



## MINUTES

ORDINARY MEETING OF COUNCIL HELD AT  
YARRAWONGA TOWN HALL, BELMORE STREET,  
YARRAWONGA,  
MONDAY 25 JULY 2016

The meeting commenced at 5:04 pm.

**PRESENT** Councillor Gary Cleveland (Mayor)  
Councillor Kevin Bourke  
Councillor Ed Cox  
Councillor Brian Keenan  
Councillor Don McPhee  
Councillor Marie Martin  
Councillor Alex Monk

**IN ATTENDANCE:** Mark Henderson Chief Executive Officer  
Leanne Mulcahy General Manager Corporate  
Andrew Close General Manager Infrastructure  
Linda Nieuwenhuizen Manager Governance and Communication

### 1. CALLING TO ORDER – CEO

#### **RECORDING**

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

### 2. PRAYER

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

Amen

*Read by the Mayor*

### 3. ACKNOWLEDGEMENT OF COUNTRY

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

*Read by the Mayor*

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

Councillor Peter Mansfield and Councillor Wendy Buck have previously been granted leave of absence.

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

Nil

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

Nil

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

**MOTION:**

CRS ALEX MONK / ED COX

"That the minutes of the Ordinary Council Meeting held on Monday, 20 June 2016, the minutes of the Special Ordinary Council Meeting held on Monday, 20 June 2016 and the minutes of the Special Ordinary Council Meeting held on Monday, 11 July 2016, as prepared, be confirmed."

(CARRIED)

**8. COUNCILLOR REPORTS**

- Cr Kevin Bourke reported on his attendance at the Northern Victoria Firewood & Home Heating Project meeting at Barmah.
- Cr Marie Martin reported on her attendance at a Women in Local Government Forum, Diversity Week, Northern Victoria Firewood & Home Heating Project meeting and a Big Ideas conference.
- Cr Brian Keenan spoke of his recent stay in Melbourne and witnessing people affected by drugs.

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

### 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.

### MOTION

CRS DON MCPHEE / BRIAN KEENAN

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.

(CARRIED)

FILE NO: F13/25  
5. DEMONSTRATING GOOD GOVERNANCE

ITEM NO: 9.1.2

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

**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.

**MOTION**

CRS KEVIN BOURKE / ED COX

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	Jacquie	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

FILE NO: F13/25  
5. DEMONSTRATING GOOD GOVERNANCE

ITEM NO: 9.1.2

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

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	Grullis
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
Cobram Showgrounds Apex Reserve	Cobram Roar	Albert	Zito
Cobram Showgrounds Apex Reserve	Cobram Netball Association	Nerissa	Brooks
Numurkah Showgrounds	Numurkah Soccer Club	Steven	Newham
Yarrowonga Showgrounds Victoria Park	Yarrowonga Mulwala Mens Shed	Neil	Povey
Yarrowonga Showgrounds Victoria Park	Yarrowonga 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.

(CARRIED)

FILE NO: F13/503  
5. DEMONSTRATING GOOD GOVERNANCE

ITEM NO: 9.1.3

## ASSEMBLIES 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).

### MOTION

CRS ALEX MONK / DON MCPHEE

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

(CARRIED)

FILE NO: 1  
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.1

## UPDATE ON ENVIRONMENT SUSTAINABILITY COMMITTEES

### 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.

### MOTION

CRS ED COX / KEVIN BOURKE

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

(CARRIED)

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

ITEM NO: 9.2.2

## DISCONTINUANCE OF ROADS IN NATHALIA

### 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.

### MOTION

CRS KEVIN BOURKE / MARIE MARTIN

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 of the whole of Council 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.

(CARRIED)



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

ITEM NO: 9.2.3

## DEVELOPMENT PLAN FOR 3479 MURRAY VALLEY HIGHWAY, COBRAM

### 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.

### MOTION

CRS ED COX / ALEX MONK

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.

(CARRIED)

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**

### 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.

### MOTION

CRS ED COX / BRIAN KEENAN

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.

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2. IMPROVING MOIRA'S LIVEABILITY

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**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. 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:
- That the dwelling is used in conjunction with agricultural production;
  - Acknowledge the impacts of nearby agricultural activities;
  - 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.
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

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2. IMPROVING MOIRA'S LIVEABILITY

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**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)**

- 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 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).

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2. IMPROVING MOIRA'S LIVEABILITY

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**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)**

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 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.

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2. IMPROVING MOIRA'S LIVEABILITY

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**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)**

**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.

**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>.

(CARRIED)

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

**ITEM NO: 10.1**

**ACTION OFFICERS' LIST**

**MOTION**

CRS KEVIN BOURKE / DON MCPHEE

That Council receive and note the Action Officers' List.

(CARRIED)

**11. NOTICES OF MOTION**

NIL

**12. PETITIONS AND JOINT LETTERS**

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**

### **1. Executive Summary**

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.

### **MOTION**

CRS ALEX MONK / MARIE MARTIN

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.

(CARRIED)



FILE NO: VARIOUS

ITEM NO: 14

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

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

**MOTION**

CRS DON MCPHEE / ED COX

That items of general and urgent business be considered.

(CARRIED)

**MOTION**

CRS BRIAN KEENAN / DON MCPHEE

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

(CARRIED)

**MOTION**

CRS KEVIN BOURKE / MARIE MARTIN

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

(CARRIED)

**MOTION**

CRS KEVIN BOURKE / MARIE MARTIN

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

(CARRIED)

FILE NO: VARIOUS

ITEM NO: 14

**GENERAL BUSINESS****MOTION**

CRS KEVIN BOURKE / MARIE MARTIN

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

(CARRIED)

**MOTION**

CRS MARIE MARTIN / KEVIN BOURKE

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

(CARRIED)

**MOTION**

CRS MARIE MARTIN / KEVIN BOURKE

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

(CARRIED)

**MOTION**

CRS MARIE MARTIN / KEVIN BOURKE

That planning applications that are deemed sensitive and controversial come before Councillors rather than being dealt with under delegation.

**AMENDMENT**

CRS ED COX / DON MCPHEE

That Council review the delegation policy

(CARRIED)

THE AMENDMENT BECAME THE MOTION

THE MOTION WAS PUT AND (CARRIED)

FILE NO: VARIOUS

ITEM NO: 14

**GENERAL BUSINESS**

Cr Cox requested an indication of the costs Council may incur if Council's decision to refuse the Drug and Rehabilitation Centre planning application is appealed at VCAT. Cr Cox also requested clarification of the options for appeal to the Supreme Court.

Cr Kevin Bourke called a point of order and stated the answers would be speculative.

The Mayor overruled the point of order.

The CEO estimated the cost to Council could be around \$40,000 for appropriate legal representation for a three to four day hearing and preparation costs. Council officer time would be in addition to these costs.

The CEO advised that VCAT planning decisions are binding and generally cannot be appealed. The Supreme Court can hear appeals based on a point of law but cannot overrule the VCAT decision unless it is based on the incorrect application of a point of law.

FILE NO: VARIOUS

ITEM NO: 15

**QUESTIONS FROM THE PUBLIC GALLERY**

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

**63. Question Time**

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

No question must be so read unless:

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

A question may be disallowed by the Chairperson if it:

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

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

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

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

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

FILE NO: VARIOUS

ITEM NO: 15

**QUESTIONS FROM THE PUBLIC GALLERY**

**15.1 Des O’Kane – Tungamah**

Question: Why wasn’t the community consulted regarding the demolition of the tennis pavilion?

Answer: General Manager Infrastructure advised that he attended a meeting at Tungamah today and it was agreed not to proceed with the demolition until further community consultation occurred.

Question: Why wasn’t the Community Representative Council (CRC) advised of Council’s decision to remove two playgrounds?

Answer: The CEO advised he would confirm the matter and agreed consultation processes needed to involve the local community in decisions of this type.

**15.2 John Taylor - Yarrawonga**

Question: Would it be possible for members of the Yarrawonga Rotary Club and the Strategic Development Committee to meet with Council to discuss the possibility of an aquatic centre and the results of the survey for the proposed facility?

Answer: The CEO advised Council would make arrangements for representatives to brief Council and requested the results of the survey be provided to Council for consideration by Councillors prior to the meeting.

FILE NO: VARIOUS

ITEM NO: 16

**MEETING ADJOURNMENT****MOTION**

CRS ED COX / BRIAN KEENAN

That the meeting be adjourned for 10 minutes.

(CARRIED)

The meeting adjourn at 6:32PM

**MOTION**

CRS ED COX / BRIAN KEENAN

That the meeting be resumed.

(CARRIED)

The meeting resumed at 6:45PM

**MOTION**

CRS ED COX / KEVIN BOURKE

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.

(CARRIED)

**MOTION**

CRS ED COX / KEVIN BOURKE

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

(CARRIED)

**MOTION**

CRS ED COX / DON MCPHEE

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

(CARRIED)

**Successful tender – C028/16 Pavement Stabilising Program**  
Stabilco Pty Ltd

**Meeting Closed at 7:08 PM**