>Risk</b>	<b>Progress 30 June 2014</b>	<b>Comments</b>	<b>Department</b>
2.10.1 Attend and undertake inspections at market and Agricultural Show venues within the Shire	100% venues inspected	Med	100%	No attendance of markets/shows during winter months.	Safety, Amenity & Environment
2.10.2 Respond to nuisance complaints and report to Council annually the nature and frequency of nuisance complaints	100% applications processed	Med	100%	Register continues to be maintained and recording all complaints received and their outcomes.	Safety, Amenity & Environment
2.10.3 Process all applications for septic tank installations	100% applications processed	High	100%	All applications for septic installation continued to be processed in a timely manner.	Safety, Amenity & Environment
2.10.4 Number of registered premises receiving one full compliance assessment annually in accordance with the Health and Food Acts	100%	Med	100%	No inspections were carried out during June.	Safety, Amenity & Environment
2.10.5 All registered premises inspected prior to the renewal of their registration including compliance enforcements as needed	100% premises inspected	High	100%	All premises inspected prior to their renewal being granted on 01 June 14. Infringements issued and official warnings issued during June for breaches of Food Act.	Safety, Amenity & Environment

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<b>STRATEGIC GOAL - 3. DEVELOPMENT (LIVEABILITY)</b>						
<i>Strategy: 3.1 Land use, planning and building</i>						
<i>Performance Measures</i>	<i>Target</i>	<i>Risk</i>	<i>Progress 30 June 2014</i>	<i>Comments</i>	<i>Department</i>	
3.1.1 Percentage of building permits determined within 30 days	100%	Medium	100%	56 building permits were issued.	Planning and Building	
3.1.2 Number of planning applications: * Received * Decided	Maintain 2012/13 statistics	Low	Below Target	27 new applications were received and 34 applications were determined. Below target due to being determined by market forces.	Planning and Building	
3.1.3 Number decisions appealed to VCAT	Maintain 2012/13 statistics	Low	Above Target	One subdivision application was appealed to VCAT- date to be determined. Above target for May but also for the year so far.	Planning and Building	
3.1.4 Percentage of planning applications decided during year by: * Council * Officers under delegations	Maintain 2012/13 statistics	Low	Data not available	17 applications determined by Council since January 2014. Data not available due to 2012/13 statistics not being available.	Planning and Building	
<i>Strategy: 3.2 Development and Planning</i>						
<i>Performance Measures</i>	<i>Target</i>	<i>Risk</i>	<i>Progress 30 June 2014</i>	<i>Comments</i>	<i>Department</i>	
3.2.1 Percentage of planning applications processed within 60 days statutory timeframes	95%	Medium	79.41%	79.41% of applications determined in 60 day statutory timeframe. Below target due to the complexity of the applications.	Planning and Building	

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<i>Performance Measures</i>	<i>Target</i>	<i>Risk</i>	<i>Progress 30 June 2014</i>	<i>Comments</i>	<i>Department</i>
3.2.2 Median processing days (gross) for planning applications	80% gross days	Low	50%	50% gross days for processing applications. The only means to maintain the 80% target is to get the applications out as they are submitted. This is not possible with complex applications and if it needs to be referred for comments.	Planning and Building
3.2.3 Percentage of appeals determined by VCAT in favour of Council	50%	Low	100%	One case was determined in favour of Council on 25 June 2014. Nurmurkah and Katunga Tyres.	Planning and Building
3.2.4 Community satisfaction ratings for performance compared to similar councils: * Town Planning * Planning and Building permits approvals	55%	Medium	Data not available	Data not available at present. Figures to be released at the end of the financial year.	Planning and Building

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<i>Strategy: 3.3 Community Inclusion</i>					
<i>Performance Measures</i>	<i>Target</i>	<i>Risk</i>	<i>Progress 30 June 2014</i>	<i>Comments</i>	<i>Department</i>
3.3.1 Number of Groups applied for Community Grants	>60	Low	100%	To date in the 2013/14 financial year we have undertaken all three of the Community Grant Rounds. Council received 33 grant applications for the Community Assistance Grants Scheme. Council approved to fund 15 of these projects totalling \$119,640. Council received 40 grant applications for the August Small Grants Scheme. Council approved to fund 20 of these projects totalling \$39,100. Council received 37 applications for the January Small Grants Round totalling \$68,550 for funding. 21 projects recommended for funding went to the March Council meeting and was passed. Applicants have been notified of outcomes. Community Assistance Grant program will be advertised in July 2014. A total of 84 applications received in 2013/14 financial year.	Community Services
3.3.2 Value of recurrent grants provided to the Moira Shire	\$5,000,000	Medium	100%	The value of the recurrent grants is: \$6,105,743	Community Services

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<i>Strategy: 3. 4 Tourism, that Council provides accredited visitor Services in Yarrawonga, Cobram, Numurkah and Nathalia</i>					
<i>Performance Measures</i>	<i>Target</i>	<i>Risk</i>	<i>Progress 30 June 2014</i>	<i>Comments</i>	<i>Department</i>
3.4.1 Visitor attendance numbers at Information Centres; Yarrawonga, Cobram, Numurkah, Nathalia	Yarrawonga 2013:85000 2014:90000 Cobram 2013: 72000 2014: 78000 Numurkah 2013: 6000 2014: 6600 Nathalia 2013:10000 2014:13000	Low	Data not available	This measure will be reviewed as part of the restructure of tourism.	Tourism
3.4.2 Service standards in the Visitor Information Centres through mystery shopper audits	84%	Low	Data not available	With the cessation of Sun Country on the Murray this action will be reviewed under the new structure.	Tourism
3.4.3 Develop a three year (2013 to 2016) Destination Management Plan in consultation with Moira Shire Council and the community	That the Sun Country on the Murray Inc. 3 Year Destination Management Plan Action Items are completed and progress reports presented to Council on an annual basis	Medium	100%	A new 3 year Plan has been developed. Consultation with Local Tourism Association members in Yarrawonga, Cobram, Numurkah and Nathalia as well as a strategic workshop with Councilors was undertaken before adoption of the plan by the Sun Country on the Murray Board.	Tourism



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<i>Performance Measures</i>	<i>Target</i>	<i>Risk</i>	<i>Progress 30 June 2014</i>	<i>Comments</i>	<i>Department</i>
3.4.4 Sun Country on the Murray develops Annual Business and Marketing Plans	* That the actions outlined in the Sun Country on the Murray Annual Business and Marketing Plans are completed and reported to Council in a timely manner. * Sun Country on the Murray must address at least 80% of the action items in the plan	High	Data not available	With the cessation of Sun Country on the Murray this action will be reviewed under the new structure.	Tourism
<b>Strategy: 3.5 Tourism, that Council provides accredited visitor Services in Yarrawonga, Cobram, Numurkah and Nathalia</b>					
<i>Performance Measures</i>	<i>Target</i>	<i>Risk</i>	<i>Progress 30 June 2014</i>	<i>Comments</i>	<i>Department</i>
3.5.1 Sun Country on the Murray partners with Local Tourism Associations and individual businesses in the promotion and marketing of the region	That Sun Country on the Murray Inc. sources financial contributions from the industry that represents 25% of annual income	Medium	Data not available	With the cessation of Sun Country on the Murray this action will be reviewed under the new structure	Tourism
3.5.2 Sun Country on the Murray conducts the ongoing familiarisation program for tourism staff and tourism ambassadors (volunteers)	Familiarisations tours are under-taken at least 4 times a year. Staff participate at least twice. Volunteers participate at least once	Low	Data not available	With the cessation of Sun Country on the Murray this action will be reviewed under the new structure.	Tourism

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3.5.3 Sun Country on the Murray conducts industry training opportunities	At least three training/forum opportunities are offered annually	Low	Data not available	With the cessation of Sun Country on the Murray this action will be reviewed under the new structure.	Tourism
<b>Strategy: 3.6 Library Services</b>					
<i>Performance Measures</i>	<i>Target</i>	<i>Risk</i>	<i>Progress 30 June 2014</i>	<i>Comments</i>	<i>Department</i>
3.6.1 Percentage of residents who are active borrowers	* 30% * 70,000 visits * 100,000 website visits	Medium	100%	Based on 2011 census population of 28,435, 30% of residents are active members of library services as at November 2013. As of January 2014 there were 167 new members across the Shire, with a slight decrease in visits over the festive season. Latest statistics have not been received by GVLRC, an email has been sent requesting this information.	Community Services

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<i>Strategy: 3.7 Support and Promote participation in Council's training and development initiatives for local businesses by delivering a comprehensive training program</i>				
<i>Performance Measures</i>	<i>Target</i>	<i>Risk</i>	<i>Progress 30 June 2014</i>	<i>Comments</i>
3.7.1 Number of participants in Council's training activities	400	Low	96%	Tourism Expo – 38 Bus Plan – 9 Business Plan Program - 12 EDS Consultation w/shops - 45 Business Scholarship - 13 StreetLife - 125 (across Moirai/Campaspe/Shepparton) On-Line Strategy - 20 Business Bootcamp - 20 Tender workshops - 49 Visit Victoria - 4 Social Media - 15 350 participants year to date.
3.7.2 Percentage of users/businesses satisfied with training and support initiatives for local businesses	80%	Low	95%	Data sourced from an exit survey from training conducted.
<i>Strategy: 3.8 Investment Attraction</i>				
<i>Performance Measures</i>	<i>Target</i>	<i>Risk</i>	<i>Progress 30 June 2014</i>	<i>Comments</i>
3.8.1 Level of support to businesses investing/considering investment in Moira Shire	50 Investors	Medium	86%	Varying degrees of interest across these businesses. Increasing interest by local investors/ business developers. May and June have been particularly strong levels of interest in Moira. Support to 43 businesses investing / considering investment in Moira Shire.

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<i>Strategy: 3.9 Business Roundtables with businesses and Councilors</i>				
<i>Performance Measures</i>	<i>Target</i>	<i>Risk</i>	<i>Progress 30 June 2014</i>	<i>Comments</i>
3.9.1 Conduct roundtables in key towns for 2013/14	Four round tables	Low	75%	Last roundtable heldover to July to allow for new CEO to settle in. 3 roundtables held to date.
<i>Department</i> Business and Innovation				
<i>Strategy: 3.10 Strategic Alliances</i>				
<i>Performance Measures</i>	<i>Target</i>	<i>Risk</i>	<i>Progress 30 June 2014</i>	<i>Comments</i>
3.10.1 Develop strategic alliances with key government and business agencies and organisations	* 6 Government * 10 business	Low	>100%	Government - DBI, RDV, DEPI, Fisheries Victoria, Invest Victoria, EPA, CASA, ABARES, Austrade, Tourism Victoria, Parks Victoria Business - VECCI, EDA, Murray Dairy, VPAGA, Fruit Growers Victoria, Riverine Plains, Dairy Australia, Murray Now, Murray Regional Tourism Association, Sydney Melbourne Touring. 11 Government and 10 Business alliances created.
<i>Department</i> Business and Innovation				

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<b>Strategy: 3.11 Commercial Development</b>				
<i>Performance Measures</i>	<i>Target</i>	<i>Risk</i>	<i>Progress 30 June 2014</i>	<i>Comments</i>
3.11.1 Assess the potential for commercial development of Council controlled assets	6 Assessments	Medium	100%	Assessments completed for the Yarrawonga Aerodrome and Yarrawonga Caravan Park, Truck washes at Cobram and Yarrawonga CBA completed. Saleyards redevelopments at Cobram and Yarrawonga underway.
				Department Business and Innovation
<b>Strategy: 3.12 Upkeep of Council Assets</b>				
<i>Performance Measures</i>	<i>Target</i>	<i>Risk</i>	<i>Progress 30 June 2014</i>	<i>Comments</i>
3.12.1 Percentage of graffiti removed from Council owned assets within 48 hours of notification	95%	Medium	100%	There were three requests received for graffiti removal during June. A total of 21 requests for the removal of graffiti have been received in the 2013/14 financial year.
				Department Operations

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<b>STRATEGIC GOAL - 4. ORGANISATION</b>					
<i>Strategy: 4.1 Information Services - Efficiency and service delivery to support business processes and information sharing reduced costs and increase service effectiveness</i>					
<i>Performance Measures</i>	<i>Target</i>	<i>Risk</i>	<i>Progress 30 June 2014</i>	<i>Comments</i>	
				<i>Department</i>	
4.1.1 100% completion of IT Strategy	100% completion of IT strategy	Medium	43%	<p>7 of 7 projects complete or rescheduled.</p> <ul style="list-style-type: none"> <li>* Aerial photography - <b>complete</b></li> <li>* Telephone system upgrade - Project team assigned. Specification to be developed - 14/15. Implementation planned for 15/16 budget.</li> <li>* Maternal and Child Health software upgrade - state government developing solution expected 14/15.</li> <li>* Wireless install - <b>complete</b>. Cobram Main Admin, Executive Office and Civic Centre. Further rollout in 14/15.</li> <li>* Mobile computing - <b>complete</b> Project for 13/14 completed. Rollout of mobile to Operations Team Leaders, Environmental Health and Safety Amenity.</li> <li>* Web Accessibility - developer software upgrade due 14/15. Added to budget for 14/15. Upgrade includes Web Content Accessibility Guidelines (WCAG) to AA level of standard.</li> <li>* Mobile website - responsive design component included in upgraded website added to budget for 14/15.</li> </ul>	Information Technology

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<i>Performance Measures</i>	<i>Target</i>	<i>Risk</i>	<i>Progress 30 June 2014</i>	<i>Comments</i>	<i>Department</i>
4.1.2 Improve data quality and work flow between building, property and planning areas through a fully integrated IT platform (CIVICA) ensuring easy electronic retrieval of key/important information	100% completion if CIVICA implementation	Medium	100%	Civica consultants attended in May addressing outstanding issues for property, building and planning. Identified issues addressed. Further enhancements rolled out as annual product upgrades allow.	Information Technology/ Building and Planning
4.1.3 Develop and implement mobile computing technologies	80%	Low	100%	Wireless install complete. Building Department business case for solution for inspections and mobile access to email / calendar being developed. Community Development business case for iPads in development.	Information Technology
4.1.4 Upgrade the human resources and payroll technology to improve functionality	100% implementation of payroll, HR modules and kiosk	Medium	100%	Project complete. Further enhancements rolled out as annual product upgrades allow.	Information Technology/ Human Resources
<b>Strategy: 4.2 Human Resources - Ensure Council's workforce is skilled, responsive, has high job satisfaction and is capable of providing quality customer orientated services and programs to Moira's communities and ratepayers.</b>					
<i>Performance Measures</i>	<i>Target</i>	<i>Risk</i>	<i>Progress 30 June 2014</i>	<i>Comments</i>	<i>Department</i>
4.2.1 Develop practical policies and procedures and staff training program reflecting legislative, regulative and staff requirements	As required	Low	100%	Policies and procedures are continually being developed. The organisational development strategy (People Plan) has been developed, including the learning and development strategy (staff training).	Human Resources
4.2.2 Develop an Organisational Development Strategy to ensure the sustainability of the organisation	100% development and implementation of Strategy and training program				Human Resources

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<i>Performance Measures</i>	<i>Target</i>	<i>Risk</i>	<i>Progress 30 June 2014</i>	<i>Comments</i>	<i>Department</i>
4.2.3 Develop and implement integrated Performance Management System	100% development and implementation of system	Low	100%	KPI's have been developed and rolled out. HR are scoping from best practice models effective evaluation systems. On track to meet target for next roll out of performance appraisals.	Human Resources
4.2.4 Develop and deliver Stage 2 of Organisation Review	100% complete	Low	100%	All positions within Stage 2 of restructure have been filled.	Human Resources
4.2.5 Staff Performance reviews completed	100% complete	Low	100%	The Staff Performance reviews were conducted and managed using Authority/Civica. Work Plans are being developed.	Human Resources
<b>Strategy: 4.3 Ensure a safe workplace for all employees by embedding new Occupational Health and Safety (OHS) policies and procedures, OHS training and development programs</b>					
<i>Performance Measures</i>	<i>Target</i>	<i>Risk</i>	<i>Progress 30 June 2014</i>	<i>Comments</i>	<i>Department</i>
4.3.1 Number of workplace/site OHS inspections undertaken	100%	Medium	100%	2 (Cobram Pound and Cobram Landfill)	Human Resources
4.3.2 WorkCover Indicative Performance Rate	<1.0	Medium	100%	<1.0	Human Resources
4.3.3 WorkSafe Insurance Premium Rate	<1.8	Medium	100%	<1.8	Human Resources
4.3.4 Lost Time Injury Frequency Rate	100%	Medium	100%	This rate is calculated at the end of the reporting period.	Human Resources



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<i>Strategy: 4.4 Financial Management - Ensure Council plans and resources, records and budget systems are maintained and managed sustainably</i>				
<i>Performance Measures</i>	<i>Target</i>	<i>Risk</i>	<i>Progress 30 June 2014</i>	<i>Comments</i>
<i>Department</i>				
4.4.1 Prepare the Annual Budget and Strategic Resource Plan in line with statutory requirements and within a financial sustainability framework for consideration by Council by 30 June 2013	100%	High	100%	Annual budget, incorporating Strategic Resource Plan adopted by Council 24 June 2013.
<i>Department</i>				
<i>Finance</i>				
<i>Strategy: 4.5 Provide customer-focused financial management processes, budget systems and valuation practices in accordance with professional standards and legislative requirements</i>				
<i>Performance Measures</i>	<i>Target</i>	<i>Risk</i>	<i>Progress 30 June 2014</i>	<i>Comments</i>
<i>Department</i>				
<i>Finance</i>				
4.5.1 Attain VAGO financial ratios as part of annual budget process	100%	High	100%	VAGO indebtedness ratio calculated at 43.36% for the 2012/13 financial year.
4.5.2 Complete the Annual Financial Statements for the year ended 30 June 2013 with full audit clearance by the legislated time frame	100%	High	100%	Annual Financial Statements have been audited and have been forwarded to VAGO as part of preparations of the 2012/13 Annual Report.
4.5.3 Budgeted adjusted working capital ratio or as per the 2012-13 adopted budget	100%	High	100%	Forecast budget to be adjusted at next review.
<i>Department</i>				
<i>Finance</i>				
<i>Strategy: 4.6 Rates Revenue Generation</i>				
<i>Performance Measures</i>	<i>Target</i>	<i>Risk</i>	<i>Progress 30 June 2014</i>	<i>Comments</i>
<i>Department</i>				
<i>Finance</i>				
4.6.1 \$M collected	\$25.327M	High	100%	\$28.437M collected - (includes rates raised of \$28.997M)

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<i>Performance Measures</i>	<i>Target</i>	<i>Risk</i>	<i>Progress 30 June 2014</i>	<i>Comments</i>	<i>Department</i>
4.6.2 Rating strategy to be delivered as per legislative requirements	Development and Delivery of 1 Rating Strategy	High	100%	Rating strategy adopted by Council in April 2013.	Finance
<b>Strategy: 4.7</b> Communications and Engagement - Improve Council information, accessibility through effective use of communication and media and ensure services are continuing to meet community expectations and demonstrating a culture of engagement					
<i>Performance Measures</i>	<i>Target</i>	<i>Risk</i>	<i>Progress 30 June 2014</i>	<i>Comments</i>	<i>Department</i>
4.7.1 DPCD Customer Service Survey/ Moira Internal Survey	75%	Low	100%	Service improvement opportunities to be reflected in 2014/15 plans.	Communication & Engagement
4.7.2 Deliver effective, timely communication of Council services, activities and scope future needs and methods through Communication Strategy	Communications and engagement Strategy delivered	Medium	50%	Commenced review of Strategy to align with 2014/15 business priorities.	Communication & Engagement
<b>Strategy: 4.8</b> Provide snapshots of community views on emerging issues by establishing a community 'pulse' email panel of 1,000 - 2,000 people with an interest in Moira					
<i>Performance Measures</i>	<i>Target</i>	<i>Risk</i>	<i>Progress 30 June 2014</i>	<i>Comments</i>	<i>Department</i>
4.8.1 Number of members on the community 'pulse' email panel	>1,000	Low	80%	Will be replaced by social media platforms.	Communication & Engagement
<b>Strategy: 4.9</b> Encourage higher levels of young people's engagement in Council's activities through enhanced targeted communication via social media					
<i>Performance Measures</i>	<i>Target</i>	<i>Risk</i>	<i>Progress 30 June 2014</i>	<i>Comments</i>	<i>Department</i>
4.9.1 Website quality and accessibility assessed through independent user survey	70%	Low	0%	To be completed in 2014/15	Communication & Engagement

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<i>Performance Measures</i>	<i>Target</i>	<i>Risk</i>	<i>Progress 30 June 2014</i>	<i>Comments</i>	<i>Department</i>
4.9.2 Develop and implement integrated Communications Strategy focusing on electronic communications, publications	1 strategy 100% completed	Low	80%	Currently finalising CEO Policy, procedures and processes prior to implementation.	Communication & Engagement
<i>Strategy: 4.10 Customer Services - Ensure excellent customer service by reducing the waiting time for ratepayers and other community members to councils customer centres and services</i>					
<i>Performance Measures</i>	<i>Target</i>	<i>Risk</i>	<i>Progress 30 June 2014</i>	<i>Comments</i>	<i>Department</i>
4.10.1 Average time after-hours callers wait before their call is answered	<25 seconds	Medium	0%	Pending review of KPI.	Communication & Engagement
4.10.2 Percentage of customer service enquiries resolved on first call	85%	Medium	100%	Survey of customers who lodged a request with Council still ongoing.	Communication & Engagement
4.10.3 Percentage satisfaction of after-hours callers with the quality of information and service received	70%	Low	100%	Survey of customers who lodged a request with council still ongoing.	Communication & Engagement
4.10.4 Customer service responsiveness assessed through external and internal user surveys	90%	Medium	100%	Survey of customers who lodged a request with council still ongoing.	Communication & Engagement

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<b>STRATEGIC GOAL - 5. INFRASTRUCTURE</b>					
<i>Strategy: 5.1 Capital Works - In support of services delivered to our communities, undertake our annual capital works program including roads, drain studies / plans, building, parks and gardens, footpaths and kerbs and channels</i>					
<i>Performance Measures</i>	<i>Target</i>	<i>Risk</i>	<i>Progress 30 June 2014</i>	<i>Comments</i>	<i>Department</i>
5.1.1 Percentage of completed capital works infrastructure projects completed at the conclusion of the financial year (based on number of projects)	95%	Low	Data not available	To be determined at completion of financial year end.	Infrastructure Planning and Design
5.1.2 Civic Mutual Plus (Overall score) compliance with Road Management Plan	80%	Medium	Data not available	Audit conducted week of 1 July 2014. Results expected in August 2014.	Infrastructure Planning and Design
<i>Strategy: 5.2 Asset Management</i>					
<i>Performance Measures</i>	<i>Target</i>	<i>Risk</i>	<i>Progress 30 June 2014</i>	<i>Comments</i>	<i>Department</i>
5.2.1 Percentage of Council assets at intervention level (MAV STEP PROGRAM) Composite (roads, bridges & pathways, buildings & Drains)	70%	Low	Data not available	To be determined at completion of financial year end.	Construction and Asset

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<b>Strategy: 5.3 Asset Renewals</b>					
<b>Performance Measures</b>	<b>Target</b>	<b>Risk</b>	<b>Progress 30 June 2014</b>	<b>Comments</b>	<b>Department</b>
5.3.1 Condition based renewal gap - \$ spent on renewal divided by what \$ were required to be spent for period *MAV STEP program) > Composite (roads, bridges and pathways, buildings & drains	65%	High	Data not available	To be determined at completion of financial year end.	Operations
5.3.2 Local Roads renewed	* 6% resurfaced as % of total sealed network * 0.5% Reconstructed total sealed road network. (Asset reconstructed when reaching level 8) * Re-sheeted as 5% of total gravel road network	High	100%	*Resurfacing works for the 2013/14 financial year have been completed with a total of 56kms resurfaced. *Resheeting works have been completed for 2013/14 with a total of 64 kilometres of road re-sheeted and 12kms resheeted with granitic sand for dust suppression. *The 2013 Shoulder Resheeting program was completed on the 20 December 2013 with 13.6kms (27.2km both sides) of road shoulders resheeted.	Operations
5.3.3 Community satisfaction (index score) with conditions & maintenance of municipal roads, streets, footpaths (CSS)	85%	Low	80%	LGCS Survey 2014.	Infrastructure / Asset & Construction / Operations

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<i>Strategy: 5.4 Facilities and Amenities Management</i>					
<i>Performance Measures</i>	<i>Target</i>	<i>Risk</i>	<i>Progress 30 June 2014</i>	<i>Comments</i>	<i>Department</i>
5.4.1 Civic Mutual Plus overall score for management of sporting reserves	>50	Medium	100%	Results for 2013 show a score of 69, an increase against the average for Large Rural Shires, which was 67. Update to be provided in 2014.	Community Services
5.4.2 Community satisfaction (index score) with: * Recreational facilities * Appearance of public areas	Number of complaints <20	Low	100%	Council has received 2 complaints in recent months. One has been dealt with in relation to a staff member, the other was discussed and managed through the March monthly contract meeting on 27 March 2014.	Community Services/ Operations

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<b>STRATEGIC GOAL - 6. GOVERNANCE</b>						
<i>Strategy: 6.1 Ensure responsible resource management and ongoing adherence to good governance by ensuring completion of the annual internal audit plan</i>						
Performance Measures	Target	Risk	Progress 30 June 2014	Comments	Department	
6.1.1 Percentage completion for annual internal Audit plan	100%	Medium	100%	All audits conducted. Audit Committee to meet on 30 July 2014 to review internal audit program.	Governance	
6.1.2 Percentage completion of all scheduled external audits	100%	High	100%	The Independent Audit of 2012/2013 financial and performance statements was completed and signed off by the Victorian Auditor General's Office (VAGO) on 23 October 2013. These audit reports were included as part of the 2012/13 Annual Report and presented to Council at its ordinary meeting on 18 November 2013.	Governance	
<i>Strategy: 6.2 Enhance Councils management of electronic records in line with Public Records Office requirements (revising archiving procedures and provide ongoing user training and system improvements)</i>						
Performance Measures	Target	Risk	Progress 30 June 2014	Comments	Department	
6.2.1 Percentage of electronic management systems actions completed within service charter timeframes	95%	Low	100%	Actions continued to be processed by staff within service charter timeframes.	Governance	
6.2.2 Instruments of Delegation to Council staff renewed biannually and updated upon receipt of legal advice	100%	High	100%	Councils delegation instruments are regularly reviewed. During the reporting period, the delegations instrument was reviewed and updated twice - December 2013 and May 2014.	Governance	

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<b>Strategy: 6.3 Enhancing Councils management and response times processing FOI requests are met</b>						
<b>Performance Measures</b>	<b>Target</b>	<b>Risk</b>	<b>Progress 30 June 2014</b>	<b>Comments</b>	<b>Department</b>	
6.3.1 Percentage of Freedom of Information Requests responded to within prescribed timeframes	100%	Medium	100%	During the reporting period Council received six FOI requests which were processed within designated timeframes.	Governance	
<b>Strategy: 6.4 Ensure strategic and operational risks are appropriately managed to protect Council and the community by updating and implementing Council's Risk Management Strategy</b>						
<b>Performance Measures</b>	<b>Target</b>	<b>Risk</b>	<b>Progress 30 June 2014</b>	<b>Comments</b>	<b>Department</b>	
6.4.1 Percentage completion of Risk Management Framework (7 elements)	100%	Medium	75%	Councils risk management policy was reviewed and a draft RM framework is currently being developed. The progression of RM was impacted on by lack of resources - a presentation was scheduled with CIVT in June 2014 identifying the elements and roll out timing of the RM framework over the 2014/15 reporting year.	Governance	
6.4.2 Quarterly updating of Councils Risk Management Register presented to the Audit Committee/ Council	Quarterly (4) per annum	High	100%	Reports provided to audit committee on July, September, December 2013 and March 2014 with a further report to be provided to the Audit Committee by the end of July 2014.	Governance	



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<i>Strategy: 6.5 Prepare Council's Annual Report 2012-13 as an accurate and transparent record of the year and submit to the Minister for Local Government by 30 September 2013</i>					
<i>Performance Measures</i>	<i>Target</i>	<i>Risk</i>	<i>Progress 30 June 2014</i>	<i>Comments</i>	<i>Department</i>
6.5.1 Annual Report presented to Council by 30 September 2013	1 Report to Council by 30 September 2013	High	100%	The 2012/13 Annual report was included in the November Ordinary meeting agenda and noted by Council. A copy has been forwarded to the Minister, distributed to service centres and made available on Council's website.	Governance
6.5.2 Annual Report to Minister for Local Government by 30 September 2013	1 Annual Report completed & delivered by 30 September 2013	High	100%	The Moira Shire 2012/13 Annual Report was lodged with Minister for Local Government on 25 October 2013. Council noted the 2012/13 Annual Report at its ordinary meeting on 18 November 2013. The 30 September 2013 deadline was not met.	Governance

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**ATTACHMENT No [1] - Council Plan Progress Report - June 2014**

FILE NO: D13/43044  
1. OUR COMMUNITIES

ITEM NO: 9.2.1  
(COMMUNITY SERVICES OFFICER, HAYLEY  
OLOUGHLIN)  
(EXECUTIVE MANAGER BUSINESS AND  
INNOVATION, BRUCE CONNOLLY )

## DISABILITY ADVISORY COMMITTEE TERMS OF REFERENCE

### 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 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.

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 11 members to the DAC, with any other person freely able to attend meetings to raise any relevant issues.

The purpose of this report is to seek Council endorsement of the revised Terms of Reference for the Disability Advisory Committee and seek approval for the advertisement for positions on the DAC.

### 2. Discussion

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. Whilst the committee is not new, it is timely to review the Terms of Reference and nominations.

As outlined in the attached Terms of Reference 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.

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## DISABILITY ADVISORY COMMITTEE TERMS OF REFERENCE (cont'd)

- The committee will profile issues, support activities, report and action, disseminate information and advice.

The DAC consists of 11 stakeholder and community members, these include:

- 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 will be invited to attend any Committee meeting to raise issues concerning disability issues. Alternatively, correspondence received by Moira Shire Council pertaining to disability issues will be referred to the Committee for their consideration.

Community and stakeholder participation with these committees is critical to the success of the organisation and for such committees to function effectively, the implementation of Terms of Reference are also a necessity.

Once the Terms of Reference have been endorsed, advertising of the positions and nominations for re-appointment shall occur, and are subject to the initial and continued approval of Council. This process will be finalised by June 30 2014, and those appointed will hold positions on the committee for a four (4) year period.

### 3. Financial Implications

There are no financial implications associated with the endorsement of the Disability Advisory Committee's Terms of Reference. The operating costs are already accounted and attributed for in Council's annual operating budget.

### 4. Community Consultation

Community consultation is an integral part of operations and an Advisory Committee is another forum in which community, business and specialist knowledge can be gathered and utilised to assist with skilled and knowledgeable advice on certain subjects.

The attached Terms of Reference have been reviewed by the DAC. Upon endorsement of the DAC's Terms of Reference, calls for re-nomination and community consultation shall commence, with a new committee to be established by June 30 2014. This process shall include

- Media advertisement
- Invitation to existing members and organisations to renominate.
- Targeting key stakeholders in the region who are active in, share interest and/or have expertise in the disability and accessibility sectors.

### 5. Internal Consultation

The review of the Disability Advisory Committee's Terms of Reference was completed by the Community Services Team with advice from Councils Corporate Governance Officer.

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## DISABILITY ADVISORY COMMITTEE TERMS OF REFERENCE (cont'd)

As the Disability Advisory Committee shall be established under the Local Government Act a Councillor Representative shall be required on the Disability Advisory Committee. Currently Cr. Don McPhee is the representative.

### 6. Legislative / Policy Implications

The Disability Advisory Committee is established in accordance with the *Local Government Act 1989*. Whilst this is not implicated in the Disability Act 2006, it is certainly supported through the strong emphasis and framework contained within this act in relation to an ongoing all inclusive community focus.

### 7. Environmental Sustainability

The Disability Advisory Committee is reflective of Environmental Sustainability practises and in all actions strives to limit environment impact and respect sustainability.

### 8. Conflict of Interest Considerations

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

### 9. Conclusion

Whilst there has been a Disability Advisory Committee in place since 2003, the Terms of Reference and Committee Membership are now due for review and advertising. The Disability Advisory Committee shall provide expert advice to Council, as required, on issues pertaining to disability and accessibility.

The expertise and experience of community and relevant organisations that participate on the Advisory Committee being utilised for various disability and access issues is an invaluable asset and resource to Council.

This report seeks Council endorsement of the revised Terms of Reference and approval for public nominations for the Disability Advisory Committee.

### Attachments

- 1 Disability Advisory Committe - Terms of Reference - Draft - May 2014

### RECOMMENDATION

That:

1. Moira Shire Council adopt the attached terms of reference for the Disability Advisory Committee.
2. Council approves the public nomination for committee members to serve a four year period.

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**DISABILITY ADVISORY COMMITTEE TERMS OF REFERENCE (cont'd)**

**MOTION**

CRS DON MCPHEE / KEVIN BOURKE

That:

1. Moira Shire Council adopt the attached terms of reference for the Disability Advisory Committee.
2. Council approves the public nomination for committee members to serve a four year period.

(CARRIED)

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**DISABILITY ADVISORY COMMITTEE TERMS OF REFERENCE (cont'd)**

ATTACHMENT No [1] - Disability Advisory Committee - Terms of Reference - Draft - May 2014



**Terms of Reference**

**for the**

**Disability Advisory Committee**

Draft



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## DISABILITY ADVISORY COMMITTEE TERMS OF REFERENCE (cont'd)

ATTACHMENT No [1] - Disability Advisory Committee - Terms of Reference - Draft - May 2014

### Terms of Reference for the Disability Advisory Committee



#### 1. PURPOSE

To inform and educate Council and the community to ensure 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.

#### 2. DEFINITIONS

In this Schedule unless contrary intention appears:

**Committee** means the Disability Advisory Committee

**Council** means Moira Shire Council.

#### 3. OBJECTIVES

The objectives of the Disability Advisory Committee shall be to:

- 3.1. Work with the community towards acknowledging and valuing people with disabilities.
- 3.2. Inform and educate the Council and the community about issues for people with disabilities, their families, carers and others.
- 3.3. 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
- 3.4. Inform and educate Federal, State and Local Government on rural disability issues to raise all abilities awareness.
- 3.5. The role of the Committee is advocacy, promotion and contribution to policy development.
- 3.6. The Committee will profile issues, support activities, report and action, disseminate information and advice.

#### 4. COMPOSITION AND PROCEEDINGS

4.1. The Committee shall comprise of 11 members as follows, with individual community representatives being appointed by resolution of Council:-

- Moira Shire Council, Councilor representative 1
- Moira Shire Council, Council officer representatives 1
- Disability Services 2
- Neighbourhood/Community Houses representative 4
- Moira Healthcare Alliance representative 1
- Rural Access Officer
- Local Learning and Employment Network representative 1
- Community members will be invited to attend any Committee meeting to raise issues concerning disability issues. Alternately, correspondence received by Moira Shire



FILE NO: D13/43044  
1. OUR COMMUNITIES

ITEM NO: 9.2.1  
(COMMUNITY SERVICES OFFICER,  
HAYLEY OLOUGHLIN)  
(EXECUTIVE MANAGER BUSINESS AND  
INNOVATION, BRUCE CONNOLLY )

**DISABILITY ADVISORY COMMITTEE TERMS OF REFERENCE (cont'd)**

**ATTACHMENT No [1] - Disability Advisory Committee - Terms of Reference - Draft - May 2014**

**Terms of Reference for the  
Disability Advisory Committee**



Council pertaining to disability issues will be referred to the Committee for their consideration.

- 4.2. All organisations and persons nominated to serve on the Committee are subject to the initial and continued approval of Council. Revocation provisions are contained in section 8.
- 4.3. The term of office for Committee members, unless otherwise specified by Council, will be four years, after which term they may be eligible for re-appointment.
- 4.4. On the resignation of a 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. Where the member is an appointed representative of an organisation or group, they may be replaced by another representative during any period of leave of absence.
- 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

FILE NO: D13/43044  
1. OUR COMMUNITIES

ITEM NO: 9.2.1  
(COMMUNITY SERVICES OFFICER,  
HAYLEY OLOUGHLIN)  
(EXECUTIVE MANAGER BUSINESS AND  
INNOVATION, BRUCE CONNOLLY )

**DISABILITY ADVISORY COMMITTEE TERMS OF REFERENCE (cont'd)**

**ATTACHMENT No [1] - Disability Advisory Committee - Terms of Reference - Draft - May 2014**

**Terms of Reference for the  
Disability Advisory Committee**



- (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.

DRAFT

FILE NO: D13/43044  
1. OUR COMMUNITIES

ITEM NO: 9.2.1  
(COMMUNITY SERVICES OFFICER,  
HAYLEY OLOUGHLIN)  
(EXECUTIVE MANAGER BUSINESS AND  
INNOVATION, BRUCE CONNOLLY )

## DISABILITY ADVISORY COMMITTEE TERMS OF REFERENCE (cont'd)

ATTACHMENT No [1] - Disability Advisory Committee - Terms of Reference - Draft - May 2014

### Terms of Reference for the Disability Advisory Committee



#### 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.

FILE NO: D13/43044  
1. OUR COMMUNITIES

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**DISABILITY ADVISORY COMMITTEE TERMS OF REFERENCE (cont'd)**

**ATTACHMENT No [1] - Disability Advisory Committee - Terms of Reference - Draft - May 2014**

**Terms of Reference for the  
Disability Advisory Committee**



**7. TERM OF APPOINTMENT**

7.1. Appointment of Advisory Committee members will be for a four year term ending on 30 September 2018 unless otherwise extended or revoked in writing by the Council.

**8. REVOCATION**

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.

**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: F13/105  
2. COMMUNITY

ITEM NO: 9.2.2  
(PERSONAL ASSISTANT TO CEO, ROBYN  
BONADDIO)  
(CHIEF EXECUTIVE OFFICER, MARK  
HENDERSON)

## ACHIEVERS AWARD ASSISTANCE PROGRAM

### 1. Executive Summary

The purpose of this report is to advise Council of the recipients of the Achievers Award Assistance Program for the financial year 2013/2014.

### 2. Background and Options

The Achievers Award Assistance Program policy states that a report must be presented to Council by October each year for the previous financial year, listing the applications received and what donations were made

For the financial year 2013/14 there was eight Achievers Award Assistance applications received. Of the eight one was unsuccessful due to their ineligibility in regard to being related to a member of Council's staff. The seven successful applications are as follows;

Name	Event	Amount
Ella Ogier	School Sports Australia National 12 Years and under National Championship	\$300.00
Ridley Adrian	World Amateur 6 Red Snooker Championship	\$300.00
Genna Ogier	School Sports Australia National 15 Years and under National Championship	\$300.00
Matilda Terry	XTERRA World Championships	\$300.00
Taylah Shanahan	Volunteer in Lautka Fiji	\$300.00
Dylan Bell	Volunteer in Lautka Fiji	\$300.00
Tracey Jorgensen	Volunteer in Lautka Fiji	\$300.00
<b>TOTAL</b>		<b>\$2100.00</b>

### 3. Financial Implications

Budget allocation for the award program is determined annually by Council and allocated from the Office of the CEO Administration ledger.

The amount awarded is up to \$300 per person, whether competing as an individual or as a member of a team or group. A limit of up to \$500 per team applies.

FILE NO: F13/105  
2. COMMUNITY

ITEM NO: 9.2.2  
(PERSONAL ASSISTANT TO CEO, ROBYN  
BONADDIO)  
(CHIEF EXECUTIVE OFFICER, MARK  
HENDERSON)

## ACHIEVERS AWARD ASSISTANCE PROGRAM (cont'd)

### 4. Risk Management

The Achievers Award Assistance Program policy and its implementation addresses risk management by:

- Council's and the applicant's responsibilities being clearly identified in the Achievers Award Program's guidelines and terms and conditions.

### 5. Internal and External Consultation

Applications are evaluated, as they are received, by the Mayor and Chief Executive Officer, with the process being administered by the Personal Assistant of the Chief Executive Officer.

### 6. Regional Context

Applicants to the program must be competing at a regional, state or national level, or representing Australia at a National event.

### 7. Council Plan Strategy

Strategy: 2.6 Provide quality facilities, open spaces and programs to increase participation and cater for the communities needs and interests.

### 8. Legislative / Policy Implications

On 15 July 2013 Council adopted the Achievers Award Program policy, which resulted from reviewing and modifying the Young Achievers Award Program policy.

### 9. Environmental Impact

There are no direct environmental implications associated within the report. Achievement in an environment field can be recognised through this program.

### 10. Conflict of Interest Considerations

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

### 11. Conclusion

The Achievers Award Assistance Program provides a diverse program to assist Moira Shire citizens participating in a leadership, sporting or cultural activity.

## Attachments

Nil

## RECOMMENDATION

That:

1. Council note the Achievers Award Assistance Program applications received and donations made for the financial year 2013/2014.

FILE NO: F13/105  
2. COMMUNITY

ITEM NO: 9.2.2  
(PERSONAL ASSISTANT TO CEO, ROBYN  
BONADDIO)  
(CHIEF EXECUTIVE OFFICER, MARK  
HENDERSON)

**ACHIEVERS AWARD ASSISTANCE PROGRAM (cont'd)**

**MOTION**

CRS ED COX / GARY CLEVELAND

That:

1. Council note the Achievers Award Assistance Program applications received and donations made for the financial year 2013/2014.

(CARRIED)

FILE NO: 52014299  
3. DEVELOPMENT AND LIVEABILITY

ITEM NO: 9.3.1  
(TOWN PLANNER, MARTINA FOLEY)  
(ACTING DIRECTOR, DEVELOPMENT AND  
LIVEABILITY, MARK FOORD)

**52014299 - BUILDINGS AND WORKS: ALTERATION TO REFINING PROCESS,  
INCREASE IN STORAGE CAPACITY AND ANCILLARY DEVELOPMENT AT 46-50  
MCDONALD STREET, NUMURKAH**

## 1. Executive Summary

The proposed development will produce an acceptable planning outcome and will be of economic benefit to Numurkah and therefore it is recommended that Council approve the issue of a Notice of Decision to Grant a Permit.

The subject lot is located within the Industrial 1 Zone. A planning permit is required for buildings and works under the zone provisions. A permit is also triggered under the Land Subject to Inundation Overlay (LSIO).

The purpose of the Industrial 1 Zone (IN1Z) is to:

*“To provide for manufacturing industry, the storage and distribution of goods and associated uses in a manner which does not affect the safety and amenity of local communities.”*

The proposed development accords with this purpose. Further it accords with the decision guidelines of both the IN1Z and the LSIO.

The application also accords with State and Local level policies, relevant provisions of the planning scheme, incorporated documents and with proposed planning scheme amendments.

## 2. Background and Options

### Application Details

Applicant: SEMF  
Owner: GrainCorp Oilseed PTY. LTD.  
Land Address: 46-50 McDonald Street, Numurkah  
Title Details: Crown Allotment 2016, Township of Numurkah, Parish of Katunga  
Crown Allotment 3 & 4, Section 10, Township of Numurkah, Parish of Katunga  
Crown Allotment 8A, Section 11, Township of Numurkah, Parish of Katunga  
Crown Allotment 8C, Section 11, Township of Numurkah, Parish of Katunga  
Lot 2, Plan of Subdivision 605564E  
Site Area: 2.3ha approximately (affected lots)  
4.8ha approximately (total property)  
File No: 52014299  
Zone: Industrial 1 Zone  
Overlays: Land Subject to Inundation

### Key Issues

- State Planning Policy
- Local Planning Policy
- Industrial 1 Zone
- Land Subject to Inundation Overlay
- Protection of Residential Amenity

The subject land is located in Numurkah on the eastern side of the railway line, it is a larger lot with frontages onto McDonald Street, Orchard Street, Bank Street and Station Street.

The total Riverland property is irregular in shape and measures approximately 4.8ha. There are a total of 21 lots associated with the land holding. The subject application affects 6 lots, which collectively covers a site area of approximately 2.3ha.



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3. DEVELOPMENT AND LIVEABILITY

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**52014299 - BUILDINGS AND WORKS: ALTERATION TO REFINING PROCESS,  
INCREASE IN STORAGE CAPACITY AND ANCILLARY DEVELOPMENT AT 46-50  
MCDONALD STREET, NUMURKAH (cont'd)**

**Riverland:- Total Land Holding**



The site was originally used as a butter factory, established in 1907, and was converted into an oil crushing plant following a change of ownership in 1978. Since that time Riverland Oils have been using the site to create canola oils. The business has grown over time and there are 13 planning permit applications associated with the site since 2002. The business has recently become part of the GrainCorp Oilseed group. This report, in the interest of convenience and continuity will continue to refer to the Applicant and site as Riverland.

The surrounding area is largely commercial in use but there are a significant number of dwellings in the vicinity. Of note here is 10 Orchard Street, which is effectively surrounded on 3 sides by the development. Also there are a number of residences to the west, along Railway Place.

Proposal

The proposal is for the development of the land by the addition of a new processing plant (36m high), new storage tanks, truck bay and other associated infrastructure.

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MCDONALD STREET, NUMURKAH (cont'd)**

**Riverland:- Lots affected by Proposed Development**



The application indicates that the plant upgrade is required to bring the canola oil product to the next stage in production, allowing it to be sold directly for consumption rather than being sent elsewhere for further processing. The new plant and storage facilities will also allow the mixing of oils to take place on the lot. Depending on requirements non-canola based oils will be brought to site and combined with the canola produced to increase the range of products made on site.

Options

Council has the option to defer its decision for further assessment, issue a notice of refusal or issue a planning permit.

**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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MCDONALD STREET, NUMURKAH (cont'd)**

#### 4. Risk Management

If Council decides to grant a permit and conditions are not fulfilled, it may become a compliance issue. Given that it is the conclusion of this report that there is no planning reason to refuse this application it should be noted, in terms of risk that a refusal could have a negative economic impact, with the Shire missing out on growth potential.

#### 5. Internal and External Consultation

##### Pre-Lodgement Consultation

Prior to lodgement of the subject application the Applicant met, on the 19<sup>th</sup> May 2014, with Jorine Bothma, the Manager of Building and Planning and Peter Stenhouse, the Planning Coordinator, Bruce Connelly, the Acting Director of Community Development (now Executive Manager of Business Innovation).

##### Internal Consultation

The application was referred to the Shire's Infrastructure Planning, Operations, Assets, Environmental Health, Natural Resources, Building and Compliance Departments. No objections have been raised however a number of conditions have been recommended if any permit is issued.

The application was also informally referred to Moira Shire's Heritage Advisor, Justin Francis.

Of note are Operations comments regarding the taking in charge / maintenance of Bank Street by Riverland and that Orchard Street is to be fully reconstructed. According to the referral response Bank Street is only used by Riverland and the current Orchard Street surface is degraded, thus giving rise to dust and mud issues.

##### External Consultation

The application was also referred, externally, to VicTrack, Powercor, Goulburn Valley Water, the Department of the Environment and Primary Industries and the Country Fire Authority, under Section 52 of the *Planning and Environment Act 1987*.

Further the application was referred, externally, to the Goulburn Broken Catchment Management Authority (GBCMA) and the Environmental Protection Agency under Section 55 of the *Planning and Environment Act 1987*.

No authority has objected to the issuing of a permit. Most, but not all, responses set out conditions to be attached to any permit issued.

Following receipt of the GBCMA's referral response, setting out floor levels for buildings, the Applicant submitted further information, in the interest of clarity, to ascertain whether the proposed truck bay should be seen as a building. The response from GBCMA sets out that the bay would not be classed as a building and would not be required to comply with the recommended floor level.

##### Public Consultation

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MCDONALD STREET, NUMURKAH (cont'd)**

Public Notice of the application was given under Section 52 of the *Planning and Environment Act 1987*. Notice took the form of an extensive letter drop, advertisements in the Numurkah Leader and site notices. Over 300 letters were issued to property owners and occupants within a 300m radius of the proposed development.

In total 11 objections were received. One was from a local resident, who lives over 200m to the north east of the site, and had health concerns about the current and proposed operations on the site. A meeting took place in the Riverland Offices, between the Applicant, Objector and Martina Foley, Town Planner with the Shire. The Objector formally withdrew their objection following receipt of assurances from the Applicant that Riverland will fully enclose the existing grain delivery structure, where canola is tipped from delivery trucks into a hopper. This, the Objector feels, will limit harmful dusts and chemicals entering the atmosphere that she has linked to her own ill health. This objection and the withdrawal is attached here as *Objection 1 and Withdrawal*.

The remaining objectors were all located to the west of the subject site. The principal objectors live on Railway Place and have concerns regarding the noise and visual impact of the development. All of the remaining 10 objectors have come in under this wider banner, focusing on noise and visual impact. All ten objectors have signed one letter, which is similar to a petition. Correspondence from these objectors are attached here as *Objectors 2 – 11 Neighbours to the West*. It is noted that the people who signed the letter from a nearby business also signed the petition style letter. Their objection has been noted as just one objection.

Three residents, representing the group, attended a mediation meeting with the Applicant at the Riverland Offices. Also present, at the Objector's request was the Riverland Environmental Committee, formed from various members of the community in Numurkah, to provide a link between the plant and the local area. Representing Moira Shire were Martina Foley, Town Planner and Jorine Bothma, Manager, Town Planning and Building.

At this meeting Riverland agreed to construct a fence to provide a visual and noise buffer augmented by new landscaping, subject to site constraints. It was agreed further that the details of the fence and landscaping will be resolved through conditions, to be placed on any permit issued. The Objectors requested that Riverland provide written assurances before they formally withdraw. At the time of writing this report the letters withdrawing the objections had not yet been received.

## 6. Regional Context

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

## 7. Council Plan Strategy

It is considered that the subject development is consistent with the following strategies set out in the Council Plan:

*Development* – that Moira will be a great place to live with growing local business and an adaptive, entrepreneurial infrastructure and ethos. Issuing a permit for Riverland's proposal will help a local business to grow.

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3. DEVELOPMENT AND LIVEABILITY

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(ACTING DIRECTOR, DEVELOPMENT AND  
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MCDONALD STREET, NUMURKAH (cont'd)**

*Environment* – that Moira will responsibly manage its environment. The conditions attached to any permit will ensure that the proposal will not impact negatively upon the Shire's environment.

## 8. Legislative / Policy Implications

### Zoning

The subject lands are located in the Industrial 1 Zone (IN1Z). The purpose of the IN1Z, amongst others, is:

*“To provide for manufacturing industry, the storage and distribution of goods and associated uses in a manner which does not affect the safety and amenity of local communities.”*

The use of the lands as an oil crushing factory is long established and the proposed development therefore does not require a permit for the use. Clause 33.01-4 however sets out that in the IN1Z a permit is required *“to construct a building or carry out works.”* This is one of the triggers for this permit application.

Clause 33.01-4 also sets out the decision guidelines for developments in the IN1Z as follows:

*“Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:*

- *The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *Any natural or cultural values on or near the land.*
- *Streetscape character.*
- *Built form.*
- *Landscape treatment.*
- *Interface with non-industrial areas.*
- *Parking and site access.*
- *Loading and service areas.*
- *Outdoor storage.*
- *Lighting.*
- *Stormwater discharge.”*

It is considered that the proposed development accords with the guidelines, subject to compliance with the conditions set out. Of particular note is the interface with non-industrial areas. Ten of the objections received related to the interface along the western boundary of the subject lot. Conditions relating to landscaping and the construction of a fence are set out in order to allay the concerns of the residents to the west of the site.

The visual impact of the proposal is of particular importance for this application. The proposed 36 metre high tower will become a prominent feature in the landscape. Accordingly the application was widely advertised with notices in the paper, on site and an extensive letter drop of over 300 individual letters. With the exception of residents to the west of the site, who have suggested the construction of a fence and landscaping on the site, no other person raised the visual impact of the proposed development.

Further, the application was referred to Moira Shire's Heritage Advisor, Justin Francis, who indicated that there are no heritage related grounds for refusal.

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To conclude, it is considered that the visual impact of the proposed development, which is to be mitigated through agreements regarding the materials and finishes, is not grounds for refusal.

Overlays

The subject lot is located within the Land Subject to Inundation Overlay (LSIO). The purpose of the LSIO is, amongst others:

*To identify land in a flood storage or flood fringe area affected by the 1 in 100 year flood or any other area determined by the floodplain management authority.*

*To ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, is compatible with the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity.*

The schedule attached to the LSIO states that there is no trigger for a permit for a non-habitable building with a floor area of less than 500m<sup>2</sup>. As the proposed development incorporates over 500m<sup>2</sup> a permit is triggered under Clause 44.04-1.

Accordingly the application was referred to the Goulburn Broken Catchment Management Authority. The response stated that:

*"The Authority's best estimate of the 100 year flood for the location described above is 107.7 metres AHD, which was established from survey of historic flood heights and recent hydraulic modelling".*

The GBCMA stated that they have no objection to the issuing of a permit subject to a single condition:

*"The finished floor levels of all new buildings must be constructed at least 300 millimetres above the 100-year ARI flood level of 107.7 metres AHD, i.e. 108.0 metres AHD, or higher level deemed necessary by the responsible authority."*

As stated above following receipt of the GBCMA's referral response the Applicant submitted Further Information. The response from GBCMA set out that the truck bay would not be classed as a building and would not be required to comply with the recommended floor level.

State Planning Policies

Clause 11.10-1 *Hume Region Growth* indicated that its state strategy to:

*"Plan for a more diverse and sustainable regional economy by supporting existing economic activity and encouraging appropriate new and developing forms of industry, agriculture, tourism and alternative energy production."*

The proposed development, as an improvement to an existing economic activity, accords with this strategy.

Clause 13.04-1 *Noise Abatement* sets out an objective: *"To assist the control of noise effects on sensitive land uses."* A number of objectors, consisting of local residents and business owners, raised concerns regarding noise coming from the existing site and from the proposed development. The objectors requested that a fence be constructed as a noise buffer. This proposal has been accepted by the Applicant and be conditioned as part of any permit issued.

Clause 13.04-2 *Air Quality* sets out an objective: *"To assist in the protection and improvement of air quality."* One of objector, a local resident, raised concerns regarding air quality and the impacts upon her health. She withdrew her objection when the Applicant committed to

FILE NO: 52014299  
3. DEVELOPMENT AND LIVEABILITY

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enclosing the delivery building, thus limiting the potential for dust etc. entering the atmosphere. This will be conditioned as part of any permit issued.

Clause 17.02-1 *Industrial Land Development* sets out that it is state strategy to: “*Protect and carefully plan existing industrial areas to, where possible, facilitate further industrial development.*” Facilitating further industrial development on the Riverland site therefore accords with this strategy.

Local Planning Policy and Municipal Strategic Statement

Clause 21.05-1 sets out that “*Facilitating the expansion of the Shire’s value adding processing industries*” is one of the key issues and challenges relating to Moira Shire’s Economic Development. The proposed development, expanding a processing industry’s capacity and capability, therefore accords with Moira’s policy.

Clause 21.05-1 further states that it is an economic development objective: “*To facilitate industrial development in areas which promote the most effective use of existing infrastructure and to protect industrial land from encroachment by incompatible land use and development.*” It is considered that the proposed development accords with this objective, providing for improvements to an appropriately located industrial use.

Relevant Particular Provisions

Clause 52.06 *Car Parking* sets out that before the floor area of an existing use is increased “*the number of car parking spaces required under Clause 52.06-5 or in a schedule to the Parking Overlay must be provided to the satisfaction of the responsible authority in one or more of the following ways:*

- *on the land; or*
- *in accordance with a permit issued under Clause 52.06-3; or*
- *in accordance with a financial contribution requirement specified in a schedule to the Parking Overlay.”*

The subject lots are not located within a Parking Overlay. The schedule at Clause 52.06-5 states that 2.9 spaces are required per 100m<sup>2</sup> of the net floor area.

Parking on site is currently a mixture of formal and informal spaces both on the lot and in the road reserve along McDonald Street. It is considered that this needs to be regularised particularly as some illegal parking, between street trees, has been observed on McDonald Street. A condition will be set out requiring a detailed car parking master plan for the site be submitted, linked to a traffic impact assessment requested by the Infrastructure Planning Department.

Clause 52.07 *Loading and Unloading* states that no building may be constructed for the manufacture of goods unless “*space is provided on the land for loading and unloading vehicles*”. The proposed development incorporates a new truck loading bay that meets the requirements set out in this clause.

Clause 52.10 *Uses with Adverse Amenity Potential* indicates the industries that if not properly designed may cause offence or unacceptable risk to the local neighbourhood. The production of vegetable oils and fats using solvents is one of the uses listed. Accordingly the application was referred to the EPA for comment. The threshold distance, being 300m, was used as the radius for the advertising letter drop.

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(ACTING DIRECTOR, DEVELOPMENT AND  
LIVEABILITY, MARK FOORD)

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MCDONALD STREET, NUMURKAH (cont'd)**

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. It is considered that the proposed application, subject to compliance with the relevant conditions, accords with Clause 65.

Other relevant adopted State policies/strategies – (e.g. Melbourne 2030.)

Nil

Relevant incorporated or reference documents

The study area of the *Numurkah Urban Design Framework Report*, adopted by Council in 2006, includes the Riverland site.

The plan lists Riverland Oilseeds as the town's major industry. Access seems to be one of the major issues highlighted in the Report. Below is a map of existing (in 2006) and desired connectivity in the area.

It is considered that these objectives should, if practicable, be enshrined into the future development of the Riverland site, particularly the pedestrian access over the rail line to Knox Street.



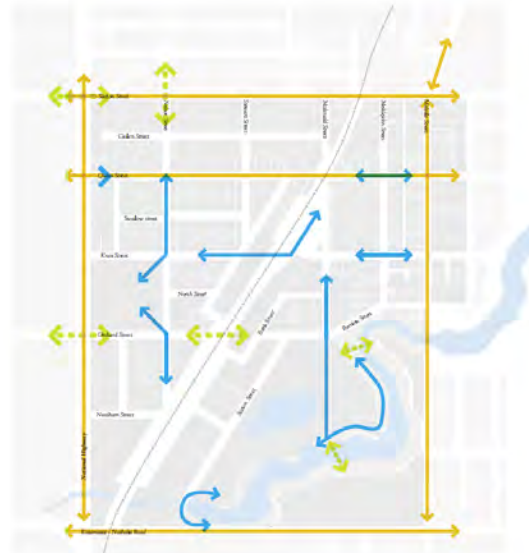
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**Connectivity**  
Connectivity contributes to the liveability of a town. The adjacent map looks at existing and desirable (future). Connectivity to provide easier access to amenities and greater opportunities for safe pedestrian and cycle journeys.

- 1 \_Pedestrian / cycling
- 2 \_Main roads
- 3 \_Future connections



The *Numurkah Strategy Plan* was adopted by Council in 2010. It states:  
*During the consultation process for this Strategy, the relocation of Riverland Oilseeds, a major industry in Numurkah, away from its current position was suggested. Although it is recognised that in its current position, there is some conflict with the adjacent residential zones, the Riverland Oilseeds has recently undergone an extensive plant upgrades and is working closely with the Council, the community and other authorities to ensure high levels of compliance with regulations. Council will continue to work closely with Riverland Oilseeds in regard to the development of an effective environmental management program.*

This is supported by the objectors approach in providing their comments to Council. The majority of submissions received made it clear that they had no objection against the ongoing use of the lands by Riverland and that they supported the business in the long term. This was of course subject to their concerns regarding dust, noise and the visual impact of the proposal being resolved.

Elsewhere the strategy highlights that: *“An attractive footbridge to the north of the station provides pedestrian access across the railway line, providing a good link from the western areas of Numurkah into the town centre.”* Access to the footbridge from Knox Street, the most direct route, could be facilitated through Riverland’s site, subject to agreement with site management.

Relevant Planning Scheme amendments

The Planning Department is currently advancing the *C36 Heritage Overlay Amendment*. There are three sites in Numurkah that have been included within the Heritage Overlay, the Numurkah Court House (HO 20), the Goods shed and footbridge (HO 25), located to the west of the Riverland site and the Numurkah Rifle Range Grassland (HO 32). The proposed amendment identifies a number of other places of significance in Numurkah including the Riverland site itself and the grain silos along the western boundary.

Accordingly this application was referred to the Council’s Heritage Advisor, Justin Francis for comment. His response indicates that he finds no reason to oppose the proposed development on heritage grounds.

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### 9. Environmental Impact

The proposed development is considered to be sustainable subject to compliance with the conditions recommended. Production methodologies are always improving and the proposed development utilises best practice principles in terms of the potential environmental impacts. Included in the submission were an Acoustic and an Odour report.

### 10. Conflict of Interest Considerations

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

### 11. Conclusion

The subject lot is located within the Industrial 1 Zone, in Numurkah. A planning permit is required for buildings and works under the zone provisions. A permit is also triggered under the Land Subject to Inundation Overlay (LSIO).

The purpose of the Industrial 1 Zone (IN1Z) is to:

*“To provide for manufacturing industry, the storage and distribution of goods and associated uses in a manner which does not affect the safety and amenity of local communities.”*

The proposed development accords with this purpose. Further it accords with the decision guidelines of both the IN1Z and the LSIO.

The application also accords with State and Local level policies, relevant provisions of the planning scheme, incorporated documents and with proposed planning scheme amendments.

It is considered that the proposed development will produce an acceptable planning outcome and will be of economic benefit to Numurkah and therefore it is recommended that Council approve the issue of a Notice of Decision to Grant a Permit.

### Attachments

- 1 Plans of Proposal
- 2 Letters from Objector 1
- 3 Letters from Objectors 2 - 11

### RECOMMENDATION

That Council approve the issue of a Notice of Decision to Grant a Permit for Planning Application No. 52014299 for the use and development of CA 2016, Township of Numurkah, Parish of Katunga, CA 3 & 4, Section 10, Township of Numurkah, Parish of Katunga; CA 8A, Section 11, Township of Numurkah, Parish of Katunga; CA 8C, Section 11, Township of Numurkah, Parish of Katunga; and Lot 2, Plan of Subdivision 605564E also known as 46-50 McDonald Street, Numurkah, for or buildings and works – alteration to refining process, increase in storage capacity and ancillary development, subject to the following conditions:

1. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.

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2. Before the development starts, 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 show:
  - (a) Traffic, car parking and bicycle parking masterplan (in accordance with Condition 4),
  - (b) landscaping masterplan (in accordance with Condition 8), and
  - (c) stormwater drainage masterplan (in accordance with Condition 19).
3. Within 12 months of the issue of this permit all lots affected by this proposed development, namely Crown Allotment 2016, Township of Numurkah, Parish of Katunga; Crown Allotment 3 & 4, Section 10, Township of Numurkah, Parish of Katunga; Crown Allotment 8A, Section 11, Township of Numurkah, Parish of Katunga; Crown Allotment 8C, Section 11, Township of Numurkah, Parish of Katunga; and Lot 2, Plan of Subdivision 605564E must be consolidated into one (1) lot.
4. Before the development starts a traffic, car parking and bicycle 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. Once the plan is approved it must be implemented within 12 months. 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 include:
  - (a) A quantitative analysis of the number of truck parking / standing bays, car parking bays, disabled car parking required for the subject lands in accordance with Clause 52.06-5 of the Moira Shire Planning Scheme.
  - (b) A plan showing the access lanes and the location of all required parking areas to be used for staff and visitor parking bays and incorporating a minimum of 5 bicycle parking spaces, all to appropriate dimensions.
  - (c) If parking is located outside of lands controlled by the landowner permission and / or any required planning permission for parking on other land must be provided (for example VicTrack permission regarding parking area to north of the office)
  - (d) Formal plans showing access and egress through the site from Station Street, through Bank Street and onto Orchard Street including details of vehicular crossings providing access from Station Street.
  - (e) Measures to discourage car parking in undesignated areas on McDonald Street (i.e. between street trees).
  - (f) servicing of the drainage and maintenance of car parking areas (to be incorporated into Drainage Masterplan required by Condition 18).
5. Prior to the development permitted by this permit commencing or at any alternative date as approved in writing by the Responsible Authority, the area(s) set-aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
  - (a) constructed
  - (b) properly formed to such levels that they can be used in accordance with the plans
  - (c) surfaced with a sealed surface to the satisfaction of the Responsible Authority
  - (d) drained in accordance with Masterplan required by Condition 19.
  - (e) line marked to indicate each car space and all access lanes
  - (f) clearly marked to show the direction of traffic along access lanes and driveways to the satisfaction of the Responsible Authority.

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Car spaces, access lanes and driveways must be maintained and the designated areas must be kept available for these purposes at all times.

6. Access to the site must only be at the nominated crossings shown on the endorsed plan. The crossing, road pavement works together with any associated works are to be constructed to the satisfaction of the Responsible Authority prior to the development permitted by this permit commencing or at any alternative date as approved in writing by the Responsible Authority.
7. The loading and unloading of goods from vehicles must only be carried out on the land (within designated loading bays / and must not disrupt the circulation and parking of vehicles on the land).
8. A satisfactory revised landscape plan for the whole of the subject land must be submitted to and approved by the Responsible Authority. An endorsed copy of the plan must form part of this permit. The submitted plan must:
  - (a) comply with all previous landscaping related planning permit conditions
  - (b) Include a survey of existing vegetation and landscaped area for the whole of the subject land.
  - (c) Include a plan of all proposed trees, shrubs, and ground cover, which will include the location, number and maturity of all plants and the botanical names of such plants. All trees, shrubs and plants to be local native in origin.
  - (d) show a permanent visual screen of local native trees and shrubs, as appropriate, to be planted along the western boundary of the subject lot to form an effective screen between activities on the site and adjoining land in accordance with the endorsed plans and must be completed to the satisfaction of the Responsible Authority and then maintained to the satisfaction of the Responsible Authority.
  - (e) Show a permanent visual screen consisting of local native plants and understorey species along the boundary abutting Orchard Street.
  - (f) Show a permanent visual screen consisting of native trees and/or understorey along the perimeters of the parking area on CA 2007, this area is designated for parking in the Masterplan required by Condition 4, and indicate areas of ground cover, lawn or grass, and areas with used for the purpose of parking being gravel or impermeable surface.
9. The landscape plan must be submitted prior to the development permitted by this permit commencing or at any alternative date as approved by the Responsible Authority.
10. The landscaping shown on the endorsed plans must be implemented, within 6 months or as agreed in writing with the Responsible Authority, and then maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.
11. Before the development starts, a schedule of construction materials, external finishes and colours to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the schedule will be endorsed and will then form part of the permit.
12. The development must be managed so that the amenity of the area is not detrimentally affected, through the:

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- (a) transport of materials, goods or commodities to or from the land,
  - (b) appearance of any building, works or materials,
  - (c) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, and
  - (d) presence of vermin.
13. Before the development commences, or by such other time agreed in writing by the Responsible Authority, a fence must be erected along the western boundary of the site to an average height of 4.2m above natural ground level unless otherwise agreed in writing by the Responsible Authority. The fence must be designed to allow for the passage of floodwaters. Further details of the design of the fence must be to the satisfaction of the Responsible Authority.
14. A satisfactory Noise Management Plan, prepared by suitably qualified persons, for the whole of the subject land must be submitted to and approved by the Responsible Authority. An endorsed copy of the plan must form part of this permit. The submitted plan must:
- (a) Set out a baseline survey of existing noise emissions,
  - (b) Test sites are to be agreed in writing with the Responsible Authority,
  - (c) Include a schedule of ongoing testing,
  - (d) Incorporate a list of measures to limit potential noise nuisance into the future.
  - (e) Once approved the Noise Management Plan must be implemented.
15. All roads and vacant areas must be maintained to avoid dust nuisance to the satisfaction of the Responsible Authority.
16. 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.
17. Within 2 months of the issue of this permit plans and specifications for the reconstruction of Orchard Street must be submitted to the Responsible Authority for approval. Within 6 months of the issue of this permit, Orchard Street must be fully re-constructed and an asphalt overlay placed to mitigate against dust and/or mud in the vicinity in accordance with the approved plans and specifications.
18. Before the development starts a Traffic Impact Assessment Report, to the satisfaction of the Responsible Authority, must be provided. The report shall include current traffic movements to and from the site associated any with current plant capacity and provide expected future traffic movements associated with the proposed development and anticipated future plant development.
19. Before any of the works allowed by this permit can be started, a properly prepared drainage masterplan, including computations, for all of the developers land holding must be submitted to and approved by the Responsible Authority. The stormwater drainage system for the development must incorporate measures to enhance stormwater discharge quality from the site and protect downstream waterways.

The plan must give details of how the works on the land are to be drained to a legal point of discharge and retarded to the existing discharge rates for a 1 in 10 year ARI storm. An endorsed copy of the plan and computations will form part of this permit.

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20. The canola delivery building shall be fully enclosed to limit the potential for the emission of dust. Details of the works shall be subject to agreement in writing with the Responsible Authority. Approved works must be completed within 12 months from the issue of this permit, unless otherwise agreed in writing.
21. On-going use of the site must be undertaken in a manner whereby no polluted/contaminated or sediment laden run-off can be discharged directly or indirectly into the stormwater system.
22. The developer shall provide appropriate aircraft warning lights in accordance with the requirements of the Responsible Authority.
23. The developer shall provide lightening protection measures to the satisfaction of the Responsible Authority.
24. 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 three months afterwards.
25. The finished floor levels of all new buildings must be constructed at least 300 millimetres above the 100-year ARI flood level of 107.7 metres AHD, i.e. 108.0 metres AHD, or higher level deemed necessary by the responsible authority.
26. The applicant shall:
  - Provide an electricity supply to the development in accordance with Powercor's requirements and standards, including the extension, augmentation or re-arrangement of any existing electricity supply system, as required by Powercor.
  - Any buildings must comply with the clearances required by the Electricity Safety (Installation) Regulations.
  - Any construction work must comply with Energy Safe Victoria's "No Go Zone" rules.
27. All wastewater from the site must be disposed of via connection to the reticulated sewerage system in accordance with the requirements of the Urban Water Authority.
28. All construction activities must follow sediment control principles outlined in 'Construction Techniques for Sediment Pollution Control' (EPA, 1991). On-going use of the site must be undertaken in a manner whereby no polluted/contaminated or sediment laden run-off can be discharged directly or indirectly into any waterways.
29. The site chemicals and fuels must be kept in accordance with the Bunding Guidelines (Environmental Protection Agency Publication 347, 1992).
30. No buildings or works may be erected or carried out within 30 metres of a waterway.
31. All stormwater discharged from the site must meet the urban run-off objectives and Standard C25 as specified in Clause 56.07-4 of the Victorian Planning Provisions. All infrastructure and works to manage stormwater must be in accordance with the requirements of the Responsible Authority.

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32. Offensive odours must not be discharged beyond the boundaries of the premises.
33. Nuisance dust must not be discharged beyond the boundaries of the premises.
34. Noise emitted from the premises must not exceed the recommended levels as set out in Noise from Industry in Regional Victoria (NIRV; EPA Publication 1411, 2011) or as amended.
35. Stormwater contaminated with waste must not be discharged beyond the boundary of the premises.
36. A secondary containment system must be provided for liquids which if spilt are likely to cause pollution or pose an environmental hazard, in accordance with the EPA Publication 347 Bunding Guidelines 1992 or as amended.
37. The permit holder must ensure that all railway infrastructure (including overhead power and supporting infrastructure for trains) is not damaged during the construction period. Any damage to railway infrastructure as a consequence of the construction period must be rectified to the satisfaction of VicTrack and the Rail Operator at the full cost of the permit holder.
38. The permit holder must take all reasonable steps to ensure that there is no disruption to train services or it is kept to a minimum during the construction of the development. Foreseen disruption to the rail operation during the construction period and mitigation measures must be communicated to Metro Trains prior to such works being undertaken.
39. No drainage or effluent must enter VicTrack land and must be connected to the legal point of discharge.
40. Any wall which may be permitted to be built on the railway reserve boundary must be cleaned and finished using a graffiti proof finish or alternative measures used to prevent or reduce the potential of graffiti. Any graffiti that appears on the wall must be cleaned or removed as soon as practicable to the satisfaction of the Responsible Authority. The cost of any clean-up or removal of the graffiti from the wall must be paid for by the developer and/or future owners of the land.
41. No excavation, filling or construction other than shown on the permit plans must take place on the common boundary between the subject property and VicTrack land without the prior approval of VicTrack and the Rail Operator.
42. No waste, soil or other materials from the works are to be stored or deposited on VicTrack land.
43. All works, including hoardings, must be undertaken within the subject land and must not encroach onto VicTrack land.
44. No entry onto railway land is permitted without the written consent of the rail operator.
45. No lighting is to be erected (permanent or temporary) that spills light onto the railway tracks

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or which interferes with the visibility of signals and rail lines by train drivers.

46. Building materials (including glass/window treatments) along the rail corridor must be non-reflective and avoid red and green colour schemes that may interfere with driver operations.
47. Plant and tree species must be of the type that will not cause any future overhang onto VicTrack land or disturbance of railway operations.
48. No permanent or temporary ground anchors are permitted within VicTrack land.
49. The permit holder must take all reasonable steps (including appropriate screening to balconies) to ensure that objects cannot be projected into the rail corridor to the satisfaction of the Responsible Authority.
50. The development is located adjacent to an operating railway corridor, where train services may operate 24 hours a day, 7 days a week. Therefore, the permit holder may wish to construct windows and built form that incorporate noise attenuation materials (i.e. double glazing and appropriate wall attenuation materials) to reduce amenity impacts.
51. The common boundary with VicTrack land is to be fenced at the owner's expense to prohibit access to the rail corridor.

PLANNING NOTES

The developer must investigate the possibility of closing and purchasing the section of Bank Street between Orchard Street and the southern end within 12 months of the issue of this permit.

Written approval from the Responsible Authority is required for any alterations to vehicle crossings and should be obtained from Council's Assets and Maintenance Department prior to commencing building.

The existing street trees must not be removed or damaged.

Unless no permit is required under the planning scheme, no sign must be constructed or displayed without a further permit.

This permit does not authorise the commencement of any building construction works. Before any such development may commence, the applicant must apply for and obtain appropriate building approval.

A consent to work within Road Reserve permit must be obtained from the Responsible Authority prior to the carrying out of any works in a Road Reserve.

Should Bank Street be closed and purchased, lots CA 2023, Lot 1 TP914065, Lot 1 TP392695 and the road reserve must be consolidated to ensure legal point of access.

Should CA 1 Sec 11A and CA 2007 be utilised as a formal parking area in accordance with Condition 6 consideration must be given to consolidating them with the larger landholding or



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together to form a separate lot.

The design of the proposed fence and Landscaping Masterplan will be referred to the Catchment Management Authority for comment.

The developer shall provide appropriate aircraft warning lights in accordance with the requirements of the Responsible Authority.

## MOTION

CRS ED COX / MARIE MARTIN

That Council approve the issue of a Notice of Decision to Grant a Permit for Planning Application No. 52014299 for the use and development of CA 2016, Township of Numurkah, Parish of Katunga, CA 3 & 4, Section 10, Township of Numurkah, Parish of Katunga; CA 8A, Section 11, Township of Numurkah, Parish of Katunga; CA 8C, Section 11, Township of Numurkah, Parish of Katunga; and Lot 2, Plan of Subdivision 605564E also known as 46-50 McDonald Street, Numurkah, for or buildings and works – alteration to refining process, increase in storage capacity and ancillary development, subject to the following conditions:

1. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
2. Before the development starts, 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 show:
  - (a) Traffic, car parking and bicycle parking masterplan (in accordance with Condition 4),
  - (b) landscaping masterplan (in accordance with Condition 8), and
  - (c) stormwater drainage masterplan (in accordance with Condition 19).
3. Within 12 months of the issue of this permit all lots affected by this proposed development, namely Crown Allotment 2016, Township of Numurkah, Parish of Katunga; Crown Allotment 3 & 4, Section 10, Township of Numurkah, Parish of Katunga; Crown Allotment 8A, Section 11, Township of Numurkah, Parish of Katunga; Crown Allotment 8C, Section 11, Township of Numurkah, Parish of Katunga; and Lot 2, Plan of Subdivision 605564E must be consolidated into one (1) lot.
4. Before the development starts a traffic, car parking and bicycle 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. Once the plan is approved it must be implemented within 12 months. Traffic and parking operations on and adjacent to the site must conform to this endorsed plan. Three

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copies of the plan must be submitted. The plan must include:

- (a) A quantitative analysis of the number of truck parking / standing bays, car parking bays, disabled car parking required for the subject lands in accordance with Clause 52.06-5 of the Moira Shire Planning Scheme.
  - (b) A plan showing the access lanes and the location of all required parking areas to be used for staff and visitor parking bays and incorporating a minimum of 5 bicycle parking spaces, all to appropriate dimensions.
  - (c) If parking is located outside of lands controlled by the landowner permission and / or any required planning permission for parking on other land must be provided (for example VicTrack permission regarding parking area to north of the office)
  - (d) Formal plans showing access and egress through the site from Station Street, through Bank Street and onto Orchard Street including details of vehicular crossings providing access from Station Street.
  - (e) Measures to discourage car parking in undesignated areas on McDonald Street (i.e. between street trees).
  - (f) servicing of the drainage and maintenance of car parking areas (to be incorporated into Drainage Masterplan required by Condition 18).
5. Prior to the development permitted by this permit commencing or at any alternative date as approved in writing by the Responsible Authority, the area(s) set-aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
- (a) constructed
  - (b) properly formed to such levels that they can be used in accordance with the plans
  - (c) surfaced with a sealed surface to the satisfaction of the Responsible Authority
  - (d) drained in accordance with Masterplan required by Condition 19.
  - (e) line marked to indicate each car space and all access lanes
  - (f) clearly marked to show the direction of traffic along access lanes and driveways to the satisfaction of the Responsible Authority.
- Car spaces, access lanes and driveways must be maintained and the designated areas must be kept available for these purposes at all times.
6. Access to the site must only be at the nominated crossings shown on the endorsed plan. The crossing, road pavement works together with any associated works are to be constructed to the satisfaction of the Responsible Authority prior to the development permitted by this permit commencing or at any alternative date as approved in writing by the Responsible Authority.
7. The loading and unloading of goods from vehicles must only be carried out on the land (within designated loading bays / and must not disrupt the circulation and parking of vehicles on the land).
8. A satisfactory revised landscape plan for the whole of the subject land must be submitted to and approved by the Responsible Authority. An endorsed copy of the plan must form part of this permit. The submitted plan must:
- (a) comply with all previous landscaping related planning permit conditions
  - (b) Include a survey of existing vegetation and landscaped area for the whole of the subject land.
  - (c) Include a plan of all proposed trees, shrubs, and ground cover, which will include the location, number and maturity of all plants and the botanical names of such plants. All trees, shrubs and plants to be local native in origin.

FILE NO: 52014299  
3. DEVELOPMENT AND LIVEABILITY

ITEM NO: 9.3.1  
(TOWN PLANNER, MARTINA FOLEY)  
(ACTING DIRECTOR, DEVELOPMENT AND  
LIVEABILITY, MARK FOORD)

**52014299 - BUILDINGS AND WORKS: ALTERATION TO REFINING PROCESS,  
INCREASE IN STORAGE CAPACITY AND ANCILLARY DEVELOPMENT AT 46-50  
MCDONALD STREET, NUMURKAH (cont'd)**

- (d) show a permanent visual screen of local native trees and shrubs, as appropriate, to be planted along the western boundary of the subject lot to form an effective screen between activities on the site and adjoining land in accordance with the endorsed plans and must be completed to the satisfaction of the Responsible Authority and then maintained to the satisfaction of the Responsible Authority.
  - (e) Show a permanent visual screen consisting of local native plants and understorey species along the boundary abutting Orchard Street.
  - (f) Show a permanent visual screen consisting of native trees and/or understorey along the perimeters of the parking area on CA 2007, this area is designated for parking in the Masterplan required by Condition 4, and indicate areas of ground cover, lawn or grass, and areas with used for the purpose of parking being gravel or impermeable surface.
9. The landscape plan must be submitted prior to the development permitted by this permit commencing or at any alternative date as approved by the Responsible Authority.
10. The landscaping shown on the endorsed plans must be implemented, within 6 months or as agreed in writing with the Responsible Authority, and then maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.
11. Before the development starts, a schedule of construction materials, external finishes and colours to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the schedule will be endorsed and will then form part of the permit.
12. The development must be managed so that the amenity of the area is not detrimentally affected, through the:
- (a) transport of materials, goods or commodities to or from the land,
  - (b) appearance of any building, works or materials,
  - (c) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, and
  - (d) presence of vermin.
13. Before the development commences, or by such other time agreed in writing by the Responsible Authority, a fence must be erected along the western boundary of the site to an average height of 4.2m above natural ground level unless otherwise agreed in writing by the Responsible Authority. The fence must be designed to allow for the passage of floodwaters. Further details of the design of the fence must be to the satisfaction of the Responsible Authority.
14. A satisfactory Noise Management Plan, prepared by suitably qualified persons, for the whole of the subject land must be submitted to and approved by the Responsible Authority. An endorsed copy of the plan must form part of this permit. The submitted plan must:
- (a) Set out a baseline survey of existing noise emissions,
  - (b) Test sites are to be agreed in writing with the Responsible Authority,
  - (c) Include a schedule of ongoing testing,
  - (d) Incorporate a list of measures to limit potential noise nuisance into the future.
  - (e) Once approved the Noise Management Plan must be implemented.

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**52014299 - BUILDINGS AND WORKS: ALTERATION TO REFINING PROCESS,  
INCREASE IN STORAGE CAPACITY AND ANCILLARY DEVELOPMENT AT 46-50  
MCDONALD STREET, NUMURKAH (cont'd)**

15. All roads and vacant areas must be maintained to avoid dust nuisance to the satisfaction of the Responsible Authority.
16. 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.
17. Within 2 months of the issue of this permit plans and specifications for the reconstruction of Orchard Street must be submitted to the Responsible Authority for approval. Within 6 months of the issue of this permit, Orchard Street must be fully re-constructed and an asphalt overlay placed to mitigate against dust and/or mud in the vicinity in accordance with the approved plans and specifications.
18. Before the development starts a Traffic Impact Assessment Report, to the satisfaction of the Responsible Authority, must be provided. The report shall include current traffic movements to and from the site associated any with current plant capacity and provide expected future traffic movements associated with the proposed development and anticipated future plant development.
19. Before any of the works allowed by this permit can be started, a properly prepared drainage masterplan, including computations, for all of the developers land holding must be submitted to and approved by the Responsible Authority. The stormwater drainage system for the development must incorporate measures to enhance stormwater discharge quality from the site and protect downstream waterways.  
  
The plan must give details of how the works on the land are to be drained to a legal point of discharge and retarded to the existing discharge rates for a 1 in 10 year ARI storm. An endorsed copy of the plan and computations will form part of this permit.
20. The canola delivery building shall be fully enclosed to limit the potential for the emission of dust. Details of the works shall be subject to agreement in writing with the Responsible Authority. Approved works must be completed within 12 months from the issue of this permit, unless otherwise agreed in writing.
21. On-going use of the site must be undertaken in a manner whereby no polluted/contaminated or sediment laden run-off can be discharged directly or indirectly into the stormwater system.
22. The developer shall provide appropriate aircraft warning lights in accordance with the requirements of the Responsible Authority.
23. The developer shall provide lightening protection measures to the satisfaction of the Responsible Authority.
24. 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 three months afterwards.
25. The finished floor levels of all new buildings must be constructed at least 300 millimetres

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**52014299 - BUILDINGS AND WORKS: ALTERATION TO REFINING PROCESS,  
INCREASE IN STORAGE CAPACITY AND ANCILLARY DEVELOPMENT AT 46-50  
MCDONALD STREET, NUMURKAH (cont'd)**

above the 100-year ARI flood level of 107.7 metres AHD, i.e. 108.0 metres AHD, or higher level deemed necessary by the responsible authority.

26. The applicant shall:
- Provide an electricity supply to the development in accordance with Powercor's requirements and standards, including the extension, augmentation or re-arrangement of any existing electricity supply system, as required by Powercor.
  - Any buildings must comply with the clearances required by the Electricity Safety (Installation) Regulations.
  - Any construction work must comply with Energy Safe Victoria's "No Go Zone" rules.
27. All wastewater from the site must be disposed of via connection to the reticulated sewerage system in accordance with the requirements of the Urban Water Authority.
28. All construction activities must follow sediment control principles outlined in 'Construction Techniques for Sediment Pollution Control' (EPA, 1991). On-going use of the site must be undertaken in a manner whereby no polluted/contaminated or sediment laden run-off can be discharged directly or indirectly into any waterways.
29. The site chemicals and fuels must be kept in accordance with the Bunding Guidelines (Environmental Protection Agency Publication 347, 1992).
30. No buildings or works may be erected or carried out within 30 metres of a waterway.
31. All stormwater discharged from the site must meet the urban run-off objectives and Standard C25 as specified in Clause 56.07-4 of the Victorian Planning Provisions. All infrastructure and works to manage stormwater must be in accordance with the requirements of the Responsible Authority.
32. Offensive odours must not be discharged beyond the boundaries of the premises.
33. Nuisance dust must not be discharged beyond the boundaries of the premises.
34. Noise emitted from the premises must not exceed the recommended levels as set out in Noise from Industry in Regional Victoria (NIRV; EPA Publication 1411, 2011) or as amended.
35. Stormwater contaminated with waste must not be discharged beyond the boundary of the premises.
36. A secondary containment system must be provided for liquids which if spilt are likely to cause pollution or pose an environmental hazard, in accordance with the EPA Publication 347 Bunding Guidelines 1992 or as amended.
37. The permit holder must ensure that all railway infrastructure (including overhead power and supporting infrastructure for trains) is not damaged during the construction period. Any damage to railway infrastructure as a consequence of the construction period must be rectified to the satisfaction of VicTrack and the Rail Operator at the full cost of the permit holder.

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INCREASE IN STORAGE CAPACITY AND ANCILLARY DEVELOPMENT AT 46-50  
MCDONALD STREET, NUMURKAH (cont'd)**

38. The permit holder must take all reasonable steps to ensure that there is no disruption to train services or it is kept to a minimum during the construction of the development. Foreseen disruption to the rail operation during the construction period and mitigation measures must be communicated to Metro Trains prior to such works being undertaken.
39. No drainage or effluent must enter VicTrack land and must be connected to the legal point of discharge.
40. Any wall which may be permitted to be built on the railway reserve boundary must be cleaned and finished using a graffiti proof finish or alternative measures used to prevent or reduce the potential of graffiti. Any graffiti that appears on the wall must be cleaned or removed as soon as practicable to the satisfaction of the Responsible Authority. The cost of any clean-up or removal of the graffiti from the wall must be paid for by the developer and/or future owners of the land.
41. No excavation, filling or construction other than shown on the permit plans must take place on the common boundary between the subject property and VicTrack land without the prior approval of VicTrack and the Rail Operator.
42. No waste, soil or other materials from the works are to be stored or deposited on VicTrack land.
43. All works, including hoardings, must be undertaken within the subject land and must not encroach onto VicTrack land.
44. No entry onto railway land is permitted without the written consent of the rail operator.
45. No lighting is to be erected (permanent or temporary) that spills light onto the railway tracks or which interferes with the visibility of signals and rail lines by train drivers.
46. Building materials (including glass/window treatments) along the rail corridor must be non-reflective and avoid red and green colour schemes that may interfere with driver operations.
47. Plant and tree species must be of the type that will not cause any future overhang onto VicTrack land or disturbance of railway operations.
48. No permanent or temporary ground anchors are permitted within VicTrack land.
49. The permit holder must take all reasonable steps (including appropriate screening to balconies) to ensure that objects cannot be projected into the rail corridor to the satisfaction of the Responsible Authority.
50. The development is located adjacent to an operating railway corridor, where train services may operate 24 hours a day, 7 days a week. Therefore, the permit holder may wish to construct windows and built form that incorporate noise attenuation materials (i.e. double glazing and appropriate wall attenuation materials) to reduce amenity impacts.
51. The common boundary with VicTrack land is to be fenced at the owner's expense to prohibit access to the rail corridor.

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MCDONALD STREET, NUMURKAH (cont'd)**

PLANNING NOTES

The developer must investigate the possibility of closing and purchasing the section of Bank Street between Orchard Street and the southern end within 12 months of the issue of this permit.

Written approval from the Responsible Authority is required for any alterations to vehicle crossings and should be obtained from Council's Assets and Maintenance Department prior to commencing building.

The existing street trees must not be removed or damaged.

Unless no permit is required under the planning scheme, no sign must be constructed or displayed without a further permit.

This permit does not authorise the commencement of any building construction works. Before any such development may commence, the applicant must apply for and obtain appropriate building approval.

A consent to work within Road Reserve permit must be obtained from the Responsible Authority prior to the carrying out of any works in a Road Reserve.

Should Bank Street be closed and purchased, lots CA 2023, Lot 1 TP914065, Lot 1 TP392695 and the road reserve must be consolidated to ensure legal point of access.

Should CA 1 Sec 11A and CA 2007 be utilised as a formal parking area in accordance with Condition 6 consideration must be given to consolidating them with the larger landholding or together to form a separate lot.

The design of the proposed fence and Landscaping Masterplan will be referred to the Catchment Management Authority for comment.

The developer shall provide appropriate aircraft warning lights in accordance with the requirements of the Responsible Authority.

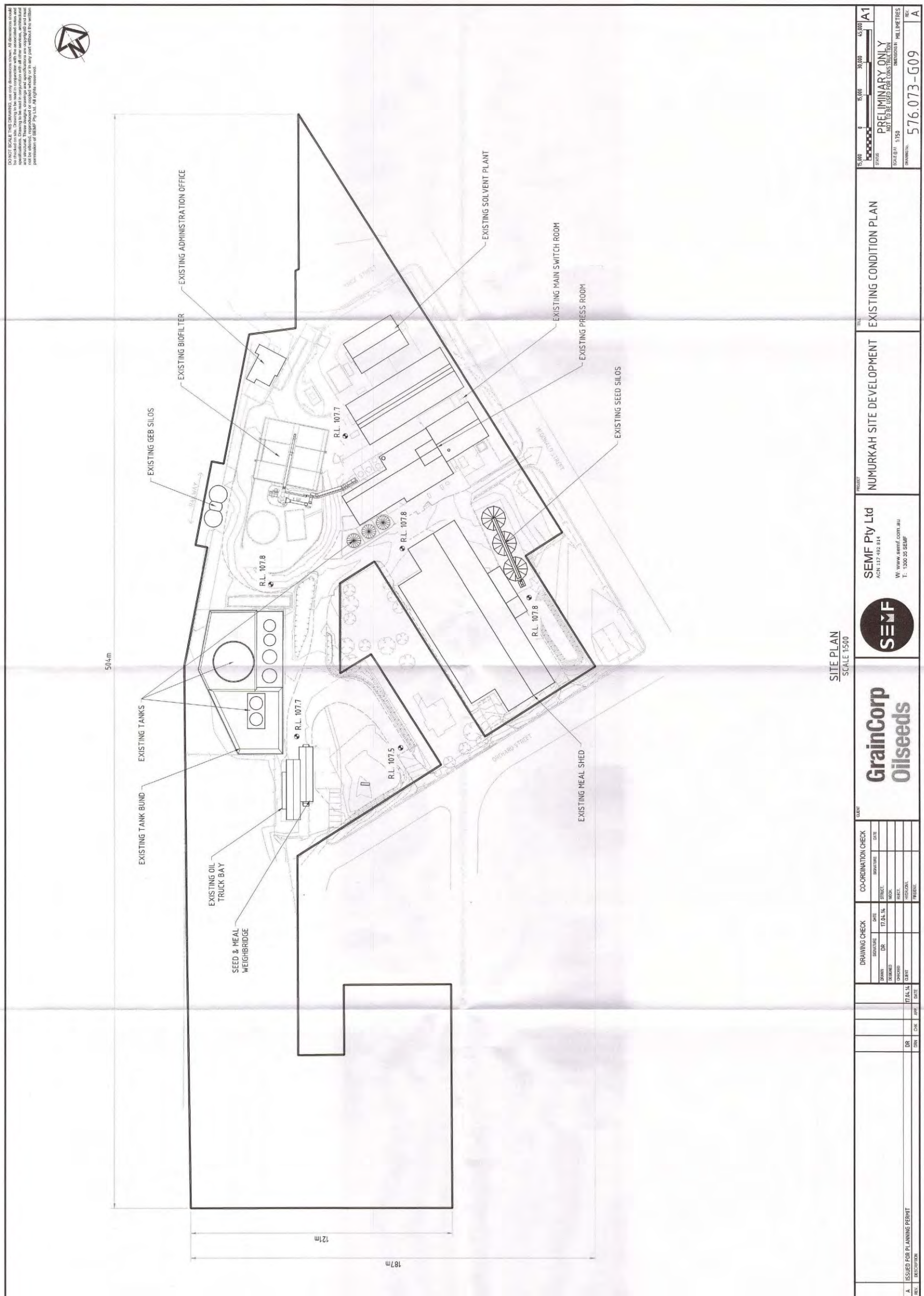
(CARRIED)



FILE NO: 52014299  
3. DEVELOPMENT AND LIVEABILITY

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**52014299 - BUILDINGS AND WORKS: ALTERATION TO REFINING PROCESS, INCREASE IN STORAGE CAPACITY AND ANCILLARY DEVELOPMENT AT 46-50 MCDONALD STREET, NUMURKAH (cont'd)**  
ATTACHMENT No [1] - Plans of Proposal



SITE PLAN  
SCALE 1:500

<p>DO NOT SCALE THIS DRAWING. Use only dimensions shown. All dimensions should be rounded to the nearest millimetre. Drawing to be used in conjunction with all other services, including but not limited to, water, sewer, gas, electricity, and telecommunications. The client is responsible for ensuring that all services are correctly located and that any necessary permits are obtained. SEMF Pty Ltd. All rights reserved.</p>	
<p>DATE: 17/04/14 DRAWN: DR CHECKED: [Signature] DATE: 17/04/14</p>	<p>DATE: [Signature] DATE: [Signature]</p>
<p>CLIENT: SEMF Pty Ltd ACN: 117 452 814 W: www.semf.com.au T: 1300 35 SEMF</p>	<p>PROJECT: NUMURKAH SITE DEVELOPMENT</p>
<p>ISSUED FOR PLANNING PERMIT NO. 1-00000000</p>	<p>EXISTING CONDITION PLAN</p>
<p>SCALE: 1:500 DRAWING NO: 576.073-G09 SHEET: A</p>	<p>DATE: 17/04/14 DRAWING NO: 576.073-G09 SHEET: A</p>

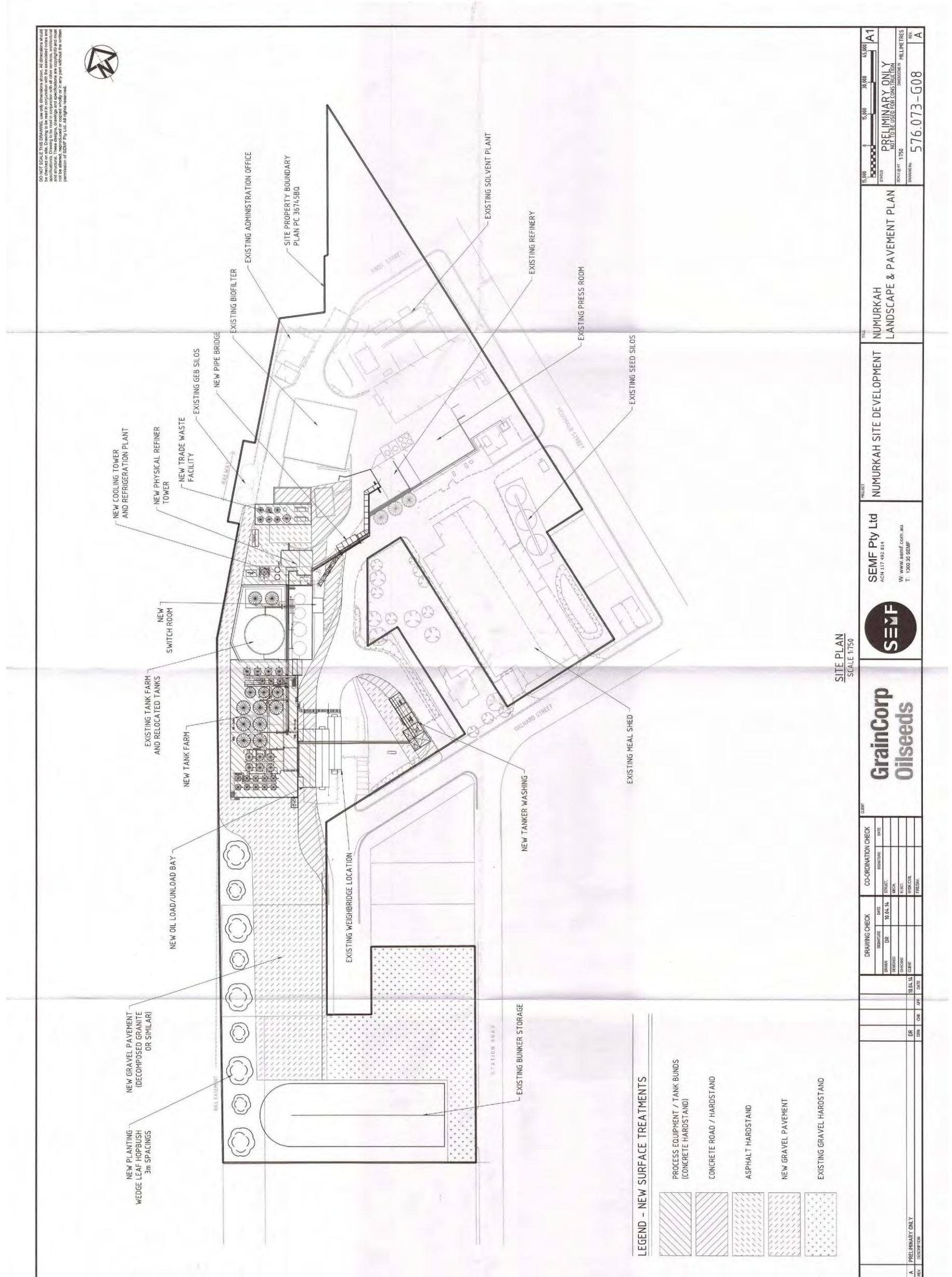


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3. DEVELOPMENT AND LIVEABILITY

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ATTACHMENT No [1] - Plans of Proposal



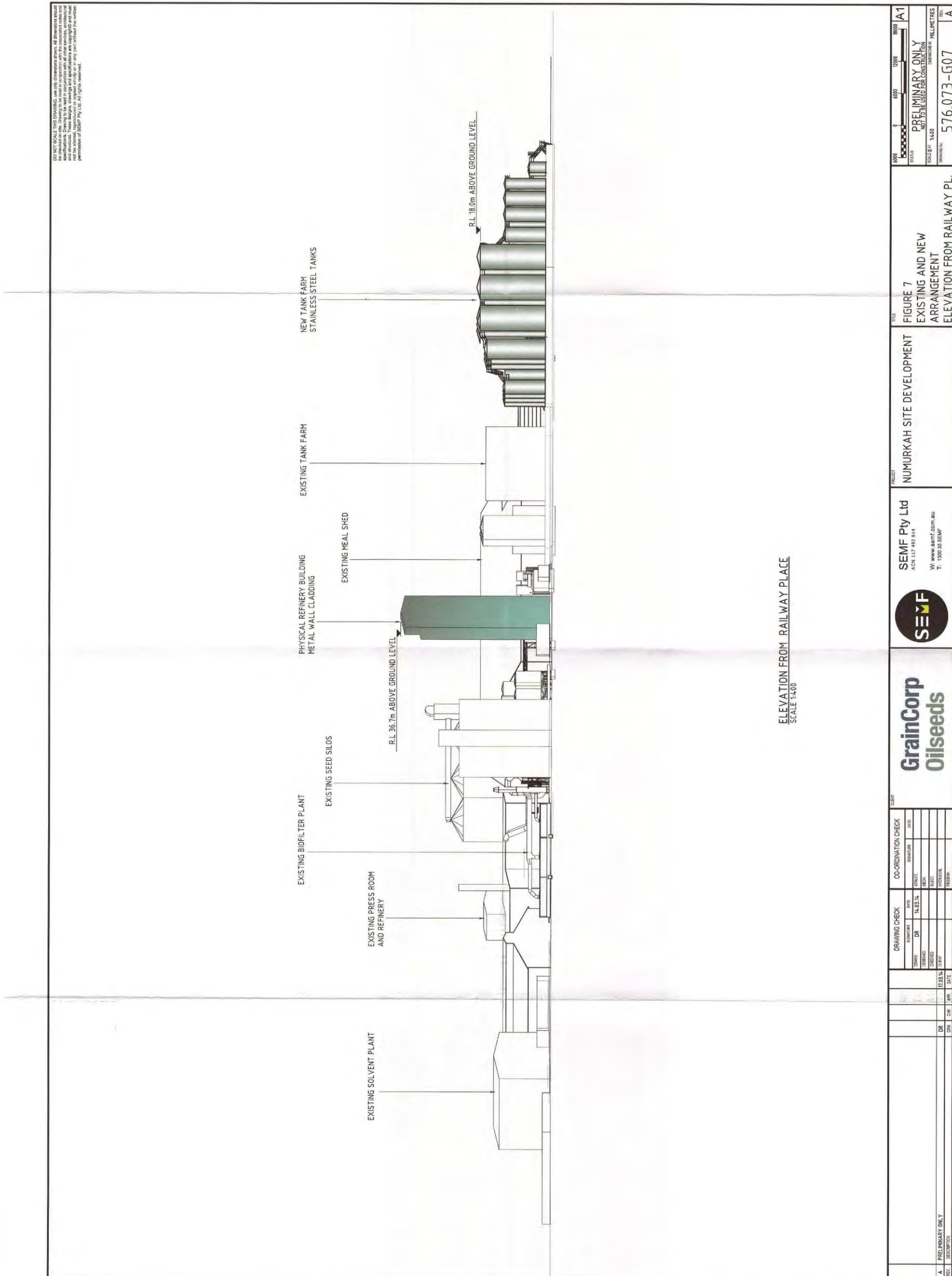


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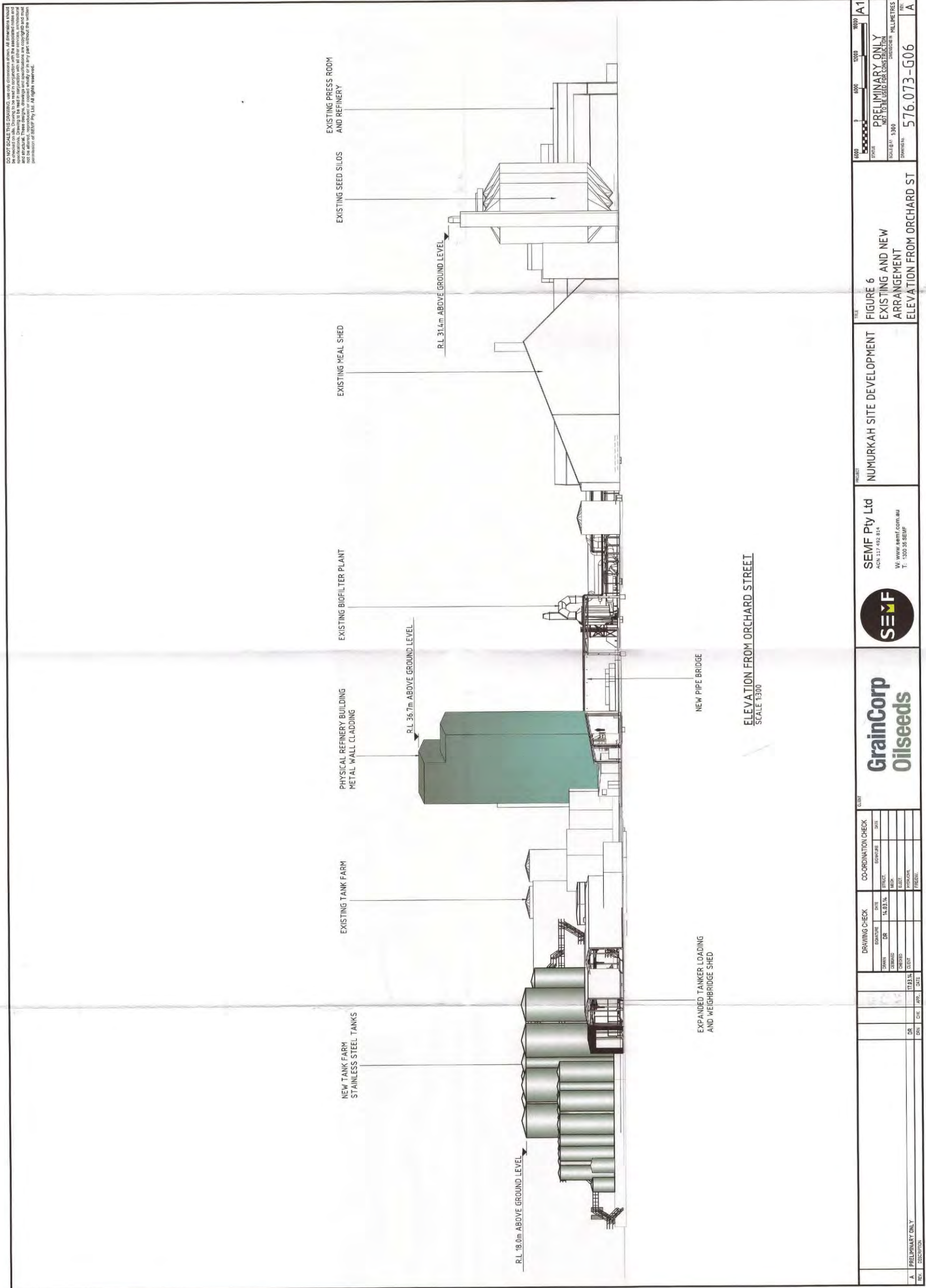


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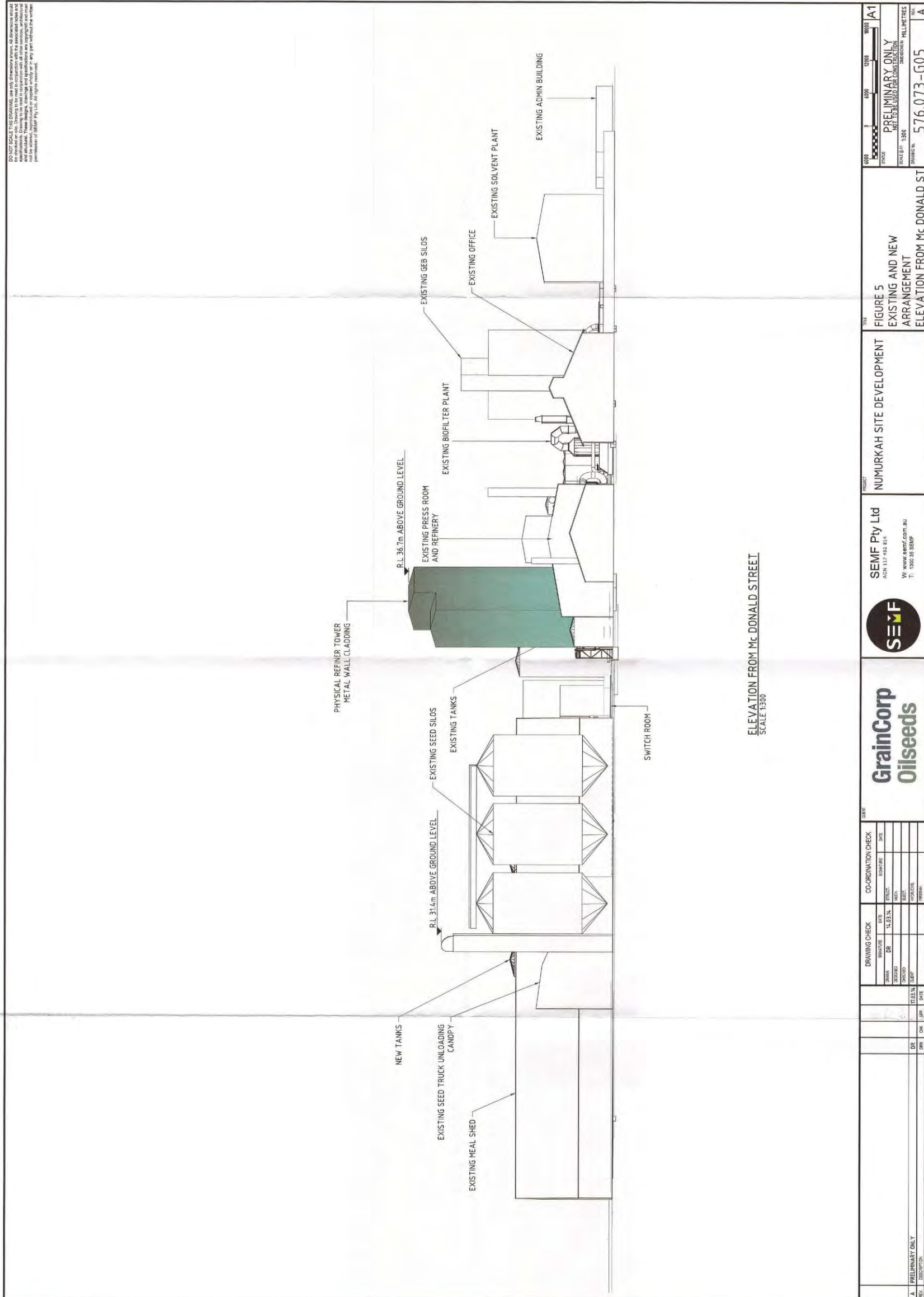


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ATTACHMENT No [1] - Plans of Proposal



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(ACTING DIRECTOR, DEVELOPMENT AND  
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50 MCDONALD STREET, NUMURKAH (cont'd)**

ATTACHMENT No [2] - Letters from Objector 1

16/5/2014

[Redacted]

Moira Shire Council  
Numurkah

File #	3626
Corres No.	
20 MAY 2014	
Referred to	
Copies to	

L/ Moira Shire Council  
Cobram.  
Dea Council

I'm against the alterations to the mill.  
It should be taken out to Nathalia Rd  
where the grain is stored.

The town has a lot of dust and that's  
not helping the people in the town with  
their health.

I've been hear 9mths, don't smoke or drink  
but have burning lungs + skin problems.  
since I've been hear. SO NO TO BUILDING

Yours truly

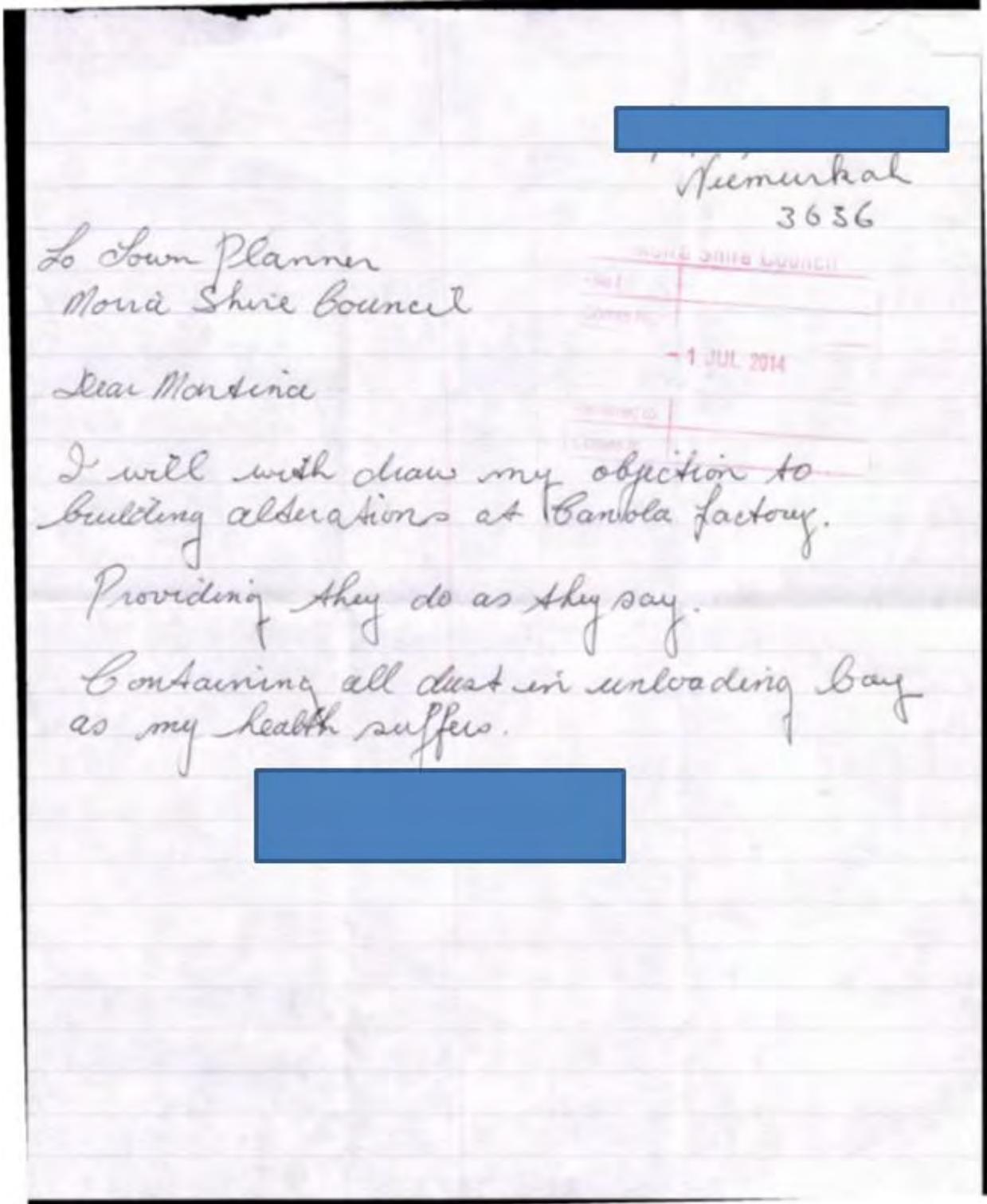
[Redacted]

FILE NO: 52014299  
3. DEVELOPMENT AND LIVEABILITY

ITEM NO: 9.3.1  
(TOWN PLANNER, MARTINA FOLEY)  
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50 MCDONALD STREET, NUMURKAH (cont'd)**

ATTACHMENT No [2] - Letters from Objector 1





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3. DEVELOPMENT AND LIVEABILITY

ITEM NO: 9.3.1  
(TOWN PLANNER, MARTINA FOLEY)  
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50 MCDONALD STREET, NUMURKAH (cont'd)**

**ATTACHMENT No [3] - Letters from Objectors 2 - 11**

To Martina Foley  
Town planner  
Moir a shire



After 2 meetings with the management of Riverland Oilseed Co, Re application for Planning Permit 5/2014/299.I find myself constantly thinking about this construction project, just over the railway line from my family home

I worry about the changing skyline and view from my lounge room window, as I sit with my family in the late afternoon. I look at the massive open tower that was built back in the late 90s with very little consultation. But I have listened to its humming noise in the silence of the night ever since its construction.

Back in my lounge room, I stare at the big old gumtree that has helped block out the sight of Riverland for many years, and I hope it remains for many years to come, as Riverland Management tells me of a new refining tower that stands 36 meters high and will dominate the skyline behind the beautiful old gum.

But then I think of the positive side to Riverland, as it gets bigger and noisier every year. And the fact it will create 9 more jobs, hopefully for our local youth, as it has done in the past.

I am concerned though, of a possible missed opportunity for more local jobs, as I am told by Riverland Management of the 30 or so stainless steel holding tanks already under construction in Albury. And I wonder why our own Optim Steel are not building these tanks, which would create so many long and short term jobs in our town and region.

The construction of these tanks and surveillance work already under way at Riverland, concerns me on another level. After a phone conversation with a town planner with the shire, who explained the process of the planning permit, which includes submissions to the power and water authorities, and informing the local residents that will be personally effected by the expansion of Riverland. Told me the shire has received objections already, and the Permit to build will not be granted until all information is gathered and discussed by the Shire, yet Riverland Management tell me that construction will start in August/September this year.

This whole process is weighing heavily on my mind and I have a lot of unanswered questions. One of them being, the application for a planning permit, is it just a formality for every resident in the Moira shire .Please advise.

Yours truly



FILE NO: 52014299  
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ATTACHMENT No [3] - Letters from Objectors 2 - 11

To Martina Foley  
Town planner  
Moira shire



Numurkah 3636



When Unilever / Rosella of Tatura decided to expand some years ago, before construction started a 6 mtr high earthen wall was built along their northern perimeter, as a sound and sight barrier between them and their residential neighbours, where previously only a cyclone fence existed

Similarly when S.P.C Shepparton erected new buildings, new fences were erected as well, which included a 6 mtr high steel post and timber rail fence on the western boundary that runs alongside the rail line

We the residents of Railway place, North st, Knox st and Stewart st are concerned that there are no plans for a sound and sight barrier along the western boundary of the Riverland oilseed co property before construction or into the future of Riverland's expansion

We feel that with this proposed expansion of Riverland Oilseed co, we face unreasonable detriment to the visual and sound amenity of our properties

And request a 6 mtr high post and rail fence similar to the design to that erected at S.P.C Shepparton with a row of Casuarina trees along the same fence line

Also we would like to explore the possibility of moving the 36mtr high tower from the western boundary into the middle of Riverland's property. To save us from an unsightly change to our skyline and an unknown extra amount of noise due to the installation of more pumps. And the certain interference to our TV reception from mount major. As discussed with a prominent local technician.

Given the proposed length of construction time and the certain changes to the sight of, and sounds from Riverland in the future. We as Riverland's neighbours, view these requests as reasonable and look forward to their response, thankyou.

Signatures below from concerned neighbours:





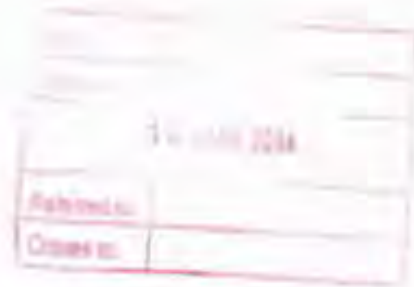
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(ACTING DIRECTOR, DEVELOPMENT AND  
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50 MCDONALD STREET, NUMURKAH (cont'd)**

ATTACHMENT No [3] - Letters from Objectors 2 - 11

To Martina Foley  
Town Planner  
Moirā Shire



It has been brought to our attention from our residential neighbours, of a notice for Planning Permit on behalf of Riverland oil seed co

We have been operating from the old railway building for the past 7 years, conducting Chapel services, Family viewings and funeral arrangements all year round. We have since learnt that construction could start as early as August this year, and we are concerned with the fact there is no sight and sound buffer between our business and the construction area, which is only meters away.

The proposed construction will have numerous effects on our ability to conduct a funeral service with the dignity and professionalism that a grieving family would normally expect from Heritage Park Funeral Services.

Although we are not against the proposed expansion of Riverland, we are disappointed to learn of these developments through word of mouth, and would like a response to our request for sight and sound control into the future.

Thank you. Yours truly



FILE NO: 52014299  
3. DEVELOPMENT AND LIVEABILITY

ITEM NO: 9.3.1  
(TOWN PLANNER, MARTINA FOLEY)  
(ACTING DIRECTOR, DEVELOPMENT AND  
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50 MCDONALD STREET, NUMURKAH (cont'd)**

**ATTACHMENT No [3] - Letters from Objectors 2 - 11**

FILE NO: F14/1021  
2. COMMUNITY

ITEM NO: 9.3.2  
(MANAGER TOWN PLANNING AND  
BUILDING, JORINE BOTHMA)  
(ACTING DIRECTOR, DEVELOPMENT AND  
LIVEABILITY, MARK FOORD)

## FEEDBACK FROM LEGAL PROCEEDINGS IN RESPECT TO ILLEGAL MATERIALS RECYCLING AT 7 & 25 SAXTON STREET W, NUMURKAH & 847 NUMURKAH ROAD, KATUNGA

### 1. Executive Summary

Council Officers, represented by Russell Kennedy Solicitors have attended two preliminary hearings and a final hearing regarding the tyre sites at Numurkah and Katunga.

At the final hearing on 30 June 2014, VCAT issued an Enforcement Order which requires the sites to be cleared of tyres via a staged approach. VCAT has ordered that the Katunga site be cleared by 22 August 2014, with the Numurkah site cleared by 22 January 2015.

### 2. Background and Options

Council Officers, represented by Russell Kennedy Solicitors have attended two preliminary hearings regarding the tyre sites at Numurkah and Katunga on 28 March 2014 and 23 May 2014.

The final VCAT hearing occurred on 30 June 2014. An Enforcement Order was received on 3 July 2014 a copy of which is attached to this report.

Representatives from the Council, the CFA and the EPA attended the hearing of the 30<sup>th</sup> June 2014. The Respondent (Australian Rubber Manufacturers) confirmed that it will not seek to pursue the activity on the land anymore and that Australian Rubber Manufacturers is to cease its activity.

Council, supported by the CFA, argued that the Respondent has been acting illegally for in excess of twelve months and the sites need to be cleaned as soon as practicable.

Council, in agreement with the CFA and the EPA submitted a pragmatic and practical proposal staging the removal of all materials from both sites. The proposal required clean-up of the Katunga site within thirty days and a staged approach to clean up of the Numurkah site.

VCAT have decided upon the dates for compliance by means of an Enforcement Order received on 3 July 2014 (copy attached to this report). The essence of Council's proposal seemed to be favored by the Tribunal considering that it formed part of the recent Enforcement Order issued.

The actions to be undertaken by the respondents as per the Enforcement Order for the Numurkah site are set out below as follows:

#### First Stage

##### **By 15 August 2014:**

Remove from the land all combustible items (*e.g. wood pallet, branches, unused plastics wraps or similar items*) from the tyres storage area and dispose of items at an approved facility or, if required, relocate items at a safe distance outside the tyre storage area.

##### **By 15 September 2014:**

Provide the following administrative measures for approval by the responsible authority and the Country Fire Authority:

FILE NO: F14/1021  
2. COMMUNITY

ITEM NO: 9.3.2  
(MANAGER TOWN PLANNING AND  
BUILDING, JORINE BOTHMA)  
(ACTING DIRECTOR, DEVELOPMENT AND  
LIVEABILITY, MARK FOORD)

**FEEDBACK FROM LEGAL PROCEEDINGS IN REPECT TO ILLEGAL MATERIALS  
RECYCLING AT 7 & 25 SAXTON STREET W, NUMURKAH & 847 NUMURKAH  
ROAD, KATUNGA (cont'd)**

- an Emergency Management Plan (prepared by a suitably qualified person) for 7-25 Saxton Street West Numurkah; and
- a Fire-Fighting Plan including the location and certification of a suitable Water Static Supply (e.g. decontamination of the tanks) to be fitted with approved CFA Storz fittings and which satisfy the requirements of AS2419.1-2005.

In completing these measures, the respondents must address the matters set out in the letter from the Country Fire Authority dated 24 March 2014 and the matters contained in sub-paragraphs 1.3, 1.4 and 1.5 on pages 14 and 15 of the Country Fire Authority's written submissions to the Tribunal dated 30 June 2014.

The Country Fire Authority has nominated an Officer, to liaise with the respondents if any actions or matters set out in the letter and written submissions require clarification prior to the submission of the Emergency Management Plan and Fire Fighting Plan for approval.

In completing these measures, the respondents must also address the matters set out in the letter from Russell Kennedy solicitors (on behalf of the responsible authority, Moira Shire Council) dated 26 March 2014.

**Second Stage**

**By 15 September 2014:**

Remove from the land and lawfully dispose of all materials located along the southern and western part of the tyre storage area as referred to as "A" and "+ signs" on the Site Plan (Site Plan attached to the report).

**Third Stage**

**By 15 October 2014:**

Remove from the land and lawfully dispose of all rubber materials located along the eastern and northern part of the tyre storage area as referred to as "B" and "horizontal lines" on the Site Plan.

Create a bunding/containment wall of no more than 300 millimetres in height to the southern boundary, to retain discharge of contaminated water onto the irrigation channel. The bunding/containment wall to be constructed to the satisfaction of the responsible Authority and the Goulburn Broken Catchment Management Authority. The construction must follow sediment control principles outlined in *Construction Techniques for Sediment Pollution Control (EPA 1991)*.

**Fourth Stage**

**By 15 November 2014:**

Remove from the land and lawfully dispose of all materials located along the southern part of the tyre storage area as referred to as "C" and "triangle signs" on the Site Plan.

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2. COMMUNITY

ITEM NO: 9.3.2  
(MANAGER TOWN PLANNING AND  
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(ACTING DIRECTOR, DEVELOPMENT AND  
LIVEABILITY, MARK FOORD)

**FEEDBACK FROM LEGAL PROCEEDINGS IN RESPECT TO ILLEGAL MATERIALS  
RECYCLING AT 7 & 25 SAXTON STREET W, NUMURKAH & 847 NUMURKAH  
ROAD, KATUNGA (cont'd)**

**Fifth Stage**

**By 15 December 2014:**

Remove from the land and lawfully dispose of all materials forming every second row of tyre stockpiles in the tyre storage area as referred to as "D" and "wavelength signs" on the Site Plan.

**Sixth Stage**

**By 22 January 2015:**

Remove from the land and lawfully dispose of all remaining materials including, but not limited to, tyres, rubber, bricks, scrap metal and other similar waste materials.

The proposed staged removal will enable Council officers to emphasise compliance with the Order by verifying that specific stacks of tyres have been cleared from the land by specific dates. The staged removal will also allow Council to elevate the matter to the Court if there is a failure to comply with any stage rather than wait until the Enforcement Order expires.

Ultimately, the plan will lead to the complete removal of all materials from the land including tyres, bricks, scrap metal, and wood.

As part of the Enforcement Order the following Continuous Measures need to be put in place and honored by the Respondent:

- Throughout the staged removal process, all vegetation within 20 metres of tyre stockpiles must be maintained between 5-10 centimetres in height.
- No new materials forming part of the use of the land for materials recycling, including but not limited to rubber materials, must be brought onto the land.
- No new combustible materials must be kept within 20 metres of tyre stockpiles.

In respect of the Katunga site, the order provides for;

**By 22 August 2014:**

Removal of all tyres and other materials.

It also provides that tyres cannot be transferred to the Numurkah site.

**3. Financial Implications**

Council has incurred significant legal costs, in relation to the enforcement of the planning matter at the two sites.

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**FEEDBACK FROM LEGAL PROCEEDINGS IN REPSECT TO ILLEGAL MATERIALS  
RECYCLING AT 7 & 25 SAXTON STREET W, NUMURKAH & 847 NUMURKAH  
ROAD, KATUNGA (cont'd)**

Council Officers requested that the final orders include awarding of cost recovery to Council. It is unlikely that the full costs of the proceedings will be recovered even if Council is successful in convincing VCAT that full costs be awarded.

#### **4. Risk Management**

The Respondents are in contravention of the Moira Town Planning Scheme and may also be in contravention of relevant EPA and CFA guidelines. This has therefore become an enforcement matter to Council. By failing to rectify the matter and restoring the site to its original state the respondent's site may pose a risk to the environment and surrounding residents.

#### **5. Internal and External Consultation**

External consultation has occurred through the process with the EPA and the CFA. Russell Kennedy Solicitors have also been representing the Shire at VCAT.

The matter has also been referred to referral authorities such as GMW and GBCMA for input.

Extensive internal consultation has occurred throughout Council including (but not limited to) the Safety, Amenity and Environment Department, and Finance.

#### **6. Regional Context**

The Municipal Association of Victoria adopted the following motion at its State Council Meeting on 16 May 2014, after the motion was proposed by Moira Shire:

*"The Municipal Association of Victoria requests that the State Government introduce legislation that would regulate and control the storage of tyres on sites throughout the State of Victoria."*

*The above legislation would prescribe a maximum number or quantity of tyres to be stored before an EPA licence would be required for the site."*

On 1 May 2014, the Minister for Environment and Climate Change announced that the Victorian Government has introduced new rules to target the fire risk created by large stockpiles of waste tyres. This was given rigor by declaring the Waste Management Policy (Storage of Waste Tyres) under section 16A of the *Environment Protection Act 1970*.

#### **7. Council Plan Strategy**

The following Strategic Goals are set out within the Council Plan;

*Moira will be a great place to live and a vibrant, thriving community and a premier tourist, retail and investment destination with growing local business and an adaptive, entrepreneurial infrastructure and ethos.*

*Moira will be a Shire where all its people and communities are happy, healthy and safe with the ability and the opportunity to integrate, participate, connect and contribute to their communities.*

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**FEEDBACK FROM LEGAL PROCEEDINGS IN RESPECT TO ILLEGAL MATERIALS  
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ROAD, KATUNGA (cont'd)**

*Moira will responsibly manage its environment and the communities affected by and living in that environment through innovation, leadership, quality services, partnerships and program delivery and accountability.*

With respect to development the “good neighbour” principle applies. Businesses that are contributing to the community are welcome and encouraged to grow. Businesses that do not comply with basic law, such as the Planning Scheme, Environmental Law or are compromising the safety of the community are not acting as “good neighbours,” and are therefore a negative impact upon the community and other businesses within the Shire. It is therefore appropriate that Council take what action it can to ensure that businesses comply with basic laws, and contribute positively to the community.

**8. Legislative / Policy Implications**

The Planning and Environmental Act applies as well as the Waste Management Policy (Storage of Waste Tyres) as recently released under Section 16A of the *Environment Protection Act 1970*.

**9. Environmental Impact**

Environmental Impacts are fundamental to the illegal activities currently occurring on the site. It is understood and verified by the CFA and EPA that tyres are highly flammable and once ignited, emit highly toxic fumes. The tyres on the property also pose a number of risks for nearby residential properties.

**10. Conflict of Interest Considerations**

No officer declared a conflict of interest with respect to the matter.

**11. Conclusion**

At the request of Council and the CFA, VCAT has issued an Enforcement Order and decided upon the dates for compliance in terms of a staged approach.

The Respondent has been ordered to **clear the Katunga site by 22 August 2014**. The **Numurkah must be cleared via a staged process commencing immediately with completion by 22 January 2015**.

VCAT has also ordered that the tyres cannot be transferred from the Katunga site to the Numurkah site and that no additional tyres are to be brought on to either site.

VCAT has also advised the Respondent that Council will be seeking costs and outlined a process to consider Council's request.

**Attachments**

- 1 Enforcement Order received on 3 July 2014
- 2 Site Map depicting stages for removal

**RECOMMENDATION**

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**FEEDBACK FROM LEGAL PROCEEDINGS IN REPSECT TO ILLEGAL MATERIALS  
RECYCLING AT 7 & 25 SAXTON STREET W, NUMURKAH & 847 NUMURKAH  
ROAD, KATUNGA (cont'd)**

That:

1. It be noted that VCAT has issued orders in respect of the land at 7 and 25 Saxton Street, Numurkah and 847 Numurkah Road, Katunga

**MOTION**

CRS MARIE MARTIN / KEVIN BOURKE

That:

1. It be noted that VCAT has issued orders in respect of the land at 7 and 25 Saxton Street, Numurkah and 847 Numurkah Road, Katunga

(CARRIED)



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2. COMMUNITY

ITEM NO: 9.3.2  
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**FEEDBACK FROM LEGAL PROCEEDINGS IN RESPECT TO ILLEGAL  
MATERIALS RECYCLING AT 7 & 25 SAXTON STREET W, NUMURKAH & 847  
NUMURKAH ROAD, KATUNGA (cont'd)**

**ATTACHMENT No [1] - Enforcement Order received on 3 July 2014**

VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL

ADMINISTRATIVE DIVISION

PLANNING AND ENVIRONMENT LIST

VCAT REFERENCE NO. P1249/2013 & P1250/2013

APPLICANT / RESPONSIBLE AUTHORITY	Moira Shire Council
RESPONDENTS P1249/2013	Australian Rubber Manufacturers Pty Ltd Sidebottom Group Pty Ltd
RESPONDENTS P1250/2013	Australian Rubber Manufacturers Pty Ltd Grain Shed Investments Pty Ltd
INTERESTED (JOINED) PARTY	Country Fire Authority
SUBJECT LAND	7 & 25 Saxton Street West, NUMURKAH (P1249/2013) and 847 Numurkah Road, KATUNGA (P1250/2013)
WHERE HELD	Melbourne
BEFORE	Mark Dwyer, Deputy President
HEARING TYPE	Hearing
DATE OF HEARING	30 June 2014
DATE OF ORDER	2 July 2014
CITATION	

**ORDER**

- 1 The application for an enforcement order pursuant to section 114 of the *Planning and Environment Act 1987* is allowed in respect of both proceedings P1249/2013 and P1250/2013.
- 2 The enforcement order for each proceeding is in the form respectively attached to this order.
- 3 The responsible authority must serve a copy of the enforcement orders on each respondent, in accordance with s 140 of the *Victorian Civil and Administrative Tribunal Act 1998*.
- 4 In respect of the enforcement order in proceeding P1249/2013, the responsible authority must also provide each respondent with a larger scale (at least A3) version of the Site Plan referred to in that enforcement order.

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2. COMMUNITY

ITEM NO: 9.3.2  
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(ACTING DIRECTOR, DEVELOPMENT  
AND LIVEABILITY , MARK FOORD)

**FEEDBACK FROM LEGAL PROCEEDINGS IN REPSECT TO ILLEGAL  
MATERIALS RECYCLING AT 7 & 25 SAXTON STREET W, NUMURKAH & 847  
NUMURKAH ROAD, KATUNGA (cont'd)**

ATTACHMENT No [1] - Enforcement Order received on 3 July 2014

FILE NO: F14/1021  
2. COMMUNITY

ITEM NO: 9.3.2  
(MANAGER TOWN PLANNING AND  
BUILDING, JORINE BOTHMA)  
(ACTING DIRECTOR, DEVELOPMENT  
AND LIVEABILITY , MARK FOORD)

**FEEDBACK FROM LEGAL PROCEEDINGS IN REPSECT TO ILLEGAL  
MATERIALS RECYCLING AT 7 & 25 SAXTON STREET W, NUMURKAH & 847  
NUMURKAH ROAD, KATUNGA (cont'd)**

**ATTACHMENT No [1] - Enforcement Order received on 3 July 2014**

- 5 As a consequence of Orders 1 and 2 and the attached enforcement orders, the interim enforcement orders made in each proceeding on 11 June 2013, as varied and updated on 30 September 2013, are superseded and cancelled.
- 6 As between the Country Fire Authority and the respondents, each party must bear its own costs.
- 7 In relation to the responsible authority's application for costs and fees reimbursement against the respondents:
  - a **by 4.00 pm on 15 July 2014**, the respondents must file and serve their written response to the costs and fees reimbursement application;
  - b **by 4.00 pm on 23 July 2014**, the responsible authority must file and serve its reply (if any); and
  - c unless either party requests a costs hearing in its response or reply, the Tribunal will determine the application for costs and fees reimbursement 'on the papers'.

Mark Dwyer  
**Deputy President**

**APPEARANCES:**

For Applicant/Responsible Authority	Ragu Appadurai, solicitor of Russell Kennedy
For Respondents	John Larkins and Jason Kane of counsel, instructed by Sofra Solicitors
For Country Fire Authority	Anthony Matthews, Country Fire Authority

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**FEEDBACK FROM LEGAL PROCEEDINGS IN REPSECT TO ILLEGAL  
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NUMURKAH ROAD, KATUNGA (cont'd)**

ATTACHMENT No [1] - Enforcement Order received on 3 July 2014

FILE NO: F14/1021  
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ITEM NO: 9.3.2  
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MATERIALS RECYCLING AT 7 & 25 SAXTON STREET W, NUMURKAH & 847  
NUMURKAH ROAD, KATUNGA (cont'd)**

**ATTACHMENT No [1] - Enforcement Order received on 3 July 2014**

VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL

ADMINISTRATIVE DIVISION

PLANNING AND ENVIRONMENT LIST

VCAT REFERENCE NO. P1249/2013

APPLICANT / RESPONSIBLE AUTHORITY	Moira Shire Council
RESPONDENT OWNER	Sidebottom Group Pty Ltd
RESPONDENT OCCUPIER	Australian Rubber Manufacturers Pty Ltd and Sidebottom Group Pty Ltd
INTERESTED (JOINED) PARTY	Country Fire Authority
SUBJECT LAND	7 & 25 Saxton Street West, NUMURKAH
BEFORE	Mark Dwyer, Deputy President
DATE OF ORDER	2 July 2014

**ENFORCEMENT ORDER (P1249/2013)**

**NATURE OF CONTRAVENTION** Unlawful use for materials recycling, in breach of endorsed plans to planning permit TP0700182 and/or clauses 33.01 and 35.07 of the Moira Planning Scheme.

- 1 The respondents Australian Rubber Manufacturers Pty Ltd and Sidebottom Group Pty Ltd must, in respect of the land at 7 & 25 Saxton Street West, Numurkah (**the land**), undertake each action set out in this enforcement order by the date specified in the order for that action.
- 2 The order applies jointly and severally in respect of the respondents.
- 3 Unless otherwise stated, an action must be undertaken to the satisfaction of the Moira Shire Council (in its capacity as responsible authority for the Moira Planning Scheme) and the Country Fire Authority. The responsible authority and the Country Fire Authority may each consider the views of the Environment Protection Authority in determining whether they are so satisfied.
- 4 Where a date is specified for an action to be undertaken, the relevant action must be completed by 4.00 pm on that date.

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2. COMMUNITY

ITEM NO: 9.3.2  
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**FEEDBACK FROM LEGAL PROCEEDINGS IN REPSECT TO ILLEGAL  
MATERIALS RECYCLING AT 7 & 25 SAXTON STREET W, NUMURKAH & 847  
NUMURKAH ROAD, KATUNGA (cont'd)**

ATTACHMENT No [1] - Enforcement Order received on 3 July 2014

FILE NO: F14/1021  
2. COMMUNITY

ITEM NO: 9.3.2  
(MANAGER TOWN PLANNING AND  
BUILDING, JORINE BOTHMA)  
(ACTING DIRECTOR, DEVELOPMENT  
AND LIVEABILITY, MARK FOORD)

**FEEDBACK FROM LEGAL PROCEEDINGS IN REPSECT TO ILLEGAL  
MATERIALS RECYCLING AT 7 & 25 SAXTON STREET W, NUMURKAH & 847  
NUMURKAH ROAD, KATUNGA (cont'd)**

**ATTACHMENT No [1] - Enforcement Order received on 3 July 2014**

- 5 The responsible authority may, in writing, and in its absolute discretion, extend any date for the undertaking of an action. The responsible authority may extend a date of its own volition, or in response to a written request from the respondents outlining the reasons why an extension of time is requested.
- 6 For the avoidance of doubt:
  - any extension of time granted under Order 5 for the completion of a specified action does not affect the date by which any subsequent action must be undertaken; and
  - the requirement to provide an Emergency Management Plan and a Fire Fighting Plan as part of the actions to be undertaken, and any delay in the finalisation of those plans by the respondents or the approval of the plans by responsible authority or the Country Fire Authority, does not affect the subsequent dates by which the removal of tyres and other materials must be undertaken.
- 7 Where an action refers to the an area referred to on 'the Site Plan', it is a reference to the following plan:



- 8 The responsible authority must provide each respondent with a larger scale (at least A3) version of the Site Plan.

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ITEM NO: 9.3.2  
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(ACTING DIRECTOR, DEVELOPMENT  
AND LIVEABILITY , MARK FOORD)

**FEEDBACK FROM LEGAL PROCEEDINGS IN REPSECT TO ILLEGAL  
MATERIALS RECYCLING AT 7 & 25 SAXTON STREET W, NUMURKAH & 847  
NUMURKAH ROAD, KATUNGA (cont'd)**

ATTACHMENT No [1] - Enforcement Order received on 3 July 2014



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ITEM NO: 9.3.2  
(MANAGER TOWN PLANNING AND  
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(ACTING DIRECTOR, DEVELOPMENT  
AND LIVEABILITY, MARK FOORD)

**FEEDBACK FROM LEGAL PROCEEDINGS IN RESPECT TO ILLEGAL  
MATERIALS RECYCLING AT 7 & 25 SAXTON STREET W, NUMURKAH & 847  
NUMURKAH ROAD, KATUNGA (cont'd)**

**ATTACHMENT No [1] - Enforcement Order received on 3 July 2014**

- 9 The respondents must provide tracking information regarding the lawful removal of all materials (including tyres) forming part of the use of the land for materials (e.g. where has the material has gone). Without limiting this requirement, where an action refers to a requirement to 'lawfully dispose' of materials (including tyres), it will be sufficient compliance with that action if the respondents move those materials to a secondary storage location on other land pending their ultimate disposal, provided the respondents satisfy the responsible authority and the Country Fire Authority, in advance and in writing and within the absolute discretion of those authorities, that:
- the secondary storage location has lawful use and development rights for such storage under any relevant planning scheme; and
  - the secondary storage location has a suitable Emergency Management Plan and Fire Fighting Plan relevant to the materials to be stored.
- 10 For the avoidance of doubt, the land at 847 Numurkah Road, Katunga, which is the subject of the enforcement order in proceeding P1250/2013, is not to be used as a secondary storage location under Order 9.
- 11 The actions to be undertaken by the respondents are as follows:

**First Stage**

**By 15 August 2014:**

Remove from the land all combustible items (*e.g. wood pallet, branches, unused plastics wraps or similar items*) from the tyres storage area and dispose of items at an approved facility or, if required, relocate items at a safe distance outside the tyre storage area.

**By 15 September 2014:**

Provide the following administrative measures for approval by the responsible authority and the Country Fire Authority:

- an Emergency Management Plan (prepared by a suitably qualified person) for 7-25 Saxton Street West Numurkah; and
- a Fire-Fighting Plan including the location and certification of a suitable Water Static Supply (e.g. decontamination of the tanks) to be fitted with approved CFA Storz fittings and which satisfy the requirements of AS2419.1-2005.

In completing these measures, the respondents must address the matters set out in the letter from the Country Fire Authority dated 24 March 2014 and the matters contained in sub-paragraphs 1.3, 1.4 and 1.5 on pages 14 and 15 of the Country Fire Authority's written submissions to the Tribunal dated 30 June 2014.

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ITEM NO: 9.3.2  
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AND LIVEABILITY , MARK FOORD)

**FEEDBACK FROM LEGAL PROCEEDINGS IN REPSECT TO ILLEGAL  
MATERIALS RECYCLING AT 7 & 25 SAXTON STREET W, NUMURKAH & 847  
NUMURKAH ROAD, KATUNGA (cont'd)**

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**FEEDBACK FROM LEGAL PROCEEDINGS IN REPECT TO ILLEGAL  
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NUMURKAH ROAD, KATUNGA (cont'd)**

**ATTACHMENT No [1] - Enforcement Order received on 3 July 2014**

The Country Fire Authority has nominated Darrin Dohrman, Fire Safety Officer (Hume Region), to liaise with the respondents if any actions or matters set out in the letter and written submissions require clarification prior to the submission of the Emergency Management Plan and Fire Fighting Plan for approval.

In completing these measures, the respondents must also address the matters set out in the letter from Russell Kennedy solicitors (on behalf of the responsible authority, Moira Shire Council) dated 26 March 2014.

For the preparation of the Emergency Management Plan, the responsible authority and the Country Fire Authority have indicated that they have no objection to Colin Fulton being the 'suitably qualified person' to prepare the plan. The certification of the water static supply as being free from contamination will require certification from a person, other than Colin Fulton, who is suitably qualified or experienced in water quality testing.

**Second Stage**

**By 15 September 2014:**

Remove from the land and lawfully dispose of all materials located along the southern and western part of the tyre storage area as referred to as "A" and "+ signs" on the Site Plan.

**Third Stage**

**By 15 October 2014:**

Remove from the land and lawfully dispose of all rubber materials located along the eastern and northern part of the tyre storage area as referred to as "B" and "horizontal lines" on the Site Plan.

Create a bunding/containment wall of no more than 300 millimetres in height to the southern boundary, to retain discharge of contaminated water onto the irrigation channel. The bunding/containment wall to be constructed to the satisfaction of the responsible Authority and the Goulburn Broken Catchment Management Authority. The construction must follow sediment control principles outlined in *Construction Techniques for Sediment Pollution Control (EPA 1991)*.

**Fourth Stage**

**By 15 November 2014:**

FILE NO: F14/1021  
2. COMMUNITY

ITEM NO: 9.3.2  
(MANAGER TOWN PLANNING AND  
BUILDING, JORINE BOTHMA)  
(ACTING DIRECTOR, DEVELOPMENT  
AND LIVEABILITY , MARK FOORD)

**FEEDBACK FROM LEGAL PROCEEDINGS IN REPSECT TO ILLEGAL  
MATERIALS RECYCLING AT 7 & 25 SAXTON STREET W, NUMURKAH & 847  
NUMURKAH ROAD, KATUNGA (cont'd)**

ATTACHMENT No [1] - Enforcement Order received on 3 July 2014

FILE NO: F14/1021  
2. COMMUNITY

ITEM NO: 9.3.2  
(MANAGER TOWN PLANNING AND  
BUILDING, JORINE BOTHMA)  
(ACTING DIRECTOR, DEVELOPMENT  
AND LIVEABILITY , MARK FOORD)

**FEEDBACK FROM LEGAL PROCEEDINGS IN REPSECT TO ILLEGAL  
MATERIALS RECYCLING AT 7 & 25 SAXTON STREET W, NUMURKAH & 847  
NUMURKAH ROAD, KATUNGA (cont'd)**

**ATTACHMENT No [1] - Enforcement Order received on 3 July 2014**

Remove from the land and lawfully dispose of all materials located along the southern part of the tyre storage area as referred to as "C" and "triangle signs" on the Site Plan.

**Fifth Stage**

**By 15 December 2014:**

Remove from the land and lawfully dispose of all materials forming every second row of tyre stockpiles in the tyre storage area as referred to as "D" and "wavelength signs" on the Site Plan.

**Sixth Stage**

**By 22 January 2015:**

Remove from the land and lawfully dispose of all remaining materials including, but not limited to, tyres, rubber, bricks, scrap metal and other similar waste materials.

**Continuous measures**

Throughout the staged removal process, all vegetation within 20 metres of tyre stockpiles must be maintained between 5-10 centimetres in height.

No new materials forming part of the use of the land for materials recycling, including but not limited to rubber materials, must be brought onto the land.

No new combustible materials must be kept within 20 metres of tyre stockpiles.

Mark Dwyer  
**Deputy President**

FILE NO: F14/1021  
2. COMMUNITY

ITEM NO: 9.3.2  
(MANAGER TOWN PLANNING AND  
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(ACTING DIRECTOR, DEVELOPMENT  
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**FEEDBACK FROM LEGAL PROCEEDINGS IN REPSECT TO ILLEGAL  
MATERIALS RECYCLING AT 7 & 25 SAXTON STREET W, NUMURKAH & 847  
NUMURKAH ROAD, KATUNGA (cont'd)**

ATTACHMENT No [1] - Enforcement Order received on 3 July 2014

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**FEEDBACK FROM LEGAL PROCEEDINGS IN RESPECT TO ILLEGAL  
MATERIALS RECYCLING AT 7 & 25 SAXTON STREET W, NUMURKAH & 847  
NUMURKAH ROAD, KATUNGA (cont'd)**

**ATTACHMENT No [1] - Enforcement Order received on 3 July 2014**

VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL

ADMINISTRATIVE DIVISION

PLANNING AND ENVIRONMENT LIST

VCAT REFERENCE NO. P1250/2013

APPLICANT / RESPONSIBLE AUTHORITY	Moira Shire Council
RESPONDENT OWNER	Grain Shed Investments Pty Ltd
RESPONDENT OCCUPIER	Australian Rubber Manufacturers Pty Ltd and Grain Shed Investments Pty Ltd
INTERESTED (JOINED) PARTY	Country Fire Authority
SUBJECT LAND	847 Numurkah Road, KATUNGA
BEFORE	Mark Dwyer, Deputy President
DATE OF ORDER	2 July 2014

**ENFORCEMENT ORDER (P1250/2013)**

**NATURE OF CONTRAVENTION** Unlawful use for materials recycling, in breach of clause 35.07-1 of the Moira Planning Scheme.

- 1 The respondents Australian Rubber Manufacturers Pty Ltd and Grain Shed Investments Pty Ltd, must in respect of the land at 847 Numurkah Road, Katunga (**the land**), undertake the actions set out in this enforcement order by the date specified in the order.
- 2 The order applies jointly and severally in respect of the respondents.
- 3 An action must be undertaken to the satisfaction of the Moira Shire Council (in its capacity as responsible authority for the Moira Planning Scheme) and the Country Fire Authority. The responsible authority and the Country Fire Authority may each consider the views of the Environment Protection Authority in determining whether they are so satisfied.
- 4 The actions to be undertaken by the respondents are that, **by 4.00 pm on 22 August 2014**, the respondents must:
  - cease the use of the land for the purpose of materials recycling.
  - remove from the land and lawfully dispose of all materials forming part of the use of the land for materials recycling including, but not

FILE NO: F14/1021  
2. COMMUNITY

ITEM NO: 9.3.2  
(MANAGER TOWN PLANNING AND  
BUILDING, JORINE BOTHMA)  
(ACTING DIRECTOR, DEVELOPMENT  
AND LIVEABILITY , MARK FOORD)

**FEEDBACK FROM LEGAL PROCEEDINGS IN REPSECT TO ILLEGAL  
MATERIALS RECYCLING AT 7 & 25 SAXTON STREET W, NUMURKAH & 847  
NUMURKAH ROAD, KATUNGA (cont'd)**

ATTACHMENT No [1] - Enforcement Order received on 3 July 2014



FILE NO: F14/1021  
2. COMMUNITY

ITEM NO: 9.3.2  
(MANAGER TOWN PLANNING AND  
BUILDING, JORINE BOTHMA)  
(ACTING DIRECTOR, DEVELOPMENT  
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**FEEDBACK FROM LEGAL PROCEEDINGS IN REPSECT TO ILLEGAL  
MATERIALS RECYCLING AT 7 & 25 SAXTON STREET W, NUMURKAH & 847  
NUMURKAH ROAD, KATUNGA (cont'd)**

**ATTACHMENT No [1] - Enforcement Order received on 3 July 2014**

limited to the stockpiles of tyres (as a whole, or shredded) and other rubber products stored on the land.

- 5 The respondents must provide tracking information regarding the lawful removal of all materials (including tyres) forming part of the use of the land for materials (e.g. where has the material has gone). Without limiting this requirement, it will be sufficient compliance with the requirement to 'lawfully dispose' of materials (including tyres), if the respondents move those materials to a secondary storage location on other land pending their ultimate disposal, provided the respondents satisfy the responsible authority and the Country Fire Authority, in advance and in writing and within the absolute discretion of those authorities, that:
  - the secondary storage location has lawful use and development rights for such storage under any relevant planning scheme; and
  - the secondary storage location has a suitable Emergency Management Plan and Fire Fighting Plan relevant to the materials to be stored.
- 6 For the avoidance of doubt, the land at 7 & 25 Saxton Street West, Numurkah, which is the subject of the enforcement order in proceeding P1249/2013, is not to be used as a secondary storage location under Order 5.

Mark Dwyer  
**Deputy President**

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2. COMMUNITY

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2. COMMUNITY

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**FEEDBACK FROM LEGAL PROCEEDINGS IN REPECT TO ILLEGAL  
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**ATTACHMENT No [1] - Enforcement Order received on 3 July 2014**

**REASONS**

- 1 Moira City Council (the **responsible authority**) seeks enforcement orders to deal with a continuing non-compliance by the respondents in the storage of materials (principally tyres) and use of land for materials recycling at two sites in and near Numurkah, in contravention of the Moira Planning Scheme. The Country Fire Authority (CFA) was joined as a party at its request, and supports the making of enforcement orders. The Environment Protection Authority (EPA) has also been involved in site inspections and the preparation of draft enforcement orders, and attended the final hearing in an observer capacity.
- 2 The proceedings have been the subject of two interim enforcement orders for each site, both made by consent, but the respondents have not fully complied with any of these interim orders.
- 3 In support of the applications for final enforcement orders, the responsible authority relies upon the extensive affidavit evidence of Patrick Dubuc, its development compliance officer. The respondents now concede the contraventions of the Moira Planning Scheme, and did not require Mr Dubuc to give oral evidence or to be cross-examined. The respondents led no material evidence to the contrary. Their evidence was essentially about factors they consider relevant to the time required to bring both sites into compliance with the planning scheme.
- 4 It is therefore unnecessary to set out the extensive background material that underscores these proceedings. I am satisfied on the basis of Mr Dubuc's various affidavits over the course of the past year that the alleged breaches of the Moira Planning Scheme are made out, and are continuing. The respondents have done little to rectify the breaches, and have failed to comply even with orders to which they consented. I have made some general comments about this, in the reasons that accompanied my orders of 3 April 2014. I adopt those comments for these reasons also.
- 5 The breaches are serious, not least because of serious fire safety issues at both sites (and particularly at the Numurkah site bordering on that township) that has led to the involvement of the CFA in the proceedings. The respondents' explanations for their limited attempts at compliance to date, or their inability to meet previous time limits, have changed at each hearing to the point where they ring a little hollow.
- 6 The responsible authority's applications were first made to the Tribunal over a year ago, and the matter now requires some finality.
- 7 As I have indicated, the respondents now concede the contraventions of the Moira Planning Scheme. At the 'final' hearing, the responsible authority and CFA sought orders for all tyre stockpiles and other material to be removed from the Katunga property within 30 days, and the staged removal of the tyre stockpiles and other materials from the Numurkah property over 180 days. The respondents initially proposed a convoluted set of orders

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ATTACHMENT No [1] - Enforcement Order received on 3 July 2014

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2. COMMUNITY

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**FEEDBACK FROM LEGAL PROCEEDINGS IN RESPECT TO ILLEGAL  
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**ATTACHMENT No [1] - Enforcement Order received on 3 July 2014**

requiring Tyre Removal Management Plans, and with removal of materials from Katunga by 15 September 2014 (i.e. within about 75 days) and Numurkah by 29 July 2015 (i.e. within a year). At the hearing, the respondents suggested a 9-month timetable, subject to the ability to seek any reasonable extension.

- 8 At first blush, given what has transpired, the time limits proposed by the responsible authority and CFA appear reasonable – even perhaps generous in relation to the Numurkah site. Equally, though, I accept the affidavit evidence of John Cronin, and the submissions of the respondents' counsel, that the removal or relocation of large stockpiles of tyres is very expensive and logistically difficult. Mr Cronin is now apparently exploring an option to relocate his materials recycling business to Moama in NSW, and ultimately to transport the tyres there for processing. That would take time. But there have been several other options proposed by Mr Cronin over the past year, which he has been given time to pursue, and which have not proceeded or which have been abandoned. The respondents have already been given many opportunities to get their affairs in order.
- 9 I agree with the responsible authority that this matter needs finality, and I agree with the CFA that a serious fire safety risk cannot be allowed to continue indefinitely. I therefore propose to make enforcement orders setting a time period for compliance that accords more closely with that proposed by the responsible authority and CFA. Subject to comments below, I agree generally with their respective submissions in support of those time limits. Conversely, the respondents provided little objective rationale for the extended time limits they sought.
- 10 If the Moama option becomes a reality, and a relatively short extension to these time limits is desirable to facilitate that option, I have made provision for the responsible authority (in its discretion) to grant an extension of time. Additionally or alternatively, the respondents could make application to the Tribunal to vary the enforcement order. In saying this, though, the respondents should have no expectation that the responsible authority or the Tribunal will extend time, other than in very exceptional circumstances and where there is demonstrated good faith by the respondents in any actions to that time.
- 11 I have said that the enforcement orders I have made 'accord more closely' with that proposed by the responsible authority and CFA. I have varied their draft orders to add further clarification or detail where I consider it appropriate, or to reference other material – in particular, based on the detailed written submissions of the CFA about what is required in the Emergency Management Plan and Fire Fighting Plan. I have also varied some of the time limits slightly in favour of the respondents. In particular:
  - For certainty, I have fixed dates, rather than relying on things to be done in 30 days, 90 days etc, and 'rounded' these fixed dates.

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**FEEDBACK FROM LEGAL PROCEEDINGS IN REPSECT TO ILLEGAL  
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NUMURKAH ROAD, KATUNGA (cont'd)**

ATTACHMENT No [1] - Enforcement Order received on 3 July 2014

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**FEEDBACK FROM LEGAL PROCEEDINGS IN RESPECT TO ILLEGAL  
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**ATTACHMENT No [1] - Enforcement Order received on 3 July 2014**

- I consider 30 days a relatively short time for the removal of all tyres and materials from the Katunga site, and have allowed a slightly longer time, until 22 August 2014, to allow for contingencies (e.g. service of this order, weather delays etc).
  - Despite the CFA's legitimate concerns about fire safety, I consider that the 30 days to rectify the Emergency Management Plan and Fire Fighting Plan is relatively short, particularly as it may require certification by external experts sourced from outside Numurkah. The respondents indicated they would consent to do this by 15 September 2014, ahead of the 2014/15 fire season. The responsible authority in good faith accepted this proposal, and I consider that time limit reasonable having regard to the other matters the respondents must also attend to in the short term. In saying this, I trust that the CFA will assist the respondents in finalising outstanding matters with these plans. More particularly, the respondents must appreciate that the additional time to prepare these plans does not affect the ultimate timetable for removal of tyres and other materials from the sites.
  - I have added an opportunity for the respondents to seek an extension of any time limit, although this is subject to the comments I have made earlier in these reasons.
- 12 The responsible authority sought costs against the respondents. I have made provision for this to be dealt with 'on the papers'. The CFA did not seek costs.

Mark Dwyer  
**Deputy President**

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(MANAGER TOWN PLANNING AND  
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(ACTING DIRECTOR, DEVELOPMENT  
AND LIVEABILITY, MARK FOORD)

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NUMURKAH ROAD, KATUNGA (cont'd)**

ATTACHMENT No [2] - Site Map depicting stages for removal





FILE NO: F14/1021  
2. COMMUNITY

ITEM NO: 9.3.2  
(MANAGER TOWN PLANNING AND  
BUILDING, JORINE BOTHMA)  
(ACTING DIRECTOR, DEVELOPMENT  
AND LIVEABILITY , MARK FOORD)

**FEEDBACK FROM LEGAL PROCEEDINGS IN REPSECT TO ILLEGAL  
MATERIALS RECYCLING AT 7 & 25 SAXTON STREET W, NUMURKAH & 847  
NUMURKAH ROAD, KATUNGA (cont'd)**

ATTACHMENT No [2] - Site Map depicting stages for removal

FILE NO: 120.29.0001  
3. OUR COMMUNICATIONS AND PROCESSES

ITEM NO: 10.1.1  
(EXECUTIVE SUPPORT OFFICER,  
ELIZABETH COX)  
(DIRECTOR CORPORATE GOVERNANCE,  
ALISON COE)

## COMMUNITY SATISFACTION SURVEY 2014

### 1. Executive Summary

Moira Shire Council has received the results of the Local Government Community Satisfaction Survey. The research report was coordinated by Department of Transport, Planning and Local Infrastructure on behalf of Victorian Councils and prepared by JWS Research.

The survey provides results and recommendations for Moira Shire Council. The main objective of the survey is to assess the performance of Moira Shire Council across a range of measures and to seek insight into ways to provide improved or more effective service delivery.

67 councils participated in the survey, with local residents and ratepayers being called upon to have their say.

Moira Shire Council's Overall Performance Index Score is 57. This represents a 3 point decline in the past twelve (12) months from 60 in 2013. The performance rating is in line with other Large Rural Shires but trail the state-wide average by a significant 4 points.

### 2. Background and Options

The survey was conducted by Computer Assisted Telephone Interviewing (CATI) as a representative random probability survey of residents aged 18+ years in Moira Shire Council. The survey sample matched to Moira was purchased from accredited supplier of publicly available phone records, including up to 10% mobile phone numbers to catering to the diversity of residents in the Council.

Moira Shire Council is self-classified as a Large Rural Shire. The Councils in the Large Rural Shires group are: Bass Coast, Baw Baw, Campaspe, Colac Otway, Corangamite, East Gippsland, Glenelg, Macedon Ranges, Mitchell, Moorabool, Moyne, South Gippsland, Southern Grampians, Surf Coast, Swan Hill and Wellington.

The survey was conducted from 31 January until 11 March 2014.

The key findings and recommendations were:

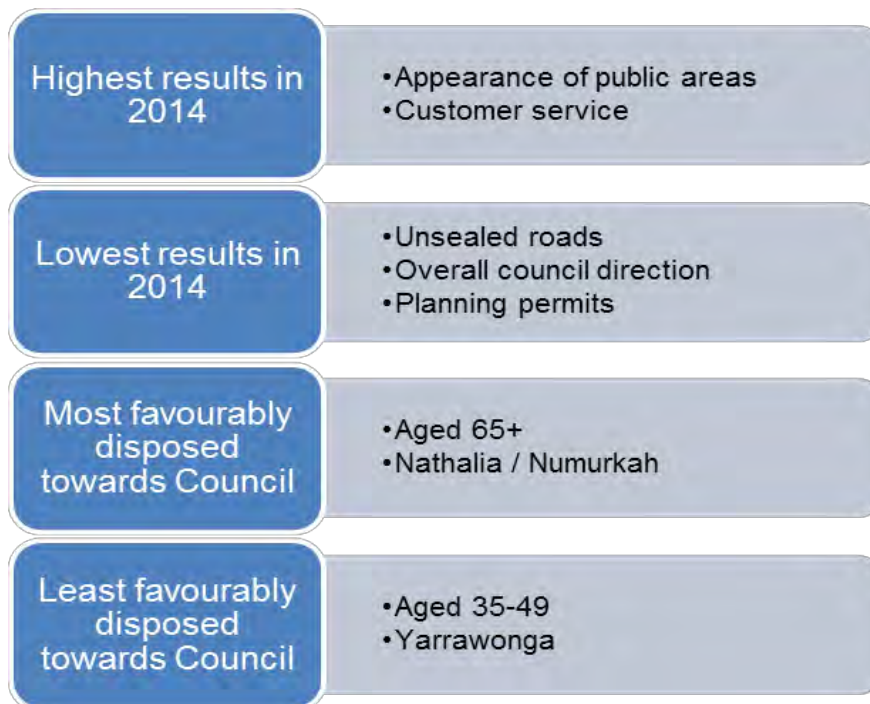
- Moira's performance on core measures fluctuated in the past year, with significant increase in community consultation, and significant decreases in council direction and customer service ratings.
- Moira's overall performance ratings (index score of 57).
- Overall council direction ratings decreased significantly alongside overall performance (down 5 points from 2013 to an index score of 48).
- Most Moira residents believe council performance stayed the same (60%) in the past year rather than improved (15%) or declined (19%) but the proportion of residents indicating that Council direction has declined is up to 7 points.
- Community consultation (index score of 59, up a significant 4 points from 2013) and advocacy (57, up 1 point from 2013) ratings increased in the past year and from 2012, though advocacy ratings saw only marginal improvement compared to consultation ratings. Moira's results on these measures are significantly ahead of the Large Rural Shires average
- Perceptions of Council customer service dropped a significant 5 points to an index score of 67, in line with the group average of 68 and significantly below the state-wide average of 72.

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(EXECUTIVE SUPPORT OFFICER,  
ELIZABETH COX)  
(DIRECTOR CORPORATE GOVERNANCE,  
ALISON COE)

## COMMUNITY SATISFACTION SURVEY 2014 (cont'd)

- Of the 21 individual services areas tested, Moira scores highest for the appearance of public areas (75), waste management (74, up a significant 6 points from 2013), and emergency and disaster management (74, up a significant 10 points from 2013).
- Council also outperforms the Large Rural Shires averages on traffic management, parking facilities, appearance of public areas, waste management and town planning policy.
- Performance drops below the 50-point mark in the condition of unsealed roads (46) which is an issue for most rural shires.
- There is upwards of a twenty point gap between rated importance and perceived Council performance in road-related service areas.
- Moira receives middling scores for its performance when it comes to business and community development and tourism (59, down 4 points from 2013) and planning permits (53, down 5 points), ratings declined in the areas in the past year, signalling additional areas to watch moving forward.
- Business and tourism development represent the only two individual service areas where Moira underperforms against group and state averages.



For further results from the Community Satisfaction Survey, please see the attachment.

### 3. Financial Implications

There are no direct or indirect financial implications either contained within the report or identified as a consequence of Council noting this report.

### 4. Risk Management

There are no risks to consider within this report.

### 5. Internal and External Consultation

The Community Satisfaction Survey was conducted by Computer Assisted Telephone Interviewing (CATI) as a representative random probability survey of residents aged 18+ years in Moira Shire. A total of n=400 completed interviews were achieved in Moira Shire Council.

FILE NO: 120.29.0001  
3. OUR COMMUNICATIONS AND PROCESSES

ITEM NO: 10.1.1  
(EXECUTIVE SUPPORT OFFICER,  
ELIZABETH COX)  
(DIRECTOR CORPORATE GOVERNANCE,  
ALISON COE)

## COMMUNITY SATISFACTION SURVEY 2014 (cont'd)

JWS Research conducted the survey. The survey results have been provided to the Corporate Management Team and Councillors.

### 6. Regional Context

Participation in the State-wide Local Government Community Satisfaction Survey is optional and participating councils have a range of choices as to the content of the questionnaire and the sample size to be surveyed, depending on their individual strategic, financial and other considerations. 67 councils participated in the 2014 survey.

### 7. Council Plan Strategy

STRATEGY 4.7: Improve Council information, accessibility through effective use of communication and media and ensure services are continuing to meet community expectations and demonstrating a culture of engagement.

### 8. Legislative / Policy Implications

There are no legislative / policy implications to be considered.

### 9. Environmental Impact

Environmental Sustainability scored 68 which is below the state-wide average of 73.

### 10. Conflict of Interest Considerations

There is no conflict of interest to be considered.

### 11. Conclusion

Moirā Shire Councils overall performance is 57. For areas that received low results, unsealed roads and planning permits reviews could be undertaken. Emergency and disaster management scored 74 which is significantly higher than the state-wide average of 71. This is due to the 2012 floods, 2013 tornado and 2014 fires.

The contents of this report provide Council with an analysis of areas that require improvement and areas that are exceeding state averages. This is a reflection that Council is exceeding in appearance of public areas, waste management and emergency and disaster management.

### Attachments

Nil

### RECOMMENDATION

That Council note the 2014 Local Government Community Satisfaction Survey.

### MOTION

CRS ED COX / DON MCPHEE

**FILE NO: 120.29.0001**  
**3. OUR COMMUNICATIONS AND PROCESSES**

**ITEM NO: 10.1.1**  
**(EXECUTIVE SUPPORT OFFICER,**  
**ELIZABETH COX)**  
**(DIRECTOR CORPORATE GOVERNANCE,**  
**ALISON COE)**

**COMMUNITY SATISFACTION SURVEY 2014 (cont'd)**

That Council note the 2014 Local Government Community Satisfaction Survey.

(CARRIED)

FILE NO: 120.16.0001  
3. OUR COMMUNICATIONS AND PROCESSES

ITEM NO: 10.1.2  
(GOVERNANCE RECORDS OFFICER,  
MARGARET HINCK)  
(DIRECTOR CORPORATE GOVERNANCE,  
ALISON COE)

## ASSEMBLIES OF COUNCILLORS

### 1. Executive Summary

The records of the Assembly of Councillors reported during the month of June 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.

### 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.

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3. OUR COMMUNICATIONS AND PROCESSES

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(GOVERNANCE RECORDS OFFICER,  
MARGARET HINCK)  
(DIRECTOR CORPORATE GOVERNANCE,  
ALISON COE)

## ASSEMBLIES OF COUNCILLORS (cont'd)

### 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 June 2014. Their recording into the Council Minutes ensures Council meets its statutory obligations under section 80A of the Act.

### Attachments

- 1 Attachment 2 June
- 2 Attachment 3 June
- 3 Attachment 3 June
- 4 Attachment 10 June
- 5 Attachment 24 June

### RECOMMENDATION

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

### MOTION

CRS BRIAN KEENAN / ALEX MONK

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

(CARRIED)

FILE NO: 120.16.0001  
3. OUR COMMUNICATIONS AND  
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ITEM NO: 10.1.2  
(GOVERNANCE RECORDS OFFICER,  
MARGARET HINCK)  
(DIRECTOR CORPORATE GOVERNANCE,  
ALISON COE)

**ASSEMBLIES OF COUNCILLORS (cont'd)**

**ATTACHMENT No [1] - Attachment 2 June**



**RECORD OF ASSEMBLY OF COUNCILLORS**

Date held	2 June 2014	
Name of meeting	Council Briefing	
Councillors attending	Councillors Wendy Buck (arrived at 3pm), Gary Cleveland, Ed Cox, Brian Keenan, Peter Mansfield, Don McPhee and Alex Monk	
Council staff attending	Chief Executive Officer, Mark Henderson Director Corporate Governance, Alison Coe Director Shire Development and Liveability, Mark Foord Acting Director Community, Bruce Connolly Manager Governance, David Booth	
Matters discussed	<ul style="list-style-type: none"> <li>• Heritage Amendment Justin Frances, Heritage Advisor</li> <li>• Project of highway turnoff into Bathumi Reserve - Doug Wilson</li> <li>• Reformed Residential Zones for Victoria</li> <li>• Hume Region Significant Tracks and Trails Strategy</li> <li>• Event Sponsorship Grants Scheme - May Round 2013/14</li> <li>• Tourism Advisory Committee Terms of Reference</li> <li>• Councillor and CEO discussion</li> <li>• CEO Performance Plan</li> <li>• Management reporting</li> <li>• Stakeholder relations</li> </ul>	
Conflict of Interest Disclosures (indicate below if Nil or complete details)		
Matter No.	Councillor	Did Councillor leave meeting
Event Sponsorship Grants Scheme - May Round 2013/14 - Cr Gary Cleveland left the meeting at 2.24pm and returned at 2.32pm.		



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3. OUR COMMUNICATIONS AND  
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MARGARET HINCK)  
(DIRECTOR CORPORATE GOVERNANCE,  
ALISON COE)

**ASSEMBLIES OF COUNCILLORS (cont'd)**

**ATTACHMENT No [2] - Attachment 3 June**



**RECORD OF ASSEMBLY OF COUNCILLORS**

Date held	3 June 2014
Name of meeting	Disability Advisory Committee
Councillors attending	Councillor Don McPhee
Council staff attending	Community Services Officer, Hayley O'Loughlin; Community Development Officer, Frank Malcolm.
Matters discussed	<ol style="list-style-type: none"><li>1. Moira Shire Disability Action Plan</li><li>2. Communication Accessibility in Moira</li><li>3. Horticulture Project</li><li>4. Victorian Electoral Commission Presentation for those with Disabilities</li></ol>
Conflict of Interest Disclosures (indicate below if Nil or complete details)	
Nil	

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3. OUR COMMUNICATIONS AND  
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ITEM NO: 10.1.2  
(GOVERNANCE RECORDS OFFICER,  
MARGARET HINCK)  
(DIRECTOR CORPORATE GOVERNANCE,  
ALISON COE)

**ASSEMBLIES OF COUNCILLORS (cont'd)**

**ATTACHMENT No [3] - Attachment 3 June**



**RECORD OF ASSEMBLY OF COUNCILLORS**

Date held	3 June 2014
Name of meeting	Moirashire Local Safety Committee Meeting
Councillors attending	Councillor Wendy Buck
Council staff attending	Recreation and Safety Officer, Dylan Robinson Administration Support Officer, Sharon Nye Youth Trainee, Erin Walmsley
Matters discussed	<ol style="list-style-type: none"> <li>1. Business Arising from Previous Minutes</li> <li>2. Police Statistics</li> <li>3. Youth Issues</li> <li>4. Local Safety Plan 2012 – 2014</li> <li>5. Meeting timetable <ul style="list-style-type: none"> <li>- General Business</li> <li>- Application to minister for increased police presence in Moira</li> <li>- Heavy vehicle forums</li> <li>- Crossing in Punt Road</li> <li>- Gofer Grant</li> <li>- Speed limit between Ottrey House and Christ the King College</li> </ul> </li> </ol>
Conflict of Interest Disclosures (indicate below if Nil or complete details)	Nil

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MARGARET HINCK)  
(DIRECTOR CORPORATE GOVERNANCE,  
ALISON COE)

**ASSEMBLIES OF COUNCILLORS (cont'd)**

**ATTACHMENT No [4] - Attachment 10 June**



**RECORD OF ASSEMBLY OF COUNCILLORS**

Date held	10 June 2014	
Name of meeting	Council Briefing	
Councillors attending	Councillors Wendy Buck, Gary Cleveland, Ed Cox, Brian Keenan, Peter Mansfield, Marie Martin (arrived at 6.01pm), Don McPhee and Alex Monk	
Council staff attending	Chief Executive Officer, Mark Henderson Director Corporate Governance, Alison Coe Director Shire Development and Liveability, Mark Foord Director Community, Peter Bertolus Manager Governance, David Booth	
Matters discussed	<ul style="list-style-type: none"> <li>Local Area Commander Dave Ryan</li> <li>Moirashire Commitment to being a "Refugee Welcome Zone" - Annabelle Mendoza</li> <li>Varapodio and Molochio Exchange Visit - Discussion</li> </ul>	
Conflict of Interest Disclosures (indicate below if Nil or complete details)		
Matter No.	Councillor	Did Councillor leave meeting
Varapodio and Molochio Exchange Visit – Discussion – Mayor, Cr Peter Mansfield left the 5.04pm and returned back to the briefing at 5.24pm.		

FILE NO: 120.16.0001  
3. OUR COMMUNICATIONS AND  
PROCESSES

ITEM NO: 10.1.2  
(GOVERNANCE RECORDS OFFICER,  
MARGARET HINCK)  
(DIRECTOR CORPORATE GOVERNANCE,  
ALISON COE)

**ASSEMBLIES OF COUNCILLORS (cont'd)**

**ATTACHMENT No [5] - Attachment 24 June**



**RECORD OF ASSEMBLY OF COUNCILLORS**

Date held	24 June 2014
Name of meeting	Moirashire Junior Council
Councillors attending	Councillors Ed Cox, Alex Monk, Gary Cleveland
Council staff attending	Youth Development Officer, Hollie Barnes Youth Trainee, Erin Walmsley Administration Support Officer, Sharon Nye
Matters discussed	1. FReeZa program 2. Arts and Culture 3. What is community? (activity) 4. Town issues 5. Cobram library
Conflict of Interest Disclosures (indicate below if Nil or complete details)	Nil

**FILE NO: 120.16.0001  
3. OUR COMMUNICATIONS AND  
PROCESSES**

**ITEM NO: 10.1.2  
(GOVERNANCE RECORDS OFFICER,  
MARGARET HINCK)  
(DIRECTOR CORPORATE GOVERNANCE,  
ALISON COE)**

**ASSEMBLIES OF COUNCILLORS (cont'd)**

**ATTACHMENT No [5] - Attachment 24 June**

FILE NO: F13/2478  
1. OUR COMMUNITIES

ITEM NO: 10.2.1  
(GRANTS COORDINATION OFFICER,  
CLAIRE LANE)  
(DIRECTOR, COMMUNITY, PETER  
BERTOLUS)

## COMMUNITY AND EVENTS GRANTS POLICY

### 1. Executive Summary

Council's Community Grants and Events Sponsorship policies are due for review. Both policies are used regularly and provide a consistent approach to grants. However, this consistency and the similarities between the policies highlights an opportunity to streamline grants by combining the two policies into one.

The reviewed Community and Events Grants policy outlines a funding program that strengthens the involvement of community groups in the development of services, management of facilities, events, tourism and health promotion.

### 2. Background and Options

Both the Community Grants policy and the Event Sponsorship policy have been reviewed together:

- The *Community Grants policy* was initially adopted by Council on 7 July 2003 and was last reviewed and adopted on 17 October 2011; and
- The *Events Sponsorship policy* was initially adopted by Council on 19 March 2007, and was last reviewed and adopted on 18 July 2011, with minor amendment made on 17 October 2011.

A review of each of the policies has found that both policies remain relevant and provide a consistent approach to grants. The review also looked at whether it was feasible to streamline the two policies into one.

The two policies were developed separately and offer assistance to a slightly different target audience. However, there are deliberate similarities between the two policies so that Council is consistent in providing grant funding. Consolidating these similarities has allowed the two policies to be successfully combined into one policy.

The attached Community and Events Grants policy streamlines Council's grant funding by:

- Including five grant categories in the one policy;
- Removing duplication of similarities such as assessment criteria and funding exclusions;
- Applying consistent general criteria across all grant categories; and
- Including additional criteria for grants offering a higher level of funding (tourism events and community major grants).

FILE NO: F13/2478  
1. OUR COMMUNITIES

ITEM NO: 10.2.1  
(GRANTS COORDINATION OFFICER,  
CLAIRE LANE)  
(DIRECTOR, COMMUNITY, PETER  
BERTOLUS)

## COMMUNITY AND EVENTS GRANTS POLICY (cont'd)

As part of the review process policies in place at other councils were considered as well as the Victorian Auditor General's report of 2005 on administration of grants. A recent survey by Council's external auditor on grant management also informed the review. Consideration was given to including a definition for the term "grant" in the policy as this was included as a question in the recent audit. However, it was decided that this would not add value to the policy and was not necessary as the context of the policy makes it clear what Council intends.

A new point included in the policy under clause 1(c) is that Council is the decision maker in allocating grant funding. This has always been the case but including it in the policy provides clarity for a grant applicant.

Some of the specific funding criteria in the Event Sponsorship policy that applied to community events grants is now covered under general criteria under clause 3 of meeting a Council Plan strategy or another relevant Council strategy or plan. This allows funding provided to be more targeted at a priority set by Council, rather than being limited to the specific criteria previously used of promoting youth involvement, cultural diversity and awareness or disability access.

Council also has another grant policy, the Achievers Award Assistance Program policy. It was determined that this policy was not closely aligned with the Community Grants and Events Sponsorship policies. The Achievers Award Assistance Program targets individuals whereas for the other two policies targets community groups. Funding assessment criteria and funding exclusions are therefore significantly different.

As already stated, the Event Sponsorship policy and the Community Grants policy were closely aligned. The new Community and Events Grants policy combines both policies and ensures that Council maintains accountability and transparency when providing grant funding. The new policy does not represent a change in practice. It is recommended that Council adopt the attached Community and Events Grants policy and revoke Events Sponsorship policy and Community Grants policy previously adopted by Council.

### 3. Financial Implications

The allocation of budget funding and the amount allocated to each category may vary from year to year. In the proposed budget for 2014/15 funding has been distributed between the categories, as outlined in the following table:

Funding Stream	Funding Allocation
Community Minor Grants (currently Small Grants)	\$80,000
Health Promotion Grants	\$4,000
Community Events Grants	\$5,000
Community Major Grants (currently Community Assistance Grants)	\$120,000
Tourism Events Grants	\$25,000
<b>TOTAL</b>	<b>\$234,000</b>

### 4. Risk Management

The Community and Events Grants policy and its implementation addresses risk management by:

- Requiring that a financial agreement and process is in place before funding is provided.

FILE NO: F13/2478  
1. OUR COMMUNITIES

ITEM NO: 10.2.1  
(GRANTS COORDINATION OFFICER,  
CLAIRE LANE)  
(DIRECTOR, COMMUNITY, PETER  
BERTOLUS)

## COMMUNITY AND EVENTS GRANTS POLICY (cont'd)

- Council's responsibilities are clearly identified in the signed funding agreement between Council and the funding recipient.
- The relevant documents (e.g. funding applications and funding agreements) outline the responsibilities of applicants in terms of occupational health and safety and risk management.
- An evaluation process is in place to ensure delivery of the funded community projects and events.
- Streamlining the process will ensure no cross-funding of events and projects.

### 5. Internal and External Consultation

Input into the policy review has been provided by Council's Manager Community Service Delivery, Executive Manager Business and Innovation, Grants Co-ordination Officer, Corporate Governance Officer and various officers from the Community Development and Business and Innovation departments.

The new policy resulting from the review does not represent a change in practice. Council liaises with the community on an individual basis during the grant process and community information sessions on grants. Council officers involved in administering Council's grants gather feedback from the community on an ongoing basis.

Key documents that impact on this policy are the Council Budget and Council Plan, both of which include statutory consultation during their development. The budget process that determines the amount of funding available each year includes community consultation.

### 6. Regional Context

One of the roles of Local Government is to provide for community development (e.g. community grants program) and support economic development. This policy is specific to community groups within Moira Shire Council, but links into a wider regional context of economic development and community health and well-being.

The projects funded under the grants program will contribute to broader regional goals, as outlined in the Hume Regional Growth Plan, through conservation, maintenance or development of important economic, environmental, social and cultural resources.

### 7. Council Plan Strategy

The Community and Events Grants policy aligns with the 2013/14- 2016/17 Council Plan's strategic goal of Community:

*Moira will be a Shire where all its people and communities are happy, healthy and safe with the ability and the opportunity to integrate, participate, connect and contribute to their communities.*

In particular, the policy will help to achieve the following strategies:

- *Provide quality facilities, open spaces and programs to increase participation and cater for the communities' needs and interests through the delivery of a small grants program.*
- *Community inclusion.*
- *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.*



FILE NO: F13/2478  
1. OUR COMMUNITIES

ITEM NO: 10.2.1  
(GRANTS COORDINATION OFFICER,  
CLAIRE LANE)  
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BERTOLUS)

## COMMUNITY AND EVENTS GRANTS POLICY (cont'd)

- *Recognise and enhance Moira's diverse cultural and indigenous heritage through events and programs supporting the arts, traditions and history.*
- *Maintain and enhance community health and wellbeing through high quality service provision and partnerships to meet the needs of the broader community*

### 8. Legislative / Policy Implications

There are no specific legislative obligations that need to be considered. The policy is consistent with the objectives, role, functions and powers of a council under the *Local Government Act 1989*. This policy has been reviewed in accordance with Council's policy on Developing Policy Documents and the Policy Guideline.

### 9. Environmental Impact

One of the funding criteria is that the project demonstrates that is sustainable, including environmentally sustainable, for example a commitment to a waste-wise recycling program for an event. The funding criteria also identifies that the project needs to "meet a relevant Council Plan strategy" in which there are a number of environmental strategies that could be targeted.

### 10. Conflict of Interest Considerations

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

### 11. Conclusion

Council's Community Grants and Event Sponsorship policies have been reviewed together. Both policies remain relevant and are regularly used to provide grants to community groups.

The joint review provided an opportunity to examine the similarities and differences in these two grant policies. As a result a consolidated Community and Events Grants policy has been developed to streamline the process by including all five grant categories in the one policy. The general assessment criteria will be applied across all grant categories, with additional criteria for grant categories where the amount of funding offered is higher (community major grants and tourism events grants).

The updated Community and Events Grants policy does not represent any change to current funding practices. It aims to streamline community grants by combining two policies into one improved policy.

### Attachments

- 1 Community and Events Grants Policy
- 2 Community Grants Policy - 17 October 2011
- 3 Event Sponsorship Council - 18 July 2011

### RECOMMENDATION

That:

1. Council adopt the attached Community and Events Grants Policy and revoke the Community Grants Policy and the Events Sponsorship Policy previously adopted by Council on 17 October 2011 and 18 July 2011 respectively.

FILE NO: F13/2478  
1. OUR COMMUNITIES

ITEM NO: 10.2.1  
(GRANTS COORDINATION OFFICER,  
CLAIRE LANE)  
(DIRECTOR, COMMUNITY, PETER  
BERTOLUS)

**COMMUNITY AND EVENTS GRANTS POLICY (cont'd)**

**AMENDMENT**

CRS DON MCPHEE / KEVIN BOURKE

**MOTION**

That:

1. Council adopt the attached Community and Events Grants Policy and revoke the Community Grants Policy and the Events Sponsorship Policy previously adopted by Council on 17 October 2011 and 18 July 2011 respectively.
2. Under the funding criteria in the policy the following criteria is to be included "Events and projects are inclusive and accessible"; and
3. The following criteria is to be included under Assessment criteria for all grant categories and removed from Additional assessment criteria "Identified community need, community support and engagement undertaken to achieve support".

(CARRIED)

FILE NO: F13/2478  
1. OUR COMMUNITIES

ITEM NO: 10.2.1  
(GRANTS COORDINATION OFFICER,  
CLAIRE LANE)  
(DIRECTOR, COMMUNITY, PETER  
BERTOLUS)

## COMMUNITY AND EVENTS GRANTS POLICY (cont'd)

### ATTACHMENT No [1] - Community and Events Grants Policy



Policy type	Council
Adopted by	Moira Shire Council
Responsible director	Director Community
Responsible officer	Manager Community Service Delivery
Date adopted	21 July 2014
Scheduled for review	21 July 2017

#### PURPOSE

To provide a community and events grants program that strengthens the involvement of community groups in the development of services, management of facilities, events, tourism and health the promotion of health in the community.

#### SCOPE

This policy applies to the allocation of funding for community groups through Council grants.

#### DEFINITIONS

##### Community group

An incorporated "not for profit" group or organisation with an open membership to residents of Moira Shire.

#### POLICY

##### 1. About the Community and Events Grants program

- (a) Council recognises the economic, socio-cultural and health benefits that quality and innovative projects and events can bring to Moira Shire and its communities.
- (b) Allocation of grants funding is not guaranteed and will depend upon how well applications meet the assessment criteria, the number and quality of applications received, funds held by the community group and the amount available in Council's budget.
- (c) The Council will allocate grant funding at a Council meeting following consideration of a report that assesses and evaluates applications received.
- (d) Council may consider funding events held outside of Moira Shire, particularly in the two cross-border communities of Cobram-Barooga and Yarrawonga-Mulwala, where economic benefit to Moira Shire can be demonstrated.
- (e) Through the different grant categories the program seeks to:
  - Support strategic goals identified in the Council Plan.
  - Support community groups that provide diverse and effective local services, facilities and activities.
  - Support local action plans resulting from the community development process.

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FILE NO: F13/2478  
1. OUR COMMUNITIES

ITEM NO: 10.2.1  
(GRANTS COORDINATION OFFICER,  
CLAIRE LANE)  
(DIRECTOR, COMMUNITY, PETER  
BERTOLUS)

## COMMUNITY AND EVENTS GRANTS POLICY (cont'd)

### ATTACHMENT No [1] - Community and Events Grants Policy



## Community and Events Grants

- Support the goals and directions outlined in Council's Municipal Public Health and Wellbeing Plan.
- Support the key pillars or actions outlined in Council's Business and Innovation Strategy.
- Support and encourage establishment of ongoing community and tourism events.

### 2. Grant categories

Funding will be allocated under the following five categories and be distributed over various funding rounds during a financial year. Council will determine the total amount of funding provided for each funding category in its annual budget deliberations. Applications will be assessed in accordance with this policy.

#### Community Events Grants

Two funding rounds per annum that caters for community events with a limit of up to \$500 per application.

#### Community Major Grants

One funding round per annum that caters for larger projects, with a limit of up to \$15,000 per application.

#### Community Minor Grants

Two funding rounds per annum that caters for smaller projects, with a limit of up to \$2,500 per application.

#### Health Promotion Grants

Two funding rounds per annum that cater for projects and events that address objectives identified in Council's Municipal Public Health and Wellbeing Plan with a limit of up to \$500 per application.

#### Tourism Events Grants

Two funding rounds per annum that cater for tourism events that address key pillars or actions identified in Council's Business and Innovation Strategy with a limit of \$5,000 per application, for a period not exceeding three consecutive years, after which time it is expected that the event would be self-funded.

### 3. Assessment criteria for all grant categories

Applications under all of the above grant categories will be assessed against the following criteria:

- (a) Meets a Council Plan strategy
- (b) Meets another relevant Council strategy or plan
- (c) Identified project scope and outcomes
- (d) Clearly defined project/event management and supporting evidence of previous experience in same
- (e) Project demonstrates that it is at least one of the following:
  - Innovative and unique
  - Addresses safety or risk issues

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FILE NO: F13/2478  
1. OUR COMMUNITIES

ITEM NO: 10.2.1  
(GRANTS COORDINATION OFFICER,  
CLAIRE LANE)  
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BERTOLUS)

## COMMUNITY AND EVENTS GRANTS POLICY (cont'd)

### ATTACHMENT No [1] - Community and Events Grants Policy



## Community and Events Grants

- Sustainable (economic, socio-cultural, environmental - for example commitment to a waste-wise/recycling program).
  - (f) Demonstrates confirmed funding
    - For Community Minor Grants and Community Major Grants, the community group must be making a minimum contribution of fifty per cent for mobile or portable objects without a permanent fixed position.
  - (g) Project budget including any in-kind contribution such as voluntary labour, goods or services
  - (h) Supporting documentation as relevant to the application
    - Quotations
    - Financials (e.g. bank statements and profit and loss statement)
    - Proof of ABN
    - Letters of support
    - Annual report
    - Relevant plans and strategies (e.g. business plans, annual reports and marketing plans)
    - Relevant applications and permits
    - Risk management plan – (e.g. Job Safety Analysis (JSA) and risk matrix)
  - (i) Previous funding and alternative funding from other sources, (for example funding from other Government Departments).
- 4. Additional assessment criteria**
- Community Major Grants**
- (a) Clearly identified organisational objectives
  - (b) Identified community need, community support and engagement undertaken to achieve support
  - (c) Increased community involvement and participation
  - (d) Involves a range of stakeholders
  - (e) Maximising the use of a facility or services
- Tourism Events Grants**
- (a) Involves partnerships and a range of stakeholders
  - (b) Anticipated number of participants in the event including:
    - Locals from within Moira Shire
    - Visitors to Moira Shire
  - (c) Estimated number of overnight stays
  - (d) Promotion of opportunities for local dining and shopping as a result of the event
  - (e) Generates media exposure
  - (f) Capacity for the event to grow and develop further
  - (g) Event Management Plan

FILE NO: F13/2478  
1. OUR COMMUNITIES

ITEM NO: 10.2.1  
(GRANTS COORDINATION OFFICER,  
CLAIRE LANE)  
(DIRECTOR, COMMUNITY, PETER  
BERTOLUS)

## COMMUNITY AND EVENTS GRANTS POLICY (cont'd)

### ATTACHMENT No [1] - Community and Events Grants Policy



#### 5. Funding Exclusions

Council will not fund:

- Individuals, Businesses or Community Groups that are not incorporated.
- Political Groups or Lobby Groups.
- Community Groups that:
  - do not have an Australian Business Number (ABN);
  - have not satisfactorily acquitted all previous grants;
  - are in debt to Council and are not meeting the agreed repayment arrangements;
  - receive direct *income* from electronic gaming machines;
  - request funding for a service or project that is, or was, previously the responsibility of another government sector;
  - are outside of Moira Shire (for Community Minor Grants, Community Major Grants or Health Promotion Grants).
- Projects that:
  - are clearly a duplication of existing services; or
  - have commenced prior to the execution of a funding agreement.
- Projects or events that:
  - are already funded by Council; or
  - have already started or have been completed.
- Events that:
  - are not open to the general public;
  - have demonstrated self-sufficiency by running at a profit that is not reinvested back into the Community Group or their next event; or
  - have been funded for three consecutive years (for Tourism Events Grants).

#### 6. Application Process

- (a) Funding rounds will be advertised in local newspapers and on Council's website for a minimum of four weeks.
- (b) Funding guidelines and an application form will be provided to applicants either electronically or hard copy.
- (c) Applications received after the due date will not be considered under any circumstances.

#### RELATED POLICIES

*Development of Policy Documents, and Policy Guideline*

#### RELATED LEGISLATION

*Local Government Act 1989*

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FILE NO: F13/2478  
1. OUR COMMUNITIES

ITEM NO: 10.2.1  
(GRANTS COORDINATION OFFICER,  
CLAIRE LANE)  
(DIRECTOR, COMMUNITY, PETER  
BERTOLUS)

**COMMUNITY AND EVENTS GRANTS POLICY (cont'd)**

**ATTACHMENT No [1] - Community and Events Grants Policy**



**Community and Events Grants**

**REFERENCES**

Moira Shire Council:

- Funding Guidelines, Application and Acquittal Forms for each grant category

**REVIEW**

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



FILE NO: F13/2478  
1. OUR COMMUNITIES

ITEM NO: 10.2.1  
(GRANTS COORDINATION OFFICER,  
CLAIRE LANE)  
(DIRECTOR, COMMUNITY, PETER  
BERTOLUS)

## COMMUNITY AND EVENTS GRANTS POLICY (cont'd)

### ATTACHMENT No [2] - Community Grants Policy - 17 October 2011



## Community Grants

Policy type	Council
Adopted by	Moira Shire Council
Responsible director	Director Community
Responsible officer	Manager Community Services
Date adopted	17 October 2011
Scheduled for review	17 October 2013

### PURPOSE

To provide a grant program that strengthens the involvement of community groups in the planning, management and provision of services and facilities.

### SCOPE

This policy applies to the allocation of funding for community groups through Council grants.

### DEFINITIONS

#### Community Group

A "not for profit" group or organisation with an open membership to residents of Moira Shire.

### POLICY

#### 1. About the Community Grants program

- 1.1. In recognition of its role as a major provider of funding for community groups Council will endeavour to allocate funding during the budget process each year.
- 1.2. The program seeks to:
  - (a) Support community group projects which provide diverse and effective local services and activities.
  - (b) Support local action plans resulting from the community development process.
  - (c) Contribute to as many projects and services as possible.

#### 2. Grant categories

Funding will be allocated under the following two categories and be distributed over three funding rounds during a financial year.

##### 2.1. Small Grants

The first two funding rounds will cater for smaller projects, with a general limit of up to \$2,500 per application. Council will determine the total amount of funding provided in its annual budget deliberations.



FILE NO: F13/2478  
1. OUR COMMUNITIES

ITEM NO: 10.2.1  
(GRANTS COORDINATION OFFICER,  
CLAIRE LANE)  
(DIRECTOR, COMMUNITY, PETER  
BERTOLUS)

## COMMUNITY AND EVENTS GRANTS POLICY (cont'd)

### ATTACHMENT No [2] - Community Grants Policy - 17 October 2011



## Community Grants

### 2.2. Community Assistance Grants

The last funding round in the year will cater for larger capital works type projects, with a general limit of up to \$15,000 per application. Council will determine the total amount of funding provided in its annual budget deliberations.

### 3. Funding Criteria

3.1. All applications will be assessed against the following funding criteria:

- (a) Identified community need.
- (b) Community support and consultation.
- (c) Meets Council Plan strategies.
- (d) Clearly identified project scope and outcomes.
- (e) Addresses safety and risk issues.
- (f) Demonstrates confirmed funding.
- (g) Involves a range of stakeholders.
- (h) Clearly defined project management.
- (i) In-kind contributions (voluntary labour or goods and services).
- (j) Maximises use of the facility / service.
- (k) Benefits traditionally disadvantaged persons.
- (l) Increases community involvement and participation.
- (m) Previous funding, equity and alternative funding options available.

3.2. Applications for mobile or portable objects which do not have a permanent fixed position must have a minimum cash contribution of 50%.

### 4. Funding Exclusions

Council will not fund:

- (a) Groups that request funding for a service or project that is, or was, previously the responsibility of another government sector.
- (b) Groups which are not incorporated.
- (c) Groups which do not have an Australian Business Number (ABN).
- (d) Politically based organisations or those who operate principally as a pressure group.
- (e) Projects that are clearly a duplication of existing services.
- (f) Groups that have not satisfactorily acquitted all previous grants or sponsorships.
- (g) Individuals
- (h) Groups which are in debt to Council.
- (i) Groups that receive direct income from electronic gaming machines.

### 5. Application Process

- 5.1. Funding rounds will be advertised in local newspapers and on Council's website.
- 5.2. Funding guidelines and an application form will be provided to applicants.

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FILE NO: F13/2478  
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ITEM NO: 10.2.1  
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CLAIRE LANE)  
(DIRECTOR, COMMUNITY, PETER  
BERTOLUS)

## COMMUNITY AND EVENTS GRANTS POLICY (cont'd)

### ATTACHMENT No [2] - Community Grants Policy - 17 October 2011



## Community Grants

### 6. Evaluation of Applications

- 6.1. Applications received from funding rounds will be:
  - (a) evaluated by a panel and scored against the funding criteria; and
  - (b) ranked in order of score, with a cut off point determined by the amount of funding available.
- 6.2. A report on applications received during the funding round will be prepared for Council determination on the allocation of grant funding.
- 6.3. Council reserves the right to fund any project at its sole discretion.

### RELATED POLICIES

*Budget Preparation and Financial Reporting  
Development of Policy Documents, and Policy Guideline  
Event Sponsorship*

### RELATED LEGISLATION

*Local Government Act 1989*

### REFERENCES

*Small Grants Scheme Funding Guidelines, Moira Shire Council  
Community Assistance Grants Scheme Funding Guidelines, Moira Shire Council*

### REVIEW

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

FILE NO: F13/2478  
1. OUR COMMUNITIES

ITEM NO: 10.2.1  
(GRANTS COORDINATION OFFICER,  
CLAIRE LANE)  
(DIRECTOR, COMMUNITY, PETER  
BERTOLUS)

## COMMUNITY AND EVENTS GRANTS POLICY (cont'd)

### ATTACHMENT No [3] - Event Sponsorship Council - 18 July 2011



## Event Sponsorship

Policy type	Council
Adopted by	Moira Shire Council
Responsible director	Director Community
Responsible officer	Manager Economic Development
Date adopted	18 July 2011 (amended 17 October 2011)
Scheduled for review	18 July 2013

### PURPOSE

To provide a sponsorship program that fosters the development of new and existing events that deliver economic benefits, together with any social or cultural benefits to the Moira Shire community.

### SCOPE

This policy applies to events held by community groups or organisations that are based within the municipal district of Moira Shire.

### POLICY

#### 1. About Event Sponsorship

- 1.1. Council recognises the economic, social and cultural benefits that high quality and innovative events can bring to Moira Shire and its community.
- 1.2. Applications from community groups and organisations for sponsorship funding to hold events will be considered by Council through an event sponsorship scheme.
- 1.3. Council will endeavour to allocate funding during the budget process each year, to be distributed through funding rounds.
- 1.4. Allocation of sponsorship funding is not guaranteed and will depend upon how well applications meet the funding criteria, the number and quality of applications received and the amount available in the budget.
- 1.5. Acknowledgement of Moira Shire as a sponsor will contribute towards the recognition of the shire as a region to host events, enhance tourism and promote a vibrant and sustainable community with a strong event program.
- 1.6. Council may consider sponsoring events that are held outside of Moira Shire, particularly in the two cross-border communities of Cobram-Barooga and Yarrowonga-Mulwala, where economic benefit to Moira Shire can be demonstrated.



FILE NO: F13/2478  
1. OUR COMMUNITIES

ITEM NO: 10.2.1  
(GRANTS COORDINATION OFFICER,  
CLAIRE LANE)  
(DIRECTOR, COMMUNITY, PETER  
BERTOLUS)

## COMMUNITY AND EVENTS GRANTS POLICY (cont'd)

### ATTACHMENT No [3] - Event Sponsorship Council - 18 July 2011



## Event Sponsorship

### 2. Event Categories

Sponsorship funding will be available under either of the following event categories:

#### 2.1. Major Events

- (a) Are events which have the potential to draw a minimum of 500 people from outside of Moira Shire, provide an opportunity for overnight stays, are advertised and promoted regionally and in metropolitan areas, and the capacity to grow and develop.
- (b) Funding may only be granted for up to three years, after which time it is expected that the event would become self-funding.
- (c) There will be one funding round per year where applications will be invited.
- (d) Funding available per application would generally be from \$1,000 up to \$5,000.

#### 2.2. Community Events

- (a) Are community based and organised events, generally aimed at a local audience, with significance to the local population.
- (b) There will be two funding rounds per year where applications will be invited.
- (c) Funding available per application would generally be up to \$500.

### 3. Funding Criteria

All applications will be assessed against the following general funding criteria, with additional criteria being considered for major events:

- (a) Meets Council Plan strategies
- (b) Involves partnerships and a range of stakeholders
- (c) Clearly identified project scope and outcomes
- (d) Evidence of previous event or project management
- (e) Anticipated number of visitors from within Moira Shire
- (f) Promotes cultural diversity and awareness
- (g) Promotes youth involvement
- (h) Provides disability access
- (i) Innovation and uniqueness
- (j) Demonstrates a commitment to waste wise /recycling program
- (k) Previous funding, equity and alternative funding options available

#### Major Events

- (l) Anticipated number of visitors from outside of Moira Shire
- (m) Estimated number of overnight stays
- (n) Opportunities for local dining and shopping
- (o) Generates media exposure
- (p) Capacity for event to grow and develop
- (q) Business Plan
- (r) Event Management Plan

Page 2 of 4

Local Calls 1300 369 966 STD Calls (03) 5871 9222 Fax (03) 57872 1567 TTY (03) 5871 2262  
Mail PO Box 578 Cobram VIC 3643 Web [www.moira.vic.gov.au](http://www.moira.vic.gov.au) Email [webmaster@moira.vic.gov.au](mailto:webmaster@moira.vic.gov.au)

FILE NO: F13/2478  
1. OUR COMMUNITIES

ITEM NO: 10.2.1  
(GRANTS COORDINATION OFFICER,  
CLAIRE LANE)  
(DIRECTOR, COMMUNITY, PETER  
BERTOLUS)

## COMMUNITY AND EVENTS GRANTS POLICY (cont'd)

### ATTACHMENT No [3] - Event Sponsorship Council - 18 July 2011



## Event Sponsorship

### 4. Sponsorship Exclusions

Council will not sponsor:

- (a) Events which are not open to the general public.
- (b) Events that have already started or have been completed.
- (c) Individuals, and groups or organisations which are not incorporated.
- (d) Events which have demonstrated financial self-sufficiency by running at a profit.
- (e) Political groups or lobby groups.
- (f) Groups or organisations that have not satisfactorily acquitted all previous grants or sponsorships.
- (g) Groups or organisations that are in debt to Council.
- (h) Groups or organisations that receive direct income from electronic gaming machines.
- (i) Groups or organisations which do not have an Australian Business Number.\*
- (j) Activities already currently funded by Council.

### 5. Application Process

- 5.1. Funding rounds will be advertised in local newspapers and on Council's website.
- 5.2. Funding guidelines and an application form will be provided to applicants.

### 6. Evaluation of Applications

- 6.1. Applications received from funding rounds will be:
  - (a) evaluated by a panel and scored against the funding criteria; and.
  - (b) ranked in order of score, with a cut off point determined by the amount of funding available.
- 6.2. A report on applications received during the funding round will be prepared for Council determination on the allocation of sponsorship funding.
- 6.3. Council reserves the right to fund any project at its sole discretion.

### RELATED POLICIES

*Budget Preparation and Financial Reporting*  
*Community Grants*  
*Development of Policy Documents, and Policy Guideline*

### RELATED LEGISLATION

*Local Government Act 1989*

### REFERENCES

*Event Sponsorship Scheme Funding Guidelines, Moira Shire Council*

\* Clause 4(i) inserted by Council resolution of 17 October 2011.

FILE NO: F13/2478  
1. OUR COMMUNITIES

ITEM NO: 10.2.1  
(GRANTS COORDINATION OFFICER,  
CLAIRE LANE)  
(DIRECTOR, COMMUNITY, PETER  
BERTOLUS)

**COMMUNITY AND EVENTS GRANTS POLICY (cont'd)**

**ATTACHMENT No [3] - Event Sponsorship Council - 18 July 2011**



## Event Sponsorship

### REVIEW

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

To be revoked

FILE NO: F13/2478  
1. OUR COMMUNITIES

ITEM NO: 10.2.1  
(GRANTS COORDINATION OFFICER,  
CLAIRE LANE)  
(DIRECTOR, COMMUNITY, PETER  
BERTOLUS)

**COMMUNITY AND EVENTS GRANTS POLICY (cont'd)**

**ATTACHMENT No [3] - Event Sponsorship Council - 18 July 2011**



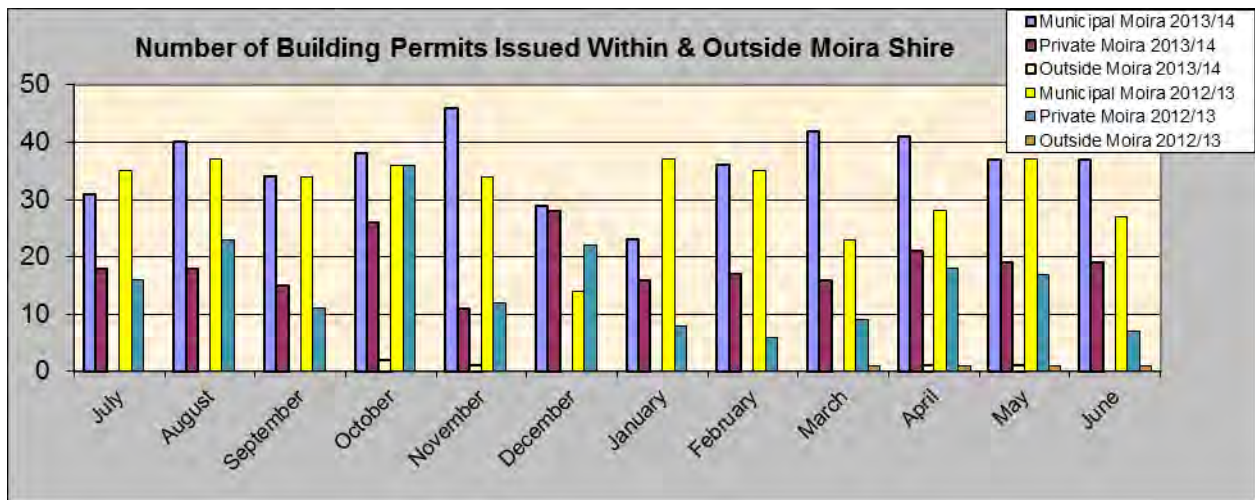
FILE NO: 250.08.0004  
3. OUR COMMUNICATIONS AND PROCESSES

ITEM NO: 10.3.1  
(ADMINISTRATION SUPPORT OFFICER,  
AMANDA MATHERS)  
(ACTING DIRECTOR, DEVELOPMENT AND  
LIVEABILITY , MARK FOORD)

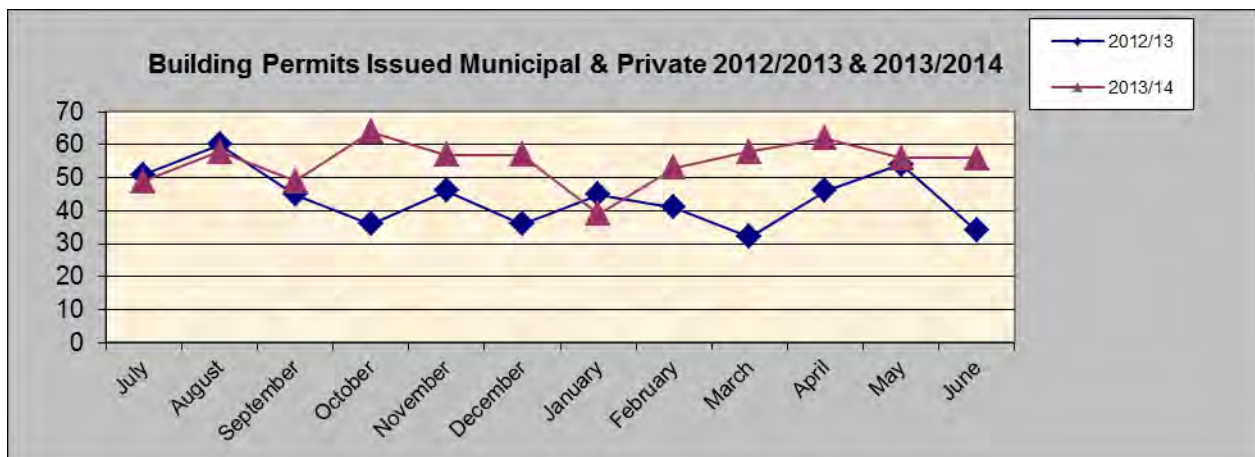
**BUILDING AND PLANNING PERMIT ACTIVITY REPORTS**

**Building Permits**

For the period of 1 to 30 June 2014, Fifty Six (56) building permits were issued to the value of \$6,183,251.00.



No building permits were issued outside Moira Shire during this month. Applications for building permits outside Shire boundaries vary.

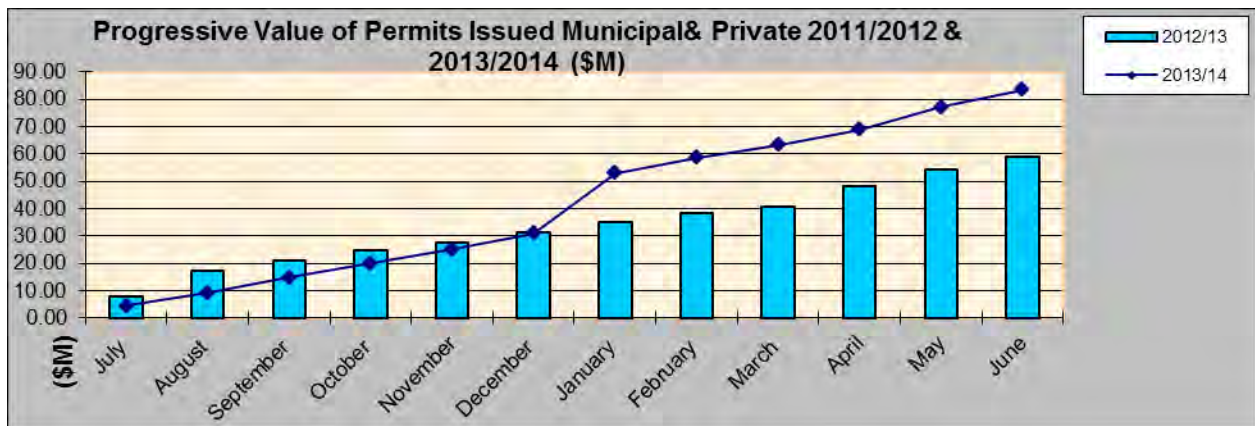
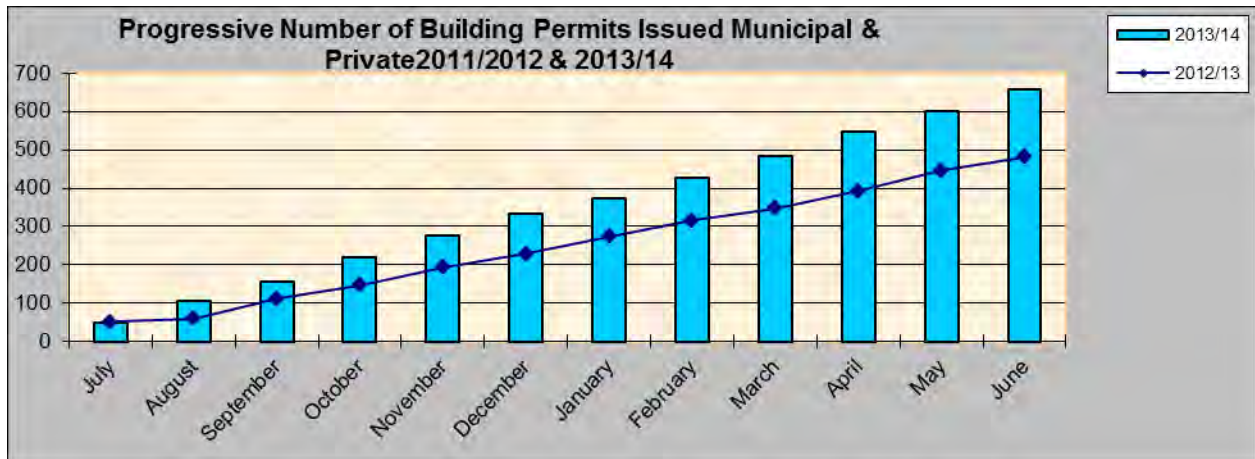
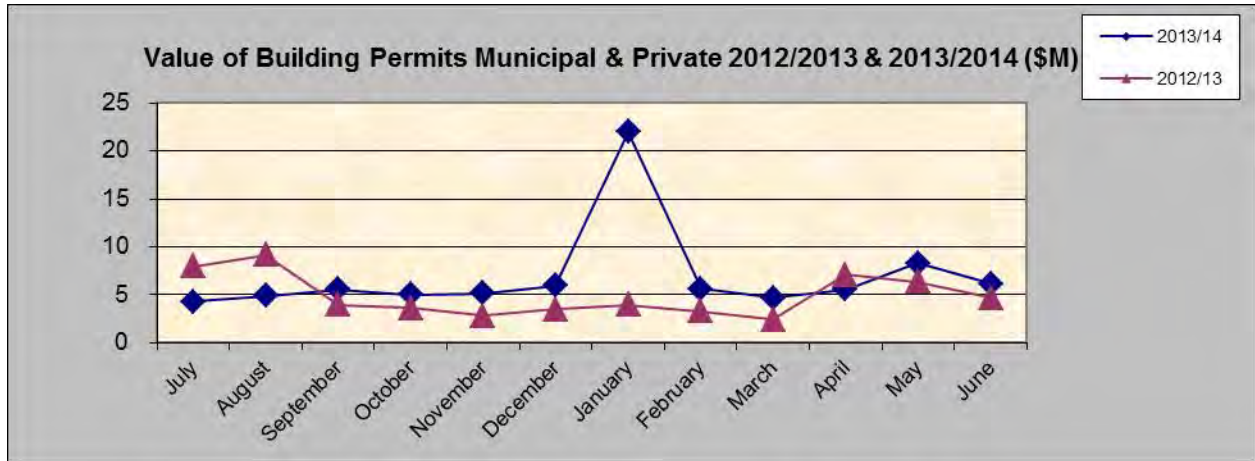




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3. OUR COMMUNICATIONS AND PROCESSES

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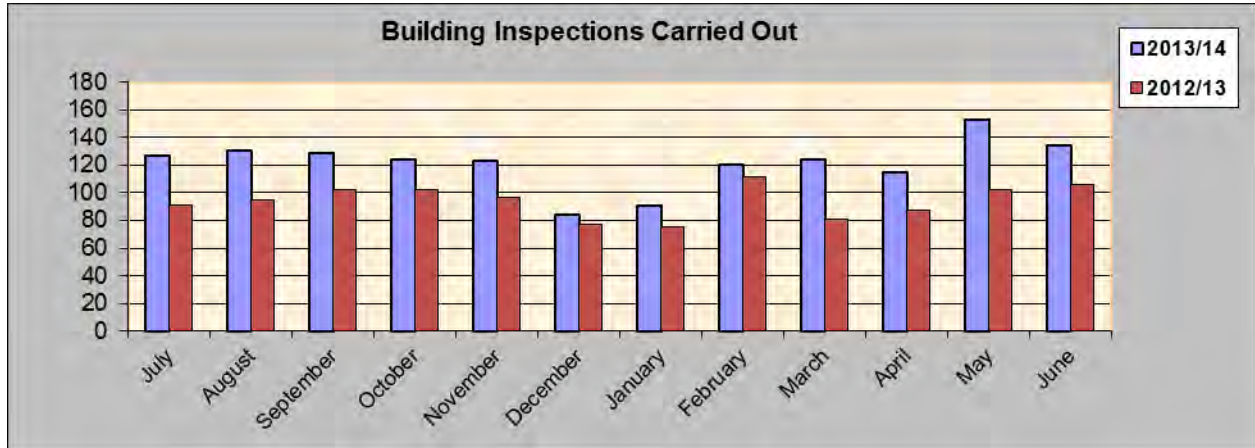
**BUILDING AND PLANNING PERMIT ACTIVITY REPORTS (cont'd)**



FILE NO: 250.08.0004  
3. OUR COMMUNICATIONS AND PROCESSES

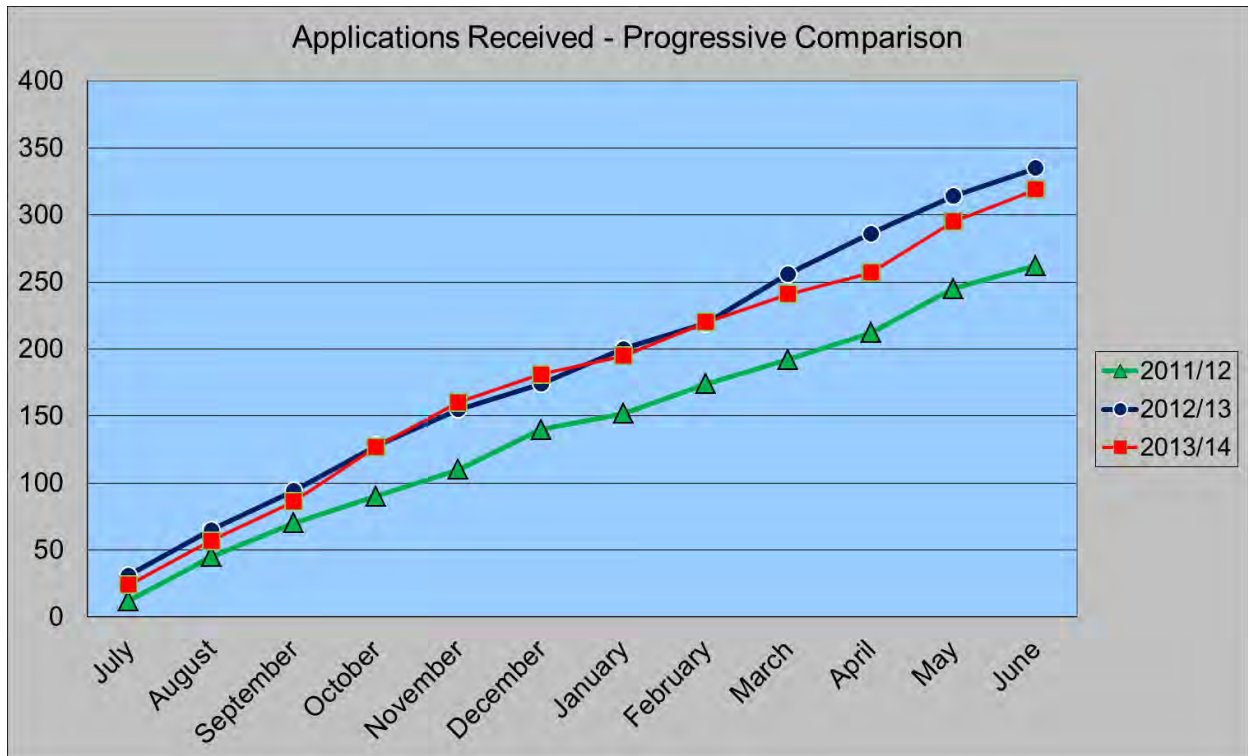
ITEM NO: 10.3.1  
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**BUILDING AND PLANNING PERMIT ACTIVITY REPORTS (cont'd)**



**Planning Permits**

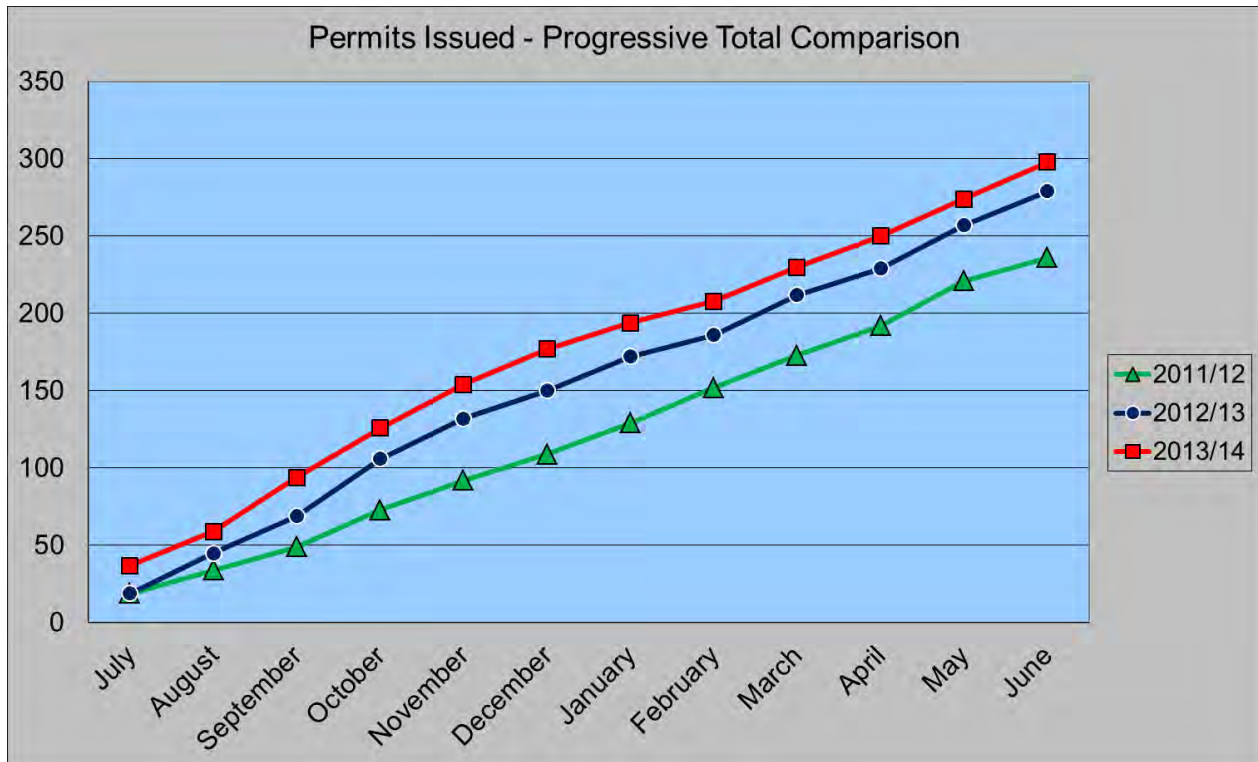
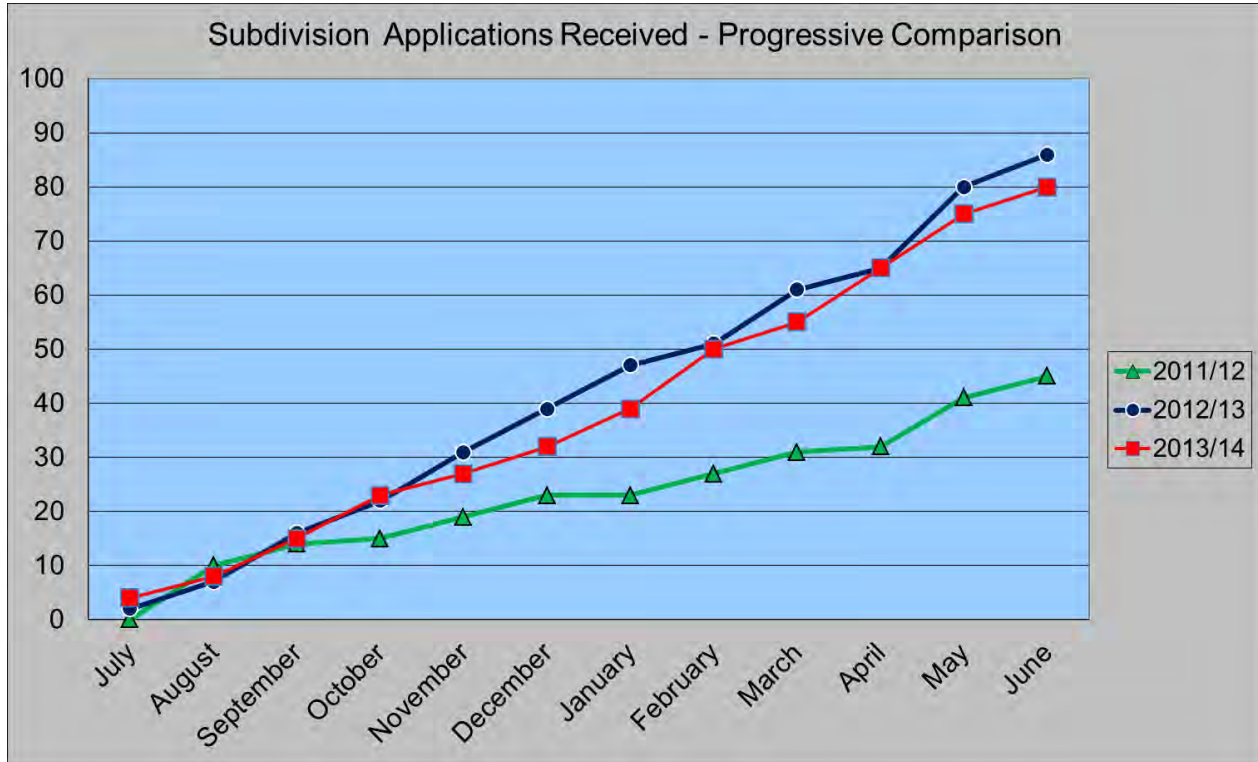
In June 2014, twenty-four (24) planning permits were issued to the value of \$10,644,291.00 and applications received for the month totalled twenty-four (24).



FILE NO: 250.08.0004  
3. OUR COMMUNICATIONS AND PROCESSES

ITEM NO: 10.3.1  
(ADMINISTRATION SUPPORT OFFICER,  
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**BUILDING AND PLANNING PERMIT ACTIVITY REPORTS (cont'd)**

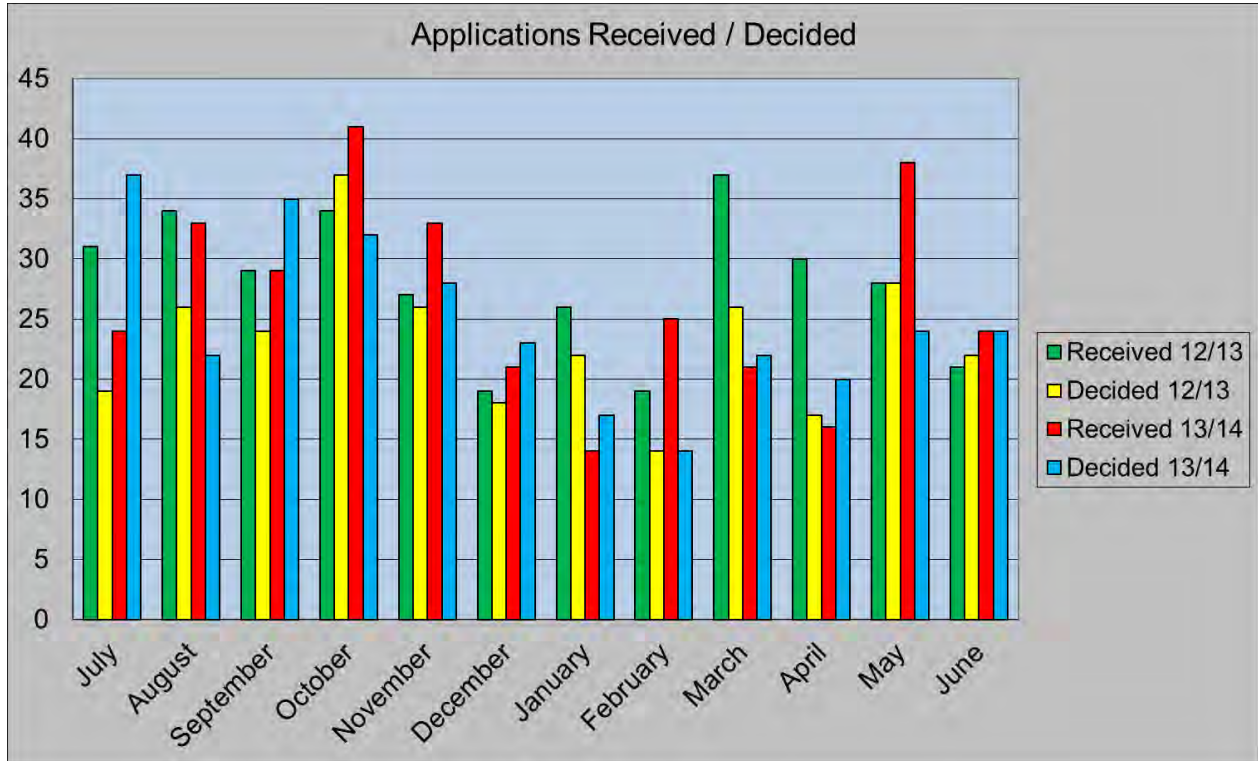




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(ACTING DIRECTOR, DEVELOPMENT AND  
LIVEABILITY , MARK FOORD)

**BUILDING AND PLANNING PERMIT ACTIVITY REPORTS (cont'd)**



**Attachments**

- 1 Planning Permits Issued

**RECOMMENDATION**

That Council receive and note the combined Building and Planning Permit Activity Reports for the month of June 2014.

**MOTION**

CRS DON MCPHEE / ED COX

That Council receive and note the combined Building and Planning Permit Activity Reports for the month of June 2014.

(CARRIED)

FILE NO: 250.08.0004  
3. OUR COMMUNICATIONS AND  
PROCESSES

ITEM NO: 10.3.1  
(ADMINISTRATION SUPPORT OFFICER,  
AMANDA MATHERS)  
(ACTING DIRECTOR, DEVELOPMENT  
AND LIVEABILITY, MARK FOORD)

**BUILDING AND PLANNING PERMIT ACTIVITY REPORTS (cont'd)**

**ATTACHMENT No [1] - Planning Permits Issued**



**Planning Permits issued - June 2014**

<u>Appl. No.</u>	<u>Date Received</u>	<u>Property Address</u>	<u>Use or Development</u>	<u>Date of Decision</u>	<u>Estimated Cost of Proposed Works</u>
005.2012.00000400.001	5/11/2012	2-6 Melville ST NUMURKAH	Supermarket Extension - Use & Development of the land for car parking,	23/06/2014	\$ 500,000
005.2013.00000482.001	29/07/2013	11-13 Murray Valley HWY COBRAM	Muti-storey residential hotel, apartment and shop development, dwellin	3/06/2014	\$ 9,100,000
005.2013.00000662.001	30/09/2013	7-9 Carter ST KATUNGA	Change or extension of use and Extension to a Building (not a dwelling)	16/06/2014	\$ 0
005.2014.00000055.001	3/02/2014	Murray Valley HWY YARRAWONGA	Development of a Golf Pro Shop, associated Car Parking and advertising	10/06/2014	\$ 300,000
005.2014.00000124.001	26/02/2014	586 ODeas RD BURRAMINE SOUTH	Buildings & Works - Swimming Pool	17/06/2014	\$ 34,100
005.2014.00000197.001	25/03/2014	12 Irvin RD COBRAM	Use & Development of land for a dwelling	30/06/2014	\$ 100,000
005.2014.00000210.001	27/03/2014	1205 Walshs Bridge RD NUMURKAH	Removal of Native Vegetation	3/06/2014	\$ 180,000
005.2014.00000262.001	14/04/2014	Murray Valley HWY YARRAWONGA	Fifteen (15) Lot Subdivision	30/06/2014	\$ 0
005.2014.00000284.001	24/04/2014	888 Lorenzs RD KATUNGA	Earthworks associated with the private pipeline	4/06/2014	\$ 86,737
005.2014.00000285.001	24/04/2014	951 Lorenzs RD KATUNGA	Earthworks associated with the private pipeline	4/06/2014	\$ 174,252
005.2014.00000315.001	2/05/2014	22-24 Bromley ST NATHALIA	Two (2) Lot Subdivision	17/06/2014	\$ 0

FILE NO: 250.08.0004  
3. OUR COMMUNICATIONS AND  
PROCESSES

ITEM NO: 10.3.1  
(ADMINISTRATION SUPPORT OFFICER,  
AMANDA MATHERS)  
(ACTING DIRECTOR, DEVELOPMENT  
AND LIVEABILITY, MARK FOORD)

**BUILDING AND PLANNING PERMIT ACTIVITY REPORTS (cont'd)**

**ATTACHMENT No [1] - Planning Permits Issued**

<u>Appl. No.</u>	<u>Date Received</u>	<u>Property Address</u>	<u>Use or Development</u>	<u>Date of Decision</u>	<u>Estimated Cost of Proposed Works</u>
005.2014.00000316.001	2/05/2014	3 Ligar ST BUNDALONG	Storage Shed	17/06/2014	\$ 22,652
005.2014.00000328.001	8/05/2014	Robinson WY YARRAWONGA	Twenty-seven (27) Lot Subdivision	30/06/2014	\$ 0
005.2014.00000332.001	12/05/2014	62 Orr ST YARRAWONGA	Buildings & Works - Storage Shed	17/06/2014	\$ 21,000
005.2014.00000354.001	20/05/2014	1325A Shinnicks RD NUMURKAH	Buildings & Works - Domestic Shed	17/06/2014	\$ 11,750
005.2014.00000356.001	19/05/2014	10-12 Pasley ST BUNDALONG	Buildings & Works - Storage Shed	17/06/2014	\$ 10,800
005.2014.00000362.001	20/05/2014	Swantons RD NATHALIA	Machinery Shed	24/06/2014	\$ 3,000
005.2014.00000373.001	27/05/2014	299 Lyles RD NATHALIA	Whole Farm Plan (Earthworks)	30/06/2014	\$ 100,000
005.2014.00000381.001	21/05/2014	218 Singapore RD YARROWEYAH	Easements, Restrictions & Reserves	5/06/2014	\$ 0
005.2014.00000383.001	21/05/2014	319 Macarthur RD YARROWEYAH	Easements, Restrictions & Reserves	5/06/2014	\$ 0
005.2014.00000385.001	21/05/2014	236 Singapore RD YARROWEYAH	Easements, Restrictions & Reserves	5/06/2014	\$ 0
005.2014.00000387.001	21/05/2014	330 Churchill RD YARROWEYAH	Easements, Restrictions & Reserves	5/06/2014	\$ 0
005.2014.00000389.001	22/05/2014	99 Pinnucks RD STRATHMERTON	Easements, Restrictions & Reserves	5/06/2014	\$ 0
005.2014.00000458.001	24/06/2014	4848 Goulburn Valley HWY STRATHMERTON	Subdivision - Removal of Covenant	30/06/2014	\$ 0

Applications Decided: 24  
Permits Approved under Delegation (APPD): 23  
Notice of Decision to Approve (AAPC): 1  
Notice of Decision to Refuse (APPR): 0

Total Estimated Value of Works: \$ 10,644,291.00

FILE NO: 250.08.0004  
3. OUR COMMUNICATIONS AND  
PROCESSES

ITEM NO: 10.3.1  
(ADMINISTRATION SUPPORT OFFICER,  
AMANDA MATHERS)  
(ACTING DIRECTOR, DEVELOPMENT  
AND LIVEABILITY , MARK FOORD)

**BUILDING AND PLANNING PERMIT ACTIVITY REPORTS (cont'd)**

**ATTACHMENT No [1] - Planning Permits Issued**

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

**ITEM NO: 11.1  
(EXECUTIVE SUPPORT OFFICER,  
ELIZABETH COX)  
(DIRECTOR CORPORATE GOVERNANCE,  
ALISON COE)**

**ACTION OFFICERS LIST**

**Attachments**

- 1 Action Officers List - July 2014

**RECOMMENDATION**

That Council receive and note the Action Officers List.

**MOTION**

CRS ED COX / ALEX MONK

That Council receive and note the Action Officers List.

(CARRIED)



FILE NO: 100.01.0001  
3. OUR COMMUNICATIONS AND PROCESSES

ITEM NO: 11.1  
(EXECUTIVE SUPPORT OFFICER,  
ELIZABETH COX)  
(DIRECTOR CORPORATE GOVERNANCE,  
ALISON COE)

**ACTION OFFICERS LIST (cont'd)**

**ATTACHMENT No [1] - Action Officers List - July 2014**

Meeting	Subject
ACTION OFFICERS LIST - July 2014 Ordinary Council Meeting 23 June 2014 <b>MOTION</b> CRS MARIE MARTIN / WENDY BUCK That: 1. Council declare Moira Shire as a Refugee Welcome Zone. 2. Authorise the Mayor to sign the refugee welcome zone declaration.  <b>Activity</b> Council, through Mayor, has signed the Refugee Welcome Zone Declaration and has declared Moira Shire a Refugee Welcome Zone today 25 June 2014 at the closing day of Moira Refugee week celebrations for 2014. <b>COMPLETED</b>	Moira Shire Commitment to being a "Refugee Welcome Zone"  (CARRIED)
Meeting	Subject
Ordinary Council Meeting 23 June 2014 <b>MOTION</b> CRS BRIAN KEENAN / DON MCPHEE That Council: 1. Adopt the attached Terms of Reference (ToR) for the Moira Shire Tourism Advisory Committee; 2. Appoint a Councillor Representative to the Tourism Advisory Committee 3. Invite organisation representatives; and 4. Advertise skill-based community representatives positions  <b>Activity</b> Letters to successful and unsuccessful applicants posted on Tuesday 24 June 2014. <b>COMPLETED</b>	Tourism Advisory Committee Terms of Reference  (CARRIED)

FILE NO: 100.01.0001  
3. OUR COMMUNICATIONS AND  
PROCESSES

ITEM NO: 11.1  
(EXECUTIVE SUPPORT OFFICER,  
ELIZABETH COX)  
(DIRECTOR CORPORATE GOVERNANCE,  
ALISON COE)

## ACTION OFFICERS LIST (cont'd)

### ATTACHMENT No [1] - Action Officers List - July 2014

ACTION OFFICERS LIST - July 2014	
Meeting	Subject
Ordinary Council Meeting 23 June 2014	Numurkah Heritage Centre
<b>MOTION</b> 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)
<b>Activity</b> An update will be provided in August 2014.	
Meeting	Subject
Ordinary Council Meeting 19 May 2014	Council Plan 2013/14 - 2016/17 (Including Strategic Resource Plan) Annual Review
<b>MOTION</b> CRS ALEX MONK / ED COX	
That Council:	
1. Accept the reviewed 2013/14 to 2016/17 Council Plan including the Strategic Resource Plan	
2. Provide the opportunity for members of the community to make a submission regarding the reviewed 2013/14 to 2016/17 Council Plan including the Strategic Resource Plan through May and June 2014 under Section 223 of the Local Government Act 1989.	
3. Publish a notice in respect of the Section 223 process of the Local Government Act in the Yarrawonga Chronicle, Cobram Courier, Strathmerton Standard, Numurkah Leader, Redgum Courier and Shepparton News, these newspapers being those that circulate most widely across Moira Shire.	
4. Publish a copy of the reviewed 2013/14 to 2016/17 Council Plan including the Strategic Resource Plan on Council's website and provide a copy for public viewing at each of Councils service centres.	
5. Consider any submissions received up until 5:00pm on 16 June 2014.	
6. Appoint a Committee of the Council (whole of Council) to consider submissions and hear any person who wishes to be heard in support of their submission	
7. Hear submissions on Thursday 19 June 2014 at the Cobram Civic Centre	
8. Authorise the Chief Executive Officer, or his delegate, to administer the Section 223 process, arrange times, places and dates for meetings, arrange for notices to be placed in newspapers and to carry out other administrative functions to enable the Council to carry out the Section 223 process	(CARRIED)
<b>Activity</b> The reviewed plan is posted on Councils website, copies are available at service centres and a copy has been forwarded to the Minister as required.	
<b>COMPLETED</b>	

FILE NO: 100.01.0001  
3. OUR COMMUNICATIONS AND  
PROCESSES

ITEM NO: 11.1  
(EXECUTIVE SUPPORT OFFICER,  
ELIZABETH COX)  
(DIRECTOR CORPORATE GOVERNANCE,  
ALISON COE)

## ACTION OFFICERS LIST (cont'd)

### ATTACHMENT No [1] - Action Officers List - July 2014

#### ACTION OFFICERS LIST - July 2014

Meeting	Subject
Ordinary Council Meeting 17 February 2014	Disused Channel land, Cobram
<b>MOTION</b>	
CRS GARY CLEVELAND / ED COX	
That:	
1. Council authorise the Chief Executive Officer to purchase the disused channel land in Cobram, adjacent to Punt Road, as offered by Goulburn Murray Water for the sum of \$45,000. The land being known as Lot 1 on TP880739 Volume 8269 Folio 631.	
2. An additional \$45,000 be added to the Cobram Library project to meet the cost of the land purchase.	
3. Council authorise the Chief Executive Officer to affix the Council Seal to the Contract of Sale, transfer documents and any other documents necessary to realise the purchase of the land.	(CARRIED)
<b>ACTIVITY</b>	
Goulburn Murray Water have been asked for settlement terms and are preparing the Contract of Sale.	
<b>Meeting</b>	<b>Subject</b>
Ordinary Council Meeting 17 February 2014	New Melville Street Numurkah Pedestrian Crossing
<b>MOTION</b>	
CRS MARIE MARTIN / KEVIN BOURKE	
That:	
1. Council construct a new pedestrian crossing mid-block between Quinn and Saxton Streets Numurkah with funds provided through the Vic Roads "Black spot" program.	
2. Council recognises the interest shown by the local community as reflected in the large number of respondents to the consultation programme.	
3. Council welcome the flexibility shown by Vic Roads who have allowed Council to use unexpended funding to deliver this important facility.	(CARRIED)
<b>ACTIVITY</b>	
Construction Commenced 3 June 2014. Works have been completed.	
<b>COMPLETED</b>	

FILE NO: 100.01.0001  
3. OUR COMMUNICATIONS AND  
PROCESSES

ITEM NO: 11.1  
(EXECUTIVE SUPPORT OFFICER,  
ELIZABETH COX)  
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ALISON COE)

**ACTION OFFICERS LIST (cont'd)**

**ATTACHMENT No [1] - Action Officers List - July 2014**

ACTION OFFICERS LIST - July 2014

<b>Meeting</b>	<b>Subject</b>
Ordinary Council Meeting 09 December 2013	Cobram Library
<b>MOTION</b>	
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)
<b>ACTIVITY</b>	
Specification being developed. The architectural services will be tendered.	
<b>Meeting</b>	<b>Subject</b>
Ordinary Council Meeting 24 June 2013	Lease to National Broadband Network - Strathmerton
<b>MOTION</b>	
CRS WENDY BUCK / DON MCPHEE	
That Council:	
1. Resolve to enter into a lease with the National Broadband Network Company to occupy part of the land within the Strathmerton Recreation Reserve, Numurkah Rd, Strathmerton for the construction of a telecommunications tower and compound.	
2. Authorise the Chief Executive Officer to sign and seal the lease documents.	(CARRIED)
<b>ACTIVITY</b>	
Draft Lease received 26/3/14. Approved with minor amendment and returned to NBN. Await final draft. The lease has been signed by MSC and returned to NBN on 23/6/14.	
<b>COMPLETED</b>	

FILE NO: 100.01.0001  
3. OUR COMMUNICATIONS AND  
PROCESSES

ITEM NO: 11.1  
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ALISON COE)

## ACTION OFFICERS LIST (cont'd)

### ATTACHMENT No [1] - Action Officers List - July 2014

ACTION OFFICERS LIST - July 2014	
Meeting	Subject
<p>Ordinary Council Meeting 20 May 2013</p> <p><b>MOTION</b> That Council:</p> <ol style="list-style-type: none"> <li>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.</li> <li>Authorise the Chief Executive Officer to sign and seal the lease documents</li> </ol> <p><b>ACTIVITY</b> NBN Co advised of Council approval. Awaiting lease document from NBN.</p>	(CARRIED)
Meeting	Subject
<p>Ordinary Council Meeting 17 September 2012</p> <p><b>MOTION</b> That Council:</p> <ol style="list-style-type: none"> <li>Explore feasibility of establishing a bus terminus and lighted car parking area near the old railway station precinct; and</li> <li>Seek funding from the appropriate authority for a sided bus shelter at corner of Orr and Belmore Streets to protect people from the weather.</li> </ol> <p><b>ACTIVITY</b> The area available at the old Railway Station will be dependent upon the option and alignment that VicRoads adopt for the new bridge at Yarrowonga. Current indications are that there will be no space available to develop the site.</p>	(CARRIED)
Meeting	Subject
<p>Ordinary Council Meeting 12 December 2011</p> <p><b>MOTION</b> That Council review the Local Law 2007 Meeting Procedure.</p> <p><b>ACTIVITY</b> Currently awaiting legal advice following which a report will be submitted to Council.</p>	(CARRIED)

FILE NO: 100.01.0001  
3. OUR COMMUNICATIONS AND  
PROCESSES

ITEM NO: 11.1  
(EXECUTIVE SUPPORT OFFICER,  
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**ACTION OFFICERS LIST (cont'd)**

**ATTACHMENT No [1] - Action Officers List - July 2014**

ACTION OFFICERS LIST - July 2014	
Meeting	Subject
<p>Ordinary Council Meeting 20 June 2011</p> <p><b>MOTION</b> 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</p> <p><b>ACTIVITY</b> Report for Terms of Reference Working Group went to Council Briefing 4 February 2013. In the process of establishing the working group, using the agreed Terms of Reference.</p> <p>The plan for the establishment of an RV working group will be incorporated into the Tourism Strategy that is to be developed in the coming six months.</p>	<p>RV Friendly Shire</p> <p>(CARRIED)</p>
<p>Ordinary Council Meeting 10 December 2012</p> <p><b>MOTION</b> That a review of Transfer Station operating hours be undertaken and presented to Council.</p> <p><b>ACTIVITY</b> 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 Yarrawonga and Numurkah being open (and closing) 1 hour earlier and Nathalia being closed earlier on Saturdays.</p> <p>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.</p>	<p>Transfer Station operating hours</p> <p>(CARRIED)</p>

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

**ITEM NO: 11.1  
(EXECUTIVE SUPPORT OFFICER,  
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ALISON COE)**

**ACTION OFFICERS LIST (cont'd)**

**ATTACHMENT No [1] - Action Officers List - July 2014**

FILE NO: F13/2583  
2. OUR ENVIRONMENT AND LIFESTYLE

ITEM NO: 13.1  
(ACTING DIRECTOR, DEVELOPMENT AND  
LIVEABILITY , MARK FOORD)  
(ACTING DIRECTOR, DEVELOPMENT AND  
LIVEABILITY , MARK FOORD)

## PETITIONS - WITT STREET & ZORRO DRIVE, YARRAWONGA FOOTPATHS

### 1. Executive Summary

Two petitions have been received regarding proposals to install footpaths in Witt Street and Zorro Drive, Yarrowonga. The Witt Street petition has 135 signatures and the Zorro Drive has 85 signatures.

It is recommended that the petitions outline significant support for construction of footpaths in these locations and that Council institute a community process to ascertain whether there is significant support for development of a Scheme or Schemes to provide footpaths in these locations.

### 2. Background and Options

Under Council's Policy with respect to Special Charge Schemes Council may introduce a Scheme for construction of footpaths 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.

The Policy provides that Council not re-investigate a scheme for a period of two years after an initial proposal has been investigated. Council did investigate a Scheme for footpath construction in Yarrowonga in 2008. It may therefore be appropriate to re-investigate a Scheme at this time, in accordance with the petitions.

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 would be required to contribute half the cost of a new footpath if a Scheme was introduced.

### 4. Risk Management

The petitions mention that there is significant 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.

### 5. Internal and External Consultation

If a Scheme were adopted to install footpaths in Yarrowonga, 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 arising out of the petitions.

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



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**PETITIONS - WITT STREET & ZORRO DRIVE, YARRAWONGA FOOTPATHS**  
(cont'd)

- 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 consideration of the petitions will not have significant regional effects.

**7. Council Plan Strategy**

The Council Plan recognises the importance of maintenance of Council's 127 km or 230,331 square metres of existing footpaths 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
- 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. Under this Policy Council will meet half the cost of new footpaths in residential areas with the remaining half met by owners of abutting properties. The purpose of this Policy is to help the introduction of footpaths.

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LIVEABILITY , MARK FOORD)  
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LIVEABILITY , MARK FOORD)

## PETITIONS - WITT STREET & ZORRO DRIVE, YARRAWONGA FOOTPATHS (cont'd)

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.

### 9. Environmental Impact

Should any footpath 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 community engagement program to determine if there is sufficient support to provide footpaths in Zorro Drive and Witt Street, Yarrowonga in accordance with Councils Special Rates and Charges Policy, and the community consultation programme outlined in this report.

## Attachments

- 1 Witt Street Petition
- 2 Zorro Drive Petition
- 3 Zorro Drive Letter of support

## RECOMMENDATION

That:

1. Council commence a community engagement programme to determine if there is sufficient support to construct footpaths in Zorro Drive and Witt Street, Yarrowonga in accordance with the Special Rates and Charges Policy.

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2. OUR ENVIRONMENT AND LIFESTYLE

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**PETITIONS - WITT STREET & ZORRO DRIVE, YARRAWONGA FOOTPATHS  
(cont'd)**

**MOTION**

CRS BRIAN KEENAN / DON MCPHEE

That:

1. Council commence a community engagement programme to determine if there is sufficient support to construct footpaths in Zorro Drive and Witt Street, Yarrawonga in accordance with the Special Rates and Charges Policy.

(CARRIED)

FILE NO: F13/2583  
2. OUR ENVIRONMENT AND LIFESTYLE

ITEM NO: 13.1  
(ACTING DIRECTOR, DEVELOPMENT AND LIVEABILITY , MARK FOORD)  
(ACTING DIRECTOR, DEVELOPMENT AND LIVEABILITY , MARK FOORD)

**PETITIONS - WITT STREET & ZORRO DRIVE, YARRAWONGA FOOTPATHS**  
(cont'd)

**ATTACHMENT No [1] - Witt Street Petition**

Moirā Shire Council	
File #	
Corres No.	
30 MAY 2014	
Referred to	

A footpath for Witt St.

Dear community members

I am a resident of Yarrawonga and have become increasingly concerned about the lack of footpaths in our town. Each day I see people with prams, young children, dog walkers, many elderly residents and other general pedestrians walking on the road as there is no footpath for them to use.

An area I feel is important for the footpath to continue is on Witt Street. Although the footpath exists on part of Witt Street as soon as it ends it is clear where people begin to walk on the road.

The dangers of cars and other traffic on this section of road are clear to see, particularly of a morning and afternoon when children are off to school, parents are dropping children at daycare, people are out walking and cars, trailers and trucks are off to and from work. As a major thoroughfare Witt Street attracts a lot of traffic, the intersection of Witt and Woods is also difficult to negotiate. Children on scooters are forced onto the road on their journey to school, prams either have to tackle the difficult terrain of lawns or walk on the road, as do all other users.

In speaking with Moira Shire Council I am please to say that my enquiries about the situation have been meet positively. The situation for residential footpaths is generally that the resident and council each contribute to the construction of the footpath. However if enough support for the footpath can be demonstrated from both residents, businesses and other effected parties then it is possible that such a project can be funded through other schemes, thus removing the cost from the individual residents.

I would ask you to seriously consider showing you support for this worthwhile project by signing the petition that will be available at Sacred Heart College, Sacred Heart Primary school, Yarrawonga P-12 Primary Campus, Yarrawonga Newsagents and Sacred Heart Church.

If we work together on projects such as this to build our community I truly believe it demonstrates our care and concern for each other and highlights the value of living in a rural community where people come first.

Thank you so much for your time and assistance.

FILE NO: F13/2583  
2. OUR ENVIRONMENT AND LIFESTYLE

ITEM NO: 13.1  
(ACTING DIRECTOR, DEVELOPMENT AND LIVEABILITY , MARK FOORD)  
(ACTING DIRECTOR, DEVELOPMENT AND LIVEABILITY , MARK FOORD)

**PETITIONS - WITT STREET & ZORRO DRIVE, YARRAWONGA FOOTPATHS**  
(cont'd)

**ATTACHMENT No [2] - Zorro Drive Petition**

Moirā Shire Council	
File #	
Corres N	
30 MAY 2014	
Referred to	

A footpath for Zorro Drive.

Dear community members

I am a resident of Zorro Drive in Yarrawonga and have become increasingly concerned about the lack of footpaths in our town. Each day I see people with prams, young children, dog walkers and other general pedestrians walking on the road as there is no footpath for them to use.

Although the footpath exists on part of Zorro Drive as soon as it ends it is clear where people begin to walk on the road. I feel that continuing the footpath to the end of Zorro Drive so that it connects to the Murray Valley Highway is an important project.

The dangers of cars and other traffic on this section of road are clear to see, particularly of a morning and afternoon when children are off to school, parents are dropping children at daycare, people are out walking and cars, trailers and trucks are off to and from work.

In speaking with Moria Shire Council I am please to say that my enquiries about the situation have been meet positively. The situation for residential footpaths is generally that the resident and council each contribute to the construction of the footpath. However if enough support for the footpath can be demonstrated from both residents, businesses and other effected parties then it is possible that such a project can be funded through other schemes, thus removing the cost from the individual residents.

I would ask you to seriously consider showing you support for this worthwhile project by simply filling in your details on the bottom of this letter and returning it to 37 Zorro drive OR signing the petition that will be available at Country Buddies.

If we work together on projects such as this to build our community I truly believe it demonstrates our care and concern for each other and highlights the value of living in a rural community where people come first.

Thank you so much for your time and assistance.

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(ACTING DIRECTOR, DEVELOPMENT  
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**PETITIONS - WITT STREET & ZORRO DRIVE, YARRAWONGA FOOTPATHS**  
(cont'd)

**ATTACHMENT No [3] - Zorro Drive Letter of support**

Dear

Thank you for bothering about a Footpath for our Road.

It is much needed, although looking around Yarrawonga, not many areas have footpaths.

I notice that when new sub-divisions are created, the developers put in footpaths as well as roads. I suspect this is a Council requirement so I wonder why our Council cannot give existing areas with no footpaths more priority!!

People in wheelchairs, Mothers with babies in prams/pushers have for many years struggled to get along.

No footpaths, coupled with the drainage problems we have endured, lead me to believe Council is out of touch with our Community needs. We have new Councillors this year - I hope they do the job.

I wish you Success

FILE NO: F13/277  
5. INFRASTRUCTURE

ITEM NO: 14.1  
(ASSETS EXECUTIVE, BRUCE BERG VON  
LINDHE)  
(ACTING DIRECTOR, DEVELOPMENT AND  
LIVEABILITY , MARK FOORD)

## EXTENSION OF LEASE TO TELSTRA

Telstra Corporation Limited (Telstra) seeks Council agreement to renew and vary the lease of land at 7 Swanson St Wilby, which is the site of the Telstra telephone exchange.

The original lease commenced on 1 September 1999 for a 10 year term and granted Telstra the option to extend the lease for two further terms of 5 years each. The first extension option from 1 September 2009 to 1 September 2014 was granted by Council resolution on 17 November 2008.

Council consent is sought to extend the lease from 1 September 2014 and vary the lease in accordance with the attached documents.

### Attachments

- 1 Deed to renew and vary lease at 7 Swanson St Wilby

### RECOMMENDATION

That Council authorise the Chief Executive Officer to sign and seal the lease with Telstra for land at 7 Swanson Street, Wilby.

### MOTION

CRS ALEX MONK / ED COX

That Council authorise the Chief Executive Officer to sign and seal the lease with Telstra for land at 7 Swanson Street, Wilby.

(CARRIED)



FILE NO: F13/277  
5. INFRASTRUCTURE

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VON LINDHE)  
(ACTING DIRECTOR, DEVELOPMENT  
AND LIVEABILITY , MARK FOORD)

**EXTENSION OF LEASE TO TELSTRA (cont'd)**

**ATTACHMENT No [1] - Deed to renew and vary lease at 7 Swanson St Wilby**



*Australian Government Solicitor*

**DEED**

DEED IN RELATION TO RENEWAL AND VARIATION OF LEASE AT 7 SWANSON  
STREET, WILBY, VICTORIA

Moira Shire Council  
(Lessor)

Telstra Corporation Limited  
ACN 051 775 556 (Lessee)

Australian Government Solicitor  
Level 21, 200 Queen Street  
Melbourne VIC 3000

File reference: 14083174

Contact: Robert Cole  
T: 03 9242 1392 F: 03 9242 1481



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**EXTENSION OF LEASE TO TELSTRA (cont'd)****ATTACHMENT No [1] - Deed to renew and vary lease at 7 Swanson St Wilby**

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## EXTENSION OF LEASE TO TELSTRA (cont'd)

### ATTACHMENT No [1] - Deed to renew and vary lease at 7 Swanson St Wilby

*Australian Government Solicitor*

#### DEED

DEED IN RELATION TO RENEWAL AND VARIATION OF LEASE AT 7 SWANSON STREET, WILBY, VICTORIA

#### Date

This Deed is dated \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_

#### Parties

This Deed is made between and binds the following parties:

1. **Moira Shire Council**  
(Lessor)
2. **Telstra Corporation Limited ACN 051 775 556**  
(Lessee)

#### Context

This Deed is made in the following context:

- A By the Original Lease the Premises were demised by the Lessor to the Lessee for the term commencing on 1 September 1999 and expiring on 31 August 2009 and subject to the terms and conditions contained in the Original Lease.
- B The Original Lease granted the Lessee two (2) options of renewal of five (5) years each.
- C The Lessee exercised the option to renew the Original Lease for the first further term commencing on 1 September 2009 on the terms and conditions of the Lease.
- D The Lessee has exercised the option to renew the Lease for the second further term commencing on 1 September 2014.
- E The parties have agreed to vary the Lease on the terms and conditions contained in this Deed.
- F The parties have agreed to the terms and conditions of this Deed.

#### Operative Provisions

In consideration of the mutual promises contained in this Deed, the parties to this Deed agree as follows:

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5. INFRASTRUCTURE

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(ACTING DIRECTOR, DEVELOPMENT  
AND LIVEABILITY , MARK FOORD)

## EXTENSION OF LEASE TO TELSTRA (cont'd)

### ATTACHMENT No [1] - Deed to renew and vary lease at 7 Swanson St Wilby

*Australian Government Solicitor*

#### 1. Interpretation

##### 1.1. Definitions

1.2. Unless the contrary intention appears a term in bold type has the meaning shown opposite it:

<b>Deed</b>	this Deed and includes all schedules and attachments to this Deed
<b>Effective Date</b>	1 September 2014
<b>First Deed</b>	the Deed of Renewal and Variation of Lease dated 17 November 2008 between the Lessor and the Lessee which is annexed at Annexure A of this Deed
<b>Lessor</b>	Moira Shire Council (formerly known as The President Councillors and Ratepayers of the Shire of Yarrawonga)
<b>Lease</b>	the Original Lease as varied by the First Deed
<b>Lessee</b>	Telstra Corporation Limited ACN 051 775 556
<b>Original Lease</b>	the Lease dated 23 August 1999 between the Lessor and the Lessee (a copy of which is annexed to the First Deed)
<b>Premises</b>	the premises described in the Lease
<b>Renewed Lease</b>	the renewed lease created by the renewal of the Lease on the terms and conditions of this Deed

- 1.3. The singular includes the plural.
- 1.4. A reference to one gender includes a reference to all other genders.
- 1.5. Wherever the context permits "Lessor" and "Lessee" include their respective successors in title or assignees.
- 1.6. A covenant on the part of two or more persons binds them jointly and severally and a covenant for the benefit of two or more persons is for the benefit of them jointly and severally.
- 1.7. Unless the context or circumstances otherwise require all words and phrases used in this Deed will be read and construed as having the meaning ascribed to them in the Lease.
- 1.8. Any reference in this Deed to any statute or regulation includes all amendments and revisions made from time to time to that statute or regulation.
- 1.9. Headings in this Deed have been inserted for convenience and reference only.
- 1.10. In the interpretation of this Deed no rules of construction apply to the disadvantage of any party on the basis that it put forward this Deed.

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## EXTENSION OF LEASE TO TELSTRA (cont'd)

### ATTACHMENT No [1] - Deed to renew and vary lease at 7 Swanson St Wilby

*Australian Government Solicitor*

#### 2. Grant of Renewed Lease

- 2.1. In consideration of the matters described in the Context section of this Deed the Lessor hereby demises the Premises to the Lessee for the term of five (5) years commencing on the Effective Date subject to and with the benefit of the terms and conditions of the Renewed Lease.

#### 3. Variation

- 3.1. With effect from the Effective Date the Lease is varied in the following manner:

- a. The description appearing opposite the word "LESSEE" is replaced with:

Name: **Telstra Corporation Limited**  
**Director, Telstra Property**  
Address: c/- Jones Lang LaSalle  
Level 34, 242 Exhibition Street  
MELBOURNE VIC 3000  
Attention: Property Management Director  
Email: Telstra.Notices@ap.jll.com and  
F0901953@team.telstra.com

- b. The words appearing opposite the word "TERM" are replaced with:

Five (5) years from 1 September 2014

- c. Opposite the word "RENT", the figure "\$550" is replaced with "\$650".

- d. Opposite the words "RENT REVIEW", the word "initial" is deleted.

- e. Opposite the words "FENCING", the words "erect and" are deleted.

- f. The GST clause is replaced with the following:

##### **GST**

- (a) Recovery of GST

If one party (supplying party) makes a taxable supply and the consideration for that supply does not expressly include GST, the party that is liable to provide the consideration (receiving party) must also pay an amount (GST amount) equal to the GST payable in respect of that supply.

- (b) Time for payment of GST amount

Subject to first receiving a tax invoice or adjustment note as appropriate, the receiving party must pay the GST amount when it is liable to provide the consideration.

- (c) Indemnity and reimbursement payments

If one party must indemnify or reimburse another party (payee) for any loss or expense incurred by the payee, the required payment does not include any amount which the payee (or an entity that is in the same GST group as the payee) is entitled to claim as an

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## EXTENSION OF LEASE TO TELSTRA (cont'd)

### ATTACHMENT No [1] - Deed to renew and vary lease at 7 Swanson St Wilby

*Australian Government Solicitor*

input tax credit, but will be increased under GST clause (a) if the payment is consideration for a taxable supply.

(d) Adjustment events

If an adjustment event arises in respect of a taxable supply made by a supplying party, the GST amount payable by the receiving party under GST clause (a) will be recalculated to reflect the adjustment event and a payment will be made by the receiving party to the supplying party, or by the supplying party to the receiving party, as the case requires.

(e) Time limit on payment of the GST amount

Notwithstanding any other provision in this Deed, the receiving party is not required to pay the GST amount referred to in GST clause (b) unless it has received a tax invoice in respect of the supply (or, if section 156-5(1) of the GST Act applies to the supply, the periodic or progressive component of the supply) from the supplying party within three years and 11 months after the end of:

- i. the first calendar month in which any of the consideration for the supply (or the periodic or progressive component of the supply) is provided; or
- ii. if an invoice is issued prior to the provision of any of the consideration for the supply (or the periodic or progressive component of the supply), the calendar month in which the invoice is issued.

(f) Interpretation

In this Lease:

- i. terms used that are defined in the A New Tax System (Goods and Services Tax) Act 1999 (Cth) (GST Act) have the meaning given in that Act, unless the context makes it clear that a different meaning is intended; and
- ii. consideration includes non-monetary consideration, in respect of which the parties must agree on a market value, acting reasonably; and
- iii. in addition to the meaning given in the GST Act, the term "GST" includes a notional liability for GST.

g. Below the GST clause, a new clause is inserted in the Lease as follows:

**Notice by Email**

- (a) In addition to any other valid method of service, notices under this lease may be served on the Lessee by email.

<p>FILE NO: F13/277 5. INFRASTRUCTURE</p>	<p>ITEM NO: 14.1 (ASSETS EXECUTIVE, BRUCE BERG VON LINDHE) (ACTING DIRECTOR, DEVELOPMENT AND LIVEABILITY , MARK FOORD)</p>
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**EXTENSION OF LEASE TO TELSTRA (cont'd)****ATTACHMENT No [1] - Deed to renew and vary lease at 7 Swanson St Wilby***Australian Government Solicitor*

- (b) Where notice is given by email, notice is regarded as given or served:
- i. *if delivered by 5.00 pm on a Business Day* - at the time (local time in the place of receipt) specified in the delivery confirmation or receipt generated by the sender's email; or
  - ii. *if delivered after 5.00 pm on a Business Day or on a day that is not a Business Day* - on the next Business Day after the time (local time in the place of receipt) specified in the delivery confirmation or receipt generated by the sender's email.
- (b) Where more than one email address is specified, the notice consent or other communication must be sent to all specified email addresses.

**4. Terms and Conditions of Renewed Lease**

- 4.1. The Lessor and the Lessee both agree that except for the modifications made by this Deed the terms and conditions of the Lease apply to and are incorporated into the Renewed Lease.
- 4.2. The Lessor and the Lessee must perform and observe the terms of the Renewed Lease.

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**EXTENSION OF LEASE TO TELSTRA (cont'd)**

**ATTACHMENT No [1] - Deed to renew and vary lease at 7 Swanson St Wilby**

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ANNEXURE A – FIRST DEED

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**EXTENSION OF LEASE TO TELSTRA (cont'd)**

**ATTACHMENT No [1] - Deed to renew and vary lease at 7 Swanson St Wilby**

FILE COPY



Australian Government Solicitor

**DEED**

DEED IN RELATION TO RENEWAL AND VARIATION OF LEASE AT 7 SWANSON  
STREET, WILBY VICTORIA

Moira Shire Council  
(Lessor)

Telstra Corporation Limited  
ACN 051 775 556  
(Lessee)

Australian Government Solicitor  
Level 21, 200 Queen Street  
Melbourne VIC 3000  
File reference: 08062630  
Contact: Joel Seignior  
T: 03 9242 1216 F: 03 9242 1481



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## EXTENSION OF LEASE TO TELSTRA (cont'd)

ATTACHMENT No [1] - Deed to renew and vary lease at 7 Swanson St Wilby

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(ACTING DIRECTOR, DEVELOPMENT  
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**EXTENSION OF LEASE TO TELSTRA (cont'd)**

**ATTACHMENT No [1] - Deed to renew and vary lease at 7 Swanson St Wilby**

*Australian Government Solicitor*

**DEED**

DEED IN RELATION TO RENEWAL AND VARIATION OF LEASE AT 7 SWANSON STREET, WILBY VICTORIA

**Date**

This Deed is dated 17<sup>th</sup> day of November 2008.

**Parties**

This Deed is made between and binds the following parties:

1. **Moira Shire Council**  
(Lessor)
2. **Telstra Corporation Limited ACN 051 775 556**  
(Lessee)

**Context**

This Deed is made in the following context:

- A By the Lease the Premises were demised by the Lessor to the Lessee for the term commencing on 1 September 1999 and expiring on 31 August 2009 and subject to the terms and conditions contained in the Lease.
- B The Lease granted the Lessee two (2) further options of renewal of five (5) years for each option.
- C The Lessee has exercised the first option to renew the Lease for the further term commencing on 1 September 2009.
- D The parties have agreed to vary the Lease on the terms and conditions contained in this Deed.
- E The parties have agreed to the terms and conditions of this Deed.

**Operative Provisions**

In consideration of the mutual promises contained in this Deed, the parties to this Deed agree as follows:

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(ACTING DIRECTOR, DEVELOPMENT  
AND LIVEABILITY , MARK FOORD)

## EXTENSION OF LEASE TO TELSTRA (cont'd)

### ATTACHMENT No [1] - Deed to renew and vary lease at 7 Swanson St Wilby

*Australian Government Solicitor*

#### 1. Interpretation

##### 1.1. Definitions

1.2. Unless the contrary intention appears a term in bold type has the meaning shown opposite it:

<b>Deed</b>	this Deed and includes all schedules and attachments to this Deed
<b>Effective Date</b>	1 September 2009
<b>Lessor</b>	Moira Shire Council (formerly known as The President Councillors and Ratepayers of the Shire of Yarrawonga)
<b>Lease</b>	the lease dated 23 August 1999 between the Lessor and the Lessee (a copy of which is annexed at Annexure A)
<b>Lessee</b>	Telstra Corporation Limited ACN 051 775 556
<b>Premises</b>	the premises described in the Lease
<b>Renewed Lease</b>	the lease created by this Deed

1.3. The singular includes the plural.

1.4. A reference to one gender includes a reference to all other genders.

1.5. Wherever the context permits "Lessor" and "Lessee" includes any respective successors in title or assignees.

1.6. A covenant on the part of two or more persons binds them jointly and severally and a covenant for the benefit of two or more persons is for the benefit of them jointly and severally.

1.7. Unless the context or circumstances otherwise require all words and phrases used in this Deed will be read and construed as having the meaning ascribed to them in the Lease.

1.8. Any reference in this Deed to any statute or regulation includes all amendments and revisions made from time to time to that statute or regulation.

1.9. Headings in this Deed have been inserted for convenience and reference only.

1.10. In the interpretation of this Deed no rules of construction apply to the disadvantage of any party on the basis that it put forward this Deed.

#### 2. Grant of Renewed Lease

2.1. In consideration of the matters described in the Context section of this Deed the Lessor hereby demises the Premises to the Lessee for the term of five (5) years

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## EXTENSION OF LEASE TO TELSTRA (cont'd)

### ATTACHMENT No [1] - Deed to renew and vary lease at 7 Swanson St Wilby

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commencing on the Effective Date subject to, and with the benefit of, the terms and conditions of the Renewed Lease.

#### 3. Variation

3.1. The Lease is varied by the insertion of the following clauses

- a. The Lessor details appearing opposite the word "**LESSOR**" in the Lease are deleted and replaced with the following"

Moira Shire Council  
44 Station Street  
COBRAM VIC 3644  
PO Box 578  
COBRAM VIC 3643

- b. The Lessee details appearing opposite the word "**LESSEE**" in the Lease are deleted and replaced with the following:

Telstra Corporation Limited ACN 051 775 556  
C/- United Group Services Pty Limited  
GPO Box 2474  
BRISBANE QLD 4001

Level 13, 215 Adelaide Street  
BRISBANE QLD 4000

Attention: Telstra Client Manager  
Tel: (07) 3239 4000  
Fax: (07) 3239 4010

AND

Telstra Corporation Limited ACN 051 775 556  
Level 41  
242 Exhibition Street  
Melbourne Victoria 3000

Attention: Director, Telstra Property  
Fax: (03) 9632 3215

- c. The details of the Term of the Lease appearing opposite the word "**TERM**" in the Lease are deleted and replaced with the following:

Five (5) years from 1 September 2009, together with one option to renew of five (5) years.

- d. The details of the Rent payable under the Lease appearing opposite the word "**RENT**" in the Lease are deleted and replaced with the following:

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## EXTENSION OF LEASE TO TELSTRA (cont'd)

### ATTACHMENT No [1] - Deed to renew and vary lease at 7 Swanson St Wilby

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\$550.00 per annum, payable yearly in advance by Direct Deposit, on the first of September each year.

- e. A new clause is inserted in the Lease as follows:

#### **GST**

- a. Recovery of GST

If one party (**supplying party**) makes a taxable supply and the consideration for that supply does not expressly include GST, the party that is liable to provide the consideration (**receiving party**) must also pay an amount equal to the GST payable in respect of that supply.

- b. Time for payment of GST amount

Subject to first receiving a tax invoice, the receiving party must pay the GST amount when it is liable to provide the consideration.

- c. Indemnity and reimbursement payments

If one party must indemnify or reimburse another party (**payee**) for any loss or expense incurred by the payee, the required payment does not include any amount which the payee (or an entity that is in the same GST group as the payee) is entitled to claim as an input tax credit, but will be increased under clause 6.1 if the payment is consideration for a taxable supply.

- d. Interpretation

In this Deed:

- (i) terms used that are defined in the A New Tax System (Goods and Services Tax) Act 1999 (Cth) have the meaning given in that Act, unless the context makes it clear that a different meaning is intended; and
- (ii) consideration includes non-monetary consideration, in respect of which the parties must agree on a market value, acting reasonably.

#### **4. Terms and Conditions of Renewed Lease**

- 4.1. The Lessor and the Lessee both agree that except for the modifications made by this Deed the terms and conditions of the Lease apply to and are incorporated into the Renewed Lease.
- 4.2. The Lessor and the Lessee must perform and observe the terms of the Renewed Lease.

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**EXTENSION OF LEASE TO TELSTRA (cont'd)**

**ATTACHMENT No [1] - Deed to renew and vary lease at 7 Swanson St Wilby**

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ANNEXURE A - LEASE

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**EXTENSION OF LEASE TO TELSTRA (cont'd)**

ATTACHMENT No [1] - Deed to renew and vary lease at 7 Swanson St Wilby

**LEASE**

**LESSOR** MOIRA SHIRE COUNCIL

**LESSEE** TELSTRA CORPORATION LIMITED  
ACN 051 775 556

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Site for Automatic Telephone Exchange

WILBY - VICTORIA

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VON LINDHE)  
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**EXTENSION OF LEASE TO TELSTRA (cont'd)**

**ATTACHMENT No [1] - Deed to renew and vary lease at 7 Swanson St Wilby**

**LEASE OF VACANT LAND  
OCCUPIED BY TELSTRA CORPORATION LIMITED**

<b>LESSOR</b>	Moira Shire Council P.O. Box 354 YARRAWONGA VIC 3730
<b>LESSEE</b>	Telstra Corporation Limited ACN 051 775 556 Corporate Property Services 6/333 Queen Street, Melbourne Vic 3000 (Attention Regional Manager)
<b>PREMISES</b>	An area of approx. 150m <sup>2</sup> and part of Crown Allotment 4 Section 2 Parish of Pelluelba and shown on the attached Plan, together with an unrestricted right of access to the Premises at all times.
<b>TERM</b>	10 years, from 1st September, 1999, together with 2 options to renew, each of 5 years.
<b>OPTIONS TO RENEW</b>	The Lessee will be deemed to have exercised its right to renew for a further Term unless the Lessor is advised otherwise by the Lessee in writing.
<b>RENT</b>	\$350 per annum, payable yearly in advance by Direct Deposit, on the first of September each year.
<b>RENT REVIEW</b>	Fixed for the initial Term. To be reviewed to current market rent from the commencement of each further term. Any dispute shall be determined by an agreed Valuer.
<b>PERMITTED USE</b>	Telecommunications Operations and associated services.
<b>FENCING</b>	The Lessee will erect and maintain fencing on the boundaries of the premises.
<b>GRANT OF LEASE</b>	The Lessor leases the Premises to the Lessee for the Term and at the Rent and on the Conditions set out in this Lease.
<b>SURRENDER</b>	During the initial term or any option period, the Lessee may terminate this Lease on the giving of 6 months written advice to the Lessor should the facility no longer be required.
<b>HOLDING OVER</b>	If the Lessee remains in possession of the Premises after the expiry of the extended Terms then the Lessee shall be deemed to be a tenant from month to month.

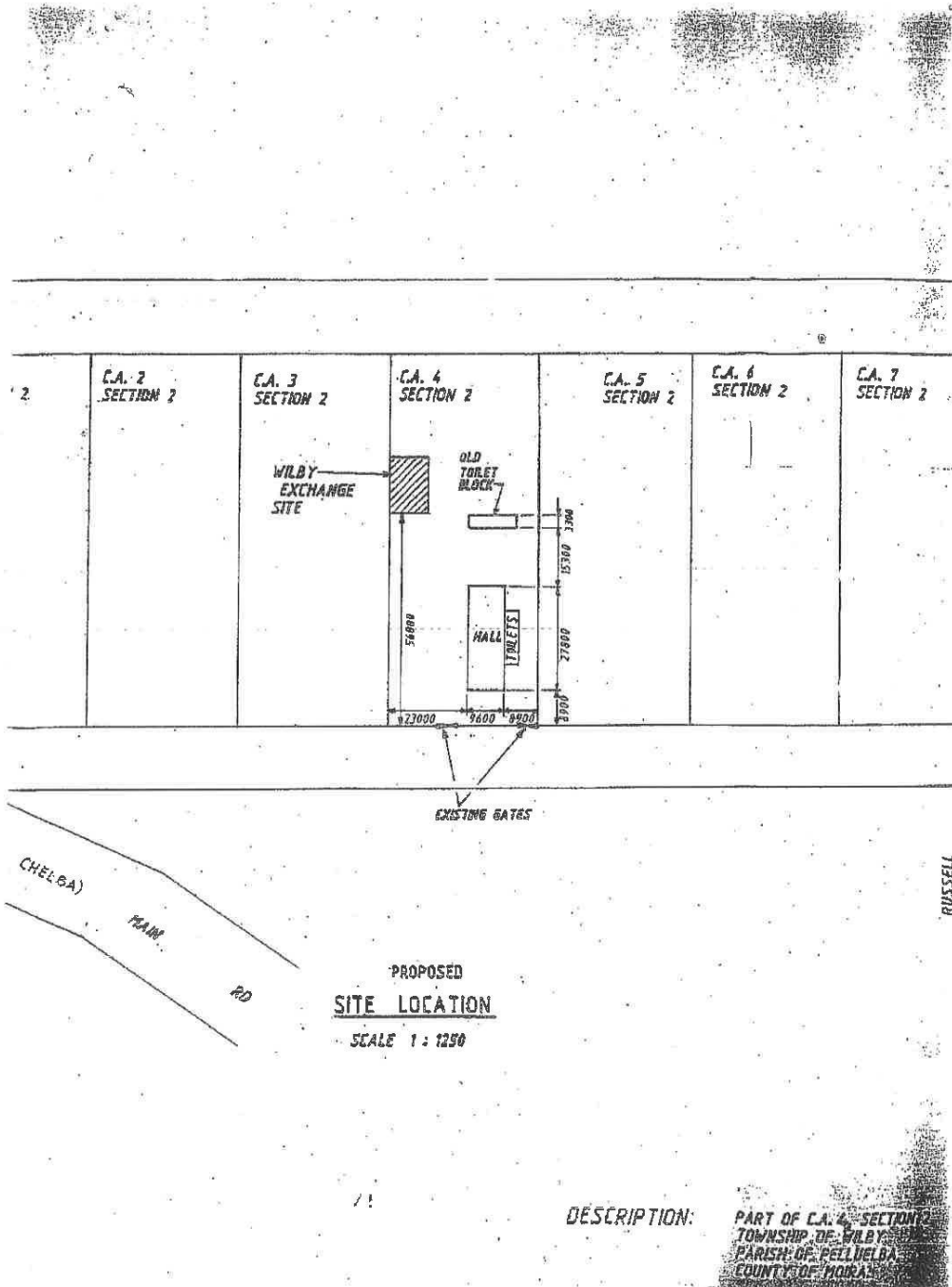


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**EXTENSION OF LEASE TO TELSTRA (cont'd)**

ATTACHMENT No [1] - Deed to renew and vary lease at 7 Swanson St Wilby







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

**Nil**

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: 16

**QUESTIONS FROM THE PUBLIC GALLERY**

1. **What is the protocol with receiving the petition? Why is that no one spoke regarding the petition?**

Question: What is the protocol with receiving the petition? Why did no one speak to the motion regarding the petition?

Answer: Acting Mayor, Councillor Wendy Buck responded: Councillors cannot speak on the petition. It will lay on the table for a month and a report on the petition will be included in the agenda at the next meeting.

2. **Leanne Pell, Nathalia**

Question: Can the CEO, Mr Henderson please explain why he has stated that the probity audit will cost over \$200,000 but the contract was awarded for \$60,000?

Answer: The CEO, Mark Henderson responded: The wide ranging fiscal / operating terms of reference when compared against other councils that have undertaken a probity audit, we would be looking at investing significant funds, around \$150,000. This can be compared to Bendigo who have a larger Council but spent \$250,000. There would also be additional work which would follow on from the probity audit.

3. **Leanne Pell, Nathalia**

Question: So what has happened to the contract that was awarded, \$60,000 as per the Border Mail article?

Answer: The CEO, Mark Henderson responded: The procurement of that contract had issues in terms of good process and was not enacted. Subsequently negotiations have been put in place with Rob Salisbury to not proceed.

4. **Mel Freeman, Nathalia**

Question: An audit was conducted which identified 42 breaches out of 65 in 2009/10 to 2013. At what stage is this investigation at?

Answer: The CEO, Mark Henderson responded: It is difficult to discuss confidential council business but it has been reported in the media in the Herald Sun. The contractual / procurement practices of the Local Government Act of procurement requirements. It has been referred to Independent Broad-based Anti-Corruption Commission (IBAC). We expect a response within 1 or 2 months. IBAC will make their decision to undertake a forensic audit themselves or refer it back to Council. If referred back to Council, the Council then has the opportunity to undertake its own forensic audit.

5. **John Hay, Koonoomoo**

Question: Is there a requirement for a landscape plan for planning permit process?

Answer: The CEO, Mark Henderson responded: It forms part of the planning scheme. All Councils have to adhere to.

6. **John Hay, Koonoomoo**

Question: What do planners in Spring Street know about Ulupna Island?

Answer: The CEO, Mark Henderson responded: Rely on local planners to implement.

FILE NO: VARIOUS

ITEM NO: 16

**QUESTIONS FROM THE PUBLIC GALLERY**

7. **John Hay**

Question: There have been ongoing planning issues for the last three years between Council, Parks Victoria and DPI. \$14,000 has been spent. It is an access issue that needs to be rectified. I would like to arrange a meeting with all Councillors on-site.

Answer: Acting Mayor, Councillor Wendy Buck responded: Thank you for the question. We are progressing with a 'can do attitude' in the planning department. I would suggest that the planning officers attend the meeting as well.

8. **Scott Olsen, Koonoomoo**

Question: I have a question for the CEO, are you serving a probationary period as a CEO?

Answer: Acting Mayor Councillor Wendy Buck stated: As a contractual matter the CEO doesn't have to answer.

The CEO, Mark Henderson responded: I don't usual discuss personal information but generally speaking there are typically no probationary periods for CEO contracts in Victoria.

9. **Mr Vic Dohnt, Nathalia**

Question: Whenever it rains the corner of Pearce Street and Hawk Street, Nathalia there is dirty water over the road. When is Council going to do something about it?

Answer: Acting Mayor Councillor Wendy Buck responded: We will ask officers to enter this into our Customer Request System.

Councillor Kevin Bourke responded: This has been an ongoing problem for over 12 years and has previously been entered into the Customer Request System.

10. **Mel Freeman, Nathalia**

Question: Where I live it floods when it rains on the corner of North and Kosta Street, Nathalia. It has been happening for the last 10 years. It can be two metres wide and a foot deep which means I can't leave my property by foot. What is the shire going to do about it?

Answer: Acting Mayor Councillor Wendy Buck responded: Council will look into this.

11. **Sue Maloney**

Question: How often are the levee banks checked and monitored?

Answer: Acting Director Shire Development & Liveability, Mark Foord responded: We inspect the levee banks depending on if they're active or not. We inspect the levee banks thoroughly once a year. We have recently finished inspections where we have identified a range of issues: ants nests, weeds and cracks.

FILE NO: VARIOUS

ITEM NO: 17

**STANDING ORDERS****RECOMMENDATION**

That standing orders be suspended for 10 minutes.

**MOTION**

CRS ED COX / GARY CLEVELAND

That standing orders be suspended for 10 minutes.

(CARRIED)

**RECOMMENDATION**

That standing orders be resumed.

**MOTION**

CRS ED COX / GARY CLEVELAND

That standing orders be resumed.

(CARRIED)

**RECOMMENDATION**

That pursuant to Section 89(2) of the Local Government Act, 1989, this meeting of Council be closed to members of the public in order for Council to discuss contractual, industrial and any other matters which the Council or Special Committee considers would prejudice the Council or any person.

**MOTION**

That pursuant to Section 89(2) of the Local Government Act, 1989, this meeting of Council be closed to members of the public in order for Council to discuss contractual, industrial and any other matters which the Council or Special Committee 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



FILE NO: VARIOUS

ITEM NO: 17

**STANDING ORDERS**

the Ordinary meeting.

**MOTION**

CRS ALEX MONK / ED COX

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

(CARRIED)

**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.

**MOTION**

CRS ALEX MONK / GARY CLEVELAND

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.

(CARRIED)

**Meeting closed at 8.03pm.**