



MOIRASHIRE



ENRICHING LIFE ON THE MURRAY

COUNCIL AGENDA

27 April 2015



Discover Moira



44 Station Street
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AGENDA

ORDINARY MEETING OF COUNCIL
FOR
MONDAY 27 APRIL 2015
TO BE HELD AT PRESIDENTS ROOM, NUMURKAH TOURIST INFORMATION CENTRE,
MELVILLE STREET NUMURKAH
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, 23 March 2015, as circulated, be confirmed."

8. COUNCILLOR REPORTS

NIL

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21. CLOSE OF MEETING	

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

MARK HENDERSON
CHIEF EXECUTIVE OFFICER

FILE NO: 0001
6. GOVERNANCE

ITEM NO: 9.1.1
(FINANCE MANAGER, WARREN BROWN)
(GENERAL MANAGER - CORPORATE,
LEANNE MULCAHY)

MOIRA SHIRE COUNCIL 2015/2016 DRAFT BUDGET

RECOMMENDATION

That Council:

1. endorse the Draft 2015/16 Budget as presented;
2. authorise the Chief Executive Officer to:
 - i. give public notice of the preparation of the Draft 2015/16 Budget in accordance with section 129(1) of the Local Government Act 1989; and
 - ii. invite submissions in accordance with section 223 of the Local Government Act 1989;
3. form a committee of the whole of Council to hold a meeting at 6.00pm on Tuesday 9 June 2015 at the Cobram Civic Centre to hear any person wishing to be heard in support of their submission on any proposal contained in the Draft 2015/16 Budget in accordance with section 223 of the Local Government Act 1989;
4. consider all written submissions on any proposal contained within the Draft 2015/16 Budget;
5. consider a recommendation to adopt the 2015/16 Budget with or without amendment at the Ordinary Council Meeting to be held at 6.00pm on Monday 22 June 2015;

1. Executive Summary

This report seeks Council's authorisation to commence community consultation on the Draft 2015/16 Budget.

The Draft 2015/16 Budget supports the goals identified in the Council Plan and further demonstrates Council's commitment to prudent sustainable financial management.

The Draft Budget supports Moira's adjustment to a significantly changed financial operating environment. It responds to reductions in Victorian and Federal grant funding during 2015/16 and lays the foundations for the anticipated introduction of rate capping in 2016/17.

The Budget proposes

- Maintains operating expenditure at 2014/15 levels except where contractual commitments obligate Council to fund increases;
- Further reduction of Council debt;
- No additional borrowings proposed
- Conservative increase of 4% in general rates, municipal and waste charges;
- No increase to Kerbside organic waste collection charge but the charge will now apply to the full year;
- Capital investment program of \$11.56 million which includes \$1.65 million of new initiatives and \$1.50 million of projects carried over from 2014/15 financial year

Council has limited capacity to immediately respond to rate capping because more than half of our annual expenditure is defined by existing legislation, regulations, standards and legal agreements – from Councillor entitlements to depreciation, interest on borrowings and employee costs. Our flexibility is further limited by the continuing transfer of State and Federal

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MOIRA SHIRE COUNCIL 2015/2016 DRAFT BUDGET (cont'd)

Government responsibilities to Local Government with little funding, along with the increasing rigor and reach of regulations, codes and standards for the operation, maintenance and construction of public assets and delivery of services. The 2015-2016 Budget will maintain service levels to the community and deliver a capital works program of \$11.55m.

In Summary, the proposed 2015-16 Capital Budget of \$11.56m includes:

- 'Renewal' projects totalling: \$6.62m e.g Pavements, Footpaths, Road re-sheeting, Kerb & Channelling, Bridges & Drainage across the Shire - \$4.1m; Light & Heavy Plant Replacement - \$950k
- 'Upgrade' projects totalling: \$2.49m e.g Traffic works in Picola , Numurkah & Katunga - \$1.1m; Car Park, Yarrawonga - \$110k; Yarrawonga Aerodrome - \$500k
- 'Expansion' projects totalling: \$2.65m e.g Cobram Library \$1.6m

The proposed capital funding to offset the Capital Budget of \$11.55m comprises:

- External grants: \$4.53m
- Community Contributions: \$160k
- Asset Sales: \$100k
- Cash from Council Operations: \$6.76m

Council is required to adopt an Annual Budget under the provisions of the Local Government Act 1989. Approval of this recommendation will allow Council commence community consultation in accordance with Section 223 of the Local Government Act. Residents and other interested members of the community will be invited to view and make comments and submissions on this Draft Budget by 27 May 2015.

A special meeting for Council will be scheduled for 9 June 2015 for Council to receive public submissions on the proposed 2015/16 budget. The Annual Budget will be considered for adoption at the Ordinary Meeting of Council on 22 June 2015. Council's 2015/16 budget must be submitted to the Minister by 30 June 2015.

2. Discussion

Council has prepared a Draft Budget for the 2015/16 financial year which seeks to balance the demand for services and infrastructure with the community's capacity to pay and also the major challenges facing Council. These challenges include continuing to:

- Lay a platform in readiness for rate capping in 2016/17;
- Maximise Council's funding opportunities in light of the removal of some Federal and State funding programs;
- Reduce Council's indebtedness level;
- Maintain adequate liquidity levels;
- Improve community consultation and development;
- Sustainably renew infrastructure assets (roads, culverts, bridges);
- Improve service levels where possible, while maintaining service levels in other areas in the face of increasing costs;

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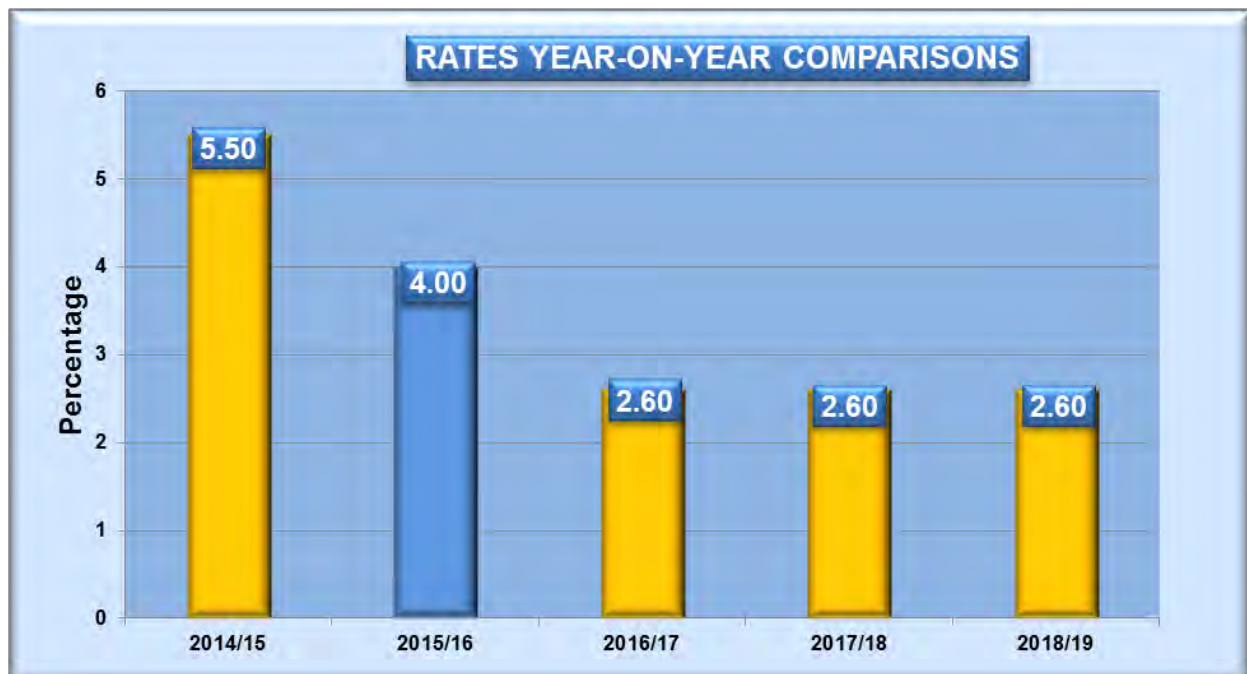
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MOIRA SHIRE COUNCIL 2015/2016 DRAFT BUDGET (cont'd)

- Contain waste management costs;
- Apply appropriate strategic land use planning to manage growth and infrastructure development;
- Responsibly manage the expenditure for facilities renewal, such as buildings; and
- Fund capital expansion.

Key budget information is provided below regarding the rate increase, year-on-year comparisons (total revenue, total operating expenditure, operating result, capital works, financial position, financial sustainability and Council's key strategic activities).

Rates



Council's required general rate and municipal charge revenue from 2015/16 is \$33.25m. This represents a 4% increase in rates over 2014/15. The revenue generated through this rate increase will go towards major capital works programs such as maintaining roads and bridges, drainage improvements, maintaining service to the community in general and meeting the cost of a number of external influences, such as the increase in insurance, affecting the operating budget in line with Council's rating strategy.

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MOIRA SHIRE COUNCIL 2015/2016 DRAFT BUDGET (cont'd)

Operating Result

OPERATING RESULT YEAR-ON-YEAR COMPARISON
Amt in 000'



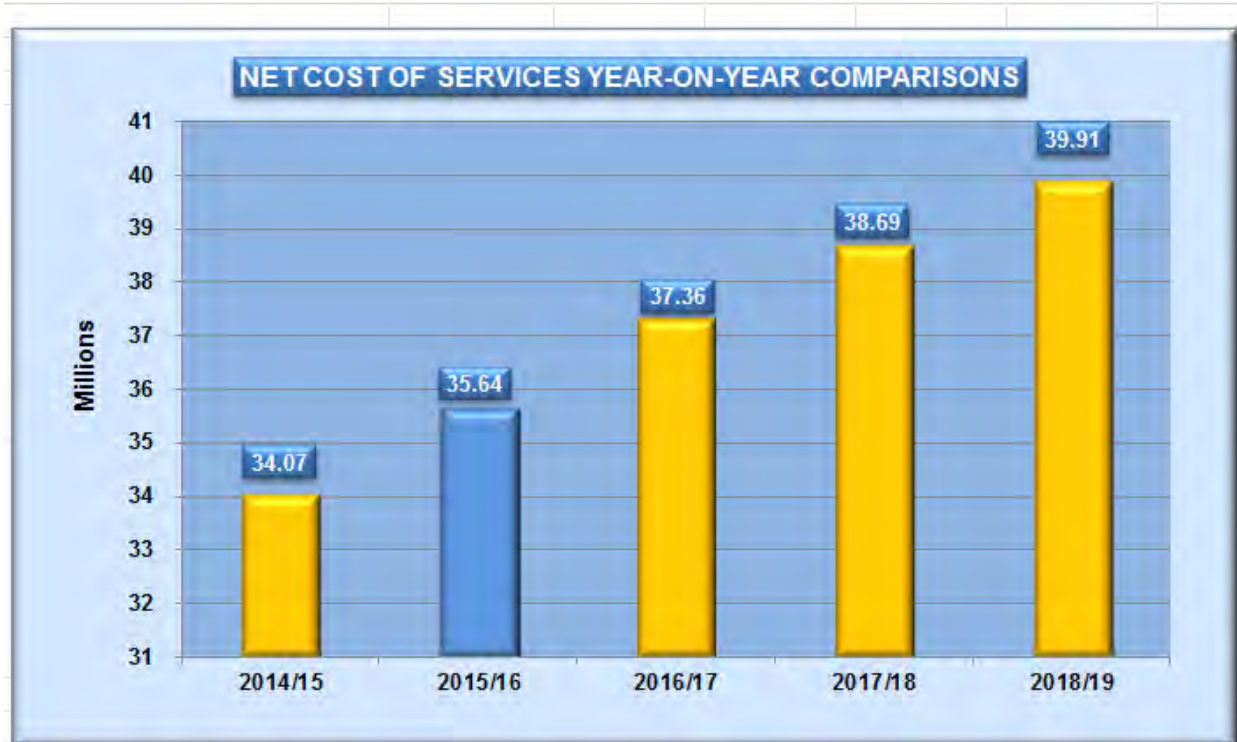
The total operating result for 2015-2016 is a \$1.84m surplus which represents a decrease of \$1.0m in surplus over 2014-2015. Main reasons being lower increase in rate revenue in preparation for rate capping, the reduction in grant funding year on year combined with absorbing CPI increases in contractual arrangements.

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MOIRA SHIRE COUNCIL 2015/2016 DRAFT BUDGET (cont'd)

Services



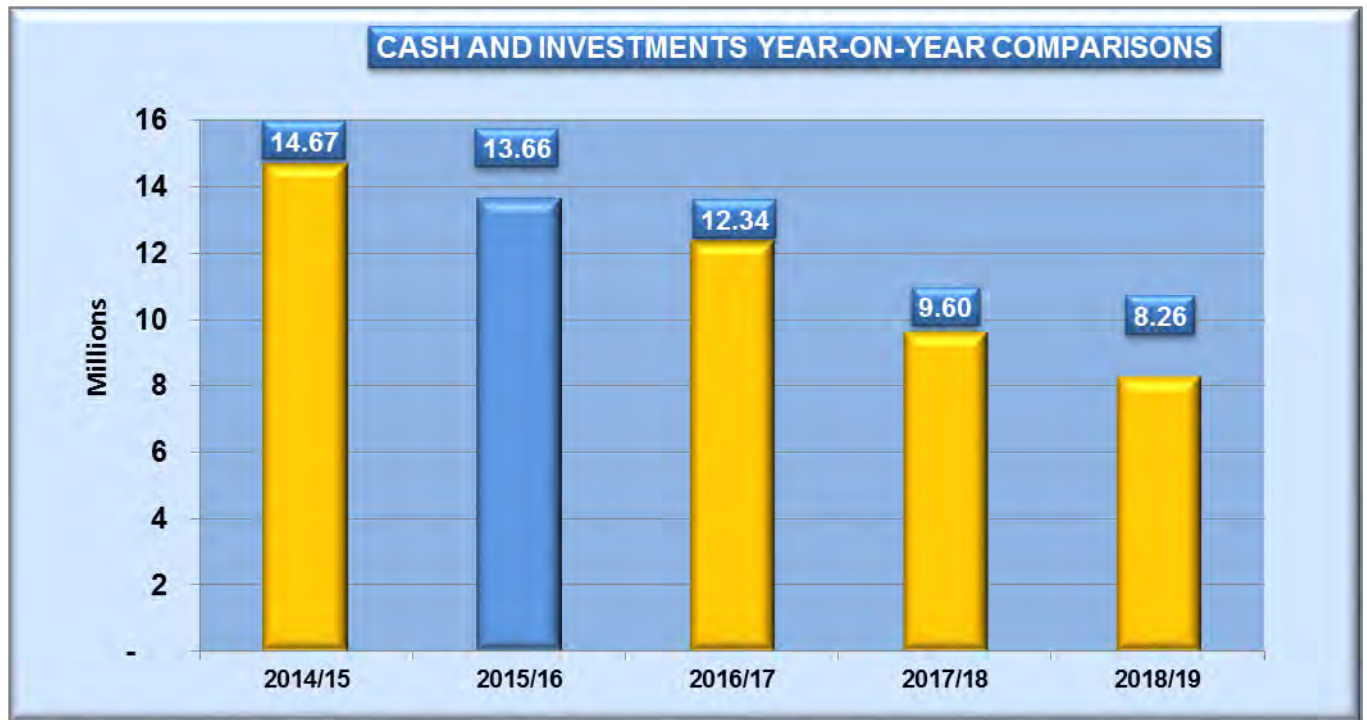
The net cost of services delivered to the community for the 2015-16 year is expected to be \$35.6m an increase of \$1.6m on 2014/15. This is primarily due to increases in contract related costs. The net cost of services is the total operating cost of services delivered less income directly attributable to those services, such as fees.

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MOIRA SHIRE COUNCIL 2015/2016 DRAFT BUDGET (cont'd)

Cash and Investments



Cash and investments are expected to decrease by \$1.0m during the year 2015-2016 to \$13.67m as at 30 June 2016. This net cash outflow reduction is mainly due to the need to for Council to fund \$6.76m of Capital budget for 2015-2016

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MOIRA SHIRE COUNCIL 2015/2016 DRAFT BUDGET (cont'd)

Capital works

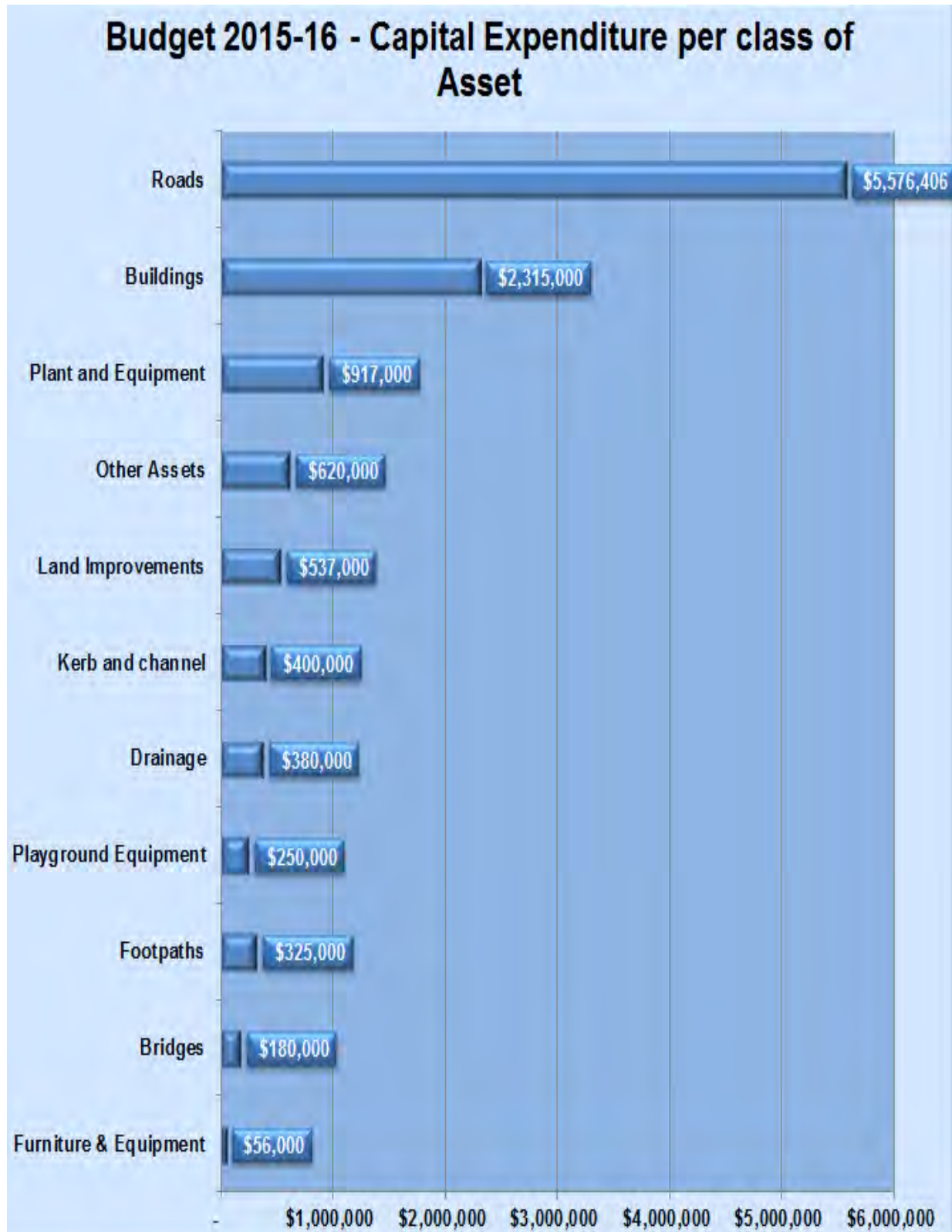


The capital works program for the 2015/16 year is expected to be \$11.56m. This includes projects funded in prior years carried forward into 2015/16 of \$1.50m. The capital expenditure program has been set and prioritised based on a rigorous process of professional review using Council's Projects Assessment Committee and consultation. This has enabled Council to assess needs and develop sound business cases for each project. Below is a summary of the capital works program by asset class

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MOIRA SHIRE COUNCIL 2015/2016 DRAFT BUDGET (cont'd)

Financial position (net worth)



Net assets (net worth) will increase by \$1.84m as at 30 June 2016, which is mainly due to increase in fixed assets offset by repayment of bank borrowings

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Financial sustainability

A high level Strategic Resource Plan for the years 2015/16 to 2024/2025, has been developed to assist Council in adopting a budget within a longer term prudent financial framework. The key objective of the Plan is financial sustainability in the medium to long term, while still achieving the Council's strategic objectives as specified in the Council Plan.



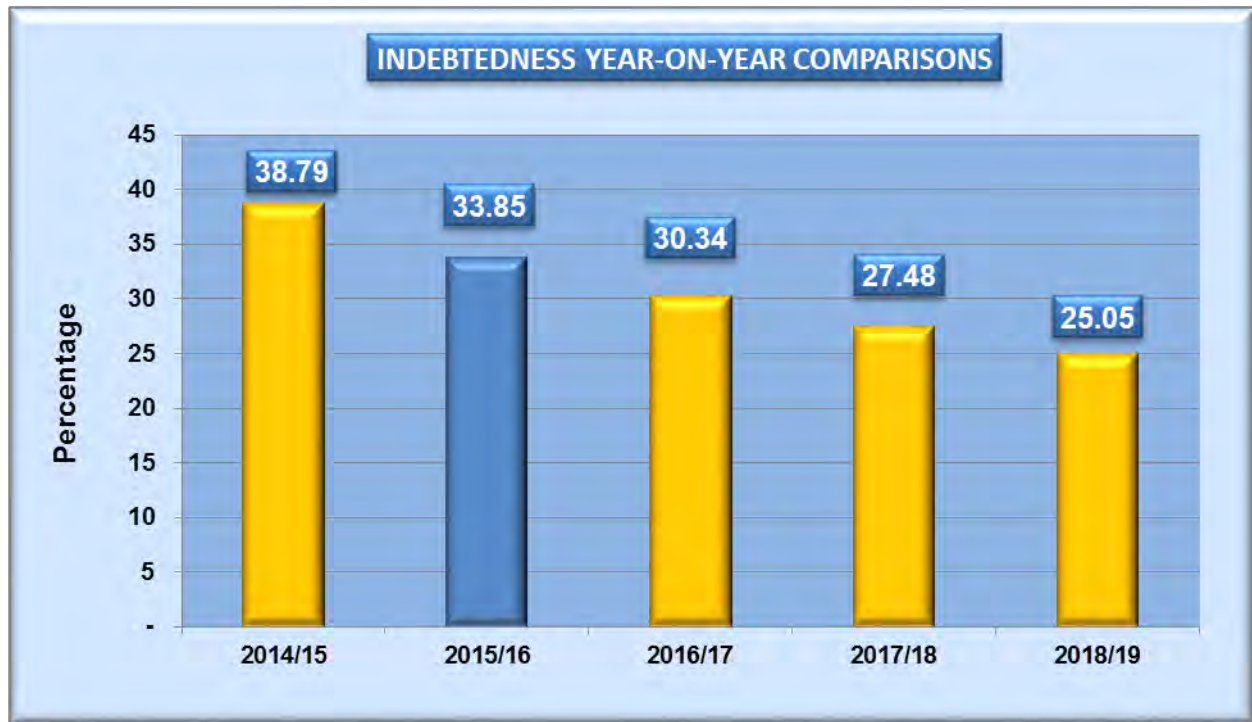
The underlying result is a measure of financial sustainability. This measure is the operating result reduced for the contributed assets as a percentage of the underlying revenue, which is total revenue plus proceeds of sale of assets less contributed assets. Council projects a decreasing underlying result for 2015/16.

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MOIRA SHIRE COUNCIL 2015/2016 DRAFT BUDGET (cont'd)

Indebtedness



A significant measure of financial sustainability is indebtedness. The indebtedness ratio measures Council's ability to meet its obligations in regard to non-current liabilities, which includes loans and provision for landfill rehabilitation. This measure is total non-current liabilities as a percentage of own source revenue. Own source revenue is total revenue plus written down value of assets sold, less grants and less sale of land held for resale.

Council aims to target an indebtedness ratio of 40% or lower which Council will achieve in 2015-2016. This will mean, it will be in the Victorian Auditor General Office's low risk category of having financial sustainability concerns.

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MOIRA SHIRE COUNCIL 2015/2016 DRAFT BUDGET (cont'd)

Typical Rates Scenarios

Typical Customer Scenarios 2015/16 Proposed Budget

How much will my rates increase?

Residential Building not in major centre (valued at \$191,000)	2014-2015	2015-2016	Change
Residential Building	\$734.78	\$764.38	4.00%
Residential Building -Municipal Charge	\$305.65	\$317.85	4.00%
Environmental Levy	\$206.50	\$214.75	4.00%
Garbage Service	\$98.65	\$102.60	4.00%
Recycling Charge	\$88.95	\$92.50	4.00%
CFA Residential	\$100.00	\$100.00	0.00%
CFA Residential Levy	\$21.97	\$21.97	0.00%
Total	\$1,556.50	\$1,614.05	3.70%

Residential Building in Cobram, Nathalia, Numurkah and Yarrawonga (valued at \$191,000)	2014-2015	2015-2016	Change
Residential Building	\$734.78	\$764.38	4.00%
Residential Building -Municipal Charge	\$305.65	\$317.85	4.00%
Environmental Levy	\$206.50	\$214.75	4.00%
Garbage Service	\$98.65	\$102.60	4.00%
Recycling Charge	\$88.95	\$92.50	4.00%
Organic waste charge*	\$56.00	\$97.20	
CFA Residential	\$100.00	\$100.00	0.00%
CFA Residential Levy	\$21.97	\$21.97	0.00%
Total including new service	\$1,612.50	\$1,711.25	6.12%

* In 2014/15 the organics service charge applied for 7 months, in 2015/16 the service will be available for 12 months.

Farm Building (valued at \$441,000)	2014-2015	2015-2016	Change
Farm Building	\$1,696.53	\$1,764.88	4.00%
Farm Building - Municipal Charge	\$305.65	\$317.85	4.00%
Farm Building - Environmental Levy	\$206.50	\$214.75	4.00%
Garbage Service	\$98.65	\$102.60	4.00%
Recycling	\$88.95	\$92.50	4.00%

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MOIRA SHIRE COUNCIL 2015/2016 DRAFT BUDGET (cont'd)

Charge

CFA Primary Production	\$200.00	\$200.00	0.00%	
CFA Primary Production Levy	\$137.59	\$137.59	0.00%	
Total amount due	\$2,733.87	\$2,830.17	3.52%	\$96.30

Commercial Building (valued at \$237,000)	2014-2015	2015-2016	Change	
Commercial Building	\$1,276.72	\$1,327.67	4.00%	
Commercial Vacant -Municipal Charge	\$305.65	\$317.85	4.00%	
Commercial Building - Environmental Levy	\$206.50	\$214.75	4.00%	
Garbage Service	\$98.65	\$102.60	4.00%	
Recycle Service	\$88.95	\$92.50	4.00%	
CFA Commercial	\$200.00	\$200.00	0.00%	
CFA Commercial Levy	\$258.80	\$258.80	0.00%	
Total Amount Due	\$2,435.27	\$2,514.17	3.24%	\$78.90

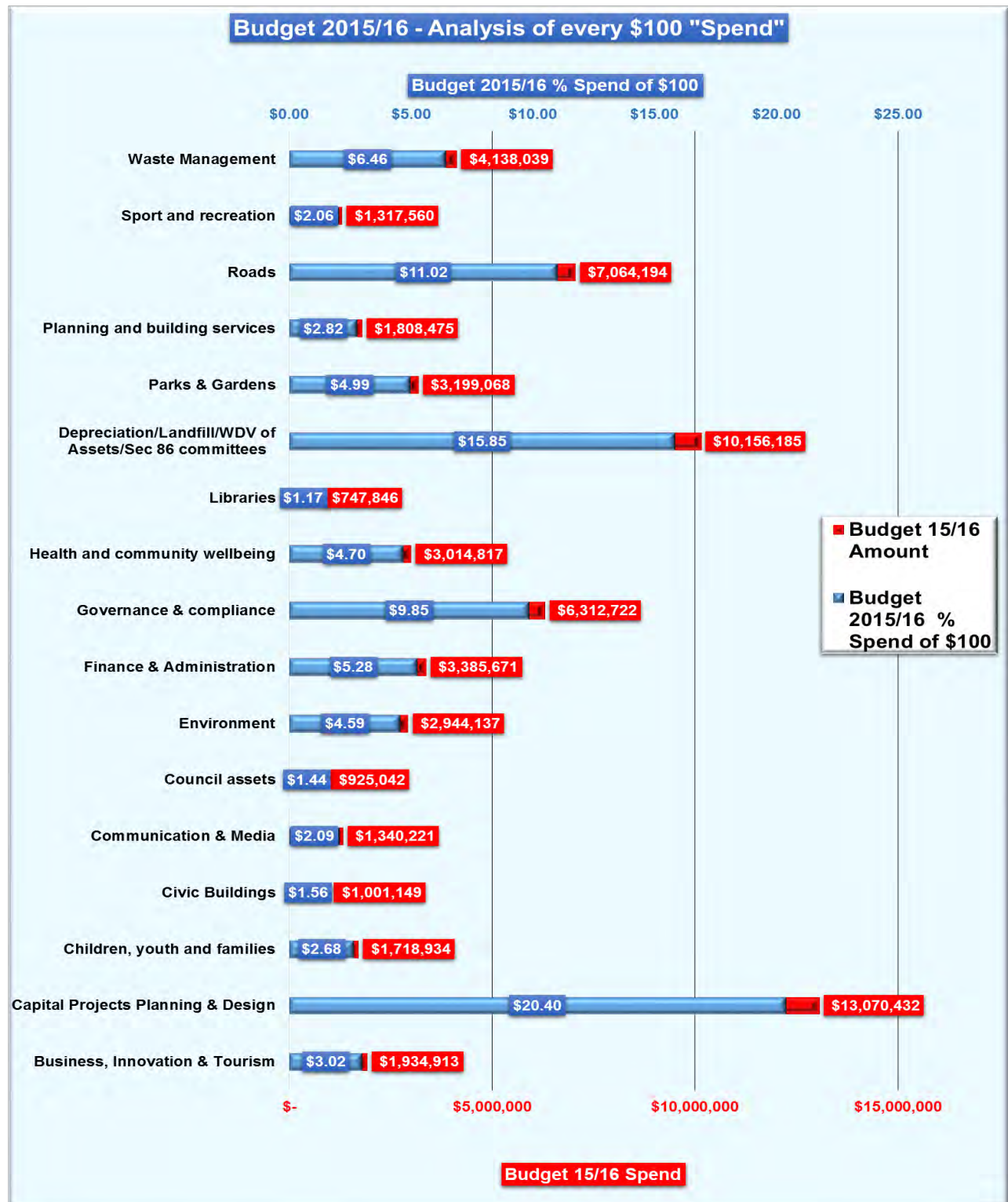
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MOIRA SHIRE COUNCIL 2015/2016 DRAFT BUDGET (cont'd)

Where rates are spent

The chart below provides an indication of how Council allocates its expenditure across the main services that it delivers. It shows how much is allocated to each service area for every \$100 that Council spends.



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MOIRA SHIRE COUNCIL 2015/2016 DRAFT BUDGET (cont'd)

Strategic objectives

The Draft Budget 2015/16 includes a range of activities and initiatives to be funded that will contribute to achieving the six strategic goals specified in the Council Plan with a particular focus on the environment, community, development (liveability), organisation, infrastructure and governance while pursuing an ongoing dialogue with the community and maintaining a sound financial position.

1. Environment

Strategic Intent

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.

2. Community

Strategic Intent

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. 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.

3. Development (liveability)

Strategic Intent

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

4. Organisation

Strategic Intent

Moira will be a 'best practice' environment promoting staff potential and organisation capacity to deliver timely, efficient services and ensure sound financial, risk management, governance and transparent business practise are conducted by capable, professional people whose main focus is on pro-active service delivery.

5. Infrastructure

Strategic Intent

Moira will be a desirable place to live, work and visit in North Central Victoria supported by its infrastructure, assets and facilities. It will proactively fund, maintain and develop Council's assets and facilities to meet its community's current and future needs in partnership with private development.

6. Governance

Strategic Intent

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.

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MOIRA SHIRE COUNCIL 2015/2016 DRAFT BUDGET (cont'd)

The process underlying the development and preparation of the budget involves officers preparing the annual budget in accordance with the Act and submitting the draft budget to Council for approval "in principle". Council is then required to give "public notice" that it intends to adopt the budget. It must give 28 days' notice of its intention to adopt the draft budget and make the budget available for public inspection. A person has a right to make a submission on any proposal contained in the budget and any submission must be considered before adoption of the budget by Council.

The final step is for Council to adopt the budget after considering any submissions. The budget is required to be adopted and a copy submitted to the Minister by 31 August each year. The key dates for the budget process are summarised below:

Budget process	Timing
1. Proposed budget submitted to Council for approval	27/04/2015
2. Public notice advising Council has prepared draft budget and it is on public display for 28 days	29/04/2015
3. Budget available for public inspection and comment	29/04/2015
4. Submissions period closes	29/05/2015
5. Submissions considered by Special meeting of Council	09/06/2015
6. Budget and submissions presented to Ordinary meeting of Council for adoption	22/06/2015
7. Copy of adopted budget to be submitted to the Minister	30/06/2015

Attached with this Proposed Budget 2015/16 are the following appendices:

- Appendix 1 provides Moira Shire's proposed Financial Statements for 2015-2016 (See Attachments);
- Appendix 2 provides Moira Shire's statutory disclosure documents for 2015-2016 (See page 14 of this report);
- Appendix 3 details of the Proposed Capital Budget for 2015-2016 (See Attachments);
- Appendix 4 User fees and charges schedules for 2015-2016 (See Attachments)

3. Financial Implications

The Draft Budget 2015/16 enables the Council to fund its approved operational activities and capital projects for the year ending 30 June 2016.

4. Risk Management

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

5. Internal and External Consultation

In preparing the Proposed Budget the following staff were consulted:

- Corporate Management Team (CMT)
- All Managers, and
- Key staff members in each department.

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MOIRA SHIRE COUNCIL 2015/2016 DRAFT BUDGET (cont'd)

In accordance with the Local Government Act 1989, a period of 28 days is allowed for the public to make submissions in regard to the content of the budget. Council will also conduct public information sessions throughout the municipality.

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

Local Government Act 1989 and Regulations;
Rates and Charges Policy;
Loan Borrowings Policy; and
Budget and Financial Reporting Policy.

9. Environmental Impact

The Proposed Budget 2015/16 includes \$0.11 million Land Fill related Capital Works.

10. Conflict of Interest Considerations

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

11. Conclusion

The Draft Budget 2015/16 provides for a significant capital works program, high level of investment in asset renewal funded by an increase in rates and charges, and maintenance of the range and level of services.

The challenges that lay ahead have been canvassed and discussed through the Council Plan process. The 2015/16 Draft Budget is the funding response to Council's long term plan. The long term financial plan also assists Council to determine the most appropriate strategy to maintain ongoing financial sustainability.

A detailed analysis of the 2015/16 Draft Budget is provided as a separate document to this Agenda.

Appendix 1 – Proposed Financial Statements 2015-2016

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MOIRA SHIRE COUNCIL 2015/2016 DRAFT BUDGET (cont'd)

Appendix 2: Statutory Disclosures

This appendix presents information required pursuant to the Act and the Regulations to be disclosed in the Council's annual budget.

The appendix includes the following budgeted information:

- Borrowings;
- Rates and charges; and
- Differential rates.

1. Borrowings

	Current Year Forecast 2014/15 \$'000	Adopted Budget 2015/16 \$'000
New Borrowings (other than refinancing)	-	-
Debt redemption	(829,560)	(892,495)

2. Rates and charges

2.1 The rate in the dollar for each type of rate to be levied

Type of Property	2014/15 cents/CIV	2015/16 cents/CIV
General Vacant	0.7695	0.8003
General Building	0.3848	0.4002
Farm Vacant	0.3848	0.4002
Farm Building	0.3848	0.4002
Commercial Vacant	0.7695	0.8003
Commercial Building	0.5387	0.5602
Industrial Vacant	0.7695	0.8003
Industrial Building	0.5387	0.5602
Rural Vacant	0.7695	0.8003
Rural Building	0.3848	0.4002
Cultural & Recreational	0.3729	0.3878
DHS Elderly	0.1953	0.2031

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MOIRA SHIRE COUNCIL 2015/2016 DRAFT BUDGET (cont'd)

2.2 The estimated amount to be raised by each type of rate to be levied

Type of Property	2014/15 \$	2015/16 \$
General Vacant	1,188,421	1,322,010
General Building	9,183,823	9,664,678
Farm Vacant	1,064,143	1,079,312
Farm Building	4,191,353	4,215,927
Commercial Vacant	58,693	57,806
Commercial Building	1,788,548	1,875,365
Industrial Vacant	38,183	42,584
Industrial Building	870,682	906,913
Rural Vacant	118,825	145,302
Rural Building	1,600,731	1,739,966
Cultural & Recreational	1,518	1,578
DHS Elderly	9,628	10,200

2.3 The estimated total amount to be raised by rates

	2014/15 \$	2015/16 \$
Total rates to be raised	20,120,972	\$21,061,641

2.4 The percentage change in the rate in the dollar for each type of rate to be levied, compared to that of the previous financial year

Type of Property	2014/15 Change %	2015/16 Change %
General Vacant	5.50%	4.00%
General Building	5.50%	4.00%
Farm Vacant	5.50%	4.00%
Farm Building	5.50%	4.00%
Commercial Vacant	5.50%	4.00%
Commercial Building	5.50%	4.00%
Industrial Vacant	5.50%	4.00%
Industrial Building	5.50%	4.00%
Rural Vacant	5.50%	4.00%
Rural Building	5.50%	4.00%
Cultural & Recreational	5.50%	4.00%
DHS Elderly	5.50%	4.00%

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2.5 The number of assessments for each type of rate to be levied compared to the previous year

Type of Property	2014/15	2015/16	Change
	Assessments	Assessments	
General Vacant	1,014	1,023	9
General Building	9,814	9,859	45
Farm Vacant	1,140	1,071	(69)
Farm Building	2,342	2,245	(97)
Commercial Vacant	53	49	(4)
Commercial Building	990	984	(6)
Industrial Vacant	24	26	2
Industrial Building	80	85	5
Rural Vacant	141	192	51
Rural Building	1,441	1,515	74
Cultural & Recreational	1	1	-
DHS Elderly	63	62	(1)
Total	17,103	17,112	9

2.6 The basis of valuation to be used is the Capital Improved Value (CIV)

2.7 The estimated total value of land in respect of which each type of rate is to be levied compared with the previous year

Type of Property	2014/15	2015/16	Change
	\$	\$	
General Vacant	154,437,900	165,189,300	10,751,400
General Building	2,386,915,900	2,414,962,000	28,046,100
Farm Vacant	276,575,500	269,693,100	(6,882,400)
Farm Building	1,089,351,000	1,053,455,000	(35,896,000)
Commercial Vacant	7,627,300	7,223,000	(404,300)
Commercial Building	332,013,000	334,767,000	2,754,000
Industrial Vacant	4,962,000	5,321,000	359,000
Industrial Building	161,627,000	161,891,000	264,000
Rural Vacant	15,441,600	18,156,000	2,714,400
Rural Building	416,037,000	434,774,000	18,737,000
Cultural & Recreational	407,000	407,000	-
DHS Elderly	4,931,000	5,022,000	91,000
Total	4,850,326,200	4,870,860,400	20,534,200

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2.8 The unit amount to be levied for each type of charge under section 159 and 162 of the Act

Type of Charge	Per Rateable Property		
	2014/15	2015/16	Change
	\$	\$	\$
Municipal Charge	305.65	317.85	12.20
Garbage Service	98.65	102.60	3.95
Recycling Service	88.95	92.50	3.55
Organic Waste Service	97.20	97.20	-
Environmental Levy	206.50	214.75	8.25

2.9 The estimated amounts to be raised for each type of charge to be levied compared to the previous year

Type of Charge	2014/15	2015/16
	\$	\$
Municipal Charge	4,960,908	5,128,382
Garbage Service	1,221,499	1,304,456
Recycling Service	1,070,358	1,140,988
Environmental Levy	3,276,464	3,467,998
Organic Waste Service	881,820	758,160

2.10 The estimated total amount to be raised by rates and charges: \$ 33,254,974

2.11 There are no known significant changes, which may affect the estimated amounts to be raised by rates and charges. However, the total amount to be raised by rates and charges may be affected by:

- a) The making of supplementary valuations
- b) The variation of returned levels of value (e.g. valuation appeals)
- c) Changes of use of land such that rateable land becomes non-rateable land and vice versa
- d) Changes of use of land such that residential land becomes business land and vice versa

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3. Differential rates

3.1 Amount intended to be raised

An amount of **\$33,254,974** (or such other amount as is lawfully raised as a consequence of this resolution) be declared as the amount which Council intends to raise by general rates, the municipal charge and the annual service charge (described later in this Resolution), which amount is calculated as follows:

General Rates	\$21.45 million
Municipal Charge	\$5.13 million
Garbage Charge	\$1.30 million
Green Waste	\$0.76 million
Recycling Charge	\$1.14 million
Environmental Levy	\$3.47 million

4. General Rates

- 4.1 A general rate be declared in respect of the 2015/16 Financial Year.
- 4.2 It be further declared that the general rate be raised by the application of differential rates.
- 4.3 A differential rate be respectively declared for rateable land having the respective characteristics specified below, which characteristics will form the criteria for each differential rate so declared:

4.3.1 General Vacant Land

Any land:

4.3.1.1 on which no building designed or adapted for human occupation is erected; and

4.3.1.2 which does not have the characteristics of:

- 4.3.1.2.1 Farm Vacant Land;
- 4.3.1.2.2 Commercial Vacant Land;
- 4.3.1.2.3 Industrial Vacant Land; or
- 4.3.1.2.4 Rural Residential Vacant Land;

4.3.2 General Building Land

Any land:

4.3.2.1 on which a building designed or adapted for human occupation is erected; and

4.3.2.2 which does not have the characteristics of:

- 4.3.2.2.1 Farm Building Land;
- 4.3.2.2.2 Commercial Building Land;
- 4.3.2.2.3 Industrial Building Land; or
- 4.3.2.2.4 Rural Residential Building Land.

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4.3.2(A) General Building Land - DHS Elderly Persons Units

Any land:

4.3.2(A).1 on which a building designed or adapted for human occupation is erected and has been made available by the Department of Human Services for occupancy by elderly persons as determined by the department

4.3.2(A).2 which does not have the characteristics of:

- 4.3.2(A).2.1 Farm Building Land;
- 4.3.2(A).2.2 Commercial Building Land;
- 4.3.2(A).2.3 Industrial Building Land; or
- 4.3.2(A).2.4 Rural Residential Building Land

4.3.3 Farm Vacant Land

Any land:

4.3.3.1 on which no building designed or adapted for human occupation is erected; and

4.3.3.2 is "Farm land" within the meaning of section 3(1) of the *Valuation of Land Act* 1960.

4.3.4 Farm Building Land

Any land:

4.3.4.1 on which a building designed or adapted for human occupation is erected; and

4.3.4.2 is "Farm land" within the meaning of section 3(1) of the *Valuation of Land Act* 1960.

4.3.5 Commercial Vacant Land

Any land:

4.3.5.1 on which no building designed or adapted for human occupation is erected;

4.3.5.2 which is, by reason of its zoning under the Moira Planning Scheme, capable of being used primarily for commercial purposes; and

4.3.5.3 does not have the characteristics of:

- 4.3.5.3.1 Farm Vacant Land;
- 4.3.5.3.2 General Vacant Land;
- 4.3.5.3.3 Industrial Vacant Land; or
- 4.3.5.3.4 Rural Residential Vacant Land.

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4.3.6 Commercial Building Land

Any land:

4.3.6.1 on which a building designed or adapted for human occupation is erected;

4.3.6.2 which is used primarily for commercial purposes; and

4.3.6.3 does not have the characteristics of:

- 4.3.6.3.1 Farm Building Land;
- 4.3.6.3.2 General Building Land;
- 4.3.6.3.3 Industrial Building Land; or
- 4.3.6.3.4 Rural Residential Building Land.

4.3.7 Industrial Vacant Land

Any land:

4.3.7.1 on which no building designed or adapted for human occupation is erected;

4.3.7.2 which is, by reason of its zoning under the Moira Planning Scheme, capable of being used primarily for industrial purposes; and

4.3.7.3 does not have the characteristics of:

- 4.3.7.3.1 Farm Vacant Land;
- 4.3.7.3.2 Commercial Vacant Land;
- 4.3.7.3.3 General Vacant Land; or
- 4.3.7.3.4 Rural Residential Vacant Land.

4.3.8 Industrial Building Land

Any land:

4.3.8.1 on which a building designed or adapted for human occupation has been erected;

4.3.8.2 which is used primarily for industrial purposes; and

4.3.8.3 does not have the characteristics of:

- 4.3.8.3.1 Farm Building Land;
- 4.3.8.3.2 Commercial Building Land;
- 4.3.8.3.3 General Building Land; or
- 4.3.8.3.4 Rural Residential Building Land.

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4.3.9 Rural Vacant Land

Any land:

- 4.3.9.1 which is more than two (2) and less than 10 hectares in area;
- 4.3.9.2 which is located within a Rural Residential Zone or zones under the Moira Planning Scheme;
- 4.3.9.3 on which no building designed or adapted for human occupation is erected
- 4.3.9.4 which is used by a primary production business that:
 - 4.3.9.4.1 does not have a significant and substantial commercial purpose or character;
 - 4.3.9.4.2 does not seek to make a profit on a continuous or repetitive basis from its activities on the land; and
 - 4.3.9.4.3 is not making a profit from its activities on the land or does not have a reasonable prospect of making a profit from its activities on the land if it continues to operate in the way that it is operating;

4.3.10 Rural Building Land

Any land:

- 4.3.10.1 which is more than two (2) and less than 10 hectares in area;
- 4.3.10.2 which is located within a Rural Residential Zone or Zones under the Moira Planning Scheme;
- 4.3.10.3 on which a building designed or adapted for human occupation is erected; and
- 4.3.10.4 which is used by a primary production business that:
 - 4.3.10.4.1 does not have a significant and substantial commercial purpose or character;
 - 4.3.10.4.2 does not seek to make a profit on a continuous and repetitive basis from its activities on the land; and
 - 4.3.10.4.3 is not making a profit from its activities on the land or does not have a reasonable prospect of making a profit from its activities on the land if it continues to operate in the way that it is operating.

- 4.4** It be recorded that Council considers that each differential rate will contribute to the equitable and efficient carrying out of Council functions, and that:

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- 4.4.1 the respective objectives of each differential rate be those specified in the Schedule to this Resolution; and
- 4.4.2 the respective types or classes of land which are subject to each differential rate be those defined in the Schedule to this Resolution; and
- 4.4.3 the respective uses and levels of each differential rate in relation to those respective types or classes of land be those described in the Schedule to this Resolution; and
- 4.4.4 the relevant
 - (a) uses of;
 - (b) geographical locations of; and
 - (c) planning scheme zonings of; and
 - (d) types of buildings on the respective types or classes of land be those identified in the Schedule to this Resolution; and
- 4.5 In accordance with section 4(1) of the *Cultural and Recreational Lands Act* 1963, the amount of rates payable in respect of each rateable land to which the Act applies be determined by multiplying the Capital Improved Value and that rateable land by 0.3878 % (or 0.3878 cents in the dollar of Capital Improved Value).

5. Municipal Charge

- 5.1 A municipal charge be declared in respect of the 2015/16 Financial Year.
- 5.2 The municipal charge be declared for the purpose of covering some of the administrative costs of Council including Customer Service, IT, Finance & Human Resources functions.
- 5.3 The municipal charge be in the sum of \$317.85 for each rateable land (or part) in respect of which a municipal charge may be levied. The municipal charge as a total represents 19.3% of the total rate revenue
- 5.4 It be confirmed that the municipal charge is declared in respect of all rateable land within the municipal district in respect of which a municipal charge may be levied.

6. Annual Service Charge

- 6.1 An annual service charge be declared in respect of the 2015/16 Financial Year.
- 6.2 The annual service charge be declared for the collection and disposal of refuse from land.
- 6.3 The annual service charge be in the sum of, and be based on the criteria, set out below:
 - 6.3.1 \$102.60 per annum for each rateable land to which a domestic waste collection service is available;
 - 6.3.2 \$92.50 per annum for each rateable land to which a recyclables collection service is available;

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- 6.3.3 \$97.20 per annum for each rateable land to which an organic waste collection is available, and;
- 6.3.4 \$214.75 per annum for each:
- 6.3.3.1 rateable land that is 'farm land' within the meaning of s 3(1) of the *Valuation of Land Act* 1960 and is a 'single farm enterprise' within the meaning of section 159(4) of the *Local Government Act* 1989; and
 - 6.3.3.2 other rateable land, from which there is capable of being generated waste, which can be deposited by a ratepayer or resident at a landfill or waste transfer or disposal facility;
(which annual service charge is known as the "environmental levy").

7 Rebates & Concessions

- 7.1 It be recorded that Council grants to each owner of rateable land who is an "eligible recipient" within the meaning of the *State Concessions Act* 1986 a rebate of \$208.00 (or other amount as advised at beginning of financial year) per annum in respect of each rateable land owned by him or her.
- 7.2 The rebate described in paragraph 7.1 be granted.

8. Incentives

No incentive be declared for early payment of the general rates, municipal charge and annual service charge previously declared.

9. Payment

All rates and charges to be paid in four instalments in accordance with Section 167(1) and (2) of the *Local Government Act* 1989.

10. Consequential

- 10.1 It be confirmed that, subject to sections 171 and 172 of the *Local Government Act* 1989, Council will require a person to pay interest on any rates and charges which:
- 10.1.1 that person is liable to pay;
 - 10.1.2 have not been paid by the date specified for their payment.
- 10.2 The Team Leader Revenue Property & Valuation Services be authorised to levy and recover the general rates, municipal charge and annual service charges in accordance with the *Local Government Act* 1989.

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MOIRA SHIRE COUNCIL 2015/2016 DRAFT BUDGET (cont'd)

SCHEDULE

GENERAL VACANT LAND

Objective:

To encourage the development of land and ensure that all rateable land makes an equitable financial contribution to the cost of carrying out the functions of Council, including the –

1. Construction and maintenance of public infrastructure; and
2. Development and provision of health and community services; and
3. Provision of general support services.

Types and Classes:

Rateable land having the relevant characteristics described in the Resolution of Council.

Use and Level of Differential Rate:

The differential rate will be used to fund some of those items of expenditure described in the Budget adopted by Council.

The level of the differential rate is the level which Council considers is necessary to achieve the objectives specified above.

Geographic Location:

Wherever located within the municipal district.

Use of Land:

Any use permitted under the relevant Planning Scheme.

Planning Scheme Zoning:

The zoning applicable to each rateable land within this category, as determined by consulting maps referred to in the relevant Planning Scheme.

Types of Buildings:

Nil.

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SCHEDULE

GENERAL BUILDING LAND

Objective:

To ensure that all rateable land makes an equitable financial contribution to the cost of carrying out the functions of Council, including the -

1. Construction and maintenance of public infrastructure; and
2. Development and provision of health and community services; and
3. Provision of general support services.

Types and Classes:

Rateable land having the relevant characteristics described in the Resolution of Council.

Use and Level of Differential Rate:

The differential rate will be used to fund some of those items of expenditure described in the Budget adopted by Council.

The level of the differential rate is the level which Council considers is necessary to achieve the objectives specified above.

Geographic Location:

Wherever located within the municipal district.

Use of Land:

Any use permitted under the relevant Planning Scheme.

Planning Scheme Zoning:

The zoning applicable to each rateable land within this category, as determined by consulting maps referred to in the relevant Planning Scheme.

Types of Buildings:

All buildings which are now constructed on the land or which are constructed prior to the expiry of the 2014/2015 financial year.

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SCHEDULE

FARM VACANT LAND

Objective:

To encourage the development of land for farming purposes and ensure that all rateable land makes an equitable financial contribution to the cost of carrying out the functions of Council, including the -

1. Construction and maintenance of public infrastructure; and
2. Development and provision of health and community services; and
3. Provision of general support services.

Types and Classes:

Rateable land having the relevant characteristics described in the Resolution of Council.

Use and Level of Differential Rate:

The differential rate will be used to fund some of those items of expenditure described in the Budget adopted by Council.

The level of the differential rate is the level which Council considers is necessary to achieve the objectives specified above.

Geographic Location:

Wherever located within the municipal district.

Use of Land:

Any use permitted under the relevant Planning Scheme.

Planning Scheme Zoning:

The zoning applicable to each rateable land within this category, as determined by consulting maps referred to in the relevant Planning Scheme.

Types of Buildings:

Nil

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SCHEDULE

FARM BUILDING LAND

Objective:

To encourage the pursuit of farming activities and ensure that all rateable land makes an equitable financial contribution to the cost of carrying out the functions of Council, including the -

1. Construction and maintenance of public infrastructure; and
2. Development and provision of health and community services; and
3. Provision of general support services.

Types and Classes:

Rateable land having the relevant characteristics described in the Resolution of Council.

Use and Level of Differential Rate:

The differential rate will be used to fund some of those items of expenditure described in the Budget adopted by Council.

The level of the differential rate is the level which Council considers is necessary to achieve the objectives specified above.

Geographic Location:

Wherever located within the municipal district.

Use of Land:

Any use permitted under the relevant Planning Scheme.

Planning Scheme Zoning:

The zoning applicable to each rateable land within this category, as determined by consulting maps referred to in the relevant Planning Scheme.

Types of Buildings:

All buildings which are now constructed on the land or which are constructed prior to the expiry of the 2014/2015 Financial Year.

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SCHEDULE

COMMERCIAL VACANT LAND

Objective:

To encourage the development of land for commercial purposes and ensure that all rateable land makes an equitable financial contribution to the cost of carrying out the functions of Council, including the -

1. Construction and maintenance of public infrastructure; and
2. Development and provision of health and community services; and
3. Provision of general support services.

Types and Classes:

Rateable land having the relevant characteristics described in the Resolution of Council.

Use and Level of Differential Rate:

The differential rate will be used to fund some of those items of expenditure described in the Budget adopted by Council.

The level of the differential rate is the level which Council considers is necessary to achieve the objectives specified above.

Geographic Location:

Wherever located within the municipal district.

Use of Land:

Any use permitted under the relevant Planning Scheme.

Planning Scheme Zoning:

The zoning applicable to each rateable land within this category, as determined by consulting maps referred to in the relevant Planning Scheme.

Types of Buildings:

Nil

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SCHEDULE

COMMERCIAL BUILDING LAND

Objective:

To ensure that all rateable land makes an equitable financial contribution to the cost of carrying out the functions of Council, including the -

1. Construction and maintenance of public infrastructure; and
2. Development and provision of health and community services; and
3. Provision of general support services.

Types and Classes:

Rateable land having the relevant characteristics described in the Resolution of Council.

Use and Level of Differential Rate:

The differential rate will be used to fund some of those items of expenditure described in the Budget adopted by Council.

The level of the differential rate is the level which Council considers is necessary to achieve the objectives specified above.

Geographic Location:

Wherever located within the municipal district.

Use of Land:

Any use permitted under the relevant Planning Scheme.

Planning Scheme Zoning:

The zoning applicable to each rateable land within this category, as determined by consulting maps referred to in the relevant Planning Scheme.

Types of Buildings:

All buildings which are now constructed on the land or which are constructed prior to the expiry of the 2014/2015 Financial Year.

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SCHEDULE

INDUSTRIAL VACANT LAND

Objective:

To encourage the development of land for industrial purposes and ensure that all rateable land makes an equitable financial contribution to the cost of carrying out the functions of Council, including the -

1. Construction and maintenance of public infrastructure; and
2. Development and provision of health and community services; and
3. Provision of general support services.
4. Provision of economic development services.

Types and Classes:

Rateable land having the relevant characteristics described in the Resolution of Council.

Use and Level of Differential Rate:

The differential rate will be used to fund some of those items of expenditure described in the Budget adopted by Council.

The level of the differential rate is the level which Council considers is necessary to achieve the objectives specified above.

Geographic Location:

Wherever located within the municipal district.

Use of Land:

Any use permitted under the relevant Planning Scheme.

Planning Scheme Zoning:

The zoning applicable to each rateable land within this category, as determined by consulting maps referred to in the relevant Planning Scheme.

Types of Buildings:

Nil

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SCHEDULE

INDUSTRIAL BUILDING LAND

Objective:

To ensure that all rateable land makes an equitable financial contribution to the cost of carrying out the functions of Council, including the -

1. Construction and maintenance of public infrastructure; and
2. Development and provision of health and community services;
3. Provision of general support services.

Types and Classes:

Rateable land having the relevant characteristics described in the Resolution of Council.

Use and Level of Differential Rate:

The differential rate will be used to fund some of those items of expenditure described in the Budget adopted by Council.

The level of the differential rate is the level which Council considers is necessary to achieve the objectives specified above.

Geographic Location:

Wherever located within the municipal district.

Use of Land:

Any use permitted under the relevant Planning Scheme.

Planning Scheme Zoning:

The zoning applicable to each rateable land within this category, as determined by consulting maps referred to in the relevant Planning Scheme.

Types of Buildings:

All buildings which are now constructed on the land or which are constructed prior to the expiry of the 2014/2015 Financial Year.

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SCHEDULE

RURAL VACANT LAND

Objective:

To encourage the development of land and ensure that all rateable land makes an equitable financial contribution to the cost of carrying out the functions of Council, including the -

1. Construction and maintenance of public infrastructure; and
2. Development and provision of health and community services; and
3. Provision of general support services.

Types and Classes:

Rateable land having the relevant characteristics described in the Resolution of Council.

Use and Level of Differential Rate:

The differential rate will be used to fund some of those items of expenditure described in the Budget adopted by Council.

The level of the differential rate is the level which Council considers is necessary to achieve the objectives specified above.

Geographic Location:

Wherever located within the municipal district.

Use of Land:

Any use permitted under the relevant Planning Scheme.

Planning Scheme Zoning:

The zoning applicable to each rateable land within this category, as determined by consulting maps referred to in the relevant Planning Scheme.

Types of Buildings:

Nil

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SCHEDULE

RURAL BUILDING LAND

Objective:

To ensure that all rateable land makes an equitable financial contribution to the cost of carrying out the functions of Council, including the -

1. Construction and maintenance of public infrastructure; and
2. Development and provision of health and community services; and
3. Provision of general support services.

Types and Classes:

Rateable land having the relevant characteristics described in the Resolution of Council.

Use and Level of Differential Rate:

The differential rate will be used to fund some of those items of expenditure described in the Budget adopted by Council.

The level of the differential rate is the level which Council considers is necessary to achieve the objectives specified above.

Geographic Location:

Wherever located within the municipal district.

Use of Land:

Any use permitted under the relevant Planning Scheme.

Planning Scheme Zoning:

The zoning applicable to each rateable land within this category, as determined by consulting maps referred to in the relevant Planning Scheme.

Types of Buildings:

All buildings which are now constructed on the land or which are constructed prior to the expiry of the 2014/2015 Financial Year.

FILE NO: 0001
6. GOVERNANCE

ITEM NO: 9.1.1
(FINANCE MANAGER, WARREN BROWN)
(GENERAL MANAGER - CORPORATE,
LEANNE MULCAHY)

MOIRA SHIRE COUNCIL 2015/2016 DRAFT BUDGET (cont'd)

COPIES OF THE ATTACHMENTS WILL BE AVAILABLE ON WEDNESDAY 22 APRIL 2015.

Attachments

- 1 Appendix 1 Standard Income Statement - *printed in separate document*
- 2 Note 1 Other Revenues detail - *printed in separate document*
- 3 Note 2 Other Expenses Detail - *printed in separate document*
- 4 Appendix 1 Standard Balance Sheet - *printed in separate document*
- 5 Appendix 1 Standard Cash Flow Statement - *printed in separate document*
- 6 Appendix 1 Standard Capital Works Statement - *printed in separate document*
- 7 Appendix 3 Capital Budget 2015/16 - *printed in separate document*
- 8 Appendix 4a User Fees & Charges - *printed in separate document*
- 9 Appendix 4b Park Hire Fees & Charges - *printed in separate document*

FILE NO: 180.11.0002
3. OUR COMMUNICATIONS AND PROCESSES

ITEM NO: 9.1.2
(ASSISTANT FINANCIAL ACCOUNTANT,
ANDREW WILSON)
(GENERAL MANAGER - CORPORATE,
LEANNE MULCAHY)

FINANCIAL POSITION REPORT AS AT 31 MARCH 2015

RECOMMENDATION

That Council receives and notes the Financial Position Report as at 31 March 2015.

1. Executive Summary

Financial Highlights and Overview – Key Points

- Current Cash & Cash Equivalents balance as at 31 March 2015 is \$19,774,677
- Operating Grants and Capital Grants are being received as planned, fourth instalment of Victorian Grants Commission payment \$2.4M to be received in May 2015 and Roads to Recovery payment of \$1.7M also expected to be received in May 2015
- Other Revenues includes Waste Charges and Environmental Levy of \$5.1M, which is recognised when levied at the beginning of the financial year
- Rates and Charges collection is progressively maintained and is running as expected, fourth and final payment to be collected by 31 May 2015
- Investments at the end of March are \$17.8M and are being monitored to derive the best result
- Debtors are being rigorously followed-up and are at acceptable levels, whilst debts greater than 30 days are 10% of total debts at the end of the month, \$33k of the > 90 Days have been rectified since end of month, bringing this percentage to an acceptable 5%
- Capital Expenditure is being monitored to meet target, expenditure year to date is at \$5.2M, with further outstanding commitments of \$3.8M. Key projects nearing completion include: Cobram CBD Streetscape, Thompsons Beach, Roads to Recovery Resheeting program and Cobram Landfill Rehabilitation and will require full budget allocation of \$10.9M and are on track for completion by 30 June 2015
- All non-cash items (including Developer Contributions) to be calculated/recalculated as part of end-of-year balance sheet adjustments
- Forecast end of year surplus is on track, this is to be confirmed at the next Quarterly Budget Review

FILE NO: 180.11.0002
3. OUR COMMUNICATIONS AND PROCESSES

ITEM NO: 9.1.2
(ASSISTANT FINANCIAL ACCOUNTANT,
ANDREW WILSON)
(GENERAL MANAGER - CORPORATE,
LEANNE MULCAHY)

FINANCIAL POSITION REPORT AS AT 31 MARCH 2015 (cont'd)

2. Background and Options

Moirā Shire Council Funding Analysis Summary - March 2015				
Operating Income Statement	Ref	Budget 14/15	Dec 14/15 Forecast	Actuals YTD March 14/15
Income				
Operating Grant		(11,215,994)	(11,430,035)	(8,703,768)
Operating Contributions		(93,600)	(70,426)	(40,268)
Reimbursements		(49,532)	(59,822)	(59,436)
Statutory Fees & Fines		(883,576)	(883,776)	(644,386)
User Charges		(2,637,997)	(2,686,336)	(1,717,898)
Other Revenues (incl. Waste Charges & Environmental Levy)		(6,723,275)	(6,357,089)	(6,437,541)
Interest Income		(300,000)	(360,000)	(314,454)
Net Proceeds - Land for resale		(10,000)	(73,182)	(68,902)
Total Income		(21,913,974)	(21,920,666)	(17,986,651)
Expenditure				
Employee Costs		18,604,226	18,610,788	12,262,339
Contractors		6,300,072	5,755,527	3,469,623
Materials & Services		11,461,566	11,229,791	6,688,994
Utilities		968,072	991,972	681,188
Other Expenses		4,320,149	4,399,972	2,985,763
Interest on Borrowings		527,476	527,476	403,105
Bad & Doubtful Debts		5,000	5,000	-
WDV of Disposal of Assets		60,129	60,129	19,663
Total Expenditure		42,246,690	41,580,655	26,510,676
Net Operational (Inflow) / Outflow		20,332,716	19,659,989	8,524,024
Net Operational (Inflow) / Outflow				
		20,332,716	19,659,989	8,524,024
Funding available through				
Rates and charges		25,812,968	25,832,416	24,844,053
Rate funds available for Capital Projects	A	5,480,252	6,172,427	16,320,029
Capital Expenditure		10,720,189	10,891,595	5,192,505
Capital External funding		(6,146,409)	(5,856,155)	(2,267,474)
Net Council Funding of Capital Projects	B	4,573,780	5,035,440	2,925,031
Surplus of Rate Funds after funding Capital Projects	A - B	906,472	1,136,987	13,394,998
Equity Inflow / (Outflow)		(829,560)	(1,000,966)	(617,301)
Net Rate Funds Surplus / (Shortfall)		76,912	136,021	12,777,697

FILE NO: 180.11.0002
3. OUR COMMUNICATIONS AND PROCESSES

ITEM NO: 9.1.2
(ASSISTANT FINANCIAL ACCOUNTANT,
ANDREW WILSON)
(GENERAL MANAGER - CORPORATE,
LEANNE MULCAHY)

FINANCIAL POSITION REPORT AS AT 31 MARCH 2015 (cont'd)

	Budget 14/15	Dec 14/15 Forecast	Actuals YTD March 14/15
Funds available through			
Rates and charges	25,812,968	25,832,416	24,844,053
Rate funds available for Capital projects	5,480,252	6,172,427	16,320,015
Capital Outflow	10,720,189	10,891,595	5,192,505
Capital Inflow	(6,146,409)	(5,856,155)	(2,267,474)
Net Council Funding required for Capital Projects	4,573,780	5,035,440	2,925,031

	Budget 14/15	Dec 14/15 Forecast	Actuals YTD March 14/15
Equity Inflow / (Outflow)			
Repayment of Loans	829,560	829,560	617,301
Fund from Equity reserves for Capital carryover		(171,406)	
Net Rate Funds Surplus / (Shortfall)	76,912	136,021	12,777,697

Reconciliation with Income Statement

Net Rate Funds Surplus / (Shortfall)	76,912	136,021	12,777,697
Eliminate Balance Sheet items			
Repayment of Loans	829,560	829,560	617,301
Fund from Equity reserves for Capital carryover	-	171,406	-
Capital Expenditure Capitalised as Assets	10,720,189	10,891,595	5,192,505
Accounting for Non-cash items			
Depreciation Expense and amortisation	(8,740,057)	(8,740,057)	(6,555,043)
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	-
Income Statement Surplus / (Deficit)	2,436,773	2,838,694	12,032,460

FILE NO: 180.11.0002
3. OUR COMMUNICATIONS AND PROCESSES

ITEM NO: 9.1.2
(ASSISTANT FINANCIAL ACCOUNTANT,
ANDREW WILSON)
(GENERAL MANAGER - CORPORATE,
LEANNE MULCAHY)

FINANCIAL POSITION REPORT AS AT 31 MARCH 2015 (cont'd)

Quarterly Cash Position - Projection as at 30 June 2015	
	\$
Cash and Cash equivalents as per Balance Sheet - 31 Mar 2015	19,774,677
Confirmed inflow/(outflow) recorded in the books of accounts as of date	
Creditors - invoices registered in the system	(994,563)
Payroll [average payroll payout amount \$650k per FN]	(4,550,000)
Fire Services levy - due to SRO [net of Creditors & Debtors]	(53,520)
Loan installment due for the quarter	(220,868)
Estimated future (outflows) and inflows up to 30 June 2015	
Creditors - estimated quarterly payout	(11,000,000)
Rates	6,080,247
Capital Grants	2,969,506
Operating Grants	2,980,881
Projected Cash Balance as at 30 June 2015	14,986,360
Following restrictions imposed on Cash and cash equivalents by regulations or other externally imposed restrictions or by commitments made by Council	
Restricted reserves - Open Space, Car Parking & Net Gain Native	
Vegetation reserves	(1,262,937)
Long Service leave	
Current	(1,651,139)
Non-current	(243,020)
Trust Funds and Deposits	(557,727)
Unexpended Grants [estimated for the year end]	(750,000)
Projected Cash Balance (less Restricted Cash) as at 30 June 2015	10,521,538

FILE NO: 180.11.0002
3. OUR COMMUNICATIONS AND PROCESSES

ITEM NO: 9.1.2
(ASSISTANT FINANCIAL ACCOUNTANT,
ANDREW WILSON)
(GENERAL MANAGER - CORPORATE,
LEANNE MULCAHY)

FINANCIAL POSITION REPORT AS AT 31 MARCH 2015 (cont'd)

Rates & Other Debtors Report - March 2015			
General Rates & Charges	Mar-14	Mar-15	Year on Year Variance
Rates & Charges Levied	28,896,269	31,305,162	2,408,893
Collection to Date	(21,221,845)	(23,410,932)	(2,189,087)
Rate Debtors Outstanding	7,674,424	7,894,230	219,806
No. of Rateable Assessments	17,073	17,526	453
Rateable Valuation C.I.V	4,764,764,600	4,996,645,300	231,880,700
Special Scheme Debtors	Feb-15	Mar-15	Monthly Variance
Balance Outstanding	24,327	23,645	682
Sundry Debtors	Feb-15	Mar-15	Monthly Variance
Current	616,495	302,263	314,232
30 Days	18,331	181,310	(162,979)
60 Days	2,499	1,824	675
90 Days	0	804	(804)
> 90 Days	57,537	56,800	737
Total	694,862	543,001	151,861
Infringements	Feb-15	Mar-15	Monthly Variance
Balance Outstanding	162,368	157,681	4,687

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:

- General Manager – Corporate;
- Finance Manager;
- Team Leader, Financial Accountant;
- Finance Analysts;
- Team Leader, Revenue & Property Services;
- Business Support Officer, Safety & Amenity

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

FILE NO: 180.11.0002
3. OUR COMMUNICATIONS AND PROCESSES

ITEM NO: 9.1.2
(ASSISTANT FINANCIAL ACCOUNTANT,
ANDREW WILSON)
(GENERAL MANAGER - CORPORATE,
LEANNE MULCAHY)

FINANCIAL POSITION REPORT AS AT 31 MARCH 2015 (cont'd)

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 31 March 2015 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: 120.03.0001
4. ORGANISATION

ITEM NO: 9.1.3
(MANAGER GOVERNANCE AND
COMMUNICATIONS, LINDA
NIEUWENHUIZEN)
(GENERAL MANAGER - CORPORATE,
LEANNE MULCAHY)

COUNCIL PLAN 2013/14 - 2016/17 INCLUDING STRATEGIC RESOURCE PLAN ANNUAL REVIEW

RECOMMENDATION

That Council;

1. Accept the reviewed 2013/14 to 2016/17 Council Plan including the Strategic Resource Plan for the purposes of Section 125 of the Local Government Act 1989.
2. Authorise the Chief Executive Officer to:
 - (a) give public notice of the preparation of the Draft reviewed 2013-2017 Council Plan;
 - (b) invite submissions in respect of this matter in accordance with Section 223 of the Local Government Act 1989;
 - (c) make available for public inspection the Draft reviewed 2013-2017 Council Plan; and
 - (d) receive submissions until 4pm Friday 29 May 2015.
3. Form a committee comprising all or part of Council and hold a meeting at the Cobram Civic Centre, Cobram on Tuesday 9 June 2015 to consider submissions on any proposal or proposals contained in the Draft reviewed 2013-2017 Council Plan;
4. Consider the adoption of the Draft reviewed 2013-2017 Council Plan at an Ordinary Meeting of Council to be held on Monday 22 June 2015 at 6.00 pm at the Numurkah Tourist Information Centre.

1. Executive Summary

The 2013/14 to 2016/17 Council Plan was adopted by Council at its Ordinary meeting on 20 May 2013, in accordance with requirements under S125 of the Local Government Act Council 1989 (the Act).

Each year, Council is required to review its Council Plan and consider any adjustments necessary to maintain effective leadership within its community and delivery on its Strategic Objectives. Council is also required to provide opportunity for the community to make submission under section 223 on the proposed adjustments to the Council Plan.

Council has recently completed a review of the 2013/14 to 2016/17 Council Plan. Approval of this report will enable Council to commence the community consultation process to understand community views on the proposed Plan.

2. Discussion

Moirā Shire Council proposes to substantially revise the Council Plan prepared and adopted in 2013. The Draft revised Council Plan reflects the internal and external changes to Moirā's operations that have already impacted on the business or will impact during the remaining two years of the Plan period.

The revised Council Plan retains the vision, mission and values articulated in the original plan but recognises:

FILE NO: 120.03.0001
4. ORGANISATION

ITEM NO: 9.1.3
(MANAGER GOVERNANCE AND
COMMUNICATIONS, LINDA
NIEUWENHUIZEN)
(GENERAL MANAGER - CORPORATE,
LEANNE MULCAHY)

COUNCIL PLAN 2013/14 - 2016/17 INCLUDING STRATEGIC RESOURCE PLAN ANNUAL REVIEW (cont'd)

- Moira Shire's underlying financial position is stable, but we have little buffer to address the financial pressures created by the Victorian Government's introduction of rate capping from 2016/17 and the continuing decline in Victorian and Federal government grant funding.
- Council must address challenges within our Shire - the financial demands of a large, aging mix of community assets and a more expensive service delivery model relative to other Councils. Both challenges stem from Moira's large geographic area but dispersed service delivery across multiple locations and a relatively small, slower growing and aging population.

The draft revised Council Plan proposes three new strategic goals:

1. Strong regional partnerships
2. Improve Moira's Liveability
3. Drive economic growth through agriculture, manufacturing and tourism.

Our ability to realise these strategic goals will depend on four enabling objectives:

1. Smarter delivery of existing services and programs;
2. Delivering sound financial management;
3. Involving and informing our community;
4. Demonstrating good governance

The Strategic Goals and Enabling objectives are supported by Strategic Performance Indicators. Each Strategic Performance Indicator has at least one measure and will be delivered through a number of actions that are documented in the Council Plan.

The revised Council Plan delivers two important outcomes

- It recognises that smarter service delivery, sustainable financial management, sound governance and ethical leadership are vital to our communities, stakeholders and investors' confidence in Council and our commitment to the health and prosperity of the Moira Shire.
- It ensures our Council Plan remains relevant to our community, and ensures Council's staff and resources are focused on delivering meaningful and measureable outcomes.

Following approval of this report, Council will commence a community consultation process that will allow us to test our proposals with the community and hear their feedback. This is an important next step in ensuring our plan meets the community's expectations and needs.

3. Financial Implications

All financial implications of the Council Plan are considered as part of Council's annual budget and the annual review of the Strategic Resource Plan.

4. Risk Management

The development of the 2013/14 to 2016/17 Council Plan including the Strategic Resource Plan has been undertaken with consideration to the potential risks that Council may face through its implementation.

5. Community Consultation

Upon approval of this report, Council will commence a community consultation program in accordance with section 223 of the Local Government Act 1989.

FILE NO: 120.03.0001
4. ORGANISATION

ITEM NO: 9.1.3
(MANAGER GOVERNANCE AND
COMMUNICATIONS, LINDA
NIEUWENHUIZEN)
(GENERAL MANAGER - CORPORATE,
LEANNE MULCAHY)

**COUNCIL PLAN 2013/14 - 2016/17 INCLUDING STRATEGIC RESOURCE PLAN
ANNUAL REVIEW (cont'd)**

6. Internal Consultation

The review of the 2013/14 to 2016/17 Council Plan included

- Strategic planning workshops and feedback sessions with managers
- Strategic planning workshop with Councillors, CEO and General Managers.

7. Legislative / Policy Implications

The requirement for the Council Plan inclusive of Strategic Resource Plan (SRP) is detailed under Sections 125 and 126 of the Local Government Act 1989 (as amended). Section 125(7) of the Local Government Act requires Council review the plan at least once in a financial plan.

Section 125(9) identifies the need for consultation and section 223 prescribes this process.

8. Environmental Sustainability

Environmental Implications are discussed within the document specifically within the Strategic Resource Plan.

9. Conflict of Interest Considerations

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

10. Conclusion

Moira Shire Council proposes to substantially revise the Council Plan prepared and adopted in 2013. The proposed changes are necessary to ensure Council's priorities remain relevant to the needs of the Moira community and respond to our rapidly changing environment.

Following Council approval of this report, Council will commence a community consultation process in accordance with Section 223 of the Act beginning with advertisements in local media from Wednesday 29 April. Through this process we will seek community feedback on the Draft revised Council Plan and individuals who provide a written submission by Friday 29 May 2015 will have opportunity to speak to their submission at a special Council meeting on Tuesday 9 June 2015.

Once submissions are received and considered, any changes deemed appropriate will be made before being presented to Council for adoption at the Ordinary meeting on 22 June 2015.

COPIES OF THE ATTACHMENTS WILL BE AVAILABLE ON WEDNESDAY 22 APRIL 2015.

Attachments

- 1 Council Plan 2013/14-2016/17 including strategic resource plan annual review - *printed in separate document*

FILE NO: F14/180
2. COMMUNITY

ITEM NO: 9.1.4
(GRANTS COORDINATION OFFICER,
CLAIRE MILNE)
(GENERAL MANAGER - CORPORATE,
LEANNE MULCAHY)

COMMUNITY AND EVENTS GRANTS SCHEME 2014/2015 - ROUND 2

RECOMMENDATION

That Council:

1. Approve for funding, projects and events under Round 2 of the Community and Events Grants Scheme 2014/15 and;
2. Notify all successful and unsuccessful applicants of the outcome of their application.
3. Consolidate all Community and Events grant programs into round per year rather than two.

1. Executive Summary

Council received 52 applications totalling \$54,500.00 in requested funding for Round 2 of the Community and Events Grants Scheme 2014/15.

A total of 3 applications were considered ineligible for assessment due to 2 of the applicants submitting multiple applications for different projects into the one grant stream, and one application being withdrawn from consideration prior to assessment.

This is in line with the funding exclusion criteria as stipulated in the Community and Events Grants 2014/15 funding guidelines.

The Grants Review Panel carefully reviewed the remaining 49 applications according to the selection criteria.

The panel consisted of the following Council officers:

- Manager Community Services
- Team Leader Youth, Recreation and Safety
- Team Leader Community Services
- Community Development Officer
- Arts and Culture Officer
- Investment Development Officer
- Grants Coordination Officer

The review panel has recommended funding 31 projects in Round 2 of the Community and Events Grants Scheme, 2014/15, as listed in below in the next section of this report.

Further to this recommendation of projects to be funded, it is proposed that future Community and Event funding programs be consolidated and offered once per year instead of the current 2 rounds.

2. Background and Options

The following 31 community projects are recommended for Community and Events Grants funding by the Grants Review Panel:

COMMUNITY MINOR GRANTS		
Organisation	Project	Amount
Yalca North Recreation Reserve	Canvas Blinds for Community building	\$2500.00

FILE NO: F14/180
2. COMMUNITY

ITEM NO: 9.1.4
(GRANTS COORDINATION OFFICER,
CLAIRE MILNE)
(GENERAL MANAGER - CORPORATE,
LEANNE MULCAHY)

COMMUNITY AND EVENTS GRANTS SCHEME 2014/2015 - ROUND 2 (cont'd)

COMMUNITY MINOR GRANTS CONT:		
Organisation	Project	Amount
Lions Club of Yarrawonga	Purchase New Catering BBQ Trailer	\$1500.00
Cobram Primary Parents Committee (Cobram Primary School)	Establish Community Playgroup	\$2500.00
Cobram Lions Club (Cobram & District Specialist School)	Student Physical Wellbeing & Engagement Project	\$2500.00
Nathalia Playgroup	Improve Storage and Update of Equipment	\$1500.00
Strathmerton Football Club	Replacement chairs for social club rooms	\$2500.00
Cobram & District Pony Club	Lining of Club House Walls - red back prevention	\$2500.00
Koonoomoo Improvement Group	Tourist Stop and Community Hub Development – Stage 2 Fencing	\$2500.00
Scott Reserve Committee of Management	Security Upgrade at Scott Reserve	\$2500.00
Security Upgrade at Scott Reserve	Stage 4. Target lighting system.	\$500.00
Nathalia Angling Club	Come and Try Fishing Day for people with a Disability	\$1800.00
Soroptimist International of Cobram Barooga	Walk the Talk - Stop Violence Against Women Awareness	\$700.00
CFA - Katunga Brigade	Katunga CFA Community Quick Fill pump trailer – Fire prevention	\$1000.00
Katunga Recreation Reserve and Community Centre	Fridge for Food Storage	\$1500.00
Yarrawonga Mulwala Development Inc.	Cpt McNamara Walking Track Signage acknowledging other WW1 decorated soldiers	\$2500.00
Koonoomoo Recreation Reserve	Gas Stove for the Pavillion	\$1200.00
Save Our Station Sub-Committee (Yarrawonga Muiwala Historical Society Inc (YMHS)	Security surveillance equipment for Yarrawonga Railway Station.	\$1400.00
TOTAL		\$31,100.00

TOURISM EVENTS GRANTS		
Organisation	Project	Amount
Cobram Rotary	Big Band Concert 'Out for the Count'	\$3000.00
Yarrawonga Mulwala Amateur Canoe Club	Murray Quad – Quadrathlon part WQF world circuit	\$2000.00

FILE NO: F14/180
2. COMMUNITY

ITEM NO: 9.1.4
(GRANTS COORDINATION OFFICER,
CLAIRE MILNE)
(GENERAL MANAGER - CORPORATE,
LEANNE MULCAHY)

COMMUNITY AND EVENTS GRANTS SCHEME 2014/2015 - ROUND 2 (cont'd)

TOURISM EVENTS GRANTS CONT:		
Organisation	Project	Amount
Yarrawonga Sun Country on the Murray – Yarrawonga Mulwala Tourism	Yarrawonga Mulwala Multi Sport Festival 2015	\$2000.00
Yarrawonga Football Netball Club Inc.	Yarrawonga Sheep Races	\$1000.00
Nathalia Angling Club	Kids Come and Try Fishing Day	\$1000.00
Apex Cobram Barooga Inc.	Pickers & Packers – Koonoomoo Charity Ball	\$1000.00
	TOTAL	\$10,000.00
COMMUNITY EVENTS GRANTS		
Organisation	Project	Amount
Lions Club of Tungamah	Tungamah Lions 10,000 Sporting, Cultural and Heritage Festival	\$500.00
Numurkah Christmas Committee – Auspice - Numurkah Love our Lifestyle Inc.	Lions Carols by Candlelight and Twilight Picnic in the Park	\$500.00
Sun Country Historical Vehicle and Machinery Club	Sun Country Motorcycle Show n Shine Swap Meet – Men’s Information Tent	\$500.00
Invergordon Primary School – Auspice - Invergordon Primary School Parents Club	Community Celebration	\$500.00
	TOTAL	\$2000.00
HEALTH PROMOTION GRANTS		
Organisation	Project	Amount
Numurkah District Health Service (NDHS)	Be on your feet (promoting physical activity)	\$500.00
Katamatite Primary School Auspice - Katamatite Primary School Parents and Friends Group	Katamatite Primary Healthy Living Breakfast and Healthy Living Expo	\$500.00
CWA Yarrawonga and Border Branch	Forum – to raise awareness of mental health issues and suicide prevention	\$500.00
Katamatite Community Action Group	Katamatite Mother’s Day Classic 2015	\$500.00
	TOTAL	\$2000.00

Also recommended in this report is the consolidation of all grant rounds that form part of Council's Community and Event grants scheme. Currently spread over 2 rounds, it is proposed to combine these rounds and advertise once per year.

At a set time each year (July), this will make simplify Councils grant making role to community.

FILE NO: F14/180
2. COMMUNITY

ITEM NO: 9.1.4
(GRANTS COORDINATION OFFICER,
CLAIRE MILNE)
(GENERAL MANAGER - CORPORATE,
LEANNE MULCAHY)

COMMUNITY AND EVENTS GRANTS SCHEME 2014/2015 - ROUND 2 (cont'd)

3. Financial Implications

Council had allocated \$54,500.00 to Round 2 of the Community and Events Grants Scheme in 2014/15 which comprises of 4 grant streams for funding.

Following assessment of applications in each stream a total of \$45,100.00 is recommended to be allocated to projects and events by the grants review panel.

The breakdown is listed below:

Grant Stream	Allocated Funding per Round	Number of Applications Received	Number of Applications Recommended for funding	Recommended Funding Amount
Community Minor Grants	\$40,000.00	32	17	\$31,100.00
Tourism Events Grants	\$10,000.00	6	6	\$10,000.00
Community Events Grants	\$2,500.00	6	4	\$2,000.00
Health Promotion Grants	\$2,000.00	8	4	\$2,000.00

All successful recipients of funding will be required to follow Council's procurement guidelines.

The remaining funds from this grant round, notably from the Community Minor Grants will remain with Council. It has been noted that the number and quality of applications suggest a clear need for workshops to increase the capacity and skills of the community to apply for this funding.

This is focus of upcoming community volunteer workshops in coming months.

4. Risk Management

The Community and Events Grants Scheme will address risk management by:

- Ensuring a financial agreement and process is in place before funding is provided.
- Council's responsibilities are clearly identified in the signed funding agreement between Council and the funding recipient.
- The relevant documents (e.g. funding applications and funding agreements) outline the responsibilities of applicants in terms of occupational health and safety and risk management.
- An evaluation process is in place to ensure delivery of the funded community projects and events.

5. Internal and External Consultation

Internal consultation has taken place with the grant review panel meetings. Separate to these meetings, officers who have regular contact with applicants or those who can provide relevant technical advice regarding projects were contacted for feedback.

Throughout the application advertising period, Council officers assisted potential applicants with their applications as requested.

FILE NO: F14/180
2. COMMUNITY

ITEM NO: 9.1.4
(GRANTS COORDINATION OFFICER,
CLAIRE MILNE)
(GENERAL MANAGER - CORPORATE,
LEANNE MULCAHY)

COMMUNITY AND EVENTS GRANTS SCHEME 2014/2015 - ROUND 2 (cont'd)

Following Council's adoption of this report, all applicants will be notified by letter of the outcome of their application and those unsuccessful will be encouraged to contact Council's Community Services Office for feedback on their unsuccessful applications.

6. Regional Context

One of the roles of Local Government is to provide for community development and support economic development.

Whilst the Community and Events Grants Scheme is targeted at local community groups within Moira Shire Council, a number of project can have a broader regional impact.

Most notably, the Tourism Events scheme seeks to support events that attract a regional audience.

7. Council Plan Strategy

The Community and Events Grants Scheme support the 2013/14- 2016/17 Council Plan strategic goal of Community:

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

In particular, the Community and Events Grants help to achieve the following strategies:

- *Provide quality facilities, open spaces and programs to increase participation and cater for the communities' needs and interests through the delivery of a grants program.*
- *Community inclusion.*
- *Continue to plan, deliver and improve the quality, accessibility and relevance of community services, to ensure they meet current and future needs of all the demographic groups in Moira Shire.*
- *Recognise and enhance Moira's diverse cultural and indigenous heritage through events and programs supporting the arts, traditions and history.*
- *Maintain and enhance community health and wellbeing through high quality service provision and partnerships to meet the needs of the broader community.*

8. Legislative / Policy Implications

The Community and Events Grants applications have been assessed in accordance with the Moira Shire Community and Events Grants policy and guidelines.

9. Environmental Impact

Moira Shire's community grants program aims to support wide range of diverse projects and events.

Where appropriate, the grant review panel ensure that projects consider environmentally sustainable options when scoping projects and events.

FILE NO: F14/180
2. COMMUNITY

ITEM NO: 9.1.4
(GRANTS COORDINATION OFFICER,
CLAIRE MILNE)
(GENERAL MANAGER - CORPORATE,
LEANNE MULCAHY)

COMMUNITY AND EVENTS GRANTS SCHEME 2014/2015 - ROUND 2 (cont'd)

10. Conflict of Interest Considerations

No council officer conflict of interest issues relating to the projects recommended for funding.

11. Conclusion

The review panel recommends funding 31 projects under the Community and Events Grants Scheme in Round 2 2014/15 with a total dollar value of \$45,100.00.

The panel also recommends the consolidation of the current 2 rounds of this grant scheme into one round to be advertised in July annually.

Attachments

Nil

FILE NO: F
5. INFRASTRUCTURE

ITEM NO: 9.2.1
(MANAGER STRATEGIC PROJECTS, MARK
FOORD)
(GENERAL MANAGER INFRASTRUCTURE,
ANDREW CLOSE)

LOTT STREET, YARRAWONGA PETITION

RECOMMENDATION

That:

1. Council undertake a consultative process that would involve a meeting with residents of the street where the issues in relation to the removal of street trees, could be discussed and a potential solution to the resident's concerns be determined.

1. Executive Summary

A petition has been received by Council regarding the removal of trees in Lott Street, Yarrawonga at Council's meeting of 23 March 2015, at which meeting Council resolved;

"Council receive a petition containing 15 signatures requesting the removal of Gum Trees in Lott Street Yarrawonga due to a range of issues impacting residents."

The petition requests that the trees be removed and that some form of consultative process be commenced.

There are a number of issues to consider in relation to the removal and potential replacement of the trees in Lott Street, Yarrawonga as follows;

- Lott Street, Avenue of Honour
- Previous Council Decisions
- Historic reconstruction
- Town Planning
- Tree species
- Cost of removal of the trees

It is recommended that Council undertake a consultative process that would involve a meeting with residents of the street where the issues could be discussed and a potential solution to the residents concerns be determined.

FILE NO: F
5. INFRASTRUCTURE

ITEM NO: 9.2.1
(MANAGER STRATEGIC PROJECTS, MARK
FOORD)
(GENERAL MANAGER INFRASTRUCTURE,
ANDREW CLOSE)

LOTT STREET, YARRAWONGA PETITION (cont'd)

2. Background and Options

a. The petition

The petition requests that the existing native trees be removed and that some form of consultative process be commenced.

The picture shows a view of the street. The trees are quite large and are likely to grow larger in the future.



b. Issues – Lott Street Avenue of Honour

230 Kurrajong trees were planted in Lott Street, Telford Street and Belmore Street. The trees were planted in remembrance of those who served in World War 1. Those people were;
(Excerpt from "Tungamah Express" 11/09/1919)

ALLAN, H ALLAN, J ALFRED, R ANGUS, V W ALEXANDER, C BOYD, A BOOTH, L BARRY, J BURLEY, J BYRNES, F BURLEY, D C BAILLIE, J K BAILLIE, G R BUSH, M BUTLER, H BOWLES, H R BARFIELD, P S BUCHANAN, H J BUCHANAN, A BRAY, Rev GP	CRISP, H CRISP, E CAMERON, D CORKE, A G CHAPMAN, S R CLARKE, B CLARKE, G CLARKE, W CLARK, J CLARKE, H G CASE, W CAVANAGH, D J CAVANAGH, P W CAVANAGH H CAVANAGH, A CAVANAGH, J H CARNEGIE, R F CARMICHAEL, W C	CARMICHAEL, R CARMICHAEL, A CARMICHAEL, A CARMICHAEL, T COOPER, D CORBOY, J CORBOY, P CORBOY, T CORBETT, J CURRY, W CHAPPELL, C C CAMERON, J CAMERON, W CROSS, J COSTELLO, R CRAWFORD, C R CHAPPELL, N COWELL, C	DAWES, C G DOYLE, M J DWYER, M P DWYER, T A DUNBAR, W G DUNBAR, H DELAHUNTY, J P DARCY, D EDWARDS, J EDWARDS, J EDWARDS, A EDWARDS, J EDWARDS, - EVANS, T EVANS, - EVANS, J ELLIS, E E ELLIS, R	FRIEND, J J FAIR, R FALLON, G T B GLEESON, P GRENELL, F GILL, W A F GILMORE, G A GILMORE H GILMORE A M GARDNER, P M HOCKING, J HUGO, W HAZEN, M HARDING, S F HILL, W J HALBURD, R F HICKFORD, J C HILET, T R HILET, R HENDERSON, D HORGAN, Dr J P HEATHERTON, R
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FILE NO: F
5. INFRASTRUCTURE

ITEM NO: 9.2.1
(MANAGER STRATEGIC PROJECTS, MARK FOORD)
(GENERAL MANAGER INFRASTRUCTURE, ANDREW CLOSE)

LOTT STREET, YARRAWONGA PETITION (cont'd)

INCHBOLD, P P INCHBOLD, E J JAMES, A W JAMIESON, Dr S C JONES, A E JOE, L S JONES, D JOSE, J KYFFIN, A M KYFFIN, A P KING, H G	LEMMING, R LOWE, W LEWIS, C E LEAHY, J LEES, V G LONIE, W LONSDALE, F L MULLINS, W P MULLINS, J J MULLER, H MURRAY R C MEYER, J E MEEHAN, P MEEHAN, M MACDERMID, WD MASON, I	MASON, J MARTIN, H S MARTIN, W U MARTIN, S J MARTIN, A MARTIN, - MOFFAT, G A MALLOWS, W S MALLOWS, C MERTIN, E M MUNRO, H MULLARVEY, J MILLAR, H C MILLER – MACKINNON, J McKENZIE, L E McDONOUGH, P McDONOUGH, W	McKAY, G D McKAY J P McINNES, S H McINNES A McBEATH, L G McCOLL, A McCOLL, D McCOLL, - McMAHON, C W R McALPINE, A McALPINE, W McALPINE, J McALPINE, J McFARLANE, P NICHOLSON, A NICHOLSON, E NICHOLSON, N NICKLAUS, J	OLLEY, A R OLLEY, A A O'BRYAN, R M O'BRYAN, W H O'BRIEN, D O'BRIEN, - O'KEEFE, P O'HAGAN, H
PATCHING, J D ARISH, A PARISH, C D POLLON, F PLUMMER, J F PLUMMER, C Z PARKER, J PAYNE, R PAYNE, H PRESCOTT, J PROSSER, D S ROBINSON, J J ROBIN, A M	REGAN, W ROACH, J ROFF, T ROGERS, L G RICHARDS, TW REYNOLDS, GF RUDD, C SHIELDS, A J SHIELDS, E J SMART, W H SMART, W J SMART, A J SYMONDS, H SMITH, A	SMITH, W SMITH, R N SMITH L G SMITH, D SMYTHE, G A SARGEANT, F SARGEANT, B SARGEANT, S SLOANE, A J SLOANE, W D SLOANE, R STEWART, A SKINNER, R H	SAUNDERS, G SAUNDERS, C SHARP, J TURNER, H J WILSON, S WILSON, R WILLETT, H WILLETT, - WHITE, R C WARFE, J	WHISTLER, A WARD, F WARD, T WARD, W WOODS, H D WOODS, O W WOODS, V G WADE, E A WOHLER, M YOUNG, C

Over time the trees have been lost due to a number of reasons and only three remain, at the western end of Lott Street. A plaque and memorial have been placed nearby.

c. Issues – Previous Decisions and History

Council has previously discussed the Avenue of Honour at its meeting of 2 May 2007, at which time it resolved as follows;

“That Council seek funding from the Federal Government and RSL to install an interpretive monument to help residents and visitors appreciate the significance of the Yarrowonga Avenue of Honour which originally extended from the Railway station along Lott Street, Mc Nally Street and Belmore Street.

FILE NO: F
5. INFRASTRUCTURE

ITEM NO: 9.2.1
(MANAGER STRATEGIC PROJECTS, MARK
FOORD)
(GENERAL MANAGER INFRASTRUCTURE,
ANDREW CLOSE)

LOTT STREET, YARRAWONGA PETITION (cont'd)

The monument at the western end of Lott Street outlines the history of the Avenue of street trees.



Council was also advised at that meeting of the issues in relation to restoring or reconstructing historic infrastructure, and at that time it may not have been appropriate to replicate or restore the Avenue of trees.

d. Issues – Historic Reconstruction

The “Burra Charter” forms the basis for protection and treatment of historical places and infrastructure. It has been adopted by the Planning Industry as well as the National Trust as the fundamental principle by which conservation work is undertaken.

The Burra Charter provides guidance for the conservation and management of places of cultural significance (cultural heritage places), and is based on the knowledge and experience of Australia ICOMOS members. (International Charter for the Conservation and Restoration of Monuments and Sites)

The Charter sets a standard of practice for those who provide advice, make decisions about, or undertake works to places of cultural significance, including owners, managers and custodians.

Places of cultural significance enrich people’s lives, often providing a deep and inspirational sense of connection to community and landscape, to the past and to lived experiences. They are historical records that are important as tangible expressions of Australian identity and experience. Places of cultural significance reflect the diversity of our communities, telling us about whom we are and the past that has formed us and the Australian landscape.

The Burra charter recognises that places of cultural significance must be conserved for present and future generations.

FILE NO: F
5. INFRASTRUCTURE

ITEM NO: 9.2.1
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FOORD)
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ANDREW CLOSE)

LOTT STREET, YARRAWONGA PETITION (cont'd)

The Burra Charter, however, advocates a cautious approach to change: **Do as much as necessary to care for the place and to make it useable, but otherwise change it as little as possible so that its cultural significance is retained.**

The charter has many articles but a few are worth mentioning, for example, when reconstruction is being contemplated;

“Reconstruction is appropriate only where a place is incomplete through damage or alteration, and, only where there is sufficient evidence to reproduce an earlier state of the fabric. In rare cases, reconstruction may also be appropriate as part of a use or practice that retains the cultural significance of the place.”

And further;

“Reconstruction should be identifiable on close inspection or through additional interpretation.”

And summing up;

New work may be sympathetic if its siting, bulk, form, scale, character, colour, texture and material are similar to the existing fabric, but imitation should be avoided.

Which brings us to what may be considered appropriate in relation to the avenue of trees.

The Charter may not favour reconstruction or re-establishment of the Avenue, particularly not the reconstruction of the name plates at each tree, as this could be considered imitation.

The charter would favour any means to retain what is left of the Avenue including the name plates and would prefer that the name plates be left in their original location unless they need to be removed to protect them.

It would therefore not be appropriate to replicate the Avenue with nameplates but re-establishment with trees of the same species would be appropriate, particularly if the existing trees are removed.

In other words, once the Avenue is gone, as is the case now, and if the existing trees were removed, it would be preferable to restore the Avenue rather than plant or install any other infrastructure.

For example, if a historic building were in a state of disrepair, it would be preferable from a cultural and historic perspective to restore the building rather than replace it with a modern building on the same site. In the case of a building, often the costs and other factors make restoration or rebuilding unachievable, however in the case of the avenue; the tree species can relatively easily be replaced.

From a purely cultural or historic perspective it would therefore be preferable to reconstruct the Avenue rather than to install another tree species and forego the opportunity to properly recognise the cultural and historic significance of the Avenue of Kurrajong trees planted in honour of those who served in World War 1.

FILE NO: F
5. INFRASTRUCTURE

ITEM NO: 9.2.1
(MANAGER STRATEGIC PROJECTS, MARK
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ANDREW CLOSE)

LOTT STREET, YARRAWONGA PETITION (cont'd)

e. Issues - Town Planning

The Moira Shire Town Planning Scheme may require that a Town Planning permit be sought to remove the existing trees from Lott Street. If the current proposal to introduce a Heritage Amendment is undertaken a permit would also be required to plant trees in Lott Street, Yarrawonga.

Due to the size and age of the existing trees native offset plantings may also be required.

The Town Planning process may result in a permit being issued or not, and whether a permit could be obtained cannot be determined at this stage, due to the fact that consultation would have to be undertaken.

f. Issues – Tree Species

The dominant trees in Lott Street are *Corymbia maculata* (Spotted Gum).

This is a large tree, tolerant of drought, and native to the east coast of New South Wales and Eastern Victoria. It produces flowers high in the canopy and is known for this attribute in that it attracts birds.

It is a well-known street tree, to quote Wikipedia; *“The species is often used for planting in parks and as a street tree, however its mature size makes it unsuitable for most home gardens.”*

To Quote, the Australian Native Plant Society;

C.maculata is a very decorative species but perhaps too large for most suburban gardens. On larger properties or in parklands it is a superb feature, particularly if close planted. It is suited to temperate to tropical areas but will grow satisfactorily in drier climates if water is available. It adapts to a wide range of soils provided they are not waterlogged. Like most smooth-barked eucalypts, the bark sheds in early summer and it can result in an untidy appearance on lawns and paths for a few weeks.

The tree is therefore suitable for planting in streets, where there is sufficient space.

3. Financial Implications

The cost of removing the trees is approximately \$10,000 in terms of equipment and labour. There may be additional costs as a result of the Town Planning process.

4. Risk Management

When undertaking a risk assessment of tree plantings it is normal to consider the use of the tree by others or its common usage as well as its history in the area. The other factor is the care and maintenance available to mitigate any risks associated with the tree. Council has formal procedures and practices in relation to the management of its street trees, to mitigate the risks associated with management of street trees.

The trees in Lott Street are often reported to be a suitable street tree in references; Prestige Plants suggests the tree works well as a street tree.
(<http://www.prestigeplants.com.au/www/content/default.aspx?cid=1211>).

FloraBank suggest its use in urban areas; Urban use: good as an ornamental or amenity plant
(http://www.florabank.org.au/lucid/key/species%20navigator/media/html/Corymbia_maculata.htm)

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5. INFRASTRUCTURE

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LOTT STREET, YARRAWONGA PETITION (cont'd)

The City of Melbourne have a particularly good knowledge of the trees in Melbourne and highlight the species. *"They are striking when planted as a group or avenue, and make spectacular specimen trees."*

https://www.melbourne.vic.gov.au/Sustainability/UrbanForest/Documents/spotted_gum_fact_sheet.pdf

5. Internal and External Consultation

The Town Planning and Operations Departments have been consulted in relation to this report.

6. Regional Context

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

7. Council Plan Strategy

The Strategic Goals that relate to this report are;

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 (Liveability);

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

Infrastructure;

Moira will be a desirable place to live, work and visit in North Central Victoria supported by its infrastructure, assets and facilities. It will proactively fund, maintain and develop Council's assets and facilities to meet its community's current and future needs in partnership with private development.

The specific Indicators that relate directly to this report are;

5.2.6 Community satisfaction with local roads, streets and footpaths

8. Legislative / Policy Implications

A Town Planning Permit may be required to remove the tree in Lott Street, Yarrawonga.

9. Environmental Impact

The environmental impacts associated with this report are in relation to the potential removal of street trees. The trees are planted and are probably not indigenous to Yarrawonga.

10. Conflict of Interest Considerations

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

11. Conclusion

There are many issues to consider in relation to the request from residents of Lott Street to remove the street trees from Lott Street. The trees are mature and many would argue that the aesthetics of the street are complimented by the mature gum trees.

FILE NO: F
5. INFRASTRUCTURE

ITEM NO: 9.2.1
(MANAGER STRATEGIC PROJECTS, MARK
FOORD)
(GENERAL MANAGER INFRASTRUCTURE,
ANDREW CLOSE)

LOTT STREET, YARRAWONGA PETITION (cont'd)

It is recommended that Council undertake a consultative process that would involve a meeting with residents of the street where the issues could be discussed and a potential solution to the resident's concerns be determined.

Attachments

Nil

FILE NO: F13/610
3. DEVELOPMENT AND LIVEABILITY

ITEM NO: 9.2.2
(SENIOR TOWN PLANNER, CHRIS LYNCH)
(STATUTORY PLANNING COORDINATOR,
PETER STENHOUSE)

**REQUEST TO INITIATE HERITAGE SCHEME AMENDMENT AND ADOPT DRAFT
HERITAGE STUDY.**

RECOMMENDATION

That:

1. Council adopt the *Moirā Shire Heritage Study Stage One (2004)*, *Moirā Shire Heritage Study Stage Two (2007)* Volumes 1-5 (Inc) and *Moirā Shire Heritage Study (2007) Addendum 24 March 2015*.
2. Council, in accordance with the *Planning and Environment Act 1987*, seek authorisation from the Minister for Planning to prepare Amendment C38 to the Moira Planning Scheme and exhibit the amendment in accordance with Part 3 Division 1 of the Act.

1. Executive Summary

Amendment C38 to the Moira Planning Scheme seeks to implement the recommendations of a number of heritage studies. The amendment seeks planning scheme protection for the sites identified by applying the Heritage Overlay, and planning permits will be required for demolition or substantial changes. New local planning policies will provide guidance to Shire planners when assessing planning permits triggered by the Heritage Overlay.

The Shire has the responsibility, to identify, conserve and enhance buildings or places that are of historic value.

2. Background and Options

Over the past decade the Shire has commissioned a number of studies into the Moira's heritage places. Amendment C38 to the Moira Planning Scheme seeks to implement the recommendations of the; *Moirā Shire Heritage Study Stage One (2004)*, the *Moirā Shire Heritage Study Stage Two (2007)* Volumes 1-5 (Inc) and the *Moirā Shire Heritage Study (2007) Addendum 24 March 2015*. These studies are collectively referred to as 'The Moira Shire Heritage Study' (the Study) and should formally be adopted by Council.

The amendment seeks to place heritage controls on the places and precincts identified as being of historical significance to the municipality. The controls will ensure that a planning permit is triggered for any demolition or substantial changes to places in order to assess the impact on the significant elements of the property.

Existing heritage controls

A number of heritage overlays and schedules have existed in the Moira Planning Scheme since 1999. The schedules to the heritage overlay have been added to over the years and now comprises 35 heritage places. These existing heritage places are to be retained by Amendment C38 and many form part of mapping corrections.

Identification of heritage sites

The Study identifies an additional 126 individual sites, 15 heritage precincts and seven groups of significant places such as schools, halls, churches and cemeteries. Stage 1 and Stage 2 of the Moira Heritage Study found a small number of individual sites that no longer required heritage protection, leaving a total of 111 places to be protected by the amendment.

FILE NO: F13/610
3. DEVELOPMENT AND LIVEABILITY

ITEM NO: 9.2.2
(SENIOR TOWN PLANNER, CHRIS LYNCH)
(STATUTORY PLANNING COORDINATOR,
PETER STENHOUSE)

REQUEST TO INITIATE HERITAGE SCHEME AMENDMENT AND ADOPT DRAFT HERITAGE STUDY. (cont'd)

Planning Scheme Changes

Amendment C38 proposes the following changes to the Moira Planning Scheme:

Maps

The Heritage Overlay maps in the Moira Planning Scheme will be amended to identify all the nominated places by applying the 'HO' Code. The Heritage Overlay will apply to 111 new heritage places, 15 new heritage precincts and 2 groups of heritage places identified in the Study to Planning Scheme Maps: 2HO, 4HO, 5HO, 7HO, 9HO, 10HO, 11HO, 12HO, 13HO, 14HO, 15HO, 16HO, 17HO, 18HO, 19HO, 20HO, 21HO, 22HO, 23HO, 26HO, 28HO, 29HO, 30HO, 33HO, 34HO, 35HO, 36HO and 37HO.

Schedules to the Heritage Overlay

Amendment C38 proposes to change the Heritage Overlay schedules by:

- deleting the existing Schedule to the Heritage Overlay (at Clause 43.01) and replacing it with a new Schedule which includes the individual places, precincts and groups nominated in 'The Moira Shire Heritage Study';
- amending the Schedule to Clause 61.03 to include the new Heritage Overlay maps in the planning scheme; and
- amending the Schedule to Clause 81.01 to introduce the document titled 'Moira Planning Scheme Heritage Overlay, Planning Permit Exemptions and Application Requirements, Incorporated Plan, March 2015'.

Local Planning Policy

Amendment C38 proposes the following changes to local planning policy:

- amending Clause 21.03 to make reference to 'The Moira Shire Heritage Study' and to include objectives and strategies relating to cultural heritage;
- amending Clause 21.07 to include 'The Moira Shire Heritage Study' as a reference document; and
- including seventeen (17) new Local Policies at Clauses 22.06 to 22.22 (inclusive) addressing general heritage issues, precincts and groups.

3. Financial Implications

The amendment will not have any significant economic impacts. The conservation of Moira's heritage places generally, has the potential to significantly add to the tourism industry within the Shire.

The amendment may result in some additional costs to proponents of developments within the Heritage Overlay compared to similar developments that are not covered by the Heritage Overlay. These cost would be linked to the specific proposal and include costs and time associated with the preparation of planning permit applications.

The Shire's costs associated with assessing permit applications within the Heritage Overlay may increase slightly. However, the insertion of the 'Moira Planning Scheme Heritage Overlay, Planning Permit Exemptions and Application Requirements, Incorporated Plan, March 2015' into the planning scheme provides permit exemptions for certain development within heritage precincts, and graveside works within cemeteries.

FILE NO: F13/610
3. DEVELOPMENT AND LIVEABILITY

ITEM NO: 9.2.2
(SENIOR TOWN PLANNER, CHRIS LYNCH)
(STATUTORY PLANNING COORDINATOR,
PETER STENHOUSE)

REQUEST TO INITIATE HERITAGE SCHEME AMENDMENT AND ADOPT DRAFT HERITAGE STUDY. (cont'd)

This document will ensure planning permits are not required for development which does not adversely affect the heritage protection of these areas, and therefore will ensure that unnecessary pressure is not put on the resources and administrative costs of Council.

Amendment C38 will also require the Shire to apply for permits for certain works on places that are owned by or are the responsibility of the Shire, if the proposed works are more than \$1,000,000.

4. Risk Management

By failing to undertake the Amendment to the Heritage overlay in the Scheme, the Minister for Planning may instruct the Council to undertake the Amendment. Without the Amendment the Heritage Study (Stages 1 and 2) as previously completed, will have no statutory enforceability.

5. Internal and External Consultation

Heritage Overlay amendments are invariably contentious. Property owners often misunderstand the nature of the protection provided by a local heritage listing and as such Council can expect many enquiries regarding this matter. Council effectively has to 'sell' the initiative to the community. Preliminary community consultation was undertaken in four towns in the Shire. The towns being Cobram, Yarrawonga, Nathalia and Numurkah. The consultation was undertaken from the 3rd to 6th March 2015, with over one hundred people attending the heritage community consultation days. The heritage community consultation days were attended by Justin Francis, Council's Heritage Advisor and Council planning officers.

6. Regional Context

In a regional context, the amendment will help conserve and enhance parts of the built environment of Moira Shire.

7. Council Plan Strategy

Amendment C38 is consistent with the Council Plan.

The amendment is consistent with the following strategic goals:

Environment

- *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.*

Development (liveability)

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

Infrastructure

- *Moira will be a desirable place to live, work and visit in North Central Victoria supported by its infrastructure, assets and facilities. It will proactively fund, maintain and develop Council's assets and facilities to meet its community's current and future needs in partnership with private development*

FILE NO: F13/610
3. DEVELOPMENT AND LIVEABILITY

ITEM NO: 9.2.2
(SENIOR TOWN PLANNER, CHRIS LYNCH)
(STATUTORY PLANNING COORDINATOR,
PETER STENHOUSE)

REQUEST TO INITIATE HERITAGE SCHEME AMENDMENT AND ADOPT DRAFT HERITAGE STUDY. (cont'd)

8. Legislative / Policy Implications

The *Planning and Environment Act 1987* governs the use and development of land in Victoria and provides the statutory framework to ensure planning decisions are fair, orderly, economic and sustainable. The Act requires that every municipal council has a planning scheme to implement the objectives of planning in Victoria and provide sound, strategic and coordinated planning decisions.

The Shire has the responsibility, to identify, conserve and enhance buildings or places that are of historic value. The introduction of the Heritage Overlay on sites which are deemed as being of heritage value is a direct response to the objectives of the *Planning and Environment Act 1987*, especially objective 1(d) which is to:

- *conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value*

The amendment takes into account and gives effect to the relevant principles and policies contained in the State Planning Policy Framework. The amendment implements and supports the existing Local Planning Policy Framework, including the Municipal Strategic Statement. Clause 21.03 (Environment) includes the objective to "... *protect places of cultural heritage and support preservation of those sites threatened by development or neglect*".

Amendment C38 proposes changes to the Moira Planning Scheme. The Amendment will result in additional statutory controls for proponents within the Heritage Overlay. These controls and associated policy must be considered when the Shire is deciding on planning matters.

9. Environmental Impact

The amendment will have positive environmental impacts. The increased protection and conservation of heritage places reflects Moira Shire's abundance of natural, cultural and historically significant sites. Many of these have been recognised by the community yet very few of these are protected by the existing planning scheme.

Protection of heritage places also promotes sustainable development through, among other things, the conservation of, and reduced demand for new construction materials.

It is not anticipated that the amendment will have any negative environmental effects as it does not control the use of the land, but rather conserves development which is already in existence.

10. Conflict of Interest Considerations

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

11. Conclusion

The Shire has an obligation under the *Planning and Environment Act 1987* to protect historic sites. This is best achieved through the application of the Heritage Overlay and local planning policies.

Amendment C38 to the Moira Planning Scheme seeks to implement the recommendations of a number of heritage studies which have been completed over the past decade. These studies should formally be adopted by Council.

FILE NO: F13/610
3. DEVELOPMENT AND LIVEABILITY

ITEM NO: 9.2.2
(SENIOR TOWN PLANNER, CHRIS LYNCH)
(STATUTORY PLANNING COORDINATOR,
PETER STENHOUSE)

**REQUEST TO INITIATE HERITAGE SCHEME AMENDMENT AND ADOPT DRAFT
HERITAGE STUDY. (cont'd)**

It is recommended that the Minister's authorisation to prepare Amendment C38 to the Planning Scheme be sought. Once authorisation has been granted publically exhibit the amendment.

Attachments

- 1 Explanatory Report
- 2 Incorporated Plan - Exemptions
- 3 Moira Heritage Study - Addendum

FILE NO: F13/610
3. DEVELOPMENT AND LIVEABILITY

ITEM NO: 9.2.2
(SENIOR TOWN PLANNER, CHRIS
LYNCH)
(STATUTORY PLANNING
COORDINATOR, PETER STENHOUSE)

**REQUEST TO INITIATE HERITAGE SCHEME AMENDMENT AND ADOPT
DRAFT HERITAGE STUDY. (cont'd)**

ATTACHMENT No [1] - Explanatory Report

Planning and Environment Act 1987

MOIRA PLANNING SCHEME

AMENDMENT C38

EXPLANATORY REPORT

Who is the planning authority?

This amendment has been prepared by the Moira Shire Council, who is the planning authority for this amendment.

Land affected by the amendment

The Amendment applies to all of the land within the Moira Shire Council.

The Amendment affects particular land by the:

- Retention of 35 places within the Heritage Overlay;
- Inclusion of 111 new places within the Heritage Overlay;
- Inclusion of 15 new Heritage Precincts in Yarrawonga, Cobram, Numurkah, Nathalia, Tungamah and St. James; and
- Inclusion of 2 thematic groups of places (covering 18 individual sites) comprising cemeteries and war memorials located throughout the Shire.

Attachment A to this report provides a list of all of the new proposed heritage places, precincts and groups which are included in a Heritage Overlay in this Amendment.

The Amendment affects all land in the Shire by making changes to the Local Planning Policy Framework at Clause 21.03. The Amendment also seeks to implement a number of new Local Planning Policy at proposed Clauses 22.06 – 22.22 (inc). These Heritage Policies will affect all land within the Heritage Overlay (existing and proposed).

What the amendment does

The existing Moira Planning Scheme (at Clause 21.03) identifies that Moira Shire has an abundance of natural, cultural and historically significant sites. Many of these have been recognised by local historic societies, interest groups and the Yorta Yorta community.

Council has now prepared the *Moira Shire Heritage Study Stage One (2004)*, the *Moira Shire Heritage Study Stage Two (2007)* Volumes 1-5 (Inc) and the *Moira Shire Heritage Study (2007) Addendum 24 March 2015* for the whole Shire (*The Moira Shire Heritage Study*). The Study has identified post-contact places and precincts of cultural significance and includes a thematic environmental history of post-colonial European occupation.

The Moira Shire Heritage Study identified 126 individual sites (in addition to the existing 35 sites), 15 heritage precincts and seven groups of significant places such as schools, halls, churches and cemeteries. Owing to changes since Stage 1 and Stage 2 of *The Moira Shire Heritage Study* was completed; a small number of individual sites are no longer required to be protected leaving a total of 111 places. In addition, the 'groups' of places has been reduced in accordance with departmental advice and best practice.

The Study includes 'Statements of Significance' for each individual heritage place, precinct or group of buildings.

Amendment C38 seeks to implement the recommendations of *The Moira Shire Heritage Study* in the following manner:

Planning Scheme Maps

- Apply the Heritage Overlay to 111 new heritage places, 15 new heritage precincts and 2 groups of heritage places identified in the Moira Shire Heritage Study on Planning Scheme Maps: 240, 440, 540, 740, 840, 1040, 1140, 1240, 1340, 1440

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3. DEVELOPMENT AND LIVEABILITY

ITEM NO: 9.2.2
(SENIOR TOWN PLANNER, CHRIS
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**REQUEST TO INITIATE HERITAGE SCHEME AMENDMENT AND ADOPT
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ATTACHMENT No [1] - Explanatory Report

15HO, 16HO, 17HO, 18HO, 19HO, 20HO, 21HO, 22HO, 23HO, 26HO, 28HO, 29HO,
30HO, 33HO, 34HO, 35HO, 36HO and 37HO.

The Heritage Overlay maps in the Moira Planning Scheme will be amended to identify all the nominated places through shading and a 'HO' Code.

The application of the Heritage Overlay to the identified places does not affect the zoning of the land.

Other than adjusting the Heritage Overlay to align with property boundaries, the proposed heritage places have been translated directly from *The Moira Shire Heritage Study*.

Planning Scheme Schedules

- Deleting the existing Schedule to the Heritage Overlay (at Clause 43.01) and replacing it with a new Schedule which includes the individual places, precincts and groups nominated in *The Moira Shire Heritage Study*.
- Amending the Schedule to Clause 61.03 to include the new Heritage Overlay maps in the planning scheme.
- Amending the Schedule to Clause 81.01 to introduce the document titled 'Moira Planning Scheme Heritage Overlay, Planning Permit Exemptions and Application Requirements, Incorporated Plan, March 2015'.

Local Planning Policy Framework

- Amending Clause 21.03 to make reference to *The Moira Shire Heritage Study* and to include objectives and strategies relating to cultural heritage.
- Amending Clause 21.07 to include *The Moira Shire Heritage Study* as a reference document.
- Including seventeen (17) new Local Policies at Clauses 22.06 to 22.22 (inclusive) addressing general heritage issues, precincts and groups.

The Moira Shire Heritage Study is proposed to be a Reference Document in the Moira Planning Scheme at Clause 21.07. The Study has informed the identification of the places to be included in the Heritage Overlay whether they be individual places, groups or precincts. A 'Statement of Significance' has been prepared for each identified place and these are included in the Study. It is proposed that applicants and decision makers will have regard to these Statements of Significance in preparing and assessing applications. The proposed local policies at Clause 22.06 to 22.22 (inc) will ensure that this takes place.

The Moira Shire Heritage Study also contains detailed lists of those properties within precincts that are identified as being 'Contributory' to that precinct. Once again, it is proposed that applicants and decision makers will have regard to this level of identification in preparing and assessing applications and the proposed local policies will again ensure that this takes place. All local policies for 'precincts' have a list of 'contributory places' included in them.

To further assist the Council in clearly identifying what it will consider when dealing with planning permit applications for places and precincts affected by the Heritage Overlay, the amendment proposes to introduce seventeen new local policies into the planning scheme. The policies will provide guidance to landowners, developers and the community about how new development and works can be sympathetic to the heritage place and other ways in which important buildings and places can be enhanced and conserved.

External paint controls will only apply to individually listed heritage places and will not apply within precincts. Tree controls will only apply in a limited number of places all of which are specifically identified for their vegetation significance. Internal controls will not apply in any case.

All individually listed heritage places (i.e. the existing 35 places and the proposed 111 places) will be able to apply for prohibited uses under the zoning of the land. This provision will not apply to precincts or groups.

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ATTACHMENT No [1] - Explanatory Report

Strategic assessment of the amendment

Why is the amendment required?

The Amendment is required to implement the recommendations of *The Moira Shire Heritage Study*. The Amendment includes numerous and significant changes to the Moira Planning Scheme, including the implementation of new Heritage Overlays.

The use of the Heritage Overlay is required so as to identify the precincts and individual places of heritage significance and to apply the appropriate planning controls and policies.

The amendment process is the only mechanism available to introduce the changes to the Heritage Overlay into the Moira Planning Scheme.

Existing Heritage Overlay controls

The existing heritage overlays and schedule were introduced into the Moira Planning Scheme in 1999. The schedule has been added to over the years and now comprises 35 heritage places. All of the existing heritage places are to be retained in Amendment C38. The numbering and scheduling of the places has been retained.

New Heritage Overlays

The amendment is required to implement the recommendations of *The Moira Shire Stage Heritage Study*. The Amendment seeks to place heritage controls on the places and precincts identified as being of historical significance to the municipality.

The controls will ensure that a planning permit is triggered for any demolition or substantial changes to places in order to assess the impact on the significant elements of the property.

Statements of Significance for individual, group and precinct heritage places

Statements of significance and citations have been prepared for the majority of heritage places including existing heritage places. These statements of significance are included within the proposed reference document *The Moira Shire Heritage Study*. Where statements of significance have not been prepared, the *The Moira Shire Heritage Study* will be used as a reference until such time that individual statements of significance are prepared for these sites.

How does the amendment implement the objectives of planning in Victoria?

Section 4 of the *Planning & Environment Act 1987* sets out the objectives for planning in Victoria. Relevant objectives for consideration as part of this amendment include the need for Planning to:

(b) provide for the protection of natural and manmade resources and the maintenance of ecological processes and genetic diversity;

(d) conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value;

(g) balance the present and future interests of all Victorians.

The Responsible Authority has the responsibility, to identify, conserve and enhance buildings or places that are of historic value. The introduction of the Heritage Overlay on sites which are deemed as being of heritage value is a direct response to the objectives of the *Planning and Environment Act 1987*, especially objective 1(d).

How does the amendment address the environmental effects and any relevant social and economic effects?

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ATTACHMENT No [1] - Explanatory Report

Environmental Effects

Council believes that the amendment will have positive effects on the environment as the increased protection and conservation of heritage places reflects the fact that Moira Shire has an abundance of natural, cultural and historically significant sites. Many of these have been recognised by local historic societies, interest groups and the Yorta Yorta community however very few of these are protected by the existing planning scheme.

Protection of heritage places also promotes sustainable development through, among other things, the conservation of, and reduced demand for new construction materials.

It is not anticipated that the amendment will have any negative environmental effects as it does not control the use of the land, but rather conserves development which is already in existence.

Social Effects

The amendment is anticipated to have positive social effects through the protection of culturally significant heritage places for the benefit of current and future generations. The protection of these places in the Moira Planning Scheme will benefit the community by:

- Adding to the understanding of the cultural history within the Shire.
- Recognising and realising the positive contribution that historically significant places make to the Shire.
- Providing a link to the past and creating a sense of place and cultural identity.

Conserving cultural heritage helps ensure that this sense of place and cultural identity may be appreciated by present and future generations.

Overall, from a social perspective, the identification, conservation and management of the Moira Shire's heritage places is considered to be an important role for Council and the community. It is therefore considered that the amendment will have positive social effects.

Economic effects

It is not expected that the amendment will have any significant economic impacts. On the contrary, the conservation of heritage places has the potential to add to the tourism industry within the Shire.

While the amendment may result in some additional cost to proponents of development when compared to an absence of the Heritage Overlay, such costs are usually associated with the level of development that is proposed, statutory fees and the need to provide additional information with permit applications.

Does the amendment address relevant bushfire risk?

Bushfire risk is not relevant given that the amendment is implementing a Heritage Study. The Amendment will not result in increased development potential for land which is identified as being at risk from bushfire.

Does the amendment comply with the requirements of any Minister's Direction applicable to the amendment?

The preparation of this explanatory report has been completed in accordance with the content of Ministerial Direction No 11 - Strategic Assessment of Amendments.

The amendment is consistent with the Ministerial Direction on the Form and Content of Planning Schemes under Section 7(5) of the Act.

How does the amendment support or implement the State Planning Policy Framework?

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The amendment takes into account and gives effect to the relevant principles and policies contained in the State Planning Policy Framework (SPPF). Specifically, the amendment supports State Planning Policy Clause 15.03-1: Heritage Conservation. The purpose of this clause includes to "... ensure the conservation of places of heritage significance" and identifies the following implementation strategies to achieve its objectives:

- *Identify, assess and document places of natural and cultural heritage significance as a basis for their inclusion in the planning scheme.*
- *Provide for the conservation and enhancement of those places which are of, aesthetic, archaeological, architectural, cultural, scientific, or social significance, or otherwise of special cultural value.*
- *Encourage appropriate development that respects places with identified heritage values and creates a worthy legacy for future generations.*
- *Retain those elements that contribute to the importance of the heritage place.*
- *Encourage the conservation and restoration of contributory elements.*
- *Ensure an appropriate setting and context for heritage places is maintained or enhanced.*

How does the amendment support or implement the Local Planning Policy Framework?

The amendment implements and supports the existing Local Planning Policy Framework (LPPF), including the Municipal Strategic Statement (MSS). Clause 21.03 (Environment) includes the objective to "... protect places of cultural heritage and support preservation of those sites threatened by development or neglect".

The strategies identified to achieve this objective include the identification and documenting of sites within the Shire that have cultural heritage values.

Amendment C38 is a significant evolution in the LPPF through the identification and assessment of places of potential heritage significance and by the introduction of seventeen (17) new local planning policies to assist landowners and decision makers. The Amendment provides the ultimate protection of heritage places through the use of Heritage Overlays in the Planning Scheme.

Overall, the proposed amendment implements the existing objectives and strategies of the MSS (Clause 21.03) which provide only limited heritage protection.

Does the amendment make proper use of the Victoria Planning Provisions?

The amendment has been prepared in accordance with the VPP Practice Note titled 'Applying the Heritage Overlay, September 2012'.

The purpose of the Heritage Overlay includes:

- *To conserve and enhance heritage places of natural or cultural significance.*
- *To conserve and enhance those elements which contribute to the significance of heritage places.*
- *To ensure that development does not adversely affect the significance of heritage places.*
- *To conserve specifically identified heritage places by allowing a use that would otherwise be prohibited if this will demonstrably assist with the conservation of the significance of the heritage place.*

The Heritage Overlay is the appropriate tool to use to identify a heritage place within the planning scheme, which has a recognised heritage citation or is identified in a heritage study.

How does the amendment address the views of any relevant agency?

The amendment has been undertaken in consultation with Heritage Victoria and reflects the current extent of the Victorian Heritage Register.

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ATTACHMENT No [1] - Explanatory Report

**Does the amendment address relevant requirements of the Transport
Integration Act 2010?**

The amendment is considered to address the relevant requirements of the Transport
Integration Act 2010.

Resource and administrative costs

- **What impact will the new planning provisions have on the resource and
administrative costs of the responsible authority?**

While the amendment may add to resource and administrative costs, Council accepts that the
importance of heritage protection means that there will have to be an increased budget
allocation. Additionally, the insertion of the 'Moirra Planning Scheme Heritage Overlay,
Planning Permit Exemptions and Application Requirements, Incorporated Plan, March 2015'
into the planning scheme provides permit exemptions for certain development within heritage
precincts, and graveside works within cemeteries. This document will ensure planning permits
are not required for development which does not adversely affect the heritage protection of
these areas, and therefore will ensure that unnecessary pressure is not put on the resources
and administrative costs of Council.

The implementation of Planning Scheme Amendment C38 will also require Council to apply
for permits for certain works on places that are owned by or are the responsibility of the
Moirra Shire Council, if the proposed works are more than \$1,000,000.

Where you may inspect this Amendment.

The Amendment is available for public inspection, free of charge, during office hours at the
following places:

- Moirra Shire Council, 44 Station Street, Cobram;
- Moirra Shire Council, Belmore Street, Yarrawonga
- Numurkah Tourist Information Centre
- Nathalia Post Office

The Amendment may be inspected at the Department of Environment, Land, Water and
Planning web site at www.dtpli.vic.gov.au/planning/publicinspection.

Submissions

Submissions about the amendment will be received until by **[insert submissions due date]** and
must be sent to:

Moirra Shire Council, PO Box 578, Cobram 3644.

Panel hearing dates

In accordance with clause 4(2) of Ministerial Direction No. 15 the following panel hearing
dates have been set for this amendment:

- Directions hearing: To commence the week beginning **[insert directions hearing date]**
- Panel hearing: To commence in the week beginning **[insert panel hearing date]**

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ATTACHMENT No [1] - Explanatory Report

ATTACHMENT A:

**LIST OF ADDITIONAL HERITAGE PLACES, PRECINCTS AND GROUPS
INCLUDED IN A HERITAGE OVERLAY IN AMENDMENT C38**

Heritage Place	Schedule
Individually Listed Local Heritage Places	
Barmah	
<i>'Mahoney's Bridge' over Deep Creek, Stewarts Bridge Road, Lower Moira</i>	HO 50
<i>Barmah Saw Mill, 17-19 Bridge Street, Barmah</i>	HO 51
Bundalong	
<i>Parolas Bridge over Ovens River, Murray Valley Highway, Bundalong</i>	HO 56
<i>Majors Creek Bridge Murray Valley Highway, Bundalong South</i>	HO 57
Cobram	
<i>Showgrounds, Bank Street, Cobram</i>	HO 60
<i>Lift Bridge over Murray River, Barooga Road, Cobram</i>	HO 62
<i>Trees, Brepbir Street, Cobram (DB 221)</i>	HO 63
<i>'Lisfarron' house, 40-42 Broadway Street Cobram</i>	HO 64
<i>Inter war bungalow house, 46-48 Broadway Street, Cobram</i>	HO 65
<i>Bridge over Yarrawonga Main Channel, Newmans Road, Burramine</i>	HO 66
<i>Early farm house, 903 Burramine Road, Cobram</i>	HO 67
<i>Early farm house, 1277 Burramine Road, Cobram</i>	HO 68
<i>Federation house, 30-32 Churr Street, Cobram</i>	HO 69
<i>Water Towers and Pond, 33-41 Churr Street, Cobram</i>	HO 70
<i>Federation house, 14-16 High Street, Cobram</i>	HO 71
<i>Royal Victoria Hotel, Mookari Street, Cobram</i>	HO 72
<i>Exotic Trees, 1 Mookari Street, Cobram</i>	HO 297
<i>Charles Sturt Cairn, Murray Valley Highway, Cobram</i>	HO 74
<i>Cobram Estate Homestead, 27-54 Murray Valley Highway, Cobram</i>	HO 75
<i>Federation villa, 5 Oak Street, Cobram</i>	HO 76
<i>Cobram State School, 47-49 Punt Road, Cobram</i>	HO 77
<i>Inter war functionalist house, 55-57 Punt Road, Cobram</i>	HO 78
<i>'Riverview' house, 124 River Road, Cobram</i>	HO 79
<i>House, 53-67 Station Street, Cobram</i>	HO 80
Kaarimba	
<i>House, 15 Kaarimba Hall Road, Kaarimba</i>	HO 90
Katamatite	
<i>Homestead Hotel (rear only), 26 Beek Street, Katamatite</i>	HO 95
<i>Shop, 14 Beek Street, Katamatite</i>	HO 96
<i>Former shop, residence and garden, 19 Beek Street, Katamatite</i>	HO 97
<i>Former bakery, shop and house, 22 Beek Street, Katamatite</i>	HO 98
<i>House and palm, 1307 Chapel Street, Katamatite</i>	HO 99

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Heritage Place	Schedule
Concrete Silos, Katamatite-Nathalia Road, Katamatite	HO 100
Concrete water tower, Reserve Road, Katamatite	HO 101
Katunga	
Former General Store, 7-9 Carter Street, Katunga	HO 105
Soldier settlement house on Glenarron Holiday Farm, 14 Hutchins Lane Katunga	HO 107
Katunga Recreation Reserve, Katunga-Picola Road, Katunga	HO 108
Silos, Numurkah Road, Katunga	HO 109
Koonoomoo	
Tocumwal Lift Bridge over Murray River, Goulburn Valley Highway, Koonoomoo	HO 110
Kotupna	
McCoys Bridge over Goulburn River, Murray Valley Highway, Kotupna	HO 115
Concrete bridge over Wakli Creek, Murray Valley Highway, Kotupna	HO 116
Timber Bridge over Sheepwash Creek, off Murray Valley Highway, Kotupna	HO 117
Timber Bridge off Murray Valley Highway, Kotupna	HO 118
Lake Rowan	
Former Lake Rowan Hotel, Post office and store, 2 Holmes Road, Lake Rowan	HO 120
Former Manse, 73 Savage Street, Lake Rowan	HO 121
Mundoona	
Sharps Bridge over Nine Mile Creek, Sharps Road, Mundoona	HO 125
Naringaningalook	
Moneygall House, 2823 Labuan Road, Naringaningalook	HO 130
Nathalia	
Former Manse and trees, 3 Chapel Street, Nathalia. (DB 1043)	HO 135
House, 6 Church Street, Nathalia. (DB 1050)	HO 136
Former Railway Hotel, 2-6 Elizabeth and Richardson street, Nathalia	HO 137
Masonic Lodge/Hall, 19-21 Gifford Street, Nathalia	HO 138
Victorian house and trees, 250 Katamatite-Nathalia Road, Nathalia	HO 139
Carland's House, 651 Nathalia-Katamatite Road, Nathalia	HO 140
Early industrial tobacco site, rear of 507 Scott Avenue, Nathalia	HO 141
House, 16-18 Richardson Street, Nathalia	HO 142
Numurkah	
Alexander Miller Homes, 7-15 Callander Street, Numurkah	HO 150
Concrete Silos, Knox Street, Numurkah	HO 151
Former Hotel Dining Room, Off Knox Street, Numurkah	HO 152
Town Hall, 38 McCaskill Street, Numurkah	HO 153
Victorian house, 7 Madeline Street, Numurkah	HO 154
Victorian house, 10 McCaskill Street, Numurkah	HO 155
Victorian house, 16 McCaskill Street, Numurkah	HO 156
House, 27 McCaskill Street, Numurkah	HO 157

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Heritage Place	Schedule
<i>Tynwald, 31 McCaskill Street, Numurkah</i>	HO 158
<i>Federation house, 41-43 McCaskill Street, Numurkah</i>	HO 159
<i>Victorian house, 46 McCaskill Street, Numurkah</i>	HO 160
<i>Riverland factory, McDonald Street Numurkah</i>	HO 161
<i>Victorian house, 29 McDonald Street Numurkah</i>	HO 163
<i>Victorian house, 76 Meiklejohn Street Numurkah</i>	HO 164
<i>Former doctors residence 22 Melville Street, Numurkah</i>	HO 165
<i>Coxon's Foundry, 101 Melville Street, Numurkah</i>	HO 166
<i>Timber house, 197 Melville Street, Numurkah</i>	HO 167
<i>Rustic gothic house, 201-203 Melville Street Numurkah</i>	HO 168
<i>Former Parsonage, 3 Quinn Street, Numurkah</i>	HO 169
Picola	
<i>Picola Water Tower and Pond, Moran Street, Picola</i>	HO 175
<i>Underground tank for Donovan's Stores, 4 Moran Street, Picola</i>	HO 176
<i>Silos and weighbridge, Moran Street, Picola</i>	HO 177
<i>Former Wine Saloon, 1 Moran Street, Picola</i>	HO 178
<i>Slab hut, rear of 84 Moran Street, Picola</i>	HO 179
<i>Picola Recreation Reserve, Picola South Road, Picola</i>	HO 181
Strathmerton	
<i>Victorian house, 54 Main Street, Strathmerton</i>	HO 185
<i>General store, 45 Main Street, Strathmerton</i>	HO 186
<i>Former butcher shop, 66 Main Street, Strathmerton</i>	HO 187
Waaia	
<i>Former Church of England, Bearii-Waaia Road, Waaia</i>	HO 190
<i>Hotel, 1-13 Bearii-Waaia Road, Waaia</i>	HO 191
<i>Former Church Hall, 1115 Katunga Road, Waaia</i>	HO 192
Waggarandall	
<i>Uniting Church and Graves (c 1880s) 2186 Benalla- Tocumwal Road, Waggarandall</i>	HO 196
<i>Victorian weatherboard farmhouse, 2834 Benalla- Tocumwal Road, Waggarandall</i>	HO 196
Wilby	
<i>Victorian house, Russell Street, Wilby</i>	HO 200
<i>Former Wilby Hotel, Tungamah-Peechalba Road, Wilby</i>	HO 201
<i>Wilby Recreation Reserve, Tungamah-Peechalba Road, Wilby</i>	HO 202
<i>Wilby timber pedestrian bridge over Sandy Creek, off Tungamah-Peechalba Road, Wilby</i>	HO 203
Wunghnu	
<i>Post office cottage, 17 Carlisle, Wunghnu</i>	HO 205
<i>Water tower and mural of One Ewe, Goulburn Valley Highway, Wunghnu</i>	HO 206
Yalca	
<i>Yalca Recreation Reserve, Murray Valley Highway, Yalca</i>	HO 210

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Heritage Place	Schedule
Yarrawonga	
Weir over Murray River, Belmore Street, Yarrawonga	HO 215
Public amenity block, Bank Street, Yarrawonga	HO 216
Showgrounds, corner Gilmore and Dunlop Streets, Yarrawonga	HO 217
Victorian house, 55 Hovell Street, Yarrawonga	HO 218
Cordial factory and band hall, 15 Hunt Street, Yarrawonga	HO 220
Bungalow house, 8 Hunt Street, Yarrawonga	HO 221
Federation house, 24 Hunt Street, Yarrawonga	HO 222
Bowling Club, 179-181 Loft Street, Yarrawonga	HO 223
House and garden, 60 Murphy Street, Yarrawonga	HO 225
Pumping station, 28 Telford Street, Yarrawonga	HO 226
House and farm, 115 Telford Street, Yarrawonga	HO 227
Victorian house, 35 Orr Street, Yarrawonga	HO 228
RSL house, 28 Piper Street, Yarrawonga	HO 230
Masonic Lodge, 18 Piper Street, Yarrawonga	HO 231
Yarrawonga Railway Station, Loft Street, Yarrawonga	HO 232
Sacred Heart Catholic Church and Presbytery, 30 Witt Street, Yarrawonga	HO 233
Yundool	
Mill farm house, 55 Yundool Road, Yundool	HO 235
House, 54 Yundool Road, Yundool	HO 236
Precincts	
Cobram Church Precinct	HO 250
Cobram Town Centre Precinct	HO 251
Nathalia	
Nathalia Broken Creek Precinct	HO 252
Nathalia Church Precinct	HO 253
Nathalia Kostadt Precinct	HO 254
Nathalia Kurrajong Precinct	HO 255
Nathalia Town Centre Precinct	HO 256
Numurkah	
Numurkah Recreation Precinct	HO 257
Numurkah Residential Precinct	HO 258
Numurkah Town Centre Precinct	HO 259
St. James	
St. James Town Centre Precinct	HO 260
Tungamah	
Tungamah Church Precinct	HO 261
Tungamah Town Centre Precinct	HO 262
Yarrawonga	

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Heritage Place	Schedule
<i>Yarrawonga Tom Sharp Precinct</i>	HO 263
<i>Yarrawonga Town Centre Precinct</i>	HO 264
Groups	
Cemeteries Group	
<i>Barmah Cemetery, 1211 Picola-Barmah Road, Barmah</i>	HO 270
<i>Bundalong Cemetery, Murray Valley Highway, Bundalong</i>	HO 272
<i>Burramine Cemetery, Forges Road, Burramine South</i>	HO 273
<i>Cobram Cemetery, Cemetery Road, Cobram East</i>	HO 274
<i>Katamatite Cemetery, Cemetery Road, Katamatite</i>	HO 275
<i>Lake Rowan Cemetery, Yarrawonga Benalla Road, Lake Rowan</i>	HO 276
<i>Nathalia Cemetery, 25 Cemetery Road, Nathalia</i>	HO 277
<i>Numurkah Cemetery, Madeline Street, Numurkah</i>	HO 278
<i>Tungamah Cemetery, Cemetery Road, Tungamah</i>	HO 280
<i>Wilby Cemetery, Cemetery Road, Wilby</i>	HO 282
<i>Wunghnu Cemetery, Dockery Street, Wunghnu</i>	HO 283
<i>Yarrawonga Cemetery, Gilmore Street, Yarrawonga</i>	HO 286
War Memorials Group	
<i>Cobram War Memorial, Swimming Pool, Gates and Arch, 2-6 Punt, Cobram</i>	HO 290
<i>RSL Hall, War Memorial, Flagpole and Plaque, 1 Bristol Street, Katunga</i>	HO 291
<i>War Memorial site, Monument, Lone Pine Tree, Flagpole and Plaque, Benalla-Yarrawonga Road, Lake Rowan</i>	HO 292
<i>Memorial Pool, Park St. Nathalia</i>	HO 293
<i>POW Plantation and Plaque, Tocumwal Road Numurkah</i>	HO 294
<i>War Memorial, Murray Valley Highway, Strathmerton</i>	HO 296

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**REQUEST TO INITIATE HERITAGE SCHEME AMENDMENT AND ADOPT
DRAFT HERITAGE STUDY. (cont'd)**

ATTACHMENT No [2] - Incorporated Plan - Exemptions

Moira Planning Scheme Heritage Overlay

**Planning Permit Exemptions
and
Application Requirements**

Incorporated Plan

MARCH 2015

FILE NO: F13/610
3. DEVELOPMENT AND LIVEABILITY

ITEM NO: 9.2.2
(SENIOR TOWN PLANNER, CHRIS
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**REQUEST TO INITIATE HERITAGE SCHEME AMENDMENT AND ADOPT
DRAFT HERITAGE STUDY. (cont'd)**

ATTACHMENT No [2] - Incorporated Plan - Exemptions

1 APPLICATION

This Incorporated Plan sets out the exemptions from the need to obtain a planning permit for the following development when undertaken in association with the use of the land for a single dwelling or graveside works:

- Demolition of a building, outbuilding or fence or routine maintenance at a 'non-contributory' place;
- An alteration, addition and new building at a 'non-contributory' place;
- Construction of a new outbuilding (carport/garage/shed) at a 'contributory' place; and
- Construction or extension of swimming pools and spas
- Construction or demolition of fences and installation of domestic services

This Incorporated Plan applies to the following:

Heritage Precincts

- HO250 'Cobram Church Precinct'
- HO251 'Cobram Town Centre Precinct'
- HO252 'Nathalia Broken Creek Precinct'
- HO253 'Nathalia Church Precinct'
- HO254 'Nathalia Kodstadt Precinct'
- HO255 'Nathalia Kurrajong Precinct'
- HO256 'Nathalia Town Centre Precinct'
- HO258 'Numurkah Residential Precinct'
- HO257 'Numurkah Recreation Precinct'
- HO259 'Numurkah Town Centre Precinct'
- HO260 'St James Town Centre Precinct'
- HO261 'Tungamah Church Precinct'
- HO262 'Tungamah Town Centre Precinct'
- HO263 'Yarrawonga Tom Sharp Precinct'
- HO264 'Yarrawonga Town Centre Precinct'

Cemeteries Group

- HO 270 'Barmah Cemetery'
- HO 272 'Bundalong Cemetery'
- HO 273 'Burramine Cemetery'
- HO 274 'Cobram Cemetery'
- HO 275 'Katamatite Cemetery'
- HO 276 'Lake Rowan Cemetery'
- HO 277 'Nathalia Cemetery'
- HO 278 'Numurkah Cemetery'
- HO 280 'Tungamah Cemetery'
- HO 282 'Wilby Cemetery'
- HO 283 'Wunghnu Cemetery'
- HO 286 'Yarrawonga Cemetery'

It does not apply to any other heritage place listed in the Heritage Overlay.

A permit is required if it cannot be demonstrated that a proposal complies with the exemptions set out in this document, or other exemptions specified in the Moira Planning Scheme.

This Incorporated Plan applies to all land covered by the Heritage Precincts and should be read in conjunction with the Heritage Policy for any relevant Heritage Precinct (Clauses 22.06-22.21) or Grouped Places Heritage Policy (Clause 22.22).

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**REQUEST TO INITIATE HERITAGE SCHEME AMENDMENT AND ADOPT
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ATTACHMENT No [2] - Incorporated Plan - Exemptions

2 DEFINITIONS

The following definitions apply in this Incorporated Plan.

Term	Meaning
Significant	A single heritage place that has cultural heritage significance independent of its wider context. Significant places have a separate citation and a unique statement of significance.
Non-contributory Place	A place that does not make a contribution to the significance of a heritage precinct.
Contributory Place	A place that makes a contribution, either individually or as part of a collection, to the significance of a heritage precinct.

3 STATEMENT OF SIGNIFICANCE

The statement of significance for each of the Heritage Precincts is contained within each relevant Clause (22.06-22.21).

4 CONTRIBUTORY PLACES WITHIN THE PRECINCTS

The contributory places within each Heritage Precinct are shown on the maps within and listed in each of the relevant Clauses (22.06-22.21).

Individually listed heritage items are not listed as contributory within these precincts. These items or places have their own HO number.

If a property is not listed, then it is a non-contributory place.

5 PERMIT EXEMPTIONS

Under sub-clause 43.01-2 of the Moira Planning Scheme, no permit is required for:

5.1 Demolition and routine maintenance

- Demolition of a building, part of a building or an outbuilding or fence on a property shown as non-contributory on the relevant precinct map in Clauses 22.06-22.21.
- Routine maintenance or alterations to a building that would change the appearance of a building on a property shown as non-contributory on the relevant precinct map in Clauses 22.06-22.21.

5.2 Alterations, Additions and New Buildings on 'Non Contributory' Places

- Alteration of the rear facade of a building at the rear of the building as shown in Figures 1 and 2.
- Construction of an addition to a building which projects beyond the major wall line of the rear facade of the building and which has a wall height no greater than the wall height of the existing building as shown in Figure 1 and Figure 2.
- Construction of a new building setback beyond the major wall line of the rear facade of the building and which has a wall height no greater than the wall height of the existing building as shown in Figure 1 and Figure 2.

5.3 Construction or demolition of fences, installation of domestic services and awnings and sunblinds

- Construction of a front fence not more than 1.2 metres in height above natural ground level provided that this does not require the demolition of an existing front fence of a property listed as significant under the Heritage Overlay.
- Demolition or construction of a side or rear fence on any property.

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**REQUEST TO INITIATE HERITAGE SCHEME AMENDMENT AND ADOPT
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ATTACHMENT No [2] - Incorporated Plan - Exemptions

- Installation of lattice or trellis on side or rear fences on any property, provided it is not situated forward of the front wall of the building;
 - Installation of domestic services normal to a dwelling on any property that may be visible from the street provided that the installation:
 - is not attached to the front wall of the building;
 - is not situated between the front wall of the building and the front property boundary;
 - if attached to the side wall of a building on a property listed as significant or contributory, is setback not less than 4 metres from the front wall;
 - does not project above the highest point of the roof; and
 - is not situated on the part of the roof that faces directly toward a street (including a side street).
- The erection of awnings or sunblind as weather protection for windows of a dwelling.

5.4. Construction or extension of swimming pools and spas

- Construction or extension of a domestic swimming pool or spa and associated mechanical equipment and safety fencing to a non-contributory building located beyond the major wall line of the rear facade of the building.

5.5. Construction of New Outbuildings (carports/garages/sheds) on 'Contributory' Places

- Construction of an outbuilding that meets all of the following criteria:
 - The outbuilding is located within the dotted area shown in Figure 3 or Figure 4 below;
 - The setback from the major wall line of the front facade is equal to or greater than 3 metres;
 - The outbuilding is detached from the existing building;
 - The wall height at natural ground level does not exceed the wall height of the existing building on the site; and
 - The maximum building footprint does not exceed 40 square metres.

5.6. Graveside works

- Interments, burials and erection of monuments, re-use of graves, burial of cremated remains, and exhumation of remains in accordance with the *Cemeteries Act 1958* (as amended);
- Stabilisation, restoration and repair of monuments;
- Emergency and safety works to secure the site and prevent damage and injury to property and the public;
- Monument works undertaken in accordance with *Australian Standard AS4204 Headstones and Cemetery monuments*;
- Painting of previously painted structures provided that preparation or painting does not remove evidence of the original paint or other decorative scheme;
- Repairs, conservation and maintenance to hard landscape elements, buildings and structures, ornaments, roads and paths, fences and gates, drainage and irrigation systems;
- Maintenance of roads and paths and gutters to retain their existing plan layout;
- The process of gardening and maintenance to care for the cemetery landscape, planting themes, bulbs and shrubs and removal of dead plants;
- Management of plants in accordance with *Australian Standard AS4373 Pruning of Amenity Trees*;
- Removal of plants listed as State Prohibited or Regionally Controlled Weeds in the *Catchment and Land Protection Act 1994*;
- Removal of vegetation to protect monuments, paths, buildings and structures; and
- Replanting to retain the existing landscape theme and character.

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**REQUEST TO INITIATE HERITAGE SCHEME AMENDMENT AND ADOPT
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ATTACHMENT No [2] - Incorporated Plan - Exemptions

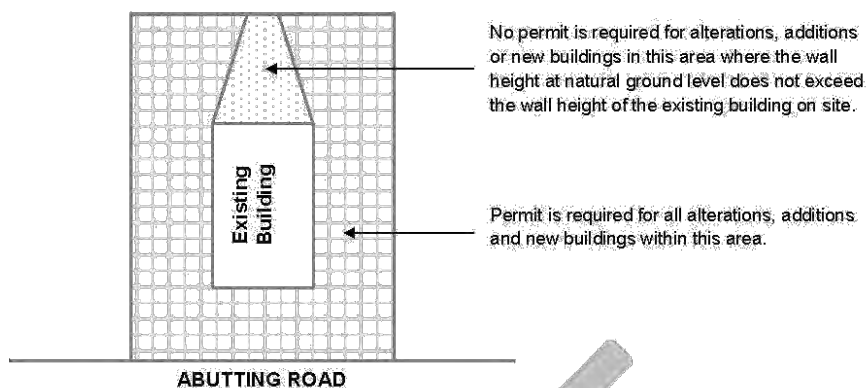


Figure 1: Exemptions for alterations, additions and new buildings for non-contributory places not on a corner site within the Heritage Overlay

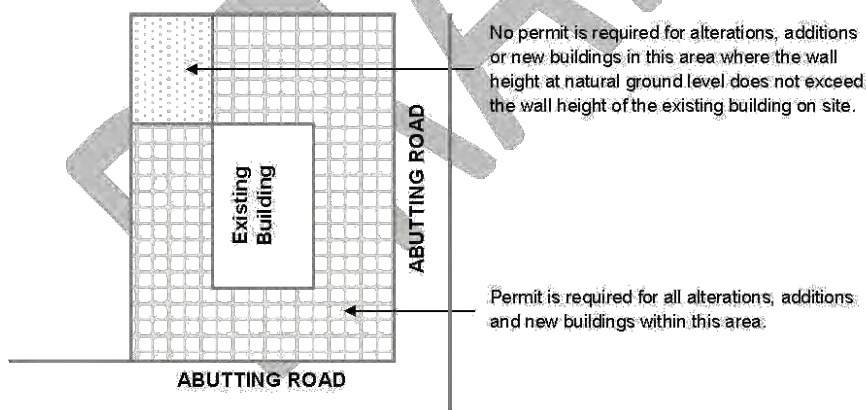


Figure 2: Exemptions for alterations, additions and new buildings for non-contributory places on a corner site within the Heritage Overlay

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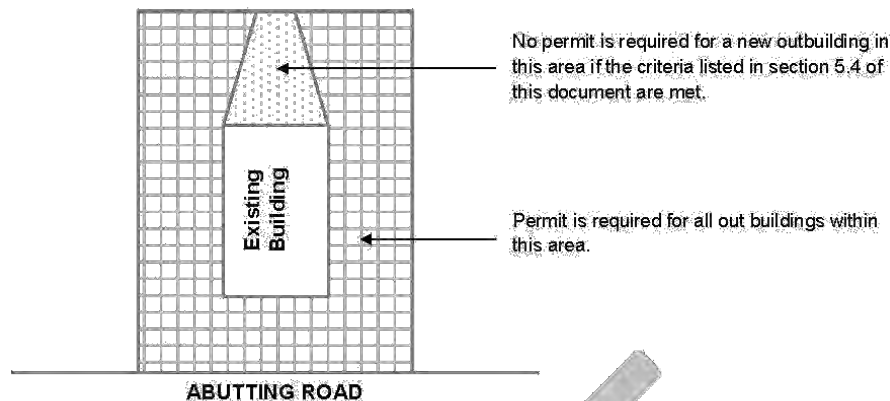


Figure 3: Exemptions for new outbuildings (carports/garages/sheds) for 'contributory' places not on a corner site within the Heritage Overlay

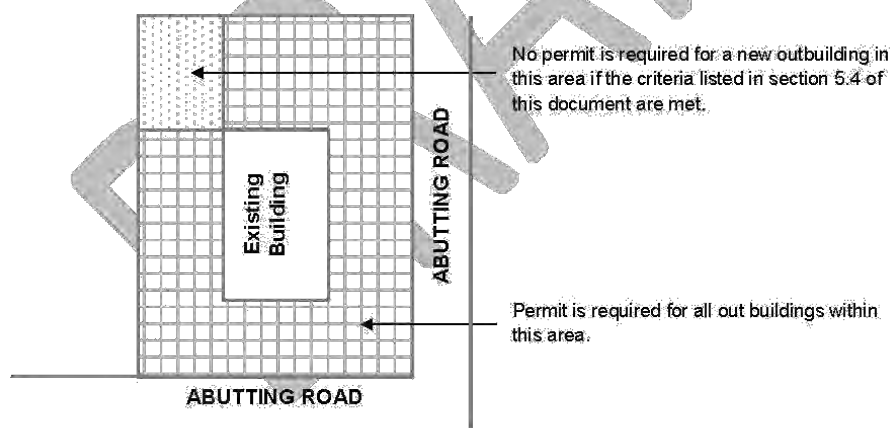


Figure 4: Exemptions for new outbuildings (carports/garages/sheds) for 'contributory' places on a corner site within the Heritage Overlay

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**REQUEST TO INITIATE HERITAGE SCHEME AMENDMENT AND ADOPT
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ATTACHMENT No [3] - Moira Heritage Study - Addendum



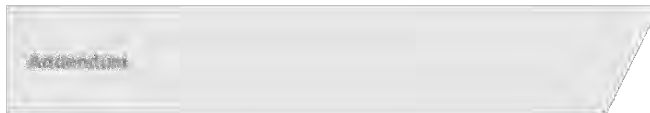
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ATTACHMENT No [3] - Moira Heritage Study - Addendum



Moira Shire Heritage Study (2007)

Project no: IS004700
Document title: Addendum
Document no: 001
Revision: 4
Date: 24 March 2015
Client name: Moira Shire Council
Project manager: Cara Layton
Author: Rose Overberg
File name: C:\Users\clayton\Desktop\Rural Flying Squad - Moira Heritage
Study\Deliverables\Addendum\Moira Shire Heritage Study Addendum_v4.docx

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Document history and status

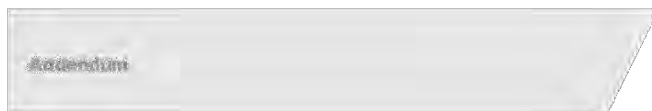
Revision	Date	Description	By	Review	Approved
1	17 December 2014	Technical review	Karen Murphy	17 December 2014	17 December 2014
1	18 December 2014	Quality review	Cara Layton	18 December 2014	18 December 2014
2	18 December 2014	Client version	Johns Bothma (Moira Shire Council)	18 December 2014	18 December 2014
3	30 January 2015	Quality review	Cara Layton	30 January 2015	30 January 2015
4	24 March 2015	Final version issued to Client	Cara Layton	24 March 2015	24 March 2015

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Appendix A. Heritage places update

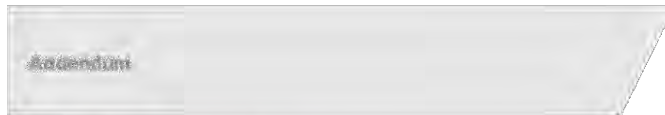
Appendix B. Contributory places within heritage precincts

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Executive Summary

Scope

The aim of this project is to provide an update of the *Moira Shire Stage Two Heritage Study (2007)* prepared by Lorraine Huddle.

The scope included the following tasks:

- Review the content of the *Moira Shire Stage Two Heritage Study (2007)* to determine priorities for ground-truthing.
- Undertake five days of site inspections to ground-truth information provided in the *Moira Shire Stage Two Heritage Study (2007)* and document any changes in condition of heritage items since the report was finalised in 2007.
- Prepare this Addendum documenting the results and recommendations arising from the above tasks.

This project was commissioned with the primary aim of ground-truthing places and items previously nominated for inclusion on the heritage overlay.

Study area

The study area covers the entire Shire of Moira, including major towns such as Cobram, Yarrawonga, Nathalia, and Numurkah and smaller towns such as Tungamah, St James, Lake Rowan, Katamatite, Barmah, Picola and Katunga.

Methodology

An inception meeting was held at Moira Shire Council office in Cobram on 27 October 2014. This meeting was attended by representatives of Moira Shire Council, Department of Transport, Planning and Local Infrastructure and Jacobs. The outcomes of the meeting included agreement on the nature, scope and timing of field inspections and the deliverables to be produced as a result of the project.

A detailed review of the *Moira Shire Stage Two Heritage Study (2007)* was undertaken prior to the field inspections. From this review process a plan was developed for prioritisation of the site inspections.

The field (or ground-truthing) inspections were conducted over five days in November and December 2014. As limited time was available for these inspections, target areas were planned in advance for these visits to ensure maximum coverage of heritage places.

Individually significant places were inspected and the external condition and any threats or issues to these heritage places as well as details of recommendations for each were noted. Photographs were taken where necessary to illustrate the issues.

The field inspections included an external inspection of each of the contributory places within each of the precincts.

Update to the Stage Two Heritage Study (2007)

Individually significant items

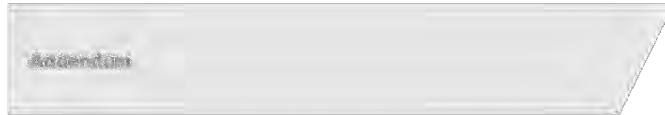
The *Moira Shire Stage Two Heritage Study (2007)* identified 126 Individual Heritage Places which were recommended for individual Heritage Overlay (HO) protection. Appendix A provides an update of the external

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condition and any threats or issues to these heritage places as well as details of recommendations for each place. The heritage places are listed in numerical order by Heritage Overlay number for ease of reference¹.

Heritage precincts

The *Moira Shire Stage Two Heritage Study (2007)* provided recommendations for 15 heritage precincts within the Moira Shire. Heritage precincts are the best means of protecting and enhancing the individual character of significant areas of certain towns within the Moira Shire.

The field inspections included an external inspection of each of the contributory places within each of the 15 precincts. Appendix B lists which of the contributory places have undergone significant changes since their recognition as contributory places as part of the *Moira Shire Stage Two Heritage Study (2007)*.

Recommendations

Our review of the *Moira Shire Stage Two Heritage Study (2007)* and the field inspections have resulted in the following recommendations. Further details of these recommendations is provided in Section 4 of this Addendum :

- Several statements of significance need to be prepared or updated for places which do not have a statement of significance, or for which the statement of significance is incorrect.
- An industrial archaeologist should be engaged to complete an archaeological assessment for a place identified in the *Moira Shire Stage Two Heritage Study (2007)*.
- Engage an arborist or ecologist to undertake assessment of specific heritage places identified.
- Liaise with other heritage agencies, namely the National Trust of Australia (Victoria).
- Changes to the current management and heritage protection of commemorative plaques in the Moira Shire.
- Assess the significance of 74 grouped places which are outside proposed heritage precincts and which may have heritage significance.

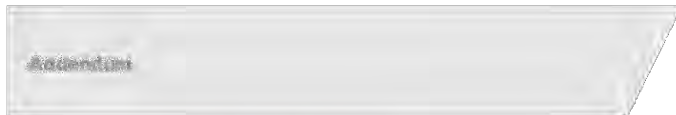
¹ It should be noted that any mapping inconsistencies on the Heritage Overlay are not documented in this report and specific recommendations will be provided in a separate document to allow an Amendment to the Heritage Overlay map to be produced.

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Important note about this report

The sole purpose of this report and the associated services performed by Jacobs is to provide an update to the *Moira Shire Stage Two Heritage Study (2007)* in accordance with the scope of services set out in the contract between Jacobs and the Department of Transport, Planning and Local Infrastructure (DTPLI). That scope of services, as described in this report, was developed with the DTPLI and Moira Shire Council.

In preparing this report, Jacobs has relied upon, and presumed accurate, any information (or confirmation of the absence thereof) provided by DTPLI and Moira Shire Council and/or from other sources. Except as otherwise stated in the report, Jacobs has not attempted to verify the accuracy or completeness of any such information. If the information is subsequently determined to be false, inaccurate or incomplete then it is possible that our observations and conclusions as expressed in this report may change.

Jacobs derived the data in this report from information sourced from the DTPLI and Moira Shire Council and/or available in the public domain at the time or times outlined in this report. The passage of time, manifestation of latent conditions or impacts of future events may require further examination of the project and subsequent data analysis, and re-evaluation of the data, findings, observations and conclusions expressed in this report. Jacobs has prepared this report in accordance with the usual care and thoroughness of the consulting profession, for the sole purpose described above and by reference to applicable standards, guidelines, procedures and practices at the date of issue of this report. For the reasons outlined above, however, no other warranty or guarantee, whether expressed or implied, is made as to the data, observations and findings expressed in this report, to the extent permitted by law.

This report should be read in full and no excerpts are to be taken as representative of the findings. No responsibility is accepted by Jacobs for use of any part of this report in any other context.

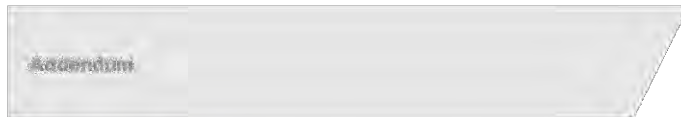
This report has been prepared on behalf of, and for the exclusive use of, DTPLI and Moira Shire Council, and is subject to, and issued in accordance with, the provisions of the contract between Jacobs and the DTPLI. Jacobs accepts no liability or responsibility whatsoever for, or in respect of, any use of, or reliance upon, this report by any third party.

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Abbreviations

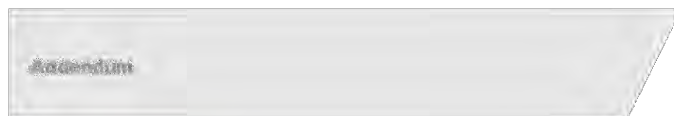
DTPLI	Department of Transport, Planning and Local Infrastructure
HO	Heritage Overlay
Jacobs	Jacobs Group (Australia) Pty Ltd
VHI	Victorian Heritage Inventory
VHR	Victorian Heritage Register

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ATTACHMENT No [3] - Moira Heritage Study - Addendum



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1. Introduction

1.1 Aim and scope

The aim of this project was to provide an update of the *Moira Shire Stage Two Heritage Study (2007)* prepared by Lorraine Huddle.

The scope included the following tasks:

- Review the content of the *Moira Shire Stage Two Heritage Study (2007)* to determine priorities for ground-truthing.
- Undertake five days of site inspections to ground-truth information provided in the *Moira Shire Stage Two Heritage Study (2007)* and document any changes in condition of heritage items since the report was finalised in 2007.
- Prepare this Addendum documenting the results and recommendations arising from the above tasks.

This project was commissioned with the primary aim of ground-truthing places and items previously nominated for inclusion on the heritage overlay.

1.2 The study area

The study area covers the entire Shire of Moira, including major towns such as Cobram, Yarrawonga, Nathalia, and Numurkah and smaller towns such as Tungamah, St James, Lake Rowan, Katamatite, Barmah, Picola and Katunga, in northern Victoria.

1.3 Previous heritage studies

Moira Shire Council commissioned a Stage One Heritage Study which started in September 2003 and finished in June 2004. The Stage One Heritage Study:

- Identified and recorded heritage places and prioritised these places for Stage Two of the study.
- Identified and developed potential heritage precincts.
- Prepared a thematic environmental history of post-contact settlement.
- Estimated the resources required to research, document and assess the prioritised post-contact places of potential cultural heritage significance.
- Developed a database of heritage places within the Moira Shire. Each heritage place within the database has a unique number.

The Stage Two Heritage Study started in February 2005 and was completed in March 2007. The Stage Two Heritage Study:

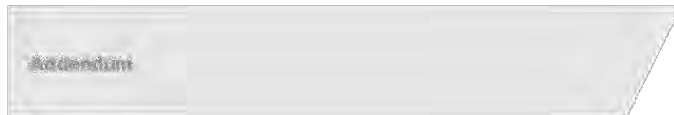
- Completed detailed fieldwork for 15 potential heritage precincts, including mapping and field inspections.
- Provided research and reporting of the historical basis for each precinct.
- Provided a statement of significance for each precinct.
- Provided research and reporting of the history of individual places with a description of the place and a statement of significance for each place.
- Provided recommendations for groups of places, including churches, halls, war memorials, cemeteries, schools, police lock ups, community heritage precincts and plaques.

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1.4 Authors

Moira Shire Council appointed Jacobs Group (Australia) Pty Ltd (Jacobs) as the consultant to undertake this update to the heritage study. The Jacobs team included Cara Layton (Planner), Rose Overberg (Heritage Consultant) and Dr Karen Murphy (Senior Heritage Consultant).

1.5 Limitations

This study aimed to update the existing heritage study. The scope did not include:

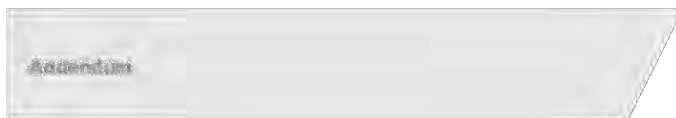
- Site inspection of newly identified heritage places.
- Condition assessments of any existing heritage places.
- Preparation of Statements of Significance for any heritage places.

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2. Methodology

2.1 Inception meeting

An inception meeting was held at Moira Shire Council office in Cobram on 27 October 2014. This meeting was attended by representatives of Moira Shire Council (Jorine Bothma, Martina Foley and Justin Francis), Department of Transport, Planning and Local Infrastructure (DTPLI) (Elke Cummins) and Jacobs (Cara Layton and Rose Overberg). The outcomes of the meeting included agreement on the nature, scope and timing of field inspections and the deliverables to be produced as a result of the project.

A second meeting was held between Martina Foley (Moira Shire Council) and Rose Overberg (Jacobs) on 7 November 2014. The main outcome of this meeting was to hand over data and information and discuss which heritage places were likely to have a higher priority for ground-truthing.

2.2 Review of Stage Two Heritage Study (2007)

A detailed review of the *Moira Shire Stage Two Heritage Study (2007)* was undertaken prior to the field inspections. The review considered the information provided by Moira Shire Council at the meetings, the changes in condition noted to date by Moira Shire Council and the lists of heritage places proposed for individual listing under the Heritage Overlay and also those proposed as contributory places under the proposed heritage precincts. From this review process a plan was developed for prioritisation for the site inspections.

2.3 Field inspections

The field (or ground-truthing) inspections were conducted over five days in November and December 2014 (Table 2.1). As limited time was available for these inspections, target areas were planned in advance for these visits to ensure maximum coverage of heritage places.

The field inspections included the following tasks:

- Confirmation of the location and extent of each heritage place, by cross-checking against the Heritage Overlay maps and the *Moira Shire Stage Two Heritage Study (2007)*.
- Confirmation of the external condition of each heritage place.
- Recording relevant notes and any further assessments required or recommendations for each heritage place.
- Photographic recording of heritage places, where it was considered useful.

Table 2.1 : Dates and locations of field inspections.

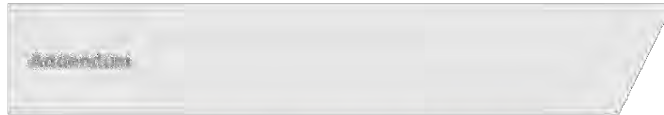
Date	Locations
7 November 2014	Cobram, Burramine, Wilby
20 November 2014	Nathalia, Katamatite, Tungamah
10 December 2014	Nimurkah, Tungamah, St James, Lake Rowan
23 December 2014	Yarrowonga, Bundalong, Cobram
20 January 2015	Barmah, Picola, Strathmerton, Koolappa, Kadunga

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3. Update to the Stage Two Heritage Study (2007)

3.1 Individually significant items

The *Moira Shire Stage Two Heritage Study (2007)* includes a table (Table Four, page 37 of the Heritage Study) which identifies 126 Individual Heritage Places which were recommended for individual Heritage Overlay (HO) protection. Table 5-2 of this Addendum (in Appendix A) provides an update of the external condition and any threats or issues to these heritage places as well as details of recommendations for each place². The heritage places are listed in numerical order by Heritage Overlay number for ease of reference.

3.2 Heritage precincts

The *Moira Shire Stage Two Heritage Study (2007)* provided recommendations for 15 heritage precincts within the Moira Shire (Table Five, page 21 of the Heritage Study). Heritage precincts are the best means of protecting and enhancing the individual character of significant areas of certain towns within the Moira Shire.

The field inspections included an external inspection of the contributory places within each of the 15 precincts. Table 5.3 (in Appendix B) lists which of the contributory places have undergone significant changes since their recognition as contributory places as part of the *Moira Shire Stage Two Heritage Study (2007)*.

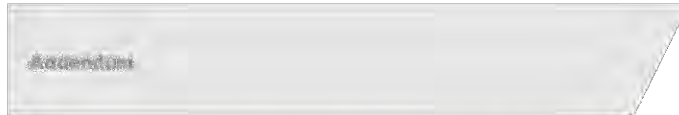
² It should be noted that any mapping inconsistencies on the Heritage Overlay are not documented in this report and specific recommendations will be provided in a separate document to allow an Amendment to the Heritage Overlay map to be produced.

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4. Recommendations for further updates

4.1 General recommendation

For all heritage places in the Heritage Overlay it is recommended that any reference to the database (DB) number be removed from the title of the heritage place. Likewise it is recommended that any reference to the date of a building or place also be removed from the title of the heritage place.

4.2 Statements of significance

Our review of the *Moira Shire Stage Two Heritage Study (2007)* determined that there were several individually significant places which did not have a statement of significance, or for which the statement of significance was incorrect. It is recommended that a statement of significance be prepared for the following places as a high priority:

- Tungamah Court House, Argus Street, Tungamah (HO33). A statement of significance for this place was not prepared under the *Stage Two Heritage Study (2007)* and needs to be prepared.
- Former Bank of Victoria Building, 120 Melville Street, Numurkah (proposed for listing within Numurkah Town Centre Precinct HO259). A statement of significance for this place was not prepared under the *Stage Two Heritage Study (2007)*. This building is currently used by the Numurkah Historical Society.
- Majors Creek Bridge on the Murray Valley Highway over Majors Creek, Bundalong South (proposed for listing as HO57). The statement of significance for this item in the *Stage Two Heritage Study (2007)* is incorrect.

Minor changes (as detailed below) should be made to the statements of significance for the following places:

- Carland's House, 651 Nathalia-Katamatite Road, Nathalia (proposed for listing as HO140). The statement of significance in the *Stage Two Heritage Study (2007)* for this property incorrectly lists the property as being in Katunga.
- 'Lisfarron' House, 40-42 Broadway Street, Cobram (proposed for listing as HO64). The statement of significance for this property should be amended to include mention of large mature trees in garden.

4.3 Grouped places

The *Moira Shire Stage Two Heritage Study (2007)* provided guidance on the management of groups of certain heritage items. There are a total of 74 places, in eight groups, which were recommended for the heritage overlay, but have yet to be accorded any heritage protection. These include churches, halls, war memorials, cemeteries, schools, police lock ups, community heritage precincts and plaques.

Recommendations for each of these items were not considered under this Addendum, however broad recommendations are provided as follows:

- Churches (15 places) – these churches are all outside nominated church precincts and therefore should be should be nominated for inclusion on the heritage overlay as a group. If this is not successful then these buildings should be assessed for individual heritage significance.
- Halls (13 places) – these halls should be should be assessed for individual heritage significance.
- War memorials (3 places) – these war memorials should be nominated for inclusion on the heritage overlay as a group. If this is not successful then these buildings should be assessed for individual heritage significance.
- Cemeteries (6 places) – these cemeteries should be should be nominated for inclusion on the heritage overlay as a group. If this is not successful then these buildings should be assessed for individual heritage significance similar to other cemeteries within the Shire.
- Schools (4 places) – these schools should be nominated for inclusion on the heritage overlay as a group. If this is not successful then these buildings should be assessed for individual heritage significance.

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- Police lock ups (1 place) – the police lock up located in Station Street Tungamah should be assessed for individual heritage significance. The *Moira Shire Stage Two Heritage Study* (2007) does not detail the exact location of this place, so further consultation with the Tungamah Historical Society is recommended. Police lock ups are rare in Moira Shire and this should be considered a priority.
- Community heritage precincts (1 place) – Based on information provided by the Moira Shire, the Katamatite Historical Society building in Beek Street does not appear to meet criteria for individual heritage significance. The *Moira Shire Stage Two Heritage Study* (2007) does not detail the location nor provide photos of this place. Further consultation with the Katamatite Historical Society is recommended.
- Plaques (30 places) – these plaques are outside existing heritage precincts. Refer to section 4.7 of this Addendum for recommendations for plaques.

4.4 Archaeological investigations

The *Moira Shire Stage Two Heritage Study* (2007) recommended that an assessment of the Riverland site (proposed for listing as HO161) at 52-65 McDonald Street, Numurkah be undertaken by an archaeologist specialised in industrial archaeology. The site has a complex variety of industrial and office features which have changed as industrial processes have changed.

The *Moira Shire Stage Two Heritage Study* (2007) did not recommend the listing of any archaeological sites in the Moira Shire. It is recommended that liaison with Heritage Victoria be undertaken to ensure that archaeological sites identified on the Victorian Heritage Inventory which are of local significance within the Moira Shire are also included on the Heritage Overlay.

4.5 Arborist / Ecologist inspections

The *Moira Shire Stage Two Heritage Study* (2007) provided heritage listing recommendations for several natural features. Several of these require further investigation, as follows:

- Stand of Yarran trees (*Acacia omalophylla*) 100 metres west of Uniting Church on north side of Picola-Katunga Road, Yalca South (HO27). The location and condition of these trees could not be confirmed. It is recommended that an ecologist be engaged to visit and record these examples of an endangered species. There are other documented stands of Yarran trees in the Moira Shire (refer to Atlas of Living Australia at <http://bie.ala.org.au/species/urn:lsid:biodiversity.org.au:apni:taxon:257339>). These additional trees should be identified, assessed and if appropriate included on the heritage overlay.
- Trees, 14-18 Breppir Street, Cobram (HO63). It is recommended that an arborist be engaged to undertake a site visit to confirm the species and approximate age and condition of these trees.

4.6 Liaison with heritage agencies

This update to the *Moira Shire Stage Two Heritage Study* (2007) has determined that there are several heritage places which are listed with, or proposed for listing with other heritage agencies. Liaison with the following heritage agencies is recommended to gather additional information regarding heritage places:

- National Trust Australia (Victoria). The National Trust of Australia (Victoria) hold files on many historical heritage places within the Moira Shire. In particular further information should be sought regarding:
 - Madowla Park (HO13). - It is recommended that contact be made with National Trust for the full detail that is held on this property to allow heritage components at the place to be identified, mapped and then afforded protection. Currently the location of heritage components at this property is not known, although the statement of significance is complete.

4.7 Culturally significant plaques

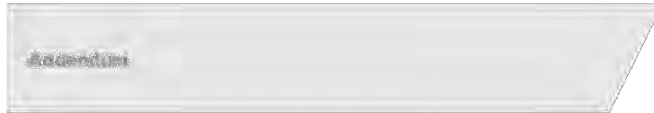
The *Moira Shire Stage Two Heritage Study* (2007) listed 52 plaques throughout the Moira Shire, 30 of which are outside heritage precincts. The study recommended protection of these plaques as, although materially not significant, they represent and commemorate local history. This Addendum does not recommend that they be protected via the application of a heritage overlay. Whilst they are historically, socially and scientifically

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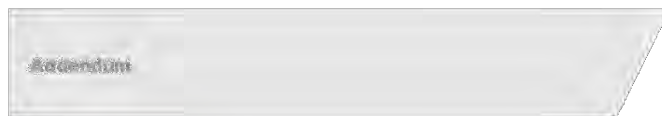
significant at a local level (Huddle 2007), we do not consider that they would meet the heritage criteria outlined in 'Applying the Heritage Overlay, Practice Note 01, September 2012'. Several of the plaques represent the location of former schools, churches, halls or other important community buildings. These locations may be archaeological sites and heritage protection for these sites should be considered.

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5. References

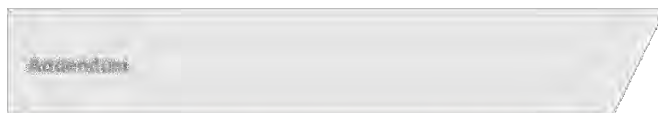
- Atlas of Living Australia (2014) *Acacia omalophylla* Yarran. Retrieved [date] from <http://bie.ala.org.au/species/urn:lsid:biodiversity.org.au:apni:taxon:257339>
- Australia ICOMOS (2013) *The Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance 1999*. Burwood, Victoria: Australia ICOMOS Incorporated.
- Huddle, L. (2007) *Moira Shire Stage Two Heritage Study*. Commissioned and funded by Moira Shire Council and Heritage Victoria. Other Contributors: Ian Wight, Dr Aron Paul and Susie Zada.
- National Trust Victoria (2002) *Former Tungamah Court House*. National Trust Listing. Retrieved on 15 December 2015 from http://vhd.heritage.vic.gov.au/search/nattrust_result_detail/6901
- The State of Victoria Department of Planning and Community Development (2012). *Applying the Heritage Overlay*. Practice Note 01, September 2012

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Appendix A. Heritage places update

Table 5.1 : Update to heritage study – individually significant places (already on Heritage Overlay).

Heritage place	HO Ref	Database no.	Date inspected	Change in condition / threats / issues / recommendations
Anglican Church, 37–39 Robertson Street, Nathalia	HO1	156	20/11/14	Remove database reference from title of place.
ANZ bank, 29 Elizabeth Street, Nathalia	HO2	157	20/11/14	Minor changes in signage approved in 2004. Change address to '29-31 Blake Street, Nathalia'.
Shop and Residence, 56 Elizabeth Street, Nathalia	HO3	989	20/11/14	Recommend changes to name of place to 'Shop, former bakery, and residence, 56 Elizabeth Street, Nathalia'.
Brick Portion of Nathalia Primary School, Robertson Street, Nathalia	HO4	1040	20/11/14	Recommend change in address to '5 Bromley Street'.
Bridge Hotel, 2 Blake Street, Nathalia	HO5	138	20/11/14	No change or recommendations.
Catholic Church, Robertson Street, Nathalia	HO6	22	20/11/14	Recommend change in address to '5-13 Robertson Street'. Recommend combine with HO143 to have one HO place for the Catholic Church in Nathalia as boundaries between items do not correspond to lot boundaries. Recommend change in title to 'Catholic Church, Grotto and Presbytery, 5-13 Robertson Street, Nathalia'.
Coach Stop, Cnr Elizabeth Street and Nicholson Street, Nathalia	HO7	159	20/11/14	No change or recommendations.
Court House Hotel, 65–69 Blake Street, Nathalia	HO8	140	20/11/14	No change or recommendations.
Gladstone House, Kostadt Street, Nathalia	HO9	964	20/11/14	Recommend change in title of place to 'Gladstone House, 43 Kostadt Street, Nathalia'.
House, 40 Elizabeth Street, Nathalia	HO10	21	20/11/14	Recommend change in address to '40-42 Elizabeth Street, Nathalia'.
Humberstone House, 5–7 Hawker Street, Nathalia	HO11	1065	20/11/14	No change or recommendations.
Iliwada Craft Shop, Elizabeth Street, Nathalia	HO12	163	20/11/14	No evidence of heritage place at this address. Recommend Moira Shire to undertake further research regarding internal heritage features...
Madowla Park, Stewarts Bridge Road, Lower Moira	HO13	None	Not inspected	Recommend change in address to '1584 Stewarts Bridge Road, Lower Moira'. Recommend contact National Trust for full details held on this property to allow heritage components at the place to be identified, mapped and then afforded protection. Consider nominating for VHR.
Mechanics Institute, 43 Pearce Street, Nathalia	HO14	26	20/11/14	No change or recommendations.

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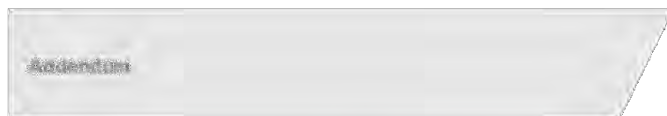
				
Heritage place	HO Ref	Database no.	Date inspected	Change in condition / threats / issues / recommendations
Presbyterian Church, 24 – 26 Veldt Street, Nathalia	HO 15	164	20/11/14	Remove listing from Nathalia Church Precinct as it has individual listing
Nathalia Home Improvements, 50-54, Elizabeth Street, Nathalia	HO 16	78	20/11/14	Recommend change in address and title to: "Former Brown, Corke & Co Store, 50-54, Elizabeth Street, Nathalia"
Norwoods House, 37 – 39 Fraser Street, Nathalia (DB: 165)	HO 17	165	20/11/14	Recommend change in address and title to: "Norwood" 37 Fraser Street, Nathalia"
Post Office, 49 Blake Street, Nathalia	HO 18	17	20/11/14	No change or recommendations
Uniting Church Bromley Street, Nathalia	HO 19	166	20/11/14	No change or recommendations
Numurkah Court House, 43-51 Melville Street, Numurkah	HO 20	82	20/11/14	Recommend change in address to: "43 Melville Street, Numurkah"
Doonanga Homestead, Bearli – Mywee Road, Strathmerton	HO 21	76	Not inspected	Recommend change in address to: "575 Bearli – Mywee Road, Strathmerton"
Mechanics Institute, Carlisle Street, Wunghnu	HO 22	44	Not inspected	Recommend change in address to: "27 Carlisle Street, Wunghnu"
Byramine Homestead, Murray Valley Highway, Yarrowonga	HO 23	72	23/12/14	Recommend change in address to: "1436 Murray Valley Highway, Yarrowonga"
Yarrowonga Court House, 10 Piper Street, Yarrowonga	HO 24	86	23/12/14	Recommend change in address to: "12 Piper Street, Yarrowonga"
Goods Shed and Footbridge, Numurkah	HO 25	142	10/12/14	Footbridge remains. Additional site visit required to confirm location of goods shed
Pepper Tree, Weir Street, Nathalia	HO 26	137	20/11/14	Recommend change in title to: "Pepper Tree, outside 6 Weir Street, Nathalia"
Yarrah Tree stand, 100m west of Uniting Church on north side of Picola – Katunga Road, Yalca South	HO 27	168	Not inspected	Recommend change in title to: "Stand of Yarran trees (<i>Acacia omalephylla</i>) 100 metres west of Uniting Church on north side of Picola-Katunga Road, Yalca South". Site visit required by ecologist to confirm species and location. Recommend research into this and other stands of endangered trees in Moira Shire to ensure protected under planning scheme
Kumajong Tree and WW1 Avenue of Honour, Bromley Street, Nathalia	HO 28	1039 & 1044	20/11/14	Place should be amended to be only the WW1 Avenue of Honour. The 'Kumajong Tree' (which in this location is actually a Moreton Bay Fig) is included as a contributory place in the Nathalia Kurrajong Precinct
Grainstore Building, 2-4 Rutherford Road, Cobram	HO 29	203	7/11/14	No change or recommendations
Cobram Court House, 13 - 19 High Street, Cobram	HO 30	74	7/11/14	No change or recommendations
Ulupna Island Flora and Fauna Reserve, Ulupna Bridge Road, Strathmerton	HO 31	85	Not inspected	Recommend change in address to: "Ulupna Bridge Road, Ulupna"

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Heritage place	HO Ref	Database no.	Date inspected	Change in condition / threats / issues / recommendations
Nimurkah Rifle Range Grassland, Kinnairds Road Nimurkah	HO32	83	Not inspected	Recommend changes to address and title to 'Nimurkah Rifle Range Grassland, off Kinnairds Road (south of Broken Creek), Nimurkah. Recommend contacting Goulburn Broken Catchment Management Authority to obtain more information on this place.
Former Tungamah Court House, Argus Street, Tungamah	HO33	48	20/11/14	Building in disrepair and at risk of structural issues. Prepare Statement of Significance. Consider nomination for VHR. Consider engineering assessment and maintenance program.
Barmah Punt, Jack Edwards Park, Barmah	HO34	942	20/01/15	No change or recommendations.
Barmah Muster Yards, Sandridge Track, Barmah State Forest	HO35	35	Not inspected	Not inspected.

Table 5.2 Update to heritage study – proposed individually significant places (proposed for listing on the Heritage Overlay)

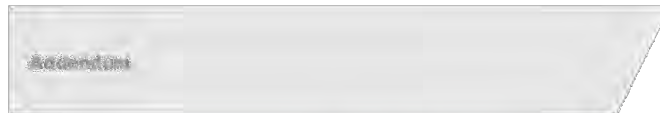
Heritage Place	HO Ref	Database No.	Inspected	Change in condition / threats / issues / Recommendations
Echuca-Nathalia Rd, Barmah; Mahoney's Bridge 1919, 1948 over Deep Creek.	HO50	1102	20/01/15	Recommend change title of place to 'Mahoney's Bridge over Deep Creek, Stewarts Bridge Road, Lower Moira'.
17-19 Bridge Street, Barmah; Barmah Saw Mill	HO51	938	20/01/15	Recommend change of title and address to 'Barmah Saw Mill, 17-19 Rice Street, Barmah'.
Parolas Bridge over Ovens River, Murray Valley Highway, Bundalong	HO56	1104	23/12/14	Recommend change in title to 'Parolas Bridge over Ovens River, Murray Valley Highway, Bundalong'.
Majors Creek Concrete Bridge 1936, Murray Valley Highway, Bundalong South	HO57	1156	23/12/14	Recommend change in title to 'Majors Creek Bridge, Murray Valley Highway, Bundalong South'. Recommend preparation of a statement of significance as the one presented in the Stage Two Heritage Study (2007) is incorrect.
Showgrounds, Bank Street, Cobram (1907)	HO60	223	7/11/14	Recommend change of title to 'Showgrounds, Bank Street, Cobram'.
Lift Bridge (1902) over Murray River, Barooga Road, Cobram	HO62	128	7/11/14	Recommend change of title to 'Lift Bridge over Murray River, Barooga Road, Cobram'.
Trees, Breppin Street, Cobram	HO63	221	7/11/14	Recommend change of title and address to 'Elm Trees, 14-18 Breppin Street, Cobram'. Recommend arborist to do a site visit to confirm species.
Listarion house, 30 Broadway Street, Cobram	HO64	242	7/11/14	Recommend change of address to '40-42 Broadway Street, Cobram'. Recommend updating the statement of significance to include reference to large mature trees in the garden.

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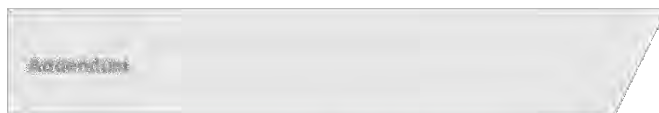
Heritage Place	HO Ref	Database No.	Inspected	Change in condition / threats / issues / Recommendations
Interwar bungalow house, 46-48 Broadway Street, Cobram	HO65	287	7/11/14	No change or recommendations.
Bridge (1939) over Yarrowonga Main Channel, Burramine Road, Cobram	HO66	314	7/11/14	Recommend change of title and address to 'Bridge over Yarrowonga Main Channel with Windmill, Newman's Road, Burramine'. Bridge rails are in poor condition.
Early farm house, 903 Burramine Road, Cobram	HO67	315	7/11/14	No change or recommendations.
Early farm house, 1277 Burramine Road, Cobram	HO68	316	7/11/14	No change or recommendations.
Federation house, 30-32 Chum Street, Cobram	HO69	234	7/11/14	No change or recommendations.
Water Towers and Pond, 33-41 Chum Street, Cobram	HO70	216	7/11/14	No change or recommendations.
Federation house, 22 High Street, Cobram	HO71	281	7/11/14	No change or recommendations.
Royal Victoria Hotel (DB 212) and Exotic Trees, 71 Mookeri Street, Cobram	HO72	212	7/11/14	Recommend to create two separate HO listings as these places are geographically separate. Recommend change in title of HO72 to 'Royal Victoria Hotel, 1 Mookeri Street, Cobram'.
Cairn, Murray Valley Highway, Cobram	HO74	248	7/11/14	Recommend change title to 'Charles Sturt Cairn, Murray Valley Highway, Cobram'.
Cobram Estate Homestead, Murray Valley Highway, Cobram	HO75	127	20/01/15	Recommend to change address to '2754 Murray Valley Highway, Cobram'.
Federation villa, 5 Oak Street, Cobram	HO76	289	7/11/14	No change or recommendations.
Cobram State School (1893), 47-49 Punt Road, Cobram	HO77	75	7/11/14	No change or recommendations.
Interwar functionalist house, 55-57 Punt Road, Cobram	HO78	225	7/11/14	External condition of the house is poor.
'Riverview' house (1896) and trees, River Road, Cobram	HO79	231	7/11/14	Recommend change title and address to 'Riverview house, 124 River Road, Cobram'.
House (1887), 53-67 Station Street, Cobram	HO80	322	7/11/14	Recommend change title to 'House, 53-67 Station Street, Cobram'.
House, 15 Kaarimba Hall Road, Kaarimba	HO90	918	Not inspected	Not inspected
Homestead Hotel (1893), 26-28 Beek Street, Katamatite	HO95	12	20/11/14	Recommend change title and address to 'Homestead Hotel (rear only), 26 Beek Street, Katamatite'. Modern facade of building appears to have little heritage value. Original building at rear.
Shop (c.1900), 14 Beek Street, Katamatite	HO96	90	20/11/14	Recommend change title to 'Shop, 14 Beek Street, Katamatite'.
Former shop and house (c.1989s), 19 Beek Street, Katamatite	HO97	619	20/11/14	Recommend change title to 'Former shop, residence and garden, 19 Beek Street, Katamatite'.
Former bakery, shop and house (c.1989s), 22 Beek Street, Katamatite	HO98	613	20/11/14	Recommend change title to 'Former bakery, shop and house, 22 Beek Street, Katamatite'.

FILE NO: F13/610
3. DEVELOPMENT AND LIVEABILITY

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ATTACHMENT No [3] - Moira Heritage Study - Addendum



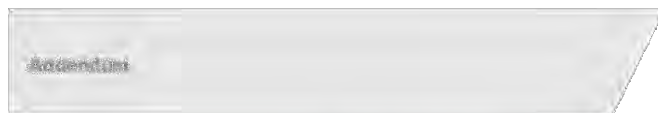
Heritage Place	HO Ref	Database No.	Inspected	Change in condition / threats / issues / Recommendations
House and palm, 1307 Chapel Street, Katamatite	HO99	249	20/01/15	No change or recommendations.
Concrete Silos (1943), Katamatite-Nathalia Road, Katamatite	HO100	637	20/11/14	No change or recommendations.
Concrete water tower, Reserve Road, Katamatite	HO101	636	20/11/14	No change or recommendations.
General store, Carter Street, Katunga	HO105	1095	20/11/14	Recommend change title to 'Former General Store, 7-9 Carter St, Katunga'.
Soldier settlement house (Glenarron Holiday Farm), Hutchins Lane, Katunga	HO107	1101	20/01/15	Recommend change title and address to 'Soldier settlement house on Glenarron Holiday Farm, 14 Hutchins Lane, Katunga'.
Katunga Recreation Reserve (1951), Katunga-Piccola Road, Katunga	HO108	301	20/01/15	No change or recommendations.
Silos, Numurkah Road, Katunga	HO109	302	20/01/15	No change or recommendations.
Tocumwal Lift Bridge over Murray River (1908), Goulburn Valley Highway, Koonoomoo	HO110	151	Not Inspected	Recommend change in title to 'Tocumwal Lift Bridge over Murray River, Goulburn Valley Highway, Koonoomoo'.
McCoys Bridge over Goulburn River (1941), Murray Valley Highway, Kotupna	HO115	129	20/01/15	No change or recommendations.
Concrete Bridge over Wakiti Creek (1956), Murray Valley Highway, Kotupna	HO116	206	20/01/15	Recommend change in title to 'Concrete bridge over Wakiti Creek, Murray Valley Highway Kotupna'.
Timber Bridge over Sheepwash Creek Off Murray Valley Highway, Kotupna	HO117	926	20/01/15	No change or recommendations.
Timber Bridge off Murray Valley Highway, Kotupna	HO118	927	20/01/15	No change or recommendations.
Lake Rowan Hotel, Post office and former store, Lake Rowan Road and St James Road, Lake Rowan	HO120	93	10/12/14	Recommend change title and address to 'Former Lake Rowan Hotel, Post Office and Store, 2 Holmes Road, Lake Rowan'.
Former Manse, 73 Savage Street, Lake Rowan	HO121	1073	10/12/14	No change or recommendations.
Sharps Bridge over Nine Mile Creek, Sharps Road, Mundooona	HO125	None	Not inspected	Not inspected
Moneygall House, 2823 Labuan Road, Naringaningatook	HO130	602	Not inspected	Not inspected
Former Manse and trees, 3 Chapel Street, Nathalia (DB 1043)	HO135	1043	20/11/14	No change or recommendations.
House, 6 Church Street, Nathalia	HO136	1050	20/11/14	No change or recommendations.
Former Railway Hotel, Elizabeth and Richardson Street, Nathalia	HO137	985	20/11/14	Recommend change title and address to 'Former Railway Hotel, 2-6 Elizabeth Street, Nathalia'.
Masonic Lodge Hall, 19-21 Gifford Street, Nathalia	HO138	1035	20/11/14	No change or recommendations.
House and trees, Nathalia Road, Nathalia (DB 1032)	HO139	1032	20/11/14	Recommend change title and address to 'Victorian house and trees, 250 Katamatite-Nathalia Road, Nathalia'.

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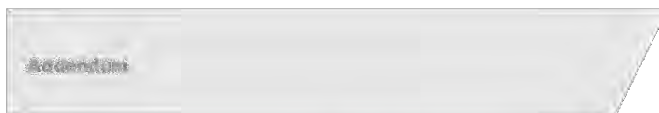
Heritage Place	HO Ref	Database No.	Inspected	Change in condition / threats / issues / Recommendations
Carland's House, 651 Nathalia-Kalamaitte Road, Nathalia.	HO 140	340	20/11/14	Recommend revision of the statement of significance to show correct address.
Early industrial tobacco site, Richardson Street, Nathalia	HO 141	986	20/11/14	Recommend change title and address to 'Early industrial tobacco site, rear of 507 Scott Avenue, Nathalia.
House, 16-18 Richardson Street, Nathalia	HO 142	988	20/11/14	No change or recommendations.
Grotto and presbytery, 5-13 Robertson Street, Nathalia	HO 143	1041	20/11/14	Recommend combine as one listing with HO6 to have one HO place for the Catholic Church in Nathalia. Recommend removal of HO 143.
Alexander Miller Homes, 7-15 Callander Street, Numurkah	HO 150	511	20/11/14	No change or recommendations.
Concrete Silos, Knox Street, Numurkah	HO 151	521	10/12/14	No change or recommendations.
Former Hotel Dining Room, Off Knox Street, Numurkah	HO 152	102	10/12/14	No change or recommendations.
Town Hall, 38 McCaskill Street, Numurkah	HO 153	515	10/12/14	No change or recommendations.
Victorian house, 7 Madeline Street, Numurkah	HO 154	574	10/12/14	No change or recommendations.
Victorian house, 10 McCaskill Street, Numurkah	HO 155	509	10/12/14	No change or recommendations.
Victorian house, 16 McCaskill Street, Numurkah	HO 156	507	10/12/14	No change or recommendations.
House, 27 McCaskill Street, Numurkah	HO 157	508	10/12/14	House at risk, in very poor condition.
House, 31 McCaskill Street, Numurkah	HO 158	505	10/12/14	Recommend change title to 'Tinwald, 31 McCaskill Street, Numurkah'.
Federation house, 41-43 McCaskill Street, Numurkah	HO 159	502	10/12/14	No change or recommendations.
Victorian house, 48 McCaskill Street, Numurkah	HO 160	500	10/12/14	No change or recommendations.
Riverland factory, McDonald Street, Numurkah	HO 161	524	10/12/14	Recommend investigation of this site by an industrial archaeologist as originally recommended in the Moira Shire Stage Two Heritage Study (2007).
Victorian house, 29 McDonald Street, Numurkah	HO 163	527	10/12/14	No change or recommendations.
Victorian house, 76 Meiklejohn Street, Numurkah	HO 164	838	10/12/14	Recommend change of address to '74-76 Meiklejohn Street, Numurkah'.
Former doctors residence, 22 Melville Street, Numurkah	HO 165	477	10/12/14	Recommend change of address to '22A-26 Melville Street, Numurkah'.
Coxon's Foundry, 101 Melville and Knox Streets, Numurkah	HO 166	100 & 485	10/12/14	Recommend change of address to '101 Melville Street, Numurkah'.
Timber house, 197 Melville Street, Numurkah	HO 167	888	10/12/14	No change or recommendations.
Rustic gothic house, 201-203 Melville Street, Numurkah	HO 168	580	10/12/14	No change or recommendations.

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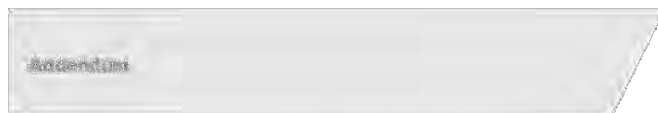
Heritage Place	HO Ref	Database No.	Inspected	Change in condition / threats / issues / Recommendations
Former Parsonage, 3 Quinn Street, Numurkah	HO 169	558	10/12/14	No change or recommendations.
Picola Water Tower and Pond, Moran Street, Picola	HO 175	950	20/01/15	No change or recommendations.
Underground tank for Donovan's Stores, Moran Street, Picola	HO 176	958	20/01/15	Recommend change in address to 4 Moran Street. Could not be located from road at 4 Moran St. Recommend contact owner and seek further information to confirm still present.
Silos and weighbridge, Moran Street, Picola	HO 177	953	20/01/15	No change or recommendations.
Shop or former hotel, Moran Street, Picola	HO 178	956	20/01/15	Recommend change in title to "Former Wine Saloon, 1 Moran Street, Picola"
Stab hut, 84 Moran Street, Picola	HO 179	951	20/01/15	Item could not be identified from the road. Aerial imagery indicates it may be in the rear yard of this property. Recommend arrange onsite inspection to determine location and condition.
Picola Recreation Reserve, Picola South Road, Picola	HO 181	960	20/01/15	Trees on eastern boundary of Recreation Reserve have been removed. Statement of significance should be amended accordingly.
Victorian house, Murray Valley Highway, Strathmerton	HO 185	588	20/01/15	Recommend changes to address "54 Main Street, Strathmerton"
General store, Murray Valley Highway, Strathmerton (DB 589)	HO 186	589	20/01/15	Recommend changes to address "45 Main Street, Strathmerton"
Former butcher shop, 66 Murray Valley Highway, Strathmerton (DB 585)	HO 187	585	20/01/15	Recommend changes to address "66 Main Street, Strathmerton"
Former Church of England, Bearii-Waai Road, Waai (DB 596)	HO 190	596	Not inspected	Not inspected
Hotel, Bearii-Waai Road, Waai	HO 191	597	Not inspected	Recommend changes to address to "1-13 Bearii-Waai Road, Waai"
Former Church Hall, Katunga Road, Waai	HO 192	593	Not inspected	Recommend changes to address "115 Katunga Road, Waai"
Uniting Church and Graves (c 1880s) 2166 Benalla-Toomiwal Road, Waggarandall	HO 195	254	Not inspected	Not inspected
Victorian weatherboard farmhouse, 2834 Benalla-Toomiwal Road, Waggarandall	HO 196	253	Not inspected	Not inspected
Victorian house, Russell Street, Wilby	HO 200	1084	7/11/14	No change or recommendations.
Former Wilby Hotel, Tungamah-Peechelba Road, Wilby (DB 933)	HO 201	933	7/11/14	No change or recommendations.
Wilby Recreation Reserve, Tungamah-Peechelba Road, Wilby	HO 202	1081	7/11/14	No change or recommendations.
Wilby timber pedestrian bridge (1901) over Sandy Creek, off Tungamah-Peechelba Road, Wilby	HO 203	1082	7/11/14	No change or recommendations.

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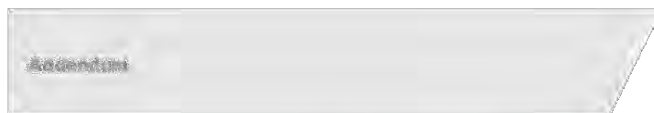
Heritage Place	HO Ref	Database No.	Inspected	Change in condition / threats / issues / Recommendations
Post office cottage, Goulburn Valley Highway, Wunghnu	HO205	941	Not inspected	Recommend change address to "17 Carlisle Street, Wunghnu".
Water tower (1909) and Mural of One Ewe (1996), 2006 Goulburn Valley Highway, Wunghnu	HO206	940	Not inspected	Recommend change title and address to "Water tower and mural of One Ewe, Goulburn Valley Highway, Wunghnu".
Yalpa Recreation Reserve, Murray Valley Highway, Yalpa	HO210	948	Not inspected	Not inspected
Weir over Murray River, Belmore Street, Yarrawonga	HO215	1115	23/12/14	No change or recommendations.
Public amenity block, Bank Street, Yarrawonga	HO216	794	23/12/14	No change or recommendations.
Showgrounds, Gilmore Street, Yarrawonga	HO217	695	23/12/14	Recommend change in title to "Showgrounds, corner Gilmore and Dunlop Streets, Yarrawonga"
Victorian house, 55 Hovell Street, Yarrawonga	HO218	755	23/12/14	Building is at risk of demolition. Currently surrounded by security fencing.
Timber and iron power house, 19 Hume Street, Yarrawonga	HO219	770	23/12/14	Recommend to remove from HO as building was demolished in 2012.
Cordial factory and band hall, Hunt Street, Yarrawonga	HO220	379	23/12/14	Recommend change of address to "15 Hunt Street, Yarrawonga".
Bungalow house, Hunt Street, Yarrawonga	HO221	384	23/12/14	Recommend change of address to "8 Hunt Street, Yarrawonga". Building recently sold. Recommend assessment by Council and contacting owners to determine intent for the building.
Federation house, 24 Hunt Street, Yarrawonga	HO222	381	23/12/14	No change or recommendations.
Bowling Club, Lott Street, Yarrawonga	HO223	748	23/12/14	Recommend change of address to "179-181 Lott Street, Yarrawonga".
Victorian house, 21 McNally Street, Yarrawonga	HO224	797	23/12/14	Recommend to remove from HO as building was demolished in 2007.
House and garden, 60 Murphy Street, Yarrawonga	HO225	787	23/12/14	No change or recommendations.
Pumping station, Murray Valley Highway, Yarrawonga	HO226	715	23/12/14	Recommend change of address to "28 Telford Street, Yarrawonga".
House and farm, 115 Murray Valley Highway, Yarrawonga	HO227	711	23/12/14	Recommend change of address to "115 Telford Street, Yarrawonga".
Victorian house, 35 Orr Street, Yarrawonga	HO228	419	23/12/14	No change or recommendations.
RSL house, Piper Street, Yarrawonga	HO230	407	Not inspected	Recommend change of address to "28 Piper Street, Yarrawonga".
Masonic Lodge, 18 Piper Street, Yarrawonga	HO231	401	23/12/14	No change or recommendations.
Yarrawonga Railway Station, Sharp Street, Yarrawonga	HO232	443	23/12/14	Recommend change of address to "Lott Street, Yarrawonga".
Sacred Heart Catholic Church and Presbytery, 30 Witt Street, Yarrawonga	HO233	387	23/12/14	No change or recommendations.

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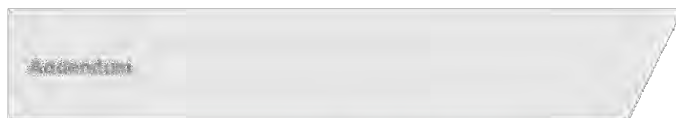
Heritage Place	HO Ref	Database No.	Inspected	Change in condition / threats / issues / Recommendations
Mill farm house, Yundool Road, Yundool	HO235	271	Not inspected	Recommend change of address to '55 Yundool Road, Yundool'. Small extension to the building.
House, Yundool Road, Yundool	HO236	272	Not inspected	Recommend change of address to '54 Yundool Road, Yundool'. Significant extension to the building.
Cobram Church Precinct	HO250	None	23/12/14	Comments provided in Table 5.3.
Cobram Town Centre Precinct	HO251	None	23/12/14	Comments provided in Table 5.3.
Nathalia Broken Creek Precinct	HO252	None	20/11/14	Comments provided in Table 5.3.
Nathalia Church Precinct	HO253	None	20/11/14	Comments provided in Table 5.3.
Nathalia Kostadi Precinct	HO254	None	20/11/14	Comments provided in Table 5.3.
Nathalia Kurrajong Precinct	HO255	None	20/11/14	Comments provided in Table 5.3.
Nathalia Town Centre Precinct	HO256	None	20/11/14	Comments provided in Table 5.3.
Numurkah Recreation Precinct	HO257	None	10/12/14	Comments provided in Table 5.3.
Numurkah Residential Precinct	HO258	None	10/12/14	Comments provided in Table 5.3.
Numurkah Town Centre Precinct	HO259	None	10/12/14	Comments provided in Table 5.3.
St. James Town Centre Precinct	HO260	None	10/12/14	Comments provided in Table 5.3.
Tungamah Church Precinct	HO261	None	10/12/14	Comments provided in Table 5.3.
Tungamah Town Centre Precinct	HO262	None	10/12/14	Comments provided in Table 5.3.
Yarrawonga Tom Sharp Precinct	HO263	None	23/12/14	Comments provided in Table 5.3.
Yarrawonga Town Centre Precinct	HO264	None	23/12/14	Comments provided in Table 5.3.
Barmah Cemetery, Barmah Bridge Road, Barmah	HO270	936	Not inspected	Recommend change of address to '1211 Picola-Barmah Road, Barmah'.
Bundalong Cemetery	HO272	1161	Not inspected	Recommend change of address to Murray Valley Highway, Bundalong.
Burramine Cemetery, Murray Valley Highway, Burramine South	HO273	337	Not inspected	Recommend change of address to 'Forges Road, Burramine South'.
Cobram Cemetery, Cemetery Road, Cobram East	HO274	1069	Not inspected	Not inspected
Katamatite Cemetery, Cemetery Road, Katamatite	HO275	625	Not inspected	Not inspected
Lake Rowan Cemetery, Yarrawonga Benalla Road, Lake Rowan	HO276	1070	Not inspected	Not inspected
Nathalia Cemetery	HO277	1162	Not inspected	Recommend change of address to '25 Cemetery Road, Nathalia'.
Numurkah Cemetery, Madeline Street, Numurkah	HO278	573	Not inspected	Recommend include Lawn Cemetery to the west into HO
Tungamah Cemetery, Cemetery Road, Tungamah	HO280	681	Not inspected	Not inspected
Wilby Cemetery, Cemetery Road, Wilby	HO282	1083	Not inspected	Not inspected
Wungah Cemetery	HO283	1165	Not inspected	Recommend change of address to 'Dockery Street, Wungah'.

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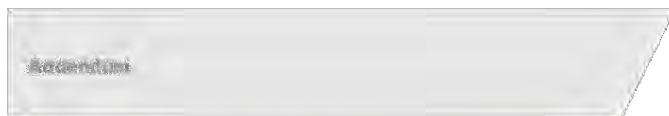
Heritage Place	HO Ref	Database No.	Inspected	Change in condition / threats / issues / Recommendations
Yarrawonga Cemetery, Gilmore Street, Yarrawonga	HO286	696	Not inspected	Not inspected
Cobram War Memorial, Swimming Pool, Gates and Arch, Cnr Punt Road and Gregory Street, Cobram	HO290	227	7/11/14	Recommend change of address to '2-6 Punt Road, Cobram'.
RSL Hall, War Memorial, Flagpole and Plaque, 1 Bristol Street Katunga	HO291	303	Not inspected	Not inspected
War Memorial site, Monument, Lone Pine Tree, Flagpole and Plaque, Lake Rowan	HO292	1077	Not inspected	Recommend change of address to 'Benalla-Yarrawonga Road, Lake Rowan'.
Memorial Pool, Park St, Nathalia	HO293	1045	20/11/12	No change or recommendations.
POW Plantation and Plaque, Goulburn Valley Highway, Numurkah	HO294	566	20/11/14	Recommend change of address to 'Tocumwal Road, Numurkah'.
War Memorial, Murray Valley Highway, Strathmerton	HO296	587	Not inspected	Not inspected
Exotic trees, 71 Mookan Street, Cobram	HO297	236	7/11/14	Recommend addition of this as a new item on HO. Was previously listed as HO72 (which is the location of the Royal Victoria Hotel).

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Appendix B. Contributory places within heritage precincts

Table 5.3 : Update to Heritage Study - changes to contributory places within heritage precincts.

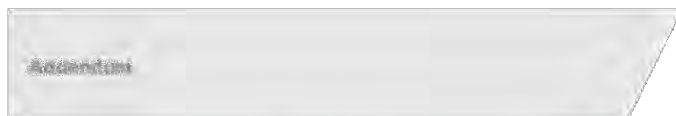
Heritage precinct	HO Ref	Date Inspected	Change in condition / threats / issues / recommendations
Cobram Church Precinct	HO250	TBA	The following changes are recommended in this precinct: <ul style="list-style-type: none"> There are no heritage items located at 2 Hay Street, therefore this property is not contributory.
Cobram Town Centre Precinct	HO251	TBA	The following changes are recommended in this precinct: <ul style="list-style-type: none"> 37 Bank Street - remove as contributory place as burnt down in 2008 and new units built on site. 47 and 48 Punt Road should be removed from the precinct as these are the locations of plaques and not considered to be heritage items.
Nathalia Broken Creek Precinct	HO252	20/11/14	The following changes are recommended in this precinct: <ul style="list-style-type: none"> 17 Weir Street - remove as contributory place as the block is vacant. 1 North Street - (DB1003) 'North Street Nathalia Victorian House' should be included within this precinct.
Nathalia Church Precinct	HO253	20/11/14	The following changes are recommended in this precinct: <ul style="list-style-type: none"> 24-26 Veldt Street - remove as contributory item as it already has individual heritage listing (HO15). 36 and 42 Veldt Street should be included in this precinct as proposed in the 'Moira Shire Stage Two Heritage Study' (2007).
Nathalia Kostadt Precinct	HO254	20/11/14	The following changes are recommended in this precinct: <ul style="list-style-type: none"> 46-54 Elizabeth Street - remove as contributory item as it already has individual heritage listing (HO16). 56 Elizabeth Street - remove as contributory item as it already has individual heritage listing (HO3). 10-12 Fraser Street - remove as contributory place as new house built at this location.
Nathalia Kurrajong Precinct	HO255	20/11/14	The following changes are recommended in this precinct: <ul style="list-style-type: none"> 3 Chapel Street - remove as contributory item as it is already nominated for heritage listing (HO135). 5-13 Robertson Street - remove as contributory item as it already has individual heritage listing (HO6 and HO143).
Nathalia Town Centre Precinct	HO256	20/11/14	The following changes are recommended in this precinct: <ul style="list-style-type: none"> 2 Blake Street - remove as contributory item as it already has individual heritage listing (HO5). 19 Blake Street - remove as contributory item as it already has individual heritage listing (HO18).
Numurkati Recreation Precinct	HO257	10/12/14	Each of the items or places mentioned in the statement of significance or listed as contributory (in the 'Moira Shire Stage Two Heritage Study' (2007)) is still present within the precinct. No changes recommended.

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Heritage precinct	HO Ref	Date inspected	Change in condition / threats / issues / recommendations
Numurkah Residential Precinct	HO258	10/12/14	<p>The following changes are recommended in this precinct:</p> <ul style="list-style-type: none"> 90 Quinn Street – This house is at risk of becoming derelict. It is abandoned and has broken windows and appears structurally unsound. Recommend assessment by Council and contacting owners to determine intent for the building. 91 Quinn Street – This building has recently been sold and appears nearly derelict. Council should urgently contact owners to determine intent for the building. 88 Saxton Street – This building is currently for sale and is therefore at risk of demolition in the short term. Council should urgently contact owners to determine intent for the building. 97-99 Saxton Street – This building has been demolished and will therefore be removed as a contributory item in this precinct. 113 Saxton Street – This house is at risk of becoming derelict. Recommend assessment by Council and contacting owners to determine intent for the building.
Numurkah Town Centre Precinct	HO259	10/12/14	<p>The following changes are recommended in this precinct:</p> <ul style="list-style-type: none"> 29 Quinn Street (CFBB building) – This has been added to the precinct, as although it is mentioned in the statement of significance it has not been listed as contributory in the precinct or as an individually significant place. 118-120 Melville Street (former Bank of Victoria) – This building has been included within the precinct although it may be eventually assessed as being of individual heritage significance.
St James Town Centre Precinct	HO260	10/12/14	Each of the items or places mentioned in the statement of significance or listed as contributory is still present within the precinct. No changes recommended.
Tungamah Church Precinct	HO261	10/12/14	Each of the items or places mentioned in the statement of significance or listed as contributory is still present within the precinct. No changes recommended.
Tungamah Town Centre Precinct	HO262	10/12/14	<p>The following changes are recommended in this precinct:</p> <ul style="list-style-type: none"> 54-56 Barr Street – the building on this property is burnt. Recommend remove as contributory item. Boyd Street / Tower Street – precinct extent must cover this location as this is where the Water Tower is situated.
Yarrawonga Tom Sharp Precinct	HO263	23/12/14	The list of contributory items in the precinct was incomplete and has been updated to reflect the recommendations from the <i>Moira Shire Stage Two Heritage Study</i> (2007).
Yarrawonga Town Centre Precinct	HO264	23/12/14	<p>The following changes are recommended in this precinct:</p> <ul style="list-style-type: none"> 7, 90, 96, 100, 106, 109 and 118 Belmore Street and 22 On Street have been included as contributory in accordance with the recommendations from the <i>Moira Shire Stage Two Heritage Study</i> (2007).

FILE NO: 5/2014/906
3. DEVELOPMENT AND LIVEABILITY

ITEM NO: 9.2.3
(STATUTORY PLANNING
COORDINATOR, PETER STENHOUSE)
(GENERAL MANAGER
INFRASTRUCTURE, ANDREW CLOSE)

**PLANNING PERMIT APPLICATION NO.5/2014/906 - TELECOMMUNICATION
FACILITY, 17 FREEMANS ROAD, BEARII**

RECOMMENDATION

That Council approve the issue of a Notice of Decision to Grant a Permit for Planning Application No 52014906 for the use and development of land described as 17 Freemans Road Bearii for a Telecommunication Facility, subject to the following conditions:

1. The use and development as shown on the endorsed plans must not be altered without the written consent of the responsible authority.
2. A new vehicular crossing to the subject land must be constructed at Freemans Road in a location and of a size and standard satisfactory to the Responsible Authority at the applicant's expense.
3. The vehicular crossing must be constructed generally in accordance with the Infrastructure Design Manual and specifically in accordance with standard drawing SD255, including a reinforced concrete pipe culvert of a diameter suitable to accommodate the actual volume/flow (having a minimum diameter of 375 mm). The final location of the crossing is to be approved by the Responsible Authority via
 - a "Consent To Work Within A Road Reserve" prior to the undertaking of works.
4. The location and installation of new crossovers and driveway requires approval from the Responsible Authority following an environmental assessment of the conservation value of the adjoining roadside vegetation.
5. Earthworks and construction must not cause damage to native vegetation to be retained (including trees, shrubs, herbs and grasses) and to natural drainage lines and/or watercourses.
6. A 'Tree Protection Zone' (TPZ) must be applied during earthworks and construction. A TPZ applies to a tree and is a specific area above and below the ground. The TPZ must have a radius 12 x the Diameter at Breast Height (DBH); the TPZ of trees should be no less than 2 m or greater than 15 m.
7. No trenching, soil excavation, stockpiling or dumping of soil is to occur within the Tree Protection Zone without the written consent of the Responsible Authority.
8. This permit will expire if one of the following circumstances applies:
 - (a) The development and use is/are not started within two years of the date of this permit.
 - (b) The development is not completed within two years of the date of commencement.

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires, or within 6 months after the permit expiry date, where the use or development allowed by the permit has not yet started; and within 12 months after the permit expiry date, where the development allowed by the permit has lawfully started before the permit expires.

- Goulburn Murray Water
9. The telecommunications facility or any associated works must not be constructed within 30 metres of Goulburn-Murray Water's channel assets, including open channels and drains.

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**PLANNING PERMIT APPLICATION NO.5/2014/906 - TELECOMMUNICATION
FACILITY, 17 FREEMANS ROAD, BEARII (cont'd)**

1. Executive Summary

Planning Permit Application 52012400 has been lodged seeking approval to use and develop land for the purpose of a 40 metre high Telecommunication Facility for the National Broadband Network (NBN).

The application was advertised and 23 objections have been received. The applicant was given an opportunity to respond to the objectors resulting in 4 objections being withdrawn, leaving 19 objections to the proposal.

The application was referred to internal departments and external authorities and no objections have been received, subject to conditions.

The main contentious issues appear to be the emission of Electromagnetic Energy (EME), and the effect of the facility on the environment or landscape. Both these and other issues have been assessed and do not pose an unreasonable risk to humans or detrimentally affect the amenity of the area or the environment.

The application is recommended for approval and the issue of a Notice of Decision to Grant a Permit subject to conditions.

2. Background and Options

Application Details

Applicant: Ericsson Pty Ltd on behalf of NBN Co.
Owner: W & K Williams – Meran Grange Pty Ltd
Land Address: 17 Freemans Road Bearii
Title Details: CA 8 Section F, Parish of Yalca
Site Area: 64ha approx
File No: 52014906
Zone: Farming Zone
Overlays: Land Subject to Inundation
Environmental Significance

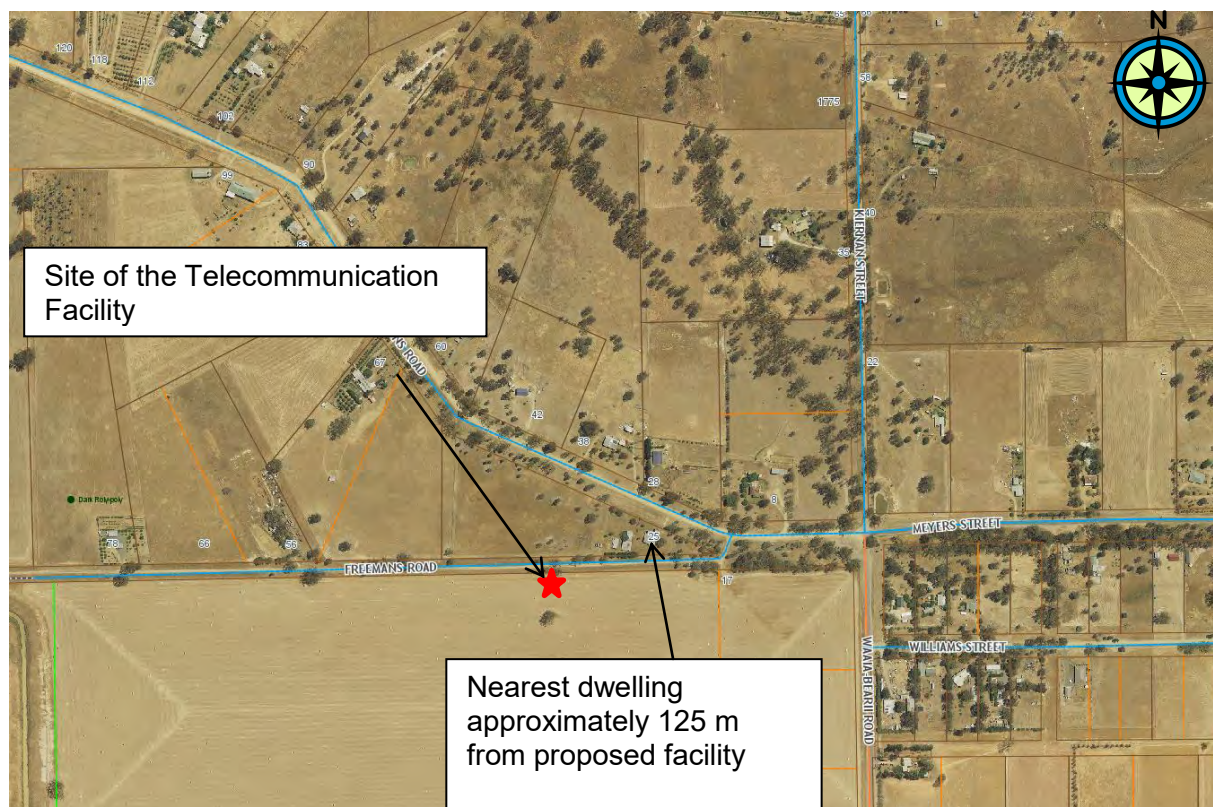
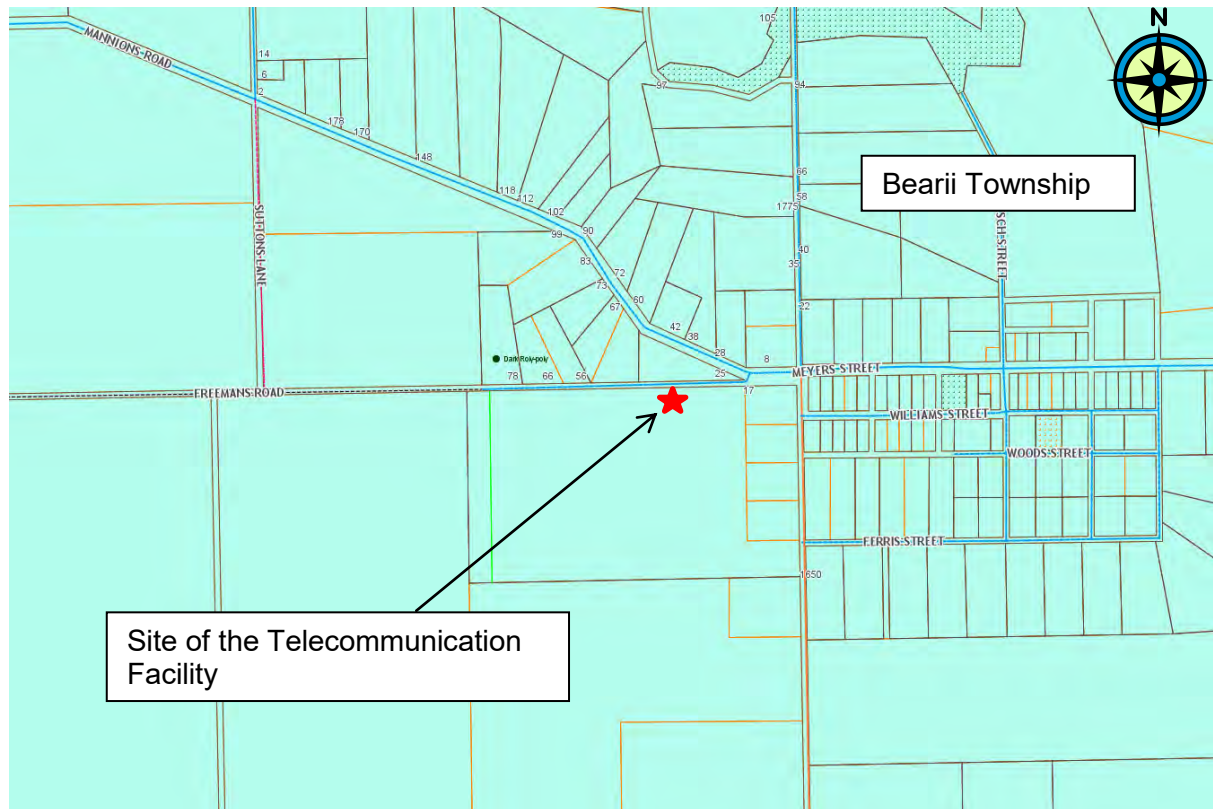
Key Issues

- Planning Scheme Provisions
- Amenity
- Environment
- Health

FILE NO: 5/2014/906
3. DEVELOPMENT AND LIVEABILITY

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**PLANNING PERMIT APPLICATION NO.5/2014/906 - TELECOMMUNICATION
FACILITY, 17 FREEMANS ROAD, BEARII (cont'd)**



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COORDINATOR, PETER STENHOUSE)
(GENERAL MANAGER
INFRASTRUCTURE, ANDREW CLOSE)

**PLANNING PERMIT APPLICATION NO.5/2014/906 - TELECOMMUNICATION
FACILITY, 17 FREEMANS ROAD, BEARII (cont'd)**

Proposal

The proposal is to use and develop the land for the purpose of a telecommunication tower that is not a Low Impact Facility. The applicant seeks planning approval for the establishment of a 40 metre high lattice tower with one parabolic dish antenna, three panel antennas and equipment associated with the operation of the facility. The site will occupy an area of 96sqm which will be securely fenced.

Options

- Approve the application
- Refuse the application
- Defer consideration seeking more information

3. Financial Implications

In the event that Council's decision is appealed at VCAT, any cost associated with attending and responding to an appeal is not budgeted for.

4. Risk Management

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

5. Community Consultation

The application was advertised by notifying adjoining and nearby land owners and occupier/s within 500 metres of the proposed Telecommunication site and placing a notice on the subject land.

The advertising was carried out correctly and 4 individual objections and 19 names on a petition were received along with 2 submissions in support of the proposal. The basis of the objections was as follows:

- Impact on the environment, ie close to Barmah National Park, Superb Parrot habitat
- Visual impact on the rural amenity
- Possible health implications from electromagnetic fields
- Impact on housing valuations
- Noise pollution from air conditioning unit
- Ageing population in Bearii
- Limited businesses in Bearii to up take connection
- Potential limited up take from Bearii residents
- Potential signal disruption from trees
- Use of out dated technology
- Limited service reach (Bearii population of 150)
- Bush fire threat potential

The objections and supporting submissions were forwarded to the applicant to address the issues raised and responded explaining the preferred location and alternative sites explored, Electromagnetic Energy (EME) assessment, property values (not a planning consideration), visual impact assessment, bushfire risk, fauna threat and low take up of service/lack of need.(see attachment – applicant's response letter)

The applicant's response was forwarded to the objectors (petitioners are considered as objectors) which resulted in 4 withdrawals of objection, hence 19 objections remain.

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**PLANNING PERMIT APPLICATION NO.5/2014/906 - TELECOMMUNICATION
FACILITY, 17 FREEMANS ROAD, BEARII (cont'd)**

Given the nature of the objections, no further mediation was considered appropriate and unlikely that all objections would be withdrawn.

6. Internal and External Consultation

Pre-Lodgement Consultation

There was pre-lodgement consultation undertaken by the applicant with Council's Manager of Town Planning and Building on 15 September 2014, in relation to a number of applications (seven) for NBN Telecommunication Facilities across the municipality.

Internal Consultation

The application was referred to the Infrastructure Department and Environment Department offering no objection to the proposal subject to conditions.

External Consultation

The application was referred to Goulburn Murray Water (GMW) as the land is affected by the Environmental Significance Overlay. GMW responded by offering no objection subject to the inclusion of a condition.

7. Regional Context

This proposed tower is part of the upgrade, not just of the region, but of Australia's existing telecommunication network to provide Australian's with access to fast, affordable and reliable internet and landline phone service.

There have been seven planning permit applications across Moira Shire including, Bearii, Picola North, Nathalia, Wunghnu, Waaia, Invergordon and Katunga. With the exception of Bearii, all the applications have been approved following extensive advertising and referral of the applications.

8. Council Plan Strategy

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

- *Environment* – that Moira will responsibly manage its environment. The proposal will not unduly have an impact upon the Shire's environment.
- *Development* – that Moira will be a great place to live. Focusing on liveability Council must decide if the objectors' concerns outweigh the advantages of improvements in technological connectivity.

9. Legislative / Policy Implications

The subject site is in the Farming Zone (FZ). In the table to Clause 37.01-1 of the Moira Planning Scheme, a Telecommunications Facility is a Section 1 use subject to a condition that the requirements of Clause 62.01 must be met.

Under Clause 62.01 no planning permit is required to use land for a Telecommunication Facility provided that the associated buildings and works meet the requirements of Clause 52.19.

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**PLANNING PERMIT APPLICATION NO.5/2014/906 - TELECOMMUNICATION
FACILITY, 17 FREEMANS ROAD, BEARII (cont'd)**

Under Clause 52.19, no planning permit is required provided that the proposed facility is a low impact facility as described in the Telecommunications (low impact) Facilities Determination 1997.

As the proposed facility is not a low impact facility, being a 40 metre high lattice tower, the condition in the Table of uses in the Farming Zone is not met therefore the use becomes a Section 2 use which requires a planning permit.

A Permit is required for buildings and works associated with a Section 2 Use, pursuant to Clause 35.07-4.

The land is affected by the Land Subject to Inundation Overlay. As the proposed buildings and structure are non-habitable and less than 500m² in floor area, the application was exempt from referral to the floodplain management authority.

**The State Planning Policy Framework (SPPF)
19.03-4 Telecommunications**

***Objective** To facilitate the orderly development, extension and maintenance of telecommunication infrastructure.*

Strategies

Ensure that modern telecommunications facilities are widely accessible to business, industry and the community.

Ensure the communications technology needs of business, domestic, entertainment and community services are met.

The proposal is consistent with the above objective as it will improve business/industry communication between company factories or facilities together with meeting the needs of domestic users.

The Local Planning Policy Framework (LPPF)- including the Municipal Strategic Statement (MSS) and local planning policies

The development of a new Telecommunications Tower at the subject land will improve connectivity. It is considered that this infrastructure will contribute to the realisation of the Economic Development objectives for the Shire.

The provision of a telecommunication tower in a rural landscape, separated from forested (environmental) areas and with no change to the agricultural use of the subject land should achieve the environmental goal and objectives.

Relevant Particular Provisions

Clause 52.19 Telecommunication Facilities

The purpose of this Clause is as follows:

- To ensure that telecommunications infrastructure and services are provided in an efficient and cost effective manner to meet community needs.*
- To ensure the application of consistent provisions for telecommunications facilities.*
- To encourage an effective state-wide telecommunications network in a manner consistent with the economic, environmental and social objectives of planning in Victoria as set out in Section 4 of the Planning and Environment Act 1987.*
- To encourage the provision of telecommunications facilities with minimal impact on the amenity of the area.*

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**PLANNING PERMIT APPLICATION NO.5/2014/906 - TELECOMMUNICATION
FACILITY, 17 FREEMANS ROAD, BEARII (cont'd)**

It is considered that the proposed development is consistent with the purpose of this Clause.

Clause 52.19-2 requires a permit to construct a building or construct or carry out works for a telecommunications facility. This does not apply to:

Buildings and works associated with:

- *A low-impact facility as described in the Telecommunications (Low-impact) Facilities Determination 1997.*
- *The inspection and maintenance of a Telecommunications facility as defined in the Telecommunications Act 1997 (Cwth).*
- *A facility authorised by a Facilities Installation Permit issued under the Telecommunications Act 1997 (Cwth).*
- *A temporary defence facility.*
- *The connection of a building, structure, caravan or mobile home to a Telecommunications line forming part of a Telecommunications network.*
- *Any Telecommunications facility described in A Code of Practice for Telecommunications Facilities in Victoria which complies with the requirements of the Code.*

As previously described the proposal does not accord with the *Telecommunication (Low Impact) Facilities Determination 1997*, therefore it is not classified as being low-impact (Part 1 – Section 1.2) hence, a planning permit is required under Clause 52.19.

Clause 52.19 specifies “A Code of Practice for Telecommunication Facilities in Victoria” as an incorporated document and it sets out the requirements under which land may be used for a telecommunication facility without the need for a planning permit. It also sets out the principles for the design, siting, construction and operation of a telecommunications facility which a Responsible Authority must consider when deciding on an application for a planning permit.

It is considered that the proposal generally satisfies the requirements of the Code of Practice and Clause 52.19 of the Moira Planning Scheme

The decision guidelines of Clause 65

It is considered that the application will provide an acceptable outcome in terms of the Decision Guidelines outlined in Clause 65.01 as follows:

<i>The matters set out in Section 60 of the Act.</i>	This assessment has considered the Moira Planning Scheme and the zoning of the subject land.
<i>The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.</i>	This application has been assessed and has been found to be generally consistent with the abovementioned clauses, objectives and implementation goals of the SPPF and LPPF.
<i>The purpose of the zone, overlay or other provision.</i>	This application has been assessed and has been found to be consistent with the purpose of the zone
<i>Any matter required to be considered in the zone, overlay or other provision.</i>	This application is consistent with all the relevant decision guidelines.
<i>The orderly planning of the area.</i>	This application will not prejudice the orderly planning of the area.

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**PLANNING PERMIT APPLICATION NO.5/2014/906 - TELECOMMUNICATION
FACILITY, 17 FREEMANS ROAD, BEARII (cont'd)**

<i>The effect on the amenity of the area.</i>	It is considered that this application will have minimal detrimental amenity impact upon the surrounding area.
<i>The proximity of the land to any public land.</i>	N/A
<i>Factors likely to cause or contribute to land degradation, salinity or reduce water quality.</i>	N/A
<i>Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.</i>	N/A
<i>The extent and character of native vegetation and the likelihood of its destruction.</i>	Street trees and potential native grasses in the adjoining road reserve
<i>Whether native vegetation is to be or can be protected, planted or allowed to regenerate.</i>	Must be situated outside of the drip line of the street tree. Location of access (vehicle crossing) to not interfere with vegetation.
<i>The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.</i>	N/A

10. Environmental Impact

There are several environmental considerations surrounding the proposal including EME, endangered (fauna & flora) species, visual amenity, bushfire risk. The applicant has addressed these issues in the planning report submitted with the application and specifically when responding to the issues raised by the objectors. Refer to attachments.

Of particular note, an EME report was submitted with the application demonstrating that the proposal complies with the *Radiation Protection Standard – Maximum Exposure Levels to Radiofrequency Fields – 3kHz to 300GHz, ARPANSA, May 2002*.

Further, with respect to visual amenity, an assessment of the landscape in the immediate area would best describe it as predominately flat with slight undulations, roadside vegetation, scattered vegetation in open farmland used for agriculture (crops, grazing). Along the Murray River there are extensive areas river red gums in national parks. There would be short to medium views in forested areas and longer views across plains or open farmland.

The proposed telecommunication tower would be able to be seen given the height of the tower to nearby or adjacent vegetation, however such vegetation provides a backdrop particularly when viewing northward. Hence the visual effect is minimised.

11. Conflict of Interest Considerations

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

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3. DEVELOPMENT AND LIVEABILITY

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**PLANNING PERMIT APPLICATION NO.5/2014/906 - TELECOMMUNICATION
FACILITY, 17 FREEMANS ROAD, BEARII (cont'd)**

12. Conclusion

The proposed telecommunication tower is proposed to be located on private land used for agricultural purposes, adjoins a rural road with scattered vegetation, situated no closer than 125 metres from the nearest dwelling and about 1 kilometre from the centre of Bearii township and over 2 kilometres from the Barmah National Park.

The application has addressed State and Local Planning Policies, zone, overlay and particular provision requirements in the planning scheme.

Whilst there are objections to the application, the applicant has provided satisfactory evidence and assessments that the proposal will not unduly impact on humans or the environment.

It would be unwarranted not to approve of the application.

Attachments

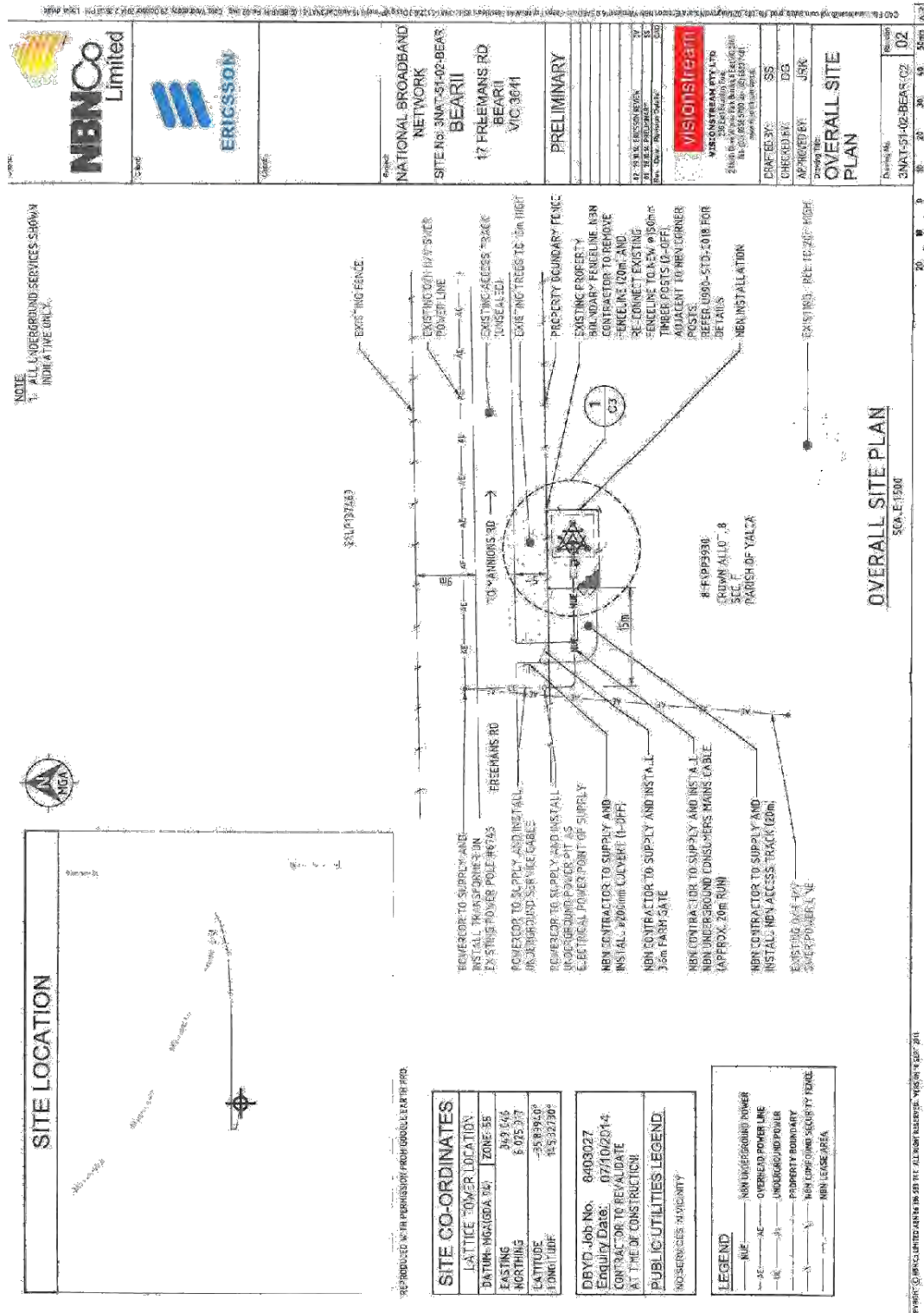
- 1 Development Plans
- 2 NBNC Co Planning Report
- 3 Response to objectors letter
- 4 Environmental EME Report

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(GENERAL MANAGER
INFRASTRUCTURE, ANDREW CLOSE)

PLANNING PERMIT APPLICATION NO.5/2014/906 - TELECOMMUNICATION
FACILITY, 17 FREEMANS ROAD, BEARII (cont'd)

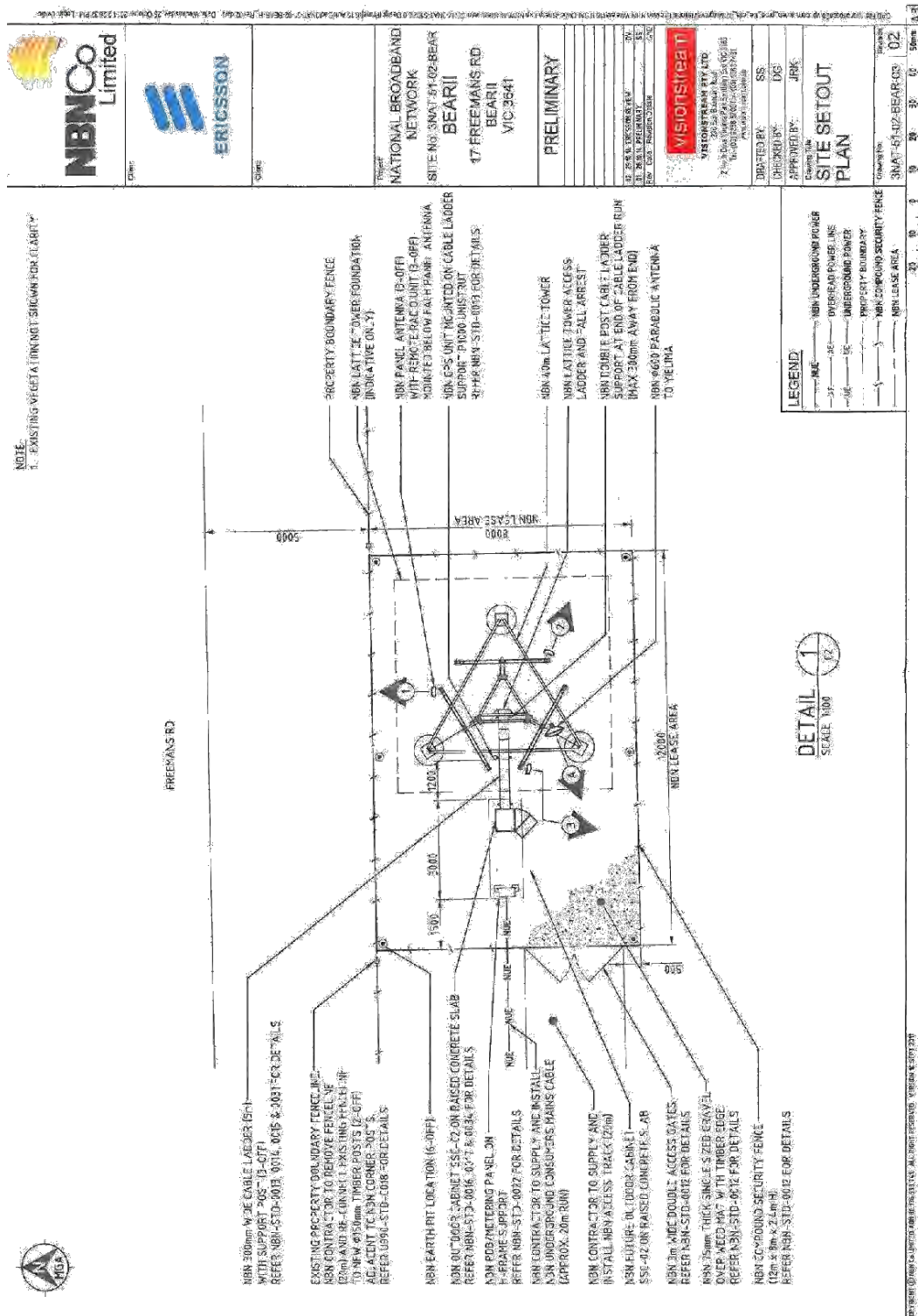
ATTACHMENT No [1] - Development Plans



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(STATUTORY PLANNING
COORDINATOR, PETER STENHOUSE)
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PLANNING PERMIT APPLICATION NO.5/2014/906 - TELECOMMUNICATION FACILITY, 17 FREEMANS ROAD, BEARII (cont'd)

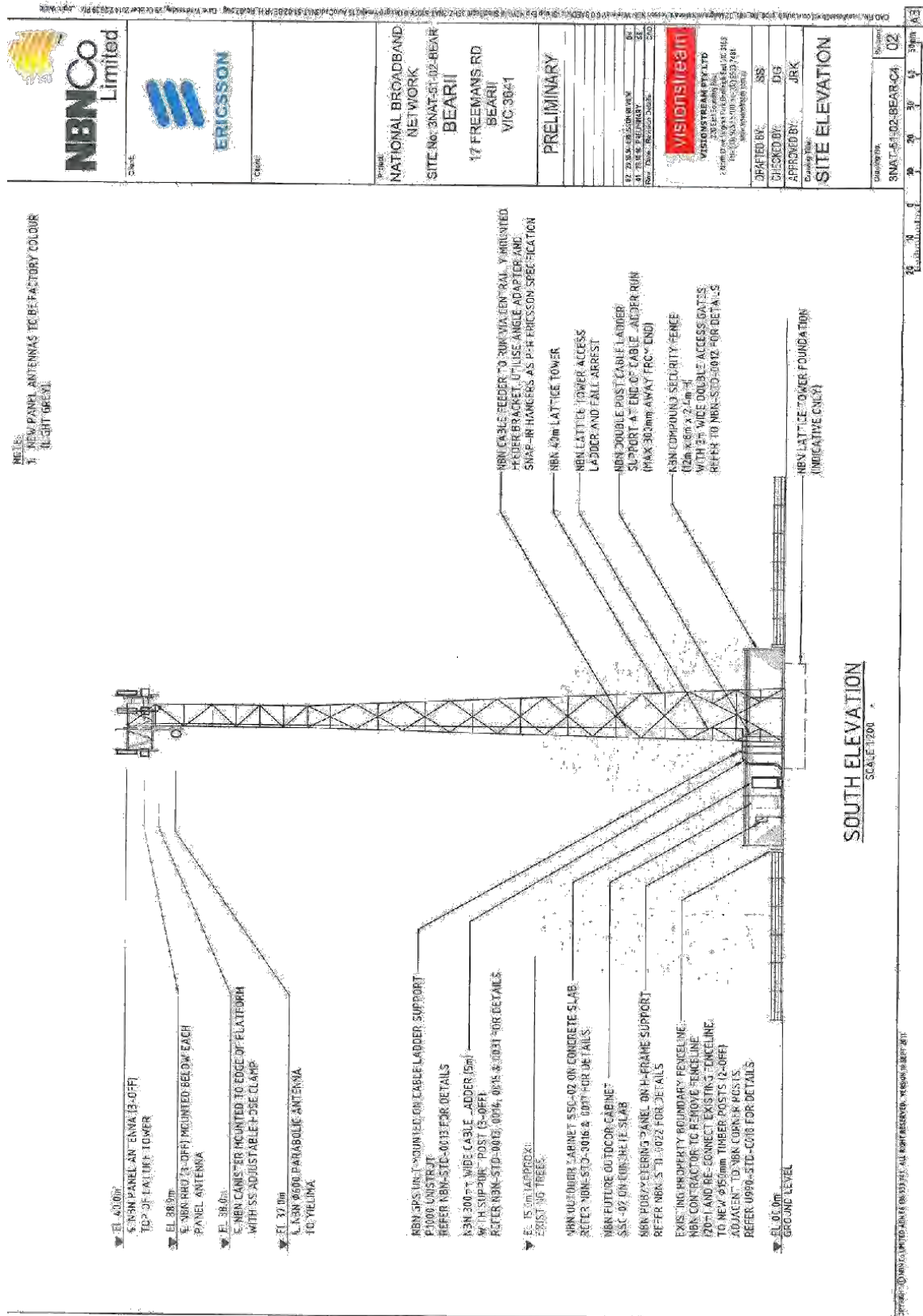
ATTACHMENT No [1] - Development Plans



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PLANNING PERMIT APPLICATION NO.5/2014/906 - TELECOMMUNICATION FACILITY, 17 FREEMANS ROAD, BEARII (cont'd)

ATTACHMENT No [1] - Development Plans



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3. DEVELOPMENT AND LIVEABILITY

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COORDINATOR, PETER STENHOUSE)
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**PLANNING PERMIT APPLICATION NO.5/2014/906 - TELECOMMUNICATION
FACILITY, 17 FREEMANS ROAD, BEARII (cont'd)**

ATTACHMENT No [2] - NBNC Co Planning Report



**IBN Site Reference
ECH-51-03-BEAR**

The contents of this document reflect NBN Co's current position on the subject matter of this document. It is provided solely to plain information relevant to NBN Co's planning proposal. The contents of this document should not be relied upon as presenting NBN Co's final position on the subject matter, except where stated otherwise. Any dates provided are indicative only, are subject to change and are dependent upon a number of factors.

Prepared on behalf of NBN Co Limited
by Visionstream
October 2014



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3. DEVELOPMENT AND LIVEABILITY

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**PLANNING PERMIT APPLICATION NO.5/2014/906 - TELECOMMUNICATION
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ATTACHMENT No [2] - NBNC Co Planning Report

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**PLANNING PERMIT APPLICATION NO.5/2014/906 - TELECOMMUNICATION
FACILITY, 17 FREEMANS ROAD, BEARII (cont'd)**

ATTACHMENT No [2] - NBNC Co Planning Report

Executive Summary

Proposal	<p>NBN Co propose to install a new fixed wireless facility at 17 Freemans Road, Bearii Vic 3641 comprised of the following:</p> <ul style="list-style-type: none"> ▪ 40m lattice structure; ▪ 1 x parabolic dish antenna; ▪ 3 x panel antennas; and ▪ Ancillary equipment associated with operation of the facility, including cable trays, cabling, safe access methods, bird proofing, earthing, electrical works and air-conditioning equipment. 	
Purposes	<p>The proposed facility is necessary to provide NBN fixed wireless coverage to the Bearii region.</p>	
Property Details	<p><i>Lot & Plan No:</i> Crown Allot, 8 Sec. F Parish of Yalca <i>Street Address:</i> 17 Freemans Road, Bearii Vic 3641 <i>Property Owner:</i> Meran Grange Pty Ltd</p>	
Town Planning Scheme	<p><i>Council:</i> Moira Shire Council <i>Zones:</i> Farming Zone 1 <i>Overlays:</i> Land subject to Inundation Overlay and Environmental Significance Overlay (ESO2). <i>Use Definition:</i> Telecommunications facility</p>	
Applicable Planning Policies	Relevant State & Local Planning Policies	Complies
	SPPF – Clause 19.03-4 Telecommunications	Yes
	MSS – Clause 21.05 Objectives & Strategies	Yes
	LPPF – Clause 22 General Policies	Yes
Application	<p>Use and development of the land for the purposes of construction & operation of a Telecommunications Facility (Fixed Wireless facility)</p>	
Applicant	<p>NBN Co Limited (NBN Co) c/- Visionstream Locked Bag 3 Bentleigh East VIC 3165</p> <p>Contact: <u>Steven Bishop</u> 03 9575 1506 Our Ref: 3NAT-51-02-BEAR</p>	

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(GENERAL MANAGER
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**PLANNING PERMIT APPLICATION NO.5/2014/906 - TELECOMMUNICATION
FACILITY, 17 FREEMANS ROAD, BEARII (cont'd)**

ATTACHMENT No [2] - NBNC Co Planning Report

1 INTRODUCTION

NBN Co has engaged Ericsson as the equipment vendor and project manager to establish the infrastructure required to facilitate the fixed wireless component of the National Broadband Network (NBN). Ericsson has in turn engaged Visionstream to act on its behalf in relation to the establishment of the required fixed wireless network infrastructure.

The NBN is an upgrade to Australia's existing telecommunications network. It is designed to provide Australians with access to fast, affordable and reliable internet and landline phone services.

NBN Co plans to upgrade the existing telecommunications network in the most cost-efficient way using best-fit technology and taking into consideration existing infrastructure.

To support the Fixed Wireless component of this network, NBN Co requires a fixed wireless transmission site to provide fixed wireless internet coverage to Bearii.

An in-depth site selection process was undertaken in the area prior to confirming the site as the preferred location. This process matched potential candidates against four key factors, namely:

- Town planning considerations (such as zoning, surrounding land uses, environmental significance and visual impact);
- The ability of the site to provide acceptable coverage levels to the area;
- Construction feasibility; and
- The ability for NBN Co to secure a lease agreement with the landowner.

This application seeks planning consent for:

- a 40m lattice structure;
- radio transmission equipment; and
- ancillary equipment.

Located at 17 Freemans Road, Bearii Vic 3641, formally known as Crown Allot. 8 Sec. F Parish of Yalca.

This submission will provide assessment in respect of the relevant planning guidelines, and demonstrates site selection on the basis of:

- The site is designed so as to be appropriately located & sited so as to minimise visual impact on the immediate & surrounding area;
- The proposal is designed to comply with the Moira Planning Scheme;
- The site is designed to achieve the required coverage objectives for the area;
- The proposal is designed to operate within the regulatory framework of Commonwealth, State and Local Government; and
- The facility is designed to operate within all current and relevant standards and is regulated by the Australian Communications and Media Authority.

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3. DEVELOPMENT AND LIVEABILITY

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COORDINATOR, PETER STENHOUSE)
(GENERAL MANAGER
INFRASTRUCTURE, ANDREW CLOSE)

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2 BACKGROUND

2.1 NBN Co and the National Broadband Network

NBN Co is the organisation responsible for overseeing the upgrade of Australia's existing telecommunications network and for providing wholesale services to retail service providers. The NBN is designed to provide Australians with access to fast, affordable and reliable internet and landline phone services.

NBN Co plans to upgrade the existing telecommunications network in the most cost-efficient way using best-fit technology and taking into consideration existing infrastructure.

The NBN's fixed wireless network will use cellular technology to transmit signals to and from a small antenna fixed on the outside of a home or business, which is pointed directly towards the fixed wireless facility.

NBN Co's fixed wireless network is designed to offer service providers with wholesale access speeds of up to 25Mbps for downloads and 5Mbps for uploads¹.

2.2 What is Fixed Wireless and how is it different to Mobile Broadband?

The NBN's fixed wireless network, which uses advanced technology commonly referred to as LTE or 4G, is engineered to deliver services to a fixed number of premises within each coverage area. This means that the bandwidth per household is designed to be more consistent than mobile wireless, even in peak times of use.

Unlike a mobile wireless service where speeds can be affected by the number of people moving into and out of the area, the speed available in a fixed wireless network is designed to remain relatively steady.

2.3 The Fixed Wireless Network – Interdependencies

Although fixed wireless facilities are submitted to Council as standalone developments from a planning perspective, they are highly interdependent. Each fixed wireless facility is connected to another to form a chain of facilities that link back to the fibre network. This is called the 'transmission network'.

The transmission network requires line of sight from facility to facility until it reaches the fibre network. The fixed wireless network will remain unconnected without the transmission network and a break in this chain can have flow on effects to multiple communities.

A typical fixed wireless facility will include three antennas mounted above the surrounding area. Each antenna is designed to cover a set area to maximise signal strength.

¹ NBN Co is designing the NBN to provide these speeds to our wholesale customers, telephone and internet service providers. End user experience including the speeds actually achieved over the NBN depends on some factors outside NBN Co's control like equipment quality, software, broadband plans and how the end user's service provider designs its network.

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These network antennas communicate to a small antenna installed on the roof of each customer's home or business.

The proposed Fixed Wireless facility at Bearii is a transmission end site. It has been designed not only to provide fixed wireless internet services to surrounding premises, but is also designed so as to link back into the network through a wireless hub site.

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The character of the Fixed Wireless network is visually demonstrated through Figure 1 below.

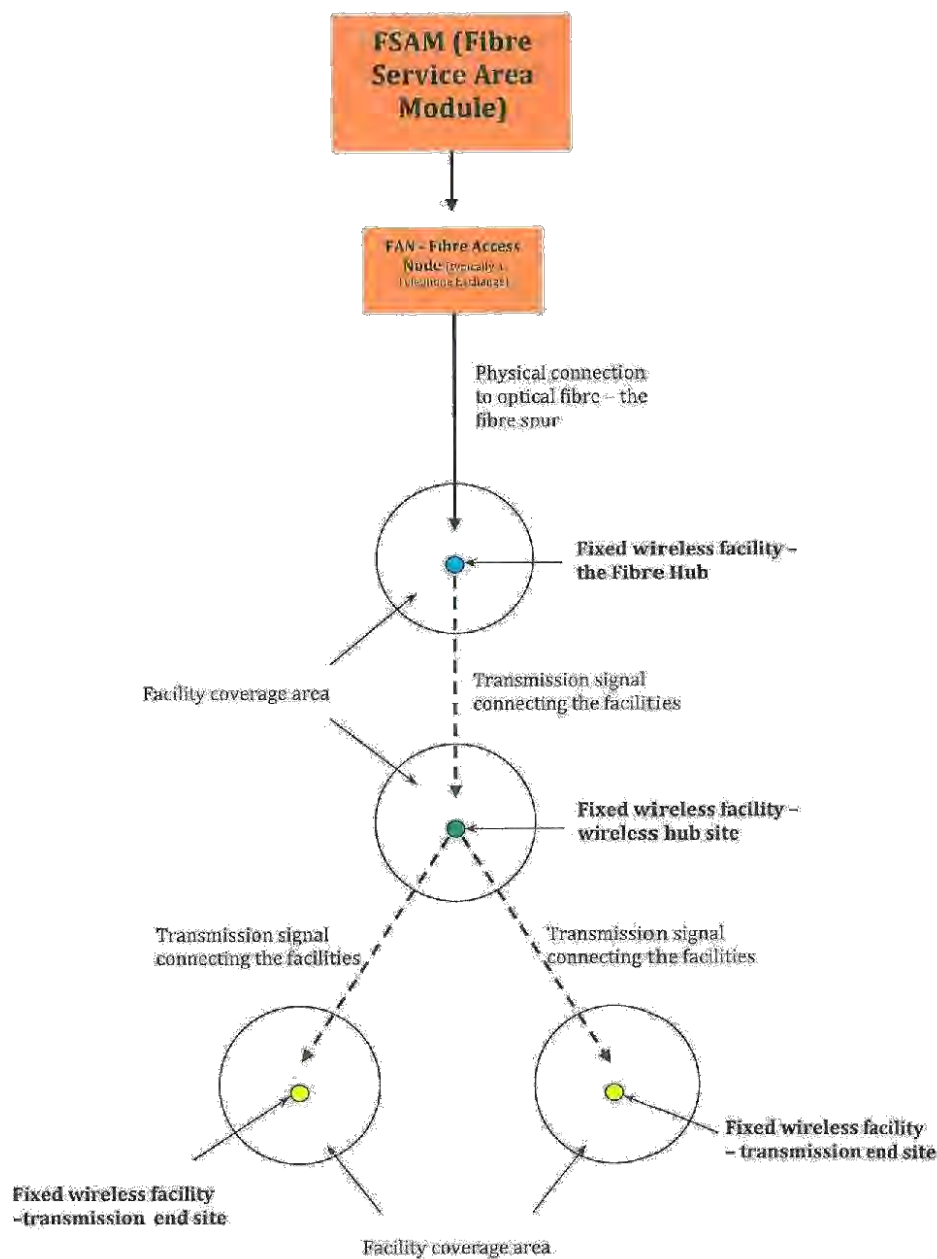


Figure 1: The fixed wireless network

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3 SITE SELECTION

Planning for a new fixed wireless broadband facility is a complex process. NBN Co conducts a rigorous multi-stage scoping process, as outlined below.

3.1 Identification of areas requiring Fixed Wireless coverage

NBN Co's Fixed Wireless locations are determined by a number of factors including the availability of both the NBN Co Fibre transit network and the availability of Point of Interconnect (POI) facilities to allow for the installation of NBN Co fibre equipment. NBN Co uses a number of methods to identify those parts of Australia that require Fixed Wireless coverage. When an area is identified as requiring Fixed Wireless coverage, investigations are undertaken to determine the measures required to provide this coverage.

NBN Co has identified a requirement to provide a Fixed Wireless facility to Bearii. The facility is designed to provide Fixed Wireless internet services to dwellings in the Bearii area and surrounds.

3.2 Site Selection Parameters

NBN Co generally identifies an area where the requirement for a Fixed Wireless facility would be highest, a "search area." A preliminary investigation of the area is then generally undertaken, in conjunction with planning and property consultants, radiofrequency engineers and designers in order to identify possible locations to establish a facility.

Generally speaking, new sites must be located within, or immediately adjacent to, the identified search area in order to be technically feasible. However, while the operational and geographical aspects of deploying new facilities are primary factors, there are also many other issues that influence network design, which have to be resolved in parallel.

Some of the issues that may be considered include visual amenity, potential co-location opportunities, the availability and suitability of land as well as a willing site provider, occupational health and safety, construction issues (including structural and loading feasibility and access for maintenance purposes), topographical constraints affecting network line of site, legislative policy constraints, environmental impacts, and cost implications.

The number, type and height of facilities required to complete the Fixed Wireless network are largely determined by the above operational, geographical and other factors discussed that influence final network design. These compounding factors often severely restrict the available search area within which a facility can be established to provide Fixed Wireless internet services to a local community.

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3.3 Candidate Sites

A number of candidate sites were examined within the search area, with regard to each site's ability to meet the coverage objectives and site considerations listed in Section 3.2 of this report. It should be noted that NBN Co has attempted to utilise where possible as a first preference, any existing infrastructure or co-location opportunities. In this instance, there were no co-location options available in the search area and therefore a Greenfield solution was the only option.

Figure 2 below provides details of the alternative sites examined.



Figure 2 – NBN Co Candidate Sites (from Google Earth)




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A summary of the candidates that were proposed is set out below, including a description of the opportunities and constraints that each site afforded.

Candidate	Address and Lot Number	Facility Type	Description
A	22 Kiernan Street, Bearii VIC, 3641 Lot 1 LP134388	New 40m lattice structure	 <p>This candidate was located near to the centre of the Bearii Township on agricultural land. The candidate was ultimately ruled out as a viable candidate on the basis that the site was too close to a greater number of residential dwellings than other candidates, and lacked screening opportunities from those nearby dwellings.</p>
B	17 Freemans Road, Bearii, VIC, 3641 Crown Allot. 8 Sec. F Parish of Valca	New 40 m lattice structure	 <p>This candidate is positioned to the west of the Bearii Township on flat farming land. There is some existing screening adjacent to the site, and there is existing established vegetation between the nearest residential dwellings and the proposed site.</p>
C	25 Mannions Road, Bearii, VIC, 3641 Lot 2 LP137469	New 40m lattice structure	 <p>The candidate is positioned very close to candidate B on the western side of the township, and therefore has similar merits. However, there is a lack of existing screening opportunities adjacent to the proposed site on this parcel of land, and therefore this candidate was discounted.</p>

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4 SUBJECT SITE & SURROUNDS

The telecommunications facility is proposed to be located at 17 Freemans Road, Bearii, VIC, 3641. The land is formally described as Crown Allot. 8 Sec. F Parish of Yalca.

The site is rectangular in shape and has a total area of approximately 64 hectares. Access to the property is granted via a gate from Freemans Road.



Figure 3 – Aerial Photo of subject site

The subject site is zoned Farming. The land is presently used for farming purposes.

The surrounding area consists of a mixture of farming and lifestyle properties, and small low-density residential dwellings. The nearest residential dwelling is approximately 110 metres to the north east. The areas to the west and south of the site are made up entirely of farming land.

The surrounding area predominantly consists of flat farming land with a mixture of cropped and grazing land.

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Figure 4 – Aerial Photo of subject site, illustrating surrounding context

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5 THE PROPOSAL

5.1 Facility and Equipment Details

5.1.1 Equipment to be Installed

Approval is sought for the development of a telecommunications facility, comprising a 40 metre high lattice structure and ancillary components enclosed within a secure compound which measures approximately 96m² in area.

The proposed structure will feature will accommodate three (3) x panel antennas measuring approximately 1077mm x 300mm x 115mm. One (1) parabolic dish antenna will also be installed at a height of approximately 37m with a diameter of 600mm.

Please refer to **Appendix 3 – Proposed Plans** for further details.

5.1.2 Access and Parking Details

The proposed NBN compound will be accessed from Freemans Road, via a newly built gate.

The facility and all ancillary components are proposed to be constructed over the one title. A copy of title is provided as **Appendix 1**. Plans indicating the details of the proposal form part of the documentation of this application. Additional photos of the site and proposed development plans are provided as **Appendices 2 & 3** respectively.



Figure 5 – Proposed location of the NBN Wireless Facility

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NBN Co considers the site access to be appropriate given the NBN Co facility will not be a significant generator of traffic. Once operational, the facility should require one annual maintenance visit, but would remain unattended at all other times. As the facility is expected to generate minimal trips per year, it is anticipated that traffic interference will be negligible.

During the construction phase, it is planned that a truck will be used to deliver the equipment and a crane will be utilised to lift most of the equipment into place. Any traffic impacts associated with construction are expected to be of a short-term duration and are not anticipated to adversely impact on the surrounding road network. In the unlikely event that road closure will be required, NBN Co will apply to the relevant authorities for permission.

A total construction period of approximately ten weeks (including Civil works and network integration and equipment commissioning) is anticipated. Construction activities will involve four basic stages:

- Stage 1 (Week 1) – Site preparation works, including field testing, excavation and construction of foundations;
- Stage 2 (Weeks 2, 3 and 4) – Construction of the mast;
- Stage 3 (Weeks 5 and 6) – Construction of the equipment shelter and fences;
- Stage 4 (Weeks 7 – 10) – Installation of antennas and radio equipment, as well as equipment testing.

Once operational, the facility is designed to function on a continuously unstaffed basis and will typically only require maintenance works once a year, for approximately one day per year.

5.1.3 Utility Service Details

The facility will be powered by an underground power cable connecting from an existing power pole, adjacent to the subject site. This will connect to the NBN equipment shelter.

5.1.4 Construction and Noise

Noise and vibration emissions associated with the proposed facility are expected to be limited to the construction phase outlined above. Noise generated during the construction phase is anticipated to be of short duration and accord with the standards outlined in the relevant EPA guidelines. Construction works are planned only to occur between the hours of 7.00am and 6.00pm.

There is expected to be some low level noise from the ongoing operation of air conditioning equipment associated with the equipment shelter, once installed. Noise emanating from the air conditioning equipment is expected to be at a comparable level to a domestic air conditioning installation, and should generally accord with the background noise levels prescribed by relevant guidelines.

5.2 Site Selection

The reasons for selecting this site are summarised as follows:

- The proposed site has been particularly targeted to provide the optimal required quality of service as required by NBN Co across the Moira Shire Council region;

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- The site provides screening opportunities, with existing established vegetation adjacent to the proposed location.



Figure 6— View to the north east from proposed facility location showing surrounding vegetation.

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6 CURRENT PLANNING CONTROLS

6.1 Commonwealth Legislation – The Telecommunications Act

Schedule 3 of the *Telecommunications Act 1997* (Cth) empowers carriers to install low-impact facilities without participating in the planning approval process. The *Telecommunications (Low Impact Facilities) Determination 1997* (Cth) defines which facilities are low-impact facilities.

As the proposed tower is not a low-impact facility, the Commonwealth power does not apply. As such, unless a State or Territory exemption applies, a planning permit is required.

6.2 State Legislation – Code of Practice for Telecommunications Facilities in Victoria

A *Code of Practice for Telecommunications Facilities in Victoria (July 2004)* (Code) is an incorporated document in all Planning Schemes in Victoria pursuant to Clause 81 of the Victorian Planning Provisions. The purpose of the Code is to:

- Set out the circumstances and requirements under which land may be developed for a telecommunications facility without the need for a planning permit.
- Set out principles for the design, siting, construction and operation of a telecommunications facility which a responsible authority must consider when deciding on an application for a planning permit.

It aims to:

- Ensure that telecommunications infrastructure and services are provided in an efficient and cost effective manner to meet community needs.
- Ensure the application of consistent provisions for telecommunications facilities.
- Encourage an effective statewide telecommunications network in a manner consistent with the economic, environmental and social objectives of planning in Victoria as set out in Section 4 of the *Planning and Environment Act 1987* (Vic).
- Encourage the provision of telecommunications facilities with minimal impact on the amenity of the area.

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6.3 State Planning Policy Framework

The State Planning Policy Framework (SPPF) must be considered when determining a permit application.

Clause 19.03-4 of the SPPF is specific to 'Telecommunications' and states the objective, strategies and policy guidelines in relation to such developments. The specific objective for telecommunications is to *facilitate the orderly development, extension and maintenance of telecommunication infrastructure.*

Clause 19.03-4 lists a number of strategies on how this objective can be implemented. In particular it is stated that a Planning Scheme should *not prohibit the use of land for a telecommunications facility in any zone.*

Generally the clause seeks to recognise that telecommunications is an essential aspect of all modern life, to ensure no adverse impacts upon the environment relating from telecommunications facilities and to reflect the implications of the Commonwealth and State legislation specific to telecommunications facilities.

6.4 The Municipal Strategic Statement

The Moira Planning Scheme includes Council's *Municipal Strategic Statement (MSS)*, which forms part of the Local Planning Policy Framework (LPPF) and is intended to guide future development within the municipality. Like the SPPF, the LPPF is a relevant consideration in determining any permit application.

The MSS notes that 'The Moira Shire Council Community Plan (2001/2 to 2003/4) provides a strong understanding of the key physical and strategic issues that face Moira in fostering its future growth and development. The Shire must respond to these challenges in its land use planning strategies if the continued growth and prosperity of the municipality is to be realised into the 21st century.

Council has identified in its Community Plan that its visions are underpinned by the following (as relevant):

- Employment opportunities in Moira will be dominated by the agricultural, industrial and tourism resources of the municipality.
- Economic sustainability of primary production will be dependent upon effective management of agricultural resources, which can respond quickly to change in the market demand;
- Economic growth of the Shire is based on its natural assets, raw and value-added agriculture, tourism, recreation, retirement and small business development combined with access to new technology.
- Effective provision of all social, economic and community services and functions to the community which will require planned integration and to maximise effective use of new and existing social and physical infrastructure.

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Clauses 21.03 (Environment), 21.04 (Settlement) and 21.05 (Economic Development) of the MSS expand upon these issues. These Clauses form the basis of future decision making, in association with the principles outlined in its Community Plan, in order to address the following major challenges which will continue to influence future planning and development of the municipality:

- (a) Protection of and enhancement of Key Industries;
- (b) Protection of Natural Attributes;
- (c) Sustainable Management of Natural Resources;
- (d) Flood Mitigation;
- (e) Infrastructure Development;
- (f) Integrated Land Management;
- (g) Employment Creation;

Clause 21.05 Economic Development

The policy basis for Clause 22.05 of the Moira Planning Scheme identifies the future key issues and challenges facing the Shire relating to economic development. As relevant the key planning issues and challenges includes (as relevant) the following:

- Encouraging the on-going development of the Shire's primary production output;
- Facilitating the expansion of the Shire's value adding processing industries; and
- Enhancing the growth, development and diversification of the Shire's tourism industry while ensuring the long-term protection and viability of the Shire's natural assets.

The policies that are relevant to this application are:

- To ensure that agriculture is and remains the major economic driver in the region.
- To facilitate growth of new agricultural investment.
- To encourage the growth of the tourism industry throughout the municipality.
- To provide for growth in the rural based tourism that complements existing agricultural production.
- To facilitate the growth of new and innovative business activities that add value to existing primary production activities, build on the infrastructure of the Shire, and promote responsible environmental management through "clean and green" image.

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6.5 Zoning

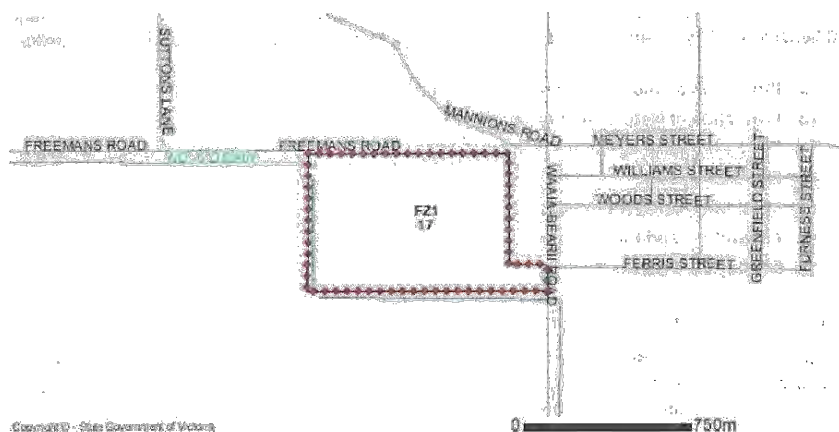


Figure 7 – Zoning Map

The site is located within the Farming Zone 1 (FZ1), pursuant to Clause 35.07 of the Moira Planning Scheme. As far as relevant to this application the purpose of this zone is:

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- To provide for the use of land for agriculture.
- To encourage the retention of productive agriculture land.
- To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.
- To encourage the retention of employment and population to support rural communities.
- To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.

Pursuant to Clause 32.05-1 a Telecommunications Facility is a 'Section 1' use (permit not required) and is specified as any use under Clause 62.01 on the condition that buildings and works meet the requirements of Clause 52.19 (Refer to Section 6.8 below).

In this instance a planning permit is required for the use and buildings and works associated with the erection of a telecommunications facility pursuant to Clause 62.01 and 52.19 respectively.

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6.6 Overlays

There are two overlays affecting the site including the below:

- Environmental Significance Overlay – Schedule 2 (ESO2)
- Land Subject To Inundation – (LSIO)

Pursuant to Clause 42.01 of the Moira Planning Scheme the purpose of the ESO is:

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

Having regard to the permit requirements specified within the Clause 42.01-2 the buildings and works as proposed are not exempt from the list of uses, and therefore a planning permit is required for buildings and works associated with the erection of a telecommunications facility.

The site is affected by the Land Subject to Inundation Overlay pursuant to Clause 44.04 of the Moira Planning Scheme. As far as relevant to this application the purpose of this zone is:

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- To identify land in a flood storage or flood fringe area affected by the 1 in 100 year flood or any other area determined by the floodplain management authority.
- To ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, is compatible with the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity.
- To reflect any declaration made under Division 4 of Part 10 of the Water Act 1989, where a declaration has been made.
- To protect water quality in accordance with the provisions of the relevant State Environment Protection Policies, particularly in accordance with Clauses 33 and 35 of the State Environment Protection Policy (Waters of Victoria).
- To ensure that development maintains or improves river and wetland health, waterway protection and flood plain health.

Under the provisions of Clause 44.04-1 of the Moira Planning Scheme, a planning permit is required to construct a building or to construct or carry out works. In this instance, a planning permit is required for buildings and works associated with the erection of a telecommunications facility.

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6.7 Particular Provisions

Clause 52.19 of the Planning Scheme provides for development and use of all land for the purpose of 'telecommunications facilities'. This land use is defined as:

Land used to accommodate any part of the infrastructure of a Telecommunications network. It includes any telecommunications line, equipment, apparatus, telecommunications tower, mast, antenna, tunnel, duct, hole, pit, pole, or other structure or thing used, or for use in or in connection with a Telecommunications network.

Clause 52.19-5 of the Planning Scheme lists the information to be submitted with any application. The required information includes a site analysis and design response explaining how the proposed facility addresses the principles of design, siting, construction and operation of telecommunications facility, as contained in the Code of Practice.

The purpose of Clause 52.19 is generally to ensure infrastructure and services are provided in an efficient and cost effective manner, encourage an effective statewide telecommunications network, and encourage the provision of telecommunications facility with minimal impact on the amenity of the area.

Before deciding on a permit application under clause 52.19, Council must consider:

- The decision guidelines under clause 65 of the Planning Scheme;
- The principles for the design, siting, construction and operation of a Telecommunications facility set out in A Code of Practice for Telecommunications Facilities in Victoria.
- The effect of the proposal on adjacent land.
- If the Telecommunications facility is located in an Environmental Significance Overlay, a Vegetation Protection Overlay, a Significant Landscape Overlay, a Heritage Overlay, a Design and Development Overlay or an Erosion Management Overlay, the decision guidelines in those overlays and the schedules to those overlays.

Information to be submitted with the application under Clause 52.19-5 of the Planning Scheme has been addressed in this submission or attached to this application.

6.8 General Provisions (Referrals)

Clause 66 of the Planning Scheme requires the Responsible Authority to refer specific applications to nominated referral authorities in accordance with Section 55 of the Planning and Environment Act 1987.

No referrals are considered to be required in this instance.

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7 PLANNING CONSIDERATIONS

7.1 Design Response

The principles contained within the Code specifically relate to the issues of design, siting, construction and operation of telecommunications facilities. These principles are the basis for the content of any design response, as required by Clause 52.19-5 of the Planning Scheme.

Principle 1

A Telecommunications Facility should be sited to minimise visual impact.

The proposal involves the erection of a new facility incorporating a 40 metre high lattice tower and associated equipment at ground level. By using this structure it is expected that as the form is visually permeable, and set within a rural area, the bulk will be minimised.

One of the many factors that are considered by NBN Co in determining their preferred sites for NBN wireless facilities is the amenity of the surrounding area.

The proposed tower is sited on flat farmland. Due to the topography the proposed facility will be visible from the surrounding area. However, with the site being located amongst existing vegetation, there will be screening opportunities from certain vantage points. Furthermore it has to be appreciated that facilities of this nature are necessarily visible as they need to be tall enough (and consequently visible) to serve their purpose of providing coverage into the local area.

As such, NBN Co considers that the proposed new facility will have minimal visual impact on the existing landscape setting as seen by local residents and people passing through the area.

In summary:

- The subject site is located some distance from major residential developments and community sensitive land uses;
- The facility is designed so as not to compromise any significant views or places of significance or local landmarks; and
- The height and design of the proposed tower is considered to be the minimum required to achieve reasonable Radio Frequency (RF) objectives.

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3. DEVELOPMENT AND LIVEABILITY

ITEM NO: 9.2.3
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COORDINATOR, PETER STENHOUSE)
(GENERAL MANAGER
INFRASTRUCTURE, ANDREW CLOSE)

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ATTACHMENT No [2] - NBNC Co Planning Report

Principle 2	<i>A Telecommunications Facility should be colocated wherever possible.</i>
<p>NBN Co aims to investigate all possible colocation opportunities when selecting a site.</p> <p>NBN Co investigates all possible colocation opportunities when selecting a site. As discussed under part 3.3 of this report there are no co-location opportunities within the local search area. Therefore, the option to co-locate had to be discounted.</p> <p>As such, a new structure is required to be constructed to provide coverage for the NBN fixed wireless service.</p> <p>The location of the proposed facility should effectively meet the coverage requirements for the NBN Co to deliver wireless broadband services to the Bearii area.</p>	
Principle 3	<i>Health standards for exposure to radio emissions will be met.</i>
<p>The proposal will be designed and is intended to be installed to satisfy the requirements contained within <i>Radiation Protection Standard – Maximum Exposure Levels to Radiofrequency Fields – 3kHz to 300 GHz, ARPANSA, May 2002 (Standard)</i>.</p> <p>An EME report has been produced for the Telecommunications Facility and is attached as Appendix 4. As explained in section 8.7.1 below, the report shows that the proposed facility complies with the Standard, with the maximum predicted EME equating to 0.092% of the maximum exposure limit. This is substantially less than 1% of the maximum allowable exposure limit (where 100% of the limit is still considered to be safe).</p>	

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Principle 4	<i>Disturbance and risk relating to siting and construction should be minimised. Construction activity and site location should comply with State environment protection policies and best practice environmental management guidelines.</i>
<p>The site already comprises a highly modified environment. Any further disturbance to the existing property is expected to be minimal and limited to the compound area and access track extension following completion of the construction activities.</p> <p>The construction area and overall compound area of the facility is designed to have minimal disturbance to the environmental characteristics of the site. The installation of the proposed facility can be undertaken at any time and is not anticipated to affect the use of the site or the surrounding area due to the accessibility of the site.</p> <p>Construction of the facility is designed to be carried out in accordance with relevant Occupational Health and Safety Guidelines. NBN Co intends to reinstate any damage to the existing property to the standard that existed prior to the facility being installed.</p> <p>NBN Co considers that construction of the facility is unlikely to cause any disruption to adjoining properties or public access areas. Due care will be taken to ensure construction is undertaken at times least likely to cause disturbance.</p>	

7.2 Zoning

As the proposed NBN Co facility at Bearii is not classified as a 'low impact facility' under the *Telecommunications (Low Impact) Facilities Determination 1997*, a permit is required for the building and works of the proposed facility under the Farming Zone.

Pursuant to the Decision Guidelines of the Farming Zone, the responsible authority must consider if the proposed use or development is compatible with adjoining and nearby land uses.

As previously mentioned, the proposed NBN Co facility is considered visually compatible with the landscape qualities of the site and surrounds. The proposal is also consistent with the environmental qualities of the site, as it minimizes vegetation removal.

Furthermore, the proposed 96m² NBN compound will cover only a minor proportion of the overall site. As such the proposal will not impact the predominant use of the site, or affect the future use of the property.

It is for these reasons that the proposal to use the site for a telecommunications facility is considered compliant with the Farming Zone 1.

7.3 Overlays

A planning permit is required to construct a building or to construct or carry out works in an area affected by the Land Subject to Inundation Overlay, including for building and works associated with a telecommunications facility. An application must be referred to the relevant floodplain management authority under Section 55 of the Planning and Environment Act 1987.

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The design of the NBN ancillary equipment shelter is to be placed upon a raised concrete slab. Further, all work will be undertaken with the appropriate sediment controls to ensure the quality of water within the surrounding waterways is not negatively impacted (refer to 7.9 below).

A planning permit is required to construct a building or to construct or carry out works in an area affected by Environmental Significance Overlay, including for building and works associated with a telecommunications facility. This specific overlay focuses on the Murray River Corridor and its environmental quality, of which the proposed facility will not affect. The works involved will have very minimal impact on vegetation and the environment surrounding the proposed site. Only a small amount of grass and weeds will need to be removed to make way for the access and compound area.

7.4 The SPPF

The proposed facility is consistent with the SPPF as it is an essential part of the rollout of the NBN which will enable modern telecommunications facilities to be widely accessible to business, industry and the community. In addition, as explained above, the facility has been sited so as to minimize its impact on the surrounding environs. It is therefore considered compliant with the SPPF.

7.5 The Municipal Strategic Statement

The public infrastructure provided through the NBN Co facility is required to facilitate fixed wireless coverage for the Bearii area and surrounds. NBN Co believes an important telecommunications facility will be established, benefiting the community as a whole. An investment of this type in the local community could provide enormous benefits for the wider community and enable improvements in service delivery and productivity in a number of areas such as health, education and financial services to name a few.

The availability of high speed internet could facilitate services such as the transfer of medical images, the holding of remote consultations by doctors and the provision of distance training for medical professionals. These services also have the potential to allow people to stay in their homes longer by providing improved access to medical professionals, or medical monitoring services.²

The introduction of the NBN within the community will allow for access to information and services which have the potential to provide a richer and more diverse experience for the end user.

NBN Co considers that the proposal is therefore consistent with the objectives of the Moira Planning Scheme for the provision of services and infrastructure within the municipality to meet the demands of the local population, and tourists to the region.

7.6 Particular Provisions

Clause 52.19 of the Planning Scheme provides for development and use of all land for the purpose of telecommunications facilities. The clause is applicable for construction of or carrying out works:

² End user experience including the speeds actually achieved over the NBN depends on some factors outside NBN Co's control like the end user's equipment quality, software, broadband plans and how the end user's service provider designs its network.

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associated with a telecommunications facility as permitted under the Telecommunications Act 1997 and other legislation.

Clause 52.19-5 of the Planning Scheme lists the information to be submitted with any application. The required information includes a site analysis and design response explaining how the proposed facility addresses the principles of design, siting, construction and operation as contained in the Code of Practice.

The stated purpose of Clause 52.19 is generally to ensure infrastructure and services are provided in an efficient and cost effective manner, in an orderly manner throughout the state and with minimal impact upon the environment.

Other Environmental Constraints and Opportunities

7.7 Heritage

In order to determine any possible natural or cultural values of state or national significance associated with the site, a search was conducted through the relevant Heritage Registers. There are no known items of cultural, historical or environmental heritage significance located in the vicinity of the proposal site.

As the proposal is not a 'high impact activity' under the *Aboriginal Heritage Regulations 2007* (Vic), a Cultural Heritage Management Plan (CHMP) is not required.

7.8 Electrical Interference and Grounding of the Facility

The NBN fixed wireless network is licensed by the Australian Communications and Media Authority (ACMA) for the exclusive use of the OFDMA2300 frequency band. As NBN Co is the exclusive licensee of this sub-band, emissions from NBN Co equipment within the frequency band should not cause interference.

Filters will also help to ensure that each facility meets the ACMA specifications for emission of spurious signals outside the NBN Co frequency allocations. NBN Co intends to promptly investigate any interference issues that are reported.

The facility is also designed to be grounded to the relevant Australian Standards – that is, the facility will be 'earthed'.

7.9 Erosion, Sedimentation Control and Waste Management

All erosion and sediment control mitigation measures will be detailed in construction plans and will be designed to comply with the Building Code of Australia and local Council standards. In addition, NBN Co's contractors will be informed that they must comply with the 'NBN Construction Specification' that requires contractors to undertake the necessary erosion and sediment control measures in order to protect the surrounding environment. On completion of the installation, NBN Co intends to restore and reinstate the site to an appropriate standard. No waste which requires collection or disposal should be generated by the operation of the facility.

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7.10 Flora and Fauna Study

In order to determine any possible natural Flora and Fauna significance associated with the site, a search was conducted through the relevant environmental searches. NBN Co was not able to identify any known items of Flora and Fauna significance located in the vicinity of the proposal site.

7.11 Endangered Species

In order to determine any possible Endangered Species associated with the site, a search was conducted through the relevant environmental searches. NBN Co was not able to identify known Endangered Species located in the vicinity of the proposal site.

7.12 Social and Economic Impacts

Access to fast internet is an essential service in modern society. Initially, small to medium business customers accounted for a significant part of the demand for broadband technology, but internet services have now been embraced by the general public. Usage of internet services continues to widen as new technologies become progressively more affordable and accessible for the wider community.

The proposed development should provide significantly enhanced fixed wireless internet coverage to the locality of Bearil. This is expected to be of particular benefit for residential dwellings in the locality.

The new NBN is designed to provide the community with access to fast and reliable internet services. A reliable internet service is important to help promote the economic growth of communities, and the facility is anticipated to have significant social and economic benefits for the local community.

7.13 Public Safety

7.13.1 Radiofrequency Emissions

In relation to public safety and specifically Electromagnetic Emissions (EME) and public health, NBN Co operates within the operational standards set by the Australian Communication and Media Authority (ACMA) and Australian Radiation Protection and Nuclear Safety Agency (ARPANSA). ARPANSA is a Federal Government agency incorporated under the Health and Ageing portfolio and is charged with the responsibility for protecting the health and safety of both people and the environment from the harmful effects of radiation (ionising and non-ionising).

All NBN Co installations are designed and certified by qualified professionals in accordance with all relevant Australian Standards. This helps to ensure that the NBN Co facility does not result in any increase in the level of risk to the public.

This facility is to be operated in compliance with the mandatory standard for human exposure to EME – currently the Radio communications (Electromagnetic Radiation Human Exposure) Standard 2003. The EME Report associated with this site is attached in Appendix 4. The report shows that the maximum predicted EME will equate to 0.092% of the maximum exposure limit. This is substantially less than 1% of the maximum allowable exposure limit (where 100% of the limit is still considered to be safe).

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Moreover, all NBN Co equipment has the following features, all of which help to minimise the amounts of energy used and emitted:

- Dynamic/Adaptive Power Control is a network feature that automatically adjusts the power and hence minimises EME from the facility.
- Varying the facility's transmit power to the minimal required level, minimising EME from the network, and
- Discontinuous transmission, a feature that reduces EME emissions by automatically switching the transmitter off when no data is being sent.

7.13.2 Access

The proposed facility will have restrictions aimed at preventing public access, including a secured compound fence with a locked gate and warning signs placed around the facility.

7.14 The Public Interest and the Benefits of Telecommunications

The proposed NBN Co facility is expected to have significant benefit for residents in the Bearii area. NBN Co believes that the public interest would be served by approval of the proposal, given benefits for enhanced internet coverage in the area. The facility is expected to have benefits for local residents and businesses within the district.

7.14.1 Other Benefits of Reliable Broadband Services

There are numerous other benefits of telecommunications connectivity, as follows³:

- There are many potential educational benefits justifying the implementation of the NBN. Curriculum and data sharing, increased availability and accessibility of research materials, and virtual classroom environments are good examples. Such elements are particularly beneficial within a tertiary education context.
- Businesses can, through internet usage, increase efficiency through time, resource and monetary savings. Improved internet services effectively remove physical distance and travel time as a barrier to business.
- Improvements to internet services may also be of benefit for local employees, by enabling telecommuting and home business. The telecommuting trend is heavily reliant on access to fast internet services, and is anticipated to continually increase in popularity.

The public benefits of access to fast internet have been widely acknowledged for many years. Reliable internet access is now more than ever an integral component of daily life, so much so that its absence is considered a social disadvantage.

³ End user experience including the speeds actually achieved over the NBN depends on some factors outside NBN Co's control, like the end user's equipment quality, software, broadband plans and how the end user's service providers designs its network.

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8 CONCLUSION

NBN Co considers that the proposed facility, comprising a 40 metre high lattice structure with attached antennas and equipment shelter has been sited in the most appropriate location whilst ensuring adequate coverage is achieved.

The facility has been strategically sited and designed to minimise visibility within the surrounding environment as much as practicable. In this regard NBN Co considers that the proposal satisfies the requirements of the Code, whilst also addressing coverage deficiencies within the local area.

NBN Co considers that the proposal is also consistent with the stated objectives of the Moira Planning Scheme and, in particular, Clause 52.19 relating to telecommunications facilities. It is considered that the proposal will provide an important community benefit to Bearii by providing coordinated and open access shared communication infrastructure, and therefore greatly improved fixed wireless internet coverage within the local area.

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**PLANNING PERMIT APPLICATION NO.5/2014/906 - TELECOMMUNICATION
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ATTACHMENT No [3] - Response to objectors letter

Our Ref: Bearii
Your reference: 5/2014/906

16 January 2015

Mr Peter Stenhouse
Moirā Shire Council
PO Box 578
Cobram
VIC 3643

Dear Peter,

**Planning Permit Application for a Proposed Fixed Wireless NBN (Telecommunications) Facility, 17
Freemans Road, Bearii, VIC.**

Thank you for providing Visionstream with correspondence regarding the above planning permit application, setting out the objections received for the proposed telecommunications facility. Having now reviewed the letters of support, objections and petitions, a detailed response to the issues raised is set out below.

Whilst this assessment addresses the potential options regarding moving the proposed site, we would like to express that we would be open to further consultation on an ideal location from Council's viewpoint, prior to any council meetings held to decide on this application.

LETTERS OF SUPPORT:

The letters opposing the proposed facility were received alongside letters of support for the proposal. Of particular note from one of the letters of support, was that the person had signed a petition against the proposal "just to be neighbourly", and also noted that the person seeking signatures for the petition in fact lived quite far from the proposal.

Also of concern was the current broadband service which was deemed inadequate and by not improving services would leave Bearii lagging behind other towns in the region, in terms of access to the internet and consequently communication options and services.

The State Planning Policy Framework makes it clear that the best telecommunications outcome is an important objective of the framework, and the letters of support highlight this.

ALTERNATIVE SITES:

A number of alternative sites have been explored both prior to lodging the planning permit application and since receiving information about objections and the petition from local residents. Figure 1, below, illustrates the location of the alternative candidates and the specific search area explored by NBN Co and its project partners.

With regards to shifting the current proposed site, this was explored thoroughly, however a viable alternative solution could not be found. By moving the site further west, the location would move towards an alternative candidate, which is deemed less appropriate given its exposure to the neighbours to the north who have objected. Any further west from this point will take the facility outside of the search area and therefore coverage provisions will be reduced to the eastern side of Bearii.



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Issues with moving the site to the south or east within the same parcel are explained below as candidates A and F.

- A- Same landowner is the same as that of the land parcel that forms the current application with council. This location south of the current proposal was avoided because it is located in the middle of a large agricultural land parcel and the landowner does not want to fragment the land and disrupt agricultural productivity.
- B- Location considered highly sensitive, a high planning risk associated with proximity to residential dwellings with limited vegetation screening.
- C- Insufficient radio frequency coverage due to its southern location and slightly lower altitude.
- D- Discussion with the landowner was unsuccessful and therefore no agreement could be reached.
- E- Insufficient radio frequency coverage due to its northern location.
- F- Same land owner as chosen candidate. Location not preferred due to heightened planning risk associated with proximity to neighbouring residential dwellings and location at town entrance. Candidate H preferred.
- G- Selected candidate – will provide ideal coverage for the town and is separated from the most densely populated areas part of town.
- H- Very similar to chosen candidate, though is more exposed due to lack of existing vegetation, and slightly higher planning risk exposure associated with proximity to residential dwellings to the north.



Figure 1: Map showing alternative candidates list.



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EME CONCERNS:

The proposed telecommunications tower will transmit radio waves that will be received by small rooftop antennas at homes and business premises in the local area. Radio waves, which emit electromagnetic energy (EME), have been in common use since the commencement of radio broadcasting over 100 years ago. Current sources of radio wave signals in the environment include television signals, AM and FM radio signals, mobile phones and emergency service communications.

Each radio wave is transmitted within a frequency band, which are allocated and strictly enforced by the Australian Communications and Media Authority (ACMA). The NBN Fixed Wireless will operate within the 2.3GHz band, and is bound by law not to emit any signal outside of its licensed frequency band.

In reference to the potential health impacts of EME, telecommunications facilities are statutorily required to operate in compliance with strict scientifically based limits, which are recognised as providing appropriate protection for all members of the community. NBN Co relies on the expert advice of scientific bodies such as the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) and the World Health Organisation (WHO).

In Australia, all telecommunications facilities are regulated ACMA, which has strict regulatory requirements with respect to EME exposure. ACMA has set mandatory limits for Radio Frequency (RF) EME exposure for all devices that produce radiofrequency signals. NBN Fixed Wireless facilities are included in these mandatory limits, as are AM and FM radio, TV broadcast, emergency services radio and mobile phone towers.

ARPANSA, an Australian Government agency, has established the Radiation Protection Standard that is based on scientific research and shows the levels at which harmful effects occur and sets limits, based on international guidelines, well below these harmful levels.

A site specific EME report has been conducted for the proposed fixed wireless facility at Francis Road, and the maximum predicted level of EME at ground level at and surrounding the proposed tower site will be less than 0.092% of the maximum allowable level set by ARPANSA. This is more than 1000 times below the allowable levels. A copy of this report is included as an attachment to this letter.

PROPERTY VALUES:

Property values may increase or decrease for a variety of reasons. However, NBN is not aware of any credible evidence to suggest that the installation of a telecommunication facility in the vicinity of a neighbouring property would influence property values. Furthermore, State government legislation prevents property values from being considered as part of the assessment of a planning permit application.



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VISUAL IMPACT:

The proposed facility is 40 metres in height, and is a lattice design. The lattice design allows for greater visual permeability, with the backdrop colour from most angles able to be seen, whether that may be the sky or nearby vegetation. The proposed site was selected as it offers a location within the Farming Zone, away from the centre of the township of Bearil. The nature of the technology requires the facility to be visible and clear of obstructions, however the design is such that moving away from the facility the visibility reduces significantly. Some of the objections received that pointed to visual impact as a concern, were received from residents in Mannions Road which is to the North of the site. These properties are the closest properties to the proposed facility, however, the existing landscaping and presence of vegetation between these homes and the proposed facility will greatly aid in reducing the overall visual impact.

The heights of the existing vegetation along Mannions Road are varied, but in many cases reach up to 20 metres, therefore creating a considerable screening opportunity from houses along Mannions Road. Figures 1, 2 and 3 below, show the presence of vegetation, and its dominance of the landscape and skyline from Mannions Road. Having regard to the distance and intervening vegetation between nearby residential properties, it is considered that the proposal will have a limited visual impact on the landscape setting of the Bearil area.



Figure 1: Photo taken from 100 metres north of the proposed site showing the tower's approximate location and presence of vegetation.



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Figure 2: Photo taken from a location approximately 150 metres south of Mannions Road showing the vegetation along Mannions Road.



Figure 3: Photo taken from Mannions Road metres approximately 300 metres north east of the proposed site showing presence of vegetation as a dominant foreground feature.



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BUSHFIRE RISK:

There is concern about the effect of lightning strikes in the area, and the tower's impact on the usual outcomes of lightning strikes. All NBN Co wireless base station towers have a Lightning Risk Assessment under the relevant Australian Standard. The towers and monopoles are then earthed in accordance with the Australian Standard. Earthing draws any lightning strike underground away from combustible material. It is submitted that contrary to being a risk factor for electrical malfunctions for local residents, the proposed monopole in this case could reduce the risk of lightning strike causing electrical issues, by attracting the strike and earthing it to the ground beneath the tower, as opposed to residential dwellings nearby. The need to protect against the effects of a lightning strike or lightning induced transients is addressed and requires low "surge impedance" to earth which in turn requires particular attention to wiring methods, e.g., conductors must be of adequate cross sectional area and provide as short and direct a path to earth as possible.

FAUNA THREAT:

The site is situated on farming zoned land and there are no overlays that identify the area as having significance in terms of the flora and fauna. With respect to the risk to wildlife, there is no substantiated evidence that the facility will have a tangible impact on the safety of wildlife.

Visionstream conducted searches of commonwealth environmental databases to determine the likelihood of any endangered species being impacted by the proposed facility. The search indicated that a number of threatened species may occur within the region, although none were specifically identified within the vicinity of the site. This indicates that these species may be present in the area on occasions, however the facility is unlikely to have a significant impact on any of these species, particularly given that the take up of land will only be 96 square metres.

LOW TAKE UP OF SERVICE/LACK OF NEED:

The NBN is a high speed broadband network that is intended to utilise a combination of technologies including fixed line, fixed wireless and satellite technology to offer advanced broadband services to premises across Australia. As part of the progressive roll out, these improvements to broadband services will ultimately deliver benefits to various areas such as business, education, entertainment and health. Some areas are currently serviced by ADSL, however the speed and consistency of this can vary significantly with distance from the exchange, as has been expressed by some of the letters of support for this facility. The Fixed Wireless element of the NBN network will provide a consistent speed as it is engineered to meet the speed and service requirements for a known number of users in the coverage area. In excess of 90% of Australian premises will be connected to the NBN by fixed line, however the size of the Country makes the cost of providing fixed line to all premises at this stage prohibitive. Fixed wireless and satellite technology are therefore necessary to connect those premises in smaller towns in regional and remote parts of Australia.

Although the application for a planning permit at 17 Freemans Road is being considered as a stand-alone development from a planning perspective, from a technical perspective, the technology is highly interdependent – connected to other adjoining infrastructure to form a daisy chain of facilities that link back to the fibre network via a series of radio transmission dishes. A break in this chain of transmission interdependencies can have flow on effects to multiple communities, cutting them off from access to wireless broadband services.



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In conclusion, we note that the Victorian State Planning Policy Framework makes it clear that the best telecommunications outcome is an important objective of the framework, and any qualification of that outcome must be based on compelling environmental values. We do not consider that the submissions received by Council present a compelling case that the proposed facility will have an unreasonable impact.

I hope this information will enable the Council to be fully informed when it decides the application. Should you require any further information please do not hesitate to contact me on 03 9575 1506 or email at steven.bishop@visionstream.com.au.

Yours Sincerely,



Steven Bishop
Environmental Planner

Visionstream on behalf of
NBN Co Limited



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FILE NO: 5/2014/906
3. DEVELOPMENT AND LIVEABILITY

ITEM NO: 9.2.3
(STATUTORY PLANNING
COORDINATOR, PETER STENHOUSE)
(GENERAL MANAGER
INFRASTRUCTURE, ANDREW CLOSE)

**PLANNING PERMIT APPLICATION NO.5/2014/906 - TELECOMMUNICATION
FACILITY, 17 FREEMANS ROAD, BEARII (cont'd)**

ATTACHMENT No [4] - Environmental EME Report



Environmental EME Report
Bearii 17 Freemans Road, BEARII VIC 3641

This report provides a summary of Calculated RF EME Levels around the wireless base station

Date: 3/11/2014 RFNSA Site No. 3641004

Introduction

The purpose of this report is to provide calculations of EME levels from the existing facilities at the site and any proposed additional facilities.

This report provides a summary of levels of radiofrequency (RF) electromagnetic energy (EME) around the wireless base station at Bearii 17 Freemans Road BEARII VIC 3641. These levels have been calculated by Ericsson using methodology developed by the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA).

The maximum EME level calculated for the proposed systems at this site is 0.092% of the public exposure limit.

The ARPANSA Standard

ARPANSA, an Australian Government agency in the Health and Ageing portfolio, has established a Radiation Protection Standard specifying limits for general public exposure to RF transmissions at frequencies used by wireless base stations. The Australian Communications and Media Authority (ACMA) mandates the exposure limits of the ARPANSA Standard.

How the EME is calculated in this report

The procedure used for these calculations is documented in the ARPANSA Technical Report "Radio Frequency EME Exposure Levels - Prediction Methodologies" which is available at <http://www.arpansa.gov.au>.

RF EME values are calculated at 1.5m above ground at various distances from the base station, assuming level ground.

The estimate is based on worst-case scenario, including:

- wireless base station transmitters for mobile and broadband data operating at maximum power
- simultaneous telephone calls and data transmission
- an unobstructed line of sight view to the antennas.

In practice, exposures are usually lower because:

- the presence of buildings, trees and other features of the environment reduces signal strength
- the base station automatically adjusts transmit power to the minimum required.

Maximum EME levels are estimated in 360° circular bands out to 500m from the base station.

These levels are cumulative and take into account emissions from all mobile phone antennas at this site.

The EME levels are presented in three different units:

- volts per metre (V/m) – the electric field component of the RF wave
- milliwatts per square metre (mW/m²) – the power density (or rate of flow of RF energy per unit area)
- percentage (%) of the ARPANSA Standard public exposure limit (the public exposure limit = 100%).

Results

The maximum EME level calculated for the proposed systems at this site is 1.87 V/m, equivalent to 9.23 mW/m² or 0.092% of the public exposure limit.

Environmental EME report (v1) 13, Feb 2014Produced with RF-Map 2.0 (Build 1.16) NAD (v1.0.61631.25342)

FILE NO: 5/2014/906
3. DEVELOPMENT AND LIVEABILITY

ITEM NO: 9.2.3
(STATUTORY PLANNING
COORDINATOR, PETER STENHOUSE)
(GENERAL MANAGER
INFRASTRUCTURE, ANDREW CLOSE)

**PLANNING PERMIT APPLICATION NO.5/2014/906 - TELECOMMUNICATION
FACILITY, 17 FREEMANS ROAD, BEARII (cont'd)**

ATTACHMENT No [4] - Environmental EME Report

Radio Systems at the Site

There are currently no existing radio systems for this site.

It is proposed that this base station will have equipment for transmitting the following services:

Carrier	Radio Systems
NBN Co	LTE2300 (proposed)

Calculated EME Levels

This table provides calculations of RF EME at different distances from the base station for emissions from existing equipment alone and for emissions from existing equipment and proposed equipment combined.

Distance from the antennas at Bearii 17 Freemans Road in 360° circular bands	Maximum Cumulative EME Level - All carriers at this site					
	Existing Equipment			Proposed Equipment		
	Electric Field V/m	Power Density mW/m²	% ARPANSA exposure limits	Electric Field V/m	Power Density mW/m²	% ARPANSA exposure limits
0m to 50m				0.72	1.38	0.014%
50m to 100m				0.59	0.94	0.0094%
100m to 200m				1.56	6.49	0.065%
200m to 300m				1.87	9.23	0.092%
300m to 400m				1.77	8.28	0.083%
400m to 500m				1.39	5.11	0.051%
Maximum EME level				1.87	9.23	0.092
	258.4 m from the antennas at Bearii 17 Freemans Road					

Calculated EME levels at other areas of interest

This table contains calculations of the maximum EME levels at selected areas of interest that have been identified through the consultation requirements of the Communications Alliance Ltd Deployment Code C564:2011 or via any other means. The calculations are performed over the indicated height range and include all existing and any proposed radio systems for this site.

Additional Locations	Height / Scan relative to location ground level	Maximum Cumulative EME Level All Carriers at this site Existing and Proposed Equipment		
		Electric Field V/m	Power Density mW/m²	% of ARPANSA exposure limits
No locations identified				

FILE NO: 5/2014/906
3. DEVELOPMENT AND LIVEABILITY

ITEM NO: 9.2.3
(STATUTORY PLANNING
COORDINATOR, PETER STENHOUSE)
(GENERAL MANAGER
INFRASTRUCTURE, ANDREW CLOSE)

**PLANNING PERMIT APPLICATION NO.5/2014/906 - TELECOMMUNICATION
FACILITY, 17 FREEMANS ROAD, BEARII (cont'd)**

ATTACHMENT No [4] - Environmental EME Report

RF EME Exposure Standard

The calculated EME levels in this report have been expressed as percentages of the ARPANSA RF Standard and this table shows the actual RF EME limits used for the frequency bands available. At frequencies below 2000 MHz the limits vary across the band and the limit has been determined at the Assessment Frequency indicated. The four exposure limit figures quoted are equivalent values expressed in different units – volts per metre (V/m), watts per square metre (W/m²), microwatts per square centimetre (μW/cm²) and milliwatts per square metre (mW/m²). Note: 1 W/m² = 100 μW/cm² = 1000 mW/m².

Radio Systems	Frequency Band	Assessment Frequency	ARPANSA Exposure Limit (100% of Standard)
LTE 700	758 – 803 MHz	750 MHz	37.6 V/m = 3.75 W/m ² = 375 μW/cm ² = 3750 mW/m ²
WCDMA850	870 – 890 MHz	900 MHz	41.1 V/m = 4.50 W/m ² = 450 μW/cm ² = 4500 mW/m ²
GSM900, LTE900, WCDMA900	935 – 960 MHz	900 MHz	41.1 V/m = 4.50 W/m ² = 450 μW/cm ² = 4500 mW/m ²
GSM1800, LTE1800	1805 – 1880 MHz	1800 MHz	58.1 V/m = 9.00 W/m ² = 900 μW/cm ² = 9000 mW/m ²
LTE2100, WCDMA2100	2110 – 2170 MHz	2100 MHz	61.4 V/m = 10.00 W/m ² = 1000 μW/cm ² = 10000 mW/m ²
LTE2300	2302 – 2400 MHz	2300 MHz	61.4 V/m = 10.00 W/m ² = 1000 μW/cm ² = 10000 mW/m ²
LTE2600	2620 – 2690 MHz	2600 MHz	61.4 V/m = 10.00 W/m ² = 1000 μW/cm ² = 10000 mW/m ²
LTE3500	3425 – 3575 MHz	3500 MHz	61.4 V/m = 10.00 W/m ² = 1000 μW/cm ² = 10000 mW/m ²

Further Information

The Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) is a Federal Government agency incorporated under the Health and Ageing portfolio. ARPANSA is charged with responsibility for protecting the health and safety of people, and the environment, from the harmful effects of radiation (ionising and non-ionising).

Information about RF EME can be accessed at the ARPANSA website, <http://www.arpansa.gov.au>, including:

- Further explanation of this report in the document "Understanding the ARPANSA Environmental EME Report"
 - The procedure used for the calculations in this report is documented in the ARPANSA Technical Report, "Radio Frequency EME Exposure Levels - Prediction Methodologies"
 - the current RF EME exposure standard
- Australian Radiation Protection and Nuclear Safety Agency (ARPANSA), 2002, "Radiation Protection Standard: Maximum Exposure Levels to Radiofrequency Fields – 3 kHz to 300 GHz", Radiation Protection Series Publication No. 3, ARPANSA, Yallambie Australia.
[Printed version: ISBN 0-642-79400-6 [ISSN 1445-9760] [Web version: ISBN 0-642-79402-2 [ISSN 1445-9760]

The Australian Communications and Media Authority (ACMA) is responsible for the regulation of broadcasting, radiocommunications, telecommunications and online content. Information on EME is available at <http://emr.acma.gov.au>

The Communications Alliance Ltd Industry Code C564:2011 'Mobile Phone Base Station Deployment' is available from the Communications Alliance Ltd website, <http://commsalliance.com.au>.

Contact details for the Carriers (mobile phone companies) present at this site and the most recent version of this document are available online at the Radio Frequency National Site Archive, <http://www.rfnsa.com.au>.

FILE NO: 5/2010/123
3. DEVELOPMENT AND LIVEABILITY

ITEM NO: 9.2.4
(STATUTORY PLANNING
COORDINATOR, PETER STENHOUSE)
(GENERAL MANAGER
INFRASTRUCTURE, ANDREW CLOSE)

**APPLICATION TO AMEND PLANNING PERMIT 5/2010/123 - INDUSTRIAL
BUILDING EXTENSION - 86 KAROOK STREET COBRAM**

RECOMMENDATION

That application to amend Planning Permit 5/2010/123 to extend an existing industrial building at 86 Karook Street Cobram be refused on the following grounds:

1. That the Sewerage authority, Goulburn Valley Water has objected to the construction of a building over a sewerage easement which has assets within the easement, and,
2. In accordance with Section 148 of the Water Act, 1989 and Goulburn Valley Water's policy, structures within one metre of an existing sewerage reticulation main will not be granted approval.

1. Executive Summary

An application to Amend Planning Permit 5/2010/123 has been lodged to extend an existing industrial building to the rear boundary over a 2.0 metre wide easement for sewerage and drainage.

The application was referred and an objection received from the sewerage authority being Goulburn Valley Region Water Corporation.

The applicant has been given opportunities to modify or withdraw the application, however, no response has been received.

It is recommended that the application be refused.

2. Background and Options

Planning Permit 5/2010/123 was issued 13 July 2010 for the purpose of *Buildings and Works – Industrial Shed Extension* to an existing building.

Proposal

The proposal is to further extend the building to the rear boundary, having dimensions of 4.9 X 12.2 metres.

Application details

Applicant: Maurice Millsteed

Owner: Maurice Millsteed

Property Address: 86 Karook Street, Cobram

Title Details: Lot 4 PS 218231G

File No: 5/2010/123

Zone: Industrial 1 Zone

Overlays: Nil

Key Issues

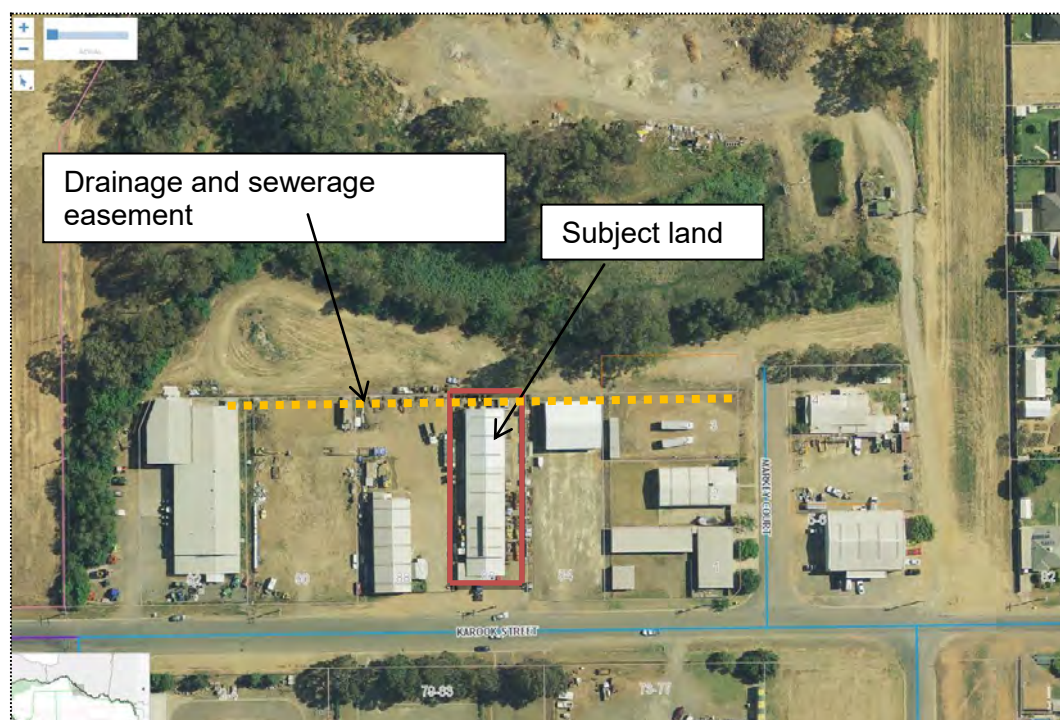
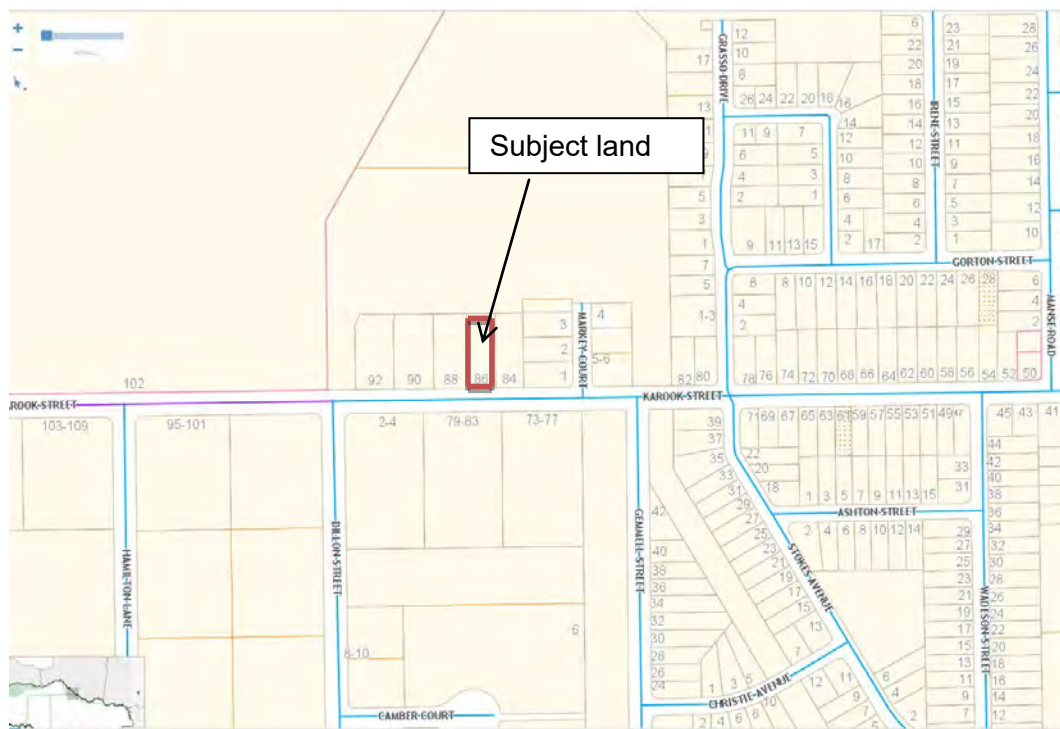
- Building over an easement
- Objection from a referral authority

FILE NO: 5/2010/123
3. DEVELOPMENT AND LIVEABILITY

ITEM NO: 9.2.4
(STATUTORY PLANNING
COORDINATOR, PETER STENHOUSE)
(GENERAL MANAGER
INFRASTRUCTURE, ANDREW CLOSE)

**APPLICATION TO AMEND PLANNING PERMIT 5/2010/123 - INDUSTRIAL
BUILDING EXTENSION - 86 KAROOK STREET COBRAM (cont'd)**

Locality



FILE NO: 5/2010/123
3. DEVELOPMENT AND LIVEABILITY

ITEM NO: 9.2.4
(STATUTORY PLANNING
COORDINATOR, PETER STENHOUSE)
(GENERAL MANAGER
INFRASTRUCTURE, ANDREW CLOSE)

**APPLICATION TO AMEND PLANNING PERMIT 5/2010/123 - INDUSTRIAL
BUILDING EXTENSION - 86 KAROOK STREET COBRAM (cont'd)**

Options

- Approve the endorsement of the amended plan as part of the permit, would require the issue of a Notice of Decision to Grant an Amended Permit giving opportunity for the objector, Goulburn Valley Water, to appeal against Council's decision.
- Refuse the endorsement of the plan as part of the permit, would require the issue of a Notice of Refusal to Amend a Permit, giving opportunity for the applicant to appeal against Council's decision.

Planning Scheme Provisions
Zone Provisions

The subject land is located in the Industrial 1 Zone.

The purpose of the IN1Z is to provide for the manufacturing industry, the storage and distribution of goods and associated uses in a manner which does not affect the safety and amenity of local communities.

Clause 33.01-4 requires a permit to construct a building or carry out works.

Overlay provisions

There are no overlays applicable to the subject land.

The State Planning Policy Framework (SPPF)

This proposal is in line with SPPF 17.03-1, to ensure availability of land for industry and to facilitate the sustainable development and operation of industry and research and development activity.

The Local Planning Policy Framework (LPPF)- including the Municipal Strategic Statement (MSS) and local planning policies

The proposal is also consistent with the Council's economic goal listed at Clause 21.05-2 of the MSS which includes the ongoing support for the further development of the industrial and tourism sectors in order to diversify the economic and employment base of the Shire.

Relevant Particular Provisions

A dedicated car parking area is located on the eastern side of the subject land. The number of car spaces required for the extension is 1 space (at 1.5 spaces per 100m²) in addition to the 9 spaces required for the existing development. It should be noted that the car parking area for the existing development on the land appears to be not in accordance with the approved plans, therefore could be a compliance issue.

3. Financial Implications

In the event that Council's decision is appealed at VCAT, any cost associated with attending and responding to an appeal is not budgeted for.

FILE NO: 5/2010/123
3. DEVELOPMENT AND LIVEABILITY

ITEM NO: 9.2.4
(STATUTORY PLANNING
COORDINATOR, PETER STENHOUSE)
(GENERAL MANAGER
INFRASTRUCTURE, ANDREW CLOSE)

**APPLICATION TO AMEND PLANNING PERMIT 5/2010/123 - INDUSTRIAL
BUILDING EXTENSION - 86 KAROOK STREET COBRAM (cont'd)**

4. Risk Management

If this amended plan is approved, Goulburn Valley Water (GVW) may appeal against Council's decision and, in any case, GVW may not give consent to build over their easement, thus denying a Building Permit being issued.

5. Internal and External Consultation

The application was referred to Infrastructure Planning who has indicated that, as a general principle, no building should be constructed over a drainage easement other than structures like carports, garden shed, home gazebos and the like, therefore an industrial building is not supported.

The application was referred to Goulburn Valley Region Water Corporation and in response the authority has objected to the granting of a permit on the basis that there are Corporation assets within the subject land that would be affected by the proposed structure.

6. Regional Context

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

7. Council Plan Strategy

It is considered that the proposed development is consistent with the development and environment strategies set out in the Council Plan.

8. Legislative / Policy Implications

The Planning and Environment Act 1987 and the Moira Planning Scheme set out the requirements for use and development of the land, including the requirements for public notice and referral.

9. Environmental Impact

The only relevant environmental matters associated with the proposed development would be drainage and landscaping. The existing planning permit already contains conditions addressing these matters.

10. Conflict of Interest Considerations

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

11. Conclusion

The application to amend the endorsed plan to construct an extension to the existing industrial building over a drainage and sewerage easement is not considered appropriate, given an objection has been received from the sewerage authority being that the extension would be in breach of Section 148 of the *Water Act 1989*.

The applicant was given opportunity to amend or withdraw the application but has chosen not to respond.

In real terms, there is only one course of action that Council is able to follow, to refuse the application.

FILE NO: 5/2010/123
3. DEVELOPMENT AND LIVEABILITY

ITEM NO: 9.2.4
(STATUTORY PLANNING
COORDINATOR, PETER STENHOUSE)
(GENERAL MANAGER
INFRASTRUCTURE, ANDREW CLOSE)

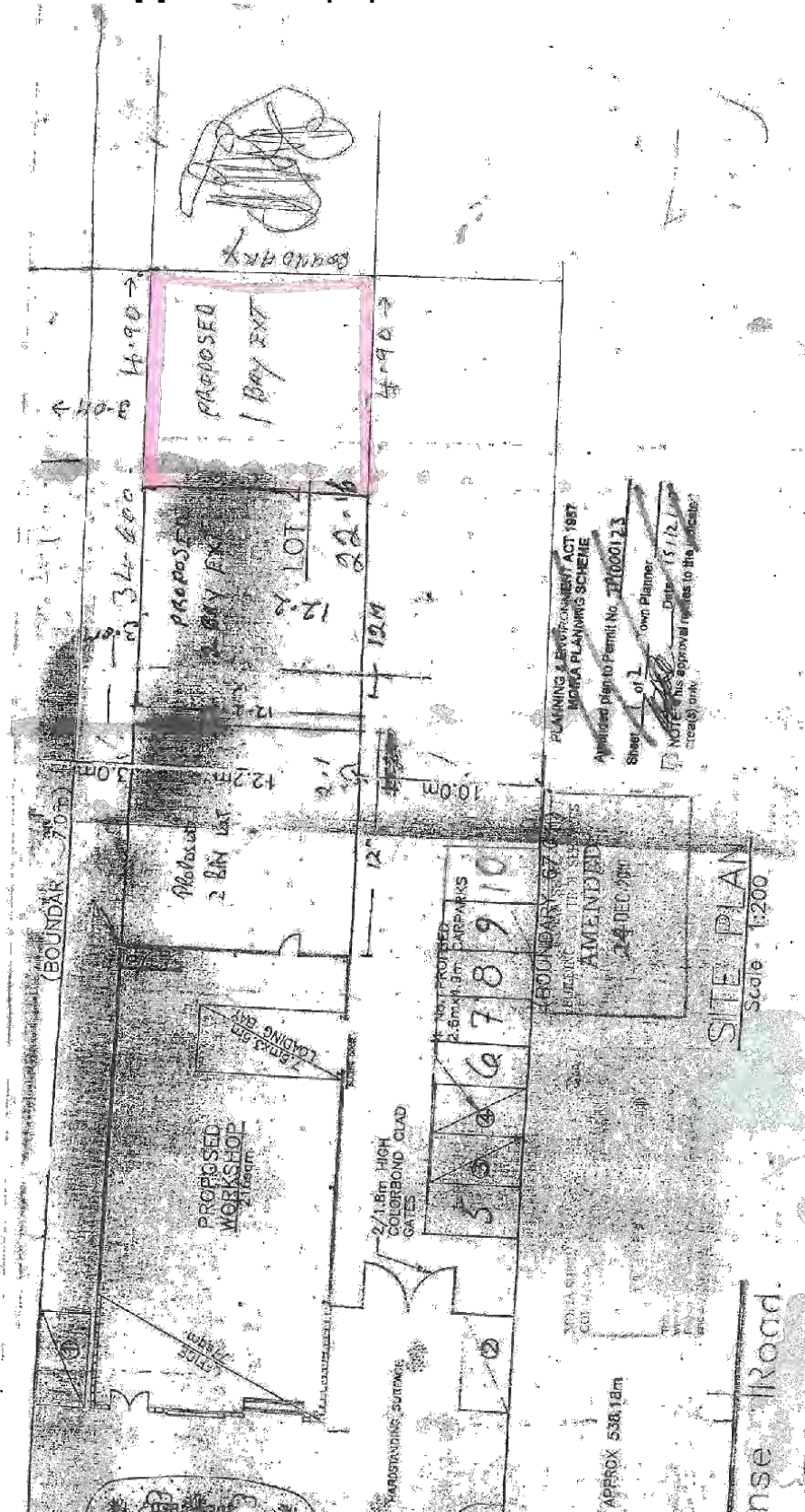
**APPLICATION TO AMEND PLANNING PERMIT 5/2010/123 - INDUSTRIAL
BUILDING EXTENSION - 86 KAROOK STREET COBRAM (cont'd)**

Attachments

- 1 Site Plan - proposed extension

ITEM NO: 9.2.4
(STATUTORY PLANNING
COORDINATOR, PETER STENHOUSE)
(GENERAL MANAGER
INFRASTRUCTURE, ANDREW CLOSE)

ATTACHMENT No [1] - Site Plan - proposed extension



FILE NO: 5/2014/968
3. DEVELOPMENT AND LIVEABILITY

ITEM NO: 9.2.5
(TOWN PLANNER, MELISSA LOTITO)
(GENERAL MANAGER
INFRASTRUCTURE, ANDREW CLOSE)

**PLANNING PERMIT APPLICATION FOR THE USE AND DEVELOPMENT OF
LAND AT 40 LYNCH STREET YARRAWONGA FOR A STUDENT
ACCOMMODATION**

RECOMMENDATION

That Council approve the issue of a Notice of Decision to Grant a Permit No. 52014968 for the use and development of the land at 40 Lynch Street, Yarrawonga for a student accommodation, subject to the following conditions:

1. Before the *use and/or development* start(s), amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with *the plans submitted with the application* but modified to show 8 car parking spaces on the site, based on a rate of 1 space for each bedroom.
2. The use and development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
3. Before the use begins and/or the building is occupied all stormwater and surface water discharging from the site, buildings and works must be retained on site or conveyed to the legal point of discharge by underground pipe drains to the satisfaction of the Responsible Authority. No effluent or polluted water of any type may be allowed to enter the Council's stormwater drainage system.
4. Before the use begins and/or the building is occupied no fewer than four (8) car spaces must be provided on the land for the use and development including one (1) space clearly marked for use by persons with disabilities.
5. All car parking spaces must be designed to allow vehicles to drive forwards both when entering and leaving the property.
6. Before the use or occupation of the development starts, the area(s) set-aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
 - (a) constructed;
 - (b) properly formed to such levels that they can be used in accordance with the plans;
 - (c) surfaced with an all-weather-seal coat;
 - (d) drained;
 - (e) line marked to indicate each car space and all access lanes; to the satisfaction of the Responsible Authority.Car spaces, access lanes and driveways must be kept available for these purposes at all times.
7. Before the use begins and/or the building is occupied bicycle parking/storage must be provided on the land for the use and development or on the adjacent Yarrawonga District Health Services land.
8. Before the use/occupation of the development starts or by such later date as is approved by the Responsible Authority in writing, the landscaping works shown on the endorsed plans must be carried out, completed and thereafter maintained to the satisfaction of the Responsible Authority.

FILE NO: 5/2014/968
3. DEVELOPMENT AND LIVEABILITY

ITEM NO: 9.2.5
(TOWN PLANNER, MELISSA LOTITO)
(GENERAL MANAGER
INFRASTRUCTURE, ANDREW CLOSE)

**PLANNING PERMIT APPLICATION FOR THE USE AND DEVELOPMENT OF
LAND AT 40 LYNCH STREET YARRAWONGA FOR A STUDENT
ACCOMMODATION (cont'd)**

9. Before the use begins and/or the building is occupied a vehicular crossing shall be constructed generally in accordance with the Infrastructure Design Manual to the satisfaction of the Responsible Authority, and shall comply with the following:
- a) standard vehicular crossings shall be constructed at right angles to the road to suit the proposed driveways, and any existing redundant crossing shall be removed and replaced with concrete (kerb and channel);
 - b) any proposed vehicular crossing shall have satisfactory clearance to any side-entry pit, power or Telecommunications pole, manhole cover or marker, or street tree. Any relocation, alteration or replacement required shall be in accordance with the requirements of the relevant Authority and shall be at the applicant's expense.
10. This permit will expire if one of the following circumstances applies:
- (a) The development and use is/are not started within two years of the date of this permit.
 - (b) The development is not completed within two years of the date of commencement.
- The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires, or within 6 months after the permit expiry date, where the use or development allowed by the permit has not yet started; and within 12 months after the permit expiry date, where the development allowed by the permit has lawfully started before the permit expires.

1. Executive Summary

The proposal is for the use and development of land for a Student Accommodation.

The subject land is located in a residential street that also contains the Yarrawonga Hospital. Adjacent to the subject land to the north is the Yarrawonga Clinical Education Centre and the supporting residential accommodation. The adjacent land to the east and west are residential lots containing existing dwellings.

A planning permit is required to use land for a Student Accommodation under the General Residential Zone provisions. A planning permit is also required for buildings and works.

The proposed building is a compact, double storey dwelling that will be setback approximately 35 metres from the front boundary. The development meets all requirements for site layout, building massing and amenity impacts under Clause 55 of the Moira Planning Scheme.

The Student Accommodation will contain a total of eight bedrooms, four bathrooms, communal living area and kitchen and an outdoor area. It will house nursing students undergoing training at Yarrawonga Health Services across the road to the west.

FILE NO: 5/2014/968
3. DEVELOPMENT AND LIVEABILITY

ITEM NO: 9.2.5
(TOWN PLANNER, MELISSA LOTITO)
(GENERAL MANAGER
INFRASTRUCTURE, ANDREW CLOSE)

**PLANNING PERMIT APPLICATION FOR THE USE AND DEVELOPMENT OF
LAND AT 40 LYNCH STREET YARRAWONGA FOR A STUDENT
ACCOMMODATION (cont'd)**

The applicant has indicated that a 25% occupancy rate is predicted on average, based on their current facility operating on Lynch Street.

The application was advertised to adjoining landowners and a site notice was placed on site. During the advertising period Council received one objection from an adjoining landowner to the south. Mediation took place between Council, the applicant and the objector. A number of changes were made by the applicant to address the concerns of the objector. The amended plans were submitted to Council and sent to the objector however negotiations between the two parties were unsuccessful and the objector did not wish to withdraw their objection.

The proposed Student Accommodation accords with the purpose of the decision guidelines of the General Residential Zone. Furthermore, it accords with local policies and relevant particular provisions of the Moira Planning Scheme.

It is considered that the proposed use and development will not have a negative impact upon the amenity of the local area.

It is recommended that the application be approved subject to conditions.

2. Background and Options

Application Details

Applicant: John Guthrie from Jovaras Westland Partnership

Owner: Yarrawonga District Health Service (YDHS)

Land Address: 40 Lynch Street, Yarrawonga

Title Details: Lot 1 on TP 173697

Site Area: Approximately 1031.2 m²

File No: 52014968

Zone: General Residential Zone

Overlays: Nil

Key Issues

- State Planning Policy
- Local Planning Policy
- General Residential Zone
- Amenity

The subject land is located in Yarrawonga in a residential area with Public Use Zones to the north west. The Yarrawonga Health complex is located directly north-west of the subject lot. It is mainly an established residential area consisting largely of single storey dwellings. The adjacent north lot contains the existing Yarrawonga Clinical Education Centre and its associated residential accommodation. The remaining adjacent lots to the south and east consist of residential lots of similar sizes with existing dwellings.

The subject lot is approximately 1031.2 m². A dwelling and an ancillary domestic shed have been demolished, hence it is now vacant.

FILE NO: 5/2014/968
3. DEVELOPMENT AND LIVEABILITY

ITEM NO: 9.2.5
(TOWN PLANNER, MELISSA LOTITO)
(GENERAL MANAGER
INFRASTRUCTURE, ANDREW CLOSE)

**PLANNING PERMIT APPLICATION FOR THE USE AND DEVELOPMENT OF
LAND AT 40 LYNCH STREET YARRAWONGA FOR A STUDENT
ACCOMMODATION (cont'd)**



This application is for the use and development of a Student Accommodation and for the buildings and works associated with this use. The Moira Planning Scheme does not contain a definition for Student Accommodation. It would be best described within the meaning of a Residential Building, defined as:

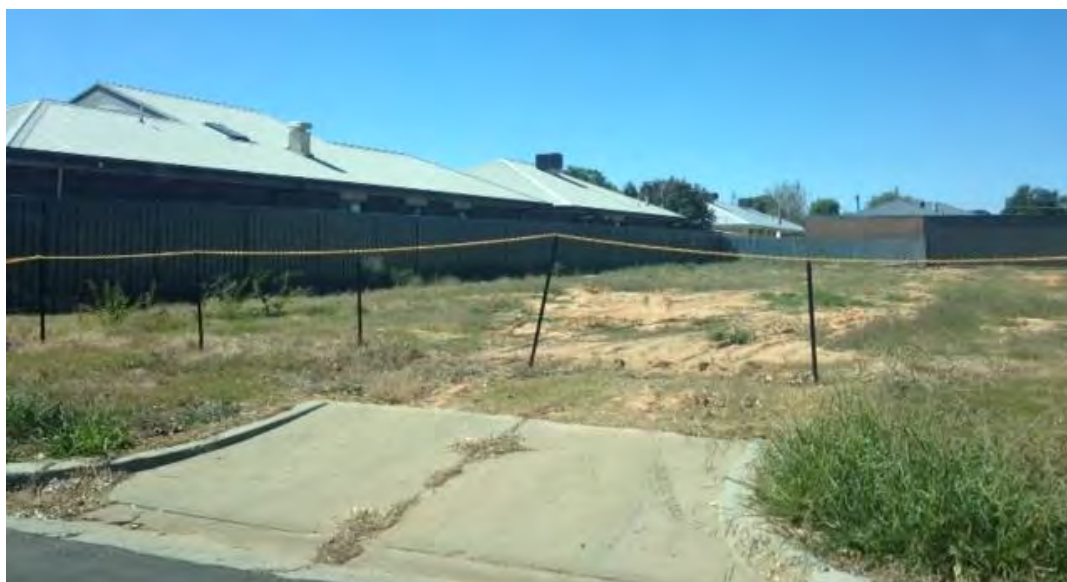
FILE NO: 5/2014/968
3. DEVELOPMENT AND LIVEABILITY

ITEM NO: 9.2.5
(TOWN PLANNER, MELISSA LOTITO)
(GENERAL MANAGER
INFRASTRUCTURE, ANDREW CLOSE)

**PLANNING PERMIT APPLICATION FOR THE USE AND DEVELOPMENT OF
LAND AT 40 LYNCH STREET YARRAWONGA FOR A STUDENT
ACCOMMODATION (cont'd)**

“Land used to accommodate persons, but does not include camping and caravan park, corrective institution, dependent person's unit, dwelling, group accommodation, host farm, residential village or retirement village.”

Further, a Residential Building is included in the broader definition of Accommodation. In the Moira Planning Scheme, Accommodation is listed as a “Section 2 – Permit Required” use within the General Residential Zone (GRZ).



FILE NO: 5/2014/968
3. DEVELOPMENT AND LIVEABILITY

ITEM NO: 9.2.5
(TOWN PLANNER, MELISSA LOTITO)
(GENERAL MANAGER
INFRASTRUCTURE, ANDREW CLOSE)

**PLANNING PERMIT APPLICATION FOR THE USE AND DEVELOPMENT OF
LAND AT 40 LYNCH STREET YARRAWONGA FOR A STUDENT
ACCOMMODATION (cont'd)**

Proposal

The proposal consists of a two storey development that will house visiting nursing students undergoing vocational training at the Yarrawonga District Health Service. Plans submitted with the application detailed the following:

Ground Floor

- 1 communal living area
- 1 communal kitchen
- Undercover outdoor patio
- 1 laundry
- 2 bedrooms
- 1 bathroom

Level 1

- 6 bedrooms
- 3 bathrooms

The plans have indicated that externally there will be a car parking area along the west of the subject lot with a single car entry point from Lynch Street. Three standard parking spaces and one disabled parking space are proposed.

The applicant has not specifically indicated the number of students to be accommodated but have predicted a 25% occupancy rate on average based on their current rural clinic facility. Based on the plans provided, each of the eight bedrooms could occupy at least one person. The number of car parking spaces required for a Student Accommodation is not specified in the Scheme. Under Clause 52.06-5A of the Planning Scheme, where a use of land is not specified, car parking spaces must be provided to the satisfaction of the responsible authority.

The closest use to a Student Accommodation with parking requirements listed in the Scheme is a Motel. A Motel requires one parking space per room and two parking bays to each 100sqm service floor area not used by guests. It is considered that one parking space per bedroom, along with bicycle parking, will be sufficient to accommodate the use.

Options

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

3. Financial Implications

In the event that Council's decision is appealed at VCAT, any cost associated with attending and responding to an appeal is not budgeted for.

FILE NO: 5/2014/968
3. DEVELOPMENT AND LIVEABILITY

ITEM NO: 9.2.5
(TOWN PLANNER, MELISSA LOTITO)
(GENERAL MANAGER
INFRASTRUCTURE, ANDREW CLOSE)

**PLANNING PERMIT APPLICATION FOR THE USE AND DEVELOPMENT OF
LAND AT 40 LYNCH STREET YARRAWONGA FOR A STUDENT
ACCOMMODATION (cont'd)**

4. Risk Management

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

5. Internal and External Consultation

Pre-Lodgement Consultation

A pre-application meeting was not held with a Council planning officer.

The subject application was lodged in full on 11th December 2014.

Internal Consultation

The application was referred to the Shire's Environmental Health, Infrastructure Planning and Building Departments. The Environmental Health Department have indicated that the Student Accommodation will need to be registered in accordance with *Public Health and Wellbeing Act 2008 & Regulations 2009*. The Infrastructure Planning Department have recommended that, adequate on-site parking be provided, the existing crossover be replaced and ensure drainage is conveyed to the satisfaction of the responsible authority. The Building Department did not provide any recommendations.

External Consultation

The application was referred to North East Water. The authority did not provide any recommendations and indicated they do not object to the granting of a permit.

Public Consultation

Public Notice of the application was given under Section 52 of the *Planning and Environment Act 1987*. Letters were sent to adjoining landowners and a notice was placed on the site.

An objection was received on the 23rd January 2015 from a landowner of Orr Street. The objection raised concerns regarding privacy, overlook and proposed height. The main concern was the two second storey opening windows on the south wall that would allow views onto the private open space of the adjoining property (see attached plan). Further, the east wall windows were of the same concern. The objection also indicated that the height of the development does not keep with the surrounding streetscape. The objector was also concerned with the 'future build area' that is noted on the site plan. This area does not form part of the current planning permit application and therefore has not been assessed accordingly. Furthermore, the amended site plan no longer includes that notation.

On the 27th January 2015, the objector raised concerns regarding the accuracy of the site plan submitted with the application. Their dwelling located on the adjacent property to the south along Orr Street was not depicted. The site plan and shadow diagram were amended to more closely reflect the site conditions to the south. These new plans were sent to Council on 10th February 2015 (see attachment).

The applicant was advised, on 28th January 2015, that one objection had been received. On the 6th February 2015, the applicant was provided with a copy of the objection and asked to provide a detailed response.

FILE NO: 5/2014/968
3. DEVELOPMENT AND LIVEABILITY

ITEM NO: 9.2.5
(TOWN PLANNER, MELISSA LOTITO)
(GENERAL MANAGER
INFRASTRUCTURE, ANDREW CLOSE)

**PLANNING PERMIT APPLICATION FOR THE USE AND DEVELOPMENT OF
LAND AT 40 LYNCH STREET YARRAWONGA FOR A STUDENT
ACCOMMODATION (cont'd)**

A response was received on the 10th February 2015. The applicant provided a cover letter and amended drawings (see attachment) addressing the main objection relating to overlooking onto private space. The response also mentioned that the applicant believed that the rest of the application complied with planning regulations. The amendments received included:

- Raising window sill level in the south facing bedrooms by 150mm
- Awning windows hinged at top (top panel opening)
- Introduction of translucent glazing on the lower half of the south facing windows

The response and amended plans submitted by the applicant were sent to the objector on 11th February 2015. The objector sent further queries on 23rd February 2015 regarding the type of opening of the new windows and the measurements of the floor to sill heights and the floor to window heights. The applicant responded on the 24th February 2015 and this was forwarded to the objector on the 25th February 2015 highlighting the responses she requested.

The amendments made to the application were discussed with the objector on the 5th March 2015; however, the objector still felt that the proposed development was affecting their privacy. On 6th March 2015 the objector sent back an objector response form indicating that they did not wish to withdraw their objection.

6. Regional Context

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

7. Council Plan Strategy

It is considered that the proposed 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.

The proposed Student Accommodation contributes and integrates well into the existing uses along Lynch Street with educational facilities and associated student accommodation. The accommodation will give nursing students the ability and opportunity to live within the town of Yarrawonga and participate within the local community. It is considered that the proposed use and development will be consistent with the above strategy.

8. Legislative / Policy Implications

Zoning

The subject land is located in the General Residential Zone (GRZ). The purpose of the GRZ, amongst others, is:

To encourage development that respects the neighbourhood character of the area.

It is considered that the proposed application is consistent with the purpose of the General Residential Zone.

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3. DEVELOPMENT AND LIVEABILITY

ITEM NO: 9.2.5
(TOWN PLANNER, MELISSA LOTITO)
(GENERAL MANAGER
INFRASTRUCTURE, ANDREW CLOSE)

**PLANNING PERMIT APPLICATION FOR THE USE AND DEVELOPMENT OF
LAND AT 40 LYNCH STREET YARRAWONGA FOR A STUDENT
ACCOMMODATION (cont'd)**

Clause 32.08-1 of the Moira Planning Scheme indicates that the use of land in the GRZ for Accommodation (which includes Student Accommodation) is a Section 2 Use and thus requires a permit. Clause 32.08-6 of the Scheme indicates that buildings and works associated with a Section 2 Use also triggers a planning permit requirement.

Clause 32.08-10 of the Scheme sets out Decision Guidelines for developments within the GRZ. The key guidelines for considering this application are:

- *Whether the use or development is compatible with residential use.*
- *Whether the use generally serves local community needs.*
- *The scale and intensity of the use and development.*
- *The design, height, setback and appearance of the proposed buildings and works.*
- *The proposed landscaping.*
- *The provision of car and bicycle parking and associated accessways.*
- *Any proposed loading and refuse collection facilities.*
- *The safety, efficiency and amenity effects of traffic to be generated by the proposal.*

It is considered that the proposed development accords with the Decision Guidelines. The use and development is consistent with the existing residential uses, provides for local community needs, the design is contemporary and materials are in keeping with existing buildings, the height and setback comply with scheme requirements, landscaping will be provided, and that car parking can be achieved on the site to a satisfactory level. Bicycle parking could be achieved on adjoining YDHS land. There will be a relatively low level of traffic generated from the site which should not impact on the local area that would give rise to any safety, efficiency or amenity effects.

Overlays

There are no overlays affecting the subject lot.

State Planning Policies

There are no specific State planning policies relating to this type of use or relevant planning issues surrounding this proposal.

Local Planning Policy and Municipal Strategic Statement

Clause 21.04-4 of the Moira Shire Planning Scheme sets out the Shire's Settlement Strategies. In general it indicates that the Shire should:

Require new development to relate to the physical context within which it sits in regard to siting, height, bulk, materials and general context

It is considered that the proposed Student Accommodation accords with this policy.

Relevant Particular Provisions

Clause 52.06 of the Moira Planning Scheme sets out Car Parking requirements for particular uses. However, there is no specific requirement for a Student Accommodation. Clause 52.06-5A states that:

"Where a use of land is not specified in Table 1 or where a car parking requirement is not specified for the use in another provision of the planning scheme or in a schedule to the Parking Overlay, before a new use commences or the floor area or

FILE NO: 5/2014/968
3. DEVELOPMENT AND LIVEABILITY

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**PLANNING PERMIT APPLICATION FOR THE USE AND DEVELOPMENT OF
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ACCOMMODATION (cont'd)**

site area of an existing use is increased, car parking spaces must be provided to the satisfaction of the responsible authority."

It is considered that the proposed car parking spaces of three standard and one disabled, are satisfactory (at a rate of one car parking space per two bedrooms). The adjoining lot to the north consists of the Yarrawonga Clinical Education Centre and supporting residential accommodation. The applicant has indicated that Yarrawonga District Health have agreed to allow parking to extend across the lot boundary, if required. Additionally, bus transport is available from Lynch Street and the main street (Belmore Street) is within easy walking/biking distance.

Clause 55 of the Moira Planning Scheme sets out requirements for Two or More Dwellings on a Lot and Residential Buildings. The provisions of this clause apply to applications to construct or extend a residential building. The purpose of this clause, among others, is:

To achieve residential development that respects the existing neighbourhood character or which contributes to a preferred neighbourhood character

To encourage residential development that provides reasonable standards of amenity for existing and new residents

A development must meet all of the objectives of this clause and should meet all of the standards of this clause; it must also be accompanied by a neighbourhood and site description and a design response, this was provided with the application. The development meets the objectives and standards as set out in Clause 55.

The decision guidelines of Clause 65

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

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

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All of the matters set out in Clause 65 above have been considered. It is considered that the proposed use and development accords with the purpose of the GRZ and other policies and provisions. The development is in the interest of the orderly planning of the area and the amenity of the area will not be negatively affected. Furthermore, the proposed use and development accords with Clause 65.

9. Environmental Impact

It is considered that the proposed use and development will not negatively impact upon the environment.

10. Conflict of Interest Considerations

There are no conflict of interest issues.

11. Conclusion

The subject lot for the proposed development is located within the General Residential Zone. This zone requires a planning permit for the use of a Student Accommodation, as well as, the buildings and works associated with this Section 2 use.

The development will be set back from the street and will use red brick and wall cladding materials that are consistent with existing structures in the area. It is concluded that the development accords with the purpose of the General Residential Zone.

Furthermore, the objectives and standards of Clause 55 for the requirements for Two or More Dwellings on a Lot and Residential Buildings have been met.

A satisfactory level of car parking must be achieved for the proposed development, therefore additional car parking will be required to that shown on the plans submitted with the application.

It is concluded that the proposed development will not have a negative impact upon the amenity of the local area and will not give rise to any traffic related issues. The Student Accommodation accords with the purpose of the zone, local policies and relevant planning scheme provisions.

Attachments

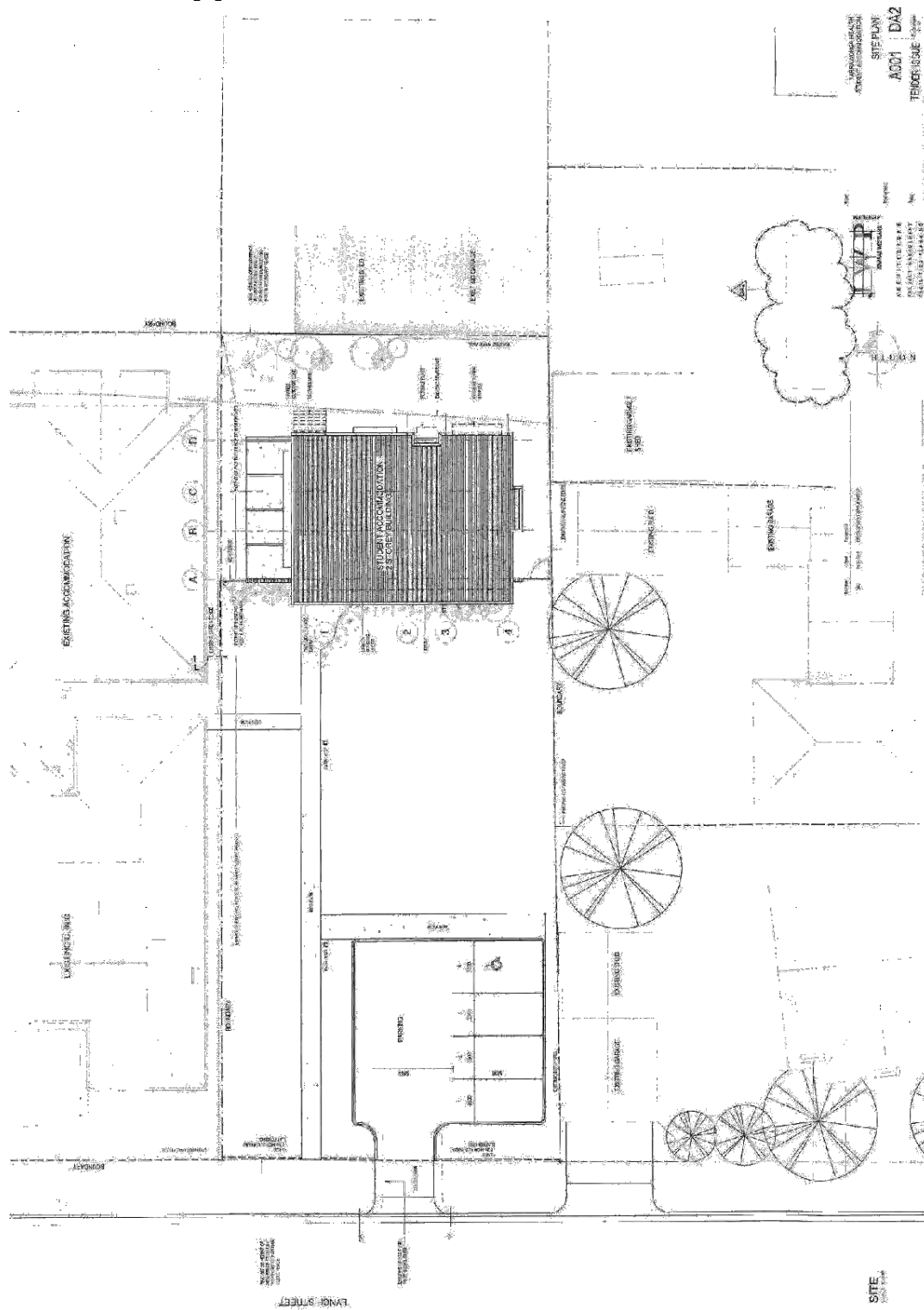
- 1 Amended Mediated Plan
- 2 Proposed Development Plans
- 3 Mediation Correspondence

FILE NO: 5/2014/968
3. DEVELOPMENT AND LIVEABILITY

ITEM NO: 9.2.5
(TOWN PLANNER, MELISSA LOTITO)
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**PLANNING PERMIT APPLICATION FOR THE USE AND DEVELOPMENT OF
LAND AT 40 LYNCH STREET YARRAWONGA FOR A STUDENT
ACCOMMODATION (cont'd)**

ATTACHMENT No [1] - Amended Mediated Plan

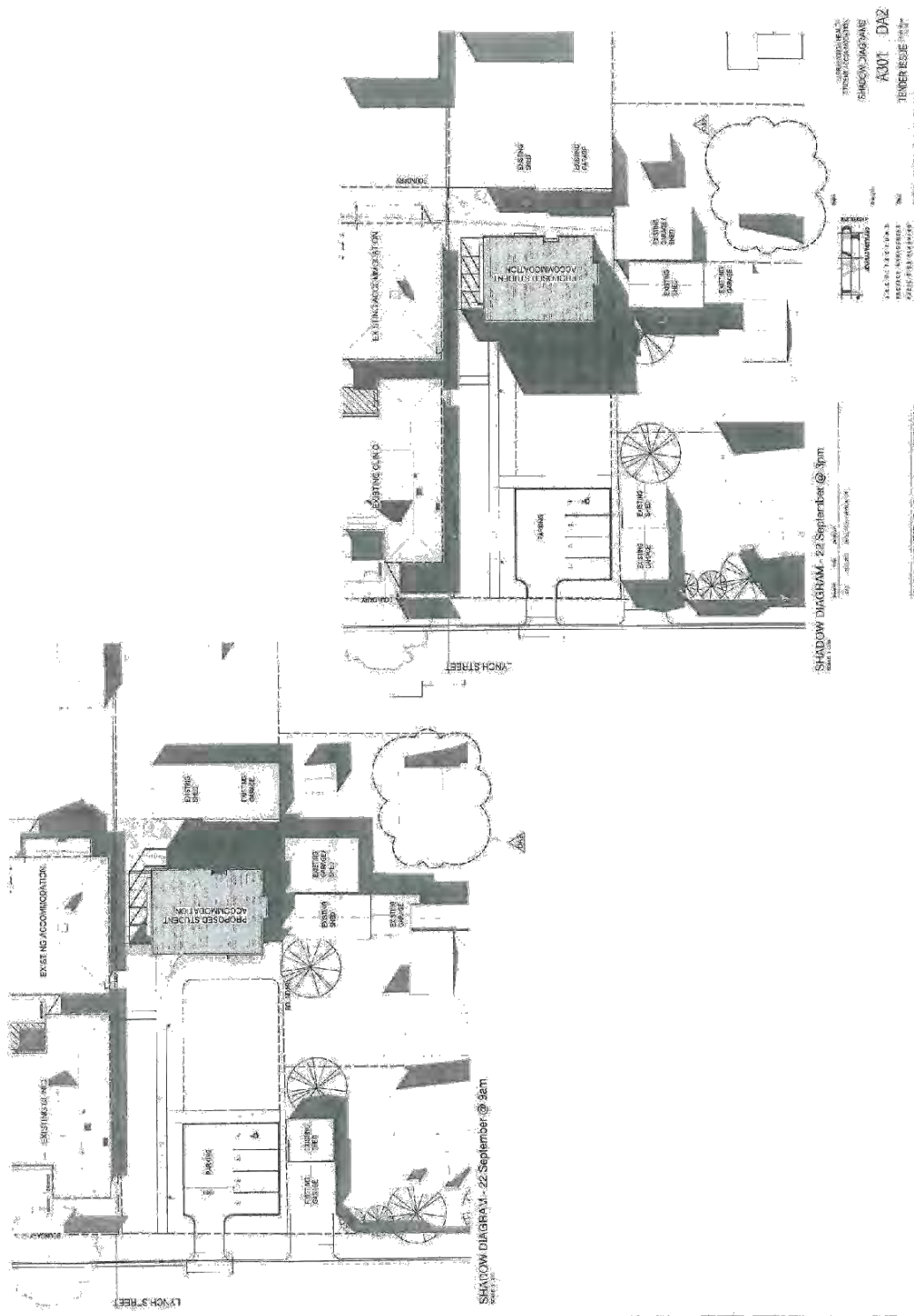


FILE NO: 5/2014/968
3. DEVELOPMENT AND LIVEABILITY

ITEM NO: 9.2.5
(TOWN PLANNER, MELISSA LOTITO)
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ACCOMMODATION (cont'd)**

ATTACHMENT No [1] - Amended Mediated Plan



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3. DEVELOPMENT AND LIVEABILITY

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**PLANNING PERMIT APPLICATION FOR THE USE AND DEVELOPMENT OF
LAND AT 40 LYNCH STREET YARRAWONGA FOR A STUDENT
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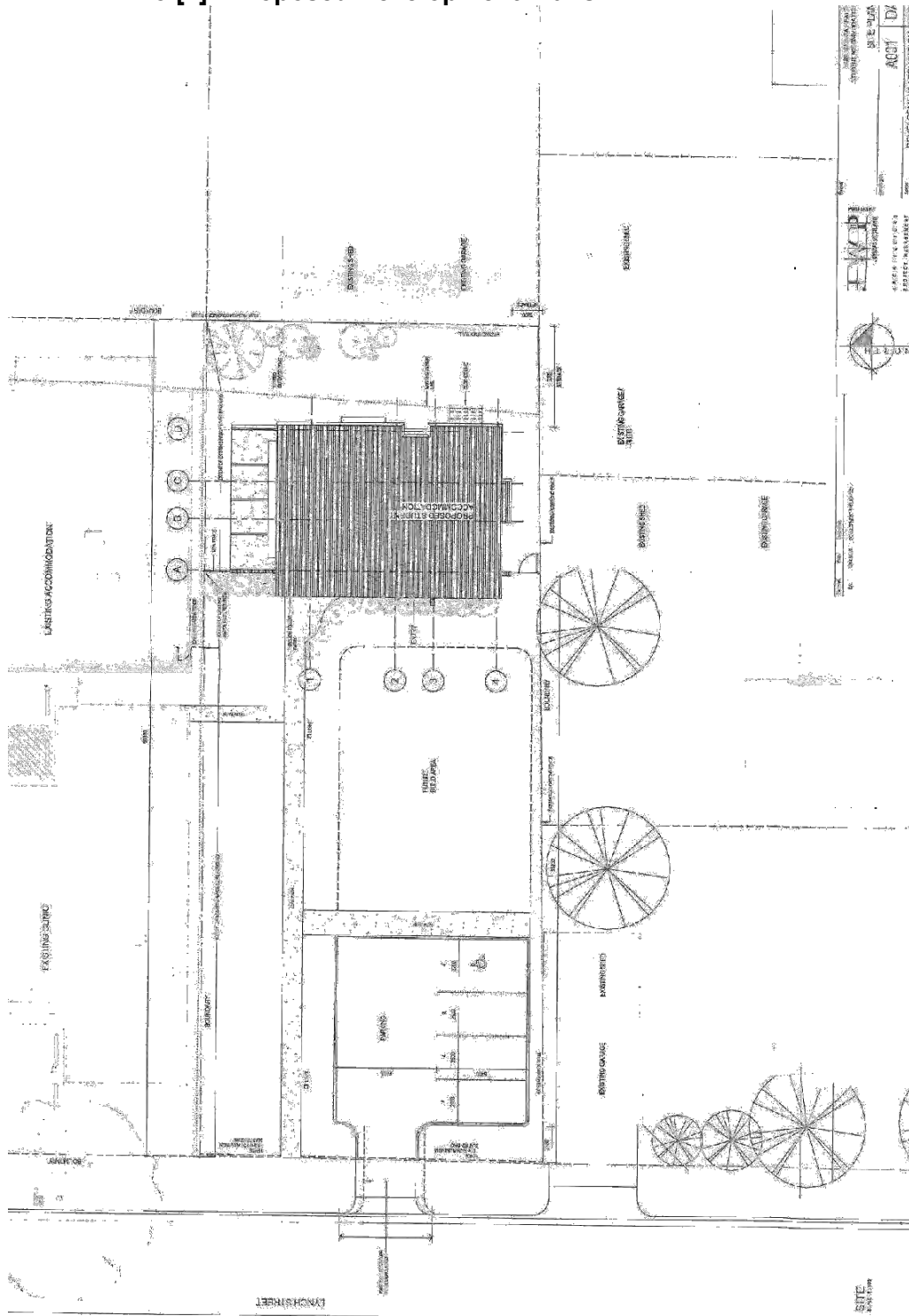
ATTACHMENT No [1] - Amended Mediated Plan



ITEM NO: 9.2.5
(TOWN PLANNER, MELISSA LOTITO)
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**PLANNING PERMIT APPLICATION FOR THE USE AND DEVELOPMENT OF
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ATTACHMENT No [2] - Proposed Development Plans



ITEM NO: 9.2.5
(TOWN PLANNER, MELISSA LOTITO)
(GENERAL MANAGER
INFRASTRUCTURE, ANDREW CLOSE)

**PLANNING PERMIT APPLICATION FOR THE USE AND DEVELOPMENT OF
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[illegible]

FILE NO: 5/2014/968
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ITEM NO: 9.2.5
(TOWN PLANNER, MELISSA LOTITO)
(GENERAL MANAGER
INFRASTRUCTURE, ANDREW CLOSE)

**PLANNING PERMIT APPLICATION FOR THE USE AND DEVELOPMENT OF
LAND AT 40 LYNCH STREET YARRAWONGA FOR A STUDENT
ACCOMMODATION (cont'd)**

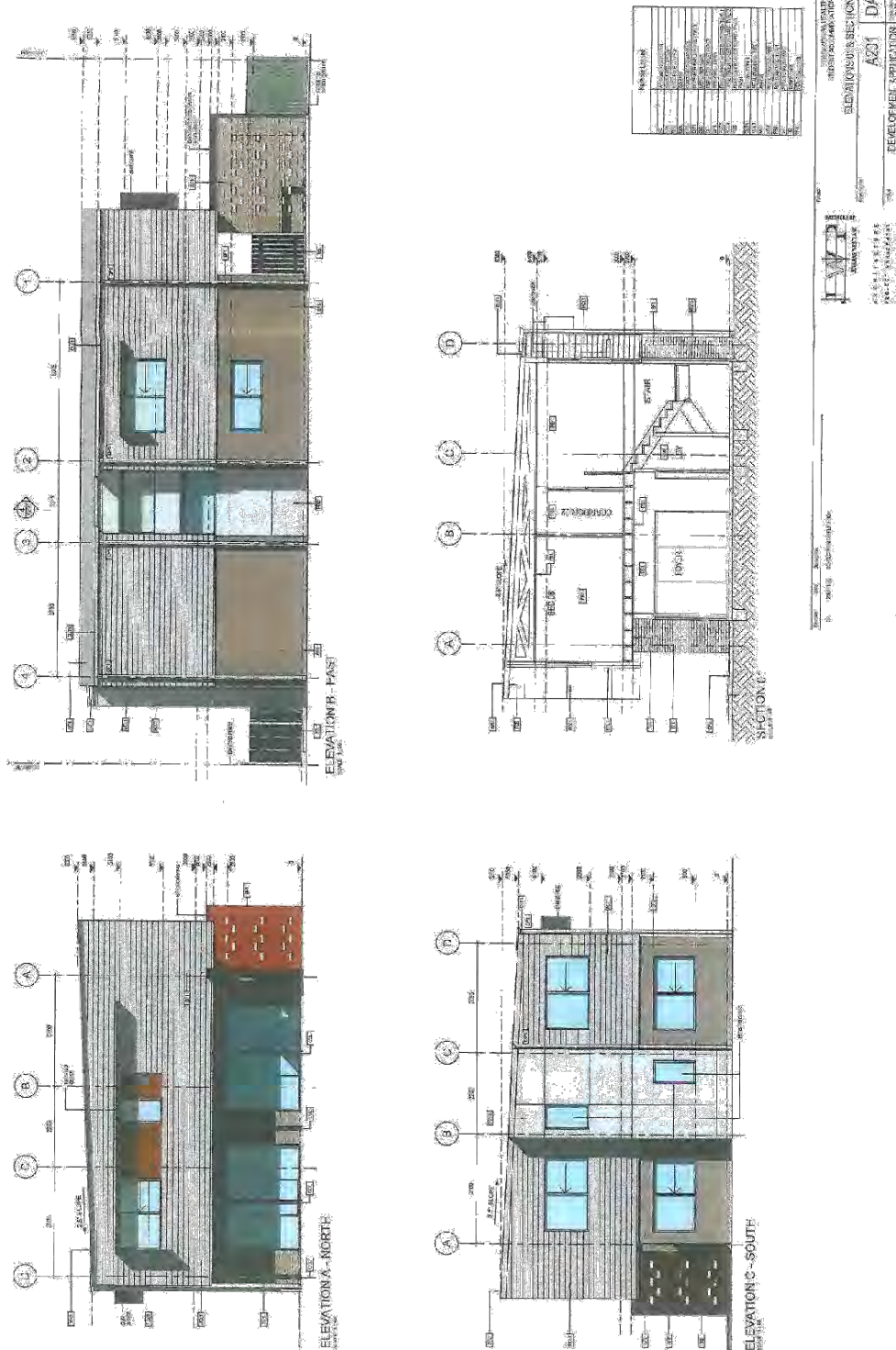
ATTACHMENT No [2] - Proposed Development Plans



ITEM NO: 9.2.5
(TOWN PLANNER, MELISSA LOTITO)
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**PLANNING PERMIT APPLICATION FOR THE USE AND DEVELOPMENT OF
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ACCOMMODATION (cont'd)**

ATTACHMENT No [2] - Proposed Development Plans

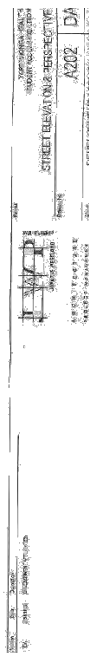
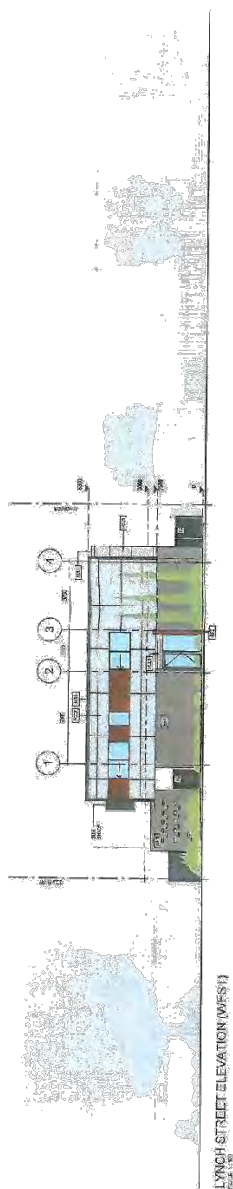


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ATTACHMENT No [2] - Proposed Development Plans



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**PLANNING PERMIT APPLICATION FOR THE USE AND DEVELOPMENT OF
LAND AT 40 LYNCH STREET YARRAWONGA FOR A STUDENT
ACCOMMODATION (cont'd)**

ATTACHMENT No [2] - Proposed Development Plans



JWP
ARCHITECTS
110-112 ST GEORGE'S
STREET, YARRAWONGA
VIC 3104
TEL: 03 9574 1100
WWW.JWPARCHITECTS.COM

OCTOBER 2014
N/W PERSPECTIVE OPTION B - RED

YARRAWONGA HEALTH
PROPOSED STUDENT ACCOMMODATION



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(TOWN PLANNER, MELISSA LOTITO)
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**PLANNING PERMIT APPLICATION FOR THE USE AND DEVELOPMENT OF
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ACCOMMODATION (cont'd)**

ATTACHMENT No [3] - Mediation Correspondence

Melissa Lotito

From: [REDACTED]
Sent: Tuesday, 27 January 2015 3:54 PM
To: Melissa Lotito; RecordsWebmaster
Subject: Additional Information Re: Objection: Planning Application 5/2014/968 - 40 Lynch Street Yarrawonga

Good afternoon,

Following my objections submitted on Friday 23 January 2015 for *Planning Application: 5/2014/968 - 40 Lynch Street Yarrawonga*, I wish to add further comment.

My concern is the failure to include and accurately identify the location of the dwelling at [REDACTED] Yarrawonga, refer Drawings A001 and A301.

- Drawing A301 locates the dwelling further southward than the true position; the north roof line is located on a similar alignment to that of the small roof at [REDACTED], this is not demonstrated in the drawing
- Drawing A001 fails to site the dwelling at all.

It is my understanding the party submitting the planning application is also responsible for ensuring all accompanying documentation is true and accurate; in regard to the dwelling on my property I do not believe this criteria has been met.

My objection to this planning application is that by not accurately identifying the locations of all dwellings in close proximity the observer is given a false impression as to the impact the proposed accommodation has on those properties.

If you require further information please do not hesitate to contact me.

Regards,

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

From: [REDACTED]
To: webmaster@moira.vic.gov.au
Cc: mlotito@moira.vic.gov.au
Date: 23/01/2015 06:29 PM
Subject: Objection: Planning Application 5/2014/968 - 40 Lynch Street Yarrawonga

Good afternoon,

I am the current owner of [REDACTED] Yarrawonga and I would like to submit an objection to;

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3. DEVELOPMENT AND LIVEABILITY

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(GENERAL MANAGER
INFRASTRUCTURE, ANDREW CLOSE)

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ACCOMMODATION (cont'd)**

ATTACHMENT No [3] - Mediation Correspondence

Planning Application 5/2014/968 - 40 Lynch Street Yarrawonga.

Based on the drawings I have cited I would like to let you know that

- My property shares part of the South boundary with 40 Lynch Street, the proposed two storey structure has two (2) second storey opening windows on the South wall. Given the height of the proposed windows this would allow any observer an unimpeded view of my rear yard.
- The East wall of the proposed structure also has a single opening window on the second storey, again I believe this allows an observer a view into the rear yard. I concede that any view from the Eastern side window would impinge to a lesser extent into my property than those windows on the South wall.

I think any occupant of my house, is entitled to peaceful enjoyment and reasonable privacy on the property and I believe the proposed planning structure for Lynch Street unreasonably intrudes into my property. The garage located on my property is not a permanent fixture as North East Water advised the structure partially encroaches on an easement and I may be directed to remove the garage at any time. For this reason any *obstruction in view* the garage offered between the second storey of the proposed building and my rear yard should not be considered permanent.

- I would also like to object to the height of the proposed structure. The properties in Lynch Street and those sharing a boundary with number 40 are all single storey dwellings. The construction of a two storey dwelling is not in keeping with surrounding street scape, primarily residential, and is likely to visually encroach on the buildings located close by. I believe by allowing the construction of a two storey dwelling it will lead to a significant change in the current character of the area.

I note drawing A001 includes a *future build area*. I am unclear whether this will have any potential impact on my property as it lacks detail. I appreciate Yarrawonga Hospital may have proposed plans for this area but I am not clear why it would be identified in the scope of these drawings if it is not part of the planning application.

I am more than happy to discuss any of these issues further if you require additional information.

Regards

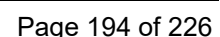
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

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ITEM NO: 9.2.5
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**PLANNING PERMIT APPLICATION FOR THE USE AND DEVELOPMENT OF
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FILE NO: 5/2014/968
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LAND AT 40 LYNCH STREET YARRAWONGA FOR A STUDENT
ACCOMMODATION (cont'd)**

ATTACHMENT No [3] - Mediation Correspondence

Amanda Mathers

5/2014/968

From: [REDACTED]
Sent: Monday, 23 February 2015 9:10 AM
To: RecordsWebmaster
Cc: Melissa Lotito
Subject: Response from Applicant regarding objections and concerns - Lynch Street Development

Good morning Melissa

I have had a look at the revised drawings forwarded to me, can you please provide further clarification to my queries below:

- Can you advise the height above the floor where the base of the window sill commences and the height at the top of the window.
- The revised drawings appear to have a different style of window in the bedrooms, can you confirm the type of opening i.e. wind out and which section of the window opens; top, bottom or both?
- The bathrooms windows also appear to have a different style, the new windows appear to open, can you please advise on the style of opening and which section/s open.

Regards

[REDACTED]

From: Melissa Lotito <melissa.lotito@moira.vic.gov.au>
To: [REDACTED]
Date: 11/02/2015 03:01 PM
Subject: Response from Applicant regarding objections and concerns

Good Afternoon [REDACTED]

The applicant has sent through some revised drawings to address your concerns. The revisions include:

- Raising the window sill level in the bedrooms by 160mm
- Translucent glazing on the lower half of the south facing windows
- Adjusting the site plan and shadow diagram to more closely reflect the surrounding site conditions

1

FILE NO: 5/2014/968
3. DEVELOPMENT AND LIVEABILITY

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ACCOMMODATION (cont'd)**

ATTACHMENT No [3] - Mediation Correspondence

in terms of the "future built area" noted on A001, this does not form part of the current planning permit application and will be noted on the drawings if endorsed by council.

I have also attached a form that you will need to fill out and either email or mail back to me at your earliest convenience.

I am happy to discuss the charges with you if you have any further questions.

Regards,

Melissa Lotito
Town Planner
Town Planning and Building

Moira Shire Council
PO Box 678 Octram VIC 3642
24 Station Street Octram VIC 3644
Phone: (03) 5871 9222
Fax: (03) 5872 1537
www.moira.vic.gov.au



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deleted by Heather Giffard/Southern/DHS] [attachment "A301-DA2.pdf" deleted by Heather
Giffard/Southern/DHS] [attachment "A001-DA2.pdf" deleted by Heather Giffard/Southern/DHS]
[attachment "A201-DA2.pdf" deleted by Heather Giffard/Southern/DHS] [attachment "52014968 - 40
Lynch Street Yarrawonga - Form - Objectors Response to App....docx" deleted by Heather
Giffard/Southern/DHS]

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**PLANNING PERMIT APPLICATION FOR THE USE AND DEVELOPMENT OF
LAND AT 40 LYNCH STREET YARRAWONGA FOR A STUDENT
ACCOMMODATION (cont'd)**

ATTACHMENT No [3] - Mediation Correspondence

Melissa Lotito

From: John Guthrie <John@jwparchitects.com.au>
Sent: Tuesday, 24 February 2015, 5:21 PM
To: Melissa Lotito
Cc: Peter Stenhouse; Elaine Mallows (Elaine.Mallows@yh.org.au)
Subject: RE: Response time - 40 Lynch St, Yarrowonga - Planning Permit

Hi Melissa,

See my responses below in Red.
Hopefully these are the last queries.

Can you discuss these responses with the neighbour directly as well as informing her in writing?
We may get an immediate response on the phone.

Please call if you need to discuss any items.

Regards



John Guthrie
Jovars Westland Partnership Pty Ltd
163 Lawrence Street
Mildong Victoria 3690

ARCHITECTS
PROJECT MANAGEMENT
PLANNING PERMITS

T: 02 8024 6566
F: 02 8024 6588
E: John@jwparchitects.com.au
W: www.jwparchitects.com.au

From: Melissa Lotito [mailto:mel@moira.vic.gov.au]
Sent: Tuesday, 24 February 2015 4:27 PM
To: John Guthrie
Cc: Peter Stenhouse; Elaine Mallows (Elaine.Mallows@yh.org.au)
Subject: RE: Response time - 40 Lynch St, Yarrowonga - Planning Permit

Good Afternoon John,

I received some questions from the objector yesterday. She would like to clarify the details of the windows.
Could you please give a response to the following:

- Can you advise the height above the floor where the base of the window sill commences and the height at the top of the window.

First Floor to Sill height is 1050mm. First Floor to Window Head height is 2100mm

- The revised drawings appear to have a different style of window in the bedrooms, can you confirm the type of opening, i.e. Wind out and which section of the window opens; top, bottom or both?

FILE NO: 5/2014/968
3. DEVELOPMENT AND LIVEABILITY

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(TOWN PLANNER, MELISSA LOTITO)
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**PLANNING PERMIT APPLICATION FOR THE USE AND DEVELOPMENT OF
LAND AT 40 LYNCH STREET YARRAWONGA FOR A STUDENT
ACCOMMODATION (cont'd)**

ATTACHMENT No [3] - Mediation Correspondence

Awning windows, hinged at the top. The top panel opens to meet required natural ventilation requirements.
Translucent glazing to bottom panels.

- The bathrooms windows also appear to have a different style, the new windows appear to open, can you please advise on the style of opening and which section/s open.

Awning windows, hinged at the top. The top panel opens. Full translucent glass.
Generally, Awning windows will open 30% from vertical.

I believe the height at the top of the window is 5100 (correct me if I am wrong) and I know we discussed the window openings briefly last week but I just want to be certain I answer her questions correctly.

Regards,

Melissa Lotito
Town Planner
Town Planning and Building

Moira Shire Council
PO Box 578 Cobram VIC 3643
44 Station Street Cobram VIC 3644
Phone: (03) 5871 8222
Fax: (03) 5872 1607
www.moira.vic.gov.au



From: John Guthrie (<mailto:john@jwparchitects.com.au>)
Sent: Sunday, 22 February 2015 9:35 AM
To: Melissa Lotito
Cc: Peter Stenhouse; Elaine Mallows (Elaine.Mallows@yh.org.au)
Subject: RE: Response time - 40 Lynch St, Yarrawonga - Planning Permit

Hi Melissa

Thankyou Melissa for your response.
I'd like to keep this moving as quickly as possible.
I assume council will make a determination if the objector prolongs this process.

I'll call Wednesday to discuss the outcome of your conversation with the neighbour.

Regards,



0 3 5 8 7 1 8 2 2 2
0 3 5 8 7 2 1 6 0 7
P H O N E
F A X
M O B I L E
E M A I L
W E B S I T E

John Guthrie
Jovaras Westland Partnership Pty Ltd
163 Lawrence Street
Wodonga Victoria 3680

02 6024 8585
02 6024 8588
john@jwparchitects.com.au
www.jwparchitects.com.au

FILE NO: 5/2014/968
3. DEVELOPMENT AND LIVEABILITY

ITEM NO: 9.2.5
(TOWN PLANNER, MELISSA LOTITO)
(GENERAL MANAGER
INFRASTRUCTURE, ANDREW CLOSE)

**PLANNING PERMIT APPLICATION FOR THE USE AND DEVELOPMENT OF
LAND AT 40 LYNCH STREET YARRAWONGA FOR A STUDENT
ACCOMMODATION (cont'd)**

ATTACHMENT No [3] - Mediation Correspondence

Melissa Lotito

From: Melissa Lotito
Sent: Wednesday, 25 February 2015 1:32 PM
To: [REDACTED]
Subject: RE: Response from Applicant regarding objections and concerns - Lynch Street Development

Hi [REDACTED]

Highlighted in red below are the responses to your queries.

- * Can you advise the height above the floor where the base of the window sill commences and the height at the top of the window.

First Floor to Sill height is 1050mm, First Floor to Window Head height is 2100mm

- * The revised drawings appear to have a different style of window in the bedrooms, can you confirm the type of opening i.e. wind out and which section of the window opens, top, bottom or both?

Awning windows, hinged at the top. The top panels open to meet required natural ventilation requirements. Translucent glazing to bottom panels.

- * The bathrooms windows also appear to have a different style, the new windows appear to open, can you please advise on the style of opening and which section/s open.

Awning windows, hinged at the top. The top panel opens. Full translucent glass. Generally, Awning windows will open 30% from vertical.

Please advise at your earliest convenience if you wish to withhold or withdraw your objection, please attach it in writing as per the form I sent to you a couple weeks ago.

Give me a call if you wish to discuss anything further.

Regards,

Melissa Lotito
Town Planner
Town Planning and Building

Moira Shire Council
PO Box 578 Cobram Vic 3643
44 Station Street Cobram Vic 3644
Phone: (03) 5871 9222
Fax: (03) 5872 1567
www.moira.vic.gov.au



FILE NO: F13/858
3. DEVELOPMENT AND LIVEABILITY

ITEM NO: 9.2.6
(MANAGER CONSTRUCTION AND
ASSETS, GRAHAM HENDERSON)
(GENERAL MANAGER
INFRASTRUCTURE, ANDREW CLOSE)

PROPOSAL TO DISCONTINUE HAMILTON LANE COBRAM

RECOMMENDATION

That Council:

Exercise its powers under the Schedule 10 Clause 3 of the Local Government Act to discontinue Hamilton Lane by a notice published in the Government Gazette, subject to the provision of easements to protect Council's drainage assets and overland drainage paths; and
the land be transferred to the Crown.

1. Executive Summary

At Council's meeting of 23 February 2015, Council resolved to commence the process to discontinue Hamilton Lane in Cobram and accordingly undertake the required consultation process under Section 223 of the Local Government Act.

As part of the consultation process, public notices were advertised on the Council's Website and in the local newspapers commencing on 10 March 2015 inviting the public to make a submission on the proposed road discontinuation under Section 223 of the Act. The period for the public to make a submission was open until 10th April 2015.

At the time of the closing date for receiving submissions from the public, no submissions had been received.

It is therefore recommended that Council proceed with the discontinuation of Hamilton Lane by a notice published in the Government Gazette in accordance with Schedule 10 Clause 3 of the Local Government Act.

2. Background and Options

At its meeting on 23 February 2015, Council resolved as follows:

That Council:

"Resolve to commence the process to discontinue Hamilton Lane, and accordingly undertake the required a consultation process under Section 223 of the Local Government Act."

The Local Government Act 1989 specifically requires Council to undertake the Section 223 right to make a submissions process for road discontinuances.

As part of the Section 223 process Council hear submissions at a meeting of Council or a committee determined by the Council. Council must also fix the day, time and place of the meeting and give reasonable notice of this to each person who has requested to be heard.

Council further resolved at its meeting on 23 March 2015,

"That Council:

FILE NO: F13/858
3. DEVELOPMENT AND LIVEABILITY

ITEM NO: 9.2.6
(MANAGER CONSTRUCTION AND
ASSETS, GRAHAM HENDERSON)
(GENERAL MANAGER
INFRASTRUCTURE, ANDREW CLOSE)

PROPOSAL TO DISCONTINUE HAMILTON LANE COBRAM (cont'd)

1. appoint a Committee of the Council, comprising Councillor Cox and Councillor Cleveland and the General Manager Infrastructure to consider submissions and hear any person who wishes to be heard in support of their submission on the proposed discontinuance of Hamilton Lane, Cobram, and,
2. the Committee will hear submissions on a date, time and place as set by the Chief Executive Officer."

3. Financial Implications

The road pavement is currently valued as a Council asset, discontinuing the road will see this asset removed from Council's asset register.

Hamilton Lane is a government road and should Council resolve to discontinue it, the land will revert back to Crown land and Murray Goulburn will be able to enter into discussions with the relevant State department to purchase the land. The land will be encumbered with the easements to secure Council's and other service authorities access to their assets.

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

4. Risk Management

The discontinuance of Hamilton Lane will see this segment of road removed from Council's Register of Public Roads and from Council's responsibility to inspect and maintain.

Council owned assets such as drainage assets will be encumbered with easements to secure Council's right of access to maintain these assets.

5. Internal and External Consultation

Community consultation was sought on the proposal to discontinue Hamilton Lane, Cobram under Section 223 of the Local Government Act 1989 by advertising through public notices in local newspapers and on Council's website for a minimum period of 28 days.

The public notice was advertised in:

Council Website 10 March 2015
Cobram Courier edition of 18 March 2015 and 1 April 2015
Numurkah Leader 1 April 2015
Yarrawonga Chronicle 1 April 2015

Closing date for receiving written submissions was 10 April 2015.

No submissions from the public had been received by the closing date.

6. Regional Context

The redevelopment of the Murray Goulburn facility in Cobram is a significant investment within the region. The closure of Hamilton Lane will assist in this redevelopment.

FILE NO: F13/858
3. DEVELOPMENT AND LIVEABILITY

ITEM NO: 9.2.6
(MANAGER CONSTRUCTION AND
ASSETS, GRAHAM HENDERSON)
(GENERAL MANAGER
INFRASTRUCTURE, ANDREW CLOSE)

PROPOSAL TO DISCONTINUE HAMILTON LANE COBRAM (cont'd)

7. Council Plan Strategy

The proposal under consideration in the report supports Council Plan Strategy 3.8 – Investment Attraction.

8. Legislative / Policy Implications

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

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

9. Environmental Impact

There are no environmental implications associated with Council resolving to commence the process to discontinue Hamilton Lane.

10. Conflict of Interest Considerations

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

11. Conclusion

No written submissions of objections had been received from the public following the public consultation period to Council's proposal to discontinue Hamilton Lane

It is therefore recommended that Council proceed with the discontinuation of Hamilton Lane by a notice published in the Government Gazette in accordance with Schedule 10 Clause 3 of the Local Government Act, subject to the provision of easements to protect Council's drainage assets and overland flow path, and that the land be transferred to the Crown.

Attachments

Nil

FILE NO: 120.16.0001
3. OUR COMMUNICATIONS AND
PROCESSES

ITEM NO: 10.1.1
(GOVERNANCE RECORDS OFFICER,
MARGARET HINCK)
(GENERAL MANAGER - CORPORATE,
LEANNE MULCAHY)

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 February and March 2015 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)
(GENERAL MANAGER - CORPORATE,
LEANNE MULCAHY)

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 February and March 2015. Their recording into the Council Minutes ensures Council meets its statutory obligations under section 80A of the Act.

Attachments

- 1 Attachment 12
- 2 Attachment 2
- 3 Attachment 10
- 4 Attachment 12
- 5 Attachment 16
- 6 Attachment 17
- 7 Attachment 23
- 8 Attachment 30

FILE NO: 120.16.0001
3. OUR COMMUNICATIONS AND
PROCESSES

ITEM NO: 10.1.1
(GOVERNANCE RECORDS OFFICER,
MARGARET HINCK)
(GENERAL MANAGER - CORPORATE,
LEANNE MULCAHY)

ASSEMBLIES OF COUNCILLORS (cont'd)

ATTACHMENT No [1] - Attachment 12



RECORD OF ASSEMBLY OF COUNCILLORS

Date held	12 February 2015
Name of meeting	Tourism Advisory Committee
Councillors attending	Councillor Don McPhee
Council staff attending	Chief Executive Officer, Mark Henderson, Acting Manager Economic Development, Michelle Cobb, Tourism Development Officer, Louise Munk-Klint Tourism Support Officer, Kyla Carpinelli,
Matters discussed	1. Presentation from Murray Regional Tourism Board regarding strategic directions of the Murray Region and Key Projects 2. Discussion of Council's Tourism Strategy and Tourism Vision 3. Local Tourism Association updates
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)
(GENERAL MANAGER - CORPORATE,
LEANNE MULCAHY)

ASSEMBLIES OF COUNCILLORS (cont'd)

ATTACHMENT No [2] - Attachment 2



RECORD OF ASSEMBLY OF COUNCILLORS

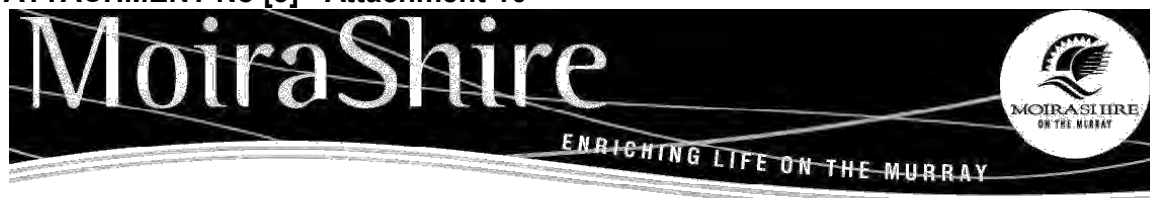
Date held	2 March 2015
Name of meeting	Assembly of Councillors
Councillors attending	Councillors Marie Martin, Peter Mansfield, Wendy Buck, Gary Cleveland, Alex Monk, Brian Keenan, Don McPhee
Council staff attending	Chief Executive Officer, Mark Henderson
Matters discussed	
	1. Strategic alliances 2. Meeting schedule 3. All abilities playground 4. Power reliability 5. Cobram Library fundraising
Conflict of Interest Disclosures (indicate below if Nil or complete details)	

FILE NO: 120.16.0001
3. OUR COMMUNICATIONS AND PROCESSES

ITEM NO: 10.1.1
(GOVERNANCE RECORDS OFFICER, MARGARET HINCK)
(GENERAL MANAGER - CORPORATE, LEANNE MULCAHY)

ASSEMBLIES OF COUNCILLORS (cont'd)

ATTACHMENT No [3] - Attachment 10



RECORD OF ASSEMBLY OF COUNCILLORS

Date held	10 March 2015									
Name of meeting	Council Briefing									
Councillors attending	Councillors: Marie Martin, Ed Cox (Depart 4pm) , Gary Cleveland, Don McPhee, Peter Mansfield, Wendy Buck, Brian Keenan (depart 4:42pm), Alex Monk (arrive 10:15 am)									
Council staff attending	Chief Executive Officer, Mark Henderson, General Manager Infrastructure, Andrew Close, General Manager Corporate, Leanne Mulcahy, Manager Governance & Communications, Linda Nieuwenhuizen, Manager Construction & Assets, Graham Henderson, Manager Planning & Building, Jorine Bothma, Manager Strategic Projects, Mark Foord, Procurement & Quality Management Coordinator, Megan Gemmill									
Matters discussed	<table border="0"> <tr> <td>1. Planning matters – Green Palms Village</td> <td>5. Yarrawonga All Abilities Playground</td> </tr> <tr> <td>2. Meeting with Wendy Lovell, Member Northern Victoria</td> <td>6. Roadside Weed and Pest Strategy</td> </tr> <tr> <td>3. Procurement Policy</td> <td>7. Management Report</td> </tr> <tr> <td>4. Draft Agenda Review</td> <td>8. Health and Safety at Council Facilities</td> </tr> </table>		1. Planning matters – Green Palms Village	5. Yarrawonga All Abilities Playground	2. Meeting with Wendy Lovell, Member Northern Victoria	6. Roadside Weed and Pest Strategy	3. Procurement Policy	7. Management Report	4. Draft Agenda Review	8. Health and Safety at Council Facilities
1. Planning matters – Green Palms Village	5. Yarrawonga All Abilities Playground									
2. Meeting with Wendy Lovell, Member Northern Victoria	6. Roadside Weed and Pest Strategy									
3. Procurement Policy	7. Management Report									
4. Draft Agenda Review	8. Health and Safety at Council Facilities									
Conflict of Interest Disclosures (indicate below if Nil or complete details)										
Matter No.	Councillor	Did Councillor leave meeting								
1. Green Palms Village	Cox	Yes								

FILE NO: 120.16.0001
3. OUR COMMUNICATIONS AND
PROCESSES

ITEM NO: 10.1.1
(GOVERNANCE RECORDS OFFICER,
MARGARET HINCK)
(GENERAL MANAGER - CORPORATE,
LEANNE MULCAHY)

ASSEMBLIES OF COUNCILLORS (cont'd)

ATTACHMENT No [4] - Attachment 12



RECORD OF ASSEMBLY OF COUNCILLORS

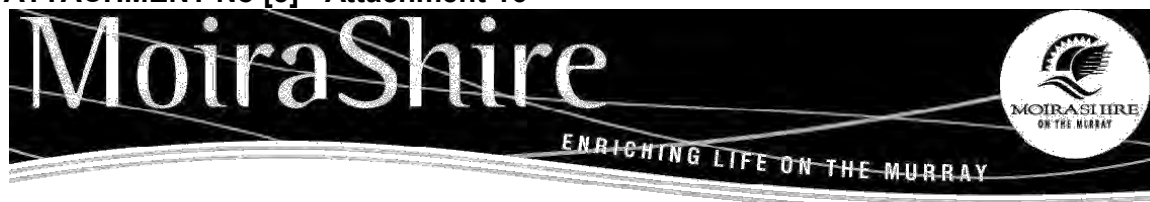
Date held	12 March 2015
Name of meeting	Moirashire Junior Council
Councillors attending	Councillors Gary Cleveland, Alex Monk
Council staff attending	Youth Development Officer, Hollie Barnes, Administration Support Officer, Sharon Nye,
Matters discussed	1. Freeza Report 2. L2P presentation 3. Youth and Town Issues 4. Event planning 5. Junior Council name change
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)
(GENERAL MANAGER - CORPORATE,
LEANNE MULCAHY)

ASSEMBLIES OF COUNCILLORS (cont'd)

ATTACHMENT No [5] - Attachment 16



RECORD OF ASSEMBLY OF COUNCILLORS

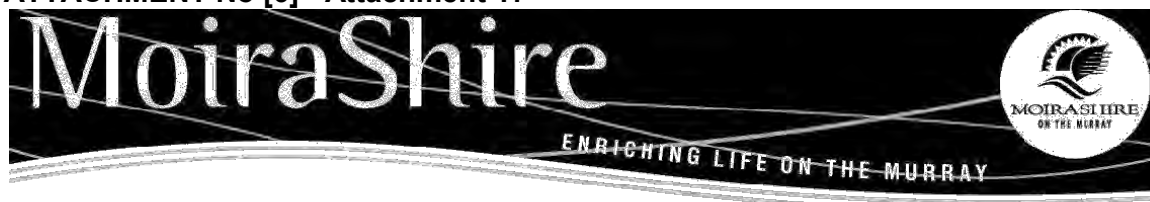
Date held	16 March 2015	
Name of meeting	Council Workshop – Council Plan	
Councillors attending	Councillors Marie Martin, Ed Cox , Gary Cleveland, Don McPhee, Peter Mansfield, Wendy Buck, Brian Keenan, Alex Monk, Kevin Bourke	
Council staff attending	Chief Executive Officer, Mark Henderson, General Manager Infrastructure, Andrew Close, General Manager Corporate, Leanne Mulcahy, Manager Governance & Communications, Linda Nieuwenhuizen	
Matters discussed		
1. Strategic planning in context	4. Areas for improvement	
2. Presentation – Mark Byatt, Chair Hume Regional Development Australia	5. Defining our Business	
3. Strategic priorities		
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)
(GENERAL MANAGER - CORPORATE,
LEANNE MULCAHY)

ASSEMBLIES OF COUNCILLORS (cont'd)

ATTACHMENT No [6] - Attachment 17



RECORD OF ASSEMBLY OF COUNCILLORS

Date held	17 March 2014
Name of meeting	Environment Sustainability Advisory Committee
Councillors attending	Councillor Wendy Buck
Council staff attending	Manager Safety Amenity & Environment, Sally Rice Coordinator Waste Management Services, John Mangan, Team Leader Waste Management Services, George Bitcon, Manager Town Planning and Building, Jorine Bothma Business Support Officer, Jeanette Morrison,
Matters discussed	
	1. Tyre Storage – Katunga and Numurkah 2. Round Table updates from Committee members
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)
(GENERAL MANAGER - CORPORATE,
LEANNE MULCAHY)

ASSEMBLIES OF COUNCILLORS (cont'd)

ATTACHMENT No [7] - Attachment 23



RECORD OF ASSEMBLY OF COUNCILLORS

Date held	23 March 2015	
Name of meeting	Council Briefing	
Councillors attending	Councillors Ed Cox, Gary Cleveland, Don McPhee, Kevin Bourke, Marie Martin, Alex Monk, Brian Keenan, Wendy Buck, Peter Mansfield	
Council staff attending	Chief Executive Officer, Mark Henderson, General Manager Infrastructure, Andrew Close General Manager Corporate, Leanne Mulcahy Manager Governance & Communications, Linda Nieuwenhuizen	
Matters discussed	1. Meeting Agenda 2. Green Palms Village	
Conflict of Interest Disclosures (indicate below if Nil or complete details)		
Matter No.	Councillor	Did Councillor leave meeting
2.	Ed Cox	Yes

FILE NO: 120.16.0001
3. OUR COMMUNICATIONS AND
PROCESSES

ITEM NO: 10.1.1
(GOVERNANCE RECORDS OFFICER,
MARGARET HINCK)
(GENERAL MANAGER - CORPORATE,
LEANNE MULCAHY)

ASSEMBLIES OF COUNCILLORS (cont'd)

ATTACHMENT No [8] - Attachment 30



RECORD OF ASSEMBLY OF COUNCILLORS

Date held	30 March 2015
Name of meeting	Review of draft 2015/16 budget
Councillors attending	Councillors: Marie Martin, Ed Cox (depart 4:15pm), Gary Cleveland (depart 3:35), Don McPhee (arrive 10:45, depart 3:20), Peter Mansfield, Wendy Buck, Brian Keenan, Alex Monk
Council staff attending	Chief Executive Officer, Mark Henderson, General Manager Infrastructure, Andrew Close, General Manager Corporate, Leanne Mulcahy, Manager Governance & Communications, Linda Nieuwenhuizen, Manager Strategic Projects, Mark Foord,
Matters discussed	
1. Council Plan workshop outcomes 2. Draft 2015/16 budget – operational 3. Draft 2015/16 budget - capital	
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)
(GENERAL MANAGER - CORPORATE,
LEANNE MULCAHY)**

ACTION OFFICERS LIST**RECOMMENDATION**

That Council receive and note the Action Officers List.

Attachments

- 1 Action Officer's List - April 2015

FILE NO: 100.01.0001
3. OUR COMMUNICATIONS AND PROCESSES

ITEM NO: 11.1
(PERSONAL ASSISTANT TO CEO, ROBYN BONADDIO)
(GENERAL MANAGER - CORPORATE, LEANNE MULCAHY)

ACTION OFFICERS LIST (cont'd)

ATTACHMENT No [1] - Action Officer's List - April 2015

ACTION OFFICERS LIST – APRIL 2015

Meeting	Subject
Ordinary Council Meeting 23 March 2015	Renaming of part Lakeviews Circuit Yarrowonga
MOTION CRS KEVIN BOURKE / ALEX MONK That Council: <ol style="list-style-type: none"> adopt the interim name of "Rakali Drive" for the balance of Lakeviews Circuit; place advertisements in local papers seeking comments within 30 days regarding the adoption of this name; write to owners of properties adjoining this road seeking comments within 30 days; and if no objections are received following the consultation process, adopt the name "Rakali Drive" for submission to the Office of Geographic Names. 	
(CARRIED)	
ACTIVITY Public comments close 01/05/2015.	
Meeting	Subject
Ordinary Council Meeting 23 March 2015	Draft Roadside Weed and Pest Animal Control Strategy 2015-2020
MOTION CRS KEVIN BOURKE / PETER MANSFIELD That: <ol style="list-style-type: none"> Council receive the draft Roadside Weed and Rabbit Control Strategy 2015-2020; and the draft Roadside Weed and Rabbit Control Strategy 2015-2020 be available to the public for comment over a four week period. 	
(CARRIED)	
ACTIVITY Draft RWPCP available on Council's website. Comments will be received until 30 April 2015.	

1.

FILE NO: 100.01.0001
3. OUR COMMUNICATIONS AND PROCESSES

ITEM NO: 11.1
(PERSONAL ASSISTANT TO CEO, ROBYN BONADDIO)
(GENERAL MANAGER - CORPORATE, LEANNE MULCAHY)

ACTION OFFICERS LIST (cont'd)

ATTACHMENT No [1] - Action Officer's List - April 2015

ACTION OFFICERS LIST – APRIL 2015

Meeting	Subject
Ordinary Council Meeting 23 March 2015	Petition Maple Crescent Park, Numurkah
MOTION CRS ALEX MONK / KEVIN BOURKE That: 1. The local community be consulted and participate in development of a plan, as well as works to implement the plan, to develop the Maple Crescent Park, 2. The petition organizer be thanked for their time and effort taken to prepare and circulate the petition.	
(CARRIED)	
ACTIVITY Council officers to organise meeting with residents following school term one holidays.	
Meeting	Subject
Ordinary Council Meeting 23 March 2015	Petition for process to remove Gum Trees from Lott Street Yarrawonga
MOTION CRS WENDY BUCK / PETER MANSFIELD That: 1. Council receive a petition containing 15 signatures requesting the removal of Gum Trees in Lott Street Yarrawonga due to a range of issues impacting residents	
(CARRIED)	
ACTIVITY Report created for the 27 April Council Meeting.	

FILE NO: 100.01.0001
3. OUR COMMUNICATIONS AND PROCESSES

ITEM NO: 11.1
(PERSONAL ASSISTANT TO CEO, ROBYN BONADDIO)
(GENERAL MANAGER - CORPORATE, LEANNE MULCAHY)

ACTION OFFICERS LIST (cont'd)

ATTACHMENT No [1] - Action Officer's List - April 2015

ACTION OFFICERS LIST – APRIL 2015

Meeting	Subject
Ordinary Council Meeting 23 March 2015	General Business - Proposed cessation of the firewood collection from the Barmah National Park
<p>MOTION</p> <p>CRS KEVIN BOURKE / PETER MANSFIELD</p> <p>That Moira Shire Council write to all Members of the Victorian State Parliament, including all Shadow Ministers and all members of the Barmah National Park Board, the Mayors and Councillors of our adjoining Local Government bodies, namely Campaspe, City of Greater Shepparton and Indigo Councils, requesting a postponement of the proposed cessation of the firewood collection from the Barmah National Park, scheduled for the 30 June 2015, explaining the hardship and health concerns this proposal could impact on a large number of Moira residents.</p> <p style="text-align: right;">(CARRIED)</p>	
<p>COMPLETED</p> <p>Letters sent 26 March.</p>	

FILE NO: 100.01.0001
3. OUR COMMUNICATIONS AND PROCESSES

ITEM NO: 11.1
(PERSONAL ASSISTANT TO CEO, ROBYN BONADDIO)
(GENERAL MANAGER - CORPORATE, LEANNE MULCAHY)

ACTION OFFICERS LIST (cont'd)

ATTACHMENT No [1] - Action Officer's List - April 2015

ACTION OFFICERS LIST – APRIL 2015

Meeting	Subject
Ordinary Council Meeting 23 February 2015	Discontinuation of Hamilton Lane Cobram
MOTION CRS ED COX / ALEX MONK That Council: Resolve to commence the process to discontinue Hamilton Lane, and accordingly undertake the required a consultation process under Section 223 of the Local Government Act. (CARRIED)	
ACTIVITY Advertising has commenced for the Section 223 process in local papers for the discontinuation of Hamilton Lane. Public comments close 10/04/2015.	
Meeting	Subject
Ordinary Council Meeting 23 February 2015	Lease to National Broadband Network - Wunghnu
MOTION CRS KEVIN BOURKE / DON MCPHEE That Council: 1. Resolve to enter into a lease with the National Broadband Network Company to occupy land within the Wunghnu Recreation Reserve in Carlisle St Wunghnu for the construction of a telecommunications tower. 2. Authorise the CEO to sign and seal the lease documents. (CARRIED)	
ACTIVITY Lease documents are in the process of being signed by the Chief Executive Officer.	

FILE NO: 100.01.0001
3. OUR COMMUNICATIONS AND PROCESSES

ITEM NO: 11.1
(PERSONAL ASSISTANT TO CEO, ROBYN BONADDIO)
(GENERAL MANAGER - CORPORATE, LEANNE MULCAHY)

ACTION OFFICERS LIST (cont'd)

ATTACHMENT No [1] - Action Officer's List - April 2015

ACTION OFFICERS LIST – APRIL 2015

Meeting	Subject
Ordinary Council Meeting 23 February 2015	Lease to Optus Mobile Pty Ltd – Cobram, Numurkah and Yarrawonga
MOTION CRS BRIAN KEENAN / ED COX That Council: 1. Resolve to enter into separate leases with Optus Mobile Pty Ltd to occupy an area on each of the Moira Shire Council telecommunication towers and land located at 44 Station St Cobram, 97-99 Melville St Numurkah and 26-30 Belmore St Yarrawonga. 2. Authorise the CEO to sign and seal the lease documents, <div style="text-align: right;">(CARRIED)</div>	
ACTIVITY Lease documents are in the process of being signed by the Chief Executive Officer.	

FILE NO: 100.01.0001
3. OUR COMMUNICATIONS AND PROCESSES

ITEM NO: 11.1
(PERSONAL ASSISTANT TO CEO, ROBYN BONADDIO)
(GENERAL MANAGER - CORPORATE, LEANNE MULCAHY)

ACTION OFFICERS LIST (cont'd)

ATTACHMENT No [1] - Action Officer's List - April 2015

ACTION OFFICERS LIST – APRIL 2015

Meeting	Subject
Ordinary Council Meeting 23 February 2015	Lease to Telstra Corporation Limited - Nathalia Telecommunications Tower
<p>MOTION</p> <p>CRS KEVIN BOURKE / DON MCPHEE</p> <p>That Council:</p> <ol style="list-style-type: none"> 1. Resolve to enter into a lease with Telstra Corporation to occupy part of the Moira Shire Council telecommunications tower and land located at 77 Blake St Nathalia. 2. Authorise the CEO to sign and seal the lease proposal and lease documents. <p style="text-align: right;">(CARRIED)</p>	
<p>ACTIVITY</p> <p>Lease documents are in the process of being signed by the Chief Executive Officer.</p>	

FILE NO: 100.01.0001
3. OUR COMMUNICATIONS AND PROCESSES

ITEM NO: 11.1
(PERSONAL ASSISTANT TO CEO, ROBYN BONADDIO)
(GENERAL MANAGER - CORPORATE, LEANNE MULCAHY)

ACTION OFFICERS LIST (cont'd)

ATTACHMENT No [1] - Action Officer's List - April 2015

ACTION OFFICERS LIST – APRIL 2015

Meeting	Subject
Ordinary Council Meeting 23 February 2015	Petition – Speed Limit Strathmerton
MOTION CRS WENDY BUCK / KEVIN BOURKE That Council: 1. Agree to deal with this petition, regarding reducing the speed limit on the Murray Valley Highway at Strathmerton earlier than required by Council's Meetings and Procedures Local Law 2007. That Council, subject to the above being adopted: (a) Agree to consider several letters from residents received in conjunction with the petition at the same time as the petition. (b) Advise VicRoads that, The Moira Shire Council has received a petition signed by 261 people requesting reduction of the speed limit from 80km/hr to 60km/hr along the Murray Valley Highway, in Strathmerton and that Council supports the wishes of the petitioners. (c) Advise the writers of letters and the petition Organisers of Council's decision. (CARRIED)	
COMPLETED Council Officers met with Vicroads and concerned residents on Wednesday 25 March.	

FILE NO: 100.01.0001
3. OUR COMMUNICATIONS AND PROCESSES

ITEM NO: 11.1
(PERSONAL ASSISTANT TO CEO, ROBYN BONADDIO)
(GENERAL MANAGER - CORPORATE, LEANNE MULCAHY)

ACTION OFFICERS LIST (cont'd)

ATTACHMENT No [1] - Action Officer's List - April 2015

ACTION OFFICERS LIST – APRIL 2015

Meeting	Subject
Ordinary Council Meeting 8 December 2014	General Business – Access points for fire fighting
MOTION CRS KEVIN BOURKE / BRIAN KEENAN That Council liaise with the CFA and other relevant authorities to assist in facilitating installation of water access points for fire fighting where irrigation modernisation has meant reduced access to secure water. (CARRIED)	
COMPLETED Discussion have been held with regional CFA. New strategies to address and respond to fire risk in North East Victoria covering Moira Shire including fire fighting aircraft now being stationed at regional airports over the Summer Fire period. These appliances are deployed simultaneously with ground appliances to forest and grass fires. Regions undertake annual reviews of operational water availability. At this time, there are no implications of the modernisation project that CFA are concerned of that cannot be managed The Fire Access funding program has been reinstated by the new Victorian Government and Council will partner with the CFA to identify priority projects for this program. This may include improved track access and or water tank installations as deemed appropriate.	
Meeting	Subject
Ordinary Council Meeting 15 September 2014	General Business – VCAT orders.
MOTION 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)	
ACTIVITY Supreme Court filing of this matter has occurred as has magistrates listing of debt recovery of costs incurred by Council at VCAT.	

FILE NO: 100.01.0001
3. OUR COMMUNICATIONS AND PROCESSES

ITEM NO: 11.1
(PERSONAL ASSISTANT TO CEO, ROBYN BONADDIO)
(GENERAL MANAGER - CORPORATE, LEANNE MULCAHY)

ACTION OFFICERS LIST (cont'd)

ATTACHMENT No [1] - Action Officer's List - April 2015

ACTION OFFICERS LIST – APRIL 2015

Meeting	Subject
Ordinary Council Meeting 09 December 2013	Cobram Library
MOTION	
CRS GARY CLEVELAND / MARIE MARTIN	
That:	
1. Council approve the Cobram Civic Centre as the location for the new Cobram Library/Community Hub.	
2. Authorise Council Officers to seek the services of a suitably qualified Architect to undertake the detailed design of a multiple staged 'Civic Centre Precinct' in order to meet with the projected future needs of the community, with Stage 1 of the project being a new Library facility and associated works.	
(CARRIED)	
ACTIVITY	
Tender specifications for the Detail Design Architectural Services are being prepared in readiness for commencement of Tender advertising in Mid-February with tenders to close on 11 th March. Should the successful tender price exceed the CEO's authorised delegation, a report will be presented to the April Council Meeting for Council's approval to award the detail Design services contract. The detail design will be based on the final version concept design following consultation with the Cobram RSL Sub-branch on the impacts of the library footprint with the war memorial.	
Council presented the Cobram Library & Learning Centre concept plan to Members of the Cobram-Barooga RSL at their meeting on Monday 12 January 2015. About 40 members were present, with the concept plan well received by RSL Members. Council will continue to liaise with Cobram-Barooga RSL as a key stakeholder on this project; a representative of the RSL will also join the Cobram Library & Learning Centre community steering committee. The concept plan will go out to the general community at the same time as the detailed design tender advertisement.	
Tenders were advertised for Detail Design Architectural Services in March and closed on the 18 th March 2015. 6 Tender submissions were received and have been evaluated. Tender evaluation report is being finalised this week for presentation to next week's CMT meeting and approval for acceptance of preferred tenderer. Submissions were well below the \$150,000 threshold under the Local Government Act requiring decision of Council and the successful tenderer will be appointed under delegation.	
Meeting	Subject
Ordinary Council Meeting 12 December 2011	Local Law 2007 Meeting Procedure
MOTION	
That Council review the Local Law 2007 Meeting Procedure.	
(CARRIED)	
ACTIVITY	
A briefing note was distributed in late November. Focus of the review is around options for question time.	

FILE NO: D15/15608
5. INFRASTRUCTURE

ITEM NO: 12.1
(EXECUTIVE SUPPORT OFFICER, MAYOR AND
COUNCILLORS, BOBBY BROOK)
(CHIEF EXECUTIVE OFFICER, MARK HENDERSON)

NOTICE OF MOTION - CR MANSFIELD

TAKE NOTICE that at the Council Meeting to be held on 27 April 2015, it is my intention to move the following motion:

That:

Council investigate proceedings to dispose of the Cobram Caravan Park. The proceeds of which to go towards any shortfall of the Cobram Library Project and to reduce debt.

Cr Peter Mansfield

Date: 27 April 2015

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

RECOMMENDATION

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

RECOMMENDATION

That the recommendations of the closed meeting of Council be adopted and the tenders awarded be recorded in the minutes of the open section of the meeting.