



MINUTES

ORDINARY MEETING OF COUNCIL HELD AT COBRAM
CIVIC CENTRE,
WEDNESDAY 22 FEBRUARY 2017

The meeting commenced at 6.00 pm.

PRESENT Councillor Gary Cleveland (Mayor)
Councillor John Beitzel
Councillor Kevin Bourke
Councillor Ed Cox
Councillor Peter Lawless
Councillor Peter Mansfield

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

1. CALLING TO ORDER – CEO

RECORDING

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

2. PRAYER

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

Amen

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

Cr Wendy Buck had previously been granted a leave of absence.
Cr Libro Mustica and Cr Marie Martin were apologies.

MOTION

CRS ED COX / KEVIN BOURKE

That Apologies be accepted

(CARRIED)

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

Nil

6. DECLARATION OF ANY INTEREST OR CONFLICT OF INTEREST

The CEO declared a conflict of interest for planning matter item 9.2.5 Extension of time to Planning Permit 5/2008/453 – Camping and Caravan Park, Campbell Road Cobram due to living nearby.

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

MOTION:

CRS ED COX / JOHN BEITZEL

"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."

(CARRIED)

8. COUNCILLOR REPORTS

Cr Bourke thanked the staff and contractors for footpath works underway in Blake Street, Nathalia.

Cr Bourke and Cr Mansfield attended the Murray Darling Basin Authority (MDBA) forum on 2 February 2017.

Cr Bourke provided an update on the natural gas connection in Nathalia .

Cr Lawless and Cr Bourke attended the Disability Advisory Committee meeting on 14 February 2017. Cr Lawless commended the Committee on their involvement and thanked the Mayor of Nathalia for the town tour.

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

ITEM NO: 9.1.1

QUARTERLY BUDGET REVIEW - DECEMBER 2016

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.

MOTION

CRS ED COX / KEVIN BOURKE

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

(CARRIED)

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

ITEM NO: 9.1.2

SECTION 86 COMMITTEE COUNCILLOR REPRESENTATIVE

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.

MOTION

CRS PETER MANSFIELD / PETER LAWLESS

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

(CARRIED)

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

ITEM NO: 9.1.3

YARRAWONGA MULWALA BRIDGE UPDATE

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.

MOTION

CRS PETER MANSFIELD / KEVIN BOURKE

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 route.

(CARRIED)

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**

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.

MOTION

CRS JOHN BEITZEL / KEVIN BOURKE

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.)

(CARRIED)

FILE NO: 231.99.00
1. STRONGER REGIONAL PARTNERSHIPS

ITEM NO: 9.1.5

RESULTS OF THE GOULBURN VALLEY REGIONAL ASSEMBLY

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.

MOTION

CRS ED COX / PETER LAWLESS

That Council notes the Goulburn Valley Regional Assembly results.

(CARRIED)

FILE NO: F13/503
5. DEMONSTRATING GOOD GOVERNANCE

ITEM NO: 9.1.6

ASSEMBLIES OF COUNCILLORS

Executive Summary

The records of the Assembly of Councillors reported during the month of 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).

MOTION

CRS PETER MANSFIELD / JOHN BEITZEL

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

(CARRIED)

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

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.

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.

MOTION

CRS KEVIN BOURKE / ED COX

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).

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

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:
 - (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.

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

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.

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.

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**

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*.

(CARRIED)

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**

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 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.

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**

MOTION

CRS ED COX / JOHN BEITZEL

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.

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**

- 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 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.

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**

(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.

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.

(CARRIED)

FILE NO: F16/727
2. IMPROVING MOIRA'S LIVEABILITY

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)

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.

MOTION

CRS PETER MANSFIELD / KEVIN BOURKE

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.

(CARRIED)

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**

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.

MOTION

CRS ED COX / KEVIN BOURKE

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.

(CARRIED)

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

ITEM NO: 9.2.5

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

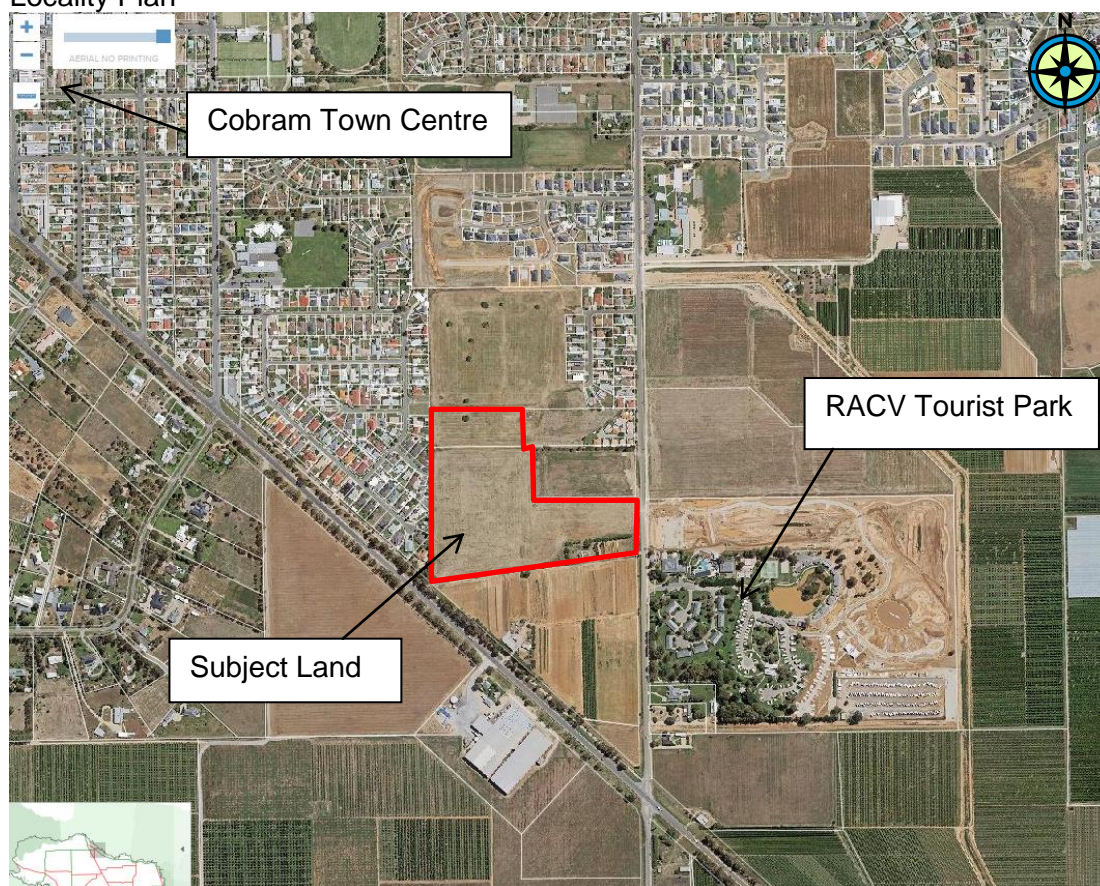
The CEO left the Chamber at 6.32pm

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.

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**

MOTION

CRS ED COX / KEVIN BOURKE

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

(CARRIED)

The CEO returned at 6.35pm.

FILE NO: 001
5. DEMONSTRATING GOOD GOVERNANCE

ITEM NO: 9.2.6

PUBLIC CONSULTATION ON LANDSCAPE PLAN GUIDE FOR DEVELOPERS

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.

MOTION

CRS KEVIN BOURKE / ED COX

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.

(CARRIED)

FILE NO: F13/2557
5. DEMONSTRATING GOOD GOVERNANCE

ITEM NO: 9.2.7

SCHEDULED REVIEW - CONTRIBUTION TO FENCING COSTS POLICY

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.

MOTION

CRS ED COX / KEVIN BOURKE

That Council adopt the Contribution to Fencing Costs Policy

(CARRIED)

FILE NO: F13/2559
5. DEMONSTRATING GOOD GOVERNANCE

ITEM NO: 9.2.8

SCHEDULED REVIEW- BUILDING SETBACKS

Executive Summary

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

MOTION

CRS ED COX / KEVIN BOURKE

That Council adopt the updated Building Setback Policy.

(CARRIED)

FILE NO: F13/2557
5. DEMONSTRATING GOOD GOVERNANCE

ITEM NO: 9.2.9

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

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.

MOTION

CRS KEVIN BOURKE / PETER LAWLESS

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

(CARRIED)

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

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.

MOTION

CRS PETER MANSFIELD / PETER LAWLESS

That Council note the report.

(CARRIED)

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

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| Meeting: 19 December 2016 |
| Subject – General Business |
| <p>MOTION</p> <p>That Council be provided with a full report on the kerb and guttering construction problem in Lynch, Hume and Ely Street in Yarrawonga at the February Meeting. To include:</p> <ol style="list-style-type: none"> 1. How it occurred 2. Cost of rectification 3. What procedures have been put in place to prevent it happening again. <p style="text-align: right;">(CARRIED)</p> |
| <p>Activity</p> <p>Report being prepared for February Council Meeting.</p> |
| Meeting: 19 December 2016 |
| Subject – General Business |
| <p>MOTION</p> <p>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.</p> <p style="text-align: right;">(CARRIED)</p> |
| <p>Activity</p> <p>Information is being gathered to prepare the required report.</p> |
| Meeting: 25 July 2016 |
| Subject – General Business |
| <p>MOTION</p> <p>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.</p> <p style="text-align: right;">(CARRIED)</p> |
| <p>Activity</p> <p>Further information being gathered.</p> |

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| FILE NO: F/300 5. DEMONSTRATING GOOD GOVERNANCE | ITEM NO: 10.1 |
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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.

Meeting: Ordinary Council Meeting 23 November 2015

Subject – General Business

MOTION

That Council staff prepare a submission to the Planning Minister championing the green option for the Yarrowonga Mulwala Bridge to be presented when appropriate.

(CARRIED)

Activity

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.

MOTION

CRS PETER MANSFIELD / JOHN BEITZEL

That Council receive and note the Action Officers' List.

(CARRIED)

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| FILE NO: F17/456 4. SMARTER DELIVERY OF SERVICES AND PROGRAMS |
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| ITEM NO: 11.1 |
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NOTICE OF MOTION

TAKE NOTICE at the Council Meeting held on 22 February 2017, my intention to move the following motion:

MOTION

CRS PETER MANSFIELD / PETER LAWLESS

That all meetings involving Councillors be held in Moira Shire unless otherwise agreed to by Council.

The motion was withdrawn with the leave of the Council.

MOTION

CRS ED COX / KEVIN BOURKE

That Council instigated meetings and functions be held locally to maximize the economic benefit to Moira businesses and our immediate cross border neighbours. Where there is a proposal to move outside the local district this shall require the consent of the Mayor.

(CARRIED)

12. PETITIONS AND JOINT LETTERS

Cr Peter Mansfield tabled a petition from residents objecting to a suggested proposal to sell Luton Drive Reserve, Yarrawonga.

13. COUNCIL SEAL

NIL

FILE NO: VARIOUS

ITEM NO: 14

GENERAL BUSINESS**Clause 62 of Council's "Meeting Procedures Local Law 2007 (No 1 of 2007) states:****62. Urgent or general business**

1. Business which has not been listed on a meeting agenda may only be raised as urgent or general business if the majority of Councillors are present and it is agreed to by a resolution of the Council.
2. Notwithstanding sub-clause (1), if all Councillors are not present, the Chairperson may rule the matter is of urgency and accept an urgency motion to deal with the business which has not been listed on the meeting agenda.
3. An urgency motion can be moved without notice.
4. Only the mover of an urgency motion may speak to the motion before it is put

MOTION

CRS PETER MANSFIELD / KEVIN BOURKE

That items of General Business be accepted

(CARRIED)

MOTION

CRS PETER LAWLESS / KEVIN BOURKE

That having considered the history of permits to burn under the CFA Act and the indemnity the Act provides for Council and the MFPO, Moira Shire Council's position be that it is willing to accept the risks associated with grass and stubble burning as generally applies throughout Victoria and acknowledges the CFA's expertise in providing advice as to when permits can safely be issued.

(CARRIED)

FILE NO: VARIOUS

ITEM NO: 15

QUESTIONS FROM THE PUBLIC GALLERY

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

63. Question Time

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

No question must be so read unless:

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

A question may be disallowed by the Chairperson if it:

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

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

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

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

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

FILE NO: VARIOUS

ITEM NO: 15

QUESTIONS FROM THE PUBLIC GALLERY

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|-------------|--|
| 15.1 | Russell Ramsdale - Yarrawonga |
| Question | Where does council stand on the proposed Graincorp loading facility? |
| Answer | <p>The Chief Executive Officer explained that it is important for Councillors to be informed and consider a wide range of views regarding planning matters however they must also remain objective and reserve their views until the matter comes to Council for decision.</p> <p>The CEO also explained that the initial GrainCorp planning application proposed the removal of native vegetation and as a result the applicant was required to advertise the proposal for public feedback. GrainCorp has since lodged an amended application that does not require the removal of native vegetation presented to Council for determination at the next Council meeting.</p> <p>The CEO advised that the objections may not now be technically valid objections however Council will have regard to the concerns raised when determining the amended application.</p> |
| 15.3 | Leanne Harmon - Yarrawonga |
| Question | Why wasn't there any Councillors at the Graincorp mediation? |
| Answer | The Chief Executive Officer advised in relation to planning matters Councillors are required to remain impartial in order to consider and make an unbiased decision on planning applications. |
| 15.4 | John Gardiner – Yarrawonga |
| Question | Who will take care of the residents of Havenstock Drive Yarrawonga due to the dust pollution from Graincorp? |
| Answer | The Chief Executive Officer advised Graincorp will be required to operate within relevant EPA guidelines and Council records indicate that only one complaint has ever been made regarding this site. |
| 15.5 | Andrew McPherson – Yarrawonga |
| Question | How does Council propose to bind other stakeholders to the results of the Yarrawonga –Mulwala bridge plebiscite (Vicroads, Corowa Shire) |
| Answer | The Chief Executive Officer advised the plebiscite would not be binding on any organisation or stakeholder. The sole purpose of the plebiscite is to obtain a preference on the location of the bridge crossing. Council would need to determine whether to adopt the decision as Council's position and advocate for its acceptance by other stakeholders. |
| 15.6 | Andrew McPherson – Yarrawonga |
| Question | Will an Environmental Effect Statement cover both routes? |
| Answer | The Chief Executive Officer advised that Council's request was route-neutral and an Environmental Effect Statement is requested for all proposed routes. |
| 15.7 | John Gardiner – Yarrawonga |
| Question | Can a stop sign be placed at the entrance of Graincorp at Yarrawonga Main Road? |
| Answer | The Chief Executive Officer advised its private property but is happy to discuss with Graincorp. |

FILE NO: VARIOUS

ITEM NO: 16

MEETING ADJOURNMENT

MOTION

CRS ED COX / KEVIN BOURKE

That the meeting be adjourned for 10 minutes.

(CARRIED)

Meeting adjourned 7.25pm

MOTION

CRS KEVIN BOURKE / ED COX

That the meeting be resumed.

(CARRIED)

Meeting resumed 7.41pm

MOTION

CRS KEVIN BOURKE / PETER MANSFIELD

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

(CARRIED)

MOTION

CRS ED COX / KEVIN BOURKE

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

(CARRIED)

MOTION

CRS ED COX / KEVIN BOURKE

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

(CARRIED)

Meeting closed 8.07pm