



## MINUTES

ORDINARY MEETING OF COUNCIL HELD AT  
PRESIDENTS ROOM, NUMURKAH TOURIST  
INFORMATION CENTRE, MELVILLE STREET  
NUMURKAH,  
MONDAY 21 NOVEMBER 2016

The meeting commenced at 5:00 pm.

**PRESENT** Councillor Gary Cleveland (Mayor)  
Councillor Marie Martin  
Councillor John Beitzel  
Councillor Kevin Bourke  
Councillor Wendy Buck  
Councillor Ed Cox  
Councillor Peter Lawless  
Councillor Peter Mansfield  
Councillor Libro Mustica

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

### 1. CALLING TO ORDER – CEO

#### RECORDING

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

### 2. PRAYER

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

Amen

*Read by the Mayor*

### 3. ACKNOWLEDGEMENT OF COUNTRY

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

*Read by the Mayor*

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

Councillor Wendy Buck requested leave of absence for the December meetings.

**MOTION**

CRS KEVIN BOURKE/ ED COX

That Councillor Wendy Buck's request for leave of absence for the December meetings be accepted.

(CARRIED)

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

Nil

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

Councillor Libro Mustica declared a conflict of interest with regard to item 9.2.4 the use and development of 24-28 Main Street and 5 William Street, Cobram for a child care centre and 9.25 Camping and Caravan Park at 143 Campell Road Cobram.

The Chief Executive Officer declared a conflict of interest, being an indirect interest due to residing in close proximity to the proposed development at 143 Campbell Road.

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

**MOTION:**

CRS ED COX / KEVIN BOURKE

"That the minutes of the Ordinary Council Meeting held on Monday, 19 September 2016 and the minutes of the Special Meeting of Council held on Monday, 7 November 2016, as prepared, be confirmed."

(CARRIED)

**8. COUNCILLOR REPORTS**

Councillor Kevin Bourke reported on his attendance at the recent flood meetings and thanked the volunteers for their efforts.

The Mayor Councillor Gary Cleveland also thanked the volunteers for their assistance.

Councillor Peter Mansfield reported on his attendance at the Murray Darling Association Annual General Meeting.

Councillor Marie Martin reported on her attendance at the MAV Arts and Culture Meeting.

Councillor Wendy Buck congratulated Councillor Coral Ross on her appointment as the interim president of the MAV.

**9. OFFICER REPORTS FOR DETERMINATION**

FILE NO: F16/98  
7. DELIVER SOUND FINANCIAL MANAGEMENT

ITEM NO: 9.1.1

## QUARTERLY BUDGET REVIEW - SEPTEMBER 2016

### Executive Summary

#### Income Statement

There has been a slight improvement to \$3 million from the budgeted surplus of \$2.88 million in the September quarter. This is mainly driven by reduced contract costs and increased waste collection revenue, and the receipt of an extra allocation of funds from the Victorian Grants Commission of the Financial Assistance Grant. Expenses from flood damage have yet to be determined and this may affect the year end result.

### MOTION

CRS ED COX / LIBRO MUSTICA

That Council notes and approves the projections for the 2016/17 financial year contained in the September 2016 quarterly budget review.

(CARRIED)

FILE NO: TBC  
4. SMARTER DELIVERY OF SERVICES AND  
PROGRAMS

ITEM NO: 9.1.2

## MOIRA SHIRE COUNCIL - BRAND REFRESH PROJECT

### Executive Summary

Feedback and consultation has confirmed Council's current brand and style is difficult to work with because of its design, multiple elements and dated colour palette.

To address these challenges and develop an effective brand, Council commissioned a brand refresh project. The project confirmed the relevance of the existing brand elements and the need to more effectively convey Moira Shire's geographic location.

The final designs are now presented to Council for adoption. Following adoption Council will progress the development of the new Council style guide with a view to implementing the entire suite of resources in late 2016, including a Council signage strategy.

### MOTION

CRS PETER MANSFIELD / MARIE MARTIN

That Council adopt the new brand design.

(CARRIED)

FILE NO: 120.06.0003  
1. OUR COMMUNITIES

ITEM NO: 9.1.3

## COUNCIL'S COMMITTEE REPRESENTATIVES

### Executive Summary

Section 86 of the *Local Government Act 1989* (the Act) enables councils to establish special committees, which may be the subject of delegations from the Council. It also recognises the possibility of establishing advisory committees, whose role it is to provide recommendations to the Council, although they do not have any formal delegated powers.

Each year, Councillors are presented with a report which details the current special committees for which Councillor Representation is required. In turn, Councillors are nominated to these special committees for the coming 12 months.

This report identifies Councillor Representatives to Advisory (Special) Committees; Audit Committee; Moira Advisory Committees; other Moira Committees and other Representative Bodies for 2016.

Councillor Representatives to Council's Section 86 Committees will be determined at a future meeting.

### MOTION

CRS KEVIN BOURKE / ED COX

That Council appoint Councillor Representatives to Council's Advisory (Special) Committees; Audit Committee; Moira Advisory Committees; other Moira Committees and other Representative Bodies, in accordance with the attached list.

(CARRIED)

Committee	Representative
Moira Shire Disability Advisory Committee	Crs Bourke and Lawless
Moira Shire Environment Sustainability Advisory Committee	Crs Cox and Martin
Moira Shire Youth Council	Mayor Crs Mansfield and Martin
Moira Shire Kinnards Wetland Advisory Committee	Cr Cox
Moira Shire Community Safety Committee	Crs Bourke and Martin
Moira Shire Municipal Public Health & Wellbeing Advisory Committee	Crs Bourke and Cox

FILE NO: 120.06.0003  
1. OUR COMMUNITIES

ITEM NO: 9.1.3

**COUNCIL'S COMMITTEE REPRESENTATIVES (cont'd)**

Committee	Representative
Moira Shire Multicultural Advisory Committee	Crs Martin and Mustica
Moira Shire Tourism Advisory Board	Crs Buck and Mansfield Second Thursday
Goulburn Broken Greenhouse Alliance	Cr Martin
Goulburn Valley Community Road Safety Council	Crs Bourke and Cox
Goulburn Valley Regional Library Corporation Board	Cr Cleveland
Goulburn Valley Waste and Resource Recovery Group	Cr Bourke
Lake Mulwala Community Reference Group	Cr Mansfield
Goulburn Valley Highway Bypass Action Group	Mayor
Municipal Association of Victoria	Mayor
Murray River Group of Councils	Mayor
Murray Darling Association Inc	Crs Cox and Mansfield
Sullivan Education Fund	Crs Mansfield and Buck
Barmah Forest Heritage and Education Centre	Cr Bourke
Numurkah Flood Study Community Reference Group	Cr Bourke
Moira Shire Council Audit Committee	Mayor Crs Cox and Martin

FILE NO: 120.06.003  
5. DEMONSTRATING GOOD GOVERNANCE

ITEM NO: 9.1.4

## COUNCIL MEETING SCHEDULE 2017

### Executive Summary

Under Part 3, Section 8(1) of Council's Meeting Procedures Local Law 2007 (No. 1 of 2007 amended 22 July 2008) Council is required to set the date, time and place for Council Meetings.

This report details the meeting and briefing schedule for the first six months of 2017.

### MOTION

CR WENDY BUCK

That: Council

1. Pursuant to Part 3, Section 8(1) of Local Law No. 1 (No. 1 of 2007 amended 22 July 2008) set the date, time and place of Council meetings as:
  - Ordinary Council Meetings to be held on the fourth Wednesday of the month commencing at 6pm.
  - One Ordinary meeting will be held at Yarrawonga, Numurkah and Nathalia
  - All other Ordinary Council Meetings to be held at the Cobram Civic Centre, Council Chambers.
2. Briefing sessions to be held on the second and third Wednesday of the month.

(MOTION LAPSED DUE TO LACK OF SECONDER)

### MOTION

CRS KEVIN BOURKE / MARIE MARTIN

That: Council

1. Pursuant to Part 3, Section 8(1) of Local Law No. 1 (No. 1 of 2007 amended 22 July 2008) set the date, time and place of Council meetings as:
  - Ordinary Council Meetings to be held on the third Monday of the month commencing at 6pm.
  - One Ordinary meeting will be held at Yarrawonga, Numurkah and Nathalia
  - All other Ordinary Council Meetings to be held at the Cobram Civic Centre, Council Chambers.
2. Briefing sessions to be held on the second and third Monday of the month.

### AMENDMENT

CRS ED COX / WENDY BUCK

That: Council

1. Pursuant to Part 3, Section 8(1) of Local Law No. 1 (No. 1 of 2007 amended 22 July 2008) set the date, time and place of Council meetings as:
  - Ordinary Council Meetings to be held on the fourth Wednesday of the month commencing at 6pm.
  - One Ordinary meeting will be held at Yarrawonga, Numurkah and Nathalia

FILE NO: 120.06.003  
5. DEMONSTRATING GOOD GOVERNANCE

ITEM NO: 9.1.4

**COUNCIL MEETING SCHEDULE 2017 (cont'd)**

- All other Ordinary Council Meetings to be held at the Cobram Civic Centre, Council Chambers.

2. Briefing sessions to be held on the second and third Wednesday of the month.

The amendment was

(CARRIED)

*Cr Kevin Bourke called for a division.*

**FOR**

Cr Beitzel  
Cr Buck  
Cr Cleveland  
Cr Cox  
Cr Lawless  
Cr Mustica

**AGAINST**

Cr Bourke  
Cr Martin  
Cr Mansfield

The amendment became the motion and was put and

(CARRIED)

FILE NO: F13/2657  
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.1.5

## YARRAWONGA LIBRARY FUTURE NEEDS ANALYSIS AND SITE IDENTIFICATION REPORT

### Executive Summary

The Yarrowonga Library, located at 26-30 Belmore Street Yarrowonga, is operated by Goulburn Valley Libraries on behalf of Moira Shire. The library is open Tuesday to Friday from 10am to 5.30pm, and from 9am to 12 noon on Saturday.

The Yarrowonga Library Steering Committee; which has been established to oversee this project, comprises representatives of Moira Shire (both Councillors and staff) and Goulburn Valley Libraries (both Board members and staff). The steering committee has identified that the current library has outgrown its existing site and in order to meet the future needs and use for the library potential new sites need to be investigated to continue to deliver relevant services to the growing Yarrowonga and district population.

Urban Enterprise were engaged to provide an analysis of the future needs, a feasibility study for a new development and the identification of potential sites. These were developed through consultation and completing a strategic analysis of existing documents and strategies. The attached report outlines the findings and recommendations from this process.

### MOTION

CRS PETER MANSFIELD / KEVIN BOURKE

That Council endorse the Yarrowonga Library Future Needs Analysis and Site Identification Report.

(CARRIED)

FILE NO: F13/503  
5. DEMONSTRATING GOOD GOVERNANCE

ITEM NO: 9.1.6

## ASSEMBLIES OF COUNCILLORS

### Executive Summary

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

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

### MOTION

CRS PETER MANSFIELD / MARIE MARTIN

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

(CARRIED)

FILE NO: 111.111.111  
4. SMARTER DELIVERY OF SERVICES AND  
PROGRAMS

ITEM NO: 9.2.1

## REALLOCATION OF R2R FUNDING IN 2016-2017 CAPITAL BUDGET

### Executive Summary

The above average rainfall over the winter spring period has resulted in the above average occurrence of defects with Council's sealed road network. Council has already budgeted \$400,000 in its 2016-2017 capital budget to renew sections of sealed road pavements but these funds are insufficient to address the problems now becoming evident.

It is estimated that the funds allocated in the Sealed Road Pavement renewal budget need to be increased to \$1.1 million to allow the identified sections of pavement to be renewed. It is proposed that the project to reconstruct Naring Road from Labuan Road along the length of 4m wide seal be cancelled and the funds reallocated to the Sealed Road Pavement program. The additional \$100,000 will be sourced from the Road Asphalt program by delaying some works to the 2017-2018 budget.

### MOTION

CRS ED COX / LIBRO MUSTICA

That Council approve the removal of the project to reconstruct Naring Road from the 2016-2017 capital budget and the \$600,000 be reallocated to the Sealed Road Pavement program.

*Cr Kevin Bourke called for a division.*

(CARRIED)

#### FOR

Cr Buck  
Cr Mansfield  
Cr Cleveland  
Cr Cox  
Cr Lawless  
Cr Mustica

#### AGAINST

Cr Bourke  
Cr Beitzel  
Cr Martin

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

ITEM NO: 9.2.2  
(STATUTORY PLANNING COORDINATOR,  
PETER STENHOUSE)  
(GENERAL MANAGER INFRASTRUCTURE,  
ANDREW CLOSE)

## AMENDMENT TO SILVERWOODS DEVELOPMENT PLAN

### Executive Summary

**This report was deferred from the 19 September 2016 Ordinary Meeting of Council.**

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.

Since the 19 September Ordinary Meeting of Council, the proponent has updated the Development Plan to include notes to the Seniors Living component and modified the road layout and open space provision in Stages 7, 8 & 12.

### MOTION

CRS PETER MANSFIELD / WENDY BUCK

That:

1. Council approve the amendment to the Silverwoods Development Plan (October 2016) showing a Seniors Living site and modifications to Stages 7, 8 & 12.
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.

(CARRIED)

FILE NO: 52015327  
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.3

**AMENDMENT TO PLANNING PERMIT 5/2015/327, 31 LOT SUBDIVISION, 16  
TOCUMWAL ROAD, NUMURKAH**

**Executive Summary**

An application to amend a planning permit has been received to subdivide land at 16 Tocumwal Road, Numurkah. The application seeks to amend the number of lots created, change the subdivisional layout and amend a number of conditions.

The application was referred and advertised. No objections were received from referral authorities or internal departments, however one objection was received from a local resident relating to drainage and sewerage problems in the local area.

The application to amend planning permit 52015327 is recommended for approval.

**MOTION**

CRS KEVIN BOURKE / MARIE MARTIN

That Council refuse application to amend planning application no: 52015327

(LOST)

*Cr Kevin Bourke called for a division.*

**FOR**

Cr Bourke  
Cr Martin

**AGAINST**

Cr Beitzel  
Cr Buck  
Cr Cleveland  
Cr Cox  
Cr Lawless  
Cr Mansfield  
Cr Mustica

**MOTION**

CRS WENDY BUCK / PETER MANSFIELD

That Council approve the issue of a Notice of Decision to Grant an Amended Permit for Planning Application No. 52015327 with the following amendments:

**What the Permit allows** - Thirty- two (32) lot subdivision

**Condition 1** - Delete

**Condition 3** - Replace with

Prior to the issue of Statement of Compliance, the owner must remove the Section 173 Agreement registered on title and enter into a new agreement with the Responsible Authority made pursuant to Section 173 of the *Planning and Environment Act 1987* to provide for the following:

- (a) *Proposed Lot 17 and the dwellings erected thereon be retained for public housing operated by a public or community body.*

The Agreement must be prepared by the developer at the developers cost unless Council has

FILE NO: 52015327  
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.3

**AMENDMENT TO PLANNING PERMIT 5/2015/327, 31 LOT SUBDIVISION, 16  
TOCUMWAL ROAD, NUMURKAH (cont'd)**

been requested in writing to prepare it in which case all costs associated with the preparation and registration of the agreement must be borne by the applicant. All fees associated with the documentation must be fully paid prior to execution and registration of the document by Council.

**Condition 9** Replace with

The landscaping shown on the endorsed plans must be maintained to the satisfaction of the responsible authority, *including that any dead, diseased or damaged plants are to be replaced* for duration of the 12 months defect liability period.

**Condition 10** Replace with

Prior to the issue of a Statement of Compliance for Stage 2, the subdivider of the land must enter into an agreement with the responsible authority under Section 173 of the Planning and Environment Act 1987 and confirmation of lodgement of the Agreement pursuant of Section 181 of the Act must be provided to the responsible authority. The Agreement must provide for the following:

- a) should lots 18 to 25 inclusive be further subdivided, then no lot created can have sole access via MacKillop Way, or unless otherwise agreed to in writing by the Responsible Authority.

The owner/subdivider under this permit must pay full costs of the preparation, execution and registration of the Section 173 Agreement and must be registered on the title, at no expense to Council, and its provisions must be noted on the endorsed construction plans.

**Condition 14** Replace with:

Prior to the issue of a Statement of Compliance for Stage 1, the subdivider must provide/extend kerb and channel and associated drainage, construct and seal the gravel road shoulder and provide a footpath adjacent to the subject land at O'Connor Street, and at no expense to Council and work with Council to link the above-mentioned infrastructure for the remaining length (approximate 53m) through to Mackillop Way, adjacent to No. 24 O'Connor Street. Council will pay costs associated with this construction, subject to approval of the overall cost of such works and availability of funding as agreed to in writing. If Council funding is not available, the developer will not be required to construct the additional 53 metres of linking infrastructure. All the works must conform to plans and specifications prepared by a suitable qualified Engineer, and endorsed by the Responsible Authority prior to commencement of construction. Unless otherwise agreed in writing, the Authority will only approve plans and specifications complying with Council's Infrastructure Design Manual [IDM].

**Condition 15** Replace with:

Prior to the issue of a Statement of Compliance for Stage 2, the subdivider must improve the remaining unsealed section of Mackillop Way for its full width through to O'Connor Street, to cater for the increase in traffic. As a minimum, the area must be reformed to centrally drain via a concrete spoon drain, including any associated underground drainage in maintaining an all-weather gravel and drained standard. All the works must conform to plans and specifications prepared at the expense of the subdivider by a suitable qualified Engineer, and endorsed by the Responsible Authority prior to commencement of construction. Unless otherwise agreed to in writing, the Authority will only approve plans and specifications complying with Council's Infrastructure Design Manual [IDM].

**Condition 16(c)** No change

**Condition 22** Delete

FILE NO: 52015327  
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.3

**AMENDMENT TO PLANNING PERMIT 5/2015/327, 31 LOT SUBDIVISION, 16  
TOCUMWAL ROAD, NUMURKAH (cont'd)**

(CARRIED)

*Cr Kevin Bourke called for a division.*

**FOR**

Cr Beitzel  
Cr Buck  
Cr Cleveland  
Cr Cox  
Cr Lawless  
Cr Mansfield  
Cr Mustica

**AGAINST**

Cr Bourke  
Cr Martin

FILE NO: 52016130  
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.4

**52016130 - USE AND DEVELOPMENT OF CHILD CARE CENTRE - 24-28 MAIN STREET & 5 WILLIAM STREET, COBRAM**

**Councillor Libro Mustica declared a conflict of interest and left the meeting at 6:06PM**

**Executive Summary**

Planning Permit Application 5/2016/112 is an application for the use development of the land one two separate allotments, namely 24-28 Main Street and 5 William Street, Cobram for a child care centre of 110 children and should be supported for the following reasons:

1. The proposal accords with the relevant provisions in the State and Local Planning Policy Frameworks of the Moira Planning Scheme.
2. The proposal accords with the provisions of the Commercial 1 Zone and Parking Overlay – Precinct 2.
3. The proposal will not detrimentally affect the amenity of the surrounding area.
4. The proposal positively responds to the character of the area.
5. The proposal is in the interest of the orderly development of the area.

**MOTION**

CRS ED COX / MARIE MARTIN

It is recommended that Council Issue a Notice of Decision to Grant a Permit in relation to Planning Permit Application 5/2016/130 for the use and development of a child care centre on the land at 24-28 Main Street and 5 William Street, Cobram subject to the following conditions:

- (1) Before the use and/or development start(s), amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
  - (a) all council assets proposed to be altered and/or removed, which will include, but not limited to, street trees and on-street car parking along Williams Street and Main Street adjacent to the subject land and recommend all mitigating measures.
  - (b) reconfigure the disable car parking to comply with Australian Standards AS2890.6.
  - (c) an area within the curtilage of the property set aside to ensure safe and convenience for loading and unloading goods and supplies by suitably sized vehicle and must ensure that they can enter and exit in a forward direction at all times. Alternative solutions maybe considered for deliveries outside the site provided safe and practical functionality can be achieved.
  - (d) demonstrate car parking layout (as shown) will function properly under all normal conditions without conflicts arising between vehicles. The design vehicle shall be based on a minimum 5.2m Car with a minimum 6.3m turning radius and such vehicles must ensure that they can enter and exit in a forward direction at all times.
  - (e) the acoustic fence described in Condition 4.
  - (f) the front fence described in Condition 5.
  - (g) the landscape plan as per Condition 15 of the permit.
- (2) The use and/or development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.

FILE NO: 52016130  
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.4

**52016130 - USE AND DEVELOPMENT OF CHILD CARE CENTRE - 24-28 MAIN STREET & 5 WILLIAM STREET, COBRAM (cont'd)**

- (3) All lots must be consolidated prior to the use commencing.
- (4) Before the use begins, an acoustic fence must be erected along the western boundary of the subject land to a minimum height of 1.8 metres above natural ground level to manage the noise emanating between the site and the adjoining lot to the west. The design of the fence must be prepared by a suitably qualified acoustic engineer. The details of the design and acoustic qualities of the fence must be to the satisfaction of the Responsible Authority.
- (5) Before the use begins an open type fence with a minimum height of 1.5 metres must be constructed along the southern boundary of the subject land starting from the western boundary to the edge of the access to the car parking area.
- (6) The western and southern boundary fences constructed as part of this development must be maintained by the owner of the land to the satisfaction of the Responsible Authority. The fences must be retained for the duration of the use and must not be removed without the written consent of the Responsible Authority.
- (7) 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.
- (8) 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.
- (9) Prior to the commencement of the use, all internal customer parking, maneuvering 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 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].
- (10) Prior to the commencement of the use, pedestrian access ways within the curtilage of the property and to and from the site, as shown on the endorsed plan are to be constructed, sealed, line marked, illuminated and drained in accordance with Clause 13

FILE NO: 52016130  
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.4

**52016130 - USE AND DEVELOPMENT OF CHILD CARE CENTRE - 24-28 MAIN STREET & 5 WILLIAM STREET, COBRAM (cont'd)**

- (Mobility and Access Provisions) of Council's Infrastructure Design Manual [IDM], and to the satisfaction of the Responsible Authority.
- (11) Vehicle access and egress from the property must take place in a forward direction at all times.
- (12) 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 Main and Williams Streets serving the subject land must be removed and replaced with kerb and channel, and to the satisfaction of the Responsible Authority.
- (13) Prior to the commencement of the use, as appropriate landscaping of the nature strip must include the planting of MATURE (2 – 3 metres high) Street Tree(s) to each street frontage of the subject land (of an approved species and location) in accordance with Council's Infrastructure Design Manual [IDM] or unless otherwise agreed to in writing by the Responsible Authority.
- (14) Prior to the commencement of the use, the nature-strip and all disturbed areas are to be top soiled and seeded to establish grass cover.
- (15) Before the use and/or development start(s), a Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale and three copies provided. The submitted plan must show:
- (a) A minimum of two (2) rows of small to medium local indigenous shrubs to be planted within the property boundary adjacent to the south boundary fence.
- (b) the predominate use of indigenous or native plant species in landscaping.
- (c) if exotic plant species are proposed, provide reasons for use instead of native species.
- (d) a schedule of all proposed trees, shrubs and ground cover, which will include number and botanical names of such plants and the location of all areas to be covered by grass or other surface materials as specified.
- (e) include the method of preparing, draining, irrigating and maintaining the plantings and landscaped areas.
- (f) include a weed management program.
- (16) Before the use starts or by such later date as is approved by the Responsible Authority in writing, the landscaping works shown on the application plans must be carried out and completed to the satisfaction of the Responsible Authority.
- (17) The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.
- (18) The use and development 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.
- (b) appearance of any building, works or materials.

FILE NO: 52016130  
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.4

**52016130 - USE AND DEVELOPMENT OF CHILD CARE CENTRE - 24-28 MAIN STREET & 5 WILLIAM STREET, COBRAM (cont'd)**

- (c) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.
  - (d) presence of vermin.
- (19) The use may operate only between the following hours unless with the written consent of the Responsible Authority.
- Monday to Friday: 7am to 6pm
- (20) Not more than 110 children are permitted on the premises at any one time without the written consent of the Responsible Authority.
- (21) Provision must be made on the land for the storage and collection of garbage and other solid waste. This area must be graded and drained and screened from public view to the satisfaction of the Responsible Authority and must not be used for any other purpose.
- (22) 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.
- (23) Goods or equipment must not be stored or left exposed outside a building so as to be visible from any public road or thoroughfare.
- (24) The subject land must be kept neat and tidy at all times and its appearance must not, in the opinion of the Responsible Authority, adversely affect the amenity of the locality.
- (25) No fewer than 26 car space(s) must be provided on the land for the use and development, including 2 spaces clearly marked for use by disabled persons.
- (26) 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 6 months after the permit expiry date, where the use or development allowed by the permit has not yet started; and within 12 months after the permit expiry date, where the development allowed by the permit has lawfully started before the permit expires.

**Permit Notes**

- (1) 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.
- (2) Unless no permit is required under the planning scheme, no sign must be constructed or displayed without a further permit.
- (3) 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

FILE NO: 52016130  
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.4

**52016130 - USE AND DEVELOPMENT OF CHILD CARE CENTRE - 24-28 MAIN STREET & 5 WILLIAM STREET, COBRAM (cont'd)**

debris on site, both during and after the construction phase.

- (4) 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.
- (5) 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.
- (6) 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.
- (7) An application for Food Act registration of a Class 1 facility must be submitted to Council and approved by Council's Environmental Health Officer prior to any works commencing.

(CARRIED)

FILE NO: 5/2008/453  
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.5

**EXTENSION OF TIME TO PLANNING PERMIT 5/2008/453 - CAMPING AND  
CARAVAN PARK, CAMPBELL ROAD, COBRAM**

**Mark Henderson the Chief Executive Officer declared a conflict of interest and left the meeting at 6:14 PM.**

**1. Executive Summary**

A request has been received for an extension of time to Planning Permit 5/2008/453 for a Camping and Caravan Park at 143 Campbell Road Cobram.

This is the third request for an extension of time. The applicant is requesting a 5 year extension.

Locality Plan

The request has been assessed against the criteria established by VCAT for extensions of time to permits.

It is considered that the proponent has been given sufficient time to commence the development and any further extension is viewed as warehousing the permit, which is contrary to the VCAT criteria, therefore it is recommended that the request be refused.

**MOTION**

CRS ED COX / PETER MANSFIELD

That the request for an extension of time to Planning Permit 5/2008/453 for a Camping and Caravan Park at 143 Campbell Road, Cobram be refused on the grounds that the proponent has had sufficient time to commence the development and that any further extension to the permit is viewed as 'warehousing' the permit.

(CARRIED)

FILE NO: 5/2007/500  
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.6

**APPLICATION TO AMEND PLANNING PERMIT 5/2007/500 - 168 LOT SUBDIVISION  
- 143 CAMPBELL ROAD/ELLEN DRIVE COBRAM**

**Executive Summary**

An application has been received to amend Planning Permit 5/2007/500 to subdivide land at 143 Campbell Road and Ellen Drive, Cobram. The application seeks to amend what the permit allows from 168 lots to a multi-lot subdivision that would create 76 conventional residential lots and a superlot (or balance lot).

The application has not been referred or advertised.

The application to amend planning permit 5/2007/500 is recommended for refusal.

**MOTION**

CRS PETER MANSFIELD / ED COX

That Council refuse the application to amend planning permit 5/2007/500 to subdivide land at 143 Campbell Road Cobram on the following grounds:

1. The proposed amendments are considered to be not in the interests of good orderly planning.
2. The proposed amendments are not in keeping with the established residential pattern of development of the area.

(CARRIED)

**Councillor Mustica and the Chief Executive Officer returned to the meeting at 6:16 PM.**

FILE NO: F/300 5. DEMONSTRATING GOOD GOVERNANCE
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ITEM NO: 10.1
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**ACTION OFFICERS' LIST.****MOTION**

CRS PETER MANSFIELD / KEVIN BOURKE

That Council receive and note the Action Officers' List.

(CARRIED)

**11. NOTICES OF MOTION**

NIL

**12. PETITIONS AND JOINT LETTERS**

Councillor Peter Mansfield tabled a petition requesting that Council fence off Linthorpe Drive and Hogans Road Boat Ramp and Playground .

Councillor Ed Cox tabled a petition requesting an extension of footpath at 41-49 Devenish Road St James and request for guttering & drainage from 47-49 Devenish Road St James.

**13. COUNCIL SEAL**

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

**MOTION**

CRS KEVIN BOURKE / PETER MANSFIELD

That items of general business be considered.

(CARRIED)

Councillor Kevin Bourke requested that there be an increased emphasis on roadside slashing.

FILE NO: VARIOUS

ITEM NO: 15

**QUESTIONS FROM THE PUBLIC GALLERY**

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

**63. Question Time**

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

No question must be so read unless:

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

A question may be disallowed by the Chairperson if it:

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

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

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

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

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

FILE NO: VARIOUS

ITEM NO: 15

**QUESTIONS FROM THE PUBLIC GALLERY**

15.1 **John Hay – Koonoomoo**

Question: When will the works on the Ulupna Bridge Road be undertaken?

Answer: The Chief Executive Officer advised that the answer was the same as when the matter was raised several meetings ago. The project has not received sufficient ranking compared with other projects to be funded at this time.

15.2 **Ron Martin - Numurkah**

Question: Where is Council up to with the Numurkah tyre issue?

Answer: The Chief Executive Officer advised that the matter is currently before the Supreme Court and as such Council is unable to provide comment.

15.3 **Alan Hendy - Naring**

Question: Will Moira Shire Council be issuing fire permits this year?

Answer: The Chief Executive Officer advised that Council will issue permits as it did in 2016 once the conditions have been assessed as safe to do so.

15.4 **Leanne Pell - Nathalia**

Question: Could Council please provide an update on the proposed guttering and footpath works in the main street Nathalia?

Answer: The General Manager Infrastructure advised that the works are scheduled to commence early in the new year to avoid disruption during the Christmas and holiday period.

FILE NO: VARIOUS

ITEM NO: 16

**MEETING ADJOURNMENT**

**MOTION**

CRS KEVIN BOURKE / ED COX

That the meeting be adjourned for 10 minutes.

(CARRIED)

Meeting adjourned at 6:35 PM

**MOTION**

CRS KEVIN BOURKE / PETER LAWLESS

That the meeting be resumed.

(CARRIED)

Meeting resumed at 6:48 PM

**MOTION**

CRS WENDY BUCK / KEVIN BOURKE

That pursuant to Sections 89(2) (d), (f) 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 legal and contractual matters which the Council considers would prejudice the Council or any person..

(CARRIED)

**MOTION**

CRS PETER MANSFIELD / ED COX

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

(CARRIED)

**MOTION**

CRS ED COX / KEVIN BOURKE

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

(CARRIED)

FILE NO: VARIOUS

ITEM NO: 16

**MEETING ADJOURNMENT****Successful Tenders**

## 17.1 CO13/15 – PROVISION OF PROFESSIONAL SERVICES PANEL REFRESH

- The Trustee for TNT Trust & The Trustee for W.B.C.S Family Trust T/A MBS Services Australia
- Susan Margaret Beattie T/A Lightbulb Communications
- Architecture & Access (Aust) Pty Ltd
- Gondwana Consulting Pty Ltd
- Australian Social and Recreation Research Pty Ltd
- The Trustee for GMR Engineering Services Unit Trust
- Archaeology at Tardis Pty Ltd
- HDS Australia Pty Ltd
- Alicia Power T/A Vivid Consulting
- LogiCamms Consulting Pty Ltd T/A Monarc Environmental
- The Trustee for the Hudson Family Trust T/A The Communications Dept.
- Rapid Map Pty Ltd
- Urban Initiatives Pty Ltd
- ANA Infrastructure Pty Limited
- Harmer Architecture Pty Ltd
- Terra Rosa Cultural Resource Management Pty Ltd T/A Terra Rosa Consulting
- Argot Consults Pty Ltd
- Shannon Davis T/A SD Planning
- Graeme Long T/A Blue Sky Trees
- Ecology Australia Pty Ltd
- Blue Visions Management Pty Ltd
- Dr Vincent Clark and Associates Pty Ltd ATF The Trustee for the Vincent Clark Family Trust
- P.T Tomkinson & Associates Pty Ltd
- Water Technology Pty Ltd
- Roderick William Sloan T/A Rob Sloan Consulting

**Meeting Closed****7:04PM**