



## MINUTES

### ORDINARY MEETING OF COUNCIL HELD AT DANCOCKS ROOM, NATHALIA, TUESDAY 29 MARCH 2016

The meeting commenced at 5:00 pm.

#### **PRESENT**

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

#### **IN ATTENDANCE:**

Mark Henderson	Chief Executive Officer
Leanne Mulcahy	General Manager Corporate
Andrew Close	General Manager Infrastructure
Linda Nieuwenhuizen	Manager Governance and 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 Mayor Cleveland.*

#### **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 Mayor Cleveland.*

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

- Cr Brian Keenan is an apology for tonight's meeting.
- Cr Alex Monk requested leave of absence for Monday 11 April 2016.

#### **MOTION**

CRS DON MCPHEE / KEVIN BOURKE

That Cr Brian Keenan's apology and Cr Alex Monk request for leave of absence be accepted.

(CARRIED)

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

None declared

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

None declared

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

**MOTION:**

CRS ED COX / KEVIN BOURKE

"That the minutes of the Ordinary Council Meeting held on Monday, 22 February 2016, as prepared, be confirmed."

(CARRIED)

**8. COUNCILLOR REPORTS**

- Cr Kevin Bourke reported on his attendance at the 50<sup>th</sup> anniversary of the Barmah Bridge and thanked the operations department for their assistance with the signage and works.
- Cr Kevin Bourke reported on his attendance at the Northern Victoria Firewood and Home Heating Project (NVFHHP) information session delivered by the Department of Environment, Land, Water and Planning (DELWP) with support from Parks Victoria which aims to work with communities to identify energy sources other than red gum firewood collected from public land.
- Cr Marie Martin reported on her attendance at the Rural Councils Summit at Marysville.
- Cr Peter Mansfield reported on the use of the Yarrawonga Swimming Pool following Council decision to extend operations in response to the BGA outbreak. Cr Mansfield congratulated Council staff for the extension and advised of substantial use across the period by local swim. canoe and fitness clubs as well as general community and visitors.

**9. OFFICER REPORTS FOR DETERMINATION**

FILE NO: 180.11.0002  
3. OUR COMMUNICATIONS AND PROCESSES

ITEM NO: 9.1.1  
(TEAM LEADER - FINANCIAL  
ACCOUNTANT, RAMKI SUBRAMANIAM)  
(GENERAL MANAGER - CORPORATE,  
LEANNE MULCAHY)

## FINANCIAL POSITION REPORT AS AT 29 FEBRUARY 2016

### 1. Executive Summary

The February 2016 finance report includes Rates and Charges totalling \$33.21 million (\$26.52 million in general rates, municipal charges, interest and legal charges and \$6.69 million in garbage collection charges, recycling and organic waste charges and environmental levy) which is recognised as income at the time of being levied.

For the month of February a total of \$0.13 million of receipts were collected for prior year's rate debtors, this brings the year-to-date total collected to \$1.65 million or 71.19% of the total outstanding as at 30 June 2015. Payments of outstanding rates are being actively managed and any rate payers who are experiencing difficulty are encouraged to contact Council officers to discuss options.

Sundry debtors in excess of 30 days are within acceptable levels of 1.94% of total sundry debtors; this represents a figure of \$9,596 out of the total of \$493,409 and is under active management.

Cash and Cash Equivalents balance as at 29 February 2016 is \$30.27 million.

Council's financial position as at 29 February 2016 continues to be satisfactory.

### MOTION

CRS ALEX MONK / ED COX

That Council receives and notes the Financial Position Report as at 29 February 2016.

(CARRIED)

FILE NO: F16/18  
5. DEMONSTRATING GOOD GOVERNANCE

ITEM NO: 9.1.2  
(CORPORATE GOVERNANCE OFFICER,  
LISA DEAYTON)  
(GENERAL MANAGER - CORPORATE,  
LEANNE MULCAHY)

## CARETAKER POLICY

### 1. Executive Summary

Council must prepare and adopt an election period policy, more commonly referred to as a caretaker policy, by 31 March 2016. The Caretaker Policy commits Council to meeting statutory requirements and additional recommendations by Local Government Victoria, leading up to and during the election period. Entering into a caretaker role is a moral obligation, followed by federal and state governments, to support probity and confidence in the election process.

Council will be operating in a limited capacity during the election period. Day to day decisions will be made by the Chief Executive Officer or members of Council staff under delegation, provided that a decision would not affect voting in the election.

The Caretaker Policy applies to Councillors, the Chief Executive Officer and members of Council staff or contractors.

### MOTION

CRS DON MCPHEE / MARIE MARTIN

That Council:

1. Adopts the Caretaker Policy attached to this report; and
2. Authorises the Chief Executive Officer to make minor editorial changes to the Caretaker Policy if required.

(CARRIED)

FILE NO: 100.01.002  
6. GOVERNANCE

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

## AMENDMENT TO COUNCIL MEETING SCHEDULE 2016

### 1. Executive Summary

Since Council adopted the 2016 Council Meeting schedule a range of developments have required Council to revise a small number of the proposed dates. This report details these proposed amendments and seeks Council endorsement of the dates, times and locations.

Council is required to provide a minimum of seven days notice of a meeting. Confirming the schedule will ensure this can occur in a timely manner.

Proposed change	Date	Venue
<b>New meeting - Special Meeting of Council to endorse commencement of community consultation for Council's proposed 2016/17 Budget.</b>	<b>Midday (12:00 PM) Monday 11 April</b>	<b>Numurkah – Presidents Room</b>
Cancel existing Ordinary Council Meeting	Monday 23 May 2016	Numurkah – Presidents Room
<b>New meeting - Ordinary Council Meeting</b>	<b>5:00 PM Monday 30 May 2016</b>	<b>Numurkah – Presidents Room</b>
Cancel existing Ordinary Council Meeting	Monday 24 October 2016	Numurkah – Presidents Room
<b>New meeting - Special Council Meeting to swear in new Councillors and Mayoral Election</b>	<b>5:00 PM Monday 7 November 2016</b>	<b>Numurkah – Presidents Room</b>
Cancel existing Special Council Meeting – Mayoral Election	Monday 14 Nov 2016	Numurkah – Presidents Room
<b>New meeting - Ordinary Council Meeting</b>	<b>5:00 PM Monday 21 November 2016</b>	<b>Numurkah – Presidents Room</b>
Cancel existing Ordinary Council Meeting	Monday 28 Nov 2016	Numurkah – Presidents Room

### MOTION

CRS PETER MANSFIELD / KEVIN BOURKE

That Council endorse the amendments to the previously adopted Council Meeting schedule for 2016.

(CARRIED)

FILE NO: F13/378  
6. INVOLVING AND COMMUNICATING WITH  
OUR COMMUNITY

ITEM NO: 9.1.4  
(ECONOMIC DEVELOPMENT OFFICER,  
FRANK MALCOLM)  
(CHIEF EXECUTIVE OFFICER, MARK  
HENDERSON)

## SALE OF SALEYARDS SITE MILL STREET COBRAM

### 1. Executive Summary

At its meeting on the 19<sup>th</sup> August 2013 Council supported a motion to close the Cobram sale yards. Council officers have subsequently facilitated the removal of the sale yards infrastructure from the site and are finalizing preparations for its possible sale.

If Council supports the sale of this land a Section 223 process must be implemented before any sale process is undertaken.

### MOTION

CRS KEVIN BOURKE / ALEX MONK

That:

1. Pursuant to Section 189 of the Local Government Act 1989 Moira Shire Council declares that the old sale yard site at Mill Street Cobram is no longer required for municipal purposes and give notice of its intention to sell the land.
2. Submissions be invited in relation to the proposed sale in accordance with Section 223 of the Act and
3. A committee comprising of Councillors Cleveland, Cr Cox and the General Manager Infrastructure be appointed to consider any submissions received.

(CARRIED)

FILE NO: 100.01.001  
6. INVOLVING AND COMMUNICATING WITH  
OUR COMMUNITY

ITEM NO: 9.1.5  
(EXECUTIVE ASSISTANT TO CEO, ROBYN  
BONADDIO)  
(CHIEF EXECUTIVE OFFICER, MARK  
HENDERSON)

## 2016 NUMURKAH AGRICULTURAL & PASTORAL SOCIETY SHOW DAY HOLIDAY REQUEST

### 1. Executive Summary

On 17 February 2016, Council received a letter from the Numurkah Agricultural Society requesting that Moira Shire Council, under the Public Holiday Amendment Bill 2011, recommend the Society be granted a Public Holiday for the 2016 Numurkah Show which will be held on Wednesday 19 October 2016.

Under the Act, Councils can request substitute public holiday days for Melbourne Cup Day. In the past Council has requested that a public holiday be declared for the last five Numurkah Show Days. It is recommended that Council continue to support the full day public holiday for the Numurkah Show Day in 2016.

### MOTION

CRS MARIE MARTIN / ED COX

That Council in accordance with section 8A of the *Public Holidays Act 1993*, request the Minister for Innovation, Services and Small Business to declare a full day public holiday within the Numurkah district, as defined on the attached map, on Wednesday 19 October 2016 for the Numurkah Show as a substitute public holiday for the appointed Melbourne Cup Day holiday in 2016. (The Numurkah district is defined by the Numurkah Agricultural and Pastoral Society Inc as the area within the Shire boundaries prior to amalgamation.)

(CARRIED)

FILE NO: F14/232  
3. DEVELOPMENT AND LIVEABILITY

ITEM NO: 9.1.6  
(TOURISM DEVELOPMENT OFFICER,  
LOUISE MUNK KLINT)  
(CHIEF EXECUTIVE OFFICER, MARK  
HENDERSON)

## TOURISM ADVISORY COMMITTEE REPRESENTATIVE APPOINTMENTS - AMENDMENTS

### 1. Executive Summary

At Council's meeting held 20 October 2014, Council resolved to appoint persons as Community representatives on Moira Shire Council's Tourism Advisory Committee (TAC) for a period ending 30<sup>th</sup> June 2016. Council resolved to appoint additional persons as community representative on Council's TAC on 25 May 2015 for a period ending 30<sup>th</sup> June 2016.

Even though the current representatives have initially been appointed for the remaining term of the committee, should they wish to relinquish their position, they are not obliged to remain on the Committee for the entire period, and a replacement representative would be appointed.

### MOTION

CRS KEVIN BOURKE / DON MCPHEE

That Council:

1. Accept the resignations of the following persons representing Local Tourism Associations and/or Community on the Tourism Advisory Committee for the remainder of the term, ending 30<sup>th</sup> June 2016 and send a letter of thanks.
  - (a) Renae Macheda, Cobram Barooga Business and Tourism Development Inc.
2. Approve the appointments of the following persons representing Local Tourism Associations and/or Community on the Tourism Advisory Committee for the remainder of the term, ending 30<sup>th</sup> June 2016
  - (a) Don Rudd, Cobram Barooga Business and Tourism Development Inc.

(CARRIED)



FILE NO: F13/503  
5. DEMONSTRATING GOOD GOVERNANCE

ITEM NO: 9.1.7  
(GOVERNANCE RECORDS OFFICER,  
MARGARET HINCK)  
(GENERAL MANAGER - CORPORATE,  
LEANNE MULCAHY)

## ASSEMBLIES OF COUNCILLORS

### 1. Executive Summary

The records of the Assembly of Councillors reported during the month of February 2016 are attached to this report.

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

### MOTION

CRS ALEX MONK / ED COX

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

(CARRIED)

FILE NO: 52015107  
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.1  
(TOWN PLANNER, MARTINA FOLEY)  
(GENERAL MANAGER INFRASTRUCTURE,  
ANDREW CLOSE)

**52015107 - USE AND DEVELOPMENT - INTENSIVE ANIMAL HUSBANDRY  
(PIGGERY) AT 913 MURRAY VALLEY HIGHWAY, STRATHMERTON**

**1. Executive Summary**

Planning permit application 5/2015/107 is for Use and Development – Intensive Animal Husbandry (Piggery) at 913 Murray Valley Highway, Strathmerton. The proposal consists of the staged development of a large piggery. It will include:

- Three piggery pens, each housing 840 finishing pigs (total 2520)
- Seven sow pens (total 100 sows)
- Two sheds for weaner and grower pigs (variable total)
- Feed facility
- Earthen water storage (clean water)
- Effluent treatment collection system, solids separation plant, anaerobic ponds
- Concrete bunkers for dry and clean manure
- Access roads
- Staff and visitor amenities block including office, meeting room, bathroom facilities for showers, toilets and kitchen/dining area
- Stone fruit orchard stage 1 comprising over 30,000 trees
- Possible reactor capsule for effluent treatment system

There are 2 triggers for the permit:

- Section 2 use in the Farming Zone and
- Development (Buildings and works) in the Farming Zone

The application was referred and extensively advertised. Advertising consisted of a site notice and a letter to all adjoining property owner/occupiers. Five objections have been received from nearby landowners.

It is considered that the proposed use and development should not create any undue negative amenity impacts. The application satisfies the policies of the Moira Planning Scheme and it is recommended that the application be approved, subject to conditions.

**MOTION**

CRS KEVIN BOURKE / MARIE MARTIN

That Council refuse Planning Permit Application No 52105107 for the use and development – Intensive Animal Husbandry (Piggery) at Crown Allotment 7, Section C, Parish of Ulupna also known as 913 Murray Valley Highway, Strathmerton, on the following grounds:

1. The proposal is not compatible with nearby residential dwellings.
2. The proposal may have a detrimental impact on the amenity of the area,
3. The proposal has failed to demonstrate how intensive animal husbandry can be conducted on the land without detriment to groundwater resources and during high rainfall events.

(CARRIED)

FILE NO: 52015363  
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.2  
(TOWN PLANNER, MARTINA FOLEY)  
(GENERAL MANAGER INFRASTRUCTURE,  
ANDREW CLOSE)

**52015363 - 1815 NUMURKAH ROAD, STRATHMERTON - USE & DEVELOPMENT  
ROAD FREIGHT TERMINAL AND MILK DEPOT**

**1. Executive Summary**

Planning permit application 5/2015/363 is for Use and Development – Road Freight Terminal and Milk Depot at 1815 Numurkah Road, Strathmerton. It will include:

- an office,
- warehouse,
- tanker marshalling and parking areas,
- trailer and container parking areas,
- a 90,000 litre fuel tank,
- 3 x 30,000 litre water tanks,
- a 300,000 litre treatment facility,
- staff and visitor car parking areas, and
- landscaped areas

There are 2 triggers for the permit:

- Section 2 use in the Farming Zone and
- Development (Buildings and works) in the Farming Zone

The application was referred and extensively advertised. Advertising consisted of a site notice and a letter to all adjoining property owner/occupiers. Seven objections have been received from residents of Strathmerton. The issues raised in the objections relate to traffic, drainage, compatibility with the Moira Planning Scheme and noise and light pollution.

It is considered that the proposed use and development should not create any undue negative amenity impacts. The application satisfies the policies of the Moira Planning Scheme and it is recommended that the application be approved, subject to conditions.

**MOTION**

CRS WENDY BUCK / MARIE MARTIN

That Council approve the issue of a Notice of Decision to Grant a Permit for Planning Application No. 52015363 for the Use and Development – Road Freight Terminal and Milk Depot at Lot 1 TP751388 also known as 1815 Numurkah Road, Strathmerton, subject to the following conditions:

1. Before each stage of the development starts, 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 show:
  - (a) Final site plans incorporating car parking as required by Condition 4 and landscaping as required by Condition 11,
  - (b) Floor plans and elevations of all proposed buildings, and
  - (c) A schedule of materials and finishes.
2. Before the use and/or development start(s), an amended Traffic Impact Assessment

FILE NO: 52015363  
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.2  
(TOWN PLANNER, MARTINA FOLEY)  
(GENERAL MANAGER INFRASTRUCTURE,  
ANDREW CLOSE)

**52015363 - 1815 NUMURKAH ROAD, STRATHMERTON - USE & DEVELOPMENT  
ROAD FREIGHT TERMINAL AND MILK DEPOT (cont'd)**

Report (TIAR), to the satisfaction of the Responsible Authority, must be submitted to and approved by the Responsible Authority. When approved, the TIAR will be endorsed and will then form part of the permit. The TIAR must be generally in accordance with the TIAR submitted with the application but modified to the satisfaction of the Responsible Authority to include:

- a. swept path analysis for the intended vehicle (A-Double) turning at speed, are adequate when entering and exiting the subject land from Numurkah Road, as defined in the Austroads Publication, "Design Vehicle and Turning Path Template Guide";
  - b. revised Average Annual Daily Traffic (AADT) counts for Numurkah Road and Naring Road, removing any conflict with Council's records;
  - c. detail of a Rural type BAR and BAL sealed turn treatments in accordance Austroads Publication, Part 4A "Unsignalised and Signalised Intersections", or unless otherwise agreed to in writing;
  - d. consideration to the illumination of Numurkah Road at the proposed access point to the subject land, in accordance with Clause 26 (Public Lighting) of Council's Infrastructure Design Manual [IDM];
  - e. identifying any conflicts with Fowlers Road intersection in close proximity of the proposed access to the subject land; and
  - f. identifying all mitigation works required.
3. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
  4. No fewer than (60) car spaces must be provided on the land for the use and development, including (1) space clearly marked for use by disabled persons.
  5. Before the *use or occupation of the development* starts, the area(s) set-aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
    - (a) constructed
    - (b) properly formed to such levels that they can be used in accordance with the plans
    - (c) provided with a hard standing surface
    - (d) drainedCar spaces, access lanes and driveways must be kept available for these purposes at all times.
  6. The office building or any other proposed structures must not be used for human habitation.
  7. The loading and unloading of goods from vehicles must only be carried out on the land (within the designated loading bays) and must not disrupt the circulation and parking of vehicles on the land.
  8. 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;
    - (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.

FILE NO: 52015363  
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.2  
(TOWN PLANNER, MARTINA FOLEY)  
(GENERAL MANAGER INFRASTRUCTURE,  
ANDREW CLOSE)

**52015363 - 1815 NUMURKAH ROAD, STRATHMERTON - USE & DEVELOPMENT  
ROAD FREIGHT TERMINAL AND MILK DEPOT (cont'd)**

9. All wastewater generated on site associated with the occupancy of the existing dwelling and offices must be collected and disposed of in accordance with the requirements of the Environmental Health Department.
10. A satisfactory landscaping plan for the whole of the development area must be submitted to and approved by the Responsible Authority, prior to the development permitted by this permit commencing. An endorsed copy of the plan must form part of this permit. The submitted plan must;
  - (a) include a survey of all existing vegetation showing plants (over 2.0 metres in height) to be removed,
  - (b) show a permanent screen plantation of trees and shrubs with a minimum of three rows and ten metres wide using a mixture of indigenous (local native) trees and understorey species to be planted along the north and south borders of the site to form an effective screen between activities on the site, adjoining land and road,
  - (c) show landscaping of the office and carpark areas using a mixture of indigenous native species.
  - (d) include 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, watering and maintaining the screen planting and landscaped areas,
  - (f) include a weed management program
11. Before the use/occupation of the development starts or by such later date as is approved by the Responsible Authority in writing, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
12. 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.*
13. Prior to the commencement of the use, all mitigating works required by the approved Traffic Impact Assessment Report (TIAR) must be fully designed and constructed in accordance with plans and specifications approved by the Responsible Authority.
14. Prior to construction commencing on the site, the applicant must provide a report detailing how the fully operational site proposes to manage the site in the event of a 'spill', identifying any mitigation measures and how they will be implemented, and prepared by a suitable qualified persons of that field. Any recommendations from the report must be prepared in the form of an environmental management plan to the satisfaction of the Responsible Authority. In particular, the Report must consider, but must not be limited to, the following:
  - a. loading and unloading and storages of commodities and fuels within the site;
  - b. how the site will be maintained in a 1% AEP rain event;
  - c. security of commodities on the site; and
  - d. how mitigation works are to be staged, as required.
15. Prior to the commencement of the use, all mitigating works required by the approved environmental management plan must be constructed in accordance with plans and specifications approved by the Responsible Authority.

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(TOWN PLANNER, MARTINA FOLEY)  
(GENERAL MANAGER INFRASTRUCTURE,  
ANDREW CLOSE)

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ROAD FREIGHT TERMINAL AND MILK DEPOT (cont'd)**

16. Prior to construction commencing on the site, the applicant must provide a drainage plan that accords with the provisions of Clauses 17 (Rural Drainage) of Council's Infrastructure Design Manual [IDM], and has been prepared to the satisfaction of the Responsible Authority. In particular demonstrate that:
  - a. unless all storm-water is to be collected for re-use within the subject property, the applicant must demonstrate that the peak discharge rate from the developed site during a 10% AEP event will not exceed the corresponding pre-development peak discharge rate in accordance with Clause 21 (Stormwater Discharge Points) of the IDM;
  - b. any on-site detention requirements must be designed on the basis on an "industrial" site in accordance with the provisions of Clause 19 (On-site Detention Systems) of the IDM;
  - c. all storm-water deposited upon, and being transferred through, the developed site in a 10% AEP event must be collected and conveyed by underground pipes and/or by constructed channels to a legal point of discharge nominated by the Responsible Authority;
  - d. all storm-water runoff originating from, or currently flowing through, the developed site in a 1% AEP 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;
  - e. no part of any channel used to convey storm-water through the subject property may pass through the zone of influence of the septic tank absorption field;
  - f. all roof water from buildings and surface water from hard paved areas must be collected and conveyed to a drainage easement or to the legal point of discharge so as to prevent storm water nuisance to adjoining land; and
  - g. 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 in accordance with the provisions of Clause 20 (Stormwater Treatment) of the IDM.
17. Prior to the commencement of the use, all drainage infrastructure required by the approved drainage plan must be constructed in accordance with plans and specifications approved by the Responsible Authority.
18. At no time, any such contaminants will be permitted to enter the storm-water drainage system under any reasonably foreseeable circumstances.
19. Prior to the commencement of the use, and in accordance with Clause 14 (Car Parking) of Council's Infrastructure Design Manual (IDM), any 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 to an all-weather sealed standard, drained and illuminated in accordance with plans and specifications approved by the Responsible Authority.
20. Prior to the commencement of the use, 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 12.9.2 (Rural Vehicle Crossings), and to the satisfaction of the Responsible Authority.
21. Vehicle access and egress from the property must take place in a forward direction at all times.
22. In accordance with the Clause 22 (Environment Management during Construction) of

FILE NO: 52015363  
2. IMPROVING MOIRA'S LIVEABILITY

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(TOWN PLANNER, MARTINA FOLEY)  
(GENERAL MANAGER INFRASTRUCTURE,  
ANDREW CLOSE)

**52015363 - 1815 NUMURKAH ROAD, STRATHMERTON - USE & DEVELOPMENT  
ROAD FREIGHT TERMINAL AND MILK DEPOT (cont'd)**

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.

23. 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.
24. 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.
25. 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.

**GMW Conditions**

26. A site Construction Management Plan following the sediment control principles outlined in *Construction Techniques for Sediment Pollution Control* (EPA, 1991) should be submitted to the Responsible Authority for approval prior to any works commencing.
27. No works are to be constructed on GMW easement, freehold or reserve without approval. It is the responsibility of the proponent/developer to locate the easement or reserve boundary.
28. All residential, commercial and industrial buildings must be located more than:
  - (i) five metres from any GMW drainage easement/freehold, and
  - (ii) ten metres from any other structure, such as culverts, drainage inlets, subways and syphons.
29. All residential dwellings, commercial or industrial buildings are to be located more than 30 metres from any GMW channel, measured from the inside top of the channel bank.
30. The channel set back distance may be reduced by GMW pending supporting evidence being provided by the developer showing that no seepage occurs from GMW's channel. The investigation should include the installation of groundwater piezometers. Installation standards, location and monitoring program is to be approved by GMW's Asset Project Teams.
31. No works are to be constructed that may impact drainage flows in Goulburn Murray Water's Murray Valley Drain 10/6 and Murray Valley Drain 2B/10/6 without approval.
32. The developer will need to accord with the following requirements of Goulburn Murray Water's policy on '*Acceptance of Urban and Industrial Water into Goulburn Murray Water Drains*':
  - a) Goulburn Murray Water will only permit rainfall runoff to enter its drain. No other or discharge is permitted, including sullage (grey water), sewage or water containing hydrocarbons or non-approved detergents.

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(GENERAL MANAGER INFRASTRUCTURE,  
ANDREW CLOSE)

**52015363 - 1815 NUMURKAH ROAD, STRATHMERTON - USE & DEVELOPMENT  
ROAD FREIGHT TERMINAL AND MILK DEPOT (cont'd)**

Planning Notes

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

A Consent to Work Within Road Reserve Permit must be obtained from the Responsible Authority prior to the undertaking of works planned within the Road Reserve.

(CARRIED)



FILE NO: 5/2015/327  
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.3  
(TOWN PLANNER, MELISSA LOTITO)  
(GENERAL MANAGER INFRASTRUCTURE,  
ANDREW CLOSE)

**52015327 - THIRTY-ONE (31) LOT SUBDIVISION - 16 TOCUMWAL ROAD,  
NUMURKAH**

**1. Executive Summary**

An application was received to subdivide land at 16 Tocumwal Road, Numurkah. The subdivision will form part of a multi-lot staged subdivision. The subject lots are located within the General Residential Zone and are not affected by any overlays. Clause 32.08-2 of the General Residential Zone states that a permit is required to subdivide land. The proposed subdivision accords with the purpose of the General Residential Zone and design guidelines set out in the Moira Planning Scheme. It is also considered that the subdivision accords with State and Local Planning Policies.

The application was referred internally and externally and no objections have been received, however, a number of conditions were recommended. The application was also publically advertised and one objection was received. The objector's main concern related directly to drainage within the local area, primarily within Paterson Street, O'Connor Street and McKillop Way.

The concerns outlined by the objector have been considered and the recommended permit conditions will ensure that the subdivision is drained sufficiently.

The application is recommended for approval, subject to conditions.

**MOTION**

CRS MARIE MARTIN / KEVIN BOURKE

That Council approve the issue of a Notice of Decision to Grant a Permit for Planning Application No. 52015327 for a thirty-one (31) lot subdivision at 16 Tocumwal Road, Numurkah, subject to the following conditions:

1. Prior to the endorsement of the "Design Response Plan and Staging Plan" (drawing number reference 1104901-DRP) and "Proposed Plan of Subdivision" plan (drawing number reference 1104901-PPOS), revision F, sheet 1 of 1 dated 31/11/2015, and as appropriate, amended plans must be submitted to and approved by the Responsible Authority. In particular plan(s) must satisfactorily address the following point(s) to show:
  - a) a court bowl at the proposed road dead-end adjacent to proposed Lot 24, providing a minimum 10m turning radius and a 28m diameter road reserve in accordance with Clause 12 (Design of Road) Table 2 – "Residential Court Bowl" of Council's IDM standards; and
  - b) removal of the proposed "Drainage Basin & Raingarden Reserve 355m<sup>2</sup>" adjacent to proposed Lots 6 and 29, in accordance with Clause 20 (Stormwater Treatment) of Council's IDM standards; and
  - c) how stormwater flows from the subject land, are to be contained to the network capacity of the receiving pipe and demonstrate any potential stormwater retardation basin can meet the objectives and requirements of Clause 18 (Retarding Basins) of Council's IDM standards. This will include but not limited to, details of storage of the 1% AEP event flows, controlled permissible site discharge, WSUD features, inclusion into Stage 1 works, easements and legal point of discharge.

FILE NO: 5/2015/327  
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.3  
(TOWN PLANNER, MELISSA LOTITO)  
(GENERAL MANAGER INFRASTRUCTURE,  
ANDREW CLOSE)

**52015327 - THIRTY-ONE (31) LOT SUBDIVISION - 16 TOCUMWAL ROAD,  
NUMURKAH (cont'd)**

2. The subdivision as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
3. 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 16 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 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.

4. Before the Statement of Compliance is issued under the *Subdivision Act 1988*, the applicant or owner must pay to the Responsible Authority a sum equivalent to 5 per cent of the site value of all the land in the subdivision as a contribution to public open space. All costs associated with the valuation of land shall be borne by the applicant or owner.
5. The owner of the land must enter into an agreement with:
  - a telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and
  - a suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.
6. All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.
7. Before the certification of the plan of subdivision for the first stage of development starts, a landscape master plan for the whole of the estate *prepared by a person suitably qualified or experienced in landscape design* to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The plan must be drawn to scale with dimensions and two copies must be provided. The plan must show:
  - a) Revegetation of drainage reserves/rain gardens using only indigenous (local) native plant species in all stages of the development.
  - b) Use of drought tolerant native species for street trees in all stages of the development.
  - c) The general layout of street tree and drainage/rain garden reserve plantings.
  - d) A planting schedule of all proposed trees, shrubs and ground covers, including

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botanical names, common names and quantities of each plant.

All species selected must be to the satisfaction of the Responsible Authority.

8. Before the issuing of Statement of Compliance is approved by the responsible authority, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the responsible authority.
9. 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.*
10. 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) that primary access is not permitted via Mackillop Way for Lots 17 to 24 inclusive.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.
11. Prior to the issue of a Statement of Compliance for Stage 2, the subdivider must fence, at no expense to Council, the boundary of the allotments abutting Mackillop Way. Such fencing is to be constructed to the standard required by the Responsible Authority, and must be constructed in such a way to provide uniform colour, type, and height fencing and must be compatible with other residential fences within the subdivision.
12. All construction plan approvals will lapse at the time of a request to extend this Planning Permit.
13. Prior to construction commencing on the site for the first stage of the proposed development, a Traffic Impact Assessment Report in accordance with Clause 9 (Traffic Management Strategy) of Council's Infrastructure Design Manual [IDM] must be submitted to and approved by the Responsible Authority. Any measures identified in that Report must be fully designed and constructed to the specifications and satisfaction of the Responsible Authority, prior to the issue of a Statement of Compliance for the relevant stage.
14. 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. 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].
15. Prior to the issue of a Statement of Compliance for Stage 2, the subdivider must upgrade to a sealed and drained standard the remaining gravel section of Mackillop Way for its full

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ANDREW CLOSE)

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width through to O'Connor Street. 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].

16. Prior to the issue of a Statement of Compliance for the relevant stage of the development, and in accordance with the Endorsed Plan the subdivider must undertake, or cause to be undertaken, full construction of all new roads, footpaths, drainage and related infrastructure. All the works must conform to plans and specifications prepared at the expense of the applicant by a 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]. In particular:
  - a) the proposed Road must be designed and constructed to at least the standard of an 'Access Street' as defined in Clause 12 (Design of Roads) Table 2 of the IDM, with a minimum reserve width of 16m, accommodating for a 7.3m wide carriageway, or to such higher standards as may be recommended by the TIAR. Any recommendations detailed in the TIAR, or traffic calming measures as required to restrict vehicle speeds to the target 40kph, must be provided; and
  - b) any court bowl must offer a minimum 10m turning radius and a 28m diameter road reserve; and
  - c) all footpaths and pedestrian crossings must be designed and constructed in accordance with IDM Clause 13.3 (Mobility and Access Provisions). Footpaths must be provided on both sides of the proposed Road unless otherwise agreed in writing by the Responsible Authority; and
  - d) provide street lighting in accordance with Clause 26 (Public Lighting) of the IDM; and
  - e) provide type SM2M kerb and channel to the frontage of the proposed Road, in accordance with IDM standard drawing SD100 (Typical Kerb Profiles), and must be constructed along the entire frontage of each and every Lot within the development unless otherwise agreed in writing by the Responsible Authority.
17. Prior to the issue of Statement of Compliance for each stage, if required easement/s need to be created to the stormwater Legal Point of Discharge for the purpose to drain lots.
18. Prior to construction commencing on the site for the relevant stage of the development, detailed drainage plans with computations must be prepared in accordance with Clause 16 (Urban Drainage) of Council's Infrastructure Design Manual [IDM], and submitted to and approved by the Responsible Authority. The drainage plans must incorporate measures to enhance the quality of water discharged from the site and protect downstream infrastructure and waterways by the application of water-sensitive urban design principles. All the works must be designed and constructed in accordance with Clauses 20 (Stormwater Treatment) and 22 (Environment Management during Construction) of Council's IDM, and to the satisfaction of the Responsible Authority. In particular:
  - a) all storm-water runoff originating from the subject property and from any adjacent catchment/s which have the potential to pass through the subject land during a

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20% AEP event must be collected, controlled and conveyed by underground pipes to a legal point of discharge identified by the Responsible Authority. Unless agreed otherwise, upstream catchment/s must be assumed on post-development coefficient's to which the land is zoned. Unless these pipes are located within a reserve, easements must be created in favour of the Moira Shire Council to facilitate the future maintenance of the relevant assets; and

- b) permanent overland and/or underground flood pathways must be identified or established to handle the maximum storm-water runoff that may reasonably be expected to affect the subject property in a 1% AEP event, both at the completion of construction and in the future. For this purpose, the total discharge from any upstream catchment/s must be assumed on post-development coefficient's to which the land is zoned. Unless the flood pathways are located within a reserve, appropriate easements must be created in favour of the Moira Shire Council to facilitate future maintenance of the relevant assets; and
  - c) the peak discharge from and through the fully developed site in a 20% AEP event must be limited to a level that does not exceed the existing network capacity of the receiving drainage system from the subject property, plus any additional discharge, transferred from the upstream catchment in accordance with Clause 21 (Stormwater Discharge Points) of Council's IDM; and
  - d) unless other arrangements are proposed by the subdivider and approved by the Responsible Authority, any remaining flow control required to limit peak discharge from the developed site must be provided by constructing a retardation basin, in accordance with Clause 18 (Retarding Basins) of Council's IDM, through which all discharge from the developed site is directed; and
  - e) each proposed lot must have a stormwater house inlet point, extending from the legal point of discharge to within its property boundary to the specification and satisfaction of the Responsible Authority; and
  - f) measures to enhance the quality of water discharged from the site and protect downstream infrastructure and waterways by the application of water-sensitive urban design principles. All the works must be designed and constructed in accordance with Clause 20 (Stormwater Treatment) of Council's IDM, and to the satisfaction of the Responsible Authority; and
  - g) in the event of a staged development, temporary easements must be provided to ensure that Council has access to all drainage infrastructure essential to the operation of that stage, and all previous stages, including infrastructure that will ultimately be located in the road reserve.
19. Prior to the issue of a Statement of Compliance for Stage 1, all Lot 1 roof water from buildings and surface water from hard paved areas must be collected and conveyed to a drainage easement or to the legal point of discharge so as to prevent storm water nuisance to adjoining land.
  20. Prior to the issue of a Statement of Compliance for the relevant stage of the development, all drainage infrastructure required by the approved drainage plan must be constructed in accordance with plans and specifications approved by the Responsible Authority.
  21. Prior to the issue of Statement of Compliance, for each stage, the subdivider must construct/provide vehicle crossing to each and every lot and/or reserves within the subdivision development in accordance with Clause 12.9 (Vehicle Access) of Council's

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- Infrastructure Design Manual [IDM]. Alternatively, vehicle crossings are not required to be constructed where mountable kerb and channel is used.
22. Prior to the issue of a Statement of Compliance of Stage 1, the subdivider must provide a vehicle crossings in accordance with Clause 12.9 (Vehicle Access) of Council's Infrastructure Design Manual [IDM] and must be constructed in accordance with plans and specifications approved by the Responsible Authority. In particular, provide vehicle crossings to proposed Lot 2 and lots fronting O'Connor Street.
  23. The staging of the subdivision must remain in sequence commencing from Stage 1, unless otherwise agreed in writing by the Responsible Authority.
  24. If the subdivider wishes to complete the works in stages, construction plans and specifications for each stage must be submitted to and approved by the Responsible Authority. The applicant must construct, or cause to be constructed, to the satisfaction of the Responsible Authority and any temporary works required to facilitate traffic movements after each stage has been completed. In particular:
    - a) temporary court bowls, secured by an easement of way, must be designed, constructed and fenced; and
    - b) where stub roads remain at the conclusion of each stage, arrangements must be made to ensure that permanent sealed road surfaces are not damaged by traffic using these court bowls; and
    - c) temporary easements must be provided for each stage so that Council has access to all drainage infrastructure essential to the operation of that stage, and any previous stages, including infrastructure that will ultimately be located in the road reserve.
  25. Prior to the issue of a Statement of Compliance, for each stage, the subdivider must provide the Responsible Authority with a maintenance bond equal to 5% of the relevant civil construction costs (excluding GST). The Authority will hold this bond until any and all defects notified to the subdivider before or during the liability period have been made good to the satisfaction of the authority.
  26. Prior to the issue of a Statement of Compliance, for each stage, the subdivider must pay to the Responsible Authority plan checking fees equal to 0.75% of the relevant civil construction costs (excluding GST) and site supervision fees equal to 2.5% of the relevant civil construction costs (excluding GST).
  27. Prior to the issue of Statement of Compliance for each stage, as constructed drawings in accordance with Council's Infrastructure Design Manual [IDM] are to be submitted for civil construction works in hard copy and electronic copies compatible with Council's AutoCAD drawing package in DWG or DXF format.
  28. Prior to the issue of Statement of Compliance, for each stage, the subdivider must provide Street trees for that stage in accordance with Council's Infrastructure Design Manual [IDM]. Landscaping of the nature strip must include the planting of one (1) MATURE (2 – 3 metres high) street tree per lot (of an approved species and location). Street trees must be selected and planted by a qualified Horticulturist/Arborist. Maintenance of these trees must be a minimum of 12 months from the time of Statement of Compliance and to the satisfaction of the Responsible Authority.
  29. Prior to the issue of Statement of Compliance for Stage 1, the subdivider must provide Street trees to the frontage at O'Connor Street, where appropriate and at no expense to

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- Council. Trees must be provided in accordance with Council's Infrastructure Design Manual [IDM] and landscaping of the nature strip must include the planting of one (1) MATURE (2 – 3 metres high) street tree per lot (of an approved species and location). Street trees must be selected and planted by a qualified Horticulturist/Arborist. Maintenance of these trees must be a minimum of 12 months from the time of Statement of Compliance and to the satisfaction of the Responsible Authority.
30. Prior to the issue of a Statement of Compliance, all drains and batters, and all areas disturbed in the course of the works, must be topsoiled and seeded to establish grass cover.
  31. All earthworks and lot filling must be in accordance with Clause 15 (Earthworks and Lotfilling) of Council's Infrastructure Design Manual [IDM].
  32. 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.
  33. Before the works commence, a site management plan detailing the measures to be taken to control stormwater discharge and sedimentation on the site during the construction process must be submitted to, and approved by, the Responsible Authority.
  34. The subdivider must ensure that all practicable measures are taken to maintain vehicle and machinery hygiene, and to avoid the spread of soil-borne pathogens and weed seeds.
  35. No excavated or construction materials may be placed or stored outside the site area or on the adjoining road reserves, except where the materials are required in connection with any road or footpath construction works in such reserves that are required as part of this permit.
  36. Care must 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 must be replaced, and the full cost met, by the subdivider, to the specification and satisfaction of the Responsible Authority.
  37. All infrastructure created by this development, and passing into the ownership and control of Council, must be maintained by the applicant for a period of 3 months following practical completion, and the applicant must thereafter accept liability for correcting defects that become evident during the following 9 months.
  38. Prior to certification of plan, proposed road names must be submitted to Council for approval. Roads must be named in accordance with the Guidelines for Geographic Names 2010.
  39. Fire Hydrants must be provided to the satisfaction of the relevant fire authority.
- APA Conditions
40. Easements in Favour of "Australian Gas Networks (VIC) Pty Ltd" must be created on the plan to the satisfaction of APT.
  41. The plan of subdivision submitted for certification must be referred to APT O&M Services Pty Ltd, in accordance with Section 8 of the Subdivision Act 1988.
- GVW Conditions
42. Payment of a new customer contribution for water supply to the development, such

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- amount being determined by the corporation at the time of payment.
43. Provision of a reticulated water supply and associated construction works to each allotment within the development, at the developer's expense, in accordance with standards of construction adopted by and to the satisfaction of the Goulburn Valley Region Water Corporation.
  44. Any existing water service that crosses any of the proposed allotment boundaries within the proposed development must be disconnected and re-located at the developer's expense, to be wholly within one allotment only and to the satisfaction of the Goulburn Valley Region Water Corporation.
  45. Payment of a new customer contribution for sewerage services to the development, such amount being determined by the Corporation at the time of payment.
  46. Provision of reticulated sewerage and associated construction works to each allotment within the development, at the developer's expense, in accordance with standards of construction adopted by and to the satisfaction of the Goulburn Valley Region Water Corporation.
  47. Provision of easements in favour of the Goulburn Valley Region Water Corporation over all existing and proposed sewer mains located within private property.
  48. The operator under this permit shall be obliged to enter into an Agreement with Goulburn Valley Region Water Corporation relating to the design and construction of any sewerage or water works required. The form of such Agreement shall be to the satisfaction of Goulburn Valley Water. A copy of the format of the Agreement will be provided on request.
  49. The plan of subdivision lodged for certification is to be referred to the Goulburn Valley Region Water Corporation pursuant to Section 8(1) of the Subdivision Act, 1988.

Powercor Conditions

50. The plan of subdivision submitted for certification under the Subdivision Act 1988 shall be referred to Powercor Australia Ltd in accordance with Section 8 of that Act.
51. The applicant shall:
  - Provide an electricity supply to all lots in the subdivision in accordance with Powercor's requirements and standards, including the extension, augmentation or re-arrangement of any existing electricity supply system, as required by Powercor (A payment to cover the cost of such work will be required). In the event that a supply is not provided, the applicant shall provide a written undertaking to Powercor Australia Ltd that prospective purchasers will be so informed.
  - Where buildings or other installations exist on the land to be subdivided and are connected to the electricity supply, they shall be brought into compliance with the Service and Installation Rules issued by the Victorian Electricity Supply Industry. You shall arrange compliance through a Registered Electrical Contractor.
  - Any buildings must comply with the clearances required by the Electricity Safety (Installations) Regulations.
  - Any construction work must comply with Energy Safe Victoria's "No Go Zone" rules.
  - Set aside on the plan of subdivision for the use of Powercor Australia Ltd reserves and/or



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easements satisfactory to Powercor Australia Ltd where any electric substation (other than a pole mounted type) is required to service the subdivision.

- Provide easements satisfactory to Powercor Australia Ltd, where easements have not been otherwise provided, for all existing Powercor Australia Ltd electric lines on the land and for any new powerlines required to service the lots and adjoining land, save for lines located, or to be located, on public roads set out on the plan. These easements shall show on the plan an easement(s) in favour of "Powercor Australia Ltd" for "Powerline Purposes" pursuant to Section 88 of the Electricity Industry Act 2000.
- Obtain for the use of Powercor Australia Ltd any other easement external to the subdivision required to service the lots.
- Adjust the position of any existing easement(s) for powerlines to accord with the position of the line(s) as determined by survey.
- Obtain Powercor Australia Ltd's approval for lot boundaries within any area affected by an easement for a powerline and for the construction of any works in such an area.
- Provide to Powercor Australia Ltd, a copy of the version of the plan of subdivision submitted for certification, which shows any amendments which have been required.

Planning Notes:

- A consent to work within Road Reserve permit must be obtained from the Responsible Authority prior to the carrying out of any works in the Road Reserve.

(CARRIED)

FILE NO: 5/2016/2  
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.4  
(TOWN PLANNER, MELISSA LOTITO)  
(GENERAL MANAGER INFRASTRUCTURE,  
ANDREW CLOSE)

**520162 - USE AND DEVELOPMENT OF LAND FOR A MOTOR REPAIR SHOP - 72  
CARLISLE STREET, WUNGHNU**

**1. Executive Summary**

An application was received for 72 Carlisle Street, Wunghnu that seeks approval for the use and development of land for a motor repair shop. The use and development will be located on the south east corner of the subject land. The subject land is located within the Farming Zone and is affected by the Land Subject to Inundation Overlay, there is an existing dwelling located on the northern adjoining lot.

The use of the land for industry which includes motor repairs is a Section 2 – Permit Required Use within the Farming Zone. Any buildings and works associated with a Section 2 Use triggers a planning permit. Further, the subject land is located within the Land Subject to Inundation Overlay, a permit is required to construct a building or to construct or carry out works; this includes a non-habitable building with a floor area of more than 500 square metres. The proposed development will be 604.8 square metres. Therefore there are three triggers for the subject application.

The application was advertised to adjoining landowners and referred internally and externally to the relevant authorities. The Planning Department has received one objection against the proposal on amenity grounds.

It is considered that the proposal does not entirely accord with the provisions of the Farming Zone, the Local Planning Policy and does not accord with the *Small Towns and Settlements Strategy Plan, 2013*. The subject lot is proposed for rezoning as per the adopted strategy. Once the rezoning is finalized the proposed use would then become a prohibited existing use on the lot. It would not be considered orderly planning if Council issued a permit at this present time.

It is therefore recommended that Council refuse the proposed application.

**MOTION**

CRS MARIE MARTIN / KEVIN BOURKE

That Council grant a planning permit application No: 5/2016/2 for use and development of land for a motor repair shop at 72 Carlisle Street, Wunghnu.

(WITHDRAWN)

**MOTION**

CRS MARIE MARTIN / KEVIN BOURKE

That Council defer a decision on planning permit application No 5/2013/2 to allow permit conditions to be prepared for Council's consideration in deciding whether to issue or refuse the application.

(CARRIED)

FILE NO: 52015348  
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.5  
(TOWN PLANNER, MARTINA FOLEY)  
(GENERAL MANAGER INFRASTRUCTURE,  
ANDREW CLOSE)

**52015348 - 850 RYANS ROAD, YALCA - TWO (2) LOT SUBDIVISION**

**1. Executive Summary**

Planning permit application 5/2015/348 is for a Two (2) Lot Subdivision at 850 Ryans Road, Yalca. The subject lot is located in the Farming Zone and is not affected by any overlays.

There is one trigger for the permit:

- Clause 35.07-3 of the Moira Planning Scheme

The application was referred internally and externally. All responses had no objection to the issuing of a permit.

In June 2008 Council resolved to refuse a similar application for subdivision on the same lot. The refusal was based on non-compliance with policies that, though amended since that time, continue to form part of the Moira Planning Scheme.

It is considered that issuing a permit for this subdivision will undermine the Local Agricultural Policy (Clause 22.01-3) and could lead to fragmentation of farm land.

It is therefore recommended that Council refuse the proposed application.

**MOTION**

CRS KEVIN BOURKE / ED COX

That a Notice of Refusal be issued for Planning Permit Application No. 52015348 on the following grounds:

1. The proposal is not consistent with State Planning Policy.
2. The proposal is not consistent with the Local Planning Policy, in particular the objectives of the *Agricultural Policy* set out in Clause 22.01-2 and policy as set out in Clause 22.01-3.

(CARRIED)

FILE NO: 52015303  
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.6  
(TOWN PLANNER, MARTINA FOLEY)  
(GENERAL MANAGER INFRASTRUCTURE,  
ANDREW CLOSE)

**52015303 - APPLICATION FOR A BOUNDARY REALIGNMENT AND VARIATION  
OF AN EASEMENT - 68 & 138 KEMPS ROAD, KATUNGA**

**1. Executive Summary**

Planning Permit Application 5/2015/303 is an application for a boundary realignment and variation of an easement. One of the lots involved is subject to an active permit application for a separate boundary realignment, Planning Permit 5/2015/15. As this permit is still active and no certified plan or statement of compliance being issued, the lot which is involved in this application, 5/2015/303, has not been created. Application 5/2015/303 is founded upon the lots created under Application 5/2015/15.

Further complicating matters is a condition on Permit 5/2015/15 requiring a Section 173 Agreement that prohibits any further subdivision. While the intent of the condition is to prevent the lots that are party to Permit 5/2015/15 from being further subdivided, it has the unintended consequence of also prohibiting the boundary realignment sought under this planning permit application 5/2015/303.

Therefore, it is recommended that the Permit Application 5/2015/303 for boundary realignment is refused given that the proposal is premature, contravenes a condition on a recently granted permit and does not satisfy the Decision Guidelines for Subdivision.

**MOTION**

CRS ED COX / KEVIN BOURKE

That a Notice of Refusal be issued for Planning Permit Application No. 5/2015/303 on the following grounds:

1. The proposal is premature.
2. The proposal contravenes a condition on a recently granted permit relating to subject land.
3. The proposal does not satisfy the Decision Guidelines for Subdivision in Clause 65.02 of the Moira Planning Scheme.

(CARRIED)

FILE NO: F  
5. INFRASTRUCTURE

ITEM NO: 9.2.7  
(MANAGER STRATEGIC PROJECTS, MARK  
FOORD)  
(GENERAL MANAGER INFRASTRUCTURE,  
ANDREW CLOSE)

## LOTT STREET, YARRAWONGA

### 1. Executive Summary

Staff have undertaken a consultative process with residents of Lott Street as resolved by Council on 27 April 2015, an additional consultation program has been undertaken to engage with the Yarrowonga community, as provided for at Council's meeting of 27 July 2015.

Residents are supportive of removal of the trees in Lott Street, Yarrowonga and replacing them with Griffith Pink Brachychitron trees. These trees are closely related to the original trees planted in 1920's that formed the Avenue of Honour within various streets in Yarrowonga.

The additional process to ascertain the wider community's views suggests that the community are not concerned about the proposal.

It is recommended that Council endorse the resident's proposal and consider funding at the earliest opportunity, so that the planting can be undertaken during the next planting season.

### MOTION

CRS PETER MANSFIELD / DON MCPHEE

That:

1. Council consider providing \$35,000, including \$8,100 in grant funds, for the project in the next available budget review.
2. Council thank the residents who participated in the consultation program, and advise them of Council's decision.

(CARRIED)

**FILE NO: 11.1  
6. GOVERNANCE**

**ITEM NO: 10.1  
(EXECUTIVE ASSISTANT TO CEO, ROBYN  
BONADDIO)  
(CHIEF EXECUTIVE OFFICER, MARK  
HENDERSON)**

**ACTION OFFICERS LIST**

**Executive Summary**

The Action Officers' List provides an update on the status of actions from previous Council meetings. It is provided to Councillors in order to keep them informed of progress.

**MOTION**

CRS ED COX / DON MCPHEE

That Council receive and note the Action Officers' List.

(CARRIED)

FILE NO: 100.01.0001  
4. SMARTER DELIVERY OF SERVICES AND  
PROGRAMS

ITEM NO: 11.1  
(EXECUTIVE ASSISTANT TO CEO, ROBYN  
BONADDIO)  
(CHIEF EXECUTIVE OFFICER, MARK  
HENDERSON)

**NOTICE OF MOTION - CR PETER MANSFIELD**

**MOTION**

CRS PETER MANSFIELD / DON MCPHEE

1. Moira Shire Council's licence of the Numurkah Courthouse not be renewed when the current term expires.
2. DELWP be advised the Moira Shire Council no longer wishes to be the Committee of Management of the Tungamah Court House.

(CARRIED)

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 WENDY BUCK / PETER MANSFIELD

That items of general business be considered.

(CARRIED)

**MOTION**

CRS KEVIN BOURKE / MARIE MARTIN

That Council write to Department of Environment, Land Water and Planning outlining concerns regarding the North East Victoria firewood and home heating project.

(CARRIED)

Question: Cr Peter Mansfield asked when will Wilby and Tungamah be on the dust suppression list?

Answer: General Manager Infrastructure advised that Lake Rowan and Katunga were done this year and at this stage there are no towns listed for dust suppression in the 2016/17 draft budget currently being considered by Council.

**MOTION**

CRS KEVIN BOURKE / MARIE MARTIN

That Moira Shire Council Officers not abandon legislative or statutory requirements however seek to work with the contractor that is under taking the natural gas rollout in Nathalia and to keep the community informed with the process and timelines.

(CARRIED)



FILE NO: VARIOUS

ITEM NO: 14

**GENERAL BUSINESS**

Question: Cr Ed Cox asked does the Cobram Court House have any heritage overlays and what is Councils role in assisting with the re-establishment following the recent fire.

Answer: General Manager Infrastructure advised that he would take the first part of the question on notice and that Council would offer assistance to the State Government if required.

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 Chris O'Hara - Nathalia**

Question: When does Council intend to do something about the drainage in Hawker, Pearce and Federation Streets in Nathalia?

Answer: General Manager Infrastructure advised that in the past the drainage work would have been part of a special charges scheme, however the Roads to Recovery funding received from Federal Government has increased and the rules have been changed to allow funding of drainage works if the works are part of the road works. Council proposes to complete the drainage works in stages commencing at the bottom of the catchment at Federation Street up to Robinson St. This first stage is included in the 2016/17 draft budget currently being considered by Council.

**15.2 Ron Cobbledick - Nathalia**

Question: What will be done about the drainage in the Nathalia as lakes form in my backyard.

Answer: General Manager Infrastructure advised that the works will be done in stages and stage one is in the 2016/17 draft budget.

**15.3 Basil Madgwick - Nathalia**

Question: What will be done about the drainage in Hawker and Pearce Street Nathalia?

Answer: General Manager Infrastructure advised that the works will be done in stages and stage one is in the 2016/17 draft budget.

**15.4 Karen Clark - Nathalia**

Question: When will the drainage work start?

Answer: General Manager Infrastructure advised that the Council is currently working through the design and the project is in the 2016/17 draft budget. Once Council adopts the budget the works can be scheduled for in 2016/17 financial year.

**15.5 Wendy Lee - Nathalia**

Question: How many years will the drainage work take?

Answer: General Manager Infrastructure advised that if the increase in the Roads to Recovery funding remains then the next stages of works will be included in 17/18 and subsequent year's budgets .

**15.6 Lou Cook - Numurkah**

Question: Page 37 reference the Varapodio friendship tour. Is Council funding another overseas visit.

Answer: The Mayor advised that Council is not going overseas. Late last year a delegation came over from Varpodio and extended an invitation for Council to visit this year, which we have not accepted.

FILE NO: VARIOUS

ITEM NO: 15

**QUESTIONS FROM THE PUBLIC GALLERY**

15.7 **Tommy Brady - Nathalia**

Question: Can the drainage work be done as soon as possible?

Answer: General Manager Infrastructure advised that the Council is currently working through the design for the first stage of works and the project is in the 2016/17 draft budget. Once Council adopts the budget the works can be scheduled 2016/17 financial year.

15.7 **Michael Oakes - Nathalia**

Question: How far are you with the design for the works at Griffiths Lane Nathalia.?

Answer: General Manager Infrastructure advised that information has been received from the Catchment Management Authority that has assisted with design preparations for works by identifying potential channels adjacent to the roadway where culverts could be located. Council is looking at installing 375 mm diameter cross culverts.

15.7 **Kevin Green**

Question: Is it possible for me to read out a page of concerns regarding the Numurkah Community Youth Club Building from the Numurkah Community Youth Club Committee?

Answer: The Mayor advised Mr Green that it was question time and if he could paraphrase the letter..

Question: Has Council's policy and procedure been followed correctly in relation to the assessment of the Gym Club Nelson Street Hall? The Youth Club Committee also question the cost of repair being between \$600k and \$700k.

Answer: Chief Executive Officer advised that an internal assessment of the building found significant white ant damage along with the presence of asbestos. The building will required significant investment to rejuvenate the building to meet contemporary public safety and accessibility requirements. Council's assessment of the building confirmed such investment is difficult to justify for a proposed single use. Additionally it is appropriate for staff to make that assessment and to liaise directly with the prospective lessee.

Question: Are the committee able to see the written assessments of the building?

Answer: The Chief Executive Officer indicated that we will respond in more detail to the clubs concerns.

FILE NO: VARIOUS

ITEM NO: 15

**QUESTIONS FROM THE PUBLIC GALLERY**

15.8 **John Haye - Koonoomoo**

Question: Thank you for the information provided previously regarding Mywee Koonoomo road, however you did not provide me with the costing. What is the costing of road works at Mywee Koonoomoo Road?

Answer: Chief Executive Officer advised that Council needs to draw the line in what is reasonable request for information in the terms of effort and time required from Council staff. Across the breadth of a 12 month program we have hundreds of projects on the go, some of them are reported to Council and some through the management structure. I don't want staff resources devoted to investigating matters, unless Mr Hayes you have something that you believe is significantly fundamentally wrong with the works completed. I don't have the staff resources available to quantify or cost individual projects that are relatively small in the whole scheme of the shire's construction program.

FILE NO: VARIOUS

ITEM NO: 16

**MEETING ADJOURNMENT****MOTION**

CRS ALEX MONK / KEVIN BOURKE

That the meeting be adjourned for 10 minutes.

(CARRIED)

The meeting adjourned at 6.50 PM

**MOTION**

CRS DON MCPHEE / ALEX MONK

That the meeting be resumed.

(CARRIED)

The meeting resumed at 7.08 PM

**MOTION**

CRS KEVIN BOURKE / ED COX

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

(CARRIED)

**MOTION**

CRS DON MCPHEE / 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 DON MCPHEE / ED COX

That the recommendations of the "Closed" Meeting of Council be adopted.

(CARRIED)

**Meeting Closed**  
**The meeting closed at 7:42 PM**