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### **AGENDA**

**ORDINARY MEETING OF COUNCIL**  
**FOR**  
**MONDAY 19 SEPTEMBER 2016**  
**TO BE HELD AT DANCOCKS ROOM, NATHALIA**  
**COMMENCING AT 5:00 PM**

**1. CALLING TO ORDER – CEO**

**RECORDING**

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

**2. PRAYER**

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

Amen

**3. ACKNOWLEDGEMENT OF COUNTRY**

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

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

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

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

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

**Recommendation:** "That the minutes of the Ordinary Council Meeting held on Monday, 22 August 2016, as prepared, be confirmed."

**8. COUNCILLOR REPORTS**

NIL

**9. OFFICER REPORTS FOR DETERMINATION**

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- 20. CLOSE OF MEETING

FILE NO: TBC  
5. DEMONSTRATING GOOD GOVERNANCE

ITEM NO: 9.1.1

## MOIRA SHIRE COUNCIL 2015/16 ANNUAL REPORT

### RECOMMENDATION

That Council, in accordance with section 134 of the Local Government Act 1989, considers and receives the 2015/16 Annual Report prepared as at 30 June, 2016.

### 1. Executive Summary

Council is required to prepare and submit its 2015/16 Annual Report, including the audited Financial Statements and Performance Statement, to the Minister on 30 September 2016. The 2015/16 report has been prepared in advance of this timeline to ensure Council has opportunity to note the report before the commencement of the Caretaker Period.

The Annual Report is provided for Council's consideration and receipt in accordance with the requirements of the Local Government Act 1989 (The Act).

Following Council's receipt of the Annual Report, the report will be made available to the community and stakeholders via Council's website and copies will be printed and made available from Council's service centres.

### 2. Background and Options

#### Process

This report concludes the final steps for preparing Council's Annual Report in accordance with the Act. Under the Act Council is required to:

- prepare an Annual Report including audited Performance Statement and Financial Statements, and submit the Report to the Minister within 3 months of the conclusion of the reporting period;
- consider the Annual Report at a Council meeting within 30 days of submitting the report to the Minister
- make copies available via Council's website and from Council service centres.

Following Council's consideration and receipt of the Annual Report, officers will coordinate printing and provision of copies of the report online and from Council's service centres.

#### Report Highlights

Moirā Shire Council's sound governance, increased community engagement, improving financial position with a \$2.395 million surplus and the safe and efficient delivery of the capital works program were key achievements for the 2015/16 financial year.

- Council delivered a capital works program of \$9.722 million with a further \$1.21 million of works in progress as at 30 June 2015.
- Council increased its local road reconstruction and resealing works by more than 80% during 2015/16 and reduced square meter costs by a third. The results were achieved through the combination of a \$1.9 million boost to Council's Federal Government Roads to Recovery grant funding and lower oil (bitumen) prices. Council reconstructed and resealed more than 510,000 square meters of road surface compared with 284,000 square meters the year prior and at the end of the reporting period 99.7% of Council's sealed roads were better than the intervention level – up from 87% the year prior.



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- Warm weather and the outbreak of blue green algae in local rivers and water ways contributed to a 25% increase in visits to Council's five public **outdoor swimming pools**. Council extended the pool season at Yarrowonga and Cobram which resulted in a further 1129 visitors across the two weeks.
- To ensure Council's services are sustainable under rate capping and with constrained financial resources Council commenced programs to identify **underutilised facilities** and services that are no longer appropriate or feasible for Council to provide. This process saw the decommissioning of the Cobram Saleyards and the Cobram Caravan Park and a public expression of interest process to test community interest in a number of underutilised buildings.
- Council's pound provided temporary accommodation for 503 **animals** with more than half reunited with their owners or rehomed. An increase in the local feral cat population accounted for around 20% of all animals received by Council.
- Satisfaction with Council's **community consultation and engagement** remained steady as Council introduced new tools and techniques for sharing information and seeking community feedback including the launch of Council's Facebook page.
- Council improved the proportion of **planning** matters decided in 60 days. A number of complex and controversial applications including proposals for a rehabilitation centre, intensive agriculture, transport developments, waterfront activities and liquor licenced premises increased the median processing time. The value of investing in extended community consultation and feedback to inform Council decisions is demonstrated by the fact none of Council's decisions were overturned by VCAT.
- The first full year of Council's **organic waste service** has proven the value of this initiative to the Moira community and Council's bottom line.
  - Council's contractor flipped more than 1.03 million kerbside bins compared with 1.01 million 'flips' the year prior but overall kerbside collection service costs reduced as more than 54% of kerbside waste was diverted into recycling and organics processing and so avoided the increasing landfill fees and charges.
  - In every month organic waste contamination rates were below the industry benchmark of 1%, at and below 0.5%.
- Council improved its existing kerbside collection performance by actively identifying bin replacement and repairs which reduced bin requests, and Council continues to achieve excellent collection reliability with an average of 0.38 bins missed for every 10,000 scheduled bin collections.

### Financial Position

- Council's financial position continues to strengthen as Council cost-effectively delivered programs and service and paid down existing debt. Council is on track to record 'green' for all Victorian Auditor General (VAGO) indicators.
- Council ends 2015/16 with a \$2.395 million **surplus** and an underlying financial surplus of 0.20% which sits squarely in the middle of the target range of -20% to 20%.
- Planning for future capital funding needs is vital. Council's funding sources are highly dependent on rate revenue and rate capping will progressively eat into Council's ability to

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## MOIRA SHIRE COUNCIL 2015/16 ANNUAL REPORT (cont'd)

fund service delivery and capital works. Council anticipates it may need to take on further debt or seek above-cap increases in future years to fund large scale drainage and flood mitigation works program across the Shire to upgrade existing drainage to meet growth in key centres and repair existing infrastructure that is approaching the end of its useful life.

### Capital works delivery

- Completion of a \$2 million road reseal program with more than 80 km of roads resealed.
- Reconstruction of St James Road Yundool.
- Reconstruction and widening of Naring Rd Numurkah.
- Over \$1.5 million spent on resheeting almost 120 km of Council's 2,500 km gravel road network.
- Completion of works to rehabilitate cells 1 to 4 at the Cobram Landfill. The overall project cost was \$2 million and saw 3.5 hectare of the Cobram landfill rehabilitated with an engineered cap over the closed cells and the installation of bores to monitor the performance of the cap into the future.
- Commencement of the \$1.8 million Cobram Library project due for completion in late 2016

All the LGPRF indicators will be published later this year on the Victorian Government's Know Your Council website and this will allow members of the community to review and compare Council's performance with other councils and against 2014/15.

### 3. Financial Implications

There are no further financial implications.

### 4. Risk Management

There are no further risks associated with the annual report.

### 5. Internal and External Consultation

The Annual Report will be made available online and for inspection at Council Service Centres after the September Council Meeting. Advertisements confirming the availability of the report will appear in local media.

### 6. Regional Context

Nil.

### 7. Council Plan Strategy

Demonstrating good governance.

### 8. Legislative / Policy Implications

The Annual Report meets Council's obligations under the Local Government Act 1989 and is prepared in accordance with the model reports provided by the Department.

### 9. Environmental Impact

Hard copies of the report must be produced for display at Council's service centre, agencies and the State Library. Council endeavours to keep printed copies to a minimum by encouraging online and electronic access to the report.

### 10. Conflict of Interest Considerations

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

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5. DEMONSTRATING GOOD GOVERNANCE

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## MOIRA SHIRE COUNCIL 2015/16 ANNUAL REPORT (cont'd)

### 11. Conclusion

Council's Annual Report meets statutory obligations and presents key highlights and challenges for the organisation and the community for 2015/16. It is recommended that Council, in accordance with section 134 of the Act, considers and receives the 2015/16 Annual Report, inclusive of audited financial and performance statements as at 30 June 2016.

### Attachments

Nil

FILE NO: F13/151  
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.1.2  
(RECREATION CONTRACTS OFFICER ,  
CLINTON SHAND)  
(GENERAL MANAGER - CORPORATE,  
LEANNE MULCAHY)

## MOIRA SHIRE COMMUNITY SAFETY STRATEGY 2016 - 2019

### RECOMMENDATION

That Council:

1. Adopt the Moira Shire Community Safety Strategy 2016-2019;
2. Adopt the Terms of Reference for the Moira Shire Local Safety Committee;
3. Endorse the appointment of Acting Inspector Mick Logan, Victoria Police as Chairperson;
4. Authorise the CEO to undertake an expression of interest process to select up to two community members; and
5. Endorse the position of Deputy Chairperson to be held by a Moira Shire Councillor Community Safety Committee representative.

### 1. Executive Summary

The Moira Shire Local Safety Committee has worked to develop the 2016 – 2019 Moira Shire Community Safety Strategy for Council approval.

During this meeting the committee also endorsed the following appointments to the committee:

Chairperson – Acting Inspector Mick Logan Victoria Police  
Deputy Chairperson – Marie Martin – Moira Shire Councillor

The Moira Shire Community Safety Strategy (attached) is based on the following four objectives;

1. Personal Safety
2. Safety in the Home
3. Safety in The Community
4. Road Safety

The purpose of the strategy is to identify key contributors that put at risk community safety and to describe the interventions that member partners of the committee and indeed the wider community can use to improve the sense of safety within Moira Shire.

A terms of reference for the Moira Shire Local Safety Committee has also been developed and included with this report. This outlines how the committee operate as they work to action the strategy.

The Moira Shire Local Safety Committee has endorsed these draft documents and now seeks Council's endorsement.

### 2. Background and Options

The most recent Moira Shire Community Safety plan was adopted by Council in 2010.

More recently, the 2016 – 2019 Moira Shire Community Safety Strategy has been developed by the Local Safety Committee with input from the community.

The goals of the strategy are;

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2. IMPROVING MOIRA'S LIVEABILITY

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LEANNE MULCAHY)

## MOIRA SHIRE COMMUNITY SAFETY STRATEGY 2016 - 2019 (cont'd)

- To form and maintain a strong, active and effective team consisting of Council, emergency services, community representatives and other key stake holders that can deliver positive outcomes.
- To establish a model of solution-focused communication and promotion to all levels of the community and its agencies.
- To set clear achievable goals that will have beneficial and effective outcomes for the wider community.
- To provide direction and understanding of current issues and challenges to encourage the community to offer positive recommendations.
- To raise public awareness in a positive manner.

Both the committee and the strategy provide an avenue through which local service providers, emergency services and the general public can both input and receive information relating to community safety within their town and the Shire more broadly.

With the previously listed goals in mind, the Moira Shire Community Safety Strategy focuses on four key objectives that were identified during the consultation process:

1. Personal Safety
2. Safety in the Home
3. Safety in The Community
4. Road Safety

The Committee comprises of representatives (members or their delegate) from nominated organizations identified who can have significant influence on outcomes identified within the strategy. Two individual community representatives will also be appointed by resolution of Council following a public expression of interest process.

In addition, a separate reference group will provide advice to the Committee on relevant issues, pertaining to their specified area.

The newly formed committee met for the first time on 30 August, 2016 to endorse both the Moira Shire Community Safety Strategy and the Terms of Reference. During this meeting the committee also endorsed the following appointments to the committee:

Chairperson – Acting Inspector Mick Logan Victoria Police  
Deputy Chairperson – Marie Martin – Moira Shire Councillor

For each objective, a number of actions will be identified via an action plan which will allocate responsibility to members of the committee who include Victoria Police, Emergency Services, RoadSafe GV, VicRoads, Department of Environment Land Water and Planning, Dept. of Justice, Education Dept., Department of Health and Human Services, Council staff representatives. Up to two community members will be appointed through an expression of interest process.

### 3. Financial Implications

The 2016/17 budget allocates \$2,000 for the Local Safety Committee. Other deliverables contained within the strategy which are the responsibility of Moira Shire have been considered with Council's current operational and capital budgets in mind.

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## MOIRA SHIRE COMMUNITY SAFETY STRATEGY 2016 - 2019 (cont'd)

### 4. Risk Management

The Committee comprises representatives from key organisations which are actively involved in community safety. The Committee reviews and prioritises actions.

### 5. Internal and External Consultation

The Moira Shire Community Safety Strategy has been developed by the Local Safety Committee and its representatives, Council officers and has been informed through community consultation.

### 6. Regional Context

As part of the development of Moira Shire Community Safety Strategy, analysis of similar plans from neighbouring Councils formed part of the research.

Whilst the strategy highlights local issues, a number of these priorities are also shared both regionally and across the state. The impact of drugs and alcohol on the community as well as road safety are examples that, whilst featuring in this local strategy is prevalent across a wider area.

### 7. Council Plan Strategy

Community Safety is a key contributor to the strategic goal of *Improving Moira's Liveability* as identified in the Council Plan.

Specifically, this strategy delivers on a Strategic Performance Indicator which states;

*(2) Encourage safe and resilient communities*

A key action from this being to 'Develop and commence implementation of Community Safety Plan 2015-2019'

### 8. Legislative / Policy Implications

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

### 9. Environmental Impact

There are no environmental implications associated with this report.

### 10. Conflict of Interest Considerations

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

### 11. Conclusion

The Moira Shire Community Safety Strategy 2016 – 2019 has been developed by the Moira Shire Local Safety Committee following evaluation of the previous plan, internal and community consultation and analysis of other similar plans from the region.

The strategy has four key objectives namely, Personal Safety, Safety in the Home, Safety in the Community and Road Safety.

The Moira Shire Local Safety Committee and its members will implement key actions identified within the strategy and seek to do this in partnership with the community over the next 4 years.

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**MOIRA SHIRE COMMUNITY SAFETY STRATEGY 2016 - 2019 (cont'd)**

Through the implementation of this strategy, it is expected that Moira Shire and its communities will be seen as being safe places to live and work.

**Attachments**

- 1 Moira Shire Community Safety Strategy - DRAFT
- 2 Local Safety Committee - Terms of Reference

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**MOIRA SHIRE COMMUNITY SAFETY STRATEGY 2016 - 2019 (cont'd)**

ATTACHMENT No [1] - Moira Shire Community Safety Strategy - DRAFT

# Moira Shire Council

## Community Safety Strategy 2016 to 2019

*Moira Shire Council endeavours to be a leader in community safety.*

Draft: 27th May 2016



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**MOIRA SHIRE COMMUNITY SAFETY STRATEGY 2016 - 2019 (cont'd)**

**ATTACHMENT No [1] - Moira Shire Community Safety Strategy - DRAFT**

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## MOIRA SHIRE COMMUNITY SAFETY STRATEGY 2016 - 2019 (cont'd)

### ATTACHMENT No [1] - Moira Shire Community Safety Strategy - DRAFT

#### Mayor's Message

Welcome to Moira Shire Council's *Community Safety Strategy 2016 to 2019*.

Community safety is an important priority for our Council as we work to provide an exceptional quality of life for our residents. We do this through improving social cohesion and building community capacity to reduce the risk of crime and its harmful effects.

Crime prevention at all levels is the shared responsibility of the community. In some instances, this may be a more passive role, such as reporting suspicious behaviour or simply keeping an eye out for your neighbours' property.

In other instances, it may be a more active role, such as having input through our Local Safety Committee (LSC) or giving feedback about your perceptions of safety. This feedback allows us as a Council to have a better understanding about how safety is impacting you and what we should be doing to improve this.

As a Council, we will continue to develop and strengthen relationships with Police and other emergency response agencies to ensure that community safety remains a priority.

Our role in community safety will include:

- Leadership and facilitation of partnerships.
- Advocacy to all levels of government and key local agencies.
- Developing individual and community responsibility.
- Connecting people in community life through supporting and delivering programs.
- Education.
- Regulatory control and enforcement.

- Planning and design.
- Emergency management planning.

To ensure a holistic approach to improving the safety and liveability of our Shire, the strategy is based on four focus areas:

1. Personal safety.
2. Safety in the home.
3. Safety in the community.
4. Road safety.

Already, the Council facilitates a number of programs which are run in partnership with service providers and we will continue to place importance on working with these groups for a positive outcome for all. In particular, we look forward to continuing our work with the LSC, which has played an important role in developing this strategy and helping to define priorities.

The implementation of this strategy is outlined in the accompanying 12 month action plan, which will be developed each year in partnership with the LSC. The strategy will also be reviewed each year to ensure it remains timely and effective.

It is my pleasure to endorse this strategy on behalf of my fellow councillors.

Cr Gary Cleveland  
Moira Shire Council Mayor

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## MOIRA SHIRE COMMUNITY SAFETY STRATEGY 2016 - 2019 (cont'd)

### ATTACHMENT No [1] - Moira Shire Community Safety Strategy - DRAFT

#### Introduction

All community members want to live in a place where it feels safe.

This strategy will play a major role in setting strategic direction to improve safety in the Moira Shire through the provision of community education and collaborative partnerships that support sharing information, knowledge, resources and responsibility.

This strategy provides the foundation for a safe and thriving community and will guide the actions undertaken by Council, community agencies and the community to reduce the risk of crime and anti-social behaviour and improve community perceptions of safety.

This strategy is listed as an action in the Council Plan, which recognises the importance of safety in building strong and resilient communities.

In developing this three-year strategy, input was provided by the Moira Shire Local Safety Committee (LSC) and community members through community consultation.

This is reflected in the objectives of the strategy, which are to:

- Form and maintain a strong, active and effective team consisting of Council, emergency services, community representatives and other key stakeholders that can deliver positive outcomes.
- Establish a model of solution-focused communication and promotion to all levels of the community and its agencies.
- Set clear, achievable goals that will have beneficial and effective outcomes for the wider community.

- Provide direction and understanding of current issues and challenges to encourage the community to offer positive recommendations.

- Raise public awareness in a positive manner.

Other factors that contribute to community safety include the creation of education and employment opportunities, and the health and wellbeing of our residents, which are addressed in a number of other strategies and plans which the Council is delivering for its community. This strategy has endeavoured, where possible, not to duplicate actions contained within other Council strategies and plans.

The successful implementation of this strategy, which enforces the cycle of education, monitoring and action, requires collaboration and action between a wide range of groups and organisations to ensure effective crime prevention is embedded.

The strategy also recognises the work and considerable efforts of groups which already exist and which the Council supports to improve community safety.

The Council will co-ordinate its efforts to produce and encourage a safer and more inclusive community.

The initiatives in this strategy build collaborative relationships with various community stakeholders, and highlight Council's commitment to maintaining strong partnerships with primary law enforcement agencies.

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## MOIRA SHIRE COMMUNITY SAFETY STRATEGY 2016 - 2019 (cont'd)

### ATTACHMENT No [1] - Moira Shire Community Safety Strategy - DRAFT

#### What is community safety?

By definition, community safety is not only about reducing and preventing injury and crime - it is about building strong, cohesive, vibrant, participatory communities.

A safe community is a place that is attractive to live, work and visit.

It is a liveable community, where people can go about their daily activities in an environment without fear, risk of harm, or injury.

In a safe community, people have realistic perceptions of risk and safety, and interact in their community accordingly.

According to the Victorian Safe Communities Network, community safety.

*"is characterised by community-wide participation in developing and delivering initiatives to improve the health, safety and wellbeing of populations at the local level in order to reduce the impact of unintentional injury, crime, violence and emergency situations on communities."*

Furthermore, the Australian Safe Communities Foundation<sup>2</sup> states that a safe community is:

*"one in which all sectors of the community work together in a coordinated and collaborative way, forming partnerships to promote safety, manage risk, increase the overall safety of all its members and reduce the fear of harm."*

*The key feature is the creation of a local infrastructure (ie. coalition of community business, government and non-government leaders) that combine their resources and interests to address local concerns about injuries, crashes, anti-social behaviour and crime in a co-ordinated and sustainable manner."*

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**MOIRA SHIRE COMMUNITY SAFETY STRATEGY 2016 - 2019 (cont'd)**

**ATTACHMENT No [1] - Moira Shire Community Safety Strategy - DRAFT**

**Moira Shire Council's role in community safety**

- Leadership and facilitation of partnerships.
- Advocacy to all levels of government and key local agencies.
- Developing individual and community responsibility.
- Connecting people in community life through supporting and delivering programs.
- Education.
- Regulatory control and enforcement.
- Planning and design.
- Emergency management planning.

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**MOIRA SHIRE COMMUNITY SAFETY STRATEGY 2016 - 2019 (cont'd)**

**ATTACHMENT No [1] - Moira Shire Community Safety Strategy - DRAFT**

**Moira Shire Local Safety Committee**

Moira Shire Council has been a long-time supporter of community safety, with part of its role being to co-ordinate a Local Safety Committee (LSC).

The LSC aims to advocate and promote a prosperous future through ensuring safety and security for all of the Shire's residents and visitors.

The goals of the LSC are:

1. To form and maintain a strong, active and effective committee consisting of Council, emergency services, community representatives and other key stakeholders to provide clear advice and actions on community safety.
2. To establish a communication model to all levels of the community and its agencies that will achieve beneficial and effective outcomes relating to community safety.
3. To provide direction and understanding of current issues and challenges to encourage the community to offer positive recommendations to the committee.

4. To raise public awareness in a positive manner.

The LSC is made up of representatives from the following organisations:

- Moira Shire Council.
- Victoria Police.
- Country Fire Authority.

- Ambulance Victoria.
  - State Emergency Service.
  - VicRoads.
  - Neighbourhood Watch.
  - Goulburn Valley RoadSafe.
  - Department of Justice.
  - Department of Health and Human Services.
  - Department of Environment, Land, Water and Planning.
  - Yerbena Training Centre.
  - Ethnic Council of Shepparton and District.
  - Moira Health Alliance.
  - Schools.
  - Community health.
  - Youth services.
  - Group training and apprenticeship organisations.
  - Community.
- The LSC also draws on the experience of other organisations and individuals as required.

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## MOIRA SHIRE COMMUNITY SAFETY STRATEGY 2016 - 2019 (cont'd)

### ATTACHMENT No [1] - Moira Shire Community Safety Strategy - DRAFT

#### Snapshot of the Moira Shire community

In the 2011 Census<sup>3</sup>, there were 28,124 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 Victorian and Australian populations.
- 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 Victorian and Australian medians of 37 years.
- Children aged 0 to 14 years made up 19.3% of the population and people aged 65 years and over made up 21.6% of the population.
- The highest proportion of the population (27.4%) is aged between 45 and 64.
- Those aged over 65 will increase from 21.2% in 2011 to 25.4% of the population in 2021, compared to the Victorian increase from 14% to 16.76%.

- Index of relative socio-economic disadvantage is 970.6.
- 47% of individuals have less than \$400/week income, compared to Victoria (39.9%) and Moira is ranked 10 out of 79 LGAs in Victoria.
- Moira (6.1%) is higher than Victoria (5.4%) and is ranked 20 out of 79 LGAs.
- Moira has a higher percentage of volunteers (26.7%) than Victoria (19.3%).
- Moira (68.8%) is ranked 7 out of 79 LGAs for people who did not complete year 12.
- Female life expectancy in Moira (84.1 years) is lower than Victoria (84.4 years).
- Male life expectancy in Moira (76.4 years) is lower than Victoria (80.3 years).

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**MOIRA SHIRE COMMUNITY SAFETY STRATEGY 2016 - 2019 (cont'd)**

**ATTACHMENT No [1] - Moira Shire Community Safety Strategy - DRAFT**

**Vision for community safety**

Moira Shire is a diverse, safe and welcoming community, where all people feel included and respected.

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**ATTACHMENT No [1] - Moira Shire Community Safety Strategy - DRAFT**

**Strategic plan**

**Focus area 1: Personal safety**

**Drug and alcohol use**

Despite its acceptance throughout Australia, alcohol consumption is a leading cause of health issues. Excessive drinking can be triggered by many reasons, including personal pressures and concerns, social acceptance and the ready availability of alcohol.

Excessive alcohol consumption is a major risk factor and often causes crime, road accidents, ill-health and mortality. Alcohol intoxication is implicated in almost half of all assaults, contributes to a third of road accidents leading to injury or death, and causes at least 3300 deaths each year across Australia<sup>4</sup>.

Locally, the 2013 Victorian Population Health Profile<sup>5</sup> found 17.2% of the Moira population is at risk of short-term harm from alcohol consumption, compared to Victoria (10.2%) and Hume (13.6%). Moira is ranked 3 out of 79 LGAs for this measure. The profile also showed that approximately 4% of males and 2% of women in Moira were at long-term risk of alcohol related harm.

As with alcohol, people consume illicit drugs for a variety of reasons including recreation, to be part of a group, out of curiosity or to avoid physical and/or psychological pain. Drug use is influenced by a number of factors including their perceived benefits.

The use of illicit drugs has considerable health risks for people who use them and impacts their family, friends and the wider community. Exposure to significant illness and disease including hepatitis C and human immunodeficiency virus (HIV), which women are biologically more vulnerable to, can dramatically reduce quality

of life. Maintaining employment can be difficult for drug users, further exacerbating their lack of financial security.

Victoria Police figures<sup>6</sup> show Moira reported a drug usage and possession offences of 1.9%, which was identical to the Victorian figure and lower than the Hume region figure of 2.2%.

Moira, like all areas of Australia, has been impacted by the relatively recent surge in crystal methamphetamine 'ice' use in Victoria, which poses a great concern for the general community, justice and health services. The detrimental effects of 'ice' include physical, psychological, legal and financial impacts on users and their families.

While reliable municipality based data is unavailable, police arrests and ambulance data across Victoria indicate that the use of 'ice' is quickly increasing. In addition, the purity of this substance has risen from approximately 20% in 2010-11 to more than 75% in the 2012-13 period. This has resulted in more than a 250% increase in the number of fatal overdoses as a result of 'ice' use since 2010<sup>7</sup>.

Data from the 2013 Victorian Population Health Profile<sup>8</sup> showed that the rate of drug usage and possession offences per 1000 of population in Moira was 3, compared with the Victorian rate of 3.4 and the Hume rate of 3.9. Moira was ranked 31 out of the 79 LGAs.

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Those most at risk from alcohol misuse and illicit drug use include:

- Young people engaging in risky behaviours.
- Women, children and young people experiencing family violence.
- Individuals or groups from culturally diverse backgrounds.
- People dealing with mental health issues and/or other challenging life situations.
- People who are homeless or living in insecure accommodation, such as rooming houses.
- People who are isolated from community life and their family.

Local governments are often confronted with the consequences of alcohol misuse and illicit drug use, including alcohol-related assaults, injuries, car crashes, property damage and other forms of anti-social or illegal behaviour<sup>9</sup>.

#### Mental health

Around 4.5 million adult Australians (nearly 20% of the population) experience mental illness each year. More than 45% of the adult population will have a mental illness at some point in their lives<sup>10</sup>.

Mental health issues affect the entire community, either directly or as a family member, carer, friend or workmate of a person with a mental illness. Mental health and the criminal justice system have long been intertwined. Mental disorders in prison populations are up to four times higher than those in the general population.

A strong link also exists between illicit drug use and mental health problems with those who have been incarcerated reporting almost

five times the incidence of substance-use disorders than other individuals.

The impact of mental health issues on both health and wellbeing can be severe. People with mental illness generally have poorer physical health, are more likely to abuse alcohol and other drugs and to have higher rates of suicide. They are also more likely than the rest of the population to experience homelessness, be imprisoned, have their children placed in out-of-home care or be unemployed.

In the 2013 Victorian Population Health Profile<sup>11</sup>, 9.8% of Moira residents reported a high to very high degree of psychological distress, compared with the Victorian rate of 11.4% and the Hume average of 1.2%. Moira ranked 59 when compared across LGAs in Victoria.

For Aboriginal and Torres Strait Islander (ATSI) people, there is greater prevalence of mental health issues compared to the general population. Research indicates that 27% of ATSI people experience high or very high levels of psychological distress; twice the rate of the non-Indigenous population. Additionally, ATSI people are hospitalised at twice the rate of non-Indigenous people for instances of self-harm<sup>12</sup>.

The Dropping Off The Edge report<sup>13</sup> released in 2015 revealed the rate of psychiatric admissions per 1000 of population aged 18 years and over (ranking in the state out of 667 localities – 1 most disadvantaged, 667 most advantaged) for Moira is:

- Nathalia (postcode 3638) – 225;
- Numurkah (postcode 3636) – 230;
- Yarrawonga (postcode 3730) – 188; and
- Cobram (postcode 3644) – 247.

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**MOIRA SHIRE COMMUNITY SAFETY STRATEGY 2016 - 2019 (cont'd)**

**ATTACHMENT No [1] - Moira Shire Community Safety Strategy - DRAFT**

| Goals  | Strategies   |
|--|--|
| Reduce the harmful impact of drugs and alcohol.                            | <ul style="list-style-type: none"> <li>Facilitate and promote drug and alcohol harm minimisation/ education programs for secondary school students.</li> <li>Continue to advocate for additional resources in drug and alcohol support services.</li> <li>Encourage membership of the Good Sports Program to sporting clubs to reduce alcohol-related problems such as binge drinking and underage drinking.</li> <li>Provide alternatives to alcohol at council events, and set limits on the supply of alcohol in council-owned facilities.</li> </ul> |
| Improve the community's awareness of and access to mental health services. | <ul style="list-style-type: none"> <li>Advocate for additional clinical and non-clinical services for mental health.</li> <li>Support and promote programs that address youth mental health issues.</li> <li>Promote mental health initiatives such as Beyond Blue and Are You Okay? Day.</li> </ul>   |

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**Focus area 2: Safety in the home**

**Family violence**

Family violence affects people in every locality and all social circumstances. Children and young people are usually affected by family violence, either as witnesses to such behaviour (one in four children or young people witnesses violence against their mother) or as victims of violence themselves. Effects include depression and low self-esteem; aggressive and bullying behaviour; sleeplessness; bedwetting; loss of interests or friends; poor school performance; suicidal or antisocial behaviour; alcohol and substance abuse; parent-child conflict and abuse; and suicide<sup>14</sup>.

Victoria Police<sup>15</sup> report that one out of 10 call-outs is in response to adolescent violence in the home – largely directed towards women.

Family incidents recorded by police in Moira Shire are:

- 100 between October 2010 and September 2011 (352 per 100,000 of population).
- 341 between October 2014 and September 2015 (1176 per 100,000 of population).
- 21% increase between September 2014 (281 or 975 per 100,000 of population) and September 2015.

The rate of domestic/family violence orders (ranking in the state out of 667 localities – 1 most disadvantaged, 667 most advantaged) for Moira is:

- Nathalia (postcode 3638) – 298.
- Numurkah (postcode 3636) – 176.
- Yarrawonga (postcode 3730) – 173.
- Cobram (postcode 3644) – 439.<sup>16</sup>

**Older persons**

Moira has a significantly higher older population than the State average, with 22.2% aged 65 to 84 years, compared with the Victorian rate of 14.5% and Hume rate of 17.8%. Furthermore, 3.2% of its population are aged over 85, compared with the State figure of 2.2% and Hume figure of 2.5%.

The Moira aged population at the 2011 Census was:

| Age         | Males | Females | Persons |
|-------------|-------|---------|---------|
| 65-69 years | 879   | 843     | 1,722   |
| 70-74 years | 748   | 728     | 1,476   |
| 75-79 years | 570   | 612     | 1,182   |
| 80-84 years | 422   | 477     | 899     |
| 85-89 years | 238   | 306     | 544     |
| 90-94 years | 54    | 153     | 207     |
| 95-99 years | 12    | 28      | 40      |
| 100 years + | 0     | 6       | 6       |

At least one in 20 older people across Australia, as well as many people living with a disability, experience violence and abuse in their homes and care settings at the hands of carers or others<sup>17</sup>.

For older people, regular visits by services such as Home and Community Care (HACC) and Meals on Wheels are often a way to increase safety as people know they will be receiving a scheduled service and anything untoward during these visits will be reported and acted upon.

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In the 2015 Community Satisfaction Survey<sup>18</sup>, Moira was rated 69 for performance in elderly support services, although it was ranked the 10<sup>th</sup> most important issue by those surveyed.

### Isolation

Belonging to a social network of communication and mutual obligation makes people feel loved, cared for, esteemed and valued. Supportive relationships may also encourage healthier behaviour patterns.

People who receive less social and emotional support experience lower level of wellbeing, more depression, increased risk of pregnancy complications and higher levels of disability from chronic disease.

Women are more vulnerable to the effects of social isolation, and experience a heightened risk due to gender-related issues such as:

- Childbearing and rearing becoming increasingly private, often conducted with a lack of support.
- 83% of single parents in Australia being female – single mothers often express feelings of loneliness and isolation.
- Violence against women restricting their social engagement, either by their own personal fear or restriction from partners.
- Women generally living longer, resulting in many living in isolation in their later years.
- Women engaging in less paid work, missing an opportunity for social interaction.
- Rumours and lack of confidentiality for rural women is a barrier to social connection.<sup>19</sup>

A higher proportion of Moira residents (56.7%) feel valued by society in comparison with Victorian (52.4%) and Hume region (53.9%) statistics. In a 2008 Department of Planning and Community Development survey, respondents were asked if they

could get help from friends, family or neighbours when they needed it, either definitely, sometimes or not at all. In Moira, 90.9% of persons living within Moira reported that they could definitely get help from friends, family or neighbours when they needed it, as compared to 91.8% in the Hume Region.

However, the following figures<sup>20</sup> point to some levels of disadvantage for social connectedness:

| Indicator                                       | Victoria | Hume  | Moira |
|---|----------|-------|-------|
| Internet - % households with broadband internet | 72.6%    | 65.6% | 60.7% |
| Transport - % pop. near public transport        | 74%      | 34.5% | 23%   |
| Transport - households with no vehicle          | 8.7%     | 6.1%  | 6.1%  |

The proportion of households without access to the internet (ranking in the state out of 667 localities – 1 most disadvantaged, 667 most advantaged)

- Nathalia (postcode 3638) – 67.
- Numurkah (postcode 3636) – 130.
- Yarrawonga (postcode 3730) – 112.
- Cobram (postcode 3644) – 119.<sup>21</sup>

### Safe homes

The Council and its partners have a role in assisting residents to make their homes safer. This can include initiatives such as helping residents be more aware of extreme weather warnings, including ensuring identified vulnerable people are assisted during

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heatwaves, making people aware of scams which put people's financial means at risk and promoting health and wellbeing, including physical fitness.

There is an abundance of resources available to encourage people to do things to improve their personal safety at home, including locking their cars and homes, putting valuables out of site and not leaving keys outside, however it is important that these messages are constantly reinforced through all methods available.

**Cyber safety**

For many people, the internet is a great source of information on home safety. However, it comes with risks which the Council and its community safety partners can help raise awareness of. Increased use of the internet has led to on-line scams and other predatory behaviours that result in adverse financial, health and wellbeing outcomes.

In 2013, the reported financial losses for scams reached \$90 million nationwide, though this figure is expected to be higher due to likely underreporting. Aside from financial losses, victims of on-line scams suffer impacts on their mental health, work capacity and personal relationships.

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| Goals   | Strategies   |
|---|--|
| Reduce the incidence of family violence.                        | <ul style="list-style-type: none"> <li>• Demonstrate leadership in the prevention of family violence.</li> <li>• Partner with a significant employer in Moira Shire to establish a pilot program for a series of gender equality and family violence training, to be rolled out to other major employers.</li> <li>• Host and promote events and activities for White Ribbon Day.</li> <li>• Encourage the participation of women and girls in sporting clubs and recreation activities to provide opportunities for women's and girl's leadership and achievement.</li> <li>• Strengthen and promote criteria for Council-funded community projects that require clubs and groups to demonstrate how they are including women and girls in their activities.</li> <li>• Advocate for a greater availability of emergency and short-term housing options for family violence victims.</li> <li>• Prepare and distribute information on what someone should do if they believe a neighbour, friend or family member is experiencing family violence.</li> </ul> |
| Ensure elderly persons are safe and well-cared for.             | <ul style="list-style-type: none"> <li>• Ensure Home and Community Care staff continue to report instances of elder abuse and abuse by carers, and to confidentially provide information on support services to those in need.</li> <li>• Promote awareness of current issues, such as scams and itinerant traders.</li> </ul>   |
| Reduce the vulnerability of residents as a result of isolation. | <ul style="list-style-type: none"> <li>• Encourage community members to build relationships with their neighbours.</li> <li>• Promote training on new technologies to vulnerable community members.</li> </ul>   |

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| Goals  | Strategies   |
|--|--|
|  | <ul style="list-style-type: none"> <li>Promote services and facilities available to the community, such as libraries and community centres.</li> <li>Encourage newly arrived refugees, CALD and Indigenous community members to participate in community activities and events.</li> <li>Develop a New Residents' Kit that provides information on community groups, events and activities.</li> <li>Improve access to Home and Community Care services for people from diverse backgrounds.</li> <li>Identify and develop community-based methods of support such as babysitting clubs, walking groups and food cooperatives.</li> <li>Support local efforts to engage more people in community volunteering and citizenship activities, such as volunteer groups, churches, service clubs, and professional or political associations.</li> <li>Advocate for improvements to mobile black spot areas.</li> <li>Ensure information, services and infrastructure support the needs of homeless community members.</li> <li>Promote safe home practices.</li> <li>Promote pool safety legislation and practices.</li> </ul> |
| Empower the community to make their homes safe.                        |  |
| Ensure the community is educated about the importance of cyber safety. | <ul style="list-style-type: none"> <li>Support schools in their delivery of educational resources and programs that focus on cyber safety, including targeting parents and children.</li> <li>Facilitate and promote information sessions about cyber safety.</li> </ul>   |



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#### Focus area 3: Safety in the community

##### Community safety initiatives

Community safety in Moira Shire requires a whole of community approach and a number of initiatives in partnership with other agencies have been put in place.

These include:

- Looking After Our Mates.
- Town and Business Audits.
- Older Driver Programs.
- Scooter Forums.
- Not So Fast Program.
- Drug Bus Initiatives.
- Food Handling Training.
- Responsible Service of Alcohol.
- Drug and Alcohol Programs.
- Keys Please Program.
- SafeTow Program.
- L Plate Driver Programs.
- Young Driver Programs.
- Good Sports Program.
- Drive Smart.
- Go Safe.
- Looking Out for Pedestrians.
- Making Motorcycling Safer.

The Council also supports Neighbourhood Watch and works closely with Victoria Police on initiatives to report suspicious behaviour, particularly in rural and isolated areas.

The LSC is another example of a collaborative partnership.

##### Public spaces and facilities

The quality of public places can significantly affect a community's overall level of health and wellbeing. The design and maintenance of public places affect how individuals feel about the safety of their surroundings and their sense of involvement in community life.

Public places include streets, parks, reserves, shopping centres, car parks and squares. Good design and regular maintenance can encourage people to use spaces, interact with each other and feel positive about their communities.

Research in Australia and overseas<sup>22</sup> shows overwhelming evidence that older people, particularly women, are fearful of particular situations including:

- Modes of transport other than the car.
- Going out at night.
- Use of public transport, in particular to travel at night.
- The situation at either end of a public transport journey, ie. waiting at a bus stop or walking to a parked car.
- The use of city centre car parks particularly at night and if multi-storeyed.
- Open spaces and pathways (alleyways and underpasses).

Like all local governments, Moira has been subjected to acts of vandalism and crime, with the offences recorded by police being<sup>23</sup>:

- 1397 between October 2010 and September 2011.
- 1512 between October 2014 and September 2015.
- 3% change between September 2014 (1472) and September 2015 (1512).

##### Young people

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the state (out of 667 localities, with 1 most disadvantaged, 667 most advantaged) being:

- Nathalia (postcode 3638) – 194.
- Numurkah (postcode 3636) – 154.
- Yarrawonga (postcode 3730) – 204.
- Cobram (postcode 3644) – 98.<sup>27</sup>

Young people aged 18 to 34 years were also the most unlikely to have contact with the Council.<sup>28</sup>

**Community connectedness**

Moira has challenges in terms of isolation through lack of internet and vehicle options which would impact the levels at which people feel connected with their community.

Despite this, its higher than average levels of volunteerism indicate that there is a strong sense of belonging and civic pride among residents. Volunteering contributes to community on a number of levels. It has a strong association to the economic capacity of a community because of its value and relationship with unpaid work. Volunteering also has a role in building social networks and increasing social cohesion. These factors can cultivate or contribute to a sense of belonging in the community, which benefits both the individual and the community.<sup>29</sup>

In the 2013 Population Health Profile<sup>30</sup>, a total of 26.7% of Moira residents surveyed said they had helped as a volunteer in the past 12 months, compared with the Victorian figure of 19.3% and the Hume figure of 25.8%. Moira was rated 31<sup>st</sup> in the LGAs for volunteerism.

The average Community Connection score across Australia is 70. In comparison, the average Community Connection score for

Young people are frequent and visible users of public spaces, using such places to construct their social identities by interacting with their peers and others<sup>24</sup>. Young people are often noticeable at public facilities, shopping centres, skate bowls and libraries, frequently attracting unwarranted negative attention based on ill-informed stereotypes.

Despite many achievements in improving safety in public places, many local young people have also reported feeling unsafe especially around people affected by alcohol or other drugs, or where they are targets of racism.

Violence experienced and perpetrated by young people is often a symptom of poverty, low education attainment, inadequacy of parenting or role-modelling, family dysfunction, or the influence of alcohol and other drugs<sup>25</sup>.

Community feedback given to the Council is often about a lack of activities for young people to do, particularly given the difficulty in getting to larger cities which provide a greater range of entertainment options.

Moira has a lower percentage of young population than both Victoria and the Hume region<sup>26</sup>.

| Indicator   | Victoria | Hume  | Moira                  |
|-------------|----------|-------|------------------------|
| 0-14 years  | 18.2%    | 19.7% | 19.1%<br>(5436 people) |
| 15-25 years | 13.9%    | 12.5% | 10.8%<br>(3073 people) |

Moira also has a significant proportion of young people aged 17-24 neither engaged in full time study or work, with its towns ranking in

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persons living in Moira was 76.7 in 2011, while the Hume Region was 77.4 and Victoria was 72.3.<sup>31</sup>

#### **Emergency situations**

Given the scale of natural and man-made disasters in Victoria in recent years, it is important local government plans for emergencies. In particular, local government plays a role in emergency preparedness and emergency response and in dire situations, members of the public will be looking to the Council to provide direction.

Within Victoria's emergency management arrangements, the Council is responsible for managing and coordinating municipal resources for responding to and recovering from emergencies. Local and regional planning ensures that agencies' expectations of Council's services are based on a realistic assessment of Council capability. The fundamental change in recent years is that achieving increased disaster resilience is not solely the domain of emergency management agencies; rather, it is a shared responsibility across the whole of society.

Disasters do not impact everyone in the same way, and it is often our vulnerable community members who are the hardest hit. The Council is a key point at which people will seek information on preparing and recovering from emergency situations and the Council's role in communicating key messages on this is an important consideration.

#### **Perceptions of safety**

In a 2011 VicHealth survey<sup>32</sup> respondents were asked to rate how safe they felt when walking alone in their local area during the day and at night. When walking alone in their local area during the day 99.4% of persons in Moira felt safe or very safe, compared to

98.4% in the Hume Region and 97% across Victoria. When walking alone at night 78.5% of persons in Moira felt safe or very safe, compared to 75.4% in the Hume Region and 70.3% across Victoria.

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| Goals   | Strategies  |
|---|---|
| Enhance opportunities to work collaboratively on community safety initiatives.                                      | <ul style="list-style-type: none"> <li>Promote the Local Safety Committee and the Community Safety Strategy.</li> <li>Ensure all agencies that are responsible for actions in the Community Safety Strategy sign an MOU for their delivery.</li> <li>Utilise arts and culture activities and events to enhance community safety initiatives.</li> <li>Participate in relevant local, regional and state networks to enhance partnerships and gain insight on emerging community safety issues and perceptions of safety.</li> <li>Promote and facilitate Community Safety Month (October).</li> </ul> |
| Ensure public spaces and facilities are planned and managed to reduce crime, and that they are safe and accessible. | <ul style="list-style-type: none"> <li>Understand and implement the Safer by Design Guidelines for Victoria and Crime Prevention Through Environmental Design principles within Council.</li> <li>Ensure community infrastructure is maintained to a high standard to support safety in public places.</li> <li>Promote safe swimming principles along the Murray River.</li> <li>Regularly review crime and community safety data, and feedback from key stakeholders and the community, to address location-specific issues.</li> </ul>   |
| Ensure young people have activities, services and support to keep them engaged with their community.                | <ul style="list-style-type: none"> <li>Encourage opportunities to build positive relationships between Victoria Police and young people to address young people's local safety initiatives.</li> <li>Work with young people to understand what programs and activities would help them to engage with their community.</li> </ul>   |

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(GENERAL MANAGER - CORPORATE,  
LEANNE MULCAHY)

**MOIRA SHIRE COMMUNITY SAFETY STRATEGY 2016 - 2019 (cont'd)**

**ATTACHMENT No [1] - Moira Shire Community Safety Strategy - DRAFT**

| Goals   | Strategies   |
|---|--|
| Develop community programs and capacity building projects to increase community connectedness and resilience. | <ul style="list-style-type: none"> <li>Support community organisations to develop programs that reach out to community members who would not normally engage in community activities.</li> <li>Work with business and traders to develop activities to encourage lively community and street environments.</li> <li>Promote the Council's Community and Events Grants Scheme.</li> </ul> |
| Ensure people are prepared for, respond to, and recover from emergency situations.                            | <ul style="list-style-type: none"> <li>Promote the principles of the Municipal Emergency Management Plan and other relevant plans (ie. Flood emergency plans).</li> <li>Promote social media as an emergency management information source and tool for the community.</li> </ul>  |
| Enhance perceptions of safety in the community.   | <ul style="list-style-type: none"> <li>Provide information on local crime trends and safety initiatives.</li> </ul>  |

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2. IMPROVING MOIRA'S LIVEABILITY

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## MOIRA SHIRE COMMUNITY SAFETY STRATEGY 2016 - 2019 (cont'd)

### ATTACHMENT No [1] - Moira Shire Community Safety Strategy - DRAFT

#### Focus area 4: Road safety

##### Road networks, walking and cycling paths

Due to the large geographical nature of Moira Shire, the Council is responsible for an extensive road network. As well, there are several major roads which are the responsibility of VicRoads.

The Council continues to allocate resources towards the improvement of these roads and improving connectedness of the network as the Shire continues to grow and change.

Both walking and cycling are important forms of recreation and modes of transport and the Council has tried to encourage both activities through the use of additional and improved infrastructure in recent years. There are also significant tourism benefits associated with providing walking and cycling networks and ensure the Shire is well connected by road.

Moira residents continue to be physically active. In 2011, 61.9% of males and 64.2% of females in the Moira shire met the physical activity guidelines of at least 30 minutes of moderate intensity activity on most, preferably all, days.<sup>333</sup>

Well-planned and safe infrastructure and environments encourage people of all ages and capacities to walk and ride for transport and recreation, delivering benefits including:

- Health benefits of leading an active life, including increased physical activity and reduced rates of chronic disease.
- Environmental benefits from reduced vehicle use.
- Using less energy than motor vehicles.
- Stronger and more liveable communities with more people interacting.

- Improved community safety, as 'peopled' places are safer places<sup>34</sup>.

##### Safe driver behaviour

Moira Shire promotes safe driver behaviour, partnering with those responsible for driver education programs, especially those aimed at young people. There are extensive resources available at a State level, particularly targeting speeding, drink driving, driver fatigue and texting while driving which are at a preventative level.

The Council plays a role in supporting the road safety messages set at a Federal and State level. Road accidents inflict an enormous social, emotional, physical and economic toll on the community, including death, permanent incapacity and loss of mobility, depression, anxiety, loss of earnings and property damage.

Despite education efforts, Moira Shire has been the scene of several fatalities and a number of serious accidents in recent years.

##### Accidents:

| Year | Fatal | Serious inj | Other | Total |
|------|-------|-------------|-------|-------|
| 2010 | 0     | 25          | 28    | 53    |
| 2011 | 8     | 30          | 26    | 64    |
| 2012 | 3     | 23          | 31    | 57    |
| 2013 | 3     | 47          | 27    | 77    |
| 2014 | 3     | 26          | 23    | 52    |

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**MOIRA SHIRE COMMUNITY SAFETY STRATEGY 2016 - 2019 (cont'd)**

**ATTACHMENT No [1] - Moira Shire Community Safety Strategy - DRAFT**

| People:<br>Year | Killed | Serious<br>inj | Other | Not inj | Total |
|-----------------|--------|----------------|-------|---------|-------|
| 2010            | 0      | 29             | 39    | 34      | 102   |
| 2011            | 10     | 48             | 43    | 44      | 145   |
| 2012            | 3      | 46             | 43    | 43      | 135   |
| 2013            | 3      | 59             | 38    | 59      | 159   |
| 2014            | 4      | 34             | 43    | 41      | 122   |

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**MOIRA SHIRE COMMUNITY SAFETY STRATEGY 2016 - 2019 (cont'd)**

**ATTACHMENT No [1] - Moira Shire Community Safety Strategy - DRAFT**

| Goals   | Strategies  |
|---|---|
| Provide safe road networks, and walking and cycling paths.                    | <ul style="list-style-type: none"> <li>• Work with VicRoads to identify and improve infrastructure on VicRoads managed roads.</li> <li>• Identify and deliver road, walking and cycling infrastructure improvement projects.</li> </ul>   |
| Promote safe driver behaviour, for both motorised and non-motorised vehicles. | <ul style="list-style-type: none"> <li>• Develop local principles for motorised scooter safety.</li> <li>• Support the promotion and delivery of road safety education programs.</li> <li>• Engage with groups in the farming industry, such as the Victorian Farmers Federation and United Dairy Farmers, to promote safe driving practices on rural roads.</li> </ul> |



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**MOIRA SHIRE COMMUNITY SAFETY STRATEGY 2016 - 2019 (cont'd)**

**ATTACHMENT No [1] - Moira Shire Community Safety Strategy - DRAFT**

**References**

- <sup>1</sup> Victorian Safe Communities Network, Working Together For a Safer Community, Strategic Plan 2014-2016
- <sup>2</sup> Australian Safe Communities Foundation, What is a Safe Community?
- <sup>3</sup> Moira Population Health Profile 2013
- <sup>4</sup> National Drug Research Institute, National Alcohol Indicators
- <sup>5</sup> Victorian Population Health Profile, Victorian Government, 2013
- <sup>6</sup> Crime Statistics Agency, Crime By Location
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- <sup>8</sup> Victorian Population Health Profile, Victorian Government, 2013
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- <sup>11</sup> Victorian Population Health Profile, Victorian Government, 2013
- <sup>12</sup> Australian Institute of Criminology, Suicide and hospitalised self-harm in Australia: trends and analysis, 2014
- <sup>13</sup> Vinson and Rawsthorne (2015) Dropping Off The Edge, Jesuit Social Services
- <sup>14</sup> Domestic Violence Prevention Centre, 2015
- <sup>15</sup> Crime Statistics Agency, Family Incident Reports
- <sup>16</sup> Vinson and Rawsthorne (2015) Dropping Off The Edge, Jesuit Social Services
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- <sup>18</sup> Moira Shire Community Satisfaction Survey 2015
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- <sup>20</sup> Victorian Population Health Profile, Victorian Government, 2013
- <sup>21</sup> Vinson and Rawsthorne (2015) Dropping Off The Edge, Jesuit Social Services

- <sup>22</sup> Bell (1998) Women and Community Safety, paper presented at the Australian Institute of Criminology/ Victorian Community Council Against Violence Safer Communities: Strategic Directions in Urban Planning conference
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- <sup>24</sup> McMillan (2012) Creating a sense of community: The role of Public Space
- <sup>25</sup> Grossman & Sharples (2010) Don't go there: Young people's perspectives on community safety
- <sup>26</sup> ABS Census, 2011
- <sup>27</sup> Vinson and Rawsthorne (2015) Dropping Off The Edge, Jesuit Social Services
- <sup>28</sup> Moira Shire Community Satisfaction Survey 2015
- <sup>29</sup> Hegney (2008) Building Resilience in Rural Communities Toolkit
- <sup>30</sup> VicHealth 2013 Population Health Profile
- <sup>31</sup> Australian Unity Wellbeing Index
- <sup>32</sup> 2011 VicHealth Indicators Survey
- <sup>33</sup> VicHealth Victorian Population Health Survey 2011
- <sup>34</sup> Garrard (2009), Active Transport: Children and Young people. An overview of recent evidence, VicHealth

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**MOIRA SHIRE COMMUNITY SAFETY STRATEGY 2016 - 2019 (cont'd)**

**ATTACHMENT No [2] - Local Safety Committee - Terms of Reference**



**Terms of Reference**

**For the**

**Moirira Shire Local Safety Committee**

**Endorsed by Council September 2016**



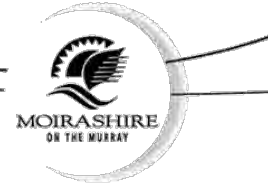
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**MOIRA SHIRE COMMUNITY SAFETY STRATEGY 2016 - 2019 (cont'd)**

**ATTACHMENT No [2] - Local Safety Committee - Terms of Reference**

**Terms of Reference for the  
Local Safety Committee**



**1. PURPOSE**

To show leadership in the area of community safety by contributing to the successful implementation of Moira Shire's Community Safety Strategy, engaging with the local community to identify to issues, and identifying possible program solutions.

**2. DEFINITIONS**

In this Schedule unless contrary intention appears:

- **Committee** means the Moira Shire Local Safety Committee.
- **Council** means Moira Shire Council.

**3. GOALS**

The goals of the Local Safety Committee shall be:

- 3.1. To form and maintain a strong, active and effective committee consisting of Council, emergency services, community representatives and other key stake holders to provide clear advice and actions on community safety.
- 3.2. To establish a communication model to all levels of the community and its agencies that will achieve beneficial and effective outcomes relating to community safety.
- 3.3. To provide direction and understanding of current issues and challenges to encourage the community to offer positive recommendations to the Committee.
- 3.4. To raise public awareness in a positive manner.

**4. COMPOSITION AND PROCEEDINGS**

- 4.1. The Committee shall comprise of representatives (members or their delegate) from the following organisations, with individual community representatives being appointed by resolution of Council:
  - Victoria Police
  - Country Fire Authority
  - Ambulance Victoria
  - State Emergency Service
  - VicRoads
  - Goulburn Valley RoadSafe
  - Department of Justice
  - Department of Health and Human Services
  - Department of Environment, Land, Water and Planning
  - Schools
  - Community representatives (2)
  - Moira Shire Council, Councillor representatives (2)
  - Moira Shire Council, Council officer representatives (2)

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**MOIRA SHIRE COMMUNITY SAFETY STRATEGY 2016 - 2019 (cont'd)**

**ATTACHMENT No [2] - Local Safety Committee - Terms of Reference**

**Terms of Reference for the  
Local Safety Committee**



In addition, a separate Reference Group will provide advice to the Committee on relevant issues. The Reference Group comprises representatives from:

- WorkSafe
- Public Transport Victoria
- Legal Aid
- Neighbourhood Watch
- Yembena Training Centre
- Ethnic Council of Shepparton and District
- Moira Health Alliance
- Mental health organisations
- School principals
- School kindergarten cluster
- Hospitals
- Greater Shepparton City Council safety representative
- Community health
- Youth services
- Group training and apprenticeship organisations

- 4.2. All organisations and persons nominated to serve on the Committee are subject to the initial and continued approval of Council. Revocation provisions are contained in section 8.
- 4.3. The term of office for Committee members, unless otherwise specified by Council, will align with the term of the most current Community Safety Strategy.
- 4.4. On the resignation of a community member the Council may advertise for a replacement person. The term of office of persons appointed to fill such a vacancy shall expire on the date at which the previous member's term would have expired. Members of the Committee so appointed may be eligible for re-appointment.
- 4.5. A Committee member may be granted leave of absence by the Committee. Where a Committee member will be absent from two consecutive meetings, leave of absence must be sought. Where the member is an appointed representative of an organisation or group, they may be replaced by another representative during any period of leave of absence.
- 4.6. The Chairperson will be elected by the Committee at the commencement of each financial year.
- 4.7. Reference Group members of the Committee will be able to attend meetings upon request by the Committee; however will not have voting rights on any issues addressed by the Committee.

**Confidentiality**

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

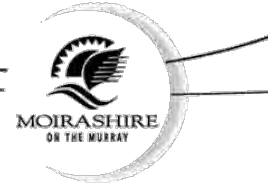
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**MOIRA SHIRE COMMUNITY SAFETY STRATEGY 2016 - 2019 (cont'd)**

**ATTACHMENT No [2] - Local Safety Committee - Terms of Reference**

**Terms of Reference for the  
Local Safety Committee**



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

**Conflict of Interest**

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

**5. MEETINGS AND TASKS**

- 5.1. Meetings of the Committee shall be held 4 times a year.
- 5.2. A meeting of the Committee must be held at a time and place determined by the Committee.
- 5.3. The Committee will seek to operate on a consensus basis on any motions it considers. Should a vote be necessary:
  - (a) Each member of the Committee who is entitled to vote is entitled to one vote;
  - (b) Unless the procedures of the Committee otherwise provide, voting must be by show of hands;
  - (c) If there is an equality of votes the motion is lost.
- 5.4. The Committee shall keep a record of each of its meetings and the Chairperson shall ensure that the minutes of the meeting are submitted to the next meeting for confirmation.
- 5.5. The majority of members of the Committee shall constitute a quorum at any meeting of the Committee and no business shall be transacted at any such meeting unless a quorum is present.
- 5.6. The Committee may form sub-committees from amongst its members for the purpose of recommending on matters pertaining to the provisions of this Instrument, provided that no decision may be acted upon until adopted by the full Committee.
- 5.7. Such sub-committees shall only be established by resolution of the Committee and shall only carry out those functions stated in such resolution.

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**MOIRA SHIRE COMMUNITY SAFETY STRATEGY 2016 - 2019 (cont'd)**

**ATTACHMENT No [2] - Local Safety Committee - Terms of Reference**

**Terms of Reference for the  
Local Safety Committee**



- 5.8. A Council Officer Representative will call for agenda items at least one week prior to the scheduled meeting. The agenda with attached meeting papers will be made available to the Committee members at least five working days prior to the scheduled meeting. The meeting minutes will be sent to Committee members within one month of the meeting.
- 5.9 The Committee must annually review the Moira Shire Community Safety Strategy and develop an annual implementation plan that outlines the actions that will be undertaken by the Local Safety Committee to ensure objectives of the Strategy are met.

**6. INDEMNITY**

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

**7. TERM OF APPOINTMENT**

- 7.1. Appointment of Advisory Committee members will be for a term ending aligning with the Community Safety Strategy, unless otherwise extended or revoked in writing by the Council.

**8. REVOCATION**

- 8.1. A Committee member representing an organisation may have his or her term of office revoked by Council upon request by the Committee and carried by a two thirds majority vote. Reason such as failure to attend three consecutive meetings without leave could trigger such a motion. Efforts to ensure continuous participation will be conducted through the relevant agency.
- 8.2. Council may at its discretion revoke the membership of any member or the entire Committee at any time.
- 8.3. The Council has the power to terminate the services of the Committee at any time.

**9. COMMITTEE REPRESENTATION**

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

FILE NO: F13/2478  
5. DEMONSTRATING GOOD GOVERNANCE

ITEM NO: 9.1.3  
(MANAGER COMMERCIAL SERVICES,  
BRUCE BERG VON LINDHE)  
(MANAGER INFORMATION SERVICES,  
JAMES HARGREAVES)

## REVIEW OF FRAUD PREVENTION AND CONTROL POLICY

### RECOMMENDATION

That Council adopt the Fraud Prevention and Control Policy.

### 1. Executive Summary

The Fraud Prevention and Control Policy was adopted by Council on 17 September 2012. The purpose of the policy is to clearly establish Moira Shire Council's intent to effectively prevent and manage fraud risks and forms the basis of Council's fraud prevention framework in accordance with Australian Standard 8001 – 2008 as recommended by the Victorian Auditor General.

The existing policy has been reviewed and required only minor changes. It is recommended that Council adopt the reviewed Fraud Prevention and Control Policy 2016 - 2018.

In 2012, the Victorian Auditor General's Office (VAGO) conducted an audit to assess the effectiveness of Moira Shire Council's fraud prevention strategies. The draft Fraud Plan attached to this report has been developed to address one of the main VAGO recommendations by documenting Council's fraud management initiatives and responsibilities.

### 2. Background and Options

In accordance with AS 8001 – 2008, Council is required to maintain a policy to underpin Council's fraud risk management procedures and activities.

In 2012, the Victorian Auditor General's Office (VAGO) conducted an audit to assess the effectiveness of Moira Shire Council's fraud prevention strategies.

The VAGO audit report was tabled in the Victorian Parliament on 6 June 2012 and reported that while Council had aspects of a fraud control framework in place, there was no organisation wide policy or fraud plan in place at the time to strategically manage fraud risks. As a result, VAGO recommended that Council should adopt a fraud prevention policy and then develop and maintain a fraud plan to signify Council's intent to prevent and manage fraud.

The Fraud Prevention and Control Policy was adopted by Council on 17 September 2012 and is supported by the Fraud Control Plan.

The policy supports fraud prevention and control within Council and the review of the policy resulted in only minor changes relating to position titles and references to the Protected Disclosure Act.

### 3. Financial Implications

Fraud management procedures are incorporated into Council's operations and will result in no change to the adopted budget.

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## REVIEW OF FRAUD PREVENTION AND CONTROL POLICY (cont'd)

### 4. Risk Management

The Fraud Prevention and Control Policy provides the platform for management of fraud related risks throughout the organisation. The existence of a Fraud Policy allows Council to apply general fraud risk management principles to prevent and control fraud in accordance with the Fraud Plan.

### 5. Internal and External Consultation

The review of the policy included consultation with the Corporate Management Team, the Manager of Finance and Audit Committee.

### 6. Regional Context

The policy is specific to Moira Shire Council however, it is important for the reputational integrity of the local government sector as a whole that individual Council's effectively manage fraud risks within their organisations.

### 7. Council Plan Strategy

The Fraud Prevention and Control Policy aligns the Strategic Goals in the 2013 - 2017 Council Plan to deliver sound financial and risk management services and good governance. It is particularly relevant to achieving a number of the strategic performance indicators including:

- Management of business risks to appropriately safeguard our assets, our community, and our business operations
- To ensure compliance with relevant legislation, regulation and standards

### 8. Legislative / Policy Implications

This policy is consistent with the objectives, role, functions and powers of a Council under the Local Government Act 1989. This policy has been amended in accordance with Council's policy on Developing Policy Documents.

### 9. Environmental Impact

The subject matter of this report has no additional environmental impact than any other administrative process conducted by Council.

### 10. Conflict of Interest Considerations

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

### 11. Conclusion

The current Fraud Prevention and Control Policy was developed in accordance with AS 8001-2008 and as recommended by the Victorian Auditor General's Report on Fraud Prevention Strategies in Local Government (2012).

The Fraud Prevention and Control Policy constitutes important components of Council's fraud risk management framework.

## Attachments

- 1 Fraud Prevention and Control Policy 2016



FILE NO: F13/2478  
5. DEMONSTRATING GOOD GOVERNANCE

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(MANAGER COMMERCIAL SERVICES,  
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## REVIEW OF FRAUD PREVENTION AND CONTROL POLICY (cont'd)

### ATTACHMENT No [1] - Fraud Prevention and Control Policy 2016



## Fraud prevention and control

|                      |                             |
|----------------------|-----------------------------|
| Policy type          | Council                     |
| Adopted by           | Moira Shire Council         |
| Responsible Director | General Manager Corporate   |
| Responsible Officer  | Manager Commercial Services |
| Date adopted         |                             |
| Scheduled for review |                             |

### PURPOSE

To protect public funds and Council property from fraudulent behaviour and outline the measures to be taken by Moira Shire Council to prevent and control fraudulent behaviour.

### OBJECTIVES

The objectives of the Fraud Prevention and Control Policy are to:

- promote and guide Moira Shire Council's commitment to protecting itself against any form of fraudulent behaviour which could lead to a financial or property loss or a loss of public confidence.
- provide the elements of the fraud prevention and control measures Moira Shire Council will take to prevent, detect, investigate and manage fraudulent activity or suspected fraudulent activity.
- create and promote a culture of strong and consistent ethical organisational behaviour which effectively reduces Council's fraud risks while providing clear responsibilities in the event that fraudulent activity is detected or suspected.

### SCOPE

This policy applies to all Councillors, employees, contractors, volunteers and agents of Moira Shire Council.

### DEFINITIONS

**Fraud** is generally defined as the crime of obtaining financial or other benefits by deception or other means. It covers a wide range of fraudulent behaviour from misappropriation of Council property to misrepresentation, misuse of confidential information or discretionary power.

**Internal fraud** refers to fraudulent acts by Councillors, employees, contractors, volunteers and agents of Moira Shire Council.

**External fraud** refers to fraudulent acts committed against Council by persons external to Council.

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5. DEMONSTRATING GOOD GOVERNANCE

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JAMES HARGREAVES)

## REVIEW OF FRAUD PREVENTION AND CONTROL POLICY (cont'd)

### ATTACHMENT No [1] - Fraud Prevention and Control Policy 2016



**Fraudulent behaviour** includes but is not limited to:

- Theft or misappropriation of Council funds, including cash, property, plant and equipment.
- Obtaining any financial or other benefit by deception.
- False invoicing and making false claims.
- Unlawful or unauthorised use of Council's credit cards, computers, vehicles, telephones or any other item of Council property.
- Bribery, corruption or abuse of office to gain some form of financial advantage.
- Theft or misuse of intellectual property, or other confidential information.
- Providing false or misleading information or failing to provide information when an obligation exists to do so.
- Financial reporting fraud.
- Making, using or possessing forged or falsified documents.
- Falsification of time records.
- Making false claims for allowances.
- Failure to declare a conflict of interest.
- Misrepresentation of qualifications or experience.

#### **POLICY**

Council will implement controls to either eliminate or reduce the possibility of fraud occurring. This will include, but will not be limited to a Fraud Control Plan, Fraud Risk Assessment and auditing.

Council will apply available resources to implement and manage effective fraud controls, conduct appropriate fraud awareness training and to investigate and analyse any fraudulent, or suspected fraudulent behaviour.

All Councillors, employees, contractors, volunteers and agents of Moira Shire Council must act at all times with integrity and must not engage in fraudulent activity of any kind, including fraudulent activity which may benefit Council.

Fraudulent acts against Moira Shire Council are unacceptable and will not be tolerated. Moira Shire Council will investigate all reports of suspected or detected fraudulent activity and take all appropriate actions which may include disciplinary action including dismissal, civil loss recovery action and/or criminal prosecution.

All Councillors, staff, contractors, volunteers and agents of Moira Shire Council are required to report fraudulent activity and any activity which is suspected to be fraudulent.

#### **Reports of Fraud or Suspected Fraud**

Reports of fraud or suspected fraud should be made, in writing, to the Chief Executive Officer, General Manager Corporate or in accordance with the Protected Disclosure Act 2012 and the Moira Shire Council's Protected Disclosure Procedures.

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5. DEMONSTRATING GOOD GOVERNANCE

ITEM NO: 9.1.3  
(MANAGER COMMERCIAL SERVICES,  
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## REVIEW OF FRAUD PREVENTION AND CONTROL POLICY (cont'd)

### ATTACHMENT No [1] - Fraud Prevention and Control Policy 2016



## Fraud prevention and control

### Responsibility for Investigations and Enforcement

The Chief Executive Officer shall determine how the investigation of reports will proceed and may include the appointment of relevant staff, notifying the Police and/or appointing an external investigator. All investigations shall be conducted confidentially in compliance with the principles of natural justice, procedural fairness and where appropriate, the Protected Disclosure Act 2012.

All Councillors, employees, contractors, volunteers and agents are required to cooperate fully with any fraud investigation if requested to do so by the Chief Executive Officer, General Manager Corporate or other person authorised to make the request.

Responsibility for any enforcement action shall rest with the Chief Executive Officer, General Manager Corporate or other relevant General Manager.

The Chief Executive Officer shall arrange for a review of relevant internal procedures and an analysis of any proven fraudulent activity to identify and make recommendations to mitigate any identified contributing factors.

### RELATED POLICIES

*Development of Policy Documents, and Policy Guideline*  
*Use of Network, Email and Internet Facilities*  
*Motor Vehicle*  
*Budget and Financial Reporting*  
*Community Grants*  
*Reimbursement of Expenses and Support*  
*Event Sponsorship*  
*Investment and Cash Management*  
*Procurement*

### RELATED LEGISLATION

*Local Government Act 1989*  
*Protected Disclosure Act 2012*

### REFERENCES

Standards Australia, AS 8001—2008 *Fraud and Corruption Control*  
Victorian Auditor-General's Report (June 2012), *Fraud Prevention Strategies in Local Government*  
Moira Shire Council:  
– *Employee Code of Conduct/Ethical Behaviour*  
– *Contractor Code of Conduct/Ethical Behaviour*  
– *Councillor Code of Conduct*  
– *Access to Network, Email and Internet Agreement (Employee and Contractor)*  
– *Access to Network, Email and Internet Agreement (Councillor)*  
– *Protected Disclosure Procedures*  
– *Human Resources Manual*

### REVIEW

This policy will be reviewed three years from the date of adoption, with operational amendments as required, in accordance with Council's approval.

Page 3 of 3

FILE NO: F13/856  
5. DEMONSTRATING GOOD GOVERNANCE

ITEM NO: 9.1.4  
(RISK MANAGEMENT OFFICER, NANCY  
MUSTICA)  
(MANAGER INFORMATION SERVICES,  
JAMES HARGREAVES)

## RISK MANAGEMENT POLICY REVIEW

### RECOMMENDATION

That Council adopt the Risk Management Policy.

#### 1. Executive Summary

The purpose of the Risk Management Policy is to provide guidance to Council and staff to understand and manage the numerous risks to which Council is exposed.

A review of the Risk Management Policy resulted in no material changes. It is recommended that the Policy which is aligned to AS/NZS ISO 31000:2009 Risk Management Standard remains relevant.

The policy is supported by the Risk Management Plan which provides the operational framework for risk management throughout the organisation.

#### 2. Background and Options

The Risk Management Policy was initially adopted by Council on 16 June 2003 and was last reviewed and adopted by Council on 15 February 2010. This review has been conducted in accordance with Council's Policy Guideline and included an internal consultation process.

The policy remains relevant and provides the necessary guidance to enable Council to understand, manage and mitigate the many risks to which it is exposed. The policy is integrated within the Council Plan objective to demonstrate good governance. It is also a critical component in the defence of third party liability claims against Council.

The policy is supported by the Risk Management Plan which provides the operational framework for risk management throughout the organisation.

#### 3. Financial Implications

There are no direct financial implications associated with this report. The level of financial commitment made by Council to risk management is determined through the annual budget process.

#### 4. Risk Management

The Risk Management Policy provides the guidance to Council and staff to understand and manage the numerous risks to which Council is exposed.

#### 5. Internal and External Consultation

Internal consultation has occurred with input from all Managers. There is no statutory requirement to undertake community consultation. The policy document was found to be consistent with the risk management policies of other Councils sampled for comparison.

#### 6. Regional Context

The contents of this report have no direct regional impact.

FILE NO: F13/856  
5. DEMONSTRATING GOOD GOVERNANCE

ITEM NO: 9.1.4  
(RISK MANAGEMENT OFFICER, NANCY  
MUSTICA)  
(MANAGER INFORMATION SERVICES,  
JAMES HARGREAVES)

## **RISK MANAGEMENT POLICY REVIEW (cont'd)**

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

The contents of this report relates to the Council Plan objective to demonstrate good governance.

### **8. Legislative / Policy Implication**

The reviewed policy provides guidance in regard to the implementation of risk management systems in accordance with AS/NZS ISO 31000:2009.

### **9. Environmental Impact**

Council's environmental risks are managed as part of this report.

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

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

### **11. Conclusion**

A review of the Risk Management Policy was conducted and included an internal consultation process. The policy is aligned with AS/NZS ISO 31000:2009 Risk Management Standard and remains relevant to Council's internal risk management processes.

## **Attachments**

- 1 Risk Management Policy - Draft September 2016 Review

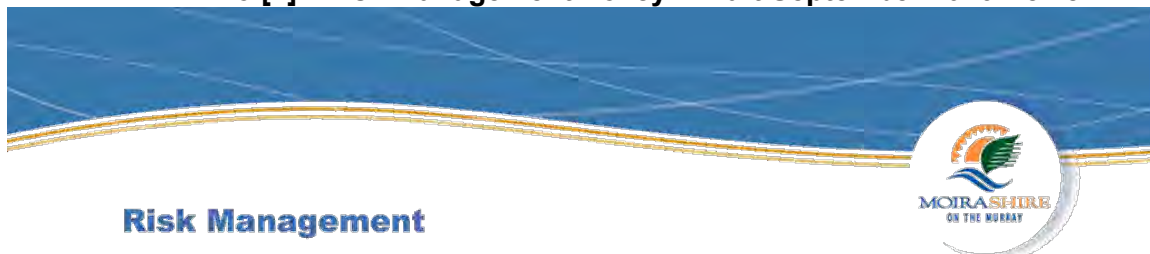


FILE NO: F13/856  
5. DEMONSTRATING GOOD GOVERNANCE

ITEM NO: 9.1.4  
(RISK MANAGEMENT OFFICER, NANCY  
MUSTICA)  
(MANAGER INFORMATION SERVICES,  
JAMES HARGREAVES)

## RISK MANAGEMENT POLICY REVIEW (cont'd)

### ATTACHMENT No [1] - Risk Management Policy - Draft September 2016 Review



## Risk Management

|                      |                             |
|----------------------|-----------------------------|
| Policy type          | Council                     |
| Adopted by           | Moira Shire Council         |
| Responsible director | General Manager Corporate   |
| Responsible officer  | Manager Commercial Services |
| Date adopted         |                             |
| Scheduled for review |                             |

### PURPOSE

To document Council's commitment to understand, manage and mitigate the potential risks that Council is exposed to.

### SCOPE

This policy applies to all works, and services provided by Moira Shire Council, and all aspects of Council's involvement.

### DEFINITIONS

#### Risk

Risk is defined as the effect of uncertainty on objectives and is characterised by a reference to the likelihood and consequences of a potential event.

#### Risk Management

The co-ordinated activities, culture and processes that are directed towards realising the potential opportunities whilst managing the adverse effects of risks.

#### Residual Risk

Residual risk is defined as the risk remaining after risk treatment and can contain unidentified risk.

#### Risk Appetite

The risk appetite of council is determined by the types and degree of risk that it is willing to accept and place on the Risk Register.

### POLICY

1. Council is committed to the practice of effective risk management to provide:
  - a more confident and rigorous basis for decision-making and planning;
  - better identification of opportunities and threats;
  - value from uncertainty and variability;
  - pro-active rather than re-active management;
  - more effective allocation and use of resources;
  - improved incident management and reduction in loss and the cost of risk, including commercial insurance premiums;

FILE NO: F13/856  
5. DEMONSTRATING GOOD GOVERNANCE

ITEM NO: 9.1.4  
(RISK MANAGEMENT OFFICER, NANCY  
MUSTICA)  
(MANAGER INFORMATION SERVICES,  
JAMES HARGREAVES)

## RISK MANAGEMENT POLICY REVIEW (cont'd)

### ATTACHMENT No [1] - Risk Management Policy - Draft September 2016 Review



## Risk Management

- improved stakeholder confidence and trust;
  - improved compliance with relevant legislation; and
  - better corporate governance.
2. Council requires risk management to be integrated within the whole Council Plan, Strategic Resource Plan, Budget, staff position descriptions and staff performance appraisals, with training needs identified and delivered through the training plan.
  3. Council will utilise a Risk Management Plan to provide guidance for managing risks within the organisation. The Risk Management Plan will define roles, responsibilities and accountabilities, and provide guidance to assess and manage risks.
  4. A degree of risk exists in everything Moira Shire Council does and it is the responsibility of all Council officers to effectively manage risk. The risk appetite of Moira Shire Council is dynamic in nature and will be reviewed on a regular basis. Council is willing to accept a higher level of risk to achieve strategic goals but a lower level of acceptance for strategic<sup>1</sup>, operational<sup>1</sup> and community<sup>1</sup> risks.
  5. Council will determine the level of acceptable residual risk through the regular review of the Risk Register and review of the Risk Management Plan.
  6. While committed to the effective implementation of Risk Management throughout the organisation, Council acknowledges that it is unable to remove all risks associated with the wide range of functions it is responsible to perform.
  7. Council will provide the strategic direction and the financial and physical resources through the budget process to enable the organisation to perform reasonable risk control activities in the context of the competing priorities faced by Council.
  8. Council will apply the risk management concepts, standards and definitions as applicable in accordance with AS/NZS-ISO 31000 Risk Management - Principles and Guidelines.
  9. Council will seek input from all relevant stakeholders as detailed in Council's Risk Management Plan to ensure that all risk management processes are completed to the extent that is reasonably possible.

### RELATED POLICIES

*Development of Policy Documents, and Policy Guideline*

### RELATED LEGISLATION

*Local Government Act 1989  
Occupational Health and Safety Act 2004*

### REFERENCES

*Moira Shire Council Plan*

FILE NO: F13/856  
5. DEMONSTRATING GOOD GOVERNANCE

ITEM NO: 9.1.4  
(RISK MANAGEMENT OFFICER, NANCY  
MUSTICA)  
(MANAGER INFORMATION SERVICES,  
JAMES HARGREAVES)

**RISK MANAGEMENT POLICY REVIEW (cont'd)**

**ATTACHMENT No [1] - Risk Management Policy - Draft September 2016 Review**



## Risk Management

*Moira Shire Council Risk Management Plan  
Australian/New Zealand Standard - Risk Management Principles and Guidelines AS/NZS  
ISO 31000:2009*

### REVIEW

This policy will be reviewed three years from the date of adoption, with operational amendments as required, in accordance with Council's approval.

DRAFT

Note 1: Strategic, operational and community risks as defined in the Moira Shire Council Risk Management Plan



**FILE NO: F13/503**

**5. DEMONSTRATING GOOD GOVERNANCE**

**ITEM NO: 9.1.5**

## **ASSEMBLIES OF COUNCILLORS**

### **RECOMMENDATION**

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

### **1. Executive Summary**

The records of the Assembly of Councillors reported during the month of August 2016 are incorporated into to this report.

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

### **2. Background and Options**

The Assemblies of Council report is a standing report presented to Council, to report on Assemblies of Council in accordance with the Act and best practice good governance principles.

Section 80A of the Act requires written records of Assemblies of Councillors be kept, comprising the information prescribed in section 80A (1).

Section 80A (2) of the Act prescribes that these records be, as soon as practicable:

- (a) reported at an ordinary meeting of the Council, and
- (b) incorporated in the minutes of that Council meeting.

| <b>Meeting</b>            | <b>Present at meeting</b>  | <b>Matters discussed</b>  | <b>Declaration of Interest(s)</b> |
|---------------------------|--|---|-----------------------------------|
| 8 August Council Briefing | <p>Councillors:<br/>Gary Cleveland,<br/>Peter Mansfield,<br/>Wendy Buck<br/>Ed Cox<br/>Kevin Bourke<br/>Don McPhee<br/>Marie Martin</p> <p>Staff:<br/>Chief Executive Officer, Mark Henderson<br/>General Manager Infrastructure, Andrew Close,<br/>Manager Governance and Communications, Linda Nieuwenhuizen<br/>Manager Economic Development, Jane O'Brien<br/>Manager Town Planning and Building, Jorine Bothma<br/>Tourism Development Officer, Louise Munk Klint<br/>Planning Coordinator, Peter Stenhouse</p> | <ol style="list-style-type: none"> <li>1. Recent rainfall event impact on Numurkah</li> <li>2. Numurkah Recreation Reserve Building</li> <li>3. DEWLP Northern Victoria Firewood and Home Heating project</li> <li>4. Development opportunities</li> <li>5. Tourism marketing</li> <li>6. Councillor issues</li> <li>7. GMW Connections Project update</li> </ol> | Nil                               |

**FILE NO: F13/503**

**5. DEMONSTRATING GOOD GOVERNANCE**

**ITEM NO: 9.1.5**

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

|  |   |   |     |
|--|---|---|-----|
| 22 August<br>Council<br>Briefing               | <p>Councillors<br/>Gary Cleveland,<br/>Ed Cox,<br/>Kevin Bourke,<br/>Don McPhee,<br/>Marie Martin,<br/>Wendy Buck,<br/>Peter Mansfield,<br/>Alex Monk,<br/>Brian Keenan</p> <p>Staff:<br/>Acting Chief Executive Officer, Leanne Mulcahy<br/>General Manager Infrastructure, Andrew Close,<br/>Manager Governance and Communications, Linda Nieuwenhuizen<br/>Acting Manager Corporate, James Hargreaves<br/>Manager Operations, Rick Devlin<br/>Manager Commercial Services, Bruce Berg von Lindhe<br/>Manager Finance, Simon Rennie</p> | <ol style="list-style-type: none"> <li>1. Brand refresh project</li> <li>2. Councillor customer service</li> <li>3. Audit Committee report</li> <li>4. Financial Statements and Performance Statement</li> <li>5. Council facilities</li> <li>6. Agenda review</li> </ol> | Nil |
| 29 August<br>Local<br>Government<br>Act Review | <p>Councillors:<br/>Gary Cleveland<br/>Kevin Bourke<br/>Marie Martin<br/>Wendy Buck<br/>Peter Mansfield<br/>Brian Keenan</p> <p>Staff:<br/>Acting Chief Executive Officer, Leanne Mulcahy<br/>General Manager Infrastructure, Andrew Close<br/>Manager Governance and Communication, Linda Nieuwenhuizen</p>  | <ol style="list-style-type: none"> <li>1. Local Government Act Review - submission</li> </ol>   | Nil |

**FILE NO: F13/503**

**5. DEMONSTRATING GOOD GOVERNANCE**

**ITEM NO: 9.1.5**

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

|   |  |   |     |
|---|--|---|-----|
| 29 August<br>Planning<br>hearing –<br>101 Queen<br>Street<br>Cobram | <p>Councillors:<br/>Gary Cleveland<br/>Kevin Bourke<br/>Marie Martin<br/>Wendy Buck<br/>Alex Monk<br/>Ed Cox (arrived 1.03pm)</p> <p>Staff:<br/>General Manager Infrastructure, Andrew Close<br/>Town Planner, Martina Foley<br/>Manager Town Planning and Building, Jorine Bothma<br/>Executive Support – Mayor and Councillors, Bobby Brook<br/>Communication and Media Officer, Nathan Anderson</p> | <ol style="list-style-type: none"> <li>1. Planning application</li> <li>2. Petition</li> </ol>  | Nil |
| 29 August<br>Meeting<br>with<br>VicRoads                            | <p>Councillors:<br/>Gary Cleveland<br/>Kevin Bourke<br/>Marie Martin<br/>Wendy Buck<br/>Peter Mansfield<br/>Brian Keenan</p> <p>Staff:<br/>Acting Chief Executive Officer, Leanne Mulcahy<br/>General Manager Infrastructure, Andrew Close</p>   | <ol style="list-style-type: none"> <li>1. Various issues Murray Valley Highway</li> <li>2. Sandmount / Benalla Tocumwal Road</li> <li>3. Sharing the road – farm machinery / education</li> <li>4. Strathmerton Bypass – (Koonoomoo Bends)</li> <li>5. Waterhole signage</li> <li>6. Blake Street Nathalia – Pedestrian Crossing</li> </ol> | Nil |
| 30 August<br>Multicultural<br>Advisory<br>Committee                 | <p>Councillor:<br/>Marie Martin</p> <p>Staff:<br/>Community Development Officer, Annabelle Mendoza</p>   | <ol style="list-style-type: none"> <li>1. Capacity Building and Participation Program – Nurturing New Arrival Communities in Greater Shepparton and Moira funding</li> <li>2. Consider Multicultural Action Plan targets for 2016</li> <li>3. Cultural Diversity Week, Refugee Week in 2017</li> </ol>                                      | Nil |

FILE NO: F13/503  
5. DEMONSTRATING GOOD GOVERNANCE

ITEM NO: 9.1.5

## ASSEMBLIES OF COUNCILLORS (cont'd)

### 3. Financial Implications

Nil

### 4. Risk Management

Compliance with statutory obligations

### 5. Internal and External Consultation

Nil

### 6. Regional Context

Nil

### 7. Council Plan Strategy

Demonstrating Good Governance

### 8. Legislative / Policy Implications

This report complies with the requirements under section 80A of the Local Government Act 1989.

### 9. Environmental Impact

Nil

### 10. Conflict of Interest Considerations

Nil

### 11. Conclusion

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

### Attachments

Nil

FILE NO: F13/2894  
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.1  
(STATUTORY PLANNING  
COORDINATOR, PETER STENHOUSE)  
(GENERAL MANAGER  
INFRASTRUCTURE, ANDREW CLOSE)

## AMENDMENT TO SILVERWOODS DEVELOPMENT PLAN

### RECOMMENDATION

That:

1. Council approve the amendment to the Silverwoods Development Plan showing a Seniors Living site.
2. Council's previous resolution on an amendment to the Development Plan on the 23 June 2014 with respect to the shared pedestrian/bicycle pathway is still applicable.

### 1. Executive Summary

A request has been received from the Bosco Jonson on behalf of Lotus Living Pty Ltd to amend the Development Plan for the Silverwoods, Murray Valley Highway, Yarrawonga.

The amendment includes the incorporation of a Seniors Living site within the Silverwoods Estate replacing a stage(s) for conventional residential development.

The amendment to the Development Plan was referred, however it was not advertised owing to the minor nature of the changes. The intent of the original concept has not changed and no specific advertising process was incorporated as part of the approval of the Development Plan.

The amendment is considered satisfactory and is recommended for approval.

### 2. Discussion

#### Location of Silverwoods

Silverwoods is located on the north side of the Murray Valley Highway (MVH), Yarrawonga approximately 2.5 kilometres east of the Belmore Street commercial centre and is generally bound by MVH, Botts Road, Hogans Road and Lake Mulwala.

FILE NO: F13/2894  
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.1  
(STATUTORY PLANNING  
COORDINATOR, PETER STENHOUSE)  
(GENERAL MANAGER  
INFRASTRUCTURE, ANDREW CLOSE)

**AMENDMENT TO SILVERWOODS DEVELOPMENT PLAN (cont'd)**



### 3. Background and Options

The original Development Plan for Silverwoods was approved by Council on 17 July 2006, following the approval of Planning Scheme Amendment C24 that rezoned the land from Rural to Residential 1 and replaced the Development Plan Overlay to accommodate for this residential golf course project.

An amendment to the Development Plan was approved by Council on 23 June 2014 incorporating the following:

- Reordering of stage numbering;
- Reconfiguration of stage boundaries;
- Removal of integrated development within Stage 9 (now shown as Stage 10) and incorporation of golf facilities;
- Reconfiguring of the golf course layout and some renumbering of holes between holes 1 and 5;
- Extension of Stage 11 along Lake Mulwala;
- Inclusion of medium density housing within Stages 1, 3, 4, 5B, 7 and 13 of the amended plan;
- Reconfiguration/reallocation of pocket parks (public open space);
- Increase in provision of public open space from 5% to 8%;
- Deletion of community retail site in Stage 8 (now shown in Stage 9).

Council approved this amendment subject to the following inclusion:

FILE NO: F13/2894  
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.1  
(STATUTORY PLANNING  
COORDINATOR, PETER STENHOUSE)  
(GENERAL MANAGER  
INFRASTRUCTURE, ANDREW CLOSE)

## AMENDMENT TO SILVERWOODS DEVELOPMENT PLAN (cont'd)

*That a shared pedestrian/bicycle pathway along the alignment of the road parallel with Hogans Road in Stages 12 and 13 between the pedestrian access points in Hogans Road and Murray Valley Highway.*

### Proposed Amendments

The proposed amendments to the Silverwoods Development Plan incorporate the following:

- Stage 10a and 10b for residential development being converted to specifically a 'Future Seniors Living' site;
- The boundary of the Golf Facilities site adjoining the Future Seniors Living site is being realigned to become a straight boundary.

No further details have been submitted with respect to the design or layout of this Seniors Living site which could be described as either a Retirement Village or a Residential Village under the Planning Scheme.

Both these uses are permitted within a General Residential zone, subject to a Planning Permit. Details of this use and development will be forthcoming with any application for a Planning Permit.

### 4. Financial Implications

There are no financial implications in relation to the approval of this Development Plan Amendment.

### 5. Risk Management

The Development Plan provides guidance as to how Silverwoods develops in the future. As each residential stage, golf facilities and commercial development takes place, applications for Planning Permits must be lodged, considered and approved with conditions. Planning Permits provide the statutory function of the development which must be complied with. If compliance with the planning permits are not achieved, they may become an enforcement issues.

### 6. Internal and External Consultation

Schedule 6 to the Development Plan Overlay at Clause 43.04 provides for the following:

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

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

In preparing and approving the development plan for Silverwoods a process to amend the development plan was not formulated or included, therefore it is upon the merits and extent of the change to the development plan that needs to be assessed as to whether the public consultation is necessary.

The proposed amendment to the Development Plan was referred to Council's Infrastructure Department. No objection has been raised to the amendment, however Council's resolution on the previous amendment is still relevant and should be carried over.

FILE NO: F13/2894  
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.1  
(STATUTORY PLANNING  
COORDINATOR, PETER STENHOUSE)  
(GENERAL MANAGER  
INFRASTRUCTURE, ANDREW CLOSE)

## AMENDMENT TO SILVERWOODS DEVELOPMENT PLAN (cont'd)

The proposed Development Plan Amendment was referred to Goulburn Murray Water, who advised that it had no objection to the amendment provided that the Stormwater Management Plan is updated to reflect the higher density of development. The owner/developer, Lotus Living and the Silverwoods Owner's Corporation were given opportunity to present their cases regarding this amendment to the Development Plan to Councillors at the Council Briefing meeting held on 8 August 2016.

### 7. Regional Context

There is no regional context associated with this proposal amendment to the Development Plan for Silverwoods.

### 8. Council Plan Strategy

Two of strategic goals in the current Council Plan are:

- *Improve Moira's Liveability*
- *Driving economic growth – agriculture, manufacturing and tourism*

Silverwoods provides a unique environment for living on a golf course estate adjoining Lake Mulwala, hence there are elements of liveability and tourism that is on offer.

The proposed amendment will provide a specific form of residential development which will add to the diversity of housing in Yarrawonga and more broadly in Moira Shire.

The proposed amendment to the Silverwoods Development is not in conflict with Council's Strategy Plan.

### 9. Legislative / Policy Implications

At Clause 43.04-3 it states:

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

There are no guidelines embedded in the planning scheme to provide guidance as to what needs to be taken into account by the Responsible Authority, therefore Council's considerations would be based on the merit and extent of changes to the Development Plan.

### 10. Environmental Impact

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

There are a number of existing approved environmental documents that are now *Reference Documents* contained in the Planning Scheme, namely:

An Environmental Improvement Plan for Silverwoods incorporating

- Construction Management Plan (CMP);
- Operational Environmental Management Plan (OEMP); and
- Water Management Strategy (WMS) (June 2007),

Others approved *Reference Documents* relating to Silverwoods include:

- Silverwoods Yarrawonga Single Residential Lot Design Guidelines (May 2007);



FILE NO: F13/2894  
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.1  
(STATUTORY PLANNING  
COORDINATOR, PETER STENHOUSE)  
(GENERAL MANAGER  
INFRASTRUCTURE, ANDREW CLOSE)

## AMENDMENT TO SILVERWOODS DEVELOPMENT PLAN (cont'd)

- Silverwoods Yarrawonga Landscape Management Plan;
- Silverwoods Yarrawonga Traffic Engineering Assessment;
- Silverwoods Yarrawonga Drainage Master Plan.

### 11. Conflict of Interest Considerations

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

### 12. Conclusion

The changes to the Silverwoods Development Plan are relatively minor changing from one form of residential development to another, that is, from conventional residential to a village style for Seniors Living.

The proposed changes still generally accord with the approved Development Plan, however there will be an added form of housing on the estate which will provide greater diversity in housing stock.

Overall, the changes to the Development Plan are considered to be reasonable and therefore it is recommended for approval.

### Attachments

- 1 Silverwoods original approved Development Plan 2006
- 2 Silverwoods approved amended Development Plan 2014
- 3 Proposed Amendment to the Silverwoods Development Plan

FILE NO: F13/2894  
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.1  
(STATUTORY PLANNING  
COORDINATOR, PETER STENHOUSE)  
(GENERAL MANAGER  
INFRASTRUCTURE, ANDREW CLOSE)

AMENDMENT TO SILVERWOODS DEVELOPMENT PLAN (cont'd)

ATTACHMENT No [1] - Silverwoods original approved Development Plan 2006





FILE NO: F13/2894  
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.1  
(STATUTORY PLANNING  
COORDINATOR, PETER STENHOUSE)  
(GENERAL MANAGER  
INFRASTRUCTURE, ANDREW CLOSE)

**AMENDMENT TO SILVERWOODS DEVELOPMENT PLAN (cont'd)**

**ATTACHMENT No [2] - Silverwoods approved amended Development Plan 2014**





|   |   |
|---|---|
| FILE NO: F13/2894<br>2. IMPROVING MOIRA'S LIVEABILITY | ITEM NO: 9.2.1<br>(STATUTORY PLANNING COORDINATOR, PETER STENHOUSE)<br>(GENERAL MANAGER INFRASTRUCTURE, ANDREW CLOSE) |
|---|---|

AMENDMENT TO SILVERWOODS DEVELOPMENT PLAN (cont'd)

ATTACHMENT No [3] - Proposed Amendment to the Silverwoods Development Plan





FILE NO: 5201685  
6. INVOLVING AND COMMUNICATING WITH  
OUR COMMUNITY

ITEM NO: 9.2.2

**PETITION - PROPOSED BOTTLE SHOP, HIGH STREET, COBRAM**

**RECOMMENDATION**

That Council receive the petitions containing a combined total of 444 signatures against the proposed bottle shop on High Street, Cobram.

**RECOMMENDATION**

That Council:

1. Agrees to deal with the petitions early in accordance with Part 66 of the Meeting Procedures Local Law 2007.
2. Receive each petition as an objection (to the Planning Permit Application No 5/2016/85) in determining the Permit for Planning Application No. 5/2016/85 for the development of land for bottle shop, advertising signage and packaged liquor licence at 101 Queen Street, Cobram

**1. Executive Summary**

On 26 April 2016 Council received an application for a planning permit from Dellcorp Pty Ltd to develop a drive through bottle shop at 101 Queen Street, Cobram.

The application was advertised and the notice period closed on 29 June 2016. A significant number of objections were received. On 29 August 2016 a meeting was held providing the applicant and objectors an opportunity to be heard. At this meeting the objectors submitted the subject petitions as a single petition to Council. The petitions with a combined total of 444 signatures are titled:

- No drive through bottle shop for High St
- No drive through bottle shop for High / Queen St
- People against drive through bottle shop - High St Cobram
- Petition for those opposed to a drive through bottle shop proposed for busy High St, opposite the kiddies play ground
- No bottle shop for High St Cobram
- People against bottle shop, High St
- Petition against drive through bottle shop High St, opposite the kiddies play ground

In accordance with Section 66 of the *Meeting Procedures Local Laws 2007*, this report recommends that the petition be received early to allow it to be considered when dealing with the planning permit application.

A separate Council Report relating to the determination of Planning Permit Application 5/2016/85 forms part of the agenda for this meeting of 19 September 2016.

**Attachments**

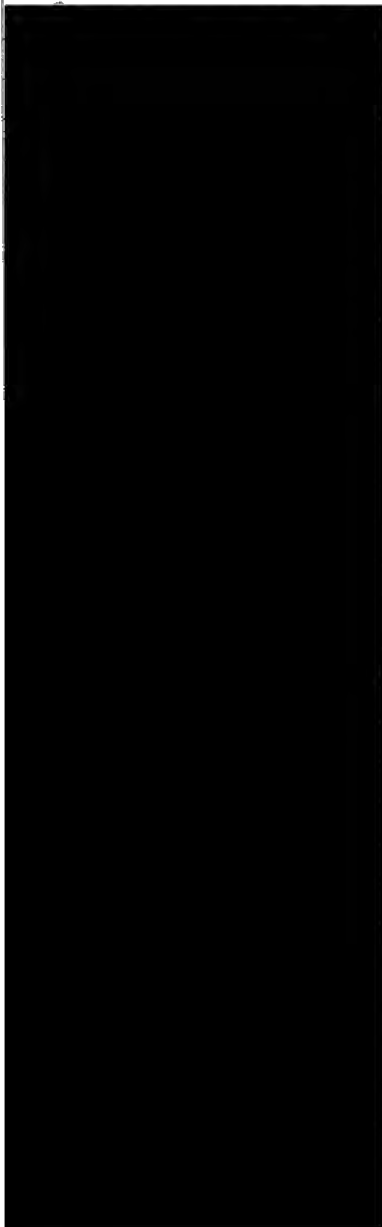

- 1 Redacted version of petition received

FILE NO: 5201685  
6. INVOLVING AND COMMUNICATING WITH  
OUR COMMUNITY

ITEM NO: 9.2.2

**PETITION - PROPOSED BOTTLE SHOP, HIGH STREET, COBRAM (cont'd)**

**ATTACHMENT No [1] - Redacted version of petition received**

| NO DRIVE THRU BOTTLE SHOP FOR HIGH ST.   |   |
|--|---|
|  | Cobram  |
|  | Cobram  |
|  | Cobram  |
|  | Cobram  |
|  | Barooga   |
|  | Tocumwal  |
|  | Cobram  |
|  | Cobram  |
|  | COBRAM  |
|  | Tocumwal 2714   |
|  | Kailorua  |
|  | COBRAM  |
|  |  Cobram |
|  | Cobram  |
|  | Cobram  |
|  | Cobram  |
|  | Finley  |
|  | Tocumwal  |
|  | FINLEY  |
|  | KATHMATITE  |
|  | COBRAM  |
|  | Cobram  |
|  | Cobram  |
|  | Barooga   |
|  | COBRAM  |
| COBRAM   |   |
| Barooga  |   |

Corres

31 AUG 2016

Referred to:

Copies to: 20

FILE NO: 5201685  
6. INVOLVING AND COMMUNICATING WITH  
OUR COMMUNITY

ITEM NO: 9.2.2

**PETITION - PROPOSED BOTTLE SHOP, HIGH STREET, COBRAM (cont'd)**

ATTACHMENT No [1] - Redacted version of petition received

**NO DRIVE THRU BOTTLE SHOP FOR HIGH ST.**

[REDACTED] - OAK ST.  
[REDACTED] CHURCH ST COBRAM.  
[REDACTED] CHURCH ST COBRAM  
[REDACTED] CAMPBELL RD COBRAM  
[REDACTED] JUNE ST COBRAM  
[REDACTED] INVERGORDON  
[REDACTED] Cobram VIC  
[REDACTED] Yarroweyah VIC  
[REDACTED] Anderson St COBRAM  
[REDACTED] ROSE ST.  
[REDACTED] Barclays St Barossa  
[REDACTED] Kennedy St - Hawking 2643  
[REDACTED] NICOLINO ST COB  
[REDACTED] ARKLE ST COBRAM  
[REDACTED] STOKES AVE COBRAM.  
[REDACTED] MOOKARIL ST.  
[REDACTED] High St. "  
[REDACTED] Catana Cres  
[REDACTED] Wills St Cobran  
[REDACTED] Koonoomoo Rd  
[REDACTED] Houbro St COBRAM  
[REDACTED] IRENE ST  
[REDACTED] IRENE ST  
[REDACTED] IRENE ST  
[REDACTED] Snell Rd Barossa  
[REDACTED] Lorenz Rd Katunga.  
[REDACTED] KAROOK ST  
[REDACTED] KAROOK ST.

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FILE NO: 5201685  
6. INVOLVING AND COMMUNICATING WITH  
OUR COMMUNITY

ITEM NO: 9.2.2

PETITION - PROPOSED BOTTLE SHOP, HIGH STREET, COBRAM (cont'd)

ATTACHMENT No [1] - Redacted version of petition received

NO DRIVE THRU BOTTLE SHOP FOR HIGH ST.

Warkil St. Cobram.  
Warkil St. Cobram  
Broadway St. Cobram  
KAROOK ST COBRAM  
Wondah St Cobram  
Charles St Cobram  
Blackwood cres Cobram.  
Strathmerton  
Horner St Cobram  
coach Rd mulwala.  
CAMPBELL ROAD COBRAM.  
Fitzgerald St Wagga.  
Sturt St. Cobram.  
KAMAROOKA ST BAROOGA.  
KAROOK ST COBRAM.  
Wilson Rd GEELONG.  
AMOS ST, YARROWAH.  
Blackwood cres Cobram.  
COLLIE ST BAROOGA.  
O'Dwyer Rd, 3730 Boosay.  
O'Dwyer Rd, 3730 Boosay.  
W St Cobram 3644 Cobram.  
Denson Court.  
Hume St  
LAKESIDE DR  
LAKESIDE DR  
NICOLLA ST.  
Blackwood Cres  
BASIS VILLAGE  
KAROOK ST COBRAM  
Bank St Cobram  
Draughton St.  
Wondah St Cobram.  
Thompson AVE  
Thompson Ave  
HIGH STREET COBRAM.  
Strathmerton.  
Cobram  
Stokes Cobram.  
Cobram.

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FILE NO: 5201685  
6. INVOLVING AND COMMUNICATING WITH  
OUR COMMUNITY

ITEM NO: 9.2.2

**PETITION - PROPOSED BOTTLE SHOP, HIGH STREET, COBRAM (cont'd)**

ATTACHMENT No [1] - Redacted version of petition received

**NO DRIVE THRU BOTTLE SHOP FOR HIGH ST.**

|  |                           |
|--|---------------------------|
|  |                           |
|  | MITCHELL ST               |
|  | G - A                     |
|  | STOUMMAL                  |
|  | Karen Klygel              |
|  | Karnook St Cobram         |
|  | WYATT RD COBRAM           |
|  | NARKIA ST Cobram          |
|  | Murray St - Tocumwal      |
|  | Calona Cres Cobram.       |
|  | STONEV ST. COBRAM.        |
|  | Strathmerton              |
|  | Karool Street Cobram      |
|  | Sydney St Cobram          |
|  | Toms Ave Cobram           |
|  | COTTAGE RD COBRAM         |
|  | Sturt Street Cobram       |
|  | Sturt Street Cobram       |
|  | YARRAWONGA                |
|  | Cobram (SYDNEY STREET). ☺ |
|  | WARATAH Crt COBRAM        |
|  | Cobram                    |
|  | COBRAM                    |
|  | Berrich, Mello.           |
|  | COBRAM VIC                |
|  | BEARII                    |
|  | BEARII                    |
|  | COBRAM.                   |

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OUR COMMUNITY

ITEM NO: 9.2.2

**PETITION - PROPOSED BOTTLE SHOP, HIGH STREET, COBRAM (cont'd)**

ATTACHMENT No [1] - Redacted version of petition received

**NO DRIVE THRU BOTTLE SHOP FOR HIGH ST.**

[REDACTED]

VORPARK & COBRAM  
Karoook St.  
Karoook St  
BROOKLYN ST  
Murray St  
Mookarrii Street  
Finley  
Stathamston  
WENDAH ST.  
Muthorpe St. Coblands  
Chapel Road, Muckatah  
Muckatah  
Churchill Rd Yarroweyah.  
Glenangon St Cobram  
Punt Rd. Cobram  
Murray Valley Hwy 3479.  
[REDACTED] Yarroweyah.  
Tom's Dr COBRAM.  
Glenangon St.  
Campbell Rd.  
KATADATITE.  
**COBRAM**  
Tocumwal  
COBRAM  
BARROOGA.  
Cobram  
MOOROOGA.  
COBRAM


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**PETITION - PROPOSED BOTTLE SHOP, HIGH STREET, COBRAM (cont'd)**

ATTACHMENT No [1] - Redacted version of petition received

|  |                                     |
|--|-------------------------------------|
|  | Vermont St BARRCOOGA.               |
|  | 3 Vermont St Bargoona               |
|  | Wardens Rd Cobram                   |
|  | Wells St Finley                     |
|  | QUEEN ST COBRAM                     |
|  | RIVER Rd COBRAM                     |
|  | Ellen drive Cobram.                 |
|  | Len drive Cobram.                   |
|  | Lincoln St Cobram                   |
|  | Breppit St cobram                   |
|  | Stuart St Cobram                    |
|  | Boorin Street COBRAM                |
|  | Mr Hwy Boosey<br>Cobram             |
|  | Mr Duke Spence<br>Alannah Rd Cobram |
|  | Chomley St Bargoona                 |
| Mr But but Cobram  |                                     |
| Den 19 Tocumwal  |                                     |
| Wookan St Cobram   |                                     |
| ANTHONY AVE BOORIN/AL  |                                     |
| view Ct. Cobram  |                                     |
| Charles St cobram  |                                     |
| Telford St Yarravongga   |                                     |
| Finley.  |                                     |

26.

NO DRIVE THRU BOTTLE SHOP  
FOR HIGH / QUEEN ST.


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**PETITION - PROPOSED BOTTLE SHOP, HIGH STREET, COBRAM (cont'd)**

ATTACHMENT No [1] - Redacted version of petition received

**NO DRIVE THRU BOTTLE SHOP FOR HIGH ST.**

|  |           |
|--|-----------|
|  | Tocumwal  |
|  | Tocumwal  |
|  | Barooga - |
|  | Cobram    |
|  | Cobram    |
|  | COBRAM.   |
|  | COBRAM    |
|  | COBRAM.   |
|  | Koonoomoo |
|  | COBRAM    |
|  | Cobram    |
|  | Dookie.   |
|  | Cobram    |
|  | Cobram    |
|  | Cobram.   |
|  | COBRAM    |
|  | COBRAM    |
|  | COBRAM    |
|  | Cobram.   |
|  | COBRAM    |
|  | Cobram    |
|  | Cobram    |
|  | COBRAM    |
|  | Cobram    |
|  | Cobram    |
|  | COBRAM    |
|  | Cobram.   |
|  | Cobram    |
|  | Cobram    |
|  | Tocumwal. |
| COBRAM   |           |
| Tocumwal   |           |
| COBRAM.  |           |
| Barooga  |           |


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**PETITION - PROPOSED BOTTLE SHOP, HIGH STREET, COBRAM (cont'd)**

**ATTACHMENT No [1] - Redacted version of petition received**

**NO DRIVE THRU BOTTLE SHOP FOR HIGH ST.**

|  |                               |
|--|-------------------------------|
|  | Beralla - Toc Rd<br>muckleton |
|  | Stokus Rd, Kooragang          |
|  | High St Cobram.               |
|  | Home St, Cobram               |
|  | Shipperton.                   |
|  | Fulby                         |
|  | Sydney St Cobram.             |
|  | Sydney st Cobram              |
|  | Campbell Road, Cobram.        |
|  | Orange Grove, Barooga.        |
|  | GEMMELL ST COBRAM             |
|  | Toms Dr, Cobram. 3644.        |
|  | Yarrowwanga.                  |
|  | Barooga.                      |
|  | Cobram E.                     |
|  | Barooga.                      |
|  | Cobram                        |
|  | Cobram East                   |
|  | Cobram                        |
|  | Cobram.                       |
| Cobram   |                               |
| Cobram   |                               |
| Cobram.  |                               |
| Shipperton   |                               |
| Shipperton   |                               |
| Shipperton. 3641.  |                               |
| Cobram.  |                               |

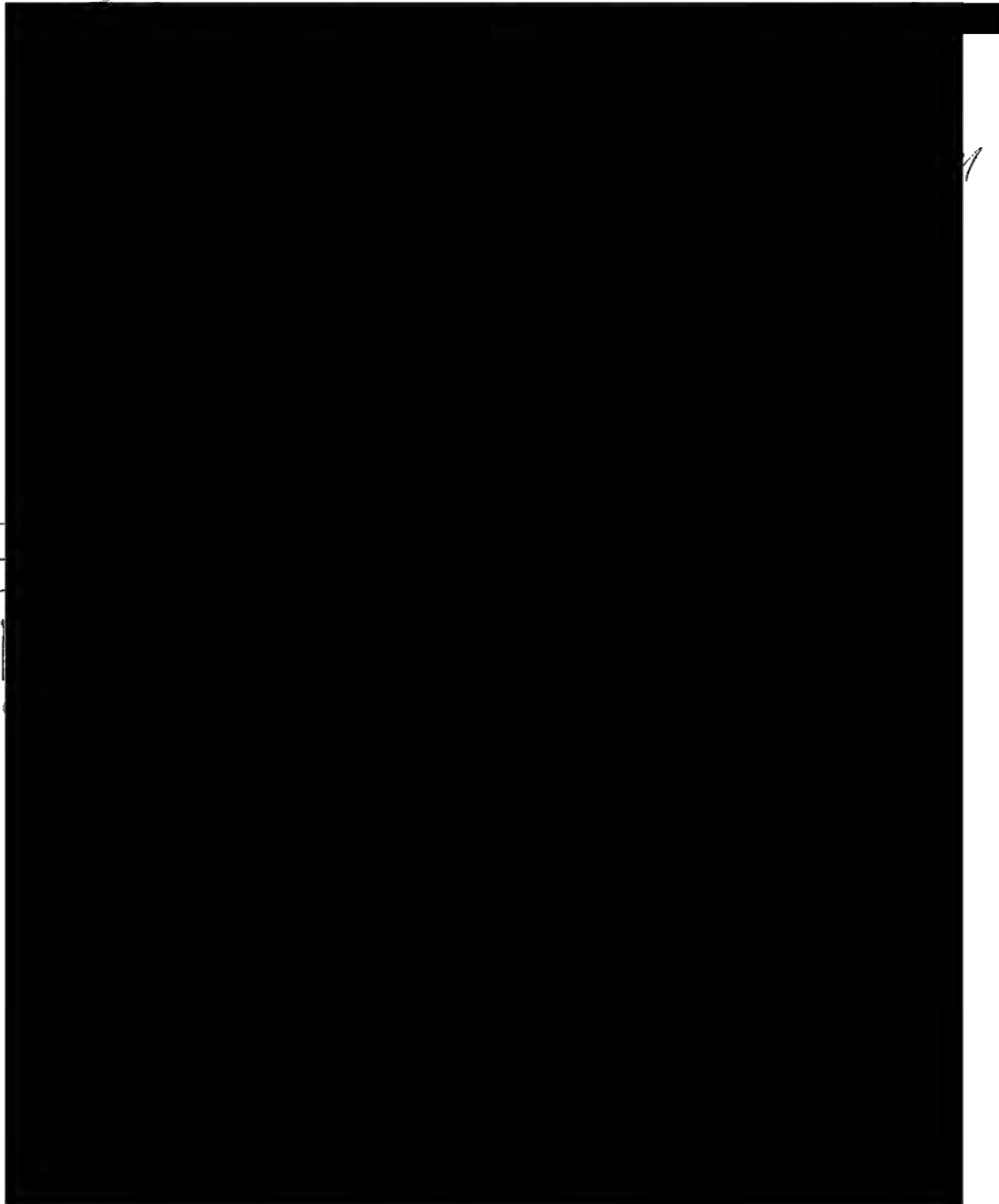
20

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**PETITION - PROPOSED BOTTLE SHOP, HIGH STREET, COBRAM (cont'd)**

**ATTACHMENT No [1] - Redacted version of petition received**



People against Drive Thru  
Bottle shop - High St Cobram,

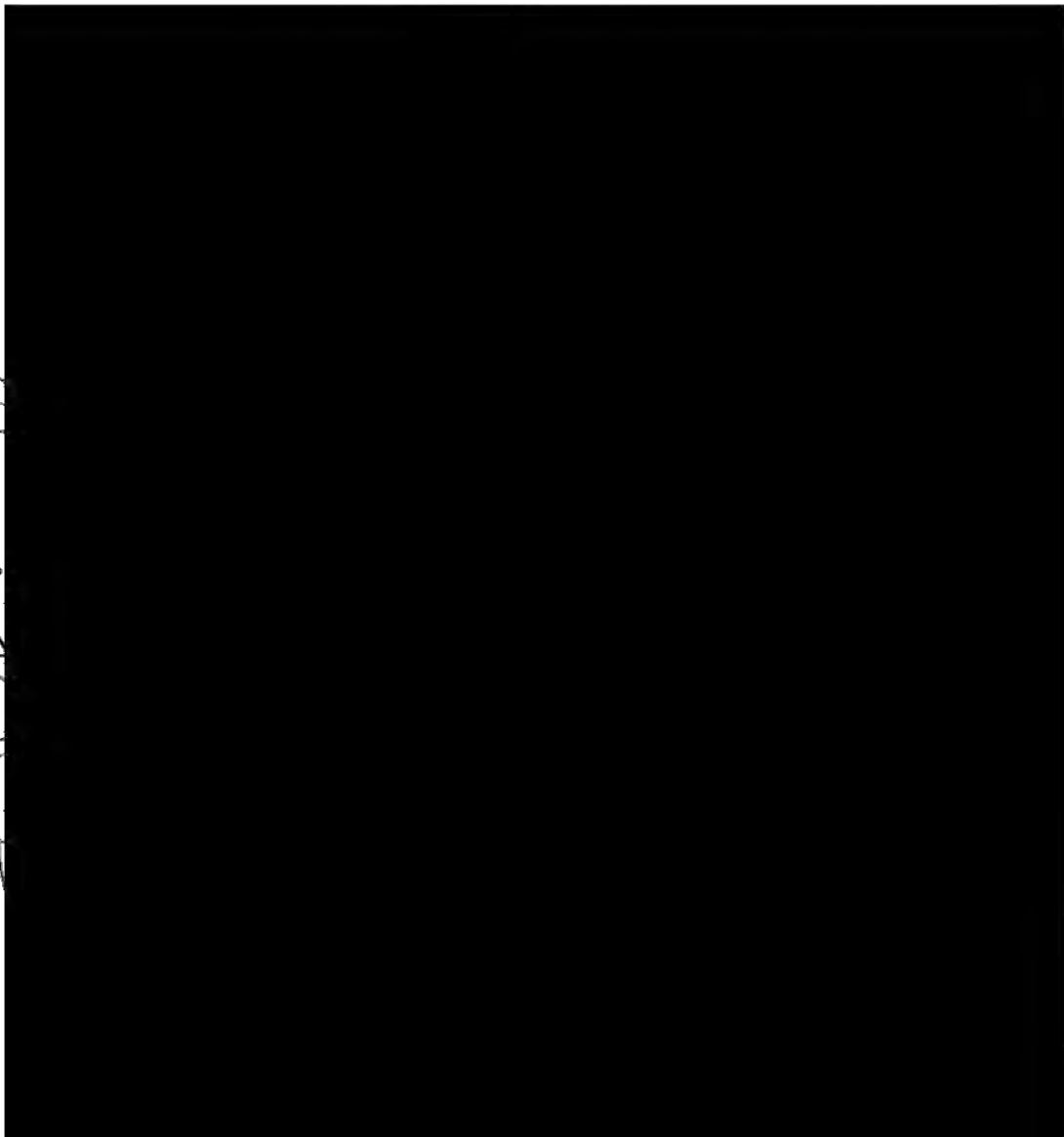
FILE NO: 5201685  
6. INVOLVING AND COMMUNICATING WITH  
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**PETITION - PROPOSED BOTTLE SHOP, HIGH STREET, COBRAM (cont'd)**

**ATTACHMENT No [1] - Redacted version of petition received**

PETITION for Those opposed to a  
Drive Through Bottle Shop proposed  
for busy High St, directly opposite  
the kiddies play ground



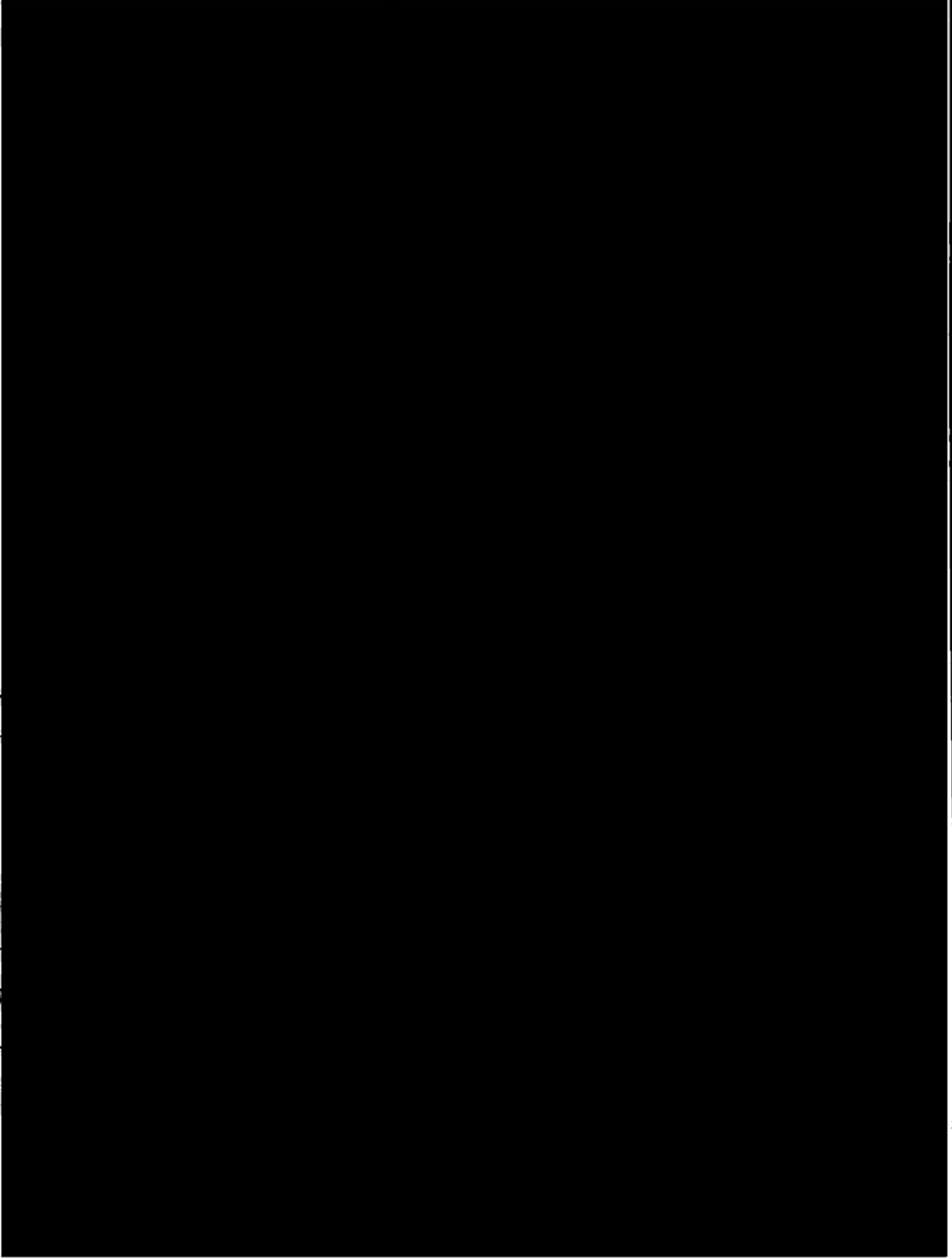
FILE NO: 5201685  
6. INVOLVING AND COMMUNICATING WITH  
OUR COMMUNITY

ITEM NO: 9.2.2

**PETITION - PROPOSED BOTTLE SHOP, HIGH STREET, COBRAM (cont'd)**

**ATTACHMENT No [1] - Redacted version of petition received**

No Bottle Shop for  
High St Cobram





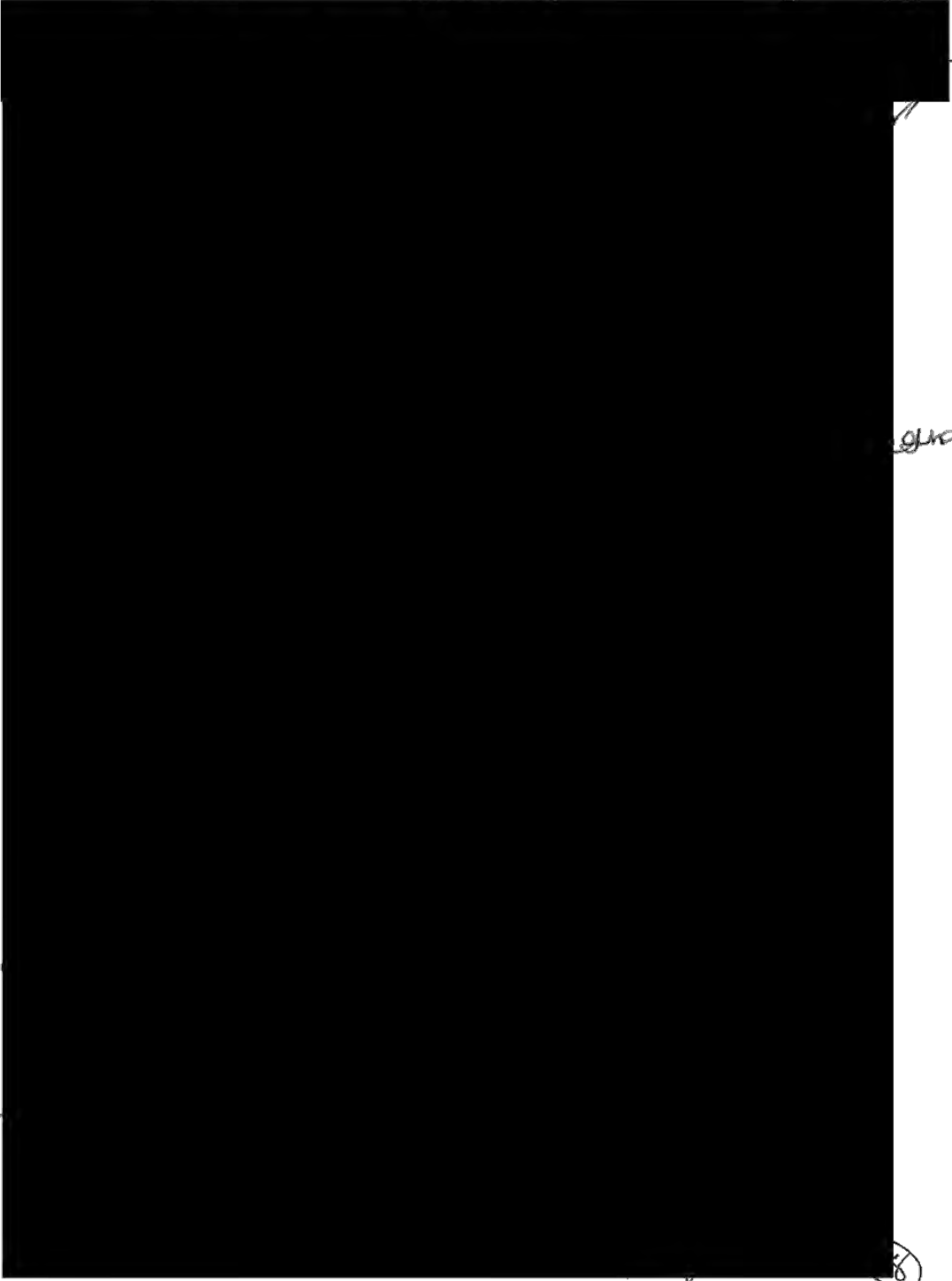
FILE NO: 5201685  
6. INVOLVING AND COMMUNICATING WITH  
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**PETITION - PROPOSED BOTTLE SHOP, HIGH STREET, COBRAM (cont'd)**

**ATTACHMENT No [1] - Redacted version of petition received**

*Bottle shop for High St Cobram*

| NAME  | ADDRESS |
|---|---------|
|  |         |

*Shaw*

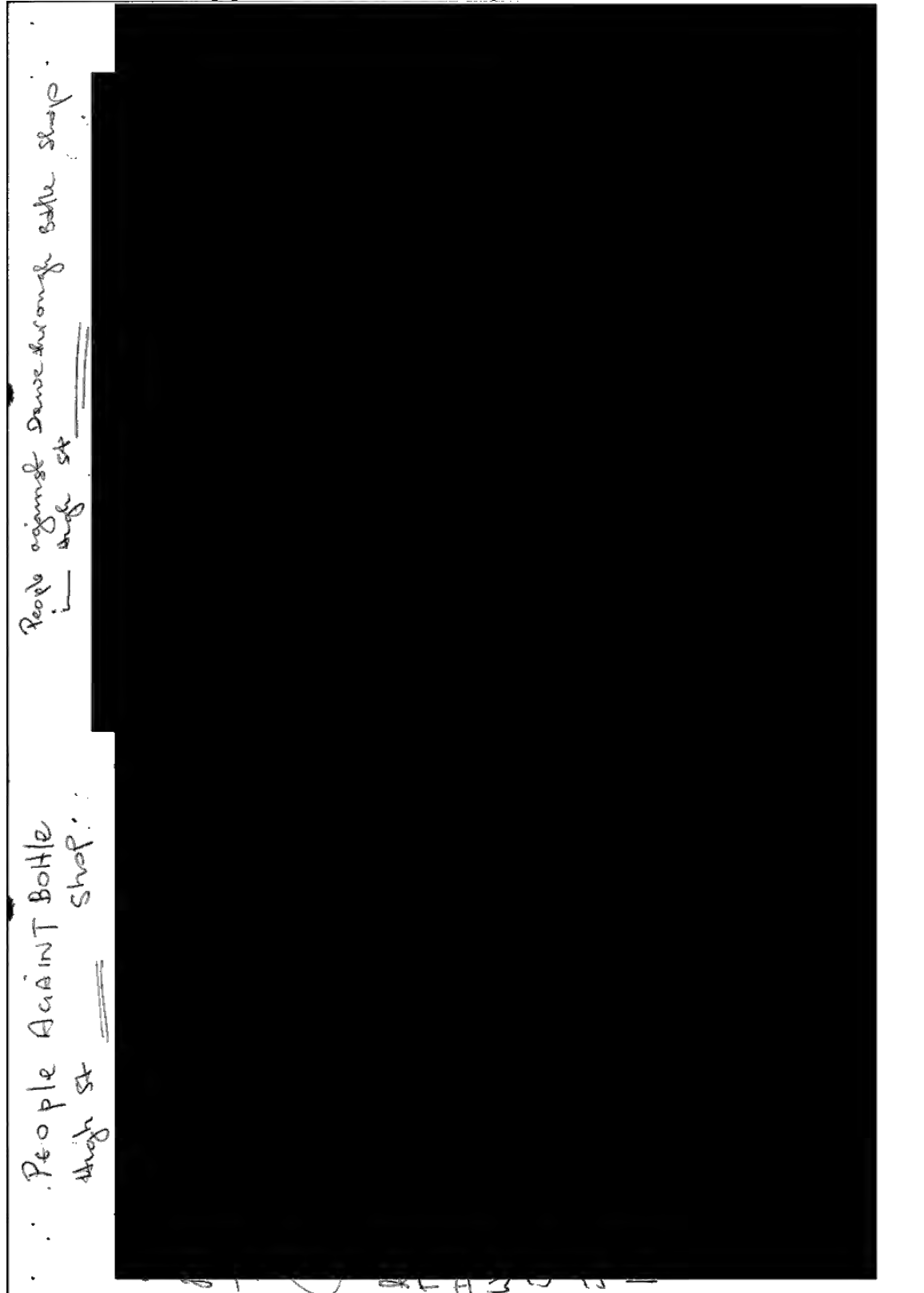
*(8)*

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**PETITION - PROPOSED BOTTLE SHOP, HIGH STREET, COBRAM (cont'd)**

ATTACHMENT No [1] - Redacted version of petition received

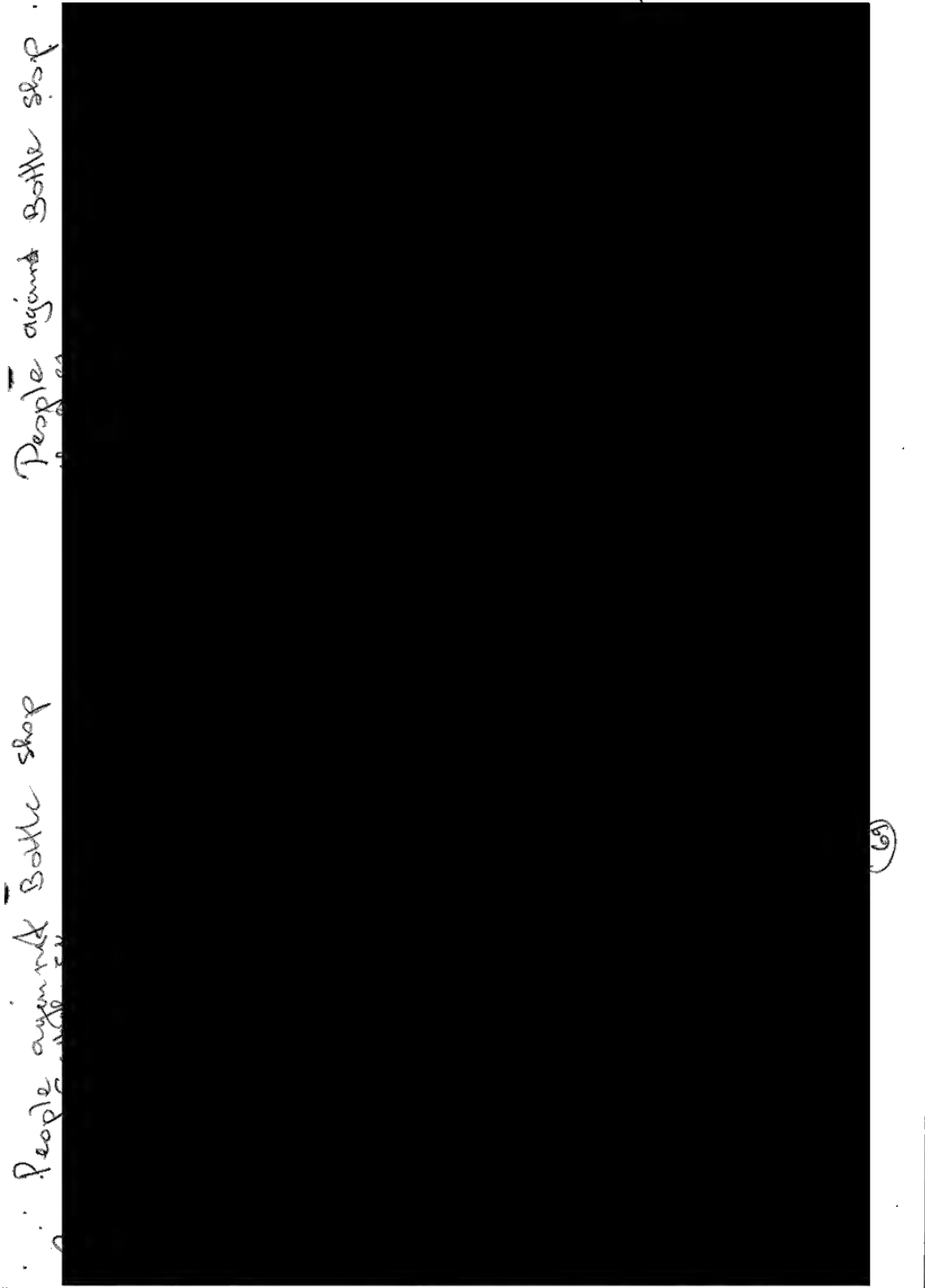


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6. INVOLVING AND COMMUNICATING WITH  
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ITEM NO: 9.2.2

**PETITION - PROPOSED BOTTLE SHOP, HIGH STREET, COBRAM (cont'd)**

ATTACHMENT No [1] - Redacted version of petition received



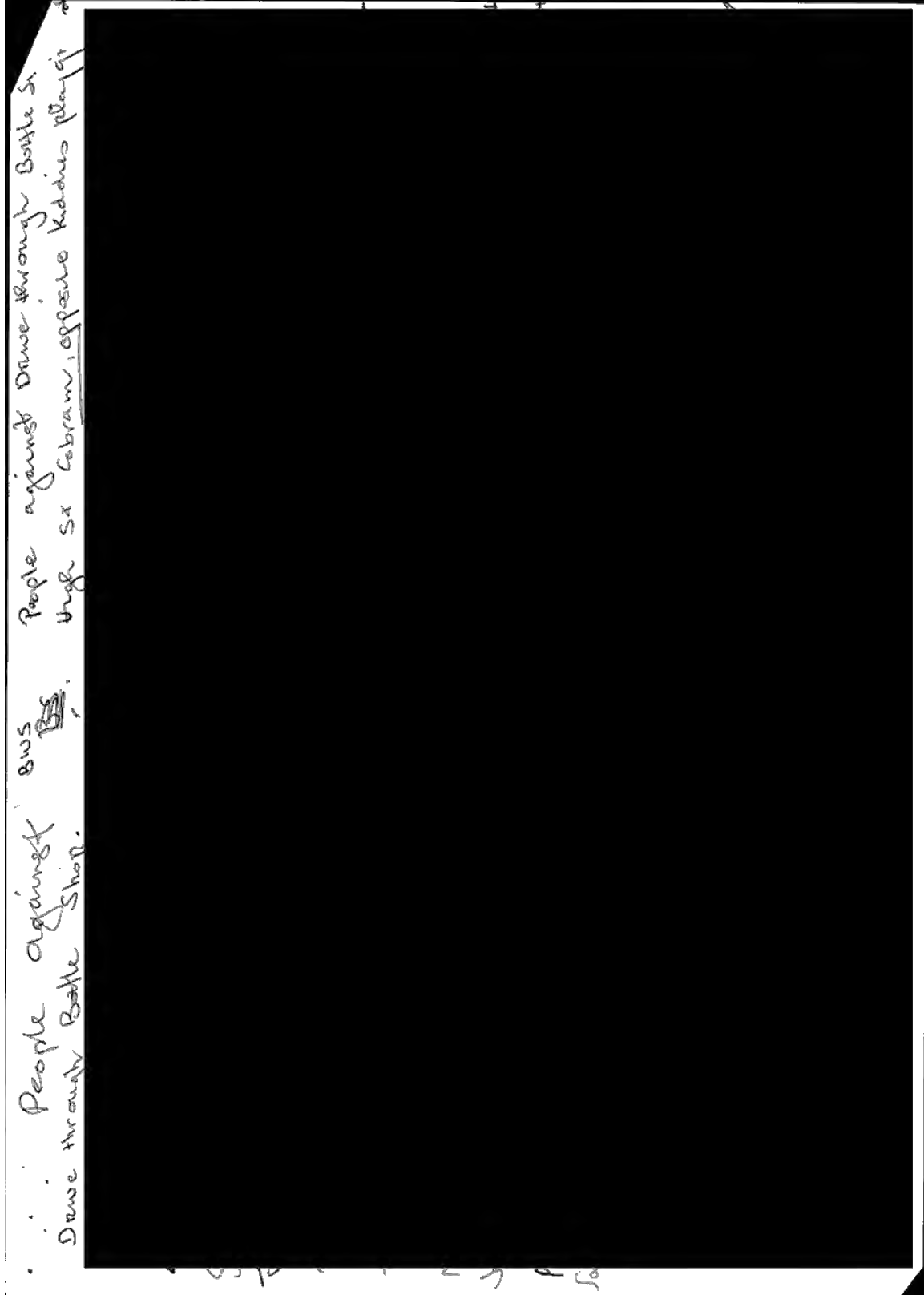
FILE NO: 5201685

6. INVOLVING AND COMMUNICATING WITH  
OUR COMMUNITY

ITEM NO: 9.2.2

**PETITION - PROPOSED BOTTLE SHOP, HIGH STREET, COBRAM (cont'd)**

ATTACHMENT No [1] - Redacted version of petition received

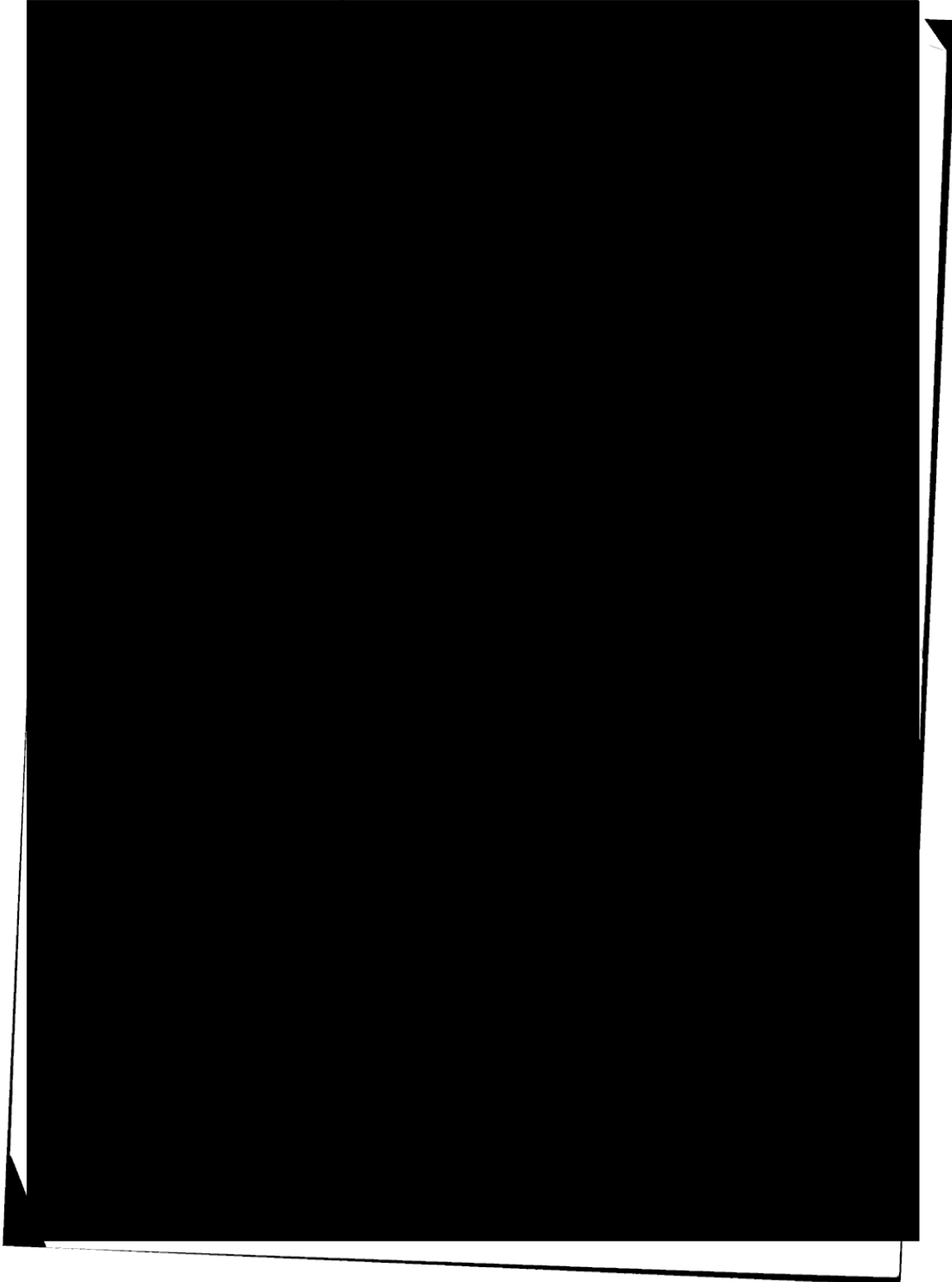


FILE NO: 5201685  
6. INVOLVING AND COMMUNICATING WITH  
OUR COMMUNITY

ITEM NO: 9.2.2

**PETITION - PROPOSED BOTTLE SHOP, HIGH STREET, COBRAM (cont'd)**

ATTACHMENT No [1] - Redacted version of petition received



FILE NO: 5201685  
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.3

**PLANNING APPLICATION 5/2016/85 FOR DEVELOPMENT OF LAND FOR  
BOTTLE SHOP, ADVERTISING SIGNAGE AND PACKAGED LIQUOR  
LICENCE AT 101 QUEEN STREET, COBRAM**

**RECOMMENDATION**

It is recommended that:

Council issue a Notice of Decision to Grant a Permit for Planning Application No. 5/2016/85 for the development of land for bottle shop, advertising signage and packaged liquor licence at 101 Queen Street, Cobram 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 licensed premises trading hours are permitted as follows:  
Sunday to Wednesday: 9am – 10pm  
Thursday to Saturday: 9am – 11pm
3. The location and details of signs, including those of the supporting structure and advertisement details, as shown on the endorsed plans must not be altered or modified except with the prior written consent of the Responsible Authority.
4. The signs may only be illuminated between the following hours:  
Sunday to Wednesday: 9am – 10pm  
Thursday to Saturday: 9am – 11pm
5. The sign(s) lighting must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land or declared road and to prevent direct light emission outside the boundaries of the subject land.
6. The signs must not be floodlit or illuminated by external lights except with the prior written consent of the Responsible Authority.
7. The permit expires and the signs permitted by this permit and shown on the endorsed plan must be removed on or before fifteen years from the date of this permit unless a further planning permit for the signs has been obtained within that time from the Responsible Authority.
8. 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.
9. External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the Responsible Authority.
10. 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.
11. 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.

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2. IMPROVING MOIRA'S LIVEABILITY

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**PLANNING APPLICATION 5/2016/85 FOR DEVELOPMENT OF LAND FOR  
BOTTLE SHOP, ADVERTISING SIGNAGE AND PACKAGED LIQUOR  
LICENCE AT 101 QUEEN STREET, COBRAM (cont'd)**

12. Prior to construction commencing on the site, the applicant must provide a drainage plan that accords with the provisions of Council's Infrastructure Design Manual [IDM], and has been prepared to the satisfaction of the Responsible Authority. In particular demonstrate that:

- a. provision for sufficient on-site detention to limit the peak outflow from the site during a 10% AEP rainfall event to the network capacity computed in accordance with the provisions of IDM Clause 19 (On-site Detention Systems), providing sufficient storage, unless proven otherwise, and conveyed by underground pipes to a legal point of discharge nominated by the Responsible Authority;
- b. all storm-water deposited upon, and transferred through, the developed site during a 10% AEP rainfall event must be collected and conveyed by underground pipes and to a legal point of discharge nominated by the Responsible Authority;
- c. all storm-water deposited upon, and transferred through, the developed site in a 1% AEP rainfall event must be collected and conveyed by secure overland and/or underground flood pathways to a legal point of discharge identified by the Responsible Authority; and
- d. stormwater drainage plans for the development must incorporate measures to enhance the quality of water discharged from the site and to protect downstream infrastructure and waterways.

13. Prior to the commencement of the use, drainage infrastructure required by the approved drainage plan must be constructed in accordance with plans and specifications to the satisfaction of the Responsible Authority.

14. Prior to the commencement of the use, all internal customer parking, manoeuvring areas and loading and unloading areas created by the proposed development and as shown on the endorsed plan must be constructed sealed, drained and illuminated, including any associated signage in accordance with plans and specifications approved by the Responsible Authority. Unless otherwise agreed in writing, the Authority will only approve plans and specifications complying with Council's Infrastructure Design Manual [IDM].

15. Vehicle access and egress from the property must take place in a forward direction at all times.

16. Prior to the commencement of the use, the site must have a point of access known as a vehicle crossing that serves that lot. All new and existing vehicle crossings as shown on the endorsed plan must be constructed and sealed to the standards of Council's Infrastructure Design Manual [IDM] Clause 12.9.1 (Urban Vehicle Crossings), and to the satisfaction of the Responsible Authority. In particular:

- a. any redundant vehicular crossing/s from Queen and High Streets serving the subject land must be removed and replaced with kerb and channel, and to the satisfaction of the Responsible Authority.

17. Prior to the commencement of the use, proposed alterations to and removal of street trees and on-street carparking along the High Street road reserve as shown on the endorsed plan must be carried out to the specifications and satisfaction of the Responsible Authority.

18. Prior to the commencement of the use, the nature-strip and all disturbed areas are to be topsoiled and seeded to establish grass cover.

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**PLANNING APPLICATION 5/2016/85 FOR DEVELOPMENT OF LAND FOR  
BOTTLE SHOP, ADVERTISING SIGNAGE AND PACKAGED LIQUOR  
LICENCE AT 101 QUEEN STREET, COBRAM (cont'd)**

19. In accordance with the Clause 22 (Environment Management during Construction) of Council's Infrastructure Design Manual [IDM], appropriate measures, satisfactory to the Responsible Authority, must be taken to minimise erosion and to retain dust, silt and debris on site, both during and after the construction phase.

20. Before the development starts, an amended landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale and three copies provided. The submitted plan must show:

- a) Deletion of species 4 and 5 of the plant schedule to be replaced by native species;
- b) Method of preparing, draining, irrigating and maintaining the plantings and landscaped areas.

21. Within twelve (12) months of the date of this permit or by such later date as is approved by the Responsible Authority in writing, the landscaping works shown on the endorsed Landscape Plan must be carried out and completed to the satisfaction of the Responsible Authority.

22. 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 replaced.

23. This permit will expire if one of the following circumstances applies:  
The development and use is/are not started within two years of the date of this permit.  
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 six months afterwards.

Planning Notes

Before undertaking any works on public land or roads, the applicant must obtain a permit from the relevant authority giving *Consent to Work within a Road Reserve*.

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.

No construction materials or earth is to be placed or stored outside the site area or on adjoining road reserves. This does not apply to road or footpath construction works on adjoining roads required as part of this permit.

Care is to be taken to preserve the condition of existing infrastructure adjacent to the site. If any damage to existing infrastructure occurs as a result of this development, the affected infrastructure is to be replaced by the applicant, at the applicant's cost to the specification and satisfaction of the Responsible Authority. adjoining roads required as part of this permit.

Care is to be taken to preserve the condition of existing infrastructure adjacent to the site. If any damage to existing infrastructure occurs as a result of this development, the affected infrastructure is to be replaced by the applicant, at the applicant's cost to the specification and satisfaction of the Responsible Authority.



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2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.3

**PLANNING APPLICATION 5/2016/85 FOR DEVELOPMENT OF LAND FOR  
BOTTLE SHOP, ADVERTISING SIGNAGE AND PACKAGED LIQUOR  
LICENCE AT 101 QUEEN STREET, COBRAM (cont'd)**

## 1. Executive Summary

Planning Permit Application 5/2016/85 is to develop land for the purpose of a bottle shop, advertising signage and packaged liquor licence at 101 Queen Street, Cobram.

There are 3 triggers for the permit:

- Clause 34.01-4 – planning permit is required for buildings and works in the Commercial 1 Zone.
- Clause 52.05 – planning permit is required advertising signage.
- Clause 52.27 – planning permit is required for a liquor licence.

The application was referred and advertised. Advertising consisted of a site notice and a letter to all adjoining property owner/occupiers. The application was also advertised in the Cobram Courier and on the Moira Shire's website. Eight (8) individual submissions and petitions have been received.

The application has been assessed against the relevant Clauses of the Moira Planning Scheme. The assessment has shown that the proposal accords with the purpose of the Commercial 1 Zone and Parking Overlay, the requirements of various Particular Provisions including Clause 52.27 which sets out decision guidelines for licenced premises. The proposal also accords with State or Local Planning Policies.

Accordingly this report recommends that the application be approved and a Notice of Decision to Grant a Permit be issued.

## 2. Background and Options

### Subject Application Details

Applicant: Dellcorp Pty Ltd  
Owner: Kelly Louise De Maria and David Benjamin De Maria  
Land Address: 101 Queen Street, Cobram  
Title Details: Lot 91 PS001834  
Site Area: Approximately 1067m<sup>2</sup>  
File No: 5/2016/85  
Zone: Commercial 1 Zone (C1Z)  
Overlays: Parking Overlay (PO)

### Location

The proposed development is at 101 Queen Street, Cobram. It currently contains a single storey residence and domestic shed. Queen Street is residential in nature with a mix of single residences and unit developments. Immediately adjacent to the lot on the eastern side is a unit development with access both from Queen Street and the lane running across the north of the lot.

The lot is located on the north eastern corner of the intersection between Queen Street and High Street. Directly across High Street is the Levings Park which has a childrens' play area, Bocce Courts and picnic tables.

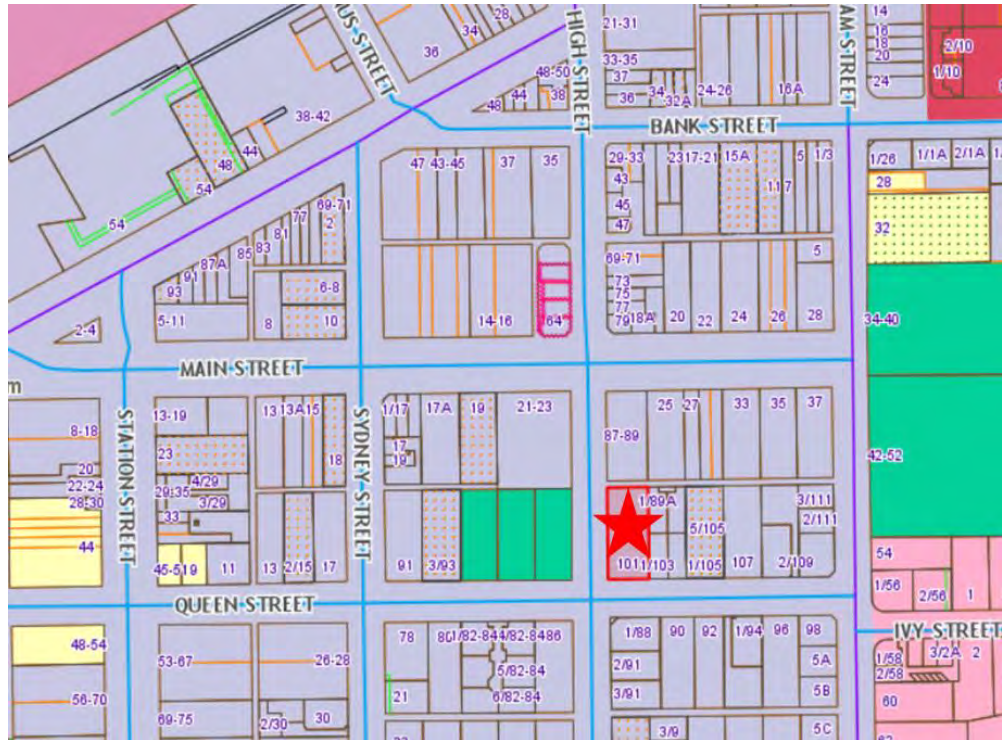
To the north of the subject lot, on the other side of the lane, is the Cobram Dry Cleaners. To the north west, on the opposite side of High Street is a McDonalds convenience

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**PLANNING APPLICATION 5/2016/85 FOR DEVELOPMENT OF LAND FOR  
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LICENCE AT 101 QUEEN STREET, COBRAM (cont'd)**

restaurant. Both McDonalds and the Dry Cleaners front onto Main Street, a predominantly commercial street running parallel to Queen Street.



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2. IMPROVING MOIRA'S LIVEABILITY

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**PLANNING APPLICATION 5/2016/85 FOR DEVELOPMENT OF LAND FOR BOTTLE SHOP, ADVERTISING SIGNAGE AND PACKAGED LIQUOR LICENCE AT 101 QUEEN STREET, COBRAM (cont'd)**

Proposal

The subject application seeks a permit for buildings and works to construct a drive through bottle shop at 101 Queen Street, Cobram. The shop will be 282m<sup>2</sup> while the drive through area will be 162m<sup>2</sup> (total 444m<sup>2</sup>). 12 Car parking spaces will be provided on site.



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**PLANNING APPLICATION 5/2016/85 FOR DEVELOPMENT OF LAND FOR  
BOTTLE SHOP, ADVERTISING SIGNAGE AND PACKAGED LIQUOR  
LICENCE AT 101 QUEEN STREET, COBRAM (cont'd)**



The application also includes advertising signage and a packaged liquor licence. The operating hours proposed are as follows:

Sunday to Wednesday: 9am – 10pm  
Thursday to Saturday: 9am – 11pm

It is noted that to facilitate the development the existing dwelling on the lot will be demolished. The demolition of the dwelling does not trigger a planning permit as it is exempt in accordance with Clause 62.05 of the Moira Planning Scheme.

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**PLANNING APPLICATION 5/2016/85 FOR DEVELOPMENT OF LAND FOR  
BOTTLE SHOP, ADVERTISING SIGNAGE AND PACKAGED LIQUOR  
LICENCE AT 101 QUEEN STREET, COBRAM (cont'd)**

**Key Issues**

- Buildings and Works in C1Z
- Car Parking Requirements in PO
- Clause 52.27 for Licenced Premises
- Amenity Impacts
- Cumulative Impacts

**Options**

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

**3. Financial Implications**

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

**4. Risk Management**

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

**5. Internal and External Consultation**

**Pre-Lodgment Consultation**

A pre-lodgment meeting was held in on 26 October 2015 with Council Officers.

**Further Information Request**

Following the initial assessment a Request for Further Information was issued. As a response the applicant provided elevation details showing the interaction between the proposed building and existing residences to the east, a plan illustrating how Heavy Rigid Vehicles (HRV's) will enter and exit the site and a revised map showing the location of established liquor licences premises in Cobram.

**Internal Consultation**

The application was referred internally to our Assets, Building, Environmental Health, Infrastructure Planning, Natural Resources, Safety and Amenity and Community Departments. All responses have been received. A number of departments have requested conditions be placed on any permit issued. None have objected to the issuing of a permit.

**External Consultation**

There is no requirement under the Moira Planning Scheme to refer the application to any external authority. Notice was however given to the public with letters sent to adjoining landowners, a notice placed on the site and in the Cobram Courier and on Council's website.

The notice period closed on 29 June 2016. Eight (8) individual objections have been received along with a petition with over 50 signatures. A copy of the individual objections and the petition are attached here. The following table summarises the issues raised by the objectors.

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2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.3

**PLANNING APPLICATION 5/2016/85 FOR DEVELOPMENT OF LAND FOR BOTTLE SHOP, ADVERTISING SIGNAGE AND PACKAGED LIQUOR LICENCE AT 101 QUEEN STREET, COBRAM (cont'd)**

| <b>BASIS OF OBJECTION</b>  | <b>OFFICER'S COMMENTS</b>   |
|--|---|
| <b>Commercial use in "residential" area</b>  | <p>It is acknowledged that the dominant use on Queen Street is residential. Commercial uses however adjoin the property to the north and are zoned accordingly.</p> <p>The subject lands are in the Commercial 1 Zone. The proposed use of the lot is not a trigger for a permit in the zone. Council can only consider the buildings and works, advertising signage and liquor licence.</p>  |
| <b>Economic Impacts</b> <ul style="list-style-type: none"> <li>• Impact on existing retailers,</li> <li>• one store already closed,</li> <li>• shop should be in Woolworths complex, saturation of market for liquor sales, and</li> <li>• cumulative impact.</li> </ul>   | Commercial impacts or competition are not a relevant planning consideration and can't be assessed from this perspective.  |
| <b>Consistency with State and Local Planning Policies</b>  | Consistency with the SPPF, MSS and LPPF is discussed below.   |
| <b>Amenity Impacts</b> <ul style="list-style-type: none"> <li>• Opening hours,</li> <li>• noise,</li> <li>• drug and alcohol problems,</li> <li>• location opposite Park,</li> <li>• impact on children,</li> <li>• undesirable social behaviour,</li> <li>• illuminated lighting in residential area, and</li> <li>• visual clutter.</li> </ul> | <p>Clause 52.27 of the Planning Scheme states that when determining applications for liquor licences the impact upon amenity, including the impact of the hours of operation, the number of patrons and the cumulative impact of any existing licenced premises. This is discussed below.</p> <p>The amenity has also been considered when assessing advertising signage and the proposed buildings and works in accordance with decision guidelines for clauses 34.01 and 52.27.</p> |
| <b>Traffic, car parking and pedestrian considerations</b> <ul style="list-style-type: none"> <li>• Congestion,</li> <li>• traffic safety,</li> <li>• parking,</li> <li>• design of access, and</li> <li>• lack of footpath to the south on High Street.</li> </ul>   | Council's Infrastructure Department has reviewed the traffic impact and have not objected to the application. If a permit is issued conditions will be in accordance with the Infrastructure Design Manual.   |
| <b>Process</b><br>Concerns as to process – Council "hiding" proposal   | In accordance with the Planning and Environment Act, 1987 it is considered that the application was adequately advertised   |

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in the newspaper, on site, on Council's website and letters to adjoining landowners and occupiers.

The objections were forwarded to the applicant who provided a written response which attached to this report.

The applicant's response was send to all of the objectors, including those who signed the petition. At the time of writing this report one of the petitioners has withdrawn their objection.

A meeting took place on 29 August 2016 at the Cobram Senior Citizens Centre to provide the applicant and objectors an opportunity to be heard by Councillors. A petition opposing the development was delivered at the meeting and will be considered in a separate report.

## **6. Regional Context**

There is no regional context associated with this application.

## **7. Council Plan Strategy**

One of the strategic goals in the current Council Plan is:

- *Improve Moira's Liveability - Build on our economic strengths in agriculture, manufacturing and tourism*

As part of improving Moira's Liveability the Council Plan states that improving the quality of life for residents must be undertaken while encouraging greater economic growth. The proposed development will bring benefits to the economy of Cobram. It must be balanced with the protection of the amenity or residents. This will be further considered below.

## **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 C1Z.

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 34.01-4 states that a planning permit is required for all buildings and works in the C1Z. This is the first trigger for the subject application.



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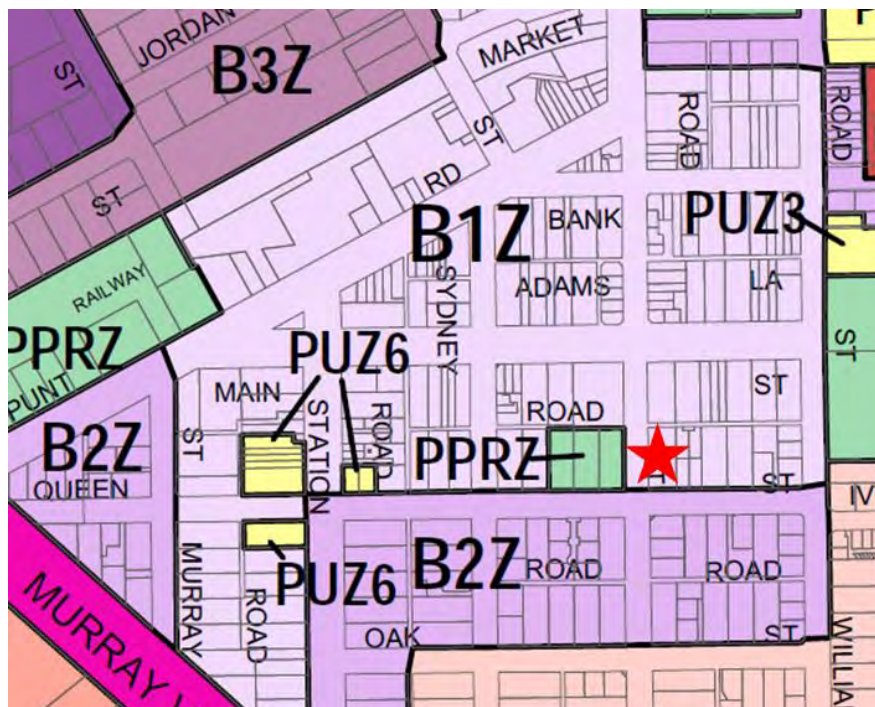
**PLANNING APPLICATION 5/2016/85 FOR DEVELOPMENT OF LAND FOR BOTTLE SHOP, ADVERTISING SIGNAGE AND PACKAGED LIQUOR LICENCE AT 101 QUEEN STREET, COBRAM (cont'd)**

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 movement of pedestrians and cyclists, and vehicles providing for supplies, waste removal, emergency services and public transport.*
- *The provision of car parking.*
- *The streetscape, including the conservation of buildings, the design of verandahs, access from the street front, protecting active frontages to pedestrian areas, the treatment of the fronts and backs of buildings and their appurtenances, illumination of buildings or their immediate spaces and the landscaping of land adjoining a road.*
- *The storage of rubbish and materials for recycling.*

The use is located on the southern edge of the commercial centre of Cobram. There is a residential area located directly to the east and south of the subject lot. The building is a single storey and fronts principally onto High Street.

There are residential units located along the eastern boundary of the lot. The applicant has provided plans showing the interaction between the proposed building and the units. Both units have a car port between habitable rooms and the subject lot. The bottle shop will be 5.7m high, extends for 27.78m and is located is 4.14m from the eastern lot boundary. No openings, windows or plant is proposed along the eastern façade.



It is considered that in the C1Z the design will not impact on the amenity of these residents. In summary, the proposal provides for a satisfactory outcome in terms of the purpose and decision guidelines of the zone.

It should be noted that prior to 2012 the subject lot was within the old Business 1 Zone (B1Z). The old B1Z represented the commercial core of Cobram as illustrated above. The proposed development is on a property that has long been viewed as a commercial area, even if the predominant use to the south is residential.

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LICENCE AT 101 QUEEN STREET, COBRAM (cont'd)**

**Overlay**

The subject lot is affected by the Parking Overlay (PO). The purpose of the PO, amongst others, is:

*To identify areas and uses where local car parking rates apply.*

The subject lot is within the PO2 area. This affects commercially zoned land in Cobram. Its principal objective is to provide a mechanism for cash-in-lieu payments where car parking is not being provided on site.

The subject application is providing the required number of spaces. This will be discussed below.

It is considered that the proposed development therefore does not necessitate a cash-in-lieu payment.

**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 commercial centre of Cobram.

**Local Planning Policy and Municipal Strategic Statement**

Clause 21.05-3 of the Moira Shire Planning Scheme sets out the Shire's Economic Development Objectives. It states that it is an objective:

*To enable each urban centre to establish a clear role and function for its long term viability as a commercial and community centre.*

This new commercial development will add to the long term viability of Cobram.

**Relevant Particular Provisions**

**Clause 52.05 – Advertising Signage**

Clause 34.01-9 indicates that advertising signage requirements in the Commercial 1 Zone are as per those set out for Category 1 areas. Clause 52.05-8 shows that Category 1 has minimum limitations.

The applicant is proposing business identification signage, a freestanding pole sign, directions signs and small promotion signs. The pole sign will be internally illuminated.

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Clause 35.05-3 sets out the Decision Guidelines for assessing advertising signage applications. The key guidelines for assessing this application are:

- *The sensitivity of the area in terms of the natural environment, heritage values, waterways and open space, rural landscape or residential character.*
- *The potential to dominate the skyline.*
- *The proportion, scale and form of the proposed sign relative to the streetscape, setting or landscape.*
- *The impact of glare and illumination on the safety of pedestrians and vehicles.*
- *The impact of illumination on the amenity of nearby residents and the amenity of the area.*
- *The potential to control illumination temporally or in terms of intensity.*

It is considered that the proposed signage accords with the decision guidelines in the 'minimum limitation' Category 1 area. A condition will be placed on any permit that is issued to ensure that illumination on the site, including the illuminated pole sign, will be kept to a minimum, that is, during the opening hours of the bottle shop.

**Clause 52.06 – Car Parking**

The purpose of Clause 52.06 is, among others:

*To ensure the provision of an appropriate number of car parking spaces having regard to the demand likely to be generated, the activities on the land and the nature of the locality.*

It applies to a new use, such as the subject application. Table 1 in Clause 52.06-5 sets out the number of spaces required for different forms of development. The relevant use class here is "shop". The requirement is 4 spaces per 100m<sup>2</sup> of leasable (shop) floor area, which is 282m<sup>2</sup>. The requirement is therefore 11 spaces. The proposal includes 1 disabled space and 5 standard spaces in the car park area plus space for 6 cars in the drive thru area. The total capacity on site therefore is 12 spaces, which meets the requirements of the provision.

**Clause 52.07 – Loading and Unloading**

The purpose of Clause 52.07 is:

*To set aside land for loading and unloading commercial vehicles to prevent loss of amenity and adverse effect on traffic flow and road safety.*

The Clause requires that space be provided on the subject lot for loading and unloading of vehicles. The proposal includes a loading area. It therefore meets the requirements of this provision.

**Clause 52.27 – Licenced Premises**

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:

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- *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 on the edge of the commercial core of Cobram. The location of the licensed premises is considered appropriate for the area.

The impact of the sale of alcohol upon amenity of the surrounding is as much of a concern for applications selling packaged liquor as it would be for a proposal where alcohol is to be consumed on the premises. Customers are expected to travel home or to another destination before consuming alcoholic products.

It is however noted that the shop will be located opposite a public park (Levings Park). Objectors have raised concerns regarding the possible use of the park by people consuming alcohol purchased from the proposed store.

Moira Shire's *Local Law 2013*, section 9.1, prohibits any consumption of liquor within a specified area. The park and subject lot are both within the specified area shown on Map 1 in the relevant Schedule. Should consumption of alcohol become an issue the Local Law is enforced by the police.

It is considered that there is no planning justification to refuse a permit on the chance that some patrons may break other laws. Rather if breaches occur then measures can be taken utilising more appropriate mechanisms such as Local Laws or through the Victorian Commission for Gambling and Liquor Regulation (VCGLR).

Given that the consumption of alcohol normally will be at customers' homes or elsewhere offsite the actual impact of the proposed shop is minimal. The effect on amenity can in effect be assessed as any buildings and works for a commercial store in the C1Z.

The cumulative impact of the store however must still be assessed. *Planning Practice Note 61 – Licenced premises: Assessing cumulative impact* sets out the criteria by which the cumulative impact of clustering of liquor licences. It describes two types of clusters. The first type is described as being where three or more licenced premises, including the proposed premises, are located within 100m of the subject land. The second type is if 15 or more licenced premises, including the proposed premises, occur within a radius of 500m of the subject land.

There are no licenced premises within 100m of the subject land. The map submitted as part of the further information supplied by the applicant on 2 June 2016 shows that within 500m of the subject land there are 14 licenced premises, including the proposed premises. This includes two premises with general licences, three for packaged liquor, three restaurant and café premises, three associated with sporting clubs, one BYO and one late night (on-premises).

It should be noted that since they have undertaken the mapping exercise one of these three packaged liquor premises has ceased trading. The actual number is therefore 13, with just packaged liquor premises. There is therefore no cluster.

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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 Cobram.

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.*
- *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 development accords with Clause 65.

**9. Environmental Impact**

It is anticipated that the application will not result in any adverse environmental impacts subject to compliance with conditions.

**10. Conflict of Interest Considerations**

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

**11. Conclusion**

The proposed development of 101 Queen Street, Cobram for a drive through bottle shop, advertising signage and liquor licence is consistent with the State and Local Planning Policies, the zone, overlay and particular provisions as per Clauses 52.05, 52.06, 52.07 and 52.27.

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LICENCE AT 101 QUEEN STREET, COBRAM (cont'd)**

It is concluded that the subject development will be appropriately located on the edge of Cobram's commercial core. Given that the development, advertising signage and liquor licence accords with all relevant planning scheme provisions it is considered that the proposal is in keeping with the orderly planning of the area. This report therefore recommends that the application be approved and a Notice of Decision to Grant a Permit be issued .

**Attachments**

- 1 Copy of Objections Received
- 2 Applicant's Response to Objections

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**PLANNING APPLICATION 5/2016/85 FOR DEVELOPMENT OF LAND FOR  
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LICENCE AT 101 QUEEN STREET, COBRAM (cont'd)**

**ATTACHMENT No [1] - Copy of Objections Received**

**From:** [REDACTED]  
**Sent:** Tuesday, 28 June 2016 2:39 PM  
**To:** RecordsWebmaster  
**Subject:** 101 Queen St Cobram OBJECTION  
**Attachments:** Cobram Planning Objection 201628062016.pdf

Dear Sir / Madam,

Please find attached an objection to the planning application for 101 Queen Street Cobram.

Given that the form was necessarily hand written the text of the central portion of the form is repeated here for your convenience.

"4. The Area is residential - A commercial operation of the type proposed will significantly impact upon the amenity of the neighbourhood. It will draw countless vehicles and their doors opening and closing and music disrupting the peace of the area.

The safety and security of the residences and the residents will also be affected.

There may be expected to be additional noise from the industrial cool rooms and air conditioners and delivery trucks at all hours. The amenity will also suffer significantly from the visual pollution of the advertising signs used by such establishments. Impact of intoxicated individuals being drawn to the location is a significant concern.

5. Those living at [REDACTED] are elderly and or seeking the quiet enjoyment of their homes in a residential area."


Kind regards,  
[REDACTED]

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LICENCE AT 101 QUEEN STREET, COBRAM (cont'd)

ATTACHMENT No [1] - Copy of Objections Received


**MoiraShire** 

**PLANNING PERMIT APPLICATION SUBMISSION FORM**

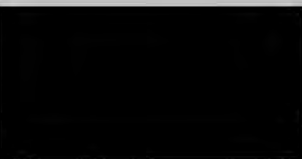
**1. Application Details**

|                          |                      |
|--------------------------|----------------------|
| Application No:          |                      |
| Application Description: | Bottle shop          |
| Address(s):              | 101 Queen St Cobram. |

**2. Your details**

|                |  |
|----------------|--|
| Title          |  |
| First Name     |  |
| Surname        |  |
| Email          |  |
| Postal Address |  |
| Town           |  |
| Postcode       |  |
| Phone No.      |  |
| Mobile         |  |
| Fax            |  |

**3. Your property details**

|  |   |
|--|---|
| Property address                             |  |
| Town   |   |
| Property no (as appears on your rate notice) |   |

Please Turn Over



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**PLANNING APPLICATION 5/2016/85 FOR DEVELOPMENT OF LAND FOR  
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**ATTACHMENT No [1] - Copy of Objections Received**

4. Reasons for submission (please add additional pages as required)

The area is residential. A commercial operation of the type proposed will significantly impact the amenity of the neighbourhood. It will draw countless vehicles to the residential area with the noise of the vehicles and their doors opening and closing and music disrupting the peace of the area. The safety and security of the residences and residents will also be affected. There may be expected to be additional noise from industrial cool rooms and air conditioners and delivery trucks at all hours. The amenity will also suffer significantly from the visual pollution of the advertising signs used by such establishments. Impact of intoxicated individuals being drawn to the locality is a significant concern.

5. How would I be affected if a permit is granted.

There is a living at [redacted] are already and seeking the quiet enjoyment of their homes in a residential area.

Signature [redacted] Date 27/6/16

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LICENCE AT 101 QUEEN STREET, COBRAM (cont'd)**

**ATTACHMENT No [1] - Copy of Objections Received**

Planning Department  
Moria Shire,  
Station Street,  
Cobram. Vic 3644

June 28<sup>th</sup>, 2016

520685  
D16/44622  
30 JUN 2016

Dear Sir/Madam,

It has come to my attention there is a proposed bottle shop to be constructed on the corner of Queen Street and High Street, Cobram. We have a few issues with this proposal.

We have lived in Queen Street for 23 years and have noticed a huge increase in the traffic along Queen Street. Our concerns are with a bottle shop on the corner, there will increased traffic in Queen Street and High Street. A lot of drivers go from William Street to High Street via Queen Street or the other way from High Street. This has been very noticeable since Mc Donald's has been built. Often when driving along Queen Street, you have to wait behind a parked car, to let on-coming cars pass.

We also have issues with a bottle shop being built across for a park and play ground. Do we really need a bottle shop across from a place where families met and play? There are a lot of families that buy food from Mc Donald's and go to the park to eat.

We already have 6 venues to buy alcohol in Cobram at the moment. It is a well-known fact that there is an increasing problem with alcohol in our community.

We believe there are plenty of commercial blocks available that are more suitable for a bottle shop than Queen Street/High Street corner.

Thank you for your consideration on this matter.

Yours faithfully,

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LICENCE AT 101 QUEEN STREET, COBRAM (cont'd)**

**ATTACHMENT No [1] - Copy of Objections Received**

Our Ref: [REDACTED]

29 June 2016

**By Post**  
Mr Peter Stenhouse  
Statutory Planning  
Moirā Shire Council  
PO Box 578  
COBRAM VIC 3643

|              |             |
|--------------|-------------|
| File #       | 5201685     |
| Comm. No.    | D16 / 44708 |
| - 1 JUL 2016 |             |
| Referred to. |             |
| Copies to.   |             |

Dear Peter

**Objection to Planning Permit Application 5/2016/85  
Liquor Store Development: 101 Queen Street Cobram**

We refer to the above planning permit application and advise that we act for [REDACTED]

Our Client is the registered proprietor of the land located at [REDACTED] and has become aware of the above planning permit application (**Proposal**). The Proposal is for the development of 101 Queen Street Cobram (**Subject Land**) for a liquor tenancy of 282 square metres leasable floor area with associated car parking and drive through area. The Subject Land is located in close proximity to our Client's property.

We advise that our Client objects to the Proposal on the following grounds:

1. the Proposal is inconsistent with the relevant State and Local Planning Policy and represents a poor planning outcome;
2. the Proposal is inconsistent with Clause 52.27;
3. the traffic resulting from the Proposal will adversely affect the amenity of the neighbourhood, and will affect surrounding properties and businesses;
4. the Proposed provision of liquor to the public as part of the Proposal is inappropriate given the proximate location of residential properties, recreational park and McDonald's and will cause unreasonable amenity impacts;
5. the Proposal will have an unreasonable impact on the amenity of the surrounding area including by way of patron behaviour and intoxicated persons;
6. the Proposal is not required as the local area is already serviced by a number of other liquor vendors;
7. the Proposal will have an unreasonable, cumulative impact on the amenity of the surrounding area including by way of patron behaviour due to the proximate location of other liquor vendors and licensed premises;

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LICENCE AT 101 QUEEN STREET, COBRAM (cont'd)**

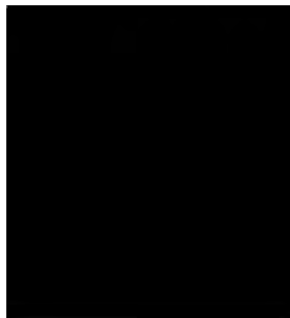
**ATTACHMENT No [1] - Copy of Objections Received**

8. the Proposal is likely to adversely impact the amenity of neighbourhood due to the prolonged hours of operation (nights and weekends); and
9. the Proposal has the potential to adversely impact the amenity of the neighbourhood due to an increase in noise and disorderly conduct from the patrons.

On the basis of the assertions set out above, it is submitted that the Proposal is inconsistent with Clause 52.27 as it will cause unreasonable amenity impacts on the surrounding area. Our Client considers that the use of the Subject Land as a drive through liquor tenancy will adversely affect our Client's use of its property and that of surrounding land owners.

In light of the above, our Client respectfully submits that a planning permit should not be granted for the Proposal.

Should you have any further queries, please do not hesitate to contact us.



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**PLANNING APPLICATION 5/2016/85 FOR DEVELOPMENT OF LAND FOR  
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LICENCE AT 101 QUEEN STREET, COBRAM (cont'd)**

**ATTACHMENT No [1] - Copy of Objections Received**

Moira Shire Council

|             |           |
|-------------|-----------|
| File No     |           |
| Contract No | D16/44079 |
| 29 JUN 2016 |           |

**OBJECTION to PLANNING APPLICATION NUMBER 5/2016/85**

**- LIQUOR STORE DEVELOPMENT AT 101 QUEEN STREET, COBRAM, VIC**

As spokesperson for [REDACTED] I hereby object to the proposed liquor store development for the following reasons:

1. LOCATION- (ref: Clause 52.27 of the Moira Planning Scheme)
  - a. This proposed development is across the road from a public park. The park adjoins McDonalds. There is a risk of increased youth congregation in the park, ready access to alcohol and incidents of noise and public nuisance which will negatively impact the amenity of the public park.
  - b. This proposed development may lead to increased traffic and traffic noise along Queen Street and in the south end of High Street. This area has become increasingly a high density residential area with the subdivision of larger blocks over the last 25 years. Increased Motor vehicles, boat trailers, caravans or delivery trucks which potentially may travel in Queen Street upon entering or leaving the proposed outlet will negatively affect the location amenity for residents.
  - c. This commercially zoned land is not suitable for a business with extended trading hours and expected high traffic due to its closeness too residential houses and units. The residents will be negatively affected by noise, traffic and illuminated signage late into the night.

**2. LIQUOR LICENSE SATURATION**

I have read the supporting documentation of the application and I note the following:

- The liquor license maps showing 10 licensed premises are incorrect in that there are at least three liquor outlets not listed:
  - The existing BSW site in Punt Road
  - The Grand Central Hotel
  - The Cobram Hotel

And so, I contend that these incorrect maps cannot support the application with any validity.

- I question the need and reason for this proposed development on the south east edge of the commercial area and abutting residential properties since BWS already has a high profile liquor outlet located centrally in Punt Road.
- I question the expected job gain if this development is at the expense of the financial viability of other liquor license holders.

June 28, 2016

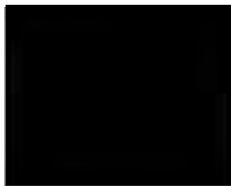
FILE NO: 5201685  
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.3

**PLANNING APPLICATION 5/2016/85 FOR DEVELOPMENT OF LAND FOR  
BOTTLE SHOP, ADVERTISING SIGNAGE AND PACKAGED LIQUOR  
LICENCE AT 101 QUEEN STREET, COBRAM (cont'd)**

**ATTACHMENT No [1] - Copy of Objections Received**

28.06.2016



|                 |           |
|-----------------|-----------|
| Moira Shire Cou |           |
| File #          | 5201685   |
| Comes At.       | 016/44023 |
| 28 JUN 2016     |           |
| Referred to.    |           |
| Copies to.      |           |

To whom it may Concern

**Letter of Objection to Drive through Bottle shop to be built in Queen Street Cobram.**

I am a rate payer of 2 homes in Cobram one situated at [REDACTED] which is rented out and the other house we live in at [REDACTED]. I have 2 children who are aged 4 years old and 10 months who I already have to walk on the road to go down the street as you have failed to discuss putting a footpath in High street on either side of the road after numerous request and petitions.

My objection is based on my concern on introducing a licensed premises in a built up residential area which already has to cope with noise and vandalism and disturbance from McDonalds will add extra noise and extra traffic in an already congested area and extra people hanging around.

With what is meant to be a Family Friendly park situated directly across the road I would not feel comfortable taking my children there as you already have to contend with the people that just hang out at McDonalds and vandalise the park continually and leave all there rubbish around you want to add a drive through Bottle shop across the road.

High street is already a speedway for young drivers who skid and drive at excessive speeds up and down the road you want to add more congestion and danger by putting a Drive through Bottle Shop in.

The intersections in front of McDonalds and at the Queen Street & High street intersections are regular accident spots and are a danger in their current state to any one on a Motorbike or pedestrian walking.

By Putting a Drive through Bottle shop on this block you will create increased traffic in an already busy area, increased vandalism and noise.

You will also reduce the use of the brand new footpath on the side of the block that has recently been replaced and now allows a little bit of safety being able to walk on a footpath without tripping or getting run over with a young family. I now have realised why this has been replaced for the building of this Drive through Bottle shop which will then make it unusable to families with the constant in and out Cars going to the Bottle shop.

I would like to be informed of any upcoming meetings in regards to this Development that are open to the Public So I can attend.

Yours Sincerely



FILE NO: 5201685  
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.3

**PLANNING APPLICATION 5/2016/85 FOR DEVELOPMENT OF LAND FOR  
BOTTLE SHOP, ADVERTISING SIGNAGE AND PACKAGED LIQUOR  
LICENCE AT 101 QUEEN STREET, COBRAM (cont'd)**

**ATTACHMENT No [1] - Copy of Objections Received**

Town Planning  
Moira Shire  
Cobram.

|             |           |
|-------------|-----------|
| File #      | 5201685   |
| Corres No.  | D16/43375 |
| 27 JUN 2016 |           |
| Retention   |           |



Cobram doesn't need another bottle shop  
If Safeway (BWS) so badly need another  
bottle shop, why not ~~it~~ on their existing  
land? I am concerned about the position  
of the drive through bottle shop because of  
its location opposite Civic Park and  
the vulnerability of the children playing  
in the Park. I and other residents of  
High St and Cobram are very concerned  
of the increase of vehicle activity  
this will to a very congested area of town  
between Queen St and Main Street on the East  
side we five roadway (B.W.S) with  
two double driveways on High Street  
will create 4 roads on a very small block  
of land. South High Street residents have  
been using on road as a footpath for  
years because of the very dangerous  
conditions of our nature strips, of which

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2. IMPROVING MOIRA'S LIVEABILITY


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**PLANNING APPLICATION 5/2016/85 FOR DEVELOPMENT OF LAND FOR  
BOTTLE SHOP, ADVERTISING SIGNAGE AND PACKAGED LIQUOR  
LICENCE AT 101 QUEEN STREET, COBRAM (cont'd)**

**ATTACHMENT No [1] - Copy of Objections Received**

(2)

you the Moira Shire are fully aware and done nothing about, still waiting for a reply on this issue. The only footpaths start at Queen Street and we the residents of High St have to share with the patrons of McDonalds. If this bottle shop happens we will be sharing two extra double driveways with its patrons. The lane roadway between (B.W.S) and the drycleaners will entice drunks to binge in areas, unfenced and will lead to damage and risk to existing premises. Moira Shire, I feel, have been very secretive and underhanded in this matter. Why haven't we the residents and business' in this area notified by mail? The C.B.D in Cobram is a dangerous bottleneck already and your propose, more danger to pedestrians and cars alike. You as a Shire have not taken into account the safety and well being of the people of Cobram and High Street and visitors to Cobram. C.B.D.





FILE NO: 5201685  
2. IMPROVING MOIRA'S LIVEABILITY

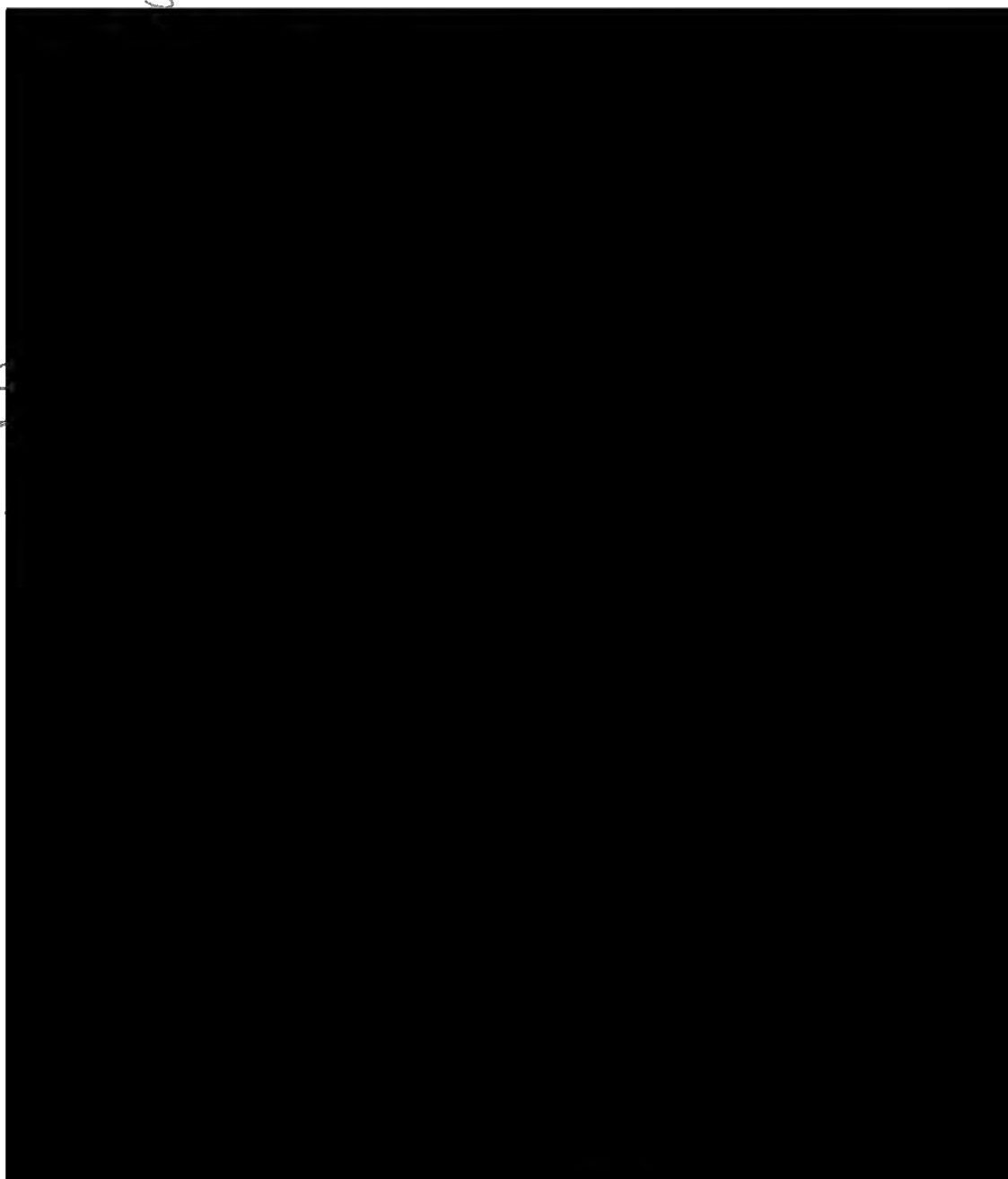
ITEM NO: 9.2.3

**PLANNING APPLICATION 5/2016/85 FOR DEVELOPMENT OF LAND FOR  
BOTTLE SHOP, ADVERTISING SIGNAGE AND PACKAGED LIQUOR  
LICENCE AT 101 QUEEN STREET, COBRAM (cont'd)**

**ATTACHMENT No [1] - Copy of Objections Received**

*These are the signatures and address of  
people opposed to the Bottle shop/Drive through.  
in High St. Cobram.*

54 Signatures were submitted with this petition




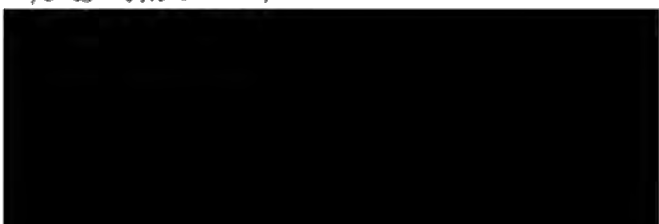
*Cont →*

FILE NO: 5201685  
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.3

**PLANNING APPLICATION 5/2016/85 FOR DEVELOPMENT OF LAND FOR  
BOTTLE SHOP, ADVERTISING SIGNAGE AND PACKAGED LIQUOR  
LICENCE AT 101 QUEEN STREET, COBRAM (cont'd)**

**ATTACHMENT No [1] - Copy of Objections Received**

  
5201685  
D16/433  
27 JUN 2016  
27/6/16  
Dear Sir,  
I WISH TO PUT IN AN OBJECTION TO THE  
PROPOSED BOTTLE SHOP AT THE CNR. HIGH ST  
AND QUEEN ST.  
I FEEL AS A CONSTANT USER OF THESE ROADS  
THAT IT IS ALREADY CONGESTED ENOUGH  
BY THE ENTRANCE & EXITS FROM MCDONALDS.  
THERE IS ALREADY A DRUG AND ALCOHOL  
PROBLEM IN THE TOWN & SURROUNDING AREAS  
THAT PROVIDING FURTHER OR ENHANCED  
FACILITIES SEEMS COUNTER INTUITIVE.  
Yours sincerely  


FILE NO: 5201685  
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.3

**PLANNING APPLICATION 5/2016/85 FOR DEVELOPMENT OF LAND FOR  
BOTTLE SHOP, ADVERTISING SIGNAGE AND PACKAGED LIQUOR  
LICENCE AT 101 QUEEN STREET, COBRAM (cont'd)**

**ATTACHMENT No [1] - Copy of Objections Received**

|   |             |
|---|-------------|
| File #  | 52016851    |
| Corres. No.   | D16/41476   |
|   | 20 JUN 2016 |
| Referred to.  |             |
| Objection to the development at 101 Queens Street Cobram. |             |
| Copies to.  |             |

**Proposed Dell Corp(BWS) Development 101 Queen Street Cobram.**

I really have to ask why has a bottle shop development been pre posed in this location? There are outstanding concerns of

- 1/ Parking or the lack of,
- 2/the Unloading of goods
- 3/Traffic congestion in this area
- 4/ Lack of traffic infrastructure to cope now with traffic let alone bringing more traffic to an already congested area
- 5/increased noise in the residential neighbourhood particularly of a night time(Thursday to Saturday)
- 6/ Poor design of entry/ exit into main arterial road (High street)
- 7/ Increased congestion in peak periods of the day, and finally
- 8/Monopoly of package alcohol by Woolworths?

**To state the obvious why does Cobram need another packaged alcohol out let here when within 2 blocks of this pre posed development there are 5 packaged outlets plus 2 licensed outlets.**

So let us look at the **Social, Economic, Environmental** impact of this development

**Environmental**

**Traffic** Anyone who lives or travels to Cobram knows that High Street is a main arterial in and out of Cobram in a north south direction and Main street appropriately named carries the east west traffic through Cobram. The corner of High and Main street badly need infrastructure upgrading (a roundabout or traffic lights) to help with congestion and accidents that are increasing there.

**There has been a critical under resourcing of Infrastructure here which needs addressing sooner rather than later. Perhaps a contribution towards infrastructure by developers is an appropriate measure here.**

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2. IMPROVING MOIRA'S LIVEABILITY

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**PLANNING APPLICATION 5/2016/85 FOR DEVELOPMENT OF LAND FOR  
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LICENCE AT 101 QUEEN STREET, COBRAM (cont'd)**

**ATTACHMENT No [1] - Copy of Objections Received**

There has been prominent development in Main and High Street as is evident with Subways arrival on this very corner. The entry / exit onto High street from the proposed bottle shop is only going to cause more congestion of traffic making it harder for traffic in this area particularly at peak times.

**I would hope that council would have appointed a traffic engineer to examine and make recommendations to council on this matter. Growth means change and change need addressing.**

The proposed parking and unloading area defined on the development must be of a minimal requirement rather than what will occur. Staff and public are expected to park in this limited area, or sorry they will just walk over from McDonalds where they are parking?

The unloading of goods off large trucks also poses more questions in such a small area. Are we playing in a miniature world where small trucks and fork lifts operate definitely not in reality.

**Social**

Any business opening from 9 in the morning to 10 or 11 at night will need to have good relations with its neighbours? Increased traffic with people in a residential area and a park to enjoy is a perfect combination to enjoy a great time. Hope the neighbours enjoy these good times or will police just have more problems? **Surly the police have commented on this development**

**What effect will a new packaged liquor have on existing jobs in our community?**

**Economic**

I have to ask why Woolworths who have just made major renovations of their Punt Road premises did not incorporate a bottle shop in that renovation.

Perhaps it is that with 2 outlets they want control or monopolize the sale of packaged liquor in Cobram.

As I have already stated there are 5 packaged liquor outlets in the Cobram CBD. Will this result in other outlets reducing staff or closing. Woolworths already has a significant share of the market in Cobram I pose the question **Do they also have to have control of Cobram with packaged liquor sales.**

**In conclusion there are significant points that need to be addressed in the High , Main Street area to allow development to occur. Unless these issues are addressed how can this be classed as a sensible planned development that allows a monopoly on goods and services while penalizing the community.**



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**PLANNING APPLICATION 5/2016/85 FOR DEVELOPMENT OF LAND FOR  
BOTTLE SHOP, ADVERTISING SIGNAGE AND PACKAGED LIQUOR  
LICENCE AT 101 QUEEN STREET, COBRAM (cont'd)**

**ATTACHMENT No [2] - Applicant's Response to Objections**



20 July 2016

Ms Martina Foley  
Town Planner  
Moirā Shire Council  
P.O. Box 578  
Cobram VIC 3643

Dear Martina,

101 Queen Street, Cobram - Planning Application No. 5/2016/85

**Response to Objections**

Urbis continues to act on behalf of Dellcorp Pty Ltd in relation to the planning permit application for a liquor tenancy with associated carparking and drive through area at the above site.

We refer to the objection submissions provided by Council on 4<sup>th</sup> July 2016 and provide the following response to the key matters raised within these submissions.

Having considered the various written objections, we note that the key matters raised relate to:

- The appropriateness of the proposed **commercial use** in a residential area.
- **Economic impacts** due to competition with other liquor stores in the area and perception of monopoly on sale of liquor.
- Inconsistency with **Clause 52.27 (Licensed Premises)** and concern over potential **cumulative impact** due to proximity with other liquor venues and oversaturation of liquor vendors.
- Potential for **adverse amenity impacts** including:
  - Proposed hours of operation;
  - Potential impact to safety and security within the area and undesirable social amenity issues;
  - Noise impacts;
  - Proximity of proposed liquor store to park and playground, dwellings and McDonalds convenience restaurant;
  - Light spill due to illuminated signage.
- Potential adverse **traffic, carparking and pedestrian impacts** for the site and surrounding area.

Our detailed response to each of the above matters is set out below.

MELBOURNE  
Level 12, 120 Collins Street  
Melbourne VIC 3000 Australia

t 03 8663 4888 f 03 8663 4999 e info@urbis.com.au w urbis.com.au Urbis Pty Ltd ABN 50 105 256 228

MA9861 LET003 180714

Australia + Asia + Middle East

FILE NO: 5201685  
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.3

**PLANNING APPLICATION 5/2016/85 FOR DEVELOPMENT OF LAND FOR  
BOTTLE SHOP, ADVERTISING SIGNAGE AND PACKAGED LIQUOR  
LICENCE AT 101 QUEEN STREET, COBRAM (cont'd)**

**ATTACHMENT No [2] - Applicant's Response to Objections**



1 Appropriateness of the proposed commercial use

The subject site is situated on commercially zoned land in central Cobram (Commercial 1 Zone) where the use of land for a mix of commercial uses for retail, office, business, entertainment and community uses is encouraged. We note the proposed use of the site for a bottle shop (sale of package liquor) is an as of right use under the Commercial 1 Zone and therefore does not require a planning permit for use.

Based on the commercial zoning of the site it is considered that the location is suitable in principle for the proposed use as part of the broader Cobram commercial area.

2 Potential Economic Impacts

Concern has been raised over adverse economic impacts as a consequence of the proposal due to the potential for competition with other liquor stores in the area, the perception of a monopoly on the sale of liquor by Woolworths within Cobram, along with a query about why the proposal is not incorporated into the Woolworths store at Punt Road.

We note that the locality of the proposed liquor tenancy on separate land to the existing Woolworths site within Cobram is a market driven factor. Similarly the potential for economic impacts associated with other bottle shops within the township is largely driven by competition in the market place rather than being purely a consideration in assessing the planning merits of the proposal.

As assessed below the proposal is not considered to result in an adverse cumulative impact of liquor tenancies when assessed against Clause 52.27 (Licensed Premises) of the Moira Planning Scheme.

3 Response to Clause 52.27 (Licensed Premises) including amenity and cumulative impact

The planning report submitted as part of the application contains an assessment of the proposal against the objectives of Clause 52.27 (Licensed Premises) of the Planning Scheme.

In addition to the Clause 52.27 response previously submitted, we provide below a further response to the relevant decision guidelines of Clause 52.27, having particular regard to objector concerns relating to amenity and cumulative impact associated with licensed premises.

3.1 THE STATE PLANNING POLICY FRAMEWORK AND THE LOCAL PLANNING POLICY FRAMEWORK, INCLUDING THE MUNICIPAL STRATEGIC STATEMENT AND LOCAL PLANNING POLICIES

The application is for a liquor tenancy on land within a commercial area. The proposal is generally consistent overall with policy which generally seeks to encourage commercial uses within these areas. Please refer to the planning report submitted which contains a detailed response to the relevant State and Local Planning Policy Framework.

3.2 THE IMPACT OF THE SALE OR CONSUMPTION OF LIQUOR PERMITTED BY THE LIQUOR LICENCE ON THE AMENITY OF THE SURROUNDING AREA

Overall, it is not considered that the sale of packaged liquor from the tenancy would have a substantial adverse impact from an amenity perspective. The proposed operational measures seek to ensure the sale of liquor is managed appropriately and the amenity of the area is not adversely affected into the future.

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2. IMPROVING MOIRA'S LIVEABILITY

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**PLANNING APPLICATION 5/2016/85 FOR DEVELOPMENT OF LAND FOR  
BOTTLE SHOP, ADVERTISING SIGNAGE AND PACKAGED LIQUOR  
LICENCE AT 101 QUEEN STREET, COBRAM (cont'd)**

**ATTACHMENT No [2] - Applicant's Response to Objections**



We refer to the recent VCAT determination *Hunt Club Commercial Pty Ltd vs City of Casey* which discusses the sale of packaged liquor and whether the impacts (including social impacts) of packaged liquor is a legitimate planning consideration. Matters discussed within the decision include the social concern about the use of alcohol and states "as a matter of general 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 consideration in the exercise of discretion for a particular licensed premises under clause 52.27."

Having regard to the key concerns raised within the objection submissions that relate to amenity impacts we provide the following response.

**Potential impact to safety and security within the area and undesirable social amenity issues:**

- We understand that key concerns relate to potential safety and security impacts and undesirable social amenity issues, including inappropriate patron behaviour, vandalism, disturbance to residents and possible social issues in the laneway between the proposed BWS and drycleaners site.
- The primary focus of the proposal is for the retail sale of packaged liquor within a retail (shop) tenancy on commercially zoned land, where a shop use is as of right.
- The proposal is to sell packaged liquor at the site on a retail basis for people to consume away from the licensed premises. It is not intended that liquor will be sold for consumption on the premises and therefore, unlike licensed venues that sell alcohol for consumption on the premises (such as live venues, bars, restaurants, night clubs), there is not opportunity for patrons to consume alcohol at the site and the subsequent potential for antisocial behaviour is limited in comparison with other types of licensed venues.
- The future tenant will be regulated by various initiatives and commitments for the responsible service of alcohol. Further details can be provided to Council at your request.
- Further, we note the potential for liquor to be consumed offsite in public spaces (including streets and laneways) is governed and enforced by Council Local Laws relating to consumption and possession of liquor.

**Noise impacts:**

- Concerns raised relate to potential noise impacts from delivery vehicles, industrial cool rooms/air conditioning and consumption of liquor at the site leading to antisocial behaviour of patrons.
- The proposal has been designed such that the building entry and drive through are orientated in the western part of the site and away from the nearest residential interface to the east. Therefore the primary source of activity and any associated noise (such as vehicle movement from the drive through and deliveries) will be orientated towards the main road and away from the nearest sensitive interface.
- Landscaping along the perimeter of the site, along with the absence of windows facing west, will further screen the interface of the development with more sensitive interfaces.
- The tenancy is intended for people to buy packaged liquor to consume away from the premises. Unlike other types of licensed venues that allow on-premises consumption, liquor will not be consumed onsite by patrons, therefore reducing potential for antisocial behaviour (such as noise from patrons) that may otherwise be directly associated with consumption of liquor at the site.

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**PLANNING APPLICATION 5/2016/85 FOR DEVELOPMENT OF LAND FOR  
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**ATTACHMENT No [2] - Applicant's Response to Objections**



- It is anticipated that any liquor licence granted would typically contain restrictions to ensure the operation of the business does not cause undue detriment to the amenity of the area including by way of noise beyond that reasonably expected within commercially zoned land.

***Proximity of liquor store opposite park and playground, residential dwellings and McDonalds:***

- We understand that concern is raised by some objectors relating to the proximity of the proposed liquor store opposite a park and playground, residential dwellings and a nearby McDonalds convenience restaurant, and subsequent opportunity for consumption of alcohol and antisocial behaviour.
- Council Local Laws restrict the consumption of liquor in a public place, including within the park and in streets and laneways, and it is therefore anticipated that this would be governed and enforced by Council's Local Laws.
- As discussed above, the proposal to sell packaged liquor at the site is on a retail basis for people to consume away from the licensed premises. The primary focus of the proposal is for the retail sale of packaged liquor within a retail (shop) tenancy on commercially zoned land, where a shop use (including bottle shop) is as of right.

***Light spill due to illuminated signage:***

- As submitted in the planning application, the proposed signage demonstrates consistency with the relevant planning policy framework relating to signage within the Moira Planning Scheme. The site is located within the Commercial 1 Zone and is designated Category 1 (minimum limitation) for signage, which seeks "to provide for identification and promotion signs and signs that add vitality and colour to commercial areas."
- The proposed signage is generally appropriate in terms of scale, height, appearance and location within the site. It is orientated towards the main road frontage along High Street and away from the nearest residential interface to the east.
- Overall, it is considered that the proposed signage represents a suitable signage response for the site and will not result in an adverse amenity impact to the surrounding area generally.

**3.3 THE IMPACT OF THE HOURS OF OPERATION ON THE AMENITY OF THE SURROUNDING AREA**

The proposed activity to be conducted on the site is the retail supply of liquor for consumption off the premises and the operation of the site will be governed by the Victorian Commission for Gambling and Liquor Regulation requirements.

The proposed hours of operation of the tenancy for the sale of packaged liquor are from 9am – 10pm on Sunday to Wednesday and 9am – 11pm on Thursday to Saturday.

The proposed hours of operation do not exceed those stipulated by the Victorian Commission for Gambling and Liquor Regulation (VCGLR) for a packaged liquor licence. The proposed hours of operation will be restricted by a liquor licence to be approved by VCGLR, who will determine if the proposed hours for the sale of packaged liquor are appropriate.

Given the operating hours with closure prior to 11pm and the sites locality on commercially zoned land, combined with the site layout which orientates activity onsite (building entry and drive-through) away from the residential interface to the east, it is unlikely that the proposed operating hours will result in substantial adverse amenity impacts on the surrounding area overall beyond that responsibly expected on commercially zoned land.



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**PLANNING APPLICATION 5/2016/85 FOR DEVELOPMENT OF LAND FOR  
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LICENCE AT 101 QUEEN STREET, COBRAM (cont'd)**

**ATTACHMENT No [2] - Applicant's Response to Objections**



3.4 THE IMPACT OF THE NUMBER OF PATRONS ON THE AMENITY OF THE  
SURROUNDING AREA:

The proposal is not for a premises where liquor can be consumed on the site (unlike a bar, restaurant, hotel or club) and therefore patron numbers is not relevant.

3.5 THE CUMULATIVE IMPACT OF ANY EXISTING LICENSED PREMISES AND THE  
PROPOSED LICENSED PREMISES ON THE AMENITY OF THE SURROUNDING AREA:

Planning Practice Note 61 issued by the State Government (June 2015) has been prepared to provide guidance when assessing the cumulative impact of a licensed premises. Overall it highlights that the extent of assessment should be proportional to the likely impact of the proposal. We note the number of licensed premises do not form a cluster when reviewing the Practice Note prepared for licensed premises (ie. less than 15+ licensed premises in a 500m radius and no licensed premises in a 100m radius of the site) and proposed hours of operation (closure prior to 11am) do not result in a 'cluster' of licensed premises under this definition.

Regardless, we provide the following additional response to the key considerations in assessing cumulative impact:

- It is recognised that the site is located on Commercial 1 Zoned land, which is planned to accommodate a mixture of uses within central Cobram as discussed above.
- In terms of existing licensed premises surrounding the site, there are no existing licensed premises within a 100 metre radius. Within a broader 500m radius there are 13 licensed premises, with the nearest being at Cobram Bowling Club to the northeast. These are distributed in the broader area generally towards the north, east and southwest of the site and it is also noted that they are for a range of different types of liquor licenses. There are three existing premises that exclusively have packaged liquor licenses within a 500 metre radius of the site.
- In this regard, it is not considered that the proposal will result in the saturation of the immediate area from a licensed premises perspective.
- We also note that the extent of cumulative impact also depends on the type of venue and it is considered that the retail sale of packaged liquor would generally have a reduced impact when compared with a late night venue that sells liquor for consumption on site.
- There are a variety of types of licensed venues within a 500 metre radius of the site, including hotels, late night venues, licensed and BYO restaurants. The proposal is not for a drinking establishment as it does not allow for the consumption of liquor on site and it will not result in a cluster of packaged liquor premises in the immediate area.

It is not considered that an additional licensed premise in this location will result in an adverse cumulative impact on the amenity of the area overall.

4 Traffic, carparking and pedestrian considerations

Please find below our response to the key concerns raised relating to traffic and carparking.

***Insufficient carparking and loading area size:***

The proposed car parking layout accords with the requirements of the Planning Scheme and the relevant Australian Standards as applicable.

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LICENCE AT 101 QUEEN STREET, COBRAM (cont'd)**

**ATTACHMENT No [2] - Applicant's Response to Objections**



The loading requirements for the proposed use are outlined in Clause 52.07 of the Planning Scheme. The proposed 12.5 metre size truck will appropriately cater for waste and loading arrangements onsite. Swept paths have been prepared to show that a truck can enter and exit the site in a forward direction and the proposed canopy of the drive-through has a clear height in excess of 4.0 metres to cater for loading and waste collection vehicles.

The loading area is positioned to the side of the building in the northern portion of the site and away from the designated car parking spaces to minimise potential conflict between pedestrians and service vehicles.

***Traffic impacts (including safety concerns, traffic volume and noise):***

The planning application is supported by a traffic engineering assessment prepared by TraffixGroup. It is not anticipated that the proposal will result in an adverse impact by way of traffic concerns due to the sites commercial locality and traffic noise is not expected to be beyond that reasonably expected within a commercially zoned area overall.

***High number of vehicle crossovers along High St:***

Access to the site is proposed via two crossovers along High Street to the west of the site (to replace 1 existing crossover on High Street and 1 crossover on Queen Street). The northern crossover will facilitate entry only movements serving the drive through, whilst the southern crossover will provide for both entry and exit movements. The proposed access arrangements have been appropriately laid out on the site to provide for clear access and circulation to and from the site. Further, all vehicle movement associated with the proposal is focussed on the main road along High Street and moves existing vehicle access to the site away from residential properties along Queen Street.

***Potential pedestrian safety issues:***

We understand that pedestrian safety concerns have been raised due to the lack of a pedestrian footpath along the eastern side of High Street and the number of vehicle crossovers proposed. Given that no footpath exists on the eastern side of High Street we therefore anticipate there will be minimal potential for vehicle and pedestrian conflict along this side of the road.

We note however that some objectors have requested a footpath along the eastern side of High Street. We consider that this matter could be resolved separately with Council and is outside the scope of the current planning application.

**5 Conclusion**

We trust the above responds suitably to the objection submissions received and that it will assist your further assessment of the application.

Should you have any queries or require further clarification regarding the above, please do not hesitate to contact me on 8663 4888 or [ahoskin@urbis.com.au](mailto:ahoskin@urbis.com.au).

Yours sincerely,

A handwritten signature in black ink, appearing to be "Alison Hoskin".

Alison Hoskin  
Senior Consultant

FILE NO: 52016112  
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.4

**PLANNING APPLICATION 5/2016/112 FOR USE AND DEVELOPMENT -  
LEISURE AND RECREATION - MOTOR CROSS PRACTICE AREA AT 3/14  
HAVENSTOCK DRIVE, YARRAWONGA**

**RECOMMENDATION**

That a Notice of Refusal be issued for Planning Permit Application No. 5/2016/112 to use and develop land at 3/14 Havenstock Drive, Yarrawonga for Leisure and Recreation – Motor Cross Practice Area on the following grounds:

1. The proposal does not accord with Clause 65.01 of the Moira Planning Scheme.
2. The proposal will detrimentally affect the amenity of the surrounding residential area.
3. The proposal is out of character with the surrounding residential area.
4. The proposal is not in the interest of the orderly development of the area.

**1. Executive Summary**

Planning Permit Application 5/2016/112 is an application for the use and development of a lot at 3/14 Havenstock Drive, Yarrawonga for Leisure and Recreation – Motor Cross Practice Area.

There are 3 triggers for the permit:

- Clause 32.03-1 – planning permit is required for the use of the subject lot for leisure and recreation – motor cross area as a Section 2 use in the Low Density Residential Zone.
- Clause 32.03-4 – planning permit is required for works associate with a Section 2 use.
- Clause 44.04-1 – planning permit is required for works in the Land Subject to Inundation Overlay

The application was advertised and four objections have been received. One objection has been withdrawn but three remain.

The application was referred internally and externally. The responses did not object to the issuing of a permit. One internal referral response highlighted the likelihood that this type of use would result in complaints from residents about noise.

The application has been assessed and found to be inconsistent with the planning scheme, specifically Clause 65.01. Importantly the proposed development could negatively impact upon the residential amenity enjoyed by near neighbors and is not consistent with the character of the area.

Therefore, it is recommended that the Permit Application 5/2016/112 for use and development of the lot leisure and recreation – motor cross practice area is refused.

**2. Background and Options**

**Subject Application Details**

Applicant/Owner: Cory Bozzola  
Land Address: 3/14 Havenstock Drive, Yarrawonga  
Title Details: Lot 2 PS605064  
Site Area: 6429m<sup>2</sup>

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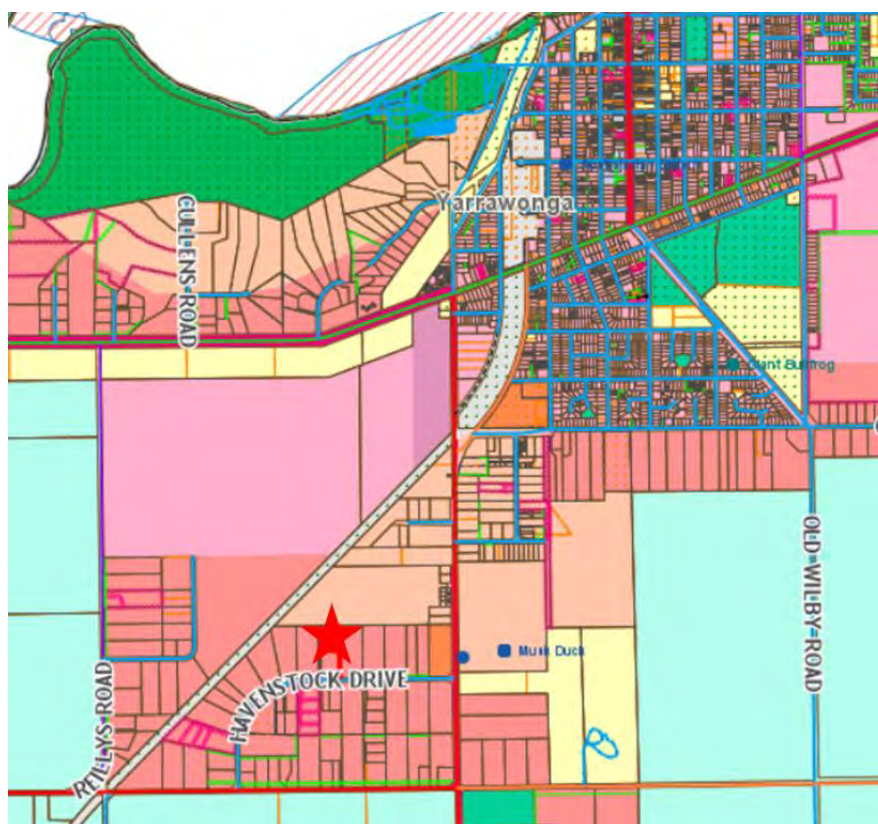
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**PLANNING APPLICATION 5/2016/112 FOR USE AND DEVELOPMENT -  
LEISURE AND RECREATION - MOTOR CROSS PRACTICE AREA AT 3/14  
HAVENSTOCK DRIVE, YARRAWONGA (cont'd)**

File No: 5/2016/112  
Zone: Low Density Residential Zone (LDRZ)  
Overlays: Land Subject to Inundation Overlay (LSIO)

**Location**

The subject lot is at 3/14 Havenstock Drive, Yarrawonga. Havenstock Drive is located to the south west of Yarrawonga between the railway line and the Benalla-Yarrawonga Road. The northern boundary is with a GrainCorp site in the industrial zone. The GrainCorp site is dominated by large grain silos.



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Havenstock Drive is a residential area dominated by large lots, some of which have been subdivided. The subject lot was created as part of 3 lot subdivision of one of the larger lots.

The subject lot is accessed via a long drive. It is bounded to the east, south and west by residential lots, each with an established dwelling.

### **Proposal**

The application seeks approval for the use and development of land at 3/14 Havenstock Drive, Yarrowonga for Leisure & Recreation – Motorcross Practice Area. A Building Permit has been issued for the construction of a dwelling on the lot through a private Building Surveyor. Our records, at the time of writing this Report, show that the dwelling is awaiting completion.

The development associated with the motor cross practice area is a single, large jump. The jump consists of:

- flat concrete approach (30m x 1.5m x 10cm)
- concrete ramp (2.6m high, 1.2m wide and 5.5m long)
- earthen mound “landing” (3.5m high, 15m long earthen ramp that is 8m wide at the base and 4m wide at the top) located 22m north of the ramp.



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Earthen mound during construction – showing eventual size with red lines

The applicant has indicated that the jump will only be used for one hour (maximum) a couple of times during the work week. At the weekend the applicant has submitted that practice would start no earlier than 10am and no later than 5pm for no more than 2 hours per session. It is not made clear how many of these sessions may occur throughout the day.

Construction of the earthen element of the jump began a few months prior to lodgement. A complaint was received and the application was lodged as a result of a compliance investigation.

The dwelling being constructed on site is not yet complete. The practice area is not ancillary to the residential use of the lot as the residential use has not been established.

### Key Issues

- Low Density Residential Zone
- Land Subject to Inundation Overlay
- Protection of Residential Amenity

### Options

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

### 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 will revert back to being a compliance issue.

### 5. Internal and External Consultation

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**Pre-Lodgement Consultation**

On 20 May 2016 a meeting was held on site with Council Officers. They discussed the lodgment of an application with the owner. The application was lodged on 31 May 2016.

**Internal Consultation**

The application was referred internally to the Compliance, Environmental Health and Infrastructure Planning Departments. Neither Compliance nor Infrastructure Planning have objected to the issuing of a permit. The Infrastructure Department has set out conditions to control development.

The Environmental Health Department had indicated that it has been their experience that complaints of noise nuisance are often associated with motor bike riding in low density residential area. It is their view that this type of activity has the potential to attract complaints from the occupants neighboring properties.

**External Consultation**

The application was referred externally to the Goulburn Broken Catchment Management Authority (GBCMA) who has not objected to the issuing of a permit.

**Advertising**

The application was advertised with a notice placed on the site and letters going to land owners in the vicinity of the application. Four (4) objections were received from local residents. Their concerns are summarised in the table below.

| Basis of Objection  | Officer's comments   |
|---|--|
| <i>Protection of amenity</i> <ul style="list-style-type: none"><li>- Noise</li><li>- Fumes</li><li>- Dust</li><li>- Effect on health</li></ul>          | <p>The impact of the proposed development upon the amenity enjoyed by residents in this LDRZ are is a key consideration when assessing this application. It is considered that this type of use is not appropriate due specifically to the increase in noise. Similar levels of dust and fumes could be associated with uses that do not trigger permits in the LDRZ.</p> <p>Residents have an expectation that their home will be, within reason, quiet. This use is therefore considered to be inappropriate at this location.</p> |
| <i>Proposal is not in keeping with Character of the area</i>  | <p>Use of a lot for a motor cross practice area, incorporating a large jump, indeed is out of character with the surrounding area.</p>   |
| <i>Concerns with Process</i> <ul style="list-style-type: none"><li>- Acceptance of application</li><li>- Ability to enforce any permit issued</li></ul> | <p>Council is legally required to accept all complete applications.</p> <p>Council has the legal ability to enforce planning conditions under the <i>Planning and Environment 1987</i>.</p>  |
| <i>Property Values</i>  | <p>Property values are not a relevant planning consideration.</p>  |

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Copies of the objections were forwarded to the applicant who responded in letter form. The applicant's response was provided to the objectors, a copy is attached here.

One of the objections has been withdrawn. The remaining three objections are attached. The remaining objectors declined to request a mediation meeting, asking that Council proceed to make a decision.

## **6. Regional Context**

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

## **7. Council Plan Strategy**

Moira Shire's current Council Plan states that it is a strategic goal of the plan to:

### *Improve Moira's Liveability*

It is considered that issuing a permit for the subject application would not accord with Moira's strategic goal to enhance liveability through safe and welcoming communities. This is a residentially zone property where nearby residents have an expectation that their amenity will not be disturbed by this type of use.

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

### **Zoning**

The subject land is located in the Low Density Residential Zone (LDRZ). Clause 32.03 of the Moira Planning Scheme states that the purpose of the LDRZ, amongst others, is:

*To provide for low-density residential development on lots which, in the absence of reticulated sewerage, can treat and retain all wastewater.*

Clause 32.03-1 indicates that the use of land for leisure and recreation is a Section 2 use and triggers a planning permit. It is noted that the use of land for a motor racing track is one of the 13 uses prohibited in this zone. While the proposed use of 3/14 Havenstock Drive is relating to motor uses it is not a track and therefore is not prohibited.

Clause 32.03-4 states that a permit is required for any works associated with a use in Section 2. This is the second trigger for the subject application.

Clause 32.03-6 sets out the decision guidelines for development in the LDRZ. It is considered that the application accords with these guidelines.

### **Overlays**

The subject lot is affected by the Land Subject to Inundation Overlay. Clause 44.04-1 of the Moira Planning Scheme states that a permit is required to carry out works in the LSIO. This is the third trigger for the subject application. The application was referred to the Goulburn Broken Catchment Management Authority who has not objected to the issuing of a permit.



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**Clause 65.01 – Decision Guidelines**

When deciding an application Clause 65.01 of the Moira Planning Scheme states that the responsible authority must consider the following, amongst other issues:

- *The orderly planning of the area.*
- *The effect on the amenity of the area.*

Residents in the LDRZ when purchasing property have the expectation that their amenity would be secure. It is considered that the use of a residential lot in the LDRZ for a motor cross in not appropriate location.

**9. Environmental Impact**

If a permit is issued then the proposal may have an impact on the environment in the area specifically as regards noise pollution.

**10. Conflict of Interest Considerations**

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

**11. Conclusion**

The proposed motor cross practice area is inconsistent with the decision guidelines for development set out in Clause 62.01 of the Moira Planning Scheme.

The concerns raised by the Objectors highlight the negative impact the proposed use and development will have on this established residential area.

It is concluded that the proposed use and development is not in the interest of the orderly development of the area. This report therefore recommends that the application be refused.

**Attachments**

- 1 Objection A
- 2 Objection B
- 3 Objection C
- 4 Applicant's Response to Objections

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

From: [REDACTED]  
Sent: Monday, 4 July 2016 4:30 PM  
To: RecordsWebmaster  
Subject: Notice of Application for Planning Permit No 5/2016/112

I refer to previous conversation with [REDACTED] and protest strongly against this Application and the fact the Council has not already disallowed it under State Planning Laws for low density residential that allow motor sport or something similar. Why should I have to upset the neighbours when Council should have not let it get this far? After Council's performance with recent dog attack on my dog on lead and wife (still awaiting reply and action to be taken) I have no confidence in Council and its staff enforcing law if permit was granted. Why should I and other neighbours have to risk funding VCAT because Council refuses to do its job.

This is a growing residential area and is clearly unsuitable for Motorcross. I have major health problems and most days requiring one to two hours sleep/rest to get thru and last thing I need is screaming motorbike about 100 metres away. Road safety is another issue as I remember the chaos of a few years ago with motorcross bikes a few blocks up.

It was very disappointing the manner my concerns were addressed in phone call to [REDACTED].

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**ATTACHMENT No [2] - Objection B**

[REDACTED]

**From:** [REDACTED]  
**Sent:** Tuesday, 28 June 2016 5:55 PM  
**To:** RecordsWebmaster  
**Subject:** Havenstock Dve Development Application

Hi [REDACTED]  
On behalf of my wife and myself we wish to lodge an objection to this development application at Havenstock Drive.  
We are landholders and ratepayers at [REDACTED] Havenstock Dve.  
We are concerned about the environmental impact of the use of the land as a moto-cross track.  
The adjacent land to the north is used for a grain depot and is subject to noise from trucks and dust from the grain loads. We believe the addition of noise and fumes from the moto-cross track will add to this undesirable impact of the quality of life of the occupants and value of the land.  
We stable horses on our land. We are not comfortable with the negative impact this application will have on our animals.

Please forward to the above to the decision makers and let me know if there are any queries.  
Cheers

[REDACTED]  
[REDACTED]

[REDACTED] [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

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**ATTACHMENT No [3] - Objection C**

**From:** [REDACTED]  
**Sent:** Tuesday, 5 July 2016 8:29 PM  
**To:** RecordsWebmaster  
**Subject:** Planning Permit No. 5/2016/112

Dear Martina,

I write in relation to the above planning permit and note that I have also viewed the plans at the Yarrawonga Shire Office and wish to **object** to this proposal (motorcross practice area) for the following reasons:

- The property is zoned as residential not commercial or agricultural. Therefore why would such a training circuit even be entertained as a planning permit in this zone? I am absolutely dumbfounded at the idea of such a plan considering the close proximity to many residential homes.
- It is a peaceful, quiet area; due to the close proximity to the site, the noise pollution that motocross bikes emit are loud. As a side note, before the property was built at 3/14 Havenstock Drive, we recall hearing motocross bike noise and it was quite disturbing on a weekend when we were out in our garden enjoying our outdoor areas not to mention being inside and still hearing the sound.
- We already endure enough dust in this area particularly in the hotter months, motorcross will only add to this problem. I note that I am an asthma sufferer and am more prone to the effects of dust than normal.
- I feel that this recreational activity will not be in keeping with the character and demographics of the surrounding area, ie. peaceful, serene, family oriented. I envisage there would also be increased traffic due to people spectating and/or even participating during motorcross sessions.
- My concern is also that such an approval will impact upon property values in the area.

Thank you for taking into consideration my concerns. Should you have any queries, please do not hesitate to contact me.

Regards,

[REDACTED]  
[REDACTED] Havenstock Drive  
Yarrawonga Vic 3730  
[REDACTED]

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**PLANNING APPLICATION 5/2016/112 FOR USE AND DEVELOPMENT -  
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HAVENSTOCK DRIVE, YARRAWONGA (cont'd)**

**ATTACHMENT No [4] - Applicant's Response to Objections**

July 22, 2016.

Dear sir/madam,

In response to the objections received regarding our permit application (ref no 5/2016/89) we have a number of points we would like to clarify which we believe will address some of the concerns raised by property owners in the vicinity. Also adding that if mediation is necessary, we are willing to attend.

Firstly, and perhaps most importantly, it needs to be very clear that at no time was the application for a motorcycle **track**. The permit application was specific in reference to a motorcycle **downramp**. There is significant difference between the two. A downramp is used by freestyle motocross riders, in this case only one rider, and is entirely different to a circuit-style track, which would allow for continuous riding and accommodate several riders. We completely understand that seeking to have a track would be excessive and inappropriate – that is certainly not what we have applied for, at any stage.

Please allow us to address several issues in relation to the objections received;

**Noise**

All property owners, in any residential area, might seek to have an idyllic, quiet atmosphere at all times but that is neither realistic nor in fact accurate in the area in question. Neighbourhood dogs bark frequently and often at inconvenient times of the night and day, traffic is consistent and at times noisy and exacerbated by nearby Grain Corp. We feel a motorbike – used for limited amounts of time and during hours – which creates no more noise than the many lawn mowers in action most weekends in the neighbourhood – will not make a considerable noise impact.

**Dust**

We mentioned in our initial application that a concrete run up and sprinkler system was to be installed to minimize dust and we maintain that would negate any concerns raised in this area. As residents ourselves we do not want dust blanketing our property and would certainly not want that for our neighbours. It could also be suggested that having animals agisted in paddocks in this residential area, horses for example, could also contribute to dust issues which perhaps should be of equal concern.

**Pollution**

The motorbike used in this instance will create no more fumes than an average car or lawn mower. It is well maintained and will continue to be and, as previously mentioned, only used for limited amounts of time per use.

**Animals**

With respect to concerns raised about disruption to animals, our direct neighbours have a pony, as do others close to us, are aware of our intentions and have not raised any concerns or objections. It has in fact been suggested that the Grain Corp 'scare cannon' which is used from time to time is more alarming than a motorbike.

**Positioning**

Again, as stated in the initial application, the positioning of the downramp would not affect the visual amenity of the surrounding homes and have no conceivable impact on property values. You could see the downramp from the driveway, however the plans included provision for a screen to be installed to negate any view whatsoever. We have three directly-affected neighbours who are arguably the most entitled to have concerns in this arena and all three do not have an issue with the plan.

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**ATTACHMENT No [4] - Applicant's Response to Objections**

**Increased traffic**

We also addressed this in the initial application, but to clarify - there will only be one person riding in this area. Not a group of riders.

Traffic is traffic, no one can dictate how many cars can come and go at any one time but we would like to suggest more traffic would be created by a weekend barbecue than the use of this motorcycle downramp.

We also assert that the subdivisions being planned for the area will certainly create more traffic than one motorcycle rider who in fact lives at the property in question.

**Disruption**

It was stated that the downramp was only going to be used for one hour (maximum), a couple of days a week (Monday-Friday).

During the weekend, it was stated that practice would start no earlier than 10am and no later than 5pm and be no more than 2 hours per session.

These restrictions were suggested by us, the applicants, in consideration of our neighbours.

No such restrictions apply to the use of lawns mowers, machinery, the playing of loud music, visitors, parties or anything else.

**Safety**

Safety is paramount for us – as it is for anyone involved in motocross or a sport of their choosing.

We have no interest in seeing anyone get injured and accept the personal risk as one we take on ourselves.

Several references have been made to motorcycle use in the area in the past – that has nothing to do with us, or this situation, and we should not be judged and/or penalised for the foolish behaviour of others.

In conclusion, we are more than happy to work with our neighbours and try our best to address any concerns.

If there were specific circumstances, for example an event, during which you would prefer us not to use the downramp (which falls within the already restricted hours of use) we would be happy to do so.

Put simply our application relates to the enjoyment of a specific sport, on our own property, which we will do our utmost to ensure does not adversely impact anyone around us, any more than any other normal element of residential life.

FILE NO: F13/858

8. REBALANCING COUNCIL'S ASSET MIX

ITEM NO: 9.2.5

## DISCONTINUATION OF DAVIS LANE, KOTUPNA

### RECOMMENDATION

That Council:

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

### 1. Executive Summary

Davis Lane in Kotupna has been identified by Council Officers as a road reserve that can be discontinued on a permanent basis and have the discontinued road reserve revert back to crown land.

The advantage of discontinuing the road reserve is that the road is in poor condition and at the time of writing the report is currently closed to all traffic due to the wet weather conditions being experienced this winter. The road formation is also at risk of a landslide subsidence into the abutting quarries on both sides of the road reserve due to erosion of the quarries banks thereby making the road unsafe for use by motorists.

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

It is therefore recommended that Council undertake the required consultation process to gauge the community's views about the discontinuation of Davis Lane. The consultation process will commence after the completion of the Council's Caretaker period.

### 2. Background and Options

Davis Lane runs from the Murray Valley Highway to Hancocks Bridge Road as shown on the map below.

Under the Council's Road Hierarchy, Davis Lane is classified as an Access Residential Road although none of the residents actually have primary access off Davis Lane. The road is constructed as an unsealed road with minimal sandy / gravel pavement and is in poor condition.

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8. REBALANCING COUNCIL'S ASSET MIX

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### **DISCONTINUATION OF DAVIS LANE, KOTUPNA (cont'd)**

During this winter the road was closed to all traffic due to the road pavement condition becoming unpassable for all traffic after Council had received complaints regarding the poor condition of the road. With the continuing wet weather conditions, the road still remains closed to all traffic at the time of writing this report.

In addition to the poor condition of the road pavement and surface, the road reserve formation is at risk of landslide subsidence due to the encroaching erosion of the embankments of a former sand quarry abutting the east side of the road reserve. Preventive works to mitigate the erosion encroaching into the road reserve will be expensive in terms of cost as several hundred meters of the quarry bank will require treatment.

There is also a sand quarry currently operating on the west side of the road reserve and in close proximity to the road reserve boundary. Based on the evidence of erosion on the east side of the road reserve, there is a potential risk that erosion into the road reserve may occur in the future as the soils are similar.

An alternative cost effective solution is to discontinue the road reserve as closure will have minimal impact to local traffic.

Traffic counts show that the road has an average daily count of 20 vehicles per day. Abutting landowners already have alternative access off either Hancocks Bridge Road or the Murray Valley Highway. This demonstrates that the closure of Davis Lane may not have a negative impact upon the surrounding road network. Council has no other assets within the road reserve. However there are other service authority assets within the road reserve that will require access to be protected through the establishment of an easement over their assets should the closure proceed.

Council Officers have held preliminary discussions with one of the abutting landowner who owns property for the full length of the west side of the road reserve and also owns land on the east side for part of the road reserve. The landowner has expressed no objections to the road closure.

No discussions have been held yet with the remaining 2 other landowners; however, they do have access to their property off the Murray Valley Highway.

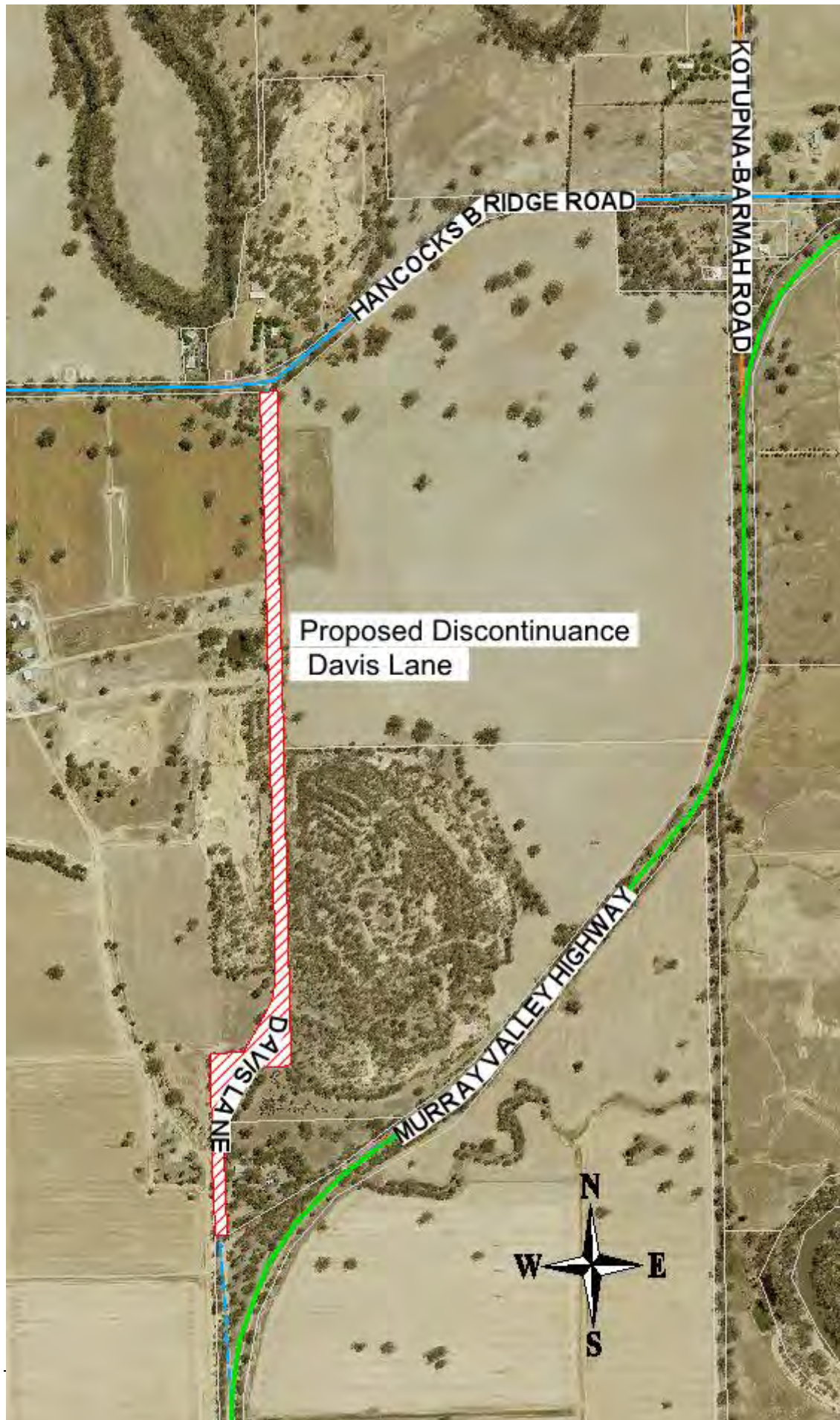
By discontinuing the road reserve, the land will revert to crown land and be managed by the Department of Environment, Land, and Water & Planning (DELWP).



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8. REBALANCING COUNCIL'S ASSET MIX

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**DISCONTINUATION OF DAVIS LANE, KOTUPNA (cont'd)**



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8. REBALANCING COUNCIL'S ASSET MIX

ITEM NO: 9.2.5

## DISCONTINUATION OF DAVIS LANE, KOTUPNA (cont'd)

### 3. Financial Implications

The road pavement is currently valued as a Council asset, discontinuing the road will see this asset removed from the Council's asset register. In addition, Council will avoid future significant costs to repair the road from damage caused by erosion.

Davis Lane is a government road and should Council resolve to discontinue it the land will revert to back to Crown land.

Council will be required to meet costs for related survey, gazettal and administrative costs associated with the discontinuance of the road reserves.

### 4. Risk Management

The discontinuation of Davis Lane will see this segment of road removed from Council's Register of Public Roads and from Council's responsibility to inspect and maintain.

### 5. Internal and External Consultation

Council's Operations and Assets and Construction departments were consulted regarding this proposal and have no objection to the proposal.

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

Council's Planning Department has advised that any new access from Murray Valley Hwy would require a Planning Permit and referral to VicRoads. If Vic Roads objects, Council would have to refuse the application as the Roads Corporation (VicRoads) is a Determining Authority.

Not taking ownership into account, these lots are individually disposable parcels of land. If Davis Lane is closed these lots are at risk of not having approved accesses to a road.

### 6. Regional Context

The discontinuation of Davis Lane will have minimal impact to the Kotupna Community.

### 7. Council Plan Strategy

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

### 8. Legislative / Policy Implications

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

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

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8. REBALANCING COUNCIL'S ASSET MIX

ITEM NO: 9.2.5

## **DISCONTINUATION OF DAVIS LANE, KOTUPNA (cont'd)**

Should Council determine to commence the process toward discontinuing the road known as Davis Lane, then a Section 223 process will be undertaken in accordance with the guidelines and the Local Government Act.

The caretaker period for the impending Council election on 22 October 2016 commences on 20 September. During the caretaker period, Council is restricted in how it communicates and consults with the community and as a consequence the Section 223 process will not be commenced until after the 22 October.

### **9. Environmental Impact**

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

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

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

### **11. Conclusion**

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

It is also recommended that Council appoint a Committee of the Council, to consider submissions and hear any person who may wish to be heard in support of their submission regarding the proposed discontinuance of Davis Lane, Kotupna, and to hear submissions on a date, time and place set by the Chief Executive Officer.

### **Attachments**

Nil

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

**ITEM NO: 10.1**

## **ACTION OFFICERS' LIST**

### **RECOMMENDATION**

That Council receive and note the Action Officers' List.

**Meeting:** 22 August 2016

**Subject:** General Business

### **MOTION**

CRS ALEX MONK / WENDY BUCK

That Council:

1. Remove the Tungamah Tennis Club building from the list of buildings proposed for removal as adopted by Council at the May 2016 Council meeting.
2. Undertake works to make the building safe for public use as soon as possible.

(CARRIED)

### **Activity:**

Community informed of Council decision. Works being planned and expected to be finished by end of September.

**Meeting:** 22 August 2016

**Subject:** General Business

### **MOTION**

CRS MARIE MARTIN / KEVIN BOURKE

That a community meeting needs to be held now for all involved agencies/authorities to provide feedback to the community on new learnings gained from the most recent minor flood event, occurring from August 8<sup>th</sup> through till the 15<sup>th</sup> August.

(CARRIED)

### **Activity:**

A letter sent to the SES as the lead agency requesting a meeting.

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

**ITEM NO: 10.1**

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

**Meeting:** 22 August 2016

**Subject:** General Business

**MOTION**

CRS KEVIN BOURKE / MARIE MARTIN

That Council request that the 13 permanent monitoring stations as identified by the Numurkah Flood Study Community Reference Group throughout the catchments, be installed without further delay.

(CARRIED)

**Activity:**

A letter sent to DELWP requesting the installation.

**Meeting:** 25 July 2016

**Subject –** General Business

**MOTION**

CRS KEVIN BOURKE / MARIE MARTIN

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

(CARRIED)

**Activity**

Information being gathered.

**Meeting:** 25 July 2016

**Subject –** General Business

**MOTION**

CRS MARIE MARTIN / KEVIN BOURKE

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

(CARRIED)

**COMPLETED**

Council briefing held and officers have meeting with committee members regarding the planned works.

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

**ITEM NO: 10.1**

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

**Meeting:** 25 July 2016

**Subject –** General Business

CRS ED COX / DON MCPHEE

That Council review the delegation policy.

(CARRIED)

**Activity**

Briefing scheduled for September.

**Meeting:** 20 June 2016

**Subject –** Family Day Care

**MOTION**

CRS PETER MANSFIELD / WENDY BUCK

That Council enter into a Shared Services model of family day care with Greater Shepparton City Council through the Goulburn Valley Regional Collaborative Alliance.

(CARRIED)

**Activity**

Discussions underway.

**Meeting:** 20 June 2016

**Subject –** Sale saleyards land at Mill Street Cobram.

**MOTION**

CRS ED COX / ALEX MONK

1. That following consideration of submissions received under Section 223 of the Local Government Act Council resolve to sell the former saleyards land at Mill Street Cobram.
2. That the Chief Executive Officer be authorised to sell the land.

(CARRIED)

**Activity**

Briefing scheduled 5 September 2016

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

ITEM NO: 10.1

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

**Meeting:** Ordinary Council Meeting 23 November 2015

**Subject –** General Business

**MOTION**

CRS PETER MANSFIELD / BRIAN KEENAN

That Council staff prepare a submission to the Planning Minister championing the green option for the Yarrawonga Mulwala Bridge to be presented when appropriate.

(CARRIED)

**Activity**

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

**Attachments**

Nil



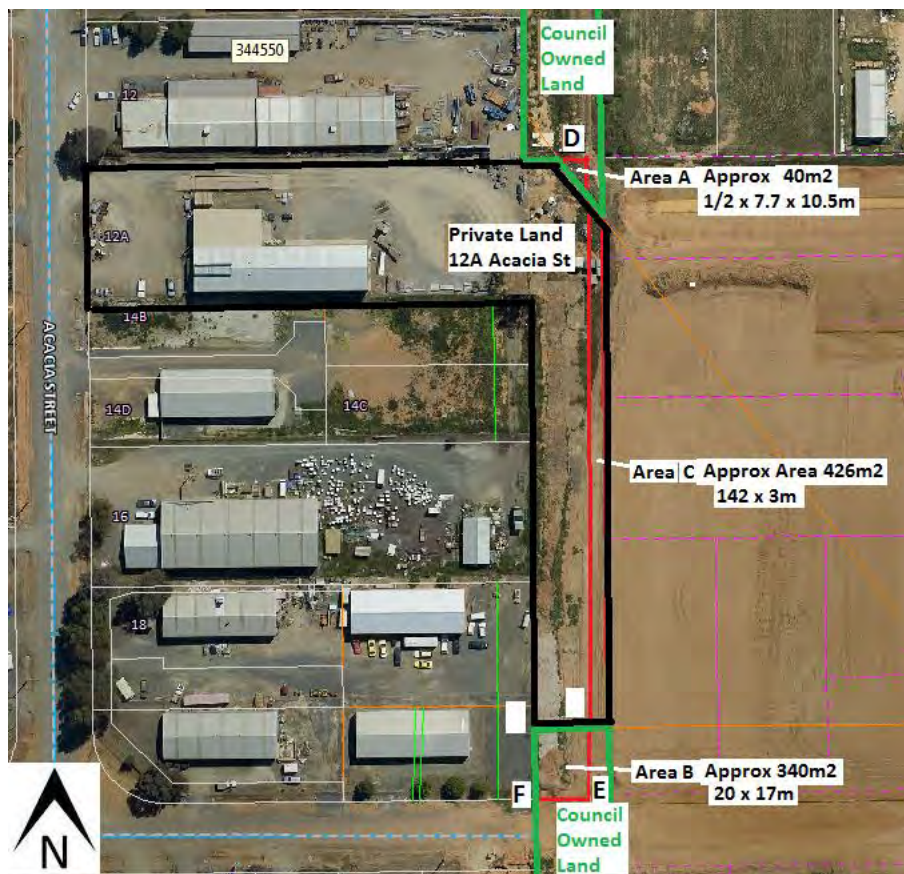
FILE NO: F13/237  
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 13.1

**LAND EXCHANGE ACACIA ST YARRAWONGA****RECOMMENDATION**

That Council authorise the Chief Executive Officer to sign and seal the Transfer of Land documents relating to the land exchange at Acacia St Yarrawonga.

1. On 21 May 2012 Council resolved to enter into a land exchange agreement with the owners of 12A Acacia St Yarrawonga in order to establish a walking and cycling track in accordance with the plan below.
2. The exchange involved the transfer of Area A and B to the owner of 12A Acacia St in return for the parcel of land identified as Area C. Negotiations to finalise this matter have now occurred and Council approval is sought to sign and seal the appropriate transfer of land documents.

**Attachments**

Nil



FILE NO: VARIOUS

ITEM NO: 14

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

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

FILE NO: VARIOUS

ITEM NO: 15

**QUESTIONS FROM THE PUBLIC GALLERY**

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

**63. Question Time**

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

No question must be so read unless:

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

A question may be disallowed by the Chairperson if it:

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

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

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

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

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

FILE NO: VARIOUS

ITEM NO: 16

**MEETING ADJOURNMENT**

## 16.1 MEETING ADJOURNMENT FOR REFRESHMENTS WITH THE GALLERY

**RECOMMENDATION**

That the meeting be adjourned for 10 minutes.

## 16.2 RESUMPTION OF THE ORDINARY MEETING

**RECOMMENDATION**

That the meeting be resumed.

## 16.3 ENTERING INTO CONFIDENTIAL MEETING

**RECOMMENDATION**

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

## 16.4 RESOLVE TO RETURN TO THE ORDINARY MEETING

**RECOMMENDATION**

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

## 16. RESOLVE TO RECORD THE OUTCOME OF CONTRACTS REPORT IN THE OPEN MINUTES

**RECOMMENDATION**

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