



44 Station Street  
Cobram Vic 3644  
[www.moirā.vic.gov.au](http://www.moirā.vic.gov.au)  
[info@moirā.vic.gov.au](mailto:info@moirā.vic.gov.au)

## AGENDA

### ORDINARY MEETING OF COUNCIL FOR WEDNESDAY 22 FEBRUARY 2017 TO BE HELD AT COBRAM CIVIC CENTRE COMMENCING AT 6:00 PM

#### 1. CALLING TO ORDER – CEO

#### RECORDING

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

#### 2. PRAYER

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

Amen

#### 3. ACKNOWLEDGEMENT OF COUNTRY

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

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

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

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

#### 7. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

**Recommendation:** “That the minutes of the Ordinary Council Meeting held on Monday, 19 December 2016 and the minutes of the Special Meeting of Council held on Wednesday, 8 February 2017, as prepared, be confirmed.”

#### 8. COUNCILLOR REPORTS

COUNCILLORS WILL PROVIDE VERBAL REPORTS.

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

ITEM NO: 9.1.1

## QUARTERLY BUDGET REVIEW - DECEMBER 2016

### RECOMMENDATION

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

### 1. Executive Summary

#### Income Statement

There has been a slight decrease in the forecast surplus from \$3.00 million in the September quarter to \$2.91 million in December, but it is an increase in surplus of the adopted budget of \$2.88 million. This is mainly driven by higher employee costs following ratification of the EBA agreement, and additional labour during the flood event. There was a correction of the budgeted rates levy income to match actuals and recognition of some 2015/16 expenses in the new financial year. Rates levy income actuals collected were within the rate cap within a margin of 0.005%. This is offset by additional operating income from higher than budgeted Town Planning fees, interest, and additional capital project contributions and receipts from insurance claims.

#### Balance Sheet

The Balance Sheet of Moira Shire remains strong. The variance in Current Assets is mainly due to the impact of increased capital projects in the 16/17 year on cash resources.

#### Cash Flow Statement

The December forecast for cash flow is affected by the reduction of proposed surplus and increased capital expenditure in the second half of the financial year. The cash position of Moira Shire remains strong.

#### Capital Expenditure

The Council adopted total project Funds in the capital works budget is \$15.77 Million. The capital works budget for 2016/17 has increased by \$1.74 million from \$11.42 million to \$13.16 million. This is due to the carryover of 2015/16 capital projects that are ongoing and are expected to be completed in this financial year.

#### Financial Performance indicators

All Financial performance indicators remain within the acceptable VAGO range.

### 2. Background and Options

The quarterly budget review is mandated under Section 138 of the Local Government Act 1989. The Act requires that at least every three months the Chief Executive Officer must ensure a statement comparing the budgeted revenue and expenditure for the financial year with actual revenue and expenditure to date is presented to the Council.

### 3. Financial Implications

#### 3.1 Summary of changes to projected operating result for the 2016/17 financial year

The surplus for the Proposed December 2016 Forecast is expected to be \$2,913,849 - a decrease in the surplus of \$89,179 compared to the September 2016 Forecast surplus of \$3,003,028. The major reasons for the decrease in the surplus are as follows:

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**QUARTERLY BUDGET REVIEW - DECEMBER 2016 (cont'd)**

<b>Approved Forecast September 2016 vs Proposed Forecast Dec 2016</b>	<b>(Favourable) / Unfavourable \$</b>
<b>Surplus – Approved Forecast Sep 2016</b>	<b>(3,003,028)</b>
Rates Income	60,127
Capital Income	9,243
Operating Grants	-
Other Operating Income	(289,441)
Employee Costs	189,538
Material & Services	40,200
Contract Services	53,622
Other Operating Expenditure	25,890
<b>Proposed December 2016 Forecast Surplus</b>	<b>(2,913,849)</b>

Council has a forecast surplus of \$2,913,849. The significant points are as follows:

- a) **Rates Income** – Variance is driven by general rates levied at the start of the year being lower than the original budget.
- b) **Capital Income** – Variance is driven by postponing the Wilby Community Facilities project to 2017/18 with subsequent delay in receiving grant income; this is partly offset by new Black Spot Program grant for the Labuan and Marungi Roads intersection.
- c) **Other Operating Income** – Variance is driven by receipt of additional Town Planning fee income, receipt of unexpected insurance claim payouts, anticipated higher interest receipts and higher income from legal costs on-charged to ratepayers in arrears.
- d) **Employee Costs** – Variance is driven by additional costs following ratification of new EBA agreement, additional employee costs resulting from the flood event, these offset by savings from delays in backfilling some roles across the organisation.
- e) **Materials and Services** – Variance is driven by carryover of drainage study costs from 2015/16 and unbudgeted costs associated with the introduction of Personal Security Units moved from the capital budget, offset by savings in insurance costs and anticipated savings in fuel costs.
- f) **Contract Services** – Variance is driven by increased contract costs associated with valuation services driven by ratepayer valuation disputes and carryover of consultant fees for infrastructure projects from 2015/16.
- g) **Other Operating Expenditure** – Variance is driven by higher telephone and mobile phone charges offset by lower internet and data charges.

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**QUARTERLY BUDGET REVIEW - DECEMBER 2016 (cont'd)**

**3.2 Income Statement**

	Adopted Budget 2016/17	YTD Actuals 2016/17	Approved Forecast Sep 2016	Proposed Forecast Dec 2016	Approved Forecast September 2016 vs Proposed Forecast Dec 2016
<b>Income Statement</b>					
<b>Income</b>					
Rates	(34,074,567)	(34,107,962)	(34,124,567)	(34,064,440)	60,127
Operating Grants	(10,781,561)	(5,552,814)	(10,929,250)	(10,929,250)	-
Capital Grants	(6,420,710)	(1,650,368)	(6,420,710)	(6,322,108)	98,602
Capital contributions	(76,416)	(101,315)	(76,416)	(165,775)	(89,359)
Contributions - cash	(25,000)	(12,500)	(25,000)	(25,000)	-
Contributions - non-monetary (Donated assets)	(200,000)	-	(200,000)	(200,000)	-
Reimbursements and Subsidies	(59,866)	(138,034)	(59,866)	(162,816)	(102,950)
User Charges	(2,462,530)	(1,051,197)	(2,562,530)	(2,586,853)	(24,323)
Statutory Fees and Fines	(903,300)	(547,311)	(903,300)	(989,600)	(86,300)
Interest	(365,000)	(232,541)	(365,000)	(390,000)	(25,000)
Other Revenue	(693,162)	(319,304)	(693,162)	(744,030)	(50,868)
Net Proceeds of Sale of Land Held for Resale	(25,000)	(8,665)	(25,000)	(25,000)	-
Net Gain on Disposal of Property, Plant & Equipment	(1,050)	(58,338)	(1,050)	(1,050)	-
Share of Net Profit of Associated Entity	-	-	-	-	-
Previously Unrecognised Assets	-	-	-	-	-
<b>Income Total</b>	<b>(56,088,162)</b>	<b>(43,780,350)</b>	<b>(56,385,851)</b>	<b>(56,605,922)</b>	<b>(220,071)</b>
<b>Expenditure</b>					
Employee Costs	20,938,176	9,587,810	20,718,176	20,907,714	189,538
Materials & Services	14,883,742	6,762,334	15,098,742	15,138,942	40,200
Loss on disposal of Infrastructure					-
Work in Progress-prior year expensed					-
Contract Services	5,978,091	2,147,832	6,105,091	6,158,713	53,622
Utilities	991,882	379,602	991,882	1,014,500	22,618
Bad and Doubtful Debts	2,500	-	2,500	2,500	-
Depreciation	8,900,000	4,450,002	8,900,000	8,900,000	-
Other expenses	615,012	345,735	665,012	668,284	3,272
Interest on Borrowings	391,420	200,629	391,420	391,420	-
Interest on Unwinding of Discount of Provisions	300,000	-	300,000	300,000	-
Work in Progress expensed in current year					-
Increase in landfill provision					-
Written Down Value of Infrastructure Replaced	200,000	-	200,000	200,000	-
Small Plant Written off					-
Net Loss on Disposal of Property, Plant & Equipment					-
Fair value adjustment of intangible asset	-	-	-	-	-
Share of Net Loss of Associated Entity	10,000		10,000	10,000	-
<b>Expenditure Total</b>	<b>53,210,823</b>	<b>23,873,942</b>	<b>53,382,823</b>	<b>53,692,073</b>	<b>309,250</b>
<b>Operating Result</b>	<b>(2,877,339)</b>	<b>(19,906,408)</b>	<b>(3,003,028)</b>	<b>(2,913,849)</b>	<b>89,179</b>

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**QUARTERLY BUDGET REVIEW - DECEMBER 2016 (cont'd)**

**3.3 Balance Sheet**

<b>Balance Sheet</b>	<b>Adopted Budget 2016/17</b>	<b>Approved Forecast September 2016</b>	<b>Proposed Forecast December 2016/17</b>	<b>Proposed Forecast Sep 2016 vs Adopted Budget 2016/17</b>
Current Assets	21,928,000	29,909,689	28,078,242	(1,831,447)
Non-Current Assets	508,200,000	508,200,000	509,942,268	1,742,268
<b>Total Assets</b>	<b>530,128,000</b>	<b>538,109,689</b>	<b>538,020,510</b>	<b>(89,179)</b>
Current Liabilities	9,511,000	9,511,000	9,511,000	-
Non-current Liabilities	13,817,000	13,817,000	13,817,000	-
<b>Total Liabilities</b>	<b>23,328,000</b>	<b>23,328,000</b>	<b>23,328,000</b>	<b>-</b>
<b>Net Assets</b>	<b>506,800,000</b>	<b>514,781,689</b>	<b>514,692,510</b>	<b>(89,179)</b>
Equity	506,800,000	514,781,689	514,692,510	(89,179)

**3.4 Statement of Cash Flow**

<b>Statement of Cash Flow</b>	<b>Adopted Budget 2016/17</b>	<b>Approved Forecast September 2016</b>	<b>Proposed Forecast December 2016/17</b>	<b>Approved Forecast September 2016 vs Proposed Forecast Dec 2016</b>
Net cash flows provided by operating activities	12,321,000	12,446,689	12,357,510	(89,179)
Net cash flow used on investing activities	(11,628,000)	(11,628,000)	(13,370,268)	(1,742,268)
Net cash flows provided by financing activities	(1,418,000)	(1,418,000)	(1,418,000)	-
<b>Net change in cash held</b>	<b>(725,000)</b>	<b>(599,311)</b>	<b>(2,430,758)</b>	<b>(1,831,447)</b>
Cash at the beginning of the year	16,861,000	24,717,000	24,717,000	-
<b>Cash at the end of the year</b>	<b>16,136,000</b>	<b>24,117,689</b>	<b>22,286,242</b>	<b>(1,831,447)</b>

**3.5 Capital**

<b>Capital</b>	<b>Adopted Budget 2016/17</b>	<b>YTD actuals 2016/17</b>	<b>Approved Forecast September 2016</b>	<b>Proposed Forecast December 2016/17</b>	<b>Proposed Forecast Sep 2016 vs Budget 2016/17</b>
Total capital income	(6,431,210)	(1,799,429)	(6,431,210)	(6,421,967)	(9,243)
Total capital expenditure	11,418,000	5,998,392	11,418,000	13,160,268	1,742,268
<b>Grand Total</b>	<b>4,986,790</b>	<b>4,198,962</b>	<b>4,986,790</b>	<b>6,738,301</b>	<b>1,733,025</b>

Capital Expenditure commitments outstanding of \$2,003,804.

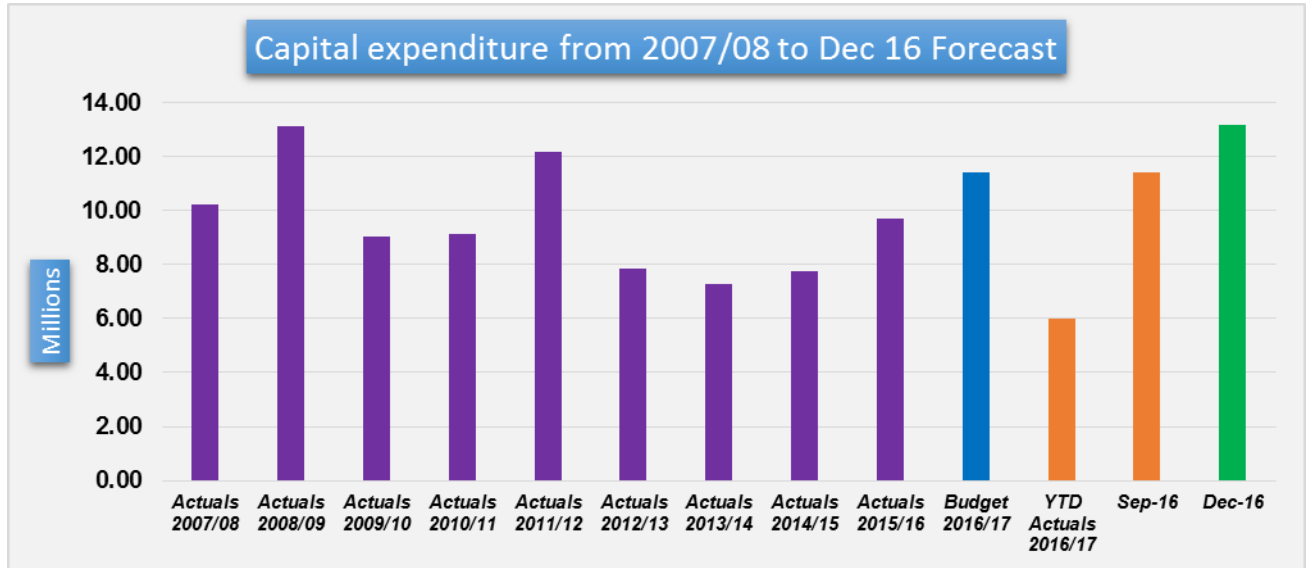
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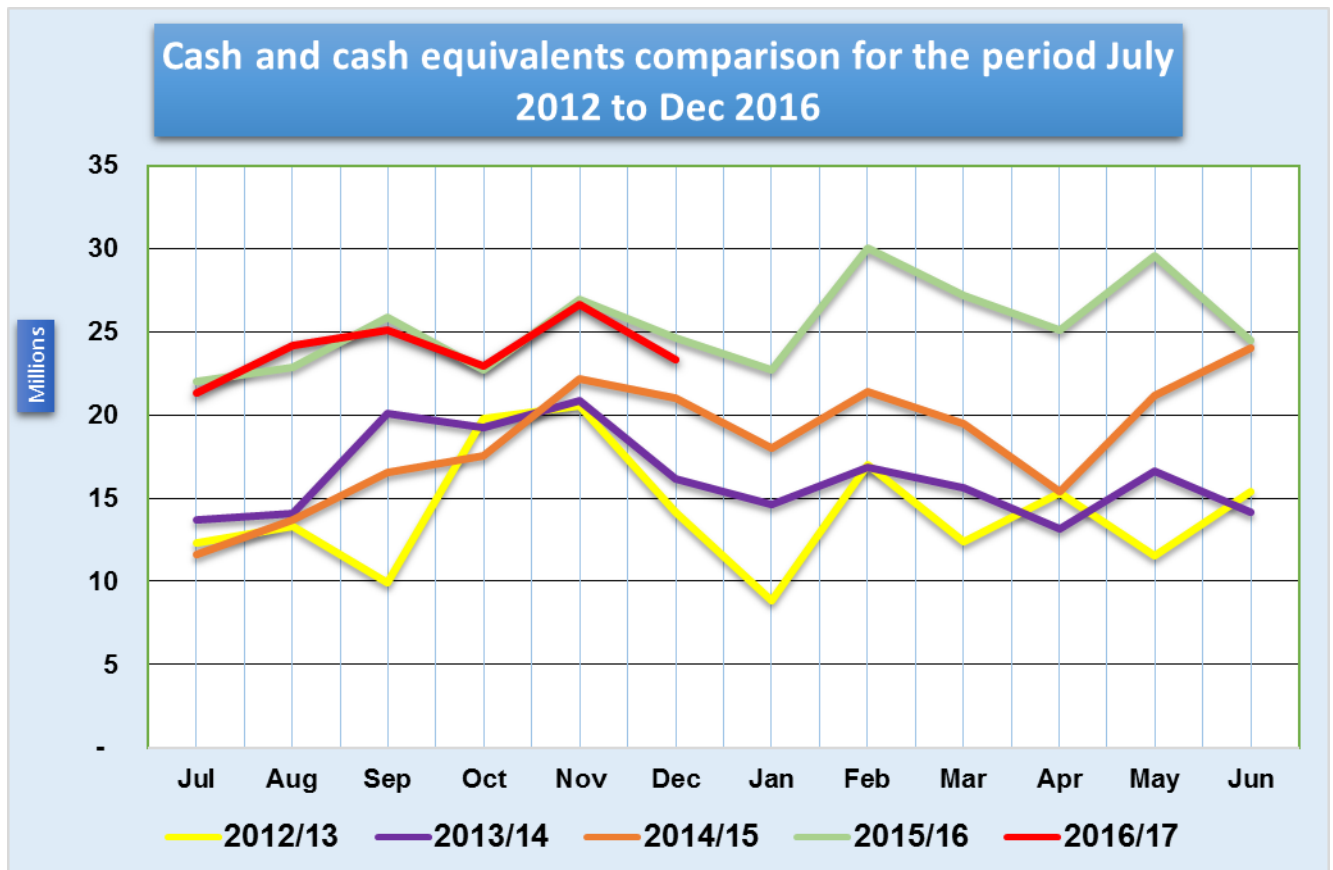
**QUARTERLY BUDGET REVIEW - DECEMBER 2016 (cont'd)**

**3.6 Capital Expenditure**

Historical expenditure on capital works:



**3.7 Cash Balance**





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**QUARTERLY BUDGET REVIEW - DECEMBER 2016 (cont'd)**

This graph represents the balance of cash assets which comprises cash at bank and on hand plus investments. The balance of cash assets remains in a sound position at \$23.31 million year to date. The proposed balance at 30 June 2017 is proposed to be \$24.12 million.

**3.8 Financial Performance Indicators**

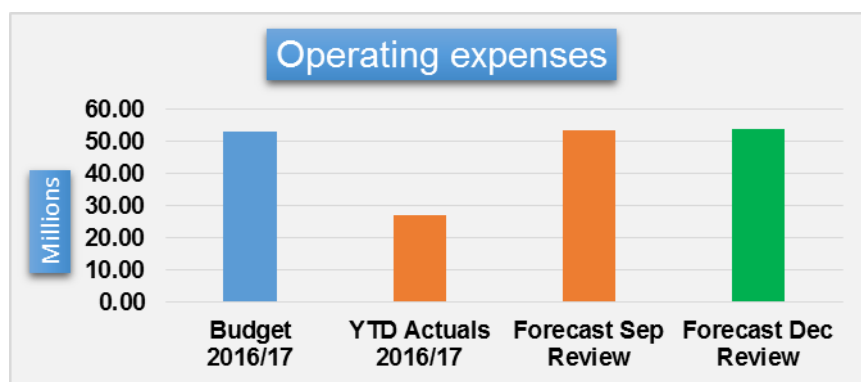
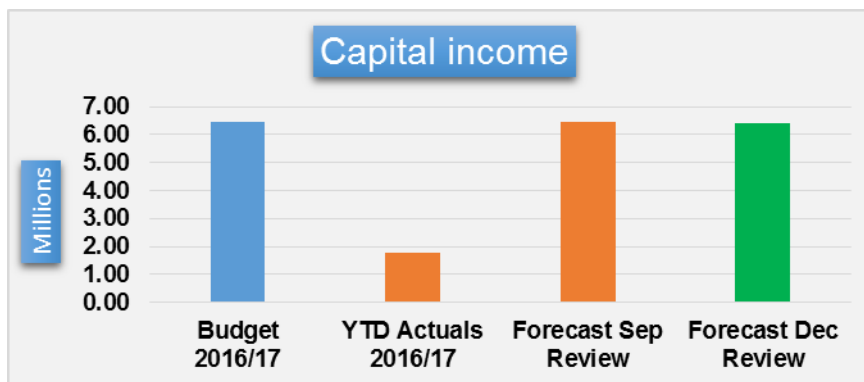
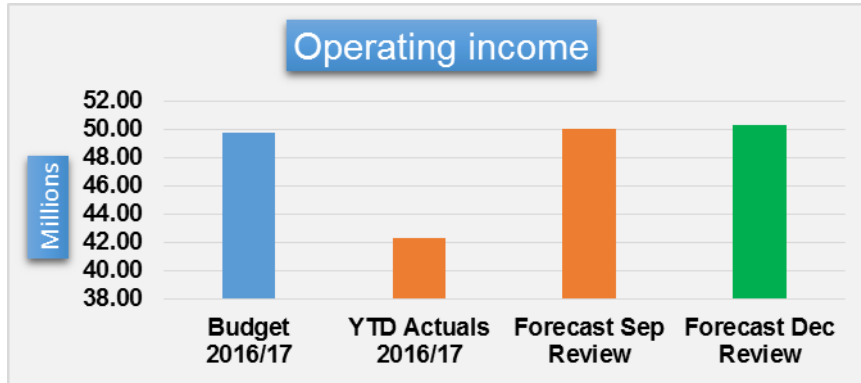
	Dimension/indicator /measure	Band / Range	Results 2015	Results 2016	Budget 2016/17	Sep 2016 Review	Dec 2016 Review
	<b>Efficiency</b>						
	<b>Revenue level</b>						
E1	Average residential rate per residential property assessment [Residential rate revenue / Number of residential property assessments]	\$700 to \$2,000	\$1,735	\$1,824	\$1,860	\$1,861	\$1,861
	<b>Expenditure level</b>						
E2	Expenses per property assessment [Total expenses / Number of property assessments]	\$2,000 to \$5,000	\$3,148	\$2,880	\$3,060	\$3,081	\$3,087
	<b>Workforce turnover</b>						
E3	Resignations and terminations compared to average staff [Number of permanent staff resignations and terminations / Average number of permanent staff for the financial year] x100	5% to 20%	12.26%	6.71%	9.00%	9.00%	9.00%
	<b>Liquidity</b>						
	<b>Working capital</b>						
L1	Current assets compared to current liabilities [Current assets / Current liabilities] x100	100% to 400%	331.60%	334.10%	230.55%	314.47%	295.22%
	<b>Unrestricted cash</b>						
L2	Unrestricted cash compared to current liabilities [Unrestricted cash / Current liabilities] x100	10% to 300%	237.26%	252.29%	140.31%	219.73%	200.65%
	<b>Obligations</b>						
	<b>Asset renewal</b>						
O1	Asset renewal compared to depreciation [Asset renewal expense / Asset depreciation] x100	40% to 130%	65.14%	67.24%	99.90%	99.90%	99.90%
	<b>Loans and borrowings</b>						
O2	Loans and borrowings compared to rates [Interest bearing loans and borrowings / Rate revenue] x100	0% to 70%	20.67%	16.83%	13.54%	13.52%	13.54%
O3	Loans and borrowings repayments compared to rates [Interest and principal repayments on interest bearing loans and borrowings / Rate revenue] x100	0% to 20%	4.53%	4.46%	3.01%	3.01%	3.01%
	<b>Indebtedness</b>						
O4	Non-current liabilities compared to own source revenue [Non-current liabilities / Own source revenue] x100	2% to 70%	42.66%	40.23%	35.81%	35.67%	35.46%
	<b>Operating position</b>						
	<b>Adjusted underlying result</b>						
OP1	Adjusted underlying surplus (or deficit) [Adjusted underlying surplus (deficit) / Adjusted underlying revenue] x100	-20% to 20%	-0.87%	0.20%	4.20%	4.43%	4.23%
	<b>Stability</b>						
	<b>Rates concentration</b>						
S1	Rates compared to adjusted underlying revenue [Rate revenue / Adjusted underlying revenue] x100	30% to 80%	56.32%	66.26%	69.65%	69.34%	68.89%
	<b>Rates effort</b>						
S2	Rates compared to property values [Rate revenue / Capital improved value of rateable properties in the municipality] x100	.15% to .75%	0.62%	0.66%	0.63%	0.64%	0.63%

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**QUARTERLY BUDGET REVIEW - DECEMBER 2016 (cont'd)**

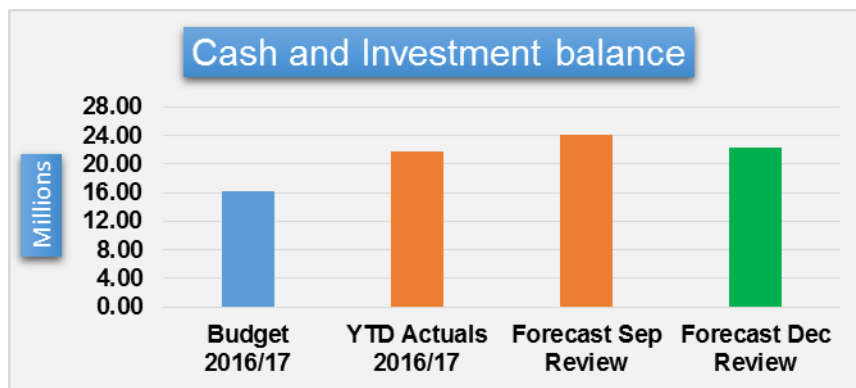
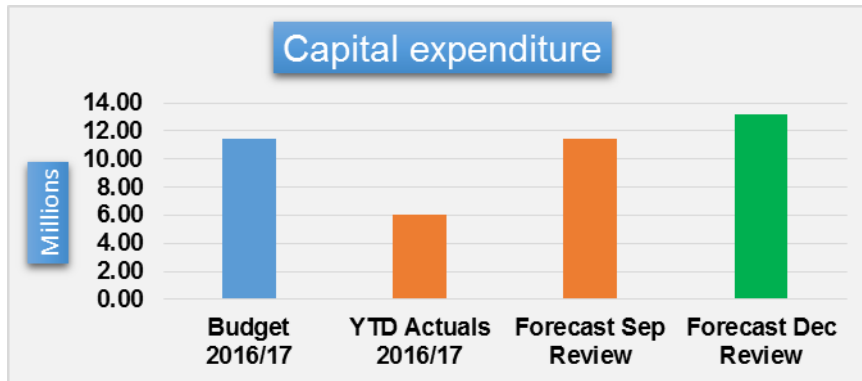
**3.9 Financial Indicators**



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7. DELIVER SOUND FINANCIAL MANAGEMENT

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**QUARTERLY BUDGET REVIEW - DECEMBER 2016 (cont'd)**



**4. Risk Management**

It is appropriate to examine the risks as they may impact on the financial position of Council. The areas identified are flagged to highlight potential impacts on Council.

**Capital Works**

Council's capital works need to be managed prudently to strengthen Council's financial position and ensure Council meets all the low risk financial sustainability indicators as specified by the Victorian Auditor-General's Office.

**Grant Income**

Council has a significant level of government grants - \$17.25 million. These grants underpin several capital works projects and operating programs, all of which are of importance to the community. Capital grants, for 2016/17, total \$6.32 million and operating grants \$10.93 million. Due to the conservative position taken by Government in approving new grants the trend as a proportion of the total income may continue to decrease. The continuation of this level of funding will be monitored closely.

**5. Internal and External Consultation**

The following members of staff were consulted:

- Corporate Management Team
- All Managers
- Manager - Finance

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## QUARTERLY BUDGET REVIEW - DECEMBER 2016 (cont'd)

- Team Leader – Financial Accountant
- Financial Accountant

The Council's December 2016 budget review is provided for public viewing in accordance with Council's open and transparent governance policy.

### 6. Regional Context

There are no regional issues to consider within this report.

### 7. Council Plan Strategy

Moira Shire will meet governance, communication, compliance and regulatory standards through its commitment to advocacy and effective decision making and demonstrate good governance by being consensus orientated, equitable, effective and efficient.

### 8. Legislative / Policy Implications

This report complies with Section 138 of the Local Government Act 1989 and Council's Budget and Financial Reporting policy.

### 9. Environmental Impact

Council's sound financial position continues to allow Council to implement and maintain its environmental projects.

### 10. Conflict of Interest Considerations

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

### 11. Conclusion

The projected cash position is \$24.12 million as at 30 June 2017.

An operating surplus of \$2.91 million is forecast as at 30 June 2017.

A total capital works program of \$15.77 Million with a 2016/17 capital works budget of \$13.16 million.

Council continues to manage its position and continues to seek additional revenue streams and monitor expenditure.

### Attachments

Nil

FILE NO: 365.22.98  
6. INVOLVING AND COMMUNICATING WITH  
OUR COMMUNITY

ITEM NO: 9.1.2

## SECTION 86 COMMITTEE COUNCILLOR REPRESENTATIVE

### RECOMMENDATION

That Council appoint Councillor Representatives to Council's Section 86 Committees in accordance with the attached list.

#### 1. Executive Summary

Section 86 of the *Local Government Act 1989* (the Act) enables councils to establish special committees, which may be the subject of delegations from the Council.

Each year, Councillors are presented with a report which details the current Section 86 committees for which Councillor Representation is required. In turn, Councillors are nominated to these committees for the coming 12 months.

This report identifies Councillor Representatives to Council's Section 86 Committees for 2017.

#### 2. Discussion

Section 86 Committees are established to manage community assets in partnership with Council.

As a function of Council, Councillor Representation is also common.

An instrument of delegation to a committee is used to clearly articulate the nature of the delegation, and any conditions or limitations under which the delegation is exercised. Section 86(4) also imposes certain limitations, including the power to borrow money or enter into contracts for an amount exceeding that previously determined by the Council.

The process for establishing a special committee is relatively simple. It involves:

- Resolving to establish the committee, including setting out its purposes, members (and their voting rights), delegated powers, and reporting obligations back to the Council; and
- Delegating, via an instrument of delegation, certain Council powers to the committee to enable it to function effectively.

The Council is also able to impose conditions on the exercise of the delegated powers and to ensure it can operate effectively and provide the advice required. This option also often ensures that the Council will have continued access to funding from the Commonwealth and State Government (which may not be the case where the external body is appointed to manage the land, for example).

#### 3. Financial Implications

Council's financial support for special committees is a budgeted item.

#### 4. Community Consultation

Once Councillors' have been appointed to the committees, each committee will be notified of their delegated Councillors appointment Councillors will then commence receiving correspondence regarding committee meetings.

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6. INVOLVING AND COMMUNICATING WITH  
OUR COMMUNITY

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## SECTION 86 COMMITTEE COUNCILLOR REPRESENTATIVE (cont'd)

### 5. Internal Consultation

Councillors held a discussion on which Councillor/s would be representatives on Council's Section 86 Committees.

### 6. Legislative / Policy Implications

The process of delegation of Council's powers is a legislative requirement and is accomplished by documentation for each committee.

Section 86 of the *Local Government Act 1989*, and

Section 86(4) of the *Local Government Act 1989* are particularly relevant

### 7. Environmental Sustainability

There are no environmental sustainability issues to consider within this report.

### 8. Conflict of Interest Considerations

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

### 9. Conclusion

Following the committee appointments, should an alternative Councillor Representative be appointed to a Committee, the Instrument of Delegation and previous meeting Minutes will be forwarded to the Councillor for their information.

## Attachments

- 1 2017 Councillor Committee Representatives

FILE NO: 365.22.98  
6. INVOLVING AND COMMUNICATING WITH  
OUR COMMUNITY

ITEM NO: 9.1.2

**SECTION 86 COMMITTEE COUNCILLOR REPRESENTATIVE (cont'd)**

**ATTACHMENT No [1] - 2017 Councillor Committee Representatives**

SECTION 86 COMMITTEES	Representatives	Dates	Occurrence
Baulkamaugh Recreation Reserve & Community Hall	Cr Marie Martin	Fourth Thursday	Quarterly
Bundalong Dan Cronin Recreation Reserve & Public Hall	Cr Peter Mansfield	First monday	Quarterly
Cobram Scott Reserve	Cr Gary Cleveland	Second Wednesday	Monthly
Floridan Park Recreation Reserve	Cr Beitzel	Fourth Tuesday	Quarterly
Invergordon Recreation Reserve & Community Hall	Cr Beitzel	Second Wednesday	Quarterly
Katamatite Recreation Reserve	Cr Peter Lawless	Third Wednesday	Quarterly
Katunga Recreation Reserve & Community Centre	Cr Beitzel	Third Wednesday	Bi monthly
Koonoomoo Recreation Reserve	Cr Gary Cleveland	Second Thursday	Quarterly
Picola Recreation Reserve	Cr Kevin Bourke	Second Wednesday	Quarterly
St James Recreation Reserve	Cr Peter Lawless	Monday	Quarterly
Strathmerton Recreation Reserve	Cr Beitzel	Fourth Wednesday	Quarterly

FILE NO: 365.22.98  
6. INVOLVING AND COMMUNICATING WITH  
OUR COMMUNITY

ITEM NO: 9.1.2

**SECTION 86 COMMITTEE COUNCILLOR REPRESENTATIVE (cont'd)**

**ATTACHMENT No [1] - 2017 Councillor Committee Representatives**

SECTION 86 COMMITTEES	Representatives	Dates	Occurrence
Tungamah Jubilee Park Recreation Reserve	Cr Peter Lawless	Tuesday	Quarterly
Waaia Recreation Reserve	Cr Kevin Bourke	Second Monday	Quarterly
Wilby Racecourse & Recreation Reserve	Cr Peter Mansfield	Third Thursday	Quarterly
Wunghnu Recreation Reserve	Cr Marie Martin	Second Wednesday	Every second month
Yaica North Recreation Reserve	Cr Kevin Bourke	Second Monday	Quarterly
Yarrowonga JC Lowe Oval Reserve	Cr Wendy Buck	First Tuesday	Quarterly
Yarroweyah Recreation Reserve	Cr Ed Cox	Fourth Wednesday	Quarterly
Yarrowonga Eastern Foreshore	Cr Wendy Buck	Fourth Tuesday	Monthly
Cobram Showgrounds Apex Reserve	Cr Ed Cox	Monday	Quarterly
Nathalia Showgrounds & Recreation Reserve	Cr Kevin Bourke	Fourth Wednesday	Bi monthly
Numurkah Showgrounds Reserve	Cr Marie Martin	Monday	Monthly
Yarrowonga Showgrounds Reserve & Victoria Park	Cr Peter Mansfield	Fourth Tuesday	Bi monthly



FILE NO: 365.22.98  
6. INVOLVING AND COMMUNICATING WITH  
OUR COMMUNITY

ITEM NO: 9.1.2

**SECTION 86 COMMITTEE COUNCILLOR REPRESENTATIVE (cont'd)**

**ATTACHMENT No [1] - 2017 Councillor Committee Representatives**

SECTION 86 COMMITTEES	Representatives	Dates	Occurrence
Katamatite Public Hall	Cr Marie Martin	First Monday	Quarterly
Lake Rowan Hall	Cr Peter Lawless	Second Wednesday	Quarterly
Numurkah Town Hall	Cr Marie Martin	Third Wednesday	Bi monthly
Picola Public Hall	Cr Kevin Bourke	Second or Third Tuesday	Quarterly
St James Public Hall	Cr Peter Lawless	Second Tuesday	Quarterly
Strathmerton Public Hall	Cr Beitzel	First Monday	Quarterly
Wilby Memorial Hall	Cr Peter Mansfield	Third Thursday	Quarterly
Yarroweyah Memorial Hall	Cr Ed Cox	First Monday	Bi monthly
Cobram Historical Precinct	Cr Ed Cox	Third Monday	Quarterly
Nathalia Historical Precinct	Cr Kevin Bourke	Second Tuesday	Quarterly

FILE NO: F13/563  
4. SMARTER DELIVERY OF SERVICES AND  
PROGRAMS

ITEM NO: 9.1.3

## YARRAWONGA MULWALA BRIDGE UPDATE

### RECOMMENDATION

That:

1. Council note the advice received from the Member for Ovens Valley.
2. Council commission an independent plebiscite of the Yarrowonga community to establish its view on a new bridge.

### 1. Executive Summary

Council has received confirmation from Tim McCurdy; Member for Ovens Valley, following advice from the Minister for Roads, that funding for the new Yarrowonga bridge is to be shared 50:50 by both States with each State bearing its respective cost of approach works.

A contribution from the Federal Government has not been agreed and will be discussed at the time of seeking construction funding.

Whilst numerous reports over many years have assessed various route options at no stage during the gestation of this project has the Yarrowonga community had a structured way to express an objective view on a project that will influence the towns development and connection with its most precious asset, Lake Mulwala.

### 2. Background and Options

VicRoads and the RTA have been investigating the need for a new bridge since it was announced that the Yarrowonga Weir vehicle crossing would be closed in 2020.

The replacement bridge will address the narrow width and height restriction of the existing bridge and will also allow the operation of Higher Mass limits vehicles, which will help to increase freight efficiency in the region.

### 3. Financial Implications

All project planning activities completed to date have been split 50/50 between the Victorian and NSW Governments. Recent media coverage confirms that limited funds have been spent on maintaining the current bridge which is not unusual when an in principle decision has been reached to demolish an asset.

The green route is the cheapest alignment for VicRoads as it reduces approach works on the Victorian side of the project. The grey route is the cheapest alignment for RMS as it reduces land acquisition, approach works on the NSW side and lane duplication adjacent to the railway line to facilitate access to the Yarrowonga Mulwala golf club

### 4. Risk Management

The need for a new bridge largely flows from the MDBA's decision to close weir structures along the Murray River that were never designed to take through traffic or heavy freight loads. Closure of the weir wall to traffic in 2020 will place increased pressure on the current bridge which is not designed for the HML vehicles that can move freight between the two States. With a single bridge for all traffic the risk of vehicle accidents is likely to increase causing closure of the sole remaining bridge and significant disruption to social and economic connectivity.

FILE NO: F13/563  
4. SMARTER DELIVERY OF SERVICES AND  
PROGRAMS

ITEM NO: 9.1.3

## YARRAWONGA MULWALA BRIDGE UPDATE (cont'd)

### 5. Internal and External Consultation

There has been an extensive external consultation conducted primarily by VicRoads as the project lead but no definitive conclusions reached by VicRoads or RMS on the merits of one route over another that is publicly available since recent consultation took place. The community engagement work undertaken by VicRoads has been selective and leaves it open to bias by those that chose to participate and those that assessed the results. The lack of disclosure of consultation results in a form that is transparent and linked to VicRoads conclusions and Ministerial advice leaves the objectivity of the engagement process in some doubt.

The petition undertaken by the green route campaigners sought to establish community opinion but was biased towards retention of the current bridge and left no scope for an alternate view.

At no stage has community opinion been established that can claim to be conclusive and objective and given the impasse on route choice it would be a logical step to test whether the Councils position is aligned with current community opinion.

### 6. Regional Context

The existence of the two crossings has enabled the communities of the two towns/ states to become one, dependent on the services and facilities provided on either side of the River Murray. There are a number of competing cross border bridges lining up for funding with the Echuca Moama bridge recently successful in securing State and Federal funding. Whilst there remains no local consensus on the alignment for the Yarrowonga-Mulwala bridge it is difficult to see how the project will move ahead of other competing bridges in project development and ultimately securing funding.

### 7. Council Plan Strategy

The council plan outlines our commitment to open governance, active engagement and strong advocacy. It encourages communities to be part of the decision making process by asking communities to evaluate asset needs and the tradeoffs associated with change.

### 8. Legislative / Policy Implications

There are no legislative implications arising from this report.

### 9. Environmental Impact

The currently proposed grey route will be subject to a planning scheme amendment and possible EES. It is up to Vicroads to initiate the planning amendment process.

### 10. Conflict of Interest Considerations

There are no officer conflict of interest issues with respect to this report.

### 11. Conclusion

The lack of publicly disclosed expert road authority justification for the Governments preferred grey route leaves in doubt whether the decision is solely based on engineering and traffic management issues. It seems more likely that the preference for grey is based on ensuring that the current road bridge needs to be demolished as no public authority is prepared to fund the ongoing maintenance of such a significant structure that is fast approaching its centenary.

FILE NO: F13/563  
4. SMARTER DELIVERY OF SERVICES AND  
PROGRAMS

ITEM NO: 9.1.3

**YARRAWONGA MULWALA BRIDGE UPDATE (cont'd)**

Testing current community opinion through an independent plebiscite will assist Council with its future advocacy efforts and aligns well with the council plan commitment to involve the community in decision making.

**Attachments**

Nil

FILE NO: F16/976  
6. INVOLVING AND COMMUNICATING WITH  
OUR COMMUNITY

ITEM NO: 9.1.4

**NUMURKAH SHOW AS A SUBSTITUTE PUBLIC HOLIDAY FOR THE  
APPOINTED MELBOURNE CUP DAY HOLIDAY IN 2017**

**RECOMMENDATION**

That Council in accordance with section 8A of the *Public Holidays Act 1993*, request the Minister for Innovation, Services and Small Business to declare a full day public holiday within the Numurkah district, as defined on the attached map, on Wednesday 25 October 2017 for the Numurkah Show as a substitute public holiday for the appointed Melbourne Cup Day holiday in 2017. (The Numurkah district is defined by the Numurkah Agricultural and Pastoral Society Inc as the area within the Shire boundaries prior to amalgamation.)

**1. Executive Summary**

Council received a letter from the Numurkah Agricultural Society requesting that Moira Shire Council, under the Public Holiday Amendment Bill 2011, recommend the Society be granted a Public Holiday for the 2017 Numurkah Show which will be held on Wednesday 25 October 2017.

Under the Act, Councils can request substitute public holiday days for Melbourne Cup Day. In the past Council has requested that a public holiday be declared for the last five Numurkah Show Days. It is recommended that Council continue to support the full day public holiday for the Numurkah Show Day in 2017.

**2. Background and options**

The Public Holidays Act 1993 was amended in 2008 and as a result Melbourne Cup Day was automatically made a public holiday across the entire State of Victoria. This change ensured that all Victorians receive the same number of public holidays each year, regardless of where they live.

The Public Holiday Amendment Bill, May 2011 amended section 8 of the Public Holiday Act 1993 so that it is subject to a new section 8A. Section 8A states that Councils may request substitute public holiday days for Melbourne Cup Day.

Under the amended Act, non-metropolitan Councils may request in writing that the Minister make a declaration under Section 8(1),

- a) that the day appointed under section 6 being the first Tuesday in November (Melbourne Cup Day) is not in a specified year such a public holiday in the whole or any part of the municipal district of that Council; and
- b) that another day or 2 half days (one half day of which may be Melbourne Cup Day) be appointed as a public holiday or 2 public half-holidays in that year.

A request under subsection (1) must be made at least 90 days before the Melbourne Cup Day to which the request relates.

In years prior to 2008, Council declared a half day public holiday in the Numurkah district, as it existed prior to amalgamation, in recognition of the local Numurkah Show. However no alternate arrangements were declared in any other area.

FILE NO: F16/976  
6. INVOLVING AND COMMUNICATING WITH  
OUR COMMUNITY

ITEM NO: 9.1.4

## **NUMURKAH SHOW AS A SUBSTITUTE PUBLIC HOLIDAY FOR THE APPOINTED MELBOURNE CUP DAY HOLIDAY IN 2017 (cont'd)**

Since 2011 Council has requested that a public holiday be declared for the Numurkah Show Days. It is recommended that Council continue to support the full day public holiday for the Numurkah Show Day in 2017.

### **3. Financial Implications**

There are no identified financial implications to Council in relation to this decision as the annual budget has taken into account all entitled public holidays.

### **4. Risk Management**

There are no risk management issues associated with this report.

### **5. Internal and External Consultation**

A petition was received by Council in early 2011. Council received a delegation from the Numurkah Agricultural and Pastoral Society on the 21st of March 2011 seeking support for the Show Day public holiday. Council has since received letters annually requesting that Council recommends a Public Holiday.

### **6. Regional Context**

Regional councils have the ability to nominate a full-day public holiday or two half-day public holidays in different parts of their municipality for agricultural and pastoral shows or regional race days, following the amendment to the Public Holidays Act.

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

Community: Moira will be a Shire where all its people and communities are happy, healthy and safe with the ability and the opportunity to integrate, participate, connect and contribute to their communities.

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

The Public Holiday Amendment Bill, May 2011 amends section 8 of the Public Holiday Act 1993 so that it is subject to a new section 8A. Section 8 A councils may request a substitute holiday for Melbourne Cup Day.

Under the amended Act, non-metropolitan councils may request in writing that the Minister make a declaration under Section 8(1):

- (a) that the day appointed under section 6, being the first Tuesday in November (Melbourne Cup Day ) is not in a specified year such a public holiday in the whole or any part of the municipal district of that Council; and
- (b) that another day or two half days (one half day of which may be Melbourne Cup Day) be appointed as a public holiday or two public half-holidays in that year.

A request under subsection (1) must be made at least 90 days before the Melbourne Cup Day to which the request relates.

### **9. Environmental Impacts**

There are no identified environmental implications associated with this report.

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

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

FILE NO: F16/976  
6. INVOLVING AND COMMUNICATING WITH  
OUR COMMUNITY

ITEM NO: 9.1.4

**NUMURKAH SHOW AS A SUBSTITUTE PUBLIC HOLIDAY FOR THE  
APPOINTED MELBOURNE CUP DAY HOLIDAY IN 2017 (cont'd)**

**11. Conclusion**

Council is aware that changes to the Public Holidays Act 1993, amended in 2011, creates an opportunity to support the Numurkah Show as a public holiday and that strong representations have been made, particularly from the Numurkah Agricultural and Pastoral Society in relation to Council's ability to support the event and the public holiday in the area.

Moira Shire Council has requested the substitute public holiday for the Numurkah Annual shows for the last six years and it is recommended that Council support the full day public holiday for the Numurkah Show in 2017.

**Attachments**

- 1 Numurkah Boundary





FILE NO: 231.99.00  
1. STRONGER REGIONAL PARTNERSHIPS

ITEM NO: 9.1.5

## RESULTS OF THE GOULBURN VALLEY REGIONAL ASSEMBLY

### RECOMMENDATION

That Council notes the Goulburn Valley Regional Assembly results.

#### 1. Executive Summary

In 2016, the Victorian Government established nine Regional Partnerships across regional Victoria as part of its Regional Statement.

Regional Partnerships give regional communities a say about what matters and hear about their hopes for the future and the role government can play. They are responsible for looking at the strategic priorities that communities have identified themselves across economic, social and environmental issues, overseeing implementation of the top priorities on a year by year basis, and closing the loop with communities and government about what has been achieved.

#### 2. Background and options

Regional Assemblies, held across Victoria in late 2016, have provided Regional Partnerships with a key opportunity to engage with communities on their priorities for the region; building on existing strategies and plans and harnessing the good ideas, energy and passion of local people.

The Goulburn Regional Assembly was held in Shepparton on 15 December 2016. More than 160 community members were joined by Victorian Government Members of Parliament, local council Mayors and other representatives to consider the future of the Goulburn region.

The attached report will provide an overview of the engagement activities and key findings from the 2016 Goulburn Regional Assembly.

#### 3. Financial Implications

There are no financial implications associated with this report for noting.

#### 4. Risk Management

There are no risk management issues associated with this report noting.

#### 5. Internal and External Consultation

In the lead up to the Regional Assembly, the Goulburn Regional Partnership sought input from the Goulburn community through the newly established Engage webpage ([www.engage.vic.gov.au](http://www.engage.vic.gov.au)), written feedback and face to face conversations. The conversations and other contributions during this six week period informed the emerging priorities that were then tested at the Assembly.

#### 6. Regional Context

The Goulburn Region lies on the traditional lands of the Yorta Yorta, Taungurung and Wurundjeri people, and we acknowledge them as Traditional Owners.

The region comprises the shires of Moira, Strathbogie, Mitchell and Murrindindi along with the City of Greater Shepparton.

#### 7. Council Plan Strategy

Involving communication with our community.

FILE NO: 231.99.00  
1. STRONGER REGIONAL PARTNERSHIPS

ITEM NO: 9.1.5

## RESULTS OF THE GOULBURN VALLEY REGIONAL ASSEMBLY (cont'd)

### 8. Legislative / Policy Implications

There are no legislative policy implications associated with this report for noting.

### 9. Environmental Impacts

There are no identified environmental implications associated with this report.

### 10. Conflict of Interest Considerations

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

### 11. Conclusion

The Regional Assembly was held on the evening of Thursday 15 December 2016 at the McIntosh Centre in Shepparton.

The aims of the Assembly were to:

- build on the findings of previous regional community engagement and research about regional priorities
- provide a channel for community members to tell State Government decision makers about the things that matter to local communities right now
- develop understanding in the community about Regional Partnerships and their role in identifying regional priorities and providing advice to government about priority actions
- build the foundation for an ongoing relationship between the Regional Partnership and local communities
- provide a process for feedback to the community on the outcomes of their involvement and how their contributions will inform action on regional priorities.

The attached report documents the results of the assembly.

### Attachments

- 1 That the results of the GV regional assembly be noted

FILE NO: 231.99.00  
1. STRONGER REGIONAL PARTNERSHIPS

ITEM NO: 9.1.5

**RESULTS OF THE GOULBURN VALLEY REGIONAL ASSEMBLY (cont'd)**

**ATTACHMENT No [1] - That the results of the GV regional assembly be noted**

## Goulburn

Regional Assembly 2016 – Key Findings Report



FILE NO: 231.99.00  
1. STRONGER REGIONAL PARTNERSHIPS

ITEM NO: 9.1.5

**RESULTS OF THE GOULBURN VALLEY REGIONAL ASSEMBLY (cont'd)**

**ATTACHMENT No [1] - That the results of the GV regional assembly be noted**



**Disclaimer**

Unless otherwise stated, all feedback documented in this report has been written and/or recorded during consultation activities during the Goulburn Regional Assembly pre-engagement period and the Assembly held in Shepparton on 15 December 2016.

Comments recorded during any consultation activities are faithfully transcribed, however not attributable to individuals.

While care has been taken in transcribing participant feedback, the accuracy of all notes cannot be guaranteed. We are, however, confident that the broad range of ideas, concerns and views expressed during our consultation activities has been captured.

Unless otherwise noted, the views expressed in this report represent those of the participants and not necessarily those of the Goulburn Regional Partnership or Regional Development Victoria.

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FILE NO: 231.99.00  
1. STRONGER REGIONAL PARTNERSHIPS

ITEM NO: 9.1.5

**RESULTS OF THE GOULBURN VALLEY REGIONAL ASSEMBLY (cont'd)**

ATTACHMENT No [1] - That the results of the GV regional assembly be noted



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1. STRONGER REGIONAL PARTNERSHIPS

ITEM NO: 9.1.5

## RESULTS OF THE GOULBURN VALLEY REGIONAL ASSEMBLY (cont'd)

### ATTACHMENT No [1] - That the results of the GV regional assembly be noted



### Message from the Chair

As the Chair of the Goulburn Regional Partnership, I am pleased and proud to present this Key Findings Report from our first Goulburn Regional Assembly.

The contents of this report are testament to the amount of hard work that has gone into forming the Partnership, identifying priorities for the region and hosting one of the region's largest engagement activities to test those priorities and find out what really matters to the Goulburn community,

With over 200 people, including community members, Victorian Government MPs, local government and other representatives, the energy and drive in the room at the Regional Assembly to create real, lasting change for the Goulburn region was inspiring. My colleagues and I are excited about taking your ideas forward, and turning them into plans into action.

### What we heard

From the Assembly findings we know that the community's priority areas for action are:

1. Supporting the region's children and young people
2. Ensuring a healthy and engaged population
3. Continuing to strengthen and diversify the region's economy
4. Ensuring a sustainable future for agriculture in the region
5. Improving the region's connectivity
6. Supporting the peri urban growth corridor

### Next steps

In early February 2017, the Goulburn Regional Partnership will brief the Ministerial Rural and Regional Sub Committee on priority actions in two or three key priority areas.

These priorities will be informed by existing plans and strategies, advice from Regional Partnership members, work already underway on regional priority initiatives and the community input received in the lead up to and during the Regional Assembly.

In addition, the Goulburn Regional Partnership will continue work actively with local government and the Hume Regional Development Australia Committee, as well as key local stakeholders, to progress the priorities.

### Keeping in touch

The Regional Partnership will also continue to engage with community members during the coming year and is planning to hold another Regional Assembly in late 2017.

Regional partnerships represent the beginning of a new way for community and government to work together at the regional level, and we are committed to keeping you informed about our progress.

We will share information about how your ideas for the region take shape over time, new engagement opportunities and how you can continue your conversation with us through the Engage webpage (<https://engage.vic.gov.au/goulburn>) and our Facebook page (<http://facebook.com/GoulburnPartnership>).

For any further questions, or to contact Goulburn Regional Partnership members, you can contact the support staff at Regional Development Victoria on (03) 5895 4112 or [goulburn.partnership@rdv.vic.gov.au](mailto:goulburn.partnership@rdv.vic.gov.au).

David McKenzie  
Chair, Goulburn Regional Partnership

FILE NO: 231.99.00  
1. STRONGER REGIONAL PARTNERSHIPS

ITEM NO: 9.1.5

## RESULTS OF THE GOULBURN VALLEY REGIONAL ASSEMBLY (cont'd)

### ATTACHMENT No [1] - That the results of the GV regional assembly be noted



## Introduction

In 2016, the Victorian Government established nine Regional Partnerships across regional Victoria as part of its Regional Statement.

Regional Partnerships give regional communities a say about what matters and hear about their hopes for the future and the role government can play. They are responsible for looking at the strategic priorities that communities have identified themselves across economic, social and environmental issues, overseeing implementation of the top priorities on a year by year basis, and closing the loop with communities and government about what has been achieved.

### The Goulburn region

The Goulburn Region lies on the traditional lands of the Yorta Yorta, Taungurung and Wurundjeri people, and we acknowledge them as Traditional Owners.

The region comprises the shires of Moira, Strathbogie, Mitchell and Murrindindi along with the City of Greater Shepparton.

It boasts:

- a diverse multicultural and indigenous population
- growth opportunities for population and business
- affordable housing
- national and regional parks and significant inland waterways
- a strong agricultural base with resilient water resources.

With representation from the community, business and industry, and the three tiers of government, the Goulburn Regional Partnership comprises the following members:

Table 1: Goulburn Regional Partnership Members

Name	Organisation / Background
David McKenzie (Chair)	Director of the Opteon Property Group
Suzanne Miller (Deputy Chair)	CEO Nexus Primary Health
Paul Briggs OAM	Founding Chair of the Kaiela Institute and First Nations Foundations
Paul Culpan	CEO Goulburn Ovens Institute of TAFE (GOTAFE)
Peter Hall	Primary producer and experienced board member
Jamie Lea	Event manager and experienced board member
Sally Macdonald	Local community member and experienced board member
Peter Gray	Hume Regional Development Australia Committee representative
Amanda Cattermole	Victorian Government representative Deputy Secretary Community Services Programs and Design, Department of Health and Human Services
David Turnbull	CEO, Mitchell Shire Council
Margaret Abbey	CEO, Murrindindi Shire Council
Steve Crawcour	CEO, Strathbogie Shire Council
Mark Henderson	CEO, Moira Shire Council
Peter Harriott	CEO, City of Greater Shepparton

FILE NO: 231.99.00  
1. STRONGER REGIONAL PARTNERSHIPS

ITEM NO: 9.1.5

## RESULTS OF THE GOULBURN VALLEY REGIONAL ASSEMBLY (cont'd)

### ATTACHMENT No [1] - That the results of the GV regional assembly be noted



#### Regional Assemblies

Regional Assemblies, held across Victoria in late 2016, have provided Regional Partnerships with a key opportunity to engage with communities on their priorities for the region; building on existing strategies and plans and harnessing the good ideas, energy and passion of local people.

The Goulburn Regional Assembly was held in Shepparton on 15 December 2016. More than 160 community members were joined by Victorian Government Members of Parliament, local council Mayors and other representatives to consider the future of the Goulburn region.

In the lead up to the Regional Assembly, the Goulburn Regional Partnership sought input from the Goulburn community through the newly established Engage webpage ([www.engage.vic.gov.au](http://www.engage.vic.gov.au)), written feedback and face to face conversations. The conversations and other contributions during this six week period informed the emerging priorities that were then tested at the Assembly.

This report will provide an overview of the engagement activities and key findings from the 2016 Goulburn Regional Assembly.

In February 2017, the Goulburn Regional Partnership will present the region's priorities directly to the Victorian Government Ministerial Rural and Regional Sub Committee for consideration.

#### Purpose of this report

The purpose of this report is to provide an overview of the engagement activities and key findings relating to the Goulburn Regional Assembly 2016.

In reading this report it should be noted that there are some limitations, including:

- Whilst efforts were made to engage community members from different locations and diverse community groups, the views presented in this report are not held to be a true representation of those held by people across the region.
- The opinions and feedback presented in this report reflect the input received from community members who were aware of the Assembly engagement activities and chose to contribute.
- Online and written comments provided during the pre-engagement were limited to brief statements and may not have captured the full intent of authors.
- Much of the information on which this report is based is taken from notes recorded by table scribes at the Assembly and the quality of information collected is a reflection of their capacity to record comments accurately and efficiently, sometimes during fast paced and complex discussions.
- The polling activity was not a rigorous measurement method. Instead it was a tool that provided an indication of the degree of support for actions identified by participants at the Assembly.
- There was varied knowledge and levels of interest amongst participants of the themes discussed which may have impacted on people's ability to contribute to some parts of the discussion.
- The Assembly was held in Shepparton which, although geographically central, is a considerable distance from many regional communities in Shepparton. In addition, the Assembly was held in mid-December during which time many people and organisations were preparing for the Christmas holiday period and were unable to attend.

Despite the above limitations, the Goulburn Regional Partnership is confident that the findings contained within this report reasonably reflect the input of Goulburn Regional Assembly participants.



FILE NO: 231.99.00  
1. STRONGER REGIONAL PARTNERSHIPS

ITEM NO: 9.1.5

## RESULTS OF THE GOULBURN VALLEY REGIONAL ASSEMBLY (cont'd)

ATTACHMENT No [1] - That the results of the GV regional assembly be noted

### Pre-Engagement

The pre-engagement period with Goulburn community members began in early November and ended two weeks prior to the Assembly. This allowed the Regional Partnership members time to consider the input in their planning for the event.

The pre-engagement period included:

- the launch of the Engage online interactive website with its quick poll, forum discussion and visioning tools
- print media promotion of the Assembly and feedback methods through advertising in the Shepparton News and several media releases
- radio interviews and talk-back opportunities with the Regional Partnership Chair, Deputy Chair and other Partnership members
- targeted use of social media, particularly Facebook – this included geographically targeted advertising promoting the Assembly and various feedback methods
- face to face engagement - Regional Partnership member presentations at meetings and forums
- targeted emails to identified regional leaders and other stakeholders
- engagement postcards containing key questions were distributed across the Goulburn region to help promote the online consultation and Assembly registration. The postcards also allowed people without internet access to provide written feedback.

Figure 1: Postcard that was distributed during the pre-engagement period

**What are your top 3 priorities for the Goulburn region?**

**A thriving and dynamic economy**

<input type="checkbox"/> Preparing for and adapting to climate change	<input type="checkbox"/> Increasing job opportunities
<input type="checkbox"/> Protecting the region's agricultural areas	<input type="checkbox"/> Strengthening our road network
<input type="checkbox"/> Securing the region's water for future use	<input type="checkbox"/> Improving public transport options
<input type="checkbox"/> Helping producers grow their markets	<input type="checkbox"/> Planning for urban growth and rural land use
<input type="checkbox"/> Attracting tourists	<input type="checkbox"/> Improving digital connectivity

**Healthy, vibrant and resilient communities**

<input type="checkbox"/> Improving student retention	<input type="checkbox"/> Improving community health and wellbeing
<input type="checkbox"/> Ensuring young people are workforce ready	<input type="checkbox"/> Reducing obesity

Did we miss anything? \_\_\_\_\_

Regional Development Victoria  
Reply Paid 90900  
SHEPPARTON VIC 3632

Please return postcard by 25 November 2016 so that your comments can be considered at the Assembly. For further information call (03) 5895 4112, or visit [engage.regions.vic.gov.au/goulburn](http://engage.regions.vic.gov.au/goulburn)

Your ideas, your future. REGIONAL PARTNERSHIPS VICTORIA State Government

The newly launched Engage online consultation portal was the chief method of engagement.

During the pre-engagement period a total of 697 people visited the Goulburn page, providing 259 pieces of individual feedback. To date, the Goulburn Regional Partnership Facebook page has 139 likes.

In addition to providing the opportunity for input on regional priorities, visitors to the website were able to use a link to register their interest in attending the Goulburn Regional Assembly.

Comments from returned postcards were combined with the comments submitted online so that the full range of community feedback was captured and analysed prior to the Assembly.

Community members responded to a number of questions and their input is summarised on the following page.

FILE NO: 231.99.00  
1. STRONGER REGIONAL PARTNERSHIPS

ITEM NO: 9.1.5

## RESULTS OF THE GOULBURN VALLEY REGIONAL ASSEMBLY (cont'd)

### ATTACHMENT No [1] - That the results of the GV regional assembly be noted



#### What are your top priorities for the Goulburn region?

The Goulburn Regional Partnership identified what they thought were the top priorities for the Goulburn region across two themes, and asked participants to choose their top three.

Participants indicated that ensuring young people have good pathways into higher education, training opportunities and employment was the region's top priority. They also identified providing safe, inclusive and supportive environments for children and families, and increasing job opportunities as priorities for the region.

Under the theme of a **thriving and dynamic economy**, the priorities were:

Table 2: Top priorities for 'a thriving and dynamic economy'

<b>40</b> Increasing job opportunities	<b>26</b> Helping the region's businesses grow their markets
<b>35</b> Improving public transport options	<b>21</b> Attracting tourists
<b>35</b> Preparing for and adapting to climate change	<b>11</b> Improving digital connectivity
<b>29</b> Protecting the region's agricultural areas through land use planning	<b>8</b> Strengthening our road network
<b>26</b> Helping the region's businesses grow their markets	<b>8</b> Planning for urban growth

Under the theme of **healthy, vibrant and resilient communities**, the priorities were:

Table 3: Top priorities for 'healthy, vibrant and engaged communities'

<b>53</b> Ensuring young people have good pathways into higher education, training opportunities and employment
<b>50</b> Providing safe, inclusive and supportive environments for our children and families
<b>22</b> Improving community health and wellbeing with a focus on obesity
<b>20</b> Improving student retention

#### Do you think there are any other priorities for the Goulburn region that have not been captured?

Participants said that it is important to create safe and strong communities and families where children, young people and disadvantaged people feel valued, supported and can visualise all the opportunities they have in their futures.

They also felt that responding to the changing climate by incorporating more sustainable approaches to agriculture and land management would increase resilience in the region.

In addition, attracting new industries to replace those that have declined to ensure economic prosperity and employment opportunities in the Goulburn region is also a priority.

Finally, participants said that high quality public and community infrastructure, including public transport and digital connectivity, and facilities such as sporting grounds and cultural and educational centres, are also essential for the viability and liveability of the region.

#### What is your one 'big idea' for the Goulburn region?

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1. STRONGER REGIONAL PARTNERSHIPS

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**RESULTS OF THE GOULBURN VALLEY REGIONAL ASSEMBLY (cont'd)**

**ATTACHMENT No [1] - That the results of the GV regional assembly be noted**



Participants felt that developing the region into a centre of science, arts, culture and sports; with high quality infrastructure, professional organisations and community leadership, would contribute to liveability and create more employment opportunities in the region.

**What is one thing you would like to fix to improve the future of our region?**

Participants said that investment in innovation and better connectivity through improved rail, roads, bike paths and digital infrastructure would improve the future of the Goulburn region.

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**RESULTS OF THE GOULBURN VALLEY REGIONAL ASSEMBLY (cont'd)**

**ATTACHMENT No [1] - That the results of the GV regional assembly be noted**



**Regional Assembly**

**Overview**

The Regional Assembly was held on the evening of Thursday 15 December 2016 at the McIntosh Centre in Shepparton.

The aims of the Assembly were to:

- build on the findings of previous regional community engagement and research about regional priorities
- provide a channel for community members to tell State Government decision makers about the things that matter to local communities right now
- develop understanding in the community about Regional Partnerships and their role in identifying regional priorities and providing advice to government about priority actions
- build the foundation for an ongoing relationship between the Regional Partnership and local communities
- provide a process for feedback to the community on the outcomes of their involvement and how their contributions will inform action on regional priorities.

Consultation at the Assembly was focused around six themes and associated priority ideas that were informed by the pre-engagement findings and identified by the Regional Partnership members in the lead-up to the Assembly. These themes and ideas provided a starting point for discussions as well as an opportunity to test the thinking of the Regional Partnership.

Methods of consultation at the event included table discussions, the display of ideas from table discussions at themed 'action stations' and polling on those ideas.

*Table 4: Themes and priority ideas tested at the Goulburn Regional Assembly*

Theme	Priority ideas
<b>Ensure a sustainable future for agriculture in the Goulburn region</b>	<ul style="list-style-type: none"> <li>• Establish a climate change agri research centre of excellence</li> <li>• Encourage uptake of renewable energy to support energy security and efficiencies for agriculture</li> <li>• Support improving efficiency of irrigation systems and infrastructure on farms</li> <li>• Support development of rural land use strategies to protect priority agricultural areas and to unlock productivity opportunities</li> <li>• Work with other impacted communities across the GMID to:</li> <li>• maximise opportunities for value adding from irrigation and other ground water sources</li> <li>• mitigate impacts of declining water availability on farms, industries and within communities</li> <li>• Support development of hubs/clusters to help build skills, knowledge, on farm innovation, access new markets</li> </ul>
<b>Continue to strengthen and diversify the Goulburn region's economy</b>	<ul style="list-style-type: none"> <li>• Activate the region's visitor economy by unlocking access to nature based tourism assets ie National Parks, waterways</li> <li>• Continue to build the region's creative sector by attracting cultural events</li> <li>• Strengthen pathways between industry and education and training providers in order for young people, disadvantaged and long term to access employment</li> <li>• Upskill those in employment and support under employed within region to gain more employment</li> <li>• Build indigenous economic prosperity through focusing on workforce, entrepreneurship and cultural strategies</li> <li>• Strengthen the region's road and rail network to improve movement of freight</li> </ul>

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**RESULTS OF THE GOULBURN VALLEY REGIONAL ASSEMBLY (cont'd)**

**ATTACHMENT No [1] - That the results of the GV regional assembly be noted**



<b>Improve the Goulburn region's connectivity</b>	<ul style="list-style-type: none"> <li>• Improve rail services and infrastructure including upgrades to lines, trains, station and bus facilities</li> <li>• Improve public transport options to improve connections between rail and bus services and provide better access across the region</li> <li>• Improve digital connectivity by seeking faster rollout of NBN</li> </ul>
<b>Support the children and young people of the Goulburn region</b>	<ul style="list-style-type: none"> <li>• Involve all services, organisations and communities to work collaboratively to keep young people engaged in education from cradle through to career</li> <li>• Support the region's vulnerable families through providing safe and inclusive environments</li> <li>• Encourage collaboration between early year providers, schools and community service organisations to work differently to support a community</li> <li>• Develop work based initiatives, formal mentoring and ongoing support programs that help vulnerable young people to prepare, enter and stay in the workplace</li> </ul>
<b>Ensure a healthy and engaged population</b>	<ul style="list-style-type: none"> <li>• Address health and wellbeing with a focus on chronic disease, mental health and aged care across the whole population</li> <li>• Involve all services, organisations and communities to work collaboratively on reducing obesity</li> </ul>
<b>Support the region's peri urban growth corridor</b>	<ul style="list-style-type: none"> <li>• Support planning for peri urban growth</li> <li>• Revitalise the region's centres and towns and improve youth spaces</li> <li>• Progress infrastructure priorities within growth areas</li> </ul>

**Format**

The Goulburn Regional Assembly agenda provided opportunities for information discussions over refreshments and themed discussions at tables and action stations. The evening concluded with a polling activity and report back to attendees.

*Table 5: Goulburn Regional Assembly agenda*

5.00 pm	Arrival and registration
5.30 pm	Welcome and introductions
5.45 pm	Context setting
5.55 pm	Round one table discussions
6.30 pm	Round two table discussions
6.55 pm	Break and refreshments
7.15 pm	Action stations activity
7.35 pm	Polling on top ideas
7.55 pm	Report back on findings
8.30 pm	Close

**Table discussions**

For the first round of table discussions, participants were allocated to a particular table based on the comments they provided when registering their interest to attend. They were advised of these allocations when registering at the event. During the second round, participants were able to choose to move to a table with a different theme.

Each table had a host and scribe assigned to facilitate and record the discussion. Themed posters were provided for each table and included an overview of the theme, the challenges and competitive advantages of the region, and the possible ideas.

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## RESULTS OF THE GOULBURN VALLEY REGIONAL ASSEMBLY (cont'd)

### ATTACHMENT No [1] - That the results of the GV regional assembly be noted



Themes for the table discussions were:

- |  |                               |
|--|-------------------------------|
| • Ensure a sustainable future for agriculture in the Goulburn region | Tables 1, 2                   |
| • Improve the Goulburn region's connectivity                         | Tables 3, 4                   |
| • Support the region's peri urban growth corridor                    | Table 5                       |
| • Continue to strengthen and diversify the Goulburn region's economy | Tables 6, 7, 8, 9             |
| • Support the children and young people of the Goulburn region       | Tables 10, 11, 12, 13, 14, 15 |
| • Ensure a healthy and engaged region                                | Tables 15, 16, 17, 18, 19, 20 |

In addition, there a final table made up entirely of young people from diverse cultural backgrounds who discussed the issues facing young people and health and wellbeing.

Participants were asked to consider the information provided on the table and to focus their discussion on the following questions:

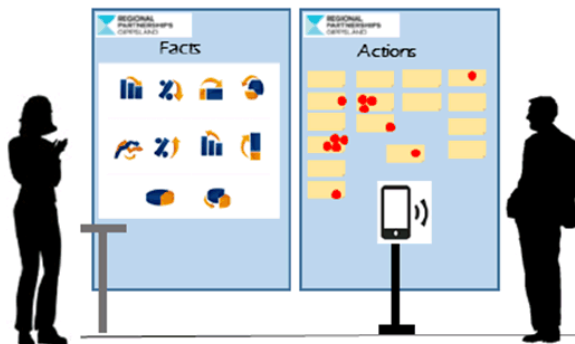
- How do you feel about these ideas?
- What have we missed?
- What actions should we focus on in relation to this theme?

#### Action Stations

Following the table discussions, the actions recorded by the scribe were posted on action stations around the room that participants were then invited to consider.

Government policy experts and table hosts were available at each action station to engage with participants and respond to queries.

Figure 2: Action Station and polling approach



#### Priority Action Polling

The aim of the polling activity was to get participants to consider all of the priority actions identified through the table discussions across multiple themes and to conduct a 'pulse check'. This enabled the Regional Partnership to get a high level indication of the strength of support for specific actions from people at the Assembly.

Participants were given six sticky dots and invited to use them to vote on their top actions, but were requested to vote only once on an action, although some participants were observed supporting their favoured action with multiple votes (dots).

Sticky dots were:

- Short term: 2 x Green dots for actions that are achievable within 2 years
- Medium term: 2 x Yellow dots for actions that are achievable within 2-5 years
- Long term: 2 x Red dots for actions that will take longer than 5 years to achieve.

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1. STRONGER REGIONAL PARTNERSHIPS

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## RESULTS OF THE GOULBURN VALLEY REGIONAL ASSEMBLY (cont'd)

### ATTACHMENT No [1] - That the results of the GV regional assembly be noted



## Assembly findings

This section provides an overview of the priority actions that were identified and voted on by participants at the Regional Assembly.

Actions that were similar in nature have been combined or grouped together and they are presented under their most appropriate themes.

### Ensure a sustainable future for agriculture in Goulburn

- Large scale renewable energy projects linked to our clean green energy
- Invest in efficiency through research into climate change, energy and water
- Invest in education in agriculture with a focus on farming families
- Establish an Agri Business Research Hub – a one stop shop for climate, agriculture opportunities, community impact and education/information related to future opportunities
- Better land use planning to protect and promote strategic agricultural land
- Public policy incentives to attract agricultural investment appropriate for available land, crop and water resources
- Linking education, training and labour resources with allied and agriculture employment opportunities
- Recognise the need to use public policy to encourage development of labour rich industries
- Finish the Connections Project in a way that maximises land-use potential
- Build on the Goulburn Valley's record for presenting employment opportunities to migrants
- Attract capital by promotion, investor education and building understanding of opportunities
- Explore housed and/or intensive agriculture opportunities in the Goulburn Valley
- Integrating relevant land-use planning with future agricultural needs
- Align social infrastructure with needs of farmers
- Develop an information strategy that identifies appropriate new agriculture for future climatic scenarios and market appropriate opportunities

### Improve the Goulburn Region's connectivity

- Improve passenger rail services to Melbourne and to the north – e.g. more services, services to football and on-time fast trains
- Find out why 23% of homes don't have the internet and implement strategies to increase access and skills
- Improve connectivity options especially for international workers/businesses/households who need internet access
- Need for upgraded road networks in/out of Melbourne and development of the northern section of the road bypass and second river crossing
- Invest in 'way finding' so when people arrive in Shepparton they are connected to SAM and other points of interest
- More parking at the Seymour train station
- Improve east/west connections in the region by utilising school buses
- Test/explore how to change the 'culture' around speed limits on roads

### Support the region's peri urban growth corridor

- Develop jobs and investment approaches for regions including university EDU focus on regions
- Investigate options to revise local government and state boundaries that better reflect peri urban growth demands
- Better integration of land-use planning and population growth planning
- Focus government policy on regional growth and development in parallel with peri-urban growth (eg Regional Cities)
- Develop and support local government and communities to manage growth demand and tensions
- Investigate liveability opportunities in peri-urban growth areas, in conjunction with regional lifestyles
- Capacity of Local Government to appropriately respond and deal with both regional and peri-urban growth development

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## RESULTS OF THE GOULBURN VALLEY REGIONAL ASSEMBLY (cont'd)

### ATTACHMENT No [1] - That the results of the GV regional assembly be noted



- Develop regions to cater for growth and slow/limit rolling front; Focus on community & economic development parallel; Strong education and employment link to growth; Acknowledge that peri-urban is a transitioning front

#### Continue to strengthen and diversify the Goulburn region's economy

- Develop a regional brand
- Create tourism experience based on agriculture, cultural diversity, water recreation, food, water and irrigation
- Review parks policies to encourage greater use by tourists and opportunities for operators
- Effective marketing of the region's strengths and investment opportunities
- A Goulburn Region business relocation plan – to attract business to the region
- Create Regional Tourism Board (Recognised Region)
- Develop teaching networks to improve the quality of teaching in the context of industry need
- Tap into the migrant communities more strongly as a dynamic workforce
- Sustainable agribusiness and lifestyle strategy (tourism, food, outdoor recreation)
- Develop a plan to attract key significant sporting events
- Position Shepparton as one of 'circle of 5 cities' – to take pressure of Melbourne growth
- Government focus on regional centres for employment - employment hubs
- Invest in attracting young leaders back to region – start with leaders working group
- Marketing of region as attractive destination for international students
- Focus scientific research and development on key industry sector needs

#### Support the children and young people of the Goulburn region

- Focus on evidence-based early intervention programs to support children at all stages, including parenting programs.
- Establish a youth space with access to mentoring, information on services and volunteering, and life skills such as cooking and staying fit and healthy
- More flexible funding for the provision of non-traditional services that will improve outcomes for young people – e.g. participation in the arts
- Greater connection between schools and community, especially about job readiness, opportunity and aspiration in the region.
- Training for young people to learn about each other's diverse cultures and customs to build stronger relationships.
- Whole of community and government working on cradle to career initiatives
- Ensure there is a 'stronger youth voice' which is engaged in identifying issues and providing solutions
- Implement place-based impact initiatives (e.g. Lighthouse and Better Together Alliance project) that have key milestones from cradle onwards..
- Parent education and support for high aspirations for children as well as practical skills.
- Implement parent support programs including 'full service' schools.
- Use community development approaches to develop localised solutions; engaging business, community, industry and government
- Mentoring initiatives supported and funded to assist young people, especially at life transitions (e.g. to school, Leaving school, employment, life skills etc.)
- Inclusive, welcoming and attractive environments – safe and positive resources. Inclusion.
- Industry and tertiary sector working in partnership to develop training opportunities in growth industries and promoted through schools.
- Greater access to higher education and support services for rural students. Access.
- Develop a set of key performance indicators explicitly linked to collaboration.
- To build community pride and knowledge about possibilities in the region with recognition of the diversity and strengths of our different communities.
- Develop higher education facilities to keep families in the region and encourage international students to study regionally.
- Provide the basics for children to remain and participate in education.
- Revamp careers advisors and give them more resources.
- Provide financial resources for students in need.
- Literacy support for parents



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1. STRONGER REGIONAL PARTNERSHIPS

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## RESULTS OF THE GOULBURN VALLEY REGIONAL ASSEMBLY (cont'd)

### ATTACHMENT No [1] - That the results of the GV regional assembly be noted



- Direct communication to parents about service
- Subsidies for participation in sports and other extra-curricular for young people
- Funding for not-for-profits to require collaboration as a central theme
- More ideas:
  - Better coordination of services
  - One stop shop
  - More access to quality stall
- Influence Department of Education and Training to ensure healthy lifestyle programs are in all schools from kinder to Year 12. The measure is that students have learned how to be healthy

#### Ensure a healthy and engaged population

- Establish a detox facility in Goulburn
- Focus on early childhood
- Build mechanisms that involve all parts of the community (younger, older, rural, metro) in local decision making
- Develop schools as hubs of education and health in rural communities
- Make resourcing conditional on real collaboration – not a single issue response.
- Clear data and messaging that tells communities their health status
- Develop a service system (education, health and employment)
  - That sees people holistically
  - That has 'no wrong door' approach
  - A point of contact that volunteers can access when supporting community members
- Link alcohol and drug and domestic violence services – collaboration
- Respectful Relationship programs to be supported
- Establish 'Centres of Excellence'. More connected pathways to both general and specialist services which will attract both resources and workforce to meet needs.
- Recognition that community engagement underpins health and wellbeing – resource capacity for people to connect.
- Better understanding and support around volunteering.
- Progress and introduce more 'hub and spoke' models for service delivery e.g. oncology services , hub in Shepparton and spoke in Seymour.
- Housing:
  - More affordable housing – financially and geographically accessible
  - More public and social housing
  - Expansion of good models such as Youth Foyer
- Learn from other countries re: sustainable development, planning urban spaces and protecting peri-urban and agricultural areas
- Promote human powered transport
- Case studies of towns with high community involvement – find out what makes it work
- Don't just treat the symptoms (illness) address the cause. Look at the root cause of health issues
- Build a community of young professional across Goulburn – keep them in the region
- Let's build on what we've got rather than starting all over again
- Government need policy on active for all ages open, active recreation spaces
- Diversify use of local infrastructure to accommodate broad interests and shared spaces e.g. sports, arts, culture and education
- Whole of community and collective impact to tackle obesity. Tackle the 'cause' as well as educating the community
- Remove barriers to inclusion like regulation and cost
- Ensure that people can age in their community with good support, cross generational interaction, community visibility and connection
- Local coordinators funded to enable volunteers to get on with the 'real work'
- Need employment options for older people to address health decline
- Use community action plans in every community. Need a funded driver.
- Bring agencies together to assess what resources are available currently in our community. Then work together to identify gaps and plan structured response
- Links between socio-economic disadvantage and education access or ability – needs to be addressed programmatically

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**RESULTS OF THE GOULBURN VALLEY REGIONAL ASSEMBLY (cont'd)**

**ATTACHMENT No [1] - That the results of the GV regional assembly be noted**



- Access to social enterprise models to develop self-employment with business and community – develop and share case studies.
- Appropriate number of alcohol outlets
- Ensure that all health clinicians provide culturally appropriate services and develop strategies to draw them in the community and retain them
- Address climate change
- Develop and fund a service system that delivers in small or isolated cities using existing infrastructure
- Introduce incentives for prevention – pay people to go to the gym!
- Continue to grow programs that offer safety, activity and connection e.g. Men's Sheds

**Table of young people, focusing on issues affecting young people and health and wellbeing**

- Establish a youth space with access to mentoring, information on services and volunteering, and life skills such as cooking and staying fit and healthy
- Offer more free, culturally appropriate and safe activities in and around the region so young people feel more a part of their community
- Provide culturally appropriate career and volunteering opportunities, training and support
- Increase youth workers in schools to offset chaplains and counsellors, and establish a 'chill out' zones

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## RESULTS OF THE GOULBURN VALLEY REGIONAL ASSEMBLY (cont'd)

ATTACHMENT No [1] - That the results of the GV regional assembly be noted



### Evaluation

Through evaluation forms completed on the night, participants acknowledged that they felt the discussion at the assembly was genuine and authentic and that everyone was provided opportunity to participate. The majority of participants also agreed that there was diversity of community and interests represented, that the Regional Partnership genuinely listened to them and that the engagement methods were appropriate.

Some participants indicated that they felt the Assembly may have been too Shepparton centric and that it would be difficult to get representation from the whole Goulburn region.

There was also support for longer discussions with participants reporting that at times they felt rushed.

Largely, respondents were hopeful that the ideas developed on the night would be put into action in the future.

The feedback provided through the evaluation forms is valued by the Regional Partnership and will be considered in the planning for future Assemblies and other engagement activities.

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**RESULTS OF THE GOULBURN VALLEY REGIONAL ASSEMBLY (cont'd)**

**ATTACHMENT No [1] - That the results of the GV regional assembly be noted**



### Next steps

In February 2017, the Goulburn Regional Partnership will brief that Ministerial Rural and Regional Sub Committee of Cabinet on priority actions.

These priorities will be informed by existing plans and strategies, advice from Regional Partnership members, work already underway on regional priority initiatives and the community input received in the lead up to and during the Regional Assembly.

In addition to connections into state government, the Goulburn Regional Partnership will continue work actively with local government and the Hume Regional Development Australia Committee, as well as key local stakeholders, to progress the priorities.

The Regional Partnership will also continue to engage with community members during the coming year and is planning to hold another Regional Assembly in late 2017.

FILE NO: F13/503  
5. DEMONSTRATING GOOD GOVERNANCE

ITEM NO: 9.1.6

## ASSEMBLIES OF COUNCILLORS

### RECOMMENDATION

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

#### 1. Executive Summary

The records of the Assembly of Councillors reported during the month of November, December 2016 and February 2017 are incorporated into to this report.

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

#### 2. Background and Options

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

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

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

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

Meeting	Present at meeting	Matters discussed	Declaration of Interest(s)
Moira Shire Community Safety Committee 16 November 2016	Councillor: Marie Martin  Staff: General Manager Corporate, Leanne Mulcahy Community Facilities, Recreation and Safety Officer, Dylan Robinson Youth Officer, Hollie Barnes	1. Community safety strategy update 2. Community members applications update 3. Develop Implementation Plan (Program Priorities) 4. White Ribbon Day 5. Cobram resident nominated for State Community Safety Award	Nil

FILE NO: F13/503  
5. DEMONSTRATING GOOD GOVERNANCE

ITEM NO: 9.1.6

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

<p>Council Briefing 5 December 2016</p>	<p>Councillors: Gary Cleveland Ed Cox Kevin Bourke Marie Martin Libro Mustica John Beitzel Peter Lawless Peter Mansfield</p> <p>Staff: General Manager Corporate, Leanne Mulcahy General Manager Infrastructure, Andrew Close Manager Governance and Communication, Linda Nieuwenhuizen Chief Financial Officer, Simon Rennie Manager Economic Development, Jane O'Brien Team Leader Revenue, Amanda Chadwick Administration Support Officer, Fiona Mulquiney Community Facilities and Recreation Officer, Dylan Robinson Executive Assistant - Mayor and Councillors, Bobby Brook</p>	<p>1. Councillor Induction – Economic Development, Tourism 2. Agenda review</p>	<p>Nil</p>
<p>Disability Advisory Committee 13 December 2016</p>	<p>Councillor: Kevin Bourke</p> <p>Staff: Community Services Officer, Hayley Benson</p>	<p>1. International Day of People with Disability 2. Council Brand Refresh 3. Good Access + Good Behaviour 4. Disability Access and Inclusion Plan 5. Molgola House Nathalia</p>	<p>Nil</p>
<p>Councillor Induction – 14 December 2016</p>	<p>Councillors: Gary Cleveland Ed Cox Kevin Bourke (left 1:50pm) Marie Martin Libro Mustica Peter Lawless Peter Mansfield</p> <p>Staff: Chief Executive Officer, Mark Henderson General Manager Corporate, Leanne Mulcahy General Manager Infrastructure, Andrew Close</p>	<p>1. Introduction to Planning</p>	<p>Nil</p>

FILE NO: F13/503  
5. DEMONSTRATING GOOD GOVERNANCE

ITEM NO: 9.1.6

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

	<p>Manager Governance and Communication, Linda Nieuwenhuizen Chief Financial Officer, Simon Rennie Manager Economic Development, Jane O'Brien Economic Development Officer, Frank Malcolm</p>		
<p>Councillor Induction – and Briefing 19 December 2016</p>	<p>Councillors: Gary Cleveland Kevin Bourke Marie Martin Libro Mustica (arrived 1:45pm) Peter Lawless Peter Mansfield</p> <p>Staff: Chief Executive Officer, Mark Henderson General Manager Corporate, Leanne Mulcahy General Manager Infrastructure, Andrew Close Manager Governance and Communication, Linda Nieuwenhuizen Manager Safety and Amenity, Sally Rice</p>	<p>1. Introduction to Safety Amenity and Environment 2. Agenda review</p>	<p>Nil</p>
<p>Council Plan Workshop Day 1 2 February 2017</p>	<p>Councillors: Gary Cleveland Ed Cox Kevin Bourke (depart 3pm) Marie Martin Libro Mustica John Beitzel Peter Lawless Peter Mansfield Wendy Buck</p> <p>General Manager Corporate, Leanne Mulcahy General Manager Infrastructure, Andrew Close Manager Governance and Communication, Linda Nieuwenhuizen Executive Support Mayor and Councillors, Bobby Brook</p>	<p>1. Draft Council Plan</p>	<p>Nil</p>
<p>Council Plan Workshop Day 2 3 February 2017</p>	<p>Councillors: Gary Cleveland Ed Cox Marie Martin Peter Lawless Peter Mansfield Wendy Buck</p>	<p>1. Draft Council Plan</p>	<p>Nil</p>

FILE NO: F13/503  
5. DEMONSTRATING GOOD GOVERNANCE

ITEM NO: 9.1.6

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

	General Manager Corporate, Leanne Mulcahy General Manager Infrastructure, Andrew Close Manager Governance and Communication, Linda Nieuwenhuizen Executive Support Mayor and Councillors, Bobby Brook		
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**3. Financial Implications**

Nil

**4. Risk Management**

Compliance with statutory obligations

**5. Internal and External Consultation**

Nil

**6. Regional Context**

Nil

**7. Council Plan Strategy**

Demonstrating Good Governance

**8. Legislative / Policy Implications**

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

**9. Environmental Impact**

Nil

**10. Conflict of Interest Considerations**

Nil

**11. Conclusion**

The Assembly of Councillors records incorporated into this report are a true and accurate record of all assemblies of Councillors reported during November, December 2016 and February 2017.

**Attachments**

Nil



FILE NO: 52016162  
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.1

**PLANNING PERMIT APPLICATION 52016162 FOR THE USE AND DEVELOPMENT - ANIMAL KEEPING AT 36 THREE CHAIN ROAD, PICOLA WEST**

**RECOMMENDATION**

It is recommended that Council issue a Notice of Decision to Grant a Permit in relation to Planning Permit Application 52016162 for the Use and Development of the land – Animal Keeping at 36 Three Chain Road, Picola West and also known as Crown Allotment 14 Section B on TP366990 subject to the following conditions:

**CONDITIONS**

1. Before the use and development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
  - (a) The site and floor plans with details of buildings, structures and areas used for dog keeping including, kennels, exercise yards, fencing, food preparation areas, dog washing areas;
  - (b) access ways, car parking and loading/unloading area/s;
  - (c) landscaping as required by Condition 8;
  - (d) Noise attenuation measures.
2. The use and/or development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
3. Unless with the prior written consent of the Responsible Authority, the number of dogs present on the land at any one time must not exceed 60 (inclusive of puppies).
4. Prior to the commencement of the use, all roof water from buildings and surface water from hard paved areas must be collected and conveyed to a drainage easement or to the legal point of discharge so as to prevent storm water nuisance to adjoining land.
5. Prior to the commencement of the use, the proposed dwelling / shedding must have a point of access known as a vehicle crossing that serves that lot. All new and existing vehicle crossings as shown on the endorsed plan must be constructed to the standards of Council's Infrastructure Design Manual [IDM] Clause 12.9 (Vehicle Access), and to the satisfaction of the Responsible Authority. In particular:
  - (a) works must be in accordance with Council's IDM Standard Drawing SD255.
6. Prior to the commencement of the use, and in accordance with Clause 14 (Carparking) of Council's Infrastructure Design Manual [IDM], any access ways and parking requirements for all normal levels of activity and as shown on the endorsed plan associated with the proposed facility must be accommodated on site. All parking areas and vehicle access ways must be constructed to an all-weather standard, and parking bays must be delineated, in a manner satisfactory to the Responsible Authority.
7. The use and development must be managed so that the amenity of the area is not detrimentally affected, through the:

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2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.1

**PLANNING PERMIT APPLICATION 52016162 FOR THE USE AND  
DEVELOPMENT - ANIMAL KEEPING AT 36 THREE CHAIN ROAD, PICOLA  
WEST (cont'd)**

- (a) transport of materials, goods or commodities to or from the land,
  - (b) appearance of any building, works or materials,
  - (c) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, and
  - (d) presence of vermin.
8. A satisfactory landscaping plan for the whole of the subject land must be submitted to and approved by the Responsible Authority, prior to the development permitted by this permit commencing or, within 30 days of the issue of the Building Permit, whichever is the sooner. An endorsed copy of the plan must form part of this permit. The submitted plan must;
- (a) show all existing plantations and established trees.
  - (b) show retention and maintenance of all existing plantations and established trees to provide a permanent vegetated screen between use and development on the property and adjoining land and roads.
9. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced using native indigenous species.
10. All waste and effluent from the animal keeping facility must be contained within the allotment and disposal must conform with the requirements of the Responsible Authority.
11. Solid waste must be removed from the kennels and yards daily, placed in weather proof receptacle and disposed of via a licensed trade waste disposal system.
12. No native vegetation (including trees, shrubs, herbs and grasses) shall be removed, lopped or destroyed unless a permit has been granted by the Responsible Authority.
13. This permit will expire if one of the following circumstances applies:
- The use and development is not started within two years of the date of this permit.
  - The development is not completed within two years of the date of commencement

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires, or within 6 months after the permit expiry date, where the use or development allowed by the permit has not yet started; and within 12 months after the permit expiry date, where the development allowed by the permit has lawfully started before the permit expires.

**EPA CONDITIONS**

14. Noise emitted from the premises must not exceed the recommended levels as set out in Noise from Industry in Regional Victoria (NIRV; EPA Publication 1411, 2011) or as amended.
15. Deposit of animal or organic wastes to land must not adversely affect the land.

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**GMW CONDITIONS**

16. No contaminated run-off is permitted to discharge off-site therefore all storm water captured from the shed and yard areas must be retained on site.
17. The facility must be operated in accordance with the Code of Practice for the Operation of Boarding Establishments.
18. All waste must be disposed of offsite through a registered waste contractor.
19. At all times during the operation of the Use there must be present on the premises a person responsible for ensuring the activities on the site do not have an adverse impact on the amenity of the location through the emission of noise, waste and odour.

**PLANNING NOTES**

1. In accordance with the Clause 22 of the IDM, appropriate measures, satisfactory to the Responsible Authority, must be taken to minimise erosion and to retain dust, silt and debris on site, both during and after the construction phase.
2. Care is to be taken to preserve the condition of existing infrastructure adjacent to the site. If any damage to existing infrastructure occurs as a result of this development, the affected infrastructure is to be replaced by the applicant, at the applicant's cost to the specification and satisfaction of the Responsible Authority.
3. A consent to work within Road Reserve permit must be obtained from the Responsible Authority prior to the carrying out of any vehicle crossing works.
4. This permit does not authorise the commencement of any building construction works. Before any such development may commence, the applicant must apply for and obtain appropriate building approval.
5. The keeping of animals is to be in accordance with the local law of the Moira Shire Council and the *Domestic Animals Act 1994*.

**1. Executive Summary**

A planning permit application (52016162) has been received for the use and development of the land at 36 Three Chain Road, Picola West (refer **Attachment 1** – Location Plan) for Animal Keeping. The proposal includes the keeping of up to 60 dogs. The number of dogs includes 48 foxhounds, 5 domestic dogs and the ability to breed a litter of puppies within the total of 60 dogs.

The application was advertised to surrounding landowners/occupiers and 1 objection was received.

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**PLANNING PERMIT APPLICATION 52016162 FOR THE USE AND DEVELOPMENT - ANIMAL KEEPING AT 36 THREE CHAIN ROAD, PICOLA WEST (cont'd)**

The application was referred internally and externally. No objections were received from the referral authorities.

The application has been assessed against the State and Local Policies and the Moira Planning Scheme.

It is recommended that the Permit Application 52016162 be approved subject to conditions.

## 2. Background and Options

### Background

The application has been made in response to outstanding compliance issues on the site. Currently the Tocumwal Hunt Club owns 34 foxhounds and the land owner has 14 foxhounds and 4 domestic dogs. The land has been developed to accommodate the keeping of the foxhounds with fenced yards and sheds utilised for kennels. The balance of the subject land is utilised for grazing.

### Application details

Owner/Applicant: Cheryl Bunting  
Property Address: 36 Three Chain Road PICOLA WEST  
Title description CA 14 Sec B TP 366990 & CA 14A Sec B TP 417842  
Site Area: 24.94ha  
File No: 52016162  
Zone: Farming Zone  
Overlays: LSIO, ESO2

### Locality and subject land

The subject land is located on Three Chain Road and is bounded by Vales Road and Edmonds Lane. The land is located in the Farming Zone as are the surrounding lots in the locality. The surrounding lots are predominately agricultural lots, however several of the lots have rural dwellings as shown in **Attachment 2** – Proximity to Rural Dwellings.

### Proposal

The proposal is for the Use and Development of the land for the keeping of up to 60 dogs. The number of dogs includes 48 foxhounds, 5 domestic dogs and the ability to breed a litter of puppies. The proposal includes the development of the land with the existing facilities for animal keeping including shelters, kennels (sheds) and fencing for yards and runs.

### Key Issues

- State Planning Policy
- Local Planning Policy
- Farming Zone
- Environmental Significance Overlay
- Objection received
- Protection of Amenity

### Options

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

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**PLANNING PERMIT APPLICATION 52016162 FOR THE USE AND DEVELOPMENT - ANIMAL KEEPING AT 36 THREE CHAIN ROAD, PICOLA WEST (cont'd)**

### 3. Financial Implications

In the event of Council's decision being appealed to VCAT, any cost associated with attending and responding to an appeal has not been budgeted for.

### 4. Risk Management

There remains a risk of ongoing compliance issues if Council determines to grant a planning permit for the application, wherein planning permit conditions will need to be enforced.

### 5. Internal and External Consultation

#### Post-Lodgement Consultation

A further information request was issued on 4 August 2016 requiring:

- Proposal description (number of animals, number of people coming to and from the site, hours of operation, waste treatment proposal including a description of how waste will be handled, waste disposal proposal, drainage proposal, description of animal housing, noise attenuation measures, fencing type and scale for yards/runs)
- A dimensioned site plan (drawn to scale) detailing existing/proposed structures and yards/runs.

The applicant's response is attached (refer **Attachment 3** – Response to Further Information Request). Following receipt of this information the assessment proceeded.

#### Internal Consultation

The application was referred internally to Building, Compliance, Environmental Health, Infrastructure Planning, Natural Resources, and Safety and Amenity Departments. No objections have been raised subject to conditions being placed on any permit issued.

#### External Consultation

The application was referred externally to the Environmental Protection Authority (EPA), Goulburn Murray Water (GMW) and the Goulburn Broken Catchment Management Authority (GBCMA). No objections were received from the Referral Authorities, subject to conditions being placed on any permit issued.

#### Public Consultation

Public Notice of the application was given under Section 52 of the *Planning and Environment Act 1987*. Letters were sent to adjoining landowners/occupiers within 500m of the subject land.

The advertising has been carried out and 1 objection was received (refer **Attachment 4** – Letter of Objection). The applicant provided a response to the objection, which was then provided to the objector (refer **Attachment 5** – Applicant's Response to Objection). The objector further responded that they did not want to withdraw their objection, but wanted to enter into mediation with the applicant (**Attachment 6** – Objector's Response). Whilst the applicant agreed to participate in further discussions, at the time of writing this report no response has been received from the objector to participate in any mediation meeting.

The basis of the objection is summarised and the officer's comments are provided in the table below.

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**PLANNING PERMIT APPLICATION 52016162 FOR THE USE AND DEVELOPMENT - ANIMAL KEEPING AT 36 THREE CHAIN ROAD, PICOLA WEST (cont'd)**

Basis of Objection	Officer's comments
Use of Edmonds Lane for dog walking.	<p>The objector has objected to the walking of dogs down Edmonds Lane and is of the opinion that his sheep are disturbed by this practice particularly when lambing.</p> <p>The road in question is a Local Government Road and as such the walking of dogs on public land should occur with dogs on a lead.</p> <p>An appropriate notation is recommended to be placed on any permit issued to advise that the keeping of animals is to be in accordance with the local law of the Moira Shire Council and the <i>Domestic Animals Act 1994</i>.</p>

**6. Regional Context**

The proposal is to enable the keeping of the dogs (foxhounds) for the Tocumwal Hunt Club.

**7. Council Plan Strategy**

Moira Shire's current Council Plan states a strategic goal of the plan to: *Improve Moira's Liveability*. The proposal may have an adverse impact on the quality of life of nearby residents.

**8. Legislative / Policy Implications**

**Farming Zone (FZ1)**

The relevant purpose of the FZ1 includes: "To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture."

Clause 35.07-1 of FZ1 states that Animal keeping (other than Animal boarding) "must be no more than 5 animals". The proposal to keep up to 60 dogs does not meet this condition and as such is a Section 2 use where a planning permit is required by the Moira Planning Scheme. Clause 35.07-4 requires a planning permit for the buildings and works associated with a Section 2 Use.

**Environmental Significance Overlay (ESO)**

Clause 42.01-2 requires a planning permit for the construction of the fencing and domestic sheds that are not associated with the dwelling. The proposed buildings and works are outside of the area identified as affected by the ESO and are unlikely to have any adverse impacts on the environmental values of the area.

**Land Subject to Inundation Overlay (LSIO)**

Clause 44.04-1 of the Scheme requires a planning permit for buildings and works, including certain types of fencing, on land that is affected by the LSIO. The subject land has areas identified in LSIO and as such the application was referred to the Goulburn Broken Catchment Management Authority who made no objection to the proposal, subject to waste being removed off site.

**9. Environmental Impact**

Environmental impacts have been considered and appropriate conditions are recommended to be placed on any permit issued.

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**10. Conflict of Interest Considerations**

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

**11. Conclusion**

The assessment of the proposal has taken into consideration the zoning, overlays, relevant policy and the surrounding use of the land, including the objection from the nearby land owner. The proposal represents an acceptable planning outcome for the use and development of the land that can be managed through appropriate planning permit conditions. As such it is recommended that a Notice of Decision to Grant a Permit be issued for the use and development of the land – animal keeping subject to conditions on the land known as 36 Three Chain Road, Picola West.

**Attachments**

- 1 ATTACHMENT 1 - Location Plan
- 2 ATTACHMENT 2 - Proximity to Rural Dwellings
- 3 ATTACHMENT 3 - Response To Further Information Request
- 4 ATTACHMENT 4 - Letter of Objection
- 5 ATTACHMENT 5 - Applicant's Response to Objection
- 6 ATTACHMENT 6 - Objector's Response

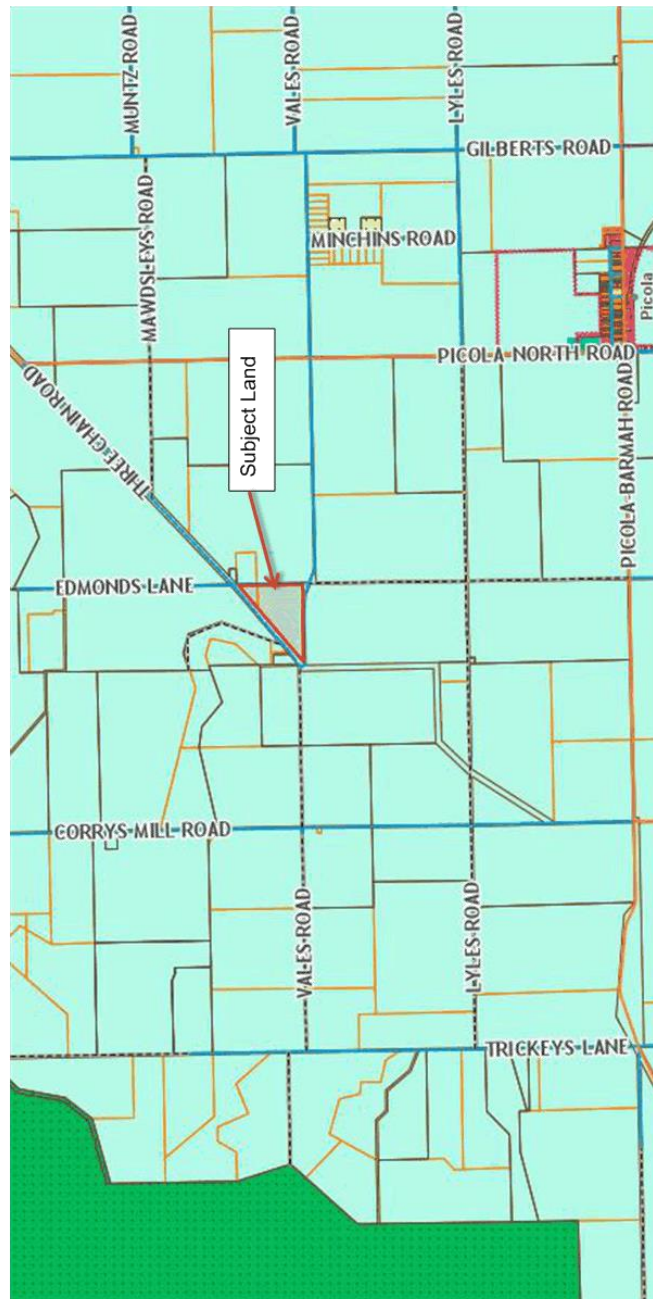
FILE NO: 52016162  
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**PLANNING PERMIT APPLICATION 52016162 FOR THE USE AND DEVELOPMENT - ANIMAL KEEPING AT 36 THREE CHAIN ROAD, PICOLA WEST (cont'd)**

**ATTACHMENT No [1] - ATTACHMENT 1 - Location Plan**

ATTACHMENT 1 - LOCATION PLAN





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**PLANNING PERMIT APPLICATION 52016162 FOR THE USE AND DEVELOPMENT - ANIMAL KEEPING AT 36 THREE CHAIN ROAD, PICOLA WEST (cont'd)**

**ATTACHMENT No [2] - ATTACHMENT 2 - Proximity to Rural Dwellings**

ATTACHMENT 2 - PROXIMITY TO RURAL DWELLINGS



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**PLANNING PERMIT APPLICATION 52016162 FOR THE USE AND DEVELOPMENT - ANIMAL KEEPING AT 36 THREE CHAIN ROAD, PICOLA WEST (cont'd)**

**ATTACHMENT No [3] - ATTACHMENT 3 - Response To Futher Information Request D16/60691**

Cheryl Bunting & Tocumwal hunt club.  
36 ThreeChain road, Picola, 3639.

11 August 2016.

Moira Shire Council, Cobram, Victoria, 3643.

REQUEST FOR FURTHER INFORMATION.

Permit application: 5/2016/162

INFORMATION. Point one: (Number of animals) the number applied for is up to sixty dogs) At present 11/8/2016, 48 foxhounds reside here, plus 5 home dogs. (All are registered and micro-chipped

The number applied is then able to cover our house dogs plus if a litter of puppies is here under the age of three months, prior to either, them leaving to another club, (draft), or reaching three months of age . the club only breed a litter, perhaps every eighteen months or so to maintain the working pack.

Point Two: (Number of people) The number of people is two daily, who are residents of 36 ThreeChain road, Picola, 3639.

Approx once every two months a Working Bee is held by the Tocumwal hunt club, where perhaps up to 10 people would come along.

Hounds are housed and cared for on this site as they are used from May through to September, with the Tocumwal hunt club.

Point Three: (Waste treatment & management, drainage. Animal housing) Twice daily- manure is picked up from day yards, which are big paddocks/yardsWaste is put into plastic bags, sealed, and put into commercial waste disposal receptacle. Large yards are sand/grass, natural drainage as large paddock areas. Raked, daily. Inside Straw beds on Wooden beds, straw replaced weekly, purchased in small squares for ease of handling. Indoor shedding is spaciousThere are large shelter trees in every yard/paddock for outside comfort too, plus a swim pool for Summer.

Point Four: (Attenuation of noise) noise is kept to a minimum, by hounds being paddocked in large day yards and also exercised on a daily basis. They are kennelled in large shed with straw bedding from approx 6pm evening to approx 7am morning, the large shed can be closed. All yards have surround trees/shrubs. We have a road frontage on all three sides of our property. Our closest neighbour is 850mts to the East, With Three other neighbours with-in 2kms of our property, we have good relationship with all neighbours.

Point Five(Fencing Type & scale of yards/paddocks) All fencing in large day yards is six foot high, deer mesh, with six foot mesh gates. . ( measurements, Day/Night yard for young hounds, is North side 11mts, South side 19.5mts, East side 12.5mts, West side 7.9mts. Day yard for mature hounds , North side 34.8mts, South side is 38.8mts, East side is 34.4mts, West side is 55.4 mts. Day/ Night yard for mature hounds is 34mts X 26.8mts. ) . (Measurements, for indoors, large kennel is 5.2mts

File #	
Corres No.	
29 AUG 2016	
Referred to:	
Copy #:	

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2. IMPROVING MOIRA'S LIVEABILITY

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**PLANNING PERMIT APPLICATION 52016162 FOR THE USE AND DEVELOPMENT - ANIMAL KEEPING AT 36 THREE CHAIN ROAD, PICOLA WEST (cont'd)**

**ATTACHMENT No [3] - ATTACHMENT 3 - Response To Further Information Request**

D16/60691



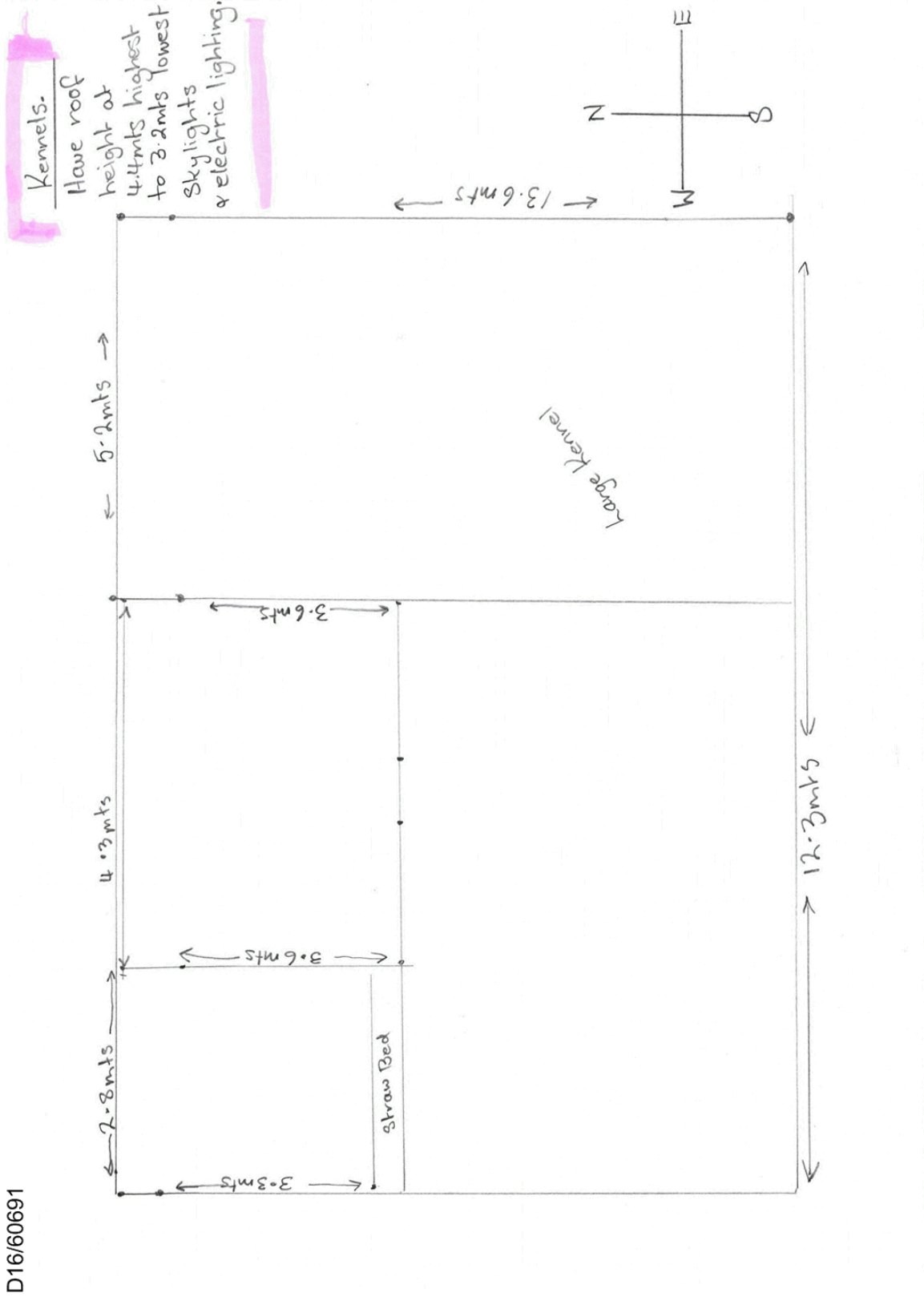
X13.6mts. Puppy/young hound kennel is 2.8mts X3.3mts. Medium kennel is 4.3mts X 3.6mts. Height of kennel shedding , 4.4mts to point of gable roof, 3.2mts at lowest height of roof.

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**PLANNING PERMIT APPLICATION 52016162 FOR THE USE AND DEVELOPMENT - ANIMAL KEEPING AT 36 THREE CHAIN ROAD, PICOLA WEST (cont'd)**

**ATTACHMENT No [3] - ATTACHMENT 3 - Response To Further Information Request**

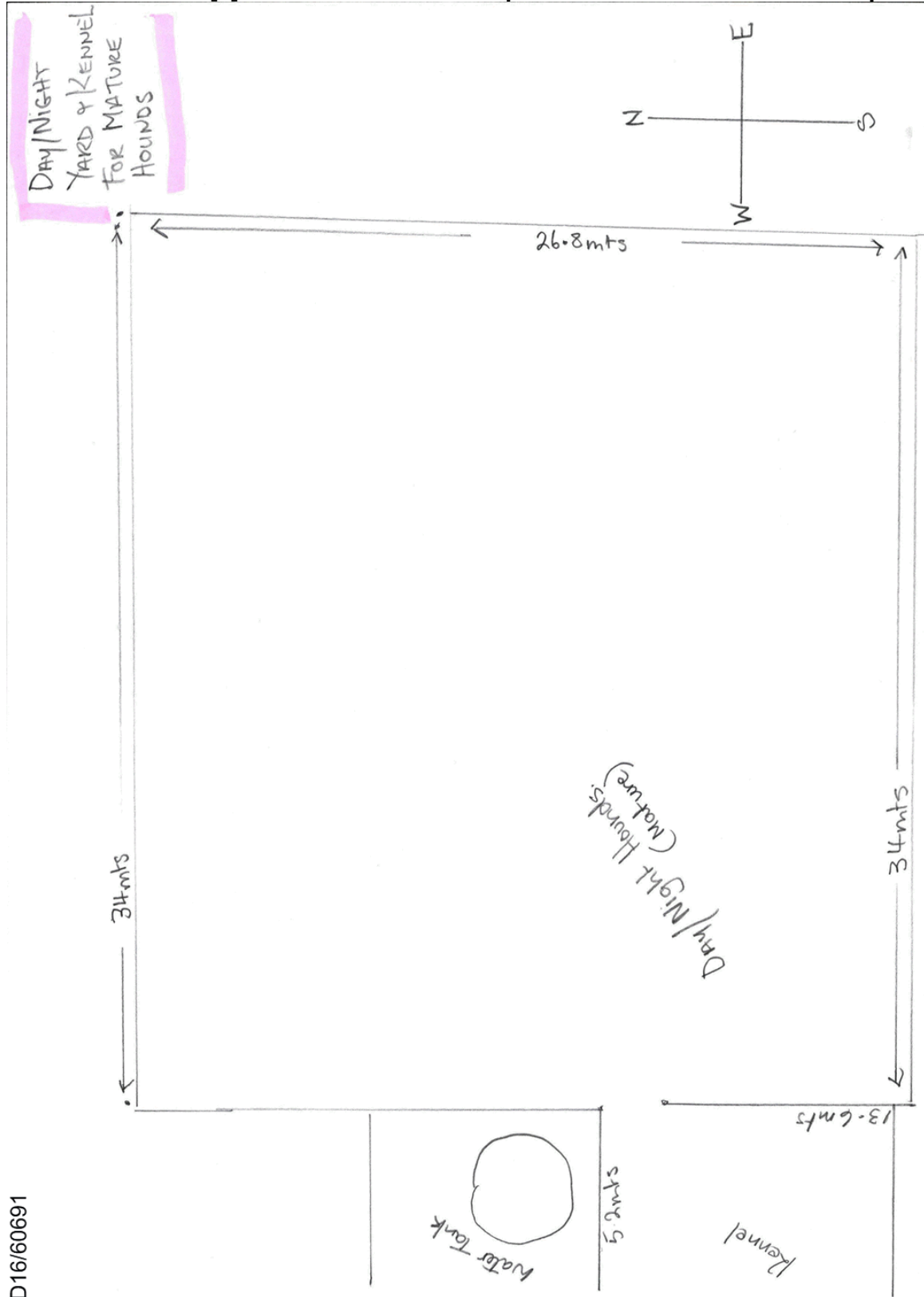


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**PLANNING PERMIT APPLICATION 52016162 FOR THE USE AND DEVELOPMENT - ANIMAL KEEPING AT 36 THREE CHAIN ROAD, PICOLA WEST (cont'd)**

**ATTACHMENT No [3] - ATTACHMENT 3 - Response To Further Information Request**



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**PLANNING PERMIT APPLICATION 52016162 FOR THE USE AND DEVELOPMENT - ANIMAL KEEPING AT 36 THREE CHAIN ROAD, PICOLA WEST (cont'd)**

**ATTACHMENT No [3] - ATTACHMENT 3 - Response To Futher Information Request**



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**PLANNING PERMIT APPLICATION 52016162 FOR THE USE AND DEVELOPMENT - ANIMAL KEEPING AT 36 THREE CHAIN ROAD, PICOLA WEST (cont'd)**

**ATTACHMENT No [3] - ATTACHMENT 3 - Response To Futher Information Request D16/60691**

Our Ref: 5/2016/162

4 August 2016

Cheryl Bunting  
36 Three Chain Road  
PICOLA VIC 3639

Dear Cheryl Bunting

**Moira Shire Council**

File #	
Corres No.	
29 AUG 2016	
Referred to.	
Copies to.	

**Moira Shire Council**  
ON THE MURRAY

Moira Shire Council  
44 Station Street  
Cobram Vic 3644  
P.O. Box 576  
Cobram Vic 3643  
DX 37801  
Cobram  
Tel 03 5871 9222  
1300 36 9966  
Fax 03 5872 1567  
TTY 03 5871 2262  
webmaster@moira.vic.gov.au  
www.moira.vic.gov.au  
ABN 20 538 141 700

**REQUEST FOR FURTHER INFORMATION**

**Permit Application: 5/2016/162**  
**Property Address: 36 Three Chain Road PICOLA WEST**  
**Proposal: Use and Development - Animal keeping**

Following an initial review of your application, I wish to advise that further information is required pursuant to Section 54 of the *Planning and Environment Act 1987*, prior to a detailed assessment or further consideration (including advertising, if required) of the application.

The information required is:

- Proposal description (number of animals, number of people coming to and from the site, hours of operation, waste treatment proposal including a description of how waste will be handled, waste disposal proposal, drainage proposal, description of animal housing, noise attenuation measures, fencing type and scale for yards/runs)
- A dimensioned site plan (drawn to scale) detailing existing/proposed structures and yards/runs.


Pursuant to Section 54 (1B) of the *Planning and Environment Act 1987*, if this information is not received within 36 days of this request, the application lapses. The lapse date is 09/09/2016. An application that has lapsed cannot be recommenced and a fresh application would need to be lodged.

Prior to the lapse date, you may apply for an extension of time to provide the required information. If a request to extend the time specified is refused by Moira Shire Council, you will have a further 14 days from the refusal date to supply the information.

All correspondence submitted via email must be sent to [info@moira.vic.gov.au](mailto:info@moira.vic.gov.au) and must include the application number in the subject line.

Should you have any questions regarding this matter, please contact the Planning Department on (03) 5871 9222.

Yours faithfully,



**TOWN PLANNER**

Printed on recycled paper

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**PLANNING PERMIT APPLICATION 52016162 FOR THE USE AND DEVELOPMENT - ANIMAL KEEPING AT 36 THREE CHAIN ROAD, PICOLA WEST (cont'd)**

Distance from House to Kennels = 38mts  
Distance from Large Day yard to House = 21mts  
Distance of Day/Night Kennel Yards to Boundaries of property = 103 mts to Nth = 132 mts to South = 396 mts to East = 356 mts to West



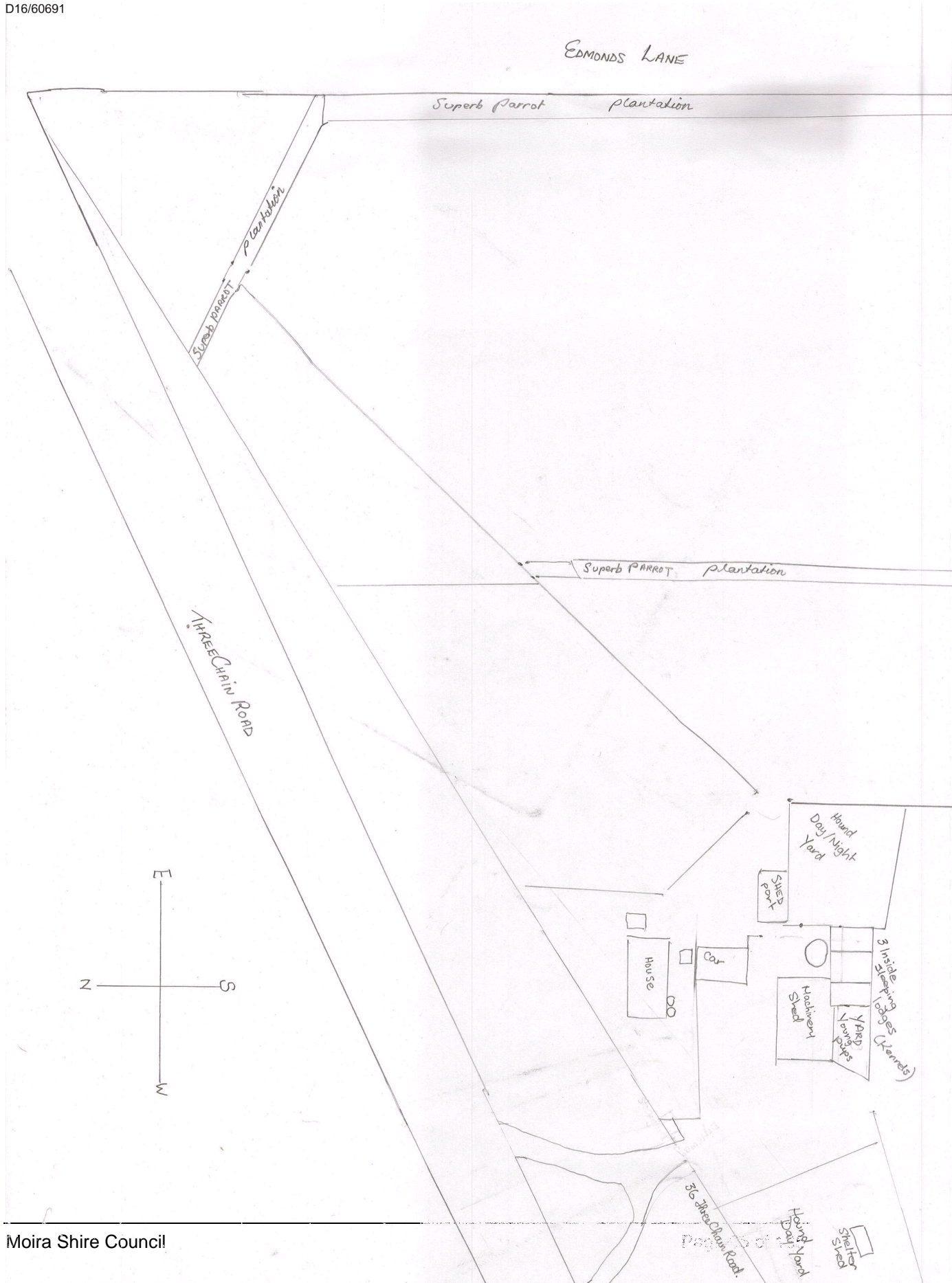


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**PLANNING PERMIT APPLICATION 52016162 FOR THE USE AND DEVELOPMENT - ANIMAL KEEPING AT 36 THREE CHAIN ROAD, PICOLA WEST (cont'd)**

D16/60691



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**PLANNING PERMIT APPLICATION 52016162 FOR THE USE AND DEVELOPMENT - ANIMAL KEEPING AT 36 THREE CHAIN ROAD, PICOLA WEST (cont'd)**

ATTACHMENT No [4] - ATTACHMENT 4 - Letter of Objection  
D16/67887

Attention 

I am writing to you in regard to Application for planning permit to increase the number of dogs to 60 dogs.



File	
Corres No.	24 SEP 2016
Referred to.	5/2016/162
Comments	fox hands to

The owners have a pack of about 20 hounds which they exercise on the nearby roads, unleashed, controlled only by voice and whistle.

I have asked the owner in the past not to come down Edmunds Lane (I own the land on both sides of the road) but she persists in doing so.

While I haven't seen the hounds leave the road, the sheep are disturbed and this results in ewe's leaving lambs behind, not mothering hence dead lambs.

I have pointed out that with other neighbours who do cropping only, could she use the roads adjoining their properties, but she continues to come down Edmunds and Vales lanes.

In conclusion I do object to any more dogs on the property as I think she will still persist in exercising the dogs on the roads and with a much larger number of dogs the risk of dog attacks on sheep is increased.



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**PLANNING PERMIT APPLICATION 52016162 FOR THE USE AND DEVELOPMENT - ANIMAL KEEPING AT 36 THREE CHAIN ROAD, PICOLA WEST (cont'd)**

**ATTACHMENT No [5] - ATTACHMENT 5 - Applicant's Response to Objection**

[REDACTED]  
Town Planner.

Moira Shire Council.

Letter in response to [REDACTED] Objection letter.

First point. [REDACTED] is saying that we exercise the hounds down Edmonds Lane.

In response to this, We have respected his wishes for us not to go down to the North along Edmonds Lane (public road). We have not taken any hounds down there for over 12 months. And have always, after his chat with me more than four years ago, exercised them in a different direction, when ewes are lambing. [REDACTED] states, his sheep are disturbed. Sheep will move from the fence line of a road, when you drive a car past, or ride a horse.

Second point. I do not continue to come down Edmonds Lane to the North. When we travel to the east of our gate we turn right and go along Edmonds Lane to the South, our property is the West boundary, with [REDACTED] property, ( also a sheep farmer with no objection) on the Eastern boundary of this part of Edmonds Lane.

Third point. Number increase of dogs. We do have 48 canines, all registered and micro-chipped with Moira Shire Council. [REDACTED] 20). We may not have the number of 60 in the permit applied for, but in applying for that number, it will keep us inside our limit with more ease, if we do breed a litter of puppies.

Point four. As we have not been down to the North of Edmond's Lane with the hounds for over 12 months, we are happy to remain away from that side of Edmond's Lane to appease [REDACTED].

Point Five. In response to increased risk of dog attack on sheep. You may ask any of the other close neighbours, the question of discipline of the hounds. We can walk them through sheep no problem and have had sheep living here, with lambing, on occasion, on our own property. They are well trained.

In closing, we believe we have answered [REDACTED] concerns.

Yours Faithfully

[REDACTED]

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**PLANNING PERMIT APPLICATION 52016162 FOR THE USE AND DEVELOPMENT - ANIMAL KEEPING AT 36 THREE CHAIN ROAD, PICOLA WEST (cont'd)**

**ATTACHMENT No [6] - ATTACHMENT 6 - Objector's Response**

D16/75351

Date \_\_\_\_\_

Moira Shire Council  
Att: [REDACTED]  
PO Box 578  
COBRAM 3644

Moira Shire Council	
File #	
Case No.	
27 OCT 2016	
Referred to:	
Copies to:	

Dear [REDACTED],

**Objectors Response to Application for Planning Permit 5/2016/162**

After further consideration of the application,

- We / I wish to now withdraw our / my objection to the abovementioned application.
- We / I do not wish to withdraw our / my objection and would like Council to arrange a meeting with the Applicant to discuss our concerns.
- We / I do not wish to withdraw our / my objection and would like Council to make a decision on the application at the next available Ordinary Council Meeting.

**Please tick one of the boxes above.**

Signed [REDACTED] \_\_\_\_\_

Name(s) [REDACTED] \_\_\_\_\_

Date 18/10/16 \_\_\_\_\_

FILE NO: 52016207  
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.2

**PLANNING PERMIT APPLICATION 5/2016/207 - BUILDINGS & WORKS,  
CINEMA COMPLEX, REDUCTION IN CAR PARKING REQUIREMENT AND  
WAIVER OF LOADING AND UNLOADING REQUIREMENT AT 13 MAIN  
STREET, COBRAM**

**RECOMMENDATION**

It is recommended that Council approve Planning Permit Application 5/2016/207 for buildings and works - cinema complex, reduction in car parking requirement and waiver of loading and unloading requirement at 13 Main Street, Cobram:

- (1) Before the use and/or development start(s), amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
  - (a) Amendment of verandah addition to the masonic lodge structure to include:
    - i. A deeper fascia across the front and spandrel side, and
    - ii. Corrugated galvanised iron roofing and gutter material (not colorbond).
  - (b) Acoustic mitigation measures as set out in Acoustic Report required by Condition 3.
  - (c) A screened waste storage area in accordance with Condition 4.
- (2) The use and/or development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
- (3) A satisfactory Acoustic Report, prepared by suitably qualified persons to the satisfaction of the responsibility, for proposed cinema complex must be submitted to and approved by the Responsible. The submitted plan must:
  - (a) Set out a baseline survey of existing noise emissions,
  - (b) Incorporate a list of measures to limit potential noise pollution to adjacent residences.
- 4) No fewer than 4 car spaces must be provided on the land for the development, including 1 spaces clearly marked for use by disabled persons.
- 5) No fewer than 4 bicycle parking spaces must be provided on the land for the development.
- 6) No fewer than 3 wheelchair seats must be provided per cinema/screen for use by disabled persons.
- 7) Before the *use and/or development* start(s), the owner must enter into an agreement with the Responsible Authority made pursuant to Section 173 of the Planning and Environment Act 1987 to provide the payment of car parking for 34 spaces at a rate of \$6400 per space (indexed using CPI from 2008) at such time as:
  - (a) The cinema becomes a 'for profit' operation (i.e. business changes hands to a non-community based operator), or
  - (b) In the event of overflow car parking causing a nuisance or limiting the use and development of adjoining properties.

The Agreement must be prepared by the developer at the developers cost unless Council has been requested in writing to prepare it in which case all costs

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associated with the preparation and registration of the agreement must be borne by the applicant. All fees associated with the documentation must be fully paid prior to execution and registration of the document by Council.

- (8) Provision must be made on the land for the storage and collection of garbage and other solid waste. This area must be graded and drained and screened from public view to the satisfaction of the Responsible Authority and must not be used for any other purpose.
- (9) Prior to the commencement of the use, any internal customer parking, manoeuvring areas and loading and unloading areas created by the proposed development and as shown on the endorsed plan are to be constructed to an all-weather sealed standard, drained and illuminated in accordance with plans and specifications approved by the Responsible Authority.
- (10) Prior to the commencement of the use, the proposed disable car park and the associated works adjacent to the subject land and as shown on endorsed plan are to be designed and constructed in accordance with the appropriate standards. Unless otherwise agreed in writing, the Authority will only approve plans and specifications complying with Council's Infrastructure Design Manual.
- (11) The use and development must be managed so that the amenity of the area is not detrimentally affected, through the:
  - (a) transport of materials, goods or commodities to or from the land.
  - (b) appearance of any building, works or materials.
  - (c) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.
  - (d) presence of vermin.
- (12) The subject land must be kept neat and tidy at all times and its appearance must not, in the opinion of the Responsible Authority, adversely affect the amenity of the locality.
- (13) External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the Responsible Authority.
- (14) This permit will expire if one of the following circumstances applies:
  - The development and use is/are not started within two years of the date of this permit.
  - The development is not completed within two years of the date of commencement.

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires, or within 6 months after the permit expiry date, where the use or development allowed by the permit has not yet started; and within 12 months after the permit expiry date, where the development allowed by the permit has lawfully started before the permit expires.

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Planning Notes:

- (1) All roof water from buildings and surface water from hard paved areas must be collected and conveyed to a drainage easement or to the legal point of discharge so as to prevent storm water nuisance to adjoining land.
- (2) Before undertaking any works on public land or roads, the applicant must obtain a permit from the relevant authority giving Consent to Work within a Road Reserve.
- (3) Care is to be taken to preserve the condition of existing infrastructure adjacent to the site. If any damage to existing infrastructure occurs as a result of this development, the affected infrastructure is to be replaced by the applicant, at the applicant's cost to the specification and satisfaction of the Responsible Authority.
- (4) No construction materials or earth is to be placed or stored outside the site area or on adjoining road reserves. This does not apply to road or footpath construction works on adjoining roads required as part of this permit.
- (5) This permit does not authorise the commencement of any building construction works. Before any such development may commence, the applicant must apply for and obtain appropriate building approval.
- (6) A planning permit is required to construct, erect and display advertising signs in the Heritage Overlay. The location and details of any signage requiring a permit under the Planning Scheme must be subject to a separate planning permit.

## 1. Executive Summary

Planning Permit Application 5/2016/207 is an application for buildings and works associated with the construction of a cinema complex, reduction in car parking requirement and waiver of loading and unloading requirement.

There are four planning permit triggers for this application as detailed below:

- **Clause 34.01-3** – Planning permit is required to construct a building or construct or carry out works in the Commercial 1 Zone.
- **Clause 43.01-1** – Permit required for demolition and to construct a building or construct or carry out works in the Heritage Overlay.
- **Clause 52.06-3** – Permit required to reduce car parking requirements
- **Clause 52.07** – Permit required to waive loading and unloading requirements

The application was advertised and no objections have been received.

The application was referred internally. The responses did not object to the issuing of a permit subject to conditions being imposed on a permit.

The application has been assessed and found to be consistent with the Planning Scheme, specifically the Commercial 1 Zone in which the site is located and relevant policies contained within the State and Local Planning Policy Frameworks.

While the proposal does not accord with Car Parking Requirements as set out in the Parking Overlay and Particular Provisions conditions can be set out to ensure that

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parking in Cobram will not be detrimentally affected. Should parking become an issue a Section 173 Agreement will allow Council to require the payment of a levy to provide for additional parking.

Importantly, it is considered that the proposal will result in a net community benefit and will not result in any adverse impacts upon the amenity enjoyed by surrounding neighbors. In addition, it is considered that the proposed design is consistent with and respects the character of the commercial area in which the site is located.

Therefore, it is recommended that the Planning Permit Application 5/2016/207 be approved, subject to conditions.

**2. Background and Options**

Subject Application Details

Applicant: Cobram Community Cinema Inc.  
 Owner: Temple Custodian Company Ltd.  
 Land Address: 13 Main Street, Cobram  
 Title Details: Lot 1, TP143624  
 Site Area: 725.06m<sup>2</sup> (approximately)  
 File No: 5/2016/207  
 Zone: Commercial 1 Zone (C1Z)  
 Overlay: Parking Overlay – Schedule 2 (PO2)  
 Heritage Overlay – HO251



**Location**

The subject land is located at 13 Station Street, Cobram which is at the southern fringe of the Cobram commercial area. The wider area is within the C1Z and while commercial uses surround the property to the north, east and west lots to the south are residential uses. Nearby commercial uses include retail and office premises.

Masonic Hall



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There is a single large free standing building on the site and use as a Masonic Hall. This structure has no openings onto Station Street. Access to the building is via a side door on the eastern façade. The rear of the lot is currently vacant.



Proposal

The application seeks approval for the development of the subject land to construct a new cinema complex as an extension to the rear and side of the existing hall building. The use of the hall for Masonic meetings will continue. A small part of the existing building, to the rear, will be demolished.

The new extension / cinema annex will comprise two screens, the largest includes a stage area and will seat up to 100 patrons. The second screen will be smaller with 70 seats.

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The extension will include a shared foyer / lobby area with adjoining toilet and kitchen facilities for the use of both patrons of the hall and the cinemas.

The proposal also incorporates a new Bar / Ticket sales area and a projection room. Four (4) on site car parking spaces, including one (1) disabled spaces are proposed to the rear of the lot. As part of the application the proponents are proposing that another disabled space be created on Station Street. Further, a new verandah is proposed on the Main Street façade of the existing Masonic Hall.

### **Planning Permit History**

Council's records indicate that there is no planning permit history for the subject site.

### **Key Issues**

- Commercial 1 Zone
- Parking Overlay
- Protection of Amenity of surrounding owners and occupiers

### **Options**

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

### **3. Financial Implications**

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

### **4. Risk Management**

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

### **5. Internal and External Consultation**

#### **Pre-Lodgment Consultation**

Prior to lodgment the applicant consulted widely with Moira Shire. Particular attention was given to the implications of the Heritage Overlay and to car parking requirements.

#### **Internal Consultation**

The application was referred internally to the Infrastructure Planning, Heritage Advisor, Environmental Health, Assets, Community Development, Strategic Projects and Building Departments. None of the internal departments objected to the issue of a permit subject to conditions being placed on the permit.

The key issues raised through the referral process have been whether the reduction in car parking requirement is appropriate and the potential for noise pollution from the cinema. These matters will be discussed below.

#### **External Consultation**

The application did not require external referral.

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### **Advertising**

The application was widely advertised with letters sent to adjoining landowners, a site notice and a newspaper notice. No objections have been received.

### **6. Regional Context**

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

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

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

#### *Improve Moira's Liveability*

Specifically it states that the Council Plan:

*"gives priority to improving our region's liveability across all aspects of Council business activity – from improved community and infrastructure planning to a better mix of services and programs, while also ensuring appropriate support to the many cultural, recreational, arts, heritage and sporting opportunities offered within the Shire."*

It is considered the proposal accords with the Council Plan as it will provide a community run cinema. Cobram Cinema Inc. is a community based organisation with a focus on Cobram's youth.

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

#### **Zoning**

The subject land is located in the Commercial Zone (C1Z). Clause 34.01 of the Moira Planning Scheme states that the purpose of the C1Z, amongst others, is:

*To create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses.*

Clause 34.01-1 indicates that the use of land for a "Cinema" and for a "Cinema based entertainment facility" are both Section 1 uses in the C1Z. No permit is required to use the land as a cinema.

Clause 34.01-3 states that a planning permit is required to construct a building or construct or carry out works in the C1Z. This is the first trigger for a planning permit.

The decision guidelines are set out in Clause 34.01-8. The key decision guidelines are discussed below.

- *The movement of pedestrians and cyclists, and vehicles providing for supplies, waste removal, emergency services and public transport.*

The subject lot fronts onto Main Street. Its western and southern boundaries are formed with established laneways. The proposed development will therefore be accessible.

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- *The provision of car parking.*  
Refer to the following section of this report which addresses car parking under Clause 52.06.
- *The streetscape, including the conservation of buildings, the design of verandahs, access from the street front, protecting active frontages to pedestrian areas, the treatment of the fronts and backs of buildings and their appurtenances, illumination of buildings or their immediate spaces and the landscaping of land adjoining a road.*  
The proposed development will reinstate a verandah on the Main Street façade of the existing masonic building. It addition is adds a new commercial building to Cobram town centre. As the subject land is in the Heritage Overlay the application was referred to our Heritage Advisor. The referral response recommended a minor amendment to the proposed verandah but otherwise concluded that the application respects the conservation of the building.
- *The storage of rubbish and materials for recycling.*  
A condition requiring an enclosed storage area will be required.
- *Defining the responsibility for the maintenance of buildings, landscaping and paved areas.*  
The proposed development will be maintained by the permit holder.
- *Consideration of the overlooking and overshadowing as a result of building or works affecting adjoining land in a General Residential Zone, Neighbourhood Residential Zone, Residential Growth Zone or Township Zone.*  
Not applicable
- *The design of buildings to provide for solar access.*  
The proposed building will provide good solar access.
- *The objectives, standards and decision guidelines of Clause 54 and Clause 55. This does not apply to a development of five or more storeys, excluding a basement.*  
Not applicable.

### **Overlays**

The subject site is affected by Parking Overlay (PO) and Heritage Overlay (HO).

Clause 45.09 states that the purpose of the Parking Overlay, amongst others, is:

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

*To identify areas where financial contributions are to be made for the provision of shared car parking.*

Schedule 2 to the PO states that in Cobram a Place of Assembly, which includes the Cinema use, requires 0.3 car parking spaces per seat. The proposed development has a total of 170 seats. The number of car parking spaces required is therefore 51. As the lot is affected by the PO, Council can require a financial contribution for any deficit in the provision of parking that cannot be provided on the site or on land elsewhere in vicinity of the site.

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The issue of car parking will be discussed in greater detail below.

The subject lot is also affected by the Heritage Overlay. Specifically the subject site is affected by HO251 – Cobram Town Centre Precinct. The masonic hall on site is listed as being Contributory within the Precinct. Clause 43.01 states that the purpose of the Heritage Overlay, amongst others, is:

*To conserve and enhance heritage places of natural or cultural significance.*

*To conserve and enhance those elements which contribute to the significance of heritage places.*

*To ensure that development does not adversely affect the significance of heritage places.*

Clause 43.01-1 states that a permit is required to construct a building or to construct or carry out works in the HO. This is the second trigger for the subject application.

The application was referred to our Heritage Advisor. He has not objected to the issuing of a permit subject to a condition requiring alteration to the proposed verandah. It is considered that the proposed application accords with the decision guidelines set out at Clause 43.01-4.

*Particular Provisions*

Clause 52.06 – Car Parking sets out that before the floor area of an existing or proposed use is increased;

*The number of car parking spaces required under Clause 52.06-5 or in a schedule to the Parking Overlay must be provided to the satisfaction of the responsible authority in one or more of the following ways:*

- *on the land; or*
- *in accordance with a permit issued under Clause 52.06-3; or*
- *in accordance with a financial contribution requirement specified in a schedule to the Parking Overlay.*

The table at Clause 52.06-5 states that car parking for a cinema based entertainment complex is 0.3 spaces per patron. This accords with the requirement set out in the Parking Overlay. It equates to a requirement for 51 spaces. The application proposes 4 spaces and no other car parking arrangements, therefore there is a deficit of 47 spaces.

Clause 52.06-3 states that a permit is required to reduce the number of car parking spaces. This is the third trigger for a permit. The applicants have submitted a Car Parking Demand Assessment. It concludes that there is sufficient on-street parking to address the anticipated parking demand for the proposed development.

This document was referred internally to our Infrastructure Planning Department and Strategic Projects senior officer. Concerns were raised relating to the real capacity for parking in the existing street network. Further, the impact of the proposal, effectively using up all existing capacity to the potential detriment of any other development in the area, was highlighted.

The applicant was asked to consider the status of currently vacant land, in separate ownership, at 17 Queen Street, with the potential to providing car parking. This would

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need to be linked to the subject lot through a Section 173 agreement to make sure that the site would not be developed in the future for another purpose.

At a meeting with Council Officers to discuss this and other issues the applicant indicated that they would be wary to restrict the future development of 17 Queen Street. Their written response to further information submitted on 6 December 2016 stated:

*"we advise as we have previously, that any parking levy will result in our project not going ahead... the committee are prepared to sign an agreement stating that if our not for profit cinema is sold to a profit venue then a car parking levy be payed to Moira Shire at an agreed amount"*

If Council accepts this proposal a Section 173 Agreement would be required, registered on the title for 13 Main Street such that a levy would be payable in the future. It is noted that this does not alleviate any car parking issues that may arise in the shorter term. As land in the vicinity of the site is developed over time pressure may be placed on the Cobram car parking system. Council should have the ability to "call-in" the levy. Accordingly, this should form part of a condition requiring a Section 173 agreement.

Screen Australia publishes attendance data. It shows that the age group 14-25 years is the most likely to attend a cinema. In 2015, the last recorded year, people in this cohort visited the cinema with an average of 7.7 times per year. Given that the proposed development will be run as a community enterprise for the youth of Cobram it is likely that young people will make up a significant part of the patronage of the cinema.

In Moira 26% of the population is below driving age. Given that this cohort is more likely to attend a cinema and that they would be unlikely to require car parking spaces a reduction in the number of spaces can be justified. This data has been tabulated and given that most people drive in pairs to the cinema it is considered that a provision of 38 car parking spaces would be sufficient. This is effectively a waiver of 13 spaces.

The proposal includes 4 spaces on the site. The short fall to be levied therefore is 34 spaces. The planning scheme currently requires \$6400 (subject to CPI from 11 September 2008) per car parking space. The condition requiring a Section 173 Agreement will be worded so as to ensure the current rate for 34 spaces is paid.

Clause 52.07 – Loading and Unloading of Vehicles requires that land be set aside on the subject property for loading and unloading of commercial vehicles. No loading and unloading area has been indicated on the plans submitted nor does there appear to be any space left on the lot for its provision.

This clause states that a permit can be issued to reduce or waive these requirements. This is the fourth trigger for the subject application. There is no capacity on the site to provide the required loading and unloading area. Should a permit be issued for this proposal it is recommended that it include a waiver in accordance with this particular provision.

**Clause 65.01 – Decision Guidelines**

When deciding an application Clause 65.01 of the Moira Planning Scheme states that the responsible authority must consider the following, amongst other issues:

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- *The orderly planning of the area.*
- *The effect on the amenity of the area.*
- *The proximity of the land to any public land.*

The proposed use and development of the land for a cinema is consistent with the purpose of the commercial zoning of the area which seeks to “create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses”. In addition, the proposal appropriately “fits in” with the surrounding site context which consists of a mix of land uses.

The amenity of residents to the south of the subject lot should however be considered at a higher level than adjoining commercial uses. One concern raised has been the impact of noise. Accordingly, a condition will be set out requiring compliance with the Environmental Protection Agency’s noise standards (*Noise from Industry in Regional Victoria 2011*).

#### **9. Environmental Impact**

If a permit is issued then the proposal may have an impact on the environment in the area specifically as regards noise pollution. Conditions will be placed on a permit to ameliorate any adverse impacts.

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

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

#### **11. Conclusion**

The development of the land for a cinema complex, reduction in car parking requirement and waiver of loading and unloading requirement at 13 Main Street, Cobram is consistent with the purpose and decision guidelines contained in the CIZ, PO2 and HO252, as well as the relevant policies contained in the State and Local Planning Policy Frameworks within the Moira Planning Scheme.

It is concluded that the proposed use and development is in the interest of the orderly planning and development of the area. It is therefore recommended that the application be approved subject to conditions.

#### **Attachments**

- 1 Demolition Plan
- 2 Floor Plan
- 3 North and South Elevations
- 4 East and West Elevations
- 5 Section Plan



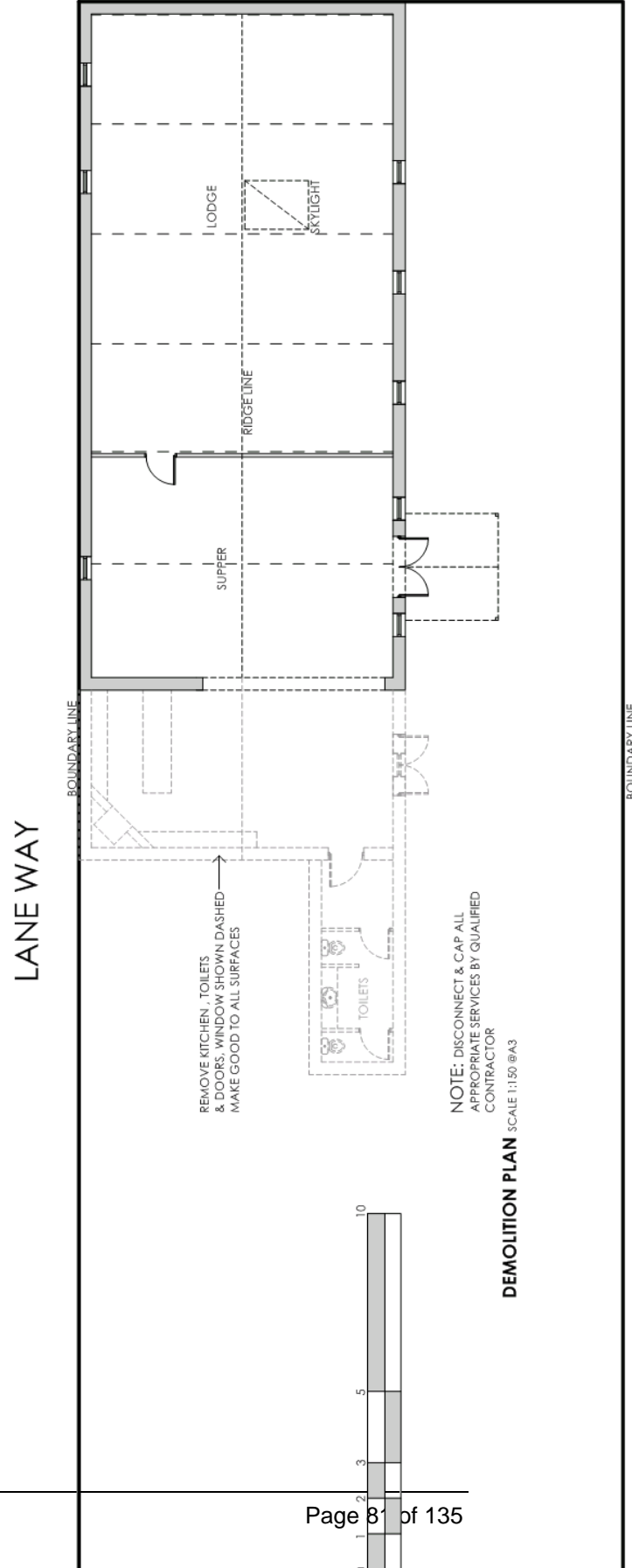
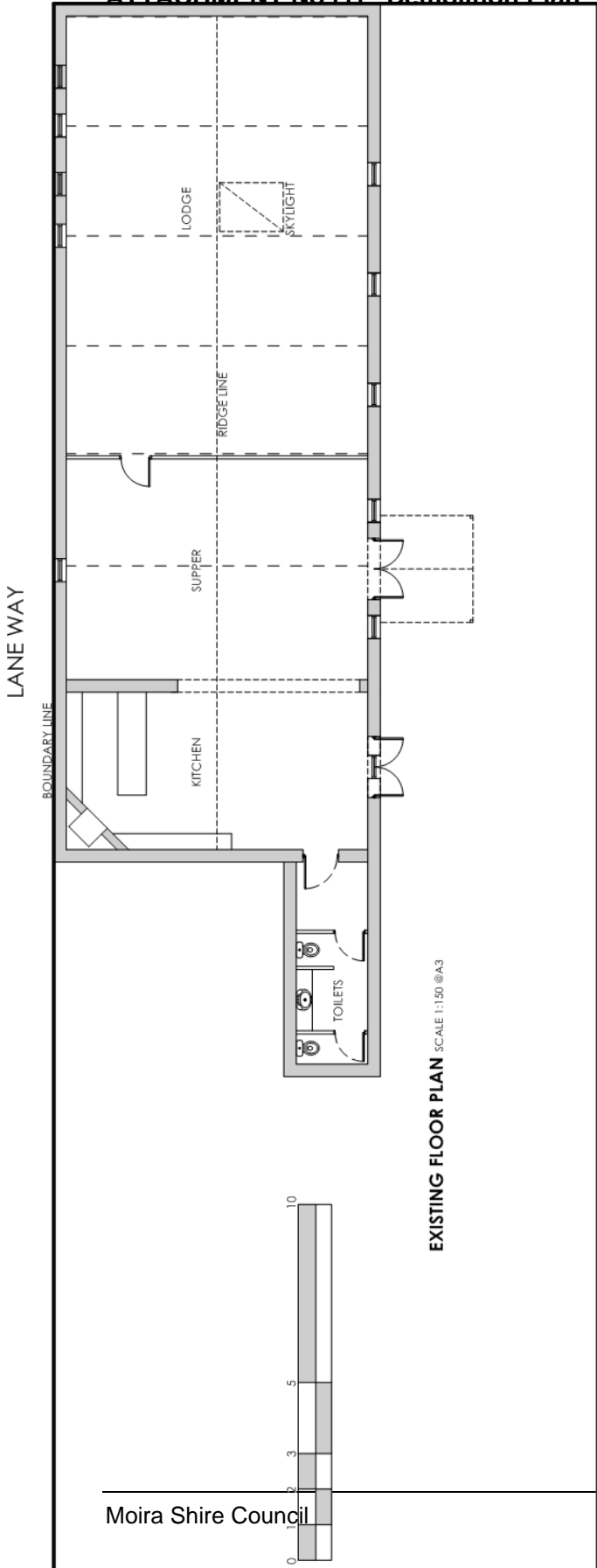


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**ATTACHMENT No I11 - Demolition Plan**

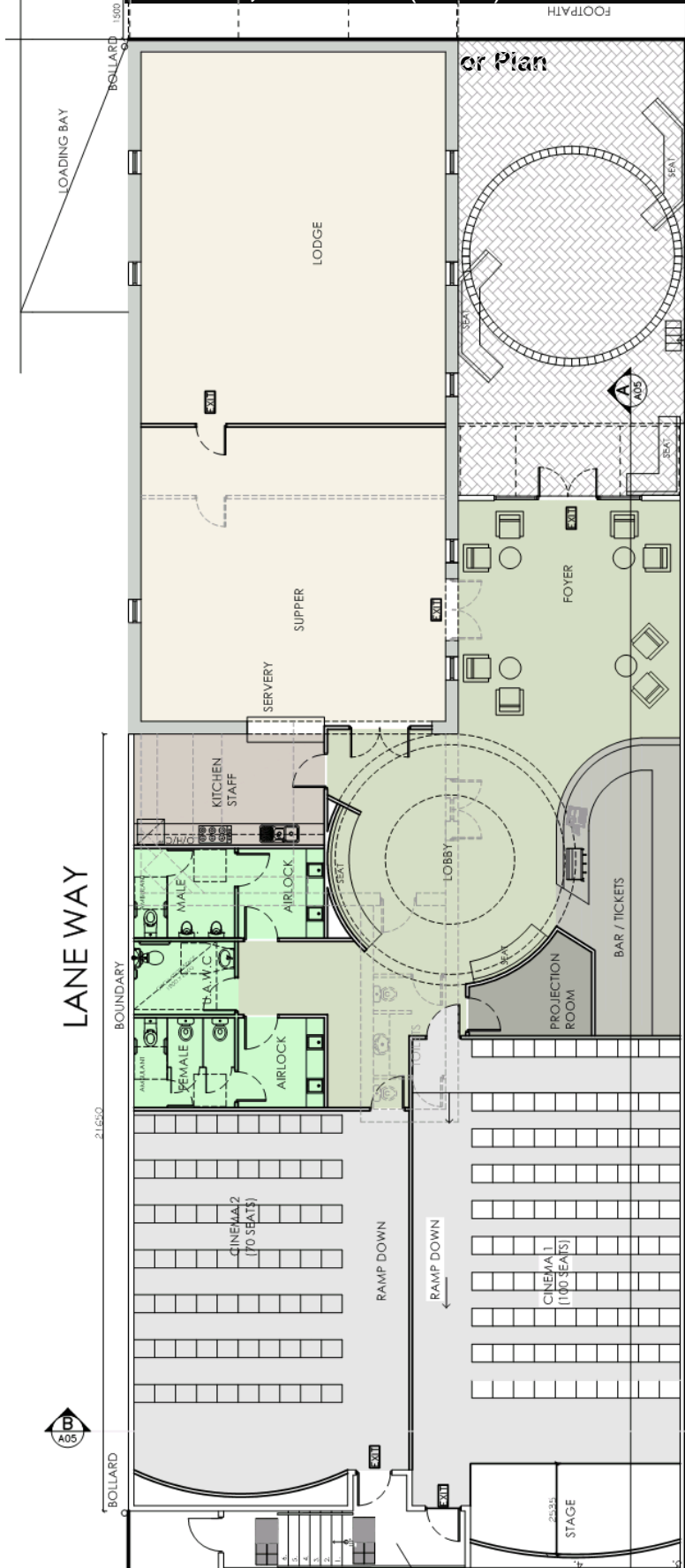




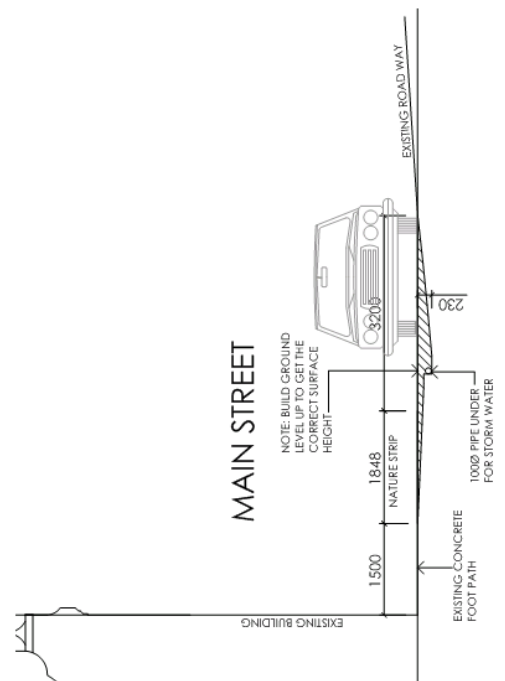
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PROPOSED FLOOR PLAN SCALE 1:150 @A3



SECTION A-A SCALE 1:100 @A3

NOTE: BUILD GROUND LEVEL TO GET THE CORRECT SURFACE HEIGHT

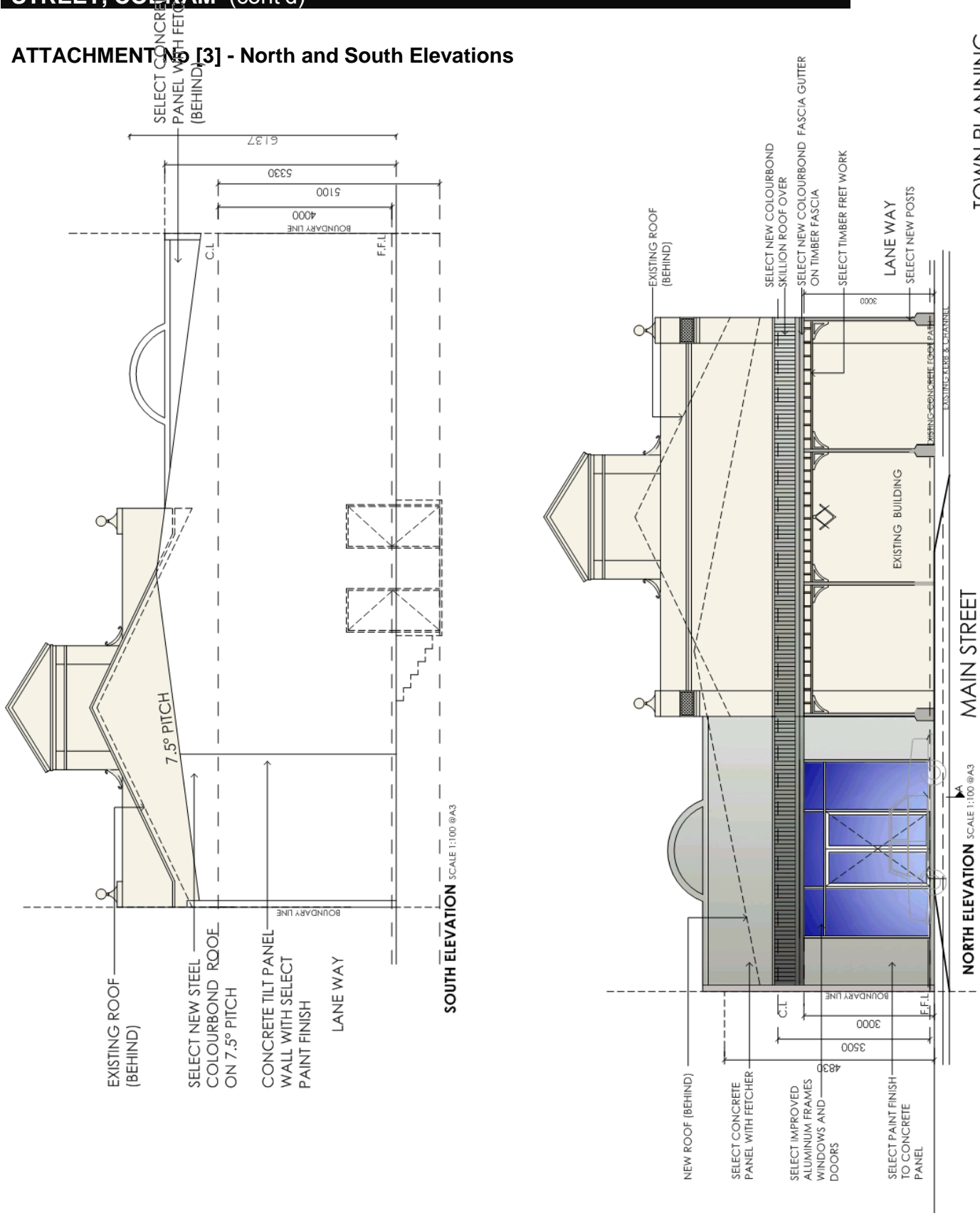


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**ATTACHMENT No [3] - North and South Elevations**



TOWN PLANNING

MAIN STREET

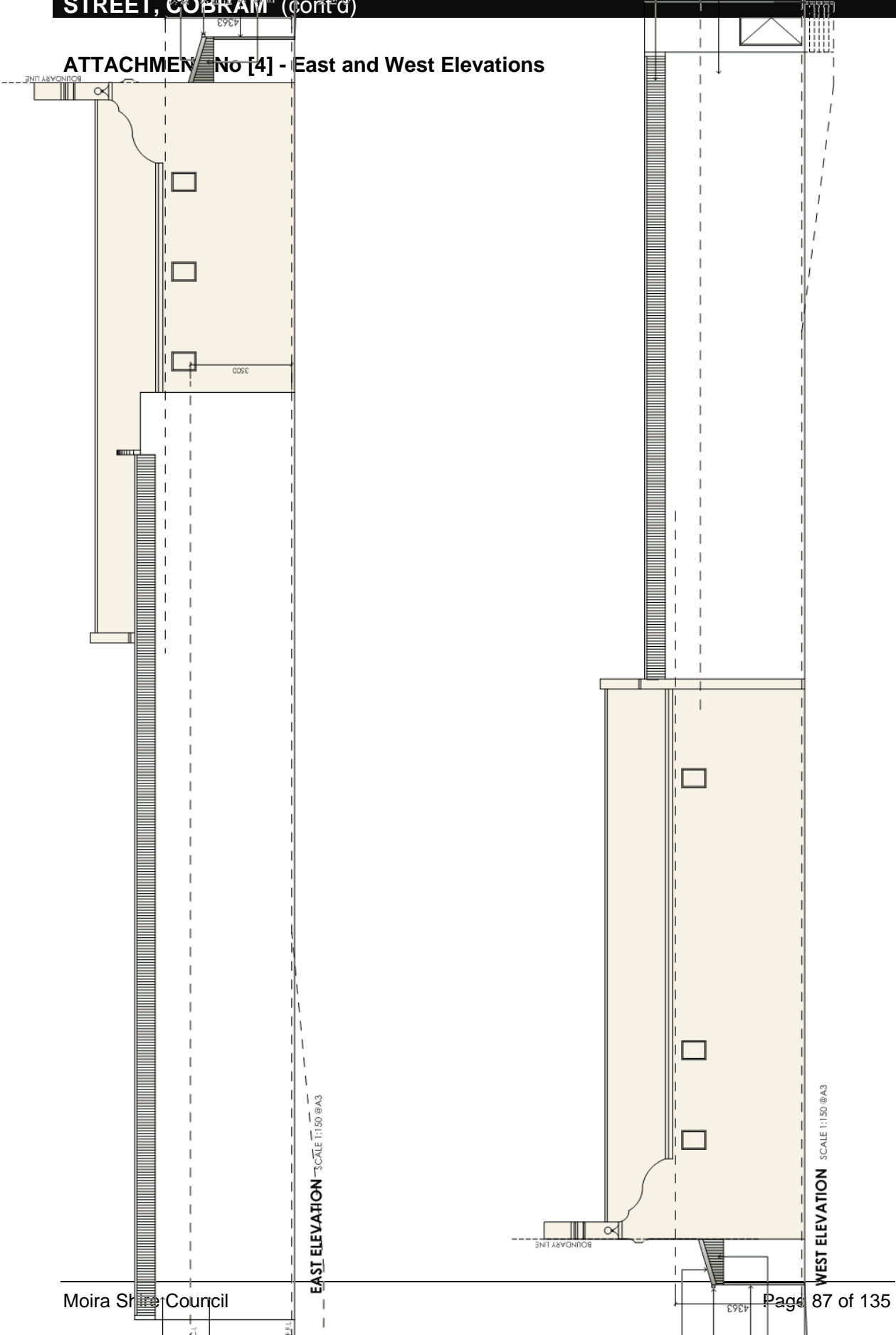


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ATTACHMENT No [4] - East and West Elevations



EAST ELEVATION SCALE 1:150 @A3

WEST ELEVATION SCALE 1:150 @A3



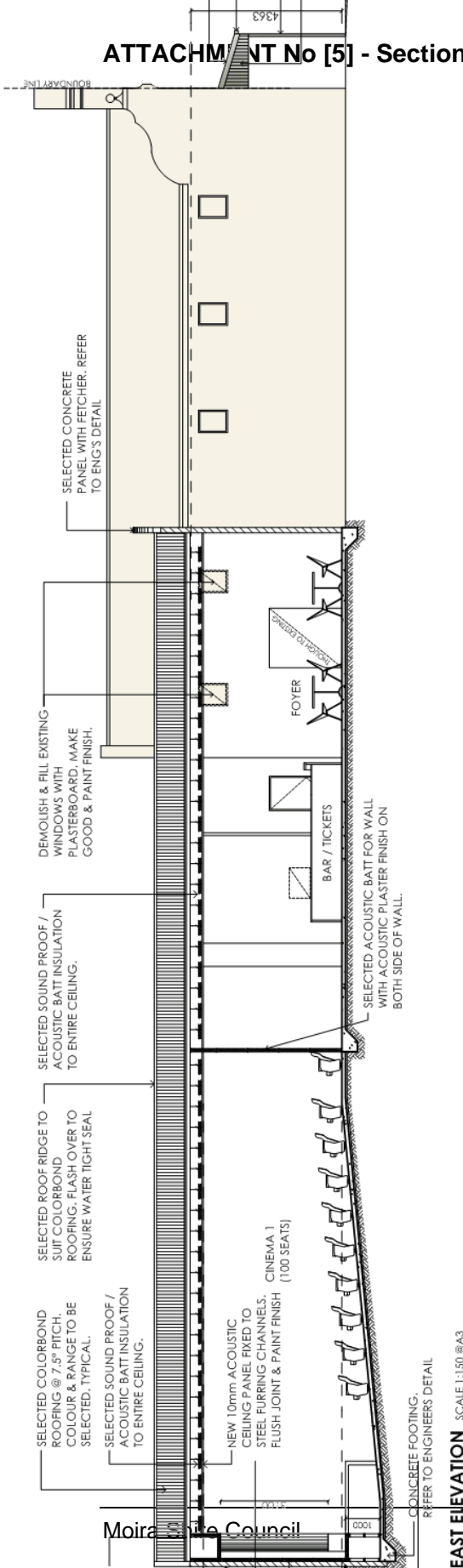


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ATTACHMENT No [5] - Section Plan



FILE NO: F16/727  
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ITEM NO: 9.2.3

**PLANNING SCHEME AMENDMENT C86 - REZONING OF LAND TO INTRODUCE AN ENVIRONMENTAL SIGNIFICANCE OVERLAY (ESO) WITHIN THE MOIRA SHIRE PLANNING SCHEME TO ESTABLISH BUFFERS FOR THE YARRAWONGA, BUNDALONG AND TUNGAMAH WASTE WATER TREATMENT PLANTS (WWTPS)**

**RECOMMENDATION**

That Council, in accordance with the *Planning and Environment Act 1987*, seek authorisation from the Minister for Planning to prepare Amendment C86 to the Moira Planning Scheme and exhibit the amendment in accordance with Part 3 Division 1 of the Act.

**1. Executive Summary**

An application has been received from In2Planning PTY Ltd on behalf of North East Water Corporation to introduce an Environmental Significance overlay in the Moira Planning Scheme to establish appropriate buffers to the Yarrowonga, Bundalong and Tungamah Waste Water Treatment Plants.

Authorisation from the Minister for Planning is required to prepare a Planning Scheme Amendment. It is recommended that authorisation be sought.

**2. Background and Options**

The amendment introduces an Environmental Significance Overlay (ESO) around the Yarrowonga, Bundalong and Tungamah Waste Water Treatment Plants (WWTPs) as shown on the maps forming part of the amendment.

The ESO will generate the need for a Section 55 referral of applications for a planning permit within the overlay area to North East Water. The amendment is supported by research and assessment of environmental conditions and odour modelling based on best practice techniques and liaison with the EPA.

The amendment provides a mechanism for protection of essential community infrastructure which in turn will provide for a more sustainable longer term future for the wastewater treatment facility and will therefore provide a net community benefit. The community benefit will far outweigh the minimal cost of the new ESO control. The amendment does not repeat provisions already applicable under the Moira Planning Scheme.

The proposal is a mechanism for considering development impacts upon an essential component of community infrastructure and therefore the planning scheme is a most appropriate means of controlling the land use impacts. There are other regulatory mechanisms that deal with some components associated with wastewater treatment facility management and development which potentially interrelate but which do not provide appropriate protection mechanisms to curb encroachment by inappropriate sensitive uses.

The amendment changes the Moira Planning Scheme to:

- Amend Planning Scheme Maps 21ESO, 22ESO and 26ESO;
- Insert new Planning Scheme Map 33ESO;
- Insert a new Schedule 3 to Clause 42.01 Environmental Significance Overlay to include buffer areas to protect the Yarrowonga, Bundalong and Tungamah Waste

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ITEM NO: 9.2.3

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Water Treatment facilities from encroachment by development that may adversely impact on the continued operation of these facilities;

- Amend the Schedule to Clause 61.03 to include new planning scheme maps in the Moira Planning Scheme; and
- Amend the Schedule to Clause 66.04 creating North East Water as a determining referral authority.

**The Sites**

**Yarrowonga WWTP**

The Yarrowonga WWTP is located approximately 6km to the south west of Yarrowonga CBD. The plant is located within the Farming Zone. The land is described as Allotment 3 and Allotment 9 Parish of Yarrowonga. The site containing the plant is located on the northern side of Beatties Road. The plant adjoins Reillys Road to the east and to the west the site adjoins the re-opened Yarrowonga Oaklands Railway line. The land to the west, north and east of the plant is primarily used for agricultural purposes. There is no land zoned residential within a kilometre or more of the plant. Figure 1 identifies the location of the site and its context to surrounding land uses.



The site contains a mechanical treatment plant that consists of a number of above, and in ground structures designed to treat waste water from Yarrowonga.

The plant consists of:

- Inlet works consisting of a fine screen and odour scrubber;
- Two Primary aerated lagoons (41ML each) with total aeration capacity of 60kW;

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- Two Maturation lagoons (32ML, 22ML); and
- Winter storage (430ML).

The Yarrawonga wastewater system produces general reclaimed water for reuse. The reuse system is a combined system owned and managed by North East Water and third party reuse customers, and consists of the winter storage pond and irrigation (centre pivot), managed under a third party lease and reclaimed water agreement.

**Bundalong WWTP**

The Bundalong WWTP is located approximately 3km south west of Bundalong village and approximately 1.5km from the Murray Valley Highway. The treatment plant is located in the Public Use Zone (PUZ1). The land is described as Allotment 3 Section 17 Parish of Bundalong.

The site containing the treatment plant is located on the northern side of Munros Road. The site adjoins Montroses Road to the east and Playfair Road to the north. The land immediately to the west as well as other surrounding land is primarily used for agricultural and farming purposes. There is no land zoned residential within a kilometre or more of the plant.



The site contains a mechanical treatment plant that consists of a number of above, and in ground structures designed to treat waste water from Bundalong.

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The plant consists of:

- Two primary lagoons (15ML each); and
- Winter storage (88ML).

The Bundalong wastewater system does not produce any reclaimed water due to evaporation losses and there is no formalised reuse scheme in place. North East Water has 30ha of land adjacent to the WWTP available for the development of an agricultural irrigation system. Bio-solids produced in the WWTP lagoons are collected periodically and transferred off site. No odour complaints associated with the Bundalong WWTP have been recorded in since 2004.

**Tungamah WWTP**

The Tungamah WWTP is located approximately 2km south of the Tungamah village. The plant is located in the Farming Zone (FZ). The land is described as Lot 1 and 2 PS704125. The site containing the plant is located between Devenish Road to the west and Crossing Road to the east. The land immediately surrounding the site is primarily used for agriculture and farming.



The site contains a mechanical treatment plant that consists of a number of above, and in ground structures designed to treat waste water from Tungamah.

The plant consists of:

- Facultative lagoon (5.7ML);
- Two maturation lagoons (3.2ML); and

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- Winter storage (23ML).

The Tungamah wastewater system produces reclaimed water and there is a formalised reuse scheme in place. North East Water has 6.5ha of land adjacent to the WWTP which is used for an agricultural irrigation system.

### Options

Council has two options:

- To ratify the request to initiate the Amendment; or
- To refuse the request to initiate the Amendment.

### 3. Financial Implications

There is a series of staged fees associated with a planning scheme amendment. All fees are paid by the proponent.

Fees are applied to each of the following stages of a planning scheme amendment:

1. Considering a request to amend the planning scheme, exhibition, considering any submission not seeking a change to the amendment and if applicable, abandoning the amendment
2. Considering submissions seeking changes to the amendment and referring submissions to a Panel
3. Council adopting the amendment or part of the amendment, submitting the amendment to the Minister for approval and giving notice of approval.
4. The Minister considering a request to approve an amendment and giving of notice of approval.

If there is a need for a Planning Panel to hear submissions, the fees and charges of the Panel are paid by the proponent.

### 4. Risk Management

The amendment provides a mechanism for protection of essential community infrastructure which in turn will provide for a more sustainable longer term future for the wastewater treatment facility and will therefore provide a net community benefit. If development does however occur within this buffer area and without an approved permit, it becomes a compliance issue.

### 5. Internal and External Consultation

Preliminary consultation with the Department of Environment, Land, Water and Planning (DELWP) has

A public exhibition of the planning scheme amendment will require notifying prescribed Ministers, external authorities internal departments.

Public exhibition will also require notifying those property owners who may be materially affected by the Planning Scheme Amendment.

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## 6. Regional Context

Similar amendments are being initiated across the region around waste water treatment facilities in an attempt to ensure that appropriate buffers are established between sensitive land uses. Moira Council is expected to receive an application from Goulburn Valley Water in the near future to establish buffers around its waste water treatment facilities as well.

## 7. Council Plan Strategy

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

- Improve Moira's Liveability

It is considered that the proposed rezoning will ensure that appropriate buffers are established between sensitive land uses and therefore improving the liveability within the municipality in general.

## 8. Legislative / Policy Implications

### ***Objectives of Planning in Victoria***

The Amendment is founded on the objectives of planning in Victoria, including:

*To protect public utilities and other assets and enable the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community.*

### **State Planning Policy Framework (SPPF)**

Council and the Proponent submitted that the Amendment is supported by the following clauses in the SPPF:

#### **Clause 11.10-4: Hume Regional Growth.**

Strategies include:

*Provide for appropriate settlement buffers around sewerage treatment areas, solid waste management and resource recovery facilities and industrial areas to minimise potential impacts on the environment such as noise and odour.*

#### **Clause 13.04-2: Air Quality.**

Strategy to ensure, wherever possible, that there is suitable separation between land uses that reduce amenity and sensitive land uses. The following reference documents are identified:

- *State Environment Protection Policy (Air Quality Management)*
- *Recommended Buffer Distances for Residual Industrial Air Emissions (EPA, 2013)*

### **Local Planning Policy Framework**

Council and the Proponent submitted that the Amendment supports the following local planning objectives:

#### **Clause 21.03: Environment**

*"The Shire is committed to effectively managing effluent disposal to protect public health, minimise environmental impacts, minimise the demand for water as a resource and maximise reuse opportunities in an economically viable manner. The Shire has an important role in ensuring that developments either discharge effluent to a suitable*

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*treatment facility or have appropriate onsite methods for the treatment and disposal of effluent. The Shire also has a role in encouraging waste minimisation and reuse, including the use of new and viable technologies. It is important that the location of sewerage treatment facilities or disposal sites (septic or land applied) avoid sensitive environmental areas including drainage lines and floodways."*

In Clause 21.03-3: (Environmental Objectives) and 21.03-4 (Environmental Strategies) buffers to waste water treatment plants are specifically identified:

"To protect public amenity and Council assets through the provision of appropriate buffers between effluent disposal / storage sites, water utility assets and other land uses."

*"Maintain appropriate buffer distances between sewerage/wastewater treatment and disposal facilities and other land uses in accordance with EPA guidelines."*

**Other planning strategies or policies used in formulating the Amendment**

The Proponent identified the following relevant policies:

**Hume Regional Growth Plan**

The Growth Plan identifies regional infrastructure required to facilitate the projected growth noting that urban locations are serviced by reticulated sewerage. Importantly, the Growth

Plan recognises that:

*"Planning should provide and maintain appropriate buffers between sewerage treatment facilities and settlement areas."*

**State Environment Protection Policy (Air Quality Management)**

Clause 17 of the *State Environment Protection Policy (Air Quality Management)* confirms that the EPA will publish a protocol for the provision of separation distances to be considered by planning authorities.

Clause 18 requires the generator of air emissions to manage its activities and emissions in accordance with the aims, principles and intent of the Policy.

Clause 28 of the Policy identifies that plume dispersion modelling is to be completed in accordance with schedule C and that in relation to odour emissions for which there no design criteria apply the objective is to demonstrate that the local amenity is not adversely affected by offensive odours.

General odour is an unclassified indicator. A ground level concentration of 1 odour unit (ou) is applied at the boundary of the premises. This is not a mandatory requirement for the assessment of proposals.

Schedule C establishes the method or modelling air emissions.

**Recommended Buffer Distances for Residual Industrial Air Emissions (EPA, 1990)**

The Victorian Planning Provisions refer to the *Recommended Buffer Distances for Residual Industrial Air Emissions* (EPA 1990) (1990 Publication).

The EPA has published new guidance titled *Recommended Separation Distances for Industrial Residual Air Emissions* (Publication 1518, 2013) (2013 Publication).

Irrespective of the update, the EPA guidance remains consistent for wastewater treatment facilities that the separation distance is to be determined on an assessment of the facility, the topography and the meteorological conditions.

The 1990 Publication established a simple three tiered classification of land uses:



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- *"Land uses which warrant protection from amenity- reducing off- site effects of industry by maintenance of a buffer distance.*
- *Land uses which, neither generate significant residual air emissions, nor warrant protection from them.*
- *Land uses around which a buffer distance for residual air emissions is required."*

Further elaboration was provided in relation to land uses that warrant protection:  
*"... particularly sensitive uses include: Residential areas and zones (whether occupied or not), hospitals, schools, caravan parks and other similar uses involving the presence of individual people for extended periods, except in the course of their employment or for recreation."*

The 2013 Publication defines 'sensitive land use' to mean:

*"Any land uses which require a particular focus on protecting the beneficial uses of the air environment relating to human health and wellbeing, local amenity and aesthetic enjoyment, for example residential premises, child care centres, pre-schools, primary schools, education centres or informal outdoor recreation sites."*

## **9. Environmental Impact**

Incorporating an ESO into the planning scheme will address environmental issues, as it will:

- Reduce the risks to the Wastewater Treatment Plant from encroachment of sensitive development;
- Assist Councils with future land use planning, and the processing of planning permit applications;
- Provide more certainty for communities and surrounding landowners regarding development considerations;
- Allow Wastewater Treatment Plant facilities to remain in their current location, where they can be upgraded when required to accommodate future demand and growth, which will eliminate a significant financial and environmental burden if they have to be relocated;
- Reduce the need for VCAT Hearings to resolve uncertainty;
- Minimise the potential impact for the community of living in an uncomfortable environment due to waste odours should inappropriate development be approved.

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

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

## **11. Conclusion**

A request to rezone land requires the authorisation from the Minister for Planning to prepare a Planning Scheme Amendment.

It is recommended the authorisation to prepare a Planning Scheme Amendment be sought from the Minister.

## **Attachments**

Nil

FILE NO: F16/698  
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.4

**PLANNING SCHEME AMENDMENT C85 - REZONING OF A PORTION OF THE  
DISUSED CFA FIRE STATION AT 28 WILLIAM STREET COBRAM FROM  
PUBLIC USE 3 ZONE TO COMMERCIAL 1 ZONE**

**RECOMMENDATION**

That Council, in accordance with the *Planning and Environment Act 1987*, seek authorisation from the Minister for Planning to prepare Amendment C85 to the Moira Planning Scheme and exhibit the amendment in accordance with Part 3 Division 1 of the Act.

**1. Executive Summary**

The new fire station at 8-14 Colgan Street has commenced operations, thereby rendering the existing fire station located at 28 William Street surplus to CFA's requirements. The subject land is a freehold Title, owned by the CFA. The CFA proposes to dispose of the land but can't do so while the land is zoned for 'Public Use' purposes. The CFA is therefore requesting to rezone the land to 'Commercial 1' zone which is in line with the surrounding zonings.

It is recommended the authorisation to prepare the Planning Scheme Amendment be sought from the Minister.

**2. Background and Options**

The land is Freehold owned by the CFA and contains a disused fire station building.

The CFA has recently constructed a new fire station at 8-14 Colgan Street Cobram which is now fully operational. Accordingly the fire station at 28 William Street has become surplus to the CFA's requirements.

As there are no other public authorities or Government agencies which seek to take over the land, it is to be sold. The requirements of the Victorian Government Land Monitor stipulates that for this to occur, the land in question must be removed from the Public Use Zone and rezoned to something more appropriate.

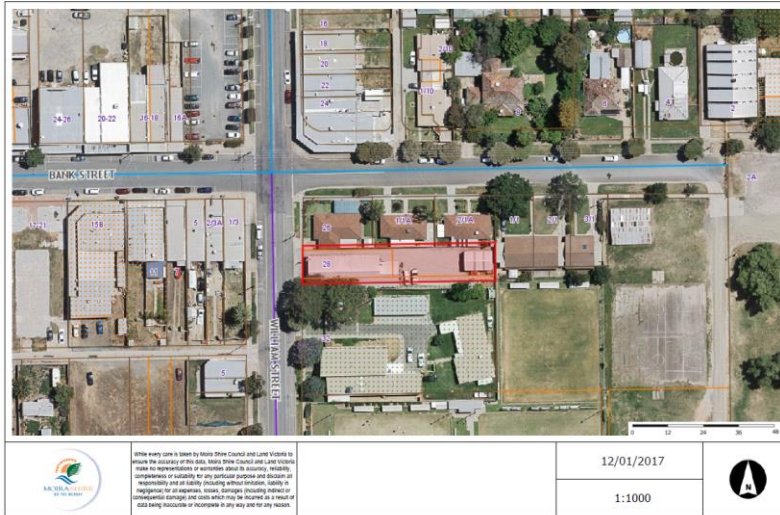
The land is on the fringe of the town and except for the Police Station immediately to the south, all other surrounding land is in Commercial 1 Zone. It is therefore appropriate that the land be rezoned to Commercial 1. It will also assist in consolidating the town centre and provide realistic opportunities for the existing building and improvements to be used for a worthwhile planning purpose.

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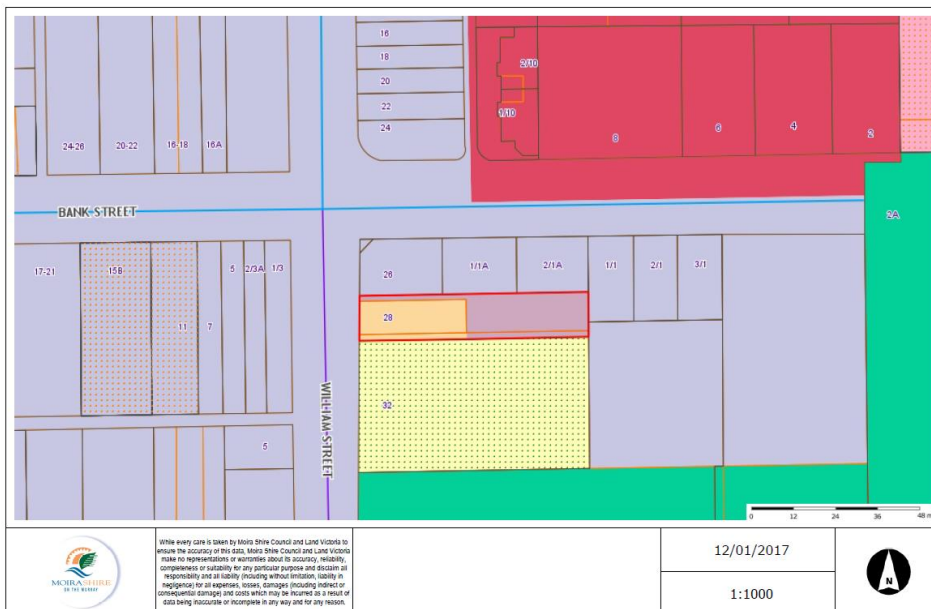
ITEM NO: 9.2.4

**PLANNING SCHEME AMENDMENT C85 - REZONING OF A PORTION OF THE DISUSED CFA FIRE STATION AT 28 WILLIAM STREET COBRAM FROM PUBLIC USE 3 ZONE TO COMMERCIAL 1 ZONE (cont'd)**

Locality Plan



Zoning Map



Options

Council has two options:

- To ratify the request to initiate the Amendment; or
- To refuse the request to initiate the Amendment.

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2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.4

**PLANNING SCHEME AMENDMENT C85 - REZONING OF A PORTION OF THE DISUSED CFA FIRE STATION AT 28 WILLIAM STREET COBRAM FROM PUBLIC USE 3 ZONE TO COMMERCIAL 1 ZONE (cont'd)**

### 3. Financial Implications

There is a series of staged fees associated with a planning scheme amendment. All fees are paid by the proponent.

Fees are applied to each of the following stages of a planning scheme amendment:

1. Considering a request to amend the planning scheme, exhibition, considering any submission not seeking a change to the amendment and if applicable, abandoning the amendment
2. Considering submissions seeking changes to the amendment and referring submissions to a Panel
3. Council adopting the amendment or part of the amendment, submitting the amendment to the Minister for approval and giving notice of approval.
4. The Minister considering a request to approve an amendment and giving of notice of approval.

If there is a need for a Planning Panel to hear submissions, the fees and charges of the Panel are paid by the proponent.

### 4. Risk Management

The Minister may, when receiving the request to approve the amendment decide to do so or refuse the Amendment or refer it back to the Shire requesting some modifications be made to the documentation.

### 5. Internal and External Consultation

A public exhibition of the scheme amendment will require notifying prescribed Ministers, external authorities and internal departments.

Public exhibition will also require notifying those property owners who may be materially affected by the Planning Scheme Amendment.

### 6. Regional Context

There is no regional context associated with this planning scheme amendment to rezone a parcel of land.

### 7. Council Plan Strategy

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

- Improve Moira's Liveability

It is considered that the proposed rezoning will ensure appropriate and best use of land as a scarce resource by making it available in the market for sale.

### 8. Legislative / Policy Implications

The *Planning and Environment Act, 1987* and associated Regulations applies to the Scheme Amendment process

### 9. Environmental Impact

The amendment will have no impact on the natural environment. It will however result in sustainable re-use of land as a scarce resource and within the Commercial 1 parameters.

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ITEM NO: 9.2.4

**PLANNING SCHEME AMENDMENT C85 - REZONING OF A PORTION OF THE  
DISUSED CFA FIRE STATION AT 28 WILLIAM STREET COBRAM FROM  
PUBLIC USE 3 ZONE TO COMMERCIAL 1 ZONE (cont'd)**

**10. Conflict of Interest Considerations**

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

**11. Conclusion**

A request to rezone land requires the authorisation from the Minister for Planning to prepare a Planning Scheme Amendment.

Amendment C85 proposes to rezone 28 William Street Cobram from Public Use Zone 3 to a Commercial 1 Zone. The land has become surplus to the CFA's requirements with the recent construction of a new fire station for Cobram.

Considering that there are no public authorities seeking to acquire the land, it can now be disposed of. To allow this, the land however needs to be removed from the Public Use Zone first. It was found appropriate to rezone to Commercial 1 considering this is the zoning of much of the land directly surrounding the application site.

It is recommended the authorisation to prepare the Planning Scheme Amendment be sought from the Minister.

**Attachments**

Nil

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

ITEM NO: 9.2.5

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

**RECOMMENDATION**

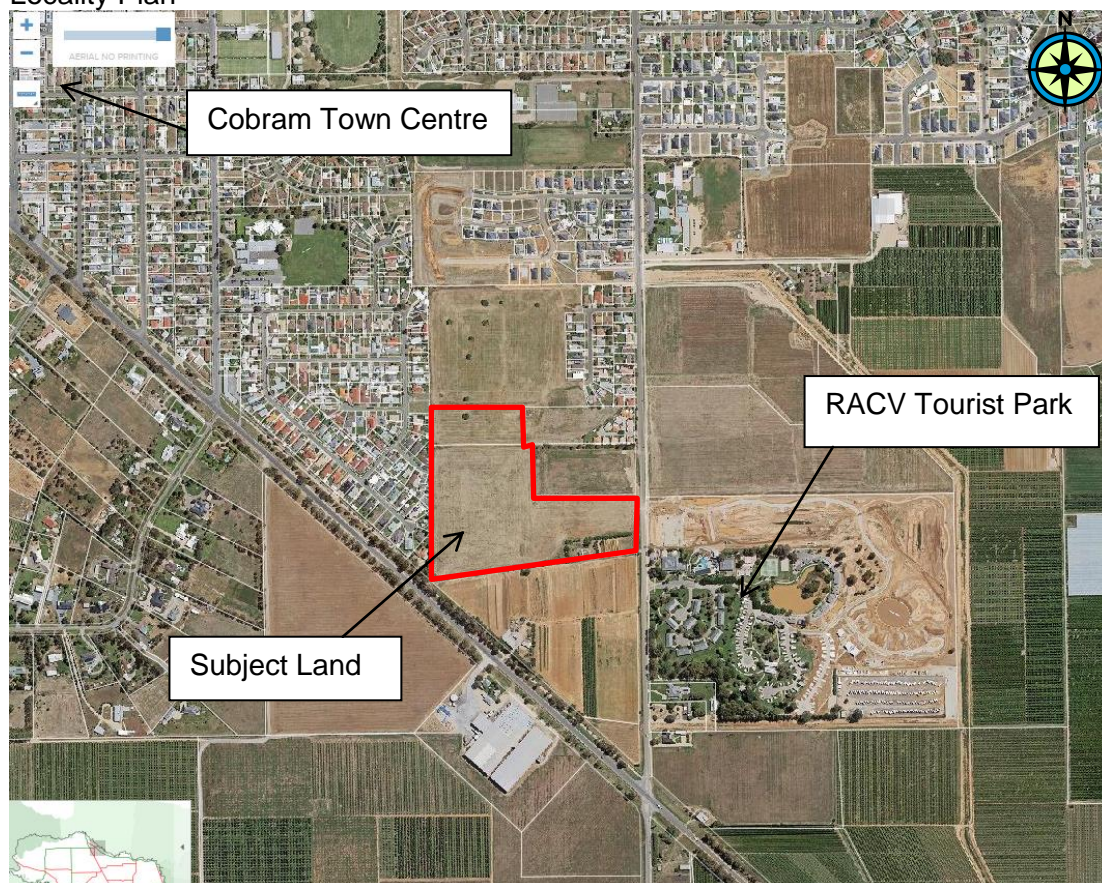
That the request for an extension of time to Planning Permit 5/2008/453 for a Camping and Caravan Park at 143 Campbell Road, Cobram be refused on the grounds that the proponent has had sufficient time to commence the development and that any further extension to the permit is viewed as 'warehousing'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

**1. Executive Summary**

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

This is the fourth request for an extension of time. The applicant is requesting a 1 year extension. The third request for a 5 year extension of time was refused by Council on 21 November 2016 as it was viewed as 'warehousing' the permit.

Locality Plan



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

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

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2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.5

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

## 2. Background and Options

Planning Permit 5/2008/453 (TP0800453) was approved on 19 October 2010 for the use and development of land for the purpose of a camping and caravan park with associated facilities, following the approval of the amendment to the Cobram Development Plan to accommodate for this proposed use and development.

The proposed camping and caravan park involved 148 sites for registered movable dwellings, a community centre, sports building, bowling green, maintenance building, open space reserve, car parking and RV parking areas, walkways and passive open spaces. Access is gained from Campbell Road, with linkages to the Lawson Drive and Sturt Street to the west and a future road in a conventional residential subdivision to the north.

Condition 21 of the permit set the expiry date at 2 years to commence the use and development.

On the 4 October 2012, Council received a request to extend the permit. The permit was subsequently extended for two years.

On 24 December 2014, Council received another request to extend the permit. Again the permit was extended for another two years.

Council at its Ordinary meeting on 24 August 2015, considered a request to amend the Cobram Development Plan making changes to the layout of the Camping and Caravan Park and to amend plans endorsed as part of the Planning Permit. The motion recommending approval of the changes to the Cobram Development Plan was lost. No alternative motion was put forward, therefore no decision was made.

On 21 November 2016, Council considered a third request to extend the permit. Council resolved to refuse the extension of time on the grounds that the proponent has had sufficient time to commence the development and any further extension to the permit is viewed as 'warehousing' the permit.

## 3. Financial Implications

In the event that Council's decision is appealed at VCAT, any cost associated with attending and responding to an appeal would need to be funded.

## 4. Risk Management

The request to extend a planning permit for a Camping and Caravan Park does not present a risk to the future development of Cobram as it accords with the approved Development Plan for Cobram.

## 5. Internal and External Consultation

A request to extend a permit is not normally advertised. The request was not referred to authorities as there were no authorities that required conditions on the original permit.

The previous (3<sup>rd</sup>) request was discussed by the Development Assessment Team concluding that a further extension of time was not supported and that conventional residential development is considered to be preferred in this location.

## 6. Regional Context

There is no regional context associated with this request to extend the time of this permit.

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2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.5

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

**7. Legislative / Policy Implications**

Under Section 69 of the Planning and Environment Act 1987, the owner or occupier may apply for an extension of time before or within 6 months from the date of the permit. As the permit has been extended on 2 occasions this request has been made within the statutory time frames of the extended permit.

There is no statutory criteria to assess a request for an extension of time to a permit, however there have been a number of noteworthy VCAT cases that provide a basis or criteria to assess such requests. Kantor and others vs Murrindindi Shire Council and others (1997) is seen as the authoritative case for setting the assessment criteria:

- Whether there had been change in planning policy;
- Whether the landowner is seeking to “warehouse” the permit;
- Intervening circumstances as bearing upon grant or refusal;
- The total elapse of time;
- Whether the time limit originally imposed was adequate;
- The economic burden imposed on the landowner by the permit; and
- The probability of a permit issuing should a fresh application be made.

**8. Assessment**

**Whether there had been change in planning policy;**

The land was rezoned from Residential 1 Zone to the General Residential Zone Planning Scheme Amendment VC116. This amendment was introduced by the State Government to better manage housing growth and to broaden the range of use allowed in each new zone created by the amendment.

There have been amendments to the Cobram Development Plan since the approval of the planning permit, however they did not affect the subject land.

**Whether the landowner is seeking to “warehouse” the permit;**

The planning permit was issued in 2010 and two extensions of time have been granted. In the request to extend the permit, it is claimed that the reason for the further extension of is due to the downfall of the economy from the global financial crisis and its domino effect on the development and property industries and residential subdivision market.

The only evidence to support the applicant bone fides about proceeding with the development of the land is the lodgement of plans in 2011 to satisfy condition 1 and the lodgement of amended plans to both the Development Plan and the Planning Permit last year. This is not strong evidence or shows significant progression of the development, but does provide some level of commitment to the project albeit peripheral.

It could therefore be said that there is some form of ‘warehousing’ of the permit. This is further supported by the fact that this extension of time is for 1 year, thus giving the proponent (7) seven years to commence the development.

**Intervening circumstances as bearing upon grant or refusal;**

Have there been any events outside of the proponents control to prevent the progression of this development? The simple answer is no.

The only circumstances being relied upon by the proponent is due to the current market values and demand.

**The total elapse of time;**



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

ITEM NO: 9.2.5

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

There has been six years since the issue of the permit to seek other permits or permissions or to simply commence works. This is considered to be generous period of time to commence a development of this nature.

**Whether the time limit originally imposed was adequate;**

The time period applied to this permit was the 'standard' 2 years to commence and 10 years to complete from the commencement date. While the commencement time period is considered adequate to this development, the completion date is considered to be generous.

**The economic burden imposed on the landowner by the permit; and**

There has been no unreasonable economic burden imposed on the proponent by this permit to cause a delay in commencing this development.

**The probability of a permit issuing should a fresh application be made.**

The planning permit was issued for a Camping and Caravan Park which is defined in the Planning Scheme as follows:

*Land used to allow accommodation in caravans, cabins, tents, or the like.*

Whether this is a proper characterisation of the proposed use is debatable given that these cabins are intended to be used for permanent accommodation focusing on the over 55 age group. The application clearly indicated that it was not a Retirement Village. The dwellings were to comply with the Residential Tenancies (Caravan Park and Moveable Dwellings Registrations and Standards) Regulations.

The proposed use could be better characterised as a Residential Village which is described in the Planning Scheme as follows:

*Land, in one ownership, containing a number of dwellings, used to provide permanent accommodation and which includes communal, recreation, or medical facilities for residents of the village.*

Regardless of whether the proposal is characterised as a Camping and Caravan Park or a Residential Village, both these uses are permissible uses (Permit required) in the General Residential Zone.

What controls how this subject land is used and developed is via a Development Plan. As previously stated, a Development Plan was approved in 2007 with the subject land designated for standard residential development having lots of 500 – 1000 square metres. This Development Plan was subsequently amended in 2010 to accommodate for this use and development as a Camping and Caravan Park, which effectively reduced connectivity with surrounding land.

As it stands today, if a new application for a planning permit for either a Camping and Caravan Park or a Residential Village was lodged that had a layout conforming with the approved amended Development Plan, then there is no reason why a planning permit could not be granted.

**9. Environmental Impact**

There are no environmental issues to consider with this request to extend the time of a permit.

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

ITEM NO: 9.2.5

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

**10. Conflict of Interest Considerations**

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

**11. Conclusion**

The request to extend Planning Permit 5/2008/453 for the fourth time (by 1 year) would mean that the proponent has been given up to 7 years to commence the development.

It is considered that the proponent has been given sufficient time to commence the development and any further extension of the permit is viewed as warehousing the permit, therefore the request to extend the permit is refused.

**Attachments**

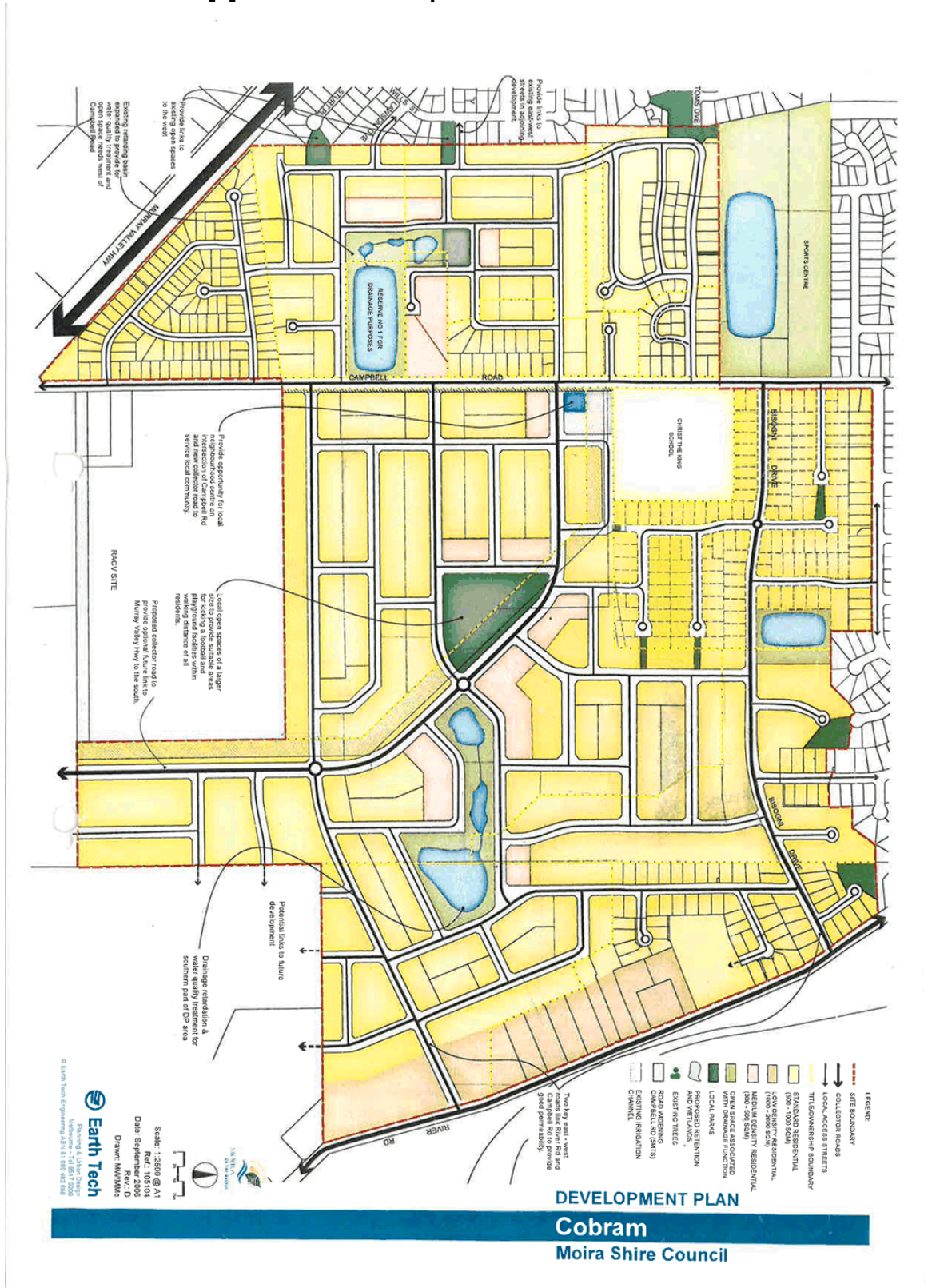
- 1 Cobram Development Plan 2007
- 2 Cobram Development Plan Amended 2010

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

ITEM NO: 9.2.5

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

**ATTACHMENT No [1] - Cobram Development Plan 2007**



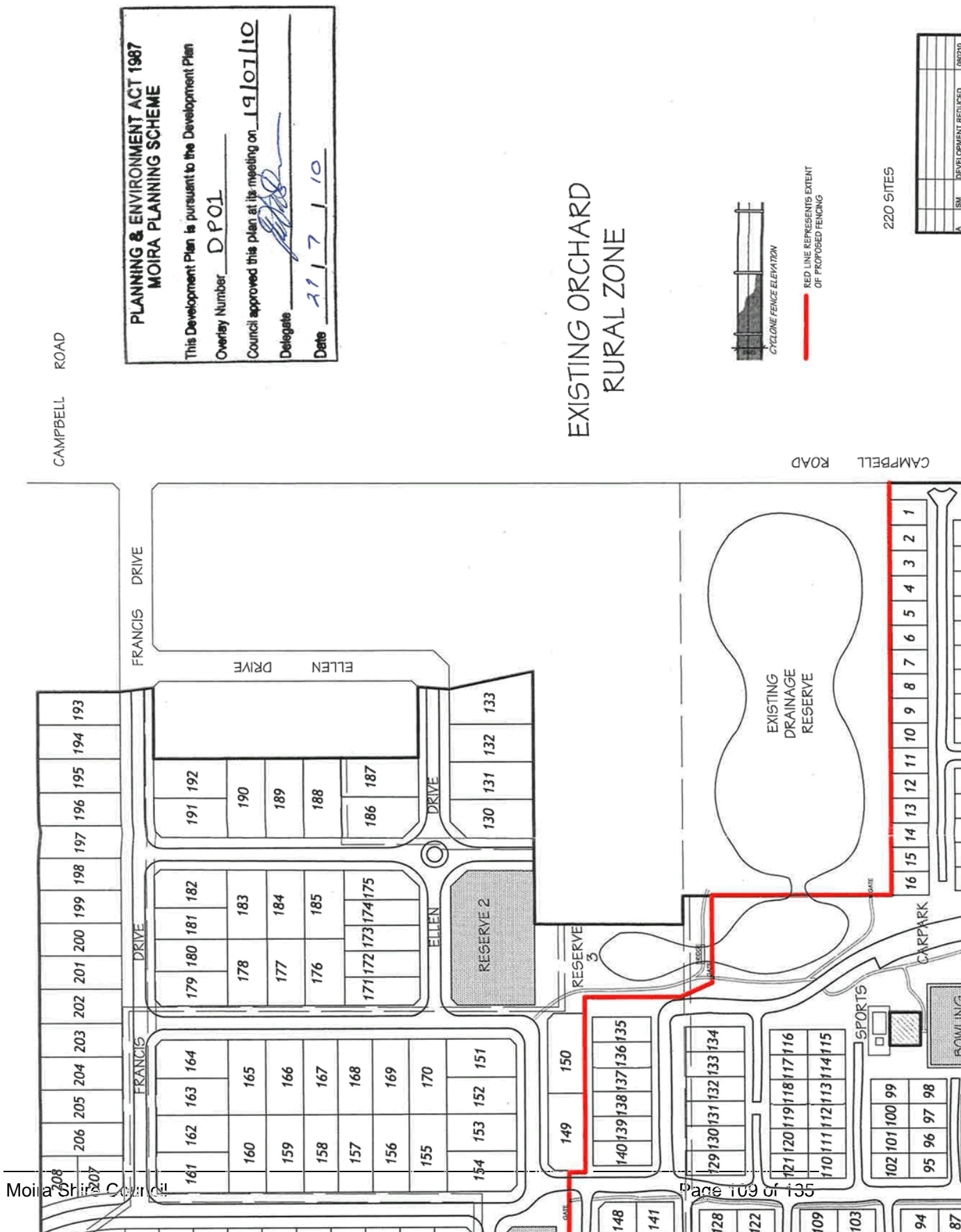


FILE NO: 5/2008/453  
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.5

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

ATTACHMENT No [2] - Cobram Development Plan Amended 2010



FILE NO: 001  
5. DEMONSTRATING GOOD GOVERNANCE

ITEM NO: 9.2.6

## PUBLIC CONSULTATION ON LANDSCAPE PLAN GUIDE FOR DEVELOPERS

### RECOMMENDATION

That Council endorses the *Landscape Plan Guide for Developments in Campaspe Shire Council – Greater Shepparton City Council and Moira Shire Council (Draft)* and releases it for public comment.

#### 1. Executive Summary

The *Landscape Plan Guide for Developments in Campaspe Shire Council – Greater Shepparton City Council and Moira Shire Council (Draft)* (the Draft Guide) has been prepared by Spiire Australia Pty Ltd (see *Attachment 1 – Draft Landscape Plan Guide*). The purpose of the project is to develop a guide to assist those applying for planning permits to efficiently and effectively submit the required characteristics of a landscape plan.

This project has been undertaken in collaboration with Campaspe and Moira Shire Council's, Greater Shepparton City Council and the Goulburn Broken Catchment Management Authority (GBCMA).

The Draft Guide establishes common requirements for sustainable and appropriate landscape developments across the three municipalities.

It will assist private developers and permit applicants in the preparation of informed and sustainable landscape plans that meet the expectations and standards of the council's and the GBCMA.

The Draft Guide also includes advice on plant species selection (such as low water use natives and indigenous species) and encourages the use of appropriate species for the existing environmental conditions.

The Draft Guide is intended to be formally released for public comment. Any feedback received during this consultation phase will be considered prior to adoption of a final document. The final document will inform a future group Council planning scheme amendment to implement any findings and recommendations.

#### 2. Background and Options

Landscaping is a significantly important part of the development process. It performs an important physical, visual and cultural function in our environment. It is required to varying degrees as part of all urban (e.g. subdivisions), industrial, commercial, rural and residential permit applications.

Campaspe and Moira Shire Council's and Greater Shepparton City Council require most approved residential, industrial, rural and commercial developments to submit a landscape plan as part of a permit application. This is to ensure that the visual and environmental quality of the landscape and neighborhood character is not adversely affected by inappropriate landscaping.

Most applicants become aware of the need to develop a landscape plan due to a condition requiring a plan to be submitted to Council for approval in their planning permit. Often the planning permit will require a landscape plan as well as specified details which

FILE NO: 001  
5. DEMONSTRATING GOOD GOVERNANCE

ITEM NO: 9.2.6

## PUBLIC CONSULTATION ON LANDSCAPE PLAN GUIDE FOR DEVELOPERS (cont'd)

need to be included or addressed in order to obtain approval. This may include names, size and maturity of plants, methods of draining, watering and maintaining landscaped areas, weed management programs, in-ground irrigation systems, etc.

A Landscape Plan Guide, which includes templates and information on scheduling and species selection, assists those applying for planning permits to efficiently and effectively submit the required characteristics of a landscape plan. To date no known guide or template exists to provide such guidance to applicants.

The Local Government Agricultural Floodplains Reference Group agreed to undertake a collaborative project to prepare a Landscape Plan Guide for Campaspe and Moira Shire Council's and Greater Shepparton City Council. It was agreed that Greater Shepparton City Council would be the lead Council for this project, and would manage the project on behalf of the consortium.

The project is collaboratively funded with \$10,000 received from both Campaspe and Moira Shire Council's to be included in a \$30,000 total budget for the project.

The purpose of the project is to develop a guide to assist those applying for planning permits to efficiently and effectively submit the required characteristics of a landscape plan. Spiire Australia Pty Ltd was engaged to prepare the *Landscape Plan Guide for Developments in Campaspe Shire Council – Greater Shepparton City Council and Moira Shire Council (Draft)* (the Draft Guide).

The Draft Guide will be a separate and complementary document to the Moira Shire Council Tree Management Strategy which focuses on Council's green urban spaces. The Draft Guide aims to assist private developers to achieve appropriate landscape outcomes.

The Draft Guide includes advice on species selection, such as low water use natives and indigenous species. It also encourages the use of appropriate species for existing environmental conditions, for example integrated with drainage design, existing infrastructure needs and shade trees for car park designs.

### 3. Financial Implications

The project is collaboratively funded with \$10,000 received from each Campaspe and Moira Shire Council's to be included in a \$30,000 total budget for the project.

A budget allocation was included in the adopted budget for this project.

The recommendation does not have any financial or budgetary implications for Council.

### 4. Risk Management

There are no adverse risks associated with endorsing the Draft Guide.

### 5. Internal and External Consultation

It is recommended that Council endorse the Draft Guide and release it for public comment.

The consultation associated with the development of the Draft Guide has been undertaken via the project working group which was established under the Local

FILE NO: 001  
5. DEMONSTRATING GOOD GOVERNANCE

ITEM NO: 9.2.6

## **PUBLIC CONSULTATION ON LANDSCAPE PLAN GUIDE FOR DEVELOPERS (cont'd)**

Government Agricultural Floodplains Reference Group. Further consultation will be undertaken in accordance with Council communication process.

### **6. Regional Context**

The Draft Guide has been developed in collaboration between Campaspe and Moira Shire Council's and Greater Shepparton City Council which support similar landscape features and provides consistency and ensures future sustainable landscapes that contribute positively to our local environments.

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

The Draft Guide contributes to achieving the Council Plan objectives;

- to demonstrate good governance; ensure governance and decision making framework meets legislative requirements and community needs, and
- to improve Moira's liveability; engage and empower the community in working towards a sustainable future.

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

All procedures associated with the Draft Guide comply with the legislative requirements. The Draft Guide has been prepared in accordance with the Planning Scheme and industry best management practice.

### **9. Environmental Impact**

The Draft Guide will result in positive environmental/sustainability impacts for the municipality. It seeks to ensure the environmental quality of the landscape is not adversely affected by inappropriate landscaping. It includes a comprehensive list of plant species, which are appropriate for the environmental and climatic conditions of the region.

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

No Council officers or contractors who have provided advice in relation to this report have declared a conflict of interest regarding the matter under consideration.

### **11. Conclusion**

The Draft Guide has been prepared by Spiire Australia Pty Ltd Ltd under a contractual agreement. The purpose of the project is to develop a guide to assist those applying for planning permits to efficiently and effectively submit the required characteristics of a landscape plan.

The Draft Guide establishes common requirements for sustainable and appropriate landscape developments across the three municipalities. It will assist developers and permit applicants in the preparation of informed and sustainable landscape plans that meet the expectations and standards of the councils and the GBCMA.

It is recommended that Council endorses the *Landscape Plan Guide for Developments in Campaspe Shire Council – Greater Shepparton City Council and Moira Shire Council (Draft)* and releases it for public comment.

### **Attachments**

- 1 Draft Landscape Plan Guide - *printed in separate document*



FILE NO: F13/2557  
5. DEMONSTRATING GOOD GOVERNANCE

ITEM NO: 9.2.7

## SCHEDULED REVIEW - CONTRIBUTION TO FENCING COSTS POLICY

### RECOMMENDATION

That Council adopt the Contribution to Fencing Costs Policy

#### 1. Executive Summary

The Contribution to Fencing Costs Policy outlines the responsibilities for contributing toward the cost of fencing between an adjoining property and Council land.

#### 2. Background and Options

The Contribution to Fencing Costs Policy was last adopted in August 2011. Very few aspects relating to the Policy have changed since its last adoption. Council has however recently experienced an influx of community members approaching Council to co-contribute to the cost of the boundary fence. It was hence decided to refine the policy to state that these requests need to be considered in the light of public interest.

In accordance with the policy Council can only acceded to a maximum of 50% co-contribution to fencing costs and only if Council is the freehold owner of the land. It therefore does not apply to Crown land or land managed by Council. The applicant also has to obtain three quotations for works to be undertaken and also has to submit his Title Deed to confirm ownership of the property.

#### 3. Financial Implications

The Contribution to Fencing Costs Policy enables Council to consider a request to contribute up to 50% of the total costs of fencing. The fencing claims are budgeted for and are recovered from the Town Planning and Building Expenses Cost Code.

#### 4. Risk Management

There is no risk associated with the adoption of this policy if applications are considered in the public interest.

#### 5. Internal and External Consultation

The policy was reviewed internally by Council officers. No external consultation was required in the revision of this policy

#### 6. Regional Context

The policy will apply to all community members who wish to undertake the repair to of an existing fence adjoining Council land.

#### 7. Council Plan Strategy

The Policy and its update will demonstrate good governance.

#### 8. Legislative / Policy Implications

The policy was developed with reference to clauses in the *Fences Act, 1968* which are still current and relevant.

#### 9. Environmental Impact

There is no environmental impact relating to the report.

FILE NO: F13/2557  
5. DEMONSTRATING GOOD GOVERNANCE

ITEM NO: 9.2.7

**SCHEDULED REVIEW - CONTRIBUTION TO FENCING COSTS POLICY**  
(cont'd)

**10. Conflict of Interest Considerations**

There are no conflict of interest considerations relating to this policy.

**11. Conclusion**

The adoption of the revised policy will allow landowners adjacent to Council freehold land to undertake maintenance to an existing boundary fence and put in a claim with Council to recover up to a maximum of 50% of costs involved in the works.

**Attachments**

- 1 Contribution to Fencing Costs Policy

FILE NO: F13/2557  
5. DEMONSTRATING GOOD GOVERNANCE

ITEM NO: 9.2.7

**SCHEDULED REVIEW - CONTRIBUTION TO FENCING COSTS POLICY**  
(cont'd)

**ATTACHMENT No [1] - Contribution to Fencing Costs Policy**



**Contribution to Fencing Costs**

<b>Policy type</b>	Council
<b>Adopted by</b>	Moira Shire Council
<b>Responsible director</b>	General Manager Infrastructure
<b>Responsible officer</b>	Manager Town Planning and Building
<b>Date adopted</b>	22 February 2017
<b>Scheduled for review</b>	22 February 2021

**PURPOSE**

To outline Council's responsibilities for contributing toward the cost of fencing between an adjoining property and Council land.

**SCOPE**

This policy applies to all contributions made by Council to fencing costs.

**POLICY**

- 1. Council's commitment**  
Council may contribute to the cost of fencing between an adjoining property where Council is the freehold owner of the land and where it is considered to be in the public interest
- 2. Quality and standard**  
Council reserves the right to require a specific quality and standard of fencing in keeping with the adjoining area and the requirements of Council.
- 3. Quotations and Titles required**  
Council shall only consider a request to contribute up to 50% of the total cost of fencing if the adjoining owner initiating the fencing provides three quotations in writing from established fencing contractors and a copy of Title demonstrating no Roads, Lanes or Carriage Way Easements exist.
- 4. Agreements in writing**  
When Council agrees to contribute to the costs of fencing with an adjoining owner, it will confirm agreement in writing.
- 5. Works to be completed before payment**  
Where Council does agree to contribute to the cost of any fencing with an adjoining owner, it will only make payment upon completion of the fencing.
- 6. Crown lands**  
Council shall not be held accountable for the costs of fencing for any crown land. However, where Council is the Committee of Management for that land and the land is exclusively in Council's care, Council may contribute to the cost of boundary fencing where it is considered to be in the public interest.

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FILE NO: F13/2557  
5. DEMONSTRATING GOOD GOVERNANCE

ITEM NO: 9.2.7

**SCHEDULED REVIEW - CONTRIBUTION TO FENCING COSTS POLICY**  
(cont'd)

**ATTACHMENT No [1] - Contribution to Fencing Costs Policy**



**Contribution to Fencing Costs**

**7. Repairing/ Replacing Existing Fences**

Council shall only consider a request to replace or repair an existing fence adjoining Council's land where it is in public interest, Council shall not contribute to the removal of the existing fence.

**8. Road reserves**

Council shall not contribute to any fencing costs along road reserve/property boundaries.

**9. Subdivisions**

The boundaries of new reserves created by subdivisions and vested in Council shall be fenced by the developer at no cost to Council.

**10. Exceptions**

Council shall not consider requests for assistance with fencing costs where the works have already been completed.

**RELATED POLICIES**

*Development of Policy Documents, and Policy Guideline*

**RELATED LEGISLATION**

*Fences Act 1968*

**REVIEW**

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

FILE NO: F13/2559  
5. DEMONSTRATING GOOD GOVERNANCE

ITEM NO: 9.2.8

## SCHEDULED REVIEW- BUILDING SETBACKS

### RECOMMENDATION

That Council adopt the updated Building Setback Policy.

#### 1. Executive Summary

The Policy relates to the determination of appropriate building setbacks where none is specified in the Moira Planning Scheme.

#### 2. Background and Options

The Policy relates to the determination of appropriate building setbacks where none is specified in the Moira Planning Scheme. The purpose of the policy is to ensure that development on Industrial and Commercial zoned land has regard to streetscape and general characteristics of the area.

The Building Setback Policy was last reviewed in December 2011. The only aspect that has changed since its last review is the zoning of Business 3 and 4 to a combined Commercial 2 zoning. The Policy is hence updated to align with the zoning change. The remainder of the Policy remains unchanged.

#### 3. Financial Implications

There are no financial implications related to the Policy.

#### 4. Risk Management

There is no risk associated with the adoption of this Policy.

#### 5. Internal and External Consultation

The policy was reviewed internally by Council officers. No external consultation was required in the revision of this policy.

#### 6. Regional Context

The policy will apply to all community members who wish to undertake development on Industrial 1, 2 and 3 and Commercial 2 zoned land.

#### 7. Council Plan Strategy

The Policy and its update will demonstrate good governance.

#### 8. Legislative / Policy Implications

The policy was developed with reference to clauses in the Moira Planning Scheme and legislation related to it are the Planning and Environment Act, associated Regulations, Building Act and associated Regulations.

#### 9. Environmental Impact

There is no environmental impact relating to the report.

#### 10. Conflict of Interest Considerations

There are no conflict of interest considerations relating to this policy.

FILE NO: F13/2559  
5. DEMONSTRATING GOOD GOVERNANCE

ITEM NO: 9.2.8

**SCHEDULED REVIEW- BUILDING SETBACKS (cont'd)**

**11. Conclusion**

The adoption of the revised Policy will ensure that Council has appropriate regard to the streetscape and general characteristics of the area.

**Attachments**

- 1 Building Setback Policy

FILE NO: F13/2559  
5. DEMONSTRATING GOOD GOVERNANCE

ITEM NO: 9.2.8

**SCHEDULED REVIEW- BUILDING SETBACKS (cont'd)**

**ATTACHMENT No [1] - Building Setback Policy**



**Building Setback**

<b>Policy type</b>	Council
<b>Adopted by</b>	Moira Shire Council
<b>Responsible director</b>	General Manager Infrastructure
<b>Responsible officer</b>	Manager Planning and Building
<b>Date adopted</b>	22 February 2017
<b>Scheduled for review</b>	22 February 2021

**PURPOSE**

To provide guidance to determine an appropriate building setback where none is specified in the Moira Planning Scheme; and

To ensure development is appropriately located upon land, having regard to the streetscape and general characteristics of the area.

**SCOPE**

This policy applies to all planning applications for development considered by Moira Shire Council.

**POLICY**

Determination of a building setback for a planning permit in the following zones will be based upon building setback distances specified in Table 1, taking into consideration:

- The setback of existing development and the amenity of the area; and
- Where existing and adjacent development is located at a lesser setback, consideration may be given to varying the distances.

*Table 1 – Building Setbacks*

Zone	Road Zone Category 1	Frontage to any other Road	Side setback from any other Road	Adjoining Properties
Low Density Residential	30m	15m	10m	5m
Industrial 1	30m	10m	5m	Not applicable
Industrial 2	30m	10m	5m	Not applicable
Industrial 3	30m	10m	5m	Not applicable
Commercial 2	30m	10m	5m	Not applicable

**RELATED POLICIES**

*Development of Policy Documents, and Policy Guideline*

FILE NO: F13/2559  
5. DEMONSTRATING GOOD GOVERNANCE

ITEM NO: 9.2.8

**SCHEDULED REVIEW- BUILDING SETBACKS (cont'd)**

**ATTACHMENT No [1] - Building Setback Policy**



## Building Setback

### RELATED LEGISLATION

*Planning and Environment Act 1987*  
*Planning and Environment Regulations 2005*  
*Building Act 1993*  
*Building Regulations 2006*

### REFERENCES

*Moira Planning Scheme*

### REVIEW

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

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FILE NO: F13/2557  
5. DEMONSTRATING GOOD GOVERNANCE

ITEM NO: 9.2.9

## SCHEDULED REVIEW - SWIMMING POOL AND SPA SAFETY BARRIERS POLICY

### RECOMMENDATION

That Council adopts the updated Swimming Pool and Spa Safety Barrier Policy.

### 1. Executive Summary

The Swimming Pool and Spa Safety Barrier Policy has been adopted in August 2012 and was due for review in August 2015. The policy has been reviewed and no significant change was required. Rather than being too descriptive of the types of community engagement to be undertaken it broadens this 'toolkit' to encourage greater community understanding of Pool Safety requirements and owners' responsibilities. The header was also changed from Director Development to General Manager Infrastructure.

### 2. Background and Options

In accordance with the Policy Council currently operates an Educational, Proactive, and Reactive approach to monitor compliance of swimming pools and spas within the Municipal area.

#### -Education

Council making available to the community sufficient information for persons to understand the legal requirements, owner's responsibilities and reasons for those requirements through media releases, Council's website and other publishing material as necessary.

#### -Proactive Policy

Council actively seeks out non-compliance of swimming pools and spas. The aim of this policy is to identify non-compliance while also providing an opportunity for education of property owners and provision of resources and information to assist in the long-term, effective maintenance of their pools and spas.

#### -Re-active Policy

Council responds to non-compliance as it becomes aware of specific or potential circumstances. This may be from internal or external sources. Once aware of non-compliance, Council is responsible for undertaking an audit and inspection process to determine the level of non-compliance and commence enforcement action, as necessary.

The Policy was found to be still relevant and fit for purpose to current circumstances and no significant changes are proposed. The revised policy encourages greater community understanding of Pool Safety requirements and owners' responsibilities without being too descriptive about the means of community engagement.

### 3. Financial Implications

No financial implication/bearing to Council relating to the Policy update.

### 4. Risk Management

Keeping the Policy updated and in keeping with current circumstances holds no significant risk to Council.

### 5. Internal and External Consultation

Internal officer consultation was undertaken with the preparation of the Policy review.

FILE NO: F13/2557  
5. DEMONSTRATING GOOD GOVERNANCE

ITEM NO: 9.2.9

**SCHEDULED REVIEW - SWIMMING POOL AND SPA SAFETY BARRIERS  
POLICY (cont'd)**

**6. Regional Context**

The Policy bears no Regional context.

**7. Council Plan Strategy**

The Policy and its update will demonstrate good governance.

**8. Legislative / Policy Implications**

The policy was developed with reference to clauses in the Building Act, Regulations and the Building Code of Australia.

**9. Environmental Impact**

There is no environmental impact relating to the report.

**10. Conflict of Interest Considerations**

There are no conflict of interest considerations relating to this policy.

**11. Conclusion**

The review did not attract any significant change. Except for updating the Responsible Director to General Manager Infrastructure, no change to the current Policy is proposed.

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

**Attachments**

- 1 Swimming Pool and Spa Safety Barriers Policy

FILE NO: F13/2557  
5. DEMONSTRATING GOOD GOVERNANCE

ITEM NO: 9.2.9

## SCHEDULED REVIEW - SWIMMING POOL AND SPA SAFETY BARRIERS POLICY (cont'd)

### ATTACHMENT No [1] - Swimming Pool and Spa Safety Barriers Policy



## Swimming Pool and Spa Safety Barriers

<b>Policy type</b>	Council
<b>Adopted by</b>	Moira Shire Council
<b>Responsible director</b>	General Manager Infrastructure
<b>Responsible officer</b>	Municipal Building Surveyor
<b>Date adopted</b>	22 February 2017
<b>Scheduled for review</b>	22 February 2021

### PURPOSE

- To minimise the risk of drowning or near drowning of young children in swimming pools or spas that do not comply with the relevant Building Regulations.
- To outline the approach Council and the Municipal Building Surveyor will take to achieve compliance of swimming pools and spas with safety barrier requirements.

### SCOPE

This policy applies to all domestic swimming pools and spas within the municipal district of Moira Shire Council.

### POLICY

Council will take the following approach:

#### 1. Education

Council will make available to the community sufficient information for persons to understand the legal requirements, owners responsibilities and reasons for those requirements through the following:

- 1.1. Distribution of information brochures through Council's service centres and agencies.
- 1.2. This policy will be posted on Council's website.
- 1.3. At least one article on swimming pool safety will be prepared for media release each year.
- 1.4. Enforcement action will be publicised to create greater public awareness of the consequences of non-compliance.

#### 2. Proactive

- 2.1. Maintain a database identifying where swimming pools and spas are located within the municipality.

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FILE NO: F13/2557  
5. DEMONSTRATING GOOD GOVERNANCE

ITEM NO: 9.2.9

**SCHEDULED REVIEW - SWIMMING POOL AND SPA SAFETY BARRIERS  
POLICY (cont'd)**

**ATTACHMENT No [1] - Swimming Pool and Spa Safety Barriers Policy**



**Swimming Pool and Spa Safety Barriers**

- 2.2. Inspect swimming pool and spa safety barriers each time a council building department officer is on site for other inspections.
- 2.3. Publicise, at least annually, that Council is undertaking an inspection program.

**3. Reactive**

In accordance with legislative requirements, the Municipal Building Surveyor, upon becoming aware of any domestic swimming pool or spa within the municipality that may not have the required barriers, will take action to bring about compliance through the following.

- 3.1. A letter will be sent to the property owner and/or occupier advising of a concern that their swimming pool and/or spa safety barriers may not comply with the Regulations.
- 3.2. The letter will nominate a date and time that a Council authorised officer will visit the property to investigate the concern.
- 3.3. The authorised officer will inform the occupier of the residence or land of the purpose of the inspection to be carried out at the residence or land.
- 3.4. Should it be found that the swimming pool and/or spa safety barriers do not comply with the requirements of the Regulations, details of non-compliance will be taken including photographs etc.
- 3.5. Should it be found that the swimming pool and/or spa safety barriers do comply with the requirements of the Regulations, no further enforcement action is to be taken and the owner and/or occupier is to be advised accordingly in writing as soon as possible.
- 3.6. Should the swimming pool and/or spa safety barriers be found not to comply with the requirements of the Regulations, the appropriate building notice and/or order as determined appropriate in the circumstances by the Municipal Building Surveyor will be issued to the property owner.
- 3.7. At the expiration of time stated in the appropriate building notice and/or order, a follow-up site visit will be carried out by an authorised officer to check for compliance or otherwise of the swimming pool and/or spa safety barriers.
- 3.8. Should the requirements of the building notice and/or order be satisfied, no further enforcement action will be taken and the owner and/or occupier will be advised in writing as soon as possible.
- 3.9. Should the requirements of the building notice and/or order not be satisfied, the matter is to be referred to the Municipal Building Surveyor.

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FILE NO: F13/2557  
5. DEMONSTRATING GOOD GOVERNANCE

ITEM NO: 9.2.9

**SCHEDULED REVIEW - SWIMMING POOL AND SPA SAFETY BARRIERS  
POLICY (cont'd)**

**ATTACHMENT No [1] - Swimming Pool and Spa Safety Barriers Policy**



**Swimming Pool and Spa Safety Barriers**

3.10 If the MBS is satisfied that the building notice and/or order has not been complied with, prosecution action will commence.

**RELATED POLICIES**

*Development of Policy Documents, and Policy Guideline*

**RELATED LEGISLATION**

*Building Act 1993 (section 212)  
Building Regulations 2006 (Part 7, Division 1)*

**REFERENCES**

*Building Code of Australia, Australian Building Codes Board*

**REVIEW**

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

FILE NO: 000.000.000  
5. DEMONSTRATING GOOD GOVERNANCE

ITEM NO: 9.2.10

## REPORT INTO KERB AND CHANNEL REPLACEMENT IN ELY, LYNCH AND HUME STREETS, YARRAWONGA

### RECOMMENDATION

That Council note the report.

#### 1. Executive Summary

At the December 2016 Ordinary Council Meeting the following motion was passed:

*That Council be provided with a full report on the kerb and guttering construction problems in Lynch, Hume and Ely Streets at the February meeting. To include*

- 1. How it occurred*
- 2. Cost of rectification*
- 3. What procedures have been put in place to prevent it happening again*

The Report follows for Council's consideration.

#### 2. Background and Options

In June 2015, Council was advised that its Roads to Recovery allocation for the 2015-16 financial year was to be increased from \$3.2 million to \$5.2 million. This significant increase in funding posed many challenges for Council in identifying suitable additional projects and resourcing the preparing of plans and specifications and ultimately the supervision of these additional works.

At the September 2016 Ordinary Council meeting, Council approved the distribution of the additional funds to projects within the capital program. \$234,000 was added to the funds for the Kerb and Channel replacement program increasing the available funds to \$634,000.

#### **The Ely, Lynch, and Hume Streets Kerb and Channel replacement project.**

The Ely, Lynch, and Hume Streets Kerb and Channel replacement project was one of a number kerb and channel renewal projects in the 2015-16 capital budget. The project was funded through the Roads to Recovery program and was budgeted at \$340,000

The survey and design of the kerb and channel replacement was the responsibility of Council. This involved:

- a survey of the existing kerb and channel alignment and driveways,
- the design of the proposed vertical alignment for the reconstructed kerb and channel,
- the design of any additional underground drainage that might be required to improve the management of stormwater, and,
- the preparation of the construction plans and specification for inclusion in the contract documents.

The Contract for the works (C006/16) was awarded by Council at its April ordinary Council meeting for the sum of \$372,590.35 (inc GST)

Works commenced on site in Monday 23 May 2016 in Lynch Street, then moved to Ely Street, with Hume Street last.

Average rainfall for Yarrawonga over June, July and August is 42, 47 and 40mm respectively. In 2016 rainfall totals over these three months were 92, 93 and 74mm.

FILE NO: 000.000.000  
5. DEMONSTRATING GOOD GOVERNANCE

ITEM NO: 9.2.10

## REPORT INTO KERB AND CHANNEL REPLACEMENT IN ELY, LYNCH AND HUME STREETS, YARRAWONGA (cont'd)

Complaints were received from 3 residents in Ely Street following rain that the kerb and channel had been installed at a higher than the previous level resulting in surface water not being able to flow off properties and pooling on properties.

In Hume Street, eight complaints were received from residents that could not access their property driveways without scraping their vehicles on either the road surface of the driveway surface.

In Lynch Street, there was 1 complaint from residents that could not access their property driveways without minor scraping of their vehicles on either the road surface of the driveway surface.

Rectification works were undertaken through direct management of contractors by Council staff with significant experience in managing these types of works. These works were completed in December 2016 and there have been no further documented complaints.

### Issues

In September 2016, a post construction review meeting was held to identify the reasons for the problems that occurred on this project.

Reasons identified included:

- Concerns over the accuracy of the Temporary Benchmarks installed in the original survey of the sites and used to set out the kerb levels during construction, up to 30mm out in one instance.
- The contractor working to an accuracy of plus or minus 10mm
- A lack of document control such that the latest version of plans could not be readily identified.
- An over reliance on standard drawings, particularly for driveways, such that plans and specification did not always represent the required works on site.
- The impact of changing the height of kerb invert on the vertical alignment of the driveway was not checked during the design stage to ensure the standard vehicle could still access without scraping.
- Concerns over the ability to achieve proper compaction of the road base due to the above average rainfall over the construction period.

### Remedies

Process improvements identified in the post construction review include:

- Temporary Benchmarks to be established and levelled to 'third order levelling' standards to ensure level controls are accurate.
- Feature survey checklist to be completed to ensure required survey data is collected to allow design to be completed.
- Design approval process more defined and includes 'walk through' of the project by designer and supervisor before plans issued for tender or construction.
- Designers to become familiar with existing driveway design software to allow impacts of changes in kerb invert heights to be assessed.
- More rigorous implementation of construction hold points to identify any problems before works are done.
- Document control, particularly version control measures put in place to ensure all parties are aware of the current version of plans and that superseded plans are removed from circulation.

FILE NO: 000.000.000  
5. DEMONSTRATING GOOD GOVERNANCE

ITEM NO: 9.2.10

## REPORT INTO KERB AND CHANNEL REPLACEMENT IN ELY, LYNCH AND HUME STREETS, YARRAWONGA (cont'd)

### 3. Financial Implications

The cost to replace and repair the kerb and channel in Ely to correct drainage issues from adjoining properties and to correct driveway access issues in Hume Streets and Lynch Streets was \$160,236.

The funds to cover this expenditure have been obtained through savings achieved in other capital projects within the 2016-17 financial year.

### 4. Risk Management

The costs to repair and replace kerb and channel in this project were not insignificant. The remedies to the issues identified that contributed to this problem should significantly reduce the risk of a reoccurrence in the future.

The nature and scale of the Councils capital program exposes it to the potential risk that when capital funds are unexpectedly increased and projects added late to a program that mistakes can occur.

The reputational risk to Council of this project has been well canvassed in local media on several occasions. The appropriate risk mitigation response was to rectify the works and put in place control measures to eliminate as far as humanely possible similar occurrences.

### 5. Internal and External Consultation

The post construction review meeting included a representative from the contractor and Council staff involved in the design and supervision of the project.

### 6. Council Plan Strategy

The Council plan strategy is to Improve Moira's Livability through the smarter delivery of existing services and programs.

### 7. Conflict of Interest Considerations

There are no conflicts of interest to be disclosed in relation to the preparation of this report.

### 8. Conclusion

This has been a project where the cost overrun has not been through unforeseeable events but rather through a breakdown of proper practice in survey, design and construction.

Officers are well aware of the scarcity of funds to be able to undertake these necessary kerb and channel replacement works and it pains them to redo work that should have been correct in the first instance.

The control measures that have been put in place in the survey, design and construction phases should significantly reduce the risk of this situation occurring again in the future.

### Attachments

Nil



FILE NO: F/300  
5. DEMONSTRATING GOOD GOVERNANCE

ITEM NO: 10.1

## ACTION OFFICERS' LIST.

### RECOMMENDATION

That Council receive and note the Action Officers' List.

**Meeting:** 19 December 2016

**Subject –** General Business

### MOTION

That Council be provided with a full report on the kerb and guttering construction problem in Lynch, Hume and Ely Street in Yarrowonga at the February Meeting. To include:

1. How it occurred
2. Cost of rectification
3. What procedures have been put in place to prevent it happening again.

(CARRIED)

### Activity

Report being prepared for February Council Meeting.

**Meeting:** 19 December 2016

**Subject –** General Business

### MOTION

That the Chief Executive Office undertake and report on the effectiveness and efficiency of the Moira Shire Council's Planning Department. The report to be completed by 31 March 2017, should include recommendation's that ensure Moira Shire Council's planning function achieves sector best practice standards and creates high levels of accountability within the Planning Department.

(CARRIED)

### Activity

Information is being gathered to prepare the required report.

**Meeting:** 25 July 2016

**Subject –** General Business

### MOTION

That Council be advised as to the water allocation and extraction licence assets held by Council, the trading actions achieved over the past three seasons and the demand required to meet community needs.

(CARRIED)

### Activity

Further information being gathered.

FILE NO: F/300  
5. DEMONSTRATING GOOD GOVERNANCE

ITEM NO: 10.1

**ACTION OFFICERS' LIST.**  
(cont'd)

**Meeting:** 20 June 2016

**Subject –** Sale saleyards land at Mill Street Cobram.

**MOTION**

1. That following consideration of submissions received under Section 223 of the Local Government Act Council resolve to sell the former saleyards land at Mill Street Cobram.
2. That the Chief Executive Officer be authorised to sell the land.

(CARRIED)

**COMPLETED**

- CEO has signed sale of land contracts and Section 32 vendor statement.
- Contracts and Section 32 vendor statements to be sent to purchasers solicitors for signing.

<b>FILE NO: F/300</b> <b>5. DEMONSTRATING GOOD GOVERNANCE</b>
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<b>ITEM NO: 10.1</b>
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**ACTION OFFICERS' LIST.**  
(cont'd)

<b>Meeting:</b> Ordinary Council Meeting 23 November 2015
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<b>Subject –</b> General Business
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<b>MOTION</b>
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<p>That Council staff prepare a submission to the Planning Minister championing the green option for the Yarrowonga Mulwala Bridge to be presented when appropriate.</p>
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<p style="text-align: right;">(CARRIED)</p>
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<b>Activity</b>
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<p>The budget includes funding to support Councils submission to the planning process that Vicroads will establish through DELWP. The Planning Minister has acknowledged Councils request that the EES / Planning Amendment consider both the green and the grey routes but has not indicated his intended decision at this stage. Vicroads currently preparing concept plans for the grey route.</p>
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**Attachments**

Nil

FILE NO: F17/456  
4. SMARTER DELIVERY OF SERVICES AND  
PROGRAMS

ITEM NO: 11.1

**CR PETER MANSFIELD**

**TAKE NOTICE** that at the Council Meeting to be held on 22 February 2017, it is my intention to move the following motion:

That all meetings involving Councillors be held in Moira Shire unless otherwise agreed to by Council.

**CR PETER MANSFIELD**

Date: 22 February 2017

FILE NO: VARIOUS

ITEM NO: 14

**GENERAL BUSINESS****Clause 62 of Council's "Meeting Procedures Local Law 2007 (No 1 of 2007) states:****62. Urgent or general business**

1. Business which has not been listed on a meeting agenda may only be raised as urgent or general business if the majority of Councillors are present and it is agreed to by a resolution of the Council.
2. Notwithstanding sub-clause (1), if all Councillors are not present, the Chairperson may rule the matter is of urgency and accept an urgency motion to deal with the business which has not been listed on the meeting agenda.
3. An urgency motion can be moved without notice.
4. Only the mover of an urgency motion may speak to the motion before it is put

FILE NO: VARIOUS

ITEM NO: 15

**QUESTIONS FROM THE PUBLIC GALLERY**

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

**63. Question Time**

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

No question must be so read unless:

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

A question may be disallowed by the Chairperson if it:

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

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

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

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

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

FILE NO: VARIOUS

ITEM NO: 16

**MEETING ADJOURNMENT**

**RECOMMENDATION**

That the meeting be adjourned for 10 minutes.

**RECOMMENDATION**

That the meeting be resumed.

**RECOMMENDATION**

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

**RECOMMENDATION**

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

**RECOMMENDATION**

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