



**MOIRA SHIRE**



**ENRICHING LIFE ON THE MURRAY**

## **COUNCIL AGENDA**

**22 August 2016**



**Discover Moira**



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## **AGENDA**

**ORDINARY MEETING OF COUNCIL  
FOR  
MONDAY 22 AUGUST 2016  
TO BE HELD AT PRESIDENTS ROOM, NUMURKAH TOURIST INFORMATION CENTRE,  
MELVILLE STREET NUMURKAH  
COMMENCING AT 5:00 PM**

**1. CALLING TO ORDER – CEO**

**RECORDING**

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

**2. PRAYER**

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

Amen

**3. ACKNOWLEDGEMENT OF COUNTRY**

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

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

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

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

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

**Recommendation:** “That the minutes of the Ordinary Council Meeting held on Monday, 25 July 2016, as prepared, be confirmed.”

**8. COUNCILLOR REPORTS**

NIL

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<b>9.</b>	<b>OFFICER REPORTS FOR DETERMINATION</b>	
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FILE NO: TBC  
5. DEMONSTRATING GOOD GOVERNANCE

ITEM NO: 9.1.1

## 2015/16 PERFORMANCE STATEMENT AND FINANCIAL STATEMENTS

### RECOMMENDATION

That Council:

1. Note that the 2015/16 Financial Statements have been prepared in accordance with Local Government Act 1989, Local Government (Planning And Reporting) Regulations 2014 and are currently being audited by Council's external auditors.
2. Approve in principle the 2015/16 Financial Statements and Performance Statement in accordance with Section 132(2) of the Local Government Act 1989.
3. Authorise Mayor Councillor Gary Cleveland and Deputy Mayor Councillor Ed Cox to certify the 2015/16 Financial Statements and Performance Statement as required under Section 132(5) of the Local Government Act 1989, after any changes recommended by audit have been made.
4. Authorise forwarding of the Annual Report, including the audited Financial Statements and Performance Statement, to the Minister in accordance with the requirements of the Local Government Act 1989.

#### 1. Executive Summary

The Local Government Act 1989 requires Council to

- approve in principle the audited Financial Statement and Performance Statement Section 132 (2)
- authorise two Councillors to certify the Financial and Performance statement in their final form after any changes recommended or agreed to by the auditor have been made. Section 132 (5)

These steps must occur prior to providing the audited Statements to the Victorian Auditor-General. Following receipt of the Auditor-General's Independent Auditor's Reports, the Statements and Reports will be included in Council's 2015/16 Annual Report that will be submitted to the Minister and then to Council for noting at the September Council Meeting.

#### 2. Background and Options

The Local Government Act requires Councils to submit the 2015/16 Annual Report including the audited Financial and Performance Statements to the Minister by 30 September 2016 and provide the Annual Report for Council's to note thereafter. This timeline has been brought forward this year to ensure Council has opportunity to note Council's Annual Report prior to the commencement of the Caretaker period on 20 September 2016.

Moira Shire Council has prepared the 2015/16 Financial Statements, Performance Statement and Annual Report in accordance with the requirements described in the Local Government Act 1989, Local Government (Planning And Reporting) Regulations 2014 and associated best practice and model report formats. The Statements and Reports have also been prepared with reference to Council's Caretaker Policy.

The Financial Statements and Performance Statement are currently being audited by the Auditor-General's agent and Council's external auditor, Crowe-Howarth Australasia. The audit findings will be reviewed by Council's Audit Committee at its 8 September 2016 meeting.

The Mayor and Deputy Mayor will certify the Statements in their final form after any changes recommended or agreed to by the auditor have been made and following the Audit Committee's review. The certified Statements will be forwarded to the Auditor-General and then included in the Annual Report for noting by Council at its 19 September 2016 Council Meeting.

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ITEM NO: 9.1.1

**2015/16 PERFORMANCE STATEMENT AND FINANCIAL STATEMENTS (cont'd)**

**3. Financial Implications**

This report seeks approval of process requirements. The Financial and Performance statements will be provided to Council independently of this report.

**4. Risk Management**

This report ensures Council meets its statutory requirements.

**5. Internal and External Consultation**

Nil.

**6. Regional Context**

The requirements apply to all Councils.

**7. Council Plan Strategy**

Demonstrating good governance

**8. Legislative / Policy Implications**

This report assists Council to fulfill its statutory obligations.

**9. Environmental Impact**

Nil

**10. Conflict of Interest Considerations**

None to declare.

**11. Conclusion**

The timeline for preparing the Moira Shire Annual Report, Performance Statement and Financial Statements has been brought forward this year to ensure Council has opportunity to note Council's Annual Report prior to the commencement of the Caretaker period on 20 September 2016.

This report requests Council provide in principle approval of the financial statements and performance statement and authorise the Mayor and Deputy Mayor to certify the statements as required under the Local Government Act 1989 after any changes recommended by audit have been made.

The Annual Report including the Financial and Performance statements will be provided to Council for noting at the 19 September Council Meeting.

**Attachments**

Nil

FILE NO: TBC  
5. DEMONSTRATING GOOD GOVERNANCE

ITEM NO: 9.1.2

## COUNCIL PLAN PROGRESS REPORT

### RECOMMENDATION

That Council note Council's performance against the 2013-2017 Council Plan.

#### 1. Executive Summary

This report provides an update on progress against the Council Plan for the final two quarters of the 2015/16 year.

Highlights during this period include:

- The Moira community continues to outperform industry best practice with organic kerbside waste collection recording an average of 0.42% contamination – well below the best practice rate of 1% and ahead of neighboring regional councils.
- Council joined forces with Murray Dairy Regional Towns and Communities Working Group, LGAs, State Government and other agencies to coordinate the best possible response to our dairy farmers and related businesses impacted by recent downturn in milk farm gate prices.
- Council's mosquito monitoring program showed overall mosquito populations in Moira were low this season due to the low rainfall and the delayed start to irrigation.
- Council adopted the 2016-2016 Recreation Strategy and a Recreational Vehicle (RV) Strategy following extensive community and industry feedback and consultation.
- Council delivered \$10.2 million of capital works by 30 June 2016, with \$1.8 mln of works still in progress and \$1.8 million of project works rolled into the 2016/17 program to align with new project delivery.
- Council has completed preliminary research and national benchmarking as it begins the process of developing its long term Arts and Culture Strategy.
- Hearing assistance systems are now available at customer service centres (Cobram and Yarrawonga) and a portable system for Council and community meetings.
- The final stage of the Watts Working Better program was completed with all Council street lights now converted to energy efficient lights.
- Moira Shire hosted Melbourne Food and Wine Festival events including a signature event in the Barmah Forest. The Sun Country on the Murray Food and Wine festival ran concurrently with the Melbourne Festival and showcased local produce and venues.
- Council's website and Facebook pages provided alternative mechanisms for the community to provide feedback on the development of Council's annual budget and strategies.
- Council adopted a revised Councillor Code of Conduct following recent legislative reforms.

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ITEM NO: 9.1.2

## COUNCIL PLAN PROGRESS REPORT (cont'd)

- More than 100 projects proposed for funding in Council's 2016/17 Budget were objectively assessed and scored through the Project Management System.
- Council's operations teams responded to more than 1,970 customer service requests – more than 5 requests every day of the year.

### 2. Background and Options

Council's Performance Reporting Policy requires Council to report progress against the Council Plan twice a year and Council's Annual Report. Council is currently preparing the full year report that will be included in Council's 2015/16 Annual Report.

The attached table details the progress against Council Plan priorities during the second half of the 2015/16 financial year.

### 3. Financial Implications

Council Plan activities are funded through the Council's annual budget and grants.

### 4. Risk Management

Nil

### 5. Internal and External Consultation

Nil

### 6. Regional Context

Nil

### 7. Council Plan Strategy

This report details Council's progress against the Council Plan and its commitments.

### 8. Legislative / Policy Implications

This report fulfills Council's requirements under its Performance Reporting Policy.

### 9. Environmental Impact

Nil

### 10. Conflict of Interest Considerations

None to declare.

### 11. Conclusion

Council continues to deliver on its commitments as detailed in the 2013-2017 Council Plan. A comprehensive full year report will be included in Council's 2015/16 Annual Report.

## Attachments

- 1 Council Plan - Progress Report

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ITEM NO: 9.1.2

**COUNCIL PLAN PROGRESS REPORT (cont'd)**

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

Moira Shire Council 2013 – 17 Council Plan – Progress Report

		15/16		to 31 March 2016		to 30 June 2016	
		Actions	Measure of the Strategic Performance Indicator	Progress	Highlights	Progress	Highlights
1	Represent the interests of our community	Develop an advocacy plan focusing on Council's regional opportunities in agriculture, manufacturing and tourism.	Community satisfaction survey - advocacy				
		Actively engage in relevant forums and networks to promote Moira's interests including MAV, HRLGN, Hume RDA and Murray Group of Councils.				Participating in Murray Dairy Regional Towns and Communities Working Group with LGAs, State Gov and other agencies to coordinate the best possible response to our dairy farmers and related businesses impacted by recent downturn in milk farm gate prices.	
		Liaise with key industry groups about future directions to explore collaborative opportunities and advocate for growth and investment					

Building stronger regional partnerships

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**COUNCIL PLAN PROGRESS REPORT (cont'd)**

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

Moira Shire Council 2013 – 17 Council Plan – Progress Report		to 31 March 2016		to 30 June 2016	
		Progress	Highlights	Progress	Highlights
<b>Improving Moira's Liveability</b>  2 Encourage safe and resilient communities	Strategic Performance Indicator  Measure of the Strategic Performance Indicator	15/16	Actions		
		Assist our communities to prepare, respond and recover from emergencies and natural disasters in line with Moira's Emergency Management Plan	Ongoing reviews & updates completed	Ongoing Reviews & updates	
		Implement Domestic Animal Management Plan	Ongoing	Ongoing Reviews & updates	Updated Domestic Animal Management Plan adopted by Council.
		Enforce Local Laws in timely and reasonable manner	Ongoing	State Emergency animal welfare plan released 2016	Officers attended to 1997 customer requests during 2015-2016
		Develop and commence implementation of Community safety plan 2015-2018		Council continues to develop the Draft Community Safety Plan in consultation with stakeholders and community.	
	Community satisfaction survey Emergency and Disaster Management Local Law enforcement Local Government Performance Reporting Framework (LGPRF)				

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**COUNCIL PLAN PROGRESS REPORT (cont'd)**

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

*Moira Shire Council 2013 – 17 Council Plan – Progress Report*

Strategic Performance Indicator	Measure of the Strategic Performance Indicator	15/16		to 31 March 2016		to 30 June 2016	
		Actions	Progress	Highlights	Progress	Highlights	
3 Encourage healthy and active communities	<ul style="list-style-type: none"> <li>Community satisfaction survey</li> <li>· Elderly support services</li> <li>· Sporting facilities</li> <li>· LGPRF</li> <li>· Satisfaction with Aquatic facilities</li> <li>· Utilisation of aquatic facilities</li> <li>· Cost of MaCH service</li> <li>· Participation in MaCH programs</li> <li>Other</li> <li>Immunisation rates at state average</li> <li>· Satisfaction with Aquatic facilities</li> <li>· Utilisation of aquatic facilities</li> <li>· Cost of MaCH service</li> <li>· Participation in MaCH</li> </ul>	<p>Fulfil obligations under the Public Health and Well Being Act and Food Act</p> <p>Identify and deliver relevant preventative health programs including mosquito monitoring and Syringe disposal</p> <p>Develop Early Years Plan 2016 – 2019</p> <p>Implement Youth strategy 2015 – 2018</p> <p>Implement Municipal Public Health and Wellbeing Plan 2014 – 2017</p>	<p>144 Premises inspections were completed</p> <p>Mosquito monitoring at 191 larval sites with regular mosquito breeding sites inspected at least monthly.</p> <p>Project Scope commenced.</p> <p>Deferred to July 2016.</p> <p>Plan in implementation phase of cycle. Annual report currently being developed for Council.</p>	<p>Overall mosquito populations in Moira were low this season due to the low rainfall and later irrigation start.</p>	<p>105 Premises inspections were completed</p> <p>The mosquito monitoring program occurs between November and April</p>	<p>Successful prosecution for Nuisance offences</p> <p>Breast Feeding Playgroup and Food for All networks successfully delivered.</p>	

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*Moira Shire Council 2013 – 17 Council Plan – Progress Report*

Strategic Performance Indicator	Measure of the Strategic Performance Indicator	Actions	15/16		to 31 March 2016		to 30 June 2016	
			Progress	Highlights	Progress	Highlights		
	<i>programs Other Immunisation rates at state average</i>	Develop 2015 – 2025 Recreation Strategy	Draft Strategy to be presented at 26 April Council meeting. Community consultation to be conducted through May 2016.	of access to fresh fruit and vegetables.	Council adopted the 2016-2016 Recreation Strategy following extensive community feedback and consultation.			
		Implement 2015-2025 Recreation Strategy						
		Review Moira's Walking and Cycling (Tracks'n'Trails) Strategy and prepare construction program			Moira Shire Council's 2016-2026 Recreation Strategy adopted at June Council meeting includes reference to walking and cycling tracks in the Shire.			
	<i>Community Satisfaction survey LGPRF . Cost of Library</i>	Foster efficient delivery of adult education opportunities across the Shire	Continuous improvement amongst all adult education providers to	Network meetings held quarterly with resources and ideas shared.	Participated in a regional skills forum at Charles Sturt University with industry,			
Support community education and learning	4							

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**COUNCIL PLAN PROGRESS REPORT (cont'd)**

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

*Moira Shire Council 2013 – 17 Council Plan – Progress Report*

Strategic Performance Indicator		Measure of the Strategic Performance Indicator	Actions	15/16		to 31 March 2016		to 30 June 2016	
				Progress	Highlights	Progress	Highlights		
		services Library members			remain competitive and relevant.	Combined MoU being reviewed and redeveloped to strengthen partnerships.	government and education leaders to collaborate and plan to support our future education and training needs.		
			Deliver Cobram Library project				Construction continues. Roof is complete and internal fit out works have commenced		
		Community satisfaction survey Family support services	Develop the 2015-2019 Arts and Culture Strategy		Research and National Benchmarking complete.				
		Disadvantage support services LGPRF	Implement Cultural Diversity Action Plan 2014 – 2017		Successful Moira Harmony Festival event held 20 March 2016.			Refugee week activities held successfully	
	Support inclusive and connected communities	Community Engagement Policy and Guidelines Access audits	Implement Disability Action Plan 2013 - 2016		Disability Action Plan has been reviewed. Community and internal surveys have been completed. New Disability Access and Inclusion plan being developed.	Hearing assistance systems purchased for customer service centres (Cobram and Yarrawonga)			
	5								

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**COUNCIL PLAN PROGRESS REPORT (cont'd)**

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

Moira Shire Council 2013 – 17 Council Plan – Progress Report

		15/16		to 31 March 2016		to 30 June 2016	
Strategic Performance Indicator	Measure of the Strategic Performance Indicator	Actions	Progress	Highlights	Progress	Highlights	
				meetings.			
		Implement 2015 – 2018 Active Aging Strategy	Draft strategy in development				
		Review the Streetscape Strategy for the four major towns.					
6	Provide clean and attractive parks, gardens, streetscapes, reserves and wetlands	Undertake the Parks maintenance regime in accordance with the agreed program and budget.	ongoing		ongoing	Increased community satisfaction recorded in 2016 Survey.	
		Review Moira's Road Management Plan to align with changes in road use and reduced road funding					
7	Connect our communities via safe and efficient footpath and road networks	Develop a foot path strategy to guide Council and community investment			User-friendly foot path trading guidelines have been prepared.		
		Commence review of roads hierarchy					

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		15/16		to 31 March 2016		to 30 June 2016	
Strategic Performance Indicator	Measure of the Strategic Performance Indicator	Actions	Progress	Highlights	Progress	Highlights	
		network plan					
		Commence implementation of Numurkah Flood Study recommendations					
8	Well planned, and maintained drainage network	Complete Yarrowonga Drainage Study Review capacity of existing drainage infrastructure to meet community demand and cope with more frequent extreme weather events					
9	Engage and empower the community in working towards a sustainable future	Implement Council's Environmental Sustainability Strategy			Stage 3 of the Watts Working Better (WWB) project has been completed with LED street lights installed across Moira.		



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**COUNCIL PLAN PROGRESS REPORT (cont'd)**

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

Moirā Shire Council 2013 – 17 Council Plan – Progress Report

		to 31 March 2016		to 30 June 2016	
		Progress	Highlights	Progress	Highlights
11	Build our economic strengths - agriculture, manufacturing and tourism	Strengthen and grow the Moirā economy		Successful Fruit Fly awareness campaign delivered in partnership with industry and neighboring Council.	
		Customer satisfaction survey Business and Industry satisfaction survey	Conducted business and investment workshops across to enable direct business input from business into Council's economic analysis and planning.	Delivered business programs and workshops including the Building Strength In Business Seminar with over 80 local business participants	
		Implement Business and Innovation Strategy 2013-2017	Participation in the Hume Business Champions Network and getting our Moirā Shire business involved in understanding the advantages of sustainable business practices.	Economic Development e-newsletters distributed to business and stakeholder database as well as expanded social media tools for promotion of business and tourism programs.	
		Measure of the Strategic Performance Indicator			
		Actions			
		15/16			

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**COUNCIL PLAN PROGRESS REPORT (cont'd)**

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		15/16		to 31 March 2016		to 30 June 2016	
Strategic Performance Indicator	Measure of the Strategic Performance Indicator	Actions	Progress	Highlights	Progress	Highlights	
			Leading the - Climate Smart Agricultural Development project to assist agri-sector to make good, informed decisions about future farming opportunities.		Submitted an application to the Federal Government Blackspot Program for increased coverage for Moira Shire.		
		Develop 2017-2021 Economic Development Strategy					
		Develop and implement industrial land development master plan					
	Customer satisfaction survey Business and Industry satisfaction	Develop Moira Shire Tourism and Event Strategy (destination management plan)	Worked with local tourism operators to deliver the first Sun Country on the Murray	Launched updated Farm Gate Trail initiative and brochures.		Delivering tourism marketing campaign "Sun Country on the Murray, from	
Strengthen Moira's tourism offer							
12							

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**COUNCIL PLAN PROGRESS REPORT (cont'd)**

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

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Strategic Performance Indicator	Measure of the Strategic Performance Indicator	Actions	15/16		to 31 March 2016		to 30 June 2016	
			Progress	Highlights	Progress	Highlights	Progress	Highlights
	survey				Food and Wine Festival in conjunction with the Melbourne Food and Wine Festival.			Bundalong to Barmah" to increase visitation and tourism yield to the region.
		Advocate for and support the development of key tourism assets in our region						RV Strategy for Moira Shire completed and adopted by Council after broad consultation with community and a working group representing various stakeholders.
								Tourism Advisory Committee meetings with industry representatives ensure ongoing consultation and support to our tourism sector.
								Upgrade of tourism online resources to improve market coverage for Moira Shire Tourism

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Strategic Performance Indicator		Measure of the Strategic Performance Indicator	Actions	15/16	to 31 March 2016		to 30 June 2016	
					Progress	Highlights	Progress	Highlights
			Develop land use master plan for Yarrowonga				operators.	
			Review Structure plan for Cobram				Industrial Land Audit completed.	
13	Anticipate and plan for future land use needs	'Ahead of growth curve'	Develop residential land and housing study for the four major towns – Cobram, Nathalia, Numurkah and Yarrowonga		Ongoing			
14	Build community and investor confidence in Council's land use planning	Community satisfaction survey	Demonstrate best practice in planning and building processes		Ongoing service improvements include - planning reporting system, building permit tracking, electronic delegates reports.		Ongoing service improvements include - integration of building and planning permits in Intramaps, electronic Section 173 applications	
		Business and Industry satisfaction survey	Involve industry and community in the improvement of customer-focused planning and building service delivery		Ongoing		Ongoing	

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**COUNCIL PLAN PROGRESS REPORT (cont'd)**

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

Moira Shire Council 2013 – 17 Council Plan – Progress Report

Strategic Performance Indicator		Measure of the Strategic Performance Indicator		15/16		to 31 March 2016		to 30 June 2016	
		Actions		Progress	Highlights	Progress	Highlights	Progress	Highlights
15	Consistently deliver high quality customer service across all platforms (online, phone and in person)	Customer satisfaction survey, business and industry satisfaction survey							
		Review Council's customer service charter		A customer service improvement program has commenced.					
		Develop end-to-end customer service procedures and service standards for high frequency/high reach customer service activities		Process mapping to support improved recording, response and reporting is underway with high reach services.					
		Develop customer complaints policy and procedures		Proposed customer complaints management procedures are being tested prior to formal adoption.			Improved customer complaints management process is being rolled out to Customer Service teams.		
Deliver online and mobile customer service capabilities				Council's Facebook page was launched in January 2016 and has attracted more than 1200 likes and provides an important new tool for communicating			Council's website and facebook pages provided new mechanisms for the community to provide feedback on the development of Council's annual budget and strategies.		

Smarter delivery of services and programs



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*Moira Shire Council 2013 – 17 Council Plan – Progress Report*

		15/16		to 31 March 2016		to 30 June 2016	
Strategic Performance Indicator	Measure of the Strategic Performance Indicator	Actions	Progress	Highlights	Progress	Highlights	
			2016 and beyond.	December.			
	Staff satisfaction survey WorkCover Premium lower than the Average Industry Rate No increase in number of Lost Time injury claims	Develop and implement Occupational Health and Safety strategy	Underway		Underway	Draft Strategy developed	
17	Moira is a safe place to work	Review and revise safety systems to meet risk and regulatory requirements			Underway	Working through program to implement recommendations.	
		Maintain effective and efficient financial management and reporting systems	Implementation of improved payroll reporting system and efpas integration system underway.				
18	Enhance work place systems to improve business productivity and corporate decision making	Develop & implement IT and Information Management Strategy			Development of IT Strategy underway.		

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**COUNCIL PLAN PROGRESS REPORT (cont'd)**

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

*Moira Shire Council 2013 – 17 Council Plan – Progress Report*

Strategic Performance Indicator		Measure of the Strategic Performance Indicator	Actions	15/16		to 31 March 2016		to 30 June 2016	
				Progress	Highlights	Progress	Highlights		
Ensure governance and decision making framework meets legislative requirements and community needs	Legislative compliance	Develop a long-term strategic vision to guide Council Planning and decision making.							
	Meet audit and risk requirements	Improve public access to and involvement in Council Meetings							
	Community satisfaction	Ensure Council's codes, policies and procedures are current, relevant, complete and shared with relevant audiences							Council adopted a revised Councillor Code of Conduct as required following recent legislative reforms.
		Council's services, programs and procurement fulfill Best Value principles.			Council officers have commenced service reviews to improve understanding of service scope and needs.				Review of Procurement Policy and Procedures underway.
		Ensure that all new services, programs and projects are subject to Council's Project Management System.			More than 100 projects proposed for funding in Council's 2016/17 Budget were objectively assessed and				

Demonstrating good governance

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**COUNCIL PLAN PROGRESS REPORT (cont'd)**

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

*Moira Shire Council 2013 – 17 Council Plan – Progress Report*

		15/16		to 31 March 2016		to 30 June 2016	
Strategic Performance Indicator	Measure of the Strategic Performance Indicator	Actions	Progress	Highlights	Progress	Highlights	
20	Manage business risks to appropriately safeguard our assets, community, and our business operations	Review Section 86 committee of management model	scored through the Project Management System.		Council officers commenced discussions with a number of S86 committees to identify future management structures.		
		Develop Council Grants strategy	A review of the current S86 arrangements and opportunities for improvement were presented to Council.		Community and Events Grants project planning tool developed and approved for 2016/17 program.		
21	Ensure compliance with relevant legislation, regulation and standards	Annual internal audit program delivered	Ongoing discussions.		All audits complete		
		Meet legislative and regulatory reporting, monitoring and compliance obligations			Council adopted an updated Performance Reporting Policy that reflects current legislative requirements and best practice.		

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**COUNCIL PLAN PROGRESS REPORT (cont'd)**

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

Moira Shire Council 2013 – 17 Council Plan – Progress Report

		15/16		to 31 March 2016		to 30 June 2016	
Strategic Performance Indicator	Measure of the Strategic Performance Indicator	Actions	Progress	Highlights	Progress	Highlights	
	standards	Identify and plan compliance upgrades of Council infrastructure within reduced grant and financial resources.					
	Community satisfaction survey	Revise and implement Council's community engagement strategy					
	Community consultation and engagement	Develop Community Plans for towns and townships	Discussions and development of a new community planning framework ongoing.		Council finalising an updated Community Planning tool kit and policy.		
	Informing the community LGPRF	Review Council's communications strategy			Revised communications strategy in development.		
	Customer and segment satisfaction with Newsletters, Advertising, Website	Improve community and stakeholder awareness of Council's role and Council's strategic direction, programs and services.					
	Effectively communicate with our communities and stakeholders						
	22						
	23						
<b>Involving and communicating with our community</b>							

FILE NO: TBC  
5. DEMONSTRATING GOOD GOVERNANCE

ITEM NO: 9.1.2

**COUNCIL PLAN PROGRESS REPORT (cont'd)**

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

*Moira Shire Council 2013 – 17 Council Plan – Progress Report*

		15/16		to 31 March 2016		to 30 June 2016	
		Actions	Measure of the Strategic Performance Indicator	Progress	Highlights	Progress	Highlights
<b>Deliver sound financial management</b>	24	Develop long term financial management principles and model	Meet the community's needs in a financially sustainable manner  Performance against VAGO indicators Unqualified audit opinions			Strategic Resource plan adopted through the budget process. Long term financial planning commenced and will form part of the next Council Plan	
		Review revenue rating strategy to align with principles				Continuous improvement in business systems, operational practices, and internal audit procedures	
		Review business systems and operational practices and implement improvements			Building/ Planning review complete. Implementation of improvements underway.	Contract Management & Health system reviews underway. Records Management system upgrade complete.	

FILE NO: TBC  
5. DEMONSTRATING GOOD GOVERNANCE

ITEM NO: 9.1.2

**COUNCIL PLAN PROGRESS REPORT (cont'd)**

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

Moira Shire Council 2013 – 17 Council Plan – Progress Report

		15/16		to 31 March 2016		to 30 June 2016	
		Actions	Measure of the Strategic Performance Indicator	Progress	Highlights	Progress	Highlights
25	Sustainably meet the community's asset needs	Review Moira's asset management strategy to align with emerging and future community needs and declining grant and funding resources.	VAGO Indicators Community satisfaction survey			EOI process complete and leases to be finalised. One building to be demolished and one building handed back to DELWP.	
		Deliver capital works to budget and schedule				Council delivered \$10.2 million of capital works by 30 June 2016, with \$1.8 mln of works still in progress and \$1.8 million of project works rolled into the 2016/17 program to align with new project delivery.	
		Develop public pool strategy					
		Develop Land & Buildings management framework					
		Conduct audit of lease holdings				Audit has commenced.	
		Develop consistent service standards for all Council facilities					

FILE NO: TBC  
5. DEMONSTRATING GOOD GOVERNANCE

ITEM NO: 9.1.2

**COUNCIL PLAN PROGRESS REPORT (cont'd)**

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

*Moira Shire Council 2013 – 17 Council Plan – Progress Report*

FILE NO: F13/105  
2. COMMUNITY

ITEM NO: 9.1.3  
(EXECUTIVE ASSISTANT TO CEO,  
ROBYN BONADDIO)  
(CHIEF EXECUTIVE OFFICER, MARK  
HENDERSON)

## ACHIEVERS AWARD ASSISTANCE PROGRAM

### RECOMMENDATION

That Council note the Achievers Award Assistance Program applications received and donations made for the financial year 2015/2016.

#### 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 2015/2016.

#### 2. Background and Options

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

The policy for the Achievers Award Assistance Program 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 2015/16 there was four Achievers Award Assistance applications received. Of the four, two applications were unsuccessful due to their ineligibility as one had been previously funded under the award and the other application was sent in retrospectively.

The two successful applications are as follows;

Name	Event	Amount
Katunga CFA Fire Runner's Team	CFA Fire Running Regional and State Competition	\$500
Delaynee Moon	World Ski Show Tournament	\$300
<b>Total</b>		<b>\$800</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: 9.1.3  
(EXECUTIVE 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 address 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 Executive 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**

Strategic Goal: Improving Moira's Liveability, Strategic Performance Indicator: Encourage healthy and active communities.

### **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 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.

## **Attachments**

Nil

FILE NO: D16/432  
1. STRONGER REGIONAL PARTNERSHIPS

ITEM NO: 9.1.4

**COUNCIL REPRESENTATIVE POSITION - GOULBURN VALLEY HIGHWAY  
BYPASS ACTION GROUP**

**RECOMMENDATION**

That Council appoints Cr \_\_\_\_\_ as Council Representative Position on Goulburn Valley Highway Bypass Action Group and Cr \_\_\_\_\_ as the second representative.

**1. Executive Summary**

The Terms of Reference for the Goulburn Valley Highway Bypass Action Group were adopted by Greater Shepparton City Council at the Ordinary Council Meeting held on 17 May 2016.

In accordance with the adopted Terms of Reference, one representative (voting members) from each of Shire of Campaspe, Moira Shire Council, Greater Shepparton City Council and Strathbogie Shire Council must also be nominated.

**2. Background and Options**

The membership of the Action Group shall consist of the following voting members which will be approved by resolution of Council:

- i. Chairperson (voting member);
- ii. One (1) representative (voting members) from each of the following municipalities:
  - a. Greater Shepparton City Council;
  - b. Strathbogie Shire Council;
  - c. Shire of Campaspe; and
  - d. Moira Shire Council.
- iii. Up to six (6) community representatives (voting members);
- iv. One (1) representative from the Committee for Greater Shepparton (voting member); and
- v. Up to two supporting officers (non-voting member/s).

Each organisation must resolve to nominate a representative to the Action Group. In the event that this representative is unable to attend an Action Group meeting, each organisation should nominate a second representative who can attend and vote at Action Group meetings in their absence.

The role of the Goulburn Valley Highway Bypass Group is to:

- Act as an advisory committee to Council on issues related to the proposed Bypass.
- Provide a forum to update the community and stakeholders on the project process.
- Promote community participation, where appropriate.
- Lobby State and Federal governments to accelerate funding of the project.
- Initiate submissions and representations to the State and Federal governments in addition to the Goulburn Regional Partnership, where appropriate.
- Provide advice on marketing, branding and promotion of the proposed Bypass.

**3. Financial Implications**

The Goulburn Valley Highway Bypass Group will continue to lobby the Federal and State Government to accelerate funding of the project.

FILE NO: D16/432  
1. STRONGER REGIONAL PARTNERSHIPS

ITEM NO: 9.1.4

**COUNCIL REPRESENTATIVE POSITION - GOULBURN VALLEY HIGHWAY  
BYPASS ACTION GROUP (cont'd)**

**4. Risk Management**

The Goulburn Valley Highway Shepparton bypass will also provide local and through traffic across our municipality with a faster and safer transfer route to Melbourne, into southern New South Wales and through to Queensland.

**5. Internal and External Consultation**

Council received a letter from Greater Shepparton City Council asking for Moira to nominate a representative.

**6. Regional Context**

The proposed bypass is a vital link in the national highway system between Melbourne and Brisbane.

**7. Council Plan Strategy**

Strategic Goal: Stronger regional partnerships.

**8. Legislative / Policy Implications**

The action group will operate under the attached terms and conditions.

**9. Environmental Impact**

There are no direct environmental implications associated within this report.

**10. Conflict of Interest Considerations**

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

**11. Conclusion**

In accordance with the adopted with the attached Terms of Reference, one representative (voting members) from each of Shire of Campaspe, Moira Shire Council, Greater Shepparton City Council and Strathbogie Shire Council must also be nominated.

**Attachments**

- 1 Council Representative Position - Goulburn Valley Highway Bypass Action Group - Terms of reference

FILE NO: D16/432  
1. STRONGER REGIONAL PARTNERSHIPS

ITEM NO: 9.1.4

**COUNCIL REPRESENTATIVE POSITION - GOULBURN VALLEY HIGHWAY  
BYPASS ACTION GROUP (cont'd)**

**ATTACHMENT No [1] - Council Representative Position - Goulburn Valley Highway  
Bypass Action Group - Terms of reference**

D16/55278

3 August 2016

Mr Mark Henderson  
Chief Executive Officer  
Moira Shire Council  
PO Box 578  
**COBRAM VIC 3643**

Dear Mark

**COUNCIL REPRESENTATIVE POSITION  
GOULBURN VALLEY HIGHWAY BYPASS ACTION GROUP**

I am writing to inform you that the Terms of Reference for the Goulburn Valley Highway Bypass Action Group (the Action Group) were adopted by Greater Shepparton City Council at the Ordinary Council Meeting held on 17 May 2016 (see attached Terms of Reference).

At this meeting, Council also resolved to rescind all previous nominations to the Action Group, and to call for public nominations for the role of chairperson and up to six community representatives for a two year term ending on 15 August 2018. Six community representatives and a chairperson will be appointed at the Ordinary Council Meeting to be held on 18 August 2016.

In accordance with the adopted Terms of Reference, one representative (voting members) from each of Shire of Campaspe, Moira Shire Council, Greater Shepparton City Council and Strathbogie Shire Council must also be nominated. Please nominate a representative and an alternate representative to act as a voting member of the Action Group on behalf of your Council. The next Action Group meeting will be held later this year. You will be advised of the date and time of this meeting shortly.

If you have any questions regarding this matter, do not hesitate to contact Michael MacDonagh, Team Leader Strategic Planning via telephone on (03) 5832 9730 or via email on [michael.macdonagh@shepparton.vic.gov.au](mailto:michael.macdonagh@shepparton.vic.gov.au).

Yours sincerely



**Peter Harriott  
CHIEF EXECUTIVE OFFICER**

TRIM: C16/14300

**Greater Shepparton City Council**  
Locked Bag 1000, Shepparton 3632  
Central Office: 90 Welsford Street, Shepparton  
PH: (03) 58329730 Fax: (03) 5831 1987 Email: [council@shepparton.vic.gov.au](mailto:council@shepparton.vic.gov.au)  
ABN 59 835 329 843

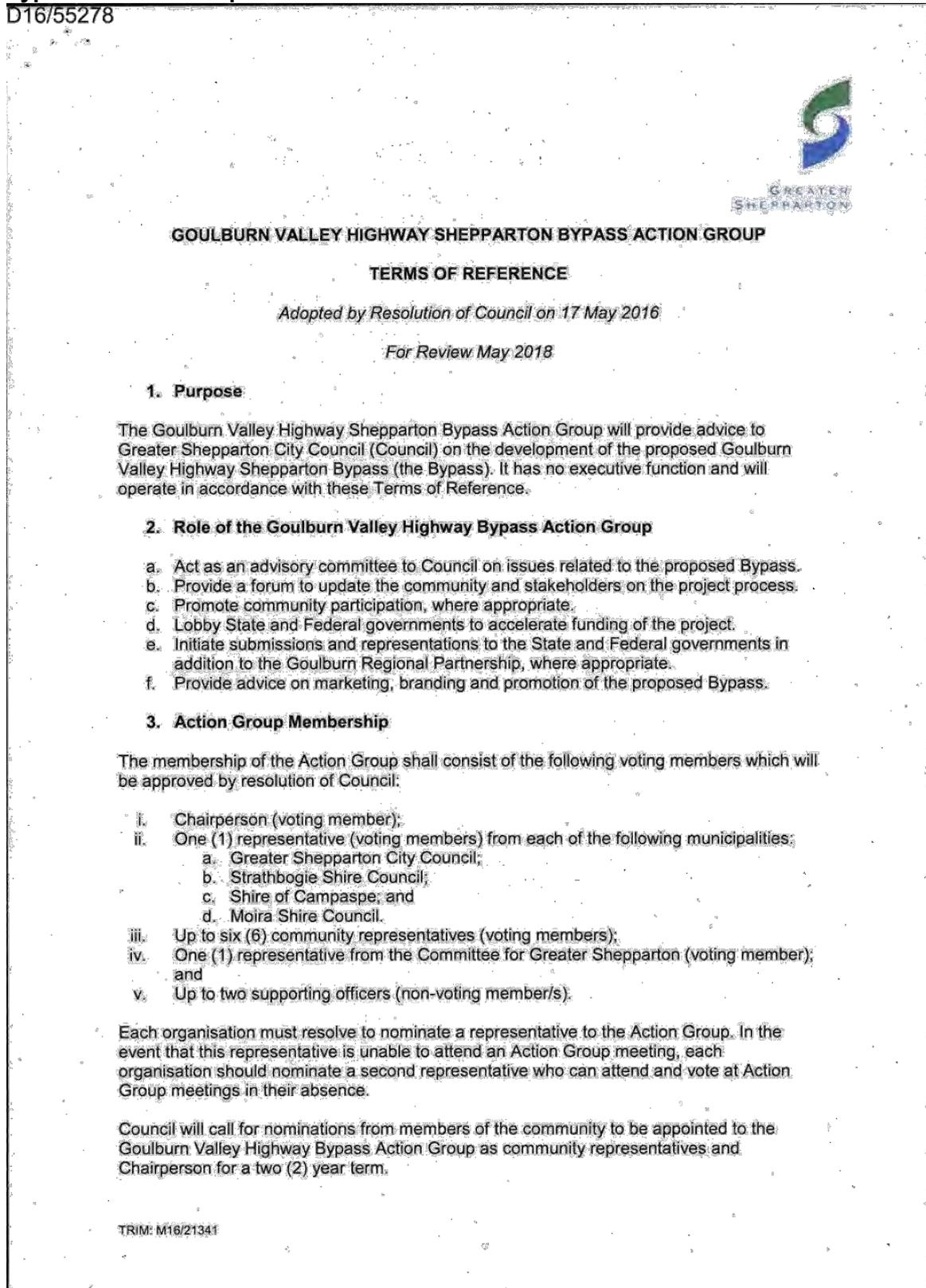
FILE NO: D16/432  
1. STRONGER REGIONAL PARTNERSHIPS

ITEM NO: 9.1.4

**COUNCIL REPRESENTATIVE POSITION - GOULBURN VALLEY HIGHWAY  
BYPASS ACTION GROUP (cont'd)**

**ATTACHMENT No [1] - Council Representative Position - Goulburn Valley Highway  
Bypass Action Group - Terms of reference**

D16/55278



**GOULBURN VALLEY HIGHWAY SHEPPARTON BYPASS ACTION GROUP**

**TERMS OF REFERENCE**

*Adopted by Resolution of Council on 17 May 2016*

*For Review May 2018*

**1. Purpose**

The Goulburn Valley Highway Shepparton Bypass Action Group will provide advice to Greater Shepparton City Council (Council) on the development of the proposed Goulburn Valley Highway Shepparton Bypass (the Bypass). It has no executive function and will operate in accordance with these Terms of Reference.

**2. Role of the Goulburn Valley Highway Bypass Action Group**

- a. Act as an advisory committee to Council on issues related to the proposed Bypass.
- b. Provide a forum to update the community and stakeholders on the project process.
- c. Promote community participation, where appropriate.
- d. Lobby State and Federal governments to accelerate funding of the project.
- e. Initiate submissions and representations to the State and Federal governments in addition to the Goulburn Regional Partnership, where appropriate.
- f. Provide advice on marketing, branding and promotion of the proposed Bypass.

**3. Action Group Membership**

The membership of the Action Group shall consist of the following voting members which will be approved by resolution of Council:

- i. Chairperson (voting member);
- ii. One (1) representative (voting members) from each of the following municipalities:
  - a. Greater Shepparton City Council;
  - b. Strathbogie Shire Council;
  - c. Shire of Campaspe; and
  - d. Moira Shire Council.
- iii. Up to six (6) community representatives (voting members);
- iv. One (1) representative from the Committee for Greater Shepparton (voting member); and
- v. Up to two supporting officers (non-voting member/s).

Each organisation must resolve to nominate a representative to the Action Group. In the event that this representative is unable to attend an Action Group meeting, each organisation should nominate a second representative who can attend and vote at Action Group meetings in their absence.

Council will call for nominations from members of the community to be appointed to the Goulburn Valley Highway Bypass Action Group as community representatives and Chairperson for a two (2) year term.

TRIM: M16/21341

FILE NO: D16/432  
1. STRONGER REGIONAL PARTNERSHIPS

ITEM NO: 9.1.4

**COUNCIL REPRESENTATIVE POSITION - GOULBURN VALLEY HIGHWAY  
BYPASS ACTION GROUP (cont'd)**

**ATTACHMENT No [1] - Council Representative Position - Goulburn Valley Highway  
Bypass Action Group - Terms of reference**

D16/55278

Public notices will be placed in a newspaper circulating in the local area calling for nominations for the community representative and Chairperson positions. All applications will be assessed by Council. Council is not obliged to nominate candidates to all six community representative positions and will assess each nomination against the nominee's ability to fulfill the Action Group's functions as outlined in these Terms of Reference, as well as the following selection criteria:

- Communicate at a political level;
- Possess knowledge of the project history and understand the relationships between Local, State and Federal governments;
- Demonstrated experience in community representation; and
- Demonstrated commitment to the proposed Bypass.

All applications will be carefully considered by a selection panel consisting of the Chief Executive Officer, Director Sustainable Development and Manager Planning who will subsequently make a recommendation to Council. The appointment of Chairperson and community representatives will be made by a formal resolution of the Council.

If a community representative does not attend three scheduled consecutive meetings their membership may be reviewed by the Action Group, which may prompt a vacancy on the Action Group. Should a vacancy occur Council may appoint a replacement for the balance of the term.

The Action Group can invite other attendees, as deemed appropriate by the Chairperson. These attendees are free to present to the Action Group, provide input and materials, and engage in discussion but will hold no voting rights.

Council will provide appropriate support officers to the Goulburn Valley Highway Bypass Action Group.

**4. Action Group Meeting Procedure**

- a. A Chairperson will be elected by Council for the duration of a two (2) year term.
- b. The community representatives will be elected for the duration of a two (2) year term.
- c. The Chairperson shall take the Chair at all meetings at which they are present. If the Chairperson is not present at an Action Group meeting, voting members must appoint a Chairperson for that meeting.
- d. The Action Group's position on any issue under consideration will be made upon a majority vote by members present. In the event of an equal number of votes, the Chairperson shall have an additional casting vote.
- e. The Action Group shall have a quorum which is (half plus one) of the voting members of the Committee in attendance for the meeting to take place.
- f. Each member of the Committee must comply with the Act with respect to any conflicts of interest and all agendas for committee meetings must contain an item for consideration of conflicts of interest.
- g. The Action Group shall meet at a frequency to be determined by the Action Group.
- h. The support officer/s shall give reasonable notice of all meetings by distributing a notice of the meeting to all members at least seven clear days prior to the meeting.
- i. Minutes shall be kept of the proceedings at all meetings. These will be confirmed by the Action Group at their next scheduled meeting and kept on file by Council.

TRIM: M16/21341

FILE NO: D16/432  
1. STRONGER REGIONAL PARTNERSHIPS

ITEM NO: 9.1.4

**COUNCIL REPRESENTATIVE POSITION - GOULBURN VALLEY HIGHWAY  
BYPASS ACTION GROUP (cont'd)**

**ATTACHMENT No [1] - Council Representative Position - Goulburn Valley Highway  
Bypass Action Group - Terms of reference**

**5. Action Group Conduct Principles**

Action Group members are expected to:

- Actively participate in Action Group discussions and offer their opinions and views;
- Treat all persons with respect and have due regard to the opinions, rights and responsibilities of others;
- Act with integrity;
- Work together and speak with one voice on matters relating to the proposed Bypass;
- Attend each meeting where practical; and
- Avoid conflicts of interest and the releasing of confidential information.

**6. Assemblies of Councillors**

In accordance with the *Local Government Act 1989*, the definition of an Assembly of Councillors includes any meeting of an advisory committee of Council if at least one Councillor is present. Any Councillors in attendance at meetings of the Action Group are required to declare any conflicts of interest. Following the meeting, a Record of Assembly of Councillors must be completed stating:

- The names of all Councillors and members of Council staff in attendance;
- The matters considered;
- Any conflicts of interest disclosures made by a Councillor attending; and
- Whether the Councillor who has disclosed the conflict of interest leaves the assembly.

The Record of Assembly of Councillors must be submitted to Council in accordance with the Assembly of Councillors Operational Procedure 37.PRO9.1 (Trim Ref: M11/51282) within 7 days of the date of the Action Group meeting so that it can be included in the next available Ordinary Council Meeting agenda.

**7. Review**

The Terms of Reference for the Goulburn Valley Highway Shepparton Bypass Action Group will be reviewed on a biennial basis.

TRIM: M16/21341

FILE NO: F13/503  
5. DEMONSTRATING GOOD GOVERNANCE

ITEM NO: 9.1.5

## ASSEMBLIES OF COUNCILLORS

### RECOMMENDATION

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

#### 1. Executive Summary

The records of the Assembly of Councillors reported during the month of July 2016 are incorporated into to this report. Inclusion of the records of Assembly of Councillors in the Council agenda, and incorporation into the Minutes ensures Council meets its statutory obligations under section 80A of the Local Government act 1989 (the Act).

#### 2. Background and Options

The Assemblies of Council report is a standing report presented to Council, to report on Assemblies of Council in accordance with the Act and best practice good governance principles.

Section 80A of the Act requires written records of Assemblies of Councillors be kept, comprising the information prescribed in section 80A (1).Section 80A (2) of the Act prescribes that these records be, as soon as practicable:

- (a) reported at an ordinary meeting of the Council, and
- (b) incorporated in the minutes of that Council meeting.

Meeting	Present at meeting	Matters discussed	Declaration of Interest(s)
11 July Council Briefing	<p>Councillors: Gary Cleveland, Peter Mansfield, Wendy Buck Ed Cox Kevin Bourke Alex Monk Don McPhee Marie Martin Brian Keenan(arrive 1pm)</p> <p>Staff: Chief Executive Officer, Mark Henderson General Manager Corporate, Leanne Mulcahy General Manager Infrastructure, Andrew Close, Manager Governance and Communications, Linda Nieuwenhuizen Manage Finance, Simon Rennie Manager Operations, Rick Devlin Manager Town Planning and Building, Jorine Bothma Team Leader Youth/Recreation, Clinton Shand Communities and Facilities Recreation Officer, Dylan Robinson Community Services Officer, Hayley Benson</p>	<ol style="list-style-type: none"> <li>1. Safety Committee</li> <li>2. Rating Strategy</li> <li>3. Local Law review</li> <li>4. Citizen's Jury</li> <li>5. Community satisfaction survey</li> <li>6. Management report</li> </ol>	Nil

FILE NO: F13/503  
5. DEMONSTRATING GOOD GOVERNANCE

ITEM NO: 9.1.5

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

<p>25 July Council Briefing</p>	<p>Councillors: Gary Cleveland Ed Cox Kevin Bourke Alex Monk Don McPhee Marie Martin Brian Keenan (arrive 1pm)</p> <p>Staff: Chief Executive Officer, Mark Henderson General Manager Corporate, Leanne Mulcahy General Manager Infrastructure, Andrew Close Manager Governance and Communication, Linda Nieuwenhuizen, Manager Town Planning and Building, Jorine Bothma</p>	<p>1. Dairy situation 2. Local Government Act review 3. Yarrawonga-Mulwala Bridge 4. Meeting agenda</p>	<p>Nil</p>
<p>26 July Moir Shire Youth Council</p>	<p>Councillors: Gary Cleveland</p> <p>Staff: Youth Development Officer, Hollie Barnes Administration Support Officer, Sharon Nye</p>	<p>7. Excursion to Yarrawonga schools</p>	<p>Nil</p>

**3. Financial Implications**

Nil

**4. Risk Management**

Compliance with statutory obligations

**5. Internal and External Consultation**

Nil

**6. Regional Context**

Nil

**7. Council Plan Strategy**

Demonstrating Good Governance

**8. Legislative / Policy Implications**

This report complies with the requirements under section 80A of the Local Government Act 1989.

**9. Environmental Impact**

Nil

**10. Conflict of Interest Considerations**

Nil

FILE NO: F13/503  
5. DEMONSTRATING GOOD GOVERNANCE

ITEM NO: 9.1.5

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

### **11. Conclusion**

The Assembly of Councillors records incorporated into this report are a true and accurate record of all assemblies of Councillors reported during July 2016.

### **Attachments**

Nil

FILE NO: 5201654  
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.1

**5201654 - SEVEN (7) LOT SUBDIVISION AND DEVELOPMENT OF SEVEN (7) DWELLINGS AT 8 HUNT STREET, YARRAWONGA**

**RECOMMENDATION**

That a Notice of Refusal be issued for Planning Permit Application No. 5/2016/54 for a Seven (7) Lot Subdivision and Development of Seven (7) Dwellings at 8 Hunt Street, Yarrowonga on the following grounds:

1. The proposal does not accord with the Purpose of the General Residential Zone as set out in Clause 32.08-1 of the Moira Planning Scheme as it does not respect the neighbourhood character of the area.
2. The proposal does not accord with Clause 52.06 of the Moira Planning Scheme in relation to the provision of car parking spaces.
3. The proposal does not meet the requirements for two or more dwellings on a lot as set out in Clauses 55 or 56 of the Moira Planning Scheme in relation to the design's response to the character of the area.
4. The proposal does not meet objectives for urban design or liveable and sustainable communities as set out in Clause 15.01 of the State Planning Policies.
5. The proposal does not accord with the Local Planning Policy and Municipal Strategic Statement settlement strategy as set out in Clause 21.04.

**1. Executive Summary**

Planning permit application 5/2016/54 is for a Seven (7) Lot Subdivision and Seven (7) Dwelling Development at 8 Hunt Street, Yarrowonga.

There are 2 triggers for the permit:

- Clause 32.08-2 – planning permit is required for subdivision.
- Clause 32.08-4 – planning permit is required for more than one dwelling on a lot.

The application was referred and advertised. Advertising consisted of a site notice and a letter to all adjoining property owner/occupiers. Two objections have been received from nearby landowners. One of these objections included a petition signed by nine (9) individuals, all signatories reside in the vicinity of the subject site.

The objections raised concerns relating to car parking, the impact of the development on the area and the design and scale of the proposal.

The application has been assessed against the relevant Clauses of the Moira Planning Scheme. The assessment has shown that the proposal does not accord with the purpose of the General Residential Zone, the requirements of various Particular Provisions including requirements for car parking spaces. The proposal does not accord with State or Local Planning Policies. Accordingly this report recommends that a notice of refusal be issued.

FILE NO: 5201654  
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.1

**5201654 - SEVEN (7) LOT SUBDIVISION AND DEVELOPMENT OF SEVEN (7) DWELLINGS AT 8 HUNT STREET, YARRAWONGA (cont'd)**

**2. Background and Options**

**Application details**

Applicant: North East Survey Design  
 Owner: Wonga Properties Pty Ltd  
 Property Address: 8 Hunt Street, Yarrowonga  
 Title description: Lot 1 & 2 TP681795  
 Lot 1 & 2 TP530152  
 Site Area: Approximately 2,291.17m<sup>2</sup>  
 File No: 5/2016/54  
 Zone: General Residential Zone (GRZ)  
 Overlays: Nil

**Proposal**

The application seeks approval for a seven (7) lot subdivision and development of seven (7) dwellings at 8 Hunt Street, Yarrowonga.

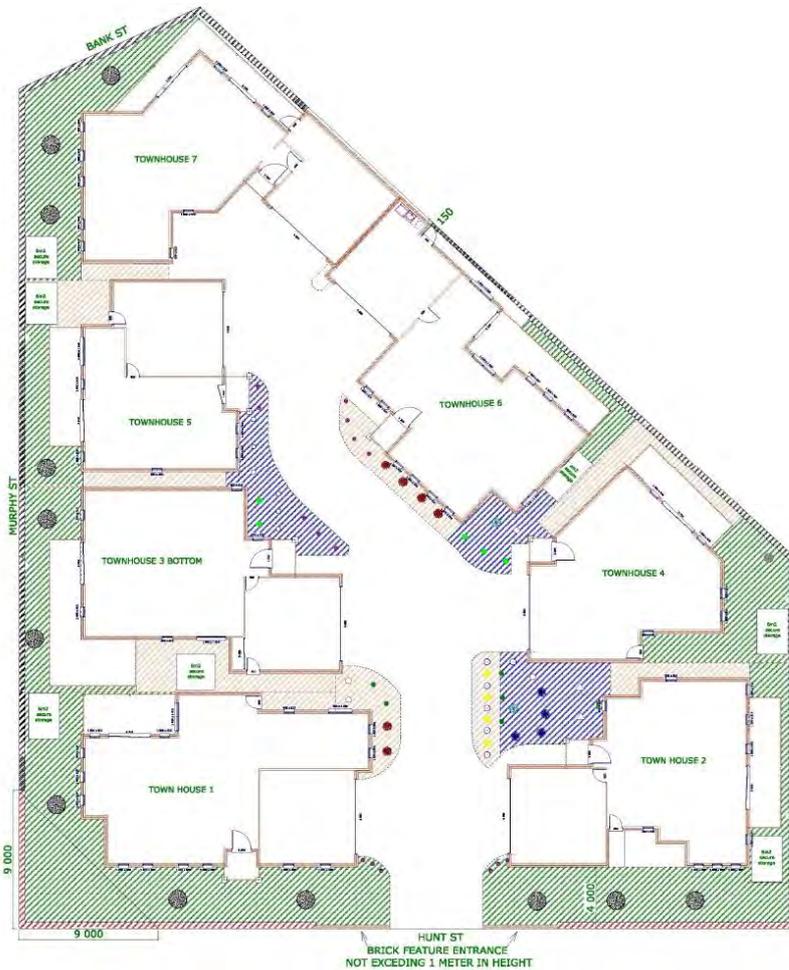
Existing Lot	Lot Size (Approximately)	Proposed Lot	Lot Size
Lot 1 TP681795	1813m <sup>2</sup>	Lot 1	377 m <sup>2</sup>
Lot 2 TP681795	325m <sup>2</sup>	Lot 2	354m <sup>2</sup>
Lot 1 TP530152	53m <sup>2</sup>	Lot 3	282m <sup>2</sup>
Lot 2 TP530152	99m <sup>2</sup>	Lot 4	209m <sup>2</sup>
		Lot 5	205m <sup>2</sup>
		Lot 6	265m <sup>2</sup>
		Lot 7	304m <sup>2</sup>
		Common Property	303m <sup>2</sup>



FILE NO: 5201654  
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.1

**5201654 - SEVEN (7) LOT SUBDIVISION AND DEVELOPMENT OF SEVEN (7) DWELLINGS AT 8 HUNT STREET, YARRAWONGA (cont'd)**



**Locality and subject land**

The subject land is located in the town of Yarrawonga close to the foreshore on the corner of Bank Street and Hunt Street.



FILE NO: 5201654  
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.1

**5201654 - SEVEN (7) LOT SUBDIVISION AND DEVELOPMENT OF SEVEN (7) DWELLINGS AT 8 HUNT STREET, YARRAWONGA (cont'd)**

It is bound to the east by land in Goulburn Murray Water's (GMW) ownership which is used for utilities. To the north is the lake foreshore, to the south by Sacred Heart College and to the east by a small park in Council ownership.

The closest residential developments are located to the east, on the eastern side of GMW's lands and to the south west, on the corner of Murphy and Hunt Streets. This is an established residential area. The pattern of development to the south west is for single storey traditional dwellings on lots of approximately 600m<sup>2</sup>.



Google Streetview – View to the South to single storey dwellings and school grounds

The lot is of an irregular shape with a relatively small frontage on its northern edge, overlooking the foreshore. Until earlier this year there was a single residence with associated shedding on the lot. All structures have been demolished.

The residence was identified in the Moira Heritage Study 2007 as having heritage significance as a good example of the inter-war period housing. The Moira Heritage Study was adopted by Council in April 2015.

The Study describes the residence as a single storey timber house with gables at the ridge ends that extends along a low pitched hipped roof to form a deep verandah.

FILE NO: 5201654  
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.1

**5201654 - SEVEN (7) LOT SUBDIVISION AND DEVELOPMENT OF SEVEN (7) DWELLINGS AT 8 HUNT STREET, YARRAWONGA (cont'd)**



Hunt Street Façade - Heritage Study Photo 2004



Rear Façade - Google Streetview 2010

**Key Issues**

- General Residential Zone
  - Character including Heritage
  - Residential Amenity
- Clause 52.06 – Car Parking

***Planning Permit History***

5/2011/86 – Permit issued for seven lot subdivision and seven unit development

5/2015/82 – Permit issued for four lot subdivision

It is noted that the development approved under permit 5/2011/86 is almost identical to the current application. One objection was received but this was withdrawn allowing the permit to be issued under delegation. Since this permit was issued the Moira Heritage Study has been adopted by Council and the zoning of the lot has changed from Residential 1 Zone to General Residential Zone.

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2. IMPROVING MOIRA'S LIVEABILITY

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In 2015 a new application was lodged for a 4 lot subdivision on this lot. The proposed lots were between 500 and 770m<sup>2</sup>, in keeping with the established lot sizes in the area.

**Options**

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

**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.

**4. Risk Management**

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

**5. Internal and External Consultation**

***Request for Further Information***

An application of this type is required to submit a detailed design response in accordance with Clause 55.01-2 of the Moira Planning Scheme. It requires that a Neighbourhood Site Description and Design Response be provided.

The Description must, amongst others, describe:

- *The built form, scale and character of surrounding development including front fencing.*
- *Architectural and roof styles.*
- *Any other notable features or characteristics of the neighbourhood.*

The application described the character of the area as:

*The subject site is within an established residential area comprised of a mix of single and double storey dwellings, one per lot, in a variety of styles. There is a trend for older dwellings particularly fronting the lake to be demolished and replaced with modern double storey homes with lake views.*

No reference was made to the foreshore, park, open area to the east or school to the south. While the wider context, within 500m of the site, includes unit developments none can be seen from the subject lot.

The Design Response must explain how the proposed design:

- *Derives from and responds to the neighbourhood and site description.*
- *Responds to any neighbourhood character features for the area identified in a local planning policy or a Neighbourhood Character Overlay.*

The application included the following design response:

- *Single storey townhouses are proposed for Lots 1, 6 and 7 to provide a transition from low to higher dwellings across the site.*
- *The single storey dwellings on Lots 6 and 7 also provide for views over the top from the two storey townhouses towards the lake.*
- *The proposed subdivision will increase the density of development on the site but this is considered reasonable given the sites location and proximity to the town centre.*

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- *The proposed dwellings on small lots are likely to be popular with retirees wanting a smaller property to maintain.*

Again no reference was made to the character of the immediate surroundings or the recent removal of a heritage structure. No justification for the design was provided other than maximising the number of units and ensuring that the new units have views.

Following receipt of the application a request for further information was issued. It requested more details to be shown on plans, a schematic proposal for drainage and a, *Detailed Design Response as required from Clause 55.01-2 taking into account the surrounding locality and heritage significance of the dwelling.*

The response from the Applicant states, in summary:

*The proposed subdivision and development responds to the neighbourhood and site by maximising the development potential of the land. The site is in a desirable location opposite existing parkland and Lake Mulwala providing pleasant views to the north and west to these neighbourhood assets....*

*The proposed development site does not directly abut other residential development and is therefore not restricted by issues of overlooking or overshadowing which may impede higher density and two storey development in other areas of Yarrawonga.*

*The existing heritage house on the property has been recently demolished. There are no other dwellings or heritage buildings of note in the vicinity of the site.*

*Townhouse 1 on the corner of Hunt and Murphy Streets is proposed to be single storey and provides a transition from nearby single storey development to the proposed double storey townhouses in this development. All of the townhouses will be articulated with balconies, porches and have some single storey components to create interesting facades and break up the visual bulk of the development.*

This response appears to indicate that more focus has been given to maximising the development potential of the lot rather than ensuring that the proposal responds to the character of the area or having regard to the recently demolished heritage structure on the site.

***Internal Consultation***

The application was referred internally to our Assets, Building and Infrastructure Planning Departments. All, with the exception of Infrastructure Planning, have not objected to the issuing of a permit.

The Infrastructure Planning Department has indicated that the garage for Townhouse 7 can only be used for a single vehicle. They have stated that unless the layout of the development is redesigned to allow two usable spaces they cannot support the application.

***External Consultation***

The application was referred externally in accordance with Section 55 of the *Planning and Environment Act 1987* to APA, North East Water and Powercor. No objections have been received.

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The application was also referred in accordance with Section 52 of the *Planning and Environment Act 1987* to Goulburn Murray Water due to its proximity to Lake Mulwala. No response was received within the prescribed timeframe. They were also notified of the application by letter as adjoining land owners. They have not objected to the issuing of a permit.

**Public Consultation**

Notice of the Application was given in accordance with Section 52 of the *Planning and Environment Act 1987*. Two notices were placed on the site, facing onto Hunt Street and onto Bank Street. Letters were sent to adjoin landowners.

Two separate objections have been received. These are attached to this report. Objection 1 included a petition signed by nine individuals. All objectors and signatories of the petition live in Yarrawonga on Hunt, Witt and Murphy Streets.

Objection 2 related to potential overlooking onto residential property to the east of the lot. This objector has also signed the petition submitted with Objection 1.

Objection 1 highlighted a number of issues summarised as follows:

- Demolition of Heritage Building
- Visitor Parking on Site
- The Established Character of the Area
- Impact on Views
- Planning History

The applicant provided a written response which is attached here. It set out a design response to the concerns regarding overlooking to the east. It further responded to the concerns raised by the second objection focusing on precedents for higher density development in the vicinity and that the proposed development accords with the relevant planning scheme requirements.

A mediation site meeting was held with the principal objectors and a number of the signatories of the petition on 28 June 2016. A Planning Department Officer, the applicant and the owner of the property also attended. The concerns of the objectors were discussed and the applicant responded. No changes to the development were proposed.

At the time of writing this report the objections have not been withdrawn. This is the reason that this application is referred to Council for decision.

The following Table responds to the concerns raised by the objectors.

Basis of Objection	Officer's comments
<p><i>Protection of Privacy</i> Resident to east raised concern regarding overlooking of their property.</p>	<p>The applicant has submitted that a higher merbau balustrade of 1.2m will be provided for dwellings, helping to protect privacy of residents to the east.</p> <p>It should be noted that while attending mediation meeting the objector from the property to the east indicated verbally that she was satisfied by the response relating to privacy concerns. However she remains a signatory of the petition which raised separate issues.</p>

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<p><i>Demolition of Heritage Building</i> Dwelling and 100 year old dairy were demolished</p>	<p>The structures are not in the Heritage Overlay and there was no trigger for a planning permit for demolition.</p> <p>Heritage formed part of the assessment for permit 5/2015/82 for the Four Lot Subdivision on the site. By issuing the permit Council acknowledged that demolition would occur.</p> <p>A building permit was issued for the demolition and following completion the site was removed from Amendment C38 which has recently been adopted by Council. The purpose of this Amendment to the Planning Scheme is to implement the recommendations of the Moira Heritage Study.</p> <p>While Council permitted the demolition the concerns raised by the objector highlight the loss of an historic structure that have been considered when assessing the character of the proposed development.</p>
<p><i>Visitor Parking on Site</i> There is no provision of visitor parking which will cause congestion etc. on busy days</p>	<p>In the response to the objection the applicant stated that only one space is required that this should be provided in the road reserve.</p> <p>Clause 52.06-3 states that a permit is triggered if the required number of spaces is not provided and that the application should include a car park parking demand assessment. This was not provided.</p> <p>The table at Clause 52.06-5 indicates that one visitor car parking space is required.</p>
<p><i>The Existing Character of the Area</i> Density and scale of development is not consistent with the established character of the area</p>	<p>The applicant's response states: <i>Each townhouse will be provided with sufficient private and secluded open space to meet the requirements of the scheme. Precedents for higher density development on land fronting the lake including unit developments and villas both single and double storey exist at 17 Bank Street, 21-23 Bank Street, 29-31 Bank Street and 35 Bank Street. The proposed development steps up from single storey dwellings fronting the lake and on the corner of Hunt and Bank Streets to provide a transition from the nearby single storey development.</i></p> <p>The applicant is relying on meeting the quantifiable requirements of the Planning Scheme while maximising views and the number of units on site. It has not shown that the development responds to the immediate character of the area except in the single storey dwelling on the corner of Hunt and Bank Streets. The density and massing of the development could therefore, in its current form, be seen as inconsistent with the area.</p>
<p><i>Impact on Views</i> Proposal will impact on views from dwellings in the immediate area</p>	<p>Under planning law in Victoria there is no right to a view.</p>

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<i>Planning History</i> Four lot subdivision would be more suitable. Seven lot subdivision was previously refused.	Permit 5/2011/86 for an almost identical application was issued in 2011. This permit lapsed and in 2015 Permit 5/2015/82 a second permit was issued for a traditional 4 lot subdivision on the site. The four lot subdivision is more in keeping with lot sizes in the vicinity.
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## 6. Regional Context

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

## 7. Council Plan Strategy

Moira Shire's current Council Plan states that it is a strategic goal of the plan to *Improve Moira's Liveability*.

It is considered that elements of the proposed development may not accord with this goal. As highlighted by the objections the proposal is not consistent with the character of the immediate area. Further the proposal has not included the required number of car parking spaces which could exacerbating parking problems in the area particularly in the summer or when there are events on the foreshore.

## 8. Legislative / Policy Implications

### Zoning

The subject lots are in the General Residential Zone (GRZ). The purposes of the General Residential Zone are, among others, to:

*To encourage development that respects the neighbourhood character of the area.  
To provide a diversity of housing types and moderate housing growth in locations offering good access to services and transport.*

Clause 32.08-2 states that a planning permit is required for subdivision. Clause 32.08-4 states that a planning permit is required for more than one dwelling on a lot. These are the two triggers for the planning application. Clause 32.08-10 sets out decision guidelines in the zone. It indicates that applications for subdivisions and multiple unit developments must be assessed against particular provisions. These will be discussed separately below.

### Overlays

The subject lot is not affected by any overlays.

### Particular Provisions

#### *Clause 52.01 – Public Open Space*

No public open space is required as part of the subject application. If a permit is issued condition should be placed on the permit to require the payment of a Public Open Space contribution.

#### *Clause 52.06 – Car Parking*

Table 1 in Clause 52.06-5 indicates that visitor parking is required at a rate of 1 for every 5 dwellings. Therefore 1 visitor parking space is required on the subject land.

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The applicant has indicated that they are willing to provide this on site if instructed to do so by condition of a permit.

The Infrastructure Planning Department has highlighted that double garage for Townhouse 7 already can only be used by one vehicle. Clause 52.06-5 indicates that two usable spaces are required for the dwelling. There is therefore a deficit of two car parking spaces on the site, one for Townhouse 7 and the other for visitors.

It is noted that due to the density of development on the site, and the layout of the proposal, there may not be capacity for providing the two parking spaces on site without detrimentally affecting the manoeuvrability of other vehicles on site.

A reduction in the number of units may need to be considered to meet all the parking requirements on site.

*Clause 55 – Two or More Dwelling on a Lot*

Clause 32.8-4 sets out that in the GRZ the construction of two or more dwellings on a lot must meet the requirements of Clause 55. The following are key standards set out in Clause 55.

Standard B1 – Neighbourhood and site description & Design response

This is discussed in section 5 above. It is considered that the applicants have not demonstrated that the design response adequately responds to the character of the area.

Standard B6 – Street setback

The subject lot is a corner site. Setbacks for corner buildings with no buildings on abutting lots is 4m and 2m for a side wall fronting onto a side street. The proposed development is setback 4 metres from Hunt Street and Bank Street with the exception of proposed townhouse 7 which has a setback of 2.5m from Bank Street. The proposal meets the requirements.

The decision guideline however states that the Responsible Authority may consider:

- *The design response.*
- *Whether a different setback would be more appropriate taking into account the prevailing setbacks of existing buildings on nearby lots.*

The Yarrowonga Neighbour Character Study 2007 has indicated that standard front setbacks in this Lake Mulwala Foreshore Precinct range between 7 and 12 metres. The study recommends that the character of the area should be retained by designing new multi-dwelling development “*to be sympathetic with existing dwellings in the precinct.*” It is considered on balance that the setbacks is not consistent with the character of the area, particularly along the lot’s northern boundary.

It should be noted that the Character Study has been noted but not adopted by Council and is being used as a useful tool to assess the character of the area and the proposed development.

Standard B7 – Building heights

The maximum building height is 9m. The decision guideline however states that the Responsible Authority may consider:

- *The design response.*
- *The relationship between the proposed building height and the height of existing adjacent buildings.*

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The Yarrowonga Neighbour Character Study 2007 has indicated that roofs and walls in this precinct should have stepped back articulation for all façades and the roofline.

B23 – Internal views

The standards indicates that windows and balconies should be designed to prevent overlooking. The applicant has indicated that screens/fences will be provided to limit overlooking. No details have been provided to allow detailed assessment.

B31 – Design detail

This standard requires that designs of buildings should respect the existing neighbourhood character. The applicant has stated that:

*The proposed units will be a combination of rendered brickwork, rendered panel cladding, feature face brickwork and "Weather Tek" cladding. The dwellings will have pitched "Colorbond" roofs and aluminium windows.*

The elevational plans submitted show that Townhouse 1, a single storey house at the corner of Bank and Hunt Streets, is rendered with a brick feature porch. These plans are similar to Townhouses 6 & 7 which are proposed to be rendered.

It is noted that the 3D image provided as part of the response to further information shows this as a brick finished building with a rendered porch. It is unclear whether the building will have a rendered or brick finish.

The two storey units – Townhouses 2, 3, 4 & 5 – are, according to the plans, proposed to be rendered with Exin Panel on the upper level and a rendered finish on the lower level.

The *Yarrowonga Neighbour Character Study 2007* has indicates that *the use of earthy tones of render colour finish rather than all brick work* should be encouraged. The proposal does not include colour details to assess.

The eaves of all proposed dwellings do not overhang the walls. Verandahs on the single storey units are minimal. The two storey units have deep verandahs on the ground level of one façade with a second storey balcony on top.

The 2007 Study recommends that dwellings should be climate responsive, *with eave overhangs, verandahs, consideration of window location and batten and / or pergola shading.*

It should be noted that that the design recommendations for the precinct reflect not just future character but also the aesthetics of the demolished heritage structure on site. It is considered that the proposed development does not accord with the design recommendations and this report concludes that the proposal does not respond adequately to the character of the area.

*Clause 56 – Residential Subdivision*

Clause 38.08-2 sets out that in the GRZ subdivision applications for between 3 and 15 lots must comply with the majority of Clauses in 56 with the exception of Clauses 56.02-1, 56.03-1 to 56.03-4, 56.05- 2, 56.06-1, 56.06-3 and 56.06-6.

The Clause 38.08-2 states that this does not apply to an application to subdivide land into lots each containing an existing dwelling or car parking space.

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The applicant has submitted that the application is to subdivide land into lots each containing an existing dwelling and parking space. This is not the case as the dwellings have not been constructed.

Of the standards set out it is considered that the following is most pertinent to assessing the application. Standard C6 – Neighbourhood character – as set out above it is considered that the proposal does not, in terms of design, respond adequately to the neighbourhood character.

State Planning Policies

Clause 15.01-2 – Urban design principles sets out the following objective for development:

*To achieve architectural and urban design outcomes that contribute positively to local urban character and enhance the public realm while minimising detrimental impact on neighbouring properties.*

To achieve this objective:

- *New development should respect, but not simply copy, historic precedents and create a worthy legacy for future generations.*
- *Development must take into account the natural, cultural and strategic context of its location.*
- *New development should achieve high standards in architecture and urban design.*

The strategy to Clause 15.01-3 sets out that subdivision should be designed to create liveable and sustainable communities by:

- *Creating a strong sense of place because neighbourhood development emphasizes existing cultural heritage values, well designed and attractive built form, and landscape character.*

The proposal is redeveloping an existing established area and accords with the majority of the SPP except for emphasizing existing cultural heritage values and character.

Local Planning Policy and Municipal Strategic Statement

Clause 21.04 sets out the key planning issues and challenges facing the Moira Shire relating to settlement. It recognises that facilitating the development of a diverse range of housing options for the Shire's existing and future population is a key challenge.

Clause 21.04-4 states that generally across the Shire it is a settlement strategy to:

- *Promote residential development that is responsive to the character of the area,*
- *Require new development to relate to the physical context within which it sits in regard to siting, height, bulk, materials and general context.*

And further that in Yarrowonga:

- *New Residential development will be focused within existing zoned land, providing a mix of housing types. Smaller housing units will be particularly encouraged in areas with proximity to the town centre.*

The proposed development does not adequately respond to the character of the area.

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The decision guidelines of Clause 65

Clause 65.02 states that before deciding on an application to subdivide land, the responsible authority must also consider, among other issues:

- *The density of the proposed development.*
- *The area and dimensions of each lot in the subdivision.*
- *The provision of off-street parking.*

It is considered that the proposed development is not responding adequately to the character of the area is an overdevelopment and that the lot area and dimensions are inappropriate. Further, the proposed development is not providing adequate off-street parking.

**9. Environmental Impact**

It is considered that the proposed subdivision will not impact unduly upon the environment generally.

**10. Conflict of Interest Considerations**

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

**11. Conclusion**

The proposed seven lot subdivision and seven dwelling development is inconsistent with the State and Local Planning Policies, the zone provisions and particular provisions as per Clauses 55 and 56.

The concerns raised by the Objectors highlight the lack of consideration to parking requirements and the character of the area.

It is concluded that the subject development constitutes overdevelopment of the subject lot in a form that does not accord with the character of the area. This report therefore recommends that the application be refused.

**Attachments**

- 1 Objection 1 with Petition
- 2 Objection 2
- 3 Response to Objections

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**5201654 - SEVEN (7) LOT SUBDIVISION AND DEVELOPMENT OF SEVEN (7) DWELLINGS AT 8 HUNT STREET, YARRAWONGA (cont'd)**

**ATTACHMENT No [1] - Objection 1 with Petition**

Martina Foley

**From:** [REDACTED]  
**Sent:** Friday, 27 May 2016 11:38 AM  
**To:** RecordsWebmaster  
**Cc:** [REDACTED]  
**Subject:** Planning Permit No: 5/2016/54  
**Attachments:** SAM\_8679.JPG; SAM\_8686.JPG

Ref: Application for Planning Permit No. 5/2016/54  
At: 8 Hunt Street Yarrowonga 3730  
Attn: Martina Foley

Dear Martina Foley

I'd like to point out a few concerns regarding Application for Planning Permit No. 5/2016/54

- there is currently a permit (No. 5/2015/082) for a four (4) lot subdivision which might be more suitable the Bungalow House and Dairy Station of 100 years or more were demolished with no regard or public comment to their significant aesthetic and historical heritage
- there is no provision for visitor parking of which is a requirement, especially with the number of people seven (7) Units will accommodate
- seven (7) Units in immediate proximity of one another aren't consistent with the area or dwellings around them
- four (4) double storey Units in immediate proximity of one another aren't consistent with the area or dwellings around them
- four (4) double storey Units will severely impact on views from dwellings in the immediate area
- four (4) double storey Units will not only invade on privacy of adjacent dwellings' backyards but right into their living areas
- the number of people seven (7) Units will accommodate in such a small area, will severely impact on the renowned tranquility of the area
- the majority of residents are elderly, and seven (7) Units will severely disrupt their well established long term peacefulness
- approx. four (4) years ago an Application for a seven (7) Unit Planning Permit was fairly rejected for similar good reasons

Yours sincerely [REDACTED]

[REDACTED]  
ps: Martina please confirm with me you received this e-mail along with the 2 attachments thanks [REDACTED]

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**ATTACHMENT No [1] - Objection 1 with Petition**

Petition to Support [redacted] with his concerns for Application for Planning Permit No. 5/2016/54  
For Seven (7) Lot Subdivision and of Seven (7) Dwellings at 8 Hunt Street Yarrawonga 3730

22 JUN 2016

Name	Address	Agree with concerns	Signature	DATE
[redacted]	HUNT ST YARRAWONGA	YES	[redacted]	
[redacted]	HUNT ST YARRAWONGA	YES	[redacted]	
[redacted]	HUNT ST YARRAWONGA	YES	[redacted]	
[redacted]	HUNT ST YARRAWONGA	YES	[redacted]	
[redacted]	HUNT ST YARRAWONGA	YES	[redacted]	
[redacted]	HUNT ST YARRAWONGA	YES	[redacted]	
[redacted]	HUNT ST YARRAWONGA	YES	[redacted]	
[redacted]	MURPHY ST YARRAWONGA	YES	[redacted]	
[redacted]	MURPHY ST YARRAWONGA	YES	[redacted]	

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**ATTACHMENT No [2] - Objection 2**

**Martina Foley**

**From:** [REDACTED]  
**Sent:** Thursday, 2 June 2016 12:37 PM  
**To:** RecordsWebmaster  
**Subject:** Spear ref. S082407A

To whom it may concern,  
In the last few days, it was brought to my notice that 7 dwellings were to be built on 8 Hunt St. Yarrawonga.

The Spear reference No. is  
S082407A;  
Planning Permit no.  
5/2016/54

The PS no. is 641657S

I wish to comment on the plan endorsement of the 7 townhouses to be built on 8 Hunt St., in particular Townhouses 2 and 4.

I feel the upstairs living area of Townhouse 2, the east elevation, will impact on the privacy of [REDACTED].  
The top level will look across the vacant lot, straight into the patio area of both units. Is it possible to increase the height of the merbau balustrade?

The same, I feel, will happen with Townhouse 4. The north elevation provides a 1.8m privacy barrier for the occupants, but the living area/balcony of the first floor has a much lower barrier which will impact on the privacy of the occupants of the outside patio area on [REDACTED].

I hope you will give some consideration to these comments.  
Sincerely,  
[REDACTED]

Units [REDACTED] and are occupied by them and another family member permanently.

[REDACTED]

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**ATTACHMENT No [3] - Response to Objections**



[www.nesd.com.au](http://www.nesd.com.au)

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M2092

14<sup>th</sup> June 2016

Martina Foley  
Town Planner  
Moirā Shire Council  
PO Box 578  
COBRAM VIC 3644

[mfoley@moira.vic.gov.au](mailto:mfoley@moira.vic.gov.au)

Dear Martina,

**Re: Planning Permit Application 5/2016/054  
Proposed 7 Lot Subdivision and Development of 7 Dwellings  
8 Hunt Street, Yarrowonga  
- Response to Objections**

Thank you for your letter and email advising us of the objections received to this proposal. In response we provide the following comments, clarifications and amendments to hopefully help to alleviate some of the objectors concerns;

Objection 1

The proposal complies with Clause 55.04-6 of the Planning Scheme which relates to overlooking. The proposed dwellings are more than 9m from the existing secluded open space areas of nearby properties and separated by more than 20m by an existing reserve. However, in the interest of alleviating the objectors concerns we propose to provide a slightly higher Merbau balustrade of 1.2m which will assist to limit views to the objector's property.

Objection 2

The existing house and shed were permitted to be removed in accordance with the 4 lot subdivision permit issued for the land (permit ref. 5/2015/082). Appropriate demolition permits were attained from Councils building department for its removal.

Clause 55.03-11 of the Planning Scheme requires visitor parking to be provided at a rate of 1 space per 5 dwellings therefore 1 visitor parking space is required for this development. There appears to be ample on-street parking available surrounding this development which is bounded by streets on three sides therefore no on-site visitor parking is currently proposed and a dispensation has been requested from Council. Should Council determine that an on-site visitor space must be provided then this will be accommodated.

The proposed density of development is consistent with the planning scheme which encourages infill development and increased densities on land in established residential areas with access to utility services and sealed roads. Each townhouse will be provided with sufficient private and secluded open space to meet the requirements of the scheme. Precedents for higher density development on land fronting the lake including unit developments and villas both single and double storey exist at 17 Bank Street, 21-23 Bank Street, 29-31 Bank Street and 35 Bank Street. The proposed development steps up from single storey dwellings fronting the lake and on the corner of Hunt and Bank Streets to provide a transition from the nearby single storey development.

FILE NO: 5201654  
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.1

**5201654 - SEVEN (7) LOT SUBDIVISION AND DEVELOPMENT OF SEVEN (7) DWELLINGS AT 8 HUNT STREET, YARRAWONGA (cont'd)**

**ATTACHMENT No [3] - Response to Objections**

The proposed development will not impact on views to the lake of any adjacent residential properties with only a school sports field located on land to the south of the site. Views to the lake from the objector's property at [REDACTED] be significantly impacted.



The view across parkland to Lake Mulwala from [REDACTED] The subject site is on the right hand side.

As discussed above, the privacy of nearby secluded private open space will not be significantly impacted by the proposal and the proposal complies with the planning scheme with respect to the requirements to prevent overlooking.

The proposed development is centred around a single point of vehicle access to the site to internalise the comings and goings of the development such that they will not significantly impact on surrounding properties or quiet streets.

The subject site is separated and set well back from adjacent neighbours by surrounding roads and a reserve such that the proposal will not disrupt the amenity of adjacent properties.

A planning permit was previously issued for the proposed 7 lot subdivision and development of 7 dwellings in October 2011 (Permit ref. TP1100086). The permit was not acted upon by the landowner in the required timeframe and it has expired. This is the reason why the applicant is reapplying and not because an initial application was rejected.

We understand that the adjacent neighbours are concerned and uncertain about the proposal however we believe the proposed subdivision and development complies with all of the requirements of the planning scheme and can confirm that the developer wishes to proceed with the application. We are happy to participate in a mediation process if required.

Should you wish to conduct mediation in the form of a meeting please advise.

Yours sincerely,

[REDACTED SIGNATURE]

FILE NO: 5201689  
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.2

**5201689 - USE AND DEVELOPMENT OF LAND FOR A DWELLING, WATER TANK AND VEHICULAR CROSSING IN RDZ1 AT BENALLA-TOCUMWAL ROAD, MUCKATAH**

**RECOMMENDATION**

That Council issue a Notice of Decision for Planning Application No. 5201689 for the use and development of land for a dwelling, shed and vehicular crossing in the RDZ1 at Crown Allotments 1 & 2, Section 2, Township of Muckatah, Parish of Katamatite also known as Benalla-Tocumwal Road, Muckatah, subject to the following conditions:

1. Before the use and 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, elevations and floorplans of the dwelling and shed.
2. The *use and* development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
3. All lots comprising the subject land must be consolidated into one (1) lot prior to the commencement of the use permitted by this permit.
4. No native vegetation (including trees, shrubs, herbs and grasses) must be removed, lopped or destroyed unless a permit has been granted by the Responsible Authority.
5. Earthworks and works must not cause damage to native vegetation retained (including trees, shrubs, herbs and grasses) and to natural drainage lines and/or watercourses.
6. A 'Tree Protection Zone' (TPZ) must be applied during earthworks and construction. A TPZ applies to a tree and is a specific area above and below the ground. The TPZ must have a radius 12 x the Diameter at Breast Height (DBH); the TPZ of trees should be no less than 2 m or greater than 15m.
7. No trenching, soil excavation, stockpiling or dumping of soil are to occur within the Tree Protection Zone without the written consent of the Responsible Authority.
8. Except with the prior written consent of the Responsible Authority, all services (including water, electricity, gas and telephone) must be installed underground, and located outside of any Tree Protection Zone (TPZ), to the satisfaction of the Responsible Authority. The Responsible Authority may provide written consent for underground services to be routed within a TPZ by directional boring where the top of the bore is at a minimum depth of 600mm below the existing grade, to the satisfaction of the Responsible Authority.
9. Prior to the commencement of the use, all roof water from buildings and surface water from hard paved areas must be collected and conveyed to a drainage easement or to the legal point of discharge so as to prevent storm water nuisance to adjoining land.

FILE NO: 5201689  
2. IMPROVING MOIRA'S LIVEABILITY

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**5201689 - USE AND DEVELOPMENT OF LAND FOR A DWELLING, WATER TANK AND VEHICULAR CROSSING IN RDZ1 AT BENALLA-TOCUMWAL ROAD, MUCKATAH (cont'd)**

10. No part of any constructed channel used to convey storm-water may pass through the zone of influence of the septic tank absorption field.
11. Care is to be taken to preserve the condition of existing infrastructure adjacent to the site. If any damage to existing infrastructure occurs as a result of this development, the affected infrastructure is to be replaced by the applicant, at the applicant's cost to the specification and satisfaction of the Responsible Authority.
12. No construction materials or earth is to be placed or stored outside the site area or on adjoining road reserves.
13. An approved septic tank system must be installed prior to any occupation of the dwelling, and all domestic wastewater must be disposed of and contained within the prescribed setback buffer distances of the disposal field of the property.
14. Any septic tank system, including effluent disposal lines and disposal field, must not be located within;
  - a. 300 metres upslope of a potable water supply from a dam or reservoir (below ground level), including food production;
  - b. 100 metres upslope from a stream used as a potable water supply catchment;
  - c. 6 metres upslope of an adjacent allotment boundary;
  - d. 3 metres downslope of an adjacent allotment boundaryAnd as prescribed in the Code of Practice – Onsite Wastewater Management, EPA Publication 891.2, December 2008, subject to the discretion of Council's Environmental Health Officer.
15. This permit will expire if one of the following circumstances applies:
  - i. The development and use is/are not started within two years of the date of this permit.
  - ii. The development is not completed within two years of the date of commencement.The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires, or within six months afterwards

**GBCMA Condition:**

16. The finished floor level of the proposed dwelling must be constructed at least 300 millimetres above the 100-year ARI flood level of 114.2 metres AHD, i.e. 114.5 metres AHD, or higher level deemed necessary by the responsible authority.

**VicRoads Conditions:**

17. Only one access will be permitted from the subject land to the Benalla-Tocumwal Road located as shown on the plan appended to the application.
18. Prior to the occupation of the dwelling, the access must be constructed and sealed in accordance with VicRoads standard drawing SD2066 Typical Rural Driveway Access to Residential Properties Type C to the satisfaction of the Roads Corporation and at no cost to the Roads Corporation.
19. Driveways must be maintained in a fit and proper state so as not to compromise the ability of vehicles to enter and exit the site in a safe manner or compromise operational efficiency of the road or public safety (eg. by spilling gravel onto the

FILE NO: 5201689  
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.2

**5201689 - USE AND DEVELOPMENT OF LAND FOR A DWELLING, WATER TANK AND VEHICULAR CROSSING IN RDZ1 AT BENALLA-TOCUMWAL ROAD, MUCKATAH (cont'd)**

roadway).

**Planning Note**

20. 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.
21. Separate consent for works within the road reserve and the specifications of these works may be required under the Road Management Act

**1. Executive Summary**

Planning permit application 5/2016/89 is for use and development of land at Benalla-Tocumwal Road, Muckatah for a dwelling, water tanks and vehicular crossing in RDZ1.

There are 4 triggers for the permit:

- Clause 35.07-1 – Use of lot for dwelling in the Farming Zone is a Section 2 use – permit required
- Clause 35.07-4 – Buildings and works associated with Section 2 use triggers a permit
- Clause 44.03-1 – Buildings and works in the Rural Floodway Overlay triggers a permit
- Clause 52.29 – Creation of access to a Road Zone, Category One triggers a permit

The application was referred and advertised. Advertising consisted of a site notice and a letter to adjoining property owner/occupiers. An objection has been received from a nearby resident. The objection raised concerns relating to drainage.

The application has been assessed against the relevant Clauses of the Moira Planning Scheme. The assessment has shown that the proposal accords with the purpose and decision guidelines of the LPPF, zone, overlay and relevant particular provision. Accordingly this report recommends that a notice of decision be issued.

**2. Background and Options**

Application Details

Applicant:	Sharron Evans
Owner:	Rose Hunter
Land Address:	Benalla-Tocumwal Road, Muckatah
Title Details:	Crown Allotment 1 & 2, Section 2, Township of Muckatah, Parish of Katamatite
Total Site Area:	1.93ha (CA 1 – 0.99h and CA 2 – 0.94ha)
File No:	5201689
Zone:	Farming Zone
Overlays:	Rural Floodway Overlay

Key Issues

- Farming Zone
- Rural Floodway Overlay
- New vehicular crossing from a road in the Road Zone One
- Objection – Drainage / Flooding

FILE NO: 5201689  
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.2

**5201689 - USE AND DEVELOPMENT OF LAND FOR A DWELLING, WATER TANK AND VEHICULAR CROSSING IN RDZ1 AT BENALLA-TOCUMWAL ROAD, MUCKATAH (cont'd)**

Location

The subject land is located on the Benalla-Tocumwal Road, Muckatah to the north of the junction with O'Kane Road. The Powerline Road junction with the Benalla-Tocumwal Road is to the south east of the lot.

This lot is on the north western edge of the settlement of Muckatah. Muckatah was set out as a settlement in the 1800's. The settlement has however been sparse, largely due to the flooding associated with the Muckatah Depression that traverses through it.

There are a number of smaller lots in the area, some of which have dwellings, particularly to the south and south east of the subject land. The closest dwellings are located on the lot to the immediate north of the subject lot and to the south-west.

It is noted that the southern boundary of the lots are with the Road Reserve of O'Kane Road. O'Kane Road was actually constructed further to the south, cutting through some smaller lots.

Access to the lot is proposed to be from the Benalla-Tocumwal Road.



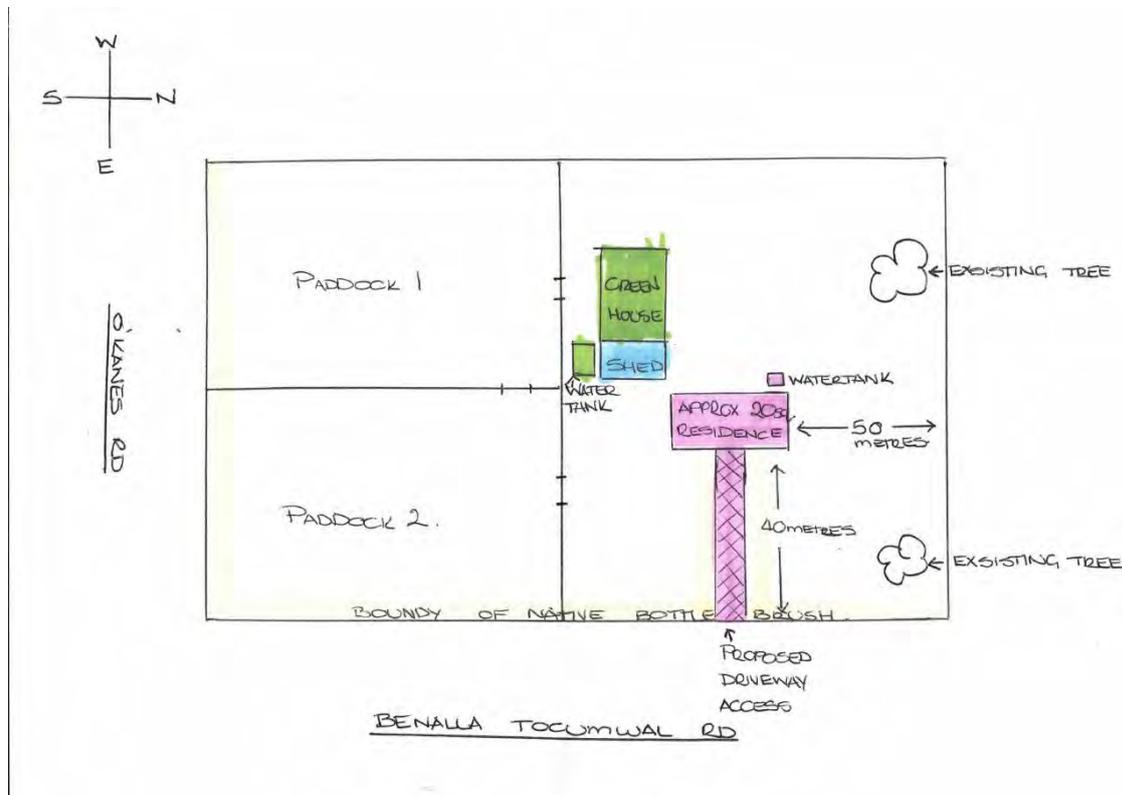
Proposal

The application is for the use and development of the subject lands for a dwelling, associated water tanks and new access from the Benalla-Tocumwal Road (Road Zone One). The dwelling and associated sheds and water tanks are proposed to be on the highest point on the lot, close to the native trees.

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2. IMPROVING MOIRA'S LIVEABILITY

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**5201689 - USE AND DEVELOPMENT OF LAND FOR A DWELLING, WATER TANK AND VEHICULAR CROSSING IN RDZ1 AT BENALLA-TOCUMWAL ROAD, MUCKATAH (cont'd)**



The applicant has indicated that it is their intention to plant numerous native trees and plants and to raise sheep. They have submitted a 4 year plan for the property setting out the improvements to be made to the land. (see Attachment 1)

Options

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

**4. Risk Management**

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

**5. Internal and External Consultation**

Internal Consultation

The application was referred internally to Infrastructure Planning, Environmental Health and Natural Resources. No objections have been raised however a number of conditions have been recommended if a permit is issued.

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2. IMPROVING MOIRA'S LIVEABILITY

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**5201689 - USE AND DEVELOPMENT OF LAND FOR A DWELLING, WATER TANK AND VEHICULAR CROSSING IN RDZ1 AT BENALLA-TOCUMWAL ROAD, MUCKATAH (cont'd)**

External Consultation

The application was also referred externally to the Goulburn Broken Catchment Management Authority (GBCMA) and VicRoads. Each of the authorities did not object the issue of a permit, subject to conditions.

Public Notice of the application was given under Section 52 of the *Planning and Environment Act 1987*. Letters were sent to adjoining and nearby landowners.

*Objection*

An objection was received on 7 June 2016 from a landowner to the east (See Attachment 2). The applicant prepared a response (See Attachment 3). As a result the objectors requested on on-site meeting that took place on 6 July 2016.

At the meeting, and in a subsequent phone call on 18 July 2016, the objector verbally indicated that they have no issue with the use of the subject lot for a dwelling. Rather their outstanding concern relates to drainage generally in the area and the impact an additional dwelling may have on flooding of their property. The objection has therefore not been withdrawn. Accordingly this application cannot be decided under delegation and this Council Report has been prepared.

*Officer's Response*

Drainage is a key issue for assessment. As the application for lands in the Rural Floodway Overlay the application has been referred to the GBCMA who has not objected to the issuing of a permit.

Following the site meeting on 6 July 2016 a discussion was held with the Infrastructure Planning Department. The only way to curb stormwater run-off from the proposed development would be through detention on the site. The cost associated with detention tanks, dams etc. would, according to the Development Assessment Engineer, be onerous. Further both the proposed dwelling and the objector's dwelling are in the Muckatah Depression. Any detention would be unlikely to have any positive benefit, any run-off would be minimal.

Contact was made with the objector and the applicant on 18 July. All parties agreed verbally that the benefit of on-site detention did not warrant the associated expense. The objector however wished their objection to remain on the file, to highlight the flooding issues that they face.

**6. Regional Context**

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

**7. Council Plan Strategy**

Moira Shire's current Council Plan states that it is a strategic goal of the plan to:

- *Improve Moira's Liveability*

It is considered that the proposal accords with Moira's strategic goal to enhance liveability through safe and welcoming communities. The proposal will not impact negatively on the area.

FILE NO: 5201689  
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.2

**5201689 - USE AND DEVELOPMENT OF LAND FOR A DWELLING, WATER TANK AND VEHICULAR CROSSING IN RDZ1 AT BENALLA-TOCUMWAL ROAD, MUCKATAH (cont'd)**

## 8. Legislative / Policy Implications

### Local Planning Policy Framework

#### Agricultural Policy

Clause 22.01 sets out policies for dwellings and subdivisions in the Farming Zone. Clause 22.01-4 sets out decision guidelines for the assessment of applications for dwellings. The key guidelines are:

- *The agricultural productive capacity or the agricultural potential of the land.*
- *The proposed siting of the dwelling and whether it minimises impacts on existing and potential agricultural operations on nearby land.*
- *Whether the dwelling will result in a rural living or rural residential outcome in the area.*
- *The potential for land to be consolidated with other land to enhance agricultural productivity.*

The subject lands, being only 1.93ha combined have limited agricultural productive capacity. The proposed dwelling is surrounded by roads and two dwellings to the north and south east. It will not impact on agricultural operations on nearby lands. The dwelling will result in a rural living outcome but as the lands are unlikely to ever be intensively farmed this is considered an acceptable outcome.

It is considered appropriate that the subject lots should be consolidated. This will not result in any enhancement to agricultural productivity but will act to limit any future applications for a dwelling on the second lot.

### Zoning and Overlays

#### Farming Zone

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

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

In Clause 35.07-1 and the Schedule to the FZ, the use of a lot of less than 80ha for a dwelling is a Section 2 use. This is the first trigger for the subject application. Clause 35.07-4 states that a permit is required for buildings or works associated with a use in Section 2 and for buildings or work within 100m of a Road Zone Category 1. This is the second trigger for this application.

Clause 35.07-6 sets out the decision guidelines for developments in the FZ. The relevant decision guidelines which should be considered are as follows:

#### *"Dwelling issues*

- *Whether the dwelling will result in the loss or fragmentation of productive agricultural land.*
- *Whether the dwelling will be adversely affected by agricultural activities on adjacent and nearby land due to dust, noise, odour, use of chemicals and farm machinery, traffic and hours of operation.*
- *Whether the dwelling will adversely affect the operation and expansion of adjoining and nearby agricultural uses.*
- *The potential for the proposal to lead to a concentration or proliferation of dwellings in the area and the impact of this on the use of the land for agriculture."*

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**5201689 - USE AND DEVELOPMENT OF LAND FOR A DWELLING, WATER TANK AND VEHICULAR CROSSING IN RDZ1 AT BENALLA-TOCUMWAL ROAD, MUCKATAH (cont'd)**

The subject lots are not currently intensively farmed so the dwelling will not result in loss or fragmentation of key agricultural lands.

The proposed site adjoins and is in close proximity to other lots that contain dwellings. It does not border any intensively farmed lot. The development will not adversely affect the operation or expansion of adjoining agricultural uses. It is considered that consolidation of the subject lots will limit proliferation of dwellings in the area.

*Rural Floodway Overlay*

The subject land is affected by the Rural Floodway Overlay (RFO). A permit is required for buildings and works in the RFO, this is the third permit trigger. The application was referred to the Goulburn Broken Catchment Management Authority (GBCMA). They have not objected to the issuing of a permit subject to a condition relating to finished floor levels.

Particular Provisions

Access to the proposed dwelling will be from a new vehicular crossing on the Benalla-Tocumwal Road. This road is in the Road Zone Category 1 (R1Z). Particular Provision 52.29 states that a planning permit is required to create or alter access to a road in a R1Z. This is the fourth permit trigger for this application.

The application was referred to VicRoads who have not objected to the proposal subject to a number of conditions controlling access.

Moira Small Towns and Settlements Strategy Plan

Muckatah is described in the *Moira Small Towns and Settlements Strategy Plan* as a "Locality" that is highly flood constrained. The *Strategy* states that there is little demand for residential growth evident. It concludes growth should be limited and lots consolidated. Given the position of the subject lands, even if they were consolidated with other lots in the area, there is little opportunity for productive agriculture and on balance a new dwelling will not impact negatively on the area.

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.*

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**5201689 - USE AND DEVELOPMENT OF LAND FOR A DWELLING, WATER TANK AND VEHICULAR CROSSING IN RDZ1 AT BENALLA-TOCUMWAL ROAD, MUCKATAH (cont'd)**

- *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 proposal accords with these guidelines.

### **9. Environmental Impact**

It is considered that the proposed subdivision will not impact unduly upon the environment generally.

### **10. Conflict of Interest Considerations**

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

### **11. Conclusion**

The proposed use of the subject lands for a single residence is considered to accord with the purpose of the Farming Zone and the Rural Floodway Overlay. It has been assessed against the decision guidelines for the Zone and Overlay. It was assessed by VicRoads who have not objected to a new vehicular crossing onto the Road Zone Category 1.

An objection has been received but this relates generally to drainage issues in the locality. The GBCMA or Infrastructure Planning Department have not objected to the issuing of a permit, subject to conditions that will protect the new dwelling from flood waters and control surface water.

It is recommended that the application to use and develop the subject lots at Benalla-Tocumwal Road, Muckatah for a dwelling, water tank and access from a Road Zone Category 1 be approved.

### **Attachments**

- 1 4 Year Plan Submitted By Applicant
- 2 Objection
- 3 Applicant's Response to Objection

FILE NO: 5201689  
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.2

**5201689 - USE AND DEVELOPMENT OF LAND FOR A DWELLING, WATER TANK AND VEHICULAR CROSSING IN RDZ1 AT BENALLA-TOCUMWAL ROAD, MUCKATAH (cont'd)**

**ATTACHMENT No [1] - 4 Year Plan Submitted By Applicant**

4 YEAR DEVELOPMENT PLAN

YEAR 1

HOUSE - \$300,000.00

DRIVEWAY - \$7,000.00

TANK - \$8,000.00

YEAR 2

TREES - \$5,000.00

GARDENS - \$35,000.00

FENCES - \$7,000.00

TREE LISTING

10 LEMON SCENTED CUM

10 RED FLOWERING CUM

10 LARGE FRUITED  
YELLOW CUM

2 JACARANDA'S

2 ILICUWARA FLAME TREES

5 CREPE MYRTLE

3 PLANE TREES

10 RED MAPLE TREES

20 NATIVE FRANCAFRANI  
TREES

BOUNDARY OF BOTTLE  
BRUSH ON ROAD FRONTAGE

72 TREES

YEAR 3

SHEDDING - \$22,000.00

YEAR 4

GREEN HOUSE - \$15,000.00

TANKS AND  
WATERING SYSTEM - \$12,000.00

FILE NO: 5201689  
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.2

**5201689 - USE AND DEVELOPMENT OF LAND FOR A DWELLING, WATER TANK AND VEHICULAR CROSSING IN RDZ1 AT BENALLA-TOCUMWAL ROAD, MUCKATAH (cont'd)**

**ATTACHMENT No [2] - Objection**



Dear sir Madame ,

I am writing to you in objection of the proposed planning permit 5/2016/89.

As you are aware the particular land site CA:! SEC:2PAR:Katamatite TP:773207 is in flood zone and this particular piece of land floods in consistent rain and heavy downpour.

As there is no drainage system as such in this area the runoff from this block of land drains back into our property, Flooding our front yard and paddocks.

Shortly after the floods the RTA dug up the road in front of this piece of land and laid a new pipe to drain water from the North side of Benalla -Tocumwal road to the south side which drains runoff water from the North side of the road to south side straight into the Paddock (land site CA:! SEC:2PAR:Katamatite TP:773207), that adjoins our property and into our small drain at the front of our property. This was done with no consult with the properties that it would impact. The drain at the front of our property was once a reasonable spoon drain , but now is a very shallow drain as Moira shire contractors decided the drain needed fixing and a culvert was placed as a quick fix from one side of Okane road to the opposite side just before our driveway to help drain the water back towards Mc Pherson rd.

This drain and culvert have never worked as the neighbour opposite us, Browns' have blocked a culvert on the other side of their driveway and have been driving in the gutter opposite our property towards Benalla Tocumwal Rd forcing the runoff of water from their property back down the drain towards our property through the pipe that was placed under the road by the Moira shire between the two properties. Flooding our property .

Our concern with the impending planning permit for a Dwelling and tanks is that any excess run off will also impact on our property yet again, where will it run to ??.

I do not believe that the drainage system can handle another dwelling and tanks, any overflow will most certainly compound our situation further .

We understand that our property is smack in the middle of the Muckatah Depression and is classed as flood zone we are not disputing this, rather trying to protect our property from further swamping of excess water and causing us further heartache .

I would strongly ask you to please consider this as a plea for this property remain without a planning permit

Yours sincerely



FILE NO: 5201689  
2. IMPROVING MOIRA'S LIVEABILITY

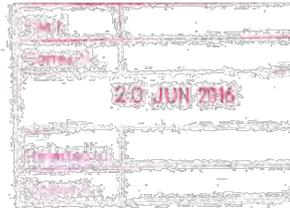
ITEM NO: 9.2.2

**5201689 - USE AND DEVELOPMENT OF LAND FOR A DWELLING, WATER TANK AND VEHICULAR CROSSING IN RDZ1 AT BENALLA-TOCUMWAL ROAD, MUCKATAH (cont'd)**

**ATTACHMENT No [3] - Applicant's Response to Objection**

Your Reference: 5/2016/89

18 June 2016



Dear Martina,

Regarding the objection to my planning permit application # 5/2016/89 for property address Benalla - Tocumwal Road Muckatah, I am writing to inform you that I would like to enter into the mediation process with [REDACTED]

After reading their letter and giving careful consideration to their objections to building a small dwelling and installing water tanks on this property, I feel that their letter seems to focus more on problems they have with works carried out by the RTA and Moira Shire contractors as well as their neighbours the Browns and not as much with my proposed development of the property.

I cannot see how by installing tanks to "catch" water this is going to contribute to more water entering and potentially flooding their property. As shown, I also plan to plant trees, will have lawns and gardens. All these things will be an aide to far better water absorption of any water that falls onto or crosses onto this property. This will be a marked improvement on the current dry uncultivated paddocks.

I will be open to entering into mediation and meeting with [REDACTED] work through any fears or worries they might have at any time that is convenient for them. I look forward to working with all parties concerned to achieve a good outcome for all involved. Please do not hesitate to contact me at any time.

Yours Faithfully,

FILE NO: F13/877  
5. DEMONSTRATING GOOD GOVERNANCE

ITEM NO: 9.2.3  
(MANAGER COMMERCIAL SERVICES,  
BRUCE BERG VON LINDHE)  
(CHIEF EXECUTIVE OFFICER, MARK  
HENDERSON)

## NAMING OF RESERVE IN CAMPBELLFIELD DRIVE YARRAWONGA

### RECOMMENDATION

That Council

1. Adopt "Cooper Park" as the interim name for the unnamed park between Campbellfield Drive and Rosemary Court, Yarrowonga;
2. Place advertisements in local papers seeking comments on the proposed name within 30 days;
3. Write to owners of properties adjoining the reserve seeking comments on the proposed name within 30 days; and
4. Adopt the interim name if no objections are received and submit them to the Office of Geographic Names.

### 1. Executive Summary

Council has the authority and responsibility to name roads and geographic features using the principles and procedures of the Guidelines for Geographic Names 2010. The precise naming of items provides accurate locations, leading to better service to the community, especially during emergencies.

It is proposed to name the park between Campbellfield Drive and Rosemary Court, Yarrowonga "Cooper Park" in memory of Private Daniel Cooper who was killed in action on 20 September 1917 while serving with the 24<sup>th</sup> Battalion AIF at Ypres, Belgium during World War I.

### 2. Background and Options

It is proposed to name the park between Campbellfield Drive and Rosemary Court, Yarrowonga as shown on the map below.

The park is maintained by Council and is used by local residents. In the event of an incident, delays in reaching the correct destination may be experienced by emergency services if a park is not named. An adjoining property has also requested the park be named.

The name "Cooper Park" is recommended in memory of Private Daniel Cooper who was killed in action on 20 September 1917, aged 22 while serving with the 24<sup>th</sup> Battalion AIF at Ypres, Belgium during World War I. Private Cooper lived in Yarrowonga as did his parents.

Private Cooper was put forward as a candidate name by the Yarrowonga Mulwala Historical Society to Council through the ANZAC Commemorative Naming Project which was part of the national ANZAC centenary commemoration 2014-2018.

FILE NO: F13/877  
5. DEMONSTRATING GOOD GOVERNANCE

ITEM NO: 9.2.3  
(MANAGER COMMERCIAL SERVICES,  
BRUCE BERG VON LINDHE)  
(CHIEF EXECUTIVE OFFICER, MARK  
HENDERSON)

**NAMING OF RESERVE IN CAMPBELLFIELD DRIVE YARRAWONGA (cont'd)**



**3. Financial Implications**

Naming parks does not have a significant financial impact on Council. Any costs relating to signage and system changes are met from operational budgets. Naming a park does not affect Councils maintenance practices.

**4. Risk Management**

The precise naming of roads and geographical features is important for emergency services response.

**5. Internal and External Consultation**

This naming matter has been considered and is supported by the internal road naming group which consists of staff representing the Commercial Services, Assets, Revenue Services, Community Services and Information Technology departments of Council.

**6. Regional Context**

Naming of existing local parks does not have any significant regional impact.

**7. Council Plan Strategy**

The naming function contributes to the Council Plan objectives to demonstrate good governance and to improve Moira's liveability.

FILE NO: F13/877  
5. DEMONSTRATING GOOD GOVERNANCE

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**NAMING OF RESERVE IN CAMPBELLFIELD DRIVE YARRAWONGA (cont'd)**

**8. Legislative / Policy Implications**

In considering this matter, Council is acting with the authority as a Naming Authority provided by section 1.5 of the Guidelines for Geographic Names 2010.

If Council adopts the proposed interim names, public advertising will occur in accordance with the Guidelines for Geographic Names 2010.

**9. Environmental Impact**

There are no environmental implications resulting from naming a park.

**10. Conflict of Interest Considerations**

There are no known conflicts of interest relating to this report

**11. Conclusion**

It is recommended that the park between Campbellfield Drive and Rosemary Court, Yarrowonga be named "Cooper Park" in commemoration of local resident Private Daniel Cooper who was killed in action in Belgium during World War I.

**Attachments**

- 1 Private Daniel Cooper - AIF

FILE NO: F13/877  
5. DEMONSTRATING GOOD GOVERNANCE

ITEM NO: 9.2.3  
(MANAGER COMMERCIAL SERVICES,  
BRUCE BERG VON LINDHE)  
(CHIEF EXECUTIVE OFFICER, MARK  
HENDERSON)

**NAMING OF RESERVE IN CAMPBELLFIELD DRIVE YARRAWONGA (cont'd)**

**ATTACHMENT No [1] - Private Daniel Cooper - AIF**

Page 1 of 2



**Daniel COOPER**

Regimental number	4303
Place of birth	Moama, New South Wales
School	State School, Cummeroogingga Mission Station, New South Wales
Religion	Church of England
Occupation	Labourer
Address	Yarrawonga, Victoria
Marital status	Single
Age at embarkation	20
Height	5' 6"
Weight	142 lbs
Next of kin	Father, William Cooper, Yarrawonga, Victoria
Previous military service	Nil
Enlistment date	23 July 1915
Place of enlistment	Broadmeadows, Victoria
Rank on enlistment	Private
Unit name	24th Battalion, 10th Reinforcement
AWM Embarkation Roll number	23/41/3
Embarkation details	Unit embarked from Melbourne, Victoria, on board HMAT A18 <i>Wiltshire</i> on 7 March 1916
Rank from Nominal Roll	Private
Unit from Nominal Roll	24th Battalion
Other details from Roll of Honour Circular	'Soldier was half caste Aboriginal.' (details from father)
Fate	Killed in Action 20 September 1917
Place of death or wounding	Ypres, Belgium

FILE NO: F13/877  
5. DEMONSTRATING GOOD GOVERNANCE

ITEM NO: 9.2.3  
(MANAGER COMMERCIAL SERVICES,  
BRUCE BERG VON LINDHE)  
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**NAMING OF RESERVE IN CAMPBELLFIELD DRIVE YARRAWONGA (cont'd)**

**ATTACHMENT No [1] - Private Daniel Cooper - AIF**

Page 2 of 2

Age at death	22
Age at death from cemetery records	21
Place of burial	Perth Cemetery (China Wall) (Plot II, Row A, Grave No. 26), Zillebeke, Belgium
Panel number, Roll of Honour, Australian War Memorial	101
Miscellaneous information from cemetery records	Parents: William and Agnes COOPER, Yarrawonga, Victoria
Other details	War service: Egypt, Western Front  Embarked Alexandria to join the British Expeditionary Force, 30 May 1916; disembarked, Marseilles, France, 5 June 1916.  Admitted to 2nd General Hospital, Etaples, 19 June 1916 (hernia); transferred to England, 23 June 1916, and admitted to 3rd London General Hospital, Wandsworth.  Proceeded overseas to France, 16 September 1916; taken on strength, 24th Bn, in the field, Belgium, 29 September 1916.  Admitted to 3rd Australian Field Ambulance, 23 November 1916 (trench feet); discharged to duty, 26 November 1916, and rejoined Bn.  Admitted to 5th Australian Field Ambulance, 27 November 1916 (acute cystitis), and transferred to 3rd Canadian Casualty Clearing Station; ; to Ambulance Train, 28 November 1916, and admitted to 11th Stationary Hospital, Rouen, 29 November 1916 (inflammation of the bladder); transferred to No 2 Convalescent Depot, Rouen, 6 December 1916; discharged to Base Depot, Etaples, 12 December 1916; rejoined Bn, in the field, 9 January 1917.  Killed in action, Belgium, 20 September 1917.  Medals: British War Medal, Victory Medal
Sources	NAA: B2455, COOPER Daniel

**FILE NO: 10.1**  
**4. SMARTER DELIVERY OF SERVICES AND PROGRAMS**

**ITEM NO: 10.1**

### **ACTION OFFICERS' LIST**

#### **RECOMMENDATION**

That Council receive and note the Action Officers' List.

**Meeting:** 25 July 2016

**Subject –** General Business

#### **MOTION**

CRS BRIAN KEENAN / DON MCPHEE

That Council write to the State and Federal Ministers for Education requesting they develop an explicit film to show the effects of drugs specifically ice.

(CARRIED)

#### **COMPLETED**

Letters sent.

**Meeting:** 25 July 2016

**Subject –** General Business

#### **MOTION**

CRS KEVIN BOURKE / MARIE MARTIN

That Moira Shire Council facilitate a briefing with the Regional Director of Vicroads at the earliest opportunity in order to discuss issues of mutual concern.

(CARRIED)

#### **COMPLETED**

Briefing scheduled 29 August 2016.

**Meeting:** 25 July 2016

**Subject –** General Business

#### **MOTION**

CRS KEVIN BOURKE / MARIE MARTIN

That Council invite the Country Fire Authority Regional Officer to a briefing in order to establish a position with regards to Permits to Burn for the upcoming season.

(CARRIED)

#### **COMPLETED**

Briefing scheduled 19 September 2016.

**Meeting:** 25 July 2016

**FILE NO: 10.1**  
**4. SMARTER DELIVERY OF SERVICES AND PROGRAMS**

**ITEM NO: 10.1**

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

**Subject – General Business**

**MOTION**

CRS KEVIN BOURKE / MARIE MARTIN

That Council be advised as to the water allocation and extraction licence assets held by Council, the trading actions achieved over the past three seasons and the demand required to meet community needs.

(CARRIED)

**Activity**

Information being gathered.

**Meeting: 25 July 2016**

**Subject – General Business**

**MOTION**

CRS MARIE MARTIN / KEVIN BOURKE

That Mr Brian Thompson of Department of Education Land Water and Planning (DELWP) Benalla, be invited to brief Council on the future of firewood collection at Barmah and other areas, and the sustainable energy options that have the potential be developed and provide economic growth within Moira Shire.

(CARRIED)

**COMPLETED**

Briefing Scheduled 8 August 2016.

**Meeting: 25 July 2016**

**Subject – General Business**

**MOTION**

CRS MARIE MARTIN / KEVIN BOURKE

That shire officers provide a complete breakdown of costs associated with the roofing and stormwater/drainage of the multipurpose facility at the Numurkah Recreation Reserve with the Committee of Management and investigate the possibility of recouping funds from the original contractor.

(CARRIED)

**Activity**

Briefing note being prepared for Council.

FILE NO: 10.1  
4. SMARTER DELIVERY OF SERVICES AND PROGRAMS

ITEM NO: 10.1

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

**Meeting:** 25 July 2016

**Subject –** General Business

CRS ED COX / DON MCPHEE

That Council review the delegation policy.

(CARRIED)

**Activity**

Briefing scheduled for September.

**Meeting:** 20 June 2016

**Subject –** Family Day Care

**MOTION**

CRS PETER MANSFIELD / WENDY BUCK

That Council enter into a Shared Services model of family day care with Greater Shepparton City Council through the Goulburn Valley Regional Collaborative Alliance.

(CARRIED)

**Activity**

Discussions underway.

**Meeting:** 20 June 2016

**Subject –** Sale saleyards land at Mill Street Cobram.

**MOTION**

CRS ED COX / ALEX MONK

1. That following consideration of submissions received under Section 223 of the Local Government Act Council resolve to sell the former saleyards land at Mill Street Cobram.
2. That the Chief Executive Officer be authorised to sell the land.

(CARRIED)

**Activity**

- EOI now underway closing 5pm Monday the 15 August.

FILE NO: 10.1  
4. SMARTER DELIVERY OF SERVICES AND PROGRAMS

ITEM NO: 10.1

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

**Meeting:** Ordinary Council Meeting 23 November 2015

**Subject –** General Business

**MOTION**

CRS PETER MANSFIELD / BRIAN KEENAN

That Council staff prepare a submission to the Planning Minister championing the green option for the Yarrowonga Mulwala Bridge to be presented when appropriate.

(CARRIED)

**Activity**

The budget includes funding to support Councils submission to the planning process that Vicroads will establish through DELWP.

**Attachments**

Nil

FILE NO: F13/2316  
4. SMARTER DELIVERY OF SERVICES AND PROGRAMS

ITEM NO: 13.1  
(MANAGER COMMERCIAL SERVICES,  
BRUCE BERG VON LINDHE)  
(CHIEF EXECUTIVE OFFICER, MARK  
HENDERSON)

### **NBN LEASE COBRAM - DEED OF VARIATION**

#### **RECOMMENDATION**

That Council:

1. Authorise the Chief Executive Officer to sign and seal the Deed of Variation of Lease document to increase the NBN lease area under the Cobram telecommunications tower at 44 Station St Cobram.
2. Authorise the Chief Executive Officer to sign and seal any future variations relating to this lease.

1. On 3 December 2014 Council entered into a 20 year lease with NBN Co Limited for space on and below the Council telecommunications tower located at 44 Station St Cobram.
2. NBN Co Limited wish to increase the size of their ground lease area beneath the Cobram tower from 4.96m<sup>2</sup> to 8.06m<sup>2</sup> in order to install a larger controller cabinet than was originally planned. The increase in area can be accommodated by some minor fencing works which will be conducted by NBN Co Limited.
3. Council consent is sought to sign and seal the Deed of Variation of Lease document to allow NBN Co Limited to increase their ground lease area.

#### **Attachments**

Nil

<b>FILE NO: 1</b> <b>5. DEMONSTRATING GOOD GOVERNANCE</b>
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<b>ITEM NO: 13.2</b>
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**REQUEST FOR COUNCIL SEAL ON TRANSFER OF LAND DOCUMENT****RECOMMENDATION**

That Council authorise the Chief Executive Officer to sign and seal the attached transfer of land document.

1. Council has entered into a Contract of Sale of Real Estate for the purchase of land adjacent to Kinnairds Wetland. The property is located at 136 Hendys road, Numurkah VIC 3636. This request relates to a boundary realignment to allow Council to acquire 2.7 hectares of land from the current owners. This portion of their property is of limited agricultural benefit to them and of high environmental and recreational value given it borders Kinnairds Wetland.

2. Council consent is sought to sign and seal the Transfer of Land documents in order to finalise the purchase.

**Attachments**

Nil

FILE NO: VARIOUS

ITEM NO: 14

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

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

FILE NO: VARIOUS

ITEM NO: 15

**QUESTIONS FROM THE PUBLIC GALLERY**

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

**63. Question Time**

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

No question must be so read unless:

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

A question may be disallowed by the Chairperson if it:

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

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

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

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

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

FILE NO: VARIOUS

ITEM NO: 16

**MEETING ADJOURNMENT**

**RECOMMENDATION**

That the meeting be adjourned for 10 minutes.

**RECOMMENDATION**

That the meeting be resumed.

**RECOMMENDATION**

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

**RECOMMENDATION**

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

**RECOMMENDATION**

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