



44 Station Street
Cobram Vic 3644
www.moirā.vic.gov.au
info@moirā.vic.gov.au

AGENDA

SCHEDULED MEETING OF COUNCIL **FOR** **WEDNESDAY 14 DECEMBER 2022** **TO BE HELD AT COBRAM CIVIC CENTRE, PUNT ROAD COBRAM VIC 3644** **COMMENCING AT 6.00 PM**

RECORDING

Consistent with section 13.3 of our Governance Rules, Council officers have been authorised to record the public session of this meeting using an audio recording device.

LIVE STREAMING

Council meetings will now be lived streamed to allow those interested in viewing proceedings greater 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, would like to acknowledge the traditional owners of the land upon which we meet and pay our respects to their Elders both past and present.

4. APOLOGIES / LEAVE OF ABSENCE

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

6. DISCLOSURE OF CONFLICTS OF INTEREST

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

Recommendation: “That the minutes of the Scheduled Council Meeting held on Wednesday, 23 November 2022, as prepared, be confirmed.”

8. COUNCILLOR REPORTS

COUNCILLORS TO PROVIDE VERBAL REPORTS

9. OFFICERS REPORTS

10. PUBLIC QUESTION TIME

11. OFFICER REPORTS FOR DETERMINATION

11.1 CORPORATE GOVERNANCE AND PERFORMANCE

11.1.1 ASSEMBLIES OF COUNCILLORS FOR OCTOBER AND NOVEMBER 2022 3

11.1.2 AUDIT & RISK COMMITTEE MEETING MINUTES OF MEETING HELD 3 NOVEMBER 2022 8

11.2 INFRASTRUCTURE SERVICES

11.2.1 AMENDMENT C93MOIR PANEL REPORT - PLANNING FRAMEWORK FOR COBRAM, NATHALIA, NUMURKAH AND YARRAWONGA 31

11.2.2 C031/22 - PROVISION OF PROFESSIONAL SERVICES FOR ENGINEERING, ASSET MANAGEMENT AND DESIGN PANEL 121

11.2.3 C034/22 - KERB & DRAINAGE WORKS - HARCOURT AND MANIFOLD STREETS - NATHALIA 127

11.2.4 C032/22 - CLEANING OF MUNICIPAL BUILDINGS 131

12. OFFICER REPORTS FOR INFORMATION

13. ACTION OFFICERS LIST

14. NOTICES OF MOTION

15. PETITIONS AND JOINT LETTERS

15.1 PETITION - REQUEST TO KEEP TUNGAMAH & YABBA SOUTH TRANSFER STATIONS OPEN 134

16. COUNCIL SEAL

NIL

17. URGENT BUSINESS 137

18. MEETING ADJOURNMENT 138

19. CONFIDENTIAL BUSINESS

20. URGENT CONFIDENTIAL BUSINESS

21. CLOSE OF MEETING

FILE NO: F13/503
5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

ITEM NO: 11.1.1
(SENIOR GOVERNANCE OFFICER,
MARGARET HINCK)
(DIRECTOR CORPORATE GOVERNANCE
AND PERFORMANCE BRANT DOYLE)

ASSEMBLIES OF COUNCILLORS FOR OCTOBER AND NOVEMBER 2022

Recommendation

That Council receive and note the record of Assemblies of Councillors for October and November 2022.

1. Executive Summary

The purpose of this report is to detail the Assemblies of Councillors held in October and November 2022. These records provide transparency in councils decision making process, in line with Council's commitment to the principles for public transparency and Council's Public Transparency Policy.

2. Conflict of interest declaration

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

3. Background & Context

This report provides details of Councillor Assemblies that have been held for the month of October and November 2022 and whether a conflict of interest disclosure was made by a Councillor.

An Assembly of Councillors can be defined as:

- A meeting of an advisory committee where at least one Councillor is present; or
- A meeting (other than a Council or delegated committee meeting), briefing or other activity where at least half of the Council and a member of Council staff is present; and
- Where the matters considered may be subject to a decision of Council or exercise of a function, duty or power of the Council that has been delegated to a person or committee.

No formal decisions can be made at an Assembly but rather discussion and questions on the issues that allow Councillors to be fully informed for the Council meeting.

FILE NO: F13/503
5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

ITEM NO: 11.1.1
(SENIOR GOVERNANCE OFFICER,
MARGARET HINCK)
(DIRECTOR CORPORATE GOVERNANCE
AND PERFORMANCE BRANT DOYLE)

ASSEMBLIES OF COUNCILLORS FOR OCTOBER AND NOVEMBER 2022 (cont'd)

4. Issues

Meeting	Present at meeting	Matters discussed	Declaration of Interest(s)
All Abilities Advisory Committee 4 October 2022	Councillors: Peter Lawless Julie Brooks Staff: Community Services Officer, Stephanie Rodski	All Abilities Access and Inclusion Plan update International Day of People with Disability Tri-State Games Access at a Glance Accessible parking spaces	
Council Briefing 9 November 2022	Councillors: Peter Lawless Julie Brooks Ed Cox Peter Elliott Judy Heather Wayne Limbrick Peter Mansfield Staff: Chief Executive Officer, Clare Keenan Chief Financial Officer, Matt Jarvis Director Sustainable Communities, Rosanne Kava Director Corporate, Governance and Performance, Brant Doyle Acting Director Infrastructure Services, Graham Henderson Senior Governance Officer	Multisport Stadium Discussion next steps Commission of Inquiry Goulburn Valley Libraries future Governance Structure Urban Land Care Yarrawonga Alexandra Park Trustees presentation Flood update including financial support Barmah Caravan Park discussion	

FILE NO: F13/503
5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

ITEM NO: 11.1.1
(SENIOR GOVERNANCE OFFICER,
MARGARET HINCK)
(DIRECTOR CORPORATE GOVERNANCE
AND PERFORMANCE BRANT DOYLE)

ASSEMBLIES OF COUNCILLORS FOR OCTOBER AND NOVEMBER 2022 (cont'd)

Meeting	Present at meeting	Matters discussed	Declaration of Interest(s)
Council Briefing 16 November 2022	Councillors: Peter Lawless Julie Brooks Ed Cox Peter Elliott Judy Heather Wayne Limbrick Peter Mansfield Staff: Chief Executive Officer, Clare Keenan Chief Financial Officer, Matt Jarvis Acting Director Sustainable Communities, Rosanne Kava Director Corporate, Governance and Performance, Brant Doyle Acting Director Infrastructure Services, Graham Henderson Manager Governance and Performance, Amanda Chadwick Manager Planning, Travis Basham Senior Governance Officer	GV Designated Area Migration Agreements (DAMA) - Coordinator update 2023 Council meeting & Briefing schedule discussion Councillor & Staff Interaction Protocol overview Planning Permit application – 5/2021/251 – Motor Racing Tack (Skid Pad) – 716 Katunga North Road Strathmerton Scheduled Council Meeting 23 November 2022 - Draft Agenda review	

FILE NO: F13/503
5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

ITEM NO: 11.1.1
(SENIOR GOVERNANCE OFFICER,
MARGARET HINCK)
(DIRECTOR CORPORATE GOVERNANCE
AND PERFORMANCE BRANT DOYLE)

ASSEMBLIES OF COUNCILLORS FOR OCTOBER AND NOVEMBER 2022 (cont'd)

Meeting	Present at meeting	Matters discussed	Declaration of Interest(s)
Council Briefing 23 November 2022	Councillors: Peter Lawless Julie Brooks Ed Cox Peter Elliott Judy Heather Wayne Limbrick Peter Mansfield Staff: Chief Executive Officer, Clare Keenan Director Infrastructure Services, Joshua Lewis Chief Financial Officer, Matt Jarvis Acting Director Sustainable Communities, Rosanne Kava Director Corporate, Governance and Performance, Brant Doyle Manager Governance and Performance, Amanda Chadwick Manager Information Services, Warren Gardener Manager Tourism and Events, Cameron Sutton Manager Parks, Recreation and Facilities, Mark Lambourn Project Coordinator, Parks Recreation and Facilities Senior Governance Officer	Cyber Security Presentation Activation of Camping Sites over summer – implications discussion Yarrawonga Splash Park – variation to works Planning permit application - Carwash Yarrawonga Councillor request process - website updated Scheduled Council Meeting 23 November 2022 - Agenda review	

FILE NO: F13/503
5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

ITEM NO: 11.1.1
(SENIOR GOVERNANCE OFFICER,
MARGARET HINCK)
(DIRECTOR CORPORATE GOVERNANCE
AND PERFORMANCE BRANT DOYLE)

ASSEMBLIES OF COUNCILLORS FOR OCTOBER AND NOVEMBER 2022 (cont'd)

5. Strategic Alignment

Council Plan Objective 5 Transparent and Accountable Governance.

6. Internal & External Engagement

The Senior Governance Officer was consulted in preparation of this report.

7. Budget / Financial Considerations

There are no financial implications to consider with this report.

8. Risk & Mitigation

Preparing Assemblies of Councillors provides transparency in Council's decision-making process.

9. Conclusion

The details of the Assemblies of Councillors incorporated into this report are a true and accurate record of all Assemblies of Councillors reported during October and November 2022.

Attachments

Nil

FILE NO: F13/493-2/002
5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

ITEM NO: 11.1.2
(SENIOR GOVERNANCE OFFICER, NANCY
MUSTICA)
(DIRECTOR CORPORATE GOVERNANCE
AND PERFORMANCE BRANT DOYLE)

**AUDIT & RISK COMMITTEE MEETING MINUTES OF MEETING HELD 3
NOVEMBER 2022**

Recommendation

That Council:

1. Accepts the minutes of the Audit & Risk Committee meeting held on 3 November 2022.
2. Endorse the recommendations contained within the reports.

1. Executive Summary

The Audit & Risk Committee (the Committee) is an independent advisory Committee to Council. The primary objective of the committee is to assist Council in the effective conduct of its responsibilities for financial reporting, management of risks and maintaining a reliable system of internal controls.

In accordance with the Audit & Risk Committee Charter, the minutes of the Audit & Risk Committee held on 3 November 2022 are attached.

The following reports were considered by the committee:

- Draft Financial Report and Performance Statement 2021-22
- VAGO Closing Report 2021/22 and Final Management Letter
- 2021/22 Asset Valuations - Conclusion on Fair Value
- CivicRisk Mutual Risk Assurance Assessment
- Quarterly Budget Review - September 2022
- Quarterly Claims Management Report - September 2022
- Policy Register Update
- Risk Register Report
- Fraud Risk Register Report
- Major Project/Incidents and Legal Proceedings
- Internal Audit Program Status Update and Future Audits
- Internal Audit Report - Budgeting and Long Term Financial Planning
- Internal Audit Report - Cobram Landfill
- Audit and Risk Committee Meeting Dates for 2023
- Audit and Risk Committee Biannual Report
- Strategic Internal Audit Program Status Update

The key recommendations from the Audit & Risk Committee is to refer these matters to Council for consideration and endorsement.

2. Conflict of interest declaration

There are no officer conflict of interest considerations.

FILE NO: F13/493-2/002
5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

ITEM NO: 11.1.2
(SENIOR GOVERNANCE OFFICER, NANCY
MUSTICA)
(DIRECTOR CORPORATE GOVERNANCE
AND PERFORMANCE BRANT DOYLE)

**AUDIT & RISK COMMITTEE MEETING MINUTES OF MEETING HELD 3
NOVEMBER 2022 (cont'd)**

3. Background & Context

The Committee is an independent advisory Committee to Council. The primary objective of the Committee is to assist Council in the effective conduct of its responsibilities for financial reporting, management of risks, maintaining a reliable system of internal controls and facilitating the organization's ethical development.

As part of Council's governance obligations to its community, Council has constituted the Committee to facilitate:

- The enhancement of the credibility and objectivity of internal and external financial reporting;
- Effective management of financial and other risks and protection of Council assets;
- Compliance with laws and regulations as well as use of best practice guidelines;
- The effectiveness of the internal audit function;
- The provision of an effective means of communication between external auditors, internal audit management and the Council.

4. Issues

No issues were raised within the Audit & Risk Committee Meeting agenda.

5. Strategic Alignment

Council Plan

5. Transparent and accountable governance

6. Internal & External Engagement

Internal consultation was conducted with the Audit & Risk Committee and Senior Management. External consultation was not required.

7. Budget / Financial Considerations

All financial implications are considered in the Council 2022/23 Budget.

8. Risk & Mitigation

All financial implications are considered in the Council 2022/23 Budget.

Risk

Financial

Economic (regional context or
broader economic impact)

Environmental

Reputational

Legislative Compliance

Mitigation

All financial implications are considered in the Council 2021/22 Budget.

All Victorian Councils are required to have an Audit & Risk Committee.

There is no environmental impact with this report.

There is no reputational risk to consider within this report.

There are no implications within this report

FILE NO: F13/493-2/002
5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

ITEM NO: 11.1.2
(SENIOR GOVERNANCE OFFICER, NANCY
MUSTICA)
(DIRECTOR CORPORATE GOVERNANCE
AND PERFORMANCE BRANT DOYLE)

**AUDIT & RISK COMMITTEE MEETING MINUTES OF MEETING HELD 3
NOVEMBER 2022 (cont'd)**

9. Conclusion

That Council receive and accept the Audit & Risk Committee meeting minutes held on 3 November 2022 and endorse the recommendations contained within the reports.

Attachments

- 1 Audit & Risk Committee Meeting - Minutes - 3 November 2022

FILE NO: F13/493-2/002
5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

ITEM NO: 11.1.2
(SENIOR GOVERNANCE OFFICER,
NANCY MUSTICA)
(DIRECTOR CORPORATE GOVERNANCE
AND PERFORMANCE BRANT DOYLE)

**AUDIT & RISK COMMITTEE MEETING MINUTES OF MEETING HELD 3
NOVEMBER 2022 (cont'd)**

ATTACHMENT No [1] - Audit & Risk Committee Meeting - Minutes - 3 November
2022



MINUTES

AUDIT & RISK COMMITTEE MEETING HELD AT
COUNCILLOR BRIEFING ROOM
44 STATION STREET COBRAM VIC 3644,
THURSDAY 3 NOVEMBER 2022

The meeting commenced at 9.00 AM

PRESENT

Anthea Sloan
Fred Douglas
Cr Ed Cox
Cr Wayne Limbrick

IN ATTENDANCE:

Clare Keenan	Chief Executive Officer
Brant Doyle	Director Corporate Governance & Performance
Matt Jarvis	Chief Financial Officer
Andrew Wilson	Acting Finance Manager
Amanda Chadwick	Manager Governance & Performance
Nancy Mustica	Senior Governance Officer
Brad Ead	AFS Auditor

ACKNOWLEDGEMENT OF COUNTRY

The Moira Shire Audit & Risk Committee, would like to acknowledge the traditional owners of the land upon which we meet and pay our respects to their Elders both past and present.

1. APOLOGIES

Lisa Ford

2. IN-CAMERA RESOLUTION

MOTION

CRS ED COX / WAYNE LIMBRICK

That pursuant to the provisions of the Local Government Act 2020 (the Act), the meeting will now be closed to members of the public to enable the meeting to discuss matters pursuant to the provisions of Section 66 (2) of the Act resolve to be considered in closed session.

(CARRIED)

3. DECLARATION OF ANY CONFLICT OF INTEREST

Nil

**FILE NO: F13/493-2/002
5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE**

**ITEM NO: 11.1.2
(SENIOR GOVERNANCE OFFICER,
NANCY MUSTICA)
(DIRECTOR CORPORATE GOVERNANCE
AND PERFORMANCE BRANT DOYLE)**

**AUDIT & RISK COMMITTEE MEETING MINUTES OF MEETING HELD 3
NOVEMBER 2022 (cont'd)**

**ATTACHMENT No [1] - Audit & Risk Committee Meeting - Minutes - 3 November
2022**

**AUDIT & RISK COMMITTEE MEETING
THURSDAY 3 NOVEMBER 2022**

4. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

MOTION:

FRED DOUGLAS / CR WAYNE LIMBRICK

"That the minutes of the Audit & Risk Committee Meeting held on Thursday, 21 July 2022,
as prepared, be confirmed."

(CARRIED)

5. BUSINESS ARISING FROM PREVIOUS MEETING

Nil

FILE NO: F13/493-2/002
5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

ITEM NO: 11.1.2
(SENIOR GOVERNANCE OFFICER,
NANCY MUSTICA)
(DIRECTOR CORPORATE GOVERNANCE
AND PERFORMANCE BRANT DOYLE)

**AUDIT & RISK COMMITTEE MEETING MINUTES OF MEETING HELD 3
NOVEMBER 2022 (cont'd)**

**ATTACHMENT No [1] - Audit & Risk Committee Meeting - Minutes - 3 November
2022**

CHIEF FINANCIAL OFFICER
OFFICER REPORTS FOR DETERMINATION

AUDIT & RISK COMMITTEE MEETING
THURSDAY, 3 NOVEMBER 2022

FILE NO:
5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

ITEM NO: 6.1.1
(CHIEF FINANCE OFFICER, MATT JARVIS)
(CHIEF EXECUTIVE OFFICER, CLARE
KEENAN)

DRAFT FINANCIAL REPORT AND PERFORMANCE STATEMENT 2021-22

Executive Summary

The Draft Financial Report and the Performance Statement have been audited by the Victorian Auditor General's Office. These reports will be ready for signing in their final form after any changes recommended, or agreed to by the Auditor-General have been made.

The Financial Report for the year ended 30 June 2022 and the Performance Statements for 2021/22 have been prepared in accordance with the Australian Accounting Standards, the Local Government Act 2020 and the Local Government (Planning and Reporting) Regulations 2020.

The actual result for 2021/22 represents a surplus of \$19.14 million compared to the adopted budget surplus of \$487,000. Overall Council's financial sustainability indicators show Council to be in a satisfactory underlying financial position as at 30 June 2022.

MOTION

CR ED COX / FRED DOUGLAS

That the Audit and Risk Committee note and recommend to Council that:

1. The 2021/22 Financial report and the 2021/22 Performance Statements be included in the 2021/22 Annual Report in accordance with Section 98 of the Local Government Act 2020; and
2. The Mayor Libro Mustica and Deputy Mayor Peter Lawless certify the statements, in conjunction with the Chief Executive Officer and the Principal Accounting Officer, in their final form, and after any changes recommended, or agreed to by the Auditor-General have been made, in accordance with Section 99(3) of the Local Government Act 2020.

(CARRIED)

FILE NO: F13/493-2/002
5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

ITEM NO: 11.1.2
(SENIOR GOVERNANCE OFFICER,
NANCY MUSTICA)
(DIRECTOR CORPORATE GOVERNANCE
AND PERFORMANCE BRANT DOYLE)

**AUDIT & RISK COMMITTEE MEETING MINUTES OF MEETING HELD 3
NOVEMBER 2022 (cont'd)**

**ATTACHMENT No [1] - Audit & Risk Committee Meeting - Minutes - 3 November
2022**

CHIEF FINANCIAL OFFICER
OFFICER REPORTS FOR DETERMINATION

AUDIT & RISK COMMITTEE MEETING
THURSDAY, 3 NOVEMBER 2022

FILE NO:
5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

ITEM NO: 6.1.2
(CHIEF FINANCE OFFICER, MATT JARVIS)
(CHIEF EXECUTIVE OFFICER, CLARE
KEENAN)

VAGO CLOSING REPORT 2021/22 AND FINAL MANAGEMENT LETTER

Executive Summary

The VAGO Closing Report and Final Management letter is attached for consideration. The draft Management Representation letter is also attached for information.

MOTION

CR WAYNE LIMBRICK / FRED DOUGLAS

That the Audit and Risk Committee note the VAGO Closing Report 2021/22 and Final Management Letter

(CARRIED)

FILE NO: F13/493-2/002
5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

ITEM NO: 11.1.2
(SENIOR GOVERNANCE OFFICER,
NANCY MUSTICA)
(DIRECTOR CORPORATE GOVERNANCE
AND PERFORMANCE BRANT DOYLE)

**AUDIT & RISK COMMITTEE MEETING MINUTES OF MEETING HELD 3
NOVEMBER 2022 (cont'd)**

ATTACHMENT No [1] - Audit & Risk Committee Meeting - Minutes - 3 November
2022

CHIEF FINANCIAL OFFICER
OFFICER REPORTS FOR DETERMINATION

AUDIT & RISK COMMITTEE MEETING
THURSDAY, 3 NOVEMBER 2022

FILE NO:
5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

ITEM NO: 6.1.3
(CHIEF FINANCE OFFICER, MATT JARVIS)
(CHIEF EXECUTIVE OFFICER, CLARE
KEENAN)

2021/22 ASSET VALUATIONS - CONCLUSION ON FAIR VALUE

Executive Summary

The 2021-2022 Asset Revaluation Report details the methodology and results of the fair value assessment of non-current physical assets.

MOTION

CR ED COX / ANTHEA SLOAN

That the Audit and Risk Committee note the management assessment of fair value of non-current physical assets within the 2021-2022 Asset Revaluation Report.

(CARRIED)

FILE NO: F13/493-2/002
5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

ITEM NO: 11.1.2
(SENIOR GOVERNANCE OFFICER,
NANCY MUSTICA)
(DIRECTOR CORPORATE GOVERNANCE
AND PERFORMANCE BRANT DOYLE)

**AUDIT & RISK COMMITTEE MEETING MINUTES OF MEETING HELD 3
NOVEMBER 2022 (cont'd)**

**ATTACHMENT No [1] - Audit & Risk Committee Meeting - Minutes - 3 November
2022**

CHIEF FINANCIAL OFFICER
OFFICER REPORTS FOR DETERMINATION

AUDIT & RISK COMMITTEE MEETING
THURSDAY, 3 NOVEMBER 2022

FILE NO: F13/855
5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

ITEM NO: 6.1.4
(CHIEF FINANCE OFFICER, MATT JARVIS)
(CHIEF EXECUTIVE OFFICER, CLARE
KEENAN)

CIVICRISK MUTUAL RISK ASSURANCE ASSESSMENT

Executive Summary

At the 22 June 2022 Scheduled Council Meeting, Council adopted a confidential report approving entry into a mutual insurance program with CivicRisk Mutual (CRM).

Following this, the Municipal Association of Victoria (MAV), which provide a competitor insurance product and is in talks with government to create a captive insurance market in Victoria, wrote to the CEO and Mayor of Moira Shire Council raising concerns regarding Council's insurance cover with CRM. The Municipal Monitor subsequently received a copy of this letter from MAV's CEO. The Monitor requested an independent assessment of the insurance cover be undertaken based on the letter from MAV. The CEO rejected the Monitor's advice to table the request at the Audit and Risk Committee as it came from a competitor, but agreed to the independent assessment.

An independent assessment was undertaken by Ken Armstrong, Managing Director of Resilient – IRM. This assessment included a response from CRM on the concerns raised in the MAV letter and a 2018 detailed comparison of MAV insurance policy wording to the open market.

The independent assessment found that *"Moira Shire can be assured that the coverage provided by CRM will generally meet your insurance needs and that the Company, CRM, and its insurers are solvent and have the ability to pay claims"*.

MOTION

CR WAYNE LIMBRICK / FRED DOUGLAS

That the Audit and Risk Committee note the independent CivicRisk Mutual Risk Assurance Assessment undertaken by Ken Armstrong of Resilient – IRM.

(CARRIED)

FILE NO: F13/493-2/002
5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

ITEM NO: 11.1.2
(SENIOR GOVERNANCE OFFICER,
NANCY MUSTICA)
(DIRECTOR CORPORATE GOVERNANCE
AND PERFORMANCE BRANT DOYLE)

**AUDIT & RISK COMMITTEE MEETING MINUTES OF MEETING HELD 3
NOVEMBER 2022 (cont'd)**

**ATTACHMENT No [1] - Audit & Risk Committee Meeting - Minutes - 3 November
2022**

CHIEF FINANCIAL OFFICER
OFFICER REPORTS FOR DETERMINATION

AUDIT & RISK COMMITTEE MEETING
THURSDAY, 3 NOVEMBER 2022

FILE NO:
5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

ITEM NO: 6.1.5
(FINANCIAL ACCOUNTANT, ANDREW
WILSON)
(CHIEF FINANCE OFFICER, MATT JARVIS)

QUARTERLY BUDGET REVIEW - SEPTEMBER 2022

Executive Summary

Income Statement

There has been a decrease in the forecast budget surplus of \$14.06 million in the 2022/23 Adopted Budget to a surplus of \$2.93 million in the Proposed September Quarterly 2022 forecast. This is mainly due to a reduction in capital grants income expected to be recognised as income in FY23. A review of the capital works program identified \$24.83 million capital works that will be delivered in 2023/24 and beyond. Associated grant and contribution funding of \$9.46 million included in the Adopted Budget also been carried forward to 2023/24 in line with accounting standards. Capital income was reduced a further \$1.80 million for two capital grants that Moira Shire was unsuccessful in obtaining grant funding.

Balance Sheet

The Balance Sheet of Moira Shire continues to remain strong. The strong reserves are set aside to pay for the \$27.81 million dollars of capital works in 2022/23.

Cash Flow Statement

The cash position of Moira Shire continues to remain strong.

Capital Expenditure

The proposed capital works forecast for September 2022 is \$27.81 million. The 2022/23 Adopted Budget reported \$53.88 million of capital works but disclosed that not all works were expected to be delivered in 2022/23. Capital Expenditure spend at the end of September 2022 is \$3.40 million with a further \$12.86 million in outstanding commitments.

Financial Performance indicators

All Financial performance indicators remain within an acceptable range.

MOTION

CRS ED COX / WAYNE LIMBRICK

That the Audit and Risk Committee note the projections for the 2022/23 financial year contained in the September 2022 Quarterly Budget Review;

(CARRIED)

FILE NO: F13/493-2/002
5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

ITEM NO: 11.1.2
(SENIOR GOVERNANCE OFFICER,
NANCY MUSTICA)
(DIRECTOR CORPORATE GOVERNANCE
AND PERFORMANCE BRANT DOYLE)

**AUDIT & RISK COMMITTEE MEETING MINUTES OF MEETING HELD 3
NOVEMBER 2022 (cont'd)**

**ATTACHMENT No [1] - Audit & Risk Committee Meeting - Minutes - 3 November
2022**

CHIEF FINANCIAL OFFICER
OFFICER REPORTS FOR DETERMINATION

AUDIT & RISK COMMITTEE MEETING
THURSDAY, 3 NOVEMBER 2022

FILE NO: F13/493
5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

ITEM NO: 6.1.6
(INSURANCE OFFICER, KELLY FINDLAY)
(CHIEF FINANCE OFFICER, MATT JARVIS)

QUARTERLY CLAIMS MANAGEMENT REPORT - SEPTEMBER 2022

Executive Summary

This report provides a summary of various aspects of Council's incidents and claims activity for the September 2022 Quarter.

Council received seven incident reports this quarter, which resulted in two liability claims, four denials and one 'report only' notifications. There are currently five on going claims in litigation.

There have been no motor vehicle claims this quarter.

MOTION

FRED DOUGLAS / CR ED COX

That the Audit and Risk Committee;

1. note the Claims Management Status Report for the September 2022 quarter; and
2. refer the report to Council for consideration.

(CARRIED)

FILE NO: F13/493-2/002
5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

ITEM NO: 11.1.2
(SENIOR GOVERNANCE OFFICER,
NANCY MUSTICA)
(DIRECTOR CORPORATE GOVERNANCE
AND PERFORMANCE BRANT DOYLE)

**AUDIT & RISK COMMITTEE MEETING MINUTES OF MEETING HELD 3
NOVEMBER 2022 (cont'd)**

**ATTACHMENT No [1] - Audit & Risk Committee Meeting - Minutes - 3 November
2022**

CORPORATE GOVERNANCE AND
PERFORMANCE
OFFICER REPORTS FOR DETERMINATION

AUDIT & RISK COMMITTEE MEETING
THURSDAY, 3 NOVEMBER 2022

FILE NO:
5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

ITEM NO: 6.2.1
(GOVERNANCE OFFICER, NATALIE EVANS)
(MANAGER GOVERNANCE AND
PERFORMANCE AMANDA CHADWICK)

POLICY REGISTER UPDATE

Executive Summary

This report provides the Audit and Risk Committee with an update on the ongoing program to ensure Council policies remain relevant to business needs and meet evolving statutory and other compliance requirements.

There are currently 39 Council adopted policies. The review of each policy every 4 years, or sooner if required, ensures policies remain relevant.

Since the last report three new/revised policies have been adopted by Council, two have been revoked and seven existing policies are due for review.

MOTION

CRS ED COX / WAYNE LIMBRICK

That the Audit and Risk Committee:

1. note the Policy Register update; and
2. endorse the report for noting at the next Council meeting.

(CARRIED)

FILE NO: F13/493-2/002
5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

ITEM NO: 11.1.2
(SENIOR GOVERNANCE OFFICER,
NANCY MUSTICA)
(DIRECTOR CORPORATE GOVERNANCE
AND PERFORMANCE BRANT DOYLE)

**AUDIT & RISK COMMITTEE MEETING MINUTES OF MEETING HELD 3
NOVEMBER 2022 (cont'd)**

**ATTACHMENT No [1] - Audit & Risk Committee Meeting - Minutes - 3 November
2022**

CORPORATE GOVERNANCE AND
PERFORMANCE
OFFICER REPORTS FOR DETERMINATION

AUDIT & RISK COMMITTEE MEETING
THURSDAY, 3 NOVEMBER 2022

FILE NO:
5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

ITEM NO: 6.2.2
(GOVERNANCE OFFICER, NATALIE EVANS)
(DIRECTOR CORPORATE GOVERNANCE
AND PERFORMANCE BRANT DOYLE)

RISK REGISTER REPORT

Executive Summary

Council maintains a Risk Register to record and manage the risks faced by Council at the corporate level. Risks are identified through internal and external audits, insurance audits, self-audits and ongoing risk assessments which are conducted in consultation with responsible officers.

Table 1 – A summary of the number of risks last quarter to this quarter:

Reporting Quarter	Extreme		High		Moderate		Low		Total
	Active	Residual	Active	Residual	Active	Residual	Active	Residual	
September 2022	0	0	2	11	8	27	1	5	54
June 2022	0	0	2	11	9	26	1	5	54

For the September 2022 quarter, there were 11 active risks and 43 residual risks on Councils Risk Register.

Risk Actions completed:

The September 2022 quarter saw a total of four risk actions completed, as follows:

- **Financial Management** – The remaining risk action has been completed with the Customer Experience banking procedure review conducted.
- **Local Law Management** – One risk action has been completed with a risk assessment being undertaken of the Safety and Amenity unit functions.
- **Customer Service Function** – Two of the remaining three risk actions have been completed one of which was aligned to Financial Management above, and the other being refresher training undertaken with the Customer Experience team on Cash Handling procedures.
- **Waste Management** – One risk action has been completed in relation to service level reviews as these are ongoing.

With the completion of the final action under Financial Management this will now be moved from 'active' risks to 'residual' risks.

MOTION

CR ED COX / FRED DOUGLAS

That the Audit and Risk Committee:

- note the Risk Register Report for the September 2022 Quarter; and
- refer the report to Council for noting.

(CARRIED)

FILE NO: F13/493-2/002
5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

ITEM NO: 11.1.2
(SENIOR GOVERNANCE OFFICER,
NANCY MUSTICA)
(DIRECTOR CORPORATE GOVERNANCE
AND PERFORMANCE BRANT DOYLE)

**AUDIT & RISK COMMITTEE MEETING MINUTES OF MEETING HELD 3
NOVEMBER 2022 (cont'd)**

**ATTACHMENT No [1] - Audit & Risk Committee Meeting - Minutes - 3 November
2022**

CORPORATE GOVERNANCE AND
PERFORMANCE
OFFICER REPORTS FOR DETERMINATION

AUDIT & RISK COMMITTEE MEETING
THURSDAY, 3 NOVEMBER 2022

FILE NO:
5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

ITEM NO: 6.2.3
(GOVERNANCE OFFICER, NATALIE EVANS)
(DIRECTOR CORPORATE GOVERNANCE
AND PERFORMANCE BRANT DOYLE)

FRAUD RISK REGISTER REPORT

Executive Summary

Council maintains a Fraud Risk Register for the purpose of recording and managing the risks faced by Council at the corporate level.

The Fraud Risk Register is attached to this report.

Table 1 – A summary of the extreme, high, moderate and low risks:

Reporting Quarter	Extreme		High		Moderate		Low		Total
	Active	Residual	Active	Residual	Active	Residual	Active	Residual	
September 2022	0	0	0	1	3	8	0	5	17
June 2022	0	0	0	1	3	8	0	5	17

For the September 2022 quarter there were 3 active risks and 14 residual risks. A summary of our active risks is shown below:

- Fraud Management**
Customer Experience testing has been undertaken during the implementation of integrated EFTPOS across the organisation. During this testing issues have been identified with existing services we offer including taking payments over the phone. Further discussions and guidance will be required through the Audit and Risk Committee. In the meantime fraud risks are mitigated through documented reconciliation procedures.
- Delegations**
Work on the two policy review actions is in progress.
- Security of Council Property**
Work continues on the active fraud risk action to upgrade Councils Key Register with Stage 2 of the project to commence in December 2022.

MOTION

CRS WAYNE LIMBRICK / ED COX

That the Audit and Risk Committee:

- note the Fraud Risk Register Report for the September 2022 Quarter; and
- refer the report to Council for consideration.

(CARRIED)

FILE NO: F13/493-2/002
5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

ITEM NO: 11.1.2
(SENIOR GOVERNANCE OFFICER,
NANCY MUSTICA)
(DIRECTOR CORPORATE GOVERNANCE
AND PERFORMANCE BRANT DOYLE)

**AUDIT & RISK COMMITTEE MEETING MINUTES OF MEETING HELD 3
NOVEMBER 2022 (cont'd)**

ATTACHMENT No [1] - Audit & Risk Committee Meeting - Minutes - 3 November
2022

CORPORATE GOVERNANCE AND
PERFORMANCE
OFFICER REPORTS FOR DETERMINATION

AUDIT & RISK COMMITTEE MEETING
THURSDAY, 3 NOVEMBER 2022

FILE NO:
5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

ITEM NO: 6.2.4
(MANAGER GOVERNANCE AND
PERFORMANCE, AMANDA CHADWICK)
(DIRECTOR CORPORATE GOVERNANCE
AND PERFORMANCE, BRANT DOYLE)

MAJOR PROJECT/INCIDENTS AND LEGAL PROCEEDINGS

This report provides a summary of key projects, which are new or unusual or have the potential to have a high level of interest or risk.

MOTION

FRED DOUGLAS / CR ED COX

That the Audit and Risk Committee note the information provided regarding major projects, incidents and legal proceedings.

(CARRIED)

FILE NO: F13/493-2/002
5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

ITEM NO: 11.1.2
(SENIOR GOVERNANCE OFFICER,
NANCY MUSTICA)
(DIRECTOR CORPORATE GOVERNANCE
AND PERFORMANCE BRANT DOYLE)

**AUDIT & RISK COMMITTEE MEETING MINUTES OF MEETING HELD 3
NOVEMBER 2022 (cont'd)**

**ATTACHMENT No [1] - Audit & Risk Committee Meeting - Minutes - 3 November
2022**

CORPORATE GOVERNANCE AND
PERFORMANCE
OFFICER REPORTS FOR DETERMINATION

AUDIT & RISK COMMITTEE MEETING
THURSDAY, 3 NOVEMBER 2022

FILE NO: F
5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

ITEM NO: 6.2.5
(SENIOR GOVERNANCE OFFICER, NANCY
MUSTICA)
(DIRECTOR CORPORATE GOVERNANCE
AND PERFORMANCE BRANT DOYLE)

INTERNAL AUDIT PROGRAM STATUS UPDATE AND FUTURE AUDITS

Executive Summary

That the Audit & Risk Committee consider the Internal Audit Program Status Update and audit scopes attached.

MOTION

CRS WAYNE LIMBRICK / ED COX

That the Audit & Risk Committee note the Internal Audit Program Status Update.

(CARRIED)

FILE NO: F13/493-2/002
5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

ITEM NO: 11.1.2
(SENIOR GOVERNANCE OFFICER,
NANCY MUSTICA)
(DIRECTOR CORPORATE GOVERNANCE
AND PERFORMANCE BRANT DOYLE)

**AUDIT & RISK COMMITTEE MEETING MINUTES OF MEETING HELD 3
NOVEMBER 2022 (cont'd)**

**ATTACHMENT No [1] - Audit & Risk Committee Meeting - Minutes - 3 November
2022**

CORPORATE GOVERNANCE AND
PERFORMANCE
OFFICER REPORTS FOR DETERMINATION

AUDIT & RISK COMMITTEE MEETING
THURSDAY, 3 NOVEMBER 2022

FILE NO: F13/855
5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

ITEM NO: 6.2.6
(SENIOR GOVERNANCE OFFICER, NANCY
MUSTICA)
(DIRECTOR CORPORATE GOVERNANCE
AND PERFORMANCE BRANT DOYLE)

**INTERNAL AUDIT REPORT - BUDGETING AND LONG TERM FINANCIAL
PLANNING**

Executive Summary

In line with our Internal Audit Plan adopted by Council on 18 December 2019, AFS Chartered Accountants conducted a review of the process for annual and long term budgeting and compliance with legislative obligations.

The audit found our Long Term Financial Plan (LTFP) was adopted in June 2021 and meets the legislative requirements. Strengths identified include:

- Historical data to drive accuracy and reliability of forecasts;
- Considerations of the Revenue and Rating Plan; and
- financial sustainability indicators and defined target ranges as recommended by VAGO

The audit also identified Long Term Financial Management could be strengthened by:

- Establishing a Long Term Financial Planning Framework to govern and support the LTFP preparation;
- Undertake sensitivity analysis or stress testing of key assumptions;
- Undertake broader consultation with key stakeholders for input into underlying assumptions of the LTFP; and
- Improve the effectiveness of the LTFP as a key tool supporting good governance and effective financial management by establishing regular reporting and monitoring of actual performance against the LTFP, including financial sustainability risk indicators.

The audit identified five risks; two moderate and three minor. The Chief Financial Officer has provided comments on these and developed an action plan.

Attached is the AFS Budgeting and Long Term Financial Planning final report for the Audit & Risk Committee's consideration and support of the recommendations and actions forming part of the Risk Register.

MOTION

CR ED COX / FRED DOUGLAS

That the Audit & Risk Committee:

1. Note the Budgeting & Long Term Financial Planning Internal Audit report; and
2. Endorse this audit being presented to Council.

(CARRIED)

FILE NO: F13/493-2/002
5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

ITEM NO: 11.1.2
(SENIOR GOVERNANCE OFFICER,
NANCY MUSTICA)
(DIRECTOR CORPORATE GOVERNANCE
AND PERFORMANCE BRANT DOYLE)

**AUDIT & RISK COMMITTEE MEETING MINUTES OF MEETING HELD 3
NOVEMBER 2022 (cont'd)**

**ATTACHMENT No [1] - Audit & Risk Committee Meeting - Minutes - 3 November
2022**

CORPORATE GOVERNANCE AND
PERFORMANCE
OFFICER REPORTS FOR DETERMINATION

AUDIT & RISK COMMITTEE MEETING
THURSDAY, 3 NOVEMBER 2022

FILE NO: F13/493
5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

ITEM NO: 6.2.7
(SENIOR GOVERNANCE OFFICER, NANCY
MUSTICA)
(DIRECTOR CORPORATE GOVERNANCE
AND PERFORMANCE BRANT DOYLE)

INTERNAL AUDIT REPORT - COBRAM LANDFILL

Executive Summary

AFS Chartered Accountants conducted a review of the process for the management of the Cobram Landfill site and compliance with legislative obligations, in accordance with the Internal Audit Plan.

The scope of the audit included:

1	Reviewing and assessing the processes and controls operating in the management of the landfill including: <ul style="list-style-type: none">• Contractor management• Site security• Site safety
2	Review of process for revenue collection, accounts receivable, debtor management and reconciliation for the Cobram Landfill.
3	Analysis of revenue received against tonnage of materials received into the landfill.
4	Review the management of compliance with the EPA conditions.
5	Review the performance monitoring activities undertaken by Moira Shire Council over: <ul style="list-style-type: none">• Landfill performance• EPA licence compliance
6	Assessing the methodology and processes for setting pricing, fees and charges and the clarity of processes in place to support the setting of pricing, fees and charges.

The audit identified three risks; two moderate and one minor. All recommendations and action plans were agreed to by the Manager Sustainability and the Chief Financial Officer as summarized in the table below.

The audit report is attached for the Audit & Risk Committee consideration.

MOTION

CR ED COX / FRED DOUGLAS

That the Audit & Risk Committee:

1. Note the Cobram Landfill Internal Audit Report; and
2. Endorse the report to be submitted to Council.

(CARRIED)

FILE NO: F13/493-2/002
5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

ITEM NO: 11.1.2
(SENIOR GOVERNANCE OFFICER,
NANCY MUSTICA)
(DIRECTOR CORPORATE GOVERNANCE
AND PERFORMANCE BRANT DOYLE)

**AUDIT & RISK COMMITTEE MEETING MINUTES OF MEETING HELD 3
NOVEMBER 2022 (cont'd)**

**ATTACHMENT No [1] - Audit & Risk Committee Meeting - Minutes - 3 November
2022**

CORPORATE GOVERNANCE AND
PERFORMANCE
OFFICER REPORTS FOR DETERMINATION

AUDIT & RISK COMMITTEE MEETING
THURSDAY, 3 NOVEMBER 2022

FILE NO:
5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

ITEM NO: 6.2.8
(SENIOR GOVERNANCE OFFICER, NANCY
MUSTICA)
(MANAGER GOVERNANCE AND
PERFORMANCE, AMANDA CHADWICK)

AUDIT AND RISK COMMITTEE MEETING DATES FOR 2023

Executive Summary

Meeting Schedule

The dates for Audit and Risk Committee meetings in 2023 are to be set and made available for public display.

It is proposed that the meetings be held on the dates below, commencing at 9am in the Council Briefing Room within the Moira Shire Council Offices, 44 Station Street Cobram Victoria, 3644.

Attendance

In accordance with the Charter, all committee members are expected to attend each meeting in person where possible, although members can attend through electronic means with prior approval from the Chair. The Chair should seek approval from the CEO.

Quorum

A quorum shall comprise at least one Councillor and two external independent members and committee members are encouraged to confirm their attendance seven days prior to each meeting.

Meeting Type	Proposed Date
December 2022 Quarter	Thursday, 9 February 2023
March 2023 Quarter	Thursday, 11 May 2023
June 2023 Quarter	Thursday, 20 July 2023
Annual Report / VAGO Audit / Performance Statement	Thursday, 14 September 2023
September 2023 Quarter	Thursday, 19 October 2023

MOTION

FRED DOUGLAS / CR WAYNE LIMBRICK

That the Audit and Risk Committee set the dates for the 2023 Audit and Risk Committee meetings.

(CARRIED)

FILE NO: F13/493-2/002
5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

ITEM NO: 11.1.2
(SENIOR GOVERNANCE OFFICER,
NANCY MUSTICA)
(DIRECTOR CORPORATE GOVERNANCE
AND PERFORMANCE BRANT DOYLE)

**AUDIT & RISK COMMITTEE MEETING MINUTES OF MEETING HELD 3
NOVEMBER 2022 (cont'd)**

**ATTACHMENT No [1] - Audit & Risk Committee Meeting - Minutes - 3 November
2022**

CORPORATE GOVERNANCE AND
PERFORMANCE
OFFICER REPORTS FOR DETERMINATION

AUDIT & RISK COMMITTEE MEETING
THURSDAY, 3 NOVEMBER 2022

FILE NO:
5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

ITEM NO: 6.2.9
(SENIOR GOVERNANCE OFFICER, NANCY
MUSTICA)
(DIRECTOR CORPORATE GOVERNANCE
AND PERFORMANCE BRANT DOYLE)

AUDIT AND RISK COMMITTEE BIENNIAL REPORT

Executive Summary

The Moira Shire Council Audit and Risk Committee Charter requires the Committee to provide a biannual report of the financial years' activities to Council. This report summarises the key activities of the Audit and Risk Committee during 2022.

A key objective of Council is to ensure effective corporate governance through the application of strong and appropriate policies, procedures and controls. To assist Council achieve this objective the Audit and Risk Committee's key role is to provide appropriate advice and recommendations to Council on matters relevant to the Audit and Risk Committee's Charter.

These matters include:

- the effectiveness of internal and external financial reporting;
- management of financial and other risks and the protection of Council assets;
- compliance with laws and regulations as well as use of Best Practice guidelines;
- the effectiveness of the internal audit function; and
- communication between the external auditor, internal audit, Management and the Council.

MOTION

FRED DOUGLAS / CR ED COX

That the Audit and Risk Committee;

- Note the Biannual Report; and
- Refer the Biannual Report to Council for endorsement.

(CARRIED)

FILE NO: F13/493-2/002
5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

ITEM NO: 11.1.2
(SENIOR GOVERNANCE OFFICER,
NANCY MUSTICA)
(DIRECTOR CORPORATE GOVERNANCE
AND PERFORMANCE BRANT DOYLE)

**AUDIT & RISK COMMITTEE MEETING MINUTES OF MEETING HELD 3
NOVEMBER 2022 (cont'd)**

**ATTACHMENT No [1] - Audit & Risk Committee Meeting - Minutes - 3 November
2022**

CORPORATE GOVERNANCE AND
PERFORMANCE
OFFICER REPORTS FOR DETERMINATION

AUDIT & RISK COMMITTEE MEETING
THURSDAY, 3 NOVEMBER 2022

FILE NO:
5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

ITEM NO: 6.2.10
(MANAGER GOVERNANCE AND
PERFORMANCE, AMANDA CHADWICK)
(DIRECTOR CORPORATE GOVERNANCE
AND PERFORMANCE, BRANT DOYLE)

RISK MANAGEMENT REVIEW

Executive Summary

This report provides an update on the implementation of the actions detailed in the Due Diligence Audit that was presented to the Audit and Risk Committee on 21 July 2022.

This Due Diligence Audit was required as part of the consideration to change insurance providers to CivicRisk Mutual, which was endorsed by Council at the Scheduled Council Meeting in June 2022.

MOTION

CRS WAYNE LIMBRICK / ED COX

That the Audit and Risk Committee:

1. Note the progress of the Risk Management Review Project in accordance with the Due Diligence Audit.

(CARRIED)

FILE NO: F13/493-2/002
5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

ITEM NO: 11.1.2
(SENIOR GOVERNANCE OFFICER,
NANCY MUSTICA)
(DIRECTOR CORPORATE GOVERNANCE
AND PERFORMANCE BRANT DOYLE)

**AUDIT & RISK COMMITTEE MEETING MINUTES OF MEETING HELD 3
NOVEMBER 2022 (cont'd)**

**ATTACHMENT No [1] - Audit & Risk Committee Meeting - Minutes - 3 November
2022**

CORPORATE GOVERNANCE AND
PERFORMANCE
OFFICER REPORTS FOR DETERMINATION

AUDIT & RISK COMMITTEE MEETING
THURSDAY, 3 NOVEMBER 2022

FILE NO: F
5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

ITEM NO: 6.2.11
(SENIOR GOVERNANCE OFFICER, NANCY
MUSTICA)
(DIRECTOR CORPORATE GOVERNANCE
AND PERFORMANCE, BRANT DOYLE)

STRATEGIC INTERNAL AUDIT PROGRAM STATUS UPDATE

Executive Summary

That the Audit & Risk Committee consider the Strategic Internal Audit Program Status Update.

MOTION

CR WAYNE LIMBRICK / FRED DOUGLAS

That the Audit & Risk Committee note the Strategic Internal Audit Program Status Update.

(CARRIED)

FILE NO: F13/493-2/002
5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

ITEM NO: 11.1.2
(SENIOR GOVERNANCE OFFICER,
NANCY MUSTICA)
(DIRECTOR CORPORATE GOVERNANCE
AND PERFORMANCE BRANT DOYLE)

**AUDIT & RISK COMMITTEE MEETING MINUTES OF MEETING HELD 3
NOVEMBER 2022 (cont'd)**

ATTACHMENT No [1] - Audit & Risk Committee Meeting - Minutes - 3 November
2022

AUDIT & RISK COMMITTEE MEETING
THURSDAY, 3 NOVEMBER 2022

6. OFFICER REPORTS FOR INFORMATION AND DECISION

NIL

7. GENERAL BUSINESS

1.	CEO Update
2.	AFS Industry Update
3	Cyber Security

8. NEXT MEETING

9 February 2023

9. MEETING CLOSE: 11.50 AM

FILE NO:
**5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE**

ITEM NO: 11.2.1
(SENIOR TOWN PLANNER, MELISSA
BURNS)
(DIRECTOR INFRASTRUCTURE SERVICES
JOSHUA LEWIS)

**AMENDMENT C93MOIR PANEL REPORT - PLANNING FRAMEWORK FOR
COBRAM, NATHALIA, NUMURKAH AND YARRAWONGA**

Recommendation

That Council:

1. Change Moira Planning Scheme Amendment C93 as recommended by the Panel by:
 - a) replacing changes to Clauses 21.03, 21.07 and 21.09 with changes to policies within the new Planning Policy Framework (Clauses 11-19);
 - b) amending the Nathalia Strategy Plan to revise the Nathalia Strategy Plan map;
 - c) amending the Numurkah Strategy Plan to revise the Numurkah Strategy Plan map;
 - d) deleting rezoning of land at:
 - i) 20 and 42 Saxton Street West, and 2072 Katamatite-Nathalia Road, Numurkah from Industrial 1 Zone to Farming Zone.
 - ii) 2123 Katamatite Nathalia Road, 39 and 59 Allens Road, TP786691 Allens Road and Goulburn Valley Highway, Numurkah from Farming Zone to Industrial 1 Zone.
 - e) deleting application of the Development Plan Overlay Schedule 12 to 2123 Katamatite Nathalia Road, 39 and 59 Allens Road, TP786691 Allens Road and Goulburn Valley Highway, Numurkah.
2. Adopts Moira Planning Scheme Amendment C93 as changed and submit the amendment to the Minister for Planning for approval.

1. Executive Summary

The Independent Planning Panel Report on Moira Planning Scheme Amendment 93 has now been received and has been made publically available on Council's website.

With some minor variations, the Panel has supported Council's position on the amendment.

The main issue previously identified regarding rezoning of land at Numurkah has been considered and the Panel agrees that this part of the amendment should not proceed. It has however provided some guidance on what will be required to progress with a separate amendment to rezone more industrial land.

Other changes are mostly administrative in nature and relate to drafting following the change in format of the planning scheme.

The Panel concludes the amendment is supported by, and implements, the relevant sections of the Planning Policy Framework, and is consistent with the relevant Ministerial Directions and Practice Notes. The amendment is well founded and strategically justified, and the Amendment should proceed.

The purpose of this report is to facilitate Council's consideration of the Panel's report before deciding whether or not to adopt the amendment. Ministerial Direction 15 - *The Planning Scheme Amendment Process*, requires a planning authority to make a decision to abandon or adopt an amendment within 40 business days of the date it received the Panel Report.

FILE NO:
5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

ITEM NO: 11.2.1
(SENIOR TOWN PLANNER, MELISSA
BURNS)
(DIRECTOR INFRASTRUCTURE SERVICES
JOSHUA LEWIS)

AMENDMENT C93MOIR PANEL REPORT - PLANNING FRAMEWORK FOR COBRAM, NATHALIA, NUMURKAH AND YARRAWONGA (cont'd)

It is recommended that Moira Planning Scheme Amendment C93 be changed and adopted as recommended by the Panel.

2. Conflict of interest declaration

There is no officer conflict of interest associated with this proposal or report.

3. Background & Context

Amendment C77 to the Moira Planning Scheme was exhibited in December 2016 and approved in December 2017. This was a major review of the then Planning Scheme. It rewrote the Municipal Strategic Statement and implemented both the Moira Planning Scheme Review 2016 (Strategic Review) and the Moira Small Towns Settlement Strategy.

This amendment introduced provisions in the then Clause 21.03 to the effect that further strategic work was required. This identified work included the following:

Review existing strategy plans for the four major towns - Cobram, Yarrawonga, Nathalia and Numurkah

The above provision led to the preparation of the Major Towns Strategy Plan Review (Cobram, Yarrawonga, Nathalia and Numurkah) dated June 2018.

The Yarrawonga Framework Plan dated January 2020 was then prepared by the Victorian Planning Authority on behalf of the Victorian Government in collaboration with the Moira Shire Council in response to the continued and significant growth in Yarrawonga.

The Yarrawonga Stormwater Drainage Strategy 2019 was prepared for the Moira Shire Council to inform the subsequent Yarrawonga Framework Plan 2020. This Drainage Strategy is acknowledged in page 21 of the 2020 Framework Plan which is stated to "draw on the Drainage Strategy".

The Victorian Planning Authority commissioned the Yarrawonga Growth Management Strategy Stages 1 and 2 prepared by Macro Plan and dated 2017. The growth forecasts in these reports were used to inform the Yarrawonga Framework Plan 2020.

The Retail Policy for Cobram and Yarrawonga: Options Report 2017 is listed in the Major Towns Review and as a reference document in the Yarrawonga Framework Plan 2020. The Retail Policy was a significant document in the preparation of the Major Towns Review.

At its Scheduled Meeting of the 16th December 2020, Council resolved to prepare and exhibit Planning Scheme Amendment C93 to the Moira Planning Scheme.

Amendment C93 is broad reaching and seeks to fulfil Council's obligation to maintain the relevance of the Moira Planning Scheme. It does this by looking to implement the outcomes from volumes of strategic work previously undertaken and adopted by Council over the last 5 years. In addition to the broad strategic updates proposed, Amendment C93 also includes a component that seeks to rezone land at Numurkah.

Ministerial Authorisation to prepare and exhibit the amendment, was granted on the 30th April 2021.

FILE NO:
**5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE**

ITEM NO: 11.2.1
(SENIOR TOWN PLANNER, MELISSA
BURNS)
(DIRECTOR INFRASTRUCTURE SERVICES
JOSHUA LEWIS)

**AMENDMENT C93MOIR PANEL REPORT - PLANNING FRAMEWORK FOR
COBRAM, NATHALIA, NUMURKAH AND YARRAWONGA (cont'd)**

The amendment was placed on public exhibition from the 9th September 2021 to the 8th October 2021. A total of thirteen submissions were received. Six from members of the public and seven from referral authorities.

Moir Planning Scheme Amendment C93 as exhibited seeks to update the planning framework for Cobram, Nathalia, Numurkah and Yarrawonga in accordance with certain recommendations of the adopted Major Towns Strategy Plan Review 2018 and the Yarrawonga Framework Plan 2020. In addition to altering the Moira Planning Scheme to reflect previous strategic planning work that has been completed, and to incorporate that work as background documents, the amendment proposes to rezone land in Numurkah from Farming Zone to Industrial 1 Zone as well as apply the Development Plan Overlay, and rezone land from Industrial 1 Zone to Farming Zone.

At its Ordinary Meeting of the 15th December 2021 Council considered a report in relation to submissions received to the exhibition of Moira Planning Scheme Amendment C93. In relation to that particular report Council resolved to refer the matter to an independent panel.

Moir Planning Scheme Amendment C95 was gazetted 3rd March 2022 and introduced the new Planning Policy Framework into the Planning Scheme in accordance with the requirements of Amendment VC148. The Panel directed that Council update the amendment documents, including drafted ordinance, to ensure it is consistent with the new VC148 Planning Scheme format. These changes occurred post exhibition of the amendment in 2021 and prior to the commencement of the Panel Hearing.

Prior to the Panel hearing it was identified that not all landowners potentially affected by the proposed rezoning in Numurkah had been notified of the proposal. Council resolved at its meeting of 24th August 2022 to:

- *Advise the Independent Planning Panel that part of the amendment which seeks to rezone land in Numurkah from Farming Zone to Industrial 1 Zone and from Industrial 1 Zone to Farming Zone should not proceed.*
- *Refer the late submission, and any others received in relation to the rezoning between now and the Panel Hearing, to the Independent Planning Panel.*
- *Refer the submission from the Goulburn Broken Catchment Management Authority to the Independent Planning Panel.*

On 26th August 2022 the Panel directed Council to directly notify all landowners and occupiers in Numurkah that may be materially affected by the exhibited Amendment and any changes proposed by Council. Letters were sent to the owners and occupiers of affected properties in Numurkah on 2nd September 2022. Submission 18 was received in response to this further notice process and referred to the Panel.

The Panel hearing was held on the 30th August and 3rd October 2022. The first day was a hybrid meeting held at the Cobram Civic Centre and most submitters or their representatives either attended in person or online. The second hearing day was held virtually. The final report of the Panel was received on the 17th November 2022 and has considered the amendment including issues raised in the submissions received. In accordance with the requirements of the Planning and Environment Act 1987 the report was made available to the public on 29th November 2022. Council as the planning authority must consider the Panel's report before deciding whether or not to adopt the amendment. Ministerial Direction 15 - The Planning Scheme Amendment

FILE NO:
5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

ITEM NO: 11.2.1
(SENIOR TOWN PLANNER, MELISSA
BURNS)
(DIRECTOR INFRASTRUCTURE SERVICES
JOSHUA LEWIS)

**AMENDMENT C93MOIR PANEL REPORT - PLANNING FRAMEWORK FOR
COBRAM, NATHALIA, NUMURKAH AND YARRAWONGA (cont'd)**

Process, requires a planning authority to make a decision to abandon or adopt an amendment within 40 business days of the date it received the Panel Report.

The Panel recommends that Moira Planning Scheme Amendment C93 be adopted as exhibited subject to: changes required following the gazettal of C95moir; the Council resolution that the rezoning of land in Numurkah should not proceed on the basis of insufficient notification, and; to address other issues raised as part of the panel process.

4. Panel Report Findings

Following is an extract from the Executive Summary of the Panel Report which is included in its entirety at **Attachment 1**:

Overall, the Panel is satisfied the strategic plans are consistent with the role of each settlement as set out in the Hume Regional Growth Plan and Municipal Planning Strategy. These plans provide a sound strategic basis for the Amendment and promote the orderly development.

On the specific issues raised by submitters for each town, the Panel has concluded:
Cobram

- The Cobram Strategy Plan reflects Cobram's current and future land use needs, particularly for land at 34 Ritchie Road.

Nathalia

- Land in Scott Avenue should be recognised as a 'future investigation area' on the Nathalia Structure Plan
- Land in Draper Street should be recognised as a 'future investigation area' on the Nathalia Structure Plan.

Numurkah

- A contemporary supply and demand analysis is needed to determine if additional industrial land is needed in Numurkah and is it premature to rezone new land for industry without this assessment.

Yarrawonga

- The *Yarrawonga Framework Plan*, 2020 commercial land estimates are appropriate.
- There is not a compelling case to support land along Murray Valley Highway as a 'potential commercial/industrial investigation area'
- The *Yarrawonga Framework Plan*, 2020 should recognise Belmore Street for large format retail land uses.

Over the course of the Hearing, Council identified the need to make various changes to the exhibited Amendment to take account of revisions to Planning Policy Framework made by Amendment C95moir and to avoid inconsistency between the exhibited Amendment and the approved Moira Planning Scheme. The Panel supports these changes and concludes:

- policy neutral translation of the exhibited Amendment into the current Planning Scheme format is necessary and appropriate

FILE NO:
5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

ITEM NO: 11.2.1
(SENIOR TOWN PLANNER, MELISSA
BURNS)
(DIRECTOR INFRASTRUCTURE SERVICES
JOSHUA LEWIS)

**AMENDMENT C93MOIR PANEL REPORT - PLANNING FRAMEWORK FOR
COBRAM, NATHALIA, NUMURKAH AND YARRAWONGA (cont'd)**

- all local provisions referring to the Cobram Framework Plan, Nathalia Framework Plan, Numurkah Framework Plan and *Yarrawonga Framework Plan*, 2020 (or land identified on those plans) should be amended for consistency with the Cobram Strategy Plan, Nathalia Strategy Plan, Numurkah Strategy Plan and *Yarrawonga Framework Plan*, 2020.

Recommendations

Based on the reasons set out in this Report, the Panel recommends that Moira Planning Scheme Amendment C93moir be adopted as exhibited subject to the following:

1. Replace Clauses 21.03, 21.07 and 21.09 with:
 - Clause 11.01-1L-02 (Cobram) as shown in Appendix D1
 - Clause 11.01-1L-03 (Yarrawonga) as shown in Appendix D2
 - Clause 11.01-1L-04 (Nathalia) as shown in Appendix D3
 - Clause 11.01-1L-05 (Numurkah) as shown in Appendix D4
 - Clause 14.02-1L (Stormwater management in Yarrawonga) as shown in Appendix D5
 - Clause 15.01-2L (Building design in Moira) as shown in Appendix D6
 - Clause 15.01-3L (Subdivision design in Yarrawonga) as shown in Appendix D7
 - Clause 17.02-1L (Business in Moira) as shown in Appendix D8
 - Clause 17.02-1L-02 (Business in Yarrawonga) as shown in Appendix D9
 - Clause 17.03-1L (Industrial land supply in Moira) as shown in Appendix D10
 - Clause 17.03-1L-02 (Industrial land supply in Yarrawonga) as shown in Appendix D11
 - Clause 18.01-2L (Transport links in Yarrawonga) as shown in Appendix D12
 - Clause 18.02-5L (Freight in Yarrawonga) as shown in Appendix D13
 - Clause 19.02-2L (Education facilities in Moira) as shown in Appendix D14
 - Clause 19.03-2L (Infrastructure design and provision in Moira) as shown in Appendix D15
2. Amend the Nathalia Strategy Plan to revise the Nathalia Strategy Plan map, as shown in Appendix D3, to:
 - a) show land at the northern end of Scott Avenue as 'future investigation'
 - b) show land west of Draper Street as 'future investigation'
3. Amend the Numurkah Strategy Plan to revise the Numurkah Strategy Plan map, as shown in Appendix D4 to:
 - a) show the area noted as 'Short Term Industrial Expansion' and 'Medium Term Industrial Expansion' as 'Long Term Industrial' consistent with the existing Numurkah Framework Plan

FILE NO:
**5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE**

ITEM NO: 11.2.1
(SENIOR TOWN PLANNER, MELISSA
BURNS)
(DIRECTOR INFRASTRUCTURE SERVICES
JOSHUA LEWIS)

**AMENDMENT C93MOIR PANEL REPORT - PLANNING FRAMEWORK FOR
COBRAM, NATHALIA, NUMURKAH AND YARRAWONGA (cont'd)**

- b) show the area noted as 'Long Term Industrial Expansion' as part 'Existing Industrial' and part 'Medium Term Industrial 2 Zone' consistent with the existing Numurkah Framework Plan.
- 4. Delete rezoning of land at:
 - a) 20 and 42 Saxton Street West, and 2072 Katamatite-Nathalia Road, Numurkah from Industrial 1 Zone to Farming Zone.
 - b) 2123 Katamatite Nathalia Road, 39 and 59 Allens Road, TP786691 Allens Road and Goulburn Valley Highway, Numurkah from Farming Zone to Industrial 1 Zone.
- 5. Delete application of Development Plan Overlay Schedule 12 to 2123 Katamatite Nathalia Road, 39 and 59 Allens Road, TP786691 Allens Road and Goulburn Valley Highway, Numurkah.

5. Comment on Panel Report

Form and Content

The amendment was authorised for exhibition and subsequently exhibited from the 9th September 2021. Council resolved to refer submissions received to an Independent Planning Panel at the Council meeting on 17th December 2021. Prior to the commencement of the panel hearing Amendment C95moir was gazetted. This was a policy neutral amendment which changed the format of the Moira Planning Scheme to ensure its consistency with Amendment VC148. Panel recommendation 1 is supported as it is considered practical to change Amendment C93moir to be consistent with the current format of the Moira Planning Scheme. It is recommended that Council change the amendment in the manner suggested.

Cobram

A submission was made regarding land at 34 Ritchie Road, Cobram. Both the Panel and Submitter comments in relation to this land and the proposed Cobram Strategy Plan are noted.

Amendment C93moir does not propose any zone or overlay changes to the land. The land is identified in the current Cobram Framework Plan as 'Short term business expansion - Potential business park' and the proposed Cobram Strategy Plan identifies it as 'Future Investigation'. The Major Town's Strategy Plan Review 2017 and Retail Policy Framework for Cobram and Yarrowonga Options Report 2018 provides the strategic background to the proposed Cobram Strategy Plan.

Council commissioned a planning report from Echelon Planning that has been through a public consultation process and was considered by Council on 28th February 2021. Council deferred a decision on the proposed business park at Cobram. The Echelon Report recommended that the subject land be rezoned to Commercial 2 to facilitate a business park development. Amendment C93moir did not take into account the Echelon Report and does not need to because there is no inconsistency with the proposed strategy plan for Cobram which identifies the land for 'future investigation'. Further, the Echelon Report has not been adopted by Council.

The Panel acknowledges that the global pandemic and completion of the 2021 Census may have an impact on the population data in the two studies and suggests that Council should

FILE NO:
**5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE**

ITEM NO: 11.2.1
(SENIOR TOWN PLANNER, MELISSA
BURNS)
(DIRECTOR INFRASTRUCTURE SERVICES
JOSHUA LEWIS)

**AMENDMENT C93MOIR PANEL REPORT - PLANNING FRAMEWORK FOR
COBRAM, NATHALIA, NUMURKAH AND YARRAWONGA (cont'd)**

delay a decision for this land until these impacts and results are assessed. The Panel recognises that the Echelon Report has not been adopted and therefore carries no weight for Amendment C93moir.

The proposed Cobram Strategy Plan acknowledges the uncertain future use and development of this land with its broad identification as 'future investigation'. The Panel considers that the Cobram Strategy Plan as exhibited is strategically justified and that the identification of land at 34 Ritchie Road, Cobram as an area of future investigation is appropriate. Council officers agree that Amendment C93moir should proceed as exhibited with regard to this site noting that designating the submitter's land as 'future investigation' allows for further review in the future.

Nathalia

Multiple submissions were made regarding the proposed Nathalia Strategy Plan and these are noted along with the related Panel comments.

Amendment C93moir proposes to replace the current Nathalia Framework Plan with the Nathalia Strategy Plan. Generally, the settlement boundary has been expanded to include areas north and south east that were previously identified as 'medium term residential' and two areas at the northern end have been designated as 'options for industrial expansion'.

Submissions raised that land in Scott Avenue was previously identified as 'medium term residential'. It is correct that the 2010 Nathalia Strategy Plan designated this land as Medium Term Residential. Amendment C64moir was gazetted 16th February 2012 and implemented that Strategy Plan. However, Amendment C77moir, gazetted 14th December 2017, altered that Strategy Plan to the plan that is now in the current Planning Scheme. The current Nathalia Framework Plan does not have the land designated as Medium Term Residential. It also has the land outside the settlement boundary whereas the Strategy Plan proposed by Amendment C93moir alters the settlement boundary so that the subject land is within that boundary.

The exhibited version of the Nathalia Strategy Plan as it relates to land in Scott Avenue, is inconsistent with the adopted Major Towns Strategy Plan Review 2018. The 2018 Review shows the land as 'future investigation' whereas the exhibited version of the Nathalia Strategy Plan does not. As far as can be determined this inconsistency is an error and the Strategy Plan proposed for Nathalia should identify the farming zoned land in Scott Avenue as 'future investigation'. The Panel recommendation that the Nathalia Strategy Plan be changed to designate this land as 'future investigation' is supported.

A submission was received regarding land at the northern end of Nathalia to the west of Draper Street. The current Nathalia Framework Plan identifies this land as 'medium term residential' and the proposed Nathalia Strategy Plan refers to it as 'options for industrial expansion'. The Panel recommendation in relation to this land is that it should be recognised instead as a 'future investigation area'.

The two areas proposed to be identified as 'options for industrial expansion' appear to be in response to the Major Towns Review findings that the industrial land supply in Nathalia is unable to be realised and therefore Council should consider rezoning additional areas to Industrial 1 Zone in the future. The findings of the Analysis and Feasibility Study on Industrial Land at Nathalia and Numurkah 2011 was used to inform the Major Towns Review.

FILE NO:
**5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE**

ITEM NO: 11.2.1
(SENIOR TOWN PLANNER, MELISSA
BURNS)
(DIRECTOR INFRASTRUCTURE SERVICES
JOSHUA LEWIS)

**AMENDMENT C93MOIR PANEL REPORT - PLANNING FRAMEWORK FOR
COBRAM, NATHALIA, NUMURKAH AND YARRAWONGA (cont'd)**

The Panel statement that further assessment, particularly in relation to land use compatibility and flood risks, is required to justify this specific notation is noted and the recommendation that this land instead be designated as 'future investigation area' is supported. This designation would not prevent the future investigation of this land for industrial uses.

Numurkah

Multiple submissions were made in regards to the proposed rezoning of land in Numurkah and subsequent changes shown on the Numurkah Strategy Plan. The comments from the Panel and submitters are noted.

Amendment C93moir, in relation to Numurkah, proposes to:

- Rezone land at 20 and 42 Saxton Street West and 2072 Katamatite-Nathalia Road, Numurkah from Industrial 1 Zone to Farming Zone.
- Rezone land at 2123 Katamatite-Nathalia Road, 39 and 59 Allens Road, TP786691 Allens Road and Goulburn Valley Highway, Numurkah from Farming Zone to Industrial 1 Zone and apply the Development Plan Overlay Schedule 12 over this land.
- Replace the Numurkah Framework Plan with the proposed Numurkah Strategy Plan which identifies:
 - the proposed Industrial 1 Zone land as 'short term industrial expansion'
 - the proposed Farming Zone land as 'long term industrial expansion'

Since the Council considered its position concerning the rezoning issue at the Council meeting on 24th August 2022 there have been two relevant additional occurrences as follows:

- Notifications to landowners and occupiers have been carried out in accordance with the Panel Direction 1 of 26th August 2022. This included advice concerning the Council's altered position regarding the proposed rezoning.
- A submission from Australian Agricultural Commodities Centre Pty Ltd has been lodged.

In the circumstances where the owners and occupiers have now been advised of Council's altered position not to proceed with the rezoning it is not considered appropriate to alter that position insofar as Amendment C93moir is concerned. The Panel's recommendation reflects the Council's resolved position.

Council officers requested the Panel assess the strategic merits of the rezoning as proposed in the exhibited version of Amendment C93moir given that the Council's position to not support the rezoning was due to inadequate notice and it is considered likely that the issue will be revisited in the future.

The Panel Report includes a discussion on the merits of the proposed rezoning and this has not been repeated here. Prior to initiating a new amendment for industrial land in Numurkah the Panel recommends that Council:

- *undertake a supply and demand analysis of industrial land*
- *understand contemporary requirements for industrial land, including agricultural processing*
- *develop a clear policy to guide the exercise of discretion for applications for industrial use and development in the FZ*

FILE NO:
5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

ITEM NO: 11.2.1
(SENIOR TOWN PLANNER, MELISSA
BURNS)
(DIRECTOR INFRASTRUCTURE SERVICES
JOSHUA LEWIS)

**AMENDMENT C93MOIR PANEL REPORT - PLANNING FRAMEWORK FOR
COBRAM, NATHALIA, NUMURKAH AND YARRAWONGA (cont'd)**

- *consider changes needed to DPO12 to ensure a future development plan provides an integrated and comprehensive response to environmental risks and site conditions, including bushfire risk, protection of irrigation assets and land use compatibility.*

The Panel has recommended that the rezoning of land and application of the Development Plan Overlay Schedule 12 be deleted from the amendment and that the Numurkah Strategy Plan be amended so that it is consistent with the current Numurkah Framework Plan. These recommendations are supported.

Yarrawonga

Amendment C93moir proposes to replace the Yarrawonga Framework Plan and Yarrawonga Central Framework Plan with a new Yarrawonga Framework Plan 2020 prepared by the Victorian Planning Authority.

A submission regarding the Yarrawonga Framework Plan 2020 was made by Insight Planning Consultants on behalf of Riverstown Pty Ltd. MacroPlan was engaged by Riverstown to provide expert evidence in relation to the need for a Large Format Retail Precinct (LFRP) in Yarrawonga. Comments from the submitters and the Panel regarding this matter are noted.

The submission relates to land fronting the Murray Valley Highway on the south east corner of the highway and Woods Road, east of the existing commercial buildings on this corner. The current Yarrawonga Framework Plan identifies this land as part of a broader area with the annotation 'promote residential development within planned neighbourhood'. The submission seeks changes to the Yarrawonga Framework Plan 2020 to support the designation of this land as 'potential commercial/industrial investigation'. Part of this site is undergoing a residential subdivision known as Glanmire Park Estate.

Council resolved at its meeting on 26th August 2020 to seek authorisation from the Minister for Planning to prepare Planning Scheme Amendment C92moir, which sought to rezone this land to Commercial 2 Zone. The Department of Environment, Land, Water and Planning refused this request for authorisation on 1st July 2021 in part due to its inconsistency with the Yarrawonga Framework Plan 2020 and Yarrawonga Retail Policy Framework Background Analysis and Options Report 2017.

The Panel and Council officers have acknowledged that the Covid-19 pandemic has caused some changes in population growth however have agreed that this period of time cannot be taken as a guaranteed long term trend. In addition the Yarrawonga Framework Plan identifies approximately 15 hectares of land to the west of the railway line that is already zoned Commercial 2 Zone. No sufficient reason has been provided as to why this land should not accommodate a bulky retail goods centre as has been stated as required to service Yarrawonga.

The Panel does not recommend any changes to the Yarrawonga Framework Plan 2020 and comments that the commercial land estimates within it are appropriate. The consolidation of retail uses within Belmore Street as the main retail area within Yarrawonga is supported. The Yarrawonga Framework Plan 2020 is considered to provide a sound strategic basis to guide the future use and development within Yarrawonga and should replace the existing framework

FILE NO:
**5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE**

ITEM NO: 11.2.1
(SENIOR TOWN PLANNER, MELISSA
BURNS)
(DIRECTOR INFRASTRUCTURE SERVICES
JOSHUA LEWIS)

**AMENDMENT C93MOIR PANEL REPORT - PLANNING FRAMEWORK FOR
COBRAM, NATHALIA, NUMURKAH AND YARRAWONGA (cont'd)**

plans relating to Yarrawonga within the Moira Planning Scheme. These recommendations are supported.

6. Budget / Financial Considerations

There are no financial implications to consider with this report.

7. Risk & Mitigation

Having become aware that inadequate notice of the rezoning part of the amendment was given and the impacts that this would have on properties, it is considered that the responsible action to be taken by Council as the Planning Authority for Amendment C93moir is to abandon that part of the amendment.

The remainder of the amendment does not suffer from the same procedural failure. Adequate notice of the broader changes to the Planning Scheme has been given. These broader changes are in accordance with recommendations of the adopted 'Major Town's Strategy Plan Review, 2018' and the 'Yarrawonga Framework Plan, 2020'. These bodies of work pulled together and reviewed multiple strategies and point the way forward for land use and development in Moira Shire.

The adopted strategies are sound bodies of strategic work that were also subject to consultation. The fact that their proposed implementation in the Moira Planning Scheme via Amendment C93moir has attracted relatively few submissions, tends to indicate broad community support for the strategies.

It is also noted that assistance has previously been provided by the Victorian Planning Authority and the Department of Environment, Land, Water and Planning in the preparation of the strategies underpinning the amendment or the amendment itself which creates somewhat of an obligation to finalise these projects by implementing them through Amendment C93moir.

The preparation of Amendment C93moir and associated strategic documents involves a most significant amount of expenditure both in direct financial terms as well as Councillor and officers time.

The Panel concludes the amendment is supported by, and implements, the relevant sections of the Planning Policy Framework, and is consistent with the relevant Ministerial Directions and Practice Notes. The amendment is well founded and strategically justified, and the amendment should proceed.

It is therefore considered appropriate that Council maintain its support for the amendment in accordance with the recommendations of the Independent Planning Panel.

8. Conclusion

The Panel considers that the amendment is supported by, and implements, the relevant sections of the Planning Policy Framework, and is consistent with the relevant Ministerial Directions and Practice Notes. It is well founded and strategically justified and should proceed subject to addressing the more specific issues raised in submissions as discussed in this report.

FILE NO:
**5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE**

ITEM NO: 11.2.1
(SENIOR TOWN PLANNER, MELISSA
BURNS)
(DIRECTOR INFRASTRUCTURE SERVICES
JOSHUA LEWIS)

**AMENDMENT C93MOIR PANEL REPORT - PLANNING FRAMEWORK FOR
COBRAM, NATHALIA, NUMURKAH AND YARRAWONGA (cont'd)**

The Panel is satisfied that the Cobram Strategy Plan reflects Cobram's current and future land use needs, particularly for land at 34 Ritchie Road. No recommendations have been made to change the exhibited Cobram Strategy Plan.

The Panel concluded that land at the northern end of Scott Avenue and west of Draper Street should be recognised as a 'future investigation area' on the Nathalia Structure Plan. Council officers consider that its current designation as 'rural land' is the result of a drafting error and agrees with this Panel recommendation which would ensure the plan is consistent with the version adopted by Council in 2018. It is considered premature to rezone land at the northern end of Scott Avenue from Farming Zone to a residential zone as requested by submitters in the absence of a full assessment. The Panel also considered it premature to designate land west of Draper Street as an 'option for industrial expansion' for the same reason.

The Panel concluded that the rezoning of land from Farming Zone to Industrial 1 Zone and from Industrial 1 Zone to Farming Zone is not strategically justified and is premature. The Panel has made recommendations about further strategic work the Council should undertake prior to initiating a future amendment for industrial land in Numurkah.

Further to the Council resolution on 24th August 2022 to advise the Panel that that part of the amendment relating to the rezoning of land in Numurkah should not proceed, officers agree with the Panel's recommendation that the proposed rezoning of land should be deleted. It is also agreed that the application of the Development Plan Overlay to land proposed to be rezoned to Industrial 1 Zone would also need to be deleted and subsequent changes made to the Numurkah Strategy Plan so that it is consistent with the existing Numurkah Framework Plan in relation to the timing of the provision of industrial land.

The amendment is soundly based; responds to Council's obligation to ensure its strategy plans are current, and; represents significant expenditure by Council and the State Government associated with Consultants Reports and large amounts of officer's time.

The part of the amendment which relates to updating the strategic plans and policies for the four main towns is based on sound strategic work and should proceed with minor changes to ensure its consistency with the Moira Planning Scheme format post C95moir.

Having regard to the above it is recommended that Moira Planning Scheme Amendment C93 be adopted as exhibited with all the changes recommended by the Panel.

Attachments

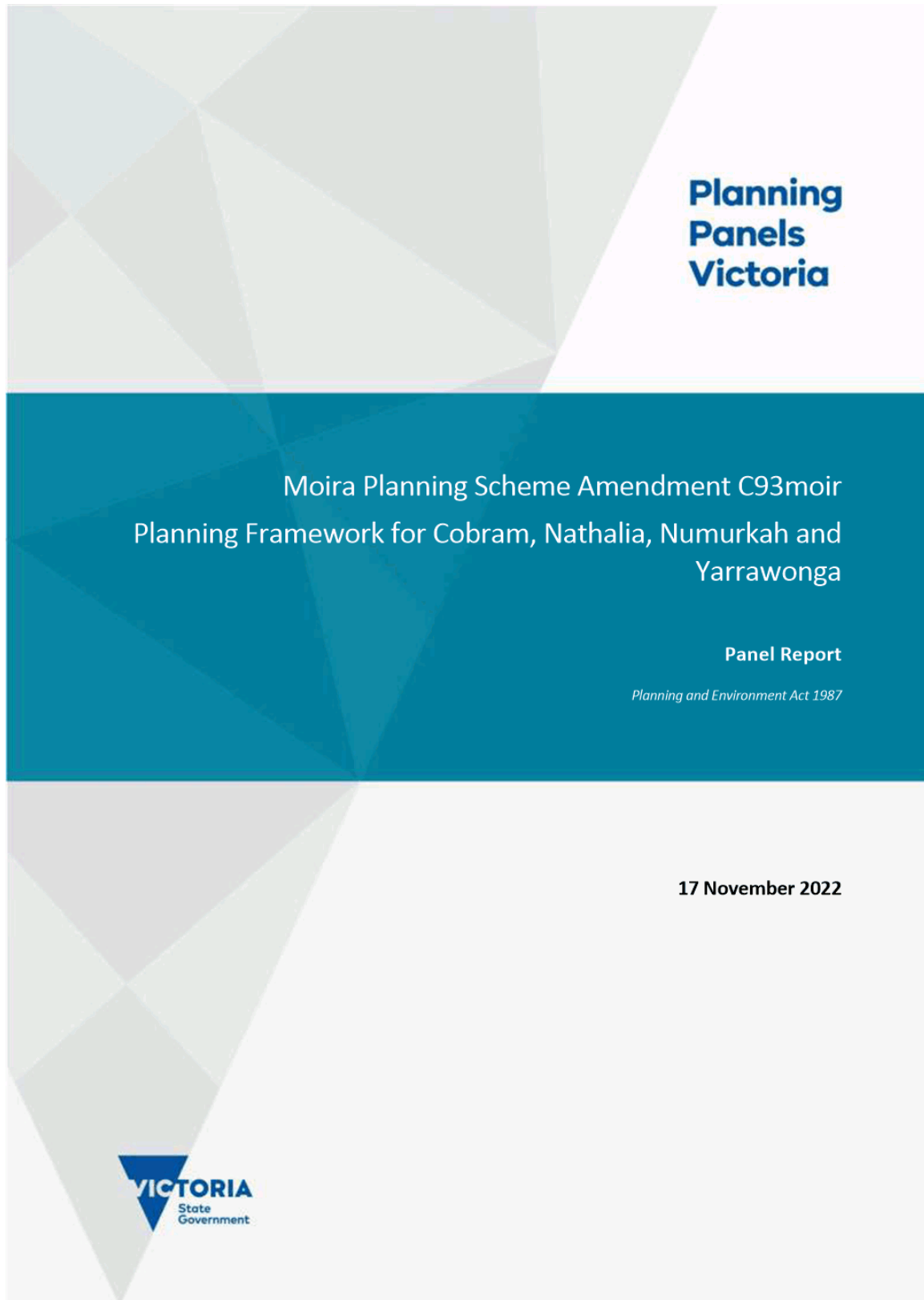
- 1 Amendment C93moir Panel Report

FILE NO:
5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

ITEM NO: 11.2.1
(SENIOR TOWN PLANNER, MELISSA
BURNS)
(DIRECTOR INFRASTRUCTURE
SERVICES JOSHUA LEWIS)

**AMENDMENT C93MOIR PANEL REPORT - PLANNING FRAMEWORK FOR
COBRAM, NATHALIA, NUMURKAH AND YARRAWONGA (cont'd)**

ATTACHMENT No [1] - Amendment C93moir Panel Report



FILE NO:
**5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE**

ITEM NO: 11.2.1
(SENIOR TOWN PLANNER, MELISSA
BURNS)
(DIRECTOR INFRASTRUCTURE
SERVICES JOSHUA LEWIS)

**AMENDMENT C93MOIR PANEL REPORT - PLANNING FRAMEWORK FOR
COBRAM, NATHALIA, NUMURKAH AND YARRAWONGA (cont'd)**

ATTACHMENT No [1] - Amendment C93moir Panel Report

How will this report be used?

This is a brief description of how this report will be used for the benefit of people unfamiliar with the planning system. If you have concerns about a specific issue you should seek independent advice.

The planning authority must consider this report before deciding whether or not to adopt the Amendment.
[section 27(1) of the *Planning and Environment Act 1987* (the PE Act)]

For the Amendment to proceed, it must be adopted by the planning authority and then sent to the Minister for Planning for approval.

The planning authority is not obliged to follow the recommendations of the Panel, but it must give its reasons if it does not follow the recommendations. [section 31 (1) of the PE Act, and section 9 of the *Planning and Environment Regulations 2015*]

If approved by the Minister for Planning a formal change will be made to the Planning Scheme. Notice of approval of the Amendment will be published in the Government Gazette. [section 37 of the PE Act]

Planning and Environment Act 1987

Panel Report pursuant to section 25 of the PE Act


Moir Planning Scheme Amendment C93moir

Planning Framework for Cobram, Nathalia, Numurkah and Yarrawonga

17 November 2022



Michael Ballock, Chair



Alison McFarlane, Member

FILE NO:
**5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE**

ITEM NO: 11.2.1
(SENIOR TOWN PLANNER, MELISSA
BURNS)
(DIRECTOR INFRASTRUCTURE
SERVICES JOSHUA LEWIS)

**AMENDMENT C93MOIR PANEL REPORT - PLANNING FRAMEWORK FOR
COBRAM, NATHALIA, NUMURKAH AND YARRAWONGA (cont'd)**

ATTACHMENT No [1] - Amendment C93moir Panel Report

Moir Planning Scheme Amendment C93moir | Panel Report | 17 November 2022

Contents

	Page
1 Introduction.....	1
1.1 The Amendment.....	1
1.2 Background	3
1.3 Procedural issues	4
1.4 Summary of issues raised in submissions	5
1.5 The Panel's approach	6
2 Planning context.....	7
2.1 Planning policy framework	7
2.2 Other relevant planning strategies and policies	8
2.3 Planning scheme provisions	9
2.4 Ministerial Directions and Practice Notes.....	11
3 Strategic justification.....	12
3.1 Background	12
3.2 Submissions.....	18
3.3 Discussion	18
3.4 Conclusion	18
4 Cobram	19
4.1 Framework Plan.....	19
5 Nathalia	22
5.1 Scott Avenue	22
5.2 Draper Street.....	25
6 Numurkah.....	27
6.1 Preferred location for industry.....	27
7 Yarrawonga	33
7.1 Preferred location for commercial and industrial land	33
8 Form and content of the Amendment.....	41
8.1 Background documents.....	41
8.2 General drafting issues.....	42
D:2 Panel preferred version Clause 11.01-1L-03	53

Appendix A Submitters to the Amendment

Appendix B Parties to the Panel Hearing

Appendix C Document list

Appendix D Panel preferred version of Amendment clauses

FILE NO:
**5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE**

ITEM NO: 11.2.1
(SENIOR TOWN PLANNER, MELISSA
BURNS)
(DIRECTOR INFRASTRUCTURE
SERVICES JOSHUA LEWIS)

**AMENDMENT C93MOIR PANEL REPORT - PLANNING FRAMEWORK FOR
COBRAM, NATHALIA, NUMURKAH AND YARRAWONGA (cont'd)**

ATTACHMENT No [1] - Amendment C93moir Panel Report

Moira Planning Scheme Amendment C93moir | Panel Report | 17 November 2022

List of Tables

	Page
Table 1 Summary of background to the Amendment	3
Table 2 Relevant planning policy clauses	7
Table 3 Zone purposes.....	9
Table 4 Overlay purposes.....	10
Table 5 Changes required to align the exhibited Amendment with the current Planning Scheme	42
Table 6 Additional changes required to align the exhibited Amendment with the Planning Scheme.....	43

List of Figures

	Page
Figure 1 Land to be rezoned in Numurkah	3
Figure 2 Moira Strategic Framework Plan	8
Figure 3 Hume Regional Growth Plan	9
Figure 4 Cobram Strategy Plan.....	14
Figure 5 Nathalia Strategy Plan	15
Figure 6 Numurkah Structure Plan	16
Figure 7 Yarrawonga Framework Plan	17
Figure 8 Locality Plan – 34 Ritchie Road, Cobram.....	19
Figure 9 Scott Avenue, Nathalia.....	22
Figure 10: Extract of adopted Nathalia Strategy Plan	24
Figure 11 Extract of Nathalia Strategy Plan exhibited with the Amendment.....	24
Figure 12 Extract of Nathalia Framework Plan (Clause 11.01-1L-04)	25
Figure 13 Extract of Nathalia Strategy Plan exhibited with the Amendment.....	25
Figure 14 Extract of Numurkah Framework (Clause 11.01-1L-04).....	28
Figure 15 Extract of Numurkah Strategy Plan exhibited with the Amendment.....	28
Figure 16 Existing zoning Numurkah industrial area	28
Figure 17 Proposed zoning Numurkah industrial area	28
Figure 18 Plan 7 Commercial and Retail area from the Yarrawonga Framework Plan.....	33
Figure 19 Amendment C92moir proposed rezoning to C2Z.....	35
Figure 20 Yarrawonga bulky goods trade area.....	37

FILE NO:
**5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE**

ITEM NO: 11.2.1
(SENIOR TOWN PLANNER, MELISSA
BURNS)
(DIRECTOR INFRASTRUCTURE
SERVICES JOSHUA LEWIS)

**AMENDMENT C93MOIR PANEL REPORT - PLANNING FRAMEWORK FOR
COBRAM, NATHALIA, NUMURKAH AND YARRAWONGA (cont'd)**

ATTACHMENT No [1] - Amendment C93moir Panel Report

Moira Planning Scheme Amendment C93moir | Panel Report | 17 November 2022

Glossary and abbreviations

AACC	Australian Agricultural Commodities Centre Pty Ltd
the Amendment	Moira Planning Scheme Amendment C93moir
C1Z	Commercial 1 Zone
C2Z	Commercial 2 Zone
Council	Moira Shire Council
DPO12	Development Plan Overlay Schedule 12
Echelon Report	<i>Planning Report 34 Ritchie Road, Cobram</i>
EPA	Environment Protection Authority Victoria
FZ	Farming Zone
GMW	Goulburn Murray Water
IN1Z	Industrial 1 Zone
Major Towns Review	<i>Major Towns Strategy Plan Review, 2018</i>
MPS	Municipal Planning Strategy
MUZ	Mixed Use Zone
the Numurkah rezonings	The proposal to rezone land at 20 and 42 Saxton Street West, and 2072 Katamatite-Nathalia Road, Numurkah from Industrial 1 Zone to Farming Zone and to rezone land at 2072 and 2123 Katamatite-Nathalia Road, 39 and 59 Allens Road, TP786691 Allens Road and CA1B Sec D Baulkamaugh Goulburn Valley Highway, Numurkah from Farming Zone to Industrial 1 Zone
PE Act	<i>Planning and Environment Act 1987</i>
PPF	Planning Policy Framework
Retail Policy Framework	<i>Retail Policy Framework for Cobram and Yarrawonga: Background analysis and options report, 2017</i>
Riverstown land	Lot 4 Murray Valley Highway, Yarrawonga
Yarrawonga Framework Plan	<i>Yarrawonga Framework Plan, 2020</i>

FILE NO:
**5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE**

ITEM NO: 11.2.1
**(SENIOR TOWN PLANNER, MELISSA
BURNS)**
**(DIRECTOR INFRASTRUCTURE
SERVICES JOSHUA LEWIS)**

AMENDMENT C93MOIR PANEL REPORT - PLANNING FRAMEWORK FOR COBRAM, NATHALIA, NUMURKAH AND YARRAWONGA (cont'd)

ATTACHMENT No [1] - Amendment C93moir Panel Report

Moira Planning Scheme Amendment C93moir | Panel Report | 17 November 2022

Overview

Amendment summary	
The Amendment	Moira Planning Scheme Amendment C93moir
Common name	Planning Framework for Cobram, Nathalia, Numurkah and Yarrowonga
Brief description	<p>As exhibited, the Amendment:</p> <ul style="list-style-type: none"> - updates the planning framework for Cobram, Nathalia, Numurkah and Yarrowonga at Clauses 21.03, 21.07 and 21.09 of the Municipal Strategic Statement - rezones land at 20 and 42 Saxton Street West, and 2072 Katamatite-Nathalia Road, Numurkah from Industrial 1 Zone to Farming Zone - rezones land at 2123 Katamatite-Nathalia Road, 39 and 59 Allens Road, TP786691 Allens Road and Goulburn Valley Highway, Numurkah from Farming Zone to Industrial 1 Zone and applies the Development Plan Overlay Schedule 12 over this land - introduces <i>Yarrowonga Framework Plan, 2020, Yarrowonga Stormwater Drainage Strategy, 2019 and Retail Policy Framework for Cobram and Yarrowonga: Background Analysis, 2017</i> as Background Documents
Subject land	All land in Cobram, Nathalia, Numurkah and Yarrowonga
Planning Authority	Moira Shire Council
Authorisation	By letter dated 30 April 2021
Exhibition	7 September to 8 October 2021
Submissions	Number of Submissions: 14 Opposed or requested changes: 9

Panel process	
The Panel	Michael Ballock (Chair) and Alison McFarlane
Directions Hearing	By video conference, 7 April and 25 August 2022
Panel Hearing	Cobram Civic Centre and by video conference, 30 August and 4 October 2022
Site inspections	Unaccompanied, 9 May 2022 (Member McFarlane only), 29 August 2022 (Member Ballock only)
Parties to the Hearing	Refer Appendix B
Citation	Moira PSA C93moir [2022] PPV
Date of this report	17 November 2022

FILE NO:
5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

ITEM NO: 11.2.1
(SENIOR TOWN PLANNER, MELISSA
BURNS)
(DIRECTOR INFRASTRUCTURE
SERVICES JOSHUA LEWIS)

AMENDMENT C93MOIR PANEL REPORT - PLANNING FRAMEWORK FOR COBRAM, NATHALIA, NUMURKAH AND YARRAWONGA (cont'd)

ATTACHMENT No [1] - Amendment C93moir Panel Report

Moir Planning Scheme Amendment C93moir | Panel Report | 17 November 2022

Executive summary

Moir Planning Scheme Amendment C93moir (the Amendment) proposes to update the strategic plans for Cobram, Nathalia, Numurkah and Yarrawonga, informed by the *Retail Policy Framework for Cobram and Yarrawonga: Background analysis and options report, 2017*, *Major Towns Strategy Plan Review, 2018* and the *Yarrawonga Framework Plan, 2020*.

The Amendment also proposes to rezone land designated as 'short term industrial expansion' on the Numurkah Strategy Plan from Farming Zone to Industrial 1 Zone and the land designated as 'long term industrial expansion' from Industrial 1 Zone to Farming Zone (the Numurkah rezonings).

Council received 14 submissions and three late submissions following exhibition of the Amendment. The key issues raised in submissions were whether:

Cobram

- the Cobram Strategy Plan reflects Cobram's current and future land use needs, particularly for land at 34 Ritchie Road.

Nathalia

- land in Scott Avenue should be recognised for future residential use
- land in Draper Street is suitable for future industrial use
- the Nathalia Strategy Plan should identify recommendations and policy requirements to address Clause 13.02-1S (Bushfire planning)
- areas earmarked for industrial development are adequately separated from residential development in Nathalia.

Numurkah

- the Numurkah rezonings are appropriate and there is demand for additional industrial zone land
- the Numurkah Strategy Plan should identify recommendations and policy requirements to address Clause 13.02-1S (Bushfire planning)
- bushfire policy had been properly considered in relation to the Numurkah rezoning
- existing residential development are appropriately separated from the proposed industrial area in Numurkah.

Yarrawonga

- the *Yarrawonga Framework Plan, 2020* should recognise land along Murray Valley Highway as a 'potential commercial/industrial investigation'
- Yarrawonga Framework Plan, 2020* should identify recommendations and policy requirements to address Clause 13.02-1S (Bushfire planning).

Before the Hearing commenced, Council discovered some property owners and occupiers affected by the Numurkah rezonings were not notified of the Amendment prompting it to resolve to advise the Panel that the Numurkah rezonings should not proceed. At the direction of the Panel, Council notified the 'missed' landowners and occupiers of the Amendment. This resulted in the receipt of an additional submission raising similar issues to others already referred to the Panel. The Panel has considered issues raised on this element of the Amendment to assist Council progress this matter in the future, however, the Panel's conclusions and recommendations reflect the Council's resolved position not to progress the rezonings further.

A common issue for the strategic plans proposed to be introduced by the Amendment is whether population projections and associated supply and demand estimates remain current and justify rezoning land or designating land for new uses. The strategy plans proposed to be introduced by

FILE NO:
**5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE**

ITEM NO: 11.2.1
(SENIOR TOWN PLANNER, MELISSA
BURNS)
(DIRECTOR INFRASTRUCTURE
SERVICES JOSHUA LEWIS)

**AMENDMENT C93MOIR PANEL REPORT - PLANNING FRAMEWORK FOR
COBRAM, NATHALIA, NUMURKAH AND YARRAWONGA (cont'd)**

ATTACHMENT No [1] - Amendment C93moir Panel Report

Moira Planning Scheme Amendment C93moir | Panel Report | 17 November 2022

the Amendment all rely on 2016 census data and do not account for changes to population and migration patterns arising from the COVID-19 pandemic. The Panel has concluded a contemporary supply and demand assessment is needed before land is rezoned for housing, commerce or industry across the major towns.

Overall, the Panel is satisfied the strategic plans are consistent with the role of each settlement as set out in the Hume Regional Growth Plan and Municipal Planning Strategy. These plans provide a sound strategic basis for the Amendment and promote the orderly development.

On the specific issues raised by submitters for each town, the Panel has concluded:

Cobram

- The Cobram Strategy Plan reflects Cobram's current and future land use needs, particularly for land at 34 Ritchie Road.

Nathalia

- Land in Scott Avenue should be recognised as a 'future investigation area' on the Nathalia Structure Plan
- Land in Draper Street should be recognised as a 'future investigation area' on the Nathalia Structure Plan.

Numurkah

- A contemporary supply and demand analysis is needed to determine if additional industrial land is needed in Numurkah and is it premature to rezone new land for industry without this assessment.

Yarrawonga

- The *Yarrawonga Framework Plan, 2020* commercial land estimates are appropriate.
- There is not a compelling case to support land along Murray Valley Highway as a 'potential commercial/industrial investigation area'
- The *Yarrawonga Framework Plan, 2020* should recognise Belmore Street for large format retail land uses.

Over the course of the Hearing, Council identified the need to make various changes to the exhibited Amendment to take account of revisions to Planning Policy Framework made by Amendment C95moir and to avoid inconsistency between the exhibited Amendment and the approved Moira Planning Scheme. The Panel supports these changes and concludes:

- policy neutral translation of the exhibited Amendment into the current Planning Scheme format is necessary and appropriate
- all local provisions referring to the Cobram Framework Plan, Nathalia Framework Plan, Numurkah Framework Plan and *Yarrawonga Framework Plan, 2020* (or land identified on those plans) should be amended for consistency with the Cobram Strategy Plan, Nathalia Strategy Plan, Numurkah Strategy Plan and *Yarrawonga Framework Plan, 2020*.

Recommendations

Based on the reasons set out in this Report, the Panel recommends that Moira Planning Scheme Amendment C93moir be adopted as exhibited subject to the following:

1. Replace Clauses 21.03, 21.07 and 21.09 with:

- Clause 11.01-1L-02 (Cobram) as shown in Appendix D1
- Clause 11.01-1L-03 (Yarrawonga) as shown in Appendix D2
- Clause 11.01-1L-04 (Nathalia) as shown in Appendix D3
- Clause 11.01-1L-05 (Numurkah) as shown in Appendix D4

FILE NO:
5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

ITEM NO: 11.2.1
(SENIOR TOWN PLANNER, MELISSA
BURNS)
(DIRECTOR INFRASTRUCTURE
SERVICES JOSHUA LEWIS)

**AMENDMENT C93MOIR PANEL REPORT - PLANNING FRAMEWORK FOR
COBRAM, NATHALIA, NUMURKAH AND YARRAWONGA (cont'd)**

ATTACHMENT No [1] - Amendment C93moir Panel Report

Moir Planning Scheme Amendment C93moir | Panel Report | 17 November 2022

- Clause 14.02-1L (Stormwater management in Yarrowonga) as shown in Appendix D5
 - Clause 15.01-2L (Building design in Moira) as shown in Appendix D6
 - Clause 15.01-3L (Subdivision design in Yarrowonga) as shown in Appendix D7
 - Clause 17.02-1L (Business in Moira) as shown in Appendix D8
 - Clause 17.02-1L-02 (Business in Yarrowonga) as shown in Appendix D9
 - Clause 17.03-1L (Industrial land supply in Moira) as shown in Appendix D10
 - Clause 17.03-1L-02 (Industrial land supply in Yarrowonga) as shown in Appendix D11
 - Clause 18.01-2L (Transport links in Yarrowonga) as shown in Appendix D12
 - Clause 18.02-5L (Freight in Yarrowonga) as shown in Appendix D13
 - Clause 19.02-2L (Education facilities in Moira) as shown in Appendix D14
 - Clause 19.03-2L (Infrastructure design and provision in Moira) as shown in Appendix D15
2. Amend the Nathalia Strategy Plan to revise the Nathalia Strategy Plan map, as shown in Appendix D3, to:
 - a) show land at the northern end of Scott Avenue as 'future investigation'
 - b) show land west of Draper Street as 'future investigation'
 3. Amend the Numurkah Strategy Plan to revise the Numurkah Strategy Plan map, as shown in Appendix D4 to:
 - a) show the area noted as 'Short Term Industrial Expansion' and 'Medium Term Industrial Expansion' as 'Long Term Industrial' consistent with the existing Numurkah Framework Plan
 - b) show the area noted as 'Long Term Industrial Expansion' as part 'Existing Industrial' and part 'Medium Term Industrial 2 Zone' consistent with the existing Numurkah Framework Plan.
 4. Delete rezoning of land at:
 - a) 20 and 42 Saxton Street West, and 2072 Katamatite-Nathalia Road, Numurkah from Industrial 1 Zone to Farming Zone.
 - b) 2123 Katamatite Nathalia Road, 39 and 59 Allens Road, TP786691 Allens Road and Goulburn Valley Highway, Numurkah from Farming Zone to Industrial 1 Zone.
 5. Delete application of Development Plan Overlay Schedule 12 to 2123 Katamatite Nathalia Road, 39 and 59 Allens Road, TP786691 Allens Road and Goulburn Valley Highway, Numurkah.

FILE NO:
5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

ITEM NO: 11.2.1
(SENIOR TOWN PLANNER, MELISSA
BURNS)
(DIRECTOR INFRASTRUCTURE
SERVICES JOSHUA LEWIS)

AMENDMENT C93MOIR PANEL REPORT - PLANNING FRAMEWORK FOR COBRAM, NATHALIA, NUMURKAH AND YARRAWONGA (cont'd)

ATTACHMENT No [1] - Amendment C93moir Panel Report

Moir Planning Scheme Amendment C93moir | Panel Report | 17 November 2022

1 Introduction

1.1 The Amendment

(i) Description of exhibited Amendment

The purpose of the Amendment is to implement recommendations of the *Retail Policy Framework for Cobram and Yarrawonga: Background analysis and options report, 2017* (Retail Policy Framework), *Major Towns Strategy Plan Review, 2018* (Major Towns Review) and *Yarrawonga Framework Plan, 2020* (Yarrawonga Framework Plan).

Specifically, the Amendment as exhibited proposes to:

- update the planning framework for Cobram, Nathalia, Numurkah and Yarrawonga at Clauses 21.03, 21.07 and 21.09 of the Municipal Strategic Statement
- rezone land at 20 and 42 Saxton Street West, and 2072 Katamatite-Nathalia Road, Numurkah from Industrial 1 Zone (IN1Z) to Farming Zone (FZ)
- rezone land at 2072 and 2123 Katamatite-Nathalia Road, 39 and 59 Allens Road, TP786691 Allens Road and CA1B Sec D Baulkamaugh Goulburn Valley Highway, Numurkah from FZ to IN1Z and applies the Development Plan Overlay Schedule 12 (DPO12) over this land
- amend the Schedule to Clause 72.08, by inserting the following documents:
 - Yarrawonga Framework Plan
 - Yarrawonga Stormwater Drainage Strategy, 2019
- Yarrawonga: Background Analysis, 2017
- amend the Schedule to Clause 74.02 (Further strategic work) to include "[Investigate] Industrial expansion generally in accordance with the Nathalia Strategy Plan."

(ii) Description of updated Amendment

In 2018, Amendment VC148 introduced widespread changes to the Victoria Planning Provisions as part of Stage 2 of the Smart Planning Program. Amendment VC148:

- introduced a new Planning Policy Framework (PPF)
- enabled the future introduction of a Municipal Planning Strategy (MPS)
- introduced a new state, regional and local integrated policy structure
- modified the schedules to some existing zones, overlays and provisions to accommodate additional local content
- created new operational provisions.

Moir Planning Scheme Amendment C95moir introduced the new PPF to the Planning Scheme in accordance with the requirements of VC148. Amendment C95moir was gazetted on 3 March 2022 after Council referred the Amendment to a Panel. Consequently, the exhibited Amendment documents and submissions referred to an out-of-date format of the Planning Scheme.

At the direction of the Panel, Moir Shire Council (Council) prepared updated documents that translated the exhibited Amendment C93moir into the VC148 format (Document 43(a)(ii)).

The updated Amendment proposes make the following changes to the PPF:

Cobram

- at Clause 11.01-1L-02 (Cobram)

FILE NO:
**5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE**

ITEM NO: 11.2.1
(SENIOR TOWN PLANNER, MELISSA
BURNS)
(DIRECTOR INFRASTRUCTURE
SERVICES JOSHUA LEWIS)

**AMENDMENT C93MOIR PANEL REPORT - PLANNING FRAMEWORK FOR
COBRAM, NATHALIA, NUMURKAH AND YARRAWONGA (cont'd)**

ATTACHMENT No [1] - Amendment C93moir Panel Report

Moir Planning Scheme Amendment C93moir | Panel Report | 17 November 2022

- replace the existing 2007 Framework Plan with the Cobram Strategy Plan
- update references to the new Cobram Strategy Plan and include a strategy to:
"Direct commercial development at 2-6 Colgan Street, Cobram as indicated by the
Cobram Strategy Plan to this Clause."
- list the Major Towns Review and Retail Policy Framework as policy documents

Nathalia

- at Clause 11.01-1L-04 (Nathalia)
 - replace the existing 2010 Framework Plan with the Nathalia Strategy Plan
 - update references to the new Nathalia Strategy Plan and include a new strategy to:
"Support new industrial development and facilitate employment opportunities within
the industrial areas identified on the Nathalia Strategy Plan to this Clause."
 - list the Major Towns Review as a policy document
- amend the Schedule to Clause 74.02 to include the further investigation of:
"Industrial expansion generally in accordance with the Nathalia Strategy Plan."

Numurkah

- at Clause 11.01-1L-05 (Numurkah)
 - replace the existing 2010 Framework Plan with the Numurkah Strategy Plan
 - update references to the new Numurkah Strategy Plan
 - list the Major Towns Review as a policy document

Yarrawonga

- at Clause 11.01-1L-03 (Yarrawonga)
 - make policy changes that align with objectives and strategies within the Yarrawonga Framework Plan
 - replace the existing 2004 Framework Plan with the Yarrawonga Framework Plan
 - list the Major Towns Review and Retail Policy Framework as policy documents
- insert Clauses 14.02-1L, 15.01-3L, 17.02-1L-02, 17.03-1L-03, 18.01-2L and 18.02-5L to align with objectives and strategies within the Yarrawonga Framework Plan
- at Clause 17.02-1L-02 insert the Yarrawonga Commercial and Retail Framework Plan and the Yarrawonga Industry Framework Plan

All

- amend the Schedule to Clause 72.08 to list the following as background documents:
 - the Major Towns Review
 - Yarrawonga Framework Plan
 - Yarrawonga Stormwater Drainage Strategy
 - Retail Policy Framework.

Changes were not required to the exhibited Amendment maps to align them with the C95moir/VC148 format of the Planning Scheme.

(iii) The subject land

The Amendment applies to all land in the townships of Cobram, Nathalia, Numurkah and Yarrawonga.

Land proposed to be rezoned in Numurkah is identified in Figure 1.

FILE NO:
5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

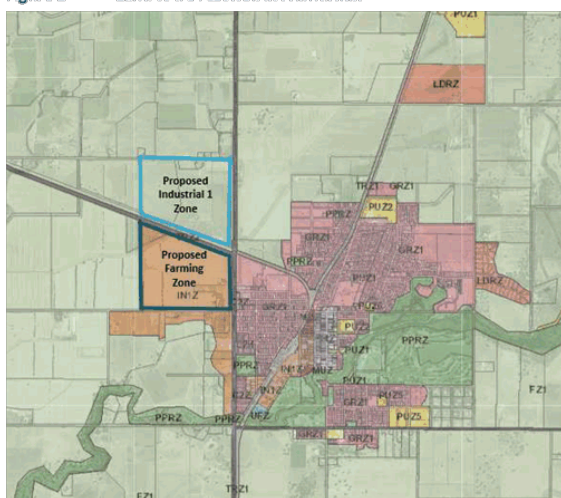
ITEM NO: 11.2.1
(SENIOR TOWN PLANNER, MELISSA
BURNS)
(DIRECTOR INFRASTRUCTURE
SERVICES JOSHUA LEWIS)

AMENDMENT C93MOIR PANEL REPORT - PLANNING FRAMEWORK FOR COBRAM, NATHALIA, NUMURKAH AND YARRAWONGA (cont'd)

ATTACHMENT No [1] - Amendment C93moir Panel Report

Moir Planning Scheme Amendment C93moir | Panel Report | 17 November 2022

Figure 1 Land to be rezoned in Numurkah



1.2 Background

The background to the Amendment is summarised in Table 1

Table 1: Summary of background to the Amendment

Date	Event
26 July 2017	Retail Policy Framework adopted by Council. Makes recommendations about future floor space requirements and preferred locations to grow Cobram and Yarrawonga's employment base.
2017	Victorian Planning Authority commissioned the Yarrawonga Growth Management Strategy Stage 1 (Background and Analysis) and Stage 2 (Forecast Report).
December 2017	Moir Planning Scheme Amendment C77 approved and introduced a further work provision into Municipal Strategic Statement Clause 21.03 requiring a review of strategy plans for the four major towns of Cobram, Yarrawonga, Nathalia and Numurkah.
27 June 2018	Major Towns Review adopted by Council.
2019	Yarrawonga Framework Plan prepared.
26 August 2020	Yarrawonga Framework Plan adopted by Council. Sets out the direction and necessary steps to achieve the vision for the town over the next 30 years. Prepared in partnership with the Victorian Planning Authority.
16 December 2020	Council resolved to prepare and exhibit the Amendment, subject to Ministerial authorisation.
30 April 2021	Authorisation to prepare the Amendment granted.
September – October 2021	Amendment exhibited.

FILE NO:
**5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE**

ITEM NO: 11.2.1
**(SENIOR TOWN PLANNER, MELISSA
BURNS)**
**(DIRECTOR INFRASTRUCTURE
SERVICES JOSHUA LEWIS)**

**AMENDMENT C93MOIR PANEL REPORT - PLANNING FRAMEWORK FOR
COBRAM, NATHALIA, NUMURKAH AND YARRAWONGA (cont'd)**

ATTACHMENT No [1] - Amendment C93moir Panel Report

Moir Planning Scheme Amendment C93moir | Panel Report | 17 November 2022

1.3 Procedural issues

(i) Submissions referred to the Panel

Council resolved on 15 December, 2021 to:

1. Note the receipt of 13 submissions to Amendment C93.
2. Request the Minister for Planning to appoint an Independent Planning Panel to consider all submissions.
3. Refer all submissions to an Independent Planning Panel.

The Panel was provided with copies of 14 submissions. A supporting submission from Submitter 7 was included in the supplied submissions.

The Panel sought confirmation from Council on this matter. On 1 April 2022, Council confirmed the submission from Submitter 7 was not referred to the Panel.

A further three late submissions (Submissions 15, 16 and 17) were accepted by Council and referred to the Panel in August 2022, after the Panel was appointed, but prior to the commencement of the Hearing.

Only the submissions referred to the Panel have been considered. The Panel notes that the Council resolution on the Submitter 7 submission is unclear in its published resolution however, it is not its role to make legal rulings about the validity or otherwise of an amendment or procedure.

(ii) First request to reschedule Hearing

On 2 May 2022, Council requested the Panel reschedule the Hearing from 10 May 2022 to 6 June 2022 or later. This would enable Council to properly consider and accurately draft the Amendment in the current Planning Scheme format in accordance with Panel Direction 8 of 13 April 2022.

The Panel sought the views of parties on Council's request. After considering these views, the Panel agreed to reschedule the Hearing because the availability of documents in accordance with its directions was necessary for the orderly progress of the Hearing.

(iii) Second request to reschedule Hearing

On 1 June 2022, Council again requested the Panel reschedule the Hearing until at least February 2023 due to internal resourcing constraints. The Panel considered this delay would be unreasonable and decided to reschedule the Hearing to 30 August 2022.

(iv) Public notice and further changes to the Amendment.

By letter dated 25 August 2022 (Document 43), Council informed the Panel that not all landowners potentially affected by the proposed rezoning proposals for Numurkah had been notified of the proposal. The letter advised that Council resolved at its meeting of 24 August 2022 to:

- Advise the Independent Planning Panel that part of the amendment which seeks to rezone land in Numurkah from Farming Zone to Industrial 1 Zone and from Industrial 1 Zone to Farming Zone should not proceed.
- Refer the late submission, and any others received in relation to the rezoning between now and the Panel Hearing, to the Independent Planning Panel.
- Refer the submission from the Goulburn Broken Catchment Management Authority to the Independent Planning Panel.

FILE NO:
**5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE**

ITEM NO: 11.2.1
(SENIOR TOWN PLANNER, MELISSA
BURNS)
(DIRECTOR INFRASTRUCTURE
SERVICES JOSHUA LEWIS)

**AMENDMENT C93MOIR PANEL REPORT - PLANNING FRAMEWORK FOR
COBRAM, NATHALIA, NUMURKAH AND YARRAWONGA (cont'd)**

ATTACHMENT No [1] - Amendment C93moir Panel Report

Moir Planning Scheme Amendment C93moir | Panel Report | 17 November 2022

Despite its resolved position, Council confirmed that it sought the Panel's consideration of the strategic merits of the Numurkah rezonings. To assist the Panel appreciate the range of views on the proposed rezonings, the Panel directed Council to notify the 'missed' landowners and occupiers of the Amendment and to invite their participation in the Panel Hearing. Council received Submission 18 through this further notice process and referred it to the Panel.

The Goulburn Broken Catchment Management Authority submission referred to in the 24 August 2022 resolution was originally referred to the Panel in March 2022 as Submission 8.

1.4 Summary of issues raised in submissions

(i) Relevant agencies

The key issues for the Country Fire Authority were whether:

- the Nathalia Strategy Plan, Numurkah Strategy Plan and Yarrawonga Framework Plan should identify recommendations and policy requirements to address Clause 13.02-1S (Bushfire planning)
- further changes to Clause 21.03 and 21.07 were needed
- bushfire policy had been properly considered in relation to the Numurkah rezoning.

The key issues for the Environment Protection Authority Victoria (EPA) were whether:

- areas earmarked for industrial development are adequately separated from residential development in Nathalia
- the proximity of existing residential development to the proposed industrial area in Numurkah
- whether *Ministerial Direction 1 Potentially contaminated land* had been properly considered.

Goulburn Broken Catchment Management Authority did not object to the Amendment however, requested the following documents be listed in the Schedule to Clause 72.08 (Background documents):

- Numurkah Floodplain Management Study and Plan, 2017*
- Goulburn Broken Regional Catchment Management Strategy 2021-2027* to replace the existing *Goulburn Broken Regional Catchment Strategy 2013-2019*
- Earthworks Controls in the Shire of Campaspe, City of Greater Shepparton and Moira Shire, August 2015.*

The key issues for Goulburn Murray Water (GMW) were whether:

- rezoning of land in Numurkah that would result in the redundancy of these assets or impact on downstream system users/customers
- buffers were needed to protect GMW assets from wastewater associated with future industrial uses.

North East Water and Goulburn Valley Water did not object to the Amendment.

(ii) Individual submitters

The key issues by submitters were whether:

- the Cobram Structure Plan reflects Cobram's current and future land use needs, particularly for land at 34 Ritchie Road
- land in Scott Avenue, Nathalia should be recognised for future residential use

FILE NO:
**5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE**

ITEM NO: 11.2.1
(SENIOR TOWN PLANNER, MELISSA
BURNS)
(DIRECTOR INFRASTRUCTURE
SERVICES JOSHUA LEWIS)

**AMENDMENT C93MOIR PANEL REPORT - PLANNING FRAMEWORK FOR
COBRAM, NATHALIA, NUMURKAH AND YARRAWONGA (cont'd)**

ATTACHMENT No [1] - Amendment C93moir Panel Report

Moira Planning Scheme Amendment C93moir | Panel Report | 17 November 2022

- existing industrial land in Numurkah should be back-zoned
- population and demographic trends included in the Yarrawonga Framework Plan should be updated
- commercial land estimates for Yarrawonga are appropriate
- the Yarrawonga Framework Plan should recognise land along Murray Valley Highway as 'potential commercial/industrial investigation'
- the Yarrawonga Framework Plan should recognise Belmore Street for large format retail land uses.

1.5 The Panel's approach

The Panel has assessed the Amendment against the principles of net community benefit and sustainable development, as set out in Clause 71.02-3 (Integrated decision-making) of the Planning Scheme.

The Panel considered all written submissions made in response to the exhibition of the Amendment, observations from site visits and submissions, evidence and other material presented to it during the Hearing. It has reviewed a large volume of material and has had to be selective in referring to the more relevant or determinative material in the Report. All submissions and materials have been considered by the Panel in reaching its conclusions, regardless of whether they are specifically mentioned in the Report.

This Report deals with the issues under the following headings:

- Planning context
- Strategic justification
- Cobram
- Nathalia
- Numurkah
- Yarrawonga
- Form and content of the Amendment.

FILE NO:
**5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE**

ITEM NO: 11.2.1
**(SENIOR TOWN PLANNER, MELISSA
BURNS)**
**(DIRECTOR INFRASTRUCTURE
SERVICES JOSHUA LEWIS)**

AMENDMENT C93MOIR PANEL REPORT - PLANNING FRAMEWORK FOR COBRAM, NATHALIA, NUMURKAH AND YARRAWONGA (cont'd)

ATTACHMENT No [1] - Amendment C93moir Panel Report

Moir Planning Scheme Amendment C93moir | Panel Report | 17 November 2022

2 Planning context

2.1 Planning policy framework

(i) Victorian planning objectives

The objectives for planning in Victoria as set out in the *Planning and Environment Act 1987* (PE Act), relevant to the Amendment are:

- (a) To provide for the fair, orderly, economic and suitable use and development of the land.
- (c) To secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria.
- (f) To facilitate development in accordance with the objectives of planning in Victoria.
- (g) To balance the present and future interests of all Victorians.

(ii) Planning Policy Framework

Table 2 summarises state, regional and local planning policies relevant to the Amendment.

Table 2 Relevant planning policy clauses

Clause	Objectives
11.01-1R	(Strategy) Support growth and development in other existing urban settlements and foster the sustainability of small rural settlements.
11.01-1S Settlement	To facilitate the sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlements.
11.02-1S Supply of urban land	To ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses.
11.01-1R	(Strategy) Support growth and development in other existing urban settlements and foster the sustainability of small rural settlements.
11.02-1S Supply of urban land	To ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses.
11.02-3S Sequencing of development	To manage the sequence of development in areas of growth so that services are available from early in the life of new communities.
11.03-6S Regional and local places	To facilitate integrated place-based planning.
13.02-1S Bushfire planning	To strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life.
13.07-1S Land use compatibility	To protect community amenity, human health and safety while facilitating appropriate commercial, industrial, infrastructure or other uses with potential adverse off-site impacts.
17.01-1S Diversified economy	To strengthen and diversify the economy.
17.02-1S Business	To encourage development that meets the community's needs for retail, entertainment, office and other commercial services.

FILE NO:
**5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE**

ITEM NO: 11.2.1
(SENIOR TOWN PLANNER, MELISSA
BURNS)
(DIRECTOR INFRASTRUCTURE
SERVICES JOSHUA LEWIS)

AMENDMENT C93MOIR PANEL REPORT - PLANNING FRAMEWORK FOR COBRAM, NATHALIA, NUMURKAH AND YARRAWONGA (cont'd)

ATTACHMENT No [1] - Amendment C93moir Panel Report

Moir Planning Scheme Amendment C93moir | Panel Report | 17 November 2022

Clause	Objectives
17.03-1S Industrial land supply	To ensure availability of land for industry.
17.03-2S Sustainable Industry	To facilitate the sustainable operation of industry.

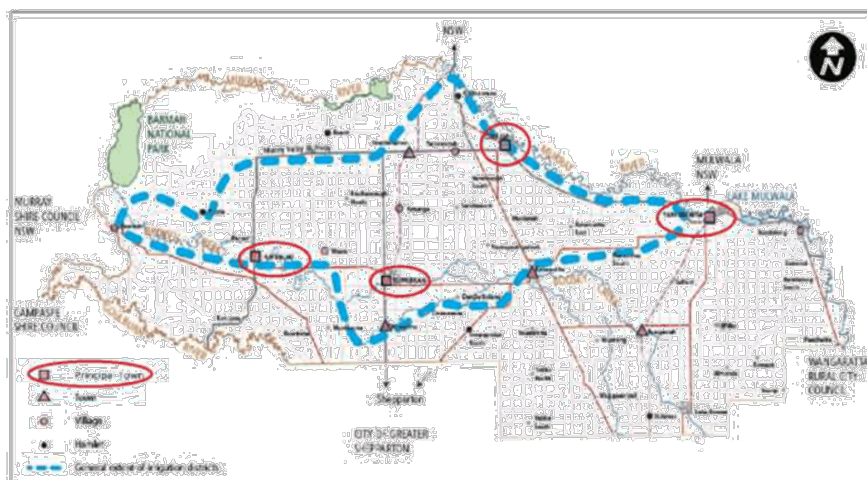
(iii) Municipal Planning Strategy

The vision for Moira in the MPS is:

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

Cobram, Yarrawonga, Numurkah and Nathalia are identified as the four principal towns in the Moira Strategic Framework Plan (Figure 2) where residential development is encouraged to support population growth, and in turn stimulate the economic and social development.

Figure 2 Moira Strategic Framework Plan



Council submitted that the Amendment supports the MPS because updating strategic plans for its key four towns promotes their orderly development.

2.2 Other relevant planning strategies and policies

(i) Hume Regional Growth Plan

The Hume Regional Growth Plan provides broad direction for land use and development across the Hume region, as well as more detailed planning frameworks for the key regional centres of Shepparton, Wangaratta, Wodonga and Benalla. Cobram, Nathalia, Numurkah and Yarrawonga are all recognised as key urban settlement supported for growth and lifestyle opportunities (refer Figure 3).

FILE NO:
5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

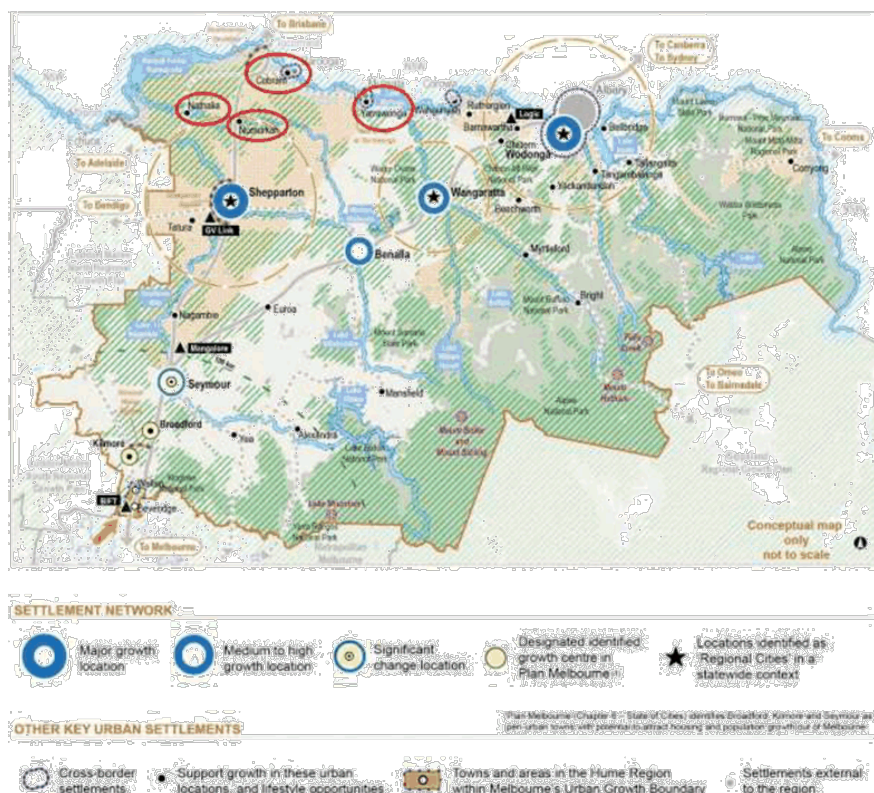
ITEM NO: 11.2.1
(SENIOR TOWN PLANNER, MELISSA
BURNS)
(DIRECTOR INFRASTRUCTURE
SERVICES JOSHUA LEWIS)

AMENDMENT C93MOIR PANEL REPORT - PLANNING FRAMEWORK FOR COBRAM, NATHALIA, NUMURKAH AND YARRAWONGA (cont'd)

ATTACHMENT No [1] - Amendment C93moir Panel Report

Moir Planning Scheme Amendment C93moir | Panel Report | 17 November 2022

Figure 3 Hume Regional Growth Plan



2.3 Planning Scheme provisions

A common zone and overlay purpose is to implement the MPS and the PPF.

(i) Zones

The purposes of zones relevant to the Amendment are included in Table 3.

Table 3 Zone purposes

Zone	Purpose
C1Z	To create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses. To provide for residential uses at densities complementary to the role and scale of the commercial centre.
C2Z	To encourage commercial areas for offices, appropriate manufacturing and industries, bulky goods retailing, other retail uses and associated business and commercial services. To ensure that uses do not affect the safety and amenity of adjacent, more sensitive uses.

FILE NO:
**5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE**

ITEM NO: 11.2.1
(SENIOR TOWN PLANNER, MELISSA
BURNS)
(DIRECTOR INFRASTRUCTURE
SERVICES JOSHUA LEWIS)

**AMENDMENT C93MOIR PANEL REPORT - PLANNING FRAMEWORK FOR
COBRAM, NATHALIA, NUMURKAH AND YARRAWONGA (cont'd)**

ATTACHMENT No [1] - Amendment C93moir Panel Report

Moir Planning Scheme Amendment C93moir | Panel Report | 17 November 2022

FZ	<p>To provide for the use of land for agriculture.</p> <p>To encourage the retention of productive agricultural land.</p> <p>To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.</p> <p>To encourage the retention of employment and population to support rural communities.</p> <p>To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.</p> <p>To provide for the use and development of land for the specific purposes identified in a schedule to this zone.</p>
GRZ	<p>To encourage development that respects the neighbourhood character of the area.</p> <p>To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.</p> <p>To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.</p>
IN1Z	<p>To provide for manufacturing industry, the storage and distribution of goods and associated uses in a manner which does not affect the safety and amenity of local communities.</p>
MUZ	<p>To provide for a range of residential, commercial, industrial and other uses which complement the mixed use function of the locality.</p> <p>To provide for housing at higher densities.</p> <p>To encourage development that responds to the existing or preferred neighbourhood character of the area.</p> <p>To facilitate the use, development and redevelopment of land in accordance with the objectives specified in a schedule to this zone.</p>

(ii) Overlays

The purposes of zones relevant to the Amendment are included in Table 4.

Table 4 Overlay purposes

Overlay	Purpose
DPO	<p>To identify areas which require the form and conditions of future use and development to be shown on a development plan before a permit can be granted to use or develop the land.</p> <p>To exempt an application from notice and review if a development plan has been prepared to the satisfaction of the responsible authority.</p>
DPO1	<p><i>Land north of Murray Valley Highway, Cobram, Land west of Weir Road, Nathalia, Land adjoining Goulburn Valley Highway and Trengrove Street, Numurkah, land south of Pine Street, Numurkah and land north of Elliotts Road, Bundalong</i></p> <p>No objectives specified.</p>

FILE NO:
5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

ITEM NO: 11.2.1
(SENIOR TOWN PLANNER, MELISSA
BURNS)
(DIRECTOR INFRASTRUCTURE
SERVICES JOSHUA LEWIS)

**AMENDMENT C93MOIR PANEL REPORT - PLANNING FRAMEWORK FOR
COBRAM, NATHALIA, NUMURKAH AND YARRAWONGA (cont'd)**

ATTACHMENT No [1] - Amendment C93moir Panel Report

Moira Planning Scheme Amendment C93moir | Panel Report | 17 November 2022

2.4 Ministerial Directions and Practice Notes

Ministerial Directions and Planning Practice Notes

The Explanatory Report discusses how the Amendment meets the relevant requirements of Ministerial Direction 11 (Strategic Assessment of Amendments) and *Planning Practice Note 46: Strategic Assessment Guidelines*, August 2018 (PPN46). That discussion is not repeated here.

Other Ministerial Directions relevant to the Amendment are:

- *Ministerial Direction The form and content of Planning Schemes*
- *Ministerial Direction 1 Potentially contaminated land*
- *Ministerial Direction 18 Victorian Planning Authority Advice on Planning Scheme Amendments*
- *Ministerial Direction 19 and information requirements for amendments that may result in impacts on the environment, amenity and human health.*

FILE NO:
**5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE**

ITEM NO: 11.2.1
(SENIOR TOWN PLANNER, MELISSA
BURNS)
(DIRECTOR INFRASTRUCTURE
SERVICES JOSHUA LEWIS)

AMENDMENT C93MOIR PANEL REPORT - PLANNING FRAMEWORK FOR COBRAM, NATHALIA, NUMURKAH AND YARRAWONGA (cont'd)

ATTACHMENT No [1] - Amendment C93moir Panel Report

Moir Planning Scheme Amendment C93moir | Panel Report | 17 November 2022

3 Strategic justification

3.1 Background

3.1.1 Retail Policy Framework for Cobram and Yarrawonga: Options Report

The Retail Policy Report was prepared to guide retail development, particularly town centre development, in the two towns. Recommendations relevant to the Amendment include:

Cobram

- Adopt the strategic per capita retail floor space allocation of 2.2 square metres for Cobram to guide retail floor space provision and development.
- Discourage retail development outside zoned C1Z and C2Z areas.
- Facilitate the expansion and diversification of retail use and development to improve choice, range and diversity of offer consistent with existing demand, guided by the adopted decision-making framework for retail development.
- Encourage the use of vacant sites and the redevelopment of existing sites in the C1Z area for retail uses to support the compact town centre structure.
- Seek the relocation of inappropriate, non-core uses in the town centre to more suitable and appropriately zoned sites to intensify retail and commercial uses.
- Consider the conversion of a suitable strategically located vacant C2Z site to C1Z that can accommodate a large floor plate conventional retail development to support retail floor space supply and diversity in the town centre, and encourage development proposals that conform to the guiding principles and comply to the requirements of the decision-making framework for retail development.
- Encourage longer trading hours for retail premises to support tourism and town centre activation.
- Earmark the land directly north of the existing C2Z and west of the Cobram-Koonoomoo Road (referred to as the Cobram Business Park) as a medium to long term C2Z expansion area.

Yarrawonga

- Adopt the strategic per capita retail floor space allocation of 2.4 square metres for Yarrawonga to guide retail floor space provision and development.
- Discourage retail development outside town centre and planned retail nodes zoned C1Z and C2Z.
- Promote development in the MUZ that support integration of tourism, retailing, residential uses and the activation of the lake foreshore.
- Extend (or indicate in-principle support for the extension of) the C1Z to the northern boundary of the Murray Valley Highway for land with frontage to Belmore Street and ensure appropriate urban design outcomes with residential interface areas.
- Facilitate the expansion and diversification of retail use and development to improve choice, range and diversity of offer consistent with existing demand, guided by the adopted decision-making framework for retail development.
- Seek the relocation of inappropriate, non-core uses in the town centre to more suitable and appropriately zoned sites to intensify retail and commercial uses and the redevelopment of underutilised sites.
- Encourage longer trading hours for retail premises to support tourism and town centre activation.
- Review the C2Z zoned land supply and development opportunities in the medium term to ensure net community benefit from future development sites.

The Retail Policy Framework is a policy and background document for proposed Clauses 11.01-11-02 and 17.02-11-02.

FILE NO:
**5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE**

ITEM NO: 11.2.1
(SENIOR TOWN PLANNER, MELISSA
BURNS)
(DIRECTOR INFRASTRUCTURE
SERVICES JOSHUA LEWIS)

AMENDMENT C93MOIR PANEL REPORT - PLANNING FRAMEWORK FOR COBRAM, NATHALIA, NUMURKAH AND YARRAWONGA (cont'd)

ATTACHMENT No [1] - Amendment C93moir Panel Report

Moir Planning Scheme Amendment C93moir | Panel Report | 17 November 2022

3.1.2 Major Towns Review

The Major Towns Review was initiated to ensure plans for Moira's key settlement remain strategically sound, consistent with contemporary state policy and responsive to population and economic trends.

The previous strategic plans for these towns were:

- *Yarrawonga Strategy – Looking to the Future* adopted in 2004
- *Cobram Strategy Plan 2025* adopted in 2007
- *Numurkah Strategy Plan* adopted in 2010
- *Nathalia Strategy Plan* adopted in 2010.

The Major Towns Review considered relevant state, regional and local policies, including the following:

- *Murray Darling Basin Plan, 2012*
- *Plan Melbourne 2017 - 2050*
- *Infrastructure Victoria 30 Year infrastructure Strategy*
- *Hume Regional Plan 2015 – 2020*
- *Small Towns and Settlements Strategy, 2013*
- *Retail Policy Report*
- *Demand Analysis and Feasibility Study on Industrial Land at Nathalia and Numurkah, 2007*
- *Yarrawonga Growth Management Strategy, 2016.*

The Major Towns Review identified the following key influences including:

- population and demography
- technology influences on retail, location and short stay accommodation
- changes in local economies due to drought, increased tourism and solar industry
- infrastructure including water supply, sewerage infrastructure, electricity supply, gas and transport infrastructure.

The Major Towns Review found:

... the existing Cobram Strategy Plan 2025, Numurkah Strategy Plan and Nathalia Strategy Plan have successfully provided a framework for growth for Moira Shire Council over the past 10 years; while there has been some growth and requirement for changes these structure plans will remain largely unchanged.

The Major Towns Review also made recommendations for Yarrawonga which were superseded by the Yarrawonga Framework Plan. A more detailed summary of recommendations for individual towns arising from the Major Towns Major Towns Review is provided in the following sections.

(i) Cobram Strategy Plan

The *Cobram Strategy Plan, 2018* (Figure 4) is based on the following directions and recommendations arising from the Major Towns Review:

- Additional residential rezoning is not required due to the moderate take up of areas previously rezoned as part of Amendment C41.
- As an alternative to preparing a housing strategy for the township, Council should monitor housing take up and undertake a demand analysis to understand development opportunities.
- There are sufficient areas for industrial development.
- Environmental policy changes are not required.

FILE NO:
5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

ITEM NO: 11.2.1
(SENIOR TOWN PLANNER, MELISSA
BURNS)
(DIRECTOR INFRASTRUCTURE
SERVICES JOSHUA LEWIS)

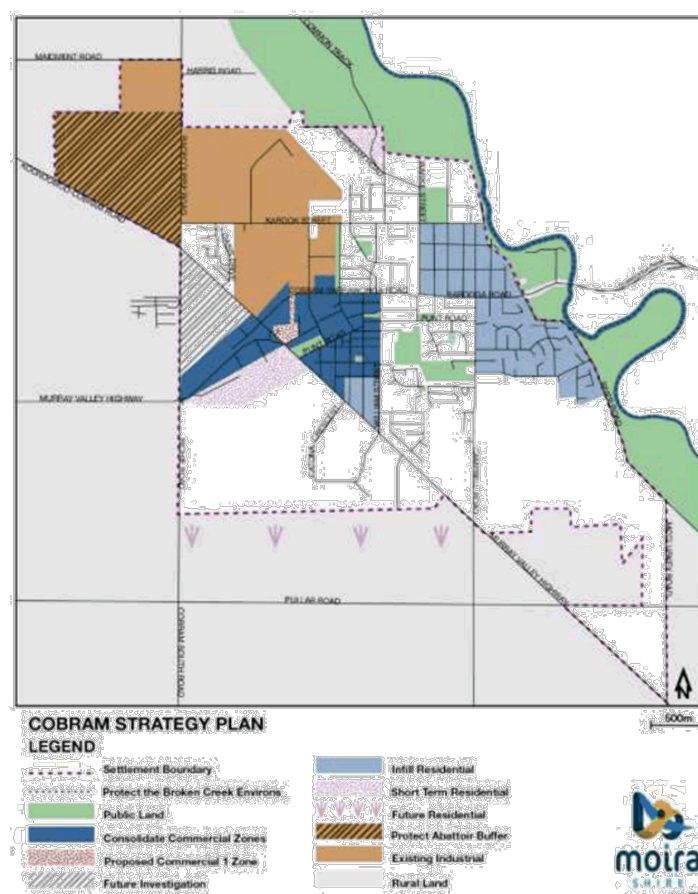
**AMENDMENT C93MOIR PANEL REPORT - PLANNING FRAMEWORK FOR
COBRAM, NATHALIA, NUMURKAH AND YARRAWONGA (cont'd)**

ATTACHMENT No [1] - Amendment C93moir Panel Report

Moir Planning Scheme Amendment C93moir | Panel Report | 17 November 2022

- Commercial areas of Cobram should be expanded as outlined in the Retail Options Report.

Figure 4 Cobram Strategy Plan



(ii) Nathalia Strategy Plan

The *Nathalia Strategy Plan*, 2018 (Figure 5) is based on the following directions and recommendations arising from the Major Towns Review:

- Additional residential rezoning is not required due to the moderate take up of areas previously rezoned as part of Amendment C64.
- As an alternative to preparing a housing strategy for the township, Council should monitor housing take up and undertake a demand analysis to understand development opportunities.
- While there is sufficient industrial land supply, development of existing zoned areas is unable to be realised. Additional industrial rezoning should be considered.

FILE NO:
5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

ITEM NO: 11.2.1
(SENIOR TOWN PLANNER, MELISSA
BURNS)
(DIRECTOR INFRASTRUCTURE
SERVICES JOSHUA LEWIS)

**AMENDMENT C93MOIR PANEL REPORT - PLANNING FRAMEWORK FOR
COBRAM, NATHALIA, NUMURKAH AND YARRAWONGA (cont'd)**

ATTACHMENT No [1] - Amendment C93moir Panel Report

Moir Planning Scheme Amendment C93moir | Panel Report | 17 November 2022

- The management and security of levees and risk of flooding constrains industrial land supply within the town.
- Environment policy changes are not required.
- Commercial and retail areas of Nathalia are appropriate and further rezonings are not needed.

Figure 5 Nathalia Strategy Plan



(iii) Numurkah Strategy Plan

The Numurkah Strategy Plan, 2018 is shown in Figure 6.

FILE NO:
5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

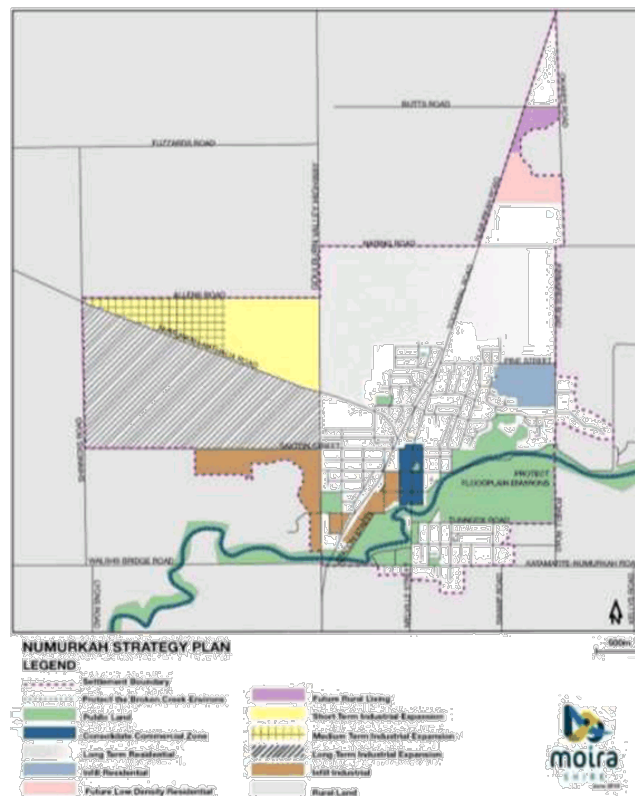
ITEM NO: 11.2.1
(SENIOR TOWN PLANNER, MELISSA
BURNS)
(DIRECTOR INFRASTRUCTURE
SERVICES JOSHUA LEWIS)

**AMENDMENT C93MOIR PANEL REPORT - PLANNING FRAMEWORK FOR
COBRAM, NATHALIA, NUMURKAH AND YARRAWONGA (cont'd)**

ATTACHMENT No [1] - Amendment C93moir Panel Report

Moir Planning Scheme Amendment C93moir | Panel Report | 17 November 2022

Figure 6 Numurkah Structure Plan



The Numurkah Strategy Plan is based on the following directions and recommendations arising from the Major Towns Review:

- Additional residential rezoning is not required due to the moderate take up of areas previously rezoned as part of Amendment C63.
- As an alternative to preparing a housing strategy for the township, Council should monitor housing take up and undertake a demand analysis to understand development opportunities.
- While there is sufficient industrial land supply, development of these area is unable to be realised. Additional industrial rezoning should be considered.
- The 17 hectares of land identified for short term low density residential in the Numurkah Strategy Plan [year], is not required at this time, despite flood modelling confirming that flood risk can be managed.
- Increased interest in developing solar farms near the town requires consideration of effects on short to long term residential growth options and potential buffer distances.
- 66 hectares of land identified for industry is undeveloped and presently used for agriculture. The land should be back-zoned, and an alternative site rezoned for this purpose.

FILE NO:
**5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE**

ITEM NO: 11.2.1
(SENIOR TOWN PLANNER, MELISSA
BURNS)
(DIRECTOR INFRASTRUCTURE
SERVICES JOSHUA LEWIS)

**AMENDMENT C93MOIR PANEL REPORT - PLANNING FRAMEWORK FOR
COBRAM, NATHALIA, NUMURKAH AND YARRAWONGA (cont'd)**

ATTACHMENT No [1] - Amendment C93moir Panel Report

Moir Planning Scheme Amendment C93moir | Panel Report | 17 November 2022

- Policy should provide explicit support for businesses that support the solar industry.
- Flooding control should be updated in accordance with the Numurkah Flood Study.
- Commercial areas are appropriate and further rezoning is not required.

3.1.3 Yarrawonga Framework Plan

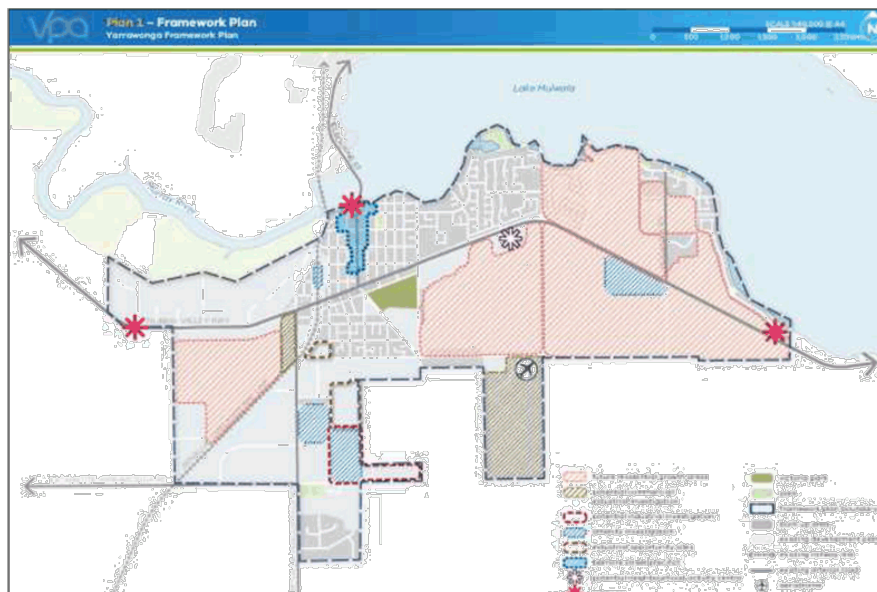
The Yarrawonga Framework Plan is an over-arching land use plan that establishes a vision and spatial structure for the growth of Yarrawonga to 2050. It seeks to:

- identify residential and industrial growth areas for Yarrawonga to 2050
- provide direction for coordination and staging of growth
- provide direction around servicing and community facility requirements for growth
- identify strategic sites and associated opportunities
- provide a high level action plan for implementation.

The Yarrawonga Framework Plan was developed by the Victorian Planning Authority in conjunction with Council and was informed by the *Yarrawonga Growth Management Strategy*, 2017. It focuses on the following five major themes:

- drainage, major infrastructure and utilities
- housing and community infrastructure
- industry
- commerce and retail
- recreation, environment and heritage.

Figure 7 Yarrawonga Framework Plan



FILE NO:
5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

ITEM NO: 11.2.1
(SENIOR TOWN PLANNER, MELISSA
BURNS)
(DIRECTOR INFRASTRUCTURE
SERVICES JOSHUA LEWIS)

AMENDMENT C93MOIR PANEL REPORT - PLANNING FRAMEWORK FOR COBRAM, NATHALIA, NUMURKAH AND YARRAWONGA (cont'd)

ATTACHMENT No [1] - Amendment C93moir Panel Report

Moira Planning Scheme Amendment C93moir | Panel Report | 17 November 2022

3.2 Submissions

Council submitted that the Amendment fulfils an obligation arising from the *Moira Planning Scheme Review 2016* which was implemented by Amendment C77 which, among other things, this introduced the following requirement for further strategic work at Clause 21.03:

Review existing strategy plans for the four major towns - Cobram, Yarrawonga, Nathalia and Numurkah

The proposed local policy provisions for Cobram, Nathalia, Numurkah and Yarrawonga reflect the recommendations of the Major Towns Review and the strategies in the Yarrawonga Framework Plan. These policy changes were originally proposed to be made to Clauses 21.03 and 21.07. However, because of Amendment C95moir, they have been updated to apply to Clauses 11.01-11.02 to 11.01-11.05.

3.3 Discussion

The Amendment will update the policies and framework plans within the PPF for the four principal towns in the municipality, consistent with the strategic work undertaken as part of the Major Towns Review, Yarrawonga Stormwater Drainage Strategy, Retail Policy Framework and Yarrawonga Framework Plan.

The revised strategic plans maintain the role of each settlement as set out in the Hume Regional Growth Plan and MPS and promote the orderly development of each town. Overall, they provide a sound strategic basis for the Amendment and deliver on the requirement of former Clause 21.03 to “review existing strategy plans for the four major towns.”

Nevertheless, there are issues specific to the strategy plans for each of the townships which are dealt with in the following chapters of this report.

3.4 Conclusion

For the reasons set out in the following chapters, the Panel concludes the Amendment is supported by, and implements, the relevant sections of the PPF, and is consistent with the relevant Ministerial Directions and Practice Notes. The Amendment is well founded and strategically justified, and the Amendment should proceed subject to addressing the more specific issues raised in submissions as discussed in the following chapters.

The Panel concludes:

- The Amendment is strategically justified.

FILE NO:
5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

ITEM NO: 11.2.1
(SENIOR TOWN PLANNER, MELISSA
BURNS)
(DIRECTOR INFRASTRUCTURE
SERVICES JOSHUA LEWIS)

AMENDMENT C93MOIR PANEL REPORT - PLANNING FRAMEWORK FOR COBRAM, NATHALIA, NUMURKAH AND YARRAWONGA (cont'd)

ATTACHMENT No [1] - Amendment C93moir Panel Report

Moir Planning Scheme Amendment C93moir | Panel Report | 17 November 2022

4 Cobram

4.1 Framework plan

(i) The issue

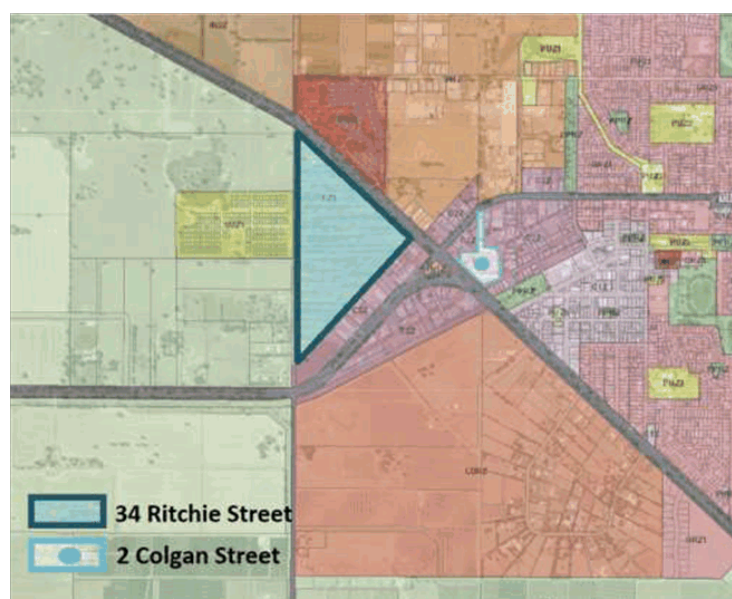
The issue is whether the Cobram Strategy Plan reflects Cobram's current and future land use needs, particularly for land at 34 Ritchie Road.

(ii) Planning context

The Major Towns Review concluded:

- Cobram is well catered for in terms of the volume and mix of retail floorspace
- there is an increased demand for additional floorspace to 2031 between 7,512 square metres and 11,567 square metres, depending on retail floor space ratios
- there is a need for additional consolidated C1Z land that will allow a large scale discount department store or supermarket
- land bounded by the Murray Valley Highway, Colgan Street, Park Court and Broadway Street should be rezoned to C1Z in the immediate term (Figure 8, 2 Colgan Street)
- the Ritchie Road site should be further investigated for future rezoning, potentially to MUZ or C1Z, to facilitate further growth (Figure 8, 34 Ritchie Road)
- there is significant commercial zoned land in Cobram, the commercial real estate market is relatively unutilised, owing mainly to the dominance of agriculture and manufacturing in the local economy.

Figure 8 Locality Plan – 34 Ritchie Road, Cobram



FILE NO:
**5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE**

ITEM NO: 11.2.1
(SENIOR TOWN PLANNER, MELISSA
BURNS)
(DIRECTOR INFRASTRUCTURE
SERVICES JOSHUA LEWIS)

**AMENDMENT C93MOIR PANEL REPORT - PLANNING FRAMEWORK FOR
COBRAM, NATHALIA, NUMURKAH AND YARRAWONGA (cont'd)**

ATTACHMENT No [1] - Amendment C93moir Panel Report

Moir Planning Scheme Amendment C93moir | Panel Report | 17 November 2022

Clause 17.03-1L (Industrial land supply in Moira) includes the existing strategy:

Establish a Cobram Business Park in the area defined by the Murray Valley Highway,
Cobram-Koonoomoo Road and Ritchie Road.

This strategy is a direct translation of the pre -C95moir Planning Scheme, which included the same strategy at Clause 21.07-1 (Cobram). The strategy was not proposed to be modified or deleted by the exhibited Amendment.

(iii) Submissions

Council advised that it commissioned the *Planning Report 34 Ritchie Road*, Cobram by Echelon Planning (Echelon Report) to investigate options for the future use of 34 Ritchie Road. . The Echelon Report recommended the land be rezoned to a Commercial 2 Zone (C2Z) with a Development Plan Overlay. Council considered the report on 28 April 2021 and resolved to defer a decision on the “*Cobram Business Park for 6 to 12 months.*”

While supportive of the broader purpose of the Amendment, Oasis Homes Australia submitted the Cobram Strategy Plan is informed by outdated documents that do not account for key changes to population and economic trends that have emerged since 2018 and the recent strategic work undertaken by the Council for 34 Ritchie Road Cobram. In its view it would be more appropriate to further analyse Cobram’s current economic and residential land use needs prior to updating the plan. It said:

Both the Retail Policy Report and Major Towns Review fail to consider the impact of the recent redevelopment approval granted to the land at 2-6 Colgan Street, Cobram, for a commercial centre comprising two supermarkets, a medical centre, and a number of retail premises, and the associated rezoning of the land from the Commercial 2 Zone to the Commercial 1 Zone, facilitated by the gazettal of Amendment C88moir on 17 September 2021. The development will undoubtedly have a substantial impact on the retail land use demands of Cobram and potentially facilitate the modest intensification of residential uses to the west of Cobram’s town centre, by providing an additional and well located community centre...

The Major Towns’ Strategy Plan Review is generally inconclusive with regards to its recommendations for the future redevelopment of Cobram and suggests that further investigations into both the residential and commercial land supply needs of Cobram is required in order to facilitate the orderly revision of the Municipal Strategic Statement and Cobram Strategy Plan.

Oasis Homes Australia acknowledged that the Cobram Structure Plan identifies the site at 34 Ritchie Road, Cobram for future investigation but submitted it ignores the further strategic work the Council has recently undertaken. It submitted the Echelon Report and Cobram Strategy Plan, are “*fundamentally flawed*” for the following reasons:

- there is no need for additional Commercial 2 Zoned land in Cobram
- the work fails to acknowledge and assess the potential adverse amenity impacts of the land uses encouraged by the Commercial 2 Zone with the abutting residential properties
- the work relies on outdated studies and does not provide current market research and analyses of Cobram’s economic and residential land supply demands.

Oasis Homes Australia submitted that the Amendment was not strategically justified because it relied on the Retail Policy Framework and the Major Towns Review which were outdated. It recommended that further strategic work be undertaken before the *Cobram 2025 Cobram Strategy Plan*, 2007 was replaced in the Planning Scheme.

FILE NO:
**5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE**

ITEM NO: 11.2.1
**(SENIOR TOWN PLANNER, MELISSA
BURNS)**
**(DIRECTOR INFRASTRUCTURE
SERVICES JOSHUA LEWIS)**

**AMENDMENT C93MOIR PANEL REPORT - PLANNING FRAMEWORK FOR
COBRAM, NATHALIA, NUMURKAH AND YARRAWONGA (cont'd)**

ATTACHMENT No [1] - Amendment C93moir Panel Report

Moir Planning Scheme Amendment C93moir | Panel Report | 17 November 2022

Council submitted that because there is no inconsistency with the proposed strategy plan for Cobram, the Amendment does not need to take into account the Echelon Report because it identifies the land for future investigation. In addition, the Echelon Report has not been adopted by Council.

Council acknowledged that the criticism of current population figures had some validity but added it was unclear of the outcome sought by Oasis Homes Australia.

(iv) Discussion

The Panel acknowledges the Retail Policy Framework and the Major Towns Review were completed in 2017 and 2018 respectively. Since then, a global pandemic has occurred and the 2021 Census has been completed, both of which may impact the population data in the two studies.

As discussed in Chapter 3, both documents provide an appropriate strategic justification for the Amendment. In addition, the current Cobram Structure Plan was included in the Planning Scheme in 2007 and is well overdue for a review.

Planning is not a static endeavour and it needs to account for changes in circumstances and events where they have a significant impact on land use and development. The Cobram Strategy Plan acknowledges the future use and development of 34 Ritchie Street is uncertain at this stage. The report commissioned from Echelon has not been adopted by Council and carries no weight for this Amendment. In the Panel's view, it is prudent course of action for Council to delay a decision for this land until the full impacts of the pandemic and results from the 2021 Census are available and assessed.

This may require new strategic work to be commissioned and a further amendment to the Planning Scheme. It is open to the owner of the land to initiate this work should it wish to progress a proposal for 34 Ritchie Road in the immediate term.

Overall, the Panel is satisfied the proposed Cobram Strategy Plan is strategically justified and provides appropriate direction for the future development of Cobram. Based on the current planning analysis, it is appropriate to identify 34 Ritchie Road as an area future investigation.

(v) Conclusion

The Panel concludes:

- The Cobram Strategy Plan reflects Cobram's current and future land use needs, particularly for land at 34 Ritchie Road.

FILE NO:
5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

ITEM NO: 11.2.1
(SENIOR TOWN PLANNER, MELISSA
BURNS)
(DIRECTOR INFRASTRUCTURE
SERVICES JOSHUA LEWIS)

AMENDMENT C93MOIR PANEL REPORT - PLANNING FRAMEWORK FOR COBRAM, NATHALIA, NUMURKAH AND YARRAWONGA (cont'd)

ATTACHMENT No [1] - Amendment C93moir Panel Report

Moir Planning Scheme Amendment C93moir | Panel Report | 17 November 2022

5 Nathalia

5.1 Scott Avenue

(i) The issue

The issue is whether land in Scott Avenue should be recognised for future residential use.

(ii) Planning context

Scott Avenue, Nathalia is located on the west bank of the Broken Creek (refer Figure 9). It provides frontage to several residential dwellings all included in the *Nathalia Broken Creek Heritage Precinct*. Land east of these dwellings is vacant and provides a 'buffer' to industrial properties fronting Murray Valley Highway (Elizabeth Street).

Figure 9 Scott Avenue, Nathalia



The northern end of Scott Avenue is zoned FZ and located outside the settlement boundary defined in the existing Nathalia Framework Plan at Clause 11.01-11-04. The land designated as 'rural land' within the settlement boundary in the Nathalia Strategy Plan proposed to be introduced by the Amendment (Figure 5).

FILE NO:
5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

ITEM NO: 11.2.1
(SENIOR TOWN PLANNER, MELISSA
BURNS)
(DIRECTOR INFRASTRUCTURE
SERVICES JOSHUA LEWIS)

**AMENDMENT C93MOIR PANEL REPORT - PLANNING FRAMEWORK FOR
COBRAM, NATHALIA, NUMURKAH AND YARRAWONGA (cont'd)**

ATTACHMENT No [1] - Amendment C93moir Panel Report

Moir Planning Scheme Amendment C93moir | Panel Report | 17 November 2022

The *Nathalia Strategy Plan, 2018* states additional residential rezoning is not required due to the moderate take up of areas previously rezoned as part of Amendment C64.

(iii) Submissions

Submitter 2 and Submitter 5 both noted the northern end of Scott Avenue was earmarked as medium term residential in the 2010 Nathalia Strategy Plan. Council acknowledged this was the case, however, advised the 2010 plan was superseded by the plan currently included in the Planning Scheme by way of Amendment C77 gazetted in 2017. In this plan, the northern end of Scott Avenue is located outside the settlement boundary.

The Amendment shifts the boundary again to include the northern end of Scott Avenue. Council submitted that it seemed *"incongruous to have this small parcel of farming land inside the settlement boundary and this should perhaps be the subject of a further amendment."*

Submitter 2 supported the rezoning of 5-7 Scott Avenue from rural to residential, because:

- there is limited land available for housing development in Nathalia and an increased trend for regional migration
- subdivision of the land for future low to medium density housing would be consistent with planning policies supporting housing around the town centre, near open space and with good accessibility to public transport
- a 5 acre lot is not suitable for productive agricultural purposes
- agricultural use would be incompatible with nearby residential uses
- areas earmarked for long term residential development south of the town would remove productive agricultural land contrary to rural policy
- areas for industrial expansion remain available to the north of the town.

Submitter 5 submitted land at 8 Scott Avenue should be rezoned from rural to residential to address the acute shortage of housing availability in the town. The submitter noted:

There is currently no social housing available in Nathalia and it is impossible to obtain affordable housing. More land needs to be made available, and my blocks could cater for some of the demand.

Based on their experience as a local business owner, Submitter 5 said it was *"impossible"* to find any accommodation in Nathalia to house an expanding workforce, resulting in employees having to travel from Shepparton, Cobram and surrounding areas.

Submitted 2 and Submitter 5 advised they had many discussions with Council about rezoning their land, but to date, a satisfactory outcome had not been reached. Both confirmed that plans to rezone and subdivide had not been formalised through an application to Council.

Late in the Hearing, Council advised that the Nathalia Strategy Plan map adopted by Council in 2018 (Figure 10) was not consistent with the version of the Nathalia Strategy Plan map exhibited with the Amendment (Figure 11). The adopted version identified the northern end of Scott Avenue as an area for 'future investigation' whereas the Amendment version simply identified the land as 'rural land.' Council was unable to explain why this change occurred.

In these circumstances, Council submitted that the change between the adopted and the Amendment versions should be considered an error. It would be appropriate to change the Amendment to be consistent with the adopted structure plan. This would, in part, address the concerns of submitters.

FILE NO:
5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

ITEM NO: 11.2.1
(SENIOR TOWN PLANNER, MELISSA
BURNS)
(DIRECTOR INFRASTRUCTURE
SERVICES JOSHUA LEWIS)

AMENDMENT C93MOIR PANEL REPORT - PLANNING FRAMEWORK FOR COBRAM, NATHALIA, NUMURKAH AND YARRAWONGA (cont'd)

ATTACHMENT No [1] - Amendment C93moir Panel Report

Moir Planning Scheme Amendment C93moir | Panel Report | 17 November 2022

Finally, in response to the Panel's question on whether Council is actively monitoring housing supply and demand in its major towns as recommended by the Major Towns Review, Council advised "the information is collected but is only monitored on an as needs basis." Council did not provide a copy of information it collects.

Figure 10: Extract of adopted Nathalia Strategy Plan

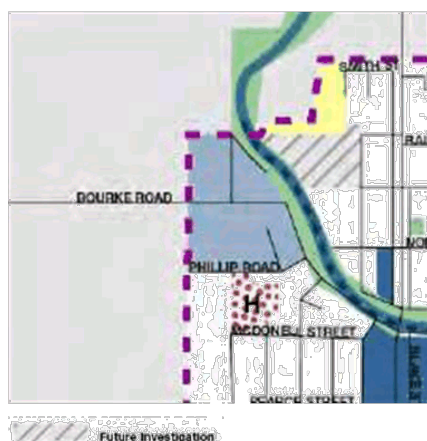
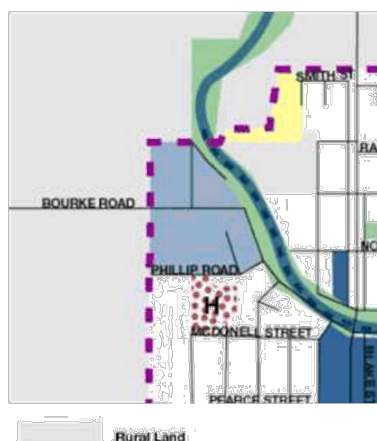


Figure 11: Extract of Nathalia Strategy Plan exhibited with the Amendment



(iv) Discussion

The Planning Scheme sets a clear obligation for planning to anticipate and respond to future residential needs of a municipality. Matters of supply of urban land are addressed in the PPF at Clause 11.02-15, where an assessment of land sufficiency is tied to a forecast demand period of at least 15 years. Land supply objectives are met through various strategies, including monitoring development trends and land supply and demand for housing. Monitoring supply and demand is also a core recommendation of the Major Towns Review.

The availability of periodic land supply and demand data would have assisted the Panel's consideration of matters raised by Submitters 2 and 5. Nevertheless, it would be beyond the scope of the Amendment and premature to rezone the northern end of Scott Avenue from FZ to a residential zone as requested by submitters. The land has many attributes that make it an attractive infill site, including its location within the proposed settlement boundary and its proximity to the commercial centre of Nathalia. However, these positives must be considered alongside other issues, including liability to flooding, bushfire planning and amenity of areas proximate to industrial uses. A full assessment will confirm if rezoning the land for residential can be strategically justified.

Therefore, consistent with Council's submission, Panel supports designation of the land as a 'future investigation' area on the Nathalia Strategy Plan.

FILE NO:
**5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE**

ITEM NO: 11.2.1
(SENIOR TOWN PLANNER, MELISSA
BURNS)
(DIRECTOR INFRASTRUCTURE
SERVICES JOSHUA LEWIS)

AMENDMENT C93MOIR PANEL REPORT - PLANNING FRAMEWORK FOR COBRAM, NATHALIA, NUMURKAH AND YARRAWONGA (cont'd)

ATTACHMENT No [1] - Amendment C93moir Panel Report

Moir Planning Scheme Amendment C93moir | Panel Report | 17 November 2022

(v) Conclusion and recommendation

The Panel concludes:

- Land in Scott Avenue should be recognised as a 'future investigation area' on the Nathalia Structure Plan.

The Panel recommends:

Amend Clause 11.01-1L-04 (Nathalia) to show land at the northern end of Scott Avenue as 'future investigation' on the Nathalia Strategy Plan map, as shown in the Panel preferred version in Appendix D3.

5.2 Draper Street

(i) The issue

The issue is whether land in Draper Street is suitable for future industrial use.

(ii) Planning context

Submission 6 relates to land in the FZ generally west of Draper Street, at the northern end of Nathalia. This land is designated as 'medium term residential' on the existing Nathalia Framework Plan included at Clause 11.01-1L-04 (Figure 12). It is proposed to be designated as 'options for industrial expansion' in the Nathalia Strategy Plan to be introduced by the Amendment (Figure 13).

Figure 12 Extract of Nathalia Framework Plan
(Clause 11.01-1L-04)

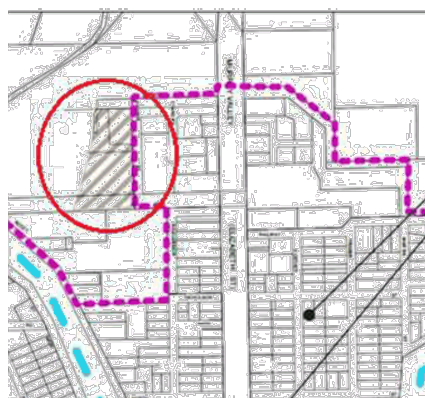
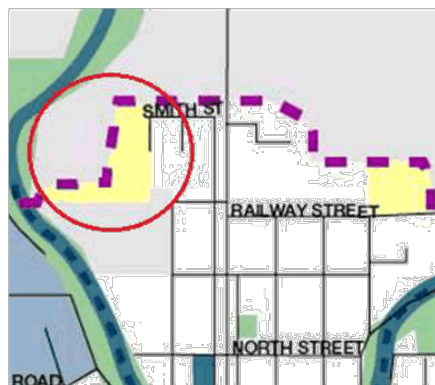


Figure 13 Extract of Nathalia Strategy Plan exhibited
with the Amendment



There are two areas to be identified as 'options to industrial expansion' on the Nathalia Strategy Plan. The Major Towns Review states:

Recent work undertaken has identified that on "face-value" there is sufficient industrial land supply in Nathalia, however, the potential areas available are unable to be realised. Therefore, it is considered that Moira Shire Council should consider the rezoning of two

FILE NO:
**5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE**

ITEM NO: 11.2.1
(SENIOR TOWN PLANNER, MELISSA
BURNS)
(DIRECTOR INFRASTRUCTURE
SERVICES JOSHUA LEWIS)

**AMENDMENT C93MOIR PANEL REPORT - PLANNING FRAMEWORK FOR
COBRAM, NATHALIA, NUMURKAH AND YARRAWONGA (cont'd)**

ATTACHMENT No [1] - Amendment C93moir Panel Report

Moir Planning Scheme Amendment C93moir | Panel Report | 17 November 2022

areas to Industrial 1 Zone ... It is also worth recognising the effects of flooding upon the industrial land supply. The levee system provides some protection from flood waters; however, the management and security of levees is a matter of contention as addressed in the *Victorian Floodplain Management Strategy 2016*. Both the levee system and the risk of flooding constrain the industrial land supply within Nathalia.

The Major Towns Review relies on the findings of *Analysis and Feasibility Study on Industrial Land at Nathalia and Numurkah, 2011*.

(iii) Submissions

Submitter 6 outlined a proposal to realign lots in Draper Street to create a parcel suitable for short to medium term industrial development and concurrently complete the Nathalia flood protection requirements. The submitter emphasised the need to provide new opportunities for industrial development in Nathalia and progress investigation areas to zone the land for industrial use.

Council submitted that while the Amendment does not propose to rezone land, it does suggest land west of Draper Street may be suitable for future industrial rezoning, which goes some of the way towards satisfying the concerns raised.

In its submission to Council, the EPA raised concerns about the proximity of the proposed industrial land to existing residential areas. Any future development within this proposed zone should take into consideration the protection of existing residential amenity.

(iv) Discussion

As discussed in Section 5.1, the availability of periodic land supply and demand data would have assisted the Panel's consideration of supply issues raised by Submitters 6. This is particularly so as the Major Towns Review is reliant on analysis from a 2011 report.

The Major Towns Review does not comment on how localised constraints relevant to the Draper Street area, including flooding, can be managed. Further, despite advice provided by the EPA, it does not discuss how the potential amenity impacts of industrial uses on nearby residential areas can be managed. These issues should be considered even for high level strategic plans to determine if the objectives of Clauses 13.03-1S (Floodplain management) and 13.07-1S (Land use compatibility) can be met.

Based on the material before it, the Panel considers it premature to designate land west of Draper Street as an 'option for industrial expansion.' Further assessment is required to justify this specific notation. Instead, the Panel prefers that land is designated as 'future investigation area,' consistent with the Panel's recommendation for the Scott Avenue area.

(v) Conclusion and recommendation

The Panel concludes:

- Land in Scott Avenue should be recognised as a 'future investigation area' on the Nathalia Structure Plan.

The Panel recommends:

Amend Clause 11.01-1L-04 (Nathalia) to show land west of Draper Street as 'future investigation' on the Nathalia Strategy Plan map, as shown in the Panel preferred version in Appendix D3.

FILE NO:
**5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE**

ITEM NO: 11.2.1
(SENIOR TOWN PLANNER, MELISSA
BURNS)
(DIRECTOR INFRASTRUCTURE
SERVICES JOSHUA LEWIS)

**AMENDMENT C93MOIR PANEL REPORT - PLANNING FRAMEWORK FOR
COBRAM, NATHALIA, NUMURKAH AND YARRAWONGA (cont'd)**

ATTACHMENT No [1] - Amendment C93moir Panel Report

Moir Planning Scheme Amendment C93moir | Panel Report | 17 November 2022

6 Numurkah

6.1 Preferred location for industry

(i) The issues

The issues are whether:

- there is demand for additional industrial land
- the preferred locations for industry are appropriate
- existing IN1Z land identified as a preferred long term location for industry should be back-zoned in the short term
- bushfire risk on proposed IN1Z land has been addressed
- it is appropriate to rezone land that will result in the redundancy of irrigation assets hosted by that land.

(ii) Planning context

The Amendment proposes to:

- rezone land at 20 and 42 Saxton Street West and 2072 Katamatite-Nathalia Road, Numurkah from IN1Z to FZ (the proposed FZ land) (Figure 17)
- rezone land at 2123 Katamatite-Nathalia Road, 39 and 59 Allens Road, TP786691 Allens Road and Goulburn Valley Highway, Numurkah from FZ to IN1Z and apply the DPO12 over this land (the proposed IN1Z land) (Figure 17).

The Numurkah Strategy Plan exhibited with the Amendment identifies:

- the proposed IN1Z land as 'short term industrial expansion' (Figure 15)
- the proposed FZ land as 'long term industrial expansion' (Figure 15).

Section 7.4.1 of the Major Towns Review provides the following assessment of industrial floor space in Numurkah:

It is anticipated that there will be additional areas required within Numurkah to support ancillary businesses that will support the burgeoning solar industry.

Although there is currently in excess of 65 hectares of vacant and undeveloped industrial land it has been identified that the landowner is not going to develop the land. This has essentially meant that the land is 'banked.' As part of this review it is identified that there is sufficient need to warrant the back zoning of the area and rezoning of additional areas to the north ...

FILE NO:
5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

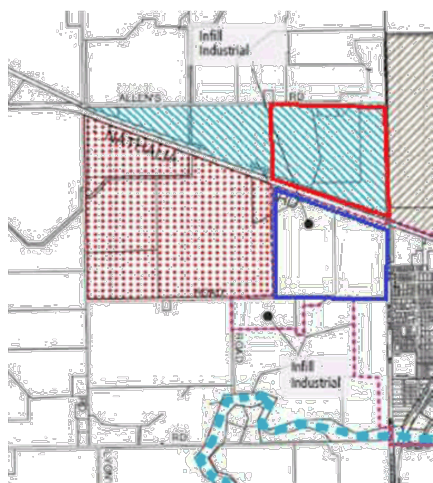
ITEM NO: 11.2.1
(SENIOR TOWN PLANNER, MELISSA
BURNS)
(DIRECTOR INFRASTRUCTURE
SERVICES JOSHUA LEWIS)

AMENDMENT C93MOIR PANEL REPORT - PLANNING FRAMEWORK FOR COBRAM, NATHALIA, NUMURKAH AND YARRAWONGA (cont'd)

ATTACHMENT No [1] - Amendment C93moir Panel Report

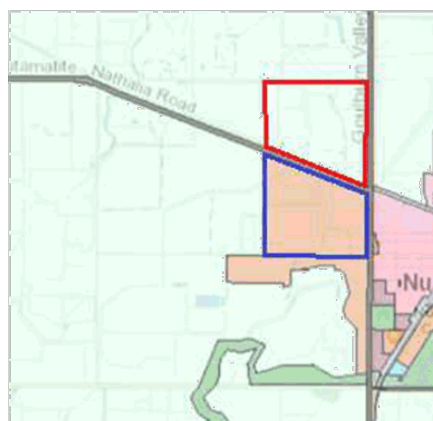
Moir Planning Scheme Amendment C93moir | Panel Report | 17 November 2022

Figure 14 Extract of Numurkah Framework (Clause 11.01-11-04)



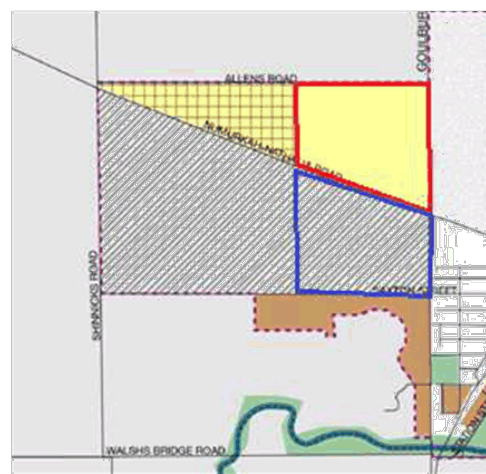
Legend for Figure 14:
 Infill Industrial
 Infill Industrial
 Proposed IN1Z land
 Proposed FZ land

Figure 16 Existing zoning Numurkah industrial area



Legend for Figure 16:
 Proposed IN1Z land
 Proposed FZ land

Figure 15 Extract of Numurkah Strategy Plan exhibited with the Amendment



Legend for Figure 15:
 Infill Industrial
 Infill Industrial
 Proposed IN1Z land
 Proposed FZ land

Figure 17 Proposed zoning Numurkah industrial area



Legend for Figure 17:
 Proposed IN1Z land
 Proposed FZ land

(iii) Submissions

As discussed in Section 1.3 of this Report, Council's formal position was not to proceed with the Numurkah rezonings because public notice was deficient. However, Council welcomed the Panel's consideration of the strategic merits of the rezonings. Council submitted:

FILE NO:
**5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE**

ITEM NO: 11.2.1
(SENIOR TOWN PLANNER, MELISSA
BURNS)
(DIRECTOR INFRASTRUCTURE
SERVICES JOSHUA LEWIS)

**AMENDMENT C93MOIR PANEL REPORT - PLANNING FRAMEWORK FOR
COBRAM, NATHALIA, NUMURKAH AND YARRAWONGA (cont'd)**

ATTACHMENT No [1] - Amendment C93moir Panel Report

Moir Planning Scheme Amendment C93moir | Panel Report | 17 November 2022

In the circumstances where the subject [Submitter 1] land has not been developed for industrial purposes in any way since its rezoning in 2012 the Council supports the recommendation in the Major Towns Review and believes the rezoning as exhibited should proceed.

Submitter 1 opposed the rezoning of 42 Saxton Street West from IN1Z to FZ. They submitted:

- the land was purposely rezoned to IN1Z by way of Amendment C63 in 2012
- industrial use of the land is consistent with the long term vision for the area in the revised Numurkah Strategy Plan and exhibited Clause 21.07-3
- the Explanatory Report erroneously states the owner would prefer to have the land back-zoned
- use of the land for farming predates the industrial zoning, and in any event, farming uses are permissible under the IN1Z
- back zoning the land to FZ would entrench farming uses contrary to the policy intent to use the land future industry
- it is unnecessary to back zone existing IN1Z land to justify rezoning new industrial land
- there is no certainty that land to north will be developed for industry ahead of 20 and 42 Saxton Street West.

Submitter 17 explained land at 2123 Katamatite-Nathalia Road supports an existing industrial operation producing stock feed. There has been interest in purchasing various sized parts of the land for industrial operations, but the existing zoning of the land has been an *"insurmountable impediment."* Submitter 17 strongly supported rezoning this land to IN1Z and submitted:

The subject land offers the prospect of large lots necessary for larger scale transport operators, agricultural product processing and production of various products required to service the emergent large scale aggregated agribusinesses growing within the northern Goulburn River plains area. The site provides good access capabilities and exposure to the major Goulburn Valley Highway.

The subject land and adjacent land proposed for Industrial 1 zoning is eminently suitable and is in demand for the purpose. There is presently a need for a diversity of industrial land in Numurkah. An assessment of the advertised land available for industrial projects indicates no larger lot availability and only a small number of smaller lots in existing areas where other businesses have departed. Over the past 5-6 years the enquiry for purchase of part of the subject land has been strong and indeed industry opportunities for larger land area sites at Numurkah have been lost to other places.

In relation to the back zoning of land at 20 Saxton Street West, Submitter 16 submitted the land should be retained in the existing IN1Z for consistency with planning policy that encourages industrial development north-west of the Numurkah township and west of the Goulbourn Valley Highway. The principal difference between the previous and more recent planning related to *"priority timing."* While acknowledging the proposed FZ land had not transitioned to an industrial use despite being rezoned in 2012, Submitted 16 considered *"ten years is not a long time for a transition to development."* Contrary to Council's assessment that the land is being 'banked,' Submitter 16 said a contract had been entered into to purchase and develop 20 Saxton Street West. They urged the Panel to recommend 20 and 42 Saxton Street West remain in the IN1Z as both are well suited to industrial uses.

The Australian Agricultural Commodities Centre Pty Ltd (AACC) endorsed the Amendment *"as a good initiative for Numurkah District, and the broader area of Victoria and southern New South Wales."* AACC requested additional land west of the proposed IN1Z be included in the

FILE NO:
**5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE**

ITEM NO: 11.2.1
(SENIOR TOWN PLANNER, MELISSA
BURNS)
(DIRECTOR INFRASTRUCTURE
SERVICES JOSHUA LEWIS)

**AMENDMENT C93MOIR PANEL REPORT - PLANNING FRAMEWORK FOR
COBRAM, NATHALIA, NUMURKAH AND YARRAWONGA (cont'd)**

ATTACHMENT No [1] - Amendment C93moir Panel Report

Moir Planning Scheme Amendment C93moir | Panel Report | 17 November 2022

Amendment to facilitate the design, manufacture and marketing of novel agricultural engineering and other light industrial and transport support services.

In response to questions from the Panel, Submitters 16, 17 and the AACC all agreed rezoning land to an industrial zone offered more certainty and security than seeking a permit for an industrial use under the provisions of the FZ. Submitter 17 commented that while discretion was available to permit industrial uses under the FZ, 'councils' largely discouraged this approach and applications were futile. They also observed the traditional methods for quantifying need do not enable timely responses to current pressures.

GMW's submission to Council raised two issues:

- infrastructure may be at risk if land is rezoned from FZ to IN1Z
- existing infrastructure on land proposed to be rezoned will be wasted if the land use changes from farming to industrial.

At the direction of the Panel, Council consulted with GMW to confirm how water assets on private land are protected. Council confirmed easements in favour of the water authority provide appropriate protection. Council also noted water infrastructure is not necessarily wasted if land use change from farming to industrial. New agricultural industries, liked that proposed by AACC, would likely increase the demand for irrigation in the district. While a farming property turned over to industry may not be irrigated, the existing irrigation channels, which are protected, would still fulfil an important function.

CFA sought clarification on the bushfire protection measures to be relied upon to ensure the IN1Z can adequately address Clause 13.02-15 (Bushfire planning). Council acknowledged it would be better for the provisions of Clause 13.02-15 to be considered as part of the rezoning process rather than at the permit stage. If the IN1Z rezoning was to proceed, Council submitted DPO12 should be amended to include a requirement that a future development plan address Clause 13.02-15, allowing bushfire risk to be address before the permit process commences.

The EPA noted the proposed IN1Z land is close to sensitive uses and this may limit future industrial uses to be carried out on the land. The EPA also accepted that Council had considered the requirements of Ministerial Direction 1 and satisfied itself the proposed FZ land is not contaminated.

Council advised the Numurkah Strategy Plan would need to be changed to reverse the designation of preferred industrial areas if the IN1Z and FZ rezonings do not proceed as part of the Amendment. If the rezonings do proceed, Council noted the following additional changes should be made to the Schedule to DPO12:

- list the address of land proposed to be included in the overlay
- delete the address of land proposed to be removed from the overlay
- include a provision requiring a development plan to consider Clause 13.02 to the satisfaction of the responsible authority and Country Fire Authority.

(iv) Discussion

Despite its resolved position to not proceed with the Numurkah rezonings, Council requested the Panel give consideration of the strategic merits of the proposal. At the outset, the Panel confirms its final conclusions and recommendations on the Numurkah rezonings reflect the Council's resolved position. The following discussion is offered to assist Council progress this proposal in the future as part of a new process.

FILE NO:
**5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE**

ITEM NO: 11.2.1
(SENIOR TOWN PLANNER, MELISSA
BURNS)
(DIRECTOR INFRASTRUCTURE
SERVICES JOSHUA LEWIS)

**AMENDMENT C93MOIR PANEL REPORT - PLANNING FRAMEWORK FOR
COBRAM, NATHALIA, NUMURKAH AND YARRAWONGA (cont'd)**

ATTACHMENT No [1] - Amendment C93moir Panel Report

Moir Planning Scheme Amendment C93moir | Panel Report | 17 November 2022

Clause 11.02-15 (Supply of land) provides the policy objective for supply of industrial land. As is the case for residential land, relevant planning strategies tie an assessment of land sufficiently to a forecast demand period of at least 15 years. A contemporary supply and demand analysis of industrial land was not prepared as part of the Major Towns Review and has not been presented to the Panel. This would have assisted the Panel's consideration of the issues raised by submitters, including whether zoning of both the short and long term industrial areas is required as suggested by submitters (Figure 15). Based on the information before it, the Panel cannot judge if a doubling of industrial land supply is really needed.

Council has relied on 'land banking' as its primary justification for back zoning the proposed FZ land. Submissions from Submitter 16 clearly demonstrate there is a real prospect at least some of this land being turned over to an industrial use in the short term. In these circumstances, it would be premature and indeed unfair, to rezone land as proposed by the Amendment.

The Panel questions why rezoning the 'long term industrial area' has been prioritised above rezoning the 'medium term Industrial 2' area shown on the existing Numurkah Framework Plan. There is no meaningful analysis of this in the Major Towns Review.

The Panel acknowledges submissions regarding structural changes taking place in the agricultural sector and need to match demand for agricultural processing with additional land supply. The Panel also notes that Numurkah would appear to have many of the location attributes described by submitters are favourable for agricultural processing, including that it is a sizeable township with highway access. The Panel is not convinced the lack of IN1Z land is the real barrier to establishing these activities, as a permit application can be made to use and develop land for industry in the FZ. Any outright discouragement of such applications by Council (as was suggested to the Panel by submitters) is a cue that policy is needed to guide the exercise of discretion on applications proposing industrial uses in rural zones.

Council's proposed method to address bushfire planning policy by amending the DPO12 scheme would be appropriate if the proposed IN1Z land was to be progressed. This would ensure bushfire risks were considered in an integrated matter alongside other matters to inform a future development plan, for example, management of stormwater, drainage, environmental values and traffic.

The Panel does not consider rezoning the land presents a real risk to the security of GMW's irrigation assets because they are protected by easements. The Panel accepts Council's advice that irrigation assets on a farming property turned over to industry would still fulfil an important function. An additional safeguard for irrigation infrastructure could also be achieved by broadening the matters to be addressed by a future development plan under DPO12.

In the same vein, a future development plan could consider the land use compatibility issues raised by the EPA and ensure the amenity of existing sensitive uses is protected from the impacts of industrial uses.

Overall, rezoning of the proposed FZ and proposed IN1Z is not strategically justified and premature. Before an amendment is initiated for industrial land in Numurkah Council should:

- undertake a supply and demand analysis of industrial land
- understand contemporary requirements for industrial land, including agricultural processing
- develop a clear policy to guide the exercise of discretion for applications for industrial use and development in the FZ

FILE NO:
**5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE**

ITEM NO: 11.2.1
(SENIOR TOWN PLANNER, MELISSA
BURNS)
(DIRECTOR INFRASTRUCTURE
SERVICES JOSHUA LEWIS)

**AMENDMENT C93MOIR PANEL REPORT - PLANNING FRAMEWORK FOR
COBRAM, NATHALIA, NUMURKAH AND YARRAWONGA (cont'd)**

ATTACHMENT No [1] - Amendment C93moir Panel Report

Moira Planning Scheme Amendment C93moir | Panel Report | 17 November 2022

- consider changes need to DPO12 to ensure a future development plan provides an integrated and comprehensive response to environmental risks and site conditions, including bushfire risk, protection of irrigation assets and land use compatibility.

It follows that it would be premature designate the proposed FZ and IN1Z land for this purpose on the Numurkah Strategy Plan. Instead, the industrial areas shown on the strategy plan should be amended for consistency with the existing Numurkah Framework Plan.

(v) Conclusions and recommendations

The Panel concludes:

- A contemporary supply and demand analysis is needed to determine if additional industrial land is needed in Numurkah.
- It is premature to rezone new land for industry in Numurkah without a contemporary supply and demand analysis.
- It is appropriate to expand the matters to be addressed by a future development plan to include bushfire risk, protection of irrigation assets and land use compatibility.
- Preferred industrial areas shown on the Numurkah Strategy Plan should be consistent with the existing Numurkah Framework Plan.

The Panel recommends:

Delete rezoning of land at:

- 20 and 42 Saxton Street West, and 2072 Katamatite-Nathalia Road, Numurkah from Industrial 1 Zone to Farming Zone.
- 2123 Katamatite-Nathalia Road, 39 and 59 Allens Road, TP786691 Allens Road and Goulburn Valley Highway, Numurkah from Farming Zone to Industrial 1 Zone.

Delete application of Development Plan Overlay Schedule 12 to 2123 Katamatite-Nathalia Road, 39 and 59 Allens Road, TP786691 Allens Road and Goulburn Valley Highway, Numurkah.

Amend Clause 11.01-1L-05 (Numurkah), to revise the Numurkah Strategy Plan map as shown in Appendix D4 to:

- show the area noted as 'Short Term Industrial Expansion' and 'Medium Term Industrial Expansion' as 'Long Term Industrial' consistent with the existing Numurkah Framework Plan
- show the area noted as 'Long Term Industrial Expansion' as part 'Existing Industrial' and part 'Medium Term Industrial 2 Zone' consistent with the existing Numurkah Framework Plan.

FILE NO:
5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

ITEM NO: 11.2.1
(SENIOR TOWN PLANNER, MELISSA
BURNS)
(DIRECTOR INFRASTRUCTURE
SERVICES JOSHUA LEWIS)

AMENDMENT C93MOIR PANEL REPORT - PLANNING FRAMEWORK FOR COBRAM, NATHALIA, NUMURKAH AND YARRAWONGA (cont'd)

ATTACHMENT No [1] - Amendment C93moir Panel Report

Moir Planning Scheme Amendment C93moir | Panel Report | 17 November 2022

7 Yarrawonga

7.1 Preferred location for commercial and industrial land

(i) The issues

The issues are whether:

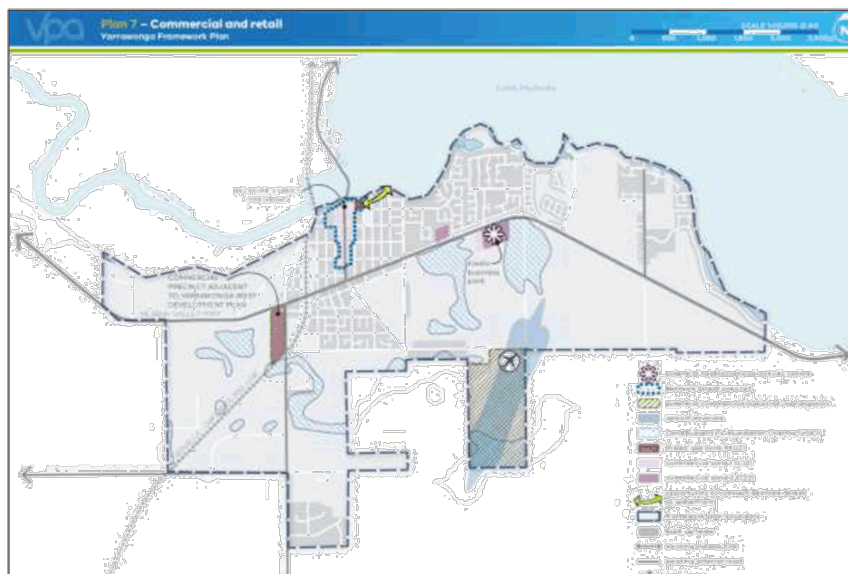
- the Yarrawonga Framework Plan should recognise land along Murray Valley Highway (the proposed C92 land) as 'potential commercial/industrial investigation'
- the population and demographic trends included in the Yarrawonga Framework Plan should be updated
- the commercial land estimates are appropriate.

(ii) Planning context

The Yarrawonga Framework Plan was prepared by the Victorian Planning Authority (VPA) in 2022, and was informed by:

- the Hume Regional Growth Plan 2014
- the Yarrawonga Strategy Plan 2004
- the Yarrawonga Growth Management Strategy Stage 1: Background Analysis Report
- the Yarrawonga Growth Management Strategy Stage 2: Forecast Report
- Stage 1 and 2 of the Yarrawonga Growth Management Strategy.

Figure 18 Plan 7 Commercial and Retail area from the Yarrawonga Framework Plan



Key trends identified in the Plan include:

- stable population growth

FILE NO:
**5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE**

ITEM NO: 11.2.1
(SENIOR TOWN PLANNER, MELISSA
BURNS)
(DIRECTOR INFRASTRUCTURE
SERVICES JOSHUA LEWIS)

**AMENDMENT C93MOIR PANEL REPORT - PLANNING FRAMEWORK FOR
COBRAM, NATHALIA, NUMURKAH AND YARRAWONGA (cont'd)**

ATTACHMENT No [1] - Amendment C93moir Panel Report

Moir Planning Scheme Amendment C93moir | Panel Report | 17 November 2022

- an ageing population
- long term shift away from traditional industries (e.g. agriculture, forestry, fishing) offset by an increase in the services sector (e.g. retail trade, accommodation, public administration)

The Yarrowonga Framework Plan identifies the *“important need to establish an activity centre hierarchy, to balance the role of the town centre with supporting retail and commercial uses in new developments.”*

The key issues identified are medium term forecasts for an additional 6,071 square metres of new retail floorspace by 2031. The Plan concludes there is sufficient Commercial 1 Zone (C1Z) and Mixed Use Zone (MUZ) land to accommodate growth in the short term.

In terms of commercial use, the Yarrowonga Framework Plan concludes that there is sufficient Commercial 2 Zone (C2Z) land to accommodate growth to 2050. It identifies two opportunity sites:

- commercial precinct adjacent to Yarrowonga West Development Plan - approximately 15 hectares, zoned C2Z to accommodate retail and commercial uses involving bulky goods
- Kaiela Business Park - 2.6 hectares zoned C1Z and 9.5 hectares zoned C2Z, developing as a logical location for a future supermarket or neighbourhood activity centre to support future residents in the south with capacity to 2036.

The Yarrowonga Framework Plan includes the following strategies to implement the objective of facilitating a hierarchy of activity centres in the township:

- Strategy 21 Encourage core retail uses in planned retail nodes zoned C1Z and C2Z.
 - Action 21.1 Council to clarify the intended role and function of the identified Commercial 2 precinct adjacent to the Yarrowonga West Development Plan (Plan 7).
 - Action 21.2 Council to investigate the opportunity to identify Kaiela Business Park as a secondary town centre supporting a supermarket in the medium term (Plan 7).
- Strategy 22 Seek the relocation of non-core uses in the town centre to more suitable and appropriately zoned sites.
 - Action 22.1 Council to ensure that new retail development in the township does not compromise the primacy of the Belmore Street Precinct. Refer to O8, Action 16.1 for direction on investigation of industrial/ commercial uses in proximity to Yarrowonga aerodrome.
- Strategy 23 Monitor retail and commercial land supply over the growth of the township.
 - Action 23.1 Council to identify appropriate scale and location of local convenience retail provision in its future residential growth areas.
 - Action 23.2 Council to monitor retail demand and supply to ensure future needs for retail and commercial land are met.

(iii) Amendment C92moir

Proposed Amendment C92moir sought to rezone the land at 78 Woods Road, part 80 Woods Road and Lot 4 Murray Valley Highway, Yarrowonga to C2Z (refer to Figure 19). The proposal was supported by an Economic Impact Assessment which stated that population growth in Yarrowonga had been strong and was increasing. Council resolved at its meeting of 26 August 2020 to, among other things, seek authorisation from the Minister for Planning to prepare Amendment C92moir.

FILE NO:
**5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE**

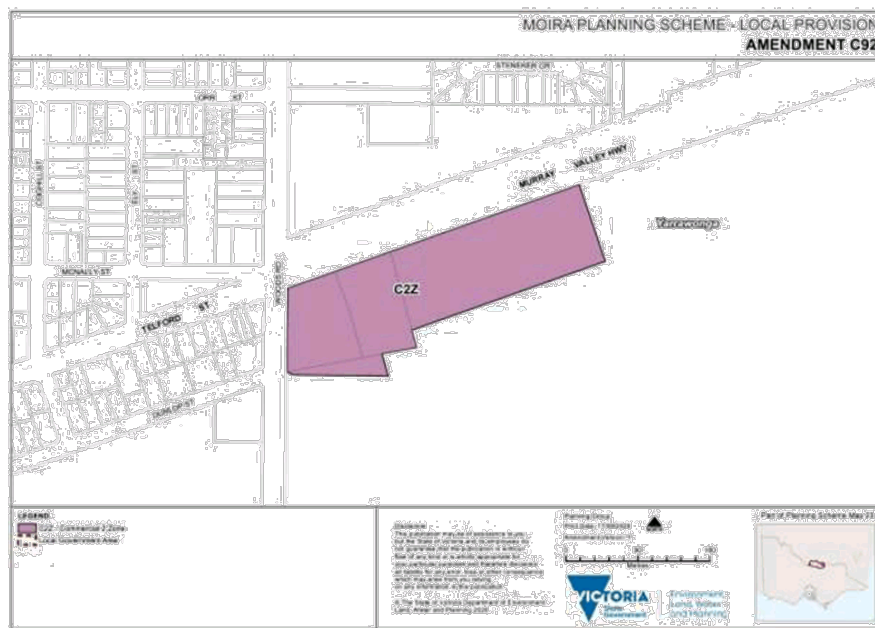
ITEM NO: 11.2.1
(SENIOR TOWN PLANNER, MELISSA
BURNS)
(DIRECTOR INFRASTRUCTURE
SERVICES JOSHUA LEWIS)

**AMENDMENT C93MOIR PANEL REPORT - PLANNING FRAMEWORK FOR
COBRAM, NATHALIA, NUMURKAH AND YARRAWONGA (cont'd)**

ATTACHMENT No [1] - Amendment C93moir Panel Report

Moir Planning Scheme Amendment C93moir | Panel Report | 17 November 2022

Figure 19 Amendment C92moir proposed rezoning to C22



By letter dated 1 July 2021, DELWP advised that it did not authorise Amendment C92moir having considered the following:

The current retail and commercial land use strategies (Yarrowonga Framework Plan 2020 and the Cobram and Yarrowonga Retail Policy Framework Background Analysis and Options Report, July 2017) which do not support this amendment.

The following Municipal Strategic Statements:

- Clause 21.03-2
 - Ensure development is consistent with adopted and incorporated strategy plans and town framework plans
- Clause 21.07
 - Ensure development is generally consistent with the Yarrowonga Framework Plans and contained within the settlement boundary.
 - Promote an integration of tourism, retailing and residential uses at the interface of Lake Mulwala and the Town Centre through redevelopment of land adjacent to the northern end of Belmore Street.
 - Protect the Belmore Street retail activity centre by favouring new developments that provide retail space on the ground floor with offices above the ground floor or in the streets surrounding Belmore Street.

The Development Plan Overlay (Schedule 7) does not cover the proposed site. The Development Plan Overlay (Schedule 7) for Glanmire Park was adopted and approved to ensure that a comprehensive master planning approach was taken to provide a development which would respond to the existing and future urban context. This proposed rezoning and future development would occur outside of the master planning area.

(iv) Evidence and submissions

Riverstown Pty Ltd informed the Panel that it owns 78 Woods Road, 80-82 Woods Road and Lot 4 Murray Valley Highway, Yarrowonga. Its interest in the Amendment focused on Lot 4 Murray

FILE NO:
**5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE**

ITEM NO: 11.2.1
(SENIOR TOWN PLANNER, MELISSA
BURNS)
(DIRECTOR INFRASTRUCTURE
SERVICES JOSHUA LEWIS)

**AMENDMENT C93MOIR PANEL REPORT - PLANNING FRAMEWORK FOR
COBRAM, NATHALIA, NUMURKAH AND YARRAWONGA (cont'd)**

ATTACHMENT No [1] - Amendment C93moir Panel Report

Moir Planning Scheme Amendment C93moir | Panel Report | 17 November 2022

Valley Highway, Yarrawonga (Riverstown land). It added that the Riverstown land is located on the south side of the Murray Valley Highway which has a road reservation in excess of 60 metres. The land is zoned General Residential Zone Schedule 1 (GRZ1).

Riverstown submitted that the identification of its land for commercial and industrial purposes would effectively link with the Kaiela Business Park to form a commercial and industrial precinct. Consequently, it requested the following changes to the Yarrawonga Framework Plan before it is included as a Background Document in the Planning Scheme:

- amend the Framework Plan to show the Riverstown land as 'Potential Commercial/Industrial Investigation'
- update section 2.3 – Growth Context, section 2.3.1 – Population and Demographics, section 2.3.2 Economy, based on review of current and projected population trends
- update Plan 7 – Commercial and Retail to show Riverstown land as C2Z Zone or MUZ and 'Potential Commercial/Industrial Investigation'
- update section 4.4 – Commercial and Retail, which has significantly overestimated the available land supply
- review Action 18.2, which seeks to encourage large format land uses in Belmore Street, which will detract from its Main Street role and function.

Riverstown added that it had been unable to resolve these issues with Council.

Mr Haratsis gave evidence that COVID-19 had caused a rapid and significant shift in office based employment which has resulted in *"an exodus away from metropolitan areas and into more affordable regional areas."* He added that 635 dwellings had been approved between 2016 and 2022 which was well above the 74 dwellings per year identified in the Yarrawonga Framework Plan. He attributed this increase in demand to the COVID-initiated changes in migration patterns. He stated:

The recent trends towards increases in dwelling demand and population growth above forecast levels signals the need for a greater provision of retail, amenity and employment opportunities to service the growing resident population. This highlights the need to review the recommended provisions of commercial, mixed use and industrial land outlined in the Yarrawonga Framework Plan, which has not properly accounted for changes in migration patterns among the resident population that have arisen in recent years.

Mr Haratsis defined a bulky goods trade area that included Yarrawonga and Mulwala, and land further west and south (Figure 20). He calculated that the population of the trade area was 12,510 in 2021 and estimated it would increase to 13,510 by 2031. The working at home population would grow at elevated levels *"due to the relatively low housing and land prices"* which would result in a *"surge in population growth in the trade area in approximately 18 months."*

He added that the main Yarrawonga retail area in Belmore Street is not suitable for a homemaker centre because of the smaller scale shopfronts.

FILE NO:
**5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE**

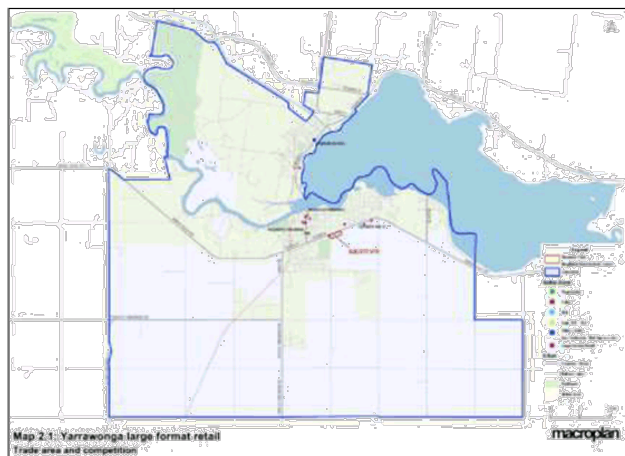
ITEM NO: 11.2.1
(SENIOR TOWN PLANNER, MELISSA
BURNS)
(DIRECTOR INFRASTRUCTURE
SERVICES JOSHUA LEWIS)

**AMENDMENT C93MOIR PANEL REPORT - PLANNING FRAMEWORK FOR
COBRAM, NATHALIA, NUMURKAH AND YARRAWONGA (cont'd)**

ATTACHMENT No [1] - Amendment C93moir Panel Report

Moir Planning Scheme Amendment C93moir | Panel Report | 17 November 2022

Figure 20 Yarrowonga bulky goods trade area



Source: Expert evidence statement of Mr Brian Haratsis (page 15)

Mr Haratsis's evidence included an analysis of retail expenditure and an overview of the supply of existing bulky goods retailers from which he concluded that the provision of bulky goods floorspace is dispersed in Yarrowonga which lacks a dedicated bulky goods precinct. He added:

The lack of a dedicated homemaker centre in the trade area catchment has also resulted in a mismatch between the needs of bulky goods retailers and the sites available for their operation.

Yarrowonga compared unfavourably when benchmarked in the provision of bulky goods against similar sized towns such as Echuca, Colac and Portland. He concluded that a bulky goods centre of 10,000 square metres gross floor area is supportable on the Riverstown land because it is in a single ownership. He added that the land could be rezoned to a C2Z.

Council advised the Panel that, following discussions with the submitter, the Riverstown submission was amended to only include the land proposed to be rezoned by Amendment C92moir and that the Framework Plan designate this area as 'potential mixed use.'

Council submitted the changes proposed by Riverstown involved a "significant change in policy direction relating to commercial development at Yarrowonga." It acknowledged the rate of development in Yarrowonga had been greater than projected in the strategic documents on which the Amendment was founded. However, the Yarrowonga Framework Plan stated that there is sufficient land zoned C1Z and MUZ until 2031 and 2051 for C2Z land. It submitted it may well be the case that population growth has been accelerated due to factors such as the COVID-19 pandemic. However, Council submitted it is premature to project that accelerated rate into the future based on the short sample period which may simply be a spike in the population rather than a long term trend. Council added that it would:

... be entirely inappropriate to make the changes suggested without an independent analysis which would consider long term trends.

Council submitted, if there is need for a bulky goods precinct, the next question is where it should be located. It added that it had not been established that the Riverstown land is more suitable

FILE NO:
**5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE**

ITEM NO: 11.2.1
(SENIOR TOWN PLANNER, MELISSA
BURNS)
(DIRECTOR INFRASTRUCTURE
SERVICES JOSHUA LEWIS)

**AMENDMENT C93MOIR PANEL REPORT - PLANNING FRAMEWORK FOR
COBRAM, NATHALIA, NUMURKAH AND YARRAWONGA (cont'd)**

ATTACHMENT No [1] - Amendment C93moir Panel Report

Moira Planning Scheme Amendment C93moir | Panel Report | 17 November 2022

than other sites that are in a single ownership. Consequently, it would be inappropriate to identify this site without the benefit of independent strategic work.

Council submitted that if the changes sought by Riverstown were adopted it would create significant inconsistency with the Yarrawonga Framework Plan and the accompanying text requiring alterations to the whole document.

In summarising its opposition to the Riverstown proposal, Council made the following points:

- The thrust of the submissions is based on an unproven and in Council's view unlikely proposition that the long term Yarrawonga population is going to increase well beyond expectations due to an influx of persons intending to change their lifestyle by working from home.
- The submissions assert that there is no need for public consultation in spite of the potential impact on other landowners/occupiers.
- The Expert Evidence Statement makes no mention of the existing Commercial 2 Zoned land to the west. Mr Haratsis indicated in his response to a question that he had considered it but discarded it because of lack of exposure. To discard this land in circumstances where MacroPlan in its 2017 Strategy identifies it as suitable without addressing the omitted land or the reason for its omission is in Councils submission not acceptable.
- The Expert Evidence Statement identified three regional towns (Colac, Portland and Echuca) as examples of towns comparable to Yarrawonga that all had a larger number of bulky retailers than Yarrawonga. The statement neglected to identify that all three identified towns had significantly larger populations than Yarrawonga.
- The Expert Evidence Statement and the written response to a Panel question do not address the reasons for the changed position of MacroPlan from the 2017 Growth Management Strategy other than to say there were different models used and that the model for the 2017 Strategy was not a MacroPlan Model and did not identify the individual retail components. In particular the 2017 Strategy Stage 2 on page 44 states under subheading *Future Commercial 2 Precinct*:
Capable of accommodating retail/commercial uses involving bulky goods.
Possible constraints from rail line and Yarrawonga Main Channel. (Approx 15 HA)
This refers to the 15 hectare site west of the Railway.

Council provided a letter from the VPA dated 29 August 2022 (Document 48) which included the following commentary

The VPA considers that the short term impacts of the pandemic are still unfolding and that there is uncertainty relating to the long term impact on the pace and nature of growth across Regional Victoria. The technical background reports (including supporting document Yarrawonga Growth Management Strategy prepared by MacroPlan, 2017) were based on VIF2016 data. The VPA considers this to be a reasonable basis for determining future population growth and commercial services demand in Yarrawonga, in the absence of settled data that can clearly quantify the ongoing, long term impact on settlement patterns associated with the COVID-19 pandemic.

The framework plan uses this data to provide direction for the long term growth of Yarrawonga over the next 50 years. Strategy 23 of the Framework Plan outlines the need to "monitor retail and commercial land supply over the growth of the township," while Action 23.2 outlines the need for "Council to monitor retail demand and supply to ensure future needs for retail and commercial land are met." The VPA considers that this monitoring and review commitment through the framework plan will provide the opportunity to respond to changing needs for commercial and retail development, in the event that longer term trend impacts associated with COVID-19 are identified.

In its submission to the Amendment, the EPA noted Council had not sought its advice when preparing the Amendment as required by Ministerial Direction 19. It drew Council's attention to the need to manage potential conflict between incompatible land uses.

FILE NO:
**5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE**

ITEM NO: 11.2.1
(SENIOR TOWN PLANNER, MELISSA
BURNS)
(DIRECTOR INFRASTRUCTURE
SERVICES JOSHUA LEWIS)

**AMENDMENT C93MOIR PANEL REPORT - PLANNING FRAMEWORK FOR
COBRAM, NATHALIA, NUMURKAH AND YARRAWONGA (cont'd)**

ATTACHMENT No [1] - Amendment C93moir Panel Report

Moir Planning Scheme Amendment C93moir | Panel Report | 17 November 2022

The EPA stated that the Amendment “represents a low risk to the environment, amenity and human health as a result of pollution or waste.” It also raised the following specific issues with the Yarrowonga Framework Plan:

- The land nominated for 910 residential growth lots to the immediate west of the rail line south of Yarrowonga is in close proximity to the Graincorp Yarrowonga site
- 8537 Murray Valley Highway shows some infrastructure that could involve fuel storage and mechanical works
- The buffer around the former landfill at 81 Channel Road
- The wastewater treatment plant northwest of the Channel Road former landfill.

The EPA submitted that the VPA had informed it that the issues had been addressed and requested that Council advise it of the changes.

(v) Discussion

The Panel acknowledges the COVID-19 pandemic has initiated some fundamental changes in population and working arrangements and there is general agreement between the parties that Yarrowonga has grown faster than expected by the Yarrowonga Framework Plan. Whether these are long term changes is uncertain, particularly as other more recent factors such as inflation, higher interest rates and transport costs come into effect. If the accelerated growth in Yarrowonga continues, then it may be prudent to update the population and demographic trends included in the plan.

The Panel agrees with Council that it is unwise to take the outcome of a two year extraordinary pandemic as a long term trend. Further strategic analysis is needed to holistically consider population factors alongside recent influences such as rising fuel costs and other macroeconomic circumstances. The Panel also agrees with Council that most of the persons deciding to work from home have already made that transition and, it is not realistic for people living in Yarrowonga to commute, even once or twice weekly, to Metropolitan Melbourne or other large employment centres because of the distances involved and the lack of public transport.

The Panel does not agree with Riverstown that Mr Haratsis’ evidence provides the detailed strategic analysis needed to justify changing the Yarrowonga Framework Plan. The Yarrowonga Framework Plan identifies a nine-year supply of C1Z and MUZ land and a 29-year supply of C2Z which, in the Panel’s view, provides sufficient capacity to absorb a short term spike in population growth or alternatively sufficient time to address any long term projected shortfall of C1Z and MUZ land, should it be identified.

The Framework Plan identifies approximately 15 hectares of land currently zoned C2Z as a future commercial precinct. This land has similar attributes to the Riverstown land and is already identified and zoned to accommodate retail and bulky goods uses. While the Panel may accept Mr Haratsis conclusion that a 10,000 square metre bulky goods centre is supportable, there is no compelling reason why the Riverstown land should be preferred over land identified in the Yarrowonga Framework Plan and already zoned for this purpose.

The Panel accepts Mr Haratsis’s evidence that several the shops in Belmore Street are too small to accommodate most bulky goods uses. However, the Panel notes that the Yarrowonga Framework Plan includes the following action:

Council to identify opportunities to consolidate lots in Belmore Street, to enable larger-format retail uses.

FILE NO:
**5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE**

ITEM NO: 11.2.1
**(SENIOR TOWN PLANNER, MELISSA
BURNS)**
**(DIRECTOR INFRASTRUCTURE
SERVICES JOSHUA LEWIS)**

**AMENDMENT C93MOIR PANEL REPORT - PLANNING FRAMEWORK FOR
COBRAM, NATHALIA, NUMURKAH AND YARRAWONGA (cont'd)**

ATTACHMENT No [1] - Amendment C93moir Panel Report

Moira Planning Scheme Amendment C93moir | Panel Report | 17 November 2022

The Panel supports consolidation of retail activities in Belmore Street as Yarrawonga's main retail area which the Yarrawonga Framework Plan designates as the heart of the township.

The Panel agrees with Council that Ministerial Direction 19 does not apply to all amendments and is satisfied that the issues raised by the EPA have been addressed in the Yarrawonga Framework Plan and in the Amendment Explanatory Report.

(vi) Conclusions

The Panel concludes:

- The Yarrawonga Framework Plan should not recognise land along Murray Valley Highway (the proposed C92moir land) as 'potential commercial/industrial investigation.'
- The population and demographic trends included in the Yarrawonga Framework Plan may need to be updated if current growth rates continue.
- The Yarrawonga Framework Plan commercial land estimates are appropriate.

FILE NO:
**5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE**

ITEM NO: 11.2.1
(SENIOR TOWN PLANNER, MELISSA
BURNS)
(DIRECTOR INFRASTRUCTURE
SERVICES JOSHUA LEWIS)

AMENDMENT C93MOIR PANEL REPORT - PLANNING FRAMEWORK FOR COBRAM, NATHALIA, NUMURKAH AND YARRAWONGA (cont'd)

ATTACHMENT No [1] - Amendment C93moir Panel Report

Moira Planning Scheme Amendment C93moir | Panel Report | 17 November 2022

8 Form and content of the Amendment

8.1 Background documents

(i) The issue

The issue is whether the background documents identified by the Goulburn Murray Catchment Management Authority should be included as background documents.

(ii) Submissions

Goulburn Murray Catchment Management Authority did not object to the Amendment but recommended that the following documents be included as Background Documents in the Schedule to Clause 72.08:

- *Numurkah Floodplain Management Study and Plan, 2017*
- *Goulburn Broken Regional Catchment Management Strategy 2021–2027*
- *Earthworks Controls in the Shire of Campaspe, City of Greater Shepparton and Moira Shire.*

Council informed the Panel that the Numurkah Floodplain Management Study has been adopted by Council, the Catchment Management Strategy has been formally approved by the Minister for Water and the Earthworks Controls are still under review by Goulburn Broken Catchment Management Authority. It submitted that the inclusion of these documents would be more appropriately considered for inclusion in the Planning Scheme at the next Planning Scheme review.

(iii) Discussion

Any regional catchment strategy approved under the *Catchment and Land Protection Act 1994* is a policy guideline requiring consideration pursuant to Clause 14.02-1S (Catchment planning and management). The *Goulburn Broken Regional Catchment Management Strategy 2021–2027* does not need to be referenced in the Schedule to Clause 72.08 to have status under the Planning Scheme.

The Panel agrees with Council that documents should be adopted by Council before they are referenced in the Planning Scheme. The Panel also agrees with Council that regular review of the Planning Scheme required under section 12B of the PE Act is an appropriate time to consider updating the Schedule the Clause 72.08.

(iv) Conclusions

The Panel concludes:

- The *Goulburn Broken Regional Catchment Management Strategy 2021–2027* is a policy document under Clause 14.02-1S (Catchment planning and management) and does not need to be separately listed in the Schedule to Clause 72.08 to have status under the Planning Scheme.
- The *Numurkah Floodplain Management Study and Plan, 2017* and *Earthworks Controls in the Shire of Campaspe, City of Greater Shepparton and Moira Shire* should be adopted by Council before they are listed as a background document to the Planning Scheme.
- The regular review of the Planning Scheme required under section 12B of the PE Act is an appropriate time to consider updating the Schedule the Clause 72.08.

FILE NO:
**5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE**

ITEM NO: 11.2.1
**(SENIOR TOWN PLANNER, MELISSA
BURNS)**
**(DIRECTOR INFRASTRUCTURE
SERVICES JOSHUA LEWIS)**

AMENDMENT C93MOIR PANEL REPORT - PLANNING FRAMEWORK FOR COBRAM, NATHALIA, NUMURKAH AND YARRAWONGA (cont'd)

ATTACHMENT No [1] - Amendment C93moir Panel Report

Moir Planning Scheme Amendment C93moir | Panel Report | 17 November 2022

8.2 General drafting issues

(i) Submissions

As discussed in section 1.1(ii) of this Report, the exhibited Amendment documents relate to an out-of-date format of the Planning Scheme. At the direction of the Panel, Council prepared updated documents that translated the exhibited into the current Planning Scheme format. These are summarised in Table 5.

Table 5 Changes required to align the exhibited Amendment with the current Planning Scheme

Clause	Change required
11.01-1L-02 (Cobram)	Replace the existing 2007 Framework Plan with the Cobram Strategy Plan Update references to the new Cobram Strategy Plan and include a strategy to: - "Direct commercial development at 2-6 Colgan Street, Cobram as indicated by the Cobram Strategy Plan to this Clause." List the Major Towns Review and Retail Policy Framework as policy documents
11.01-1L-03 (Yarrawonga)	Make policy changes that align with objectives and strategies within the Yarrawonga Framework Plan Replace the existing 2004 Framework Plan with the Yarrawonga Framework Plan List the Major Towns Review and Retail Policy Framework as policy documents
11.01-1L-04 (Nathalia)	Replace the existing 2010 Framework Plan with the Nathalia Strategy Plan Update references to the new Nathalia Strategy Plan and include a new strategy to - "Support new industrial development and facilitate employment opportunities within the industrial areas identified on the Nathalia Strategy Plan to this Clause." List the Major Towns Review as a policy document
11.01-1L-05 (Numurkah)	Replace the existing 2010 Framework Plan with the Numurkah Strategy Plan Update references to the new Numurkah Strategy Plan List the Major Towns Review as a policy document
14.02-1L (Stormwater management in Yarrawonga)	Insert new local policy to align with objectives and strategies within the Yarrawonga Framework Plan
15.01-3L (Subdivision design in Yarrawonga)	Insert new local policy to align with objectives and strategies within the Yarrawonga Framework Plan
17.02-1L-02 (Business in Yarrawonga)	Insert new local policy to align with objectives and strategies within the Yarrawonga Framework Plan Insert Yarrawonga Commercial and Retail Framework Plan
17.03-1L-03 (Industrial land supply in Yarrawonga)	Insert new local policy to align with objectives and strategies within the Yarrawonga Framework Plan Insert Yarrawonga Industry Framework Plan

FILE NO:
**5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE**

ITEM NO: 11.2.1
**(SENIOR TOWN PLANNER, MELISSA
BURNS)**
**(DIRECTOR INFRASTRUCTURE
SERVICES JOSHUA LEWIS)**

**AMENDMENT C93MOIR PANEL REPORT - PLANNING FRAMEWORK FOR
COBRAM, NATHALIA, NUMURKAH AND YARRAWONGA (cont'd)**

ATTACHMENT No [1] - Amendment C93moir Panel Report

Moira Planning Scheme Amendment C93moir | Panel Report | 17 November 2022

Clause	Change required
18.01-2L (Transport links in Yarrawonga)	Insert new local policy to align with objectives and strategies within the Yarrawonga Framework Plan
18.02-5L (Freight in Yarrawonga)	Insert new local policy to align with objectives and strategies within the Yarrawonga Framework Plan
72.08 Schedule	List the following as background documents: <ul style="list-style-type: none"> - the Major Towns Review - Yarrawonga Framework Plan - Yarrawonga Stormwater Drainage Strategy - Retail Policy Framework.

In response to further directions issued by the Panel following Day 1 of the Hearing, Council identified additional clauses of the PPF would require amendment to ensure consistency with the Amendment. The additional changes identified by Council are summarised in Table 6.

Table 6 Additional changes required to align the exhibited Amendment with the Planning Scheme

Clause	Change required
15.01-2L (Building design in Moira)	Replace "Yarrawonga Activity Centre" with "Belmore Street Precinct"
17.02-1L (Business in Moira)	Replace "Yarrawonga Activity Centre" with "Belmore Street Precinct" Replace "Nathalia Framework Plan" with "Nathalia Strategy Plan"
17.03-1L (Industrial land supply in Moira)	Replace "Numurkah Framework Plan" with "Numurkah Strategy Plan" Replace "Cobram Framework Plan" with "Cobram Strategy Plan" Replace "Numurkah Framework Plan" with "Numurkah Strategy Plan" Delete "Encourage the rezoning of land north of Nathalia Road for long term industrial purposes, as indicated on the Numurkah Framework Plan to Clause 11.01-1L-05" Delete "Encourage the rezoning of land south of Nathalia Road to the Industrial 2 Zone in the medium term, as indicated on the Numurkah Framework Plan to Clause 11.01-1L-05" Insert "Direct and encourage industrial development in areas shown for this purpose on the Numurkah Strategy Plan in Clause 11.01-1L-05."
19.02-2L (Education facilities in Moira)	Replace "Nathalia Framework Plan" with "Nathalia Strategy Plan"
19.03-2L (Infrastructure design and provision in Moira)	Replace "Cobram Framework Plan" with "Cobram Strategy Plan" Replace "low density short term residential area" with "short term residential area"

(ii) Discussion

The revised Amendment documents are a policy neutral translation of the exhibited Amendment into the current Planning Scheme format. The additional changes identified by Council (Table 6)

FILE NO:
**5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE**

ITEM NO: 11.2.1
(SENIOR TOWN PLANNER, MELISSA
BURNS)
(DIRECTOR INFRASTRUCTURE
SERVICES JOSHUA LEWIS)

**AMENDMENT C93MOIR PANEL REPORT - PLANNING FRAMEWORK FOR
COBRAM, NATHALIA, NUMURKAH AND YARRAWONGA (cont'd)**

ATTACHMENT No [1] - Amendment C93moir Panel Report

Moira Planning Scheme Amendment C93moir | Panel Report | 17 November 2022

are necessary to ensure the Planning Scheme makes consistent reference to the new strategy plans and framework plan introduced by the Amendment.

In addition to changes identified in Table 5 and Table 6, the following references should be amended for consistency with incoming strategy plans:

- at Clause 17.02-1L replace 'Cobram Central Business District' with 'commercial zones' because the former is not shown in the Cobram Strategy Plan introduced by the Amendment
- at Clause 17.03-1L replace 'Establish a Cobram Business Park in the area defined by the Murray Valley Highway, Cobram-Koonoomoo Road and Ritchie Road' with 'Investigate a Cobram Business Park in the area defined by the Murray Valley Highway, Cobram-Koonoomoo Road and Ritchie Road.'

(iii) Conclusions and recommendations

The Panel concludes:

- Policy neutral translation of the exhibited Amendment into the current Planning Scheme format is necessary and appropriate.
- All local provisions referring to the Cobram Framework Plan, Nathalia Framework Plan, Numurkah Framework Plan and Yarrowonga Framework Plan (or land identified on those plans) should be amended for consistency with the Cobram Strategy Plan, Nathalia Strategy Plan, Numurkah Strategy Plan and Yarrowonga Framework Plan.

The Panel recommends:

Replace Clause 21.03, 21.07 and 21.09 with the following Clauses, as shown in the Panel preferred version in Appendix D.

- Clause 11.01-1L-02 (Cobram)
- Clause 11.01-1L-03 (Yarrowonga)
- Clause 11.01-1L-04 (Nathalia)
- Clause 11.01-1L-05 (Numurkah)
- Clause 14.02-1L (Stormwater management in Yarrowonga)
- Clause 15.01-2L (Building design in Moira)
- Clause 15.01-3L (Subdivision design in Yarrowonga)
- Clause 17.02-1L (Business in Moira)
- Clause 17.02-1L-02 (Business in Yarrowonga)
- Clause 17.03-1L (Industrial land supply in Moira)
- Clause 17.03-1L-02 (Industrial land supply in Yarrowonga)
- Clause 18.01-2L (Transport links in Yarrowonga)
- Clause 18.02-5L (Freight in Yarrowonga)
- Clause 19.02-2L (Education facilities in Moira)
- Clause 19.03-2L (Infrastructure design and provision in Moira)

FILE NO:
**5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE**

ITEM NO: 11.2.1
(SENIOR TOWN PLANNER, MELISSA
BURNS)
(DIRECTOR INFRASTRUCTURE
SERVICES JOSHUA LEWIS)

**AMENDMENT C93MOIR PANEL REPORT - PLANNING FRAMEWORK FOR
COBRAM, NATHALIA, NUMURKAH AND YARRAWONGA (cont'd)**

ATTACHMENT No [1] - Amendment C93moir Panel Report

Moira Planning Scheme Amendment C93moir | Panel Report | 17 November 2022

Appendix A Submitters to the Amendment

No.	Submitter
1	Stuart Hodge
2	Jane Hando
3	Riverstown Pty Ltd
4	Oasis Homes Australia
5	Susan Narelle Ryan
6	Kevin Bourke
7	Goulburn Valley Water
8	Goulburn Broken Catchment Management Authority
9	Department of Environment, Land, Water and Planning
10	Country Fire Authority
11	North East Water
12	Goulburn Murray Water
13	Environment Protection Authority Victoria
14	Scott Spanton (submission not referred to the Panel)
15	Kathryn Hanna and Peter Madill
16	Norm Thompson
17	Brian Carey
18	Australian Agricultural Commodities Centre Pty Ltd

FILE NO:
5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

ITEM NO: 11.2.1
(SENIOR TOWN PLANNER, MELISSA
BURNS)
(DIRECTOR INFRASTRUCTURE
SERVICES JOSHUA LEWIS)

**AMENDMENT C93MOIR PANEL REPORT - PLANNING FRAMEWORK FOR
COBRAM, NATHALIA, NUMURKAH AND YARRAWONGA (cont'd)**

ATTACHMENT No [1] - Amendment C93moir Panel Report

Moira Planning Scheme Amendment C93moir | Panel Report | 17 November 2022

Appendix B Parties to the Panel Hearing

Submitter	Represented by
Moira Shire Council	Mr Keith Longridge, Town Planner
Riverstown Pty Ltd	Mr Jason Black of Insight Planning who called expert evidence on: - Land supply from Brian Haratsis of MacroPlan Economics
Stuart Hodge	
Kevin Bourke	
Jane Hando	
Susan Janelle Ryan	
Kathryn Hanna and Peter Madill	
Norm Thompson	Mr Ron Mildren
Brian Carey	Mr Ron Mildren
Australian Agricultural Commodities Centre Pty Ltd	Mr Andrew Walter

FILE NO:
**5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE**

ITEM NO: 11.2.1
**(SENIOR TOWN PLANNER, MELISSA
BURNS)**
**(DIRECTOR INFRASTRUCTURE
SERVICES JOSHUA LEWIS)**

**AMENDMENT C93MOIR PANEL REPORT - PLANNING FRAMEWORK FOR
COBRAM, NATHALIA, NUMURKAH AND YARRAWONGA (cont'd)**

ATTACHMENT No [1] - Amendment C93moir Panel Report

Moir Planning Scheme Amendment C93moir | Panel Report | 17 November 2022

Appendix C Document list

No.	Date	Description	Provided by
1	23/03/22	Directions Hearing Letter	Planning Panels Victoria (PPV)
2	01/04/22	Email from Council about submission from Mr Spanton	Council
3	08/04/22	Email request from Council to conduct Hearing in person	Council
4	08/04/22	Email to all parties to response to Council request	PPV
5	09/04/22	Response from Stuart Hodge supporting in person hearings	Stuart Hodge
6	11/04/22	Response from Riverstown supporting in person hearings	Riverstown
7	12/04/22	Response from Kevin Bourke supporting in person hearings	Kevin Bourke
8	13/8/22	Response from Council confirming it can provide a hybrid Hearing	Council
9	14/04/22	Panel Correspondence, Directions and Timetable Version 2	PPV
10	19/04/22	Amendment documents <ul style="list-style-type: none"> a) Explanatory Report b) Instruction Sheet c) Clause 21.03 (Clean and tracked changes) d) Clause 21.07 (Clean and tracked changes) e) Clause 78.08 (Clean and tracked changes) f) DPO Maps 14 and 18 g) Zone Maps 14 and 18 h) Retail Policy Framework for Cobram and Yarrawonga Options Report i) Yarrawonga Framework Plan j) Yarrawonga Stormwater Drainage Strategy 	Council
11	20/04/22	Locations for Panel inspection from Riverstown Pty Ltd	Riverstown
12	28/04/22	Email to Council reminding it of documents required	PPV
13	28/04/22	Yarrawonga Growth Management Strategy Analysis Report 2017	Council
14	28/04/22	Major Towns Strategy Plan Review 2018	Council
15	29/04/22	Council Part A submissions	Council
16	29/04/22	Plan of submitter locations	Council
17	02/05/22	Council request for adjournment	Council
18	02/05/22	Email to all parties requesting response to Council adjournment request	PPV
19	02/05/22	Response from Jane Hando	Council
20	02/05/22	Response from Riverstown Pty Ltd	Riverstown

FILE NO:
**5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE**

ITEM NO: 11.2.1
**(SENIOR TOWN PLANNER, MELISSA
BURNS)**
**(DIRECTOR INFRASTRUCTURE
SERVICES JOSHUA LEWIS)**

**AMENDMENT C93MOIR PANEL REPORT - PLANNING FRAMEWORK FOR
COBRAM, NATHALIA, NUMURKAH AND YARRAWONGA (cont'd)**

ATTACHMENT No [1] - Amendment C93moir Panel Report

Moir Planning Scheme Amendment C93moir | Panel Report | 17 November 2022

No.	Date	Description	Provided by
21	03/05/22	Response from Susan Ryan	Susan Ryan
22	03/05/22	Response from Stuart Hodge	Stuart Hodge
23	04/05/22	Panel Correspondence, Directions and Timetable Version 2	PPV
24	06/05/22	Panel site visits recommendations from Riverstown	Riverstown
25	06/05/22	Panel site visits recommendation from Susan Ryan	Susan Ryan
26	09/05/22	Submission letter from Susan Narelle Ryan	Susan Ryan
27	02/06/22	Email from Council requesting deferral of the Hearing	Council
28	15/06/22	Email from PPV asking for a response to Council adjournment request	Council
29	16/06/22	Council request for an extension to comply with Directions	Council
30	17/06/22	Response to Council request for an extension to comply with Directions	PPV
31	20/06/22	Panel Correspondence, Directions and Timetable Version 3	PPV
32	08/08/22	Email from Council advising of representative	Council
33	08/08/22	Council providing video link and documents	Council
34	08/08/22	Amendment and supporting documents: <ul style="list-style-type: none"> a) a full set of Amendment documents as follows: <ul style="list-style-type: none"> i. as exhibited, including a 'track change' version ii. a version showing how the Amendment is proposed to be included in the current Moira Planning Scheme (post approval of C95moir) – including a track change version b) Yarrawonga Framework Plan, 2020 c) Yarrawonga Growth Management Strategy Stage 1: Background Analysis Report, 2017 d) Yarrawonga Growth Management Strategy Stage 2: Forecast Report, 2017 e) Yarrawonga Stormwater Management Strategy, 2019 f) Cobram Strategy Plan, 2018 g) Nathalia Strategy Plan, 2018 h) Numurkah Strategy Plan, 2018 i) Major Towns' Strategy Plan Review (Yarrawonga, Cobram, Numurkah and Nathalia), June 2018 j) Retail Policy Framework for Cobram and Yarrawonga: Options Report, 2017 	Council
35	15/08/22	PPV email to parties about Hearing arrangements	Council
36	17/08/22	Email request from Kathryn Hanna and Peter Madill to join the Hearing	Kathryn Hanna

FILE NO:
**5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE**

ITEM NO: 11.2.1
**(SENIOR TOWN PLANNER, MELISSA
BURNS)**
**(DIRECTOR INFRASTRUCTURE
SERVICES JOSHUA LEWIS)**

**AMENDMENT C93MOIR PANEL REPORT - PLANNING FRAMEWORK FOR
COBRAM, NATHALIA, NUMURKAH AND YARRAWONGA (cont'd)**

ATTACHMENT No [1] - Amendment C93moir Panel Report

Moir Planning Scheme Amendment C93moir | Panel Report | 17 November 2022

No.	Date	Description	Provided by
37	17/08/22	Email from Council re late submission from Norm Thompson	Council
38	18/08/22	Letter from Onleys regarding representing Norm Thompson	Norm Thompson
39	19/08/22	Email from Council supporting a further Directions Hearing	Council
40	19/08/22	Letter from PPV re further Directions Hearing	PPV
41	22/08/22	Council Part A Submission a) Cobram Aerial Photograph b) Nathalia Aerial Photograph c) Numurkah Aerial Photograph d) Yarrawonga Aerial Photograph	Council
42	22/08/22	Evidence Statement Brian Haratsis	Riverstown Pty Ltd
43	25/08/22	Letter from Council concerning notification of landholders	Council
44	25/08/22	Numurkah Rezoning Notification Map	Council
45	26/08/22	Panel letter to Parties, Timetable Version 4 and Distribution List Version 4	PPV
46	29/08/22	Hodge Farms - supplementary submission	Stuart Hodge
47	29/08/22	Council Part B submission	Council
48	29/08/22	Letter from VPA Yarrawonga Framework Plan	Council
49	31/08/22	Submission on behalf of Riverstown Pty Ltd	Riverstown Pty Ltd
50	31/08/22	Letter from Narelle Ryan to Council	Council
51	31/08/22	Submission by Jane Hando and Paul Congues	Jane Hando
52	31/08/22	Submission on behalf of Brian Carey	Brian Carey
53	31/08/22	Submission on behalf of Norm Thompson	Norm Thompson
54	02/09/22	Email correspondence from Mr S. Hodge to Council	Council
55	02/09/22	Further Directions for resumed Hearing	PPV
56	09/09/22	Moir Shire Council Agenda and Minutes of 24 August 2022	Council
57	09/09/22	Planning Report prepared by Echelon Planning referenced in Council's Part B submission	Council
58	09/09/22	Moir Shire Council Agenda and Minutes in relation to the Echelon Report	Council
59	09/09/22	Correspondence exchanged with Riverstown Pty Ltd dated 6 August 2022	Council
60	09/09/22	Specific Controls Overlay that applies to the land proposed to be rezoned in Numurkah	Council
61	09/09/22	Letter sent to landowners and occupiers in accordance with Panel Direction 1 of 26 August 2022	Council

FILE NO:
**5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE**

ITEM NO: 11.2.1
(SENIOR TOWN PLANNER, MELISSA
BURNS)
(DIRECTOR INFRASTRUCTURE
SERVICES JOSHUA LEWIS)

**AMENDMENT C93MOIR PANEL REPORT - PLANNING FRAMEWORK FOR
COBRAM, NATHALIA, NUMURKAH AND YARRAWONGA (cont'd)**

ATTACHMENT No [1] - Amendment C93moir Panel Report

Moira Planning Scheme Amendment C93moir | Panel Report | 17 November 2022

No.	Date	Description	Provided by
62	09/09/22	Letter refusing authorisation to prepare proposed Moira Planning Scheme Amendment C92moir	Council
63	12/09/22	Letter from MacroPlan in response to Panel Direction 3 a) Kaufland Mornington Expert Witness Statement (Feb 2019) b) Eastern Creek Quarter Outlet Centre - Stage 3 Economic Impact Assessment(December 2020)	Riverstown Pty Ltd
64	20/09/22	Council response to Panel Direction 4	Council
65	20/09/22	Submission on behalf of Australian Agricultural Commodities Centre Pty Ltd	AACC
66	27/09/22	Directions and Timetable Version 5	PPV
67	04/10/22	Council closing submission	Council

FILE NO:
5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

ITEM NO: 11.2.1
(SENIOR TOWN PLANNER, MELISSA
BURNS)
(DIRECTOR INFRASTRUCTURE
SERVICES JOSHUA LEWIS)

**AMENDMENT C93MOIR PANEL REPORT - PLANNING FRAMEWORK FOR
COBRAM, NATHALIA, NUMURKAH AND YARRAWONGA (cont'd)**

ATTACHMENT No [1] - Amendment C93moir Panel Report

Moira Planning Scheme Amendment C93moir | Panel Report | 17 November 2022

Appendix D Panel preferred version of Amendment

[Tracked Added](#)

~~Tracked Deleted~~

FILE NO:
5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

ITEM NO: 11.2.1
(SENIOR TOWN PLANNER, MELISSA
BURNS)
(DIRECTOR INFRASTRUCTURE
SERVICES JOSHUA LEWIS)

AMENDMENT C93MOIR PANEL REPORT - PLANNING FRAMEWORK FOR COBRAM, NATHALIA, NUMURKAH AND YARRAWONGA (cont'd)

ATTACHMENT No [1] - Amendment C93moir Panel Report

Moir Planning Scheme Amendment C93moir | Panel Report | 17 November 2022

D:1 Panel preferred version Clause 11.01-1L-02

11.01-1L-02 Cobram

Policy application

This policy applies to land identified on the Cobram ~~Framework~~ [Strategy](#) Plan to this Clause.

Strategies

Maintain the existing clear division between land use activities.

Direct short term residential development and expansion in the locations identified on the Cobram ~~Framework~~ [Strategy](#) Plan to this Clause.

Direct low density residential development to land zoned for this purpose and particularly to the low density short term residential land directly east of Cobram South Road as indicated by the Cobram ~~Framework~~ [Strategy](#) Plan to this Clause.

Direct medium and long term residential development to the south east and south of Cobram once the existing land supply in locations identified for short term residential and low density short term residential has reduced to around a 10 year supply.

Discourage the expansion of existing caravan park to the west of town.

[Direct commercial development at 2-6 Colgan Street, Cobram as indicated by the Cobram Strategy Plan to this Clause.](#)

Policy document

Consider as relevant:

- [Cobram 2025: Cobram Strategy Plan \(Coomes Consulting, 2007\) Major Towns' Strategy Plan Review \(Yarrawonga, Cobram, Numurkah and Nathalia\) \(SD Planning - Strategy & Development, June 2018\)](#)
- [Retail Policy Framework for Cobram and Yarrawonga: Options Report \(SED Consulting, July 2017\)](#)

Cobram ~~framework~~ [Strategy Plan](#)

Panel note: deleted Cobram Framework Plan not shown. Cobram Strategy Plan (Figure 4) to be inserted.

FILE NO:
5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

ITEM NO: 11.2.1
(SENIOR TOWN PLANNER, MELISSA
BURNS)
(DIRECTOR INFRASTRUCTURE
SERVICES JOSHUA LEWIS)

AMENDMENT C93MOIR PANEL REPORT - PLANNING FRAMEWORK FOR COBRAM, NATHALIA, NUMURKAH AND YARRAWONGA (cont'd)

ATTACHMENT No [1] - Amendment C93moir Panel Report

Moir Planning Scheme Amendment C93moir | Panel Report | 17 November 2022

D:2 Panel preferred version Clause 11.01-1L-03

11.01-1L-03 Yarrowonga

Policy application

This policy applies to land within the settlement boundary identified on the Yarrowonga Framework Plan to this Clause.

Strategies

Direct short term low density residential development in areas already zoned for this purpose to the west and south.

Support additional rezoning of land for residential purposes only where there is demand for additional development.

Direct long term residential development to ~~the south of Precinct B and D~~ [future residential growth areas as shown on the Yarrowonga Framework Plan to this Clause](#).

Promote residential development in the areas identified for residential in the Yarrowonga ~~Framework Plan~~ [Framework Plan](#) to this Clause.

[Encourage development that provides physical and community infrastructure and services in sequence with development](#).

[Support housing diversity and high density housing around the Belmore Street Precinct](#).

Encourage the rear of shops within the Central Business District on Belmore Street to be publicly accessible including by the provision of pedestrian access and car parking.

Promote tourism, retailing and residential use and development at the interface of Lake Mulwala and the Central Business District by redeveloping land adjacent to the northern end of Belmore Street.

[Develop open space that is integrated with surrounding land uses and connected to the street network between Belmore Street Precinct and the waterfront of Lake Mulwala](#).

Accommodate non-residential uses at the southern end of Belmore Street ~~as shown on the Yarrowonga Central Framework Plan to this Clause~~.

Encourage the development of accommodation in Yarrowonga.

Facilitate development of the saleyards land at the eastern end of Melaleuca Street and land surplus to railway requirements in the rail yards.

Facilitate the relocation of the grain bunkers west of Benalla Road.

Support the provision of community and recreation facilities in ~~Precinct B~~ [residential growth areas](#).

Discourage development with direct access to the highway in ~~Precinct B~~ [future residential growth areas](#).

Promote infill residential development with a mixture of lot sizes in ~~Precinct C and Precinct D~~ [future residential growth areas](#).

[Encourage infill developments within close proximity to the town centre and Belmore Street Precinct](#).

Policy document

Consider as relevant:

- ~~Yarrowonga Strategy: Looking to the Future (Moir Shire Council, 2004)~~ [Yarrowonga Framework Plan 2020 \(VPA, January 2020\)](#)

FILE NO:
5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

ITEM NO: 11.2.1
(SENIOR TOWN PLANNER, MELISSA
BURNS)
(DIRECTOR INFRASTRUCTURE
SERVICES JOSHUA LEWIS)

**AMENDMENT C93MOIR PANEL REPORT - PLANNING FRAMEWORK FOR
COBRAM, NATHALIA, NUMURKAH AND YARRAWONGA (cont'd)**

ATTACHMENT No [1] - Amendment C93moir Panel Report

Moira Planning Scheme Amendment C93moir | Panel Report | 17 November 2022

Yarrowonga Framework Plan

Panel note: deleted Yarrowonga Framework Plan and Yarrowonga Central Framework Plan not shown. Yarrowonga Framework Plan (Figure 7) to be inserted.

FILE NO:
5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

ITEM NO: 11.2.1
(SENIOR TOWN PLANNER, MELISSA
BURNS)
(DIRECTOR INFRASTRUCTURE
SERVICES JOSHUA LEWIS)

AMENDMENT C93MOIR PANEL REPORT - PLANNING FRAMEWORK FOR COBRAM, NATHALIA, NUMURKAH AND YARRAWONGA (cont'd)

ATTACHMENT No [1] - Amendment C93moir Panel Report

Moira Planning Scheme Amendment C93moir | Panel Report | 17 November 2022

D3: Panel preferred version Clause 11.01-1L-04

11.01-1L-04 Nathalia

Policy application

This policy applies to land identified on the Nathalia ~~Framework~~ [Strategy](#) Plan to this Clause.

Strategies

Direct medium term residential development to the south west and long term residential development to the south, as indicated by the Nathalia ~~Framework~~ [Strategy](#) Plan to this Clause.

Encourage infill low density residential in the area identified on the Nathalia ~~Framework~~ [Strategy](#) Plan to this Clause.

~~Accommodate long term demand in Nathalia for industrial land and larger industrial allotments to the south east of the Murray Valley Highway.~~ [Support new industrial development and facilitate employment opportunities within the industrial areas identified on the Nathalia Strategy Plan to this Clause.](#)

Policy document

Consider as relevant:

- ~~[Nathalia Strategy Plan \(CPG Australia, 2010\)](#)~~ [Major Towns Strategy Plan Review \(Yarrawonga, Cobram, Numurkah and Nathalia\) \(SD Planning - Strategy & Development, June 2018\)](#)

FILE NO:
5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

ITEM NO: 11.2.1
(SENIOR TOWN PLANNER, MELISSA
BURNS)
(DIRECTOR INFRASTRUCTURE
SERVICES JOSHUA LEWIS)

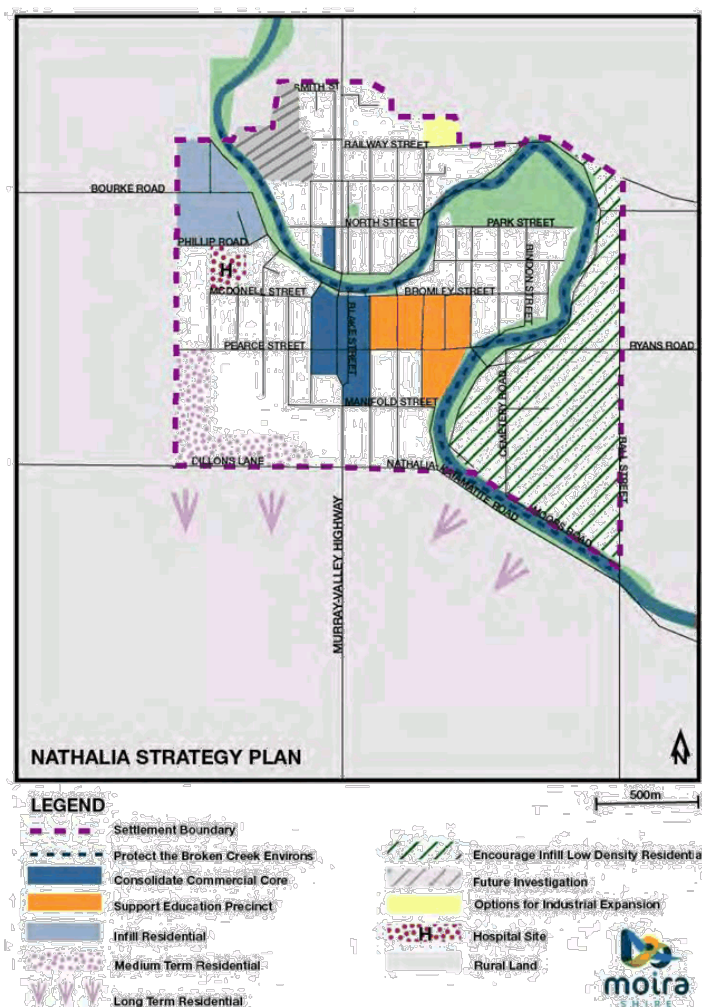
**AMENDMENT C93MOIR PANEL REPORT - PLANNING FRAMEWORK FOR
COBRAM, NATHALIA, NUMURKAH AND YARRAWONGA (cont'd)**

ATTACHMENT No [1] - Amendment C93moir Panel Report

Moir Planning Scheme Amendment C93moir | Panel Report | 17 November 2022

Nathalia framework Strategy Plan

Panel note: deleted Nathalia Framework Plan not shown.



FILE NO:
5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

ITEM NO: 11.2.1
(SENIOR TOWN PLANNER, MELISSA
BURNS)
(DIRECTOR INFRASTRUCTURE
SERVICES JOSHUA LEWIS)

**AMENDMENT C93MOIR PANEL REPORT - PLANNING FRAMEWORK FOR
COBRAM, NATHALIA, NUMURKAH AND YARRAWONGA (cont'd)**

ATTACHMENT No [1] - Amendment C93moir Panel Report

Moir Planning Scheme Amendment C93moir | Panel Report | 17 November 2022

D4: Panel preferred version Clause 11.01-1L-05

11.01-1L-05 Numurkah

Policy application

This policy applies to land identified on the Numurkah ~~framework~~ [Strategy](#) Plan to this Clause.

Strategies

Direct medium and long term residential growth to the area identified as 'Long Term Residential' on the Numurkah ~~framework~~ [Strategy](#) Plan to this Clause.

Direct low density residential development to the areas identified as '~~short term low density residential~~' and 'Future Low Density Residential' in the Numurkah ~~framework~~ [Strategy](#) Plan to this Clause.

Direct rural living development to land:

- Identified as the '~~Short Term Rural Living~~' and 'Future Rural Living' areas on the Numurkah ~~framework~~ [Strategy](#) Plan to this Clause.
- On lots 39\PS306431, 40\PS306431, 5\LP201500, 4\LP204020 and 3\LP204020, located adjacent to the existing Low Density Residential zoned land east of Kinnairds Road.

Policy document

Consider as relevant:

- [Numurkah Strategy Plan \(CPG, 2010\) Major Towns' Strategy Plan Review \(Yarrawonga, Cobram, Numurkah and Nathalia\) \(SD Planning - Strategy & Development, June 2018\)](#)

FILE NO:
5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

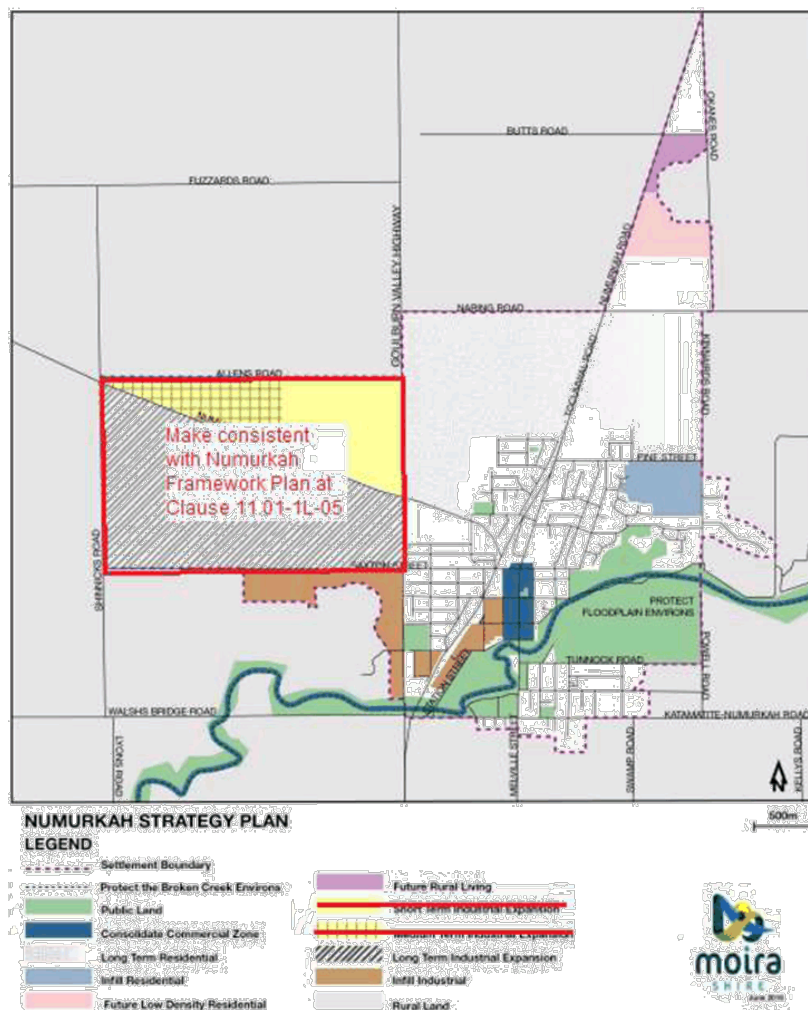
ITEM NO: 11.2.1
(SENIOR TOWN PLANNER, MELISSA
BURNS)
(DIRECTOR INFRASTRUCTURE
SERVICES JOSHUA LEWIS)

**AMENDMENT C93MOIR PANEL REPORT - PLANNING FRAMEWORK FOR
COBRAM, NATHALIA, NUMURKAH AND YARRAWONGA (cont'd)**

ATTACHMENT No [1] - Amendment C93moir Panel Report

Moir Planning Scheme Amendment C93moir | Panel Report | 17 November 2022

Numurkah framework Strategy Plan



FILE NO:
5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

ITEM NO: 11.2.1
(SENIOR TOWN PLANNER, MELISSA
BURNS)
(DIRECTOR INFRASTRUCTURE
SERVICES JOSHUA LEWIS)

**AMENDMENT C93MOIR PANEL REPORT - PLANNING FRAMEWORK FOR
COBRAM, NATHALIA, NUMURKAH AND YARRAWONGA (cont'd)**

ATTACHMENT No [1] - Amendment C93moir Panel Report

Moira Planning Scheme Amendment C93moir | Panel Report | 17 November 2022

D5: Panel preferred version Clause 14.02-1L

14.02-1L Stormwater management in Yarrawonga

Objective

Facilitate a strategy approach to stormwater management in Yarrawonga.

Strategies

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.

Policy document

Consider as relevant:

- *Yarrawonga Stormwater Drainage Strategy* (Alluvium, VPA, Moira Shire Council, 2019)

FILE NO:
5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

ITEM NO: 11.2.1
(SENIOR TOWN PLANNER, MELISSA
BURNS)
(DIRECTOR INFRASTRUCTURE
SERVICES JOSHUA LEWIS)

**AMENDMENT C93MOIR PANEL REPORT - PLANNING FRAMEWORK FOR
COBRAM, NATHALIA, NUMURKAH AND YARRAWONGA (cont'd)**

ATTACHMENT No [1] - Amendment C93moir Panel Report

Moira Planning Scheme Amendment C93moir | Panel Report | 17 November 2022

D6: Panel preferred version Clause 15.01-2L

15.01-2L Building design in Moira

Strategies

Protect the vitality of town centres by supporting retail development that provide active frontages on the ground floor with offices above the ground floor in:

- The streets surrounding the Cobram Central Business District.
- The Yarrawonga Central Business District (identified as the ~~Yarrawonga Activity Centre~~ Belmore Street Precinct on the Yarrawonga ~~Framework Plan~~ Framework Plan) and its surrounding streets.
- The Numurkah town centre.

Encourage building design in the Numurkah town centre to be sympathetic to the character and scale of existing development.

FILE NO:
5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

ITEM NO: 11.2.1
(SENIOR TOWN PLANNER, MELISSA
BURNS)
(DIRECTOR INFRASTRUCTURE
SERVICES JOSHUA LEWIS)

**AMENDMENT C93MOIR PANEL REPORT - PLANNING FRAMEWORK FOR
COBRAM, NATHALIA, NUMURKAH AND YARRAWONGA (cont'd)**

ATTACHMENT No [1] - Amendment C93moir Panel Report

Moira Planning Scheme Amendment C93moir | Panel Report | 17 November 2022

D7: Panel preferred version Clause 15.01-3L

15.01-3L Subdivision design in Yarrawonga

Strategies

Encourage subdivisions to orientate towards the Murray Valley Highway with connections via frontage roads and service lanes.

FILE NO:
5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

ITEM NO: 11.2.1
(SENIOR TOWN PLANNER, MELISSA
BURNS)
(DIRECTOR INFRASTRUCTURE
SERVICES JOSHUA LEWIS)

**AMENDMENT C93MOIR PANEL REPORT - PLANNING FRAMEWORK FOR
COBRAM, NATHALIA, NUMURKAH AND YARRAWONGA (cont'd)**

ATTACHMENT No [1] - Amendment C93moir Panel Report

Moir Planning Scheme Amendment C93moir | Panel Report | 17 November 2022

D8: Panel preferred version Clause 17.02-1L

17.02-1L Business in Moira

Commercial and retail strategies

Consolidate retail uses in:

- Cobram into the ~~Cobram Central Business District~~ [commercial zones](#).
- Yarrowonga into the Yarrowonga Central Business District, identified as the ~~Yarrowonga Activity Centre~~ [Belmore Street Precinct](#) on the Yarrowonga ~~Framework Plan~~ [Framework Plan](#).

Consolidate commercial uses in:

- Nathalia into its commercial core, as identified on the Nathalia ~~Framework Plan~~ [Strategy Plan](#).
- Numurkah into its Commercial 1 Zoned land.

Protect and enhance the ~~Cobram Central Business District~~ [commercial zones](#) to consist of predominantly commercial uses and development.

Encourage office development in Numurkah on the commercially zoned land surrounding the town centre.

Restricted retail strategies

Direct restricted retail uses and other complementary uses in Cobram to the area identified on the Cobram Framework Plan.

Support the development of restricted retail uses in Yarrowonga, to avoid the loss of local expenditure to other regional centres.

FILE NO:
**5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE**

ITEM NO: 11.2.1
(SENIOR TOWN PLANNER, MELISSA
BURNS)
(DIRECTOR INFRASTRUCTURE
SERVICES JOSHUA LEWIS)

**AMENDMENT C93MOIR PANEL REPORT - PLANNING FRAMEWORK FOR
COBRAM, NATHALIA, NUMURKAH AND YARRAWONGA (cont'd)**

ATTACHMENT No [1] - Amendment C93moir Panel Report

Moir Planning Scheme Amendment C93moir | Panel Report | 17 November 2022

D9: Panel preferred version Clause 17.02-1L-02

17.02-1L Business in Yarrowonga

Objective

To facilitate and maintain the local activity centre hierarchy.

Strategies

Promote mixed use development within the area identified in the Yarrowonga Commercial and Retail Framework Plan to this Clause.

Protect and maintain Belmore Street Precinct as the centre of town and primary retailing location through improved amenity and encouraging more diverse uses.

Direct retail services to Belmore Street to ensure that it remains the focus for retail, health and community activities.

Facilitate adaptive reuse of historic residential dwellings along Belmore Street.

Facilitate growth and development of the commercial precinct adjacent to the Yarrowonga West Development Plan for a bulky goods activity centre in accordance with the Yarrowonga Commercial and Retail Framework Plan to this Clause.

Encourage and facilitate consolidation of lots along Belmore Street to establish large format retail uses.

Avoid large format retail in locations not identified within the Yarrowonga Framework Plan 2020 and the Yarrowonga Commercial and Retail Framework Plan to this Clause.

Avoid new developments or uses that are incompatible with retailing within the Belmore Street Precinct.

Policy Document

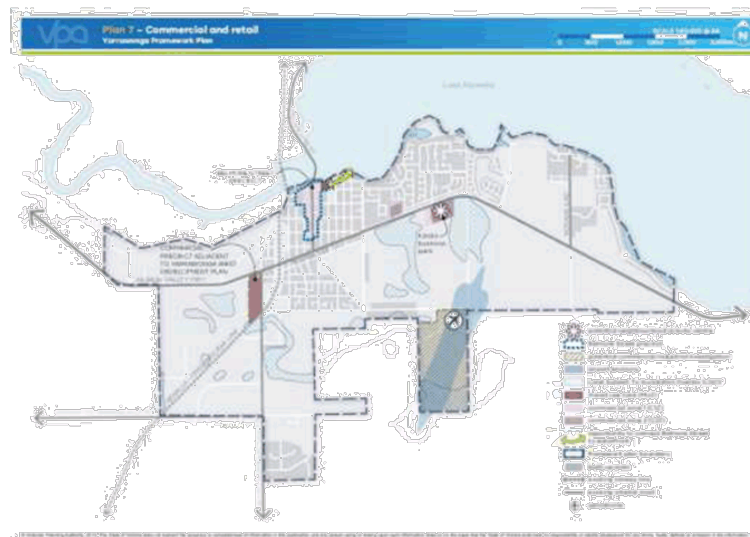
Consider as relevant:

- Yarrowonga Framework Plan 2020 (VPA, January 2020)
- Retail Policy Framework for Cobram and Yarrowonga: Options Report (Moir Shire Council, July 2017)

ITEM NO: 11.2.1
(SENIOR TOWN PLANNER, MELISSA BURNS)
(DIRECTOR INFRASTRUCTURE SERVICES JOSHUA LEWIS)

ATTACHMENT No [1] - Amendment C93moir Panel Report

Yarrawonga Commercial and Retail Framework Plan



FILE NO:
5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

ITEM NO: 11.2.1
(SENIOR TOWN PLANNER, MELISSA
BURNS)
(DIRECTOR INFRASTRUCTURE
SERVICES JOSHUA LEWIS)

AMENDMENT C93MOIR PANEL REPORT - PLANNING FRAMEWORK FOR COBRAM, NATHALIA, NUMURKAH AND YARRAWONGA (cont'd)

ATTACHMENT No [1] - Amendment C93moir Panel Report

Moira Planning Scheme Amendment C93moir | Panel Report | 17 November 2022

D10: Panel preferred version Clause 17.03-1L

17.03-1L Industrial land supply in Moira

Strategies

General

Avoid the encroachment of residential and rural residential development into industrial areas.

Provide a mix of large and small lots for long term manufacturing and service industrial expansion in:

- The industrial zoned land in Cobram, north west of the town.
- The infill industrial areas west of the Goulburn Valley Highway and the long term industrial area in Numurkah, as indicated on the Numurkah [Framework-Plan Strategy Plan](#) to Clause 11.01-1L-05.

Cobram

Protect the buffers for the abattoir in Cobram from encroachment of incompatible uses and development, as indicated on the Cobram [Framework-Plan Strategy Plan](#) to Clause 11.01-1L-02.

Focus short term industrial development in Cobram to the north west of the town, as identified on the Cobram [Framework-Plan Strategy Plan](#) to Clause 11.01-1L-02.

[Establish Investigate](#) a Cobram Business Park in the area defined by the Murray Valley Highway, Cobram-Koonoomoo Road and Ritchie Road.

Yarrawonga

Focus industrial development in Yarrawonga to the south-west of the town on land currently zoned for the purpose.

Encourage the development of the redundant sewerage treatment plant in Yarrawonga for general industry.

Numurkah

Direct industrial development in Numurkah to the west of the Goulburn Valley Highway to the areas identified as infill industrial on the Numurkah [Framework-Plan Strategy Plan](#) to Clause 11.01-1L-05.

Encourage the rezoning of land north of Nathalia Road for long term industrial purposes, as indicated on the Numurkah [Framework-Plan Strategy Plan](#) to Clause 11.01-1L-05.

Encourage the rezoning of land south of Nathalia Road to the Industrial 2 Zone in the medium term, as indicated on the Numurkah [Framework-Plan Strategy Plan](#) to Clause 11.01-1L-05.

Nathalia

Direct short term industrial development in Nathalia to the north on land zoned for that purpose.

FILE NO:
5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

ITEM NO: 11.2.1
(SENIOR TOWN PLANNER, MELISSA
BURNS)
(DIRECTOR INFRASTRUCTURE
SERVICES JOSHUA LEWIS)

**AMENDMENT C93MOIR PANEL REPORT - PLANNING FRAMEWORK FOR
COBRAM, NATHALIA, NUMURKAH AND YARRAWONGA (cont'd)**

ATTACHMENT No [1] - Amendment C93moir Panel Report

Moir Planning Scheme Amendment C93moir | Panel Report | 17 November 2022

D11: Panel preferred version Clause 17.03-1L-02

17.03-1L-02 Industrial land supply in Yarrawonga

Objective

Manage industrial growth in accordance with the Yarrawonga Industry Framework Plan to this Clause.

Strategies

Facilitate new industrial development and industrial land rezoning in accordance with the Yarrawonga Industry Framework Plan to this Clause.

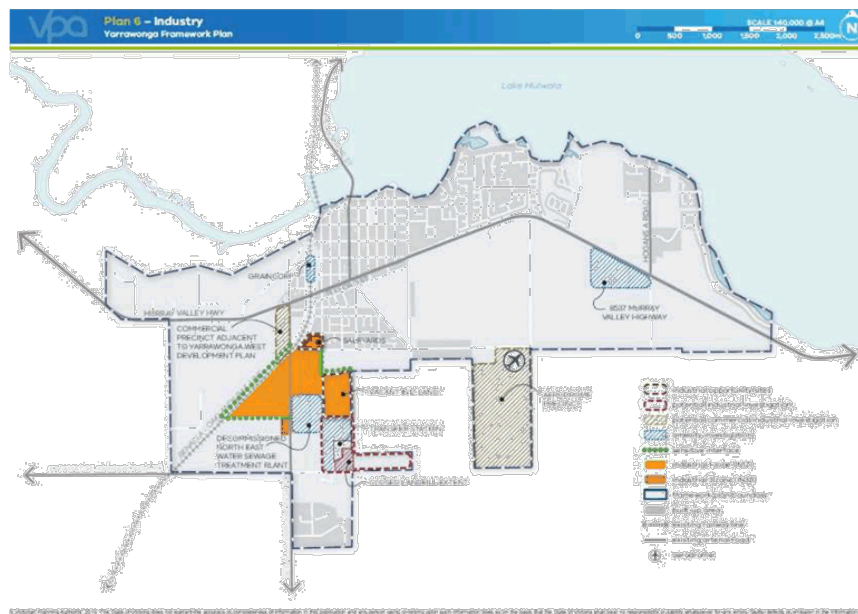
Protect amenity of industrial uses, future industrial expansion areas and surrounding land.

Support appropriate buffers for industrial land, in particular, land in close proximity to the Graincorp facility.

Discourage developments that will constrain existing industrial business.

Discourage developments that will constrain future industrial land expansion

Yarrawonga Industry Framework Plan



FILE NO:
5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

ITEM NO: 11.2.1
(SENIOR TOWN PLANNER, MELISSA
BURNS)
(DIRECTOR INFRASTRUCTURE
SERVICES JOSHUA LEWIS)

**AMENDMENT C93MOIR PANEL REPORT - PLANNING FRAMEWORK FOR
COBRAM, NATHALIA, NUMURKAH AND YARRAWONGA (cont'd)**

ATTACHMENT No [1] - Amendment C93moir Panel Report

Moira Planning Scheme Amendment C93moir | Panel Report | 17 November 2022

D12: Panel preferred version Clause 18.01-2L

18.01-2L Transport links in Yarrawonga

Strategies

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.

FILE NO:
5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

ITEM NO: 11.2.1
(SENIOR TOWN PLANNER, MELISSA
BURNS)
(DIRECTOR INFRASTRUCTURE
SERVICES JOSHUA LEWIS)

**AMENDMENT C93MOIR PANEL REPORT - PLANNING FRAMEWORK FOR
COBRAM, NATHALIA, NUMURKAH AND YARRAWONGA (cont'd)**

ATTACHMENT No [1] - Amendment C93moir Panel Report

Moira Planning Scheme Amendment C93moir | Panel Report | 17 November 2022

D13: Panel preferred version Clause 18.02-5L

18.01-2L Freight in Yarrawonga

Objective

Protect the capacity of freight movement on the arterial road network.

Strategies

Ensure freight access to and from the Yarrawonga-Mulwala bridge (Melbourne Street).

FILE NO:
5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

ITEM NO: 11.2.1
(SENIOR TOWN PLANNER, MELISSA
BURNS)
(DIRECTOR INFRASTRUCTURE
SERVICES JOSHUA LEWIS)

**AMENDMENT C93MOIR PANEL REPORT - PLANNING FRAMEWORK FOR
COBRAM, NATHALIA, NUMURKAH AND YARRAWONGA (cont'd)**

ATTACHMENT No [1] - Amendment C93moir Panel Report

Moira Planning Scheme Amendment C93moir | Panel Report | 17 November 2022

D14: Panel preferred version Clause 19.02-2L

19.02-2L Education facilities in Moira

Strategies

Facilitate the expansion of the private and public primary, secondary and tertiary educational facilities in Cobram and Yarrawonga.

Support the establishment of an education precinct in Nathalia, as indicated in the Nathalia ~~Framework Plan~~ [Strategy Plan](#) to Clause 11.01-1L-04.

FILE NO:
5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

ITEM NO: 11.2.1
(SENIOR TOWN PLANNER, MELISSA
BURNS)
(DIRECTOR INFRASTRUCTURE
SERVICES JOSHUA LEWIS)

**AMENDMENT C93MOIR PANEL REPORT - PLANNING FRAMEWORK FOR
COBRAM, NATHALIA, NUMURKAH AND YARRAWONGA (cont'd)**

ATTACHMENT No [1] - Amendment C93moir Panel Report

Moira Planning Scheme Amendment C93moir | Panel Report | 17 November 2022

D15: Panel preferred version Clause 19.03-2L

19.03-2L Infrastructure design and provision in Moira

Strategies

Facilitate the provision of reticulated infrastructure in the low density short term residential area located in the south west of Cobram, as indicated on the Cobram ~~Framework~~ [Strategy](#) Plan to Clause 11.01-1L-02.

Connect all development in Bundalong to the reticulated sewerage and water system.

FILE NO: C031/22
5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

ITEM NO: 11.2.2
(PROCUREMENT COORDINATOR, JOVIAL
MATHEWS)
(DIRECTOR INFRASTRUCTURE SERVICES
JOSHUA LEWIS)

C031/22 - PROVISION OF PROFESSIONAL SERVICES FOR ENGINEERING, ASSET MANAGEMENT AND DESIGN PANEL

RECOMMENDATION

That Council:

- Award the schedule of rates contract to the 28 nominated businesses detailed in table one of the report, under panel contract C031/22 – Provision of Professional Services for Engineering, Asset Management and Design for an initial term of 1 year with the option to extend in single periods of 2 years to a maximum of 5 years (1+2+2); and
- Authorise the Chief Executive Officer to sign and seal the contract documents and approve contract extensions within the provisions of the contract.

1. Executive Summary

Moirā Shire Council invited submissions from suitably qualified organisations or individuals to create a panel of consultants for the provision of professional services for the implementation of projects, design services and asset management services relating to engineering, asset management and design.

Tenderers were able to make submissions for each or any separable part:

Part A	Mandatory Information (to be completed by ALL tenderers)
Part B	Building Architectural Services
Part C	Civil Engineering Services
Part D	Structural Engineering Services
Part E	Project Management Services
Part F	Geotechnical Engineering Services
Part G	Environmental Engineering Services
Part H	Licensed Surveying Services
Part I	Traffic Engineering Services

After consideration of the submissions, including price and specification requirements, the evaluation panel recommends the listed tenderers as successful panel members. For more information, please refer to Appendix A – Evaluation Summary (Confidential).

2. Background and Options

Council expects to routinely access the panel for the scoping of projects, provision of services for minor engineering investigations, provision of advice and post project reviews.

The specification states that no work will be guaranteed to any contractor even though they are accepted onto the panel and Council reserves the right to seek quotations from parties outside of the panel.

Contract Details

The schedule of rates contract is for an initial term of 1 year commencing 20 December 2022. Upon mutual agreement the Contract can be extended in single periods of 2 years to a maximum contract period of five years (1+2+2).

FILE NO: C031/22
5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

ITEM NO: 11.2.2

**C031/22 - PROVISION OF PROFESSIONAL SERVICES FOR ENGINEERING, ASSET
MANAGEMENT AND DESIGN PANEL (cont'd)**

Date of Public Notice

Medium	Date
Tendersearch	17 September 2022
Border Mail	17 September 2022
Shepparton News	20 September 2022
Cobram Courier	21 September 2022
Numurkah Leader	21 September 2022
Yarrawonga Chronicle	21 September 2022

Submissions closed on 12 October 2022.

Receipt of Tenders

The council received the following number of submissions for each part.

- Part B - Building Architectural Services - 14 submissions
- Part C - Civil Engineering Services - 26 submissions
- Part D - Structural Engineering Services - 13 submissions
- Part E - Project Management Services - 26 submissions
- Part F - Geotechnical Engineering Services - 7 submissions
- Part G - Environmental Engineering Services - 9 submissions
- Part H - Licenced Surveying Services - 14 submissions
- Part I - Traffic Engineering Services - 9 submissions

Of the 46 submissions received, 28 are recommended. Refer to Appendix A for more information.

FILE NO: C031/22
5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

ITEM NO: 11.2.2

**C031/22 - PROVISION OF PROFESSIONAL SERVICES FOR ENGINEERING, ASSET
MANAGEMENT AND DESIGN PANEL (cont'd)**

Table One

Sl. #	Registered Business Name	Selected Sections
1	Architecture Matters Pty Ltd	B
2	ARRB Group Ltd	C,D,F,G,I
3	Brown Project Solutions	E
4	Chris Smith & Associates Pty Ltd	C,E,H
5	CMW Geosciences (East Coast) Pty Ltd	F
6	Confluence Group Pty Ltd	C,E,H
7	Content Studio Pty Ltd	B
8	EDA Project Management Pty Ltd	E
9	Engeny Australia Pty Ltd	C,F,G
10	EPSM Consulting Engineers Pty Ltd	H
11	Foresight Engineering Services Pty Ltd	C,D,E
12	The Trustee for GMR Engineering Services Unit Trust	C,D,E,F,G,I
13	Infrastructure Solutions Pty Ltd	C,D,E,F,G,H
14	JCA Land Consultants Pty Ltd	C,H
15	JF Studio Pty Ltd	B
16	JJ Ryan Consulting Pty Ltd	F,I
17	Morphum Environmental Limited	C,E,G
18	Andrew O'Brien & Associates Pty Ltd	I
19	Ovens and Murray Land Survey	H
20	The Trustee for Neartwo Unit Trust T/a Partnear	C,I
21	PV Engineering Solutions Pty Ltd	C,D,E
22	The Trustee for Hoare Family Trust T/a Phil Hoare Consulting	E
23	RMG (AUS) Pty Ltd	C,D,E,H
24	Strac Consulting Engineers Pty Ltd	E
25	Taylors Development Strategists Pty Ltd	B,C
26	PT Tomkinson & Associates Pty Ltd	C,E,H
27	Trafficworks Pty Ltd	I
28	Water Technology Pty Ltd	C,G

Supervision

Superintendent – Director Infrastructure Services

Superintendent Representative – Manager Engineering, Construction and Assets

Panel Membership

The submissions were independently evaluated in TenderSearch by the following positions:

- Manager Engineering, Construction and Assets
- Senior Design Engineer, Construction and Assets
- Assets Technical Officer, Construction and Assets

The evaluation was moderated by the Procurement Coordinator.

FILE NO: C031/22
5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

ITEM NO: 11.2.2

**C031/22 - PROVISION OF PROFESSIONAL SERVICES FOR ENGINEERING, ASSET
MANAGEMENT AND DESIGN PANEL (cont'd)**

Non-conforming tenders

1 submission was considered as non-conforming as the services provided by the organization did not match the requirements of the council for this contract.

Tender Evaluation

The following evaluation criteria and weightings were used:

Evaluation Criteria	Evaluation Weighting
Price	20%
Track Record	15%
Management of Schedules	20%
Skills and Resources	20%
Contribution to Local Economy	10%
Compliance with Specification	15%

A summary of the evaluation is provided in the confidential attachment.

3. Financial Implications

Submitted rates from the recommended tenderers are fair, reasonable and comparable to current rates.

The budget for this contract is drawn from various funds allocated within the departmental operational budgets. The cost of the services provided under this contract is within the current financial year's approved budget. Future budgets will be set in accordance with the annual budget process.

4. Risk Management

Tenderers addressed risk management issues as part of the tender, additional risks will be assessed on an individual project basis.

5. Internal and External Consultation

The public tender was advertised on Council's TenderSearch website, in the Shepparton News, Border Mail and the local papers.

The specification was approved by the Coordinator Design & Construction and Director – Infrastructure Services.

6. Regional Context

A mandatory 10% weighting is applied to tenders to benefit businesses located in the Moira Shire.

7. Council Plan Strategy

The Council Plan addresses the need for a well-run Council by implementing a transparent, engaging and accountable governance structure for current and future generations. The

FILE NO: C031/22
5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

ITEM NO: 11.2.2

**C031/22 - PROVISION OF PROFESSIONAL SERVICES FOR ENGINEERING, ASSET
MANAGEMENT AND DESIGN PANEL (cont'd)**

processes undertaken to award the contract meet the legislative and policy requirements relating to procurement and tendering.

8. Legislative / Policy Implications

The tender process was undertaken in accordance with the requirements of the section 108 of the *Local Government Act 2020* and Council's adopted Procurement Policy.

9. Environmental Impact

Section 3.25 of the specification stipulates the contractor's environmental responsibilities and will form part of the contract.

10. Collaborative Procurement

As the project is unique to the Moira Shire Council, a collaborative procurement opportunity was not possible.

11. Conflict of Interest Considerations

There was no conflict of interest declared for this tender evaluation process.

FILE NO: C031/22
5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

ITEM NO: 11.2.2

C031/22 - PROVISION OF PROFESSIONAL SERVICES FOR ENGINEERING, ASSET MANAGEMENT AND DESIGN PANEL (cont'd)

Conclusion

After consideration of the submissions, the evaluation panel recommends that the contract C031/22 – Provision of Professional Services for Engineering, Asset Management and Design be awarded to the following tenderers as per their submitted schedule of rates for a period of 1 year with the option to extend in single 2 year periods to a maximum contract period of 5 years (1+2+2) for the following sections

Sl. #	Registered Business Name	Selected Sections
1	Architecture Matters Pty Ltd	B
2	ARRB Group Ltd	C,D,F,G,I
3	Brown Project Solutions	E
4	Chris Smith & Associates Pty Ltd	C,E,H
5	CMW Geosciences (East Coast) Pty Ltd	F
6	Confluence Group Pty Ltd	C,E,H
7	Content Studio Pty Ltd	B
8	EDA Project Management Pty Ltd	E
9	Engeny Australia Pty Ltd	C,F,G
10	EPSM Consulting Engineers Pty Ltd	H
11	Foresight Engineering Services Pty Ltd	C,D,E
12	The Trustee for GMR Engineering Services Unit Trust	C,D,E,F,G,I
13	Infrastructure Solutions Pty Ltd	C,D,E,F,G,H
14	JCA Land Consultants Pty Ltd	C,H
15	JF Studio Pty Ltd	B
16	JJ Ryan Consulting Pty Ltd	F,I
17	Morphum Environmental Limited	C,E,G
18	Andrew O'Brien & Associates Pty Ltd	I
19	Ovens and Murray Land Survey	H
20	The Trustee for Neartwo Unit Trust T/a Partnear	C,I
21	PV Engineering Solutions Pty Ltd	C,D,E
22	The Trustee for Hoare Family Trust T/a Phil Hoare Consulting	E
23	RMG (AUS) Pty Ltd	C,D,E,H
24	Strac Consulting Engineers Pty Ltd	E
25	Taylors Development Strategists Pty Ltd	B,C
26	PT Tomkinson & Associates Pty Ltd	C,E,H
27	Trafficworks Pty Ltd	I
28	Water Technology Pty Ltd	C,G

Attachments

- 1 C031/22 – Provision of Professional Services for Engineering, Asset and Design Panel - APPENDIX A (CONFIDENTIAL) - *printed in separate document*

FILE NO: C034/22
5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

ITEM NO: 11.2.3
(PROCUREMENT COORDINATOR, JOVIAL
MATHEWS)
(DIRECTOR INFRASTRUCTURE SERVICES
JOSHUA LEWIS)

C034/22 - KERB & DRAINAGE WORKS - HARCOURT AND MANIFOLD STREETS - NATHALIA

RECOMMENDATION

That Council:

1. Appoint Tactile Australia Pty Ltd as the preferred tenderer for contract C034/22 – Kerb & Drainage Works – Harcourt & Manifold St, Nathalia and authorise the Chief Executive Officer to undertake negotiations to achieve a best value outcome;
2. Authorise the Chief Executive Officer to sign and seal the contract documents.

1. Executive Summary

The Moira Shire Council invited submissions from suitably qualified contractors for the construction of kerb and channel, road pavement and drainage works in Harcourt and Manifold Streets in Nathalia.

Works include approximately 550 lineal metres of K&C, 2600m² of road pavement and 613 lineal metres of drainage line.

Other works include:

- Traffic management
- Liaison with service Authorities
- Possible underground service relocation
- Earthworks
- Spray seal wearing surface
- Other works as specified

The Council may, in consultation with the Contractor, vary the scope of works under this contract to suit the available budget.

After consideration of the submissions, the evaluation panel recommends that Tactile Australia Pty Ltd be appointed as the preferred tenderer for contract C034/22.

2. Background and Options

The project involves modernising the kerb side drainage in Harcourt Street and Manifold Street, Nathalia by replacing and constructing a new underground drainage network via rubber ring joint concrete pipes, new B2 kerb and channel including pedestrian crossings enabling for rain events to run into the drainage system. At the same time the existing sealing will be extended to the new lip of kerb hence reducing maintenance works on unsealed shoulders.

The works have been designed for a 2 stage approach, Manifold Street as stage 1 – the south end of the drainage system, then Harcourt Street as stage 2 the upper end of the drainage system. Harcourt Street has an existing Goulburn Valley Water (GVW) main within the road pavement with minimal cover 400mm and is estimated to be 80 plus year in age, and is of AC main type.

Collaborating with GVW the water main is required to be replaced prior to the commencement of construction in Harcourt Street, the main replacement is via a deed with GVW on this occasion GVW covering the entire 100% cost of the water main replacement.

FILE NO: C034/22
5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

ITEM NO: 11.2.3

**C034/22 - KERB & DRAINAGE WORKS - HARCOURT AND MANIFOLD STREETS -
NATHALIA (cont'd)**

Proposed staging of the works

- Start construction of the Water Main in Harcourt Street in February 2023
- Start construction of Stage 1 Manifold Street in February 2023
- Project is placed on hold over the winter period
- Return to complete Harcourt Street in August 2023

The contractor is required to supply all plant, labour and materials necessary to complete the scope of work. This is a lump sum contract.

Date of Public Notice

Paper	Date
TenderSearch	1 October 2022
Border Mail	1 October 2022
Shepparton News	4 October 2022
Cobram Courier	5 October 2022
Numurkah Leader	5 October 2022
Yarrawonga Chronicle	5 October 2022

Submissions closed 26 October 2022.

Receipt of Tenders

5 submissions were received.

Supervision

Superintendent: Manager Engineering, Construction & Assets

Superintendent Representative: Consultant Project Manager, Construction and Assets

Panel Membership

Staff in the following positions independently evaluated the submissions:

- Manager Operations
- Project Manager, Construction & Assets
- Consultant Project Manager, Construction & Assets

The Procurement Coordinator moderated the tender evaluation.

Non-conforming tenders

No submission was considered to be non-conforming.

FILE NO: C034/22
5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

ITEM NO: 11.2.3

**C034/22 - KERB & DRAINAGE WORKS - HARCOURT AND MANIFOLD STREETS -
NATHALIA (cont'd)**

Tender Evaluation

The following evaluation criteria and weightings were used:

Evaluation Criteria	Evaluation Weighting
Price	40%
Track Record	30%
Staff and Resources	5%
Management of Schedules	10%
Compliance with Specification	5%
Contribution to Local Economy	10%

A summary of the evaluation is provided in the confidential attachment.

3. Financial Implications

The project budget for 2022 – 2023 is \$476,000 of which \$149,000 is funded via the R2R program. As there are insufficient funds to complete the entire scope of the design in 2023 this supports the project being staged as an option enabling works to commence.

It is recommended the construction of Harcourt Street be funded in the 2023 – 2024 Program.

There are nil cost to Moira Shire Council for the water main replacement.

For more information, please refer to Appendix A – Evaluation Summary (Confidential).

4. Risk Management

To minimise the risks associated with the works under contract, the following conditions must be met:

- The successful contractor is to be the holder of Public Liability insurance with a minimum coverage of \$20 million.
- The successful contractor is required to submit a COVID 19 Management Plan including how they intend to implement the Government Guidelines.
- The successful contractor will be appointed as the Principal Contractor and is authorised to have management or control of the workplace and discharge of duties in relation to the Occupational Health and Safety Act and Regulations.
- Prior to the commencement of works, the successful contractor must supply the Superintendent with an Environmental Management Plan and a Health and Safety Coordination Plan inclusive of:
 - Contractor Verification Checklist
 - Coordination Plan
 - Safe Work Method Statements
- Various hold points will be applicable where the work may not proceed without review and approval by the Superintendent.
- All on-site personnel are required to undertake a Moira Shire Council Site Induction.
- A Plant Risk Assessment is required for each item of heavy plant to be supplied, hired or expected to enter the work site.

FILE NO: C034/22
5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

ITEM NO: 11.2.3

**C034/22 - KERB & DRAINAGE WORKS - HARCOURT AND MANIFOLD STREETS -
NATHALIA (cont'd)**

5. Internal and External Consultation

The tender was advertised on Council's TenderSearch website, Border Mail, Shepparton News and the local newspapers.

The Consultant Project Manager - Construction & Assets and Director Infrastructure Services approved the tender documentation.

6. Regional Context

This project contributes to the strategic objective of continuing to maintain and provide facilities and services that our community value and need.

7. Council Plan Strategy

The Council Plan addresses the need for a well-run Council by implementing a transparent, engaging and accountable governance structure for current and future generations. The processes undertaken to award the contract meet the legislative and policy requirements relating to procurement and tendering.

8. Legislative / Policy Implications

The tender process was undertaken in accordance with the requirements of the section 108 of the *Local Government Act 2020* and Council's adopted Procurement Policy.

9. Environmental Impact

Clause 55 of the Formal instrument of Agreement stipulates the contractor's environmental responsibilities and will form part of the contract.

In addition, the contractor is required to provide an Environmental Management Plan prior to the works commencing.

10. Collaborative Procurement

As the project is unique to the Moira Shire Council a collaborative procurement opportunity was not possible.

11. Conflict of Interest Considerations

There are no conflicts of interest declared for this tender evaluation process.

12. Conclusion

Following the tender process and evaluation, the recommendation is to appoint Tactile Australia Pty Ltd as the preferred tenderer for contract C034/22 – Kerb & Drainage Works – Harcourt & Manifold St, Nathalia.

Attachments

- 1 C034/22 – Kerb and Drainage Works - Harcourt and Manifold Streets, Nathalia- APPENDIX A (CONFIDENTIAL) - *printed in separate document*

FILE NO: C032/22
5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

ITEM NO: 11.2.4
(PROCUREMENT COORDINATOR, JOVIAL
MATHEWS)
(DIRECTOR INFRASTRUCTURE SERVICES
JOSHUA LEWIS)

C032/22 - CLEANING OF MUNICIPAL BUILDINGS

RECOMMENDATION

That Council:

1. Award all parts of contract C032/22 – Cleaning of Municipal Buildings to HACCP International Property Services Pty Ltd; and
2. Authorise the Chief Executive Officer to sign and seal the contract documents;

1. Executive Summary

Moirā Shire Council invited submissions from suitably qualified organisations or individuals for the cleaning of municipal buildings in Cobram, Strathmerton, Numurkah, Nathalia and Yarrawonga. Council reserved the right to award the contract in separable parts:

- Part A – Cobram & Strathmerton
- Part B – Numurkah & Nathalia
- Part C – Yarrawonga
- Part D – Cobram Municipal Pound

After consideration of the submissions, the evaluation panel recommends that all parts of the contract C032/22 be awarded to HACCP International Property Services Pty Ltd.

2. Background and Options

The contract is for the provision of cleaning services for various municipal buildings in Cobram, Strathmerton, Numurkah, Nathalia and Yarrawonga including all labour, equipment, consumables, materials and overheads.

The contract is for an initial term of 1 year and may extend in single periods of one year to a maximum contract period of three years (1+1+1).

Date of Public Notice

Paper	Date
TenderSearch	8 October 2022
Border Mail	8 October 2022
Shepparton News	11 October 2022
Cobram Courier	12 October 2022
Numurkah Leader	12 October 2022
Yarrawonga Chronicle	12 October 2022

Submissions closed 16 November 2022.

Receipt of Tenders

7 submissions were received.

Supervision

Superintendent: Manager - Parks, Recreation & Facilities

Superintendent Representative: Coordinator Facilities Maintenance - Parks, Recreation & Facilities

FILE NO: C032/22
5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

ITEM NO: 11.2.4

C032/22 - CLEANING OF MUNICIPAL BUILDINGS (cont'd)

Panel Membership

Staff in the following positions independently evaluated the submissions:

- Manager - Parks, Recreation & Facilities
- Coordinator Facilities Maintenance - Parks, Recreation & Facilities
- Administration Support Officer - Construction & Assets

The Procurement Coordinator moderated the tender evaluation.

Non-conforming tenders

No submission was considered to be non-conforming.

Tender Evaluation

The following evaluation criteria and weightings were used:

Evaluation Criteria	Evaluation Weighting
Price	40%
Track Record	15%
Staff and Resources	10%
Management Schedules	15%
Compliance with Specification	10%
Contribution to Local Economy	10%

A summary of the evaluation is provided in the confidential attachment.

3. Financial Implications

The recommendation is within the approved budget.

For more information, please refer to Appendix A – Evaluation Summary (Confidential).

4. Risk Management

In order to monitor and minimise the risks associated with the works under contract, the following conditions must be met by the contractor:

- The Contractor's performance over the term of the contract shall be measured and reviewed against a set of key performance indicators which will include requirements such as OH&S, Environmental Management, Equipment Management and HR Management.
- The successful contractor is to be the holder of Public Liability insurance with a minimum coverage of \$20 million.
- The successful contractor is required to submit a COVID 19 Management Plan including how they intend to implement the Government Guidelines.
- The Council may audit the performance of the service at any time without notice to the Contractor.
- Various hold points will be applicable where the work may not proceed without review and approval by the Superintendent.
- All on-site personnel are required to undertake a Moira Shire Council Site Induction.

FILE NO: C032/22
5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

ITEM NO: 11.2.4

C032/22 - CLEANING OF MUNICIPAL BUILDINGS (cont'd)

5. Internal and External Consultation

The tender was advertised on Council's TenderSearch website, Border Mail, Shepparton News and the local newspapers.

The Manager - Parks, Recreation & Facilities; Coordinator Facilities Maintenance - Parks, Recreation & Facilities and Acting Team leader Safety & Amenity – Regulatory Services approved the tender documentation.

6. Regional Context

This project contributes to the strategic objective of continuing to maintain and provide facilities and services that our community value and need.

7. Council Plan Strategy

The Council Plan addresses the need for a well-run Council by implementing a transparent, engaging and accountable governance structure for current and future generations. The processes undertaken to award the contract meet the legislative and policy requirements relating to procurement and tendering.

8. Legislative / Policy Implications

The tender process was undertaken in accordance with the requirements of the section 108 of the *Local Government Act 2020* and Council's adopted Procurement Policy.

9. Environmental Impact

The contract requires the successful tenderer to use:

- 100% recycled content where available for consumables including toilet tissue and paper towel
- Non-toxic, biodegradable and natural cleaning products as a preference.

10. Collaborative Procurement

As the project is unique to the Moira Shire Council a collaborative procurement opportunity was not possible.

11. Conflict of Interest Considerations

There are no conflicts of interest declared for this tender evaluation process.

12. Conclusion

Following the tender process and evaluation, the recommendation is to award all parts of the contract C032/22 to HACCP International Property Services Pty Ltd.

Attachments

- 1 C032/22 – Cleaning of Municipal Buildings - APPENDIX-A (CONFIDENTIAL) - *printed in separate document*

FILE NO:
3. A CLEAN GREEN ENVIRONMENT

ITEM NO: 15.1
(MANAGER SUSTAINABILITY, SCOTT DRAPER)
(ACTING GENERAL MANAGER SUSTAINABLE COMMUNITIES, ROSANNE KAVA)

PETITION - REQUEST TO KEEP TUNGAMAH & YABBA SOUTH TRANSFER STATIONS OPEN

Recommendation

That Council:

1. Note the concerns raised in the petition tabled at the 28 September 2022 Council meeting.
2. Thank the signatories of both petitions and advise the first mentioned authors of the petition of Council's process for considering this matter at the February 2023 Council meeting.

1. Executive Summary

Council tabled two petition at the 28 September 2022 Council meeting requesting the Tungamah and Yabba South Transfer Stations remain open. This report provides a response to the signatories of these petitions.

Council is in the process of conducting a Transfer Station Rationalisation of which an outcome is yet to be determined by Council. It is expected that a recommendation will come before Council at the February 2023 Scheduled Council meeting for consideration.

Council would like to thank the signatories of both petitions.

2. Conflict of interest declaration

There is no conflict of interest considerations for this report.

3. Background & Context

Council currently operates nine transfer stations across the shire.

A recent study has recommended Council considers closing Strathmerton, Tungamah and Yabba for a range of reasons, including the significant development and investment required to meet best practice standards and the additional operational budget to maintain the site and services, for example the new EPA Act, new legislation for combustible waste and the management of electronic waste.

Council has conducted a triple bottom line assessment which includes the social, environmental and financial assessments at all of its transfer station sites.

This included opening times, financial performance, compliance requirements, upgrade costs, alternative drive times to nearby sites and other environmental, social and economic factors.

FILE NO:
3. A CLEAN GREEN ENVIRONMENT

ITEM NO: 15.1
(MANAGER SUSTAINABILITY, SCOTT DRAPER)
(ACTING GENERAL MANAGER SUSTAINABLE COMMUNITIES, ROSANNE KAVA)

PETITION - REQUEST TO KEEP TUNGAMAH & YABBA SOUTH TRANSFER STATIONS OPEN (cont'd)

The results for Tungamah, Strathmerton, and Yabba transfer stations are as follows –

Tungamah

- Significant development required to meet best practice;
- Low waste volumes;
- Township offered kerbside collection of materials;
- Households will remain within 10-20 minute drive of another transfer station (St James and Yarrawonga).

Strathmerton

- Significant development required to meet best practice;
- Low waste volumes;
- Households will remain within 10-20 minute drive of another transfer station (Cobram and Numurkah);
- Township offered kerbside collection of materials;
- Lack of adequate usable footprint on site to provide best practice waste management.

Yabba

- Significant development required to meet best practice;
- Low waste volumes;
- Option for kerbside collection;
- Households will remain within 10-20 minute drive of another transfer station (St James and Cosgrove);
- Landfill is located within 10-20 minute drive of most households.

In the meantime Council has entered into an extensive engagement with the community to gain their views on the proposed rationalization. This information is being collated and analysed for inclusion in a report to Council to determine the matter.

It is expected that a recommendation will come before Council at the February 2023 Scheduled Council meeting for consideration.

4. Issues

Council will receive a report in February to consider the views of interested community members as obtained through the community consultation process along with an analysis of any options. The petition will form part of this consideration.

5. Strategic Alignment

Council Plan

3. A clean green environment

FILE NO:
3. A CLEAN GREEN ENVIRONMENT

ITEM NO: 15.1
(MANAGER SUSTAINABILITY, SCOTT DRAPER)
(ACTING GENERAL MANAGER SUSTAINABLE COMMUNITIES, ROSANNE KAVA)

PETITION - REQUEST TO KEEP TUNGAMAH & YABBA SOUTH TRANSFER STATIONS OPEN (cont'd)

6. Internal & External Engagement

External public engagement occurred in September 2022. This information is being collated and analysed for inclusion in a report to Council to determine the matter.

7. Budget / Financial Considerations

This will be considered in the February report to Council.

8. Conclusion

Council thanks the petitioners for their interest in this matter. A report will come before Council in February 2023 to consider the feedback from the community in terms of deciding a way forward. In the meantime the Transfer Stations will continuing operating as they normally do

Attachments

Nil

FILE NO: VARIOUS

ITEM NO: 17

URGENT BUSINESS**6.4. 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: 18

MEETING ADJOURNMENT**RECOMMENDATION**

That the meeting be adjourned for 10 minutes.

RECOMMENDATION

That the meeting be resumed.

RECOMMENDATION

That pursuant to the provisions of the Local Government Act 2020 (the Act), the meeting will now be closed to members of the public to enable the meeting to discuss matters in items 19.1 and 19.2 which the Council may, pursuant to the provisions of Section 66 (2) of the Act resolve to be considered in closed session.

RECOMMENDATION

That pursuant to Section 66 (1) of the Local Government Act 2020, Council resolves to continue in open session.