



## MINUTES

ORDINARY MEETING OF COUNCIL HELD AT  
PRESIDENTS ROOM, NUMURKAH TOURIST  
INFORMATION CENTRE, MELVILLE STREET,  
NUMURKAH,  
MONDAY 22 JUNE 2015

The meeting commenced at 6.00 pm.

### **PRESENT**

Councillor Marie Martin (Mayor)  
Councillor Kevin Bourke  
Councillor Wendy Buck  
Councillor Gary Cleveland  
Councillor Ed Cox  
Councillor Brian Keenan  
Councillor Don McPhee  
Councillor Peter Mansfield  
Councillor Alex Monk

### **IN ATTENDANCE:**

Mark Henderson	Chief Executive Officer
Leanne Mulcahy	General Manager Corporate
Andrew Close	General Manager Infrastructure
Linda Nieuwenhuizen	Manager Governance and Communications

### **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**

Cr Brian Keenan requested a leave of absence from 23 July 2015 until mid-September 2015

Cr Wendy Buck requested a leave of absence from 4 July 2015 until 22 July 2015

### **MOTION**

CRS DON MCPHEE / KEVIN BOURKE

That the leave of absence be granted

(CARRIED)

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

Nil

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

NIL

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

**MOTION:**

CRS KEVIN BOURKE / BRIAN KEENAN

"That the minutes of the Ordinary Council Meeting held on Monday, 25 May 2015 and the minutes of the Special Ordinary Council Meeting held on Tuesday, 9 June 2015, as prepared be confirmed."

(CARRIED)

**8. COUNCILLOR REPORTS**

Cr Peter Mansfield reported on his attendance with the Mayor at the National General Assembly of Local Government in Canberra. During the conference they also met with Minister Warren Truss to discussed proposed projects for Moira.

**9. OFFICER REPORTS FOR DETERMINATION**

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NIL

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**MARK HENDERSON**  
**CHIEF EXECUTIVE OFFICER**

FILE NO: 180.11.0002  
3. OUR COMMUNICATIONS AND PROCESSES

ITEM NO: 9.1.1  
(ASSISTANT FINANCIAL ACCOUNTANT,  
ANDREW WILSON)  
(GENERAL MANAGER - CORPORATE,  
LEANNE MULCAHY)

## FINANCIAL POSITION REPORT AS AT 31 MAY 2015

### 1. Executive Summary

#### Financial Highlights and Overview – Key Points

- Current Cash & Cash Equivalents balance as at 31 May 2015 is \$21,460,222
- Investments at the end of March are \$18.2M and are being monitored to derive the best result
- Rate Debtors collection is progressively maintained, as at 31 May 2015 outstanding rate debtors represent 13.1% of rates levied compared with 10.4% at 31 May 2014
- Sundry Debtors are being rigorously followed-up and are at acceptable levels, the percentage of debtors greater than 30 days is 28.9% of total debtors, however this includes a debt of \$205k for the sale and leaseback of IT equipment which will be paid in July 2015 to match the commencement of the lease payments
- Capital Expenditure is being monitored to meet target, expenditure year to date is at \$8.0M, with further outstanding commitments of \$1.7M. Key projects nearing completion include: Thompsons Beach and Cobram Landfill Rehabilitation and will require full budget allocation of \$10.7M.
- 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 of \$3.5M is on track.



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3. OUR COMMUNICATIONS AND PROCESSES

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

**2. Background and Options**

Moirā Shire Council Funding Analysis Summary - May 2015				
Operating Income Statement	Ref	Budget 14/15	Mar 14/15 Forecast	Actuals YTD May 14/15
<b>Income</b>				
Operating Grant		(11,215,994)	(11,204,250)	(11,369,778)
Operating Contributions		(93,600)	(56,701)	(50,935)
Reimbursements		(49,532)	(71,525)	(71,966)
Statutory Fees & Fines		(883,576)	(883,776)	(905,832)
User Charges		(2,637,997)	(2,701,290)	(2,041,910)
Other Revenues (incl. Waste Charges & Environmental Levy)		(6,723,275)	(6,522,774)	(6,483,290)
Interest Income		(300,000)	(400,000)	(443,134)
Net Proceeds - Land for resale		(10,000)	(64,699)	(64,500)
<b>Total Income</b>		<b>(21,913,974)</b>	<b>(21,905,015)</b>	<b>(21,431,345)</b>
<b>Expenditure</b>				
Employee Costs		18,604,226	18,621,116	15,529,445
Contractors		6,300,072	5,461,289	4,402,107
Materials & Services		11,461,566	10,427,393	7,953,265
Utilities		968,072	978,129	815,888
Other Expenses		4,320,149	4,298,407	3,668,022
Interest on Borrowings		527,476	527,476	487,726
Bad & Doubtful Debts		5,000	5,000	-
WDV of Disposal of Assets		60,129	60,129	19,663
<b>Total Expenditure</b>		<b>42,246,690</b>	<b>40,378,939</b>	<b>32,876,116</b>
<b>Net Operational (Inflow) / Outflow</b>		<b>20,332,716</b>	<b>18,473,924</b>	<b>11,444,771</b>
<b>Net Operational (Inflow) / Outflow</b>		<b>20,332,716</b>	<b>18,473,924</b>	<b>11,444,771</b>
Funding available through				
Rates and charges		25,812,968	25,805,530	24,903,683
<b>Rate funds available for Capital Projects</b>	<b>A</b>	<b>5,480,252</b>	<b>7,331,606</b>	<b>13,458,912</b>
Capital Expenditure		10,720,189	10,758,619	8,024,685
Capital External funding		(6,146,409)	(5,361,957)	(4,906,448)
<b>Net Council Funding of Capital Projects</b>	<b>B</b>	<b>4,573,780</b>	<b>5,396,662</b>	<b>3,118,237</b>
<b>Surplus of Rate Funds after funding Capital Projects</b>	<b>A - B</b>	<b>906,472</b>	<b>1,934,944</b>	<b>10,340,675</b>
Equity Inflow / (Outflow)		(829,560)	(829,560)	(758,853)
<b>Net Rate Funds Surplus / (Shortfall)</b>		<b>76,912</b>	<b>1,105,384</b>	<b>9,581,822</b>

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

<b>Reconciliation with Income Statement</b>				
<b>Net Rate Funds Surplus / (Shortfall)</b>		<b>76,912</b>	<b>1,105,384</b>	<b>9,581,854</b>
<b>Eliminate Balance Sheet items</b>				
Repayment of Loans		829,560	829,560	758,853
Fund from Equity reserves for Capital carryover		-	-	-
Capital Expenditure Capitalised as Assets		10,720,189	10,758,619	8,024,685
<b>Accounting for Non-cash items</b>				
Depreciation Expense and amortisation		(8,740,057)	(8,740,057)	(8,011,719)
Share Profit/Loss Associated Entity		(20,000)	(20,000)	-
Landfill - Interest Unwinding Discount		(429,831)	(429,831)	-
WDV of Infrastructure Replaced		(200,000)	(200,000)	-
Contributions - Non-Monetary Assets		200,000	200,000	-
<b>Income Statement Surplus / (Deficit)</b>		<b>2,436,773</b>	<b>3,503,675</b>	<b>10,353,673</b>

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

<b>Quarterly Cash Position - Projection as at 30 June 2015</b>	
	<b>\$</b>
<b>Cash and Cash equivalents as per Balance Sheet - 30 May 2015</b>	<b>21,460,222</b>
<b>Confirmed inflow/(outflow) recorded in the books of accounts as of date</b>	
Creditors - invoices registered in the system	(527,545)
Payroll [average payroll payout amount \$650k per FN]	(1,300,000)
Fire Services levy - due to SRO [net of Creditors & Debtors]	(403,957)
Loan installment due for the quarter	(72,540)
<b>Estimated future (outflows) and inflows up to 30 June 2015</b>	
Creditors - estimated quarterly payout	(4,100,000)
Rates	2,098,153
Capital Grants	225,496
Operating Grants	87,267
<b>Projected Cash Balance as at 30 June 2015</b>	<b>17,467,095</b>
<b>Following restrictions imposed on Cash and cash equivalents by regulations or other externally imposed restrictions or by commitments made by Council</b>	
<b>Restricted reserves - Open Space, Car Parking &amp; Net Gain Native</b>	
Vegetation reserves	(1,262,937)
<b>Long Service leave</b>	
Current	(1,651,139)
Non-current	(215,742)
<b>Trust Funds and Deposits</b>	<b>(594,957)</b>
<b>Unexpended Grants [estimated for the year end]</b>	<b>(750,000)</b>
<b>Projected Cash Balance (less Restricted Cash) as at 30 June 2015</b>	<b>12,992,321</b>

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

<b>Rates &amp; Other Debtors Report - May 2015</b>			
<b>General Rates &amp; Charges</b>	<b>May-14</b>	<b>May-15</b>	<b>Year on Year Variance</b>
Rates & Charges Levied	30,220,774	33,157,957	2,937,183
Collection to Date	27,090,034	28,811,291	1,721,257
<b>Rate Debtors Outstanding</b>	<b>3,130,740</b>	<b>4,346,666</b>	<b>1,215,926</b>
No. of Rateable Assessments	17,075	17,570	495
Rateable Valuation C.I.V	4,785,700,600	5,015,145,500	229,444,900
<b>Special Scheme Debtors</b>	<b>Apr-15</b>	<b>May-15</b>	<b>Monthly Variance</b>
Balance Outstanding	23,494	22,824	670
<b>Sundry Debtors</b>	<b>Apr-15</b>	<b>May-15</b>	<b>Monthly Variance</b>
Current	505,002	467,669	37,333
30 Days	280,723	107,666	173,057
60 Days	4,132	222,516	(218,384)
90 Days	-	2,318	(2,318)
> 90 Days	22,625	9,234	13,391
<b>Total</b>	<b>812,482</b>	<b>809,403</b>	<b>3,079</b>
<b>Infringements</b>	<b>Apr-15</b>	<b>May-15</b>	<b>Monthly Variance</b>
Balance Outstanding	155,587	155,652	(65)

### 3. Financial Implications

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

### 4. Risk Management

Regular monthly financial reporting increases confidence that the internal controls which ensure accuracy are working effectively.

### 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 & Environment

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

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

### 6. Regional Context

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

### 7. Council Plan Strategy

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

### 8. Legislative / Policy Implications

The report complies with:

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

### 9. Environmental Impact

There are no environmental impacts associated with this report.

### 10. Conflict of Interest Considerations

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

### 11. Conclusion

Council's financial position as at 31 May 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

## RECOMMENDATION

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

## MOTION

CRS ED COX / ALEX MONK

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

(CARRIED)

FILE NO: F11/125  
3. OUR COMMUNICATIONS AND PROCESSES

ITEM NO: 9.1.2  
(MANAGER GOVERNANCE AND  
COMMUNICATIONS, LINDA  
NIEUWENHUIZEN)  
(GENERAL MANAGER - CORPORATE,  
LEANNE MULCAHY)

## 2013/14 TO 2016/17 COUNCIL PLAN REVIEW

### 1. Executive Summary

Each year, Council is required to review its Council Plan and consider any adjustments necessary to maintain effective leadership within its community and delivery of its Strategic Objectives.

This year Council completed a comprehensive revision of the Council Plan and Strategic Resource Plan and sought community and staff feedback on the proposed changes. In response to the feedback we have further adjusted the draft Council Plan and now seek Council endorsement of the Council Plan and Strategic Resource Plan.

Following approval, the Plans will be provided to the responsible Minister and will be available to the public at our service centres and website.

### 2. Discussion

Moirā Shire Council revised Council Plan 2013-2017 is a substantial shift from the Plan adopted in 2013. The changes reflect 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 delivers two important outcomes

- It ensures our Council Plan is relevant to our community, and ensures Council's staff and resources are focused on delivering meaningful and measureable 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 Moirā Shire.

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

- Moirā 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 Moirā'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 Moirā'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;

FILE NO: F11/125  
3. OUR COMMUNICATIONS AND PROCESSES

ITEM NO: 9.1.2  
(MANAGER GOVERNANCE AND  
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## 2013/14 TO 2016/17 COUNCIL PLAN REVIEW (cont'd)

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.

### Community and staff feedback

During community and staff consultation the following feedback was received and the following amendments have been made in response.

Submission received from	Summary of submission
Dr Julie Gross McAdam, MAC ART Program Director	<ul style="list-style-type: none"> <li>• Better definition of liveability;</li> <li>• Increased recognition and inclusion of arts and culture in strengthening and maintaining the emotional health and wellbeing of the community;</li> <li>• the development and implementation of well-designed intergenerational arts and cultural programming.</li> </ul>
Kerrie Murrell Secretary Moira Arts and Culture Inc.	<ul style="list-style-type: none"> <li>• Include a cultural dimension integrated with social, economic and environmental elements of conceptual definition of liveability, health and wellbeing.</li> <li>• Incorporate into any measure of liveability all four elements (Social, economic, environmental and cultural) and the way in which these elements are related;</li> <li>• Note the evidence and clear link between the contribution of arts and culture to liveability in particular to health and wellbeing, strategically positioning Moira as a centre for innovation and as a cultural tourism destination; and creating/maintain Moira communities as attractive to new residents, families and business</li> <li>• Note the contribution of arts and culture to high quality regional liveability health and wellbeing and economic development.</li> </ul>

Both submissions and the presentation to Council at the Special Council Meeting identified a number of valid considerations for Council in the preparation and implementation of the revised Council Plan.

- *Council's definition of liveability.* Our definition is based on the key common elements from a wide range of academic and other literature and includes, but is not limited to, elements such environmental quality, crime and safety, education and health provision, access to shops and services, recreational facilities and cultural activities. As a result the importance of arts and culture to community wellbeing and liveability is implied within the draft Council Plan. In response to the submissions received we have incorporated an explicit reference to arts and culture in the Council Plan.
- *Measurement of liveability.* It is important that our communities are directly involved in defining and prioritising the elements of liveability that matter to them. Council endeavors to meet these liveability priorities where appropriate to our role, within our, and our ratepayers, financial capacity, and in partnership with other agencies and organisations such as MAC Inc. In response to the submissions we will integrate arts and cultural needs into our efforts to support community lead planning and change (SPI 22, page 18)

FILE NO: F11/125  
3. OUR COMMUNICATIONS AND PROCESSES

ITEM NO: 9.1.2  
(MANAGER GOVERNANCE AND  
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## 2013/14 TO 2016/17 COUNCIL PLAN REVIEW (cont'd)

- *Improved recognition and integration of arts and culture into Council's liveability, tourism and economic development activity.* In response to the submissions received we have revised the Plan to include the development of a multi-year Arts and Culture Strategy. Through the development and implementation of the Strategy Moira will reinforce its commitment to the importance of arts and culture to the region's liveability, and to provide a mechanism to ensure Arts and culture interests can inform other arms of Council activity and leverage the region's natural assets and cultural diversity to create a unique and valuable offer for the community and prospective residents and business.

The draft Council Plan and Strategic Resource Plan presented to Council in April have also been revised to improve the colours and layout to meet readability/accessability requirements.

### 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

Council sought community feedback on the revised Council Plan and Strategic Resource Plan in accordance with section 223 of the Local Government Act 1989.

Council received two submissions.

### 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.



FILE NO: F11/125  
3. OUR COMMUNICATIONS AND PROCESSES

ITEM NO: 9.1.2  
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LEANNE MULCAHY)

## 2013/14 TO 2016/17 COUNCIL PLAN REVIEW (cont'd)

### 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.

### Attachments

- 1 Council Plan 2013-2017

### RECOMMENDATION

That Council;

1. Adopt the 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) Advise the Minister of the details of the adjustments to the Council Plan and Strategic Resource Plan within 30 days of adoption
  - (b) Make the 2013-2017 Council Plan and Strategic Resource Plan available for public inspection at Council offices and website;
  - (c) Send written responses to individuals who provided submissions through the Consultation process.

**FILE NO: F11/125**  
**3. OUR COMMUNICATIONS AND PROCESSES**

**ITEM NO: 9.1.2**  
**(MANAGER GOVERNANCE AND**  
**COMMUNICATIONS, LINDA**  
**NIEUWENHUIZEN)**  
**(GENERAL MANAGER - CORPORATE,**  
**LEANNE MULCAHY)**

**2013/14 TO 2016/17 COUNCIL PLAN REVIEW (cont'd)**

**MOTION**

CRS ALEX MONK / KEVIN BOURKE

That Council;

1. Adopt the 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) Advise the Minister of the details of the adjustments to the Council Plan and Strategic Resource Plan within 30 days of adoption
  - (b) Make the 2013-2017 Council Plan and Strategic Resource Plan available for public inspection at Council offices and website;
  - (c) Send written responses to individuals who provided submissions through the Consultation process.

(CARRIED)

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(GENERAL MANAGER - CORPORATE,  
LEANNE MULCAHY)

**2013/14 TO 2016/17 COUNCIL PLAN REVIEW (cont'd)**

**ATTACHMENT No [1] - Council Plan 2013-2017**



# Council Plan 2013-2017

Partnerships – Growth – Liveability

2013/14

2014/15

2015/16

2016/17

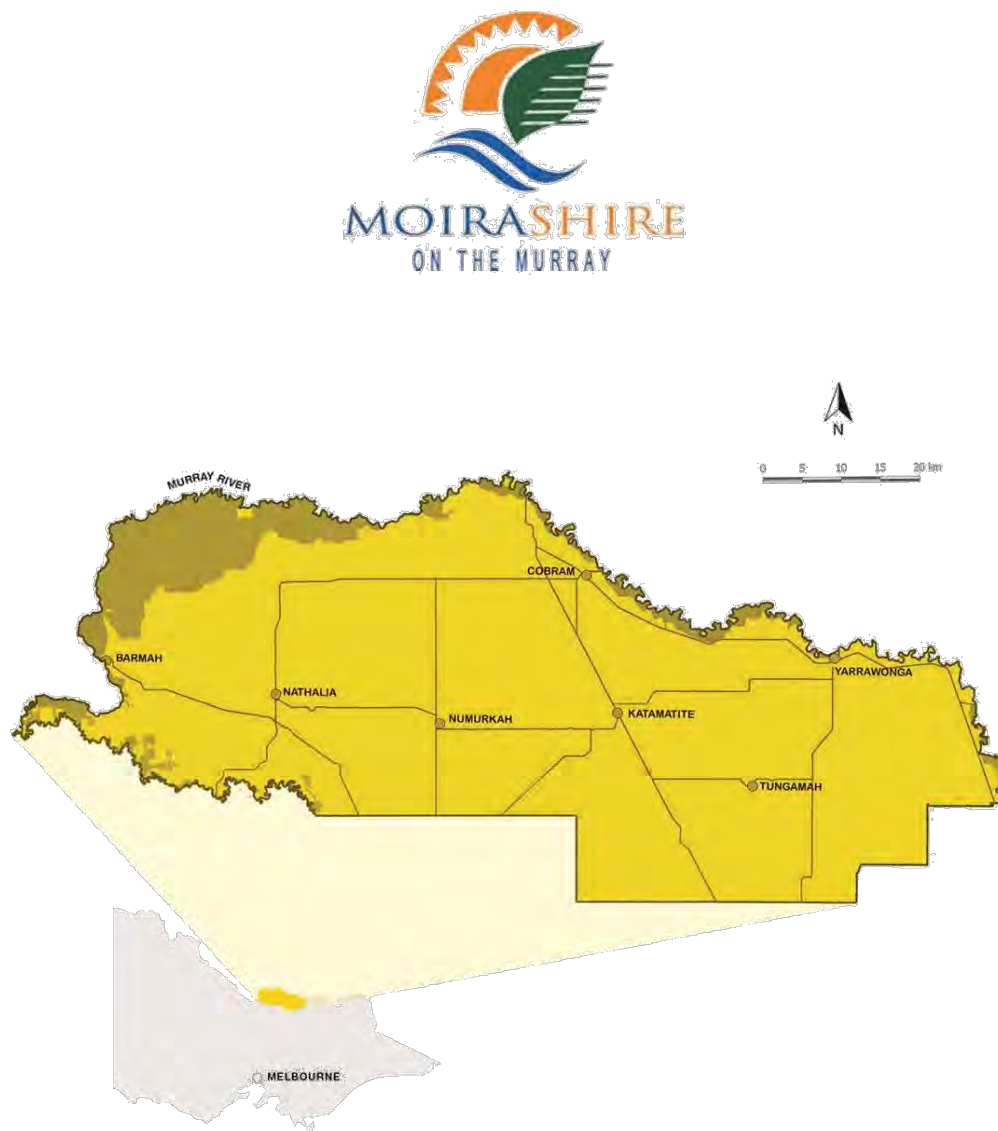
**2015 Revision**

FILE NO: F11/125  
3. OUR COMMUNICATIONS AND  
PROCESSES

ITEM NO: 9.1.2  
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**2013/14 TO 2016/17 COUNCIL PLAN REVIEW (cont'd)**

**ATTACHMENT No [1] - Council Plan 2013-2017**



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**2013/14 TO 2016/17 COUNCIL PLAN REVIEW (cont'd)**

**ATTACHMENT No [1] - Council Plan 2013-2017**

## Introduction

Our revised Council Plan responds to our rapidly changing operating environment. After more than three years and \$50 million of flood, fire and tornado recovery works, Moira Shire's underlying financial position is stable. However 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.

Our Council Plan also recognises the 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 with multiple service locations and a relatively small, slower growing, dispersed and aging population.

Through this Council Plan we aspire to meet these challenges and more. Our goal is enable Moira to leverage its unique combination of natural assets and advantages to support growth and liveability across the Shire. Our strengths include:

- our climate, lifestyle and, housing affordability;
- our reliable water resources that underpin our lifestyle and economy;
- the ongoing investment in our economic strengths in agriculture, manufacturing and tourism;
- our unique combination of natural attractions and cultural diversity that underpin diverse and vibrant arts, heritage, recreation and cultural opportunities.

These strategic opportunities align with regional, state and national planning priorities and will support our communities to attract, retain, grow and access services that encourage active, positive and healthy lifestyles for all ages.

We have developed a Council Plan that calls on our local communities to help redefine Council's long-term service delivery and investment priorities. Through this partnership, Moira will be better placed to take a stronger lead in advocating for change on behalf of our communities, and to help our region realise its full potential and its fair share of available funding and regional opportunities.

The speed with which we can improve our community's social and economic wellbeing will depend on how quickly we, in partnership with the Moira community, can define and transition to modern service options and a more relevant asset mix.

Above all else our Plan recognises that smarter service delivery, sustainable financial management, sound governance and ethical leadership will ensure our communities, stakeholders and investors have confidence in Council and its commitment to the health and prosperity of the Moira Shire.



**Cr Marie Martin  
Mayor**



**Mark Henderson  
Chief Executive Officer**

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## About our Community

### Our location

Moira Shire is located in the Hume region of Victoria and stretches across 4,045 square kilometres from Bundalong in the East to the Barmah National Park to the West. Our northern boundary is defined by the Murray River and our south-west, southern and south east regions share boundaries with Councils of Campaspe, Greater Shepparton, Benalla, Wangaratta and Indigo. Moira is centrally located to the regional cities of Shepparton, Wangaratta and Albury-Wodonga.

Moira includes four major towns: Cobram, Nathalia, Numurkah and Yarrawonga and 17 smaller communities: Barmah, Bearii, Bundalong, Invergordon, Katamatite, Katunga, Koonoomoo, Lake Rowan, Peechelba, Picola, St James, Strathmerton, Tungamah, Waaia, Wilby, Wunghnu and Yarraweyah.

There is no single dominant major town within the Shire and importantly, each major town has a unique combination of economic and liveability advantages.

### Cobram

Cobram is the birthplace of Murray-Goulburn Co-op – Australia's largest dairy processing cooperative. Horticulture and dairy continue to drive the local economy with Cobram providing a wide range of farm, financial and professional advisory services to support agriculture, horticulture and food processing. With its strong base of technical and professional expertise and a strong retail sector, Cobram services communities into southern New South Wales and is the ideal location for the development of a regional agribusiness hub.

Cobram also boasts a number of iconic inland beaches and its Murray River frontage is a popular holiday and fishing destination.

### Nathalia

Located south of the Barmah National Park on the banks of the Broken Creek, Nathalia has strong connection with local indigenous communities including at nearby Barmah. In recent years, this indigenous cultural focus has expanded to include the arts making Nathalia a key centre for heritage, culture and arts in Moira Shire. Agriculture drives the local economy and is supported by significant local processing, manufacturing and related agribusiness operations and service providers. The development of the Barmah National Park's tourism potential will further support the growth and development of the local area. Nathalia is also a significant education hub attracting more than 850 primary and secondary students from the wider catchment to its primary and secondary schools.

### Numurkah

Numurkah is an attractive residential lifestyle location thanks to its high quality health, education and sporting services and facilities and its location – around 20 minutes by road from Shepparton, Cobram and Nathalia. Agriculture and processing industries drive local employment and the broader economy with major oilseed processors and rail freight servicing the town. Numurkah is also home to the Kinnaird's Wetlands, a popular picnic and bird watching location.

### Yarrawonga

On the banks of Lake Mulwala (Yarrawonga Weir), Yarrawonga has long been recognised as an attractive and exciting tourism destination. In combination with Mulwala, Yarrawonga residents and visitors can enjoy a wide range of land and on water recreation and entertainment options. Yarrawonga has the strongest growth rate of all Moira's centres, with residential and retirement living expanding rapidly on the eastern side of the town. Recent and future growth is shifting the town's focus along the banks of Lake Mulwala and the Murray Valley Highway.

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**Our community**

In the 2011 Census, there were 28,123 people in Moira of these:

- 49.7% were male and 50.3% were female.
- Aboriginal and Torres Strait Islander people made up 1.4% of the population.
- 85% of people were born in Australia, which is considerably higher than the state and national result.
- 79.1% of people had both parents born in Australia and 12.6% of people had both parents born overseas.
- 90% of people speak only English at home, with Italian, Arabic and Indo-Aryan (eg Punjabi) the most common non-English languages.

The median age of Moira's population is 44 years, which is higher than the state and national median of 37 years. Children aged 0 - 14 years made up 19.3% of the population and people aged 65 years and over made up 21.6% of the population.

**Our Economy**

Moira's food processing sector, comprising principally dairy products (output \$632m) and meat processing (output \$115m), is the largest sector based on output in the Moira Shire. Food processing also includes significant output in oils and fats (output \$43m), fruit and vegetable products (output \$14m), wine (\$8m) and other food products (output \$29m).

Moira is home to major manufacturers including Murray-Goulburn Cooperative, the Bega Cheese plant in Strathmerton and Graincorp Oilseeds – Riverland in Numurkah and Ryan's Meats in Nathalia. Agricultural land use accounts for approximately 71% of the total land area, currently divided equally between irrigated and dry-land production.

In June 2013, there were 11,832 local jobs in Moira Shire, with 12,934 employed residents. A total of 3128 businesses were registered in the Shire across all industries.

At present, Tourism is the seventh largest contributor to economic output in the municipality generating an estimated \$90 million for the local community, including approximately 510 jobs, or about 5.6% of Moira Shire's workforce. Over the past 12 months Moira has restructured its Tourism support strategy to more effectively support this important growth opportunity.

The Moira community is serviced by local hospitals in each of the major towns along with a wide range of medical and allied health service providers. As a result health services are an important sector within and for the local community.



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## About Council

Moirā Shire Council comprises nine publicly elected Councillors who each serve four year terms. The day to day operations of the organisation are led by the Chief Executive Officer, who is appointed by Council.

Council's administrative centre is located in Cobram supported by a dispersed service delivery model which includes

- Customer service centres in Cobram and Yarrawonga and agency services in 8 other local centres;
- 80 bridges and major culverts, 1000 km of sealed roads, 2500 km of gravel roads, 600 km of farm access tracks, 239 km of kerb and channel and 60 km of footpaths;
- Nine transfer stations and a landfill site;
- 80 parks and gardens (open spaces), 44 playgrounds, 31 public toilet blocks and public BBQs;
- CBD streetscapes in the four major towns and 18 smaller towns;
- 550 buildings that range from town halls to sporting pavilions, public toilets and historical and aging community buildings;
- Financial support to 9 preschools, four libraries and a mobile library service for our smaller towns;
- Five maternal and child health centres and outreach services to our smaller centres;
- Five outdoor swimming pools, an indoor swimming pool and gymnasium, a water slide and splash park, 2 sports stadiums, and 17 recreation reserves and showgrounds.

### Vision

Moirā on the Murray, with an environmentally, economically and socially sustainable community: the best place to be.

### Mission

To serve our community through transparent open governance, active engagement, strong advocacy and the provision of affordable services.

### Core Values

Ethical leadership underpins Council's decision making and operations. At all levels, Council seeks to ensure there is an appropriate balance between the values-based organisational culture described by our Core Values and enforcing relevant controls.

Community, honesty, innovation, integrity, responsibility, responsiveness, trust, leadership and accountability.



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## Councillors



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## What we do

Council delivers a wide variety of community services and programs and manages a diverse mix of community infrastructure and assets. The following list includes examples of some of these activities.

- Aerodrome
- Aquatic facilities
- Arts/Culture Events & Programs
- Building & Building Permits
- Civic Functions eg. citizenship ceremonies
- Community Advocacy
- Community Grants
- Development of Industrial Land
- Domestic (Feral & Nuisance) Animal Act Enforcement
- Economic Development
- Emergency Management
- Environmental Health
- Environmental Services
- Family Day Care
- Footpaths and Pedestrian Access
- Heritage facilities
- Immunisation
- Library services
- Local Laws enactment/enforcement
- Local Roads
- Maternal and Child Health
- Municipal Health and Wellbeing Plan
- On/Off Street Car parking
- Playgrounds & Public Open Space
- Property Information
- Public Halls
- Public Toilets
- Regionally Prohibited and Controlled Weeds and Rabbits on Local Roadsides and Council Managed Land
- School Crossings & Supervisors
- Senior Citizens
- Septic tanks
- Sporting Grounds
- Storm Water Management
- Street Beautification & Furniture
- Street Lighting
- Tourist Information Centres
- Town/Strategic Planning
- Urban Parkland
- Walking/Cycling Paths
- Waste Disposal/Collection
- Youth Services

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## Challenges for Moira Shire Council

### Constrained financial resources

Across the remaining two years of the Council Plan, Moira's financial resources and our ability to maintain our existing range, standard and location of services will be significantly impacted by the Victorian Government's introduction of rate capping from 2016/17.

In addition, Moira's grant funding is estimated to decline by more than \$2 million and almost 12 % during the final two years of the Council Plan, through the combined impact of freezing the indexation of Federal Assistance Grants and the conclusion of the Victorian Government's Country Roads and Bridges program and the Local Government Infrastructure Program. The 2015/16 one-year boost to Roads to Recovery funding is not expected to be repeated in subsequent years.

In response, the competition for grant funding is expected to increase significantly as rate capping forces Councils to seek alternative funding options to maintain existing infrastructure and invest in new programs and services to meet the evolving needs of their local communities.

Moira 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 Government responsibilities to Local Government with little funding, along with the increasing rigour and reach of regulations, codes and standards for the operation, maintenance and construction of public assets and delivery of services.

### Higher cost service delivery model and limited capacity to pay

Moira also has a number of inherent structural challenges. Compared with equivalent Victorian Councils, Moira covers a large geographic area with multiple service locations and a relatively small, slower growing, dispersed and aging population. This combination means Moira has relatively higher costs to deliver the equivalent range and standard of Council services.

Research in 2014 also indicated our communities' capacity to pay has peaked and there is limited scope to supplement rate revenue through other income streams.

### Rebalancing Moira's asset mix

With limited access to additional grant and funding options, Council anticipates increased tension between Council's desire to fund existing assets and Council's ability to support contemporary services and asset needs.

Many of Moira's assets are in the latter stage of their useful life, community use is declining but community service standards along with public use, safety and construction standards are increasing. With more than 16,000 individual assets and 550 buildings, this Council Plan recognises the need for Council to work in partnership with local communities to understand their aspirations and to identify changes in the asset mix required to support the community's future needs.

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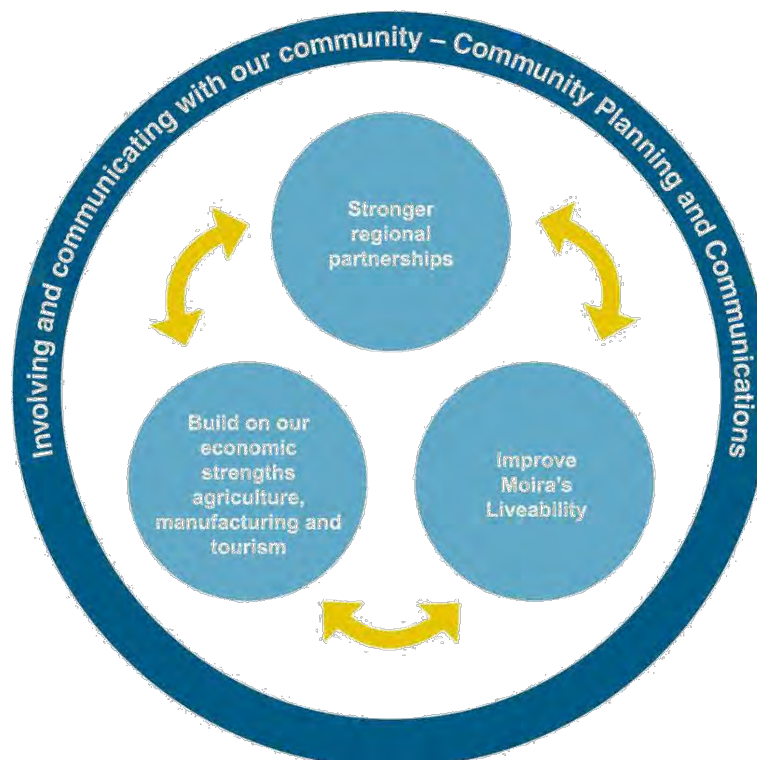
## How we will respond

Our Council Plan gives priority to three strategic goals that enable the Moira Shire Council in partnership with our community to meet our challenges and strengthen Moira's economic and social wellbeing:

1. Strong regional partnerships
2. Improve Moira's Liveability
3. Build on our economic strengths in agriculture, manufacturing and tourism

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

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





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## Strategic goals

### Stronger regional partnerships

This Council Plan includes initiatives to build our relationships with Government, industry, agencies and business within our Shire as well as our regional communities. Strong stakeholder relationships will help inform Council's operations and investment priorities. Council will also draw on this understanding to ensure Moira's business and community needs are effectively represented within local, state and federal government and agency forums and able to access its fair share of funding and service opportunities.

### Improving Moira's Liveability

Our Council Plan gives priority to improving our region's liveability across all aspects of Council business activity – from improved community and infrastructure planning to a better mix of services and programs, while also ensuring appropriate support to the many cultural, recreational, arts, heritage and sporting opportunities offered within the Shire.

Investing in Moira's liveability improves the quality of life for our residents and at the same time encourages greater economic growth because many of the factors that enhance liveability such as safe and welcoming communities, access to education and health services, and quality cultural, recreational, arts, heritage and sporting opportunities also enhance a location's ability to attract, retain and grow business activity.

### Driving economic growth –agriculture, manufacturing and tourism

Moira's climate, location, irrigation infrastructure and transport options means it is well placed to grow its agriculture, manufacturing and tourism sectors. Moira's Economic Development Strategy, adopted in 2013 following extensive industry and community consultation, remains a key priority and this Council Plan will bring a 'whole of council' approach to supporting its delivery. We will:

- Participate in industry and regional forums to ensure industry knowledge informs Council's land use and infrastructure planning;
- Develop a Tourism Strategy to grow our existing tourism offering, capture growth segments and to advocate and support the development of key tourism assets in our region such as the Barmah Forest and Lake Mulwala.
- Develop an Arts and Culture Strategy to leverage our natural assets and cultural diversity to enhance our Shire's liveability and tourism offer.
- Undertake reviews and develop land use, structural and master plans that support business and tourism opportunities for existing businesses and encourage a positive investment environment;
- Maintaining a safe and effective road network to link business within the shire to regional, national and international markets and opportunities.
- Support businesses to attract, retain and develop a capable workforce through education and training opportunities and providing an attractive place to live;
- Partner with stakeholders and agencies to address development blockages and threats to future business opportunities – for example access to reliable power, water, natural gas and e-commerce.

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## Enabling objectives

### Smarter delivery of existing services and programs

Finding smarter and more efficient ways to deliver local government services is critical to delivering agreed service standards within our available financial resources. This Council Plan will build on initiatives already delivered such as smarter street lighting and waste management to identify and adopt more efficient service delivery and operating models. Importantly, many of these initiatives will involve industry and the community in the improvement and streamlining of Council processes and in determining acceptable trade-offs between cost and community service standards.

### Involving and communicating with our community

As we strive to deliver 'more with less', our community planning is vital to allowing our communities be a part of the decision making process. We will ask communities, large and small, to evaluate and define service and asset needs and the trade-offs associated with change. The resulting plans will inform Council's long term land use planning, asset management, service delivery and investment decision-making across our Shire.

### Delivering sound financial management

Financial sustainability underpins Council's ability to deliver services and invest in community assets that support our community's economic growth and social wellbeing. Moira is committed to achieving financial sustainability on behalf of our current and future communities, investors and stakeholders. The Victorian Auditor-General's Office (VAGO) annual audit and review program will be the primary indicator of our performance.

### Demonstrating good governance

Good governance underpins our community's, investors' and stakeholders' confidence in Council and our ability to attract grant and other investment and funding. Through this Council Plan we will work with our stakeholders and communities to establish clear strategic direction and remain focused on consistent outcomes across the Shire.

Within this Council Plan, Council will also seek to demonstrate the rigour of its governance, policies and decisions by adopting Best Value Principles.

Ethical leadership sits at the core of our governance and operations. At all levels, Council seeks to ensure there is an appropriate balance between a values-based organisational culture and enforcing relevant controls.

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## Revising our Council Plan

Moirā Shire Council has chosen to substantially revise the Council Plan prepared and adopted in 2013. The revised 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. The Plan retains the vision, mission and values articulated in the original plan and will more effectively focus Council's staff and resources to achieve the goals articulated in the Council Plan.

Since the previous plan was adopted,

- Council has appointed a new CEO and reduced its executive management team from three Directors to two General Managers;
- completed a management restructure that has realigned functions within the business;
- undertaken substantial research projects to better understand Moirā's underlying financial position and its inherent structural challenges, and
- Introduced a more rigorous project assessment process.

The Council Plan is built on three strategic goals, four enabling objectives and recognises three challenges to success that have been discussed earlier in this plan. Of these, the goals, objectives and one of the challenges are specifically addressed in the Strategic Performance Indicators table that follows.

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





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## Alignment between our existing and revised Council Plans

Strategic Themes in current Council Plan		Updated themes in revised Council Plan
<i>Environment</i> 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.		
<i>Infrastructure</i> 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.	→	Improve Moira's Liveability.  Rebalancing Moira's asset mix  Involving and communicating with our community
<i>Community</i> 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.		
<i>Development</i> 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.	→	Improve Moira's Liveability Build on our economic strengths in agriculture, manufacturing and tourism
<i>Organisation</i> 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	→	Smarter delivery of services and programs Demonstrating good governance Delivering sound financial management
<i>Governance</i> 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.	→	Stronger regional partnerships Demonstrating good governance Delivering sound financial management

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## Strategic Performance Indicators, Targets and Actions

Stronger regional partnerships					
	Strategic Performance Indicator	Measure of the Strategic Performance Indicator	Actions	2015/16	2016/17
1.	Represent the interests of our community	Community satisfaction survey - advocacy	Develop an advocacy plan focusing on Council's regional opportunities in agriculture, manufacturing and tourism.		
			Actively engage in relevant forums and networks to promote Moira's interests including MAV, HRLGN, Hume RDA and Murray Group of Councils.		
			Liaise with key industry groups about future directions to explore collaborative opportunities and advocate for growth and investment		

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Improving Moira's Liveability					
	Strategic Performance Indicator	Measure of the Strategic Performance Indicator	Actions	2015/16	2016/17
2.	Encourage safe and resilient communities	<i>Community satisfaction survey</i> <ul style="list-style-type: none"> <li>Emergency and Disaster Management</li> <li>Local law enforcement</li> </ul> <i>Local Government Performance Reporting Framework (LGPRF)</i>	Assist our communities to prepare, respond and recover from emergencies and natural disasters in line with Moira's Emergency Management Plan  Implement Domestic Animal Management Plan  Enforce Local Laws in timely and reasonable manner  Develop and commence implementation of Community safety plan 2015-2018		
3.	Encourage healthy and active communities	<i>Community satisfaction survey</i> <ul style="list-style-type: none"> <li>Elderly support services</li> <li>Sporting facilities</li> </ul> <i>LGPRF</i> <ul style="list-style-type: none"> <li>Satisfaction with Aquatic facilities</li> <li>Utilisation of aquatic facilities</li> <li>Cost of MaCH service</li> <li>Participation in MaCH programs</li> </ul> <i>Other</i> <i>Immunisation rates at state average</i>	Fulfil obligations under the Public Health and Well Being Act and Food Act  Identify and deliver relevant preventative health programs including mosquito monitoring and Syringe disposal  Develop Early Years Plan 2016 – 2019  Implement Youth strategy 2015 – 2018  Implement Municipal Public Health and Wellbeing Plan 2014 – 2017  Develop 2015 – 2025 Recreation Strategy  Implement 2015-2025 Recreation Strategy  Review Moira's Walking and Cycling (Tracks'n'Trails) Strategy and prepare construction program		
4.	Support community education and learning	<i>Community Satisfaction survey</i>  <i>LGPRF</i> <ul style="list-style-type: none"> <li>Cost of Library services</li> <li>Library members</li> </ul>	Foster efficient delivery of adult education opportunities across the Shire  Deliver Cobram Library project		
5.	Support inclusive and connected communities	<i>Community satisfaction survey</i> <ul style="list-style-type: none"> <li>Family support services</li> </ul>	Develop the 2015-2019 Arts and Culture Strategy  Implement Cultural Diversity Action Plan 2014 – 2017		

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		<ul style="list-style-type: none"> <li>Disadvantage support services</li> </ul>	Implement Disability Action Plan 2013 - 2016		
		LGPRF <ul style="list-style-type: none"> <li>Community Engagement Policy and Guidelines</li> <li>Access audits</li> </ul>	Implement 2015 – 2018 Active Aging Strategy		
6.	Provide clean and attractive parks, gardens, streetscapes, reserves and wetlands	Community satisfaction survey	Review the Streetscape Strategy for the four major towns.		
			Undertake the Parks maintenance regime in accordance with the agreed program and budget.		
7.	Connect our communities via safe and efficient footpath and road networks	Community Satisfaction survey	Review Moira's Road Management Plan to align with changes in road use and reduced road funding		
		Compliance with Road Management Plan	Develop a foot path strategy to guide Council and community investment		
			Commence review of roads hierarchy network plan		
8.	Well planned, and maintained drainage network	Community Satisfaction survey	Commence implementation of Numurkah Flood Study recommendations		
			Complete Yarrawonga Drainage Study		
			Review capacity of existing drainage infrastructure to meet community demand and cope with more frequent extreme weather events		
9.	Engage and empower the community in working towards a sustainable future	Community satisfaction survey Greenhouse gas emissions Utility accounts	Implement Council's Environmental Sustainability Strategy		
10.	Deliver effective waste management services	Community satisfaction survey waste services Compliance with the requirements of the EPA	Develop Waste Management Business Plan		

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**2013/14 TO 2016/17 COUNCIL PLAN REVIEW (cont'd)**

**ATTACHMENT No [1] - Council Plan 2013-2017**

Build on our economic strengths in agriculture, manufacturing and tourism					
	Strategic Performance Indicator	Measure of the Strategic Performance Indicator	Actions	2015/16	2016/17
11.	Strengthen and grow the Moira economy	Customer satisfaction survey	Implement Business and Innovation Strategy 2013-2017		
		Business and Industry satisfaction survey	Develop 2017-2021 Economic Development Strategy		
			Develop and implement industrial land development master plan		
12.	Strengthen Moira's tourism offer	Customer satisfaction survey	Develop Moira Shire Tourism and Event Strategy (destination management plan)		
		Business and Industry satisfaction survey	Advocate for and support the development of key tourism assets in our region		
13.	Anticipate and plan for future land use needs	'Ahead of growth curve'	Develop land use master plan for Yarrawonga		
			Review Structure plan for Cobram		
			Develop residential land and housing study for the four major towns – Cobram, Nathalia, Numurkah and Yarrawonga		
14.	Build community and investor confidence in Council's land use planning	Community satisfaction survey	Demonstrate best practice in planning and building processes		
		Business and Industry satisfaction survey	Involve industry and community in the improvement of customer-focused planning and building service delivery		



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Smarter delivery of services and programs					
	Strategic Performance Indicator	Measure of the Strategic Performance Indicator	Actions	2015/16	2016/17
15.	Consistently deliver high quality customer service across all platforms (online, phone and in person)	Customer satisfaction survey Business and Industry satisfaction survey Staff satisfaction survey	Review Council's customer service charter Develop end-to-end customer service procedures and service standards for high frequency/high reach customer service activities Develop customer complaints policy and procedures Deliver online and mobile customer service capabilities Develop 3 year customer service excellence strategy Establish program for testing customer service standards with relevant community audiences		
16.	Moirā is a great place to work	Staff satisfaction survey Staff turnover Staff sick leave accrued	Develop and implement People and Organisational Development Strategy Develop and implement annual internal communications program to support P&OD strategy Develop employee reward and recognition program		
17.	Moirā is a safe place to work	Staff satisfaction survey WorkCover Premium lower than the Average Industry Rate No increase in number of Lost Time Injury claims Ratio of OHS near misses to reported incidents 1:1	Develop and implement Occupational Health and Safety strategy Review and revise safety systems to meet risk and regulatory requirements		
18.	Enhance work place systems to improve business productivity and corporate decision making	Staff satisfaction survey(s)	Maintain effective and efficient financial management and reporting systems Develop & implement IT and Information Management Strategy		

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Demonstrating good governance					
	Strategic Performance Indicator	Measure of the Strategic Performance Indicator	Actions	2015/16	2016/17
19.	Ensure governance and decision making framework meets legislative requirements and community needs	Legislative compliance Meet audit and risk requirements Community satisfaction	Develop a long-term strategic vision to guide Council Planning and decision making. Improve public access to and involvement in Council Meetings Ensure Council's codes, policies and procedures are current, relevant, complete and shared with relevant audiences Council's services, programs and procurement fulfil Best Value principles. Ensure that all new services, programs and projects are subject to Council's Project Management System.		
20.	Manage business risks to appropriately safeguard our assets, our community, and our business operations	Legislative and procedural compliance	Review Section 86 committee of management model Develop Council Grants strategy Review and implement risk management framework Annual internal audit program delivered		
21.	Ensure compliance with relevant legislation, regulation and standards	No adverse findings or reports from regulatory agencies No breaches of legislation, regulations or standards	Meet legislative and regulatory reporting, monitoring and compliance obligations Identify and plan compliance upgrades of Council infrastructure within reduced grant and financial resources.		

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Involving and communicating with our community					
	Strategic Performance Indicator	Measure of the Strategic Performance Indicator	Actions	2015/16	2016/17
22.	Support community lead planning and change	Community satisfaction survey <ul style="list-style-type: none"> <li>Community consultation and engagement</li> <li>Informing the community</li> </ul> LGPRF	Revise and implement Council's community engagement strategy		
			Develop Community Plans for towns and townships		
23.	Effectively communicate with our communities and stakeholders	Customer and segment satisfaction with <ul style="list-style-type: none"> <li>Newsletters</li> <li>Advertising</li> <li>Website</li> </ul>	Review Council's communications strategy		
			Improve community and stakeholder awareness of Councillors' role and Council's strategic direction, performance, programs and services.		

Deliver sound financial management					
	Strategic Performance Indicator	Measure of the Strategic Performance Indicator	Actions	2015/16	2016/17
24.	Meet the community's needs in a financially sustainable manner	Performance against VAGO indicators  Unqualified audit opinions	Develop long term financial management principles and model		
			Review revenue rating strategy to align with principles		
			Review business systems and operational practices and implement improvements		



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Rebalancing Council's asset mix					
	Strategic Performance Indicator	Measure of the Strategic Performance Indicator	Actions	2015/16	2016/17
25.	Sustainably meet the community's asset needs	VAGO Indicators  Community satisfaction survey	Review Moira's asset management strategy to align with emerging and future community needs and declining grant and funding resources.		
			Deliver capital works to budget and schedule		
			Develop public pool strategy		
			Develop Land & Buildings management framework		
			Conduct audit of lease holdings		
			Develop consistent service standards for all Council facilities		

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**ATTACHMENT No [1] - Council Plan 2013-2017**

## Strategic Resource Plan 2013/14 to 2016/17

### What is a strategic resource plan?

The Strategic Resource Plan provides details of the financial and non-financial resources required to achieve Council's strategic objectives, as outlined in the Council Plan. The Strategic Resource Plan is updated annually and is reflected in Council's annual Budget.

### Plan development

Council prepared a Strategic Resource Plan (SRP) for the four years 2013/14 to 2016/17 as part of its ongoing financial planning to assist in adopting a budget within a longer term framework. The SRP takes the strategic objectives and strategies as specified in the Council Plan and expresses them in financial terms for the next four years.

The key objective, which underlines the development of the SRP, is financial sustainability in the medium to long term, while still achieving Council's strategic objectives as specified in the Council Plan.

In preparing the SRP, the Council has also been mindful of the need to comply with the following Principles of Sound Financial Management as contained in the Local Government Act:

- Prudently manage financial risks relating to debt, assets and liabilities
- Provide reasonable stability in the level of rates
- Consider the financial effects of Council decisions on future generations
- Provide full, accurate and timely disclosure of financial information

The SRP is updated annually through a process of consultation with staff and Councillors.

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**Financial Resources**

Council has developed a Strategic Financial Plan to support the achievement of Council Plan objectives within a sustainable financial framework. The outcomes of this plan are reflected in the following Budgeted Standard Statements, and form part of the overall Strategic Resource Plan. The following provides a summary of the key strategies identified in Council's Strategic Financial Plan as revised and adopted in June 2015.

Financial Area	Strategy
<b>Rates</b>	Rates will increase by 4% in 2015/16, in line with general cost movements, including labour and non-labour costs, and sufficient to fund required service levels and capital works activities. With the commencement of rate capping in 2016/17 rates are projected to increase by 2.6%.
<b>Fees and Charges</b>	Fees and charges are reviewed as part of the annual budget process. Fees and charges will increase by CPI each year except where Council agrees that significant changes to the underlying costs of the service demand a greater increase.  Fees and charges set by Government and its agencies are adopted as prescribed.
<b>Loan Borrowings</b>	Council will continue to reduce its existing debt in line with the repayment schedule. Council has no plans for further borrowings during the remaining years of the Council Plan.
<b>Recurrent Operating Expenditure</b>	Services provided by Council will be reviewed in line with the Council Plan and other service specific strategic plans.
<b>Capital Works</b>	Council will continuously review the need to maintain and/or renew existing assets while also investing in prioritised infrastructure projects.

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#### Non-Financial Resources

Council's key non-financial resources are its staff and its wide-ranging infrastructure network.

#### Human resources

Council recognises that our staff are our greatest asset. It is through their essential contribution that we continue to deliver quality services and facilities to the community.

As at 17 April 2015, Council had a total of 258 staff equating to approximately 189.27 equivalent full-time (EFT) positions.

Through our focus on 'Smarter delivery of services and programs' we are committed to providing a positive and safe workplace and support our staff with effective policies and systems that enhance workplace productivity and service to our community.

#### Human Resources as at 17 April 2015

Full Time		Part Time		Casual	
Female	Male	Female	Male	Female	Male
64 EFT	98 EFT	25.19 EFT	2.08 EFT	0	0
64 Headcount	98 Headcount	52 Headcount	5 Headcount	20 Headcount	19 Headcount

EFT – equivalent full time

#### Infrastructure

Infrastructure refers to the assets that Council manages and maintains for the community. The following assets and buildings are some of the assets maintained by Council:

Sealed local roads	1000 km
Unsealed local roads	2500 km
Unconstructed local roads	600 km
Kerb and channel	239 km
Bridges and major culverts	80
Drainage reserves	18
Footpaths and trails	60 km
Community halls	12
Swimming pools	5 outdoor swimming pools, 1 indoor swimming pool and gymnasium, a water slide and splash park
Community service facilities	9 preschools, 4 libraries and mobile library service, 5 maternal and child health centres and outreach services, 2 customer service centres.
Public toilets	31 toilet blocks
Total buildings and structures	560
Sports reserves	17 including 2 stadiums and 4 showgrounds
Parks and gardens	80
Playgrounds	44
Waste management facilities	9 transfer stations and 1 landfill site

Council has recognised, in its strategic planning, that strong asset management is necessary in order to provide appropriate types and quality of infrastructure, for both current and future community needs.

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#### Key Challenges

The challenges outlined in our revised Council Plan 2013/14 to 2016/17 are equally relevant to our Strategic Resource Plan and are detailed below.

#### Constrained financial resources

Across the remaining two years of the Council Plan, Moira's financial resources and our ability to maintain our existing range, standard and location of services will be significantly impacted by the Victorian Government's introduction of rate capping from 2016/17.

In addition, Moira's grant funding is estimated to decline by more than \$2 million and almost 12% during the final two years of the Council Plan, through the combined impact of freezing the indexation of Federal Assistance Grants and the conclusion of the Victorian Government's Country Roads and Bridges program and the Local Government Infrastructure Program. The 2015/16 one-year boost to Roads to Recovery funding is not expected to be repeated in subsequent years.

In response, the competition for grant funding is expected to increase significantly as rate capping forces Councils to seek alternative funding options to maintain existing infrastructure and invest in new programs and services to meet the evolving needs of their local communities.

Moira 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 Government responsibilities to Local Government with little funding, along with the increasing rigour and reach of regulations, codes and standards for the operation, maintenance and construction of public assets and delivery of services.

#### Higher cost service delivery model and limited capacity to pay

Moira also has a number of inherent structural challenges. Compared with equivalent Victorian Councils, Moira covers a large geographic area with multiple service locations and a relatively small, slower growing, dispersed and aging population. This combination means Moira has relatively higher costs to deliver the equivalent range and standard of Council services.

Research in 2014 also indicated our communities' capacity to pay has peaked and there is limited scope to supplement rate revenue through other income streams.

#### Rebalancing Moira's asset mix

With limited access to additional grant and funding options, Council anticipates increased tension between Council's desire to fund existing assets and Council's ability to support contemporary services and asset needs.

Many of Moira's assets are in the latter stage of their useful life, community use is declining but community service standards along with public use, safety and construction standards are increasing. With more than 16,000 individual assets and 550 buildings, this Council Plan recognises the need for Council to work in partnership with local communities to understand their aspirations and to identify changes in the asset mix required to support the community's future needs.



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**ATTACHMENT No [1] - Council Plan 2013-2017**

STANDARD INCOME STATEMENT	Actuals		Approved Strategic Resource Plan	
	2013/14	Forecast	Budget	Projections
	\$'000	2014/15	2015/16	2016/17
		\$'000	\$'000	\$'000
<b>REVENUES</b>				
Revenue from Operating Activities				
Rates Revenue	28,917	31,461	33,254	35,046
Special Rates	-	-	-	-
Operating Grants	22,116	11,430	10,912	10,915
Capital Grants	4,170	5,596	4,525	3,485
Capital contributions	414	193	688	213
Contributions- cash	170	115	133	139
Contributions- non - monetary (Donated assets)	2,018	200	200	200
Reimbursements and Subsidies	83	60	63	65
User Charges	2,727	2,893	2,934	3,073
Statutory Fees and Fines	992	914	862	894
<b>Revenue from Outside the Operating Activities</b>				
Interest	526	360	350	364
Other Revenue	240	448	366	514
Net Proceeds of Sale of Land Held for Resale	-	73	42	30
Net Gain on Disposal of Property, Plant & Equipment	-	7	41	25
Share of Net Profit of Associated Entity	47	-	-	-
Previously Unrecognised Assets	4,570	-	-	-
<b>Total revenue</b>	<b>66,988</b>	<b>53,749</b>	<b>54,369</b>	<b>54,964</b>
<b>EXPENSES</b>				
Expenses from Ordinary Activities				
Employee Benefits	17,290	18,611	19,699	21,015
Materials & Consumables	13,683	11,230	11,003	11,040
Loss on disposal of Infrastructure	2,287	-	-	-
External Contract Services	11,179	5,756	6,345	6,388
Utilities	1,218	992	967	1,001
Bad and Doubtful Debts	-	5	5	5
Depreciation	9,726	8,740	8,886	9,095
Other expenses	4,078	4,400	4,449	4,580
Interest on Borrowings	587	527	465	391
Interest on Unwinding of Discount of Provisions	265	430	491	512
Increase in landfill provision	-	-	-	-
Written Down Value of Infrastructure Replaced	-	-	-	-
Small Plant Written off	-	200	200	200
Net Loss on Disposal of Property, Plant & Equipment	131	-	-	-
Fair value adjustment	109	-	-	-
Share of Net Loss of Associated Entity	-	20	20	20
<b>Total Expenses</b>	<b>60,553</b>	<b>50,910</b>	<b>52,531</b>	<b>54,248</b>
<b>Net Surplus / (Deficit) for the year</b>	<b>6,436</b>	<b>2,839</b>	<b>1,838</b>	<b>716</b>

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**ATTACHMENT No [1] - Council Plan 2013-2017**

STANDARD BALANCE SHEET	Actuals 2013/14 \$'000	Approved Forecast 2014/15 \$'000	Strategic Resource Plan Budget 2015/16 \$'000	Projections 2016/17 \$'000
<b>Current Assets</b>				
Cash Assets	14,438	14,670	13,661	12,344
Receivables	3,445	3,700	3,766	4,024
Inventory	424	424	438	450
Land held for Resale	-	231	441	472
Other	121	123	127	130
<b>Total Current Assets</b>	<b>18,428</b>	<b>19,148</b>	<b>18,434</b>	<b>17,420</b>
<b>Non-Current Assets</b>				
Receivables	-	57	131	121
Property Plant and Equipment	497,839	499,930	501,791	503,424
Intangible Assets	910	910	910	910
Investments in Associate	649	629	609	589
<b>Total Non-Current Assets</b>	<b>499,397</b>	<b>501,526</b>	<b>503,441</b>	<b>505,044</b>
<b>TOTAL ASSETS</b>	<b>517,825</b>	<b>520,674</b>	<b>521,874</b>	<b>522,464</b>
<b>Current Liabilities</b>				
Payables	2,808	2,800	2,903	2,932
Trusts	549	565	582	600
Interest Bearing Liabilities	830	892	966	1,041
Non-Interest Bearing Liabilities	60	60	60	-
Employee Benefits	3,383	3,781	4,198	4,613
Provision for Landfill Rehabilitation	955	1,003	970	1,011
<b>Total Current Liabilities</b>	<b>8,585</b>	<b>9,101</b>	<b>9,680</b>	<b>10,197</b>
<b>Non-Current Liabilities</b>				
Trade and Other Payables	-	-	-	-
Interest Bearing Liabilities	6,472	5,579	4,614	3,572
Non-Interest Bearing Liabilities	120	60	0	-
Employee Benefits	337	401	468	538
Provision for Landfill Rehabilitation	7,648	8,030	7,772	8,099
<b>Total Non-Current Liabilities</b>	<b>14,577</b>	<b>14,070</b>	<b>12,853</b>	<b>12,209</b>
<b>TOTAL LIABILITIES</b>	<b>23,161</b>	<b>23,172</b>	<b>22,533</b>	<b>22,407</b>
<b>NET ASSETS</b>	<b>494,664</b>	<b>497,503</b>	<b>499,341</b>	<b>500,057</b>
<b>EQUITY</b>				
Accumulated Surplus	171,511	174,302	108,561	176,796
Statutory Reserves	1,263	1,311	1,341	1,371
Asset Revaluation Reserves	321,890	321,890	389,439	321,890
<b>TOTAL EQUITY</b>	<b>494,664</b>	<b>497,503</b>	<b>499,341</b>	<b>500,057</b>

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**ATTACHMENT No [1] - Council Plan 2013-2017**

STANDARD CASH FLOW STATEMENT	Actuals	Approved	Strategic Resource Plan	
	2013/14 \$'000	Forecast 2014/15 \$'000	Budget 2015/16 \$'000	Projections 2016/17 \$'000
<b>CASH FLOWS FROM OPERATING ACTIVITIES</b>				
Receipts from Ratepayers	28,563	31,234	33,062	34,921
Receipts from Grants	26,491	17,026	15,437	14,400
Contributions	584	308	820	353
Reimbursements and Subsidies	91	60	63	65
User Charges/Statutory Fees & Fines	4,060	3,731	3,829	3,832
Interest Received	529	360	350	364
Other Receipts	240	448	366	514
Proceeds from Sale of Land held for Resale	-	142	100	300
Net GST refund	3,308	-	-	-
Payments to Employees	(17,258)	(18,149)	(19,215)	(20,530)
Payments to Suppliers	(33,852)	(17,987)	(18,231)	(18,415)
Interest paid	(588)	(527)	(465)	(391)
Payments for Purchase of Land held for Resale	-	(300)	(300)	(300)
Other payments	(5,719)	(4,400)	(4,449)	(4,580)
<b>NET CASH FLOWS FROM OPERATING ACTIVITIES</b>	<b>6,449</b>	<b>11,944</b>	<b>11,367</b>	<b>10,531</b>
<b>CASHFLOWS FROM INVESTING ACTIVITIES</b>				
Proceeds from Sale of Fixed Assets	701	67	101	250
From Community Organisations	15	-	-	-
Recoupment of Loans/Advances	-	(15)	15	8
Payments for Purchase of Fixed Assets	(7,303)	(10,892)	(11,556)	(11,096)
<b>NET CASHFLOWS FROM INVESTING ACTIVITIES</b>	<b>(6,587)</b>	<b>(10,839)</b>	<b>(11,441)</b>	<b>(10,839)</b>
<b>CASH FLOWS FROM FINANCING ACTIVITIES</b>				
Repayment of Borrowings	(769)	(830)	(892)	(966)
Repayment of Non-Interest Bearing Liabilities	(60)	(60)	(60)	(60)
Increase/(decrease) Fire Services Levy dues to/from SRO	37	-	-	-
Increase/(decrease) of Trust Monies	(325)	16	17	17
Proceeds from Borrowings	-	-	-	-
<b>NET CASH FLOWS FROM FINANCING ACTIVITIES</b>	<b>(1,117)</b>	<b>(873)</b>	<b>(936)</b>	<b>(1,008)</b>
<b>NET CHANGE IN CASH HELD</b>	<b>(1,255)</b>	<b>232</b>	<b>(1,009)</b>	<b>(1,317)</b>
Cash at Beginning of the Financial Year	15,693	14,438	14,670	13,661
<b>CASH AT END OF FINANCIAL YEAR</b>	<b>14,438</b>	<b>14,670</b>	<b>13,661</b>	<b>12,344</b>



**FILE NO: F11/125  
3. OUR COMMUNICATIONS AND  
PROCESSES**

**ITEM NO: 9.1.2  
(MANAGER GOVERNANCE AND  
COMMUNICATIONS, LINDA  
NIEUWENHUIZEN)  
(GENERAL MANAGER - CORPORATE,  
LEANNE MULCAHY)**

**2013/14 TO 2016/17 COUNCIL PLAN REVIEW (cont'd)**

**ATTACHMENT No [1] - Council Plan 2013-2017**


STANDARD CAPITAL WORKS STATEMENT	Approved Strategic Resource Plan			
	Actuals	Forecast	Budget	Projections
	2013/14 \$'000	2014/15 \$'000	2015/16 \$'000	2016/17 \$'000
Bridges		-	180	350
Buildings	1,330	1,281	2,315	500
Drainage	158	525	380	600
Footpaths	137	80	325	200
Furniture & Equipment		400	56	-
Kerb and channel	238	-	400	400
Land	8	-	-	300
Land Improvements	140	2,408	537	1,500
Other Assets	11	175	620	250
Plant and equipment	1,343	801	917	835
Playground Equipment		-	250	50
Pumps	16	-	-	150
Roads	3,562	5,220	5,576	5,961
Work in progress	361			
<b>Total</b>	<b>7,303</b>	<b>10,892</b>	<b>11,556</b>	<b>11,096</b>
<b>Capital funding source</b>				
Asset sales	(701)	(67)	(101)	(250)
Community contributions	(414)	(125)	(157)	(10)
Grants	(2,769)	(3,954)	(1,325)	(2,000)
Roads to Recovery Grant	(1,401)	(1,665)	(3,200)	(1,665)
Other income		(45)	(531)	-
Special charge		-	-	(100)
<b>Total</b>	<b>(5,284)</b>	<b>(5,856)</b>	<b>(5,313)</b>	<b>(4,025)</b>
<b>Summary</b>				
Upgrade	891	3,447	2,536	1,740
Expansion	1,041	739	2,398	2,585
Renewal	5,370	6,706	6,622	6,771
<b>TOTAL CAPITAL WORKS</b>	<b>7,303</b>	<b>10,892</b>	<b>11,556</b>	<b>11,096</b>

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ITEM NO: 9.1.2  
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**2013/14 TO 2016/17 COUNCIL PLAN REVIEW (cont'd)**

**ATTACHMENT No [1] - Council Plan 2013-2017**



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FILE NO: 120.26.0001  
3. OUR COMMUNICATIONS AND  
PROCESSES

ITEM NO: 9.1.3  
(PROCUREMENT & QUALITY  
MANAGEMENT COORDINATOR, MEGAN  
GEMMILL)  
(GENERAL MANAGER - CORPORATE,  
LEANNE MULCAHY)

## PROCUREMENT POLICY REVIEW

### 1. Executive Summary

The Procurement Policy was last reviewed and adopted by Council on 23 June 2014. The purpose of the policy is to:

- provide guidance to Council to allow consistency and control over procurement activities;
- demonstrate accountability to ratepayers;
- achieve compliance with relevant legislative requirements
- provide guidance on ethical behaviour in public sector purchasing;
- demonstrate the application of elements of best practice in purchasing;
- increase the probability of obtaining the right outcome when purchasing goods and services; and
- Ensure value for money, openness and fairness in dealing with all suppliers, accountability, risk management, probity and transparency, environmental objectives, support of local business and any social procurement objectives.

### 2. Discussion

#### Review Process Additional Policy Changes Required

The significant changes required as part of this review, are as per the following:

#### Support of Local Business

In addition to the introduction of new selection criteria to assess the identifiable benefits to the local economy, through employment, the sourcing of products and services in the tender evaluation process, the following clause had been included to ensure that cross border (NSW) towns' contribution to the local economy is considered:

- *When making procurement decisions businesses operating in neighboring cross border towns shall be deemed to be local businesses due to the direct impact they have on creating local jobs and contributing to the Moira economy.*

Reference to the Capability Network (ICN) was also included to acknowledge their relationship with Council.

- *Council engages and consults with the Industry Capability Network (ICN) on projects as required. The ICN Regional Gateway is a resource, which allows businesses to be made aware of opportunities and for Councils to optimise the quantity of materials that are sourced locally for capital infrastructure projects.*

#### Consistency and transparency of process

In accordance with the Victorian Local Government Best Practice Procurement Guidelines 2013, Council will introduce a contract register that will be available on Council's website containing the following information about contracts that have been awarded:

- the contract number

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## PROCUREMENT POLICY REVIEW (cont'd)

- title of the contract
- type of contract (for example, works or goods)
- name of the successful contractor (and ABN)
- total value of the awarded contract
- length of the contract.

**To support this process, unsuccessful tenderers will be provided with the name of the successful tender and the total value of the awarded contract.**

It is proposed that the following clause is included into the Policy to clarify the procurement authority for consultants and Contractors:

As part of the review process Councils procurement policy was compared against the following Councils procurement policy:

- Corangamite Shire
- City of Greater Geelong
- Moorabool Shire Council
- Rural City of Wangaratta
- Port Phillip City Council
- Surfcoast Shire
- City of Greater Bendigo Council
- South Gippsland Shire Council

The above Councils have also adopted the MAV model procurement policy prepared by the Municipal Association of Victoria (MAV) with slight variation to align with internal terminology and processes.

### Statutory Compliance

To comply with the requirements of section 186A (7) of the *Local Government Act 1989* the Procurement Policy must be reviewed by no later than 30 June 2015. Section 186A (10) defines a procurement policy to mean the principles, processes and procedures that will apply to all purchases of goods, services and works by the Council.

Additional direction on lower level procedures and practices are provided by Council's *Procurement Guideline* to provide consistency and compliance with the policy.

Council introduced the first version of the *Procurement Guideline* in 2003, to ensure compliance with Section 186 of the *Local Government Act 1989*. A complete review / re-write of the *Procurement Guideline* was undertaken and approved by the Corporate Management Team (CMT) January 2014. The Guideline is reviewed at least once in each financial year upon review and adoption of the Procurement Policy.

### 3. Financial Implications

The reviewed Procurement Policy will play an important role in achieving best practice in procurement and value for money for the community.

### 4. Risk Management

The Procurement Policy ensures, as far as is reasonably possible, that risk is identified, assessed and managed at all stages of the procurement process.

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## PROCUREMENT POLICY REVIEW (cont'd)

### 5. Internal and External Consultation

The Policy has been circulated internally to the Manager and General Managers for comment.

The *Local Government Act 1989* (the Act) does not require Council to undertake community consultation on the Procurement Policy. However, as required by the Act the Procurement Policy will be made available for public inspection at Council's Office and on Council's Internet website.

### 6. Regional Content

Council recognises that in order to achieve sustainable value, a strategic assessment of the appropriate 'channel to market' should be undertaken – whether to go to market on its own, participate in regional or sector aggregated projects or panels, access State Government panel agreements or other means. Council will consider supply arrangements that deliver the best value outcomes in terms of time, expertise, cost, value and outcome.

### 7. Legislative / Policy Implications

As mentioned earlier in this report, the *Local Government Act 1989*, in particular Sections 186 and 186A are relevant to the Procurement Policy.

Guidance is also provided by the:

- *Model Procurement Policy*, MAV August 2011;
- *Victorian Local Government Best Practice Procurement Guidelines* DPCD 2013; and
- *Local Government Procurement Strategy*, DPCD September 2008.

### 8. Environmental Sustainability

The policy demonstrates Council's continued commitment to adopting a green procurement initiatives and supporting the principles of sustainable procurement.

### 9. Conflict of Interest Considerations

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

### 10. Conclusion

The reviewed Procurement Policy (attached) will provide guidance to achieve consistency in and good management of procurement activities. Adoption of the reviewed policy fulfils the statutory requirements under Section 186A of the Act and will demonstrate accountability in procurement to the Moira Shire community. The reviewed policy will be available for public inspection at Council's office and on Council's website.

## Attachments

- 1 Procurement Policy

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**PROCUREMENT POLICY REVIEW (cont'd)**

**RECOMMENDATION**

That:

1. Council approve the attached reviewed Procurement Policy, which addresses the requirements of Section 186A of the *Local Government Act 1989* (the Act).

**MOTION**

CRS PETER MANSFIELD / ED COX

That:

1. Council approve the attached reviewed Procurement Policy, which addresses the requirements of Section 186A of the *Local Government Act 1989* (the Act).

(CARRIED)

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**PROCUREMENT POLICY REVIEW (cont'd)**

**ATTACHMENT No [1] - Procurement Policy**



**Moirashire Council**

**Procurement Policy**

**June 2015**





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## PROCUREMENT POLICY REVIEW (cont'd)

### ATTACHMENT No [1] - Procurement Policy

#### Moira Shire Council Procurement Policy



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#### Foreword

In November 2008, amendments to the *Local Government Act 1989* were passed which included a new section 186 that required a Council to "prepare and approve a procurement policy".

The Municipal Association of Victoria (MAV) reviewed its Model Procurement Policy in August of 2011. The Moira Shire Council Procurement Policy includes the recommended amendments from the MAV review.

#### 1. Strategy

Council's strategy is to achieve the aims contained within the Council Plan by ensuring sustainable and socially responsible procurement outcomes, value for money, supporting the local economy, achieving innovation and better services for communities. These outcomes will be facilitated by the formulation of a Procurement Policy and Procurement Guideline.

#### 2. Policy Principles

##### 2.1 Background

Moira Shire Council:

- Recognises that:
  - Developing a procurement strategy and adopting appropriate best practice contracting and procurement principles, policies, processes and procedures for all goods, services and works by council, will enhance achievement of council objectives such as sustainable and socially responsible procurement; bottom-line cost savings, supporting local economies; achieving innovation; and better services for communities.
  - The elements of best practice applicable to local government procurement incorporate:
    - broad principles covering ethics, value for money, responsibilities and accountabilities;
    - guidelines giving effect to those principles;
    - a system of delegations (ie the authorisation of officers to approve and undertake a range of functions in the procurement process);
    - procurement processes, with appropriate procedures covering minor, simple procurement to high value, more complex procurement; and
    - a professional approach.
- Requires that council's contracting, purchasing and contract management activities:
- support Council's corporate strategies, aims and objectives including, but not limited to those related to sustainability, protection of the environment, and corporate social responsibility;
- provide a robust and transparent audit trail which ensures that procurement projects are delivered on time, within cost constraints and that the needs of end users are fully met;
- are conducted and seen to be conducted, in an impartial and ethical manner;
- take a long term strategic view of its procurement needs while continually assessing, reviewing and auditing its procedures, strategy and objectives;
- ensure, as far as is reasonably possible, that risk is identified, assessed and managed at all stages of the procurement process;
- use strategic procurement practices and innovative procurement solutions to promote sustainability and best value;

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#### Moira Shire Council Procurement Policy



- o comply with legislation, corporate policies or other requirements, ensuring that all staff responsible for procurement and contract management are aware of and adhere to the legislative requirements, Council standards and best practice.
- o span the whole life cycle of an acquisition from initial concept to the end of the useful life of an asset, including its disposal, or the end of a service contract;
- o achieve value for money and quality in the acquisition of goods, services and works by the council;
- o can demonstrate that public money has been well spent;
- o are conducted, and are seen to be conducted, in an impartial, fair and ethical manner;
- o seek continual improvement including the embrace of innovative and technological initiatives such as electronic tendering processes to reduce activity cost; and
- o generate and support business in the local community.

#### 2.2 Purpose

The purpose of this policy is to:

- provide guidance to Council to allow consistency and control over procurement activities;
- demonstrate accountability to ratepayers;
- provide guidance on ethical behaviour in public sector purchasing;
- demonstrate the application of elements of best practice in purchasing; and
- increase the probability of obtaining the right outcome when purchasing goods and services.

#### 2.3 Scope

This Procurement Policy is made under section 186a of the *Local Government Act 1989* (the Act). The Act is the key legislative framework that regulates the process of all local government procurement in Victoria. Section 186a of the Act requires the Council to prepare, approve and comply with a Procurement policy encompassing the principles, processes and procedures applied to all purchases of goods, services and works by the Council.

This policy applies to all contracting and procurement activities at Council and is binding upon Councillors, Council Staff and temporary employees, Section 86 committees, contractors and consultants while engaged by the Council.

The Act and the Procurement Policy of the Council is the primary reference point for how all procurement should be performed.

#### 2.4 Treatment of GST

All monetary values stated in this policy include Goods and Services Tax (GST) except, where specifically stated otherwise.

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#### 2.5 Definitions and Abbreviations

Term	Definition
Act	<i>Local Government Act 1989.</i>
Commercial in Confidence	Information that, if released, may prejudice the business dealings of a party e.g., prices, discounts, rebates, profits, methodologies and process information.
Contract Management	The process that ensures both parties to a contract fully meet their respective obligations as efficiently and effectively as possible, in order to deliver the business and operational objectives required from the contract and in particular, to provide value for money.
Council Staff	Includes full-time, part-time and temporary council employees.
Category Management	A 'Category' is an area of spend determined by known market boundaries separating different products, services or industries. Category management recognises that suppliers within a certain market are likely to have similarities which enable a tailored approach to procurement.
GST	Goods and Services Tax.
e-Procurement	e-Procurement is integral to the overall development of procurement processes and involves the use of an electronic system/s to acquire and pay for supplies, services and works.
Corporate Social Responsibility (CSR)	Corporate Social Responsibility (CSR) is about taking positive action to demonstrate the Council's commitment to the local community and environment on which it impacts.
Social Procurement	Social Procurement uses Procurement processes and purchasing power to generate positive social outcomes in addition to the delivery of efficient goods, services and works.
Expression of Interest (EOI)	An invitation for persons to submit an EOI for the provision of the Goods and/or Services generally set out in the overview of requirements contained in the document. This Invitation is not an offer or a contract.
Probity	Within government, the word "probity" is often used in a general sense to mean "good process." A Procurement process that conforms to the expected standards of probity is one in which clear procedures that are consistent with the council's policies and legislation are established, understood and followed from the outset. These procedures need to consider the legitimate interests of suppliers and ensure that all potential suppliers are treated equitably.

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## PROCUREMENT POLICY REVIEW (cont'd)

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#### Moira Shire Council Procurement Policy



Term	Definition
Service Officer or Supervisor	Is a member of Moira Shire Council staff responsible for the initiation of a tender process and who will usually supervise a particular purchase or service on behalf of Council. The Service Officer will participate in tendering processes, including tender evaluation within their area of responsibility and may be the nominated Superintendent or the Superintendent's representative.
Standing Offer Arrangements (SOA)	A contract that sets out rates for goods and services which are available for the term of the agreement. However, no commitment is made under the agreement to purchase a specified value or quantity of goods or services.
Sustainability	Activities that meet the needs of the present without compromising the ability of future generations to meet their needs.
Procurement	Procurement is the whole process of acquisition of external goods, services and works. This process spans the whole life cycle from initial concept through to the end of the useful life of an asset (including disposal) or the end of a service contract.
Tender Process	The process of inviting parties to submit a quotation by tender using public advertisement, followed by evaluation of submissions and selection of a successful bidder or tenderer.
Value for Money	Value for Money in Procurement is about selecting the supply of goods, services and works taking into account both cost and non-cost factors including: <ul style="list-style-type: none"> <li>• contribution to the advancement of the council's priorities;</li> <li>• non-cost factors such as fitness for purpose, quality, service and support; and</li> <li>• cost-related factors including whole-of-life costs and transaction costs associated with acquiring, using, holding, maintaining and disposing of the goods, services or works.</li> </ul>
Best Value	Best value in Procurement is about selecting the supply of goods, services and works taking into account both cost and non-cost factors including: <ul style="list-style-type: none"> <li>• contribution to the advancement of the Council's priorities;</li> <li>• non-cost factors such as fitness for purpose, quality, service and support; and</li> <li>• cost-related factors including whole-of-life costs and transaction costs associated with acquiring, using, holding, maintaining and disposing of the goods, services or works.</li> </ul>



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## PROCUREMENT POLICY REVIEW (cont'd)

### ATTACHMENT No [1] - Procurement Policy

#### Moira Shire Council Procurement Policy



### 3. Effective Legislative and Policy Compliance and Control

#### 3.1 Ethics and Probity

##### 3.1.1 Requirement

The council's procurement activities shall be performed with integrity and in a manner able to withstand the closest possible scrutiny.

##### 3.1.2 Conduct of Councillors and Council Staff

###### 3.1.2.1 General

Councillors and council staff shall at all times conduct themselves in ways that are, and are seen to be, ethical and of the highest integrity and *will*:

- treat potential and existing suppliers with equality and fairness;
- not seek or receive personal gain;
- maintain confidentiality of Commercial in Confidence information such as contract prices and other sensitive information;
- present the highest standards of professionalism and probity;
- deal with suppliers in an honest and impartial manner that does not allow conflicts of interest;
- provide all suppliers and tenderers with the same information and equal opportunity; and
- be able to account for all decisions and provide feedback on them.

Council staff who are responsible for managing or supervising contracts are prohibited from performing any works (sub-contracting or similar arrangement) for the contractor under the contract they are supervising.

###### 3.1.3 Tender Processes

All tender processes shall be conducted in accordance with the requirements of this policy and any associated procedures, relevant legislation, relevant Australian Standards and the Act.

###### 3.1.4 Conflict of Interest

Councillors and council staff shall at all times avoid situations in which private interests conflict, or might reasonably be thought to conflict or have the potential to conflict, with their council duties.

Councillors and Council staff are subject to conflict of interest provisions in:

- The Act: Division 1A - Conduct and Interests;
- Conflict of Interest Guides;
- Councillor Code of Conduct; and
- Employee Code of Conduct / Ethical Behaviour.

Councillors and Council staff involved in the procurement process, in particular preparing tender documentation, including writing tender specifications, tender opening, and tender evaluation panels, must:

- **Avoid** conflicts, whether actual, potential or perceived, arising between their official duties and their private interests. Private interests include the financial and other interests of Councillors and Council Staff, plus their relatives and close associates.

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## PROCUREMENT POLICY REVIEW (cont'd)

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- **Declare** that there is no conflict of interest. Where future conflicts, or relevant private interests arise Council Staff must make their manager, or the chairperson of the relevant tender assessment panel or board aware and allow them to decide whether the officer should continue to be involved in the specific Procurement exercise
- **Observe** prevailing Council, Victorian Government Purchasing Board (VGPB) and e-hub guidelines on how to prevent or deal with conflict of interest situations; and not take advantage of any tender related information whether or not for personal gain.

#### 3.1.5 Fair and Honest Dealing

Prospective contractors and suppliers will be afforded an equal opportunity to tender or quote in accordance with this policy.

Impartiality must be maintained throughout the procurement process so it can withstand public scrutiny.

The commercial interests of existing and potential suppliers must be protected. Confidentiality of information provided by existing and prospective suppliers must be maintained at all times, particularly commercially sensitive material such as, but not limited to prices, discounts, rebates, profit, manufacturing and product information. For further information refer to **Appendix A**.

#### 3.1.6 Accountability and Transparency

Accountability in procurement means being able to explain and provide evidence on the process followed. The test of accountability is that an independent third party must be able to see clearly that a process has been followed and that the process is fair and reasonable.

The processes by which all procurement activities are conducted will be in accordance with the over-arching *Victorian Local Government Best Practice Procurement Guideline*, this Council policy and Council's *Procurement Guidelines*. Additionally:

- Council staff must be able to account for all procurement decisions made over the lifecycle of all goods, services and works purchased by the council and provide feedback on them; and
- all procurement activities are to provide for an audit trail for monitoring and reporting purposes.

#### 3.1.7 Consistency and transparency of process

- In accordance with the Victorian Local Government Best Practice Procurement Guidelines 2013, Council will introduce a contract register that will be available on Council's website containing the following information about contracts that have been awarded:
  - the contract number
  - title of the contract
  - type of contract (for example, works or goods)
  - name of the successful contractor (and ABN)
  - total value of the awarded contract
  - length of the contract.

#### 3.1.8 To support this process the unsuccessful tenderers will be provided with the name of the successful tender and the total value of the awarded contract. Gifts and Hospitality

No councillor or member of council staff shall, either directly or indirectly solicit or accept gifts or presents from any member of the public involved with any matter that is connected with the duties of the officer, or in which the council is interested.

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Councillors and council staff must exercise the utmost discretion in accepting hospitality from contractors or their representatives, or from organisations, firms or individuals with whom they have official dealings. In accordance with the Employee Code of Conduct / Ethical Behaviour, a Council officer must declare all gifts and hospitality, however trivial, as soon as possible before or if not practicable, soon after receipt by completing the Gift/Hospitality Declaration Form.

Offers of bribes, commissions or other irregular approaches from organisations or individuals (no matter how flimsy the evidence available), must be promptly brought to the attention of the CEO.

#### 3.1.9 Disclosure of Information

Commercial in-confidence information received by the Council must not be disclosed and is to be stored in a secure location.

Councillors and council staff are to protect, by refusing to release or discuss the following:

- information disclosed by organisations in tenders, quotation or during tender negotiations;
- all information that is Commercial in Confidence information; and
- pre-contract information including but not limited to information provided in quotes and tenders or subsequently provided in pre-contract negotiations.

Discussion with potential suppliers during tender evaluations should not go beyond the extent necessary to resolve doubt on what is being offered by that supplier.

At no stage should any discussion be entered into which could have potential contractual implications prior to the contract approval process being finalised other than authorised pre-contract negotiations.

#### 3.2 Governance

##### 3.2.1 Structure

Council shall:

- establish a procurement management responsibility structure and delegations ensuring accountability, traceability and auditability of all procurement decisions made over the lifecycle of all goods, services and works purchased by the council;
- ensure that the councils' procurement structure:
  - is flexible enough to purchase in a timely manner the diverse range of material, goods, works and services required by council;
  - ensures that prospective contractors and suppliers are afforded an equal opportunity to tender/quote;
  - encourages competition; and
  - ensures that policies that impinge on the purchasing policies and practices are communicated and implemented.

##### 3.2.2 Standards

Council's procurement activities shall be carried out to the professional standards required by best practice and in compliance with:

- The *Local Government Act 1989*;
- Council's policies, CEO directives, guidelines and procedures;
- The council's *Employee Code of Conduct / Ethical Behaviour and the Councillor Code of Conduct*, and

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- Other relevant legislative requirements such as but not limited to the *Trade Practices Act 1974* (Cth), *Goods Act 1958* and the *Environmental Protection Act 1970*.
- Victorian Local Government Best Practice Procurement Guidelines 2013.

#### 3.2.3 Methods

The council's standard methods for purchasing goods, services and works shall be by some or all of the following methods:

- Credit or purchasing card;
- purchase order following a quotation process from suppliers for goods or services that represent best value for money under directed quotation thresholds;
- under contract following a tender process; or
- using aggregated purchasing arrangements with other councils, Municipal Association of Victoria (MAV) Procurement, Victorian Government, or other bodies;

other arrangements authorised by the Council or the CEO on a needs basis as required by abnormal circumstances such as emergencies.

The Council may, at its discretion and based on the complexity and cost of the project, conduct one stage or multi-stage tenders.

Typically a multi-stage tender process will commence with an expression of interest stage followed by a tender process involving the organisations selected as a consequence of the expression of interest stage.

Expressions of Interest (EOI) may be appropriate where:

- the requirement is complex, difficult to define, unknown or unclear;
- the requirement is capable of several technical solutions;
- the council wishes to consider ahead of formal tender processes such issues as whether those tendering possess the necessary technical, managerial and financial resources to successfully complete the project;
- tendering costs are likely to be high and council seeks to ensure that companies incapable of supplying the requirement don't incur unnecessary expense;
- it is necessary to pre-qualify suppliers and goods to meet defined standards; and
- the requirement is generally known but there is still considerable analysis, evaluation and clarification required (both of the objective and the solution).

Additionally, for highly complex projects Council may run sequential tenders, the first to solicit solutions, the second to compete to provide the solution selected by Council. Such sequential tenders may or may not be preceded by the registration of interest phase as required by the Council based on the actual needs of the project.

#### 3.2.4 Responsible Financial Management

The principle of responsible financial management shall be applied to all procurement activities.

Accordingly, to give effect to this principle, the availability of existing funds within an approved budget, or source of funds, shall be established prior to the commencement of any procurement action for the supply of goods, services or works.

Council staff must not authorise the expenditure of funds in excess of their procurement authority.

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Council funds must be used efficiently and effectively to procure goods, services and works and every attempt must be made to contain the costs of the procurement process without compromising any of the procurement principles set out in this Policy.

#### 3.3 Procurement Processes and Thresholds

##### 3.3.1 Requirement

The value of all contracts for the purposes of compliance with section 186 of the Act includes:

- costs for the full term of the contract,
- including any options for either party to extend the contract
- applicable goods and services tax (GST)
- anticipated contingency allowances or variations
- all other known, anticipated and reasonably foreseeable costs.

Council procurement processes are based on a number of principles:

##### **Best Value**

The benefits of the purchase are weighted against the costs necessary for the optimum result for the Council and local community. The Council is not required to accept the lowest tender. Instead, the Council is required to take into account issues of quality, cost, the accessibility of the service and other factors relevant to both the overall objectives of the *Local Government Act 1989*.

Best value is often mistaken for meaning the lowest price, however, in terms of the contracting process, best value requires us to balance quality and price with as much transparency as is reasonably achievable. In this context price should take into account the whole life cost of the provision so far as is practicable. It follows that the delivery of Best value is dependent upon Council priorities.

Achieving best value also requires *challenging* the need for the procurement and the way in which the service may be reconfigured to achieve improvements in service delivery, *comparing* service provision options against all those available, *consulting* with key stakeholders and ensuring *competition* in the open market.

Achieving best value for money must be the basis of all procurement decisions within the Council.

##### **Open and Fair Competition**

All suppliers are treated fairly in an open and transparent manner and have access to the same information.

##### **Accountability**

The Council maintains consistency in the approach to procurement across the whole organization through coherent frameworks, policies and procedures. Accountability in procurement means being able to explain and provide evidence on the process followed. The test of accountability is that an independent third party must be able to see clearly that a process has been followed and that the process is fair and reasonable.

Therefore the processes by which all procurement activities are conducted will be in accordance with the Council's procurement policies and procedures as set out in this policy and relevant Council policies and procedures.

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Additionally:

- all Council staff must be able to account for all procurement decisions made over the lifecycle of all goods, services and works purchased by the Council and provide feedback on them; and
- all procurement activities are to provide for an audit trail for monitoring and reporting purposes.

#### Risk Management

Strategies for managing risks associated with all procurement processes are to be implemented and consistent.

#### Probity and Transparency

All Council procurement processes must be conducted in a fair, honest and open and transparent manner, with the highest possible levels of integrity and in the public interest.

#### 3.3.2 Minimum Spend Competition Thresholds

##### 3.3.2.1 Tenders

In accordance with s186 of the Act and any subsequent Order in Council made, purchase of all goods and services for which the estimated expenditure equals or exceeds \$150,000, and works for which the estimated expenditure equals or exceeds \$200,000, must be undertaken by public tender as per the thresholds contained in the Act, and are inclusive of GST.

The tender thresholds shall apply for two financial accounting periods.

However, should the CEO consider that the nature of the requirement and the characteristics of the market are such that the public tender process would lead to a better result for the Council, public tenders may be called for purchase of goods, services and works for which the estimated expenditure is below the above thresholds.

##### 3.3.2.2 Quotations

Purchase of goods, services having a total of less than \$150,000 and works having a total valuation of less than \$200,000 Council will maintain a formalised system of procurement requirements using the procurement methods as described below.

\$ Value (inc GST)		Tendering Requirement
From	To	
\$0	\$5,500	Seek value for money low risk, every day/routine type purchases
\$5,501	\$22,000	Minimum of 2 verbal quotes- documented Simple service requirements and/or presents low risk
\$22,001	\$88,000	Seek a minimum of 3 written quotes Written invitation detailing requirements Simple service requirements and/or presents low risk



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\$ Value (inc GST)		Tendering Requirement
From	To	
\$88,001	\$149,999 for the supply of Goods & Services and \$199,999 for Works	<b>Minimum of 3 written quotes.</b> A written specification/contract is required. Complex service requirements and/or presents high degree of risk. *For civil works preference is to advertise.
Over \$150,000 for Goods & Services and \$200,000 for Works		<b>Advertised, Public Tender</b>

Below the threshold there are no limitations on when council may undertake a public tender, the above methods are the minimum requirements. There may be situations when a field of potential tenderers has not been established, where there is a high risk, a desire for greater transparency or requirement for a more comprehensive tender/contract document.

\* Please note that CEO exemptions can only be approved for values below the threshold. A [Certificate of Exemption](#) is required in accordance with Council's Procurement Guideline.

#### 3.4 Procurement Authority

##### 3.4.1 Requirement

The Chief Executive Officer provides guidance on financial issues through the Procurement Guideline, including limitations within which council staff are permitted to work. This guidance allows specified council staff to approve certain purchases, quotation, tender and contractual processes without prior referral to the council. This enables the council to conduct procurement activities in an efficient and timely manner whilst maintaining transparency and integrity.

Delegation of procurement authority ensure accountability and provide confidence to council and the public that purchasing activities are dealt with at the appropriate level.

As such, the council has delegated responsibilities as detailed below relating to the expenditure of funds for the purchase of goods, services and works, the acceptance of quotes and tenders and for Contract Management activities.

##### 3.4.2 Delegations

###### 3.4.2.1 Council Staff

The Procurement Guideline approved by the Chief Executive Officer identifies Council staff who are authorised to make procurement commitments in respect of goods, services and works on behalf of the Council;

- Acceptance of tenders
- Acceptance of quotes
- Contract term extensions (within authorised budget)
- Contract amendment (non-financial)
- Contract amendment (financial)
- Appointment to register of pre-qualified suppliers
- Credit Card or purchasing card purchases
- Procedural exceptions

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##### 3.4.2.2 Decisions Reserved for the Council

Commitments and processes which exceed the CEO's delegation must be approved by the council, -

##### 3.5 Internal Controls

The council will install and maintain a framework of internal controls over procurement processes that will ensure:

- more than one person is involved in and responsible for a transaction end to end;
- transparency in the procurement process;
- a clearly documented audit trail exists for procurement activities;
- appropriate authorisations are obtained and documented; and
- systems are in place for appropriate monitoring and performance measurement.

These internal controls are implemented in accordance with Council's *Procurement Guideline*.

##### 3.6 Commercial Information

Procurement activities will be carried out in a way that supports council staff in meeting their obligations - to ensure information of a commercially sensitive or confidential nature is obtained, stored, processed, published (where applicable) in an appropriate manner in accordance with the relevant council guidelines.

##### 3.7 Risk Management

###### 3.7.1 General

Risk Management is to be appropriately applied at all stages of procurement activities which will be properly planned and carried out in a manner that will protect and enhance the council's capability to prevent, withstand and recover from interruption to the supply of goods, services and works.

###### 3.7.2 Supply by Contract

The provision of goods, services and works by contract potentially exposes the council to risk.

The council will seek to minimise its risk exposure by measures such as:

- standardising contracts to include current, relevant clauses;
- referring specifications to relevant experts;
- requiring security deposits where appropriate;
- use of or reference to relevant Australian Standards (or equivalent); and
- requiring contractual agreement before allowing the commencement of work;
- effectively managing the contract including monitoring and enforcing performance.

##### 3.8 Contract Terms

All contractual relationships must be documented in writing based on standard terms and conditions.

Where this is not possible, approval must be obtained from the appropriate member of council staff listed in the council Procurement Guideline. A request for such an approval should be supported with procurement and legal advice as relevant.

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To protect the best interests of the council, terms and conditions must be settled in advance of any commitment being made with a supplier. Any exceptions to doing this expose the council to risk and thus must be authorised by the appropriate member of council staff listed in the council Delegations.

#### 3.9 Endorsement

Council staff must not endorse any products or services. Individual requests received for endorsement must be referred to Director level or above.

#### 3.10 Dispute Resolution

All council contracts shall incorporate dispute management and alternative dispute resolution provisions to minimise the chance of disputes getting out of hand and leading to legal action.

#### 3.11 Category Management

The Council has a Category Management approach to procurement which brings together expertise from across the Council to identify the most appropriate and effective approach to deliver the Council's outcomes through sourcing and supply arrangements.

The main objective of category management is to reach a point where all, or a very high percentage of the Council's spend within a category, is being channelled through approved arrangements, aligned with strategic priorities such that value is maximised on every dollar of expenditure.

#### 3.12 Contract Management

The purpose of contract management is to ensure that the council, and where applicable its clients, receive the goods, services or works provided to the required standards of quality and quantity as intended by the contract by:

- establishing a system monitoring and achieving the responsibilities and obligations of both parties' under the contract; and
- providing a means for the early recognition of issues and performance problems and the identification of solutions.
- adhering to Council's risk management framework and adhering to relevant Occupational Health and Safety Contractor Management procedure.

All council contracts are to include contract management requirements. Furthermore, contracts are to be proactively managed by the Council staff that have been nominated as the Superintendent or Superintendents Representative responsible for the delivery of the contracted goods, services or works to ensure the council receives Value for Money.

#### 3.13 e-Procurement

e-Procurement is integral to the overall development of procurement processes and involves the use of an electronic system/s to acquire and pay for supplies, services and works.

By utilising e-procurement the Council aim to:

- reduce transaction costs;
- achieve greater leverage;
- make processes more efficient;
- improve management information and visibility of spend;
- increasing control and consistency of processes, and
- improve spend compliance.

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#### 4. Demonstrate Sustained Value

##### 4.1 Triple Bottom Line Approach

A triple bottom line approach to procurement in Moira Shire considering environmental, social and financial aspects will enable the effective and efficient consideration of extrinsic cost considerations alongside conventional procurement criteria such as price and quality.

##### 4.2 Integration with Council Plan

The council procurement policy shall support the aims and objectives of its Council Plan, including but not limited to those related to sustainability, protection of the environment, (as supported by the Environment Sustainability Strategy 2012), corporate social responsibility and meeting the needs of the local community such as:

- feeling safe,
- living in a clean and pleasant environment, and
- receiving good quality and well managed council services that are Value for Money.

##### 4.3 Achieving Value for Money

###### 4.3.1 Requirement

The council's procurement activities will be carried out on the basis of obtaining Value for Money:

This means minimising the total cost of ownership or of the economic benefit over the lifetime of the requirement consistent with acceptable quality, reliability and delivery considerations. Lowest price is not the sole determinate of best value.

###### 4.3.2 Approach

This will be facilitated by:

- developing, implementing and managing procurement strategies that support the co-ordination and streamlining of activities throughout the lifecycle;
- effective use of competition;
- using aggregated contracts and SOA where appropriate;
- identifying and rectifying inefficiencies in procurement processes;
- developing cost efficient tender processes including appropriate use of e-solutions;
- council staff responsible for providing procurement services or assistance within the council providing competent advice in terms of available products and agreements;
- working with suppliers to create relationships that are professional and productive, and are appropriate to the value and importance of the goods, services and works being acquired.; and
- supported by the implementation of Council's Procurement Guidelines.

###### 4.3.3 Role of Specifications

Specifications used in quotations, tenders and contracts are to support and contribute to the council's Value for Money objectives through being written in a manner that:

- ensures impartiality and objectivity;
- encourages the use of standard products;
- encourages sustainability;
- eliminates unnecessarily stringent requirements

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##### 4.3.4 Support of Local Business

Council is committed to buying from local business where such purchases may be justified on Value for Money grounds. For detail refer to **Appendix B**.

##### 4.4 Performance Measure and Continuous Improvement

Appropriate performance measures are to be established and reporting systems will be used to monitor performance and compliance with procurement policies, procedures and controls.

Procurement procedures, practices and costs will be benchmarked externally. Internal service standards will be agreed within the council and performance against these targets will be measured and reviewed regularly to support continuous improvement.

The performance measurements developed will be used to:

- Highlight trend and exceptions where necessary to enhance performance.
- Improve the internal efficiency of the procurement process and where relevant the performance of suppliers
- Facilitate programmes to drive improvement in procurement to eliminate waste and inefficiencies across key spend categories

##### 4.4.1 Corporate Social Responsibility

Corporate Social Responsibility (CSR) is about taking positive action to demonstrate the Council's commitment to the local community and environment on which it impacts. This means the Council maximising the benefits of the services they provide across the community and minimising the negative aspects of their activities.

The Council integrates CSR into its organisational policies and practices through social procurement, sustainability and diversity.

##### 4.4.2 Social Procurement

Social Procurement generates positive outcomes by building on initiatives already undertaken by the Council in enhancing sustainable and strategic procurement practice, further enabling procurement to effectively contribute towards building stronger communities and meeting the social objectives of the Council.

The Council is committed to Social Procurement by:

- Ensuring all procurement practices are sustainable and strategically aligned with the wider Council objectives
- Achieving greater value for money across the community through the use of effective procurement
- Ensuring all businesses have the same opportunity to tender for Council contracts
- Enhancing relationships with other Councils, suppliers and community stakeholders
- Building and maintaining a strong community by exploring ways to generate local employment (particularly among disadvantaged residents) and further strengthening the local economy
- Purchasing ethical and fair trade goods to support equitable, local, national and international trade.

##### 4.5 Diversity

Promoting equality through procurement can improve competition, Value for Money, the quality of public services, satisfaction among users, and community relations. It should be a consideration in every procurement project and reflect corporate commitment to diversity and equal opportunities wherever possible.

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#### 4.6 Sustainability

##### 4.6.1 General

The council is committed to achieving sustainability and ensuring it monitors and reports on council activities and programs that have an impact on or contribute to the environment including but not limited to the following:

- waste management,
- recycling,
- energy management,
- emission management
- water conservation,
- green building design, and
- procurement Sustainable Business

##### 4.6.2 Sustainable Procurement

The council is committed to adopting a Green Procurement approach by supporting the principles of sustainable procurement within the context of purchasing on a Value for Money basis. For further details refer to **Appendix C**.

The Council recognises it has an implicit role in furthering sustainable development, through its procurement of goods, and services and works.

In addition, the Council recognises the potential impact this spend has on the environment and where applicable will integrate sustainability, environmental and social issues into the procurement process. The Council aims to achieve this by:

- Comply with all Australian regulations and legislation and ensuring our suppliers do the same
- Selecting products / services that have minimal effect on the depletion of natural resources and biodiversity
- Giving a preference to Fairtrade, or equivalent, and ethically sourced and produced goods and services
- Training all Council staff on sustainability considerations within the procurement process
- Considering the environmental performance of all suppliers and contractors, and encouraging them to conduct their operations in an environmentally sensitive manner
- Considering the basic life cycle analysis of products to minimise the adverse effects on the environment resulting directly or indirectly from products
- Taking into account the need to minimise emissions and reducing the negative impacts of transportation when purchasing goods and services
- Taking steps to minimise carbon dioxide and other greenhouse gas emissions through the detailed consideration of products and services procured
- Working more effectively with local suppliers to ensure they are encouraged to bid for the Council's business in line with the Procurement Policy.
- Ensuring all relevant procurement contracts and tenders contain sustainability specifications as appropriate to the product or service being procured.

#### 5. Apply a Consistent and Standard Approach

The council will provide effective and efficient commercial arrangements for the acquisition of goods and services. This is facilitated by the implementation of Council's Procurement Guidelines.



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##### 5.1 Standard Processes

The council will provide effective commercial arrangements covering standard products and provision of standard services across the council to enable employees to source requirements in an efficient manner.

This will be achieved via establishing the following:

- Pricing where relevant
- Processes, procedures and techniques
- Tools and business systems (e.g. implementing appropriate e-tendering, e-evaluation; e-catalogue or e-sourcing arrangements).
- Reporting requirements
- Application of standard contract terms and conditions.

##### 5.2 Performance Indicators

A list of performance indicators will be developed to measure procurement performance. They will include criteria such as:

- The proportion of spend against corporate contracts
- User and supplier satisfaction levels
- Knowledge and skill of council employees in procurement process
- Level of compliance and understanding of council procurement policies and guidelines.
- Measuring the success of procurement initiatives eg. procurement cards.

##### 5.3 Management Information

The council seeks to improve its performance by capturing and analysing procurement management information in a variety of areas, including:

- Volume of spend
- Number of transactions per supplier
- Supplier performance
- User satisfaction
- Category management
- Green spend

The council will also use external sources of management information to assist with the procurement decision making process including:

- Benchmarking data
- Information from professional bodies such as the Chartered Institute of Purchasing and Supply Australia
- Supplier reports

#### 6. Build and Maintain Supply Relationships

Council recognises that in order to achieve sustainable value, a strategic assessment of the appropriate 'channel to market' should be undertaken – whether to go to market on its own, participate in regional or sector aggregated projects or panels, access State Government panel agreements or other means. Council will consider supply arrangements that deliver the best value outcomes in terms of time, expertise, cost, value and outcome.

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##### 6.1 Developing and Managing Suppliers

Council recognises the importance of effective and open working relationships with its suppliers and is committed to the following:

- Managing existing suppliers, via the appropriate development programmes and performance measurements to ensure the benefits are delivered.
- Maintaining approved supplier lists
- Developing new suppliers and improving the capability of existing suppliers where appropriate.

##### 6.2 Supply Market Development

A wide range of suppliers should be encouraged to compete for council work. The focus for new work need not always be with the larger more familiar businesses. Other types of organisations offering business diversity include:

- Local businesses
- Green suppliers
- Small to medium sized enterprises (SME's)
- Social enterprises
- Ethnic and minority business
- Voluntary and community organisations

##### 6.3 Relationship Management

The council is committed to developing constructive long-term relationships with suppliers. It is important that the council identifies its key suppliers so that its efforts are focused to best effect. Such areas may include:

- Size of spend across the council
- Criticality of goods / services, to the delivery of the council's services
- Availability of substitutes

##### 6.4 Communication

External communication is very important in ensuring a healthy interest from potential suppliers and partners to the council. Council will endeavor to provide and update on its website:

- Information about council and how to become an approved supplier.
- A list of existing and forthcoming contract opportunities.
- Guidelines for doing business with council.
- Links to other relevant sites.

#### 7. Continual Improvement

The council is committed to continuous improvement and will review the procurement policy on an annual basis, to ensure that it continues to meet its wider strategic objectives.

#### 8. Policy Owner and Contact Details

Moira Shire Council's Chief Financial Officer is the designated owner of this policy.

For further information on the policy, please contact via email: [webmaster@moira.vic.gov.au](mailto:webmaster@moira.vic.gov.au) phone 03 5871 9222.

FILE NO: 120.26.0001  
3. OUR COMMUNICATIONS AND  
PROCESSES

ITEM NO: 9.1.3  
(PROCUREMENT & QUALITY  
MANAGEMENT COORDINATOR, MEGAN  
GEMMILL)  
(GENERAL MANAGER - CORPORATE,  
LEANNE MULCAHY)

## PROCUREMENT POLICY REVIEW (cont'd)

### ATTACHMENT No [1] - Procurement Policy

#### Moirra Shire Council Procurement Policy



#### Attachment A

##### The Australian Competition and Consumer Commission's proposed anti-collusion tender clauses

*The following clauses may be included in Council's tender documents. These clauses indicate that Council is alert to collusion and will go a long way to deterring such behaviour.*

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##### Disclaimer

The information in this publication is solely intended to provide a general understanding of the subject matter and to help people assess whether they need more detailed information.

The material presented in this publication is not and must not be regarded as legal advice. Users should seek their own legal advice where appropriate.

While everything practicable has been done to ensure the information in this book is accurate, no liability is accepted for any loss or damage whatsoever that can be attributed to reliance on any of that information.

Published by the ACCC 12/08

##### *Option 1*

##### **Tender Clause 1: Facilitating reporting to the ACCC**

The purchasing authority reserves the right, at its discretion, to report suspected collusive or anti-competitive conduct by tenderers to the appropriate regulatory authority and to provide that authority with any relevant tenderer information.

The purchasing authority's obligation to keep tenderer information confidential will not be breached if the information is disclosed by the purchasing authority to the appropriate regulatory authority because of suspected collusive or anti-competitive tendering behaviour.

##### *Option 2*

##### **Tender Clause 2: Disclosure of subcontracting**

Tenderers must indicate if they intend any person or organisation who is not an employee to perform work on the services, and must provide their details. The contract with the successful tenderer will require the purchasing authority's prior written approval for any changes to these arrangements, and any further sub-contracting.

##### **Tender Clause 3: Warranty**

The bidder warrants that their tender has not been prepared with any consultation, communication, contract, arrangement or understanding with any competitor, other than:

- Where certain joint venture arrangements exist between the bidder and a competitor.
- Where the bidder and a competitor have an agreement that has been authorised by the ACCC.
- Where the bidder has communicated with a competitor for the purpose of subcontracting a portion of the tender, and where the communication with that competitor is limited to the information required to facilitate that particular subcontract.

In such a situation the bidder agrees to fully disclose the full nature and extent of any agreements with competitors to the tendering body.

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## PROCUREMENT POLICY REVIEW (cont'd)

### ATTACHMENT No [1] - Procurement Policy

#### Moira Shire Council Procurement Policy



In the event that no such disclosure is made, the bidder warrants that their bid has not been prepared with any consultation, communication, contract, arrangement or understanding with any competitor regarding:

- prices
- methods, factors or formulas used to calculate prices
- the intention or decision to submit, or not submit, a bid
- the submission of a bid which is non-conforming
- the quality, quantity, specifications or delivery particulars of the products or services to which this call for bids relates
- the terms of the bid

The bidder acknowledges that if the [department/agency etc] accepts the bidder's offer and completes any contract the [department/agency etc] will do so in reliance of this warranty.

#### **Tender clause 4: Disclosure of prior anti-competitive conduct**

Tenderers must indicate if they, or any corporation or person associated with their tender, including directors and senior management, are or have ever been subject to proceedings related to anti-competitive conduct in Australia or overseas. The information must include:

- The names of the parties to the proceedings
- The case number
- The general nature of the proceedings
- The outcome or current status of the proceedings

The [department/agency etc] reserves the right, at its discretion, to exclude any tenderer from the procurement process if the tenderer, or any corporation or person, including directors or senior managers associated with their tender, have ever contravened the anti-competitive provisions of the *Trade Practices Act 1974* or equivalent laws in Australia or overseas.

The [department/agency etc] reserves the right, at its discretion, to exclude any tenderer from the procurement process if full disclosure of any or all contraventions of the anti-competitive provisions of the *Trade Practices Act* or equivalent laws in Australia or overseas has not been made.

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ITEM NO: 9.1.3  
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(GENERAL MANAGER - CORPORATE,  
LEANNE MULCAHY)

## PROCUREMENT POLICY REVIEW (cont'd)

### ATTACHMENT No [1] - Procurement Policy

#### Moira Shire Council Procurement Policy



#### Attachment B

##### Support of Local Business

Additional clauses for consideration to give additional emphasis could include the following:

- Council is committed to buying from local business where such purchases may be justified on Value for Money grounds.
- Open and effective competition is important to obtaining the best possible outcomes from dealings with suppliers.
- Competition implies pursuit of best value for money, the opportunity for potential suppliers to do business with Council, absence of bias or favouritism, accountability for results and transparency of process. The extent to which competition may be available and appropriate will vary from case to case, depending upon such things as the number of potential suppliers and the costs and benefits of promoting competition.
- Council may give preference to local economic benefit when sourcing products and services. When this criteria is nominated the benefit must be identifiable and reasonable and in compliance with the Trade Practices legislation. These benefits may take the form of:
  - increased local employment.
  - increased activity and spend in the local economy with identifiable benefits.
  - the level of local content in the goods, services and works.
  - The application of local content shall have consideration of both: Best Value Principles of the Local Government Act 1989; and National Competition Policy (Trade Practices Act).

When evaluating tenders, cross border towns eg. Barooga and Mulwala must be assessed in line with companies that are located within Moira Shire Council, to acknowledge the cross border contribution.

- Council engages and consults with the Independent Capability Network (ICN) on projects as required. The ICN Regional Gateway is a resource, which allows businesses to be made aware of opportunities and Local Government Authorities and councils the opportunity to be put in contact with local suppliers.

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ITEM NO: 9.1.3  
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(GENERAL MANAGER - CORPORATE,  
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## PROCUREMENT POLICY REVIEW (cont'd)

### ATTACHMENT No [1] - Procurement Policy

#### Moira Shire Council Procurement Policy



#### Attachment C

##### Green Procurement Initiatives

Green Procurement initiatives implemented by Council may include:

- Benchmarking purchasing, sustainability and operational processes and goals for comparative purposes.
- development of a risk profile of relevant suppliers' products and services or utilise existing databases (e.g. ECO-Buy database);
- Specific Information Communication Technology (ICT) "green" initiatives, include:
  - server optimisation and network consolidation;
  - conversion of physical servers to virtual servers;
  - implementation of multi-tiered storage solutions;
  - combination of voice and data networks;
  - decommission inactive servers running in data centres;
  - replacement of printers with multi-function devices with green printing defaults;
  - replacement of high energy consuming cathode-ray tubes with new, low energy LCD monitors; and
- Council is committed to reducing resource use through minimizing unnecessary purchasing, reducing consumption, minimising waste, and purchasing more efficient products. To achieve this, Council will where possible encourage and prefer environmentally preferable products in purchasing decisions.
- Council will seek to select energy, fuel and water efficient products (ideally Energy and Water Star Ratings of 4 Star and above, and the highest Green Vehicle Guide star rating)
- Council will seek to purchase from a source which is less polluting or uses clean technology
- Council will consider the provision of re-use and recycling as part of the project planning process, including the consideration of whole-of-life costs and disposal considerations.
- Council will seek to purchase goods that
  - have not been transported long distances
  - minimise habitat destruction
  - are obtained from recycled, plantation, salvaged or renewable sources
  - that reduce or eliminate the use of toxic chemicals.
  - reduce or eliminate toxic or polluting materials,
  - minimise or eliminate the release of toxic substances that can affect human health and pollute water, land or air at any stage of their life cycle
  - products that conserve water or use water in an efficient way



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3. DEVELOPMENT AND LIVEABILITY

ITEM NO: 9.2.1  
(TOWN PLANNER, MELISSA LOTITO)  
(GENERAL MANAGER  
INFRASTRUCTURE, ANDREW CLOSE)

**PLANNING PERMIT APPLICATION 5/2015/48 FOR THE USE OF LAND FOR A  
PACKAGED LIQUOR LICENCE AT 91-93 MELVILLE STREET NUMURKAH**

## 1. Executive Summary

The application seeks approval for a packaged liquor licence at 91-93 Melville Street, Numurkah. A planning permit is triggered under 52.27 Licensed Premises of the Moira Planning Scheme to use land to sell or consume liquor if a licence is required under the *Liquor Control Reform Act* 1998. The subject lot contains two separate businesses, one is proposed to operate the packaged liquor licence at 91-93 Melville Street and the other is currently occupied and operating as the FoodWorks Supermarket at 87 Melville Street. The FoodWorks Supermarket currently holds a packaged liquor licence for the premises on the subject lot.

Notice of the application was given to adjoining landowners and occupants and sign was placed on the site. Council received approximately 450 objections. Most of these in effect were standard letter templates signed by individual objectors. The objections were given to the applicant and in response a detailed report was prepared which included a Cumulative Impact Assessment. With no prospect of resolving the matter via mediation a Council decision is required.

The proposal accords with the purpose of the decision guidelines of the Commercial 1 Zone. Furthermore, it accords with local policies and relevant particular provisions of the Moira Planning Scheme.

It is considered that the proposed use 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

### Subject Application Details

Applicant: On Tap Liquor Consulting  
Owner: Donald Brian Kerry and Susanne Margaret Kerry  
Land Address: 91-93 Melville Street, Numurkah  
Title Details: Lot 1 TP201402 and Lot 1 TP556531  
File No: 5/2015/48  
Zone: Commercial 1 Zone (C1Z)  
Overlays: None

### Key Issues

- Amenity Impacts
- Cumulative Impacts
- Clause 52.27 for Licensed Premises

The subject lot is located in Numurkah within the Commercial 1 Zone. Melville Street is mainly within the Commercial 1 Zone with the exception of Moira Shire Council lands to the north and south which are zoned Public Park and Recreation and Public Use. To the east of the subject lot, the land is within the General Residential Zone and consists of single storey dwellings.

The subject lot is approximately 2362.62m<sup>2</sup> and contains retail buildings and a private car park to the rear which adjoins a Council owned car park. Access to the private car park is

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(cont'd)**

located on McCaskill Street through the Council car park. Customer access is located at both the east and west sides of the building.



The application is for a Package Liquor Licence to use the land for the sale of packaged liquor. A Bottle Shop is defined in the Moira Planning Scheme as:

~~Land used to sell packaged liquor for consumption off the premises"~~

A Bottle Shop is included within the broader definition of a Shop. A Shop is defined as:

~~Land used to sell goods or services, or to hire goods..."~~

The use of the land for a shop in the Commercial 1 Zone is listed as a ~~Section 1 – Permit not required~~" use. A planning permit is triggered under 52.27-Licensed Premises. A permit is required to use land to sell or consume liquor if a licence is required under the *Liquor Control Reform Act 1998*.

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### Proposal

The proposal consists of the use of the land to sell liquor. The licence will operate within approximately 598m<sup>2</sup> of building space, with 350 to 400m<sup>2</sup> of retail floor space and the remainder for storage. The application includes a 'red line' area designated for the sale of liquor (See Attachment). The building in its entirety will be included within the 'red line' area to allow for the flexibility of liquor display throughout the shop and to also include the appropriate storage and warehousing of the liquor.

The proposed operating hours will follow the "ordinary trading hours" in relation to Packaged Liquor Licence as defined by the *Liquor Control Reform Act 1998*, although the proposal does not include additional hours for Christmas Day or Good Friday. The operating hours proposed are as follows:

Monday to Saturday:	9:00am to 11:00pm
Sunday:	10:00am to 11:00pm
ANZAC Day:	12:00pm to 11:00pm

The Applicant's report indicated that there is adequate on street parking available, along with additional parking in the private car park to the rear of the subject lot that is currently shared with the FoodWorks Supermarket.

### Options

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

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**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 budgeted for.

**4. Risk Management**

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

**5. Internal and External Consultation**

**Pre-Lodgement Consultation**

There was no pre-application meeting with a Council planning officer.

The subject application was lodged on 24<sup>th</sup> February 2015.

**Internal Consultation**

The application was referred to the Shire's Safety and Amenity and Community Development Departments. The Safety and Amenity Department did not make any recommendations for the application.

The application was also referred to the Community Development Department and in response recommended it be refused based on the grounds that package liquor has a negative effect on the community, particularly in the home. The recommendation was based upon a Victoria Police Report that indicated that packaged liquor outlets may contribute to the increase of assaults and family violence. The department also recommended that if Council were to grant a permit, that consideration should be given to the operating hours and indicated that the closing hours should be not later than 8pm.

**External Consultation**

The application was not required to be referred to any external Authorities.

**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 occupants and a notice was placed on the site.

Council received approximately 450 objections. A number of individual objection letters were received, however, most of the objections were standard letter templates signed by individual objectors. Overall, the concerns raised included the following:

- Saturation of liquor outlets with varying liquor licenses
- More access to alcohol will escalate alcohol related behavior
- Proximity of nearby 'sensitive' uses (ex. child care centre)
- Business will be taken away from other existing liquor outlets
- Liquor misuse and abuse by underage youth
- Car Parking
- Cumulative impacts on the amenity of the surrounding area

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Once the advertising period closed, the Applicant was informed that objections were received and was provided with a representative sample of letters to highlight all of the issues raised by the objectors (See Attachment). On the 23 April 2015 the Applicant responded to Council in writing which included a detailed letter and a thorough Cumulative Impact Assessment (See Attachment).

Due to the number of objections received and the nature of the objections, it was considered that mediation between the parties would not result in the withdrawal of the objections.

## **6. Regional Context**

There is no regional context associated with this application.

## **7. Council Plan Strategy**

It is considered that the proposed use is consistent with the following strategy set out in the Council Plan:

*Development – 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.*

The proposed use integrates well within an area of growing local businesses and will be located in a community with a mix of retail activities.

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

### **Zoning**

The subject land is located in the Commercial 1 Zone (C1Z). The purpose of the C1Z, amongst others, is:

*To create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses.*

It is considered that the proposed application is consistent with the purpose of the Commercial 1 Zone.

Clause 34.01-1 of the Moira Planning Scheme indicates that the use of land in the C1Z for a Shop (which includes a Bottle Shop) is a Section 1 Use and thus does not require a permit.

Clause 34.01-8 of the Scheme sets out Decision Guidelines for developments within the C1Z. The key guidelines for considering this application are:

- *The interface with adjoining zones, especially the relationship with residential areas.*
- *The effect that existing uses may have on the proposed use.*
- *The effect of traffic to be generated on roads.*

It is considered that the proposed use accords with the Decision Guidelines of the C1Z. The use is located within the commercial centre of Numurkah. There is a residential area

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located directly to the east of the subject lot in McCaskill Street. There is a Council owned car park that adjoins the subject lot to the west. It is considered that the interface between the adjoining Residential Zone and the subject lot will not have any negative implications. As the subject lot was previously being used as a retail premises it is not foreseen that a higher level of traffic would be generated on roads if this proposal were to be approved.

In summary, the proposal provides for a satisfactory outcome in terms of the purpose and decision guidelines of the Commercial 1 Zone.

**Overlays**

There are no overlays affecting the subject lot.

**State Planning Policies**

One of the objectives of Clause 17 – Economic Development is:

*To encourage development which meet the communities' needs for retail, entertainment, office and other commercial services and provides net community benefit in relation to accessibility, efficient infrastructure use and the aggregation and sustainability of commercial facilities*

The strategy, amongst others, to achieve this objective is to locate commercial facilities in existing or planned activity centres.

It is considered that the proposal accords with the above objective and strategy by locating the use within the existing commercial centre of Numurkah. Additionally, the bottle shop will make use of the existing car parking infrastructure located on the subject lot and in the street(s).

**Local Planning Policy and Municipal Strategic Statement**

Clause 21.04-4 of the Moira Shire Planning Scheme sets out the Shire's Settlement Strategies. Commercial strategies relating to the Numurkah Township include the following:

- *Future development of the town of Numurkah will generally be in accordance with the Numurkah Strategy Plan, January 2010;*
- *Future development of Numurkah should clearly identify the residential, rural residential, commercial, industrial and open space land uses;*
- *Encourage medium density housing around the commercial fringe of the town centre, particularly in proximity to public open space;*
- *Encourage the redevelopment of vacant and under-utilised sites in the commercial precincts, including the town centre;*
- *Encourage office development or in the commercial streets surrounding the town centre;*
- *Encourage building design to be sympathetic to the character and scale of existing development in the Numurkah CBD;*
- *Encourage the development of a well-planned streetscape strategy using the recommendations set out in the Numurkah Urban Design Framework and the Retail, Tourism and Events Marketing Strategy for Numurkah.*



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**Relevant Particular Provisions**

A permit is required under Clause 52.27 – Licensed Premises to use land to sell or consume liquor if a licence is required under the *Liquor Control Reform Act* 1998. The purpose of this particular provision is:

- *To ensure that licensed premises are situated in appropriate locations*
- *To ensure that the impact of the licensed premises on the amenity of the surrounding area is considered.*

Decision Guidelines that must be considered for Licensed Premises include:

- *The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies;*
- *The impact of the sale or consumption of liquor permitted by the liquor licence on the amenity of the surrounding area;*
- *The impact of the hours of operation on the amenity of the surrounding area;*
- *The impact of the number of patrons on the amenity of the surrounding area;*
- *The cumulative impact of any existing licensed premises and the proposed licensed premises on the amenity of the surrounding area.*

The bottle shop is to be located within the main commercial area of the Numurkah Township within an existing building previously used as a retail shop. The location of the licensed premises is considered appropriate for the area. The State and Local Policies have previously been discussed above.

The impact of the number of patrons is not necessarily a concern for applications selling packaged liquor, rather, more of an impact to consider when alcohol is to be consumed on the premises. In any case, as a condition the licensed premises must adhere to the Packaged Liquor Code of Conduct. It is considered that as a shop the number of patrons (customers) will vary depending on the time of day however it is not believed that this will detrimentally affect the amenity of the surrounding area.

The proposal is included within a small cluster of 4 licensed premises (including the proposed premises) within a radius of 100 metres from the subject land. The cluster should take into account the number and type of licensed premises within the 100 metre radius.

The types of licenses held within the cluster area vary significantly. As mentioned previously in this report, there is a supermarket that holds a packaged liquor licence next door to the north on the subject lot. As advertised, the supermarket operates during the following hours:

Monday to Friday:	8:30am to 7:00pm
Saturday:	8:30am to 5:00pm
Sunday:	9:00am to 5:00pm

Two restaurant and café licenses operate until 11pm to the south west of the subject lot. While a general licence is held to the north and is permitted to operate until 1am for consumption on the premises, although the licence also permits alcohol for consumption off the premises and is permitted to operate until 11pm.

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Outside of the cluster area, there is one other supermarket that holds a packaged liquor licence that operates during the following hours:

Monday to Wednesday:	8:30am to 7:00pm
Thursday to Friday:	8:30am to 8:00pm
Saturday:	8:30am to 5:00pm
Sunday:	9:00am to 5:00pm

Other licenses outside of the cluster include: general licenses, limited licenses and restricted club licenses.

Overall, there are 17 licenses currently operating in Numurkah, with some premises hold more than one type of licence. Only two of these licenses are for packaged liquor and the hours of operation between these two licenses and the proposed licence do not particularly coincide. The licenses include a mix of restaurants, cafes, pubs, drive-through bottle shops, supermarkets and clubs. The proposal is not considered to create any new impacts in regards to the mix of uses in the area.

While there is a broad concern regarding alcohol consumption and the effects on the community, other planning considerations for the area must be balanced with any reasonable or unreasonable negative cumulative impacts. The planning framework does not allow for discretion to be made where there is a potential for alcohol related behaviour. As outlined above, the proposal accords with the relevant zone and local policies and does not impact negatively on the mix of uses within the main commercial centre of Numurkah.

It is considered that the proposal satisfies the purpose of Clause 52.27.

**The decision guidelines of Clause 65**

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

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

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- *The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.*

All of the matters set out in Clause 65 above have been considered. The proposed use accords with Clause 65.

**9. Environmental Impact**

It is anticipated that the application will not result in any adverse environmental impacts. Any impact that may result from a waste management issue can be conditioned appropriately.

**10. Conflict of Interest Considerations**

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

**11. Conclusion**

The subject lot is located within the Commercial 1 Zone. The use of the land for a bottle shop does not trigger a permit under this zone. A planning permit is required under Clause 52.27 - Licensed Premises of the Moira Planning Scheme to use land to sell or consume liquor. The Applicant is seeking to operate under a licence for Packaged Liquor.

The use accords with the purpose of the Commercial 1 Zone and accords with the objectives and strategies set out in the local and state policies. Furthermore, the purpose of Clause 52.27 has been met and the use accords with the decision guidelines.

It is concluded that the use will be located appropriately within the main commercial centre of Numurkah and the cumulative impact is considered satisfactory for the area. Given that the use accords with all relevant planning scheme provisions, it is considered that the proposal is in keeping with the orderly planning of the area and will not detrimentally affect the amenity of the area.

**Attachments**

- 1 Red Line Plan
- 2 Sample of Objections
- 3 Cumulative Impact Assessment

**RECOMMENDATION**

That Council issue a Notice of Decision to Grant a Permit for Planning Application No. 5/2015/48 for the use of land for a packaged liquor licence at 91-93 Melville Street, Numurkah subject to the following conditions:

1. The use and operation of the liquor licence as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority
2. The use must be managed so that the amenity of the area is not detrimentally affected, through the:
  - (a) Transport of materials, goods or commodities to or from the land and within

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- the land;
- (b) Emission of noise, artificial light, vibration, smell, odour, fumes, smoke, soot, ash, dust, waste water, litter, waste products or broken glass.
3. The sale of liquor on the site must be managed to the satisfaction of the Responsible Authority so that the amenity of the area is not detrimentally affected.
4. The licensed premises trading hours are permitted as follows:
- Monday to Saturday: 9:00am to 11:00pm  
Sunday: 10:00am to 11:00pm  
ANZAC Day: 12:00pm to 11:00pm
5. All garbage/waste generated from the commercial premises shall be stored on site until collected, screened from public view to the satisfaction of the Responsible Authority and must not be used for any other purpose.
6. This permit will expire if:
- The use is not started within two years of the date of this permit.
- 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 allowed by the permit has not yet started.

Planning Notes

This permit does not authorise the commencement of any building construction works. Before any such development may commence, the applicant must apply for and obtain appropriate building approval.

The premises are to comply with the Food Act 1984, as amended. Council's Environmental Health Department should be contacted regarding these requirements.

Unless no permit is required under the planning scheme, no signage must be constructed or displayed without a further permit.

FILE NO: 5/2015/48  
3. DEVELOPMENT AND LIVEABILITY

ITEM NO: 9.2.1  
(TOWN PLANNER, MELISSA LOTITO)  
(GENERAL MANAGER  
INFRASTRUCTURE, ANDREW CLOSE)

**PLANNING PERMIT APPLICATION 5/2015/48 FOR THE USE OF LAND FOR A  
PACKAGED LIQUOR LICENCE AT 91-93 MELVILLE STREET NUMURKAH  
(cont'd)**

**MOTION**

CRS KEVIN BOURKE / ED COX

That Council issue a Notice of Decision to Grant a Permit for Planning Application No. 5/2015/48 for the use of land for a packaged liquor licence at 91-93 Melville Street, Numurkah subject to the following conditions:

1. The use and operation of the liquor licence as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority
2. The use must be managed so that the amenity of the area is not detrimentally affected, through the:
  - (a) Transport of materials, goods or commodities to or from the land and within the land;
  - (b) Emission of noise, artificial light, vibration, smell, odour, fumes, smoke, soot, ash, dust, waste water, litter, waste products or broken glass.
3. The sale of liquor on the site must be managed to the satisfaction of the Responsible Authority so that the amenity of the area is not detrimentally affected.
4. The licensed premises trading hours are permitted as follows:

Monday to Saturday: 9:00am to 11:00pm  
Sunday: 10:00am to 11:00pm  
ANZAC Day: 12:00pm to 11:00pm
5. All garbage/waste generated from the commercial premises shall be stored on site until collected, screened from public view to the satisfaction of the Responsible Authority and must not be used for any other purpose.
6. This permit will expire if:
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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 allowed by the permit has not yet started.

Planning Notes

This permit does not authorise the commencement of any building construction works. Before any such development may commence, the applicant must apply for and obtain appropriate building approval.

The premises are to comply with the Food Act 1984, as amended. Council's Environmental Health Department should be contacted regarding these requirements. Unless no permit is required under the planning scheme, no signage must be constructed or displayed without a further permit.

(CARRIED)

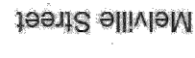
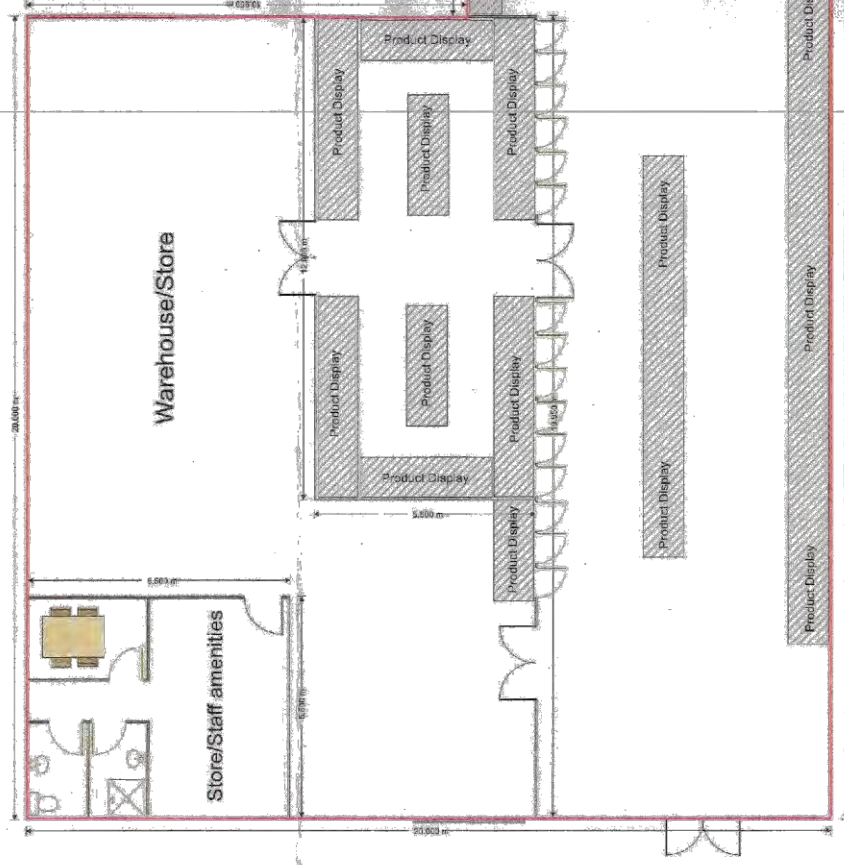




# Dipandco Pty Ltd Trading As Neighbourhood Bottle 'O'

93 Melville Street, Numurkah

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FILE NO: 5/2015/48  
3. DEVELOPMENT AND LIVEABILITY

ITEM NO: 9.2.1  
(TOWN PLANNER, MELISSA LOTITO)  
(GENERAL MANAGER  
INFRASTRUCTURE, ANDREW CLOSE)

**PLANNING PERMIT APPLICATION 5/2015/48 FOR THE USE OF LAND FOR A  
PACKAGED LIQUOR LICENCE AT 91-93 MELVILLE STREET NUMURKAH  
(cont'd)**

**ATTACHMENT No [2] - Sample of Objections**

To MOIRA SHIRE COUNCIL 1-4-15.

I AM CONCERNED WITH THE PROSPECT OF  
ANOTHER LIQUOR OUTLET LICENCE <sup>Being Dist 1472</sup>  
APPROVED IN NUMURKAH. -7 APR 2015

LIQUOR LICENCES WITHIN NUMURKAH ARE  
ALREADY AT SATURATION LEVEL <sup>GIVING PLenty</sup>  
OF OPPORTUNITY AND ENCOURAGEMENT FOR THOSE  
WHO ABUSE THE SYSTEMATIC OPPORTUNITIES RATHER  
THAN BEHAVE WITHIN THE LAWS AND WITH LITTLE  
OR NO RESPECT FOR HEALTH ISSUES.

ANOTHER OUTLET IN NUMURKAH WILL ENCOURAGE  
FURTHER ABUSE PARTICULARLY FROM YOUNGSTERS  
MEMBERS OF THE COMMUNITY WHO ARE DANGEROUS TO  
USE AND EXPERIMENTATION WITH ALCOHOL AND  
DRUGS.

PLEASE DO NOT ISSUE ANOTHER LIQUOR LICENCE

Yours



FILE NO: 5/2015/48  
3. DEVELOPMENT AND LIVEABILITY

ITEM NO: 9.2.1  
(TOWN PLANNER, MELISSA LOTITO)  
(GENERAL MANAGER  
INFRASTRUCTURE, ANDREW CLOSE)

**PLANNING PERMIT APPLICATION 5/2015/48 FOR THE USE OF LAND FOR A  
PACKAGED LIQUOR LICENCE AT 91-93 MELVILLE STREET NUMURKAH  
(cont'd)**

**ATTACHMENT No [2] - Sample of Objections**

Name: [REDACTED]  
Address: [REDACTED]  
Date: 5/4/15

015/2015  
25 APR 2015  
Referred to:  
Copies to:

Town Planner  
MOIRA SHIRE COUNCIL  
P O BOX 578  
COBRAM VIC 3643

Application for Permit for another Bottle Shop/Liquor Outlet Melville Street .  
NUMURKAH re: 5/2015/048

Dear Sir/Madam

I am a ratepayer of Numurkah and I wish to object to the proposed opening of a new Liquor Store in the old Hardware building in Melville Street NUMURKAH.

We currently have 5 takeaway liquor outlets in our town, and a further 8 licenced premises/club etc I don't feel we need another one. All 5 takeaway outlets are in Melville Street (with one bottle shop at the rear in McCaskill Street).

The application is for a Liquor Store right next door to an existing liquor store (FoodWorks) and within 50 meters of the Telegraph Hotel which runs a drive through bottle shop at the rear in McCaskill Street.

The young people of this town have enough access to liquor, another outlet will mean more access to alcohol and we fear, an escalation of alcohol related anti-social behavior in this town,

The proposed location is also too close to the Child Care Centre at the rear the buildings and could pose traffic problems getting to and from this centre.

I'm sure it is difficult enough to operate a successful business in a small town and opening a new liquor store will take business away from the existing outlets.

Please consider my objections.

Regards

[REDACTED]

FILE NO: 5/2015/48  
3. DEVELOPMENT AND LIVEABILITY

ITEM NO: 9.2.1  
(TOWN PLANNER, MELISSA LOTITO)  
(GENERAL MANAGER  
INFRASTRUCTURE, ANDREW CLOSE)

**PLANNING PERMIT APPLICATION 5/2015/48 FOR THE USE OF LAND FOR A  
PACKAGED LIQUOR LICENCE AT 91-93 MELVILLE STREET NUMURKAH  
(cont'd)**

**ATTACHMENT No [2] - Sample of Objections**

NUMURKAH VIC 3636

1<sup>st</sup> April 2015

Moira Shire Council  
PO Box 578  
Cobram VIC 3643

Dear Sir/Madam

Planning Application: 5/2015/048, 91-93 Melville Street, Numurkah

As the owner/occupier of the residential property at [REDACTED], NUMURKAH and the owner/operator of the [REDACTED] NUMURKAH we wish to strongly object to the proposed Licensed Retail Liquor Outlet at 91-93 Melville Street, Numurkah.

Importantly the applicant has failed to assess and consider a range of matters that are required under the planning scheme. These include:

- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- The orderly planning of the area (Section 65.01)
- The effect on the amenity of the area (Section 65.01)
- The impact of the sale or consumption of liquor permitted by the liquor licence on the amenity of the surrounding area (Section 52.27)
- The impact of the hours of operation on the amenity of the surrounding area (Section 52.27)
- The cumulative impact of any existing licensed premises and the proposed licensed premises on the amenity of the surrounding area (Section 52.27)

Practice Note 61 issued by the Department of Planning and Community Development in March 2011 sets out the circumstances that determine whether an applicant should assess the cumulative impact of a Licensed Premises permit application. In particular the practice note advises that the cumulative impact of a proposal requires assessment where there are "three or more licensed premises (including the proposed premises) within a radius of 100 metres from the subject land".

In this case there are three licensed premises, excluding the proposed premises, within a radius of 100 metres. As a result the applicant is required to have regard to "all land within a 500

FILE NO: 5/2015/48  
3. DEVELOPMENT AND LIVEABILITY

ITEM NO: 9.2.1  
(TOWN PLANNER, MELISSA LOTITO)  
(GENERAL MANAGER  
INFRASTRUCTURE, ANDREW CLOSE)

**PLANNING PERMIT APPLICATION 5/2015/48 FOR THE USE OF LAND FOR A  
PACKAGED LIQUOR LICENCE AT 91-93 MELVILLE STREET NUMURKAH  
(cont'd)**

**ATTACHMENT No [2] - Sample of Objections**

metre radius" and to consider the following matters when assessing the cumulative impact of the proposed licensed premises:

- Planning policy context
- Surrounding land use mix and amenity
- The mix of licensed premises
- Transport and dispersal
- Impact mitigation.

However, none of these matters have been adequately addressed, if at all, by the applicant.

The Planning Context

The Numurkah Strategy Plan, January 2010 calls for an appropriate range of retail and entertainment facilities in the Numurkah town centre to maintain its role. In particular the report identifies a lack of "retail diversity" and is encourages:

- an appropriate range of retail and entertainment facilities
- other higher-order services, such as health, legal, accounting, etc
- an expansion of existing supermarket facilities

We have also identified a number of retail facilities that are lacking in town, including:

- Electrical appliances
- White goods
- Shoe shop
- Manchester

Adding another packaged liquor shop in the Numurkah town centre will do nothing to address the current lack of retail diversity in town (there are already five existing packaged liquor outlets) and represents a lost opportunity to address a number of major gaps in the retail offering in town for the community and visitors.

Surrounding land use mix and amenity

The mix of surrounding land uses is important for determining the existing amenity of the area. In this case the applicant has failed to acknowledge the following nearby sensitive uses which have high amenity expectations and are more sensitive to alcohol related issues:

- Numurkah Children's Service Centre
- Numurkah Senior Citizens' Hub

The Practice Note 61 identifies that a packaged liquor outlet provides an opportunity for patrons to purchase and consume alcohol before, in between, or after entering licensed premises. These activities, particularly in excessive quantities, can increase the likelihood of anti-social behaviour and public disturbances.



FILE NO: 5/2015/48  
3. DEVELOPMENT AND LIVEABILITY

ITEM NO: 9.2.1  
(TOWN PLANNER, MELISSA LOTITO)  
(GENERAL MANAGER  
INFRASTRUCTURE, ANDREW CLOSE)

**PLANNING PERMIT APPLICATION 5/2015/48 FOR THE USE OF LAND FOR A  
PACKAGED LIQUOR LICENCE AT 91-93 MELVILLE STREET NUMURKAH  
(cont'd)**

**ATTACHMENT No [2] - Sample of Objections**

These two community facilities are located in close proximity to the subject site and share the same car park. The proposed use therefore has the potential to increase the number of patrons near these sensitive uses and result in an impact on their amenity.

The mix of licensed premises

Whilst the applicant has listed the licensed premises in the area there is no analysis as to whether:

- There is any evidence of problems apparent in the area, such as property damage or littering, that may be attributed to alcohol related incidences?
- Are complaints about licensed premises already being generated in the area?
- Are there any known enforcement proceedings against licensed premises in the area.
- Does the proposal contribute to the diversity of activities and vibrancy in the area?
- Will the proposal reinforce any existing or create any new impacts arising from the mix of uses in the area?

As discuss earlier it is clear that the proposed use does not add to the diversity of retail uses in the town centre. Given there are already 5 licensed packaged liquor shops within 500 metres of the subject site, the proposal fails to enhance the range of retail facilities for local residents or tourists.

Transport and dispersal

The applicant has failed to comment on issues regarding the potential impact of the proposed trading hours on the amenity of the area and the movement of customers between other licensed venues.

For example, Practice Note 61 asks: "Will the proposal reinforce any existing or create any new impacts arising from licensed premises closing times and patron dispersal within the area?"

The applicant has also failed to consider amenity and security issues associated with the private rear car park, to which the existing FoodWorks has access rights to. We are concerned that with the FoodWorks closing at 7 pm, the longer trading hours of the proposed new licensed bottle shop could create a security risk for our building and storage area.

Impact mitigation

Because the applicant has failed to consider potential amenity impacts arising from the proposed use, they have also failed to offer any impact mitigation measures.

For example, Practice Note 61 asks: "Will the proposal provide mitigation measures to address any negative cumulative impacts?"

FILE NO: 5/2015/48  
3. DEVELOPMENT AND LIVEABILITY

ITEM NO: 9.2.1  
(TOWN PLANNER, MELISSA LOTITO)  
(GENERAL MANAGER  
INFRASTRUCTURE, ANDREW CLOSE)

**PLANNING PERMIT APPLICATION 5/2015/48 FOR THE USE OF LAND FOR A  
PACKAGED LIQUOR LICENCE AT 91-93 MELVILLE STREET NUMURKAH  
(cont'd)**

**ATTACHMENT No [2] - Sample of Objections**

In summary we believe that the application is severely deficient, having failed to consider the following matters:

- To address the range of matters required under the planning scheme.
- To consider the cumulative impact of the proposal on the amenity of the surrounding area.
- The need for diversity in the retail offer in the town centre.
- The mix of surrounding land uses, including the proximity of nearby 'sensitive' uses.
- Operational issues associated with public access through the shared private yard at the rear.

We therefore request the Council to refuse the application or at least require the applicant to submit the required information and re-exhibit the permit application.

Yours faithfully,





FILE NO: 5/2015/48  
3. DEVELOPMENT AND LIVEABILITY

ITEM NO: 9.2.1  
(TOWN PLANNER, MELISSA LOTITO)  
(GENERAL MANAGER  
INFRASTRUCTURE, ANDREW CLOSE)

**PLANNING PERMIT APPLICATION 5/2015/48 FOR THE USE OF LAND FOR A  
PACKAGED LIQUOR LICENCE AT 91-93 MELVILLE STREET NUMURKAH  
(cont'd)**

**ATTACHMENT No [2] - Sample of Objections**

Name:  
Address:

Date:

Manager  
MOIRA SHIRE COUNCIL  
P O BOX 578  
COBRAM VIC 3643

Objection to the plan to open another bottle shop in the old Hardware building in  
Melville Street NUMURKAH re: 5/2015/048

Dear Sir/Madam

I am a ratepayer of the Moira Shire and I want to object to the plan to open a bottle  
shop in the old Hardware building in Melville Street Numurkah.

I've heard that the plan is to put a drive-in bottle shop at the rear of the building. Do  
we really need another drive-in outlet in this town? The Telegraph Hotel drive-in  
bottle shop is within 100 meters from this proposed site and the Shamrock Hotel  
drive-in bottle shop is another 500 meters away.

There is also a bottle shop in FoodWorks right next door and another in the IGA  
supermarket and the Numurkah Hotel sell packaged liquor as well.

Peoples needs for packaged liquor can be met by the existing facilities. If you live in  
the north end of town there is the IGA supermarket and the Shamrock Hotel and for  
those who live in the south end there is the Numurkah Hotel, the Telegraph Hotel and  
the FoodWorks supermarket.

This proposal does not have my support.

Regards

FILE NO: 5/2015/48  
3. DEVELOPMENT AND LIVEABILITY

ITEM NO: 9.2.1  
(TOWN PLANNER, MELISSA LOTITO)  
(GENERAL MANAGER  
INFRASTRUCTURE, ANDREW CLOSE)

**PLANNING PERMIT APPLICATION 5/2015/48 FOR THE USE OF LAND FOR A  
PACKAGED LIQUOR LICENCE AT 91-93 MELVILLE STREET NUMURKAH  
(cont'd)**

**ATTACHMENT No [2] - Sample of Objections**

30<sup>th</sup> of March, 2015

Moirā Shire Council  
44 Station Street  
Po Box 578  
Cobram 3644

Dear Sir

RE: Premise Name: Old hardware store  
Reference number: 5/2015/048  
Address: Melville St  
Numurkah 3636  
Type of licence: Packaged Liquor Outlet store

I wish to confirm that I have an interest in this application which is greater than the public generally on the following basis:

- As a mother, who lives nearby and my children attend the playgroup offered by the Early Childhood Service next door to the rear of the proposed liquor outlet site.
- Furthermore, I feel the effects of liquor misuse and abuse by the underage youth of Numurkah is already a problem. Vandalism is a local concern, due to the underage youth drinking down the main street.

I object to the granting of an off licence to this applicant because of its impact on the Numurkah community and neighbourhood and because the grant of the licence would be against the Sale of Liquor Act's object of reducing liquor abuse. Under the Liquor Control Reform Act 1998 (Vic) I ask the Authority to consider the impact on the neighbourhood generally and the object of the Act specifically when considering this application.

The particular impact on me from the grant of this licence would be: I am concerned about bringing up children in this local community if youth abuse is already concern and there is to be another liquor outlet store open down the street, when there is already a number of liquor outlets operating.

The proximity of the store to the local Early Childhood Service Centre is also a concern. It seems inappropriate to have a liquor outlet, with a potential drive through bottleshop right next door to the Early Childhood Centre. Parking is already limited in this area. Personally needing to load my two toddlers in and out of the car, every Monday to attend Playgroup, like a number of local mothers when there is increased traffic due to a bottleshop and potential drive through seems dangerous. The Parking at this site is already shared amongst the Senior Citizens Club, Early Childhood Centre and Supermarket.

FILE NO: 5/2015/48  
3. DEVELOPMENT AND LIVEABILITY

ITEM NO: 9.2.1  
(TOWN PLANNER, MELISSA LOTITO)  
(GENERAL MANAGER  
INFRASTRUCTURE, ANDREW CLOSE)

**PLANNING PERMIT APPLICATION 5/2015/48 FOR THE USE OF LAND FOR A  
PACKAGED LIQUOR LICENCE AT 91-93 MELVILLE STREET NUMURKAH  
(cont'd)**

**ATTACHMENT No [2] - Sample of Objections**

The grant of an off licence to this applicant would increase, rather than reduce, the misuse and abuse of alcohol because Numurkah already has five licenced liquor takeaway outlets and this would only increase the availability of discount liquor available. Numurkah has a higher percentage of lower socio economic families in the town, where abuse is already a common problem amongst. Also, youth employment is also a concern, which is why many of the youth are down the street, unpreoccupied, intoxicated and vandalising existing businesses at night. The Numurkah Police already have enough call outs to youth alcohol related incidents, particularly down the main street where this liquor outlet site is proposed. I urge the local council to contact the local police and they would support me on this claim.

For these reasons I object to the grant of an off licence. It would contravene the object of the Act and would lead to a significant negative impact on the Numurkah community.

I do wish to appear should a formal hearing of this Application to be held.

Yours sincerely



FILE NO: 5/2015/48  
3. DEVELOPMENT AND LIVEABILITY

ITEM NO: 9.2.1  
(TOWN PLANNER, MELISSA LOTITO)  
(GENERAL MANAGER  
INFRASTRUCTURE, ANDREW CLOSE)

**PLANNING PERMIT APPLICATION 5/2015/48 FOR THE USE OF LAND FOR A  
PACKAGED LIQUOR LICENCE AT 91-93 MELVILLE STREET NUMURKAH  
(cont'd)**

**ATTACHMENT No [2] - Sample of Objections**

Wednesday, April 1 2015

Moira Shire Council  
PO Box 578  
Cobram Vic  
3643

5/2015/48  
DIS 1944  
- 7 APR 2015

I write to express my concern regarding the proposed "Licensed Retail Liquor Outlet" in Numurkah as detailed in the Notice of Application for Planning Permit No. 5/2015/048.

As [REDACTED] Club and a father of five children with ages ranging from 14 to 20, I see first hand the issues related to excessive consumption of alcohol in our town.

Alcohol is undeniably woven into the fabric of our society but with this comes the dangers presented through its excessive consumption and the consequences this has on individuals, families and friends. The violence and damage caused through drunk and disorderly behaviour is evident most week-ends in our town and often presented to me as [REDACTED] through domestic disputes and upheaval in our families.

Numurkah like many other towns has its fair share of social issues which is exacerbated by the excessive consumption of alcohol. Our town appears to have an abundance of premises where alcohol can be consumed or purchased. I do not believe we need another outlet where easy access to packed liquor is available. A wide variety of often discounted liquor will only make alcohol more available and add to the social issues I have outlined above.

Regards  
[REDACTED]

FILE NO: 5/2015/48  
3. DEVELOPMENT AND LIVEABILITY

ITEM NO: 9.2.1  
(TOWN PLANNER, MELISSA LOTITO)  
(GENERAL MANAGER  
INFRASTRUCTURE, ANDREW CLOSE)

**PLANNING PERMIT APPLICATION 5/2015/48 FOR THE USE OF LAND FOR A  
PACKAGED LIQUOR LICENCE AT 91-93 MELVILLE STREET NUMURKAH  
(cont'd)**

**ATTACHMENT No [2] - Sample of Objections**

Name: [REDACTED]  
Address: [REDACTED]  
Date: 26/3/15

DIS/19012  
-2 APR 2015  
Received By: [REDACTED]  
Copies to: [REDACTED]

Chief Executive Officer  
MOIRA SHIRE COUNCIL  
P O BOX 578  
COBRAM VIC 3643

Application for Permit for another Bottle Shop/Liquor Outlet Melville Street  
NUMURKAH re: 5/2015/048

Dear Sir/Madam

As a ratepayer of the Moira Shire, I write to voice my objection to the proposal to put a Bottle Shop in the old Hardware building at 91 Melville Street NUMURKAH.

If the proposal should include a drive through at the rear of the building right beside the Numurkah Children's Services Center, this would pose parking and traffic issues for young mums and their children. Also our Senior Citizens Hub backs on to this same area.

We have enough liquor outlets in Numurkah. The pubs sell takeaway through their bottle shops and both IGA and Food Works Supermarkets have bottle shops. Two drive through bottle shops in town is enough.

This is not something that will benefit our community. The more liquor licences there are, the more chance there is that liquor will be misused or abused in our town.

Please consider my objections.

Regards

[REDACTED]

FILE NO: 5/2015/48  
3. DEVELOPMENT AND LIVEABILITY

ITEM NO: 9.2.1  
(TOWN PLANNER, MELISSA LOTITO)  
(GENERAL MANAGER  
INFRASTRUCTURE, ANDREW CLOSE)

**PLANNING PERMIT APPLICATION 5/2015/48 FOR THE USE OF LAND FOR A  
PACKAGED LIQUOR LICENCE AT 91-93 MELVILLE STREET NUMURKAH  
(cont'd)**

**ATTACHMENT No [2] - Sample of Objections**

Moira Shire Council  
P.O. Box 578  
Cobram 3644

5/2015/48  
Dist 30441  
01 JUN 2015

Dear Councillors,

I wish to bring to your attention the enclosed extract from the Herald Sun Newspaper 27.05.15. "The Foundation for Alcohol Research & Education Study" as a reference for Council to consider before granting a licence for "another" liquor outlet (6 existing already) in the town of Numurkah (pop 4000) Equates to 0.00000542 level of people (inclusive of babies, children, teens, adults & seniors!)

Are you really considering the consequences? If you were serious about addressing the social ramifications of alcohol & drug abuse existing in your Shire, allowing the building of another cheap & easy access liquor outlet, the way to go?

I implore all of you to consult your conscience & obligation to our community. Our local services already struggle to contain the violence & vandalism.

What evidence is required to enable the granting of another licence?

Yours faithfully

end (2)

FILE NO: 5/2015/48  
3. DEVELOPMENT AND LIVEABILITY

ITEM NO: 9.2.1  
(TOWN PLANNER, MELISSA LOTITO)  
(GENERAL MANAGER  
INFRASTRUCTURE, ANDREW CLOSE)

**PLANNING PERMIT APPLICATION 5/2015/48 FOR THE USE OF LAND FOR A  
PACKAGED LIQUOR LICENCE AT 91-93 MELVILLE STREET NUMURKAH  
(cont'd)**

**ATTACHMENT No [2] - Sample of Objections**





FILE NO: 5/2015/48  
3. DEVELOPMENT AND LIVEABILITY

ITEM NO: 9.2.1  
(TOWN PLANNER, MELISSA LOTITO)  
(GENERAL MANAGER  
INFRASTRUCTURE, ANDREW CLOSE)

**PLANNING PERMIT APPLICATION 5/2015/48 FOR THE USE OF LAND FOR A  
PACKAGED LIQUOR LICENCE AT 91-93 MELVILLE STREET NUMURKAH  
(cont'd)**

**ATTACHMENT No [2] - Sample of Objections**

1 April 2015

Your Ref: 5/2015/048

Moira Shire Council  
PO Box 578  
COBRAM VIC 3643

By email: [webmaster@moira.vic.gov.au](mailto:webmaster@moira.vic.gov.au)

Dear Sir/Madam,

**Re: Planning Permit No. 5/2015/048, 91-93 Melville Street, Numurkah**

I refer to this matter and make the following submission that essentially objects to the proposed retail liquor outlet (**Proposed Premises**) on the following basis:

**Cumulative Impact Assessment**

1. The Council needs to undertake a Cumulative Impact Assessment (**Assessment**) in accordance with the Victorian Department of Planning and Community Development's Practice Note 61.
2. In carrying out the Assessment I believe that the Proposed Premises will increase and/or create a cumulative negative impact in the area because:
  - a. There is already a cluster of five (5) existing licensed premises (**Cluster**) within a 100m radius of the Proposed Premises, namely:
    - i. Pizza Restaurant (licensed venue);
    - ii. Chinese Restaurant (licensed venue);
    - iii. Foodworks (liquor outlet);
    - iv. Numurkah Hotel (licensed venue and liquor outlet); and
    - v. Telegraph Hotel (licensed venue and liquor outlet).
  - b. Within this Cluster there are already two (2) existing licensed premises within a 30m radius of the Proposed Premises, namely:
    - i. Foodworks (liquor outlet); and
    - ii. Telegraph Hotel (licensed venue and liquor outlet).
  - c. The Proposed Premises of a packaged liquor outlet located within the concentration of existing licensed premises outlined by 2.a. and 2.b. above would have a negative impact by providing an opportunity for patrons to purchase and consume alcohol before, in between, and/or after entering licensed premises.

FILE NO: 5/2015/48  
3. DEVELOPMENT AND LIVEABILITY

ITEM NO: 9.2.1  
(TOWN PLANNER, MELISSA LOTITO)  
(GENERAL MANAGER  
INFRASTRUCTURE, ANDREW CLOSE)

**PLANNING PERMIT APPLICATION 5/2015/48 FOR THE USE OF LAND FOR A  
PACKAGED LIQUOR LICENCE AT 91-93 MELVILLE STREET NUMURKAH  
(cont'd)**

**ATTACHMENT No [2] - Sample of Objections**

Page 2 of 2

- d. The scenario outline by 2.c. above would bring about negative changes and unreasonable loss to the general amenity of the township area due to:
- i. Detrimental impacts on the local township environment by having increased drunkenness in public areas which may lead to:
    - A. Street violence; and
    - B. Cause members of the public, to not only feel unsafe in, but generally avoid, the township area; and
  - ii. Negative effects in the township area due to:
    - A. Increased noise;
    - B. General rowdiness;
    - C. An exacerbation of the already existing and deeply concerning underage drinking in the local township (which statistically is already the worst area with the municipality);
    - D. Vandalism;
    - E. Loitering; and
    - F. A negative downward spiral to the general atmosphere of the township area.
3. I also believe that the cumulative negative impact in the area caused by the Proposed Premises cannot be reduced or adequately managed through additional mitigation measures because:
- a. This is a small township that physically has a pre-existing cluster of licensed premises that cannot not be changed;
  - b. There is limited police resourcing that is already over-stretched; and
  - c. There is no positive cumulative impact from the Proposed Premises.

I would be more than happy to discuss any matters raised in my submission.

Yours faithfully



FILE NO: 5/2015/48  
3. DEVELOPMENT AND LIVEABILITY

ITEM NO: 9.2.1  
(TOWN PLANNER, MELISSA LOTITO)  
(GENERAL MANAGER  
INFRASTRUCTURE, ANDREW CLOSE)

**PLANNING PERMIT APPLICATION 5/2015/48 FOR THE USE OF LAND FOR A  
PACKAGED LIQUOR LICENCE AT 91-93 MELVILLE STREET NUMURKAH  
(cont'd)**

**ATTACHMENT No [2] - Sample of Objections**

Name: [REDACTED]  
Address: [REDACTED]  
Date: 28/3/2015

DIS/18798  
- 1 APR 2015

Referred to:  
Copied to:

Manager  
MOIRA SHIRE COUNCIL  
P O BOX 578  
COBRAM VIC 3643

Objection to the plan to open another bottle shop in the old Hardware building in  
Melville Street NUMURKAH re: 5/2015/048

Dear Sir/Madam

I am a ratepayer of the Moira Shire and I want to object to the plan to open a bottle  
shop in the old Hardware building in Melville Street Numurkah.

The Telegraph Hotel drive-in bottle shop is within 100 meters from this proposed site  
and the Shamrock Hotel drive-in bottle shop is another 500 meters away.  
There is already a bottle shop in FoodWorks right next door and another in the IGA  
supermarket and the Numurkah Hotel sell packaged liquor as well.

Peoples needs for packaged liquor can be met by the existing facilities. If you live in  
the north end of town there is the IGA supermarket and the Shamrock Hotel and for  
those who live in the south end there is the Numurkah Hotel, the Telegraph Hotel and  
the FoodWorks supermarket.

This proposal does not have my support.

Regards

[REDACTED]

FILE NO: 5/2015/48  
3. DEVELOPMENT AND LIVEABILITY

ITEM NO: 9.2.1  
(TOWN PLANNER, MELISSA LOTITO)  
(GENERAL MANAGER  
INFRASTRUCTURE, ANDREW CLOSE)

**PLANNING PERMIT APPLICATION 5/2015/48 FOR THE USE OF LAND FOR A  
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(cont'd)**

**ATTACHMENT No [2] - Sample of Objections**

To whom it may concern,

I refer to the planning permit for a stand-alone bottle shop situated in the old hardware building at 91-93 Melville St Numurkah. There are a few issues that I would like council to clarify.

1. Parking. Due to the size of the store, the outlet should have a certain amount of car spaces itself. As the car spaces allocated are shared with the Foodworks store. Will this be enough? Foodworks should have enough car spaces for their customers as well as the bottle shop. Putting a high traffic store in this building I feel will pose a problem when they are "sharing" a carpark.

2. The Senior citizens building is in quite close proximity to the rear of the bottle shop as is the Maternal Child Health centre for the township of Numurkah and surrounds. Can someone please answer me, is this safe to put such an outlet so close to these centres?

3. My third and final point is the amount of licenced premises within the close proximity of the new licence. We need to look at the "Cluster" effect. Conditions of section 52/27. This should cover that, if there are 3 or more licenses of any variety within 100 metres of the application site. There are currently 7 such premises. There are also another 5 outlets within the 500 metre barrier on the application of which only mentions 3 on the permit.

Below are the outlets regarding the cluster effect.

1. Capri Pizza.
2. Jung Sung Harbour restaurant.
3. Foodworks Supermarket.
4. Telegraph Hotel.
5. Duncan's drive through bottle shop.
6. The Numurkah Hotel
7. Numurkah Visitor Information Centre.

Not only do we have 3 in the close area we have (6) outlets. Surely another outlet will be overkill in such an area for a town of this size.

Looking forward to your response soon.



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3. DEVELOPMENT AND LIVEABILITY

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**PLANNING PERMIT APPLICATION 5/2015/48 FOR THE USE OF LAND FOR A  
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(cont'd)**

**ATTACHMENT No [3] - Cumulative Impact Assessment**



ON TAP LIQUOR CONSULTING  
PO BOX 7  
BALLAN, VIC, 3342

8

# Cumulative Impact Assessment

93 Melville Street, Numurkah

A detailed assessment of the potential Cumulative Impact in support of the planning permit  
application for the proposed packaged liquor licence arrangements at 93 Melville Street  
Numurkah.

[www.ontapliquor.com.au](http://www.ontapliquor.com.au) enquiries@ontapliquor.com.au  
JAMES ROBSON 0432 983 945 STEPHAN J. JERMAN 0418 585 012

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ITEM NO: 9.2.1  
(TOWN PLANNER, MELISSA LOTITO)  
(GENERAL MANAGER  
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**PLANNING PERMIT APPLICATION 5/2015/48 FOR THE USE OF LAND FOR A  
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**ATTACHMENT No [3] - Cumulative Impact Assessment**

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91-93	
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(cont'd)**

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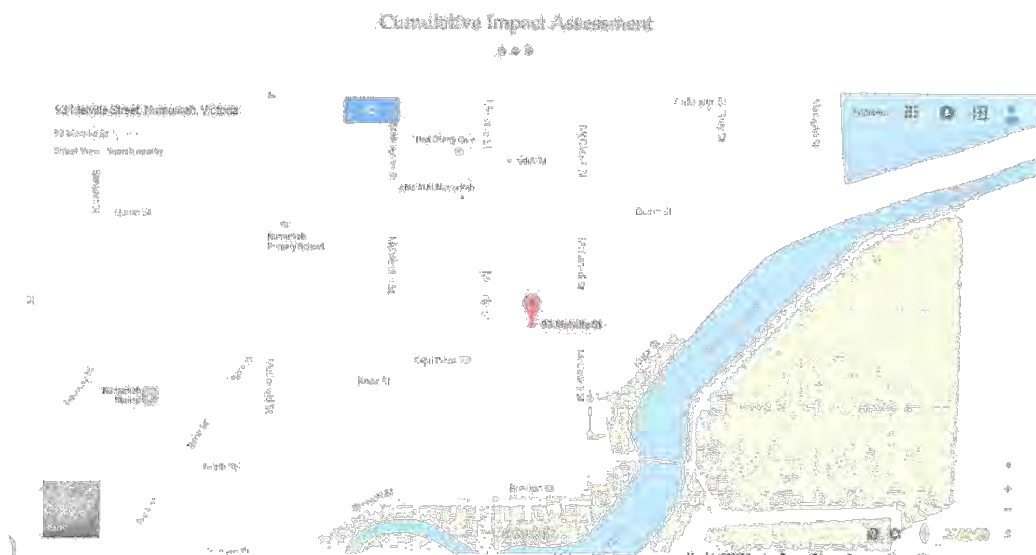
Report Prepared by: • 3

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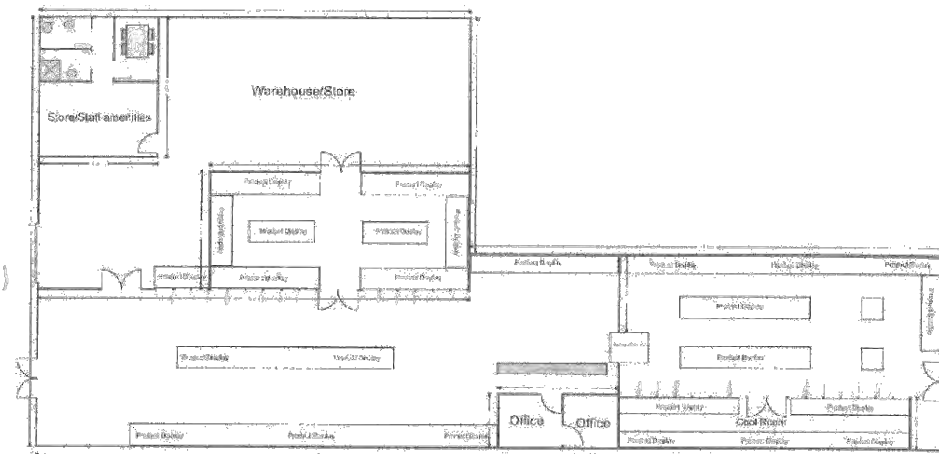
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**ATTACHMENT No [3] - Cumulative Impact Assessment**



The internal floor space of the premises is approximately 398 square metres, with a private car park area at the rear. Land attached to the rear of the premises of approximately 750 square metres is available as car parking space which is shared with the adjacent 'Foodworks' supermarket.



**Type of Liquor Licence Sought**

After discussion with the proprietors of the venue, and taking into account a review of the proposed ongoing operation of the business, the following licensing set up was considered to be the most appropriate taking all relevant matters into account:

Venue Details - 4

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**ATTACHMENT No [3] - Cumulative Impact Assessment**

*Cumulative Impact Assessment*  
\* \* \*

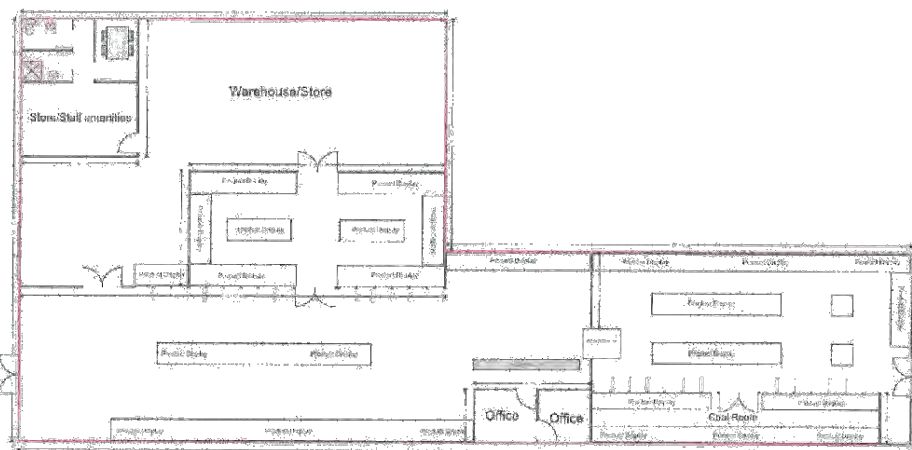
1. Apply for a new 'Packaged Liquor Licence' in the name of Dipandco Pty Ltd
  - a. A planning permit will need to be obtained from the Moira Shire Council prior to making application to the VCGLR for the Packaged Liquor Licence which is the subject of this report
  - b. Once planning approval has been obtained, an application for a Packaged Liquor Licence will be submitted to the VCGLR for determination.
  - c. This licence will allow the supply of liquor in sealed containers for consumption off the licensed premises only.

The licensing arrangements proposed are similar to that which are currently in place at numerous retail liquor outlets across the state of Victoria.

To ensure full compliance with the provisions of the Liquor Control Reform Act 1998 (the Act), the licensee will ensure that the Responsible Service of Alcohol (RSA) provisions of the Act are adhered to with all staff involved with the sale/supply of liquor to be over the age of 18 and RSA trained. An appropriate RSA training register will also be maintained as required by the Act. In addition, the 'Code of Conduct for Packaged Liquor Licensees' will also be adhered to at all times.

**Licensed 'Red Line' Area**

When designing the 'red line' area, consideration has been given to the proposed operation of the venue. It has been designed with the view that it covers areas to suit the needs of the business but is manageable from a compliance perspective.



It is proposed that the building in its entirety be covered by the liquor licence to allow for flexibility of liquor display throughout the premises, as well as appropriate storage/warehousing practices.

Please refer to the attached scale plans for further information.

*Vendor Details: \*5*

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**ATTACHMENT No [3] - Cumulative Impact Assessment**

*Cumulative Impact Assessment*  
\*\*\*

Proposed operating hours of venue:

'Ordinary Trading Hours' in relation to a Packaged Liquor Licence are defined by the Liquor Control Reform Act and are as follows:

(c) in relation to a packaged liquor licence or late night (packaged liquor) licence—

- (i) the hours between 9 a.m. and 11 p.m. on each day, other than Sunday, Good Friday, ANZAC Day or Christmas Day; and
- (ii) the hours between 10 a.m. and 11 p.m. on Sunday; and
- (iii) the hours between 12 noon and 11 p.m. on ANZAC Day;

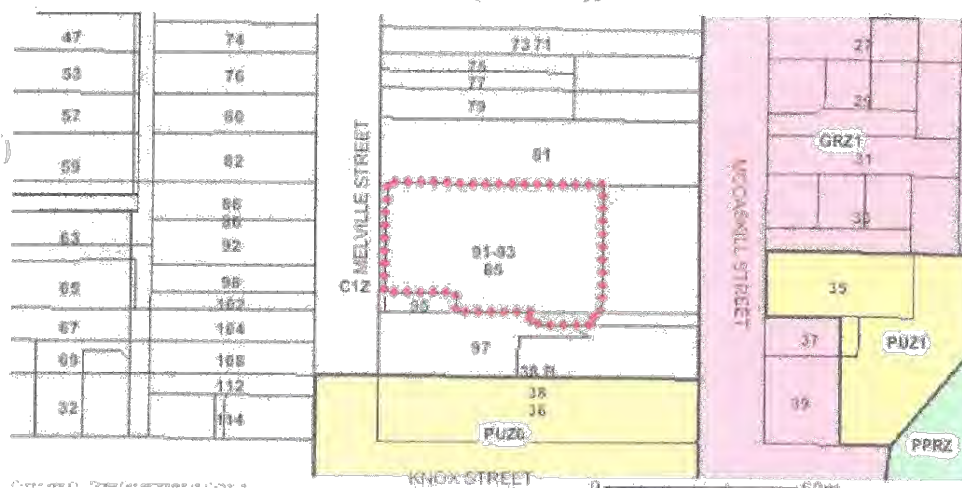
The proposed standard operating hours of this particular store will remain within these operating hours. Given the definition of 'Ordinary Trading Hours' as listed above, The hours being applied for under this planning permit are as follows:

Monday to Saturday: 9am until 11pm  
Sunday: 10am until 11pm  
ANZAC Day: 12noon until 11pm

Additional hours, particularly on Christmas Day and Good Friday are not being sought in this instance

Planning Property Information

The subject premises is located within a 'Commercial 1' zone as noted within this map and is surrounded by a the same zone. A 'Public Use' Zone is located to the south, with a 'General Residential' zone to the east; a complete planning property information has been provided as part of this application which is attached.



Venue Details: \* 9

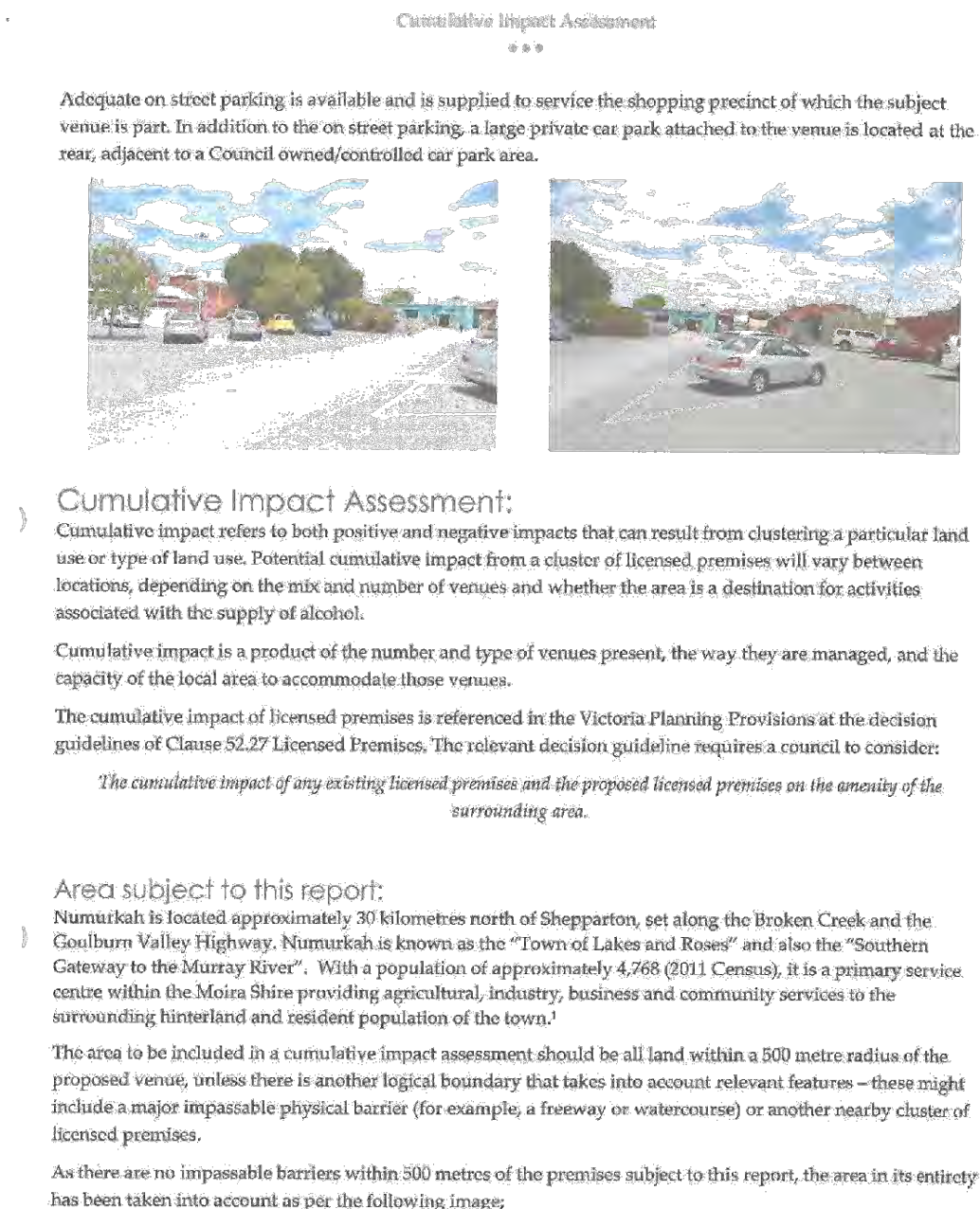


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<sup>1</sup> Numurkah Strategy Plan January 2010

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(cont'd)**

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Licensed Venues positioned within a 100 meter radius of the venue:  
The below image provides a graphic of the licensed premises located within a 100 metre radius of the subject premises;

<sup>2</sup>Google Earth

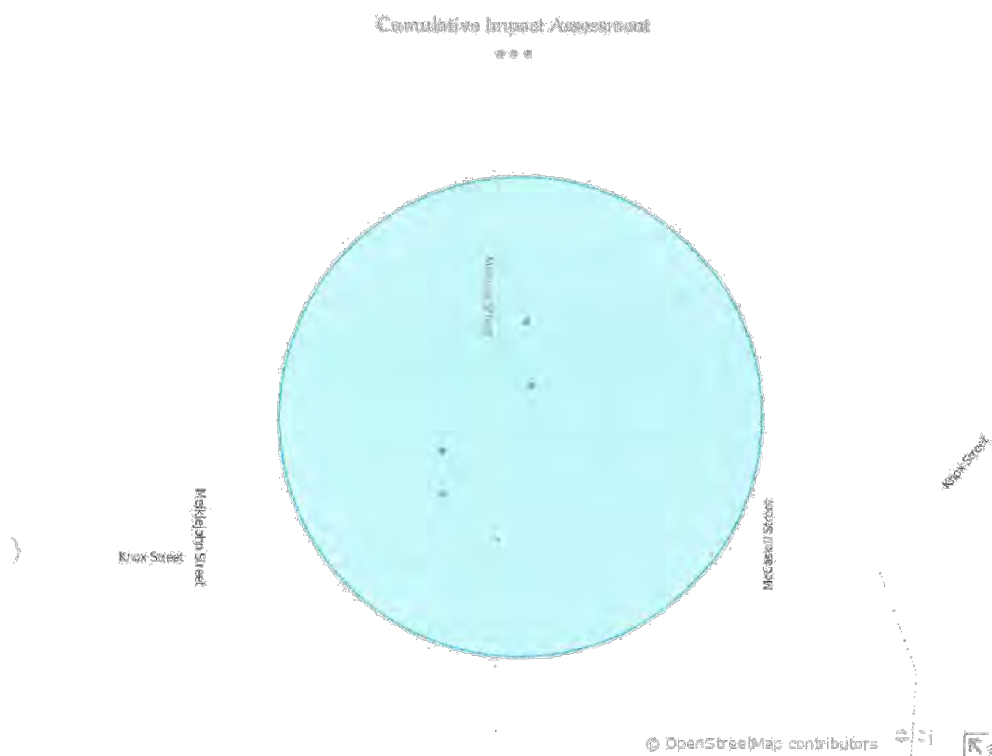
Cumulative Impact Assessment: • 6

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As can be seen within the above image, there are currently 4 licensed venues positioned within 100 metres of the subject premises. The licensed premises located within the 100 metre radius of the venue are a mix of venues operating under various licence categories. The licence categories included within that area are General Licence, Packaged Liquor Licence, Restaurant and Café Licence and Renewable Limited Licence.

The renewable limited licence mentioned above operates in conjunction with one of the Restaurant Café Licences.

As indicated, there is one existing packaged liquor outlet within 100 meters of the subject premises. This venue is as follows:

<sup>3</sup> VCGLR Geomaps Service - <http://geomaps.vcglr.vic.gov.au/>

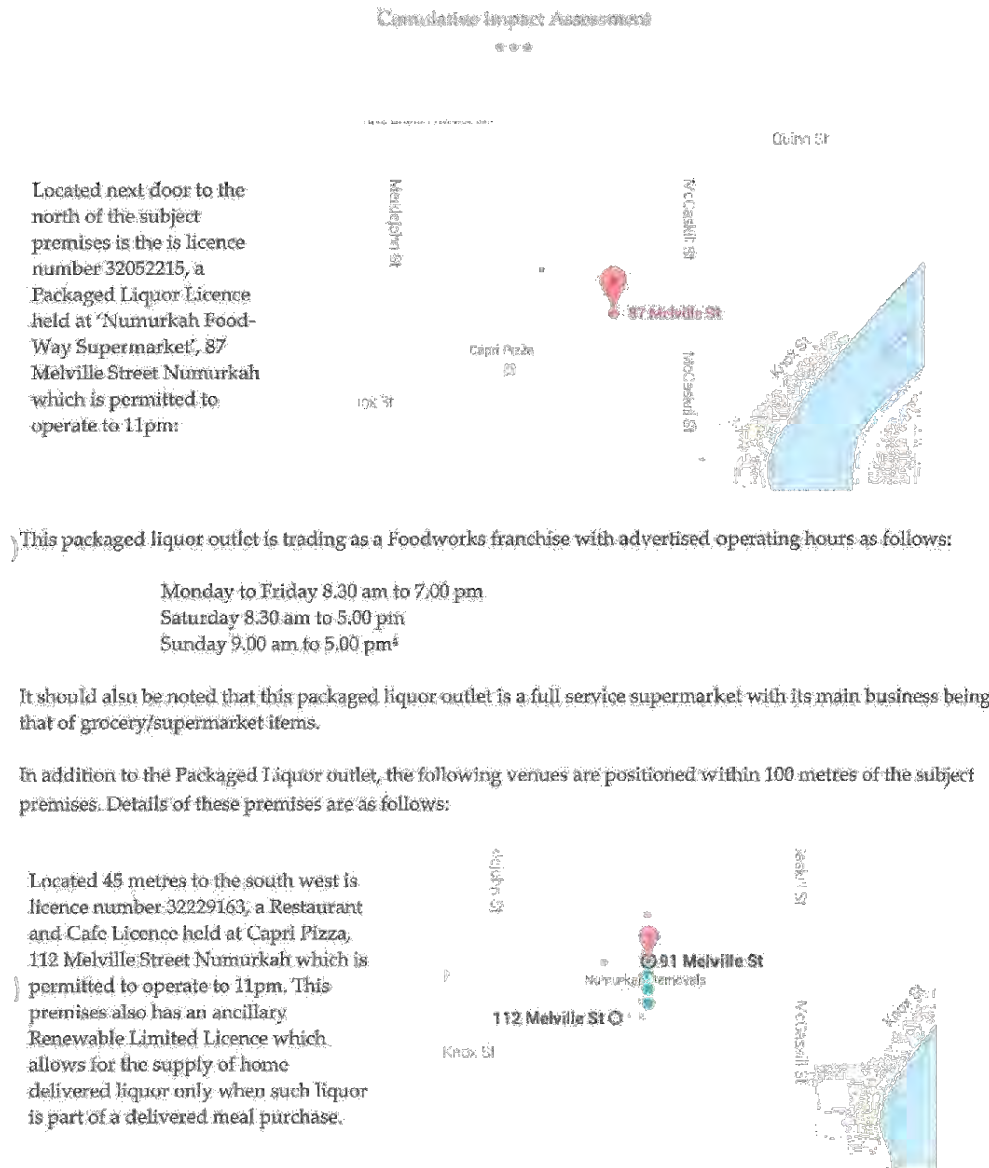


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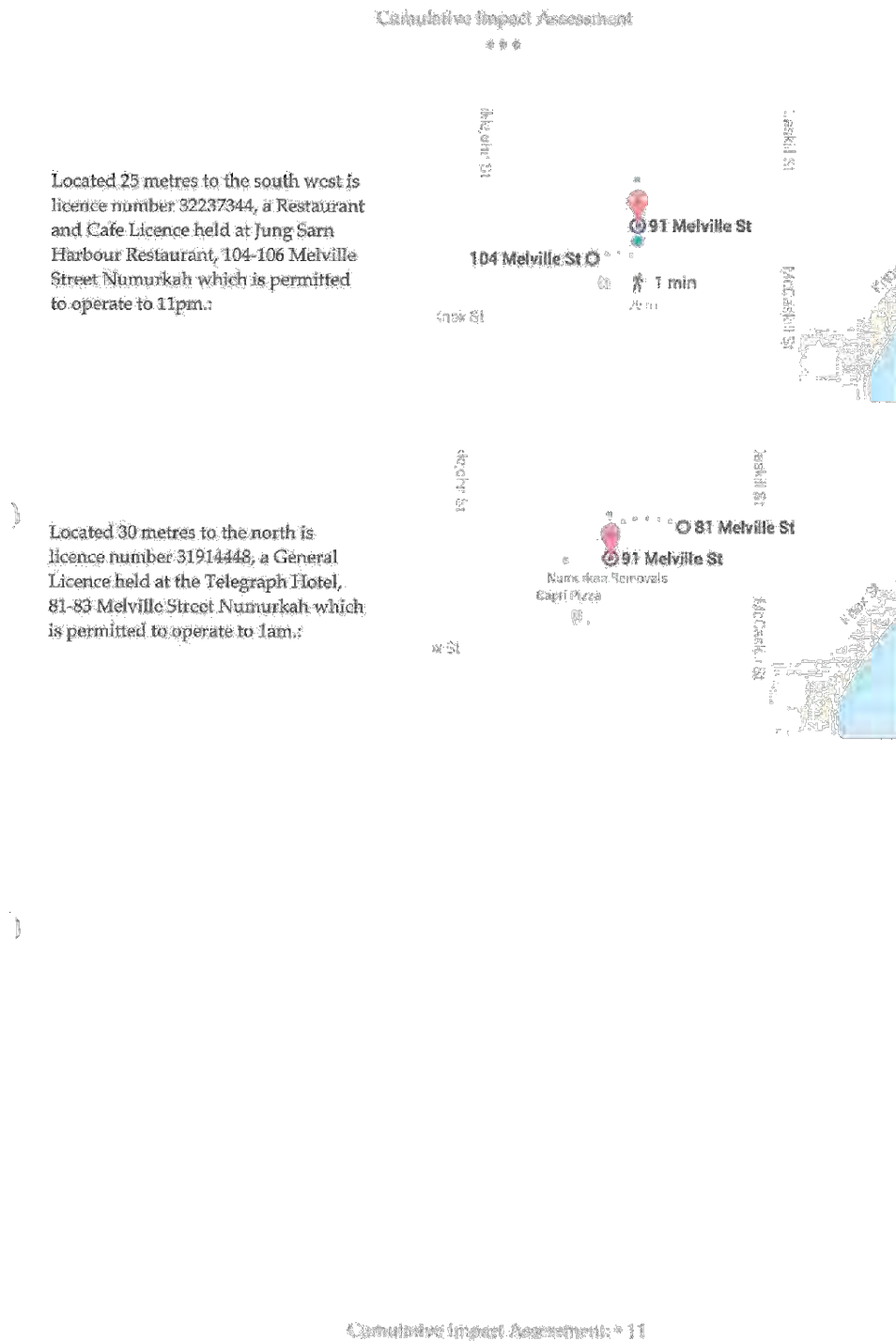
<sup>4</sup> Information obtained from [www.foodworks.com.au](http://www.foodworks.com.au)

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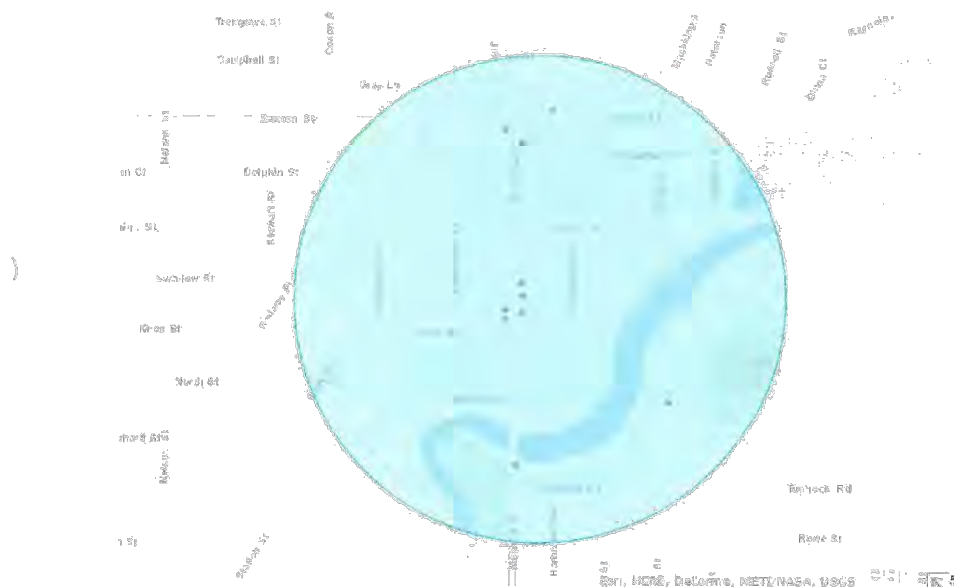
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(cont'd)**

**ATTACHMENT No [3] - Cumulative Impact Assessment**

*Cumulative Impact Assessment*

Licensed Venues positioned within a 500 meter radius of the proposed venue:

The below image provides a graphic of the licensed premises located within a 500 metre radius of the subject premises. As is visible in this image, there are eleven other licensed premises located within a 500 meters of the proposed venue:



Details of these premises are as follows:

Licence #	Licence Type	Premises Name	Address	Suburb	Maximum Capacity	Hours
31909841	General Licence	NUMURKAH HOTEL	MELVILLE STREET	NUMURKAH	390	1am
31913507	General Licence	SHAMROCK HOTEL	5-13 MELVILLE STREET	NUMURKAH	320 (after Midnight)	1am
31914448	General Licence	TELEGRAPH HOTEL	81-83 MELVILLE STREET	NUMURKAH	628	1am
32024636	Packaged Liquor Licence	DYSON'S LICENSED SUPERMARKET	2-6 MELVILLE STREET	NUMURKAH	N/A	11pm
32052215	Packaged Liquor Licence	NUMURKAH FOOD-WAY SUPERMARKET	87 MELVILLE STREET	NUMURKAH	N/A	11pm

<sup>5</sup> VCGLR Geomaps Service - <http://geomaps.vcglr.vic.gov.au/>

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(cont'd)**

**ATTACHMENT No [3] - Cumulative Impact Assessment**

Cumulative Impact Assessment  
2-2-2

36057681	Limited Licence	CAPRI PIZZA	112 MELVILLE STREET	NUMURKAH	N/A	11pm
36118348	Limited Licence	NUMURKAH SHOWGROUNDS COMMUNITY SPORTS GROUP INC.	NUMURKAH SHOWGROUNDS, TUNNOCK ROAD	NUMURKAH	N/A	1am
32229163	Restaurant and cafe Licence	CAPRI PIZZA	112 MELVILLE STREET	NUMURKAH	N/A	11pm
32237344	Restaurant and cafe Licence	JUNG SARN HARBOUR RESTAURANT	104-106 MELVILLE STREET	NUMURKAH	74	11pm
31451856	Restricted Club Licence	NUMURKAH RSL SUB-BRANCH	40 SAXTON STREET	NUMURKAH	300	Midnight
31452030	Restricted Club Licence	NUMURKAH SHOWGROUNDS COMMUNITY SPORTS GROUP INC.	NUMURKAH SHOWGROUNDS, TUNNOCK ROAD	NUMURKAH	N/A	1am

\*When the original application documentation was submitted, an additional licensed premises was noted being the Numurkah Visitor Information Centre located at 99 Melville Street (licence number 36080008). Searches undertaken on 20 April 2015 showed that this licence is no longer available for viewing suggesting that it has not been renewed.

Similar Licences within 500 metres

As is evidenced by the above, there are 2 existing packaged liquor outlets already operating within the subject area.

In addition to these packaged liquor outlets, there is 1 renewable limited licence in operation, which is attached to a restaurant and cafe licence, that allows for the delivery of limited amounts of alcohol in conjunction with home delivered meals.

Seating Ratios

As the premises is proposed to be a packaged liquor outlet, which does not allow consumption of liquor on the licensed premise, no seating will be provided at the venue. The premises will remain as a retail liquor outlet providing liquor for takeaway only.

Meals/Provision of Food

As the premises is proposed to be a packaged liquor outlet, which does not allow consumption of liquor on the licensed premise, no meals or food will be provided at the venue. The premises will remain as a retail liquor outlet providing liquor for takeaway only.

\* VCGLR Geomaps Service - <http://geomaps.vcglr.vic.gov.au/>

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(cont'd)**

**ATTACHMENT No [3] - Cumulative Impact Assessment**

*Cumulative Impact Assessment*  
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**Management of Patrons**

Management of patrons within a packaged liquor outlet is different from venues with on premises consumption in that it is generally based on responsible service principals rather than the provision of security staff etc. Packaged Liquor Licensees are required to adhere to the Packaged Liquor Code of Conduct at all times. The following provisions of the code of conduct are relevant to patron management within a packaged liquor outlet:

**1. Signage**

- a. The Victorian Commission for Gambling and Liquor Regulation, pursuant to section 102 of the Act, requires licensees to display the following signs in a manner that invites customers' attention:
  - i. No Proof No Purchase
  - ii. Intoxication
  - iii. Fines for Supplying Alcohol to Minors (previously 'a person, parent or licensee must not supply alcohol to a minor').
- b. The following information is to be displayed prominently in the licensed area:
  - i. the free call number for "Directline", the Victorian Government's 24 hour, 7 day counselling, information and referral line for people with alcohol and drug problems is 1800 888 236
  - ii. where appropriate, information on any municipal local law, which prohibits the consumption of alcohol in a public place,

**2. Minors**

- a. No minors are to be permitted on the licensed premises unless they are accompanied by a parent, spouse or guardian or a responsible adult.
- b. The licensee shall ensure that any minor employed to work on licensed premises is not involved in the supply of liquor other than in an approved training program.
- c. The licensee must maintain a list/register of minors employed on the premises (which may be the business time and wages record book) and which is available upon request for viewing by an authorised officer of the Victoria Police or a gambling and liquor inspector under the meaning of the Liquor Control Reform Act 1998.
- d. The licensee must, where there are reasonable grounds for considering that an adult is purchasing alcohol for a minor, decline the purchase of the alcohol.

**3. Responsibilities of Licensees**

- a. The licensee must develop, within three months of the publishing of the Code of Conduct in the Government Gazette, a set of house rules for the licensed premises, which will set out the responsibilities and obligations of staff in the sale and supply of alcohol in accordance with established responsible serving of alcohol principles.
- b. The house rules must be retained on the premises in the possession of the licensee or responsible person and be made available to an authorised member of the Victoria Police or a gambling and liquor inspector under the meaning of the Liquor Control Reform Act 1998 if requested.

*Cumulative Impact Assessment: • 14*

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(cont'd)**

**ATTACHMENT No [3] - Cumulative Impact Assessment**

*Cumulative Impact Assessment*  
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- c. Where the licensee has installed and maintains a surveillance recording system able to clearly identify individuals and which shows time and date and provides continuous images of all relevant entrances and exits, a copy of the recorded images must be available upon request for immediate viewing or removal by the Victoria Police or a gambling and liquor inspector under the meaning of the Liquor Control Reform Act 1998, or a person authorised in writing by the Victorian Commission for Gambling and Liquor Regulation, or otherwise retained for at least 2 weeks where technology exists.
- d. The licensee must take all reasonable steps to manage and supervise all aspects of the business in accordance with the Occupational Health and Safety Act 2004.

4. Responsible Service of Alcohol

- a. The Victorian Commission for Gambling and Liquor Regulation will not grant an application for a packaged liquor licence unless satisfied that the applicant and any other person responsible for the management or control of the licensed premises has completed a Responsible Service of Alcohol (RSA) training course approved by the Victorian Commission for Gambling and Liquor Regulation.
- b. The licensee must ensure that all staff who are employed to sell, offer for sale, or serve alcohol have completed a RSA training course approved by the Victorian Commission for Gambling and Liquor Regulation within the three years prior to their commencement in employment at the licensed premises or that all staff who are employed to sell, offer for sale, or serve alcohol complete an approved RSA program within one month of their commencement in employment at the licensed premises.
- c. The licensee must maintain a register of certificates of completion of the RSA training course approved by the Victorian Commission for Gambling and Liquor Regulation completed by licensees and employees, which is available upon request for viewing by an authorised officer of Victoria Police or a gambling and liquor inspector under the meaning of the Liquor Control Reform Act 1998.
- d. The licensee must ensure that the licensee and responsible person complete the RSA refresher course within three years of completing their last RSA program.
- e. The licensee must ensure that any person who sells, offers for sale or serves liquor on the licensed premises completes the RSA refresher course within three years of completing their last RSA program.

All of these provisions of the packaged liquor code of conduct will be adhered to at all times.

7 Code of Conduct for Packaged Liquor Licensee's

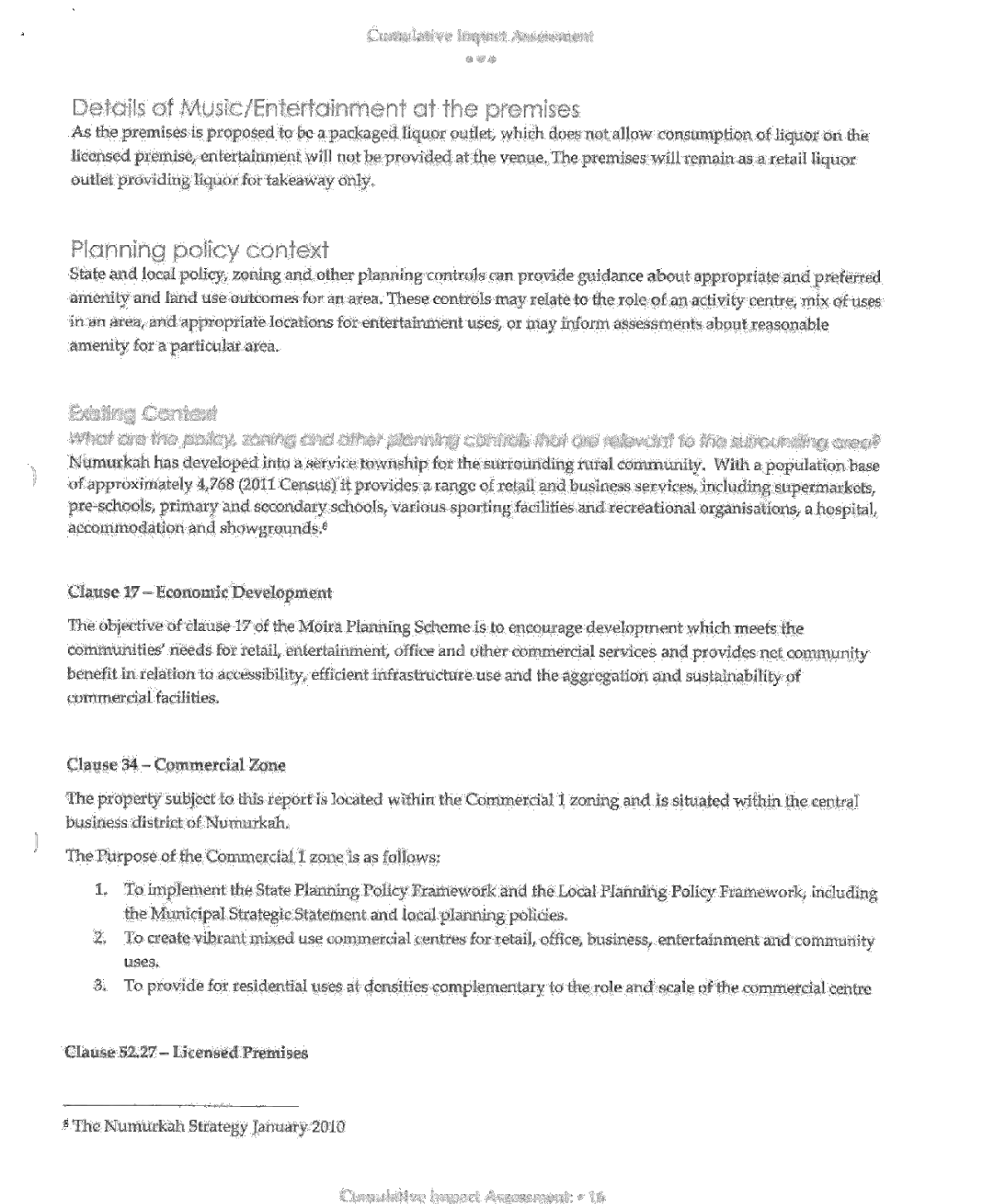
*Cumulative Impact Assessment - 15*

FILE NO: 5/2015/48  
3. DEVELOPMENT AND LIVEABILITY

ITEM NO: 9.2.1  
(TOWN PLANNER, MELISSA LOTITO)  
(GENERAL MANAGER  
INFRASTRUCTURE, ANDREW CLOSE)

**PLANNING PERMIT APPLICATION 5/2015/48 FOR THE USE OF LAND FOR A  
PACKAGED LIQUOR LICENCE AT 91-93 MELVILLE STREET NUMURKAH  
(cont'd)**

**ATTACHMENT No [3] - Cumulative Impact Assessment**





FILE NO: 5/2015/48  
3. DEVELOPMENT AND LIVEABILITY

ITEM NO: 9.2.1  
(TOWN PLANNER, MELISSA LOTITO)  
(GENERAL MANAGER  
INFRASTRUCTURE, ANDREW CLOSE)

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(cont'd)**

**ATTACHMENT No [3] - Cumulative Impact Assessment**

*Cumulative Impact Assessment*  
\*\*\*

Clause 52.27 of the planning scheme discusses the triggers for when a planning permit is required in relation to a liquor licence. The purpose of this clause is;

1. To ensure that licensed premises are situated in appropriate locations.
2. To ensure that the impact of the licensed premises on the amenity of the surrounding area is considered.

This particular clause also requires the authority to consider a number of matters before making a decision on a planning permit application. These are;

1. The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
2. The impact of the sale or consumption of liquor permitted by the liquor licence on the amenity of the surrounding area.
3. The impact of the hours of operation on the amenity of the surrounding area.
4. The impact of the number of patrons on the amenity of the surrounding area.
5. The cumulative impact of any existing licensed premises and the proposed licensed premises on the amenity of the surrounding area.

**The Numurkah Strategy January 2010.**

The Numurkah Strategy (January 2010) has been prepared for the Moira Shire Council, to provide a coordinated land use plan to guide the future development of Numurkah.

The land is subject to the 'Inundation Overlay'

*What amenity, land use and other planning outcomes do these controls encourage?*

Commercial 1 zoning encourages retail use as part of its purpose. A permit is not required to use the land for the purpose of a bottle shop as it falls within Section 1 of the Table of Uses Clause 34.01-1. The use of the land for the purpose of a bottle shop is nested within the overarching term 'shop' as per clause 75.11

Clause 52.27 of the Planning Scheme encourages responsible use of property as it relates to the supply of liquor. It also encourages appropriate consideration of the local amenity resulting from licensed premises. Pursuant to clause 52.27 a permit is required to use land to sell or consume liquor if a licence is required under the Liquor Control Reform Act 1998. A licence is required under the Liquor Control Reform Act 1998 for the proposed packaged liquor licence and therefore a planning permit is required.

The Numurkah Strategy Plan provides the following relevant recommendations regarding commercial zones:

1. Maintain the compact nature of the Numurkah town centre to intensify retail and commercial uses
2. Encourage the expansion of existing supermarket facilities within the CBD. The associated car parking should be to the rear of the buildings to avoid loss of commercial street frontage.
3. Undertake a retail floor space analysis to review the supply of and anticipated demand for commercial and retail floor space in and around the town centre.

Numurkah presents future development opportunities, with a number of existing features that could be used to attract new residents, tourists and industry. These include the Vic Track Freight line, the proximity of the Goulburn Valley Highway, the Broken Creek parklands environment and the well-established service centre role

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(cont'd)**

**ATTACHMENT No [3] - Cumulative Impact Assessment**

*Cumulative Impact Assessment*  
\*\*\*

of the town. To ensure that Numurkah continues to achieve economic, social and environmental improvements to the town, it is fundamental that a strategic approach to the development for a 15-20 year horizon is adopted.<sup>9</sup>

*Assessment*

*Is the proposal consistent with the planning outcomes encouraged in the policy, zoning and other planning controls for the area?*

The proposal is consistent with the controls as the venue could be considered as both retail and hospitality which is being encouraged by the planning controls. The venue will be in operation during daytime hours as is encouraged by the planning scheme and will not operate past 11pm. The amenity of the surrounding area will not be negatively impacted as the venue will be operating as a retail outlet with no entertainment provided.

Liquor is a well-documented component of supermarket facilities across Australia. The proposal will assist the Numurkah Plans recommendations in extending supermarket type facilities within the CBD. The Numurkah plan also identifies a lack of retail diversity within the township – There is currently no stand-alone retail liquor outlet within the township which would change with the inception of this proposal.

*Surrounding land use mix and amenity*

Existing amenity levels provide a basis to assess the potential cumulative impact of a proposal, but the assessment should also weigh this against the planning policy context.

The mix of land uses is important in determining the existing amenity level of an area. For example, a mix of entertainment and other uses can lead to an area being perceived as an entertainment or tourism destination. However, the location of sensitive uses, such as houses, schools or community and medical facilities, can increase amenity expectations for an area.

A diversity of uses and activities can add to the vibrancy and amenity of an area. This may help mitigate potential harms and reduce the potential for unreasonable negative cumulative impact. Late night uses that do not focus on serving alcohol provide alternative activities for visitors, resulting in better patron behavior in an area.

*Existing Context*

*Does the subject land adjoin sensitive uses?*

The premises is surrounded on 3 sides by Commercial use, however, a residential zone exists at the rear of the premises. In addition to the residential zoning, a child care centre and Senior Citizens Centre are located in McCaskill Street to the rear of the premises.

No other sensitive uses are located within the subject area.

*What is the relationship between licensed premises and other uses in the area?*

There are four main uses within the area other than licensed premises being retail, business/commercial properties, hospitality venues and residential areas.

<sup>9</sup>The Numurkah Strategy January 2010

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(cont'd)**

**ATTACHMENT No [3] - Cumulative Impact Assessment**

*Cumulative Impact Assessment*  
\*\*\*

As a general rule, licensed premises tend to complement other uses located in the area, and all of these uses add to the character of Numurkah as a whole.

*What are the local crime statistics related to licensed premises?*

The following information has been obtained via the official Victoria Police Crime Statistics;

The following image provides an overview of crime statistics by category across the Moira Local Government area:

**SUMMARY OF OFFENCES RECORDED**  
**Eastern Region - Division 4 - LGA = MOIRA**

		Offences recorded			Rate per 100,000 population*		
		2012/2013	2013/2014	% change	2012/2013	2013/2014	% change
Crime against the person	Homicide	2	0	---	7.0	7.0	---
	Rape	0	1	---	27.0	24.4	---
	Sex (non-rape)	47	64	30.2	164.0	224.2	36.0
	Robbery	2	4	---	7.0	13.8	---
	Assault	105	172	29.5	474.7	599.0	26.8
	Abduction / Kidnap	1	1	---	3.5	3.5	---
	<b>Sub-total</b>	<b>156</b>	<b>250</b>	<b>27.0</b>	<b>684.2</b>	<b>871.8</b>	<b>27.4</b>
Crime against property	Arson	10	7	---	34.0	24.4	---
	Property damage	159	159	-0.0	555.0	551.0	-0.7
	Burglary (aggravated)	0	10	---	20.0	55.8	---
	Burglary (residential)	118	107	-9.3	400.0	373.1	-6.4
	Burglary (other)	65	49	-24.6	220.0	170.9	-24.7
	Deception	23	22	-3.1	80.3	101.1	26.0
	Handle stolen goods	33	20	-21.2	110.2	80.7	-21.3
	Theft from motor vehicle	65	87	34.4	220.7	289.5	31.4
	Theft (shoplift)	30	32	9.2	104.7	130.0	24.0
	Theft of motor vehicle	30	40	33.3	104.7	139.5	33.2
	Theft of bicycle	14	9	---	48.0	27.0	---
	Theft (other)	104	143	36.5	372.0	510.1	36.8
	<b>Sub-total</b>	<b>737</b>	<b>710</b>	<b>-3.7</b>	<b>2,572.7</b>	<b>2,470.0</b>	<b>-3.9</b>
Drug offences	Drug (cult., manuf., traff.)	39	37	-5.0	132.0	120.0	-9.1
	Drug (possess., use)	70	129	75.7	244.4	450.0	75.5
	<b>Sub-total</b>	<b>109</b>	<b>166</b>	<b>48.1</b>	<b>376.0</b>	<b>570.0</b>	<b>48.0</b>
Other offences	Going equipped to steal	0	0	---	0.0	0.0	---
	Justice procedures	82	110	31.8	287.2	404.5	31.7
	Regulated public order	17	18	5.9	59.9	62.8	4.8
	Weapons / Explosives	40	30	-25.0	134.1	100.0	-25.4
	Harassment	15	15	---	52.4	52.3	-0.2
	Behaviour in public	31	38	22.6	108.2	130.5	20.6
	Other	10	37	---	35.0	129.0	---
	<b>Sub-total</b>	<b>214</b>	<b>263</b>	<b>22.9</b>	<b>747.0</b>	<b>917.2</b>	<b>22.8</b>
<b>TOTAL</b>		<b>1,255</b>	<b>1,383</b>	<b>10.2</b>	<b>4,389.9</b>	<b>4,823.0</b>	<b>10.1</b>

\* Victoria Police 2013/2014 Crime Statistics – Corporate Statistics, Victoria Police

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(cont'd)**

**ATTACHMENT No [3] - Cumulative Impact Assessment**

Cumulative Impact Assessment

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As can be seen in the above image, crime against property has decreased by 3.8% between 2012/13 and 2013/2014. Assault offences have, however, increased over the same period. It is interesting to compare the Moira Shire crime statistics to State averages across Victoria. The following image provides a snapshot of Victorian crime stats as a whole:

	Offences Recorded			Rates per 100,000			Total Clearances			
	No. 2012/13	No. 2013/14	% Change from 2012/13	Rate per 100,000 Population <sup>11</sup> 2012/13	Rate per 100,000 Population <sup>11</sup> 2013/14	% Change from 2012/13	Single Year Clearances <sup>12</sup> 2013/14	Cleared from previous years	Rate (%) Total cleared 2013/14	Total Rate difference 2012/13 <sup>12</sup>
<b>Crimes against the person</b>										
Homicide	176	167	-4.1	3.1	2.9	-6.8	119	46	68.2	-0.7
Rape	2,067	2,144	3.7	38.4	37.0	-1.8	1,348	538	80.8	-0.3
Sexual assault (rape)	6,817	7,467	9.5	120.0	129.9	7.4	5,001	1,807	91.2	4.3
Robbery	2,828	3,587	26.5	49.5	64.7	30.2	1,285	359	83.9	0.4
Assault	46,123	48,912	1.7	811.9	810.0	-0.2	33,548	10,110	63.7	-4.4
Abduction / Kidnap	691	630	-8.8	12.2	10.9	-10.1	493	34	91.6	3.2
<b>Sub-total</b>	<b>48,702</b>	<b>51,907</b>	<b>2.1</b>	<b>1,032.9</b>	<b>1,036.5</b>	<b>0.2</b>	<b>41,832</b>	<b>13,013</b>	<b>91.2</b>	<b>4.2</b>
<b>Crimes against property</b>										
Arson	3,315	2,919	-11.8	58.3	48.7	-16.6	646	179	25.8	1.1
Property damage	45,673	45,829	0.3	801.5	789.5	-1.4	13,434	3,675	36.9	-4.6
Burglary (aggravated)	2,726	2,847	2.3	48.0	45.7	-4.7	1,131	218	51.0	0.0
Burglary (residential)	28,999	28,515	-1.3	509.4	482.4	-5.1	8,509	1,119	16.2	-0.7
Burglary (other)	15,100	15,246	1.0	265.7	263.3	-0.9	2,649	743	22.2	-0.2
Deception	27,892	32,734	17.2	487.2	585.3	20.0	22,535	4,877	63.7	6.5
Handle stolen goods	8,351	10,039	20.0	146.8	173.4	18.2	9,541	510	96.5	-0.7
Theft from motor vehicle	42,857	48,506	12.9	753.5	837.9	10.9	4,606	1,228	12.2	-0.1
Theft (shop-theft)	26,760	20,636	-22.8	395.3	354.9	-10.0	18,140	1,888	72.2	-1.6
Theft of motor vehicle	14,869	16,320	9.3	258.1	281.3	8.9	3,741	1,054	29.4	-0.1
Theft of bicycle	4,890	5,005	2.3	82.0	86.4	5.3	339	61	9.4	-0.9
Theft (other)	51,823	46,758	-9.8	911.9	867.4	-4.7	11,851	4,407	35.0	2.9
<b>Sub-total</b>	<b>205,416</b>	<b>223,413</b>	<b>8.8</b>	<b>4,628.6</b>	<b>4,721.4</b>	<b>2.0</b>	<b>87,189</b>	<b>19,397</b>	<b>38.2</b>	<b>2.7</b>
<b>Drug offences</b>										
Drug (cult, manuf, traff)	5,363	5,746	7.1	94.4	99.2	5.0	5,363	389	99.8	2.6
Drug (possession, use)	16,232	17,898	10.0	285.6	305.9	7.0	16,704	1,226	101.3	2.6
<b>Sub-total</b>	<b>21,595</b>	<b>23,644</b>	<b>9.3</b>	<b>380.0</b>	<b>404.5</b>	<b>6.2</b>	<b>22,067</b>	<b>1,615</b>	<b>100.9</b>	<b>2.7</b>
<b>Other crimes</b>										
Going equipped to steal	605	884	22.9	10.6	13.9	30.4	752	48	99.5	2.3
Justice procedures	31,268	42,030	34.4	550.2	726.9	31.9	98,630	4,660	98.8	1.4
Regulated public order	1,410	2,388	69.4	24.9	39.9	60.0	1,105	210	95.1	3.1
Weapons / Explosives	11,426	12,009	5.0	201.1	222.9	10.8	12,019	977	100.7	3.1
Harassment	4,781	5,265	10.0	84.1	89.5	6.3	3,579	989	81.6	1.0
Behaviour in public	8,704	6,938	-19.2	148.0	119.6	-19.2	6,610	379	101.0	4.9
Other	7,494	7,692	2.6	131.3	132.6	0.7	6,165	888	92.3	4.9
<b>Sub-total</b>	<b>63,688</b>	<b>76,834</b>	<b>20.6</b>	<b>1,120.7</b>	<b>1,320.9</b>	<b>18.0</b>	<b>88,881</b>	<b>8,181</b>	<b>97.3</b>	<b>4.6</b>
<b>TOTAL</b>	<b>418,481</b>	<b>433,713</b>	<b>3.7</b>	<b>7,223.2</b>	<b>7,488.8</b>	<b>3.7</b>	<b>217,739</b>	<b>42,790</b>	<b>88.1</b>	<b>4.3</b>

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It is worth noting that assault rates are approximately 20% less in Moira Shire than the state average, while crime against property offences is some 45% less than the state average. Overall, crime rates in Moira Shire are approximately 35% less than the state average.

It should be noted at this point that licensed premises are, by definition, lawful within Victoria.

<sup>11</sup> Victoria Police 2013/2014 Crime Statistics – Corporate Statistics, Victoria Police

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(cont'd)**

**ATTACHMENT No [3] - Cumulative Impact Assessment**

*Cumulative Impact Assessment*

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*Are there other premises open after 11pm?*

There are a total of 6 licenses within 500 metres of the subject venue which are licensed to operate past 11pm. The following table provides a breakdown of each licence permitted to operate past 11pm with the latest licensed time noted:

Licence #	Licence Type	Premises Name	Address	Suburb	Maximum Capacity	Hours
31909841	General Licence	NUMURKAH HOTEL	MELVILLE STREET	NUMURKAH	390	1am
31913507	General Licence	SHAMROCK HOTEL	5-13 MELVILLE STREET	NUMURKAH	320 (after Midnight)	1am
31914448	General Licence	TELEGRAPH HOTEL	81-83 MELVILLE STREET	NUMURKAH	628	1am
36118348	Limited Licence	NUMURKAH SHOWGROUNDS COMMUNITY SPORTS GROUP INC.	NUMURKAH SHOWGROUNDS, TUNNOCK ROAD	NUMURKAH	N/A	1am
31451856	Restricted Club Licence	NUMURKAH RSL SUB-BRANCH	40 SAXTON STREET	NUMURKAH	300	Midnight
31452030	Restricted Club Licence	NUMURKAH SHOWGROUNDS COMMUNITY SPORTS GROUP INC.	NUMURKAH SHOWGROUNDS, TUNNOCK ROAD	NUMURKAH	N/A	1am

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*What is the existing level of amenity in the area?*

The level of amenity in the Study Area is typical of a smaller regional centre. During the day, there is ambient noise along the streets surrounding the subject venue with noise from cars, delivery vehicles, pedestrians plant and equipment at the rear of commercial buildings and other 'town related' noise.

Evenings/nighttime is generally quiet with most businesses operating during normal business hours only. There is occasional ambient noise from people associated with licensed premises (including restaurants, some of which have al fresco dining) along the surrounding streets as well as general night time activity.

In general terms, the existing amenity in the area is considered as standard for a small regional centre.

*What are the reasonable amenity expectations in the area?*

Reasonable amenity expectations in the area are that of a small regional centre, where most activity is undertaken during business hours. The subject premises is located within the area which should be considered as the 'entertainment precinct' with a number of other licensed venues in the vicinity, some of which trade beyond 11pm.

<sup>12</sup> VCGLR Geomaps Service - <http://geomaps.vic.gov.au/>

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(cont'd)**

**ATTACHMENT No [3] - Cumulative Impact Assessment**

Cumulative Impact Assessment	
***	
Assessment	
Will the proposal significantly increase the number of patrons near sensitive uses at any time?	
The venue under this proposal is a retail liquor outlet. This retail use will not have a major impact on or affect the numbers of patrons within the area or nearby sensitive areas due to its retail use and positioning within the central business district.	
Given the location and planning policy context, will the proposal generate amenity impacts beyond what is reasonable?	
The proposal will not generate amenity impacts beyond what is reasonable but will rather add to the increasing vibrancy of the town centre. The venue is a retail liquor outlet which does not permit the consumption of alcohol on the premises.	
It is submitted that the packaged liquor licence associated with the use of the land as a bottle shop which is as of right use in the Commercial 1 zone is acceptable. The hours of operation proposed do not extend past 11pm, and the surrounding land is predominantly zoned commercial 1 with a mix of commercial uses operating along Melville Street. Furthermore, the residential land, along with the child care centre and senior citizens centre to the rear of the site should not be unreasonably impacted by the proposed packaged liquor licence. Importantly, it is not considered that the proposed packaged liquor licence will result in an adverse cumulative impact.	
The mix of licensed premises	
The mix of licensed premises in an area can influence potential cumulative impacts. For example, an area with a mix of restaurants, cinemas and small bars may have fewer impacts than an area with primarily large bars and nightclubs.	
Late-night trading hours for licensed premises have been associated with increased harm including violence. Licensed premises open after 11pm are considered a greater risk to the surrounding area. Reduced trading hours may therefore reduce the risks of late-night alcohol-related harm.	
Licensed premises with a patron capacity over 200 may pose a greater risk of alcohol-related harm and result in a negative cumulative impact.	
A packaged liquor outlet located within the surrounding area provides an opportunity for patrons to purchase and consume alcohol before, in between, or after entering licensed premises. These activities, particularly in excessive quantities, can increase the likelihood of anti-social behavior and public disturbances in some areas.	
Existing Context	
What is the mix of licensed premises in the area?	
Number of Licenses within 500m radius of proposed venue:	12
Number of Licensed venues within 500m radius:	10

Category	Number of Licenses
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Cumulative Impact Assessment: = 22



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Cumulative Impact Assessment  
\*\*\*

General Licence	3 (25%)
Packaged Liquor Licence	2 (16.6%)
Limited Licence	2 (16.6%)
Restaurant and cafe Licence	2 (16.6%)
Restricted Club Licence	2 (16.6%)

*Do any licensed premises cater for more than 200 patrons?*

All 3 General Licences mentioned above cater for more than 200 patrons with the Numurkah Hotel catering for 390, the Shamrock hotel catering for 320 (after Midnight) and the Telegraph hotel catering for 628. In addition to this, the Numurkah RSL caters for up to 300 patrons.

*How many and what type of licensed premises (especially high capacity venues and packaged liquor outlets) operate after 11pm?*

There are 4 venues in operation within 500 metres of the subject venue which are both high capacity (200 or more) and which operate after 11pm. The following table provides a breakdown of the late night/high capacity venues within the subject area;

Licence #	Licence Type	Premises Name	Address	Suburb	Maximum Capacity	Hours
31909841	General Licence	NUMURKAH HOTEL	MELVILLE STREET	NUMURKAH	390	1am
31913507	General Licence	SHAMROCK HOTEL	5-13 MELVILLE STREET	NUMURKAH	320 (after Midnight)	1am
31914448	General Licence	TELEGRAPH HOTEL	81-83 MELVILLE STREET	NUMURKAH	628	1am
31451856	Restricted Club Licence	NUMURKAH RSL SUB-BRANCH	40 SAXTON STREET	NUMURKAH	300	Midnight

It should be noted that none of the above mentioned premises are 'night clubs' – research shows that where packaged liquor outlets are close to heavy concentrations of bars and clubs, people are more likely to consume liquor from packaged liquor outlets (i.e. 'preload') before entering the premises. This is not the case in this instance. In addition to this, the proposal in this instance does not fit the criteria of a 'High Risk' venue.

<sup>13</sup> VCGLR Geomaps Service - <http://geomaps.vic.gov.au/geomaps/>

<sup>14</sup> VCGLR Geomaps Service - <http://geomaps.vic.gov.au/geomaps/>



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(cont'd)**

**ATTACHMENT No [3] - Cumulative Impact Assessment**

*Cumulative Impact Assessment*  
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*Do licensed premises commonly operate at capacity and is queuing outside common?*

As is normally the case in regional centres, some licensed premises are sometimes at capacity and/or have queuing outside. This should not be considered a 'normal' situation and is certainly not the case for all licensed premises operating within the subject area all of the time.

*Do many licensed premises in the area show a high ratio of standing to seating?*

Roughly 16% of the licensed premises within the subject area are operating under a Restaurant and Café Licence which requires 75% of patrons to be seated. A further 16% are operating under a club licence. It is understood that the General licenses in town (25%) also offer sit down meals as a major part of their business.

Packaged Liquor and Limited Licenses form a further 33% of the total licenses in the area, most of which do not permit the consumption of liquor on the licensed premises.

With this in mind, it would be reasonable to suggest that nearly 100% of licenses within the area offer either a large proportion of seating for patrons, or do not permit the consumption of liquor on the premises at all.

*Are there any local laws regulating consumption of liquor in public spaces?*

Part 9 of the 'Community Safety and Environment' Local Law sets out the following:

**PART 9 – CONSUMPTION AND POSSESSION OF LIQUOR**

**9.1 – Liquor in specified areas**

A person must not, without first obtaining a permit, nor otherwise than in accordance with the conditions of such a permit,

- (i) on a road;
- (ii) in or at a public place;
- (iii) on private land, unless at the invitation of the owner or occupier of that land; or
- (iv) in or on a vehicle at any of these locations,

consume any liquor or have in his or her possession or control any liquor other than liquor in a sealed container in the following areas:

- (a) in or on any Council land which is located or contained within the area shown on Schedule 1,3,5 and 7 or
- (b) in any other place specified by the Council for the purposes of this clause and designated by signs

Penalty:

First offence – 10 penalty units

Second or subsequent offence – 20 penalty units

**9.2 – Places and times when alcoholic beverages may be consumed subject to restrictions**

FILE NO: 5/2015/48  
3. DEVELOPMENT AND LIVEABILITY

ITEM NO: 9.2.1  
(TOWN PLANNER, MELISSA LOTITO)  
(GENERAL MANAGER  
INFRASTRUCTURE, ANDREW CLOSE)

**PLANNING PERMIT APPLICATION 5/2015/48 FOR THE USE OF LAND FOR A  
PACKAGED LIQUOR LICENCE AT 91-93 MELVILLE STREET NUMURKAH  
(cont'd)**

**ATTACHMENT No [3] - Cumulative Impact Assessment**

*Cumulative Impact Assessment*

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(a) A person must not, between the hours of 10pm on any day and 8am the next day consume an alcoholic beverage, or have possession or control of, any alcoholic beverage other than in a sealed container:

(i) in or on any Council land which is located or contained within the area shown on Schedule 2,4,6 and 8 or

(ii) in any other place specified by the Council for the purposes of this clause and designated by signs

Penalty:

First offence – 10 penalty units

Second or subsequent offence – 20 penalty units

9.3 Power of Council to extend area

(a) The Council, or the Chief Executive Officer, may for such period or periods as the Council, or Chief Executive Officer, deems appropriate proclaim any area in the municipality as being an area to which clause 9.1 of this Local Law applies:

(b) Proclamations under clause 9.3(a) must be advertised in a newspaper generally circulating in the area prior to the commencement of the relevant period.

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*Is there any evidence of problems apparent in the area, such as property damage or littering, which may be attributed to alcohol related incidences?*

As per the crime data snapshot above, incidents of property damage have in fact reduced by some 4% over the 12 month period and are substantially lower than the state average.

*Are complaints (for example, to council or Victoria Police) about licensed premises already being generated in the area?*

It is unknown whether complaints specifically relating to licensed premises are currently being generated in the area. This information is not readily available to the public, and a recent phone call to Victoria Police was not responded to.

*Are there any known enforcement proceedings against licensed premises in the surrounding area?*

A search of VCGLR records was undertaken with the following noted;

1. There are no premises within the subject area currently subject to an enforceable undertaking.
2. There are no premises within the subject area currently subject to any demerit points

<sup>15</sup> Community Safety and Environment Local Law 2013 – Moira Shire Council

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(GENERAL MANAGER  
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(cont'd)**

**ATTACHMENT No [3] - Cumulative Impact Assessment**

*Cumulative Impact Assessment*  
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3. All premises within the subject area are currently rated at 5-stars under the VCGLR's star rating system, suggesting that no major compliance breaches have been identified in the area.<sup>16</sup>

Given the number of licenses within the subject area, it would be unreasonable to suggest that there are no premises in the area which are subject to some sort of enforcement action, however details of these may not be publicly available.

*Assessment*

*Does the proposal contribute to the diversity of activities and vibrancy in the area?*

Given that this proposal is relating to an existing retail premises, providing a standalone retail liquor outlet which is not currently available in the area, the proposal will assist the overall development in diversifying the area.

*Will the proposal reinforce any existing or create any new impacts arising from the mixed uses in the area?*

No additional major impact on the surrounding area is expected as a result of this proposal. As already indicated, this particularly proposal is for a retail liquor outlet which will not operate late into the evening (i.e. past the defined 'ordinary trading hours').

*Transport and dispersal*

Whether patrons leaving or moving between licensed premises are likely to pass through areas with sensitive uses is an important consideration.

How patrons leave the licensed premises at closing time can have a significant impact on the amenity of an area. Consider how patrons will leave the area and the routes they will take, including the location and availability of taxi ranks, car parks and public transport services. The quality and frequency of services is a factor because it will influence the length and time that patrons spend in an area. Patrons generally maintain better behavior when they are not delayed in travelling home.

A concentration of high risk licensed premises closing at similar times may lead to difficulties in safe and orderly patron dispersal. This can be addressed by staggering the operating hours because there will be fewer people on the street trying to leave the area at one time.

*Existing Context*

*Do closing hours between venues coincide closely or is there a spread of closing hours?*

The licensed hours of premises within the subject area is evenly spread from between 11pm and 1am the following morning, it is however, important to consider that not all premises within the area will trade for the entirety of their licensed hours. The Foodworks supermarket, for instance, has advertised operating hours to 7pm during the week and 5pm on weekends. There is a fairly large proportion of premises closing between

<sup>16</sup> VCGLR – [www.vic.gov.au/vic](http://www.vic.gov.au/vic)

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(cont'd)**

**ATTACHMENT No [3] - Cumulative Impact Assessment**

*Cumulative Impact Assessment*  
\* 24 \*

12midnight and 1am. The proposal associated with this report is for a retail liquor outlet which will close at or before 11pm.

*Is there a high number of patrons on the streets after 11pm?*

In general terms, there is only a small number of patrons on the streets of Numurkah after 11pm, consistent with other small centres across the state.

*What public transport is available to patrons leaving the licensed premises at closing time?*

Although there is minimal public transport within the subject area, this proposal relates to a packaged liquor outlet which does not rely on public transport options.

*Are taxis conveniently available to patrons leaving the licensed premises at closing time?*

Again, this proposal relates to a packaged liquor outlet which does not rely on public transport options such as taxis.

*Is there car parking available and where is it located?*

The property has extensive existing parking at the rear of the premises, sufficient to service the requirements of the retail use. In addition to parking availability on site, on street parking is available throughout the immediate area. Minimal parking restrictions are in existence within the area.

*How do people disperse from the area after leaving a licensed premises?*

People leaving licensed venues within the subject area are generally travelling via foot, or private vehicle. Public transport in the area is minimal, consistent with other similar sized towns.

*Is the movement of patrons through the area known to be an existing problem?*

Given the free flowing nature of Melville Street as a whole, patron movement is not considered as a major issue, particularly prior to 11pm. There are no major event facilities nearby (such as the MCG or similar) so surges of foot traffic is not a normal occurrence. There are no real 'bottle necks', such as bridges, nearby further reducing pedestrian traffic impacts.

*Are there any identified issues with accessing public transport such as frequency or capacity of services?*

Again, public transport is not a necessity in such a small regional centre. The majority of patrons will be leaving licensed venues either via foot or private vehicle.

*Cumulative Impact Assessment: \* 25 \**

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(GENERAL MANAGER  
INFRASTRUCTURE, ANDREW CLOSE)

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(cont'd)**

**ATTACHMENT No [3] - Cumulative Impact Assessment**

	<p><i>Cumulative Impact Assessment</i></p> <p>...</p> <p><b>Assessment</b></p> <p><i>Is the proposed licensed premises' location or characteristics such as operating hours likely to contribute to any problems for patron dispersal?</i></p> <p>This proposal relates to a packaged liquor outlet with closing times of up to 11pm. The venue will not be providing entertainment or liquor consumption on the licensed premises and as such, will not have patrons congregating at the premises. No problems in relation to patron dispersal are foreseen with the proposal, particularly given that the premises has existing use as a retail premises.</p> <p><i>Will the proposal reinforce any existing or create any new impacts arising from licensed premises closing times and patron dispersal within the area?</i></p> <p>This proposal relates to a packaged liquor outlet with closing times of up to 11pm. The venue will not be providing entertainment or liquor consumption on the licensed premises and as such, will not have patrons congregating at the premises. No problems in relation to patron dispersal are foreseen with the proposal, particularly given that the premises has existing use as a retail premises.</p> <p><b>Impact mitigation</b></p> <p>A proposal may include impact mitigation measures to reduce a potential negative cumulative impact. Impact mitigation measures can include:</p> <ol style="list-style-type: none"><li>1. Providing patron transport or parking.</li><li>2. Layout and design of buildings and any new public space in accordance with good urban design and safe design principles.</li><li>3. Involving licensed premises in a liquor accord or forum.</li><li>4. Providing public toilets and rubbish facilities in the area.</li><li>5. Reducing operating hours of the venue.</li><li>6. Limiting outdoor seating and reducing patron numbers after 11pm.</li><li>7. Improving venue management measures.</li></ol> <p>A venue incorporating good urban design and safe design principles is more likely to successfully manage potential amenity impacts from venue patrons on an area, improve perceptions of safety and provide a positive cumulative impact.</p> <p><b>Existing Context</b></p> <p><i>Are there sufficient public amenities available for patron use, including toilets and rubbish disposal?</i></p> <p>Public toilets within the study area are located at:</p> <ol style="list-style-type: none"><li>1. Quinn Street open between 7am and 10pm 7 days a week;</li><li>2. Melville Street (Apex Park) open 7am to 10pm 7 days a week;</li><li>3. Newman Square open daylight hours only</li><li>4. Numurkah Showgrounds open variable hours<sup>17</sup></li></ol>
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<sup>17</sup> [www.numurkah.nsw.gov.au](http://www.numurkah.nsw.gov.au)

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*Cumulative Impact Assessment*  
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Street bins are located at regular intervals throughout the subject area.

*Are there any relevant public safety or enforcement initiatives in the area?*

RAZON – a specialist police licensing unit operates within the area on occasion

The 'risk based' licence fee structure implemented by the State Government is relevant to the area.

VCGLR Licensing Inspectors are regular visitors to the area.

*Has the area been developed according to principles of good urban design and safe design?*

The general policy framework of the Moira Shire as it relates to licensed venues is as follows;

1. The operation of licensed premises should have no unreasonable impact on the amenity and safety of surrounding uses, in relation to noise, hours of operation and car parking demand.
2. The location of the licensed premises, its use, nature of surrounding uses and hours of operation, its zoning and the zoning of surrounding land be considered in the determination of the hours of operation of the licensed premise.
3. The preferred location for trading after 11:00pm is in principal and major activity centres, subject to compliance with all other aspects of this policy.
4. Trading after 11:00pm is discouraged for licensed premises adjacent to a residential zone/use unless the responsible authority is satisfied that the use will not adversely affect the amenity of the area.
5. Licensed premises should not be concentrated to the extent that there is an adverse cumulative effect on the area.
6. Day-time uses and active frontages are encouraged within activity centres.
7. Licensed premises should be located so as to discourage patrons parking in a Residential 1 Zone.
8. Licensed premises should operate in a manner that provides for the safety of patrons, the general public and nearby owners and occupiers of land.
9. Light spill should not detract from the amenity of the surrounding area.

This policy framework has assisted in the safe urban design in the surrounding area.

*Assessment*

*Will the proposal provide mitigation measures to address any negative cumulative impacts?*

The proposal will provide impact mitigation measures by:

1. Operate in accordance with the Packaged Liquor Code of Conduct
2. Operating in accordance with all relevant liquor regulations including the Responsible Service of Alcohol provisions.

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*Cumulative Impact Assessment*  
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*Can any identified negative cumulative impact be satisfactorily reduced by changes to the proposal?*

In general terms, no adverse amenity impacts or negative cumulative impacts are foreseen with the proposal, particularly given the proposal relates to a premises not supplying liquor for consumption on the licensed premises. The operating hours under the proposal are not excessive.

*Summary of Potential Amenity Impacts*

*Noise*

The proposed packaged liquor licence is associated with a bottle shop (retail use), operating within typical trading hours which do not extend past 11pm. Noise is not likely to be an issue given the nature of the use, the proposed operating hours, and the surrounding commercial land to the north, west and south. The residential land to the east will not be impacted by noise any more so than another retail use that could operate within the site as of right. It is unlikely that the proposal will cause congregation at closing time due to the nature of the use, or result in significant patron movement from the packaged liquor outlet to other licensed premises. Noise impacts from associated with patrons will not be significant.

*Hours of Operation*

The hours of operation proposed are between 9am and 11pm Monday to Saturday, 10am and 11pm Sunday, and 12noon to 11pm on ANZAC day. These hours are not contrary to state government policy which discourages trading hours relevant to packaged liquor licenses past 11pm. The surrounding land comprises of a number of uses, some with liquor licenses (including a packaged liquor licence) with varying hours, however it is noted that there are no 'Late Night' licenses within the area. The other packaged liquor licence in close proximity is permitted to trade to 11pm. The proposed packaged liquor licence, with finishing hours of 11pm, does not result in a cluster of late premises in the area.

*Compatibility with Surrounding Land Uses*

As previously identified, the site is located within the Numurkah CBD, on the town's main road. The land to the north, west and south comprises of a number of commercial uses, with retail being the predominant use. It is not considered that the proposed packaged liquor licence will have an unreasonable impact on the amenity of the land to the north, west and south.

Although the land to the east is sensitive, being used and zoned as residential as well as a senior citizens centre and child care centre, it is not considered that the proposed liquor licence will significantly impact the amenity of the area. The proposed premises has a frontage to Melville Street (with private parking and a secondary entrance at the rear). It is noted that the child care centre and senior citizens centre are separated from the proposed licence by a Council controlled car park, as well as shedding on the subject land.

*Safety and Health*

Most Councils and Government agencies recognise the importance of licensed premises in a municipality in contributing to the vibrancy and economic strength of the municipality. There are, however, common problems



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Cumulative Impact Assessment

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that can accompany licensed premises such as the off-site amenity impacts including noise on other nearby uses and the problems which occur when these uses begin to affect retailing vibrancy and economic viability of an area.

Research indicates that an increase in the number of licensed premises within an area results in additional alcohol-related assaults. Research also reveals that patron capacity is a contributing factor in calculating the level of risk a licensed premise poses and that late night trading contributes to increased alcohol consumption and increased violence. This proposal relates to packaged liquor licence which is neither a high capacity nor late night venue.

Well managed licensed premises generally present a low risk of adverse impacts, whereas there is a high risk of adverse impacts on safety and amenity from large licensed premises, operating late at night.

Research reveals that there is an association between violence occurring outside a premise with large numbers of people congregating and competing for resources such as fast food and transport. This proposal is not expected to create a congregation spot given the proposed use.

The design of a licensed premise can be an important contributor to anti-social behavior and violence. Good venue design of licensed premises plays an important role in reducing the opportunity for anti-social behavior fuelled by alcohol.

According to research, licensed premises that are most likely to be associated with alcohol related harm are licensed hotels, taverns and nightclubs. This proposal relates to a retail liquor outlet. Common Victoria Police assault data reveals that the density of packaged liquor outlets is associated with assaults, however this data and research does not extend to small regional centres such as Numurkah, but rather is focused in the Melbourne CBD<sup>16</sup>.

VCAT decisions, such as *The Hunt Club Commercial Pty Ltd v Casey City Council* red dot decision, identify that planning is primarily concerned with use, development and protection of land use, and not with addressing all perceived community and social issues. Within the order, Deputy President Mark Dwyer states:

*'As a matter of general public principle, a broad concern about the social harm caused by alcohol, the accessibility of alcohol in the community generally, or the potential for the abuse or misuse of alcohol, will rarely (if ever) be a relevant planning consideration in the exercise of discretion for a particular licensed premises under clause 52.27.'*<sup>17</sup>

Although it is evident that there is a correlation between packaged liquor licenses and health and anti-social behavior, the legal framework of the Planning and Environment Act 1987 does not provide scope for assessment of these issues outside of the parameters of considering cumulative impacts associated with the liquor licence.

It is generally accepted that a diversity of land uses and activities can result in increased amenity and vibrancy in an area. It is submitted that the mix of uses within the area may help to mitigate potential harm and reduce the potential for the proposed packaged liquor licence having an unreasonable negative impact.

<sup>16</sup> 'Alcohol Outlet Density and Assault: A Spatial Analysis' – Livingstone, 2008

<sup>17</sup> *The Hunt Club Commercial Pty Ltd v Casey City Council*

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ITEM NO: 9.2.1  
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**ATTACHMENT No [3] - Cumulative Impact Assessment**

*Cumulative Impact Assessment*  
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**Cumulative Impact**

The Department of Community and Planning Practice Note (61) – *Licensed Premises: Assessing Cumulative Impact* describes cumulative impact as:

*"The positive and negative impacts that can result from clustering a particular land use or type of land use."*<sup>20</sup>

It is understood that the potential for cumulative impact from a cluster of licensed premises can vary due to varying conditions of locations, the variety and number of venues and destination points for activities associated with the supply of alcohol. The Practice Note explains that:

*"Cumulative impact is a product of the number and type of venues present, the way they are managed, and the capacity of the local area to accommodate those venues."*<sup>21</sup>

The practice note describes negative cumulative impacts including noise and anti-social behavior, infrastructure capacity problems, safety issues and crime, whereas positive cumulative impacts can be increased vitality, economic benefits, status in an entertainment destination, improved customer choice and increased ability to manage impacts. An area may reach 'saturation point' where an additional premises, or type of premises, will lead to negative impact on the surrounding area.

The subject liquor licence does not propose hours past 11pm, however it is located within an area that contains over 3 licenses within a radius of 100 metres and it is therefore considered that a cluster of licensed premises exists within the area. A mix of packaged liquor (one existing), restaurant and café (two), General (one) and renewable limited (one) exists within the 100 metre radius. Furthermore within 500 metres of the site there are 11 licenses including 3 General, 2 Packaged Liquor, 2 Restaurant and Café, 2 Renewable Limited and 2 Restricted Club licenses.

There are a mix of types of liquor licenses within the area, with no late night licenses in operation. Research shows that packaged liquor licenses located close to heavy concentrations of bars is linked to patrons drinking packaged liquor prior to entering the venues ('pre loading'). In this instance it is not likely that the packaged liquor licence will significantly encourage this behavior as there is not a high number of late night, on premises liquor licenses within close proximity to the proposed bottle shop. Furthermore, antisocial behavior associated with cumulative impact can be mitigated by existing local laws in place within the immediate area which prohibit the consumption of alcohol as well as good venue management practices.

It is considered that appropriate impact mitigation will occur at the venue through adherence to the 'Code of Conduct for Packaged Liquor Licensees', as is required by the VCGLR.

**Conclusion**

This proposal relates to a retail liquor outlet which is proposed to be located in an existing retail space. The developer is requesting a packaged liquor licence be obtained as part of the development to cater for both locals and tourists visiting the area.

The negative cumulative impact of the proposal will be negligible given the fact that the hours of operation will be that of 'ordinary trading hours' and will not be excessive. The provision of alcohol under a packaged liquor

<sup>20</sup> Practice Note (61) – Licensed Premises: Assessing Cumulative Impact – Department of Community Planning

<sup>21</sup> Practice Note (61) – Licensed Premises: Assessing Cumulative Impact – Department of Community Planning

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ITEM NO: 9.2.1  
(TOWN PLANNER, MELISSA LOTITO)  
(GENERAL MANAGER  
INFRASTRUCTURE, ANDREW CLOSE)

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Licence does not allow for consumption of liquor on the licensed premises which will mean that patrons will not be congregating in the immediate vicinity of the premises. It will simply be a retail outlet providing alcohol that is to be taken away.

The existing packaged liquor licence adjacent to the proposed premises is a licensed venue attached to a supermarket. This premises has advertised trading hours to 7pm on weekdays and 5pm on weekends. Liquor is not the main focus of that premises and therefore a negative cumulative impact on the surrounding area by adding an additional packaged liquor outlet is not envisaged.

The proposal suits the intended use of the 'Commercial 1 Zone' in which the venue is situated which is detailed within the Moira Planning Scheme.

The development of the site proposed premises will add to the economic viability of the surrounding area, assisting to keep local shoppers in Numurkah rather than travelling to other, larger centres such as Shepparton. This in turn will provide positive cumulative impact as defined by practice note 61.

The proposed premises is not in close proximity to any 'night clubs' - research shows that where packaged liquor outlets are close to heavy concentrations of bars and clubs, people are more likely to consume liquor from packaged liquor outlets (i.e. 'preload') before entering the premises. This is not the case in this instance. In addition to this, the proposal in this instance does not fit the criteria of a 'High Risk' venue.

*Cumulative Impact Assessment: 6-6-6*

FILE NO: 52014891  
3. DEVELOPMENT AND LIVEABILITY

ITEM NO: 9.2.2  
(STATUTORY PLANNING  
COORDINATOR, PETER STENHOUSE)  
(GENERAL MANAGER  
INFRASTRUCTURE, ANDREW CLOSE)

**PLANNING PERMIT APPLICATION 52014891 - ADVENTURE PLAYGROUND -  
LAKE MULWALA FORESHORE (HUNT STREET, YARRAWONGA)**

## 1. Executive Summary

Planning Permit Application No.52014891 has been lodged seeking approval to use and develop land for the purpose of an adventure Playground.

The application was advertised and one objection has been received. The applicant was given an opportunity to comment on the objection, but no response has been received.

The application was referred to internal departments and one required more detailed information, another recommended that the proposed site be refused and other departments had no objection.

The application was also referred to external referral authorities and no objections were received. However GMW requested planning notes be included on the any permit that is issued.

The application does not specifically accord with the Yarrawonga to Bundalong Foreshore Master Plan and no car parking is proposed to support the proposal relying on existing on street car parking.

The application is deficient in terms of detailed plans and information, however it is recommended for approval, subject to conditions which includes requirements for additional information.

## 2. Background and Options

### Application Details

Applicant: Opal Project Solutions  
Owner: GMW and Moira Shire Council  
Land Address: Hunt Street, Yarrawonga  
Title Details: CA's 1, 2 & 3, Section 8 Township of Yarrawonga  
File No: 52014891  
Zone: Public Conservation and Resource Zone  
Overlays: Rural Floodway Overlay  
Environmental Significance Overlay

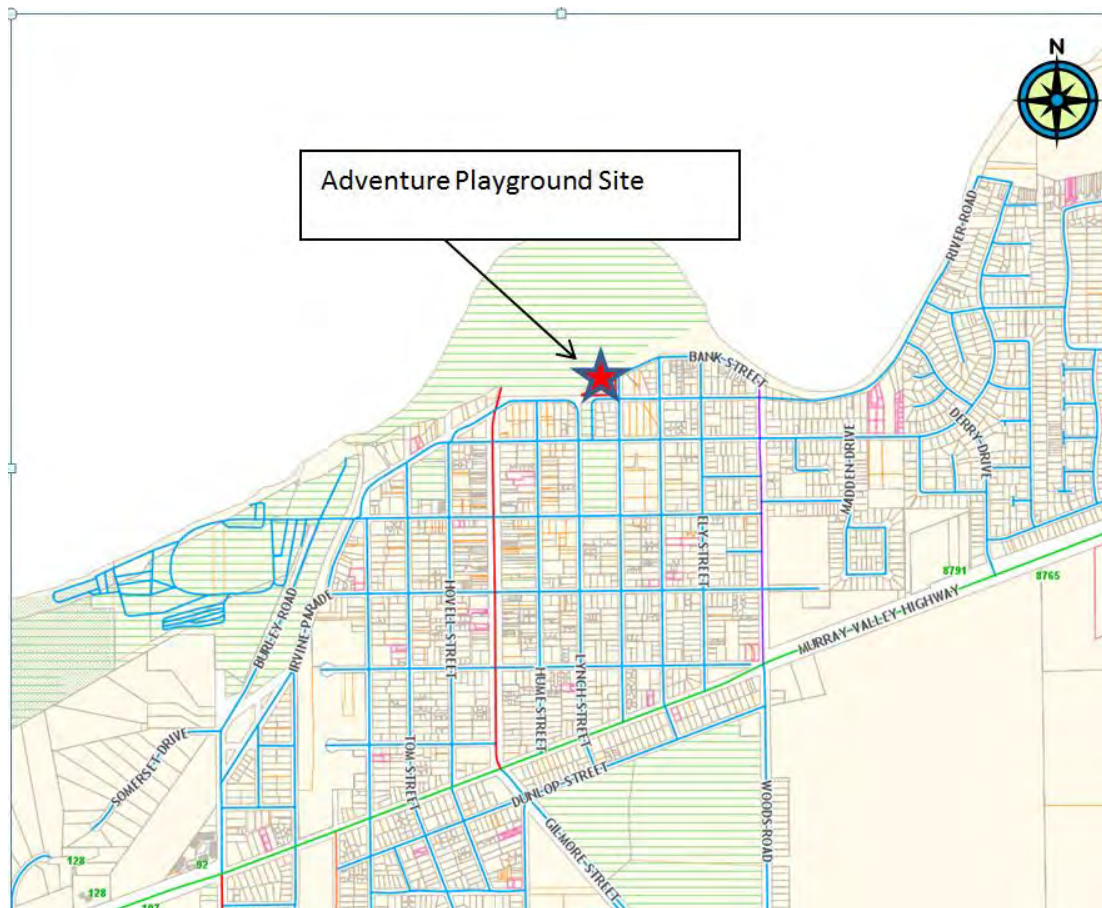
### Key Issues

- Planning Scheme Provisions
- Location of the playground
- Car Parking
- Traffic
- Impact of Residential amenity

FILE NO: 52014891  
3. DEVELOPMENT AND LIVEABILITY

ITEM NO: 9.2.2  
(STATUTORY PLANNING  
COORDINATOR, PETER STENHOUSE)  
(GENERAL MANAGER  
INFRASTRUCTURE, ANDREW CLOSE)

**PLANNING PERMIT APPLICATION 52014891 - ADVENTURE PLAYGROUND -  
LAKE MULWALA FORESHORE (HUNT STREET, YARRAWONGA) (cont'd)**





FILE NO: 52014891  
3. DEVELOPMENT AND LIVEABILITY

ITEM NO: 9.2.2  
(STATUTORY PLANNING  
COORDINATOR, PETER STENHOUSE)  
(GENERAL MANAGER  
INFRASTRUCTURE, ANDREW CLOSE)

**PLANNING PERMIT APPLICATION 52014891 - ADVENTURE PLAYGROUND -  
LAKE MULWALA FORESHORE (HUNT STREET, YARRAWONGA) (cont'd)**



**Proposal**

The proposal is to use and develop the land (part Council and part GMW land) for the purpose of an Adventure Playground will include a number of structures and features, namely:

- Giant Bird net swing
- Two (2) BBQ shelters and picnic tables
- Skywalk adventure play
- Digital interactive playground
- Junior spiker
- Four person swing
- Explorer dome
- Multi spinner
- Large cable way
- Spiker
- Universal carrousel
- Universal parents and amenities facility
- Family BBQ and picnic zone
- Neo's360 electronic game play
- Infant play zone
- Mound slides
- Junior sand and water discovery zone
- Splash pad with 26 individual pieces of equipment

FILE NO: 52014891  
3. DEVELOPMENT AND LIVEABILITY

ITEM NO: 9.2.2  
(STATUTORY PLANNING  
COORDINATOR, PETER STENHOUSE)  
(GENERAL MANAGER  
INFRASTRUCTURE, ANDREW CLOSE)

**PLANNING PERMIT APPLICATION 52014891 - ADVENTURE PLAYGROUND -  
LAKE MULWALA FORESHORE (HUNT STREET, YARRAWONGA) (cont'd)**

No detailed plans of all the structures and buildings have been submitted with the application, apart from plans of an amenities building, site layout plans and concept or schematic plans.

**Options**

- Approve the application
- Refuse the application
- Defer consideration

**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 extensively advertised by notifying surrounding property owners and occupiers within 200 metres of the site, placing notices on the land and placing a public notice in the Yarrowonga Chronicle.

The advertising was carried correctly and 1 objection was received. The objector was not against the proposal, rather, the location and its impact on the surrounding area, namely:

- Foreshore should not be "carved up into playgrounds"
- Competition of users of the foreshore
- Safety of children near water (lake)
- No car parking supplied for this playground
- Does the committee cover Public Liability
- Should there be fencing
- May require pedestrian crossing at western of foreshore
- Traffic safety, already a local drag strip
- Potential vandalism

**6. Internal and External Consultation**

The application was referred to Goulburn Murray Water (GMW) and Goulburn Broken Catchment Management Authority (GBCMA). Both authorities raised no objection to the application, however, GMW have requested planning notes to be included on any permit that is issued relating to entering into a Maintenance Agreement and Public Liability Insurance and indemnify GMW against claims. It is noted that GMW require both Council and the Adventure Park Management Committee to enter into these Agreements and insurances.

The application was referred to internal departments:

Department	Comments
Assets	Further information required
Building	No objection
Environmental Health	No requirements



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(GENERAL MANAGER  
INFRASTRUCTURE, ANDREW CLOSE)

**PLANNING PERMIT APPLICATION 52014891 - ADVENTURE PLAYGROUND - LAKE MULWALA FORESHORE (HUNT STREET, YARRAWONGA) (cont'd)**

Infrastructure	Request for an extensive list of further information relating to number of patrons, potential number of traffic movements, Traffic Impact Assessment Report, potential locations of car parking areas, impact on street intersections, tree removals & replacements, impact of existing infrastructure and drainage, details of pathways, relocation of play equipment, park furniture & buildings, park lighting, CCT equipment, fencing.
Community Development	Objection to the proposed location due to park constraints, traffic congestion and traffic flow
Economic Development	No comment

## 7. Regional Context

Whilst Lake Mulwala could be viewed as having regional significance forming part of the Murray River corridor, this proposal would be only an element of this natural feature. The playground itself is not considered to be of regional significance.

## 8. Council Plan Strategy

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

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

## 9. Legislative / Policy Implications

The subject site of the proposed Adventure Playground is contained within both the General Residential Zone (GRZ) and the Public Conservation and Resource Zone (PCRZ) and is partly affected by the Rural Floodway Overlay (RFO) and the Environmental Significance Overlay (ESO).

The proposal is best described as an Informal Outdoor Recreation use.

In the GRZ, an Informal Outdoor Recreation use is a Section 1 (no permit required) use.

In the PCRZ, the proposed use is a Section 1 use on condition that it be undertaken for and on behalf of the Public Land Manager. As this condition is not being met, the land use becomes a Section 2 (permit required) use.

In the RFO and ESO, any buildings and works requires a planning permit.

There are no specific State or Local Planning Policies pertaining to outdoor recreational uses, however if such a use is generally interpreted as tourist related, then they are encouraged in economic terms.

Further, any form of development must accord with environmental policies and strategies to the extent that it will not be detrimental to the environment and that there should be restriction from inappropriate use and development adjoining or near the Murray River.

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It is considered that the proposed use and development accords with those relevant economic and environmental State and Local planning policies, however there may be consequential impacts on the environment with respect to native vegetation.

With respect to car parking, under Clause 52.06 of the Planning Scheme, Informal Outdoor Recreation uses do not specifically have a car parking requirement (rate), therefore car parking must be provided to the satisfaction of the Responsible Authority.

The applicant suggests in the planning report:

*"It is acknowledged that at times in peak summer season the car parking will be close to saturation due to the existing attractions of the foreshore. However it is not considered to be warranted that additional car parking be required due to the occasional and seasonal nature of the demand for parking."*

The applicant's has not provided any form of analysis to support the claim that there is no need for additional car parking, when it is evident that there high demand for parking at peak times and which is recognised by the applicant.

**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 zones
<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.
<i>The effect on the amenity of the area.</i>	It is considered that this application may have a detrimental amenity impact upon the surrounding area, particularly in terms of car parking, traffic and pedestrian movements
<i>The proximity of the land to any public land.</i>	This application is a private use and development on public land
<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>	No details have been provided relating to drainage
<i>The extent and character of native</i>	Potential loss of native trees on the foreshore. This

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<i>vegetation and the likelihood of its destruction.</i>	application does not address the loss or destruction of native vegetation. A separate planning permit application would be required.
<i>Whether native vegetation is to be or can be protected, planted or allowed to regenerate.</i>	If the proposal is well designed and located, it may avoid the loss of native 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>	Any structure should be raised 300mm above the flood level.

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**10. General Discussion**

On 4 November 2009, Council adopted (in principle) the Yarrawonga to Bundalong Foreshore Master Plan. This Master Plan is not a reference or an incorporated document in the Planning Scheme, however it acts as an adopted strategy which is recognised under Section 60(g) of the Planning and Environment Act 1987.

The Master Plan recognises this area of the foreshore (between the Weir to Chinamans Island) as a highly modified landscape and a main activity for tourism and recreation facilities. More specifically, it sought to remove the existing playground and relocate them to the themed water play area adjacent to the existing splash park, water slide and pool.

The Master Plan essentially provides direction for the coordination of facilities along the foreshore. This proposed Adventure Playground is not something that is contemplated in the Master Plan therefore does not accord with the plan as the proposed site appears to be set aside for passive open space.

The application has been submitted with conceptual plans and a planning report with limited information. Given the nature of the proposal and its location there was no proper assessment of its potential impact on the immediate area particularly in terms of traffic and car parking.

This type of proposal is an attraction that will generate traffic and create a need for car parking. No car parking is being proposed as part of this application. There is no existing dedicated public off-street car park in the area apart from the area adjacent to the boat ramp in Bank Street some 350 metres from the site, therefore the reliance on on-street car parking almost certainly will spill into residential areas.

With an expected increase in traffic flow, congestion and demand for car parking this will most likely have a detrimental effect on the residential amenity of the area.

Whilst not strictly a planning considerations, maintenance and insurance of the facility have been highlighted by GMW to the extent that planning notes to be included on any permit that is issued. The applicant has not provided any information with respect to who will maintain the facility into the future and who will provide the insurance.

**11. Environmental Impact**

There are a number of trees both native and non-native that would be affected by this proposal.

This planning permit application does not include the removal of native vegetation. A separate application would be required and assessed under the provisions of Clause 52.17 of the Planning Scheme. It should be noted that appropriate offset for the loss of any native vegetation would be required prior to the removal of the trees.

**12. Conflict of Interest Considerations**

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

**13. Conclusion**

The proposed Adventure Playground is a private facility of public land which is unusual and potentially could make management and maintenance of the park problematic. The

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information submitted with the application was limited and with no explanation, once built, how and who will maintain the facility and provide for the necessary insurances.

The location of the facility, whilst is allowed under the Planning Scheme, has some issues to overcome particularly in terms of traffic and car parking, its effect on the amenity of the residential area and impact on native vegetation within the park.

Although the site is in a park setting, it does not necessarily mean that it is the best location for a facility of this size that will be an attraction. It is a question as to whether the foreshore park and its immediate surrounds will be able to cope with this facility. The foreshore already has a number of park features with limited supporting facilities (car parking). The master plan for the foreshore was looking to consolidate water and play equipment leaving room for passive recreation. The foreshore does not need to be a totally active space. There needs to be a balance of both active and passive recreation. This facility would certainly change the nature of the foreshore and the character of the neighbourhood.

In assessing the proposal purely from a planning point of view, it is a permitted use within the zones (GRZ & PCRZ) and external authorities have not objected to the application. Whilst there is a shortfall of information, this could potentially be addressed in permit conditions.

It is recommended that the application be approved, subject to conditions.

**Attachments**

- 1 Playground Concept Plans
- 2 Playground Amenities Building
- 3 Playground Site Plans

**RECOMMENDATION**

That Council approve the issue of a Notice of Decision to Grant a Permit for Planning Application No 52014891 for the use and development of land described as CA's 1, 2 & 3, Section 8 Township of Yarrawonga, Lake Mulwala foreshore (Hunt Street, Yarrawonga), 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:
  - (a) Detailed plans (inc. layout and elevations) of all buildings, playground structures and equipment.
2. Before the *use and/or development* start(s), plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible

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Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must show:

- (a) Details of any tree removal (native and non-native);
- (b) Details of the layout having regard for fixed infrastructure such as drainage pits, assuming that drainage infrastructure will not be relocated as part of this development. The plan should show clear space for maintenance vehicles to be able to park and manoeuvre next to the each of the pits currently within the park;
- (c) Details of any relocation of shared paths required around / within the playground;
- (d) Details of any relocation of BBQ shelters and appurtenant furniture that will be required to be relocated;
- (e) Details of any additional park furniture;
- (f) Details of any relocation of park lighting and provision of any additional lighting proposed including security lighting for the play equipment;
- (g) Details of any CCT equipment to be installed around the park;
- (h) Details of existing play equipment to be relocated or removed;
- (i) Details of the proposed relocation or upgrading/redesign of the foreshore sprinkler system, including pumps;
- (j) Details of any protection measures (ie fencing) for patrons using the playground equipment.

3. Before the *use and/or development* start(s), a Traffic Impact Assessment Report be prepared in accordance with the Infrastructure Design Manual to the satisfaction of the Responsible Authority and must be submitted to and approved by the Responsible Authority to address the following:
  - (a) Potential number of patrons/visitors to the adventure playground and how that number would translate into the number of expected car, bus, and other vehicle type movements per hour / per day;
  - (b) Existing recreational facilities and car parking in proximity of the adventure playground;
  - (c) The trip generation data must critically review the number vehicle spaces required for the adventure playground;
  - (d) Possible location(s) for any additional car spaces, the circulation space and entrances etc;
  - (e) Key turning movement at nearby intersections and provide commentary on any possible intersection treatments;
  - (f) Any appropriate pedestrian crossings and treatments.
4. The use and development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
5. No fewer than the number of car space(s) identified in the approved Traffic Impact Assessment Report must be provided on or in vicinity of the subject land for the use and development, including spaces clearly marked for use by disabled persons.
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

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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;
- (f) clearly marked to show the direction of traffic along access lanes and driveways;

to the satisfaction of the Responsible Authority.

Car spaces, access lanes and driveways must be kept available for these purposes at all times.

- 7. No native vegetation (including trees, shrubs, herbs and grasses) shall be removed, lopped or destroyed unless a permit has been granted by the Responsible Authority.
- 8. A satisfactory landscaping plan for the whole of the subject land must be submitted to and approved by the Responsible Authority, prior to the development permitted by this permit commencing or, within 30 days of the issue of the Building Permit, whichever is the sooner. An endorsed copy of the plan must form part of this permit. The submitted plan must;
  - (a) include a survey of all existing vegetation and natural features showing plants (over 2.0 metres in height) to be removed;
  - (b) include a schedule of all proposed trees, shrubs and ground cover, which will include the location, number and size at maturity of all plants, the botanical names of such plants and the location of all areas to be covered by grass, lawn or other surface materials as specified;
  - (c) the method of preparing, draining, watering and maintaining the landscaped area;
  - (d) the weed management program.
- 9. Before the use 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 and completed to the satisfaction of the Responsible Authority.
- 10. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.
- 11. Appropriate steps must be taken to retain all silt and sediment on site during the construction phase to the satisfaction of the Responsible Authority, in accordance with the sediment control principles outlined in EPA Publication 275: "Construction Techniques for Sediment Pollution Control" 1991 and to the satisfaction of the Responsible Authority.
- 12. 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.



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13. 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.
14. 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.
15. 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.

**Planning Notes**

This permit does not authorise the commencement of any building construction works. Before any such development may commence, the applicant must apply for and obtain appropriate building approval.

Any structures or buildings with high damage potential from flooding should be erected a minimum of 300mm above the 100-year ARI flood level.

Goulburn Murray Water

Moirā Shire Council and the Committee of Management enter an agreement in relation to the maintenance of the Adventure Playground

The Committee of Management and Moirā Shire Council carry Public Liability Insurance for the Adventure Playground and indemnify GMW against any claims.

**MOTION**

CRS DON McPHEE / WENDY BUCK

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That Council approve the issue of a Notice of Decision to Grant a Permit for Planning Application No 52014891 for the use and development of land described as CA's 1, 2 & 3, Section 8 Township of Yarrawonga, Lake Mulwala foreshore (Hunt Street, Yarrawonga), subject to the following conditions:

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  - (a) Detailed plans (inc. layout and elevations) of all buildings, playground structures and equipment.
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  - (a) Details of any tree removal (native and non-native);
  - (b) Details of the layout having regard for fixed infrastructure such as drainage pits, assuming that drainage infrastructure will not be relocated as part of this development. The plan should show clear space for maintenance vehicles to be able to park and manoeuvre next to the each of the pits currently within the park;
  - (c) Details of any relocation of shared paths required around / within the playground;
  - (d) Details of any relocation of BBQ shelters and appurtenant furniture that will be required to be relocated;
  - (e) Details of any additional park furniture;
  - (f) Details of any relocation of park lighting and provision of any additional lighting proposed including security lighting for the play equipment;
  - (g) Details of any CCT equipment to be installed around the park;
  - (h) Details of existing play equipment to be relocated or removed;
  - (i) Details of the proposed relocation or upgrading/redesign of the foreshore sprinkler system, including pumps;
  - (j) Details of any protection measures (ie fencing) for patrons using the playground equipment.
3. Before the *use and/or development* start(s), a Traffic Impact Assessment Report be prepared in accordance with the Infrastructure Design Manual to the satisfaction of the Responsible Authority and must be submitted to and approved by the Responsible Authority to address the following:
  - (a) Potential number of patrons/visitors to the adventure playground and how that number would translate into the number of expected car, bus, and other vehicle type movements per hour / per day;
  - (b) Existing recreational facilities and car parking in proximity of the adventure playground;
  - (c) The trip generation data must critically review the number vehicle spaces

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- required for the adventure playground;
  - (d) Possible location(s) for any additional car spaces, the circulation space and entrances etc;
  - (e) Key turning movement at nearby intersections and provide commentary on any possible intersection treatments;
  - (f) Any appropriate pedestrian crossings and treatments.
4. The use and development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
5. No fewer than the number of car space(s) identified in the approved Traffic Impact Assessment Report must be provided on or in vicinity of the subject land for the use and development, including spaces clearly marked for use by disabled persons.
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;
  - (f) clearly marked to show the direction of traffic along access lanes and driveways;
- to the satisfaction of the Responsible Authority.  
Car spaces, access lanes and driveways must be kept available for these purposes at all times.
7. No native vegetation (including trees, shrubs, herbs and grasses) shall be removed, lopped or destroyed unless a permit has been granted by the Responsible Authority.
8. A satisfactory landscaping plan for the whole of the subject land must be submitted to and approved by the Responsible Authority, prior to the development permitted by this permit commencing or, within 30 days of the issue of the Building Permit, whichever is the sooner. An endorsed copy of the plan must form part of this permit. The submitted plan must;
- (a) include a survey of all existing vegetation and natural features showing plants (over 2.0 metres in height) to be removed;
  - (b) include a schedule of all proposed trees, shrubs and ground cover, which will include the location, number and size at maturity of all plants, the botanical names of such plants and the location of all areas to be covered by grass, lawn or other surface materials as specified;
  - (c) the method of preparing, draining, watering and maintaining the landscaped area;
  - (d) the weed management program.
9. Before the use of the development starts or by such later date as is approved by

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the Responsible Authority in writing, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.

10. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.
11. Appropriate steps must be taken to retain all silt and sediment on site during the construction phase to the satisfaction of the Responsible Authority, in accordance with the sediment control principles outlined in EPA Publication 275: "Construction Techniques for Sediment Pollution Control" 1991 and to the satisfaction of the Responsible Authority.
12. 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.
13. 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.
14. 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.
15. 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.

**Planning Notes**

This permit does not authorise the commencement of any building construction works. Before any such development may commence, the applicant must apply for and obtain appropriate building approval.

Any structures or buildings with high damage potential from flooding should be erected a minimum of 300mm above the 100-year ARI flood level.

Goulburn Murray Water

Moirra Shire Council and the Committee of Management enter an agreement in relation to the maintenance of the Adventure Playground

The Committee of Management and Moirra Shire Council carry Public Liability Insurance for the Adventure Playground and indemnify GMW against any claims.

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*Cr Peter Mansfield called for a division.*

(CARRIED)

**FOR**

Cr Bourke  
Cr Buck  
Cr Cleveland  
Cr Mansfield  
Cr McPhee

**AGAINST**

Cr Cox  
Cr Keenan  
Cr Martin  
Cr Monk

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**ATTACHMENT No [1] - Playground Concept Plans**





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(GENERAL MANAGER  
INFRASTRUCTURE, ANDREW CLOSE)

**PLANNING PERMIT APPLICATION 52014891 - ADVENTURE PLAYGROUND -  
LAKE MULWALA FORESHORE (HUNT STREET, YARRAWONGA) (cont'd)**

**ATTACHMENT No [1] - Playground Concept Plans**





FILE NO: 52014891  
3. DEVELOPMENT AND LIVEABILITY

ITEM NO: 9.2.2  
(STATUTORY PLANNING  
COORDINATOR, PETER STENHOUSE)  
(GENERAL MANAGER  
INFRASTRUCTURE, ANDREW CLOSE)

**PLANNING PERMIT APPLICATION 52014891 - ADVENTURE PLAYGROUND -  
LAKE MULWALA FORESHORE (HUNT STREET, YARRAWONGA) (cont'd)**

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(STATUTORY PLANNING  
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**PLANNING PERMIT APPLICATION 52014891 - ADVENTURE PLAYGROUND -  
LAKE MULWALA FORESHORE (HUNT STREET, YARRAWONGA) (cont'd)**

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3. DEVELOPMENT AND LIVEABILITY

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(STATUTORY PLANNING  
COORDINATOR, PETER STENHOUSE)  
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**PLANNING PERMIT APPLICATION 52014891 - ADVENTURE PLAYGROUND -  
LAKE MULWALA FORESHORE (HUNT STREET, YARRAWONGA) (cont'd)**

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FILE NO: 52014891  
3. DEVELOPMENT AND LIVEABILITY

ITEM NO: 9.2.2  
(STATUTORY PLANNING  
COORDINATOR, PETER STENHOUSE)  
(GENERAL MANAGER  
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**PLANNING PERMIT APPLICATION 52014891 - ADVENTURE PLAYGROUND - LAKE MULWALA FORESHORE (HUNT STREET, YARRAWONGA) (cont'd)**

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(STATUTORY PLANNING  
COORDINATOR, PETER STENHOUSE)  
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**PLANNING PERMIT APPLICATION 52014891 - ADVENTURE PLAYGROUND -  
LAKE MULWALA FORESHORE (HUNT STREET, YARRAWONGA) (cont'd)**

**ATTACHMENT No [1] - Playground Concept Plans**





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(STATUTORY PLANNING  
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**PLANNING PERMIT APPLICATION 52014891 - ADVENTURE PLAYGROUND - LAKE MULWALA FORESHORE (HUNT STREET, YARRAWONGA) (cont'd)**

**ATTACHMENT No [1] - Playground Concept Plans**





FILE NO: 52014891  
3. DEVELOPMENT AND LIVEABILITY

ITEM NO: 9.2.2  
(STATUTORY PLANNING  
COORDINATOR, PETER STENHOUSE)  
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**PLANNING PERMIT APPLICATION 52014891 - ADVENTURE PLAYGROUND - LAKE MULWALA FORESHORE (HUNT STREET, YARRAWONGA) (cont'd)**

**ATTACHMENT No [1] - Playground Concept Plans**



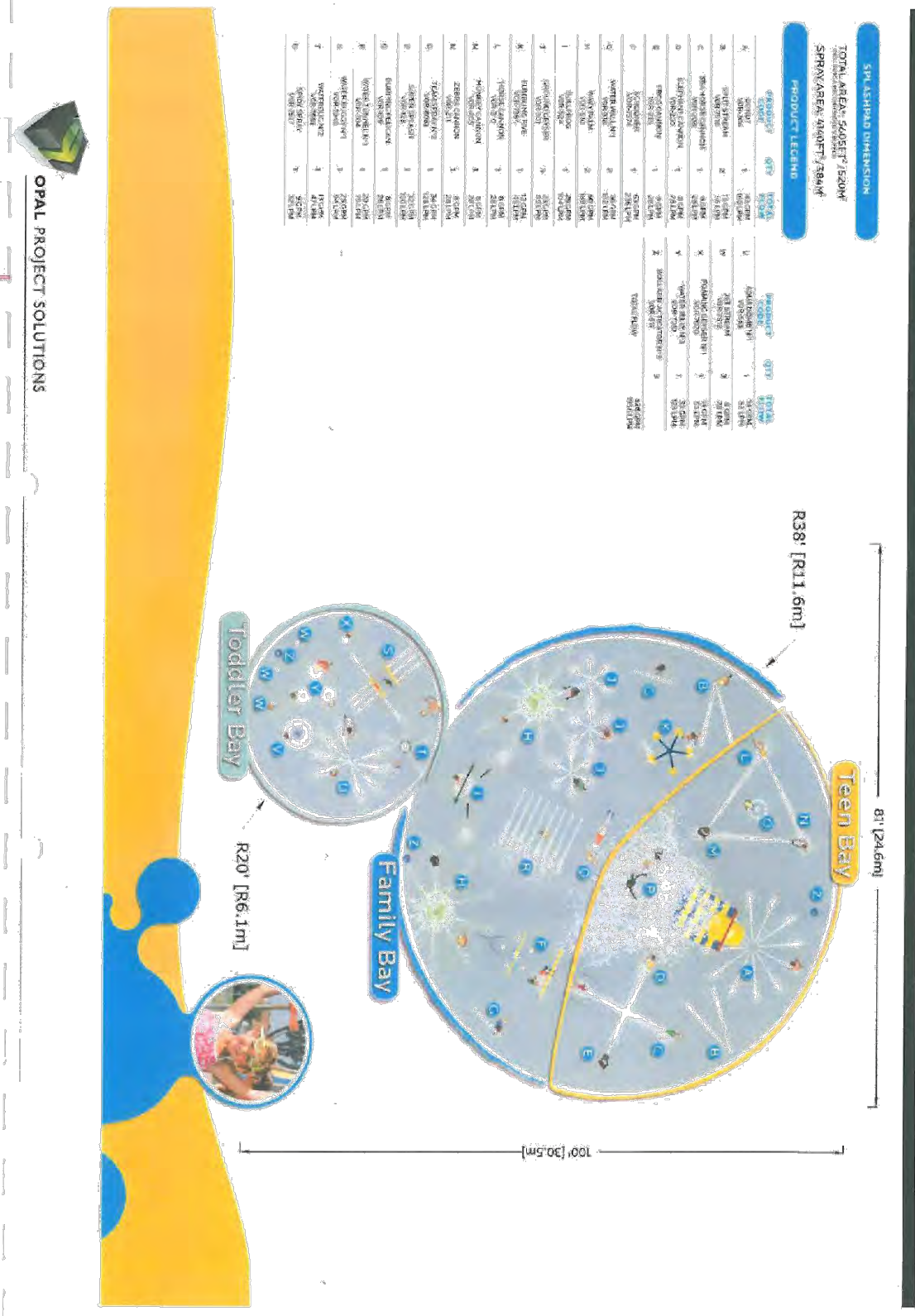


FILE NO: 52014891  
3. DEVELOPMENT AND LIVEABILITY

ITEM NO: 9.2.2  
(STATUTORY PLANNING  
COORDINATOR, PETER STENHOUSE)  
(GENERAL MANAGER  
INFRASTRUCTURE, ANDREW CLOSE)

**PLANNING PERMIT APPLICATION 52014891 - ADVENTURE PLAYGROUND - LAKE MULWALA FORESHORE (HUNT STREET, YARRAWONGA) (cont'd)**

**ATTACHMENT No [1] - Playground Concept Plans**



FILE NO: 52014891  
3. DEVELOPMENT AND LIVEABILITY

ITEM NO: 9.2.2  
(STATUTORY PLANNING  
COORDINATOR, PETER STENHOUSE)  
(GENERAL MANAGER  
INFRASTRUCTURE, ANDREW CLOSE)

**PLANNING PERMIT APPLICATION 52014891 - ADVENTURE PLAYGROUND -  
LAKE MULWALA FORESHORE (HUNT STREET, YARRAWONGA) (cont'd)**

**ATTACHMENT No [1] - Playground Concept Plans**





FILE NO: 52014891  
3. DEVELOPMENT AND LIVEABILITY

ITEM NO: 9.2.2  
(STATUTORY PLANNING  
COORDINATOR, PETER STENHOUSE)  
(GENERAL MANAGER  
INFRASTRUCTURE, ANDREW CLOSE)

**PLANNING PERMIT APPLICATION 52014891 - ADVENTURE PLAYGROUND -  
LAKE MULWALA FORESHORE (HUNT STREET, YARRAWONGA) (cont'd)**

**ATTACHMENT No [1] - Playground Concept Plans**



FILE NO: 52014891  
3. DEVELOPMENT AND LIVEABILITY

ITEM NO: 9.2.2  
(STATUTORY PLANNING  
COORDINATOR, PETER STENHOUSE)  
(GENERAL MANAGER  
INFRASTRUCTURE, ANDREW CLOSE)

**PLANNING PERMIT APPLICATION 52014891 - ADVENTURE PLAYGROUND - LAKE MULWALA FORESHORE (HUNT STREET, YARRAWONGA) (cont'd)**

**ATTACHMENT No [1] - Playground Concept Plans**



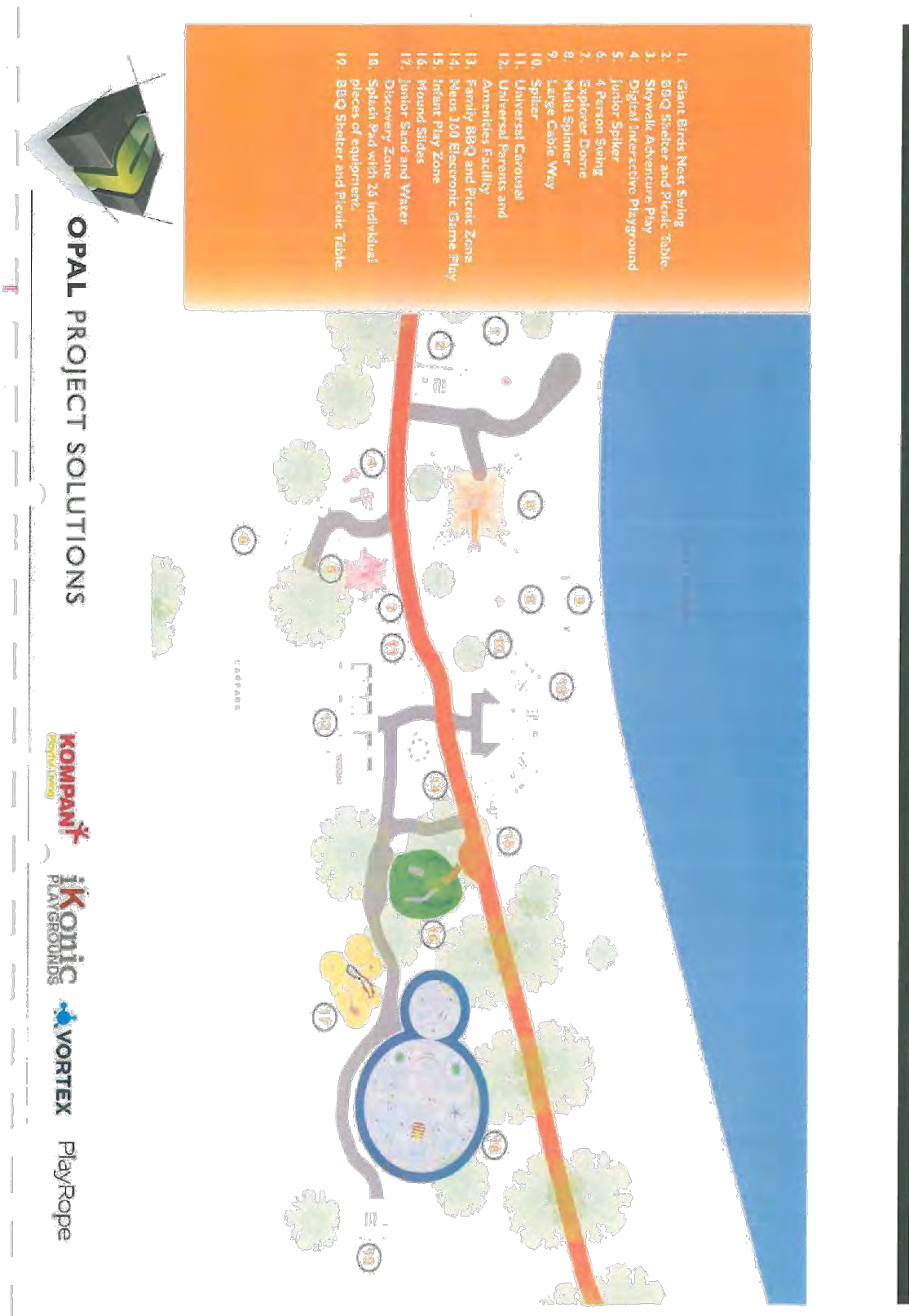


FILE NO: 52014891  
3. DEVELOPMENT AND LIVEABILITY

ITEM NO: 9.2.2  
(STATUTORY PLANNING  
COORDINATOR, PETER STENHOUSE)  
(GENERAL MANAGER  
INFRASTRUCTURE, ANDREW CLOSE)

**PLANNING PERMIT APPLICATION 52014891 - ADVENTURE PLAYGROUND -  
LAKE MULWALA FORESHORE (HUNT STREET, YARRAWONGA) (cont'd)**

**ATTACHMENT No [1] - Playground Concept Plans**

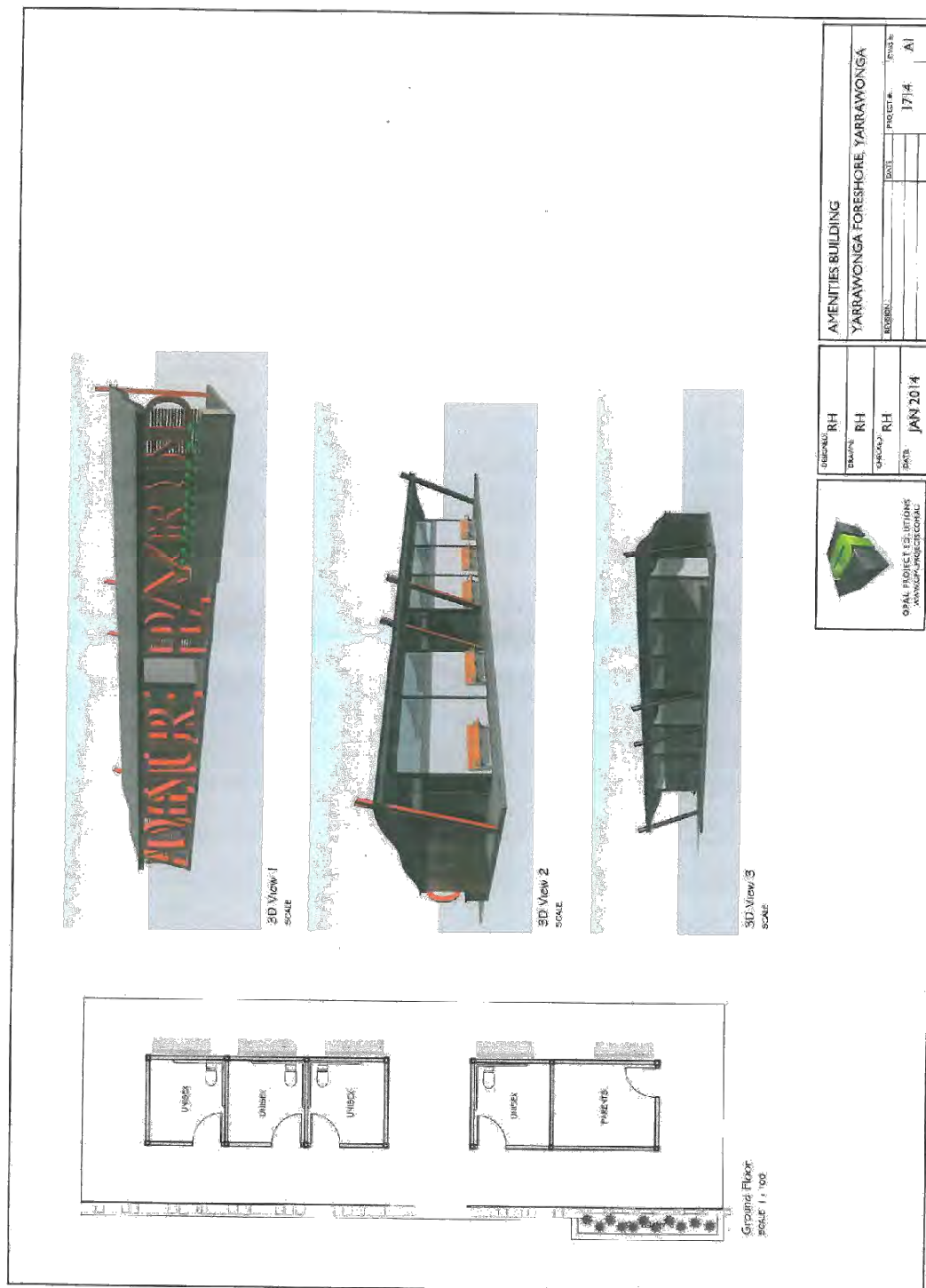


FILE NO: 52014891  
3. DEVELOPMENT AND LIVEABILITY

ITEM NO: 9.2.2  
(STATUTORY PLANNING  
COORDINATOR, PETER STENHOUSE)  
(GENERAL MANAGER  
INFRASTRUCTURE, ANDREW CLOSE)

**PLANNING PERMIT APPLICATION 52014891 - ADVENTURE PLAYGROUND -  
LAKE MULWALA FORESHORE (HUNT STREET, YARRAWONGA) (cont'd)**

**ATTACHMENT No [2] - Playground Amenities Building**





FILE NO: 52014891  
3. DEVELOPMENT AND LIVEABILITY

ITEM NO: 9.2.2  
(STATUTORY PLANNING  
COORDINATOR, PETER STENHOUSE)  
(GENERAL MANAGER  
INFRASTRUCTURE, ANDREW CLOSE)

**PLANNING PERMIT APPLICATION 52014891 - ADVENTURE PLAYGROUND -  
LAKE MULWALA FORESHORE (HUNT STREET, YARRAWONGA) (cont'd)**

**ATTACHMENT No [3] - Playground Site Plans**

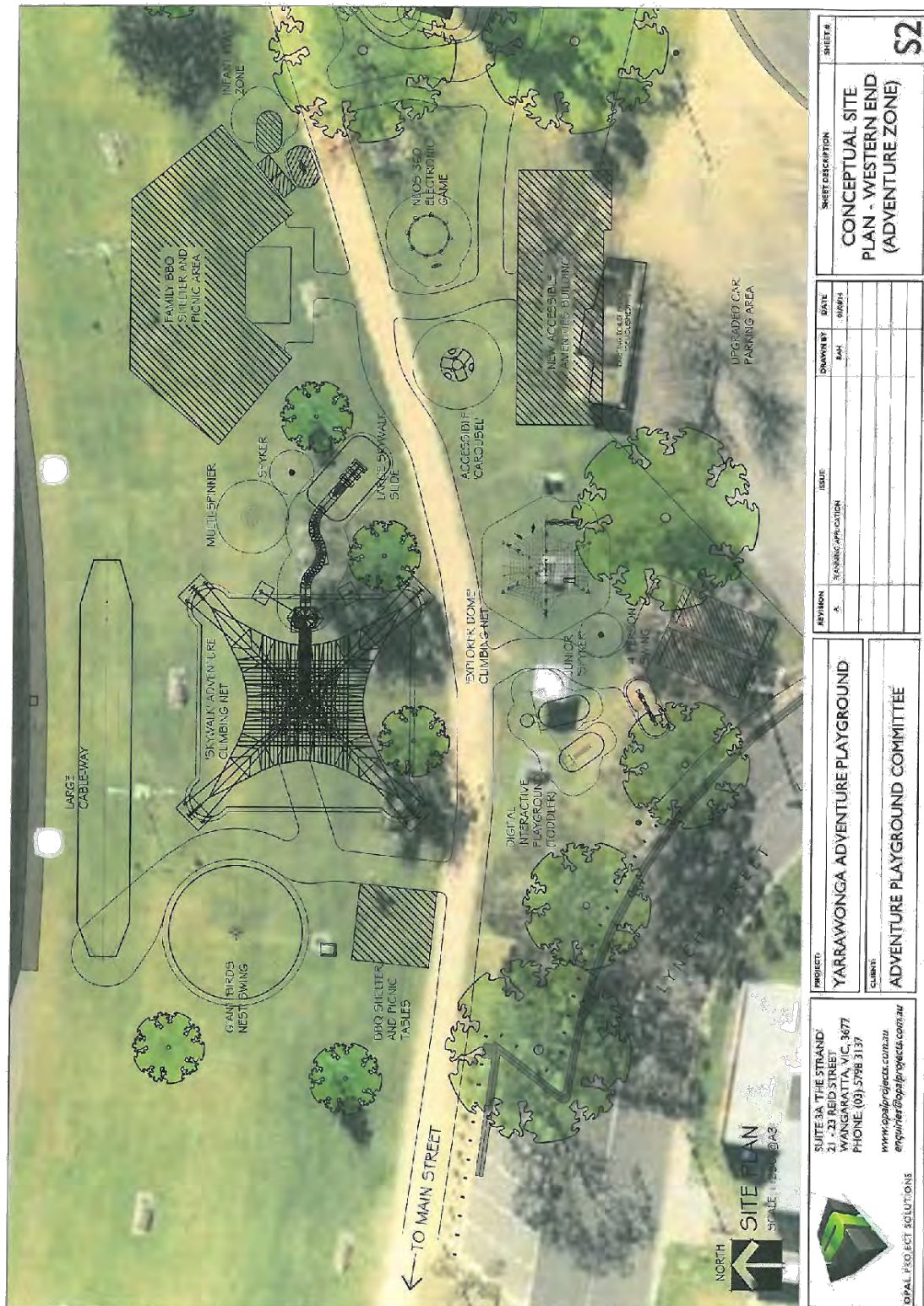




**ITEM NO: 9.2.2**  
**(STATUTORY PLANNING**  
**COORDINATOR, PETER STENHOUSE)**  
**(GENERAL MANAGER**  
**INFRASTRUCTURE, ANDREW CLOSE)**

**PLANNING PERMIT APPLICATION 52014891 - ADVENTURE PLAYGROUND - LAKE MULWALA FORESHORE (HUNT STREET, YARRAWONGA) (cont'd)**

## ATTACHMENT No [3] - Playground Site Plans





**ITEM NO: 9.2.2**  
**(STATUTORY PLANNING**  
**COORDINATOR, PETER STENHOUSE)**  
**(GENERAL MANAGER**  
**INFRASTRUCTURE, ANDREW CLOSE)**

**PLANNING PERMIT APPLICATION 52014891 - ADVENTURE PLAYGROUND - LAKE MULWALA FORESHORE (HUNT STREET, YARRAWONGA) (cont'd)**

**PROJECT:** SUITE 3A 'THE STRAND'  
21 - 23 RED STREET  
WANGARATTA, VIC. 3677  
PHONE: (03) 5798 3137  
[www.opalprojects.com.au](http://www.opalprojects.com.au)  
[enquiries@opalprojects.com.au](mailto:enquiries@opalprojects.com.au)

**CLIENT:** YARROWONGA ADVENTURE PLAYGROUND  
ADVENTURE PLAYGROUND COMMITTEE

**RESPONSE:** A

**AS BUILT:** JAN 2014

**DATE:** 01/04

**CONCEPTUAL SITE PLAN - EASTERN END (WATERZONE)**

**SCALE 1:250 @ A3**

**SITE PLAN**

**NORTH**

**UPGRADED CAR PARKING AREA**

**NEW ACCESSIBLE ADVENTURES BUILDING**

**WIDE-BOG ELECTRONIC GAME**

**CLIMB SLOPES**

**SPASH PAD WITH 26 INDIVIDUAL PIECES OF EQUIPMENT**

**BOO SHELTER AND PICNIC AREA**

**TUNNEL SAND AND WATER DISCOVERY ZONE**

**FAMILY BBQ SHELTER AND PICNIC AREA**

**INITIATIVE ZONE**

**OPAL PROJECT SOLUTIONS**

FILE NO: D15/24006  
5. INFRASTRUCTURE

ITEM NO: 9.2.3  
(MANAGER STRATEGIC PROJECTS,  
MARK FOORD)  
(GENERAL MANAGER  
INFRASTRUCTURE, ANDREW CLOSE)

## PETITION - REEDYS ROAD, BURRAMINE

### 1. Executive Summary

Council has received a joint letter signed by 10 people regarding Reedys Road Burramine.

The letter asks that Council improve signage to deter travelers from using Reedys Road to try to access the Murray River area, and to apply a dust suppressant to the gravel surface of the road.

Council and VicRoads have installed the standard signage to indicate the road does not access the Murray River and has ceased the practice of applying chemical –dust suppressants” to gravel roads because they are not effective.

There does appear to be a logical reason why travelers would be trying to access the river area via Reedys Road and that is the incorrect mapping showing on Google Maps. It is recommended that Council advise Google and have the maps corrected to help improve the quality of information provided to travelers.

It is recommended that the organizer of the petition be advised accordingly.

### 2. Background and Options

The letter asks that Council improve signage to deter travelers from using Reedys Road to try to access the Murray River area, and to apply a dust suppressant to the gravel surface of the road. It also alleges that people are travelling at high speeds.

#### a. Speed

The speed limit on Reedys Road is 100km/hr. There is no signage to indicate this, but as the road is within a 100km/hr zone and there is no additional signage, this is the speed limit. The speed limit is in accordance with all VicRoads standards and requirements.

There are no recorded accidents along Reedys Road or at the intersection of Reedys Road with the Murray Valley Highway.

A speed study is being carried out on the road, over the June long weekend. This will clearly show what traffic travels along the road. If the speed study reveals any results that are not expected for a road of this type, additional information will be made available to Council.

#### b. Dust Suppressant

Council has for some years abandoned the practice of using chemical and other dust suppressants upon its roads.

Experience has shown that while some materials are effective in the short term they do not last nor is the perception of dust reduction the same amongst users. Some users will say that the dust emanating from vehicles is less than before the application of a product and others may perceive little difference.

The bitumen dust suppression program to be continued this financial year in residential areas has been shown to be much more effective and provides better value to the community. Council has also used and will continue to use the granitic gravel treatment

FILE NO: D15/24006  
5. INFRASTRUCTURE

ITEM NO: 9.2.3  
(MANAGER STRATEGIC PROJECTS,  
MARK FOORD)  
(GENERAL MANAGER  
INFRASTRUCTURE, ANDREW CLOSE)

**PETITION - REEDYS ROAD, BURRAMINE (cont'd)**

in front of rural houses. The granitic sand has only a small percentage of fine material in it, which results in less dust when vehicles travel over it.

With respect to rural areas there has been a program to provide a temporary bitumen seal in front of rural properties at half cost to the property owner. This practice has not been continued over the last few financial years because of lack of take up by the rural community, despite its success in the initial period. This option is also available to property owners in Reedys Road.

**c. Signage**

VicRoads is responsible for the signage at the Murray Valley Highway. The petitioners have rightly stated in their letter that the road is correctly signed with two signs indicating that the road does not provide through access. The road is signed in accordance with Australian Standards and there are no additional standard signs available to help identify the road as a No Through Road.

**d. Mapping**

Examination of the VicRoads road map with respect to Reedys Road is a little difficult because of the size of the print, but the map does indicate that the road does not access the river area because it terminates short of the reserve.

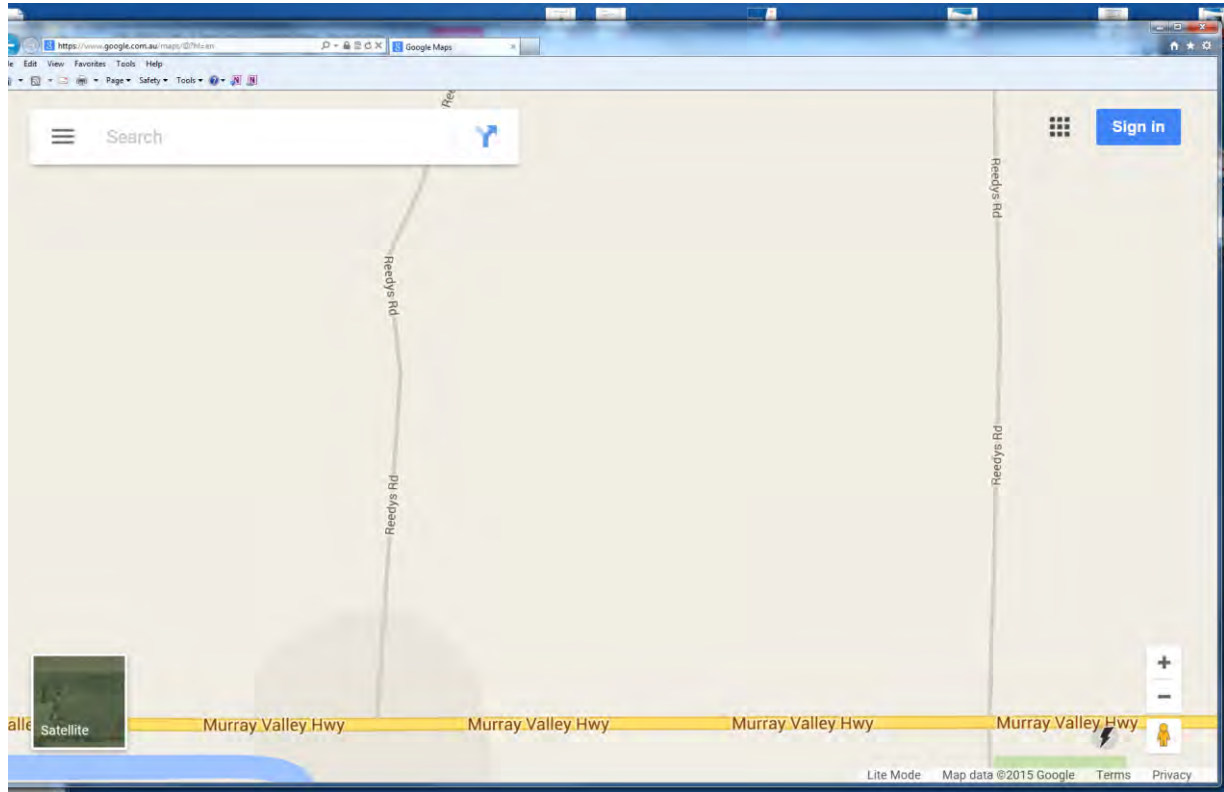
The Spatial Vision VICMAP map for the North East Region correctly shows that the road does not provide access to the reserve.

Google Maps, no doubt used by many travelers, however is not correct in that Nevins Road is incorrectly named as Reedys Road and shows that access to the river is possible via several routes. There are also several roads that are incorrectly described as Reedys Road. It is recommended that Council write to Google maps and advise Google of the correct mapping details for the two roads as this may be the source of some of the wayward travelers.

FILE NO: D15/24006  
5. INFRASTRUCTURE

ITEM NO: 9.2.3  
(MANAGER STRATEGIC PROJECTS,  
MARK FOORD)  
(GENERAL MANAGER  
INFRASTRUCTURE, ANDREW CLOSE)

**PETITION - REEDYS ROAD, BURRAMINE (cont'd)**



**3. Financial Implications**

There are no financial implications with respect to this report. If the local property owners take up the offer of sharing in the application of a bitumen seal Council would have to contribute half the cost under the current practice. Budget would have to be provided at budget review or could be considered for the financial year 2016/17.

**4. Risk Management**

Reedys Road is correctly signed in accordance with the required standards. The intersection signage is the responsibility of VicRoads.

**5. Internal and External Consultation**

Council's Assets Department have been consulted with respect to the correct position and length of Reedys Road.

**6. Regional Context**

There are no regional issues with respect to this report.

**7. Council Plan Strategy**

The Strategic Goal of Development (Liveability) is relevant in respect of tourism, and the Infrastructure Goal is also relevant in relation to the management of roads as well as the community's perception of the services that Council provides in relation to the roads.



FILE NO: D15/24006  
5. INFRASTRUCTURE

ITEM NO: 9.2.3  
(MANAGER STRATEGIC PROJECTS,  
MARK FOORD)  
(GENERAL MANAGER  
INFRASTRUCTURE, ANDREW CLOSE)

**PETITION - REEDYS ROAD, BURRAMINE (cont'd)**

**8. Legislative / Policy Implications**

There are standards and VicRoads requirements with respect to the signage used on roads. Australian Standards also set out the requirements for road signage that is to be utilized by Road Management Authorities.

**9. Environmental Impact**

There are no environmental impacts resulting from this report or the Officers recommendation.

**10. Conflict of Interest Considerations**

There are no conflict of interest issues in respect of the Officers involved in preparation of this report.

**11. Conclusion**

In examining the issues highlighted by the petitioners there appears to be a logical reason why travelers would be trying to access the Murray River area via Reedys Road and it is recommended that Council advise Google Maps about the inconsistencies shown on the maps with respect to the location and route of Reedys Road, Burramine.

**Attachments**

- 1 Reedy Road Photos and Letter

**RECOMMENDATION**

That:

1. Council thank the petitioners for their work in preparing the petition/multi signed letter concerning Reedys Road in Burramine.
2. That Council advise Google Maps of the inconsistencies shown on the maps with respect to the location and route of Reedys Road, Burramine.
3. Council advise VicRoads of the incorrect mapping of Reedys Road and request that VicRoads advise Google maps of the inconsistencies.
4. The residents of Reedy Road be advised of the option to provide a temporary seal - dust suppression seal.
5. Council consider the provision of funding half the cost of applying a temporary seal (dust suppression seal) to Reedys Road subject to the residents agreement to provide the remaining half of the required funding.
6. Council advise the petitioners of its decision by writing to the organiser of the petition.

**MOTION**

CRS KEVIN BOURKE / ED COX

That:

FILE NO: D15/24006  
5. INFRASTRUCTURE

ITEM NO: 9.2.3  
(MANAGER STRATEGIC PROJECTS,  
MARK FOORD)  
(GENERAL MANAGER  
INFRASTRUCTURE, ANDREW CLOSE)

**PETITION - REEDYS ROAD, BURRAMINE (cont'd)**

1. Council thank the petitioners for their work in preparing the petition/multi signed letter concerning Reedys Road in Burramine.
2. That Council advise Google Maps of the inconsistencies shown on the maps with respect to the location and route of Reedys Road, Burramine.
3. Council advise VicRoads of the incorrect mapping of Reedys Road and request that VicRoads advise Google maps of the inconsistencies.
4. The residents of Reedy Road be advised of the option to provide a temporary seal - dust suppression seal.
5. Council consider the provision of funding half the cost of applying a temporary seal (dust suppression seal) to Reedys Road subject to the residents agreement to provide the remaining half of the required funding.
6. Council advise the petitioners of its decision by writing to the organiser of the petition.

(CARRIED)

FILE NO: D15/24006  
5. INFRASTRUCTURE

ITEM NO: 9.2.3  
(MANAGER STRATEGIC PROJECTS,  
MARK FOORD)  
(GENERAL MANAGER INFRASTRUCTURE,  
ANDREW CLOSE)

**PETITION - REEDYS ROAD, BURRAMINE (cont'd)**

**ATTACHMENT No [1] - Reedy Road Photos and Letter  
Reedys Road Intersection with the Murray Valley Highway**



FILE NO: D15/24006  
5. INFRASTRUCTURE

ITEM NO: 9.2.3  
(MANAGER STRATEGIC PROJECTS,  
MARK FOORD)  
(GENERAL MANAGER INFRASTRUCTURE,  
ANDREW CLOSE)

**PETITION - REEDYS ROAD, BURRAMINE (cont'd)**

**ATTACHMENT No [1] - Reedy Road Photos and Letter**

FILE NO: D15/24006  
5. INFRASTRUCTURE

ITEM NO: 9.2.3  
(MANAGER STRATEGIC PROJECTS,  
MARK FOORD)  
(GENERAL MANAGER INFRASTRUCTURE,  
ANDREW CLOSE)

**PETITION - REEDYS ROAD, BURRAMINE (cont'd)**

**ATTACHMENT No [1] - Reedy Road Photos and Letter  
Signage at Reedys  
Road**

FILE NO: D15/24006  
5. INFRASTRUCTURE

ITEM NO: 9.2.3  
(MANAGER STRATEGIC PROJECTS,  
MARK FOORD)  
(GENERAL MANAGER INFRASTRUCTURE,  
ANDREW CLOSE)

**PETITION - REEDYS ROAD, BURRAMINE (cont'd)**

**ATTACHMENT No [1] - Reedy Road Photos and Letter**





FILE NO: D15/24006  
5. INFRASTRUCTURE

ITEM NO: 9.2.3  
(MANAGER STRATEGIC PROJECTS,  
MARK FOORD)  
(GENERAL MANAGER INFRASTRUCTURE,  
ANDREW CLOSE)

**PETITION - REEDYS ROAD, BURRAMINE (cont'd)**

**ATTACHMENT No [1] - Reedy Road Photos and Letter**

FILE NO: D15/24006  
5. INFRASTRUCTURE

ITEM NO: 9.2.3  
(MANAGER STRATEGIC PROJECTS,  
MARK FOORD)  
(GENERAL MANAGER INFRASTRUCTURE,  
ANDREW CLOSE)

**PETITION - REEDYS ROAD, BURRAMINE (cont'd)**

**ATTACHMENT No [1] - Reedy Road Photos and Letter  
Petition or Multi Signed**

23 April 2015

Mr Andrew Close  
General Manager, Infrastructure  
Moirā Shire Council  
PO Box 578  
Cobram VIC 3643

Dear Mr Close

**Reedys Road, Burramine**

I write on behalf of my neighbours of Reedys Road, Burramine.

Reedys Road is correctly signed at the intersection with the Murray Valley Highway as "No Through Road" and "No River Access".

Despite this, many vehicles with long caravan trailers turn into Reedys Road and travel to its end at very high speeds.

This creates wear on the road, excessive dust and presents a danger to the lower-speed local users. When these long vehicles get to the impassable end of Reedys Road, they need to turn around by driving into the unkept road reserve. A number of school children walk along Reedys Road to catch the school bus, on the understanding that it is a local road. These non-local, high-speed users are increasing the risk to these children.

We are writing to request that large "No Through Road" and "No River Access" signs be placed on Reedys Road within the minimum possible distance of the intersection with the Murray Valley Highway. This may encourage drivers to turn back to the Murray Valley Highway immediately, rather than travelling to the dead end of Reedys Road.

We are also requesting that a dust suppressing topping be placed on the road. The road adjoins the property of a local organic farmer. If a non-chemical suppressant is available, we request that be used.

Please let me know if you require any further information from us. We appreciate your consideration of this matter and look forward to hearing from you.

Yours sincerely

0.

FILE NO: F13/858  
3. DEVELOPMENT AND LIVEABILITY

ITEM NO: 9.2.4  
(MANAGER CONSTRUCTION AND  
ASSETS, GRAHAM HENDERSON)  
(GENERAL MANAGER INFRASTRUCTURE,  
ANDREW CLOSE)

## PROPOSAL TO DISCONTINUE HAMILTON LANE COBRAM

### 1. Executive Summary

Council has previously resolved to exercise its power under the Local Government Act to discontinue Hamilton Lane by a notice published in the Government Gazette after having initially conducted public consultation under Section 223 of the Local Government Act.

It was subsequently realized, the public consultation had been conducted for a period of 24 days rather than the 28 day period from the date of the first publication in a local newspaper as required under the Local Government Act.

The implementation of Council's resolution was paused until a second compliant Section 223 process could be run. Had any objections been received from this second consultation process, Council would have been asked to rescind its decision to consider those objections.

However, no objections have been received from the second public consultation process it is now recommended to proceed with the discontinuation of Hamilton Lane.

### 2. Risk Management

To have proceeded with the discontinuation of Hamilton Lane without running the second Section 223 compliant consultation process could have left Council's decision open to challenge at some point in the future.

The lack of objection to the closure of Hamilton Lane from the second consultation process, confirms the outcome from the first non-compliant consultation process which informed Council in its decision at the April Ordinary Council meeting.

### 3. Internal and External Consultation

The public notice for the second public consultation process was advertised in the Cobram Courier edition of 13 May 2015

Closing date for receiving written submissions was 10 June 2015, providing a period of 28 days as required under the Act.

No submissions from the public had been received by the closing date.

### 4. 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.

### 5. Conflict of Interest Considerations

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

FILE NO: F13/858  
3. DEVELOPMENT AND LIVEABILITY

ITEM NO: 9.2.4  
(MANAGER CONSTRUCTION AND  
ASSETS, GRAHAM HENDERSON)  
(GENERAL MANAGER INFRASTRUCTURE,  
ANDREW CLOSE)

## PROPOSAL TO DISCONTINUE HAMILTON LANE COBRAM (cont'd)

### 6. Conclusion

As with the first consultation process, no written submissions of objection have been received from the public following the second compliant public consultation period to Council's proposal to discontinue Hamilton Lane

It is therefore recommended that Council resolve to 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

### 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

### MOTION

CRS ED COX / GARY CLEVELAND

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

(CARRIED)

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

### 1. Executive Summary

The records of the Assembly of Councillors reported during the month of May 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 May 2015. Their recording into the Council Minutes ensures Council meets its statutory obligations under section 80A of the Act.

### Attachments

- 1 Attachment 4
- 2 Attachment 11
- 3 Attachment 13
- 4 Attachment 25

### RECOMMENDATION

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



**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)**

**MOTION**

CRS KEVIN BOURKE / GARY CLEVELAND

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

(CARRIED)

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 4**



**RECORD OF ASSEMBLY OF COUNCILLORS**

Date held	4 May 2015
Name of meeting	MAV Planning and Building Training Program
Councillors attending	Councillors Marie Martin , Kevin Bourke, Gary Cleveland, Don McPhee, Ed Cox (departed 12.30pm) and Brian Keenan (departed 12.30pm)
Council staff attending	Acting CEO / General Manager Infrastructure, Andrew Close, General Manager Corporate, Leanne Mulcahy, Manager Town Planning and Building, Jorine Bothma, Manager Governance & Communications, Linda Nieuwenhuizen
Matters discussed	1. MAV Planning and Building Training Program
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 11**



**RECORD OF ASSEMBLY OF COUNCILLORS**

Date held	11 May 2015	
Name of meeting	Council Briefing	
Councillors attending	Councillors Marie Martin, Don McPhee, Peter Mansfield, Brian Keenan, Ed Cox, Wendy Buck, Gary Cleveland, Kevin Bourke, Alex Monk arrived at 1.00pm	
Council staff attending	Chief Executive Officer, Mark Henderson, General Manager Infrastructure, Andrew Close, General Manager Corporate, Leanne Mulcahy.	
Matters discussed		
1. Agenda Review		
2. Management Report		
3. Powercor – Power outages in Yarrawonga		
4. Numurkah Footpaths		
5. Murray Regional Tourism		
6. GMW Infrastructure Connections Project		
7. Silverwoods update		
8. Municipal Emergency Management Plan		
9. Youth Discussion		
10. Numurkah Community Learning Centre		
11. Rate Capping Consolation Paper		
12. Numurkah Footpaths survey		
Conflict of Interest Disclosures (indicate below if Nil or complete details)		
Matter No.	Councillor	Did Councillor leave meeting
1.	Gary Cleveland - Arts and Culture Small Grants Scheme April 2015)	No (matter was not discussed)
1.	Brian Keenan - Section 86 Committee of Management Representatives Appointments – Amendments)	No (matter was not discussed)

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 13**



**RECORD OF ASSEMBLY OF COUNCILLORS**

Date held	13 May 2015
Name of meeting	CEO Performance Review
Councillors attending	Councillors Marie Martin, Kevin Bourke, Brian Keenan, Alex Monk, Ed Cox, Gary Cleveland, Peter Mansfield
Council staff attending	Chief Executive Officer, Mark Henderson
Matters discussed	
	1. CEO Performance Review
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 [4] - Attachment 25**



**RECORD OF ASSEMBLY OF COUNCILLORS**

Date held	25 May 2015
Name of meeting	Councillor Briefing
Councillors attending	Councillors Marie Martin, Ed Cox, Wendy Buck, Gary Cleveland, Peter Mansfield, Don McPhee, Brian Keenan and Kevin Bourke
Council staff attending	Chief Executive Officer, Mark Henderson, General Manager Corporate, Leanne Mulcahy, General Manager Infrastructure, Andrew Close, Manager Governance and Communications, Linda Nieuwenhuizen
Matters discussed	1. Agenda review 2. MDBA Grants 3. Roads and Bridges Funding
Conflict of Interest Disclosures (indicate below if Nil or complete details)	Nil

FILE NO: 11.1  
6. GOVERNANCE

ITEM NO: 11.1  
(EXECUTIVE ASSISTANT, MAYOR AND  
COUNCILLORS, BOBBY BROOK)  
(GENERAL MANAGER - CORPORATE,  
LEANNE MULCAHY)

## ACTION OFFICERS LIST

### Attachments

- 1 Action Officer's List

### RECOMMENDATION

That Council receive and note the Action Officers List.

### MOTION

CRS ED COX / DON MCPHEE

That Council receive and note the Action Officers List.

(CARRIED)



FILE NO: 11.1  
6. GOVERNANCEITEM NO: 11.1  
(EXECUTIVE ASSISTANT, MAYOR AND  
COUNCILLORS, BOBBY BROOK)  
(GENERAL MANAGER - CORPORATE,  
LEANNE MULCAHY)**ACTION OFFICERS LIST (cont'd)****ATTACHMENT No [1] - Action Officer's List**

Action Officers List –June 2015

Meeting: Ordinary Council Meeting 23 March 2015	Subject: Renaming of Part Lakeview Circuit Yarrowonga	<p><b>MOTION</b></p> <p>CRS KEVIN BOURKE / ALEX MONK</p> <p>That Council:</p> <ol style="list-style-type: none"> <li>1. adopt the interim name of "Rakali Drive" for the balance of Lakeviews Circuit;</li> <li>2. place advertisements in local papers seeking comments within 30 days regarding the adoption of this name;</li> <li>3. write to owners of properties adjoining this road seeking comments within 30 days; and</li> <li>4. if no objections are received following the consultation process, adopt the name "Rakali Drive" for submission to the Office of Geographic Names.</li> </ol> <p>(CARRIED)</p>	<p><b>COMPLETED</b></p> <p>No objections received, Rakali Drive submitted to Office of Geographic Names for approval.</p>
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1

FILE NO: 11.1  
6. GOVERNANCEITEM NO: 11.1  
(EXECUTIVE ASSISTANT, MAYOR AND  
COUNCILLORS, BOBBY BROOK)  
(GENERAL MANAGER - CORPORATE,  
LEANNE MULCAHY)**ACTION OFFICERS LIST (cont'd)****ATTACHMENT No [1] - Action Officer's List**

Action Officers List –June 2015

Meeting: Ordinary Council Meeting 27 April 2015	Subject: Request to initiate Heritage Scheme Amendment and Adopt Draft Heritage Study	<p><b>MOTION</b></p> <p>CRS WENDY BUCK / BRIAN KEENAN</p> <p>That:</p> <ol style="list-style-type: none"> <li>1. Council adopt the <i>Moira Shire Heritage Study Stage One (2004)</i>, <i>Moira Shire Heritage Study Stage Two (2007)</i> Volumes 1-5 (Inc) and <i>Moira Shire Heritage Study (2007) Addendum 24 March 2015</i>.</li> <li>2. Council, in accordance with the <i>Planning and Environment Act 1987</i>, 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.</li> </ol> <p>(CARRIED)</p>	<p><b>Completed</b></p> <p>Request to seek authorisation from Minister for Planning sent to Department of Planning for preparation to send authorisation documents.</p>
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2

FILE NO: 11.1  
6. GOVERNANCE

ITEM NO: 11.1  
(EXECUTIVE ASSISTANT, MAYOR AND  
COUNCILLORS, BOBBY BROOK)  
(GENERAL MANAGER - CORPORATE,  
LEANNE MULCAHY)

## ACTION OFFICERS LIST (cont'd)

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

Action Officers List –June 2015

Meeting: Ordinary Council Meeting 23 March 2015	
Subject: Petition Maple Crescent Park, Numurkah	
<b>MOTION</b>	
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)
<b>ACTIVITY</b>	
Council officers will organise meeting with residents before the end of 2014/15 financial year.	

3

FILE NO: 11.1  
6. GOVERNANCE

ITEM NO: 11.1  
(EXECUTIVE ASSISTANT, MAYOR AND  
COUNCILLORS, BOBBY BROOK)  
(GENERAL MANAGER - CORPORATE,  
LEANNE MULCAHY)

## ACTION OFFICERS LIST (cont'd)

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

Action Officers List –June 2015

Meeting: Ordinary Council Meeting 23 March 2015	
Subject: Petition for process to remove Gum Trees from Lott Street Yarrawonga	
<b>MOTION</b>	
CRS WENDY BUCK / PETER MANSFIELD	
That:	
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)
<b>ACTIVITY</b>	
Two community meetings have been held with residents of Lott Street. A report is being prepared for Council to consider a project developed by the residents for replacement of the trees in Lott Street with "Griffith Pink" Brachitrons – a cultivar of the original trees planted as part of the WW1 memorial avenue.	

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FILE NO: 11.1  
6. GOVERNANCEITEM NO: 11.1  
(EXECUTIVE ASSISTANT, MAYOR AND  
COUNCILLORS, BOBBY BROOK)  
(GENERAL MANAGER - CORPORATE,  
LEANNE MULCAHY)**ACTION OFFICERS LIST (cont'd)****ATTACHMENT No [1] - Action Officer's List**

Action Officers List –June 2015

Meeting: Ordinary Council Meeting 27 April 2015.	Subject: Council Plan
<p><b>MOTION</b> That Council:</p> <ol style="list-style-type: none"> <li>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.</li> <li>2. Authorise the Chief Executive Officer to:               <ol style="list-style-type: none"> <li>(a) give public notice of the preparation of the Draft reviewed 2013-2017 Council Plan;</li> <li>(b) invite submissions in respect of this matter in accordance with Section 223 of the Local Government Act 1989;</li> <li>(c) make available for public inspection the Draft reviewed 2013-2017 Council Plan; and</li> <li>(d) receive submissions until 4pm Friday 29 May 2015.</li> </ol> </li> <li>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;</li> <li>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.</li> </ol> <p>(CARRIED)</p>	
<p><b>ACTIVITY</b></p> <ul style="list-style-type: none"> <li>• A meeting to hear submissions was held on 9 June 2015.</li> <li>• A report to adopt the reviewed 2013/14 to 2016/17 Council Plan is in the June Ordinary Council Meeting.</li> </ul>	

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FILE NO: 11.1  
6. GOVERNANCE

ITEM NO: 11.1  
(EXECUTIVE ASSISTANT, MAYOR AND  
COUNCILLORS, BOBBY BROOK)  
(GENERAL MANAGER - CORPORATE,  
LEANNE MULCAHY)

## ACTION OFFICERS LIST (cont'd)

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

Action Officers List –June 2015

Meeting: Ordinary Council Meeting 23 February 2015	Subject: Discontinuation of Hamilton Lane Cobram	<p><b>MOTION</b></p> <p>CRS ED COX / ALEX MONK</p> <p>That Council:</p> <p>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.</p> <p>(CARRIED)</p>	<p><b>ACTIVITY</b></p> <p>A Discontinuation of Hamilton Lane Report is in the June Ordinary Council Meeting.</p>
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6



FILE NO: 11.1  
6. GOVERNANCEITEM NO: 11.1  
(EXECUTIVE ASSISTANT, MAYOR AND  
COUNCILLORS, BOBBY BROOK)  
(GENERAL MANAGER - CORPORATE,  
LEANNE MULCAHY)**ACTION OFFICERS LIST (cont'd)****ATTACHMENT No [1] - Action Officer's List**

Action Officers List –June 2015

Meeting: Ordinary Council Meeting 23 February 2015	Subject: Lease to National Broadband Network - Wunghnu	<p><b>MOTION</b></p> <p>CRS KEVIN BOURKE / DON MCPHEE</p> <p>That Council:</p> <ol style="list-style-type: none"> <li>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.</li> <li>2. Authorise the CEO to sign and seal the lease documents.</li> </ol> <p>(CARRIED)</p>	<p><b>ACTIVITY</b></p> <p>Paper work completed at this end, waiting return of lease agreement.</p>
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FILE NO: 11.1  
6. GOVERNANCE

ITEM NO: 11.1  
(EXECUTIVE ASSISTANT, MAYOR AND  
COUNCILLORS, BOBBY BROOK)  
(GENERAL MANAGER - CORPORATE,  
LEANNE MULCAHY)

## ACTION OFFICERS LIST (cont'd)

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

Action Officers List –June 2015

Meeting: Ordinary Council Meeting 23 February 2015	
Subject: Lease to Optus Mobile Pty Ltd – Cobram, Numurkah and Yarrawonga	
<p><b>MOTION</b></p> <p>CRS BRIAN KEENAN / ED COX</p> <p>That Council:</p> <ol style="list-style-type: none"> <li>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.</li> <li>2. Authorise the CEO to sign and seal the lease documents.</li> </ol> <p>(CARRIED)</p>	
<p><b>ACTIVITY</b></p> <p>Paper work completed at this end, waiting return of lease agreement.</p>	

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FILE NO: 11.1  
6. GOVERNANCE

ITEM NO: 11.1  
(EXECUTIVE ASSISTANT, MAYOR AND  
COUNCILLORS, BOBBY BROOK)  
(GENERAL MANAGER - CORPORATE,  
LEANNE MULCAHY)

## ACTION OFFICERS LIST (cont'd)

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

Action Officers List –June 2015

Meeting: Ordinary Council Meeting 23 February 2015	
Subject: Lease to Telstra Corporation Limited - Nathalia Telecommunications Tower	
<b>MOTION</b>	
CRS KEVIN BOURKE / DON MCPHEE	
That Council:	
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.	(CARRIED)
<b>ACTIVITY</b>	
Paper work completed at this end, waiting return of lease agreement.	

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FILE NO: 11.1  
6. GOVERNANCE

ITEM NO: 11.1  
(EXECUTIVE ASSISTANT, MAYOR AND  
COUNCILLORS, BOBBY BROOK)  
(GENERAL MANAGER - CORPORATE,  
LEANNE MULCAHY)

## ACTION OFFICERS LIST (cont'd)

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

Action Officers List – June 2015

Meeting: Ordinary Council Meeting 15 September 2014	
Subject: General Business – VCAT orders.	
<b>MOTION</b>	
CRS KEVIN BOURKE / MARIE MARTIN	
That Council authorise the Chief Executive Officer to seek enforcement of the recent VCAT orders on the tyre storage facilities at Numurkah and Katunga (CARRIED)	
<b>ACTIVITY</b>	
The matter has been filed at the Supreme Court with the Court date listed as Wednesday 24 June 2015. The debt recovery of costs has been registered at the Magistrates Court and has been handed over to Council's debt collectors to progress further. The Magistrates Court case to enforce the unpaid Infringement Notice for the tyre shredder will be heard on 29 July 2015.	

10

FILE NO: 11.1  
6. GOVERNANCEITEM NO: 11.1  
(EXECUTIVE ASSISTANT, MAYOR AND  
COUNCILLORS, BOBBY BROOK)  
(GENERAL MANAGER - CORPORATE,  
LEANNE MULCAHY)**ACTION OFFICERS LIST (cont'd)****ATTACHMENT No [1] - Action Officer's List**

Action Officers List –June 2015

Meeting: Ordinary Council Meeting 09 December 2013	Subject: Cobram Library	<p><b>MOTION</b></p> <p>CRS GARY CLEVELAND / MARIE MARTIN</p> <p>That:</p> <ol style="list-style-type: none"> <li>1. Council approve the Cobram Civic Centre as the location for the new Cobram Library/Community Hub.</li> <li>2. Authorise Council Officers to seek the services of a suitably qualified Architect to undertake the detailed design of a multiple staged 'Civic Centre Precinct' in order to meet with the projected future needs of the community, with Stage 1 of the project being a new Library facility and associated works.</li> </ol> <p>(CARRIED)</p>	<p><b>ACTIVITY</b></p> <p>With the appointment of Dale Cohen and Associates to the Cobram Library Project, the detailed design for this project is now being developed. Meeting regularly with the technical steering committee for the project, the Architect is working to convert the concept of the project into a detailed design in readiness for tender and construction.</p> <p>Input from the Goulburn Valley Regional Library and the Library steering committee are central to this process which is expected to result in a final design by September 2015.</p>
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11

FILE NO: 11.1  
6. GOVERNANCE

ITEM NO: 11.1  
(EXECUTIVE ASSISTANT, MAYOR AND  
COUNCILLORS, BOBBY BROOK)  
(GENERAL MANAGER - CORPORATE,  
LEANNE MULCAHY)

## ACTION OFFICERS LIST (cont'd)

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

Action Officers List –June 2015

Meeting: Ordinary Council Meeting 12 December 2011	
Subject: Local Law 2007 Meeting Procedure	
<b>MOTION</b> That Council review the Local Law 2007 Meeting Procedure.	(CARRIED)
<b>ACTIVITY</b> A briefing note was distributed in late November. Focus of the review is around options for question time. Staff have done a preliminary review with proposed improved changes and will refine before seeking feedback from Councillors.	

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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

**MOTION**

CRS PETER MANSFIELD / WENDY BUCK

That Items of General Business be considered

(CARRIED)

**MOTION**

CRS BRIAN KEENAN / KEVIN BOURKE

That Council contact, DELWP and Local Members for support in eradicating the massive influx of Corella and Cockatoos within the Shire.

(CARRIED)

Cr Alex Monk would like to pass on appreciation from a visitor to Katamatite to the Outdoor Staff for their hard work in keeping the amenities clean and tidy.

Cr Kevin Bourke supported Cr Monks comments and commended the Outdoor staff also.

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: 16

**QUESTIONS FROM THE PUBLIC GALLERY**

16.1 **Lou Cook Numurkah**

Question: How much did it cost Moira to send Councillors to ALGA Conference and what is the affiliation cost with ALGA?

Answer: The CEO responded with the cost being approximately \$3000 per Councillor to attend which included travel, accommodation and registration.

The Councils membership with ALGA is derived from being a member of the MAV.

FILE NO: VARIOUS

ITEM NO: 17

**MEETING ADJOURNMENT**

**RECOMMENDATION**

That the meeting be adjourned for 10 minutes.

**MOTION**

CRS ED COX / DON MCPHEE

That the meeting be adjourned.

(CARRIED)  
The meeting adjourned at 6.35pm

**RECOMMENDATION**

That the meeting be resumed.

**MOTION**

CRS PETER MANSFIELD / DON MCPHEE

That the meeting be resumed.

(CARRIED)  
The meeting resumed at 6.45pm

**RECOMMENDATION**

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

**MOTION**

CRS DON MCPHEE / ED COX

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

(CARRIED)

FILE NO: VARIOUS

ITEM NO: 17

**MEETING ADJOURNMENT****RECOMMENDATION**

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

**MOTION**

CRS ED COX / ALEX MONK

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

(CARRIED)

**RECOMMENDATION**

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

**MOTION**

CRS ED COX / DON MCPHEE

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.

(CARRIED)