



**MOIRA**SHIRE



**ENRICHING LIFE ON THE MURRAY**

**COUNCIL AGENDA**

**25 July 2016**



**Discover Moira**



44 Station Street  
Cobram Vic 3644  
[www.moiravic.gov.au](http://www.moiravic.gov.au)  
[info@moiravic.gov.au](mailto:info@moiravic.gov.au)

## **AGENDA**

**ORDINARY MEETING OF COUNCIL  
FOR  
MONDAY 25 JULY 2016  
TO BE HELD AT YARRAWONGA TOWN HALL, BELMORE STREET, YARRAWONGA  
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, 20 June 2016, the minutes of the Special Council Meeting held on Monday, 20 June 2016 and the minutes of the Special Council Meeting held on Monday, 11 July 2016, as prepared, be confirmed.”

---

<b>8. COUNCILLOR REPORTS</b>	
NIL	
<b>9. OFFICER REPORTS FOR DETERMINATION</b>	
<b>9.1 CORPORATE</b>	
9.1.1 TOURISM ADVISORY COMMITTEE - ONGOING APPOINTMENT	3
9.1.2 SECTION 86 COMMITTEE OF MANAGEMENT REPRESENTATIVE APPOINTMENTS - AMENDMENTS	17
9.1.3 ASSEMBLIES OF COUNCILLORS	22
<b>9.2 INFRASTRUCTURE</b>	
9.2.1 UPDATE ON ENVIRONMENT SUSTAINABILITY COMMITTEES	25
9.2.2 DISCONTINUANCE OF ROADS IN NATHALIA	33
9.2.3 DEVELOPMENT PLAN FOR 3479 MURRAY VALLEY HIGHWAY, COBRAM	38
9.2.4 PLANNING PERMIT APPLICATION NO. 5/2016/80 - USE AND DEVELOPMENT OF LAND FOR A DWELLING, SHED AND POOL AT 356 COBRAM-KOONOOMOO ROAD, COBRAM	61
<b>10. ACTION OFFICERS LIST</b>	
10.1 ACTION OFFICERS' LIST	83
<b>11. NOTICES OF MOTION</b>	
NIL	
<b>12. PETITIONS AND JOINT LETTERS</b>	
NIL	
<b>13. COUNCIL SEAL</b>	
13.1 PURCHASE OF 2 LOTS AT 4442 MURRAY VALLEY HIGHWAY YARROWEYAH	86
<b>14. GENERAL BUSINESS</b>	<b>87</b>
<b>15. QUESTIONS FROM PUBLIC GALLERY</b>	<b>88</b>
<b>16. MEETING ADJOURNMENT</b>	<b>89</b>
<b>17. CONFIDENTIAL BUSINESS</b>	
<b>18. CONFIDENTIAL ACTION OFFICERS LIST</b>	
<b>19. URGENT OR GENERAL CONFIDENTIAL BUSINESS</b>	
<b>20. CLOSE OF MEETING</b>	

FILE NO: F14/232  
3. BUILD ON OUR ECONOMIC STRENGTHS IN  
AGRICULTURE, MANUFACTURING AND  
TOURISM

ITEM NO: 9.1.1

## TOURISM ADVISORY COMMITTEE - ONGOING APPOINTMENT

### RECOMMENDATION

That:

1. Council endorses the ongoing appointment of the Tourism Advisory Committee, as per the attached amended Terms of Reference.
2. Appoint the existing representatives of the TAC for a period of four years, ending on 22 October 2020.
  - (a) Wayne Limbrick, Chairman, Western Moira Tourism Inc.
  - (b) Don Rudd, Chairman, Cobram Barooga Business and Tourism Inc.
  - (c) Terry Harbour, Chairman, Numurkah LOL Inc.
  - (d) Doug Evans, Chairman, Yarrawonga Mulwala Tourism Inc.
  - (e) Daniel McLaughlin, District Manager Northern Rivers, Parks Victoria
  - (f) Jay Whittaker, Recreation and Land Management Coordinator, Goulburn-Murray Water
  - (g) Jane O'Brien, Manager Economic Development, Moira Shire Council
  - (h) Louise Munk Klint, Tourism Development Officer, Moira Shire Council
  - (i) Kyla Carpinelli, Tourism Marketing and Support Officer, Moira Shire Council
  - (j) John Hall, Community Representative, Cactus Country, Strathmerton
  - (k) Rob Chuck, Community Representative, Yarrawonga Mulwala
  - (l) Shayne Preer, Community Representative, Bundalong/Yarrawonga Mulwala
3. Create an additional position for the Yorta Yorta Nation Aboriginal Corporation and appoint the following representative
  - (a) Damian Morgan-Bulleed, Deputy Chief Executive Officer
4. Authorise the Mayor and CEO to approve variations to TAC appointments.

### 1. Executive Summary

Under Section 3 of the *Local Government Act 1989* councils can establish Advisory Committees whose role it is to provide advice and recommendations on specific matters.

The Moira Shire Council's Tourism Advisory Committee (TAC) was established by Council in 2014 for an initial two-year period. The TAC term of appointment is ending on 30 June 2016 and it is recommended that an ongoing appointment of the Committee is endorsed.

The success of advisory committees in general relies heavily on the participation of the community and stakeholders. This is reflected in the spread of member representatives of the Tourism Advisory Committee across community, local tourism associations, state government departments, Aboriginal and statutory corporations and Moira Shire Council.

This report will provide an overview of the recent review of the TAC by the TAC Committee and the Committee's recommendations for the ongoing appointment.

### 2. Background and Options

It is close to two years since the inaugural Moira Shire Tourism Advisory Committee was established and the time has come to review it.

The TAC's structure and Terms of Reference (ToR) were reviewed by the TAC at their last meeting on 9 June 2016 with the following discussions:

FILE NO: F14/232  
3. BUILD ON OUR ECONOMIC STRENGTHS IN  
AGRICULTURE, MANUFACTURING AND  
TOURISM

ITEM NO: 9.1.1

### TOURISM ADVISORY COMMITTEE - ONGOING APPOINTMENT (cont'd)

- The TAC has been growing stronger in the last year and some significant discussions and progress has been seen in the latter stages of the TAC;
- The continuation of an Industry Chair is recommended;
- The TAC conduct good relevant and topical discussion;
- The TAC provide good advice in relation to a number of tourism and economic development projects and significantly strengthens the tourism network and sector;
- The Public Relations of the TAC and the Committee's work is a short fall that should be addressed moving forward.
- The structure could be improved by ensuring that the Yorta Yorta Nation Aboriginal Corporation has a designated representative on the Committee rather than just being a Community Representative.
- Two year term is not sufficient to develop consistency and have good discussions around the table

The TAC recommends that Council:

- Endorses the ongoing appointment of the TAC to align with the term of Council (i.e. 4 years). Amendments to reflect this in ToR, Section 7 and 8.4);
- The objectives section is amended to also include the following: To promote the effective communication of tourism issues, achievements and developments to the tourism industry and wider community (ToR, section 3); the inclusion of operational to Objective 3.5 (i.e. Present new ideas for future infrastructure, operational and services' projects); correction of typo error in Objective 3.1 (i.e. relating to be relation);
- The composition and proceedings is amended to also include an additional Committee member assigned to a representative of the Yorta Yorta Nation Aboriginal Corporation (ToR, section 4.1); and
- The meeting requirements are amended from meetings at least every two months to a minimum of 5 meetings per annum, to be more flexible (ToR, Section 5.1).
- Approval for change of committee membership is delegated to the CEO of Moira Shire.

The attached Terms of Reference is an amended version incorporating the changes recommended by the TAC.

### 3. Financial Implications

There are no financial implications associated with the ongoing appointment of the Advisory Committee and the amended ToR that are the subject of this report. The operating costs of the Advisory Committee are minimal and will be absorbed by the Tourism/Economic Development budget that factored into Council's annual operating budget.

### 4. Risk Management

The ongoing appointment of the Tourism Advisory Committee is for a four-year period with specific ToR that have been drafted based on Council's template for ToR for advisory committees set up under Section 3 of the *Local Government Act 1989* that also deal with risk management to Council.

### 5. Internal and External Consultation

Public participation is an integral and complementary part of Council operations and Advisory Committees play a significant role in facilitating this participation. Advisory Committees offer the opportunity for community, business and organisations to work closely with and provide specialist advice to Council on particular matters.

FILE NO: F14/232  
3. BUILD ON OUR ECONOMIC STRENGTHS IN  
AGRICULTURE, MANUFACTURING AND  
TOURISM

ITEM NO: 9.1.1

## TOURISM ADVISORY COMMITTEE - ONGOING APPOINTMENT (cont'd)

The ToR and the TAC were reviewed by the TAC at its 9 June 2016 Meeting with the recommendation for Council endorse the ongoing appointment of the TAC under amended ToR.

### 6. Regional Context

The ongoing appointment of a Tourism Advisory Committee supports the regional tourism structure in that it provides a forum for discussion of both local and regional tourism issues. Significant local issues discussed at these meetings can then be raised at Tourism Manager Meetings with the regional tourism organisation Murray Regional Tourism Board.

### 7. Council Plan Strategy

The ongoing appointment of the Tourism Advisory Committee supports the implementation of Council's Plan strategy to build on our economic strengths in agriculture, manufacturing and tourism.

The TAC acts as a conduit between Council and the local tourism industry and the key stakeholders.

### 8. Legislative / Policy Implications

Under Section 3 of the *Local Government Act 1989* councils can establish Advisory Committees to provide advice to:

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

In accordance with Section 3 of the *Local Government Act 1989*, the ongoing appointment of the Moira Shire Tourism Advisory Committee is proposed.

The ToR follows Council's generic template for advisory committees.

### 9. Environmental Impact

The environmental impact of meetings held by the Tourism Advisory Committee will be minimal and reduced where possible.

### 10. Conflict of Interest Considerations

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

### 11. Conclusion

It is close to two years since the inaugural Moira Shire Tourism Advisory Committee was established and the time has come to review it. The TAC's structure and Terms of Reference (ToR) were reviewed by the TAC at their last meeting on 9 June 2016 and their recommended changes have been reflected in the amended Terms of Reference (see attached) Community and stakeholder participation on these committees is critical to their success and this is reflected in the structure of the Tourism Advisory Committee

This report seeks Council's endorsement of the ongoing appointment of the TAC, as per the attached Terms of Reference, the ongoing appointment of the current TAC representatives, The appointment of a Yorta Yorta Nation Aboriginal Corporation representative and the advertising of the Community Representative position, as vacated by the creation of a Yorta Yorta Nation Aboriginal Corporation representative position.

FILE NO: F14/232  
3. BUILD ON OUR ECONOMIC STRENGTHS IN  
AGRICULTURE, MANUFACTURING AND  
TOURISM

ITEM NO: 9.1.1

**TOURISM ADVISORY COMMITTEE - ONGOING APPOINTMENT (cont'd)**

**Attachments**

- 1 Moira Shire Council Tourism Advisory Committee Terms of Reference - Tracked Changes
- 2 Moira Shire Council Tourism Advisory Committee Terms of Reference- Clean Version

FILE NO: F14/232  
3. BUILD ON OUR ECONOMIC STRENGTHS  
IN AGRICULTURE, MANUFACTURING AND  
TOURISM

ITEM NO: 9.1.1

**TOURISM ADVISORY COMMITTEE - ONGOING APPOINTMENT (cont'd)**

ATTACHMENT No [1] - Moira Shire Council Tourism Advisory Committee Terms of Reference - Tracked Changes



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

Initial ToR adopted by Council 23 June 2014  
Amended ToR drafted 14 July 2016



FILE NO: F14/232  
3. BUILD ON OUR ECONOMIC STRENGTHS  
IN AGRICULTURE, MANUFACTURING AND  
TOURISM

ITEM NO: 9.1.1

**TOURISM ADVISORY COMMITTEE - ONGOING APPOINTMENT (cont'd)**

**ATTACHMENT No [1] - Moira Shire Council Tourism Advisory Committee Terms of Reference - Tracked Changes**

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



1. PURPOSE

Council will establish a Tourism Advisory Committee for an initial two year period to:

- Provide a forum to share information about relevant tourism-related programs and projects.
- Provide Moira Shire Council with informed and constructive advice on issues facing the tourism sector.
- Provide input and support towards the development of a tourism strategy, and the implementation and monitoring of the individual actions of the tourism strategy.

2. DEFINITIONS

In this Schedule unless contrary intention appears:

**Committee** means the Tourism Advisory Committee

**Council** means Moira Shire Council.

3. OBJECTIVES

The objectives of the Committee shall be to:

- 3.1. Provide a forum to raise and share tourism industry issues in relating-relation to local and regional matters.
- 3.2. Provide input into the development and implementation of a tourism strategy for Council.
- 3.3. Identify key priorities for the marketing of tourism.
- 3.4. Ascertain opportunities for upgrades to existing infrastructure, operational and services.

3.5. Present new ideas for future infrastructure and services' projects.

3.5.3.6. Promote the effective communication of tourism issues, achievements and developments to the tourism industry and wider community.

4. COMPOSITION AND PROCEEDINGS

4.1. The Committee shall comprise of up to 14 members as follows, with individual community representatives being appointed by resolution of Council:-

- Community representatives (up to 4)
  - Skills based in the area of tourism, events, recreation or leisure management
- Local Tourism Association (LTA) representatives (notionally the LTA's Chairperson) (4)
  - Yarrowonga-Mulwala Tourism Inc.
  - Cobram-Barooga Business and Tourism Development Inc.
  - Western Moira Tourism Inc.
  - Numurkah Love Our Lifestyle Inc.
- Other organisations' representatives:

FILE NO: F14/232  
3. BUILD ON OUR ECONOMIC STRENGTHS  
IN AGRICULTURE, MANUFACTURING AND  
TOURISM

ITEM NO: 9.1.1

## TOURISM ADVISORY COMMITTEE - ONGOING APPOINTMENT (cont'd)

### ATTACHMENT No [1] - Moira Shire Council Tourism Advisory Committee Terms of Reference - Tracked Changes

#### Terms of Reference for the Tourism Advisory Committee



- Parks Victoria representative
- Goulburn-Murray Water representative
- Yorta Yorta Nation Aboriginal Corporation representative
- Moira Shire Council Representatives
  - Moira Shire Council, Councillor representative
  - Moira Shire Council, ~~Executive~~ Manager, ~~Business & Innovation~~ Economic Development
  - Moira Shire Council, Tourism Development Officer
  - Moira Shire Council, Tourism Marketing & Support Officer
- 4.2. All organisations and persons nominated to serve on the Committee are subject to the initial and continued approval of Council. Revocation provisions are contained in section 8.
- 4.3. The term of office for Committee members, unless otherwise specified by Council, will be ~~two~~ four years, after which term they may be eligible for re-appointment. ~~To balance the provision of continuity in the group and diversity of views, in the initial term, two community representatives will serve one year and up to two community representatives will serve two years, ensuring that new community representatives commence annually on the Committee.~~
- 4.4. On the resignation of a community representative Committee member the Council may advertise for a replacement person. The term of office of persons appointed to fill such a vacancy shall expire on the date at which the previous member would have gone out of office. Members of the Committee so appointed may be eligible for re-appointment.
- 4.5. A Committee member may be granted leave of absence by the Committee. Where the member is an appointed representative of an organisation or group, they may be replaced by another representative during any period of leave of absence.
- 4.6. The Council is empowered to declare a Committee member's office vacant if he/she fails to attend three consecutive meetings without leave of the Committee by resolution duly passed or on the recommendation of the Committee.
- 4.7. The Council may at its discretion nominate a Chairperson for the Committee. If Council chooses not to use this discretion then the Committee, at its first meeting, shall elect from its members a Chairperson.

#### Confidentiality

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

#### Conflict of Interest

FILE NO: F14/232  
3. BUILD ON OUR ECONOMIC STRENGTHS  
IN AGRICULTURE, MANUFACTURING AND  
TOURISM

ITEM NO: 9.1.1

**TOURISM ADVISORY COMMITTEE - ONGOING APPOINTMENT (cont'd)**

**ATTACHMENT No [1] - Moira Shire Council Tourism Advisory Committee Terms of Reference - Tracked Changes**

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



- 4.9. The *Local Government Act 1989* is the primary source of guidance to any Councillor or Council officer on conflict of interest.
- 4.10. If a member of the Committee has a conflict of interest in any matter in which the Committee is concerned, the member must disclose the nature of that interest at the meeting at which the matter is discussed. The member must leave the room and remain outside until conclusion of discussion or any vote on the item.
- 4.11. A conflict of interest is considered to apply if a committee member:
  - (a) has a direct or indirect financial interest in the matter; or
  - (b) is of the opinion that the nature of his or her interest in the matter is such that it may conflict with the proper performance of his or her public duties in respect of the matter.
5. MEETINGS
  - 5.1. Meetings of the Committee shall be held at least minimum of 5 times per annum ~~once every two months~~.
  - 5.2. A meeting of the Committee must be held at a time and place determined by the Committee.
  - 5.3. The Committee will seek to operate on a consensus basis on any motions it considers. Should a vote be necessary:
    - (a) Each member of the Committee who is entitled to vote is entitled to one vote;
    - (b) Unless the procedures of the Committee otherwise provide, voting must be by show of hands;
    - (c) If there is an equality of votes the motion is lost.
  - 5.4. The Committee shall keep a record of each of its meetings and the Chairperson shall ensure that the minutes of the meeting are submitted to the next meeting for confirmation.
  - 5.5. The majority of members of the Committee shall constitute a quorum at any meeting of the Committee and no business shall be transacted at any such meeting unless a quorum is present.
  - 5.6. The Committee may form sub-committees from amongst its members for the purpose of recommending on matters pertaining to the provisions of this Instrument, provided that no decision may be acted upon until adopted by the full Committee.
  - 5.7. The Chairperson shall be an ex-officio member of all sub-committees.
  - 5.8. Such sub-committees shall only be established by resolution of the Committee and shall only carry out those functions stated in such resolution.

FILE NO: F14/232  
3. BUILD ON OUR ECONOMIC STRENGTHS  
IN AGRICULTURE, MANUFACTURING AND  
TOURISM

ITEM NO: 9.1.1

**TOURISM ADVISORY COMMITTEE - ONGOING APPOINTMENT (cont'd)**

**ATTACHMENT No [1] - Moira Shire Council Tourism Advisory Committee Terms of Reference - Tracked Changes**

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



6. INDEMNITY

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

7. TERM OF COMMITTEE AND APPOINTMENTS

- 7.1. The Committee has been ~~established~~ ~~extended~~ for ~~an initial~~ period of ~~two-four~~ years, ~~ending 30<sup>th</sup> June 2022~~ ~~October 2020-2016~~. Council may review the Committee and could consider extending its term beyond this date.

- 7.2. Appointment of Advisory Committee members will be for a term ending on ~~22<sup>nd</sup> October 2020~~ ~~30<sup>th</sup> June 2016~~, unless otherwise extended or revoked in writing by the ~~Council~~ ~~Mayor or CEO~~.

8. REVOCATION

- 8.1. A Committee member may have his or her term of office revoked by ~~Council~~ ~~the CEO or Mayor~~ upon request by the Committee following a resolution carried by a two thirds majority vote of members of the Committee.

- 8.2. ~~Council~~ ~~The Mayor or CEO~~ may at its discretion revoke the membership of any member or the entire Committee at any time.

- 8.3. The Council has the power to terminate the services of the Committee at any time.

- 8.4. The Committee will terminate on ~~22<sup>nd</sup> October 2020~~ ~~30<sup>th</sup> June 2016~~, unless otherwise extended or revoked in writing by the Council.

9. COMMITTEE REPRESENTATION

- 9.1. It will be the responsibility of the Committee to notify Council of the resignation of members from the Committee.

FILE NO: F14/232  
3. BUILD ON OUR ECONOMIC STRENGTHS  
IN AGRICULTURE, MANUFACTURING AND  
TOURISM

ITEM NO: 9.1.1

**TOURISM ADVISORY COMMITTEE - ONGOING APPOINTMENT (cont'd)**

ATTACHMENT No [2] - Moira Shire Council Tourism Advisory Committee Terms of Reference- Clean Version



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

Initial ToR adopted by Council 23 June 2014  
Amended ToR drafted 14 July 2016



FILE NO: F14/232  
3. BUILD ON OUR ECONOMIC STRENGTHS  
IN AGRICULTURE, MANUFACTURING AND  
TOURISM

ITEM NO: 9.1.1

**TOURISM ADVISORY COMMITTEE - ONGOING APPOINTMENT (cont'd)**

**ATTACHMENT No [2] - Moira Shire Council Tourism Advisory Committee Terms of Reference- Clean Version**

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



1. PURPOSE

Council will establish a Tourism Advisory Committee for an initial two year period to:

- Provide a forum to share information about relevant tourism-related programs and projects.
- Provide Moira Shire Council with informed and constructive advice on issues facing the tourism sector.
- Provide input and support towards the development of a tourism strategy, and the implementation and monitoring of the individual actions of the tourism strategy.

2. DEFINITIONS

In this Schedule unless contrary intention appears:

**Committee** means the Tourism Advisory Committee

**Council** means Moira Shire Council.

3. OBJECTIVES

The objectives of the Committee shall be to:

- 3.1. Provide a forum to raise and share tourism industry issues in relation to local and regional matters.
- 3.2. Provide input into the development and implementation of a tourism strategy for Council.
- 3.3. Identify key priorities for the marketing of tourism.
- 3.4. Ascertain opportunities for upgrades to existing infrastructure, operational and services.
- 3.5. Present new ideas for future infrastructure and services' projects.
- 3.6. Promote the effective communication of tourism issues, achievements and developments to the tourism industry and wider community.

4. COMPOSITION AND PROCEEDINGS

4.1. The Committee shall comprise of up to 14 members as follows, with individual community representatives being appointed by resolution of Council:-

- Community representatives (up to 4)
  - Skills based in the area of tourism, events, recreation or leisure management
- Local Tourism Association (LTA) representatives (notionally the LTA's Chairperson) (4)
  - Yarrawonga-Mulwala Tourism Inc.
  - Cobram-Barooga Business and Tourism Development Inc.
  - Western Moira Tourism Inc.
  - Numurkah Love Our Lifestyle Inc.
- Other organisations' representatives:

FILE NO: F14/232  
3. BUILD ON OUR ECONOMIC STRENGTHS  
IN AGRICULTURE, MANUFACTURING AND  
TOURISM

ITEM NO: 9.1.1

**TOURISM ADVISORY COMMITTEE - ONGOING APPOINTMENT (cont'd)**

**ATTACHMENT No [2] - Moira Shire Council Tourism Advisory Committee Terms of Reference- Clean Version**

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



- Parks Victoria representative
  - Goulburn-Murray Water representative
  - Yorta Yorta Nation Aboriginal Corporation representative
  - Moira Shire Council Representatives
    - Moira Shire Council, Councillor representative
    - Moira Shire Council, Manager, Economic Development
    - Moira Shire Council, Tourism Development Officer
    - Moira Shire Council, Tourism Marketing & Support Officer
- 4.2. All organisations and persons nominated to serve on the Committee are subject to the initial and continued approval of Council. Revocation provisions are contained in section 8.
- 4.3. The term of office for Committee members, unless otherwise specified by Council, will be four years, after which term they may be eligible for re-appointment.
- 4.4. On the resignation of a community representative Committee member the Council may advertise for a replacement person. The term of office of persons appointed to fill such a vacancy shall expire on the date at which the previous member would have gone out of office. Members of the Committee so appointed may be eligible for re-appointment.
- 4.5. A Committee member may be granted leave of absence by the Committee. Where the member is an appointed representative of an organisation or group, they may be replaced by another representative during any period of leave of absence.
- 4.6. The Council is empowered to declare a Committee member's office vacant if he/she fails to attend three consecutive meetings without leave of the Committee by resolution duly passed or on the recommendation of the Committee.
- 4.7. The Council may at its discretion nominate a Chairperson for the Committee. If Council chooses not to use this discretion then the Committee, at its first meeting, shall elect from its members a Chairperson.

**Confidentiality**

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

**Conflict of Interest**

- 4.9. The *Local Government Act 1989* is the primary source of guidance to any Councillor or Council officer on conflict of interest.
- 4.10. If a member of the Committee has a conflict of interest in any matter in which the Committee is concerned, the member must disclose the nature of that interest at

FILE NO: F14/232  
3. BUILD ON OUR ECONOMIC STRENGTHS  
IN AGRICULTURE, MANUFACTURING AND  
TOURISM

ITEM NO: 9.1.1

**TOURISM ADVISORY COMMITTEE - ONGOING APPOINTMENT (cont'd)**

**ATTACHMENT No [2] - Moira Shire Council Tourism Advisory Committee Terms of Reference- Clean Version**

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



the meeting at which the matter is discussed. The member must leave the room and remain outside until conclusion of discussion or any vote on the item.

- 4.11. A conflict of interest is considered to apply if a committee member:
- (a) has a direct or indirect financial interest in the matter; or
  - (b) is of the opinion that the nature of his or her interest in the matter is such that it may conflict with the proper performance of his or her public duties in respect of the matter.

**5. MEETINGS**

- 5.1. Meetings of the Committee shall be held at least minimum of 5 times per annum.
- 5.2. A meeting of the Committee must be held at a time and place determined by the Committee.
- 5.3. The Committee will seek to operate on a consensus basis on any motions it considers. Should a vote be necessary:
- (a) Each member of the Committee who is entitled to vote is entitled to one vote;
  - (b) Unless the procedures of the Committee otherwise provide, voting must be by show of hands;
  - (c) If there is an equality of votes the motion is lost.
- 5.4. The Committee shall keep a record of each of its meetings and the Chairperson shall ensure that the minutes of the meeting are submitted to the next meeting for confirmation.
- 5.5. The majority of members of the Committee shall constitute a quorum at any meeting of the Committee and no business shall be transacted at any such meeting unless a quorum is present.
- 5.6. The Committee may form sub-committees from amongst its members for the purpose of recommending on matters pertaining to the provisions of this Instrument, provided that no decision may be acted upon until adopted by the full Committee.
- 5.7. The Chairperson shall be an ex-officio member of all sub-committees.
- 5.8. Such sub-committees shall only be established by resolution of the Committee and shall only carry out those functions stated in such resolution.

**6. INDEMNITY**

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

FILE NO: F14/232  
3. BUILD ON OUR ECONOMIC STRENGTHS  
IN AGRICULTURE, MANUFACTURING AND  
TOURISM

ITEM NO: 9.1.1

**TOURISM ADVISORY COMMITTEE - ONGOING APPOINTMENT (cont'd)**

**ATTACHMENT No [2] - Moira Shire Council Tourism Advisory Committee Terms of Reference- Clean Version**

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



7. TERM OF COMMITTEE AND APPOINTMENTS

- 7.1. The Committee has been extended for a period of four years, ending 22<sup>nd</sup> October 2020. Council may review the Committee and could consider extending its term beyond this date.
- 7.2. Appointment of Advisory Committee members will be for a term ending on 22<sup>nd</sup> October 2020, unless otherwise extended or revoked in writing by the Mayor or CEO.

8. REVOCATION

- 8.1. A Committee member may have his or her term of office revoked by the CEO or Mayor upon request by the Committee following a resolution carried by a two thirds majority vote of members of the Committee.
- 8.2. The Mayor or CEO may at its discretion revoke the membership of any member or the entire Committee at any time.
- 8.3. The Council has the power to terminate the services of the Committee at any time.
- 8.4. The Committee will terminate on 22<sup>nd</sup> October 2020, unless otherwise extended or revoked in writing by the Council.

9. COMMITTEE REPRESENTATION

- 9.1. It will be the responsibility of the Committee to notify Council of the resignation of members from the Committee.

FILE NO: F13/25  
5. DEMONSTRATING GOOD GOVERNANCE

ITEM NO: 9.1.2

**SECTION 86 COMMITTEE OF MANAGEMENT REPRESENTATIVE  
APPOINTMENTS - AMENDMENTS**

**RECOMMENDATION**

That Council:

1. Approve the removal of the following persons representing Community and or User Groups on the Special Committee of Management as detailed below.

Committee of Management	User Group	First Name	Last Name
Invergordon Recreation Reserve and Community Hall	Community	Jazmine	Tracey
Katunga Recreation Reserve and Community Centre	Katunga Football Netball Club	Matthew	Healey
Koonoomoo Recreation Reserve	Murray District Equestrian Club	Rebecca	Phillips
Koonoomoo Recreation Reserve	Murray District Equestrian Club	Jeanette	Graham
Tungamah Jubilee Park Recreation Reserve	Tungamah Football Netball Club	Troy	Costigan
Wilby Racecourse and Recreation Reserve	Wilby Motor Sports Club	Monica	Van Roy
Yarrowonga JC Lowe Oval Reserve	Yarrowonga Football Netball Club	John	Runnalls
Cobram Showgrounds Apex Reserve	Cobram Victory Football Club	Alicia	Sorrenti
Cobram Showgrounds Apex Reserve	Cobram Soccer Club	Ivo	Madeira
Cobram Showgrounds Apex Reserve	Cobram Netball Association	Amanda	Chadwick
Numurkah Showgrounds	Numurkah Soccer Club	Jacque	Hughes
Yarrowonga Showgrounds Victoria Park	Yarrowonga Mulwala Mens Shed	Vic	Beveridge
Yarrowonga Showgrounds Victoria Park	Yarrowonga Mulwala Mens Shed (Alternate)	Neil	Povey
Yarrowonga Showgrounds Victoria Park	Yarrowonga and Border Agricultural and Pastoral Association	Judy	Cooper
Picola Public Hall	Community	Kevin	Whelan
Yarroweyah Memorial Hall	Old Time Dance Group	Margaret	Sherlock
Yarroweyah Memorial Hall	Yarroweyah Fire Brigade	Phillip	Barr
Cobram Historical Precinct	Cobram Historical Society	Maree	Hogan

2. Approve the appointments of the following persons representing Community and or User Groups, on the Special Committee of Management, as indicated, to 30 September 2017.

Committee of Management	User Group	First Name	Last Name
Bundalong Dan Cronin Recreation Reserve	Community	Scott	Freeman
Katamatite Recreation Reserve	Community	Jacqui	Monk
Katunga Recreation Reserve and Community Centre	Katunga Football Netball Club	Chris	Bethell
Koonoomoo Recreation Reserve	Murray District Equestrian Club	Amy	Bright
Koonoomoo Recreation Reserve	Murray District Equestrian Club	Teresa	Gullis
Picola Recreation Reserve	Picola Bowling Club	Tony	Smith
Wilby Racecourse and Recreation Reserve	Wilby Motor Sports Club	Terry	Menz
Yarrowonga JC Lowe Oval Reserve	Yarrowonga Football Netball Club	Penne	Trogenza
Yarrowonga JC Lowe Oval Reserve	Community	John	Runnalls

FILE NO: F13/25  
5. DEMONSTRATING GOOD GOVERNANCE

ITEM NO: 9.1.2

**SECTION 86 COMMITTEE OF MANAGEMENT REPRESENTATIVE  
APPOINTMENTS - AMENDMENTS (cont'd)**

Cobram Showgrounds Apex Reserve	Cobram Roar	Albert	Zito
Cobram Showgrounds Apex Reserve	Cobram Netball Association	Nerissa	Brooks
Numurkah Showgrounds	Numurkah Soccer Club	Steven	Newham
Yarrawonga Showgrounds Victoria Park	Yarrawonga Mulwala Mens Shed	Neil	Povey
Yarrawonga Showgrounds Victoria Park	Yarrawonga and Border Agricultural and Pastoral Association	Donna	Knuckey
Lake Rowan Hall	Community	Ross	Lovel
Yarroweyah Memorial Hall	Old Time Dance Group	Phillip	Barr
Cobram Historical Precinct	Cobram Historical Society	Neil	Kerr

3. Amend the composition of the Cobram Showgrounds Apex Reserve and Yarroweyah Memorial Hall Committees of Management.

4. Provide incoming representatives with appointment information and write and thank outgoing representatives.

### 1. Executive Summary

At Council's meeting held 16 September 2013, Council, in exercise of the powers conferred by section 86 of the *Local Government Act 1989* (the Act), resolved to appoint persons as Community or User Group representatives on various Special Committees, to 30 September 2017.

### 2. Background and Options

Detailed below are required amendments to the current composition of the respective committees as notified by those committees listed.

#### **Bundalong Dan Cronin Recreation Reserve**

Scott Freeman has nominated as a community representative.

#### **Invergordon Recreation Reserve and Community Hall**

Jazmine Tracey has resigned as a community representative. A replacement has not been nominated.

#### **Katamatite Recreation Reserve**

Jacqui Monk has nominated as a community representative.

#### **Katunga Recreation Reserve and Community Centre**

Chris Bethell has been nominated to replace Matthew Healey as a Katunga Football Netball Club representative.

#### **Koonoomoo Recreation Reserve**

Amy Bright and Teresa Grullis have been nominated to replace Rebecca Phillips and Jeanette Graham as the Murray District Equestrian Club representatives.

#### **Picola Recreation Reserve**

Tony Smith has been nominated as a Picola Bowling Club representative.

FILE NO: F13/25  
5. DEMONSTRATING GOOD GOVERNANCE

ITEM NO: 9.1.2

**SECTION 86 COMMITTEE OF MANAGEMENT REPRESENTATIVE  
APPOINTMENTS - AMENDMENTS (cont'd)**

**Tungamah Jubilee Park Recreation Reserve**

Troy Costigan has resigned as a Tungamah Football Netball Club representative. A replacement has not been nominated.

**Wilby Racecourse and Recreation Reserve**

Terry Menz has been nominated to replace Monica Van Roy as a Wilby Motor Sports Club representative.

**Yarrowonga JC Lowe Oval Reserve**

Penne Tregenza has been nominated to replace John Runnalls as the Yarrowonga Football Netball Club representative. It is proposed that John Runnalls change to a community representative.

**Cobram Showgrounds Apex Reserve**

Cobram Victory Football Club and Cobram Soccer Club merged to form Cobram Roar. As a result, it is appropriate to amend the composition of the committee and remove both Clubs and their respective representatives Alicia Sorrenti and Ivo Madeira from the committee and add Cobram Roar. Albert Zito has been nominated as the Cobram Roar representative. Amanda Chadwick has resigned as the Cobram Netball Association representative and Nerissa Brooks has been nominated as the replacement representative.

**Numurkah Showgrounds Reserve**

Steven Newham has been nominated to replace Jacquie Hughes as the Numurkah Soccer Club representative.

**Yarrowonga Showgrounds Victoria Park**

Vic Beveridge has resigned as the Yarrowonga Mulwala Mens Shed representative and Neil Povey has been nominated as his replacement. It is proposed that Neil change from the alternate representative, a replacement for Neil has not been nominated. Donna Knuckey has been nominated to replace Judy Cooper as the Yarrowonga and Border Agricultural and Pastoral Association Inc representative.

**Lake Rowan Hall**

Ross Lovel has nominated as a community representative.

**Picola Public Hall**

Kevin Whelan has retired as a community representative.

**Yarroweyah Memorial Hall**

It is appropriate to amend the composition of the committee and remove the Mywee Community Group as a user group. Phillip Barr has been nominated to replace Margaret Sherlock as the Old Time Dance Group representative. It is proposed that Phillip change from a Yarroweyah Fire Brigade representative to the Old Time Dance Group representative.

**Cobram Historical Precinct**

Neil Kerr has been nominated to replace Maree Hogan as the Cobram Historical Society representative.

Typically, on confirmation of appointment, any new committee member is provided with confirmation of appointment, a copy of their delegation as set out in the respective committee Instrument of Delegation and an electronic copy of the Operational and Risk

FILE NO: F13/25  
5. DEMONSTRATING GOOD GOVERNANCE

ITEM NO: 9.1.2

## SECTION 86 COMMITTEE OF MANAGEMENT REPRESENTATIVE APPOINTMENTS - AMENDMENTS (cont'd)

Management Manual as a reference and guide in the operation of the facility under management. New members will also be required to complete the online volunteer induction.

An information session is planned for July 2016, committees will be invited to attend, relevant information will be presented and committees are welcome to discuss any matters for which they require clarification.

### 3. Financial Implications

There are no financial implications to consider within this report.

### 4. Risk Management

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

### 5. Internal and External Consultation

As the Section 86 Committees are in essence an extension of Council and are managing the facilities in partnership with Council, it is important for Council to maintain an appropriate balance of representation from user groups and the community and also maintain an accurate and up to date database of representatives on each of the Committees of Management.

To ensure the accuracy of the database, it is essential that each Committee advise Council when changes are required to individual representatives and also to user group representation.

When changes do occur, a Council resolution is required and relevant Council Officers who work with those committees are made aware of the amendments.

### 6. Regional Context

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

### 7. Council Plan Strategy

This report supports the enabling objective of "Demonstrating Good Governance" as described in the Council Plan.

### 8. Legislative / Policy Implications

Changes identified as part of this report are in line with requirements of section 86 of the Local Government Act 1989.

### 9. Environmental Impact

There are no environmental implications to consider within this report.

### 10. Conflict of Interest Considerations

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

### 11. Conclusion

As part of Council's efforts to ensure that interested and appropriate person(s) and user groups be appointed to the Section 86 Committees, it is recommended that the proposed amendments to the current composition and/or Community or User Group representation for those Committees of Management specified, be approved.

FILE NO: F13/25  
5. DEMONSTRATING GOOD GOVERNANCE

ITEM NO: 9.1.2

**SECTION 86 COMMITTEE OF MANAGEMENT REPRESENTATIVE  
APPOINTMENTS - AMENDMENTS (cont'd)**

**Attachments**

Nil

FILE NO: F13/503  
5. DEMONSTRATING GOOD GOVERNANCE

ITEM NO: 9.1.3

## 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 June 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)
6 June Moirā Shire Youth Council	Councillors: Gary Cleveland Alex Monk  Staff: Youth Development Officer, Hollie Barnes Administration Support Officer, Sharon Nye Communications and Media Officer, Nathan Anderson	1. Communications and Media 2. Police Issues 3. Community Cinema 4. Youth and Town Issues 5. FReeZa update 6. Tour of Yarrowonga Schools	Nil
9 June Tourism Advisory Committee	Councillor: Don McPhee  Staff: Tourism Development Officer, Louise Munk Klint Tourism Support Officer, Kyla Carpinelli	1. Previous minutes 2. Review of TAC 3. Electric Vehicle Project 4. Nature Country Marketing 5. Officials Visitors Guide 6. LTA updates	Nil

FILE NO: F13/503  
5. DEMONSTRATING GOOD GOVERNANCE

ITEM NO: 9.1.3

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

Meeting	Present at meeting	Matters discussed	Declaration of Interest(s)
6 June Council Briefing	<p>Councillors: Gary Cleveland Alex Monk Kevin Bourke Wendy Buck Don McPhee Peter Mansfield Marie Martin Ed Cox</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 Operations, Rick Devlin, Manager Town Planning and Building Jorine Bothma Team Leader Recreation and Safety, Clinton Shand, Family Day Care Coordinator, Louise Anderson</p>	<ol style="list-style-type: none"> <li>1. Budget</li> <li>2. Planning Permit Application - Drug &amp; Alcohol Rehabilitation Centre</li> <li>3. Recreation Strategy</li> <li>4. Code of Conduct</li> <li>5. Family Day Care Options</li> <li>6. Agenda review</li> <li>7. Brand refresh</li> </ol>	Nil
20 June Council Briefing	<p>Councillors Gary Cleveland Alex Monk Kevin Bourke Wendy Buck Don McPhee Peter Mansfield Marie Martin Ed Cox</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 Operations, Rick Devlin, Manager Town Planning and Building Jorine Bothma, Manager Finance, Simon Rennie, Team Leader Recreation and Safety, Clinton Shand</p>	<ol style="list-style-type: none"> <li>1. Agenda review</li> </ol>	Nil

FILE NO: F13/503  
5. DEMONSTRATING GOOD GOVERNANCE

ITEM NO: 9.1.3

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

### **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

### **11. Conclusion**

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

### **Attachments**

Nil

FILE NO: 1  
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.1

## UPDATE ON ENVIRONMENT SUSTAINABILITY COMMITTEES

### RECOMMENDATION

That Council endorse:

1. a review of the Environment Sustainability Strategy (ESS); and
2. a six (6) month extension of the current term for Environment Sustainability Advisory Committee and revision of the terms of reference to reflect the extension

### 1. Executive Summary

The 2012 Moira Shire Council Environment Sustainability Strategy (ESS) is a key strategic document that provides clear guidance and direction to Council about environmental sustainability policies, roles and responsibilities. This document is due for review.

The Environment Sustainability Advisory Committee (ESAC) was established "to provide Moira Shire Council with informed and constructive advice, input and support towards the development of strategy relating to the environment and sustainability issues and the implementation and monitoring of those strategies". The current Terms of Reference (ToR) were adopted by Council on 21 October 2013 and expire on 31 October 2016.

### 2. Background and Options

The current ESS, released in September 2012, stated it would be formally reviewed every four years which means it is due this year. Timing this review to align with the development of a new Council Plan next year will ensure an updated ESS is available for inclusion and reference in the new Council Plan.

The intention of the review of the ESS is to;

- collate and report on achievements since the 2012 Strategy;
- consider what has changed since the 2012 strategy (major drivers, legislation, policy etc);
- state Councils current environmental priorities and objectives; and
- inform the new Council Plan.

The ESAC includes internal and external members with various organisations, businesses and the community represented. As mentioned the purpose of the ESAC is specifically directed at Councils strategy development and implementation. Part of the ESS review will focus on how Council engages with the community in relation to environmental sustainability including the ESAC's structure and function.

This report recommends extending the term of the current ESAC until the ESS review has been completed. The current ESAC is well placed to be involved in advising/informing a review of the ESS. To extend the term of the current ESAC the ToR would require minor modifications (see attached).

### 3. Financial Implications

The ESS review will occur in-house as far as possible. There are no financial implications associated with the recommendations in this report.

### 4. Risk Management

The ESAC ToR ensures appropriate governance arrangements.

FILE NO: 1  
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.1

## UPDATE ON ENVIRONMENT SUSTAINABILITY COMMITTEES (cont'd)

Current ESAC members may decline the offer of a six month extension. This is considered unlikely however the intended plan for reviewing the ESS includes extensive community consultation which will ensure community input into the revised ESS.

### 5. Internal and External Consultation

The ESAC is an important vehicle to connect Council and the broader community on environment matters. The members include businesses, community representatives, state government departments, water authorities, the Goulburn Broken Catchment Management Authority (GBCMA) and Goulburn Valley Waste & Resource Recovery Group (GVWRRG).

This report recommends extending the current ToR of ESAC to enable the existing committee to be involved in the review of the ESS. Pending support of these recommendations current ESAC members will receive a letter requesting their ongoing involvement in the committee for a further six (6) months.

The ESS review will actively seek and consider community comments in relation to the new ESS. The ESS review will specifically seek feedback on the method/s of Councils ongoing engagement with the community on environmental matters. This will include consideration of the most appropriate structure and forum through which to facilitate this communication.

Proposed review timelines are;

- begin review (including compiling achievements) – July 2016
- draft revised ESS to Council – Nov 2016
- public consultation phase – Nov-Jan 2017
- final revised ESS presented to Council – March 2017.

### 6. Regional Context

ESAC includes representatives of regional organisations and the community to ensure Moira is working within a broader context.

### 7. Council Plan Strategy

The ESS is critical to achieving the Council Vision and more specifically Strategic Indicator 9 – 'Engage and empower the community in working towards a sustainable future'.

### 8. Legislative / Policy Implications

There are no legislative/ policy implications in relation to this matter.

### 9. Environmental Impact

The ESS assists Council in identifying, reducing and avoiding potential environmental impacts of Council operations and activities.

### 10. Conflict of Interest Considerations

There are no conflict of interest considerations in relation to this matter.

### 11. Conclusion

This report requests support for:

1. a proposed review of Environment Sustainability Strategy (ESS)
2. extending the current term of the ESAC to accommodate the ESS review.

FILE NO: 1  
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.1

**UPDATE ON ENVIRONMENT SUSTAINABILITY COMMITTEES (cont'd)**

The proposed ESS review will align well with the development of a new Council Plan next year.

**Attachments**

- 1 Terms of Reference - Environment Sustainability Advisory Committee - Term 2013-2016 Updated 25May2016

FILE NO: 1  
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.1

**UPDATE ON ENVIRONMENT SUSTAINABILITY COMMITTEES (cont'd)**

ATTACHMENT No [1] - Terms of Reference - Environment Sustainability Advisory Committee - Term 2013-2016 Updated 25May2016



**Terms of Reference**

**for the**

**Environment Sustainability  
Advisory Committee**

Adopted by Council ~~21 October 2013~~ xx August 2016



FILE NO: 1  
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.1

**UPDATE ON ENVIRONMENT SUSTAINABILITY COMMITTEES (cont'd)**

**ATTACHMENT No [1] - Terms of Reference - Environment Sustainability Advisory Committee - Term 2013-2016 Updated 25May2016**

**Terms of Reference for the  
Environment Sustainability Advisory Committee**



**1. PURPOSE**

To provide Moira Shire Council with informed and constructive advice, input and support towards the development of strategy relating to the environment and sustainability issues and the implementation and monitoring of those strategies.

**2. DEFINITIONS**

In this Schedule unless contrary intention appears:

**Committee** means the Environment Sustainability Advisory Committee

**Council** means Moira Shire Council.

**3. OBJECTIVES**

The objectives of the **Environment Sustainability Advisory Committee** shall be to:

- 3.1. Act as an advisory and liaison forum between the Council, expert stakeholders, industry, businesses and the community.
- 3.2. Contribute advice and guidance towards the development of environment and sustainability strategies for Council.
- 3.3. Guide the implementation of environment and sustainability strategies adopted by Council.
- 3.4. Monitor and review the progress of Council's environment and sustainability strategies.
- 3.5. Within the context of Council's environmental strategies, to identify, investigate and advise on the environment and sustainability challenges and opportunities in relation to:
  - (a) Facilitating Environmental Stewardship
  - (b) Land, Water and Biodiversity
  - (c) Reducing our Ecological Footprint
    - Sustainable Water Use, Stormwater and Water Quality
    - Climate Variability and Energy Efficiency

Purchasing, Consumption and Waste

**4. COMPOSITION AND PROCEEDINGS**

- 4.1. The Committee shall comprise 23 members as follows, with individual community representatives being appointed by resolution of Council:
  - Broken Boosey Conservation Management Network (1)
  - Broken Creek Field Naturalist (1)

FILE NO: 1  
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.1

**UPDATE ON ENVIRONMENT SUSTAINABILITY COMMITTEES (cont'd)**

**ATTACHMENT No [1] - Terms of Reference - Environment Sustainability Advisory Committee - Term 2013-2016 Updated 25May2016**

**Terms of Reference for the  
Environment Sustainability Advisory Committee**



- Department of ~~Environment and Primary Industries~~ Environment, Land, Water and Planning (1)
- Goulburn Broken Catchment Management Authority (1)
- Goulburn Broken Greenhouse Alliance (1)
- Goulburn-Murray Water (2)
- Goulburn Broken Storm water project (1)
- Goulburn Valley Water (1)
- Yorta Yorta Nation Aboriginal Corporation (1)
- ~~Resource GV (Goulburn Valley Regional Waste Management Group)~~ Waste and Resource Recovery Group (1)
- Trust for Nature (1)
- Business Representatives (3):
- Community representatives (2):
- Moira Shire Council, Councillor representative (1)
- Moira Shire Council, Council officer representatives (5) (non-voting members)

- 4.2. All organisations and persons nominated to serve on the Committee are subject to the initial and continued approval of Council. Revocation provisions are contained in section 8.
- 4.3. The term of office for Committee members, unless otherwise specified by Council, will be four years, after which term they may be eligible for re-appointment.
- 4.4. On the resignation of a Committee member the Council may advertise for a replacement member. The term of office of persons appointed to fill such a vacancy shall expire on the date at which the previous member would have gone out of office. Members of the Committee so appointed may be eligible for re-appointment.
- 4.5. A Committee member may be granted leave of absence by the Committee. Where the member is an appointed representative of an organisation or group, they may be replaced by another representative during any period of leave of absence.
- 4.6. The Council is empowered to declare a Committee member's office vacant if he/she fails to attend three consecutive meetings without leave of the Committee by resolution duly passed or on the recommendation of the Committee.
- 4.7. The Council, may at its discretion, elect a Chairperson for the Committee if Council choose not to use this discretion then the Committee, at its first meeting, shall elect from its members a Chairperson.

**Confidentiality**

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

FILE NO: 1  
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.1

**UPDATE ON ENVIRONMENT SUSTAINABILITY COMMITTEES (cont'd)**

**ATTACHMENT No [1] - Terms of Reference - Environment Sustainability Advisory Committee - Term 2013-2016 Updated 25May2016**

**Terms of Reference for the  
Environment Sustainability Advisory Committee**



leave the meeting. Committee members are required to deal with such matters in confidence and with discretion.

**Conflict of Interest**

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

**5. MEETINGS**

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

FILE NO: 1  
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.1

**UPDATE ON ENVIRONMENT SUSTAINABILITY COMMITTEES (cont'd)**

**ATTACHMENT No [1] - Terms of Reference - Environment Sustainability Advisory Committee - Term 2013-2016 Updated 25May2016**

**Terms of Reference for the  
Environment Sustainability Advisory Committee**



5.8. Such sub-committees shall only be established by resolution of the Committee and shall only carry out those functions stated in such resolution.

**6. INDEMNITY**

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

**7. TERM OF APPOINTMENT**

7.1. Appointment of Committee members will be for a term ending on ~~31-October-2016~~ 30 April 2017—unless otherwise extended or revoked in writing by the Council.

**8. REVOCATION**

8.1. A Committee member may have his or her term of office revoked by Council upon request by the Committee following a resolution carried by a two thirds majority vote of members of the Committee.

8.2. Council may at its discretion revoke the membership of any member or the entire Committee at any time.

8.3. The Council has the power to terminate the services of the Committee at any time.

**9. COMMITTEE REPRESENTATION**

9.1. It will be the responsibility of the Committee to notify Council of the resignation of members from the Committee.

FILE NO: F13/858  
2. OUR ENVIRONMENT AND LIFESTYLE

ITEM NO: 9.2.2

## DISCONTINUANCE OF ROADS IN NATHALIA

### RECOMMENDATION

That Council:

1. Resolves to commence the statutory process to discontinue Grinter Street and Tuckett Street, Nathalia under the Local Government Act and the Road Management Act.
2. Publish a Public Notice in local papers advising of Council's intention, setting out the details and informing people they have a right under Section 223 of the Local Government Act and Section 12 of the Road Management Act to make a submission regarding the proposed road discontinuance.
3. Write letters to adjoining property owners advising them of Council's proposal and also that they have a right to make a submission regarding the proposed road discontinuance.
4. Appoint a Committee of Council comprising Cr....., Cr..... and the General Manager Infrastructure under Section 223(1)(b)(i) of the Local Government to hear any persons who in their written submissions under Section 223 of the Act have requested that they be heard in support of their submissions.
5. Authorise the Chief Executive Officer to carry out any and all other administrative procedures necessary to enable Council to carry out its functions under Section 223 of the Local Government Act and the Road Management Act.

### 1. Executive Summary

Council has received a request from the Manager for Cemeteries and Crematoria Regulations Unit of the State Department of Health and Human Services (DHHS) acting on behalf of the Nathalia Cemetery Trust to discontinue the road reserves of Grinter Street and Tuckett Street, Nathalia alongside the Nathalia Cemetery Trust reserve and incorporate these two road reserves into the Nathalia Cemetery.

The Nathalia Cemetery Trust has advised DHHS that it wished to use the two road reserves to meet the Cemetery's future requirements in providing cemetery services to the local community.

Department of Environment, Land, Water and Planning (DELWP) have advised DHHS to request Council to commence the process to discontinue the two road reserves under Clause 3, Schedule 10 of the Local Government Act 1989. Therefore the land would revert to being unused Crown land and an application may then be made to DELWP to reserve it for cemetery purposes.

Under Schedule 10 Clause 3 of the Local Government Act (the Act), Council has the power to discontinue a road by a notice published in the Government Gazette. Before this power can be exercised, the public has the right to make a submission on the proposed road discontinuance under Section 223 of the Act.

It is therefore recommended that Council undertake the required consultation process to gauge the community's views about the discontinuation of both roads for incorporation into the Nathalia Cemetery.

FILE NO: F13/858  
2. OUR ENVIRONMENT AND LIFESTYLE

ITEM NO: 9.2.2

## DISCONTINUANCE OF ROADS IN NATHALIA (cont'd)

### 2. Background and Options

Grinter Street and Tuckett Street are unmade, unused road reserves that run alongside Nathalia Cemetery as shown on the map below.

Discontinuing both road reserves may have little or no effect on the surrounding community as both road reserves have been fenced off for many years from road users and no road has been formed. DHHS and the Cemetery Trust have held preliminary discussions with abutting landowners advising their proposal to incorporate both road reserves into the Cemetery reserve. Three of the abutting landowners have provided written letters of support to DELWP which have been forward to DHHS to form part of their application for the discontinuation of the road reserves.

Both unused road reserves are not recorded as public roads under the Council's Roads Register.

There are no other Council assets within the two road reserves. By discontinuing the road reserves the land will revert to crown land and DHHS will negotiate with DELWP to have both discontinued road reserves incorporated into the Nathalia Cemetery Reserve.



Figure showing location of Grinter Street and Tuckett Street with respect to the Nathalia Cemetery

FILE NO: F13/858

2. OUR ENVIRONMENT AND LIFESTYLE

ITEM NO: 9.2.2

## DISCONTINUANCE OF ROADS IN NATHALIA (cont'd)

### 3. Financial Implications

Grinter Street and Tuckett Street are listed as government roads and should Council resolve to discontinue it, the land will revert back to Crown land and DHHS will be able to enter into discussions with the relevant State department to purchase the land for incorporation into the Nathalia Cemetery.

Council will derive no income from the sale of the land given it will revert to Crown land once the road is discontinued.

Both road reserves are not currently recorded as a Council asset on the Council's asset register and do not financially contribute to Council's total value of its assets in terms of depreciation.

The Section 223 process allows for persons to make submissions regarding to the DHHS and Nathalia Cemetery Trust proposal.

DHHS have offered to assist Council in meeting related survey, gazettal and administrative costs associated with the discontinuance of the road reserves.

### 4. Risk Management

There is minimal risk to Council with the discontinuance of Grinter Street and Tuckett as both roads are not listed on Council's Register of Public Roads and Council hasn't had to inspect and maintain both roads due to the fact that the roads are unmade.

### 5. Internal and External Consultation

Council's Operations and Assets and Construction departments were consulted regarding this proposal and they concluded that provided Council's drainage assets are protected and legal access is maintained, they have no objection to the proposal.

Service authorities will be consulted about the proposal should Council determine to commence the process to discontinue the road.

Council's Planning Department has advised that the Cemetery is currently zoned Public Use (Cemetery/Crematorium) and the road reserves to the south and east are within the Low Density Residential Zone.

The Cemetery is affected by both the Rural Floodway Overlay (minor) and the Land Subject to Inundation Overlay (major). The Road Reserve to the east is affected by the Land Subject to Inundation Overlay (LSIO), while the Road reserve to the south is affected by the Rural Floodway (RFO) and Land Subject to Inundation Overlays

The Road Reserve to the east appears to contain a number of trees which may be native. Any removal of the native vegetation will require a planning permit and would be required to provide for offsets to compensate for the loss.

The Road Reserve to the south appears to be used by the land owner for farming purposes. It is assumed there may be a lease to use this land for this purpose.

If the roads reserves become part of the Cemetery, then a Planning Scheme Amendment to rezone the land to Public Use Zone would be required.

The surrounding land is zoned Low Density Residential which has a minimum lot size of 0.4ha (without connection to reticulated sewerage). Such land is affected by either or both the RFO or LSIO.

FILE NO: F13/858  
2. OUR ENVIRONMENT AND LIFESTYLE

ITEM NO: 9.2.2

## DISCONTINUANCE OF ROADS IN NATHALIA (cont'd)

It would be highly unlikely that any subdivision or any substantial subdivision would occur due to the zoning and overlay controls.

It appears unlikely that the road reserves would be required to service existing or any proposed new lots.

The road reserves therefore appear to be surplus to the needs of the community.

### 6. Regional Context

The Nathalia Cemetery Trust has advised it wishes to use the land to meet the Cemetery's future requirement in providing cemetery services to the Nathalia community.

### 7. Council Plan Strategy

The proposal under consideration in the report supports Council Plan Strategic Theme – Rebalancing Council's asset mix, Item 25 - Sustainably meet the community's assets needs.

### 8. Legislative / Policy Implications

Schedule 10 Clause 3 of the Local Government Act 1989 (the Act) outlines Council's power to discontinue roads by a notice published in the Government Gazette. Section 207A of the Act states that when exercising a power under Schedule 10 Clause 3, a person may make a submission under Section 223 of the Act.

Section 223 of the Act outlines a process whereby Council is required to publish a notice of its intention to exercise its power under Schedule 10 Clause 3 and persons are given the right to make a submission concerning the matter. The period for receiving submissions is not to be less than 28 days from when the notice is published.

Should Council determine to commence the process toward discontinuing the two (2) unused roads known as Grinter Street and Tuckett Street, then a Section 223 process will be undertaken in accordance with the guidelines and the Local Government Act.

As these unused road reserves are government road reserves, once discontinued the land will revert to crown land.

### 9. Environmental Impact

There are no environmental implications associated with Council resolving to commence the process to discontinue the unused road reserves of Grinter Street and Tuckett Street

### 10. Conflict of Interest Considerations

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

### 11. Conclusion

It is recommended that Council resolve to commence the process to discontinue Grinter Street and Tuckett Street, Nathalia, under Schedule 10 Clause 3 of the Local Government Act and conduct a community consultation process in accordance with section 223 of the Local Government Act 1989.

It is also recommended that Council appoint a Committee of the Council, to consider submissions and hear any person who may wish to be heard in support of their submission regarding the proposed discontinuance of Grinter Street and Tuckett Street,

FILE NO: F13/858  
2. OUR ENVIRONMENT AND LIFESTYLE

ITEM NO: 9.2.2

## **DISCONTINUANCE OF ROADS IN NATHALIA (cont'd)**

Nathalia and to hear submissions on a date, time and place set by the Chief Executive Officer.

### **Attachments**

Nil

FILE NO: F15/257  
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.3

## DEVELOPMENT PLAN FOR 3479 MURRAY VALLEY HIGHWAY, COBRAM

### RECOMMENDATION

That Council:

1. Approve the Development Plan (No.3) for 3479 Murray Valley Highway, Cobram subject to some minor changes, namely:
  - Notation "*possible future road connection to adjacent development*" from the Medium Density area be deleted;
  - Open Space reserves within the Medium density area, be clearly noted as private.
2. Advise the proponent that any future design of the Medium Density (retirement village) area incorporate measures to mitigate against amenity issues from the adjoining cool stores.

### 1. Executive Summary

A request has been received to approve a Development Plan for a parcel of land on the south side of Murray Valley Highway, Cobram. The proposed plan is for a mixture of low density residential subdivision, an aged care site or similar and a medium density (retirement village) concept.

The Development Plan was advertised for comment and one submission was received.

The Development Plan was referred and no objections have been received.

The Development Plan has generally satisfied the requirements of the Development Plan Overlay of the Planning Scheme.

It is recommended that the Development Plan for 3479 Murray Valley Highway Cobram be approved.

### 2. Background and Options

The subject land has previously been used for agriculture (horticulture), however more recently the fruit trees have been removed.

Planning Scheme Amendment C41 (4 June 2009) which implemented the recommendations of the Cobram Strategy Plan 2007 rezoned the subject land from Farming to Residential 1 and imposed a Development Plan Overlay not just over this land but included land to the south and east for future residential development.

Planning Scheme Amendment VC104 (22 August 2013) introduced the new suite of Residential Zones replacing the Residential 1 Zone with the General Residential Zone.

The options available to Council with respect to this proposed Development Plan are:

- 1) Approve the Development Plan
- 2) Refuse the Development Plan
- 3) Defer consideration

FILE NO: F15/257  
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.3

## DEVELOPMENT PLAN FOR 3479 MURRAY VALLEY HIGHWAY, COBRAM (cont'd)

### 3. Proposal

The original Development Plan (No. 1) proposal that was submitted included

- Large residential lots of between 1500 and 2800 m<sup>2</sup> to provide a transition from the existing low density residential lots to the west.
- Medium density development in the form of a retirement community
- Community facilities to support the retirement community
- Provision of an open space reserve incorporating drainage detention facilities
- Landscaping buffers

Clarification was sought with respect to provide a better understanding of the medium density (retirement village) component, open space for the retirement village, the nature of the community facilities and provision of unencumbered open space for the general residential lots.

The proponent produced an amended Development Plan (No 2) to address the above issues and provided additional commentary, namely:

- *The proposed retirement village will be a multi-unit development with common property roads and services. The community facilities will be accessible to the public and will support the retirement village use. The exact use and facilities to be provided is unknown at this stage however it is likely to include a restaurant or dining hall, activity space/s, recreation spaces like a games room and possibly a tennis court, bowling green or pool. The development site may also include a nursing home if there is suitable developer interest.*
- *An area of open space has been provided within the general residential area (5% of that area) and a separate space is included within the retirement village (5% of that area). The community facilities site is also likely to include open space for recreation facilities.*
- *The plan has been amended to provide two areas of unencumbered open space within the general residential area and the retirement village.*
- *We have tried to provide a general structure in the development plan which will allow for some flexibility particularly in terms of the retirement village part where the finer details of the development are unknown. The defined stages of the development (general residential and retirement village) should allow for future planning permits to be issued for the different parts in isolation and amendment of the development plan will hopefully be avoided.*

Further discussions were held with the proponent to again clarify the nature of the Medium Density component, also provision of a collector road standard in the general residential area to properly provide for future development to the south, provision of a vehicle storage area (eg. caravans, motor homes, boats) and potential mixture of encumbered and unencumbered public open space.

The proponent produced a modified amended Development Plan (No. 3) which included elements discussed above as well as the community facilities potentially accommodating an Aged Care facility or similar to provide a degree of flexibility of land use. Further, it was made clear that the Medium Density area would be like a retirement village and all roads would be common property and the open space would be private.



FILE NO: F15/257  
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.3

**DEVELOPMENT PLAN FOR 3479 MURRAY VALLEY HIGHWAY, COBRAM  
(cont'd)**

**5. Planning Scheme Provisions**

The purpose of the Development Plan Overlay is:

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

Schedule 8 to the Overlay specifically outlines what is required to be contained in the Development Plan, namely:

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

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

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

FILE NO: F15/257  
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.3

**DEVELOPMENT PLAN FOR 3479 MURRAY VALLEY HIGHWAY, COBRAM  
(cont'd)**

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

*Any development plan that is prepared and approved must include:*

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

To address the provisions of the Overlay, the applicant has submitted a planning report (appended) together with the following:

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

FILE NO: F15/257  
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.3

**DEVELOPMENT PLAN FOR 3479 MURRAY VALLEY HIGHWAY, COBRAM  
(cont'd)**

**6. Financial Implications**

The approval of the Development Plan will allow the proponent to lodge planning permit applications for the subdivision of land. Statutory fees will apply to any planning permit application and the certification of plans of subdivision.

Any development costs associated with the subdivision of land ie construction of roads, drainage, provision of services (electricity, water, sewerage, telecommunications, gas) are borne by the developer.

**7. Risk Management**

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

**8. Internal and External Consultation**

The proposed Development Plan was referred to both internal departments and external authorities.

Department / Authority	Comments
Infrastructure – Assets and Construction	No objections (Plan No.2) subject to minor modifications regarding access to the Medium Density area on the southern boundary and notation of open space as being private, not public in the Medium Density area. Road names need to be provided at later stages.
Natural Resources	No objection. Provision of adequate unencumbered open space
Vic Roads	No objection, consider potential pedestrian crossing, private driveways opposite.
Goulburn Valley Water	No objection, land not located within water and sewerage districts, however the development can be serviced by the Cobram water and sewer networks.
Powercor	No objection, will require conditions on any permit for subdivision or development
APA (Gas)	No response received

FILE NO: F15/257  
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.3

**DEVELOPMENT PLAN FOR 3479 MURRAY VALLEY HIGHWAY, COBRAM  
(cont'd)**

**9. Community Consultation**

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

Notwithstanding the above, the Development Plan was advertised in the Cobram Courier to allow the community to comment on the plan.

One submission was received noting the current and future activities of the cold storage facility on the adjoining property to the east and that mitigating measures such as "noise reduction walls or some other barrier" would need to be incorporated into the design to avoid or minimize amenity issues for the future residents of the medium density (retirement village) area.

Any measures (eg. acoustic fences) to minimize amenity concerns from the adjoining cool stores should be addressed at the planning permit stage rather than at this Development Plan stage. It would be appropriate to advise the proponent of the need of such measures in order that they be incorporated in the design of the proposed development (retirement village).

**10. Regional Context**

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

**11. Council Plan Strategy**

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

- *Environment* – that Moira will responsibly manage its environment.
- *Development* – that Moira will be a great place to live.

**12. Legislative / Policy Implications**

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

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

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

If the planning permit application accords with the approved Development Plan, it is exempt from the Public Notice requirements and appeal rights, pursuant to Clause 43.04-2 of the Planning Scheme.

**13. Environmental Impact**

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

**14. Conflict of Interest Considerations**

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

FILE NO: F15/257  
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.3

**DEVELOPMENT PLAN FOR 3479 MURRAY VALLEY HIGHWAY, COBRAM  
(cont'd)**

**15. Conclusion**

The subject land has been made available for residential development by rezoning the land in 2009 in accordance with the Cobram Strategy Plan (2007). The Planning Scheme Amendment that rezoned the land included the Development Plan Overlay to provide certainty and to coordinate future development of this land and surrounding land particularly to the south.

A Development Plan has been prepared with supporting documents in accordance with the Schedule 8 of the Development Plan Overlay.

The original Development Plan has been modified as a result of consultation with Council officers and it is considered that the Plan (No.3) is able to be approved subject to some minor changes, namely:

- Notation "*possible future road connection to adjacent development*" from the Medium Density area be deleted
- Open Space reserves within the Medium density area, be clearly noted as private

The proponent should be advised that any future design of the Medium Density (retirement village) area incorporate measures to mitigate against amenity issues from the adjoining cool stores.

**Attachments**

- 1 Development Plan No.1
- 2 Development Plan No.2
- 3 Development Plan No.3
- 4 Planning Report
- 5 Submission







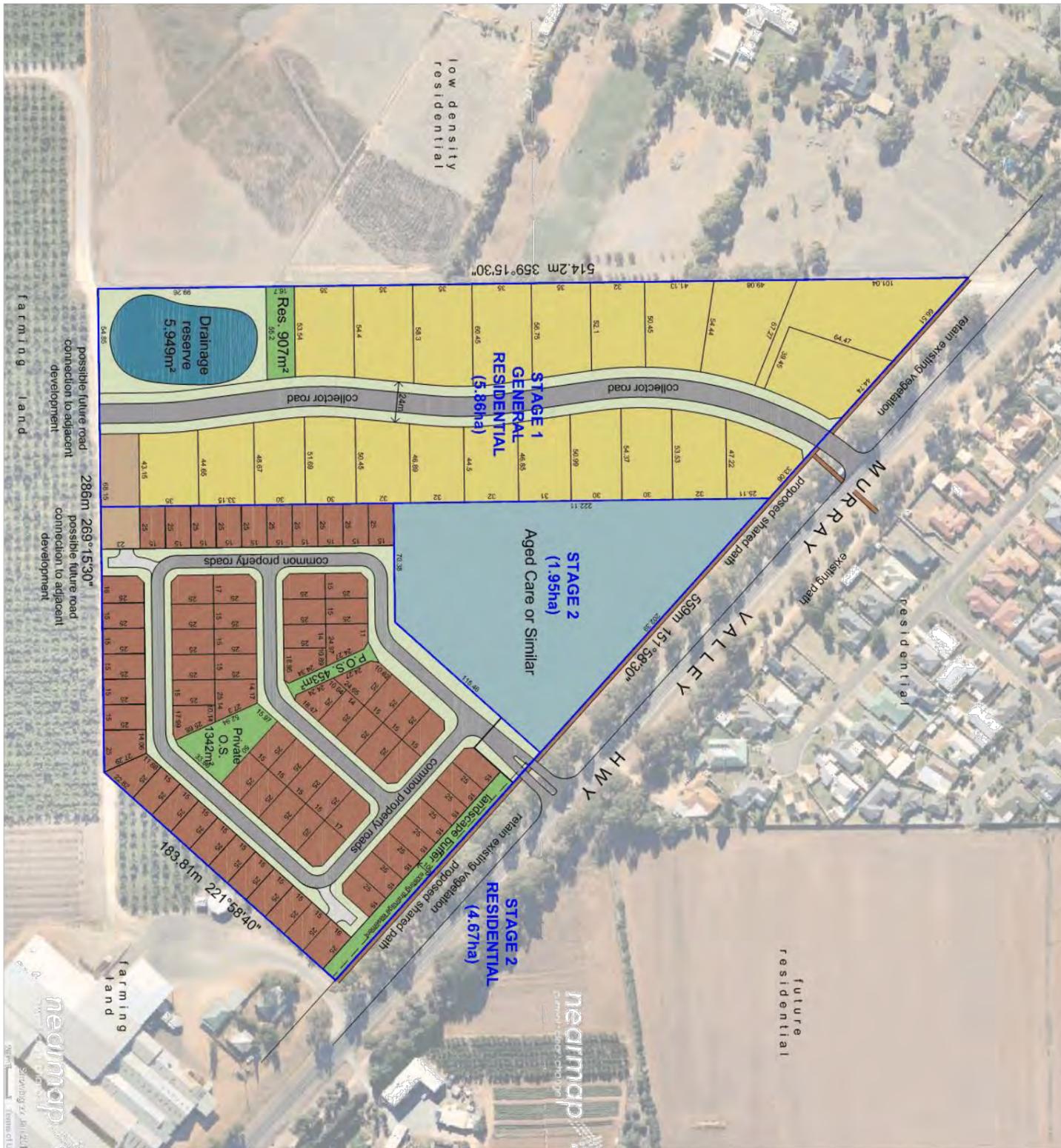
FILE NO: F15/257  
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.3

**DEVELOPMENT PLAN FOR 3479 MURRAY VALLEY HIGHWAY, COBRAM (cont'd)**

ATTACHMENT No [3] - Development Plan No.3

# CONCEPT DEVELOPMENT PLAN



neimcp  
Copyright © 2016  
Showing as at 22/07/2016  
Terms of Use

- LEGEND**
- Medium density  
300 - 500m² small lots
  - Aged Care or Similar
  - Residential lots  
> 1400m² large residential lots
  - Storage area/ Car parking  
For caravans, boats and extra vehicles
  - Open space  
Unencumbered open space private and public or road
  - Reserve  
Encumbered - road and/or drainage function
- 95 lots (22 + 73 approx. medium density)
- Features:
- Limited to two access points from the Murray Valley Hwy
  - Stage 1
    - 22 large lots and open space as a buffer to adjacent low density development to the west
    - Public reserve in south west corner providing unencumbered land for recreation and encumbered land for WSUD
    - Road connections to possible future residential development to the south of the site
  - Stage 2
    - Fully gazetted and managed medium density development with common property road access
    - Site for Aged Care or similar facility

<p><b>NORTH EAST SURVEY DESIGN</b></p> <p>PO Box 882, Mt. Sneyd Mobile 0487 212 710 Fax 03 5271 0201 www.north-east.com.au</p>	<p>For: Sang Banetha At: 3479 Murray Valley Hwy, Cobram Title: CONCEPT DEVELOPMENT PLAN Residential Subdivision</p>	<p>Drawing No: M3118_ODP Project No: M3118 Revision: 7 Drawn by: KW Checked/Sign'd by: MS</p>	<p>Scale: 1:1250 @ A1 / 1:2500 @ A3</p> <p>Drawing Condition Date: 1/06/2015 Print / Issue Date: 20/02/2016</p>
--	---	---	---

FOR COUNCIL ENDORSEMENT



FILE NO: F15/257  
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.3

**DEVELOPMENT PLAN FOR 3479 MURRAY VALLEY HIGHWAY, COBRAM  
(cont'd)**

**ATTACHMENT No [4] - Planning Report**



**GENERAL RESIDENTIAL DEVELOPMENT PLAN**

**PROPOSED SUBDIVISION**

**3479 Murray Valley Hwy, Cobram**

**Lot 1, PS516688F**

**BACKGROUND**

This report has been prepared in accordance with the Moira Shire Planning Scheme Schedule 8 of the Development Plan Overlay. The report aims to provide Council and the adjoining land owners with an overview of the proposed development and to ensure the project meets the objectives outlined in the planning scheme.

**EXISTING SITE**

The subject land is comprised of a single parcel described as Lot 1 on Plan of Subdivision 516688F. The land encompasses a total site area of 12.49 ha.

The land was previously used as an orchard in association with the adjacent land to the south and south east, however it has recently been cleared and is currently vacant. The lot is a roughly triangular shaped parcel which has frontage to the Murray Valley Highway to the north of 559m.



*Photo 1: View of the site from the northwest corner adjacent to the Murray Valley Hwy*

FILE NO: F15/257  
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.3

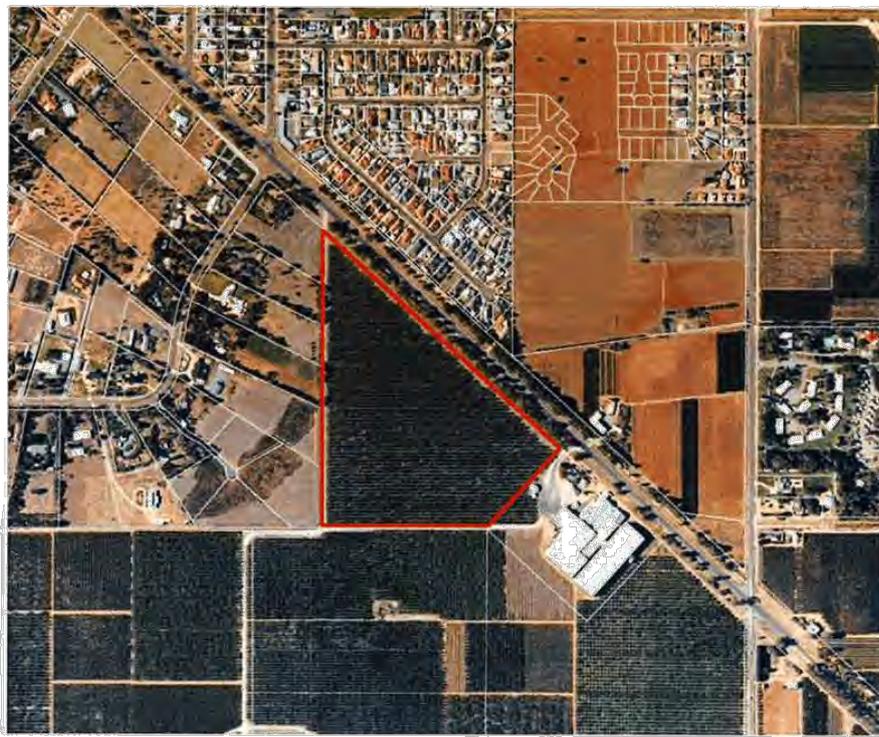
**DEVELOPMENT PLAN FOR 3479 MURRAY VALLEY HIGHWAY, COBRAM  
(cont'd)**

**ATTACHMENT No [4] - Planning Report**

The land is generally flat with a slight fall from the Murray Valley Hwy towards the rear (south). There are no significant drainage lines although there is an easement for drainage along part of the sites northern boundary running parallel to the Murray Valley Highway.

There is no native vegetation on the land as the site has been used for an orchard for many years. In front of the site in the road reserve however there is a dense buffer of trees and large shrubs on both sides of the Murray Valley Highway, most of which have been planted.

Adjacent to the subject land to the west is existing low density residential development. To the south and south east is farming land, some of which is in the same ownership as the subject land. On the opposite side of the Murray Valley Highway directly to the north is established residential development. To the northwest the land is zoned General Residential but is currently undeveloped. It is affected by a different Development Plan Overlay (DPO1).



*Aerial photograph showing the subject land and former use as an orchard in the context of the surrounding development.*

NORTH EAST SURVEY DESIGN

FILE NO: F15/257  
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.3

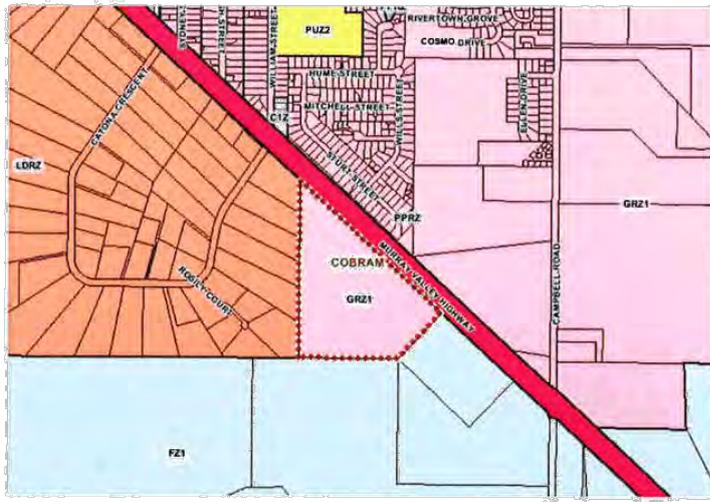
**DEVELOPMENT PLAN FOR 3479 MURRAY VALLEY HIGHWAY, COBRAM  
(cont'd)**

**ATTACHMENT No [4] - Planning Report**

**ZONE & OVERLAYS**

The subject land is zoned General Residential and is subject to the following overlays;

- Schedule 8 to the Development Plan Overlay (DPO8)



The subject land within the General Residential Zone.



The subject land as affected by the Development Plan Overlay DPO8. Land to the south is subject to inundation.



FILE NO: F15/257  
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.3

**DEVELOPMENT PLAN FOR 3479 MURRAY VALLEY HIGHWAY, COBRAM  
(cont'd)**

**ATTACHMENT No [4] - Planning Report**

**PROPOSAL**

The proposal aims to subdivide the land into residential lots. On the western side of the site 23 large residential lots between 1,500m<sup>2</sup> and 2800m<sup>2</sup> in size are proposed to provide a transition from the existing adjacent low density development. The remaining land area to the east is proposed to be subdivided and developed into small lots as a retirement community with associated community recreation areas and facilities. The retirement village area in particular is subject to further design however the development plan prepared provides an overview of the proposed development and its interface with the Murray Valley Hwy and adjacent land.

Refer to **Appendix A** for a copy of the proposed plan;

**SCHEDULE 8 TO THE DEVELOPMENT PLAN OVERLAY**

The development plan overlay outlines a number of reports and information required to support the development plan including;

• *An Environmental Assessment*

Refer to the Flora and Fauna Assessment prepared by Steve Hamilton Environmental Services Pty Ltd in **Appendix B**

• *An Archaeological Survey and Heritage Assessment*

Refer to the Due Diligence Cultural Heritage Assessment undertaken by Jacobs Pty Ltd in **Appendix C**

• *A Stormwater Management Plan*

Refer to the Stormwater Management Plan prepared by North East Survey Design P/L in **Appendix D**

• *A Drainage Management Plan*

The subject land is not identified as being subject to flooding. Issues regarding drainage and the limitation of stormwater discharge from the site as well as water quality are dealt with in the Stormwater Management Plan in **Appendix D**.

• *A Preliminary Soil Assessment*

A Preliminary Soil Assessment has been undertaken for the site by Jacobs Pty Ltd. No significant contaminants have been discovered on the site. Refer to the report in **Appendix E**.

• *A Traffic Management and Impact Mitigation Plan*

A Traffic Impact Assessment Report has been undertaken for the proposal by TrafficWorks Pty Ltd. Refer **Appendix F**.

The development plan must also include;

• *The proposed development of each part of the land.*

As indicated on the Development Plan part of the land is proposed to be subdivided into large residential lots and the remainder is proposed to be developed as a retirement village.



FILE NO: F15/257  
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.3

**DEVELOPMENT PLAN FOR 3479 MURRAY VALLEY HIGHWAY, COBRAM  
(cont'd)**

**ATTACHMENT No [4] - Planning Report**

• *The relationship of the land to the adjoining land.*

Large residential lots are proposed along the western side of the site as a transition from the adjacent low density residential development.

To the south and southwest of the site the land is currently zoned Farming. There is potential for this land to be rezoned for residential purposes in the future although it is currently identified as subject to inundation.

The proposed layout provides road connections to adjacent land for future connectivity.

• *The layout of the subdivision and development of the land including roads, lot boundaries and areas of open space.*

Refer to the Development Plan prepared for the site in **Appendix A**. Please note that the layout of the retirement village is likely to change. If the proposal changes significantly from what is currently shown an application will be made to amend the development plan at that time.

• *Provision of public open space that:*

- *Has an area no less than 5% of the land to be used for residential, industrial or commercial purposes.*
- *Provides appropriate interfaces between residential areas and surrounding areas.*
- *Provides for connectivity both internally and externally.*
- *Incorporates low-lying areas.*
- *Recognises important landscape views and vistas.*
- *Is landscaped and planted out with lawn areas, native grass areas and trees and shrubs of local provenance.*
- *Ensures that where land adjoins the Murray Valley Highway and where no service or access road exists immediately adjoining the Highway road reserve, it is provided with a landscape buffer treatment a minimum of 10 metres wide.*
- *Provision is made for the watering of existing and proposed vegetation.*
- *Is based on a landscape design prepared by a suitably qualified person.*

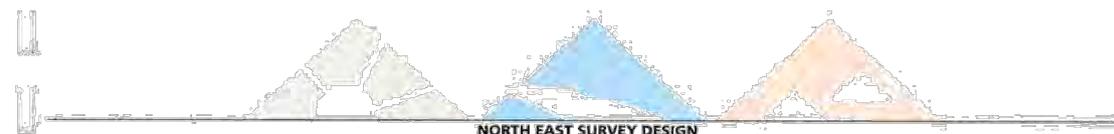
A public open space area equivalent to 5% of the total land area is proposed in the southwest corner of the site which is the low point of the site. The open space provides a transition to the existing adjacent low density development to the west as well as possible future development to the south.

The open space area is proposed to incorporate WSUD features and will be planted with trees grass and garden bed areas. Further landscape details are proposed to be provided at the detailed design stage of the subdivision.

A 10m wide landscape buffer has been indicated along the Murray Valley Hwy frontage of the site. Within the retirement village area this is proposed to be within the common property, and within the general residential part this buffer will be within the lots. Existing trees within the Murray Valley Hwy road reserve currently provide a significant buffer to the land and these are proposed to be retained as far as practical.

• *Areas for any recreational uses including sporting facilities, walking and cycling tracks and internal water features.*

A public reserve is proposed in the southwest corner of the site. This open space area will provide for passive recreation.



FILE NO: F15/257  
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.3

**DEVELOPMENT PLAN FOR 3479 MURRAY VALLEY HIGHWAY, COBRAM  
(cont'd)**

**ATTACHMENT No [4] - Planning Report**

The proposed retirement village will incorporate its own sports and communal facilities for its residents. Some of these facilities may also be made available for use by the public.

- *The provision of safe and efficient vehicle and pedestrian access to and from the land.*

Footpaths will be provided along proposed streets and a shared path is proposed within the Murray Valley Hwy road reserve.

- *Provision for public transport throughout the neighbourhood with appropriately located and designed bus stops.*

There is a town bus route which currently runs along the Murray Valley Hwy past the site. A stop could be provided on the Murray Valley Hwy to service the proposed development if required.

- *How the proposed development addresses any flood or inundation impacts on the land.*

The subject land is not subject to inundation or flooding.

- *Underground infrastructure provision including sewerage, water, drainage, telecommunications and other utility services.*

Reticulated services connections can be extended to service the site.

- *The location and connectivity of constructed footpaths along proposed streets.*

Footpaths will be provided along proposed streets in accordance with the IDM. Within the retirement village area the roads will be shared to provide pedestrian and vehicle connections throughout the development.

- *The proposed street tree and planting regime with preference given to vegetation of local provenance.*

Street trees will be provided within the naturestrips of proposed streets.

- *An assessment of required social services and community infrastructure and the means by which the services and infrastructure are to be provided including, but not limited to, the type of community, commercial and recreational facility, locations, timings and means of delivery.*

The proposal will create 23 large residential lots for the development of new homes which will increase slightly the demand on existing social services and community infrastructure within Cobram. A further 96 (approx.) medium density residential lots are proposed as part of the retirement village complex however these will be in part serviced by their own community infrastructure and facilities as part of that development including sports facilities, a community centre, private open space etc. Some of these facilities may also be made available for use by the outside community.

- *An environmental assessment of the flora, fauna and habitat significance of the land which includes recommended actions for management, revegetation and restoration of conservation and vegetation protection areas and the links between such areas.*

A Flora and Fauna Assessment of the site and vegetation within the adjacent road reserve has been undertaken (refer **Appendix B**). The existing road reserve vegetation is primarily planted native species with only a few remnant native trees identified. The proposal will not impact on any of the remnant native vegetation. The number and location of road accesses to the proposed development has been considered with respect to the preservation of native vegetation both remnant and planted.



FILE NO: F15/257  
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.3

**DEVELOPMENT PLAN FOR 3479 MURRAY VALLEY HIGHWAY, COBRAM  
(cont'd)**

**ATTACHMENT No [4] - Planning Report**

- *Retention and integration of individual and stands of mature trees, particularly indigenous trees. An arboriculture survey of all existing trees on the land and their condition, health and integrity including appropriate measures for the long term preservation of the tree(s) having regard to their proposed open space or development context.*

The existing trees within the road serve are proposed to be retained as far as practical and provide a buffer to the development from the Murray Valley Highway.

- *A "Net Gain" assessment of any native vegetation to be removed having regard to Victoria's Native Vegetation Management – A Framework For Action including the location of any off-sets.*

Some of the planted native trees will be required to be removed to provide access to the site from the Murray Valley Highway. It is understood that a planning permit is not required for the removal of planted vegetation and offsets will not be required.

- *The use of water sensitive urban design providing for the protection of natural systems, integration of stormwater treatment into the landscape, protection of water quality and reduction of run-off and peak flows.*

The Stormwater Management Plan prepared for this development outlines the proposed WSUD measures to be implemented. Refer to **Appendix D**.

- *The location of any detention tanks, drainage retardation basins or other utility infrastructure required to service the neighbourhood.*

A retardation basin is proposed to be located in the southwest corner of the site being the low point of the land. Rainwater tanks are also proposed to be installed on each lot to meet WSUD targets and detention requirements as per the Stormwater Management Plan prepared.

- *Opportunities for a diverse range of allotment densities and dwelling types. A statement of housing outcomes, population and lot yield targets must be submitted.*

The proposed development layout provides for two primary dwelling types being large single detached dwellings on large lots and small detached and semi-detached dwellings on small lots within the retirement village complex.

- *An environmental assessment identifying any environmental hazards or contamination on the land and proposed treatments, if any; or a qualified statement indicating the absence of such hazards or contamination.*

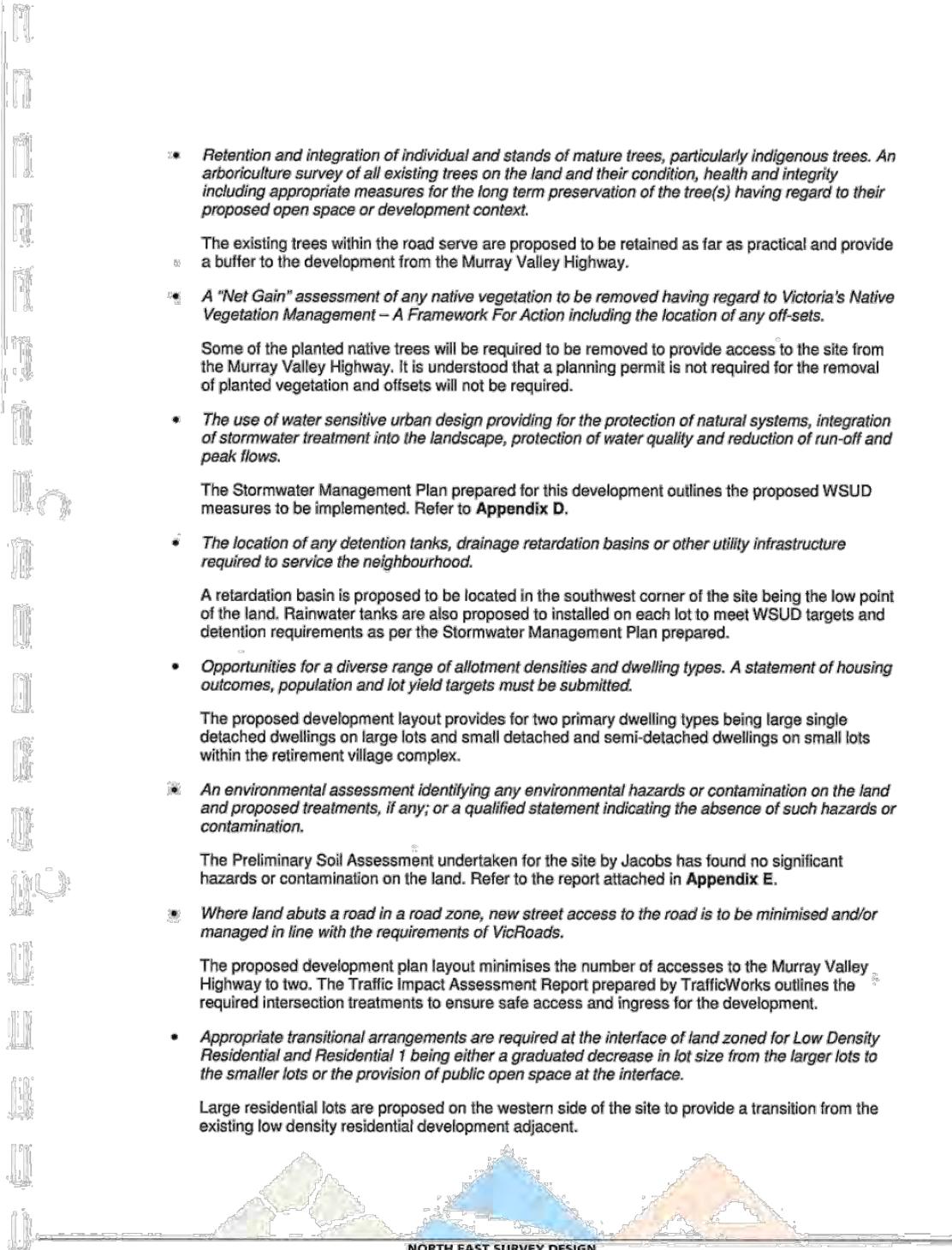
The Preliminary Soil Assessment undertaken for the site by Jacobs has found no significant hazards or contamination on the land. Refer to the report attached in **Appendix E**.

- *Where land abuts a road in a road zone, new street access to the road is to be minimised and/or managed in line with the requirements of VicRoads.*

The proposed development plan layout minimises the number of accesses to the Murray Valley Highway to two. The Traffic Impact Assessment Report prepared by TrafficWorks outlines the required intersection treatments to ensure safe access and ingress for the development.

- *Appropriate transitional arrangements are required at the interface of land zoned for Low Density Residential and Residential 1 being either a graduated decrease in lot size from the larger lots to the smaller lots or the provision of public open space at the interface.*

Large residential lots are proposed on the western side of the site to provide a transition from the existing low density residential development adjacent.



FILE NO: F15/257  
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.3

**DEVELOPMENT PLAN FOR 3479 MURRAY VALLEY HIGHWAY, COBRAM  
(cont'd)**

**ATTACHMENT No [4] - Planning Report**

- Any development plan that is prepared and approved must include:
    - Processes for making changes to the development plan, including a public consultation period and a requirement that the responsible authority approve any changes to the development plan.
- Any proposed changes to the development plan must be approved by Council and appropriately advertised in accordance with Council's requirements.

**LIST OF APPENDICES:**

- A. Concept Development Plan – M3118 \_ODP
- B. Flora and Fauna Assessment by Hamilton Environmental Services
- C. Due Diligence Cultural Heritage Assessment by Jacobs
- D. Stormwater Management Plan by North East Survey Design
- E. Preliminary Soil Assessment by Jacobs
- F. Traffic Impact Assessment Report

NORTH EAST SURVEY DESIGN

Page 8 of 14

FILE NO: F15/257  
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.3

**DEVELOPMENT PLAN FOR 3479 MURRAY VALLEY HIGHWAY, COBRAM  
(cont'd)**

**ATTACHMENT No [5] - Submission**



Mr Peter Stenhouse  
Planning Co-ordinator  
Moirā Shire Council  
44 Station St  
Cobram Vic 3644

31 May 2016

**RE: CONCEPT DEVELOPMENT PLAN FOR MURRAY VALLEY HIGHWAY NEXT TO  
PULLARS COLDSTORAGE FACILITY**

Dear Peter,

P.Pullar & Co (Cobram) P/L (Pullars) have had a coldstorage facility at 3479 Murray Valley Highway since 1952. Originally storing fruit for domestic and international sales, the coldstore has adapted to the increased demand from the dairy industry.

Over the years Pullars has expanded to 23 rooms and caters to the two major dairy companies in the area, Murray Goulburn (MG) in Cobram, and Bega cheese in Strathmerton. Storing maturing cheese and retail cheese products Pullars employs 15 full time and 3 casual staff. The warehouse is fully sprinklered with the tanks and pump station located near the western boundary.

Pullars is a hive of activity during the day with trucks delivering cheese to and from both factories and throughout Victoria. Pullars currently have one access point off the highway and this is located to the West of the facility. Our hours of business are from 6am -6pm to cater for the large number of trucks that need to be loaded and unloaded.

After viewing the Concept Development plan and the close proximity of the extremely small blocks located near our western boundary I wanted to point out the following:

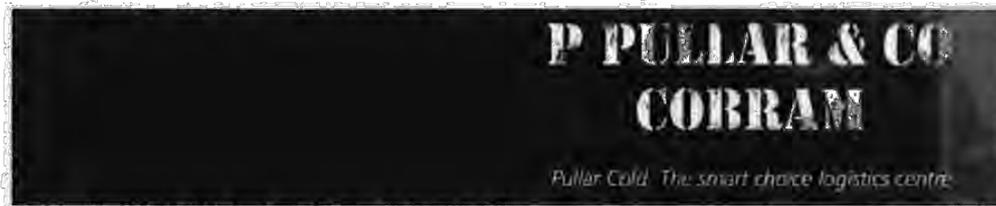
- Trucks arrive throughout the night and have refrigerators running on their trailers
- Weekly sprinkler testing of pumps on Wednesday
- Occasional alarms from sprinkler shed with fire trucks attending
- Trucks arriving from 6am and leaving late
- Compressor room located in the northwest corner of the building and cooling towers located outside the north west corner

FILE NO: F15/257  
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.3

**DEVELOPMENT PLAN FOR 3479 MURRAY VALLEY HIGHWAY, COBRAM  
(cont'd)**

**ATTACHMENT No [5] - Submission**



- Intention to expand Pullars to the western side with coolrooms and loading docks
- Intention to expand Pullars to the East requiring access from the West
- Pullars is not a noisy site but there is many truck movements

Should there be a requirement to install noise reduction walls or some other barrier when the closely located blocks are sold, I would expect the developer to meet the cost.

Kind Regards,

FILE NO: 5201680  
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.4

**PLANNING PERMIT APPLICATION NO. 5/2016/80 - USE AND DEVELOPMENT OF LAND FOR A DWELLING, SHED AND POOL AT 356 COBRAM-KOONOOMOO ROAD, COBRAM**

**RECOMMENDATION**

That Council issue a Notice of Decision for Planning Application No. 5201680 for the use and development of land for a dwelling, shed and pool at 356 Cobram-Koonoomoo Road, Cobram:

1. Before the use and development starts, amended site plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with *the plans submitted with the application* but modified to show:
  - a) dwelling, shed, effluent disposal, water tanks, pool and any other proposed structures in relation setback distances from all property boundaries and distances to any native vegetation.
2. 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:
  - a) Landscape Plan as required by Condition 10;
  - b) Elevations and floorplans of the dwelling and shed.
3. Before the use and development starts, the owner must enter into an agreement with the Responsible Authority made pursuant to Section 173 of the *Planning and Environment Act 1987* to provide for the following:
  - a) That the dwelling is used in conjunction with agricultural production;
  - b) Acknowledge the impacts of nearby agricultural activities;
  - c) Protection of remnant patch of native vegetation.

The Agreement must be prepared by the developer at the developers cost unless Council has been requested in writing to prepare it in which case all costs associated with the preparation and registration of the agreement must be borne by the applicant. All fees associated with the documentation must be fully paid prior to execution and registration of the document by Council.

4. Prior to the occupation of the dwelling, Lot 1 LP 132412 and Lot 1 TP 226306 must be consolidated.
5. 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.
6. Earthworks and construction must not cause damage to native vegetation to be retained (including trees, shrubs, herbs and grasses) and to natural drainage lines and/or watercourses.

FILE NO: 5201680  
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.4

**PLANNING PERMIT APPLICATION NO. 5/2016/80 - USE AND  
DEVELOPMENT OF LAND FOR A DWELLING, SHED AND POOL AT 356  
COBRAM-KOONOOMOO ROAD, COBRAM (cont'd)**

7. A 'Tree Protection Zone' (TPZ) must be applied during development and works (including earthworks). The TPZ must have a minimum radius 12x the Diameter at Breast Height (being 1.3 metres from ground level); the TPZ of trees must be no less than 2 m or greater than 15 m. A TPZ applies to a tree and is a specific area above and below the ground.
8. No trenching, soil excavation, stockpiling or dumping of soil or storage of materials, equipment, machinery or waste products (including bins) is to occur within the Tree Protection Zone except with the written consent of the Responsible Authority.
9. 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.

10. Before the use and development starts, a Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale and three copies provided. The submitted plan must show:
  - (a) A permanent plantation of trees and shrubs with a minimum of two rows using a mixture of indigenous (local native) trees and understorey species to be planted adjacent to the east boundary of the house lot to form a screen between activities on the site and on adjoining land.
  - (b) A schedule of all proposed trees, shrubs and ground cover, which will include number and botanical names of such plants and the location of all areas to be covered by grass or other surface materials as specified
  - (c) Include method of preparing, draining, irrigating and maintaining the plantings and landscaped areas
  - (d) Include a weed management program
  - (e) Protection fencing to the patch of native vegetation on the land
11. Within twelve (12) months of the date of this permit or by such later date as is approved by the Responsible Authority in writing, the landscaping works shown on the endorsed Landscape Plan must be carried out and completed to the satisfaction of the Responsible Authority.
12. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.
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

FILE NO: 5201680  
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.4

**PLANNING PERMIT APPLICATION NO. 5/2016/80 - USE AND DEVELOPMENT OF LAND FOR A DWELLING, SHED AND POOL AT 356 COBRAM-KOONOOMOO ROAD, COBRAM (cont'd)**

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;

- 300 metres upslope of a potable water supply from a dam or reservoir (below ground level), including food production;
- 100 metres upslope from a stream used as a potable water supply catchment;
- 6 metres upslope of an adjacent allotment boundary;
- 3 metres downslope of an adjacent allotment boundary

And 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.

**GBCMA Conditions:**

15. The two properties (Lot 1 LP 132412 and Lot 1 TP 226306) must be consolidated into one title.

16. The finished floor level of the proposed dwelling must be constructed at least 300 millimetres above the 100-year ARI flood level of 113.05 metres AHD, i.e. 113.35 metres AHD, or higher level deemed necessary by the responsible authority.

**GMW Conditions:**

17. All construction and ongoing activities must be in accordance with sediment control principles outlined in 'Construction Techniques for Sediment Pollution Control' (EPA, 1991).

18. No buildings or works may be erected or carried out within 30 metres of any Goulburn Murray Water surface infrastructure (including open irrigation channels and drains), 10 metres from any other structure (such as culverts, drainage inlets, subways, syphons), or 5 metres from any below surface infrastructure (including pipelines), located on any Goulburn Murray Water freehold, easements or reserves.

19. All wastewater from the dwelling must be treated and disposed of using an EPA approved system, installed, operated and maintained in compliance with the relevant EPA Code of Practice and Certificate of Approval.

20. The wastewater disposal area must be located a minimum of 60 metres from Goulburn-Murray Water irrigations drains and channels, and from any dams, and at least 20 metres from any bores.

21. The wastewater disposal area must be kept free of stock, buildings, driveways and service trenching and must be planted with appropriate vegetation to maximise its performance. Stormwater must be diverted away. A reserve wastewater disposal field of equivalent size to the primary disposal field must be provided for use in the event that the primary field requires resting or has failed.

22. The swimming pool must not encroach on the septic tank or its associated

FILE NO: 5201680  
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.4

**PLANNING PERMIT APPLICATION NO. 5/2016/80 - USE AND  
DEVELOPMENT OF LAND FOR A DWELLING, SHED AND POOL AT 356  
COBRAM-KOONOOMOO ROAD, COBRAM (cont'd)**

disposal field and minimum setback distances as specified in the EPA *Septic Tanks Code of Practice* must be applied.

23. There must be no discharge of salt or water containing salt to land or water as part of the operation and maintenance of the swimming pool.

**VicRoads Conditions:**

24. Only one access will be permitted from the subject land to the Cobram-Koonoomoo Road located approximately 850 metres east of the western boundary of the subject land as shown on the plan appended to the application.
25. Prior to the occupation of the dwelling, the access must be constructed and sealed in accordance with VicRoads standard drawing SD2065 to the satisfaction of the Roads Corporation and at no cost to the Roads Corporation.
26. 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 roadway).

**Planning Notes:**

- Before works and development start, the permit holder must advise all persons undertaking works and development (including removal of native vegetation) on site of all relevant permit conditions and associated statutory requirements or approvals.

This is including but not limited to Native Vegetation Protection Zone and Tree Protection Zone.

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

**GBCMA Notes:**

- Adequate storage areas and shelving must be provided at least 300 millimetres above the 100-year ARI flood level for the storage of hazardous materials.
- Electrical fittings should comply with any requirements of the relevant power authority and should preferably be at least 300 millimetres above the 100-year ARI flood level.
- Adequate storage areas and shelving should be provided at least 300 millimetres above the 100-year ARI flood level, for the storage of valuable goods.
- The construction of a levee bank, to protect the building from flooding, would not be supported at a later stage.
- The 100-year ARI flood is not the maximum possible flood. There is always a possibility that a flood larger in height and extent than the 100-year ARI flood may occur in the future.

FILE NO: 5201680  
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.4

**PLANNING PERMIT APPLICATION NO. 5/2016/80 - USE AND  
DEVELOPMENT OF LAND FOR A DWELLING, SHED AND POOL AT 356  
COBRAM-KOONOOMOO ROAD, COBRAM (cont'd)**

**GMW Note:**

- Application must be made to Goulburn Murray Water prior to construction of any dams on the subject land. A licence must be obtained where surface or groundwater supplies are taken and used for commercial irrigation purposes or if a dam is to be constructed on a waterway as defined under the *Water Act 1989*. Applications can be made by contacting Goulburn Murray Water on 1 800 013 357 or by following the link <http://www.g-mwater.com.au/customer-services/forms>.

## 1. Executive Summary

Planning Permit Application 5/2016/80 was received on 22 April 2016 and seeks approval for the use and development of land at 356 Cobram-Koonoomoo Road, Cobram for a dwelling and associated shed and pool in the Farming Zone, Land Subject to Inundation Overlay and Environmental Significance Overlay. The land is 37.37 hectares and contains a shed and has previously been used for grazing and cropping.

The use of the land for a dwelling is a Section 2 – Permit Required Use within the Farming Zone. Any buildings and works associated with a Section 2 Use triggers a planning permit. Further, the subject land is located within the Land Subject to Inundation Overlay and the Environmental Significance Overlay, a permit is required to construct a building or to construct or carry out works; this includes a habitable building. Therefore, there are four triggers for the subject application.

The application was advertised and referred internally and externally to relevant authorities. At the time of writing this report, one objection was received. The objection set out concerns relating to the intensification of residential uses that will compromise the viability of a significant regional operation and the long-term fragmentation of agricultural land.

The proposal is consistent with the Moira Planning Scheme. The dwelling is reasonably associated with the proposed agricultural use of the land. Based on this, it is recommended that Council approve the application.

## 2. Background and Options

### Application Details

Applicant:	Timothy Lebner
Owner:	Mario Santoro and Carmelina Santoro
Land Address:	356 Cobram-Koonoomoo Road, Cobram
Title Details:	Lot 1 TP: 226306 and Lot 1 LP: 132412
Total Site Area:	37.37 hectares
File No:	5201680
Zone:	Farming Zone
Overlays:	Environmental Significance, Rural Floodway and Land Subject to Inundation

FILE NO: 5201680  
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.4

**PLANNING PERMIT APPLICATION NO. 5/2016/80 - USE AND DEVELOPMENT OF LAND FOR A DWELLING, SHED AND POOL AT 356 COBRAM-KOONOOMOO ROAD, COBRAM (cont'd)**

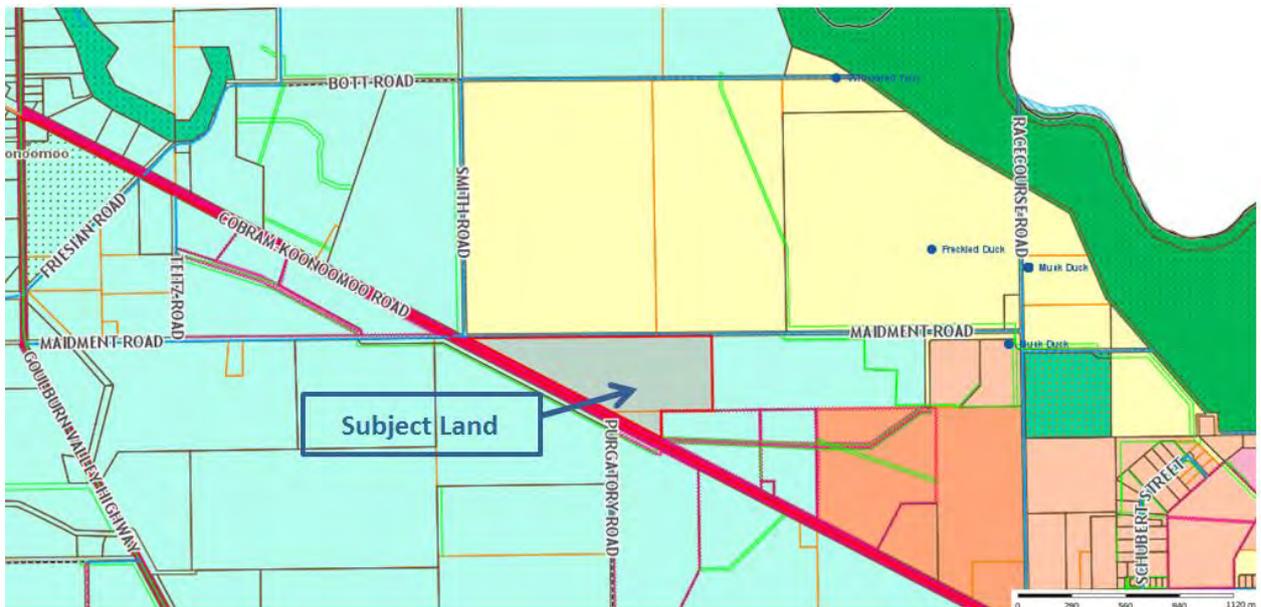
Key Issues

- State Planning Policy
- Local Planning Policy
- Agricultural Policy
- Farming Zone
- Rural Floodway Overlay
- Environmental Significance Overlay

The subject land is located in the Farming Zone on the north east corner of Cobram-Koonoomoo Road and Maidment Road, approximately 3.5 kilometres north-west of the main town of Cobram.

Lot 1 TP: 226306 measures 1.83 hectares and Lot 1 LP: 132412 to the north measures 35.54 hectares. The applicant has stated that they will be consolidating the two lots. The subject land is entirely located within the Rural Floodway Overlay and the Environmental Significance Overlay. The Land Subject to Inundation Overlay only affects a little portion of land in the south east corner. Access to the property is obtained from the Cobram-Koonoomoo Road. There is a shed located in the middle of the subject land just to the south of a remnant patch of native trees.

The surrounding area is largely agricultural in nature with Public Use Zones located directly north which are used by Murray Goulburn mainly as a waste water treatment facility. There are a number of other dwellings to the east and south of the subject land.



FILE NO: 5201680  
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.4

**PLANNING PERMIT APPLICATION NO. 5/2016/80 - USE AND DEVELOPMENT OF LAND FOR A DWELLING, SHED AND POOL AT 356 COBRAM-KOONOOMOO ROAD, COBRAM (cont'd)**



Proposal

The proposal is for the use and development of land for a dwelling, shed and pool. Plans of the development were not supplied as part of the application.

The application, as lodged on 22/04/2016, indicates that the Applicants' intent to undertake a cattle breeding and fodder production enterprise at the site to supply to local and interstate commercial farm operations. The application also indicates that part of the lot, that includes an orchard, will be leased. The Applicants' have not yet bought the land and as such their business has not yet been established. A business plan was supplied with the application that provided information on improvements, timeframes and estimated gross income.

Request for Further Information

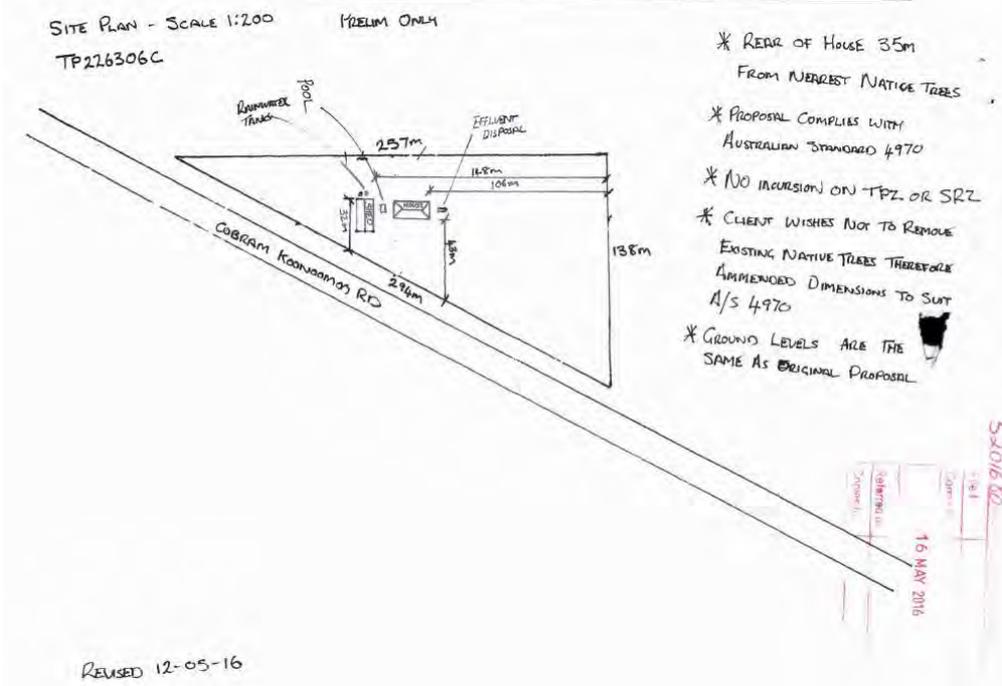
On 4 May 2016 a Request for Further Information was sent to the Applicant. The request involved the submission of an amended site plan to show the proposed dwelling, shed and swimming pool, effluent disposal area, power access, water supply and their setbacks from boundaries and the existing native vegetation on the subject lot.

The Applicant submitted an amended site plan on 16 May 2016.

FILE NO: 5201680  
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.4

**PLANNING PERMIT APPLICATION NO. 5/2016/80 - USE AND DEVELOPMENT OF LAND FOR A DWELLING, SHED AND POOL AT 356 COBRAM-KOONOOMOO ROAD, COBRAM (cont'd)**



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.

FILE NO: 5201680  
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.4

**PLANNING PERMIT APPLICATION NO. 5/2016/80 - USE AND DEVELOPMENT OF LAND FOR A DWELLING, SHED AND POOL AT 356 COBRAM-KOONOOMOO ROAD, COBRAM (cont'd)**

**3. Financial Implications**

In the event that Council's decision is appealed at VCAT, any cost associated with attending and responding to an appeal 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**

Pre-Lodgement Consultation

The Applicant spoke with various planning officers about the requirements for lodging an application for a dwelling in the Farming Zone.

Internal Consultation

The application was referred internally to Environmental Health and Natural Resources. No objections have been raised however a number of conditions have been recommended if a permit is issued. The conditions relate to septic system and landscaping.

External Consultation

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

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. An objection was received on 19 May 2016 from a landowner to the north (See Attachment 1).

Basis of Objection	Officer's comments
<p><i>The intensification of residential uses in the surrounding area will compromise the viability of a significant regional operation.</i></p>	<p>The Objector has stated that processing industries form part of a prominent feature within the surrounding area of the subject land. This is true for a significant portion of land directly north of the subject land. The Objector has also highlighted that as per Clause 21.05 – Economic Development that a Key Issue and Challenge facing the Shire is facilitating the expansion of the Shire's value adding processing industries.</p> <p>The processing industry within the Shire helps to stimulate economic activity and therefore should be supported and maintained, however, Clause 21.05 also sets out Economic Development Objectives that aim to support agricultural lands; some objectives include:</p> <ul style="list-style-type: none"> <li>• <i>To ensure that agriculture is and remains the major economic driver in the region.</i></li> <li>• <i>To facilitate growth of new agricultural investment.</i></li> </ul> <p>The Applicant is seeking to consolidate the two subject lots and use a small portion to the south for a dwelling to</p>

FILE NO: 5201680  
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.4

**PLANNING PERMIT APPLICATION NO. 5/2016/80 - USE AND DEVELOPMENT OF LAND FOR A DWELLING, SHED AND POOL AT 356 COBRAM-KOONOOMOO ROAD, COBRAM (cont'd)**

	<p>maintain their agricultural business.</p> <p>The Objector has acknowledged that there is currently residential development within the vicinity of the site and the increase of residential development may result in a direct and detrimental impact on the ongoing viability of their processing operations.</p> <p>The location of the proposed dwelling to the Objector's land is over 460m and is separated by Maidment Road. The closest treatment pond is over 700m from the proposed dwelling. There are other dwellings in close proximity to the proposed dwelling and are each located at comparable distances to the land to the north. It is unlikely that the proposed dwelling would cause any further detriment to the land to the north.</p>
<p><i>The proposal will contribute to the long-term fragmentation of agricultural land.</i></p>	<p>The objection recognises that the subject land has been used for productive agricultural purposes until recently but this identifies that the agricultural production would sustain without a dwelling on the land. Further the Objector has stated that the need for a dwelling was not sufficiently demonstrated by the Applicant.</p> <p>It should be noted that the subject land was used for cropping purposes and the landowner lives on the adjacent property to the east. It is considered that a dwelling would not have been required for the agricultural use and additionally would not be required with a dwelling located in such close proximity. The Applicant proposes to have a cattle breeding and fodder production along with cropping and grazing which overall would require constant supervision.</p> <p>The objection was provided to the Applicant giving an opportunity to respond to the concerns raised. The Applicant submitted their response to the objections raised on 30 May 2016 (See Attachment 2). The Applicant does not believe that the location of the proposed dwelling will have any effects on the viability of the Objector's operations to the north. The Applicant's response also indicated that their proposal encourages productive use of land within the Farming Zone and the dwelling is required for animal welfare.</p>

The Objector was provided with the Applicant's response and did not withdraw their objection and maintained their submissions as set out in their previous objection letter (See Attachment 3).

FILE NO: 5201680  
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.4

**PLANNING PERMIT APPLICATION NO. 5/2016/80 - USE AND DEVELOPMENT OF LAND FOR A DWELLING, SHED AND POOL AT 356 COBRAM-KOONOOMOO ROAD, COBRAM (cont'd)**

## 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 development will not impact upon the safety of the community.

## 8. Legislative / Policy Implications

### Zoning

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."*

The proposed use and development is to construct a dwelling on the subject lot. It must therefore be assessed against the policies set out to control residential development in the FZ.

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. The subject lot is 37.37 hectares. 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. 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:

### *"General issues*

- *The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *The capability of the land to accommodate the proposed use or development, including the disposal of effluent.*
- *Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses."*

State and Local Planning Policy will be discussed below. It is considered the land is duly capable to accommodate the disposal of effluent from a dwelling. The proposed site adjoins and is in close proximity to other lots that contain dwellings which are used in association with farming on the land; the proposal is deemed compatible with nearby land uses.

The following relates to the protection of agricultural uses:

### *"Agricultural issues*

- *Whether the use or development will support and enhance agricultural production.*

FILE NO: 5201680  
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.4

**PLANNING PERMIT APPLICATION NO. 5/2016/80 - USE AND DEVELOPMENT OF LAND FOR A DWELLING, SHED AND POOL AT 356 COBRAM-KOONOOMOO ROAD, COBRAM (cont'd)**

- *Whether the use or development will permanently remove land from agricultural production.*
- *The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.*
- *The capacity of the site to sustain the agricultural use."*

The following relate to residential development:

*"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."*

The subject land is capable of sustaining the proposed agricultural use. It is considered that a dwelling will not impact or limit the operation or expansion of nearby agricultural uses.

The proposed development would provide for the continued use of a large proportion of the land for agricultural uses. The dwelling will result in the loss of only a small portion of the productive agricultural land. For a better agricultural outcome for the subject land, it is recommended that the two lots be consolidated. Additionally, the dwelling is considered to be in keeping with the nearby character of the area with dwellings located on similar size lots to the south east and one directly south.

While it could be considered that the dwelling may be adversely affected by agricultural activities on adjacent and nearby land or adversely affect the operation and expansion of adjoining agricultural uses, the land is only bound on the east by agricultural land and to the north and south by roads. Furthermore, a condition requiring a Section 173 Agreement could be utilised to overcome this in addition to appropriate landscaping conditions that will be set out to reduce any amenity issues, resulting from adjacent agricultural activities to the east.

The question of whether or not this agricultural use justifies a new dwelling on the lot is the key issue to be discussed here. The proposal intends to improve agricultural activities on the land and establish a cattle breeding and fodder production business. A business plan was provided with the application which provided some detail, although fairly minimal, it set out details of the proposal which is essentially to breed cattle and raise calves. This type of agricultural use would require supervision to minimise any risks to animal welfare, maintenance of food and water, facilities and equipment, breeding management and calf rearing. Given this context, it is considered that there is enough justification for a dwelling on the subject land.

Overlay

The subject land is located within the Rural Flood Overlay (RFO). The purpose of the RFO, amongst others, is:

FILE NO: 5201680  
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.4

**PLANNING PERMIT APPLICATION NO. 5/2016/80 - USE AND DEVELOPMENT OF LAND FOR A DWELLING, SHED AND POOL AT 356 COBRAM-KOONOOMOO ROAD, COBRAM (cont'd)**

- *To identify waterways, major floodpaths, drainage depressions and high hazard areas which have the greatest risk and frequency of being affected by flooding.*
- *To ensure that any development maintains the free passage and temporary storage of floodwater, minimises flood damage and is compatible with flood hazard, local drainage conditions and the minimization of soil erosion, sedimentation and silting.*
- *To ensure that development maintains or improves river and wetland health, waterway protection and flood plain health.*

A permit is required to build or carry out works within the RFO. This is the third trigger for this application. In accordance with the Moira Planning Scheme, the application was referred to the Goulburn Broken Catchment Management Authority (GBCMA).

The GBCMA did not object to the proposal and have recommended conditions to be placed on the permit, if granted.

Clause 44.03-6 sets out the decision guidelines for developments in the RFO. The Responsible Authority must consider the following, amongst others:

- *The local floodplain development plan or flood risk report*
- *Any comments of the relevant floodplain management authority.*
- *The Victorian River Health Strategy (2002) and any relevant regional river health strategy and associated wetland plan*

It is considered that the proposal accords with the decision guidelines of the RFO.

The subject land is also located within the Land Subject to Inundation Overlay (LSIO), although this overlay only affects a very small portion of the land on the south east and therefore does not affect any development.

Further, the subject land is also affected by the Environmental Significance Overlay (ESO). The purpose of the ESO, is:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To identify areas where the development of land may be affected by environmental constraints.*
- *To ensure that development is compatible with identified environmental values.*

A permit is required to carry out buildings and works pursuant to Clause 42.01-2. This is the fourth permit trigger. Clause 42.01-4 sets out the decision guidelines for developments in the ESO. The Responsible Authority must consider the following, amongst others:

FILE NO: 5201680  
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.4

**PLANNING PERMIT APPLICATION NO. 5/2016/80 - USE AND DEVELOPMENT OF LAND FOR A DWELLING, SHED AND POOL AT 356 COBRAM-KOONOOMOO ROAD, COBRAM (cont'd)**

- *The statement of environmental significance and the environmental objective contained in a schedule to this overlay.*
- *The need to remove, destroy or lop vegetation to create defensible space to reduce the risk of bushfire to life and property.*
- *Any other matters specified in a schedule to this overlay.*

The native vegetation located on the subject land will be preserved and protected. A condition relating to its protection will be recommended if a permit is granted. The subject land is large enough and capable to manage the effluent on site. The Murray River is over 2700m from the location of the proposed dwelling. It is considered that there is sufficient distance from the waterway.

The subject application accords with the above overlay.

State Planning Policy Framework (SPPF)

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

The strategies of this objective include:

- *Discouraging development of isolated small lots in the rural zones from use for single dwellings, rural living or other incompatible uses.*
- *Encouraging consolidation of existing isolated small lots in rural zones.*

Clause 14.01 "*Protection of agricultural land*" states the following objectives:

- *To protect productive farmland which is of strategic significance in the local or regional context.*
- *To encourage sustainable agricultural land use.*

The proposal provides some form of rural productivity on the land and it can be considered that the agricultural use of the land will be the primary use that justifies the need to establish a dwelling on the land. The subject lots will be required to be consolidated (by condition) and will result in a large allotment of almost 40 hectares that is surrounded by other similar sized allotments that also contain dwellings and agricultural uses. It is also considered that the agricultural use will be sustainable into the future.

The application is therefore considered to satisfy the objectives of this policy.

Local Planning Policy and Municipal Strategic Statement

Clause 22.01 sets out Moira Shire's Agricultural Policy. The purpose of the policy is to address two separate issues: being rural subdivision and rural dwellings. Here the focus is upon preventing the loss of agricultural lands through inappropriate subdivision or the proliferation of dwellings in the area.

Clause 22.01-3 states that it is policy to:

- *Discourage a dwelling not associated with or required for the agricultural use of the land.*

FILE NO: 5201680  
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.4

**PLANNING PERMIT APPLICATION NO. 5/2016/80 - USE AND DEVELOPMENT OF LAND FOR A DWELLING, SHED AND POOL AT 356 COBRAM-KOONOOMOO ROAD, COBRAM (cont'd)**

- *Ensure that the agricultural use has been established on the land (or an Integrated Land Management Plan under Clause 35.07-6 is in place) prior to the construction of a dwelling.*

Clause 22.01-4 sets out that when considering an application for a dwelling in the FZ we must consider a number of decision guidelines. The following are of key importance when considering the subject application:

- *The relationship between the proposed dwelling and the agricultural activity on the land.*
- *Evidence of an Integrated Land Management Plan under Clause 35.07-6 or similar, addressing the relationship between agricultural activities on the land and the proposed dwelling*
- *The nature of the agricultural activities on the land and whether they require permanent and continuous care, supervision or security.*
- *Whether the dwelling will result in a rural living or rural residential outcome in the area.*

It is considered that the proposed development is required for the agricultural use of the land. Although the agricultural use proposed has not yet been established on the lot, the proposal submitted indicates that the use of the land for agriculture will be improved by the development of a dwelling on this lot. The agricultural use will require continuous care and supervision and considering the agricultural use and the size of the land will not result in a rural living outcome.

The proposal accords with the above local policy.

The decision guidelines of Clause 65

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

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

FILE NO: 5201680  
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.4

**PLANNING PERMIT APPLICATION NO. 5/2016/80 - USE AND DEVELOPMENT OF LAND FOR A DWELLING, SHED AND POOL AT 356 COBRAM-KOONOOMOO ROAD, COBRAM (cont'd)**

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

**9. Environmental Impact**

It is considered that the proposed use and development will ensure the sustainable agricultural use of the land. The subject land contains native vegetation, however, the Applicant has indicated in conversations that the patch of vegetation to the north will be fenced off and protected. If a permit is granted, a condition relating to the protection of the native vegetation will be recommended.

**10. Conflict of Interest Considerations**

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

**11. Conclusion**

The subject lot is located within the Farming Zone. Dwellings in the Farming Zone are discouraged if they are not reasonably associated with an agricultural use on the lot. The purpose of the Farming zone is to encourage the protection and retention of productive agricultural land. Larger lots are encouraged to allow for intensification of agricultural uses in the future. The Agricultural Policy dictates that a dwelling on the land should assist in enhancing the agricultural use of the land.

It is considered that the proposal achieves the overall objectives of the zone, policies and overlays of the Moira Planning Scheme. It is considered that the proposal will assist in the retention or protection of agricultural land. At this location, the development of a dwelling will not impact on the expansion or intensification of agricultural activities in the immediate area. The proposal will achieve an acceptable planning outcome and is recommended for approval.

**Attachments**

- 1 Objection Letter
- 2 Applicant's Response Letter
- 3 Objector Response Letter

FILE NO: 5201680  
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.4

**PLANNING PERMIT APPLICATION NO. 5/2016/80 - USE AND DEVELOPMENT OF LAND FOR A DWELLING, SHED AND POOL AT 356 COBRAM-KOONOOMOO ROAD, COBRAM (cont'd)**

**ATTACHMENT No [1] - Objection Letter**



Our Reference 302965  
Your Reference 5/2016/80

19 May 2016

Melissa Lottio  
Land Use (Native Vegetation) Planner  
Moirā Shire Council  
Town Planning Department  
Via email: [info@moira.vic.gov.au](mailto:info@moira.vic.gov.au)

Dear Sir / Madam

Objection to Planning Permit Application 5/2016/80  
356 Cobram-Koonoomoo Road, Cobram

We write in relation to Planning Permit Application 5/2016/80 which seeks approval for the use and development of a residential dwelling, shed and swimming pool at the land known as 356 Cobram-Koonoomoo Road, Cobram (Lot 1 LP132412 and Lot 1 TP228306).

Murray Goulburn Co-operative Co. (Murray Goulburn) operates a dairy manufacturing plant in Cobram which produces a range of dairy products, including cheese and milk powder. As part of these operations, Murray Goulburn operate a waste water treatment facility at 705 Maidment Road, Cobram.

1 Grounds of Objection

Our objection to the proposed residential dwelling is set out as follows:

1.1 The intensification of residential uses in the surrounding area will compromise the viability of a significant regional operation.

Murray Goulburn is a significant economic contributor within Moira Shire Council. The clustering of processing industries is a prominent feature of the surrounding area and Clause 21.05 of the Planning Scheme recognises the significant economic benefits of these industries to the Shire. A 'key issue and challenge' for the municipality is to facilitate the expansion of processing industries within the Shire.

Despite land being located within a Farming Zone, it is an accepted fact that residential land uses around significant rural industrial uses must be minimised to ensure the ongoing viability of productive agricultural or other uses.

We note that pressures from residential development are already present at the subject site and are not simply hypothetical. This is demonstrated by the objection received to Planning Permit Application 5/2012/486 which sought to expand the number of evaporation ponds at the Murray Goulburn site. This proposal will serve to potentially increase the level of land use conflict that currently exists between establishing residential uses and the incumbent processing industries. This may result in a direct and detrimental impact on the ongoing viability of Murray Goulburn's operations in Cobram.

Spiire Australia Pty Ltd ABN 66 650039 638 T 61 3 8983 7888 [spiire.com.au](http://spiire.com.au)  
Level 4 400 La Trobe Street PO Box 10004 Melbourne Victoria 3007 Australia

© 2016 Spiire Australia Pty Ltd. Murray Goulburn Cobram Moira 1916 5-2016-80\_M3\_01objctn\_19162016.docx

Page 1

FILE NO: 5201680  
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.4

**PLANNING PERMIT APPLICATION NO. 5/2016/80 - USE AND DEVELOPMENT OF LAND FOR A DWELLING, SHED AND POOL AT 356 COBRAM-KOONOOMOO ROAD, COBRAM (cont'd)**

**ATTACHMENT No [1] - Objection Letter**



1.2 The proposal will contribute to the long-term fragmentation of agricultural land.

Following a review of the certificates of title for land uses surrounding the subject site, it is understood that the owner of 304 Cobram-Koonoomoo Road (Lot 1 LP93906) is the same owner as 356 Cobram-Koonoomoo Road (Lot 1 LP132412 and Lot 1 TP226306). This represents a land holding of in excess of 50 hectares of agricultural land, which contains an existing dwelling.

Although the land across single ownership is currently across three titles, as there is only one existing dwelling within this land holding we submit that the land still has opportunities to be consolidated into other agricultural uses. Approval of a dwelling would establish the land as permanently fragmented.

The land itself appears to have been used for productive agricultural purposes as recently as 2010. This has been established through a review of aerial imagery and the applicant's submission. This identifies that the land is capable of being used for agricultural purposes without an in-situ dwelling.

While we acknowledge the land is currently in a degraded agricultural state at present, we submit that there has not been a sufficient justification demonstrated by the applicant for the need of a permanent dwelling on-site. Indeed, the applicant contends that they are re-establishing the land to its former agricultural use, however this was a use that previously operated without a permanent residential presence.

Without a sufficient demonstration regarding the need for a dwelling and the agricultural use, the proposal fails to demonstrate a net community benefit that would act to offset against the detrimental impacts of residential intensification in rural areas.

2 Conclusion

In summary, we submit that the proposed dwelling is not essential to productively use this land for agricultural purposes and would have a detrimental impact on the long term viability of Murray Goulburn's dairy production operations due as a result of increased residential population in the surrounding area.

On balance, the proposal should be considered as inconsistent with the Moira Planning Scheme and refused.

We would be pleased to meet with Council officers and the applicant to discuss this matter further. Should you wish to discuss this matter further, please do not hesitate to contact [REDACTED]

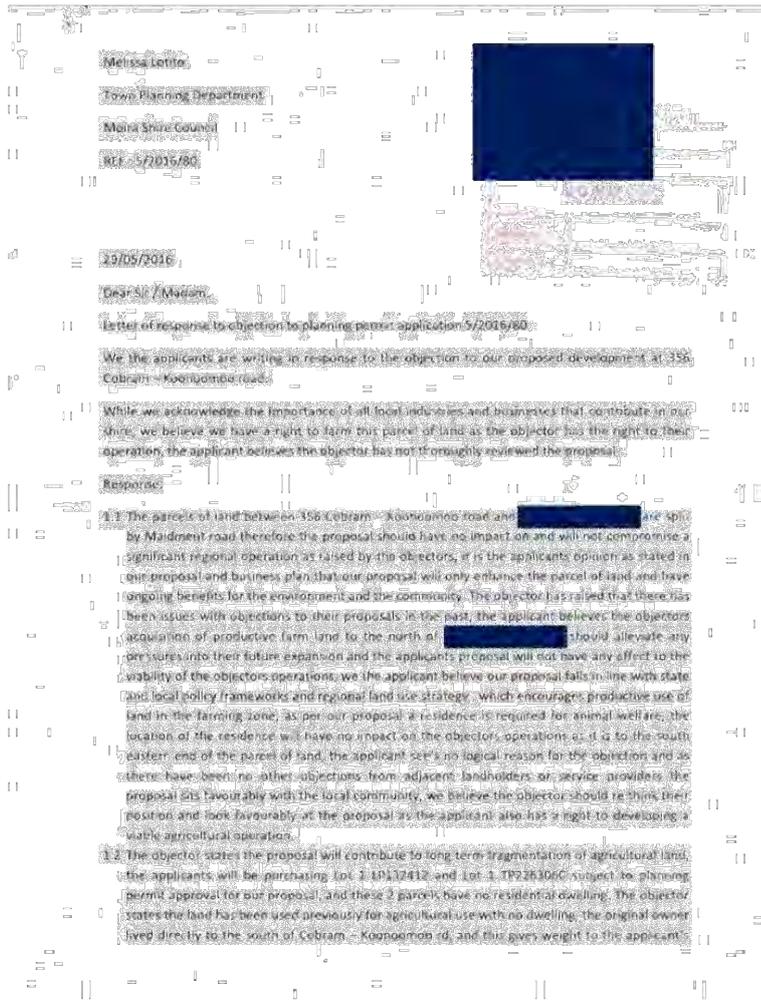
Yours sincerely  
[REDACTED]

FILE NO: 5201680  
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.4

**PLANNING PERMIT APPLICATION NO. 5/2016/80 - USE AND DEVELOPMENT OF LAND FOR A DWELLING, SHED AND POOL AT 356 COBRAM-KOONOOMOO ROAD, COBRAM (cont'd)**

**ATTACHMENT No [2] - Applicant's Response Letter**



FILE NO: 5201680  
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.4

**PLANNING PERMIT APPLICATION NO. 5/2016/80 - USE AND DEVELOPMENT OF LAND FOR A DWELLING, SHED AND POOL AT 356 COBRAM-KOONOOMOO ROAD, COBRAM (cont'd)**

**ATTACHMENT No [2] - Applicant's Response Letter**

proposals that a dwelling is required for productive agricultural use of these parcels. The objector states there has not been sufficient justification for the need of a permanent dwelling, the applicant asks the objector to review the proposal again as it is clearly stated the intended use and justification for the proposal, the applicant has extensive farming background and has great experience on what it takes to run a agricultural operation profitably and regarding the objectors claims that a residence is not required, the applicants and their families have lived in the Moira shire all their life and hope the council takes its decision favourably to the applicant based on local economic and environmental benefits.

The applicants hopes the objector will withdraw their objection based on the above statements and will enter into mediation with the objector if required.

Regards,  
[Redacted Signature]

FILE NO: 5201680  
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.4

**PLANNING PERMIT APPLICATION NO. 5/2016/80 - USE AND DEVELOPMENT OF LAND FOR A DWELLING, SHED AND POOL AT 356 COBRAM-KOONOOMOO ROAD, COBRAM (cont'd)**

**ATTACHMENT No [3] - Objector Response Letter**



Our Reference 302965  
Your Reference 5/2016/80

17 June 2016

Melissa Lotito  
Land Use (Native Vegetation) Planner  
Moira Shire Council  
Town Planning Department  
Via email: [info@moira.vic.gov.au](mailto:info@moira.vic.gov.au)

Dear Sir / Madam

Objection to Planning Permit Application 5/2016/80  
356 Cobram-Koonoomoo Road, Cobram

Spiire Australia continues to act on behalf of Murray Goulburn Co-Operative (Murray Goulburn) and write in relation to Planning Permit Application 6/2016/80 and your letter dated 31 May 2016 seeking a response to the permit applicant's letter dated 29 May 2016. This letter provides our reasons for maintaining our objection to the proposed residential dwelling at 356 Cobram-Koonoomoo Road, Cobram (the subject site).

The subject site is located within the Farming Zone. The purpose of the Farming Zone includes "to provide for the use of the land for agriculture" and we do not object to the use of the land for agricultural purposes. The agricultural use of the land is consistent with planning policy and the zoning of the subject site. The agricultural use of the land also does not require a planning permit.

This application proposes to use and develop a dwelling on the land, not for the agricultural use of the land. A dwelling is a Section 2 (Permit Required) Use. Clause 31.02 of the Moira Planning Scheme states:

*Because a use is in Section 2 does not imply that a permit should or will be granted. The responsible authority must decide whether the proposal will produce acceptable outcomes in terms of the State Planning Policy Framework, the Local Planning Policy Framework, the purpose and decision guidelines of the zone and any of the other decision guidelines in Clause 65.*

The use and development of a dwelling on the land is not 'as of right' and must be considered against the various policies of the Moira Planning Scheme. Clause 22.01 of the Moira Planning Scheme (Agricultural Policy) clearly identifies the risks of new dwellings within the Farming Zone.

Spiire Australia Pty Ltd ABN 66 650 029 638 T 613 9963 7556 [spiire.com.au](http://spiire.com.au)  
Level 4-420 La Trobe Street PO Box 16584 Melbourne Victoria 3007 Australia

© Spiire Australia Pty Ltd 2016. All Rights Reserved. Spiire Australia Pty Ltd

Page 1

FILE NO: 5201680  
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.4

**PLANNING PERMIT APPLICATION NO. 5/2016/80 - USE AND DEVELOPMENT OF LAND FOR A DWELLING, SHED AND POOL AT 356 COBRAM-KOONOOMOO ROAD, COBRAM (cont'd)**

**ATTACHMENT No [3] - Objector Response Letter**



With respect to the applicant's response, we submit:

1. A residential dwelling is not essential for the agricultural use proposed.
2. The impacts of residential intensification within this area on existing uses will outweigh any potential benefits that full-time supervision may have on agricultural uses at the subject site.
3. The land at 356 Cobram-Koonoomoo Road may be better suited for alternative agricultural uses which does not require full time supervision.

We maintain the objection submitted to Moira Shire Council on 19 May 2016 and the grounds of objection set out in that letter.

Should you wish to discuss this matter further, please do not hesitate to contact [REDACTED]

Yours sincerely  
[REDACTED]

Copy to  
[REDACTED]

**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:** 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:** 20 June 2016

**Subject** – General Business

**MOTION**

CRS ED COX / MARIE MARTIN

That Council request the Victorian Government to fund 50% of the fixed water charges for irrigators in the Goulburn-Murray Irrigation District if water allocations fail to reach 30% by 30 September 2016.

(CARRIED)

**Completed**

Correspondence sent.

**Meeting** 20 June 2016

**Subject** – General Business

**MOTION**

CRS PETER MANSFIELD / WENDY BUCK

That Council write to the Planning Minister to request an Environmental Effects Statement on the green route as well as the grey route for the Yarrawonga / Mulwala bridge with copies to the Premier, Minister for Roads and Jaclyn Symes MP, Member for Northern Victoria.

(CARRIED)

**Completed**

Correspondence sent.

**Meeting** 20 June 2016

**Subject** General Business

**MOTION**

CRS PETER MANSFIELD / DON MCPHEE

That Council invite a representative of Traffix Group to brief Council on their views regarding the grey and green routes for the Yarrawonga Mulwala Bridge.

(CARRIED)

**Completed**

The Green Route Group and their consultant from the Traffix Group invited to attend a briefing prior to the 25 July 2016 Council meeting.

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

**ITEM NO: 10.1**

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

**Meeting:** 29 March 2016

**Subject –** General Business

**MOTION**

CRS KEVIN BOURKE / MARIE MARTIN

That Moira Shire Council Officers not abandon legislative or statutory requirements however seek to work with the contractor that is under taking the natural gas rollout in Nathalia and to keep the community informed with the process and timelines.

(CARRIED)

**Activity**

Action completed.

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

**Meeting:** Ordinary Council Meeting 26 October 2015

**Subject –** Moira Shire Community Safety Plan

**MOTION**

CRS KEVIN BOURKE / ALEX MONK

That the report to be deferred to such time that the information from the Community Safety Forum is considered.

(CARRIED)

**Activity**

Action completed.

**Attachments**

Nil

FILE NO: F13/2332  
4. SMARTER DELIVERY OF SERVICES AND  
PROGRAMS

ITEM NO: 13.1

**PURCHASE OF 2 LOTS AT 4442 MURRAY VALLEY HIGHWAY  
YARROWEYAH**

**RECOMMENDATION**

That Council authorise the Chief Executive Officer to sign and seal the Transfer of Land documents relating to the purchase of two lots at 4442 Murray Valley Highway, Yarroweyah.

1. Council has entered into a Contract of Sale of Real Estate for the purchase of two vacant blocks located at 4442 Murray Valley Highway Yarroweyah. Identified as Lots 8 and 9 on LP2254, the land will enable Council to address drainage issues in Yarroweyah by providing access to Council's drainage reserve located to the north west of Yarroweyah.
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) (a) (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.