



MINUTES

ORDINARY MEETING OF COUNCIL HELD AT COBRAM
CIVIC CENTRE, PUNT ROAD COBRAM,
WEDNESDAY 22 NOVEMBER 2017

The meeting commenced at 6:00 pm.

PRESENT	Councillor Libro Mustica	Councillor (Mayor)
	Councillor Ed Cox	(Deputy Mayor)
	Councillor John Beitzel	
	Councillor Kevin Bourke	
	Councillor Wendy Buck	
	Councillor Gary Cleveland	
	Councillor Peter Lawless	
	Councillor Peter Mansfield	
	Councillor Marie Martin	
IN ATTENDANCE:	Mark Henderson	Chief Executive Officer
	Andrew Close	General Manager Infrastructure
	Sally Rice	General Manager Community
	Linda Nieuwenhuizen	Manager Governance and Communication

1. CALLING TO ORDER – CEO

RECORDING

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

2. PRAYER

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

Amen

Read by the Mayor.

3. ACKNOWLEDGEMENT OF COUNTRY

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

Read by the Mayor.

4. APOLOGIES & REQUESTS FOR LEAVE OF ABSENCE

Nil

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

Nil

6. DECLARATION OF ANY INTEREST OR CONFLICT OF INTEREST

Nil

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

MOTION:

CRS ED COX / GARY CLEVELAND

That the minutes of the Ordinary Council Meeting held on Wednesday, 25 October 2017 and the minutes of the Special Meeting of Council held on Wednesday, 8 November 2017, as prepared, be confirmed.

(CARRIED)

8. COUNCILLOR REPORTS

Cr Bourke reported on:

- His disappointment of the Nathalia Community Forum being held on the same night as the Council meeting.
- How the drainage in Nathalia held up during the recent rain event.
- The issues of gopher accidents and the need for public awareness.
- Submissions for the Goulburn Broken Regional Floodplain Management Strategy.

Cr Marie Martin report on:

- Her attendance at the Dungala-Kaiela Writing Awards evening.
- The Launch of the Environment Sustainability Strategy.

Cr Peter Lawless reported on:

- A meeting with the Wilby community regarding the Wilby bridge that he attended with Cr Peter Mansfield.

Cr Gary Cleveland reported on:

- His involvement as Chair and now Deputy Chair of the Goulburn Valley Regional Library Board.

FILE NO: 120.06.003
4. A WELL RUN COUNCIL

ITEM NO: 9.1.1

COUNCIL MEETING SCHEDULE 2018

Executive Summary

Under Part 3, Section 8(1) of Council's Meeting Procedures Local Law 2017: The date time and place of all Council meetings are to be fixed by the Council and reasonable notice of the meetings must be provided to the public.

This report details the meeting and briefing schedule for 2018.

MOTION

CRS PETER MANSFIELD / GARY CLEVELAND

That Council:

1. Pursuant to Part 3, Section 8(1) of Meeting Procedures - Local Law 2017 set the date, time and place of Council meetings as:
 - Ordinary Council Meetings to be held on the fourth Wednesday of the month (unless it conflicts with a public holiday) commencing at 5pm during eastern standard times and 6pm during daylight savings (eastern summer time).
 - One Ordinary meeting will be held at Yarrowonga, Numurkah and Nathalia.
 - All other Ordinary Council Meetings to be held at the Cobram Civic Centre, Council Chambers.
2. Briefing sessions to be held on the second Wednesday of the month and held on the third Wednesday of the month if required.

AMENDMENT

CRS KEVIN BOURKE / MARIE MARTIN

That Council:

1. Pursuant to Part 3, Section 8(1) of Meeting Procedures - Local Law 2017 set the date, time and place of Council meetings as:
 - Ordinary Council Meetings to be held on the fourth Wednesday of the month (unless it conflicts with a public holiday) commencing at 6PM.
 - One Ordinary meeting will be held at Yarrowonga, Numurkah and Nathalia.
 - All other Ordinary Council Meetings to be held at the Cobram Civic Centre, Council Chambers.
2. Briefing sessions to be held on the second Wednesday of the month and held on the third Wednesday of the month if required.

(LOST)

FILE NO: 120.06.003
4. A WELL RUN COUNCIL

ITEM NO: 9.1.1

COUNCIL MEETING SCHEDULE 2018 (cont'd)

Cr Kevin Bourke called for a division.

AGAINST

Cr Beitzel
Cr Buck
Cr Cleveland
Cr Cox
Cr Mansfield

FOR

Cr Bourke
Cr Lawless
Cr Libro Mustica
Cr Martin

THE MOTION WAS PUT AND CARRIED.

FILE NO: F13/503
4. A WELL RUN COUNCIL

ITEM NO: 9.2.1

ASSEMBLIES OF COUNCIL

Executive Summary

This report details the Assembly of Councillors for October 2017 and is prepared in accordance with the requirements of the Local Government Act (the Act) 1989 section 80A.

MOTION

CRS ED COX / PETER LAWLESS

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

(CARRIED)

FILE NO: F15/752
4. A WELL RUN COUNCIL

ITEM NO: 9.2.2

PROCUREMENT POLICY REVIEW

Executive Summary

In accordance with s186A (1) of the Local Government Act, Council must have an approved Procurement Policy that defines the principles, processes and procedures that will apply to all purchases of goods, services and works by Council.

A review of the policy has been conducted with regard to the procurement policies of members of the Goulburn Valley Regional Collaborative Alliance, administration associated with the current market testing requirements and trends in Council's financial transactions over the past 3 years and a desire to strengthen the focus on the use of local suppliers.

It is recommended that the policy, including the amended market testing requirements for the different financial thresholds provided in Table 1, be adopted.

MOTION

CRS ED COX / WENDY BUCK

That Council adopt the Procurement Policy.

(CARRIED)

FILE NO: F13/152
1. A GREAT PLACE TO LIVE

ITEM NO: 9.3.1

MUNICIPAL WELLBEING FOR ALL AGES STRATEGY

Executive Summary

In accordance with Victorian Public Health and Wellbeing Act 2008 Victorian Councils are required to adopt a municipal plan or strategy that addresses health and wellbeing concerns, within 12 months of Council elections.

The attached Municipal Wellbeing for All Ages Strategy aims to meet these requirements using the following themes and goals as a framework. These themes and goals are consistent with the recently adopted Council Plan and link to the priority areas of the Victorian Public Health and Wellbeing plan.

- **Active and Healthy Lifestyle**

Moira residents will have access to the resources and support required to live an active and healthy lifestyle.

- **Safe and Connected Communities**

Moira Shire will be a safe place to live. Individuals will feel safe in their community and connected to those around them

- **A Thriving Economy**

Moira's economy will continue to diversify and grow to attract new investment and generate employment opportunities

- **Environmental Sustainability**

Moira's community will work together for an environmentally sustainable future.

This report seeks formal endorsement and adoption of the Municipal Wellbeing for All Ages Strategy 2017 – 2021 from Council

MOTION

CRS MARIE MARTIN / KEVIN BOURKE

That Council adopt the Municipal Wellbeing for All Ages Strategy 2017 - 2021.

(CARRIED)

FILE NO: F14/136
3. A CLEAN GREEN ENVIRONMENT

ITEM NO: 9.3.2

PROCESS AND APPLICATION REVIEW - FREE WASTE PASS

Executive Summary

Council provides free waste passes to not-for-profit community groups undertaking community orientated activities. During a departmental service review in early 2017, it was identified that there is difficulties administering the free waste pass service due to there not being a clearly defined process, or a regulated set of criteria for applications to be assessed

The existing service also does not distinguish the type of material being disposed; therefore Council is missing an opportunity to educate the community about the waste hierarchy. Also the number of groups and activities being supported through the service is being limited as there is no provision for different material types.

The review of the application process aims to address these issues and this report recommends that Council endorse the implementation of the proposed changes.

MOTION

CRS KEVIN BOURKE / ED COX

That Council endorse for implementation the proposed changes to the waste disposal pass process outlined within this report.

(CARRIED)

FILE NO: F17/456
1. A GREAT PLACE TO LIVE

ITEM NO: 9.4.1

YARRAWONGA GROWTH MANAGEMENT STRATEGY

Executive Summary

At Council's request, the Victorian Planning Authority authorized MacroPlan Dimasi to prepare the Yarrowonga Growth Management Strategy (YGMS). This document is now to hand.

Yarrowonga was chosen because of its relatively high growth rate and developing role as a regional centre for homes, jobs and services.

The Growth Management Strategy for Yarrowonga has been developed as a framework to guide future population, residential settlements and other land use activities from 2016 to 2051. The strategy was conducted in 3 stages:

- Stage 1 – Preparation of a Background Analysis report;
- Stage 2 – preparation of forecasts and the growth model; and
- Stage 3 – preparation of an Executive Report summarizing findings and outcomes.

Key findings confirm medium level growth in population, jobs, dwellings and retail/commercial demand. There is sufficiently zoned land to meet this growth. More industrial land will need to be released to the market to satisfy future demand.

An ageing population is expected see jobs growth in services, health, retail and construction at the expense of declining traditional industrial sectors.

MOTION

CRS PETER MANSFIELD / WENDY BUCK

That the Yarrowonga Growth Management Strategy be received and that funding support be sought from the Victorian Planning Authority to undertake the next step of developing a Framework Plan.

(CARRIED)

FILE NO: 52017183
2. A THRIVING LOCAL ECONOMY

ITEM NO: 9.4.2

PLANNING PERMIT APPLICATION 52017183 - USE AND DEVELOPMENT - PLACE OF ASSEMBLY; FOOD AND DRINKS PREMISES AT 9-11 HUNT STREET YARRAWONGA

Executive Summary

Planning permit application 52017183 was lodged with Council on 11 September 2017 for the 'Use and Development of the land for a Place of Assembly and Food and Drink Premises', at 9-11 Hunt Street in Yarrawonga.

This privately owned site is zoned for a mix of uses, including commercial, measures 4000 square metres in area and is located within 20 metres of the foreshore of Lake Mulwala and over 100 metres from the main commercial activity centre of Yarrawonga along Belmore Street.

The proposal indicates four food vans, intending to provide 'high end food', two bars, a shaded seating area, toilets, car parking on site, set around an activation area. This activation area is to be based around 'fun' and 'all ages games' (quoits, tin can alley, ring and lasso toss, shuffleboard, bocce) to encourage socialising and creating a point of difference to other venues in the region. The site will be fenced for security.

The proposed hours of operation are:

7am till 11pm Monday to Saturday
10am till 11pm Sunday
12 noon till 11pm ANZAC Day and Good Friday

The proposed days of trading are:

Wednesday 20 December 2017 to Sunday 28 January 2018 (closed Christmas Day)
Public holidays and busy weekends through the year.

MOTION

CRS PETER MANSFIELD / MARIE MARTIN

That Council refuse Planning Permit Application 52017183 for Use and Development – Place of Assembly and Food and Drink Premises at 9-11 Hunt Street, Yarrawonga and issue a Notice of Refusal, on the following grounds:

1. The proposal will have a detrimental impact on the amenity of the area, particularly with respect to noise, odour, car parking and traffic management.
2. The proposal is not in keeping with its surrounds with respect to the transient and temporary nature of the proposed use and development.

(CARRIED)

FILE NO: F16/727
1. A GREAT PLACE TO LIVE

ITEM NO: 9.4.3

ADOPTION OF PLANNING SCHEME AMENDMENT C86 - INTRODUCTION OF AN ENVIRONMENTAL SIGNIFICANCE OVERLAY SCHEDULE 3 (ESO3) AROUND THE YARRAWONGA, BUNDALONG, TUNGAMAH WASTE WATER TREATMENT PLANTS.

Executive Summary

The purpose of this report is to consider the Adoption of Moira Planning Scheme Amendment C86.

The amendment proposes to introduce an Environmental Significance Overlay Schedule 3 (ESO3) around the Yarrowonga, Bundalong and Tungamah Waste Water Treatment Plants. The introduction of the ESO3 will protect the Waste Water Treatment Plants from encroachment of development that may expose community to adverse impact (waste odours); allowing continued ability to operate and protecting essential community infrastructure.

The sites are located:

Yarrowonga Waste Water Treatment Plant – 250 Beatties Road, Yarrowonga
Bundalong Waste Water Treatment Plant – 258 Munros Road, Bundalong
Tungamah Waste Water Treatment Plant – Lot 1 PS704125 Devenish Road, Tungamah

The applicant is North East Region Water Corporation.

MOTION

CRS PETER LAWLESS / ED COX

That:

1. Having exhibited Planning Scheme Amendment C86 in accordance with Section 19 of the *Planning and Environment Act 1987 (The Act)*, that Council adopt Moira Planning Scheme Amendment C86 as exhibited and in accordance with Section 29 of *The Act*.
2. In adopting Moira Planning Scheme C86 Council request the Minister for Planning to approve the adopted amendment C86 to the Moira Planning Scheme under Section 31 of *The Act*.

(CARRIED)

FILE NO: 52017204
1. A GREAT PLACE TO LIVE

ITEM NO: 9.4.4

**SEEKING AUTHORISATION FOR COMBINED PLANNING SCHEME AMENDMENT
C88 AND PLANNING PERMIT APPLICATION 52017204 FOR 2-6 COLGAN STREET,
COBRAM**

Executive Summary

An application has been received from Tipalea Partners Pty Ltd, to combine a Planning Scheme Amendment C88 to rezone land at Nos. 2-6 Colgan Street, Cobram from Commercial 2 to Commercial 1 Zone and an application for a Planning Permit 52017204 for buildings and works associated with two supermarkets, shops and a medical centre, together with a variation of an easement, removal of native vegetation and creation of an access to a road in a Road Zone Category 1.

Authorisation from the Minister for Planning is required to prepare a Planning Scheme Amendment. When combining a planning permit application with a planning scheme amendment, the Minister will decide whether a permit should be granted.

It is recommended that authorisation be sought.

MOTION

CRS ED COX / JOHN BEITZEL

That Council seek authorisation from the Minister for Planning to prepare Amendment C88 combined with Planning Permit Application No.52017204 pursuant to Section 96A of the Planning and Environment Act 1987.

AMENDMENT

CRS MARIE MARTIN / KEVIN BOURKE

That this item be deferred to the March Council Meeting 2018, and the Council undertake a public consultation process with all the information available about this proposal to keep our community fully informed about the future of Cobram.

(LOST)

Cr Kevin Bourke called for a division.

FOR

Cr Bourke
Cr Mansfield
Cr Martin

AGAINST

Cr Beitzel
Cr Buck
Cr Cleveland
Cr Cox
Cr Lawless
Cr Mustica

THE MOTION WAS PUT AND CARRIED.

FILE NO: 52016235
1. A GREAT PLACE TO LIVE

ITEM NO: 9.4.5

**PLANNING PERMIT APPLICATION NO.52016235 - USE AND DEVELOPMENT -
TELECOMMUNICATIONS FACILITY AT 5765 BENALLA-YARRAWONGA ROAD,
YARRAWONGA**

Executive Summary

Planning Permit Application 52016235 was lodged with Council 10 October 2016 for the Use and Development of the land for a Telecommunications Facility at 5765 Benalla - Yarrowonga Road in Yarrowonga. It was amended in September 2017 to change the design of the transmitters on the tower which was also lowered to 39 metres from 42.4 metres.

The proposal was referred to Vic Roads who did not object and required conditions on any permit issued.

The proposal was advertised to adjoining and nearby owners and occupiers, as well as a sign being placed on the subject site following the initial application and then again following the amended application. Forty six (46) objections have been received. These objections cite concerns regarding property devaluation, amenity, health, lights, impact on flora and fauna and community impact from these concerns. These are addressed later in the report.

Mediation was undertaken, meeting with four objectors, held at Council offices with two planning officers. This meeting informed of the statutory process. The officers provided documentation as requested by the objectors. The main focus was to have the tower relocated to the option C location fronting Dodds Road. A meeting was requested on-site with the applicants, their clients Optus and the objectors. This has been declined by Optus who have also stipulated that location C is not viable due to costs.

The proposed development accords with the Moira Planning Scheme and it is recommended that a planning permit be issued subject to conditions.

MOTION

CRS ED COX / PETER LAWLESS

It is recommended that Council approve Planning Permit Application 5/2016/235 for 'Use and Development of a Telecommunications Facility' at 5765 Benalla Yarrowonga Road, Yarrowonga and issue a Notice of Decision to Grant a Permit subject to the following conditions:

1. The use and development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
2. 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.
3. No native vegetation (including trees, shrubs, herbs and grasses) must be removed, lopped or destroyed unless with the consent of the Responsible Authority.
4. This permit will expire if one of the following circumstances applies:
 - a) The development and use is/are not started within two years of the date of this permit.
 - b) The development is not completed within two years of the date of commencement.

FILE NO: 52016235
1. A GREAT PLACE TO LIVE

ITEM NO: 9.4.5

**PLANNING PERMIT APPLICATION NO.52016235 - USE AND DEVELOPMENT -
TELECOMMUNICATIONS FACILITY AT 5765 BENALLA-YARRAWONGA ROAD,
YARRAWONGA (cont'd)**

The Responsible Authority may extend the periods referred to if a request is made in writing before or within 6 months after the expiry of the permit where the development has not yet started, or within 12 months where the development has commenced.

5. VicRoads Condition

Access will be permitted from the subject land to the Benalla Yarrowonga Road located as shown on the plan for endorsement. Prior to the telecommunications facility coming into use, the access must be constructed and sealed in accordance with VicRoads standard drawing DS2066 Typical Rural Driveway Access to Residential Properties-Type C, to the satisfaction and at no cost to the Roads Corporation. The access must be maintained in a fit and proper state so as not to compromise the ability of vehicles to enter and exit the site in a safe manner or compromise operational efficiency of the road or public safety (eg. by spilling gravel onto the roadway) to the satisfaction of the Roads Corporation.

Planning Note

- (1) Prior to works commencing on public land or roads, the applicant must obtain a permit from the relevant authority giving Consent to Work Within a Road Reserve.

(CARRIED)

**FILE NO: F17/235
4. A WELL RUN COUNCIL**

ITEM NO: 10.1

ACTION OFFICERS' LIST

MOTION

CRS ED COX / KEVIN BOURKE

That Council receive and note the Action Officers' List.

(CARRIED)

11. NOTICES OF MOTION

NIL

12. PETITIONS AND JOINT LETTERS

NIL

13. COUNCIL SEAL

NIL

FILE NO: VARIOUS

ITEM NO: 14

URGENT GENERAL BUSINESS

NIL

FILE NO: VARIOUS

ITEM NO: 15

QUESTIONS FROM THE PUBLIC GALLERY

Question were raised in relation to:

- Planning permit application – Place of Assembly: Food and drinks premises at 9-11 Hunt Street Yarrawonga.
- Planning Permit Application No.52016235 - Use and Development - Telecommunications Facility at 5765 Benalla-Yarrawonga Road, Yarrawonga.
- Council's responsible officer / department for noise pollution.
- What determines Council's priority roads.
- Communication regarding JC Lowe access road with user group.

FILE NO: VARIOUS

ITEM NO: 16

MEETING ADJOURNMENT

MOTION

CRS ED COX / GARY CLEVELAND

That the meeting be adjourned for 10 minutes.

(CARRIED)

The meeting adjourned at 7:26 PM

MOTION

CRS ED COX / PETER LAWLESS

That the meeting be resumed.

(CARRIED)

The meeting resumed at 7:37 PM

MOTION

CRS ED COX / GARY CLEVELAND

That pursuant to Sections 89(2) (a) (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.

(CARRIED)

MOTION

CRS ED COX / PETER MANSFIELD

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

(CARRIED)

FILE NO: VARIOUS

ITEM NO: 16

MEETING ADJOURNMENT

MOTION

CRS MARIE MARTIN / PETER LAWLESS

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

(CARRIED)

20. CLOSE OF MEETING

Meeting closed at 7:53 PM.