



**MOIRA**SHIRE



ENRICHING LIFE ON THE MURRAY

**COUNCIL AGENDA**  
**8 DECEMBER 2014**



**Discover Moira**



44 Station Street  
Cobram Vic 3644

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### **AGENDA**

**ORDINARY MEETING OF COUNCIL**  
**FOR**  
**MONDAY 8 DECEMBER 2014**  
**TO BE HELD AT YARRAWONGA TOWN HALL, BELMORE STREET, YARRAWONGA**  
**COMMENCING AT 6:00 PM**

**1. CALLING TO ORDER - CEO**

**2. PRAYER**

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

Amen

**3. ACKNOWLEDGEMENT OF COUNTRY**

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

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

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

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

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

**Recommendation:** "That the minutes of the Ordinary Council Meeting held on Monday, 17 November 2014, as prepared and circulated, be confirmed."

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**8. COUNCILLOR REPORTS**

NIL

**9. OFFICER REPORTS FOR DETERMINATION**

**9.1 CORPORATE GOVERNANCE**

9.1.1	FINANCIAL POSITION REPORT AS AT 30 NOVEMBER 2014	4
9.1.2	UNDERLYING FINANCIAL POSITION – ANALYSIS REPORT	8
9.1.3	PUBLICATION OF PUBLIC NOTICES	13

**9.2 COMMUNITY**

9.2.1	2015 NUMURKAH AGRICULTURAL & PASTORAL SOCIETY SHOW DAY PUBLIC HOLIDAY REQUEST	16
9.2.2	DOMESTIC ANIMAL MANAGEMENT PLAN - 2013/2014 ANNUAL REVIEW	20
9.2.3	YARRAWONGA MULWALA BRIDGE ALIGNMENT	26

**9.3 SHIRE DEVELOPMENT AND LIVEABILITY**

9.3.1	AMENDMENT C81- REQUEST TO AMEND THE MOIRA PLANNING SCHEME BY REZONING PART LOT A ON PS300731, BEING LAND AT 2 CARTER STREET, EAST KATUNGA FROM FARMING ZONE TO TOWNSHIP ZONE	28
9.3.2	DEVELOPMENT PLAN - TUNNOCK ROAD NUMURKAH	34
9.3.3	AMENDMENT TO COBRAM DEVELOPMENT PLAN FOR RACV EXPANSION - CAMPBELL ROAD COBRAM	60
9.3.4	AMENDMENT TO GREEN PALMS DEVELOPMENT PLAN - 85 RITCHIE ROAD, COBRAM - ADDITIONAL DWELLING UNIT SITES	66
9.3.5	PETITION - THOMPSON AVENUE AND ELIZABETH STREET, COBRAM	72

**10. OFFICER REPORTS FOR INFORMATION AND DECISION**

**10.1 CORPORATE GOVERNANCE**

10.1.1	ASSEMBLIES OF COUNCILLORS	79
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**10.2 COMMUNITY**

NIL

**10.3 SHIRE DEVELOPMENT AND LIVEABILITY**

NIL

**11. ACTION OFFICERS LIST**

11.1	ACTION OFFICERS LIST	85
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**12. NOTICES OF MOTION**

NIL

**13. PETITIONS AND JOINT LETTERS**

NIL

**14. COUNCIL SEAL**

NIL

**15. GENERAL BUSINESS 89**

**16. QUESTIONS FROM PUBLIC GALLERY 90**

**17. MEETING ADJOURNMENT 91**

**18. CONFIDENTIAL BUSINESS**

**19. CONFIDENTIAL ACTION OFFICERS LIST**

**20. URGENT OR GENERAL CONFIDENTIAL BUSINESS**

**21. CLOSE OF MEETING**



**MARK HENDERSON  
CHIEF EXECUTIVE OFFICER**

FILE NO: 180.11.0002  
3. OUR COMMUNICATIONS AND PROCESSES

ITEM NO: 9.1.1  
(ASSISTANT FINANCIAL ACCOUNTANT,  
ANDREW WILSON)  
(ACTING DIRECTOR CORPORATE  
GOVERNANCE, DOUG SHARP)

## FINANCIAL POSITION REPORT AS AT 30 NOVEMBER 2014

### RECOMMENDATION

That Council receives and notes the Financial Position Report as at 30 November 2014.

### 1. Executive Summary

<b>Moir Shire Council</b> <b>Executive Summary - Funding Analysis November 2014</b>				
Operating Income Statement	Ref	Budget 14/15	Sep 14/15 Forecast	Actuals YTD November 14/15
<b>Income</b>				
Operating Grant		(11,215,994)	(11,279,101)	(5,837,535)
Operating Contributions		(93,600)	(68,600)	(26,884)
Reimbursements		(49,532)	(53,678)	(34,980)
Statutory Fees & Fines		(883,576)	(883,776)	(329,070)
User Charges		(2,637,997)	(2,678,265)	(1,022,102)
Other Revenues		(6,723,275)	(6,324,823)	(6,212,697)
Interest Income		(300,000)	(360,000)	(140,401)
Net Proceeds - Land for resale		(10,000)	(52,000)	(157,894)
<b>Total Income</b>		<b>(21,913,974)</b>	<b>(21,700,243)</b>	<b>(13,761,563)</b>
<b>Expenditure</b>				
Employee Costs		18,604,226	18,357,320	6,983,360
Contractors		6,300,072	5,933,369	1,555,629
Materials & Services		11,461,566	11,558,360	3,752,444
Utilities		968,072	1,087,472	422,046
Other Expenses		4,320,149	4,278,011	2,069,096
Interest on Borrowings		527,476	527,476	231,302
Visitor Information Centres		-	-	26,396
Bad & Doubtful Debts		5,000	5,000	-
WDV of Disposal of Assets		60,129	60,129	-
<b>Total Expenditure</b>		<b>42,246,690</b>	<b>41,807,137</b>	<b>15,040,273</b>
<b>Net Operational (Inflow) / Outflow</b>		<b>20,332,716</b>	<b>20,106,894</b>	<b>1,278,710</b>
Funding available through				
Rates and charges		25,812,968	25,762,157	24,629,330
<b>Rate funds available for Capital Projects</b>	<b>A</b>	<b>5,480,252</b>	<b>5,655,262</b>	<b>23,350,620</b>
Capital Expenditure		10,720,189	12,270,645	1,836,018
Capital External funding		(6,146,409)	(5,883,045)	(2,139,634)
<b>Net Council Funding of Capital Projects</b>	<b>B</b>	<b>4,573,780</b>	<b>6,387,600</b>	<b>(303,616)</b>
<b>Surplus of Rate Funds after funding Capital Projects</b>	<b>A - B</b>	<b>906,472</b>	<b>(732,338)</b>	<b>23,654,236</b>
Equity Inflow / (Outflow)		(829,560)	720,896	(336,756)
<b>Net Rate Funds Surplus / (Shortfall)</b>		<b>76,912</b>	<b>(11,442)</b>	<b>23,317,480</b>

FILE NO: 180.11.0002  
3. OUR COMMUNICATIONS AND PROCESSES

ITEM NO: 9.1.1  
(ASSISTANT FINANCIAL ACCOUNTANT,  
ANDREW WILSON)  
(ACTING DIRECTOR CORPORATE  
GOVERNANCE, DOUG SHARP)

**FINANCIAL POSITION REPORT AS AT 30 NOVEMBER 2014 (cont'd)**

**2. Background and Options**

Moira Shire Council				
Funding analysis by Department and Income Statement Reconciliation - November 2014				
<b>Operational (Inflow) and Outflow:</b>				
Department	Inc/Exp	Budget 14/15	Sep 14/15 Forecast	Actuals YTD November 14/15
Business and Innovation	O-EX	2,365,223	2,350,965	980,870
	O-IN	(120,600)	(143,600)	(253,662)
<b>Outflow funded by Rates &amp; Charges</b>		<b>2,244,623</b>	<b>2,207,365</b>	<b>727,208</b>
Communications and Engagement	O-EX	1,475,557	1,495,957	416,524
	O-IN	(24,500)	(24,500)	(17,243)
<b>Outflow funded by Rates &amp; Charges</b>		<b>1,451,057</b>	<b>1,471,457</b>	<b>399,281</b>
Community Service Delivery	O-EX	5,911,537	5,911,537	2,030,775
	O-IN	(963,558)	(963,558)	(523,329)
<b>Outflow funded by Rates &amp; Charges</b>		<b>4,947,979</b>	<b>4,947,979</b>	<b>1,507,446</b>
Construction and Assets	O-EX	3,303,404	3,359,022	1,411,670
	O-IN	(330,711)	(322,153)	(261,187)
<b>Outflow funded by Rates &amp; Charges</b>		<b>2,972,693</b>	<b>3,036,869</b>	<b>1,150,483</b>
Disaster Recovery	O-EX	-	-	16,715
	O-IN	-	-	(253,631)
<b>Outflow funded by Rates &amp; Charges</b>		<b>-</b>	<b>-</b>	<b>(236,916)</b>
Finance	O-EX	3,418,808	3,425,092	1,056,797
	O-IN	(6,910,965)	(7,007,781)	(3,181,376)
<b>Outflow funded by Rates &amp; Charges</b>		<b>(3,492,157)</b>	<b>(3,582,689)</b>	<b>(2,124,579)</b>
Governance Services	O-EX	917,851	917,851	320,805
	O-IN	(1,400)	(1,106)	(1,611)
<b>Outflow funded by Rates &amp; Charges</b>		<b>916,451</b>	<b>916,745</b>	<b>319,194</b>
Information Technology	O-EX	2,589,673	2,659,673	826,348
	O-IN	(56,669)	(129,030)	(86,121)
<b>Outflow funded by Rates &amp; Charges</b>		<b>2,533,004</b>	<b>2,530,643</b>	<b>740,227</b>
Office of CEO	O-EX	1,910,767	1,844,469	688,963
	O-IN	(29,999)	(35,142)	(29,913)
<b>Outflow funded by Rates &amp; Charges</b>		<b>1,880,768</b>	<b>1,809,327</b>	<b>659,050</b>
Operations	O-EX	9,388,038	9,432,038	3,895,211
	O-IN	(3,904,228)	(3,923,519)	(1,949,973)
<b>Outflow funded by Rates &amp; Charges</b>		<b>5,483,810</b>	<b>5,508,519</b>	<b>1,945,238</b>
People & Organisational Development	O-EX	1,652,084	1,492,084	626,089
	O-IN	(10,961)	(10,961)	(6,297)
<b>Outflow funded by Rates &amp; Charges</b>		<b>1,641,123</b>	<b>1,481,123</b>	<b>619,792</b>
Safety Amenity & Environment	O-EX	7,853,759	7,451,056	2,241,771
	O-IN	(8,983,191)	(8,561,700)	(6,924,011)
<b>Outflow funded by Rates &amp; Charges</b>		<b>(1,129,432)</b>	<b>(1,110,644)</b>	<b>(4,682,240)</b>
Town Planning & Building	O-EX	1,459,989	1,467,393	501,339
	O-IN	(577,192)	(577,192)	(246,813)
<b>Outflow funded by Rates &amp; Charges</b>		<b>882,797</b>	<b>890,201</b>	<b>254,526</b>
<b>Net Operational (Inflow) / Outflow</b>		<b>20,332,716</b>	<b>20,106,894</b>	<b>1,278,710</b>

FILE NO: 180.11.0002  
3. OUR COMMUNICATIONS AND PROCESSES

ITEM NO: 9.1.1  
(ASSISTANT FINANCIAL ACCOUNTANT,  
ANDREW WILSON)  
(ACTING DIRECTOR CORPORATE  
GOVERNANCE, DOUG SHARP)

**FINANCIAL POSITION REPORT AS AT 30 NOVEMBER 2014 (cont'd)**

	Budget 14/15	Sep 14/15 Forecast	Actuals YTD November 14/15
<b>Funds available through</b>			
Rates and charges	25,812,968	25,762,157	24,629,330
<b>Rate funds available for Capital projects</b>	<b>5,480,252</b>	<b>5,655,262</b>	<b>23,350,620</b>
<b>Capital Outflow</b>	<b>10,720,189</b>	<b>12,270,645</b>	<b>1,836,018</b>
<b>Capital Inflow</b>	<b>(6,146,409)</b>	<b>(5,883,045)</b>	<b>(2,139,634)</b>
<b>Net Council Funding required for Capital Projects</b>	<b>4,573,780</b>	<b>6,387,600</b>	<b>(303,616)</b>

	Budget 14/15	Sep 14/15 Forecast	Actuals YTD November 14/15
<b>Equity Inflow / (Outflow)</b>			
Repayment of Loans	829,560	829,560	336,756
Fund from Equity reserves for Capital carryover		1,550,456	
<b>Net Rate Funds Surplus / (Shortfall)</b>	<b>76,912</b>	<b>(11,442)</b>	<b>23,317,480</b>
<b>Reconciliation with Income Statement</b>			
<b>Net Rate Funds Surplus / (Shortfall)</b>	<b>76,912</b>	<b>(11,442)</b>	<b>23,317,480</b>
<b>Eliminate Balance Sheet items</b>			
Repayment of Loans	829,560	829,560	336,756
Fund from Equity reserves for Capital carryover	-	(1,550,456)	-
Capital Expenditure Capitalised as Assets	10,720,189	12,270,645	1,836,018
<b>Accounting for Non-cash items</b>			
Depreciation Expense and amortisation	(8,740,057)	(8,740,057)	(3,641,690)
Share Profit/Loss Associated Entity	(20,000)	(20,000)	-
Landfill - Interest Unwinding Discount	(429,831)	(429,831)	-
WDV of Infrastructure Replaced	(200,000)	(200,000)	-
	-	-	-
Contributions - Non-Monetary Assets	200,000	200,000	-
<b>Income Statement Surplus / (Deficit)</b>	<b>2,436,773</b>	<b>2,348,419</b>	<b>21,848,564</b>

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(ASSISTANT FINANCIAL ACCOUNTANT,  
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(ACTING DIRECTOR CORPORATE  
GOVERNANCE, DOUG SHARP)

## FINANCIAL POSITION REPORT AS AT 30 NOVEMBER 2014 (cont'd)

### 3. Financial Implications

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

### 4. Risk Management

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

### 5. Internal and External Consultation

The following members of staff were consulted:

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

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

### 6. Regional Context

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

### 7. Council Plan Strategy

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

### 8. Legislative / Policy Implications

The report complies with:

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

### 9. Environmental Impact

There are no environmental impacts associated with this report.

### 10. Conflict of Interest Considerations

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

### 11. Conclusion

Council's financial position as at 30 November 2014 is satisfactory, but it must continue to be managed prudently, particularly in the areas of capital income, capital expenditure and operational growth, for this situation to be maintained.

### Attachments

Nil



FILE NO: 300.03.3000  
6. GOVERNANCE

ITEM NO: 9.1.2  
(ACTING DIRECTOR CORPORATE  
GOVERNANCE, DOUG SHARP)  
(ACTING DIRECTOR CORPORATE  
GOVERNANCE, DOUG SHARP)

## UNDERLYING FINANCIAL POSITION – ANALYSIS REPORT

### RECOMMENDATION

That the analysis report on Moira Shire's financial results for the years 2011/12, 2012/13 and 2013/14 revealing an underlying surplus be noted and that the further work indicated on the current Budget year to determine a forecast position as at 30 June 2015 capable of being compared with these results, be completed ahead of further consideration about future financial planning.

### 1. Executive Summary

An analysis has been undertaken of Moira Shire's published financial statements over successive years from 2011/12 through to the current budget year of 2014/15 in an attempt to ascertain the underlying position after removal of aberrations experienced over this period. The main cause of these aberrations has been the extra ordinary impact on Council's financial results caused by dealing with Flood Recovery works of over \$50 million.

Analysis reveals that in actual results the past three financial years have produced an underlying surplus of varying degrees largely driven by better than expected developer contributions. Further work is being done on the 2014/15 Budget to ascertain a forecast as at 30 June 2015 capable of comparison with past actual results. This will involve an in depth half year review taking into account known variations to the budget that have occurred since it was prepared in April/May.

Nevertheless, the underlying surplus produced over the past three financial years is positive and encouraging.

This report and the further work foreshadowed should be used to inform future financial planning consideration.

### 2. Background and Options

In 2011 Moira Shire experienced a major flood which inundated much of the municipality causing widespread damage. Over a period of three successive years some \$50 million was received by the shire from State and Federal Governments to undertake flood restoration works and recovery programs.

Aside from the workload impact such an event had on the shire, the effect of managing these works and programs was to create a major distortion in Moira's financial statements across most operating areas as the flood recovery funds found their mark.

The situation was compounded by the fact that flood recovery expenditure and the corresponding income didn't match uniformly in any particular financial year. There was a lag due to the requirement to claim back money spent. Depending on timing of works, expenditure could occur in one year and the related income not be claimed and recognised until the following year.

Additionally, changes to the way roads were valued for asset purposes led to abnormal impacts. In one instance, a change to the useful life of roads resulted in an abnormal lump sum increase in depreciation expense in the 2013/14 financial year. Again this was compounded by the fact that it was backdated and therefore included the expense of the two preceding years.

FILE NO: 300.03.3000  
6. GOVERNANCE

ITEM NO: 9.1.2  
(ACTING DIRECTOR CORPORATE  
GOVERNANCE, DOUG SHARP)  
(ACTING DIRECTOR CORPORATE  
GOVERNANCE, DOUG SHARP)

## UNDERLYING FINANCIAL POSITION – ANALYSIS REPORT (cont'd)

Further, a requirement to recognise the value of land under roads for the first time resulted in abnormal income in 2013/14 of some \$4.5million.

Another major aberration involved the prepayment by the Federal Government of general revenue grants in 2011/12 and the consequent fluctuation of this revenue source in succeeding years until it was balanced out in 2013/14.

The net effect of these aberrations, or unusual events, is to distort the financial statements so dramatically as to make year to year comparisons largely meaningless. Moreover, it masked the true underlying position of the council.

An exercise in removing these aberrations and/or spreading their effect so that they match like for like has been undertaken. A revised financial statement for the years affected by the aberrations, namely: 2011/12; 2012/13; 2013/14 has been prepared.

In summary, the key changes to the financial statements involved:

- Removing flood recovery impacts from expenditure and income across the years 2011/12 to 2013/14;
- Removing abnormal impacts from asset re-valuations:
  - depreciation expense caused by road asset revaluation in the year it was wholly brought to account (2013/14) by spreading its effects across the years it was actually incurred (2011/12, 2012/13 and 2013/14);
  - income generated by valuing for the first time land under roads;
- Re-apportioning pre-paid grants to the years they were actually allocated;
- Removing non- recurrent capital grants, that is grants for discrete projects whose expenditure was capitalised in that financial year.

The latter point was done in response to an accounting anomaly whereby a grant for a single capital project is shown as income in the operating statement in the year it is received but the corresponding expenditure isn't. Expenditure is capitalised and shown in the balance sheet. If income is not removed to match, there would be a further distortion of the underlying operating performance.

### Analysis

Undertaking the key changes referred to above reveals the following:

- For the past three financial years there is an underlying surplus of varying degrees. These are –

2011/12	\$29,875
2012/13	\$239,741
2013/14	\$1,370,316

- The key contributor to the variability of these results, and particularly to the significant increase in surplus in 2013/14, is the contributions from developers which came in some \$1m higher than the previous years. This figure is always difficult to predict and depends on private sector activity outside Council's control.

FILE NO: 300.03.3000  
6. GOVERNANCE

ITEM NO: 9.1.2  
(ACTING DIRECTOR CORPORATE  
GOVERNANCE, DOUG SHARP)  
(ACTING DIRECTOR CORPORATE  
GOVERNANCE, DOUG SHARP)

## UNDERLYING FINANCIAL POSITION – ANALYSIS REPORT (cont'd)

- Further work is being done on the 2014/15 Budget to ascertain a forecast as at 30 June 2015 capable of comparison with past actual results. This will involve an in depth half year review taking into account known variations to the budget that have occurred since it was prepared in April/May.
- It is also necessary to understand that by comparing the current year budget with prior year actual results represents a timing issue as the budget is prepared a few months before the previous year is finalised. This lag can produce changes to actual results different to that on which the budget was based.
- Once these factors have been taken into account a further report will be prepared that identifies the underlying forecast budget with actual results of the past three years.
- Nevertheless this report reveals that for the past three financial years with which actual audited results are known, there is an underlying surplus albeit variable and largely driven by the value of developer contributions.

### 3. Financial Implications

This report will assist in long term future planning.

### 4. Risk Management

Risk will be mitigated through prudent financial monitoring and planning.

### 5. Internal and External Consultation

Discussions have been held with the finance department and the Corporate Management Team.

### 6. Regional Context

There is no regional context to consider within this report.

### 7. Council Plan Strategy

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

STRATEGY 6.1 Ensure responsible resource management and adherence to good governance practices as prescribed by internal and external audit requirements.

### 8. Legislative / Policy Implications

Victorian Local Government Act 1989, Part 7 Financial Management.

### 9. Environmental Impact

There are no environmental impacts to consider within this report.

### 10. Conflict of Interest Considerations

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

FILE NO: 300.03.3000  
6. GOVERNANCE

ITEM NO: 9.1.2  
(ACTING DIRECTOR CORPORATE  
GOVERNANCE, DOUG SHARP)  
(ACTING DIRECTOR CORPORATE  
GOVERNANCE, DOUG SHARP)

## UNDERLYING FINANCIAL POSITION – ANALYSIS REPORT (cont'd)

### 11. Conclusion

Council is building a knowledge base of its financial position. The Annual Report was a first step in understanding its financial situation in a pure accounting form as at 30 June 2014. The Whelan Report took a different perspective by looking at the unique challenges Moira faces by virtue of the way it is constructed as a municipality and assess its financial sustainability on that basis.

This report takes another approach. It peels back the published financial results to remove aberrations that have distorted its financial position over the past few years, particularly due to the flood recovery works, in order to produce the underlying situation.

It reveals that the past three financial years have produced an underlying surplus of varying degrees. This is a positive outcome and encouraging.

Further work is needed to ascertain the underlying position relating to the current financial year. This will become clearer once an in depth analysis of the current budget taking into account known variations since it was prepared in April/May.

The information gained from this report and further work foreshadowed should be used to further inform future financial planning consideration.

### Attachments

- 1 2011-12 to 2013-14 Income Stmt Excl ExtraOrd items Summary\_final



FILE NO: 300.03.3000  
6. GOVERNANCE

ITEM NO: 9.1.2  
(ACTING DIRECTOR CORPORATE GOVERNANCE, DOUG SHARP)  
(ACTING DIRECTOR CORPORATE GOVERNANCE, DOUG SHARP)

UNDERLYING FINANCIAL POSITION – ANALYSIS REPORT (cont'd)

ATTACHMENT No [1] - 2011-12 to 2013-14 Income Stmt Excl ExtraOrd items Summary\_final

Moirira Shire Council										
Comprehensive Income Statement analysis excluding "Extraordinary and Non-Recurrent Capital Income"										
	2011/12			2012/13			2013/14			Comments
	As per	Excluding	Revised	As per	Excluding	Revised	As per	Excluding	Revised	
	Financial Stmt	"Extraordinary" & Non-recurrent items	Income Statement	Financial Stmt	"Extraordinary" & Non-recurrent items	Income Statement	Financial Stmt	"Extraordinary" & Non-recurrent items	Income Statement	
Income										
Rates and Charges	25,506,316		25,506,316	27,691,718		27,691,718	28,916,674		28,916,674	
Special Rates	30,973		30,973			-			-	
Grants - Operating (recurrent)	10,634,366	(2,210,160)	8,424,206	8,806,745	(209,494)	8,597,251	4,885,642	4,570,817	9,456,459	Smoothing the advance payments received in June month relating to the next financial year
Grants - Operating (non-recurrent)	7,870,743	(6,200,000)	1,670,743	30,817,702	(29,248,251)	1,569,451	17,230,029	(15,813,113)	1,416,916	Flood Emergency related funding
Grants - Capital	4,273,644	(2,495,696)	1,777,948	5,746,083	(3,754,262)	1,991,821	4,169,885	(2,768,685)	1,401,200	Only Roads to Recovery Grants are Recurrent
Contributions - cash	952,135		952,135	307,952		307,952	583,943		583,943	
Contributions - non-monetary assets	1,186,608		1,186,608	826,038		826,038	2,018,041		2,018,041	
Reimbursements and Subsidies	151,629		151,629	85,526		85,526	82,991		82,991	
User Fees	2,548,668		2,548,668	2,724,289		2,724,289	2,726,841		2,726,841	
Statutory Fees and Fines	910,238		910,238	883,170		883,170	992,152		992,152	
Interest	775,088		775,088	614,568		614,568	525,679		525,679	
Net gain on disposal of asset held for sale			-	182,385		182,385	-		-	
Recognition of assets under Council control			-	3,393,432	(3,393,432)	-	4,569,882	(4,569,882)	-	Previously unrecognised assets
Share of net profit of investments in Associates			-			-			-	
accounted for by the equity method:			-			-			-	
- Goulburn Valley Regional Library Corporation	58,794		58,794	45,459		45,459	33,254		33,254	
- Moira Arts and Culture Inc.,			-			-	13,251		13,251	
Other	151,178		151,178	425,374		425,374	239,988		239,988	
Total Income	55,050,380	(10,905,856)	44,144,524	82,550,441	(36,605,439)	45,945,002	66,988,252	(18,580,863)	48,407,389	
Expenses										
Employee Costs	17,247,604	(184,099)	17,063,505	16,563,788	(447,818)	16,115,970	17,289,533	(258,896)	17,030,637	
Materials and Services	10,096,445	(2,501,362)	7,595,083	43,448,865	(33,840,849)	9,608,016	13,682,710	(3,859,461)	9,823,249	Flood Emergency related expenditure
Loss on disposal of infrastructure assets			-	3,936,962	(3,936,962)	-	2,287,179	(2,287,179)	-	WDV of Infrastructure replaced
Work in Progress expensed			-	2,352,826	(2,352,826)	-	-		-	Flood Emergency related expenditure
External Contract Services	5,287,544	(710,037)	4,577,507	8,127,409	(3,146,745)	4,980,664	11,179,423	(6,316,663)	4,862,760	Flood Emergency related expenditure
Utilities	901,698	(308)	901,390	1,034,778	(4,513)	1,030,265	1,218,437	(3,437)	1,215,000	Flood Emergency related expenditure
Bad and Doubtful Debts	10,750		10,750	11,120		11,120	-		-	
Depreciation	8,149,422	386,540	8,535,962	8,688,263	386,540	9,074,803	9,725,604	(781,280)	8,944,324	Depreciation due to correction of life and unit rate of Road Asset amounting to \$1.17million has been divided equally back to three years.
Interest on Borrowings	683,770		683,770	649,282		649,282	587,100		587,100	
Interest on Unwinding of Discount on Provisions	449,991		449,991	276,228		276,228	265,407		265,407	
Work in Progress expensed in current year	70,948		70,948	30,950		30,950			-	
Small Plant Written off	48,509		48,509	13,159		13,159			-	
Fair Value Adjustment of Intangible Asset	366,309		366,309	29,222		29,222	108,565		108,565	
Net loss on Disposal of Property, Plant & Equipment	10,896		10,896	6,241		6,241	130,632		130,632	
Other Expenses	3,806,328	(6,300)	3,800,028	3,895,155	(15,815)	3,879,340	4,078,053	(8,654)	4,069,399	Flood Emergency related expenditure
Total Expenses	47,130,214	(3,015,565)	44,114,649	89,064,248	(43,358,987)	45,705,261	60,552,643	(13,515,570)	47,037,073	
Surplus / (Deficit) for the year	7,920,166	(7,890,291)	29,875	(6,513,807)	6,753,548	239,741	6,435,609	(5,065,293)	1,370,316	
Other Comprehensive Income										
Net asset revaluation increment (decrement)	(14,117,024)		(14,117,024)	26,888,387		26,888,387	(94,437,654)		(94,437,654)	
Total Comprehensive Result	(6,196,858)		(14,087,149)	20,374,580		27,128,128	(88,002,045)		(93,067,338)	

FILE NO: F13/651  
6. GOVERNANCE

ITEM NO: 9.1.3  
(MANAGER COMMUNITY SERVICES, DAVID  
BOOTH)  
(ACTING DIRECTOR CORPORATE  
GOVERNANCE, DOUG SHARP)

## PUBLICATION OF PUBLIC NOTICES

### RECOMMENDATION

That Council:

1. Rescind the motion of the Ordinary meeting of 20 September 2010 and;
2. Resolve that Public Notices on behalf of Council are advertised in one of or a number of the following local newspapers as deemed appropriate;
  - a. Numurkah Leader
  - b. Cobram Courier
  - c. Yarrawonga Chronicle
  - d. Redgum Courier (Nathalia) and
  - e. Strathmerton Standard
3. Consider the use of regional or daily national newspapers as appropriate on matters of broader significance.

### 1. Executive Summary

The Local Government Act 1989 provides the following definition in relation to public notices;

**public notice** means a notice published in a newspaper generally circulating in the municipal district of the Council chosen for the purpose by—

- (a) if the notice is required to be given by the Council, the Council;
- (b) if the notice is required to be given by the Registrar, the Registrar;
- (c) if the notice is required to be given by the returning officer, the returning officer;

#### Note

See also section 82A(2) which requires any public notice to be given by the Council to be published on the Internet website of the Council.

In support of this definition it is suggested that Council resolve which newspaper/s in its municipal district should be used for the publication of public notices.

This report recommends that Council use one of or a number of the following local newspapers for the publication of public notices, the Numurkah Leader, Cobram Courier, Yarrawonga Chronicle, Redgum Courier and Strathmerton Standard for this purpose.

### 2. Background and Options

As part of meeting its obligations to both the Local Government Act 1989 and the community, Council is required to publish public notices in the carrying out of its business.

More specifically, Council is required to publish in newspaper(s) that circulate in the municipality.

FILE NO: F13/651  
6. GOVERNANCE

ITEM NO: 9.1.3  
(MANAGER COMMUNITY SERVICES, DAVID  
BOOTH)  
(ACTING DIRECTOR CORPORATE  
GOVERNANCE, DOUG SHARP)

## **PUBLICATION OF PUBLIC NOTICES (cont'd)**

Previously at its Ordinary meeting of 20 September 2010, Council resolved to use the following local and regional newspapers for publication of public notices;

- Numurkah leader;
- Cobram Courier;
- Yarrawonga Chronicle;
- Redgum Courier;
- Border Mail and
- Shepparton News

No provision was made for the use of one newspaper or a smaller number of the above listed newspapers as deemed appropriate based on the nature of the public notice.

It has become evident in recent years that this list of newspapers used as a collective as detailed in that report exceeds what is reasonable with regards the target readership. In some instances a lesser number of newspapers have been used for public notices such as local road closures.

This report recommends that Council rescind the previous resolution from the 20 September 2010 Ordinary meeting relating to public notice and nominate the following local newspapers for the publication of public notices either individually or in combination as appropriate;

- Numurkah Leader
- Cobram Courier
- Yarrawonga Chronicle
- Redgum Courier (Nathalia) and
- Strathmerton Standard

Use of a single newspaper would be limited to public notices that related to local area matters such as a local road closure. For other matters requiring public notice advertising, a number of or indeed all of the above listed local newspapers could be considered. Subject to the timeliness of information received and the deadlines for the respective newspapers, not all local newspapers would be used each time.

It should also be noted that where a broader readership is seen as beneficial to convey a message, public notices may be advertised in Regional newspapers such as the Border Mail and Shepparton News and in some cases daily national newspapers such as the Age and Herald Sun.

Whilst public notices can and are published on Councils website, this alone does not satisfy the requirement of the Local Government Act

### **3. Financial Implications**

The financial implication in relation to this report relates to the current cost associated with advertising in more newspapers than may otherwise be necessary.

If adopted, the recommendation contained within this report will reduce Councils base financial cost in relation to advertising public notices.

FILE NO: F13/651  
6. GOVERNANCE

ITEM NO: 9.1.3  
(MANAGER COMMUNITY SERVICES, DAVID  
BOOTH)  
(ACTING DIRECTOR CORPORATE  
GOVERNANCE, DOUG SHARP)

## PUBLICATION OF PUBLIC NOTICES (cont'd)

Costs for advertising public notices would vary according to the readership deemed appropriate and the number of newspapers used to achieve this readership.

### 4. Risk Management

There are no risk management considerations associated with this report.

### 5. Internal and External Consultation

Internal consultation on this report has been held with the Communications and Engagement team. It was not considered necessary to undertake community consultation in relation to this report as the matter seeks only to address the issue of selecting newspaper/s that are generally circulating in the municipal district.

### 6. Regional Context

There are no regional context considerations associated with this report

### 7. Council Plan Strategy

This report supports STRATEGY 4.7 of the 2013/14 – 2016/17 Council Plan - Improve Council information, accessibility through effective use of communication and media and ensure services are continuing to meet community expectations and demonstrating a culture of engagement

### 8. Legislative / Policy Implications

This report complies with the requirements of the Local Government Act 1989.

### 9. Environmental Impact

There are no environmental impact considerations associated with this report.

### 10. Conflict of Interest Considerations

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

### 11. Conclusion

In accordance with the Local Government Act 1989, Council is required to resolve which newspaper(s) generally circulating in the municipal district should be used for the lodgement of public notices. This report recommends the use of at least one of or a number of the following local newspapers for this purpose;

- Numurkah Leader
- Cobram Courier
- Yarrawonga Chronicle
- Redgum Courier (Nathalia) and
- Strathmerton Standard

This decision does not restrict Council from placing a public notice in a number of or indeed any other newspaper to achieve an appropriate readership for the purpose of the public notice.

### Attachments

Nil



FILE NO: 060.10.002  
2. OUR ENVIRONMENT AND LIFESTYLE

ITEM NO: 9.2.1  
(PERSONAL ASSISTANT TO CEO, ROBYN  
BONADDIO)  
(CHIEF EXECUTIVE OFFICER, MARK  
HENDERSON)

## 2015 NUMURKAH AGRICULTURAL & PASTORAL SOCIETY SHOW DAY PUBLIC HOLIDAY REQUEST

### RECOMMENDATION

That Council in accordance with section 8A of the *Public Holidays Act 1993*, request the Minister to declare a full day public holiday within the Numurkah district, as defined on the attached map, on Wednesday 21 October 2015 for the Numurkah Show as a substitute public holiday for the appointed Melbourne Cup Day holiday in 2015. (The Numurkah district is defined by the Numurkah Agricultural and Pastoral Society Inc as the area within the Shire boundaries prior to amalgamation.)

#### 1. Executive Summary

On 8 November, Council received a letter from the Numurkah Agricultural Society requesting that Moira Shire Council, under the Public Holiday Amendment Bill 2011, recommend the Society be granted a Public Holiday for the 2015 Numurkah Show which will be held on Wednesday 21 October 2015.

Under the Act, Councils can request substitute public holiday days for Melbourne Cup Day. In the past Council has requested that a public holiday be declared for the 2011, 2012, 2013, 2014 Numurkah Show Days. It is recommended that Council continue to support the full day public holiday for the Numurkah Show Day in 2015.

#### 2. Background and options

The Public Holidays Act 1993 was amended in 2008 and as a result Melbourne Cup Day was automatically made a public holiday across the entire State of Victoria. This change ensured that all Victorians receive the same number of public holidays each year, regardless of where they live.

The Public Holiday Amendment Bill, May 2011 amended section 8 of the Public Holiday Act 1993 so that it is subject to a new section 8A. Section 8A states that Councils may request substitute public holiday days for Melbourne Cup Day.

Under the amended Act, non-metropolitan Councils may request in writing that the Minister make a declaration under Section 8(1),

- a) that the day appointed under section 6 being the first Tuesday in November (Melbourne Cup Day) is not in a specified year such a public holiday in the whole or any part of the municipal district of that Council; and
- b) that another day or 2 half days (one half day of which may be Melbourne Cup Day) be appointed as a public holiday or 2 public half-holidays in that year.

A request under subsection (1) must be made at least 90 days before the Melbourne Cup Day to which the request relates.

In years prior to 2008, Council declared a half day public holiday in the Numurkah district, as it existed prior to amalgamation, in recognition of the local Numurkah Show. However no alternate arrangements were declared in any other area.

FILE NO: 060.10.002  
2. OUR ENVIRONMENT AND LIFESTYLE

ITEM NO: 9.2.1  
(PERSONAL ASSISTANT TO CEO, ROBYN  
BONADDIO)  
(CHIEF EXECUTIVE OFFICER, MARK  
HENDERSON)

## **2015 NUMURKAH AGRICULTURAL & PASTORAL SOCIETY SHOW DAY PUBLIC HOLIDAY REQUEST (cont'd)**

On 8 November, Council received a letter from the Numurkah Agricultural Society requesting that Moira Shire Council recommend, under the Public Holiday Amendment Bill 2011, that the Society be granted a Public Holiday for the 2015 Numurkah Show which will be held on Wednesday 21 October 2015.

At the July 2011 Council meeting Moira Shire Council carried a motion to request the substitute public holiday for the Numurkah Annual Show in 2011; this also occurred at the February 2012 meeting for the 2012 Show day and in December 2012 for the 2013 Show day for in February 2014 for the 2014 show day. It is recommended that Council continue to support the full day public holiday in 2015.

### **3. Financial Implications**

There are no identified financial implications to Council in relation to this decision as the annual budget has taken into account all entitled public holidays.

### **4. Risk Management**

There are no risk management issues associated with this report.

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

In addition to the petition received by Council in early 2011, Council received a delegation from the Numurkah Agricultural and Pastoral Society on the 21<sup>st</sup> of March 2011 seeking support for the Show Day public holiday. Council has received a letter dated 5 November 2012, 30 October 2013 and 8 November 2014 requesting that Council recommends a Public Holiday for 2013.

### **6. Regional Context**

Regional councils have the ability to nominate a full-day public holiday or two half-day public holidays in different parts of their municipality for agricultural and pastoral shows or regional race days, following the amendment to the Public Holidays Act.

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

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

### **8. Legislative / Policy Implications**

The Public Holiday Amendment Bill, May 2011 amends section 8 of the Public Holiday Act 1993 so that it is subject to a new section 8A. Section 8 A councils may request a substitute holiday for Melbourne Cup Day.

Under the amended Act, non-metropolitan councils may request in writing that the Minister make a declaration under Section 8(1):

- (a) that the day appointed under section 6, being the first Tuesday in November (Melbourne Cup Day ) is not in a specified year such a public holiday in the whole or any part of the municipal district of that Council; and
- (b) that another day or two half days (one half day of which may be Melbourne Cup Day) be appointed as a public holiday or two public half-holidays in that year.

FILE NO: 060.10.002  
2. OUR ENVIRONMENT AND LIFESTYLE

ITEM NO: 9.2.1  
(PERSONAL ASSISTANT TO CEO, ROBYN  
BONADDIO)  
(CHIEF EXECUTIVE OFFICER, MARK  
HENDERSON)

## 2015 NUMURKAH AGRICULTURAL & PASTORAL SOCIETY SHOW DAY PUBLIC HOLIDAY REQUEST (cont'd)

A request under subsection (1) must be made at least 90 days before the Melbourne Cup Day to which the request relates.

### 9. Environmental Impacts

There are no identified environmental implications associated with this report.

### 10. Conflict of Interest Considerations

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

### 11. Conclusion

Council is aware that changes to the Public Holidays Act 1993, amended in 2011, creates an opportunity to support the Numurkah Show as a public holiday and that strong representations have been made, particularly from the Numurkah Agricultural and Pastoral Society in relation to Council's ability to support the event and the public holiday in the area.

Moirā Shire Council did request the substitute public holiday for the 2011, 2012, 2013 and 2014 Numurkah Annual shows and it is recommended that Council support the full day public holiday for the Numurkah Show in 2015.

## Attachments

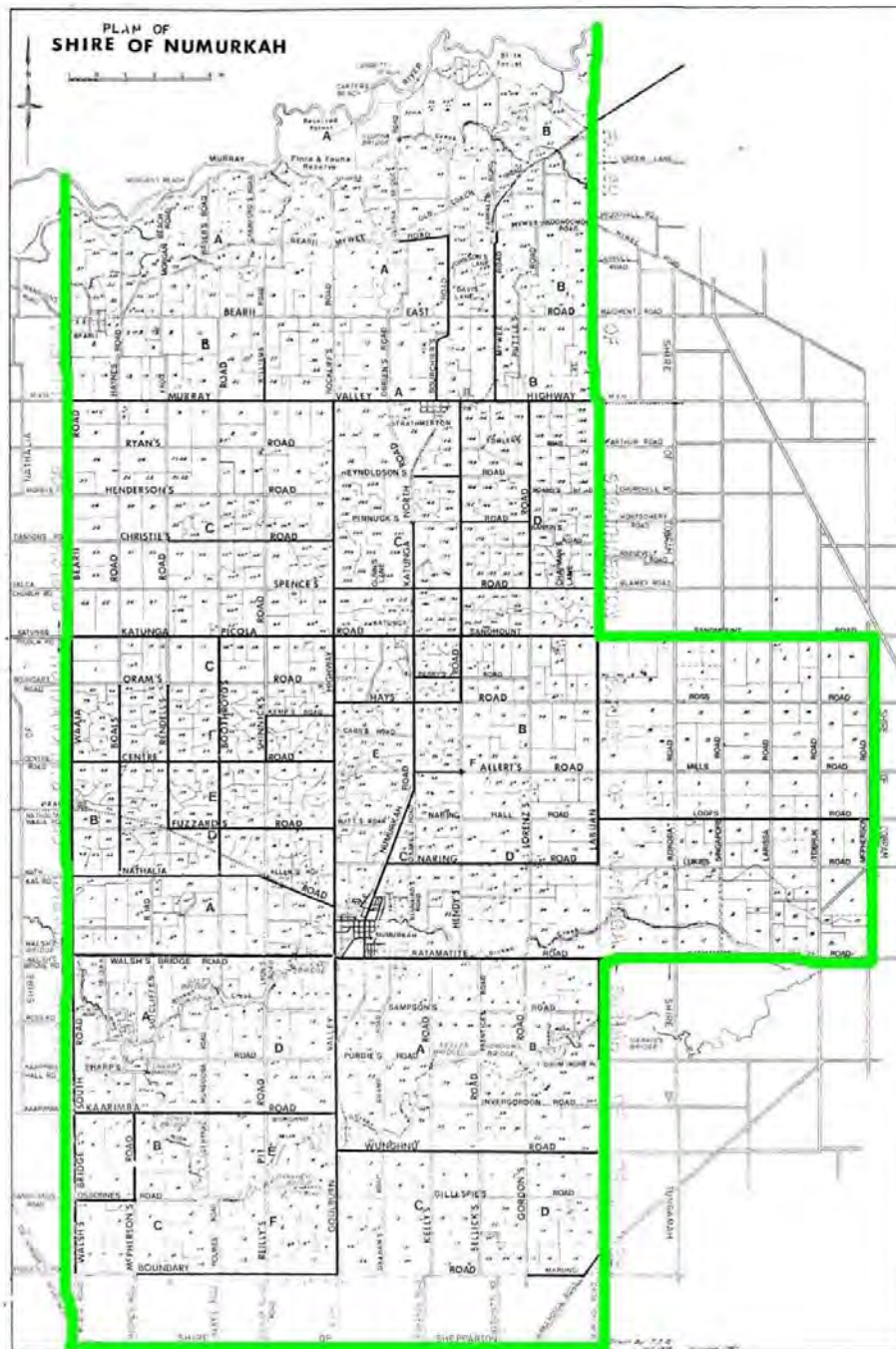
- 1 Map of Numurkah Boundary

FILE NO: 060.10.002  
2. OUR ENVIRONMENT AND LIFESTYLE

ITEM NO: 9.2.1  
(PERSONAL ASSISTANT TO CEO, ROBYN  
BONADDIO)  
(CHIEF EXECUTIVE OFFICER, MARK  
HENDERSON)

**2015 NUMURKAH AGRICULTURAL & PASTORAL SOCIETY SHOW DAY  
PUBLIC HOLIDAY REQUEST (cont'd)**

ATTACHMENT No [1] - Map of Numurkah Boundary



FILE NO: F13/2153  
2. COMMUNITY

ITEM NO: 9.2.2  
(LAW ENFORCEMENT OFFICER, BOB  
IANSON)  
(DIRECTOR, COMMUNITY, PETER  
BERTOLUS)

## DOMESTIC ANIMAL MANAGEMENT PLAN - 2013/2014 ANNUAL REVIEW

### RECOMMENDATION

That Council:

1. Receive and note the Annual review of the Domestic Animal Management Plan;
2. Publish the annual review of Domestic Animal Plan as part of the 2014/2015 Annual Report; and
3. Forward the Review of the Domestic Animal Plan to the Minister of Agriculture.

### 1. Executive Summary

Section 68A of the *Domestic Animals Act 1994* (the Act) states that "Every Council must, in consultation with the Secretary, prepare at 4 year intervals a domestic animal management (DAM) plan".

The Moira Shire Domestic Animal Management Plan 2013-2017 was adopted by Council at its 24 June 2013 meeting.

The Act also states that every Council must:

1. review its domestic animal management plan annually and, if appropriate, amend the plan;
2. provide the Secretary with a copy of the plan and any amendments to the plan; and
3. Publish an evaluation of its implementation of the plan in its annual report".

Councils Safety and Amenity Officers have reviewed, in accordance with the legislative requirements, the Domestic Animal Management Plan 2013-2017. The following report details the 2013-2014 review and recommends the completion of requirements 2 and 3 above.

### 2. Background and Options

#### Context

Section 68A of the *Domestic Animals Act 1994* states that:

"Every Council must, in consultation with the Secretary, prepare at 4 year intervals a domestic animal management plan.

A domestic animal management plan prepared by a Council must:

- set out a method for evaluating whether the animal control services provided by the Council in its municipal district are adequate to give effect to the requirements of this Act and the regulations;
- outline programs for the training of authorized officers to ensure that they can properly administer and enforce the requirements of this Act in the Council's municipal district;
- outline programs, services and strategies which the Council intends to pursue in its municipal district:
  - to promote and encourage the responsible ownership of dogs and cats;
  - to ensure that people comply with this Act, the regulations and any related legislation;
  - to minimize the risk of attacks by dogs on people and animals;
  - to address any over-population and high euthanasia rates for dogs and cats;
  - to encourage the registration and identification of dogs and cats;
  - to minimize the potential for dogs and cats to create a nuisance; and

FILE NO: F13/2153  
2. COMMUNITY

ITEM NO: 9.2.2  
(LAW ENFORCEMENT OFFICER, BOB  
IANSON)  
(DIRECTOR, COMMUNITY, PETER  
BERTOLUS)

## DOMESTIC ANIMAL MANAGEMENT PLAN - 2013/2014 ANNUAL REVIEW (cont'd)

- to effectively identify all dangerous dogs, menacing dogs and restricted breed dogs in that district and to ensure that those dogs are kept in compliance with this Act and the regulations;
- provide for the review of existing orders made under this Act and local laws that relate to the Council's municipal district with a view to determining whether further orders or local laws dealing with the management of dogs and cats in the municipal district are desirable;
- provide for the review of any other matters related to the management of dogs and cats in the Council's municipal district that it thinks necessary; and
- Provide for the periodic evaluation of any program, service, strategy or review outlined under the plan.

Every Council must:

1. review its domestic animal management plan annually and, if appropriate, amend the plan;
2. provide the Secretary with a copy of the plan and any amendments to the plan; and
3. Publish an evaluation of its implementation of the plan in its annual report".

### **Moira Shire Domestic Animal Management Plan 2013-2017**

The Moira Shire Domestic Animal Management Plan 2013-2017 was adopted by Council at its 24 June 2013 meeting. The Plan contains the following Priority Areas:

- a) Training of Authorised Officers;
- b) Registration and Identification;
- c) Nuisance Complaints;
- d) Declared Dogs;
- e) Dog Attacks;
- f) Over population and High Euthanasia;
- g) Domestic Animal Businesses; and
- h) Other Matters including Emergency Management and Pound Improvements.

The annual review of the DAM plan followed this structure.

### **Annual review of Domestic Animal Management Plan for 2013-2014**

Councils Safety and Amenity Officers have, in accordance with the legislative requirements, reviewed the Domestic Animal Management Plan 2013-17 for the 2013-2014. The current Domestic Animal Management Plan has not been amended as it remains relevant. The review is described as follows:

#### **a) Officer's Training**

The Current Safety and Amenity Officers are all very experienced who have undergone extensive training over their careers. They have received further training throughout the year including 'Dealing with difficult customers' and attending information sessions in relation to the new code of practice for breeding and rearing establishments.

#### **b) Registration & Identification**

The following activities were undertaken throughout the review period:

- all animals released from pound have been registered;
- Council has achieved its annual 4% rise in animal registrations;
- limited animal door knocks occurred;
- pound Register has been updated to meet legislative requirements;
- various media releases have been published throughout the year;

FILE NO: F13/2153  
2. COMMUNITY

ITEM NO: 9.2.2  
(LAW ENFORCEMENT OFFICER, BOB  
IANSON)  
(DIRECTOR, COMMUNITY, PETER  
BERTOLUS)

**DOMESTIC ANIMAL MANAGEMENT PLAN - 2013/2014 ANNUAL REVIEW (cont'd)**

- discount micro chipping options and registration fee structure has been completed;
- all known deceased animals were scanned for microchips; and
- additional brochures were distributed to service centres.

**c) Nuisance Animals**

The following activities were undertaken throughout the review period:

- cat curfew implemented;
- cat trap program implemented;
- various cat brochures were displayed at service centres;
- further signs were erected along with disposal bags displayed at Showgrounds in towns;
- review of dogs in Public Places was conducted with restrictions placed at Nathalia Showgrounds;
- signs at Council Parks were inspected and updated; and
- barking dog brochures were obtained and have been distributed to customers.

All other objectives are on target.

**d) Declared Dogs**

The Council website is continually upgraded as required as is a database of declared dogs. There are currently 24 declared dogs in Moira Shire.

**e) Dog Attacks**

Media releases have been conducted to educate the community to report incidents to council. Alleged dog attacks are recorded. There have been no prosecutions in relation to dog attacks.

**f) Overpopulation / High Euthanasia**

Council has been successful in rehousing both dogs and cats thereby reducing the euthanasia rates of domestic animals. During the review period 221 dogs and 275 cats were admitted into the Moira Shire Council pound. Of these 53% were reclaimed by their owners. The remaining animals were assessed by Officers for suitability to be rehoused through an adoption program. This adoption program was fully established within the review period and involved developing relationships and working in partnership with eight foster care groups. The percentage of dogs rehoused increased from 31% to 73% and cat adoption increased from 9% to 15%.

**g) Domestic Animal Business**

There were no new domestic animal businesses established within the review period. One business closed within the review period. Compliance inspections have been undertaken at a number of domestic animal businesses and identified shortfalls have been rectified in accordance with the Codes.

**hi) Emergency Management Planning**

A DAM Plan for Emergency situations is currently being drafted. Council has experienced extensive fires throughout the shire which required towns to be evacuated. Many domestic animals were brought to the evacuation site. This experience will be utilized in the Emergency Management Plan.

FILE NO: F13/2153  
2. COMMUNITY

ITEM NO: 9.2.2  
(LAW ENFORCEMENT OFFICER, BOB  
IANSON)  
(DIRECTOR, COMMUNITY, PETER  
BERTOLUS)

## DOMESTIC ANIMAL MANAGEMENT PLAN - 2013/2014 ANNUAL REVIEW (cont'd)

### hii) Pound Improvements

Council has spent the \$60,000 allocated in the 2013/14 Capital Works budget on pound improvements. Improvements completed to date focused on Occupational Health and Safety and improving animal welfare and include:

- External lighting installed;
- Drainage cleaned and upgraded;
- Security fence and roller doors erected;
- Ventilation skylights/ fan installed;
- Landline phone installed;
- Concrete pits upgraded;
- Flooring sealed with non-slip walkways;
- Toilet repaired;
- Washing machine and fridge purchased;
- 4 dog runs installed;
- Non-porous walls installed;
- Rotten doors replaced;
- 9 cat cages, 6 cat traps, 12 dog beds and 1 cat crush purchased.

A further upgrade plan will be submitted for the 2015/2016 financial year.

### 3. Financial Implications

There are no financial implications in conducting the review of the DAM Plan.

### 4. Risk Management

Implementation of the DAM Plan aims to address or at least reduce many risks associated with animal management through promoting and supporting responsible pet ownership and management of animals and the protection of the environment.

### 5. Internal and External Consultation

The Safety and Amenity team have contributed to the review of the DAM plan.

### 6. Regional Context

DAM plans are developed to be consistent where possible with other councils in the region.

### 7. Council Plan Strategy

The DAM Plan is included in Strategic Goal 2 Community. The intent of this strategic goal is to "be a Shire where all its people and communities are happy, healthy and safe with the ability and the opportunity to integrate, participate, connect and contribute to their communities."

The strategy addressing the DAM Plan is to "protect the Safety and Amenity for the Community" with the performance measure being defined as "implementing the Domestic Animal Management Plan and reporting compliance to Council in a timely manner."

### 8. Legislative / Policy Implications

In accordance with section 68A of the Domestic Animals Act, the Annual review of the Domestic Animal management Plan is submitted to Council.



FILE NO: F13/2153  
2. COMMUNITY

ITEM NO: 9.2.2  
(LAW ENFORCEMENT OFFICER, BOB  
IANSON)  
(DIRECTOR, COMMUNITY, PETER  
BERTOLUS)

## DOMESTIC ANIMAL MANAGEMENT PLAN - 2013/2014 ANNUAL REVIEW (cont'd)

### **Domestic Animals Act 1994**

The *Domestic Animals Act 1994* (the Act), the *Domestic Animals Regulations 2005* (the Regulations) and all relevant Codes of Practice aim at promoting animal welfare, the responsible ownership of dogs and cats and the protection of the environment through the provision of various animal management services.

Animal Management is a rapidly evolving area with various amendments to the Act, the Regulations and Codes of Practice being introduced. The amendments reflect the changing priorities within the community regarding dangerous and restricted breed dogs, animal welfare, domestic animal businesses, euthanasia rates and pound operations.

To improve and promote the importance of the animal management service and to ensure that the legislative amendments are incorporated within every Victorian Council's service, the Government has adopted a formalised approach with Section 68A of the Act requiring that each Council prepare and implement a DAM Plan every four years. Section 68A of the Act also outlines the requirements of the DAM Plan and includes the key issues that must be addressed.

The purpose of the Act is to promote animal welfare, the responsible ownership of dogs and cats and the protection of the environment by providing for:

- a scheme to protect the community and the environment from feral and nuisance dogs and cats;
- a registration and identification scheme for dogs and cats which recognizes and promotes responsible ownership;
- the identification and control of dangerous dogs, menacing dogs and restricted breed dogs;
- a registration scheme for domestic animal businesses which promotes the maintenance of standards of those businesses;
- matters related to the boarding of dogs and cats;
- the regulation of the permanent identification of dogs, cats, horses and other animals;
- payments to the Treasurer from fees received by Councils under this Act; and
- other related matters.

### **Domestic Animal Regulations 2005**

Under Section 100 of the Act, regulations surrounding the management of dogs and cats can be made by the Governor including prescribing specifications for declared dogs, including a standard for a restricted breed, permanent identification (micro chipping) requirements and various other matters. The current Regulations came into effect in 2005 and are the *Domestic Animals Regulations 2005* (The Regulations).

The above legislative requirements require that a Domestic Animal Management Plan be implemented on a four year cycle with an annual review of the plan.

## **9. Environmental Impact**

The DAM Plan promotes responsible pet ownership which in turn restricts damage to wildlife and vegetation.

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

There is no conflict of interests for officers implementing the Domestic Animal Management Plan.

FILE NO: F13/2153  
2. COMMUNITY

ITEM NO: 9.2.2  
(LAW ENFORCEMENT OFFICER, BOB  
IANSON)  
(DIRECTOR, COMMUNITY, PETER  
BERTOLUS)

**DOMESTIC ANIMAL MANAGEMENT PLAN - 2013/2014 ANNUAL REVIEW (cont'd)**

**11. Conclusion**

In 2013 Council adopted the current Domestic Animal Management Plan 2013-2017. This plan is reviewed annually and reported to the Secretary of the DEPI. This report provides details of the 2013-2014 annual review of the Domestic Animal Plan. No amendments are required as the current plan remains relevant. Councils Safety and Amenity Team will continue to implement the Domestic Animal Plan.

**Attachments**

Nil

FILE NO: 100.01. 001  
3. DEVELOPMENT AND LIVEABILITY

ITEM NO: 9.2.3  
(PERSONAL ASSISTANT TO CEO, ROBYN  
BONADDIO)  
(CHIEF EXECUTIVE OFFICER, MARK  
HENDERSON)

## YARRAWONGA MULWALA BRIDGE ALIGNMENT

### RECOMMENDATION

That:

1. Council seek a deputation with the incoming Minister of Transport to confirm to the Green Route as the preferred alignment for the Yarrowonga Mulwala Bridge.

### 1. Executive Summary

The former Victorian Roads Minister announced the governments support for the green route for the Yarrowonga Mulwala Bridge and retention of the existing bridge.

Following the change of government after the recent election, Council seeks to determine the new government's stance on the location of the proposed bridge and a commitment to the construction of the new bridge before the closure of the weir bridge in 2020.

Council also wishes to advise the new government that the "Green Route" is Council's preferred location for new bridge and looks forward to the new government supporting this route.

### 2. Background and Options

At the 18 November 2013 Ordinary Council Meeting, Council moved the following motion: "That Moira Shire Council's preferred route for the Yarrowonga-Mulwala Bridge is option Green B; and to advise the relevant authorities."

With the recent Victorian State Election and the change of Government it is timely for Council to reinforce its commitment to the Green Route and to open up dialogue with the incoming Minister.

### 3. Financial Implications

There are no financial implications to consider within this report as VicRoads has confirmed that construction costs are not a key consideration in determining the route.

### 4. Risk Management

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

### 5. Internal and External Consultation

"VicRoads carried out community consultation on route options between November 2013 and August 2014 and both the Green B and Grey B route options were found to be beneficial."

At the 18 November 2013 Ordinary Council Meeting, Council moved the following motion: "That Moira Shire Council's preferred route for the Yarrowonga-Mulwala Bridge is option Green B; and to advise the relevant authorities."

FILE NO: 100.01. 001  
3. DEVELOPMENT AND LIVEABILITY

ITEM NO: 9.2.3  
(PERSONAL ASSISTANT TO CEO, ROBYN  
BONADDIO)  
(CHIEF EXECUTIVE OFFICER, MARK  
HENDERSON)

## **YARRAWONGA MULWALA BRIDGE ALIGNMENT (cont'd)**

### **6. Regional Context**

While the Victorian Government and Vicroads have led the way on the bridge planning project and now the selection of the preferred route, cooperation, support and funding is also required from the NSW and Federal Government.

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

Infrastructure: Moira will be a desirable place to live, work and visit in North Central Victoria supported by its infrastructure, assets and facilities.

### **8. Legislative / Policy Implications**

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

### **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 to consider within this report.

### **11. Conclusion**

That Council continues its advocacy regarding the preferred green route with the newly elected government.

### **Attachments**

Nil

FILE NO: F14/407  
3. DEVELOPMENT AND LIVEABILITY

ITEM NO: 9.3.1  
(MANAGER TOWN PLANNING AND  
BUILDING, JORINE BOTHMA)  
(ACTING DIRECTOR, DEVELOPMENT AND  
LIVEABILITY, ANDREW CLOSE)

**AMENDMENT C81- REQUEST TO AMEND THE MOIRA PLANNING SCHEME BY  
REZONING PART LOT A ON PS300731, BEING LAND AT 2 CARTER STREET,  
EAST KATUNGA FROM FARMING ZONE TO TOWNSHIP ZONE**

**RECOMMENDATION**

That:

In accordance with the *Planning and Environment Act, 1987 (the Act)* for an amendment to the Moira Planning Scheme applying to part Lot A on PS300731, being land at 2 Carter Street, East Katunga, which rezones a portion of the land from Farming Zone to Township Zone, the Council:

1. Seek authorisation from the Minister for Planning to prepare the amendment;
2. Exhibit the amendment in accordance with Part 3 Division 1 of the Act; and
3. Refer any submissions seeking changes to the exhibited amendment to an Independent Planning Panel, if required, in accordance with Section 23 of the Act.

**1. Executive Summary**

The Council is required to consider a request for an amendment to Township Zone to facilitate subdivision for low density residential use. The development is lodged on behalf of the landowner, Katunga Fresh Pty Ltd who wishes to subdivide the land to provide housing opportunities for its employees within close proximity of the town.

The subject site has been identified as an appropriate location for the expansion of the town area in accordance with the Katunga Settlement Strategy Plan in the Small Towns Strategy. This Strategy was adopted by Council at its Ordinary Council meeting on 16 September 2013.

It is recommended that the Council agree to the preparation and exhibition of the amendment, including referring any submissions that request changes to the amendment to an Independent Planning Panel, if required, in accordance with the *Planning and Environment Act, 1987*.

**2. Background and Options**

The amendment request was lodged by Spiire on behalf of Katunga Fresh PTY Ltd. The proposal is for the development of the land for low density residential purposes. Depending on a land capability assessment and waste water management, the site is expected to yield approximately 10 to 15 lots. One of the proposed lots located along Katunga-Picola Road is developed with a dwelling and will remain within its current ownership.

The application applies to land at Lot 2 Carter Street, Katunga. The subject site is approximately 3.6 hectares in extent and located approximately 250 metres from the Katunga town centre.

The subject site has frontage to both Katunga Picola Rd as well as Katunga North Rd. Both of these roads are Council controlled roads. Although desirable that the proposed subdivision is accessed via Katunga North Road, it is possible that connection be made with the Katunga Picola Rd. Access to Katunga North Rd would be via a strip of land approximately 15m wide. Assuming that the ability to service the proposed lots will restrict lot size, the likely road classification for an access road would be "Access Place" which will require a 14m reserve.

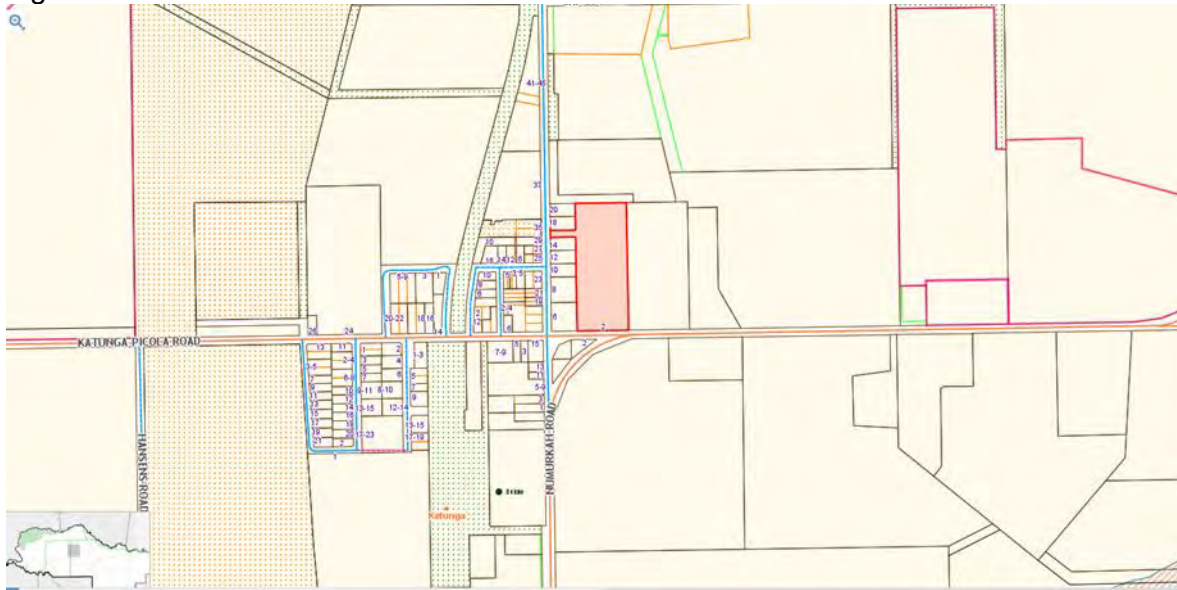
FILE NO: F14/407  
3. DEVELOPMENT AND LIVEABILITY

ITEM NO: 9.3.1  
(MANAGER TOWN PLANNING AND  
BUILDING, JORINE BOTHMA)  
(ACTING DIRECTOR, DEVELOPMENT AND  
LIVEABILITY, ANDREW CLOSE)

**AMENDMENT C81- REQUEST TO AMEND THE MOIRA PLANNING SCHEME BY  
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Access to and from the proposed development will be further refined at the subdivision stage. The applicant did not propose for any provision for Public Open Space within the development and this requirement will be dealt with at Subdivision stage.

Figure 1: Location Plan



Council has two options namely:

1. Agree to the preparation and exhibition of the planning scheme amendment, including referral of any submissions that request changes to the amendment that can't be accommodated to an Independent Planning Panel, if required (preferred option).
2. Do not agree to the preparation and exhibition of the planning scheme amendment, including referral of any submissions that request changes to the amendments that can't be accommodated to an Independent Planning Panel, if required.

**3. Financial Implications**

The amendment will not impose any unreasonable costs on Council's resources or finances. The proponent of this amendment will be required to meet all costs associated with the planning scheme amendment process. The costs associated with an Independent Panel Hearing, if required, is expected to be in the region of approximately \$50,000 and would be for the cost of the applicant.

**4. Risk Management**

A risk assessment has been undertaken for this amendment and all risks identified are considered to be negligible.

FILE NO: F14/407  
3. DEVELOPMENT AND LIVEABILITY

ITEM NO: 9.3.1  
(MANAGER TOWN PLANNING AND  
BUILDING, JORINE BOTHMA)  
(ACTING DIRECTOR, DEVELOPMENT AND  
LIVEABILITY, ANDREW CLOSE)

**AMENDMENT C81- REQUEST TO AMEND THE MOIRA PLANNING SCHEME BY  
REZONING PART LOT A ON PS300731, BEING LAND AT 2 CARTER STREET,  
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Risks	Likelihood	Consequence	Rating	Mitigation Action
Amendment not approved by Minister	Unlikely	Major	Medium	The proposal is consistent with the Moira Planning Scheme and all economic, social and environmental impacts have been minimised
Submission from public	Likely	Minor	Low	Impacts on other landowners have been minimised. If required, all submissions will be referred to an Independent Planning Panel for consideration.

### 5. Internal and External Consultation

This amendment has not yet been subject to any formal statutory exhibition or notice requirements as it is still in preliminary assessment stage. This amendment will be exhibited as necessary in accordance with the *Planning and Environment Act 1987* and once the Minister for Planning has initiated the Scheme Amendment.

The application has also been referred to the Infrastructure Department for preliminary comments. Comments were pertaining to Access and Drainage; both will be dealt with at the subdivision stage and once the subdivision layout plan is further refined.

### 6. Regional Context

Although the development is not considered to be of regional significance given the scale and its location, it will most certainly be of benefit to the local community of Katunga and surrounds. This residential development will complement the recent expansion of Katunga Fresh and will provide land to attract people to settle in the area. This will contribute to an increase in population figures which will in turn ensure ongoing viability of local businesses and community facilities in Katunga.

### 7. Council Plan Strategy

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

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

FILE NO: F14/407  
3. DEVELOPMENT AND LIVEABILITY

ITEM NO: 9.3.1  
(MANAGER TOWN PLANNING AND  
BUILDING, JORINE BOTHMA)  
(ACTING DIRECTOR, DEVELOPMENT AND  
LIVEABILITY, ANDREW CLOSE)

**AMENDMENT C81- REQUEST TO AMEND THE MOIRA PLANNING SCHEME BY  
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Development - Moira will responsibly manage its environment and the communities affected by and living in that environment through innovation, leadership, quality services, partnerships and program delivery and accountability.

The proposal accords with both the Community and Development sections of the Council Plan.

## 8. Legislative / Policy Implications

### Assessment under the Moira Planning Scheme

The amendment has been assessed in accordance with the Act and the Moira Planning Scheme. Application is lodged to rezone the subject land to Township Zone (TZ). The purpose of the TZ in terms of the Moira Planning Scheme and related to the application are:

- To encourage development that respects the neighbourhood character of the area; and
- To provide residential development and a range of commercial, industrial and other uses in small towns

It is considered that the proposed application does respect the established neighbourhood character of the area and that it contributes to residential development the area.

Clause 32.05-11 of the Moira Planning Scheme sets out Decision Guidelines for developments within the TZ. The key guidelines for considering this application are:

- *Whether the development enhances and protects the character of the town is compatible with residential use.*
- *Whether the development has access to utility services and in the absence of reticulated sewerage, that the capability of the lot to treat and retain all wastewater will be in accordance with the Environmental Protection Act, 1970.*

It is considered that the proposed development generally accords with the Decision Guidelines as it could be considered compatible with the existing residential character.

Katunga is however not well served with reticulated drainage and there is no reticulated drainage in the immediate vicinity of the subject land. Lot sizes of 2,000m<sup>2</sup> and above (and as proposed by the applicant) may be capable of dealing with stormwater generated from the improvements on the lots. Drainage will be addressed for the proposed development at subdivision stage.

### Assessment under the Planning and Environment Act, 1987

Objective (a) 'to provide for the fair, orderly, economic and sustainable use and development of land'

Objective (c) 'to secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria'.

All procedures associated with this amendment comply with the legislative requirements under the Planning and Environment Act, 1987 (the Act). The proposal meets objectives (a) and (c) of planning in Victoria by providing for the orderly, economic and sustainable use and development of land within the Shire. The amendment allows the development of land for residential purposes in an area earmarked 'future residential' in accordance with the Small



FILE NO: F14/407  
3. DEVELOPMENT AND LIVEABILITY

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**AMENDMENT C81- REQUEST TO AMEND THE MOIRA PLANNING SCHEME BY  
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Towns Strategy. The amendment will contribute to the creation of a pleasant, efficient and safe working, living and recreational environment.

When submissions are received by the Council seeking changes to an amendment, in accordance with Section 23(1) of the Act, Council must:

- (a) Change the amendment in the manner requested; or
- (b) Refer the submission to the panel appointed under Part 8; or
- (c) Abandon the amendment or part of the amendment.

Overlays

There are no overlays affecting the subject site.

State Planning Policies (SPPF)

The objective of the SPPF - (Clause 11.04- Settlement Policy) is to provide a diversity of housing in defined locations that cater for different households and are close to jobs and services.

Local Planning Policy (LPPF) and Municipal Strategic Statement

The LPPF (Clause 21.04-1) in the Moira Shire Planning Scheme sets out the Shire's Settlement Issues and Challenges. In general it indicates that the Shire is faced with settlement issues and challenges to:

- *Facilitate the development of a diverse range of housing options for the Shire's existing and future population; and*
- *To ensure that housing in rural areas is responsive to a demonstrated need and will not prejudice long-term sustainability of farming.*

It is considered that the proposal does accord with the above policies. The land to which this application relates was included in the Small Towns Strategy as adopted by Council in 2013.

**9. Environmental Impact**

The applicant has stated that there will be no adverse environmental impacts as a result of the proposed amendment. The subject site has been used for agricultural purposes for many years and is clear of any significant vegetation. Future development of the land will be subject to a land capability assessment to ensure that waste water can be disposed of appropriately on site.

**10. Conflict of Interest Considerations**

There is no officer conflict associated with the preparation of this report.

**11. Conclusion**

It is recommended that the Council agree to the preparation of the amendment, including referring any submissions that request changes to the amendment that can't be accommodated to an Independent Planning Panel, if required in accordance with the Planning and Environment Act, 1987.

**Attachments**

- 1 Proposed draft Subdivision Layout Plan

FILE NO: F14/407  
3. DEVELOPMENT AND LIVEABILITY

ITEM NO: 9.3.1  
(MANAGER TOWN PLANNING AND BUILDING, JORINE BOTHMA)  
(ACTING DIRECTOR, DEVELOPMENT AND LIVEABILITY,  
ANDREW CLOSE)

AMENDMENT C81- REQUEST TO AMEND THE MOIRA PLANNING SCHEME BY REZONING PART LOT A ON PS300731,  
BEING LAND AT 2 CARTER STREET, EAST KATUNGA FROM FARMING ZONE TO TOWNSHIP ZONE (cont'd)

ATTACHMENT No [1] - Proposed draft Subdivision Layout Plan



FILE NO: F14/226  
3. DEVELOPMENT AND LIVEABILITY

ITEM NO: 9.3.2  
(DEVELOPMENT COMPLIANCE OFFICER,  
PATRICK DUBUC)  
(ACTING DIRECTOR, DEVELOPMENT AND  
LIVEABILITY, ANDREW CLOSE)

## DEVELOPMENT PLAN - TUNNOCK ROAD NUMURKAH

### RECOMMENDATION

That:

1. Council approve the Development Plan for the land known as 30-36 Tunnock Road Numurkah.
2. Any processes for making changes to the approved development plan will be subject to consultation with relevant referral authorities.

### 1. Executive Summary

The Moira Planning Scheme provisions at Clause 1.0 of Schedule 11 to the Development Plan Overlay states that before any use, development or subdivision commences, a Development Plan for the land must be prepared to the satisfaction of the Responsible Authority.

The applicant previously lodged a planning permit application to subdivide land, however the application could not be considered as no Development Plan had been prepared, submitted nor approved by Council.

The applicant then sought to satisfy the statutory requirement of the Moira Planning Scheme by submitting a Development Plan for approval and endorsement which will ultimately allow a planning permit application for the subdivision of the land to be considered.

The Development Plan consists of 10 lots with the possibility of a later subdivision of 5 more lots at a later stage and the inclusion of a Public Open Space occupying residential non-developable land.

The Development Plan was referred and advertised and comments received from authorities, Council departments and the public, resulting in modifications to the Development Plan.

The modified Development Plan is now considered satisfactory for approval.

### 2. Background, locality and options

The subject land is currently zoned General Residential Zone (West) and the Farming Zone (east) under the Moira Planning Scheme. The land is also affected by the Land Subject to Inundation Overlay (residential part) and the Rural Floodway Overlay (rural part). The subject land is located at the south-eastern edge of the Numurkah Township between the Numurkah Golf Club and the Numurkah Cemetery.

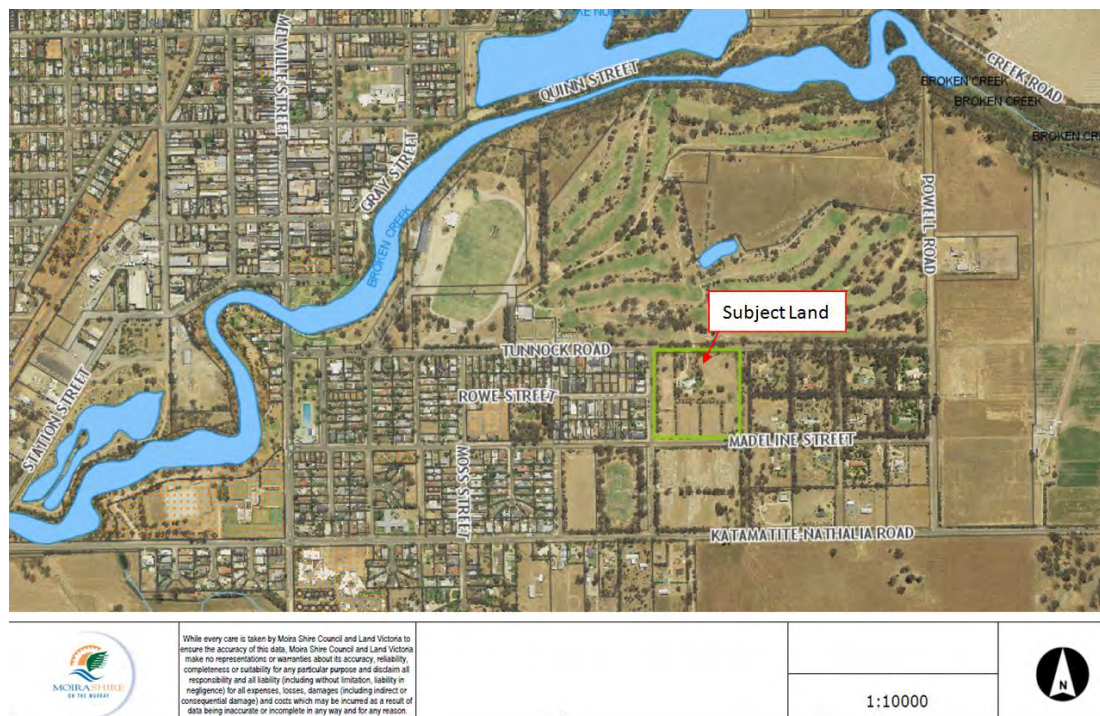
The land is currently meadow land spread on 4 hectares occupied by a single dwelling with ancillary shed and multiple remnant vegetation and line plantings forms part of the land.



FILE NO: F14/226  
3. DEVELOPMENT AND LIVEABILITY

ITEM NO: 9.3.2  
(DEVELOPMENT COMPLIANCE OFFICER,  
PATRICK DUBUC)  
(ACTING DIRECTOR, DEVELOPMENT AND  
LIVEABILITY, ANDREW CLOSE)

**DEVELOPMENT PLAN - TUNNOCK ROAD NUMURKAH (cont'd)**



The subject land was partially rezoned from Farming to Residential 1 Zone (*now General Residential Zone*) as part of Planning Scheme Amendment C63 which was approved by the Minister on 26 July 2012 implementing the Numurkah Strategy Plan.

As part of the Amendment C63 a Development Plan Overlay *-being the DPO schedule 11-* was imposed over the land.

The purpose of a Development Plan is to provide more detailed analysis on characteristics of the land and how to address issues prior to any future development or subdivision of the land. It serves as a strategic document guiding future layout of the land. The inclusive details of the Development Plan required by the Planning Scheme are outlined in the following section.

The original outline plan was simple and showed a prospective 10 lots varying in size from 2300sqm along Corke Street to 7400sqm further east. The lots encompassed the Rural Floodway and the Land Subject to Inundation undifferentiated across boundaries taking little regard to the natural setting of the land. A proposed shared gravel pathway was also designed on public open space of 2100sqm between Tunnock Road and Madeline Street but there were no details as to how this pathway may link to any other existing public infrastructure in the immediate area.

Following the public exhibition of the Development Plan proposal, comments were received from relevant referral authorities and from the public that resulted in changes to the plan by:

- Linking each allotment with pedestrian pathways to existing footpath along Tunnock Road, Erin Court and Madeline Street;
- Removing any allotment for development from the area subject to the Rural Floodway Overlay and providing the whole of the Floodway affected land as a Public Open Space;
- Addressing drainage for each allotment and along roadways by proposing retention basins on the area designated as Public Open Space;

FILE NO: F14/226  
3. DEVELOPMENT AND LIVEABILITY

ITEM NO: 9.3.2  
(DEVELOPMENT COMPLIANCE OFFICER,  
PATRICK DUBUC)  
(ACTING DIRECTOR, DEVELOPMENT AND  
LIVEABILITY, ANDREW CLOSE)

## DEVELOPMENT PLAN - TUNNOCK ROAD NUMURKAH (cont'd)

- Indicating the location of each vehicle crossing with no crossing located within the floodway;
- Allowing for potential further small allotments of approximately 1000sqm along Corke Street.

The modified outline plan shows 10 lots having areas of between 2074sqm and 4700sqm with one allotment containing the existing dwelling and sheds plus a balance lot for future proposed Reserve of 9035sqm. The four lots along Corke Street and one allotment along Tunnock Road have been indicated for prospective further subdivision in the future.

The main town planning and design concepts relevant to any future development of the subject land are:

### 1. Flooding and Drainage

The land is subject to flooding overlays part of the Broken Creek floodplain and the vicinity generally consists of flat low lying land with little difference in level. The land was effectively affected by flood water during the recent 2012 flood and the eastern part of the land is subject to floodway overlay meaning the flood water is more 'active' at this part. The riparian area of the Broken Creek is approximately some 500-600 north of the site and is the ultimately outlet of any drainage in the area.

The public open space to the east will allow for the land affected by floodway overlay to ensure no inappropriate development occur on the most sensitive part of the land. It is also allow for appropriate surface water retention and treatment system to be constructed which should result in reducing stormwater pollution onto the riparian area.

### 2. Numurkah Strategy

The Numurkah Strategy prioritised this land for further in-fill residential development within the Township, for this reason a Development Overlay was applied to ensure appropriate control over future development and subdivision.

Despite the flooding impact on the land, the strategy aimed at a medium to standard density development for this land being 500sqm to 1000sqm lot due to the proximity of services in town. However, the Strategy only specifies the land 'may' be suitable for development due to the impact of flooding.

### 3. Transitional design between rural and urban

The land acts as an interface at the edge of the Numurkah Township between the higher density residential area of Erin Court/Rowe Street area and the rural style living block of Tunnock/Madeline Street.

It is important that development of the land be a relevant transitional buffer between the more dense residential allotment to the west and the more rural allotment to the east. It provides an opportunity to apply proper planning concepts which allows for a visual fluidity in the street framework. As such, smaller allotments along Corke Street and larger allotments further east will allow for this smooth transition, improve visual settings whilst respecting the local character.

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

- 1) Approve the Development Plan
- 2) Refuse the Development Plan

FILE NO: F14/226  
3. DEVELOPMENT AND LIVEABILITY

ITEM NO: 9.3.2  
(DEVELOPMENT COMPLIANCE OFFICER,  
PATRICK DUBUC)  
(ACTING DIRECTOR, DEVELOPMENT AND  
LIVEABILITY, ANDREW CLOSE)

## DEVELOPMENT PLAN - TUNNOCK ROAD NUMURKAH (cont'd)

3) Defer consideration

### 3. Moira 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.*

And ultimately;

*To exempt an application from notice and review if it is generally in accordance with a development plan.*

Schedule 11 to the Overlay specifically outlines what is required to be contained in Development Plan, namely:

- An environmental assessment;
- 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 items to be listed as part of the actual Development Plan are also prescribed in the Moira Planning Scheme.

The proposed Development Plan includes relevant reports and additional information. Some of the items were not necessarily relevant to the situation as the Overlay only affects a small area. Other items will nonetheless be assessed in depth through a future subdivision application.

### 4. Financial Implications

The approval of the Development Plan will allow the proponent to lodge planning permit applications for the subdivision of land or other form of development of the land in accordance with the prescription of the approved Development Plan and the Moira Planning Scheme in general.

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 (i.e. kerb and channel, drainage, provision of services such as electricity, water, sewerage, telecommunications or gas) are borne by the developer.

Once the required infrastructures and public open space reserves are constructed and installed following a maintenance and defect liability period, these assets and infrastructure will become Council's responsibility to maintain. Operational budgets will be adjusted accordingly.

Ultimately, Council rates will apply to the creation of any new lots and any subsequent capital improvement to these lots.

FILE NO: F14/226  
3. DEVELOPMENT AND LIVEABILITY

ITEM NO: 9.3.2  
(DEVELOPMENT COMPLIANCE OFFICER,  
PATRICK DUBUC)  
(ACTING DIRECTOR, DEVELOPMENT AND  
LIVEABILITY, ANDREW CLOSE)

## DEVELOPMENT PLAN - TUNNOCK ROAD NUMURKAH (cont'd)

### 5. Risk Management

There are no overt risks management implications for the approval of the Development Plan. Any problem with development in this area identified could be addressed through the subsequent planning permit process.

### 6. Internal and External Consultation

The original Development Plan was advertised to adjoining and nearby landowners and placing a notice in the local newspaper. One submission was received.

#### Submission from the public

Public consultation was not specifically required under the provisions of the Moira Planning Scheme. This is due to the fact the Numurkah Strategy specifically nominated the subject land for further development/subdivision. The Numurkah Strategy, as part of Planning Scheme Amendment C63, was subject to extensive public consultation. Therefore the opportunity for objection was available at the time of the Panel Report through the Planning Amendment C63 process for which the requirement for a Development Plan resulted.

Nonetheless, the document was made available for public viewing under the provisions of Section 52 of the *Planning and Environment Act 1987* for commenting purposes.

A submission was received on 4 June 2014 from adjoining landowners with the following concerns:

- **Lifestyle and aesthetics**  
The current lifestyle and aesthetic of this land parcel would be dramatically affected by further development of the land as a spacious and quiet land close to amenities and services will be removed. The proposal is contrary to the unique rural feeling of the area.
- **Flooding and drainage**  
Flooding effect in the area would be more intense with further subdivision and the proposed plan is hasty having regard to the fact that the ongoing Numurkah Flood Study has not resulted yet. The application should wait the result of the flood study.

The local drainage infrastructure is incapable of dealing with current influx of stormwater and drain, the accentuation of stormwater will only exacerbate the problem. Any upgrade of Council's infrastructure will result in further cost on management of these infrastructure and budget.

Stagnating water puddling will be prone to mosquitos' breeding ground with all the induced health impact that may result.

- **Traffic**  
Traffic volume will increase on Tunnock Road whilst the road network cannot service high volumes.
- **Fauna**  
The development will impact in displacing population of Brown Snakes which will further impact adjoining landowners on rural blocks.

FILE NO: F14/226  
3. DEVELOPMENT AND LIVEABILITY

ITEM NO: 9.3.2  
(DEVELOPMENT COMPLIANCE OFFICER,  
PATRICK DUBUC)  
(ACTING DIRECTOR, DEVELOPMENT AND  
LIVEABILITY, ANDREW CLOSE)

### DEVELOPMENT PLAN - TUNNOCK ROAD NUMURKAH (cont'd)

- Noise  
Urban and construction noise will primarily impact on the rural lifestyle.
- Walkway  
The proposed walkway leads nowhere and is unlikely to attract pedestrian traffic and with the distance to town, locals are more likely to drive than walk.

The submission was made to the first draft of the plan and the comments have been considered as part of subsequent version.

#### External consultation with relevant Authorities

The original Development Plan was referred to the following authorities and the following comments were received:

Goulburn Valley Water	Consented subject to the following comments: <ul style="list-style-type: none"> <li>• All allotments will be required to connect to existing services, reticulated sewer and water;</li> <li>• That Council assists GVW in reducing conflicting land use within the Numurkah Wastewater Management Facility buffer zone.</li> </ul> This buffer stretches to the southern part of the subject land but is not a planning control. The comments have been considered and the density has been kept to a minimum on that part of the land.
Powercor	No response received.
Goulburn Broken Catchment Management Authority	Consented subject to changes on the plan, a discussion with officers of the Authority specified those changes as: <ul style="list-style-type: none"> <li>• Access- to the lots and building envelope must be outside the Rural Floodway Overlay;</li> <li>• No construction of buildings/dwellings to occur within the area affected by the Rural Floodway Overlay;</li> </ul> The changes were implemented in the current version of the plan therefore satisfying the Authority's comments.
Goulburn Murray Water	As a means of protecting water quality, the subject land should be connected to sewer and GMW has no objection provided all allotments are provided with a connection to sewer in accordance with the relevant authority.
APA	No response received



FILE NO: F14/226  
3. DEVELOPMENT AND LIVEABILITY

ITEM NO: 9.3.2  
(DEVELOPMENT COMPLIANCE OFFICER,  
PATRICK DUBUC)  
(ACTING DIRECTOR, DEVELOPMENT AND  
LIVEABILITY, ANDREW CLOSE)

## DEVELOPMENT PLAN - TUNNOCK ROAD NUMURKAH (cont'd)

### Internal Consultation with Council's Department

The consultation resulted in comments being provided to the applicant whilst other items can be addressed specifically through further permits at a later stage.

Infrastructure	In principle no objections are raised. The development will need to comply with the IDM particularly with respect to road reserve widths, drainage, kerb and channel. Infrastructure Planning did seek to obtain a high density development at this site but ultimately this was withdrawn following discussions with Council Planning Department having regard to other aspects that needs to be considered (vegetation, drainage, interface between rural and urban, percolation etc.). Detailed drainage and infrastructure design and will need to be submitted at the appropriate time with any future permit application.
Assets	Comments were received about the relevancy of the track and the future maintenance of the track due to its location in flood prone area. The track was ultimately removed from the proposal.
Natural Resources	Several remnant native vegetation patches and scattered trees are affected by this proposal. The final proposal provides greater protection which addresses some concerns whilst other trees will be deemed loss and an offset will be required. Other landscaping aspect will be addressed at the appropriate time with any future permit application.

### 7. Regional Context

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

### 8. Council Plan Strategy

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

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

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

It is considered that the proposed Development Plan is consistent with the community or development goal.

FILE NO: F14/226  
3. DEVELOPMENT AND LIVEABILITY

ITEM NO: 9.3.2  
(DEVELOPMENT COMPLIANCE OFFICER,  
PATRICK DUBUC)  
(ACTING DIRECTOR, DEVELOPMENT AND  
LIVEABILITY, ANDREW CLOSE)

## DEVELOPMENT PLAN - TUNNOCK ROAD NUMURKAH (cont'd)

### 9. 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.

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 and any application that is in accordance with the approved plan will be exempt from public advertising.

### 10. Environmental Impact

A number of reports had to be prepared as part of the Development Plan which of whom various environmental aspect is a prime consideration.

The subject land is not subject to a Cultural Heritage Management Plan (CHMP) and did not contain identified Heritage items and therefore the archaeological survey and heritage assessment was not required to be undertaken.

A flora and fauna assessment was undertaken which identified several significant large native trees on the eastern part of the land and some other significant native vegetation along Corke Street. The assessment did not identify any issues pertinent to endangered fauna in the vicinity. As a result of the assessment, the public open space is intended to include most remnant vegetation on the land whilst a net gain Biodiversity Assessment Report has been prepared for any native vegetation that is deemed a loss elsewhere on the property.

Tests were also performed for soil contamination and its findings were that there was no significant level of contamination, no apparent odours and no groundwater detected nor is expected within 5 metres of the surface. The site is considered suitable for residential use.

### 11. Conflict of Interest Considerations

There are no conflicts of interest by Council Officer in relation to this report.

### 12. Conclusion

The Applicant has prepared a modified Development Plan addressing the comments of relevant Authorities, Council officers, and concerns from local residents. This Development Plan is now submitted to Council for approval.

The public open space was modified to encompass the whole of the land affected by the Rural Floodway Overlay, creating a reserve with an area of 9035sqm. The reserve will protect remnant existing vegetation, provide a buffer between the development and the rural block to the east and help maintain the character of the area. Stormwater treatment, required as part of Water Sensitive Urban Design, will also be undertaken within the reserve area.

Most concerns have been appropriately addressed whilst some items, such as noise, traffic could not practically be addressed in this Development Plan process.

Furthermore, the proposal achieves the strategic intent of the Numurkah Strategy as previously decided by Council which identified the subject land as open to further development.

The plan also takes into consideration all requirements from the Goulburn Broken Catchment Management Authority as well as other Authorities and is therefore recommended for approval.

FILE NO: F14/226  
3. DEVELOPMENT AND LIVEABILITY

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(ACTING DIRECTOR, DEVELOPMENT AND  
LIVEABILITY, ANDREW CLOSE)

**DEVELOPMENT PLAN - TUNNOCK ROAD NUMURKAH (cont'd)**

**Attachments**

- 1 Development Plan Report - DPO11 - Tunnock Road Numurkah
- 2 Appendix A and B - Development Plan Tunnock Road - Overall Development and Services Layout Plan

FILE NO: F14/226  
3. DEVELOPMENT AND LIVEABILITY

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**DEVELOPMENT PLAN - TUNNOCK ROAD NUMURKAH (cont'd)**

**ATTACHMENT No [1] - Development Plan Report - DPO11 - Tunnock Road  
Numurkah**

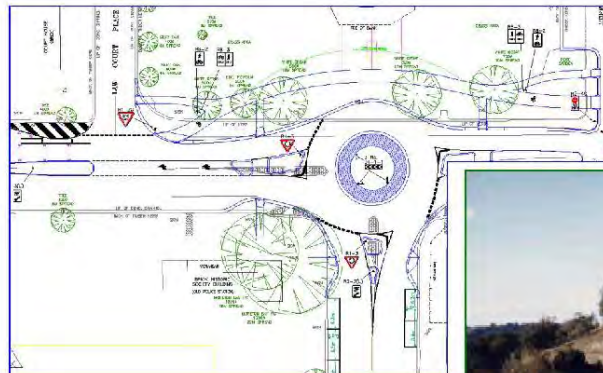
30-36 Tunnock Road, Numurkah  
Overall Development Plan



# Overall Development Plan Report 30-36 Tunnock Road, Numurkah

Prepared By: Planright Australasia Pty Ltd

October 2014



FILE NO: F14/226  
3. DEVELOPMENT AND LIVEABILITY

ITEM NO: 9.3.2  
(DEVELOPMENT COMPLIANCE OFFICER,  
PATRICK DUBUC)  
(ACTING DIRECTOR, DEVELOPMENT  
AND LIVEABILITY, ANDREW CLOSE)

## DEVELOPMENT PLAN - TUNNOCK ROAD NUMURKAH (cont'd)

### ATTACHMENT No [1] - Development Plan Report - DPO11 - Tunnock Road Numurkah

30-36 Tunnock Road, Numurkah  
Overall Development Plan



#### Contents

Background & Existing Conditions .....	3
Development Plan.....	4
Site and Context Description .....	4
Site Density .....	6
Road Layout .....	6
Traffic Management and Impact Mitigation Plan.....	6
Water Reticulation .....	7
Sewer Reticulation .....	7
Stormwater and Drainage Management Plan .....	7
Environmental Assessment Plan.....	7
Preliminary Soil Assessment .....	9
Archaeological Survey & Heritage Assessment .....	9
Public Open Space.....	9
Appendix A - Overall Development Plan.....	11
Appendix B – Services Layout Plan .....	12
Appendix C – Environmental Assessment.....	13
Appendix D – Preliminary Soil Assessment.....	14



FILE NO: F14/226  
3. DEVELOPMENT AND LIVEABILITY

ITEM NO: 9.3.2  
(DEVELOPMENT COMPLIANCE OFFICER,  
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## DEVELOPMENT PLAN - TUNNOCK ROAD NUMURKAH (cont'd)

### ATTACHMENT No [1] - Development Plan Report - DPO11 - Tunnock Road Numurkah

30-36 Tunnock Road, Numurkah  
Overall Development Plan



#### Background & Existing Conditions

"Numurkah is located approximately 30 kilometres north of Shepparton, set along the Broken Creek and the Goulburn Valley Highway. Numurkah is known as the "Town of Lakes and Roses" and also the "Southern Gateway to the Murray River". With a population of approximately 3,700, it is a primary service centre within the Moira Shire providing agricultural, industry, business and community services to the surrounding hinterland and resident population of the town.

The subject land is Title Plan 565366P, Crown Allotment 26, Township of Numurkah, Parish of Katunga and is commonly known as 30-36 Tunnock Road, Numurkah.

The property is located on the outskirts of Numurkah's town centre. The land is a total of 10 Acres in size and is mainly zoned residential 1 and partially farming zone. There a Floodway overlay on the land within the farming zone. There is also a land subject to inundation overlay (LSIO) that covers the land zoned residential 1, though this is not extensive enough to cause a problem in the residential zone.

The site is also subject to a Development Plan Overlay, hence the preparation of this report.

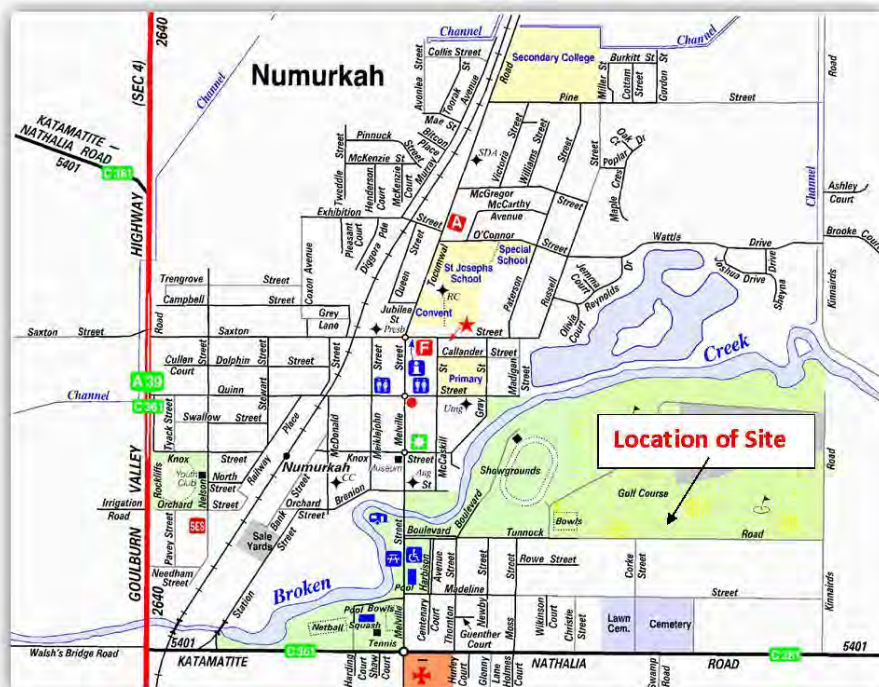


Figure 1 – Locality Plan

**ITEM NO: 9.3.2**  
**(DEVELOPMENT COMPLIANCE OFFICER,**  
**PATRICK DUBUC)**  
**(ACTING DIRECTOR, DEVELOPMENT**  
**AND LIVEABILITY, ANDREW CLOSE)**

**ATTACHMENT No [1] - Development Plan Report - DPO11 - Tunnock Road Numurkah**

**IDEAS INTO ACTION**  
**PLANright**  
Civil Engineers, Irrigation Designers, Licensed Surveyors  
ABN: 25 006 558 005



## Development Plan

### Site and Context Description

4



FILE NO: F14/226  
3. DEVELOPMENT AND LIVEABILITY

ITEM NO: 9.3.2  
(DEVELOPMENT COMPLIANCE OFFICER,  
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## DEVELOPMENT PLAN - TUNNOCK ROAD NUMURKAH (cont'd)

### ATTACHMENT No [1] - Development Plan Report - DPO11 - Tunnock Road Numurkah

30-36 Tunnock Road, Numurkah  
Overall Development Plan



Figure 3 - Typical views looking across the site

The site is generally level. It is lightly treed with several well established remnant trees scattered across the site but little else other than pasture land. Refer to Appendix C for the flora and fauna assessment that has been undertaken in relation to the subject site.

The development is located immediately to the east of an established area of residential development. It is surrounded to the north by the Numurkah Golf Club and to the south by the local cemetery. To the east is a small number of low density residential properties and further afield is agricultural land. This site will act as somewhat of a buffer and transition between existing residential areas and rural land further to the east.

The site has been earmarked as part of the Numurkah Strategy Plan as a future site of medium density residential development.

*Area E The area south east of the town centre bounded by Tunnock Road to the north, Madeline Street to the south, Corke Street to the west and an area developed for rural lifestyle living to the east. Part of this lot is covered by the Rural Flood Overlay (RFO) and is therefore not suitable for residential development, however there is approximately 2.6ha, covered by the Land Subject to Inundation Overlay (LSIO), suitable for development. The proximity of this land to community facilities and the town centre makes it suitable for medium density residential development.*

There will be no development of the area covered by the Rural Flood Overlay and as such it has been set aside as a designated public reserve. Tree planting may occur to offset any vegetation lost as a result of the development of the rest of the lots.



FILE NO: F14/226  
3. DEVELOPMENT AND LIVEABILITY

ITEM NO: 9.3.2  
(DEVELOPMENT COMPLIANCE OFFICER,  
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## DEVELOPMENT PLAN - TUNNOCK ROAD NUMURKAH (cont'd)

### ATTACHMENT No [1] - Development Plan Report - DPO11 - Tunnock Road Numurkah

30-36 Tunnock Road, Numurkah  
Overall Development Plan



The only public transport available within Numurkah is the V/Line service, which operates from the centre of town, and taxi's. In that respect this development is no better or worse from an access perspective than the rest of the Numurkah township. The low number of potential school students within this development would see any existing school bus services able to cater with the demand.

#### Site Density

Average allotment size across the development has been kept intentionally higher than other developments within Numurkah. It is generally felt by the involved parties that this is what is sought by potential residents in terms of lifestyle and affordability.

Average lot sizes are in the range of 2000 – 4000 square metres with the exception of Lot 6. It is larger as it incorporates a Rural Floodway Overlay and will take the form of a Public Reserve. Its size is 7414 sq.m. and as such provides some transition and buffer between the township to the rural land.

Blocks generally conform with the averages listed above, however there is a range of smaller and larger lots available throughout the development to provide variety and choice in accordance with the aims of Clause 56 of the planning scheme.

It is proposed that Lots 1, 2, 3, 9 and 10 may be further subdivided in the future if the new owners desire (it is the current owners wish that lots remain larger) but Section 173 agreements may be put in place on Lots 4-8 restricting further subdivision. This will ensure lot diversity and the transition between urban and rural is maintained.

#### Road Layout

No new roads/streets will be created as a result of this subdivision and access to lots will be via Tunnock Road, Corke Street and Madeline Street.

#### Traffic Management and Impact Mitigation Plan

As no additional roads will be created as a result of this proposed infill subdivision and the number of lots is quite small, this development will not generate a significant amount of extra vehicle traffic. As such, a Traffic Management Plan is not warranted.

With only 9 residential allotments proposed, total vehicle traffic generated by the development will be in the order of 90 vehicles per day. It is fair to assume that the majority of this traffic will enter and exit from the west (towards the town centre and the GV Hwy). This traffic will be split though along Tunnock Rd and Madeline St, adding only around 45 vehicles per day to each of those intersections with Melville St (peak of 4 per hour). Given the traffic volumes from existing development within the area between Melville St and the subject site it is extremely unlikely that this minimal

FILE NO: F14/226  
3. DEVELOPMENT AND LIVEABILITY

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## DEVELOPMENT PLAN - TUNNOCK ROAD NUMURKAH (cont'd)

### ATTACHMENT No [1] - Development Plan Report - DPO11 - Tunnock Road Numurkah

30-36 Tunnock Road, Numurkah  
Overall Development Plan



extra traffic will exacerbate any issues nor push the warrants for intersection design into the next category. The same is applicable at the Goulburn Valley Hwy where existing traffic is in the order of 2100 vehicles per day. As such there are no infrastructure upgrades needed as a result of this development.

#### Water Reticulation

Goulburn Valley Water has existing water supply mains within Corke Street that will enable water supply to be made available to any parcel of land within the development with a short extension required within Tunnock Road. Refer to attached Services Layout Plan in Appendix B.

#### Sewer Reticulation

Reticulated sewerage is available to the lots from a Goulburn Valley Water sewer main located in Rowe Street. Sewer Mains extension will be constructed to provide a connection for each new allotment.

Refer to attached Services Layout Plan in Appendix B.

#### Stormwater and Drainage Management Plan

All stormwater run-off from the development will be required to be dealt with to council requirements. Although the land is quite flat, it generally slopes towards the eastern end where the flood overlay is located and there is also existing drainage infrastructure present in Corke Street at the western edge of the site. All run-off from any development should be connected to either the existing pipe network within Corke St or by swale drains to the existing floodway at the eastern end of the site.

Quality of run-off water shall be treated to ensure that it meets the requirements of the planning scheme and meets the targets as specified by the CSIRO in regards to pollutant levels contained there-in. Any permit issued for development should require that the development be modelled using MUSIC software and appropriate treatment measures including tanks for harvesting and re-use of roof run-off, vegetated swale drains and rain gardens be used to achieve these targets.

\*See Proposed Layout plan for stormwater detail.

#### Environmental Assessment Plan

A flora and fauna assessment has been undertaken by Hamilton Environmental which shows several significant trees and some minor areas of remnant patches. The majority of the existing trees are found along the boundary of the site and within the Lot 3 which retains the existing dwelling of the original site. The proposed plan



FILE NO: F14/226  
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## DEVELOPMENT PLAN - TUNNOCK ROAD NUMURKAH (cont'd)

### ATTACHMENT No [1] - Development Plan Report - DPO11 - Tunnock Road Numurkah

30-36 Tunnock Road, Numurkah  
Overall Development Plan



has been developed to permit the retention of a majority of the significant identified trees contained on the site.



The assessment is attached in Appendix C

No threatened fauna has been identified on the site that would be adversely affected by the development, or conversely prevent the development proceeding largely as described in this plan.

This ODP and supporting flora and fauna assessment has been prepared under the Victorian Native Vegetation Management Framework which was incorporated into the state planning scheme. On the 20th December, 2013 the planning scheme was amended to implement reforms to Victoria's native vegetation and biodiversity provisions which will alter the determination of offsets to be provided.

A Biodiversity Assessment Report has been prepared in relation to the trees that are on proposed lots of under 4000sqm and will therefore be deemed lost. It is envisaged that any vegetation that is deemed lost can be offset by planting in the proposed and expansive POS of Lot 6.

Street trees of a species indigenous to the area will also be planted on the road reserve fronting lots.

All effort will be made to retain existing native vegetation. However, any vegetation that must be removed will be addressed under the auspices of a planning permit for the subdivision and native vegetation removal. A landscape plan will also be submitted as part of the same planning permit process.

FILE NO: F14/226  
3. DEVELOPMENT AND LIVEABILITY

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## DEVELOPMENT PLAN - TUNNOCK ROAD NUMURKAH (cont'd)

### ATTACHMENT No [1] - Development Plan Report - DPO11 - Tunnock Road Numurkah

30-36 Tunnock Road, Numurkah  
Overall Development Plan



#### Preliminary Soil Assessment

A Preliminary Soil Assessment report was prepared for the site by GTS Geotechnical Service Pty Ltd as per the requirements of the ODP.

This investigation was designed to satisfy Moira Shire Council's planning requirements as stipulated within the overriding development plan overlay (ie: DPO11). Hence, this is a preliminary investigation only which is designed as a guide to the site & soil conditions found across the immediate area to be developed. Subsequently, the investigation was not designed and/or expected to replace the necessary requirements of a more detailed investigation or full environmental audit.

Based on the findings associated with this brief soil evaluation of the site, all determined chemical concentrations were found to be well within accepted health investigation limits for the continued residential development of the site. Additionally, all determined concentrations were also found to be well within acceptable EPA 'Clean Fill' Limits.

As based upon the findings of this preliminary investigation:

- There are no EPA controls governing the removal/disposal of any natural soil material from the site, where required; &
- There were no elevated chemical concentrations (ie: contaminants) detected to exist at the site.

Subsequently, there is no cause for concern or requirement to instigate further works over the allotment at this point in time.

Refer to attached Preliminary Soil Assessment in Appendix D.

#### Archaeological Survey & Heritage Assessment

Given the small scale of this development, it is felt, in consultation with Council's Statutory Planning Dept, that an Archeological Survey and Heritage Assessment is not required in this instance.

#### Public Open Space

A public reserve will be created at the eastern end of the site to not only act as a buffer between the Farming Zone and Residential 1 zoned parts of the site but also to fully utilise the portion of land that is unable to be built on due to the RFO. The reserve will be approximately 2100 sq m in size which will allow for many informal recreational activities. It is also envisaged that a path will be constructed to connect the site to other pedestrian walkways in Numurkah, increasing the accessibility to the town for all new residents.

The reserve is also located adjacent to a vacant road reserve permitting easy connection to the south and north.

FILE NO: F14/226  
3. DEVELOPMENT AND LIVEABILITY

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**DEVELOPMENT PLAN - TUNNOCK ROAD NUMURKAH (cont'd)**

**ATTACHMENT No [1] - Development Plan Report - DPO11 - Tunnock Road  
Numurkah**

**30-36 Tunnock Road, Numurkah**  
Overall Development Plan



The location of the reserve is also relevant as its entirety falls within the Urban Flood Zone and therefore is deemed unsuitable for residential development. However it is not regularly flooded and will not hinder activities such as walking etc. The purpose of the reserve in this particular location is also more to protect the natural asset vistas and habitat than a traditional suburban recreational park whilst also providing Water Sensitive Urban Design (WSUD) stormwater management.

The location also provides good passive surveillance opportunities.

FILE NO: F14/226  
3. DEVELOPMENT AND LIVEABILITY

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**DEVELOPMENT PLAN - TUNNOCK ROAD NUMURKAH (cont'd)**

**ATTACHMENT No [1] - Development Plan Report - DPO11 - Tunnock Road  
Numurkah**

30-36 Tunnock Road, Numurkah  
Overall Development Plan



**Appendix A - Overall Development Plan**

FILE NO: F14/226  
3. DEVELOPMENT AND LIVEABILITY

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**DEVELOPMENT PLAN - TUNNOCK ROAD NUMURKAH (cont'd)**

**ATTACHMENT No [1] - Development Plan Report - DPO11 - Tunnock Road  
Numurkah**

30-36 Tunnock Road, Numurkah  
Overall Development Plan



**Appendix B – Services Layout Plan**



FILE NO: F14/226  
3. DEVELOPMENT AND LIVEABILITY

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**DEVELOPMENT PLAN - TUNNOCK ROAD NUMURKAH (cont'd)**

**ATTACHMENT No [1] - Development Plan Report - DPO11 - Tunnock Road  
Numurkah**

30-36 Tunnock Road, Numurkah  
Overall Development Plan



**Appendix C – Environmental Assessment**



FILE NO: F14/226  
3. DEVELOPMENT AND LIVEABILITY

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**DEVELOPMENT PLAN - TUNNOCK ROAD NUMURKAH (cont'd)**

**ATTACHMENT No [1] - Development Plan Report - DPO11 - Tunnock Road  
Numurkah**

30-36 Tunnock Road, Numurkah  
Overall Development Plan



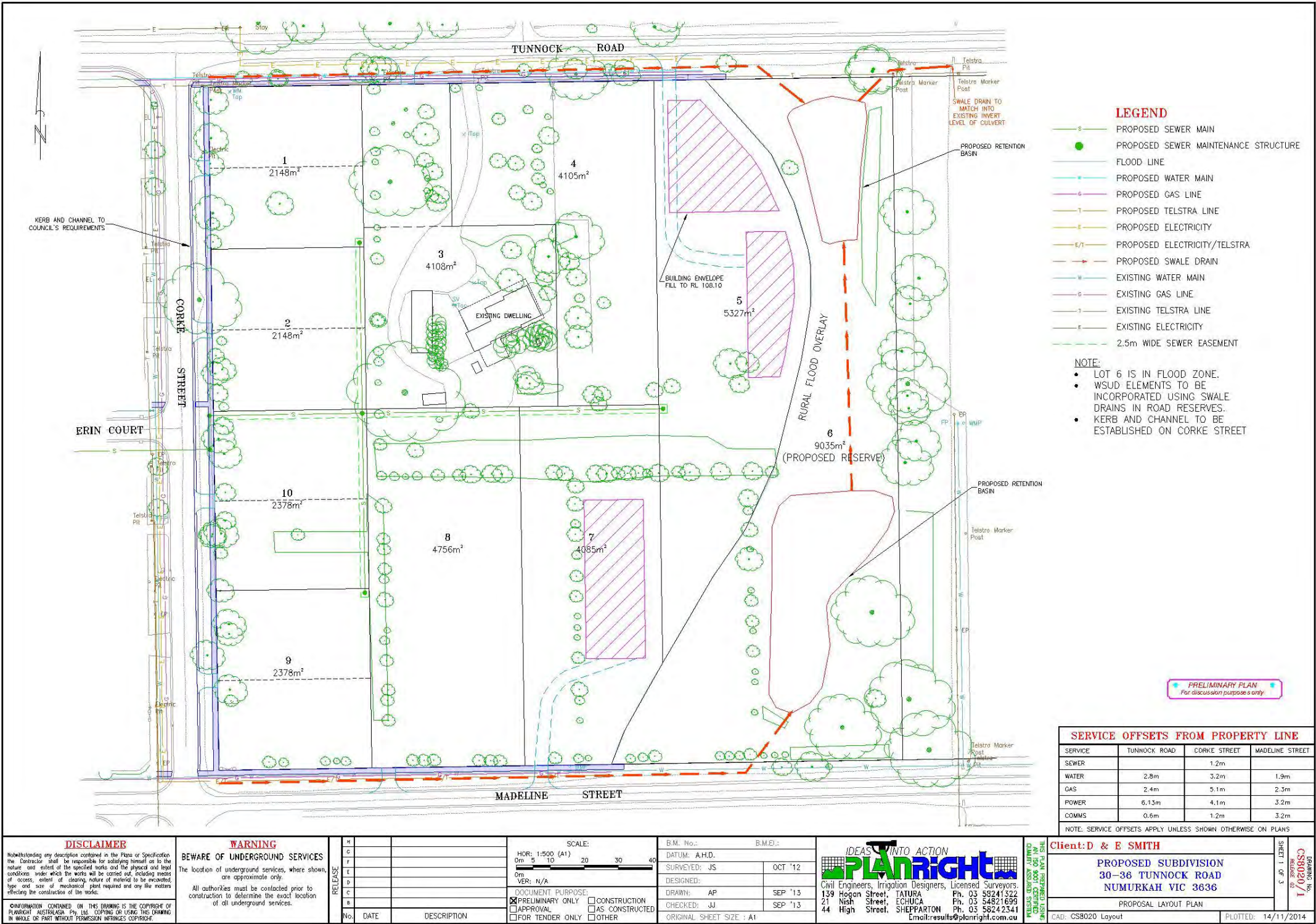
**Appendix D – Preliminary Soil Assessment**

FILE NO: F14/226  
3. DEVELOPMENT AND LIVEABILITY

ITEM NO: 9.3.2  
(DEVELOPMENT COMPLIANCE OFFICER, PATRICK DUBUC)  
(ACTING DIRECTOR, DEVELOPMENT AND LIVEABILITY, ANDREW CLOSE)

DEVELOPMENT PLAN - TUNNOCK ROAD NUMURKAH (cont'd)

ATTACHMENT No [2] - Appendix A and B - Development Plan Tunnock Road - Overall Development and Services Layout Plan



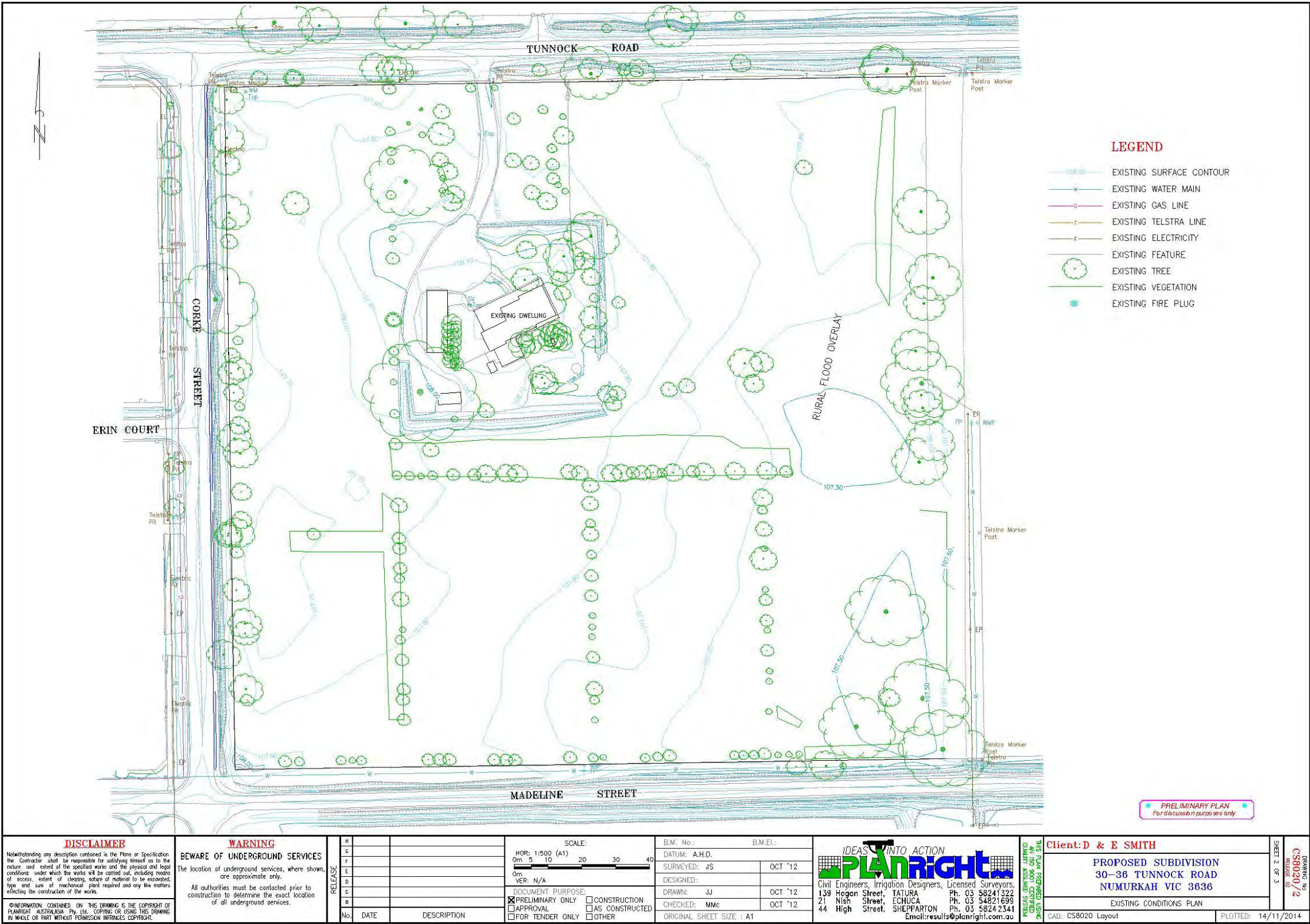


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DEVELOPMENT PLAN - TUNNOCK ROAD NUMURKAH (cont'd)

ATTACHMENT No [2] - Appendix A and B - Development Plan Tunnock Road - Overall Development and Services Layout Plan



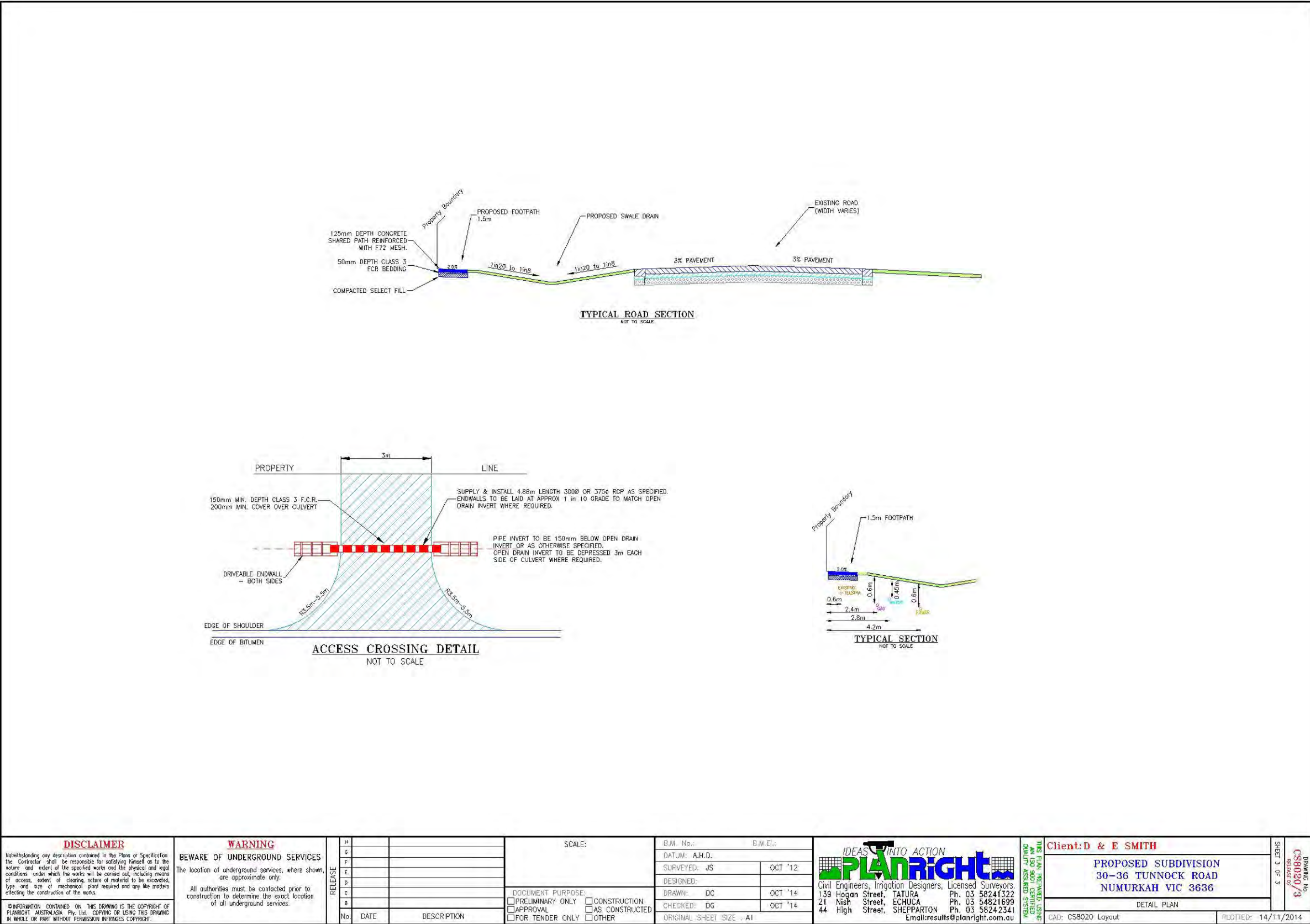


FILE NO: F14/226  
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DEVELOPMENT PLAN - TUNNOCK ROAD NUMURKAH (cont'd)

ATTACHMENT No [2] - Appendix A and B - Development Plan Tunnock Road - Overall Development and Services Layout Plan



FILE NO: F14/321  
3. DEVELOPMENT AND LIVEABILITY

ITEM NO: 9.3.3  
(STATUTORY PLANNING COORDINATOR,  
PETER STENHOUSE)  
(ACTING DIRECTOR, DEVELOPMENT AND  
LIVEABILITY, ANDREW CLOSE)

## AMENDMENT TO COBRAM DEVELOPMENT PLAN FOR RACV EXPANSION - CAMPBELL ROAD COBRAM

### RECOMMENDATION

That Council

Approve the amendment to the Cobram Development Plan to allow for the expansion of the RACV tourist park, subject to a minor alteration of providing a court bowl to the street on the northern boundary of the RACV land.

### 1. Executive Summary

A Planning Permit application has been received for the expansion of the RACV tourist park in Campbell Road Cobram. Part of the expanded tourist park is affected by the Development Plan Overlay which has an approved Development Plan. The proposed tourist park expansion does not accord with the approved Development Plan and therefore a permit cannot be issued.

In order to pursue the permit application, the proponent has requested the Cobram Development Plan be amended to facilitate the proposed tourist park expansion.

The amended Development Plan was not advertised to avoid duplication and potential confusion with the planning permit application that was advertised. No objections were received to the application.

The amended Development Plan was referred to internal Council departments and was considered satisfactory subject to a minor modification.

The integrity of the approved Development Plan will not be undermined as a result of this amendment.

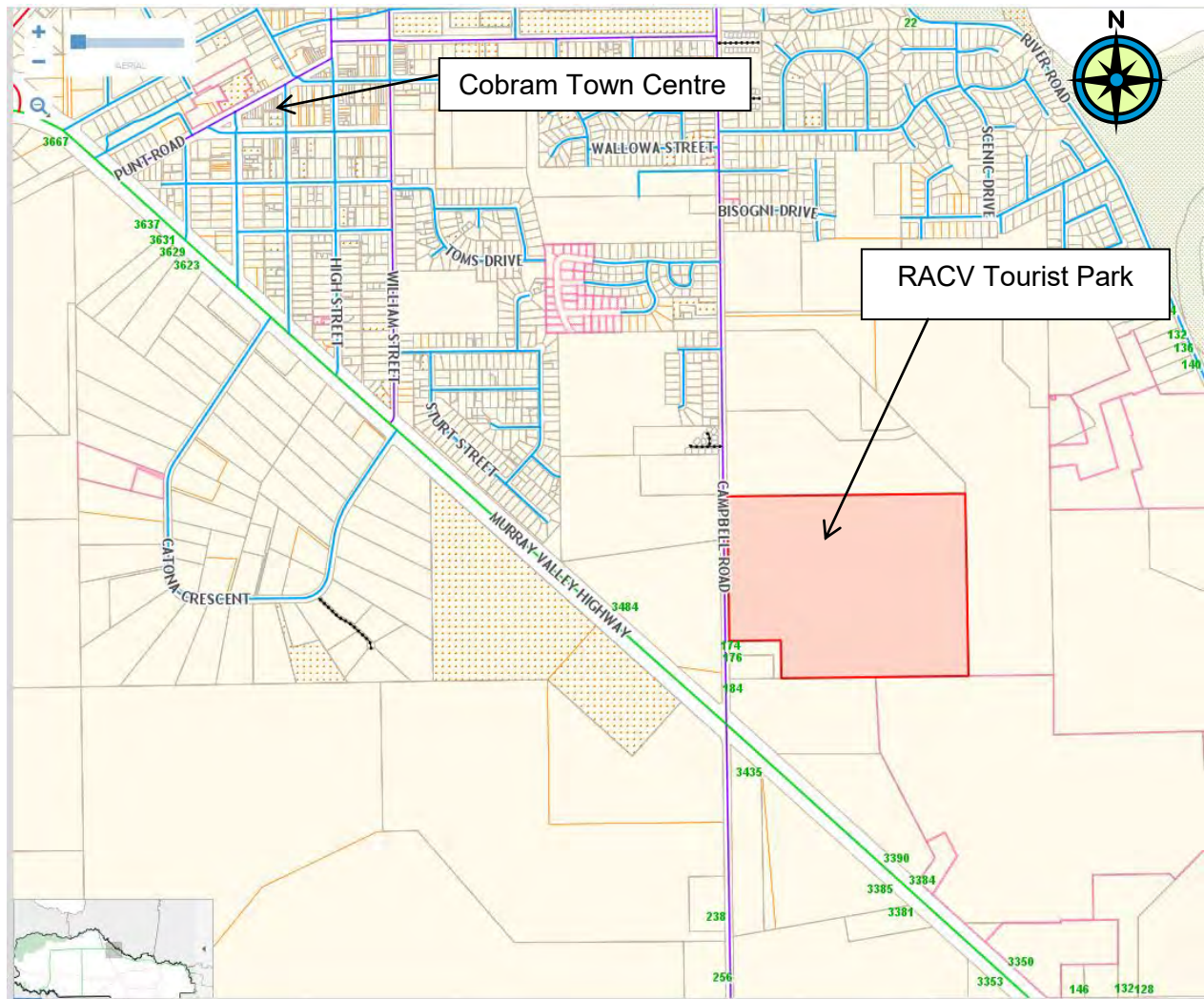
It is recommended that the Cobram Development Plan be amended to allow for the expansion of the RACV tourist park.

FILE NO: F14/321  
3. DEVELOPMENT AND LIVEABILITY

ITEM NO: 9.3.3  
(STATUTORY PLANNING COORDINATOR,  
PETER STENHOUSE)  
(ACTING DIRECTOR, DEVELOPMENT AND  
LIVEABILITY, ANDREW CLOSE)

**AMENDMENT TO COBRAM DEVELOPMENT PLAN FOR RACV EXPANSION -  
CAMPBELL ROAD COBRAM (cont'd)**

**2. Locality Plan**



**3. Background and Options**

The Cobram Development Plan was approved on 19 March 2007 to guide future residential development at various densities, co-ordinate road networks between properties and provide for encumbered (drainage/wetlands) and unencumbered open space.

The Development Plan has subsequently been amended on two occasions:

1. To allow a Camping and Caravan Park (cabin development/village) to establish opposite the RACV tourist park. Amended by Council on 19 July 2010.
2. To modify street layout to accommodate for a different subdivisional layout south of Bisogni Drive in the Murray Rise Estate. Amended by Council on 17 July 2012.

Planning Permit 5/2010/163 was issued on 26 July 2010 subdividing adjoining land to the north of the RACV into 3 lots. A Plan of Subdivision was subsequently certified.

FILE NO: F14/321  
3. DEVELOPMENT AND LIVEABILITY

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(ACTING DIRECTOR, DEVELOPMENT AND  
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## AMENDMENT TO COBRAM DEVELOPMENT PLAN FOR RACV EXPANSION - CAMPBELL ROAD COBRAM (cont'd)

RACV purchased the adjoining allotment and consolidated the 2 parcels of land into one allotment.

A Planning Permit Application No. 5/2014/644 has been lodged for the expansion of the RACV tourist park showing the area included in the approved Development Plan (dated 19 March 2007) for standard residential development. The permit application will change the use and development of this part of the development plan to a tourist (camping and caravan) park.

The Planning Permit 5/2014/644 cannot be issued as it currently does not accord with the approved development plan.

### 4. Financial Implications

The applicant was requested to meet the cost incurred in giving notice to adjoining landowners in relation to the planning permit (5/2014/644). There is no statutory prescribed fee for consideration of the proposed amendment to the Development Plan.

### 5. Risk Management

The amended Development Plan does not present a risk to the future development of the Cobram as the integrity of the approved Development Plan will not be compromised.

### 6. Internal and External Consultation

The proposed amendment to the Development Plan was not required to be referred to any external authority. The Construction and Assets Department was referred the plan and was generally satisfied with the modifications subject to a minor alteration of providing a court bowl to the street on the northern boundary of the RACV land.

The modification proposed to the Development Plan was considered to be minor in nature and therefore did not require advertising. The planning permit application was advertised and no objections were received. The current Development Plan was also advertised in 2006 and was subsequently approved.

### 7. Regional Context

There is no regional context associated with this proposed amendment to the Cobram Development Plan, given its scale and location. However the amendment will provide the opportunity for the RACV tourist park to expand which already has a reputation as a significant tourist accommodation destination.

### 8. Council Plan Strategy

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

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

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

FILE NO: F14/321  
3. DEVELOPMENT AND LIVEABILITY

ITEM NO: 9.3.3  
(STATUTORY PLANNING COORDINATOR,  
PETER STENHOUSE)  
(ACTING DIRECTOR, DEVELOPMENT AND  
LIVEABILITY, ANDREW CLOSE)

## AMENDMENT TO COBRAM DEVELOPMENT PLAN FOR RACV EXPANSION - CAMPBELL ROAD COBRAM (cont'd)

It is considered that the proposed Development Plan amendment is consistent with the community or development goal.

### 9. Legislative / Policy Implications

Clause 43.04-1 applies to land affected by the Development Plan Overlay and states that:

*“A permit granted must:*

- Be generally in accordance with the development plan.*
- Include any conditions or requirements specified in a schedule to this overlay”.*

At Clause 43.04-3 it states:

*“The development plan may be amended to the satisfaction of the responsible authority”.*

### 10. Environmental Impact

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

### 11. Conflict of Interest Considerations

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

### 12. Conclusion

The proposed amendment to the Cobram Development Plan is considered to be a minor departure from the approved Development Plan and should not undermine the integrity of the plan to provide for future residential development.

Whilst this proposed amendment removes one linkage to Campbell Road, there will still be two linkages in addition to an existing linkage (Bisogni Drive).

Apart for a small alteration to the plan to provide a court bowl on the northern boundary of RACV, it is recommended that the amendment to the Cobram Development Plan be approved.

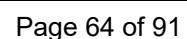
### Attachments

- 1 Approved Cobram Development Plan
- 2 Proposed Amendment to Cobram Development Plan



**ITEM NO: 9.3.3**  
**(STATUTORY PLANNING**  
**COORDINATOR, PETER STENHOUSE)**  
**(ACTING DIRECTOR, DEVELOPMENT**  
**AND LIVEABILITY, ANDREW CLOSE)**

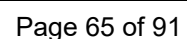
**ATTACHMENT No [1] - Approved Cobram Development Plan**





**ITEM NO: 9.3.3**  
**(STATUTORY PLANNING**  
**COORDINATOR, PETER STENHOUSE)**  
**(ACTING DIRECTOR, DEVELOPMENT**  
**AND LIVEABILITY, ANDREW CLOSE)**

**ATTACHMENT No [2] - Proposed Amendment to Cobram Development Plan**



**ITEM NO: 9.3.4**  
**(STATUTORY PLANNING COORDINATOR,**  
**PETER STENHOUSE)**  
**(ACTING DIRECTOR, DEVELOPMENT AND**  
**LIVEABILITY, ANDREW CLOSE)**

## RECOMMENDATION

## 1. Executive Summary

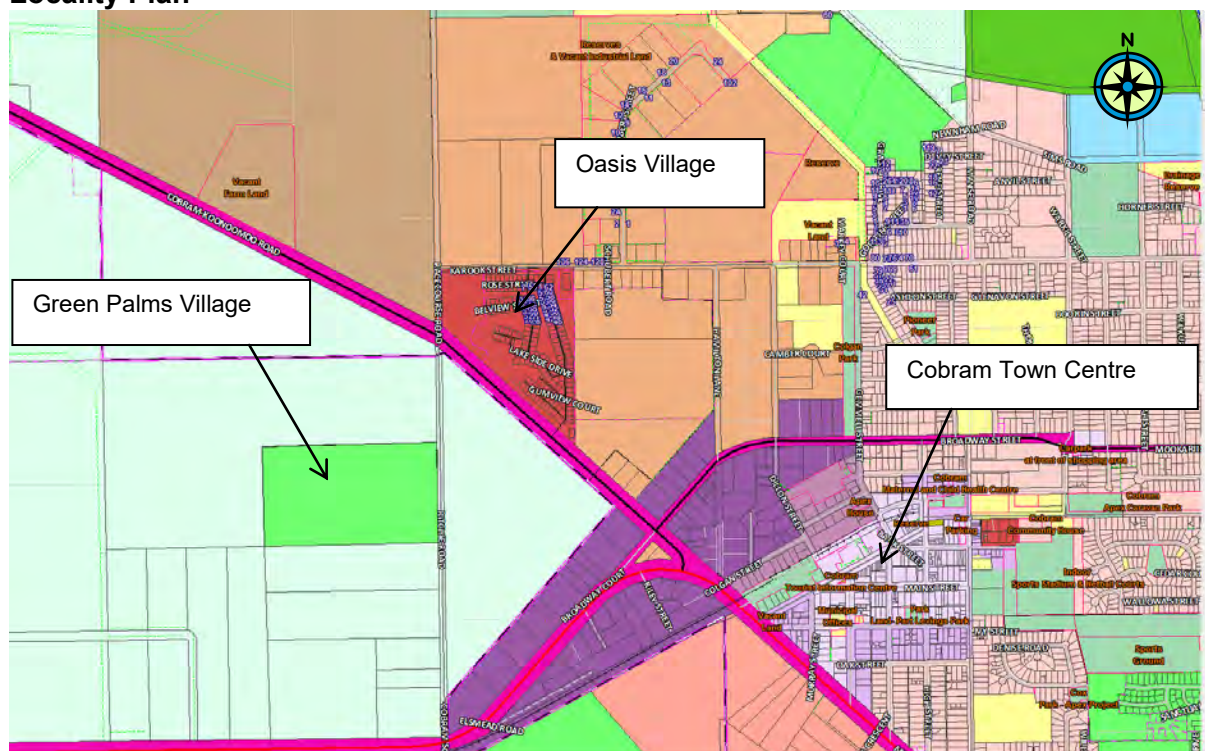
The amended Development Plan was not required to be referred or advertised as it is not changing the concept of the village and is only adding 50 additional dwelling unit sites.

The location of the additional dwelling units does not interfere with the significant vegetation on the subject land.

An amendment to the plan endorsed as part of Planning Permit TP0900205 will be required.

It is recommended that the amended Development Plan be approved.

## Locality Plan



FILE NO: 100.01.001  
3. DEVELOPMENT AND LIVEABILITY

ITEM NO: 9.3.4  
(STATUTORY PLANNING COORDINATOR,  
PETER STENHOUSE)  
(ACTING DIRECTOR, DEVELOPMENT AND  
LIVEABILITY, ANDREW CLOSE)

**AMENDMENT TO GREEN PALMS DEVELOPMENT PLAN - 85 RITCHIE ROAD,  
COBRAM - ADDITIONAL DWELLING UNIT SITES (cont'd)**

**2. Background and Options**

Amendment C37 to the Moira Planning Scheme was approved by the Minister of Planning on 4 June 2009 that rezoned the land from Farming to Special Use Zone and introduced the Environmental Significance Overlay and Development Plan Overlay.

The Development Plan for Green Palms Village was approved by Council at its meeting on 21 December 2009.

Planning Permit TP0900205 was approved by Council and issued on 15 January 2010 for the use and development of land for a residential village and was subsequently amended on 30 June 2011 to replace the description of the use from Residential Village to Camping and Caravan Park to accord with the amended Schedule to Development Plan Overlay (DPO10).

Amendment C67 to the Moira Planning Scheme was approved by the Minister of Planning on 12 May 2011 for amend the schedule to the Special Use Zone (SUZ1) and the Schedule to the Development Plan Overlay (DPO10) to enable the development of the land to be consistent with the approved 'Green Palms Development Plan' and replacing the description of the use from Residential Village to Camping and Caravan Park in DPO10.

Amendment C74 to the Moira Planning Scheme was adopted by Council at its meeting on 24 June 2013 and subsequently approved by the Minister for Planning on 10 October 2013 to increase the number of dwelling units from 150 to 200 and to correctly state the address of the subject land being 85 Ritchie Road, Cobram.

The Development Plan was amended by Council on 24 June 2013 to better reflect the actual site plan of the village in terms of road layout, dwelling sites, protected vegetation areas and village facilities.

The options available to Council with respect to this proposed amendment are:

- 1) Approve the amended Development Plan
- 2) Refuse to amend the Development Plan



FILE NO: 100.01.001  
3. DEVELOPMENT AND LIVEABILITY

ITEM NO: 9.3.4  
(STATUTORY PLANNING COORDINATOR,  
PETER STENHOUSE)  
(ACTING DIRECTOR, DEVELOPMENT AND  
LIVEABILITY, ANDREW CLOSE)

**AMENDMENT TO GREEN PALMS DEVELOPMENT PLAN - 85 RITCHIE ROAD,  
COBRAM - ADDITIONAL DWELLING UNIT SITES (cont'd)**

**3. 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 10 to the Overlay specifically outlines what is required to be contained in the Green Palms Development Plan such as a Site Analysis, Concept Plans, limitation of 200 dwelling units, Integrated Transport Plan, Landscape Plan, Flora and Fauna Assessment, Stormwater Management Plan and an Environmental Management Plan.

Once a Development Plan is approved it may be amended to the satisfaction of the Responsible Authority (Clause 43.04-3). There is however no statutory process to amend a Development Plan.

**4. Discussion**

This amendment to the Development Plan shows the additional 50 dwelling units in the south west corner of the site in between the significant native vegetation which is protected by the Significant Landscape Overlay.

This amendment accords with Schedule 10 to the Development Plan Overlay that was amended as part of Planning Scheme Amendment C74.

**5. Financial Implications**

There are no financial implications in approving this amended Development Plan.

**6. Community Consultation**

The amended Development Plan was not required to be advertised as Planning Scheme Amendment C74 was publicly exhibited and no objections were received. The original design layout of the village is being maintained but with an additional 50 dwelling units.

**7. Internal Consultation**

The amended Development Plan was not required to be referred either internally or externally as the original intent and concept plans are not substantially being altered.

**8. Legislative / Policy Implications**

The proponent is seeking the approval of the Responsible Authority to amend a Development Plan as required by Clause 43.04-3 of the Planning Scheme.

**9. Environmental Sustainability**

There are a number of significant stands of native vegetation trees on the site that are protected by the Significant Landscape Overlay (SLO). The amended Development Plan aligns with the SLO, thereby protecting the existing native vegetation.

**10. Risk Management**

Amendment C74 to the planning scheme allowed the increase in the number of dwelling units on the site. The Development Plan shows how and where these additional dwelling units will be

FILE NO: 100.01.001  
3. DEVELOPMENT AND LIVEABILITY

ITEM NO: 9.3.4  
(STATUTORY PLANNING COORDINATOR,  
PETER STENHOUSE)  
(ACTING DIRECTOR, DEVELOPMENT AND  
LIVEABILITY, ANDREW CLOSE)

**AMENDMENT TO GREEN PALMS DEVELOPMENT PLAN - 85 RITCHIE ROAD,  
COBRAM - ADDITIONAL DWELLING UNIT SITES (cont'd)**

constructed. An amendment to the Planning Permit will still be required and must comply with the requirements or conditions of the permit.

It is considered that any risk associated with this change to the Development Plan is relatively low as permit requirements would need to be satisfied. If there is a breach of the permit conditions, then it becomes a compliance issue.

### **11. Regional Context**

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

### **12. Council Plan Strategy**

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

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

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

It is considered that the proposed change to the Development Plan is consistent with the community or development goal.

### **13. Conclusion**

The amended Development Plan is consistent with the current Schedule 10 to the Development Plan Overlay that now allows for 200 dwelling units and reflects the original intent of the village concept plans whilst still protecting the significant stands of native vegetation on the site.

It is recommended that the amended Development Plan be approved.

### **Attachments**

- 1 Green Palms Approved Development Plan
- 2 Green Palms Village Proposed Amendment

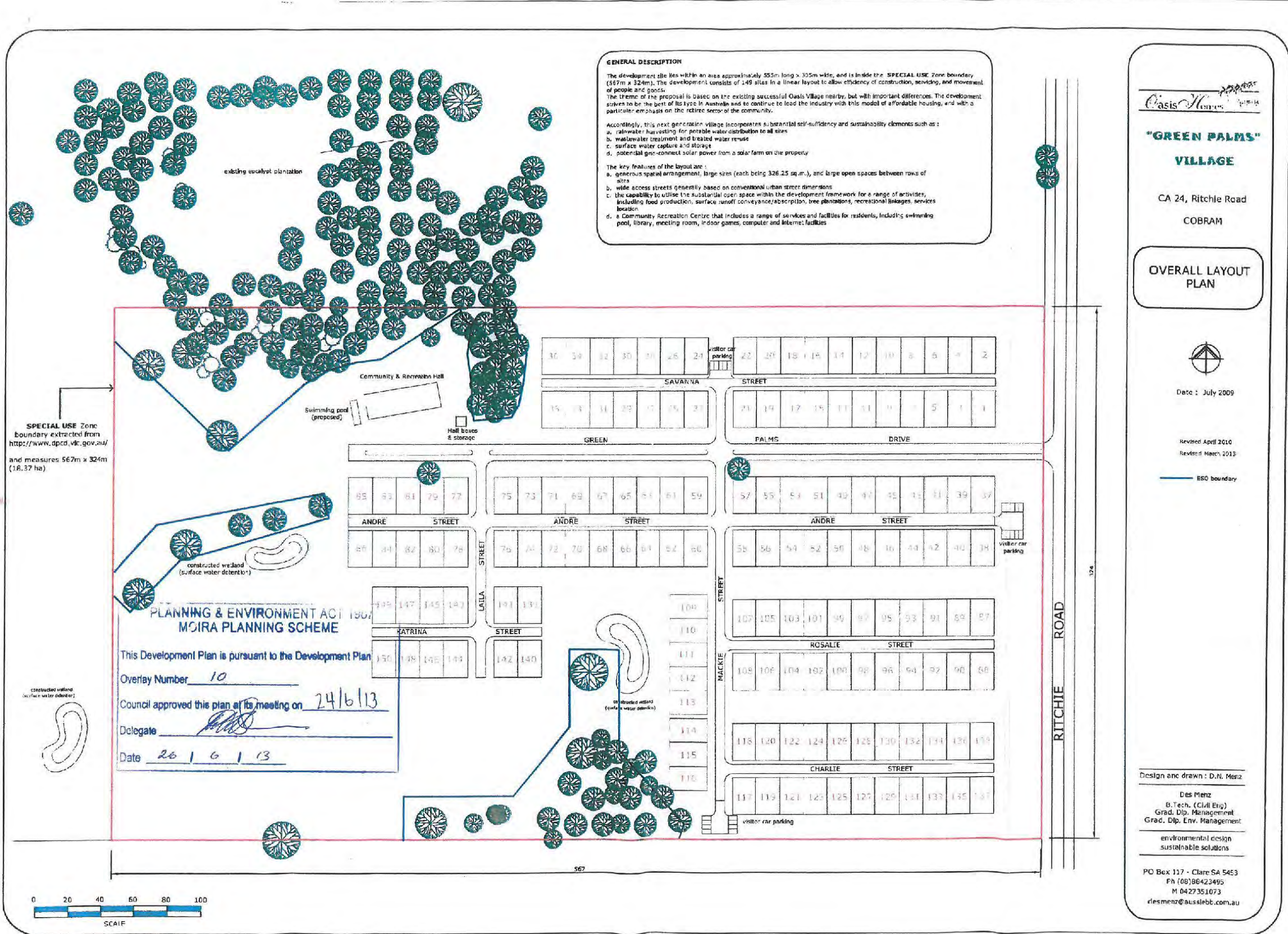


FILE NO: 100.01.001  
3. DEVELOPMENT AND LIVEABILITY

ITEM NO: 9.3.4  
(STATUTORY PLANNING COORDINATOR, PETER STENHOUSE)  
(ACTING DIRECTOR, DEVELOPMENT AND LIVEABILITY, ANDREW CLOSE)

AMENDMENT TO GREEN PALMS DEVELOPMENT PLAN - 85 RITCHIE ROAD, COBRAM - ADDITIONAL DWELLING UNIT SITES (cont'd)

ATTACHMENT No [1] - Green Palms Approved Development Plan



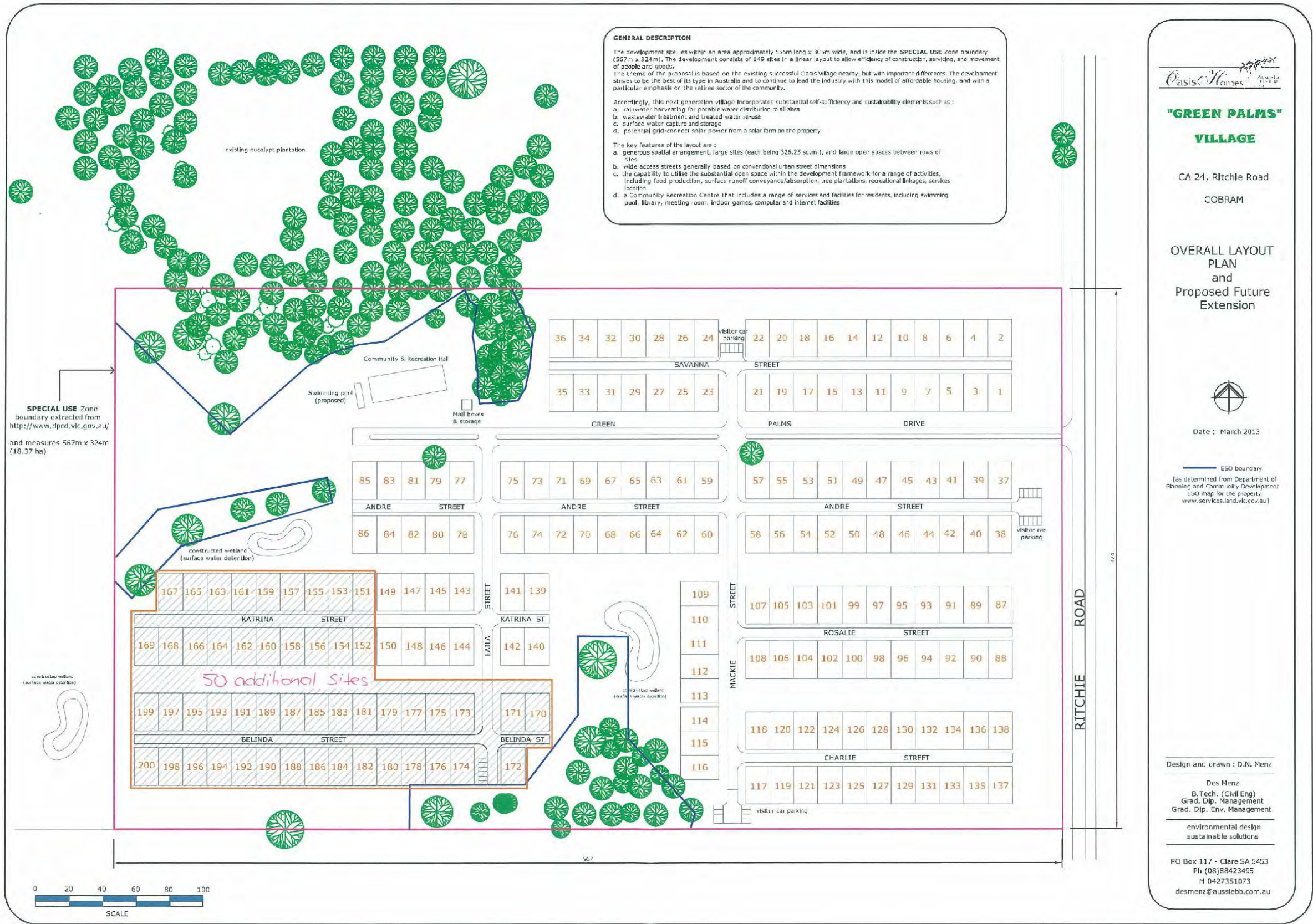


FILE NO: 100.01.001  
3. DEVELOPMENT AND LIVEABILITY

ITEM NO: 9.3.4  
(STATUTORY PLANNING COORDINATOR, PETER STENHOUSE)  
(ACTING DIRECTOR, DEVELOPMENT AND LIVEABILITY, ANDREW CLOSE)

AMENDMENT TO GREEN PALMS DEVELOPMENT PLAN - 85 RITCHIE ROAD, COBRAM - ADDITIONAL DWELLING UNIT SITES (cont'd)

ATTACHMENT No [2] - Green Palms Village Proposed Amendment



FILE NO: F13/860  
3. DEVELOPMENT AND LIVEABILITY

ITEM NO: 9.3.5  
(ACTING DIRECTOR, DEVELOPMENT AND  
LIVEABILITY, MARK FOORD)  
(ACTING DIRECTOR, DEVELOPMENT AND  
LIVEABILITY, ANDREW CLOSE)

**PETITION - THOMPSON AVENUE AND ELIZABETH STREET, COBRAM**

**RECOMMENDATION**

That:

1. Council thank the petition organiser for the work done in preparing the petition.
2. Council advise the petition organiser that additional signage will be installed at the bend in Elizabeth Street and Thompson Avenue, Cobram to remind motorists that they are about to negotiate a bend and that the advisory speed for the bend is 25km/hr.
3. The petition organiser be advised about the procedure for reporting "hoon behaviour" to the Police.

**1. Executive Summary**

A petition has been received regarding the installation of speed humps on the corner of Thompson Avenue and Elizabeth Street, Cobram. Council received the petition at its meeting of Monday 17 November 2014.

A speed study has been carried out at the location of the requested works. The study indicates that motorists are negotiating the bend between the two roads very responsibly.

The petition advises of incidents at the bend in the past and these incidents may be due to motorists unfamiliar with area approaching the bend at too high speed.

The report considers a number of options including the option of speed humps requested within the petition and recommends that additional signage be installed at the location to help provide motorists with more information about the need to slow down to negotiate the bend between Elizabeth Street and Thompson Avenue, Cobram.

**2. Background and Options**

**a. The Petition**

A petition has been received regarding the installation of speed humps on the corner of Thompson Avenue and Elizabeth Street, Cobram. Council received the petition at its meeting of Monday 17 November 2014.

The petition, signed by 27 residents, states;

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



FILE NO: F13/860  
3. DEVELOPMENT AND LIVEABILITY

ITEM NO: 9.3.5  
(ACTING DIRECTOR, DEVELOPMENT AND  
LIVEABILITY, MARK FOORD)  
(ACTING DIRECTOR, DEVELOPMENT AND  
LIVEABILITY, ANDREW CLOSE)

**PETITION - THOMPSON AVENUE AND ELIZABETH STREET, COBRAM (cont'd)**

**b. The Site**

Thompson Avenue is a residential Street. Elizabeth Street is adjacent to the Secondary School oval, and the two meet at a bend.

The following map shows the area.



The speed limit at the bend is 40km/hr as the area is adjacent to a school. The 40km/hr speed limit applies at all times. A speed limit sign is installed at the south approach to the bend.

The school car park and bus entrance way are accessed of driveways that are located within the bend. Approximately 10 busses enter the car park before 9:00am each morning, and leave via another route.

There are no skid marks at the bend and no other obvious signs that the area is subject to high vehicle speeds.

**c. Speed Study**

Council's laser speed and vehicle classifier was placed in Elizabeth Street adjacent to the bend at Thompson Avenue for a week in October 2014.

The laser speed and vehicle classifier has the advantage that speeds are recorded very accurately and motorists are generally not aware that their speeds are being recorded, as the device is quite compact. Rubber tubes are not placed across the road as with the traditional vehicle classifiers.

FILE NO: F13/860  
3. DEVELOPMENT AND LIVEABILITY

ITEM NO: 9.3.5  
(ACTING DIRECTOR, DEVELOPMENT AND  
LIVEABILITY, MARK FOORD)  
(ACTING DIRECTOR, DEVELOPMENT AND  
LIVEABILITY, ANDREW CLOSE)

**PETITION - THOMPSON AVENUE AND ELIZABETH STREET, COBRAM (cont'd)**

The following two tables show the results of the speed study for vehicles travelling east and west along Elizabeth Street very near the bend.

Vehicle Type	Vehicles travelling East in Elizabeth Street				
	Number of Vehicles	Percentage of Vehicles %	Average Speed Km/hr	85th %ile Speed Km/hr	Maximum Speed Km/hr
Motorcycles	43	7.4	17	24	32
Cars	538	92.3	21	25	31
Trucks	2	0.3	18	19	19
Long Trucks	0	0			
Total	583	57.6	21	25	32

Vehicle Type	Vehicles travelling West in Elizabeth Street				
	Number of Vehicles	Percentage of Vehicles %	Average Speed Km/hr	85th %ile Speed Km/hr	Maximum Speed Km/hr
Motorcycles	25	5.8	17	23	37
Cars	398	92.8	22	26	38
Trucks	6	1.4	15	16	22
Long Trucks	0	0			
Total	429	42.4	22	26	38

Statistics provided by the speed study;

- Speed Violations – 0
- Average Daily Traffic – 148 vehicles per day
- Truck fraction – 1%

During the time that speeds were being measured no vehicles were observed travelling at above the speed limit.

The maximum speed recorded approaching the bend was 32 km/hr and travelling away from the bend was 38 km/hr. The eighty fifth percentile speed, that is, the speed that eighty five percent of vehicles are travelling below was measured as 25 Km/hr approaching the bend and 26 Km/hr exiting the bend.

These speeds are much lower than normally recorded in residential streets; no doubt the speeds are affected greatly by the bend.

FILE NO: F13/860  
3. DEVELOPMENT AND LIVEABILITY

ITEM NO: 9.3.5  
(ACTING DIRECTOR, DEVELOPMENT AND  
LIVEABILITY, MARK FOORD)  
(ACTING DIRECTOR, DEVELOPMENT AND  
LIVEABILITY, ANDREW CLOSE)

## **PETITION - THOMPSON AVENUE AND ELIZABETH STREET, COBRAM (cont'd)**

The speeds are however not excessive and this is expressly shown by the 85<sup>th</sup> percentile speeds of 25km/hr and 26km/hr. The vast majority – 85% of vehicles are travelling very slowly when negotiating the bend.

The maximum speed recorded of 38km/hr would normally not be of any concern, however it may be a significant speed at this location. It is 46% higher than the 85th percentile. There are however very few vehicles travelling at this speed.

It may be that a few vehicles, probably regular travellers along the route, are travelling at what may be perceived to be high speeds by a person standing at the kerb. It may also be that an occasional motorist who is not aware of the area approaches the bend at a speed near the speed limit, though during the time that the speed classifier was installed there was no evidence of this, and this would appear to be a high speed for the bend.

There is also the issue of “hoon behaviour” which while not observed by Officers, nor is there any evidence at the site, may be an occasional issue at the bend.

### **d. Options for Treatment**

#### **i. Speed Humps**

The petition calls for speed humps to be installed on the corner of Thompson Avenue and Elizabeth Street.

Speed humps to a specific design known as the “Watts Profile” and comprised of asphalt could be installed at the site. Two humps along with the required signage would cost approximately \$25,000. Such works would be a capital project. There is no funding available within the current budget to undertake such works.

While speed humps are the traditional request of many residents, and would provide an obvious solution to any speed related issue, they have serious disadvantages to all frequent travellers, and perhaps more significantly increase noise within residential areas.

#### **ii. Signage**

The speed study has shown that speeds are not objectively an issue at the site. The study was however carried out over a limited time period. Analysis of the site shows that the speed limit signs are installed quite close to the bend. Some motorists may not be aware of the bend until they are traversing it and this may account for the isolated incidents where fences are being damaged.

If additional signage in the form of advisory speed signs were installed those motorists that are not seeing the bend till too late would be made more aware of the need to slow down. Advisory speed signs would also remind regular travellers of what is considered a reasonable speed to traverse the bend.

The appropriate speed to negotiate the bend is approximately 25km/hr. This is indicated by the 85<sup>th</sup> percentile speed. Installation of advisory speed signage would cost approximately \$2000 and could be accommodated within the current financial year's operations budget for signage.

#### **iii. Speed trailer**

Council has utilised the speed trailer, which records and advises approaching motorists of the speed at which they are travelling, to help educate motorists about excessive speed or regular over the speed limit use of a particular section of road.

FILE NO: F13/860  
3. DEVELOPMENT AND LIVEABILITY

ITEM NO: 9.3.5  
(ACTING DIRECTOR, DEVELOPMENT AND  
LIVEABILITY, MARK FOORD)  
(ACTING DIRECTOR, DEVELOPMENT AND  
LIVEABILITY, ANDREW CLOSE)

**PETITION - THOMPSON AVENUE AND ELIZABETH STREET, COBRAM (cont'd)**

The speed trailer could be deployed for a limited time, near the approach to the bend in Elizabeth Street and Thompson Avenue to help remind motorists about their approach speed.

**iv. Hoon Legislation**

There is specific legislation and a procedure available to cater for situations where there may be a few individuals who do not obey the law, or are causing dangerous situations.

Anti-hoon laws have been introduced to target dangerous drivers. The Road Safety Amendment (Hoon Driving and Other Matters) Bill was effective from 1 July 2011. The law provides for Vehicle impoundment and other penalties to remove dangerous drivers from the roads.

Reports of hoon driving help Victoria Police target repeat offenders and focus on specific locations.

If a person knows the identity of a hoon driver, has knowledge of hoon driving activity, or is able to provide a description of the vehicles involved (make, model, colour, registration number) the matter can be reported to Crime Stoppers without revealing their identity.

The Crime Stoppers Hoon Hotline can be contacted on 1800 333 000 or reported online at [www.crimestoppersvic.com.au](http://www.crimestoppersvic.com.au).

**3. Financial Implications**

The recommendations arising from this report, including installation of advisory signage, are included within Council's operational budget.

**4. Risk Management**

The petition mentions road safety and the report discusses road safety matters. Road safety is a significant issue and any works carried out in respect of the petition must be done in accordance with the relevant standards.

**5. Internal and External Consultation**

The Operations Department and the Infrastructure and Assets Department have been consulted in relation to this report, particularly with respect to the provision of funding for the recommended outcomes.

**6. Regional Context**

There are no regional issues to consider in relation to this report.

**7. Council Plan Strategy**

The Council Plan effects the recommendations of this report in many ways. The Strategic Goals of Infrastructure and Community are particularly relevant as the recommendation supports community safety, and engagement and will help ensure that the infrastructure is meeting the needs of the community.

**8. Legislative / Policy Implications**

The predominant legislation that supports the recommendation outlined in this report is the Road Safety Act and related legislation.

Council's byLaws are also specifically referred to in relation to the procedure and consideration of the petition.

**9. Environmental Impact**

There are no environmental impacts arising from the recommendations within this report.



FILE NO: F13/860  
3. DEVELOPMENT AND LIVEABILITY

ITEM NO: 9.3.5  
(ACTING DIRECTOR, DEVELOPMENT AND  
LIVEABILITY , MARK FOORD)  
(ACTING DIRECTOR, DEVELOPMENT AND  
LIVEABILITY, ANDREW CLOSE)

**PETITION - THOMPSON AVENUE AND ELIZABETH STREET, COBRAM (cont'd)**

**10. Conflict of Interest Considerations**

There are no Officer conflicts of interest issues in relation to this report.

**11. Conclusion**

It is recommended that additional signage be installed at the intersection or bend in Elizabeth Street and Thompson Avenue in Cobram.

Additional signage will help any motorists not familiar with the area to negotiate the bend at a reasonable speed and also serve as a reminder to frequent users of this section of road that vehicle speeds need to be very low at this location.

It is also recommended that the petition organiser be thanked for their work in organising the petition and that they be advised of Council's decision.

**Attachments**

- 1 Petition Thompson Avenue and Elizabeth Street, Cobram

FILE NO: F13/860  
3. DEVELOPMENT AND LIVEABILITY

ITEM NO: 9.3.5  
(ACTING DIRECTOR, DEVELOPMENT  
AND LIVEABILITY, MARK FOORD)  
(ACTING DIRECTOR, DEVELOPMENT  
AND LIVEABILITY, ANDREW CLOSE)

**PETITION - THOMPSON AVENUE AND ELIZABETH STREET, COBRAM**  
(cont'd)

**ATTACHMENT No [1] - Petition Thompson Avenue and Elizabeth Street, Cobram**

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

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

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

FILE NO: 120.16.0001  
3. OUR COMMUNICATIONS AND PROCESSES

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

## ASSEMBLIES OF COUNCILLORS

### RECOMMENDATION

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

### 1. Executive Summary

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

Inclusion of the attached records of Assembly of Councillors in the Council agenda, and incorporation into the Minutes ensures Council meets its statutory obligations under section 80A of the Local Government Act 1989 (the Act).

### 2. Background and Options

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

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

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

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

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

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

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

### 3. Financial Implications

There are no financial implications with this report.

FILE NO: 120.16.0001  
3. OUR COMMUNICATIONS AND PROCESSES

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

## ASSEMBLIES OF COUNCILLORS (cont'd)

### 4. Risk Management

There are no risk implications with this report.

### 5. Internal and External Consultation

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

### 6. Regional Context

There are no regional contexts associated with this report.

### 7. Council Plan Strategy

Ensuring Good Governance to meet legislative obligations

### 8. Legislative / Policy Implications

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

### 9. Environmental Impact

There are no environmental impacts with this report.

### 10. Conflict of Interest Considerations

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

### 11. Conclusion

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

### Attachments

- 1 Attachment 4
- 2 Attachment 10
- 3 Attachment 17
- 4 Attachment 18

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

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

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

**ATTACHMENT No [1] - Attachment 4**



**RECORD OF ASSEMBLY OF COUNCILLORS**

Date held	4 November 2014
Name of meeting	Council Briefing
Councillors attending	Councillors Peter Mansfield, Marie Martin, Gary Cleveland, Kevin Bourke, Wendy Buck, Alex Monk, Don McPhee, Brian Keenan, Ed Cox
Council staff attending	Chief Executive Officer, Mark Henderson Acting Director Corporate Governance, Doug Sharp Acting Director Development and Liveability, Andrew Close Director Community, Peter Bertolus Manager Governance, David Booth
Matters discussed	
<ol style="list-style-type: none"> <li>1. Murray River Provedores</li> <li>2. NBN presentation</li> <li>3. Yarrawonga Bypass (bridge)</li> <li>4. 2015 meeting schedule</li> <li>5. Councillor representatives on committees of management</li> <li>6. Councillor issues: <ul style="list-style-type: none"> <li>• Nature strip policy</li> <li>• Possible sale of the Caravan Parks and Saleyards</li> <li>• Tyre's at Numurkah and Katunga</li> <li>• Numurkah Flood Study</li> <li>• Land sales</li> <li>• Dick's spillway</li> <li>• Subdivision in Yarrawonga East</li> <li>• Drainage study's at Nathalia and Yarrawonga</li> <li>• Cobram Library</li> <li>• Receival of Waste from Corowa Shire proposal</li> <li>• Pool season preparation</li> <li>• Hogans Road Walking track</li> <li>• Yarroweyah and Wunghnu drainage</li> <li>• P-12 College Yarrawonga</li> <li>• Organic Waste service update</li> </ul> </li> </ol>	
1) Conflict of Interest Disclosures (indicate below if Nil or complete details)	
Nil	

FILE NO: 120.16.0001  
3. OUR COMMUNICATIONS AND  
PROCESSES

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

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

**ATTACHMENT No [2] - Attachment 10**



**RECORD OF ASSEMBLY OF COUNCILLORS**

Date held	10 November 2014
Name of meeting	Council Briefing
Councillors attending	Councillors Marie Martin, Peter Mansfield, Gary Cleveland, Kevin Bourke, Wendy Buck, Alex Monk, Don McPhee, Brian Keenan
Council staff attending	Chief Executive Officer, Mark Henderson Acting Director Corporate Governance, Doug Sharp Acting Director Development and Liveability, Andrew Close Director Community, Peter Bertolus Manager Governance, David Booth
Matters discussed	<ol style="list-style-type: none"><li>1. Victorian Auditor General Office presentation by Crowe Howarth</li><li>2. Councillor issues:<ul style="list-style-type: none"><li>• Council briefing discussion – days, times and frequency</li><li>• Council meeting discussion – day, time and locations</li><li>• Community engagement in small communities</li><li>• Councillor Christmas function</li><li>• Recreation Strategy update</li><li>• Councillor portfolios</li><li>• ICE forums</li><li>• Numurkah Showgrounds building – condition audit</li></ul></li><li>3. Bundalong new Years Eve event</li><li>4. Management report</li><li>5. RV Friendly working group</li><li>6. Yarrawonga Neighbourhood House lease of former Pre School premises</li><li>7. CFA tanks at Barmah</li><li>8. Numurkah and Katunga tyres</li><li>9. Agenda Review</li></ol>
1) Conflict of Interest Disclosures (indicate below if Nil or complete details)	
Nil	



FILE NO: 120.16.0001  
3. OUR COMMUNICATIONS AND  
PROCESSES

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

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

**ATTACHMENT No [3] - Attachment 17**



**RECORD OF ASSEMBLY OF COUNCILLORS**

Date held	17 November 2014
Name of meeting	Council Briefing
Councillors attending	Councillors Peter Mansfield, Marie Martin, Gary Cleveland, Kevin Bourke, Wendy Buck, Alex Monk, Don McPhee, Brian Keenan, Ed Cox
Council staff attending	Chief Executive Officer, Mark Henderson Acting Director Corporate Governance, Doug Sharp Acting Director Development and Liveability, Andrew Close Director Community, Peter Bertolus Manager Governance, David Booth
Matters discussed	
	1. Yarrawonga Bridge announcement 2. Tungamah Netball Courts 3. Bundalong Tavern Planning application 4. Agenda Review
	1) Conflict of Interest Disclosures (indicate below if Nil or complete details)
	Nil

FILE NO: 120.16.0001  
3. OUR COMMUNICATIONS AND  
PROCESSES

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

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

**ATTACHMENT No [4] - Attachment 18**



**RECORD OF ASSEMBLY OF COUNCILLORS**

Date held	Tuesday 18 November 2014
Name of meeting	Moirashire Local Safety Committee
Councillors attending	Councillor Kevin Bourke
Council staff attending	Team Leader Community Facilities, Recreation and Youth, Clinton Shand Administration Support Community Facilities, Recreation and Youth, Sharon Nye Youth Trainee, Erin Walmsley
Matters discussed	
	1. Police Statistics 2. Youth Update 3. Safety Plan 2015 – 2018 4. Meeting Dates
Conflict of Interest Disclosures (indicate below if Nil or complete details)	
	Nil

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

**ITEM NO: 11.1  
(PERSONAL ASSISTANT TO CEO, ROBYN  
BONADDIO)  
(ACTING DIRECTOR CORPORATE  
GOVERNANCE, DOUG SHARP)**

**ACTION OFFICERS LIST**

**RECOMMENDATION**

That Council receive and note the Action Officers List.

**Attachments**

- 1 Action Officer's List - December 2014

FILE NO: 100.01.0001  
3. OUR COMMUNICATIONS AND PROCESSES

ITEM NO: 11.1  
(PERSONAL ASSISTANT TO CEO, ROBYN BONADDIO)  
(ACTING DIRECTOR CORPORATE GOVERNANCE, DOUG SHARP)

## ACTION OFFICERS LIST (cont'd)

### ATTACHMENT No [1] - Action Officer's List - December 2014

#### ACTION OFFICERS LIST – December 2014

Meeting	Subject
Ordinary Council Meeting 17 November 2014	General Business – Poor mobile reception
<b>MOTION</b>	
CRS BRIAN KEENAN / KEVIN BOURKE	
That Council lobby the Minister for Telecommunication for black spot funding for poor mobile reception in the St James area.	
(CARRIED)	
<b>COMPLETED</b>	
A letter has been sent to the Minister of Telecommunications lobbying for better mobile reception in the St James.	
Meeting	Subject
Ordinary Council Meeting 15 September 2014	General Business – VCAT orders.
<b>MOTION</b>	
CRS KEVIN BOURKE / MARIE MARTIN	
That Council authorise the Chief Executive Officer to seek enforcement of the recent VCAT orders on the tyre storage facilities at Numurkah and Katunga.	
(CARRIED)	
<b>ACTIVITY</b>	
Council have received VCAT certification last Friday. A letter is being prepared to the respondent's solicitors by Council solicitors informing them that the matter will now be referred to the Supreme Court.	
Ordinary Council Meeting 23 June 2014	Numurkah Heritage Centre
<b>MOTION</b>	
CRS MARIE MARTIN / KEVIN BOURKE	
I move as a matter of urgency that our Shire's Engineering department carry out a costing of structural and cosmetic work and a framework with how to proceed to get this building into tip-top condition.	
(CARRIED)	
<b>Activity</b>	
Council has received a copy of an Engineer's report with some recommendations for further works. The works will now have to be costed prioritised and then budgeted for. Council will receive a report.	

FILE NO: 100.01.0001  
3. OUR COMMUNICATIONS AND PROCESSES

ITEM NO: 11.1  
(PERSONAL ASSISTANT TO CEO, ROBYN BONADDIO)  
(ACTING DIRECTOR CORPORATE GOVERNANCE, DOUG SHARP)

## ACTION OFFICERS LIST (cont'd)

### ATTACHMENT No [1] - Action Officer's List - December 2014

#### ACTION OFFICERS LIST – December 2014

Meeting	Subject
Ordinary Council Meeting 09 December 2013	Cobram Library
<b>MOTION</b>	
CRS GARY CLEVELAND / MARIE MARTIN	
That:	
<ol style="list-style-type: none"> <li>1. Council approve the Cobram Civic Centre as the location for the new Cobram Library/Community Hub.</li> <li>2. Authorise Council Officers to seek the services of a suitably qualified Architect to undertake the detailed design of a multiple staged 'Civic Centre Precinct' in order to meet with the projected future needs of the community, with Stage 1 of the project being a new Library facility and associated works.</li> </ol>	
(CARRIED)	
<b>ACTIVITY</b>	
An architect is currently working on providing concept plans for a Learning Centre at the Civic Centre site in Cobram. A report will be presented at the 8 <sup>th</sup> December Ordinary Council Meeting.	
Meeting	Subject
Ordinary Council Meeting 17 September 2012	Bus Terminus - old Railway Station precinct
<b>MOTION</b>	
That Council:	
<ol style="list-style-type: none"> <li>1. Explore feasibility of establishing a bus terminus and lighted car parking area near the old railway station precinct; and</li> <li>2. Seek funding from the appropriate authority for a sided bus shelter at corner of Orr and Belmore Streets to protect people from the weather.</li> </ol>	
(CARRIED)	
<b>COMPLETED</b>	
The area available at the old Railway Station will be dependent upon the option and alignment that VicRoads adopt for the new bridge at Yarrawonga. Current indications are that there will be no space available to develop the site. Vic track has agreed to fund works upon the railway station building.	



FILE NO: 100.01.0001  
3. OUR COMMUNICATIONS AND PROCESSES

ITEM NO: 11.1  
(PERSONAL ASSISTANT TO CEO, ROBYN BONADDIO)  
(ACTING DIRECTOR CORPORATE GOVERNANCE, DOUG SHARP)

## ACTION OFFICERS LIST (cont'd)

### ATTACHMENT No [1] - Action Officer's List - December 2014

#### ACTION OFFICERS LIST – December 2014

Meeting	Subject
Ordinary Council Meeting 12 December 2011	Local Law 2007 Meeting Procedure
<b>MOTION</b> That Council review the Local Law 2007 Meeting Procedure.	(CARRIED)
<b>ACTIVITY</b> A briefing note was distributed in late November.	
Meeting	Subject
Ordinary Council Meeting 20 June 2011	RV Friendly Shire
<b>MOTION</b> That Council endorse the establishment of a Community Stakeholder Steering Committee to explore the adoption of a RV friendly position and set a timeframe of 12 months for the Committee to develop a RV Friendly implementation Framework and Plan	(CARRIED)
<b>ACTIVITY</b> Four nominees for community and RV positions were received in total, a report went to a Council meeting on Monday 17 November and the first meeting was held on 25 November. The meeting was highly successful with good discussions on the RV Friendly topic. A second meeting has been scheduled for 20 January 2015.	
Meeting	Subject
Ordinary Council Meeting 10 December 2012	Transfer Station operating hours
<b>MOTION</b> That a review of Transfer Station operating hours be undertaken and presented to Council.	(CARRIED)
<b>ACTIVITY</b> In November 2013, changes were made to the opening hours of several transfer stations to better serve customers and standardise opening times across all of Moira Shire's waste facility sites. Analysis of the times that customers were visiting the sites indicated that attendance dropped off after 4:00pm and that opening earlier in the day (9:00am instead of 10:00am) would allow for better access to our facilities for residents and business customers. Positive feedback from our visitors and site operators has shown that these changes have been beneficial in making access more suitable and convenient to the community's needs. Ongoing monitoring of opening hours and usage volumes for all sites will continue in an ongoing commitment to maintain and where possible improve services provided.	

FILE NO: VARIOUS

ITEM NO: 15

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

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

FILE NO: VARIOUS

ITEM NO: 16

## QUESTIONS FROM THE PUBLIC GALLERY

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

### **63. Question Time**

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

No question must be so read unless:

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

A question may be disallowed by the Chairperson if it:

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

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

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

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

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

FILE NO: VARIOUS

ITEM NO: 17

**MEETING ADJOURNMENT****RECOMMENDATION**

That the meeting be adjourned for 10 minutes.

**RECOMMENDATION**

That the meeting be resumed.

**RECOMMENDATION**

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

**RECOMMENDATION**

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

**RECOMMENDATION**

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