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## **AGENDA**

### **SCHEDULED MEETING OF MOIRA SHIRE COUNCIL** **FOR** **WEDNESDAY 28 MAY 2025** **TO BE HELD AT COBRAM CIVIC CENTRE PUNT ROAD, COBRAM** **COMMENCING AT 5:00 PM**

#### **RECORDING**

Consistent with Council's Live Streaming and Publishing Recordings of Council Meetings Policy, Council officers have been authorised to record the public session of this meeting using an audio-visual recording device.

#### **LIVE STREAMING**

Council meetings are lived streamed and recorded to allow those interested to view proceedings access to Council decisions and debate without attending the meeting in person.

#### **1. WELCOME CALLING TO ORDER – CEO**

#### **2. PRAYER**

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

Amen

#### **3. ACKNOWLEDGEMENT OF TRADITIONAL OWNERS**

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

#### **4. APOLOGIES / LEAVE OF ABSENCE**

#### **5. DISCLOSURE OF CONFLICTS OF INTEREST**

#### **6. CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

**Recommendation:** That the minutes of the Scheduled Council Meeting held on Wednesday, 30 April 2025 and the minutes of the Unscheduled Meeting of Council held on Wednesday, 14 May 2025, as presented, be adopted.

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|             |   |    |
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FILE NO:  
4. CUSTOMER FOCUSED AND RESPONSIVE

ITEM NO: 9.1.1  
(MANAGER GOVERNANCE, RISK &  
PERFORMANCE, AMANDA FINN)

## MOIRA2045 COMMUNITY VISION

### Recommendation

That Council:

1. Commend and thank the 18 members of the Community Panel for their collective work in developing the *Moira2045* Community Vision,
2. Acknowledge that *Moira2045* Community Vision will replace the '*Moira 2035*' Community Vision, and
3. Adopt the *Moira2045* Community Vision that was developed in accordance with Section 88 of the *Local Government Act 2020* and Council's Community Engagement Policy, as presented in Attachment 1.

### 1. Executive Summary

The draft *Moira2045* Community Vision was prepared in accordance with section 88 of the *Local Government Act 2020* (the Act) and Council's Community Engagement Policy.

A Community Panel was established in November 2024 and worked with Council to undertake the development of the Community Vision through a series of workshops using a deliberative, community-centred approach. The final *Moira2045* Community Vision is now ready for consideration by Council.

### 2. Conflict of Interest Declaration

There are no conflict of interest declarations to consider.

### 3. Background & Context

This report provides information regarding the process undertaken for the development of the Community Vision, which is a new requirement under the Act.

Section 88 of the Act requires that the Community Vision:

1. is developed with its municipal community in accordance with its deliberative engagement practices;
2. scope is a period of at least 10 financial years;
3. must describe the community's aspirations for the future of the municipality;
4. is developed or reviewed in accordance with its deliberative engagement practices;
5. be adopted by 31 October in the year following a general election; and
6. has effect from 1 July in the year following a general election.

Council developed a Community Panel with one of the key objectives to contribute to the development of the Moira Shire Council Community Vision. Members were recruited through an express of interest process and 19 members were appointed by Council on 27 November 2024, with 1 panel member resigning.

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## MOIRA2045 COMMUNITY VISION (cont'd)

The establishment of a Community Panel provided a community voice and insights to Council on the development of the *Moira2045* Community Vision and the Council Plan 2025-2029, serving as a forum for consultation, discussion, and engagement.

The Panel of community members reflected diverse perspectives, backgrounds, and areas of knowledge relevant to the Panel's mandate, as detailed in the Terms of Reference.

| NAME OF PANEL MEMBERS    |   |
|--------------------------|---|
| Jessica Dowling Bonaddio | Robert Morey                                    |
| Rebecca Hore             | Eleanor Stephens                                |
| James Rouel              | John Tyrrell                                    |
| Charlene Donovan         | Geoff Campbell                                  |
| Amelia Slater            | Mark Russell                                    |
| Kim Fitzgerald           | Heather Du Vallon                               |
| Sandra Pennington        | Nicole McPherson                                |
| Jacque Phillips          | Julie-Anne Clarke                               |
| Roland Huber             | Julie Norris ( <i>resigned from committee</i> ) |
| Susan Logie              |   |

### Identification of Broad Community Inputs

The first community survey was launched on 28 November 2024 to seek input from the broader community to commence the review and redevelopment of the Community Vision.

The survey captured the communities view of what they love about Moira Shire and what they hope Moira will look, feel or be like in 2045.

Through extensive campaigning via social and print media and direct communication with network groups there were 54 responses to the survey. This feedback was included in the stimulus material used for the first workshop with the Community Panel.

A further community survey was conducted following the development of the draft *Moira2045* Community Vision which was placed on public display from 14 March until 6 April 2025.

The community were invited to review the draft *Moira2045* Community Vision and provide feedback. Council received a further 55 responses to this second survey with feedback considered during the development of the final *Moira2045* Community Vision.

### Facilitation of the Deliberative Process

#### ***Panel Workshops***

The Community Panel participated in an initial workshop on the 20 & 21 January 2025 facilitated by an independent consultant to determine the draft central statement and key themes with supporting statements to develop the draft Community Vision.

The workshops involved reviewing the broad community inputs and holding group discussions around key opportunities and challenges for Moira and what we can do now to influence the future.

A number of Community Panel members participated in a bus tour on 1 February 2025 that included the major towns, small towns and villages across the municipality. This tour gave the

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## MOIRA2045 COMMUNITY VISION (cont'd)

Panel a chance to visit and learn about the different communities including the main industries, population and services available in the local region.

A further workshop was held on 11 February 2025, with the Panel discussing the final inputs to develop the draft *Moira2045* Community Vision resulting in a central statement and four themes.

Following community consultation on the draft *Moira2045* Community Vision a final workshop was held with the Community Panel on 13 May 2025 to review the inputs from the community consultation and to prepare the final document for consideration by Council.

### 4. Issues

The draft *Moira2045* Community Vision will be updated in the draft Council Plan 2025-2029 prior to formal endorsement by Council.

### 5. Strategic Alignment

The report aligns to the Council Plan objective of customer focused and responsive.

### 6. External Engagement

The draft *Moira2045* Community Vision was placed on public display from 14 March until 6 April 2025. Engagement included a dedicated webpage with a survey for the community to read the draft document and provide their feedback.

Council staff also conducted face to face sessions in the four main towns throughout the consultation period to capture feedback from the community.

### 7. Budget / Financial Considerations

The development of the *Moira2045* Community Vision including the costs associated with facilitation of the workshops and the honorarium payments for the Community Panel are included within operational budget.

### 8. Risk & Mitigation

The development of the Community Panel ensured that Council leveraged the diverse knowledge, experience, expertise, and perspectives of the community through its members to provide relevant, considered and representative insights to inform the development of both the *Moira2045* Community Vision and the Council Plan 2025-2029.

In accordance with the Terms of Reference, the Community Panel was selected to ensure a diverse range of backgrounds, experience and ability as well as ensuring representation from across the Shire.

### 9. Conclusion

The final draft *Moira2045* Community Vision was developed with the community using deliberative engagement practices in accordance with the *Local Government Act 2020* and Councils Community Engagement Policy and describes the communities' aspirations for the future.

The scope of the Community Vision extends over 20 financial years and will inform the review and development of current and future Council Plan objectives.

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**MOIRA2045 COMMUNITY VISION (cont'd)**

**Attachments**

- 1 Final *Moira2045* Community Vision - *printed in separate document*

FILE NO:  
5. TRANSPARENT AND ACCOUNTABLE  
GOVERNANCE

ITEM NO: 9.1.2  
(MANAGER FINANCE, BEAU MITTNER)

## REVENUE COLLECTION AND FINANCIAL HARDSHIP POLICY

### Recommendation

That Council:

1. Note the feedback received during the community engagement process, and write to the submitters thanking them for their submission and advising how the matters they raised have been considered,
2. Adopt the *Revenue Collection and Financial Hardship Policy* as presented in Attachment 1, and
3. Revoke the *Financial Hardship Policy*.

### 1. Executive Summary

The purpose of the *Revenue Collection and Financial Hardship Policy* (Policy) is to ensure Council is meeting its legislative requirements in the collection of Council rates, fees, and charges, whilst ensuring flexibility is afforded to those members of the community experiencing hardship, and payment methods implemented align with the evolving needs of the community.

This report seeks Council adoption of the final Policy following conclusion of the community engagement process.

### 2. Conflict of Interest Declaration

There are no officer conflicts associated with this report.

### 3. Background & Context

Council currently has an adopted CEO Policy titled *Rate Collection Policy and Procedure* as well as a Council Policy titled *Financial Hardship Policy*. Currently there is no policy governing the collection of revenue from general debtors or the subsequent write-off of bad debts.

The introduction of the *Revenue Collection and Financial Hardship Policy* aims to consolidate Council's two existing revenue and hardship policies as well as introduce a framework for the collection of revenue sources outside of Council rates.

Upon adoption of the *Revenue Collection and Financial Hardship Policy* the CEO Policy titled *Rate Collection Policy and Procedure* and the Council Policy titled *Financial Hardship Policy* will be revoked.

### 4. Issues

Council policies are currently silent on the debt recovery methods applied to sundry debtors, in particular, if hardship assistance is afforded to these members of the community. Furthermore, existing policies are also silent on when unrecoverable debts are to be written off and who has the authority to approve write offs of unrecoverable debts.

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ITEM NO: 9.1.2  
(MANAGER FINANCE, BEAU MITTNER)

## REVENUE COLLECTION AND FINANCIAL HARDSHIP POLICY (cont'd)

To address these policy shortcomings, the following key changes have been made to the policy:

- Consolidated the *Financial Hardship Policy* into the Rating Collection Policy and Procedure.
- Broadened the scope of the *Rating Collection Policy and Procedure* to capture the collection of all sources of Council revenue. Therefore, turning the policy into a *Revenue Collection Policy and Financial Hardship Policy*.
- Updated the policy to capture the new Emergency Services and Volunteers Fund, which will replace the Fire Services Levy.
- Included Flexible Payment Methods as a method to pay levied rates and charges.
- A section for correcting errors has been included, to accommodate retrospective adjustments to errors from the date they occurred, rather than from the date they were identified to not financially disadvantage person(s) impacted.
- Procedure content has been removed from the policy, which will be used to develop a debt recovery operating procedure.
- The policy has also been updated to address recommendations from the BDO Financial Management Audit, including the handling of sensitive information through the financial hardship application process. This has been achieved through noting in the policy that information will be handled in accordance with the *Privacy and Data Protect Act 2014* and *Council's Privacy Policy*.

### 5. Strategic Alignment

#### Council Plan

5. Transparent and accountable governance

5.01 Our decisions will be evidence-based, financially viable, and for the longer term

### 6. External Engagement

At the 26 February 2025 Council meeting, Council endorsed the draft *Revenue Collection and Financial Hardship Policy* and authorised the policy to be placed on public display for a minimum of 21 days, from the 27th of February 2025, in accordance with Council's Community Engagement Policy.

The draft Policy was made available for community feedback from the period 27 February 2025 to 4 April 2025, with an open discussion forum available on Council's online community engagement platform, Moira Matters, advertising on social media and in Council's Corporate Ad in local newspaper publications.

Two feedback submissions were received from the community. One relating to the value proposition of the rating system and the other to additional financial supports being provided to vulnerable members of the community.

The concept of rates being a fee for service arrangement is addressed through Council's Draft Revenue and Rating Plan 2025 – 2029, which is currently open for community consultation. Therefore, no change was made to the policy based on this feedback.



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## REVENUE COLLECTION AND FINANCIAL HARDSHIP POLICY (cont'd)

In relation to additional financial supports being provided to members of the community, the policy as written affords concessions to pensioners as well as avenues of financial support to members of the community experiencing hardship. Outside of Council there are several well-funded models and specialised organisations that are better equipped to provide these services effectively. These organisations have the necessary expertise, resources, and infrastructure to offer comprehensive financial support, ensuring that community members receive the best possible assistance. While the Council is instrumental in various community initiatives, it is not the most suitable mechanism for delivering financial support services and therefore the policy does not reflect this.

### 7. Budget / Financial Considerations

The *Revenue Collection and Financial Hardship Policy* is not anticipated to have any material financial impacts on Council. The recent changes in the *Local Government Act 1989* pose restrictions on Council's ability to enact recovery methods via legal services for a period of 24 months, which may increase arrears over the short-medium term. Early intervention strategies have been implemented to engage with ratepayers early and more frequently to avoid debts from being escalated to legal recovery.

### 8. Risk & Mitigation

| Risk                  | Mitigation  |
|-----------------------|---|
| Financial viability   | Low risk given overdue rates are generally recoverable upon sale of the property. Early intervention strategies and payment flexibility have been implemented to improve debtor day recovery rates. |
| Breach of legislation | Council engages a third-party debt recovery specialist to ensure debt recovery practices implemented are in accordance with the <i>Local Government Act 1989</i> .                                  |

### 9. Conclusion

The *Revenue Collection and Hardship Policy* ensures Council is meeting its legislative requirements in the collection of Council rates, fees, and charges, ensuring flexibility is afforded to those members of the community experiencing hardship.

It is recommended that Council adopt the final draft Policy and revoke the previous Council Policy titled *Financial Hardship Policy*.

### Attachments

- 1 Revenue Collection and Hardship Policy
- 2 Consultation Feedback Confidential - *printed in separate document*

FILE NO:  
5. TRANSPARENT AND ACCOUNTABLE  
GOVERNANCE

ITEM NO: 9.1.2  
(MANAGER FINANCE, BEAU MITTNER)

**REVENUE COLLECTION AND FINANCIAL HARDSHIP POLICY (cont'd)**

**ATTACHMENT No [1] - Revenue Collection and Hardship Policy**

## Moira Shire Council

### Revenue Collection and Hardship Policy

|                                |   |
|--------------------------------|---|
| <b>Policy type</b>             | Council   |
| <b>Version Number</b>          | 1   |
| <b>Responsible Director</b>    | Corporate Performance   |
| <b>Responsible Officer</b>     | Manager Finance   |
| <b>Date endorsed by ELT</b>    | 28 January 2025   |
| <b>Date adopted by Council</b> | TBC   |
| <b>Scheduled for review</b>    | This policy will be reviewed four years from the date of adoption, or sooner if required. |

It is recognised that, from time to time, circumstances may change leading to the need for minor administrative changes to this document. Administrative changes do not materially alter the document (such as spelling/typographical errors, change to the name of a Council department, a change to the name of a Federal or State Government department). Administrative updates can be made in accordance with the Policy Framework Guidelines.



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ITEM NO: 9.1.2  
(MANAGER FINANCE, BEAU MITTNER)

## REVENUE COLLECTION AND FINANCIAL HARDSHIP POLICY (cont'd)

### ATTACHMENT No [1] - Revenue Collection and Hardship Policy

#### PURPOSE

Council is committed to ensuring all ratepayers as well as general debtors are treated respectfully and provided with a fair opportunity to pay their outstanding debts.

The objective of this policy is to ensure Council is meeting its compliance obligations in the collection of its revenue and ensuring we provide adequate flexibility to those members of the community experiencing hardship.

#### SCOPE

The policy applies to all Council employees recovering or managing funds owed to Council, including all rates and charges levied under the *Local Government Act 1989* and other sources of revenue payable to Council, including:

- Fire Services Property Levy (until 30 June 2025)<sup>1</sup>
- Emergency Services and Volunteers Fund (from 1 July 2025)<sup>1</sup>
- Statutory fees
- Associated property debts
- User fees and charges
- Administrative charges and Grant receivables; and
- Commercial, community and residential leases and on-costed utilities statutory and non-statutory fees charged by Council.

#### DEFINITIONS

| Term                            | Definition   |
|---------------------------------|--|
| <b>Council</b>                  | Moira Shire Council  |
| <b>Debt Owner</b>               | Council Department which conducts the activity or delivers the service for which a fee or debt applies.  |
| <b>Deferral</b>                 | Payment of levied rates and charges is suspended or withheld for an agreed upon period with Council.   |
| <b>Fees</b>                     | This includes but is not limited to the other fees and charges set out within the scope of the policy that are not included in 'Levied Rates and Charges'.   |
| <b>Hardship</b>                 | Situations where a person is unable to meet their financial obligations and the payment of rates, fees or charges may be detrimental to their quality of life or impact their ability to afford the basic necessities of life. |
| <b>Instalment payments</b>      | Provides for ratepayers to pay on-time payment of rates and charges in instalments throughout the year, rather than in a lump sum.   |
| <b>Levied rates and charges</b> | Includes: <ul style="list-style-type: none"><li>- Council levied general rates and service charges.</li><li>- Payments in lieu of rates.</li></ul>   |

<sup>1</sup> On 13 December 2024, the Victorian Government announced changes to the Fire Services Property Levy, which will take effect from 30 June 2025. This policy covers both levies during the transition period.

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ITEM NO: 9.1.2  
(MANAGER FINANCE, BEAU MITTNER)

## REVENUE COLLECTION AND FINANCIAL HARDSHIP POLICY (cont'd)

### ATTACHMENT No [1] - Revenue Collection and Hardship Policy

| Term                       | Definition   |
|----------------------------|--|
|                            | <ul style="list-style-type: none"><li>- Emergency services and volunteer's fund.</li></ul>   |
| <b>Necessities of life</b> | May include, but is not limited to: <ul style="list-style-type: none"><li>- essential medical treatments or supplies</li><li>- utility services</li><li>- basic living needs, including food, accommodation, clothing, and education for dependent children</li></ul>    |
| <b>Payment Plan</b>        | A schedule of payments agreed to by both the Council and the ratepayer or debtor which provides for flexible payment of outstanding amounts.   |
| <b>Penalty Units</b>       | Penalty units determine the amount a person is fined when they commit an infringement offence. The penalty unit is set annually by the Treasurer of the State of Victoria under section 6 of the <i>Monetary Units Act 2004</i> , through a Victoria Government Gazette. |
| <b>The Act</b>             | <i>Local Government Act 1989</i>   |
| <b>Waiver</b>              | Is the relinquishment or removal of the liability to pay and may include the whole or part of any interest or legal costs.   |

#### POLICY STATEMENT

##### 1. Council Fees

Any person or organisation who uses a Council activity or service for which a fee is payable, is required to pay the fee in full.

Fees may be either statutory or non-statutory. In both cases, these fees are approved by Council as part of its annual budget cycle and are displayed in the Budget Report.

If the fee is not paid at the time of the activity or service, then an invoice shall be created and issued outlining Council's payment terms.

##### 1.1 Payment Terms

Council's payment terms for fees vary from 14 to 35 days, depending on the service provided.

Where a person(s) is experiencing hardship, support by way of payment arrangement may be provided upon application in accordance with Section 6 of this Policy.

If a current payment plan does not exist and the debt remains unpaid after 60 days of the due date, then the Debt Owner will contact the debtor to understand why the debt remains unpaid and discuss the risks that are present; including that a failure to pay may result in the discontinuance of services.

If no action taken by the debtor to settle the outstanding debt, the overdue debt may be referred to Council's debt collection as per section 3 of this policy.

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ITEM NO: 9.1.2  
(MANAGER FINANCE, BEAU MITTNER)

## REVENUE COLLECTION AND FINANCIAL HARDSHIP POLICY (cont'd)

### ATTACHMENT No [1] - Revenue Collection and Hardship Policy

#### 1.2 Penalty Interest

Council may charge penalty interest on debts that are overdue by more than 60 days, unless:

- The Director Corporate Performance or Manager Finance determines penalty interest is not appropriate, based on the hardship circumstances of the debtor; or
- The debt is governed by relevant legislation or regulations that prohibit the charging of penalty interest.

In accordance with s.120 (2) of the *Local Government Act 2020*, the interest –

- a. is to be calculated at the rate set from time to time for the purposes of this section by the Council; and
- b. becomes payable—
  - i. on and from the date on which the money became due; or
  - ii. in the case of a court order requiring payment of the money, on and from the date of the court order; and
- c. continues to be payable until the payment or recovery of the money.

The penalty interest rate, as applied on 1 July each year, is determined under Section 2 of the *Penalty Interest Rates Act 1983*.

#### 2. Levied Rates and Charges

Council is committed to ensuring the equitable and efficient collection of rates to fund essential services and infrastructure for the Community. Timely collection of levied rates and charges supports the meeting of these goals.

##### 2.1 Payment Methods

After the adoption of the annual Budget Report, Valuation and Rates Notices will be prepared and issued not less than 14 days before the due date of the first instalment.

##### **Quarterly Instalments**

Arrangements for the payment of rates and charges are detailed in section 167 of the Act. The current instalment due dates for those who have elected to make quarterly instalments are:

- First instalment 30 September
- Second instalment 30 November
- Third instalment 28 February
- Fourth instalment 31 May

Ratepayers that have chosen to pay in quarterly instalments will receive an instalment notice at least 14 days before each of the second, third and fourth instalments are due.

Ratepayers paying through a Flexible Payment Method (refer below) are excluded from this process and will not receive an instalment notice after the first notice is issued, as ratepayers will have online access to their payment arrangement, outstanding balances and the relevant due dates via the payment portal.

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ITEM NO: 9.1.2  
(MANAGER FINANCE, BEAU MITTNER)

## REVENUE COLLECTION AND FINANCIAL HARDSHIP POLICY (cont'd)

### ATTACHMENT No [1] - Revenue Collection and Hardship Policy

#### **Annual Lump Sum**

Annual lump sum payments are due by 15 February.

Ratepayers that are on a lump sum payment will receive an instalment notice at least 14 days before the due date of 15 February.

#### **Flexible Payment Method**

Ratepayers can elect to sign up to a flexible payment method with Council's third-party service provider. Under this arrangement, ratepayers will have full access to self-manage their payments to Council and therefore will not be issued instalment notices.

All flexible payment arrangements have a completion due date of 31 May.

#### **2.2 Early Intervention Strategies**

When a ratepayer does not meet their payment obligations Council will make genuine and respectful endeavours to inform them of the overdue amount and ensure that they have received the instalment notice and been provided with an opportunity to enter into a payment plan.

If no further payment is forthcoming, as a minimum, the following intervention actions will be undertaken to provide ratepayers with further opportunities to discuss with Council their outstanding debt before the debt is passed onto Council's debt collection service provider.

Ratepayers may request a payment plan or deferral on outstanding debts at any stage in the early intervention if they are experiencing hardship.

| Intervention Action                   | Description   |
|---------------------------------------|---|
| Reminder Notice issued                | A reminder notice requesting payment will be issued 14 days after the final instalment notice is due (31 May).  |
| Final Notice issued                   | If no payment or action has been taken by the ratepayer 28 days after a reminder notice has been sent and the amount of rates outstanding is greater than \$2,500, a final notice will be issued.   |
| Phone Call, text and/or Email contact | <p>If the account remains unpaid after the Final Notice issued, Council will attempt to contact with the ratepayer in the form of a text, phone call and emails.</p> <p>The methods of contact and success or otherwise of the attempt will be recorded on the rate payer file.</p> |

#### **2.3 Penalty Interest**

Council will require a ratepayer to pay penalty interest on overdue rates:

- which the ratepayer is liable to pay.
- which have not been paid by the applicable due date; and

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## REVENUE COLLECTION AND FINANCIAL HARDSHIP POLICY (cont'd)

### ATTACHMENT No [1] - Revenue Collection and Hardship Policy

c) are not subject to an application of hardship or active payment plan.

The penalty interest percentage rate is fixed under section 2 of the *Penalty Interest Rates Act 1983* as applied on 1 July each year.

Penalty interest will be calculated and charged from the date on which the payment was due and will continue to accrue until the overdue amounts are paid in full.

#### 2.4 Allocating part payments

If Council receives a part payment, (that is a payment which is not for the full amount that is due and/or overdue), then the part payment, will be allocated to the ratepayers account in the following order where applicable:

1. Debt collection costs.
2. Penalty interest.
3. Rates arrears.
4. Current rates.

#### 3. Debt Collection Referral

##### Ratepayers

If a debt remains unpaid after early intervention by Council and/or the debt is over the referral threshold for outstanding rates, then the debt will be referred to Council's third-party debt collection agency.

The debt referral threshold for outstanding Council rates is \$2,500 where the debt is overdue by 18 months or more.

A mutually agreed payment arrangement between Council and the ratepayer may be put in place at any time during the debt collection process – including during legal proceedings. The arrangement will result in the suspension of any legal proceedings. If the arrangement is breached, then legal proceedings will recommence.

##### Sundry Debtors

If a debt is greater than \$100 and is overdue by more than 180 days with no active hardship support arrangements in place, then the outstanding debt will be referred to Council's debt collection agency.

#### 4. Legal Proceedings

All associated legal fees in relation to debt recovery action are as per the Magistrates Court General Civil Procedure Rules – Scale of Costs, all of which are recoverable from the ratepayer or debtor.

Unless exceptional circumstances exist, legal costs incurred will not be waived as ratepayers and debtors are afforded ample opportunity to engage with Council on overdue debts before the debt progresses to legal action.

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(MANAGER FINANCE, BEAU MITTNER)

## REVENUE COLLECTION AND FINANCIAL HARDSHIP POLICY (cont'd)

### ATTACHMENT No [1] - Revenue Collection and Hardship Policy

If there are exceptional circumstances resulting in a ratepayer or debtor not being contacted prior to a debt progressing to legal action, a written application can be made to Council's revenue team to have the legal fees waived in part or full.

Council staff delegated with authority to waiver charges is noted in the Instrument of Sub Delegation by CEO.

#### 4.1 Issuing of Complaint

Per section 180A of the Act, Council will not commence legal proceedings for an unpaid rate or charge that has not been deferred or the subject of a payment plan unless:

- a. Council, in writing –
  - a. Notifies the person(s) liable to pay the rate or charge of the arrears; and
  - b. Advises the person(s) of the payment options available including deferrals and payment plans; and
- b. It has been at least 24 months since the person(s) was notified and advised in accordance with paragraph (a) and the person has not deferred payment, entered a payment plan or used any other available payment option.

If the above criteria are satisfied, the debt will be referred to the Magistrates' Court and a Complaint issued in accordance with Section 180 of the Act.

Once a complaint is prepared and lodged with the Court for issue, the associated legal costs become chargeable to the ratepayer.

#### 4.2 Other recovery methods

Where the above action fails to result in the collection of the outstanding debts, other legal avenues may be pursued based on the advice of Council's debt recovery legal advisor, including:

- Instalment order
- Summons of Oral Examination
- Issue of Attachment of Earnings
- Rental Demands
- Mortgagee Letter
- Caveats
- Warrant Seizing Goods
- Sale of Land for Unpaid Rates and Charges

#### 4.3 Sale of Land for Unpaid Rates and Charges

The final course of action available to Council under section 181 of the Act allows for the sale of property for the purpose of collection of the outstanding rates and charges. This method of recovery is only enacted once Council has exhausted all other debt collection options.

To demonstrate that all avenues of recovery have been exhausted, Council officers will prepare a report detailing all recovery actions that have been undertaken to recover the outstanding debt



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ITEM NO: 9.1.2  
(MANAGER FINANCE, BEAU MITTNER)

## REVENUE COLLECTION AND FINANCIAL HARDSHIP POLICY (cont'd)

### ATTACHMENT No [1] - Revenue Collection and Hardship Policy

when a report is put forward to Council to decide if the property should progress to sale to recover outstanding rates and charges.

Under section 181 of the Act, this method of recovery is available if all the following criteria are satisfied:

- Rates and charges are outstanding for a period of more than 3 years.
- Council has obtained appropriate orders from a Magistrates Court of Victoria.
- Council must not have an existing payment plan or arrangement for the outstanding rates and charges.
- A written valuation of the land, no older than six months, must be obtained from a Valuer.
- Serve a notice on anyone appearing from the Land Title Register as having an interest in the land.
- Give public notice of Council's intention to sell; and
- Notify registered parties of auction details (if sold by auction).

If the above criteria are satisfied and Council resolve to sell the property, as a last resort measure to engage with the ratepayer, a section 181 letter will be issued to the property owner advising of Council's intention to proceed with selling the property if no action is taken within 14 days.

#### 5. Correcting Errors

If it is discovered that an error has been made and a debtor or ratepayer has been incorrectly undercharged, Council officers will:

- a) correct the error for current billing periods; and
- b) not apply the correct fees retrospectively.

If it is discovered that an error has been made and a debtor or ratepayer has been incorrectly overcharged, Council officers will:

- a) correct the error for current and future billing periods; and
- b) where the error occurred in a prior year, will apply the correct fees retrospectively up to 4 financial years.

The Valuer-General oversees valuations for Victorian rating valuations, which includes valuations for council rates. Whilst Council has no control over the valuation process, errors in the valuation data as provided by the Valuer-General may also be considered for retrospective adjustment if the error disadvantages the ratepayer over multiple financial years.

Objections to property valuation assumptions if upheld, and other determinations by the Valuer-General will not be treated as errors for the purpose of this policy.

An error is distinguishable from an adjustment to a valuation assumption made by the Valuer-General, which may be validated through an objection process. For example, the Valuer-General may make assumptions on soil type, use of land or apply historical sales trends to determine a property's valuation. Upon updating these assumptions, property valuations are rating outcomes adjusted prospectively. An error however could be the size of land being incorrectly applied as 500ha instead of 5ha. In this instance retrospective correction of the error is appropriate.

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## REVENUE COLLECTION AND FINANCIAL HARDSHIP POLICY (cont'd)

### ATTACHMENT No [1] - Revenue Collection and Hardship Policy

#### 6. Hardship

It is recognised that from time-to-time debtor and ratepayer circumstances can change, and we want to ensure that they are aware of the options available to them to support them during this time.

##### 6.1 Waiving of Fees, Rates and Charges

To uphold the principles of equity and fairness in the application of Council's Revenue and Rating Plan, Council will not approve the waiver of fees, rates, and charges. Instead, alternative tailored support options are afforded to those members of the Community experiencing hardship.

##### 6.2 Hardship Supports

Council recognises that hardship can impact debtors and ratepayers' ability to meet their payment obligations. Council is therefore committed to aiding debtors and ratepayers experiencing genuine hardship while encouraging the timely resolution of outstanding debts. To achieve this, Council will:

- Treat all applications with fairness, sensitivity, and confidentiality.
- Assess each application on a case-by-case basis.
- Ensure compliance with legislative requirements; and
- Maintain transparency in decision making processes.

For residential ratepayer's, a request for hardship consideration will only apply to their principal place of residence in the Moira Shire. Other property type owners may apply for the hardship provisions under this Policy in limited circumstances. Approval of other property type hardship requests, to the value of \$20,000, can be approved at the discretion of the Manager Finance. Hardship requests above \$20,000 are delegated to the Director of Corporate Performance for approval.

In particular, the policy applies to those ratepayers or debtors who have been identified, either by themselves, Council Officers or by an independent accredited financial counsellor, as having the intention to pay their rates, fees, or charges, but who do not have the financial capacity to make the required payments.

Hardship applications must be in writing and submitted with Council's revenue team. All applications and supporting information will be handled in accordance with the *Privacy and Data Protect Act 2014* and Council's Privacy Policy.

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## REVENUE COLLECTION AND FINANCIAL HARDSHIP POLICY (cont'd)

### ATTACHMENT No [1] - Revenue Collection and Hardship Policy

Based on the circumstances of the ratepayer or debtor, the following hardship assistance options may be considered:

| Hardship Assistance | Description   |
|---------------------|---|
| Payment Plan        | Flexible payment arrangement tailored to the debtor or ratepayer's circumstances up to a term of 24 months.<br><br><i>Only three payment plans will be offered to ratepayers or debtors, on the same debt, where they consistently default on their arrangement obligations without proper cause.</i> |
| Deferral            | Temporary deferral of rates and/or charges without penalty interest. Deferrals can be offered up to 12 months.  |
| Waiver of interest  | Waiver of existing interest and/or postponement of all future interest while an active payment plan is in place.  |

Council's Revenue Coordinator will receive and review hardship applications in accordance with this policy and upon completion of the paperwork, and once verified will engage with the person(s) to implement a suitable hardship arrangement.

Responses to hardship applications will be made, in writing, within 10 business days of receipt of a complete application and / or after all information requested has been provided to Council.

#### 6.3 Termination of arrangements

Council may terminate a payment plan at any time if the person is not complying with the terms of the plan. The ratepayer or debtor will be advised of this cancellation within 7 business days from the date of the decision.

Upon termination of a payment plan, interest charges will be reinstated on all outstanding debts from the date of termination.

Hardship arrangements also cease when the debt is paid in full.

Hardship arrangements may also be terminated by the applicant where a person(s) is no longer experiencing hardship and the hardship assistance is no longer required. Ratepayers and debtors can request this termination by doing so in writing.

#### 6.4 Decision Review and Appeals

Ratepayers or debtors who are dissatisfied with a decision under this policy may request a review by writing to Council to have the facts and the decision reassessed for the purpose of reaching a final resolution on the matter.

For requests to review financial hardship application decisions that are less than \$20,000, the review will be performed by Council's Director Corporate Performance. For financial hardship applications greater than \$20,000, the review will be performed by Council's Chief Executive Officer.

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## REVENUE COLLECTION AND FINANCIAL HARDSHIP POLICY (cont'd)

### ATTACHMENT No [1] - Revenue Collection and Hardship Policy

If the applicant is still aggrieved by Council's decision under this policy, they may refer the matter to the Victorian Ombudsman who manage disputes concerning Victorian public organisations.

#### 7. Providing false or misleading information

If a person(s) provides false or misleading information to Council or fails to notify Council of any change in circumstance, which is relevant to a hardship application, this will result in the immediate cancellation of existing hardship arrangements.

Council will advise the debtor or ratepayer of this decision within 7 business days via phone and written correspondence.

Council may also charge any ratepayer providing false or misleading information with a fine, which will be determined by applying section 171 (6) of the Act. The fine will be issued separately to the rates notice and will require payment within 30 days.

A penalty fine cannot be subject to application for a payment plan, deferred payment, or waiver of payment.

#### 8. Bad & Doubtful Debts

Council will maintain a provision for doubtful debts in accordance with Australian Accounting Standards and the provision for doubtful debts will be disclosed in the annual financial statements.

If, after all attempts to collect the debt have been exhausted, then a decision may be made to declare the debt uncollectable and cause it to be written off. A recommendation to write off the debt may be made, in writing, by the Debt Owner to the Director Corporate Performance or Manager Finance.

The delegation to write off the debt is noted in the Instrument of Sub Delegation by CEO.

#### MONITORING AND EVALUATION

On a monthly basis the following information relating to the monitoring of this policy will be reported to Council's Executive Leadership Team:

- the total balance of unpaid rates, charges, and interest;
- the number of occupancies with unpaid rates and charges and interest;
- the number of occupancies on payment plans;
- all occupancies not on payment plans with unpaid rates and charges of three years or more and reasons why the land has not been sold or transferred under section 181 of the Act;
- aging report of all sundry debtors; and
- the number and outcomes of hardship applications.

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## REVENUE COLLECTION AND FINANCIAL HARDSHIP POLICY (cont'd)

### ATTACHMENT No [1] - Revenue Collection and Hardship Policy

#### RELATED LEGISLATION

*Local Government Act 1989*  
*Charter of Human Rights & Responsibilities Act 2006*  
*Magistrates Court Act 1989*  
*Penalty Interest Rates Act 1983*  
*Fire Services Property Levy Act 2012*

#### RELATED POLICIES AND PROCEDURES

*Financial Hardship Procedure*  
*Revenue and Rating Plan*

#### REFERENCES

*Financial Hardship Application Form*  
*Instrument of (Sub) Delegation by the Chief Executive Officer*

#### DOCUMENT REVISIONS

| Version | Summary of Changes      | Approved by | Date |
|---------|-------------------------|-------------|------|
| 1       | Original Policy adopted | Council     | xxx  |

FILE NO:  
1. A WELCOMING AND INCLUSIVE PLACE

ITEM NO: 9.2.1  
(MANAGER COMMUNITY WELLBEING,  
HOLLIE BARNES)

## WELLBEING FOR ALL AGES ANNUAL REVIEW 2024

### Recommendation

That Council:

1. Note the *Wellbeing for All Ages Strategy 2021 - 2025 Annual Review 2024*, as presented in Attachment 1; and
2. Acknowledge the positive work that has been completed in order to deliver on the objectives of the *Wellbeing for All Ages Strategy 2021 – 2025* including through strong collaboration with our community partners.

### 1. Executive Summary

Moira Shire Council adopted the *Wellbeing for All Ages Strategy 2021 – 2025* in October 2021. In accordance with the Victorian Public Health and Wellbeing Act 2008, Victorian Councils are required to review their plans annually.

This report details the 2024 review of Moira Shire's *Wellbeing for All Ages Strategy 2021 – 2025* and outlines the high-level actions that have been implemented to support the priority areas of the Strategy. There are no recommended changes to the strategy as a result of this review.

### 2. Conflict of Interest Declaration

There are no conflict of interest considerations in relation to this report.

### 3. Background & Context

The *Wellbeing for All Ages Strategy 2021 – 2025* requires strategic partnerships to deliver actions that will have a positive impact on the health and wellbeing of our community. Since its adoption there has been a variety of work undertaken to implement actions within the strategy. The strategy concentrates on the following priority areas:

#### Healthy and supported communities

Moira Shire residents will have the resources, knowledge and support to live healthy, happy lives.

#### Safe, inclusive and prosperous communities

Moira Shire is a place where people feel safe, included and thrive as valued members of the community.

#### Healthy environments

All environments (natural and built) in Moira Shire encourage and support health and wellbeing.

In accordance with the Victorian Public Health and Wellbeing Act 2008, Victorian Councils are required to review their plans annually.

The attached document showcases a list of key achievements delivered by Moira Shire Council and key service providers throughout 2024.

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1. A WELCOMING AND INCLUSIVE PLACE

ITEM NO: 9.2.1  
(MANAGER COMMUNITY WELLBEING,  
HOLLIE BARNES)

## WELLBEING FOR ALL AGES ANNUAL REVIEW 2024 (cont'd)

### 4. Issues

There are no issues of particular to note in the delivery of the Strategy.

### 5. Strategic Alignment

The Victorian Public Health and Wellbeing Act 2008 requires that all Council's develop a document that addresses health and wellbeing matters every four years, it is also a recommendation of this Act that the document be consistent with the Council Plan and the Municipal Strategic Statement. It is also a requirement of the Act that the document be reviewed annually.

#### Council Plan

1. A welcoming and inclusive place

#### Section 1.07:

"We promote the health and wellbeing  
of our communities"

#### Support Strategies, Plans and Policies:

Wellbeing for All Ages Strategy

### 6. External Engagement

Engagement (who did you engage with?)  
External

Feedback

Feedback considered within report.

- Yarrawonga Health
- Nathalia Cobram  
Numurkah Health
- Cobram Community  
House
- Nathalia Community  
House
- Numurkah  
Community Learning  
Centre
- Yarrawonga Mulwala  
Community Learning  
Centre
- Goulburn Valley  
Public Health Unit
- Goulburn Valley  
Libraries

### 7. Budget / Financial Considerations

The development and implementation of the strategy is supported with an annual budget allocation of \$18,500 for health promotion activities. Other departmental budgets contribute to specific objectives and actions within the strategy. Through partnerships, other health and service providers contribute to the funding of the activities outlined in this strategy.

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## WELLBEING FOR ALL AGES ANNUAL REVIEW 2024 (cont'd)

### 8. Risk & Mitigation

The development, adoption and review of the strategy addresses requirements of the *Victorian Public Health Act 2008*, therefore mitigating the risk of being non-compliant with the *Act*.

### 9. Conclusion

This report outlines the high-level achievements and work that has been implemented in 2024 to support the themes and goals of the *Wellbeing for All Ages Strategy 2021 - 2025*. In accordance with the legislative requirement the strategy is reviewed annually.

### Attachments

- 1 Moira Shire Council - Wellbeing for All Ages - Annual Review - 2024 - *printed in separate document*



FILE NO:  
5. TRANSPARENT AND ACCOUNTABLE  
GOVERNANCE

ITEM NO: 9.3.1  
(DIRECTOR SUSTAINABLE DEVELOPMENT,  
BRYAN SWORD)

**PLANNING PERMIT APPLICATION 5/2023/269 - RESIDENTIAL VILLAGE - BREARS ROAD, YARRAWONGA**

**Recommendation**

That Council having considered planning permit application 5/2023/269 on its merits and the objections received, resolve to issue a Notice of Decision to Grant a Planning Permit for the use and development of the land for the purposes of a residential village subject to the conditions in Attachment 1.

**1. Executive Summary**

The purpose of this report is to refer Planning Permit application 5/2023/269 to Council for decision. This application seeks approvals relating to the staged use and development of a Residential Village on land located on the north-east corner of the intersection of Brears Road and the Murray Valley Highway, Yarrawonga.

The subject site is located across the Low Density Residential Zone (LDRZ) and the Rural Living Zone (RLZ) and is partly affected by the Bushfire Management Overlay (BMO) and Floodway Overlay (RFO).

The proposal consists of the development of 205 dwellings along with a community centre, a well-being centre and recreational facilities for residents of the proposed village. The proposal will involve the creation of an internal road network and requires the removal of native vegetation and alterations to existing easements and infrastructure for raw water and electricity supply, drainage and access across the subject site in favour of nearby properties and relevant service authorities.

The application has been publicly advertised, which resulted in a total of 20 objections, including one from DEECA as the 'owner' of the adjoining Crown land to the north of the subject site. At the time of writing, five of the objections have since been withdrawn, resulting in a total of 15 outstanding objections to the application.

The main issues raised in the submissions relate to the density of the proposed use and development and character of the area, traffic impacts, a shortfall in car parking requirements, amenity impacts, waste management, impacts on local services and infrastructure including a raw water pipeline passing through the subject site, amenity and traffic impacts during construction works, and native vegetation removal. Other concerns raised relate to aboriginal cultural heritage, the 'transportable' nature of the proposed dwellings and the personal housing situation of current residents onsite.

The application has been referred externally to the Department of Energy, Environment and Climate Action (DEECA), the Department of Transport and Planning (DTP), the Goulburn Broken Catchment Management Authority (GBCMA) and the Country Fire Authority (CFA), and internally to Engineering, Environmental Health, Sustainability and Economic Development.

All external authorities have responded by providing conditional consent to the application. Internal department responses also provide conditional consent to the application.

The application was amended on the 9<sup>th</sup> April 2025 under Section 57A of the Planning and Environment Act 1987 in order to remove a sixth property, 52 Brears Road, Yarrawonga, from

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**PLANNING PERMIT APPLICATION 5/2023/269 - RESIDENTIAL VILLAGE - BREARS  
ROAD, YARRAWONGA (cont'd)**

the application to align with the Cultural Heritage Management Plan approved for the proposal. Updated documentation reflecting the removal of this property has been provided accordingly.

The application has been assessed against the relevant policies and the provisions under the Moira Planning Scheme (the Scheme). On balance, it is recommended that the application be approved and a Notice of Decision to Grant a Planning Permit be issued.

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(DIRECTOR SUSTAINABLE DEVELOPMENT,  
BRYAN SWORD)**

**PLANNING PERMIT APPLICATION 5/2023/269 - RESIDENTIAL VILLAGE - BREARS ROAD, YARRAWONGA (cont'd)**

**2. Key Technical Reports & Appendices**

The following plans and specialist reports associated with the application have been relied upon to inform this assessment.

| Document   | Author                    | Version | Date        | Date Received |
|--|---------------------------|---------|-------------|---------------|
| Traffic Impact Assessment Report - Riverland Lifestyle Village, Yarrowonga   | Trafficworks              | Final 3 | 24/03/2025  | 09/04/2025    |
| Brears Road, Yarrowonga, Residential Village – Planning Report   | Urbis                     | 001     | 03/11/2023  | 03/11/2023    |
| Flora and Fauna Assessment - Brears Road, Yarrowonga   | Nature Advisory           | 1.5     | April 2025  | 09/04/2025    |
| Cultural Heritage Management Plan - Brears Road and Jacqueline Court Residential Village, Yarrowonga   | Andrew Long & Associates  | 3       | 31/10/2024  | 15/11/2024    |
| Infrastructure Servicing Report  | Breese Pitt Dixon Pty Ltd | 1       | 16/10/2023  | 03/11/2023    |
| Arboricultural Assessment & Report   | TreeMap Arboriculture     | 1       | August 2023 | 03/11/2023    |
| Bushfire Planning Report - Brears Road, Yarrowonga   | Nature Advisory           | 1.4     | April 2025  | 09/04/2025    |
| Surface/Stormwater Management Strategy - Brears Road, Yarrowonga   | Alluvium                  | 05      | 07/02/2025  | 09/04/2025    |
| Title Compilation Plan   | Breese Pitt Dixon         | 6       | 23/02/2024  | 23/02/2024    |
| Urban Design Report  | DC8 Studio                | L       | 25/03/2025  | 09/04/2025    |
| Landscape Master Plan  | Yonder.                   | K       | 07/04/2025  | 09/04/2025    |
| Response to Request for Further Information – Brears Road and Jaqueline Court, Yarrowonga  | Urbis                     |         | 14/12/2023  | 14/12/2023    |
| Response to Public Notification, Referral Authority Submission and Supplementary Request for Further Information – Brears Road and Jaqueline Court, Yarrowonga | Urbis                     |         | 25/09/2024  | 25/09/2024    |
| Schematic Drainage Design, Private and Public Drainage Separation  | Breese Pitt Dixon Pty Ltd |         | Not dated   | 09/04/2025    |

**3. Conflict of interest declaration**

Nil.

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**PLANNING PERMIT APPLICATION 5/2023/269 - RESIDENTIAL VILLAGE - BREARS ROAD, YARRAWONGA (cont'd)**

**4. Background & Context**

|                                    |   |
|------------------------------------|---|
| <b>Application No:</b>             | 5/2023/269  |
| <b>Date Received:</b>              | 03/11/2023  |
| <b>Proposal:</b>                   | The use and development of the land for the purposes of a residential village, the removal of native vegetation, the removal of four easements, the variation of five easements, the display of business identification signage and the reduction in the number of car parking spaces required. |
| <b>Land Description:</b>           | Lots 1 and 2 on Plan of Subdivision PS300363, Lot 1 on Plan of Subdivision PS735246, and Lots 4 and 5 on Plan of Subdivision PS541713, being 10, 22 and 38 Brears Road, and 4 and 5 Jacqueline Court, Yarrawonga  |
| <b>Property Assessment Number:</b> | 63768, 63776, 3525, 5997812, 6188551  |
| <b>Zoning:</b>                     | Low Density Residential Zone<br>Rural Living Zone   |
| <b>Overlay:</b>                    | Bushfire Management Overlay (part 38 Brears Road)<br>Floodway Overlay (part 38 Brears Road)   |
| <b>Applicant &amp; Owner:</b>      | Pentola Partners – Andre Bressan  |
| <b>Contact</b>                     | Urbis<br>Emerald Thompson   |

Permit application 5/2023/269, was received on the 3<sup>rd</sup> November 2023. The application seeks approval for the use and staged development of the land for a residential village.

Various amendments have been made to the proposal, the last of which was made on the 9<sup>th</sup> April 2025 to align the proposal with the Cultural Heritage Management Plan approved for the site and submitted on the 15<sup>th</sup> November 2024. There are several plans and specialist reports associated with the application, outlined in section 2 above, which have been relied upon to inform this assessment.

The subject site is located on the western edge of the Yarrawonga township, on the north-eastern corner of the intersection of the Murray Valley Highway and Brears Road. The site is made up of five individual lots with separate addresses, identified as follows:

- 10 Brears Road, Yarrawonga: Existing dwelling and outbuilding.
- 22 Brears Road, Yarrawonga: Existing dwelling and outbuilding.
- 38 Brears Road, Yarrawonga: Existing caravan park (Riverlands Tourist Park)
- 4 Jacqueline Court, Yarrawonga: Existing dwelling
- 5 Jacqueline Court, Yarrawonga: Vacant property

The application was amended on the 9<sup>th</sup> April 2025 under Section 57A of the Planning and Environment Act 1987 in order to remove a sixth property, 52 Brears Road, Yarrawonga, from the application. Updated documentation reflecting the removal of this property has been provided accordingly.

The subject site is irregularly shaped, measuring 11.26ha in area. It extends from the Murray Valley Highway to the south, Brears Road to the west through to Crown land along the edge of the Murray River to the north-east.

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**PLANNING PERMIT APPLICATION 5/2023/269 - RESIDENTIAL VILLAGE - BREARS  
ROAD, YARRAWONGA (cont'd)**

The majority of the site is generally flat with fall from the south-west through to the north-east. The north-east corner of the site is more steeply sloped as it falls toward the Murray River floodplain. Patches of native vegetation and scattered trees are located throughout the subject site. Some vegetation is identified as remnant native vegetation while other vegetation has been planted. The site contains existing buildings and operations as identified above as well as utilities infrastructure servicing both the subject site and surrounding land.

Land to the east, west and north-west comprises low density residential and rural living land of varying scale. Land to north is Crown land adjoining the Murray River while to the south on the opposite side of the Murray Valley Highway comprises a large irrigation channel in the Public Use Zone and agricultural land in the Farming Zone.

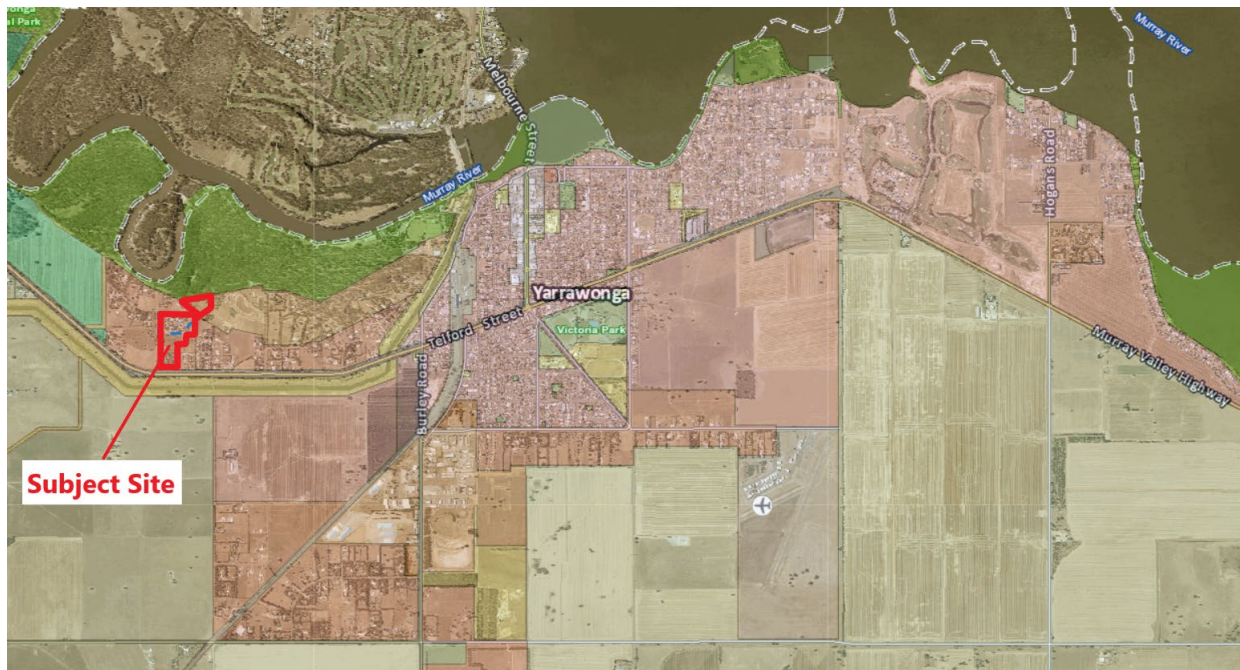
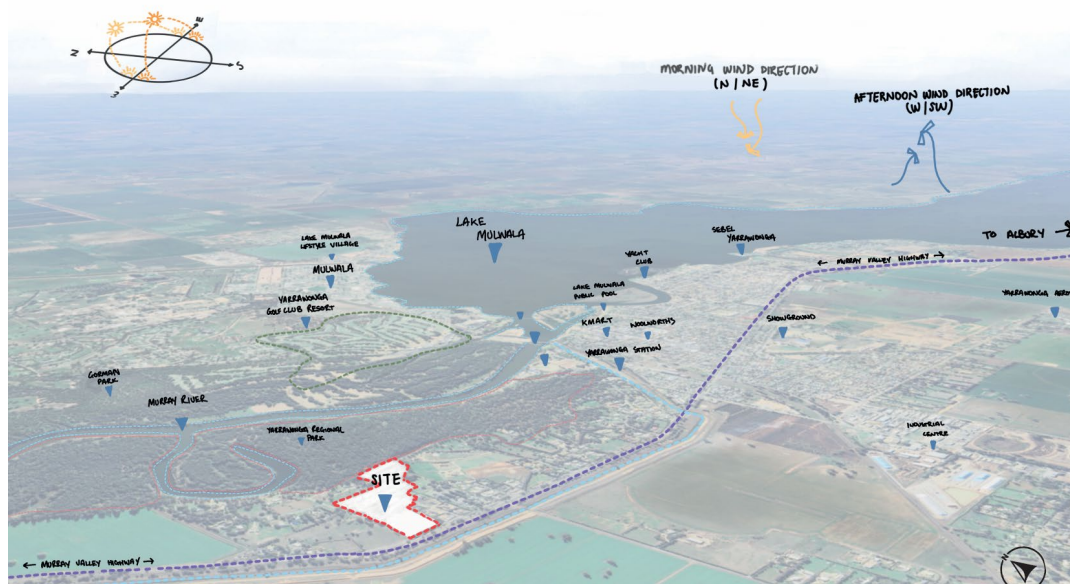


Figure 1: Locality





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**PLANNING PERMIT APPLICATION 5/2023/269 - RESIDENTIAL VILLAGE - BREARS  
ROAD, YARRAWONGA (cont'd)**

Figure 2: Site Context



Figure 3: Aerial View of Subject Site

The proposed development is shown to include:

- 205 Dwelling sites with sizes varying between 200m<sup>2</sup> and 412m<sup>2</sup> and dwellings ranging from one-bedroom, single garages residences through to three-bedroom, double garage residences.
- Internal (private) road network.
- Community Centre/Clubhouse (approx. 813m<sup>2</sup>).
- Wellness Centre, including indoor pool (approx. 400m<sup>2</sup>).
- Bowling/bocce green.
- Pickleball courts.
- BBQ Facilities
- Various small pocket parks/open spaces dispersed throughout the development.
- Detention basin.
- Perimeter fencing around the subject site, including some feature fencing to Brears Road.
- Landscaping, including landscape treatments to adjoining street frontages.

The development is proposed to be undertaken over 12 stages.

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**PLANNING PERMIT APPLICATION 5/2023/269 - RESIDENTIAL VILLAGE - BREARS  
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Plans of the proposal can be found in **Attachment 2** and extracts are shown below.

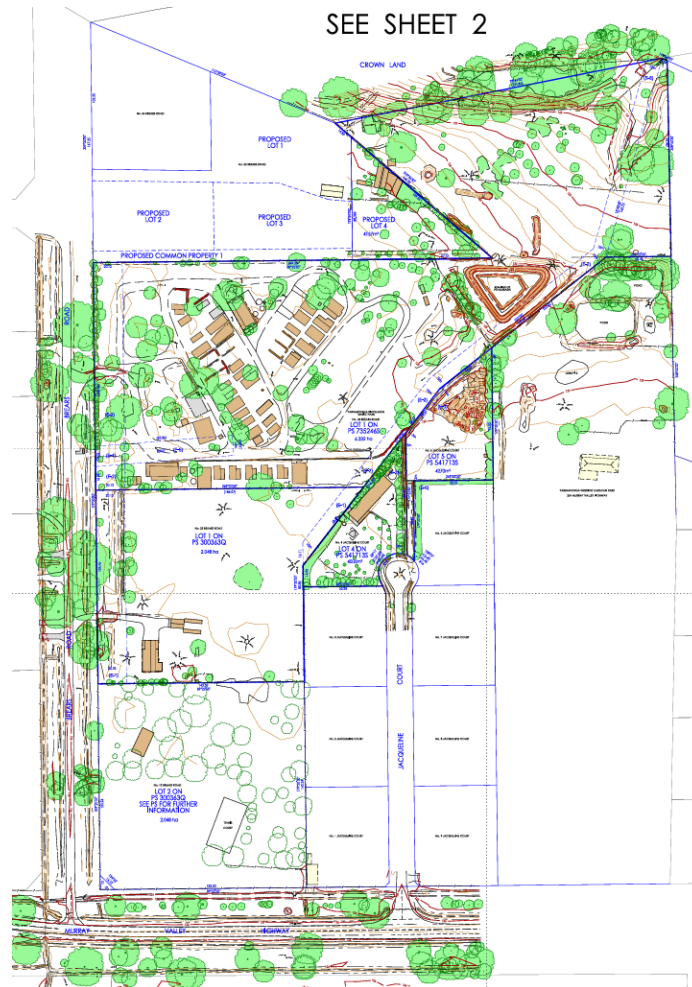


Figure 4: Existing Conditions

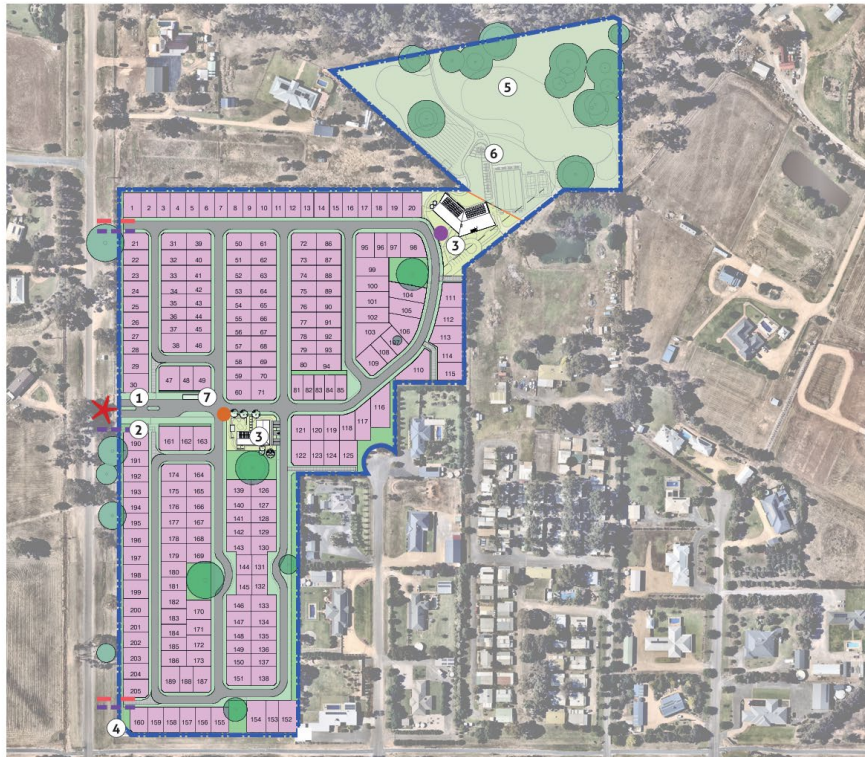
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PLANNING PERMIT APPLICATION 5/2023/269 - RESIDENTIAL VILLAGE - BREARS ROAD, YARRAWONGA (cont'd)

Master plan

Core uses



- LEGEND**
- COMMUNAL OPEN SPACE / BUILDINGS  
RECREATION AREA
  - REFER TO LANDSCAPE ARCHITECT FOR  
LANDSCAPE DESIGN
  - RESIDENTIAL SITES
  - CONSTRUCTION SITE ACCESS
  - PEDESTRIAN LINKS
  - OVERALL LLC SITE BOUNDARY

- SIGNAGE**
- PROJECT ENTRY
  - WELLNESS PRECINCT
  - THE CLUBHOUSE
1. MAIN ENTRY / EXIT - GATES  
2. PEDESTRIAN GATES  
3. LEISURE PRECINCT  
4. CONSTRUCTION SITE ACCESS/FUTURE  
SECONDARY ENTRANCE  
5. STORM WATER MANAGEMENT ZONE  
6. RECREATION ZONE  
7. MAIL HOUSE

**SITE SUMMARY**

SITE AREA: 11.25 Ha  
RESIDENTIAL SITES: 205

1:2500 @ A3

Figure 5: Master plan

Staging Diagram

Delivery program

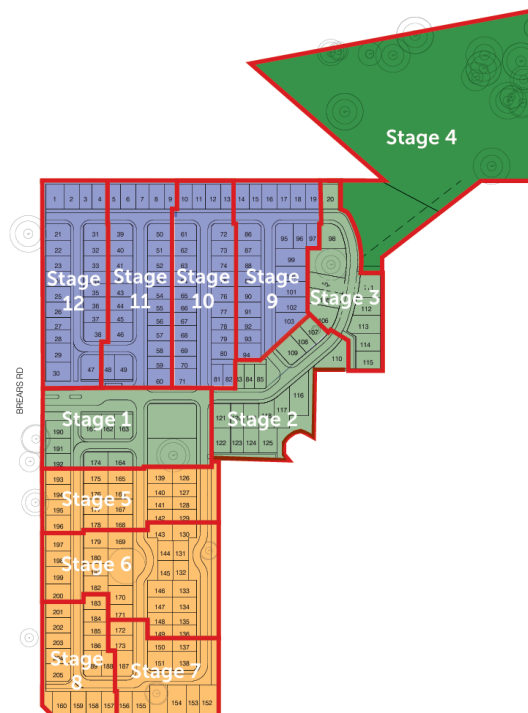


Figure 6: Staging plan



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Housing Typology  
Streetscape



Figure 7: Typical internal streetscape

Brears Road LLC Entry Perspective  
External LLC Edge Views - Dual Frontage Homes



Figure 8: Brears Road entry perspective

Brears Road Perspective  
External LLC Edge Views - Dual Frontage Homes



Figure 9: Brears Road perspective

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Figure 10: Landscape Plan



Figure 11: Clubhouse Plans

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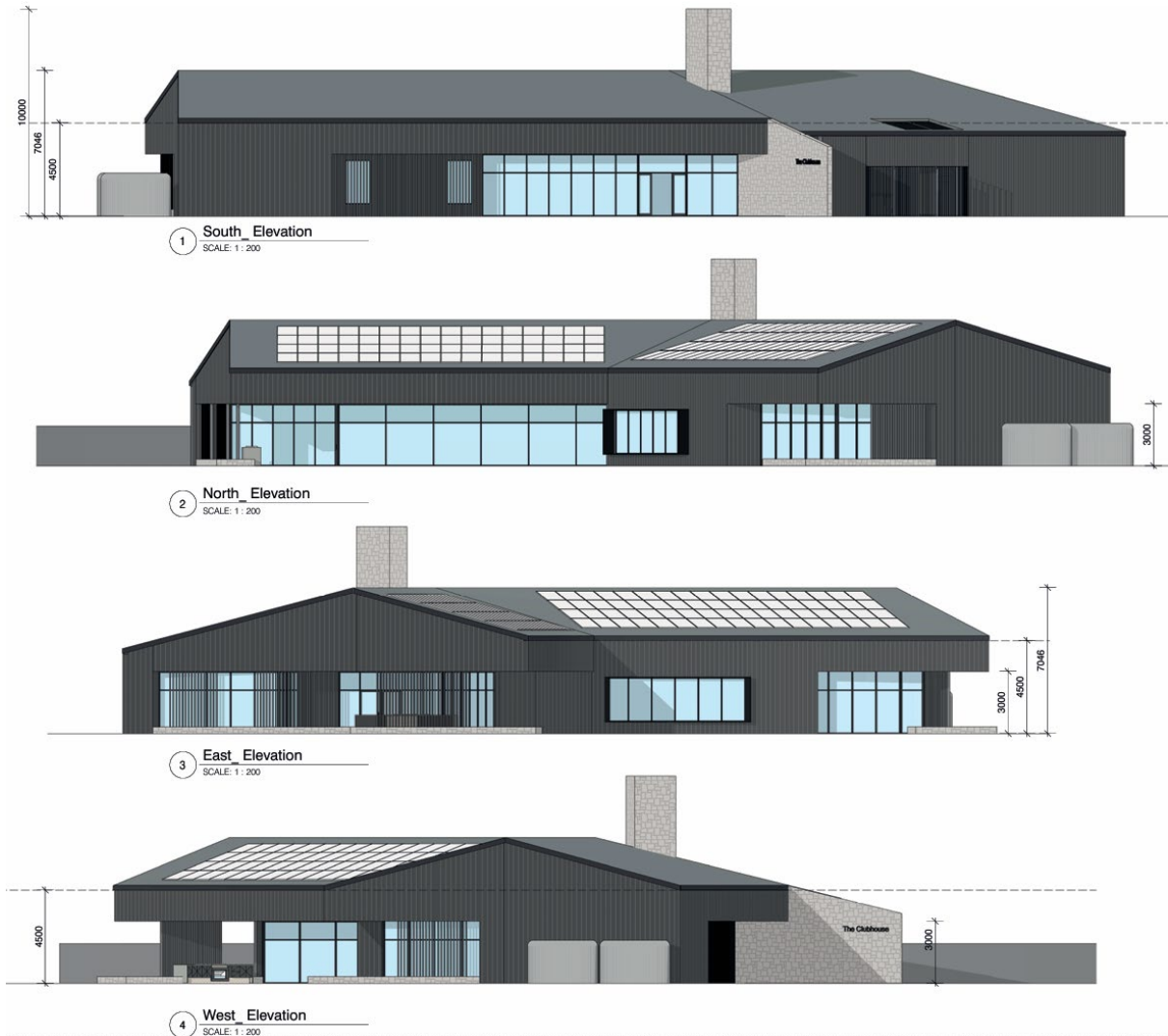


Figure 12: Clubhouse Elevations

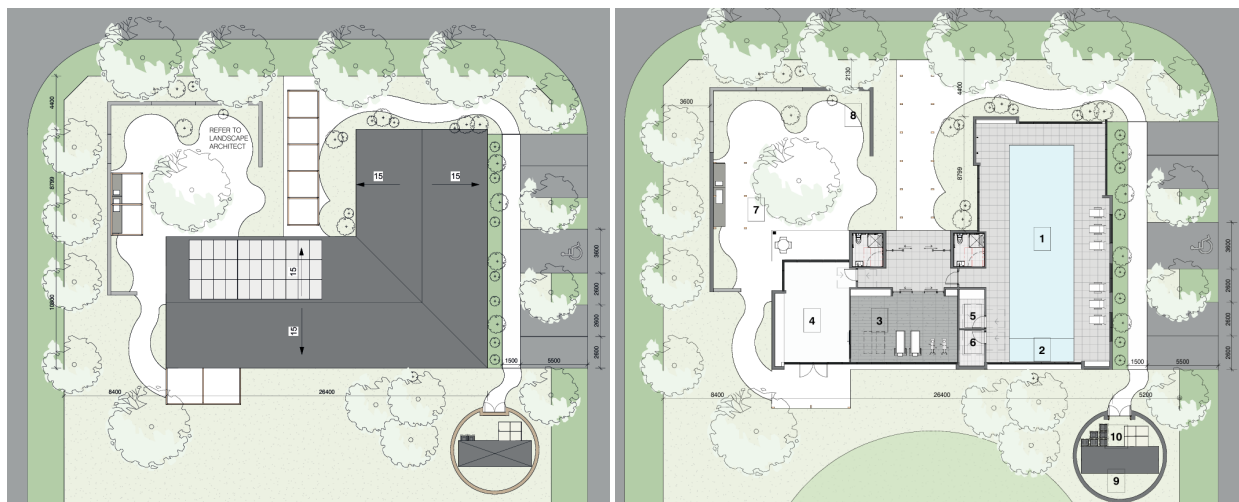


Figure 13: Wellness Centre Plans



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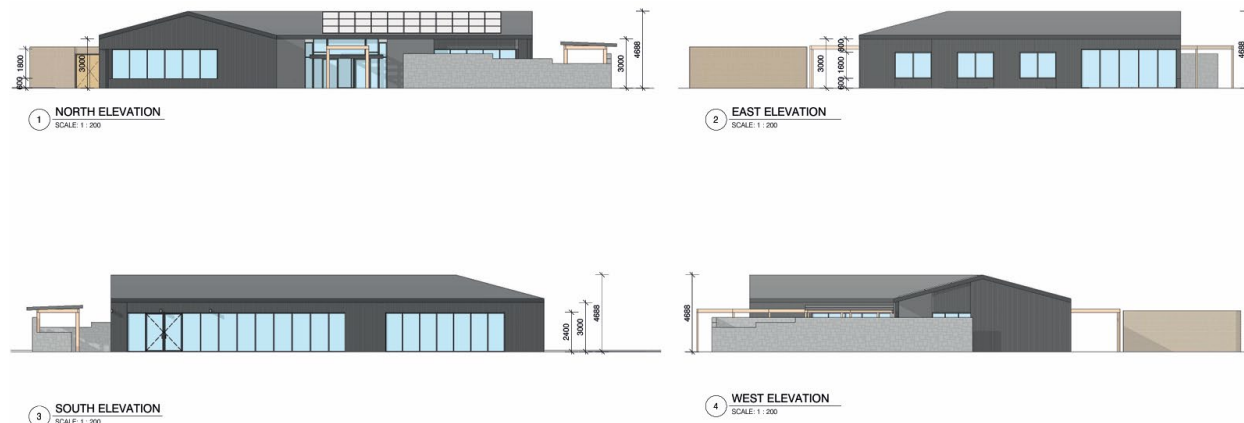


Figure 14: Wellness Centre Elevations

The proposal includes the alteration and removal of several easements located throughout the subject site. These include easements for raw water supply, drainage, electricity supply and access in favour of nearby properties and relevant service authorities. The proposed easement variations, and alteration of associated infrastructure, are necessary to facilitate the layout of the proposed development.

The proposed development layout and design also necessitates the removal of native vegetation. While some native vegetation has been determined to be planted and therefore not requiring a planning permit for its removal, other native vegetation has been determined to be remnant and therefore does require a planning permit for its removal. Remnant native vegetation proposed to be removed consists of 10 separate scattered patches, 3 scattered large trees and 38 scattered small trees, totalling in 3.16ha of native vegetation disturbance. The location of all remnant native vegetation and the extent of disturbance is detailed in the below extract.

Application is also made for a reduction in the number of carparking spaces required for the proposed development. While adequate resident parking is provided for each dwelling, in the form of individual garages, there is a considerable shortfall in the number of onsite visitor parking spaces. The proposal necessitates the provision of 41 visitor parking spaces whereas the only formal parking provision on site consists of 6 spaces at the proposed clubhouse and 5 spaces at the proposed wellness center. This development design results in a shortfall of 30 visitor parking spaces.

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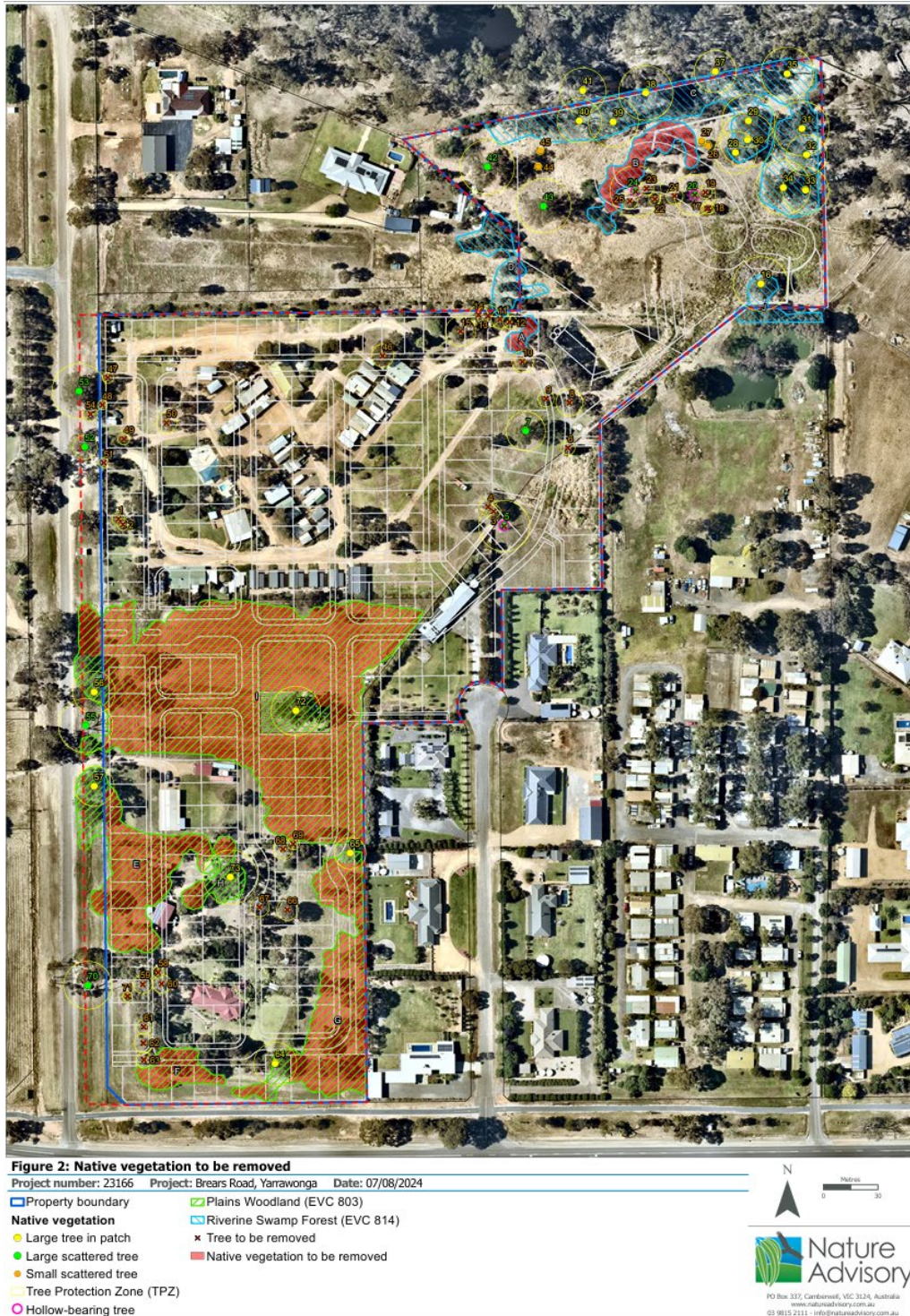


Figure 15: Native Vegetation Extent and Disturbance

The proposal was advertised between 01/03/2024 and 17/03/2024 in accordance with Section 52 of the Act with notification signs placed on the land in two separate locations and letters sent to the adjoining and neighbouring properties.

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Further notice was carried out between 15/03/2024 and 07/04/2024 to include letters to the beneficiaries of the relevant water supply, drainage and access easements in accordance with Section 52 of the Act.

A third round of notice was carried out between 22/11/2024 and 13/12/2024 to include letters to properties excluded in the earlier rounds of advertising as well as those where the owners of the property had changed since previous notice was provided.

Due to 20 objections being received as a result of notification (5 of which have now been withdrawn), the application is required to be reported to a Council meeting for a decision.

An assessment of the Moira Planning Scheme and policy setting will be provided below, along with a discussion of the comments received during the public notice period.

## **5. Planning Permit Requirements**

Planning permission is sought for the following:

- Clause 32.03-1 (Low Density Residential Zone) for the use of the land as a residential village (Section 2 use).
- Clause 32.03-4 (Low Density Residential Zone) to construct a building or construct or carry out works for a use in Section 2.
- Clause 35.03-1 (Rural Living Zone) for the use of the land as a residential village (Section 2 use).
- Clause 35.03-4 (Rural Living Zone) to construct a building or construct or carry out works for a use in Section 2. Earthworks which change the rate or flow or the discharge point of water across a property boundary.
- Clause 44.03-2 (Floodway Overlay) to construct a building or to construct or carry out works.
- Clause 44.06-2 (Bushfire Management Overlay) to construct a building or to construct or carry out works associated with accommodation.
- Clause 52.05-13 (Signs) for the display of business identification signage
- Clause 52.02 (Easements, Restrictions and Reserves) to create or vary an easement or restriction.
- Clause 52.06-3 (Car Parking) to reduce the number of visitor parking spaces.
- Clause 52.17-1 (Native Vegetation) for the removal of native vegetation.

## **6. Zoning**

The subject site is located across two zones, being the Low Density Residential Zone (LDRZ) and the Rural Living Zone (RLZ).



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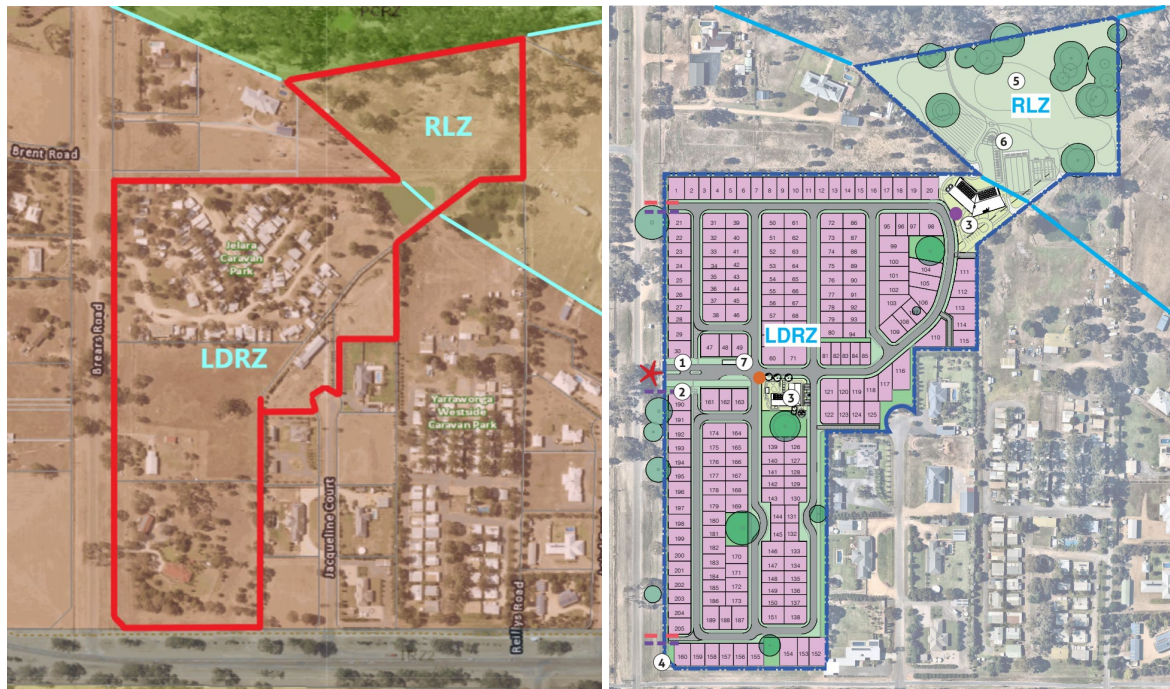


Figure 16: Zone boundaries

The residential and community facility components of the proposal are located within the LDRZ and the recreational component to the north-east is located within the RLZ.

The purpose of the LDRZ is to provide for low-density residential development. The purpose of the RLZ is to provide for residential use in a rural environment, to protect and enhance natural resources, biodiversity and landscape and heritage values, and to encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.

A 'Residential Village' is a Section 2 Use in both zones, requiring a planning permit under the two zones. A planning permit is also required for development associated with the Section 2 Use of the land.

The proposal will provide a high-density housing development on the edge of the Yarrawonga township which is not entirely consistent with the purpose of the relevant zones, particularly the LDRZ which is to provide for low-density residential development. None-the-less the proposed use is a Section 2 Use that can be considered on its merits against the provisions of the relevant zones and the Planning Scheme more generally.

In this regard there are no decision guidelines under the LDRZ pertaining to use or buildings and works other than to consider the Municipal Planning Strategy and the Planning Policy Framework. These are discussed under the relevant heading later in this report.

The proposed recreational space to the north-east of the site is generally consistent with the relevant provisions of the RLZ.

## 7. Overlays

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The subject site is partly affected by the Bushfire Management Overlay (BMO) and Floodway Overlay (RFO).

Bushfire Management Overlay

The proposed accommodation use and development is partly sited within an area subject to the BMO. Pursuant to Clause 44.06-2 a permit is required for buildings and works associated with an accommodation use and consideration is to be given to the decision guidelines of clause 53.02. In accordance with the application requirements of the Overlay, the application includes the submission of a bushfire hazard site assessment, a bushfire hazard landscape assessment and bushfire management statement, including a Bushfire Management Plan (BMP).

The application was referred to the CFA as a s.55 referral authority. The authority initially raised concerns with the low bushfire attack level (BAL) construction standard submitted for the proposed clubhouse and nearby dwelling sites. The authority advised that these buildings either be relocated or, if retained in their current location, have their bushfire attack level's increased and have a shielding wall constructed along the eastern side of the respective buildings. The authority also recommended that minimum BAL standards be applied for all proposed buildings onsite.

The applicant has responded by submitting a revised BMP indicating BAL-12.5 and BAL-29 construction standards as per the CFA advice and the construction of a 2.1m high bushfire resistant shielding wall along a portion of the eastern site boundary. The CFA have reviewed the updated bushfire documentation and have consented to the proposal subject to the inclusion of several conditions, including specific measures relating to the proposed shielding fence, the provision of fire hydrants, road construction requirements, the provision of continued emergency vehicle access points in addition to the single vehicle access to Brears Road, and the preparation of a bushfire emergency plan.

The CFA have also provided advice with respect to future registration of the proposed dwellings and the need for specific fire services to be provided to the proposed clubhouse building in accordance with the Building Code of Australia.

Floodway Overlay

The RFO affects the north-eastern portion of the subject site extending over land allocated for the proposed communal open space and recreation area as well as the proposed stormwater management area, including sediment basin, wetland and retarding basin.

The relevant purposes of the Floodway Overlay include the following:

- *To identify waterways, major floodpaths, drainage depressions and high hazard areas which have the greatest risk and frequency of being affected by flooding.*
- *To ensure that any development maintains the free passage and temporary storage of floodwater, minimises flood damage and is compatible with flood hazard, local drainage conditions and the minimisation of soil erosion, sedimentation and silting.*
- *To protect water quality and waterways as natural resources by managing urban stormwater, protecting water supply catchment areas, and managing saline discharges to minimise the risks to the environmental quality of water and groundwater.*
- *To ensure that development maintains or improves river and wetland health, waterway protection and flood plain health.*



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In considering an application, the decision guidelines of the Overlays direct that consideration be given to the comments of the relevant floodplain management authority, in this case the Goulburn Broken Catchment Management Authority (GBCMA). Input has also been sought from Council's Engineering Department due to proposed infrastructure being located on flood prone land, particularly the proposed stormwater management area within the north-east corner of the site.

The GBCMA have advised that 1 in 100 AEP (1% AEP) flood levels have been declared for this area under the provisions of the Water Act, 1989. The declared 1 in 100 AEP flood level for the location described above is 123.7 metres AHD. Based on available ground data, the majority of the proposed development site is elevated above the applicable 1 in 100 AEP flood level. Flood depths exceeding 0.5 metre are likely in the northeast portion of the property during a 1 in 100 AEP type flood event.

The Authority notes that local storm events will result in overland flow along the internal road network (when the stormwater system capacity is exceeded – referred to as 'gap flows' in it's response).

Finished floor levels must also be elevated at least 300 millimetres above the 1 in 100 AEP local overland flood level.

The Goulburn Broken CMA has reviewed the provided stormwater management strategy, and makes the following comments:

- The strategy notes that a number of catchments (or part thereof) will discharge to the surrounding road network/drainage system and not the via the proposed stormwater treatment train in the northeast corner of the site.
- A key principle of the strategy is that all stormwater is treated to Best Practice Environmental Management Guidelines, however, it is unclear how this will occur when the 'gap flows' will not be directed to and treated by the proposed treatment train.
- The strategy notes that considering the proximity to the Murray River floodplain to the north, no retardation works are required. Some retardation will inherently be provided by the wetland system; however, the lack of formal retention or retardation works may result in increased flows onto the neighbouring road network (via the 'gap' flows) or to the property to north.

The Goulburn Broken CMA note that the proposed drainage solution includes a pipeline (discharge pipe) into the neighbouring property to the north (Allotment 15D, PP3967). Information available to the Authority indicates that this land is Crown land, and therefore any works on this land will require the approval of the Crown land manager.

In light of the information provided the Authority does not object to the granting of a permit subject to the inclusion of permit conditions relating to finished floor levels for the proposed dwellings, best practice guidelines for any fill required for civil works, limiting stormwater discharge rates to pre-development levels and obtaining the consent of the Crown land manager prior to any works commencing on Crown land.

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**8. Particular Provisions**

**Clause 52.02 – Easements, Restrictions and Reserves**

**Purpose:** *To enable the removal and variation of an easement or restrictions to enable a use or development that complies with the planning scheme after the interests of affected people are considered.*

**Permit requirement:** *A permit is required before a person proceeds:*

- *Under Section 23 of the Subdivision Act 1988 to create, vary or remove an easement or restriction or vary or remove a condition in the nature of an easement in a Crown grant.*
- *Under Section 24A of the Subdivision Act 1988.*
- *Under Section 36 of the Subdivision Act 1988 to acquire or remove an easement or remove a right of way.*

In the absence of any guidance or policy consideration in relation to applications to vary or remove easements, two questions of need and detriment have been developed by the Tribunal. Though not considered exhaustive the two questions, which if answered in the affirmative, would warrant a refusal of a permit to remove or vary an easement. The questions are:

1. Does the current use of or the current state or condition of the dominant and servient lands (tenements) indicate a need or requirement for the continued existence of the easement; and
2. Would the owners of the dominant land suffer any material detriment in the use and enjoyment of that land if the easement were removed or varied?

Easements proposed to be removed or altered and therefore forming part of this planning permit application include the following as shown on the Title Compilation Plan;

Water Supply Easements E-1, E-2, E-4 and E-8 – Title Compilation Plan

Water supply easement over 10, 22 and 38 Brears Road in favour of Lots in PS 118722 which generally applies to the provision of irrigation water to residential properties to the east of the subject site including Laird Court, Bushland Court and Yellowbox Court. It is proposed that the width of this easement be reduced from the current 20.12m and 10.06m widths down to 2 metres. It is proposed that the 2m wide easement be located on the respective west and southern boundaries of the affected lots, along the Brears Road and Murray Valley Highway frontages of the subject site.

The current easement widths of 20.12m and 10.06m are as a result of the original infrastructure within the easement being an open irrigation channel. The open channel has since been replaced with an underground irrigation pipe understood to be located between 4 metres and 6 metres off the site's existing Brears Road and Murray Valley Highway property boundaries. Reducing the easements to within 2m will require realignment of the irrigation pipe.

As the purpose of the easement will be maintained without detriment to its beneficiaries, this is generally supported. This matter is further discussed under the 'Submissions' section of this report.

Drainage Easements E-1, E-2, E-3, E-4 and E-6 – Title Compilation Plan

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Drainage easements shown E-3 and E-6 on the Title Compilation Plan are in favour of Council and provide for drainage of Jacqueline Court through to the River Murray floodplain.

Drainage easements over the western and eastern portions of 22 and 38 Brears Road are in favour of Lots in PS 118722. Easements along Brears Road align with the water supply easement. Easements along the eastern side of these lots facilitates drainage through to the north of the subject site where it adjoins Crown Land adjacent to the Murray River.

It is proposed to realign this easement in accordance with the submitted drainage strategy. Again, as the purpose of the easement will be maintained without detriment to its beneficiaries, the proposed alteration is generally supported, subject to more detailed specifications, computations and civil plans with respect to stormwater drainage.

Powerline Easements E-4 and E-5 – Title Compilation Plan

Powerline easement extending from Brears Road to the west over a portion of 38 Brears Road in favour of Powercor Australia. It is proposed to alter the location of this easement in response to the proposed village layout. The application has been referred to Powercor who have not objected to the proposal subject to conditions.

Carriageway Easements E-7 and E-8

7.5m wide carriageway easement over the south-east corner of 10 Brears Road in favour of lots in PS 118722, including the adjoining property to the east. While the benefited owner of the adjoining property has objected to the application the objection has not been on the grounds of any perceived detriment pertaining to the proposed removal or alteration of relevant easements on site.

The corresponding appurtenant easement at 1 Jacqueline Court has previously been removed and subsequently built over.

It appears that the carriageway easement may have originally been created to rationalise access to lots 3 and 4 on PS 118722 when it was created in 1976. A review of aerial imagery from the 1970's and 1980's does not indicate any use of it, or infrastructure in this location.

1990's and early 2000's imagery indicates an access point to the Murray Valley Highway at this location, however this appears to have been abandoned, possibly in line with the development of Jacqueline Court.

Given the manner in which lot 1 Jacqueline Court has been developed and the Murray Valley Highway frontage, it is not considered that the carriageway easement is necessary and as such the removal of the subject easement is supported. Comments from the adjacent owner in relation to buffers are considered ulterior and are addressed in the submissions section below.

As noted by the Tribunal in *Jordan v Stonnington City Council* [2004] VCAT 2008 (13 October 2004): "*The purpose of a right-of-way is to provide a right-of-way. The purpose of this right-of-carriageway is to provide a carriageway. It is not to frustrate what might be otherwise legitimate planning permit applications. I do not regard this ulterior consideration as a legitimate or relevant one.*"

**Clause 52.05 – Signs**

The purpose of Clause 52.05 is:

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- *To regulate the development of land for signs and associated structures.*
- *To ensure signs are compatible with the amenity and visual appearance of an area, including the existing or desired future character.*
- *To ensure signs do not contribute to excessive visual clutter or visual disorder.*
- *To ensure that signs do not cause loss of amenity or adversely affect the natural or built environment or the safety, appearance or efficiency of a road.*

Two 'estate' signs are shown adjacent the front entrance gates to Brears Road. Whilst not specifically detailed or dimensioned such signage forming part of the entry to a residential village is generally considered to be appropriate (and expected). Conditions requiring further signage details can ensure that any sign is appropriate to the residential context.

**Clause 52.06 – Car Parking**

Application is also made for a reduction in the number of carparking spaces required for the proposed development. While adequate resident parking is provided for each dwelling, in the form of individual garages, there is a considerable shortfall in the number of onsite visitor parking spaces. The proposal necessitates the provision of 41 visitor parking spaces whereas the only formal parking provision on site consists of 6 spaces at the proposed clubhouse and 5 spaces at the proposed wellness center. This development design results in a shortfall of 30 visitor parking spaces.

While dedicated visitor parking spaces have not been provided, the applicant submits that visitor parking can be suitably accommodated within the driveway of each dwelling. It is confirmed that all individual garages are setback 5.5m to adjacent internal roads so as to allow for the parking of one car to the front of each garage.

The applicant further submits that most visitors to the site will visit the occupants of individual dwellings and are more likely to park within the driveways of the respective dwellings than the 11 community facility car parks. It is submitted that access to the community facilities will be generally in the form of foot traffic from residents and their visitors.

While there is 5.5m of driveway between proposed garages and the internal roads such parking arrangement is considered very tight in the context of the proposed high density development. While it is considered some visitors may well park in front of individual garages others will defer to more formalised parking arrangements or on street parking. The ability for cars to technically be able to park in individual driveways is not considered sufficient in addressing the 30 car space shortfall alone. Other measures should include the provision of additional formal parking spaces on site for visitors and the upgrading of Brears Road to a residential standard expected for a public road adjacent to a high density residential development.

There is adequate area on site to provide up to 20 additional visitor spaces in central locations without altering the layout of the development (see figure below). While some shortfall is supported on the basis of driveway lengths, some further effort needs to go toward providing more formal parking spaces for a development of this scale. It is therefore recommended that the provision of at least an additional 10 visitor spaces be provided on site in the form of amended plans providing for a minimum of 21 formal visitor parking spaces on site.

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Figure 17: Suggested additional onsite parking areas

**Clause 52.17 – Native Vegetation**

The proposed development layout and design also necessitates the removal of native vegetation. While some native vegetation has been determined to be planted and therefore not requiring a planning permit for its removal, other native vegetation has been determined to be remnant and therefore does require a planning permit for its removal. Remnant native vegetation proposed to be removed consists of 10 separate scattered patches, 3 scattered large trees and 38 scattered small trees, totalling in 3.16ha of native vegetation disturbance.

Pursuant to Clause 52.17-1 a planning permit is required for the removal of native vegetation. An application to remove, destroy or lop native vegetation must comply with the application requirements specified in the *Guidelines for the removal, destruction or lopping of native vegetation* (DELWP, 2017).

The submitted application addresses the requirements as set out in the *Guidelines*. The Native vegetation removal report submitted with the application has determined that the application is subject to the **Detailed Assessment Pathway**. The application has been assessed in accordance with the Detailed Assessment Pathway, including referral to DEECA as a 'recommending referral authority' under clause 66.02-2 of the Planning Scheme.

The objective of planning in Victoria as it relates to native vegetation is to ensure that permitted clearing of native vegetation results in no net loss in the contribution made by native vegetation to Victoria's biodiversity. This means that the permitted clearing has a neutral impact on the State's biodiversity.

To do this the responsible authority is required to apply the three-step approach to managing native vegetation as set out in 'Guidelines for the removal, destruction or lopping of native vegetation' (Department of Environment, Land, Water and Planning, 2017). These are:

- To avoid the removal of native vegetation.

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- If the removal of native vegetation cannot be avoided, to minimise the removal of native vegetation through appropriate planning and design.
- To appropriately offset the loss of native vegetation.

Following previous requests for further information, and subsequent updates to relevant documentation, it has been determined that the proposal has met the three-step approach as impacts have been focussed on areas of low-quality patch understory vegetation and avoids areas of large scattered trees. Areas of native understory and high value large trees to be retained will now be protected and enhanced to create conservation reserves throughout the site.

When native vegetation removal is permitted, an offset must be secured which achieves a no net loss outcome for biodiversity. To achieve this, the offset must make a contribution to Victoria's biodiversity that is equivalent to the contribution made by the native vegetation that was removed. The type and amount of offset required depends on the native vegetation being removed and the contribution it makes to Victoria's biodiversity.

In the context of the current proposal that the native vegetation removal report provides the requisite offsets:

- A general offset is required.
- **1.0010** general habitat units are required as the offset.
- The offset must provide a minimum strategic biodiversity value score of **0.5786**.
- The offset is required to contain **3** large trees in either the General, Species or combination across all habitat units protected.

On the basis of the above, DEECA has advised that it does not object to a planning permit being granted but recommends the inclusion of a number of conditions relating to offset requirements and the protection of retained vegetation.

**Clause 53.02 – Bushfire Planning**

The provisions of Clause 53.02 are discussed under the Bushfire Management Overlay.

**Clause 53.18 – Stormwater management in urban development**

The applicant has addressed the relevant provisions of Clause 53.18-5 and Clause 53.18-6 along with a relatively detailed stormwater management strategy.

The application was referred to Council's Engineering Department who raise concerns with the location of the proposed stormwater management system. The key issues being whether it is appropriate to site wetlands within the floodplain and risks associated with integrating public and private drainage assets. Legal advice was sought (confidential attachment 3) to assist with assessing the appropriateness of the proposal.

This development proposes to retain the stormwater drainage assets within the private ownership and management of the residential village. This is important to note as accepting these as public assets would be contrary to Council's Infrastructure Design Manual (IDM) which does not support siting wetland/retardation facilities within areas subject to flooding during a 1% AEP or one-in-100-year event. This manages risks associated with potential asset damage, failure and reinstatement costs in such an event.

The application was referred to the relevant floodplain authority being Goulburn Broken

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Catchment Management Authority (GBCMA). The GBCMA have no objection to the proposal.

As the assets will remain in private ownership and the GBCMA have no objection to the location of the wetlands, the proposal can be supported subject to permit conditions. Permit conditions should include ongoing responsibility for monitoring, maintenance, repair and reinstatement of the drainage works where necessary.

As Council is not the local drainage authority in relation to the pipeline outfall from the private drainage works. Separate consent must be sought from DEECA from the owner of the Residential Village, and such consent is:

- not the same as the referral response that DEECA has provided; and
- a matter entirely between the Residential Village developer and DEECA.

It is also noted that the stormwater strategy proposes stormwater from Jacqueline Court be drained into the proposed private wetland which is not supported given this would mix public and private water complicating maintenance responsibilities. The applicant has provided in their latest further information submission a schematic demonstrating how the public and private water may be separated but water quality treatment from Jacqueline Court has not been reviewed under this scenario.

It is therefore recommended that should a permit be issued, it be subject to conditions that prevent any private drainage works from discharging into any Council infrastructure and to confirm, if any pipeline is allowed to be placed within Council's easement, that pipeline remains the property of the Residential Village owner. This would need to be detailed in a Section 173 Agreement.

It will also be necessary to ensure that any alterations made to existing Council infrastructure meet the current best practice performance objectives for stormwater quality as contained in the *Urban Stormwater - Best Practice Environmental Management Guidelines (Victorian Stormwater Committee, 1999)*.

## 9. Planning Policy Framework

Relevant Municipal Planning Strategies include:

- Clause 02.03-1 Settlement

*Moira Shire is a predominantly rural municipality. Cobram, Yarrawonga, Numurkah and Nathalia are the four principal towns and have been identified as key sub-regional settlements. Residential development is encouraged in these four principal towns to attract and support expanding populations that will, in turn, stimulate the economic and social development of these centres.*

*Yarrawonga, located on the banks of Lake Mulwala (Yarrawonga Weir) is a key cross-border settlement. In combination with Mulwala, it is an attractive tourism destination with a wide range of land and water-based recreation and entertainment options. Yarrawonga has the strongest growth rate of all Moira's centres, with residential and retirement living expanding rapidly on the eastern side of the town. Recent and future growth is shifting the town's focus along the banks of Lake Mulwala and the Murray Valley Highway.*

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Yarrawonga is identified as a principal town within the Moira Shire. Residential development is encouraged within principal towns to attract and support growing populations.

- Clause 02.03-6 Housing

*Moira's ageing population and diverse population mix is likely to lead to an increasing demand for a range of housing and community services.*

*This includes alternatives to traditional family housing, especially the provision of medium density housing, accommodation to suit the housing needs of young people and affordable housing.*

*Increased housing options are needed particularly in the four large urban centres of Cobram, Yarrawonga, Numurkah and Nathalia, where there is greater access to both physical and social services.*

The proposed development is in keeping with the Housing Strategy of the Moira Planning Scheme in that it adds to the diversity of housing stock in the area.

Relevant Planning Policies include:

- Clause 11 Settlement

*Encourage a form and density of settlements that supports healthy, active and sustainable transport. Limit urban sprawl and direct growth into existing settlements. Promote and capitalise on opportunities for urban renewal and infill redevelopment.*

- 11.01-1L-03 Yarrawonga

*Encourage development that provides physical and community infrastructure and services in sequence with development.*

The proposed development directs growth into an existing settlement. The development is meeting community needs by creating housing diversity that is integrated into an established and reasonably well-located area with nearby local services. While preference would be that a development of this density be located closer to the town center and out of the low-density residential zone it is noted that land supply for such development is limited. On balance, the location of the proposed development is deemed acceptable subject to an upgrade of infrastructure appropriate to the high-density residential nature of the proposal. Relevant service providers have consented to the proposal. Requirements from the Council's Engineering Department and from the DTP for an upgraded Brears Road, including street lighting, kerb and channel and footpaths, and Brears Road/Murray Valley Highway intersection are deemed necessary and appropriate.

- 11.02-1S Supply of urban land

While generally applicable to a Planning Authority, the following principles are considered to apply to a Responsible Authority when being asked to consider a high density residential development in a Low Density Residential and Rural Living Zone on the edge of the settlement boundary:



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*Ensure the ongoing provision of land and supporting infrastructure to support sustainable urban development.*

*Planning for urban growth should consider:*

- Opportunities for the consolidation, redevelopment and intensification of existing urban areas.*
  - Neighbourhood character and landscape considerations.*
  - The limits of land capability and natural hazards and environmental quality.*
  - Service limitations and the costs of providing infrastructure.*
- 11.02-3S Sequencing of development*

As with the supply of urban land, given the nature of the proposal and the location of the site, principles in relation to the sequencing of development are considered relevant to the consideration of the application. This policy has the objective of managing the sequence of development in areas of growth so that services are available from early in the life of new communities.

Strategies include:

*Require new development to make a financial contribution to the provision of infrastructure such as community facilities, public transport and roads.*

*Improve the coordination and timing of infrastructure and service delivery in areas of growth.*

*Ensure that planning for water supply, sewerage and drainage works receives high priority in early planning for areas of growth.*

- Clause 12.01-1S Protection of biodiversity*

The objective of this policy is to protect and enhance Victoria's biodiversity.

Strategies to achieve this include:

*Ensure that decision making takes into account the impacts of land use and development on Victoria's biodiversity, including consideration of:*

- Cumulative impacts.*
- Fragmentation of habitat.*
- The spread of pest plants, animals and pathogens into natural ecosystems.*

*Avoid impacts of land use and development on important areas of biodiversity.*

*Support land use and development that contributes to protecting and enhancing habitat for indigenous plants and animals in urban areas.*

Most of the subject land is within a residential zone and therefore residential development is expected. The application has avoided the removal of existing vegetation where possible and proposes to plant more vegetation across the site as part of the residential development.

- Clause 12.01-1L Protection of biodiversity in Moira*

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The strategy of this policy is to encourage native vegetation plantings to assist in the enhancement of biodiversity.

A landscape plan has been provided as part of the application and this shows proposed planting across the site, the majority being internal street trees. Some native species of trees, shrubs and grasses have been chosen and this can be augmented further by permit condition if required.

- Clause 12.01-2S Native vegetation management

The objective of this policy is to ensure that there is no net loss of biodiversity as a result of the removal, destruction or lopping of native vegetation.

The strategy to achieve this is:

*Ensure decisions that involve, or will lead to, the removal, destruction or lopping of native vegetation, apply the three-step approach in accordance with the Guidelines for the removal, destruction or lopping of native vegetation (Department of Environment, Land, Water and Planning, 2017):*

- *Avoid the removal, destruction or lopping of native vegetation.*
- *Minimise impacts from the removal, destruction or lopping of native vegetation that cannot be avoided.*
- *Provide an offset to compensate for the biodiversity impact from the removal, destruction or lopping of native vegetation.*

The application was submitted with the information required by the *Guidelines* and this has been referred to the Department of Energy, Environment and Climate Action (DEECA) for comment. They required further information in the form of an amended internal layout to further avoid and minimise native vegetation loss. An amended layout has since been provided with a reduction in native vegetation removal across the site. DEECA now do not object to the proposal.

- Clause 12.03-1S River and riparian corridors, waterways, lakes, wetlands and billabongs

The objective of this policy is to protect and enhance waterway systems including river and riparian corridors, waterways, lakes, wetlands and billabongs.

Strategies to achieve this include:

*Protect the environmental, cultural, landscape values of all waterway systems as significant economic, environmental and cultural assets.*

*Conserve waterway systems and the landscapes and environmental values surrounding them by protecting ecological values, indigenous vegetation, terrestrial and aquatic habitats and encouraging biodiversity.*

*Sensitively design and site development to maintain and enhance the waterway system and the surrounding landscape setting, environmental assets, and ecological and hydrological systems.*

All proposed buildings have been sited outside the Murray River floodplain except for a 'stomping shed' associated with the recreation zone. Works within the floodplain include the

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wetland system and various recreational opportunities including open lawn, pergola with seating areas, bowling green, pickle ball courts and private vineyard.

Vegetation removal in this area of the subject land has been minimised and stormwater would be required to be adequately treated before discharge into the Crown Land to the north.

- Clause 13.01-1S Natural hazards and climate change

The objective of this policy is to minimise the impacts of natural hazards and adapt to the impacts of climate change through risk-based planning.

Strategies to achieve this include:

*Identify at risk areas using the best available data and climate change science.*

*Integrate strategic land use planning with emergency management decision making.*

*Direct population growth and development to low risk locations.*

*Site and design development to minimise risk to life, health, property, the natural environment and community infrastructure from natural hazards.*

The land is partially affected by the Floodway Overlay (FO) and Bushfire Management Overlay (BMO). The entire site is located within an identified bushfire prone area and therefore cannot be avoided. The proposed development has been designed to reduce the location of buildings and works within the FO and BMO.

- Clause 13.01-1L Greenhouse gas abatement in Moira

The strategy of this policy is to encourage native vegetation plantings to assist in greenhouse gas abatement.

The landscape plan submitted shows a mix of plantings across the site including various native species.

- Clause 13.02-1S Bushfire planning

The objective of this policy is to strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life.

Strategies to achieve this include:

*Give priority to the protection of human life.*

*Identify bushfire hazard and undertake appropriate risk assessment.*

*Ensure settlement growth and development approvals can implement bushfire protection measures without unacceptable biodiversity impacts by discouraging settlement growth and development in bushfire affected areas that are important areas of biodiversity.*

The northern part of the site is affected by the Bushfire Management Overlay (BMO) and the entire site is within an identified bushfire prone area. The majority of the proposed development would be located outside the more severe BMO and the application requirements at Clause 44.06-3 have been supplied demonstrating that the risk can be reduced to an acceptable level.

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- Clause 13.03-1S Floodplain management

The objective of this policy is to assist the protection of:

- Life, property and community infrastructure from flood hazard, including coastal inundation, riverine and overland flows.
- The natural flood carrying capacity of rivers, streams and floodways.
- The flood storage function of floodplains and waterways.
- Floodplain areas of environmental significance or of importance to river, wetland or coastal health.

Strategies to achieve this include:

*Identify land affected by flooding, including land inundated by the 1 in 100 year flood event (1 per cent Annual Exceedance Probability) or as determined by the floodplain management authority in planning schemes.*

*Avoid intensifying the impact of flooding through inappropriately located use and development.*

*Plan for the cumulative impacts of use and development on flood behaviour.*

*Ensure land use on floodplains minimises the risk of waterway contamination occurring during floods and floodplains are able to function as temporary storage to moderate peak flows and minimise downstream impacts.*

The northeastern corner of the site largely within the Rural Living Zone (RLZ) is affected by the Floodway Overlay (FO). The proposed development located within this floodplain has been minimised and is not considered to detrimentally affect it in regard to storage capacity or contamination.

- Clause 13.03-1L Floodplain management in Moira

The strategies of this policy are to:

*Ensure that buildings near the Murray River are sited away from the river and on land that is free from flooding.*

*Ensure development in areas prone to flooding minimise flooding impacts on land outside the identified area of potential flooding.*

One building being a 'stomping shed' associated with the open recreation zone is proposed within the floodplain. The stormwater drainage system would be located within the floodplain but is unlikely to detrimentally impact flooding impacts on adjoining properties given it includes detention as well as treatment.

- Clause 14.02-1S Catchment planning and management

The objective of this policy is to assist the protection and restoration of catchments, waterways, estuaries, bays, water bodies, groundwater, and the marine environment.

Strategies to achieve this include:

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*Consider the impacts of catchment management on downstream water quality and freshwater, coastal and marine environments.*

*Retain natural drainage corridors with vegetated buffer zones at least 30 metres wide along each side of a waterway to:*

- Maintain the natural drainage function, stream habitat and wildlife corridors and landscape values,*
- Minimise erosion of stream banks and verges, and*
- Reduce polluted surface runoff from adjacent land uses.*

*Undertake measures to minimise the quantity and retard the flow of stormwater from developed areas.*

*Require appropriate measures to filter sediment and wastes from stormwater prior to its discharge into waterways, including the preservation of floodplain or other land for wetlands and retention basins.*

A drainage strategy has been provided as part of the application and it provides for the detention and treatment of stormwater on site before being discharged into the Murray River floodplain adjoining the site to the north. The system would include the typical pit and pipes throughout the internal road network as well as a wetland system in the northeast corner.

- Clause 14.02-1L Stormwater management in Yarrawonga

The objective of this policy is to facilitate a strategic approach to stormwater management in Yarrawonga.

Strategies to achieve this include:

*Ensure new developments undertake a catchment wide approach for managing urban stormwater runoff.*

*Ensure new developments are generally in accordance with the Yarrawonga Stormwater Drainage Strategy and should:*

- Demonstrate that stormwater outcomes comply with the Yarrawonga Stormwater Drainage Strategy.*
- Provide opportunities for integrated water management.*
- Introduce the opportunity for linear wetlands with amenity benefits for the community.*
- Where an alternative stormwater response is proposed, demonstrate that the outcomes have considered the entire stormwater district and will result in an improved outcome for stormwater; amenity for community and integration into future developments.*

The stormwater strategy this clause appears to refer to the *Yarrawonga Framework Plan: Stormwater Drainage Strategy* (Alluvium, VPA, Moira Shire Council, 2019). The subject land is within the Yarrawonga Framework Plan boundary referred to in this strategy however it is not within one of the identified major catchments or RORB catchments.

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What is therefore more relevant is the stormwater drainage strategy provided with the application and this adequately demonstrates that stormwater generated by the proposal can be adequately managed onsite without detrimentally impacting downstream catchments.

- Clause 14.02-2S Water quality

The objective of this policy is to protect water quality.

Strategies to achieve this include:

*Protect reservoirs, water mains and local storage facilities from potential contamination.*

*Avoid detrimental impacts on groundwater resources and minimise risk of harm to human health and the environment from proposed land use or development.*

Stormwater generated by the proposal will be treated by the proposed wetland system and would not have a detrimental impact on water quality. It is noted that during a flood event this system would be compromised however during such an event the whole area would be flooded with contaminated water.

The residential nature of the proposed use and development is also unlikely to negatively impact water quality.

- Clause 15.01-1S Urban design

The objective of this policy is to create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity.

Strategies to achieve this include:

*Require development to respond to its context in terms of character, cultural identity, natural features, surrounding landscape and climate.*

*Ensure the interface between the private and public realm protects and enhances personal safety.*

*Ensure development supports public realm amenity and safe access to walking and cycling environments and public transport.*

*Promote good urban design along and abutting transport corridors.*

Concern has been raised by Council Officers throughout the application process with respect the design of the development turning its back on the public realm, both in terms of layout and consequent of this, the built form having minimal setbacks, within a gated community with no active street frontages. The design's lack of appropriate interface with the surrounding public realm at a key gateway entry to the Yarrawonga urban area has been seen as a key issue for the development.

Ready options to address this and better integrate the development with the surrounding area, such as flipping the layout of the development so as to effectively provide service roads and an active frontage to the public realm, have not been seriously explored by the applicant.

The applicant has been asked to give consideration to orienting dwellings to front the public realm, together with appropriate fencing and landscaping so as to provide an active frontage

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rather than the development turning its back on the street. It has been suggested that an internal perimeter road be provided along the Brears Road and Murray Valley Highway frontages of the subject land such that the development front these roads.

The design response to Officer advice has maintained an internally fronted development that continues to not actively front the respective streets; however, it does propose design treatments to improve the interface to these streets aesthetically and, to a certain extent, provide some level of passive surveillance. Such treatments include:

- A redesign of dwellings immediately adjacent to Brears Road and the Murray Valley Highway with specific treatments to the rear of these dwellings to achieve what the applicant has termed a 'dual-fronted outcome'. 'Dual frontage' treatments to the rear of the subject dwellings include glazed internal living areas and roof form treatments replicating those of the front elevation of the respective dwellings.
- A redesign of fencing and landscape treatments fronting Brears Road. While a 1.8m perimeter palisade fence is still proposed, this is to be broken up with a rock feature wall at relevant intervals and some articulation of the palisade fence itself. Furthermore, landscaping is proposed to the front and rear of the fenced area for a width of up to 3 metres so as to soften the extent of fencing proposed.

While not preferred, the proposed treatments with some modification, are generally acceptable. The fence line and landscape treatments along Brears Road are not proposed to be extended along the Murray Valley Highway where instead a consistent fence type has been chosen without articulation or a variation in materials and landscaping.

This is of some concern given the prominence of the Murray Valley Highway as a gateway entrance to the township however given the potential permeability of this fence type, landscaping and the variation of fence types fronting the Highway throughout Yarrawonga, it is considered generally acceptable. An alternative would be to require a minor redistribution of site types which would allow redesign to provide an interface treatment to the Murray Valley Highway as has been proposed along Brears Road. There is adequate space to the rear of Sites 152, 153 and 154 as well as the open space area to the west of Site 154 to achieve this.

Given the fence styles and "dual frontage" treatments are proposed to make the built form outcome acceptable while not addressing the fundamental issue of the layout of the design, the fence heights are of particular concern and work against the ameliorative measures proposed.

A 1.8m high front fencing would not be permissible in a General Residential Zone. The proposed development is within the Low Density Residential Zone on the outskirts of Yarrawonga and exceeds the density of development generally found within the General Residential Zone as well as encroaching within the front setbacks that would be required in the higher density residential zones. Under the circumstances, limiting the fence heights to a maximum 1.5m is a reasonable response to the development in the context of the area.

Accordingly, amended plans should be provided limiting the height of fencing to 1.5m, setting fencing along the Murray Valley Highway off the boundary to accommodate landscape planting in accordance with the concept provided or demonstrating the provision of similar fence and landscape treatments to the Murray Valley Highway frontage, as has been provided along Brears Road and, increasing the permeability of the fencing over that proposed which has the potential to appear as a solid fence for much of the frontage.

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The same applies to the interface treatment to Jacqueline Court where the plans currently propose a 1.8m to 2.1m colorbond fence which is not considered consistent with the character of the area.

As with the proposed fencing, building setbacks are somewhat less than could have been approved for dwellings within one of the higher density residential zones at the time the application was made. Changes recently made by the Victorian government to the residential development planning provisions however have relaxed these setbacks to 4m. Though not directly relevant to a residential village, given the significant change this high density development will make to the character of the area, it is not considered unreasonable to adopt this as a minimum standard.

Adopting a minimum 4m setback from boundary fencing will potentially provide further articulation in the built form and is necessary to accommodate the fencing and landscaping treatments, water pipeline easement and marginally improves private space for dwellings "fronting" the public realm. This minor change can be readily absorbed within depths of other dwellings sites within the site or in the case of sites 155 to 160 can be accommodated by a minor redistribution of site types.

- Clause 15.01-2S Building design

The objective of this policy is to achieve building design and siting outcomes that contribute positively to the local context, enhance the public realm and support environmentally sustainable development.

Strategies to achieve this include:

- *minimising the detrimental impact of development on neighbouring properties, the public realm and the natural environment.*
- *ensuring the form, scale, and appearance of development enhances the function and amenity of the public realm.*
- *ensuring development considers and responds to transport movement networks and provides safe access and egress for pedestrians, cyclists and vehicles.*

The development is adequately setback from neighbouring properties with suitable boundary fence treatments so as to minimise detrimental impacts. Treatments along public interfaces have been found to be generally acceptable noting the comments above regarding fencing and landscaping to the Murray Valley Highway frontage of the site.

- Clause 15.01-4S Healthy neighbourhoods

The objective of this policy is to achieve neighbourhoods that foster healthy and active living and community wellbeing.

Strategies to achieve this include:

*Design neighbourhoods that foster community interaction and make it easy for people of all ages and abilities to live healthy lifestyles and engage in regular physical activity by providing:*

- *Connected, safe, pleasant and attractive walking and cycling networks that enable and promote walking and cycling as a part of daily life.*
- *Streets with direct, safe and convenient access to destinations.*



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- *Conveniently located public spaces for active recreation and leisure.*
- *Accessibly located public transport stops.*
- *Amenities and protection to support physical activity in all weather conditions.*

The internal road layout will provide for convenient access within the site however no external footpaths are proposed along Brears Road. The application identifies the close proximity of a bus stop on Brears Road and simply states that people will be able to directly access it from the site. Brears Road currently has no formed kerb and channel or footpaths and the road reserve would not be suitable to walk on particularly during and after wet weather events.

To ensure that pedestrians and cyclists can safely travel to and from the site to either the bus stop or the existing shared path along the Murray Valley Highway, this development should provide a shared path at a minimum.

- Clause 15.01-5S Neighbourhood character

The objective of this policy is to recognise, support and protect neighbourhood character, cultural identity, and sense of place.

Strategies include:

*Support development that respects the existing neighbourhood character or contributes to a preferred neighbourhood character.*

*Ensure development responds to its context and reinforces a sense of place and the valued features and characteristics of the local environment and place by respecting the neighbourhood character values and built form that reflect community identity.*

While the development is generally inconstant with the existing and intended character of the surrounding area, the proposal is considered appropriate on balance, particularly in relation to the additional housing supply it provides within the Yarrawonga urban settlement boundary. The proposal is not the only higher density development in the otherwise low-density and rural living setting. There is an existing camping and caravan park fronting the Murray Valley Highway approximately 150m to the east and a portion of the subject site itself is currently being used as a camping and caravan park. Measures have been undertaken to soften the impact of the proposal in the context of the surrounding area; however, given the density of the development some upgrading of public infrastructure is required to ensure the impacts are to an acceptable level.

- Clause 15.03-2S Aboriginal cultural heritage

The objective of this policy is to ensure the protection and conservation of places of Aboriginal cultural heritage significance.

Strategies to achieve this include:

*Identify, assess and document places of Aboriginal cultural heritage significance, in consultation with relevant Registered Aboriginal Parties, as a basis for their inclusion in the planning scheme.*

*Provide for the protection and conservation of pre-contact and post-contact Aboriginal cultural heritage places.*

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*Ensure that permit approvals align with the recommendations of any relevant Cultural Heritage Management Plan approved under the Aboriginal Heritage Act 2006.*

A large portion of the site is identified as an area of Aboriginal Cultural Heritage Sensitivity and a Cultural Heritage Management Plan (CHMP) was required to be submitted as part of the application. The proposed development area did not match the assessed area within the CHMP therefore the application was amended 9<sup>th</sup> April 2025 to ensure they aligned.

Two artefact scatters and nine low-density artefact distributions were identified across the activity area. There are nine conditions within the approved CHMP that must be complied with prior to the activity commencing.

- Clause 16 Housing

Planning should provide for housing diversity and ensure the efficient provision of supporting infrastructure. Planning should ensure the long-term sustainability of new housing, including access to services, walkability to activity centres, public transport, schools and open space. Planning for housing should include the provision of land for affordable housing.

Clause 16.01-1S has the objective of facilitating well-located, integrated and diverse housing that meets community needs. Strategies to achieve this are:

*Ensure that an appropriate quantity, quality and type of housing is provided, including aged care facilities and other housing suitable for older people, supported accommodation for people with disability, rooming houses, student accommodation and social housing.*

*Increase the proportion of housing in designated locations in established urban areas (including under-utilised urban land) and reduce the share of new dwellings in greenfield, fringe and dispersed development areas.*

*Encourage higher density housing development on sites that are well located in relation to jobs, services and public transport.*

*Identify opportunities for increased residential densities to help consolidate urban areas.*

*Facilitate diverse housing that offers choice and meets changing household needs by widening housing diversity through a mix of housing types.*

- 16.01-1L Housing supply in Moira

*Encourage a mix of housing types, particularly smaller housing units in Yarrawonga near the Central Business District.*

*Promote a wide range of housing opportunities in urban areas that respond to the housing needs of the population through all stages of the lifecycle.*

*Locate alternative forms of supported housing, such as retirement and nursing homes, in existing urban centres that are accessible to community and social infrastructure.*

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The proposal will provide a high-density housing development on the edge of the Yarrawonga township which is not entirely consistent with the purpose of the relevant zones, particularly the LDRZ which is to provide for low-density residential development. None-the-less the proposed use is a Section 2 Use that can be considered on its merits against the provisions of the relevant zones and the Planning Scheme more generally.

In this regard there are no decision guidelines under the LDRZ pertaining to use or buildings and works other than to consider the Municipal Planning Strategy and the Planning Policy Framework.

The subject land has, on balance, been found to be an appropriate site for the proposed development, particularly in relation to the additional housing supply it provides within the Yarrawonga urban settlement boundary. Physical barriers separate the site and area from residential land to the south. Brears Road provides separation and a buffer to other LDRZ land to the west and various interface treatments consistent with the densification of LDRZ land in the locality are proposed with the adjoining lots. Pedestrian and public transport links exist and can be accessed by the site. The development will generally contribute positively to housing diversity. Infrastructure provision must be provided to a standard suitable for the high density residential development.

- Clause 18.01-2L Transport links in Yarrawonga

The strategies of this policy are to:

*Integrate new developments with existing street networks.*

*Provide future connections where parcels are not yet developed.*

*Facilitate the connection of unfinished trails and linkages between trails both within and between Yarrawonga and Mulwala.*

*Protect the amenity of the Murray Valley Highway.*

Should a permit be granted it should include a condition requiring the construction of a shared path along Brears Road to link into the existing path along the Murray Valley Highway. Brears Road also requires upgrading to an urban road in accordance with the Infrastructure Design Manual (IDM) given the increased traffic anticipated because of an additional 205 dwellings. The application was referred to the Department of Transport and Planning (DTP) and they have identified that works are required at the intersection between Brears Road and the Murray Valley Highway to ensure public safety.

A development of the scale proposed is expected to contribute to the upgrading of infrastructure including transport links where appropriate. In this instance Brears Road and the properties along it are low density in nature and it is proposed to introduce a high density residential development in an area not readily serviced for it.

- Clause 18.01-3S Sustainable and safe transport

The objective of this policy is to facilitate an environmentally sustainable transport system that is safe and supports health and wellbeing.

Strategies to achieve this include:

*Plan the transport system to be safe by:*

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- *Developing safe transport infrastructure.*
- *Optimising accessibility, emergency access, service and amenity.*
- *Separating pedestrians, bicycles and motor vehicles, where practicable.*
- *Reducing the need for cyclists to mix with other road users.*
- *Supporting road users to make safe choices through design and wayfinding techniques.*
- *Prioritising transport safety when designing high-speed roads and intersections.*

*Support forms of transport and energy use that have the greatest benefit for, and least negative impact on, health and wellbeing.*

*Design the transport system to be accessible to all users.*

*Design development to promote walking, cycling and the use of public transport, in that order, and minimise car dependency.*

As discussed above it is considered necessary to provide a footpath link along Brears Road to connect this land to the Murray Valley Highway. It is also necessary to ensure that Brears Road itself is upgraded to cater for the development. It is not appropriate for pedestrians to rely on the existing Brears Road as there would be no safe separation from vehicles. The existing Brears Road roadside is not accessible for all road users.

- Clause 18.02-1S Walking

The objective of this policy is to facilitate an efficient and safe walking network and increase the proportion of trips made by walking.

Strategies to achieve this include:

*Plan and develop walking networks to:*

- *Provide pedestrian routes that are safe, direct and comfortable to use.*
- *Enable walking as a part of everyday life.*
- *Enable people to meet more of their needs locally and rely less on their cars.*
- *Be accessible to vehicles that use footpaths, including wheelchairs, prams and scooters.*
- *Accommodate emerging forms of low-emission, low-speed personal transport.*

*Develop principal pedestrian networks for local areas that link with the transport system.  
Provide walking infrastructure in all major transport projects.*

*Design walking routes to be comfortable by providing shelter from the sun through canopy trees, verandahs and other structures.*

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*Design direct, comfortable and connected walking infrastructure to and between key destinations including activity centres, public transport interchanges, employment areas, urban renewal precincts and major attractions.*

A development of the scale proposed is expected to have direct access to a footpath network. Given the closest currently runs along the north side of the Murray Valley Highway it will be necessary for the developer to provide this connection along the Brears Road frontage of the development.

- Clause 18.02-2S Cycling

The objective of this policy is to facilitate an efficient and safe bicycle network and increase the proportion of trips made by cycling.

Strategies to achieve this include:

*Plan and develop cycling networks to:*

- *Provide routes that are safe, comfortable, low-stress and well connected.*
- *Enable cycling as a part of everyday life.*
- *Enable people to meet more of their needs locally by cycling and to rely less on their cars.*
- *Accommodate emerging forms of low emission, low and moderate speed personal transport.*

As per the above, it is expected that this development provides a shared path along the Brears Road frontage to connect into the existing path along the north side of the Murray Valley Highway. This can be used by cyclists as well as pedestrians to facilitate safe active transport.

- Clause 18.02-4S Roads

The objective of this policy is to facilitate an efficient and safe road network that integrates all movement networks and makes best use of existing infrastructure.

Strategies to achieve this include:

*Plan and develop the road network to:*

- *Ensure people are safe on and around roads.*
- *Improve people's perceptions of safety on and around roads.*
- *Improve road connections for all road users.*
- *Facilitate the use of public transport, cycling and walking.*

Brears Road currently is not wide enough to accommodate the vehicle movements anticipated and has no formalised drainage or footpath. To ensure the safety of all road users Brears Road and the intersection with Brears Road and the Murray Valley Highway require upgrade.

- Clause 19.03-2S Infrastructure design and provision

The objective of this policy is to provide timely, efficient and cost-effective development infrastructure that meets the needs of the community.

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Strategies to achieve this include:

*Provide an integrated approach to the planning and engineering design of new subdivision and development.*

*Integrate developments with infrastructure and services, whether they are in existing suburbs, growth areas or regional towns.*

The site is within a low density/rural residential area with limited available infrastructure. To be suitable in this location, this development therefore needs to contribute to an upgrade of this infrastructure including sewer provision, road upgrades and footpath provision. The onus of providing this is on the developer as it is the development that increases the density of this area and creates the need for the infrastructure upgrades.

- Clause 19.03-3S Integrated water management

The objective of this policy is to sustainably manage water supply and demand, water resources, wastewater, drainage and stormwater through an integrated water management approach.

Strategies to achieve this include:

*Plan and coordinate integrated water management, bringing together stormwater, wastewater, drainage, water supply, water treatment and re-use, to:*

- *Take into account the catchment context.*
- *Protect downstream environments, waterways and bays.*
- *Manage and use potable water efficiently.*
- *Reduce pressure on Victoria's drinking water supplies.*
- *Minimise drainage, water or wastewater infrastructure and operational costs.*
- *Minimise flood risks.*
- *Provide urban environments that are more resilient to the effects of climate change.*
- *Integrate water into the landscape to facilitate cooling, local habitat improvements and provision of attractive and enjoyable spaces for community use.*

*Facilitate use of alternative water sources such as rainwater, stormwater, recycled water and run-off from irrigated farmland.*

*Ensure that development protects and improves the health of water bodies including creeks, rivers, wetlands, estuaries and bays by:*

- *Minimising stormwater quality and quantity related impacts.*
- *Filtering sediment and waste from stormwater prior to discharge from a site.*
- *Managing industrial and commercial toxicants in an appropriate way.*
- *Requiring appropriate measures to mitigate litter, sediment and other discharges from construction sites.*



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*Manage stormwater quality and quantity through a mix of on-site measures and developer contributions at a scale that will provide greatest net community benefit.*

*Minimise the potential impacts of water, sewerage and drainage assets on the environment.*

*Ensure that the use and development of land identifies and appropriately responds to potential environmental risks, and contributes to maintaining or improving the environmental quality of water and groundwater.*

Notice of the application was given to North East Water to ensure that there was capacity to service the development with both reticulated water and sewer. North East Water have advised that if a permit is granted the developer will need to work with North East Water to provide that infrastructure to the land in a coordinated manner.

The application has been referred to Councils Engineering Development Department and concerns have been raised about the proposed wetland system being located within the FO. During flood events this would not be the only contributor of contamination to flood waters and outside these events the drainage strategy provided demonstrates that the proposed system will adequately cater for the treatment and detention of stormwater generated by this development.

The Goulburn Broken Catchment Management Authority (GBCMA) is the principal agency in relation to flooding and flood management and has provided a consent to the drainage works within the FO.

#### **10. Matters Raised in Public Submissions**

The main issues raised in the submissions relate to the density of the proposed use and development and character of the area, traffic impacts, a shortfall in car parking requirements, amenity impacts, waste management, impacts on local services and infrastructure including a raw water pipeline passing through the subject site, amenity and traffic impacts during construction works, and native vegetation removal. Other concerns raised relate to aboriginal cultural heritage, the 'transportable' nature of the proposed dwelling and the personal housing situation of current residents onsite.

A summary of concerns and officer responses is detailed below. A copy of submitted objections are provided at confidential attachment 4.

##### Development density and character of the area

- *The density of the proposal is not consistent with the low-density residential zoning of the land and surrounding residential land, creating amenity, neighbourhood impacts and placing increased pressure on infrastructure.*

While the development is generally inconsistent with the existing and intended character of the surrounding area, the proposal is considered appropriate on balance, particularly in relation to the additional housing supply it provides within the Yarrawonga urban settlement boundary. The proposal is not the only higher density development in the otherwise low-density and rural living setting. There is an existing camping and caravan park fronting the Murray Valley Highway approximately 150m to the east and a portion of the subject site itself is currently being used for this purpose.

Measures are proposed to improve the interface treatments with the public realm, however further effort is required in relation to the Murray Valley Highway frontage and the Brears Road

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frontage of the site in order to soften the impact of the proposal in the context of the surrounding area. Fencing treatments between the site and neighbouring sites is consistent with that occurring in areas within the LDRZ where densification in line with the Zone objective occurs. As noted elsewhere, upgrading of public infrastructure is required to ensure the impacts are to an acceptable level.

Traffic – Murray Valley Highway / Brears Road intersection

- *Concerns regarding number of cars utilising intersection with Murray Valley Highway and Brears Road.*
- *One submission that existing intersection is already dangerous with lack of right-hand, left-out intersection treatments.*
- *Requests that the intersection on Murray Valley Highway to Brears Road must be upgraded prior to commencement of works.*
- *Cites the impacts of construction vehicles on the safety of this intersection.*
- *Concerns re curvature of the road along the Murray Valley Highway and the sight lines to approaching traffic along the Murray Valley Highway.*

A traffic impact assessment report and concept design for the upgrade of the intersection has been prepared and reviewed by both the DTP and Council's Engineering Department. The proposed upgrade includes right-turn and left-turn treatments as well street lighting at the intersection. DTP are generally satisfied that the proposed treatments are appropriate in the context of the proposed development. The authority has required these works be carried out prior to the commencement of the use of the Residential Village.

Traffic – Brears Road

- *Increased traffic along Brears Road, noting the only vehicle access point to the subject site is via the proposed Brears Road entrance.*
- *Requests include consideration be given to entry and exit to the proposed development from Murray Valley Highway or, if this is not possible, entry via Brears Road and exit via Jaqueline Court.*

The use of the Murray Valley Highway and Jaqueline Court for access is not supported. Instead, Brears Road will be required to be upgraded to support the anticipated increase in traffic along Brears Road.

Car Parking

- *Concerns with respect to a shortfall in onsite visitor parking provision, particularly during holiday periods.*
- *Concern that visitors will park within adjoining road reserves.*

Car parking has been found to be generally acceptable; albeit it has been determined that an additional 10 parking spaces to those 11 formal spaces currently proposed will need to be provided on site. Together with parking opportunities with individual garage driveways and potential for on-street parking along the upgraded Brears Road, the required 21 formal visitor parking spaces are considered adequate.

Potential amenity impacts from the proposed use and development

- *Concerns regarding construction noise, dust and traffic upon existing residents on site and residents of surrounding land.*

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- *Ongoing noise and traffic concerns from the proposed use on surrounding land.*
- *A number of requests for an acoustic fence in woodland grey colour 2.1m/2.4m in height along the shared fence lines with properties in Jacqueline Court. Fence to be constructed before onsite works begin.*

The preparation of a Construction Management Plan will be required before works can occur. The Management Plan will ensure that any construction traffic, noise and other amenity impacts are appropriately managed to the satisfaction of Council, including continued use and enjoyment of the existing camping and caravan park by existing residents.

The Landscape Management Plan has been updated to include wording and reference images which gives effect to the provision of a colorbond fence in a 'warm grey' colour along the eastern boundary of the proposed village. Further to this, the Landscape Management Plan outlines a fence height of 2.1m high along the eastern boundary to ensure privacy as per requests received from these adjoining properties.

Sufficient setbacks to surrounding properties are otherwise considered to have been provided.

Potential amenity impacts on the proposed use

- *The proximity of the proposed dwelling on Site 152 and the existing shed at 1 Jaqueline Court and the likely impacts on amenity of the proposed dwelling from activities being undertaken within the shed including personal projects that cause a substantial amount of noise. Submits that a pool pump is also located in this area.*

The application submits that the dwelling on Site 152 is designed such that all bedrooms and windows face away from 1 Jaqueline Court. Never-the-less, the width of the site is able to be reduced by 5 metres such that a buffer can also be provided. Any permit should include revised plans demonstrating the continuation of the eastern boundary landscape buffer be extended along the eastern boundary of Site 152 by reducing the width of Site 152 to 10.5m.

Waste Management

- *Lack of management plan with respect to rubbish, recycling and green waste.*
- *Concerns regarding waste collection area location to the west of the east of the subject site and associated noise and odour impacts.*
- *Requests removal of waste collection area adjoining residential land to the east.*

A waste management plan will be a requirement of any permit issued. The application has demonstrated that waste vehicles are able to manoeuvre through the proposed internal road network. It is considered reasonable to require more detailed information with respect to waste to be deferred to post-determination processes.

While a waste management plan has not been provided as part of this application it is understood that waste collection will operate by way of bin collection to the front of each dwelling, except those dwellings relying on 6m wide common driveways for access. These dwellings have been provided with indicative shared collection areas. These are identified on the below plan.

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Figure 18: Rubbish collection areas

The objection is considered to relate to the blue circle area specifically. This collection area will be limited to waste for 3-4 dwellings and is not anticipated to create an unreasonable amenity impact.

Impacts on local services and infrastructure

- *Concerns regarding impacts to and capacity constraints on local services e.g. medical centres and service providers e.g. water, sewer, power etc.*

The application has been referred to relevant service providers for water, sewer and electricity who have identified adequate capacity for the proposed use and development. Any increased pressure on community facilities such as medical centres is generally outside the scope of what can be considered under relevant planning provisions. The applicant will be required to upgrade Brears Road and the Brears Road/Murray Valley Highway intersection, including footpath and street lighting treatments.

Irrigation pipeline passing through the land

- *Concerns in respect to changes to the easements along Brears Rd and Murray Valley Highway – reduction in width to 2 meters. Considers that the existing irrigation pipe is within the existing easement but not within the new reduced easement.*
- *Suggested solution: The existing pipeline offtakes and meters be replaced into the new easement on the effected properties during off season May 15 to Aug 15 by the Developer at no cost to Yarrawonga Irrigators Syndicate.*

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The applicant acknowledges that the existing watermain supplying raw water from the Murray River to various users located along Brears Road and Murray Valley Highway will be required to be realigned by the proponent so as to be located within the proposed new easement boundaries. It is submitted that the new watermain will be the same size and capacity as the existing pipeline. It is anticipated that works will take 1-2 days where there may be a loss of supply. The facilitation of these works will be communicated with Council and affected parties prior to construction.

There is some concern with the new landscape works and feature masonry wall being constructed over this new pipeline and associated easement. It is suggested that the pipe be located a minimum 2.5m from the Brears Road boundary and Murray Valley Highway boundary, with the 2m easement extending 1m either side of the pipeline (i.e. 2m wide easement between 1.5m and 3.5m from the Brears Road boundary and the Murray Valley Highway boundary). This should be reflected by conditions.

It is also considered pertinent to require that the pipe realignment works be carried out only between 15 May and 15 August in any calendar year. Notice of intended works must be provided to Council and affected properties one-month prior to commencement of the works.

Native Vegetation

- *Extent of native vegetation removal and lack of assessment of impact on endangered species.*

The extent of native vegetation removal has been found to be acceptable.

Other concerns

- *Questions how 'transportable' the units are and seeks an example of the removal/relocation process.*

The dwellings forming the proposed residential village are considered permanent for the purposes of this application.

- *Lack of cultural heritage management plan. How can Council allow the proposal to proceed without this?*

An approved CHMP has been provided. The amended proposal is considered to be generally consistent the CHMP.

- *Concerns regarding personal housing situation for existing residents of the tourist park located on site.*
- *Submitters are concerned that residents cannot afford to relocate to other stable housing options and will potentially become homeless.*

The applicant submits that the revised staging approach seeks to support the ongoing use of the caravan park until at least the end of the existing site agreements (approximately 2 years). This change has been made to further support existing tenants within the caravan park as part of their existing lease terms. In addition to this, the applicant submits that a support program is in place.

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These considerations are otherwise considered outside the scope of the Planning and Environment Act 1987 and the Moira Planning Scheme.

DEECA Condition Consent

Notice of the application was also given to the Minister for Environment as the 'owner' of the adjoining land in accordance with Section 52 of the Planning and Environment Act 1987.

As an adjoining owner DEECA does not object to the permit being granted, but requests that the following conditions be included on the permit:

Access and Encroachment

1. *No access is permitted to the subject land via the Crown land.*
2. *Adjoining Crown land must not be used for truck turning areas, entry points, parking areas or temporary stack sites during the construction of buildings or works.*
3. *No polluted and/or sediment laden run-off is to be discharged directly or indirectly into drains or watercourses on Crown land. Overland flows must be maintained at the same rate post development as on the undeveloped land.*

Stormwater Drainage

4. *The development must be designed to ensure that flows onto Crown land are restricted to pre-development levels.*

Fencing

5. *Prior to work commencing, the shared boundary with Crown land must be fenced to the satisfaction of the responsible authority and the Department of Energy, Environment and Climate Action in accordance with the Fences Act 1968 and at the applicant's expense.*

*Fencing must be:*

- *erected on the boundaries of the land;*
- *stock and dog proof;*
- *without gates or openings on to adjoining Crown land.*
- *at least 1.2 metres in height.*

These will be included as part of any permit issued.

## **11. Clause 65 Considerations**

As noted above, there are no decision guidelines under the LDRZ pertaining to use or buildings and works other than to consider the Municipal Planning Strategy and the Planning Policy Framework. These have been discussed above and while there is no specific policy support for the proposal, policies in relation to infrastructure provision, interface with the public realm and the environment have been considered.

Clause 65.01 of Planning Schemes provides that before deciding on an application or approval of a plan, the responsible authority must consider, as appropriate:

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- The matters set out in section 60 of the Act which include the objectives of planning in Victoria, the relevant Planning Scheme, objections received, referral authority responses and so on. The report above has attempted to set this out.
- Any significant effects the environment, including the contamination of land, may have on the use or development. This is considered above, principally in relation to hazards such as bushfire and flooding.
- The Municipal Planning Strategy and the Planning Policy Framework. This is addressed throughout the report but directly in the policy section.
- The purpose of the zone, overlay or other provision. These are addressed above. It is again noted however that the purpose of the LDRZ is to provide for low-density residential development on lots which, in the absence of reticulated sewerage, can treat and retain all wastewater.

The proposal is clearly at odds with the purpose of the Zone, as noted however, there are no decision guidelines relating to the use of the land in the LDRZ. Strategy relative to the application of the Zone would have originally recognised the character of the unserviced area between the Highway and floodplain on the periphery of Yarrawonga and applied a Zoning reflective of this. It would not have contemplated permit applications for high density residential development, which is why, in the context of this application, there is somewhat of a policy vacuum.

Similarly, the drafters of the LDRZ controls appear not to have contemplated high density residential proposals in the Zone. Accommodation is simply a Section 2, permit required use in the LDRZ. This land use category includes Camping and Caravan Parks, one of which exists on the subject land and another not far from it. It is the existence of these permissible uses which add some weight to overcoming the otherwise clear departure from the purpose of the Zone.

As noted above, contextually the proposal can be considered because of existing land uses in the locality, physical barriers and separation between other residential areas, and what is becoming a normal boundary treatment between neighbouring properties in areas of the LDRZ that are undergoing some form of densification.

- Any matter required to be considered in the zone, overlay or other provision. These are addressed above.
- The orderly planning of the area. As with the purpose of the Zone, the application struggles in this consideration. If regarding orderly planning as following strategies and clearly defined policy, there is little support for the proposal. Likewise, if supporting a high density residential development without providing the necessary upgrades to infrastructure, there would be little support for the proposal.

Applying relevant policy considerations in addressing the urbanisation of the area commensurate with the high density proposal however, then appropriately serviced, the proposal could be considered an orderly outcome.

- The effect on the environment, human health and amenity of the area. These are addressed above. Stormwater quality can be addressed and impacts on native



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vegetation can be offset in accordance with the Planning Scheme. Impacts on the amenity of the area are considered by the layout of the site, application of buffers and appropriate interface treatments.

- The proximity of the land to any public land. Submissions and conditions from DEECA address the interface with the adjacent Crown Land.
- Factors likely to cause or contribute to land degradation, salinity or reduce water quality. These are principally addressed above in relation to stormwater.
- Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site. The stormwater strategy indicates that treatment will occur and meet the current best practice performance objectives for stormwater quality as contained in the *Urban Stormwater - Best Practice Environmental Management Guidelines (Victorian Stormwater Committee, 1999)*.
- The extent and character of native vegetation and the likelihood of its destruction and whether native vegetation is to be or can be protected, planted or allowed to regenerate. This has been discussed above.
- The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard. This has been discussed above.
- The adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts. This has been discussed above in relation to Brears Road, the intersection with the Murray Valley Highway, the internal road layout and waste management.
- The impact the use or development will have on the current and future development and operation of the transport system. As above and reflected in the DTP conditional consent to a permit being granted.

## 12. Strategic Alignment

A decision to approve the application aligns with Moira Shire's current Council Plan (2021-2025) Pillar 5 which supports a transparent and accountable governance where decisions are evidence based and for the longer term, supporting a liveable community through the enforcement of local and state government regulations.

## 13. Budget / Financial Considerations

There are no financial implications to consider with this report.

## 14. Risk & Mitigation

| Description           | Likelihood | Consequence | Final Risk Rating | Controls, treatments |
|-----------------------|------------|-------------|-------------------|----------------------|
| If Council resolve to | Possible   | Minor       | Low               | Council will be      |

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|  |          |       |     |  |
|--|----------|-------|-----|--|
| approve the application subject to conditions, objectors may appeal the decision at VCAT.    |          |       |     | required to defend the decision at VCAT.                   |
| The applicant may appeal against conditions placed on any permit issued at VCAT              | Possible | Minor | Low | Council will be required to defend the conditions at VCAT. |
| If Council resolve to refuse the application, the applicant may appeal the decision at VCAT. | Possible | Minor | Low | Council will be required to defend the decision at VCAT    |

## 15. Conclusion

Having regard to the relevant provisions of the Moira Planning Scheme as well as the Act, it is considered that while the proposal appears anomalous in the LDRZ and RLZ, there has been nothing identified that is fatal to the application. Subject to modification of the proposed interface treatments, appropriate upgrades to infrastructure and servicing of the development commensurate with the high density nature of the proposal, it is considered that the full urbanisation of the area can be supported without negatively impacting on the surrounding neighbourhood. It is therefore recommended that the application be approved and that a Notice of Decision to Grant a Planning Permit subject to conditions be issued.

## Attachments

- 1 52023269 - Conditions - Residential Village, Brears Road, Yarrawonga - *printed in separate document*
- 2 52023269 - Plans - Residential Village, Brears Road, Yarrawonga - *printed in separate document*
- 3 52023269 - Legal Advice from RK Lawyers - Stormwater Management - *printed in separate document*
- 4 52023269 - Objections - Residential Village, Brears Road, Yarrawonga - *printed in separate document*

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ITEM NO: 10.1.1  
(MANAGER FINANCE, BEAU MITTNER)

## ENVIRONMENTAL UPGRADE AGREEMENT - QUARTERLY REPORT - MARCH 2025

### Recommendation

That Council note the Environment Upgrade Agreements quarterly statement, which has been prepared in accordance with section 181(G) of the *Local Government Act 1989*.

### 1. Executive Summary

Section 181 (G) of the *Local Government Act 1989* requires the Chief Executive Officer to provide Council with a quarterly statement on matters pertaining to Environmental Upgrade Agreements (EUAs).

### 2. Conflict of interest declaration

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

### 3. Background & Context

An EUA is a financing mechanism authorised under the *Local Government Act 1989* ('Act') which allows building owners to repay a loan for upgrades through a Council charge on the land. This financing mechanism can be used for a range of upgrade works improving the environmental and sustainability performance of existing buildings.

Section 181 (G) of the Act requires the Chief Executive Officer to provide Council with a quarterly statement pertaining to the following EUA matters:

| Local Government Act 1989 (Vic)   | Status as of 31 March 2025                                       |
|---|--|
| <b>s.181G (a)</b> Each environmental upgrade agreement entered into, in the last quarter, and the rateable land to which the agreement relates.       | No new agreements were entered into during the reporting period  |
| <b>s.181G (b)</b> Each environmental upgrade charge approved in respect of the agreements referred to in paragraph (a), and the value of the charges. | No new agreements were entered into during the reporting period. |
| <b>s.181G (c)</b> The total number of environmental upgrade charges in the operation in the last quarter  | 5  |
| <b>s.181G (d)</b> The total value of all environmental upgrade charge payments that have fallen due and have not been paid.                           | \$5,392.20   |
| <b>S181G (e)</b> The total value of all environmental upgrade charge payments that are yet to fall due.   | \$4,216,689.07   |

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**ENVIRONMENTAL UPGRADE AGREEMENT - QUARTERLY REPORT - MARCH  
2025 (cont'd)**

**4. Issues**

On 15 December 2023, Council was advised that the lender SAF Lending Pty Ltd and its administrative arm - Better Building Finance - entered voluntary liquidation. Therefore, Council has taken over the administrative function for collecting the environmental upgrade charges and passing the funds to the relevant Trustees.

**5. Strategic Alignment**

This report relates to Council Plan objective of Transparent and Accountable Governance.

**6. External Engagement**

External engagement is not required.

**7. Budget / Financial Considerations**

EUAs are a tri-party agreement between the lender, the building owner and Council. Under the Act, Council has an obligation to recover the environmental upgrade charges and receives an administrative fee for facilitating the recovery of these charges and passing them onto the lender.

**8. Risk & Mitigation**

Under the terms of the EUA agreements and section 181E (2) and (3) of the Act, Council is not liable for any failure by an owner or any occupier to pay an environmental upgrade charge or charges to the lending body.

**9. Conclusion**

The quarterly update provided to Council fulfils the CEO's reporting obligations under section 181 (G) of the *Local Government Act 1989*.

**Attachments**

Nil

FILE NO: VARIOUS

ITEM NO: 14

**URGENT BUSINESS****7.4. Urgent business**

(1) If the Agenda for a Meeting makes provision for urgent business, business cannot be admitted as Urgent Business other than by resolution of Council and only then if:

- (a) It relates to or arises out of a matter which has arisen since distribution of the Agenda; and
- (b) deferring the item until the next Meeting will mean a decision on the item will not have any effect on the matter; or
- (c) the item involves a matter of urgency as determined by the Chief Executive Officer; and
- (d) it cannot be addressed through an operational service request process.
- (e) the matter does not:
  - substantially affect the levels of Council service;
  - commit Council to significant expenditure not included in the adopted budget;
  - establish or amend Council Policy; or
  - commit Council to any contractual arrangement.

(2) A Councillor proposing a matter be admitted as urgent business must lodge it in writing to the Chief Executive Officer four (4) hours prior to the Meeting.

(3) The Chief Executive Officer will advise the Mayor of any matter he or she determines appropriate for Council to consider admitting as urgent business.

FILE NO: VARIOUS

ITEM NO: 15

## QUESTIONS FROM THE PUBLIC GALLERY

Questions of Council are an opportunity for the general public to submit a question prior to the Ordinary Meeting and receive a response from Council in the Questions of Council time.

- (1) The Council will hold Questions of Council Time for up to 30 minutes duration at the beginning of each Ordinary Meeting to allow questions of Council. Extension of time may be granted at the discretion of the Mayor.
- (2) Questions of Council are an opportunity for the general public to submit a question prior to the Ordinary Meeting and receive a response from Council in the Questions of Council time.
- (3) Council meetings are recorded and broadcasted to the public, this includes community questions and responses.
- (4) Questions of Council time will not apply during any period when the Council has resolved to close the meeting in respect of a matter under section 66 (1) of the Act.
- (5) Questions of Council may be on any matter relevant to the jurisdiction of the Council except if it:
  - (a) is considered malicious, defamatory, indecent, abusive, offensive, irrelevant, trivial, or objectionable in language or substance;
  - (b) relates to confidential information as defined under the Act;
  - (c) relates to the personal hardship of any resident or ratepayer; or
  - (d) relates to any other matter which the Council considers would prejudice the Council or any person.
  - (e) Deals with a subject matter already answered
- (6) No more than two questions will be accepted from any person at any one meeting.
- (7) Where the Chief Executive Officer does not accept a question, the submitter is to be informed of the reason or reasons for which their question was not accepted.
- (8) A question submitted in writing by a member of the public, which has been disallowed by the Chief Executive Officer will be provided to any Councillor on request.
- (9) Questions may be read by the submitter where they are present at the meeting. Where the submitter is not present they shall be read by a delegate of the Chief Executive Officer and may be abridged to get to remove unnecessary commentary and only state the question.
- (10) Questions submitted to the Council must be:
  - (a) in written form;
  - (b) contain the name, address and email or contact telephone number of the person submitting the question;
  - (c) in a form approved or permitted by the Council (Template available on Council's website);
  - (d) addressed to the Chief Executive Officer; and
  - (e) submitted no later than the day prior to the meeting by email to [info@moira.vic.gov.au](mailto:info@moira.vic.gov.au) clearly stating is a question for the meeting.